



City Council & Board of Adjustment Regular Meeting

Dripping Springs ISD Center for Learning and Leadership

Board Room, 300 Sportsplex Drive – Dripping Springs, Texas

Tuesday, March 04, 2025, at 6:00 PM

AGENDA

CALL TO ORDER & ROLL CALL

City Council Members

Mayor Bill Foulds, Jr.

Mayor Pro Tem Taline Manassian

Council Member Place 2 Wade King

Council Member Place 3 Geoffrey Tahuahua

Council Member Place 4 Travis Crow

Council Member Place 5 Sherrie Parks

Staff, Consultants, & Appointed/Elected Officials

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

Deputy City Administrator Shawn Cox

City Attorney Laura Mueller

Deputy City Attorney Aniz Alani

City Secretary Diana Boone

People & Communications Director Lisa Sullivan

Parks & Community Services Director Andy Binz

Planning Director Tory Carpenter

Human Resources Director Chase Winburn

PLEDGE OF ALLEGIANCE

BOARD OF ADJUSTMENT

CALL TO ORDER & ROLL CALL

Board Members

Chair Bill Foulds, Jr.

Taline Manassian

Wade King

Geoffrey Tahuahua

Travis Crow

Sherrie Parks

BOARD OF ADJUSTMENT AGENDA

- 1. Public hearing, discussion, and consideration of approval of VAR2024-013: a variance request to allow three commercial buildings within the side building setback for the property located at 1300 E US 290. Applicant: Shawn Beichler, AAA Storage-Storserv**

- a. Applicant Presentation
- b. Staff Report
- c. Planning & Zoning Commission Report
- d. Public Hearing
- e. Variance

- 2. Public hearing, discussion, and consideration of approval of VAR2024-014: a variance request to waive the masonry fence requirement for a commercial development on the property located at 1300 E US 290. Applicant: Shawn Beichler, AAA Storage-Storserv**

- a. Applicant Presentation
- b. Staff Report
- c. Planning & Zoning Commission Report
- d. Public Hearing
- e. Variance

- 3. Public hearing, discussion, and consideration of approval of VAR2024-010: a variance request to allow a commercial building larger than 50,000 square feet in a Commercial Services zoning district for a property located at 598 E US 290. Applicant: Zachary Morgan, Quiddity**

- a. Applicant Presentation
- b. Staff Report
- c. Planning & Zoning Commission Report
- d. Public Hearing
- e. Variance

CITY COUNCIL

PRESENTATION OF CITIZENS

A member of the public that wishes to address the City Council on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the City Council that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak regarding issues not on the agenda and two (2) minutes per item on the agenda and may not cede or pool time. Those requiring the assistance of a translator will be allowed additional time to speak. Individuals are not required to sign in; however, it is encouraged. Individuals that wish to share documents with the City Council must present the documents to the City Secretary or City Attorney providing at least seven (7) copies; if seven (7) copies are not provided, the City Council will receive the documents the following day. Audio Video presentations will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation

of Citizens; however, the Mayor may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.

CONSENT AGENDA

The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the City Council or City staff.

- 4.** Approval of the February 18, 2025 Regular City Council Meeting Minutes.
- 5.** Discuss and consider approval of a Facility Use Agreement between the City of Dripping Springs and Tiger Splash TAAF Swim Team related to use of the Founders Memorial Pool for the 2025 swim season. *Sponsor: Mayor Pro Tem Manassian*
- 6.** Discuss and consider approval of a resolution suspending the April 12, 2025 effective date of the interim rate adjustments proposed by Texas Gas Service Company for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases. *Sponsor: Mayor Pro Tem Manassian*
- 7.** Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for Caliterra Phase 2, Section 7 – Wastewater. *Applicant: DNT Construction, LLC*
- 8.** Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for Caliterra Phase 5, Section 13 – Wastewater. *Applicant: DNT Construction, LLC*
- 9.** Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for the Driftwood Golf & Ranch Club Phase 3B – Water & Wastewater Improvements. *Applicant: Jimmy Evans Company*

BUSINESS AGENDA

- 10.** Public hearing, discussion, and consideration of approval of ZA2024-007: a zoning amendment request from PDD 1 to Commercial Services (CS) for Lot 1, Block B of the Dripping Springs Retail Center located at 598 E US 290. *Applicant: Zachary Morgan, Quiddity*
 - a. Applicant Presentation
 - b. Staff Report
 - c. Planning & Zoning Commission Report
 - d. Public Hearing
 - e. Zoning Amendment
- 11.** Public hearing, discussion, and consideration of approval of an ordinance regarding DA2025-001: an application amending the Driftwood 552 Development Agreement to expand the existing Driftwood 552 Development Agreement Area by annexing Lots 5 & 6 of the Down Stream Subdivision. *Applicant: Zachary Morgan, P.E.*

- a. Applicant Presentation
- b. Staff Report
- c. Planning & Zoning Commission Report
- d. Public Hearing
- e. Amendment

12. Discuss and consider approval of an Ordinance Amending Article 28.06 Landscaping and Tree Preservation Ordinance; Establishing Regulations for Development and the Preservation of Trees, related to Differentiating between Regulations Applicable to Projects in the City Limits or Extraterritorial Jurisdiction. Sponsor: Mayor Pro Tem Manassian

13. Public hearing, discussion, and consideration of approval of proposed amendments to the Standards of Care Ordinance, Chapter 16 Public Ways and Places, Article 16.02. Parks and Recreation, Division 3. Youth Programs' Standards of Care. Sponsor: Mayor Pro Tem Taline Manassian

14. Discuss and consider approval of an Ordinance amending the Solicitation Ordinance with respect to the regulation of Itinerant Vendors and Special Events. Sponsor: Council Member Sherrie Parks

- a. Staff Report
- b. Public Hearing
- c. Ordinance

15. Discuss and consider approval of an Ordinance Cancelling the 2025 Municipal Election.

16. Discuss and consider approval of a Resolution revising the City of Dripping Springs Personnel Manual. Sponsor: Mayor Bill Foulds, Jr.

17. Discuss and consider Appeal of the Takings Assessment related to the Hardy Tract project. Appellant: Jamie Rose, Greenberg Traurig

- a. Staff Report on Options
- b. Appeal

18. Discuss and consider approval of an Ordinance amending the Fiscal Year 2025 Budget related to Parks & Recreation Expenses. Sponsor: Mayor Pro Tem Taline Manassian

- a. Staff Report
- b. Public Hearing
- c. Budget Amendment

19. Discuss and consider adoption of the Fiscal Year 2025 - 2026 Budget Calendar. Sponsor: Mayor Bill Foulds, Jr.

20. Discuss and consider projects related to the proposed Certificates of Obligation. Sponsor: Mayor Bill Foulds, Jr.

REPORTS

Reports listed are on file and available for review upon request. The City Council may provide staff direction; however, no action shall be taken.

- 21. Building Official Update on approved side setback variance for 406 Sue Peaks Loop.** *Shane Pevehouse, Building Official*

CLOSED SESSION

The City Council has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

- 22. Consultation with Attorney and Deliberation Regarding Real Property related to TIRZ Priority Projects and Other Potential Strategic Real Property Acquisitions.** *(Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072)*
- 23. Consultation with City Attorney related to legal issues regarding land use, economic development, waiver process, and infrastructure requirements and rough proportionality.** *(551.071, Consultation with Attorney).*
- 24. Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Wastewater Service Area and Agreements, Water Service and Agreements, Wastewater Fees, Wastewater Infrastructure Agreements, facility liability coverage, and related items.** *(Consultation with Attorney, 551.071)*

UPCOMING MEETINGS

City Council & Board of Adjustment Meetings

March 25, 2025, at 6:00 p.m.

April 1, 2025, at 6:00 p.m.

April 15, 2025, at 6:00 p.m.

Board, Commission, & Committee Meetings

Historic Preservation Commission, March 6, 2025, at 4:00 p.m.

TIRZ No.1 & No. 2 Board, March 10, 2025, at 4:00 p.m.

Founders Day Commission, March 10, 2025, at 6:30 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION OF MEETING

I certify that this public meeting is posted in accordance with Texas Government Code Chapter 551, Open Meetings. This meeting agenda is posted on the bulletin board at the City of Dripping Springs City Hall, located at 511 Mercer Street, and on the City website at, www.cityofdrippingsprings.com, on February 28, 2025 at 2:00 p.m.

Diana Boone, City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Request for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.



Board of Adjustments

Planning Department Staff Report

City Council Meeting: March 4, 2025

Project No: VAR2024-013

Project Planner: Tory Carpenter, AICP, Planning Director

Item Details

Project Name: AAA Storage-Storserv Setback Variance

Property Location: 1300 E US 290

Legal Description: 5.02 Acres out of the CH Mallot Survey

Applicant: Shawn Beichler, AAA Storage

Property Owner: John Muhuch,

Request: Applicant is requesting a variance to allow three structures within the side building setback.

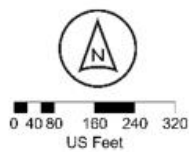


VAR2024-013
AAA Storage
Setback Variance

Legend

Roads

Subject_Property



Overview

The applicant is requesting a variance to reduce the side setback requirement from 15 feet to 10 feet for the AAA Self Storage facility located at 1300 E US 290. The site was initially developed in the City’s Extraterritorial Jurisdiction (ETJ) during its first phase. On April 4, 2023, the property was annexed to accommodate an increase in impervious cover for the construction of a second phase of the development.

The use of self-storage on the site required approval of a Conditional Use Permit (CUP), which was granted September 5, 2023. While the conceptual site plan submitted with the CUP application identified building locations, it did not specify setback measurements. However, the concept site plan depicted three proposed buildings within 10 feet of the property line, which does not meet the current 15-foot side setback requirement established by the zoning ordinance.

Project Timeline:

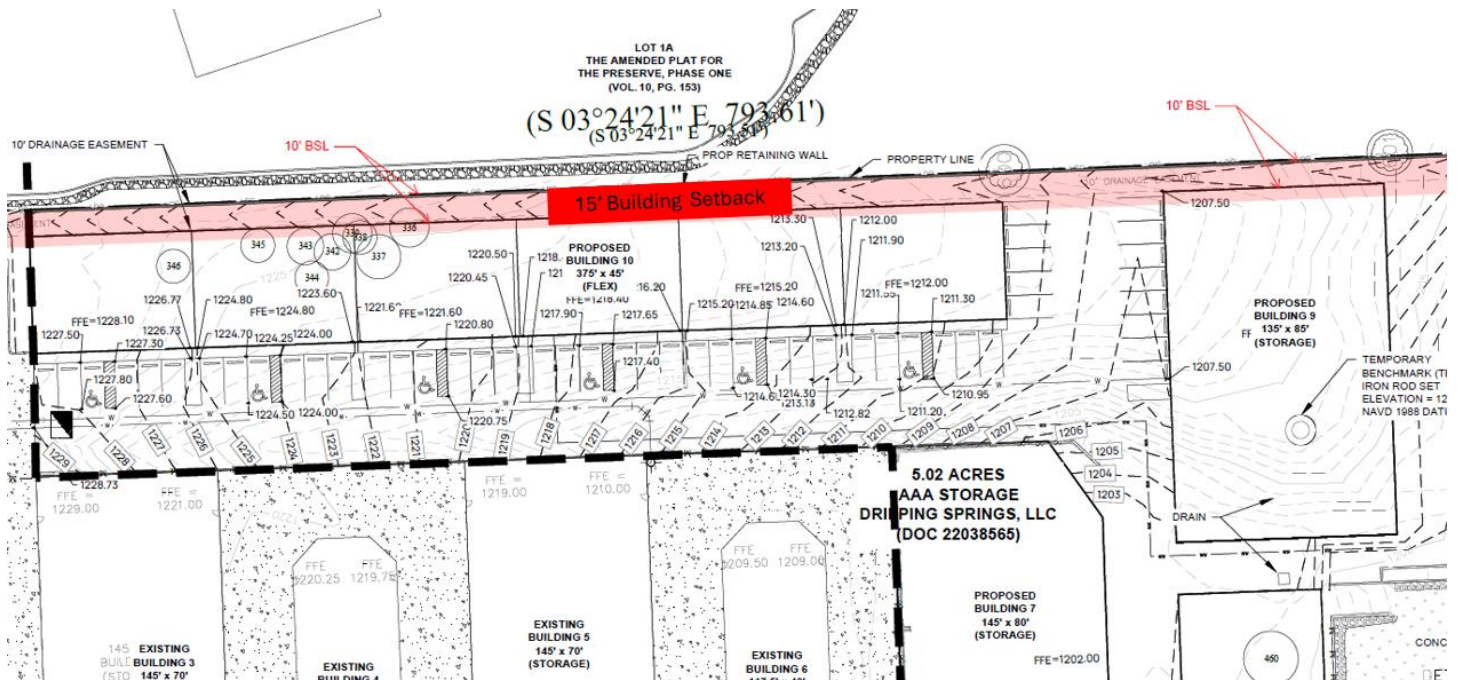
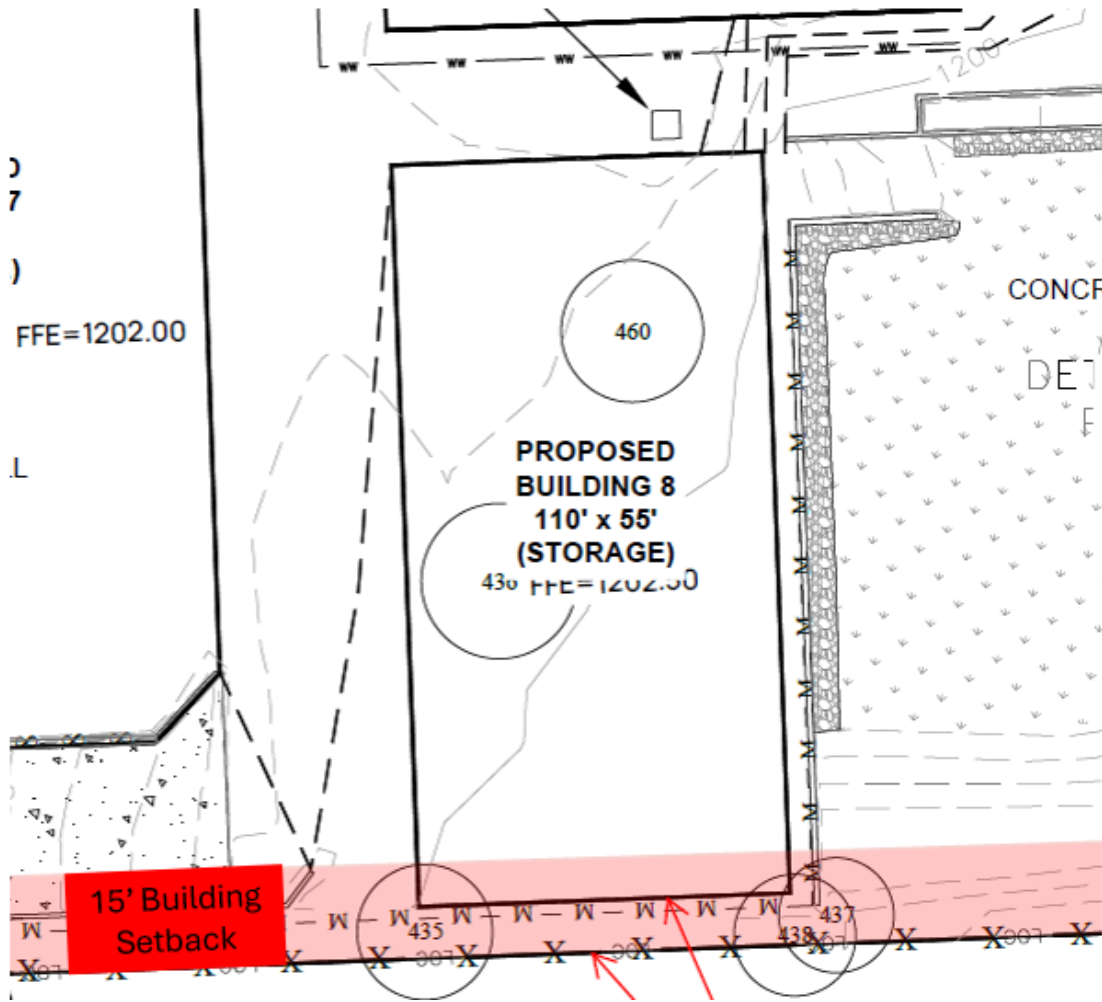
- September 17, 2020 – Phase 1 site plan approved (ETJ)
- May 19, 2022 – Phase 2 site plan extension approved (ETJ)
- March 28, 2024 – Staff inspected the site for runoff issues
- April 4, 2023 – Annexation and Zoning approved
- September 5, 2023 – Conditional Use Permit approved

The applicant provided the following statement for the justification of the request:

“The Site Plan was originally approved as part of the Conditional Use Permit and Annexation Agreement. The Site Plan dimensions have not changed, and the building configuration was shown as a 10' BSL off the eastern property line as a part of that agreement. It appears to be an oversight during that process. By enforcing the 15' BSL, this reduces the building depth by 5', causing a reduction in the building footprint.

The project has been annexed into the City and will be following City of Dripping Springs Development Regulations for Phase 2, improving the overall standard of the project. This also includes bringing portions of Phase 1 up to the ordinance standards as well.

Code Requirement	Applicant Request	Difference
Structures must be at least 15’ from the side property line	Approximately 10’ from the side property line	5’



Surrounding Properties

Direction	Zoning District	Existing Use	Comprehensive Plan
North	PDD – Gateway Village	Vacant Land. Future residential and commercial site	Not Shown
East	Commercial Services (CS)	Retail	
South	Extraterritorial Jurisdiction	Residential	
West	Extraterritorial Jurisdiction	Residential	

Approval Criteria for Variance (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	The property does not exhibit any unique or special physical conditions that prevent compliance with the 15-foot side setback. The applicant has reasonable use of the land without the requested variance.
2. the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and by preserving the natural features and topography of the land; and	The variance is not necessary to preserve a substantial property right, as the site can be reasonably developed in compliance with the required setback. The need for the variance is based on the applicant's design choices rather than the site's natural features.
3. the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	Granting the variance could negatively impact adjacent properties by reducing the buffer between developments. The reduced setback may also set a precedent for future variances in the area.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	The variance would reduce the required setback by 33%.
5. the subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and	The hardship is self-imposed as it is caused by design decisions rather than inherent site constraints.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ol style="list-style-type: none"> the public health, safety and welfare may be secured; and that substantial justice may be done. 	The variance is not in harmony with the intent of the zoning ordinance, which seeks to maintain adequate setbacks to ensure compatibility between properties and protect public safety and welfare.

Summary and Recommendation

At their regular meeting on January 27, 2025, the Planning & Zoning Commission voted unanimously to recommend denial.

Staff recommends denial of the variance request.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Variance request.

Meetings Schedule

January 27, 2025 Planning & Zoning Commission

March 4, 2025 Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Recommended Action	Recommend denial of the requested variance
Alternatives/Options	Recommend approval of the variance with or without conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A



DRIPPING SPRINGS
Texas

City of Dripping Springs

Item # 1.

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

STANDARD/SPECIAL EXCEPTION/VARIANCE/WAIVER
APPLICATION

Case Number (staff use only): _____

CONTACT INFORMATION

PROPERTY OWNER NAME John Muhich

STREET ADDRESS 1300 E US Highway 290 West

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE (512) 657-6789 EMAIL [REDACTED]

APPLICANT NAME Shawn Beichler

COMPANY AAA Storage-Storserv

STREET ADDRESS 1300 E US Highway 290

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE (704) 754-3200 EMAIL Shaen.Beichler@AAASStorage.com

APPLICATION TYPE

☐ ALTERNATIVE STANDARD

☒ VARIANCE

☐ SPECIAL EXCEPTION

☐ WAIVER

PROPERTY INFORMATION

Item # 1.

PROJECTNAME	AAA Storage-Storserv
PROPERTY ADDRESS	1300 E US Highway 290 West, Dripping Springs, TX 78620
CURRENT LEGAL DESCRIPTION	ABs 693 CH Ma11ot Survey 5.02 AC
TAX ID#	R
LOCATED IN	X CITY LIMITS 0 EXTRATERRITORIAL JURISDICTION 0 HISTORIC DISTRICT OVERLAY

- o Description of request & reference to section of the Code of Ordinances applicable to request:

Requesting the adjustment to the side setback BSL from 15' to 10' for eastern property line. City of Drippings Springs Ordinance Section: 3.12.4 (b)

- o Description of the hardship or reasons the Alternative Standard/Special Exception/Variance / Waiver is being requested:

The Site Plan was originally approved as part of the Conditional Use Permit and Annexation Agreement. The Site Plan dimensions have not changed, and the building configuration was shown as a 10' BSL off the eastern property line as a part of that agreement. It appears to be an oversight during that proces5. By enforcing the 15' BSL, this reduces the building depth by 5', causing a reduction in the building footprint.

- o Description of how the project exceeds Code requirements in order to mitigate or offset the effects of the proposed alternative standard/special exception/variance/waiver:

The project has been annexed into the City and will be following City of Dripping Springs Development Regulations for Phase 2, improving the overall standard of the project. This also includes bringing portions of Phase 1 up to the ordinance standards as well.

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that \$1 BEICHER is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. _____ Pg. _____.)

[Signature]
Name

DIR OF LAND DEVELOPMENT & CONSTRUCTION
Title

STATE OF TEXAS §

COUNTY OF ~~HAYS~~ Mecklenburg §

This instrument was acknowledged before me on the _____ day of _____ Cl I

201

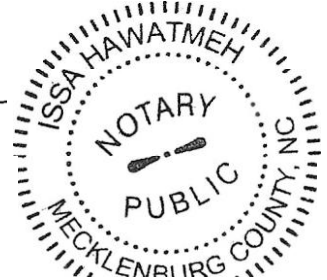
by Shawn R. Beichter

[Signature]
Notary Public, State of I @ '1 Aug

My Commission Expires:

02/26/2028

[Signature]
Name of Applicant



All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. Incomplete submissions will not be accepted. By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:

Applicant Signature

Date

CHECKLIST

STAFF	APPLICANT	
<input type="radio"/>	<input type="radio"/>	Completed Application Form - including all required signatures and notarized
<input type="radio"/>	<input type="radio"/>	Application Fee <i>refer to Fee Schedule</i>
<input type="checkbox"/>	<input type="checkbox"/>	PDF/Digital Copies of all submitted documents
<input type="checkbox"/>	<input type="checkbox"/>	When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Map/Site Plan/Plat
<input type="checkbox"/>	<input type="checkbox"/>	Cut/Fill Data Sheet <i>(if applicable)</i>
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevations <i>(if applicable)</i>
<input type="checkbox"/>	<input type="checkbox"/>	Description and reason for request <i>(attach extra sheets if necessary)</i>
<input type="checkbox"/>	<input type="checkbox"/>	Public Notice Sign - \$25
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Property Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (required if marked "Yes (Required)" on above Lighting Ordinance Section of application)

Project Number: _____

Only filled out by stop



DRIPPING SPRINGS
Texas

BILLING CONTACT FORM

Project Name: AAA Storage-StorservProject Address: 1300 E US Highway 290 WestProject Applicant Name: John Muhich

Billing Contact Information

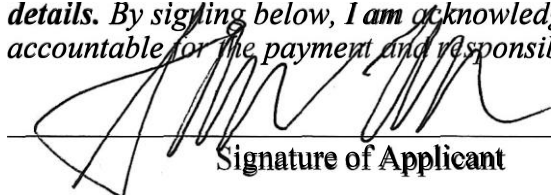
Name: John Muhich _____

Mailing Address: 4203 Spinnaker CVAustin, TX 78731Email: johnsmuhich@gmail.com Phone Number: (512) 657-6789

Type of Project/Application (check all that apply):

- | | |
|--------------------------------|-----------------------|
| Alternative Standard | Special Exception |
| Certificate of Appropriateness | Street Closure Permit |
| Conditional Use Permit | Subdivision |
| Development Agreement | Waiver |
| J Exterior Design | Wastewater Service |
| Landscape Plan | u Variance |
| Lighting Plan | Zoning |
| Site Development Permit | Other _____ |

Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. Please see the online Master Fee Schedule for more details. By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.


Signature of Applicant_____
Date



1

From: [Austin Powers](#)
To: [Planning](#)
Subject: RE: Notice of Public Hearing Case#: VAR2024-013 and VAR2024-014
Date: Friday, January 24, 2025 10:13:08 AM

Good morning,

I'm writing to formally express my opposition to the proposed variance applications (VAR2024-013 and VAR2024-014) for the development located at 1300 E US 290.

During the application for Conditional Use Permit process, there were several concerns raised about the future development including, but not necessarily limited to, the following:

1. Preserving the privacy, value and aesthetic standards of the surrounding residences.
2. Maintaining zero light pollution from the proposed development
3. Reducing sound pollution from the proposed development.

Currently, my property located to the south of this development at 186 Leafdale Trail, is affected by light, noise and visual pollution from the development. The existing metal fence does not create a harmonious use of land nor does it meet the material requirements set forth in Section 5(B) 5.16 of the Zoning Ordinance.

The applicant states that "no issues have been raised about this fence". That is simply not true as I brought this up during the consideration for approval of the Conditional Use Permit. Furthermore, I spoke to the developer directly about this fence before he installed it.

Due to the unique site topography with the development being higher in elevation than residences to the south, it was determined that an 8' opaque and stone masonry wall would help mitigate some of the concerns listed in the items noted above. I see no reason to change those recommendations as no hardship exists for this requirement.

Additionally, the variance request to reduce the setback from 15' to 10' would have a negative impact on the uniformity of development in the area. It would also create an unwanted precedent for future development within the City. Maintaining the 15' setback would not create a hardship for the developer and this request should be denied.

Also, while not directly related to the variance requests, I want to reiterate the need for appropriate sizing and maintenance of the water quality pond. The additional impervious coverage will generate more runoff that could create adverse flooding effects if not properly sized and maintained.

Thank you for your attention to this matter and I urge staff to deny approval for VAR2024-013 and VAR2024-014.

Thank you,
Austin Powers
186 Leafdale Trl



Board of Adjustments

Planning Department Staff Report

Board of Adjustments Meeting:

March 4, 2025

Project No:

VAR2024-014

Project Planner:

Tory Carpenter, AICP, Planning Director

Item Details

Project Name:

AAA Storage-Storserv Setback Variance

Property Location:

1300 E US 290

Legal Description:

5.02 Acres out of the CH Mallot Survey

Applicant:

Shawn Beichler, AAA Storage

Property Owner:

John Muhuch,

Request:

Applicant is requesting a variance waiving the requirement to construct an 8' masonry screening.



DRIPPING SPRINGS
Texas

VAR2024-014
AAA Storage
Fence Variance

Legend

— Roads

— Subject_Property



0 40 80 160 240 320
US Feet



Overview

The applicant is requesting a variance to waive a requirement of the approved Conditional Use Permit for an 8' masonry screening along the western and southern property boundaries of 1300 E US 290. The site was initially developed in the City's Extraterritorial Jurisdiction (ETJ) during its first phase. On April 4, 2023, the property was annexed to accommodate an increase in impervious cover for the construction of a second phase of the development.

As part of the approval, several conditions were included to help bring the site into conformance with City standards. City Code requires masonry screening for commercial uses adjacent to residential zoning districts. While the adjacent residences are located in the ETJ and this requirement would not typically apply, a condition was added to the CUP to mitigate potential adverse impacts on these residences. The condition states:

"The applicant must provide 8-foot masonry screening in the form of stone or brick, as best determined by the Development Review Committee (DRC), along the western and southern property boundaries consistent with Section 5.10.1 of the Zoning Ordinance."

During construction of Phase 1, the applicant erected a metal fence along the majority of the western property line.

Project Timeline:

- September 17, 2020 – Phase 1 site plan approved (ETJ)
- May 19, 2022 – Phase 2 site plan extension approved (ETJ)
- ≈ March/April 2023 – Metal fence erected
- April 4, 2023 – Annexation and Zoning approved
- September 5, 2023 – Conditional Use Permit approved
- March 28, 2024 – Staff inspected the site for runoff issues

The applicant provided the following statement for the justification of the request:

"Fence has already been constructed and in place at the address location. It's made of metal set into a concrete slab. Requesting to leave this structure in place over removing it to replace with masonry. This will create a hardship in that the existing fence footings and concrete pavement all be demolished and reconstructed for the fence. The existing fence provides the screening requirement, and no issues have been raised about this fence."

The rest of the Phase 1 and Phase 2 development is following City of Dripping Springs Development Ordinances as a part of the Annexation agreement with the city, which would have otherwise only followed ETJ requirements."

Existing Fence:



Surrounding Properties

Direction	Zoning District	Existing Use	Comprehensive Plan
North	PDD – Gateway Village	Vacant Land. Future residential and commercial site	Not Shown
East	Commercial Services (CS)	Retail	
South	Extraterritorial Jurisdiction	Residential	
West	Extraterritorial Jurisdiction	Residential	

Approval Criteria for Variance (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	There are no special circumstances or unique physical conditions on the property that would deprive the applicant of reasonable use of the land. The site can be used as intended without waiving the masonry screening requirement.
2. the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and by preserving the natural features and topography of the land; and	The variance is not necessary to preserve a substantial property right, as the applicant is able to fully develop the site and operate a self-storage facility while complying with the screening requirement.
3. the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	Waiving the masonry screening requirement could negatively affect the adjacent residential properties by failing to mitigate adverse visual and noise impacts from the self-storage facility. This would be detrimental to the

	welfare of neighboring residents.
4. the granting of the variance constitutes a minimal departure from this Chapter; and	Waiving the requirement for masonry screening entirely does not constitute a minimal departure. It eliminates a key condition intended to reduce the impact of the project on adjacent residential properties.
5. the subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and	The circumstances are self-imposed, as the applicant was aware of the screening requirement when the Conditional Use Permit was approved. The hardship appears to stem from the applicant's reluctance to comply with a condition of approval rather than site constraints.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ul style="list-style-type: none"> a. the public health, safety and welfare may be secured; and b. that substantial justice may be done. 	The variance is not in harmony with the intent of the ordinance, which seeks to protect adjacent properties from adverse impacts of commercial uses. Denial ensures the ordinance's purpose is upheld and substantial justice is achieved for the neighboring residents.

Summary and Recommendation

At their regular meeting on January 27, 2025, the Planning & Zoning Commission voted unanimously to recommend denial.

Staff recommends denial of the variance request.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Variance request.

Meetings Schedule

January 27, 2025 Planning & Zoning Commission

March 4, 2025 Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Recommended Action	Recommend denial of the requested variance
Alternatives/Options	Recommend approval of the variance with or without conditions.
Budget/Financial impact	N/A
Public comments	None received at this time
Enforcement Issues	N/A
Comprehensive Plan Element	N/A



DRIPPING SPRINGS
Texas

City of Dripping Springs

Item # 2.

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

**STANDARD/SPECIAL EXCEPTION/VARIANCE/WAIVER
APPLICATION**

Case Number (staff use only): _____

CONTACT INFORMATION

PROPERTY OWNER NAME John Muhich

STREET ADDRESS 1300 E US Highway 290 West

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE (512) 657-6789 EMAIL [REDACTED]

APPLICANT NAME Shawn Beichler

COMPANY AAA Storage-Storserv

STREET ADDRESS 1300 E US Highway 290

CITY Dripping Springs STATE TX ZIP CODE 78620

PHONE (704) 754-3200 EMAIL Shawn.Beichler@AAASStorage.com

APPLICATION TYPE

☐ ALTERNATIVE STANDARD

☒ VARIANCE

☐ SPECIAL EXCEPTION

☐ WAIVER

PROPERTY INFORMATION					Item # 2.
PROJECT NAME	AAA Storage-Storserv				
PROPERTY ADDRESS	1300 E	US Highway	290 West,	Dripping Springs,	TX 78620
CURRENT LEGAL DESCRIPTION	ABS 693 CH ballot Survey 5.02 AC				
TAX ID#	R				
LOCATED IN	X CITY LIMITS 0 EXTRATERRITORIAL JURISDICTION 0 HISTORIC DISTRICT OVERLAY				

- o Description of request & reference to section of the Code of Ordinances applicable to request:

The Request is for the city to accept the existing metal fence as shown in the pictures as a part of the Phase 1 development and not require the fence to be demolished and a brand new masonry fence constructed per the Conditional Use Permit, Ordinance No. 2023.28. Item No. 4.

- o Description of the hardship or reasons the Alternative Standard/Special Exception/Variance / Waiver is being requested:

Fence has already been constructed and in place at the address location. It’s made of metal set into a concrete slab. Requesting to leave this structure in place over removing it to replace with masonry. This will create a hardship in that the existing fence footings and concrete pavement all be demolished and reconstructed for the fence. The existing fence provides the screening requirement, and no issues have been raised about this fence.

- o Description of how the project exceeds Code requirements in order to mitigate or offset the effects of the proposed alternative standard/special exception/variance/waiver:

The rest of the Phase 1 and Phase 2 development is following City of Dripping Springs Development Ordinances as a part of the Annexation agreement with the city, which would have otherwise only followed ETJ requirements.

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that SHAWN BEICHTER is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. _____, Pg. _____.)

[Signature]
Name

DIR OF LAND DEV & CONSR
Title

STATE OF ~~TEXAS~~ North Carolina

COUNTY OF HAY-S " " Mecklenburg

This instrument was acknowledged before me on the 3rd day of December

2014 by Shawn R. Beichter

[Signature]
Notary Public, State of gr Carolina

My Commission Expires: 02/26/2028

[Signature]
Name of Applicant



All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. Incomplete submissions will not be accepted. By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:

Applicant Signature

Date

CHECKLIST

STAFF	APPLICANT	
<i>a</i>	<i>a</i>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input type="checkbox"/>	Application Fee (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input type="checkbox"/>	PDF/Digital Copies of all submitted documents
		When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input type="checkbox"/>	Map/Site Plan/Plat
<input type="checkbox"/>	<input type="checkbox"/>	Cut/Fill Data Sheet (<i>if applicable</i>)
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevations (<i>if applicable</i>)
<input type="checkbox"/>	<input type="checkbox"/>	Description and reason for request (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input type="checkbox"/>	Public Notice Sign - \$25
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Property Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (required if marked "Yes (Required)" on above Lighting Ordinance Section of application)

Project Number: _____
Only filled out by staff



DRIPPING SPRINGS
Texas

BILLING CONTACT FORM

Project Name: AAA Storage-Storserv

Project Address: 1300 E US Highway 290 West

Project Applicant Name: John Muhich

Billing Contact Information

Name: John Muhich

Mailing Address: 4203 Spinnaker CV

Autin, TX 78731

Email: [REDACTED] Phone Number: (512) 657-6789

Type of Project/Application (check all that apply):

Alternative Standard

Certificate of Appropriateness

Conditional Use Permit

Development Agreement

Exterior Design

Landscape Plan

Lighting Plan

Site Development Permit

Special Exception

Street Closure Permit

Subdivision

Waiver

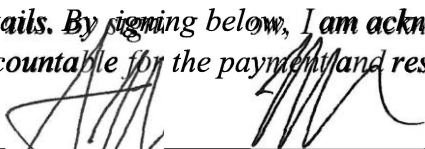
Wastewater Service

☒ Variance

Zoning

Other _____

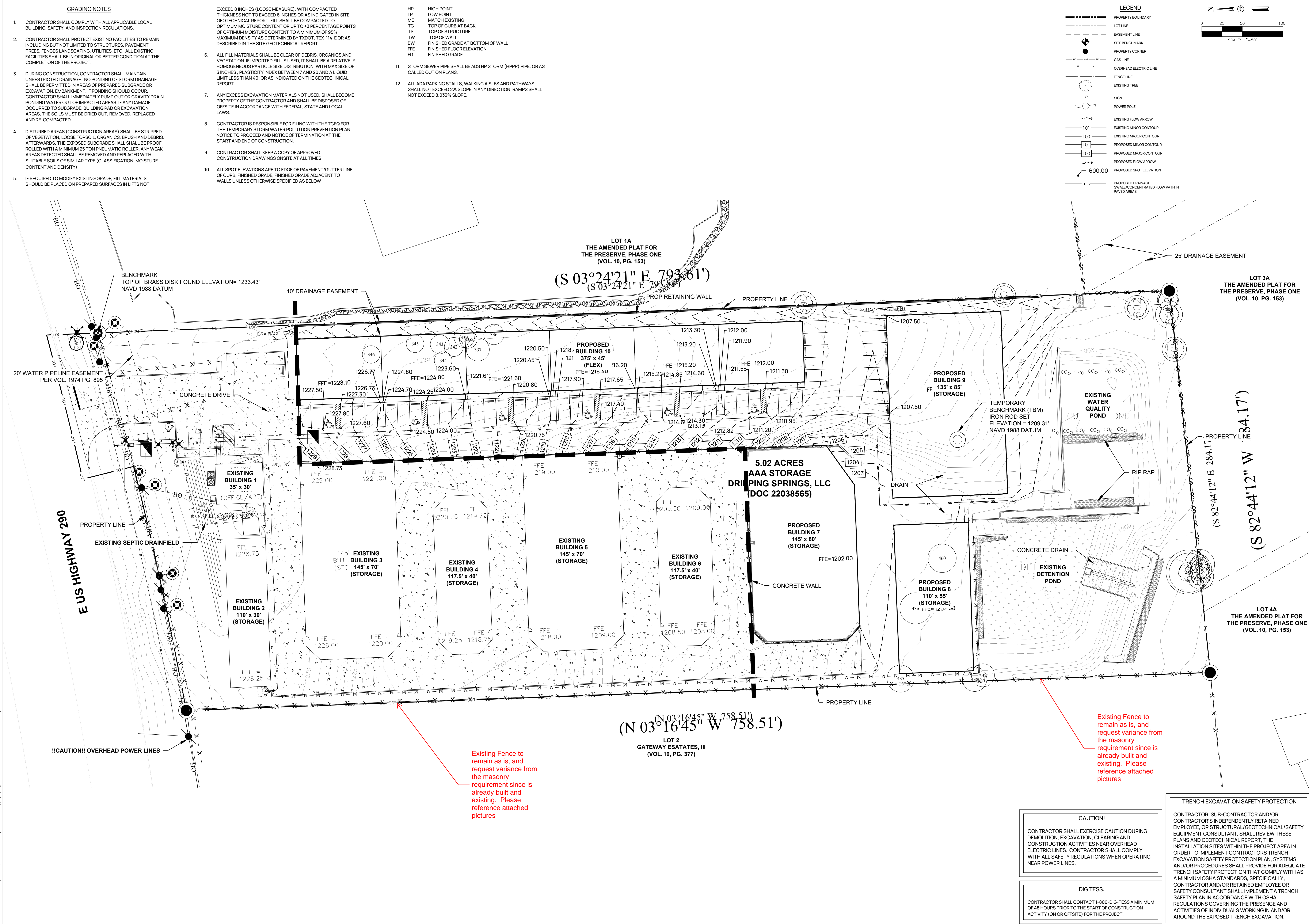
Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. Please see the online Master Fee Schedule for more details. By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.



Signature of Applicant

Date

22













CITY OF DRIPPING SPRINGS

ORDINANCE No. 2023-28

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR THE USE OF MINI WAREHOUSE-SELF STORAGE WITHIN THE COMMERCIAL SERVICES ZONING DISTRICT FOR A PERIOD NOT TO EXCEED TWO YEARS AT 1300 E US 290, DRIPPING SPRINGS, TEXAS, 78620, UNDER EXHIBIT A, ZONING ORDINANCE, SECTION 3.17, CONDITIONAL USE PERMIT AS ATTACHED IN EXHIBIT “A”; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to promote reasonable, sound, and efficient land use and development within the City of Dripping Springs (“City”); and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to regulate zoning within the City; and

WHEREAS, the City of Dripping Springs desires to approve a conditional use permit because of the unique nature of this property, and the land use is compatible with the permitted land uses in a given zoning district only under current conditions; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

2. ENACTMENT

The Conditional Use Permit is approved as presented in Attachment “A” to this ordinance.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. EFFECTIVE DATE

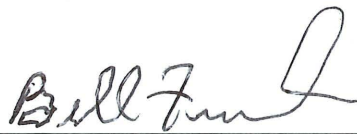
This Ordinance and Conditional Use Permit shall be effective immediately upon passage and publication.

6. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the 5th day of September 2023, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Bill Foulds, Jr., Mayor

ATTEST:



Andrea Cunningham, City Secretary



Attachment "A"**City of Dripping Springs | Conditional Use Permit**

Granted to allow the land use of "Mini-Warehouse - Self-Storage" on a property that is currently zoned Commercial Services (CS) District located at:

1300 E US 290, Dripping Springs, Texas, 78620

Approved by the City of Dripping Springs City Council on _____

Operation of a self-storage and flex space at the above-mentioned location is allowed pursuant to the following regulations:

1. The locations of buildings and parking areas shall generally be consistent with the site plan provided with this request.
2. All existing and new lighting must comply with the City's Lighting Ordinance
3. The entire site must comply with the City's Landscape Ordinance
4. The applicant must provide 8-foot masonry screening in the form of stone or brick as best determined by the Development Review Committee along the western and southern property boundaries consistent with section 5.10.1 of the Zoning Ordinance.
5. Can not exceed 70% impervious coverage.
6. Remove the old silt fence and re-build the one that is no longer functional.
7. The City Engineer, Chad Gilpin review to ensure compliance with the SWPP and the City's Drainage Ordinance.
8. Maintain current hours of 9:00 am to 9:00 pm
9. After-hours lighting for the new buildings needs to be controlled by motion detection after closing.

From: [Austin Powers](#)
To: [Planning](#)
Subject: RE: Notice of Public Hearing Case#: VAR2024-013 and VAR2024-014
Date: Friday, January 24, 2025 10:13:08 AM

Good morning,

I'm writing to formally express my opposition to the proposed variance applications (VAR2024-013 and VAR2024-014) for the development located at 1300 E US 290.

During the application for Conditional Use Permit process, there were several concerns raised about the future development including, but not necessarily limited to, the following:

1. Preserving the privacy, value and aesthetic standards of the surrounding residences.
2. Maintaining zero light pollution from the proposed development
3. Reducing sound pollution from the proposed development.

Currently, my property located to the south of this development at 186 Leafdale Trail, is affected by light, noise and visual pollution from the development. The existing metal fence does not create a harmonious use of land nor does it meet the material requirements set forth in Section 5(B) 5.16 of the Zoning Ordinance.

The applicant states that "no issues have been raised about this fence". That is simply not true as I brought this up during the consideration for approval of the Conditional Use Permit. Furthermore, I spoke to the developer directly about this fence before he installed it.

Due to the unique site topography with the development being higher in elevation than residences to the south, it was determined that an 8' opaque and stone masonry wall would help mitigate some of the concerns listed in the items noted above. I see no reason to change those recommendations as no hardship exists for this requirement.

Additionally, the variance request to reduce the setback from 15' to 10' would have a negative impact on the uniformity of development in the area. It would also create an unwanted precedent for future development within the City. Maintaining the 15' setback would not create a hardship for the developer and this request should be denied.

Also, while not directly related to the variance requests, I want to reiterate the need for appropriate sizing and maintenance of the water quality pond. The additional impervious coverage will generate more runoff that could create adverse flooding effects if not properly sized and maintained.

Thank you for your attention to this matter and I urge staff to deny approval for VAR2024-013 and VAR2024-014.

Thank you,
Austin Powers
186 Leafdale Trl



Board of Adjustments

Planning Department Staff Report

Planning and Zoning Commission Meeting:

March 4, 2025

Project No:

VAR2024-010

Project Planner:

Tory Carpenter, AICP, Planning Director

Item Details

Project Name:

HEB

Property Location:

598 E US 290, Dripping Springs, TX

Legal Description:

Dripping Springs Retail Center, Block B, Lot 1

Applicant:

Zachary D. Morgan, Quiddity

Property Owner:

H-E-B, LP

Request:

A variance to allow a building larger than 50,000 square feet in a Commercial Services Zoning District



VAR2024-010
598 E US 290

Legend

- Roads
- Subject Property
- City Limits



Overview

The applicant is requesting a variance to allow a structure up to 150,000 sqft which exceeds the allowable 50,000 sqft in the Commercial Services Zoning District. The request is associated with a planned new HEB grocery store. The subject property includes both the current HEB site and an 11.73-acre tract of land to the east, recently acquired by HEB.

The applicant has combined these properties into a single parcel and intends to construct a new HEB store on the eastern portion of the site. The existing store will be demolished and replaced by parking for the new facility.

The applicant provided the following statement for the justification of the request:

“The requested variance is in the public interest as it will provide a larger grocery store for residents of Dripping Springs and surrounding communities. Due to the increase in population in this area, a new larger store is necessary. A larger store will provide a less crowded experience for residents and will be able to offer a more compelling selection of products.

Enforcement of the Ordinance would require the proposed building to have a smaller footprint than the current building. The anticipated primary customer base would exceed what the proposed maximum building size would allow.

While the proposed store is larger than the existing store and the footprint allowed by Dripping Springs’ Zoning Ordinance, this store is on a large plot (35.68 acres) and leaves significant acreage without any structures. Because of this significant amount of acreage without buildings, the spirit of the ordinance is still being followed. All other requirements for the building will follow the CS zoning ordinances along with a proposed impervious cover that remains under the 60% maximum for the 11.83-acre tract”.

Code Requirement	Applicant Request	Difference
Maximum 50,000 sqft structure	Up to a 150,000 sqft structure	200% increase

If the requested zoning amendment and variance are approved, the applicant will be required to submit the following permits which are reviewed and approved administratively by staff:

1. Alternative Exterior Design

- Material Standards & Compatibility
- Architectural Variety & Quality
- Compliance with City Aesthetic Goals
- Mitigation & Public Benefit

2. Site Development Permit

- General Site Compliance
- Impervious Cover Limits
- Tree Preservation & Mitigation
- Erosion & Stormwater Control
- Traffic & Access Considerations
- Utility Adequacy
- Parking Compliance

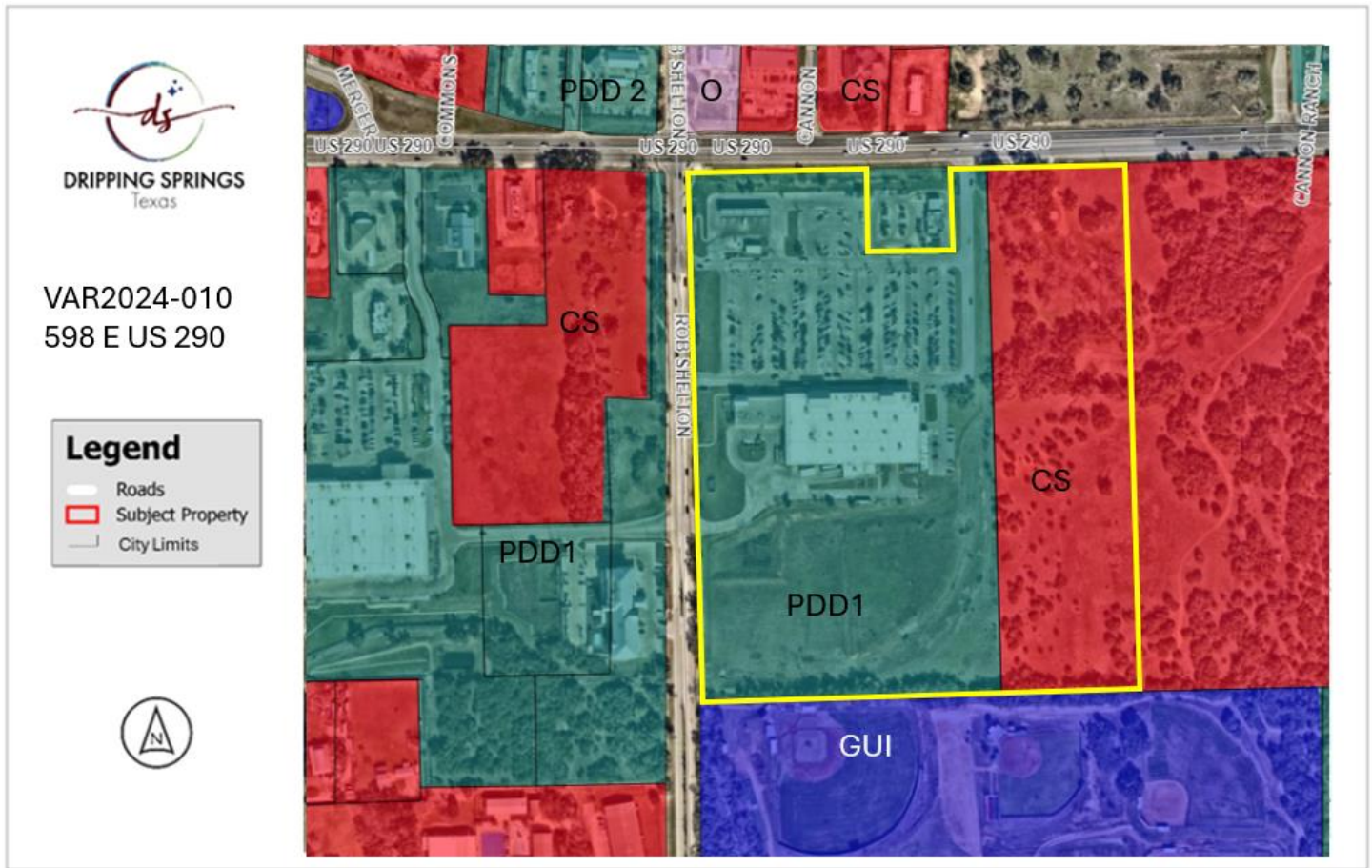
3. Building Permit

- Structural & Life Safety Compliance
- Fire & Emergency Access
- ADA & Accessibility Standards
- Energy Code Compliance

4. Sign Permits

- Size, Height, & Location Restrictions
- Illumination & Lighting Standards
- Material & Aesthetic Compatibility
- Structural & Safety Compliance
- Permitted vs. Prohibited Signs

Surrounding Properties



Direction	Zoning District	Existing Use	Future Land Use
North	CS, O	Office / Retail	N/A
East	CS	Vacant	
South	GUI	Sports & Rec Park	
West	PDD 1	Hotel	

Approval Criteria for Variance (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	The applicant has demonstrated that the growing population of Dripping Springs and surrounding communities necessitates a larger store to adequately serve the area. Literal enforcement of the size restriction would limit their ability to meet community needs.
2. the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and by preserving the natural features and topography of the land; and	Approval of the variance will allow the applicant to construct a larger store while maintaining significant portions of the property undeveloped, preserving natural features and open space.
3. the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	The variance will not negatively impact public health, safety, or welfare. The site's large size ensures that the proposed building can be appropriately integrated without adversely affecting surrounding properties.

4. the granting of the variance constitutes a minimal departure from this Chapter; and	While the requested variance is substantial, the large acreage of the site mitigates the impact of the increased building size, making it a reasonable departure from the requirements.
5. the subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and	The hardship arises from the unique size of the customer base and the need for a larger building to accommodate increased demand. This condition does not generally affect other properties in the vicinity.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ul style="list-style-type: none"> a. the public health, safety and welfare may be secured; and b. that substantial justice may be done. 	<p>The variance will allow for a more functional grocery store, improving the shopping experience for residents while not compromising public health, safety, or welfare.</p> <p>The approval ensures that the community's needs for a larger grocery store are met, providing a benefit to residents and maintaining the intent of the ordinance.</p>

Summary and Recommendation

At their meeting on January 27, 2025, the Planning & Zoning Commission voted to postpone the item to allow the applicant to provide additional information. After an additional staff presentation at their February 25, 2025 meeting, the Planning & Zoning Commission voted unanimously to recommend approval of this request.

Staff recommends approval of the variance request with the following condition:

1. The applicant shall submit an Alternative Exterior Design prior to submitting a site development application.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Variance request.

Staff received one letter in opposition of the request.

Meetings Schedule

January 27, 2025 Planning & Zoning Commission Reconsideration

February 25, 2025 Planning & Zoning Commission Reconsideration

March 5, 2025 Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Attachment 3 – Public Comment

Recommended Action	Recommend approval with the condition referenced above.
Alternatives/Options	Recommend denial of the variance or approval with alternate conditions.
Budget/Financial impact	N/A
Public comments	None received at this time

Planning Department Staff Report

Item # 3.

Enforcement Issues	N/A
Comprehensive Plan Element	N/A

H-E-B DRIPPING SPRINGS 01

Gross Floor Area Variance Justification

10/21/2024

Project Name H-E-B Dripping Springs 01

QE Project No. S0977-0006-01

Purpose: Technical Justification to Support Gross Floor Area Variance Request

Technical Information:

Site Background Information

The subject site is located at the southeast corner of Rob Shelton Blvd. and US Highway 290. The current H-E-B store at this location is 75,000 square feet. The existing store is located on the currently developed 25-acre tract. This developed tract is located within Planned Development District #1 (PDD #1). The proposed expansion is an undeveloped 11.83-acre tract that is zoned as Commercial Services (CS).

The current HEB's primary customer base is the City of Dripping Springs and the surrounding areas, as the current HEB is the largest Grocery Store within the City limits.

As part of the variance request, we propose to exceed the allowable building square footage within the CS zoning. We propose a minimum of a 125,000 square foot building within the 11.83-acre tract along with the corresponding parking lot within the adjacent 25-acre tract.

Public Interest

The requested variance is in the public interest as it will provide a larger grocery store for residents of Dripping Springs and surrounding communities. Due to the increase in population in this area, a new larger store is necessary. A larger store will provide a less crowded experience for residents and will be able to offer a more compelling selection of products.

Site-Specific Hardship

Enforcement of the Ordinance would require the proposed building to have a smaller footprint than the current building. The anticipated primary customer base would exceed what the proposed maximum building size would allow.

Spirit of the Ordinance

While the proposed store is larger than the existing store and the footprint allowed by Dripping Springs' Zoning Ordinance, this store is on a large plot (35.68 acres) and leaves significant acreage without any structures. Because of this significant amount of acreage without buildings, the spirit of the ordinance is still being followed. All other requirements for the building will follow the CS zoning ordinances along with a proposed impervious cover that remains under the 60% maximum for the 11.83-acre tract.



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

• 512.858.4725 • www.cityofdrippingsprings.com

Item # 3.

ALTERNATIVE STANDARD/SPECIAL EXCEPTION/VARIANCE/WAIVER APPLICATION

Case Number (staff use only): _____ - _____

CONTACT INFORMATION

PROPERTY OWNER NAME H-E-B, LP
STREET ADDRESS 646 South Flores St
CITY San Antonio STATE Texas ZIP CODE 78204
PHONE _____ EMAIL _____

APPLICANT NAME Zachary Morgan
COMPANY Quiddity
STREET ADDRESS 101 E Old Settlers Blvd, Ste 280
CITY Round Rock STATE Texas ZIP CODE 78665
PHONE 512-685-5194 EMAIL zmorgan@quiddity.com

APPLICATION TYPE

☐ ALTERNATIVE STANDARD

☒ VARIANCE

☐ SPECIAL EXCEPTION

☐ WAIVER

PROPERTY INFORMATION

PROJECT NAME	Replat of Dripping Springs Retail Center Subdivision
PROPERTY ADDRESS	598 E HWY US 290, Dripping Springs, TX 78620
CURRENT LEGAL DESCRIPTION	Lot 1A, Block B of the Dripping Springs Retail Center Subdivision (35.70 Ac)
TAX ID#	R17965
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION <input type="checkbox"/> HISTORIC DISTRICT OVERLAY

- Description of request & reference to section of the Code of Ordinances applicable to request:

This variance request pertains to section 3.12.4.(d) of the zoning ordinance for the city of Dripping Springs, Texas which states, "The gross floor area for each building shall not exceed 50,000 square feet per building."

- Description of the hardship or reasons the Alternative Standard/Special Exception/Variance / Waiver is being requested:

This variance would allow the HEB to construct a large enough building to service the growing market within the City of Dripping Springs community.

- Description of how the project exceeds Code requirements in order to mitigate or offset the effects of the proposed alternative standard/special exception/variance/waiver:

Preliminary site layouts and HEB direction contemplate a new store with a minimum of internal area of least 125,000 square feet.

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Zachary D. Morgan is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. 3048, Pg. 27.)

Benjamin Scott

Name

Group Vice President of Real Estate and Shopping
Center Development

Title

STATE OF TEXAS §

§

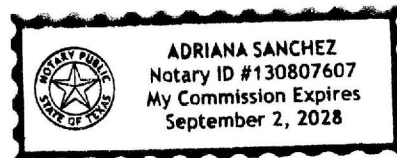
COUNTY OF HAYS §

This instrument was acknowledged before me on the 29th day of October,
20124 by Benjamin Scott.

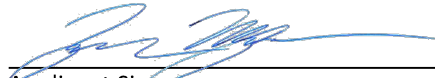
Adriana Sanchez
Notary Public, State of Texas

My Commission Expires: September 2, 2028

Zachary D. Morgan
Name of Applicant



All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:


Applicant Signature

10/21/2024

Date

CHECKLIST

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	PDF/Digital Copies of all submitted documents When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input type="checkbox"/>	Photographs
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Map/Site Plan/Plat
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architectural Elevations (if applicable)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Description and reason for request (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input type="checkbox"/>	Public Notice Sign - \$25
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Property Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (required if marked "Yes (Required)" on above Lighting Ordinance Section of application)

Project Number: _____ - _____
Only filled out by staff

Date, initials



BILLING CONTACT FORM

Project Name: Replat of Dripping Springs Retail Center Subdivision
Project Address: 598 E HWY US 290, Dripping Springs, TX 78620
Project Applicant Name: Zachary Morgan

Billing Contact Information

Name: Benjamin R. Scott
Mailing Address: 646 South Flores Street
San Antonio, TX 78204
Email: _____ Phone Number: _____

Type of Project/Application (check all that apply):

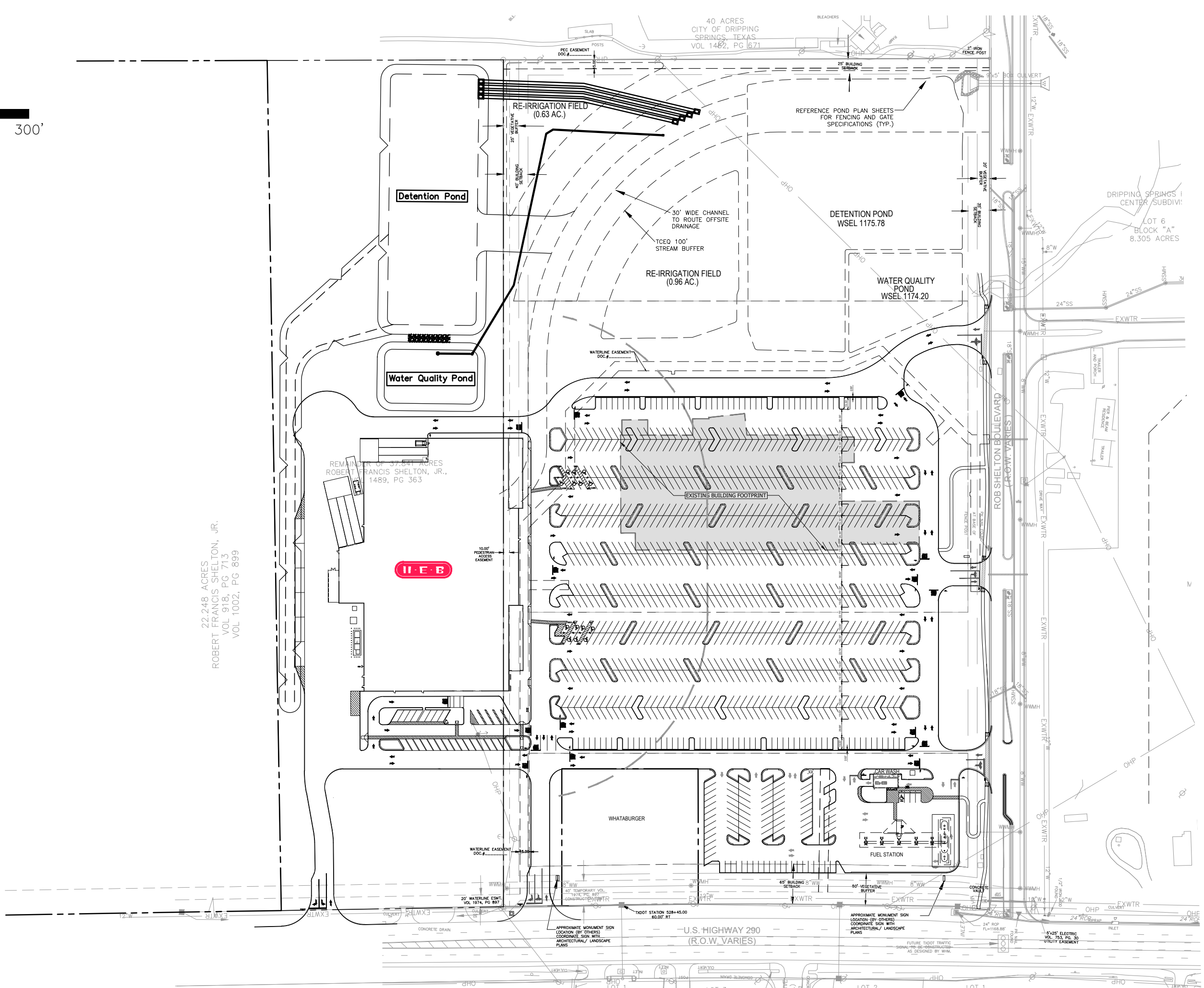
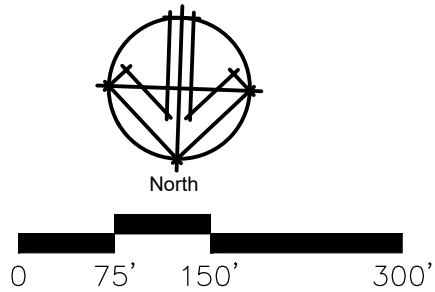
- | | |
|---|--|
| <input type="checkbox"/> Alternative Standard | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Street Closure Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Exterior Design | <input type="checkbox"/> Wastewater Service |
| <input type="checkbox"/> Landscape Plan | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Lighting Plan | <input type="checkbox"/> Zoning |
| <input checked="" type="checkbox"/> Site Development Permit | <input type="checkbox"/> Other _____ |

*Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. **Please see the online Master Fee Schedule for more details.** By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.*

Signature of Applicant

10/21/2024

Date



ALL RESTRICTIONS AND NOTES:

- This Subdivision lies within the boundaries of the contributing zone of the Edwards Aquifer.
- This subdivision lies within the Dripping Springs Independent School District.
- This project is located within the City Limits of the City of Dripping Springs.
- Utility Service:
Electric: Pedernales Electric Cooperative, Inc.
Telephone: Verizon
Water: Dripping Springs Water Supply Corporation
Wastewater: City of Dripping Springs and/or on site septic systems
- This subdivision is subject to all existing Easements and matters of record affecting these lots that are not reflected on the plat.
- This subdivision is designed in compliance with the Planned Development District No. 1, (PDD No. 1) approved by Dripping Springs City Council on September 12, 2006.
- The access location(s) for this subdivision onto State Maintained Roads are per the approved TxDOT locations and/or the approved Master Plan for the PDD No. 1. The access location(s) for this subdivision onto City Maintained Roads are per the approved Master Plan for the PDD No. 1.
- The intended use of this subdivision is commercial and will adhere to the regulations of the City of Dripping Springs and PDD No. 1 that was approved by Dripping Springs City Council on September 12, 2006.
- The determination of Potential Floodplain Areas must be addressed before the approval of any site plan located within the boundaries of this plat.
- A variance to section 19.2 of the subdivision ordinance pertaining to the protection of drainage and creek areas was approved with the PDD No. 1 by the City Council on September 12, 2006.
- Typical landscape maintenance, cutting and trimming, within the subdivision, all easements and right-of-ways to the pavement to be the responsibility of each property owner for its respective property and such easements and right-of-ways crossing same unless otherwise agreed upon under a separate instrument.
- Driveways shall comply with the City of Dripping Springs Development Regulations and be permitted through the Transportation Department of City of Dripping Springs.
- All culverts, when required shall comply with the current City of Dripping Springs Standard. Per City of Dripping Springs Development Regulations.
- This property is not located within the Extra-Territorial Jurisdiction of any City or Municipality.
- H-E-B, LP, by filing this record document, and all future owners of this property, by purchasing such property, acknowledge and agree that City of Dripping Springs shall have no obligation whatsoever to repair or accept maintenance of the roadways shown on this approved development plan until and unless [Owner] and/or the property occupants or tenants have improved the roadways to the then current standards required by City of Dripping Springs and the Roadways have been accepted for maintenance by formal written action of the City of Dripping Springs and the roadways, with all required right-of-way and building setbacks, have been dedicated by the owners thereof, and accepted by the City of Dripping Springs, as public roadways. H-E-B, LP and all future owners of property within the limits of the approved development plan shall look solely to the [Owner or entity entering into maintenance agreement with the City of Dripping Springs] for future maintenance and repair of the roadways included in this development plan.
- Post-Construction Stormwater Control Measures shall have a maintenance plan. The owner operator of any new development or redevelopment site shall develop and implement a maintenance plan addressing maintenance requirements for any structural control measures installed on site. Operation and maintenance performed shall be documented and retained and made available for review upon request.
- Post-Development Conditions Runoff Rate shall be no greater than the pre-developed condition for 2, 5, 10, 25, and 100 year storm events. Pre and post development runoff calculations shall be included with the construction drawings for this subdivision.
- All dedicated Roadways shall be designed and constructed in accordance with applicable City of Dripping Springs Standards.
- No structure in this subdivision shall be occupied until connected to an individual water supply or a State approved Community Water System.
- No structure in this subdivision shall be occupied until connected to the Public Sewer System or to an on-site Wastewater System which has been approved and permitted by Dripping Springs Development Services.
- No construction or other development within this subdivision may begin until all City of Dripping Springs Development permit requirements have been met.
- The owner of the land dedicated by this plat reserves the right to use and enjoy the surface of all easement areas, except to the extent expressly prohibited by a separate easement instrument, for all purposes that do not unreasonably interfere with the use of such easement areas by the easement holder; including, but not limited to, utilities and the right to place surfacing materials over and across the easement area and to use the same for parking areas, driveways, walkways, sidewalks, landscaping and/or lighting.
- The locations of the easements shown hereon that are granted by separate instrument are approximate and such easements and their location are governed by the terms, provisions and conditions of such separate instrument.
- The Owner will be responsible for the operation and maintenance of Stormwater Detention and Water Quality Ponds.

THE REPLAT OF DRIPPING SPRINGS RETAIL CENTER SUBDIVISION LOT 1, BLOCK B

35.70 ACRES OF LAND OUT OF THE PHILIP A. SMITH SURVEY, ABSTRACT NO. 415, BEING 23.87 ACRES A PORTION OF LOT 1, BLOCK B RECORDED IN VOLUME 14, PAGE 119 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS AND AN 11.83 ACRE TRACT OF LAND RECORDED IN DOCUMENT NO. 19042979 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:

That H-E-B, LP being owner of a portion of that certain Lot 1, Block B of the Dripping Springs Retail Center Subdivision as shown on a plat recorded in Volume 14, Page 119 of the Plat Records of Hays County, Texas, the same being a remainder of a 25,000-acre tract of land conveyed by a Special Warranty Deed as recorded in Volume 3048, Page 27 of the Official Public records of Hays County, Texas, and that certain tract of land called to contain 11.83-acres conveyed by a General Warranty Deed as recorded in Document No. 24022923 of the Official Public records of Hays County, Texas, and said subdivision having been approved for resubdivision pursuant to the public notification and hearing provisions of the Local Government Code, do hereby resubdivide 35.70-acres of land in accordance with the map or plat attached hereto, to be known as:

THE REPLAT OF DRIPPING SPRINGS RETAIL CENTER SUBDIVISION LOT 1, BLOCK B

And do hereby dedicate to the public the use of all streets and easements shown hereon, (excluding any such easements created by separate instrument), subject to any and all easements or restrictions heretofore granted and not released.

WITNESS MY HAND, this the 13th day of August, 2024, A.D.

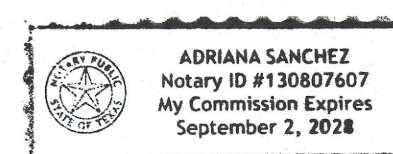
By: H-E-B, LP, a Texas limited partnership

Name: Benjamin R. Scott
Title: Group Vice President of Real Estate and Shopping Center Development
Address: 646 South Flores Street
San Antonio, Texas 78204

STATE OF Texas §
COUNTY OF Bexar §

Before me, the undersigned authority, a notary public in and for the State of Texas, on this day did personally appear Benjamin R. Scott known to be the person whose name is subscribed to the foregoing instrument and has acknowledged to me that they have executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Notary Public - State of Texas



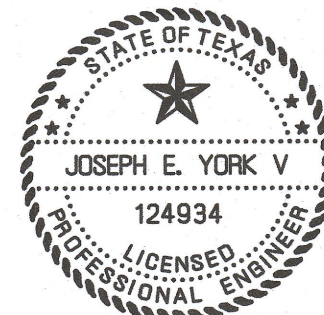
I, Rex L. Hackett, a Registered Professional Land Surveyor in the State of Texas, hereby state that to the best of my skill and knowledge this plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and the corner monuments were properly placed under my supervision.

Rex L. Hackett
Registered Professional Land Surveyor No. 5573
Date 8-9-2024
QUIDDITY ENGINEERING, LLC
3100 Alvin Devane Blvd., Suite 150
Austin, Texas 78744



I, Joseph York, P.E., a professional engineer, do hereby certify that no portion of this property is located with a designated 100-year Flood Zone Area, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Map No. 48209C0105F, Hays County, Texas Dated September 2, 2005.

Joseph York
Registered Professional Engineer No. 124934
Date 8/9/2024
QUIDDITY ENGINEERING, LLC
4350 Lockhill Selma Road, Suite 100
San Antonio, Texas 78249



City of Dripping Springs Planning Director
Tory Carpenter

Water Service Provider
Dripping Springs Water Supply Corporation

Wastewater Service Provider

Date: 8-10-24

Date: 8-29-2024

Date: 9/3/2024

STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:

I, Elaine H. Cardenas, Clerk of Hays County, Texas do hereby certify that this plat was filed for record in my office on the 11th day of September, 2024, A.D., at 8:52 o'clock P.M., in the Plat Records of Hays County, Texas in Instrument Number 24055018.
Elaine H. Cardenas, County Clerk
Hays County, Texas



FILE: K:\S0977\S0977-0006-01 HEB Dripping Springs Replacement - Due Diligence (TO#1)\1 Surveying Phase\CAD Files\Working Dwg\S0977-0006-01 Plat.dwg

JOB NO: S0977-0006-01	DRAWN BY: ASH
DATE: August 9, 2024	CHECKED BY: RLH
SCALE:	SHEET: 1 OF 2

QUIDDITY
Texas Board of Professional Engineers and Land Surveyors Reg. No. 10046100
3100 Alvin Devane Boulevard, Suite 150 • Austin, TX 78741 • 512.441.9493

THE REPLAT OF DRIPPING SPRINGS RETAIL CENTER SUBDIVISION LOT 1, BLOCK B

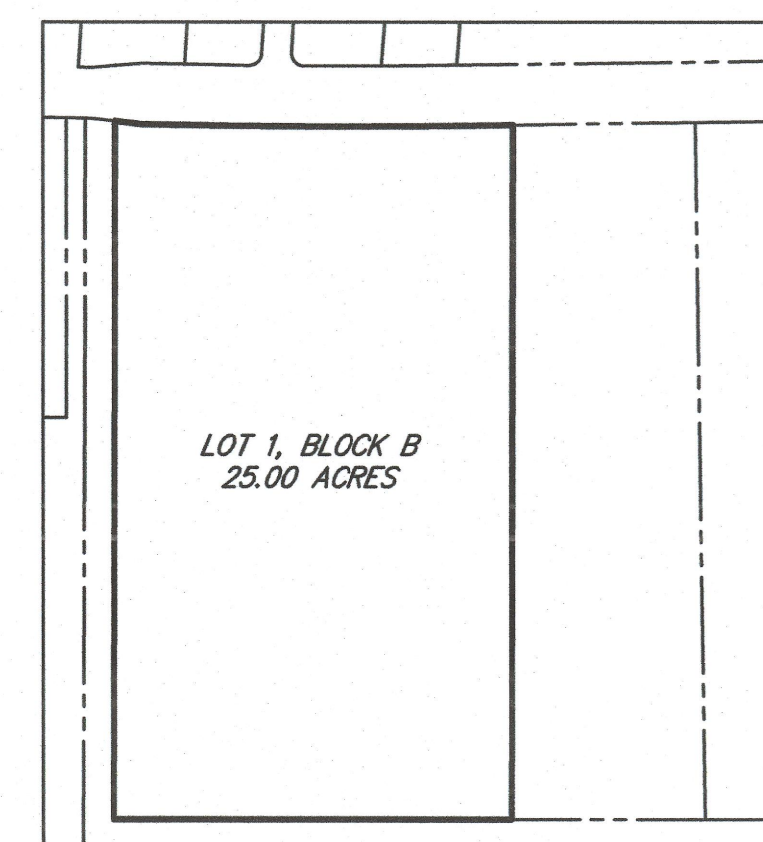
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LEGEND

- IRON ROD FOUND
- CONCRETE MONUMENT FOUND
- ⊗ NAIL SET
- ⊗ "X" SET
- △ CALCULATED POINT
- P.R.H.C.T. PLAT RECORDS OF HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

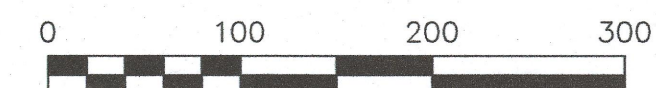
NOTE:

THE PURPOSE OF THIS REPLAT IS TO COMBINE TWO TRACTS OF LAND INTO ONE LOT.



ORIGINAL LOT 1, BLOCK B
CONFIGURATION
NOT TO SCALE

SCALE - 1" = 100'



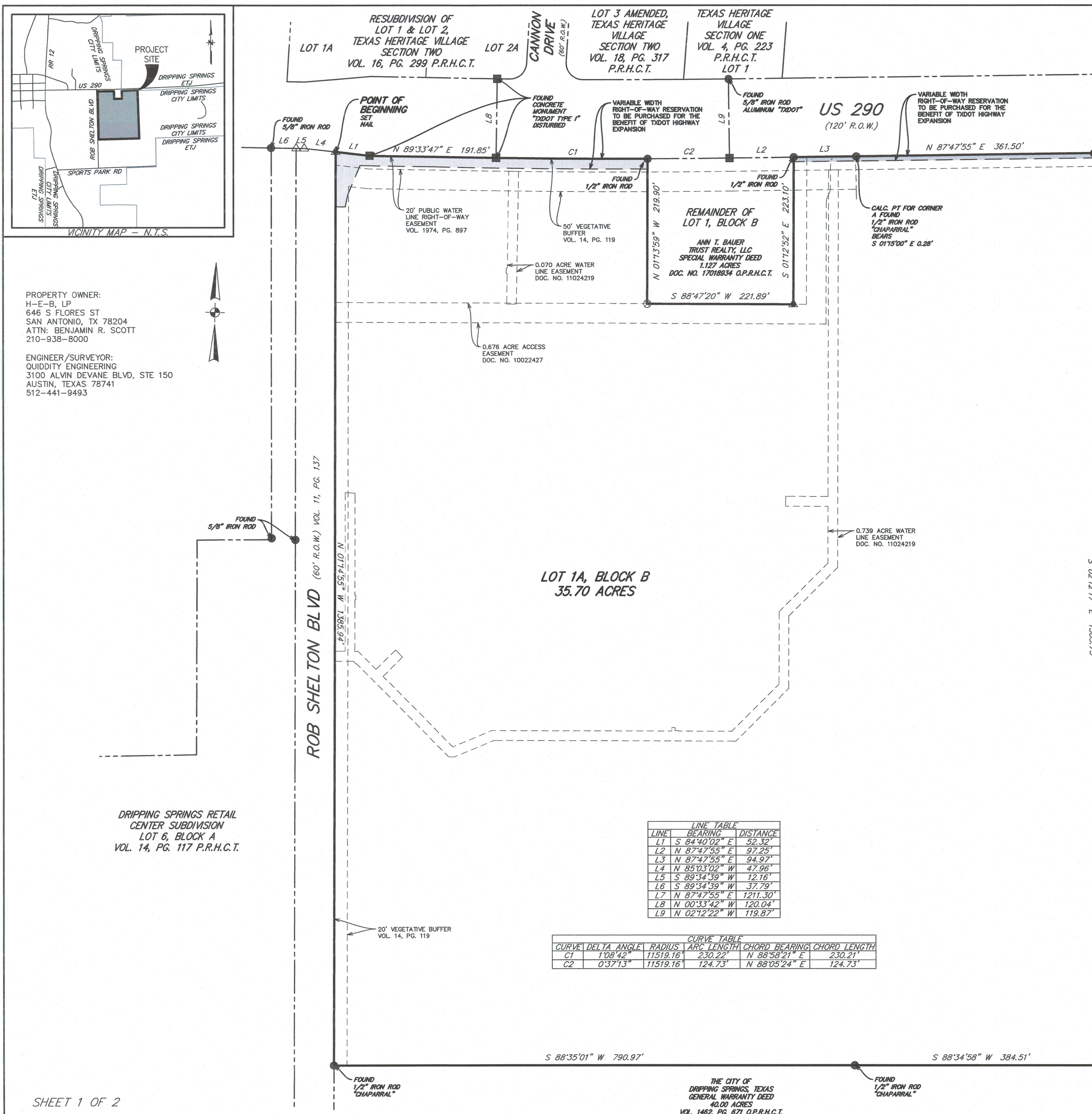
BEARING BASIS NOTE:

HORIZONTAL DATUM BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83. ALL DISTANCES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY DIVIDING BY A SURFACE ADJUSTMENT FACTOR OF 1.0000785495, ORIGIN 0,0,0 GEOID 18; UNITS U.S. SURVEY FEET.

FILE: K:\S0977\S0977-0006-01 HEB Dripping Springs Replacement - Due Diligence (TO#1)\1 Surveying Phase\CAD Files\Working Dwg\S0977-0006-01 Plat.dwg

JOB NO:	S0977-0006-01	DRAWN BY:	ASH
DATE:	August 9, 2024	CHECKED BY:	RLH
SCALE:	1" = 100'	SHEET:	1 OF 2

QUIDDITY
Texas Board of Professional Engineers and Land Surveyors Reg. No. 10046100
3100 Alvin Devane Boulevard, Suite 150 • Austin, TX 78741 • 512.441.9493



PROPERTY OWNER:
H-E-B, LP
646 S FLORES ST
SAN ANTONIO, TX 78204
ATTN: BENJAMIN R. SCOTT
210-938-8000

ENGINEER/SURVEYOR:
QUIDDITY ENGINEERING
3100 ALVIN DEVANE BLVD, STE 150
AUSTIN, TEXAS 78741
512-441-9493

DRIPPING SPRINGS RETAIL
CENTER SUBDIVISION
LOT 6, BLOCK A
VOL. 14, PG. 117 P.R.H.C.T.

SHEET 1 OF 2

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 84°40'02" E	52.32'
L2	N 87°47'55" E	97.25'
L3	N 87°47'55" E	94.97'
L4	N 85°03'02" W	47.96'
L5	S 89°34'39" W	12.16'
L6	S 89°34'39" W	37.79'
L7	N 87°47'55" E	1211.30'
L8	N 00°33'42" W	120.04'
L9	N 02°12'22" W	119.87'

CURVE TABLE				
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING
C1	1°08'42"	11519.16'	230.22'	N 88°58'21" E
C2	0°37'13"	11519.16'	124.73'	N 88°05'24" E

THE CITY OF
DRIPPING SPRINGS, TEXAS
GENERAL WARRANTY DEED
40.00 ACRES
VOL. 1462, PG. 671 O.P.R.H.C.T.



City Council Regular Meeting

*Dripping Springs ISD Center for Learning and Leadership
Board Room, 300 Sportsplex Drive – Dripping Springs, Texas*

Tuesday, February 18, 2025, at 6:00 PM

MINUTES

CALL TO ORDER & ROLL CALL

With a quorum of Council Members present, Mayor Foulds called the meeting to order at 6:01 p.m.

City Council Members Present:

Mayor Bill Foulds, Jr.
Mayor Pro Tem Taline Manassian
Council Member Place 2 Wade King
Council Member Place 3 Geoffrey Tahuahua
Council Member Place 4 Travis Crow
Council Member Place 5 Sherrie Parks

Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer
Deputy City Administrator Ginger Faught
Deputy City Administrator Shawn Cox
City Attorney Laura Mueller
Deputy City Attorney Aniz Alani
City Secretary Diana Boone
Planning Director Tory Carpenter
Parks & Community Services Director Andy Binz
People & Communications Director Lisa Sullivan
DSRP Manager Lily Sellers
City Engineer Chad Gilpin
Visitors Bureau Manager Pam King
Maintenance Director Riley Sublett

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member King.

PRESENTATION OF CITIZENS

A member of the public that wishes to address the City Council on any issue, regardless of whether it is posted on this agenda, may do so during Presentation of Citizens. It is the request of the City Council that individuals wishing to speak on agenda items with a public hearing hold their comments until the item is being considered. Individuals are allowed two (2) minutes each to speak regarding issues not on the agenda and two (2) minutes per item on the agenda and may not cede or pool time. Those requiring the

assistance of a translator will be allowed additional time to speak. Individuals are not required to sign in; however, it is encouraged. Individuals that wish to share documents with the City Council must present the documents to the City Secretary or City Attorney providing at least seven (7) copies; if seven (7) copies are not provided, the City Council will receive the documents the following day. Audio Video presentations will not be accepted during Presentation of Citizens. By law no action shall be taken during Presentation of Citizens; however, the Mayor may provide a statement of specific factual information, recitation of existing policy, or direction or referral to staff.

No one spoke during the Presentation of Citizens.

CONSENT AGENDA

The following items will be acted upon in a single motion and are considered to be ministerial or routine. No separate discussion or action on these items will be held unless pulled at the request of a member of the City Council or City staff.

1. **Approval of the February 4, 2025 City Council regular meeting minutes.**
2. **Approval of the Professional Services Contract and Use Agreement between the City of Dripping Springs and TLL Mercantile LLC dba Holiday and Harvest for the 2025 Eggstravaganza.** *Sponsor: Council Member Sherrie Parks*
3. **Approval of the Co-Sponsorship and Logo Use Contract between the City of Dripping Springs and the Dripping Springs Ag Boosters for the 2025 Dripping Springs Rodeo.** *Sponsor: Council Member Sherrie Parks*
4. **Approval of the Brewers Festival (2025) Collaboration Agreement between the City of Dripping Springs and the Dripping Springs Chamber of Commerce, Inc.** *Sponsor: Council Member Sherrie Parks*
5. **Approval of January 2025 Treasurer's Report.** *Shawn Cox, Deputy City Administrator*

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to approve items 1- 5 on the Consent Agenda.

The motion to approve carried unanimously 5 to 0.

BUSINESS AGENDA

6. **Discuss and consider Appeal of the Takings Assessment related to the Hardy Tract project.** *Appellant: Jamie Rose, Greenberg Traurig*

Recorded by Kim Seibert.

a. Staff Report

Presented by City Attorney Laura Mueller.

b. Appellant Presentation

Presented by attorney Jamie Rose.

c. Public Hearing -- Support and Oppose

The following people spoke during the Public Hearing:

Jeff Cunningham
 Matt Giovine
 Rodney Sparks
 Marsha Sparks
 Dale Western
 Jose Colon
 Thomas Lengel
 Lindsey Chen
 Robert Requard

d. Rebuttal – Appellant

Rebuttal by attorney Jamie Rose

e. Appeal

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member King, to postpone this item to the next meeting, date certain March 4, 2025.

7. Discuss and Consider approval of a Resolution Accepting the Petition Requesting the Consent of the City of Dripping Springs for Driftwood Conservation District to Annex Certain Property in the District. Applicant: Andrew Barrett

Items 7 and were combined into one motion.

A motion was made by Council member Tahuahua and seconded by Council Member Parks to approve the resolutions regarding the Driftwood Conservation District.

The motion to approve carried unanimously 5 to 0.

8. Discuss and Consider approval of a Resolution of the City of Dripping Springs Consenting to Legislation related to the Driftwood Conservation District. Applicant: Andrew Barrett

Items 7 and 8 were combined into one motion.

A motion was made by Council Member Tahuahua and seconded by Council Member Parks, to approve the resolutions regarding the Driftwood Conservation District.

The motion to approve carried unanimously 5 to 0.

9. Discuss and consider approval of selection of a bidder and authorize contract negotiation and execution for the Mercer Street Sidewalk Project Construction Contract between

Dig Dug Construction, LLC and the City of Dripping Springs. *Sponsor: Mayor Bill Foulds, Jr.*

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to approve the selection of bidder and authorize contract negotiation and execution for the Mercer Street Sidewalk Project.

The motion to approve the carried unanimously 5 to 0.

10. Discuss and consider approval of hiring a second Utility Billing Clerk and approving the job description. *Sponsor: Mayor Bill Foulds, Jr.*

A motion was made by Council Member Tahuahua and seconded by Council Member Crow, to approve hiring a second Utility Billing Clerk and job description.

The motion to approve carried unanimously 5 to 0

11. Discuss and consider projects related to the proposed Certificates of Obligation. *Sponsor: Mayor Bill Foulds, Jr.*

Discussion only. No action was taken.

REPORTS

Reports listed are on file and available for review upon request. The City Council may provide staff direction; however, no action shall be taken.

12. Planning Department Report. *Tory Carpenter, Planning Director*

No action was taken.

CLOSED SESSION

The City Council has the right to adjourn into closed session on any item on this agenda and at any time during the course of this meeting to discuss any matter as authorized by law or by the Open Meetings Act, Texas Government Code Sections 551.071 (Consultation With Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gifts), 551.074 (Personnel Matters), 551.076 (Deliberation Regarding Security Devices or Security Audits), and 551.087 (Deliberation Regarding Economic Development Negotiations), and 551.089 (Deliberation Regarding Security Devices or Security Audits). Any final action or vote on any Closed Session item will be taken in Open Session.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Tahuahua, to go into Closed Session for items 13 – 15, under sections 551.071 and 551.072.

The motion carried unanimously 5 to 0.

Closed Session started at 8:32 p.m. and ended at 9:27 p.m.

Council Member Crow recused himself from item 15. He stepped out of Closed Session at 9:25 and did not participate in the discussion.

13. **Consultation with Attorney and Deliberation Regarding Real Property related to TIRZ Priority Projects and Other Potential Strategic Real Property Acquisitions.** (*Consultation with Attorney, 551.071; Deliberation Regarding Real Property, 551.072*)
14. **Consultation with City Attorney related to legal issues regarding land use, economic development, waiver process, and infrastructure requirements and rough proportionality.** (*551.071, Consultation with Attorney*).
15. **Consultation with Attorney regarding legal issues related to the South Regional Water Reclamation Project, Wastewater, and Amendment 2 Permits, Wastewater Service Area and Agreements, Water Service and Agreements, Wastewater Fees, Wastewater Infrastructure Agreements, facility liability coverage, and related items.** (*Consultation with Attorney, 551.071*)

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Tahuahua, to bring item 13 out of Closed Session. The motion carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Crow, to approve the Magee proposal as related to Old Fitzhugh Road. The motion carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Tahuahua to authorize staff to move forward with the Hungry Wolf Project. The motion carried unanimously 5 to 0.

A motion was made by Mayor Pro Tem Manassian and seconded by Council Member Tahuahua, to move forward with best and final offer as discussed in Closed Session. The motion carried unanimously 5 to 0.

ADJOURN

A motion was made by Council Member Tahuahua and seconded by Council Member King, to adjourn the meeting. The meeting was adjourned at 9:35 p.m.

APPROVED ON: *Month, XX, 202X*

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

DRAFT



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Andrew Binz, Parks and Community Services Director

City Council Meeting Date: March 4, 2025

Agenda Item Wording: Discuss and consider approval of a Facility Use Agreement between the City of Dripping Springs and Tiger Splash TAAF Swim Team related to use of the Founders Memorial Pool for the 2025 swim season.

Agenda Item Sponsor: Taline Manassian

Summary/Background: The 2025 Tiger Splash Founders Pool Use Agreement includes minor schedule updates and an applied administrative 10% discount.

Total Hours = 159.5 x \$125/hour = \$19,937.50

10% Administrative Discount = (\$1,993.75)

Extra Lifeguard Hours = 37 x \$35/hour = \$1,295

Total Fees for 2025 Season = \$19,238.75

Total Fees for 2024 Season = \$18,735.00

Staff Recommendations: Recommend approval of the 2025 Tiger Splash Founders Pool Use Agreement.

Attachments: 2025 Tiger Splash Founders Memorial Pool Facility Use Agreement

Next Steps/Schedule: Execute the agreement.

USE AGREEMENT

This Use Agreement (the "Agreement") is entered into on this ____ day of _____, 2025, by and between the City of Dripping Springs, Texas, a Type-A General Law Municipality (the "City"), and Dripping Springs Tiger Splash Swim Team ("Tiger Splash"), a registered Texas non-profit organization.

WHEREAS, Tiger Splash is a registered Texas non-profit in good standing whose purpose is to provide the youth of Dripping Springs and surrounding areas swim programs that encourage confidence, positive self-esteem, and good sportsmanship; and

WHEREAS, Tiger Splash wishes to enter into a use agreement with the City to allow Tiger Splash to use Founders Memorial Park Pool ("Pool") for Tiger Splash practices and swim meets; and

WHEREAS, The City desires to aid Tiger Splash and, accordingly, agrees to allow Tiger Splash to use the Pool for their practices and swim meets.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and Tiger Splash agree as follows:

1. Duties of Tiger Splash.

- (a) Tiger Splash will collect all Swim Team Registration fees.
- (b) Tiger Splash will provide all equipment needed for Swim Meets including, but not limited to, timing systems, and will provide for set-up and take down.
- (c) Tiger Splash representatives may be called upon to assist aquatics staff to remove the pool covers prior to usage and replace the pool covers after each usage. Tiger Splash representatives shall timely comply with such requests.
- (d) Tiger Splash will, where practicable, designate a spectator area for families and guests. The designated location will be in an area that does not impede ingress or egress around the pool and through the facility.
- (e) Tiger Splash may hang one (1) canvas banner on the inside of the fence facing the Pool no cost. The banner must include the City of Dripping Springs provided logo and the design must be pre-approved by the City Administrator or designee.

2. Access to Facilities.

- (a) Tiger Splash shall have access to the Pool and have exclusive use of Founders Memorial Park Pavilion as outlined in Exhibit "A".

- (b) Tiger Splash is permitted to host social events outside the dates detailed in this Agreement. However, Tiger Splash must reserve amenities and pay the associated fees at the current Fee Schedule rates and terms.
- (c) No more than 150 people can be in the facility at one time including swimmers, spectators, and volunteers.
- (d) Tiger Splash may use the on-site storage shed at the Pool for storing swim meet items.
- (e) If there is an emergency such as inclement weather, public health emergency, or an unforeseen circumstance, the City may decide to close the Pool or limit access to the Pool on impacted days. If the pool is closed, the City will work with Tiger Splash to reschedule the canceled practice or swim meet date during the season barring that the pool space and staff is available.

3. Concessions.

- (a) Tiger Splash must not operate or allow the sale of concessions without the City's prior written approval, or as otherwise specifically authorized by this Agreement.
- (b) Tiger Splash may sell coffee and breakfast tacos on Swim Meet Days as outlined in Exhibit "A".
- (c) Concessionaires may be required to obtain a food handlers permit and shall comply with the City's Food Establishment Regulations (Chapter 10 Health and Sanitation, Article 10.02 Food Establishments, City of Dripping Springs Code of Ordinances).

4. Fees.

- (a) Total Facility Rental Fee including Additional Lifeguard fees due to the City of Dripping Springs is nineteen thousand and two hundred and thirty-eight dollars and seventy-five cents (\$19,238.75) as outlined in Exhibit "A".
- (b) The Total Facility Rental Fee set out in paragraph (a) is inclusive of a City Administrator approved 10% discount of rental fees due to non-profit status and service to community qualifications.
- (c) Costs for heating the Pool are covered by the facility rental fee.
- (d) Payment to the City shall occur in full by Friday, May 9, 2025.

5. City Obligations.

A minimum of 2 lifeguards will be present at every swim practice (provided that junior aquatic volunteers are present in the water during practice) and a minimum of 3 lifeguards at every swim meet or swim team party.

6. Insurance.

Tiger Splash will maintain its own liability insurance through Texas Amateur Athletic Federation (TAAF) and will name the City as an additional named insured and provide a copy of such policy prior to using the Pool under this Use Agreement.

7. **Release.** The City assumes no responsibility for any property placed by Tiger Splash or any Tiger Splash member, agent, or guest, at the Pool or in the storage facilities or any part thereof, and the City is hereby expressly released and discharged from any and all liability for any loss, injury, or damage to persons or property that may be sustained by reason of the use of the Pool and related facilities under this Agreement.
8. **As-Is.** Tiger Splash accepts the premises as-is. Tiger Splash may not change any part of the Pool or layout of its related facilities unless it receives prior written approval from the Aquatics Manager or the Parks and Community Services Director for the proposed changes.
9. **Applicable Laws.** Tiger Splash will cooperate with the City to comply with all applicable laws (federal, state, and local), including ordinances of the City. Tiger Splash agrees to abide by and conform with all rules and regulations from time to time adopted or prescribed by the City for the government and management of the Pool.
10. **Indemnification.** TIGER SPLASH AGREES TO INDEMNIFY AND HOLD HARMLESS THE CITY, ITS AGENTS, SERVANTS, AND EMPLOYERS, FROM AND AGAINST ANY AND ALL CLAIMS FOR DAMAGES OR INJURIES TO PERSONS OR PROPERTY ARISING OUT OF OR INCIDENT TO THEIR USE OF, OR THE USE AND OCCUPANCY OF, THE POOL BY TIGER SPLASH, AND TIGER SPLASH DOES HEREBY ASSUME ALL LIABILITY AND RESPONSIBILITY FOR INJURIES, CLAIMS OR SUITS FOR DAMAGES TO PERSONS OR PROPERTY WHATSOEVER KIND OR CHARACTER, WHETHER REAL OR ASSERTED, OCCURRING DURING THE TERM OF THIS AGREEMENT IN CONNECTION WITH THE USE OR OCCUPANCY OF THE POOL BY TIGER SPLASH OR ITS AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS OR SUBCONTRACTORS, MEMBERS, GUESTS OR INVITEES.
11. **Mandatory Disclosures.** Texas law requires that vendors make certain disclosures. Prior to the effective date of this Contract, the Contractor has submitted to the City a copy of the Conflict of Interest Questionnaire form (CIQ Form) approved by the Texas Ethics Commission (Texas Local Government Code Chapter 176), and the Contractor shall file a Form 1295 Certificate of Interested Parties (Form 1295) approved by the Texas Ethics Commission (Texas Government Code Section 2252.908). The Contractor also confirms it is in compliance with all Texas requirements related to government contracts including: (1) no boycott of Israel; (2) not listed as a foreign terrorist organization by the Texas Comptroller of Public Accounts; (3) Contractor does not have a policy or practice of discriminating against firearm entities or firearm trade associations; (4) Contractor does not boycott energy companies; and Contractor is compliant with all other Texas laws

including any additional disclosure requirements.

- 12. Termination.** Either party may terminate this Agreement without cause upon the terminating party giving the non-terminating party thirty (30) days written notice. This Agreement will automatically terminate if Tiger Splash fails to make any required payment or if Tiger Splash fails to adequately respond and remedy any complaints or concerns from the City within thirty (30) days of a written request by the City.

13. Notice.

All notice required or permitted under this Agreement shall be in writing and shall be delivered either in person or deposited in the United States mail, postage prepaid, addressed as follows:

For the City:

Attention: City Administrator
City of Dripping Springs City
P.O. Box 384
Dripping Springs, TX 78620
•

For •

Attention: •
•
•
•

Either party may change such address from time to time by providing written notice to the other in the manner set forth above. Notice is deemed to have been received three (3) days after deposit in U.S. mail.

14. Miscellaneous.

- (a) **Entire Agreement.** This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations, or agreements, whether written or oral.
- (b) **Assignment.** Tiger Splash shall not assign this Agreement, or any rights, obligations, dates, discounts, or entitlements created under this Agreement to any other person or entity.
- (c) **Amendment.** This Agreement may only be amended in writing signed by both parties.
- (d) **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.
- (e) **Severability.** If any provision of this Agreement is held to be invalid, illegal, or unenforceable, the remaining provisions shall continue in full force and effect.

- (f) **Waiver.** No waiver of any provision of this Agreement shall be effective unless in writing and signed by the party against whom enforcement is sought. No waiver of any breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or any other provision hereof.
- (g) **Routine Communications.** Nothing contained herein shall be construed to restrict the transmission of routine communications between representatives of City and Tiger Splash.
- (h) **No Conveyance of Property Rights.** It is specifically agreed that nothing herein is intended to convey any real property rights in the Pool to Tiger Splash.
- (i) **Effective Date.** This Agreement shall be effective upon final signing by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

THE CITY:
City of Dripping Springs

TIGER SPLASH:
Dripping Springs Tiger Splash Swim Team

Michelle Fischer
City Administrator

Name:
Title:

Date

Date

EXHIBIT A

April 2025

May 2025

Mo	Tu	We	Th	Fr	Sa	Su
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28 JAV Training New Swimmer Eval. 5:00 pm - 8:00 pm (3 hours)	29 JAV Training New Swimmer Eval. 5:00 pm - 8:00 pm (3 hours)	30	1	2	3	4 © Calendar-12.com

May 2025

June 2025

Mo	Tu	We	Th	Fr	Sa	Su
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
28	29	30	1	2	3	4
5 Practice 6:00 pm - 8:00 pm (2 hours)	6 Practice 6:00 pm - 8:00 pm (2 hours)	7 Practice 6:00 pm - 8:00 pm (2 hours)	8 Practice 6:00 pm - 8:00 pm (2 hours)	9	10	11
12 Practice 6:00 pm - 8:00 pm (2 hours)	13 Parent Meeting Practice 6:00 pm - 8:00 pm (2 hours)	14 Parent Meeting Practice 6:00 pm - 8:00 pm (2 hours)	15 Practice 6:00 pm - 8:00 pm (2 hours)	16	17	18
19 Practice 6:00 pm - 8:00 pm (2 hours)	20 Practice 6:00 pm - 8:00 pm (2 hours)	21 Practice 6:00 pm - 8:00 pm (2 hours)	22 Opening Party 6:00 pm - 8:00 pm (2 hours + Add Lifeguard)	23	24 Time Trials 7:00 am - 12:30 pm (5.5 hours + Add Lifeguard)	25
26 No Practice	27 Practice 6:00 pm - 8:00 pm (2 hours)	28 Practice 6:00 pm - 8:00 pm (2 hours)	29 Practice 6:00 pm - 8:00 pm (2 hours)	30	31 Founders Meet 7:00 am - 12:30 pm (5.5 hours) + Add Lifeguard IAV Refresher - 12:30 - 2:00 during public swim	1 © Calendar-12.com

June 2025

July 2025

Mo	Tu	We	Th	Fr	Sa	Su
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
26	27	28	29	30	31	1
2 Practice 6:00 pm - 9:00 pm (3 hours)	3 Practice 6:00 pm - 9:00 pm (3 hours)	4 Practice 6:00 pm - 9:00 pm (3 hours)	5 Practice 6:00 pm - 9:00 pm (3 hours)	6	7 Pentathlon Meet 7:00 am - 12:30 pm (5.5 hours + Add Lifeguard)	8
9 Practice 6:00 pm - 9:00 pm (3 hours)	10 Practice 6:00 pm - 9:00 pm (3 hours)	11 Practice 6:00 pm - 9:00 pm (3 hours)	12 Practice 6:00 pm - 9:00 pm (3 hours)	13	14 Home Meet 7:00 am - 12:30 pm (5.5 hours + Add Lifeguard)	15
16 Practice 6:00 pm - 9:00 pm (3 hours)	17 Practice 6:00 pm - 9:00 pm (3 hours)	18 Practice 6:00 pm - 9:00 pm (3 hours)	19 Practice 6:00 pm - 9:00 pm (3 hours)	20	21 Color Splash Meet 7:00 am - 12:30 pm (5.5 hours + Add Lifeguard)	22
23 Practice 6:00 pm - 9:00 pm (3 hours)	24 Practice 6:00 pm - 9:00 pm (3 hours)	25 Practice 6:00 pm - 9:00 pm (3 hours)	26 End of Season Party 6:00 pm - 9:00 pm (3 hours + Add Lifeguard)	27	28 PR Meet 7:00 am - 12:30 pm (5.5 hours + Add Lifeguard)	29
30 Practice 6:00 pm - 8:30 pm (2.5 hours)	1	2	3	4	5	6

© Calendar-12.com

July 2025

August 2025

Mo	Tu	We	Th	Fr	Sa	Su
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
30	1 Practice 6:00 pm - 8:30 pm (2.5 hours)	2 Practice 6:00 pm - 8:30 pm (2.5 hours)	3 No Practice	4	5	6
7 Practice 6:00 pm - 8:30 pm (2.5 hours)	8 Practice 6:00 pm - 8:30 pm (2.5 hours)	9 Practice 6:00 pm - 8:30 pm (2.5 hours)	10 Practice 6:00 pm - 8:30 pm (2.5 hours)	11	12	13
14 Practice 6:00 pm - 8:30 pm (2.5 hours)	15 Practice 6:00 pm - 8:30 pm (2.5 hours)	16 Practice 6:00 pm - 8:30 pm (2.5 hours)	17 Practice 6:00 pm - 8:30 pm (2.5 hours)	18	19	20
21 Practice 6:00 pm - 8:30 pm (2.5 hours)	22 Practice 6:00 pm - 8:30 pm (2.5 hours)	23 Practice 6:00 pm - 8:30 pm (2.5 hours)	24 Practice 6:00 pm - 8:30 pm (2.5 hours)	25	26	27
28 Practice 6:00 pm - 8:30 pm (2.5 hours)	29 Last Practice 6:00 pm - 8:30 pm (2.5 hours)	30	31	1	2	3 © Calendar-12.com



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Aniz Alani, Deputy City Attorney

Council Meeting Date: March 4, 2025.

Agenda Item Wording: Discuss and consider approval of a resolution suspending the April 12, 2025 effective date of the interim rate adjustments proposed by Texas Gas Service Company for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

Agenda Item Requestor: Laura Mueller, City Attorney

Summary/Background: On February 11, 2025, Texas Gas Service Company made an Interim Rate Adjustment or “GRIP” filing with the cities in its Central-Gulf Service Area. The Company is seeking recovery of \$117,718,719 in invested capital. The current filing will increase rates to residential customers by \$3.36 per month. This will increase the current residential customer charge from \$18.00 to \$ 21.36 per month. The increase is currently scheduled to go into effect on April 12, 2025.

Under the GRIP statute, cities may not challenge the Company’s request. The only action cities may take is to suspend the effective date of the rate increase by 45 days.

Accordingly, the purpose of the Resolution is to suspend the effective date of the rate increase proposed by TGS to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.

**Commission
Recommendations:** N/A

**Recommended
Council Actions:** Approve Resolution suspending the effective date of Texas Gas Service Company’s proposed rate increases.

Attachments: Draft resolution
 Letter dated February 11, 2025 from TGS attaching implementation tariffs

CITY OF DRIPPING SPRINGS

RESOLUTION No. 2025-R_____

A RESOLUTION BY THE CITY OF DRIPPING SPRINGS, TEXAS SUSPENDING THE APRIL 12, 2025 EFFECTIVE DATE OF THE PROPOSAL BY TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC. – CENTRAL-GULF SERVICE AREA, TO IMPLEMENT INTERIM GRIP RATE ADJUSTMENTS FOR GAS UTILITY INVESTMENT IN 2024, FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Dripping Springs, Texas (“City”) is a gas utility customer of Texas Gas Service Company, a Division of ONE Gas, Inc. – Central-Gulf Service Area, (“TGS” or “the Company”) and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, TGS made filings with the City and the Railroad Commission of Texas (“Railroad Commission”) on February 11, 2025, proposing to implement interim rate adjustments (“GRIP Rate Increases”) pursuant to Texas Utilities Code § 104.301 on all customers served by TGS, effective April 12, 2025; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine the GRIP Rate Increases to determine its compliance with the Texas Utilities Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. **Finding of Fact:** The above and foregoing recitals are hereby found to be true and correct and are incorporated as finding of fact.
2. **Suspension of GRIP Rate Increase Effective Date:** The April 12, 2025 effective date of the GRIP Rate Increases proposed by TGS is hereby suspended for the maximum period allowed by Texas Utilities Code § 104.301(a) to permit adequate time to review the proposed increases, analyze all necessary information, and take appropriate action related to the proposed increases.
3. **Effective Date:** The resolution shall be effective from and after its approval and passage.
4. **Meeting:** The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

- 5. Notice:** A copy of this Resolution shall be sent to TGS, care of Judy Hitchye at 1301 S. Mopac, Suite 400, Austin, Texas 78746, and to Thomas Brocato, legal counsel to the City, at Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this, the ____ day of _____ 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas:

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

**TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC.
TEST YEAR 2024 GAS RELIABILITY INFRASTRUCTURE PROGRAM
INTERIM RATE ADJUSTMENT - CENTRAL-GULF SERVICE AREA**

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Cover Letter	
Exhibit 1 Cover Letter	
Interim Rate Adjustment Application	A
Annual Earnings Monitoring Report	B
Electronic Documents	C

Judy J. Hitchye
1301 S. Mopac, Suite 400
Austin, TX 78746
Office: 512-370-8229
Judy.Hitchye@onegas.com

February 11, 2025

Honorable Mayors and Members of the City Councils of the following Texas cities:

Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills, and Yoakum, Texas.

Re: Texas Gas Service Company, a Division of ONE Gas, Inc.'s Test Year 2024 Gas Reliability Infrastructure Program Interim Rate Adjustment for the Incorporated Areas of the Central-Gulf Service Area

Dear Mayors and Members of the City Councils:

Texas Gas Service Company ("TGS" or the "Company"), a Division of ONE Gas, Inc., hereby files the attached tariffs to implement an Interim Rate Adjustment applicable to gas utility service provided to customers within the incorporated areas of the Central-Gulf Service Area ("CGSA") which includes the cities of: Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills, and Yoakum, Texas (collectively, the "Cities"), which together with their environs and the environs of Bastrop, Texas comprise the Company's CGSA.

This filing is made pursuant to Section 104.301 of the Texas Utilities Code (Interim Adjustment for Changes in Investment) and is the Company's first Interim Rate Adjustment filing with the Cities following its rate case filed in 2024. TGS proposes that the tariffs (Rate Schedules 10, 15, 20, 25, 30, 40, C-1, CNG-1 and T-1) become effective in sixty (60) days and be applied to meters read on and after April 12, 2025.

For reference, Section 104.301 establishes the state's Gas Reliability Infrastructure Program and is commonly referred to as the "GRIP" statute. The stated purposes of the GRIP statute are to encourage the timely investment in needed system improvements and to reduce the frequency of traditional rate cases by providing a streamlined process for utilities to recover the cost of those investments on an interim basis between rate cases. The GRIP statute complements the traditional ratemaking and regulatory process by allowing for an annual interim adjustment of rates to reflect changes in the value of capital invested each year. The Cities have an initial period of not more than sixty (60) days to review the proposed Interim Rate Adjustment, and may act to suspend the implementation of the Interim Rate Adjustment for an additional forty-five (45) days, as provided by Section 104.301(a) of the Texas Utilities Code.

GRIP adjustments are not intended to eliminate the need for a full and complete rate review in a rate case. All interim rate adjustments are subject to refund and a complete review in the same manner as other changes to the utility's invested capital that have occurred since the last rate case. The complete review of the underlying investments will occur in the Company's next rate case.

In this filing, the Company has determined the net increase in capital invested in the entire CGSA from January 1, 2024, through December 31, 2024 to be \$117,718,719. The Interim Rate Adjustment necessary to recover this incremental investment is \$15,412,580 on a system-wide basis, of which, \$13,909,766 is attributable to customers in the CGSA incorporated areas. The Interim Rate Adjustment will increase the average residential bill by \$3.36 per month excluding taxes.

In accordance with the Texas Utilities Code, the proposed Interim Rate Adjustment is allocated among the various customer classes in the same manner as the cost of service allocation that was approved in TGS's last CGSA rate case, Case No. 17471, as decided on November 19, 2024. The GRIP rates will be recovered through an increase in the monthly customer charge applicable to each customer class.

Exhibit 1, attached hereto, shows the impact the Interim Rate Adjustment will have on the average bill for each class of customers served in the CGSA. The Interim Rate Adjustment is detailed on Rate Schedules 10, 15, 20, 25, 30, 40, C-1, CNG-1, and T-1, filed herewith.

The Company will provide notice of the proposed Interim Rate Adjustment to all affected customers, by bill insert or direct mail, not later than the 45th day after the date of this filing, as required by Section 104.301(a) of the Texas Utilities Code.

The Company is available to discuss or answer any questions you may have about this filing. TGS appreciates your consideration of the proposed IRA filing.

Respectfully Submitted,


Signer ID: AP7PK5LQ10...

Judy J. Hitchye
Managing Attorney
Texas Gas Service Company
Barton Skyway IV
1301 S. Mopac, Suite 400
Austin, Texas 78746
(512) 370-8229
Judy.Hitchye@onegas.com

Exhibit 1

Customer Class	Current Customer Charge	Proposed Customer Charge	Current Average Bill*	Proposed Average Bill*	Change in Average Bill*	% Change in Average Bill*
Gas Sales						
Residential - Small (Rate Sch. 10) Average Usage of @ 1.7 Mcf*	\$18.00	\$21.36	\$41.37	\$44.73	\$3.36	8.12%
Residential - Large (Rate Sch. 15) Average Usage of @ 4.3 Mcf*	\$30.00	\$33.36	\$71.51	\$74.87	\$3.36	4.70%
Commercial - Small (Rate Sch. 20) Average Usage of 6.2 Mcf*	\$60.00	\$72.88	\$108.20	\$121.07	\$12.88	11.90%
Commercial - Large (Rate Sch. 25) Average Usage of 96.6 Mcf*	\$75.00	\$87.88	\$123.20	\$136.07	\$12.88	10.45%
Industrial (Rate Sch. 30) Average Usage of 208.5 Mcf*	\$571.38	\$1,033.21	\$1,913.67	\$2,375.50	\$461.83	24.13%
Public Authority (Rate Sch. 40) Average Usage of 188.0 Mcf*	\$155.97	\$181.93	\$1,351.22	\$1,377.18	\$25.96	1.92%
Electrical Cogeneration (Rate Sch. C-1)	\$175.68	\$201.64	No Customers			
Compressed Natural Gas (Rate Sch. CNG-1) Average Usage of 0 Mcf*	\$594.55	\$746.15	\$594.55	\$746.15	\$151.60	25.50%
Standard Transportation (Rate Sch. T-1)						
Commercial Average Usage of 441.4 Mcf*	\$308.08	\$320.96	\$867.73	\$880.61	\$12.88	1.48%
Industrial Average Usage of 3,732.5 Mcf*	\$771.38	\$1,233.21	\$6,209.26	\$6,671.09	\$461.83	7.44%
Public Authority Average Usage of 253.8 Mcf*	\$178.97	\$204.93	\$528.40	\$554.36	\$25.96	4.91%
Electrical Generation Average Usage of 33,755.8Mcf*	\$175.68	\$201.64	\$15,821.71	\$15,847.67	\$25.96	0.16%
Compressed Natural Gas Average Usage of 2,364.7 Mcf*	\$619.55	\$771.15	\$2,468.04	\$2,619.64	\$151.60	6.14%

*Average bill usage per Case No. 17471. Average bills exclude revenue-related taxes and include cost of gas (except transportation). The 2024 cost of gas 12-month average is \$4.98 per Mcf.

TEST YEAR 2024 CGSA INCORPORATED GRIP IRA SCHEDULES



Interim Rate Adjustment Application

of

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area

to the

Railroad Commission of Texas

for the

12 Month Period Ending December 31, 2024

This is an original submission.

Date of Submission: 2/11/2025

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Table of Contents

Tab Reference	Schedule Description
IRA-1	General Information
IRA-2	Notice
IRA-3	Rate Schedules
IRA-4	Bill Comparisons
IRA-5	Interim Rate Adjustment Summary
IRA-6	Direct Initial Plant
IRA-7	Direct Current Plant
IRA-8	Direct Incremental Plant
IRA-9a	Division Initial Plant
IRA-9b	Corporate Initial Plant
IRA-10	Division Current Plant
IRA-10b	Corporate Current Plant
IRA-11	Division Incremental Plant
IRA-11b	Corporate Incremental Plant
IRA-12	Direct Additions Project Report
IRA-13	Direct Retirements Project Report
IRA-14a	Division Additions Project Report
IRA-14b	Corporate Additions Project Report
IRA-15a	Allocated Retirements Project Report- Division
IRA-15b	Allocated Retirements Project Report- Corporate
IRA-16	Direct Additions Detail
IRA-17	Direct Retirements Detail
IRA-18a	Division Additions Detail
IRA-18b	Corporate Additions Detail
IRA-19a	Division Retirements Detail
IRA-19b	Corporate Retirements Detail
IRA-20a	Federal Income Taxes
IRA-21	Ad Valorem and Other Taxes
IRA-22	Footnotes Page
IRA-23	Signature Page

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
General Information

1 Provide the exact name of the utility.

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area

2. Provide the date when the utility was originally organized.

Texas Gas Service Company, a Division of ONEOK, Inc. was organized on 1/1/2003. ONE Gas became the successor in interest to the utility assets of ONEOK, Inc. effective January 31, 2014.

3 Describe any change in the utility name. Include the effective date of the change and state in which the change took effect.

Texas Gas Service Company is now a division of ONE Gas, Inc. effective January 31, 2014.

Provide the name, title, phone number, email address, and office address for the Company representative to whom correspondence should be addressed concerning this report.

4
Name: Marie Michels
Title: Rates and Regulatory Manager
Address: 1301 S. MoPac Expressway
Ste. 400
Austin, TX 78746
Phone: 512-370-8264
Email: Marie.Michels@onegas.com

Provide the name, title, phone number, email address, and office address of any other individual designated by the utility to answer questions regarding this report (optional).

5
Name: Judy J. Hitchye
Title: Managing Attorney
Address: 1301 S. MoPac Expressway
Ste. 400
Austin, TX 78746
Phone: 512-370-8229
Email: Judy.Hitchye@onegas.com

6 Provide the address for the office where the Company's records are kept.

Texas Gas Service Company Division Office
1301 S. MoPac Expressway
Ste. 400
Austin, TX 78746

7 This rate adjustment will impact the:

☐ Initial Block Rate
☒ Monthly Customer Charge

8 How many months are included in the filing period?

12

9 In what year does the test period end?

2024

10 What is the test period ending date for the prior filing? MM/DD/YYYY (Either a rate case or IRA)

Month (MM) 12
Day (DD) 31
Year (YYYY) 2023

11 What is the submission date for this filing?

February 11, 2025

12 Is this an original or a revised submission? (Enter either 'an original' or 'a revised' below.)

an original

13 In what Case were current rates set? Provide the Case number only.

17471

14 Enter the docket number for the most recent rate case in which rates were set in this service area.

17471

15 What is the cost of gas per MCF used in calculating average bills for IRA-4?

\$4.98

16 What Federal Income Tax rate was approved in the most recent rate case for this service area?

21.0%

17 What is the ad valorem tax rate based on the most recent rate case?

0.008117

TGS is showing the ad valorem tax rate based on this rate filing and has used this rate to calculate the current ad valorem tax.

18 Complete the following weighted average cost of capital table using factors set in the most recent rate case for this service area:

	Capital Structure	Cost	Weighted Cost
Common Equity	59.58%	9.70%	5.78%
Debt	40.42%	4.39%	1.77%
Total	100.00%	14.09%	7.5537%

If this is a revised application, identify each schedule number, line number, and column designation where revised input data appears.

19
N/A

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Notice

1. Attach the Company's proposed Notice. - **Please see the Company's proposed Notice attached.**
2. Please also provide an electronic copy of the proposed Notice in Microsoft Word with the filing. - **attached with filing.**
3. Attach an affidavit that Notice has been or will be provided by direct mail or bill insert and include the date notice was or will be provided. - **See attached affidavit.**

**CUSTOMER NOTICE OF INTERIM RATE ADJUSTMENT
CGSA INCORPORATED AND ENVIRONS IRA FILED FEBRUARY 11, 2025**

Item # 6.

Pursuant to Texas Utilities Code Section 104.301, Texas Gas Service Company, a Division of ONE Gas, Inc., (the "Company"), filed an application for an Interim Rate Adjustment with the Railroad Commission of Texas and municipal regulatory authorities on February 11, 2025. This proposed Interim Rate Adjustment applies to the Central-Gulf Service Area ("CGSA") incorporated and environs areas of Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills, and Yoakum, Texas and the environs of Bastrop, Texas, and provides for the recovery of additional capital investment incurred from January 1, 2024 through December 31, 2024. The request is for capital investment not included in any previous rate case or rates for service and is subject to refund.

The Company proposes to increase the customer charge used to calculate the customer's monthly bill by the amount listed below. The proposed Interim Rate Adjustment effective date is April 12, 2025.

TABLE 1

Rate Schedule	Current Customer Charge	Proposed 2024 Interim Rate Adjustment	Proposed Monthly Customer Charge
Residential - Small	\$18.00	\$3.36	\$21.36
Residential - Large	\$30.00	\$3.36	\$33.36
Commercial - Small	\$60.00	\$12.88	\$72.88
Commercial - Large	\$75.00	\$12.88	\$87.88
Industrial	\$571.38	\$461.83	\$1,033.21
Public Authority	\$155.97	\$25.96	\$181.93
Electrical Generation	\$175.68	\$25.96	\$201.64
Compressed Natural Gas	\$594.55	\$151.60	\$746.15
Transportation - Commercial	\$308.08	\$12.88	\$320.96
Transportation - Industrial	\$771.38	\$461.83	\$1,233.21
Transportation - Public Authority	\$178.97	\$25.96	\$204.93
Transportation - Compressed Natural Gas	\$619.55	\$151.60	\$771.15
Transportation - Electrical Generation	\$175.68	\$25.96	\$201.64

*Average bill usage per Case No. 17471 filing. Average bills exclude revenue-related taxes and include cost of gas (except transportation). The 2024 cost of gas 12-month average is \$4.98 per Mcf.

Persons with questions or who want more information about this filing may contact Texas Gas Service at 1-800-700-2443. A copy of the filing will be available for inspection during normal business hours at Texas Gas Service's offices at 1301 South MoPac, Ste. 400, Austin, Texas 78746; 402 33rd St., Galveston, Texas 77550; 4201 39th Street, Port Arthur, Texas 77642; and 225 Commerce Ct., Gonzales, Texas 78629 or on Texas Gas Service's website at <https://www.texasgasservice.com/rate-information/central-gulf>.

Any affected person within the environs may file written comments or a protest concerning this proposed Interim Rate Adjustment with Gas Services, Market Oversight Section, Railroad Commission of Texas, PO Box 12967, Austin, Texas 78711-2967. Please reference Case No. 00020233 in your written comment or protest. Any affected person within an incorporated area may contact his or her city council.

Las personas que tengan preguntas o que deseen más información sobre esta presentación pueden comunicarse con Texas Gas Service al 1-800-700-2443. Una copia de la presentación estará disponible para inspección durante las horas normales de oficina en la oficina de Texas Gas Service en 1301 South MoPac, Ste. 400, Austin, Texas 78746; 402 33rd St., Galveston, Texas 77550; 4201 39th Street, Port Arthur, Texas 77642; y 225 Commerce Ct., Gonzales, Texas 78629 o en el sitio web de Texas Gas Service en <https://www.texasgasservice.com/rate-information/central-gulf>.


Cualquier persona afectada dentro de los alrededores puede presentar comentarios por escrito o una protesta relacionada con esta propuesta de Ajuste de tarifa provisional con servicio de gas, Sección de Supervisión del Mercado, Comisión de Ferrocarriles de Texas, PO Box 12967, Austin, Texas 78711-2967. Ingrese el número del caso. 00020233 en su comentario o protesta por escrito. Cualquier persona afectada dentro de un área incorporada puede ponerse en contacto con su concejo municipal.

AFFIDAVIT

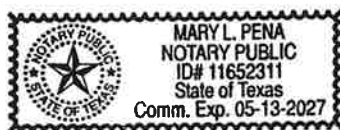
STATE OF TEXAS §
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COUNTY OF TRAVIS §

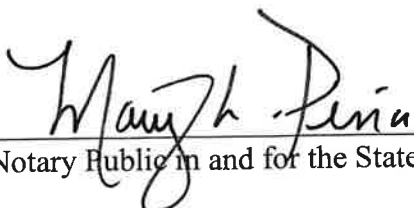
BEFORE ME, the undersigned authority, on this day personally appeared Marie Michels, who being by me duly sworn, deposed as follows:

1. My name is Marie Michels. I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, and have personal knowledge of the facts herein stated, and I hereby swear and affirm that those facts are true and correct.
2. I am employed as a Manager of Rates and Regulatory for Texas Gas Service Company, a Division of ONE Gas, Inc. ("TGS" or the "Company").
3. TGS is a provider of natural gas utility service to customers located within TGS's Central-Gulf Service Area ("CGSA"), which includes the incorporated areas of Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills, and Yoakum, Texas.
4. The notice attached hereto is true and correct. A copy of same will be provided by means of direct mail and/or bill insert to each TGS customer in the incorporated CGSA not later than 45 days after the filing hereof, in accordance with the requirements of Section 104.301(a) of the Texas Utilities Code.


 Marie Michels

SUBSCRIBED AND SWORN to before me on the 4th day of February 2025.




 Notary Public in and for the State of Texas

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Rate Schedules

1. Attach the Company's proposed rate schedules. - **Please see the Company's proposed rate schedules attached.**
2. Please also provide clean and redlined electronic copies of the proposed rate schedules in Microsoft Word with the filing. - **attached with filing.**

Proposed Implementation Date: 4/12/2025

Filing Date	2/11/2025
Days	60
Implement	
Date	4/12/2025

SMALL RESIDENTIAL SERVICE RATE

APPLICABILITY

Applicable to a small residential customer or builder in a single dwelling, or in a dwelling unit of a multiple dwelling or residential apartment, for domestic purposes. A residential customer includes an individually-metered residential unit or dwelling that is operated by a public housing agency acting as an administrator of public housing programs under the direction of the U.S. Department of Housing and Urban Development and builders prior to sale or re-sale of a property for domestic purposes.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$18.00 plus
Interim Rate Adjustments (IRA)	<u>\$3.36 per month (Footnote 1)</u>
Total Customer Charge	\$21.36 per month

All Ccf per monthly billing period @	\$0.87646 per Ccf
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The Company will initially assign each Customer to the rate schedule that is the most economical based on the annual normalized volume at the Customer’s service location for the prior twelve (12)-month period. An anticipated annual normalized usage level assessment will be conducted on each new service and for existing service that has less than twelve (12) months of service. The results of this assessment will decide the initial rate assignment:

Annual Normalized Volume Less than 352 Ccf	Small Residential, Rate Schedule 10
Annual Normalized Volume 352 Ccf or Greater	Large Residential, Rate Schedule 15

The Company will allow customers to elect service on a different rate schedule, provided that the customer must remain on the alternative rate schedule for a period of no less than twelve (12) months. Rate Schedule changes will be effective with the Customer’s next scheduled bill.

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

SMALL RESIDENTIAL SERVICE RATE
(Continued)

Conservation Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$3.36 (Gas Utilities Case No. 00020233)

SMALL RESIDENTIAL SERVICE RATE

APPLICABILITY

Applicable to a small residential customer or builder in a single dwelling, or in a dwelling unit of a multiple dwelling or residential apartment, for domestic purposes. A residential customer includes an individually-metered residential unit or dwelling that is operated by a public housing agency acting as an administrator of public housing programs under the direction of the U.S. Department of Housing and Urban Development and builders prior to sale or re-sale of a property for domestic purposes.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$18.00 plus
<u>Interim Rate Adjustments (IRA)</u>	<u>\$3.36 per month (Footnote 1)</u>
<u>Total Customer Charge</u>	<u>\$21.36 per month</u>

All Ccf per monthly billing period @ \$0.87646 per Ccf

The Company will initially assign each Customer to the rate schedule that is the most economical based on the annual normalized volume at the Customer's service location for the prior twelve (12)-month period. An anticipated annual normalized usage level assessment will be conducted on each new service and for existing service that has less than twelve (12) months of service. The results of this assessment will decide the initial rate assignment:

Annual Normalized Volume Less than 352 Ccf	Small Residential, Rate Schedule 10
Annual Normalized Volume 352 Ccf or Greater	Large Residential, Rate Schedule 15

The Company will allow customers to elect service on a different rate schedule, provided that the customer must remain on the alternative rate schedule for a period of no less than twelve (12) months. Rate Schedule changes will be effective with the Customer's next scheduled bill.

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Supersedes Rate Schedule Dated

January 15, 2024

Meters Read On and After

November 27, 2024

TBD

SMALL RESIDENTIAL SERVICE RATE
(Continued)

Conservation Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$3.36 (Gas Utilities Case No. 00020233)

LARGE RESIDENTIAL SERVICE RATE

APPLICABILITY

Applicable to a large residential customer or builder in a single dwelling, or in a dwelling unit of a multiple dwelling or residential apartment, for domestic purposes. A residential customer includes an individually-metered residential unit or dwelling that is operated by a public housing agency acting as an administrator of public housing programs under the direction of the U.S. Department of Housing and Urban Development and builders prior to sale or re-sale of a property for domestic purposes.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$30.00 plus
Interim Rate Adjustments (IRA)	<u>\$3.36 per month (Footnote 1)</u>
Total Customer Charge	\$33.36 per month

All Ccf per monthly billing period @	\$0.46737 per Ccf
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The Company will initially assign each Customer to the rate schedule that is the most economical based on the annual normalized volume at the Customer’s service location for the prior twelve (12)-month period. An anticipated annual normalized usage level assessment will be conducted on each new service and for existing service that has less than twelve (12) months of service. The results of this assessment will decide the initial rate assignment:

Annual Normalized Volume Less than 352 Ccf	Small Residential, Rate Schedule 10
Annual Normalized Volume 352 Ccf or Greater	Large Residential, Rate Schedule 15

The Company will allow customers to elect service on a different rate schedule, provided that the customer must remain on the alternative rate schedule for a period of no less than twelve (12) months. Rate Schedule changes will be effective with the Customer’s next scheduled bill.

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

LARGE RESIDENTIAL SERVICE RATE
(Continued)

Conservation Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$3.36 (Gas Utilities Case No. 00020233)

LARGE RESIDENTIAL SERVICE RATE

APPLICABILITY

Applicable to a large residential customer or builder in a single dwelling, or in a dwelling unit of a multiple dwelling or residential apartment, for domestic purposes. A residential customer includes an individually-metered residential unit or dwelling that is operated by a public housing agency acting as an administrator of public housing programs under the direction of the U.S. Department of Housing and Urban Development and builders prior to sale or re-sale of a property for domestic purposes.

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The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$30.00 plus
Interim Rate Adjustments (IRA)	\$3.36 per month (Footnote 1)
Total Customer Charge	\$33.36 per month

All Ccf per monthly billing period @ \$0.46737 per Ccf

The Company will initially assign each Customer to the rate schedule that is the most economical based on the annual normalized volume at the Customer’s service location for the prior twelve (12)-month period. An anticipated annual normalized usage level assessment will be conducted on each new service and for existing service that has less than twelve (12) months of service. The results of this assessment will decide the initial rate assignment:

Annual Normalized Volume Less than 352 Ccf	Small Residential, Rate Schedule 10
Annual Normalized Volume 352 Ccf or Greater	Large Residential, Rate Schedule 15

The Company will allow customers to elect service on a different rate schedule, provided that the customer must remain on the alternative rate schedule for a period of no less than twelve (12) months. Rate Schedule changes will be effective with the Customer’s next scheduled bill.

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Supersedes Rate Schedule Dated

January 15, 2024

TBD

Meters Read On and After

November 27, 2024

LARGE RESIDENTIAL SERVICE RATE
(Continued)

Conservation Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$3.36 (Gas Utilities Case No. 00020233)

SMALL COMMERCIAL SERVICE RATE

APPLICABILITY

Applicable to all small commercial customers and to customers not otherwise specifically provided for under any other rate schedule.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$60.00 plus
Interim Rate Adjustments (IRA)	\$12.88 per month (Footnote 1)
Total Customer Charge	\$72.88 per month

All Ccf per monthly billing period @ \$0.27930 per Ccf

The Company will initially assign each Customer to the rate schedule that is the most economical based on the annual normalized volume at the Customer’s service location for the prior twelve (12)-month period. An anticipated annual normalized usage level assessment will be conducted on each new service and for existing service that has less than twelve (12) months of service. The results of this assessment will decide the initial rate assignment:

Annual Normalized Volume Less than 3,640 Ccf	Small Commercial, Rate Schedule 20
Annual Normalized Volume 3,640 Ccf or Greater	Large Commercial, Rate Schedule 25

The Company will allow customers to elect service on a different rate schedule, provided that the customer must remain on the alternative rate schedule for a period of no less than twelve (12) months. Rate Schedule changes will be effective with the Customer’s next scheduled bill.

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Conservation Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.

SMALL COMMERCIAL SERVICE RATE
(Continued)

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$12.88 (Gas Utilities Case No. 00020233)

SMALL COMMERCIAL SERVICE RATE

APPLICABILITY

Applicable to all small commercial customers and to customers not otherwise specifically provided for under any other rate schedule.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$60.00 plus
<u>Interim Rate Adjustments (IRA)</u>	<u>\$12.88 per month (Footnote 1)</u>
<u>Total Customer Charge</u>	<u>\$72.88 per month</u>

All Ccf per monthly billing period @ \$0.27930 per Ccf

The Company will initially assign each Customer to the rate schedule that is the most economical based on the annual normalized volume at the Customer's service location for the prior twelve (12)-month period. An anticipated annual normalized usage level assessment will be conducted on each new service and for existing service that has less than twelve (12) months of service. The results of this assessment will decide the initial rate assignment:

Annual Normalized Volume Less than 3,640 Ccf	Small Commercial, Rate Schedule 20
Annual Normalized Volume 3,640 Ccf or Greater	Large Commercial, Rate Schedule 25

The Company will allow customers to elect service on a different rate schedule, provided that the customer must remain on the alternative rate schedule for a period of no less than twelve (12) months. Rate Schedule changes will be effective with the Customer's next scheduled bill.

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Conservation Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.

Supersedes Rate Schedule Dated

January 15, 2024

TBD

Meters Read On and After

November 27, 2024

SMALL COMMERCIAL SERVICE RATE
(Continued)

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$12.88 (Gas Utilities Case No. 00020233)

LARGE COMMERCIAL SERVICE RATE

APPLICABILITY

Applicable to all large commercial customers and to customers not otherwise specifically provided for under any other rate schedule.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$75.00 plus
Interim Rate Adjustments (IRA)	<u>\$12.88 per month (Footnote 1)</u>
Total Customer Charge	\$87.88 per month

All Ccf per monthly billing period @	\$0.22985 per Ccf
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The Company will initially assign each Customer to the rate schedule that is the most economical based on the annual normalized volume at the Customer's service location for the prior twelve (12)-month period. An anticipated annual normalized usage level assessment will be conducted on each new service and for existing service that has less than twelve (12) months of service. The results of this assessment will decide the initial rate assignment:

Annual Normalized Volume Less than 3,640 Ccf	Small Commercial, Rate Schedule 20
Annual Normalized Volume 3,640 Ccf or Greater	Large Commercial, Rate Schedule 25

The Company will allow customers to elect service on a different rate schedule, provided that the customer must remain on the alternative rate schedule for a period of no less than twelve (12) months. Rate Schedule changes will be effective with the Customer's next scheduled bill.

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Conservation Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.

LARGE COMMERCIAL SERVICE RATE
(Continued)

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$12.88 (Gas Utilities Case No. 00020233)

LARGE COMMERCIAL SERVICE RATE

APPLICABILITY

Applicable to all large commercial customers and to customers not otherwise specifically provided for under any other rate schedule.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$75.00 plus
<u>Interim Rate Adjustments (IRA)</u>	<u>\$12.88 per month (Footnote 1)</u>
<u>Total Customer Charge</u>	<u>\$87.88 per month</u>

All Ccf per monthly billing period @ \$0.22985 per Ccf

The Company will initially assign each Customer to the rate schedule that is the most economical based on the annual normalized volume at the Customer's service location for the prior twelve (12)-month period. An anticipated annual normalized usage level assessment will be conducted on each new service and for existing service that has less than twelve (12) months of service. The results of this assessment will decide the initial rate assignment:

Annual Normalized Volume Less than 3,640 Ccf	Small Commercial, Rate Schedule 20
Annual Normalized Volume 3,640 Ccf or Greater	Large Commercial, Rate Schedule 25

The Company will allow customers to elect service on a different rate schedule, provided that the customer must remain on the alternative rate schedule for a period of no less than twelve (12) months. Rate Schedule changes will be effective with the Customer's next scheduled bill.

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Conservation Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.

Supersedes Rate Schedule Dated

January 15, 2024

TBD

Meters Read On and After

November 27, 2024

LARGE COMMERCIAL SERVICE RATE
(Continued)

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company’s rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$12.88 (Gas Utilities Case No. 00020233)

INDUSTRIAL SERVICE RATE

APPLICABILITY

Applicable to any qualifying industrial customer whose primary business activity at the location served is included in one of the following classifications of the Standard Industrial Classification Manual of the U.S. Government.

Division B - Mining - all Major Groups
Division D - Manufacturing - all Major Groups
Divisions E and J - Utility and Government - facilities generating power for resale only

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$571.38 plus
Interim Rate Adjustments (IRA)	<u>\$461.83 per month (Footnote 1)</u>
Total Customer Charge	\$1,033.21 per month

All Ccf per monthly billing period @	\$0.14569 per Ccf
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OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$461.83 (Gas Utilities Case No. 00020233)

INDUSTRIAL SERVICE RATE

APPLICABILITY

Applicable to any qualifying industrial customer whose primary business activity at the location served is included in one of the following classifications of the Standard Industrial Classification Manual of the U.S. Government.

- Division B - Mining - all Major Groups
- Division D - Manufacturing - all Major Groups
- Divisions E and J - Utility and Government - facilities generating power for resale only

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$571.38 plus
<u>Interim Rate Adjustments (IRA)</u>	<u>\$461.83 per month (Footnote 1)</u>
<u>Total Customer Charge</u>	<u>\$1,033.21 per month</u>

All Ccf per monthly billing period @ \$0.14569 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$461.83 (Gas Utilities Case No. 00020233)

PUBLIC AUTHORITY SERVICE RATE

APPLICABILITY

Applicable to any qualifying public authority, public and parochial schools and colleges, and to all facilities operated by Governmental agencies not specifically provided for in other rate schedules or special contracts.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of Interim Rate Adjustments (IRA)	\$155.97 plus \$25.96 per month (Footnote 1)
Total Customer Charge	\$181.93 per month
All Ccf per monthly billing period @	\$0.13768 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF, if applicable.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$25.96 (Gas Utilities Case No. 00020233)

PUBLIC AUTHORITY SERVICE RATE

APPLICABILITY

Applicable to any qualifying public authority, public and parochial schools and colleges, and to all facilities operated by Governmental agencies not specifically provided for in other rate schedules or special contracts.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$155.97 plus
<u>Interim Rate Adjustments (IRA)</u>	<u>\$25.96 per month (Footnote 1)</u>
<u>Total Customer Charge</u>	<u>\$181.93 per month</u>

All Ccf per monthly billing period @ \$0.13768 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF, if applicable.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Weather Normalization Adjustment: The billing shall reflect adjustments in accordance with the provisions of the Weather Normalization Adjustment Clause, Rate Schedule WNA.

CONDITIONS

Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$25.96 (Gas Utilities Case No. 00020233)

Supersedes Rate Schedule Dated

January 15, 2024

TBD

Meters Read On and After

November 27, 2024

**ELECTRICAL GENERATION SERVICE RATE
(Continued)**

CONDITIONS

1. Gas taken under this rate shall be used exclusively for the purpose of electric generation as defined in the Applicability section of this rate schedule and not for other purposes. The gas taken under this rate will be separately metered.
2. For the purpose of this rate, the annual load factor must be 60 percent or greater. The annual load factor is defined as the customer's total annual consumption divided by the customer's peak month consumption times twelve. If less than 60 percent load factor occurs for a twelve-month period, the rate charged will revert back to the rate that the customer would have otherwise been served under. A continuous twelve-month period of 60 percent or better load factor must precede a return to the electric generation rate.
3. Subject to all applicable laws and orders, and the Company's rules and regulations on file with the regulatory authority.

Footnote 1: 2024 IRA - \$25.96 (Gas Utilities Case No. 00020233)

ELECTRIC GENERATION SERVICE RATE

APPLICABILITY

Service under this rate schedule is available to any customer who enters into a contract with Texas Gas Service Company, a Division of ONE Gas, Inc., to use natural gas for the purpose of electric generation. Electric generation is defined as facilities registered with the applicable balancing authority including bulk power system assets, co-generation facilities, distributed generation, and or backup power systems.

TERRITORY

This rate shall be available in the incorporated areas of the Central-Gulf Service Area, which includes, Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$175.68 plus
<u>Interim Rate Adjustments (IRA)</u>	<u>\$25.96 per month (Footnote 1)</u>
<u>Total Customer Charge</u>	<u>\$201.64 per month</u>

A delivery charge per monthly billing period @		
For the First	5,000 Ccf/Month	\$0.07724 per Ccf
For the Next	35,000 Ccf/Month	\$0.06853 per Ccf
For the Next	60,000 Ccf/Month	\$0.05527 per Ccf
All Over	100,000 Ccf/Month	\$0.04018 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of the Cost of Gas Clause, Rate Schedule 1-INC.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedules PIT and PIT-Rider if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

Supersedes Rate Schedule Dated

January 15, 2024

TBD

Meters Read On and After

November 27, 2024

COMPRESSED NATURAL GAS SERVICE RATE

APPLICABILITY

Applicable to any non-residential customer of Texas Gas Service Company, a Division of ONE Gas, Inc., (the "Company") for usage where customer purchases natural gas which will be compressed and used as a motor fuel. Service will be separately metered. This rate does not include compression by the Company beyond normal meter sales pressure.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$594.55 plus
Interim Rate Adjustments (IRA)	<u>\$151.60 per month (Footnote 1)</u>
Total Customer Charge	\$746.15 per month
All Ccf per monthly billing period @	\$0.07817 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF, if applicable.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

COMPRESSED NATURAL GAS SERVICE RATE
(Continued)

CONDITIONS

Subject to all applicable laws and orders and the Company's rules and regulations on file with the regulatory authority.

The Company's Average Payment Plan, also known as the Average Payment Plan (APP Plan), is not available to customers served on this rate schedule.

This rate does not include any road use fees, permits, or taxes etc. It provides for the delivery of uncompressed natural gas only.

Customer must provide affidavit to the Company certifying that the gas delivered will be compressed for use as motor fuel.

The Customer's compressor station is subject to inspection by Company engineers.

Footnote 1: 2024 IRA - \$151.60 (Gas Utilities Case No. 00020233)

COMPRESSED NATURAL GAS SERVICE RATE

APPLICABILITY

Applicable to any non-residential customer of Texas Gas Service Company, a Division of ONE Gas, Inc., (the "Company") for usage where customer purchases natural gas which will be compressed and used as a motor fuel. Service will be separately metered. This rate does not include compression by the Company beyond normal meter sales pressure.

TERRITORY

The incorporated areas of the Central-Gulf Service Area which includes Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas.

COST OF SERVICE RATE

During each monthly billing period:

A customer charge per meter per month of	\$594.55 plus
<u>Interim Rate Adjustments (IRA)</u>	<u>\$151.60 per month (Footnote 1)</u>
<u>Total Customer Charge</u>	<u>\$746.15 per month</u>

All Ccf per monthly billing period @ \$0.07817 per Ccf

OTHER ADJUSTMENTS

Cost of Gas Component: The basic rates for cost of service set forth above shall be increased by the amount of the Cost of Gas Component for the billing month computed in accordance with the provisions of Rate Schedule 1-INC.

Pipeline Integrity Testing Rider: The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedule PIT and PIT-Rider, if applicable.

Pipeline Safety and Regulatory Program Fees: The billing shall reflect adjustments in accordance with provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF, if applicable.

Rate Case Expense Rider: The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.

Taxes: Plus applicable taxes and fees (including franchise fees) related to above.

COMPRESSED NATURAL GAS SERVICE RATE
(Continued)

CONDITIONS

Subject to all applicable laws and orders and the Company’s rules and regulations on file with the regulatory authority.

The Company's Average Payment Plan, also known as the Average Payment Plan (APP Plan), is not available to customers served on this rate schedule.

This rate does not include any road use fees, permits, or taxes etc. It provides for the delivery of uncompressed natural gas only.

Customer must provide affidavit to the Company certifying that the gas delivered will be compressed for use as motor fuel.

The Customer’s compressor station is subject to inspection by Company engineers.

Footnote 1: 2024 IRA - \$151.60 (Gas Utilities Case No. 00020233)

TRANSPORTATION SERVICE RATE

APPLICABILITY

Applicable to customers who have elected Transportation Service not otherwise specifically provided for under any other rate schedule.

Service under this rate schedule is available for the transportation of customer-owned natural gas through Texas Gas Service Company, a Division of ONE Gas, Inc.'s (the "Company") distribution system. The customer must arrange with its gas supplier to have the customer's gas delivered to one of the Company's existing receipt points for transportation by the Company to the customer's facilities at the customer's delivery point. The receipt points shall be specified by the Company at its reasonable discretion, taking into consideration available capacity, operational constraints, and integrity of the distribution system.

AVAILABILITY

Natural gas service under this rate schedule is available to any individually metered, non-residential customer for the transportation of customer owned natural gas through the Company's Central-Gulf Service Area distribution system which includes the incorporated areas of Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas. Such service shall be provided at any point on the Company's System where adequate capacity and gas supply exists, or where such capacity and gas supply can be provided in accordance with the applicable rules and regulations and at a reasonable cost as determined by the Company in its sole opinion.

COST OF SERVICE RATE

During each monthly billing period, a customer charge per meter per month listed by customer class as follows:

Commercial	\$308.08 per month		
plus Interim Rate Adjustments	\$12.88 (Footnote 1)	Total Rate	\$320.96
Industrial	\$771.38 per month		
plus Interim Rate Adjustments	\$461.83 (Footnote 2)	Total Rate	\$1,233.21
Public Authority	\$178.97 per month		
plus Interim Rate Adjustments	\$25.96 (Footnote 3)	Total Rate	\$204.93
Compressed Natural Gas	\$619.55 per month		
plus Interim Rate Adjustments	\$151.60 (Footnote 4)	Total Rate	\$771.15
Electrical Generation	\$175.68 per month		
plus Interim Rate Adjustments	\$25.96 (Footnote 5)	Total Rate	\$201.64

TRANSPORTATION SERVICE RATE
(Continued)

Plus – A delivery charge per monthly billing period listed by customer class as follows:

Commercial	\$0.12679 per Ccf
Industrial	\$0.14569 per Ccf
Public Authority	\$0.13768 per Ccf
Compressed Natural Gas	\$0.07817 per Ccf
Electrical Generation	
For the First 5,000Ccf/month	\$0.07724 per Ccf
For the Next 35,000 Ccf/month	\$0.06853 per Ccf
For the Next 60,000 Ccf/month	\$0.05527 per Ccf
All Over 100,000 Ccf/month	\$0.04018 per Ccf

ADDITIONAL CHARGES

- 1) A charge will be made each month to recover the cost of taxes paid to the State of Texas pursuant to Texas Utilities Code, Chapter 122 as such may be amended from time to time which are attributable to the transportation service performed hereunder.
- 2) A charge will be made each month to recover the cost of any applicable local taxes and fees.
- 3) In the event the Company incurs a demand charge, balancing service rate, or reservation charge from its gas supplier(s) or transportation providers in the incorporated areas of the Central-Gulf Service Area, the customer may be charged its proportionate share of the demand charge, balancing service rate, or reservation charge based on benefit received by the customer.
- 4) The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.
- 5) The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedules PIT and PIT-Rider.
- 6) The billing of commercial transportation shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.
- 7) The billing shall reflect adjustments in accordance with the provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF, if applicable.

**TRANSPORTATION SERVICE RATE
(Continued)**

SUBJECT TO

- 1) Tariff T-TERMS, General Terms and Conditions for Transportation.
- 2) Transportation of natural gas hereunder may be interrupted or curtailed at the discretion of the Company in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residential and other higher priority customers served. The curtailment priority of any customer served under this schedule shall be the same as the curtailment priority established for other customers served pursuant to the Company's rate schedule which would otherwise be available to such customer.
- 3) The taking of service under this rate schedule is subject to all valid orders, laws, rules, and regulations of duly constituted State and Federal governmental authorities and agencies having jurisdiction or control over the parties, their facilities or gas supplies, the Agreement, or any provision hereof. The Company reserves the right to seek modification or termination of any of the General Terms and Conditions, the Gas Transportation Agreement, and any of the tariffs to which it applies.
- 4) The Agreement shall be interpreted under Texas law.

Footnote 1: 2024 IRA - \$12.88 (Gas Utilities Case No. 00020233)

Footnote 2: 2024 IRA - \$461.83 (Gas Utilities Case No. 00020233)

Footnote 3: 2024 IRA - \$25.96 (Gas Utilities Case No. 00020233)

Footnote 4: 2024 IRA - \$151.60 (Gas Utilities Case No. 00020233)

Footnote 5: 2024 IRA - \$25.96 (Gas Utilities Case No. 00020233)

TRANSPORTATION SERVICE RATE

APPLICABILITY

Applicable to customers who have elected Transportation Service not otherwise specifically provided for under any other rate schedule.

Service under this rate schedule is available for the transportation of customer-owned natural gas through Texas Gas Service Company, a Division of ONE Gas, Inc.'s (the "Company") distribution system. The customer must arrange with its gas supplier to have the customer's gas delivered to one of the Company's existing receipt points for transportation by the Company to the customer's facilities at the customer's delivery point. The receipt points shall be specified by the Company at its reasonable discretion, taking into consideration available capacity, operational constraints, and integrity of the distribution system.

AVAILABILITY

Natural gas service under this rate schedule is available to any individually metered, non-residential customer for the transportation of customer owned natural gas through the Company's Central-Gulf Service Area distribution system which includes the incorporated areas of Austin, Bayou Vista, Beaumont, Bee Cave, Buda, Cedar Park, Cuero, Dripping Springs, Galveston, Georgetown, Gonzales, Groves, Hutto, Jamaica Beach, Kyle, Lakeway, Lockhart, Luling, Marble Falls, Mustang Ridge, Nederland, Nixon, Pflugerville, Port Arthur, Port Neches, Rollingwood, Shiner, Sunset Valley, West Lake Hills and Yoakum, Texas. Such service shall be provided at any point on the Company's System where adequate capacity and gas supply exists, or where such capacity and gas supply can be provided in accordance with the applicable rules and regulations and at a reasonable cost as determined by the Company in its sole opinion.

COST OF SERVICE RATE

During each monthly billing period, a customer charge per meter per month listed by customer class as follows:

Commercial	\$308.08 per month			
	plus Interim Rate Adjustments	\$12.88 (Footnote 1)	Total Rate	\$320.96
Industrial	\$771.38 per month			
	plus Interim Rate Adjustments	\$461.83 (Footnote 2)	Total Rate	\$1,233.21
Public Authority	\$178.97 per month			
	plus Interim Rate Adjustments	\$25.96 (Footnote 3)	Total Rate	\$204.93
Compressed Natural Gas	\$619.55 per month			
	plus Interim Rate Adjustments	\$151.60 (Footnote 4)	Total Rate	\$771.15
Electrical Generation	\$175.68 per month			
	plus Interim Rate Adjustments	\$25.96 (Footnote 5)	Total Rate	\$201.64

**TRANSPORTATION SERVICE RATE
(Continued)**

Plus – A delivery charge per monthly billing period listed by customer class as follows:

Commercial	\$0.12679 per Ccf
Industrial	\$0.14569 per Ccf
Public Authority	\$0.13768 per Ccf
Compressed Natural Gas	\$0.07817 per Ccf
Electrical Generation	
For the First 5,000Ccf/month	\$0.07724 per Ccf
For the Next 35,000 Ccf/month	\$0.06853 per Ccf
For the Next 60,000 Ccf/month	\$0.05527 per Ccf
All Over 100,000 Ccf/month	\$0.04018 per Ccf

ADDITIONAL CHARGES

- 1) A charge will be made each month to recover the cost of taxes paid to the State of Texas pursuant to Texas Utilities Code, Chapter 122 as such may be amended from time to time which are attributable to the transportation service performed hereunder.
- 2) A charge will be made each month to recover the cost of any applicable local taxes and fees.
- 3) In the event the Company incurs a demand charge, balancing service rate, or reservation charge from its gas supplier(s) or transportation providers in the incorporated areas of the Central-Gulf Service Area, the customer may be charged its proportionate share of the demand charge, balancing service rate, or reservation charge based on benefit received by the customer.
- 4) The billing shall reflect adjustments in accordance with provisions of the Rate Case Expense Surcharge Rider, Rate Schedule RCE.
- 5) The billing shall reflect adjustments in accordance with provisions of the Pipeline Integrity Testing Rider, Rate Schedules PIT and PIT-Rider.
- 6) The billing of commercial transportation shall reflect adjustments in accordance with the provisions of the Conservation Adjustment Clause, Rate Schedule CAC and Rate Schedule 1C, if applicable.
- 7) The billing shall reflect adjustments in accordance with the provisions of the Pipeline Safety and Regulatory Program Fees Rider, Rate Schedule PSF, if applicable.

**TRANSPORTATION SERVICE RATE
(Continued)**

SUBJECT TO

- 1) Tariff T-TERMS, General Terms and Conditions for Transportation.
- 2) Transportation of natural gas hereunder may be interrupted or curtailed at the discretion of the Company in case of shortage or threatened shortage of gas supply from any cause whatsoever, to conserve gas for residential and other higher priority customers served. The curtailment priority of any customer served under this schedule shall be the same as the curtailment priority established for other customers served pursuant to the Company's rate schedule which would otherwise be available to such customer.
- 3) The taking of service under this rate schedule is subject to all valid orders, laws, rules, and regulations of duly constituted State and Federal governmental authorities and agencies having jurisdiction or control over the parties, their facilities or gas supplies, the Agreement, or any provision hereof. The Company reserves the right to seek modification or termination of any of the General Terms and Conditions, the Gas Transportation Agreement, and any of the tariffs to which it applies.
- 4) The Agreement shall be interpreted under Texas law.

Footnote 1: 2024 IRA - \$12.88 (Gas Utilities Case No. 00020233)

Footnote 2: 2024 IRA - \$461.83 (Gas Utilities Case No. 00020233)

Footnote 3: 2024 IRA - \$25.96 (Gas Utilities Case No. 00020233)

Footnote 4: 2024 IRA - \$151.60 (Gas Utilities Case No. 00020233)

Footnote 5: 2024 IRA - \$25.96 (Gas Utilities Case No. 00020233)

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Bill Comparison

Line No.	Rate Class	Current*	Proposed	Difference	% Change
(a)	(b)	(c)	(d)	(e)	(f)
10	Current and Proposed Bill Information - With Gas Cost				
11	Small Residential				
12	Customer Charge	\$18.00	\$21.36	\$3.36	18.65%
13	Initial Block Rate	\$0.88	\$0.88	\$—	0.00%
14	Cost of Gas Rate	\$0.50	\$0.50	\$—	0.00%
15	Average Monthly Bill @ 1.7 Mcf*	\$41.37	\$44.73	\$3.36	8.12%
16					
17	Large Residential				
18	Customer Charge	\$30.00	\$33.36	\$3.36	11.19%
19	Initial Block Rate	\$0.47	\$0.47	\$—	0.00%
20	Cost of Gas Rate	\$0.50	\$0.50	\$—	0.00%
21	Average Monthly Bill @ 4.3 Mcf*	\$71.51	\$74.87	\$3.36	4.70%
22					
23	Small Commercial				
24	Customer Charge	\$60.00	\$72.88	\$12.88	21.46%
25	Initial Block Rate	\$0.28	\$0.28	\$—	0.00%
26	Cost of Gas Rate	\$0.50	\$0.50	\$—	0.00%
27	Average Monthly Bill @ 6.2 Mcf*	\$108.20	\$121.07	\$12.88	11.90%
28					
29	Large Commercial				
30	Customer Charge	\$75.00	\$87.88	\$12.88	17.17%
31	Initial Block Rate	\$0.23	\$0.23	\$—	0.00%
32	Cost of Gas Rate	\$0.50	\$0.50	\$—	0.00%
33	Average Monthly Bill @ 96.6 Mcf*	\$123.20	\$136.07	\$12.88	10.45%
34					
35	Public Authority				
36	Customer Charge	\$155.97	\$181.93	\$25.96	16.64%
37	Initial Block Rate	\$0.14	\$0.14	\$—	0.00%
38	Cost of Gas Rate	\$0.50	\$0.50	\$—	0.00%
39	Average Monthly Bill @ 188.0 Mcf*	\$1,351.22	\$1,377.18	\$25.96	1.92%
40					
41	Industrial				
42	Customer Charge	\$571.38	\$1,033.21	\$461.83	80.83%
43	Initial Block Rate	\$0.15	\$0.15	\$—	0.00%
44	Cost of Gas Rate	\$0.50	\$0.50	\$—	0.00%
45	Average Monthly Bill @ 208.5 Mcf*	\$1,913.67	\$2,375.50	\$461.83	24.13%
46					
47	Compressed Natural Gas				
48	Customer Charge	\$594.55	\$746.15	\$151.60	25.50%
49	Initial Block Rate	\$0.08	\$0.08	\$—	0.00%
50	Cost of Gas Rate	\$0.50	\$0.50	\$—	0.00%
51	Average Monthly Bill @ 0 Mcf*	\$594.55	\$746.15	\$151.60	25.50%
52					
53					
54	Electrical Cogeneration		No Customers		
55					
56					
57	Current and Proposed Bill Information - Without Gas Cost				
58					
59		Current	Proposed	Difference	% Change
60	Small Residential				
61	Customer Charge	\$18.00	\$21.36	\$3.36	18.65%
62	Initial Block Rate	\$0.88	\$0.88	\$—	0.00%
63	Average Monthly Bill @ 1.7 Mcf*	\$32.90	\$36.26	\$3.36	10.21%
64					
65	Large Residential				
66	Customer Charge	\$30.00	\$33.36	\$3.36	11.19%
67	Initial Block Rate	\$0.47	\$0.47	\$—	0.00%
68	Average Monthly Bill @ 4.3 Mcf*	\$44.90	\$48.26	\$3.36	7.48 %
69					
70	Small Commercial				

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Bill Comparison

Line No.	Rate Class	Current*	Proposed	Difference	% Change
(a)	(b)	(c)	(d)	(e)	(f)
71	Customer Charge	\$60.00	\$72.88	\$12.88	21.46%
72	Initial Block Rate	\$0.28	\$0.28	\$—	0.00%
73	Average Monthly Bill @ 6.2 Mcf*	\$77.32	\$90.19	\$12.88	16.65%
74					
75	Large Commercial				
76	Customer Charge	\$75.00	\$87.88	\$12.88	17.17%
77	Initial Block Rate	\$0.23	\$0.23	\$—	0.00%
78	Average Monthly Bill @ 96.6 Mcf*	\$92.32	\$105.19	\$12.88	13.95%
79					
80	Public Authority				
81	Customer Charge	\$155.97	\$181.93	\$25.96	16.64%
82	Initial Block Rate	\$0.14	\$0.14	\$—	0.00%
83	Average Monthly Bill @ 188.0 Mcf*	\$414.81	\$440.77	\$25.96	6.26%
84					
85	Industrial				
86	Customer Charge	\$571.38	\$1,033.21	\$461.83	80.83%
87	Initial Block Rate	\$0.15	\$0.15	\$—	0.00%
88	Average Monthly Bill @ 208.5 Mcf*	\$875.14	\$1,336.97	\$461.83	52.77%
89					
90	Compressed Natural Gas				
91	Customer Charge	\$594.55	\$746.15	\$151.60	25.50%
92	Initial Block Rate	\$0.08	\$0.08	\$—	0.00%
93	Average Monthly Bill @ 0 Mcf*	\$594.55	\$746.15	\$151.60	25.50%
94					
95	Commercial Transportation				
96	Customer Charge	\$308.08	\$320.96	\$12.88	4.18%
97	Initial Block Rate	\$0.13	\$0.13	\$—	0.00%
98	Average Monthly Bill @ 441.4 Mcf*	\$867.73	\$880.61	\$12.88	1.48%
99					
100	Industrial Transportation				
101	Customer Charge	\$771.38	\$1,233.21	\$461.83	59.87%
102	Initial Block Rate	\$0.15	\$0.15	\$—	0.00%
103	Average Monthly Bill @ 3,732.5 Mcf*	\$6,209.26	\$6,671.09	\$461.83	7.44%
104					
105	Public Authority Transportation				
106	Customer Charge	\$178.97	\$204.93	\$25.96	14.50%
107	Initial Block Rate	\$0.14	\$0.14	\$—	0.00%
108	Average Monthly Bill @ 253.8 Mcf*	\$528.40	\$554.36	\$25.96	4.91%
109					
110	Compressed Natural Gas Transport				
111	Customer Charge	\$619.55	\$771.15	\$151.60	24.47%
112	Initial Block Rate 1st 5,000 (Summer)	\$0.08	\$0.08	\$—	0.00%
113	Average Monthly Bill @ 2,364.7 Mcf*	\$2,468.04	\$2,619.64	\$151.60	6.14%
114					
115	Electrical Generation Transport				
116	Customer Charge	\$175.68	\$201.64	\$25.96	14.78%
117	Initial Block Rate 1st 5,000	\$0.08	\$0.08	\$—	0.00%
118	Average Monthly Bill @ 33,755.8 Mcf*	\$15,821.71	\$15,847.67	\$25.96	0.16%
119					
120	* Average bill usage per GUD No. 17471.				
121	* Average bills exclude revenue related taxes. The cost of gas is computed using a 12 month average for CY 2024.				

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Interim Rate Adjustment Summary

Line No.	Description	Per Case No. 17471		Ref	As of 12/31/2024	Change in Investment
		As of 12/31/2023	Adjustments			(g)
(a)	(b)	(c)	(d)	(e)	(f)	(g)
						= (f) - (c) + (d)
11	Direct Utility Plant Investment	\$1,080,308,820	\$—		\$1,217,464,341	\$137,155,521
12	Direct Accumulated Depreciation	220,537,144	—		239,611,227	19,074,084
13	Allocated Utility Plant Investment (If applicable)	45,242,379	—		47,665,432	2,423,053
14	Allocated Accumulated Depreciation (If applicable)	19,843,522	—		22,629,293	2,785,771
15	Miscellaneous Adjustments	—	—		—	—
16	Net Utility Plant Investment (Ln 11 - 12 + 13 - 14 + 15)	<u>\$885,170,534</u>	<u>\$—</u>		<u>\$1,002,889,253</u>	<u>\$117,718,719</u>
17						
18	Calculation of the Interim Rate Adjustment Amount:					
19	Rate of Return					7.5537%
20	Return					\$8,892,117
21	Depreciation Expense					3,753,493
22	Property-related Taxes (Ad Valorem)					958,506
23	Revenue-related Taxes and State Margin Tax					—
24	Federal Income Tax					<u>1,808,464</u>
25	Interim Rate Adjustment Amount (Sum of Ln 20 through Ln 24)					<u>\$15,412,580</u>
26						

Line No.	Interim Rate Adjustment Amount per Rate Class:	Allocation Factors		Total Service Area:	RRC Jurisdiction:	City Jurisdiction:
		per GUD No. 17471:				
28	Residential	81.98%		\$12,635,233	\$1,346,146	\$11,289,087
29	Commercial	13.58%		2,093,028	75,543	2,017,485
30	Public Authority	2.69%		414,598	20,039	394,559
31	Industrial	1.69%		260,473	59,114	201,358
32	Compressed Natural Gas	0.06%		9,248	1,971	7,277
33	Total (Sum of Ln 28 through Ln 33)	<u>100%</u>		<u>\$15,412,580</u>	<u>\$1,502,814</u>	<u>\$13,909,766</u>
34						

Line No.	Monthly Customer Charge Adjustment:	Annual Service Area		Annual City Jurisdiction Bill		Monthly Customer Charge Adjustment:
		Bill Count:	Annual RRC Jurisdiction Bill Count:	Count:		
36	Residential	3,763,088	400,916	3,362,172		\$3.36
37	Commercial	162,554	5,867	156,687		\$12.88
38	Public Authority	15,972	772	15,200		\$25.96
39	Industrial	564	128	436		\$461.83
40	Compressed Natural Gas	<u>61</u>	<u>13</u>	<u>48</u>		<u>\$151.60</u>
41		<u>3,942,239</u>	<u>407,696</u>	<u>3,534,543</u>		
42	- OR -					

Line No.	Monthly Initial Block Rate Adjustment:	Annual Service Area		Monthly Initial Block	
		Volumes:	Annual RRC Jurisdiction Volumes:	Rate Adjustment:	
44	Residential				-
45	Commercial				-
46	Public Authority				-
47	Industrial				-

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Initial Plant

FERC		Gross Plant Per Case		Ref	No. 17471 As of 12/31/2023	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant (i) = (e) - (h)
Line No.	Account No.	FERC Account Titles							
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	
12		1. INTANGIBLE PLANT							
13	301	Organization		\$56,257	4.0000%	\$—	\$56,257	\$—	
14	301	Organization - OPC		—	6.6670%	—	(479)	479	
15	302	Franchises and Consents		393,474	4.0200%	—	393,474	—	
16	303	Miscellaneous Intangible Plant		1,014,465	4.0600%	41,187	780,558	233,908	
17	303	Misc. Intangible - OPC		—	0.0000%	—	—	—	
18		Subtotal		\$1,464,196		\$41,187	\$1,229,809	\$234,387	
19									
20		4. GATHERING AND TRANSMISSION PLANT							
21	365.2	Land and Land Rights		\$—	0.0000%	\$—	\$—	\$—	
22	365.1	Land - OPC		—	0.0000%	—	—	—	
23	365.2	Rights of Way - OPC		—	1.3000%	—	—	—	
24	366	Structures and Improvements		—	0.0000%	—	—	—	
25	366.1	Compressor Station Structure - OPC		—	4.0400%	—	—	—	
26	367	Mains		13,773,737	2.6600%	366,381	(264,444)	14,038,181	
27	367	Mains - OPC		—	1.7500%	—	—	—	
28	369	Meas. and Reg. Station Equipment		6,017,387	3.4300%	206,396	239,370	5,778,018	
29	369	Measure/Reg. Station Equipment - OPC		—	1.8300%	—	—	—	
30	369.1	Measuring Station Equipment - OPC		—	2.6200%	—	—	—	
31	371	Other Equipment		—	2.6200%	—	—	—	
32	371	Other Equipment - OPC		—	2.6200%	—	—	—	
33		Subtotal		\$19,791,124		\$572,778	\$(25,075)	\$19,816,199	
34									
35		5. DISTRIBUTION PLANT							
36	374	Land and Land Rights		\$—	0.0000%	\$—	\$255	\$(255)	
37	374.1	Land		110,365	0.0000%	—	—	110,365	
38	374.2	Land Rights		120,182	0.0000%	—	11,902	108,280	
39	375	Structures & Improvements		—	0.0000%	—	—	—	
40	375.1	Structures and Improvements		46,224	3.0900%	1,428	34,665	11,559	
41	375.2	Other System Structures		1,715,676	2.3800%	40,833	130,397	1,585,279	
42	376	Mains		457,397,243	2.2300%	10,199,959	79,850,182	377,547,061	
43	376.9	Mains - Cathodic Protection Anodes		29,280,764	6.6667%	1,952,051	12,715,301	16,565,464	
44	377	Compressor Station Equipment		—	0.0000%	—	—	—	
45	378	Meas. and Reg. Station Equipment - General		23,755,746	2.1300%	505,997	4,012,074	19,743,672	
46	379	Meas. and Reg. Stations Equipment - City Gates		7,280,728	1.9700%	143,430	1,577,372	5,703,356	
47	380	Services		305,700,215	3.1600%	9,660,127	40,260,987	265,439,228	
48	380.1	Services		2,392	3.1600%	76	—	2,392	
49	380.2	Comm Service Line Equip		12,094	3.1600%	382	—	12,094	
50	380.4	Yard Lines - Customer Svc		145,828	3.1600%	4,608	—	145,828	
51	380.6	Services - Tie-Ins		—	3.1600%	—	—	—	
52	381	Meters		81,749,058	4.0800%	3,335,362	35,453,747	46,295,310	
53	382	Meter Installations		7,344	4.0400%	297	2,791	4,554	
54	383	Regulators		11,287,016	3.4000%	383,759	4,883,641	6,403,376	
55	385	Industrial Meas. and Reg. Station Equipment		16,356,053	2.3800%	389,274	5,287,968	11,068,085	
56	386	Other Property on Customer Premises		1,063,249	11.8900%	126,420	1,041,339	21,910	
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—	
58		Subtotal		\$936,030,177		\$26,744,003	\$185,262,621	\$750,767,557	
59									
60		6. GENERAL PLANT							
61	389	Land & Land Rights		\$—	0.0000%	\$—	\$(4,733)	\$4,733	
62	389.1	Land & Land Rights		8,347,674	0.0000%	—	—	8,347,674	
63	390	Structures & Improvements		—	0.0000%	—	—	—	
64	390.1	Structures & Improvements		31,518,538	2.5200%	794,267	2,521,852	28,996,686	
65	390.17	Building Improve Plum		—	0.0000%	—	—	—	
66	390.2	Leasehold Improvement		—	0.0000%	—	—	—	
67	390.2	Lease Incentive		—	0.0000%	—	—	—	
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—	
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—	
70	391.1	Office Furniture & Equipment		2,454,589	6.6667%	163,639	794,976	1,659,613	
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—	
72	391.19	Airplane Hangar Furniture		—	0.0000%	—	—	—	
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—	
74	391.2	Oracle Equipment		—	0.0000%	—	—	—	

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Initial Plant

FERC		Gross Plant Per Case		Ref	No. 17471 As of 12/31/2023	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant (i) = (e) - (h)
Line No.	Account No.	FERC Account Titles							
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	
75	391.3	Office Machines		—	0.0000%	—	—	—	—
76	391.4	Audio Visual Equipment		—	0.0000%	—	—	—	—
77	391.4	Signature Project		—	0.0000%	—	—	—	—
78	391.6	Purchased Software		—	0.0000%	—	—	—	—
79	391.6	Purchased Software (Banner)		—	0.0000%	—	—	—	—
80	391.6	Ariba Software		—	0.0000%	—	—	—	—
81	391.6	Dynamic Risk Assessment		—	0.0000%	—	—	—	—
82	391.6	Enterprise Plan & Budget		—	0.0000%	—	—	—	—
83	391.6	GIS Development		—	0.0000%	—	—	—	—
84	391.6	Oracle Software		—	0.0000%	—	—	—	—
85	391.6	Concur Project		—	0.0000%	—	—	—	—
86	391.6	Customer Relations Software		—	0.0000%	—	—	—	—
87	391.6	Purchased Software (PowerPlant)		—	0.0000%	—	—	—	—
88	391.6	Purchased Software(RiskWorks)		—	0.0000%	—	—	—	—
89	391.6	Maximo-Leak Detect Sys		—	0.0000%	—	—	—	—
90	391.6	Foundation Software		—	0.0000%	—	—	—	—
91	391.6	Journey - Employee - ODC Distrigas		—	0.0000%	—	—	—	—
92	391.6	Journey - Employee Count		—	0.0000%	—	—	—	—
93	391.6	Payroll - Time Management		—	0.0000%	—	—	—	—
94	391.6	AP Software		—	0.0000%	—	—	—	—
95	391.8	Micro Computer Equipment		—	0.0000%	—	—	—	—
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—	—
97	391.9	Computer & Electronic Equip		2,019,489	14.2857%	288,498	1,088,344	931,146	
98	391.99	Cloud Computing		—	0.0000%	—	—	—	—
99	392	Transportation Equipment		25,015,245	6.4300%	—	9,718,835	15,296,409	
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	6.4300%	—	—	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	6.4300%	—	—	—	—
102	392.5	Trailers		—	6.4300%	—	—	—	—
103	393	Stores Equipment		123,761	6.6667%	8,251	7,599	116,162	
104	394	Tools, Shop & Garage		15,381,319	6.6667%	1,025,421	4,559,234	10,822,085	
105	394.1	Tools		—	0.0000%	—	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	(37,480)	37,480	
108	396	Major Work Equipment		3,532,069	4.8000%	—	1,344,194	2,187,874	
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—	—
110	397	Communication Equipment		34,624,291	6.6667%	2,308,286	14,072,660	20,551,632	
111	398	Miscellaneous General Plant		6,349	6.6667%	423	4,308	2,041	
112		Subtotal		\$123,023,323		\$4,588,786	\$34,069,788	\$88,953,534	
113									
114		TOTAL		\$1,080,308,820		\$31,946,754	\$220,537,144	\$859,771,677	
115		Rate Base Adjustments		—		—	—	—	
116		Adjusted Total		\$1,080,308,820		\$31,946,754	\$220,537,144	\$859,771,677	
117				(A)					
118									
119	(A)	Column (e) includes Rule 8.209 projects in the amount of:		\$1,848,672.68					

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Current Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) = (e) - (h)
12		1. INTANGIBLE PLANT						
13	301	Organization		\$56,257	4.0000%	\$—	\$56,257	\$—
14	301	Organization - OPC		—	6.6670%	—	(479)	479
15	302	Franchises and Consents		393,474	4.0200%	—	393,474	—
16	303	Miscellaneous Intangible Plant		1,015,106	4.0600%	41,213	835,561	179,545
17	303	Misc. Intangible - OPC		—	0.0000%	—	—	—
18		Subtotal		\$1,464,837		\$41,213	\$1,284,813	\$180,025
19								
20		4. GATHERING AND TRANSMISSION PLANT						
21	365.2	Land and Land Rights		\$—	0.0000%	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—
23	365.2	Rights of Way - OPC		—	1.3000%	—	—	—
24	366	Meas/Reg Station Structures		—	0.0000%	—	—	—
25	366.1	Compressor Station Structure - OPC		—	4.0400%	—	—	—
26	367	Mains		15,177,902	2.6600%	403,732	(25,392)	15,203,293
27	367	Mains - OPC		—	1.7500%	—	18,137	(18,137)
28	369	Meas. and Reg. Station Equipment		7,466,891	3.4300%	256,114	356,932	7,109,959
29	369	Measure/Reg. Station Equipment - OPC		—	1.8300%	—	76,912	(76,912)
30	369.1	Measuring Station Equipment - OPC		—	2.6200%	—	(0)	0
31	371	Other Equipment		—	2.6200%	—	—	—
32	371	Other Equipment - OPC		—	2.6200%	—	—	—
33		Subtotal		\$22,644,793		\$659,847	\$426,589	\$22,218,204
34								
35		5. DISTRIBUTION PLANT						
36	374	Land & Land Rights		\$—	0.0000%	\$—	\$255	\$(255)
37	374.1	Land		110,365	0.0000%	—	—	110,365
38	374.2	Land Rights		128,512	0.0000%	—	11,985	116,527
39	375	Structures & Improvements		—	0.0000%	—	—	—
40	375.1	Structures and Improvements		47,140	3.0900%	1,457	35,473	11,667
41	375.2	Other System Structures		4,129	2.3800%	—	167,754	(163,625)
42	376	Mains		536,032,468	2.2300%	11,953,524	85,720,938	450,311,529
43	376.9	Mains - Cathodic Protection Anodes		30,519,766	6.6667%	2,034,651	13,623,536	16,896,230
44	377	Compressor Station Equipment		—	0.0000%	—	—	—
45	378	Meas. and Reg. Station Equipment - General		25,840,265	2.1300%	550,398	4,481,510	21,358,756
46	379	Meas. and Reg. Stations Equipment - City Gates		7,408,391	1.9700%	145,945	1,616,887	5,791,504
47	380	Services		346,349,940	3.1600%	10,944,658	42,927,538	303,422,402
48	380.1	Services		18,945	3.1600%	599	—	18,945
49	380.2	Comm Service Line Equip		776,759	3.1600%	24,546	—	776,759
50	380.4	Yard Lines - Customer Svc		23,252	3.1600%	735	—	23,252
51	380.6	Services - Tie-Ins		—	3.1600%	—	—	—
52	381	Meters		88,950,600	4.0800%	3,629,184	38,749,401	50,201,199
53	382	Meter Installations		331	4.0400%	13	73	258
54	383	Regulators		13,144,210	3.4000%	446,903	5,094,802	8,049,408
55	385	Industrial Meas. and Reg. Station Equipment		17,279,467	2.3800%	411,251	5,607,125	11,672,342
56	386	Other Property and Equipment		1,063,249	11.8900%	126,420	1,050,342	12,908
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—
58		Subtotal		\$1,067,697,790		\$30,270,284	\$199,087,619	\$868,610,171
59								
60		6. GENERAL PLANT						
61	389	Land & Land Rights		\$—	0.0000%	\$—	\$(4,733)	\$4,733
62	389.1	Land & Land Rights		8,347,431	0.0000%	—	—	8,347,431
63	390	Structures & Improvements		—	0.0000%	—	—	—
64	390.1	Structures & Improvements		33,700,327	2.5200%	849,248	3,259,661	30,440,667
65	390.17	Building Improve Plum		—	0.0000%	—	—	—
66	390.2	Leasehold Improvement		—	0.0000%	—	—	—
67	390.2	Lease Incentive		—	0.0000%	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—
70	391.1	Office Furniture & Equipment		2,459,184	6.6667%	163,946	944,090	1,515,095
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Current Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) = (e) - (h)
72	391.19	Airplane Hangar Furniture		—	0.0000%	—	—	—
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—
75	391.3	Office Machines		—	0.0000%	—	—	—
76	391.4	Audio Visual Equipment		—	0.0000%	—	—	—
77	391.4	Signature Project		—	0.0000%	—	—	—
78	391.6	Purchased Software		—	0.0000%	—	—	—
79	391.6	Purchased Software (Banner)		—	0.0000%	—	—	—
80	391.6	Ariba Software		—	0.0000%	—	—	—
81	391.6	Dynamic Risk Assessment		—	0.0000%	—	—	—
82	391.6	Enterprise Plan & Budget		—	0.0000%	—	—	—
83	391.6	GIS Development		—	0.0000%	—	—	—
84	391.6	Oracle Software		—	0.0000%	—	—	—
85	391.6	Concur Project		—	0.0000%	—	—	—
86	391.6	Customer Relations Software		—	0.0000%	—	—	—
87	391.6	Purchased Software (PowerPlant)		—	0.0000%	—	—	—
88	391.6	Purchased Software(RiskWorks)		—	0.0000%	—	—	—
89	391.6	Maximo-Leak Detect Sys		—	0.0000%	—	—	—
90	391.6	Foundation Software		—	0.0000%	—	—	—
91	391.6	Journey - Employee - ODC Distrigas		—	0.0000%	—	—	—
92	391.6	Journey - Employee Count		—	0.0000%	—	—	—
93	391.6	Payroll - Time Management		—	0.0000%	—	—	—
94	391.6	AP Software		—	0.0000%	—	—	—
95	391.8	Micro Computer Equipment		—	0.0000%	—	—	—
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—
97	391.9	Computer & Electronic Equip		1,656,846	14.2857%	236,692	1,083,512	573,334
98	391.99	Cloud Computing		—	0.0000%	—	—	—
99	392	Transportation Equipment		24,523,950	6.4300%	—	10,707,501	13,816,449
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	6.4300%	—	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	6.4300%	—	—	—
102	392.5	Trailers		—	6.4300%	—	—	—
103	393	Stores Equipment		68,516	6.6667%	4,568	11,541	56,975
104	394	Tools, Shop & Garage		16,304,530	6.6667%	1,086,969	5,450,112	10,854,418
105	394.1	Tools		—	0.0000%	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	(37,480)	37,480
108	396	Major Work Equipment		4,143,841	4.8000%	—	1,419,123	2,724,717
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—
110	397	Communication Equipment		34,445,947	6.6667%	2,296,396	15,974,149	18,471,798
111	398	Miscellaneous General Plant		6,349	6.6667%	423	4,731	1,618
112		Subtotal		<u>\$125,656,921</u>		<u>\$4,638,242</u>	<u>\$38,812,207</u>	<u>\$86,844,715</u>
113								
114		TOTAL		<u>\$1,217,464,341</u>		<u>\$35,609,587</u>	<u>\$239,611,227</u>	<u>\$977,853,114</u>
115		Rate Base Adjustments		—		—	—	—
116		Adjusted Total		<u>\$1,217,464,341</u>		<u>\$35,609,587</u>	<u>\$239,611,227</u>	<u>\$977,853,114</u>
117				(A)				
118								
119	(A)	Column (e) includes Rule 8.209 projects in the amount of:		\$2,242,418.25				

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Incremental Investment

Line No.	FERC Account No.	FERC Account Titles	Ref	Change in Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) = (e) - (h)
12		1. INTANGIBLE PLANT						
13	301	Organization		\$—	4.0000%	\$—	\$—	\$—
14	301	Organization - OPC		—	6.6670%	—	—	—
15	302	Franchises and Consents		—	4.0200%	—	—	—
16	303	Miscellaneous Intangible Plant		641	4.0600%	26	55,004	(54,363)
17	303	Misc. Intangible - OPC		—	0.0000%	—	—	—
18		Subtotal		<u>\$641.09</u>		<u>\$26.03</u>	<u>\$55,003.60</u>	<u>\$(54,362.51)</u>
19								
20		4. GATHERING AND TRANSMISSION PLANT						
21	365.2	Land and Land Rights		\$—	0.0000%	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—
23	365.2	Rights of Way - OPC		—	1.3000%	—	—	—
24	366	Structures and Improvements		—	0.0000%	—	—	—
25	366.1	Compressor Station Structure - OPC		—	4.0400%	—	—	—
26	367	Mains		1,404,165	2.6600%	37,351	239,052	1,165,112
27	367	Mains - OPC		—	1.7500%	—	18,137	(18,137)
28	369	Meas. and Reg. Station Equipment		1,449,504	3.4300%	49,718	117,562	1,331,942
29	369	Measure/Reg. Station Equipment - OPC		—	1.8300%	—	76,912	(76,912)
30	369.1	Measuring Station Equipment - OPC		—	2.6200%	—	(0)	0
31	371	Other Equipment		—	0.0000%	—	—	—
32	371	Other Equipment - OPC		—	0.0000%	—	—	—
33		Subtotal		<u>\$2,853,669</u>		<u>\$87,069</u>	<u>\$451,664</u>	<u>\$2,402,005</u>
34								
35		5. DISTRIBUTION PLANT						
36	374	Land and Land Rights		\$—	0.0000%	\$—	\$—	\$—
37	374.1	Land		—	0.0000%	—	—	—
38	374.2	Land Rights		8,330	0.0000%	—	83	8,247
39	375	Structures & Improvements		—	0.0000%	—	—	—
40	375.1	Structures and Improvements		916	3.0900%	28	808	108
41	375.2	Other System Structures		(1,711,547)	2.3800%	(40,833)	37,357	(1,748,905)
42	376	Mains		78,635,225	2.2300%	1,753,566	5,870,757	72,764,468
43	376.9	Mains - Cathodic Protection Anodes		1,239,002	6.6667%	82,600	908,235	330,766
44	377	Compressor Station Equipment		—	0.0000%	—	—	—
45	378	Meas. and Reg. Station Equipment - General		2,084,520	2.1300%	44,400	469,435	1,615,084
46	379	Meas. and Reg. Stations Equipment - City Gates		127,663	1.9700%	2,515	39,515	88,148
47	380	Services		40,649,724	3.1600%	1,284,531	2,666,551	37,983,174
48	380.1	Services		16,553	3.1600%	523	—	16,553
49	380.2	Comm Service Line Equip		764,665	3.1600%	24,163	—	764,665
50	380.4	Yard Lines - Customer Svc		(122,575)	3.1600%	(3,873)	—	(122,575)
51	380.6	Services - Tie-Ins		—	3.1600%	—	—	—
52	381	Meters		7,201,543	4.0800%	293,823	3,295,654	3,905,888
53	382	Meter Installations		(7,013)	4.0400%	(283)	(2,717)	(4,296)
54	383	Regulators		1,857,194	3.4000%	63,145	211,161	1,646,033
55	385	Industrial Meas. and Reg. Station Equipment		923,414	2.3800%	21,977	319,157	604,257
56	386	Other Property and Equipment		—	11.8900%	—	9,002	(9,002)
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—
58		Subtotal		<u>\$131,667,612</u>		<u>\$3,526,282</u>	<u>\$13,824,998</u>	<u>\$117,842,614</u>
59								
60		6. GENERAL PLANT						
61	389	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—
62	389.1	Land & Land Rights		(242)	0.0000%	—	—	(242)
63	390	Structures & Improvements		—	0.0000%	—	—	—
64	390.1	Structures & Improvements		2,181,790	2.5200%	54,981	737,809	1,443,981
65	390.17	Building Improve Plum		—	0.0000%	—	—	—
66	390.2	Leasehold Improvement		—	0.0000%	—	—	—
67	390.2	Lease Incentive		—	0.0000%	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—
70	391.1	Office Furniture & Equipment		4,596	6.6667%	306	149,114	(144,518)
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—
72	391.19	Airplane Hangar Furniture		—	0.0000%	—	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Incremental Investment

Line No.	FERC Account No.	FERC Account Titles	Ref	Change in Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) = (e) - (h)
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—
75	391.3	Office Machines		—	0.0000%	—	—	—
76	391.4	Audio Visual Equipment		—	0.0000%	—	—	—
77	391.4	Signature Project		—	0.0000%	—	—	—
78	391.6	Purchased Software		—	0.0000%	—	—	—
79	391.6	Purchased Software (Banner)		—	0.0000%	—	—	—
80	391.6	Ariba Software		—	0.0000%	—	—	—
81	391.6	Dynamic Risk Assessment		—	0.0000%	—	—	—
82	391.6	Enterprise Plan & Budget		—	0.0000%	—	—	—
83	391.6	GIS Development		—	0.0000%	—	—	—
84	391.6	Oracle Software		—	0.0000%	—	—	—
85	391.6	Concur Project		—	0.0000%	—	—	—
86	391.6	Customer Relations Software		—	0.0000%	—	—	—
87	391.6	Purchased Software (PowerPlant)		—	0.0000%	—	—	—
88	391.6	Purchased Software(RiskWorks)		—	0.0000%	—	—	—
89	391.6	Maximo-Leak Detect Sys		—	0.0000%	—	—	—
90	391.6	Foundation Software		—	0.0000%	—	—	—
91	391.6	Journey - Employee - ODC Distrigas		—	0.0000%	—	—	—
92	391.6	Journey - Employee Count		—	0.0000%	—	—	—
93	391.6	Payroll - Time Management		—	0.0000%	—	—	—
94	391.6	AP Software		—	0.0000%	—	—	—
95	391.8	Micro Computer Equipment		—	0.0000%	—	—	—
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—
97	391.9	Computer & Electronic Equip		(362,644)	14.2857%	(51,806)	(4,832)	(357,812)
98	391.99	Cloud Computing		—	0.0000%	—	—	—
99	392	Transportation Equipment		(491,295)	6.4300%	—	988,666	(1,479,960)
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	6.4300%	—	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	6.4300%	—	—	—
102	392.5	Trailers		—	6.4300%	—	—	—
103	393	Stores Equipment		(55,245)	6.6667%	(3,683)	3,942	(59,187)
104	394	Tools, Shop & Garage		923,211	6.6667%	61,547	890,878	32,333
105	394.1	Tools		—	0.0000%	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	—	—
108	396	Major Work Equipment		611,772	4.8000%	—	74,929	536,843
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—
110	397	Communication Equipment		(178,344)	6.6667%	(11,890)	1,901,489	(2,079,834)
111	398	Miscellaneous General Plant		—	6.6667%	—	423	(423)
112		Subtotal		<u>\$2,633,599</u>		<u>\$49,456</u>	<u>\$4,742,419</u>	<u>\$(2,108,820)</u>
113								
114		TOTAL		<u>\$137,155,521</u>		<u>\$3,662,833</u>	<u>\$19,074,084</u>	<u>\$118,081,437</u>
115		Rate Base Adjustments		<u>\$—</u>	0.0000%	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
116		Adjusted Total		<u>\$137,155,521</u>		<u>\$3,662,833</u>	<u>\$19,074,084</u>	<u>\$118,081,437</u>
117				(A)				
118								
119	(A)	Column (e) includes Rule 8.209 projects in the amount of:	\$	393,746				

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Initial Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Gross Plant Per Case No. 17471 As of 12/31/2023	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depreciation Expense	Allocated Accumulated Depreciation	Allocated Net Plant	Service Area Factors 12/31/2022	Increase or decrease in service area allocation factor from 2022-2023	Increase or decrease in allocated gross plant from last filing	Increase or decrease in allocated depr expense from last filing	Increase or decrease in accumulated depr from last filing	Increase or decrease in allocated net plant from last filing
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) (e) - (h)	(j)	(k) (e) x (j)	(l) (g) x (j)	(m) (h) x (j)	(n) (i) x (j)	(o)	(p) (o) - (j)	(q) (p) x (e)	(r) (p) x (g)	(s) (p) x (h)	(t) (q) - (s)
12		1. INTANGIBLE PLANT																	
13	301	Organization		\$—	0.0000%	\$—	\$—	\$—	46.73620%	\$—	\$—	\$—	\$—	46.72780%	(0.0084)%	\$—	\$—	\$—	\$—
14	301	Organization- OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
15	302	Franchises & Consents		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
16	303	Misc. Intangible		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
17	303	Misc. Intangible- OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
18		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>			<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
19																			
20		4. GATHERING AND TRANSMISSION																	
21	365.2	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.73620%	\$—	\$—	\$—	\$—	46.72780%	(0.0084)%	\$—	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
23	365.2	Rights of Way - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
24	366	Meas/Reg Station Structures		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
25	366.1	Compressor Station Structure - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
26	367	Mains		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
27	367	Mains- OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
28	369	Meas & Reg Stations Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
30	369.1	Measuring Station Equipment - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
31	371	Other Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
32	371	Other Equipment - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
33		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>			<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
34																			
35		5. DISTRIBUTION PLANT																	
36	374	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.73620%	\$—	\$—	\$—	\$—	46.72780%	(0.0084)%	\$—	\$—	\$—	\$—
37	374.1	Land		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
38	374.2	Land Rights		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
39	375	Structures & Improvements		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
40	375.1	Structures & Improvements		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
41	375.2	Other System Structures		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
42	376	Mains		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
44	377	Compressor Station Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
45	378	Meas. & Reg. Station - General		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
46	379	Meas. & Reg. Station - C.G.		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
47	380	Services		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
48	380.1	Ind Service Line Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
49	380.2	Comm Service Line Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
50	380.4	Yard Lines-Customer Svc		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
51	380.6	Services - Tie-Ins Total		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
52	381	Meters		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
53	382	Meter Installations		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
54	383	House Regulators		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
55	385	Indust Meas & Reg Stat Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
56	386	Other Property on Customer Premises		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
58		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>			<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
59																			
60		6. GENERAL PLANT																	
61	389	Land & Land Rights		\$434,697	0.0000%	\$—	\$—	\$434,697	46.73620%	\$203,161	\$—	\$—	\$203,161	46.72780%	(0.0084)%	\$(37)	\$—	\$—	\$(37)
62	389.1	Land & Land Rights		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
63	390	Structures & Improvements		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
64	390.1	Structures & Improvements		4,547,875	2.5600%	116,426	492,838	4,055,037	46.73620%	2,125,504	54,413	230,334	1,895,170	46.72780%	(0.0084)%	(382)	(10)	(41)	(341)
65	390.17	Building Improve Plumb		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
66	390.2	Leasehold Improvement		252,484	2.6864%	6,783	235,494	16,990	46.73620%	118,001	3,170	110,061	7,940	46.72780%	(0.0084)%	(21)	(1)	(20)	(1)
67	390.2	Lease Incentive		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
70	391.1	Office Furniture & Equipment		2,568,221	6.6667%	171,215	721,926	1,846,295	46.73620%	1,200,289	80,019	337,401	862,888	46.72780%	(0.0084)%	(216)	(14)	(61)	(155)
71	391.11	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
72	391.19	Airplane Hangar Furniture		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
75	391.3	Office Machines		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
76	391.4	Audio Visual Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
77	391.4	Signature Project		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
78	391.6	Purchased Software		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
79	391.6	Purchased Software (Banner)		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
80	391.6	Ariba Software		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—
81	391.6	Dynamic Risk Assessment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Initial Plant

														Increase or decrease in service area allocation factor from 2022- 2023	Increase or decrease in allocated gross plant from last filing	Increase or decrease in allocated depr expense from last filing	Increase or decrease in allocated accumulated depr from last filing	Increase or decrease in allocated net plant from last filing		
Line No.	FERC Account No.	FERC Account Titles	Ref	Gross Plant Per Case No. 17471 As of 12/31/2023	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depreciation Expense	Allocated Accumulated Depreciation	Allocated Net Plant	Service Area Factors 12/31/2022	(o)	(p)	(q)	(r)	(s)	(t)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)	(t)	
82	391.6	Enterprise Plan & Budget			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
83	391.6	GIS Development			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
84	391.6	Oracle Software			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
85	391.6	Concur Project			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
86	391.6	Customer Relations Software			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
87	391.6	Purchased Software (PowerPlant)			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
88	391.6	Purchased Software(RiskWorks)			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
89	391.6	Maximo-Leak Detect Sys			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
90	391.6	Foundation Software			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
91	391.6	Journey - Employee - ODC Distrigas			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
92	391.6	Journey - Employee Count			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
93	391.6	Payroll - Time Management			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
94	391.6	AP Software			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
95	391.8	Micro Computer Equipment			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
96	391.81	Aircraft Computer Equipment			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
97	391.9	Computer & Electronic Equip		2,646,310	14.2857%	378,044	985,307	1,661,003	46.73620%	1,236,785	176,684	460,495	776,290	46.72780%	(0.0084)%	(222)	(32)	(83)	(140)	
98	391.99	Cloud Computing			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
99	392	Transportation Equipment			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
100	392.2	Transportation Equipment Pickup Trucks			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
102	392.5	Trailers			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
103	393	Stores Equipment			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
104	394	Tools, Shop & Garage		99,966	6.6667%	6,664	11,791	88,175	46.73620%	46,720	3,115	5,511	41,210	46.72780%	(0.0084)%	(8)	(1)	(1)	(7)	
105	394.1	Tools			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
106	394.1	Tools - OPC			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
107	395	CNG Equipment - Laboratory			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
108	396	Maior Work Equipment			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
109	396.1	Power Op Equip Rubber Tire			—	0.0000%	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
110	397	Communication Equipment		822,208	6.6667%	54,814	529,928	292,280	46.73620%	384,269	25,618	247,668	136,600	46.72780%	(0.0084)%	(69)	(5)	(45)	(25)	
111	398	Miscellaneous General Plant			6.6667%	—	—	—	46.73620%	—	—	—	—	46.72780%	(0.0084)%	—	—	—	—	
112		Subtotal		\$11,371,762		\$733,946	\$2,977,285	\$8,394,477		\$5,314,729	\$343,018	\$1,391,470	\$3,923,260			\$(955)	\$(62)	\$(250)	\$(705)	
113																				
114		TOTAL		\$11,371,762		\$733,946	\$2,977,285	\$8,394,477	46.73620%	\$5,314,729	\$343,018	\$1,391,470	\$3,923,260			\$(955)	\$(62)	\$(250)	\$(705)	
115		Rate Base Adjustments			0.0000%	—	—	—		—	—	—	—							
116		Adjusted Total		\$11,371,762	\$—	\$733,946	\$2,977,285	\$8,394,477	46.73620%	\$5,314,729	\$343,018	\$1,391,470	\$3,923,260							

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Initial Plant

Gross Plant Per Case No. 17471														Increase or decrease		Increase or decrease		Increase or decrease		Increase or decrease	
Line No.	FERC Account No.	FERC Account Titles	Ref	As of	Depr Rate	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depr Expense	Allocated Accumulated Depreciation	Allocated Net Plant	Service Area Factors	Increase or decrease	Increase or decrease	Increase or decrease	Increase or decrease			
				12/31/2023	per GUD No. 17471										from 2022-2023	in service area allocation factor	in allocated gross plant from last filing	in allocated depr expense from last filing	in allocated accumulated depreciation from last filing	in allocated net plant from last filing	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)			
								(e) - (h)		(e) x (j)	(g) x (j)	(h) x (j)	(i) x (j)		(o) - (j)	(p) x (e)	(p) x (g)	(p) x (h)	(t) - (s)		
1. INTANGIBLE PLANT																					
12																					
13	301	Organization		\$—	0.0000%	\$—	\$—	\$—	46.73620%	\$—	\$—	\$—	\$—	46.72780%	-0.00840%	\$—	\$—	\$—	\$—		
14	301	Organization- OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
15	302	Franchises & Consents		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
16	303	Misc. Intangible		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
17	303	Misc. Intangible- OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
18		Subtotal		\$—		\$—	\$—	\$—		\$—	\$—	\$—	\$—			\$—	\$—	\$—	\$—		
4. GATHERING AND TRANSMISSION PLANT																					
21	365.2	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.73620%	\$—	\$—	\$—	\$—	46.72780%	-0.00840%	\$—	\$—	\$—	\$—		
22	365.1	Land - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
23	365.2	Rights of Way - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
24	366	Meas/Reg Station Structures		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
25	366.1	Compressor Station Structure - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
26	367	Mains		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
27	367	Mains -OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
28	369	Meas & Reg Stations Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
29	369	Measure/Reg. Station Equipment - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
30	369.1	Measuring Station Equipment - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
31	371	Other Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
32	371	Other Equipment - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
33		Subtotal		\$—		\$—	\$—	\$—		\$—	\$—	\$—	\$—			\$—	\$—	\$—	\$—		
5. DISTRIBUTION PLANT																					
36	374	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.73620%	\$—	\$—	\$—	\$—	46.72780%	-0.00840%	\$—	\$—	\$—	\$—		
37	374.1	Land		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
38	374.2	Land Rights		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
39	375	Structures & Improvements		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
40	375.1	Structures & Improvements		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
41	375.2	Other System Structures		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
42	376	Mains		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
43	376.9	Mains - Cathodic Protection Anodes		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
44	377	Compressor Station Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
45	378	Meas. & Reg. Station - General		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
46	379	Meas. & Reg. Station - C.G.		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
47	380	Services		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
48	380.1	Ind Service Line Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
49	380.2	Comm Service Line Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
50	380.4	Yard Lines-Customer Svc		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
51	380.6	Services - Tie-Ins Total		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
52	381	Meters		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
53	382	Meter Installations		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
54	383	House Regulators		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
55	385	Indust Meas & Reg Stat Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
56	386	Other Property on Customer Premises		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
58		Subtotal		\$—		\$—	\$—	\$—		\$—	\$—	\$—	\$—			\$—	\$—	\$—	\$—		
6. GENERAL PLANT																					
61	389	Land & Land Rights		\$12,578	0.0000%	\$—	\$—	\$12,578	46.73620%	\$5,878	\$—	\$—	\$5,878	46.72780%	-0.00840%	\$(1)	\$—	\$—	\$(1)		
62	389.1	Land & Land Rights		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
63	390	Structures & Improvements		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
64	390.1	Structures & Improvements		1,601,381	2.0100%	32,188	92,629	1,508,752	46.73620%	748,425	15,043	43,291	705,133	46.72780%	-0.00840%	(135)	(3)	(8)	(127)		
65	390.17	Building Improve Plum		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
66	390.2	Leasehold Improvement		1,917,793	17.9104%	343,484	1,107,810	809,982	46.73620%	896,303	160,532	517,748	378,555	46.72780%	-0.00840%	(161)	(29)	(93)	(68)		
67	390.2	Lease Incentive		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
70	391.1	Office Furniture & Equipment		1,407,914	6.6667%	93,861	583,423	824,491	46.73620%	658,006	43,867	272,670	385,336	46.72780%	-0.00840%	(118)	(8)	(49)	(69)		
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
72	391.19	Airplane Hangar Furniture		—	6.6667%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
74	391.2	Oracle Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
75	391.3	Office Machines		350,108	5.0000%	17,505	41,366	308,742	46.73620%	163,627	8,181	19,333	144,294	46.72780%	-0.00840%	(29)	(1)	(3)	(26)		
76	391.4	Audio Visual Equipment		336,633	20.0000%	67,327	177,669	158,964	46.73620%	157,329	31,466	83,036	74,294	46.72780%	-0.00840%	(28)	(6)	(15)	(13)		
77	391.4	Signature Project		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—		
78	391.6	Purchased Software		43,784,975	7.6923%	3,368,075	17,854,218	25,930,756	46.73620%	20,463,433	1,574,110	8,344,383	12,119,050	46.72780%	-0.00840%	(3,678)	(283)	(1,500)	(2,178)		
79																					

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Initial Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Gross Plant Per Case No. 17471	Depr Rate	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depr Expense	Allocated Accumulated Depreciation	Allocated Net Plant	Service Area Factors 12/31/2023	Increase or decrease	Increase or decrease	Increase or decrease	Increase or decrease	Increase or decrease in allocated net plant from last filing
				As of 12/31/2023	per GUD No. 17471										in service area allocation factor from 2022-2023	in allocated gross plant from last filing	in allocated depr expense from last filing	in allocated accumulated depreciation from last filing	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)	(t)
89	391.6	Maximo-Leak Detect Sys		1,271,252	7.6923%	97,789	786,965	484,287	46.73620%	594,135	45,703	367,797	226,337	46.72780%	-0.00840%	(107)	(8)	(66)	(41)
90	391.6	Foundation Software		—	7.6923%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
91	391.6	Journey - Employee - ODC Distrigas		19,993,925	7.6923%	1,537,994	14,086,509	5,907,416	46.73620%	9,344,401	718,800	6,583,499	2,760,902	46.72780%	-0.00840%	(1,679)	(129)	(1,183)	(496)
92	391.6	Journey - Employee Count		545,917	7.6923%	41,994	424,568	121,349	46.73620%	255,141	19,626	198,427	56,714	46.72780%	-0.00840%	(46)	(4)	(36)	(10)
93	391.6	Payroll - Time Management		871,271	7.6923%	67,021	185,777	685,494	46.73620%	407,199	31,323	86,825	320,374	46.72780%	-0.00840%	(73)	(6)	(16)	(58)
94	391.6	AP Software		396,961	7.6923%	30,535	137,977	258,984	46.73620%	185,525	14,271	64,485	121,039	46.72780%	-0.00840%	(33)	(3)	(12)	(22)
95	391.8	Micro Computer Equipment		7,728,632	20.0000%	1,545,726	2,860,635	4,867,997	46.73620%	3,612,069	722,414	1,336,952	2,275,117	46.72780%	-0.00840%	(649)	(130)	(240)	(409)
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
97	391.9	Computer & Electronic Equip		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
98	391.99	Cloud Computing		618,218	7.6923%	47,555	68,496	549,722	46.73620%	288,932	22,226	32,012	256,919	46.72780%	-0.00840%	(52)	(4)	(6)	(46)
99	392	Transportation Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	16.6667%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
102	392.5	Trailers		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
103	393	Stores Equipment		(24)	0.0000%	—	—	(24)	46.73620%	(11)	—	—	(11)	46.72780%	-0.00840%	0	—	—	0
104	394	Tools, Shop & Garage		169,334	6.6667%	11,289	15,320	154,014	46.73620%	79,140	5,276	7,160	71,980	46.72780%	-0.00840%	(14)	(1)	(1)	(13)
105	394.1	Tools		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
108	396	Major Work Equipment		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
110	397	Communication Equipment		29,455	5.0000%	1,473	8,393	21,062	46.73620%	13,766	688	3,923	9,844	46.72780%	-0.00840%	(2)	(0)	(1)	(2)
111	398	Miscellaneous General Plant		—	0.0000%	—	—	—	46.73620%	—	—	—	—	46.72780%	-0.00840%	—	—	—	—
112		Subtotal		\$85,431,956	0.0000%	\$7,641,942	\$39,481,285	\$45,950,671		\$39,927,650	\$3,571,553	\$18,452,052	\$21,475,598			\$(7,176)	\$(642)	\$(3,316)	\$(3,860)
113																			
114		TOTAL		\$85,431,956	0.0000%	\$7,641,942	\$39,481,285	\$45,950,671		\$39,927,650	\$3,571,553	\$18,452,052	\$21,475,598						
115		Rate Base Adjustments		—	—	—	—	—	46.73620%	—	—	—	—						
116		Adjusted Total		\$85,431,956		\$7,641,942	\$39,481,285	\$45,950,671		\$39,927,650	\$3,571,553	\$18,452,052	\$21,475,598						

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Current Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depreciation Expense	Allocated Accumulated Depreciation	Allocated Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)
12		1. INTANGIBLE PLANT											
13	301	Organization		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	—
14	301	Organization- OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
15	302	Franchises and Consents		—	0.0000%	—	—	—	46.7278%	—	—	—	—
16	303	Miscellaneous Intangible Plant		—	0.0000%	—	—	—	46.7278%	—	—	—	—
17				—	0.0000%	—	—	—	46.7278%	—	—	—	—
18		Subtotal		\$—		\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	—
19													
20		4. GATHERING AND TRANSMISSION PLANT											
21	365.2	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
23	365.2	Rights of Way - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
24	366	Meas/Reg Station Structures		—	0.0000%	—	—	—	46.7278%	—	—	—	—
25	366.1	Compressor Station Structure - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
26	367	Mains		—	0.0000%	—	—	—	46.7278%	—	—	—	—
27	367	Mains -OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
28	369	Meas & Reg Stations Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
30	369.1	Measuring Station Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
31	371	Other Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
32	371	Other Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
33		Subtotal		\$—		\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
34													
35		5. DISTRIBUTION PLANT											
36	374	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
37	374.1	Land		—	0.0000%	—	—	—	46.7278%	—	—	—	—
38	374.2	Land Rights		—	0.0000%	—	—	—	46.7278%	—	—	—	—
39	375	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
40	375.1	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
41	375.2	Other System Structures		—	0.0000%	—	—	—	46.7278%	—	—	—	—
42	376	Mains		—	0.0000%	—	—	—	46.7278%	—	—	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	0.0000%	—	—	—	46.7278%	—	—	—	—
44	377	Compressor Station Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
45	378	Meas. & Reg. Station - General		—	0.0000%	—	—	—	46.7278%	—	—	—	—
46	379	Meas. & Reg. Station - C.G.		—	0.0000%	—	—	—	46.7278%	—	—	—	—
47	380	Services		—	0.0000%	—	—	—	46.7278%	—	—	—	—
48	380.1	Ind Service Line Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
49	380.2	Comm Service Line Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
50	380.4	Yard Lines-Customer Svc		—	0.0000%	—	—	—	46.7278%	—	—	—	—
51	380.6	Services - Tie-Ins Total		—	0.0000%	—	—	—	46.7278%	—	—	—	—
52	381	Meters		—	0.0000%	—	—	—	46.7278%	—	—	—	—
53	382	Meter Installations		—	0.0000%	—	—	—	46.7278%	—	—	—	—
54	383	House Regulators		—	0.0000%	—	—	—	46.7278%	—	—	—	—
55	385	Indust Meas & Reg Stat Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
56	386	Other Property on Customer Premises		—	0.0000%	—	—	—	46.7278%	—	—	—	—
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
58		Subtotal		\$—		\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
59													
60		6. GENERAL PLANT											
61	389	Land & Land Rights		\$434,697	0.0000%	\$—	\$—	\$434,697	46.7278%	\$203,124	\$—	\$—	\$203,124
62	389.1	Land & Land Rights		—	0.0000%	—	—	—	46.7278%	—	—	—	—
63	390	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Current Plant

FERC Account			Ref	Gross Plant As of	Depreciation Rate per	Depreciation	Accumulated	Net Plant	Allocation	Allocated Gross	Allocated	Allocated	Allocated Net Plant
Line No.	No.	FERC Account Titles		12/31/2024	GUD No. 17471	Expense	Depreciation		Factor	Plant	Depreciation	Depreciation	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)
64	390.1	Structures & Improvements		4,587,969	2.5600%	117,452	612,742	3,975,228	46.7278%	2,143,857	54,883	286,321	1,857,537
65	390.17	Building Improve Plum		—	0.0000%	—	—	—	46.7278%	—	—	—	—
66	390.2	Leasehold Improvement		252,484	2.6864%	—	252,484	—	46.7278%	117,980	—	117,980	—
67	390.2	Lease Incentive		—	0.0000%	—	—	—	46.7278%	—	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—	46.7278%	—	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
70	391.1	Office Furniture & Equipment		2,574,524	6.6667%	171,635	891,102	1,683,422	46.7278%	1,203,018	80,201	416,392	786,626
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
72	391.19	Airplane Hangar Furniture		—	0.0000%	—	—	—	46.7278%	—	—	—	—
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
75	391.3	Office Machines		—	0.0000%	—	—	—	46.7278%	—	—	—	—
76	391.4	Audio Visual Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
77	391.4	Signature Project		—	0.0000%	—	—	—	46.7278%	—	—	—	—
78	391.6	Purchased Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
79	391.6	Purchased Software (Banner)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
80	391.6	Ariba Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
81	391.6	Dynamic Risk Assessment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
82	391.6	Enterprise Plan & Budget		—	0.0000%	—	—	—	46.7278%	—	—	—	—
83	391.6	GIS Development		—	0.0000%	—	—	—	46.7278%	—	—	—	—
84	391.6	Oracle Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
85	391.6	Concur Project		—	0.0000%	—	—	—	46.7278%	—	—	—	—
86	391.6	Customer Relations Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
87	391.6	Purchased Software (PowerPlant)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
88	391.6	Purchased Software(RiskWorks)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
89	391.6	Maximo-Leak Detect Sys		—	0.0000%	—	—	—	46.7278%	—	—	—	—
90	391.6	Foundation Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
91	391.6	Journey - Employee - ODC Distrigas		—	0.0000%	—	—	—	46.7278%	—	—	—	—
92	391.6	Journey - Employee Count		—	0.0000%	—	—	—	46.7278%	—	—	—	—
93	391.6	Payroll - Time Management		—	0.0000%	—	—	—	46.7278%	—	—	—	—
94	391.6	AP Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
95	391.8	Micro Computer Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
97	391.9	Computer & Electronic Equip		2,882,696	14.2857%	411,814	1,047,001	1,835,695	46.7278%	1,347,020	192,431	489,240	857,780
98	391.99	Cloud Computing		—	0.0000%	—	—	—	46.7278%	—	—	—	—
99	392	Transportation Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	0.0000%	—	—	—	46.7278%	—	—	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
102	392.5	Trailers		—	0.0000%	—	—	—	46.7278%	—	—	—	—
103	393	Stores Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
104	394	Tools, Shop & Garage		99,966	6.6667%	6,664	17,752	82,214	46.7278%	46,712	3,114	8,295	38,417
105	394.1	Tools		—	0.0000%	—	—	—	46.7278%	—	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	—	—	46.7278%	—	—	—	—
108	396	Major Work Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—	46.7278%	—	—	—	—
110	397	Communication Equipment		892,508	6.6667%	59,501	593,710	298,798	46.7278%	417,049	27,803	277,428	139,622
111	398	Miscellaneous General Plant		—	6.6667%	—	—	—	46.7278%	—	—	—	—
112		Subtotal		\$11,724,844		\$767,066	\$3,414,790	\$8,310,054		\$5,478,762	\$358,433	\$1,595,656	\$3,883,106
113													
114		TOTAL		\$11,724,844		\$767,066	\$3,414,790	\$8,310,054	46.7278%	\$5,478,762	\$358,433	\$1,595,656	\$3,883,106
115		Rate Base Adjustments				—	—	—	46.7278%	—	—	—	—
116		Adjusted Total		\$11,724,844		\$767,066	\$3,414,790	\$8,310,054	46.7278%	\$5,478,762	\$358,433	\$1,595,656	\$3,883,106

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Current Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depreciation Expense	Allocated Accumulated Depreciation	Allocated Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) (e) - (h)	(j)	(k) (e) x (j)	(l) (g) x (j)	(m) (h) x (j)	(n) (i) x (j)
12		1. INTANGIBLE PLANT											
13	301	Organization		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
14	301	Organization- OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
15	302	Franchises & Consents		—	0.0000%	—	—	—	46.7278%	—	—	—	—
16	303	Misc. Intangible		—	0.0000%	—	—	—	46.7278%	—	—	—	—
17	303	Misc. Intangible- OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
18		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
19													
20		4. GATHERING AND TRANSMISSION PLANT											
21	365.2	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
23	365.2	Rights of Way - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
24	366	Meas/Reg Station Structures		—	0.0000%	—	—	—	46.7278%	—	—	—	—
25	366.1	Compressor Station Structure - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
26	367	Mains		—	0.0000%	—	—	—	46.7278%	—	—	—	—
27	367	Mains - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
28	369	Meas & Reg Stations Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
30	369.1	Measuring Station Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
31	371	Other Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
32	371	Other Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
33		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	46.7278%	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
34													
35		5. DISTRIBUTION PLANT											
36	374	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
37	374.1	Land		—	0.0000%	—	—	—	46.7278%	—	—	—	—
38	374.2	Land Rights		—	0.0000%	—	—	—	46.7278%	—	—	—	—
39	375	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
40	375.1	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
41	375.2	Other System Structures		—	0.0000%	—	—	—	46.7278%	—	—	—	—
42	376	Mains		—	0.0000%	—	—	—	46.7278%	—	—	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	0.0000%	—	—	—	46.7278%	—	—	—	—
44	377	Compressor Station Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
45	378	Meas. & Reg. Station - General		—	0.0000%	—	—	—	46.7278%	—	—	—	—
46	379	Meas. & Reg. Station - C.G.		—	0.0000%	—	—	—	46.7278%	—	—	—	—
47	380	Services		—	0.0000%	—	—	—	46.7278%	—	—	—	—
48	380.1	Ind Service Line Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
49	380.2	Comm Service Line Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
50	380.4	Yard Lines-Customer Svc		—	0.0000%	—	—	—	46.7278%	—	—	—	—
51	380.6	Services - Tie-Ins Total		—	0.0000%	—	—	—	46.7278%	—	—	—	—
52	381	Meters		—	0.0000%	—	—	—	46.7278%	—	—	—	—
53	382	Meter Installations		—	0.0000%	—	—	—	46.7278%	—	—	—	—
54	383	House Regulators		—	0.0000%	—	—	—	46.7278%	—	—	—	—
55	385	Indust Meas & Reg Stat Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
56	386	Other Property on Customer Premises		—	0.0000%	—	—	—	46.7278%	—	—	—	—
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
58		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
59													
60		6. GENERAL PLANT											
61	389	Land & Land Rights		\$12,967	0.0000%	\$—	\$—	\$12,967	46.7278%	\$6,059	\$—	\$—	\$6,059
62	389.1	Land & Land Rights		—	0.0000%	—	—	—	46.7278%	—	—	—	—
63	390	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Current Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depreciation Expense	Allocated Accumulated Depreciation	Allocated Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)
64	390.1	Structures & Improvements		1,539,348	2.0100%	30,941	128,318	1,411,030	46.7278%	719,304	14,458	59,960	659,343
65	390.17	Building Improve Plum		—	0.0000%	—	—	—	46.7278%	—	—	—	—
66	390.2	Leasehold Improvement		2,139,896	17.9104%	383,264	1,272,838	867,058	46.7278%	999,926	179,091	594,769	405,157
67	390.2	Lease Incentive		—	0.0000%	—	—	—	46.7278%	—	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—	46.7278%	—	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
70	391.1	Office Furniture & Equipment		1,677,016	6.6667%	111,801	704,466	972,550	46.7278%	783,633	52,242	329,181	454,451
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
72	391.19	Airplane Hangar Furniture		—	6.6667%	—	—	—	46.7278%	—	—	—	—
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
75	391.3	Office Machines		360,950	5.0000%	18,048	60,695	300,255	46.7278%	168,664	8,433	28,361	140,303
76	391.4	Audio Visual Equipment		58,218	20.0000%	11,644	(77,407)	135,625	46.7278%	27,204	5,441	(36,171)	63,375
77	391.4	Signature Project		—	0.0000%	—	—	—	46.7278%	—	—	—	—
78	391.6	Purchased Software		48,810,623	7.6923%	3,754,663	21,843,982	26,966,641	46.7278%	22,808,130	1,754,472	10,207,212	12,600,918
79	391.6	Purchased Software (Banner)		3,515,850	7.6923%	270,450	1,017,097	2,498,753	46.7278%	1,642,879	126,375	475,267	1,167,612
80	391.6	Ariba Software		—	7.6923%	—	—	—	46.7278%	—	—	—	—
81	391.6	Dynamic Risk Assessment		—	7.6923%	—	—	—	46.7278%	—	—	—	—
82	391.6	Enterprise Plan & Budget		—	7.6923%	—	—	—	46.7278%	—	—	—	—
83	391.6	GIS Development		—	7.6923%	—	—	—	46.7278%	—	—	—	—
84	391.6	Oracle Software		—	7.6923%	—	—	—	46.7278%	—	—	—	—
85	391.6	Concur Project		21,276	7.6923%	1,637	18,626	2,650	46.7278%	9,942	765	8,704	1,238
86	391.6	Customer Relations Software		587,996	7.6923%	45,230	51,914	536,082	46.7278%	274,758	21,135	24,258	250,499
87	391.6	Purchased Software (PowerPlant)		679,087	7.6923%	52,237	313,768	365,319	46.7278%	317,322	24,409	146,617	170,706
88	391.6	Purchased Software(RiskWorks)		—	7.6923%	—	—	—	46.7278%	—	—	—	—
89	391.6	Maximo-Leak Detect Sys		1,271,252	7.6923%	97,789	884,724	386,528	46.7278%	594,028	45,694	413,412	180,616
90	391.6	Foundation Software		—	7.6923%	—	—	—	46.7278%	—	—	—	—
91	391.6	Journey - Employee - ODC Distrigas		20,616,832	7.6923%	1,585,910	16,108,164	4,508,668	46.7278%	9,633,792	741,061	7,526,991	2,106,802
92	391.6	Journey - Employee Count		549,030	7.6923%	42,233	469,210	79,820	46.7278%	256,550	19,735	219,252	37,298
93	391.6	Payroll - Time Management		875,880	7.6923%	67,375	253,645	622,235	46.7278%	409,280	31,483	118,523	290,757
94	391.6	AP Software		449,287	7.6923%	34,561	169,966	279,321	46.7278%	209,942	16,149	79,421	130,520
95	391.8	Micro Computer Equipment		5,912,796	20.0000%	1,182,559	1,597,457	4,315,339	46.7278%	2,762,920	552,584	746,457	2,016,463
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
97	391.9	Computer & Electronic Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
98	391.99	Cloud Computing		723,696	7.6923%	55,669	125,378	598,318	46.7278%	338,167	26,013	58,586	279,581
99	392	Transportation Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
100	392.2	Transportation Equipment Pickup Trucks and Vans		268,588	16.6667%	44,765	30,459	238,129	46.7278%	125,505	20,918	14,233	111,273
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
102	392.5	Trailers		—	0.0000%	—	—	—	46.7278%	—	—	—	—
103	393	Stores Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
104	394	Tools, Shop & Garage		180,782	6.6667%	12,052	29,405	151,377	46.7278%	84,475	5,632	13,740	70,735
105	394.1	Tools		—	0.0000%	—	—	—	46.7278%	—	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	—	—	46.7278%	—	—	—	—
108	396	Major Work Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—	46.7278%	—	—	—	—
110	397	Communication Equipment		30,367	5.0000%	1,518	10,407	19,960	46.7278%	14,190	710	4,863	9,327
111	398	Miscellaneous General Plant		—	0.0000%	—	—	—	46.7278%	—	—	—	—
112		Subtotal		\$90,281,739		\$7,804,346	\$45,013,112	\$45,268,627		\$42,186,670	\$3,646,799	\$21,033,637	\$21,153,033
113													
114		TOTAL		\$90,281,739		\$7,804,346	\$45,013,112	\$45,268,627	46.7278%	\$42,186,670	\$3,646,799	\$21,033,637	\$21,153,033
115		Rate Base Adjustments		—		—	—	—		—	—	—	—
116		Adjusted Total		\$90,281,739		\$7,804,346	\$45,013,112	\$45,268,627		\$42,186,670	\$3,646,799	\$21,033,637	\$21,153,033

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Incremental Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Change in Gross	Depreciation Rate	Depreciation	Accumulated	Net Plant	Allocation	Allocated Gross	Allocated	Allocated	Allocated
				Plant As of	per GUD No. 17471	Expense	Depreciation	(i)	Factor	Plant	Depreciation Expense	Accumulated	Net Plant
(a)	(b)	(c)	(d)	12/31/2024	(f)	(g)	(h)	(e) - (h)	(j)	(k)	(l)	(m)	(n)
				(e)						(e) x (j)	(g) x (j)	(h) x (j)	(i) x (j)
12		1. INTANGIBLE PLANT											
13	301	Organization		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
14	301	Organization- OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
15	302	Franchises & Consents		—	0.0000%	—	—	—	46.7278%	—	—	—	—
16	303	Misc. Intangible		—	0.0000%	—	—	—	46.7278%	—	—	—	—
17	303	Misc. Intangible- OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
18		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
19													
20		4. GATHERING AND TRANSMISSION PLANT											
21	365.2	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
23	365.2	Rights of Way - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
24	366	Meas/Reg Station Structures		—	0.0000%	—	—	—	46.7278%	—	—	—	—
25	366.1	Compressor Station Structure - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
26	367	Mains		—	0.0000%	—	—	—	46.7278%	—	—	—	—
27	367	Mains -OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
28	369	Meas & Reg Stations Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
30	369.1	Measuring Station Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
31	371	Other Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
32	371	Other Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
33		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
34													
35		5. DISTRIBUTION PLANT											
36	374	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
37	374.1	Land		—	0.0000%	—	—	—	46.7278%	—	—	—	—
38	374.2	Land Rights		—	0.0000%	—	—	—	46.7278%	—	—	—	—
39	375	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
40	375.1	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
41	375.2	Other System Structures		—	0.0000%	—	—	—	46.7278%	—	—	—	—
42	376	Mains		—	0.0000%	—	—	—	46.7278%	—	—	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	0.0000%	—	—	—	46.7278%	—	—	—	—
44	377	Compressor Station Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
45	378	Meas. & Reg. Station - General		—	0.0000%	—	—	—	46.7278%	—	—	—	—
46	379	Meas. & Reg. Station - C.G.		—	0.0000%	—	—	—	46.7278%	—	—	—	—
47	380	Services		—	0.0000%	—	—	—	46.7278%	—	—	—	—
48	380.1	Ind Service Line Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
49	380.2	Comm Service Line Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
50	380.4	Yard Lines-Customer Svc		—	0.0000%	—	—	—	46.7278%	—	—	—	—
51	380.6	Services - Tie-Ins Total		—	0.0000%	—	—	—	46.7278%	—	—	—	—
52	381	Meters		—	0.0000%	—	—	—	46.7278%	—	—	—	—
53	382	Meter Installations		—	0.0000%	—	—	—	46.7278%	—	—	—	—
54	383	House Regulators		—	0.0000%	—	—	—	46.7278%	—	—	—	—
55	385	Indust Meas & Reg Stat Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
56	386	Other Property on Customer Premises		—	0.0000%	—	—	—	46.7278%	—	—	—	—
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
58		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
59													
60		6. GENERAL PLANT											
61	389	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
62	389.1	Land & Land Rights		—	0.0000%	—	—	—	46.7278%	—	—	—	—
63	390	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Incremental Plant

FERC			Change in Gross		Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depreciation Expense	Allocated	
Line No.	Account No.	FERC Account Titles	Ref	Plant As of 12/31/2024								Accumulated Depreciation	Allocated Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)
64	390.2	Lease Incentive		40,094	2.5600%	1,026	119,903	(79,809)	46.7278%	18,735	480	56,028	(37,293)
65	390.1	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
66	390.17	Building Improve Plum		—	2.6864%	(6,783)	16,990	(16,990)	46.7278%	—	(3,169)	7,939	(7,939)
67	390.2	Leasehold Improvement		—	0.0000%	—	—	—	46.7278%	—	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—	46.7278%	—	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
70	391.1	Office Furniture & Equipment		6,303	6.6667%	420	169,176	(162,873)	46.7278%	2,945	196	79,052	(76,107)
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
72	391.19	Airplane Hangar Furniture		—	0.0000%	—	—	—	46.7278%	—	—	—	—
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
75	391.3	Office Machines		—	0.0000%	—	—	—	46.7278%	—	—	—	—
76	391.4	Audio Visual Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
77	391.4	Signature Project		—	0.0000%	—	—	—	46.7278%	—	—	—	—
78	391.6	Purchased Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
79	391.6	Purchased Software (Banner)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
80	391.6	Ariba Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
81	391.6	Dynamic Risk Assessment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
82	391.6	Enterprise Plan & Budget		—	0.0000%	—	—	—	46.7278%	—	—	—	—
83	391.6	GIS Development		—	0.0000%	—	—	—	46.7278%	—	—	—	—
84	391.6	Oracle Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
85	391.6	Concur Project		—	0.0000%	—	—	—	46.7278%	—	—	—	—
86	391.6	Customer Relations Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
87	391.6	Purchased Software (PowerPlant)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
88	391.6	Purchased Software(RiskWorks)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
89	391.6	Maximo-Leak Detect Sys		—	0.0000%	—	—	—	46.7278%	—	—	—	—
90	391.6	Foundation Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
91	391.6	Journey - Employee - ODC Distrigas		—	0.0000%	—	—	—	46.7278%	—	—	—	—
92	391.6	Journey - Employee Count		—	0.0000%	—	—	—	46.7278%	—	—	—	—
93	391.6	Payroll - Time Management		—	0.0000%	—	—	—	46.7278%	—	—	—	—
94	391.6	AP Software		—	0.0000%	—	—	—	46.7278%	—	—	—	—
95	391.8	Micro Computer Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
97	391.9	Computer & Electronic Equip		236,386	14.2857%	33,769	61,694	174,692	46.7278%	110,458	15,780	28,828	81,630
98	391.99	Cloud Computing		—	0.0000%	—	—	—	46.7278%	—	—	—	—
99	392	Transportation Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	0.0000%	—	—	—	46.7278%	—	—	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
102	392.5	Trailers		—	0.0000%	—	—	—	46.7278%	—	—	—	—
103	393	Stores Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
104	394	Tools, Shop & Garage		—	6.6667%	—	5,961	(5,961)	46.7278%	—	—	2,785	(2,785)
105	394.1	Tools		—	0.0000%	—	—	—	46.7278%	—	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	—	—	46.7278%	—	—	—	—
108	396	Major Work Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—	46.7278%	—	—	—	—
110	397	Communication Equipment		70,300	6.6667%	4,687	63,782	6,518	46.7278%	32,850	2,190	29,804	3,046
111	398	Miscellaneous General Plant		—	6.6667%	—	—	—	46.7278%	—	—	—	—
112		Subtotal		<u>\$353,082</u>		<u>\$33,120</u>	<u>\$437,505</u>	<u>\$(84,423)</u>		<u>\$164,988</u>	<u>\$15,476</u>	<u>\$204,437</u>	<u>\$(39,449)</u>
113													
114		TOTAL		<u>\$353,082</u>		<u>\$33,120</u>	<u>\$437,505</u>	<u>\$(84,423)</u>		<u>\$164,988</u>	<u>\$15,476</u>	<u>\$204,437</u>	<u>\$(39,449)</u>
115		Rate Base Adjustments		—	0.0000%	—	—	—	46.7278%	—	—	—	—
116		Change in Allocation Factor from prior year		—		—	—	—		(955)	(62)	(250)	(705)
117		Adjusted Total		<u>\$353,082</u>		<u>\$33,120</u>	<u>\$437,505</u>	<u>\$(84,423)</u>		<u>\$164,032</u>	<u>\$15,415</u>	<u>\$204,186</u>	<u>\$(40,154)</u>

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Incremental Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Change in Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depreciation Expense	Allocated Accumulated Depreciation	Allocated Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) (e) - (h)	(j)	(k) (e) x (j)	(l) (g) x (j)	(m) (h) x (j)	(n) (i) x (j)
12		1. INTANGIBLE PLANT											
13	301	Organization		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
14	301	Organization- OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
15	302	Franchises & Consents		—	0.0000%	—	—	—	46.7278%	—	—	—	—
16	303	Misc. Intangible		—	0.0000%	—	—	—	46.7278%	—	—	—	—
17	303	Misc. Intangible- OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
18		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
19													
20		4. GATHERING AND TRANSMISSION PLANT											
21	365.2	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
23	365.2	Rights of Way - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
24	366	Meas/Reg Station Structures		—	0.0000%	—	—	—	46.7278%	—	—	—	—
25	366.1	Compressor Station Structure - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
26	367	Mains		—	0.0000%	—	—	—	46.7278%	—	—	—	—
27	367	Mains -OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
28	369	Meas & Reg Stations Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
30	369.1	Measuring Station Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
31	371	Other Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
32	371	Other Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
33		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
34													
35		5. DISTRIBUTION PLANT											
36	374	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
37	374.1	Land		—	0.0000%	—	—	—	46.7278%	—	—	—	—
38	374.2	Land Rights		—	0.0000%	—	—	—	46.7278%	—	—	—	—
39	375	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
40	375.1	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
41	375.2	Other System Structures		—	0.0000%	—	—	—	46.7278%	—	—	—	—
42	376	Mains		—	0.0000%	—	—	—	46.7278%	—	—	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	0.0000%	—	—	—	46.7278%	—	—	—	—
44	377	Compressor Station Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
45	378	Meas. & Reg. Station - General		—	0.0000%	—	—	—	46.7278%	—	—	—	—
46	379	Meas. & Reg. Station - C.G.		—	0.0000%	—	—	—	46.7278%	—	—	—	—
47	380	Services		—	0.0000%	—	—	—	46.7278%	—	—	—	—
48	380.1	Ind Service Line Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
49	380.2	Comm Service Line Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
50	380.4	Yard Lines-Customer Svc		—	0.0000%	—	—	—	46.7278%	—	—	—	—
51	380.6	Services - Tie-Ins Total		—	0.0000%	—	—	—	46.7278%	—	—	—	—
52	381	Meters		—	0.0000%	—	—	—	46.7278%	—	—	—	—
53	382	Meter Installations		—	0.0000%	—	—	—	46.7278%	—	—	—	—
54	383	House Regulators		—	0.0000%	—	—	—	46.7278%	—	—	—	—
55	385	Indust Meas & Reg Stat Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
56	386	Other Property on Customer Premises		—	0.0000%	—	—	—	46.7278%	—	—	—	—
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
58		Subtotal		<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>
59													
60		6. GENERAL PLANT											
61	389	Land & Land Rights		\$389	0.0000%	\$—	\$—	\$389	46.7278%	\$182	\$—	\$—	\$182
62	389.1	Land & Land Rights		—	0.0000%	—	—	—	46.7278%	—	—	—	—
63	390	Structures & Improvements		—	0.0000%	—	—	—	46.7278%	—	—	—	—
64	390.1	Structures & Improvements		(62,033)	2.0100%	(1,247)	35,689	(97,721)	46.7278%	(28,987)	(583)	16,677	(45,663)

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Incremental Plant

Line No.	FERC Account No.	FERC Account Titles	Ref	Change in Gross Plant As of 12/31/2024	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant	Allocation Factor	Allocated Gross Plant	Allocated Depreciation Expense	Allocated Accumulated Depreciation	Allocated Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)
65	390.17	Building Improve Plum		—	0.0000%	—	—	—	46.7278%	—	—	—	—
66	390.2	Leasehold Improvement		222,103	17.9104%	39,780	165,028	57,075	46.7278%	103,784	18,588	77,114	26,670
67	390.2	Lease Incentive		—	0.0000%	—	—	—	46.7278%	—	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—	46.7278%	—	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
70	391.1	Office Furniture & Equipment		269,102	6.6667%	17,940	121,043	148,059	46.7278%	125,745	8,383	56,561	69,185
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
72	391.19	Airplane Hangar Furniture		—	6.6667%	—	—	—	46.7278%	—	—	—	—
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
75	391.3	Office Machines		10,842	5.0000%	542	19,329	(8,487)	46.7278%	5,066	253	9,032	(3,966)
76	391.4	Audio Visual Equipment		(278,415)	20.0000%	(55,683)	(255,076)	(23,339)	46.7278%	(130,097)	(26,019)	(119,191)	(10,906)
77	391.4	Signature Project		—	0.0000%	—	—	—	46.7278%	—	—	—	—
78	391.6	Purchased Software		5,025,649	7.6923%	386,588	3,989,764	1,035,885	46.7278%	2,348,375	180,644	1,864,329	484,046
79	391.6	Purchased Software (Banner)		254,213	7.6923%	19,555	264,071	(9,859)	46.7278%	118,788	9,138	123,395	(4,607)
80	391.6	Ariba Software		—	7.6923%	—	—	—	46.7278%	—	—	—	—
81	391.6	Dynamic Risk Assessment		—	7.6923%	—	—	—	46.7278%	—	—	—	—
82	391.6	Enterprise Plan & Budget		—	7.6923%	—	—	—	46.7278%	—	—	—	—
83	391.6	GIS Development		—	7.6923%	—	—	—	46.7278%	—	—	—	—
84	391.6	Oracle Software		—	7.6923%	—	—	—	46.7278%	—	—	—	—
85	391.6	Concur Project		121	7.6923%	9	1,733	(1,612)	46.7278%	56	4	810	(753)
86	391.6	Customer Relations Software		154,241	7.6923%	11,865	33,850	120,391	46.7278%	72,074	5,544	15,817	56,256
87	391.6	Purchased Software (PowerPlant)		—	7.6923%	—	52,222	(52,222)	46.7278%	—	—	24,402	(24,402)
88	391.6	Purchased Software(RiskWorks)		—	7.6923%	—	—	—	46.7278%	—	—	—	—
89	391.6	Maximo-Leak Detect Sys		—	7.6923%	—	97,759	(97,759)	46.7278%	—	—	45,681	(45,681)
90	391.6	Foundation Software		—	7.6923%	—	—	—	46.7278%	—	—	—	—
91	391.6	Journey - Employee - ODC Distrigas		622,907	7.6923%	47,916	2,021,655	(1,398,748)	46.7278%	291,071	22,390	944,675	(653,604)
92	391.6	Journey - Employee Count		3,113	7.6923%	239	44,642	(41,529)	46.7278%	1,455	112	20,860	(19,405)
93	391.6	Payroll - Time Management		4,609	7.6923%	355	67,868	(63,259)	46.7278%	2,154	166	31,713	(29,560)
94	391.6	AP Software		52,325	7.6923%	4,025	31,989	20,336	46.7278%	24,450	1,881	14,948	9,503
95	391.8	Micro Computer Equipment		(1,815,835)	20.0000%	(363,167)	(1,263,178)	(552,657)	46.7278%	(848,500)	(169,700)	(590,255)	(258,245)
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
97	391.9	Computer & Electronic Equip		—	0.0000%	—	—	—	46.7278%	—	—	—	—
98	391.99	Cloud Computing		105,478	7.6923%	8,114	56,882	48,596	46.7278%	49,287	3,791	26,580	22,708
99	392	Transportation Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
100	392.2	Transportation Equipment Pickup Trucks and Vans		268,588	16.6667%	44,765	30,459	238,129	46.7278%	125,505	20,918	14,233	111,273
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	0.0000%	—	—	—	46.7278%	—	—	—	—
102	392.5	Trailers		—	0.0000%	—	—	—	46.7278%	—	—	—	—
103	393	Stores Equipment		24	0.0000%	—	—	24	46.7278%	11	—	—	11
104	394	Tools, Shop & Garage		11,448	6.6667%	763	14,085	(2,637)	46.7278%	5,349	357	6,581	(1,232)
105	394.1	Tools		—	0.0000%	—	—	—	46.7278%	—	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—	46.7278%	—	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	—	—	46.7278%	—	—	—	—
108	396	Major Work Equipment		—	0.0000%	—	—	—	46.7278%	—	—	—	—
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—	46.7278%	—	—	—	—
110	397	Communication Equipment		912	5.0000%	46	2,014	(1,102)	46.7278%	426	21	941	(515)
111	398	Miscellaneous General Plant		—	0.0000%	—	—	—	46.7278%	—	—	—	—
112				<u>\$4,849,782</u>		<u>\$162,404</u>	<u>\$5,531,827</u>	<u>\$(682,044)</u>		<u>\$2,266,197</u>	<u>\$75,888</u>	<u>\$2,584,901</u>	<u>\$(318,704)</u>
113													
114		TOTAL		<u>\$4,849,782</u>		<u>\$162,404</u>	<u>\$5,531,827</u>	<u>\$(682,044)</u>		<u>\$2,266,197</u>	<u>\$75,888</u>	<u>\$2,584,901</u>	<u>\$(318,704)</u>
115		Rate Base Adjustments		\$—		\$—	\$—	\$—	46.7278%	\$—	\$—	\$—	\$—
116		Change in Allocation Factor from prior year								<u>\$(7,176)</u>	<u>\$(642)</u>	<u>\$(3,316)</u>	<u>\$(3,860)</u>
117		Adjusted Total		<u>\$4,849,782</u>		<u>\$162,404</u>	<u>\$5,531,827</u>	<u>\$(682,044)</u>		<u>\$2,259,020</u>	<u>\$75,246</u>	<u>\$2,581,584</u>	<u>\$(322,564)</u>

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Investment Report - Direct Additions Project Report

¹ Attach the Company's Direct Additions Project Report. - *Provided electronically; please see enclosed flash drive.*

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Investment Report - Direct Retirements Project Report

1 Attach the Company's Direct Retirement Project Report. - *Provided electronically; please see enclosed flash drive.*

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Investment Report -TGS Division Allocated Additions Project Report

1 Attach the Company's Division Allocated Additions Project Report. - **Provided electronically; please see enclosed flash drive.**

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Investment Report - Corporate Allocated Additions Project Report

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Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Investment Report - TGS Division Allocated Retirements Project Report

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Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Investment Report - Corporate Allocated Retirements Project Report

1 Attach the Company's Corporate Allocated Retirements Project Report. - *Provided electronically; please see enclosed flash drive.*

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Additions Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Additions Original Cost	Depreciation Rate per		Accumulated Depreciation	Net Plant
					GUID No. 17471	Depreciation Expense		
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) (e) - (h)
12		1. INTANGIBLE PLANT						
13	301	Organization		\$—	4.0000%	\$—	\$—	\$—
14	301	Organization - OPC		—	6.6670%	—	—	—
15	302	Franchises and Consents		—	4.0200%	—	—	—
16	303	Miscellaneous Intangible Plant		641	4.0600%	26	—	641
17	303	Misc. Intangible - OPC		—	0.0000%	—	—	—
18		Subtotal		\$641		\$26	\$—	\$641
19								
20		4. TRANSMISSION PLANT						
21	365.2	Land and Land Rights		\$—	0.0000%	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—
23	365.2	Rights of Way - OPC		—	1.3000%	—	—	—
24	366	Structures and Improvements		—	0.0000%	—	—	—
25	366.1	Compressor Station Structure - OPC		—	4.0400%	—	—	—
26	367	Mains		1,404,344	2.6600%	37,356	—	1,404,344
27	367	Mains - OPC		—	1.7500%	—	—	—
28	369	Meas. and Reg. Station Equipment		1,449,504	3.4300%	49,718	—	1,449,504
29	369	Measure/Reg. Station Equipment - OPC		—	1.8300%	—	—	—
30	369.1	Measuring Station Equipment - OPC		—	2.6200%	—	—	—
31	371	Other Equipment		—	2.6200%	—	—	—
32	371	Other Equipment - OPC		—	2.6200%	—	—	—
33		Subtotal		\$2,853,848		\$87,074	\$—	\$2,853,848
34								
35		5. DISTRIBUTION PLANT						
36	374	Land and Land Rights		\$—	0.0000%	\$—	\$—	\$—
37	374.1	Land		—	0.0000%	—	—	—
38	374.2	Land Rights		8,263	0.0000%	—	—	8,263
39	375	Structures & Improvements		—	0.0000%	—	—	—
40	375.1	Structures and Improvements		916	3.0900%	28	—	916
41	375.2	Other System Structures		(1,711,547)	2.3800%	(40,735)	—	(1,711,547)
42	376	Mains		78,928,616	2.2300%	1,760,108	—	78,928,616
43	376.9	Mains - Cathodic Protection Anodes		2,383,457	6.6667%	158,897	—	2,383,457
44	377	Compressor Station Equipment		—	0.0000%	—	—	—
45	378	Meas. and Reg. Station Equipment - General		2,095,388	2.1300%	44,632	—	2,095,388
46	379	Meas. and Reg. Stations Equipment - City Gates		134,012	1.9700%	2,640	—	134,012
47	380	Services		41,086,060	3.1600%	1,298,320	—	41,086,060
48	380.1	Services		16,508	3.1600%	522	—	16,508
49	380.2	Comm Service Line Equip		764,793	3.1600%	24,167	—	764,793
50	380.4	Yard Lines - Customer Svc		(118,970)	3.1600%	(3,759)	—	(118,970)
51	380.6	Services - Tie-Ins		—	3.1600%	—	—	—
52	381	Meters		7,210,893	4.0800%	294,204	—	7,210,893
53	382	Meter Installations		(7,147)	4.0400%	(289)	—	(7,147)
54	383	Regulators		1,868,178	3.4000%	63,518	—	1,868,178
55	385	Industrial Meas. and Reg. Station Equipment		888,418	2.3800%	21,144	—	888,418
56	386	Other Property and Equipment		—	11.8900%	—	—	—
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—
58		Subtotal		\$133,547,838		\$3,623,398	\$—	\$133,547,838
59								
60		6. GENERAL PLANT						
61	389	Land & Land Rights		\$—	0.0000%	\$—	\$—	\$—
62	389.1	Land & Land Rights		(242)	0.0000%	—	—	(242)
63	390	Structures & Improvements		—	0.0000%	—	—	—
64	390.1	Structures & Improvements		2,183,866	2.5200%	55,033	—	2,183,866
65	390.17	Building Improve Plum		—	0.0000%	—	—	—
66	390.2	Leasehold Improvement		—	0.0000%	—	—	—
67	390.2	Lease Incentive		—	0.0000%	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—
70	391.1	Office Furniture & Equipment		23,961	6.6667%	1,597	—	23,961
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—
72	391.19	Airplane Hangar Furniture		—	0.0000%	—	—	—
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—
75	391.3	Office Machines		—	0.0000%	—	—	—
76	391.4	Audio Visual Equipment		—	0.0000%	—	—	—
77	391.4	Signature Project		—	0.0000%	—	—	—
78	391.6	Purchased Software		—	0.0000%	—	—	—
79	391.6	Purchased Software (Banner)		—	0.0000%	—	—	—
80	391.6	Ariba Software		—	0.0000%	—	—	—
81	391.6	Dynamic Risk Assessment		—	0.0000%	—	—	—
82	391.6	Enterprise Plan & Budget		—	0.0000%	—	—	—
83	391.6	GIS Development		—	0.0000%	—	—	—
84	391.6	Oracle Software		—	0.0000%	—	—	—
85	391.6	Concur Project		—	0.0000%	—	—	—
86	391.6	Customer Relations Software		—	0.0000%	—	—	—
87	391.6	Purchased Software (PowerPlant)		—	0.0000%	—	—	—
88	391.6	Purchased Software(RiskWorks)		—	0.0000%	—	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Additions Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Additions Original Cost	Depreciation Rate per		Depreciation Expense	Accumulated Depreciation	Net Plant
					GUID No. 17471				
(a)	(b)	(c)	(d)	(e)	(f)		(g)	(h)	(i) (e) - (h)
89	391.6	Maximo-Leak Detect Sys		—	0.0000%		—	—	—
90	391.6	Foundation Software		—	0.0000%		—	—	—
91	391.6	Journey - Employee - ODC Dstrigas		—	0.0000%		—	—	—
92	391.6	Journey - Employee Count		—	0.0000%		—	—	—
93	391.6	Payroll - Time Management		—	0.0000%		—	—	—
94	391.6	AP Software		—	0.0000%		—	—	—
95	391.8	Micro Computer Equipment		—	0.0000%		—	—	—
96	391.81	Aircraft Computer Equipment		—	0.0000%		—	—	—
97	391.9	Computer & Electronic Equip		(122,783)	14.2857%		(17,540)	—	(122,783)
98	391.99	Cloud Computing		—	0.0000%		—	—	—
99	392	Transportation Equipment		(195,159)	6.4300%		(12,549)	—	(195,159)
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	6.4300%		—	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	6.4300%		—	—	—
102	392.5	Trailers		—	6.4300%		—	—	—
103	393	Stores Equipment		(55,245)	6.6667%		(3,683)	—	(55,245)
104	394	Tools, Shop & Garage		1,072,565	6.6667%		71,504	—	1,072,565
105	394.1	Tools		—	0.0000%		—	—	—
106	394.1	Tools - OPC		—	0.0000%		—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%		—	—	—
108	396	Major Work Equipment		779,879	4.8000%		37,434	—	779,879
109	396.1	Power Op Equip Rubber Tire		—	0.0000%		—	—	—
110	397	Communication Equipment		222,214	6.6667%		14,814	—	222,214
111	398	Miscellaneous General Plant		—	6.6667%		—	—	—
112		Subtotal		\$3,909,056			\$146,611	\$—	\$3,909,056
113									
114		TOTAL		\$140,311,383			\$3,857,109	\$—	\$140,311,383
115		Rate Base Adjustments							
116		Adjusted Total		\$140,311,383			\$3,857,109	\$—	\$140,311,383

(A)

Note (A) : Accumulated Depreciation for Direct Plant can be found on IRA 5, IRA 7 & IRA 8

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Retirement Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Retirements Original Cost	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) (e) - (h)
12		1. INTANGIBLE PLANT						
13	301	Organization		\$—	4.0000%	\$—	\$—	\$—
14	301	Organization- OPC		—	6.6670%	—	—	—
15	302	Franchises & Consents		—	4.0200%	—	—	—
16	303	Misc. Intangible		—	4.0600%	—	—	—
17	303	Misc. Intangible- OPC		—	0.0000%	—	—	—
18		Subtotal		\$—		\$—	\$—	\$—
19		4. TRANSMISSION PLANT						
20		Land & Land Rights						
21	365.2			\$—	0.0000%	\$—	\$—	\$—
22	365.1	Land - OPC		—	0.0000%	—	—	—
23	365.2	Rights of Way - OPC		—	1.3000%	—	—	—
24	366	Meas/Reg Station Structures		—	0.0000%	—	—	—
25	366.1	Compressor Station Structure - OPC		—	4.0400%	—	—	—
26	367	Mains		(180)	2.6600%	(5)	180	—
27	367	Mains -OPC		—	1.7500%	—	—	—
28	369	Meas & Reg Stations Equip		—	3.4300%	—	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	1.8300%	—	—	—
30	369.1	Measuring Station Equipment - OPC		—	2.6200%	—	—	—
31	371	Other Equipment		—	2.6200%	—	—	—
32	371	Other Equipment - OPC		—	2.6200%	—	—	—
33		Subtotal		\$(180)		\$(5)	\$180	\$—
34		5. DISTRIBUTION PLANT						
35		Land & Land Rights						
36	374			\$—	0.0000%	\$—	\$—	\$—
37	374.1	Land		—	0.0000%	—	—	—
38	374.2	Land Rights		—	0.0000%	—	—	—
39	375	Structures & Improvements		—	0.0000%	—	—	—
40	375.1	Structures & Improvements		—	3.0900%	—	—	—
41	375.2	Other System Structures		—	2.3800%	—	—	—
42	376	Mains		(287,506)	2.2300%	(6,411)	287,506	—
43	376.9	Mains - Cathodic Protection Anodes		(1,146,321)	6.6667%	(76,421)	1,146,321	—
44	377	Compressor Station Equipment		—	0.0000%	—	—	—
45	378	Meas. & Reg. Station - General		(5,492)	2.1300%	(117)	5,492	—
46	379	Meas. & Reg. Station - C.G.		(7,442)	1.9700%	(147)	7,442	—
47	380	Services		(803,519)	3.1600%	(25,391)	803,519	—
48	380.1	Ind Service Line Equip		—	3.1600%	—	—	—
49	380.2	Comm Service Line Equip		—	3.1600%	—	—	—
50	380.4	Yard Lines-Customer Svc		—	3.1600%	—	—	—
51	380.6	Services - Tie-Ins Total		—	3.1600%	—	—	—
52	381	Meters		(11,110)	4.0800%	(453)	11,110	—
53	382	Meter Installations		—	4.0400%	—	—	—
54	383	House Regulators		(11,035)	3.4000%	(375)	11,035	—
55	385	Indust Meas & Reg Stat Equip		(1,546)	2.3800%	(37)	1,546	—
56	386	Other Property on Customer Premises		—	11.8900%	—	—	—
57	387	Meas. & Reg. Stat. Equipment		—	0.0000%	—	—	—
58		Subtotal		\$(2,273,971)		\$(109,353)	\$2,273,971	\$—
59		6. GENERAL PLANT						
60		Land & Land Rights						
61	389			\$—	0.0000%	\$—	\$—	\$—
62	389.1	Land & Land Rights		—	0.0000%	—	—	—
63	390	Structures & Improvements		—	0.0000%	—	—	—
64	390.1	Structures & Improvements		(2,076)	2.5200%	(52)	2,076	—
65	390.17	Building Improve Plum		—	0.0000%	—	—	—
66	390.2	Leasehold Improvement		—	0.0000%	—	—	—
67	390.2	Lease Incentive		—	0.0000%	—	—	—
68	390.21	Leasehold Equipment EOL		—	0.0000%	—	—	—
69	391	Office Furniture & Equipment		—	0.0000%	—	—	—
70	391.1	Office Furniture & Equipment		(19,365)	6.6667%	(1,291)	19,365	—
71	391.1	Office Furniture & Equipment - OPC		—	0.0000%	—	—	—
72	391.19	Airplane Hangar Furniture		—	0.0000%	—	—	—
73	391.2	Data Processing Equipment		—	0.0000%	—	—	—
74	391.2	Oracle Equipment		—	0.0000%	—	—	—
75	391.3	Office Machines		—	0.0000%	—	—	—
76	391.4	Audio Visual Equipment		—	0.0000%	—	—	—
77	391.4	Signature Project		—	0.0000%	—	—	—
78	391.6	Purchased Software		—	0.0000%	—	—	—
79	391.6	Purchased Software (Banner)		—	0.0000%	—	—	—
80	391.6	Ariba Software		—	0.0000%	—	—	—
81	391.6	Dynamic Risk Assessment		—	0.0000%	—	—	—
82	391.6	Enterprise Plan & Budget		—	0.0000%	—	—	—
83	391.6	GIS Development		—	0.0000%	—	—	—
84	391.6	Oracle Software		—	0.0000%	—	—	—
85	391.6	Concur Project		—	0.0000%	—	—	—
86	391.6	Customer Relations Software		—	0.0000%	—	—	—
87	391.6	Purchased Software (PowerPlant)		—	0.0000%	—	—	—
88	391.6	Purchased Software(RiskWorks)		—	0.0000%	—	—	—
89	391.6	Maximo-Leak Detect Sys		—	0.0000%	—	—	—
90	391.6	Foundation Software		—	0.0000%	—	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Direct Retirement Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Retirements Original Cost	Depreciation Rate per GUD No. 17471	Depreciation Expense	Accumulated Depreciation	Net Plant
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i) (e) - (h)
91	391.6	Journey - Employee - ODC Distrigas		—	0.0000%	—	—	—
92	391.6	Journey - Employee Count		—	0.0000%	—	—	—
93	391.6	Payroll - Time Management		—	0.0000%	—	—	—
94	391.6	AP Software		—	0.0000%	—	—	—
95	391.8	Micro Computer Equipment		—	0.0000%	—	—	—
96	391.81	Aircraft Computer Equipment		—	0.0000%	—	—	—
97	391.9	Computer & Electronic Equip		(239,861)	14.2857%	(34,266)	239,861	—
98	391.99	Cloud Computing		—	0.0000%	—	—	—
99	392	Transportation Equipment		(296,135)	6.4300%	(19,041)	296,135	—
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	6.4300%	—	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	6.4300%	—	—	—
102	392.5	Trailers		—	6.4300%	—	—	—
103	393	Stores Equipment		—	6.6667%	—	—	—
104	394	Tools, Shop & Garage		(149,355)	6.6667%	(9,957)	149,355	—
105	394.1	Tools		—	0.0000%	—	—	—
106	394.1	Tools - OPC		—	0.0000%	—	—	—
107	395	CNG Equipment - Laboratory		—	0.0000%	—	—	—
108	396	Major Work Equipment		(168,107)	4.8000%	(8,069)	168,107	—
109	396.1	Power Op Equip Rubber Tire		—	0.0000%	—	—	—
110	397	Communication Equipment		(400,558)	6.6667%	(26,704)	400,558	—
111	398	Miscellaneous General Plant		—	6.6667%	—	—	—
112		Subtotal		<u>\$(1,275,457)</u>		<u>\$(99,381)</u>	<u>\$1,275,457</u>	<u>\$—</u>
113								
114		TOTAL		<u>\$(3,549,608)</u>		<u>\$(208,738)</u>	<u>\$3,549,608</u>	<u>\$—</u>
115		Rate Base Adjustments						
116		Adjusted Total		<u>\$(3,549,608)</u>		<u>\$(208,738)</u>	<u>\$3,549,608</u>	<u>\$—</u>

(A)

Note (A) : Accumulated Depreciation for Direct Plant can be found on IRA 5, IRA 7 & IRA 8

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Additions Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Division Additions Original Cost	Division Adjustments	Division Additions Adjusted Cost	Depreciation Rate per GUD No. 17471	Division Depreciation Expense	Accumulated Depreciation	Division Net Plant	CGSA Allocation Factor	Allocated Cost	Allocated Depreciation Expense
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k) - (j)	(l)	(m) (k) x (l)	(n) (i) x (l)
12		1. INTANGIBLE PLANT											
13	301	Organization		\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
14	301	Organization- OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
15	302	Franchises & Consents		—	—	—	0.0000%	—	—	—	46.7278%	—	—
16	303	Misc. Intangible		—	—	—	0.0000%	—	—	—	46.7278%	—	—
17	303	Misc. Intangible- OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
18		Subtotal		\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
20		4. TRANSMISSION PLANT											
21	365.2	Land & Land Rights		\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
22	365.1	Land - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
23	365.2	Rights of Way - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
24	366	Meas/Reg Station Structures		—	—	—	0.0000%	—	—	—	46.7278%	—	—
25	366.1	Compressor Station Structure - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
26	367	Mains		—	—	—	0.0000%	—	—	—	46.7278%	—	—
27	367	Mains -OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
28	369	Meas & Reg Stations Equip		—	—	—	0.0000%	—	—	—	46.7278%	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
30	369.1	Measuring Station Equipment - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
31	371	Other Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
32	371	Other Equipment - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
33		Subtotal		\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
35		5. DISTRIBUTION PLANT											
36	374	Land & Land Rights		\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
37	374.1	Land		—	—	—	0.0000%	—	—	—	46.7278%	—	—
38	374.2	Land Rights		—	—	—	0.0000%	—	—	—	46.7278%	—	—
39	375	Structures & Improvements		—	—	—	0.0000%	—	—	—	46.7278%	—	—
40	375.1	Structures & Improvements		—	—	—	0.0000%	—	—	—	46.7278%	—	—
41	375.2	Other System Structures		—	—	—	0.0000%	—	—	—	46.7278%	—	—
42	376	Mains		—	—	—	0.0000%	—	—	—	46.7278%	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	—	—	0.0000%	—	—	—	46.7278%	—	—
44	377	Compressor Station Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
45	378	Meas. & Reg. Station - General		—	—	—	0.0000%	—	—	—	46.7278%	—	—
46	379	Meas. & Reg. Station - C.G.		—	—	—	0.0000%	—	—	—	46.7278%	—	—
47	380	Services		—	—	—	0.0000%	—	—	—	46.7278%	—	—
48	380.1	Ind Service Line Equip		—	—	—	0.0000%	—	—	—	46.7278%	—	—
49	380.2	Comm Service Line Equip		—	—	—	0.0000%	—	—	—	46.7278%	—	—
50	380.4	Yard Lines-Customer Svc		—	—	—	0.0000%	—	—	—	46.7278%	—	—
51	380.6	Services - Tie-Ins Total		—	—	—	0.0000%	—	—	—	46.7278%	—	—
52	381	Meters		—	—	—	0.0000%	—	—	—	46.7278%	—	—
53	382	Meter Installations		—	—	—	0.0000%	—	—	—	46.7278%	—	—
54	383	House Regulators		—	—	—	0.0000%	—	—	—	46.7278%	—	—
55	385	Indust Meas & Reg Stat Equip		—	—	—	0.0000%	—	—	—	46.7278%	—	—
56	386	Other Property on Customer Premises		—	—	—	0.0000%	—	—	—	46.7278%	—	—
57	387	Meas. & Reg. Stat. Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
58		Subtotal		\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
60		6. GENERAL PLANT											
61	389	Land & Land Rights		\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
62	389.1	Land & Land Rights		—	—	—	0.0000%	—	—	—	46.7278%	—	—
63	390	Structures & Improvements		—	—	—	0.0000%	—	—	—	46.7278%	—	—
64	390.1	Structures & Improvements		(237,054)	277,157	40,103	2.5600%	1,027	—	40,103	46.7278%	18,739	480

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Additions Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Division Additions	Division	Division Additions	Depreciation Rate per	Division	Accumulated	CGSA			
				Original Cost	Adjustments	Adjusted Cost	GUD No. 17471	Depreciation Expense	Depreciation	Division Net Plant	Allocation Factor	Allocated Cost	Allocated Depreciation Expense
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k) (g) - (j)	(l)	(m) (k) x (l)	(n) (i) x (l)
65	390.17	Building Improve Plum		—	—	—	0.0000%	—	—	—	46.7278%	—	—
66	390.2	Leasehold Improvement		—	—	—	2.6864%	—	—	—	46.7278%	—	—
67	390.2	Lease Incentive		—	—	—	0.0000%	—	—	—	46.7278%	—	—
68	390.21	Leasehold Equipment EOL		—	—	—	0.0000%	—	—	—	46.7278%	—	—
69	391	Office Furniture & Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
70	391.1	Office Furniture & Equipment		—	6,303	6,303	6.6667%	420	—	6,303	46.7278%	2,945	196
71	391.1	Office Furniture & Equipment - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
72	391.19	Airplane Hangar Furniture		—	—	—	0.0000%	—	—	—	46.7278%	—	—
73	391.2	Data Processing Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
74	391.2	Oracle Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
75	391.3	Office Machines		—	—	—	0.0000%	—	—	—	46.7278%	—	—
76	391.4	Audio Visual Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
77	391.4	Signature Project		—	—	—	0.0000%	—	—	—	46.7278%	—	—
78	391.6	Purchased Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
79	391.6	Purchased Software (Banner)		—	—	—	0.0000%	—	—	—	46.7278%	—	—
80	391.6	Ariba Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
81	391.6	Dynamic Risk Assessment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
82	391.6	Enterprise Plan & Budget		—	—	—	0.0000%	—	—	—	46.7278%	—	—
83	391.6	GIS Development		—	—	—	0.0000%	—	—	—	46.7278%	—	—
84	391.6	Oracle Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
85	391.6	Concur Project		—	—	—	0.0000%	—	—	—	46.7278%	—	—
86	391.6	Customer Relations Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
87	391.6	Purchased Software (PowerPlant)		—	—	—	0.0000%	—	—	—	46.7278%	—	—
88	391.6	Purchased Software(RiskWorks)		—	—	—	0.0000%	—	—	—	46.7278%	—	—
89	391.6	Maximo-Leak Detect Sys		—	—	—	0.0000%	—	—	—	46.7278%	—	—
90	391.6	Foundation Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
91	391.6	Journey - Employee - ODC Distrigas		—	—	—	0.0000%	—	—	—	46.7278%	—	—
92	391.6	Journey - Employee Count		—	—	—	0.0000%	—	—	—	46.7278%	—	—
93	391.6	Payroll - Time Management		—	—	—	0.0000%	—	—	—	46.7278%	—	—
94	391.6	AP Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
95	391.8	Micro Computer Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
96	391.81	Aircraft Computer Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
97	391.9	Computer & Electronic Equip		514,497	74,330	588,828	14.2857%	84,118	—	588,828	46.7278%	275,146	39,307
98	391.99	Cloud Computing		—	—	—	0.0000%	—	—	—	46.7278%	—	—
99	392	Transportation Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
		Transportation Equipment Pickup Trucks and Vans		—	—	—	0.0000%	—	—	—	46.7278%	—	—
100	392.2			—	—	—	0.0000%	—	—	—	46.7278%	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	—	—	0.0000%	—	—	—	46.7278%	—	—
102	392.5	Trailers		—	—	—	0.0000%	—	—	—	46.7278%	—	—
103	393	Stores Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
104	394	Tools, Shop & Garage		—	—	—	6.6667%	—	—	—	46.7278%	—	—
105	394.1	Tools		—	—	—	0.0000%	—	—	—	46.7278%	—	—
106	394.1	Tools - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
107	395	CNG Equipment - Laboratory		—	—	—	0.0000%	—	—	—	46.7278%	—	—
108	396	Major Work Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
109	396.1	Power Op Equip Rubber Tire		—	—	—	0.0000%	—	—	—	46.7278%	—	—
110	397	Communication Equipment		—	70,300	70,300	6.6667%	4,687	—	70,300	46.7278%	32,850	2,190
111	398	Miscellaneous General Plant		—	—	—	6.6667%	—	—	—	46.7278%	—	—
112		Subtotal		\$277,443	\$428,090	\$705,534		\$90,252	\$—	\$705,534		\$329,680	\$42,173
113													
114		TOTAL		\$277,443	\$428,090	\$705,534		\$90,252	\$—	\$705,534		\$329,680	\$42,173
115		Rate Base Adjustments		—	—	—		—	—	—	46.7278%	—	—
116		Adjusted Total		\$277,443	\$428,090	\$705,534		\$90,252	\$—	\$705,534		\$329,680	\$42,173

(1)

(1) The company's asset management system does not track accumulated depreciation on a single workorder basis. For the total accumulated depreciation, please see tab IRA-11a, 11b.

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Additions Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Corporate Additions	Corporate	Corporate	Corporate	Change in	Corporate Additions	Depreciation Rate per GUD No. 17471	Corporate Allocated to Division Depreciation Expense	Accumulated Depreciation	Corporate Allocated to Division Net Plant	CGSA Allocation Factor	Allocated Cost	Allocated Depreciation Expense
				Original Cost	Adjustments	Additions Adjusted Cost	Additions Adjusted Cost Allocated to TGS	Allocation Factors	Adjusted Cost Allocated to TGS (including change in allocation factors)		(l)	(m)	(n)	(o)	(p)	(q)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
													(i) - (m)		(n) x (o)	(l) x (o)
12		1. INTANGIBLE PLANT														
13	301	Organization		\$—	\$—	\$—	\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
14	301	Organization- OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
15	302	Franchises & Consents		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
16	303	Misc. Intangible		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
17	303	Misc. Intangible- OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
18		Subtotal		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>
19																
20		4. TRANSMISSION PLANT														
21	365.2	Land & Land Rights		\$—	\$—	\$—	\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
22	365.1	Land - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
23	365.2	Rights of Way - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
24	366	Meas/Reg Station Structures		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
25	366.1	Compressor Station Structure - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
26	367	Mains		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
27	367	Mains -OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
28	369	Meas & Reg Stations Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
30	369.1	Measuring Station Equipment - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
31	371	Other Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
32	371	Other Equipment - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
33		Subtotal		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>
34																
35		5. DISTRIBUTION PLANT														
36	374	Land & Land Rights		\$—	\$—	\$—	\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
37	374.1	Land		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
38	374.2	Land Rights		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
39	375	Structures & Improvements		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
40	375.1	Structures & Improvements		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
41	375.2	Other System Structures		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
42	376	Mains		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
44	377	Compressor Station Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
45	378	Meas. & Reg. Station - General		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
		Meas. & Reg. Station - C.G.		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
46	379	Services		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
47	380	Services		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
48	380.1	Ind Service Line Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
49	380.2	Comm Service Line Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
50	380.4	Yard Lines-Customer Svc		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
51	380.6	Services - Tie-Ins Total		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
52	381	Meters		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
53	382	Meter Installations		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
54	383	House Regulators		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
55	385	Indust Meas & Reg Stat Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
56	386	Other Property on Customer Premises		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
57	387	Meas. & Reg. Stat. Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
58		Subtotal		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>	<u>\$—</u>		<u>\$—</u>	<u>\$—</u>
59																
60		6. GENERAL PLANT														
61	389	Land & Land Rights		\$—	\$—	\$—	\$—	\$389	\$389	0.0000%	\$—	\$—	\$389	46.7278%	\$182	\$—
62	389.1	Land & Land Rights		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
63	390	Structures & Improvements		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
64	390.1	Structures & Improvements		(490,292)	113,569	(376,724)	(111,623)	49,590	(62,033)	2.0100%	(1,247)	—	(62,033)	46.7278%	(28,987)	(583)
65	390.17	Building Improve Plum		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
66	390.2	Leasehold Improvement		450,667	98,487	549,154	162,714	59,389	222,103	17.9104%	39,780	—	222,103	46.7278%	103,784	18,588
67	390.2	Lease Incentive		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
68	390.21	Leasehold Equipment EOL		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
69	391	Office Furniture & Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Additions Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Corporate Additions	Corporate	Corporate Additions	Corporate Additions	Change in	Corporate Additions	Depreciation Rate	Corporate	Accumulated	Corporate	CGSA	Allocated	Allocated
				Original Cost	Adjustments	Adjusted Cost	Adjusted Cost	Allocation Factors	Adjusted Cost	per GUD No. 17471	Allocated to Division Depreciation Expense	Depreciation	Allocated to Division Net Plant	Allocation Factor	Cost	Expense
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
													(i) - (m)		(n) x (o)	(l) x (q)
70	391.1	Office Furniture & Equipment		761,073	(11)	761,062	225,503	43,599	269,102	6.6667%	17,940	—	269,102	46.7278%	125,745	8,383
71	391.1	Office Furniture & Equipment - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
72	391.19	Airplane Hangar Furniture		—	—	—	—	—	—	6.6667%	—	—	—	46.7278%	—	—
73	391.2	Data Processing Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
74	391.2	Oracle Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
75	391.3	Office Machines		—	—	—	—	10,842	10,842	5.0000%	542	—	10,842	46.7278%	5,066	253
76	391.4	Audio Visual Equipment		—	36	36	11	10,425	10,435	20.0000%	2,087	—	10,435	46.7278%	4,876	975
77	391.4	Signature Project		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
78	391.6	Purchased Software		12,640,889	104,506	12,745,396	3,776,461	1,355,902	5,132,363	7.6923%	394,797	—	5,132,363	46.7278%	2,398,240	184,480
79	391.6	Purchased Software (Banner)		823,673	355	824,028	254,213	—	254,213	7.6923%	19,555	—	254,213	46.7278%	118,788	9,138
80	391.6	Arriba Software		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
81	391.6	Dynamic Risk Assessment		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
82	391.6	Enterprise Plan & Budget		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
83	391.6	GIS Development		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
84	391.6	Oracle Software		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
85	391.6	Concur Project		—	—	—	—	121	121	7.6923%	9	—	121	46.7278%	56	4
86	391.6	Customer Relations Software		499,972	—	499,972	154,241	—	154,241	7.6923%	11,865	—	154,241	46.7278%	72,074	5,544
87	391.6	Purchased Software (PowerPlant)		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
88	391.6	Purchased Software(RiskWorks)		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
89	391.6	Maximo-Leak Detect Sys		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
90	391.6	Foundation Software		—	—	—	—	—	—	7.6923%	—	—	—	46.7278%	—	—
91	391.6	Journey - Employee - ODC Dstrigas		—	12,655	12,655	3,750	619,158	622,907	7.6923%	47,916	—	622,907	46.7278%	291,071	22,390
92	391.6	Journey - Employee Count		—	—	—	—	3,113	3,113	7.6923%	239	—	3,113	46.7278%	1,455	112
93	391.6	Payroll - Time Management		—	(1,210)	(1,210)	(359)	4,969	4,609	7.6923%	355	—	4,609	46.7278%	2,154	166
94	391.6	AP Software		146,614	303	146,917	49,252	3,074	52,325	7.6923%	4,025	—	52,325	46.7278%	24,450	1,881
95	391.8	Micro Computer Equipment		1,571,942	—	1,571,942	465,856	239,335	705,191	20.0000%	141,038	—	705,191	46.7278%	329,520	65,904
96	391.81	Aircraft Computer Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
97	391.9	Computer & Electronic Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
98	391.99	Cloud Computing		291,371	—	291,371	86,333	19,145	105,478	7.6923%	8,114	—	105,478	46.7278%	49,287	3,791
99	392	Transportation Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
100	392.2	Transportation Equipment Pickup Trucks and Vans		906,475	—	906,475	268,588	—	268,588	16.6667%	44,765	—	268,588	46.7278%	125,505	20,918
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
102	392.5	Trailers		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
103	393	Stores Equipment		—	82	82	24	—	24	0.0000%	—	—	24	46.7278%	11	—
104	394	Tools, Shop & Garage		20,938	3	20,941	6,205	5,243	11,448	6.6667%	763	—	11,448	46.7278%	5,349	357
105	394.1	Tools		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
106	394.1	Tools - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
107	395	CNG Equipment - Laboratory		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
108	396	Major Work Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
109	396.1	Power Op Equip Rubber Tire		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
110	397	Communication Equipment		—	—	—	—	912	912	5.0000%	46	—	912	46.7278%	426	21
111	398	Miscellaneous General Plant		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
112		Subtotal		\$17,623,321	\$328,776	\$17,952,097	\$5,341,168	\$2,425,205	\$7,766,373		\$732,588	\$—	\$7,766,373		\$3,629,055	\$342,322
113																
114		TOTAL		\$17,623,321	\$328,776	\$17,952,097	\$5,341,168	\$2,425,205	\$7,766,373		\$732,588	\$—	\$7,766,373		\$3,629,055	\$342,322
115		Rate Base Adjustments		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
116		Change in Allocation Factor from prior year		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
117		Adjusted Total		\$17,623,321	\$328,776	\$17,952,097	\$5,341,168	\$2,425,205	\$7,766,373		\$732,588	\$—	\$7,766,373		\$3,629,055	\$342,322

(1)

(1) The company's asset management system does not track accumulated depreciation on a single workorder basis. For the total accumulated depreciation, please see tab IRA-11a, 11b.

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Retirement Detail

FERC Account				Division	Division	Division	Depreciation	Accumulated	Division Net	CGSA		Allocated Depreciation	
Line No.	No.	FERC Account Titles	Ref	Retirements Original Cost	Adjustments	Adjusted Cost	Depreciation Rate per GUD No. 17471	Depreciation Expense	Depreciation	Plant	Allocation Factor	Allocated Cost	Allocated Depreciation Expense
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k) (g) - (j)	(l)	(m) (k) x (l)	(n) (i) x (l)
12		1. INTANGIBLE PLANT											
13	301	Organization		\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
14	301	Organization- OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
15	302	Franchises & Consents		—	—	—	0.0000%	—	—	—	46.7278%	—	—
16	303	Misc. Intangible		—	—	—	0.0000%	—	—	—	46.7278%	—	—
17	303	Misc. Intangible- OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
18		Subtotal		\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
19													
20		4. TRANSMISSION PLANT											
21	365.2	Land & Land Rights		\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
22	365.1	Land - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
23	365.2	Rights of Way - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
24	366	Meas/Reg Station Structures		—	—	—	0.0000%	—	—	—	46.7278%	—	—
25	366.1	Compressor Station Structure - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
26	367	Mains		—	—	—	0.0000%	—	—	—	46.7278%	—	—
27	367	Mains -OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
28	369	Meas & Reg Stations Equip		—	—	—	0.0000%	—	—	—	46.7278%	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
30	369.1	Measuring Station Equipment - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
31	371	Other Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
32	371	Other Equipment - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
33		Subtotal		\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
34													
35		5. DISTRIBUTION PLANT											
36	374	Land & Land Rights		\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
37	374.1	Land		—	—	—	0.0000%	—	—	—	46.7278%	—	—
38	374.2	Land Rights		—	—	—	0.0000%	—	—	—	46.7278%	—	—
39	375	Structures & Improvements		—	—	—	0.0000%	—	—	—	46.7278%	—	—
40	375.1	Structures & Improvements		—	—	—	0.0000%	—	—	—	46.7278%	—	—
41	375.2	Other System Structures		—	—	—	0.0000%	—	—	—	46.7278%	—	—
42	376	Mains		—	—	—	0.0000%	—	—	—	46.7278%	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	—	—	0.0000%	—	—	—	46.7278%	—	—
44	377	Compressor Station Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
45	378	Meas. & Reg. Station - General		—	—	—	0.0000%	—	—	—	46.7278%	—	—
46	379	Meas. & Reg. Station - C.G.		—	—	—	0.0000%	—	—	—	46.7278%	—	—
47	380	Services		—	—	—	0.0000%	—	—	—	46.7278%	—	—
48	380.1	Ind Service Line Equip		—	—	—	0.0000%	—	—	—	46.7278%	—	—
49	380.2	Comm Service Line Equip		—	—	—	0.0000%	—	—	—	46.7278%	—	—
50	380.4	Yard Lines-Customer Svc		—	—	—	0.0000%	—	—	—	46.7278%	—	—
51	380.6	Services - Tie-Ins Total		—	—	—	0.0000%	—	—	—	46.7278%	—	—
52	381	Meters		—	—	—	0.0000%	—	—	—	46.7278%	—	—
53	382	Meter Installations		—	—	—	0.0000%	—	—	—	46.7278%	—	—
54	383	House Regulators		—	—	—	0.0000%	—	—	—	46.7278%	—	—
55	385	Indust Meas & Reg Stat Equip		—	—	—	0.0000%	—	—	—	46.7278%	—	—
56	386	Other Property on Customer Premises		—	—	—	0.0000%	—	—	—	46.7278%	—	—
57	387	Meas. & Reg. Stat. Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
58		Subtotal		\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
59													
60		6. GENERAL PLANT											
61	389	Land & Land Rights		\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
62	389.1	Land & Land Rights		—	—	—	0.0000%	—	—	—	46.7278%	—	—
63	390	Structures & Improvements		—	—	—	0.0000%	—	—	—	46.7278%	—	—
64	390.1	Structures & Improvements		—	—	—	2.5600%	—	—	—	46.7278%	—	—
65	390.17	Building Improve Plum		—	—	—	0.0000%	—	—	—	46.7278%	—	—
66	390.2	Leasehold Improvement		—	—	—	2.6864%	—	—	—	46.7278%	—	—

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Division Retirement Detail

Line No.	FERC Account		Ref	Division	Division	Division	Depreciation Rate per	Division	Accumulated	Division Net	CGSA		Allocated Depreciation
	No.	FERC Account Titles		Retirements	Adjustments	Retirements	Rate per	Depreciation	Depreciation	Plant	Allocation Factor	Allocated Cost	Expense
(a)	(b)	(c)	(d)	Original Cost	(f)	Adjusted Cost	GUD No. 17471	(i)	(j)	(k)	(l)	(m)	(n)
				(e)		(g)	(h)			(g) - (j)		(k) x (l)	(i) x (l)
67	390.2	Lease Incentive		—	—	—	0.0000%	—	—	—	46.7278%	—	—
68	390.21	Leasehold Equipment EOL		—	—	—	0.0000%	—	—	—	46.7278%	—	—
69	391	Office Furniture & Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
70	391.1	Office Furniture & Equipment		—	—	—	6.6667%	—	—	—	46.7278%	—	—
71	391.1	Office Furniture & Equipment - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
72	391.19	Airplane Hangar Furniture		—	—	—	0.0000%	—	—	—	46.7278%	—	—
73	391.2	Data Processing Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
74	391.2	Oracle Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
75	391.3	Office Machines		—	—	—	0.0000%	—	—	—	46.7278%	—	—
76	391.4	Audio Visual Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
77	391.4	Signature Project		—	—	—	0.0000%	—	—	—	46.7278%	—	—
78	391.6	Purchased Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
79	391.6	Purchased Software (Banner)		—	—	—	0.0000%	—	—	—	46.7278%	—	—
80	391.6	Ariba Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
81	391.6	Dynamic Risk Assessment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
82	391.6	Enterprise Plan & Budget		—	—	—	0.0000%	—	—	—	46.7278%	—	—
83	391.6	GIS Development		—	—	—	0.0000%	—	—	—	46.7278%	—	—
84	391.6	Oracle Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
85	391.6	Concur Project		—	—	—	0.0000%	—	—	—	46.7278%	—	—
86	391.6	Customer Relations Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
87	391.6	Purchased Software (PowerPlant)		—	—	—	0.0000%	—	—	—	46.7278%	—	—
88	391.6	Purchased Software(RiskWorks)		—	—	—	0.0000%	—	—	—	46.7278%	—	—
89	391.6	Maximo-Leak Detect Sys		—	—	—	0.0000%	—	—	—	46.7278%	—	—
90	391.6	Foundation Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
91	391.6	Journey - Employee - ODC Distrigas		—	—	—	0.0000%	—	—	—	46.7278%	—	—
92	391.6	Journey - Employee Count		—	—	—	0.0000%	—	—	—	46.7278%	—	—
93	391.6	Payroll - Time Management		—	—	—	0.0000%	—	—	—	46.7278%	—	—
94	391.6	AP Software		—	—	—	0.0000%	—	—	—	46.7278%	—	—
95	391.8	Micro Computer Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
96	391.81	Aircraft Computer Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
97	391.9	Computer & Electronic Equip		(352,442)	—	(352,442)	14.2857%	(50,349)	—	(352,442)	46.7278%	(164,688)	(23,527)
98	391.99	Cloud Computing		—	—	—	0.0000%	—	—	—	46.7278%	—	—
99	392	Transportation Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
100	392.2	Transportation Equipment Pickup Trucks and Vans		—	—	—	0.0000%	—	—	—	46.7278%	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	—	—	0.0000%	—	—	—	46.7278%	—	—
102	392.5	Trailers		—	—	—	0.0000%	—	—	—	46.7278%	—	—
103	393	Stores Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
104	394	Tools, Shop & Garage		—	—	—	6.6667%	—	—	—	46.7278%	—	—
105	394.1	Tools		—	—	—	0.0000%	—	—	—	46.7278%	—	—
106	394.1	Tools - OPC		—	—	—	0.0000%	—	—	—	46.7278%	—	—
107	395	CNG Equipment - Laboratory		—	—	—	0.0000%	—	—	—	46.7278%	—	—
108	396	Major Work Equipment		—	—	—	0.0000%	—	—	—	46.7278%	—	—
109	396.1	Power Op Equip Rubber Tire		—	—	—	0.0000%	—	—	—	46.7278%	—	—
110	397	Communication Equipment		—	—	—	6.6667%	—	—	—	46.7278%	—	—
111	398	Miscellaneous General Plant		—	—	—	6.6667%	—	—	—	46.7278%	—	—
112		Subtotal		<u>\$(352,442)</u>	<u>\$—</u>	<u>\$(352,442)</u>		<u>\$(50,349)</u>	<u>\$—</u>	<u>\$(352,442)</u>		<u>\$(164,688)</u>	<u>\$(23,527)</u>
113													
114		TOTAL		<u>\$(352,442)</u>	<u>\$—</u>	<u>\$(352,442)</u>		<u>\$(50,349)</u>	<u>\$—</u>	<u>\$(352,442)</u>		<u>\$(164,688)</u>	<u>\$(23,527)</u>
115		Rate Base Adjustments		—	—	—		—	—	—	46.7278%	—	—
116		Adjusted Total		<u>\$(352,442)</u>	<u>\$—</u>	<u>\$(352,442)</u>		<u>\$(50,349)</u>	<u>\$—</u>	<u>\$(352,442)</u>		<u>\$(164,688)</u>	<u>\$(23,527)</u>

(1)

(1) The company's asset management system does not track accumulated depreciation on a single workorder basis. For the total accumulated depreciation, please see tab IRA-11a, 11b.

Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Retirement Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Corporate Retirements Original Cost	Corporate Adjustments	Corporate Retirements Adjusted Cost	Corporate Retirements Adjusted Cost Allocated to TGS	Change in Allocation Factors	Corporate Retirements Adjusted Cost Allocated to TGS (including change in allocation factors)	Depreciation Rate per GUD No. 17471	Corporate Allocated to Division Depreciation Expense	Accumulated Depreciation	Corporate Allocated to Division Net Plant	CGSA Allocation Factor	Allocated Cost	Allocated Depreciation Expense
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n) (j) - (m)	(o)	(p) (n) x (o)	(q) (l) x (o)
12		1. INTANGIBLE PLANT														
13	301	Organization		\$—	\$—	\$—	\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
14	301	Organization- OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
15	302	Franchises & Consents		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
16	303	Misc. Intangible		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
17	303	Misc. Intangible- OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
18		Subtotal		\$—	\$—	\$—	\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
19																
20		4. TRANSMISSION PLANT														
21	365.2	Land & Land Rights		\$—	\$—	\$—	\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
22	365.1	Land - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
23	365.2	Rights of Way - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
24	366	Meas/Reg Station Structures		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
25	366.1	Compressor Station Structure - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
26	367	Mains		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
27	367	Mains -OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
28	369	Meas & Reg Stations Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
29	369	Measure/Reg. Station Equipment - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
30	369.1	Measuring Station Equipment - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
31	371	Other Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
32	371	Other Equipment - OPC		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
33		Subtotal		\$—	\$—	\$—	\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
34																
35		5. DISTRIBUTION PLANT														
36	374	Land & Land Rights		\$—	\$—	\$—	\$—	\$—	\$—	0.0000%	\$—	\$—	\$—	46.7278%	\$—	\$—
37	374.1	Land		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
38	374.2	Land Rights		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
39	375	Structures & Improvements		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
40	375.1	Structures & Improvements		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
41	375.2	Other System Structures		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
42	376	Mains		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
43	376.9	Mains - Cathodic Protection Anodes		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
44	377	Compressor Station Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
45	378	Meas. & Reg. Station - General		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
46	379	Meas. & Reg. Station - C.G.		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
47	380	Services		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
48	380.1	Ind Service Line Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
49	380.2	Comm Service Line Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
50	380.4	Yard Lines-Customer Svc		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
51	380.6	Services - Tie-Ins Total		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
52	381	Meters		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
53	382	Meter Installations		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
54	383	House Regulators		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
55	385	Indust Meas & Reg Stat Equip		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
56	386	Other Property on Customer Premises		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
57	387	Meas. & Reg. Stat. Equipment		—	—	—	—	—	—	0.0000%	—	—	—	46.7278%	—	—
58		Subtotal		\$—	\$—	\$—	\$—	\$—	\$—		\$—	\$—	\$—		\$—	\$—
59																
60		6. GENERAL PLANT														
61	389	Land & Land Rights		\$—	\$—	\$—	\$—	\$—	\$—	0.0000 %	\$—	\$—	\$—	46.7278%	\$—	\$—
62	389.1	Land & Land Rights		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
63	390	Structures & Improvements		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
64	390.1	Structures & Improvements		—	—	—	—	—	—	2.0100 %	—	—	—	46.7278%	—	—
65	390.17	Building Improve Plum		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
66	390.2	Leasehold Improvement		—	—	—	—	—	—	17.9104 %	—	—	—	46.7278%	—	—
67	390.2	Lease Incentive		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
68	390.21	Leasehold Equipment EOL		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
69	391	Office Furniture & Equipment		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
70	391.1	Office Furniture & Equipment		—	—	—	—	—	—	6.6667 %	—	—	—	46.7278%	—	—
71	391.1	Office Furniture & Equipment - OPC		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
72	391.19	Airplane Hangar Furniture		—	—	—	—	—	—	6.6667 %	—	—	—	46.7278%	—	—

Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Corporate Retirement Detail

Line No.	FERC Account No.	FERC Account Titles	Ref	Corporate Retirements Original Cost	Corporate Adjustments	Corporate Retirements Adjusted Cost	Corporate Retirements Adjusted Cost Allocated to TGS	Change in Allocation Factors	Corporate Retirements Adjusted Cost Allocated to TGS (including change in allocation factors)	Depreciation Rate per GUD No. 17471	Corporate Allocated to Division Depreciation Expense	Accumulated Depreciation	Corporate Allocated to Division Net Plant	CGSA Allocation Factor	Allocated Cost	Allocated Depreciation Expense
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)
													(j) - (m)		(n) x (o)	(l) x (q)
73	391.2	Data Processing Equipment		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
74	391.2	Oracle Equipment		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
75	391.3	Office Machines		—	—	—	—	—	—	5.0000 %	—	—	—	46.7278%	—	—
76	391.4	Audio Visual Equipment		(974,857)	—	(974,857)	(288,850)	—	(288,850)	20.0000 %	(57,770)	—	(288,850)	46.7278%	(134,973)	(26,995)
77	391.4	Signature Project		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
78	391.6	Purchased Software		(360,156)	—	(360,156)	(106,714)	—	(106,714)	7.6923 %	(8,209)	—	(106,714)	46.7278%	(49,865)	(3,836)
79	391.6	Purchased Software (Banner)		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
80	391.6	Ariba Software		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
81	391.6	Dynamic Risk Assessment		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
82	391.6	Enterprise Plan & Budget		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
83	391.6	GIS Development		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
84	391.6	Oracle Software		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
85	391.6	Concur Project		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
86	391.6	Customer Relations Software		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
87	391.6	Purchased Software (PowerPlant)		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
88	391.6	Purchased Software(RiskWorks)		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
89	391.6	Maximo-Leak Detect Sys		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
90	391.6	Foundation Software		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
91	391.6	Journey - Employee - ODC Distrigas		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
92	391.6	Journey - Employee Count		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
93	391.6	Payroll - Time Management		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
94	391.6	AP Software		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
95	391.8	Micro Computer Equipment		(8,508,358)	—	(8,508,358)	(2,521,026)	—	(2,521,026)	20.0000 %	(504,205)	—	(2,521,026)	46.7278%	(1,178,020)	(235,604)
96	391.81	Aircraft Computer Equipment		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
97	391.9	Computer & Electronic Equip		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
98	391.99	Cloud Computing		—	—	—	—	—	—	7.6923 %	—	—	—	46.7278%	—	—
99	392	Transportation Equipment		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
100	392.2	Transportation Equipment Pickup Trucks		—	—	—	—	—	—	16.6667 %	—	—	—	46.7278%	—	—
101	392.3	Transport Equip(Trucks 3/4 - 3 Ton)		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
102	392.5	Trailers		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
103	393	Stores Equipment		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
104	394	Tools, Shop & Garage		—	—	—	—	—	—	6.6667 %	—	—	—	46.7278%	—	—
105	394.1	Tools		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
106	394.1	Tools - OPC		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
107	395	CNG Equipment - Laboratory		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
108	396	Major Work Equipment		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
109	396.1	Power Op Equip Rubber Tire		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
110	397	Communication Equipment		—	—	—	—	—	—	5.0000 %	—	—	—	46.7278%	—	—
111	398	Miscellaneous General Plant		—	—	—	—	—	—	0.0000 %	—	—	—	46.7278%	—	—
112		Subtotal		<u>\$(9,843,371)</u>	<u>\$—</u>	<u>\$(9,843,371)</u>	<u>\$(2,916,591)</u>	<u>\$—</u>	<u>\$(2,916,591)</u>		<u>\$(570,184)</u>	<u>\$—</u>	<u>\$(2,916,591)</u>		<u>\$(1,362,859)</u>	<u>\$(266,434)</u>
113																
114		TOTAL		<u>\$(9,843,371)</u>	<u>\$—</u>	<u>\$(9,843,371)</u>	<u>\$(2,916,591)</u>	<u>\$—</u>	<u>\$(2,916,591)</u>		<u>\$(570,184)</u>	<u>\$—</u>	<u>\$(2,916,591)</u>		<u>\$(1,362,859)</u>	<u>\$(266,434)</u>
115		Rate Base Adjustments		—	—	—	—	—	—		—	—	—	46.7278%	—	—
116		Adjusted Total		<u>\$(9,843,371)</u>	<u>\$—</u>	<u>\$(9,843,371)</u>	<u>\$(2,916,591)</u>	<u>\$—</u>	<u>\$(2,916,591)</u>		<u>\$(570,184)</u>	<u>\$—</u>	<u>\$(2,916,591)</u>		<u>\$(1,362,859)</u>	<u>\$(266,434)</u>

(1)

(1) The company's asset management system does not track accumulated depreciation on a single workorder basis. For the total accumulated depreciation, please see tab IRA-11a, 11b.

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Calculation of Federal Income Tax

Line No.	Description	Prior Year 2023			Current Year 2024	
(a)	(b)	(c)	(d)	(e)	(g)	(h)
10	Return on Investment					
11		Invested Capital	\$885,170,534		\$1,002,889,253	
12		Rate of Return	<u>7.5537%</u>		<u>7.5537%</u>	
13		Return on Investment		\$66,863,109		\$75,755,225
14						
15	Interest Expense					
16		Invested Capital	\$885,170,534		\$1,002,889,253	
17		Weighted Cost of Debt	<u>1.7744%</u>		<u>1.7744%</u>	
18		Interest Expense		<u>\$15,706,802</u>		<u>\$17,795,648</u>
19						
20	After Tax Income			<u>\$51,156,307</u>		<u>\$57,959,577</u>
21						
22	Gross-up Factor		=1+(E26/(1-E26)	1.265822785	=1+(H26/(1-H26)	1.265822785
23						
24	Before Tax Return			<u>\$64,754,818</u>		<u>\$73,366,554</u>
25						
26	Federal Income Tax Rate			21.0%		21.0%
27						
28	Federal Income Tax			<u>\$13,598,512</u>		<u>\$15,406,976</u>
29						
30	Change in Federal Income Tax					<u>\$1,808,464</u>

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Ad Valorem and Revenue-related Tax

Line No.	Description	Beginning Tax (1)	Change	Current Tax	Notes:
(a)	(b)	(c)	(d)	(e)	(f)
10	Non Revenue - Related				
11					
12	Ad Valorem Tax	\$6,979,047	\$958,506	\$7,937,553	
13					
14	Revenue - Related				
15					
16	State Gross Receipts - Tax				
17	Local Gross Receipts - Tax				
18	Railroad Commission - Gas Utility Tax				
19					
20	Total Revenue Related Taxes	\$—	\$—	\$—	
21					
22					
23	TOTAL TAXES OTHER THAN INCOME	\$6,979,047	\$958,506	\$7,937,553	
24					
25					
26	<u>Ad Valorem Tax Change:</u>				
27	Gross Plant at 12/31/2024		977,853,114		1
28	Ad Valorem Tax Rate		0.8117%		2
29	Ad Valorem Tax at 12/31/2024		7,937,553		
30	Ad Valorem Tax per Case No. 17471		6,979,047		
31	Change		\$958,506		
32					
33	Note 1: TGS used the adjusted net plant amount instead of Gross Plant.				
34	Note 2: TGS used the current effective rate instead of the effective rate from the last rate case (GUD No. 17471).				

Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024
Footnotes

IRA Schedule	Reference	Comments
(a)	(b)	(c)
1	Line 17	TGS is showing the ad valorem tax rate based on this rate filing and has used this rate to calculate the current ad valorem tax.
4	Line 120	Average bill usage per GUD No. 17471.
4	Line 121	Average monthly bill calculated using average Mcf gas costs of: \$4.98
6	Line 119	Column E, includes Rule 8.209 projects in the amount of: \$1,848,673
7	Line 119	Column E, includes Rule 8.209 projects in the amount of: \$2,242,418
8	Line 119	Column E, includes Rule 8.209 projects in the amount of: \$393,746
12	Line 6396	Blanket orders do not have In-service dates.
12	Line 6397	Adjustments were made to remove meal activity over \$25 threshold and hotel activity over \$175 threshold.
13	Line 425	Blanket orders do not have In-service dates
16 & 17	Column H	Accumulated Depreciation for Direct Plant can be found on IRA 5, IRA 7 & IRA 8
18a & 19a	Column J	The company's asset management system does not track accumulated depreciation on a single workorder basis. For the total accumulated depreciation, please see tab IRA-11a, 11b.
18b & 19b	Column M	The company's asset management system does not track accumulated depreciation on a single workorder basis. For the total accumulated depreciation, please see tab IRA-11a, 11b.
21	Line 16, 17, 18	Revenue related taxes are collected separately on the Customer's bill and are not part of the Company's revenue requirement.
21	Line 33	TGS used the adjusted net plant amount instead of Gross Plant.
21	Line 34	TGS used the current effective rate instead of the effective rate from the last rate case (GUD No. 17471).


Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Interim Rate Adjustment Application
12 Month Period Ending December 31, 2024

Signature Page

I certify that I am the responsible official of Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area; that I have examined the foregoing report; that to the best of my knowledge, information, and belief, all statements of fact contained in the said report are true and the said report is a correct statement of the business and affairs of the above-named respondent above-named respondent in respect to each and every matter set forth therein during the 12 Month Period Ending December 31, 2024

I understand that until the issuance of a final order or decision by a regulatory authority in a rate case that is filed after the implementation of a rate schedule under this section, all amounts collected under the rate schedules before the filing of the rate case are subject to refund.

2/4/25
Date



Signature Marie Michels

Title: Rates and Regulatory Manager

Address: 1301 S. MoPac Expressway Ste. 400
Austin, TX 78746

Phone: 512-370-8264

Email address: Marie.Michels@onegas.com

Alternative contact regarding this report:

Name: Judy J. Hitchye

Title: Managing Attorney

Address: 1301 S. MoPac Expressway Ste. 400
Austin, Texas 78746

Phone: 512-370-8229

Email address: Judy.Hitchye@onegas.com

AFFIDAVIT

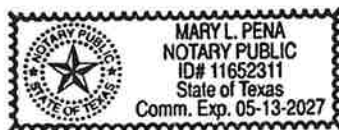
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

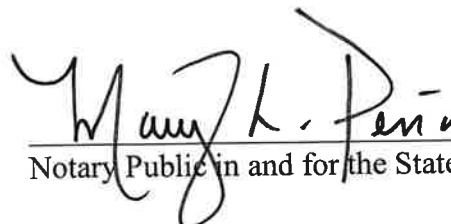
BEFORE ME, the undersigned authority, on this day personally appeared Marie Michels, who being by me duly sworn, deposed as follows:

1. My name is Marie Michels. I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, and have personal knowledge of the facts herein stated, and I hereby swear and affirm that those facts are true and correct.
2. I am employed as a Manager of Rates and Regulatory for Texas Gas Service Company, a Division of ONE Gas, Inc. ("TGS" or the "Company").
3. I have reviewed the schedules filed by the Company in this docket. These schedules are accurate summaries of the books and records of TGS for the period beginning January 1, 2024 and ending December 31, 2024.


 Marie Michels

SUBSCRIBED AND SWORN to before me on the 4th day of February 2025.




 Notary Public in and for the State of Texas

AFFIDAVIT

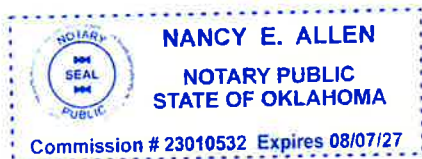
STATE OF OKLAHOMA §
§
COUNTY OF OKLAHOMA §

BEFORE ME, the undersigned authority, on this day personally appeared Rampriya Ramkumar, who being by me duly sworn, deposed as follows:

1. My name is Rampriya Ramkumar. I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, and have personal knowledge of the facts herein stated, and I hereby swear and affirm that those facts are true and correct.
2. I am employed as the Director of Accounting for ONE Gas, Inc.
3. Texas Gas Service Company, a Division of ONE Gas, Inc. ("TGS" or the "Company"), keeps its books and records in accordance with the rules of the Railroad Commission of Texas and the Uniform System of Accounts established by the Federal Energy Regulatory Commission for gas utilities. Other business records of TGS are maintained in a manner consistent with normal business practices.

Rampriya Ramkumar
 Rampriya Ramkumar

SUBSCRIBED AND SWORN to before me on the 4th day of February 2025.



Nancy E. Allen
 Notary Public in and for the State of Oklahoma

TEST YEAR 2024 CGSA INCORPORATED GRIP EARNINGS MONITORING REPORT



Annual Earnings Monitoring Report

OF

TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS INC. - CENTRAL-GULF SERVICE AREA

TO THE

RAILROAD COMMISSION OF TEXAS

FOR THE

Twelve Month Period Ending December 31, 2024

Check one:

This is an original submission [X]

This is a revised submission []

Date of submission: February 11, 2025

TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC - CENTRAL-GULF SERVICE AREA
INTERIM RATE ADJUSTMENT - TWELVE MONTHS ENDED DECEMBER 31, 2024

ANNUAL EARNINGS MONITORING REPORT


Line No.	Description	At Rates At 12/31/2023			At Rates At 12/31/2024		
		Total	Reference	Adjustment Amount	Total	Reference	Increase/Decrease Amount
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
11	Total Operating Revenues	\$243,232,019		\$(63,289,948)	\$179,942,071		\$57,277,305
12							
13	Operating Expenses:						
14							
15	Gas Cost - Commodity Costs	\$93,904,159		\$(93,904,159)	\$—		\$71,526,562
16	Operation and Maintenance Expense	68,900,305		(3,409,135)	65,491,170		4,374,682
17	Depreciation and Amortization Expense	28,535,214		6,290,413	34,825,627		(3,557,319)
18	Interest on Customer Deposits	92,616		228,821	321,437		37,682
19	Interest on Customer Advances	—		—	—		—
20	Taxes Other Than Income Taxes	8,723,616		1,376,627	10,100,243		(2,609,200)
21							
22	Total Operating Expense Before						
23	Federal Income Taxes	\$200,155,910		\$(89,417,432)	\$110,738,477		\$69,772,408
24							
25	Total Operating Income Before						
26	Federal Income Taxes	43,076,110		26,127,484	69,203,594		(12,495,103)
27							
28	Federal Income Taxes	\$(12,822,976)		\$344,348	\$(12,478,628)		\$(1,766,691)
29							
30	Return on Rate Base	\$30,253,134		\$26,471,832	\$56,724,966		\$(14,261,793)
31							
32							
33	Rate Base	\$833,024,921		\$(22,415,920)	\$810,609,001		\$116,664,251
34	Percent Return on Rate Base	3.63%			6.9978%		4.5794 %
35							
36							
37							
38	Notes						
39	1. Column (g) is the adjustment needed to arrive at the 2024 amounts shown in Column (h)						

Signature Page**Texas Gas Service Company, a Division of ONE Gas, Inc. - Central-Gulf Service Area
Railroad Commission of Texas-Interim Cost Recovery and Rate Adjustment Report**

I certify that I am the responsible official of Texas Gas Service Company, a Division of ONE Gas, Inc.; that I have examined the foregoing report; that to the best of my knowledge, information, and belief, all statements of fact contained in the said report are true and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from January 1, 2024 to December 31, 2024 inclusive.

I understand until the issuance of a final order or decision by a regulatory authority in a rate case that is filed after the implementation of a tariff or rate schedule under this section, all amounts collected under the tariff or rate schedule before the filing of the rate case are subject to refund.

2/4/25
Date


Signature

Name: Marie Michels
Title Rates and Regulatory Manager

Address: 1301 S. MoPac Expressway Ste. 400
Austin, TX 78746
Phone: (512) 370- 8264

Email address: marie.michels@onegas.com

Alternative contact regarding this report:

Name: Judy J. Hitchye
Title: Managing Attorney

Address: 1301 S. MoPac Expressway Ste. 400
Austin, TX 78746
Phone: (512)-370-8229
Email address: judy.hitchye@onegas.com



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78602

Submitted By: Riley Sublett, Maintenance Director

Council Meeting Date: 02/20/2025

Agenda Item Wording: **Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for the Caliterra Phase 2 Section 7 – Wastewater.**
Applicant: DNT Construction, LLC

Agenda Item Requestor:

Summary/Background: DNT Construction, LLC has completed Water and Wastewater Improvements for Caliterra Phase 2 Section 7. City staff has inspected the project throughout all stages of construction. The City Engineer has completed a final inspection, and the Design Engineer has provided concurrence. All improvements have been built per plan.

**Commission
Recommendations:**

**Recommended
Council Actions:** City staff recommends approval

Attachments:

Next Steps/Schedule: Send to City Secretary for execution.

CITY OF DRIPPING SPRINGS

RESOLUTION NO. 2017~~25~~²⁵-XX

**ACCEPTING IMPROVEMENTS AND APPROVING MAINTENANCE
BOND FOR CALITERRA PHASE 2 SECTION 7 – WASTE WATER**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS,
TEXAS (“CITY”), ACCEPTING IMPROVEMENTS AND
APPROVING AND ACCEPTING MAINTENANCE BOND FOR
CALITERRA PHASE 2 SECTION 7 – WASTE WATER,
PROVIDING FOR EFFECTIVE DATE; AND PROPER NOTICE
& MEETING

WHEREAS, DNT Construction, LLC (“Contractor”) recently completed and the City Engineer for the City of Dripping Springs has inspected the revegetation, storm water, drainage, paving, wastewater (“Improvements”) for the Caliterra Phase 2 Section 7 – Waste Water; and

WHEREAS, The City desires to accept as being complete in accordance with applicable development the Improvements at Caliterra Phase 2 Section 7 – Waste Water; and

WHEREAS, the City of Dripping Springs City Council (“City Council”) seeks the Contractor to provide a Maintenance Bond (Attachment “A”) conditioned to guarantee for the period of Two (2) Years from and after the date of substantial completion of the Improvements, guaranteeing the materials and workmanship related to Contractor’s Improvements; and

WHEREAS, this Resolution conforms with the Maintenance and Guarantee regulation of the City’s Code requiring all public improvements be free from defects for a period of two (2) years; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to approve this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:

1. The foregoing recitals are adopted as facts and are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

2. The City Council hereby accepts the Improvements in Caliterra Phase 2 Section 7 – Waste Water.
3. The City Council hereby approves and accepts the Contractor’s proposed Maintenance Bond No. PB03016801213, from Philadelphia Indemnity Insurance Company (“Insurer”), included and attached herein (Attachment “A”).
4. Conditioned upon the fiscal guarantee for maintenance from the Contractor and the Insurer, the City shall assume responsibility for the repair, maintenance, and regulation of the Improvements for the benefit of the public.
5. The City Council hereby authorizes the Mayor or the Mayor’s designee to execute any documentation on the City’s behalf necessary to effectuate the intent and purpose of this Resolution.
6. This Resolution shall take effect immediately upon passage.
7. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the day of , 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____
Mayor Bill Foulds

ATTEST:

~~Deputy~~ Diana Boone, -City Secretary

Attachment "A"

**Maintenance Bond No. PB03016801213 DNT Construction, LLC and Philadelphia
Indemnity Insurance Corporation**

Philadelphia Indemnity Insurance Company

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004
877-438-7459

Bond No. PB03016801213

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we DNT Construction, LLC as Principal, and Philadelphia Indemnity Insurance Company, a corporation organized under the laws of the State of Pennsylvania, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto City of Dripping Springs as Obligee, in the penal sum of Thirty-Eight Thousand Nine Hundred Eighty-Five & 00/100 (\$38,985.00) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a contract for Caliterra Phase 2 Section 7 - Waste Water, which contract is hereinafter referred to as the "Contract."

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of Two year (s) from date of acceptance of the work performed under the Contract against all defects in workmanship and materials which would have been the responsibility under the Contract for which written notice is made to Surety during said period

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which may become apparent and with respect to which notice is delivered to Surety in writing during the period of Two year (s) from and after date of acceptance of the work under the Contract, then this obligation shall be void, otherwise to remain in full force and effect.

No right of action shall accrue hereunder to or for the benefit of any person or entity other the Obligee named herein, nor shall any suit be filed or action maintained on this bond more than twenty-five (25) months after the date of the earliest timely notice of defect by Obligee to Surety.

SIGNED, SEALED AND DATED THIS 30th day of December 2024.

DNT Construction, LLC

Principal

By: 

Dean Tomme, President

Philadelphia Indemnity Insurance Company

By: 

Tom Mulanax, Attorney-in-Fact

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Tom Mulanax, Rosemarie Lopez, Jeremy Farque, Michael Whorton, David Whorton, Rachel Martinez, and/or Noe Moreno of Whorton Insurance Services**, its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$50,000,000**.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November 2016.

RESOLVED:

That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER
RESOLVED:**

That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF OCTOBER 2024.

(Seal)



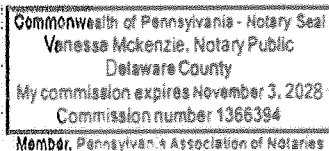
John Glomb

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of October, 2024 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

Vanessa McKenzie



residing at:

Linwood, PA

My commission expires:

November 3, 2028

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day October 2024 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 30th day of December, 2024.



Edward Sayago

Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

CALITERRA 2-7
FINAL COST & QUANTITIES
CITY OF DRIPPING SPRINGS- WASTEWATER
DNT CONSTRUCTION

I. WASTEWATER ITEMS					CONTRACT
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	Single Wastewater Service	1	EA	\$ 18,737.50	\$18,737.50
2	Double Wastewater Service	1	EA	\$ 20,247.50	\$20,247.50
					\$38,985.00

TOTAL CONTRACT	\$38,985.00
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100%-2yr



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78602

Submitted By: Riley Sublett, Maintenance Director

Council Meeting Date: 02/20/2025

Agenda Item Wording: **Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for the Caliterra Phase 5 Section 13 – Waste Water.**
Applicant: DNT Construction, LLC

Agenda Item Requestor:

Summary/Background: DNT Construction, LLC has completed Water and Wastewater Improvements for Caliterra Phase 5 Section 13. City staff has inspected the project throughout all stages of construction. The City Engineer has completed a final inspection, and the Design Engineer has provided concurrence. All improvements have been built per plan.

**Commission
Recommendations:**

**Recommended
Council Actions:** City staff recommends approval

Attachments:

Next Steps/Schedule: Send to City Secretary for execution.

CITY OF DRIPPING SPRINGS

RESOLUTION NO. 20~~25~~¹⁷-XX

**ACCEPTING IMPROVEMENTS AND APPROVING MAINTENANCE
BOND FOR CALITERRA PHASE 5 SECTION 13 – WASTE WATER**

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS,
TEXAS (“CITY”), ACCEPTING IMPROVEMENTS AND
APPROVING AND ACCEPTING MAINTENANCE BOND FOR
CALITERRA PHASE 5 SECTION 13 – WASTE WATER,
PROVIDING FOR EFFECTIVE DATE; AND PROPER NOTICE
& MEETING

WHEREAS, DNT Construction, LLC (“Contractor”) recently completed and the City Engineer for the City of Dripping Springs has inspected the revegetation, storm water, drainage, paving, wastewater (“Improvements”) for the Caliterra Phase 5 Section 13 – Waste Water; and

WHEREAS, The City desires to accept as being complete in accordance with applicable development the Improvements at Caliterra Phase 5 Section 13 – Waste Water; and

WHEREAS, the City of Dripping Springs City Council (“City Council”) seeks the Contractor to provide a Maintenance Bond (Attachment “A”) conditioned to guarantee for the period of Two (2) Years from and after the date of substantial completion of the Improvements, guaranteeing the materials and workmanship related to Contractor’s Improvements; and

WHEREAS, this Resolution conforms with the Maintenance and Guarantee regulation of the City’s Code requiring all public improvements be free from defects for a period of two (2) years; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to approve this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:

1. The foregoing recitals are adopted as facts and are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.

2. The City Council hereby accepts the Improvements in Caliterra Phase 5 Section 13 – Waste Water.
3. The City Council hereby approves and accepts the Contractor’s proposed Maintenance Bond No. PB03016801190, from Philadelphia Indemnity Insurance Corporation (“Insurer”), included and attached herein (Attachment “A”).
4. Conditioned upon the fiscal guarantee for maintenance from the Contractor and the Insurer, the City shall assume responsibility for the repair, maintenance, and regulation of the Improvements for the benefit of the public.
5. The City Council hereby authorizes the Mayor or the Mayor’s designee to execute any documentation on the City’s behalf necessary to effectuate the intent and purpose of this Resolution.
6. This Resolution shall take effect immediately upon passage.
7. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the day of , 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____
Mayor Bill Foulds

ATTEST:

Diana Boone, Deputy City Secretary

Attachment "A"

**Maintenance Bond No. PB03016801190 DNT Construction, LLC and Philadelphia
Indemnity Insurance Corporation**

CALITERRA 5-13
 FINAL COST & QUANTITIES
 CITY OF DRIPPING SPRINGS- WASTEWATER
 DNT CONSTRUCTION

I. WASTEWATER ITEMS					CONTRACT
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	8" SDR-26 PVC	312	LF	\$ 81.00	\$25,272.00
2	Single Wastewater Service	1	EA	\$ 6,415.00	\$6,415.00
3	Double Wastewater Service	5	EA	\$ 6,580.00	\$32,900.00
4	4' Wastewater Manhole to include coating	4	EA	\$ 6,560.00	\$26,240.00
5	Raise Wastwater Manhole	4	EA	\$ 4,100.00	\$16,400.00
6	Trench Safety	312	LF	\$ 1.00	\$312.00
7	Remove Existing Wastewater Cleanout & Connect to 8" Line	1	EA	\$ 650.00	\$650.00
CHANGE ORDER #2					
1	8" SDR-26 PVC	-312	LF	\$ 81.00	(\$25,272.00)
2	Remove existing WW cleanout and to connect to 8" Line	-1	EA	\$ 650.00	(\$650.00)
3	6" SDR-26 PVC	312	LF	\$ 81.00	\$25,272.00
4	Revoove existing WW cleanout and connect to 6" Line	1	EA	\$ 650.00	\$650.00
					\$108,189.00

TOTAL CONTRACT	\$108,189.00
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100%-2yr

Philadelphia Indemnity Insurance Company

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004
877-438-7459

Bond No. PB03016801190

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we DNT Construction, LLC as Principal, and Philadelphia Indemnity Insurance Company, a corporation organized under the laws of the State of Pennsylvania, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto City of Dripping Springs as Obligee, in the penal sum of One Hundred Eight Thousand One Hundred Eighty-Nine & 00/100 (\$108,189.00) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal entered into a contract for Caliterra Phase 5 Section 13 - Waste Water, which contract is hereinafter referred to as the "Contract."

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of Two year (s) from date of acceptance of the work performed under the Contract against all defects in workmanship and materials which would have been the responsibility under the Contract for which written notice is made to Surety during said period

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which may become apparent and with respect to which notice is delivered to Surety in writing during the period of Two year (s) from and after date of acceptance of the work under the Contract, then this obligation shall be void, otherwise to remain in full force and effect.

No right of action shall accrue hereunder to or for the benefit of any person or entity other the Obligee named herein, nor shall any suit be filed or action maintained on this bond more than twenty-five (25) months after the date of the earliest timely notice of defect by Obligee to Surety.

SIGNED, SEALED AND DATED THIS 18th day of November 2024.

DNT Construction, LLC

Principal

By: 

Dean Tomme, President

Philadelphia Indemnity Insurance Company

By: 

Tom Mulanax, Attorney-in-Fact

PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **PHILADELPHIA INDEMNITY INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint **Tom Mulanax, Rosemarie Lopez, Jeremy Farque, Michael Whorton, David Whorton, Rachel Martinez, and/or Noe Moreno of Whorton Insurance Services** its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed **\$50,000,000.**

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November 2016.

RESOLVED:

That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER
RESOLVED:**

That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 5TH DAY OF OCTOBER 2024.



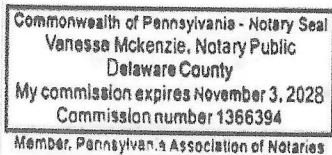
(Seal)

John Glomb, President & CEO
Philadelphia Indemnity Insurance Company

On this 5th day of October, 2024 before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **PHILADELPHIA INDEMNITY INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

Vanessa McKenzie



residing at:

Linwood, PA

My commission expires:

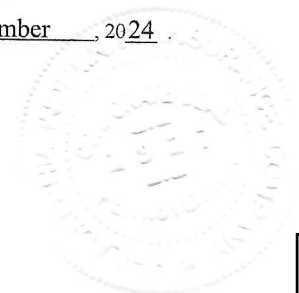
November 3, 2028

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 5th day October 2024 are true and correct and are still in full force and effect. I do further certify that John Glomb, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 18th day of November, 2024.



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY





STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78602

Submitted By: Riley Sublett, Maintenance Director

Council Meeting Date: 03/04/2025

Agenda Item Wording: **Approval of a Resolution Accepting Improvements and Approving a Maintenance Bond for the Driftwood Golf & Ranch Club Phase 3B – Water & Wastewater Improvements.** *Applicant: Jimmy Evans Company*

Agenda Item Requestor:

Summary/Background: Jimmy Evans Company has completed Water and Wastewater Improvements for Driftwood Golf and Ranch Club Phase 3B. City staff has inspected the project throughout all stages of construction. The City Engineer has completed a final inspection, and the Design Engineer has provided concurrence. All improvements have been built per plan.

**Commission
Recommendations:**

**Recommended
Council Actions:** City staff recommends approval

Attachments: Bond, Staff Report, Resolution

Next Steps/Schedule: Send to City Secretary for execution.

CITY OF DRIPPING SPRINGS

RESOLUTION NO. 2025-XX

ACCEPTING IMPROVEMENTS AND APPROVING MAINTENANCE BOND FOR DRIFTWOOD GOLF & RANCH CLUB 3B – WATER & WASTEWATER IMPROVEMENTS

A RESOLUTION OF THE CITY OF DRIPPING SPRINGS, TEXAS (“CITY”), ACCEPTING IMPROVEMENTS AND APPROVING AND ACCEPTING MAINTENANCE BOND FOR DRIFTWOOD GOLF & RANCH PHASE 3B – WATER & WASTEWATER IMPROVEMENTS, PROVIDING FOR EFFECTIVE DATE; AND PROPER NOTICE & MEETING

WHEREAS, Jimmy Evans Company (“Contractor”) recently completed and the City Engineer for the City of Dripping Springs has inspected, the revegetation, storm water, drainage, paving, and wastewater improvements (“Improvements”) for the Driftwood Golf & Ranch Club Phase 3B – Water and Wastewater Improvements; and

WHEREAS, The City desires to accept as being complete in accordance with applicable development the Improvements at Driftwood Golf & Ranch Club Phase 3B – Water and Wastewater Improvements; and

WHEREAS, the City of Dripping Springs City Council (“City Council”) seeks the Contractor to provide a Maintenance Bond (Attachment “A”) conditioned to guarantee for the period of Two (2) Years from and after the date of substantial completion of the Improvements, guaranteeing the materials and workmanship related to Contractor’s Improvements; and

WHEREAS, this Resolution conforms with the Maintenance and Guarantee regulation of the City’s Code requiring all public improvements be free from defects for a period of two (2) years; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to approve this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dripping Springs City, Texas, that:

1. The foregoing recitals are adopted as facts and are incorporated into this Resolution by reference as findings of fact as if expressly set forth herein.
2. The City Council hereby accepts the Improvements for Driftwood Golf & Ranch Club Phase 3B – Water and Wastewater Improvements.
3. The City Council hereby approves and accepts the Contractor’s proposed Maintenance Bond No. 4477768, from SureTec Insurance Company (“Insurer”), included and attached herein (Attachment “A”).
4. Conditioned upon the fiscal guarantee for maintenance from the Contractor and the Insurer, the City shall assume responsibility for the repair, maintenance, and regulation of the Improvements for the benefit of the public.
5. The City Council hereby authorizes the Mayor or the Mayor’s designee to execute any documentation on the City’s behalf necessary to effectuate the intent and purpose of this Resolution.
6. This Resolution shall take effect immediately upon passage.
7. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the day of , 2025, by a vote of (ayes) to (nays) to (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____

Mayor Bill Foulds

ATTEST:

Diana Boone, City Secretary

Attachment “A”

Maintenance Bond No. 4477768 Jimmy Evans Company and SureTec Insurance Corporation

Bond No. 4477768**MAINTENANCE BOND**

KNOW ALL MEN BY THESE PRESENTS, that we Jimmy Evans Company as Principal, and **SureTec Insurance Company**, 2103 CityWest Boulevard, Suite 1300, Houston, TX 77042 (*address*), a corporation organized under the laws of the State of Texas, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto City of Dripping Springs as Obligee, in the penal sum of One Hundred Seventy-Seven Thousand Three Hundred Forty and 00/100's Dollars (\$177,340.00) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has completed, and owner has inspected and accepted as being complete in accordance with applicable design documents (failing which, this bond shall become effective only upon such completion and inspection) that certain work (herein referred to as the "Work") described as: Driftwood Golf & Ranch Club Phase 3B - Water & Wastewater Improvements.

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of Two (2) year(s) after substantial completion of the Work against defects in workmanship and materials which are the responsibility of the Principal under the contract under which the Work was constructed, and which did not appear prior to the final completion of the Work.

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of defective materials or workmanship which may first become apparent, and with respect to which written notice is delivered to Surety, before the expiration of the period of Two (2) year(s) from and after date of substantial completion of the Work, then this obligation shall be void, otherwise to remain in full force and effect.

This obligation does not cover normal wear and tear of materials, misuse or abuse by the Obligee or third parties, failure of Owner to perform owner-required maintenance, nor any defects known to Obligee prior to final completion of the Work nor any defects discovered or occurring after the expiration of the period set forth above.

Surety's liability on any performance bond previously executed in connection with the Work shall terminate automatically upon acceptance of this Bond and Surety's liability shall thereafter be determined exclusively in accordance with the terms of this Bond.

No right of action shall accrue hereunder to or for the benefit of any person or entity other the Obligee named herein, nor shall any suit be filed or action maintained on this bond more than twenty five (25) months after the date of the earliest timely notice of defect by Obligee to Surety.

SIGNED, SEALED AND DATED THIS 18th day of February, 2025.

Signatures on following page

Principal: Jimmy Evans Company

By: 

Signature

Name: DENNY HUEGGER

Title: V.P. OF STEELWORK OPERATIONS

SureTec Insurance Company

By: 

Signature

Name: **Brad Ballew**
Attorney-in-Fact

The Rider(s) Attached Hereto Is/Are Incorporated in the Bond and Contains Important Coverage Information and Limitations

JOINT LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That SureTec Insurance Company, a Corporation duly organized and existing under the laws of the State of Texas and having its principal office in the County of Harris, Texas and Markel Insurance Company (the "Company"), a corporation duly organized and existing under the laws of the state of Illinois, and having its principal administrative office in Glen Allen, Virginia, does by these presents make, constitute and appoint:

David S. Ballew, Brad Ballew, Connie Davis, David Fernea

Their true and lawful agent(s) and attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal and deliver for and on their own behalf, individually as a surety or jointly, as co-sureties, and as their act and deed any and all bonds and other undertaking in suretyship provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:


Fifty Million and 00/100 Dollars (\$50,000,000.00)

This Power of Attorney is granted and is signed and sealed under and by the authority of the following Resolutions adopted by the Board of Directors of SureTec Insurance Company and Markel Insurance Company:

"RESOLVED, That the President, any Senior Vice President, Vice President, Assistant Vice President, Secretary, Assistant Secretary, Treasurer or Assistant Treasurer and each of them hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer or attorney, of the company, qualifying the attorney or attorneys named in the given power of attorney, to execute in behalf of, and acknowledge as the act and deed of the SureTec Insurance Company and Markel Insurance Company, as the case may be, all bond undertakings and contracts of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, Markel Insurance Company and SureTec Insurance Company have caused their official seal to be hereunto affixed and these presents to be signed by their duly authorized officers on the 25th day of January, 2023.

SureTec Insurance Company

By: 
Michael C. Keimig, President



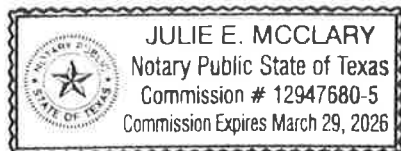
Markel Insurance Company

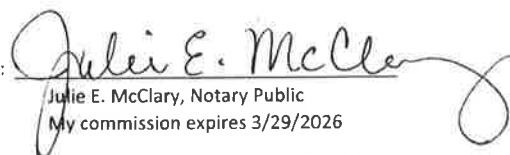
By: 
Lindey Jennings, Vice President

State of Texas
County of Harris:

On this 25th day of January, 2023 A. D., before me, a Notary Public of the State of Texas, in and for the County of Harris, duly commissioned and qualified, came THE ABOVE OFFICERS OF THE COMPANIES, to me personally known to be the individuals and officers described in, who executed the preceding instrument, and they acknowledged the execution of same, and being by me duly sworn, disposed and said that they are the officers of the said companies aforesaid, and that the seals affixed to the proceeding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and their signatures as officers were duly affixed and subscribed to the said instrument by the authority and direction of the said companies, and that Resolutions adopted by the Board of Directors of said Companies referred to in the preceding instrument is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my Official Seal at the County of Harris, the day and year first above written.



By: 
Julie E. McClary, Notary Public
My commission expires 3/29/2026

We, the undersigned Officers of SureTec Insurance Company and Markel Insurance Company do hereby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, we have hereunto set our hands, and affixed the Seals of said Companies, on the 18th day of February, 2025.

SureTec Insurance Company

By: 
M. Brent Beaty, Assistant Secretary

Markel Insurance Company

By: 
Andrew Matquis, Assistant Secretary

SureTec Insurance Company

IMPORTANT NOTICE Statutory Complaint Notice/Filing of Claims

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint or file a claim at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company
9500 Arboretum Blvd., Suite
400
Austin, TX 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252- 3439. You may write the Texas Department of Insurance at:

PO Box 149104
Austin, TX 78714-
9104
Fax#: 512-490-1007
Web: <http://www.tdi.state.tx.us>
Email: ConsumerProtection@tdi.texas.gov

PREMIUM OR CLAIMS DISPUTES: Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

Jimmy Evans Company

Project Name: Driftwood Golf & Ranch Club Phase Three B

Project ID (C8# or SP#): SP-2022853

FINAL COST AND QUANTITIES

WATER IMPROVEMENTS					COST
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	WATER CONCRETE TRENCH CAP	1,570	LF	\$72.00	\$ 113,040.00
Total					\$ 113,040.00
WASTEWATER IMPROVEMENTS					COST
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	TRENCH CAP	850	LF	\$72.00	\$ 61,200.00
2	6" STEEL ENCASEMENT	20	LF	\$155.00	\$ 3,100.00
Total					\$ 64,300.00
STORM IMPROVEMENTS					COST
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	6'x2' BOX CULVERT	450	LF	\$618.00	\$278,100.00
2	STORMSEWER OUTFALL STRUCTURE	2	EA	\$15,000	\$30,000.00
3	STORMSEWER INTAKE STRUCTURE	2	EA	\$15,000	\$30,000.00
4	Bowl Ditch 10'	1153	LF	\$7.65	\$8,820.45
5	Curlex I Erosion Control Blanket	1281	LF	\$2.50	\$3,202.50
Total					\$350,122.95
DRIVEWAY AND CURB IMPROVEMENTS					COST
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	Excavation	780	CY	\$16.11	\$12,565.80
2	Subgrade Prep	4649	SY	\$2.35	\$10,925.15
3	12" Flexible Base	4649	SY	\$15.85	\$73,686.65
4	2" Hot Mix Asphaltic Concrete type D	3059	SY	\$15.28	\$46,741.52
5	1.5" Laydown curb	3181	LF	\$19.79	\$62,951.99
6	Stop Sign	1	EA	\$367.00	\$367.00
7	24" stop bar	10	LF	\$20.37	\$203.70
8	Divided Road and Keep Right Sign	4	EA	\$366.00	\$1,464.00
9	Speed Limit Sign	2	EA	\$366.00	\$732.00
10	Street Name Sign	1	EA	\$245.00	\$245.00
11	Spoils removal	780	CY	\$2.85	\$2,223.00
Total					\$212,105.81
E/S Improvements					COST
ITEM	DESCRIPTION	QTY.	UNIT	UNIT PRICE	AMOUNT
1	Revegetation	1,281	SY	\$ 3.20	\$4,099.20
Total					\$4,099.20
TOTAL CONSTRUCTION COSTS					COST
ITEM	DESCRIPTION	AMOUNT			
1	WATER IMPROVEMENTS	\$ 113,040.00			
2	WASTEWATER IMPROVEMENTS	\$ 64,300.00			
3	STORM IMPROVEMENTS	\$ 350,122.95			
4	E/S IMPROVEMENTS	\$ 4,099.20			
5	DRIVEWAY AND CURB	\$ 212,105.81			

Grand Total	743,667.96
--------------------	-------------------

Heath Tatom

Heath Tatom VP of Utilities



February 19, 2025

Dane Sorenson
Public Works Director
City of Dripping Springs
511 Mercer Street
Dripping Springs, TX 78620

Re: Engineer's Concurrence for Driftwood Golf & Ranch Club (DGRC) Ranch Phase 3B Subdivision

Dear Mr. Sorenson,

This letter is to inform you that the permitted civil infrastructure for this section has been completed per the final as-built plans and a site inspection of the project has been performed for DGRC Ranch Phase 3B. The City of Dripping Springs inspector conducted the final walk and concluded the items were satisfactorily addressed.

Please accept this letter as my certification that the civil portion of this project is complete and has been built in accordance to plans and specifications. All punch list items generated from the final walk-through have been completed and I have submitted As-Built drawings to your office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephen R Delgado'.

Stephen R Delgado, P.E.



City Council Planning Department Staff Report

Item # 10.

City Council Meeting: March 4, 2024
Project No: ZA2024-007
Project Planner: Tory Carpenter, AICP – Planning Director

Item Details

Project Name: HEB
Property Location: 598 E US 290, Dripping Springs, TX
Legal Description: Dripping Springs Retail Center, Block B, Lot 1
Applicant: Zachary D. Morgan, Quiddity
Property Owners: H-E-B, LP
Request: Zoning Amendment from PDD 1 to Commercial Services (CS).
Recommendation: Staff recommends approval of the zoning amendment.



ZA2024-007
598 E US 290

Legend

- Roads
- Subject Property
- City Limits



Overview

The applicant is requesting approval of a zoning map amendment to rezone the existing HEB site from Planned Development District 1 (PDD 1), to Commercial Services (CS). The subject property includes both the current HEB site and an 11.83-acre tract of land to the east, recently acquired by HEB.

The applicant has combined these properties into a single parcel and intends to construct a new HEB store on the eastern portion of the site. The existing store will be demolished and replaced by parking for the new facility.

This zoning amendment would remove the existing HEB site from PDD 1, creating a consistent Commercial Services zoning designation across the entire combined property. Additionally, there is a separate variance request on the agenda to allow construction of a building exceeding 50,000 square feet in size.

Approval of this zoning amendment request is an essential step toward facilitating the proposed redevelopment of the site.
Per Ch. 30 Exhibit A

The applicant is requesting a zoning amendment to “CS”

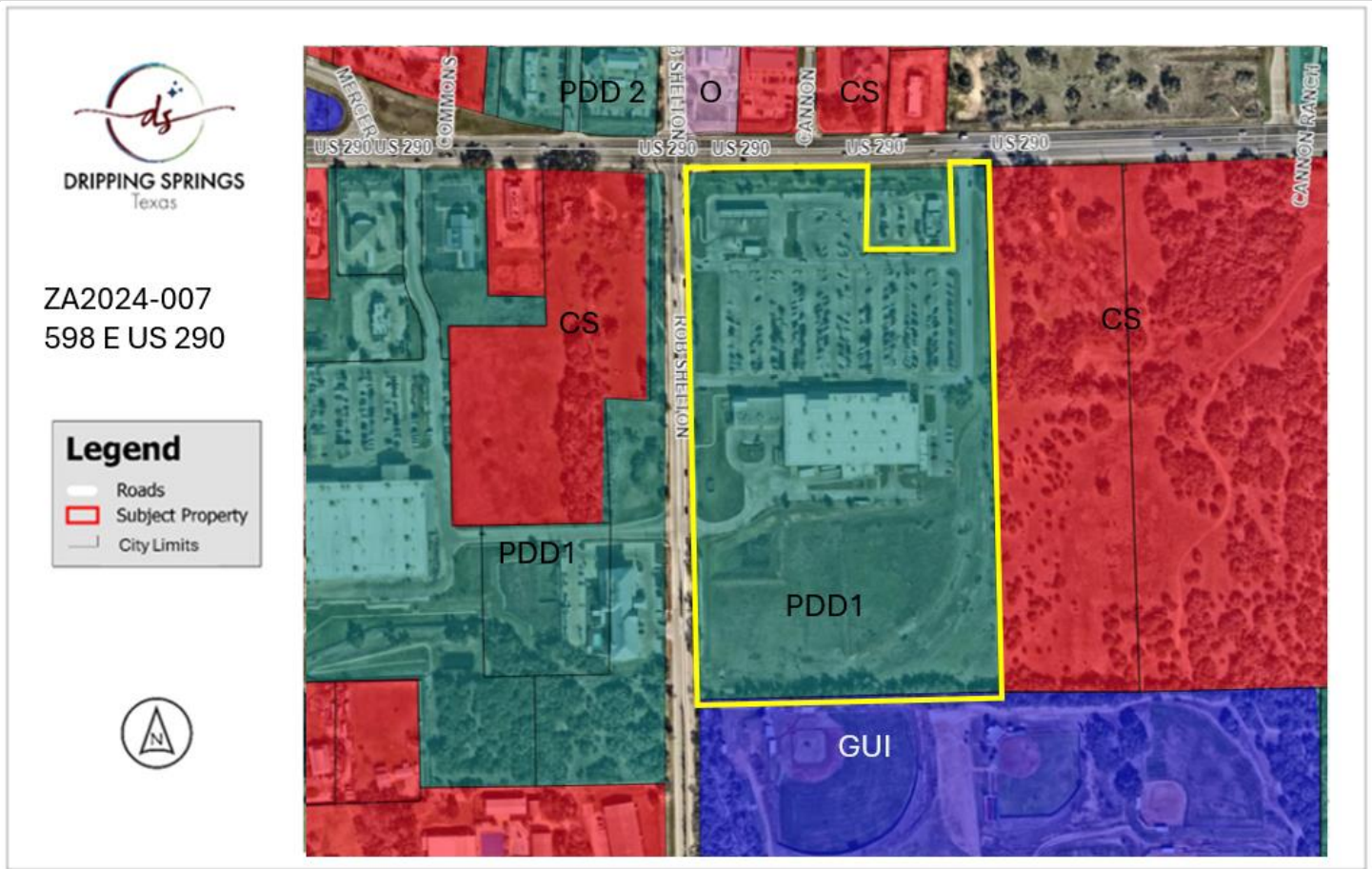
- **CS – Commercial Services:** *The commercial services (CS) district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding and contractors shops, plumbing shops, automotive repair or painting services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view. The uses envisioned for the district will typically utilize small sites and have operational characteristics that are generally not compatible with residential uses and most other types of nonresidential uses within the city.*

Analysis

	PDD 1	CS	Differences between PDD 1 & CS
Max Height	*45 feet	2 stories / 40 feet	5 feet less
Min. Lot Size	Unregulated	8,000 square feet	8,000 square feet
Min. Lot Width	Unregulated	80 feet	80 feet more
Min. Lot Depth	Unregulated	100 feet	100 feet more
Impervious Cover	60%	70%	10% more

*For buildings over 50,000 sqft

Surrounding Properties



Direction	Zoning District	Existing Use	Future Land Use
North	CS, O	Office / Retail	N/A
East	CS	Vacant	
South	GUI	Sports & Rec Park	
West	PDD 1	Hotel	

Approval Criteria for Zoning Amendment (Chapter 30 Zoning, Exhibit A, Sec 2.28.1 and 2.28.2)

2.28.2 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. whether the proposed change will be appropriate in the immediate area concerned;	The proposed zoning amendment is appropriate for the area, given the existing commercial character of the site and its surrounding uses. The transition to Commercial Services (CS) will create a consistent zoning designation across the entire property, aligning with the intended commercial use.
2. their relationship to the general area and the City as a whole;	The change supports the city's goals for orderly commercial growth, enhancing the area's economic viability and providing a modernized grocery store that will serve the broader community.
3. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	No major infrastructure modifications are anticipated.
4. the amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	This zoning amendment would not make any other land undevelopable.
5. the recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	This zoning request aligns with the growth the City has experienced in the last several years.
6. how other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;	Approving this amendment will not negatively impact other areas designated for commercial development. Instead, it enhances the viability of the existing commercial corridor and may attract additional investment to the area.
7. whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and	Approval of this request would not treat the subject parcel differently from other similarly situation parcels.
8. any other factors which will substantially affect the public health, safety, morals, or general welfare.	The proposed change supports public welfare by enhancing access to goods and services, promoting economic development, and improving the overall function of the site. It also ensures compatibility with surrounding uses, minimizing any adverse impacts on adjacent properties.

Additional Staff Analysis

Planned Development District 1 (PDD 1) was approved in 2006, prior to the adoption of many of the City's current development ordinances. As a result, much of the development within the existing PDD is vested under older standards, which do not meet the City's current requirements for sidewalks, landscaping, tree preservation, or architectural design.

Rezoning the property to Commercial Services (CS) ensures that future redevelopment of the site will comply with the City's current development regulations. This includes enhanced requirements for pedestrian connectivity, landscaping, tree preservation, and updated architectural standards, resulting in a development that better aligns with the community's vision and expectations. The proposed zoning change provides an opportunity to improve the functionality and aesthetics of the site while addressing existing deficiencies in development standards.

Summary and Recommendation

A their regular meeting on January 27, 2025, the Planning & Zoning Commission voted unanimously to recommend approval of this request.

Staff recommends **Approval** of the zoning amendment as presented.

Council review: Every application or proposal which is recommended for approval or approval with conditions by the P&Z shall be automatically forwarded, along with the P&Z's recommendation, to the city council for setting and holding of public hearing thereon following appropriate public hearing notification, as prescribed in subsection 2.32. The city council may then approve the request, approve it with conditions, or disapprove it by a simple majority vote of the city council members present and voting, except where super majority is required as listed below.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the zoning map amendment. To date, no letters for or against the request have been received.

Attachments

Exhibit 1 – Zoning Amendment Application

Recommended Action:	Recommend approval of the requested Zoning Amendment
Alternatives/Options:	Recommend denial of the zoning map amendment.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	None as of the date of this report.
Enforcement Issues:	N/A

**City of Dripping Springs**

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

ZONING/PDD AMENDMENT APPLICATION

Case Number (staff use only): _____ - _____

CONTACT INFORMATIONPROPERTY OWNER NAME H-E-B, LPSTREET ADDRESS 646 South Flores StCITY San Antonio STATE TX ZIP CODE 78204PHONE 210-936-0342 EMAIL scott.ben@heb.comAPPLICANT NAME Zachary D. MorganCOMPANY QuidditySTREET ADDRESS 101 E Old Settlers, Ste 280CITY Round Rock STATE TX ZIP CODE 78665PHONE 512-685-5194 EMAIL zmorgan@quiddity.com**REASONS FOR AMENDMENT**☐ TO CORRECT ANY ERROR IN THE REGULATION
OR MAP☐ TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE
OF LIVING, OR MANNER OF CONDUCTING BUSINESS☐ TO RECOGNIZE CHANGED CONDITIONS OR
CIRCUMSTANCES IN A PARTICULAR LOCALITY☒ TO MAKE CHANGES IN ORDER TO IMPLEMENT
POLICIES REFLECTED WITHIN THE COMPREHENSIVE
PLAN

PROPERTY & ZONING INFORMATION	
PROPERTY OWNER NAME	H-E-B, LP
PROPERTY ADDRESS	598 E Hwy US 290, Dripping Springs, Tx 78620
CURRENT LEGAL DESCRIPTION	Lot 1, Block B of Dripping Springs Retail Center
TAX ID#	R127261
LOCATED IN	<input checked="" type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	Planned Development District 1
REQUESTED ZONING/AMENDMENT TO PDD	Commercial Services
REASON FOR REQUEST (Attach extra sheet if necessary)	We are combining this tract (R127261) and 11.73 acres of the adjacent tract (R17961). The 11.73 acres of the adjacent tract is zoned for commercial services and we are requesting that the combined tract be zoned as commercial services.
INFORMATION ABOUT PROPOSED USES (Attach extra sheet if necessary)	The proposed use is a 125,000 SF commercial building on tract R17961 and corresponding parking on R127261.

COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? *

(See attached agreement).

☒ YES (REQUIRED)* ☐ YES (VOLUNTARY)* ☐ NO*

* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria (see *Outdoor Lighting tab on the CORDS webpage and online Lighting Ordinance under Code of Ordinances tab for more information*).

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Zachary D. Morgan is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. 3048, Pg. 27.)

Benjamin Scott

Name

Group Vice President of Real Estate and Shopping
Center Development

Title

STATE OF TEXAS §

§

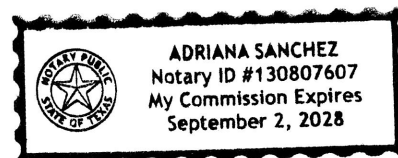
COUNTY OF HAYS §

This instrument was acknowledged before me on the 29th day of October,
20124 by Benjamin Scott.

Adriana Sanchez
Notary Public, State of Texas

My Commission Expires: September 2, 2028

Zachary D. Morgan
Name of Applicant



ZONING AMENDMENT SUBMITTAL

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:

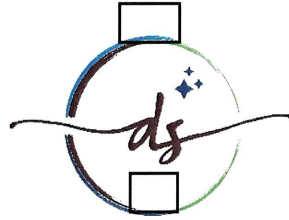

Applicant Signature

10/21/2024
Date

CHECKLIST

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee-Zoning Amendment or PDD Amendment (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>PDF/Digital Copies of all submitted Documents</u> When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input type="checkbox"/>	GIS Data
<input type="checkbox"/>	<input type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (<i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input type="checkbox"/>	<input type="checkbox"/>	Concept Plan
<input type="checkbox"/>	<input type="checkbox"/>	Plans
<input type="checkbox"/>	<input type="checkbox"/>	Maps
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Information about proposed uses (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input type="checkbox"/>	Public Notice Sign (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of Planned Development District (<i>if applicable</i>)
<input type="checkbox"/>	<input type="checkbox"/>	Digital Copy of the Proposed Zoning or Planned Development District Amendment

Received on/by: _____

Project Number: -
Only filled out by staff

DRIPPING SPRINGS
Texas

BILLING CONTACT FORM

Project Name: Replat of Dripping Springs Retail Center SubdivisionProject Address: 598 E HWY US 290, Dripping Springs, TX 78620Project Applicant Name: Zachary Morgan

Billing Contact Information

Name: Benjamin R. ScottMailing Address: 646 South Flores StreetSan Antonio, TX 78204

Email: _____ Phone Number: _____

Type of Project/Application (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Alternative Standard | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Street Closure Permit |
| <input type="checkbox"/> Conditional Use Permit | <input checked="" type="checkbox"/> Subdivision |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Exterior Design | <input type="checkbox"/> Wastewater Service |
| <input type="checkbox"/> Landscape Plan | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Lighting Plan | <input checked="" type="checkbox"/> Zoning |
| <input type="checkbox"/> Site Development Permit | <input type="checkbox"/> Other _____ |

*Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. **Please see the online Master Fee Schedule for more details.** By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.*



Signature of Applicant

10/21/2024

Date

**CITY OF DRIPPING SPRINGS
ORDINANCE No. 2025-__**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS ("CITY"), REZONING ONE TRACT OF LAND, TOTALING APPROXIMATELY 11.83 ACRES FROM PLANNED DEVELOPMENT DISTRICT #1 (PDD-1) TO COMMERCIAL SERVICES (CS); AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AUTHORIZING THE CITY ADMINISTRATOR TO NOTE THE CHANGE ON THE OFFICIAL ZONING MAP OF THE CITY; PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of Dripping Springs ("City Council") seeks to promote orderly land use and development within the City; and

WHEREAS, the City Council finds to be reasonable and necessary the rezoning of the tract, described more fully in Attachment "A" and totaling approximately 11.83 acres, from Planned Development District #1 (PDD-1) to Commercial Services (CS); and

WHEREAS, the City Council recognizes changed conditions and circumstances in the particular location; and

WHEREAS, the City Council finds that the zoning change is compatible with the surrounding area and with the City's Zoning Ordinance and Comprehensive Plan; and

WHEREAS, after notice and hearing required by law, a public hearing was held before the Dripping Springs Planning and Zoning Commission on January 8, 2025, to consider the proposed amendment and the Planning and Zoning Commission recommended approval of the proposed change; and

WHEREAS, after public hearing held by the City Council on March 4, 2025, the City Council voted to approve the proposed amendment; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as expressly set forth herein.

2. ENACTMENT

One tract of land totaling approximately 11.83 acres and described more fully in Attachment “A” and shown in Attachment “B”, is hereby rezoned from Planned Development District #1 (PDD-1) to Commercial Services (CS).

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CHANGE ON ZONING MAP

The City Administrator is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Dripping Springs, Texas.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, a public hearing was held, and that public notice of the time, place and purpose of said hearing and meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this, the ____ day of _____ 2025, by a vote of ____ (ayes) to ____ nays to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

ATTACHMENT "A"

Legal Description

BEING a 11.83-acre tract of land out of the Philip A. Smith Survey No. 26, Abstract No. 415, Hays County, Texas, being all of a called 11.83-acre tract of land to Shelton Five, LLC as described in a General Warranty Deed in Document No. 19042979 of the Official Public Records of Hays County, Texas; said 11.83-acre tract of land being more particularly described as follows {bearings referenced to the Texas Coordinate System of 1983, South Central Zone):

BEGINNING: at a calculated point on the southern right-of-way line of US 290 (R.O.W. Varies), for the northwestern corner of the said 11.83-acre tract, for the northwestern corner of this herein described tract, from which a 1/2-inch iron rod with cap stamped "Chaparral" found for the northeastern corner of Lot 1, Block B of the Dripping Springs Retail Center Subdivision as shown on a plat in Volume 14, Page 119 of the Plat Records of Hays County, Texas, being the same tract of land as described in a Special Warranty Deed to HEB Grocery Company, LP in Volume 3048, Page 27 of the Official Public Records of Hays County, Texas bears South 00°15'00" East a distance of 0.17 feet, from said calculated point a 1/2-inch iron rod found for the northeastern corner of a called 1.127-acre tract of land to Trust Realty, LLC as described in a Special Warranty Deed in Document No. 17018934 of the Official Public Records of Hays County, Texas bears South 8T48°50" West a distance of 94.97 feet;

THENCE: North 8T47°45'~ East a distance of 361.51 feet along the southern right-of-way line of said US 290, the northern line of the said 11.83-acre tract to a calculated point for the northeastern corner of the said 11.83-acre tract, the northwestern corner of a called 22.248-acre tract of land to Robert Francis Shelton Jr. as described in a Gift Warranty Deed in Volume 918, Page 713 of the Official Public Records of Hays County, Texas, for the northeastern corner of this herein described tract, from which a 1 1/2-inch iron rod found bears South 02°12'17" East a distance of 0.23 feet, from sold calculated point a Texas Department of Transportation Type 1 concrete monument found bears North BT47°00" East a distance of 1211.30 feet;

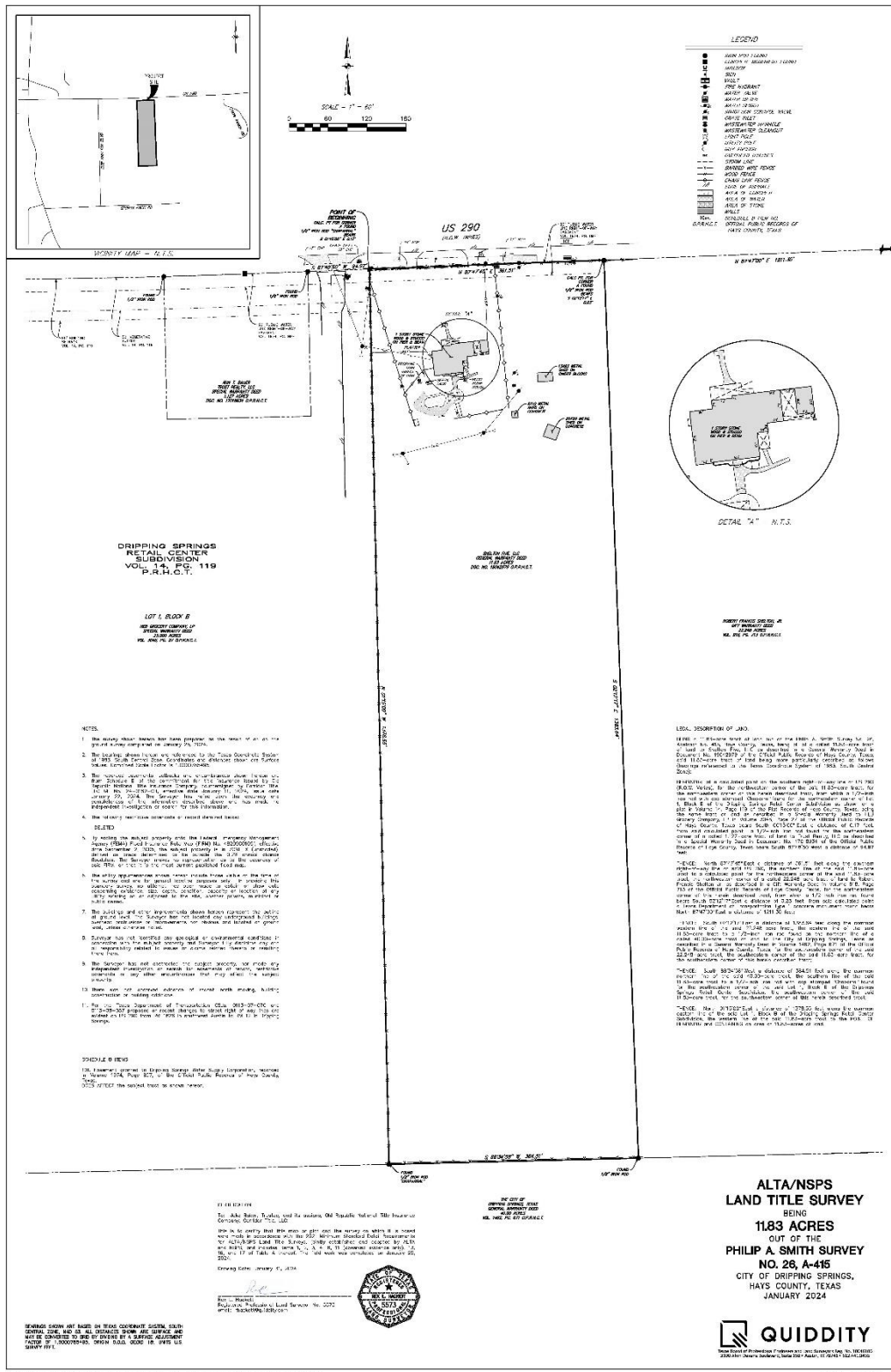
THENCE: South 02°12'1r East a distance of 1383.64 feet along the common western line of the said 22.248-acre tract, the eastern line of the said 11.83-acre tract to a 1 1/2-inch iron rod found on the northern line of a called 40.00-acre tract of land to The City of Dripping Springs, Texas as described in a General Warranty Deed in Volume 1462, Page 671 of the Official Public Records of Hays County, Texas, for the southwestern corner of the said 22.248-acre tract, the southeastern corner of the said 11.83-acre tract, for the southeastern corner of this herein described tract;

THENCE: South 88°34'58" West a distance of 384.51 feet along the common northern line of the said 40.00-acre tract, the southern line of the said 11.83-acre tract to a 1/2-inch iron rod with cap stamped "Chaparral" found for the southeastern corner of the said Lot 1, Block B of the Drippings Springs Retail Center Subdivision, the southwestern corner of the said 11.83-acre tract, for the southwestern corner of this herein described tract;

THENCE: North 01°15'00" East a distance of 1378.55 feet along the common eastern line of the said Lot 1, Block B of the Dripping Springs Retail Center Subdivision, the western line of the said 11.83-acre tract to the POINT OF BEGINNING and CONTAINING an area of 11.83-acres of land.

ATTACHMENT "B"

11.83 ACRE PROPERTY DEPICTION





City Council Planning Department Staff Report

Item # 11.

City Council Meeting: March 4, 2025
Project No: DA2025-001
Project Planner: Tory Carpenter, AICP, Planning Director

Item Details

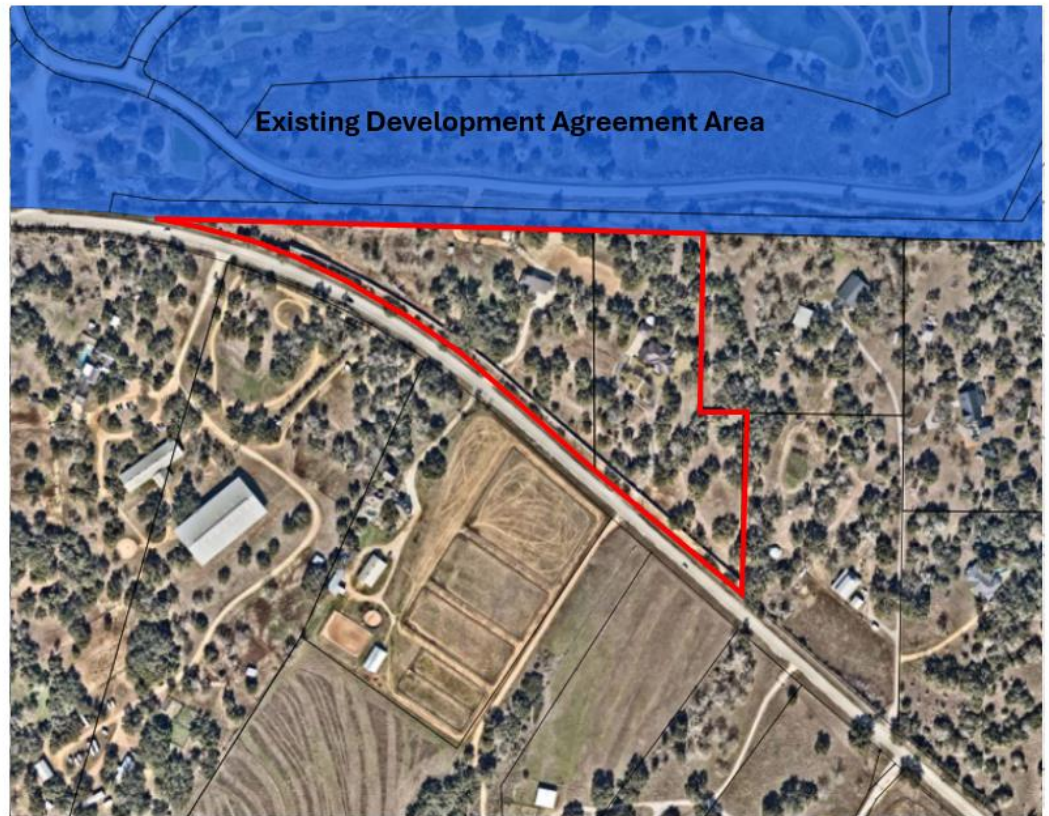
Project Name: Driftwood 552 Development Agreement Expansion
Property Location: 10640 & 10730 FM 967
Legal Description: Lots 5 & 6 of the Downstream Subdivision
Applicant: Zachary Morgan, Quiddity Engineering
Property Owner: PALS DL Ventures, LLC
Request: Expansion of the boundary of the Driftwood 552 Development Agreement



DA2025-001
Driftwood
DA Expansion

Legend

- Roads
- Subject Property
- City Limits



Background

The Driftwood 552 Development Agreement was approved in 2019, and development has been progressing in recent years.

This application seeks to expand the boundaries of the development agreement without modifying its existing standards. The applicant proposes four residential accessory structures with associated parking. Expanding the development agreement will allow the project to connect to the wastewater system rather than relying on on-site wastewater facilities.

Additionally, the applicant must obtain City Council consent to annex into the Driftwood Conservation District MUD.

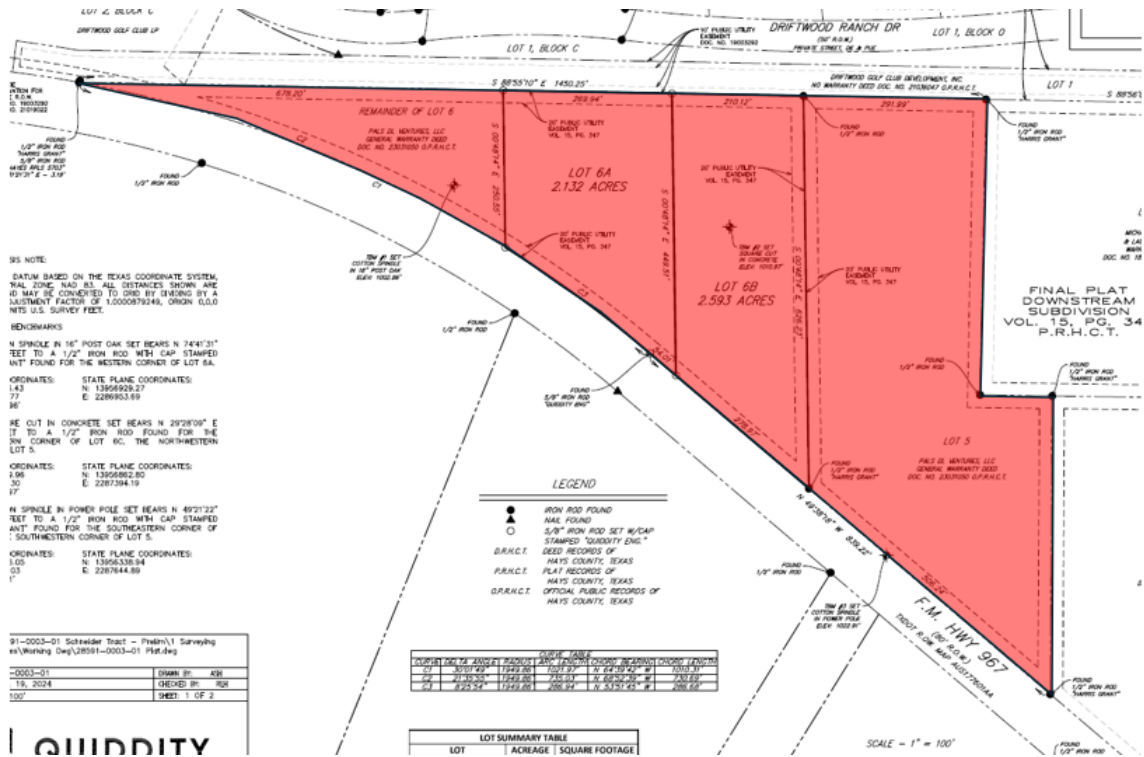
Analysis

The two properties included in this request are currently in the ETJ and are not subject to land use controls. The City would benefit from this request by gaining regulatory authority over zoning, lighting, landscaping, and other development standards. The proposed uses align with those permitted in the "General Retail" zoning district.

Furthermore, the expansion would enable the site to connect to Driftwood's wastewater infrastructure. Given the property's current ETJ status, staff finds it appropriate to compare ETJ standards with those of the requested zoning district.

	ETJ	Driftwood 552 DA	Differences between ETJ & Driftwood DA
Min. Lot Size	1.5 acres	1/2 acre	0.25 acres less
Min. Lot Width	30 feet	30 feet	None
Min. Lot Depth	unregulated	150 feet	50 feet
Min. Front/Side/Rear Yard Setbacks	10 feet / 5 feet / 5 feet	10 feet / 5 feet / 5 feet	None
Impervious Cover	35%	15% for entire DA	20%

Site Exhibit



The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Future Land Use
North	Driftwood 552 DA	Development Agreement	Not Shown on the Future Land Use Map
East	ETJ	Agriculture / Residences	
South	ETJ	Agriculture / Residences	
West	ETJ	Homestead	

Factors to be Considered

22.02.011 The Planning & Zoning Commission and the City Council shall consider the following factors:

Factors	Staff Comments
1. Public benefits	The developed area must follow City zoning, lighting, landscaping, and water quality standards as outlined in the existing Development Agreement.
2. Adequate environmental protection	Development of the property must meet City water quality and drainage requirements.
3. Burden on city's infrastructure	The applicant is not requiring any additional wastewater LUEs.
4. Consistency with the comprehensive plan	While this area is not shown on the future land use map of the comprehensive plan, this request is not inconsistent with the goals and objectives of the plan.
5. Conformance of the agreement with the intent and purposes of city regulations; and	The developed area must follow City zoning, lighting, landscaping, and water quality standards as outlined in the existing Development Agreement.
6. Fiscal impact of the agreement and resulting development on the city.	None noted.

Planning & Zoning Commission Recommendation

At their regular meeting on February 25, 2025, the Planning & Zoning Commission unanimously recommended approval of this Development Agreement Expansion with one abstention.

Staff Recommendation

Staff recommends approval of the development expansion as presented.

Planning and Zoning action:

22.02.011 Following a public hearing, the P&Z shall consider the agreement and make a recommendation to the city council prior to final action by the city council. The city council may take final action on the agreement only after receiving a recommendation from the P&Z. For purposes of this article, the minutes of a P&Z meeting may constitute a report.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the subject properties. To date, no letters for or against the request have been received.

Attachments

Exhibit 1 – Application

Exhibit 2 – Development Agreement

Recommended Action:	Recommend approval of the request
Alternatives/Options:	Recommend denial or conditional approval of the request.
Budget/Financial Impact:	All fees have been paid.
Public Comments:	None Received at this time.
Enforcement Issues:	N/A

**FIRST AMENDMENT
TO DRIFTWOOD 552 DEVELOPMENT AGREEMENT**

**THE STATE OF TEXAS §
 §
COUNTY OF HAYS §**

This **FIRST AMENDMENT TO THE DRIFTWOOD 552 DEVELOPMENT AGREEMENT** (this “Amendment”) is entered into effective as of March [REDACTED], 2025 between the **CITY OF DRIPPING SPRINGS, TEXAS**, a general law city located in Hays County, Texas (the “City”); **DRIFTWOOD 552, LLC**, a limited liability corporation, and **DRIFTWOOD GOLF CLUB DEVELOPMENT, INC.**, a corporation. The City, Driftwood 552, LLC, and Driftwood Golf Club Development, and are sometimes referred to herein as the “Parties” and individually as a “Party”.

RECITALS

The City, Driftwood 552, and Driftwood Golf Club Development to that certain “Driftwood 552, LLC, Driftwood Golf Club Development, Inc., Brown Tract Development Agreement” (the “Development Agreement”), effective and filed April 25, 2019, which, among other things, provided for the development of the Driftwood 552 Development over 522.363 Acres in Hays County, Texas within the extraterritorial jurisdiction of the City. As contemplated by the First Amendment, the portion of the Downstream Subdivision described on **Exhibit “A”** to this Amendment (the “Annexation Tract”) will be annexed into the boundaries of the Development Area; and the Parties now desire to amend the Development Agreement to memorialize such annexation and make certain conforming clarifications related thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

1. Defined Terms. All capitalized terms not defined in this Amendment have the meanings ascribed thereto in the Development Agreement.

2. Annexation of the Downstream Subdivision into the Driftwood 552 Development Area. The Downstream Subdivision will be annexed into the boundaries of the Driftwood 552 Development Area pursuant to City Ordinance No. 2025-[REDACTED] and made subject to the regulations within the Driftwood 552 Development Agreement. The Downstream Subdivision Tract (as attached as **Exhibit “A”**) being 12.171 acres) will be annexed into the boundaries of the Development Area. The Downstream Subdivision Tract is hereby added to the real property covered by the Development Agreement:

a. the Downstream Subdivision Tract will be developed in accordance with the Driftwood 552 Development Agreement; and

b. The Parties acknowledge that the Downstream Subdivision Tract has been annexed into the Development.

3. Effect of Amendment. Except as specifically provided in this Amendment, the terms of the Driftwood 552 Development Agreement continue to govern the rights and obligations of the Parties, and the terms of the Agreement remain in full force and effect. If there is any

conflict or inconsistency between this Amendment and the Development Agreement, this Amendment will control and modify the Development Agreement.

4. Counterparts. To facilitate execution, (a) this Amendment may be executed in any number of counterparts; (b) the signature pages taken from separate individually executed counterparts of this instrument may be combined to form multiple fully executed counterparts; and (c) a signature delivered by facsimile or in another electronic format (*e.g.*, DocuSign or .PDF via email) will be deemed to be an original signature for all purposes. All executed counterparts of this instrument will be deemed to be originals, and all such counterparts, when taken together, will constitute one and the same agreement.

* * *

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective as of the date first written above.

COUNTERPART SIGNATURE PAGE TO:
FIRSTD AMENDMENT
TO DRIFWOOD DEVELOPMENT AGREEMENT

CITY:

CITY OF DRIPPING SPRINGS, TEXAS

By:_____

Name:_____

Title:_____

Date:_____

COUNTERPART SIGNATURE PAGE TO:
FIRST AMENDMENT
TO DRIFTWOOD 552 DEVELOPMNT AGREEMENT

DRIFTWOOD 552, LLC:

By:_____

Name:_____

Title:_____

Date:_____

COUNTERPART SIGNATURE PAGE TO:
FIRST AMENDMENT
TO DRIFTWOOD 552 DEVELOPMENT AGREEMENT

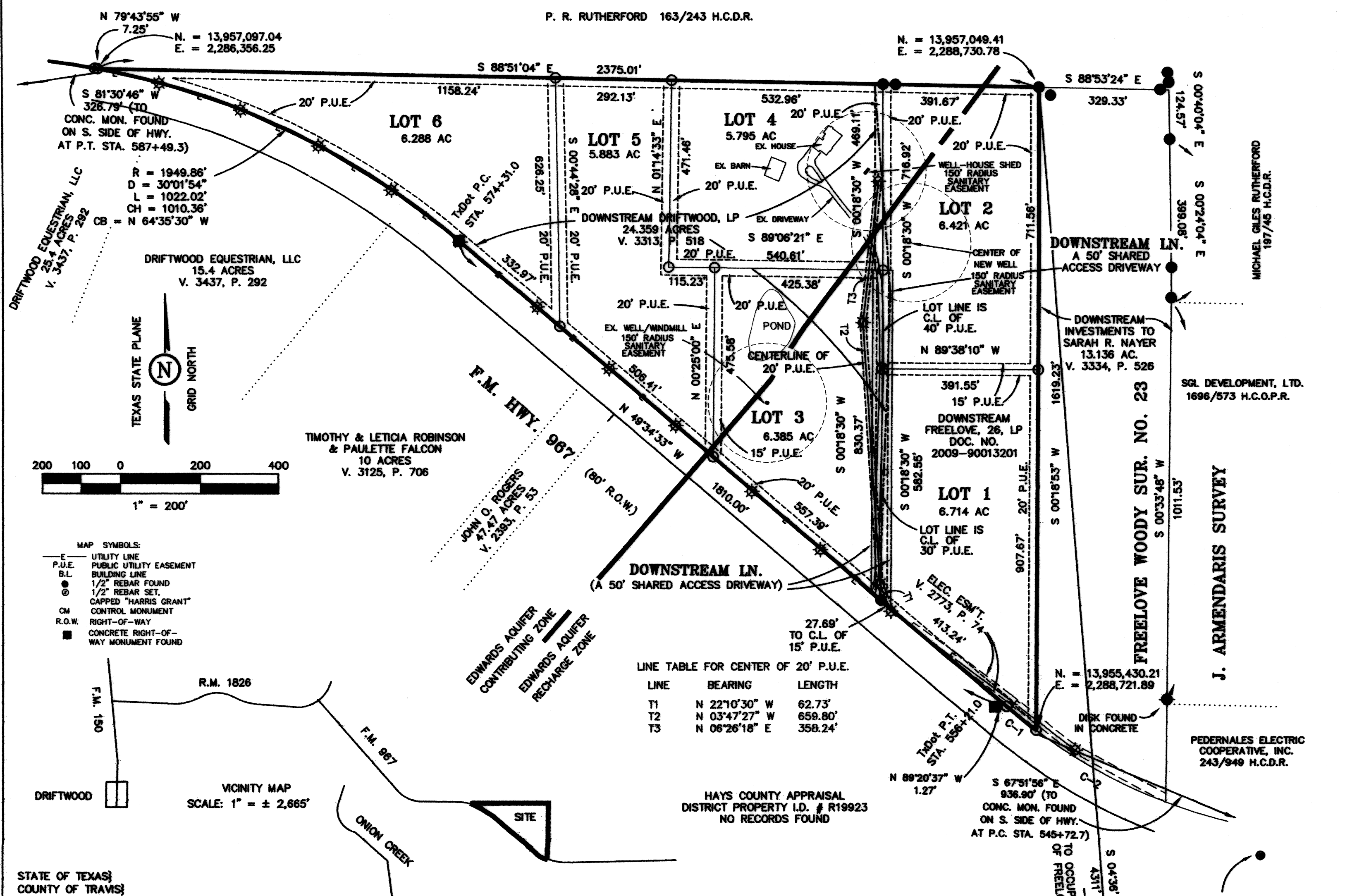
DRIFTWOOD GOLF CLUB, INC.:

By: _____

Name: _____

Title: _____

Date: _____



STATE OF TEXAS
 COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT DOWNSTREAM FREELOVE, 26, LP, OWNER OF 13.137 ACRES OF LAND OUT OF THE FREELOVE WOODY SURVEY NO. 23, ABSTRACT NO. 23, BEING THE REMAINING PART OF 26.273 ACRES DESCRIBED IN VOLUME 3209, PAGE 230 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED RECORDED IN DOCUMENT NO. 2009-90013201 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (OPRHCT) ACTING HEREIN BY AND THROUGH ITS GENERAL PARTNER, G.H. "KAM" KRONENBERG, III, AND THAT DOWNSTREAM DRIFTWOOD, L.P., OWNERS OF 24.359 ACRES OUT OF THE FREELOVE WOODY SURVEY, ABSTRACT NO. 20 IN HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED RECORDED IN VOLUME 3313, PAGE 513 OF THE OPRHCT, ACTING HEREIN BY AND THROUGH ITS GENERAL PARTNER, G.H. "KAM" KRONENBERG, III, DOES HEREBY SUBDIVIDE SAID PROPERTY IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED, AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

G.H. KRONENBERG, III
 GENERAL PARTNER OF DOWNSTREAM
 FREELOVE, 26, LP AND DOWNSTREAM
 DRIFTWOOD, L.P.
 5000 PLAZA ON THE LAKE, STE. 180
 AUSTIN, TEXAS 78746

STATE OF TEXAS
 COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED G.H. KRONENBERG, III, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 23 DAY OF March, 2010.

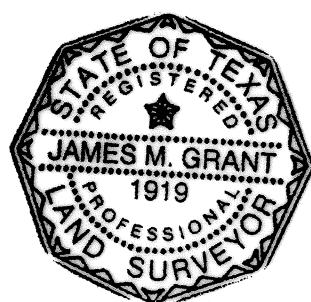
Catherine Brun
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
 PRINTED NAME: Catherine Brun

STATE OF TEXAS
 COUNTY OF TRAVIS

I, JAMES M. GRANT, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH THE SURVEY RELATED REQUIREMENTS OF THE HAYS COUNTY AND CITY OF DRIFTWOOD SUBDIVISION SPECIFICATIONS AND FURTHER CERTIFY THAT THIS PLAT IS PREPARED FROM AN ACUTAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED OR FOUND UNDER MY SUPERVISION.

James M. Grant
 JAMES M. GRANT, RPLS 1919
 HARRIS-GRANT SURVEYING, INC.
 1700 S. LAMAR, STE. 332
 AUSTIN, TEXAS 78704

03-16-2010
 DATE



STATE OF TEXAS
 COUNTY OF TRAVIS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREGY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

Charles R. Brigrance, Jr.
 CHARLES R. BRIGRANCE, JR., P.E.
 LICENSED PROFESSIONAL ENGINEER NO. 64346
 CARLSON, BRIGRANCE, AND DOERING, INC.
 5501 W. WILLIAM CANNON BLVD.
 AUSTIN, TEXAS 78749

3-16-10
 DATE

ID # F3791

FINAL PLAT DOWNSTREAM SUBDIVISION

SHEET 1 OF 2

Vol. 15 Pg 348

FINAL PLAT DOWNSTREAM SUBDIVISION

SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION:

1. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

2. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY ENVIRONMENTAL HEALTH.

3. NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

Jerry H. Borchering
JERRY BORCHERING - RESOURCE PROTECTION
TRANSPORTATION & PLANNING DIRECTOR

4/13/10
DATE

Tom Pope
TOM POPE
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

3-24-2010
DATE

CITY COUNCIL APPROVAL:

STATE OF TEXAS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF DRIPPING SPRINGS, TEXAS AND IS HEREBY APPROVED.

APPROVED THIS THE 9th DAY OF February, 2010 A.D. BY THE CITY COUNCIL

Jo Ann Touchstone
JO ANN TOUCHSTONE, CITY SECRETARY

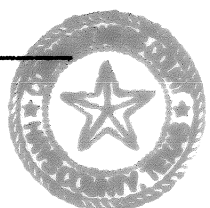
Todd Purcell
TODD PURCELL, MAYOR

STATE OF TEXAS
COUNTY OF HAYS

I, LINDA FRITSCH, COUNTY CLERK OF HAYS COUNTY, TEXAS DO HEREBY CERTIFY THAT ON THE 23rd DAY OF March, 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT AND THAT SAID ORDER WAS DULY ENTERED IN THE MINUTES OF SAID COURT, IN BOOK 4, PAGE 210

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT OF SAID COUNTY, THE 23rd DAY OF March, 2010, A.D.

[Signature]
FREDERICK SUMTER
COUNTY JUDGE
HAYS COUNTY, TEXAS



[Signature]
LINDA FRITSCH
COUNTY CLERK
HAYS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HAYS

I, LINDA FRITSCH, COUNTY CLERK OF HAYS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 18th DAY OF May, A.D., 2010, A.D. AT 8:54 O'CLOCK A.M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK 13, PAGE 311-318

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THIS THE 18th DAY OF May, A.D. 2010.

[Signature]
LINDA FRITSCH
COUNTY CLERK
HAYS COUNTY, TEXAS



CITY OF DRIPPING SPRINGS

ORDINANCE NO. 2025-_____

DEVELOPMENT AGREEMENT ORDINANCE

**AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS,
TO ADOPT THE FIRST AMENDMENT TO THE DRIFTWOOD 552
DEVELOPMENT AGREEMENT, ATTACHED HERETO AS
EXHIBIT "A", INCLUDING THE FOLLOWING: FINDINGS OF
FACT; ENACTMENT; EFFECTIVE DATE; FILING;
SEVERABILITY; AND PROPER NOTICE AND MEETING.**

WHEREAS, the City of Dripping Springs ("City") is a Type-A, General Law municipality located in Hays County, Texas with the rights and privileges thereto;

WHEREAS, the City is authorized by Texas Local Government Code § 51.001 to adopt or amend any ordinance is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and

WHEREAS, the City has the legal authority to negotiate with the owners of proposed development projects in the interest of the parties and the general public; and

WHEREAS, the power to enter Developer Participation Agreements is provided in Section 212.071 of the Texas Local Government Code; and

WHEREAS, the general power to regulate subdivisions is provided in Sections 212.002 and 212.003 of the Texas Local Government Code; and

WHEREAS, the basic power to enter contracts is provided in Sections 51.001, 51.014, 51.035 and 51.051(b) of the Texas Local Government Code; and

WHEREAS, the City entered into a Development Agreement with Driftwood 552 and Driftwood Golf Club, Inc. on or about April of 2019 (the "Original Agreement"), which was recorded as Instrument# 19013385 of the Official Public Records of Hays County, Texas; and

WHEREAS, Driftwood 552 requested an amendment to the Development Agreement to increase the number of acres of the development; and

WHEREAS, the City deems it in the best interest to its citizens to adopt the First Amendment to the Driftwood 552 Development Agreement for Driftwood 552, attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Dripping Springs, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

2. ENACTMENT

This Ordinance approves the accompanying Development Agreement as shown in Exhibit "A".

3. EFFECTIVE DATE

This ordinance shall be effective immediately upon passage and publication.

4. FILING

A. The City Secretary is hereby instructed to include this Ordinance in the records of the City.

B. The City Secretary is hereby instructed to file a certified copy of this Ordinance with the Hays County Clerk.

5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this the ____ day of _____ 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of the City of Dripping Springs, Texas.

THE CITY OF DRIPPING SPRINGS:

Bill Foulds Jr.

ATTEST:

Diana Boone, City Secretary

EXHIBIT “A”



DRIPPING SPRINGS
Texas

Item # 11.

City of Dripping Springs

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

512.858.4725 • cityofdrippingsprings.com

DEVELOPMENT AGREEMENT APPLICATION

Case Number (staff use only): _____

TYPE OF APPLICATION (check all that apply)

☐ Development Agreement

☒ Amended Development Agreement

APPLICANT NAME Zachary Morgan

COMPANY Quiddity Engineering

STREET ADDRESS 101 E Old Settlers, Ste 280

CITY Round Rock **STATE** Texas **ZIP CODE** 78664

PHONE 512-685-5194 **EMAIL** zmorgan@quiddity.com

OWNER NAME PALS DL Ventures, LLC

STREET ADDRESS 109 W 7th Street, Ste 200

CITY Georgetown **STATE** _____ **ZIP CODE** 78626

PHONE 512-632-7189 **EMAIL** nhayes@improveone.com

CONTACT INFORMATION

PROPERTY ADDRESS			
CURRENT LEGAL DESCRIPTION	All of Lot 5 & 6 of Downstream Subdivision		
TAX ID#	R133637 & R133638		
CURRENT LAND ACREAGE	12.171 Acres		
SCHOOL DISTRICT	Hays CISD		
ESD DISTRICT(S)	HCESD #6		
EXISTING ROAD FRONTAGE	<input checked="" type="checkbox"/>	PRIVATE	Proposed new access on Driftwood Ranch Drive
	<input checked="" type="checkbox"/>	STATE	NAME:
	<input type="checkbox"/>	CITY/COUNTY (PUBLIC)	NAME:
DEVELOPMENT AGREEMENT?	<input checked="" type="checkbox"/>	YES	NAME (PLEASE ATTACH WITH APPLICATION):
	<input type="checkbox"/>	NO	Driftwood Golf & Ranch Club

PROPERTY INFORMATION

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Zachary Morgan is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.

(As recorded in the Hays County Property Deed Records, Vol. _____, Pg. _____.)

Nancy Hays
Name
Treasurer
Title

STATE OF TEXAS §
 §
COUNTY OF HAYS §

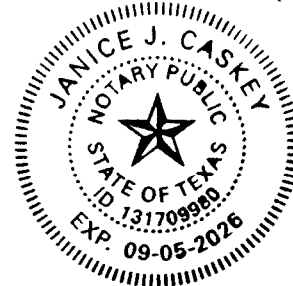
This instrument was acknowledged before me on the 13 day of November

³⁰
2024 by Janice J Caskey

[Signature]
Notary Public, State of Texas

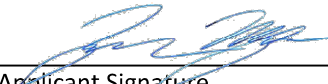
My Commission Expires: 05-06-2026

Zachary Morgan
Name of Applicant



DEVELOPMENT AGREEMENT APPLICATION SUBMITTAL

All required items and information (including all applicable below listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met all requirements for a complete submittal:



 Applicant Signature

1/24/2025

 Date

CHECKLIST

*Title II Building and Development Regulations, Chapter 22 General Regulations, Article 22.02
 Development Agreements*

STAFF	APPLICANT	
	X	Completed Application Form - including all required notarized signatures
	X	Digital Copies/PDF of <u>all</u> submitted items - please provide a coversheet outlining what digital contents are included on the CD/USB drive.
	X	Billing Contact Form
	X	Tax Certificates- verifying that property taxes are current
	X	Original Development Agreement & Subsequent Amendments (<i>If applicable</i>)
		Outdoor Lighting Ordinance Compliance Agreement
	X	Location map of subject property
		Conceptual Land Use Plan (<i>If applicable</i>)
	X	GIS digital data (To Hays County Regulations)
	X	Copy of Subdivision Plat or Metes & Bounds
		Application Fee (<i>refer to Fee Schedule</i>) \$
		\$25 Public Notice Sign Fee

Driftwood 552, LLC

Driftwood Golf Club Development, Inc.

Brown Tract

DEVELOPMENT AGREEMENT

Between the

City of Dripping Springs

&

Driftwood 552, LLC

&

Driftwood Golf Club Development, Inc.

DEVELOPMENT AGREEMENT

This Driftwood Development Agreement (“Agreement”) is between the City of Dripping Springs, (“the City”), Driftwood Golf Club Development, Inc. and Driftwood 552, LLC. Driftwood Golf Club Development, Inc. and Driftwood 552, LLC are collectively referred to herein as “Owner”. In this Agreement the City and Owner are sometimes individually referred to as a “Party” and collectively referred to as the “Parties”.

RECITALS

WHEREAS, Owner owns approximately 522.636 acres of land (”the Property”) located wholly within the extraterritorial jurisdiction (“ETJ”) of the City and in Hays County, Texas (hereinafter sometimes “the County”), which is more fully described in *Exhibit A* attached hereto; and

WHEREAS, Owner intends to develop the Property as a master-planned, mixed-use community that will provide for residential, commercial, and recreational uses, together with Open Space; and

WHEREAS, the development will include uses that will attract and serve tourists and visitors to the area; and

WHEREAS, the City has adopted a Comprehensive Plan to guide the City in planning for future growth and development and the City Council finds that this Development Agreement is consistent with the Comprehensive Plan and that any variances granted herein are consistent with the intent of the Comprehensive Plan; and

WHEREAS, the City has determined that development agreements with developers of master-planned communities such as the “Project” (as defined herein) will benefit the City by establishing land use controls; providing for the construction of appropriate and necessary utility, roadway and drainage infrastructure; encouraging economic development, protecting the environment, preserving native habitat and endangered species; and promoting the welfare of the citizens of the City and its ETJ; and

WHEREAS, the City and Owner are striving to achieve balance between the pressure of urbanization and the shared desires to protect the public safety, and conserve the hill country scenery and native habitat; and

WHEREAS, this Agreement grants the Owner measure of predictability in terms of applicable municipal regulations and development fees; and

WHEREAS, this Agreement grants the City the public benefits related to the application of certain municipal regulations in the ETJ, including building codes, land use regulations including

lighting and landscaping regulations, and exterior design standards for non-residential structures, as specified within this Agreement; and

WHEREAS, Owner and the City wish to enter into this Agreement to provide an alternative to the City's typical regulatory process for development; encourage innovative and comprehensive master-planning of the Property; provide a level of certainty of regulatory requirements throughout the term of this Agreement; and provide assurances of a high-quality development that will benefit the present and future residents of the City, the City's ETJ and the County; and

WHEREAS, the City is statutorily authorized to enter into such agreements with owners of property located in the City's ETJ pursuant to Texas Local Government Code Section 212.172; and

WHEREAS, this Agreement runs with the land, and thus shall be filed in and among the land records of Hays County, and is binding upon subsequent purchasers of the Property, or any portions thereof; and

WHEREAS, the City has conducted numerous public hearings and received broad public input regarding the proposal contained within this Agreement.

NOW THEREFORE, FOR GOOD & VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, including the agreements set forth below, the City and Owner agrees as follows:

ARTICLE 1. DEFINITIONS

1.1 General.

Words and phrases used in this Agreement shall have the meanings set forth in this section. Terms that are not defined below, but are defined in the City's Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and *vice versa*); and words in the masculine gender shall include the feminine gender (and *vice versa*). The word "shall" is always mandatory, while the word "may" is merely directory.

Headings and captions are for reference purposes only.

1.2 Specific.

Agreement: This Development Agreement between the City of Dripping Springs, Texas and Owner, including all Exhibits, which are incorporated herein for all intents and purposes.

Applicable Fees: The fees and charges to be paid by Owner to the City with respect to the development of the Property.

Applicable Rules: The City Rules that, as modified by the Project Approvals and variances granted concurrent with this Agreement, if any, exist on the Effective Date of this Agreement and will be applicable to the development of the Property for the term of this Agreement. This term does not include regulations mandated by state law, or that are necessary to prevent imminent harm safety to property, which may be modified and made applicable to the Project even after the Effective Date.

Association: A community group that is organized with respect to the Property in which individual owners of lots share common interests and responsibilities for costs and upkeep of commons space or facilities. A group may take the form of a Property Owners Association or Home Owners Association. The Project may allow for more than one Association.

Building Code: Collectively, the most recent versions of the City's Building Code.

City: The City of Dripping Springs, an incorporated Type A, general-law municipality located in Hays County, Texas.

City Administrator: the chief administrative officer of the City of Dripping Springs, Texas. The term also includes the Deputy City Administrator, and the City Administrator's designee.

City Council: The governing body of the City of Dripping Springs, Texas.

City Engineer: The person or firm designated by the City Council as the engineer for the City of Dripping Springs, Texas.

City Rules: The entirety of the City's ordinances, regulations and official policies, except as modified by this Agreement.

Conceptual Land Use Plan: The Conceptual Land Use Plan of the Project attached as *Exhibit B*, as it may be amended from time to time in accordance with this Agreement.

County: Hays County, Texas.

Driftwood Conservation District: The municipal utility district created pursuant to the authority of Section 59, Article XVI of the Texas Constitution, with enabling legislation codified at Chapter 7982, Texas Special District Local Laws Code.

Dwelling Unit: Real property improved with a house, apartment, condominium, duplex, or similar improvements that provides basic living accommodations including sleeping space, bathroom and cooking facilities.

Effective Date: The date upon which this Agreement is executed by all parties.

Golf Course: The private golf course and related amenities as shown on the Conceptual Land Use Plan.

Hays Trinity Groundwater Conservation District ("HTGCD"): The groundwater conservation district created pursuant to the authority of Section 59, Article XVI of the Texas Constitution, with enabling legislation as codified at Chapter 8843, Texas Special District Local Laws Code.

Impervious Cover: Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration. For purposes of compliance with this Agreement, the term expressly excludes storage tanks for rainwater collections systems, the structure covering specifically the rainwater collection tanks, and other exceptions as may be specified in this Agreement.

Impervious Cover Percentage: The percentage calculated by dividing the total acres of impervious cover on the Property by the total number of acres included in the Property. Whether or not outdoor decks are included in the calculation of impervious cover shall be determined by the City Engineer during the Site Plan review process based on the deck design and materials. Whether decomposed granite trails, parking areas or other low traffic use areas covered with decomposed granite shall be considered impervious cover shall be determined by the City Engineer during the Site Plan review process.

LCRA: The Lower Colorado River Authority, or its successor agencies.

LEED Program: The Leadership in Energy and Environmental Design (LEED) program.

Master Plan: The master plan of the City, originally presented in 1984, as may be amended, modified or supplemented by the City, in conjunction with the Comprehensive Plan.

Open Space: A tract of real property not occupied by any structure or impervious surfaces except as otherwise provided for in this Agreement and legally restricted from future development. Open Space uses may include active or passive recreation, agricultural uses and may include landscaping. Property within the confines of individual residential lots shall not qualify as Open Space under this Agreement. Portions of the Project proposed as Open Space are generally displayed in *Exhibit B*.

Owner: Driftwood 552, LLC, a Texas limited liability company, Driftwood Golf Club Development, Inc., a Delaware corporation and any successors and assigns.

P&Z: The Planning and Zoning Commission, a volunteer citizen advisory board of the City of Dripping Springs that has been granted specific land use and development regulatory authority pursuant to City ordinances and state statutes.

Project: The Property, as it will be developed under this Agreement pursuant to the Conceptual Land Use Plan, attached as *Exhibit B*, subject to Owner's ability to change the Conceptual Land Use Plan as set out elsewhere in this Agreement, including, without limitations, Section 3.6 below.

Project Approvals: The approvals, waivers, variances and exceptions to the Applicable Rules approved by the City with respect to the development of the Property.

Property: Approximately 522.636 acres of land, in Hays County, Texas, more fully described on the attached *Exhibit A*.

Reclaimed Water: Water consisting in whole or in part of treated wastewater effluent provided pursuant to 30 TAC §210 and/or other authority, as provided for in the Reclaimed Water Agreement between the City of Dripping Springs, Texas and Maile's Development Company dated November 15, 2016, and assigned to Driftwood Austin, LLC on February 20, 2018.

Recreation: Leisure time activities. Active Recreation involves active or energetic activities that are often performed with others, involves the use of equipment, and takes place at prescribed places, sites or fields (e.g., golf, playground activities, swimming, tennis and track). Passive Recreation involves activities that are relatively inactive or less energetic (e.g., board games, picnicking, and walking).

TCEQ: Texas Commission on Environmental Quality, or its successor agencies.

TxDOT: Texas Department of Transportation, or its successors.

Texas Parks & Wildlife Department: An agency of the State of Texas, or its successors agency.

US Army Corps of Engineers: An agency of the United States, or its successor agency.

US Fish and Wildlife Service ("USFW"): An agency of the United States, or its successor agency.

West Travis County Public Utility Agency ("WTCPUA"): The West Travis County Public Utility Agency is a publicly owned water and wastewater utility serving western Travis County and northern Hays County. The WTCPUA was created in December 2011 for the purpose of acquiring, owning and operating the LCRA's West Travis County Water and Wastewater System.

210 Beneficial Reuse: An economic use of wastewater in accordance with the purposes, applicable requirements, and quality criteria of Chapter 210, Title 30 of the Texas Administrative Code (The TCEQ Regulations), and which takes the place of potable and/or raw water that could otherwise

be needed from another source. The use of reclaimed water in a quantity either less than or the economically optimal amount may be considered a beneficial use as long as it does not constitute a nuisance.

ARTICLE 2. PUBLIC BENEFITS, INFRASTRUCTURE & AMENITIES

- 2.1 **Orderly Growth:** The City desires the development within its ETJ occur in an orderly manner in order to protect health, safety and welfare of the City's present and future citizens; preserve the environment; enhance property values; and provide for expansion of the City's tax base. This Agreement will benefit the City by facilitating the development of a master-planned community within an appropriate area of the City's ETJ which will allow for thoughtful and high-quality planning, the development of necessary roadways and utility facilities, and the development of a balanced community that includes residential, commercial, and recreational uses. Through this Agreement, the City is furthering its land planning objectives, by imposing in the ETJ components of the City's rules for Land Use regulations including Lighting, Building, Signs and Landscaping.
- 2.2 **Provision of Housing:** The development of the Property under this Agreement is intended to provide high quality housing for the City's present and future citizens and, as contemplated by the City's Comprehensive Plan, to allow the development of housing that will minimize negative environmental impacts and promote the aesthetic enhancement of the City and its ETJ. Further, the development of housing in accordance with this Agreement will promote safe and attractive housing conditions and a self-sustaining community.
- 2.3 **Water & Wastewater Infrastructure:**
 - 2.3.1 Centralized water service for the residential portion of the Project and for potable use in the commercial portions of the Project is to be provided on a retail basis by the City through its wholesale water agreement with WTCPUA.
 - (a) Groundwater may be used for irrigation of Open Space areas (including the Golf Course prior to the availability of Reclaimed Water per subsection (b) below), and for makeup water for water quality wet ponds.
 - (b) Reclaimed Water from the City shall, upon availability, be used for any purpose authorized by the Reclaimed Water Agreement between the City of Dripping Springs, Texas and Maile's Development Company, dated November 15, 2016 and assigned to Driftwood Austin, LLC, on February 20, 2018, and all related subsequent agreements between the City and Owner. Prior to the availability of Reclaimed Water from the City, Owner may use potable water and/or groundwater approved by the HTGCD for Golf Course construction and irrigation purposes. Additionally, Reclaimed Water may be used to irrigate other Open Space areas and landscaped areas and as makeup water for water quality wet ponds on an as needed basis if authorized by the Reclaimed Water Agreement or other related subsequent agreements between the City and Owner and if authorized by the TCEQ.

- (c) Water for non-potable commercial uses in addition to the Golf Course may be from either the city of Dripping Springs or from groundwater as authorized by the HTGCD.
- 2.3.2 Centralized wastewater service for residential development with the Property will be provided by the City. Select commercial uses may require use of a centralized wastewater collection and treatment system. Such wastewater systems will comply with all applicable governmental regulations.
- 2.4 Recreation & Tourism: The development of the Project, as contemplated by this Agreement, will promote and enhance recreation and tourism for the City with the Golf Course and with additional commercial development.
- 2.5 Open Space: The Project will include approximately 228 acres of Open Space, including greenbelts, irrigation, the Golf Course, and agricultural/landscaped areas, meeting the requirements of the City's Parkland Dedication Ordinance, when applicable, excepting the entirety of the Golf Course as private land to which the Parkland Dedication Ordinance will not apply, and as depicted in the Conceptual Land Use Plan attached hereto as *Exhibit B*. Parkland Dedication Ordinance compliance for the commercial and residential portions of the Project will occur in connection with preliminary subdivision plans for such development.
- 2.5.1 Operation & Maintenance: The operation and maintenance of the Golf Course will be the responsibility of the Owner or its assignee. Operation of the remainder of the Open Space areas will be the responsibility of the Owner or its assignee or the Association.
- 2.5.2 Public Access: The primary use and enjoyment of the Open Space, including the Golf Course, will be limited to the future residents of the Project and members/guests of the Golf Course.
- 2.5.3 Amenities: In keeping with the intent of preserving the natural environment to the maximum extent feasible the amenities provided in the Open Space areas other than the Golf Course will largely be limited to hike and bike trails and other passive uses.
- 2.6 Fees: In consideration of the City's covenants and concessions contained within this Agreement and in order to assure that the City does not incur uncompensated expenses in connection with his Agreement and the development of the Property under this Agreement. Owner agrees to pay to City certain development fees (as herein defined) as follows:
- 2.6.1 Administrative & Professional Fee: Except as provided herein, Owner agrees to pay the Development Agreement fees in accordance with the City's Ordinance currently in effect.
- 2.6.3 Platting Fee: In order to cover the City's administrative and professional costs related to plat review and approval under this Agreement. Owner agrees to pay the City platting fees in accordance with the City's ordinances presently in effect.

- 2.6.4 Site Development Permit Fees: Owner agrees to pay Site Development Fees calculated based upon the City Engineer's site development estimate.
 - 2.6.5 Construction Inspection Fees: City may approve a direct contract between the City's building inspection contractor and the Owner. In the event of such a contract, the City shall not charge a construction inspection fee to Owner.
 - 2.6.6 Miscellaneous Fees: Any fees not specifically addressed under this Agreement shall be imposed in accordance to the City fee schedule applicable at the time of application for the specific authorization sought. Examples of miscellaneous fees not addressed under this Agreement include, but are not limited to, fees related to authorizations for signs, re-plat amendments, or zoning changes. The Project will only be subject to fees not specifically addressed in this Agreement if the fees were being assessed uniformly in the City and its ETJ on the Effective Date of this Agreement. This section does not apply to fees mandated by changes in state or federal law. The Parties may negotiate a fee for any amendment of this Agreement.
- 2.7 Environmental Protection: Owner shall comply with the following natural resource laws and regulations, to the extent applicable.
- 2.7.1 Aquifer Protection: The Project lies within the Baron Springs Segment of the contributing zone to the Edwards Aquifer. As a condition for receiving LCRA/WTCPUA water the Project will comply with water quality measures designed to assure protection of that segment of the Edwards Aquifer consistent with the provisions of the Memorandum of Understanding between the LCRA and the U.S. Fish and Wildlife Services. Moreover, Owner will comply with all applicable TCEQ regulations, including but not limited to Edwards Aquifer Rules, 30 TAC 213, as may be amended, to the extent applicable to the Property. Owner shall also take reasonable measures to protect the Trinity Aquifer, to the extent applicable to the Property, including a maximum adherence to the above-cited Edwards Aquifer Rules.
 - 2.7.2 Land Application Restrictions: In the event a centralized wastewater collection and treatment system is constructed, Owner agrees that any TCEQ permit application will be based on irrigation of the effluent and will not propose a discharge of effluent to waters of the state. Irrigation may be above ground, subsurface, or a combination of the two, as allowed by TCEQ. The City shall be provided with a copy of any such TCEQ application concurrent with submittal to TCEQ. Beneficial wastewater reuse will be pursued with opportunities including, but not limited to, irrigation of the agricultural/landscaped areas and Golf Course, or reuse as makeup water in the Project's water quality wet ponds.
 - 2.7.3 Waterway Protection: If applicable, Owner shall obtain and comply with any authorizations from the US Army Corps of Engineers that may be required for road and

utility crossings of creeks, construction of water quality protection infrastructure, and other Project development, including but not limited to Clean Water Act Section 404.

- 2.7.4 Stormwater Controls: Owner will prepare and implement a stormwater pollution prevention plan in compliance with the TCEQ's Texas Pollution Discharge Elimination System stormwater general permit and applicable regulatory requirements for construction activities.
- 2.7.5 Water Quality Protection Ordinance: Owner agrees to implement and comply with the City's Water Quality Protection Ordinance in place of the Effective Date except as modified by this Agreement in *Exhibit C* and elsewhere.
- 2.7.6 Voluntary Measures: The Conceptual Land Use Plan attached as *Exhibit B* provides for numerous voluntary environmental protection measures for the benefit of this Project and provided for a substantial amount of Open Space.
 - (a) Owner Education: Owner will implement an education program to further the protection of the environmental resources in the Project. The program shall include, but shall not be limited to, the dissemination of pamphlets and newsletters to educate residents and property owners within the Project about the natural resources of the are and methods of environmental resource protection.
 - (b) Design Guidelines for Single-Family Detached Residential: Each lot shall have a specifically designed area within which housing construction, clearing, and landscaping will be allowed, subject to the review and approval of the Owner or the architectural control committee of the Homeowner Association. The balance of the lot is to remain in a natural state; through removal of cedar and/or enhancement of native vegetation may be permitted on a case-by-case basis, as well as disturbance as necessary for utility installation and/or maintenance, provided the area is restored to its natural state. Single-Family Residential guidelines will specify use of native and/or adapted species of plant materials and prohibit use of St. Augustine grass.
 - (c) Public Education: Owner agrees to collaborate with the City, the HTGCD, the WTCPUA, the US Fish & Wildlife Service and local school districts to explore the opportunities for public education regarding preservation of the environment using the Project as an example.
- 2.7.7 Wells: Owner agrees that the use of groundwater will be limited to irrigation of agricultural/landscaped areas, wet pond makeup water, irrigation of the Golf Course, and non-potable commercial uses. Permits for use of groundwater will be obtained from the HTGCD as required. New groundwater wells shall be prohibited on single-family residential lots. Wells existing on the Property may continue to be used for existing uses, activities and improvements per Section 3.2.4(e) below.

2.7.8 Wet Pond Makeup Water: The potential sources for wet pond makeup water shall include rainwater, reclaimed water, groundwater and such other sources as may be approved by the Driftwood Conservation District or the TCEQ, as applicable.

2.8 Deed Restrictions: Owner agrees that all restrictive covenants for the Project shall reference the provisions of this Agreement and be made applicable to all builders and subsequent buyers. Copies of the restrictive covenants will be provided to the City for review and comment.

ARTICLE 3. PROPERTY DEVELOPMENT

3.1 Governing Regulations: For purposes of any grandfathering analysis, the Parties agree that the relevant date is the Effective Date, for purposes of compliance with Texas Local Government Code Chapter 245, as may be amended. For purposes of this Agreement, the Effective Date is the date of execution by all Parties, unless otherwise specified within this Agreement. The Applicable Rules shall govern the Project, unless otherwise expressly provided in this Agreement.

3.2 Project Approvals & Entitlements:

3.2.1 Project Approvals: The Project Approvals, including the Project Variances set forth in the variances Chart in *Exhibit C*, attached hereto and incorporated herein, have been approved by all required City boards and commissions and the City Council and are granted by the City with respect to the development of the Property. This Agreement shall serve as guidance for the review and approval of any additional waivers, variances, exceptions or other municipal authorizations not specifically included in this Agreement.

3.2.2 Conceptual Land Use Plan: The City confirms that the Conceptual Land Use Plan attached as *Exhibit B* complies with the City's Master Plan and Comprehensive Plan, and that the Conceptual Land Use Plan, and all land uses and densities, have been approved by all requisite City departments, boards and commissions and by the City Council. The City approves the land uses, densities, and reservations of land for public purposes, exceptions, utility and roadway alignments and sizing and other matters shown on the Conceptual Land Use Plan. The City's execution of this Agreement shall be deemed to be the approval of the Conceptual Land Use Plan upon which the Preliminary Plats for development of the Property will be based. Developer confirms that any parkland dedication that has already been approved or that will be approved in the future will adhere to City's Parkland Dedication Ordinance upon preliminary platting.

3.2.3 Density of Development: With respect to the density of the Project, Owner will have the right to develop the Property at a density set forth on *Exhibit B* not to exceed 150 residential lots.

3.2.4 Land Uses:

(a) For purposes of this Agreement the following shall be allowed within all areas: single-family residences and related accessory uses and structures; Open Space; hike and bike

trails; agricultural/landscaping uses, including but not limited to vineyards; roadways; and drainage, detention and water quality facilities.

- (b) Commercial uses shall be limited to the areas designated as such on the Conceptual Land Use Plan. Allowable commercial uses shall include resort, lodge, spa, restaurant, food processing, entertainment, dinner theater, convenience store, small grocery, gas sales, helipad, offices, salon, bakery, clothing, art galleries, antique sales, artisan studios, winery, microbrewery and distillery, on-site sale and consumption of alcoholic beverages, liquor store, garden center, nursery, compost production and any other use included in the City's General Retail (GR) zoning category. Development of Commercial uses shall be subject to site development regulations applicable to the City's General Retail (GR) zoning district.
- (c) Multi-family, condominium or townhouse uses will be limited to the areas designated on the Conceptual Land Use Plan.
- (d) The Golf Course and related facilities shall be limited to the areas designated as such on the Conceptual Land Use Plan.
- (e) Continuation of Existing Uses, Activities & Improvements: Lawful land uses, activities and improvements that currently exist on the Property shall be allowed to continue operating in the same manner and location, including upon annexation of all or any portion of the Property into the City, regardless of any City Rules or Applicable Rules to the contrary. Current uses, activities, and improvements that are expressly permitted to continue include, without limitation:
 - (1) the care and maintenance of cattle/livestock, including all related structures and improvements and the use of existing water wells on the Property for the maintenance of cattle;
 - (2) the existing house/residence on the Property; and
 - (3) use of existing water wells on the Property for irrigation of vegetation/landscaping on the Property.

3.2.5 Impervious Cover:

- (a) Impervious Cover Limits: Owner agrees to limit the impervious cover to a maximum of fifteen percent (15%) of the Property. Owner shall have the right to apportion impervious cover on a lot by lot basis. Owner may apportion such impervious cover as it deems desirable so long as the overall impervious cover limitation is not exceeded. Impervious cover from existing improvements on the Property shall be included within the fifteen percent (15%) limit. Owner may count in density and impervious cover calculations land designated as greenbelt, Open Space, agricultural uses, floodplains, Golf Course, or similar areas. Construction of buildings on slopes will be in accordance with the present ordinances of the City except as amended by this Agreement.

(b) Impervious Cover Tracking: Each plat filed with the City shall contain a chart indicating the amount of impervious cover for the entire Property, the amount associated with prior platted areas and the amount associated with the area subject to such plat. The chart shall also show the average lot size computation for the Property as a whole and resulting from the plat and prior platted areas. Any portion of the Property may be replatted to change the use or designation of that previously platted portion so long as the entire platted portion of the Property meets the requirements of this Agreement, including impervious cover. So long as this Agreement remains in effect, such replatting shall be deemed controlled by this Agreement as if the same were an original platting of such replatted portions.

- 3.3 Further Approvals: Upon the Effective Date of this Agreement, Owner may develop the Property consistent with the Project Approvals and this Agreement. Any future approvals granted in writing by the City for such development as well as any written amendments to the Project Approvals will become a part of the Project Approvals.
- 3.4 Standard for Review: The City's review and approval of any submissions by Owner will not be unreasonably withheld or delayed. The City will review any plans, plat or other filing by Owner in accordance with the applicable City's ordinances, state law and this Agreement. If any submittal is not approved, the City will provide written comments to Owner specifying in detail all of the changes that will be required for the approval of the submittal.
- 3.5 Approvals & Appeals: The City acknowledges that timely City reviews are necessary for the effective implementation of Owner's development program. Therefore, the City agrees that it will comply with all statutory and internal City time frames for development reviews. The City further agrees that if, at any time, Owner believes that an impasse has been reached with the City staff on any development issue affecting the Project or if Owner wishes to appeal any decision of the City staff regarding the Project, then Owner may immediately appeal in writing to the City Council requesting a resolution of the impasse at the next scheduled City Council meeting, subject to compliance with all timetables required by the open meeting laws. Appeals and approvals of variances may be approved by an affirmative vote of at least three of the five (3/5) members of the City Council.
- 3.6 Conceptual Land Use Plan Amendments:
 - 3.6.1 Due to the fact that the Project comprises a significant land area and its development will occur in phases over a number of years, modifications to the Conceptual Land Use Plan may become necessary due to changes in market conditions or other factors.
 - 3.6.2 In order to provide flexibility with respect to certain details of the development of the Project Owner may seek changes in land uses, the location and configuration of land uses, roadways, and other Project infrastructure shown on the Conceptual Land Use Plan, including changes within the residential, commercial, or Open Space areas shown on the Conceptual Land Use Plan, according the requirements and procedures set forth below.

- (a) **Minor Changes.** Minor Changes may be made to the Conceptual Land Use Plan by Owner submitting an application and with City Administrator's approval without consent or action of the City Council or Planning & Zoning Commission, as allowed by law. "Minor Change" shall include any changes that do not meet the definition of "Major Change", for example, but not limited to, minor adjustments to the street and drive alignments, minor changes to the location or configuration of land uses, that does not increase density, and minor changes to any matters depicted on the attached Exhibits that are intended to be substantially accurate, but approximate. The Owner may make minor changes to the Conceptual Land Use Plan upon receipt of written approval from the City Administrator or City Engineer. The City Administrator may submit any change, minor or major, for review by the Planning and Zoning Commission and City Council.
 - (b) **Major Changes.** Major Changes shall only be those that: (i) increase the overall number of Dwelling Units specified in *Exhibit B* in any parcel (ii) changes the land use(s) permitted on a given development parcel to a land use(s) that is not permitted by Section 3.2.4 (Land Uses) or (iii) increases the maximum impervious cover permitted for the Project, as specified in Section 3.2.5. Major Changes to the Conceptual Land Use Plan shall require an Amendment to this Development Agreement with recommendation by the Planning and Zoning Commission and final approval by the City Council. Any Major Changes may trigger additional requests or requirements, to be determined at the time, from the City.
 - (c) **Minor Variations in Plats or Site Plans/Site Development Permits.** Minor variations in a preliminary, final, or amended plat or in a site plan/site development permit from the Conceptual Land Use Plan that are approved by the City Administrator as Minor shall not require an amendment to the Conceptual Land Use Plan.
- Notwithstanding anything herein to the contrary, proposed amendments to the text of this Agreement may trigger additional requests or requirements, to be determined at the time, from the City.
- (d) **Disputes.** In the event the of disagreement over whether a proposed change is a Minor Change or a Major Change, the City Administrator or City Engineer shall refer the question to the Planning and Zoning Commission for recommendation and to the City Council for final approval.

- 3.7 **Term of Approvals:** The Conceptual Land Use Plan, the Project Approvals, and any preliminary plat or final plat approved pursuant to this Agreement will be effective for the term of this Agreement unless otherwise agreed by the Parties.
- 3.8 **Extension of Permits & Approvals:** Any permit or approval under this Agreement or granted by the City pursuant to, or in accordance with, this Agreement shall be extended for any period during which performance by any Owner is prevented or delayed by action of a court or administrative agency, or an Owner is delayed due to failure to receive a governmental permit despite demonstrable diligent efforts to obtain said permit. Except as otherwise provided above, or

elsewhere in this Agreement, in no instance shall any permits or approvals be extended beyond the term of this Agreement or any extension thereof.

- 3.9 Initial Brush Removal: Owner may mechanically remove brush without material soil surface disruption prior to receiving approval of plats in order to determine the location of roads, lots, utilities, Golf Course components, and drainage areas with regard to preservation of environmental features. Prior to plat approval, Owner may neither remove any tree (other than cedar trees) with a trunk having a diameter greater than four (4) inches measured four (4) feet above the base (ground elevation) of the tree, nor materially alter the existing drainage patterns prior to receiving City approval of Preliminary Plat. Owner shall ensure that as much area as possible is left undisturbed for as long as reasonably possible. Provided, however, Owner may relocate/transplant trees on the Property at any time.

3.10 Building Code:

- 3.10.1 Owner agrees that all single-family residential buildings shall be constructed in accordance with all applicable building or construction codes that have been adopted by the City. In addition, Owner shall require all builders of residential structures to meet minimum LEED program requirements, as administered through the City of Dripping Springs or its agents or such other similar program requirements as may be mutually agreed to by Owner and the City. Applicable fees for all residential building permits or building inspections required by the City or the City's designee under this section shall be paid by builders. Residential building permit and building inspection fees are not included among the fees specifically listed in this Agreement. City will provide inspections timely and during any period prior to annexation.
- 3.10.2 Commercial buildings shall be required to obtain building permits. In addition, Owner shall require all builders of non-residential structures to meet minimum LEED program requirements, as administered through the City of Dripping Springs or its agents or such other similar program requirements as may be mutually agreed to by Owner and the City.
- 3.10.3 Building Code waivers or exceptions may be sought by Owner to achieve superior aesthetic design goals provided the waiver or exception does not result in a threat to the safety of persons or property. Any request for a waiver or exception must be presented to the Board of Adjustment upon receipt of guidance from the City Attorney and Building Official.
- 3.10.4 The City agrees that building permit review and issuance shall be accomplished within seven (7) working days for residential building permits and within twenty-eight (28) working days for commercial building permits commencing from the date the building permit application is designated administratively complete. A Certificate of Occupancy shall not be issued if the Property is not in compliance with this Agreement or applicable City regulations. The City Building Official may issue a temporary Certificate of Occupancy pending approval of a permanent Certificate of Occupancy in his reasonable discretion.

3.11 Fiscal Security for Improvements:

- 3.11.1 Owner shall be required to comply with all applicable Hays County, Texas fiscal surety or alternative fiscal requirements prior to final plat approval for all road and drainage improvements in accordance with the Hays County Subdivision and Development Regulations.
- 3.11.2 Owner shall be required to comply with all applicable fiscal surety or alternative fiscal requirements of the City prior to final plat approval for all subdivision-related domestic water service improvements and structural water quality control devices/infrastructure
- 3.12 Access: Access: The roadway cuts shown on *Exhibit B* are approved by the City as of the Effective Date. Approval of such roadway cuts is contingent on documentation from TxDOT that they are in agreement with the location of the roadway and driveway cuts. Owner and City agree that traffic safety is crucial. All roadway and driveway cuts onto RR 967 not shown on *Exhibit B* shall be subject to the approval of the City.
- 3.13 Utility Access Facility Under RR 1826: The proposed Utility Access Facility under RR 1826, as shown on the Conceptual Land Use Plan, is hereby approved by the City, subject to TxDOT review and approval, if required.

ARTICLE 4. ADDITIONAL MATTERS

- 4.1 Lighting: The Project shall comply with all applicable provisions of the City's Lighting Ordinance in effect at the time of site development.
- 4.2 Signage: The Project shall comply with all applicable provisions of the City's Signage Ordinance, except as otherwise provided in a subsequently approved Master Sign Plan Ordinance for the Project or a subsequently approved variance or waiver to the City's Signage Ordinance.
- 4.3 Fire Protection: Fire protection will be provided by the Hays County Emergency Services District No. 6 (North Hays County Fire and Rescue) ("ESD No. 6") and this Project will comply with the fire protection standards as mandated by ESD No. 6, until such time as the Project is annexed into the City. Notwithstanding anything herein or in *Exhibit C-1* to the contrary, Project roadway design shall comply with the roadway width dimensions required by Section 503.2.1 of International Fire Code, as adopted by ESD No. 6.
- 4.4 Annexation:
 - 4.4.1 Annexation:
 - (a) Owner hereby agrees that this Agreement, once approved and signed by all parties, is a valid and legally sufficient request to extend the city limits of the City (i.e., incorporated municipal boundary) to cover the Property, and no additional petitions or requests from the Owner are necessary, except as provided below. A petition for annexation is included as *Exhibit E*, which shall be valid for the duration of this Agreement and shall be binding on Owner's successors and assigns and subsequent purchasers. Owner agrees that if the Property, or any portion thereof, is sold prior to

the expiration of twenty (20) years from the Effective Date, Owner shall, as part of the closing documents, execute and cause to be recorded restrictive covenants or other documents memorializing the provisions of this Agreement. Owner further agrees that if the Property, or any portion thereof, is sold for commercial purposes prior to the expiration of twenty (20) years from the Effective Date, Owner shall, as part of the earnest money contract, cause to be executed by the subsequent purchaser(s) a petition for annexation in the form as the one provided in *Exhibit F*, which shall be valid for the remainder of the twenty (20) years from the Effective Date and filed with the City. Owner agrees to provide the City a written Notice of Sale of Commercial Property together with a petition for annexation in the form as the one attached hereto as *Exhibit F*, if obtained from the subsequent purchaser within fifteen (15) business days after completion of such sale.

The City agrees it will not annex any portion of the Property for a period of twenty (20) years after the Effective Date, unless: (1) otherwise agreed by both parties; or (2) an executed annexation petition from a subsequent purchaser of a commercial portion of the Property is not provided to the City; In the event an executed annexation petition from a subsequent purchaser of a commercial portion of the Property is not provided, Owner shall provide written notice to City that an annexation petition has not been executed by a subsequent purchaser sixty (60) days prior to the closing date, as defined in the earnest money contract, along with a metes and bounds description of the portion of the property being sold. At such time, City shall have the right to only annex the commercial portion of the Property for which no executed annexation petition has been obtained.

Further, in the event of future annexation of the commercial portions of the Property as authorized in this subsection, City acknowledges that Section 43.056 (g) of the Texas Local Government Code requires that if the area to be annexed has a level of services for operating and maintaining infrastructure superior to the level of services provided within the City's corporate boundaries before annexation, the City's annexation service plan must provide for the operation and maintenance of infrastructure of the annexed area at a level of services that is equal to or superior to that level of service existing before annexation. City further acknowledges that any such future annexation shall comply with all applicable governmental requirements, including but not limited to requirements relating to annexation of land included within the Driftwood Conservation District.

4.4.2 Zoning: Contemporaneously with the annexation of Property within the Project, the Owner of the annexed property shall submit an application for zoning that is consistent with this Agreement.

ARTICLE 5. AUTHORITY

5.1 Term:

5.1.1 Initial Term: The term of this Agreement will commence on the Effective Date and continue for twenty (20) years thereafter ("Initial Term"), unless sooner terminated under

this Agreement. This Agreement may be extended for a longer duration not to exceed an additional ten (10) years upon mutual agreement of the Parties. In the event such an extension is agreed to all provisions of this Agreement shall remain in full force and effect throughout the extension.

- 5.1.2 Expiration: After the Initial Term and any extension, this Agreement will be of no further force and effect except that termination will not affect any right or obligation arising from Project Approvals previously granted.
- 5.1.3 Termination or Amendment: This Agreement may be terminated or amended as to all of the Property at any time by mutual written consent of the City and Owner or may be terminated or amended only as to a portion of the Property by the mutual written consent of the City and the Owner of only the portion of the Property affected by the amendment or termination.
- 5.2 Authority: This Agreement is entered under the statutory authority of Section 212.172 of the Texas Local Government Code. The Parties intend that this Agreement guarantee the continuation of the extraterritorial status of portions of the Property as provided in this Agreement; authorize certain land uses and development on the Property; provide for the uniform review and approval of plats and development plans for the Property; provide exceptions to certain ordinances; and provide other terms and consideration, including the continuation of land uses and zoning upon annexation of any portion of the Property to the City.
- 5.3 Applicable Rules: As of the Effective Date, Owner has initiated the subdivision and development permit process for the Project. The City agrees that in accordance with Chapter 245, Local Government Code, the City will consider the approval of any further approvals necessary for the Project based solely on the Applicable Rules, as modified by the Project Approvals and this Agreement. Further, the City agrees that, upon the Effective Date, Owner have authority to develop the Property in accordance with the Applicable Rules, as modified by any exceptions contained in the Project Approvals and this Agreement.
- 5.4 Right to Continue Development: In consideration of Owner's agreements hereunder, the City agrees that, during the term of this Agreement, it will not impose or attempt to impose:
 - (a) any moratorium on building or development within the Project, or
 - (b) any land use or development regulation that limits the rate or timing of land use approvals, whether affecting preliminary plans, final plats, site plans, building permits, certificates of occupancy or oilier necessary approvals, within the Project. No City-imposed moratorium, growth restriction, or other limitation affecting the rate, timing or sequencing of development or construction of all or any part of the Project will apply to the Property if such moratorium, restriction or other limitation conflicts with this Agreement or would have the effect of increasing Owner's obligations or decreasing Owner's rights and benefits under this Agreement. This Agreement on the part of the City will not apply to temporary moratoriums uniformly imposed throughout the City and ETJ due to an emergency constituting an imminent threat to the public health or safety, provided that the temporary moratorium continues only

during the duration of the emergency. Any such temporary moratorium shall automatically extend the term of this Agreement for an equivalent period of time.

- 5.5 Equivalent Substitute Obligation: If either Party is unable to meet an obligation under this Agreement due to a court order invalidating all or a portion of this Agreement, preemptive state or federal law, an imminent and bona fide threat to public safety that prevents performance or requires different performance, subsequent conditions that would legally excuse performance under this Agreement or, the Parties agree to cooperate to revise this Agreement to provide for an equivalent substitute right or obligation as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid and enforceable, or other additional or modified rights or obligations that will most nearly preserve each Party's overall contractual benefit under this Agreement.
- 5.6 Cooperation:
- 5.6.1 The City and Owner each agrees to execute such further documents or instruments as may be necessary to evidence their agreements hereunder.
- 5.6.2 The City agrees to cooperate with Owner in connection with any waivers or approvals Owner may desire or require to obtain from the County in connection with the development of the Property.
- 5.7 THE OWNER, INCLUDING ITS RESPECTIVE SUCCESSORS AND ASSIGNS, HEREBY COVENANT AND AGREE TO RELEASE, DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, AND ITS OFFICIALS, EMPLOYEES, OFFICERS, REPRESENTATIVES, AND AGENTS (IN THIS SECTION THE "CITY") AGAINST AND FROM, AND WILL PAY TO THE CITY, THE AMOUNT OF ALL ACTIONS, DAMAGES, CLAIMS, LOSSES, OR EXPENSE OF ANY TYPE, WHETHER OR NOT INVOLVING A THIRD-PARTY CLAIM (COLLECTIVELY, "DAMAGES"), ARISING DIRECTLY OR INDIRECTLY FROM (i) THE BREACH OF ANY PROVISION OF THIS AGREEMENT BY THE OWNER; OR (ii) ANY THIRD PARTY CLAIMS RELATING TO ANY PUBLIC IMPROVEMENT ACQUIRED UNDER THIS AGREEMENT, INCLUDING ANY CLAIM RELATING TO THE CONCURRENT OR SOLE NEGLIGENCE OF THE CITY. THE OWNER WILL DEFEND THE CITY AGAINST ALL SUCH CLAIMS AND THE CITY WILL REASONABLY COOPERATE AND ASSIST IN PROVIDING SUCH DEFENSE. THE CITY SHALL HAVE THE RIGHT TO APPROVE OR SELECT DEFENSE COUNSEL TO BE RETAINED BY THE OWNER IN FULFILLING ITS OBLIGATIONS HEREUNDER. THE CITY RESERVES THE RIGHT, BUT IS NOT REQUIRED, TO PROVIDE A PORTION OR ALL OF ITS OWN DEFENSE AT ITS OWN EXPENSE. THE OWNER SHALL RETAIN CITYAPPROVED DEFENSE COUNSEL WITHIN 10 BUSINESS DAYS OF WRITTEN NOTICE THAT THE CITY IS INVOKING ITS RIGHT TO INDEMNIFICATION AND IF THE OWNER DOES NOT DO SO, THE CITY MAY RETAIN ITS OWN DEFENSE COUNSEL AND THE OWNER WILL BE LIABLE FOR ALL REASONABLE SUCH COSTS. THIS SECTION SURVIVES THE TERMINATION OF THIS AGREEMENT INDEFINITELY, SUBJECT TO APPROPRIATE STATUTES OF LIMITATIONS, AS THEY MAY BE TOLLED OR EXTENDED BY AGREEMENT OR OPERATION OF THE LAW. THE OWNER, INCLUDING ITS RESPECTIVE SUCCESSORS

AND ASSIGNS, FURTHER COVENANTS AND AGREES TO RELEASE, DEFEND, HOLD HARMLESS, AND INDEMNIFY, THE CITY AGAINST ANY AND ALL CLAIMS BY ANY PERSON CLAIMING AN OWNERSHIP INTEREST IN THE PROPERTY WHO HAS NOT SIGNED THIS AGREEMENT IF SUCH CLAIMS RELATE IN ANY MANNER OR ARISE IN CONNECTION WITH: (1) THE CITY'S RELIANCE UPON THE OWNER'S REPRESENTATIONS IN THIS AGREEMENT; (2) THIS AGREEMENT OR OWNERSHIP OF THE PROPERTY; OR (3) THE CITY'S APPROVAL OF ANY TYPE OF DEVELOPMENT APPLICATION OR SUBMISSION WITH RESPECT TO THE PROPERTY.

ARTICLE 6. GENERAL PROVISIONS

6.1 Assignment & Binding Effect:

- 6.1.1 This Agreement and the rights and obligations of Owner hereunder, may be assigned by Owner to (i) an affiliate of Owner or (ii) subsequent homebuilder of all or a portion of the undeveloped property within the Project provided that the assignee assumes all of the obligations hereunder.

For assignments other than a homebuilder or an affiliate as provided in subparagraph (a) above, Owner may, in its sole and absolute discretion, assign, this Agreement with respect to all or part of the Project from time to time to any party that (i) does not owe delinquent taxes or fees to the City, (ii) is not in material default (beyond any applicable notice and cure period) under any development agreement with City and (iii) has the experience, expertise and the financial capacity and ability to perform the duties or obligations so assigned under this Agreement. Owner shall provide the City sixty (60) days prior written notice of any Assignment to Agreement, other than an Assignment to an affiliate or a homebuilder, and within ten (10) days of receipt of assignment notice from Owner, City shall present Owner with any objections to such proposed Assignment. Owner will not be released from its obligations under this Agreement if the City objects to such assignment as described above and such objections are not resolved by and between Owner and the City; provided, however the City shall not unreasonably withhold Owner's release from its obligations under this Agreement.

Any assignment must be in writing, specifically describe the property in question, set forth the assigned rights and obligations and be executed by the proposed assignee. A copy of the assignment document must be delivered to the City and recorded in the real property records as may be required by applicable law. Upon any such assignment, the assignor will be released of any further obligations under this Agreement as to the property sold and obligations assigned.

- 6.1.2 If Owner assigns its rights and obligations hereunder as to a portion of the Project, then Owner shall not be liable for any nonperformance of the assignee. In the case of nonperformance by one developer, the City may pursue all available remedies against that nonperforming developer. However, in no event shall pursuit of such remedies impede the development activities of any performing developer.

- 6.1.3 The provisions of this Agreement will be binding upon, and inure to the benefit of the Parties, and their respective successors and assigns. This Agreement will not, however, be binding upon, or create any encumbrance to title as to, any ultimate consumer who purchases a fully developed and improved lot within the Project.
- 6.1.4 Owner agrees that all restrictive covenants for the Project shall reinforce this Agreement. Owner further agrees to memorialize the terms of this Agreement through inclusion in the plat notes. The Agreement shall be recorded in the Hays County land records to place subsequent purchasers on notice.
- 6.2 Severability: If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.
- 6.3 Governing Law, Jurisdiction & Venue: This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, as it applies to contracts performed within the State of Texas and without regard to any choice of law rules or principles to the contrary. The parties acknowledge that this Agreement is performable in Hays County, Texas and hereby submit to the jurisdiction of the courts of that County, and hereby agree that any such Court shall be a proper forum for the determination of any dispute arising hereunder.
- 6.4 No Third Party Beneficiary: This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a Party, unless expressly otherwise provided.
- 6.5 Mortgagee Protection: This Agreement will not affect the right of Owner to encumber all or any portion of the Property by mortgage, deed of trust or other instrument to secure financing for the Project. The City understands that a lender providing financing for the Project ("Lender") may require interpretations of or modifications to this Agreement and agrees to cooperate with Owner and its Lenders' representatives in connection with any requests for interpretations or modifications. The City agrees not to unreasonably withhold or delay its approval of any requested interpretation or modification if the interpretation or modification is consistent with the intent and purposes of this Agreement. The City agrees as follows:
 - 6.5.1 Neither entering into this Agreement, nor any breach of this Agreement, will affect any lien upon all or any portion of the Property.
 - 6.5.2 The City will, upon written request of a Lender given in compliance with Section 6.17, consider providing the Lender with a copy of any written notice of default given to Owner under this Agreement within ten (10) days of the date such notice is given to Owner.
 - 6.5.3 In the event of default by Owner under this Agreement, a Lender may, but will not be obligated to, cure any default during any cure period extended to Owner, either under this Agreement or under the notice of default.

- 6.5.4 Any Lender who comes into possession of any portion of the Property by foreclosure deed in lieu of foreclosure will take such property subject to the terms of this Agreement. No Lender will be liable for any defaults or monetary obligations of Owner arising prior to the Lender's acquisition of title, but a Lender will not be entitled to obtain any permits or approvals with respect to that property until all delinquent fees and other obligations of Owner under this Agreement that relate to the property in question have been paid or performed.
- 6.6 Certificate of Compliance: Within thirty (30) days of written request by either Party given accordance with Section 6.17, the other Party will execute and deliver to the requesting Party a statement certifying that:
- (a) this Agreement is unmodified and in full force and effect or, if there have been modifications, that this Agreement is in full force and effect as modified and stating the date and nature of each modification;
 - (b) there are no current uncured defaults under this Agreement, or specifying the date and nature of each default; and
 - (c) any other information that may be reasonably requested. A Party's failure to deliver a requested certification within this thirty (30) day period will conclusively be deemed to constitute a confirmation that this Agreement is in full force without modification, and that there are no uncured defaults on the part of the requesting Party. The City Administrator or City Development Coordinator will be authorized to execute any requested certificate on behalf of the City.
- 6.7 Default: If either Party defaults in its obligations under this Agreement, the other Party must, prior to exercising a remedy available to that Party due to the default, give written notice to the defaulting Party, specifying the nature of the alleged default and the manner in which it can be satisfactorily cured, and extend to the defaulting Party at least thirty (30) days from receipt of the notice to cure the default. If the nature of the default is such that it cannot reasonably be cured within the thirty (30) day period, the commencement of the cure within the thirty (30) day period and the diligent prosecution of the cure to completion will be deemed a cure within the cure period. The City may issue Stop Work Orders for violations arising under this Agreement or the regulations applied herein.
- 6.8 Remedies for Default: If either Party defaults under this Agreement and fails to cure the default within the applicable period, the non-defaulting Party will have all rights and remedies available under this Agreement or applicable law, including the right to institute legal action to cure any default, to enjoin any threatened or attempted violation of this Agreement or to enforce the defaulting Party's obligations under this Agreement by specific performance or writ of mandamus, or to terminate this Agreement. In the event of default by the City, Owner will be entitled to seek a writ of mandamus, in addition to seeking any other available remedies. All remedies available to a Party will be cumulative and the pursuit of one remedy will not constitute an election of remedies or a waiver of the right to pursue any other available remedy.

- 6.9 Reservation of Rights: To the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws.
- 6.10 Attorney's Fees: The prevailing Party in any dispute under this Agreement will be entitled to recover from the non-prevailing Party its reasonable attorney's fees, expenses and court costs in connection with any original action, any appeals, and any post-judgment proceedings to collect or enforce a judgment.
- 6.11 Waiver: Any failure by a Party to insist upon strict performance by the other Party of any provision of this Agreement will not, regardless of the length of time during which that failure continues, be deemed a waiver of that Party's right insist upon strict compliance with all terms of this Agreement. In order to be effective as to a Party, any waiver of default under this Agreement must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of time set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provision of this Agreement in the future.
- 6.12 Entire Agreement: This Agreement contains the entire agreement of the Parties, and there are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this Agreement. This Agreement may be amended only by written agreement signed by the Parties. An amendment to this Agreement may only be approved by an affirmative vote of at least three of the five (3 of 5) members of the City Council.
- 6.13 Exhibits, headings, Construction & Counterparts: All exhibits attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice-versa. Each of the Parties has been actively and equally involved in the negotiation of this Agreement.
- Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this Agreement or its exhibits. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all of the Parties.
- 6.14 Time: Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturdays, Sundays and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday or legal holiday.
- 6.15 Authority for Execution: The City certifies, represents, and warrants that the execution of this Agreement has been duly authorized and that this Agreement has been approved in conformity with City ordinances and other applicable legal requirements. Owners certify, represent and warrant that the execution of this Agreement is duly authorized in conformity with their authority.

- 6.16 Property Rights: Owners expressly and unconditionally waive and release the City from any obligation to perform a takings impact assessment under the Texas Private Real Property Rights Act, Texas Government Code Chapter 2007, as it may apply to this Agreement, the Property, and the Project.
- 6.17 Notices: Any notices or approvals under this Agreement must be in writing may be sent by hand delivery, facsimile (with confirmation of delivery) or certified mail, return receipt requested, to the Parties at the following addresses or as such addresses may be changed from time to time by written notice to the other Parties:

CITY:*Original*

City of Dripping Springs
 Attn: City Administrator
 PO Box 384
 Dripping Springs, TX 78620

Copy

Bojorquez Law Firm, PC
 Attn: Alan J. Bojorquez
 12325 Hymeadow Drive, Suite 2-100
 Austin, TX 78750

OWNER:*Original*

Driftwood 522, LLC
 Attn: Don Bosse
 11100 FM 967
 Buda, TX 78610

Original

Discovery Golf Club Development, Inc.
 Attn: Don Bosse
 PO Box 171
 Driftwood, TX 78619

Copy

Lackey & Smith, PLLC
 Attn: Lance T. Lackey
 3321 Bee Caves Road, Suite 204
 Austin, TX 78746

- 6.18 Exhibits: The exhibits to this Agreement shall be incorporated herein for all intents and purposes. The exhibits are listed as follows:

Exhibit A	Property Description
Exhibit B	Conceptual Land Use Plan
Exhibit C	Variances Chart
Exhibit C1	Street Design Standards
Exhibit D	Driftwood Commercial Landscape Design Criteria
Exhibit E	Annexation Petition
Exhibit F	Annexation Petition for Commercial Properties

THE UNDERSIGNED PARTIES HEREBY EXECUTE THIS AGREEMENT TO BE EFFECTIVE ON JANUARY 8, 2019.

CITY OF DRIPPING SPRINGS:



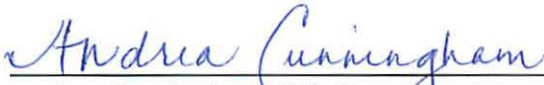
Todd Purcell, Mayor

DRIFTWOOD 552, LLC:

Signature

Printed Name and Title

ATTEST:



Andrea Cunningham, City Secretary

ATTEST:

**DISCOVERY GOLF CLUB DEVELOPMENT,
INC.:**

Signature

Printed Name and Title

ATTEST:



THE UNDERSIGNED PARTIES HEREBY EXECUTE THIS AGREEMENT TO BE EFFECTIVE ON
JANUARY 8, 2019.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

DRIFTWOOD 552, LLC:



Signature

J. DAN BROWN

Printed Name and Title

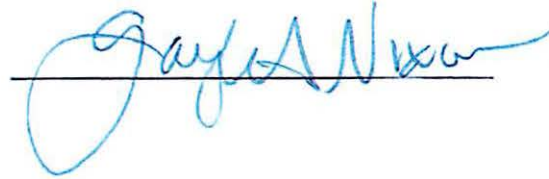
MEMBER

ATTEST:

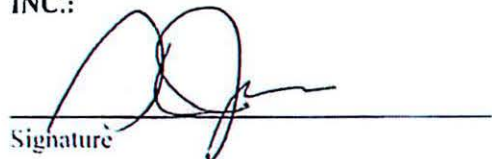


Andrea Cunningham, City Secretary

ATTEST:



DRIFTWOOD GOLF CLUB DEVELOPMENT,
INC.:



Signature

Schuyler Jayner - Director

Printed Name and Title



ATTEST:

EXHIBIT A
PROPERTY
DESCRIPTION

0.1793 Acres
Page 1 of 2

Freelove Woody Survey No. 23, Abst. No. 20
14519.10
July 16, 2014

STATE OF TEXAS

§

§

COUNTY OF HAYS

§

FIELDNOTE DESCRIPTION of a 0.1793 acre tract out of the Freelove Woody Survey No. 23, Abstract No. 20, Hays County, Texas, being a portion of that certain tract, described as First Tract, conveyed to Michael Giles Rutherford (First Tract) by deed recorded in Volume 197, Page 45 of the Deed Records of Hays County, Texas; the said 0.1793 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a cotton gin spindle found on the easterly line of that 522.25 acre tract conveyed to Michael Giles Rutherford by deed recorded in Volume 3799, Page 263 of the Official Public Records of Hays County, Texas, same being the southwest corner of that 177.762 acre tract, described as Exhibit A-1, as conveyed to LSM Ranch, Ltd. by deed recorded in Volume 1628, Page 206 of the said Deed Records and the proposed southwest corner of Rim Rock, Phase One, Section Five, subdivision;

THENCE, N87°51'36"E, leaving the easterly line of the said 522.25 acre tract, across the said First Tract, with the southerly line of the said 177.762 acre tract and proposed Rim Rock, Phase One, Section Five subdivision, for a distance of 99.82 feet to a calculated point for the northeast corner of the herein described tract, same being the most northerly northwest corner of Lot 34, Block 'A', Rutherford West, Section 2, a subdivision recorded in Book 14, Pages 49 through 53 of the Plat Records of Hays County, Texas, from which a ½" iron rod found, with plastic cap marked "Capital Surveying Company, Inc., bears N00°32'40"W, 0.13 feet;

THENCE, leaving the southerly line of the said 177.762 acre tract and proposed Rim Rock, Phase One, Section Five, subdivision, across the said First Tract, with the westerly and northerly lines of said Lot 34, Block 'A', for the following two (2) courses:

- 1) S00°32'40"E, 81.34 feet to a ½" iron rod, with plastic cap marked "Capital Surveying Company, Inc., found;
- 2) N88°52'48"W, 99.21 feet to a ½" iron rod, with plastic cap marked "Capital Surveying Company, Inc., found for the most westerly northwest corner of aforesaid Lot 34, Block 'A', same being on the easterly line of the aforesaid 522.25 acre tract and the southwest corner of the herein described tract;

0.1793 Acres
Page 2 of 2

Freelove Woody Survey No. 23, Abst. No. 20
14519.10
July 16, 2014


THENCE, N01°00'52"W, leaving the northerly line of said Lot 34, Block 'A', and continuing across the said First Tract, with the easterly line of the aforesaid 522.25 acre tract, at a distance of 58.07 feet pass a 5/8" iron rod, with aluminum cap marked "Kent McMillan, Surveyor, RPLS 4341", found and continuing for a total distance of 75.68 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 0.1793 acres of land area.

The Bearing Basis for this description is the Texas State Plane Coordinate System, South Central Zone, NAD 83 Datum, derived from GPS Survey occupations.

That I, Gregory A. Way, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 16th day of July, 2014.




GREGORY A. WAY
Registered Professional Land Surveyor
No. 4567 - State of Texas

TITLE CURATORSHIP NOTE - TRACT 2

This survey was prepared using the information contained in exhibits "B" of the 300 commitment, prepared by Stewart Title Guaranty Company, File No. 01747-25354, dated June 30, 2014, and shows the information contained therein, with the following exception or exceptions:

- A. Easement granted to Pedernales Electric Company, Inc., as set out in Volume 157, Page 47 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- B. Easement granted to Pedernales Electric Company, Inc., as set out in Volume 157, Page 48 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- C. Easement granted to Pedernales Electric Company, Inc., as set out in Volume 157, Page 49 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- D. Easement granted to the USDA, as set out in Volume 234, Page 216 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- E. Easement granted to United Producers Pipe Line Company as set out in Volume 87, Page 9 of the Dead Records of Hays County, Texas. (Tract 1) [Does not effect]
- F. Easement granted to the State of Texas as set out in Volume 163, Page 123 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- G. Easement granted to the State of Texas as set out in Volume 163, Page 124 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- H. Easement granted to the State of Texas as set out in Volume 163, Page 125 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- I. Easement granted to the State of Texas as set out in Volume 163, Page 126 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- J. Easement granted to the State of Texas as set out in Volume 163, Page 127 of the Dead Records of Hays County, Texas and as shown on survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- K. The policy to be issued regarding does not guarantee against the rights of the owner to the property or any portion of the property that has been included in the survey as shown on the survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- L. The policy to be issued regarding does not guarantee that the property shown on the survey is the property of the owner as shown on the survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- M. The policy to be issued regarding does not guarantee that the property shown on the survey is the property of the owner as shown on the survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- N. The policy to be issued regarding does not guarantee that the property shown on the survey is the property of the owner as shown on the survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]
- O. The policy to be issued regarding does not guarantee that the property shown on the survey is the property of the owner as shown on the survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341. (Tract 1) [Does not effect]

RECEIVED AT:
MICHAEL GREGG RUTHERFORD
VOL. 157, P. 45
OFFICIAL

I, Gregory A. May, a Registered Professional Land Surveyor, do hereby certify to John D. Bryan, Trustee and Stewart Title Guaranty Company, that the above map or plat is a true and correct copy of the original map or plat as shown on the survey dated September 25, 2008 by Karl Head Metcalf, PLS 4341, and that the same has been filed for record in the public records of Hays County, Texas, and substantially complies with the current Texas Society of Professional Land Surveyors Standards and Specifications for a Category 1A, Condition II Survey.

WITNES MY HAND AND SEAL at Austin, Travis County, Texas this 16th day of July, 2014.

GREGORY A. MAY
Registered Professional Land Surveyor
No. 4507 - State of Texas

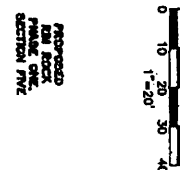


SURVEY OF 0.1763 ACRES (TRACT 2)
OUT OF THE
GREGORIO ESPARZA FILE NO. D-72.
ABSTRACT No. 109.
HAYS COUNTY, TEXAS

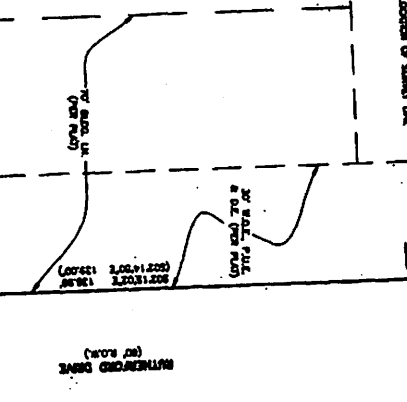
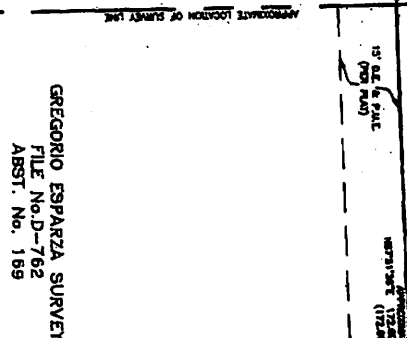
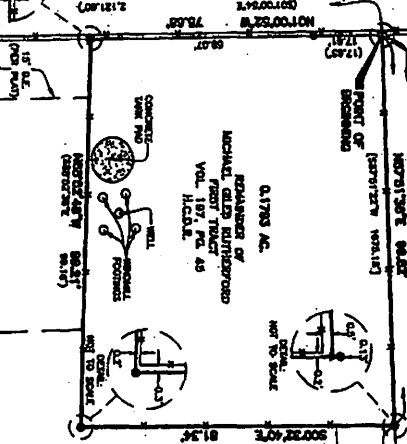
FREELOVE WOODY
SURVEY No. 23
ABST. No. 20

SEABORN J. WHITLEY
SURVEY No. 22
ABST. No. 18

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DEED A-11
LAW OFFICE, LTD.
VOL. 157, P. 230
H.C.P.R.



- 1. OFFICIAL PUBLIC RECORDS HAYS COUNTY
- 2. HAYS COUNTY DEED RECORDS
- 3. HAYS COUNTY PLAT RECORDS
- 4. HAYS COUNTY PLAT RECORDS
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- 100. HAYS COUNTY PLAT RECORDS



DATE	FILE NO.	ACRES	PLAT	ABSTRACT	REMARKS
7/16/14	D-72	0.1763	172.87'	109	FREELOVE WOODY SURVEY
7/16/14	D-72	0.1763	172.87'	109	SEABORN J. WHITLEY SURVEY
7/16/14	D-72	0.1763	172.87'	109	REDAKED OF 177.78 AC.
7/16/14	D-72	0.1763	172.87'	109	DEED A-11
7/16/14	D-72	0.1763	172.87'	109	LAW OFFICE, LTD.
7/16/14	D-72	0.1763	172.87'	109	VOL. 157, P. 230
7/16/14	D-72	0.1763	172.87'	109	H.C.P.R.

128.166 Acres

Freelove Woody Survey No. 23
 July 19, 1999
 99522.10

STATE OF TEXAS §
 §
 COUNTY OF HAYS §

FIELDNOTE DESCRIPTION of a 128.166 acre tract out of the Freelove Woody Survey No. 23, Hays County, Texas, being a portion of that 700.03 acre tract conveyed to John Richard Rutherford by deed recorded in Volume 1214, Page 548 of the Deed Records of Hays County, Texas; the said 128.166 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a fence corner post found for the most southerly southeast corner of the said 700.03 acre tract, being the northeast corner of that 26.25 acre tract conveyed to Denton Ragland, Jr., Patrice Ragland and Marilyn Ragland by deed recorded in Volume 282, Page 373 of the said Deed Records and an ell corner of that certain tract, described as first tract, conveyed to Michael Giles Rutherford recorded in Volume 197, Page 45 of the said Deed Records, from which a fence corner post found in the common line between the said 26.25 acre tract and that certain Michael Giles Rutherford tract bears S00°42'40"E, 446.87 feet;

THENCE, N88°53'01"W, leaving the said Michael Giles Rutherford tract, with the southerly line of the said 700.03 acre tract, at 21.54 feet pass a 5/8" iron rod found, stamped "Kent McMillan, Land Surveyor, RPLS 4341", 0.56 feet to the left, at 719.81 feet pass the approximate northwest corner of the said 26.25 acre tract, being the approximate northeast corner of the remainder of that 53.50 acre tract conveyed to Minnie Rogers by deed recorded in Volume 210, Page 210 of the said Deed Records, for a total distance of 2711.59 feet to a 5/8" iron pipe found on a curve to the left in the northerly right of way line of State Highway FM 967;

THENCE, with the common line between the said 700.03 acre tract and the northerly right-of-way line of State Highway FM 967, with the said curve to the left having a central angle of 09°18'06", a radius of 1949.86 feet, a chord distance of 316.20 feet (chord bears N84°31'41"W), for an arc distance of 316.55 feet to a 5/8" iron rod found with aluminum cap stamped "Kent McMillan, Land Surveyor, RPLS 4341" for the point of tangency and southwest corner of the herein described tract, said point being 40.00 feet right of State Highway FM 967 centerline station 587+49.3, from which a 5/8" iron rod found with aluminum cap stamped "Kent McMillan, Land Surveyor, RPLS 4341" in the common line between said 700.03 acre tract and the northerly right-of-way line of State Highway FM 967, being 40.00 feet right of State Highway FM 967 centerline station 599+95.5, bears N89°12'09"W, 1247.30 feet;

THENCE, leaving the said northerly right-of-way line of State Highway FM 967, across the said 700.03 acre tract, for the following twenty-three (23) courses:

- 1) N26°35'43"E, 75.57 feet to a 1/4" iron rod set with plastic cap;
- 2) N60°22'29"E, 114.26 feet to a 1/4" iron rod set with plastic cap;
- 3) N29°56'27"E, 113.65 feet to a 1/4" iron rod set with plastic cap;
- 4) N45°13'37"E, 150.25 feet to a 1/4" iron rod set with plastic cap;
- 5) N63°12'48"E, 153.98 feet to a 1/4" iron rod set with plastic cap;
- 6) N01°16'37"W, 177.11 feet to a 1/4" iron rod set with plastic cap;
- 7) N18°36'23"E, 192.00 feet to a 1/4" iron rod set with plastic cap;
- 8) N17°32'26"E, 215.74 feet to a 1/4" iron rod set with plastic cap;
- 9) N08°30'37"W, 228.34 feet to a 1/4" iron rod set with plastic cap;
- 10) N12°51'33"E, 225.06 feet to a 1/4" iron rod set with plastic cap;

- 11) N30°34'17"E, 272.18 feet to a ½" iron rod set with plastic cap;
- 12) N17°49'54"E, 197.44 feet to a ½" iron rod set with plastic cap;
- 13) N27°03'16"E, 206.14 feet to a ½" iron rod set with plastic cap;
- 14) N01°02'08"E, 168.03 feet to a ½" iron rod set with plastic cap;
- 15) N33°11'56"E, 124.67 feet to a ½" iron rod set with plastic cap;
- 16) N65°03'19"E, 84.41 feet to a ½" iron rod set with plastic cap;
- 17) S78°37'03"E, 375.19 feet to a ½" iron rod set with plastic cap;
- 18) N71°57'45"E, 177.28 feet to a ½" iron rod set with plastic cap;
- 19) S82°55'15"E, 267.33 feet to a ½" iron rod set with plastic cap;
- 20) S78°02'17"E, 468.31 feet to a ½" iron rod set with plastic cap;
- 21) S71°01'01"E, 274.19 feet to a ½" iron rod set with plastic cap;
- 22) S81°56'14"E, 349.24 feet to a ½" iron rod set with plastic cap;
- 23) S83°13'49"E, 111.37 feet to a 5/8" iron rod found with aluminum cap stamped "Kent McMillan, Land Surveyor, RPLS 4341" on an easterly line of the said 700.03 acre tract, being a westerly line created from the remainder of that certain Michael Giles Rutherford tract, from which a metal gate post found for an ell corner of the said 700.03 acre tract bears N01°00'52"W, 17.61 feet;

THENCE, S01°00'52"E, across the said Michael Giles Rutherford tract, with an easterly line of the said 700.03 acre tract, at a distance of 1885.44 feet pass a 5/8" iron rod found, stamped "Kent McMillan, Land Surveyor, RPLS 4341", in a rock mound 4.39 feet to the left, at 2084.56 feet pass a 5/8" iron rod found, stamped "Kent McMillan, Land Surveyor, RPLS 4341", 0.07 feet to the left, for a total distance of 2104.37 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 128.166 acres of land area.

I, Gregory A. Way, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 17th day of June, 1999.



Gregory A. Way
GREGORY A. WAY
Registered Professional Land Surveyor
No. 4567 - State of Texas

394.112 Acres
Page 1

FreeLove Woody Survey No. 23
July 19, 1999
99522.10

STATE OF TEXAS §
COUNTY OF HAYS §

FIELDNOTE DESCRIPTION of a 394.112 acre tract out of the FreeLove Woody Survey No. 23, Hays County, Texas, being a portion of that 700.03 acre tract conveyed to John Richard Rutherford by deed recorded in Volume 1214, Page 548 of the Deed Records of Hays County, Texas; the said 394.112 acre tract is more particularly described by metes and bounds as follows:

BEGINNING at a calculated point for the most westerly corner of the said 700.03 acre tract, being on the southerly line of that 100 acre tract conveyed to Mass Scott Roberts by deed recorded in Volume 301, Page 865 of the said Deed Records, and a point in the northerly right-of-way line of State Highway FM 967 (80.00' right-of-way), from which a TxDOT concrete highway monument found bears N41°10'07"W, 85.92 feet;

THENCE, leaving the northerly right-of-way line of State Highway FM 967, with the common line between the said 700.03 acre tract and the said 100 acre tract, for the following two (2) courses:

- 1) N88°43'28"E, at 0.25 feet pass a ½" iron rod found, for a total distance of 2005.48 feet to a 60d nail found in a fence corner post for the southeast corner of the said 100 acre tract;
- 2) N00°59'15"W, 515.50 feet to a 5/8" iron rod found stamped "Kent McMillan, Land Surveyor, RPLS 4341", for a northwest corner of the said 700.03 acre tract, being on a westerly line of the remainder of that 535.13 acre tract conveyed to Michael Giles Rutherford, Jr., John Richard Rutherford and Sally Anne Rutherford by deed recorded in Volume 1214, Page 531 of the said Deed Records, from which a ½" iron rod found for the northeast corner of the said 100 acre tract bears N00°59'15"W, 523.55 feet;

THENCE, N89°02'23"E, leaving the easterly line of the said 100 acre tract, across the said 535.13 acre tract, with the northerly line of the said 700.03 acre tract, 5479.22 feet to a ¼" iron rod set with plastic cap for the northeast corner of the herein described tract, being in the westerly line of the remainder of that 652.60 acre tract also conveyed to Michael Giles Rutherford, Jr., John Richard Rutherford and Sally Anne Rutherford by deed recorded in Volume 1214, Page 531 of the said Deed Records;

THENCE, leaving the said remainder of the 535.13 acre tract and the 652.60 acre tract, across the said 700.03 acre tract for the following three (3) courses:

- 1) S00°15'40"E, 514.97 feet to a ¼" iron rod set with plastic cap;
- 2) S89°02'23"W, 15.17 feet to a fence corner post found;
- 3) S00°27'04"E, 1260.14 feet to a metal fence corner post found for an ell corner in the southerly line of the said 700.03 acre tract, being on the remainder of that certain tract, described as First Tract, conveyed to Michael Giles Rutherford by deed recorded in Volume 197, Page 45 of the said Deed Records, from which a 5/8" iron rod found with aluminum cap stamped "Kent McMillan, Land Surveyor, RPLS 4341" bears N87°51'36"E, 1675.22 feet;

THENCE, S01°00'52"E, across the said Michael Giles Rutherford First Tract, with an easterly line of the said 700.03 acre tract, 17.61 feet to a 5/8" iron rod found with aluminum cap stamped "Kent McMillan, Land Surveyor, RPLS 4341" for the most easterly, southeast corner of the herein described tract, from which a fence corner post found for the most southerly, southeast corner of the aforesaid 700.03 acre tract, being an ell corner of the said Michael Giles Rutherford tract and the northeast corner of that certain 26.25 acre tract conveyed to Denton B. Ragland, Patrice Ragland and Marilyn Ragland by deed recorded in Volume 282, Page 373 of the said Deed Records bears S01°00'52"E, 2121.99 feet;

THENCE, leaving the remainder of the said Michael Giles Rutherford tract, across the said 700.03 acre tract, for the following twenty-three (23) courses:

- 1) N83°13'49"W, 111.37 feet to a ½" iron rod set with plastic cap;
- 2) N81°56'14"W, 349.24 feet to a ½" iron rod set with plastic cap;
- 3) N71°01'01"W, 274.19 feet to a ½" iron rod set with plastic cap;
- 4) N78°02'17"W, 468.31 feet to a ½" iron rod set with plastic cap;
- 5) N82°55'15"W, 267.33 feet to a ½" iron rod set with plastic cap;
- 6) S71°57'45"W, 177.28 feet to a ½" iron rod set with plastic cap;
- 7) N78°37'03"W, 375.19 feet to a ½" iron rod set with plastic cap;
- 8) S65°03'19"W, 84.41 feet to a ½" iron rod set with plastic cap;
- 9) S33°11'56"W, 124.67 feet to a ½" iron rod set with plastic cap;
- 10) S01°02'08"W, 168.03 feet to a ½" iron rod set with plastic cap;
- 11) S27°03'16"W, 206.14 feet to a ½" iron rod set with plastic cap;
- 12) S17°49'54"W, 197.44 feet to a ½" iron rod set with plastic cap;
- 13) S30°34'17"W, 272.18 feet to a ½" iron rod set with plastic cap;
- 14) S12°51'33"W, 225.06 feet to a ½" iron rod set with plastic cap;
- 15) S08°30'37"E, 228.34 feet to a ½" iron rod set with plastic cap;
- 16) S17°32'26"W, 215.74 feet to a ½" iron rod set with plastic cap;
- 17) S18°36'23"W, 192.00 feet to a ½" iron rod set with plastic cap;
- 18) S01°16'37"E, 177.11 feet to a ½" iron rod set with plastic cap;
- 19) S63°12'48"W, 153.98 feet to a ½" iron rod set with plastic cap;
- 20) S45°13'37"W, 150.25 feet to a ½" iron rod set with plastic cap;
- 21) S29°56'27"W, 113.65 feet to a ½" iron rod set with plastic cap;
- 22) S60°22'29"W, 114.26 feet to a ½" iron rod set with plastic cap;
- 23) S26°35'43"W, 75.57 feet to a 5/8" iron rod found with aluminum cap, stamped "Kent McMillan, Land Surveyor, RPLS 4341", on the southerly line of the said 700.03 acre tract, being on the northerly right-of-way line of the aforesaid State Highway FM 967, and being 40.00 feet right of State Highway centerline station 587+49.3;

THENCE, with the common line between the said 700.03 acre tract and the said northerly right-of-way line of State Highway FM 967, for the following two (2) courses:

- 1) N89°12'09"W, at 750.58 feet pass a TxDOT concrete highway monument found, for a total distance of 1247.30 feet to a calculated point for the point of curvature of a non-tangent curve to the right, from which a TxDOT concrete highway monument found bears S01°07'48"W, 0.38 feet, said calculated point being 40.00 feet right of State Highway centerline station 599+95.5;

394.112 Acres
Page 3

FreeLove Woody Survey No. 23
July 19, 1999
99522.10

2) With the said curve to the right having a central angle of $48^{\circ}00'30''$, a radius of 1105.92 feet, a chord distance of 899.79 feet (chord bears $N65^{\circ}10'23''W$), for an arc distance of 926.66 feet to a calculated point for the point of tangency, from which a TxDOT concrete highway monument found bears $N81^{\circ}52'12''E$, 1.37 feet, said calculated point being 40.00 feet right of State Highway centerline station 609+55.5;

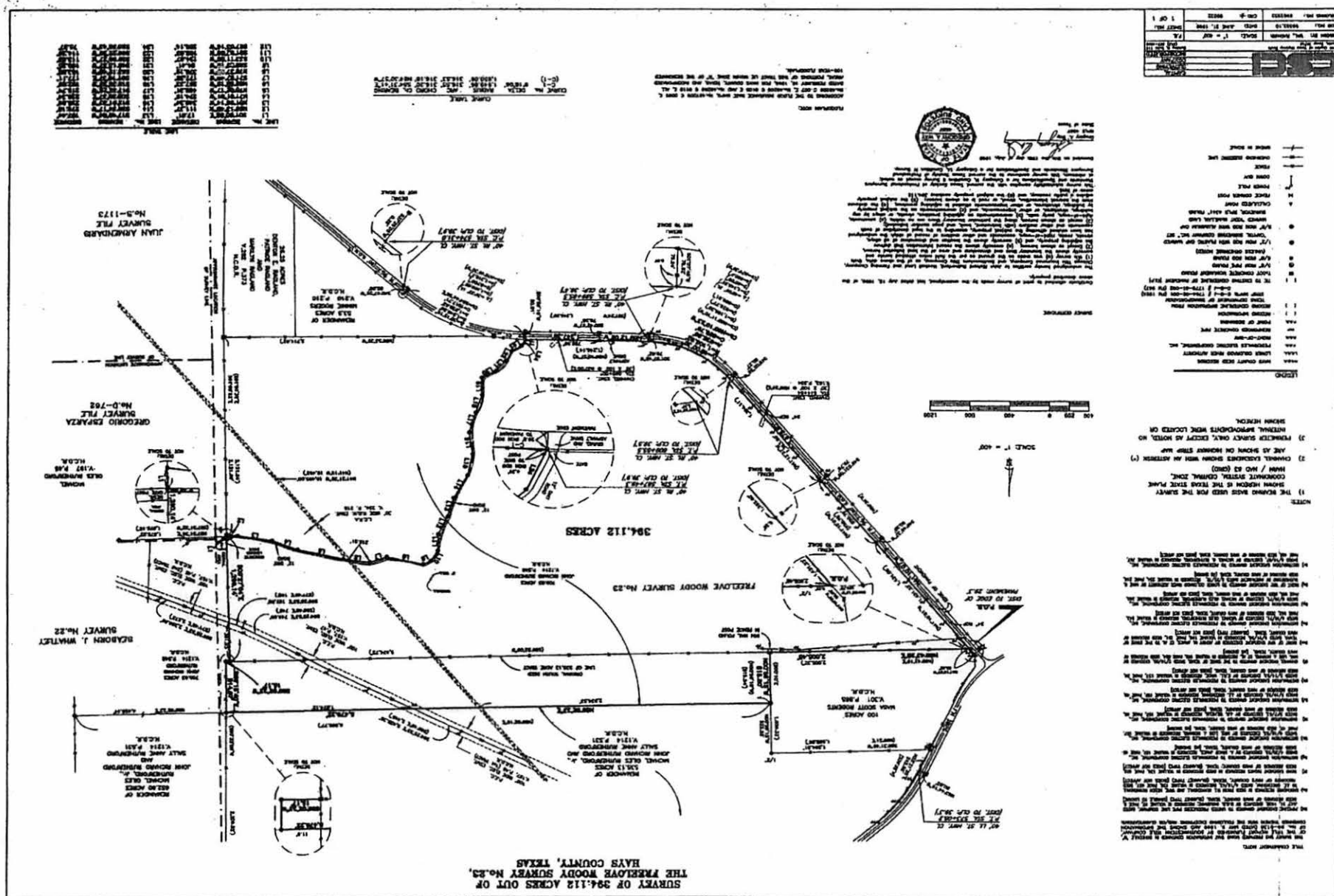
THENCE, $N41^{\circ}10'07''W$, continuing with the common line between the said 700.03 acre tract and the northerly right-of-way line of State Highway FM 967, at 1393.60 feet pass a TxDOT concrete highway monument found 0.28 feet to the left, at 2244.39 feet pass a TxDOT concrete highway monument found, for a total distance of 3675.62 feet to the PLACE OF BEGINNING, CONTAINING within these metes and bounds 394.112 acres of land area.

That I, Gregory A. Way, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 19th day of July, 1999.



Gregory A. Way
GREGORY A. WAY
Registered Professional Land Surveyor
No. 4567 - State of Texas





Ordinance Section	Description	Current Ordinance Requirement	Requested Variance
Water Quality Protection			
22.05.017 (d)	Allowable Development in Water Quality Buffer Zone	Specifies the development activity allowed within a Water Quality Buffer Zone, including critical utility, roadway, and transportation crossings, hike and bike trails, water quality monitoring devices, public and private parks and open space, typical private drives to allow access to property not otherwise accessible, and construction and use of bmps for water quality and stormwater control.	<p>Variance to allow for approximately 16 acres of encroachment within the Water Quality Buffer Zone. The encroachments include: (1) portions of the Golf Course; (2) portions of golf cart paths; (3) non-vertical portions of a limited number of residential lots; (4) portions of the Project entry road; (5) utility line encroachment (excluding wastewater); (6) portions of the maintenance facility parking lot; and (7) a nursery for growing sod.</p> <p>Justification: To mitigate for the necessary encroachments, there will be approximately 163 acres of native open space set aside throughout the Property outside of the Buffer Zone. Water quality measures will be implemented to offset the encroachments. These measures will consist of one or a combination of vegetative filter strips, porous friction course pavement and sheet flow. No vertical structures (houses or outbuildings) will be allowed within the Buffer Zone. Residential lot encroachment may include landscaping. The proposed encroachments are consistent with development otherwise permitted within the Buffer Zone and are consistent with variances granted for other developments in the area.</p>

Ordinance Section	Description	Current Ordinance Requirement	Requested Variance
28.04.018	Cuts and Fills	Maximum cuts and fills limited to 6 feet.	<p>Variance: Section 28.04.018 Cuts and Fills: Cut and fill not to exceed fifteen feet (15') may be approved by the City Engineer for pond construction and grading.</p> <p>Justification: Variance is necessary for pond construction and grading. Cuts and fills not to exceed fifteen feet (15') require review and approval by City Engineer. Any cut and fill in excess of 15' requires Council approval. Similar cut and fill variances have been approved by City for other developments in the area. Cut and Fill for Project roadways, lots and Open Space shall comply with Code requirements.</p>

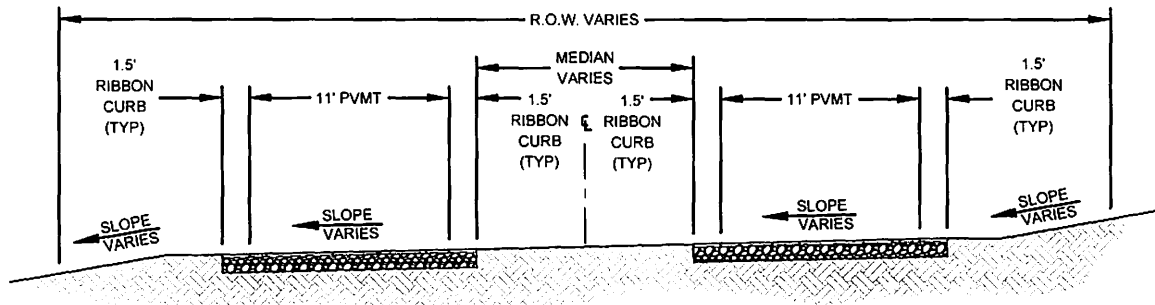
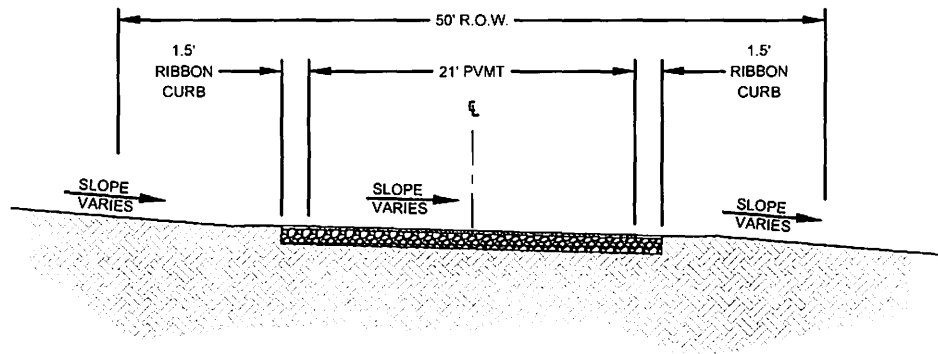
Ordinance Section	Description	Current Ordinance Requirement	Requested Variance
Subdivision Ordinance			
Section 11 Street Geometric Design Standards	Street Geometric Design Standards	Section 11 requires streets to be constructed per design standards set out in City's TCSS Manual.	<p>Variance to allow Project streets to be constructed per design standards set out in Exhibit C-1 (Street Design Standards).</p> <p>Justification: The alternative standards will: (1) allow for the construction and maintenance of private streets that are appropriate for this low density Project; (2) allow street geometrics that promote lower roadway speeds thus increasing safety; and (3) require less impervious cover. Notwithstanding the variance, Project roadway widths shall conform to the dimensions required by ESD No. 6.</p>
Section 14.6 Minimum Lot Sizes in ETJ	Minimum Lot Size	Section 14.6 establishes a minimum 0.75 acre lot size in the Contributing Zone portion of the City's ETJ for lots to be served by public sewer and public water.	<p>Variance to allow a minimum lot size of 0.33 acres for residential lots in the Project.</p> <p>Justification: The Project will include a small number of lots which will be 0.33 acres in size. However, the average residential lot size, including open space, will exceed 1.5 acres. The maximum number of residential lots shall not exceed 150. Overall impervious cover for the entire Project will not exceed 15%.</p>

Ordinance Section	Description	Current Ordinance Requirement	Requested Variance
Section 11.9 Private Streets	Private Streets	Public streets are required unless the private street requirements of Section 11.9 are met	<p>Variance to allow private streets within the Project.</p> <p>Justification: Project will construct private streets that will be privately maintained. This allows for greater street design flexibility and lessens maintenance burden on County and future City taxpayers.</p>
Section 11.21 Maximum Block Length	Maximum Block Length	Section 11.21 requires a maximum residential block length of 2,000 feet for suburban and rural subdivisions.	<p>Variance to allow maximum block lengths within the Project to exceed 2,000 feet. Maximum block lengths of approximately 10,400, 11,800 and 6,800 are anticipated for Project perimeter blocks.</p> <p>Justification: The variance will: (1) allow preservation of more open space; (2) result in less impervious cover; and (3) reduce Project traffic congestion</p>
Section 11.22 Maximum Cul de Sac Length	Maximum Cul de Sac Length	Section 11.22 requires a maximum cul de sac length of 2,000 feet.	<p>Variance to allow maximum cul de sac lengths within the Project to exceed 2,000 feet. Maximum cul de sac length of approximately 3,330 feet is anticipated.</p> <p>Justification: The variance will: (1) allow preservation of more open space; (2) result in less impervious cover; and (3) reduce Project traffic congestion</p>

Driftwood 522, LLC
Driftwood Golf Club Development, Inc.
Brown Tract
EXHIBIT C-1
Street Design Standards
January 4, 2019

Code Section	Code Requirements	Proposed Requirement
<p>Hays County Development Regulations Chapter 721 - Roadway Standards</p> <p>The road standards for the City of Dripping Springs, TX will be governed by Table 721.02 Design Requirements Based on Roadway Classification</p> <p>The width of Traveled way is 21' pavement plus the 1.5' ribbon curb which totals 24' of driveable surface for emergency vehicles</p>	Country Lane	
	Design Speed	25 mph
	Minimum ROW Width	50'
	Width of Traveled Way	21' Pavement 1.5' Ribbon Curb (Both Sides of Pavement)
	Minimum Centerline Radius	200'
	Minimum Tangent Length Between Reverse Curves	50'
	Minimum Radius for Edge of Pavement at Intersections	25'
	Minimum Cul-de-sac Inside Pavement Radius	48'
	Minimum Cul-de-sac ROW Radius	70'
	Local Street	
	Design Speed	25 mph
	Minimum ROW Width	60'
	Width of Traveled Way	20'
	Minimum Centerline Radius	300'
	Minimum Tangent Length Between Reverse Curves	100'
	Minimum Radius for Edge of Pavement at Intersections	25'
	Minimum Cul-de-sac Inside Pavement Radius	48'
	Minor Collector	
	Design Speed	35 mph
	Minimum ROW Width	60'
	Width of Traveled Way	22'
	Minimum Centerline Radius	375'
	Minimum Tangent Length Between Reverse Curves	150'
	Minimum Radius for Edge of Pavement at Intersections	25'

SHEET 1 of 2



MEC

Murfee Engineering Company Texas Registered Engineering Firm F-353
 1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746, (512) 327-9204

DRIFTWOOD GOLF CLUB

EXHIBIT C-1

TYPICAL STREET SECTIONS

JOB NO.: 18.004.56	SCALE: NTS	SHEET: 2 OF 2
DESIGNED BY: JB		
DRAWN BY: JRW	DATE: 1/4/2019	
FILE: LAYOUT-Q:\1800456\1800456-TYPICAL STREET SECTIONS.dwg		

Exhibit D

DRIFTWOOD COMMERCIAL LANDSCAPE DESIGN CRITERIA

The information in this Exhibit is intended to define the technical design criteria needed to achieve the landscape policy goals for all commercial uses located within the Driftwood project.

The Plant Guide for this Exhibit (the "Guide") is Native and Adapted Landscape Plants by the Texas Coop Extension at Texas A&M University and the City of Austin which is available free at many garden centers; and is featured on the site growgreen.org.

The following uses do not have to comply with the Landscape Design Criteria:

- Single family residential dwellings, though St. Augustine grass is not permitted on residential lots.

A. Landscape Area

At least 20 percent of street-side yard must be landscaped. Grass areas not using native or drought tolerant lawn grasses in the Guide are not credited as landscaped area except in shaded areas that receive less than six hours of sunlight per day. St. Augustine grass shall not be permitted.

B. Determining Street-side Yard

The exact configuration of a street yard (or yards) on a site will depend on how a number of factors interrelate on that site. Among these factors are:

- Type and location of building walls.
- Number of streets that border the site.
- Number, size, and orientation of buildings on the site.

The street yard area is calculated by finding the total lot square footage which lies between the street right of way line and the front wall of a building or buildings on a site. This street yard boundary extends from the outward most corners of the front wall; parallel to the street until it intersects with the side property lines.

C. Drip Line Credit

In order to encourage the preservation and continued growth of smaller trees, the following credit toward landscape area is possible. Each square foot of landscape area which is permeable and within the area encompassed by the drip line of a tree at least two (2) inches in trunk diameter measured at 4-1/2 feet above the ground, shall count as one and one-quarter (1.25) square feet of the requirement for landscape area. In no case can the actual landscape area in the street yard of a lot be less than 1/3 of the required 20 percent.

D. Buffering.

Buffering is a site specific requirement that should be evaluated based on viewer distance and angle of view from the areas or site features requiring buffering. Buffer design should also consider traffic movement and safety and the amount of view obstruction needed and the type and mixture of design elements used in the buffer. To be considered effective, a combination of buffering elements should be used to provide a partial view obstruction of those items to be buffered (pavement, parked cars, etc.). Landscape buffers should be planted in a permeable landscape area at least eight (8) feet wide, measured from inside of curb or pavement to the property line.

E. Plant Selection

At least 90% of the areas shall be planted with species from the Guide. Up to 10% of the plants may be of a non-preferred variety as long as they are grouped together in a suitable area and can be irrigated separately.

F. Turf Selection and Limitations.

Areas that receive more than six (6) hours of sunlight per day shall be planted with turf species from the Guide. St. Augustine is not permitted.

G. Soil Conditioning and Mulching

The following soil conditioning and mulching requirements apply where there is less than six inches of native soil:

A minimum of 2 inches of organic mulch shall be added in non-turf areas to the soil surface after planting.

Non-porous material such as sheet plastic shall not be placed under the mulch.

A minimum of 4 inches of permeable soil, native or imported, shall be required for turf and landscaped areas. The organic matter content of such soils shall be not less than 5% by dry weight.

H. Tree Planting Areas

Tree planting areas are to be provided with a minimum of 12 inches of friable native loam soil (max. 40% clay, minimum 5% organic matter). Planting in relatively undisturbed existing native soils is encouraged. Soil to a minimum depth of 12 inches is required within the entire landscape median or peninsula. All other planting areas must have a minimum soil depth of 12 inches within a radius of six feet from the tree trunk.

Trees are not to be planted in un-amended caliche, solid rock, or in soils whose texture has been compacted by construction equipment. Areas of compaction which have been subsequently amended with 12 inches of friable native soil are suitable for planting.

I. Irrigation of Landscape Areas

The Owner shall be responsible for the irrigation of all required landscape areas and plant materials, utilizing one or a combination of the following methods:

- An automatic or manual underground irrigation system (conventional spray, bubblers, drip, emitters, drip tubing, porous pipe and the like with turf zones separated from planting zones unless otherwise approved; or
- A hose attachment must be located within 100 feet of all required landscape areas and plant materials where there is no road or parking pavement between the hose attachment and landscape area and the site plan area is no longer than 0.5 acre; or
- Landscape areas planted with native grasses and wildflowers may use a temporary and above ground irrigation system to provide irrigation for the first two (2) growing seasons.

The irrigation methods used shall:

- Provide a moisture level in an amount and frequency adequate to sustain growth of plant materials on a permanent basis;
- Be in place and operational at the time of the site completion inspection; and
- Be maintained and kept operational at all times to provide for efficient water distribution.

Landscape working plans shall indicate, by a detail, a drawing or by specification, in a note on the site plan, the nature and location of irrigation which will be used, specific enough to show that adequate irrigation will be provided to all required landscape areas and plant materials and that there is no disturbance to the critical root zones of existing trees.

No irrigation shall be required for undisturbed natural areas or undisturbed existing trees. Automatic irrigation systems shall be designed and installed by a Texas licensed irrigator.

J. Landscape Plan

The landscape plan shall be submitted with the site plan and shall have the seal and certification of a landscape architect, architect, professional engineer or full time building designer for projects over one-half acre in size, and the seal and certificate of a landscape architect or architect for all projects over one acre in size, that the plan meets these criteria.

K. Alternative Plan Proposals

An applicant or owner can submit an alternative design which proves to be as good as or better than strict compliance with the basic landscape criteria. Alternative proposals should be clearly identified on the landscape plans and the site plan application should include a letter outlining the alternative proposal. Review of the alternative proposal will be in conjunction with the site plan review.

L. Automated Irrigation System

The installation of an automatic conventional spray type irrigation system is allowed, however, the installation of an automatic water saving drip irrigation system for landscaped areas is strongly encouraged.

M. Preservation of Existing Vegetation:

Consideration will be given to outstanding designs that preserve natural vegetation beyond what is required by these criteria. This is a difficult concept to quantify and will be considered based on the merits of the proposal and the site constraints.

N. Integrated Pest Management Plan (IPM)

An IPM will be submitted along with the landscape plan and will be reviewed at the site plan stage of the project.

O. Rainwater collection and beneficial reuse.

Rainwater harvesting and reuse for site irrigation will be required on at least 50% of the roof area of each building, or on 50% of the total roof area in a site plan. Rain water tanks and cisterns will not be considered to be impervious cover and they shall be allowed to be installed above ground and to be located at roof/gutter downspouts or in another convenient location to facilitate the goal of rainwater collection and beneficial reuse.

P. Integrated Low Impact Development (LID) Stormwater Management Practices

Integrating LID practices for the purpose of addressing both pollutant removal for stormwater and protection of predevelopment hydrological functions, will be given consideration in alternative landscape design criteria. Functional LID landscape designs will be assessed for effectiveness and positive landscape points will be determined accordingly.

EXHIBIT "E"

STATE OF TEXAS)
)
 COUNTY OF HAYS)

PETITION FOR VOLUNTARY ANNEXATION

To the Mayor and City Council of the City of Dripping Springs:

The undersigned owner(s) of the tract of land described below (the "tract") hereby petition the City of Dripping Springs to extend the present incorporated municipal boundaries (i.e., City limits) so as to include in, and annex as a part of, the City of Dripping Springs, the property described on *Exhibit "A"*, which is attached and incorporated herein for all purposes.

We certify and swear that the tract is:

1. one-half mile or less in width; and
2. adjacent (i.e., contiguous) to the municipal boundary; and
3. the location upon which fewer than three registered voters reside, or is vacant or without residents.

We certify and swear that this petition is signed and acknowledged by each and every person and corporation owning said tract or having an interest in any part thereof.

 Name

 Date

 Name

 Date

This instrument was acknowledged before me by _____
 _____ on this the ____ day of _____, 2018.

 Notary Public, State of Texas

My commission expires: _____

EXHIBIT "F"

STATE OF TEXAS)
)
COUNTY OF HAYS)

PETITION FOR VOLUNTARY ANNEXATION

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Name _____

Date _____

Name _____

Date _____

This instrument was acknowledged before me by _____
on this the _____ day of _____, 2018.

Notary Public, State of Texas

My commission expires:



Landscape Ordinance Update March 2025

Laura Mueller, City Attorney

City Staff have been working on working on a landscape ordinance with the primary purpose of clarifying issues based on input from the development community and the staff that are charged with enforcing the ordinance. The main changes are:

1. Additional verbiage related to enforcement in City Limits and Extraterritorial Jurisdiction;
2. Clear separation of what tree and landscaping requirements are applicable in City Limits and Extraterritorial Jurisdiction (See Attachment "A")
3. Clarification of phasing;
4. Appeal Procedures for Development Review Committee decisions; and
5. Additional information related to irrigation.

The members of the review team were:

Laura Mueller, City Attorney
 Chad Gilpin, City Engineer
 Tory Carpenter, Planning Director
 Aniz Alani, Deputy City Attorney
 Peter Dufresne, Landscape Consultant
 Brent Luck, Landscape and Parks Consultant
 Michelle Fischer, City Administrator
 Travis Crow, City Councilmember
 Taline Manassian, City Councilmember

Staff Recommendation: Staff recommends approval followed by education through the City Website and through direct contact from the Building and Planning Departments.

ATTACHMENT "A"

Regulation	City	ETJ
Residential Requirements – Divisions 1 & 2	Yes	No
Prohibition on Heritage Tree Removal – Platting/Site Plans	Yes	Yes
Limitation on Standard Tree Removal – Platting/Site Plans	Yes	Yes
Street Trees – Platting/Site Plans	Yes	No
Landscape Buffers	Yes	No
Landscape material	Yes	Yes
Landscape Plan and Tree Survey	Yes	Yes
Parking area landscaping	Yes	No
Screening of dumpsters and building service equipment	Yes	No
Maintenance requirements	Yes	Yes
Integrated pest management	Yes	Yes
Tree Preservation	Yes	Yes
Mitigation for tree removal	Yes	Yes
Irrigation requirements	Yes	Yes (if irrigation planned)
Oak Wilt Management	Yes	Yes
Turf Grass Areas	Yes	Yes
Soils	Yes	Yes
Xeriscape materials	Yes	Yes

CITY OF DRIPPING SPRINGS

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 28.06
LANDSCAPING AND TREE PRESERVATION ORDINANCE;
CLARIFYING REGULATIONS RELATED TO APPLICATION
TO THE EXTRATERRITORIAL JURISDICTION AND
RELATED AMENDMENTS; PROVIDING FOR THE
FOLLOWING: RULES; STANDARDS; PROCEDURES;
CRIMINAL PENALTIES; AND, SEVERABILITY

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality, including its extraterritorial jurisdiction where trees and water sources are preserved; and

WHEREAS, the City Council finds that removing all or most of trees on any lot is not beneficial to the hill country environment; and

WHEREAS, the City Council finds that regulating the type of grass and landscaping and types of irrigation helps preserve the hill country landscape and water resources and providing for differences in city limits and extraterritorial jurisdiction regulation promotes reasonable subdivision regulation; and

WHEREAS, the City Council has determined that reasonable rules and regulations governing subdivision plats for tree preservation and landscaping in the city limits and extraterritorial jurisdiction are necessary to maintain water quality, protect the region’s livability, preserve property values, and reinforce Dripping Springs’ status as the Gateway to the Hill Country; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, the City has the authority to adopt rules governing plats and subdivisions of land; and

WHEREAS, the City has determined that amending its ordinance related to subdivisions is required by state law; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt an ordinance regulating the tree preservation and landscaping.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dripping Springs:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Article 28.06, Landscaping and Tree Preservation Ordinance of the City of Dripping Springs Code of Ordinances is amended to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Deleted provisions are struck through and new provisions are underlined.

3. REPEALER

Article 28.06 and all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the _____ day of _____, 2025, by a vote of _____ (ayes) to _____ (nays) to _____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS

By: _____
Bill Foulds, Mayor

ATTEST:

Diana Boone, City Secretary

ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION

DIVISION 1. GENERALLY -INDIVIDUAL RESIDENTIAL LOTS AND SMALL PROJECT LANDSCAPING AND TREE PRESERVATION

Sec. 28.06.001. Title.

This article shall be commonly cited as the residential and commercial landscape ordinance. Divisions 1 and 2 apply only to individual residential lots and smaller residential projects in city limits. Divisions 3, 4, and 5 apply only to commercial projects and larger residential subdivisions projects in the city limits and extraterritorial jurisdiction.

Sec. 28.06.002. Purpose – Residential Tree Preservation.

- (a) Generally. The purpose of this article is to provide protection for Heritage Trees in residential areas and for the preservation of native trees, in recognition that trees, landscaping, screening, and buffering protect the health and welfare of the community, while addressing the water conservation and drainage issues particular to the Hill Country region. The purpose of this article is also to enhance the community's ecological, environmental, and aesthetic qualities.
- (b) Health, welfare, and general well-being. Preserving and improving the natural environment, and maintaining a working ecological balance, are of increasing concern to the city. The fact that the proper use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community, and therefore it is proper that the appropriate use of such elements be required.
- (c) Water conservation and drainage. The city experiences frequent droughts, due in part to a landscape characterized by thin-soiled rock formations; therefore, it is the purpose of this article to encourage the use of drought-resistant vegetation and landscaping that minimizes runoff and erosion.

Sec. 28.06.003. Scope and Applicability.

Divisions 1 and 2 – Residential Tree Preservation apply to all residential property that has been issued a certificate of occupancy or which has or will be occupied by owner or lessee and any residential property project where subdivision results in fewer than five dwelling units within the incorporated municipal boundaries (i.e., city limits). Divisions 3, 4, and 5 apply to any residential construction of five or more dwelling units that is part of a project covered by those divisions prior to the issuance of the certificate of occupancy or when the residential construction is first occupied by an owner or lessee within the incorporated municipal boundaries (i.e., city limits) and extraterritorial jurisdiction. This article applies to actions taken after the date of enactment. Nothing in this article is intended to modify or excuse an individual's obligation to

comply with applicable federal, state, county or other laws, including laws imposing requirements stricter or more onerous than under this article.

In addition, this article applies to all development requiring site plan approval subject to zoning requirements, including:

- (a) All residentially-zoned property for which a subdivision is accepted by the City after the effective date of this ordinance generating fewer than five dwelling units;
- (b) All residentially-zoned properties with fewer than five dwelling units going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval for such projects shall be conditioned on compliance with this article.
- (c) Any grading, filling or clearing of land related to a project as limited above; and
- (d) Trenching or excavating that may damage or destroy protected trees as defined related to a project as limited above.

Sec. 28.06.004. Definitions.

- (a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

- (b) Specific definitions.

ANSI: The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

Boundary tree: A tree whose trunk is on two or more properties owned by separate individuals.

Caliper inch: A unit of measure for tree size taken six inches above the ground level for field grown stock, and six inches above the soil line for container grown stock, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size. Certified arborist: A person with any one of the following certifications or credentials: ISA Certified Arborist or ISA Board Certified Master Arborist.

City administrator: The chief administrative officer of the city. The term shall also include ~~the~~ deputy city administrators.

City arborist: The employee or consultant designated by the city council as the city arborist.

City council: The governing body of the city.

City permit: A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property.

Code: The Code of Ordinances enacted by the city, as may be amended from time to time.

Commercial land use: All activities and operations except for one- and two-family residences occupied by individual(s) claiming the dwelling as their homestead including commercial, industrial, multi-family, retail, GUI, and any other land use other than one- and two-family residences.

Critical root zone: The circular area surrounding a tree trunk, established as a distance equal to one foot of radial distance for every inch of caliper size or tree DBH, whichever is appropriate.

Development: The construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill.

Development Review Committee: A group consisting of the city administrator or designee, the city engineer, building official, and the city planner.

DBH (diameter at breast height): The unit of measure for tree size once over four inch (4") caliper. DBH is the tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Escrow: A deposit of a cash bond with the city in accordance with this article.

Extreme drought classification: A mandatory drought response issued by the local water supply jurisdiction outlining conditions that include limits to water available for landscape irrigation making it impractical to establish new landscaping by irrigation.

Hardwood: Texas Ash, Bald Cypress, American Elm, Cedar Elm, Texas Madrone, Bigtooth Maple, All Oaks, Pecan, Arizona Walnut, Eastern Black Walnut, American Sycamore, Eastern Cottonwood, Red Mulberry, and Osage Orange.

Healthy tree. Any tree that has not been determined to be considered dead, diseased, or posing an imminent threat or hazard to people or property by a Certified Arborist or by the City Arborist.

Impervious cover: Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration. For further clarification on what is considered impervious cover, refer to the city's water quality protection ordinance (article 10.03).

Landscape architect: A person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law. Landscaping: Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Natural area: An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Owner: A person or persons with legal control over property in question. Owner includes all owners as it relates to boundary trees as defined herein.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

Protected tree. Any of the following:

- (1) Heritage tree. A protected tree generally having a trunk of 18.0” or greater caliper in inches measured at DBH or as further defined in Sec. 28.06.079.
- (2) Standard tree. A protected tree having a trunk of 8.0” -17.9” caliper in inches measured at DBH or as further defined in Sec. 28.06.079.

Residential Use: One- and two-family structures, occupied by individuals as their primary residence.

Responsible party: The owner/operator of the business located on the property on which the site development permit is being sought or where the protected tree or landscaping is required; the owner of the property upon which the tree is located or landscaping is required; the person who performs construction or landscaping on a lot, contracts with or directs a person to accomplish the construction.

TCEQ: The state commission on environmental quality, or its successor agency.

Tree caliper: Caliper is the diameter of the trunk, measured at 6 inches above the soil line on the uphill side, and used for trees that measure 4” caliper or smaller. Over 4” caliper, trees are measured in DBH.

Sec. 28.06.005. Landscaping fund.

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this article shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city controlled rights-of-way or to fund landscape project grants that serve a public city purpose.

Sec. 28.06.006. Damaging or removing trees.

No person shall damage or remove trees in violation of this article. “Damage” in this case includes, but is not limited to, altering or maintaining trees in a manner inconsistent with the standards published in American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” for trees protected by this ordinance. A violation of this section is an offense under section 28.06.008.

Sec. 28.06.007. Violation

It shall be unlawful for any person to violate this article.

Sec. 28.06.008. Offense

- (a) A person who intentionally, knowingly, recklessly, or with criminal negligence violates, causes, allows or permits a violation of a section of this article designated as an offense commits a misdemeanor punishable by a fine not exceeding \$2000.00. A person who otherwise violates a section of this article designated as an offense commits an offense punishable by a fine not to exceed \$500.
- (b) Each violation of this article designated as an offense constitutes a separate offense. Each tree removed or seriously damaged in violation of this ordinance is a separate offense.
- (c) No culpable mental state is required to prove an offense under this article if the offense involves:
 - (1) removal or damage to trees in violation of this article including clearing, grubbing, or construction through the use of heavy load vehicles as defined in Chapter 30 of the code over the critical root zone of a protected tree; or
 - (2) death of a protected tree outside of-but adjacent to-areas of disturbance by construction.
- (d) Violations:
 - (1) Section 28.06.006. Damaging or Removing Trees.
 - (2) Section 28.06.051. Maintenance Requirements.
 - (3) Section 28.06.052. Tree Preservation.
 - (4) Section 28.06.056. Irrigation Requirements

Sec. 28.06.009. - Liability.

The provisions of this article shall not be construed as relieving or limiting in any way the responsibility or liability of any person that damages or removes any tree, from personal injury or property damage resulting from the damage or removal of the tree, or resulting from the negligence or willful acts of such person in the construction or maintenance of any property resulting in the damage or removal of a tree or the damage or removal of any tree, or from the damage caused by the failure to remediate oak wilt or planting of a prohibited tree. Nor shall it be construed as imposing upon the city or its officers, employees or agents any responsibility or liability by reason of the approval of any site development permit, subdivision, or construction under these provisions.

Sec. 28.06.010. - Civil remedies.

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the article or to require specific conduct that is necessary for compliance with the article, including

remediation of oak wilt or protection of trees where such remediation or protection is required by this article at the expense of the responsible party;

- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of the article and after receiving notice committed acts in violation of the article or failed to take action necessary for compliance with the article; and other available relief.

- (3) Any person violating any provision of this article is subject to a stop work order. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

Secs. 28.06.011—28.06.050. Reserved.

DIVISION 2. STANDARDS - INDIVIDUAL RESIDENTIAL LOTS AND SMALL PROJECT LANDSCAPING AND TREE PRESERVATION

Sec. 28.06.051. Maintenance requirements.

The owner shall be responsible for (unless otherwise specified herein):

- (1) Planting and maintaining trees in a manner which conforms to the American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” and following all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
- (2) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice.
- (3) Limitation of water due to drought restrictions placed by the City, Dripping Springs Water Supply Corporation, West Travis PUA, or any other water provider temporarily suspends the watering requirement in subsection (2).
- (4) A violation of this section is an offense under section 28.06.008.

Sec. 28.06.052. Tree preservation.

- (a) Protected trees are defined as follows:

- (1) Protected Trees;
 - (A) Heritage Trees;
 - (B) Standard Trees.
- (2) Hardwood trees defined in Sec. 28.06.004 “Definitions”
- (3) Standard Trees. The following species are considered protected Standard trees with at least one (1) trunk being equal or greater than the respective size (DBH):

- i. Texas Persimmon (*Diospyros texana*) - five (5) inch DBH;
 - ii. Texas Redbud (var. *texensis*) - five (5) inch DBH;
 - iii. Texas Mountain Laurel (*Sophora secundiflora*) - five (5) inch DBH;
 - iv. Condalia (*Condalia hookeri*) - five (5) inch DBH;
 - v. Possum Haw (*Ilex decidua* - in floodplain only) - five (5) inch DBH;
 - vi. Hawthorne (*crataegus texana*) - five (5) inch.
- (4) Heritage Trees. A Heritage tree means a tree of eighteen (18) inches or greater DBH for all tree species except the following species are Heritage with at least one (1) trunk being eight (8) inches or greater DBH (the value of the eight (8) inches or greater trunk is the value given to these small tree species):
- i. Texas Persimmon (*Diospyros texana*);
 - ii. Texas Redbud (var. *texensis*);
 - iii. Texas Mountain Laurel (*Sophora secundiflora*);
 - iv. Condalia (*Condalia hookeri*);
 - v. Possum Haw (*Ilex decidua* - in floodplain only);
 - vi. Hawthorne (*crataegus texana*).
- (5) Non-native Trees. Non-native invasive tree species are not protected. Non-native invasive tree species means the following tree species:
- i. Chinese Pistache (*Pistacia chinensis*);
 - ii. Chinaberry (*Melia azedarach*);
 - iii. Chinese Tallow (*Sapium sebiferum*);
 - iv. Tree of Heaven (*Ailanthus altissima*);
 - v. Salt Cedar (*Taxodium species*).
 - vi. Japanese Ligustrum (*Ligustrum japonicum*).
 - vii. Nandina (*Nandina domestica*);
 - viii. Paper Mulberry (*Broussonetia papyrifera*)

(b) Minimum Tree Preservation Requirements

- (1) No Heritage tree shall be removed from any property within the municipal boundaries of the City of Dripping Springs without following the provisions as stated below except where exempted.
- (2) Tree Preservation by Land Use:
- (A) A property owner may remove any tree, other than a Heritage tree, on property owned where the removal is not due to a residential development resulting in five or more dwelling units or due to commercial, industrial, government, or multi-family development.

(B) All Heritage trees on any lot shall be preserved unless the tree falls under an exception or a waiver to remove the tree is granted by the development review committee. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation.

(C) Tree preservation in Historic Districts shall comply with both this Article and the code and implementation manuals for the districts. When in conflict, the stricter requirement applies.

- (3) All healthy Heritage and Standard trees shall be preserved in the Water Quality Protection Zones as defined in Article 22.05. This prohibition shall apply unless tree removal is specifically approved by the development review committee for allowable development in the WQBZ as defined by Water Quality Ordinance [22.05.017(d)].
- (c) Healthy protected trees (as defined herein) that are Heritage trees as defined that require removal to accommodate the development shall be replaced as directed herein. Trees identified as dead, diseased, or posing an imminent threat or hazard to people or property by a Certified Arborist shall not be included in tree preservation requirements evaluation.
- (d) Any activity that damages trees on adjacent lots is prohibited.
- (e) A violation of this section is an offense under section 28.06.007.

Sec. 28.06.053. Mitigation for Tree Removal.

- (a) Mitigation for all removed Heritage trees not covered by an exception is required. For all removed Heritage trees in accordance with tree preservation requirements or after a waiver is approved for removal in excess of the tree preservation requirements the inches (DBH) required for mitigation will be determined by the development review committee in consultation with the City Arborist.
- (b) Protected trees which are removed shall be mitigated using any combination of the following:
 - (1) Preservation of existing protected trees >6 inches in DBH above minimum preservation requirements;
 - (A) A survey including existing, live, healthy protected trees with a six-inch DBH in diameter must be submitted if mitigation is sought including any tree being used for mitigation.
 - (B) Credit for preservation shall be given at .5 : 1.
 - (C) In addition, preservation of existing Ashe Juniper (*Juniperus ashei*); Huisache (*Acacia farnesiana*); Mesquite (*Prosopis glandulosa*); and Arizona Ash (*Fraxinus velutina*) > 6 inches in DBH provide credit at .5:1 inches.
 - (2) Relocation of the removed tree onsite, mitigation is required for relocated trees if mortality occurs within 3-years of the relocation;
 - (3) Replacement by new protected tree species, or alternative native trees approved by the development review committee; and/or
 - (4) Payment of a fee in lieu of tree replacement.
- (c) Mitigation cannot be accomplished by only using one of methods “1” thru “4” above. They must be used in combination in a balance approved by the development review committee.

- (d) The preservation of healthy Standard trees on-site is encouraged and may be used as mitigation to offset the removal of Protected Heritage trees. The mitigating trees may be of any protected tree species with an aggregate DBH in inches of the trees removed (1:1). Mitigating trees should be >6 inches in DBH, in good health, and clear of existing or proposed utility easements and overhead electric lines. Existing Heritage trees cannot be used to mitigate for the loss of Heritage trees.
- (e) Replacement trees may be of any protected tree species or alternative approved indigenous tree with an aggregate DBH in inches of the trees removed with ratio of (3:1) for Heritage trees.
- (f) Replacement trees shall be a minimum of two and a half caliper inches measured 6 inches from ground level and a minimum height of 8 feet when planted.
- (g) When possible, replacement trees shall be planted on the same lot according to an approved Tree Preservation Plan. Replacement trees may be planted on another lot if approved by the Development Review Committee.
- (h) Fee in lieu of replacement:
- (1) If all or a portion of the required replacement trees will not be planted on-site or on a site approved by the development review committee, payment of a fee in lieu of replacement shall be made, which shall be deposited into the City's Landscaping Fund. The fee shall be determined as follows in the Table below;

Table Mitigation methods for tree removal

Tree Classification	Tree Diameter Removed (DBH)	Tree Planting: Aggregate DBH in inches of trees removed	Mitigation Fee per inch (DBH) of tree removed
Heritage	18.0" or greater or as listed herein	3:1	<u>\$450</u>

Sec. 28.06.054. Exceptions.

Exceptions: The following shall be exempt from the Tree Preservation requirements for Heritage trees of Section 28.06.052:

Lots on which buildings were constructed prior to the adoption of this ordinance and

- (a) subsequently damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind, provided a Building Permit is issued for restoration within 12 months after the damage occurs and additional square footage is not proposed.
- (b) Trees that are dead, diseased, or posing an imminent threat or hazard to people or property as determined by a tree survey and a letter from a Certified Arborist.
- (c) Trees causing physical damage to existing structures, drainageways, utility systems or facilities in the public right of way as determined by the city engineer or their designee.
- (d) Protected trees damaged or destroyed by floods, fire, wind or other natural causes.
- (e) Trees identified by a Certified Arborist as dead, diseased, or posing an imminent threat or hazard to people or property shall not be included in tree preservation requirements evaluation.

Sec. 28.06.055. Oak Wilt Management

- (a) Trimming or cutting of any oak species is prohibited from the first day of February to the last day of July. Permission may be granted by the development review committee to any person wishing to trim or cut an oak tree susceptible to oak wilt during the prohibited months, provided that the person agrees to comply with this section as it relates to painting wounds. Trimming or cutting of trees are allowed during the prohibited months if done in response to damage caused by weather. Trimming or cutting can be done by the entity, property owner, or a licensed professional or landscape company. In the case of oak species, wounds must be painted with an acceptable wound dressing within 30 minutes from the time of cutting.
- (b) Contractors or individuals identified pruning any oak without a demonstrated ability to seal all wounds greater than 0.75 inches within 30 minutes of the time of cutting will be required to cease all work until a wound sealant is onsite and utilized on the project.
- (c) Infected red oaks that die in late summer, fall or early winter should be cut down and burned when allowed, buried, or chipped soon after discovery to prevent fungal mats that may form on these trees the following spring.
- (d) Potential oak wilt investigations should be performed by a member of the Texas Forest Service, a Certified Arborist or the City Arborist. For information on oak wilt identification, spread and management reference www.texasoakwilt.org.
- (e) In the case of emergencies due to tree damage from weather events or other natural disaster the requirement for licensed professional tree care or landscaping company for review for trimming during prohibited months is not required if not available. In addition, painting within 30 minutes at the time of cutting is not required, but painting shall be done as soon as possible.

Sec. 28.06.056 Irrigation Requirements

- (a) Watering landscaping by hose-end sprinklers or permanently installed automatic sprinkler systems between 10 a.m. and 7 p.m. is prohibited.
- (b) Watering by hand-held hose, drip irrigation, or soaker hose is allowed at any time. No more than three hours per day maximum is allowed.

- (c) Watering or irrigating of any landscaping in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, parking area, street, alley, gutter, or ditch is prohibited. Irrigation systems shall not spray water on or over any surface listed above.
- (d) All restrictions herein are in addition to any restrictions placed by a utility provider including the Dripping Springs Water Supply Corporation, the West Travis County PUA, or the City of Dripping Springs. In addition, all irrigation should be installed in compliance with the Texas Administrative Code Chapter 344 and any other state requirements. All restrictions herein are in addition to any restrictions placed by a utility provider including the Dripping Springs Water Supply Corporation, the West Travis County PUA, or the City of Dripping Springs.
- (e) A small project that is a subdivision of four or less units that uses drip irrigation in all open, park, and common areas will receive a credit of fifty percent (50%) of water reuse fees in Section 22.06.007 – Development requirements.
- (f) Irrigation with reuse water or in septic fields can be done in addition to the limitations to those listed in this Section including additional time so long as all other requirements are met.
- (g) A violation of this section is an offense under section 28.06.007.

28.06.057 Appeal of Development Review Committee

Any applicant may appeal a final decision of the development review committee to the city council. The appeal must be in writing and submitted within ten (10) days of receipt of the development review committee's decision to the city administrator. The city council will hear the appeal within thirty (30) days of receipt of the appeal in writing. The decision of the city council is final.

CODE OF ORDINANCES
Chapter 28 - SUBDIVISIONS AND SITE DEVELOPMENT
ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION

ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION

DIVISION 3. GENERALLY - COMMERCIAL AND SUBDIVISION LANDSCAPING AND TREE PRESERVATION

Sec. 28.06.060. Purpose-Commercial and Residential Subdivision.

- (a) Generally. The purpose of commercial and residential subdivision tree preservation is to provide for the preservation of native trees, prevent the clear-cutting of land, and provide for minimum landscaping and screening requirements, in recognition that trees, landscaping, screening, and buffering protect the health and welfare of the community, while addressing the water conservation and drainage issues particular to the Hill Country region. The purpose of this article is also to enhance the community's ecological, environmental, and aesthetic qualities.
- (b) Health, welfare, and general well-being. Preserving and improving the natural environment, and maintaining a working ecological balance, are of increasing concern to the city. The fact that the proper use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community, and therefore it is proper that the appropriate use of such elements be required.
- (c) Water conservation and drainage. The city experiences frequent droughts, due in part to a landscape characterized by thin-soiled rock formations; therefore, it is the purpose of this article to encourage the use of drought-resistant vegetation and landscaping that minimizes runoff and erosion.

Sec. 28.06.061. Scope and Applicability.

Divisions 3, 4, and 5 – Commercial and Subdivision Tree Preservation and Landscaping apply to all commercial property and residential subdivisions with five or more dwelling units within the incorporated municipal boundaries (i.e., city limits) and the extraterritorial jurisdiction (ETJ) unless specifically excepted. This article applies to actions taken after the date of enactment. Nothing in this article is intended to modify or excuse an individual's obligation to comply with applicable federal, state, county or other laws, including laws imposing requirements stricter or more onerous than under this article.

In addition, Divisions 3, 4, and 5 apply to all development requiring site plan approval or construction plan approval ~~subject to zoning requirements~~, including:

- (a) All residentially-zoned property and property being used for residential use for which a subdivision application is accepted by the City after the effective date of this ordinance generating five or more dwelling units;
- (b) All industrial, commercial, office, multi-family, institutional development, governmental facilities and infrastructure, and schools (including all new construction and any additions greater than 2500 square feet), and construction of a new parking lot or expansion of an existing parking lot; and
- (c) All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval shall be conditioned on compliance with this article.
- (d) For tree preservation purposes, this article applies to the three types of development stated above, and also includes:
 - (1) Any grading, filling or clearing of land related to a project as limited above;
 - (2) Trenching or excavating that may damage or destroy protected trees as defined related to a project as limited above;
 - (3) All governmental development shall comply with the tree preservation plan review procedure regardless of the ~~zoning district~~ use of the property in which they are located unless the development is utility related or in street R.O.W.
- (e) Exemptions from Divisions 3 and 4 – Commercial Property and Residential Subdivision Tree Preservation include:
 - (1) The cultivation of land for agricultural purposes, fence building or rebuilding.
 - (2) Street construction and maintenance projects that do not increase the impervious cover beyond that of the original street.
 - (3) Structural repairs or replacements to existing structures.
 - (4) Construction or reconstruction of barns, silos, livestock pens, sheds, and other agriculturally related structures.
 - (5) Any site plan submitted prior to the effective date of this article except expansions or additions as stated in this Code.
- (f) All requirements are in addition to other requirements including, but not limited to, the landscaping requirements for signage in Chapter 26 of the Code of Ordinances.

Sec. 28.06.062. Definitions.

- (a) Rules of interpretation . Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (b) Specific definitions.

ANSI: The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

Boundary tree: A tree whose trunk is on two or more properties owned by separate individuals.

Caliper inch: A unit of measure for tree size taken six inches above the ground level for field grown stock, and six inches above the soil line for container grown stock, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size.

Certified arborist: A person with any one of the following certifications or credentials: ISA Certified Arborist or ISA Board Certified Master Arborist.

City administrator: The chief administrative officer of the city. The term shall also include the deputy city administrator.

City arborist: The employee or consultant designated by the city council as the city arborist.

City council: The governing body of the city.

City permit. A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property.

Code. The Code of Ordinances enacted by the city, as may be amended from time to time.

Commercial land use. All activities and operations except for one- and two-family residences occupied by individual(s) claiming the dwelling as their homestead including commercial, industrial, multi-family, retail, GUI, and any other land use other than one- and two-family residences.

Critical root zone. The circular area surrounding a tree trunk, established as a distance equal to one foot of radial distance for every inch of caliper size or tree DBH, whichever is appropriate.

Development. The construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill.

Development Review Committee. A group consisting of the city administrator or designee, the city engineer, building official, and the city planner.

DBH (diameter at breast height). The unit of measure for tree size once over four inch (4") caliper. DBH is the tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Escrow. A deposit of a cash bond with the city in accordance with this article.

Extreme drought classification. A mandatory drought response issued by the local water supply jurisdiction outlining conditions that include limits to water available for landscape irrigation making it impractical to establish new landscaping by irrigation.

Hardwood. Texas Ash, Bald Cypress, American Elm, Cedar Elm, Texas Madrone, Bigtooth Maple, All Oaks, Pecan, Arizona Walnut, Eastern Black Walnut, American Sycamore, Eastern Cottonwood, Red Mulberry, and Osage Orange.

Healthy tree. Any tree that has not been determined to be considered dead, diseased, or posing an imminent threat or hazard to people or property by a Certified Arborist or by the City Arborist.

Impervious cover. Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration. For further clarification on what is considered impervious cover, refer to the city's water quality protection ordinance (article 10.03).

Landscape architect. A person licensed to use the title of “landscape architect” in the State of Texas in accordance with state law.

Landscaping. Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Natural area. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Owner. A person or persons with legal control over property in question. Owner includes all owners as it relates to boundary trees as defined herein.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

Protected tree. Any of the following:

- (1) **Heritage tree.** A protected tree generally having a trunk of 18.0” or greater caliper in inches measured at DBH or as further defined in Sec. 28.06.079.
- (2) **Standard tree.** A protected tree having a trunk of 8.0” -17.9” caliper in inches measured at DBH or as further defined in Sec. 28.06.079.

Residential Use. One- and two-family structures, occupied by individuals as their primary residence.

Responsible party. The owner/operator of the business located on the property on which the site development permit is being sought or where the protected tree or landscaping is required; the owner of the property upon which the tree is located or landscaping is required; the person who performs construction or landscaping on a lot, contracts with or directs a person to accomplish the construction.

Texas A&M AgriLife Extension: The document promulgated in part by the Texas A&M AgriLife Extension, entitled “Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas,” as attached as Exhibit “A” to this Ordinance.

TCEQ: The state commission on environmental quality, or its successor agency.

Tree caliper: Caliper is the diameter of the trunk, measured at 6 inches above the soil line on the uphill side, and used for trees that measure 4" caliper or smaller. Over 4" caliper, trees are measured in DBH.

Sec. 28.06.063. Landscaping fund.

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this article shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city-controlled rights-of-way or to fund landscape project grants that serve a public city purpose.

Sec. 28.06.064. Damaging or removing trees.

No person shall damage or remove trees in violation of this article. "Damage" in this case includes, but is not limited to, altering or maintaining trees in a manner inconsistent with the standards published in American National Standards Institute (ANSI) A-300 "Standards for Tree Care Operations" for trees protected by this ordinance. A violation of this section is an offense under section 28.06.066.

Sec. 28.06.065. Violations.

It shall be unlawful for any person to violate this article.

Sec. 28.06.066. Offense

- (a) A person who violates, causes, allows or permits a violation of a section of this article designated as an offense commits a misdemeanor punishable by a fine not exceeding \$2000.00. In addition, the cost of the tree or trees may also be charged to the responsible party.
- (b) Each violation of this article designated as an offense constitutes a separate offense. Each tree removed or seriously damaged in violation of this ordinance is a separate offense.
- (c) No culpable mental state is required to prove an offense under this article if the offense involves:
 - (1) removal or damage to trees in violation of this article including clearing, grubbing, or construction through the use of heavy load vehicles as defined in Chapter 30 of the code over the critical root zone of a protected tree; or
 - (2) death of a protected tree outside of-but adjacent to-areas of disturbance by construction, including protected clusters.
- (d) Violations:
 - (1) Section 28.06.064. Damaging or Removing Trees.
 - (2) Section 28.06.065. Violations.
 - (3) Section 28.06.073. Landscape Material.
 - (4) Section 28.06.075(g). Paving over Critical Root Zone.

- (5) Section 28.06.077. Maintenance Requirements.
- (6) Section 28.06.079. Tree Preservation.
- (7) Section 28.06.082. Irrigation Requirements.
- (8) Section 28.06.085(c). Pruning Oak Without Sealing Wounds.

Sec. 28.06.067. - Liability.

The provisions of this article shall not be construed as relieving or limiting in any way the responsibility or liability of any person that damages or removes any tree, from personal injury or property damage resulting from the damage or removal of the tree, or resulting from the negligence or willful acts of such person in the construction of maintenance of any property resulting in the damage or removal of a tree or the damage or removal of any tree, or from the damage caused by the failure to remediate oak wilt or planting of a prohibited tree. Nor shall it be construed as imposing upon the city or its officers, employees or agents any responsibility or liability by reason of the approval of any site development permit, subdivision, or construction under these provisions.

Sec. 28.06.068. - Civil remedies.

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the article or to require specific conduct that is necessary for compliance with the article, including remediation of oak wilt or protection of trees where such remediation or protection is required by this article at the expense of the responsible party;
- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of the article and after receiving notice committed acts in violation of the article or failed to take action necessary for compliance with the article; and other available relief.
- (3) Any person violating any provision of this article is subject to a stop work order. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

Secs. 28.06.069—28.06.070. Reserved.

*DIVISION 4. STANDARDS -- COMMERCIAL PROPERTY AND SUBDIVISION
LANDSCAPING AND TREE PRESERVATION*

Sec. 28.06.071. Street trees.

- (a) Residential street tree requirements. Street tree requirements only apply to projects in the city limits. The list below sets forth the minimum number of trees, per lot, that must be planted prior to the issuance of a certificate of occupancy permit for the dwelling. Trees shall be in the front of a residential lot, including at least one required tree planted in the front yard. Three large shrubs may be substituted for one required tree. The following minimum standards apply:

Zoning	No. of Required Trees
SF-1	2
SF-2	2
SF-3	1
SF-4	2
SF-5	1 per unit
MF	Follow Nonresidential Street Tree Requirements 28.06.071(b)
MH	1

- (b) Nonresidential street tree requirements. At least one required tree, shall be planted adjacent to or near the street right-of-way for each 25 feet, or fraction thereof, of linear street frontage. Trees shall be planted between the street right-of-way and any horizontal and vertical improvements. The required number of trees need not be placed uniformly, but may be clustered in groups.
- (c) Trees planted shall be a minimum two-and-a-half-inch caliper, staked, and wrapped. Small trees/large shrubs trees shall be a minimum one-and-a-half-inch caliper, staked, and wrapped.
- (d) Trees with deep roots may be planted in the area between the sidewalk and road if approved by the development review committee in consultation with the City Arborist. Trees of species whose roots are known to cause damage to public roadways or other public works are prohibited.
- (e) Trees are not allowed to be planted within public water, or wastewater easements. Trees are not allowed to be planted within fifteen feet of telecommunication or electrical lines.
- (f) Trees in place at the time of construction and preserved on the lot, may count towards the required planting of trees if the preserved trees meet all of the requirements listed herein.

Sec. 28.06.072. Landscape buffers.

- (a) Landscape buffer planting requirements. Landscape buffer requirements only apply to projects in the city limits.
- (1) All plant material shall be of native or adapted species.

- (2) All new proposed shade trees shall be a minimum of two and a half inches in caliper.
- (3) All proposed ornamental trees shall be a minimum of one and a half inches in caliper.
- (4) All large shrubs shall be a minimum of five-gallon container size and small shrubs/groundcovers a minimum of one-gallon container size.
- (b) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to all designated landscape buffers:
- (1) Shade trees (such as Live Oak or Cedar Elm). One per 50 feet of buffer frontage.
- (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25 feet of buffer frontage.
- (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per six feet of buffer frontage.
- (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per three feet of buffer frontage.
- (c) Landscape buffer widths. The following landscape buffer width requirements shall apply to all designated landscape buffers and shall be measured from the edge of the right-of-way:

	At Arterial Roadways	At Collector Roadways
AG	0	0
SF-1	35 feet	25 feet
SF-2	35 feet	25 feet
SF-3	40 feet	30 feet
SF-4	50 feet	40 feet
SF-5	40 feet	30 feet
MF	50 feet	40 feet
MH	35 feet	25 feet
O	25 feet	25 feet
LR	25 feet	25 feet
GR	25 feet	25 feet
CS	25 feet	25 feet
I	50 feet	50 feet
H	25 feet	25 feet
GUI	25 feet	25 feet
PR	25 feet	25 feet
PP	25 feet	25 feet
PD	Varies	Varies

- (d) Landscape buffer vegetation. The following landscape buffer vegetation requirements shall apply to all designated landscape buffers:

This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of

landscaping in conformance with this article. If the area consists of landscaped plantings, maintenance of such plantings shall be the sole responsibility of the developer or the homeowners' or property owners' association.

Sec. 28.06.073. Landscape material.

All trees, plants, and vegetation shall comply with the Texas A&M AgriLife Extension "Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas" recommended plant guide as attached as Exhibit "A". Invasive plants in this guide are specifically prohibited. A violation of this section is an offense under section 28.06.066.

Sec. 28.06.074. Landscape plan and tree survey submittal.

A landscape plan and tree survey shall be submitted to the city with the proposed site development plans and construction plans. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state. The landscape plan must also be complied with while any structures are being built up to certificates of occupancy. Tree surveys are considered valid for two years from the date which they are completed. Landscaping required by this Article is in addition to any other required landscaping in other ordinance including, but not limited to, sign requirements in Chapter 26..

Sec. 28.06.075. Parking area landscaping.

- (a) Parking area landscaping requirements only apply to projects in the city limits.
- (b) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.
- (c) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be 90 square feet for each 12 parking spaces, having a minimum width of nine (9) feet.
- (d) One tree is required for every six parking spaces. Tree preservation is encouraged for parking areas defined as back of curb and a nine (9) foot buffer around that back of curb, thus one existing tree that is at four inches DBH shall count for two new trees.
- (e) No parking space shall be located further than 50 feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.
- (f) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.
- (g) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.

- (h) Paving over more than seventy-five percent (75%) of the critical root zone is prohibited unless approved by the city development review committee. All approved paving shall be porous pavement to allow water and air exchange. Paving over more than seventy-five percent (75%) of the critical root zone without approval of the City is an offense.

Sec. 28.06.076. Screening of dumpsters and building service equipment.

- (a) Screening of dumpsters only applies to projects in the city limits.
- (b) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on two sides using a masonry wall and/or vegetative screen using plant material from the “Native and Adapted Landscape Plants” plant guide attached at Exhibit “A”, that, at maturity, are at least the height of the equipment to be screened.
- (c) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.
- (d) The opening for removal of the dumpster for collection shall be a minimum of 12 feet to allow proper service access. An additional ten feet in width is required for every additional dumpster.
- (e) All durable materials used in constructing a dumpster screening masonry wall system shall be consistent with and complement the primary structure.
- (f) The orientation of the dumpster opening shall not face the street or public sidewalk unless approved by the city administrator.

Sec. 28.06.077. Maintenance requirements.

- (a) The owner shall be responsible for (unless otherwise specified herein):
- (1) Planting and maintaining trees in a manner which conforms to the American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” and following all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture;
 - (2) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice;
 - (2) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;
 - (3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;
 - (4) Replacing planted trees if they die or become diseased beyond repair within five years after planting;

- (5) Repairing damage to landscaped areas, structures, screening, buffering, or trees as a result of ingress or egress from site easements by authorized or unauthorized parties; and
 - (6) Limitation of water due to drought restrictions placed by the City, Dripping Springs Water Supply Corporation, West Travis PUA, or any other water provider temporarily suspends the watering requirement in subsection (2).
- (b) A violation of this section is an offense under section 28.06.066.

Sec. 28.06.078. Integrated pest management.

An integrated pest management plan (IPM) shall be submitted with the site plan. The IPM shall include the soil analysis, fertilizer ratios, brands, and types of fertilization application methods to be used. Fertilizers must be phosphate-free.

Sec. 28.06.079. Tree preservation.

- (a) A grading and tree survey shall be submitted with the site development plans and construction plans. Residential site development, subdivision, or resubdivision which results in fewer than five dwelling units is exempt from this section.
- (b) The tree survey shall include all existing, live, healthy protected trees with an eight-inch DBH in diameter and larger, including clusters. A tree survey with six-inch DBH in diameter and larger may be needed depending on mitigation. The survey shall indicate the size (DBH) and species of tree. A survey including existing, live, healthy protected trees with a six-inch DBH in diameter must be submitted if mitigation as listed below is sought. Trees observed to be dead, diseased, or posing an imminent threat or hazard to people or property will be indicated with an asterisk on the tree list. Trees shall be represented by their critical root zone, meaning circles using the formula of one foot of radius for every one inch of trunk diameter. All required trees (both on and off the subject property) with critical root zones that intersect the limit(s) of disturbance with the project shall be represented. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed). Non-native trees or other exempt tree species as listed herein shall be omitted from the tree survey.
- (c) Protected trees are defined as follows:
 - (1) Protected Trees;
 - (A) Heritage Trees;
 - (B) Standard Trees.
 - (2) Hardwood trees defined in Sec. 28.06.062 “Definitions”
 - (3) Standard Trees. A Standard Tree means a tree of eight (8) inches or greater DBH for all hardwood tree species except the following species are Standard Trees with at least one (1) trunk being five (5) inches or greater DBH (the value of the five (5) inches or greater trunk is the value given to these small tree species):
 - i. Texas Persimmon (*Diospyros texana*) - five (5) inch DBH;
 - ii. Texas Redbud (*var. texensis*) - five (5) inch DBH;

- iii. Texas Mountain Laurel (*Sophora secundiflora*) - five (5) inch DBH;
 - iv. Condalia (*Condalia hookeri*) - five (5) inch DBH;
 - v. Possum Haw (*Ilex decidua* - in floodplain only) - five (5) inch DBH;
 - vi. Hawthorne (*crataegus texana*) - five (5) inch;
 - vii. Any hardwood tree as defined– eight (8) inch DBH.
- (4) Heritage Trees. A Heritage tree means a tree of eighteen (18) inches or greater DBH for all tree species except the following species are Heritage with at least one (1) trunk being twelve (12) inches or greater DBH (the value of the twelve (12) inches or greater trunk is the value given to these small tree species):
- i. Texas Persimmon (*Diospyros texana*);
 - ii. Texas Redbud (var. *texensis*);
 - iii. Texas Mountain Laurel (*Sophora secundiflora*);
 - iv. Condalia (*Condalia hookeri*);
 - v. Possum Haw (*Ilex decidua* - in floodplain only);
 - vi. Hawthorne (*crataegus texana*).
- (5) Non-native Trees. Non-native invasive tree species are not protected and will be omitted from the tree survey. Non-native invasive tree species includes the following tree species:
- i. Chinese Pistache (*Pistacia chinensis*);
 - ii. Chinaberry (*Melia azedarach*);
 - iii. Chinese Tallow (*Sapium sebiferum*);
 - iv. Tree of Heaven (*Ailanthus altissima*);
 - v. Salt Cedar (*Tamerix* species).
 - vi. Japanese Ligustrum (*Ligustrum japonicum*).
 - vii. Nandina (*Nandina domestica*);
 - viii. Paper Mulberry (*Broussonetia papyrifera*)
- (d) Minimum Tree Preservation Requirements
- (1) No protected tree shall be removed from any real property within the City of Dripping Springs without following the provisions as stated below except where exempted.
 - (2) Preservation requirements that are set as percentage values shall be percentage of the trees, (number of standard trees removed compared to all standard trees on site), not percentage of the sum of all diameter inches.
 - (3) Tree Preservation by Land Use:
 - (A) Commercial as defined above::

- (i) A minimum of 40% of Standard trees shall be preserved on a lot calculated by the total inches (DBH) of the existing standard trees on site
- (ii) All Heritage trees shall be preserved on a lot.
- (iii) Heritage hardwood trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation.
- (iv) The tree preservation plan must also be complied with during all construction including while any structures are being built as part of the project up to certificates of occupancy. An updated tree survey may be required by the City after construction and acceptance of infrastructure and prior to individual building construction.
- (v) Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(B) Subdivision Development of residentially zoned areas (five or more dwelling units):

- (i) A minimum of 35% of Standard trees shall be preserved on a lot calculated by the total inches (DBH) of the existing standard trees on site
- (ii) Heritage trees shall be preserved on a lot.
- (iii) Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation.
- (iv) The tree preservation plan must also be complied with during all construction including while any structures are being built as part of the project up to certificates of occupancy. An updated tree survey may be required by the City after construction of infrastructure and prior to acceptance of public improvements. individual building construction.
- (v) Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(C) A property owner after the certificate of occupancy has been issued is no longer subject to Divisions 3, 4, or 5 but is subject to Divisions 1 and 2 of this ordinance.

(D) Steep slopes –Protected trees shall not be removed from a steep slope area.

(E) All Heritage trees on any lot shall be preserved unless the tree falls under an exception or a waiver to remove the tree is granted by the development review committee. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation. Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(F) Tree preservation in Historic Districts shall comply with both this Article and the code and implementation manuals for the districts. When in conflict, the stricter requirement applies.

(4) Tree preservation in the Water Quality Protection Zones.

(A) No trees shall be removed without following the procedures set forth for Water Quality Protection Zones. The minimum percentage of trees to be preserved shall be by tree type, as follows:

- (i) Standard trees – 100% shall be preserved
- (ii) Heritage trees – 100% shall be preserved

(B) Drainageway Water Quality Buffer Zones. The above shall apply unless tree removal is specifically approved by the development review committee for allowable development in the WQBZ as defined by Water Quality Ordinance [22.05.017(d)]

(5) Protection of Critical Root Zone.

(A) No construction or disturbance shall occur within an area that constitutes more than seventy-five percent (75%) of the total CRZ for each tree being preserved, including Heritage and Standard Trees, and any other trees for which credit for preservation is to be assigned per this article. The Development Review Committee may approve construction closer to the trunk than one-half the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation, if acceptable supplemental nutrients and/or soil aeration are provided and the probable survival rate of the tree is high.

(B) Cut or fill that is greater than four inches in depth and the severing of major roots shall be considered disturbance for the purposes of this article.

(C) Within the protected CRZ, only flatwork, decking, or similar construction, may be approved and shall not affect the branching of the tree as limited by Section 28.06.075.

(D) If proposed or actual protection of the CRZ of a tree does not meet the requirements of this section, then the tree shall be considered removed and shall require mitigation.

(6) Projects planned in phases shall be required to meet all requirements either in each phase or for the overall project. If each phase is treated as a single project for tree preservation purposes, a tree survey and tree preservation plan shall be submitted prior to approval of first phase of construction.

- (e) A Tree Preservation Plan shall be submitted with the site plan for all applicable site plans and subdivisions. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be dead, diseased, or posing an imminent threat or hazard to people or property).
- (f) Healthy designated protected trees that require removal to accommodate the development shall be replaced as directed herein. Trees identified as dead, diseased, or posing an imminent threat or hazard to people or property shall not be included in tree preservation requirements evaluation.
- (g) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.

- (h) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of wood, chainlink, or other solid material approved by the city administrator. Stakes shall be no more than six feet apart and at least one and one-half deep into the ground. Rigid fencing shall be at least three feet in height.
- (i) The city inspector or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.
- (h) Tree protection shall remain in place until final landscaping installation as approved by the city inspector or designee.
- (i) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.
- (j) Any activity that damages trees on adjacent lots is prohibited.
- (k) A violation of this section is an offense under section 28.06.066.

Sec. 28.06.080. Mitigation for Tree Removal.

- (a) Mitigation for all removed trees in excess of the percentage allowed and not covered by an exception is required for all trees removed during all construction including while any structures are being built as part of the project up to certificates of occupancy. For all removed trees in accordance with tree preservation requirements or after a waiver is approved for removal in excess of the tree preservation requirements the inches (DBH) required for mitigation will be determined using the approved tree survey or tree preservation plan. The number of trees needed to meet the preservation requirement will be included in the mitigation calculation.
- (b) Protected trees which are removed shall be mitigated using any combination of the following pursuant to a tree mitigation plan as approved by the development review committee:
 - (1) Preservation of existing protected trees >6 inches in DBH above minimum preservation requirements are considered credit trees. A survey including existing, live, healthy protected trees with a six-inch DBH in diameter must be submitted if mitigation is sought including any tree being used for mitigation. Credit for preservation shall be given at .5 : 1 inches. In addition, preservation of existing Ashe Juniper (*Juniperus ashei*); Huisache (*Acacia farnesiana*); Mesquite (*Prosopis glandulosa*); and Arizona Ash (*Fraxinus velutina*) > 6 inches in DBH provide credit at .5:1 inches and are considered credit trees.
 - (2) Relocation of the removed tree onsite, mitigation is required for relocated trees if mortality occurs within 2-years of the relocation;
 - (3) Replacement by new protected tree species, or alternative native trees approved by the City Administrator or designee;
 - (4) Payment of a fee in lieu of tree replacement; and/or
 - (5) Mitigation cannot be accomplished by only using one of methods “1” thru “4” above. They must be used in combination in a balance approved by the development review committee.

- (c) The preservation of healthy Standard trees on-site is encouraged and may be used as mitigation to offset the removal of Protected trees. The mitigating trees may be of any protected tree species with an aggregate DBH in inches of the trees removed (1:1). Mitigating trees should be >6 inches in DBH, in good health, and clear of existing or proposed utility easements and overhead electric lines. Existing Heritage trees cannot be used to mitigate for the loss of Heritage trees.
- (d) Replacement trees are in addition to the minimum landscaping requirements as described in Section 28.06.071 through Section 28.06.077 of this document.
- (e) Replacement trees may be of any protected tree species or alternative approved indigenous tree with an aggregate DBH in inches of the trees removed with ratio of (1:1) for Standard trees and (3:1) for Heritage trees.
- (f) Replacement trees shall be a minimum of two and a half caliper inches measured 6 inches from ground level and a minimum height of 8 feet when planted.
- (g) When possible, replacement trees shall be planted on the same lot according to an approved Tree Preservation Plan. Replacement trees may be planted on another lot if approved by the development review committee. Replacement trees must be maintained and kept alive for three years through a maintenance plan or replaced if destroyed, diseased, or dead within that time period.
- (h) Landscaping should be mulched to a depth of 3-4" and devoid of weeds and trash. Newly planted trees shall be mulched in a 4 foot radius or 8 foot diameter. The mulch will be kept 6 to 8 inches away from the root flare.
- (i) Biodiversity requirements for tree replacement
- (A) When replacing trees on site, or at a location approved by the development review committee, no single tree species may account for more than 50% of the total required caliper inches to be replaced.
- (B) When more than 300 inches (DBH) of replacement trees are required, a minimum of three (3) different approved tree species shall be used to fulfill the replacement requirements.
- (j) Fee in lieu of replacement:
- (i) If all or a portion of the required replacement trees will not be planted on-site or on a site approved by the development review committee, payment of a fee in lieu of replacement shall be made, which shall be deposited into the City's Landscaping Fund. The fee shall be determined as follows in the Table below;
- (ii) As described in Texas Government Code Sec.212.905, a tree mitigation fee is not required for trees < 10 inches in DBH on a property that is an existing one-family or two-family dwelling that is the persons residence.

Table Mitigation methods for tree removal

<u>Tree Classification</u>	<u>Tree Diameter Removed (DBH)</u>	<u>Tree Planting: Aggregate DBH in inches of trees removed</u>	<u>Mitigation Fee per inch (DBH) of tree removed</u>
<u>Standard</u>	8.0" -17.9" or as defined herein	1:1	\$150
<u>Heritage</u>	18.0" or greater or as defined herein	3:1	<u>\$450</u>

(k) Tree Preservation Incentives. An individual may apply for, and subject to verification, shall receive incentives for tree preservation as follows:

- (1) **Parking Space Reduction.** Upon application and verification by the City Arborist, an individual shall be entitled to a reduction in the minimum parking requirements to help meet the minimum tree preservation requirements. For the purpose of providing an incentive, the said minimum parking requirements may be reduced by one (1) parking space for every four (4) diameter inches of trees that have been protected or mitigated on a site. The City Arborist shall issue a certificate to the appropriate city department(s) confirming that a reduction has been earned under this section. Up to fifteen (15) percent of the required spaces may be waived, however, a waiver in excess of fifteen (15) percent of the required spaces must be approved by the director of planning and development services or the director's designee, and no waiver may exceed thirty (30) percent of the required spaces. A waiver of up to fifty (50) percent of the minimum parking spaces required may be granted if the plan will result in the preservation of woodlands or significant stands of trees in a natural state in excess of the minimum tree preservation requirements. If used, the incentive provided by this subsection shall control over any other conflicting provision of this article.
- (2) **Sidewalks.** Where the development review committee determines that preservation of trees warrants the elimination, reduction in width, alternative routing, or modification to the sidewalk and curb requirements in accordance with the tree preservation standards, a waiver may be granted.
- (3) **Tree Cluster(s).** In order to emphasize the importance of preserving trees in a cluster during development, additional tree preservation credit will be given as follows:
 - (A) Cluster(s) of three (3) or more trees less than ten (10) feet apart without existing understory will be calculated at one hundred five (105) percent for each tree within the cluster with a minimum DBH size of two and one-half (2½) inches.
 - (B) Cluster(s) of three (3) or more trees less than ten (10) feet apart with existing understory will be calculated at one hundred fifteen (115) percent for each tree within the cluster with a minimum DBH size of two and one-half (2½) inches.

- (4) **Landscape Credits.** Landscape credits may be awarded as provided in this article. Trees installed to meet the requirements of the landscape buffer Section 28.06.071 through Section 28.06.077 may be used to meet the requirements of the final tree canopy section.
- (5) **Minimum Lot Size and Setbacks.** The board of adjustment may approve a variance to the minimum lot size and setback requirements of the applicable zoning district for an individual lot or lots where the applicant demonstrates the following:
 - (A) Compliance with the minimum lot size or setback requirement is needed to preserve a protected tree or heritage tree; and
 - (B) If the tree permit application is pursuant to a proposed subdivision plat, the average lot size of the proposed subdivision will equal or exceed that of the applicable zoning district; and
 - (C) The public purpose involved in protecting the tree exceeds the public purpose of complying with minimum lot size or setback requirements; and
- (6) **State Certification in Lieu of Compliance.** The City Arborist shall assist those who wish to have a site certified under the Texas Parks and Wildlife, Texas Wildscape Program in lieu of meeting city requirements in this division as long as twenty (20) percent of existing trees on-site are preserved.

Sec. 28.06.081. Exceptions.

Exceptions: The following shall be exempt from the Tree Preservation requirements of Section 28.06.079:

- (a) Lots on which buildings were constructed prior to the adoption of this ordinance and subsequently damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind, provided a Building Permit is issued for restoration within 12 months after the damage occurs and additional square footage is not proposed.
- (b) Trees that are dead, diseased, or posing an imminent threat or hazard to people or property as determined by a tree survey and a letter from a certified Arborist.
- (c) Trees causing physical damage to existing structures, drainageways, utility systems or facilities in the public right of way as determined by the city engineer or their designee.
- (d) Protected trees damaged or destroyed by floods, fire, wind or other natural causes.
- (e) Trees or areas of tree canopy preventing the opening of reasonable and necessary vehicular traffic lanes in a street or alley.
- (f) Trees or areas of tree canopy located in the clear site line area and impeding required sight distance, as defined by the Dripping Springs Technical Criteria Manual (DSTC) Chapter 28, Exhibit C, as determined by the city engineer.
- (g) When undertaken in- and immediately adjacent to- the bounds of a public right-of way or dedicated public utility easement by an official government entity or their designee for public use, the installation of:
 - (1) roadways, bridges, culverts, and associated traffic facilities;
 - (2) sidewalks and similar off-highway trails and passageways;
 - (3) streets and passageway lighting;

- (4) surface and subsurface stormwater drainageways (where horizontal boring is not practicable);
- (5) subsurface potable water and wastewater utility infrastructure (where horizontal boring is not practicable); and
- (6) roadway widening/creating on-street parking.
- (h) Trees identified by a certified Arborist as dead, diseased, or posing an imminent threat or hazard to people or property shall not be included in tree preservation requirements evaluation.

Sec. 28.06.082. Irrigation requirements.

- (a) An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer) if irrigation on the site is planned. The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds and bubblers on all trees. Drip irrigation and/or reuse water is encouraged on all residential and commercial live turf grasses. If no irrigation is planned, such statement shall be provided with the site plan.
- (b) Turf drought-tolerant grass plantings shall comply with the interior lot landscaping requirements in this article. St. Augustine is expressly prohibited.
- (c) Landscaped areas must be mulched as required by the interior lot landscaping requirements in this article.
- (d) Watering landscaping by hose-end sprinklers or permanently installed automatic sprinkler systems between 10 a.m. and 7 p.m. is prohibited.
- (e) Watering by hand-held hose, drip irrigation, or soaker hose is allowed at any time. No more than three hours per day maximum is allowed.
- (f) Watering or irrigating of any landscaping in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, parking area, street, alley, gutter, or ditch is prohibited. Irrigation systems shall not spray water on or over any surface listed above.
- (g) A subdivision or commercial project that uses drip irrigation in all open, park, and common areas will receive a credit of fifty percent (50%) of water reuse fees in Section 22.06.007 – Development requirements.
- (h) Irrigation with reuse water or in septic fields can be done in addition to the limitations to those listed in this Section including additional time and areas so long as all other requirements are met.
- (i) All restrictions herein are in addition to any restrictions placed by a utility provider including the Dripping Springs Water Supply Corporation, the West Travis County PUA, or the City of Dripping Springs. In addition, all irrigation should be installed in compliance with the Texas Administrative Code Chapter 344 and any other state requirements.

Sec. 28.06.083. Drought conditions.

- (a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this article for the issuance of a certificate of occupancy permit, or the city administrator may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 28.04.016 of this code has been reviewed and accepted by the city administrator. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section 28.06.066 of this article shall apply.
- (b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this article.
- (c) If no cost for the installation of trees and landscaping required by this article is provided to the city, the city shall require 66 percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.
- (d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within 30 days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree and landscaping requirements within 30 days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 28.06.066 of this article shall apply.
- (e) Whenever necessary to enforce any provision of this article or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this article during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.
- (f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

Sec. 28.06.084. Seasonal Installation Bond/Escrow

- (a) Landscaping for any project should be installed at an appropriate time of year, to maximize the survivability of the material being planted. If construction activities are completed, save
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for the installation of trees, shrubs, ornamental ground covers, perennials, and annuals, from March 15 thru September 15, the Planning Department, at the option of Owner, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing these materials in lieu of the installation of trees and other landscaping required for the issuance of a certificate of occupancy or certificate of completion, as appropriate; or, the Planning Department may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The City shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 28.04.016 of the Code has been reviewed and accepted by the City Administrator. Failure to maintain and adhere to an approved erosion control plan during the period March 15 – Sept. 15 shall be deemed a violation and the fines and penalties under section 28.06.066 of the Code shall apply.

- (b) Upon the request that the City accept a fiscal deposit in lieu, owner/applicant shall provide the City Administrator with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by the Code.
- (c) If no cost for the installation of trees and landscaping required by the Code is provided to the City, the City shall require a fiscal deposit equal to 66% of the cost of the trees and landscaping to be delivered to the City as the installation cost in addition to the cost to purchase the trees and landscaping.
- (d) Any fiscal deposits for trees and landscaping paid to the City pursuant to this article shall be held in escrow. The escrow may be drawn upon by the City to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released by the City to the depositing property owner or his/her/its designee to implement tree and landscaping requirements within 30 days of drawing upon the escrow. Failure to implement the tree and landscaping requirements within 30 days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 28.06.066 of the Code shall apply.
- (e) Whenever necessary to enforce any provision of this section or implement tree and landscaping requirements on the depositing property owner's property, City staff, or the City's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this section until such time the complete landscape package has been installed and accepted by the City. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry.
- (f) The City is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The City has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

Sec. 28.06.085. Oak Wilt Management

- (a) Trimming or cutting of any oak species is prohibited from the first day of February to the last day of July. Permission may be granted to any entity or property owner wishing to trim or cut an oak tree susceptible to oak wilt during the prohibited months, provided that the entity or property owner contracts with a licensed professional tree care or

landscaping company. Trimming or cutting of trees are allowed during the prohibited months if done in response to damage caused by weather. Trimming or cutting can be done by the entity, property owner, or a licensed professional or landscape company. In the case of oak species, wounds must be painted with an acceptable wound dressing within 30 minutes from the time of cutting.

- (b) Contractors or individuals identified pruning any oak(s) without a demonstrated ability to seal all wounds greater than 0.75 inches within 30 minutes of the time of cutting will be required to cease all work until a wound sealant is onsite and utilized on the project.
- (c) It is an offense for a contractor or individual to prune any oak without sealing wounds with an acceptable wound dressing within 30 minutes of pruning.
- (d) Infected red oaks that die in late summer, fall or early winter should be cut down and burned when allowed, buried, or chipped soon after discovery to prevent fungal mats that may form on these trees the following spring.
- (e) Potential oak wilt investigations should be performed by a member of the Texas Forest Service, a Certified arborist or the City Arborist. For information on oak wilt identification, spread and management reference www.texasoakwilt.org.
- (f) In the case of emergencies due to tree damage from weather events or other natural disaster the requirement for licensed professional tree care or landscaping company for review for trimming during prohibited months is not required if not available. In addition, painting within 30 minutes at the time of cutting is not required, but painting shall be done as soon as possible.

DIVISION 5. STANDARDS -- COMMERCIAL AND SUBDIVISION INTERIOR LOT LANDSCAPING

Sec. 28.06.090. Scope and Applicability

~~This article Divisions 3, 4, and 5 -- Commercial and Residential Subdivision Tree Preservation and Interior Lot Landscaping apply to all commercial property and residential subdivisions with five or more dwelling units within the incorporated municipal boundaries (i.e., city limits), for which site development plan or construction plan approval by the city is required under the city's Code of Ordinances. This article applies to actions taken after the date of enactment.~~

Sec. 28.06.091. Turf Grass Areas

- (a) Turf grass areas of live grasses shall be planted in drought-tolerant species normally grown as permanent lawns in the City, including Zoysia, Bermuda, Buffalograss, Habiturf (combination of Buffalograss, Blue Grama, and Curly Mesquite) or other drought-tolerant turf grass varieties as approved by the City in consultation with Texas A&M Agrilife Extension or upon approved application to the Development Review Committee. Saint Augustine grass is expressly prohibited unless the applicant applies for an exception to the Development Review Committee with evidence that such grass is drought-tolerant.
- (b) In residential home subdivisions, drought-tolerant turf grass areas shall be limited to a maximum of 50% of the total provided landscaped area, except that up to 75% of the areas can be drought-tolerant turf if solely supported by drip irrigation in lieu of spray

irrigation. Areas that are approved for use for land application, septic area, or other type of wastewater application are not included in this calculation.

- (c) In all other developments, drought-tolerant turf grass areas shall be limited to a maximum of 25% of the total provided landscaped area, except that up to 50% of the areas can be drought-tolerant turf if solely supported by drip irrigation in lieu of spray irrigation. Areas that are approved for use for land application, septic area, or other type of wastewater application are not included in this calculation.
- (d) Drought-tolerant turf grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales, other areas subject to erosion, or as required in a Water Quality Protection Zone Plan.
- (e) Installation of sod dependent upon restrictions set by water utilities and drought stage restrictions. Section 28.06.084 should be followed in drought conditions for delay of installation of landscaping and trees as appropriate.
- (f) Artificial turf is not considered turf for these percentages and may be used as part of the landscaped area that is not drought-tolerant live grass turf.

Sec. 28.06.092. Soils

New landscaped areas shall be prepared so as to achieve a soil depth of at least 6 inches for turf. The soil depth requirement for six inch depth includes any area with irrigation. A soil depth of 12 to 18 inches should be used for perennials and shrubs, and 18-24 inches for trees. The six-inch soil depth shall consist of at least 25% compost blended with soil.

Sec. 28.06.093. Xeriscape materials

Developers and homebuilders are encouraged to plant native, adapted, and non-invasive xeriscape plants and trees in addition to using other materials such as mulch and compost to promote use of water-wise landscaping. Landscaping using xeriscaping materials or artificial turf is considered non-turf and does not count against the maximum percentage of turf for lots.

Sec. 28.06.094 Appeal of Development Review Committee

Any applicant may appeal a final decision of the development review committee to the city council. The appeal must be in writing and submitted within ten (10) days of receipt of the development review committee's decision to the city administrator. The city council will hear the appeal within thirty (30) days of receipt of the appeal in writing. The decision of the city council is final.

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2024-11

AN ORDINANCE REPEALING AND REPLACING ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION ORDINANCE; ESTABLISHING REGULATIONS FOR DEVELOPMENT AND THE PRESERVATION OF TREES, AND LANDSCAPING THAT IS COHESIVE WITH THE HILL COUNTRY ENVIRONMENT; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; AND, SEVERABILITY.

- WHEREAS,** the City Council of the City of Dripping Springs (“City Council”) seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality, including its extraterritorial jurisdiction where trees and water sources are preserved; and
- WHEREAS,** the City Council finds that removing all or most of trees on any lot is not beneficial to the hill country environment; and
- WHEREAS,** the City Council finds that regulating the type of grass and landscaping and types of irrigation helps preserve the hill country landscape and water resources; and
- WHEREAS,** the City Council has determined that reasonable rules and regulations governing subdivision plats for tree preservation and landscaping are necessary to maintain water quality, protect the region’s livability, preserve property values, and reinforce Dripping Springs’ status as the Gateway to the Hill Country; and
- WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** pursuant to Chapter 212 of the Texas Local Government Code, the City has the authority to adopt rules governing plats and subdivisions of land; and
- WHEREAS,** the City has determined that amending its ordinance related to subdivisions is required by state law; and
- WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt an ordinance regulating the tree preservation and landscaping.
- NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dripping Springs:**

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Article 28.06, Landscaping and Tree Preservation Ordinance of the City of Dripping Springs Code of Ordinances is repealed and replaced to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

Article 28.06 and all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective as listed below:

- (a) Ninety (90) days after date of publication:
 - (1) Sections 28.06.079 – .081 Tree Preservation
 - (2) Division 5. Standards – Commercial and Subdivision Interior Lot Landscaping
- (b) Thirty (30) days after date of publication:
 - (1) All other sections in the ordinance.

7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 5th day of March 2024, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions/recusals) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds Jr

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham

Andrea Cunningham, City Secretary



ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION

DIVISION 3. GENERALLY - COMMERCIAL AND SUBDIVISION LANDSCAPING AND TREE PRESERVATION

Sec. 28.06.060. Purpose-Commercial and Residential Subdivision.

- (a) Generally. The purpose of commercial and residential subdivision tree preservation is to provide for the preservation of native trees, prevent the clear-cutting of land, and provide for minimum landscaping and screening requirements, in recognition that trees, landscaping, screening, and buffering protect the health and welfare of the community, while addressing the water conservation and drainage issues particular to the Hill Country region. The purpose of this article is also to enhance the community's ecological, environmental, and aesthetic qualities.
- (b) Health, welfare, and general well-being. Preserving and improving the natural environment, and maintaining a working ecological balance, are of increasing concern to the city. The fact that the proper use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community, and therefore it is proper that the appropriate use of such elements be required.
- (c) Water conservation and drainage. The city experiences frequent droughts, due in part to a landscape characterized by thin-soiled rock formations; therefore, it is the purpose of this article to encourage the use of drought-resistant vegetation and landscaping that minimizes runoff and erosion.

Sec. 28.06.061. Scope and Applicability.

Divisions 3, 4, and 5 – Commercial and Subdivision Tree Preservation and Landscaping apply to all commercial property and residential subdivisions with five or more dwelling units within the incorporated municipal boundaries (i.e., city limits) and the extraterritorial jurisdiction (ETJ). This article applies to actions taken after the date of enactment. Nothing in this article is intended to modify or excuse an individual's obligation to comply with applicable federal, state, county or other laws, including laws imposing requirements stricter or more onerous than under this article.

In addition, Divisions 3, 4, and 5 apply to all development requiring site plan approval or construction plan approval subject to zoning requirements, including:

- (a) All residentially-zoned property and property being used for residential use for which a subdivision application is accepted by the City after the effective date of this ordinance generating five or more dwelling units;
- (b) All industrial, commercial, office, multi-family, institutional development, governmental facilities and infrastructure, and schools (including all new construction and any additions greater than 2500 square feet), and construction of a new parking lot or expansion of an existing parking lot; and
- (c) All properties going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval shall be conditioned on compliance with this article.
- (d) For tree preservation purposes, this article applies to the three types of development stated above, and also includes:
 - (1) Any grading, filling or clearing of land related to a project as limited above;
 - (2) Trenching or excavating that may damage or destroy protected trees as defined related to a project as limited above;
 - (3) All governmental development shall comply with the tree preservation plan review procedure regardless of the zoning district in which they are located unless the development is utility related or in street R.O.W.
- (e) Exemptions from Divisions 3 and 4 – Commercial Property and Residential Subdivision Tree Preservation include:
 - (1) The cultivation of land for agricultural purposes, fence building or rebuilding.
 - (2) Street construction and maintenance projects that do not increase the impervious cover beyond that of the original street.
 - (3) Structural repairs or replacements to existing structures.
 - (4) Construction or reconstruction of barns, silos, livestock pens, sheds, and other agriculturally related structures.
 - (5) Any site plan submitted prior to the effective date of this article except expansions or additions as stated in this Code.

Sec. 28.06.062. Definitions.

- (a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (b) Specific definitions.

ANSI: The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

Boundary tree: A tree whose trunk is on two or more properties owned by separate individuals.

Caliper inch: A unit of measure for tree size taken six inches above the ground level for field grown stock, and six inches above the soil line for container grown stock, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size.

Certified arborist: A person with any one of the following certifications or credentials: ISA Certified Arborist or ISA Board Certified Master Arborist.

City administrator: The chief administrative officer of the city. The term shall also include the deputy city administrator.

City arborist: The employee or consultant designated by the city council as the city arborist.

City council: The governing body of the city.

City permit. A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property.

Code. The Code of Ordinances enacted by the city, as may be amended from time to time.

Commercial land use. All activities and operations except for one- and two-family residences occupied by individual(s) claiming the dwelling as their homestead including commercial, industrial, multi-family, retail, GUI, and any other land use other than one- and two-family residences.

Critical root zone. The circular area surrounding a tree trunk, established as a distance equal to one foot of radial distance for every inch of caliper size or tree DBH, whichever is appropriate.

Development. The construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill.

Development Review Committee. A group consisting of the city administrator or designee, the city engineer, building official, and the city planner.

DBH (diameter at breast height). The unit of measure for tree size once over four inch (4") caliper. DBH is the tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Escrow. A deposit of a cash bond with the city in accordance with this article.

Extreme drought classification. A mandatory drought response issued by the local water supply jurisdiction outlining conditions that include limits to water available for landscape irrigation making it impractical to establish new landscaping by irrigation.

Hardwood. Texas Ash, Bald Cypress, American Elm, Cedar Elm, Texas Madrone, Bigtooth Maple, All Oaks, Pecan, Arizona Walnut, Eastern Black Walnut, American Sycamore, Eastern Cottonwood, Red Mulberry, and Osage Orange.

Healthy tree. Any tree that has not been determined to be considered dead, diseased, or posing an imminent threat or hazard to people or property by a Certified Arborist or by the City Arborist.

Impervious cover. Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration. For further clarification on what is considered impervious cover, refer to the city's water quality protection ordinance (article 10.03).

Landscape architect. A person licensed to use the title of “landscape architect” in the State of Texas in accordance with state law.

Landscaping. Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Natural area. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Owner. A person or persons with legal control over property in question. Owner includes all owners as it relates to boundary trees as defined herein.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

Protected tree. Any of the following:

- (1) Heritage tree. A protected tree generally having a trunk of 18.0” or greater caliper in inches measured at DBH or as further defined in Sec. 28.06.079.
- (2) Standard tree. A protected tree having a trunk of 8.0” -17.9” caliper in inches measured at DBH or as further defined in Sec. 28.06.079.

Residential Use. One- and two-family structures, occupied by individuals as their primary residence.

Responsible party. The owner/operator of the business located on the property on which the site development permit is being sought or where the protected tree or landscaping is required; the owner of the property upon which the tree is located or landscaping is required; the person who performs construction or landscaping on a lot, contracts with or directs a person to accomplish the construction.

Texas A&M AgriLife Extension: The document promulgated in part by the Texas A&M AgriLife Extension, entitled “Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas,” as attached as Exhibit “A” to this Ordinance.

TCEQ: The state commission on environmental quality, or its successor agency.

Tree caliper: Caliper is the diameter of the trunk, measured at 6 inches above the soil line on the uphill side, and used for trees that measure 4” caliper or smaller. Over 4” caliper, trees are measured in DBH.

Sec. 28.06.063. Landscaping fund.

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this article shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city-controlled rights-of-way or to fund landscape project grants that serve a public city purpose.

Sec. 28.06.064. Damaging or removing trees.

No person shall damage or remove trees in violation of this article. “Damage” in this case includes, but is not limited to, altering or maintaining trees in a manner inconsistent with the standards published in American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” for trees protected by this ordinance. A violation of this section is an offense under section 28.06.066.

Sec. 28.06.065. Violations.

It shall be unlawful for any person to violate this article.

Sec. 28.06.066. Offense

- (a) A person who violates, causes, allows or permits a violation of a section of this article designated as an offense commits a misdemeanor punishable by a fine not exceeding \$2000.00. In addition, the cost of the tree or trees may also be charged to the responsible party.
- (b) Each violation of this article designated as an offense constitutes a separate offense. Each tree removed or seriously damaged in violation of this ordinance is a separate offense.
- (c) No culpable mental state is required to prove an offense under this article if the offense involves:
 - (1) removal or damage to trees in violation of this article including clearing, grubbing, or construction through the use of heavy load vehicles as defined in Chapter 30 of the code over the critical root zone of a protected tree; or
 - (2) death of a protected tree outside of-but adjacent to-areas of disturbance by construction, including protected clusters.
- (d) Violations:
 - (1) Section 28.06.064. Damaging or Removing Trees.
 - (2) Section 28.06.065. Violations.
 - (3) Section 28.06.073. Landscape Material.
 - (4) Section 28.06.075(g). Paving over Critical Root Zone.
 - (5) Section 28.06.077. Maintenance Requirements.
 - (6) Section 28.06.079. Tree Preservation.

(7) Section 28.06.082. Irrigation Requirements.

(8) Section 28.06.085(c). Pruning Oak Without Sealing Wounds.

Sec. 28.06.067. - Liability.

The provisions of this article shall not be construed as relieving or limiting in any way the responsibility or liability of any person that damages or removes any tree, from personal injury or property damage resulting from the damage or removal of the tree, or resulting from the negligence or willful acts of such person in the construction or maintenance of any property resulting in the damage or removal of a tree or the damage or removal of any tree, or from the damage caused by the failure to remediate oak wilt or planting of a prohibited tree. Nor shall it be construed as imposing upon the city or its officers, employees or agents any responsibility or liability by reason of the approval of any site development permit, subdivision, or construction under these provisions.

Sec. 28.06.068. - Civil remedies.

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the article or to require specific conduct that is necessary for compliance with the article, including remediation of oak wilt or protection of trees where such remediation or protection is required by this article at the expense of the responsible party;
- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of the article and after receiving notice committed acts in violation of the article or failed to take action necessary for compliance with the article; and other available relief.
- (3) Any person violating any provision of this article is subject to a stop work order. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

Secs. 28.06.069—28.06.070. Reserved.

*DIVISION 4. STANDARDS -- COMMERCIAL PROPERTY AND SUBDIVISION
LANDSCAPING AND TREE PRESERVATION*

Sec. 28.06.071. Street trees.

- (a) Residential street tree requirements. The list below sets forth the minimum number of trees, per lot, that must be planted prior to the issuance of a certificate of occupancy permit for the dwelling. Trees shall be in the front of a residential lot, including at least one required tree planted in the front yard. Three large shrubs may be substituted for one required tree. The following minimum standards apply:

Zoning	No. of Required Trees
SF-1	2
SF-2	2
SF-3	1
SF-4	2
SF-5	1 per unit
MF	Follow Nonresidential Street Tree Requirements 28.06.071(b)
MH	1

- (b) Nonresidential street tree requirements. At least one required tree, shall be planted adjacent to or near the street right-of-way for each 25 feet, or fraction thereof, of linear street frontage. Trees shall be planted between the street right-of-way and any horizontal and vertical improvements. The required number of trees need not be placed uniformly, but may be clustered in groups.
- (c) Trees planted shall be a minimum two-and-a-half-inch caliper, staked, and wrapped. Small trees/large shrubs trees shall be a minimum one-and-a-half-inch caliper, staked, and wrapped.
- (d) Trees with deep roots may be planted in the area between the sidewalk and road if approved by the development review committee in consultation with the City Arborist. Trees of species whose roots are known to cause damage to public roadways or other public works are prohibited.
- (e) Trees are not allowed to be planted within public water, or wastewater easements. Trees are not allowed to be planted within fifteen feet of telecommunication or electrical lines.
- (f) Trees in place at the time of construction and preserved on the lot, may count towards the required planting of trees if the preserved trees meet all of the requirements listed herein.

Sec. 28.06.072. Landscape buffers.

- (a) Landscape buffer planting requirements.
- (1) All plant material shall be of native or adapted species.
 - (2) All new proposed shade trees shall be a minimum of two and a half inches in caliper.

- (3) All proposed ornamental trees shall be a minimum of one and a half inches in caliper.
- (4) All large shrubs shall be a minimum of five-gallon container size and small shrubs/groundcovers a minimum of one-gallon container size.
- (b) Landscape buffer spacing requirements. The following landscape buffer spacing requirements shall apply to all designated landscape buffers:
- (1) Shade trees (such as Live Oak or Cedar Elm). One per 50 feet of buffer frontage.
 - (2) Ornamental trees (such as Crape Myrtle or Desert Willow). One per 25 feet of buffer frontage.
 - (3) Large shrubs, five-gallon (such as Wax Myrtle, DW Yaupon, or Agarita). One per six feet of buffer frontage.
 - (4) Small shrubs/groundcovers, one-gallon (such as Lantana or Liriope). One per three feet of buffer frontage.
- (c) Landscape buffer widths. The following landscape buffer width requirements shall apply to all designated landscape buffers and shall be measured from the edge of the right-of-way:

	At Arterial Roadways	At Collector Roadways
AG	0	0
SF-1	35 feet	25 feet
SF-2	35 feet	25 feet
SF-3	40 feet	30 feet
SF-4	50 feet	40 feet
SF-5	40 feet	30 feet
MF	50 feet	40 feet
MH	35 feet	25 feet
O	25 feet	25 feet
LR	25 feet	25 feet
GR	25 feet	25 feet
CS	25 feet	25 feet
I	50 feet	50 feet
H	25 feet	25 feet
GUI	25 feet	25 feet
PR	25 feet	25 feet
PP	25 feet	25 feet
PD	Varies	Varies

- (d) Landscape buffer vegetation. The following landscape buffer vegetation requirements shall apply to all designated landscape buffers:

This buffer area shall contain either native vegetation in the form of trees and bushes left in their natural, undisturbed condition, or, if no such native vegetation exists, shall consist of landscaping in conformance with this article. If the area consists of landscaped plantings,

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maintenance of such plantings shall be the sole responsibility of the developer or the homeowners' or property owners' association.

Sec. 28.06.073. Landscape material.

All trees, plants, and vegetation shall comply with the Texas A&M AgriLife Extension "Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas" recommended plant guide as attached as Exhibit "A". Invasive plants in this guide are specifically prohibited. A violation of this section is an offense under section 28.06.066.

Sec. 28.06.074. Landscape plan and tree survey submittal.

A landscape plan and tree survey shall be submitted to the city with the proposed site development plans and construction plans. The landscape plan shall comply with the landscape requirements. The landscape plan shall be signed and sealed by a landscape architect licensed by the state. The existing tree survey should be signed and sealed by a surveyor licensed by the state. The landscape plan must also be complied with while any structures are being built up to certificates of occupancy. Tree surveys are considered valid for two years from the date which they are completed.

Sec. 28.06.075. Parking area landscaping.

- (a) Parking lots and all vehicular parking and maneuvering areas, excluding driveways behind buildings, shall contain areas constructed, planted, and maintained as landscaped islands, peninsulas, or medians.
- (b) The minimum total area in landscaped islands, peninsulas, or medians in the parking lots in front of buildings shall be 90 square feet for each 12 parking spaces, having a minimum width of nine (9) feet.
- (c) One tree is required for every six parking spaces. Tree preservation is encouraged for parking areas defined as back of curb and a nine (9) foot buffer around that back of curb, thus one existing tree that is at four inches DBH shall count for two new trees.
- (d) No parking space shall be located further than 50 feet from a landscaped island, peninsula, median, or tree. They shall be located evenly through the parking areas; however, the location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features.
- (e) Landscape terminal islands (end islands) shall be located at the end of all parking modules in a configuration to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping. Medium and tall shrubs are prohibited on internal islands to maintain visibility.
- (f) All landscaped islands shall have curbs except when utilizing low impact development techniques to capture and utilize runoff for irrigation purposes.
- (g) Paving over more than seventy-five percent (75%) of the critical root zone is prohibited unless approved by the city development review committee. All approved paving shall be

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porous pavement to allow water and air exchange. Paving over more than seventy-five percent (75%) of the critical root zone without approval of the City is an offense.

Sec. 28.06.076. Screening of dumpsters and building service equipment.

- (a) For outdoor condensers, utility huts, and other building service equipment (other than a rooftop), such equipment shall be reasonably screened from view on two sides using a masonry wall and/or vegetative screen using plant material from the “Native and Adapted Landscape Plants” plant guide attached at Exhibit “A”, that, at maturity, are at least the height of the equipment to be screened.
- (b) All refuse and/or recycling containers shall be reasonably screened with landscaping from public view and the view of adjoining properties.
- (c) The opening for removal of the dumpster for collection shall be a minimum of 12 feet to allow proper service access. An additional ten feet in width is required for every additional dumpster.
- (d) All durable materials used in constructing a dumpster screening masonry wall system shall be consistent with and complement the primary structure.
- (e) The orientation of the dumpster opening shall not face the street or public sidewalk unless approved by the city administrator.

Sec. 28.06.077. Maintenance requirements.

- (a) The owner shall be responsible for (unless otherwise specified herein):
 - (1) Planting and maintaining trees in a manner which conforms to the American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” and following all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture;
 - (2) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice;
 - (2) The repair or replacement of required landscape structures (walls, fences, etc.) to a structurally sound condition;
 - (3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering;
 - (4) Replacing planted trees if they die or become diseased beyond repair within five years after planting;
 - (5) Repairing damage to landscaped areas, structures, screening, buffering, or trees as a result of ingress or egress from site easements by authorized or unauthorized parties; and

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- (6) Limitation of water due to drought restrictions placed by the City, Dripping Springs Water Supply Corporation, West Travis PUA, or any other water provider temporarily suspends the watering requirement in subsection (2).

- (b) A violation of this section is an offense under section 28.06.066.

Sec. 28.06.078. Integrated pest management.

An integrated pest management plan (IPM) shall be submitted with the site plan. The IPM shall include the soil analysis, fertilizer ratios, brands, and types of fertilization application methods to be used. Fertilizers must be phosphate-free.

Sec. 28.06.079. Tree preservation.

- (a) A grading and tree survey shall be submitted with the site development plans and construction plans. Residential site development, subdivision, or resubdivision which results in fewer than five dwelling units is exempt from this section.
- (b) The tree survey shall include all existing, live, healthy protected trees with an eight-inch DBH in diameter and larger, including clusters. The survey shall indicate the size (DBH) and species of tree. A survey including existing, live, healthy protected trees with a six-inch DBH in diameter must be submitted if mitigation as listed below is sought. Trees observed to be dead, diseased, or posing an imminent threat or hazard to people or property will be indicated with an asterisk on the tree list. Trees shall be represented by their critical root zone, meaning circles using the formula of one foot of radius for every one inch of trunk diameter. All required trees (both on and off the subject property) with critical root zones that intersect the limit(s) of disturbance with the project shall be represented. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed). Non-native trees or other exempt tree species as listed herein shall be omitted from the tree survey.
- (c) Protected trees are defined as follows:
 - (1) Protected Trees;
 - (A) Heritage Trees;
 - (B) Standard Trees.
 - (2) Hardwood trees defined in Sec. 28.06.062 “Definitions”
 - (3) Standard Trees. A Standard Tree means a tree of eight (8) inches or greater DBH for all hardwood tree species except the following species are Standard Trees with at least one (1) trunk being five (5) inches or greater DBH (the value of the five (5) inches or greater trunk is the value given to these small tree species):
 - i. Texas Persimmon (*Diospyros texana*) - five (5) inch DBH;
 - ii. Texas Redbud (var. *texensis*) - five (5) inch DBH;
 - iii. Texas Mountain Laurel (*Sophora secundiflora*) - five (5) inch DBH;
 - iv. Condalia (*Condalia hookeri*) - five (5) inch DBH;
 - v. Possum Haw (*Ilex decidua* - in floodplain only) - five (5) inch DBH;

- vi. Hawthorne (*crataegus texana*) - five (5) inch;
 - vii. Any hardwood tree as defined– eight (8) inch DBH.
- (4) Heritage Trees. A Heritage tree means a tree of eighteen (18) inches or greater DBH for all tree species except the following species are Heritage with at least one (1) trunk being twelve (12) inches or greater DBH (the value of the twelve (12) inches or greater trunk is the value given to these small tree species):
- i. Texas Persimmon (*Diospyros texana*);
 - ii. Texas Redbud (*var. texensis*);
 - iii. Texas Mountain Laurel (*Sophora secundiflora*);
 - iv. Condalia (*Condalia hookeri*);
 - v. Possum Haw (*Ilex decidua* - in floodplain only);
 - vi. Hawthorne (*crataegus texana*).
- (5) Non-native Trees. Non-native invasive tree species are not protected and will be omitted from the tree survey. Non-native invasive tree species includes the following tree species:
- i. Chinese Pistache (*Pistacia chinensis*);
 - ii. Chinaberry (*Melia azedarach*);
 - iii. Chinese Tallow (*Sapium sebiferum*);
 - iv. Tree of Heaven (*Ailanthus altissima*);
 - v. Salt Cedar (*Tamerix* species).
 - vi. Japanese Ligustrum (*Ligustrum japonicum*).
 - vii. Nandina (*Nandina domestica*);
 - viii. Paper Mulberry (*Broussonetia papyrifera*)
- (d) Minimum Tree Preservation Requirements
- (1) No protected tree shall be removed from any real property within the City of Dripping Springs without following the provisions as stated below except where exempted.
 - (2) Preservation requirements that are set as percentage values shall be percentage of the trees, not percentage of the sum of all diameter inches.
 - (3) Tree Preservation by Land Use:
 - (A) Commercial as defined above::
 - (i) A minimum of 40% of Standard trees shall be preserved on a lot calculated by the total inches (DBH) of the existing standard trees on site
 - (ii) All Heritage trees shall be preserved on a lot.

(iii) Heritage hardwood trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation.

(iv) The tree preservation plan must also be complied with during all construction including while any structures are being built as part of the project up to certificates of occupancy. An updated tree survey may be required by the City after construction and acceptance of infrastructure and prior to individual building construction.

(v) Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(B) Subdivision Development of residentially zoned areas (five or more dwelling units):

(i) A minimum of 35% of Standard trees shall be preserved on a lot calculated by the total inches (DBH) of the existing standard trees on site

(ii) Heritage trees shall be preserved on a lot.

(iii) Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation.

(iv) The tree preservation plan must also be complied with during all construction including while any structures are being built as part of the project up to certificates of occupancy. An updated tree survey may be required by the City after construction of infrastructure and prior to acceptance of public improvements. individual building construction. (v) Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(C) A property owner after the certificate of occupancy has been issued is no longer subject to Divisions 3, 4, or 5 but is subject to Divisions 1 and 2 of this ordinance.

(D) Steep slopes –Protected trees shall not be removed from a steep slope area.

(E) All Heritage trees on any lot shall be preserved unless the tree falls under an exception or a waiver to remove the tree is granted by the development review committee. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation. Waivers will be reviewed under the same standard as other Subdivision waivers pursuant to Section 1.6 of Exhibit A of the Subdivision Ordinance.

(F) Tree preservation in Historic Districts shall comply with both this Article and the code and implementation manuals for the districts. When in conflict, the stricter requirement applies.

(4) Tree preservation in the Water Quality Protection Zones.

(A) No trees shall be removed without following the procedures set forth for Water Quality Protection Zones. The minimum percentage of trees to be preserved shall be by tree type, as follows:

- (i) Standard trees – 100% shall be preserved
- (ii) Heritage trees – 100% shall be preserved
- (B) Drainageway Water Quality Buffer Zones. The above shall apply unless tree removal is specifically approved by the development review committee for allowable development in the WQBZ as defined by Water Quality Ordinance [22.05.017(d)]
- (5) Protection of Critical Root Zone.
 - (A) No construction or disturbance shall occur within an area that constitutes more than seventy-five percent (75%) of the total CRZ for each tree being preserved, including Heritage and Standard Trees, and any other trees for which credit for preservation is to be assigned per this article. The Development Review Committee may approve construction closer to the trunk than one-half the radial distance, depending on the size, spacing, or species of the tree, the type of disturbance proposed, and uniqueness of the situation, if acceptable supplemental nutrients and/or soil aeration are provided and the probable survival rate of the tree is high.
 - (B) Cut or fill that is greater than four inches in depth and the severing of major roots shall be considered disturbance for the purposes of this article.
 - (C) Within the protected CRZ, only flatwork, decking, or similar construction, may be approved and shall not affect the branching of the tree as limited by Section 28.06.075.
 - (D) If proposed or actual protection of the CRZ of a tree does not meet the requirements of this section, then the tree shall be considered removed and shall require mitigation.
- (e) A Tree Preservation Plan shall be submitted with the site plan for all applicable site plans and subdivisions. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be dead, diseased, or posing an imminent threat or hazard to people or property).
- (f) Healthy designated protected trees that require removal to accommodate the development shall be replaced as directed herein. Trees identified as dead, diseased, or posing an imminent threat or hazard to people or property shall not be included in tree preservation requirements evaluation.
- (g) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.
- (h) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of wood, chainlink, or other solid material approved by the city administrator. Stakes shall be no more than six feet apart and at least one and one-half deep into the ground. Rigid fencing shall be at least three feet in height.

- (i) The city inspector or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.
- (h) Tree protection shall remain in place until final landscaping installation as approved by the city inspector or designee.
- (i) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.
- (j) Any activity that damages trees on adjacent lots is prohibited.
- (k) A violation of this section is an offense under section 28.06.066.

Sec. 28.06.080. Mitigation for Tree Removal.

- (a) Mitigation for all removed trees in excess of the percentage allowed and not covered by an exception is required for all trees removed during all construction including while any structures are being built as part of the project up to certificates of occupancy. For all removed trees in accordance with tree preservation requirements or after a waiver is approved for removal in excess of the tree preservation requirements the inches (DBH) required for mitigation will be determined using the approved tree survey or tree preservation plan. The number of trees needed to meet the preservation requirement will be included in the mitigation calculation.
- (b) Protected trees which are removed shall be mitigated using any combination of the following pursuant to a tree mitigation plan as approved by the development review committee:
 - (1) Preservation of existing protected trees >6 inches in DBH above minimum preservation requirements are considered credit trees. A survey including existing, live, healthy protected trees with a six-inch DBH in diameter must be submitted if mitigation is sought including any tree being used for mitigation. Credit for preservation shall be given at .5 : 1 inches. In addition, preservation of existing Ashe Juniper (*Juniperus ashei*); Huisache (*Acacia farnesiana*); Mesquite (*Prosopis glandulosa*); and Arizona Ash (*Fraxinus velutina*) > 6 inches in DBH provide credit at .5:1 inches and are considered credit trees.
 - (2) Relocation of the removed tree onsite, mitigation is required for relocated trees if mortality occurs within 2-years of the relocation;
 - (3) Replacement by new protected tree species, or alternative native trees approved by the City Administrator or designee;
 - (4) Payment of a fee in lieu of tree replacement; and/or
 - (5) Mitigation cannot be accomplished by only using one of methods “1” thru “4” above. They must be used in combination in a balance approved by the development review committee.
- (c) The preservation of healthy Standard trees on-site is encouraged and may be used as mitigation to offset the removal of Protected trees. The mitigating trees may be of any protected tree species with an aggregate DBH in inches of the trees removed (1:1). Mitigating trees should be >6 inches in DBH, in good health, and clear of existing or proposed utility easements and overhead electric lines. Existing Heritage trees cannot be used to mitigate for the loss of Heritage trees.

- (d) Replacement trees are in addition to the minimum landscaping requirements as described in Section 28.06.071 through Section 28.06.077 of this document.
- (e) Replacement trees may be of any protected tree species or alternative approved indigenous tree with an aggregate DBH in inches of the trees removed with ratio of (1:1) for Standard trees and (3:1) for Heritage trees.
- (f) Replacement trees shall be a minimum of two and a half caliper inches measured 6 inches from ground level and a minimum height of 8 feet when planted.
- (g) When possible, replacement trees shall be planted on the same lot according to an approved Tree Preservation Plan. Replacement trees may be planted on another lot if approved by the development review committee. Replacement trees must be maintained and kept alive for three years through a maintenance plan or replaced if destroyed, diseased, or dead within that time period.
- (h) Landscaping should be mulched to a depth of 3-4" and devoid of weeds and trash. Newly planted trees shall be mulched in a 4 foot radius or 8 foot diameter. The mulch will be kept 6 to 8 inches away from the root flare.
- (i) Biodiversity requirements for tree replacement
 (A) When replacing trees on site, or at a location approved by the development review committee, no single tree species may account for more than 50% of the total required caliper inches to be replaced.
 (B) When more than 300 inches (DBH) of replacement trees are required, a minimum of three (3) different approved tree species shall be used to fulfill the replacement requirements.
- (j) Fee in lieu of replacement:
 (i) If all or a portion of the required replacement trees will not be planted on-site or on a site approved by the development review committee, payment of a fee in lieu of replacement shall be made, which shall be deposited into the City's Landscaping Fund. The fee shall be determined as follows in the Table below;
 (ii) As described in Texas Government Code Sec.212.905, a tree mitigation fee is not required for trees < 10 inches in DBH on a property that is an existing one-family or two-family dwelling that is the persons residence.

Table Mitigation methods for tree removal

<u>Tree Classification</u>	<u>Tree Diameter Removed (DBH)</u>	<u>Tree Planting: Aggregate DBH in inches of trees removed</u>	<u>Mitigation Fee per inch (DBH) of tree removed</u>
<u>Standard</u>	8.0" -17.9" or as defined herein	1:1	\$150

<u>Heritage</u>	18.0" or greater or as defined herein	3:1	\$200
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(k) Tree Preservation Incentives. An individual may apply for, and subject to verification, shall receive incentives for tree preservation as follows:

- (1) **Parking Space Reduction.** Upon application and verification by the City Arborist, an individual shall be entitled to a reduction in the minimum parking requirements to help meet the minimum tree preservation requirements. For the purpose of providing an incentive, the said minimum parking requirements may be reduced by one (1) parking space for every four (4) diameter inches of trees that have been protected or mitigated on a site. The City Arborist shall issue a certificate to the appropriate city department(s) confirming that a reduction has been earned under this section. Up to fifteen (15) percent of the required spaces may be waived, however, a waiver in excess of fifteen (15) percent of the required spaces must be approved by the director of planning and development services or the director's designee, and no waiver may exceed thirty (30) percent of the required spaces. A waiver of up to fifty (50) percent of the minimum parking spaces required may be granted if the plan will result in the preservation of woodlands or significant stands of trees in a natural state in excess of the minimum tree preservation requirements. If used, the incentive provided by this subsection shall control over any other conflicting provision of this article.
- (2) **Sidewalks.** Where the development review committee determines that preservation of trees warrants the elimination, reduction in width, alternative routing, or modification to the sidewalk and curb requirements in accordance with the tree preservation standards, a waiver may be granted.
- (3) **Tree Cluster(s).** In order to emphasize the importance of preserving trees in a cluster during development, additional tree preservation credit will be given as follows:
 - (A) Cluster(s) of three (3) or more trees less than ten (10) feet apart without existing understory will be calculated at one hundred five (105) percent for each tree within the cluster with a minimum DBH size of two and one-half (2½) inches.
 - (B) Cluster(s) of three (3) or more trees less than ten (10) feet apart with existing understory will be calculated at one hundred fifteen (115) percent for each tree within the cluster with a minimum DBH size of two and one-half (2½) inches.
- (4) **Landscape Credits.** Landscape credits may be awarded as provided in this article. Trees installed to meet the requirements of the landscape buffer Section 28.06.071 through Section 28.06.077 may be used to meet the requirements of the final tree canopy section.
- (5) **Minimum Lot Size and Setbacks.** The board of adjustment may approve a variance to the minimum lot size and setback requirements of the applicable zoning district for an individual lot or lots where the applicant demonstrates the following:

- (A) Compliance with the minimum lot size or setback requirement is needed to preserve a protected tree or heritage tree; and
 - (B) If the tree permit application is pursuant to a proposed subdivision plat, the average lot size of the proposed subdivision will equal or exceed that of the applicable zoning district; and
 - (C) The public purpose involved in protecting the tree exceeds the public purpose of complying with minimum lot size or setback requirements; and
- (6) State Certification in Lieu of Compliance. The City Arborist shall assist those who wish to have a site certified under the Texas Parks and Wildlife, Texas Wildscape Program in lieu of meeting city requirements in this division as long as twenty (20) percent of existing trees on-site are preserved.

Sec. 28.06.081. Exceptions.

Exceptions: The following shall be exempt from the Tree Preservation requirements of Section 28.06.079:

- (a) Lots on which buildings were constructed prior to the adoption of this ordinance and subsequently damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind, provided a Building Permit is issued for restoration within 12 months after the damage occurs and additional square footage is not proposed.
- (b) Trees that are dead, diseased, or posing an imminent threat or hazard to people or property as determined by a tree survey and a letter from a certified Arborist.
- (c) Trees causing physical damage to existing structures, drainageways, utility systems or facilities in the public right of way as determined by the city engineer or their designee.
- (d) Protected trees damaged or destroyed by floods, fire, wind or other natural causes.
- (e) Trees or areas of tree canopy preventing the opening of reasonable and necessary vehicular traffic lanes in a street or alley.
- (f) Trees or areas of tree canopy located in the clear site line area and impeding required sight distance, as defined by the Dripping Springs Technical Criteria Manual (DSTC) Chapter 28, Exhibit C, as determined by the city engineer.
- (g) When undertaken in- and immediately adjacent to- the bounds of a public right-of way or dedicated public utility easement by an official government entity or their designee for public use, the installation of:
 - (1) roadways, bridges, culverts, and associated traffic facilities;
 - (2) sidewalks and similar off-highway trails and passageways;
 - (3) streets and passageway lighting;
 - (4) surface and subsurface stormwater drainageways (where horizontal boring is not practicable);
 - (5) subsurface potable water and wastewater utility infrastructure (where horizontal boring is not practicable); and
 - (6) roadway widening/creating on-street parking.
- (h) Trees identified by a certified Arborist as dead, diseased, or posing an imminent threat or hazard to people or property shall not be included in tree preservation requirements evaluation.

Sec. 28.06.082. Irrigation requirements.

- (a) An irrigation plan is required as part of the site plan and will be prepared by a licensed irrigator (i.e., licensed landscape architect or engineer). The plan should include rain/freeze sensors on all controllers. The irrigation plan should provide drip irrigation in shrub beds and bubblers on all trees. Drip irrigation is encouraged on all residential and commercial live turf grasses.
- (b) Turf drought-tolerant grass plantings shall comply with the interior lot landscaping requirements in this article. St. Augustine is expressly prohibited.
- (c) Landscaped areas must be mulched as required by the interior lot landscaping requirements in this article.
- (d) Watering landscaping by hose-end sprinklers or permanently installed automatic sprinkler systems between 10 a.m. and 7 p.m. is prohibited.
- (e) Watering by hand-held hose, drip irrigation, or soaker hose is allowed at any time. No more than three hours per day maximum is allowed.
- (f) Watering or irrigating of any landscaping in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, parking area, street, alley, gutter, or ditch is prohibited.
- (g) A subdivision or commercial project that uses drip irrigation in all open, park, and common areas will receive a credit of fifty percent (50%) of water reuse fees in Section 22.06.007 – Development requirements.
- (h) All restrictions herein are in addition to any restrictions placed by a utility provider including the Dripping Springs Water Supply Corporation, the West Travis County PUA, or the City of Dripping Springs.

Sec. 28.06.083. Drought conditions.

- (a) During extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city administrator, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this article for the issuance of a certificate of occupancy permit, or the city administrator may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 28.04.016 of this code has been reviewed and accepted by the city administrator. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section 28.06.066 of this article shall apply.
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- (b) Persons requesting that the city accept a fiscal deposit in lieu shall provide the city with written documentation from an entity that sells trees and landscaping the cost of purchasing and installing the trees and other landscaping required by this article.
- (c) If no cost for the installation of trees and landscaping required by this article is provided to the city, the city shall require 66 percent of the cost of the trees and landscaping to be paid as the installation cost in addition to the cost to purchase the trees and landscaping.
- (d) Any fiscal deposits for trees and landscaping paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree and landscaping requirements within 30 days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree and landscaping requirements within 30 days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 28.06.066 of this article shall apply.
- (e) Whenever necessary to enforce any provision of this article or implement tree and landscaping requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this article during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.
- (f) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

Sec. 28.06.084. Seasonal Installation Bond/Escrow

- (a) Landscaping for any project should be installed at an appropriate time of year, to maximize the survivability of the material being planted. If construction activities are completed, save for the installation of trees, shrubs, ornamental ground covers, perennials, and annuals, from March 15 thru September 15, the Planning Department, at the option of Owner, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing these materials in lieu of the installation of trees and other landscaping required for the issuance of a certificate of occupancy or certificate of completion, as appropriate; or, the Planning Department may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The City shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section 28.04.016 of the Code has been reviewed and accepted by the City Administrator. Failure to maintain and adhere to an approved erosion control plan during the period March 15 – Sept. 15 shall be deemed a violation and the fines and penalties under section 28.06.066 of the Code shall apply.
- (b) Upon the request that the City accept a fiscal deposit in lieu, owner/applicant shall provide the City Administrator with written documentation from an entity that sells trees and

landscaping the cost of purchasing and installing the trees and other landscaping required by the Code.

- (c) If no cost for the installation of trees and landscaping required by the Code is provided to the City, the City shall require a fiscal deposit equal to 66% of the cost of the trees and landscaping to be delivered to the City as the installation cost in addition to the cost to purchase the trees and landscaping.
- (d) Any fiscal deposits for trees and landscaping paid to the City pursuant to this article shall be held in escrow. The escrow may be drawn upon by the City to implement tree and landscaping requirements for the depositing property owner, or the funds shall be released by the City to the depositing property owner or his/her/its designee to implement tree and landscaping requirements within 30 days of drawing upon the escrow. Failure to implement the tree and landscaping requirements within 30 days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section 28.06.066 of the Code shall apply.
- (e) Whenever necessary to enforce any provision of this section or implement tree and landscaping requirements on the depositing property owner's property, City staff, or the City's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this section until such time the complete landscape package has been installed and accepted by the City. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry.
- (f) The City is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The City has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

Sec. 28.06.085. Oak Wilt Management

- (a) Trimming or cutting of any oak species is prohibited from the first day of February to the last day of July. Permission may be granted to any entity or property owner wishing to trim or cut an oak tree susceptible to oak wilt during the prohibited months, provided that the entity or property owner contracts with a licensed professional tree care or landscaping company. Trimming or cutting of trees are allowed during the prohibited months if done in response to damage caused by weather. Trimming or cutting can be done by the entity, property owner, or a licensed professional or landscape company. In the case of oak species, wounds must be painted with an acceptable wound dressing within 30 minutes from the time of cutting.
- (b) Contractors or individuals identified pruning any oak(s) without a demonstrated ability to seal all wounds greater than 0.75 inches within 30 minutes of the time of cutting will be required to cease all work until a wound sealant is onsite and utilized on the project.
- (c) It is an offense for a contractor or individual to prune any oak without sealing wounds with an acceptable wound dressing within 30 minutes of pruning.
- (d) Infected red oaks that die in late summer, fall or early winter should be cut down and burned when allowed, buried, or chipped soon after discovery to prevent fungal mats that may form on these trees the following spring.

- (e) Potential oak wilt investigations should be performed by a member of the Texas Forest Service, a Certified arborist or the City Arborist. For information on oak wilt identification, spread and management reference www.texasoakwilt.org.
- (f) In the case of emergencies due to tree damage from weather events or other natural disaster the requirement for licensed professional tree care or landscaping company for review for trimming during prohibited months is not required if not available. In addition, painting within 30 minutes at the time of cutting is not required, but painting shall be done as soon as possible.

DIVISION 5. STANDARDS -- COMMERCIAL AND SUBDIVISION INTERIOR LOT LANDSCAPING

Sec. 28.06.090. Scope and Applicability

This article Divisions 3, 4, and 5 – Commercial and Residential Subdivision Tree Preservation and Interior Lot Landscaping apply to all commercial property and residential subdivisions with five or more dwelling units within the incorporated municipal boundaries (i.e., city limits). for which site development plan or construction plan approval by the city is required under the city's Code of Ordinances. This article applies to actions taken after the date of enactment.

Sec. 28.06.091. Turf Grass Areas

- (a) Turf grass areas of live grasses shall be planted in drought-tolerant species normally grown as permanent lawns in the City, including Zoysia, Bermuda, Buffalograss, Habiturf (combination of Buffalograss, Blue Grama, and Curly Mesquite) or other drought-tolerant turf grass varieties as approved by the City in consultation with Texas A&M Agrilife Extension or upon approved application to the Development Review Committee. Saint Augustine grass is expressly prohibited unless the applicant applies for an exception to the Development Review Committee with evidence that such grass is drought-tolerant.
- (b) In residential home subdivisions, drought-tolerant turf grass areas shall be limited to a maximum of 50% of the total provided landscaped area, except that up to 75% of the areas can be drought-tolerant turf if solely supported by drip irrigation in lieu of spray irrigation. Areas that are approved for use for land application, septic area, or other type of wastewater application are not included in this calculation.
- (c) In all other developments, drought-tolerant turf grass areas shall be limited to a maximum of 25% of the total provided landscaped area, except that up to 50% of the areas can be drought-tolerant turf if solely supported by drip irrigation in lieu of spray irrigation. Areas that are approved for use for land application, septic area, or other type of wastewater application are not included in this calculation.
- (d) Drought-tolerant turf grass areas may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales, other areas subject to erosion, or as required in a Water Quality Protection Zone Plan.
- (e) Installation of sod dependent upon restrictions set by water utilities and drought stage restrictions. Section 28.06.084 should be followed in drought conditions for delay of installation of landscaping and trees as appropriate.

- (f) Artificial turf is not considered turf for these percentages and may be used as part of the landscaped area that is not drought-tolerant live grass turf.

Sec. 28.06.092. Soils

New landscaped areas shall be prepared so as to achieve a soil depth of at least 6 inches for turf. A soil depth of 12 to 18 inches should be used for perennials and shrubs, and 18-24 inches for trees. The six-inch soil depth shall consist of at least 25% compost blended with soil.

Sec. 28.06.093. Xeriscape materials

Developers and homebuilders are encouraged to plant native, adapted, and non-invasive xeriscape plants and trees in addition to using other materials such as mulch and compost to promote use of water-wise landscaping. Landscaping using xeriscaping materials or artificial turf is considered non-turf and does not count against the maximum percentage of turf for lots.

ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION

***DIVISION 1. GENERALLY -INDIVIDUAL RESIDENTIAL LOTS AND SMALL PROJECT
LANDSCAPING AND TREE PRESERVATION***

Sec. 28.06.001. Title.

This article shall be commonly cited as the residential and commercial landscape ordinance. Divisions 1 and 2 apply only to individual residential lots and smaller residential projects. Divisions 3, 4, and 5 apply only to commercial projects and larger residential subdivisions projects.

Sec. 28.06.002. Purpose – Residential Tree Preservation.

- (a) Generally. The purpose of this article is to provide protection for Heritage Trees in residential areas and for the preservation of native trees, in recognition that trees, landscaping, screening, and buffering protect the health and welfare of the community, while addressing the water conservation and drainage issues particular to the Hill Country region. The purpose of this article is also to enhance the community's ecological, environmental, and aesthetic qualities.
- (b) Health, welfare, and general well-being. Preserving and improving the natural environment, and maintaining a working ecological balance, are of increasing concern to the city. The fact that the proper use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare, and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare, and general well-being of the community, and therefore it is proper that the appropriate use of such elements be required.
- (c) Water conservation and drainage. The city experiences frequent droughts, due in part to a landscape characterized by thin-soiled rock formations; therefore, it is the purpose of this article to encourage the use of drought-resistant vegetation and landscaping that minimizes runoff and erosion.

Sec. 28.06.003. Scope and Applicability.

Divisions 1 and 2 – Residential Tree Preservation apply to all residential property that has been issued a certificate of occupancy or which has or will be occupied by owner or lessee and any residential property project where subdivision results in fewer than five dwelling units within the incorporated municipal boundaries (i.e., city limits). Divisions 3, 4, and 5 apply to any residential construction of five or more dwelling units that is part of a project covered by those divisions prior to the issuance of the certificate of occupancy or when the residential

construction is first occupied by an owner or lessee. This article applies to actions taken after the date of enactment. Nothing in this article is intended to modify or excuse an individual's obligation to comply with applicable federal, state, county or other laws, including laws imposing requirements stricter or more onerous than under this article.

In addition, this article applies to all development requiring site plan approval subject to zoning requirements, including:

- (a) All residentially-zoned property for which a subdivision is accepted by the City after the effective date of this ordinance generating fewer than five dwelling units;
- (b) All residentially-zoned properties with fewer than five dwelling units going through redevelopment through extension, reconstruction, resurfacing, or structural alteration must come into compliance. Site plan approval for such projects shall be conditioned on compliance with this article.
- (c) Any grading, filling or clearing of land related to a project as limited above; and
- (d) Trenching or excavating that may damage or destroy protected trees as defined related to a project as limited above.

Sec. 28.06.004. Definitions.

- (a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

- (b) Specific definitions.

ANSI: The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

Boundary tree: A tree whose trunk is on two or more properties owned by separate individuals.

Caliper inch: A unit of measure for tree size taken six inches above the ground level for field grown stock, and six inches above the soil line for container grown stock, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size.

Certified arborist: A person with any one of the following certifications or credentials: ISA Certified Arborist or ISA Board Certified Master Arborist.

City administrator: The chief administrative officer of the city. The term shall also include deputy city administrators.

City arborist: The employee or consultant designated by the city council as the city arborist.

City council: The governing body of the city.

City permit: A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property.

Code: The Code of Ordinances enacted by the city, as may be amended from time to time.

Commercial land use: All activities and operations except for one- and two-family residences occupied by individual(s) claiming the dwelling as their homestead including commercial, industrial, multi-family, retail, GUI, and any other land use other than one- and two-family residences.

Critical root zone: The circular area surrounding a tree trunk, established as a distance equal to one foot of radial distance for every inch of caliper size or tree DBH, whichever is appropriate.

Development: The construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill.

Development Review Committee: A group consisting of the city administrator or designee, the city engineer, building official, and the city planner.

DBH (diameter at breast height): The unit of measure for tree size once over four inch (4") caliper. DBH is the tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

Escrow: A deposit of a cash bond with the city in accordance with this article.

Extreme drought classification: A mandatory drought response issued by the local water supply jurisdiction outlining conditions that include limits to water available for landscape irrigation making it impractical to establish new landscaping by irrigation.

Hardwood: Texas Ash, Bald Cypress, American Elm, Cedar Elm, Texas Madrone, Bigtooth Maple, All Oaks, Pecan, Arizona Walnut, Eastern Black Walnut, American Sycamore, Eastern Cottonwood, Red Mulberry, and Osage Orange.

Healthy tree. Any tree that has not been determined to be considered dead, diseased, or posing an imminent threat or hazard to people or property by a Certified Arborist or by the City Arborist.

Impervious cover: Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration. For further clarification on what is considered impervious cover, refer to the city's water quality protection ordinance (article 10.03).

Landscape architect: A person licensed to use the title of "landscape architect" in the State of Texas in accordance with state law.

Landscaping: Consists of introduced vegetation, as well as related improvements to a lot, including, but not limited to, forming and berming, irrigation systems, landscape subsurface drainage systems, site furnishings, and nonstructural retaining walls.

Natural area: An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

Owner: A person or persons with legal control over property in question. Owner includes all owners as it relates to boundary trees as defined herein.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

Protected tree. Any of the following:

- (1) Heritage tree. A protected tree generally having a trunk of 18.0” or greater caliper in inches measured at DBH or as further defined in Sec. 28.06.079.
 - (2) Standard tree. A protected tree having a trunk of 8.0” -17.9” caliper in inches measured at DBH or as further defined in Sec. 28.06.079.
- Residential Use:** One- and two-family structures, occupied by individuals as their primary residence.

Responsible party: The owner/operator of the business located on the property on which the site development permit is being sought or where the protected tree or landscaping is required; the owner of the property upon which the tree is located or landscaping is required; the person who performs construction or landscaping on a lot, contracts with or directs a person to accomplish the construction.

TCEQ: The state commission on environmental quality, or its successor agency.

Tree caliper: Caliper is the diameter of the trunk, measured at 6 inches above the soil line on the uphill side, and used for trees that measure 4” caliper or smaller. Over 4” caliper, trees are measured in DBH.

Sec. 28.06.005. Landscaping fund.

A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this article shall be deposited. The fund may be drawn upon by the city to implement landscaping improvements on city land and city controlled rights-of-way or to fund landscape project grants that serve a public city purpose.

Sec. 28.06.006. Damaging or removing trees.

No person shall damage or remove trees in violation of this article. “Damage” in this case includes, but is not limited to, altering or maintaining trees in a manner inconsistent with the standards published in American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” for trees protected by this ordinance. A violation of this section is an offense under section 28.06.008.

Sec. 28.06.007. Violation

It shall be unlawful for any person to violate this article.

Sec. 28.06.008. Offense

- (a) A person who intentionally, knowingly, recklessly, or with criminal negligence violates, causes, allows or permits a violation of a section of this article designated as an offense commits a misdemeanor punishable by a fine not exceeding \$2000.00. A person who otherwise violates a section of this article designated as an offense commits an offense punishable by a fine not to exceed \$500.
- (b) Each violation of this article designated as an offense constitutes a separate offense. Each tree removed or seriously damaged in violation of this ordinance is a separate offense.
- (c) No culpable mental state is required to prove an offense under this article if the offense involves:
 - (1) removal or damage to trees in violation of this article including clearing, grubbing, or construction through the use of heavy load vehicles as defined in Chapter 30 of the code over the critical root zone of a protected tree; or
 - (2) death of a protected tree outside of-but adjacent to-areas of disturbance by construction.
- (d) Violations:
 - (1) Section 28.06.006. Damaging or Removing Trees.
 - (2) Section 28.06.051. Maintenance Requirements.
 - (3) Section 28.06.052. Tree Preservation.
 - (4) Section 28.06.056. Irrigation Requirements

Sec. 28.06.009. - Liability.

The provisions of this article shall not be construed as relieving or limiting in any way the responsibility or liability of any person that damages or removes any tree, from personal injury or property damage resulting from the damage or removal of the tree, or resulting from the negligence or willful acts of such person in the construction or maintenance of any property resulting in the damage or removal of a tree or the damage or removal of any tree, or from the damage caused by the failure to remediate oak wilt or planting of a prohibited tree. Nor shall it be construed as imposing upon the city or its officers, employees or agents any responsibility or liability by reason of the approval of any site development permit, subdivision, or construction under these provisions.

Sec. 28.06.010. - Civil remedies.

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the article or to require specific conduct that is necessary for compliance with the article, including remediation of oak wilt or protection of trees where such remediation or protection is required by this article at the expense of the responsible party;
- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of the article and after receiving notice committed acts in violation of the article or failed to take action necessary for compliance with the article; and other available relief.
- (3) Any person violating any provision of this article is subject to a stop work order. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

Secs. 28.06.011—28.06.050. Reserved.

*DIVISION 2. STANDARDS - INDIVIDUAL RESIDENTIAL LOTS AND SMALL PROJECT
LANDSCAPING AND TREE PRESERVATION*

Sec. 28.06.051. Maintenance requirements.

- (a) The owner shall be responsible for (unless otherwise specified herein):
 - (1) Planting and maintaining trees in a manner which conforms to the American National Standards Institute (ANSI) A-300 “Standards for Tree Care Operations” and following all tree care Best Management Practices (BMPs) published by the International Society of Arboriculture.
 - (2) Regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from diseases, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching, or other necessary maintenance in accordance with generally accepted horticultural practice.
 - (3) Limitation of water due to drought restrictions placed by the City, Dripping Springs Water Supply Corporation, West Travis PUA, or any other water provider temporarily suspends the watering requirement in subsection (2).
- (b) A violation of this section is an offense under section 28.06.008.

Sec. 28.06.052. Tree preservation.

- (a) Protected trees are defined as follows:
 - (1) Protected Trees;
 - (A) Heritage Trees;
 - (B) Standard Trees.
 - (2) Hardwood trees defined in Sec. 28.06.004 “Definitions”

- (3) Standard Trees. The following species are considered protected Standard trees with at least one (1) trunk being equal or greater than the respective size (DBH):
- i. Texas Persimmon (*Diospyros texana*) - five (5) inch DBH;
 - ii. Texas Redbud (var. *texensis*) - five (5) inch DBH;
 - iii. Texas Mountain Laurel (*Sophora secundiflora*) - five (5) inch DBH;
 - iv. Condalia (*Condalia hookeri*) - five (5) inch DBH;
 - v. Possum Haw (*Ilex decidua* - in floodplain only) - five (5) inch DBH;
 - vi. Hawthorne (*crataegus texana*) - five (5) inch.
- (4) Heritage Trees. A Heritage tree means a tree of eighteen (18) inches or greater DBH for all tree species except the following species are Heritage with at least one (1) trunk being eight (8) inches or greater DBH (the value of the eight (8) inches or greater trunk is the value given to these small tree species):
- i. Texas Persimmon (*Diospyros texana*);
 - ii. Texas Redbud (var. *texensis*);
 - iii. Texas Mountain Laurel (*Sophora secundiflora*);
 - iv. Condalia (*Condalia hookeri*);
 - v. Possum Haw (*Ilex decidua* - in floodplain only);
 - vi. Hawthorne (*crataegus texana*).
- (5) Non-native Trees. Non-native invasive tree species are not protected. Non-native invasive tree species means the following tree species:
- i. Chinese Pistache (*Pistacia chinensis*);
 - ii. Chinaberry (*Melia azedarach*);
 - iii. Chinese Tallow (*Sapium sebiferum*);
 - iv. Tree of Heaven (*Ailanthus altissima*);
 - v. Salt Cedar (*Taxodium species*).
 - vi. Japanese Ligustrum (*Ligustrum japonicum*).
 - vii. Nandina (*Nandina domestica*);
 - viii. Paper Mulberry (*Broussonetia papyrifera*)

(b) Minimum Tree Preservation Requirements

- (1) No Heritage tree shall be removed from any property within the City of Dripping Springs without following the provisions as stated below except where exempted.
- (2) Tree Preservation by Land Use:

(A) A property owner may remove any tree, other than a Heritage tree, on property owned where the removal is not due to a residential development resulting in five or more dwelling units or due to commercial, industrial, government, or multi-family development.

(B) All Heritage trees on any lot shall be preserved unless the tree falls under an exception or a waiver to remove the tree is granted by the development review committee. Heritage trees within clearing and installation for infrastructure (roads, utilities, etc.) shall not be removed without a waiver from the development review committee and mitigation.

(C) Tree preservation in Historic Districts shall comply with both this article and the code and implementation manuals for the districts. When in conflict, the stricter requirement applies.

(3) All healthy Heritage and Standard trees shall be preserved in the Water Quality Protection Zones as defined in Article 22.05. This prohibition shall apply unless tree removal is specifically approved by the development review committee for allowable development in the WQBZ as defined by Water Quality Ordinance [22.05.017(d)].

(c) Protected Healthy Trees (as defined herein) that are Heritage trees as defined that require removal to accommodate the development shall be replaced as directed herein. Trees identified as dead, diseased, or posing an imminent threat or hazard to people or property by a Certified Arborist shall not be included in tree preservation requirements evaluation.

(d) Any activity that damages a tree on an adjacent lot is prohibited.

(e) A violation of this section is an offense under section 28.06.008.

Sec. 28.06.053. Mitigation for Tree Removal.

(a) Mitigation for all removed Heritage trees not covered by an exception is required. For all removed Heritage trees in accordance with tree preservation requirements or after a waiver is approved for removal in excess of the tree preservation requirements the inches (DBH) required for mitigation will be determined by the development review committee in consultation with the City Arborist.

(b) Protected trees which are removed shall be mitigated using any combination of the following:

(1) Preservation of existing protected trees >6 inches in DBH above minimum preservation requirements; A survey including existing, live, healthy protected trees with a six-inch DBH in diameter must be submitted if mitigation is sought including any tree being used for mitigation. Credit for preservation shall be given at .5 : 1. In addition, preservation of existing Ashe Juniper (*Juniperus ashei*); Huisache (*Acacia farnesiana*); Mesquite (*Prosopis glandulosa*); and Arizona Ash (*Fraxinus velutina*) > 6 inches in DBH provide credit at .5:1 inches.

(2) Relocation of the removed tree onsite, mitigation is required for relocated trees if mortality occurs within 3-years of the relocation;

- (3) Replacement by new protected tree species, or alternative native trees approved by the development review committee;
- (4) Payment of a fee in lieu of tree replacement.
- (c) Mitigation cannot be accomplished by only using one of methods “1” through “4” above. They must be used in combination in a balance approved by the development review committee.
- (d) The preservation of healthy Standard trees on-site is encouraged and may be used as mitigation to offset the removal of Protected Heritage trees. The mitigating trees may be of any protected tree species with an aggregate DBH in inches of the trees removed (1:1). Mitigating trees should be >6 inches in DBH, in good health, and clear of existing or proposed utility easements and overhead electric lines. Existing Heritage trees cannot be used to mitigate for the loss of Heritage trees.
- (e) Replacement trees may be of any protected tree species or alternative approved indigenous tree with an aggregate DBH in inches of the trees removed with ratio of (3:1) for Heritage trees.
- (f) Replacement trees shall be a minimum of two and a half caliper inches measured 6 inches from ground level and a minimum height of 8 feet when planted.
- (g) When possible, replacement trees shall be planted on the same lot according to an approved Tree Preservation Plan. Replacement trees may be planted on another lot if approved by the Development Review Committee.
- (h) Fee in lieu of replacement:
- (1) If all or a portion of the required replacement trees will not be planted on-site or on a site approved by the development review committee, payment of a fee in lieu of replacement shall be made, which shall be deposited into the City’s Landscaping Fund. The fee shall be determined as follows in the Table below;

Table Mitigation methods for tree removal

Tree Classification	Tree Diameter Removed (DBH)	Tree Planting: Aggregate DBH in inches of trees removed	Mitigation Fee per inch (DBH) of tree removed
Heritage	18.0” or greater or as listed herein	3:1	\$200

Created: 2022-03-07 09:36:02 [EST]

(Supp. No. 2)

Sec. 28.06.054. Exceptions.

Exceptions: The following shall be exempt from the Tree Preservation requirements for Heritage trees of Section 28.06.052:

- (a) Lots on which buildings were constructed prior to the adoption of this ordinance and subsequently damaged by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind, provided a Building Permit is issued for restoration within 12 months after the damage occurs and additional square footage is not proposed.
- (b) Trees that are dead, diseased, or posing an imminent threat or hazard to people or property as determined by a tree survey and a letter from a Certified Arborist.
- (c) Trees causing physical damage to existing structures, drainageways, utility systems or facilities in the public right of way as determined by the city engineer or their designee.
- (d) Protected trees damaged or destroyed by floods, fire, wind or other natural causes.
- (e) Trees identified by a Certified Arborist as dead, diseased, or posing an imminent threat or hazard to people or property shall not be included in tree preservation requirements evaluation.

Sec. 28.06.055. Oak Wilt Management

- (a) Trimming or cutting of any oak species is prohibited from the first day of February to the last day of July. Permission may be granted by the development review committee to any person wishing to trim or cut an oak tree susceptible to oak wilt during the prohibited months, provided that the person agrees to comply with this section as it relates to painting wounds. Trimming or cutting of trees are allowed during the prohibited months if done in response to damage caused by weather. Trimming or cutting can be done by the entity, property owner, or a licensed professional or landscape company. In the case of oak species, wounds must be painted with an acceptable wound dressing within 30 minutes from the time of cutting.
- (b) Contractors or individuals identified pruning any oak without a demonstrated ability to seal all wounds greater than 0.75 inches within 30 minutes of the time of cutting will be required to cease all work until a wound sealant is onsite and utilized on the project.
- (c) Infected red oaks that die in late summer, fall or early winter should be cut down and burned when allowed, buried, or chipped soon after discovery to prevent fungal mats that may form on these trees the following spring.
- (d) Potential oak wilt investigations should be performed by a member of the Texas Forest Service, a Certified Arborist or the City Arborist. For information on oak wilt identification, spread and management reference www.texasoakwilt.org.
- (d) In the case of emergencies due to tree damage from weather events or other natural disaster the requirement for licensed professional tree care or landscaping company for review for trimming during prohibited months is not required if not available. In addition, painting within 30 minutes at the time of cutting is not required, but painting shall be done as soon as possible.

Sec. 28.06.056 Irrigation Requirements

- (a) Watering landscaping by hose-end sprinklers or permanently installed automatic sprinkler systems between 10 a.m. and 7 p.m. is prohibited.
- (b) Watering by hand-held hose, drip irrigation, or soaker hose is allowed at any time. No more than three hours per day maximum is allowed.
- (c) Watering or irrigating of any landscaping in a manner that causes or allows excessive water flow or runoff onto an adjoining sidewalk, driveway, parking area, street, alley, gutter, or ditch is prohibited.
- (d) All restrictions herein are in addition to any restrictions placed by a utility provider including the Dripping Springs Water Supply Corporation, the West Travis County PUA, or the City of Dripping Springs.
- (e) A small project that is a subdivision of four or less units that uses drip irrigation in all open, park, and common areas will receive a credit of fifty percent (50%) of water reuse fees in Section 22.06.007 – Development requirements.
- (f) A violation of this section is an offense under section 28.06.008.

Ord 2024-11
Landscaping and
Tree Preservation

Received
Item # 12.

MAR 18 2024

City of Dripping Springs

San Marcos Publishing, LP
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P.O. Box 49, Wimberley, Texas 78676
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State of Texas
County of Hays

Before me, the undersigned authority, on this day personally appeared Dalton Sweat, who being by me here and now duly sworn, upon oath says:

My name is Dalton Sweat, and I am the Publisher, of the Wimberley View and Dripping Springs Century-News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley and Dripping Springs, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of 1 day on the following date:

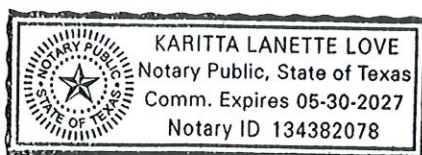
March 14, 2024

The said Publisher, Dalton Sweat further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

[Signature]
Signature of Publisher

Subscribed and Sworn to me, by the said Publisher Dalton Sweat this 13th day of March, 2024 to certify which witness my hand and seal of office.

[Signature]
NOTARY PUBLIC in and for Hays County, Texas



CITY OF DRIPPING SPRINGS

PUBLIC NOTICE OF ORDINANCE 2024-11

LANDSCAPING AND TREE PRESERVATION

AN ORDINANCE REPEALING AND REPLACING ARTICLE 28.06 LANDSCAPING AND TREE PRESERVATION ORDINANCE; ESTABLISHING REGULATIONS FOR DEVELOPMENT AND THE PRESERVATION OF TREES, AND LANDSCAPING THAT IS COHESIVE WITH THE HILL COUNTRY ENVIRONMENT; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; AND, SEVERABILITY.



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Madyson Sanchez, DSRP Program Coordinator

City Council Meeting Date: March 4, 2025

Agenda Item Wording: Public hearing, discussion, and consideration of approval of proposed amendments to the Standards of Care Ordinance, Chapter 16 Public Ways and Places, Article 16.02. Parks and Recreation, Division 3. Youth Programs' Standards of Care.

Agenda Item Sponsor: Mayor Pro Tem Taline Manassian

Summary/Background: Notable changes include:

- Clarifying that transportation qualifications in section 16.02.113 apply to 14-passenger vans.
- Clarifying that the Parks designee, rather than the DSRP Manager specifically, shall submit an annual report on the camp to the parks and community services director.
- Clarifying that criminal background checks will be conducted on prospective summer day camp employees over the age of 18.

Parks and Recreation Commission Recommendation: Recommended approval of changes to Youth Programs' Standard of Care Ordinance at its February 19, 2025 meeting.

Staff Recommendation: Recommend approval of changes to Youth Programs' Standard of Care Ordinance.

Attachments: Draft Ordinance

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2025-____

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS
AMENDING THE STANDARDS OF CARE; AUTHORIZING
EXPENDITURES; PROVIDING FOR A SEVERABILITY CLAUSE; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, quality youth programs provide benefits to the children and youth served such as improved academic achievement, self-esteem, social skills, and career development; and

WHEREAS, it is important for organized youth programs to adhere to recognized quality program standards which include well-trained, professional staff for the safety of all children and youth served; and

WHEREAS, adequate funding is necessary to provide quality youth mentoring programs and to increase the number of youth served; and

WHEREAS, providing standards of care benefits the City, its residents, and the youth involved in City youth activities.

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council, that:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Code of Ordinances, City of Dripping springs, Texas, is hereby amended to read in accordance with Attachment "A", which is attached hereto and incorporated into this Ordinance for all intents and purposes. Language that is struck through is repealed; language that is underlined is added.

3. REPEALER

All resolutions, ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be consumed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local government Code.

PASSED & APPROVED this, the ____ day of _____ 2025, by a vote of _____ (ayes) to _____ (nays) to _____ (abstentions) of the City Council of the City of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

Attachment "A"**Chapter 16: PUBLIC WAYS AND PLACES****Article 16.02 – PARKS AND RECREATION****DIVISION 3. YOUTH PROGRAMS' STANDARDS OF CARE****Sec. 16.02.101. Title.**

This division shall be cited as the "standards of care ordinance."

Sec. 16.02.102. Purpose.

The following standards of care are intended to be minimum standards by which the city will operate the city's youth programs. These are the basic child-care regulations for programs operated by the city. The programs operated by the city are recreational in nature and are not day care programs. This will allow the city to qualify as being exempt from the requirement of the Texas Human Resources Code. The city is not licensed by the state to offer day care programs.

Sec. 16.02.103. Applicability.

These standards apply to the Coyote Kids Nature Day Camp program and other youth programs offered by the city and directly supervised by city staff.

Sec. 16.02.104. Definitions.

Words and phrases used in this division shall have the meanings set forth in this section. Words and phrases that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in those other ordinances. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

Camp counselor: The city staff that has been hired or volunteered to work for the city and have been assigned responsibility for managing, administering, or implementing some or all portions of the city's youth programs. This definition also includes camp director.

Camp director: The city staff that has been hired or volunteered to work for the city and have been assigned responsibility for managing, administering, or implementing some or all portions of the city's youth programs.

City: The City of Dripping Springs, an incorporated municipality located in Hays County, Texas, and includes any official, agent or employee acting on behalf of the city.

City park or park: The city parks identified below and any land now or hereafter dedicated by the city as a municipal park.

Commission: The city's parks and recreation commission (aka, "parks and rec") or any successor entity.

Department: City of Dripping Springs Parks & Community Services Department.

Parent(s): One or both parents(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in the city youth program.

Park: Drippings Springs Ranch Park, the site at which any city youth program may be hosted.

Participant: A youth whose parent(s) or guardian(s) have completed all required registration procedures and determined to be eligible for a city youth program.

Program manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to the city's youth programs.

Programs site: Area or facilities where the city youth programs are held.

Youth program(s): The city's youth programs consisting of the summer day camp program and other youth programs offered by the city and directly supervised by city staff.

Sec. 16.02.105. General information/administration.

- (a) Organization. The governing body of the city's youth programs is the city council.
- (b) Implementation. Implementation of the youth programs standards of care is the responsibility of the DSRP Manager or designee.
- (c) Application. Programs to which these standards of care will apply are: Coyote Kids Nature Day Camp and other youth programs.
- (d) Access to standards.
 - (1) Each site will have available for public and staff review a current copy of the standards of care.
 - (2) Parents will be provided a copy of the current standards of care upon request.
 - (3) Standards of care will be accessible on the city's website.
- (e) Program objectives for youth programs.
 - (1) To offer a program of varied recreational activities appropriate for children, such as but not limited to those programs that are related to nature, arts and crafts, sports and games, education, drama, special events, and other such activities designed for elementary age children.
 - (2) To provide an encouraging atmosphere emphasizing positive development of physical skills, emotional growth and self-confidence.
 - (3) To provide a pleasant, memorable, educational and fun recreational experience in a positive environment.
 - (4) To provide a safe environment; always promoting good health and welfare for all.
 - (5) To educate, instill self-confidence, teach teamwork skills and inspire kids to use their leisure time wisely through outdoor education and recreation, in an effort to meet emotional, physical and social needs.
- (f) Exemption status. Once an exempt status is established, the licensing division will not monitor the recreational program. The licensing division will be responsible for investigating complaints of unlicensed child care and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegation, to the local law enforcement authorities.
- (g) Standards of care review. Standards will be reviewed annually and approved by the city council after a public hearing is held to pass an ordinance regarding section 42.041(b)(14) of the Human Resources Code.
- (h) Child care licensing. Child care licensing will not regulate these programs nor be involved in any complaint investigation related to the program.
- (i) Complaints. Any parent, visitor or staff may register a complaint by contacting the DSRP program coordinator Monday through Friday, 8:00 a.m. to 5:00 p.m.

Sec. 16.02.106. Staffing.**(a) Requirements.**

- (1) Program staff must be at least 15 years old.
- (2) All program staff should possess or complete prior to the beginning of camp, the following certifications from a nationally recognized organization in the following areas:
 - (A) Community CPR or the equivalent.
 - (B) First aid.
- (3) Staff must complete the mandatory training program for the day camp.
- (4) Staff must exhibit competency, good judgment, and self-control throughout the duration of camp.
- (5) Staff should relate to the children with courtesy, respect, acceptance, and patience.
- (6) Staff shall not abuse or neglect children.
- (7) Staff will be evaluated at least once during the summer prior to the completion of camp. Evaluations will be reviewed with the camp counselors to discuss any area of improvement or suggestions.

(b) Criminal background checks will be conducted on prospective summer day camp employees [over the age of 18](#). An applicant may be disqualified if they have a criminal conviction.

(c) A prospective employee may be subject to a drug test prior to hiring.

(d) The state-required ratio for number of children (ages five to 13) may not exceed 12:1 children to staff.

(e) Participants with special needs requiring personal assistance, i.e., feeding, changing of clothes, using the restroom, must provide an attendant for the duration of the program. Program staff will not provide personal assistance. The attendant will be admitted to the program free of charge.

Sec. 16.02.107. Facility standards.**(a) Safety measures.**

- (1) First-aid kits and infection control kits should be available at the site at which the participants are engaged in program activities.
- (2) First-aid guidelines should be on file, and available at the site, and include:
 - (A) CPR/rescue breathing sequence guidelines.
 - (B) First-aid review.
 - (C) Medical emergency procedures.
- (3) In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location.
- (4) A disaster and evacuation procedure should be posted at the facility.
- (5) If the site is a building, the site should be provided with clearly marked exits for use in emergency.

(b) Inspections.

- (1) The facility should generally be kept reasonably free of insects, rodent and stray animals.
- (2) Program employees will inspect sites daily for any sanitation or safety concerns. Those concerns should be passed on to the supervisor immediately.

(c) Health and sanitation.

- (1) The facility must have a sufficient number of restrooms, which are maintained in good repair, equipped for independent use by children, and designed to permit staff supervision as needed.
- (2) The site must have an adequate supply of water and it will be readily available to all participants in a safe and sanitary manner.

Sec. 16.02.108. Service standards.

This information will be provided to each staff member as a part of the day camp staff manual.

- (1) Appearance and behavior.
 - (A) Staff will wear name badges that are clearly visible.
 - (B) Appropriate shirts, shorts, and tennis shoes are to be worn at all times. No tube tops allowed, shorts should be at a respectable length, no cutoffs.
 - (C) No clothing should bear any inappropriate logos, phrases, or pictures.
 - (D) Any staff member, who does not adhere to the dress code, will be sent home for the day without pay.
 - (E) Cell phone use is allowed only when the staff is on an approved break, when there are emergency circumstances, or when approved by the camp director.
 - (F) Staff will wear provided camp t-shirts on field trip days.
- (2) Communication with parents.
 - (A) Staff will keep parents informed of activities and schedules. A general schedule will be sent to parents/guardians via email prior to the session start.
 - (B) Detailed daily schedule will be available at camp drop-off.
 - (C) Camp participants and parents will be treated with respect at all times.
 - (D) Staff will note details of significant behavior of participants and update parents as needed when the participant is picked up.
- (3) Additional staff responsibilities.
 - (A) Staff will monitor the sign in/out log at all times.
 - (B) Staff will spend their time actively involved with participants and/or parents.
 - (C) Staff will make an attempt to answer any complaints at the site and resolve all problems in a timely fashion. Situations that cannot be resolved on site by staff will be passed to a supervisor immediately and be investigated within 24 hours.
 - (D) Camp staff will clean the program area after each activity.

Sec. 16.02.109. Operational issues.

- (a) Emergency phone numbers are kept with the day camp director at all times. These numbers will include the nearest fire, police, and ambulance services.
- (b) A day camp program manual is given to every day camp employee. An additional manual will be located at each site where all staff can have access to the manual. The manual will contain the following information:
 - (1) Discipline issues.
 - (2) City rules and regulations.
 - (3) Forms that must be filled out.

- (4) Service standards.
- (5) Game/activity leadership.
- (6) Ways to interact with children.
- (c) Sign-in/out sheets will be used every day. Only adults listed on sign-in/out release will be allowed to pick up children. An authorized person must enter the building, present appropriate identification, and sign the sheet in order for staff to release the child.
- (d) Parents will be notified regarding planned field trips and provided the required release forms.
- (e) Enrollment information will be kept and maintained on each child and shall include:
 - (1) Child's name, birth date, home address, home telephone number, physician's phone number and the appropriate daytime contact information where parents can be reached during normal business hours.
 - (2) Names and telephone numbers of persons to whom the child can be released.
 - (3) Liability waiver.
 - (4) Statement of the child's special problems and/or needs, including but not limited to any known allergies.
 - (5) Designation of need for reasonable accommodations.
 - (6) Signed acknowledgement of program code of conduct by a parent or guardian.
- (f) Staff shall immediately notify the parent or other person authorized by the parent when the child is injured or has been involved in any situation that placed the child at risk.
- (g) Program employees will follow the recommendations of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.
- (h) Staff shall notify parents or authorized persons of children in the facility when there is an outbreak of a communicable disease in the facility that is required to be reported to the county department of health. Staff must notify parents of children in a group when there is an outbreak of lice or other infestation in the group.

Sec. 16.02.110. Behavior management and discipline procedures.

- (a) Program employees will implement discipline and guidance in a consistent manner based on an understanding of individual needs and development with the best interest of program participants in mind.
- (b) There will be no harsh, cruel, or corporal punishment used as a method of discipline.
- (c) Program employees may use brief, supervised separation from the group if necessary. Children will be aware of all camp rules prior to the start of any activity. Their understanding of the rules is an integral part of behavior management. When negative behavior occurs they will know there is a consequence for the chosen action.
- (d) Incident reports will be filled out on any disciplinary cases, and information is to be shared with parents when picking up the child (or sooner when extreme cases occur). Parents will be asked to sign the incident report to indicate they have been advised about specific problems and/or negative behaviors.
- (e) A sufficient number and/or severe nature of discipline reports as detailed in the program manual may result in a participant being suspended from the program without refund. Parents/guardians will be promptly notified to pick up their child. Depending on the circumstances, the child may not be allowed to return for the remainder of the session and/or season.
- (f) In instances where there is danger including physical harm or threat of physical harm to participants, staff, or themselves, the offending participant(s) will be removed from the program immediately. Parent(s) or guardian(s) will be contacted to pick up the child immediately.

Sec. 16.02.111. Illness or injury.

- (a) Parents shall be notified in cases of illness or injury.
- (b) When an incident occurs that results in an injury, an incident report shall be filled out immediately after the incident.
- (c) A child who is ill or injured shall be supervised until the parent or other authorized adult removes the child from the site.
- (d) In the event of suspected abuse, program employees will report suspected abuse or neglect in accordance with the Texas Family Code. In the case where a city employee is involved in an incident with a child that could be construed as child abuse, the incident must immediately be reported to the camp director, who will immediately notify the county's sheriff's department and any other agency as may be appropriate.
- (e) State law requires the staff of youth programs to report any suspected abuse or neglect of a child to the state department of family and protective services or law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000.00 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.
- (f) Program staff will receive basic training related to child abuse prevention and how to report suspected abuse.

Sec. 16.02.112. Monitoring and distribution.

- (a) The camp director is to confirm and ensure the standards of care are being adhered.
- (b) The camp director in charge of these programs will make visual inspections of all program sites on a biweekly basis and make a report if necessary to be sent to the DSRP manager.
- (c) The department shall post and make available copies of these standards and the rules adopted pursuant to this section.
- (d) The department shall notify the parents of each prospective participant that the recreational programs are not licensed by the state. The program may not, and will not, be advertised as any type of child-care facility.
- (e) The ~~DSRP manager~~ Parks designee shall submit an annual report on the camp to the parks and community services director. The report shall include standards of care compliance issues and changes recommended for the next year.

Sec. 16.02.113. Transportation.

- (a) Before a participant may be transported to and from city-sponsored activities, a medical form and waiver, completed by the parent(s)/guardian(s) of the participant, must be filed with the program coordinator.
- (b) Before a program employee can drive a ~~15-passenger~~ 14-passenger van that is transporting participants, they must:
 - (1) Be at least 18 years of age with a valid Texas driver's license;
 - (2) Successfully pass a background check;
 - (3) Complete an online 15-passenger van safety training and keep the certificate of completion with employee's file;
 - (4) Complete one hour of supervised driving time with a supervisor;
 - (5) Read the Dripping Springs Parks & Community Services Transportation Guide; and
 - (6) Complete department required training.

Secs. 16.02.114—16.02.160. Reserved.



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Aniz Alani, Deputy City Attorney

Council Meeting Date: March 4, 2025

Agenda Item Wording: Discuss and consider approval of an Ordinance amending the Solicitation Ordinance with respect to the regulation of Itinerant Vendors and Special Events.

Agenda Item Sponsor: Council Member Sherrie Parks

Summary The proposed ordinance makes significant updates to Article 6.02 of the City Code of Ordinances (the Solicitation Ordinance) to address observed regulatory gaps and ambiguity related to itinerant vendors and special events within Dripping Springs.

Key Changes Key proposed changes include:

Terminology Updates

- a) Changed references from "license" to "permit" throughout the ordinance to provide consistent terminology.
- b) Refined the definition of "special event" and created three distinct categories (Small, Intermediate, and Large Special Events) to allow for more tailored regulation.
- c) Added new definitions including "Expected Attendees," "Available Nearby Parking," "Significant Public Resource Use," and "Temporary Structure" to provide clearer standards.

Administrative Changes

- a) Transferred permitting authority from the "city inspector" to the "Community Events Coordinator," reflecting a more specialized approach to event management.
- b) Updated record-keeping requirements to align with the City's retention policy

Protection of City-Sponsored Events

- a) Added a new section (6.02.054) prohibiting itinerant vendors from operating within twelve hours before and after City-sponsored events without written permission.
- b) Added specific protections for major City events including Christmas on Mercer, Founders Day Festival, and other designated events.
- c) Created a framework to prevent conflicts between special events that would strain City resources.

Insurance Requirements

- a) Added a requirement for itinerant vendors occupying public property to provide a certificate of insurance with minimum \$1,000,000 coverage.
- b) Added provision allowing the Community Events Coordinator to accept an event organizer's insurance instead of requiring individual vendor policies.

Tiered Special Event Permitting

- a) Created a three-tiered approach to special events (Small, Intermediate, and Large) with different requirements for each level:
 - i) Small Events (50-150 attendees): Basic safety requirements
 - ii) Intermediate Events (150-500 attendees, large structures, or significant parking requirements): Additional planning documents
 - iii) Large Events (500+ attendees, multi-day, very large structures, outdoor amplified sound, road closures, or alcohol sales): Comprehensive planning and permits

Conflict Resolution Mechanisms

- b) Added provisions to prevent logistical conflicts between events in terms of parking, traffic control, and public safety.
- c) Clarified the City's authority to deny permits that would conflict with previously approved events.
- d) Added language allowing for consultation with existing permit holders when evaluating new applications.

Public Safety Provisions

- a) Enhanced requirements for security planning and traffic management for larger events.
- b) Added specific requirements for first aid, fire extinguishers, and safety plans.
- c) Updated outdoor amplified sound regulations to balance entertainment with neighborhood concerns.

**Commission
Recommendations:**

N/A

**Recommended
Council Actions:**

Approval.

Attachments:

Draft ordinance

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2025-____

SPECIAL EVENTS AMENDMEN

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING CHAPTER 6: BUSINESS REGULATIONS, ARTICLE 6.02: SOLICITORS, ITINERANT VENDORS AND PANHANDLING, IN THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES.

- WHEREAS**, the City Council of the City of Dripping Springs ("City Council") recognizes that unregulated solicitation and vending activities can create public safety hazards, traffic congestion, and disrupt the peaceful enjoyment of public and private spaces within the city;
- WHEREAS**, the City Council has determined that amendments to Chapter 6, Article 6.02 of the City of Dripping Springs Code of Ordinances are necessary to better manage special events and itinerant vendors in a manner that balances commercial interests with community needs;
- WHEREAS**, the proposed amendments to Chapter 6, Article 6.02 will provide clearer guidance on permitting processes for itinerant vendors and special events, particularly in relation to City-sponsored events;
- WHEREAS**, the City Council seeks to clarify the distinctions between small, intermediate, and large special events to ensure appropriate safety measures, infrastructure needs, and community impacts are addressed for each type;
- WHEREAS**, the City Council recognizes the importance of maintaining adequate parking, security, and sanitation measures during special events to protect public health, safety, and welfare;
- WHEREAS**, the amendments seek to reduce administrative burdens while enhancing the City's ability to effectively coordinate between multiple events happening in close proximity;
- WHEREAS**, the City of Dripping Springs has experienced significant growth in both permanent population and tourism, necessitating updated regulations to address the increased volume of special events and itinerant vendors;
- WHEREAS**, the City Council finds that these amendments will promote economic development while protecting public spaces and residential areas from excessive commercial activity;
- WHEREAS**, the proposed amendments will improve coordination between the City and event organizers by creating clearer standards for event planning, notification, and management;

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council had a meeting and a public hearing on March 4, 2025, and approved the rules; and

WHEREAS, the City Council finds that the amendment proposed is reasonable, necessary, and proper for the good government of the City of Dripping Springs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dripping Springs, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Article 6.02 as currently adopted are amended so to read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication of caption.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 4th day of March 2025, by a vote of _____ (ayes) to _____ (nays) to _____ (abstentions) of the City Council of the City of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

*Attachment "A"***CODE OF ORDINANCES****ARTICLE 6.02. SOLICITORS, ITINERANT VENDORS AND PANHANDLING¹****DIVISION 1. GENERALLY****Sec. 6.02.001. Title.**

This chapter shall be commonly cited as the solicitation ordinance.

Sec. 6.02.002. Purpose.

It is the intent and purpose of this division to protect residents and other citizens of the city from the threats posed to personal safety and property by unregulated merchants. This division is not intended to proscribe a demand for payment for services rendered or goods delivered.

Sec. 6.02.003. Scope.

This division provides regulatory standards throughout the city's incorporated municipal boundaries (i.e., city limits).

Sec. 6.02.004. Definitions.

- (a) Rules of interpretation. Terms that are not defined below, but are defined elsewhere in this code shall be given the meanings set forth in the code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (b) Specific definitions.

Aggressive manner:

- (1) Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- (2) Following the person being solicited, if that conduct is:
 - (A) Intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (B) Intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

¹State law reference(s)—Authority of municipality to license, tax, suppress, prevent, or otherwise regulate peddlers, hawkers and pawnbrokers, V.T.C.A., Local Government Code, § 215.031; solicitation of business by pedestrian, V.T.C.A., Transportation Code, § 552.007.

- (3) Continuing to solicit a person within five feet of the person being solicited after the person has made a negative response;
- (4) Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation;
- (5) Using obscene or abusive language or gestures toward the person being solicited;
- (6) Approaching the person being solicited in a manner that:
 - (A) Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
 - (B) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

Alcohol vendor: An alcohol establishment whose primary purpose is to sell alcoholic beverages to the public, operating from a vehicle, table, or other mobile location pursuant to a license or permit issued by the appropriate government agency.

Automated teller facility: The area comprised of one or more automatic teller machines, and any adjacent space that is made available to banking customers.

Automated teller machine: A device, linked to a bank's account records, which is able to carry out banking transactions. A device commonly referred to by the acronym, "ATM."

Available Nearby Parking: The number of designated public parking spaces located within a 500-foot radius, measured in a straight line (as the crow flies), from the outermost perimeter of the event venue.

Bank: Includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

Bus: A vehicle operated by a transit authority for public transportation.

Business area: A location within the city limits that is zoned for retail, commercial, offices, or industrial purposes, and upon which improvements have been constructed or an enterprise is operating.

Check cashing business: A person in the business of cashing checks, drafts, or money orders for consideration.

City: The City of Dripping Springs, an incorporated municipality located in Hays County, Texas.

City-sponsored event: A special event sponsored or led by the City expected to involve 500 or more persons. The term expressly includes, but is not limited to:

- (1) Christmas on Mercer;
- (2) Dripping Springs Brewers Festival;
- (3) Dripping Springs Songwriters Festival;
- (4) Founders Day Festival;
- (5) Dripping Springs Rodeo;
- (6) Western Wonderland;
- (7) Other designated events.

Expected Attendees: The aggregate number of reasonably expected attendees of an event over the course of an event.

Garage sale: Includes the sale of anything of value on any premises not considered a retail business establishment and licensed to do business in the city, and/or the state. For purposes of this article, the term includes and is synonymous with estate sales, patio sales, rummage sales, and yard sales.

Goods: Tangible chattels of every kind and character.

Intermediate Special Event: a Special Event of no more than one day in duration that does not meet the definition of a Small Special Event or a Large Special Event as defined herein, and which involves any of the following:

- (a) 150-500 Expected Attendees; or
- (b) the use of public property where 50% or more of the Available Nearby Parking is expected to be utilized by attendees of the event; or
- (c) a Temporary Structure exceeding 100 square feet in area.

Itinerant vendor: A retailer, other than a person authorized by the State of Texas to transact business include the sale of insurance, who does not operate any place of business ~~as defined by the Texas Administrative Code, as may be amended.~~ The term expressly includes the following:

- (1) **Commercial traveler:** A person who is employed by or who represents a manufacturer, wholesaler, or importer who sells or exhibits goods to parties who engage in the business of purchasing such goods for the purpose of resale to the general public.
- (2) **Itinerant merchant:** A person who moves stocks of goods or samples of goods into the city for the purpose of selling or offering for sale or taking orders for the sale of such goods with the intention of removing such samples or the unsold portion of goods away from the city before the expiration of one month and ~~who has no fixed place of business~~ does not occupy a building or structure on property zoned for such use within the city or county for which definite arrangements have been made for the use, occupancy, hire, rental, or lease of such place for a term of at least one month.
- (3) **Peddler:** A person, other than a person operating pursuant to a mobile food vendor permit issued pursuant to the mobile food vendor ordinance, who carries goods upon a truck or other vehicle on the streets of the city for the purpose of exhibiting, selling, or offering for sale such goods from such ~~thick~~ truck or other vehicle or who within the city goes from door to door of residences, public facilities, or businesses to display, sell, offer for sale, or take orders for the sale of goods or to exhibit brochures, sales literature, or price lists for the purpose of taking orders for the sale of goods or who within the city exhibits, sells, offers for sale, or takes orders for the sale of goods from a vacant lot, parking lot, tent, boat, storage bin, stall, or unenclosed structure.
- (4) **Transient vendor:** A person who within the city engages in the temporary business of exhibiting, delivering, selling, or offering for sale any goods or exhibiting brochures, sales literature, or price lists for the purpose of taking orders for the sale of goods and who has no fixed place of business within the city or county that is used, occupied, hired, rented, or leased for a period of at least one month for the purpose of operating or conducting such business thereon.

Large Special Event: a Special Event that involves one or more of the following:

- (a) a duration exceeding one day;
- (b) over 500 Expected Attendees;
- (c) a Temporary Structure exceeding 300 square feet;
- (d) outdoor amplified sound;
- (e) a road closure; or
- (f) an alcohol vendor.

Person: An individual, corporation, organization, ~~government agency,~~ business, trust, partnership, association, or any other legal entity.

Place of business: An established outlet, office, or location operated by a retailer, the retailer's agent, or the retailer's employee for the purpose of receiving orders for taxable items on property zoned for such use. The term place of business includes any location at which three or more orders are received by the retailer in a calendar year.

A location such as a warehouse, storage yard, or manufacturing plant is not a place of business, unless at least three orders for taxable items are received by the retailer at the location during a calendar year.

Public area: An outdoor area to which the public has access and includes, but is not limited to, a sidewalk, street, highway, park, parking lot, alleyway, pedestrian way, or the common area of a school, hospital, apartment house, office building, transport facility, or shop.

Retailer: A person who sells tangible goods by small quantities, in broken lots or parcels (e.g., not in bulk) directly to the consumer, in contrast to a sale for further sale or processing.

Solicit: To request, by the spoken, written, or printed word, or by other means of communication an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

Significant Public Resource Use: the reasonably expected use arising out of an event of any one or more of the following:

- (a) a road closure;
- (b) material impact on local traffic;
- (c) use of 50% of more of the Available Nearby Parking; or
- (d) any other impact that, in the opinion of the City Administrator or City Engineer, would draw significantly on public resources.

Small Special Event: a Special Event that meets all of the following conditions:

- (a) does not exceed one day in duration;
- (b) between 50-150 Expected Attendees;
- (c) does not involve a Significant Public Resource Use;
- (d) does not involve a Temporary Structure exceeding 100 square feet in area;
- (e) does not involve outdoor amplified sound; and
- (f) does not otherwise meet the definition of an Intermediate Special Event or Large Special Event as defined herein.

~~Special event: A temporary event, gathering or organized activity, including but not limited to parades, bike races, marathons, walk-a-thons, fireworks displays, concerts, carnivals, or other types of races and festivals, involving 50 or more persons not related by consanguinity (blood/adoption) or affinity (marriage), and which involves one or more of the following activities:-~~

- ~~(1) Closing a public street;~~
- ~~(2) Use of city-owned property;~~
- ~~(3) The provision of food or beverages in exchange for monetary compensation (for-profit or as donations); and/or~~
- ~~(4) Erection of temporary structures such as a stage, band shell, trailer, van, portable building, tent, grandstand, or bleachers.~~

Special Event: A temporary event, gathering or organized activity, including but not limited to: festivals; fairs; parades; races; fireworks displays; concerts; carnivals; performance and visual arts events; cooking competitions; art expos; fundraisers; involving one or more of the following:

- (a) 50 or more Expected Attendees;
- (b) a road closure;

- (c) use of public property other than City property rented for the event, including but not limited to Founders Memorial Pool, Pavillion, Dripping Springs Ranch Park and Event Center;
- (d) an event held on non-residential property that is not zoned for the proposed use;
- (e) an event within a historical district or on residential property where the expected number of attendees at any time is greater than one-third of the available off-street parking spaces on the property; or
- (f) erection of a Temporary Structure with an area greater than 100 square feet.

Exclusions: A Special Event does not include:

- (a) routine operations or activities conducted on school property, such as serving food in cafeterias or operating concession stands at sporting events.
- (b) activities held within licensed businesses (e.g., restaurants) as part of their regular operations and not requiring additional public resources.
- (c) gatherings on residential or institutional property where attendance is by invitation only and that would otherwise be a Small Special Event but for having between 50 and 150 Expected Attendees.

Temporary structure: A structure not designed, intended and permitted for semi-permanent or permanent use including, without limitation, a stage, band-shell, trailer, van, portable building, tent, grandstand, or bleachers.

Sec. 6.02.005. Enforcement; penalties.

- (a) **Enforcement.** The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.
- (b) **Criminal penalty.** ~~Any violation of this article shall be punishable by fine of a sum not exceeding \$500.00 per offense. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.~~ A violation of this article is a misdemeanor punishable by a fine not to exceed \$500. Each day that a provision of this article is violated constitutes a separate offense.
- (c) **Civil remedies.** Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
 - (2) A civil penalty up to \$100.00 a day when it is shown that the defendant was actually notified of the provisions of the article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
 - (3) Other available relief.

Sec. 6.02.006. Solicitation prohibited.

- (a) **Offense.** A person commits an offense if the person solicits:
 - (1) In an aggressive manner in a public area;
 - (2) Within 25 feet of:
 - (A) An automated teller facility;
 - (B) The entrance or exit of a bank;
 - (C) The entrance or exit of a check cashing business; or

- (3) At a marked crosswalk;
- (4) On either side of the street on a block where a school attended by minors or a child-care facility has an entrance or exit;
- (5) Within six feet of a public building, facility, or event;
- ~~(56)~~ At the sidewalk or patio area of a bar or restaurant; or
- ~~(67) In a business area b~~ Between 7:00 p.m. and 7:00 a.m.
- (b) Mental state. A culpable mental state is not required, and need not be proved, for an offense under subsection (a)(2), (3), or (4).

Sec. 6.02.007. Restrictions on itinerant vendors.

- (a) Rights-of-way. A person commits an offense if the person displays, sells, solicits orders for any goods, or leaves behind signs or indicators displaying, selling, or soliciting orders for any goods, within six feet of any public street or state, federal, ~~or~~ local roadway, or an entrance of a public building or facility.
- (b) Hours of operation. A person commits an offense if the person makes solicitations to private residences, public facilities, or businesses between the hours of 7:00 p.m. and 9:00 a.m., unless otherwise posted by the private property owner or by someone with apparent authority to act for the owner. This section does not apply where the person is on the property by express prior invitation of the person residing on the premises.
- (c) Property owners. A person/property owner commits an offense if the person/property owner knowingly allows the owner's property to be used or occupied by an itinerant vendor who conducts thereon a business operation or who exhibits or offers for sale goods without first obtaining a license as required by the provisions of this article.

Secs. 6.02.008—6.02.040. Reserved.

DIVISION 2. ITINERANT VENDOR'S PERMIT ~~LICENSE~~

Sec. 6.02.041. Required; exceptions; commercial fitness trainers in city parks.

- (a) No itinerant vendor shall operate within the city without first applying for and receiving a permit ~~license~~ from the city. Permits ~~Licenses~~ are nontransferable and may not be assigned or conveyed to other persons. This section shall not apply to charitable solicitations by incorporated charitable, fraternal, educational, or religious institutions.
- (b) Commercial fitness trainers, as defined in article 16.02, division 2 of this code ~~section 16.02.034~~, are considered itinerant vendors under this code. Licensing requirements for commercial fitness trainers are codified in article 16.02, division 4 of this code.

Sec. 6.02.042. Interstate commerce.

This division does apply to transient vendors, itinerant merchants, and peddlers involved in interstate commerce, as the city council finds the permit ~~license~~ procedure and fee does not unduly burden interstate commerce.

Sec. 6.02.043. Application.

An application for a permit ~~license~~ required by this division shall be made in person by the persons requesting such permit ~~license~~ upon forms available in the office of the Community Events Coordinator and on the City website ~~city inspector~~. Applications may be submitted to the Community Events Coordinator ~~city inspector~~. A separate permit ~~license~~ and application shall be required for each person who engages in the activities of an itinerant

vendor, including each employee, agent, or consignee who engages in such activity. Such application form shall provide a space for the following information which must be furnished by the applicant;

- (1) The name, current and former residence and business address, current residence and business telephone number, and occupation of applicant. If applicable, the local address and telephone number where the applicant may be reached.
- ~~(2) The social security number and birth date of the applicant, valid driver's license number, expiration date and state issuing it.~~
- ~~(3) A physical description of the applicant which includes race, gender, height, weight, hair and eye color.~~
- (42) Two recent identical photographic likenesses of the applicant's face, which photographs shall not be less than one inch square or larger than two inches square in size. One photograph shall be kept with the application and one photograph shall be attached to the permit license.
- (53) Positive photo identification issued to the applicant by a governmental agency.
- (64) A description of the goods to be sold, including brand name, if any. If the goods are to be shipped, the name, address, and telephone number of the manufacturing location and/or shipping location.
- (75) The address of the location from which such goods shall be displayed to the public or offered for sale or a statement that the applicant will travel from door-to-door for the purpose of exhibiting or offering goods for sale.
- (86) The name, address, and telephone number of the owner of the property at such location.
- (97) If the goods to be sold are transported in or displayed from a vehicle, the vehicle owner's name, address and telephone number and the vehicle's make, model color, description, identification number and license number.
- (108) Statement that the applicant has not been convicted within the last five years of a felony offense.
- (119) Such other information as may be required to complete an investigation as to the fitness of the applicant to conduct such business operation.
- (10) If the person requesting the permit will occupy public property in the course of conducting business as an itinerant vendor, a certificate of insurance evidencing commercial general liability insurance coverage, under an insurance policy issued by an insurer authorized by or registered with the Texas Department of Insurance, with a minimum combined single limit of \$1,000,000 per occurrence for bodily injury and property damage and naming as "additional insured" the city and its officials, agents and employees. At the discretion of the Community Events Coordinator, a certificate of insurance meeting the requirements of this paragraph and held by an event organizer other than the permit holder may be accepted in lieu of a certificate of insurance evidencing a policy held by the permit holder.

Sec. 6.02.044. Consent from property owner.

If the applicant proposes to display goods to the public or to offer such goods for sale from a designated location, the application shall be accompanied by a written permit signed by the owner or the duly authorized agent of the owner of the property at the location from which the applicant proposes to display or to offer for sale any goods. Such permit shall state that said owner consents that the applicant may use and occupy such property for the purpose of selling or offering for sale such goods.

Sec. 6.02.045. Sales tax permit.

If state law and/or city ordinances/regulations require that sales tax must be paid upon the purchase of such goods as the applicant proposes to offer for sale, the application for permit license shall be accompanied by a valid sales tax permit issued by the office of the comptroller of public accounts of the applicable state.

Sec. 6.02.046. Approval of food products by health officer.

Each applicant who proposes to sell or offer for sale goods intended in whole or in part for human consumption shall secure on the application form for permit license hereunder the signature of the public health officer of the county and/or city indicating that such goods meet minimum food standards of the state.

Sec. 6.02.047. Denial or revocation.

The Community Events Coordinator ~~city inspector~~ or the city council's designated representative may deny or revoke a permit license for an itinerant vendor for any of the following reasons:

- (1) The applicant does not complete the application form and procedure;
- (2) The applicant or the proposed activity of the applicant does not comply with applicable city ordinances and codes, including building codes and the county or state health codes;
- (3) The proposed activity of the applicant is within sufficient proximity in area or timing of a Special Event that the proposed activity logistically would, in the City's determination after having consulted with the permit holder of the Special Event, conflict with the Special Event in terms of crowd control, traffic, parking, or public safety;
- (~~3~~4) The applicant makes false or fraudulent statements on the application form;
- (~~4~~5) The applicant or permit holder ~~licensee~~ is found after investigation to be misrepresenting or making false statements in regard to his authority to sell such goods;
- (~~5~~6) Within the last five years the applicant has been convicted of a felony;
- (~~6~~7) Within the last five years the applicant or permit holder ~~licensee~~ has been convicted in a court of proper jurisdiction of violating this article at any time;
- (~~7~~8) Upon recommendation from a licensed peace officer of the city, county, state or federal government, stating that the permit license be revoked because the conduct of the permit holder ~~licensee~~ or the manner in which the permit holder ~~licensee~~ is conducting their ~~his~~ business operation endangers the health or safety of a citizen of the city or a visitor within the city.

Sec. 6.02.048. Appeals.

If the applicant for a permit license under this division or the holder of such a permit license is dissatisfied with any holding or finding of the Community Events Coordinator ~~or the city council's designated representative~~ ~~city inspector~~, the applicant shall have the right to appeal to the city council by filing a written notice of such appeal with the city secretary within ten days from the decision by the designated representative ~~city inspector~~. Upon the filing of such notice of appeal, the application for the permit license and all papers possessed by the designated representative ~~city inspector~~ in connection with such application and such permit license may be delivered to the city council. The appeal shall be heard by the council at the next regular meeting after the filing of the notice of appeal that allows compliance with the Texas Open Meetings Act and the city's Agenda Policy.

Sec. 6.02.049. Fee; term.

- (a) Any person who is required to obtain a permit license by the provisions of this division may apply for a one-day, thirty-day, or a six-month permit license.
- (b) When a one-day permit license is issued to any such person, the applicant shall pay to the City, at the time the permit license is picked up, ~~to the city inspector~~ a permit license fee as established by the city council in the city's fee schedule.
- (c) When a thirty-day permit license is issued to any such person, the applicant shall pay to the City, at the time the permit license is picked up, ~~to the city inspector~~ a permit license fee as established by the city council in the city's fee schedule.

- (d) When a six-month permit license is issued to any such person, such person shall pay to the City, at the time the permit license is picked up, ~~to the city inspector~~ a permit license fee as established by the city council in the city's fee schedule. No permit license issued under the provisions of this article shall be issued for a longer period than six months.
- ~~(e) Not later than three days after a completed application is filed, the applicant shall be notified in writing of the decision of the issuance or denial of the permit license unless the day filed is a Thursday or Friday. Then the applicant shall be notified not later than six business days after a completed application is filed.~~

Sec. 6.02.050. Display.

Any person issued a permit license pursuant to the provisions of this division must exhibit in plain view to all present the permit license and their photo identification.

Sec. 6.02.051. Records.

The Community Events Coordinator ~~city inspector~~ shall keep a record of each permit license issued in accordance with the City's records retention policy ~~for a minimum of 12 months after issue date.~~

Sec. 6.02.052. Warranties and claims.

Any person required to obtain a permit license under the provisions of this division must display at all times during which such person is doing business, a sign lettered in two-inch letters and visible to all present specifying the type and duration of any warranties made on such goods and the address where any purchaser may make a claim for breach thereof.

Sec. 6.02.053. Trespass.

No person, including the holder of any permit license issued under this division, shall enter upon the land or premises of another after receiving notice from the owner and/or resident that such entry is forbidden. A sign on the premises stating approximately "No Solicitors Commercial or Charitable" or "No Solicitors Except for Non-Profit Organizations," shall constitute notice. A conviction for the violation of this section shall result in the automatic revocation of such convicted person's peddler's and solicitor's permit license.

Secs. 6.02.054. Conflict with City-sponsored events.

No itinerant vendor, regardless of permit status, shall operate within the city within the period beginning twelve (12) hours before a City-sponsored event and ending twelve (12) hours after a City-sponsored event without written consent of the city administrator or the administrator's designee. This restriction does not apply to an itinerant vendor who has a separate and specific permit to operate at the City-sponsored event.

Secs. 6.02.054~~5~~—6.02.070. Reserved.

DIVISION 3. SPECIAL EVENTS

Sec. 6.02.071. Permit required.

- (a) It shall be unlawful for a person to conduct a special event as defined herein without obtaining a permit from the city.
- (b) It shall be unlawful for a person with a permit to conduct a special event to do so in a manner that conflicts with this division or any terms of the permit.
- (c) It shall be unlawful for a person to allow a special event to take place on their property if they are or should have been aware that no permit has been issued authorizing the special event to occur at the applicable time or location.

Sec. 6.02.072. Permits ~~Licenses~~.

- (a) A vendor, sponsor, exhibitor, or entertainer who participates in a special event shall have any permit or license required by other law and ~~is not required to obtain a permit, but~~ must be granted a license~~permit to operate at the special event~~ by the ~~city and the~~ special event permit holder.
- (b) The city may require that all vendors, sponsors, exhibitors, and entertainers participating in a special event provide proof of required permits or licenses and that all other applicable laws or ordinances are being complied with, including that written permission to operate at the special event has been given by the city or entity authorized by the city to grant permission under this section. ~~Licenses shall be obtained from the city, and upon approval by the permit holder, a license may be conferred to a vendor, sponsor, exhibitor, or entertainer.~~
- (c) It shall be unlawful for a person to sell or distribute goods, food, or drink at a special event without required permit or license or without the written permission of the special event permit holder. ~~first obtaining a license.~~

Sec. 6.02.073. Grounds for denial.

- (a) The city may refuse to grant a permit if the:
 - ~~(1) Location for the proposed special event is within the territory of another special event and logistically would conflict with another special event in terms of crowd control, traffic, parking and public safety;~~
 - (1) Location for the proposed special event is within sufficient proximity in area or timing of a previously approved special event, including a City-sponsored event, such that the proposed special event would, in the City's determination after having consulted with the permit holder of the approved special event, logistically conflict with the approved special event in terms of crowd control, traffic, parking, or public safety;
 - (2) Applicant has failed to provide the information requested by the city (or provides false information);
 - (3) Applicant has failed to comply with the insurance or other requirements to obtain a permit; or
 - (4) Applicant has been convicted of violating this ~~division~~ article within the past 12 months.
- (b) An applicant may appeal an administrative denial to the city council by requesting, in writing, that the city council consider the application.
- (c) The appeal must be filed within ten business days following the denial. If the city council does not act on the petition, it is deemed to have been denied by operation of law.

Sec. 6.02.074. Other provisions applicable.

Except for provisions directly regulating itinerant vendors, ~~division 2 and section 6.02.007(a) of this article,~~ all other provisions of this ~~division~~ article apply.

Sec. 6.02.075. Outdoor amplified ~~music~~ sound.

Notwithstanding any provisions of this code to the contrary, the city administrator is authorized to permit outdoor amplified ~~music~~ sound at a special event ~~between the hours of 8:00 a.m. and 8:00 p.m.~~ subject to state law. Permits for outdoor amplified ~~music~~ sound at special events may only be issued by the city council following written notice to neighbors within 200 feet of the event site and a public hearing. It shall be unlawful for a person, other than a governmental entity, to cause amplified sound to be heard outdoors from or at a special event without a permit issued under this section or in violation of state law.

Sec. 6.02.076. Types of special event permits.

- (a) Every applicant for a special event permit, and every holder of a special event permit, must pay the applicable fees set out in the Master Fee Schedule.

(b) For the purposes of the Master Fee Schedule, a special event is:

- (1) a small special event;
- (2) an intermediate special event; or
- (3) a large special event.

Sec. 6.02.077. Specific special event permit requirements.

(a) Every permit holder for a small special event must comply with the following requirements:

- (1) pay all required rental fees for City property usage;
- (2) maintain an adequate on-site first aid kit;
- (3) maintain an on-site fire extinguisher;
- (4) obtain written permission from the property owner if the special event is held on private property;
- (5) maintain insurance satisfactory to the Parks and Community Services Director.
- (6) observe and comply with all other safety, health or fire requirements as determined by the Emergency Management Coordinator or Parks and Community Services Director or the Director's designee.

(b) Every permit holder for an intermediate special event must comply with the following requirements:

- (1) all requirements applicable to a small special event;
- (2) preparation of a site map;
- (3) delivery of a notification letter to neighbors;
- (4) preparation of a trash plan; and
- (5) preparation of a volunteers plan;

(c) Every permit holder for a large special event must comply with each of the following requirements:

- (1) all requirements applicable to a small and intermediate special event;
- (2) obtain Texas Alcoholic Beverage Commission certificates and permission letters for any alcohol vendors;
- (3) preparation of a sound control plan;
- (4) preparation of a security plan; and
- (5) apply for and obtain permits for any required road closures including preparation of an engineered traffic plan.



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Diana Boone, City Secretary

Council Meeting Date: March 4, 2025

Agenda Item Wording: **Discuss and consider approval of an Ordinance Cancelling the 2025 Municipal Election.**

Agenda Item Requestor: Diana Boone, City Secretary

Summary/Background:

On February 4, 2025 the City Council of the City of Dripping Springs, Texas ordered a General Municipal Election for the purpose of electing City Council Members for Places 1, 3, and 5 for a (2) two year term, by approval of Ordinance 2025-04. The deadline to file an application for a place on the ballot expired on February 14, 2025 at 5:00 PM. By the given deadline, the following candidates had filed an application:

Place 1 - Taline Manassian
 Place 3 - Geoffrey Tahuahua
 Place 5 - Sherrie Parks

Each candidate whose names will appear on the ballot in the May 3, 2025 Municipal Election is unopposed in accordance to Texas Election Code Section 2.053 the City Council can declare the candidates elected to office and cancel the election.

Board

Recommendations:

Recommended Council Actions: Staff recommends approval.

Attachments:

1. Ordinance
2. Certificate of Unopposed Candidate

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2025-____

AN ORDINANCE CANCELLING THE MAY 3, 2025, GENERAL ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Dripping Springs, Texas (the “City”) is a general law municipality located in Hays County, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, in accordance with the law a general election has been ordered for May 3, 2025, for the purpose of electing Council Member Place 1, Council Member Place 3, and Council Member Place 5; and

WHEREAS, no proposition is to appear on the ballot in that election; and

WHEREAS, the City Secretary has certified in writing (*Attachment “A”*) that each candidate on the ballot is unopposed for election to office; and

WHEREAS, the filing deadlines for placement on the ballot and declaration of write-in candidacy has passed; and

WHEREAS, in these circumstances Section 2.051 – 2.053 of the Texas Election Code authorizes a governing body to declare each unopposed candidate elected to office and cancel the election.

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. POSTING

This ordinance shall be placed at each polling place that would have been used at the election canceled by this ordinance.

3. DECLARATION OF ELECTION

The following candidates have been certified as unopposed and are hereby elected as follows:

Council Member Place 1, Taline Manassian .
 Council Member Place 3, Geoffrey Tahuahua
 Council Member Place 5, Sherrie Parks

4. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

5. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this ordinance be deemed invalid, unconstitutional or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this ordinance.

6. EFFECTIVE DATE

This ordinance shall be effective immediately upon passage.

7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code

PASSED and APPROVED this, the 4th day of March 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds Jr., Mayor

ATTEST:

Diana Boone, City Secretary

ATTACHMENT “A”
Certification of Unopposed Candidates

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER
POLITICAL SUBDIVISIONS (NOT COUNTY) CERTIFICACIÓN DE
CANDIDATOS ÚNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 3, 2025.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el 3 de mayo de 2025.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) <i>Cargo(s)</i>	Candidate(s) <i>Candidato(s)</i>
Place 1	Taline Manassian
Place 3	Geoffrey Tahuahua
Place 5	Sherrie Parks

Signature (*Firma*)

Printed name (*Nombre en letra de molde*)

(Seal) (*sello*)

Title (*Puesto*)

Date of signing (*Fecha de firma*)

**See reverse side for instructions
(*Instrucciones en el reverso*)**



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Chase Winburn, Human Resources Director

Council Meeting Date: 3/4/2025

Agenda Item Wording: **Discuss and consider approval of a Resolution revising the City of Dripping Springs Personnel Manual.**

Agenda Item Requestor: Chase Winburn

Summary/Background: Over the past year the City of Dripping Springs has increased personnel and made staff changes that affect the Personnel Manual. Minor revisions are needed to include new director titles and to elaborate on certain policies for clarity.

Additionally, a new pets policy has been included, prohibiting pets in any city office facility. This policy aims to ensure the health and safety of all staff and to maintain a professional atmosphere.

**Commission
Recommendations:**

**Recommended
Council Actions:** Recommend Approval

Attachments: Drafted Personnel Manual and Change Chart

Next Steps/Schedule: Send to City Secretary for execution

City of Dripping Springs Personnel Manual Update 2025

Change Chart

Location of Change	Summary of Change
Section 3 Hiring	Included Human Resources Director role and changed director titles
Section 4 - Compensation	Changed director titles.
Section 4 - Employee Referral Incentive Program	Elaborated on eligibility and provided instructions for incentive referrals.
Section 5 – Benefits: Vacation	Included notifying the supervisor of vacation requests and informing the Human Resources Director.
Section 5 - Benefits: Parental Leave	Included reference to the Family and Medical Leave Act.
Section 5 – Benefits: FMLA	Updated responsibility to the Human Resources Director.
Section 6 – Workplace Conduct	Included Development Services location.
Section 6 – Accidents and Safety	Included informing the Human Resources Director of accidents and incidents and reminder to follow workers compensation procedures.
Section 6 - Pets	Included a new policy prohibiting pets in city office facilities.
Section 6 – Performance Evaluation	Included providing performance evaluation to the Human Resources Director
Section 6 - In-City Training	Included FEMA safety training as required training for all staff. Changed harassment and ethics training as a requirement and open government and fraud as applicable training.
Section 8 – Social Media	Included brochures and guides and marketing material and elaborated on compliance.
Section 9 – Surplus	Changed director titles.
Section 11 – Discrimination	Included additional protected classes and added supervisor responsibility to implement policy.
Section 11 – Discrimination	Added Human Resources Director responsibility.
Section 12 – Disciplinary Measures	Changed director titles.

CITY OF DRIPPING SPRINGS
RESOLUTION NO. 2025-_____

A RESOLUTION OF THE CITY COUNCIL OF DRIPPING
SPRINGS, TEXAS, REVISING THE PERSONNEL MANUAL.

WHEREAS, each city should have a personnel manual directed to its employees to provide guidance on the duties and responsibilities of the city and the employees; and

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) finds it to be in the public interest, and necessary for the public health, safety and welfare, that the City of Dripping Springs *Personnel Manual* be updated from time to time to reflect current state and federal law and city practices related to city employees; and

WHEREAS, the City Council of the City of Dripping Springs finds it to be in the interest of hiring and retaining employees to provide a comprehensive Personnel Manual that is regularly updated; and

WHEREAS, the City Council finds that it is reasonable and prudent for this amendment to the *Personnel Manual* to be adopted.

NOW, THEREFORE, BE IT RESOLVED by the City of Dripping Springs City Council:

1. The City Council hereby approves the amendment to City of Dripping Springs *Personnel Manual* pursuant to *Exhibit A*, attached.
2. The City Council approves the funds necessary for these personnel actions, as provided in the budget for the current fiscal year.
3. The City Council directs City staff to work with the Mayor and City Administrator to acknowledge the amendment to the *Personnel Manual* and receive training and information on the amended *Personnel Manual* under the direction of the Mayor and City Administrator.

PASSED & APPROVED this, the _____ day of _____ 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone , City Secretary

ATTACHMENT “A”



City of Dripping Springs **PERSONNEL MANUAL**

*The Handbook Of
Benefits, Policies & Procedures
For Employees of the
City of Dripping Springs*



DRIPPING SPRINGS
Texas

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SECTION 1: INTRODUCTION

1.01 Policies Established

These policies and all amendments hereto shall be the official personnel policies of the City. The City retains the right to unilaterally change policies in this Manual and will advise employees of those changes. All prior policies are hereby repealed.

1.02 Purpose

This Manual is adopted by the City Council as a guidance document, not a contract. Through this Manual, the City Council strives to bring uniformity, consistency, and fairness to its employment practices.

1.03 Applicability

These policies apply to all City employees, except where inconsistent with state law, federal law, City ordinance, or the particular agreement hiring a specific employee. In the event of such inconsistency, the state or federal law, ordinance, or agreement shall prevail.

1.04 Objectives

The City seeks to achieve these objectives through the systematic, uniform application of modern personnel practices. The City's personnel policies strive to:

- (a) promote and increase productivity, efficiency, and responsiveness to the public, and economy in the City service;
- (b) provide fair and equal opportunity for qualified persons to enter and progress in the City's service in a manner based on merit and fitness;
- (c) maintain recruitment, advancement, and other practices to enhance the attractiveness of a City career;
- (d) develop and maintain consistent, up-to-date position classifications and compensation plans;
- (e) develop high morale among City employees by fostering good working relationships, and by providing uniform personnel policies, opportunity for advancement, and consideration of employee needs and desires;
- (f) retain employees on the basis of the adequacy of their performance, correct inadequate performance, and separate employees whose inadequate performance cannot be corrected; and

- (g) assure that employees are protected against coercion for partisan political purposes and are prohibited from using their positions with the City for the purpose of interfering with or affecting the results of any kind of official election.

1.05 At-Will

- (a) All employees of the City serve at-will except those who are a party to a City Council approved employment agreement. Any City Council approved employment agreement preempts any provision of these policies where there is any conflict.
- (b) These policies and the benefits described herein do not constitute a contract of employment or a contract between the City and any employee to provide any benefit. Nothing contained herein shall create an entitlement to, or property interest in, continued employment with the City.
- (c) The City may alter, modify, amend, or terminate any of the policies or benefits set forth herein at any time, with or without notice. Notwithstanding any statement contained in these policies, or in any other document or statement issued by the City or any of its representatives to the contrary, the City shall have the right to terminate any employee from employment with the City, at any time, with or without cause, subject to state and federal law.

1.06 Dissemination

The City shall make every effort to thoroughly acquaint employees with the materials in these personnel policies and any subsequent revision. Copies of these policies and all amendments shall be furnished to each employee. Notwithstanding the foregoing, it is each employee's responsibility to become familiar with the contents of these policies, and to ask questions when necessary, for a full understanding.

1.07 City Administrator

The term "City Administrator" as used in this Manual includes the City Administrator, a Deputy City Administrator, and others specifically designated by the City Administrator to act as agents.

1.08 Chain of Command

Each employee has a supervisor who should be consulted should any work issue arise. If the supervisor is unavailable, or a response is determined by the employee to be inadequate, the employee may discuss the issue with the Department Director, the People & Communications Director (PCD), Human Resources Director, a Deputy City Administrator, or City Administrator, unless a different procedure is described herein. The supervisory chain of command for each employee shall be listed in the employee's job description. Engaging in activity outside the chain of command as relates to employment matters is detrimental to the employment relationship and harms the ability of the City to react effectively and consistently when presented with employee issues. Each month the City Administrator

shall prepare a report for the mayor that lists the hiring, termination, staffing levels, and significant employee actions.

1.09 Core Values

City of Dripping Springs (COD) Texas



Core Values - **C O D S T X**

- **Community** - support, connection, value through relationships
- **Openness** - open and accepting, transparency, communication
- **Dependability** - trust, teamwork, honesty, responsive, available
- **Service** - safety, sincerity, smiles, self-respect
- **Teamwork** - working together for common goals
- **Excellence** - quality, commitment, professional, greatness, brilliance

SECTION 2: CLASSIFICATIONS

2.01 Classifications Listed

There are 5 classifications of employees with the City:

- (1) Full-Time—Exempt;
- (2) Full Time—Non-exempt;
- (3) Part-Time—Regular;
- (4) Temporary;
- (5) Seasonal; and
- (6) Event/Intermittent.

While not considered an “employee” under this Manual, a sixth classification is Contract Services. Volunteers who are not employed by the City in any capacity are not generally governed by this Personnel Manual but will be reviewed in the same manner as an employee as it relates to conduct and ethics as applicable. Employees who volunteer for the City in a capacity other than their normal job functions will be governed by this Manual.

2.02 Full-Time—Exempt

Employees who work a regular schedule of more than 30 hours a week and meet the federal law requirements of an employee exempt from overtime shall be considered full-time—exempt if approved by the City through a job description. The employee’s average of hours worked per week is not considered when determining whether an employee is full-time—exempt.

Pursuant to the Fair Labor Standards Act, as may be amended (FLSA) and applicable state laws, exempt employees are those who qualify as such under the statute because they fall into one of the exempt categories. Exempt employees are not entitled to overtime compensation pay (but are entitled to compensatory time, as explained elsewhere).

Employees are only considered exempt if: (1) they meet the federal requirement; and (2) the approved job description designates the employee as exempt.

2.03 Full-Time—Non-exempt

Employees who work a regular schedule of more than 30 hours a week and who are not exempt employees based on their job duties or compensation shall be considered full-time—non-exempt. The employee's average of hours worked per week is not considered when determining whether an employee is full-time—nonexempt. Non-exempt employees are eligible for overtime pay if the employee works more than forty (40) hours in a 7-day work period. The 7-day work period runs from Monday to Sunday.

2.04 Part-Time—Regular

Employees who work a regular schedule of less than 30 hours a week shall be considered part-time.

2.05 Regular

Any employee who works for an indefinite period of time (not temporary, seasonal, or event/intermittent) shall be considered regular employees.

2.06 Temporary

Employees who work for a short period of time shall be considered temporary employees.

2.07 Seasonal

Employees who work solely for a specific time of year shall be considered seasonal employees. Seasonal employees may not be employed more than three months in any one year and should start and end employment around the same time every year except when also employed as an event/intermittent employee.

2.08 Event/Intermittent

Employees who work at special events or intermittently at any time of the year on an occasional basis. Seasonal and temporary employees may work as event/intermittent employees.

2.09 Contract Services

At the discretion of the City Council, officer or employee positions may be staffed by professional services providers on a contract basis.

SECTION 3: HIRING

3.01 Hiring Authority

The City Council is the hiring authority for all City officers as described in Local Government Code Chapter 22 or as otherwise designated by the City Council. These officers include City Administrator, Deputy City Administrators, City Secretary, City Attorney, People & Communications Director, Human Resources Director, Parks and Community Services Director, City Treasurer/Finance Director, Public

~~Works~~Maintenance -Director, , Utilities Director, Building Official, Planning Director, Emergency Management Coordinator, and others designated by City Council.

The City Administrator has the authority to hire any position if such hiring is not required to be authorized by the City Council pursuant to this provision or other resolution or ordinance. The City Administrator may delegate hiring positions to a department head. For exempt employees of Dripping Springs Ranch Park, the Chair of the Dripping Springs Ranch Park Board of Directors may be involved in the hiring process as described by city ordinance and park rules and policies. The City Administrator has the authority to hire any Dripping Springs Ranch Park position, other than those listed above as hired by the City Council but may consider the input of the Chair of the Dripping Springs Ranch Park Board, if any, in making the hiring determination.

3.02 Interim Appointment

When an emergency exists that requires the services of personnel who are not otherwise available, such employees may be immediately hired by the Mayor or City Administrator for a period not to exceed 90 days without regard to normal recruitment and selection requirements. If the hiring of the interim employee is not confirmed by the primary hiring authority for that position or the City Council within the 90-day period, the employee is considered to be automatically discharged as of the 91st day. Any interim appointment of a position for which the City Council is the primary hiring authority shall be brought to the City Council at the next regular City Council Meeting.

3.03 Background Checks

- (a) Background Processing. Some or all of the following background checks may be conducted for applicants for employment and certain volunteers:
 - (1) Social Security Verification. Validates the applicant's Social Security number, date of birth, and former addresses.
 - (2) Prior Employment Verification. Confirms the applicant's employment with the listed employers, including dates of employment, the position held, and additional information available about performance rating, the reason for departure, and eligibility for rehire.
 - (3) Personal and Professional References. Correspondence or in-person contact will be made to individuals listed as references by the applicant.
 - (4) Educational Verification. Confirms the applicant's educational institution, including the years attended and the degree/diploma received.
 - (5) Criminal History. Includes a review of criminal convictions and probation. The existence of criminal convictions is not an automatic prohibition on City employment. The following factors will be considered for applicants with a criminal history:
 - (A) The nature of the crime and its relationship to the position.
 - (B) The time since the conviction.
 - (C) The number (if more than one) of convictions.
 - (D) Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the city, its employees, or its citizens and vendors.

- (6) Motor Vehicle Records: provides a report on an individual's driving history in the state requested. This search will be conducted when driving is an essential requirement of the position.
- (b) The ~~Human Resources Director~~ ~~People & Communications Director~~ will notify the department head/supervisor regarding the findings of the background check. The department head will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. If a decision not to hire an individual is made based on the results of a background check, the ~~Human Resources Director~~ ~~People & Communications Director~~ will make notification to the applicant.

3.04 Notice

- (a) The ~~People & Communications~~ ~~Human Resources~~ Director or the Director's Designee shall provide, by appropriate means, public notification of vacancies to be filled within the City service and shall maintain a list of current announced vacancies for public inspection. Notice is not required for those vacancies to be filled internally via promotion, transfer, temporary promotion, or reinstatement.
- (b) Each job announcement, insofar as practicable, shall specify the title, nature of the job, required minimum qualifications, proposed rate of pay, and the deadline for and method of application.
- (c) All job openings shall be posted on the City Website and any other location as deemed appropriate and best designed to hire the most qualified candidate. The City Administrator and the ~~People & Communications~~ ~~Human Resources~~ Director may post any existing position regardless of hiring authority as soon as a vacancy exists. The City Administrator and the ~~People & Communications~~ ~~Human Resources~~ Director may post for a new position as soon as the job description and creation of the position is approved by City Council.

3.05 Evaluation

The City Administrator and ~~People & Communications~~ ~~Human Resources~~ Director shall determine the most appropriate means of evaluating applications against job requirements to identify the best qualified applicants. Interviews, background checks (criminal and credit), written tests, and/or other screening procedures may be used as appropriate. Applicants shall be required to provide any job-related information necessary to demonstrate compliance with prescribed minimum qualification requirements for the positions involved.

3.06 Residence

There shall be no residence requirement for City employment, except as may be provided by law. Employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work as may be specified in their job description.

3.07 Orientation and Introductory Period

The ~~People & Communications~~Human Resources Director shall provide orientation to all city employees, in coordination with the Finance Department, ~~IT Department~~, and the employee's supervisor, including required benefit and financial paperwork, review of job description and duties, required training, core values, department specific policies, disclosure of personal information, and personnel manual.

All employees shall serve in an introductory capacity for the first 90 days of employment, promotion, or reassignment. During this introductory period, new employees shall be subject to close evaluation. New employees shall not be entitled to standard employee benefits, including paid leave, except to the extent specifically authorized by this Manual. However, (1) health benefits begin the first day of the month following the start date or as designated by the health coverage provider; and (2) TMRS benefits begin immediately upon full-time eligible employment with the City. Completion of the introductory period does not alter the at-will relationship, create a property interest in employment for any duration, or obligate the City to retain the employee for any certain duration. If this policy conflicts with a separate employment agreement with an employee or an employment benefits provider, the employment agreement prevails over the personnel policy.

3.08 Youth Employment

It is the policy of the City of Dripping Springs that no individual under the age of fifteen (15) shall be hired. Applicants between the ages of fifteen (15) and eighteen (18) shall be required to show proof of age to the satisfaction of the City Administrator or the Administrator's designee. Employees under the age of eighteen (18) shall not have duties or perform work that is prohibited by state or federal law.

3.09 Job Descriptions

The City Council shall be the approving authority for all new positions. All positions shall have a job description which includes exempt or non-exempt status of employee. The City Council shall be the approving authority for all job descriptions for new positions and for all positions hired by the City Council. The City Administrator may make minor amendments to any job description in consultation with the ~~People & Communications~~Human Resources Director, the City Attorney, and the Mayor.

3.10 Nepotism

- (a) No person who is related within the second degree of affinity or within the third degree by consanguinity to any elected officer of the city is eligible for any office, position, clerkship or other service of the city. This prohibition does not affect an officer or employee within the named degree, who has already served at least two years of employment with the city at the time when the elected officer takes office.
- (b) No employee may work in a position which is in the line of supervision of a person who is related within the second degree of affinity or third degree of consanguinity or anyone living in the same household as the employee.

- (c) In the case of a marriage of two (2) existing employees, or other situation giving rise to a relationship prohibited by this policy, the individuals concerned will decide who will terminate or modify employment. If no decision can be made within 30 calendar days, the City Administrator, or their designee, will decide. At any time, either employee is free to apply for a different position with the city for which they are qualified, and that would eliminate a violation of this policy.
- (d) **Affinity (Marriage Relationships): First Degree/Second Degree** Spouse Spouse's Grandparents Father-in-law Spouse's Grandchildren Mother-in-law Brother-in-law Son-in-law Sister-in-Law Daughter-in-law
- (e) **Consanguinity (Blood Relationships): First Degree/Second Degree/Third Degree** Mother Grandmother Great-Grandmother Father Grandfather Great-Grandfather Daughter Granddaughter Great-Granddaughter Son Grandson Great-Grandson Brother Uncle Sister Aunt Niece Nephew Half-blood relationships fall within the same degree as those of full blood. Step relationships by affinity (marriage) fall within the same degree as those by consanguinity (blood). For example, a stepson would be considered the same as a son. An adopted child is considered the child of the adoptive parents.

SECTION 4: COMPENSATION

4.01 Appropriations

Wages, salaries, and working schedules for all employees shall be in accordance with the provisions of the City budget currently in effect, including amendments, and within the limitations of the financial provisions of each department, as approved by the City Council for each fiscal year.

4.02 Timesheets and Time Clock

- (a) **Timesheets:** Each exempt employee as defined in Section 2.02 of this Manual is required to turn in the employee's timesheet by the final day of each pay period (see 4.03(a)) to the Department Head. Each Department Head must approve and submit the approved timesheets to the City Treasurer by 9:00 a.m. the next business day following the final day of each pay period. Absences for the pay period must be submitted with each time sheet.
- (b) **Time Clock:** Each non-exempt employee as defined in Section 2.03 of this Manual is required to use the Time Clock to clock in and out each day with the employee's timecard if the employee works at the site where a time clock is located and accessible. Each employee is required to sign the employee's timecard agreeing that the time card accurately and completely reflects all time worked during the period in question and that no hours were worked that do not appear on the card. It is a violation of city policy to:

- (1) allow another to clock in or out for the employee;
- (2) fail to clock in when the employee arrives;

- (3) fail to clock out when the employee takes a lunch break or leaves work;
- (4) fail to submit all hours worked; or
- (5) fail to follow time clock policies or procedures issued by the City Administrator.

Any failure of this policy may result in disciplinary action.

A non-exempt employee may use a time sheet if approved by the employee's supervisor and/or whose primary work location is at a location that does not have a time clock shall use a time sheet.

Any discrepancy between the timecard and the employee's work hours requires notification to the employee's supervisor within seventy-two (72) hours whether the discrepancy is based on employee error or time clock malfunction. Only an employee's supervisor, the City Administrator, or a Deputy City Administrator may make manual changes to an employee's timecard or time sheet. Time recorded will be the work-time paid or employees will be paid from time sheets verified by actual recorded times. Any adjustments to the recorded time on a timecard or time sheet must be approved by the employee's supervisor. Supervisors will be accountable to the City Administrator for any manual changes submitted.

4.03 Payment Procedures

- (a) Employees will be paid every other Friday. Approved timesheets must be turned in by 9 a.m. on the first business day following the end of each pay period. If a payday is scheduled for a City holiday, the payday will be processed the day before the City holiday or holidays.
- (b) Paychecks shall not be given to third parties without the express written authorization of the affected employee or as required by state law.
- (c) If an employee receives a paper paycheck and is absent on a scheduled payday, the employee's paycheck shall be held until the employee returns, unless a written request for other arrangements has been delivered to the City Administrator prior to such payday.
- (d) Direct deposit for employee paychecks is encouraged. To enroll in direct deposit, an employee shall complete the form provided by the Accounting Department and the form must be signed in ink and the original must be submitted to Accounting.

4.04 Overtime

- (a) Overtime commences for each hour a non-exempt employee works beyond the standard 40-hour week in the seven-day work period. Overtime shall not be calculated to include vacation, sick leave, or any other paid leave taken during the same seven-day work period as "hours worked." Hours worked for purposes of overtime are any hours

worked in the seven-day work period and include holiday hours. Special pay for work during non-business hours, nights, or weekends will not be given unless otherwise specified in this manual.

- (b) All nonexempt employees are eligible for overtime compensation in accordance with the FLSA.
- (c) Overtime compensation shall be calculated in accordance with Section 5.03(f).
- (d) Each non-exempt employee shall be responsible for notifying the employee's supervisor if an assignment cannot be completed within the employee's regular 40-hour workweek. No employee shall work overtime unless the employee's supervisor has determined that such overtime is required. Any employee who works unapproved overtime shall be paid, but may be subject to discipline.
- (e) All exempt employees are entitled to compensatory time. Compensatory time shall accrue in accordance with §5.03(f) (below).
- (f) An employee who requests the use of accrued compensatory time shall be permitted to take such leave within a reasonable period after making the request unless the employee's absence would unduly disrupt the operations of the City.

4.05 Raises, Merit Increases, and Cost of Living Adjustments

City Council has the sole authority to pass ordinances affecting pay scales. Raises, merit increases, and cost of living adjustments shall be considered at the time of annual employee evaluations or when brought to the City Council by the City Administrator. An employee who desires to request a raise or merit increase at a time other than at the time of annual employee evaluation, may make the request in writing to the employee's supervisor and the City Administrator. The City Administrator, in consultation with the employee's supervisor, shall decide whether to bring a recommendation for a pay raise or merit increase to the City Council.

4.06 Promotions

When possible, job openings within the City are filled by promoting qualified employees. A promotion is based on several criteria which includes, but is not limited to, performance in the employee's current job, attitude, attendance, punctuality, experience and interest in the City and qualifications for the open position. An employee applicant will be considered in a fair and appropriate manner as would any applicant. After considering qualifications, experience, etc., an opening will be filled by the person best qualified for the position. All promotions are made without regard to race, color, religion, sex, age, national origin, disability, or marital status. No supervisor may alter the terms of employment from "at-will" to a contracted relationship due to a promotion of an employee to a different position without approval from City Council.

4.07 On Call Policy

(a) Roles and Responsibilities

(1) Department Directors:

- (A) The City Administrator, Deputy City Administrators, the ~~Public Works Maintenance~~ Director, ~~Utilities Director~~, ~~the Deputy Public Works Director~~, Dripping Springs Ranch Park Manager, Emergency Management Coordinator, and the Parks and Community Services Director, will schedule employees for On-Call duty. Priority will be given to employees who volunteer for duty and have the necessary knowledge and skills for On-Call duty.
- (B) The City Administrator, Deputy City Administrators, the ~~Public Works Maintenance~~ Director, ~~Utilities Director~~, ~~Deputy Public Works Director~~, Dripping Springs Ranch Park Manager, Emergency Management Coordinator, and Parks and Community Services Director will oversee the On-Call schedule, duties, and concerns of On-Call Employees at City facilities.
- (C) No employee may be scheduled more than three weeks in a row for On Call Duty. In addition, the Emergency Management Coordinator or the Coordinator's Designee shall ensure that all employees are provided adequate rest time when called to work during emergency situations.

(2) Employees who are On-Call:

- (A) Inform Department Director of availability for On-Call duty.
- (B) For the week of On-Call duty:
 - i Obtain the City-Issued Cellphone prior to beginning of week (if available).
 - ii Answer all inquiries or after-hours emergencies either by phone or on-site.
 - iii Stay within 30 minutes of the City of Dripping Springs. (Employee is not required to stay on-site when On Call).
 - iv Are not allowed to be under the influence of alcohol or any other substance when On-Call.
 - v May use a City Vehicle for their On-Call duties and commuting solely while on On-Call duty in order to benefit the City.
 - vi On-Call Employees may be issued a City-Issued Cell Phone to respond to all On-Call calls.
- (C) Failure to follow these requirements can result in limitations to On-Call duty in the future and other discipline as allowed by the Personnel Manual.

(b) Compensation for On-Call Duty

- (1) On-Call Employees will receive a stipend of \$200 for each week per month they are On-Call.
- (2) On-Call Employees will receive pay for the time they actually work which begins when the Employee responds to an On-Call request.
 - i Non-exempt: receive hourly wage or overtime. Any hours worked during On Call time by a non-exempt, full-time, regular employee is eligible for Overtime Pay.
 - ii Exempt: receive compensatory time off if in the week of On-Call hours worked the total hours worked are over 40 hours in the 7-day work period.

4.08 Longevity Pay

The City provides regular employees longevity pay, at the budgeted rate for each full year of service, up to a maximum of 20 years. Employees with less than one year of service shall receive a budgeted amount up to an amount equal to one year of service.

4.09 Employee Referral Incentive Program

(a) The City provides new employees retention and sign-on incentives for new and returning seasonal employees. The incentives are paid based on the Employee Referral Incentive Program Policy. Only one retention or sign-on incentive per fiscal year per new or returning employee is authorized.

(b) The City provides current city employees who recruit an individual who starts employment with the City whom the employee recruits. The incentive is for the recruitment of permanent and seasonal employees.

(c) Employees who are a supervisor, hiring authority for the position, or make a recommendation on the hiring for a position, including the Human Resources Director are ineligible. Event or Intermittent employees are also not eligible. Event and Intermittent employees, as defined by Section 2.08 of this manual, are employees who work special events (e.g., City festivals or Winter Wonderland, etc) or intermittently at any time of the year for the City on an occasional basis.

~~(b)~~(d) There is no limitation on the number of employees or employee referral incentives that can be earned by current employees. The incentives are paid based on the Employee Referral Incentive Program Policy. Employees must request a referral incentive from the Human Resources Director in writing. The referred candidate will be reviewed by the Human Resources Director and/or City Attorney. Any disputes or interpretations of a referral will be handled by the City Attorney.

SECTION 5: BENEFITS

5.01 Insurance

The City provides varying types of insurance coverage, which includes hospitalization, major medical, life, long-term disability, and dental for full-time, regular employees only. The types of insurance coverage, and the required employee participation, may vary from year to year. Upon employment, an application for coverage shall be completed on the employee and forwarded to the insurance company. The application must be submitted before coverage will become effective. If an employee is on unpaid leave for longer than thirty consecutive days, the absence may affect the employee's insurance coverage and may result in the loss of paid coverage by the City. If this occurs, the employee will be offered continuation of health coverage at the employee's cost (COBRA) for the time of unpaid leave to the extent required by law.

5.02 Workers' Compensation

(a) Workers' Compensation coverage is provided for all employees.

(b) In the event of a job-related injury, a standard Workers' Compensation claim form must

be completed and submitted to the City Administrator within forty-eight (48) hours of the accident causing the injury, or within forty-eight (48) hours from the time the employee is physically able to do so. Contact the City Administrator to obtain the necessary form(s).

5.03 Leave

(a) Employees are generally not required to work on City holidays. The City may choose to observe the day preceding or following a holiday's official date. Each year the City Council will adopt the official City Calendar and that shall be the official list of City Holidays for employees for that year. City holidays are as follows, but are subject to change pursuant to City Council discretion:

- New Year's Day
- Martin Luther King's Birthday (third Monday in January)
- Washington's Birthday (Presidents Day) (third Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth
- Fourth of July
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day and the Day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

In addition, each employee will be given 1-personal floating day to use as needed. Personal day will not carry over to following year. Full-time, exempt employees required by their supervisors to work on a holiday shall be given the same amount of substitute time off as is worked, up to 8 hours substitute time off with pay on another date. Regular, part-time employees are eligible for holiday pay on a pro-rated basis. Holiday hours are considered hours worked for the purpose of compensatory time off for exempt employees and for overtime for non-exempt employees. An employee on unpaid leave on a designated holiday, or in a non-pay status on a scheduled workday immediately preceding or immediately following a designated holiday, shall not receive pay for the holiday. An employee on preapproved vacation leave on a designated holiday, or any type of paid leave, shall not have the holiday deducted from his or her leave time.

(b) **Religious Observance:** Employees desiring to observe religious holidays not coinciding with an officially designated City holiday may be given time off without pay, or may be authorized to use accrued vacation leave, a floating holiday, or compensatory time.

(c) **Vacation:** Upon hire, full-time, regular employees shall be given 40 hours of vacation and will additionally commence to accrue paid vacation as follows: 7 hours each month if employed less than 1 year; 10 hours per month if employed 1 to-, but less than 10 years. A full-time regular employee who has been employed more than 10 years shall receive 14 hours per month of vacation leave. Each regular employee will be eligible to use vacation hours after successfully completing a 90-day introductory period.

Vacation leave shall accrue on a prorated basis each year of employment. All requests for vacation leave are subject to the City's staffing needs and must be approved in advance by the Department Head and or supervisor or Department Head. On January 1st of each year accrued vacation time will be reviewed for each employee and any accrued vacation hours over 120 hours shall expire. Accrued vacation leave that has not expired will be paid out when an employee leaves service with the city up to 112 hours if an employee has been employed for at least six continuous months with the city. Supervisors shall keep the Department Heads and the Human Resources Director informed of their employees' planned vacation time off.

- (d) **Sick Leave:** Full-time, regular employees shall commence to accrue paid sick leave at the rate of 4 hours per month upon full-time employment with the city. Sick leave may be taken as accrued when an employee is ill, to attend doctor/dentist appointments, or to care for a member of the employee's household. Employees unable to work because of unexpected illnesses shall notify their immediate supervisor as soon as reasonably possible. The City may require a physician's verifying statement for any illness that exceeds 3 working days within a two-week pay period, or in the event of excessive absences or absences of extraordinary duration. Sick leave may be carried over to subsequent fiscal years. Accrued sick leave will not be paid out when an employee leaves service with the city. Any employee who exhausts sick leave due to illness may substitute vacation leave or other appropriate paid leave during the time of the illness. Leave that is eligible for Family Medical Leave Act is governed by Section 5.07 of this Manual.
- (e) **Injury Leave:** An employee injured on-the-job shall receive benefits as provided in the City's Workers' Compensation coverage. Nothing herein shall prevent an employee from using accumulated sick leave, vacation leave, or compensatory time off during an absence due to injury. An employee shall immediately report any injury incurred in the line of duty, however minor, to a supervisor, and take such first aid treatment as may be necessary. In the event of a job-related injury, a standard Workers' Compensation claim form must be completed and submitted to the City Administrator within forty-eight (48) hours of the accident causing the injury, or within forty-eight (48) hours from the time the employee is physically able to do so.
- (f) **Compensatory Time:** Salaried, exempt employees will receive compensatory time with pay at a rate of one hour comp time for every hour worked over 40 in a standard seven-day work period (1:1). Compensatory Time may be taken as accrued. Holiday hours are considered hours worked for purposes of compensatory time off. Compensatory time may be carried over to subsequent fiscal years. Compensatory Time of more than 100 hours may not be carried over to the next fiscal year. The City may either: (1) recommend time off for the employee to use Compensatory Time off; or (2) shall exchange pay for Compensatory Time, at the City Administrator's discretion for payouts of 100 hours or less where the hours cannot be carried over and the employee does not take the hours as paid time off. The Mayor may approve an additional payout of 20 hours of compensatory time off. For payouts of over 120 hours

not approved by the Mayor, the issue may only be approved by City Council. This

section does not apply to compensatory time off earned in lieu of overtime for nonexempt employees.

- (g) **Civic Leave:** Each January 1st each full-time, exempt and non-exempt, regular employees shall accrue 8 hours of paid leave toward satisfying civic activities, such as voting, and donating blood. New employees accrue the 8 hours of Civic Leave upon employment. Civic Leave may be taken as accrued. In addition, employees are provided paid civic leave for jury service. Employees granted civic leave for jury service shall retain all juror fees. Employees excused or released from jury service during working hours shall report to their work stations, unless otherwise instructed. Civic leave may not be carried over to subsequent fiscal years.
- (h) **Bereavement Leave:** Bereavement leave shall be available to any full-time or part-time regular employee. Bereavement leave shall not exceed twenty-four work hours within sixty (60) days of the death of a family member or a member of the employee's household and shall be prorated for part-time regular employees. Bereavement Leave may be taken as accrued. Bereavement leave is available upon the death of an immediate family member or a member of the employee's household. Immediate family member includes children, spouse or partner, parent, grandparent, grandchild, or sibling, whether related by blood or marriage. A member of the employee's household includes any individual who resides with the employee. Bereavement leave is available for each death meeting the above criteria.
- (i) **Parental Leave:** Each pregnant employee shall be treated the same as other similarly situated employees regarding requests for sick leave and for accommodations related to performing the essential functions of the job. Pregnant employees and employees with illnesses or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as employees with other types of illnesses or disabilities. The employee will be entitled to resume work following the end of the pregnancy when the employee is able to perform all job duties and has obtained a physician's release to return to duty. [Parental Leave intended for the care of a child by a parent or guardian shall be handled as outlined in the Family and Medical Leave Act policy.](#)
- (j) **Military Leave:**
 - (1) The City complies with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA), as amended. USERRA is a federal statute that protects employees who engage in military duty in the uniformed services. The exception to the "at-will" doctrine contained in USERRA applies only to this section of the Personnel Manual regarding military leave.
 - (2) Military leave shall be approved leave for regular, full-time employees of the City who are members of the state military forces or members of the reserve components of the Armed Forces of the United States.

- (3) The paid military leave period is measured as the fiscal year October 1 through September 30.
- (4) Employees may elect to continue medical benefit coverage under COBRA for the duration of the military leave unless covered under the provisions of FMLA.
- (5) All requests for leave should be accompanied by a copy of the order, directive, notice, or other documents requiring absence from scheduled work.
- (6) An employee who is a member of the state military forces or a reserve component of the armed forces will be granted up to fifteen days of paid leave per fiscal year for days on which the employee is engaged in authorized training or duty ordered or authorized by the Texas military pursuant to Chapter 437 of the Government Code:
 - (1) All requests for leave must be accompanied by a copy of the order, directive, notice, or other document requiring absence from scheduled work.
 - (2) Leave pay will not be granted for hours before or after the regularly scheduled working hours or for overtime hours scheduled.
 - (3) No employee using Chapter 437 military leave will be discriminated against for use of this leave or lose any work benefit while using this leave.
- (k) **Administrative Leave:** In circumstances not falling within other provisions of these policies, the City Administrator or Mayor may authorize an employee to take leave *without pay* under such terms and conditions as may be mutually agreeable. The City Administrator or Mayor may authorize an employee to take up to eighty (80) hours of leave with pay within a twelve-month period when it is in the best interest of the City and staff. Any request for administrative leave exceeding eighty (80) hours within a twelve-month period must be approved by the City Council.
- (l) **Unauthorized Absence:** Employees who are absent from work without having provided notice, obtained a supervisor's approval, provided a legitimate excuse, or who fail to return from scheduled time off without notice, may be deemed to have abandoned their position. Abandonment of an employment position may lead to disciplinary action or the determination that the employee has resigned.
- (m) **Donation of Paid Time Off:** One or more employee may donate accrued paid time off, including sick leave, vacation leave, or compensatory time off hours to another employee if: (1) the receiving employee has exhausted all paid time off or will exhaust the paid time off during the expected leave time; (2) the receiving employee is requesting leave for a reason listed above where the employee would normally have paid time off but has exhausted the employee's paid leave; and (3) the supervisor of the receiving employee and the city administrator gives their approval. A receiving

employee may not: (1) use donated time off for vacation leave; or (2) use donated time off for more than twelve (12) weeks in one twelve (12) month period.

(n) Partial Day Absences:

- (1) Partial Day Absences of less than eight hours where an exempt employee, as defined in Section 2.02 of this Manual, is unavailable for work shall:
 - (a) be charged to accumulated time off such as vacation, compensatory time off, sick leave, or other paid leave as appropriate; or
 - (b) be taken as leave without pay if all paid leave is exhausted.
- (2) An exempt employee requesting an absence of less than eight hours due to unavailability, and who has exhausted all paid leave, shall request approval of unpaid leave from the City Administrator or Mayor pursuant to Section 5.03(1) pursuant to this Manual or request Donation of Paid Leave under certain circumstances as defined in Section 5.03(n).
- (3) Partial Day Absence leave is not required where the exempt employee is able to reach 40 or more hours in a 7-day work period and where such daily work periods are approved by the Department Head.

5.04 Retirement

The City participates in the Texas Municipal Retirement System (TMRS), through which retirement benefits are provided to each permanent employee who averages 1000 hours per year or more.

5.05 Training

The following educational opportunities are available, at the discretion of the Mayor and/or City Council, and subject to budget appropriations:

- (a) **Events:** Employees are encouraged to attend professional conferences, seminars and workshops reasonably related to municipal activities.
- (b) **Memberships:** The City may fund employee membership in professional development organizations. Membership activities must be related to the employee's position with the City. All memberships funded by the City must be approved by the City Administrator.
- (c) **Tuition Reimbursement:** The City may reimburse employees for the cost of tuition for the employee's continuing education. The degree program must be related to the employee's position with the City and approved by the Mayor and City Administrator in advance. To be eligible for reimbursement, the program must be for: (1) certifications or licenses that are directly related to the employee's core job duties; or (2) course credit at a college or university accredited by the Texas Higher Education Coordinating Board. To be eligible for reimbursement, the employee must have

received a grade of “B” or higher for that semester (or “pass” if the course is only offered “pass/fail”). The Mayor or City Administrator may approve up to three thousand dollars (\$3,000) of tuition reimbursement per calendar year. Requests above three thousand dollars (\$3,000) per year require approval by City Council. No minimum amount of tuition reimbursement is mandated or required by this policy but is solely at the discretion of the Mayor, City Administrator, and City Council. The approved written reimbursement agreement shall be attached to this Manual as Attachment “A”.

- (d) Travel Reimbursement:** Employees may submit reasonable travel expenses related to educational events, professional conferences, seminars, classes, and workshops that are reasonably related to municipal activities in writing to the City Administrator. These expenses may be reimbursed by the City on a case-by-case basis and travel reimbursement may be given for events whether or not the tuition, seminar, or conference fee is paid for by the City or the Employee.
- (e) Employee Reimbursement for Training or Tuition Costs:** Each employee who receives training or accepts tuition for continuing education that costs more than \$1000 for one class, event, or related travel expenses for such training or schooling shall sign a written reimbursement agreement that states that they will reimburse the City for the costs related to the training or schooling if the employee separates from the City within two years of the date of the training if a single day, or the last day of the training if a multi-day event, or from the last day of classes for classes reimbursed by the City.

5.06 Uniform Policy

- (a)** The City purchases uniform shirts, pants, shoes, and other clothing for certain employees of the City. The purchase of uniforms, amount, and type are set by the budget each year based on each department’s budget. When an employee receives a uniform item from the City, the employee is responsible for keeping the item in good repair. If an employee purchases clothing, and the City pays for the logo, the employee may keep the clothing upon separation from employment. For items purchased by the City, the item must be returned to the City unless the item is released to the employee by the City Administrator.
- (b)** All uniforms bearing a city logo and purchased by the City are considered City property and must be relinquished to the supervisor upon the end of the employee's employment with the city. If items are not returned, the City may pursue reimbursement for the amount spent

on that employee’s City-purchased uniforms. Each department head is responsible for maintaining a list of City-purchased uniforms or logoed items and providing that information to the finance department.

- (c) Supervisors are expected to exercise reasonable diligence and to make a good faith effort to ensure the return of City-purchased uniforms upon termination of an employee. This includes keeping accurate records of what uniforms the City has purchased and who is in possession of each item. Such record shall be made available to the City Administrator and the finance department.
- (d) No identifiable part of the uniform shall be worn while off duty and not involved in an activity directly related to one's employment and assignments with the City. The uniform may be worn while commuting to and from the workplace. It is a violation of this policy to wear the uniform while in private, employed elsewhere, or when self-employed doing outside employment.

5.07 Family And Medical Leave Act (FMLA)

(a) Definitions

- (1) **12-Month Period:** A rolling 12-month period measured backward from the date the leave is taken.
- (2) **12-Month Service Member Period:** A single 12-month period measured forward from the first day Service Member Family Leave is taken.
- (3) **Child:** A biological, adopted, or foster child, a stepchild, a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under the age of 18 or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is necessary. A more detailed definition is provided in the Family and Medical Leave Act which is available from the People & Communications Director's office.
- (4) **Health Care Provider:** A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 which is available in the People and Communications Department.
- (5) **Next of Kin:** The nearest blood relative of a Covered Service member.
- (6) **Parent:** A biological or adoptive parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.
- (7) **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves:
 - (A) Any period of incapacity or treatment that results in inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - (B) Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider; or

(C) Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or 4) for prenatal care. Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

(8) Spouse: A husband, wife, or domestic partner lawfully married to one other, as defined or recognized under state or federal law for purposes of marriage, including common law marriage.

(b) Policy

An employee may be eligible to take up to twelve (12) weeks of unpaid family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has been employed with the City for at least twelve (12) months, and who has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth of a child, placement with the employee of a child for adoption or foster care; when the employee is needed to care for a child, spouse, domestic partner, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition.

Generally, employees will be returned to the same or an equivalent position upon their return from FMLA leave. The City complies with all provisions of FMLA in its employment practices and makes available detailed explanations and instructions of FMLA benefits and procedures to all employees who fall within its provisions, should such circumstances arise.

(c) Conditions

All eligible employees shall be granted family or medical leave consisting of unpaid leave, and when requested and appropriate, accrued sick and/or vacation leave, for a combined total of up to twelve (12) weeks during the FMLA leave year for the following reasons:

- (1) Family Leave:** Any family leave must be taken within twelve months from the date of the birth or placement of a child for adoption or foster care.
- (2)** The birth and subsequent care of the employee's newborn child and in order to care for the child;
- (3)** The placement of a child with the employee for adoption or foster care, and to care for the child.

(d) Medical Care

- (1) To care for a spouse or domestic partner, child, or parent who has a serious health condition;
- (2) The employee is unable to perform the essential functions of their position due to the employee's own serious health condition;
- (3) A "qualifying exigency" as a result of the employee's spouse, child, or parent who is a military member on covered active duty or called to covered active duty (or notified of an impending call to active duty), or in support of a contingency operation for covered members of a Reserve component, or
- (4) To care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent, or next of kin of the covered service member (military caregiver leave).
- (5) Any other circumstance provided by the FMLA.
 - (A) Employees are entitled to 12 weeks of FMLA-protected leave for a qualifying reason.
 - (B) Employees are entitled to 26 weeks of leave if they qualify as military caregivers.

(e) Procedures

(1) Twelve-Month Period

The twelve (12) month period for counting family and medical leave is a "rolling" twelve (12) month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks that has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.

Employees are eligible to take medical leave intermittently or on a reduced leave schedule only when medically necessary. Employees are not entitled to take family leave intermittently or on a reduced leave schedule unless approved by their Department Director and the City Administrator.

(2) Employee Request for Leave

An employee must give at least thirty (30) days' advance notice in writing for the need to take foreseeable family or medical leave for planned medical treatment, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. The request must state the reason for the leave, the anticipated duration of the leave, and the starting and ending dates of the leave. When it is not practicable under the circumstances to provide thirty (30) days advance notice, the employee must give notice to the People & Communications Director as soon as possible but no later than two (2) business days after the employee learns of the need for the FMLA leave.

(3) Department Notification

Each Department Director is responsible for notifying the ~~People & Communications~~Human Resources Director and the City Administrator immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury. An employee using sick leave should be reported to the People & Communications Director or the Director's designee if it is anticipated that the duration of the illness will be three (3) or more days, or once the employee exceeds three (3) days.

(4) ~~People & Communications~~Human Resources Director Responsibility

~~People & Communications~~Human Resources Director is responsible for the central administration of all requests for family and medical leave. The ~~People & Communications~~Human Resources Director reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The ~~People & Communications~~Human Resources Director may retroactively designate the beginning date of FMLA to the beginning date of the employee's absence for the qualifying event.

(5) Approval

An employee shall submit a request for family and medical leave through proper channels to the Department ~~Director~~Head who will then forward it to the ~~People & Communications~~Human Resources Director for approval. Confidential medical information that accompanies the application can be submitted directly to the ~~People & Communications~~Human Resources Director.

(6) Substitution of Paid Leave

An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation, parental, sick, and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse, or parent must exhaust all accrued sick leave, vacation leave, compensatory time off, and any other applicable paid leave prior to going on unpaid leave. If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave if permitted in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation, compensatory time, holiday leave, parental leave, and any other accrued paid leave, prior to going on unpaid leave. An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.

If medical leave is requested, the employee may use accrued sick leave. After an employee's accrued sick leave has been exhausted, vacation leave may be used as sick leave upon request of the employee. If family leave is requested, the employee may use paid parental leave, if applicable, compensatory time off, and accrued vacation leave. For the birth of the employee's child and in order to care for the child, the employee may use accrued sick leave.

In the event that the appropriate paid leave is exhausted, the remainder of the family or medical leave period will consist of unpaid leave. Family and Medical leave will run concurrently to accrued sick leave and / or vacation, personal or other leave used for FMLA leave purposes.

(7) Maximum Time Allowed

The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.

(8) Medical Certification

The ~~People & Communications~~Human Resources Director may require satisfactory proof of the proper use of medical leave and may disallow the applicability of medical leave in the absence of such proof.

The City requires medical certification from a healthcare provider to support a claim for leave to care for a seriously ill child, spouse, or parent, or for the employee's own serious health condition. Medical certifications must be submitted to the ~~People & Communications Director~~Human Resources Director within fifteen (15) working days. Recertification may also be required every 30 days. An employee will be notified if recertification is required. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position and expected duration. The City does not seek and should not be provided with genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the healthcare provider and not use genetic information for any employment decision or action.

Failure to provide medical certification may result in a delay in the commencement or continuation of the FMLA leave. If a question arises whether an employee on FMLA is utilizing FMLA for reason(s) other than an FMLA-approved illness or injury, the City may take steps to verify the proper use of FMLA leave.

Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

(9) Return to Work

When an employee returns to work after Family and Medical Leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

Employees eligible for Family and Medical Leave will generally be returned to their old position or to a position with equal pay, benefits, and other terms and conditions of employment. However, the City cannot guarantee that employees will be returned to their original jobs in all cases. The City will determine whether a position is an equivalent position.

This policy does not entitle any employee to any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken leave. For example, if during an employee's approved leave, the employee is terminated for reasons unconnected with a legitimate leave, or the employee's position is eliminated through a reduction in force, the commitment to return the employee to a position with the City will cease at the time the employee is terminated or the position is eliminated. An employee on medical leave for five (5) consecutive working days or more for the employee's serious health condition, must provide a "Return-to-Work" release from the employee's health care provider before the employee will be permitted to return to work. The "Return-to-Work" release must state that the employee is able to resume work and must specifically reference that employee's job description and specific duties.

The City reserves the right to consult with the employee's health care provider for clarification on "Return to Work" releases or other FMLA documentation provided by the employee. An employee's failure and/or refusal to provide the necessary FMLA documentation and the periodic written updates as to the employee's FMLA status, as required by the FMLA and the City's policies, shall subject the employee to the possible cancellation of the leave, and other disciplinary action up to and including termination.

(10) Failure to Return to Work

Employees who do not return to work after using all Family or Medical Leave will be subject to disciplinary action up to and including termination unless additional leave has been requested, in writing, and approved by the City in accordance with the City's policies. Employees should submit a written request for an extension of leave to the Department Director. This written request should be made as soon as the employee knows that they will not be able to return to work on the originally declared return date.

(11) Continuation of Health Coverage Benefits

While utilizing unpaid Family and Medical Leave, an employee's health coverage benefits will continue without interruption as long as the employee pays their portion of the health coverage premiums. Health coverage premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), bi-weekly. While on unpaid FMLA, the City will continue to pay its portions of the premiums during the duration of the FMLA.

(12) Intermittent Leave

When medically necessary, an employee may take Family and Medical Leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

Employees are not entitled to take family leave intermittently or on a reduced leave schedule unless approved by their Department Director and the ~~People & Communications~~Human Resources Director.

(13) Holidays

Holidays will be paid in accordance with the Holidays policy. City holidays will not be counted as part of the twelve (12) or twenty-six (26) weeks of Family and Medical Leave, whether the employee is on paid or unpaid leave.

(14) Texas Municipal Retirement System (TMRS)

Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is on leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's ~~People & Communications~~Human Resources Director and completing the necessary paperwork. This arrangement is subject to approval by the City and TMRS.

(15) Recordkeeping

Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable

hours, the minimum hours required for eligibility is calculated on a pro-rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

(16) Military Family Leave Entitlement

Military Qualifying Exigency Leave: Employees who are otherwise eligible for FMLA and have a spouse, child, or parent on covered active duty (deployed to a foreign country) or called to covered active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a contingency operation) may use their 12-week unpaid, job-protected leave to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school activities; addressing financial and legal arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.

Military Caregiver Leave: Employees who are the spouse, parent, child, or next of kin of a service member who incurred a serious injury or illness while on active duty in the Armed Forces and is undergoing medical treatment, recuperation, or therapy, may take up to 26 weeks of leave to care for the injured service member in a single 12-month period. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render the service member medically unfit to perform their duties.

SECTION 6: WORKPLACE CONDUCT

6.01 Standard Work Period

The 7-day work period begins each Monday at 12:01 a.m. and ends each following Sunday at 12:00 a.m.

6.02 Business Hours

Normal business hours are 8:00 am to 5:00 pm.

6.03 Place of Business

The normal place of business for City employees is the City Hall, except that, certain employees have an alternate place of business as assigned by their supervisor or department head, including but not limited to the Dripping Springs Ranch Park, Ranch House, Development Services, and South Regional Wastewater Treatment Plant. Other work locations may be designated by the Mayor, City Administrator, or Department Head at their discretion.

6.04 Telecommuting

Employees may be allowed to occasionally work from remote locations, with the prior consent of the Mayor or City Administrator as an additional benefit to the employee. The City Administrator may also designate certain employees for regular telecommuting schedules. A telecommuting schedule is a privilege. The request to ~~is~~telecommute is not guaranteed for any employee and may be modified, restricted, or removed at any time by the City Administrator or Mayor.

All telecommuting employees shall make themselves available on a set schedule including being available at their city owned cellphone during work hours, if any, or having their phone extension forwarded to their cellphone while telecommuting. The employee shall also maintain access to electronic mail at all times while telecommuting. Employee shall be available for virtual meetings while telecommuting. Any employee who is unable to maintain phone, electronic mail access, and for virtual meetings during their telecommuting time shall not be eligible for telecommuting and may also be required to take leave if they are unavailable during their work hours for any reason. Telecommuting is not to be used in lieu of paid or unpaid leave.

Considerations for telecommuting shall include: (1) department availability at City Hall; (2) availability of telecommuting employee; (3) productivity of telecommuting employee; and (4) in person meeting requirements for telecommuting employee. Each employee is required to notify the employee's supervisor immediately if any situation arises that will affect the employee's ability to work while telecommuting.

Any telecommuting employee shall develop a written plan with the employee's supervisor upon request for telecommuting. Quarterly review of each telecommuting employee's performance while telecommuting will be done upon approval of the employee's telecommuting plan.

6.05 Accidents & Safety

All accidents and incidents shall be promptly reported to the City Administrator and [Human Resources Director](#), when appropriate, investigated, reviewed, and analyzed to identify contributing factors and causes to prevent recurrence. The City may provide written policy guidance on safety measures for specific positions and/or equipment. Each accident or incident shall be documented in writing with an incident report. [Workers compensation procedures should be followed as appropriate.](#)

6.06 Professional Appearance

All employees are required to wear appropriate attire while on-duty and/or at City Hall, Dripping Springs Ranch Park, [Development Services](#), [Ranch House](#), the Wastewater Treatment Plant, and at other city parks and facilities. Department heads may require that certain staff wear City of Dripping Springs clothing or other specialized apparel. If this is required, the City will provide access to such clothing. Please see the Uniform Policy for additional information. Employees are also required to engage in routine grooming and hygiene practices that are conducive to the workplace. Hair, jewelry, and wardrobe choices

must be appropriate for the employee's

interactions with members of the public and suitable to satisfy the City's legitimate job safety concerns.

6.07 Privacy

Employees shall have no reasonable expectation of privacy in their workspaces or on their computers. All City computers, phones, offices, lockers, cabinets, vehicles, and furnishings are subject to use and search by other City officials and employees.

6.08 Smoking

All City buildings and facilities are non-smoking areas.

6.09 Pets

Pets are not permitted in City office facilities. This restriction includes City common areas, meeting rooms, and individual offices. Facilities include Development Services, Dripping Springs Ranch Park, City Hall, Wastewater Treatment Plants and other indoor city office facilities. This prohibition is applicable to all City employees, contractors, and visitors.

Limited exceptions may be made under specific circumstances:

Service Animals

(a) Service Animals that are required for an employee's disability, in accordance with the Americans with Disabilities Act and applicable laws. Employees are encouraged to notify the Human Resources Director in advance if accompanied by a service animal to facilitate any necessary accommodation.

City Events

(b) Pets may be permitted at City-Sponsored events held at the workplace, subject to prior approval from the City Administrator and adherence to specific guidelines provided for the event.

Public Parks

Pets are allowed at public parks subject to park rules.

Approval from the City Administrator is required for any other exceptions.

6.10 Drug/Alcohol-Free Workplace

(a) No employee may consume, or be under the influence of, alcohol or illegal drugs while at City facilities or on duty, unless at an event at a City facility while off duty. Exceptions include medication prescribed by a licensed physician when used as prescribed.

(b) No employee may manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance on City property or while on duty.

(c) All City buildings and facilities are to remain drug and alcohol free except where a

rental of a city facility or park is entered into and adequate insurance is provided. The Mayor and/or City Council may allow certain exceptions for alcohol served at specified official social functions.

(d) Post-accident testing may be conducted following any accident in which violations of safety procedures occur, resulting in either property damage or personal injury caused by an employee. Post-accident testing may be conducted following any accident involving personal injury and the operation of a City vehicle or heavy machinery if evidence exists that the employee caused the accident. Individuals to be tested in a post-accident situation shall include any individual directly involved in an accident whose order, action, or failure to act is determined to be, or cannot be ruled out as, a causative factor in the events leading to or causing such accident.

(e) Commercial Driver Employees and Applicants

(1) Employees

(A) As required by federal law and for the purposes of this Policy, the term “commercial driver” includes any employee who operates or may be required to operate a commercial motor vehicle requiring a commercial driver’s license as defined by 49 C.F.R. § 383.23. This includes temporary, part-time, probationary, and regular employees who operate a commercial motor vehicle only occasionally, intermittently or during an emergency.

(B) All Commercial Driver employees will be subject to alcohol and drug testing.

- (C) All employees who apply for transfer to a position, which requires or could require that the employee operate a commercial motor vehicle will be subject to preemployment testing before being transferred.

(2) Applicants

All applicants who apply for positions which require or could require operation of a commercial motor vehicle will be subject to pre-employment alcohol and drug testing. Employee applicants who are not otherwise covered by this Policy who apply for or are to be promoted or are transferred or assigned into a position which requires operation of a commercial motor vehicle will be subject to pre-employment testing the same as any other applicant.

(3) Prohibitions

Each covered employee is required to comply with the provisions of federal law, which include the following prohibitions:

- (A) No commercial driver shall report for duty or remain on duty to perform a safety- sensitive function while having an alcohol concentration of 0.04 or greater.
- (B) No commercial driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol or any product containing alcohol.
- (C) No commercial driver shall use alcohol while performing safety-sensitive functions.
- (D) No commercial driver shall perform safety-sensitive functions within four hours after using alcohol, regardless of the driver's actual alcohol concentration.
- (E) ~~(F)~~ No commercial driver shall refuse to submit to any alcohol or controlled substance test required under the law.
- (F) (G) No commercial driver shall report for duty or remain on duty to perform a safety- sensitive function if the driver uses any controlled substances, except when the controlled substance is used pursuant to the instructions of a physician and the physician has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- (G) (H) No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.
- (H) Each driver shall report the use of any medication that may affect their ability to perform commercial driving.
- (I) (J) Each driver who parks any vehicle, city or personal, shall only park in designated parking spaces unless loading or unloading.

6.11 Violence & Weapons

- (a) The City is committed to maintaining a workplace free from threats and acts of intimidation and violence. All reported incidents will be investigated.

- (b) Any act of intimidation, threat of violence, or act of violence committed against any person on City property or while performing City business is prohibited. “Intimidation” includes any physical or verbal act toward another person, the result of which is that the person reasonably fears for the person’s safety or the safety of others. A “threat of violence” is a physical or verbal act which threatens bodily harm to another person or damage to the property of another. An “act of violence” is any physical act, whether or not it causes actual bodily harm to another person or damage to the property of another.
- (c) No person shall possess or have control of any firearm, deadly weapon, or prohibited knife while in City Hall, ~~or in a~~ City vehicle or designated City office, except as required in the lawful course of business or as authorized by law enforcement. Except that, an employee may keep a firearm locked in his or her vehicle in the parking areas of the city.
- (d) Any City employee who is the subject of, or a witness to, a suspected violation of this standard should report the violation to a supervisor or person in authority who is not involved in the conduct. Any supervisor or person in authority who receives a report of a suspected violation of this standard shall document the incident and notify an appropriate City official. Any emergency, perceived emergency, or suspected criminal conduct shall be immediately reported to law enforcement. Sexual violence is also criminal conduct and shall be immediately reported.
- (e) Any City employee found to be in violation of this standard may be subject to criminal prosecution as well as discipline up to and including dismissal.

6.12 Supplemental Employment

No full-time or part-time, regular employee may engage in outside employment without the written consent of the Mayor or City Administrator. No equipment or supplies belonging to the City may be used by employees for supplemental employment. An employee shall not engage in outside employment, including self-employment, where such activity would constitute a conflict of interest or adversely affect the employee’s performance in City service. If an employee’s outside employment begins to interfere with the effective performance of assigned City duties, the employee shall be required to terminate the outside employment or to resign from City service.

6.13 Political Activity

- (a) When on duty or in City uniform, an employee of the City may not engage in any political activity relating to a campaign for any elective public office. No employee of the City shall, while on duty or in uniform, make, solicit, or receive any contribution to the campaign funds of any party, interest group or candidate for use in any City election. No employee shall participate in any political activity or campaign for, or with respect to, any candidate in a City Election, including on social media. No city employee will be disciplined for running for city or other office but may be forced to resign if elected, pursuant to state office holding laws.

- (b) When not on duty and not in a uniform of the City, an employee may engage in political activity respective to governments and entities other than the City. An employee may not use the fact of their City employment to solicit campaign contributions for a candidate.
- (c) An employee who is considering becoming a candidate for mayor or city council is hereby informed that election to such office would constitute a resignation from the City service on the day the individual, if elected, takes the oath of office. An employee is encouraged to advise the Mayor in writing prior to announcing candidacy for election or appointment to any public office.

6.14 Telephone Usage

City telephones are primarily for use in conducting City business. Personal calls shall be limited so as not to interfere with City business.

6.15 Media Relations

All media inquiries shall be directed to the People & Communications Director who will coordinate responses. The officially-designated spokespersons for the City are the Mayor, City Administrator, Deputy City Administrators, People & Communications Director, and City Attorney. Other city officials or employees may be authorized or designated to communicate with the media on the City's behalf by the Mayor, City Council, City Administrator or People & Communications Director.

6.16 Privacy

Employees do not have a reasonable expectation of privacy in storage devices provided by the City or located on City property, including but not limited to offices, desks, toolboxes, vehicles, and closets.

6.17 Performance Evaluation

The work performance of each permanent employee shall be evaluated annually. Evaluations for employees on probation shall be conducted upon completion of the probationary period of 90 days. Additional evaluations may be conducted if warranted, as determined by the City Administrator. Evaluations shall be recorded in writing on forms approved by the City Administrator. A copy of such evaluation shall be provided to the employee to whom they relate, and a duplicate copy shall be provided to the Human Resources Director for placement in the employee's permanent personnel file.

6.18 Supervisors

Each employee's direct supervisor shall be set by the ordinances, job descriptions, and contracts adopted by the city council. Authority to terminate resides with the City Administrator unless the employee is hired by City Council pursuant to state law or this Manual. The city council is the final termination authority for City Administrator, Deputy City Administrators, City Secretary, City Attorney, Parks and Community Services Director, City Treasurer/Finance Director, ~~Public Works~~Maintenance Director, ~~Deputy Public Works~~

~~Director~~, People & Communications Director, Human Resources Director, Building Official, Emergency Management Coordinator, and others designated by City Council. The City Administrator, in consultation with the employee's supervisor and the City Attorney, and ~~People & Communications~~Human Resources Director, is the final termination authority for all other employees unless otherwise designated by state law or city council. Employees who are terminated may appeal their termination in the same manner as other grievances as described in Section 12.03.

6.19 Ethical Considerations

~~As a City~~All City employees, ~~you owe~~have a responsibility to the people of Dripping Springs in the performance of your official duties. ~~You~~Every employee should act fairly and honestly and should avoid conflicts of interest and creating the appearance of impropriety.

A City employee should not:

- (a) divulge confidential City information to unauthorized persons;
- (b) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
- (c) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
- (d) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
- (e) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or
- (f) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

Violation of these ethical guidelines is grounds for disciplinary action, up to and including termination.

6.20 Nursing Mother Breaks

- (a) The City of Dripping Springs supports the practice of expressing breast milk by employees;

- (b) The City shall make reasonable accommodations for the needs of employees who express breast milk including:
 - (1) providing a reasonable amount of break time for an employee to express breast milk each time the employee has the need to express the milk;
 - (2) providing a place, other than a bathroom, that is shielded from view and free from intrusion where the employee can express breast milk;
- (c) The City will not discipline or discriminate against an employee because the employee has used her right to express breast milk under this policy.
- (d) Any employee wishing to use this break time and area needs to inform the City as soon as possible so the City may make adequate reasonable accommodations.

6.21 Key Control Policy

Each employee employed shall be given access through a key system subject to a Key Control Policy adopted by the City and enforced by the City Administrator.

Each employee who is given a key shall be required to sign a Key Control Policy and:

- (1) shall not give or loan the key to others;
- (2) shall not make any attempts to copy, alter, duplicate, or reproduce the key;
- (3) shall use the key for authorized purposes only;
- (4) shall safeguard and store the key securely;
- (5) shall immediately report any lost or stolen keys; and
- (6) shall produce or surrender the key upon official request.

If a key is lost, stolen, or not surrendered when officially requested, a charge that reflects the cost of changing any and all locks and keys affected may be assessed to the employee. Misuse of City Equipment including City keys may result in discipline up to and including discharge pursuant to Section 12.02 of this Personnel Manual. Additional requirements related to Key Control may be approved and enforced by the City Administrator or Mayor. The Key Control Policy shall be attached to this Manual as Attachment "B".

6.22 City Hall and Facility Closure Policy

- (a) The City Administrator shall determine when City Hall or other City facility is closed due to inclement weather, natural disaster, or other health or safety threat pursuant to city policy. The decision will be based on consultation with the Mayor, the Emergency Management Coordinator, and Hays County.
- (b) The City Administrator shall determine which Parks are closed due to inclement weather, natural disaster, or other health and safety threat. The decision will be based on consultation with the Parks and Community Services Director, Dripping Springs Ranch Park Event Center Manager, the Mayor, the Emergency Management Coordinator, and Hays County.

- (c) Unless an employee is personally notified by the employee's supervisor, or their designee, the employee is required to work remotely or that the employee is not to report to the employee's designated work site, an employee is expected to report to work. Each Department Head will determine whether employees in each Department shall be required to report to work. Any Employee who is not released from work by their supervisor or designee, shall report to work. Those who are released from work are required to work remotely if feasible. The City Administrator or Supervisor may assign specific duties that may be performed from home. Any hours worked during a closure shall be treated as regular hours worked. Any Employee who is released from work during their normal work schedule may be eligible for paid leave under the Administrative Leave Policy. Administrative paid leave given during a full or partial city closure will solely be used to make up any time an Employee could not work due to the city closure. (For example, if an Employee is released from work for an eight-hour day, but works four hours at home, that Employee shall be paid for a regular eight-hour day, four hours actually work and four hours administrative paid time off if approved).
- (d) In the event inclement weather, natural disaster, or other health or safety threat makes travel to work from home unsafe or impossible for an Employee, absence from work will be considered an excused absence if the Employee provides the required notification to the Employee's Supervisor or Department Head. Work from home will be considered hours worked and shall not be deducted from paid time off. The Employee may apply for administrative leave, with or without pay, or may use vacation time or compensatory time off if Employee has accrued compensatory time off. If additional time is needed for a commute due to inclement weather, natural disaster, or other health or safety threat, the additional time may be considered hours worked if approved by the City Administrator.

6.23 General Conduct

- (a) The attitude and conduct of a City employee, whether in public or private, should at all times be such as to promote the good will and favorable attitude of the public toward the City. This includes providing courteous and respectful service to the public and to city employees.
- (b) Attendance is an essential function of each position at the City of Dripping Springs. Unsatisfactory attendance is not allowed. It is exemplified by, but not limited to the following violations:
- (1) unexcused absence or tardiness;
 - (2) failure to give notice of an absence or tardiness to the supervisor at least two (2) hours before starting time, or such other time as designated in a written policy established by the department head/director when possible;
 - (3) failure to return to work after any authorized leave of absence;
 - (4) absence or tardiness that causes significant curtailment or disruption of service without sufficient justification; or
 - (5) leaving working prior to the end of your work day unless authorized by your supervisor.

6.24 Use of City Vehicles

- (a) City vehicles are furnished for official city business and may not be used for personal use unless approved by their Department Head or City Administrator, or their designee.
- (b) The misuse of city vehicles/equipment shall be considered a serious offense subject to corrective action up to and including dismissal.
- (c) All employees authorized to operate city vehicles and motorized equipment are covered by this section.
- (d) City Administration is responsible for conducting Motor Vehicle Records (MVR) checks on all current employees who drive city vehicles or may operate a personal vehicle for official city business. The purpose of this check is to verify they have a valid State of Texas driver license without restrictions and are insurable under the city's motor vehicle insurance policy. Annual verification of drivers license for employees who drive as part of their employment shall be required.
- (e) **Accident Reporting.**
 - (1) The operator of a city vehicle or personal vehicle on official city business shall take the following actions when involved in an accident:
 - (A) Render aid if possible and necessary.
 - (B) Call Law Enforcement.
 - (C) Make a record of the make, model, and license number of vehicles involved.
 - (D) When possible, take pictures of the vehicles and license plates of the involved vehicles as well as the area of the accident. Complete a vehicle/equipment damage report.
 - (E) Be courteous, but do not make or sign statements for anyone except the police.
 - (F) Do not offer promises on behalf of the city.
 - (G) Notify your supervisor as soon as possible.
- (f) An employee of the city involved as a driver of the city vehicle or personal vehicle on official city business involved in a preventable accident may be required to undergo a driving evaluation.
- (g) **Operations.**
 - (1) It is the employee's responsibility to ensure that they possess and maintain a current, valid, and appropriate operator license for the type of vehicle or equipment being operated.
 - (2) It is a violation for a city employee to violate the rules of the road, speed limits, traffic requirements, or any parking requirements while driving a city vehicle or driving a personal vehicle on city business.
 - (3) Employees are responsible for reporting the routine condition and maintenance of assigned vehicles or equipment. All employees with knowledge of a defect in a city vehicle or equipment must make a written report of the defect to the ~~Deputy Public Works~~Maintenance Director prior to operating the vehicle or equipment, or upon becoming aware of the defect.

- (4) Employees who know a defect exists in a vehicle or equipment that affects the safety of its operation must take the vehicle out of service and not operate the vehicle or equipment until it is properly placed back in service by the designated member.
- (5) Employees must inform their supervisor when they are involved in a vehicular accident, convicted of a moving violation, DWI, DUI, or any other crime on or off the job that would impact the employee's ability to operate a city-owned vehicle or equipment.
- (6) An employee must notify their supervisor immediately whenever their driver license/CDL is temporarily or permanently suspended.
- (7) Should a driver receive a traffic citation while operating a city vehicle or a personal vehicle on city business, they must notify their supervisor within 24 hours, excluding holidays and weekends.
- (8) An employee, who, as an operator of a city or personal vehicle or equipment, experiences a number of preventable accidents or is found to have an excessive number of moving or parking violations, may be subject to an evaluation of their ability to continue driving for the city and may be permanently prohibited from operating vehicles or equipment for official city business.
- (9) Involvement in a preventable accident may be considered an offense requiring corrective action.
- (10) The need for corrective action, and its extent, will be based on the driving requirements, driving record, accident-causing factors, frequency of accidents, and the driver's negligence.
- (11) Drivers found to be driving city vehicles, or personal vehicles on city-related business, under the influence of alcohol, controlled substances, or illegal drugs will be subject to immediate dismissal.

6.25 In-City Training

The City provides in-house training opportunities to its staff in order to educate employees on important topics and follow state and federal law requirements. Cybersecurity and FEMA safety ~~training~~ is required for all new employees and on an annual basis. In addition, training on harassment, and ethics rules, ~~and open government may also be required~~ will be required annually. Open government, fraud and other training will be required as applicable.

SECTION 7: TECHNOLOGY USE POLICY

7.01 No Right to Use City Computers or Phones

Use of City computers to access the internet or electronic mail (i.e., "email") is a privilege not a right. The City provides computers and internet / email access for the express purpose of conducting City business and performing municipal tasks.

7.02 Primary Purpose

City computers and phones, including city-issued mobile phones and radios, are to be used primarily for conducting City business. City technology is not intended to be used for

conducting personal business. Incidental and infrequent personal use of City technology

and City internet / email access is allowable provided that it does not hinder or interfere with conducting City business. Limited personal use of City internet or personal email accounts is best conducted while on break.

7.03 No Privacy Expectation

City officers and employees have no reasonable expectation of privacy on City computers, phones, radios, internet, or email. The City has the right to view and inspect all City computers, phones, and radios including information accessed, downloaded, viewed, sent, or received over the internet or by email. Much of the information generated by or stored on City technology or obtained through City internet or email access is public information that is required to be catalogued under the Texas Records Retention Act, and subject to mandatory disclosure under the Texas Public Information Act, or other law. Use of City computers, phones, radios, and internet or email accounts constitutes consent by the City officer or employee for City inspection of those computers and internet or email accounts, and data transmitted thereon.

7.04 City Email Accounts

All City employees are required to use their City-issued email accounts to conduct City business. Employees are prohibited from using their personal email accounts to conduct City business. When corresponding about City business via email, all City personnel must include the City's standardized email stationery and signature within the emailed message. If an employee receives a city email at a private email address, the employee should immediately forward the email to his or her city email address for storage.

7.05 Prohibitions

No officer or employee may:

- (a) Download any software or program onto City computers or phones without the express written authorization of the City Administrator and city IT Director. No employee may have TikTok on any city device including computers, tablets, and mobile phones.
- (b) Use City computers, phones, radios, City-funded internet / email accounts, or any other communication device on which City business occurs or is funded by the City:
 - (1) in a manner that neglects the officer or employee's assigned duties or interferes in City operations;
 - (2) to participate in on-line chat rooms, unless those chat rooms are sponsored by legitimate professional organizations relevant to municipal government, and such participation is approved in advance by the Mayor or City Administrator;
 - (3) to invite an employee on a date or make sexual propositions of employees;
 - (4) to harass or otherwise interfere with a City employee. This prohibition includes but is not limited to harassment stemming from an employee's race, ethnicity, color, sex, age, or marital status;
 - (5) to send or distribute off-color jokes, articles or stories that are lewd and that a reasonable person would find to be offensive;
 - (6) to send or distribute worms, malware, or viruses;

- (7) to send threatening messages to any other person or institution;
- (8) use City computers or City-funded internet / email accounts to view, download, or distribute pornographic material, including obscene images or text;
- (9) to disclose, release, or otherwise transmit confidential or privileged information belonging to the City without the express permission of the Mayor or City Administrator;
- (10) to store personal information (i.e., that information not directly related to City business). Officers and employees shall regularly remove any personal data (i.e., that which is not prepared for or by the City for conducting City business) from City computers and internet / email accounts;
- (11) to delete or remove programs installed by the City or delete data prepared by or for the City that is related to City business;
- (12) to operate a private business, do work for another employer, or conduct political campaigns. This prohibition does not apply to the preparation and generation of election notices and related documents required by law; or
- (13) to violate another person's privacy, perform an illicit act, or commit a crime.

7.06 Duty to Report

Officers and employees shall report Violations of this Technology Use Policy to the Mayor or City Administrator. Officers and employees who have received a worm, virus, or phishing or social engineering email or text must immediately notify the City Administrator, city IT Director, or the City's Information Technology Consultant. The City Administrator may suspend or revoke an employee's internet or email access privilege for violation of this Policy. Violation of this Policy is basis for disciplinary action, up to and including termination. The unauthorized disclosure of confidential or privileged information belonging to the City is basis for disciplinary action, up to and including termination, and may be punishable as a criminal misdemeanor.

SECTION 8: SOCIAL MEDIA POLICY

8.01 Introduction

Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Instagram, Snapchat, LinkedIn, TikTok, Twitter, etc.) this Social Media Policy ("Policy") establishes prudent and acceptable practices regarding City of Dripping Springs officials and employees (personnel) use of the internet.

8.02 Purpose

The City has a legitimate government interest in effective, efficient, and consistent communications with the public. The City also strives to have a productive workplace. While the City encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if such activities could:

- (a) impair the work of any City official or employee; create a harassing, demeaning, or hostile work environment; or
- (b) disrupt the smooth and orderly flow of work; or harm the goodwill and reputation of the City among its citizens or in the community.

For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, while both on and off duty.

8.03 Disclaimer

- (a) Under this Policy, the City disavows, and is not responsible for any sites, posts, opinions, or content not coordinated through and approved by the City Administrator or People & Communications Director.
- (b) If City personnel posts data purporting to be on behalf of the City while using a social media site without the prior approval of the City Administrator, the City is not responsible for said posted content. Such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or City Staff, and the City is not responsible for archiving such content in accordance with the records retention schedule or providing copies in accordance with the Texas Public Information Act (PIA) and may be grounds for disciplinary action.
- (c) The absence of explicit reference herein to a particular site does not limit the extent of the application of this Policy. If any personnel is uncertain, the employee must consult their supervisor before proceeding.

8.04 General Guidelines

- (a) While on duty, the use of City equipment or internet service by personnel must be limited to work-related tasks. Social media activities shall never interfere with work commitments.
- (b) It shall be a Policy violation for any personnel to post online content as a representative of the City, or on the City's behalf without the City Administrator's or People & Communications Director's prior approval.
- (c) Any personnel posting City-related issues online not as an approved representative of the City or on the City's behalf, shall explicitly clarify they are speaking for themselves and not on behalf of the City by displaying the following disclaimer: "This is my own opinion and not necessarily the opinion or position held by the City or City Council."

8.05 Guidelines for Official City Sites

- (a) All City-sanctioned social media sites shall be maintained by the People & Communications Director, City Administrator, or their designee. Any content to be

posted on City-sanctioned social media sites must meet the approval of the People & Communications Director or the City Administrator before it is posted.

- (b)** All personnel that engage in social media activities and/or visit any City-sanctioned social media site on the City's behalf shall adhere to applicable federal, state, and local laws, regulations, and policies, including the Texas Public Information Act and the records retention schedule. All content must be managed, stored, and retrieved to comply with these laws.
- (c)** Any personnel that posts online content as a representative of the City, or on the City's behalf shall clearly state within said post that said content is subject to all applicable records retention and public disclosure laws. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to records retention and public disclosure.
- (d)** Any content posted as representative of the City, or content posted to a City sanctioned social media site containing any of the following is prohibited:
 - (1) Comments not topically related to the particular site or blog article being commented upon;
 - (2) Profane language or content;
 - (3) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, sex, marital status, status with regard to public assistance, national origin, physical or mental disability;
 - (4) Sexual content or links to sexual content;
 - (5) Conduct or encouragement of illegal activity;
 - (6) Information that may compromise the safety or security of the public or public systems;
 - (7) Content that violates a legal ownership interest of any other party;
 - (8) Information that is incorrect or misleading;
 - (9) Information that is in conflict with an approved City policy, ordinance, directive, or plan; and/or
 - (10) Anything else that creates a disruption in the workplace.
- (e)** Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the People & Communications Director or the City Administrator because it violates criteria in the preceding item of this Policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed unsuitable for posting.
- (f)** Any hyperlinks posted on a City-sanctioned social media site shall be accompanied by the following disclaimer: "The City guarantees neither the authenticity, accuracy, appropriateness nor security of the link, website, or content linked thereto."

- (g) Personnel found in violation of this Policy may be subject to disciplinary action, up to and including termination of employment.

8.06 Guidelines for Marketing and Branding

To ensure consistent brand messaging and to protect brand integrity, the City has guidelines when it comes to marketing and branding of all city entities. The People & Communications Director or designated representative is the lead on any communications, design and marketing of city-related brands, events, programs, initiatives, departments, and facilities. All designs should follow the established brand guidelines that includes logo(s), typography, and photography. No letter heads, advertisements, brochures, guides or email signatures shall be created without approval from the People & Communications Director. Any new city logo must be approved by the City Council. Compliance is mandatory, with the People & Communications Director responsible for enforcement and periodic reviews. Failure to adhere to these guidelines may result in disciplinary action.

SECTION 9: SURPLUS EQUIPMENT POLICY

9.01 Purpose

The purpose of this *Surplus Equipment Policy* is to establish procedures for managing and disposing of the City's surplus property and equipment in a manner that is fiscally responsible. This policy applies to all City of Dripping Springs personnel.

9.02 Definitions

Office Equipment: Not office supplies. Includes furniture, electrical appliances, wall hangings, and anything else valued over \$25.00 and/or listed in the City of Dripping Springs liability inventory.

IT Equipment: Machines used to acquire, store, analyze, or process data and information electronically, including for printing, transmitting, and receiving, or storing electronic information such as a computer, computer accessories, or copy machine.

Surplus Property: Equipment, furniture, scrap or salvaged material, or other tangible property that might still have some usefulness but is no longer needed or required by the City of Dripping Springs, regardless of its present condition or estimated value.

Office Supplies: Office tools such as staplers, writing utensils, scissors, and other tools used within the office with a replacement value of under \$25.00.

Salvage Property: Generally, refers to personal property that is damaged, used, or consumed so that it has no value for the purpose for which it was originally intended.

9.03 Procedure

Under this policy, City staff are responsible for:

- (1) Coordinating the transfer of surplus equipment from the City;
- (2) Ensuring that the appropriate paperwork or forms are completed prior to transfer;

- (3) Providing temporary storage until sale or disposal of the surplus equipment or property;
- (4) Maintaining a master list of all surplus equipment that is transferred or is awaiting transfer;
- (5) Updating the master list of surplus equipment accordingly;
- (6) Allocating the proceeds from the sale of surplus equipment properly and in accordance with Texas Local Government Code Chapter 51, if necessary.

Unauthorized removal, disposal, or expropriation of City equipment or surplus property is considered theft and constitutes a serious breach of City policy and may result in disciplinary action, including, but not limited to dismissal, or criminal prosecution.

- (a) Reporting Authority:** Parks employees shall report issues related to non-IT equipment to the Parks and Community Services Director.

All other employees shall report issues related to non-IT equipment to the ~~Deputy Public Works~~Maintenance Director

All employees shall report issues related to IT equipment to the IT Director.

- (b) Surplus Equipment:** The ~~City Deputy Public Works~~Maintenance Director may declare equipment or property that is no longer useful for the City of Dripping Springs as surplus. Before declaring equipment or property as surplus, the ~~Deputy Public Works~~Maintenance Director is encouraged to:

- (1) Trade in the property towards the purchase of new property;
- (2) Transfer the property within the City; or
- (3) Transfer the property to another City office.

The ~~Deputy Public Works~~Maintenance Director shall oversee any of the above transactions or other disposal of surplus equipment or property.

- (c) Broken Equipment (Non-IT):** The City Parks and Community Services Director and the ~~City Deputy Public Works~~Maintenance Director can determine the procedure for the disposition of broken equipment that can be repaired.

If broken equipment cannot be repaired, an employee shall inform their immediate supervisor. The Department Director will work with the City Parks and Community Services Director or the ~~City Deputy Public Works~~Maintenance Director to dispose of that broken equipment or property with written approval by City Administrator. This does not govern the procedure for disposal or transfer of broken IT equipment or property.

- (d) Unused Equipment (Non-IT):** An employee shall inform their immediate supervisor if there is unused equipment at their workstation or site. The Department Director will work with the City Parks and Community Services Director and the City Deputy Public

Works Director to determine the procedure for the disposition of unused equipment or property with written approval of the City Administrator. Unused equipment is equipment that is no longer needed due to:

- Lack of continued need
- Lack of trade-in value
- Obsolescence
- Wear, damage, or deterioration
- Major repair is impractical
- Excessive cost of maintenance

(e) Broken Equipment (IT): The City IT Director is in charge of processing, transferring, and disposing of broken IT equipment or property. In general, the length of time that an electronic or computing device should be a consideration when determining whether such a device should be deemed surplus, especially if IT equipment is broken, or breaks often. Used IT devices, even broken devices, can contain confidential data and licensed software that are at risk of unauthorized use. To promote the security of confidential information, the IT Director is required to erase data stored on IT devices before their sale, disposal, or relocation.

Many IT devices contain harmful heavy metals that are harmful to the environment when improperly disposed. If these devices are subject to disposal, they cannot be disposed of in landfills or other scrap metal recycling programs. Compliance with local or state recycling programs is requested.

Employees shall inform IT Director of broken equipment. If broken beyond repair, IT equipment cannot be repaired, an employee shall inform IT Director r. The IT Director may dispose of that the broken equipment or property with written approval by City Administrator.

(f) Unused Equipment (IT): The City IT Director is in charge of processing, transferring, and disposing of unused IT equipment or property. In general, the length of time that an electronic or computing device should be a consideration when determining whether such a device should be deemed surplus. If the equipment is unused and can be transferred or sold, then the City IT Director should make that consideration when determining proper disposition procedures for that equipment or property.

Unused IT devices still contain harmful heavy metals that are harmful to the environment when improperly disposed. If these devices are subject to disposal, they cannot be disposed of in landfills or other scrap metal recycling programs. Compliance with local or state recycling programs is requested.

Employee shall inform the IT Director if there is unused IT equipment at their workstation or site. The IT Director can determine the procedure for the disposition of

unused equipment or property with written approval of the City Administrator. Unused equipment is equipment that is no longer needed due to:

- Lack of continued need
- Lack of trade-in value
- Obsolescence
- Wear, damage, or deterioration
- Repair is impractical
- Excessive cost of maintenance

(g) Equipment for Sale: The ~~City Deputy Public Works~~Maintenance Director is in charge of selling any surplus equipment or property. Items may be transferred to other City departments, donated to non-profit organizations, or given away at no cost to avoid landfill disposal. Items will be sold at the discretion of the ~~City Deputy Public Works~~Maintenance Director with approval from the City Administrator. The ~~City Deputy Public Works~~Maintenance Director, with the prior approval of the City Administrator, may donate surplus equipment or property directly to a non-profit organization with proof of the 501(c)(3) status of recipient.

(h) Office Supplies: For office supplies, as defined above, that are broken, such as a stapler or scissors, an employee may dispose of such supply. After disposing of any such property, the employee should inform their immediate supervisor and the Department Director will inform the ~~City Deputy Public Works~~Maintenance Director or City Parks and Community Services Director of the disposition.

For office supplies, as defined above, that are unused, such as a stapler or scissors, an employee shall inform their immediate supervisor. The Department Director will inform the ~~City Deputy Public Works~~Maintenance Director or City Parks and Community Services Director so that such supply can be stored.

If there is a question of whether an item can be disposed of as an “office supply” or whether an object is “equipment”, the employee should contact the ~~City Deputy Public Works~~Maintenance Director or City Parks and Community Services Director for verification and handle such property appropriately.

SECTION 10: TRAVEL AND REIMBURSEMENTS

10.01 Registration Fees

Fees charged for registration for conferences, meetings, or seminars are allowed for prepayment or reimbursement. Invoices, registration forms, and supporting information providing documentation of fees or rates must be submitted with the request for payment.

10.02 Reimbursements

Reimbursement for education, training, conference, and other business-related expenditures incurred by City employees and officials in the performance of their duties

and responsibilities will comply with standard, uniform procedures. Reimbursements may be made for the following types of expenditures, upon submittal of an expense report along with the receipts:

- (a) Transportation:** Coach rate air fare, toll roads, out-of-pocket expenses incurred during use of a City vehicle, mileage at the current Internal Revenue Service established rate. Cost of any taxi fare incurred, plus gratuity. Cost associated with parking of personal or City vehicles resulting from travel or conduct of City business. Each official and employee will use best efforts to use the most cost-efficient travel for each trip. Reimbursements will only be given for the actual cost of travel and will not be given for the use of reward travel or “miles”.
- (b) Meals:** Cost of meal reimbursement will be based on actual charges and should be reasonable and prudent, not extravagant. The costs of meals will be reimbursed up to the state per diem rate for the location at which the meal is purchased pursuant to the rates established by the U.S. General Services Administration.
- (c) Entertainment:** Employees are responsible for the costs of their own entertainment.
- (d) Lodging:** Actual cost of room, plus appropriate taxes.
- (e) Per Diem:** The City Administrator or Mayor may establish per diem for certain travel events.

10.03 Cash Advances

Employees shall submit receipts accounting for all cash advances made from petty cash.

SECTION 11: DISCRIMINATION

11.01 Equal Employment Opportunity

The City’s employment decisions are made without regard to race, color, religion, sex, age, sexual orientation, military status, veteran status, national origin, mental or physical disability, pregnancy, or marital status. Discrimination or harassment against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations, membership or non-membership in employee organizations, or because of race, color, national origin, age, disability, veteran status, sex, or marital status is prohibited. Any employee discriminated against or harassed shall report such conduct to his or her immediate supervisor, City Administrator or ~~People & Communications~~Human Resources Director; provided, however, if a City Administrator or ~~People & Communications~~Human Resources Director is the alleged source of a claim of discrimination or harassment, the aggrieved employee may address such claim directly to the Mayor, or if the Mayor is the alleged source of a claim, then the aggrieved employee may address such claim directly to any member of City Council.

11.02 General Prohibition

The City shall base all employment actions and decisions on a person's qualifications, experience, performance, demeanor, and behavior. The City shall **not** discriminate against employees on the basis of race, color, age, veteran status, military status, pregnancy status, ethnicity, sex, religion, sexual orientation, or nation of origin.

Every supervisor is expected to implement this policy through uniform and consistent employment practices. Management is also responsible for maintaining a professional working environment free of intimidation, sexual harassment, and all other forms of harassment and discriminatory conduct.

11.03 Discrimination and Harassment

(a) Harassment Prohibited

It is City Policy that all employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual, racial, religious, or other harassment. Accordingly, no employee shall engage in harassment of any employee, applicant, or any other individual.

(b) Discrimination and Harassment Defined

Discrimination and harassment is behavior that is motivated in whole or in part by a person's protected class, that is not welcome, and is personally offensive, or that lowers morale and that, therefore, interferes with an employee's work effectiveness. It can include verbal abuse and gestures. Harassment occurs in many forms, including but not limited to, unwelcome physical contact, verbal abuse, leering, gestures, electronic communication, and more subtle communication or advances and pressure involving the individual's protected class. Whether particular conduct constitutes, or harassment is based on the reasonable perception of the victim. Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) adversely affects a term or condition of an individual's employment; or
- (2) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (3) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (4) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, whether or not it is directly linked to the granting or denial of an economic benefit.

(c) Discrimination and Harassment is Punishable

Discrimination and Harassment are forms of misconduct that undermines the integrity

of the employment relationship. No employee should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical or verbal abuse related to a protected status. A finding that any employee has committed any such form of harassment will result in disciplinary action.

(d) Reporting Required

Any employee who believes that the employee has been subjected to any of the forms of harassment set forth above should report this harassment to:

- (1) the employee's supervisor;
- (2) the City Administrator;
- (3) the City Attorney;
- (4) the ~~People & Communications Director~~ Human Resources, and/or
- (5) the Mayor.

Complaints against the City Administrator should be reported to the Mayor, the City Attorney, or a member of the City Council. Every supervisor or officer receiving a report of alleged harassment must notify the Mayor and all persons in the alleged offender's chain of command. Appropriate action must be promptly taken. The first action taken in such event shall include steps calculated to prevent reoccurrence of any such alleged incidents, pending investigation and final resolution of the complaint. Each such report shall be investigated promptly, and appropriate corrective action will be taken with the City Administrator's concurrence unless the allegation involves the City Administrator, in which case the appropriate corrective action will be taken by the Mayor.

(e) Investigation Without Retaliation

All good faith complaints of harassment will be promptly investigated, ensuring confidentiality to the maximum possible extent. Disciplinary action shall be taken against any employee in violation of this policy. Such disciplinary action will be determined by the nature of the wrongful act and may result in immediate dismissal of the offending employee. No employee of the City shall be retaliated against for filing a complaint of harassment in good faith or for participating and cooperating in the good faith reporting or investigation of such a claim. However, the City recognizes that false accusations of harassment can have serious effects on innocent men and women, their reputation, and their families. False accusations of sexual harassment will result in severe disciplinary action.

(f) Training Required

It will be the responsibility of the City Administrator to inform all employees of the policy concerning non-discrimination, equal employment opportunities, and harassment, as well as the gravity of such behavior and the procedure to be employed in the event an allegation develops.

11.04 Disabilities

The City shall evaluate all job applicants and employees based on ability to perform the essential functions of the position with or without reasonable accommodation. The City shall comply with the federal Americans with Disabilities Act (ADA).

11.05 Religious Affiliation

The City shall not evaluate or take employment action on job applicants or employees

based on the applicant or employee's religious practices or membership. It is imperative, however, that employees do not allow their religious activities to interfere with the performance of work-related duties or the completion of assignments. Being a government institution, the City does not allow employees to proselytize.

11.06 Immigration Law Compliance

- (a) Federal law requires that the City ensure all employees are authorized for employment in the United States. Therefore, only individuals lawfully authorized for employment in the United States will be employed.
- (b) In connection with federal law, the City must collect certain information and review certain documentation concerning the employment authorization of individuals hired. This information and documentation will be used only for compliance with the Immigration Reform and Control Act, as amended, and not for any unlawful purpose. If an employee's employment authorization changes or terminates after the start date of employment, the employee will be responsible for informing the City Administrator or a Human Resources representative immediately.

SECTION 12: DISCIPLINARY MEASURES

12.01 Progressive Discipline

To the extent practicable, the City prefers to pursue a course of progressive discipline, which may include the following options (in no particular order): verbal counseling, training, verbal reprimands, written reprimands, suspension with pay, suspension without pay, demotion, reduction in pay, and discharge.

12.02 Discretionary Discipline

Whether to take disciplinary action rests with the discretion of direct supervisor of the employee in consultation with the City Administrator and ~~People & Communications~~ Human Resources Director and who shall not be bound by the terms or procedures of this Manual (which is solely a guide). The Mayor shall be consulted for any disciplinary action that involves an employee whose final hiring or firing authority rests with City Council.

12.03 Grievance Procedure

- (a) Employees or recently separated former employees dissatisfied with any employment issue, such as a possible job discrimination matter, health and safety issues, drug-related issues, or a disciplinary matter, may pursue a grievance.
- (b) Employees or recently separated former employees may submit a written grievance regarding any employment issue to the City Administrator within five (5) business days of the latest occurrence. A written grievance involving the City Administrator may be submitted to the Mayor within five (5) business days of the latest occurrence. The notice must specify what action was taken by the City or what action has been observed, and how the action is either unwarranted or inappropriate.
- (c) The City will investigate, when necessary, allow the initiator of the grievance a reasonable opportunity to bring forth evidence and witnesses to support the initiator's case, and allow the initiator to question and fully refute any charges brought against the

employee or recently separated former employee. The City Administrator shall issue a decision on all grievances to the submitting employee. For employees for which the City Administrator is the final hiring and termination authority, the City Administrator's decision is final. For employees for which the City Council is the final hiring and termination authority, the submitting employee may appeal the City Administrator's decision to the Mayor for consideration by City Council within five business days of receiving the decision of the City Administrator.

12.04 Personnel Files

Employees may request access to their personnel files via the City Administrator or ~~People & Communications~~Human Resources Director. In general, for individuals other than the employee, an employee's personnel file should be accessed only by those who have a job-related need to know or if a law requires the release. Under the Public Information Act, and subject to confidentiality rules set by state law, some or all of an individual's personnel file may be released to a member of the public if requested. Both at and following the time you separate from employment, the employee may make copies of documents in the employee's personnel file if you wish. Copying of such documents should be arranged with the ~~People & Communications~~Human Resources Director and will cost ten cents per copy, payable in advance. An electronic copy can be requested at no cost to the employee. Your personnel file will be maintained in City records in accordance with all applicable legal requirements.

SECTION 13: SEPARATIONS

13.01 Non-Disciplinary Separations

- (a) **Layoffs:** The City retains the ability to restructure all employment positions and perform any necessary Reductions in Force (RIFs).
- (b) **Resignation:** Employees may resign at any time. To remain in good standing, employees are encouraged to provide two (2) weeks' notice of any intent to voluntarily leave employment.
- (c) **Retirement:** Any retirement intentions must be in conformance with the City's retirement plan.
- (d) **Incapacity:** An employee may be separated if such employee is unable to perform the functions of the employee's position, as expressly provided in the job description for such position, with or without reasonable accommodation. A finding that an employee is Unfit for Duty shall be made only through individual medical determination by a competent medical authority as prescribed by the City Administrator and Mayor. The City Administrator may require that a current employee undergo a Fit for Duty evaluation, at the City's expense, to determine if such employee is able to satisfactorily perform the essential functions of the employee's current position, and whether the employee can satisfactorily perform such functions with or without reasonable accommodation.

13.02 Discharge

Authority to terminate resides with the City Administrator unless the employee is hired by City Council pursuant to state law or this Manual. The City Administrator shall consult with the employee's supervisor and the City Attorney prior to termination. During an investigation related to discipline or discharge, the City Administrator may place the employee on paid or unpaid administrative leave. Either the City or employees may terminate the employment relationship, for any reason, or no reason (so long as the reason is not discriminatory, as established by this Manual).

A non-exhaustive list of grounds for discipline or discharge of an employee by the City include (but is not limited to) the following:

- (a) Insubordination
- (b) Neglect of Duty
- (c) Violation of City Policy, City Ordinance, State Law, or Federal Law
- (d) Failure to conduct self in a courteous and proper manner while on duty.
- (e) Misappropriation of Funds, Equipment, or Supplies
- (f) Persistent tardiness or truancy
- (g) Carelessness or Recklessness
- (h) Misconduct
- (i) Misuse of City equipment or information
- (j) Dishonesty
- (k) Violation of Personnel Manual
- (l) Incompetency
- (m) Harassment
- (n) Discourteous Conduct towards other employees, officials, or the public
- (o) Failure to attend mandatory meetings or trainings without cause

13.03 Return Items

On or before the last day of employment with the City, all departing employees must return all equipment, supplies, files, and resources provided to the employee by the City during the employee's tenure with the City.

13.04 Payment for Leave

The City will pay separated employees for untaken vacation leave of up to 120 hours if the employee has worked for the City for at least 1 year. Compensatory time will be paid-out upon termination for all exempt employees. Employees who are terminated or do not provide adequate notice of resignation shall not receive accrued vacation leave.

13.05 Reference

All reference inquiries are to be directed to the City Administrator or the City Administrator's designee. The City Administrator may designate an employee or former employee's supervisor or director as the appropriate individual to provide a reference. Under state law, the City is allowed to provide a truthful employment reference regarding

a current or former employee. However, the City is not required to provide an employment reference to or about a current or former employee.

City of Dripping Springs

ACKNOWLEDGEMENT

I, _____ (*printed name*), hereby acknowledge that I have received a copy of the City of Dripping Springs's ***Personnel Manual***. I have read and understood the information presented to me. If I have questions about anything I have read, I have asked my Supervisor for and received clarification. Specifically, I understand the following:

- My employment status is *at-will*, and either I or the City of Dripping Springs may terminate my employment at any time, with or without reason.
- I do not have a contract or term of office with the City of Dripping Springs unless it is through a separate written and signed agreement.
- My supervisor does not have the authority to enter into a contract with me. ○ Harassment and discrimination are not tolerated in the workplace.
- I share with my fellow employees a duty to prevent and report violations of the policies set forth in the Personnel Manual.
- My employer will promptly and thoroughly investigate all claims and take remedial measures, up to and including termination.

Employee's Signature

Witness's Signature

Date

Date

City of Dripping Springs

ELECTION REGARDING PERSONAL INFORMATION

TO THE CITY SECRETARY:

I, _____(*printed name*), hereby make the following election with respect to allowing public access to information in the custody of the City of Dripping Springs that relates to my home address, home telephone number, and social security number or that reveals whether I have family members.

I do ***not*** want the City of Dripping Springs to disclose or allow public access to the following (*check all that apply*):

_____ My home address

_____ My home telephone number

_____ Information that reveals whether I have family members

Employee's Signature

Date

Attachment “A”
EMPLOYEE TRAINING AND REIMBURSEMENT AGREEMENT

THIS EMPLOYEE TRAINING AND REIMBURSEMENT AGREEMENT (the “Agreement”) dated _____, 20__, (“Effective Date”) is by and between, the City of Dripping Springs, a municipality in Hays County, and _____, a current employee of the City (“Employee”).

RECITALS

WHEREAS, Employee has requested and the City has agreed to pay for the Employee to attend a conference, meeting, seminar, workshop, training, educational course, or similar instructional class (collectively, “Training”); and

WHEREAS, in consideration for the City’s payment for the Training, Employee acknowledges that through attendance at such Training, Employee will acquire skills and enhance his or her professional skills or knowledge making the Employee more marketable; and

WHEREAS, Employee agrees to reimburse the City for the cost of such Training in the event that employment with the City is terminated in accordance with the terms of this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals and the individual and mutual covenants of the parties hereinafter set forth, and for other good and valuable consideration, it is hereby agreed by and between the parties hereto:

1. Cost of Training and Expenses. The City agrees to pay a total of \$_____ (“Cost”) for the following Training:

Name of Training: _____

Training Provided by: _____

Training Location: _____

Date(s) of Training: _____

In addition to the Cost of the Training, the City agrees to reimburse additional reasonable expenses related to attendance at such Training up to \$_____ for travel, food, and incidentals; provided that the Employee submits the appropriate expense reports and all receipts for the expenses associated with the Training and such expenses are reimbursable.

2. Reimbursement for Cost of Training. Except as provided below, Employee agrees to reimburse the City for the Cost of the Training paid by the City if the Employee’s employment terminates within two (2) years of completion of the Training. Employee agrees to reimburse the City within thirty (30) days of termination.

3. **Salary Deduction.** Employee agrees and authorizes the City to deduct the amount owed hereunder, to the extent permissible by law, from Employee's pay following notification of termination of employment with the City. The City, in its sole discretion, may determine whether to deduct any amount owed from the Employee's pay. If the amount owed under this Agreement exceeds the amount deducted from the Employee's pay, in accordance with Section 2, Employee agrees to reimburse the City any remaining amount due to the City within thirty (30) days of terminating employment.
4. **Continuation of Employment-at-Will Relationship.** Employee and the City understand and agree that this Agreement does not constitute an employment agreement and nothing in this Agreement shall replace the Employee and the City's at-will employment arrangement. Both Employee and the City understand that the employment relationship may be terminated by either party for any or no reason at any time prior to the termination of this Agreement.
5. **Term.** This Agreement shall be in effect from the Effective Date until all reimbursement, if any, is due under this Agreement.
6. **Entire Agreement; Amendments.** This Agreement contains the entire understanding of the parties. Employee and the City may mutually agree to modify the terms of this Agreement at any time; provided, however, that any such modification must be in writing and signed by both parties to this Agreement.
7. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Texas and any dispute shall have venue in Hays County.
8. **Severability.** If any provision of this Agreement is held to be invalid by a court of law, the remaining provisions shall remain in full force and effect.
9. **Counterparts.** This Agreement shall be executed in one or more counterparts and all such counterparts shall constitute one and the same instrument.
10. **Headings.** Headings of provisions of this Agreement are solely for the convenience of reference and are not a part of this Agreement and shall not affect the meaning, construction, operation, or effect hereof.

IN WITNESS WHEREOF, the City and Employee hereto have caused this Agreement to be executed on the date and year first above written.

EMPLOYEE

Employee Name: _____ (Printed)

CITY OF DRIPPING SPRINGS

Michelle Fischer, City Administrator

Attachment "B"

KEY CONTROL POLICY

The purpose of this **Key Control Policy** is to establish reasonable personal security for the staff of the City of Dripping Springs and to ensure the protection of personal and city property through the control of keys (including fobs) to city facilities.

In return for the loan of a key, employees: 1) shall not give or loan the key to others; 2) shall not make any attempts to copy, alter, duplicate, or reproduce the key; 3) shall use the key for authorized purposes only; 4) shall safeguard and store the key securely; 5) shall immediately report any lost or stolen keys; and 6) shall produce or surrender the key upon official request.

If a key is lost, stolen, or not surrendered when officially requested, a charge that reflects the cost of changing any and all locks and keys affected may be assessed. ***Misuse of City Equipment including City keys may result in discipline up to and including discharge pursuant to Section 12.02 of the CITY OF DRIPPING SPRINGS PERSONNEL MANUAL.***

KEY DISTRIBUTION & RETURN

EMPLOYEE NAME: _____ DEPARTMENT: _____

ISSUE DATE: _____ ISSUER'S SIGNATURE: _____

RETURN DATE: _____ RECEIVER'S SIGNATURE: _____

REQUESTED ACTION/RECORD (circle those that apply)

KEY ISSUANCE	RETURNED KEY	LOCK OPENING
LOCK/HARDWARE CHANGE	REPORT OF LOST/STOLEN KEY	

DESCRIPTION OF KEY(S)

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

DETAILS

ACKNOWLEDGEMENT AND AGREEMENT

I, _____ (*printed name*), hereby acknowledge that I have received a copy of the City of Dripping Springs's **Key Control Policy**. I have read and understood the information presented to me. I agree to return any City of Dripping Springs keys/fobs to the City upon my separation from the City on or before the last day of my employment or upon request of the City Administrator.

In return for the loan of this key(s), I agree to: 1) not give or loan the key(s) to others; 2) not make any attempt to copy, alter, duplicate, or reproduce the key(s); 3) use the key(s) for authorized purposes only; 4) safeguard and store the key(s) securely; 5) immediately report any lost or stolen key(s); and 6) produce or surrender the key(s) upon official request. I also agree that if the key is lost, stolen, or not surrendered when officially requested, a charge that reflects the cost of changing any and all locks affected may be assessed.

Employee's Signature

City Administrator's Signature

Date

Date

Jamie A Rose
Tel 512.320.7281
Fax 512.320.7210
Jamie.Rose@gtlaw.com

February 20, 2025

Laura Mueller, City Attorney
City of Dripping Springs, Texas
511 Mercer Street
Dripping Springs, TX 78620
Via email: lm Mueller@cityofdrippingsprings.com

Dripping Springs City Council Members
c/o Laura Mueller
511 Mercer Street
Dripping Springs, TX 78620
Via email: lm Mueller@cityofdrippingsprings.com

Re: Hardy T Land, LLC's Appeal of the May 2, 2024 Takings/Rough Proportionality Assessment (the "Appeal") – Hardy Driveway (SD2022-0025) and Hardy Subdivision (SUB2023-0042)

Dear Ms. Mueller and Council,

On February 18, 2025, the above referenced Appeal was heard by the City Council. We appreciate being given the opportunity to submit additional materials today. Accordingly, on behalf of Hardy T Land, LLC, I submit this letter and enclosures (the "Supplemental Materials") as additional evidence in support of the Appeal, which we understand will be provided to and considered by City Council, and made part of the record, in reference to same.

A. Relevant Case Law

At the request of members of the City Council, we are providing copies of several important cases, which have been highlighted for the convenience of the members of City Council. The cases include: *Knight, et al v. v. Metro. Gov't of Nashville & Davison Cnty, Tennessee*, 67 F. 4th 816 (6th Cir. 2023); *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620, 634 (Tex. 2004); *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 374, 384–85 (1994); and *Mira Mar Dev. Corp. v. City of Coppell*, 421 S.W.3d 74, 82 (Tex. App.—Dallas 2013, pet. denied). See **Exhibit 1**.

B. Clarification of Documents/Information Relied Upon by City Staff

First, I must draw your attention to the fact that shortly before the City Council meeting on February 18, 2025, at approximately 2:42 p.m., Ms. Mueller provided me with a timeline and CEC cost estimate relating to “Prelim Water, Drainage and Street Improvement” dated September 12, 2023. *See Exhibit 2.* These materials were not mentioned as part of Ms. Mueller’s or my presentation to Council (due to the tardiness of their delivery to me), but I must point out that the CEC cost estimate is misleading and requires clarification. The CEC cost estimate is for the roads *within the Hardy Subdivision* and is **not** an estimate for the Hardy Driveway.

Second, Ms. Mueller referred to the City having granted a sidewalk waiver for one side of the streets within the Hardy Subdivision. That is not entirely accurate. Instead, in response to Hardy T Land’s request to waive sidewalks within the Subdivision, the City offered the following options: (1) construct a 5’ sidewalk on each side of the road, (2) construct an 8’ sidewalk on one side of each road and pay a fee in lieu for the remaining 2’ not constructed, or (3) construct a 10’ sidewalk on one side of each road. *See Exhibit 3.* Options 2 and 3 are so untenable (no resident would want an 8’ or 10’ sidewalk in front of their home) that it was essentially a denial of the payment of fees in lieu of sidewalks within the Hardy Subdivision.

C. Hardy Subdivision is an Extension (Phase 6) of Bunker Ranch

At the February 18, 2025 hearing, the City staff seemed to deny (or at least would not affirm) that the Hardy Subdivision was contemplated from inception as an extension of Bunker Ranch. Practically speaking, any reasonable developer would not consider granting primary access to the Hardy Tract through a gated community (which Bunker Ranch is) and along a private road that is maintained entirely by the owners of the Bunker Ranch Subdivision, unless the Hardy Subdivision was added to the Bunker Ranch Subdivision as an additional phase and contributed to the costs of maintaining such road. There is and always has been an expectation that the Hardy Tract would be an extension (or additional phase) of Bunker Ranch Subdivision.

Additionally, some members of Council had questions about the timeline relating to the Hardy Tract and the Hardy Subdivision.

As to the timeline, please see the dates below:

- **12-24-2020:** Recorded Final Plat for Phase 3 of Bunker Ranch provides for Bunker Ranch Boulevard to continue to the perimeter boundary of the future Hardy Tract, as it was contemplated and understood by all that the Hardy Tract, once acquired, would have primary access through and be an extension of Bunker Ranch.. *See Exhibit 4.*
- **06-09-2021:** A Site Plan for the Hardy Subdivision was submitted to the City along with a Traffic Impact Assessment, both of which were required before annexation of the Hardy Tract would be approved. *See Exhibit 5, Figure 2 (p. 31).* The annexation

application specifically refers to the Hardy Tract and confirms the general understanding of both the City and the developer that the Hardy Subdivision would be “Bunker Ranch Phase 6.”

- **6-22-2021:** Planning Department Staff Report for P&Z re: Hardy Tract (*see* J. Boushka Declaration, Ex. J) discusses that Hardy T Land had filed a petition for voluntary annexation of the Hardy Tract to be considered by Council on July 20, 2021. It further states the “applicant’s intention for development of the 78.021 acre tract is similar build to the property east of the tract, Bunker Ranch Phase 3.”
- **09-16-2021:** Hardy T. Land closed on the purchase of the Hardy Tract and Hardy Driveway. *See* J. Boushka Declaration, Ex. B.
- **09-2021:** the preliminary plat for the Hardy Subdivision was submitted which again, confirmed that primary access for the Hardy Subdivision would be through Bunker Ranch, as an extension of Bunker Ranch Boulevard and an extension of Bunker Ranch Subdivision.

This is important for City Council to consider because these Supplemental Materials as well as those previously provided for City Council Review clearly indicate that the Hardy Tract had a reasonable expectation that it would be treated as an extension of Bunker Ranch, including specifically, having any requirement for sidewalks waived. Numerous documents and correspondence submitted to/from the City regarding the Hardy Subdivision confirm the understanding that the Hardy Tract was to be Bunker Ranch Phase 6.

Additionally, at the Planning & Zoning Commission Meeting on August 27, 2024, at which the sidewalk variances submitted by Hardy T Land were heard, Tory Carpenter stated as follows in response to a question from a commissioner:

Question: Bunker Ranch is a gated community so why for this other property—other development—are they going through Bunker Ranch in the first place?

Answer (Mr. Carpenter): so it’s an extension essentially of Bunker Ranch. It’s the same developer, same builders...does that make sense? It’s the same developer...for all intents and purposes it is an extension it just has a different name. Similar to the Overlook at Bunker Ranch.

See Exhibit 6, Video Recording of P&Z Meeting on August 27, 2024. The excerpt above can be heard starting at 51:10 of the video recording. While the quality of the recording is initially poor, Mr. Carpenter gets a new microphone right before making the statement above. Please note that the recording is clearer if you listen on a phone with headphones. Of course, it is not the “same” developer, as Bunker Ranch LLC was the developer of Phases 1-5. But there is no question the Hardy Subdivision was considered to be an extension (Phase 6) of Bunker Ranch. Consistent with

Laura Mueller
City Council
February 20, 2025
Page 4

that reasonable expectation, the Hardy Tract has since been annexed into the Bunker Ranch Subdivision by recorded document.

We appreciate Council's consideration of these additional materials.

Best regards,

/s/ Jamie Rose

Jamie A. Rose
Shareholder

Cc: Jim Boushka, Hardy T Land
Court Reporter

Exhibit 1



KeyCite Yellow Flag - Negative Treatment

Distinguished by [The Coalition for Fairness in Soho and Noho, Inc. v. City of New York](#), N.Y.Sup., October 6, 2023

67 F.4th 816

United States Court of Appeals, Sixth Circuit.

James KNIGHT; Jason Mayes, Plaintiffs-Appellants,

v.

METROPOLITAN GOVERNMENT OF
NASHVILLE & DAVIDSON COUNTY,
TENNESSEE, Defendant-Appellee.

No. 21-6179

|

Argued: July 21, 2022

|

Decided and Filed: May 10, 2023

Synopsis

Background: Property owners brought action alleging that municipality's sidewalk ordinance effected unlawful taking. The United States District Court for the Middle District of Tennessee, [Aleta A. Trauger, J., 572 F.Supp.3d 428](#), entered summary judgment in government's favor, and owners appealed.

Holdings: The Court of Appeals, [Murphy](#), Circuit Judge, held that:

[1] [Nollan's](#) unconstitutional-conditions test applied in evaluating owners' takings claim, and

[2] as matter of first impression, [Nollan's](#) unconstitutional-conditions test applies just as much to legislatively compelled permit conditions as it does to administratively imposed ones.

Reversed and remanded.

[White](#), Circuit Judge, concurred and filed opinion.

Procedural Posture(s): On Appeal; Motion for Summary Judgment.

West Headnotes (9)

[1] **Eminent Domain** 🔑 What Constitutes a Taking; Police and Other Powers Distinguished

Government takes property, for Fifth Amendment purposes, if it grants easement that allows strangers to enter it—whether by land, air, or sea. [U.S. Const. Amend. 5](#).

[2] **Eminent Domain** 🔑 What Constitutes a Taking; Police and Other Powers Distinguished

Restriction on right to use property effects taking only if use restriction bars landowner from engaging in all economically beneficial or productive use of land. [U.S. Const. Amend. 5](#).

1 Case that cites this headnote

[3] **Constitutional Law** 🔑 Doctrine of unconstitutional conditions

Under unconstitutional conditions doctrine, if Constitution allows government to directly compel private party to undertake conduct on threat of criminal punishment, government may indirectly compel that conduct as condition on benefit.

2 Cases that cite this headnote

[4] **Eminent Domain** 🔑 Necessity of making compensation in general

Takings Clause bars government from forcing a few people to bear full cost of public programs that public as a whole should pay for. [U.S. Const. Amend. 5](#).

4 Cases that cite this headnote

[5] **Eminent Domain** 🔑 Exactions and conditions

To determine whether permit condition effects taking, court must first ask whether condition would qualify as taking if government had directly required it; if not, no takings problem

exists, but if so, government must show nexus between condition and project's social costs—that is, government must impose condition because of those costs and not for other reasons—and then show rough proportionality between condition and project—that is, condition's burdens on owner must approximate project's burdens on society. [U.S. Const. Amend. 5](#).

4 Cases that cite this headnote

[6] **Eminent Domain** 🔑 Exactions and conditions

[Nollan's](#) unconstitutional-conditions test governing conditions on building permits, rather than [Penn Central's](#) balancing test governing direct restrictions on use of property, applied in evaluating property owners' claim that municipality's sidewalk ordinance effected unlawful taking; ordinance did not compel all owners to build sidewalk or pay fee, but reached only those who sought permits, and ordinance required all permit applicants to grant easement. [U.S. Const. Amend. 5](#).

1 Case that cites this headnote

[More cases on this issue](#)

[7] **Eminent Domain** 🔑 Exactions and conditions

In determining whether permit conditions effect taking, [Nollan's](#) unconstitutional-conditions test applies just as much to legislatively compelled permit conditions as it does to administratively imposed ones. [U.S. Const. Amend. 5](#).

2 Cases that cite this headnote

[8] **Courts** 🔑 Supreme Court decisions

As middle management court, Court of Appeals must follow Supreme Court's precedent whether or not it thinks it in disarray.

1 Case that cites this headnote

[9] **Eminent Domain** 🔑 What Constitutes a Taking; Police and Other Powers Distinguished

In evaluating Fifth Amendment takings claim, [Nollan's](#) automatic-taking rule applies when government has physically taken property for itself or someone else, by whatever means, while [Penn Central](#) applies when it has instead restricted property owner's ability to use his own property. [U.S. Const. Amend. 5](#).

1 Case that cites this headnote

***817** Appeal from the United States District Court for the Middle District of Tennessee at Nashville. No. 3:20-cv-00922 —Aleta Arthur Trauger, District Judge.

Attorneys and Law Firms

ARGUED: Braden H. Boucek, SOUTHEASTERN LEGAL FOUNDATION, Roswell, Georgia, for Appellants. John W. Ayers, METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, Nashville, Tennessee, for Appellee. ON BRIEF: Braden H. Boucek, [Kimberly S. Hermann](#), Celia Howard O'Leary, SOUTHEASTERN LEGAL FOUNDATION, Roswell, Georgia, Meggan S. DeWitt, BEACON CENTER OF TENNESSEE, Nashville, Tennessee, for Appellants. John W. Ayers, [Allison L. Bussell](#), METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, Nashville, Tennessee, for Appellee. [Chance Weldon](#), TEXAS PUBLIC POLICY FOUNDATION, Austin, Texas, [George A. Dean](#), TUNE ENTREKIN & WHITE, PC, Nashville, Tennessee, [Jay R. Carson](#), WEGMAN HESSLER, Cleveland, Ohio, Daniel T. Woislav, PACIFIC LEGAL FOUNDATION, Arlington, Virginia, [Richard N. Coglianese](#), CITY OF COLUMBUS, Columbus, Ohio, for Amici Curiae.

Before: [BATCHELDER](#), [WHITE](#), and [MURPHY](#), Circuit Judges.

[MURPHY](#), J., delivered the opinion of the court in which [BATCHELDER](#), J., joined in full. [WHITE](#), J. (pg. 837), concurred in the majority's application of the Nollan/Dolan test and in its remand for the reasons stated.

OPINION

[MURPHY](#), Circuit Judge.

***818** The Metropolitan Government of Nashville and Davidson County (“Nashville”) passed a “sidewalk ordinance” that imposes sidewalk-related conditions on landowners who seek building permits. To obtain a permit, owners must grant an easement across their land and agree to build a sidewalk on the easement or pay an “in-lieu” fee that Nashville will use to build sidewalks elsewhere. This ordinance implicates a question about the Fifth Amendment’s Takings Clause that has divided state courts. *See Cal. Bldg. Indus. Ass’n v. City of San Jose*, 577 U.S. 1179, 136 S. Ct. 928, 928, 194 L.Ed.2d 239 (2016) (Thomas, J., concurring in the denial of certiorari).

In particular, the parties here disagree over the “test” that we should use to judge whether the sidewalk ordinance commits a taking. The landowner plaintiffs ask us to apply the “unconstitutional-conditions” test that the Supreme Court adopted to assess conditions on building permits in *Nollan v. California Coastal Commission*, 483 U.S. 825, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987). Nashville responds that the Court has applied *Nollan*’s test only to ad hoc administrative conditions that zoning officials impose on specific permit applicants—not generally applicable legislative conditions that city councils impose on all permit applicants. For legislative conditions, Nashville says, we should turn to the deferential “balancing” test that the Court adopted to assess zoning restrictions in *Penn Central Transportation Co. v. New York City*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978).

We side with the landowner plaintiffs. Nothing in the relevant constitutional text, history, or precedent supports Nashville’s distinction between administrative and legislative conditions. *Nollan*’s test thus should apply to both types, including those imposed by the sidewalk ordinance. Because the district court reached a contrary conclusion, we reverse its grant of summary judgment to Nashville and remand for proceedings consistent with this opinion.

I

A

As every parent can attest, sidewalks serve many beneficial purposes. The legislative council in Nashville, Tennessee, identified some of these purposes when passing its sidewalk ordinance. Children and adults alike can use sidewalks as a safe transportation option for many things, ranging from the

daily stroll to school or work to a strenuous exercise on a sunny day. Ordinance, R.1-2, PageID 28. By reducing the number of people who must drive on the streets, sidewalks also relieve traffic congestion. *Id.*, PageID 29. And a network of sidewalks generally increases ***819** the value of the surrounding properties, which allows homeowners to resell their homes at higher prices. *Id.*, PageID 28.

For years, however, Nashville has not invested enough in public sidewalks, especially when considering the city’s large population growth. Forced to walk next to fast-moving cars on the city streets, Nashville’s pedestrians have felt the effects of these missing walkways. In 2018, 23 pedestrians died in the Nashville area. *Id.* The next year, the area’s “pedestrian death index” reached 99.2—almost double the national average of 55.3. *Id.* To alleviate these dangers, Nashville calculated that it would need to build some 1,900 miles of new sidewalks. *Id.*

Recognizing the need for more sidewalks is one thing. Figuring out how to pay for them is another. Nashville has increased its annual capital spending on sidewalks to \$30 million. *Id.* Even with this large budget, though, the city estimates that it would take 20 years to increase its sidewalk infrastructure by just 71 miles in critical areas. *Id.*

In 2019, Nashville’s council sought to speed up this sidewalk construction by adding the sidewalk ordinance to its zoning code. *Id.*, PageID 28–35; *see* Code of Metro. Gov’t of Nashville & Davidson Cnty. (“Nashville Code”) § 17.20.120 (2019). The ordinance applies to landowners who seek to build a single- or two-family home in designated areas of the city and its surrounding county. *See* Nashville Code § 17.20.120(A)(2). It also applies to landowners who seek to develop or redevelop multi-family homes and nonresidential buildings in the designated areas. *See id.* § 17.20.120(A)(1); FAQs, R.20-4, PageID 138–39. The owners of covered properties must comply with the sidewalk ordinance as a condition of obtaining a building permit for their proposed development. *See* Nashville Code §§ 16.28.010, 16.28.190.

The sidewalk ordinance sets different rules for different types of covered properties. It gives the owners of certain properties just one option to obtain a permit: build a sidewalk on their lots that meets the city’s design standards. *Id.* § 17.20.120(C). For example, an owner has no choice but to build a sidewalk when a lot sits on the side of a street with existing sidewalks. *Id.* § 17.20.120(C)(1)(c). Likewise, an owner must build a sidewalk on a lot when it would expand the sidewalk network from an “abutting development” and the city’s development

plan calls for the expansion. *Id.* § 17.20.120(C)(1)(b); *see also* FAQs, R.20-4, PageID 140.

If, however, a property falls outside one of the specified categories, the ordinance gives a landowner who seeks a permit an alternative to building a sidewalk. The owner may “make a financial contribution” to a fund that Nashville will use to build sidewalks in the property’s “pedestrian benefit zone[.]” *Id.* § 17.20.120(D)(1), (3). To help determine the amount of this “in lieu” fee, Nashville’s public-works department must announce each July its “average” “cost” to construct a “linear foot” of sidewalk. *Id.* § 17.20.120(D)(1). For the period from July 2020 to June 2021, the department calculated this cost as \$186 per linear foot. Hammond Decl., R.28, PageID 428. Nashville will then rely on this cost-per-linear-foot amount to calculate a landowner’s total fee based on the size of what would have been the owner’s sidewalk. But the ordinance caps the total fee at three percent of the “total construction value” of the planned development. Nashville Code § 17.20.120(D)(1).

Whether a landowner builds a sidewalk or pays an in-lieu fee, the ordinance imposes another requirement. All landowners must dedicate a “right-of-way and/or public pedestrian easement” across their property. *Id.* § 17.20.120(E). This dedication ***820** will allow the public to use the sidewalk whether it gets built immediately or at some future point. *Id.*

Nashville’s zoning administrator may grant a full or partial waiver of the ordinance’s requirements in various circumstances. *Id.* § 17.20.120(A)(3). Most notably, the administrator may grant a waiver if some “hardship” (such as utilities or a drainage ditch) will make it difficult for a property owner to build the sidewalk. *Id.* § 17.20.120(A)(3) (a). Separately, if a property does not qualify for the in-lieu fee, the administrator in “unique” circumstances may grant a waiver that would allow the owner to pay this fee rather than build a sidewalk. *Id.* § 17.20.120(A)(3)(b).

If the zoning administrator denies a requested waiver, a property owner may lastly seek a variance from the Board of Zoning Appeals. *Id.* § 17.20.125. The board may grant this variance outright or require the property owner to pay the in-lieu fee or make other design changes as a condition of the board’s granting the variance. *Id.*

In 2019, James Knight and Jason Mayes both wanted to build homes on properties covered by Nashville’s sidewalk ordinance. Knight sought to construct a single-family home on a vacant lot on Acklen Park Drive:



Knight Decl., R.20-1, PageID 125–26. Because Acklen Park Drive lacks sidewalks, Knight could either build a sidewalk on his lot (which would connect to nothing) or pay the in-lieu fee. *Id.*, PageID 125. But Nashville’s public-works department allegedly told Knight’s construction manager that a sidewalk would cause stormwater problems and that Knight should not build one. *Id.*, PageID 127; Stevenhagan Aff., R.20-4, PageID 170–71.

Knight thus asked the zoning administrator for a waiver that would exempt him from any requirement to build a sidewalk or pay a fee. Knight Decl., R.20-1, PageID 127. The administrator denied his request. *Id.* Knight appealed this denial to the Board of Zoning Appeals. *Id.* It rejected his request for a variance and required him to pay the fee or construct a sidewalk under an alternative design that Nashville proposed. *Id.* Nashville officials later calculated Knight’s total in-lieu fee for this ***821** property as \$7,600. *Id.*, PageID 128. Because Knight refused to pay this amount or build the redesigned sidewalk, his permit expired. *Id.* If Nashville would exempt him from the sidewalk ordinance, he would seek another permit for the property. *Id.*

Mayes, by comparison, sought to construct a single-family home on his lot on McCall Street. Mayes Decl., R.20-2, PageID 129. The side of McCall Street on which Mayes’s property sits also lacks sidewalks (but the other side has them):



Id., PageID 130.

Mayes sought a waiver from the zoning administrator. *Id.*, PageID 130–31. He suggested that Nashville should not make him build “a sidewalk to nowhere.” *Id.*, PageID 131. The administrator denied Mayes's request because he could pay the in-lieu fee. *Id.* The administrator calculated this fee as \$8,883.21. *Id.* Not wanting to delay construction, Mayes opted to pay the fee while he sought a variance from the Board of Zoning Appeals and a refund of the fee. *Id.* The board rejected the variance. *Id.*, PageID 132. Individual members reasoned that the Nashville council had made a policy choice to require the fee and that the board lacked discretion to waive it unless the owner identified a concrete hardship other than the cost. *Id.* Nashville ultimately used Mayes's funds to improve sidewalks located some 2.5 miles away from his property. *Id.*

The record leaves unclear whether Nashville sought an easement across Knight's lot and whether it took an easement across Mayes's lot—as the sidewalk ordinance's language requires. See *Knight v. Metro. Gov't of Nashville & Davidson Cnty.*, 572 F. Supp. 3d 428, 432 n.3 (M.D. Tenn. 2021). In the district court, Nashville suggested that the ordinance might not require an easement for landowners like Mayes who choose to pay the in-lieu fee. See *id.* Yet the district court rejected this *822 atextual reading of the ordinance, *id.*,

and Nashville disavowed reliance on the interpretation at oral argument in our court, see Arg. 23:50–25:44. For purposes of this case, then, we will generally assume that the ordinance requires the easement in all circumstances.

Knight and Mayes sued Nashville in federal court alleging that the sidewalk ordinance violated the Fifth Amendment's Takings Clause. They sought an injunction against Nashville's enforcement of the ordinance and the return of the in-lieu fee as restitution for the constitutional violation.

The district court granted summary judgment to Nashville. *Knight*, 572 F. Supp. 3d at 431. The parties spent much of their briefing debating the test to apply to Knight's and Mayes's takings claims. According to Nashville, the court should apply, at most, *Penn Central*'s balancing test governing land-use restrictions. According to Knight and Mayes, it should apply *Nollan*'s unconstitutional-conditions test governing conditions on building permits. The court picked *Penn Central*'s test. See *id.* at 439–43. It reasoned that the unconstitutional-conditions test applies only to “adjudicative” decisions in which zoning officials, acting on an ad hoc basis, choose the specific conditions to impose on a specific landowner's project. See *id.* at 439–42. The court viewed the sidewalk ordinance as a broadly applicable “legislative” mandate to require all permit applicants to pay a fee or construct a sidewalk. See *id.* at 442–43. It next held that the ordinance “easily” met *Penn Central*'s test—a conclusion that Knight and Mayes did not even dispute. See *id.* at 444–45. We review the district court's decision de novo. See *F.P. Dev., LLC v. Charter Twp. of Canton*, 16 F.4th 198, 203 (6th Cir. 2021).

II

On appeal, the parties renew their debate about the governing test for Knight's and Mayes's takings claims. To frame this debate, we begin with two basic takings questions: When does direct government interference with private property qualify as a “taking” of the property? And when may the government nevertheless require an uncompensated taking of an owner's property as a condition of granting the owner a discretionary “benefit” like a building permit?

A. Direct Interference with Property

The Fifth Amendment's Takings Clause, as incorporated against the states by the Fourteenth Amendment, provides: "nor shall private property be taken for public use, without just compensation." U.S. Const. amend. V; see *Chicago, Burlington & Quincy R.R. Co. v. City of Chicago*, 166 U.S. 226, 241, 17 S.Ct. 581, 41 L.Ed. 979 (1897). There are a variety of "sticks" in the "bundle" of legal rights that traditionally come with property ownership, including the right to possess the property, to use it, to exclude others from it, and to dispose of it. See *Cedar Point Nursery v. Hassid*, — U.S. —, 141 S. Ct. 2063, 2072, 210 L.Ed.2d 369 (2021); *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 433, 435, 102 S.Ct. 3164, 73 L.Ed.2d 868 (1982). Given these diverse rights, the government interferences that qualify as the "taking" of "property" can come in different forms.

Some interferences qualify as "*per se*" or automatic takings that require proper compensation whenever the government engages in them. See *Horne v. Dep't of Agr.*, 576 U.S. 350, 358, 360, 135 S.Ct. 2419, 192 L.Ed.2d 388 (2015). This automatic-taking rule most obviously covers the classic appropriation in which a government seizes every stick in the bundle of rights using its eminent-domain powers. If, for instance, a government confiscates a party's real or personal property to build a park or supply an army, it always must provide fair value for the land or goods. See *Cedar Point*, 141 S. Ct. at 2071; *Horne*, 576 U.S. at 357–59, 135 S.Ct. 2419.

[1] Yet this automatic-taking rule extends beyond classic takings. The rule also applies when the government appropriates only some of the sticks in the bundle of property rights—most notably, the right to exclude others. See *Cedar Point*, 141 S. Ct. at 2072–73. In a long line of cases, the Supreme Court has held that the government "takes" property if it grants an "easement" that allows strangers to enter it—whether by land, air, or sea. *Nollan*, 483 U.S. at 831, 107 S.Ct. 3141; see *Cedar Point*, 141 S. Ct. at 2073–74. The government thus committed a taking when it allowed union organizers to enter an employer's property for unionizing activities. See *Cedar Point*, 141 S. Ct. at 2074. It committed a taking when it allowed airplanes to fly at low altitudes over the property near its airport. See *United States v. Causby*, 328 U.S. 256, 261–65, 66 S.Ct. 1062, 90 L.Ed. 1206 (1946). And it committed a taking when it gave the public access to a private marina. See *Kaiser Aetna v. United States*, 444 U.S. 164, 179–80, 100 S.Ct. 383, 62 L.Ed.2d 332 (1979). This principle has deep roots. As Blackstone opined, the government should pay a landowner if it builds a "road" through the owner's "grounds" and allows the public to travel

across it. 1 William Blackstone, *Commentaries on the Laws of England* 135 (1765).

[2] But the automatic-taking rule has its limits. The Supreme Court has treated government interference with other "sticks" in the bundle of property rights (most notably, the right to use property) differently from interference with the right to exclude others. See *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Plan. Agency*, 535 U.S. 302, 323–24, 122 S.Ct. 1465, 152 L.Ed.2d 517 (2002). A restriction on the right to use property rarely triggers the automatic-taking rule. The rule applies only if a use restriction bars a landowner from engaging in "all economically beneficial or productive use of land." *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1015, 112 S.Ct. 2886, 120 L.Ed.2d 798 (1992). The Court has found this criterion met only once, when a government's land-use regulations rendered beachfront properties "valueless" by barring their owner from building anything on them. *Id.* at 1020, 112 S.Ct. 2886.

Most land-use regulations, by contrast, leave open some uses. Even if a use restriction bars an owner from building a factory, it might allow the owner to build an apartment complex. Cf. *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 384, 47 S.Ct. 114, 71 L.Ed. 303 (1926). The Court subjects these less severe restrictions to a case-by-case test that asks whether they go "too far" (with the courts subjectively judging how far is "too far"). *Cedar Point*, 141 S. Ct. at 2072 (quoting *Pa. Coal Co. v. Mahon*, 260 U.S. 393, 415, 43 S.Ct. 158, 67 L.Ed. 322 (1922)). Since *Penn Central*, the Court has balanced several recurring factors to decide whether a use restriction goes too far. See *id.*; *Tahoe-Sierra*, 535 U.S. at 326, 122 S.Ct. 1465. *Penn Central*'s balancing test requires courts to ask questions like: What economic impact does the regulation have on the property owner? See 438 U.S. at 124, 98 S.Ct. 2646. Did the regulation come as a surprise and so interfere with the owner's "investment-backed expectations"? *Id.* And does the government have an adequate justification for the use restriction? *Id.* at 124–25, 98 S.Ct. 2646.

B. Unconstitutional Conditions

The government does not always directly interfere with constitutional rights. It sometimes indirectly interferes with them by offering a benefit that it has no duty to provide on the condition that a party waive a right. The government, for example, might not try to bar disfavored speech through a criminal law; it might instead dole out public

funds to people only if they agree not to say the disfavored words. See *Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 214, 133 S.Ct. 2321, 186 L.Ed.2d 398 (2013). Under its “unconstitutional-conditions doctrine,” the Supreme Court has placed limits on the government's power to extract waivers of constitutional rights in this way. See *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 604, 133 S.Ct. 2586, 186 L.Ed.2d 697 (2013).

[3] But what rules divide constitutional from unconstitutional conditions on these otherwise discretionary benefits? One generic rule is clear: If the Constitution allows the government to directly compel a private party to undertake conduct on threat of criminal punishment, the government may indirectly compel that conduct as a condition on a benefit. See *Rumsfeld v. Forum for Acad. & Institutional Rts., Inc.*, 547 U.S. 47, 59–60, 126 S.Ct. 1297, 164 L.Ed.2d 156 (2006); *Planned Parenthood of Greater Ohio v. Hodges*, 917 F.3d 908, 914–15 (6th Cir. 2019) (en banc). The Free Speech Clause thus allowed Congress to require law schools to grant military recruiters access to their campuses as a condition of public funding because Congress could have directly compelled this access without any constitutional problem. See *Rumsfeld*, 547 U.S. at 59–60, 126 S.Ct. 1297.

For the most part, however, no general principles regulate these conditions because the Constitution contains no all-encompassing “Unconstitutional Conditions Clause.” *Hodges*, 917 F.3d at 911. Courts instead must look to a specific constitutional right to identify the specific rules. *Id.* at 913. This fact brings *Nollan* to the fore. It created a “special” unconstitutional-conditions framework for an “exaction” in the takings context. *Koontz*, 570 U.S. at 604–05, 133 S.Ct. 2586 (citation omitted).

In this context, the typical “benefit” consists of a permit that allows an owner to develop a property for a specific use (such as a residence or store). See *id.* at 601–02, 133 S.Ct. 2586; *Dolan v. City of Tigard*, 512 U.S. 374, 379–80, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994); *Nollan*, 483 U.S. at 828, 107 S.Ct. 3141. Suppose that the government could directly bar the owner's requested use and deny a permit without violating the Takings Clause under *Penn Central*'s balancing test for use restrictions. See *Nollan*, 483 U.S. at 836, 107 S.Ct. 3141. Suppose further that the government offers to grant this permit but only on the “condition” that the owner deed over a part of the land. See *Dolan*, 512 U.S. at 380 & n.2, 114 S.Ct. 2309. If the government had directly ordered this conveyance, it would have committed a classic taking. See *id.* at 384, 114

S.Ct. 2309. When may the government nevertheless require what would be an uncompensated “taking” as a condition of a permit?

The Court's answer has tried to reconcile two dueling “realities” of permitting decisions. *Koontz*, 570 U.S. at 604, 133 S.Ct. 2586. On the one hand, a condition on a permit can serve important purposes by forcing an owner to internalize the costs (the “negative externalities”) that a development will impose on others. *Id.* at 605, 133 S.Ct. 2586; see *Cedar Point*, 141 S.Ct. at 2079. Say that a proposed retail store will increase “traffic congestion” in the area. *Koontz*, 570 U.S. at 605, 133 S.Ct. 2586. The government might require the owner to give it the strip of land required “to widen a public road.” *Id.*

*825 [4] On the other hand, the government might try to leverage its monopoly permit power to pay for unrelated public programs on the cheap. *Id.* at 604–05, 133 S.Ct. 2586. If the expected value of an owner's proposed project exceeds the condition's expected costs, the owner has an incentive to give in to this “demand” even when the demand has no connection to the project's harmful social effects. *Id.* at 605, 133 S.Ct. 2586. Yet this type of coercion falls near the core of the Takings Clause, which bars the government from forcing a few people to bear the full cost of public programs that “the public as a whole” should pay for. *Armstrong v. United States*, 364 U.S. 40, 49, 80 S.Ct. 1563, 4 L.Ed.2d 1554 (1960).

[5] In response to the push and pull of these concerns, the Court has developed a three-step unconstitutional-conditions test for permit conditions. At the “first step,” a court asks whether the condition would qualify as a taking if the government had directly required it. *Koontz*, 570 U.S. at 612, 133 S.Ct. 2586. If not, no takings problem exists. *Id.* If so, the government must show a “nexus” between the condition and the project's social costs; that is, the government must impose the condition because of those costs and not for other reasons. *Nollan*, 483 U.S. at 837, 107 S.Ct. 3141. The government next must show a “rough proportionality” between the condition and the project; that is, the condition's burdens on the owner must approximate the project's burdens on society. *Dolan*, 512 U.S. at 391, 114 S.Ct. 2309. (While this test comes from several cases, we will refer to it as *Nollan*'s test for simplicity.)

The Court's three cases on this topic demonstrate these elements. The Court created the “nexus” element in *Nollan*. There, the Nollans applied for a permit with the California Coastal Commission to replace the bungalow on their beachfront property with a larger home. 483 U.S. at 827–

28, 107 S.Ct. 3141. The Commission approved the permit on the condition that the Nollans grant the public an easement to travel across their beach, which sat between two nearby public beaches. *Id.* at 827–29, 107 S.Ct. 3141. To justify this easement, the Commission reasoned that the larger home would harm the public by limiting its view of the ocean. *See id.* at 828, 107 S.Ct. 3141. The Court held that this demand qualified as an unconstitutional condition. It noted that the Commission would have committed an automatic taking if it had compelled the Nollans to grant the easement. *Id.* at 831–32, 107 S.Ct. 3141. It next assumed that the Commission could have barred the Nollans from building the home under *Penn Central*'s balancing test for use restrictions given the home's social costs, including a reduction in "the public's ability to see the beach[.]" *Id.* at 835, 107 S.Ct. 3141. The Court also assumed that the Commission could have imposed hypothetical conditions (such as a height limit) to alleviate this harm. *Id.* at 836, 107 S.Ct. 3141. But it held that the Commission's actual condition—an easement to walk across the beach—lacked any "nexus" to the concern with viewing the beach from afar. *Id.* at 837–39, 107 S.Ct. 3141. In truth, the Commission sought to give the public a benefit unrelated to the home's costs. *Id.* at 841, 107 S.Ct. 3141. But the Takings Clause required it to pay for the easement that it took to serve this purpose. *Id.* at 841–42, 107 S.Ct. 3141.

The Court added the "rough proportionality" element in *Dolan*. In that case, Florence Dolan sought to double the size of her store in Tigard, Oregon. 512 U.S. at 379, 114 S.Ct. 2309. As permit conditions, the city required Dolan to dedicate 10% of her land for public green space and a bike and walking path. *Id.* at 380, 114 S.Ct. 2309. The city justified these conditions on the *826 ground that the larger store would increase traffic and stormwater runoff. *Id.* at 381–82, 114 S.Ct. 2309. As in *Nollan*, the Court recognized that the city would have committed a taking if it had confiscated Dolan's property, but that the city could have barred the store expansion under *Penn Central*'s balancing test. *Id.* at 384–85 & n.6, 114 S.Ct. 2309. Unlike in *Nollan*, it found a "nexus" between the development and the conditions because the latter would alleviate the traffic and stormwater problems that the former would exacerbate. *Id.* at 387–88, 114 S.Ct. 2309. Yet the Court still held that the conditions were unconstitutional. *Id.* at 388–96, 114 S.Ct. 2309. Apart from *Nollan*'s nexus requirement, the Court concluded, a "rough proportionality" must exist between the size of a condition and a development's social costs. *Id.* at 391, 114 S.Ct. 2309. The city's conditions flunked this test. Although the city could require Dolan to keep *private* green space to protect against stormwater runoff,

the Court reasoned, the city failed to explain why she had to make that space *public*. *Id.* at 392–93, 114 S.Ct. 2309. And although the city could require Dolan to give some land for "public ways" to reduce traffic, the city failed to explain how the requirement for a bike and walking path matched the increased congestion that Dolan's store would cause. *Id.* at 395–96, 114 S.Ct. 2309.

In *Koontz*, the Court clarified two more things. Coy Koontz owned 14.9 acres near Orlando, Florida. 570 U.S. at 599, 133 S.Ct. 2586. He proposed to build on 3.7 acres of his land and to dedicate the rest to a conservation easement. *Id.* at 601, 133 S.Ct. 2586. Finding his proposal inadequate, a state agency gave Koontz a choice between two alternatives: reduce the project's size to 1 acre and grant 2.7 more acres to the easement *or* proceed with the proposal and pay for improvements on the agency's land miles away. *Id.* at 601–02, 133 S.Ct. 2586. The Court agreed with the Florida Supreme Court that only one of these alternatives needed to survive *Nollan*'s unconstitutional-conditions test. *Id.* at 612, 133 S.Ct. 2586. But it held that the state court committed two errors when rejecting Koontz's claim. *Id.* at 604–19, 133 S.Ct. 2586.

The Court first reversed the Florida Supreme Court's holding that an unconstitutional condition arises only if the state *approves* a permit with the condition that the owner give property, not if the state *denies* a permit until the owner consents to the grant. *Id.* at 606–07, 133 S.Ct. 2586. Just as a speech condition on public funds could violate the Free Speech Clause even if speakers choose to speak and forgo the funds, so too a property condition on a permit could violate the Takings Clause even if owners choose to keep their property and forgo the project. *Id.* At the same time, the denial of a permit (which rests on an attempted taking) triggers a different remedy than the grant of a permit (which commits an actual taking). An actual taking's remedy is "just compensation" but an attempted taking's remedy turns on the cause of action that an owner invokes. *Id.* at 609, 133 S.Ct. 2586.

The Court next reversed the Florida Supreme Court's holding that the state agency's second alternative (that Koontz pay money) could not qualify as an unconstitutional condition. *Id.* at 611–19, 133 S.Ct. 2586. The Court recognized that no unconstitutional-conditions problem arises if the government may directly compel what it makes a condition on a permit. *Id.* at 612, 133 S.Ct. 2586. It also recognized that the government could directly compel ordinary taxes without a takings concern. *Id.* at 615, 133 S.Ct. 2586. But the Court

held that the agency's conditional demand for Koontz's money would qualify as a taking if the agency had directly imposed *827 it outside the permitting process. *Id.* at 613–15, 133 S.Ct. 2586. The Court reasoned that it would nullify the Takings Clause if it allowed a government to compel a landowner to either dedicate an easement or pay an amount “equal to the easement's value.” *Id.* at 612, 133 S.Ct. 2586.

III

This summary clarifies the nature of the parties’ debate: Nashville asserts that we should evaluate its sidewalk ordinance under *Penn Central*’s balancing test that governs direct restrictions on the use of property. Knight and Mayes respond that we should evaluate it under *Nollan*’s unconstitutional-conditions test that governs conditions on building permits.

A

[6] At first blush, Nashville's enforcement of its sidewalk ordinance looks like a clear case for *Nollan*’s unconstitutional-conditions test. As its name suggests, this test gets triggered when the government imposes “a condition for the grant of a building permit[.]” *Dolan*, 512 U.S. at 386, 114 S.Ct. 2309 (emphasis added). And this case is about conditions on building permits. Unlike a land-use law that regulates all property owners (including those who do not seek permits), the sidewalk ordinance does not compel all owners to build a sidewalk or pay a fee. It reaches only those who seek permits. Nashville Code § 17.20.120(A)(1)–(2); *see id.* § 16.28.010. It thus applied to Knight and Mayes not because they owned lots in Nashville; it applied to them because they sought to build family homes on those lots. As a condition for Knight to build on Acklen Park Drive, Nashville required him to construct a sidewalk or pay \$7,600. Knight Decl., R.20-1, PageID 125–28. And as a condition for Mayes to build on McCall Street, Nashville required him to construct a sidewalk or pay \$8,883.21 for one some 2.5 miles away. Mayes Decl., R.20-2, PageID 129–32.

Indeed, one of the ordinance's specific conditions leaves no doubt that *Nollan* applies. As Nashville conceded on appeal, *see* Arg. 23:50–25:44, the ordinance requires all permit applicants (whether they build a sidewalk or pay a fee) to grant an easement: “Dedication of right-of-way and/ or public pedestrian easement is required to permit present

or future installation of a public sidewalk built to the current standards of the metropolitan government.” Nashville Code § 17.20.120(E). Suppose Nashville required a “conveyance of [this] easement outright” rather than as a condition on a permit. *Nollan*, 483 U.S. at 834, 107 S.Ct. 3141. That direct interference with the property owner's right to exclude would fall under the Court's automatic-taking rule, not *Penn Central*’s balancing test. *See Cedar Point*, 141 S. Ct. at 2072. Perhaps Nashville could require this taking as a condition on a permit (even if it could not directly compel it), but *Nollan*’s nexus and rough-proportionality elements supply the tools for deciding whether it may do so. *See id.* at 2079.

Language in *Dolan* confirms this point. That case noted that governments often validly impose conditions on permits that require owners to dedicate a portion of their land for public ways: “Dedications for streets, sidewalks, and other public ways are generally reasonable exactions to avoid excessive congestion from a proposed property use.” 512 U.S. at 395, 114 S.Ct. 2309 (emphases added). In other words, *Dolan* suggested that these dedications would commonly satisfy *Nollan*’s test; it did not suggest, as Nashville does here, that they would *fall outside* that test. After *Dolan*, therefore, several courts have applied *Nollan*’s test to conditions on permits *828 requiring easements for sidewalks or other rights-of-way. *See, e.g., Skoro v. City of Portland*, 544 F. Supp. 2d 1128, 1133–38 (D. Or. 2008); *Dudek v. Umatilla County*, 187 Or.App. 504, 69 P.3d 751, 753–59 (2003); *Kottschade v. City of Rochester*, 537 N.W.2d 301, 307–08 (Minn. Ct. App. 1995); *see also William J. (Jack) Jones Ins. Tr. v. City of Fort Smith*, 731 F. Supp. 912, 913–14 (W.D. Ark. 1990).

Koontz next shows that Nashville cannot avoid *Nollan*’s unconstitutional-conditions test for various procedural reasons. Does it matter that Knight refused to yield to the city's conditions and chose not to develop his property? No. *Koontz* holds that *Nollan* applies whenever the government gives a landowner the choice between the owner's right to just compensation and a building permit. 570 U.S. at 606–08, 133 S.Ct. 2586. Nashville thus cannot evade *Nollan* simply because Knight did not succumb to the city's “coercive pressure” to waive his constitutional right. *Id.* at 607, 133 S.Ct. 2586.

Does it matter that the sidewalk ordinance allowed Knight and Mayes to pay fees rather than build sidewalks? No again. Because these “commonplace” in-lieu fees resemble “other types of land use exactions,” *Koontz* held that they trigger

Nollan's test all the same. *Id.* at 612, 133 S.Ct. 2586. There was nothing special about the requested fee in *Koontz* that drove the Court to apply that test.

Does it matter that the record leaves unclear whether Nashville required Knight and Mayes to grant an easement across their properties if they chose the option to pay the in-lieu fees? See *Knight*, 572 F. Supp. 3d at 432 n.3. No, for a third time. Coy Koontz likewise did not have to grant the agency-demanded easement on the extra 2.7 acres of his land if he instead chose to pay the money. *Koontz*, 570 U.S. at 602, 133 S.Ct. 2586. In other words, the Court still applied *Nollan* even though one of the options did not require an easement (beyond what Koontz voluntarily proposed). See *id.* at 611–19, 133 S.Ct. 2586. *Koontz*'s logic covers this case: Even assuming that Nashville did not require an easement if Knight and Mayes chose to pay the in-lieu fees, *Nollan* applies because the city undoubtedly would have required this easement if these landowners had built sidewalks.

One final point. Assume that Nashville *already* held an easement on Knight's and Mayes's properties and had required them only to build sidewalks across its existing easement as a permit condition. Under *Nollan*'s first step, we would have to consider whether Nashville could directly compel all landowners to pay to build sidewalks on their properties. See *Koontz*, 570 U.S. at 612, 133 S.Ct. 2586; cf. *Tenn. Code. Ann.* § 6-19-101(16)–(17); Henry E. Mills & Augustus L. Abbott, *Mills on the Law of Eminent Domain* § 216, at 416–17 & n.8 (2d ed. 1888) (citing *Lewis v. City of New Britain*, 52 Conn. 568 (1885)). Would this command to pay for improvements fall under *Penn Central*'s balancing test? Or something else? If the former, *Nollan*'s test may well collapse into *Penn Central*'s whenever a permit condition is *itself* a use restriction. Yet we can leave these questions unanswered in this case. It involves the kind of permit condition (the dedication of an easement) that triggers the automatic-taking rule (not *Penn Central*'s rule) when directly imposed.

B

As its main response, Nashville says that *Nollan*'s unconstitutional-conditions test does not apply to the sidewalk ordinance because of who imposed its conditions. The city agrees that *Nollan* might have applied if *zoning administrators*, acting on a discretionary basis, had required *829 Knight and Mayes to build sidewalks or pay fees as an “administrative” condition for their specific permits. But

Nashville's council passed the ordinance as a “legislative” condition for all permits. This legislative source, according to Nashville, should lead us to apply *Penn Central*'s test.

Nashville's claim requires us to wade into a broad judicial debate. See *Cal. Bldg. Indus. Ass'n*, 136 S. Ct. at 928 (Thomas, J., concurring in the denial of certiorari). Adopting Nashville's legislative-vs.-administrative divide, many state courts have refused to apply *Nollan* to legislatively compelled permit conditions. See *St. Clair Cnty. Home Builders Ass'n v. City of Pell City*, 61 So. 3d 992, 1007–08 (Ala. 2010) (per curiam); *City of Olympia v. Drebeck*, 156 Wash.2d 289, 126 P.3d 802, 807–09 (2006); *San Remo Hotel L.P. v. City & Cnty. of San Francisco*, 27 Cal.4th 643, 117 Cal.Rptr.2d 269, 41 P.3d 87, 101–06 (2002); *Am. Furniture Warehouse Co. v. Town of Gilbert*, 245 Ariz. 156, 425 P.3d 1099, 1103–06 (Ariz. Ct. App. 2018). Yet many other state courts have rejected this distinction and applied *Nollan* to all permit conditions. See *Anderson Creek Partners, L.P. v. County of Harnett*, 382 N.C. 1, 876 S.E.2d 476, 496–503 (2022); *Town of Flower Mound v. Stafford Ests. Ltd. P'ship*, 135 S.W.3d 620, 640–42 (Tex. 2004); *Home Builders Ass'n of Dayton & the Miami Valley v. Beavercreek*, 89 Ohio St.3d 121, 729 N.E.2d 349, 356 (2000); *Curtis v. Town of S. Thomaston*, 708 A.2d 657, 658–60 (Me. 1998); *N. Ill. Home Builders Ass'n, Inc. v. County of Du Page*, 165 Ill.2d 25, 208 Ill.Dec. 328, 649 N.E.2d 384, 388–90 (1995).

Few federal circuit courts have entered this debate, perhaps because the Supreme Court only recently overruled its precedent requiring takings claimants to exhaust their claims in state court. See *Knick v. Township of Scott*, — U.S. —, 139 S. Ct. 2162, 2167–68, 204 L.Ed.2d 558 (2019); compare *Heritage at Pompano Hous. Partners, L.P. v. City of Pompano Beach*, 2021 WL 8875658, at *6 (S.D. Fla. Dec. 15, 2021), with *Better Hous. for Long Beach v. Newsom*, 452 F. Supp. 3d 921, 932–33 (C.D. Cal. 2020). The Ninth Circuit at one time adopted Nashville's legislative-vs.-administrative divide, but it has since suggested that the Supreme Court's recent cases repudiate it. See *Ballinger v. City of Oakland*, 24 F. 4th 1287, 1298–99 (9th Cir. 2022); cf. *Pietsch v. Ward County*, 991 F.3d 907, 909–10 (8th Cir. 2021). For our part, we have once applied *Nollan* to an ordinance imposing conditions on landowners who sought permits to cut down trees. See *F.P. Dev.*, 16 F.4th at 205–06. Yet the parties there agreed that *Nollan* supplied the governing rules, so we did not need to address the “interesting question” whether it should cover legislative permit conditions. *Id.* at 206.

[7] This case requires us to answer that question. We now hold that *Nollan*'s unconstitutional-conditions test applies just as much to legislatively compelled permit conditions as it does to administratively imposed ones. Nothing in the text or original understanding of the Takings Clause justifies Nashville's requested distinction. Its requested distinction also conflicts both with the Supreme Court's unconstitutional-conditions precedent and with its takings precedent.

1. *Text and History*. The Takings Clause, as noted, provides: "nor shall private property be taken for public use, without just compensation." U.S. Const. amend. V. This clause focuses on (and prohibits) a certain "act": the taking of private property without just compensation. *Stop the Beach Renourishment, Inc. v. Fla. Dep't of Env't Prot.*, 560 U.S. 702, 713–14, 130 S.Ct. 2592, 177 L.Ed.2d 184 (2010) (plurality opinion). The clause's passive-voice *830 construction does not make significant *who* commits the "act"; it makes significant *what* type of act is committed. *Id.* Just as the text bars the executive branch from appropriating someone's land without compensation, so too it bars the legislative branch from passing a law ordering that appropriation. And because the text treats these branches the same for a "classic" taking, why should it treat them differently for a permit condition?

That said, the Supreme Court originally read the Takings Clause not to cover the states (like Tennessee) or their municipalities (like Nashville). See *Barron v. City of Baltimore*, 32 U.S. 243, 247–51, 7 Pet. 243, 8 L.Ed. 672 (1833). *Barron* held that the clause did not apply "to the legislation of the states" and that it restricted only the federal government (without distinguishing among its branches). *Id.* at 250–51. In this case, then, perhaps we should look to the Fourteenth Amendment, which incorporated the Takings Clause against the states. See *Chicago, B. & Q. R.R.*, 166 U.S. at 241, 17 S.Ct. 581. It provides: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law[.]" U.S. Const. amend. XIV, § 1. This text likewise contains a subject ("State") that covers all of a sovereign's branches without distinguishing among them. See *Brinkerhoff-Faris Tr. & Sav. Co. v. Hill*, 281 U.S. 673, 680, 50 S.Ct. 451, 74 L.Ed. 1107 (1930). In short, the relevant constitutional provisions on their face offer no plausible path for Nashville's request that we adopt different takings rules for conditions imposed by different branches of government.

Without obvious textual support, Nashville perhaps could justify its proposed distinction if it grounded the distinction in some background takings principle. But Nashville identifies nothing in the "historical record" that would allow us to establish one set of more demanding takings rules for conditions imposed at the discretion of administrators and another set of less demanding rules for identical conditions compelled by legislators. *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, — U.S. —, 142 S. Ct. 2111, 2130 n.6, 213 L.Ed.2d 387 (2022). If anything, the framers designed the Takings Clause precisely to protect against legislative action—a historical fact that undercuts Nashville's claim that we should review legislative conditions with a more deferential eye. See *Stop the Beach*, 560 U.S. at 739, 130 S.Ct. 2592 (Kennedy, J., concurring in the judgment).

Before the Fifth Amendment's enactment in the United States, for example, only legislatively backed takings could take place in England because only Parliament could authorize them. See William Baude, *Rethinking the Federal Eminent Domain Power*, 122 Yale L.J. 1738, 1756 (2013); Matthew P. Harrington, "Public Use" and the Original Understanding of the So-Called "Takings" Clause, 53 Hastings L.J. 1245, 1263 (2002). As Blackstone opined, the taking of property was too "dangerous" an activity to be left to just "any public tribunal," and so "nothing but the legislature [could] perform" this activity. 1 Blackstone, *supra*, at 135. On this side of the Atlantic, it was likewise the colonial legislatures (not the other branches) that typically passed provisions authorizing the taking of property for projects like public buildings or public roads. See James W. Ely, Jr., "That Due Satisfaction May Be Made:" the Fifth Amendment and the Origins of the Compensation Principle, 36 Am. J. Legal Hist. 1, 5–11 (1992) (listing examples).

Given this history, many sources identified the Takings Clause as a limit on legislative *831 power in between the passage of the Fifth and Fourteenth Amendments. As Joseph Story noted when discussing the clause, "how vain it would be to speak of such an administration, when all property is subject to the will or caprice of the legislature, and the rulers." 3 Joseph Story, *Commentaries on the Constitution of the United States* § 1784, at 661 (1833). Or, as James Kent explained, the takings clauses in the federal and state constitutions "imposed a great and valuable check upon the exercise of legislative power[.]" 2 James Kent, *Commentaries on American Law* 276 (1827). Many others expressed similar views. See, e.g., E. Fitch Smith, *Commentaries on Statute and Constitutional Law and Statutory and Constitutional*

Construction §§ 311–13, at 466–67 (1848); William Rawle, *A View of the Constitution of the United States of America* 133 (1829); *VanHorne's Lessee v. Dorrance*, 2 U.S. 304, 310–16, 2 Dall. 304, 1 L.Ed. 391 (C.C.D. Pa. 1795). Near the enactment of the Fourteenth Amendment, then, treatises listing the actions that counted as “takings” gave no hint that the discretionary act of an executive officer might amount to a taking even if the identical act would not qualify as one when legislatively compelled. See, e.g., Mills & Abbott, *supra*, §§ 30–36a, at 119–28; Thomas M. Cooley, *A Treatise on the Constitutional Limitations Which Rest upon the Legislative Power of the States of the American Union* 525–30, 541–57 (1868).

In response, Nashville cites many sources noting that the Fifth Amendment, as originally understood, reached only “physical” takings invading an owner’s land, not “regulatory” takings barring the owner from using the land in desired ways. Appellee’s Br. 11–17; see *Lucas*, 505 U.S. at 1014, 1028 n.15, 112 S.Ct. 2886; *Murr v. Wisconsin*, 582 U.S. 383, 137 S. Ct. 1933, 1957, 198 L.Ed.2d 497 (2017) (Thomas, J., dissenting); see generally Michael B. Rappaport, *Originalism and Regulatory Takings: Why the Fifth Amendment May Not Protect Against Regulatory Takings, But the Fourteenth Amendment May*, 45 San Diego L. Rev. 729 (2008); John F. Hart, *Colonial Land Use Law and Its Significance for Modern Takings Doctrine*, 109 Harv. L. Rev. 1252 (1996); William Michael Treanor, *The Original Understanding of the Takings Clause and the Political Process*, 95 Colum. L. Rev. 782 (1995).

We see two problems with Nashville’s reliance on this originalist argument. As an initial matter, Nashville does not explain how its sources support its distinct claim that the Fifth Amendment’s protections should change depending on the government actor that engages in the challenged act. These authorities do not assert that a restriction on an owner’s use of property historically might have qualified as a taking if imposed as a matter of executive discretion but not if imposed through a legislative command. They assert that, no matter the source, a use restriction did not qualify as a taking under the Fifth Amendment, thereby reinforcing the importance of the “government action” rather than the government actor. Rappaport, *supra*, at 732, 735–36; see *Lucas*, 505 U.S. at 1014, 112 S.Ct. 2886. The authorities thus cannot justify Nashville’s request that we adopt a seemingly non-originalist distinction between legislatively compelled actions and discretionary executive actions.

Besides, unlike a typical “regulatory” taking, Nashville’s sidewalk ordinance does not just restrict the use of property. It also compels landowners to grant an easement across their properties that limits their ability to exclude others. See Nashville Code § 17.20.120(E). The Supreme Court has consistently treated this type of compelled conveyance as falling on the physical—not the regulatory—side of the takings line. See *832 *Cedar Point*, 141 S. Ct. at 2072–74; *Nollan*, 483 U.S. at 831–32, 107 S.Ct. 3141. And Nashville makes no claim that this caselaw treating an easement as an automatic “taking” conflicts with the original understanding. Indeed, as a historical matter, the government commonly took only a “perpetual easement” on (not actual title to) the lands that it allowed the public to use for “common highways[.]” Cooley, *supra*, at 558; Mills & Abbott, *supra*, §§ 49, 276–77, at 154, 468; cf. *Woodruff v. Neal*, 28 Conn. 165, 167–68 (1859).

[8] To be fair, the sidewalk ordinance does not take this easement outright and instead makes it a condition on a permit. So the correct originalist question here is not, as Nashville says, whether the Takings Clause allowed the government to impose a use restriction. It is whether the clause allowed the government to commit what would otherwise be a taking by compelling a landowner to consent to it as a condition on a permit. Nashville offers little input on the originalist answer to this separate question, merely citing scholars who have described the Supreme Court’s unconstitutional-conditions caselaw as a “‘doctrinal swamp’ that is in ‘disarray.’” Appellee’s Br. 30–31 (citations omitted). If Nashville seeks to jettison the unconstitutional-conditions doctrine exclusively in the takings context (and nowhere else), its argument resembles the “halfway originalism” that the Supreme Court has refused to endorse. *Janus v. Am. Fed’n of State, Cnty., & Mun. Emps., Council 31*, — U.S. —, 138 S. Ct. 2448, 2470, 201 L.Ed.2d 924 (2018). In any event, Nashville raises this complaint to the wrong body. As a “middle management” court, we must follow the Supreme Court’s precedent whether or not we think it in disarray. *F.P. Dev.*, 16 F.4th at 205. And once we accept *Nollan* and the cases applying it (as we must), there is no basis in the Constitution’s text or history to distinguish legislatively compelled conditions from discretionary executive ones.

2. *Supreme Court Precedent.* Apart from text and history, Nashville’s argument that the Takings Clause distinguishes these two types of conditions does not fit with the Supreme Court’s precedent. As a general matter, the Court’s unconstitutional-conditions caselaw has never drawn this

divide. Over some 160 years, the Court has accepted many unconstitutional-condition claims for many constitutional provisions. See Richard A. Epstein, *Unconstitutional Conditions, State Power, and the Limits of Consent*, 102 Harv. L. Rev. 4, 26–102 (1988); Robert L. Hale, *Unconstitutional Conditions and Constitutional Rights*, 35 Colum. L. Rev. 321, 325–57 (1935). During that time, the Court has regularly found generally applicable legislative conditions (not just ad hoc administrative ones) unconstitutional when a legislature provided a benefit only if the recipients agreed to waive a constitutional right. See, e.g., *All. for Open Soc’y Int’l*, 570 U.S. at 208, 221, 133 S.Ct. 2321; *Sherbert v. Verner*, 374 U.S. 398, 403–06, 83 S.Ct. 1790, 10 L.Ed.2d 965 (1963); *Frost & Frost Trucking Co. v. R.R. Comm’n of State of Cal.*, 271 U.S. 583, 598–99, 46 S.Ct. 605, 70 L.Ed. 1101 (1926). Indeed, the doctrine grew out of these types of generally applicable legislative conditions. The Court held that state legislatures could not condition the ability of out-of-state corporations to do business in the state on their waiver of the right to remove lawsuits to federal court or to avoid extraterritorial taxation. See *Terral v. Burke Const. Co.*, 257 U.S. 529, 530–33, 42 S.Ct. 188, 66 L.Ed. 352 (1922); *W. Union Tel. Co. v. Kansas ex rel. Coleman*, 216 U.S. 1, 30–37, 30 S.Ct. 190, 54 L.Ed. 355 (1910); *Home Ins. Co. of N.Y. v. Morse*, 87 U.S. 445, 458, 20 Wall. 445, 22 L.Ed. 365 (1874).

***833** Despite the Court's large body of precedent in this area, Nashville identifies no case in which it has treated legislative conditions differently from administrative ones. As far as we can tell, the Court typically applies the same test no matter the condition's source. Take the free-speech context. There, the Court has relied on caselaw evaluating regulatory conditions when finding legislative conditions unconstitutional. See *All. for Open Soc’y Int’l*, 570 U.S. at 216–17, 133 S.Ct. 2321 (drawing on *Rust v. Sullivan*, 500 U.S. 173, 111 S.Ct. 1759, 114 L.Ed.2d 233 (1991)). And it has relied on caselaw concerning generally applicable legislative conditions when finding ad hoc executive personnel actions unconstitutional. See *Elrod v. Burns*, 427 U.S. 347, 357–58, 96 S.Ct. 2673, 49 L.Ed.2d 547 (1976) (plurality opinion) (drawing on *Wieman v. Updegraff*, 344 U.S. 183, 73 S.Ct. 215, 97 L.Ed. 216 (1952)). So if we accepted Nashville's proposed distinction solely for the Takings Clause, we would risk relegating the clause “to the status of a poor relation” to other constitutional guarantees. *Dolan*, 512 U.S. at 392, 114 S.Ct. 2309.

[9] To be sure, the specific unconstitutional-conditions test depends on the specific right at issue. See *Hodges*, 917 F.3d at 911. But the Court's takings caselaw has also not

created legal rules that distinguish between different branches of government. The Court recently made this precise point when choosing between the automatic-taking rule (which applies to restrictions on an owner's right to exclude) and *Penn Central*'s balancing test (which applies to restrictions on an owner's right to use). *Cedar Point*, 141 S. Ct. at 2072. *Cedar Point* explained that the choice between these two rules does not depend on “whether the government action at issue comes garbed as a regulation” imposed by an administrator or a “statute” or “ordinance” imposed by a legislator. *Id.* Rather, the choice depends on the nature of the action. The automatic-taking rule applies when “the government has physically taken property for itself or someone else—by whatever means,” while *Penn Central* applies when it “has instead restricted a property owner's ability to use his own property.” *Id.* Our logic travels *Cedar Point*'s path.

Nashville responds with three precedent-rooted counterarguments. First, Nashville objects that *Cedar Point* distinguished regulatory takings from physical takings, while the city seeks to distinguish *Penn Central*'s regulatory-takings test from *Nollan*'s unconstitutional-conditions test. Appellee's Br. 31–37. It argues that the Supreme Court has drawn its proposed legislative-vs.-administrative divide when separating *Penn Central*'s domain from *Nollan*'s. For the most part, though, Nashville merely cites stray statements in the Court's decisions. In one case, for example, the Court described *Nollan* and *Dolan* as involving “challenges to adjudicative land-use exactions” compelled by a specific administrator against a specific landowner. *Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 546, 125 S.Ct. 2074, 161 L.Ed.2d 876 (2005) (emphasis added).

Yet other cases describe *Nollan* and *Dolan* more broadly. They drop the “adjudicative” label by describing *Nollan* as applying to “the special context of exactions,” not just ad hoc administrative exactions. *City of Monterey v. Del Monte Dunes at Monterey, Ltd.*, 526 U.S. 687, 702, 119 S.Ct. 1624, 143 L.Ed.2d 882 (1999). And they describe *Nollan*'s protections as extending against “the government” without distinguishing administrators from legislators. *Koontz*, 570 U.S. at 604, 133 S.Ct. 2586. Still, we do not think it worthwhile to base our decision on how best to parse the Court's competing descriptions of *Nollan* ***834** and *Dolan*. These descriptions merely reinforce its general admonition that we should not “dissect the sentences of the United States Reports as though they were the United States Code.” *St. Mary's Honor Ctr. v. Hicks*, 509 U.S. 502, 515, 113 S.Ct. 2742, 125 L.Ed.2d 407 (1993).

Second, Nashville points to one way in which *Dolan* distinguished *Euclid* and *Agins v. City of Tiburon*, 447 U.S. 255, 100 S.Ct. 2138, 65 L.Ed.2d 106 (1980), cases that upheld zoning ordinances against takings challenges. *Dolan* described these cases as evaluating “essentially legislative determinations classifying entire areas” of a city, and it contrasted those determinations with the City of Tigard’s “adjudicative decision to condition [Dolan’s] application for a building permit on an individual parcel.” 512 U.S. at 385, 114 S.Ct. 2309. According to Nashville, this statement supports its argument that only parcel-specific conditions trigger *Nollan* whereas generally applicable conditions trigger *Penn Central*.

This view treats one sentence in *Dolan* as trumping everything else in the opinion. To start, Nashville ignores the second way in which *Dolan* distinguished *Euclid* and *Agins*: Tigard had imposed “conditions” that did not just limit the “use” that Dolan could “make of her own parcel” but forced her to “deed portions of the property to the city.” *Id.* In contrast, neither *Euclid* nor *Agins* involved permit conditions. The landowners in both cases had not sought permits to develop their land; they had challenged zoning restrictions on the uses to which they and everyone else in the area could put their land. See *Agins*, 447 U.S. at 257–58, 100 S.Ct. 2138; *Euclid*, 272 U.S. at 379–86, 47 S.Ct. 114; see also *Monterey*, 526 U.S. at 702–03, 119 S.Ct. 1624. Because the cities had not imposed any conditions on permits, the cases did not implicate the “well-settled doctrine of ‘unconstitutional conditions’” on which *Dolan* relied. 512 U.S. at 385, 114 S.Ct. 2309. The landowners in *Euclid* and *Agins* instead challenged only use restrictions, so their claims fit within *Penn Central*’s balancing test for those restrictions.

The same cannot be said for this case or for *Dolan*. Unlike in *Euclid* and *Agins*, Knight and Mayes did not challenge a use restriction that applied equally to landowners who desired to build and those who did not. As in *Dolan*, they challenged a condition on a permit. And unlike in *Euclid* and *Agins*, the sidewalk ordinance did not impose a condition that limited just the uses that they could make of their land. As in *Dolan*, it required permit applicants to grant an easement. This case thus matches *Dolan*—not *Euclid* and *Agins*—in every way that matters.

Although the sidewalk ordinance’s conditions extend to all permit applicants whose property falls within covered areas (not just a specific applicant), we do not read *Dolan* as making the parcel-specific nature of a condition important. See

Anderson Creek, 876 S.E.2d at 499 n.14; *Flower Mound*, 135 S.W.3d at 640–42. Indeed, Nashville’s proposed distinction between “legislative” conditions (those mandated across the board by a legislature) and “adjudicative” conditions (those imposed on an ad hoc basis by an administrator) would force courts to draw indiscernible lines. *Flower Mound*, 135 S.W.3d at 641. Most zoning schemes involve a mix of legislative and administrative choices. See *id.* So how should courts decide which conditions are “adjudicative” and which are “legislative”?

A comparison of the zoning scheme in *Dolan* with Nashville’s sidewalk ordinance proves the difficulty of this task. The two schemes bear striking similarities to each other. The conditions that the City of Tigard required in *Dolan* did not spring from pure administrative fiat. They sprang *835 from the city’s general development plan that had been “codified” in its “Community Development Code.” 512 U.S. at 377, 114 S.Ct. 2309. As a condition on a permit, this general code required owners in designated areas (like Dolan) to dedicate “sufficient open land” for green space and a pedestrian and bicycle path. *Id.* at 379–80, 114 S.Ct. 2309. Dolan thus sought a variance from the code’s “standards,” not from the administrator’s standards. *Id.* at 380, 114 S.Ct. 2309. And the administrator’s primary “adjudication” concerned Dolan’s “requested variance from the permit conditions otherwise required to be imposed by the Code.” *Id.* at 413, 114 S.Ct. 2309 n.* (Souter, J., dissenting).

This case included the same type of “adjudication.” As in *Dolan*, the conditions on Knight and Mayes arose from a general ordinance. And as in *Dolan*, the zoning administrator and Board of Zoning Appeals “adjudicated” Knight’s and Mayes’s requests for a waiver or variance from the conditions. Perhaps Tigard’s scheme introduced more discretion on the front end by allowing administrators to choose the specific amount of dedicated green space that was “sufficient.” *Id.* at 379, 114 S.Ct. 2309. But Nashville’s scheme introduces plenty of discretion on the back end. It allows the zoning administrator to waive the ordinance’s conditions for any “hardship” and the Board of Zoning Appeals to broadly grant variances. See Nashville Code §§ 17.20.120(A)(3)(a), 17.20.125. Because *Dolan* applied *Nollan*’s test to Tigard’s half-legislative and half-adjudicative administrative scheme, that test necessarily covers Nashville’s similar scheme.

Third, Nashville highlights *Nollan*’s statement (reiterated in *Koontz* and *Dolan*) that its unconstitutional-conditions test seeks to prevent “an out-and-out plan of extortion” in which

the government offers a permit only if an applicant hands over property for unrelated purposes. *Nollan*, 483 U.S. at 837, 107 S.Ct. 3141 (citation omitted); see *Koontz*, 570 U.S. at 605–08, 133 S.Ct. 2586; *Dolan*, 512 U.S. at 387, 114 S.Ct. 2309. According to Nashville, this extortion risk (*Nollan*’s alleged “central concern”) exists more for one-off administrative conditions imposed by unelected administrators than it does for uniform legislative conditions imposed by democratically accountable actors. Appellee’s Br. 18.

This claim suffers from both legal and practical problems. Legally, Nashville places the purpose of the Takings Clause above its language. Even assuming that *Nollan*’s “ultimate goal” is to prevent this kind of extortion, we must implement that goal in a way that respects the enacted text. *Crawford v. Washington*, 541 U.S. 36, 61, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004). And again, the text does not distinguish between legislative and administrative acts. See *Stop the Beach*, 560 U.S. at 713–14, 130 S.Ct. 2592 (plurality opinion). Nobody would argue that we should allow a city council to commit an uncompensated appropriation of a majority of its residents’ homes because the injured residents could “still petition their councilmembers, elect new councilmembers, or even run for office to” change the law. Appellee’s Br. 22. The text bars that classic taking whether or not one would describe it as “extorting” a minority of residents. And once *Nollan* interpreted the clause’s list of prohibited “act[s]” to include certain permit conditions, there is likewise no textually sound way to treat identical conditions differently based on their source. *Stop the Beach*, 560 U.S. at 713–14, 130 S.Ct. 2592.

Practically, an “extortion” risk exists no matter the branch of government responsible for the condition. See *Flower Mound*, 135 S.W.3d at 641. Nashville cites no empirical support for its claim that administrators *836 are more likely than legislators to single out a subset of individuals (those seeking permits) and make them pay for valid programs that society “as a whole” should finance. *Armstrong*, 364 U.S. at 49, 80 S.Ct. 1563. A majority of local taxpayers may well “applaud” the lower taxes that their politically sensitive legislators can achieve through this type of cost shifting. *Flower Mound*, 135 S.W.3d at 641. James Madison, after all, warned that the dangers of one “faction” gaining a majority increased as the size of the government shrank. See *The Federalist* No. 10, at 78 (James Madison) (Clinton Rossiter ed., 1961). In this case, for example, Nashville could have financed its sidewalk expansion through a generally applicable special assessment imposed on all property owners. It instead opted to rely on in-lieu fees charged only to those who sought to develop

their property. Nashville thus required Mayes to pay for a sidewalk that he may well never use some 2.5 miles away from his home. Mayes Decl., R.20-2, PageID 132. But the Takings Clause (like the rest of the Bill of Rights) seeks to protect a minority from the popular will as much as from the bureaucratic one. See *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 639, 63 S.Ct. 1178, 87 L.Ed. 1628 (1943). *Nollan*’s concerns with extortion thus offer no grounds to jettison its test here.

IV

Our conclusion that *Nollan*’s unconstitutional-conditions test applies leaves two questions. *Question One*: Does Nashville’s application of its sidewalk ordinance to Knight and Mayes satisfy this test? In other words, has Nashville shown a “nexus” and “rough proportionality” between the conditions that it imposed on Knight and Mayes and the social costs of their homes? *Nollan*, 483 U.S. at 837, 107 S.Ct. 3141; *Dolan*, 512 U.S. at 391, 114 S.Ct. 2309. The answer is not obvious. *Dolan* opined in dicta that “dedications” for “sidewalks” are often “reasonable” conditions on permits. 512 U.S. at 395, 114 S.Ct. 2309. Yet *Dolan* likely had in mind conditions requiring the dedication of a sidewalk on the owner’s own property as part of an existing sidewalk network in the area. Here, by contrast, Nashville required Knight and Mayes to either build useless “sidewalks to nowhere” or pay for sidewalks miles away. These conditions do not look all that proportional to any specific harms from their homes, so the district court concluded that Nashville likely could not meet *Dolan*’s rough-proportionality element. See *Knight*, 572 F. Supp. 3d at 443–44.

In the end, though, we need not decide this question because Nashville has waived any argument that it can satisfy this unconstitutional-conditions test. Knight and Mayes spent pages of their brief arguing that the city could not meet *Nollan*’s and *Dolan*’s elements. See Appellants’ Br. 27–35. But Nashville did not even try to respond, opting to rely exclusively on its claim that *Penn Central*’s test applied. See Appellees’ Br. 10–43. In prior cases, we have treated this type of omission as a waiver, not just a forfeiture. See *United States v. Noble*, 762 F.3d 509, 528 (6th Cir. 2014). And when questioned at oral argument about this noticeable omission, Nashville’s counsel conceded that the city abandoned any defense under *Nollan*’s test. He reasoned that the test is “an extremely difficult standard to meet, and the sidewalk ordinance likely doesn’t meet that standard.” Arg.

31:22–30. We thus may save this issue for a case in which Nashville seeks to satisfy *Nollan*'s test as against other permit applicants.

Question Two: What is the proper remedy for the violation of Knight's and *837 Mayes's rights under the Fifth Amendment? Is Mayes entitled to the reimbursement of his in-lieu fee as “just compensation” for the condition that Nashville imposed on him? Would this relief fall under § 1983 or the state-law restitution claim that Mayes also brought? *Cf. Koontz*, 570 U.S. at 608–09, 133 S.Ct. 2586. Is Knight entitled to an injunction (or at least a declaratory judgment) against the ordinance's application to him? Or is “injunctive relief” “foreclosed” because he has “available” “just compensation remedies” if he reapplies for a permit? *Knick*, 139 S. Ct. at 2179; *cf. D.M. Osborne & Co. v. Mo. Pac. Ry. Co.*, 147 U.S. 248, 258–59, 13 S.Ct. 299, 37 L.Ed. 155 (1893). Given the parties' limited briefing on the proper remedy, we will leave that issue to the district court. *See Am. Freedom Def. Initiative*

v. Suburban Mobility Auth. for Reg'l Transp., 978 F.3d 481, 501–02 (6th Cir. 2020).

We reverse and remand for the district court to determine the appropriate remedy.

WHITE, Circuit Judge, concurring.

CONCURRENCE

I join in the majority's conclusion that the Supreme Court would apply the *Nollan/Dolan* test to the provisions of Nashville's sidewalk ordinance challenged here and in its remand for the reasons stated.

All Citations

67 F.4th 816

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135 S.W.3d 620

Supreme Court of Texas.

TOWN OF FLOWER MOUND, Texas, Petitioner,

v.

STAFFORD ESTATES LIMITED

PARTNERSHIP, Respondent.

No. 02–0369

|

Argued March 5, 2003.

|

Decided May 7, 2004.

Synopsis

Background: Developer brought action against town, alleging that a condition attached to plat approval, which required developer to construct and pay for improvements to adjacent public street, was a taking without just compensation. The 16th District Court, Denton County, John Narsutis, J., found in favor of developer. Town appealed. The Fort Worth Court of Appeals affirmed the damages award, but reversed the award for attorney fees, 71 S.W.3d 18. Both parties petitioned for review.

Holdings: Upon grant of petition, the Supreme Court, Hecht, J., held that:

developer was not required to challenge conditions as an illegal taking prior to performing conditions;

condition imposed by town constituted a taking; and

developer was not entitled to attorney fees.

Affirmed.

Procedural Posture(s): On Appeal.

Attorneys and Law Firms

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Opinion

Justice HECHT delivered the opinion of the Court.

The Town of Flower Mound's Land Development Code requires that a subdivision developer improve abutting streets that do not meet specified standards, even if the improvements are not necessary to accommodate the impact of the subdivision. Accordingly, the Town conditioned its approval of Stafford Estates Limited Partnership's development of a residential subdivision on Stafford's rebuilding an abutting road. Stafford rebuilt the road and then sued the Town to recover the cost. The district court held that the condition imposed on Stafford's development was a taking without compensation in violation of article I, section 17 of the Texas Constitution,¹ the Fifth Amendment to the *623 United States Constitution,² and the federal Civil Rights Act of 1871,³ and awarded Stafford the cost of improvements not necessitated by increased traffic from the subdivision. The district court also awarded Stafford expert witness fees and

attorney fees under the federal Civil Rights Attorney's Fees Awards Act of 1976.⁴ The court of appeals reversed the award of expert witness fees and attorney fees and otherwise affirmed.⁵

¹ TEX. CONST. art. I, § 17 (“No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person....”).

² U.S. CONST. amend. V (“[N]or shall private property be taken for public use, without just compensation.”).

³ 42 U.S.C. § 1983 (“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress....”).

⁴ *Id.* § 1988(b) (Attorney's fees) (“In any action or proceeding to enforce a provision of ... [42 U.S.C. § 1983] ..., the court, in its discretion, may allow the prevailing party ... a reasonable attorney's fee as part of the costs....”) and (c) (Expert fees) (“In awarding an attorney's fee under subsection (b) of this section in any action or proceeding to enforce a provision of [42 U.S.C. §§ 1981 or 1981a], the court, in its discretion, may include expert fees as part of the attorney's fee.”).

⁵ 71 S.W.3d 18 (Tex.App.-Fort Worth 2002).

The three principal questions now before us are whether Stafford could wait until after making the improvements to sue, whether the Town's condition on Stafford's development amounted to a compensable taking, and whether Stafford is entitled to recover fees under federal civil rights laws. We agree with the court of appeals that Stafford is entitled under the Texas Constitution to adequate compensation for the taking of its property but is not entitled to recover under federal civil rights laws. We thus affirm the judgment of the court of appeals.

I

The Town of Flower Mound is a fast-growing suburban municipality (1990 pop. 15,527; 2000 pop. 50,702) in between Dallas, Fort Worth, and Denton. The Town's Stafford Estates subdivision consists of some 247 homes on 90 acres bounded on the north by McKamy Creek Road and on the west by Simmons Road. Both roads are in the Town's right-of-way and are not part of the subdivision.

Over a period from 1994 to 1997, the Town approved the development of Stafford Estates in three roughly equal phases. Phases II and III abutted Simmons Road, which was at the time a two-lane asphalt road designated by the Town as a “rural collector roadway”. Section 4.04(o) of the Town's Land Development Code provided that for all subdivisions and industrial areas, “[a]butting substandard local and collector streets shall be constructed or reconstructed as necessary by the developer to bring them up to minimum standards, and all right-of-way ... dedicated to the Town, with no cost participation from the Town.”⁶ One such minimum standard, prescribed by section 4.04(b) of the Code, was that “all builders/developers shall be required to construct concrete streets according to the Engineering Standards Manual.”⁷ Based on these provisions, the Town conditioned its approval of the plats for Phases II and III on Stafford's rebuilding Simmons Road with concrete instead of asphalt.

⁶ FLOWER MOUND, TEX., CODE ch. 12, § 4.04(o) (1994) (now codified as CODE § 90–316(1) (2002)).

⁷ *Id.* § 4.04(b) (now codified as CODE § 90–302 (2002)).

*624 Stafford objected to this condition and requested an exception under section 4.04(a) of the Code, which stated:

The Town Council may grant an exception to the street design standards as contained in this section, provided that the Council finds and determines that such standards work a hardship on the basis of utility relocation costs,

right-of-way acquisition costs, and other related factors.⁸

⁸ *Id.* § 4.04(a) (now codified as CODE § 90–301 (2002)).

Stafford argued that it should not be required to pay more than half the cost of rebuilding Simmons Road with concrete. The asphalt surface was not in disrepair, and the Town had made no attempt to determine whether the required improvements were roughly proportional to the impact of the subdivision on Simmons Road in particular or on the Town's roadway system as a whole. Although the Town had exercised its discretion to grant exceptions to other developers on a project-by-project basis, Stafford's request was denied.

After objecting to the condition on its development at every administrative level in the Town, all to no avail, Stafford rebuilt Simmons Road with concrete as the Town had required at a cost of \$484,303.79, transferred the improvements to the Town, and then demanded reimbursement for what it asserted was the Town's proportionate share of the expense. When the Town still refused to pay any part of the cost, Stafford sued, alleging that by conditioning development of Stafford Estates on improving Simmons Road, the Town had taken Stafford's property without compensation in violation of the state and federal constitutions and federal law.

By agreement, the takings issue was submitted to the district court on stipulated facts, although after the court announced its ruling, it allowed the Town to submit some testimony by way of a bill of exception,⁹ which the court appears to have considered in overruling the Town's request for reconsideration of its ruling. Stafford argued that the applicable standard under state and federal law for determining whether there was a taking in these circumstances was that announced by the United States Supreme Court in *Nollan v. California Coastal Commission*¹⁰ and *Dolan v. City of Tigard*.¹¹ The Town argued that *Nollan* and *Dolan* were inapplicable and that even by their standard the condition on Stafford's development was not a taking. The court agreed with Stafford and determined that the condition—

⁹ See TEX.R.APP. P. 33.2.

¹⁰ 483 U.S. 825, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987).

¹¹ 512 U.S. 374, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994).

- “did not substantially advance a legitimate state interest attributable to the impact of the development of Stafford Estates”;
- “was not roughly proportional to any services provided by the Town to Stafford Estates or a burden placed on the Town by Stafford Estates”;
- was “in substantial excess of the special benefits accruing” to Stafford by the improvement of Simmons Road; and
- “constituted a taking of property for public use without just or adequate compensation in violation of Article I, § 17 of the Texas Constitution, the Fifth Amendment to the U.S. Constitution and 42 U.S.C. § 1983.”

The court then heard evidence on damages, as well as on costs recoverable by federal statute. The Town stipulated that Stafford's expenses incurred in rebuilding *625 Simmons Road with concrete were reasonable and necessary. The court awarded Stafford damages of only \$425,426 without explaining the reduction of \$58,877.79, or about 12.2%, from the actual cost. The court also awarded Stafford \$20,000 expert witness fees, \$175,000 attorney fees through judgment, \$42,500 attorney fees post-judgment contingent on various appeals, and pre- and post-judgment interest.

Both parties appealed, Stafford complaining only that it was entitled to recover all of its construction costs.¹² At the outset, the court of appeals rejected the Town's argument that Stafford's action was barred because it did not sue before rebuilding Simmons Road and obtaining approval of its development plan, concluding that no statute or rule required Stafford to sue earlier than it did.¹³ Turning to the takings issue, the court read *Nollan* and *Dolan* to set forth a two-part test (set out below) for determining whether a compensable taking has occurred whenever “the government conditions the granting of permit approval, plat approval, or some other type of governmental approval on an exaction from the approval-seeking landowner.”¹⁴ “Generally,” the court said, “any requirement that a developer provide or do something as a condition to receiving municipal approval is an exaction.”¹⁵ The court rejected the Town's argument that the *Nollan/Dolan* test applies only when the government exaction is

the dedication of an interest in property, not when permit approval is conditioned on an expenditure of money.¹⁶ The court determined that the Supreme Court had not so limited the test and reasoned that non-dedicatory exactions pose no less danger that the government may threaten withholding of approval in order to extract from an applicant some benefit or concession it could not otherwise require.¹⁷ The court did not reach the Town's argument that the *Nollan/Dolan* test applies only when the government acts on an ad hoc, adjudicative basis, as when making individual permitting decisions, as opposed to a general, legislative, policy basis, as when adopting ordinances and codes.¹⁸ Even if the Town were correct, the court concluded, the Town's denial of Stafford's request for an exception when it had granted exceptions to other developers showed that its decision was a discretionary one based on individual circumstances rather than a ministerial enforcement of its code based on general policy considerations.¹⁹

¹² 71 S.W.3d 18, 44 n. 21.

¹³ *Id.* at 28.

¹⁴ *Id.* at 30 (footnote omitted).

¹⁵ *Id.* n. 7.

¹⁶ *Id.* at 31–34.

¹⁷ *Id.*

¹⁸ *Id.* at 34–36.

¹⁹ *Id.*

The court of appeals thus concluded that the *Nollan/Dolan* test applied to Stafford's federal takings claim and should also apply to its state takings claim since the parties did not argue that federal and state law are or should be different in this regard.²⁰ That “two-pronged” test for determining that an exaction is not a taking, the court said, is “that an essential nexus exist between the exaction and a legitimate state interest and that the exaction be roughly proportional to the public consequences of the requested land use.”²¹ The burden of proof, the court added, was on the Town to prove that the condition imposed on Stafford met the test.²²

²⁰ *Id.* at 37–38.

²¹ *Id.* at 31.

²² *Id.* at 38.

***626** As to the “essential nexus” prong, the court concluded that the existence of an essential nexus between the exaction—the condition that Simmons Road be rebuilt—and the interests claimed by the Town—traffic safety and road durability—was demonstrated as long as the exaction did not “utterly fail” to advance those interests.²³ The court held that the Town had easily met this lax burden.²⁴

²³ *Id.* at 39–40.

²⁴ *Id.*

As to the “roughly proportional” prong, the court determined that the relevant comparison was between the cost of the Simmons Road improvements and the impact of the subdivision on that roadway rather than on the Town's entire roadway system.²⁵ The court noted that “Stafford's traffic study evidence showed that the Subdivision would produce about 750 vehicle trips per day, or about 18% of the total average traffic on the improved portion of Simmons Road”,²⁶ and that “[t]he Town did not put on any evidence to show how much additional roadway traffic the Subdivision would create.”²⁷ The Town argued that the development's true impact was far broader and was reflected in the road impact fees the Town was allowed by statute and ordinance to assess and collect to pay for capital improvements to its roadway system.²⁸ The amount of those fees was determined by apportioning the total cost of such improvements among all new developments, whatever their nature, but by ordinance the Town discounted the fee for residential developments from \$3,560 to \$1,140 per dwelling. The Town argued that the amount of the discount—for Stafford, from \$879,234 to \$281,580, or nearly \$600,000—reflected the impact on traffic that was not compensated by impact fees and was “roughly proportional to the amount of money Stafford had paid to construct the Simmons Road improvements.”²⁹ The court rejected this argument for two reasons. First, Simmons Road was not included in the Town's capital improvements plan and thus could not be improved using impact fees.³⁰ The court “fail[ed] to grasp how requiring a developer to improve an existing road that is *not* on a city's capital improvements plan is in any way related to the impact a development will have on roads that *are* on the city's capital improvements plan.”³¹ More importantly, the court concluded, the Town simply

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could not explain how a subdivision's impact on adjacent roadways could be measured by what the Town could have charged for citywide road improvements but chose not to.³² Thus, the court held:

25 *Id.* at 40–41.

26 *Id.* at 41.

27 *Id.*

28 See TEX. LOC. GOV'T CODE §§ 395.001–.082; FLOWER MOUND, TEX., CODE §§ 42–71 to 42–80 (2002).

29 71 S.W.3d at 42.

30 See TEX. LOC. GOV'T CODE §§ 395.012–.013.

31 71 S.W.3d at 42–43.

32 *Id.* at 42–43.

On this record, the Town has not met its burden of demonstrating that the additional traffic generated by the Subdivision bears a sufficient relationship to the requirement that Stafford demolish a nearly new, two-lane asphalt road that was not in disrepair and replace it with a two-lane concrete road. Undoubtedly, the additional traffic (750 trips per day) generated by the Subdivision *627 will increase wear and tear and create additional safety concerns on the Town's roads and Simmons and McKamy Creek Roads in particular. But the Town has not explained why demolishing the asphalt road and replacing it with a cement road, as opposed to improving the asphalt road, was required because of the Subdivision's impact. To the contrary, the Town's experts admitted that all of the Town's safety objectives could have been accomplished just as effectively by simply improving the asphalt road. The Town likewise has not explained how the Subdivision's impact created a specific need for a more durable surfacing of Simmons Road. Consequently, the Simmons Road improvement condition requiring Stafford to demolish a portion of Simmons Road, to repave it with concrete, and to bear 100% of the costs, fails the second, rough proportionality prong of the *Dolan* test.

* * *

In summary, the Town's requirement that Stafford tear up a nearly new two-lane asphalt road—that could be

improved with asphalt to address the Town's legitimate safety concerns—and replace it with a two-lane concrete road bears little or no relationship to the proposed impact of the Subdivision on the Town's roadway system, specifically Simmons Road. While the Town's interest in the durability of its roads is a legitimate interest, the demolish-and-replace-with-concrete aspect of the Simmons Road improvements condition simply bears no relationship to the public consequences generated by the Subdivision and is not roughly proportional to the traffic impact of the Subdivision on Simmons Road. Accordingly, this condition to plat approval does not meet the *Dolan* test's rough-proportionality requirement and instead effected a taking without adequate compensation under article I, section 17 of the Texas Constitution.³³

33 *Id.* at 43–44.

On the issue of damages, the court concluded that the proper measure under the circumstances was the cost of the exaction—Stafford's expense in rebuilding Simmons Road—less the cost of roadway improvements necessitated by the subdivision that the Town could properly have required Stafford to make, less the value of any special benefits³⁴ of the improvements to the subdivision.³⁵ The court assigned the burden of proof to Stafford on the first two elements of this equation and to the Town on the value of any special benefits.³⁶ The parties stipulated the reasonable and necessary expense of rebuilding Simmons Road. In determining the cost of improvements due to the subdivision's impact, the court stated that “[n]o precise mathematical formula is necessary”, and concluded that by awarding Stafford only about 87.8% of its actual expenses the district court properly took into account the cost of improvements Stafford was properly required to make.³⁷ The Town, the court concluded, had failed to prove any special benefits to the subdivision from improvements beyond those required to accommodate the increased *628 traffic.³⁸ Accordingly, the court upheld the damages awarded by the district court.³⁹

34 See *Haynes v. City of Abilene*, 659 S.W.2d 638, 641–642 (Tex.1983) (“[T]he term ‘special benefit’ connotes an enhancement more localized than a general improvement in community welfare, but not necessarily unique to a given piece of property. A special benefit is one going beyond the general benefit supposed to diffuse itself from the improvement through the municipality.”).

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35 71 S.W.3d at 44–46.

36 *Id.* at 45 n. 22, 46.37 *Id.* at 46.38 *Id.* at 46–47.39 *Id.* at 47.

Finally, the court reversed the award of expert witness fees and attorney fees to Stafford. The court reasoned that “[b]ecause Stafford is afforded just compensation based on its state-law takings claim, its federal claims under the Fifth Amendment and section 1983 will never mature.”⁴⁰ Thus, the court concluded, “Stafford has not suffered a federal constitutional injury. Consequently, Stafford cannot prosecute its section 1983 takings claim or be a prevailing party under section 1988.”⁴¹

40 *Id.* at 49.41 *Id.* at 51.

We granted both parties' petitions for review.⁴²

42 46 Tex. Sup.Ct. J. 230 (Dec. 12, 2002). We have received a number of amicus briefs. Amici curiae in support of the Town: Texas Municipal League; Texas City Attorneys Association; International Municipal Lawyers Association; Cities of Aledo, Azle, Bridgeport, Corinth, Everman, Fort Worth, Granbury, Haltom City, Irving, Keller, Kennedale, Ovilla, Plano, Red Oak, River Oaks; Town of Sunnyvale. Amici curiae in support of Stafford: Pacific Legal Foundation; National Association of Home Builders; Texas Association of Builders, Inc.

II

We first consider the Town's argument that this action is barred because Stafford did not sue until after it had rebuilt Simmons Road and obtained final approval of its development plan. It is in the public interest, the Town contends, for the government to have the opportunity to withdraw a condition of approval that is found to constitute a taking and thereby avoid the expense to taxpayers of money damages. That opportunity is lost if suit may be brought after the condition has been satisfied and the landowner's only remedy is a damage award. Moreover, the Town adds,

it is simply unfair for an applicant to accept the benefits of an approved plan of development and later challenge the conditions of that approval. The Town urges that we “adopt a standard that requires developers to first seek to strike down conditions that they believe are unconstitutional before accepting the conditions and irreparably changing the status quo”. The Town does not address the obvious concern that such a standard would pressure landowners to accept the government's conditions rather than suffer the delay in a development plan that litigation would necessitate. The Town concedes that no statute, rule, or Texas case supports its argument but nonetheless insists that post-approval actions like Stafford's must be barred as a matter of public policy as courts in other states have done.

Generally, “the State's public policy is reflected in its statutes.”⁴³ On the subject of whether an action like this one must be brought before the challenged condition is satisfied, Texas statutes are silent, although they speak at length and in detail to other matters regarding local regulation of property development.⁴⁴ There is nothing in this statutory framework to suggest *629 that the time for bringing an action like this one is constrained by anything other than the applicable statute of limitations, which the Town does not argue would bar the present action.

43 *Texas Commerce Bank, N.A. v. Grizzle*, 96 S.W.3d 240, 250 (Tex.2002); *accord Churchill Forge, Inc. v. Brown*, 61 S.W.3d 368, 373 (Tex.2001); *Lawrence v. CDB Servs., Inc.*, 44 S.W.3d 544, 553 (Tex.2001) (“ ‘Public policy, some courts have said, is a term of vague and uncertain meaning, which it pertains to the law-making power to define, and courts are apt to encroach upon the domain of that branch of the government if they characterize a transaction as invalid because it is contrary to public policy, unless the transaction contravenes some positive statute or some well-established rule of law.’ ”) (citation omitted).

44 See e.g. TEX. LOC. GOV'T CODE §§ 211.001–.021 (relating to municipal zoning authority); *id.* §§ 212.001–.903 (relating to municipal regulation of subdivisions and property development); *id.* §§ 231.001–.231 (relating to county zoning authority); *id.* §§ 232.001–.107 (relating to county regulation of subdivisions).

The Town argues instead that courts in other jurisdictions have required as a matter of good policy that a suit challenging a condition of land development be brought before the condition is satisfied. This appears to have been the case in California,⁴⁵ but the California Legislature has since codified procedures for challenging development exactions, dedications, and other conditions imposed on a development project.⁴⁶ The statute allows a landowner to tender the cost of compliance with the condition, give notice of protest, continue with development, and then sue.⁴⁷ If successful, the landowner is entitled to a refund.⁴⁸ Thus, the California statute, unlike caselaw which preceded it, attempts to accommodate not only the government's interest in avoiding damages but also developers' interest in avoiding delay.

⁴⁵ See *County of Imperial v. McDougal*, 19 Cal.3d 505, 138 Cal.Rptr. 472, 564 P.2d 14, 18 (1977) (“A number of cases have held that a landowner or his successor in title is barred from challenging a condition imposed upon the granting of a special permit if he has acquiesced therein by either specifically agreeing to the condition or failing to challenge its validity, and accepted the benefits afforded by the permit.”), appeal dismissed for lack of a substantial federal question by 434 U.S. 944, 98 S.Ct. 469, 54 L.Ed.2d 306 (1977); *Salton Bay Marina, Inc. v. Imperial Irrigation Dist.*, 172 Cal.App.3d 914, 218 Cal.Rptr. 839, 854 (1985) (“Generally, a landowner who accepts and complies with the conditions of a building permit cannot later sue the issuing public entity for inverse condemnation for the cost of compliance. Instead, the property owner is generally limited to having the condition invalidated by a proceeding for writ of mandate.”) (citations omitted); *Pfeiffer v. City of La Mesa*, 69 Cal.App.3d 74, 137 Cal.Rptr. 804, 806 (1977) (“It is fundamental that a landowner who accepts a building permit and complies with its conditions waives the right to assert the invalidity of the conditions and sue the issuing public entity for the costs of complying with them.”).

⁴⁶ CAL. GOV'T CODE § 66020 (1997); see *Hensler v. City of Glendale*, 8 Cal.4th 1, 32 Cal.Rptr.2d 244, 876 P.2d 1043, 1055 n. 9 (1994) (§ 66020 created a “limited exception” under which a residential housing developer may

challenge a permit condition while proceeding with development).

⁴⁷ CAL. GOV'T CODE § 66020 (1997).

⁴⁸ *Id.*

The Town cites two other cases that are somewhat supportive of its argument, one decided by the Minnesota Court of Appeals,⁴⁹ and the other by the Washington Court of Appeals,⁵⁰ although, as the court of appeals noted in this case, both cases pointed to statutes in their respective states.⁵¹ The Town also cited a case from the Connecticut Appellate Court, but that case involved an appeal from a zoning commission's denial of subdivision and special *630 use permits on facts too different to be instructive here.⁵² Stafford argues that an Eighth Circuit case is to the contrary.⁵³ We do not find any of these cases compelling. None contains a discussion of the problems that delay presents to the government and landowners alike, which the California statute attempts to balance. We are not convinced that we should attempt to craft such procedures by decision.

⁴⁹ *Crystal Green v. City of Crystal*, 421 N.W.2d 393 (Minn.App.1988) (citing MINN.STAT. § 462.361, providing that a “person aggrieved by an ordinance, rule, regulation, decision or order of a governing body” may seek review by “appropriate remedy” in court).

⁵⁰ *Trimen Dev. Co. v. King County*, 65 Wash.App. 692, 829 P.2d 226 (1992) (holding that claims for refund of park development fees were barred by the 30-day limitation period for challenging a plat), *aff'd on other grounds*, 124 Wash.2d 261, 877 P.2d 187 (1994) (holding that the three-year statute of limitations for money unlawfully received applied, and that the fees were lawfully imposed and voluntarily paid).

⁵¹ 71 S.W.3d at 27.

⁵² *Weatherly v. Town Plan & Zoning Comm'n*, 23 Conn.App. 115, 579 A.2d 94, 97 (1990) (“One who seeks to avail himself of the benefits of a zoning regulation is precluded from raising the question of that regulation's constitutionality, or of that regulation's validity, in the same proceeding.”).

⁵³ *Christopher Lake Dev. Co. v. St. Louis County*, 35 F.3d 1269 (8th Cir.1994).

The Town does not attempt to characterize its argument as waiver or estoppel. Certainly, as the parties stipulated, Stafford objected to the condition at every opportunity, and the Town was well aware of Stafford's position. As for the Town's argument that allowing Stafford to sue is unfair, if the Town had been truly concerned about the prospect of paying Stafford damages, it could have offered to allow Stafford to defer rebuilding Simmons Road and escrow the cost pending a judicial determination of the validity of the condition, thereby assuring a fund for payment if the Town won that would be returned to Stafford if it won.⁵⁴ In sum, we find the Town's arguments unconvincing. No limitation barring Stafford's suit exists, and we decline the invitation to create one.

⁵⁴ See *City of College Station v. Turtle Rock Corp.*, 680 S.W.2d 802, 804 (Tex.1984) (stating that parties agreed to escrow charge imposed in lieu of parkland dedication pending completion of court challenge to exaction).

III

We come now to the parties' takings arguments. Earlier this Term in *Sheffield Development Co. v. City of Glenn Heights*, we observed that “[p]hysical possession is, categorically, a taking for which compensation is constitutionally mandated, but a restriction in the permissible uses of property or a diminution in its value, resulting from regulatory action within the government's police power, may or may not be a compensable taking.”⁵⁵ We acknowledged, as has the United States Supreme Court, that “[c]ases attempting to decide when a regulation becomes a taking are among the most litigated and perplexing in current law.”⁵⁶

⁵⁵ 140 S.W.3d 660, —, 2004 WL 422594, *6 (2004) (citations omitted).

⁵⁶ *Id.* at —, 2004 WL 422594, at *7 (quoting *Eastern Enters. v. Apfel*, 524 U.S. 498, 541, 118 S.Ct. 2131, 141 L.Ed.2d 451 (1998)).

To determine whether government regulation of property, in the words of Justice Oliver Wendell Holmes, “goes too far [so as to] be recognized as a taking,”⁵⁷ the Supreme Court

has employed different analytical structures depending on the nature and effect of the regulation involved.⁵⁸ *Nollan* and *Dolan* involved exactions imposed by the government as a condition of its approval of land development. Stafford's takings claims are based solely on these two decisions and not, for example, on the “unreasonable regulatory interference” analysis employed by the Supreme Court in *Penn Central Transportation Co. v. City of New York*⁵⁹ and by this Court in *Sheffield*. Stafford and the Town agree that if by the standard of *Nollan* and *Dolan* the Town's actions constituted a *631 compensable taking under the Fifth Amendment, they likewise constituted a compensable taking under the Texas Constitution. Although, as we observed in *Sheffield*, “it could be argued that the differences in the wording of the two [constitutional] provisions are significant,”⁶⁰ since neither party makes that argument here, we assume that the application of both provisions is identical in these circumstances.⁶¹ We therefore consider only whether the *Nollan/ Dolan* standard applies in the circumstances of this case, and if so, whether by that standard a compensable taking occurred.

⁵⁷ *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 415, 43 S.Ct. 158, 67 L.Ed. 322 (1922).

⁵⁸ *Sheffield*, 140 S.W.3d at — — —, 2004 WL 422594, at *6–7.

⁵⁹ 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978).

⁶⁰ *Sheffield*, 140 S.W.3d at —, 2004 WL 422594, at *6.

⁶¹ See also *id.* at —, 2004 WL 422594, at *6; *City of Austin v. Travis County Landfill Co.*, 73 S.W.3d 234, 238–239 (Tex.), *cert. denied*, 537 U.S. 950, 123 S.Ct. 392, 154 L.Ed.2d 295 (2002); *Mayhew v. Town of Sunnyvale*, 964 S.W.2d 922, 932 (Tex.1998), *cert. denied* 526 U.S. 1144, 119 S.Ct. 2018, 143 L.Ed.2d 1030 (1999).

The Town argues that the *Nollan/Dolan* standard does not apply unless the government exacts a dedication of a property interest or imposes conditions on development on an ad hoc basis. We begin by summarizing *Nollan* and *Dolan*, as we understand them, and then consider the Town's arguments.

A

The Nollans owned a beachfront lot bordering on the Pacific Ocean.⁶² There were a number of other such lots along the coast, and a little over a quarter mile away in both directions was a public beach. A seawall separated the beach portion of the property from the rest of the lot. The Nollans applied to the California Coastal Commission for a permit that would allow them to demolish a small bungalow on their lot and replace it with a three-bedroom home characteristic of the neighborhood. The Commission granted the permit subject to the Nollans' creation of an easement allowing public access to the area between the ocean and the seawall. The Commission reasoned that—

⁶² *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 827–829, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987).

the new house would increase blockage of the view of the ocean, thus contributing to the development of “a ‘wall’ of residential structures” that would prevent the public “psychologically ... from realizing a stretch of coastline exists nearby that they have every right to visit.” The new house would also increase private use of the shorefront. These effects of construction of the house, along with other area development, would cumulatively “burden the public's ability to traverse to and along the shorefront.”⁶³

⁶³ *Id.* at 828–829, 107 S.Ct. 3141 (citations omitted) (alteration in original).

The Commission had imposed the same requirement on every other similarly situated lot in the area—43 of them—since obtaining the authority to do so.⁶⁴

⁶⁴ *Id.* at 829, 107 S.Ct. 3141.

The Supreme Court held that the requirement imposed by the Commission constituted a taking, reasoning as follows. “[L]and-use regulation does not effect a taking if it ‘substantially advance[s] legitimate state interests’ ”.⁶⁵ Assuming, as the Commission argued, that it had legitimate interests in “protecting the public's ability to see the beach, assisting the public in overcoming the ‘psychological barrier’ to using the beach created by a developed *632 shorefront, and preventing congestion on the public beaches”,⁶⁶ regulation that substantially advanced those interests would

not be a taking unless it “drastically” interfered with the Nollans' use of their property.⁶⁷ This would be true whether the regulatory action was the refusal to issue a permit or the issuance of a conditional permit. “[A] permit condition that serves the same legitimate police-power purpose as a refusal to issue the permit should not be found to be a taking if the refusal to issue the permit would not constitute a taking.”⁶⁸ But in either instance, “substantial advancement” requires an “essential nexus” between the restriction and the interests to be served.⁶⁹ “[U]nless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but ‘an out-and-out plan of extortion.’ ”⁷⁰ The Commission could not explain how requiring the Nollans to allow the public access to the *back* of their property would help people in *front* to see past the Nollans' bigger home to the beach beyond, or how allowing more access to the beach would reduce congestion.⁷¹ The public, who according to the Commission could not be expected to see the beach from the street in front of the Nollans' property, would not even know there was something there to have access *to*. Perhaps in view of this logical problem with its position, or perhaps in the spirit of candor, the Commission also stated that it believed “that the public interest will be served by a continuous strip of publicly accessible beach along the coast.”⁷² “The Commission may well be right that it is a good idea,” the Supreme Court concluded, “but if it wants an easement across the Nollans' property, it must pay for it.”⁷³

⁶⁵ *Id.* at 834, 107 S.Ct. 3141 (alteration in original) (quoting *Agins v. City of Tiburon*, 447 U.S. 255, 260, 100 S.Ct. 2138, 65 L.Ed.2d 106 (1980)).

⁶⁶ *Id.* at 835, 107 S.Ct. 3141.

⁶⁷ *Id.* at 835–836, 107 S.Ct. 3141 (citing *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978)).

⁶⁸ *Id.* at 836, 107 S.Ct. 3141.

⁶⁹ *Id.* at 837, 107 S.Ct. 3141.

⁷⁰ *Id.* (citation omitted).

⁷¹ *Id.* at 838–840, 107 S.Ct. 3141.

⁷² *Id.* at 841, 107 S.Ct. 3141.

⁷³ *Id.* at 841–842, 107 S.Ct. 3141.

Having found that the exaction imposed by the Commission was simply unrelated to the public interests it claimed to be advancing, the Supreme Court in *Nollan* did not consider the degree of connection required between an exaction that *did* advance public interests and the projected impact of the development for there not to be a taking. This half of the analysis the Supreme Court supplied in *Dolan v. City of Tigard*.⁷⁴

⁷⁴ 512 U.S. 374, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994).

Dolan applied to the City of Tigard for a permit allowing her to expand her plumbing and electric supply store and pave the parking lot.⁷⁵ In accordance with its Community Development Code, adopted as required by state statute,⁷⁶ the City conditioned its approval of the improvements on Dolan's dedication of a portion of her property in the flood plain for use as a public greenway, and another portion for use as a bicycle and pedestrian path. The City explained that the greenway was necessary to help control the anticipated additional storm water runoff due to the impervious surface of the new parking lot, and the bike path was necessary to help alleviate traffic congestion. Dolan requested a variance from the Code requirements, which the City refused.

⁷⁵ *Id.* at 379, 114 S.Ct. 2309.

⁷⁶ *Id.* at 377, 114 S.Ct. 2309.

*633 Dolan did not “quarrel with the city's authority to exact some forms of dedication as a condition for the grant of a building permit, but challenge [d] the showing made by the city to justify [the] exactions” it imposed.⁷⁷ To determine whether the exactions constituted a taking, the Supreme Court first looked to see “whether the ‘essential nexus’ exists between the ‘legitimate state interest’ and the permit condition exacted by the city” as required by *Nollan*.⁷⁸ The Court explained that in *Nollan*,

⁷⁷ *Id.* at 386, 114 S.Ct. 2309.

⁷⁸ *Id.*

[t]he absence of a nexus left the Coastal Commission in the position of simply trying to obtain an easement through

gimmickry, which converted a valid regulation of land use into “ ‘an out-and-out plan of extortion.’ ”

No such gimmicks are associated with the permit conditions imposed by the city in this case.⁷⁹

⁷⁹ *Id.* at 387, 114 S.Ct. 2309 (citation omitted).

The connections between a greenway dedication and flood control, and between a bicycle path and traffic control, were “obvious”.⁸⁰

⁸⁰ *Id.* at 387–338, 114 S.Ct. 2309.

The harder part of the takings analysis in *Dolan* was “whether the degree of the exactions demanded by the city's permit conditions [bore] the required relationship to the projected impact of petitioner's proposed development.”⁸¹ To determine what relationship the Fifth Amendment requires, the Court looked to “representative” state court takings decisions, “[s]ince state courts have been dealing with this question a good deal longer than we have”.⁸²

⁸¹ *Id.* at 388, 114 S.Ct. 2309.

⁸² *Id.* at 389, 114 S.Ct. 2309.

In some States, very generalized statements as to the necessary connection between the required dedication and the proposed development seem to suffice. We think this standard is too lax to adequately protect petitioner's right to just compensation if her property is taken for a public purpose.

Other state courts require a very exacting correspondence, described as the “specifi[c] and uniquely attributable” test.... We do not think the Federal Constitution requires such exacting scrutiny, given the nature of the interests involved.

A number of state courts have taken an intermediate position, requiring the municipality to show a “reasonable relationship” between the required dedication and the impact of the proposed development.

* * *

We think the “reasonable relationship” test adopted by a majority of the state courts is closer to the federal constitutional norm than either of those previously discussed. But we do not adopt it as such, partly because the

term “reasonable relationship” seems confusingly similar to the term “rational basis” which describes the minimal level of scrutiny under the Equal Protection Clause of the Fourteenth Amendment. We think a term such as “rough proportionality” best encapsulates what we hold to be the requirement of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.⁸³

⁸³ *Id.* at 389–391, 114 S.Ct. 2309 (alteration in original) (footnotes and citations omitted).

*634 The Supreme Court counted Texas among the majority of states in the intermediate position,⁸⁴ citing our 1984 decision in *City of College Station v. Turtle Rock Corp.*⁸⁵

⁸⁴ *Id.* at 391, 114 S.Ct. 2309.

⁸⁵ 680 S.W.2d 802, 807 (Tex.1984).

The conditions imposed on Dolan's development of her property did not meet this “rough proportionality” test. The City had required Dolan to dedicate a *public* greenway, thereby requiring her to surrender the right to exclude others from part of her property, “ ‘one of the most essential sticks in the bundle of rights that are commonly characterized as property’ ”,⁸⁶ but had “never said why a public greenway, as opposed to a private one, was required in the interest of flood control.”⁸⁷ The Supreme Court concluded:

⁸⁶ *Dolan*, 512 U.S. at 393, 114 S.Ct. 2309 (citation omitted).

⁸⁷ *Id.*

It is difficult to see why recreational visitors trampling along petitioner's floodplain easement are sufficiently related to the city's legitimate interest in reducing flooding problems ... and the city has not attempted to make any individualized determination to support this part of its request.⁸⁸

⁸⁸ *Id.*

With respect to the bike path, the Supreme Court concluded that the City's justifications for the requirement were “conclusory”:⁸⁹

⁸⁹ *Id.* at 395–396, 114 S.Ct. 2309.

on the record before us, the city has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by petitioner's development reasonably relate to the city's requirement for a dedication of the pedestrian/bicycle pathway easement. The city simply found that the creation of the pathway “could offset some of the traffic demand ... and lessen the increase in traffic congestion.”⁹⁰

⁹⁰ *Id.* at 395, 114 S.Ct. 2309 (footnote omitted) (ellipses in original).

Each of the City's exactions was too severe, given the projected impact of Dolan's development on the City's legitimate interests. In sum:

The city's goals of reducing flooding hazards and traffic congestion, and providing for public greenways, are laudable, but there are outer limits to how this may be done. “A strong public desire to improve the public condition [will not] warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.”⁹¹

⁹¹ *Id.* at 396, 114 S.Ct. 2309 (quoting *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 416, 43 S.Ct. 158, 67 L.Ed. 322 (1922)).

We restate the rule of *Nollan* and *Dolan* generally as follows: conditioning government approval of a development of property on some exaction is a compensable taking unless the condition (1) bears an essential nexus to the substantial advancement of some legitimate government interest and (2) is roughly proportional to the projected impact of the proposed development.

B

The Town argues that for several reasons the *Nollan/Dolan* rule should not apply unless the exaction imposed is the dedication of a property interest, as happened in both those cases. The Nollans were required to dedicate a public

easement across their property, and Dolan was required to dedicate a public greenway and bicycle path.

*635 First, the Town argues that the Supreme Court would not itself apply the rule of *Nollan* and *Dolan* outside the context of possessory dedications. The Town points to language in *Dolan* where, in distinguishing between “land use planning [that] has been sustained against constitutional challenge”⁹² and the City of Tigard’s actions, the Court observed that “the conditions imposed [on Dolan] were not simply a limitation on the use [she] might make of her own parcel, but a requirement that she deed portions of the property to the city.”⁹³ In drawing this distinction between *Dolan* and use-restriction cases, the Supreme Court did not, we think, intend to suggest that all regulatory takings cases must fall into one category or the other. The requirement that a developer improve an abutting street at its own expense is in no sense a use restriction; it is much closer to a required dedication of property—that being the money to pay for the required improvement. We do not read *Dolan* even to hint that exactions should be analyzed differently than dedications in determining whether there has been a taking.

⁹² *Id.* at 384, 114 S.Ct. 2309.

⁹³ *Id.* at 385, 114 S.Ct. 2309.

The Town also cites the Supreme Court’s discussion of the applicability of *Dolan* in *City of Monterey v. Del Monte Dunes at Monterey, Ltd.*⁹⁴ In that case, Del Monte Dunes applied to the City of Monterey for permission to develop 37.6 acres of oceanfront property for residential purposes. “After five years, five formal decisions [by the City], and 19 different site plans, Del Monte Dunes decided the city would not permit development of the property under any circumstances.”⁹⁵ Del Monte Dunes sued, alleging in part that the City’s actions constituted a regulatory taking.⁹⁶ Although the City had required that parts of the property be dedicated to public use,⁹⁷ Del Monte Dunes did not complain of these requirements but challenged the City’s denial of any development at all. The court of appeals had stated that the City’s denial of development was required to be “roughly proportional” to its legitimate interests, borrowing from the second prong of the *Dolan* test,⁹⁸ and while the statement was immaterial to the court of appeals’ decision,⁹⁹ the Supreme Court took pains to disavow it:

⁹⁴ 526 U.S. 687, 119 S.Ct. 1624, 143 L.Ed.2d 882 (1999).

⁹⁵ *Id.* at 698, 119 S.Ct. 1624 (citations omitted).

⁹⁶ *Id.*

⁹⁷ *Id.* at 696–697, 119 S.Ct. 1624.

⁹⁸ *Id.* at 702, 119 S.Ct. 1624.

⁹⁹ *Id.* at 703, 119 S.Ct. 1624.

Although in a general sense concerns for proportionality animate the Takings Clause, see *Armstrong v. United States*, 364 U.S. 40, 49 [80 S.Ct. 1563, 4 L.Ed.2d 1554] (1960) (“The Fifth Amendment’s guarantee ... was designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole”), we have not extended the rough-proportionality test of *Dolan* beyond the special context of exactions—land-use decisions conditioning approval of development on the dedication of property to public use. See *Dolan, supra*, at 385, 512 U.S. 374, 114 S.Ct. 2309; *Nollan v. California Coastal Comm’n*, 483 U.S. 825, 841 [107 S.Ct. 3141, 97 L.Ed.2d 677] (1987). The rule applied in *Dolan* considers whether dedications demanded as conditions of development are proportional to the development’s anticipated impacts. It was *636 not designed to address, and is not readily applicable to, the much different questions arising where, as here, the landowner’s challenge is based not on excessive exactions but on denial of development. We believe, accordingly, that the rough-proportionality test of *Dolan* is inapposite to a case such as this one.¹⁰⁰

¹⁰⁰ *Id.* at 702–703, 119 S.Ct. 1624.

The Town argues that this passage clearly shows the Supreme Court’s intent to limit the *Nollan/Dolan* rule to dedication cases, but we do not read it that way. The passage does no more than elaborate on the same distinction drawn in *Dolan* between conditions limiting the use of property and those requiring a dedication of property. In neither *Dolan* nor *Del Monte Dunes* did the Supreme Court have reason to differentiate between dedicatory and non-dedicatory exactions. Nor does either case suggest that conditioning development of property on improvements to abutting roadways is somehow more like a restriction on the use of the property rather than a dedication of property.¹⁰¹

¹⁰¹ See also *Lambert v. City and County of San Francisco*, 529 U.S. 1045, 1047–1049, 120 S.Ct. 1549, 146 L.Ed.2d 360 (2000) (Scalia, J., joined by Kennedy and Thomas, JJ., dissenting from the denial of certiorari) (involving the denial of a permit to convert residential hotel rooms to tourist rooms because of the owner's failure to pay \$600,000 to replace the residential rooms, and stating that “[w]hen there is uncontested evidence of a demand for money or other property—and still assuming that denial of a permit because of failure to meet such a demand constitutes a taking—it should be up to the permitting authority to establish either (1) that the demand met the requirements of *Nollan* and *Dolan*, or (2) that denial would have ensued even if the demand had been met”) (emphasis added), *opinion below reported at* 67 Cal.Rptr.2d 562, 568–569 (Cal.Ct.App.1997).

The Town argues that *Dolan* expressly claims for its basis—

the well-settled doctrine of “unconstitutional conditions,” [by which] the government may not require a person to give up a constitutional right—here the right to receive just compensation when property is taken for a public use—in exchange for a discretionary benefit conferred by the government where the benefit sought has little or no relationship to the property.¹⁰²

¹⁰² *Dolan v. City of Tigard*, 512 U.S. 374, 385, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994).

This doctrine, the Town contends, cannot be used to find a taking when the thing given up in exchange for a discretionary benefit is simply money, for which the owner has no constitutional right of recompense. Assuming that the doctrine of unconstitutional conditions is limited as the Town argues, a position on which we express no opinion, the Town's argument does not limit the application of *Dolan* because the doctrine was not the only foundation on which it rested and was not even mentioned in *Nollan*. *Nollan* was grounded

entirely in the Supreme Court's takings jurisprudence. Thus, even if the doctrine would not apply to a non-dedicatory exaction, as the Town argues, the rule of *Dolan* is not thereby made inapplicable.

The Town asserts that most courts have refused to apply the *Dolan* rule to non-dedicatory takings. Whether the Town is correct with respect to all courts of record we cannot tell for sure, but the Town does not appear to be correct about courts of last resort. The Supreme Court of Arizona did not apply *Dolan* in determining the validity of water resource fees charged to all new developments to help defray the city's expense of acquiring new sources of water,¹⁰³ and the Supreme Court of Colorado *637 likewise refused to apply *Dolan* in a similar context involving plant impact fees charged to improve water quality in the community.¹⁰⁴ The Supreme Court of South Carolina did not apply *Dolan* in analyzing whether the application of zoning ordinances to the rebuilding of a private pier constituted a taking,¹⁰⁵ and stated in dicta that *Dolan* applied only to physical exactions.¹⁰⁶ But the Supreme Court of Illinois¹⁰⁷ and the Supreme Court of Ohio¹⁰⁸ have applied *Dolan* in assessing the validity of fees charged for the impact of new developments on traffic, and the Supreme Court of Washington cited *Dolan* in upholding the validity, under a state statute, of fees paid under an ordinance conditioning development approval on payment of a fee in lieu of providing open space.¹⁰⁹ Most importantly, the Supreme Court of California in *Ehrlich v. City of Culver City*, a case very similar to the one before us, expressly rejected limiting the *Dolan* rule to property dedications.¹¹⁰ *Ehrlich*, having found it impossible to operate his private sports facility at a profit, applied for a zoning change from recreational use to allow the facility to be replaced by condominiums.¹¹¹ The city conditioned approval on payment of \$280,000 in lieu of construction of four public tennis courts.¹¹² The court concluded that this was the context in which *Dolan* “quintessentially” applied¹¹³ and held that imposition of the charge was a taking.¹¹⁴ Although the court splintered on various issues, it was unanimous on the application of *Dolan*.¹¹⁵

¹⁰³ *Home Builders Ass'n v. City of Scottsdale*, 187 Ariz. 479, 930 P.2d 993, 1000, cert. denied, 521 U.S. 1120, 117 S.Ct. 2512, 138 L.Ed.2d 1015 (1997).

- 104 *Krupp v. Breckenridge Sanitation Dist.*, 19 P.3d 687, 696–698 (Colo.2001).
- 105 *Sea Cabins on the Ocean IV Homeowners Ass'n, Inc. v. City of North Myrtle Beach*, 345 S.C. 418, 548 S.E.2d 595, 603–604 (2001).
- 106 *Id.* at 603 n. 5.
- 107 *Northern Ill. Home Builders Ass'n v. County of DuPage*, 165 Ill.2d 25, 208 Ill.Dec. 328, 649 N.E.2d 384, 388–389 (1995).
- 108 *Home Builders Ass'n v. City of Beavercreek*, 89 Ohio St.3d 121, 729 N.E.2d 349, 354–356 (2000).
- 109 *Trimen Dev. Co. v. King County*, 124 Wash.2d 261, 877 P.2d 187, 189–190 (1994) (county's park development fees were lawful under statute if the fees were imposed pursuant to a voluntary agreement, and were reasonably necessary as a direct result of the proposed development or required to mitigate the direct impact of the development”).
- 110 *Ehrlich v. City of Culver City*, 12 Cal.4th 854, 50 Cal.Rptr.2d 242, 911 P.2d 429, 438–439, *cert. denied*, 519 U.S. 929, 117 S.Ct. 299, 136 L.Ed.2d 218 (1996).
- 111 *Id.*, 50 Cal.Rptr.2d 242, 911 P.2d at 433–434.
- 112 *Id.*, 50 Cal.Rptr.2d 242, 911 P.2d at 434–435.
- 113 *Id.*, 50 Cal.Rptr.2d 242, 911 P.2d at 438.
- 114 *Id.*, 50 Cal.Rptr.2d 242, 911 P.2d at 433; *accord San Remo Hotel v. City and County of San Francisco*, 27 Cal.4th 643, 117 Cal.Rptr.2d 269, 41 P.3d 87, 102–103 (2002).
- 115 *Ehrlich*, 50 Cal.Rptr.2d 242, 911 P.2d at 432 (plurality op. by Arabian, J., joined by Lucas, C.J., and George, J.); *id.*, 50 Cal.Rptr.2d 242, 911 P.2d at 451 (Mosk, J., concurring) (*Dolan* “is generally not applicable to development fees; the present case is thus more the exception than the rule”); *id.*, 50 Cal.Rptr.2d 242, 911 P.2d at 462 (Kennard, J., concurring and dissenting, joined by Baxter, J., in concurring), (“I agree with the majority that *Nollan–Dolan’s* ‘essential nexus’ and ‘rough proportionality’ requirements apply to monetary

exactions that, like the mitigation fee involved here, are imposed on a specific parcel of property as a condition of obtaining a development permit”); *id.*, 50 Cal.Rptr.2d 242, 911 P.2d at 468 (Werdegard, J., concurring and dissenting); *see San Remo Hotel*, 117 Cal.Rptr.2d 269, 41 P.3d at 102 (“Though the members of this court disagreed on various parts of the analysis [in *Ehrlich*], we unanimously held that this ad hoc monetary exaction was subject to *Nollan/Dolan* scrutiny.”).

*638 The procedural history of *Ehrlich* is worth noting. The California Court of Appeal originally held, before *Dolan* was decided, that there had been no taking, and on petition for certiorari, after *Dolan* issued, the United States Supreme Court vacated the court of appeal's judgment and remanded the case to that court for reconsideration in light of *Dolan*.¹¹⁶ On remand, the court of appeal reached the same conclusion it had before, but the Supreme Court of California reversed, holding on the basis of *Dolan* that there had been a taking.¹¹⁷ This time the United States Supreme Court denied certiorari.¹¹⁸

¹¹⁶ 512 U.S. 1231, 114 S.Ct. 2731, 129 L.Ed.2d 854 (1994) (vacating and remanding *Ehrlich v. City of Culver City*, 15 Cal.App.4th 1737, 19 Cal.Rptr.2d 468 (1993)).

¹¹⁷ 50 Cal.Rptr.2d 242, 911 P.2d at 433.

¹¹⁸ 519 U.S. 929, 117 S.Ct. 299, 136 L.Ed.2d 218 (1996).

The Town argues that a non-dedicatory exaction like a fee or charge is not the kind of possessory intrusion that has historically been specially protected by constitutional takings provisions, and that if such an exaction is a taking at all, it can only be because it is unreasonable as determined by the kinds of factors identified by the Supreme Court in *Penn Central Transportation Co. v. City of New York*¹¹⁹ and by this Court in *Sheffield*.¹²⁰ But *Nollan* and *Dolan* themselves depart somewhat from the historic focus of takings protections on possessory intrusions. The issue is not, as the Town puts it, whether such departures should exist, but given that dedicatory exactions are to be examined more strictly than other kinds of land use regulations, whether non-dedicatory exactions must likewise be scrutinized.

119 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978).

120 140 S.W.3d 660, 2004 WL 422594 (2004).

The Town argues that no practical difference exists between approval on condition and denial for want of the condition, and if the former is going to be judged by the *Dolan* standard and the latter by the more lenient *Penn Central* factors, the government will choose simply to deny permission to develop at all, thereby hampering development even further than Stafford complains of here. One premise of the argument is undoubtedly true—there is no practical difference between the two government actions. But the other is not. When the practical effect is exaction, conditional approval and denial are both measured by the *Dolan* taking standard. As the Supreme Court explained in *Nollan*:

The Commission argues that a permit condition that serves the same legitimate police-power purpose as a refusal to issue the permit should not be found to be a taking if the refusal to issue the permit would not constitute a taking. We agree. Thus, if the Commission attached to the permit some condition that would have protected the public's ability to see the beach notwithstanding construction of the new house—for example, a height limitation, a width restriction, or a ban on fences—so long as the Commission could have exercised its police power (as we have assumed it could) to forbid construction of the house altogether, imposition of the condition would also be constitutional. Moreover (and here we come closer to the facts of the present case), the condition would be constitutional even if it consisted of the requirement that the Nollans provide a viewing spot on their property for passersby with whose sighting of the ocean their new house would interfere. Although such a requirement, constituting a permanent grant of continuous access to the property, would have to be

considered *639 a taking if it were not attached to a development permit, the Commission's assumed power to forbid construction of the house in order to protect the public's view of the beach must surely include the power to condition construction upon some concession by the owner, even a concession of property rights, that serves the same end. If a prohibition designed to accomplish that purpose would be a legitimate exercise of the police power rather than a taking, it would be strange to conclude that providing the owner an alternative to that prohibition which accomplishes the same purpose is not.¹²¹

121 *Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825, 836–837, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987).

The government cannot sidestep constitutional protections merely by rephrasing its decision from “only if” to “not unless”. The constitutional guaranty against uncompensated takings is “more than a pleading requirement, and compliance with it [is] more than an exercise in cleverness and imagination.”¹²²

122 *Id.* at 841, 107 S.Ct. 3141.

The Town argues that if non-dedicatory exactions are subject to the *Dolan* standard, “Texas cities will be forced to run a fierce constitutional gauntlet that will significantly erode the practical ability of cities to regulate land development to promote the public interest and protect community rights.” But we are unable to see any reason why limiting a government exaction from a developer to something roughly proportional to the impact of the development—in other words, prohibiting “‘an out-and-out plan of extortion’ ”¹²³—will bring down the government. Pressed to defend this assertion at oral argument, counsel for the Town argued that the real problem with the “rough proportionality” standard is not the standard itself; after all, the government can hardly argue that it is entitled to exact more from developers than is reasonably due to the impact of development. The real problem, the Town argues, is that the validity of an exaction in an individual case is not presumed but must be shown by the government. We are unable to

see why this burden is unduly onerous. Rather, we think the burden is essential to protect against the government's unfairly leveraging its police power over land-use regulation to extract from landowners concessions and benefits to which it is not entitled. To repeat *Dolan*: “No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.”¹²⁴

¹²³ *Id.* at 837, 107 S.Ct. 3141 (citation omitted).

¹²⁴ *Dolan v. City of Tigard*, 512 U.S. 374, 391, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994).

Finally, the Town argues that if the *Dolan* standard applies to non-dedicatory exactions, then it must “apply to *all* development requirements, including that houses be built of brick rather than of wood, and of a certain size on a certain sized lot, since these are all conditions placed on the ability to develop land.” Clearly, the cited examples of routine regulatory requirements do not come close to the exaction imposed by the Town in this case. There may be other requirements that do. Determining when a regulation becomes a taking has not lent itself to bright line-drawing. But we are satisfied that the distinction between exactions and other types of regulatory requirements is meaningful and necessary.

We agree with the Supreme Court of California's decision in *Ehrlich*. For *640 purposes of determining whether an exaction as a condition of government approval of development is a compensable taking, we see no important distinction between a dedication of property to the public and a requirement that property already owned by the public be improved. The *Dolan* standard should apply to both.

C

The Town also argues that the *Nollan/Dolan* rule should not apply unless an exaction is imposed on an ad hoc, individualized basis. Like its argument that the rule should not apply to non-dedicatory exactions, this argument, too, is based on a distinction drawn in *Dolan* itself between “land use planning [that] has been sustained against constitutional challenge”¹²⁵ and the City of Tigard's actions. The former, the Supreme Court explained, “involved essentially legislative determinations classifying entire areas of the city,

whereas here the city made an adjudicative decision to condition petitioner's application for a building permit on an individual parcel.”¹²⁶ In *Nollan* the Court had stated:

¹²⁵ *Id.* at 384, 114 S.Ct. 2309.

¹²⁶ *Id.* at 385, 114 S.Ct. 2309.

our cases describe the condition for abridgement of property rights through the police power as a “*substantial* advanc[ing]” of a legitimate state interest. We are inclined to be particularly careful about the adjective where the actual conveyance of property is made a condition to the lifting of a land-use restriction, since in that context there is heightened risk that the purpose is avoidance of the compensation requirement, rather than the stated police-power objective.¹²⁷

¹²⁷ *Nollan*, 483 U.S. at 841, 107 S.Ct. 3141.

The Town argues that most courts have limited the *Dolan* standard to such “adjudicative” decisions, and as far as we can tell, all courts of last resort to address the issue have done so.¹²⁸ The Supreme Court of California in *San Remo Hotel v. City and County of San Francisco* has provided the only justification for the limitation—political reality:

¹²⁸ See *Home Builders Ass'n v. City of Scottsdale*, 187 Ariz. 479, 930 P.2d 993, 1000, *cert. denied*, 521 U.S. 1120, 117 S.Ct. 2512, 138 L.Ed.2d 1015 (1997); *Ehrlich v. City of Culver City*, 12 Cal.4th 854, 50 Cal.Rptr.2d 242, 911 P.2d 429, 439 (1996), *cert. denied* 519 U.S. 929, 117 S.Ct. 299, 136 L.Ed.2d 218 (1996); *San Remo Hotel v. City and County of San Francisco*, 27 Cal.4th 643, 117 Cal.Rptr.2d 269, 41 P.3d 87, 105 (2002); *Krupp v. Breckenridge Sanitation Dist.*, 19 P.3d 687, 695 (Colo.2001) (“Application of the *Nollan/Dolan* test has been limited to the narrow set of cases where a permitting authority, through a specific, discretionary adjudicative determination, conditions continued development on the exaction

of private property for public use.”); *Parking Ass'n of Ga., Inc. v. City of Atlanta*, 264 Ga. 764, 450 S.E.2d 200, 203 n. 3 (1994) (*Dolan* test did not apply to city's legislative determination), cert. denied, 515 U.S. 1116, 1117–1118, 115 S.Ct. 2268, 132 L.Ed.2d 273 (1995) (Thomas, J., joined by O'Connor, J., dissenting from the denial of certiorari, noting conflict in lower courts on whether test from *Dolan* or *Agins* applied when a taking is alleged based on a legislative act); *Southeast Cass Water Res. Dist. v. Burlington Northern R. Co.*, 527 N.W.2d 884, 896 (N.D.1995) (stating that *Nollan* and *Dolan* do not “change the constitutional analysis for legislated police-power regulation”).

While legislatively mandated fees do present some danger of improper leveraging, such generally applicable legislation is subject to the ordinary restraints of the democratic political process. A city council that charged extortionate fees for all property development, unjustifiable by mitigation needs, would likely face widespread and well-financed opposition at the next election. Ad hoc individual monetary exactions deserve *641 special judicial scrutiny mainly because, affecting fewer citizens and evading systematic assessment, they are more likely to escape such political controls.¹²⁹

¹²⁹ *San Remo Hotel*, 117 Cal.Rptr.2d 269, 41 P.3d at 105.

We are not convinced. While we recognize that an ad hoc decision is more likely to constitute a taking than general legislation, we think it entirely possible that the government could “gang up” on particular groups to force extractions that a majority of constituents would not only tolerate but applaud, so long as burdens they would otherwise bear were shifted to others.

Nor are we convinced that a workable distinction can always be drawn between actions denominated adjudicative and

legislative. Of course, when the government singles out a landowner by imposing essentially unprecedented conditions on its application to develop property, the distinction is clear. But that is not what happened in either *Dolan* or *Nollan*. The conditions on Dolan's enlargement of her store were all imposed pursuant to specific provisions of the City of Tigard's Community Development Code that was itself adopted pursuant to state law.¹³⁰ The condition on the Nollans' development had been imposed on every other similarly situated lot in the neighborhood after the California Coastal Commission acquired the authority to do so.¹³¹ The Supreme Court observed in *Nollan*:

¹³⁰ *Dolan*, 512 U.S. at 377–379, 114 S.Ct. 2309.

¹³¹ *Nollan*, 483 U.S. at 829, 107 S.Ct. 3141.

If the Nollans were being singled out to bear the burden of California's attempt to remedy these problems [claimed by the Commission to warrant the exaction imposed], although they had not contributed to it more than other coastal landowners, the State's action, even if otherwise valid, might violate either the incorporated Takings Clause or the Equal Protection Clause. One of the principal purposes of the Takings Clause is “to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” But that is not the basis of the Nollans' challenge here.¹³²

¹³² *Id.* at 835 n. 4, 107 S.Ct. 3141 (citations omitted).

Although the exactions in *Nollan* and *Dolan* were imposed taking into account individual circumstances, they were by no means unique or exceptional in the community.

We think that the Town's argument, and the few courts that have accepted it, make too much of the Supreme Court's distinction in *Dolan*. By the same token, we need not risk error in the opposite direction by undertaking to decide here in the abstract whether the *Dolan* standard should apply to all “legislative” exactions—whatever that really means—imposed as a condition of development. It is enough to say that we can find no meaningful distinction between the condition imposed on Stafford and the conditions imposed on Dolan and the Nollans. All were based on general authority taking into account individual circumstances. Dolan's request for a variance was denied.¹³³ The Town was authorized to grant, and did grant, exceptions to the general requirement

that roads abutting subdivisions be improved to specified standards. Stafford applied for an exception and was refused, but the Town nevertheless considered whether an exception was appropriate.

¹³³ *Dolan*, 512 U.S. at 380–381, 114 S.Ct. 2309.

The Town argues that if the government is to be held to the stricter *Dolan* standard *642 because it tries to tailor general requirements to individual circumstances—that is, because it sometimes grants variances—it will be less inclined to do so, thereby inflicting one-size-fits-all shoes onto very different feet. But it is precisely for this reason that we decline to adopt a bright-line adjudicative/legislative distinction. The touchstone of the constitutional takings protections is that a few not be forced, in the words just quoted, “ ‘to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.’ ” Thus, while we need not and do not decide what “legislative” decisions are to be judged by the *Dolan* standard, we conclude that the condition that the Town imposed on Stafford must be.

D

Application of the *Nollan/Dolan* standard in the circumstances of the present case is certainly consistent with, if not required by, well-established Texas law. More than a century ago, in *Hutcheson v. Storrie*,¹³⁴ we considered the extent to which the government could require landowners to pay the cost of paving adjacent streets. Quoting the United States Supreme Court's decision in *Village of Norwood v. Baker*,¹³⁵ we said:

¹³⁴ 92 Tex. 685, 51 S.W. 848 (Tex.1899).

¹³⁵ 172 U.S. 269, 19 S.Ct. 187, 43 L.Ed. 443 (1898).

“In our judgment, the exaction from the owner of private property of the cost of a public improvement in substantial excess of the special benefits accruing to him is, *to the extent of such excess*, a taking under the guise of taxation of private property for public use without compensation.”¹³⁶

¹³⁶ 51 S.W. at 850 (quoting *Norwood*, 172 U.S. at 279, 19 S.Ct. 187) (emphasis in *Norwood*).

More recently, we reiterated:

An assessment against property and its owner for paving improvements on any basis other than for benefits conferred and in an amount materially greater than the benefits conferred violates Section 17 of Article 1 of the Constitution of Texas, which prohibits the taking of private property for public use without just compensation.¹³⁷

¹³⁷ *Haynes v. City of Abilene*, 659 S.W.2d 638, 641 (Tex.1983) (citations omitted).

Thus, in the context of paving assessments, we have considered non-dedicatory exactions—that is, the payment of costs of street improvements—that are “materially greater” than the special benefits of such improvements to landowners to be a compensable taking under the Texas Constitution.

Further, as noted by the United States Supreme Court in *Dolan*, this Court adopted something like the *Nollan/Dolan* standard in *City of College Station v. Turtle Rock Corp.*¹³⁸ and applied it to a non-dedicatory exaction based on a general ordinance, a situation not unlike the present case. College Station's ordinance required developers either to dedicate land for park purposes or contribute to a special fund to be used for neighborhood parks.¹³⁹ Turtle Rock paid the fund \$34,200 to obtain approval of its development plan. To determine whether this exaction constituted a taking:

¹³⁸ 680 S.W.2d 802 (Tex.1984).

¹³⁹ *Id.* at 803–804.

Both need and benefit must be considered. Without a determination of need, a city could exact land or money to provide a park that was needed long *643 before the developer subdivided his land. Similarly, unless the court considers the benefit, a city could, with monetary exactions, place a park so far from the particular subdivision that the residents received no benefit....

This type of “reasonable connection” analysis will ensure that the subdivision receives relief from a perceived

need, and it will effectively constrain the reach of the municipality. It is consistent with the kind of “reasonableness” analysis required by [*DuPuy v. City of Waco*, 396 S.W.2d 103, 107 (Tex.1965), and *City of Austin v. Teague*, 570 S.W.2d 389, 391 (Tex.1978)] and the presumption of validity is consistent with the approach that Texas courts have traditionally taken when considering the constitutionality of municipal land use ordinances. We also note that this type of analysis has been commonly used in other jurisdictions examining the validity of park land dedication ordinances.¹⁴⁰

¹⁴⁰ *Id.* at 807.

We agree with the United States Supreme Court's refinement of this “reasonable connection” analysis to *Dolan's* two-part “essential nexus”/ “rough proportionality” test. Local government is constantly aware of the exactions imposed on various landowners for various kinds of developments. It is also aware of the impact of such developments on the community over time. For these reasons, we agree with the Supreme Court that the burden should be on the government to “make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.”¹⁴¹

¹⁴¹ *Dolan v. City of Tigard*, 512 U.S. 374, 391, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994).

IV

Having concluded that the *Nollan/Dolan* standard applies to the exaction imposed on Stafford, we now consider whether, under that standard, the exaction was a compensable taking.

By the first part of the standard, the condition the Town imposed on the development of Stafford Estates must have had an essential nexus to the substantial advancement of some legitimate government interest. We agree with the court of appeals that the “safety on, and durability of, Simmons Road”¹⁴² are legitimate interests, as the Town asserted, and that those interests were substantially advanced by many of the improvements to Simmons Road that the Town required Stafford to make—in the court of appeals' words, “shoulders on roads, better sight distances, safer driver access points, and the capacity for better traffic flow”.¹⁴³ “Indeed,” the court of appeals noted, “Stafford does not contend these improvements would not increase public safety, but only complains that they should have been asphalt rather than

concrete.”¹⁴⁴ The Town argues that the first part of the *Dolan* standard should not be applied to the concrete requirement separate and apart from the road reconstruction as a whole, and we agree.

¹⁴² 71 S.W.3d 18, 39.

¹⁴³ *Id.* at 40.

¹⁴⁴ *Id.*

The court of appeals went on to conclude that an essential nexus also existed between the Town's interests and its specific requirement that Simmons Road be demolished and repaved with concrete because that requirement did not “utterly fail” to advance the Town's interests. The court appears to have reasoned that because a requirement that utterly fails to advance legitimate government interests is *644 a taking, as was the case in *Nollan*, a requirement that does not utterly fail to advance such interests is not a taking. Apart from the obvious logical flaw in this reasoning, it has the perverse effect of equating “substantially advance” with “does not utterly fail to advance”. We do not agree that the “essential nexus” part of the *Dolan* standard can be met merely by showing that a condition does not utterly fail to advance legitimate government interests.

By the second part of the standard, the Town was required to make an individualized determination that the required improvements to Simmons Road were roughly proportional to the projected impact of the Stafford Estates development. Stafford argues that the Town was required to make this determination before imposing the condition on development, but we agree with the court of appeals that while the determination usually *should* be made before a condition is imposed, *Dolan* does not preclude the government from making the determination after the fact.¹⁴⁵

¹⁴⁵ *Id.* at 40–41.

The Town does not contend that the improvements it required Stafford to make in Simmons Road are roughly proportional to the impact of the development on that road. The road was in good shape at the time, and Stafford showed that the development would increase traffic only about 18%. Stafford concedes that some improvements were necessary, but not rebuilding the road. But the Town argues that the impact of the development on all of the Town's roadways must be taken into account. We agree that the Town can take the development's full impact into account and is not limited to considering

the impact on Simmons Road. But in so doing, the Town is nonetheless required to measure that impact in a meaningful, though not precisely mathematical, way, and must show how the impact, thus measured, is roughly proportional in nature and extent to the required improvements.

The Town has attempted to measure the impact of the Stafford Estates development on the Town's roadways by reference to the traffic impact fees it charges developers to be used in making capital improvements to its roadway system. The Town argues that the fees actually paid do not reflect the impact of development on traffic, as one might think. Rather, the Town asserts, the discount in the fees required by ordinance based on the nature of the development shows the real impact of a development on the roadway system. The Town has offered no evidence to support this assertion. In the abstract—and the abstract is all the Town has provided—it is just as likely that the discounts are not giveaways to developers but are themselves an admission by the Town that a particular development's impact on the roadways included in the Town's capital improvements plan is actually less than the total cost of those improvements apportioned to all new developments. In other words, the Town's discount of impact fees just as likely reflects the reality that some improvements ought, “in all fairness and justice, [to] be borne by the public as a whole.”¹⁴⁶ As the court of appeals concluded, the Town has failed to relate discounted traffic impact fees to the impact of developments on traffic.

¹⁴⁶ *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 835 n. 4, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987).

The Town argues that requiring each developer to improve abutting roadways is roughly proportional to the impact of all developments on all roadways, and that “this system of reciprocal subdivision exactions meets the requirement of rough proportionality.” Once again, the argument is *645 too abstract. It cannot be determined from the Town's mere assertion whether the requirement imposes a burden on developers that is more than, less than, or about the same as the impact of development. The argument that it is fair for everyone to “kick in a little something” cannot be assessed in the abstract.

Finally, the Town complains, the court of appeals improperly focused on the requirement that Simmons Road be rebuilt with concrete as being wholly unrelated to the impact of the Stafford Estates development. We do not agree. The court of

appeals simply expressed concern that the requirement was well beyond any justification offered by the Town.

In sum, the Town has failed to show that the required improvements to Simmons Road bear any relationship to the impact of the Stafford Estates development on the road itself or on the Town's roadway system as a whole. On this record, conditioning development on rebuilding Simmons Road with concrete and making other changes was simply a way for the Town to extract from Stafford a benefit to which the Town was not entitled. The exaction the Town imposed was a taking for which Stafford is entitled to be compensated. Inasmuch as the Town does not challenge the court of appeals' damages analysis, its judgment must be affirmed.

V

Finally, we must consider Stafford's argument that it is entitled to attorney fees and expert witness fees under the federal Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988 (2003). Stafford sued under the Civil Rights Act of 1867 as amended, 42 U.S.C. § 1983 (2003), alleging a violation of his rights under the Takings Clause of the Fifth Amendment to the United States Constitution. Section 1988(c) authorizes recovery of expert witness fees in some federal civil rights actions but not in an action under section 1983.¹⁴⁷ Thus, Stafford is not entitled to recover expert witness fees. Section 1988(b) authorizes an award of attorney fees to the prevailing party in an action under 42 U.S.C. § 1983.¹⁴⁸ The court of appeals held in part that Stafford cannot recover attorney fees because it has not prevailed on its 1983 claim.¹⁴⁹ We agree.

¹⁴⁷ 42 U.S.C. § 1988(c) (“In awarding an attorney's fee under subsection (b) of this section in any action or proceeding to enforce a provision of [§§ 1981 or 1981a], the court, in its discretion, may include expert fees as part of the attorney's fee.”).

¹⁴⁸ *Id.* § 1988(b) (2003) (“In any action or proceeding to enforce a provision of ... [42 U.S.C. § 1983] ..., the court, in its discretion, may allow the prevailing party ... a reasonable attorney's fee as part of the costs....”).

¹⁴⁹ 71 S.W.3d at 49.

The Fifth Amendment prohibits the taking of property without just compensation but does not require payment before the taking occurs.¹⁵⁰ As the United States Supreme Court has held:

¹⁵⁰ *Williamson County Reg'l Planning Comm'n v. Hamilton Bank*, 473 U.S. 172, 195, 105 S.Ct. 3108, 87 L.Ed.2d 126 (1985).

all that is required is that a “ ‘reasonable, certain and adequate provision for obtaining compensation’ ” exist at the time of the taking. If the government has provided an adequate process for obtaining compensation, and if resort to that process “[yields] just compensation,” then the property owner “has no claim against the Government” for a taking.... Similarly, if a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a violation of the Just Compensation Clause until it has used the *646 procedure and been denied just compensation.¹⁵¹

¹⁵¹ *Id.* at 194–95, 105 S.Ct. 3108 (alteration in original) (citations omitted).

For a regulatory taking like Stafford claims, Texas provides an inverse condemnation action for violation of [article I, section 17 of the Texas Constitution](#).¹⁵² This is “an adequate procedure for seeking just compensation”. Stafford has made use of the procedure and now obtained compensation. Consequently, Stafford “cannot claim a violation of the Just Compensation Clause” and therefore cannot prevail on its [section 1983](#) action.

¹⁵² *Steele v. City of Houston*, 603 S.W.2d 786, 791 (Tex.1980); *City of Waco v. Roberts*, 121 Tex. 217, 48 S.W.2d 577, 579 (1932) (stating that a cause of action for violation of [article I, section 17 of the Texas Constitution](#) arises “under the Constitution itself”), *overruled on other grounds by City of Houston v. Renault, Inc.*, 431 S.W.2d 322 (Tex.1968).

Amicus curiae, Pacific Legal Foundation, argues that this is tantamount to saying that state and federal takings claims cannot be brought in the same lawsuit, but it is not. The fact

that the federal constitutional guaranty is not violated if state law affords just compensation does not preclude both claims from being asserted in the same action.¹⁵³ Recovery denied on the state takings claim may yet be granted on the federal claim, in the same action.

¹⁵³ See *Guetersloh v. State*, 930 S.W.2d 284 (Tex.App.-Austin 1996, writ denied), *cert. denied*, 522 U.S. 1110, 118 S.Ct. 1040, 140 L.Ed.2d 106 (1998).

Stafford argues that it is entitled to attorney fees under [section 1988](#) even if its federal claims are not reached because of the relief awarded on his state claim, as long as the claims arise out of a common nucleus of operative facts. Stafford would have a strong argument if its federal claims were simply “not reached”.¹⁵⁴ But because Stafford has obtained adequate compensation through state procedures, it has no federal claims to be reached. Stafford's rights under the United States Constitution simply were never violated.

¹⁵⁴ See *Southwestern Bell Tel. Co. v. City of El Paso*, 346 F.3d 541, 551 (5th Cir.2003) (“ ‘In *Maher v. Gagne*, 448 U.S. 122, 100 S.Ct. 2570, 65 L.Ed.2d 653 (1980), the Supreme Court intimated that a party prevailing on a substantial claim that is pendent to a civil rights claim is entitled to a recovery of attorney's fees when the civil rights claim and the pendent claim arise out of a common nucleus of operative facts. This Circuit, along with other circuits, has followed the Supreme Court's direction.’ ”) (quoting *Williams v. Thomas*, 692 F.2d 1032, 1036 (5th Cir.1982), *cert. denied*, 462 U.S. 1133, 103 S.Ct. 3115, 77 L.Ed.2d 1369 (1983)).

* * *

For these reasons, the judgment of the court of appeals is

Affirmed.

All Citations

135 S.W.3d 620, 47 Tex. Sup. Ct. J. 497

107 S.Ct. 3141

Supreme Court of the United States

James Patrick NOLLAN, et ux., Appellant

v.

CALIFORNIA COASTAL COMMISSION.

No. 86–133

|

Argued March 30, 1987.

|

Decided June 26, 1987.

Synopsis

Property owners brought action against California Coastal Commission seeking writ of mandate. The Commission had imposed as a condition to approval of rebuilding permit requirement that owners provide lateral access to public to pass and repass across property. The Superior Court, Ventura County, William L. Peck, J., granted peremptory writ of mandate, and the [Commission appealed. The California Court of Appeal, Abbe, J., 177 Cal.App.3d 719, 223 Cal.Rptr. 28](#), reversed and remanded with directions. Appeal was taken. The Supreme Court, Justice Scalia, held that Commission could not, without paying compensation, condition grant of permission to rebuild house on property owners' transfer to public of easement across beachfront property.

Reversed.

Justice Brennan filed a dissenting opinion in which Marshall joined.

Justice Blackmun filed a dissenting opinion.

Justice Stevens filed a dissenting opinion in which Justice Blackmun joined.

Procedural Posture(s): On Appeal.****3142 *825 Syllabus***

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The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See [United States v. Detroit Lumber Co., 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499](#).

The California Coastal Commission granted a permit to appellants to replace a small bungalow on their beachfront lot with a larger house upon the condition that they allow the public an easement to pass across their beach, which was located between two public beaches. The County Superior Court granted appellants a writ of administrative mandamus and directed that the permit condition be struck. However, the State Court of Appeal reversed, ruling that imposition of the condition did not violate the Takings Clause of the Fifth Amendment, as incorporated against the States by the Fourteenth Amendment.

Held:

1. Although the outright taking of an uncompensated, permanent, public-access easement would violate the Takings Clause, conditioning appellants' rebuilding permit on their granting such an easement would be lawful land-use regulation if it substantially furthered governmental purposes that would justify denial of the permit. The government's power to forbid particular land uses in order to advance some legitimate police-power purpose includes the power to condition such use upon some concession by the owner, even a concession of property rights, so long as the condition furthers the same governmental ****3143** purpose advanced as justification for prohibiting the use. Pp. 3145–3148.

2. Here the Commission's imposition of the access-easement condition cannot be treated as an exercise of land-use regulation power since the condition does not serve public purposes related to the permit requirement. Of those put forth to justify it—protecting the public's ability to see the beach, assisting the public in overcoming a perceived “psychological” barrier to using the beach, and preventing beach congestion—none is plausible. Moreover, the Commission's justification for the access requirement unrelated to land-use regulation—that it is part of a comprehensive program to provide beach access arising from prior coastal permit decisions—is simply an expression of the belief that the public interest will be served by a continuous strip of publicly accessible beach. Although the State is free to advance its “comprehensive program” by exercising its eminent domain power and paying for access easements, it ***826** cannot compel coastal residents alone to contribute to the realization of that goal. Pp. 3148–3150.

[177 Cal.App.3d 719, 223 Cal.Rptr. 28 \(1986\)](#), reversed.

SCALIA, J., delivered the opinion of the Court, in which REHNQUIST, C.J., and WHITE, POWELL, and O'CONNOR, JJ., joined. BRENNAN, J., filed a dissenting opinion, in which MARSHALL, J., joined, *post*, p. —. BLACKMUN, J., filed a dissenting opinion, *post*, p. —. STEVENS, J., filed a dissenting opinion, in which BLACKMUN, J., joined, *post*, p. —.

Attorneys and Law Firms

Robert K. Best argued the cause for appellants. With him on the briefs were Ronald A. Zumbun and Timothy A. Bittle.

Andrea Sheridan Ordin, Chief Assistant Attorney General of California, argued the cause for appellee. With her on the brief were John K. Van de Kamp, Attorney General, N. Gregory Taylor, Assistant Attorney General, Anthony M. Summers, Supervising Deputy Attorney General, and Jamee Jordan Patterson.*

* Briefs of amici curiae urging reversal were filed for the United States by Solicitor General Fried, Assistant Attorney General Habicht, Deputy Solicitor General Ayer, Deputy Assistant Attorneys General Marzulla, Hookano, and Kmiec, Richard J. Lazarus, and Peter R. Steenland, Jr.; and for the Breezy Point Cooperative by Walter Pozen.

Briefs of amici curiae urging affirmance were filed for the Commonwealth of Massachusetts et al. by James M. Shannon, Attorney General of Massachusetts, and Lee P. Breckenridge and Nathaniel S.W. Lawrence, Assistant Attorneys General, and by the Attorneys General for their respective States as follows: Don Siegelman of Alabama, John Steven Clark of Arkansas, Joseph Lieberman of Connecticut, Charles M. Oberly of Delaware, Robert Butterworth of Florida, Warren Price III of Hawaii, Neil F. Hartigan of Illinois, Thomas J. Miller of Iowa, Robert T. Stephan of Kansas, William J. Guste, Jr., of Louisiana, James E. Tierney of Maine, J. Joseph Curran, Jr., of Maryland, Hubert H. Humphrey III of Minnesota, William L. Webster of Missouri, Robert M. Spire of Nebraska, Stephen E. Merrill of New Hampshire, W. Cary Edwards of New Jersey, Robert Abrams of New York, Lacy H. Thornburg of North Carolina, Nicholas Spaeth of North Dakota, Dave Frohnmayer of Oregon, James E. O'Neil of Rhode Island, W.J. Michael Cody of Tennessee, Jim Mattox of Texas, Jeffrey Amestoy of Vermont, Kenneth O. Eikenberry of Washington, Charles G. Brown of West Virginia, and Donald J. Hanaway of Wisconsin; for the Council of State Governments et al. by Benna Ruth Solomon and Joyce Holmes Benjamin; for

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Opinion

*827 Justice SCALIA delivered the opinion of the Court.

James and Marilyn Nollan appeal from a decision of the California Court of Appeal ruling that the California Coastal Commission could condition its grant of permission to rebuild their house on their transfer to the public of an easement across their beachfront property. 177 Cal.App.3d 719, 223 Cal.Rptr. 28 (1986). The California court rejected their claim that imposition of that condition violates the Takings Clause of the Fifth Amendment, as incorporated against the States by the Fourteenth Amendment. *Ibid.* We noted probable jurisdiction. 479 U.S. 913, 107 S.Ct. 312, 93 L.Ed.2d 286 (1986).

I

The Nollans own a beachfront lot in Ventura County, California. A quarter-mile north of their property is Faria County Park, an oceanside public park with a public beach and recreation area. Another public beach area, known locally as “the Cove,” lies 1,800 feet south of their lot. A concrete seawall approximately eight feet high separates the beach portion of the Nollans' property from the rest of the lot. The historic mean high tide line determines the lot's oceanside boundary.

The Nollans originally leased their property with an option to buy. The building on the lot was a small bungalow, totaling 504 square feet, which for a time they rented to summer vacationers. After years of rental use, however, the building had fallen into disrepair, and could no longer be rented out.

*828 The Nollans' option to purchase was conditioned on their promise to demolish the bungalow and replace it. In order to do so, under Cal.Pub.Res. Code Ann. §§ 30106, 30212, and 30600 (West 1986), they were required to obtain a coastal development **3144 permit from the California Coastal Commission. On February 25, 1982, they submitted a

permit application to the Commission in which they proposed to demolish the existing structure and replace it with a three-bedroom house in keeping with the rest of the neighborhood.

The Nollans were informed that their application had been placed on the administrative calendar, and that the Commission staff had recommended that the permit be granted subject to the condition that they allow the public an easement to pass across a portion of their property bounded by the mean high tide line on one side, and their seawall on the other side. This would make it easier for the public to get to Faria County Park and the Cove. The Nollans protested imposition of the condition, but the Commission overruled their objections and granted the permit subject to their recordation of a deed restriction granting the easement. App. 31, 34.

On June 3, 1982, the Nollans filed a petition for writ of administrative mandamus asking the Ventura County Superior Court to invalidate the access condition. They argued that the condition could not be imposed absent evidence that their proposed development would have a direct adverse impact on public access to the beach. The court agreed, and remanded the case to the Commission for a full evidentiary hearing on that issue. *Id.*, at 36.

On remand, the Commission held a public hearing, after which it made further factual findings and reaffirmed its imposition of the condition. It found that the new house would increase blockage of the view of the ocean, thus contributing to the development of “a ‘wall’ of residential structures” that would prevent the public “psychologically ... from realizing a stretch of coastline exists nearby that they have every right *829 to visit.” *Id.*, at 58. The new house would also increase private use of the shorefront. *Id.*, at 59. These effects of construction of the house, along with other area development, would cumulatively “burden the public’s ability to traverse to and along the shorefront.” *Id.*, at 65–66. Therefore the Commission could properly require the Nollans to offset that burden by providing additional lateral access to the public beaches in the form of an easement across their property. The Commission also noted that it had similarly conditioned 43 out of 60 coastal development permits along the same tract of land, and that of the 17 not so conditioned, 14 had been approved when the Commission did not have administrative regulations in place allowing imposition of the condition, and the remaining 3 had not involved shorefront property. *Id.*, at 47–48.

The Nollans filed a supplemental petition for a writ of administrative mandamus with the Superior Court, in which they argued that imposition of the access condition violated the Takings Clause of the Fifth Amendment, as incorporated against the States by the Fourteenth Amendment. The Superior Court ruled in their favor on statutory grounds, finding, in part to avoid “issues of constitutionality,” that the California Coastal Act of 1976, Cal.Pub.Res.Code Ann. § 30000 *et seq.* (West 1986), authorized the Commission to impose public access conditions on coastal development permits for the replacement of an existing single-family home with a new one only where the proposed development would have an adverse impact on public access to the sea. App. 419. In the court’s view, the administrative record did not provide an adequate factual basis for concluding that replacement of the bungalow with the house would create a direct or cumulative burden on public access to the sea. *Id.*, at 416–417. Accordingly, the Superior Court granted the writ of mandamus and directed that the permit condition be struck.

The Commission appealed to the California Court of Appeal. While that appeal was pending, the Nollans satisfied *830 the **3145 condition on their option to purchase by tearing down the bungalow and building the new house, and bought the property. They did not notify the Commission that they were taking that action.

The Court of Appeal reversed the Superior Court. 177 Cal.App.3d 719, 223 Cal.Rptr. 28 (1986). It disagreed with the Superior Court’s interpretation of the Coastal Act, finding that it required that a coastal permit for the construction of a new house whose floor area, height or bulk was more than 10% larger than that of the house it was replacing be conditioned on a grant of access. *Id.*, at 723–724, 223 Cal.Rptr., at 31; see Cal.Pub.Res.Code Ann. § 30212. It also ruled that the requirement did not violate the Constitution under the reasoning of an earlier case of the Court of Appeal, *Grupe v. California Coastal Comm’n*, 166 Cal.App.3d 148, 212 Cal.Rptr. 578 (1985). In that case, the court had found that so long as a project contributed to the need for public access, even if the project standing alone had not created the need for access, and even if there was only an indirect relationship between the access exacted and the need to which the project contributed, imposition of an access condition on a development permit was sufficiently related to burdens created by the project to be constitutional. 177 Cal.App.3d, at 723, 223 Cal.Rptr., at 30–31; see *Grupe*, *supra*, 166 Cal.App.3d, at 165–168, 212 Cal.Rptr., at 587–590; see also *Remmenga v. California Coastal Comm’n*, 163 Cal.App.3d

623, 628, 209 Cal.Rptr. 628, 631, appeal dismissed, 474 U.S. 915, 106 S.Ct. 241, 88 L.Ed.2d 250 (1985). The Court of Appeal ruled that the record established that that was the situation with respect to the Nollans' house. 177 Cal.App.3d, at 722–723, 223 Cal.Rptr., at 30–31. It ruled that the Nollans' taking claim also failed because, although the condition diminished the value of the Nollans' lot, it did not deprive them of all reasonable use of their property. *Id.*, at 723, 223 Cal.Rptr., at 30; see *Grupe, supra*, 166 Cal.App.3d, at 175–176, 212 Cal.Rptr., at 595–596. Since, in the Court of Appeal's view, there was no statutory or constitutional obstacle to imposition *831 of the access condition, the Superior Court erred in granting the writ of mandamus. The Nollans appealed to this Court, raising only the constitutional question.

II

Had California simply required the Nollans to make an easement across their beachfront available to the public on a permanent basis in order to increase public access to the beach, rather than conditioning their permit to rebuild their house on their agreeing to do so, we have no doubt there would have been a taking. To say that the appropriation of a public easement across a landowner's premises does not constitute the taking of a property interest but rather (as Justice BRENNAN contends) “a mere restriction on its use,” *post*, at 3154, n. 3, is to use words in a manner that deprives them of all their ordinary meaning. Indeed, one of the principal uses of the eminent domain power is to assure that the government be able to require conveyance of just such interests, so long as it pays for them. J. Sackman, 1 Nichols on Eminent Domain § 2.1[1] (Rev. 3d ed. 1985), 2 *id.*, § 5.01[5]; see 1 *id.*, § 1.42 [9], 2 *id.*, § 6.14. Perhaps because the point is so obvious, we have never been confronted with a controversy that required us to rule upon it, but our cases' analysis of the effect of other governmental action leads to the same conclusion. We have repeatedly held that, as to property reserved by its owner for private use, “the right to exclude [others is] ‘one of the most essential sticks in the bundle of rights that are commonly characterized as property.’” *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 433, 102 S.Ct. 3164, 3175, 73 L.Ed.2d 868 (1982), quoting *Kaiser Aetna v. United States*, 444 U.S. 164, 176, 100 S.Ct. 383, 391, 62 L.Ed.2d 332 (1979). In **3146 *Loretto* we observed that where governmental action results in “[a] permanent physical occupation” of the property, by the government itself or by others, see 458 U.S., at 432–433, n. 9, 102 S.Ct., at 3174–3175, n. 9, “our cases uniformly have found a taking

to the extent of the occupation, without regard to whether the action achieves an important public *832 benefit or has only minimal economic impact on the owner,” *id.*, at 434–435, 102 S.Ct., at 3175–3176. We think a “permanent physical occupation” has occurred, for purposes of that rule, where individuals are given a permanent and continuous right to pass to and fro, so that the real property may continuously be traversed, even though no particular individual is permitted to station himself permanently upon the premises.¹

¹ The holding of *PruneYard Shopping Center v. Robins*, 447 U.S. 74, 100 S.Ct. 2035, 64 L.Ed.2d 741 (1980), is not inconsistent with this analysis, since there the owner had already opened his property to the general public, and in addition permanent access was not required. The analysis of *Kaiser Aetna v. United States*, 444 U.S. 164, 100 S.Ct. 383, 62 L.Ed.2d 332 (1979), is not inconsistent because it was affected by traditional doctrines regarding navigational servitudes. Of course neither of those cases involved, as this one does, a classic right-of-way easement.

Justice BRENNAN argues that while this might ordinarily be the case, the California Constitution's prohibition on any individual's “exclud[ing] the right of way to [any navigable] water whenever it is required for any public purpose,” Art. X, § 4, produces a different result here. *Post*, at 3153–3154; see also *post*, at 3157, 3158–3159. There are a number of difficulties with that argument. Most obviously, the right of way sought here is not naturally described as one to navigable water (from the street to the sea) but *along* it; it is at least highly questionable whether the text of the California Constitution has any prima facie application to the situation before us. Even if it does, however, several California cases suggest that Justice BRENNAN's interpretation of the effect of the clause is erroneous, and that to obtain easements of access across private property the State must proceed through its eminent domain power. See *Bolsa Land Co. v. Burdick*, 151 Cal. 254, 260, 90 P. 532, 534–535 (1907); *Oakland v. Oakland Water Front Co.*, 118 Cal. 160, 185, 50 P. 277, 286 (1897); *Heist v. County of Colusa*, 163 Cal.App.3d 841, 851, 213 Cal.Rptr. 278, 285 (1984); *Aptos Seascape Corp. v. Santa Cruz*, 138 Cal.App.3d 484, 505–506, 188 Cal.Rptr. 191, 204–205 (1982). (None of these cases specifically addressed *833 the argument that Art. X, § 4 allowed the public to cross private property to get to navigable water, but if that provision meant what Justice BRENNAN believes, it is hard to see why it was not invoked.) See also 41 Op.Cal.Atty.Gen.

39, 41 (1963) (“In spite of the sweeping provisions of [Art. X, § 4], and the injunction therein to the Legislature to give its provisions the most liberal interpretation, the few reported cases in California have adopted the general rule that one may not trespass on private land to get to navigable tidewaters for the purpose of commerce, navigation or fishing”). In light of these uncertainties, and given the fact that, as Justice BLACKMUN notes, the Court of Appeal did not rest its decision on Art. X, § 4, *post*, at 3162, we should assuredly not take it upon ourselves to resolve this question of California constitutional law in the first instance. See, e.g., *Jenkins v. Anderson*, 447 U.S. 231, 234, n. 1, 100 S.Ct. 2124, 2127, n. 1, 65 L.Ed.2d 86 (1980). That would be doubly inappropriate since the Commission did not advance this argument in the Court of Appeal, and the Nollans argued in the Superior Court that any claim that there was a pre-existing public right of access had to be asserted through a quiet title action, see Points and Authorities in Support of Motion for Writ of Administrative Mandamus, No. SP50805 (Super.Ct.Cal.), p. 20, which the Commission, possessing no claim to the easement itself, probably would not have had standing under California law to bring. See ****3147** Cal.Code Civ.Proc. Ann. § 738 (West 1980).²

² Justice BRENNAN also suggests that the Commission's public announcement of its intention to condition the rebuilding of houses on the transfer of easements of access caused the Nollans to have “no reasonable claim to any expectation of being able to exclude members of the public” from walking across their beach. *Post*, at 3158–3159. He cites our opinion in *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 104 S.Ct. 2862, 81 L.Ed.2d 815 (1984), as support for the peculiar proposition that a unilateral claim of entitlement by the government can alter property rights. In *Monsanto*, however, we found merely that the Takings Clause was not violated by giving effect to the Government's announcement that application for “the right to [the] valuable Government benefit,” *id.*, at 1007, 104 S.Ct., at 2875 (emphasis added), of obtaining registration of an insecticide would confer upon the Government a license to use and disclose the trade secrets contained in the application. *Id.*, at 1007–1008, 104 S.Ct., at 2875–2876. See also *Bowen v. Gilliard*, 483 U.S. 587, 605, 107 S.Ct. 3008, 3019, 97 L.Ed.2d 485 (1987). But the right to build on one's own property—even though its exercise can be subjected to legitimate permitting requirements

—cannot remotely be described as a “governmental benefit.” And thus the announcement that the application for (or granting of) the permit will entail the yielding of a property interest cannot be regarded as establishing the voluntary “exchange,” 467 U.S., at 1007, 104 S.Ct., at 2875, that we found to have occurred in *Monsanto*. Nor are the Nollans' rights altered because they acquired the land well after the Commission had begun to implement its policy. So long as the Commission could not have deprived the prior owners of the easement without compensating them, the prior owners must be understood to have transferred their full property rights in conveying the lot.

834** Given, then, that requiring uncompensated conveyance of the easement outright would violate the Fourteenth Amendment, the question becomes whether requiring it to be conveyed as a condition for issuing a land-use permit alters the outcome. We have long recognized that land-use regulation does not effect a taking if it “substantially advance[s] legitimate state interests” and does not “den[y] an owner economically viable use of his land,” *Agins v. Tiburon*, 447 U.S. 255, 260, 100 S.Ct. 2138, 2141, 65 L.Ed.2d 106 (1980). See also *Penn Central Transportation Co. v. New York City*, 438 U.S. 104, 127, 98 S.Ct. 2646, 2660, 57 L.Ed.2d 631 (1978) (“[A] use restriction may constitute a ‘taking’ if not reasonably necessary to the effectuation of a substantial government purpose”). Our cases have not elaborated on the standards for determining what constitutes a “legitimate state interest” or what type of connection between the regulation and the state interest satisfies the requirement that the former “substantially advance” the latter.³ They have made clear, however, that a ***835** broad range of governmental purposes and regulations satisfies these requirements. See *Agins v. Tiburon*, *supra*, 447 U.S., at 260–262, 100 S.Ct., at 2141–2142 (scenic zoning); *Penn Central Transportation Co. v. New York City*, *supra* (landmark preservation); *3148** *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926) (residential zoning); Laitos & Westfall, *Government Interference with Private Interests in Public Resources*, 11 Harv.Env'tl.L.Rev. 1, 66 (1987). The Commission argues that among these permissible purposes are protecting the public's ability to see the beach, assisting the public in overcoming the “psychological barrier” to using the beach created by a developed shorefront, and preventing congestion on the public beaches. We assume, without deciding, that this is so—in which case the Commission unquestionably would be able to deny the Nollans their permit outright if their new house (alone, or by reason of

the cumulative impact produced in conjunction with other construction)⁴ would substantially impede these purposes, *836 unless the denial would interfere so drastically with the Nollans' use of their property as to constitute a taking. See *Penn Central Transportation Co. v. New York City*, *supra*.

3 Contrary to Justice BRENNAN's claim, *post*, at 3150, our opinions do not establish that these standards are the same as those applied to due process or equal protection claims. To the contrary, our verbal formulations in the takings field have generally been quite different. We have required that the regulation "substantially advance" the "legitimate state interest" sought to be achieved, *Agins v. Tiburon*, 447 U.S. 255, 260, 100 S.Ct. 2138, 2141, 65 L.Ed.2d 106 (1980), not that "the State 'could rationally have decided' that the measure adopted might achieve the State's objective." *Post*, at —, quoting *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 466, 101 S.Ct. 715, 725, 66 L.Ed.2d 659 (1981). Justice BRENNAN relies principally on an equal protection case, *Minnesota v. Clover Leaf Creamery Co.*, *supra*, and two substantive due process cases, *Williamson v. Lee Optical of Oklahoma, Inc.*, 348 U.S. 483, 487–488, 75 S.Ct. 461, 464–465, 99 L.Ed. 563 (1955), and *Day-Brite Lighting, Inc. v. Missouri*, 342 U.S. 421, 423, 72 S.Ct. 405, 407, 96 L.Ed. 469 (1952), in support of the standards he would adopt. But there is no reason to believe (and the language of our cases gives some reason to disbelieve) that so long as the regulation of property is at issue the standards for takings challenges, due process challenges, and equal protection challenges are identical; any more than there is any reason to believe that so long as the regulation of speech is at issue the standards for due process challenges, equal protection challenges, and First Amendment challenges are identical. *Goldblatt v. Hempstead*, 369 U.S. 590, 82 S.Ct. 987, 8 L.Ed.2d 130 (1962), does appear to assume that the inquiries are the same, but that assumption is inconsistent with the formulations of our later cases.

4 If the Nollans were being singled out to bear the burden of California's attempt to remedy these problems, although they had not contributed to it more than other coastal landowners, the State's

action, even if otherwise valid, might violate either the incorporated Takings Clause or the Equal Protection Clause. One of the principal purposes of the Takings Clause is "to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." *Armstrong v. United States*, 364 U.S. 40, 49, 80 S.Ct. 1563, 1569, 4 L.Ed.2d 1554 (1960); see also *San Diego Gas & Electric Co. v. San Diego*, 450 U.S. 621, 656, 101 S.Ct. 1287, 1306, 67 L.Ed.2d 551 (1981) (BRENNAN, J., dissenting); *Penn Central Transportation Co. v. New York City*, 438 U.S. 104, 123, 98 S.Ct. 2646, 2658, 57 L.Ed.2d 631 (1978). But that is not the basis of the Nollans' challenge here.

The Commission argues that a permit condition that serves the same legitimate police-power purpose as a refusal to issue the permit should not be found to be a taking if the refusal to issue the permit would not constitute a taking. We agree. Thus, if the Commission attached to the permit some condition that would have protected the public's ability to see the beach notwithstanding construction of the new house—for example, a height limitation, a width restriction, or a ban on fences—so long as the Commission could have exercised its police power (as we have assumed it could) to forbid construction of the house altogether, imposition of the condition would also be constitutional. Moreover (and here we come closer to the facts of the present case), the condition would be constitutional even if it consisted of the requirement that the Nollans provide a viewing spot on their property for passersby with whose sighting of the ocean their new house would interfere. Although such a requirement, constituting a permanent grant of continuous access to the property, would have to be considered a taking if it were not attached to a development permit, the Commission's assumed power to forbid construction of the house in order to protect the public's view of the beach must surely include the power to condition construction upon some concession by the owner, even a concession of property rights, that serves the same end. If a prohibition designed to accomplish that purpose would be a legitimate exercise of the police power rather than a taking, it would be strange to conclude that providing the *837 owner an alternative to that prohibition which accomplishes the same purpose is not.

The evident constitutional propriety disappears, however, if the condition substituted for the prohibition utterly fails to further the end advanced as the justification for the

prohibition. When that essential nexus is eliminated, the situation becomes the same as if California law forbade shouting fire in a crowded theater, but granted dispensations to those willing to contribute \$100 to the state treasury. While a ban on shouting fire can be a core exercise of the State's police power to protect the public safety, and can thus meet even our stringent standards for regulation of speech, adding the unrelated condition alters the purpose to one which, while it may be legitimate, is inadequate to sustain the ban. Therefore, even though, in a sense, requiring a \$100 tax contribution in ****3149** order to shout fire is a lesser restriction on speech than an outright ban, it would not pass constitutional muster. Similarly here, the lack of nexus between the condition and the original purpose of the building restriction converts that purpose to something other than what it was. The purpose then becomes, quite simply, the obtaining of an easement to serve some valid governmental purpose, but without payment of compensation. Whatever may be the outer limits of "legitimate state interests" in the takings and land-use context, this is not one of them. In short, unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but "an out-and-out plan of extortion." *J.E.D. Associates, Inc. v. Atkinson*, 121 N.H. 581, 584, 432 A.2d 12, 14–15 (1981); see Brief for United States as Amicus Curiae 22, and n. 20. See also *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S., at 439, n. 17, 102 S.Ct., at 3178, n. 17.⁵

⁵ One would expect that a regime in which this kind of leveraging of the police power is allowed would produce stringent land-use regulation which the State then waives to accomplish other purposes, leading to lesser realization of the land-use goals purportedly sought to be served than would result from more lenient (but nontradeable) development restrictions. Thus, the importance of the purpose underlying the prohibition not only does not justify the imposition of unrelated conditions for eliminating the prohibition, but positively militates against the practice.

***838 III**

The Commission claims that it concedes as much, and that we may sustain the condition at issue here by finding that it is reasonably related to the public need or burden that the Nollans' new house creates or to which it contributes.

We can accept, for purposes of discussion, the Commission's proposed test as to how close a "fit" between the condition and the burden is required, because we find that this case does not meet even the most untailored standards. The Commission's principal contention to the contrary essentially turns on a play on the word "access." The Nollans' new house, the Commission found, will interfere with "visual access" to the beach. That in turn (along with other shorefront development) will interfere with the desire of people who drive past the Nollans' house to use the beach, thus creating a "psychological barrier" to "access." The Nollans' new house will also, by a process not altogether clear from the Commission's opinion but presumably potent enough to more than offset the effects of the psychological barrier, increase the use of the public beaches, thus creating the need for more "access." These burdens on "access" would be alleviated by a requirement that the Nollans provide "lateral access" to the beach.

Rewriting the argument to eliminate the play on words makes clear that there is nothing to it. It is quite impossible to understand how a requirement that people already on the public beaches be able to walk across the Nollans' property reduces any obstacles to viewing the beach created by the new house. It is also impossible to understand how it lowers any "psychological barrier" to using the public beaches, or how it helps to remedy any additional congestion on them ***839** caused by construction of the Nollans' new house. We therefore find that the Commission's imposition of the permit condition cannot be treated as an exercise of its land-use power for any of these purposes.⁶ Our conclusion on this ****3150** point is consistent with the approach taken by every other court that has considered the question, with the exception of the California state courts. See *Parks v. Watson*, 716 F.2d 646, 651–653 (CA9 1983); *Bethlehem Evangelical Lutheran Church v. Lakewood*, 626 P.2d 668, 671–674 (Colo.1981); *Aunt Hack Ridge Estates, Inc. v. Planning Comm'n*, 160 Conn. 109, 117–120, 273 A.2d 880, 885 (1970); *Longboat Key v. Lands End, Ltd.*, 433 So.2d 574 (Fla.App.1983); *Pioneer Trust & Savings Bank v. Mount Prospect*, 22 Ill.2d 375, 380, 176 N.E.2d 799, 802 (1961); *Lampton v. Pinaire*, 610 S.W.2d 915, 918–919 (Ky.App.1980); *Schwing v. Baton Rouge*, 249 So.2d 304 (La.App.), application denied, 259 La. 770, 252 So.2d 667 (1971); *Howard County v. JJM, Inc.*, 301 Md. 256, 280–282, 482 A.2d 908, 920–921 (1984); *Collis v. Bloomington*, 310 Minn. 5, 246 N.W.2d 19 (1976); *State ex rel. Noland v. St. Louis County*, 478 S.W.2d 363 (Mo.1972); ***840** *Billings Properties, Inc. v. Yellowstone County*, 144 Mont. 25, 33–36,

394 P.2d 182, 187–188 (1964); *Simpson v. North Platte*, 206 Neb. 240, 292 N.W.2d 297 (1980); *Briar West, Inc. v. Lincoln*, 206 Neb. 172, 291 N.W.2d 730 (1980); *J.E.D. Associates v. Atkinson*, 121 N.H. 581, 432 A.2d 12 (1981); *Longridge Builders, Inc. v. Planning Bd. of Princeton*, 52 N.J. 348, 350–351, 245 A.2d 336, 337–338 (1968); *Jenad, Inc. v. Scarsdale*, 18 N.Y.2d 78, 271 N.Y.S.2d 955, 218 N.E.2d 673 (1966); *MacKall v. White*, 85 App.Div.2d 696, 445 N.Y.S.2d 486 (1981), appeal denied, 56 N.Y.2d 503, 450 N.Y.S.2d 1025, 435 N.E.2d 1100 (1982); *Frank Ansuini, Inc. v. Cranston*, 107 R.I. 63, 68–69, 71, 264 A.2d 910, 913, 914 (1970); *College Station v. Turtle Rock Corp.*, 680 S.W.2d 802, 807 (Tex.1984); *Call v. West Jordan*, 614 P.2d 1257, 1258–1259 (Utah 1980); *Board of Supervisors of James City County v. Rowe*, 216 Va. 128, 136–139, 216 S.E.2d 199, 207–209 (1975); *Jordan v. Menomonee Falls*, 28 Wis.2d 608, 617–618, 137 N.W.2d 442, 447–449 (1965), appeal dismissed, 385 U.S. 4, 87 S.Ct. 36, 17 L.Ed.2d 3 (1966). See also *Littlefield v. Afton*, 785 F.2d 596, 607 (CA8 1986); Brief for National Association of Home Builders et al. as *Amici Curiae* 9–16.

6 As Justice BRENNAN notes, the Commission also argued that the construction of the new house would “‘increase private use immediately adjacent to public tidelands,’” which in turn might result in more disputes between the Nollans and the public as to the location of the boundary. *Post*, at 3155, quoting App. 62. That risk of boundary disputes, however, is inherent in the right to exclude others from one's property, and the construction here can no more justify mandatory dedication of a sort of “buffer zone” in order to avoid boundary disputes than can the construction of an addition to a single-family house near a public street. Moreover, a buffer zone has a boundary as well, and unless that zone is a “no-man's land” that is off limits for both neighbors (which is of course not the case here) its creation achieves nothing except to shift the location of the boundary dispute further on to the private owner's land. It is true that in the distinctive situation of the Nollans' property the seawall could be established as a clear demarcation of the public easement. But since not all of the lands to which this land-use condition applies have such a convenient reference point, the avoidance of boundary disputes is, even more obviously than the others, a made-up purpose of the regulation.

Justice BRENNAN argues that imposition of the access requirement is not irrational. In his version of the

Commission's argument, the reason for the requirement is that in its absence, a person looking toward the beach from the road will see a street of residential structures including the Nollans' new home and conclude that there is no public beach nearby. If, however, that person sees people passing and repassing along the dry sand behind the Nollans' home, he will realize that there is a public beach somewhere in the vicinity. *Post*, at 3154–3155. The Commission's action, however, was based on the opposite factual finding that the wall of houses completely blocked the view of the beach and that a person looking from the road would not be able to see it at all. App. 57–59.

Even if the Commission had made the finding that Justice BRENNAN proposes, however, it is not certain that it would *841 suffice. We do not share Justice BRENNAN's confidence that the Commission “should have little difficulty in the future in utilizing its expertise to demonstrate a specific connection between provisions for access and burdens on access,” *post*, at 3161, that will avoid the effect of today's decision. We view the Fifth Amendment's Property Clause to be more than a pleading requirement, and compliance with it to be more than an exercise in cleverness and imagination. As indicated earlier, our cases describe the condition for abridgement of property rights through the police power as a “substantial advanc[ing]” of a **3151 legitimate state interest. We are inclined to be particularly careful about the adjective where the actual conveyance of property is made a condition to the lifting of a land-use restriction, since in that context there is heightened risk that the purpose is avoidance of the compensation requirement, rather than the stated police-power objective.

We are left, then, with the Commission's justification for the access requirement unrelated to land-use regulation:

“Finally, the Commission notes that there are several existing provisions of pass and repass lateral access benefits already given by past Faria Beach Tract applicants as a result of prior coastal permit decisions. The access required as a condition of this permit is part of a comprehensive program to provide continuous public access along Faria Beach as the lots undergo development or redevelopment.” App. 68.

That is simply an expression of the Commission's belief that the public interest will be served by a continuous strip of publicly accessible beach along the coast. The Commission may well be right that it is a good idea, but that does not establish that the Nollans (and other coastal residents) alone

can be compelled to contribute to its realization. Rather, California is free to advance its “comprehensive program,” if it wishes, by using its power of eminent domain for this “public purpose,” *842 see U.S. Const., Amdt. 5; but if it wants an easement across the Nollans' property, it must pay for it.

Reversed.

Justice BRENNAN, with whom Justice MARSHALL joins, dissenting.

Appellants in this case sought to construct a new dwelling on their beach lot that would both diminish visual access to the beach and move private development closer to the public tidelands. The Commission reasonably concluded that such “buildout,” both individually and cumulatively, threatens public access to the shore. It sought to offset this encroachment by obtaining assurance that the public may walk along the shoreline in order to gain access to the ocean. The Court finds this an illegitimate exercise of the police power, because it maintains that there is no reasonable relationship between the effect of the development and the condition imposed.

The first problem with this conclusion is that the Court imposes a standard of precision for the exercise of a State's police power that has been discredited for the better part of this century. Furthermore, even under the Court's cramped standard, the permit condition imposed in this case directly responds to the specific type of burden on access created by appellants' development. Finally, a review of those factors deemed most significant in takings analysis makes clear that the Commission's action implicates none of the concerns underlying the Takings Clause. The Court has thus struck down the Commission's reasonable effort to respond to intensified development along the California coast, on behalf of landowners who can make no claim that their reasonable expectations have been disrupted. The Court has, in short, given appellants a windfall at the expense of the public.

I

The Court's conclusion that the permit condition imposed on appellants is unreasonable cannot withstand analysis. First, the Court demands a degree of exactitude that is inconsistent *843 with our standard for reviewing the rationality of a State's exercise of its police power for the welfare of

its citizens. Second, even if the nature of the public-access condition imposed must be identical to the precise burden on access created by appellants, this requirement is plainly satisfied.

A

There can be no dispute that the police power of the States encompasses the authority to impose conditions on private development. **3152 See, e.g., *Agins v. Tiburon*, 447 U.S. 255, 100 S.Ct. 2138, 65 L.Ed.2d 106 (1980); *Penn Central Transportation Co. v. New York City*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978); *Gorieb v. Fox*, 274 U.S. 603, 47 S.Ct. 675, 71 L.Ed. 1228 (1927). It is also by now commonplace that this Court's review of the rationality of a State's exercise of its police power demands only that the State “could rationally have decided” that the measure adopted might achieve the State's objective. *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 466, 101 S.Ct. 715, 725, 66 L.Ed.2d 659 (1981) (emphasis in original).¹ In this case, California has *844 employed its police power in order to condition development upon preservation of public access to the ocean and tidelands. The Coastal Commission, if it had so chosen, could have denied *845 the Nollans' request for a development **3153 permit, since the property would have remained economically viable without the requested new development.² Instead, the State sought to accommodate the Nollans' desire for new development, on the condition that the development not diminish the overall amount of public access to the coastline. Appellants' proposed development would reduce public access by restricting visual access to the beach, by contributing to an increased need for community facilities, and by moving private development closer to public beach property. The Commission sought to offset this diminution in access, and thereby preserve the overall balance of access, by requesting a deed restriction that would ensure “lateral” access: the right of the public to pass and repass along the dry sand parallel to the shoreline in order to reach the tidelands and the ocean. In the expert opinion of the Coastal Commission, development conditioned on such a restriction would fairly attend to both public and private interests.

1

See also *Williamson v. Lee Optical of Oklahoma, Inc.*, 348 U.S. 483, 487–488, 75 S.Ct. 461, 464–465, 99 L.Ed. 563 (1955) (“[T]he law need not be in every respect logically consistent with its aims to be constitutional. It is enough that there is an

evil at hand for correction, and that it might be thought that the particular legislative measure was a rational way to correct it”); *Day-Brite Lighting, Inc. v. Missouri*, 342 U.S. 421, 423, 72 S.Ct. 405, 407, 96 L.Ed. 469 (1952) (“Our recent decisions make it plain that we do not sit as a super-legislature to weigh the wisdom of legislation nor to decide whether the policy which it expresses offends the public welfare.... [S]tate legislatures have constitutional authority to experiment with new techniques; they are entitled to their own standard of the public welfare”).

Notwithstanding the suggestion otherwise, *ante*, at —, n. 3, our standard for reviewing the threshold question whether an exercise of the police power is legitimate is a uniform one. As we stated over 25 years ago in addressing a takings challenge to government regulation:

“The term ‘police power’ connotes the time-tested conceptional limit of public encroachment upon private interests. Except for the substitution of the familiar standard of ‘reasonableness,’ this Court has generally refrained from announcing any specific criteria. The classic statement of the rule in *Lawton v. Steele*, 152 U.S. 133, 137 [14 S.Ct. 499, 501, 38 L.Ed. 385] (1894), is still valid today: ... ‘[I]t must appear, first, that the interests of the public ... require [government] interference; and, second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals.’ Even this rule is not applied with strict precision, for this Court has often said that ‘debatable questions as to reasonableness are not for the courts but for the legislature’ *E.g.*, *Sproles v. Binford*, 286 U.S. 374, 388 [52 S.Ct. 581, 585, 76 L.Ed. 1167] (1932).” *Goldblatt v. Hempstead*, 369 U.S. 590, 594–595, 82 S.Ct. 987, 990–991, 8 L.Ed.2d 130 (1962).

See also *id.*, at 596, 82 S.Ct. at 991 (upholding regulation from takings challenge with citation to, *inter alia*, *United States v. Carolene Products Co.*, 304 U.S. 144, 154, 58 S.Ct. 778, 784, 82 L.Ed. 1234 (1938), for proposition that exercise of police power will be upheld “if any state of facts either known or which could be reasonably assumed affords support for it”). In *Connolly v. Pension Benefit Guaranty Corporation*, 475 U.S. 211, 106 S.Ct. 1018, 89 L.Ed.2d 166 (1986), for instance,

we reviewed a takings challenge to statutory provisions that had been held to be a legitimate exercise of the police power under due process analysis in *Pension Benefit Guaranty Corporation v. R.A. Gray & Co.*, 467 U.S. 717, 104 S.Ct. 2709, 81 L.Ed.2d 601 (1984). *Gray*, in turn, had relied on *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1, 96 S.Ct. 2882, 49 L.Ed.2d 752 (1976). In rejecting the takings argument that the provisions were not within Congress' regulatory power, the Court in *Connolly* stated: “Although both *Gray* and *Turner Elkhorn* were due process cases, it would be surprising indeed to discover now that in both cases Congress unconstitutionally had taken the assets of the employers there involved.” 475 U.S., at 223, 106 S.Ct., at 1025. Our phraseology may differ slightly from case to case—*e.g.*, regulation must “substantially advance,” *Agins v. Tiburon*, 447 U.S. 255, 260, 100 S.Ct. 2138, 2141, 65 L.Ed.2d 106 (1980), or be “reasonably necessary to,” *Penn Central Transportation Co. v. New York City*, 438 U.S. 104, 127, 98 S.Ct. 2646, 2660, 57 L.Ed.2d 631 (1978), the government's end. These minor differences cannot, however, obscure the fact that the inquiry in each case is the same.

Of course, government action may be a valid exercise of the police power and still violate specific provisions of the Constitution. Justice SCALIA is certainly correct in observing that challenges founded upon these provisions are reviewed under different standards. *Ante*, at —. Our consideration of factors such as those identified in *Penn Central*, *supra*, for instance, provides an analytical framework for protecting the values underlying the Takings Clause, and other distinctive approaches are utilized to give effect to other constitutional provisions. This is far different, however, from the use of different standards of review to address the threshold issue of the rationality of government action.

2

As this Court declared in *United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121, 127, 106 S.Ct. 455, 459, 88 L.Ed.2d 419 (1985):

“A requirement that a person obtain a permit before engaging in a certain use of his or her property does not

itself 'take' the property in any sense: after all, the very existence of a permit system implies that permission may be granted, leaving the landowner free to use the property as desired. Moreover, even if the permit is denied, there may be other viable uses available to the owner. Only when a permit is denied and the effect of the denial is to prevent 'economically viable' use of the land in question can it be said that a taking has occurred."

We also stated in *Kaiser Aetna v. United States*, 444 U.S. 164, 179, 100 S.Ct. 383, 392, 62 L.Ed.2d 332 (1979), with respect to dredging to create a private marina:

"We have not the slightest doubt that the Government could have refused to allow such dredging on the ground that it would have impaired navigation in the bay, or could have conditioned its approval of the dredging on petitioners' agreement to comply with various measures that it deemed appropriate for the promotion of navigation."

The Court finds fault with this measure because it regards the condition as insufficiently tailored to address the precise *846 type of reduction in access produced by the new development. The Nollans' development blocks visual access, the Court tells us, while the Commission seeks to preserve lateral access along the coastline. Thus, it concludes, the State acted irrationally. Such a narrow conception of rationality, however, has long since been discredited as a judicial arrogation of legislative authority. "To make scientific precision a criterion of constitutional power would be to subject the State to an intolerable supervision hostile to the basic principles of our Government." *Sproles v. Binford*, 286 U.S. 374, 388, 52 S.Ct. 581, 585, 76 L.Ed. 1167 (1932). Cf.

Keystone Bituminous Coal Assn. v. DeBenedictis, 480 U.S. 470, 491, n. 21, 107 S.Ct. 1232, 1245, n. 21, 94 L.Ed.2d 472 (1987) ("The Takings Clause has never been read to require the States or the courts to calculate whether a specific individual has suffered burdens ... in excess of the benefits received"). As this Court long ago declared with regard to various forms of restriction on the use of property:

"Each interferes in the same way, if not to the same extent, with the owner's general right of dominion over his property. All rest for their justification upon the same reasons which have arisen in recent times as a result of the great increase and concentration of population in urban communities and the vast changes in the extent and complexity of the problems of modern city life. State legislatures and city councils, who deal with the situation from a practical standpoint, are better qualified than the courts to determine the necessity, character, and degree of regulation which these new and perplexing conditions require; and their conclusions should not be disturbed by the courts unless clearly arbitrary and unreasonable." *Gorieb*, 274 U.S., at 608, 47 S.Ct., at 677 (citations omitted).

****3154** The Commission is charged by both the State Constitution and legislature to preserve overall public access to the California coastline. Furthermore, by virtue of its participation in the Coastal Zone Management Act (CZMA) program, the *847 State must "exercise effectively [its] responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone," 16 U.S.C. § 1452(2), so as to provide for, *inter alia*, "public access to the coas[t] for recreation purposes." § 1452(2)(D). The Commission has sought to discharge its responsibilities in a flexible manner. It has sought to balance private and public interests and to accept tradeoffs: to permit development that reduces access in some ways as long as other means of access are enhanced. In this case, it has determined that the Nollans' burden on access would be offset by a deed restriction that formalizes the public's right to pass along the shore. In its informed judgment, such a tradeoff would preserve the net amount of public access to the coastline. The Court's insistence on a precise fit between the forms of burden and condition on each individual parcel along the California coast would penalize the Commission for its flexibility, hampering the ability to fulfill its public trust mandate.

The Court's demand for this precise fit is based on the assumption that private landowners in this case possess a

reasonable expectation regarding the use of their land that the public has attempted to disrupt. In fact, the situation is precisely the reverse: it is private landowners who are the interlopers. The public's expectation of access considerably antedates any private development on the coast. [Article X, § 4, of the California Constitution](#), adopted in 1879, declares:

"No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so ***848** that access to the navigable waters of this State shall always be attainable for the people thereof."

It is therefore private landowners who threaten the disruption of settled public expectations. Where a private landowner has had a reasonable expectation that his or her property will be used for exclusively private purposes, the disruption of this expectation dictates that the government pay if it wishes the property to be used for a public purpose. In this case, however, the State has sought to protect *public* expectations of access from disruption by private land use. The State's exercise of its police power for this purpose deserves no less deference than any other measure designed to further the welfare of state citizens.

Congress expressly stated in passing the CZMA that "[i]n light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate." [16 U.S.C. § 1451\(h\)](#). It is thus puzzling that the Court characterizes as a "non-land-use justification," *ante*, at —, the exercise of the police power to " 'provide continuous public access along Faria Beach as the lots undergo development or redevelopment.' " *Ibid.* (quoting App. 68). The Commission's determination that certain types of development jeopardize public access to the ocean, and that such development should be conditioned on preservation of access, is the essence of responsible land-use planning. The Court's use of an unreasonably demanding standard for determining the rationality of state regulation in this area thus could hamper innovative efforts to ****3155** preserve an increasingly fragile national resource.³

3

The list of cases cited by the Court as support for its approach, *ante*, at —, includes no instance in which the State sought to vindicate pre-existing rights of access to navigable water, and consists principally of cases involving a requirement of the dedication of land as a condition of subdivision approval. Dedication, of course, requires the surrender of ownership of property rather than, as in this case, a mere restriction on its use. The only case pertaining to beach access among those cited by the Court is [MacKall v. White](#), 85 App.Div.2d 696, 445 N.Y.S.2d 486 (1981). In that case, the court found that a subdivision application could not be conditioned upon a declaration that the landowner would not hinder the public from using a trail that had been used to gain access to a bay. The trail had been used despite posted warnings prohibiting passage, and despite the owner's resistance to such use. In that case, unlike this one, neither the State Constitution, state statute, administrative practice, nor the conduct of the landowner operated to create any reasonable expectation of a right of public access.

***849 B**

Even if we accept the Court's unusual demand for a precise match between the condition imposed and the specific type of burden on access created by the appellants, the State's action easily satisfies this requirement. First, the lateral access condition serves to dissipate the impression that the beach that lies behind the wall of homes along the shore is for private use only. It requires no exceptional imaginative powers to find plausible the Commission's point that the average person passing along the road in front of a phalanx of imposing permanent residences, including the appellants' new home, is likely to conclude that this particular portion of the shore is not open to the public. If, however, that person can see that numerous people are passing and repassing along the dry sand, this conveys the message that the beach is in fact open for use by the public. Furthermore, those persons who go down to the public beach a quarter-mile away will be able to look down the coastline and see that persons have continuous access to the tidelands, and will observe signs that proclaim the public's right of access over the dry sand. The burden produced by the diminution in visual access—the impression that the beach is not open to the public—is thus directly alleviated by the provision for public access over the

dry sand. The Court therefore has an ***850** unrealistically limited conception of what measures could reasonably be chosen to mitigate the burden produced by a diminution of visual access.

The second flaw in the Court's analysis of the fit between burden and exaction is more fundamental. The Court assumes that the only burden with which the Coastal Commission was concerned was blockage of visual access to the beach.

This is incorrect.⁴ The Commission specifically stated in its report in support of the permit condition that “[t]he Commission finds that the applicants' proposed development would present an increase in view blockage, *an increase in private use of the shorefront*, and that this impact would burden the public's ability to traverse to and along the shorefront.” App. 65–66 (emphasis added). It declared that the possibility that “the public may get the impression that the beachfront is no longer available for public use” would be “due to *the encroaching nature of private use immediately adjacent to the public use, as well as the visual ‘block’ of increased residential build-out impacting the visual quality of the beachfront.*” *Id.*, at 59 (emphasis added).

⁴ This may be because the State in its briefs and at argument contended merely that the permit condition would serve to preserve overall public access, by offsetting the diminution in access resulting from the project, such as, *inter alia*, blocking the public's view of the beach. The State's position no doubt reflected the reasonable assumption that the Court would evaluate the rationality of its exercise of the police power in accordance with the traditional standard of review, and that the Court would not attempt to substitute its judgment about the best way to preserve overall public access to the ocean at the Faria Family Beach Tract.

The record prepared by the Commission is replete with references to the threat to ***3156** public access along the coastline resulting from the seaward encroachment of private development along a beach whose mean high-tide line is constantly shifting. As the Commission observed in its report: “The Faria Beach shoreline fluctuates during the year depending on the seasons and accompanying storms, and the public is not always able to traverse the shoreline below the mean ***851** high tide line.” *Id.*, at 67. As a result, the boundary between publicly owned tidelands and privately owned beach is not a stable one, and “[t]he existing seawall

is located very near to the mean high water line.” *Id.*, at 61. When the beach is at its largest, the seawall is about 10 feet from the mean high-tide mark; “[d]uring the period of the year when the beach suffers erosion, the mean high water line appears to be located either on or beyond the existing seawall.” *Ibid.* Expansion of private development on appellants' lot toward the seawall would thus “increase private use immediately adjacent to public tidelands, which has the potential of causing adverse impacts on the public's ability to traverse the shoreline.” *Id.*, at 62. As the Commission explained:

“The placement of more private use adjacent to public tidelands has the potential of creating use conflicts between the applicants and the public. The results of new private use encroachment into boundary/buffer areas between private and public property can create situations in which landowners intimidate the public and seek to prevent them from using public tidelands because of disputes between the two parties over where the exact boundary between private and public ownership is located. If the applicants' project would result in further seaward encroachment of private use into an area of clouded title, new private use in the subject encroachment area could result in use conflict between private and public entities on the subject shorefront.” *Id.*, at 61–62.

The deed restriction on which permit approval was conditioned would directly address this threat to the public's access to the tidelands. It would provide a formal declaration of the public's right of access, thereby ensuring that the shifting character of the tidelands, and the presence of private development immediately adjacent to it, would not jeopardize

***852** enjoyment of that right.⁵ The imposition of the permit condition was therefore directly related to the fact that appellants' development would be “located along a unique stretch of coast where lateral public access is inadequate due to the construction of private residential structures and shoreline protective devices along a fluctuating shoreline.” *Id.*, at 68. The deed restriction was crafted to deal with the particular character of the beach along which appellants sought to build, and with the specific problems created by expansion of development toward the public tidelands. In imposing the restriction, the State sought to ensure that such development would not disrupt the historical expectation of the public regarding access to the sea.⁶

⁵ As the Commission's Public Access (Shoreline) Interpretative Guidelines state:

“[T]he provision of lateral access recognizes the potential for conflicts between public and private use and creates a type of access that allows the public to move freely along all the tidelands in an area that can be clearly delineated and distinguished from private use areas.... Thus the ‘need’ determination set forth in P[ublic] R[esources] C[ode] 30212(a)(2) should be measured in terms of providing access that buffers public access to the tidelands from the burdens generated on access by private development.” App. 358–359.

6 The Court suggests that the risk of boundary disputes “is inherent in the right to exclude others from one’s property,” and thus cannot serve as a purpose to support the permit condition. *Ante*, at 3149, n. 6. The Commission sought the deed restriction, however, not to address a generalized problem inherent in any system of property, but to address the *particular* problem created by the shifting high-tide line along Faria Beach. Unlike the typical area in which a boundary is delineated reasonably clearly, the very problem on Faria Beach is that the boundary is *not* constant. The area open to public use therefore is frequently in question, and, as the discussion, *supra*, demonstrates, the Commission clearly tailored its permit condition precisely to address this specific problem.

The Court acknowledges that the Nollans’ seawall could provide “a clear demarcation of the public easement,” and thus avoid merely shifting “the location of the boundary dispute further on to the private owner’s land.” *Ante*, at —, n. 6. It nonetheless faults the Commission because every property subject to regulation may not have this feature. This case, however, is a challenge to the permit condition *as applied to the Nollans’ property*, so the presence or absence of seawalls on other property is irrelevant.

853** *3157** The Court is therefore simply wrong that there is no reasonable relationship between the permit condition and the specific type of burden on public access created by the appellants’ proposed development. Even were the Court desirous of assuming the added responsibility of closely monitoring the regulation of development along the California coast, this record reveals rational public action by any conceivable standard.

II

The fact that the Commission’s action is a legitimate exercise of the police power does not, of course, insulate it from a takings challenge, for when “regulation goes too far it will be recognized as a taking.” *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 415, 43 S.Ct. 158, 160, 67 L.Ed. 322 (1922). Conventional takings analysis underscores the implausibility of the Court’s holding, for it demonstrates that this exercise of California’s police power implicates none of the concerns that underlie our takings jurisprudence.

In reviewing a Takings Clause claim, we have regarded as particularly significant the nature of the governmental action and the economic impact of regulation, especially the extent to which regulation interferes with investment-backed expectations. *Penn Central*, 438 U.S., at 124, 98 S.Ct., at 2659. The character of the government action in this case is the imposition of a condition on permit approval, which allows the public to continue to have access to the coast. The physical intrusion permitted by the deed restriction is minimal. The public is permitted the right to pass and repass along the coast in an area from the seawall to the mean high-tide mark. App. 46. This area is at its *widest* 10 feet, *id.*, at 61, which means that *even without the permit condition*, the public’s right of access permits it to pass on average within a few feet of the seawall. Passage closer to the 8-foot-high rocky seawall will make the ***854** appellants even less visible to the public than passage along the high-tide area farther out on the beach. The intrusiveness of such passage is even less than the intrusion resulting from the required dedication of a sidewalk in front of private residences, exactions which are commonplace conditions on approval of development.⁷ Furthermore, the high-tide line shifts throughout the year, moving up to and beyond the seawall, so that public passage for a portion of the year would either be impossible or would not occur on appellant’s property. Finally, although the Commission had the authority to provide for either passive or active recreational use of the property, it chose the least intrusive alternative: a mere right to pass and repass. *Id.*, at 370.⁸ ****3158** As this Court made ***855** clear in *PruneYard Shopping Center v. Robins*, 447 U.S. 74, 83, 100 S.Ct. 2035, 2042, 64 L.Ed.2d 741 (1980), physical access to private property in itself creates no takings problem if it does not “unreasonably impair the value or use of [the] property.” Appellants can make no tenable claim that either their enjoyment of their property or its value is

diminished by the public's ability merely to pass and repass a few feet closer to the seawall beyond which appellants' house is located.

⁷ See, e.g., *Bellefontaine Neighbors v. J.J. Kelley Realty & Bldg. Co.*, 460 S.W.2d 298 (Mo.Ct.App.1970); *Allen v. Stockwell*, 210 Mich. 488, 178 N.W. 27 (1920). See generally Shultz & Kelley, Subdivision Improvement Requirements and Guarantees: A Primer, 28 Wash.U.J.Urban and Contemp.L. 3 (1985).

⁸ The Commission acted in accordance with its Guidelines both in determining the width of the area of passage, and in prohibiting any recreational use of the property. The Guidelines state that it may be necessary on occasion to provide for less than the normal 25-foot-wide accessway along the dry sand when this may be necessary to “protect the privacy rights of adjacent property owners.” App. 363. They also provide this advice in selecting the type of public use that may be permitted:

“*Pass and Repass*. Where topographic constraints of the site make use of the beach dangerous, where habitat values of the shoreline would be adversely impacted by public use of the shoreline or where the accessway may encroach closer than 20 feet to a residential structure, the accessway may be limited to the right of the public to pass and repass along the access area. For the purposes of these guidelines, pass and repass is defined as the right to walk and run along the shoreline. This would provide for public access along the shoreline but would not allow for any additional use of the accessway. Because this severely limits the public's ability to enjoy the adjacent state owned tidelands by restricting the potential use of the access areas, this form of access dedication should be used only where necessary to protect the habitat values of the site, where topographic constraints warrant the restriction, or where it is necessary to protect the privacy of the landowner.” *Id.*, at 370.

PruneYard is also relevant in that we acknowledged in that case that public access rested upon a “state constitutional ... provision that had been construed to create rights to the use of private property by strangers.” *Id.*, at 81, 100 S.Ct., at 2041. In this case, of course, the State is also acting to protect a state constitutional right. See *supra*, at — (quoting Art. X, § 4, of California Constitution). The constitutional

provision guaranteeing public access to the ocean states that “the Legislature shall enact such laws as will give *the most liberal construction to this provision* so that access to the navigable waters of this State shall be always attainable for the people thereof.” Cal. Const., Art. X, § 4 (emphasis added). This provision is the explicit basis for the statutory directive to provide for public access along the coast in new development projects, Cal.Pub.Res.Code Ann. § 30212 (West 1986), and has been construed by the state judiciary to permit passage over private land where necessary to gain access to the tidelands. *Grupe v. California Coastal Comm'n*, 166 Cal.App.3d 148, 171–172, 212 Cal.Rptr. 578, 592–593 (1985). The physical access to the perimeter of appellants' property at issue in this case thus results directly from the State's enforcement of the State Constitution.

Finally, the character of the regulation in this case is not unilateral government action, but a condition on approval of a development request submitted by appellants. The State has not sought to interfere with any pre-existing property interest, but has responded to appellants' proposal to intensify development on the coast. Appellants themselves chose to *856 submit a new development application, and could claim no property interest in its approval. They were aware that approval of such development would be conditioned on preservation of adequate public access to the ocean. The State has initiated no action against appellants' property; had the Nollans' not proposed more intensive development in the coastal zone, they would never have been subject to the provision that they challenge.

Examination of the economic impact of the Commission's action reinforces the conclusion that no taking has occurred. Allowing appellants to intensify development along the coast in exchange for ensuring public access to the ocean is a classic instance of government action that produces a “reciprocity of advantage.” *Pennsylvania Coal*, 260 U.S., at 415, 43 S.Ct., at 160. Appellants have been allowed to replace a one-story, 521-square-foot beach home with a two-story, 1,674-square-foot residence and an attached two-car garage, resulting in development covering 2,464 square feet of the lot. Such development obviously significantly increases the value of appellants' property; appellants make no contention that this increase is offset by any diminution in value resulting from the deed restriction, much less that the restriction made the property less valuable than it would have been without the new construction. Furthermore, appellants gain an additional benefit from the Commission's permit **3159 condition program. They are able to walk along the beach beyond the

confines of their own property only because the Commission has required deed restrictions as a condition of approving other new beach developments.⁹ Thus, appellants benefit both as private landowners and as members of the public from the fact that new development permit requests are conditioned on preservation of public access.

⁹ At the time of the Nollans' permit application, 43 of the permit requests for development along the Faria Beach had been conditioned on deed restrictions ensuring lateral public access along the shoreline. App. 48.

***857** Ultimately, appellants' claim of economic injury is flawed because it rests on the assumption of entitlement to the full value of their new development. Appellants submitted a proposal for more intensive development of the coast, which the Commission was under no obligation to approve, and now argue that a regulation designed to ameliorate the impact of that development deprives them of the full value of their improvements. Even if this novel claim were somehow cognizable, it is not significant. "[T]he interest in anticipated gains has traditionally been viewed as less compelling than other property-related interests." *Andrus v. Allard*, 444 U.S. 51, 66, 100 S.Ct. 318, 327, 62 L.Ed.2d 210 (1979).

With respect to appellants' investment-backed expectations, appellants can make no reasonable claim to any expectation of being able to exclude members of the public from crossing the edge of their property to gain access to the ocean. It is axiomatic, of course, that state law is the source of those strands that constitute a property owner's bundle of property rights. "[A]s a general proposition[,] the law of real property is, under our Constitution, left to the individual States to develop and administer." *Hughes v. Washington*, 389 U.S. 290, 295, 88 S.Ct. 438, 441, 19 L.Ed.2d 530 (1967) (Stewart, J., concurring). See also *Borax Consolidated, Ltd. v. Los Angeles*, 296 U.S. 10, 22, 56 S.Ct. 23, 29, 80 L.Ed. 9 (1935) ("Rights and interests in the tideland, which is subject to the sovereignty of the State, are matters of local law"). In this case, the State Constitution explicitly states that no one possessing the "frontage" of any "navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose." Cal. Const., Art. X, § 4. The state Code expressly provides that, save for exceptions not relevant here, "[p]ublic access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects." Cal.Pub.Res.Code Ann. § 30212 (West 1986).

The Coastal Commission Interpretative Guidelines make clear that fulfillment of the Commission's constitutional and statutory duty ***858** requires that approval of new coastline development be conditioned upon provisions ensuring lateral public access to the ocean. App. 362. At the time of appellants' permit request, the Commission had conditioned all 43 of the proposals for coastal new development in the Faria Family Beach Tract on the provision of deed restrictions ensuring lateral access along the shore. *Id.*, at 48. Finally, the Faria family had leased the beach property since the early part of this century, and "the Faria family and their lessees [including the Nollans] had not interfered with public use of the beachfront within the Tract, so long as public use was limited to pass and re-pass lateral access along the shore." *Ibid.* California therefore has clearly established that the power of exclusion for which appellants seek compensation simply is not a strand in the bundle of appellants' property rights, and appellants have never acted as if it were. Given this state of affairs, appellants cannot claim that the deed restriction has deprived them of a reasonable expectation to exclude from their property persons desiring to gain access to the sea.

Even were we somehow to concede a pre-existing expectation of a right to exclude, appellants were clearly on notice ****3160** when requesting a new development permit that a condition of approval would be a provision ensuring public lateral access to the shore. Thus, they surely could have had no expectation that they could obtain approval of their new development and exercise any right of exclusion afterward. In this respect, this case is quite similar to *Ruckelshaus v. Monsanto Co.*, 467 U.S. 986, 104 S.Ct. 2862, 81 L.Ed.2d 815 (1984). In *Monsanto*, the respondent had submitted trade data to the Environmental Protection Agency (EPA) for the purpose of obtaining registration of certain pesticides. The company claimed that the agency's disclosure of certain data in accordance with the relevant regulatory statute constituted a taking. The Court conceded that the data in question constituted property under state law. It also found, however, that certain of the data had been submitted to the agency after Congress had ***859** made clear that only limited confidentiality would be given data submitted for registration purposes. The Court observed that the statute served to inform Monsanto of the various conditions under which data might be released, and stated:

"If, despite the data-consideration and data-disclosure provisions in the statute, Monsanto chose to submit the requisite data in order to receive a registration, it can hardly argue that its reasonable investment-backed expectations

are disturbed when EPA acts to use or disclose the data in a manner that was authorized by law at the time of the submission.” *Id.*, at 1006–1007, 104 S.Ct., at 2874–2875.

The Court rejected respondent's argument that the requirement that it relinquish some confidentiality imposed an unconstitutional condition on receipt of a Government benefit:

“[A]s long as Monsanto is aware of the conditions under which the data are submitted, and the conditions are rationally related to a legitimate Government interest, a voluntary submission of data by an applicant in exchange for the economic advantages of a registration can hardly be called a taking.” *Id.*, at 1007, 104 S.Ct., at 2875.

The similarity of this case to *Monsanto* is obvious. Appellants were aware that stringent regulation of development along the California coast had been in place at least since 1976. The specific deed restriction to which the Commission sought to subject them had been imposed since 1979 on all 43 shoreline new development projects in the Faria Family Beach Tract. App. 48. Such regulation to ensure public access to the ocean had been directly authorized by California citizens in 1972, and reflected their judgment that restrictions on coastal development represented “‘the advantage of living and doing business in a civilized community.’” *Andrus v. Allard*, *supra*, 444 U.S., at 67, 100 S.Ct., at 328, quoting *Pennsylvania Coal Co. v. Mahon*, 260 U.S., at 422, 43 S.Ct., at 163 (Brandeis, J., dissenting). The deed restriction was “authorized by law at the *860 time of [appellants' permit] submission,” *Monsanto*, *supra*, 467 U.S., at 1007, 104 S.Ct., at 2875, and, as earlier analysis demonstrates, *supra*, at —, was reasonably related to the objective of ensuring public access. Appellants thus were on notice that new developments would be approved only if provisions were made for lateral beach access. In requesting a new development permit from the Commission, they could have no reasonable expectation of, and had no entitlement to, approval of their permit application without any deed restriction ensuring public access to the ocean. As a result, analysis of appellants' investment-backed expectations reveals that “the force of this factor is so overwhelming ... that it disposes of the taking question.” *Monsanto*, *supra*, at 1005, 104 S.Ct., at 2874.¹⁰

¹⁰ The Court suggests that *Ruckelshaus v. Monsanto* is distinguishable, because government regulation of property in that case was a condition on receipt of a “government benefit,” while here

regulation takes the form of a restriction on “the right to build on one's own property,” which “cannot remotely be described as a ‘government benefit.’” *Ante*, at 3152, n. 2. This proffered distinction is not persuasive. Both Monsanto and the Nollans hold property whose use is subject to regulation; Monsanto may not sell its property without obtaining government approval and the Nollans may not build new development on their property without government approval. Obtaining such approval is as much a “government benefit” for the Nollans as it is for Monsanto. If the Court is somehow suggesting that “the right to build on one's own property” has some privileged natural rights status, the argument is a curious one. By any traditional labor theory of value justification for property rights, for instance, see, *e.g.*, J. Locke, *The Second Treatise of Civil Government* 15–26 (E. Gough, ed. 1947), Monsanto would have a superior claim, for the chemical formulae which constitute its property only came into being by virtue of Monsanto's efforts.

****3161** Standard Takings Clause analysis thus indicates that the Court employs its unduly restrictive standard of police power rationality to find a taking where neither the character of governmental action nor the nature of the private interest affected raise any takings concern. The result is that the Court invalidates regulation that represents a reasonable adjustment ***861** of the burdens and benefits of development along the California coast.

III

The foregoing analysis makes clear that the State has taken no property from appellants. Imposition of the permit condition in this case represents the State's reasonable exercise of its police power. The Coastal Commission has drawn on its expertise to preserve the balance between private development and public access, by requiring that any project that intensifies development on the increasingly crowded California coast must be offset by gains in public access. Under the normal standard for review of the police power, this provision is eminently reasonable. Even accepting the Court's novel insistence on a precise *quid pro quo* of burdens and benefits, there is a reasonable relationship between the public benefit and the burden created by appellants' development. The movement of development closer to the ocean creates the prospect of encroachment on public tidelands, because of

fluctuation in the mean high-tide line. The deed restriction ensures that disputes about the boundary between private and public property will not deter the public from exercising its right to have access to the sea.

Furthermore, consideration of the Commission's action under traditional takings analysis underscores the absence of any viable takings claim. The deed restriction permits the public only to pass and repass along a narrow strip of beach, a few feet closer to a seawall at the periphery of appellants' property. Appellants almost surely have enjoyed an increase in the value of their property even with the restriction, because they have been allowed to build a significantly larger new home with garage on their lot. Finally, appellants can claim the disruption of no expectation interest, both because they have no right to exclude the public under state law, and because, even if they did, they had full advance notice that new development along the coast is conditioned on provisions for continued public access to the ocean.

862** Fortunately, the Court's decision regarding this application of the Commission's permit program will probably have little ultimate impact either on this parcel in particular or the Commission program in general. A preliminary study by a Senior Lands Agent in the State Attorney General's Office indicates that the portion of the beach at issue in this case likely belongs to the public. App. 85.¹¹ Since a full study had not been completed at the time of appellants' permit application, the deed restriction was requested "without regard to the possibility that the applicant is proposing development on public land." *Id.*, at 45. Furthermore, analysis by the same Land Agent also indicated that the public *3162** had obtained a prescriptive right to the use of Faria Beach from the seawall to the ocean. *Id.*, at 86.¹² The Superior Court explicitly stated in its ruling against the Commission on the permit condition issue that "no part of this opinion is intended to foreclose the public's opportunity to adjudicate the possibility that public rights in [appellants'] beach have been acquired through prescriptive use." *Id.*, at 420.

¹¹ The Senior Land Agent's report to the Commission states that "based on my observations, presently, most, if not all of Faria Beach waterward of the existing seawalls [lies] below the Mean High Tide Level, and would fall in public domain or sovereign category of ownership." App. 85 (emphasis added).

¹² The Senior Land Agent's report stated:

"Based on my past experience and my investigation to date of this property it is my opinion that the area seaward of the revetment at 3822 Pacific Coast Highway, Faria Beach, as well as all the area seaward of the revetments built to protect the Faria Beach community, if not public owned, has been impliedly dedicated to the public for passive recreational use." *Id.*, at 86.

With respect to the permit condition program in general, the Commission should have little difficulty in the future in utilizing its expertise to demonstrate a specific connection between provisions for access and burdens on access produced by new development. Neither the Commission in its report nor the State in its briefs and at argument highlighted the particular threat to lateral access created by appellants' ***863** development project. In defending its action, the State emphasized the general point that *overall* access to the beach had been preserved, since the diminution of access created by the project had been offset by the gain in lateral access. This approach is understandable, given that the State relied on the reasonable assumption that its action was justified under the normal standard of review for determining legitimate exercises of a State's police power. In the future, alerted to the Court's apparently more demanding requirement, it need only make clear that a provision for public access directly responds to a particular type of burden on access created by a new development. Even if I did not believe that the record in this case satisfies this requirement, I would have to acknowledge that the record's documentation of the impact of coastal development indicates that the Commission should have little problem presenting its findings in a way that avoids a takings problem.

Nonetheless it is important to point out that the Court's insistence on a precise accounting system in this case is insensitive to the fact that increasing intensity of development in many areas calls for far-sighted, comprehensive planning that takes into account both the interdependence of land uses and the cumulative impact of development.¹³ As one scholar has noted:

¹³ As the California Court of Appeals noted in 1985, "Since 1972, permission has been granted to construct more than 42,000 building units within the land jurisdiction of the Coastal Commission. In addition, pressure for development along the coast is expected to increase since approximately 85% of California's population lives within 30 miles of

the coast.” *Grupe v. California Coastal Comm'n*, 166 Cal.App.3d 148, 167, n. 12, 212 Cal.Rptr. 578, 589, n. 12 (1985). See also Coastal Zone Management Act, 16 U.S.C. § 1451(c) (increasing demands on coastal zones “have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion”).

“Property does not exist in isolation. Particular parcels are tied to one another in complex ways, and property is *864 more accurately described as being inextricably part of a network of relationships that is neither limited to, nor usefully defined by, the property boundaries with which the legal system is accustomed to dealing. Frequently, use of any given parcel of property is at the same time effectively a use of, or a demand upon, property beyond the border of the user.” Sax, *Takings, Private Property, and Public Rights*, 81 Yale L.J. 149, 152 (1971) (footnote omitted).

As Congress has declared: “The key to more effective protection and use of the land and water resources of the coastal zone [is for the states to] develop land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.”

****3163** 16 U.S.C. § 1451(i). This is clearly a call for a focus on the overall impact of development on coastal areas. State agencies therefore require considerable flexibility in responding to private desires for development in a way that guarantees the preservation of public access to the coast. They should be encouraged to regulate development in the context of the overall balance of competing uses of the shoreline. The Court today does precisely the opposite, overruling an eminently reasonable exercise of an expert state agency's judgment, substituting its own narrow view of how this balance should be struck. Its reasoning is hardly suited to the complex reality of natural resource protection in the 20th century. I can only hope that today's decision is an aberration, and that a broader vision ultimately prevails.¹⁴

¹⁴ I believe that States should be afforded considerable latitude in regulating private development, without fear that their regulatory efforts will often be found to constitute a taking. “If ... regulation denies the private property owner the use and enjoyment of his land and is found to effect a ‘taking,’ ” however, I believe that compensation is the appropriate remedy for this constitutional

violation. *San Diego Gas & Electric Co. v. San Diego*, 450 U.S. 621, 656, 101 S.Ct. 1287, 1306, 67 L.Ed.2d 551 (1981) (BRENNAN, J., dissenting) (emphasis added). I therefore see my dissent here as completely consistent with my position in *First English Evangelical Lutheran Church of Glendale v. Los Angeles County*, 482 U.S. 304, 107 S.Ct. 2378, 96 L.Ed.2d 250 (1987).

I dissent.

***865** Justice BLACKMUN, dissenting.

I do not understand the Court's opinion in this case to implicate in any way the public-trust doctrine. The Court certainly had no reason to address the issue, for the Court of Appeal of California did not rest its decision on Art. X, § 4, of the California Constitution. Nor did the parties base their arguments before this Court on the doctrine.

I disagree with the Court's rigid interpretation of the necessary correlation between a burden created by development and a condition imposed pursuant to the State's police power to mitigate that burden. The land-use problems this country faces require creative solutions. These are not advanced by an “eye for an eye” mentality. The close nexus between benefits and burdens that the Court now imposes on permit conditions creates an anomaly in the ordinary requirement that a State's exercise of its police power need be no more than rationally based. See, e.g., *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 466, 101 S.Ct. 715, 725, 66 L.Ed.2d 659 (1981). In my view, the easement exacted from appellants and the problems their development created are adequately related to the governmental interest in providing public access to the beach. Coastal development by its very nature makes public access to the shore generally more difficult. Appellants' structure is part of that general development and, in particular, it diminishes the public's visual access to the ocean and decreases the public's sense that it may have physical access to the beach. These losses in access can be counteracted, at least in part, by the condition on appellants' construction permitting public passage that ensures access along the beach.

Traditional takings analysis compels the conclusion that there is no taking here. The governmental action is a valid exercise of the police power, and, so far as the record reveals, ***866** has a nonexistent economic effect on the value of appellants' property. No investment-backed expectations were diminished. It is significant that the Nollans had notice

of the easement before they purchased the property and that public use of the beach had been permitted for decades.

For these reasons, I respectfully dissent.

Justice STEVENS, with whom Justice BLACKMUN joins, dissenting.

The debate between the Court and Justice BRENNAN illustrates an extremely important point concerning government regulation of the use of privately owned ****3164** real estate. Intelligent, well-informed public officials may in good faith disagree about the validity of specific types of land-use regulation. Even the wisest lawyers would have to acknowledge great uncertainty about the scope of this Court's takings jurisprudence. Yet, because of the Court's remarkable ruling in *First English Evangelical Lutheran Church of Glendale v. Los Angeles County*, 482 U.S. 304, 107 S.Ct. 2378, 96 L.Ed.2d 250 (1987), local governments and officials must pay the price for the necessarily vague standards in this area of the law.

In his dissent in *San Diego Gas & Electric Co. v. San Diego*, 450 U.S. 621, 101 S.Ct. 1287, 67 L.Ed.2d 551 (1981), Justice BRENNAN proposed a brand new constitutional rule.* He argued that a mistake such as the one that a majority of the Court believes that the California Coastal Commission made in this case should automatically give rise to pecuniary liability for a "temporary taking." *Id.*, at 653–661, 101 S.Ct., at 1304–1309. Notwithstanding the unprecedented chilling effect that such a rule will obviously have on public officials charged with the responsibility for drafting and implementing regulations designed to protect the environment ***867** and the public welfare, six Members of the Court recently endorsed Justice BRENNAN's novel

proposal. See *First English Evangelical Lutheran Church, supra*.

* "The constitutional rule I propose requires that, once a court finds that a police power regulation has effected a 'taking,' the government entity must pay just compensation for the period commencing on the date the regulation first effected the 'taking,' and ending on the date the government entity chooses to rescind or otherwise amend the regulation." 450 U.S., at 658, 101 S.Ct., at 1307.

I write today to identify the severe tension between that dramatic development in the law and the view expressed by Justice BRENNAN's dissent in this case that the public interest is served by encouraging state agencies to exercise considerable flexibility in responding to private desires for development in a way that threatens the preservation of public resources. See *ante*, at 3154–3155. I like the hat that Justice BRENNAN has donned today better than the one he wore in *San Diego*, and I am persuaded that he has the better of the legal arguments here. Even if his position prevailed in this case, however, it would be of little solace to land-use planners who would still be left guessing about how the Court will react to the next case, and the one after that. As this case demonstrates, the rule of liability created by the Court in *First English* is a shortsighted one. Like Justice BRENNAN, I hope that "a broader vision ultimately prevails." *Ante*, at 3161.

I respectfully dissent.

All Citations

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114 S.Ct. 2309
Supreme Court of the United States

Florence DOLAN, Petitioner

v.

CITY OF TIGARD.

No. 93–518

|

Argued March 23, 1994.

|

Decided June 24, 1994.

Synopsis

Landowner petitioned for judicial review of decision of Oregon Land Use Board of Appeals, affirming conditions placed by city on development of commercial property. The [Court of Appeals](#), 113 Or.App. 162, 832 P.2d 853, affirmed, and landowner again appealed. The Oregon Supreme Court affirmed, 317 Or. 110, 854 P.2d 437, and certiorari was granted. The Supreme Court, Chief Justice [Rehnquist](#), held that: (1) city's requirement that landowner dedicate portion of her property lying within flood plain for improvement of storm drainage system and property adjacent to flood plain as bicycle/pedestrian pathway, as condition for building permit allowing expansion of landowner's commercial property, had nexus with legitimate public purposes; (2) findings relied upon by city to require landowner to dedicate portion of her property in flood plain as public greenway, did not show required reasonable relationship necessary to satisfy requirements of Fifth Amendment; and (3) city failed to meet its burden of demonstrating that additional number of vehicle and bicycle trips generated by proposed commercial development reasonably related to city's requirement of dedication of pedestrian/bicycle pathway easement.

Reversed and remanded.

Justice [Stevens](#) filed dissenting opinion in which Justices [Blackmun](#) and [Ginsburg](#) joined.

Justice [Souter](#) filed dissenting opinion.

Procedural Posture(s): On Appeal.

****2311** *Syllabus* *

*

The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See [United States v. Detroit Lumber Co.](#), 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.

The City Planning Commission of respondent city conditioned approval of petitioner Dolan's application to expand her store and pave her parking lot upon her compliance with dedication of land (1) for a public greenway along Fanno Creek to minimize flooding that would be exacerbated by the increases in impervious surfaces associated with her development and (2) for a pedestrian/bicycle pathway intended to relieve traffic congestion in the city's Central Business District. She appealed the commission's denial of her request for variances from these standards to the Land Use Board of Appeals (LUBA), alleging that the land dedication requirements were not related to the proposed development and therefore constituted an uncompensated taking of her property under the Fifth Amendment. LUBA found a reasonable relationship between (1) the development and the requirement to dedicate land for a greenway, since the larger building and paved lot would increase the impervious surfaces and thus the runoff into the creek, and (2) alleviating the impact of increased traffic from the development and facilitating the provision of a pathway as an alternative means of transportation. Both the Oregon Court of Appeals and the Oregon Supreme Court affirmed.

Held: The city's dedication requirements constitute an uncompensated taking of property. Pp. 2316–2322.

(a) Under the well-settled doctrine of “unconstitutional conditions,” the government may not require a person to give up a constitutional right in exchange for a discretionary benefit conferred by the government where the property sought has little or no ****2312** relationship to the benefit. In evaluating Dolan's claim, it must be determined whether an “essential nexus” exists between a legitimate state interest and the permit condition. [Nollan v. California Coastal Comm'n](#), 483 U.S. 825, 837, 107 S.Ct. 3141, 3148, 97 L.Ed.2d 677. If one does, then it must be decided whether the degree of the exactions demanded by the permit conditions bears the required relationship to the projected impact of the proposed development. *Id.*, at 834, 107 S.Ct. at 3147. Pp. 2316–2317.

(b) Preventing flooding along Fanno Creek and reducing traffic congestion in the district are legitimate public purposes; and a nexus exists between the first purpose and

limiting development within the creek's *375 floodplain and between the second purpose and providing for alternative means of transportation. Pp. 2317–2318.

(c) In deciding the second question—whether the city's findings are constitutionally sufficient to justify the conditions imposed on Dolan's permit—the necessary connection required by the Fifth Amendment is “rough proportionality.” No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the proposed development's impact. This is essentially the “reasonable relationship” test adopted by the majority of the state courts. Pp. 2318–2320.

(d) The findings upon which the city relies do not show the required reasonable relationship between the floodplain easement and Dolan's proposed building. The Community Development Code already required that Dolan leave 15% of her property as open space, and the undeveloped floodplain would have nearly satisfied that requirement. However, the city has never said why a public, as opposed to a private, greenway is required in the interest of flood control. The difference to Dolan is the loss of her ability to exclude others from her property, yet the city has not attempted to make any individualized determination to support this part of its request. The city has also not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by Dolan's development reasonably relates to the city's requirement for a dedication of the pathway easement. The city must quantify its finding beyond a conclusory statement that the dedication could offset some of the traffic demand generated by the development. Pp. 2319–2322.

317 Ore. 110, 854 P.2d 437 (1993), reversed and remanded.

REHNQUIST, C.J., delivered the opinion of the Court, in which O'CONNOR, SCALIA, KENNEDY, and THOMAS, JJ., joined. STEVENS, J., filed a dissenting opinion, in which BLACKMUN and GINSBURG, JJ., joined, *post*, p. 2322. SOUTER, J., filed a dissenting opinion, *post*, p. 2330.

Attorneys and Law Firms

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Opinion

*377 Chief Justice REHNQUIST delivered the opinion of the Court.

Petitioner challenges the decision of the Oregon Supreme Court which held that the city of Tigard could condition the approval of her building permit on the dedication of a portion of her property for flood control and traffic improvements. 317 Ore. 110, 854 P.2d 437 (1993). We granted certiorari to resolve a question left open by our decision in *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987), of what is the required degree of connection between the exactions imposed by the city and the projected impacts of the proposed development.

**2313 I

The State of Oregon enacted a comprehensive land use management program in 1973. Ore.Rev.Stat. §§ 197.005–197.860 (1991). The program required all Oregon cities and counties to adopt new comprehensive land use plans that were consistent with the statewide planning goals. §§ 197.175(1), 197.250. The plans are implemented by land use regulations which are part of an integrated hierarchy of legally binding goals, plans, and regulations. §§ 197.175, 197.175(2) (b). Pursuant to the State's requirements, the city of Tigard, a community of some 30,000 residents on the southwest edge of Portland, developed a comprehensive plan and codified it in its Community Development Code (CDC). The CDC requires property owners in the area zoned Central Business District to comply with a 15% open space and landscaping requirement, which limits total site coverage, including all structures and paved parking, to 85% of the parcel. CDC, ch. 18.66, App. to Pet. for Cert. G–16 to G–17. After the completion of a transportation study that identified *378 congestion in the Central Business District as a particular problem, the city adopted a plan for a pedestrian/bicycle pathway intended to encourage alternatives to automobile transportation for short trips. The CDC requires that new development facilitate this plan by dedicating land for pedestrian pathways where provided for in the pedestrian/bicycle pathway plan.¹

¹ CDC § 18.86.040.A.1.b provides: “The development shall facilitate pedestrian/bicycle

circulation if the site is located on a street with designated bikepaths or adjacent to a designated greenway/open space/park. Specific items to be addressed [include]: (i) Provision of efficient, convenient and continuous pedestrian and bicycle transit circulation systems, linking developments by requiring dedication and construction of pedestrian and bikepaths identified in the comprehensive plan. If direct connections cannot be made, require that funds in the amount of the construction cost be deposited into an account for the purpose of constructing paths.” App. to Brief for Respondent B–33 to B–34.

The city also adopted a Master Drainage Plan (Drainage Plan). The Drainage Plan noted that flooding occurred in several areas along Fanno Creek, including areas near petitioner's property. Record, Doc. No. F, ch. 2, pp. 2–5 to 2–8; 4–2 to 4–6; Figure 4–1. The Drainage Plan also established that the increase in impervious surfaces associated with continued urbanization would exacerbate these flooding problems. To combat these risks, the Drainage Plan suggested a series of improvements to the Fanno Creek Basin, including channel excavation in the area next to petitioner's property. App. to Pet. for Cert. G–13, G–38. Other recommendations included ensuring that the floodplain remains free of structures and that it be preserved as greenways to minimize flood damage to structures. Record, Doc. No. F, ch. 5, pp. 5–16 to 5–21. The Drainage Plan concluded that the cost of these improvements should be shared based on both direct and indirect benefits, with property owners along the waterways paying more due to the direct benefit that they would receive. *Id.*, ch. 8, p. 8–11. CDC Chapters 18.84 and 18.86 *379 and CDC § 18.164.100 and the Tigard Park Plan carry out these recommendations.

Petitioner Florence Dolan owns a plumbing and electric supply store located on Main Street in the Central Business District of the city. The store covers approximately 9,700 square feet on the eastern side of a 1.67-acre parcel, which includes a gravel parking lot. Fanno Creek flows through the southwestern corner of the lot and along its western boundary. The year-round flow of the creek renders the area within the creek's 100-year floodplain virtually unusable for commercial development. The city's comprehensive plan includes the Fanno Creek floodplain as part of the city's greenway system.

Petitioner applied to the city for a permit to redevelop the site. Her proposed plans called for nearly doubling the size of the

store to 17,600 square feet and paving a 39-space parking lot. The existing store, located on the opposite side of the parcel, would be razed in sections as construction progressed on the new building. In the second phase of the project, petitioner proposed to build an additional structure on the northeast side of **2314 the site for complementary businesses and to provide more parking. The proposed expansion and intensified use are consistent with the city's zoning scheme in the Central Business District. CDC § 18.66.030, App. to Brief for Petitioner C–1 to C–3.

The City Planning Commission (Commission) granted petitioner's permit application subject to conditions imposed by the city's CDC. The CDC establishes the following standard for site development review approval:

“Where landfill and/or development is allowed within and adjacent to the 100-year floodplain, the City shall require the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the *380 floodplain in accordance with the adopted pedestrian/bicycle plan.” CDC § 18.120.180.A.8, App. to Brief for Respondent B–45 to B–46.

Thus, the Commission required that petitioner dedicate the portion of her property lying within the 100-year floodplain for improvement of a storm drainage system along Fanno Creek and that she dedicate an additional 15-foot strip of land adjacent to the floodplain as a pedestrian/bicycle pathway.² The dedication required by that condition encompasses approximately 7,000 square feet, or roughly 10% of the property. In accordance with city practice, petitioner could rely on the dedicated property to meet the 15% open space and landscaping requirement mandated by the city's zoning scheme. App. to Pet. for Cert. G–28 to G–29. The city would bear the cost of maintaining a landscaped buffer between the dedicated area and the new store. *Id.*, at G–44 to G–45.

² The city's decision includes the following relevant conditions: “1. The applicant shall dedicate to the City as Greenway all portions of the site that fall within the existing 100-year floodplain [of Fanno Creek] (*i.e.*, all portions of the property below elevation 150.0) and all property 15 feet above (to the east of) the 150.0 foot floodplain boundary. The building shall be designed so as not to intrude into the greenway area.” App. to Pet. for Cert. G–43.

Petitioner requested variances from the CDC standards. Variances are granted only where it can be shown that, owing to special circumstances related to a specific piece of the land, the literal interpretation of the applicable zoning provisions would cause “an undue or unnecessary hardship” unless the variance is granted. CDC § 18.134.010, App. to Brief for Respondent B–47.³ Rather than posing alternative *381 mitigating measures to offset the expected impacts of her proposed development, as allowed under the CDC, petitioner simply argued that her proposed development would not conflict with the policies of the comprehensive plan. *Id.*, at E–4. The Commission denied the request.

³ CDC § 18.134.050 contains the following criteria whereby the decisionmaking authority can approve, approve with modifications, or deny a variance request:

“(1) The proposed variance will not be materially detrimental to the purposes of this title, be in conflict with the policies of the comprehensive plan, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;

“(2) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;

“(3) The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent possible, while permitting some economic use of the land;

“(4) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms, or parks will not be adversely affected any more than would occur if the development were located as specified in the title; and

“(5) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.” App. to Brief for Respondent B–49 to B–50.

The Commission made a series of findings concerning the relationship between the dedicated conditions and the projected impacts of petitioner's project. First, the Commission noted that “[i]t is reasonable to assume that customers and employees of the future uses of this site could utilize a pedestrian/bicycle pathway adjacent to this

development for their transportation and recreational needs.”

****2315** City of Tigard Planning Commission Final Order No. 91–09 PC, App. to Pet. for Cert. G–24. The Commission noted that the site plan has provided for bicycle parking in a rack in front of the proposed building and “[i]t is reasonable to expect that some of the users of the bicycle parking provided for by the site plan will use the pathway adjacent to Fanno Creek if it is constructed.” *Ibid.* In addition, the Commission found that creation of a convenient, safe pedestrian/bicycle pathway system as an alternative means of transportation “could ***382** offset some of the traffic demand on [nearby] streets and lessen the increase in traffic congestion.” *Ibid.*

The Commission went on to note that the required floodplain dedication would be reasonably related to petitioner's request to intensify the use of the site given the increase in the impervious surface. The Commission stated that the “anticipated increased storm water flow from the subject property to an already strained creek and drainage basin can only add to the public need to manage the stream channel and floodplain for drainage purposes.” *Id.*, at G–37. Based on this anticipated increased storm water flow, the Commission concluded that “the requirement of dedication of the floodplain area on the site is related to the applicant's plan to intensify development on the site.” *Ibid.* The Tigard City Council approved the Commission's final order, subject to one minor modification; the city council reassigned the responsibility for surveying and marking the floodplain area from petitioner to the city's engineering department. *Id.*, at G–7.

Petitioner appealed to the Land Use Board of Appeals (LUBA) on the ground that the city's dedication requirements were not related to the proposed development, and, therefore, those requirements constituted an uncompensated taking of her property under the Fifth Amendment. In evaluating the federal taking claim, LUBA assumed that the city's findings about the impacts of the proposed development were supported by substantial evidence. *Dolan v. Tigard*, LUBA 91–161 (Jan. 7, 1992), reprinted at App. to Pet. for Cert. D–15, n. 9. Given the undisputed fact that the proposed larger building and paved parking area would increase the amount of impervious surfaces and the runoff into Fanno Creek, LUBA concluded that “there is a ‘reasonable relationship’ between the proposed development and the requirement to dedicate land along Fanno Creek for a greenway.” *Id.*, at D–16. With respect to the pedestrian/bicycle pathway, LUBA noted the Commission's finding that a significantly larger ***383** retail sales building and parking lot would attract larger numbers of

customers and employees and their vehicles. It again found a “reasonable relationship” between alleviating the impacts of increased traffic from the development and facilitating the provision of a pedestrian/bicycle pathway as an alternative means of transportation. *Ibid.*

The Oregon Court of Appeals affirmed, rejecting petitioner's contention that in *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987), we had abandoned the “reasonable relationship” test in favor of a stricter “essential nexus” test. 113 Ore.App. 162, 832 P.2d 853 (1992). The Oregon Supreme Court affirmed. 317 Ore. 110, 854 P.2d 437 (1993). The court also disagreed with petitioner's contention that the *Nollan* Court abandoned the “reasonably related” test. 317 Ore., at 118, 854 P.2d, at 442. Instead, the court read *Nollan* to mean that an “exaction is reasonably related to an impact if the exaction serves the same purpose that a denial of the permit would serve.” 317 Ore., at 120, 854 P.2d, at 443. The court decided that both the pedestrian/bicycle pathway condition and the storm drainage dedication had an essential nexus to the development of the proposed site. *Id.*, at 121, 854 P.2d, at 443. Therefore, the court found the conditions to be reasonably related to the impact of the expansion of petitioner's business. *Ibid.*⁴ **2316 We granted certiorari, 510 U.S. 989, 114 S.Ct. 544, 126 L.Ed.2d 446 (1993), because of an alleged conflict between the Oregon Supreme Court's decision and our decision in *Nollan, supra*.

⁴ The Supreme Court of Oregon did not address the consequences of petitioner's failure to provide alternative mitigation measures in her variance application and we take the case as it comes to us. Accordingly, we do not pass on the constitutionality of the city's variance provisions.

II

The Takings Clause of the Fifth Amendment of the United States Constitution, made applicable to the States through the Fourteenth Amendment, *Chicago, B. & Q.R. Co. v. Chicago*, 166 U.S. 226, 239, 17 S.Ct. 581, 585, 41 L.Ed. 979 (1897), *384 provides: “[N]or shall private property be taken for public use, without just compensation.”⁵ One of the principal purposes of the Takings Clause is “to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” *Armstrong v. United States*, 364 U.S. 40, 49, 80 S.Ct.

1563, 1569, 4 L.Ed.2d 1554 (1960). Without question, had the city simply required petitioner to dedicate a strip of land along Fanno Creek for public use, rather than conditioning the grant of her permit to redevelop her property on such a dedication, a taking would have occurred. *Nollan, supra*, 483 U.S., at 831, 107 S.Ct., at 3145. Such public access would deprive petitioner of the right to exclude others, “one of the most essential sticks in the bundle of rights that are commonly characterized as property.” *Kaiser Aetna v. United States*, 444 U.S. 164, 176, 100 S.Ct. 383, 391, 62 L.Ed.2d 332 (1979).

⁵ Justice STEVENS' dissent suggests that this case is actually grounded in “substantive” due process, rather than in the view that the Takings Clause of the Fifth Amendment was made applicable to the States by the Fourteenth Amendment. But there is no doubt that later cases have held that the Fourteenth Amendment does make the Takings Clause of the Fifth Amendment applicable to the States, see *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 122, 98 S.Ct. 2646, 2658, 57 L.Ed.2d 631 (1978); *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 827, 107 S.Ct. 3141, 3143, 97 L.Ed.2d 677 (1987). Nor is there any doubt that these cases have relied upon *Chicago, B. & Q.R. Co. v. Chicago*, 166 U.S. 226, 17 S.Ct. 581, 41 L.Ed. 979 (1897), to reach that result. See, e.g., *Penn Central, supra*, 438 U.S., at 122, 98 S.Ct., at 2658 (“The issu[e] presented ... [is] whether the restrictions imposed by New York City's law upon appellants' exploitation of the Terminal site effect a ‘taking’ of appellants' property for a public use within the meaning of the Fifth Amendment, which of course is made applicable to the States through the Fourteenth Amendment, see *Chicago, B. & Q.R. Co. v. Chicago*, 166 U.S. 226, 239, 17 S.Ct. 581, 585, 41 L.Ed. 979 (1897)”).

On the other side of the ledger, the authority of state and local governments to engage in land use planning has been sustained against constitutional challenge as long ago as our decision in *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926). “Government hardly could go on if to some extent values incident to property could not be diminished *385 without paying for every such change in the general law.” *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 413, 43 S.Ct. 158, 159, 67 L.Ed. 322 (1922). A land use regulation does not effect a taking if it “substantially advance[s] legitimate state interests” and does not “den [y] an owner economically viable use of his land.” *Agins v. City of*

Tiburon, 447 U.S. 255, 260, 100 S.Ct. 2138, 2141, 65 L.Ed.2d 106 (1980).⁶

⁶ There can be no argument that the permit conditions would deprive petitioner of “economically beneficial us[e]” of her property as she currently operates a retail store on the lot. Petitioner assuredly is able to derive *some* economic use from her property. See, e.g., *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1019, 112 S.Ct. 2886, 2895, 120 L.Ed.2d 798 (1992); *Kaiser Aetna v. United States*, 444 U.S. 164, 175, 100 S.Ct. 383, 390, 62 L.Ed.2d 332 (1979); *Penn Central Transp. Co. v. New York City*, *supra*, 438 U.S., at 124, 98 S.Ct., at 2659.

The sort of land use regulations discussed in the cases just cited, however, differ in two relevant particulars from the present case. First, they involved essentially legislative determinations classifying entire areas of the city, whereas here the city made an adjudicative decision to condition petitioner's application for a building permit on an individual parcel. Second, the conditions imposed were not simply a limitation on the use petitioner might make of her own parcel, but a requirement that she deed portions of the property to the city. In *Nollan, supra*, we ****2317** held that governmental authority to exact such a condition was circumscribed by the Fifth and Fourteenth Amendments. Under the well-settled doctrine of “unconstitutional conditions,” the government may not require a person to give up a constitutional right—here the right to receive just compensation when property is taken for a public use—in exchange for a discretionary benefit conferred by the government where the benefit sought has little or no relationship to the property. See *Perry v. Sindermann*, 408 U.S. 593, 92 S.Ct. 2694, 33 L.Ed.2d 570 (1972); *Pickering v. Board of Ed. of Township High School Dist. 205, Will Cty.*, 391 U.S. 563, 568, 88 S.Ct. 1731, 1734, 20 L.Ed.2d 811 (1968).

Petitioner contends that the city has forced her to choose between the building permit and her right under the Fifth ***386** Amendment to just compensation for the public easements. Petitioner does not quarrel with the city's authority to exact some forms of dedication as a condition for the grant of a building permit, but challenges the showing made by the city to justify these exactions. She argues that the city has identified “no special benefits” conferred on her, and has not identified any “special quantifiable burdens” created by her new store that would justify the particular dedications

required from her which are not required from the public at large.

III

In evaluating petitioner's claim, we must first determine whether the “essential nexus” exists between the “legitimate state interest” and the permit condition exacted by the city. *Nollan*, 483 U.S., at 837, 107 S.Ct., at 3148. If we find that a nexus exists, we must then decide the required degree of connection between the exactions and the projected impact of the proposed development. We were not required to reach this question in *Nollan*, because we concluded that the connection did not meet even the loosest standard. *Id.*, at 838, 107 S.Ct., at 3149. Here, however, we must decide this question.

A

We addressed the essential nexus question in *Nollan*. The California Coastal Commission demanded a lateral public easement across the Nollans' beachfront lot in exchange for a permit to demolish an existing bungalow and replace it with a three-bedroom house. *Id.*, at 828, 107 S.Ct., at 3144. The public easement was designed to connect two public beaches that were separated by the Nollan's property. The Coastal Commission had asserted that the public easement condition was imposed to promote the legitimate state interest of diminishing the “blockage of the view of the ocean” caused by construction of the larger house.

We agreed that the Coastal Commission's concern with protecting visual access to the ocean constituted a legitimate ***387** public interest. *Id.*, at 835, 107 S.Ct., at 3148. We also agreed that the permit condition would have been constitutional “even if it consisted of the requirement that the Nollans provide a viewing spot on their property for passersby with whose sighting of the ocean their new house would interfere.” *Id.*, at 836, 107 S.Ct., at 3148. We resolved, however, that the Coastal Commission's regulatory authority was set completely adrift from its constitutional moorings when it claimed that a nexus existed between visual access to the ocean and a permit condition requiring lateral public access along the Nollans' beachfront lot. *Id.*, at 837, 107 S.Ct., at 3148. How enhancing the public's ability to “traverse to and along the shorefront” served the same governmental purpose of “visual access to the ocean” from the roadway was beyond our ability to countenance. The absence of a nexus left the

Coastal Commission in the position of simply trying to obtain an easement through gimmickry, which converted a valid regulation of land use into “‘an out-and-out plan of extortion.’” *Ibid.*, quoting *J.E.D. Associates, Inc. v. Atkinson*, 121 N.H. 581, 584, 432 A.2d 12, 14–15 (1981).

No such gimmicks are associated with the permit conditions imposed by the city in this case. Undoubtedly, the prevention of flooding **2318 along Fanno Creek and the reduction of traffic congestion in the Central Business District qualify as the type of legitimate public purposes we have upheld. *Agins*, 447 U.S., at 260–262, 100 S.Ct., at 2141–2142. It seems equally obvious that a nexus exists between preventing flooding along Fanno Creek and limiting development within the creek's 100-year floodplain. Petitioner proposes to double the size of her retail store and to pave her now-gravel parking lot, thereby expanding the impervious surface on the property and increasing the amount of storm water runoff into Fanno Creek.

The same may be said for the city's attempt to reduce traffic congestion by providing for alternative means of transportation. In theory, a pedestrian/bicycle pathway provides a useful alternative means of transportation for workers and shoppers: “Pedestrians and bicyclists occupying dedicated *388 spaces for walking and/or bicycling ... remove potential vehicles from streets, resulting in an overall improvement in total transportation system flow.” A. Nelson, Public Provision of Pedestrian and Bicycle Access Ways: Public Policy Rationale and the Nature of Private Benefits 11, Center for Planning Development, Georgia Institute of Technology, Working Paper Series (Jan. 1994). See also Intermodal Surface Transportation Efficiency Act of 1991, Pub.L. 102–240, 105 Stat.1914 (recognizing pedestrian and bicycle facilities as necessary components of any strategy to reduce traffic congestion).

B

The second part of our analysis requires us to determine whether the degree of the exactions demanded by the city's permit conditions bears the required relationship to the projected impact of petitioner's proposed development. *Nollan, supra*, 483 U.S., at 834, 107 S.Ct., at 3147, quoting *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 127, 98 S.Ct. 2646, 2660, 57 L.Ed.2d 631 (1978) (“[A] use restriction may constitute a “taking” if not reasonably necessary to the effectuation of a substantial government

purpose’ ”). Here the Oregon Supreme Court deferred to what it termed the “city's unchallenged factual findings” supporting the dedication conditions and found them to be reasonably related to the impact of the expansion of petitioner's business. 317 Ore., at 120–121, 854 P.2d, at 443.

The city required that petitioner dedicate “to the City as Greenway all portions of the site that fall within the existing 100-year floodplain [of Fanno Creek] ... and all property 15 feet above [the floodplain] boundary.” *Id.*, at 113, n. 3, 854 P.2d, at 439, n. 3. In addition, the city demanded that the retail store be designed so as not to intrude into the greenway area. The city relies on the Commission's rather tentative findings that increased storm water flow from petitioner's property “can only add to the public need to manage the [floodplain] for drainage purposes” to support its conclusion that the “requirement of dedication of the floodplain area on *389 the site is related to the applicant's plan to intensify development on the site.” City of Tigard Planning Commission Final Order No. 91–09 PC, App. to Pet. for Cert. G–37.

The city made the following specific findings relevant to the pedestrian/bicycle pathway:

“In addition, the proposed expanded use of this site is anticipated to generate additional vehicular traffic thereby increasing congestion on nearby collector and arterial streets. Creation of a convenient, safe pedestrian/bicycle pathway system as an alternative means of transportation could offset some of the traffic demand on these nearby streets and lessen the increase in traffic congestion.” *Id.*, at G–24.

The question for us is whether these findings are constitutionally sufficient to justify the conditions imposed by the city on petitioner's building permit. Since state courts have been dealing with this question a good deal longer than we have, we turn to representative decisions made by them.

In some States, very generalized statements as to the necessary connection between the required dedication and the proposed development seem to suffice. See, e.g., *Billings Properties, Inc. v. Yellowstone County*, 144 Mont. 25, 394 P.2d 182 (1964); **2319 *Jenad, Inc. v. Scarsdale*, 18 N.Y.2d 78, 271 N.Y.S.2d 955, 218 N.E.2d 673 (1966). We think this standard is too lax to adequately protect petitioner's right to just compensation if her property is taken for a public purpose.

Other state courts require a very exacting correspondence, described as the “specifi[c] and uniquely attributable” test. The Supreme Court of Illinois first developed this test in *Pioneer Trust & Savings Bank v. Mount Prospect*, 22 Ill.2d 375, 380, 176 N.E.2d 799, 802 (1961).⁷ Under this standard, *390 if the local government cannot demonstrate that its exaction is directly proportional to the specifically created need, the exaction becomes “a veiled exercise of the power of eminent domain and a confiscation of private property behind the defense of police regulations.” *Id.*, at 381, 176 N.E.2d, at 802. We do not think the Federal Constitution requires such exacting scrutiny, given the nature of the interests involved.

⁷ The “specifically and uniquely attributable” test has now been adopted by a minority of other courts. See, e.g., *J.E.D. Associates, Inc. v. Atkinson*, 121 N.H. 581, 585, 432 A.2d 12, 15 (1981); *Divan Builders, Inc. v. Planning Bd. of Twp. of Wayne*, 66 N.J. 582, 600–601, 334 A.2d 30, 40 (1975); *McKain v. Toledo City Plan Comm’n*, 26 Ohio App.2d 171, 176, 270 N.E.2d 370, 374 (1971); *Frank Ansuini, Inc. v. Cranston*, 107 R.I. 63, 69, 264 A.2d 910, 913 (1970).

A number of state courts have taken an intermediate position, requiring the municipality to show a “reasonable relationship” between the required dedication and the impact of the proposed development. Typical is the Supreme Court of Nebraska’s opinion in *Simpson v. North Platte*, 206 Neb. 240, 245, 292 N.W.2d 297, 301 (1980), where that court stated:

“The distinction, therefore, which must be made between an appropriate exercise of the police power and an improper exercise of eminent domain is whether the requirement has some reasonable relationship or nexus to the use to which the property is being made or is merely being used as an excuse for taking property simply because at that particular moment the landowner is asking the city for some license or permit.”

Thus, the court held that a city may not require a property owner to dedicate private property for some future public use as a condition of obtaining a building permit when such future use is not “occasioned by the construction sought to be permitted.” *Id.*, at 248, 292 N.W.2d, at 302.

Some form of the reasonable relationship test has been adopted in many other jurisdictions. See, e.g., *Jordan v. Menomonee Falls*, 28 Wis.2d 608, 137 N.W.2d 442 (1965); *Collis v. Bloomington*, 310 Minn. 5, 246 N.W.2d 19 (1976)

(requiring a showing of a reasonable relationship between *391 the planned subdivision and the municipality’s need for land); *College Station v. Turtle Rock Corp.*, 680 S.W.2d 802, 807 (Tex.1984); *Call v. West Jordan*, 606 P.2d 217, 220 (Utah 1979) (affirming use of the reasonable relation test). Despite any semantical differences, general agreement exists among the courts “that the dedication should have some reasonable relationship to the needs created by the [development].” *Ibid.* See generally Note “ ‘Take’ My Beach Please!”: *Nollan v. California Coastal Commission* and a Rational-Nexus Constitutional Analysis of Development Exactions, 69 B.U.L.Rev. 823 (1989); see also *Parks v. Watson*, 716 F.2d 646, 651–653 (CA9 1983).

We think the “reasonable relationship” test adopted by a majority of the state courts is closer to the federal constitutional norm than either of those previously discussed. But we do not adopt it as such, partly because the term “reasonable relationship” seems confusingly similar to the term “rational basis” which describes the minimal level of scrutiny under the Equal Protection Clause of the Fourteenth Amendment. We think a term such as “rough proportionality” best encapsulates what we hold to be the requirement of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication *2320 is related both in nature and extent to the impact of the proposed development.⁸

⁸ Justice STEVENS’ dissent takes us to task for placing the burden on the city to justify the required dedication. He is correct in arguing that in evaluating most generally applicable zoning regulations, the burden properly rests on the party challenging the regulation to prove that it constitutes an arbitrary regulation of property rights. See, e.g., *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926). Here, by contrast, the city made an adjudicative decision to condition petitioner’s application for a building permit on an individual parcel. In this situation, the burden properly rests on the city. See *Nollan*, 483 U.S., at 836, 107 S.Ct., at 3148. This conclusion is not, as he suggests, undermined by our decision in *Moore v. East Cleveland*, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977), in which we struck down a housing ordinance that limited occupancy of a dwelling unit to members of a single family as violating the Due

Process Clause of the Fourteenth Amendment. The ordinance at issue in *Moore* intruded on choices concerning family living arrangements, an area in which the usual deference to the legislature was found to be inappropriate. *Id.*, at 499, 97 S.Ct., at 1935.

*392 Justice STEVENS' dissent relies upon a law review article for the proposition that the city's conditional demands for part of petitioner's property are "a species of business regulation that heretofore warranted a strong presumption of constitutional validity." *Post*, at 2325. But simply denominating a governmental measure as a "business regulation" does not immunize it from constitutional challenge on the ground that it violates a provision of the Bill of Rights. In *Marshall v. Barlow's, Inc.*, 436 U.S. 307, 98 S.Ct. 1816, 56 L.Ed.2d 305 (1978), we held that a statute authorizing a warrantless search of business premises in order to detect OSHA violations violated the Fourth Amendment. See also *Air Pollution Variance Bd., of Colo. v. Western Alfalfa Corp.*, 416 U.S. 861, 94 S.Ct. 2114, 40 L.Ed.2d 607 (1974); *New York v. Burger*, 482 U.S. 691, 107 S.Ct. 2636, 96 L.Ed.2d 601 (1987). And in *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n of N.Y.*, 447 U.S. 557, 100 S.Ct. 2343, 65 L.Ed.2d 341 (1980), we held that an order of the New York Public Service Commission, designed to cut down the use of electricity because of a fuel shortage, violated the First Amendment insofar as it prohibited advertising by a utility company to promote the use of electricity. We see no reason why the Takings Clause of the Fifth Amendment, as much a part of the Bill of Rights as the First Amendment or Fourth Amendment, should be relegated to the status of a poor relation in these comparable circumstances. We turn now to analysis of whether the findings relied upon by the city here, first with respect to the floodplain easement, and second with respect to the pedestrian/bicycle path, satisfied these requirements.

It is axiomatic that increasing the amount of impervious surface will increase the quantity and rate of storm water flow from petitioner's property. Record, Doc. No. F, ch. 4, *393 p. 4–29. Therefore, keeping the floodplain open and free from development would likely confine the pressures on Fanno Creek created by petitioner's development. In fact, because petitioner's property lies within the Central Business District, the CDC already required that petitioner leave 15% of it as open space and the undeveloped floodplain would have nearly satisfied that requirement. App. to Pet. for Cert. G–16 to G–17. But the city demanded more—it not only wanted petitioner not to build in the floodplain, but it also wanted

petitioner's property along Fanno Creek for its greenway system. The city has never said why a public greenway, as opposed to a private one, was required in the interest of flood control.

The difference to petitioner, of course, is the loss of her ability to exclude others. As we have noted, this right to exclude others is "one of the most essential sticks in the bundle of rights that are commonly characterized as property." *Kaiser Aetna*, 444 U.S., at 176, 100 S.Ct., at 391. It is difficult to see why recreational visitors trampling along petitioner's floodplain easement are sufficiently related to the city's legitimate interest in reducing flooding problems along Fanno Creek, and the city has not attempted to **2321 make any individualized determination to support this part of its request.

The city contends that the recreational easement along the greenway is only ancillary to the city's chief purpose in controlling flood hazards. It further asserts that unlike the residential property at issue in *Nollan*, petitioner's property is commercial in character, and therefore, her right to exclude others is compromised. Brief for Respondent 41, quoting *United States v. Orito*, 413 U.S. 139, 142, 93 S.Ct. 2674, 2677, 37 L.Ed.2d 513 (1973) ("The Constitution extends special safeguards to the privacy of the home"). The city maintains that "[t]here is nothing to suggest that preventing [petitioner] from prohibiting [the easements] will unreasonably impair the value of [her] property as a [retail store]." *PruneYard Shopping Center v. Robins*, 447 U.S. 74, 83, 100 S.Ct. 2035, 2042, 64 L.Ed.2d 741 (1980).

*394 Admittedly, petitioner wants to build a bigger store to attract members of the public to her property. She also wants, however, to be able to control the time and manner in which they enter. The recreational easement on the greenway is different in character from the exercise of state-protected rights of free expression and petition that we permitted in *PruneYard*. In *PruneYard*, we held that a major private shopping center that attracted more than 25,000 daily patrons had to provide access to persons exercising their state constitutional rights to distribute pamphlets and ask passers-by to sign their petitions. *Id.*, at 85, 100 S.Ct., at 2042. We based our decision, in part, on the fact that the shopping center "may restrict expressive activity by adopting time, place, and manner regulations that will minimize any interference with its commercial functions." *Id.*, at 83, 100 S.Ct., at 2042. By contrast, the city wants to impose a permanent recreational easement upon petitioner's property that borders Fanno Creek. Petitioner would lose all rights to regulate the time in which

the public entered onto the greenway, regardless of any interference it might pose with her retail store. Her right to exclude would not be regulated, it would be eviscerated.

If petitioner's proposed development had somehow encroached on existing greenway space in the city, it would have been reasonable to require petitioner to provide some alternative greenway space for the public either on her property or elsewhere. See *Nollan*, 483 U.S., at 836, 107 S.Ct., at 3148 (“Although such a requirement, constituting a permanent grant of continuous access to the property, would have to be considered a taking if it were not attached to a development permit, the Commission's assumed power to forbid construction of the house in order to protect the public's view of the beach must surely include the power to condition construction upon some concession by the owner, even a concession of property rights, that serves the same end”). But that is not the case here. We conclude that the findings upon which the city relies *395 do not show the required reasonable relationship between the floodplain easement and the petitioner's proposed new building.

With respect to the pedestrian/bicycle pathway, we have no doubt that the city was correct in finding that the larger retail sales facility proposed by petitioner will increase traffic on the streets of the Central Business District. The city estimates that the proposed development would generate roughly 435 additional trips per day.⁹ Dedications for streets, sidewalks, and other public ways are generally reasonable exactions to avoid excessive congestion from a proposed property use. But on the record before us, the city has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by petitioner's development reasonably relate to the city's requirement for a dedication of the pedestrian/bicycle pathway easement. The city simply found that the creation of the pathway “could offset some of the traffic **2322 demand ... and lessen the increase in traffic congestion.”¹⁰

⁹ The city uses a weekday average trip rate of 53.21 trips per 1,000 square feet. Additional Trips Generated = 53.21 X (17,600–9,720). App. to Pet. for Cert. G–15.

¹⁰ In rejecting petitioner's request for a variance from the pathway dedication condition, the city stated that omitting the planned section of the pathway across petitioner's property would conflict with its adopted policy of providing a continuous pathway

system. But the Takings Clause requires the city to implement its policy by condemnation unless the required relationship between petitioner's development and added traffic is shown.

As Justice Peterson of the Supreme Court of Oregon explained in his dissenting opinion, however, “[t]he findings of fact that the bicycle pathway system ‘*could* offset some of the traffic demand’ is a far cry from a finding that the bicycle pathway system *will*, or is *likely to*, offset some of the traffic demand.” 317 Ore., at 127, 854 P.2d, at 447 (emphasis in original). No precise mathematical calculation is required, but the city must make some effort to quantify its findings in *396 support of the dedication for the pedestrian/bicycle pathway beyond the conclusory statement that it could offset some of the traffic demand generated.

IV

Cities have long engaged in the commendable task of land use planning, made necessary by increasing urbanization, particularly in metropolitan areas such as Portland. The city's goals of reducing flooding hazards and traffic congestion, and providing for public greenways, are laudable, but there are outer limits to how this may be done. “A strong public desire to improve the public condition [will not] warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.” *Pennsylvania Coal*, 260 U.S., at 416, 43 S.Ct., at 160.

The judgment of the Supreme Court of Oregon is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

Justice STEVENS, with whom Justice BLACKMUN and Justice GINSBURG join, dissenting.

The record does not tell us the dollar value of petitioner Florence Dolan's interest in excluding the public from the greenway adjacent to her hardware business. The mountain of briefs that the case has generated nevertheless makes it obvious that the pecuniary value of her victory is far less important than the rule of law that this case has been used to establish. It is unquestionably an important case.

Certain propositions are not in dispute. The enlargement of the Tigard unit in Dolan's chain of hardware stores will have an adverse impact on the city's legitimate and substantial interests in controlling drainage in Fanno Creek and minimizing traffic congestion in Tigard's business district. That impact is sufficient to justify an outright denial of her application for approval of the expansion. The city has nevertheless ***397** agreed to grant Dolan's application if she will comply with two conditions, each of which admittedly will mitigate the adverse effects of her proposed development. The disputed question is whether the city has violated the Fourteenth Amendment to the Federal Constitution by refusing to allow Dolan's planned construction to proceed unless those conditions are met.

The Court is correct in concluding that the city may not attach arbitrary conditions to a building permit or to a variance even when it can rightfully deny the application outright. I also agree that state court decisions dealing with ordinances that govern municipal development plans provide useful guidance in a case of this kind. Yet the Court's description of the doctrinal underpinnings of its decision, the phrasing of its fledgling test of "rough proportionality," and the application of that test to this case run contrary to the traditional treatment of these cases and break considerable and unpropitious new ground.

I

Candidly acknowledging the lack of federal precedent for its exercise in rulemaking, the Court purports to find guidance in 12 "representative" ****2323** state court decisions. To do so is certainly appropriate.¹ The state cases the Court consults, however, either fail to support or decidedly undermine the Court's conclusions in key respects.

¹ Cf. *Moore v. East Cleveland*, 431 U.S. 494, 513–521, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977) (STEVENS, J., concurring in judgment).

First, although discussion of the state cases permeates the Court's analysis of the appropriate test to apply in this case, the test on which the Court settles is not naturally derived from those courts' decisions. The Court recognizes as an initial matter that the city's conditions satisfy the "essential nexus" requirement announced in *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987), because they serve the legitimate interests in

minimizing floods and traffic congestions. ***398** *Ante*, at 2317–2318.² The Court goes on, however, to erect a new constitutional hurdle in the path of these conditions. In addition to showing a rational nexus to a public purpose that would justify an outright denial of the permit, the city must also demonstrate "rough proportionality" between the harm caused by the new land use and the benefit obtained by the condition. *Ante*, at 2319. The Court also decides for the first time that the city has the burden of establishing the constitutionality of its conditions by making an "individualized determination" that the condition in question satisfies the proportionality requirement. See *Ibid*.

² In *Nollan* the Court recognized that a state agency may condition the grant of a land use permit on the dedication of a property interest if the dedication serves a legitimate police-power purpose that would justify a refusal to issue the permit. For the first time, however, it held that such a condition is unconstitutional if the condition "utterly fails" to further a goal that would justify the refusal. 483 U.S., at 837, 107 S.Ct., at 3148. In the *Nollan* Court's view, a condition would be constitutional even if it required the Nollans to provide a viewing spot for passers-by whose view of the ocean was obstructed by their new house. *Id.*, at 836, 107 S.Ct., at 3148. "Although such a requirement, constituting a permanent grant of continuous access to the property, would have to be considered a taking if it were not attached to a development permit, the Commission's assumed power to forbid construction of the house in order to protect the public's view of the beach must surely include the power to condition construction upon some concession by the owner, even a concession of property rights, that serves the same end." *Ibid*.

Not one of the state cases cited by the Court announces anything akin to a "rough proportionality" requirement. For the most part, moreover, those cases that invalidated municipal ordinances did so on state law or unspecified grounds roughly equivalent to *Nollan*'s "essential nexus" requirement. See, e.g., *Simpson v. North Platte*, 206 Neb. 240, 245–248, 292 N.W.2d 297, 301–302 (1980) (ordinance lacking "reasonable relationship" or "rational nexus" to property's use violated Nebraska Constitution); *J.E.D. Associates, Inc. v. Atkinson*, 121 N.H. 581, 583–585, 432 A.2d 12, 14–15 (1981) (state constitutional grounds). One case purporting ***399** to apply the strict "specifically

and uniquely attributable” test established by *Pioneer Trust & Savings Bank v. Mount Prospect*, 22 Ill.2d 375, 176 N.E.2d 799 (1961), nevertheless found that test was satisfied because the legislature had decided that the subdivision at issue created the need for a park or parks. *Billings Properties, Inc. v. Yellowstone County*, 144 Mont. 25, 33–36, 394 P.2d 182, 187–188 (1964). In only one of the seven cases upholding a land use regulation did the losing property owner petition this Court for certiorari. See *Jordan v. Menomonee Falls*, 28 Wis.2d 608, 137 N.W.2d 442 (1965), appeal dismissed, 385 U.S. 4, 87 S.Ct. 36, 17 L.Ed.2d 3 (1966) (want of substantial federal question). Although 4 of the 12 opinions mention the Federal Constitution—2 of those only in passing—it is quite obvious that neither the courts nor the litigants imagined they might be participating in the development of a new rule of federal law. Thus, although these state cases do lend support to the Court's reaffirmance of *Nollan*'s reasonable nexus requirement, the role the Court accords them in the announcement of its newly minted second phase of the constitutional inquiry is remarkably inventive.

****2324** In addition, the Court ignores the state courts' willingness to consider what the property owner gains from the exchange in question. The Supreme Court of Wisconsin, for example, found it significant that the village's approval of a proposed subdivision plat “enables the subdivider to profit financially by selling the subdivision lots as home-building sites and thus realizing a greater price than could have been obtained if he had sold his property as unplatted lands.” *Jordan v. Menomonee Falls*, 28 Wis.2d, at 619–620, 137 N.W.2d, at 448. The required dedication as a condition of that approval was permissible “[i]n return for this benefit.” *Ibid.* See also *Collis v. Bloomington*, 310 Minn. 5, 11–13, 246 N.W.2d 19, 23–24 (1976) (citing *Jordan*); *College Station v. Turtle Rock Corp.*, 680 S.W.2d 802, 806 (Tex.1984) (dedication requirement only triggered when developer chooses ***400** to develop land). In this case, moreover, Dolan's acceptance of the permit, with its attached conditions, would provide her with benefits that may well go beyond any advantage she gets from expanding her business. As the United States pointed out at oral argument, the improvement that the city's drainage plan contemplates would widen the channel and reinforce the slopes to increase the carrying capacity during serious floods, “confer[ring] considerable benefits on the property owners immediately adjacent to the creek.” Tr. of Oral Arg. 41–42.

The state court decisions also are enlightening in the extent to which they required that the *entire parcel* be given controlling

importance. All but one of the cases involve challenges to provisions in municipal ordinances requiring developers to dedicate either a percentage of the entire parcel (usually 7 or 10 percent of the platted subdivision) or an equivalent value in cash (usually a certain dollar amount per lot) to help finance the construction of roads, utilities, schools, parks, and playgrounds. In assessing the legality of the conditions, the courts gave no indication that the transfer of an interest in realty was any more objectionable than a cash payment. See, e.g., *Jenad, Inc. v. Scarsdale*, 18 N.Y.2d 78, 271 N.Y.S.2d 955, 218 N.E.2d 673 (1966); *Jordan v. Menomonee Falls*, 28 Wis.2d 608, 137 N.W.2d 442 (1965); *Collis v. Bloomington*, 310 Minn. 5, 246 N.W.2d 19 (1976). None of the decisions identified the surrender of the fee owner's “power to exclude” as having any special significance. Instead, the courts uniformly examined the character of the entire economic transaction.

II

It is not merely state cases, but our own cases as well, that require the analysis to focus on the impact of the city's action on the entire parcel of private property. In *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978), we stated that takings jurisprudence “does not divide a single parcel ***401** into discrete segments and attempt to determine whether rights in a particular segment have been entirely abrogated.” *Id.*, at 130–131, 98 S.Ct., at 2662. Instead, this Court focuses “both on the character of the action and on the nature and extent of the interference with rights in the parcel as a whole.” *Ibid.* *Andrus v. Allard*, 444 U.S. 51, 100 S.Ct. 318, 62 L.Ed.2d 210 (1979), reaffirmed the nondivisibility principle outlined in *Penn Central*, stating that “[a]t least where an owner possesses a full ‘bundle’ of property rights, the destruction of one ‘strand’ of the bundle is not a taking, because the aggregate must be viewed in its entirety.” 444 U.S., at 65–66, 100 S.Ct., at 327.³ As recently as last Term, we approved the principle again. See *Concrete Pipe & Products of Cal., Inc. v. Construction Laborers Pension Trust for Southern Cal.*, 508 U.S. 602, 644, 113 S.Ct. 2264, 2290, 124 L.Ed.2d 539 (1993) (explaining that “a claimant's parcel of property [cannot] first be divided into what was taken and what was left” to demonstrate a compensable taking). Although limitation of the right to exclude others undoubtedly constitutes a significant ****2325** infringement upon property ownership, *Kaiser Aetna v. United States*, 444 U.S. 164, 179–180, 100 S.Ct. 383, 393, 62 L.Ed.2d 332 (1979), restrictions on that

right do not alone constitute a taking, and do not do so in any event unless they “unreasonably impair the value or use” of the property. *PruneYard Shopping Center v. Robins*, 447 U.S. 74, 82–84, 100 S.Ct. 2035, 2041–2042, 64 L.Ed.2d 741 (1980).

³ Similarly, in *Keystone Bituminous Coal Assn. v. DeBenedictis*, 480 U.S. 470, 498–499, 107 S.Ct. 1232, 1249, 94 L.Ed.2d 472 (1987), we concluded that “[t]he 27 million tons of coal do not constitute a separate segment of property for takings law purposes” and that “[t]here is no basis for treating the less than 2% of petitioners’ coal as a separate parcel of property.”

The Court’s narrow focus on one strand in the property owner’s bundle of rights is particularly misguided in a case involving the development of commercial property. As Professor Johnston has noted:

“The subdivider is a manufacturer, processor, and marketer of a product; land is but one of his raw materials. In subdivision control disputes, the developer is ***402** not defending hearth and home against the king’s intrusion, but simply attempting to maximize his profits from the sale of a finished product. As applied to him, subdivision control exactions are actually business regulations.” Johnston, *Constitutionality of Subdivision Control Exactions: The Quest for A Rationale*, 52 Cornell L.Q. 871, 923 (1967).⁴

⁴ Johnston’s article also sets forth a fair summary of the state cases from which the Court purports to derive its “rough proportionality” test. See 52 Cornell L.Q., at 917. Like the Court, Johnston observed that cases requiring a “rational nexus” between exactions and public needs created by the new subdivision—especially *Jordan v. Menomonee Falls*, 28 Wis.2d 608, 137 N.W.2d 442 (1965)—“steer[r] a moderate course” between the “judicial obstructionism” of *Pioneer Trust & Savings Bank v. Mount Prospect*, 22 Ill.2d 375, 176 N.E.2d 799 (1961), and the “excessive deference” of *Billings Properties, Inc. v. Yellowstone County*, 144 Mont. 25, 394 P.2d 182 (1964). 52 Cornell L.Q., at 917.

The exactions associated with the development of a retail business are likewise a species of business regulation that heretofore warranted a strong presumption of constitutional validity.

In Johnston’s view, “if the municipality can demonstrate that its assessment of financial burdens against subdividers is rational, impartial, and conducive to fulfillment of authorized planning objectives, its action need be invalidated only in those extreme and presumably rare cases where the burden of compliance is sufficiently great to deter the owner from proceeding with his planned development.” *Id.*, at 917. The city of Tigard has demonstrated that its plan is rational and impartial and that the conditions at issue are “conducive to fulfillment of authorized planning objectives.” Dolan, on the other hand, has offered no evidence that her burden of compliance has any impact at all on the value or profitability of her planned development. Following the teaching of the cases on which it purports to rely, the Court should not isolate the burden associated with the loss of the power to exclude ***403** from an evaluation of the benefit to be derived from the permit to enlarge the store and the parking lot.

The Court’s assurances that its “rough proportionality” test leaves ample room for cities to pursue the “commendable task of land use planning,” *ante*, at 2322—even twice avowing that “[n]o precise mathematical calculation is required,” *ante*, at 2319, 2322—are wanting given the result that test compels here. Under the Court’s approach, a city must not only “quantify its findings,” *ante*, at 2322, and make “individualized determination[s]” with respect to the nature *and* the extent of the relationship between the conditions and the impact, *ante*, at 2319, 2320, but also demonstrate “proportionality.” The correct inquiry should instead concentrate on whether the required nexus is present and venture beyond considerations of a condition’s nature or germaneness only if the developer establishes that a concededly germane condition is so grossly disproportionate to the proposed development’s adverse effects that it manifests motives other than land use regulation on the part of the city.⁵

****2326** The heightened requirement the Court imposes on cities is even more unjustified when all the tools needed to resolve the questions presented by this case can be garnered from our existing case law.

⁵ Dolan’s attorney overstated the danger when he suggested at oral argument that without some requirement for proportionality, “[t]he City could have found that Mrs. Dolan’s new store would have increased traffic by one additional vehicle trip per day [and] could have required her to dedicate 75, 95

percent of her land for a widening of Main Street.”
Tr. of Oral Arg. 52–53.

III

Applying its new standard, the Court finds two defects in the city's case. First, while the record would adequately support a requirement that Dolan maintain the portion of the floodplain on her property as undeveloped open space, it does not support the additional requirement that the floodplain be dedicated to the city. *Ante*, at 2320–2322. Second, ***404** while the city adequately established the traffic increase that the proposed development would generate, it failed to quantify the offsetting decrease in automobile traffic that the bike path will produce. *Ante*, at 2321–2322. Even under the Court's new rule, both defects are, at most, nothing more than harmless error.

In her objections to the floodplain condition, Dolan made no effort to demonstrate that the dedication of that portion of her property would be any more onerous than a simple prohibition against any development on that portion of her property. Given the commercial character of both the existing and the proposed use of the property as a retail store, it seems likely that potential customers “trampling along petitioner's floodplain,” *ante*, at 2320, are more valuable than a useless parcel of vacant land. Moreover, the duty to pay taxes and the responsibility for potential tort liability may well make ownership of the fee interest in useless land a liability rather than an asset. That may explain why Dolan never conceded that she could be prevented from building on the floodplain. The city attorney also pointed out that absent a dedication, property owners would be required to “build on their own land” and “with their own money” a storage facility for the water runoff. Tr. of Oral Arg. 30–31. Dolan apparently “did have that option,” but chose not to seek it. *Id.*, at 31. If Dolan might have been entitled to a variance confining the city's condition in a manner this Court would accept, her failure to seek that narrower form of relief at any stage of the state administrative and judicial proceedings clearly should preclude that relief in this Court now.

The Court's rejection of the bike path condition amounts to nothing more than a play on words. Everyone agrees that the bike path “could” offset some of the increased traffic flow that the larger store will generate, but the findings do not unequivocally state that it *will* do so, or tell us just how many cyclists will replace motorists. Predictions on such matters are inherently nothing more than estimates. Certainly ***405**

the assumption that there will be an offsetting benefit here is entirely reasonable and should suffice whether it amounts to 100 percent, 35 percent, or only 5 percent of the increase in automobile traffic that would otherwise occur. If the Court proposes to have the federal judiciary micro-manage state decisions of this kind, it is indeed extending its welcome mat to a significant new class of litigants. Although there is no reason to believe that state courts have failed to rise to the task, property owners have surely found a new friend today.

IV

The Court has made a serious error by abandoning the traditional presumption of constitutionality and imposing a novel burden of proof on a city implementing an admittedly valid comprehensive land use plan. Even more consequential than its incorrect disposition of this case, however, is the Court's resurrection of a species of substantive due process analysis that it firmly rejected decades ago.⁶

⁶ See, e.g., *Ferguson v. Skrupa*, 372 U.S. 726, 83 S.Ct. 1028, 10 L.Ed.2d 93 (1963).

The Court begins its constitutional analysis by citing *Chicago, B. & Q.R. Co. v. Chicago*, 166 U.S. 226, 239, 17 S.Ct. 581, 585, 41 L.Ed. 979 (1897), for the proposition that the Takings Clause of the Fifth Amendment is “applicable to the States through the Fourteenth ****2327** Amendment.” *Ante*, at 2316. That opinion, however, contains no mention of either the Takings Clause or the Fifth Amendment;⁷ it held that the protection afforded by the Due Process Clause of the Fourteenth Amendment extends to matters of substance as well as procedure,⁸ and that the substance ***406** of “the due process of law enjoined by the Fourteenth Amendment requires compensation to be made or adequately secured to the owner of private property taken for public use under the authority of a State.” 166 U.S., at 235, 236–241, 17 S.Ct., at 584, 584–586. It applied the same kind of substantive due process analysis more frequently identified with a better known case that accorded similar substantive protection to a baker's liberty interest in working 60 hours a week and 10 hours a day. See *Lochner v. New York*, 198 U.S. 45, 25 S.Ct. 539, 49 L.Ed. 937 (1905).⁹

⁷ An earlier case deemed it “well settled” that the Takings Clause “is a limitation on the power of the Federal government, and not on the States.”

Pumpelly v. Green Bay Co., 13 Wall. 166, 177, 20 L.Ed. 557 (1872).

8 The Court held that a State “may not, by any of its agencies, disregard the prohibitions of the Fourteenth Amendment. Its judicial authorities may keep within the letter of the statute prescribing forms of procedure in the courts and give the parties interested the fullest opportunity to be heard, and yet it might be that its final action would be inconsistent with that amendment. In determining what is due process of law regard must be had to substance, not to form.” *Chicago, B. & Q.R. Co. v. Chicago*, 166 U.S. 226, 234–235, 17 S.Ct. 581, 584, 41 L.Ed. 979 (1897).

9 The *Lochner* Court refused to presume that there was a reasonable connection between the regulation and the state interest in protecting the public health. 198 U.S., at 60–61, 25 S.Ct., at 544. A similar refusal to identify a sufficient nexus between an enlarged building with a newly paved parking lot and the state interests in minimizing the risks of flooding and traffic congestion proves fatal to the city's permit conditions in this case under the Court's novel approach.

Later cases have interpreted the Fourteenth Amendment's substantive protection against uncompensated deprivations of private property by the States as though it incorporated the text of the Fifth Amendment's Takings Clause. See, e.g., *Keystone Bituminous Coal Assn. v. DeBenedictis*, 480 U.S. 470, 481, n. 10, 107 S.Ct. 1232, 1240, n. 10, 94 L.Ed.2d 472 (1987). There was nothing problematic about that interpretation in cases enforcing the Fourteenth Amendment against state action that involved the actual physical invasion of private property. See *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 427–433, 102 S.Ct. 3164, 3172–3175, 73 L.Ed.2d 868 (1982); *Kaiser Aetna v. United States*, 444 U.S., at 178–180, 100 S.Ct., at 392–393. Justice Holmes charted a significant new course, however, when he opined that a state law making it “commercially impracticable to mine certain coal” had “very nearly the same effect for constitutional purposes as appropriating or destroying it.” *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 414, 43 S.Ct. 158, 159, 67 L.Ed. 322 (1922). The so-called “regulatory *407 takings” doctrine that the Holmes dictum¹⁰ kindled has an obvious kinship with the line of substantive due process cases that *Lochner* exemplified. Besides having similar ancestry, both doctrines are potentially open-ended

sources of judicial power to invalidate state economic regulations that Members of this Court view as unwise or unfair.

10 See *Keystone Bituminous Coal Assn. v. DeBenedictis*, 480 U.S., at 484, 107 S.Ct., at 1241 (explaining why this portion of the opinion was merely “advisory”).

This case inaugurates an even more recent judicial innovation than the regulatory takings doctrine: the application of the “unconstitutional conditions” label to a mutually beneficial transaction between a property owner and a city. The Court tells us that the city's refusal to grant Dolan a discretionary benefit infringes her right to receive just compensation for the property interests that she has refused to dedicate to the city “where the property sought has little or no relationship to the benefit.”¹¹ Although it is **2328 well settled that a government cannot deny a benefit on a basis that infringes constitutionally protected interests —“especially [one's] interest in freedom of speech,” *Perry v. Sindermann*, 408 U.S. 593, 597, 92 S.Ct. 2694, 2697, 33 L.Ed.2d 570 (1972)—the “unconstitutional conditions” doctrine provides an inadequate framework in which to analyze this case.¹²

11 *Ante*, at 2317. The Court's entire explanation reads: “Under the well-settled doctrine of ‘unconstitutional conditions,’ the government may not require a person to give up a constitutional right—here the right to receive just compensation when property is taken for a public use—in exchange for a discretionary benefit conferred by the government where the benefit sought has little or no relationship to the property.”

12 Although it has a long history, see *Home Ins. Co. v. Morse*, 20 Wall. 445, 451, 22 L.Ed. 365 (1874), the “unconstitutional conditions” doctrine has for just as long suffered from notoriously inconsistent application; it has never been an overarching principle of constitutional law that operates with equal force regardless of the nature of the rights and powers in question. See, e.g., Sunstein, Why the Unconstitutional Conditions Doctrine is an Anachronism, 70 B.U.L.Rev. 593, 620 (1990) (doctrine is “too crude and too general to provide help in contested cases”); Sullivan, Unconstitutional

Conditions, 102 Harv.L.Rev. 1415, 1416 (1989) (doctrine is “riven with inconsistencies”); Hale, Unconstitutional Conditions and Constitutional Rights, 35 Colum.L.Rev. 321, 322 (1935) (“The Supreme Court has sustained many such exertions of power even after announcing the broad doctrine that would invalidate them”). As the majority's case citations suggest, *ante*, at 2316, modern decisions invoking the doctrine have most frequently involved First Amendment liberties, see also, e.g., *Connick v. Myers*, 461 U.S. 138, 143–144, 103 S.Ct. 1684, 1688, 75 L.Ed.2d 708 (1983); *Elrod v. Burns*, 427 U.S. 347, 361–363, 96 S.Ct. 2673, 2684, 49 L.Ed.2d 547 (1976) (plurality opinion); *Sherbert v. Verner*, 374 U.S. 398, 404, 83 S.Ct. 1790, 1794, 10 L.Ed.2d 965 (1963); *Speiser v. Randall*, 357 U.S. 513, 518–519, 78 S.Ct. 1332, 1338, 2 L.Ed.2d 1460 (1958). But see *Posadas de Puerto Rico Associates v. Tourism Co. of P.R.*, 478 U.S. 328, 345–346, 106 S.Ct. 2968, 2979, 92 L.Ed.2d 266 (1986) (“[T]he greater power to completely ban casino gambling necessarily includes the lesser power to ban advertising of casino gambling”). The necessary and traditional breadth of municipalities' power to regulate property development, together with the absence here of fragile and easily “chilled” constitutional rights such as that of free speech, make it quite clear that the Court is really writing on a clean slate rather than merely applying “well-settled” doctrine. *Ante*, at 2316.

***408** Dolan has no right to be compensated for a taking unless the city acquires the property interests that she has refused to surrender. Since no taking has yet occurred, there has not been any infringement of her constitutional right to compensation. See *Preseault v. ICC*, 494 U.S. 1, 11–17, 110 S.Ct. 914, 921–924, 108 L.Ed.2d 1 (1990) (finding takings claim premature because property owner had not yet sought compensation under Tucker Act); *Hodel v. Virginia Surface Mining & Reclamation Assn., Inc.*, 452 U.S. 264, 294–295, 101 S.Ct. 2352, 2370, 69 L.Ed.2d 1 (1981) (no taking where no one “identified any property ... that has allegedly been taken”).

Even if Dolan should accept the city's conditions in exchange for the benefit that she seeks, it would not necessarily follow that she had been denied “just compensation” since it would be appropriate to consider the receipt of that benefit in any calculation of “just compensation.” See *Pennsylvania Coal*

Co. v. Mahon, 260 U.S., at 415, 43 S.Ct., at 160 (noting that an “average reciprocity of advantage” was deemed to justify many laws); *Hodel v. Irving*, 481 U.S. 704, 715, 107 S.Ct. 2076, 2082, 95 L.Ed.2d 668 (1987) (such “ ‘reciprocity of advantage’ ” weighed in favor of a statute's constitutionality).

409** Particularly in the absence of any evidence on the point, we should not presume that the discretionary benefit the city has offered is less valuable than the property interests that Dolan can retain or surrender at her option. But even if that discretionary benefit were so trifling that it could not be considered just compensation when it has “little or no relationship” to the property, the Court fails to explain why the same value would suffice when the required nexus is present. In this respect, the Court's reliance on the “unconstitutional conditions” doctrine is assuredly novel, and arguably incoherent. The city's conditions are by no means immune from constitutional scrutiny. The level of scrutiny, however, does not approximate the kind of review that would apply if the city had insisted on a surrender of Dolan's First Amendment rights in exchange for a building *2329** permit. One can only hope that the Court's reliance today on First Amendment cases, see *ante*, at 2317 (citing *Perry v. Sindermann*, *supra*, and *Pickering v. Board of Ed. of Township High School Dist. 205, Will Cty.*, 391 U.S. 563, 568, 88 S.Ct. 1731, 1734, 20 L.Ed.2d 811 (1968)), and its candid disavowal of the term “rational basis” to describe its new standard of review, see *ante*, at 2319, do not signify a reassertion of the kind of superlegislative power the Court exercised during the *Lochner* era.

The Court has decided to apply its heightened scrutiny to a single strand—the power to exclude—in the bundle of rights that enables a commercial enterprise to flourish in an urban environment. That intangible interest is undoubtedly worthy of constitutional protection—much like the grandmother's interest in deciding which of her relatives may share her home in *Moore v. East Cleveland*, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977). Both interests are protected from arbitrary state action by the Due Process Clause of the Fourteenth Amendment. It is, however, a curious irony that Members of the majority in this case would impose an almost insurmountable burden of proof on the property owner in the *Moore* case ***410** while saddling the city with a heightened burden in this case.¹³

¹³ The author of today's opinion joined Justice Stewart's dissent in *Moore v. East Cleveland*, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977). There the dissenters found it sufficient, in response

to my argument that the zoning ordinance was an arbitrary regulation of property rights, that “if the ordinance is a rational attempt to promote ‘the city’s interest in preserving the character of its neighborhoods,’ *Young v. American Mini Theatres [Inc.]*, 427 U.S. 50, 71 [96 S.Ct. 2440, 2452, 49 L.Ed.2d 310 (1976)] (opinion of STEVENS, J.), it is ... a permissible restriction on the use of private property under *Euclid v. Ambler Realty Co.*, 272 U.S. 365 [47 S.Ct. 114, 71 L.Ed. 303 (1926)], and *Nectow v. Cambridge*, 277 U.S. 183 [48 S.Ct. 447, 72 L.Ed. 842 (1928)].” *Id.*, 431 U.S., at 540, n. 10, 97 S.Ct., at 1956, n. 10. The dissent went on to state that my calling the city to task for failing to explain the need for enacting the ordinance “place[d] the burden on the wrong party.” *Ibid.* (emphasis added). Recently, two other Members of today’s majority severely criticized the holding in *Moore*. See *United States v. Carlton*, 512 U.S. 26, 40–42, 114 S.Ct. 2018, 2027, 129 L.Ed.2d 22 (1994) (SCALIA, J., concurring in judgment); see also *id.*, at 39, 114 S.Ct. at 2020 (SCALIA, J., concurring in judgment) (calling the doctrine of substantive due process “an oxymoron”).

In its application of what is essentially the doctrine of substantive due process, the Court confuses the past with the present. On November 13, 1922, the village of Euclid, Ohio, adopted a zoning ordinance that effectively confiscated 75 percent of the value of property owned by the Ambler Realty Company. Despite its recognition that such an ordinance “would have been rejected as arbitrary and oppressive” at an earlier date, the Court (over the dissent of Justices Van Devanter, McReynolds, and Butler) upheld the ordinance. Today’s majority should heed the words of Justice Sutherland:

“Such regulations are sustained, under the complex conditions of our day, for reasons analogous to those which justify traffic regulations, which, before the advent of automobiles and rapid transit street railways, would have been condemned as fatally arbitrary and unreasonable. And in this there is no inconsistency, for while the meaning of constitutional guaranties never varies, the scope of their application must expand or contract *411 to meet the new and different conditions which are constantly coming within the field of their operation. In a changing world, it is impossible that it should be otherwise.” *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 387, 47 S.Ct. 114, 118, 71 L.Ed. 303 (1926).

In our changing world one thing is certain: uncertainty will characterize predictions about the impact of new urban developments on the risks of floods, earthquakes, traffic congestion, or environmental harms. When there is doubt concerning the magnitude of those impacts, the public interest in averting them must outweigh the private interest of the commercial entrepreneur. If the government can demonstrate that the conditions it has imposed in a land use permit are rational, impartial and conducive to fulfilling the aims of a valid land use plan, a strong presumption **2330 of validity should attach to those conditions. The burden of demonstrating that those conditions have unreasonably impaired the economic value of the proposed improvement belongs squarely on the shoulders of the party challenging the state action’s constitutionality. That allocation of burdens has served us well in the past. The Court has stumbled badly today by reversing it.

I respectfully dissent.

Justice SOUTER, dissenting.

This case, like *Nollan v. California Coastal Comm’n*, 483 U.S. 825, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987), invites the Court to examine the relationship between conditions imposed by development permits, requiring landowners to dedicate portions of their land for use by the public, and governmental interests in mitigating the adverse effects of such development. *Nollan* declared the need for a nexus between the nature of an exaction of an interest in land (a beach easement) and the nature of governmental interests. The Court treats this case as raising a further question, not about the nature, but about the degree, of connection required between such an exaction and the *412 adverse effects of development. The Court’s opinion announces a test to address this question, but as I read the opinion, the Court does not apply that test to these facts, which do not raise the question the Court addresses.

First, as to the floodplain and greenway, the Court acknowledges that an easement of this land for open space (and presumably including the five feet required for needed creek channel improvements) is reasonably related to flood control, see *ante*, at 2317–2318, 2320, but argues that the “permanent recreational easement” for the public on the greenway is not so related, see *ante*, at 2320–2321. If that is so, it is not because of any lack of proportionality between permit condition and adverse effect, but because of a lack of any rational connection at all between exaction of a public

recreational area and the governmental interest in providing for the effect of increased water runoff. That is merely an application of *Nollan*'s nexus analysis. As the Court notes, “[i]f petitioner's proposed development had somehow encroached on existing greenway space in the city, it would have been reasonable to require petitioner to provide some alternative greenway space for the public.” *Ante*, at 2321. But that, of course, was not the fact, and the city of Tigard never sought to justify the public access portion of the dedication as related to flood control. It merely argued that whatever recreational uses were made of the bicycle path and the 1-foot edge on either side were incidental to the permit condition requiring dedication of the 15-foot easement for an 8-foot-wide bicycle path and for flood control, including open space requirements and relocation of the bank of the river by some 5 feet. It seems to me such incidental recreational use can stand or fall with the bicycle path, which the city justified by reference to traffic congestion. As to the relationship the Court examines, between the recreational easement and a purpose never put forth as a justification by the city, the Court unsurprisingly finds a recreation area to be unrelated to flood control.

***413** Second, as to the bicycle path, the Court again acknowledges the “theor[etically]” reasonable relationship between “the city's attempt to reduce traffic congestion by providing [a bicycle path] for alternative means of transportation,” *ante*, at 2318, and the “correct” finding of the city that “the larger retail sales facility proposed by petitioner will increase traffic on the streets of the Central Business District,” *ante*, at 2321. The Court only faults the city for saying that the bicycle path “could” rather than “would” offset the increased traffic from the store, *ante*, at 2322. That again, as far as I can tell, is an application of *Nollan*, for the Court holds that the stated connection (“could offset”) between traffic congestion and bicycle paths is too tenuous; only if the bicycle path “would” offset the increased traffic by some amount could the bicycle path be said to be related to the city's legitimate interest in reducing traffic congestion.

****2331** I cannot agree that the application of *Nollan* is a sound one here, since it appears that the Court has placed the burden of producing evidence of relationship on the city, despite the usual rule in cases involving the police power that the government is presumed to have acted constitutionally. ^{*} Having thus assigned the burden, the Court concludes that the city loses based on one word (“could” instead of “would”), and despite the fact that this record shows the connection the Court looks for. Dolan has put

forward no evidence that ***414** the burden of granting a dedication for the bicycle path is unrelated in kind to the anticipated increase in traffic congestion, nor, if there exists a requirement that the relationship be related in degree, has Dolan shown that the exaction fails any such test. The city, by contrast, calculated the increased traffic flow that would result from Dolan's proposed development to be 435 trips per day, and its Comprehensive Plan, applied here, relied on studies showing the link between alternative modes of transportation, including bicycle paths, and reduced street traffic congestion. See, e.g., App. to Brief for Respondent A–5, quoting City of Tigard's Comprehensive Plan (“ ‘Bicycle and pedestrian pathway systems will result in some reduction of automobile trips within the community’ ”). *Nollan*, therefore, is satisfied, and on that assumption the city's conditions should not be held to fail a further rough proportionality test or any other that might be devised to give meaning to the constitutional limits. As Members of this Court have said before, “the common zoning regulations requiring subdividers to ... dedicate certain areas to public streets, are in accord with our constitutional traditions because the proposed property use would otherwise be the cause of excessive congestion.” *Pennell v. San Jose*, 485 U.S. 1, 20, 108 S.Ct. 849, 862, 99 L.Ed.2d 1 (1988) (SCALIA, J., concurring in part and dissenting in part). The bicycle path permit condition is fundamentally no different from these.

^{*} See, e.g., *Goldblatt v. Hempstead*, 369 U.S. 590, 594–596, 82 S.Ct. 987, 990, 8 L.Ed.2d 130 (1962); *United States v. Sperry Corp.*, 493 U.S. 52, 60, 110 S.Ct. 387, 393–394, 107 L.Ed.2d 290 (1989). The majority characterizes this case as involving an “adjudicative decision” to impose permit conditions, *ante*, at 2390, n. 8, but the permit conditions were imposed pursuant to Tigard's Community Development Code. See, e.g., § 18.84.040, App. to Brief for Respondent B–26. The adjudication here was of Dolan's requested variance from the permit conditions otherwise required to be imposed by the Code. This case raises no question about discriminatory, or “reverse spot,” zoning, which “singles out a particular parcel for different, less favorable treatment than the neighboring ones.” *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 132, 98 S.Ct. 2646, 2663, 57 L.Ed.2d 631 (1978).

In any event, on my reading, the Court's conclusions about the city's vulnerability carry the Court no further than *Nollan* has gone already, and I do not view this case as a suitable vehicle

for taking the law beyond that point. The right case for the enunciation of takings doctrine seems hard to spot. See *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1076, 112 S.Ct. 2886, 2925, 120 L.Ed.2d 798 (1992) (statement of SOUTER, J.).

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421 S.W.3d 74
Court of Appeals of Texas, Dallas.

MIRA MAR DEVELOPMENT
CORPORATION, Appellant
v.
CITY OF COPPELL, TEXAS, Appellee.

No. 05–10–00283–CV
|
Oct. 7, 2013.

Synopsis

Background: Developer sought review of city council's decision regarding compensation for taking. The 101st Judicial District Court, Dallas County, [Martin Lowy](#), J., mostly affirmed the city council's decision, but awarded developer an additional \$8,785. Developer appealed.

Holdings: The Court of Appeals, [Myers](#), J., held that:

city's requirement that developer use straight curbs in subdivision did not constitute a compensable exaction for property development;

city's requirement that developer add two extra drainage outlets did not constitute a compensable exaction for property development;

city's requirement that developer raise the elevation of the “pad site” did not constitute a compensable exaction for property development;

city's requirement that developer extend drainage pipe constituted a compensable exaction for property development;

city's requirement that developer add a sewer manhole did not constitute a compensable exaction for property development;

city's requirement that developer use concrete waterline caps did not constitute a compensable exaction for property development;

city's requirement that developer of subdivision change slopes from three-to-one to four-to-one was a compensable exaction;

city's \$2000 fee for review of developer's floodplain study was not a compensable exaction;

city's assessment of a \$34,500 tree retribution fee constituted a compensable exaction;

city's assessment of roadway, sewer, and water impact fees did not constitute a compensable exaction; and

developer's delays in construction while waiting for plat approval and building permits were not exactions by city.

Affirmed in part, reversed and rendered in part, and reversed and remanded in part.

Procedural Posture(s): On Appeal.

Attorneys and Law Firms

*[80 Jeffrey Robert Sandberg](#), Palmer & Manuel, LLP, Dallas, TX, for Appellant.

[Carvan E. Adkins](#), Taylor, Olson, Adkins, Sralla & Elam, Fort Worth, TX, for Appellee.

Before Justices [LANG](#), [MYERS](#), and [MURPHY](#).¹

¹ The Honorable Mary Murphy, Justice, participated in the submission of this cause and the issuance of this Court's original opinion on March 23, 2012. Justice Murphy resigned from the Court on June 7, 2013. Appellant filed its Unopposed Motion to Modify Judgment and Recall Mandate on September 23, 2013.

OPINION NUNC PRO TUNC

Opinion by Justice [MYERS](#).

This case involves an appeal from a city council hearing to a district court pursuant to [Texas Local Government Code section 212.904\(e\)](#). Mira Mar Development Corporation appeals the district court's judgment in favor of City of Coppell, Texas on its claims seeking compensation for exactions. Appellant brings nine issues asserting the trial court erred by denying its motion for summary judgment and granting the City's motion for summary judgment and for awarding appellant only \$40,280.84. We affirm in part,

reverse and render in part, and reverse and remand in part for further proceedings.

BACKGROUND

In 2006, appellant purchased approximately 18.5 acres in Coppell, Texas, to develop a 29-lot residential subdivision called Alexander Court. In 2008, appellant sold the lots to David Weekley Homes, a home builder.

This lawsuit concerns appellant's conflicts with the City in obtaining approval of the development, including delays and changes to the development plan that increased appellant's costs and reduced the sale price of the lots. Appellant demanded the City compensate it for the increased costs and reduced sale price. Appellant sought a review of its grievances in a hearing before the City Council pursuant to [section 212.904 of the Texas Local Government Code](#). See [TEX. LOC. GOV'T CODE ANN. § 212.904\(b\)](#) (West 2008). The City Council approved procedures for the hearing, which did not permit appellant to cross-examine the City's witnesses or present rebuttal evidence. At the conclusion of the hearing, the City awarded appellant \$21,709.84 for taking .147 acre of land for a roadway. The City credited \$18,444 toward outstanding roadway-assessment fees *81 appellant owed on the project, which left \$3265.84 the City owed appellant. See [TEX. LOC. GOV'T CODE ANN. § 395.023](#) (West 2005).

Appellant brought suit in district court appealing the City Council's decision pursuant to [section 212.904\(b\) of the Local Government Code](#). Appellant also alleged violations of its substantive and procedural due process rights and that the City's actions constituted compensable exactions or takings under the federal and state constitutions. In its first motion for summary judgment, appellant contended the City's procedures for the hearing before the City Council denied it due process, and the trial court agreed. The trial court granted the motion for summary judgment and ordered the City Council to conduct another hearing under procedures that accorded appellant due process. The second hearing before the City Council took place over three days in March and April 2009. After the second hearing, the City issued findings of fact and conclusions of law and awarded appellant an additional \$28,230 in compensation consisting of \$12,465 for sidewalk construction costs, \$11,265 for park fees, and \$4500 for an extra water tap. The City Council also awarded appellant \$1800 for attorney's fees. This second hearing was recorded by a court reporter.

In its second motion for summary judgment, appellant argued it was entitled to compensation as a matter of law because the City failed to prove the exactions were roughly proportional to the projected impact of the development and because appellant established the amount of compensation to which it was entitled as a matter of law: \$792,657 plus attorney's fees. Appellant also argued the City Council's new procedures were unconstitutional. The district court denied appellant's second motion for summary judgment and stated it would "review the record of the proceedings before the Coppell City Council to determine whether the decision of the City Council is supported by substantial evidence."

On September 21, 2009, the trial court held a hearing under the substantial evidence standard of review. On October 5, 2009, the court signed an order mostly affirming the City Council's findings of fact and conclusions of law as supported by substantial evidence, but the court awarded appellant an additional \$8785 for the value of the land occupied by the sidewalk. The court also reversed the award of attorney's fees to appellant, stating in the order that appellant was not a prevailing party.

Appellant then filed its third motion for summary judgment and the City filed its only motion for summary judgment. In these motions, the parties argued they were entitled to judgment as a matter of law concerning whether the procedures in the City Council hearing provided appellant substantive and procedural due process and whether the City's requirements, fees, and delays in the development-approval process were compensable exactions. Appellant's motion sought compensation of \$801,762 for the City's exactions, plus attorney's fees.

The trial court granted the City's motion, denied appellant's motion, and rendered judgment for appellant awarding it \$40,280.84, consisting of the \$31,495.84 awarded by the City and the \$8785 awarded by the trial court for the land occupied by the sidewalk. The court denied appellant's request for attorney's fees.

APPLICABLE LAW

Takings

[Article I, section 17 of the Texas Constitution](#) prohibits the taking of private property for public use without adequate

compensation. TEX. CONST. art. I, § 17; *82 see *Mayhew v. Town of Sunnyvale*, 964 S.W.2d 922, 933 (Tex.1998). This provision and the Just Compensation Clause of the Fifth Amendment to the United States Constitution, applied to the individual states through the Fourteenth Amendment, were “designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” *Armstrong v. United States*, 364 U.S. 40, 49, 80 S.Ct. 1563, 4 L.Ed.2d 1554 (1960); see U.S. CONST. amends. V, XIV. Whether particular facts are sufficient to constitute a taking is a question of law. *Gen. Servs. v. Little-Tex Insulation Co.*, 39 S.W.3d 591, 598 (Tex.2001).

Takings can be classified as either physical or regulatory. *Mayhew*, 964 S.W.2d at 933. A physical taking occurs when the government authorizes an unwarranted physical occupation of an individual's property. *Id.* A regulatory taking may occur when a government conditions the granting of a permit or some other type of government approval on an exaction from a landowner seeking that approval. See *Dolan v. City of Tigard*, 512 U.S. 374, 384–85, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994); *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620, 634 (Tex.2004). An exaction occurs if a governmental entity requires an action by a landowner as a condition to obtaining government approval of a requested land development.² *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 71 S.W.3d 18, 30 (Tex.App.-Fort Worth 2002), *aff'd*, *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620 (Tex.2004); *City of Carrollton v. RIHR, Inc.*, 308 S.W.3d 444, 449 (Tex.App.-Dallas 2010, pet. denied). At oral argument, appellant's counsel confirmed that all of appellant's takings claims were under the exaction theory.³

² The Houston (14th District) Court of Appeals has defined a land-use exaction as occurring “when the government requires an owner to give up his right to just compensation for property taken in exchange for a discretionary benefit conferred by the government.” *City of Houston v. Maguire Oil Co.*, 342 S.W.3d 726, 736 (Tex.App.-Houston [14th Dist.] 2011, pet. denied) (citing *Lingle v. Chevron U.S.A., Inc.*, 544 U.S. 528, 548, 125 S.Ct. 2074, 161 L.Ed.2d 876 (2005)); see also *Dolan*, 512 U.S. at 385, 114 S.Ct. 2309 (“[T]he government may not require a person to give up a constitutional right—here the right to receive just compensation

when property is taken for a public use—in exchange for a discretionary benefit conferred by the government where the benefit sought has little or no relationship to the property.”).

³ In the discussion below, we conclude that some of appellant's allegations are not exactions. Whether those allegations may constitute another type of regulatory taking is not before us.

For an exaction to be compensable, it must be a cost that, in fairness and justice, should be borne by the public instead of the individual. As the Texas Supreme Court observed, “The touchstone of the constitutional takings protections is that a few not be forced ... ‘to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.’” *Stafford Estates*, 135 S.W.3d 620, 642 (quoting *Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825, 835 n. 4, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987) (quoting *Armstrong*, 364 U.S. at 49, 80 S.Ct. 1563)). To apply this sense of “fairness and justice,” the Texas Supreme Court has adopted a “rough proportionality” test to determine whether an exaction constitutes a compensable taking:

[C]onditioning government approval of a development of property on some exaction is a compensable taking unless the condition (1) bears an essential nexus to the substantial advancement of some legitimate government interest and (2) is *83 roughly proportional to the projected impact of the proposed development.

Stafford Estates, 135 S.W.3d at 634; see *Dolan*, 512 U.S. at 391, 114 S.Ct. 2309; *Nollan*, 483 U.S. at 837, 107 S.Ct. 3141. Under this test, the government must make an “individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.” *Stafford Estates*, 135 S.W.3d at 633 (citing *Dolan*, 512 U.S. at 391, 114 S.Ct. 2309). Thus, after the plaintiff proves an exaction, the burden of proof shifts to the government to prove the exaction imposed meets the test. See *id.* at 643. The government's proof of rough proportionality of the impact must be more than bare conclusions; the government is “required to measure that impact in a meaningful, though not precisely mathematical, way, and must show how the impact,

thus measured, is roughly proportional in nature and extent to the required improvements.” *Id.* at 644.

Summary Judgment

The standard for reviewing a traditional summary judgment is well established. See *Nixon v. Mr. Prop. Mgmt. Co.*, 690 S.W.2d 546, 548–49 (Tex.1985); *McAfee, Inc. v. Agilysys, Inc.*, 316 S.W.3d 820, 825 (Tex.App.-Dallas 2010, no pet.). The movant has the burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. TEX.R. CIV. P. 166a(c). In deciding whether a disputed material fact issue exists precluding summary judgment, evidence favorable to the nonmovant will be taken as true. *Nixon*, 690 S.W.2d at 549; *In re Estate of Berry*, 280 S.W.3d 478, 480 (Tex.App.-Dallas 2009, no pet.). Every reasonable inference must be indulged in favor of the nonmovant and any doubts resolved in its favor. *City of Keller v. Wilson*, 168 S.W.3d 802, 824 (Tex.2005). We review a summary judgment de novo to determine whether a party's right to prevail is established as a matter of law. *Dickey v. Club Corp.*, 12 S.W.3d 172, 175 (Tex.App.-Dallas 2000, pet. denied).

When, as here, both parties move for summary judgment, each party bears the burden of establishing that it is entitled to judgment as a matter of law. *Guynes v. Galveston Cnty.*, 861 S.W.2d 861, 862 (Tex.1993); *Howard v. INA Cnty. Mut. Ins. Co.*, 933 S.W.2d 212, 216 (Tex.App.-Dallas 1996, writ denied). Neither party can prevail because of the other's failure to discharge its burden. *Howard*, 933 S.W.2d at 216. When both parties move for summary judgment, we consider all the evidence accompanying both motions in determining whether to grant either party's motion. *FM Props. Operating Co. v. City of Austin*, 22 S.W.3d 868, 872 (Tex.2000). When the trial court grants one motion and denies the other, the reviewing court should determine all questions presented. *Id.* The reviewing court should render the judgment that the trial court should have rendered. *Id.* When a trial court's order granting summary judgment does not specify the grounds relied upon, the reviewing court must affirm the summary judgment if any of the summary judgment grounds are meritorious. *Id.*

Summary Judgment Evidence

In the third issue, appellant contends the trial court erred by overruling its objections to the City's summary judgment

evidence. Appellant objected to twenty-two of the exhibits attached to the City's motion for motion for summary judgment and to the transcript of the second City Council hearing. Appellant asserts these items were inadmissible because they were pleadings, unauthenticated, hearsay, or “not summary judgment evidence.”

*84 The admission and exclusion of evidence is committed to the trial court's discretion. *City of Brownsville v. Alvarado*, 897 S.W.2d 750, 753 (Tex.1995); *Costilla v. Crown Equip. Corp.*, 148 S.W.3d 736, 738 (Tex.App.-Dallas 2004, no pet.). If we concluded the court erred by overruling appellant's objections to these items, we could not reverse unless we also concluded the error “probably caused the rendition of an improper judgment.” TEX.R.APP. P. 44.1(a)(1). It is the appellant's burden to show harm from an erroneous evidentiary ruling. *In re M.S.*, 115 S.W.3d 534, 538 (Tex.2003); see also *City of Brownsville*, 897 S.W.2d at 753–54 (“A successful challenge to evidentiary rulings usually requires the complaining party to show that the judgment turns on the particular evidence excluded or admitted.”). On appeal, appellant does not explain how the allegedly improper exhibits affected the case other than to state generally that the City's summary judgment is unsupported by “sufficient” evidence. Accordingly, we conclude appellant has failed to meet its burden of showing harm.

Appellant also asserts the testimony of the City's expert witness, Ken Griffin, must be struck because “it” was not disclosed. Appellant cites no authority in support of this argument and fails to analyze the record relating to the testimony. Accordingly, appellant has presented nothing for our review. See TEX.R.APP. P. 38.1(i); *In re B.A.B.*, 124 S.W.3d 417, 420 (Tex.App.-Dallas 2004, no pet.). Similarly, appellant has not met its burden of showing harm. See *In re M.S.*, 115 S.W.3d at 538.

Appellant also objected to the trial court overruling its objections to the City's arguments based on allegations the City neither pleaded nor disclosed in discovery. With one exception, as discussed below, neither appellant's brief nor its objection before the trial court identified the affirmative defenses and arguments that were not pleaded nor disclosed. Accordingly, those objections are waived for lack of a specific objection before the trial court and for insufficient briefing on appeal. See TEX.R.APP. P. 33.1; 38.1(i).

Appellant did object in the trial court “to Coppell's legal arguments that a condition precedent was not performed

by Mira Mar.” That objection concerned appellant’s request for roadway and water and sewer “impact” fees under chapter 395 of the Local Government Code. Appellant argues the City did not plead or disclose in discovery appellant’s failure to perform a condition precedent. The City asserted appellant did not timely contest the impact fees under chapter 395 of the Local Government Code. *See* [TEX. LOC. GOV’T CODE ANN. § 212.904\(f\)](#); *id.* § 395.077(a), (b) (West 2005). The City also moved for summary judgment and opposed appellant’s motion for summary judgment on alternate grounds discussed below. We resolve the issue of the impact fees on those alternate grounds. Accordingly, any error by the trial court in overruling appellant’s objection concerning the condition precedent did not probably cause the rendition of an improper judgment and is not reversible. [TEX.R.APP. P. 44.1\(a\)\(1\)](#).

We overrule appellant’s third issue.

Exactions and Rough Proportionality

In the first two issues, appellant contends the trial court erred by granting the City’s motion for summary judgment and by denying appellant’s third motion for summary judgment⁴ because the City’s requirements were exactions and the City *85 did not establish, as a matter of law, that the alleged exactions were roughly proportional to the projected impact of the development. Appellant also makes other objections to some of the alleged exactions. To resolve these issues, we must first determine whether each requirement was an exaction and, if so, whether the City established (1) an essential nexus to the substantial advancement of a legitimate government interest and (2) the rough proportionality to the projected impact of the development. [Stafford Estates](#), 135 S.W.3d at 634.

⁴ Unless otherwise noted, references to “appellant’s motion for summary judgment” are to appellant’s third motion for summary judgment.

Rolled Curbs

Appellant argues the City required straight curbs in the subdivision instead of the rolled curbs appellant planned to use. Appellant’s president, John Hawkins, stated in his affidavit that appellant proposed using rolled curbs in Alexander Court on “a street with a twenty-seven-foot

width.”⁵ He stated that the City’s ordinance required a street width of at least twenty-seven feet. At the City Council hearing, Hawkins stated that when appellant’s contract with David Weekley Homes was renegotiated,⁶ the City’s requirement that straight curbs be used instead of rolled curbs resulted in a \$40,000 reduction in the price of all the lots because the straight curbs would cost David Weekley Homes approximately \$1300 to \$1400 per lot more than the rolled curbs would have cost.

⁵ Hawkins then stated, “This exceeded the minimum 27-foot width mandated by the Coppell engineer, as measured ‘gutter-to-gutter’ described in the Coppell ordinance.” Appellant does not explain how the 27-foot street width “exceeded” the requirement that the streets be 27 feet wide. The parties do not cite, nor have we discovered, the ordinance requiring a 27-foot width in the voluminous record on appeal. The City’s Subdivision Ordinance in the record before us required a street width of 28 feet “b-b,” which appears to mean between the back of the curbs. *See* Coppell, Tex., Ordinance 94643, Subdivision Regulations App. C, § VII (Apr. 12, 1994).

⁶ The testimony at the City Council hearing showed the original contract between appellant and David Weekley Homes was for 26 lots. When the floodplain study showed less of the property was in the floodplain than appellant predicted, appellant changed the design of the subdivision to 29 lots. Appellant and David Weekley Homes renegotiated the contract to account for the increase in lots as well as other changes, including straight curbs instead of rolled curbs.

Hawkins told the City Council he designed the streets in the subdivision to be identical in width and curb style to those in The Springs subdivision on the other side of the road. However, when he submitted the plat, the City told him the streets had to conform to the City’s regulation or “detail.” According to testimony at the City Council hearing, the detail showed a street design with a minimum width of twenty-seven feet between the gutters of straight curbs. Hawkins testified that the City’s regulations did not address rolled curbs.

Ken Griffin, the City Engineer, testified at the City Council hearing that the City required streets to be at least twenty-

eight feet measured from the back of one curb to the back of the opposite curb and to have a minimum width between the gutters or face-to-face of twenty-seven feet. Griffin stated that although appellant's proposed streets were twenty-eight feet measured between the back of the curbs as required by the City's ordinance, the streets were only twenty-four feet between the gutters. Griffin agreed that The Springs subdivision had streets of the same dimensions as appellant proposed, but he stated that subdivision was built in the mid-1990s and the rolled curbs there were a test. Griffin testified the City *86 quickly learned that the streets were too narrow. The narrower streets limited maneuverability when cars were parked on both sides of the street and created a public safety issue. Griffin testified he told appellant's engineer that the streets with rolled curbs would be acceptable if they were at least twenty-seven feet from gutter to gutter, which would require a distance of thirty-one feet between the back of the curbs. Instead of redesigning the width of the streets, appellant changed the plat to use straight curbs keeping the twenty-eight-foot distance between the back of the curbs.

Although there is a fact issue regarding the width of the streets—Hawkins testified the proposed streets were twenty-seven feet wide between the gutters and Griffin testified they were only twenty-four feet wide—that fact question is not material because the parties agreed the proposed streets were the same design as in The Springs subdivision. The record conclusively shows the City made an individualized determination that the proposed streets, which were the same design as those in The Springs subdivision, were too narrow, and its requirement that the streets in Alexander Court be wider if they were to have rolled curbs was necessary for the public safety. Thus, the street-width requirement the City imposed on appellant bore “an essential nexus to the advancement of” the legitimate government interest of public safety. The street-width requirement was limited to the streets in the subdivision and did not require the improvement of any property outside the subdivision. Thus, the requirement was roughly proportional to the projected “impact” of the development. We conclude the trial court did not err by granting the City's motion for summary judgment and denying appellant's motion regarding the rolled curbs.

Extra Drainage Outlets

The City required appellant to add two extra drainage outlets to obtain approval of the subdivision. Hawkins testified the extra outlets cost appellant \$14,020.

The evidence shows the City required the extra outlets be installed where two streets in the subdivision converged at almost ninety degrees to form a “T.” As originally proposed, there was no drainage outlet in the vicinity of the T intersection. The City's regulations governing design criteria and standards for storm sewers and drainage required a subdivision's engineering design to conform to the City of Dallas Drainage Design Manual which, Griffin testified, required outlets be placed upstream to T intersections. Griffin testified he required the two extra outlets because of the potential for flooding caused by the street forming the pillar of the T sloping downhill toward the street forming the crossbar of the T. Griffin explained his reasons for requiring the inlets as follows:

A couple of things happen when you go to T intersections. Water goes down at a high rate of speed on a sloped street, it hits the intersecting street. At times it will turn, at times it won't. In this particular case because of the layout of the lots, there are going to be driveways very near this intersection. Driveways have ... a habit of sucking water out of the street, taking it to and through the garage and sometimes through the house.

Based on twenty-seven years of practice and what, twenty-two of those as a licensed engineer, it's always good judgment, and that's why Dallas put it in their drainage design manual, that inlets should be placed upstream to T intersections to collect the water before it gets *87 into the intersection to create a potential problem.

Griffin testified that in deciding to require the additional drainage outlets, he considered the layout of the streets and the potential for flooding on the lots at the intersection.

This uncontroverted evidence shows Griffin, on behalf of the City, made an individualized determination based on the unique conditions of the development that the additional drainage outlets were necessary to prevent flooding of some of the lots in the subdivision. Prevention of flooding is a legitimate government interest. Thus, the evidence establishes that the condition for approval of the plat, the additional drainage outlets, bore an essential nexus to the substantial advancement of a legitimate government interest. The evidence also shows that the additional outlets would affect only the subdivision and not any other property and were required because of the subdivision's design. Accordingly, the condition was roughly proportionate to the projected impact of the development. We conclude the trial

court did not err by granting the City's motion for summary judgment and denying appellant's motion concerning the additional drainage outlets.

Offsite Sidewalk

The City required appellant to build a sidewalk outside the subdivision but on property owned by appellant. The dispute over this item concerns only the extent of appellant's compensation. The City Council concluded appellant was entitled to compensation for the cost of building the sidewalk, \$12,465, but not for the value of the land occupied by the sidewalk. The trial court, however, concluded appellant was entitled to compensation for the value of the land and awarded appellant \$8785, making the total compensation to appellant for the sidewalk \$21,250. Appellant moved for summary judgment asserting it was entitled to \$9000 for the value of the property for total compensation of \$21,465. The City argues the trial court awarded \$8785 for total compensation of \$21,250 instead of \$9000 for total compensation of \$21,465 because appellant's demand letters to the City for compensation prior to the City Council hearing requested \$21,250. Appellant's response on appeal to the City's argument is, "Mira Mar is entitled to the full amount —\$21,465."

The only evidence of the value of the property is Hawkins's testimony at the City Council hearing and in his affidavit in support of appellant's motion for summary judgment that the property is worth \$9000. As appellant's president, Hawkins is presumed to have had knowledge of the property's fair market value. See *Reid Rd. Mun. Dist. No. 2 v. Speedy Stop Food Stores, Ltd.*, 337 S.W.3d 846, 849 (Tex.2011); *Corniglio v. State Bank & Trust, Dall.*, 344 S.W.3d 601, 607 (Tex.App.-Dallas 2011, no pet.). We conclude the trial court erred by granting the City's motion for summary judgment and denying appellant's motion on the issue of the offsite sidewalk. We render judgment that appellant is entitled to total compensation of \$21,465 (an additional \$215 over what the trial court awarded) for the value of the property under the sidewalk and the cost to build the sidewalk.

Over-Fill for Pad Sites

The City required appellant to raise the elevation of the "pad site" or building location on two of the lots as a condition for approval of the subdivision. Hawkins testified that the City's

ordinance required the pad sites be one foot above the 100-year flood plain, and the lots as proposed complied with that requirement. However, Griffin, as the City Engineer, *88 required appellant to raise the level of the two lots at the end of the T intersection to one foot above the curb height. Appellant resubmitted the plans with the pad sites raised to the new level. Hawkins testified that the additional material and labor to raise the pad sites cost appellant \$7600.

Griffin testified he required the additional height of the pad sites to protect the future homeowners of those lots from flooding caused by the slope of the street leading to the lots. Griffin agreed that the pad heights as originally submitted complied with the City's minimum requirements and the federal regulations. Griffin based his requirement that the pads be raised on his engineering judgment, which was based on his experience and education and not on any calculations. Griffin stated that the law applicable to engineers permits him to impose requirements exceeding the City's minimum requirements when, in his engineering judgment, the greater requirements are necessary to protect the health, safety, property, and welfare of the public. Griffin's sole concern in requiring the raised pad elevation was that the two houses not flood during a storm. Griffin testified that when there are lots at a T intersection, "you try to elevate one foot above top of curb and you try to provide positive drainage between the two houses so if water does go above the top of the curb, it can flow between the houses."

This evidence shows the City's requirement of one foot above the 100-year flood level was a minimum requirement. As City Engineer, Griffin had authority to impose greater requirements when necessary to protect the public health, safety, property, and welfare. Griffin required the additional height because the pad sites were at the bottom of a down slope at a T intersection. This requirement bore an essential nexus to the substantial advancement of a legitimate government interest, flood prevention. The requirement was a result of the design of the subdivision, and its impact was limited to the two lots, so the requirement was roughly proportional to the projected impact of the proposed development. Moreover, as the requirement benefitted only the two lots and did not benefit the City, this requirement was not a "public burden [] which in all fairness and justice, should be borne by the public as a whole." We conclude the City's requirement that the height of the pad sites be raised above the minimum requirements set out in the City's ordinances was not a compensable exaction, and the trial

court did not err by granting the City's motion for summary judgment and denying appellant's motion on this item.

Additional Storm Drain Construction and Riprap

Hawkins testified that the City required appellant to install an additional storm drain to service the extra drainage outlets at the T intersection. Appellant originally planned to run a drainage pipe from the additional outlets at the street to a floodplain behind the lots. Hawkins testified that appellant planned to end the drainage pipe 120 feet from a creek behind the lots. Hawkins stated that the City required appellant to extend the drainage pipe 120 feet from the floodplain to the creek and to support the additional drainage pipe on a pier. The additional drainage pipe, riprap, and pier cost appellant \$24,625.

Griffin testified the riprap was necessary to prevent erosion and the pier would prevent the headwall at the creek bed from collapsing. He also testified the City required appellant to extend the drainage pipe 20 feet, not 120 feet. Griffin stated the edge of the floodplain was 120 feet from the creek, and appellant's initial *89 plans showed the drainage pipe extending 100 feet into the floodplain.

In its motion for summary judgment, the City asserted Griffin testified the drainage pipe extension was necessary to prevent erosion. However, Griffin did not so testify. During the City Council hearing, the City's attorney asked Griffin why the extension to the creek was necessary. Instead of answering the question, Griffin stated he asked appellant to extend the pipe twenty feet to the creek and to place it on piers. Griffin then explained the need for the piers—to prevent the pipe from collapsing the ground at the creek—but he never explained the need for the extension of the pipe to the creek. Griffin testified that storm sewer lines terminating in a floodplain are “a commonly used engineering factor” and do not violate the City's ordinances. In response to a question from a City Councilman, Griffin stated that he made his decision in his role as City Engineer to protect property owners from flooding. However, he never testified that the drainpipe extension was necessary to prevent flooding. He also testified that in his judgment, “this storm sewer [was] specifically designed and built for this subdivision and the impact this subdivision has in the [C]ity.” This bare conclusion provides no evidence of the reason and necessity for the requirement that the drainpipe be extended to the creek. Cf. *Stafford*

Estates, 135 S.W.3d at 644–45 (discussing insufficiency of town's assertions of rough proportionality).

With no evidence of the reason for the extension, the City did not conclusively establish that the extension of the drainage pipe to the creek bed was an essential nexus of a legitimate government interest and that the extension was roughly proportionate to the impact of the project. Accordingly, we conclude the trial court erred by granting the City's motion for summary judgment on this item.

Appellant's motion for summary judgment asserted the City required the additional storm drain, drainage pipe extension, riprap, and piers as a condition for approval of the subdivision. Appellant met its summary judgment burden by conclusively proving that the City imposed an exaction. The burden then shifted to the City, which failed to raise a fact question on the “essential-nexus/rough-proportionality” test. See *Stafford Estates*, 135 S.W.3d at 643. Griffin's testimony created a fact issue concerning the extent of appellant's damages, namely whether the drainage pipe had to be extended 20 feet or 120 feet. Accordingly, we conclude the trial court did not err by denying appellant's motion for summary judgment on this item.

Extra Sewer Manhole

Hawkins testified the City required appellant to add a sewer manhole before the City would approve the property development. Appellant's utilities contractor charged appellant \$3500 for the materials and labor to add the manhole.

Griffin testified a City ordinance required there be a manhole every 500 feet of sewer line. The sewer line at issue was either 570 feet or 581 feet, so the City's ordinance required an additional manhole. Griffin explained the 500-foot rule was because the City's camera for viewing the condition of the sewer line and the City's equipment for clearing sewer blockages would reach only 500 feet. This sewer line also had four curves in it, which made it more difficult for the City's equipment to clear blockages. If there were a blockage beyond the reach of the City's equipment, the City would be required to cut open the sewer line through the street, which would impose additional expense on the City and *90 interrupt sewer service for a portion of the community. The sewer line at issue serviced only the residents of Alexander Court.

Griffin's testimony established the City made an individualized determination of the need for the extra manhole. His testimony proved the requirement of the extra manhole bore an essential nexus to the advancement of a legitimate government interest, the efficiency of the sewage drainage system. Because the need for the extra manhole was created by the design of the subdivision and its beneficial effect was confined to the subdivision, the requirement of an extra manhole was roughly proportionate to the projected impact of the development. We conclude the trial court did not err by granting the City's motion for summary judgment and denying appellant's motion on this item.

Waterline Concrete Caps

To bring water into the subdivision, appellant had to extend waterlines under the road outside the subdivision. The City permitted appellant to dig trenches across the road, lay the waterlines, cover them up, and re-pave those areas. The materials used to cover the waterlines and on which the asphalt paving was laid were the waterline caps. Appellant wanted to use compacted fill dirt for the caps. The City required that concrete be used. Hawkins testified the concrete caps were not necessary because they would be destroyed when the road was repaved. He stated that appellant had increased costs of \$3000 due to the concrete caps.

Griffin testified the road was subject to caving where lines ran under it with fill dirt supporting the road instead of concrete caps. Griffin testified that concrete caps were necessary for the road to be able to sustain traffic on it. If fill dirt caps had been used and the road had failed before it was repaved, the City would have had to repair the road, incurring expenses.

Griffin's testimony established he made an individualized determination concerning the need for the concrete caps based on the unique characteristics of the road and the utilities appellant placed under the road. The requirement of concrete caps bore an essential nexus to the advancement of a legitimate government interest, safe and efficient roadways. The requirement of the concrete caps was the result of extending waterlines into Alexander Court, which benefitted only the residents of the subdivision. Accordingly, the requirement of concrete water caps was roughly proportionate to the projected impact of the development. We conclude the trial court did not err by granting the City's motion for summary judgment and denying appellant's motion on this item.

Screen Wall Exterior Columns

The City's ordinances required appellant to build a screen wall around the subdivision with columns on the exterior portion of the wall and to have landscaping near the wall.⁷ These requirements were a condition for approval of the subdivision. The columns and the landscaping were on appellant's property. Appellant argues the columns and landscaping were compensable exactions because they were aesthetic and not structural or otherwise functional. Hawkins testified that the columns and landscaping cost appellant \$18,040.

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Appellant argued the screen wall landscaping exaction as items (8) and (25) of its brief. We discuss them together except for the portions of item (25) concerning the roadway cleanup, which is discussed below.

*91 Maintaining aesthetic values is a legitimate government interest. See *Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789, 805, 104 S.Ct. 2118, 80 L.Ed.2d 772 (1984) ("It is well settled that the state may legitimately exercise its police powers to advance esthetic values."). Appellant's brief does not explain why the City's requirements of columns and landscaping fail the essential-nexus/rough-proportionality test. Appellant does not dispute that the columns and landscaping enhanced the visual aesthetics of the subdivision. Because the columns and landscaping were on appellant's property and there was no required improvement of the City's or third party's property, the requirement of the columns and landscaping was roughly proportional to the projected impact of the development. We conclude the trial court did not err by granting the City's motion for summary judgment and denying appellant's motion on this item.

Retaining Walls and Four-to-One Slope

Appellant asserts the City required appellant to build certain retaining walls and to change slopes from three-to-one to four-to-one and that the retaining walls and the change of slope were conditions for approval of the subdivision. Hawkins testified that three-to-one slopes are "acceptable by the FHA and its standards" and that no City ordinance required a four-to-one slope. He also testified that although David Weekley Homes required some retaining

walls, the City required six other retaining walls. According to Hawkins, no City ordinance required the retaining walls. Hawkins testified that the City-required retaining walls and four-to-one slope cost appellant \$55,517.

Griffin testified that the City did not mandate retaining walls as a condition for approval of the subdivision, and Griffin told appellant's engineer that the retaining walls were not required. According to Griffin, the plans the City received from appellant's engineer included retaining walls. Griffin marked on the plans that some of the retaining walls should be joined, but Griffin testified the joining of the walls was only a suggestion, not a requirement. Griffin stated that the project was approved without the City requiring any retaining walls on the lots, and David Weekley Homes later requested that appellant build the retaining walls. Griffin testified that the four-to-one slope requirement was an alternative to building retaining walls. Griffin testified that appellant built the four-to-one slopes the City required and built the retaining walls, which the City did not require. Hawkins sent several letters to Griffin complaining about what he believed to be a requirement that appellant build the retaining walls, but Griffin never responded to these letters.

The City's motion for summary judgment and its response to appellant's motion for summary judgment asserted there was no exaction as to the retaining walls because the City did not require the retaining walls. However, Hawkins's testimony that the retaining walls were required as a condition for approval of the subdivision created a genuine issue of material fact concerning whether the retaining walls were an exaction. The City's motion for summary judgment did not address the essential-nexus/rough-proportionality test concerning the retaining walls. Accordingly, the trial court erred by granting the City's motion for summary judgment on the retaining walls. Because of the fact issue on whether the retaining walls were an exaction, the trial court did ^{*92} not err by denying appellant's motion for summary judgment on the retaining walls.

Appellant proved the requirement of four-to-one slopes was an exaction. The City's motion for summary judgment and response to appellant's motion for summary judgment asserted the slope requirements would further erosion control and improve drainage. However, the City presented no evidence that the four-to-one slopes would control erosion and improve drainage in the subdivision better than appellant's proposed three-to-one slopes.⁸ Thus, the City presented no evidence that the four-to-one slope requirement

was roughly proportional to the projected impact of the subdivision. We conclude the trial court did not err by denying the City's motion for summary judgment on the four-to-one slope requirement.

8 The City Council's findings of fact and conclusions of law state the retaining walls were “for lateral soil support.” However, neither Griffin nor Hawkins testified to that being their purpose or that lateral soil support was necessary. In its motion for summary judgment, the City asserted the four-to-one slope advanced the City's legitimate government interest “in furthering erosion control.” However, the record contains no evidence that the four-to-one slope would prevent soil erosion at all, much less prevent erosion better than appellant's proposed three-to-one slope.

Appellant conclusively proved the four-to-one slope requirement was an exaction and the City failed to raise a genuine issue of material fact on the essential-nexus/rough-proportionality test, but appellant did not separate its damages for the slope requirement from those for the retaining walls. Thus, a genuine issue of material fact remains as to the amount, if any, of appellant's compensation for the added expense of the four-to-one slope requirement. We conclude the trial court did not err by denying appellant's motion for summary judgment on this item.

Redundant Excavation in Floodplain

During the initial work on the subdivision, most, if not all, of the property was classified as floodplain under the existing records of the Federal Emergency Management Association (FEMA). Appellant, through the City, applied to FEMA for a revision in the floodplain maps. While FEMA was reviewing the application, appellant planned to dig out the areas that would be the streets and use that dirt to build up the pad sites in areas then classified as floodplain. The City's ordinances prohibited work in the floodplain without a permit. Appellant asked the City for permission to use dirt from the streets to build the pads on the lots in the floodplain, but the City denied the request. The City told appellant it could either wait to dig the streets until FEMA had approved the new floodplain map or it could dig the streets, store the dirt out of the floodplain, and then move it again once FEMA approved the new floodplain map. Hawkins testified that appellant could not afford the delay, so appellant had its contractors move the

dirt twice. Hawkins testified the City's denial of appellant's permit to use the dirt in the floodplain increased its costs by \$16,000. The City later granted appellant permission to work in the floodplain, but not until after appellant had dug the streets and stored the dirt.

In its motion for summary judgment, the City asserted that appellant's having to move the dirt twice was not an exaction. We agree. An exaction is a condition required for approval of a requested land development. Although the City required appellant to comply with its ordinance prohibiting work in the floodplain, that requirement was not a condition for approval of the subdivision. We conclude the trial *93 court did not err by granting the City's motion for summary judgment and denying appellant's motion on this item.

Floodplain Study Checking and Floodplain Delay

When appellant purchased the property, much of the property was designated as floodplain on existing maps. Appellant hired Nathan Maier to determine the current position of the floodplain. Maier's study showed the floodplain was nowhere near where FEMA's maps showed it and that most of the subdivision was out of the floodplain. Appellant had to apply to FEMA for a change in the floodplain designation. FEMA approves a change in the floodplain through a Letter of Map Revision. A developer's application for a map revision must first go to the local governmental entity, which submits it to FEMA.

The City received appellant's FEMA application on April 17, 2007. Before submitting appellant's application for map revision to FEMA, the City had it reviewed by an engineering firm with expertise in floodplain study, Kimley Horn & Associates, which charged the City \$2500 to review the application. The City had earlier told appellant the fee for reviewing the floodplain application was \$2000, so the City charged appellant only \$2000 for the review. Hawkins testified Griffin told him the City would not submit the application to FEMA if appellant did not pay the fee. The City submitted the application to FEMA on July 10, 2007. Hawkins testified the nearly three-month delay for review of the floodplain application cost appellant \$16,000. Hawkins testified that no City ordinance required the application be reviewed by an engineering firm before submitting the application to FEMA. Kimley Horn found some minor technical deficiencies in the application, but it eventually

approved the application. The City then submitted the application to FEMA.

Griffin testified the City has all floodplain map-revision applications reviewed by Kimley Horn and charges Kimley Horn's fee to the developer. The City has the floodplain studies reviewed to protect the City's interest in preventing flooding of the residences in the subdivision. Griffin testified that review of the floodplain study is especially important when the study shows a significant change in the floodplain. The change in the floodplain in this case was significant. Erroneous determination of the floodplain could result in flooding and property damage.

Appellant asserts the City's threat not to submit the map-revision application to FEMA unless appellant paid the \$2000 fee was an exaction. We agree. Although payment of the fee was not an express condition for approval of the subdivision, the failure to submit the application to FEMA would have resulted in the denial of approval for the subdivision because appellant could not build in a FEMA-designated floodplain.

Although the position of the floodplain was ultimately determined by FEMA, the City still had an interest in the accurate determination of the floodplain. As it is the City and not the developer that files the application with FEMA, the City was entitled to review the accuracy of the application before submitting it to FEMA. Any inaccuracies in the location leading to flooding of the lots would be the long-term concern of the City, not appellant, which had already agreed to sell the lots to David Weekley Homes. The summary judgment evidence shows Kimley Horn's review of the map-revision application before the City's submission of the application to FEMA bore an essential nexus to the substantial advancement of the legitimate government interest of flood prevention. The *94 \$2000 fee appellant paid to the City was less than Kimley Horn's fee paid by the City. Thus, the \$2000 fee did not exceed what was roughly proportional to the subdivision's projected impact.

The City's \$2000 fee for review of appellant's floodplain study was not a compensable exaction. Accordingly, appellant is not entitled to compensation for the \$2000 fee or for the delay from Kimley Horn's review of the floodplain study. We conclude the trial court did not err by granting the City's motion for summary judgment and denying appellant's motion on these items.

Park Fees

The City conditioned approval of the subdivision on appellant's paying park fees of \$37,265. During the first City Council hearing, which the trial court set aside, Hawkins testified he considered the roughly proportionate amount of park fees to be \$26,000. At the second City Council hearing, Hawkins testified appellant sought compensation for all the park fees. The City Council awarded appellant \$11,265, which was the difference between the park fees appellant paid and those Hawkins had agreed at the first hearing were roughly proportionate.

The City's ordinance required residential developments to dedicate one acre of land per 100 dwelling units in the development for use as a neighborhood public park. Coppell, Tex., Ordinance 94643, Subdivision Regulations App. C, § VII(B)(1) (Apr. 12, 1994). Because development of a public park of less than one acre is impractical, the ordinance required a development with fewer than 100 residential units to make a payment in lieu of land of \$1285 per dwelling unit. *See id.* § VII(B)(2), (D)(3). Alexander Court had twenty-nine dwelling units; under the ordinance, it was required to pay a fee of \$37,265. The City's reduction of the fees to \$26,000 made the fees per lot \$896.55, a reduction of about thirty percent. The ordinance required the park fees “be used only for acquisition or improvement of a neighborhood park located within the same zone as the development.” *Id.* § VII(D)(3).

The City proved that the fees originally assessed were based on the individual characteristics of the subdivision, namely, how many dwelling units were within the subdivision. Hawkins testified there would probably be three to four people in each unit, making the population of the subdivision about ninety inhabitants. Brad Reid, the City's director of parks and recreation, testified the subdivision's ninety inhabitants would increase the burden on the City's park and recreation facilities. Reid explained that the money would “go for development of playgrounds, the structures, benches, more social type areas developing in the parks.” The City presented no evidence of how the fee per dwelling was calculated or how the fee was roughly proportionate to the City's parks and recreation costs.

Appellant met its burden of proof by establishing the park fees were an exaction. Public parks and recreation spaces are a legitimate government interest, and the park fees appellant

paid bore an essential nexus to the substantial advancement of that interest. However, the City failed to prove that the original fee of \$1285 or the reduced fee of \$896.55 per dwelling was roughly proportionate to the projected impact of one dwelling's residents on the park system. We conclude the trial court erred by granting the City's motion for summary judgment on this item.

Reid's testimony that the ninety inhabitants of Alexander Court would increase the park system's burdens raised a genuine issue of material fact that some part of the fees would be roughly proportionate to *95 the development's impact on the park system. Accordingly, we conclude the trial court did not err by denying appellant's motion for summary judgment on this item.

Tree Retribution Fees

The City required appellant to pay “tree retribution fees” (called “tree mitigation fees” by the parties) of \$34,500 before the City would approve the subdivision.

The City's tree preservation ordinance sought to protect trees and promote urban forestation for the many benefits trees provide. The preamble of the ordinance listed many benefits of trees, including shade and cooling, reduction of noise and glare, protection of soils, providing of ecosystems, and increasing property values.⁹ Coppell, Tex., Ordinance 91500–A–203 (Dec. 8, 1998). Under the City's tree ordinance, a property developer must receive permission to remove a tree with a trunk diameter of six inches or greater. *Id.* §§ 34–2–7(A), 34–2–11(A). The developer must then pay the City a “retribution” fee of \$100 per inch of trunk diameter to remove these trees. The developer receives a landscaping credit for each tree planted and a preservation credit for trees remaining on the property. *Id.* § 34–2–13(A)(1), (2). The retribution fees are used (1) for planting trees on public property, (2) for purchasing wooded natural areas “to preserve these highly-sensitive environmental areas for public protection and passive recreational enjoyment,” and (3) for “[e]ducational projects, such as construction of outdoor learning centers or classroom/group tours led by foresters or park staff.” *Id.* § 34–2–12(D).

⁹

The ordinance provides,

WHEREAS, trees are a valuable amenity to the urban environment, providing shade, cooling

of air, and windbreaks, thereby reducing the requirements for air conditioning, heating and watering thus reducing the use of limited and costly resources; and

WHEREAS, trees purify the air we breathe by filtering pollutants and dust while restoring oxygen to the atmosphere; and

WHEREAS, trees provide open spaces, reduction in noise levels and glare, and break the monotony of urbanized development; and

WHEREAS, trees create local ecosystems that provide habitat for animals, birds, and plants that would otherwise be absent from urban areas; and

WHEREAS, trees protect land and structures by providing soil stability and reducing storm water run-off thus minimizing flood damage and reducing the need for additional storage facilities; and

WHEREAS, trees are known to add value to residential and commercial property, thus increasing tax revenues by attracting new business, industry, and residents to the City, and

WHEREAS, trees should be protected for the education and enjoyment of future generations since large, mature trees, if destroyed, can be replaced only after generations, if at all....

Coppell, Tex., Ordinance 91500–A–203 (Dec. 8, 1998).

Appellant established the fees were an exaction, and the burden shifted to the City to meet the essential-nexus/rough-proportionality test. The City asserts it proved the rough proportionality of the fees by proving the fees were based on the trees appellant removed from the property.

The preservation and expansion of public wooded areas and the educational programs are legitimate government interests, and the fees to promote the City's reforestation programs bear an essential nexus to the substantial advancement of those interests. The “impact” of the development was the need created by appellant's removal of trees on its property for the City to plant trees on public property, *96 to purchase wooded property, and to conduct educational programs. However, the summary judgment evidence does not explain how the removal of trees on appellant's private property created such a need that did not exist before the trees were removed. The City did not show that the removal of trees in the development would harm the air quality, increase noise and glare, remove ecosystems, bring down property values, or reduce the other benefits of trees described in the ordinance.

Unlike the park fees, where the City presented some evidence that the development would place increased burdens on the City's park system, the City presented no evidence that the removal of trees from appellant's private property would increase the need for trees on public property or for the other programs beyond what already existed before appellant removed the trees on its property. With no evidence of any projected impact caused by the removal of trees during the development, the City did not raise a genuine issue of material fact that any amount of tree retribution fees would be roughly proportional.

We conclude the trial court erred by granting the City's motion for summary judgment and denying appellant's motion on this item, and we render judgment that appellant recover the \$34,500 in tree retribution fees.

Roadway and Water and Sewer Impact Fees

The City conditioned approval of the subdivision on appellant's payment of roadway impact fees of \$18,444. The City deducted the fees from the \$21,709.84 it owed appellant as compensation for taking a .147 acre tract for a roadway. The City also assessed water and sewer impact fees of \$100,527.

The roadway impact fees were an exaction because the City conditioned approval of the subdivision on appellant's payment of them. However, the record shows the water and sewer impact fees were not an exaction against appellant. The water and sewer fees are paid when the building permit is issued and not when the plat is filed. *See* [TEX. LOC. GOV'T CODE ANN. § 395.016\(d\)\(1\)](#) (West 2005). Hawkins testified the fees would be paid to the City by David Weekley Homes, not by appellant. Appellant argued it should be compensated for those fees because David Weekley Homes reduced the sales price of the lots by the amount of the water and sewer fees. However, because the City did not condition approval of anything applied for by appellant on payment of the water and sewer impact fees, those fees were not exactions against appellant.¹⁰ Since the water and sewer fees were not exactions, the trial court did not err by denying appellant's motion for summary judgment as to those fees. The City did not move for summary judgment on the ground that the water and sewer fees were not exactions. Accordingly, we may not affirm the trial court's grant of the City's motion for summary judgment on that ground. *See City of Houston v. Clear Creek Basin Auth.*, 589 S.W.2d 671, 678 (Tex.1979).

10 Hawkins stated in his affidavit that the City “was paid \$2,997 on July 31, 2008 a Water Impact Fee.” The affidavit cited an attached list of “Development Fees” showing \$2997 paid for a Water Impact Fee on July 31, 2008. However, Hawkins did not testify, and the cited exhibit does not show, that appellant paid the \$2997 fee. Accordingly, this evidence does not raise a fact issue of whether the \$2997 was an exaction from appellant.

Chapter 395 of the Local Government Code prohibits impact fees except as authorized *97 by state law. [TEX. LOC. GOV'T CODE ANN. § 395.011\(a\)](#) (West 2005). Chapter 395 permits impact fees to pay the costs of constructing capital improvements. *Id.* § 395.012. The municipality determines the amount of the impact fees by preparing a “capital improvements plan.” *See id.* § 395.014. The plan is prepared by licensed engineers and is a determination of the total capacity, current usage, and commitments of usage of existing capital improvements, a determination of the capital improvements or facility expansions “necessitated by and attributable to new developments in the service area,” and “the projected demand for capital improvements or facility expansions required by new service units projected over a reasonable period of time, not to exceed 10 years.” *Id.* § 395.014(a). Chapter 395 also sets out the method for determining the maximum fee per service unit. *Id.* § 395.015.

In this case, the City hired an engineering firm to prepare a capital improvements plan concerning the City's roadways, water, and wastewater. This plan is a precise mathematical formulation of the impact of development on the City's roadways and water and sewer facilities. From this study, the City could determine Alexander Court's projected impact with precision that far exceeded the constitutional requirement of rough proportionality. Because the statute requires the impact fees be spent only on the designated capital improvements, roadways and water and sewer services in this case, the impact fees bear an essential nexus to the substantial advancement of legitimate government interests. We conclude the trial court did not err by granting the City's motion for summary judgment and by denying appellant's motion on the impact fees.

Construction Inspection Fees

The City required appellant to pay construction inspection fees of \$21,189 as a condition for approval of the subdivision.

The inspection fees are determined as two or four percent of the developer's contract for the construction.

Appellant met its summary judgment burden of proving the fees were an exaction. The burden then shifted to the City to prove the essential nexus/rough proportionality test. The City argued the fees met the proportionality test because they were directly proportional to the value of the construction. The impact of the development, for this item, is the City's costs for the inspections, not the value of the construction. Griffin testified that the fees were “proportional to the impact that Alexander Court had on the city's time and resources for inspection,” and he testified that there was at least one inspector at the development every day. However, the City presented no evidence of its costs for the inspections or the proportion of the time the inspectors spent at the development. Griffin's bare conclusion lacking any factual support that the fees were roughly proportionate is insufficient to establish the rough proportionality of the fees as a matter of law. *See Riner v. Neumann*, 353 S.W.3d 312, 321 (Tex.App.-Dallas 2011, no pet.) (“a conclusory statement in an affidavit can neither support nor defeat summary judgment”). Accordingly, we conclude the trial court erred by granting the City's motion for summary judgment on this item.

Griffin's testimony was sufficient to raise a genuine issue of material fact whether the inspections were an essential nexus of a legitimate state interest, the safe and lawful development of the property, and that some of the fees could be roughly proportional to the projected impact of the development, the City's costs *98 for the inspections. Accordingly, we conclude the trial court did not err by denying appellant's motion for summary judgment on this item.

Redundant Water–Bacteria Test

Appellant complains the City required two water-bacteria tests to obtain approval of the subdivision when one would have been sufficient. Griffin testified the water-bacteria tests determine whether there is harmful bacteria in the development's waterlines. The tests protect the City's water system from bacteria that could pollute the water system. State regulations require at least one test for each 1000 feet of waterline. [30 TEX. ADMIN. CODE § 290.44\(f\)\(3\)](#). Alexander Court had more than 1000 feet of waterline, so two tests were required. The City established the second test bore an essential nexus to the legitimate government interest of protecting the public water system from contamination.

Because Alexander Court contained more than 1000 feet of waterline, the requirement of the second test was roughly proportionate to the projected impact of the development on the City's water system. We conclude the trial court did not err by granting the City's motion for summary judgment and denying appellant's motion on this item.

.725 Acre Land Surrender

Appellant contends the City required it to “surrender” a .725 acre tract to a neighbor below market value to obtain the City's approval for the subdivision. Appellant seeks compensation of \$120,000, representing the amount below market value the neighbor paid for the tract.

The record contains conflicting evidence of whether there was an exaction. Hawkins testified generally in his affidavit and at the City Council hearing that the City required him to resolve a dispute over the .725 acre tract before it would approve the subdivision. However, the more specific evidence shows the following. When appellant submitted its preliminary plat of the subdivision for twenty-six lots, there was a boundary dispute with a neighbor over a .725 acre triangular tract at the southwest corner of the subdivision and an approximately 3100 square foot “sliver” on the western border. The sliver was platted as part of Alexander Court. The preliminary plat for twenty-six lots showed some of the boundary lines running through the .725 acre tract. Previous versions of the preliminary plat showed different square footage for lot eight, which, on the twenty-six lot plat, bordered the .725 acre tract. On January 14, 2007, the City conditioned approval of the preliminary plat, instructing appellant to “[r]esolve the conflicts with the size of the property and the boundary of proposed Lot 8.” It does not appear that lot eight bordered on the sliver. Later, when the plat was resubmitted with twenty-nine lots, the .725 acre tract was no longer a concern for the City, but the City still required appellant to resolve the boundary dispute over the sliver before it would accept the final plat. In a “DRC Report” dated December 18, 2007, the City mentioned appellant's need “to work out the boundary dispute on the west side.” Appellant offered to trade the sliver for a similar-sized tract to the neighbor, but the neighbor did not accept the offer. The neighbor demanded appellant sell him the .725 acre tract to which he also had a deed.¹¹ On January 14, 2008, Hawkins wrote to the City stating he had instructed his surveyor to remove the disputed sliver *99 from the plat. The record contains no response from the City to this letter and does not show whether the City

continued to demand appellant resolve the dispute over the sliver. Likewise, the record does not show whether appellant redrew the property lines to omit the sliver and submitted the revised documents to the City before appellant sold the property to the neighbor. On February 27, 2008, appellant deeded the .725 acre tract to the neighbor, and the neighbor deeded the sliver to appellant and paid appellant \$25,000.

- 11 Both appellant and the neighbor had quitclaim deeds for the .725 acre tract. Appellant's title policy did not cover the .725 acre tract. The sliver was included in appellant's warranty deed and was covered by appellant's title policy.

Thus, according to Hawkins's general statements, the City conditioned approval of the subdivision on resolution of the dispute over the .175 acre tract. The more specific testimony shows the City conditioned approval on resolution of the sliver, and the sale of the .725 acre tract was part of the agreement with the neighbor to solve the dispute over the sliver. Under this view of the facts, the “surrender” of the .725 acre tract was not an exaction because, after the twenty-nine-lot plat was filed, the City did not require appellant to resolve the dispute concerning the .725 acre tract. There is also a fact issue regarding whether the City continued to condition approval of the subdivision on appellant's resolution of the boundary dispute over the sliver after Hawkins's January 14, 2008 letter stating the sliver would be removed from the subdivision. Accordingly, we conclude the trial court did not err by denying appellant's motion for summary judgment on this item.

The City's motion for summary judgment asserted there was no exaction because the City's requirement, if any, to appellant was to resolve the dispute over the .725 acre. The City argues it did not require appellant to resolve the dispute by selling the property or to sell the .725 acre tract for any price less than its full market value. If the City conditioned its approval of the subdivision on the resolution of the .725 acre tract, then there was an exaction. That it did not require the sale of the property at below market value does not mean there was no exaction.

The City also presented evidence that the requirement of resolution of boundary disputes for the plat is necessary because the plat defines the property for the subdivision. Thus, if there was a boundary dispute, then the requirement of resolution of that dispute bore an essential nexus to the substantial advancement of the legitimate government interest of clear property boundaries in the real estate records. This

condition was roughly proportional to the projected impact of the development on the records. However, if there was no boundary dispute after January 14, 2008, and if the City continued to condition approval of the final plat on resolution of the dispute over the sliver, then the City's essential-nexus/rough-proportionality argument fails. Because fact questions exist concerning whether the City required appellant to resolve the boundary dispute when no disputed property was included in Alexander Court, neither appellant nor the City was entitled to summary judgment on this item. We conclude the trial court erred by granting the City's motion for summary judgment but did not err by denying appellant's motion on this item.

.147 Acre Land Dedication

The City conditioned approval of the subdivision on appellant's dedicating a .147 acre tract for a roadway in front of the subdivision. The parties agree the condition was a compensable exaction, but they disagreed about the compensation. The City provided compensation to appellant of \$21,709.84 for the land dedication, which was the appraised value in the records of the Dallas County Appraisal District. *100 At the City Council hearing and in his affidavit, Hawkins testified the property was worth \$46,879, an additional \$25,170, based on the per-acre price appellant sold the property to David Weekley Homes.

The City argues appellant is not entitled to additional compensation because appellant, through Hawkins's testimony at the City Council hearing, agreed that the value of the land was \$21,709.84 at the time of the dedication. The testimony at the City Council hearing shows the .147 acre tract was dedicated when the final plat was approved. Hawkins testified appellant paid \$21,709.84 for .147 acre of raw land when it purchased the property. However, Hawkins did not testify that the land was "raw land" when dedicated or that the value of the land when dedicated was \$21,709.84. Instead, he testified the .147 acre was worth \$46,879 when dedicated.

As appellant's president, Hawkins is presumed to have had knowledge of the property's fair market value. *See Reid Rd. Mun. Dist. No. 2*, 337 S.W.3d at 849; *Corniello*, 344 S.W.3d at 607. Hawkins testified the property was worth \$46,879. The City presented evidence the land in its raw state was worth \$21,709.84, but it presented no evidence the land was raw at

the time of dedication or that its value at the time of dedication was \$21,709.84.

We conclude the trial court erred by granting the City's motion for summary judgment and denying appellant's motion on this item. The City is entitled to credit the \$46,879 for the .147 acre tract against the roadway impact fees of \$18,444 due from the development. *See* [TEX. LOC. GOV'T CODE ANN. § 395.023](#). Accordingly, we render judgment that appellant recover \$28,435 for the value of the .147 acre tract minus the amount of the roadway impact fees.

Roadway Cleanup

Appellant also asserts, and Hawkins testified, the City conditioned approval of the subdivision on appellant clearing the .147 acre tract the City exacted for a roadway right of way. Hawkins testified appellant paid a contractor \$8030 to perform this work.

Appellant established that clearing the roadway right of way was an exaction. The City presented no argument or evidence in support of the essential-nexus/rough-proportionality test on this item. Accordingly, we conclude the trial court erred by granting the City's motion for summary judgment and denying appellant's motion as to the \$8030 for cleanup of the right of way. We render judgment that appellant recover \$8030 for this item.

Additional Professional Fees

Appellant also asserts it incurred \$49,000 in additional fees for surveying, landscape architecture, engineering, and testing for many of the alleged exactions discussed above. These fees are not themselves exactions—the City did not expressly require it incur these costs for the permit to be approved—but are expenses related to the alleged exactions. Accordingly, appellant is not entitled to recover fees corresponding to items on which we have concluded the trial court did not err by granting the City's motion for summary judgment. As for the remaining items, the issue appears to be whether appellant is entitled to recover the fees as a matter of law or whether there is a genuine issue of material fact as to the amount of the fees.

The invoices appellant used to support the compensation claim total \$77,761, but Hawkins testified only \$49,000

was attributable to the additional, exacted construction. The invoices do not break down *101 their charges by the categories discussed above. For example, the surveying invoices do not identify how much of the fees are attributable to extending the drainage pipe from the floodplain to the creek, and the testing invoices do not explain how much it cost to test the soil for that work. The other professional invoices also fail to identify the part of the construction project to which they relate. The invoices provide no means to tie their amounts to the exactions discussed above.

At the City Council hearing, Hawkins testified he was unable to segregate how much of the fees were related to exactions concerning municipal infrastructure. In his affidavit in support of appellant's motion for summary judgment, appellant broke down the charges into "surveying and landscape architect costs" and "engineering and testing costs" for each item—rolled curbs, raised pad sites, etc. The invoices themselves give no indication how much of each invoice is attributable to each item, and appellant did not explain how he determined the invoice amounts attributable to each item.

The City asserts a genuine issue of material fact exists as to the amount of fees if any, attributable to each item. We agree. Hawkins, as appellant's president, was an interested witness, and summary judgment may not be based on his testimony unless it is "clear, positive and direct, otherwise credible and free from contradictions and inconsistencies, and could have been readily controverted." [TEX. R. CIV. P. 166a\(c\)](#). Appellant's unexplained testimony in his affidavit of the amount of fees related to each item could not have been readily controverted and will not support summary judgment. Accordingly, we conclude the trial court did not err by denying appellant's motion for summary judgment as to the professional fees.

The City's motion for summary judgment does not appear to move for summary judgment on the fees themselves but instead appears to assert a fact issue exists on the fees related to any items that appellant may prove are a compensable exaction.¹² Accordingly, we conclude the trial court erred by granting the City's motion for summary judgment on the professional fees related to the items on which the court erroneously granted the City's motion for summary judgment: offsite sidewalk, additional storm drain construction and riprap, retaining walls and four-to-one slope, park fees, tree retribution fees, inspection fees, .725 acre tract, .147 acre land dedication, and roadway cleanup.

12 The City argued in its motion for summary judgment,

It is clear that these fees are not "stand-alone" damages items, but are instead ancillary to the other requirements that Mira Mar complains of. As such, Mira Mar is not entitled to these fees unless it can prevail on the other claims, and definitively segregate these fees among the items, if any, that it has prevailed on.

Delays

Appellant asserts it is entitled to compensation of \$123,000 for its delays in construction while waiting for the City to approve the final plat and applications for building permits. Delays are not exactions because they are not conditions for approval. Appellant's argument fails to explain the legal basis for the claim that these delays are compensable. We conclude appellant has failed to show the trial court erred by granting the City's motion for summary judgment and denying appellant's motion as to the claim for compensation from the delays.

Conclusion

We sustain appellant's first and second *102 issues in part and overrule them in part.¹³

13 The parties agreed appellant was entitled to \$4500 for an extraneous water tap, and we render judgment that appellant recover that amount.

TEXAS CONSTITUTION

In the fifth issue, appellant contends the trial court erred by granting the City's motion for summary judgment and denying appellant's motion on appellant's exaction claims under the Texas Constitution. In its petition, appellant pleaded that the alleged exactions were illegal takings and exactions under the Texas Constitution.

The Texas Constitution protects against the government's taking of property for public use without compensation. [TEX. CONST. art. I, § 17](#). Appellant asserted in its motion for summary judgment that the Texas Supreme Court has stated an alternate standard for the compensability of exactions

under the Texas Constitution. Instead of the essential-nexus/rough-proportionality test, which did not exist at the time, the supreme court considered whether the cost to the landowner for the public improvement exacted was materially greater than the benefits conferred by the public improvement. See *Stafford Estates*, 135 S.W.3d at 642 (quoting *Haynes v. City of Abilene*, 659 S.W.2d 638, 641 (Tex.1983); *Hutcheson v. Storrie*, 92 Tex. 685, 51 S.W. 848, 850 (Tex.1899) (quoting *Vill. of Norwood v. Baker*, 172 U.S. 269, 279, 19 S.Ct. 187, 43 L.Ed. 443 (1898))). In *Stafford Estates*, the Texas Supreme Court observed that, although the parties had not argued a distinction between the federal and state constitutional standards, application of the *Nollan/Dolan* essential-nexus/rough-proportionality standard in the circumstances of that case—a developer required to repave in concrete an asphalt road outside the development—“is certainly consistent with, if not required by, well-established Texas law,” including *Hutcheson v. Storrie*. *Stafford Estates*, 135 S.W.3d at 631, 642.

Appellant asserts the trial court erred by granting the City's motion for summary judgment and denying appellant's motion on appellant's exaction claims under the Texas Constitution because the City's motion for summary judgment and response to appellant's motion for summary judgment did not address those claims. We disagree. Both the City's motion for summary judgment and its response to appellant's motion for summary judgment address the Texas Constitution. Moreover, appellant's brief on appeal fails to show how the outcome of any of the alleged exactions would be different under the Texas Constitution's “materially greater than the benefits conferred” standard.¹⁴ See TEX.R.APP. P. 44.1(a)(1). Accordingly, we conclude appellant has failed to show the trial court erred by granting the City's motion for summary judgment and denying appellant's motion on appellant's exaction claims under the Texas Constitution. We overrule appellant's fifth issue.

¹⁴ We do not decide in this case whether the “materially greater than the benefits conferred” standard remains applicable.

LOCAL GOVERNMENT CODE § 212.904

Appellant's remaining issues concern the trial court's application of *Local Government Code* section 212.904. When a municipality requires a developer to bear part of the cost of improvements to the municipality's infrastructure

as a condition for approval of a development project, *Local Government Code* section 212.904¹⁵ provides limits on the amounts the developer *103 may be required to pay: “the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer ... retained by the municipality.” TEX. LOC. GOV'T CODE ANN. § 212.904(a) (West 2008). If the developer disagrees with the determination of the amount it is required to pay, the developer “may appeal to the governing body of the municipality” and “present evidence and testimony under procedures adopted by the governing body.” *Id.* § 212.904(b). If the developer is dissatisfied with the municipal governing body's decision, the developer “may appeal the determination of the governing body to a county or district court.” *Id.* § 212.904(c). If the developer prevails in an appeal under section 212.904, it is entitled to applicable costs and reasonable attorney's fees. *Id.* § 212.904(e).

¹⁵ Section 212.904 provides,

Apportionment of Municipal Infrastructure Costs

- (a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.
- (b) A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body. After hearing any testimony and reviewing the evidence, the governing body shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.
- (c) A developer may appeal the determination of the governing body to a county or district court of the county in which the development project is

located within 30 days of the final determination by the governing body.

(d) A municipality may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

(e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

(f) This section does not diminish the authority or modify the procedures specified by Chapter 395.

TEX. LOC. GOV'T CODE ANN. § 212.904.

Standard of Review of City Council Decision

In the seventh issue, appellant contends the trial court erred by applying a “substantial evidence” standard of review instead of a “trial de novo” standard of review to appellant's appeal of the City Council's decision. Appellant also contends it is entitled to a jury trial.

Section 212.904 does not provide the standard of review to be utilized by the court in determining the appeal of the governing body's decision. In this case, the district court reviewed the City Council's decision under the substantial evidence standard of review. Appellant argues the appropriate standard of review is trial de novo. We agree that the standard of review in the trial court should be trial de novo.

Compensable exactions are constitutional takings. The Texas Supreme Court requires that constitutional takings cases be decided by courts, not government agencies. *City of Dallas v. Stewart*, 361 S.W.3d 562, 568–69 (Tex.2012). In takings cases, courts may grant deference to questions of historical fact, “but mixed questions of law and constitutionally relevant *104 fact ... must be reviewed de novo.” *Id.* at 575–76.

Appellant also asserts it is entitled to a jury in the trial de novo review. Whether facts constitute a taking is a question of law. *Mayhew*, 964 S.W.2d at 932, 936. Fact questions as to whether a taking occurred are tried to the court. *See Harris County v. Felts*, 881 S.W.2d 866, 870 (Tex.App.-Houston [14th Dist.] 1994), *aff'd*, 915 S.W.2d 482 (Tex.1996);¹⁶ *see also Tarrant Reg'l Water Dist. v. Gragg*, 151 S.W.3d 546, 557 (Tex.2004); *Mayhew*, 964 S.W.2d at 932–33. However, the issue of the amount of compensation the property owner

is due “is peculiarly one for the fact finding body,” such as a jury. *City of Sherman v. Wayne*, 266 S.W.3d 34, 46 (Tex.App.-Dallas 2008, no pet.) (citing *Tex. Pipe Line Co. v. Hunt*, 149 Tex. 33, 228 S.W.2d 151, 156 (Tex.1950)); *see Gragg*, 151 S.W.3d at 557. We conclude appellant is not entitled to a jury trial on any fact issues concerning whether an exaction occurred, but appellant is entitled to a jury trial on any fact questions concerning the amount of compensation, if any, to which appellant is entitled. Accordingly, we sustain appellant's seventh issue in part and overrule it in part.

16 In *Felts*, the court of appeals described the procedure in an inverse condemnation case as follows:

The proper procedure to be followed in a case of this type is that once the presentation of the evidence was completed, the trial judge, not the jury, should have decided whether there was a compensable taking under the Texas Constitution. Only if the Court answered that question in the affirmative should the court have submitted an issue concerning the amount of damages. Only then would this case have been decided in accordance with Texas law.

Felts, 881 S.W.2d at 870.

Due Process Under the City's Procedures

Appellant's fourth and sixth issues concern whether the procedures the City Council adopted for the second hearing accorded appellant due process. Because we have concluded review of the City Council's decision should be by trial de novo, any lack of due process at the City Council hearing could not have caused the rendition of an improper judgment in the trial court. Accordingly, the error, if any, is not reversible. *See TEX.R.APP. P. 44.1(a)(1)*. We overrule appellant's fourth and sixth issues.

Attorney's Fees

In the eighth and ninth issues, appellant contends the trial court erred by denying appellant's request for reasonable attorney's fees. Section 212.904 states, “A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.” TEX. LOC. GOV'T CODE ANN. § 212.904(e).

In both the eighth and ninth issues, the question is whether appellant “prevail [ed]” in the “appeal.”

Section 212.904 provides two different appeals. The first appeal is to “the governing body of the municipality” and is an appeal of “the determination made in Subsection (a),” which is the rough-proportionality analysis. *Id.* § 212.904(b). At the hearing, the developer may present evidence “under procedures adopted by the governing body.” After the governing body makes its “determination,” the developer may appeal that determination to the county or district court. *Id.* § 212.904(c). Thus, the appeal to the county or district court is from the governing body’s “determination” of the rough-proportionality analysis.

***105** In its eighth issue, appellant asserts it is entitled to attorney’s fees from its appeal of the City Council’s first hearing. In that appeal, appellant argued the City Council’s proceedings deprived it of due process. Appellant asserts it prevailed on that claim because the district court found due process violations and ordered the City Council to conduct a second hearing under section 212.904(b). We disagree. Appellant’s claim of due process violations by the City Council was an attempt to appeal “the procedures adopted by the governing body.” Under the statute, the municipal body’s determination, not the procedures it adopted, are the subject of the appeal. Whether appellant prevailed on the “appeal” depends on whether it prevailed in challenging the rough-proportionality analysis and was awarded damages, not on whether it succeeded in challenging the City’s procedures for conducting the initial appeal. We conclude the trial court did not err by denying appellant attorney’s fees for challenging the City’s procedures. We overrule appellant’s eighth issue.

In its ninth issue, appellant contends the trial court erred by vacating the City Council’s award of attorney’s fees and by awarding appellant no attorney’s fees even though appellant recovered over \$40,000 on its claims. The court stated on the bench and in an order that appellant could not be considered a “prevailing party” when it had recovered only about \$40,000 while seeking over \$800,000 in damages. To be a prevailing party, “a plaintiff must prove compensable injury and secure an enforceable judgment in the form of damages or equitable relief.” *Intercontinental Group P’ship v. KB Home Lone Star L.P.*, 295 S.W.3d 650, 652 (Tex.2009). To the extent appellant recovered \$40,000, it was a prevailing party and was entitled to reasonable attorney’s fees to the extent permitted

by section 212.904(e). Because we have concluded appellant is entitled to compensation on items beyond those found by the trial court and that fact issues exist on other items on which appellant may eventually win compensation, we remand the attorney’s fees issue to the trial court for further proceedings.¹⁷ We sustain appellant’s ninth issue.

17

Appellant’s entitlement to attorney’s fees comes from section 212.904, which applies only to exactions concerning municipal infrastructure. Section 212.904 does not authorize the award of attorney’s fees to a party who prevails on an exaction claim that does not concern municipal infrastructure.

CONCLUSION

We reverse the trial court’s judgment in part and render judgment in part that appellant recover from the City compensation on appellant’s exaction claims of \$96,930 consisting of: (1) \$21,465 for the offsite sidewalk, (2) \$34,500 for the tree retribution fees, (3) \$28,435 for the .147 acre tract (consisting of \$46,879 for the value of the .147 acre tract minus \$18,444 in roadway impact fees), (4) \$8030 for roadway cleanup, and (5) \$4500 for an extraneous water tap.

We reverse the trial court’s judgment on appellant’s exaction claims concerning (6) the extension of the storm drainpipe, riprap, and piers; (7) the retaining walls and four-to-one slope; (8) construction inspection fees; (9) .725 acre tract; (10) park fees; and (11) the engineering, surveying, landscape architecture, and testing fees related to items (1) through (10) above, and we remand the exaction claims for items (6) through (11) above to the trial court for further proceedings consistent with this Court’s opinion.

We further reverse the trial court’s denial of attorney’s fees to appellant, and we remand the claim for attorney’s fees to the ***106** trial court for further proceedings consistent with this Court’s opinion.

In all other respects, we affirm the trial court’s judgment.

All Citations

421 S.W.3d 74

Exhibit 2

Bunker Ranch/Hardy Tract Timeline

Bunker Ranch – First Subdivision Phase 2017 Final Plat signed – No Sidewalks

Bunker Ranch – Phases 2, 3, & 4 Construction Plans 2019 (Part of Subdivision Platted in 2017)

Phase 5 (condos) granted special exception for screening – March 13, 2020

Sidewalks Update: July 23, 2020 (Added DRC Process and updated Fee-in-Lieu)

Sidewalk Variance for all of Bunker Ranch was approved in September 2020 (for the 2017 project)

The City is granting an exception from the sidewalk requirement for your project. This exception is based on the natural features of the project, including open ditches for storm water conveyance which is a basis for an exception under 1230.60, and the prior non-enforcement of our sidewalk requirements. Please keep in mind that this exception only applies to the 213.3 acres of the Bunker Ranch Subdivision within the legal description attached as Exhibit "A".

Letter to Bunker -- Variance granted based on language in old ordinance.

Florio Sidewalk Variance – May 2021 (Exhibit I – mislabeled as 2020)

Transportation Master Plan Update: October 2021

Approval of a Setback Variance for a Single Lot – March 2022

Hardy Tract Takings Assessment Request – May 2024

Hardy Tract Sidewalk Variances – August 2024 (denied)



Civil & Environmental Consultants, Inc.

**Overlook at Bunker Ranch
Hardy Tract
Prelim Water, Drainage and Street Improvements
Engineer's Opinion of Probable Cost
09/12/2023**

D. DRAINAGE IMPROVEMENTS					
Bid Item	Description	Unit	Unit Price	Quantity	Amount
D1	18" CMP	LF	\$85.00	867	\$56,355.00
D2	24" CMP	LF	\$75.00	961	\$72,075.00
D3	30" CMP	LF	\$85.00	2,094	\$177,990.00
D4	36" CMP	LF	\$95.00	836	\$79,420.00
D5	48" CMP	LF	\$115.00	583	\$67,045.00
D6	Swale Excavation (Outside ROW)	LF	\$130.00	1,830	\$237,900.00
D7	Detention Pond	EA	\$30,000.00	3	\$90,000.00
SUBTOTAL					\$780,785.00

E. POTABLE WATER IMPROVEMENTS					
Bid Item	Description	Unit	Unit Price	Quantity	Amount
E1	8" C-900 DR-14 PVC	LF	\$80.00	8,832	\$529,920.00
E2	8" Gate Valve	LF	\$3,250.00	11	\$35,750.00
E3	Fire Hydrant Assembly	EA	\$5,450.00	14	\$76,300.00
E4	Single Service	EA	\$450.00	3	\$1,350.00
E5	Double Service	EA	\$500.00	36	\$18,000.00
E6	Trench Safety	LF	\$1.00	8,832	\$8,832.00
SUBTOTAL					\$670,152.00

F. STREET IMPROVEMENTS					
Bid Item	Description	Unit	Unit Price	Quantity	Amount
F1	Subgrade Preparation (5' behind Back of Curb)	SY	\$2.50	26,968	\$67,420.00
F2	8" Base - Type A (Local Streets) (3' Beyond)	SY	\$10.00	24,040	\$240,400.00
F3	Concrete Paving	SY		19,844	
F4	Install Signage & Striping	LS	\$3,000.00	1	\$3,000.00
F5	4' Wide Sidewalk	LF	\$15.00	6,609	\$99,135.00
SUBTOTAL					\$310,820.00

Summary - Construction		
D. DRAINAGE IMPROVEMENTS		\$780,785.00
E. POTABLE WATER IMPROVEMENTS		\$670,152.00
F. STREET IMPROVEMENTS		\$310,820.00

Subtotal \$1,761,757.00

15% Contingency \$264,260.00

TOTAL ESTIMATE \$2,026,017.00**Note:**

1. This Engineer's Opinion of Probable Cost is not prepared by a contractor or professional



Exhibit 3



DRIPPING SPRINGS Texas

December 1, 2022

Brian P. Casey
6836 Bee Caves Road, Bldg 1-245
Austin, Texas 78746

Susan J. Savage
Hurst Savage & Vanderburg, L.L.P.
814 W. 10th Street
Austin, Texas 78701-2005

Via e-mail: bcasey@caseylawtx.com; ssavage@hsvllp.com

RE: Sidewalk Fee-in-Lieu Applications

Steve Harren sent an email to City Staff related to the Sidewalk Fee-in-Lieu project on Tuesday, November 29, 2022, and asked if there were any additional administrative steps before he pursued litigation against the City. First, it's important to note that there are two separate requests in process that have been made related to sidewalks.

Hardy Tract Subdivision SUB2021-0073: For the Sidewalks related to the Hardy Tract subdivision: you requested a statement on the reasoning for the Development Review Committee to deny the sidewalk fee-in-lieu for that tract. The email you received last week was in response to your request for the City to provide written justification of not approving the sidewalk fee-in-lieu for the streets within the Hardy Tract subdivision. Per our October 3 email to you, our staff could be supportive of either of the following.

1. Construct a 5' sidewalk on each side of all roads, thus meeting minimum code requirements;
2. Construct an 8' sidewalk on one side of each road and pay a fee in lieu for the remaining 2' not being constructed; or
3. Construct a 10' sidewalk on one side of each road.

To appeal this decision as it relates to platting this subdivision, you can file an appeal as a variance to the platting sidewalk requirements as noted in [Section 1.7](#), Exhibit A. Subdivision Ordinance, Chapter 28.

Hardy Road Site Development SD2022-0025: Regarding your request for a fee-in-lieu for the approximately 1/2 mile road from the Hardy Tract to US 290; the City is requesting additional information before the City can make a decision on that fee-in-lieu. Please provide an updated plan

Open spaces, friendly faces.



DRIPPING SPRINGS
Texas

showing a 6" curb and gutter along the east side of the road. This could address the ROW width issue and allow for a sidewalk immediately adjacent to the curb. Once the determination is made, if you wish to appeal the determination as it relates to site development, you would file for an appeal as a variance to the side development sidewalk requirements as noted in Section [28.04.015](#).

Please let me know if you have any additional questions.

Sincerely,

Laura Mueller
City Attorney

CC: Tory Carpenter, Planning Director
Ginger Faught, Deputy City Administrator

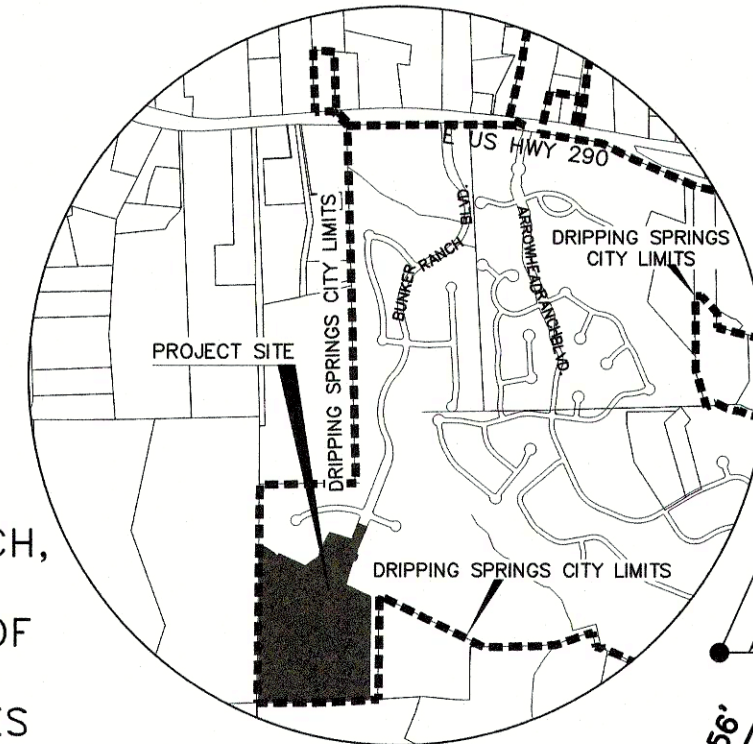
Open spaces, friendly faces.

Exhibit 4

FINAL PLAT OF BUNKER RANCH PHASE 3 40.20 ACRES

BOBBY GLENN STEVENS
DOC NO. 15011837

BUNKER RANCH, LLC
REMAINDER OF
CALLED
111.67 ACRES
DOC. NO. 16020931



SEE DETAIL "A"

BUNKER RANCH BOULEVARD
(WIDTH VARIES PRIVATE)

DRAINAGE EASEMENT
DOC. NO. 21002599

THE FINAL PLAT OF
BUNKER RANCH,
PHASE 2, BLOCK 2
DOC NO. 20017197

LEGEND

- 1/2-INCH IRON ROD FOUND
- 1/2-INCH IRON ROD WITH "KBGE" CAP SET
- ▲ PK NAIL FOUND (UNLESS NOTED OTHERWISE)
- △ CALCULATED POINT
- W.Q.B.Z. WATER QUALITY BUFFER ZONE
- BSL BUILDING SETBACK LINE
- AC ACRES
- PUE PUBLIC UTILITY EASEMENT
- 100 YEAR FLOOD PLANE LINE
- BOUNDARY LINE
- ADJOINER BOUNDARY LINE
- INTERIOR LOT LINE
- BUILDING SETBACK LINE
- EASEMENT LINE

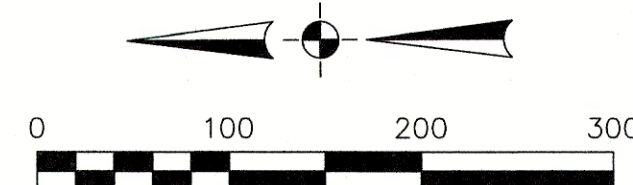
Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 - Fax: 512.329.0096

Texas Registered Surveying Firm 10194419

www.cecinc.com

Texas Registered Engineering Firm F-38



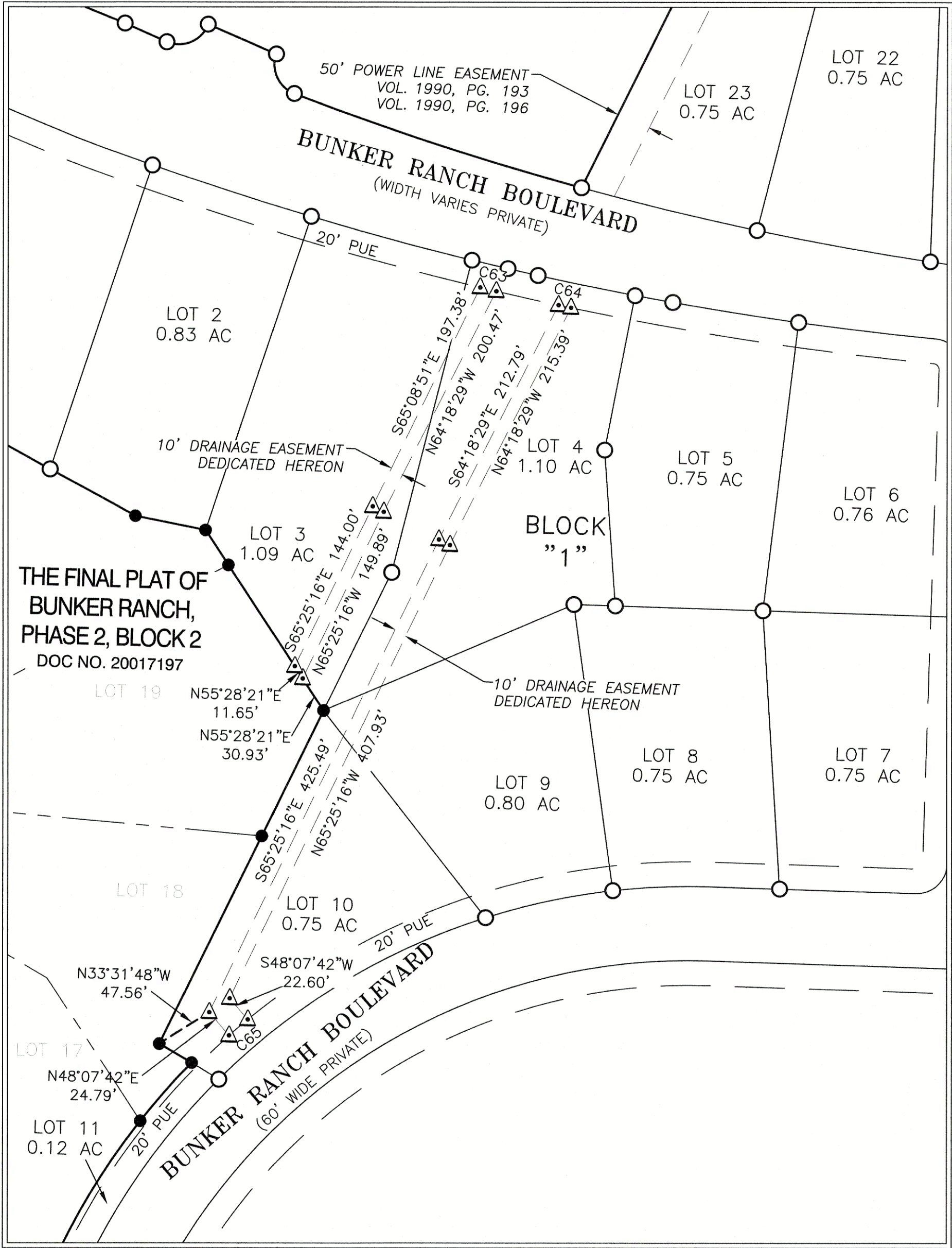
P&H LIMITED FAMILY PARTNERSHIP NO. 1
79.61 ACRES
VOL. 1733, PG. 755

APPROVED BY:
FWF
JOB NUMBER: 181-500
ISSUE DATE: 01/21/2021
SHEET:
1 OF 3
SUBMITTAL DATE:
12/14/2020

"FINAL PLAT" OF BUNKER RANCH PHASE 3,
BLOCK "1", LOTS 1-11, BLOCK "2", LOTS
1-6 AND BLOCK "3", LOTS 1-23, WITHIN
THE CITY OF DRIPPING SPRINGS, TEXAS

DETAIL "A"

FINAL PLAT OF
BUNKER RANCH PHASE 3
40.20 ACRES



LINE TABLE

LINE	BEARING	DISTANCE
L1	S65°25'16"E	33.92'
L2	N00°33'17"E	56.37'
L3	N66°36'12"W	22.47'
L4	N21°19'23"E	70.41'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	565.00'	185.02'	184.19'	S56°02'24"E	18°45'44"
C2	2509.02'	37.09'	37.09'	S22°30'02"W	0°50'49"
C3	25.00'	40.53'	36.24'	S24°22'09"E	92°53'33"
C4	25.00'	39.12'	35.25'	S64°21'42"W	89°38'45"
C5	2509.02'	244.88'	244.79'	S16°44'33"W	5°35'32"
C6	55.00'	175.80'	109.96'	N45°33'17"E	183°08'06"
C7	2520.00'	19.07'	19.07'	N00°46'18"E	0°26'01"
C8	1470.40'	103.83'	103.80'	N02°10'07"E	4°02'44"
C9	1049.98'	74.14'	74.12'	N04°11'29"E	4°02'44"
C10	2509.02'	32.06'	32.06'	N06°59'18"E	0°43'56"
C11	2509.02'	142.57'	142.55'	N08°58'56"E	3°15'21"
C12	2509.02'	146.10'	146.08'	N12°16'42"E	3°20'11"
C13	55.00'	175.80'	109.96'	S44°26'43"E	183°08'06"
C14	1466.76'	48.89'	48.88'	S18°58'42"W	1°54'35"
C15	2695.38'	150.93'	150.91'	S16°50'03"W	3°12'30"
C16	2684.24'	164.79'	164.76'	S13°28'08"W	3°31'03"
C17	672.52'	25.07'	25.07'	N11°26'35"E	2°08'10"
C18	2685.11'	111.20'	111.19'	S09°59'21"W	2°22'22"
C19	2685.13'	215.07'	215.01'	S06°30'29"W	4°35'21"
C20	25.00'	37.67'	34.21'	S47°23'03"W	86°20'29"
C21	25.00'	39.27'	35.36'	N44°26'43"W	90°00'00"
C22	25.00'	39.27'	35.36'	S45°33'17"W	90°00'00"
C23	25.00'	39.27'	35.36'	S44°26'43"E	90°00'00"
C24	25.00'	39.27'	35.36'	N45°33'17"E	90°00'00"
C25	25.00'	39.27'	35.36'	N44°26'43"W	90°00'00"
C26	25.00'	20.32'	19.76'	S22°43'44"E	46°34'03"
C27	25.00'	20.32'	19.76'	N66°09'41"W	46°34'03"
C28	25.00'	20.32'	19.76'	S67°16'16"W	46°34'03"
C29	25.00'	20.32'	19.76'	N23°50'19"E	46°34'03"
C30	480.00'	548.39'	519.05'	S32°10'30"E	65°27'34"
C31	540.00'	621.81'	588.02'	N32°25'59"W	65°58'33"
C32	55.00'	42.89'	41.81'	S24°46'56"W	44°40'49"
C33	55.00'	35.00'	34.42'	S15°47'27"E	36°27'57"
C34	55.00'	35.00'	34.42'	S52°15'24"E	36°27'57"
C35	55.00'	62.90'	59.53'	N76°44'56"E	65°31'23"
C36	25.00'	9.38'	9.32'	N54°44'02"E	21°29'36"
C37	25.00'	10.94'	10.85'	N78°01'04"E	25°04'27"
C38	25.00'	10.94'	10.85'	S76°54'29"E	25°04'27"
C39	25.00'	9.38'	9.32'	S53°37'28"E	21°29'36"
C40	55.00'	61.68'	58.50'	S75°00'15"E	64°15'10"
C41	55.00'	50.00'	48.30'	N46°49'31"E	52°05'19"
C42	55.00'	50.00'	48.30'	N05°15'48"W	52°05'19"
C43	55.00'	14.12'	14.08'	N38°39'37"W	14°42'18"
C44	540.00'	182.69'	181.82'	S55°43'44"E	19°23'03"
C45	540.00'	254.88'	252.52'	S32°30'54"E	27°02'37"
C46	540.00'	105.44'	105.28'	S13°23'57"E	11°11'17"
C47	540.00'	78.79'	78.72'	S03°37'31"E	8°21'36"
C48	480.00'	402.76'	391.04'	S40°52'01"E	48°04'31"
C49	480.00'	137.02'	136.55'	S08°39'06"E	16°21'19"
C50	2695.38'	15.90'	15.90'	N18°16'09"E	0°20'17"
C51	2695.38'	135.02'	135.01'	N16°39'54"E	2°52'13"
C52	2684.24'	135.01'	135.00'	S13°47'12"W	2°52'55"
C53	2684.24'	29.77'	29.77'	N12°01'41"E	0°38'08"
C54	2685.11'	80.17'	80.17'	S10°19'13"W	1°42'39"
C55	2685.11'	31.03'	31.03'	S09°08'01"W	0°39'44"
C56	2685.13'	103.07'	103.06'	S07°42'11"W	2°11'57"
C57	2685.13'	112.01'	112.00'	N05°24'30"E	2°23'24"
C58	1470.40'	74.65'	74.65'	N01°36'01"E	2°54'32"
C59	1470.40'	29.17'	29.17'	S03°37'23"W	1°08'12"
C60	480.00'	8.62'	8.62'	S00°02'26"W	1°01'43"
C61	565.00'	62.66'	62.63'	S49°50'10"E	6°21'15"
C62	565.00'	122.36'	122.12'	S59°13'02"E	12°24'29"
C63	2704.25'	13.27'	13.27'	S11°57'23"W	00°16'52"
C64	2705.11'	10.36'	10.36'	S10°36'46"W	00°13'10"
C65	565.00'	20.00'	20.00'	N41°52'18"W	02°02'47"

LOT TABLE

BLOCK "1"

LOT #	SQUARE FEET	ACRES
1	33,733	0.77
2	36,169	0.83
3	47,464	1.09
4	47,677	1.09
5	32,799	0.75
6	33,120	0.76
7	32,538	0.75
8	32,577	0.75
9	34,696	0.80
10	32,528	0.75
11	5,309	0.12

BLOCK "2"

LOT #	SQUARE FEET	ACRES
1	32,866	0.75
2	33,000	0.76
3	32,866	0.75
4	32,866	0.75
5	33,000	0.76
6	32,866	0.75

BLOCK "3"

LOT #	SQUARE FEET	ACRES
1	49,054	1.13
2	36,678	0.84
3	37,656	0.86
4	37,593	0.86
5	37,530	0.86
6	37,467	0.86
7	37,404	0.86
8	32,463	0.75
9	32,502	0.75
10	39,631	0.91
11	38,132	0.88
12	45,305	1.04
13	44,848	1.03
14	44,179	1.01
15	44,179	1.01
16	51,785	1.19
17	42,700	0.98
18	42,696	0.98
19	42,645	0.98
20	42,832	0.98
21	41,906	0.96
22	32,702	0.75
23	32,745	0.75

STREET AREA

SQUARE FEET	ACRES
260,495	5.98

TOTAL

SQUARE FEET	ACRES
1,751,039	40.20



Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway · Building 1, Suite 550 · Austin, TX 78746

Ph: 512.439.0400 · Fax: 512.329.0096

Texas Registered Surveying Firm 10194419

WWW.CECINC.COM

Texas Registered Engineering Firm F-38

APPROVED BY:

FWF

JOB NUMBER: 181-500
ISSUE DATE: 01/21/2021

SHEET:

2 OF 3

SUBMITTAL DATE:

12/14/2020

"FINAL PLAT" OF BUNKER RANCH PHASE 3,
BLOCK "1", LOTS 1-11, BLOCK "2", LOTS
1-6 AND BLOCK "3", LOTS 1-23, WITHIN
THE CITY OF DRIPPING SPRINGS, TEXAS

FINAL PLAT OF BUNKER RANCH PHASE 3 40.20 ACRES

OWNER'S ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, BUNKER RANCH, LLC, OWNERS OF 43.18 ACRES OF LAND, 58.616 ACRES OF LAND, AND 111.67 ACRES OF LAND OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SAID 43.18 ACRES CONVEYED TO US BY DEED RECORDED IN DOCUMENT NO. 16020929, SAID 58.616 ACRES CONVEYED TO US BY DEED RECORDED IN DOCUMENT NO. 16020930, AND SAID 111.67 ACRES CONVEYED TO US BY DEED RECORDED IN DOCUMENT NO. 16020931, ALL OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 40.20 ACRES OF LAND TO BE KNOWN AS BUNKER RANCH PHASE 3 IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE THE STREETS DESIGNATED HEREON AS PUBLIC ROAD TO THE PUBLIC AND WILL CONVEY THE STREETS DESIGNATED HEREON AS PRIVATE AS WELL AS THE WATER QUALITY LOTS AND PRIVATE PARK LOTS TO THE HOMEOWNERS ASSOCIATION.

IN WITNESS WHEREOF THE SAID BUNKER RANCH, LLC, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS DULY AUTHORIZED OFFICER

WITNESS MY HAND THIS THE 28 DAY OF January A.D. 2021

BUNKER RANCH, LLC
6836 BEE CAVES RD.
BUILDING 3, SUITE 302
AUSTIN, TX 78746

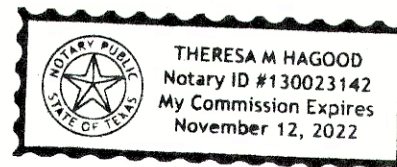
STATE OF TEXAS §
COUNTY OF §

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND THE STATE, ON THIS DAY PERSONALLY APPEARED Steve Hagen, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THE HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 28 DAY OF January A.D. 2021.

NOTARY PUBLIC, IN AND FOR

MY COMMISSION EXPIRES: 11/12/2022



ENGINEERING AND PUBLIC WORKS DEPARTMENT
NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE APPROVED COMMUNITY WATER SYSTEM. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SANITARY SEWER SYSTEM OR TO AN INDIVIDUAL ON-SITE SEWAGE FACILITY WHICH HAS BEEN APPROVED AND PERMITTED BY THE CITY OF DRIPPING SPRINGS ENGINEERING AND PUBLIC WORKS DEPARTMENT.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL CITY OF DRIPPING SPRINGS DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

CHAD PURPIN
CITY ENGINEER

2-4-21
DATE

PLAT NOTES:

1. THIS FINAL PLAT IS LOCATED WITHIN THE CITY OF DRIPPING SPRINGS CITY LIMITS.
2. NO PORTION OF THIS PLAT LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
3. THIS PLAT LIES WITHIN THE BOUNDARIES OF THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER.
4. THIS PLAT IS LOCATED WITHIN THE DRIPPING SPRINGS INDEPENDENT SCHOOL DISTRICT.
5. ACCESS TO AND FROM CORNER LOTS SHALL ONLY BE PERMITTED FROM ONE STREET.
6. THE PROPERTY IS LOCATED WITHIN ZONE "X", AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FEDERAL INSURANCE RATE MAP. PANEL NOS. 48209C0085F & 48209C0105F, HAYS COUNTY, TEXAS DATED SEPTEMBER 2, 2005. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
7. WATER SERVICE WILL BE PROVIDED TO EACH LOT FROM THE DRIPPING SPRINGS WATER SUPPLY CORPORATION.
8. WASTEWATER SERVICE WILL BE PROVIDED BY EACH LOT THROUGH USE OF O.S.S.F. PER CITY OF DRIPPING SPRINGS REGULATIONS.
9. ELECTRIC SERVICE WILL BE PROVIDED BY THE PEDERNALES ELECTRIC COOPERATIVE.
10. TELEPHONE SERVICE WILL BE PROVIDED BY AT&T.
11. GAS SERVICE TO BE PROVIDED BY TEXAS GAS.
12. ALL SETBACKS SHALL COMPLY WITH THE ZONING ORDINANCE.
13. UTILITY EASEMENTS OF 20 FEET SHALL BE LOCATED ALONG EACH SIDE OF DEDICATED R.O.W. AND 5' ALONG EACH SIDE LOT LINE.
14. ALL STREETS SHALL BE DESIGNED AS IN ACCORDANCE WITH APPLICABLE CITY OF DRIPPING SPRINGS AND HAYS COUNTY DEVELOPMENT REGULATIONS.
15. NO STRUCTURE SHALL BE OCCUPIED UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED BY THE CITY OF DRIPPING SPRINGS.
16. ANY DEVELOPMENT WITHIN A WQBZ ALLOWED UNDER SEC. 22.05.017(d) OF THE CITY WATER QUALITY ORDINANCE SHALL BE DESIGNED AND/OR CONDUCTED IN A MANNER WHICH LIMITS THE ALTERATION AND POLLUTION OF THE NATURAL RIPARIAN CORRIDOR TO THE MAXIMUM EXTENT FEASIBLE. IN NO CASE SHALL ANY WASTEWATER LINE BE LOCATED LESS THAN 100 FEET FROM THE CENTERLINE OF A STREAM UNLESS THE APPLICANT HAS DEMONSTRATED THAT INSTALLATION OF THE WASTEWATER LINE OUTSIDE OF THIS ZONE IS PHYSICALLY PROHIBITIVE OR ENVIRONMENTALLY UNSOUND. ANY WASTEWATER LINES LOCATED IN A WQBZ SHALL MEET DESIGN STANDARDS AND CONSTRUCTION SPECIFICATIONS TO ENSURE ZERO LEAKAGE.
17. DRIVEWAYS SHALL BE PERMITTED BY THE CITY AND ALL REQUIRED CULVERTS MUST BE NO LESS THAN 18" CMP.
18. CITY IS AUTHORIZED TO ACCESS THE PRIVATE STREETS, EASEMENTS, ETC., FOR INSPECTION CODE COMPLIANCE, AND WASTEWATER MAINTENANCE AS NEEDED AND HAYS COUNTY EMERGENCY SERVICE DISTRICT #6 IS AUTHORIZED TO ACCESS THE PRIVATE STREETS FOR EMERGENCY ACCESS. BUNKER RANCH HOA TO PROVIDE CITY AND HAYS COUNTY EMERGENCY SERVICE DISTRICT #6 WITH GATE ACCESS CODE.
19. THE BUNKER RANCH HOA, WILL BE RESPONSIBLE FOR MAINTENANCE OF ALL PRIVATE ROADS, WATER QUALITY LOTS, PRIVATE PARKS, AND TRAILS.
20. THIS PLAT AND SUBSEQUENT SITE DEVELOPMENT PLANS SHALL COMPLY WITH THE MOST CURRENT INTERNATIONAL FIRE CODE AS ADOPTED AND AMENDED BY THE EMERGENCY SERVICE DISTRICT #6, OR ITS SUCCESSORS.
21. THE BUNKER RANCH HOA WILL BE RESPONSIBLE FOR OPERATION AND MAINTENANCE OF STORMWATER FACILITIES AND EASEMENT.

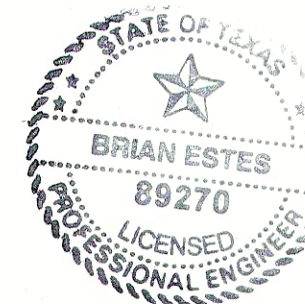
SURVEY CONTROL:

THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM, NAD 83(2012A), SOUTH CENTRAL ZONE, REFERENCING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

ENGINEER'S CERTIFICATION

THIS IS TO CERTIFY THAT: I AM AUTHORIZED TO PRACTICE THE PROFESSION OF ENGINEERING IN THE STATE OF TEXAS; I AM RESPONSIBLE FOR THE PREPARATION OF THE ENGINEERING PORTION THE PLAT SUBMITTED HERewith; ALL ENGINEERING INFORMATION SHOWN ON THE PLAT IS ACCURATE AND CORRECT; AND WITH REGARD TO THE ENGINEERING PORTIONS THEREOF, THE PLAT COMPLIES CITY OF DRIPPING SPRINGS CODE, AS AMENDED, AND ALL OTHER APPLICABLE CITY AND HAYS COUNTY CODES, ORDINANCES AND RULES,

BRIAN ESTES
P.E. NO. 89270
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
3711 S. MOPAC EXPRESSWAY, STE. 550
AUSTIN, TX 78746



NO PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) #48209C0085F, HAYS COUNTY, TEXAS, DATED SEPTEMBER 2, 2005.

SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT: I AM AUTHORIZED TO PRACTICE THE PROFESSION OF SURVEYING IN THE STATE OF TEXAS; I AM RESPONSIBLE FOR THE PREPARATION OF THE SURVEYING PORTIONS OF THE PLAT SUBMITTED HERewith; ALL SURVEYING INFORMATION SHOWN ON THE PLAT IS ACCURATE AND CORRECT; AND WITH REGARD TO THE SURVEYING PORTIONS THEREOF, THE PLAT COMPLIES WITH CITY OF DRIPPING SPRINGS CODE, AS AMENDED, AND ALL OTHER APPLICABLE CITY AND HAYS COUNTY CODES, ORDINANCES AND RULES.

FRANK WILLIAM FUNK
R.P.L.S. NO. 6803
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
3711 S. MOPAC EXPRESSWAY, STE. 550
AUSTIN, TX 78746



STATE OF TEXAS
COUNTY OF HAYS

I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 18 DAY OF March, 2021 A.D., AT 12:47 P.M. IN THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN INSTRUMENT NO. 2009181.

WITNESS MY SEAL OF OFFICE, THIS THE 18 DAY OF March, 2021 A.D.

Elaine H. Cardenas by Sirkehatyn Deputy
ELAINE H. CARDENAS
COUNTY CLERK
HAYS COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF HAYS
CITY OF DRIPPING SPRINGS

THIS PLAT, BUNKER RANCH, PHASE 3, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY OF DRIPPING SPRINGS AND IS HEREBY APPROVED.

APPROVED THIS THE 26 DAY OF January, 2021.

BY:

A.H. Cunningham
PLANNING & ZONING COMMISSION CHAIR OR VICE CHAIR,
ATTEST:

ANDREA CUNNINGHAM, CITY SECRETARY

Andrea Cunningham



Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway · Building 1, Suite 550 · Austin, TX 78746

Ph: 512.439.0400 · Fax: 512.329.0096

WWW.CECINC.COM

Texas Registered Surveying Firm 10194419

Texas Registered Engineering Firm F-38

APPROVED BY:
FWF
JOB NUMBER: 181-500
ISSUE DATE: 01/21/2021
SHEET:
3 OF 3
SUBMITTAL DATE:
12/14/2020

"FINAL PLAT" OF BUNKER RANCH PHASE 3,
BLOCK "1", LOTS 1-11, BLOCK "2", LOTS
1-6 AND BLOCK "3", LOTS 1-23, WITHIN
THE CITY OF DRIPPING SPRINGS, TEXAS

Exhibit 5

JUNE 9, 2021

REVISED TRAFFIC IMPACT ANALYSIS FOR THE PROPOSED BUNKER RANCH SUBDIVISION EXPANSION

US 290 and
Bunker Ranch Boulevard

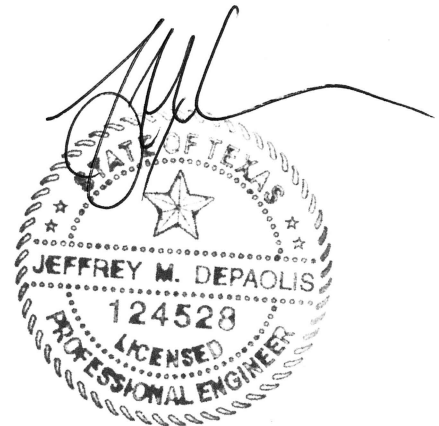
City of Dripping Springs
Hays County, Texas

Prepared for:

The Overlook at Bunker Ranch, LLC
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317 Grace Lane #240
Austin, Texas 78746
(512) 644-6800

Prepared by:

Civil & Environmental Consultants, Inc.
Mr. Jeffrey M. DePaolis, P.E., PTOE
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Pittsburgh, Pennsylvania 15205
(412) 429-2324



Civil & Environmental Consultants, Inc.

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**REVISED TRAFFIC IMPACT ANALYSIS
FOR THE PROPOSED
BUNKER RANCH SUBDIVISION EXPANSION
City of Dripping Springs, Hays County, Texas**

EXECUTIVE SUMMARY

General Overview of the Development

- The Bunker Ranch subdivision is located south of US 290, at its intersection with Bunker Ranch Boulevard, in the City of Dripping Springs, Hays County, Texas.
- The Bunker Ranch subdivision was previously approved to include 160 single family units and 42 condominium units. At the time of the data collection for this project, 58 single family units and six (6) condominium units have been constructed and occupied.
- The proposed expansion will include the construction of an additional 228 single family units (388 total single family units).
- Access to the Bunker Ranch subdivision is provided via Bunker Ranch Boulevard at its intersection with US 290. No changes to the site access are planned with the expansion.
- Traffic Impact Analysis revised in order to address review comments received from the traffic engineering consultant for the City of Dripping Springs (HDR Engineering, Inc.) dated June 3, 2021.

Study Intersection

- US 290 with Bunker Ranch Boulevard (existing unsignalized);
- US 290 with Arrowhead Ranch Boulevard (existing unsignalized); and
- US 290 with Springs Lane (existing unsignalized).

Trip Generation and Distribution

- Trip generation of the proposed Bunker Ranch subdivision was determined using rates and formulae contained in the Institute of Transportation Engineers (ITE) publication *Trip Generation*, Tenth Edition, 2017:
 - Land Use Code 210, *Single-Family Detached Housing*, was used to determine the trip generation of the proposed 228 additional single family units.
- Estimated Trip Generation for the proposed development:

AM Peak Hour:	40 Entering / 122 Exiting / 162 Total
PM Peak Hour:	134 Entering / 79 Exiting / 213 Total
- Trip distribution provided by the City of Dripping Springs indicates 80% / 20% distribution with the majority of trips originating from or destined to the east of the site along US 290.

Mitigation Measures to be Constructed Concurrent with Development

- No mitigation measures recommended for the Bunker Ranch development expansion.

**REVISED TRAFFIC IMPACT ANALYSIS
FOR THE PROPOSED
BUNKER RANCH SUBDIVISION EXPANSION
City of Dripping Springs, Hays County, Texas**

Civil & Environmental Consultants (CEC) has completed this Revised Traffic Impact Analysis for the construction of the proposed expansion of the Bunker Ranch subdivision, which is located south of US 290, at its intersection with Bunker Ranch Boulevard, in the City of Dripping Springs, Hays County, Texas.

This Traffic Impact Analysis has been revised in order to address review comments received from the traffic engineering consultant for the City of Dripping Springs, HDR Engineering Inc., dated June 3, 2021.

The following sections of this report contain a project description, data collection, site traffic generation and distribution, projected traffic volumes, analysis, and conclusions and recommendations.

**PROJECT DESCRIPTION/DATA COLLECTION/EXISTING
ROADWAY DESCRIPTION**

PROJECT DESCRIPTION

As shown in Figure 1, the Bunker Ranch subdivision is located south of US 290, at its intersection with Bunker Ranch Boulevard, in the City of Dripping Springs, Hays County, Texas.

The Bunker Ranch subdivision was previously approved to include 160 single family units and 42 condominium units. At the time data collection was performed for this project, 58 single family units and six (6) condominium units had been constructed and occupied. The proposed expansion will include the construction of an additional 228 single family units, for a total of 388 single family units following the proposed expansion.

A copy of the site plan for the proposed Bunker Ranch subdivision has been included with this report as Figure 2.

In accordance with a scope of study developed by the representatives of the City of Dripping Springs and provided to CEC via an email dated March 31, 2021, the following intersections were selected for study:

- US 290 with Bunker Ranch Boulevard (existing unsignalized);
- US 290 with Arrowhead Ranch Boulevard (existing unsignalized); and
- US 290 with Springs Lane (existing unsignalized).

A total of three (3) existing intersections were included in the scope of the study. A copy of the completed City of Dripping Springs/Texas Department of Transportation Traffic Impact Analysis

Scope and Study Area form provided by the City of Dripping Springs has been included in Appendix A to this report.

The study intersections with respect to the site are illustrated in Figure 3.

DATA COLLECTION

Manual turning movement counts were performed at the existing study intersections on Tuesday, April 20, 2021 from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM. These time periods were assumed to include the weekday AM and weekday PM peak hours of vehicular activity for the study area. Summaries of the data collected during the turning movement counts at the study intersections have been included in Appendix C to this report.

The overall peak hours determined from these counts are as follows:

- AM Peak Hour – 8:00 AM – 9:00 AM
- PM Peak Hour – 4:30 PM – 5:30 PM

The results of the turning movement counts are presented in Figure 4.

However, as a result of measures put in place to prevent the spread of COVID-19 including stay at home orders, canceling of events and public gatherings, business closures, university and school closures, increased telecommuting, and increased jobless numbers, traffic volumes observed at the time the turning movement counts were conducted collected may be lower than under pre-COVID conditions in some locations. Therefore, at the request of the City of Dripping Springs, historic traffic count data during pre-COVID conditions was reviewed in order to determine if an adjustment factor is necessary to account for variations in traffic volumes due to the COVID-19 pandemic.

Pre-COVID 24-hour traffic volumes collected in January 2018 along US 290, west of Bell Springs Road, were provided by the City of Dripping Springs. According to this count data, the Average Daily Traffic (ADT) along US 290, west of Bell Springs Road, was 14,959 vehicles per day in 2018.

In order to project current year, 2021, traffic volumes, CEC calculated a background traffic growth rate for the study area. This growth rate was calculated based on Average Annual Daily Traffic (AADT) volume data obtained from the TXDOT Traffic Count Database System (TCDS). The data includes the five (5) most recent years of AADT count data available for three (3) count stations along US 290. Based on this count data, a background traffic growth rate of 2.44 percent per year, linear was calculated. This background traffic growth rate was approved by the City of Dripping Springs Traffic Consultant, HDR Inc., on April 30, 2021. Detailed background traffic growth rate calculations are provided in Appendix B to this report.

The background traffic growth rate of 2.44 percent per year, linear, was then applied to the 2018 ADT volumes provided by the City of Dripping Springs in order to depict existing 2021 24-hour

ADT traffic volumes along US 290, west of Bell Springs Road. The resultant 2021 ADT traffic volumes for US 290, west of Bell Springs Road, was estimated to be 16,054 vehicles per day.

An Automatic Traffic Recorder (ATR) was installed along US 290, west of Bell Springs Road, for 48-continuous hours on Tuesday, April 20, 2021 and Wednesday, April 21, 2021. Based on the data collected using the ATR, the average ADT for this location along US 290 was identified to be approximately 20,717 vehicles per day. This reflects an increase of 4,663 vehicles per day when compared to the ADT data provided by the City of Dripping Springs, grown to estimate existing 2021 conditions. As a result, it is CEC's opinion that traffic volumes within the study area do not require an adjustment factor to account for COVID-19. This evaluation was provided to and approved by the City of Dripping Spring's Traffic Consultant, HDR Inc., in a virtual meeting held on April 3, 2021.

Traffic volume comparisons to evaluate COVID-19 traffic conditions are provided in Appendix D to this report.

EXISTING CONDITIONS

A field reconnaissance of the study area was conducted by CEC to obtain information such as roadway widths, roadway grades, and posted speed limits within the environs of the study intersection. A description of the study roadways is as follows:

US 290 – Within the study area, US 290 is a State-maintained, principal arterial roadway providing a five (5) lane, 63-foot wide improved surface with a 15 foot wide center two-way left turn lane and five (5) foot-wide paved shoulders.

At its intersection with Bunker Ranch Boulevard, US 290 provides a three (3) lane approach for eastbound traffic (two (2) exclusive through lanes and an exclusive right turn lane) and a three (3) lane approach for westbound traffic (left turns from the center, two-way left turn lane and two (2) exclusive through lanes). The intersection is controlled by a Stop sign on the Bunker Ranch Boulevard approach to US 290.

At its intersection with Arrowhead Ranch Boulevard/Dripping Springs Independent School District (DSISD) Transportation Department driveway, US 290 provides a four (4) lane approach for eastbound traffic (left turns from the center, two-way left turn lane, two (2) exclusive through lanes and an exclusive right turn lane) and a three (3) lane approach for westbound traffic (left turns from the center, two-way left turn lane, an exclusive through lane, and a shared through/right turn lane). The intersection is controlled by a Stop sign on the Arrowhead Ranch Boulevard driveway approach to US 290. Although there is no Stop sign on the DSISD Transportation Department driveway approach to US 290, it is assumed that this minor street approach to US 290 is intended to stop prior to entering US 290.

At its intersection with Springs Lane, US 290 provides a three (3) lane approach for eastbound traffic (left turns from the center, two-way left turn lane and two (2) exclusive through lanes) and a two (2) lane approach for westbound traffic (an exclusive through lane and a shared through/right turn lane). The intersection is controlled by a Stop sign on the Springs Lane approach to US 290.

The posted speed limit of US 290 is 60 miles per hour west of Arrowhead Ranch Boulevard and 50 miles per hour east of Arrowhead Ranch Boulevard.

Bunker Ranch Boulevard – At its intersection with US 290, Bunker Ranch Boulevard is a privately-maintained roadway, providing a 20-foot wide lane for ingress traffic and a 20-foot wide lane for egress traffic, separated by a 20-foot wide median. Bunker Ranch Boulevard provides a one (1) lane approach to US 290 for northbound traffic. The posted speed limit on Bunker Ranch Boulevard is 25 mph.

Arrowhead Ranch Boulevard – At its intersection with US 290, Arrowhead Ranch Boulevard is a privately-maintained roadway providing a 24-foot wide lane for ingress traffic and a 24-foot wide lane for egress traffic, separated by a eight (8) foot wide median. Arrowhead Ranch Boulevard provides a one (1) lane approach to US 290 for northbound traffic. There is no posted speed limit on Arrowhead Ranch Boulevard.

Dripping Springs Independent School District (DSISD) Transportation Department Driveway – At its intersection with US 290, the Dripping Springs Independent School District (DSISD) Transportation Department driveway is a privately-maintained roadway providing a 40-foot wide improved lane with a single lane approach to US 290 for southbound traffic. There is no posted speed limit on the DSISD Transportation Department driveway.

Springs Lane – At its intersection with US 290, Springs Lane is a privately-owned roadway, providing a two (2) lane, 30-foot wide improved surface with a single lane approach to US 290 for southbound traffic. There is no posted speed limit on Springs Lane.

Photographs of each approach to the study intersections are included in Appendix E to this report.

EXISTING 2021 CONDITION CAPACITY ANALYSIS

Capacity calculations were performed for each of the existing study intersections using existing 2021 peak hour traffic volumes and the methodologies published by the Transportation Research Board in their *Highway Capacity Manual*, Sixth Edition, 2017. This methodology determines how well an intersection, approach to an intersection, or movement at an intersection operates, and assigns to it a Level of Service (LOS) A through F, with LOS A representing the best operating conditions and LOS F, the worst. Detailed definitions of LOS have been included in Appendix F to this report.

The results of the capacity calculations performed using existing 2021 peak hour traffic volumes and conditions at the existing study intersections are presented in Figure 5 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach to each study intersection are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

The results of the capacity calculations performed using existing 2021 condition traffic volumes revealed that each of the existing study intersections currently operates at an overall intersection Level of Service A during both the weekday AM and weekday PM peak hours, with all movements

at the study intersections operating at a Level of Service C or better, with the exception of the DSISD Transportation Department driveway approach to US 290, which currently operates at a LOS D during the weekday AM peak hour and a LOS E during the weekday PM peak hour. Copies of the capacity calculations performed using existing 2021 peak hour traffic volumes and conditions at the existing study intersections are included in Appendix G to this report.

FORECASTED 2025 NO-BUILD (BASE) TRAFFIC VOLUMES

The proposed Bunker Ranch subdivision expansion is anticipated to be completed and fully occupied in 2025. Therefore, traffic volumes were projected for the study intersections for forecasted 2025 conditions.

Forecasted 2025 background traffic volumes for the weekday AM and weekday PM peak hours were determined by applying the aforementioned background traffic growth rate of 2.44 percent per year, linear, to the existing 2021 peak hour traffic volumes (Figure 4). The resultant forecasted 2025 background weekday AM and weekday PM peak hour traffic volumes are presented in Figure 6.

As previously discussed, the Bunker Ranch subdivision was previously approved to include 160 single family units and 42 condominium units but, at the time data collection was performed for this project, 58 single family units and six (6) condominium units had been constructed and occupied. Therefore, the anticipated weekday AM and PM peak hour trips to be generated by the 102 single family units and 36 condominium units that have been approved but not yet constructed or occupied have been included in the within the approved no-build (base) condition traffic volumes.

Vehicular trip generation of the 102 single family units and 36 condominium units that have been approved but not yet constructed or occupied was projected based upon data published by the Institute of Transportation Engineers (ITE) in their *Trip Generation*, Tenth Edition, 2017. Land Use Code 210, *Single-Family Detached Housing*, was used to estimate the trip generation for the 102 single family units and Land Use Code 220, *Multifamily Low-Rise*, was used to estimate the trip generation for the 36 multi-family condo units.

Using this methodology, the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision can be anticipated to generate a total of 90 trips during the weekday AM peak hour (22 trips entering and 68 trips exiting) and a total of 122 trips during the weekday PM peak hour (77 trips entering and 45 trips exiting). Copies of the trip generation calculations performed in order to estimate the anticipated trip generation of the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision are included in Appendix H to this report.

The forecasted trips to be generated by the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision were distributed onto the study roadways and through the study intersections based on an arrival/departure distribution provided by the Traffic Engineering Consultant for the City of Dripping Springs. According to this information, 80 percent of primary trips within the study area are anticipated to originate from and be destined to

the east along US 290 and the remaining 20 percent of primary trips are anticipated to originate from and be destined to the west along US 290. The anticipated distribution of the forecasted trips to be generated by the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision is presented in Figure 7.

The anticipated trips to be added to the study intersections by the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision during the weekday AM and weekday PM peak hours are presented in Figure 8.

Similarly, it is understood that approximately 181 of the 403 residential units that have been approved as part of the Arrowhead Ranch residential development have been constructed and are occupied. Therefore, the anticipated weekday AM and PM peak hour trips to be generated by the 222 single family units that have been approved but not yet constructed or occupied have been included in the within the approved no-build (base) condition traffic volumes.

Vehicular trip generation of the 222 single family units that have been approved but not yet constructed or occupied was projected based upon data published by the aforementioned Trip Generation. Land Use Code 210, *Single-Family Detached Housing*, was used to estimate the trip generation for the 222 single family units.

Using this methodology, the approved but not constructed or occupied residential units within the Arrowhead Ranch residential development can be anticipated to generate a total of 158 trips during the weekday AM peak hour (40 trips entering and 118 trips exiting) and a total of 207 trips during the weekday PM peak hour (131 trips entering and 76 trips exiting).

The forecasted trips to be generated by the approved but not yet constructed or occupied residential units within the Arrowhead Ranch development were distributed onto the study roadways and through the study intersections based on the aforementioned arrival/departure distribution provided by the Traffic Engineering Consultant for the City of Dripping Springs. The anticipated distribution of the forecasted trips to be generated by the approved but not yet constructed or occupied residential units within the Arrowhead Ranch residential development is presented in Figure 9.

In addition, according to representatives of the City of Dripping Springs, a 6,000 SF super convenience store with 10 vehicle fueling positions and a 1,800 SF liquor store are currently planned to be constructed as part of the Arrowhead Ranch development. It is CEC's understanding that these commercial developments have not submitted a TIA and are not currently approved by the City of Dripping Springs. However, the City of Dripping Springs has requested that the anticipated trips to be generated by these planned commercial developments be included in the background traffic projections.

The City of Dripping Springs provided a conceptual site plan for these planned Arrowhead Ranch commercial developments. Based on the site plan provided, access to these commercial developments is proposed via a new site access driveway to US 290, the centerline of which is shown to be located approximately 320 feet west of the centerline of Arrowhead Ranch Boulevard, that will be restricted to right turns in/right turns out only. A second, full-movement driveway to

Arrowhead Ranch Boulevard is also planned to provide access to these commercial developments. A copy of the conceptual site plan for the planned Arrowhead Ranch commercial developments is included in Appendix I to this report.

Vehicular trip generation for the planned Arrowhead Ranch commercial developments was projected based upon data published in the aforementioned *Trip Generation*. Land Use Code 960, *Super Convenience Market/Gas Station*, was used to estimate the trip generation for the 6,000 SF super convenience store with 10 vehicle fueling positions. Land Use Code 899, *Liquor Store*, was used to estimate the trip generation for the 1,800 SF liquor store.

Using this methodology, the proposed 6,000 SF super convenience store with 10 vehicle fueling positions can be anticipated to generate a total of 488 trips during the weekday AM peak hour (244 trips entering and 244 trips exiting) and a total of 386 trips during the weekday PM peak hour (193 trips entering and 193 trips exiting). Similarly, the proposed 1,800 SF liquor store can be anticipated to generate a total of eight (8) trips during the weekday AM peak hour (four (4) trips entering and four (4) trips exiting) and a total of 29 trips during the weekday PM peak hour (15 trips entering and 14 trips exiting).

In addition, a portion of the total trips to be generated by the proposed Arrowhead Ranch 6,000 SF super convenience store with 10 vehicle fueling positions can be anticipated to be pass-by trips (those trips that are already traveling the study roadways and will stop at the site as an intermediate stop between their primary origin and their primary destination). The forecasted pass-by trips to be generated by the planned 6,000 SF super convenience store with 10 vehicle fueling positions, as a percentage of the total site trip generation, were estimated using data published by ITE in their *Trip Generation Handbook*, Third Edition, 2017. Land Use Code 960, *Super Convenience Market/Gas Station*, was used to estimate the trip generation for the 6,000 SF super convenience store with 10 vehicle fueling positions. According to this information, a *Super Convenience Market/Gas Station* can be anticipated to generate approximately 76 percent pass-by trips during both the weekday AM and PM peak hours.

Using this methodology, approximately 370 of the 488 trips generated by the planned 6,000 SF super convenience store with 10 vehicle fueling positions during the weekday AM peak hour can be anticipated to be pass-by trips (185 trips entering/185 trips exiting) and approximately 294 of the total 386 trips generated by the planned 6,000 SF super convenience store with 10 vehicle fueling positions during the weekday PM peak hour can be anticipated to be pass-by trips (147 trips entering/147 trips exiting).

The forecasted primary trips to be generated by the planned Arrowhead Ranch commercial developments were distributed onto the study roadways and through the study intersections based on the aforementioned arrival/departure distribution provided by the Traffic Engineering Consultant for the City of Dripping Springs. The anticipated distribution of the forecasted trips to be generated by the planned Arrowhead Ranch commercial developments is presented in Figure 10.

Forecasted pass-by trips to be generated by the planned super convenience store with 10 vehicle fueling positions were distributed through the study intersections based on the existing peak hour

traffic volume distributions along US 290 during each individual peak hours analyzed for both the weekday AM and PM peak hours. The forecasted pass-by trip distribution percentages are presented in Figure 11.

The anticipated trips to be added to the study intersections by the approved but not yet constructed or occupied residential units within the Arrowhead Ranch residential development during the weekday AM and weekday PM peak hours are presented in Figure 12.

The anticipated trips to be added to the study intersections by the planned Arrowhead Ranch liquor store during the weekday AM and weekday PM peak hours are presented in Figure 13.

The forecasted primary trips to be added to the study intersections by the planned Arrowhead Ranch super convenience market/gas station are presented in Figure 14.

The forecasted pass-by trips to be added to the study intersections by the planned Arrowhead Ranch super convenience market/gas station are presented in Figure 15.

The total trips to be added to each of the study intersections by the Arrowhead Ranch development, including both primary and pass-by trips, are presented in Figure 16.

Forecasted 2025 no-build traffic volumes for the weekday AM and weekday PM peak hours were determined by adding anticipated trips to be added to the study intersections by the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision (Figure 8) and the total trips to be added to each of the study intersections by the Arrowhead Ranch development (Figure 16) to the forecasted 2025 background traffic volumes (Figure 6). The resultant 2025 no-build (base) traffic volumes are presented in Figure 17.

FORECASTED 2025 NO-BUILD (BASE) CONDITION CAPACITY CALCULATIONS

Capacity calculations were performed for each of the study intersections using forecasted 2025 no-build (base) condition traffic volumes during the weekday AM and weekday PM peak hours. The results of the capacity calculations performed using forecasted 2025 no-build (base) condition traffic volumes are presented in Figure 18 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach to each study intersection are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

The results of the capacity calculations performed using forecasted 2025 no-build (base) condition traffic volumes revealed that the study intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane are anticipated to operate at an overall intersection Level of Service A during the weekday AM and PM peak hours, with all movements at each intersection forecasted to operate at a LOS C or better during each of the peak hours analyzed.

However, the study intersection of US 290 with Arrowhead Ranch Boulevard/DSISD Transportation Department driveway is anticipated to operate at an overall intersection Level of Service F during both the weekday AM and PM peak hours, with both the northbound Arrowhead

Ranch Boulevard and the southbound DSISD Transportation Department driveway approaches to the intersection operating at LOS F during each of the peak hours analyzed.

Copies of the capacity calculations performed using forecasted 2025 no-build (base) traffic volumes and conditions are included in Appendix L to this report.

According to the City of Dripping Springs Code of Ordinances, Chapter 28, Exhibit A, Section 11.11, *“The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service “C” or above.”* Therefore, because of the forecasted decrease in Level of Service, mitigation measures will need to be considered for the intersection of US 290 with Arrowhead Ranch Boulevard.

Warrants for the installation of traffic signal control were evaluated at the study intersection of US 290 with Arrowhead Ranch Boulevard. These analyses were performed using criteria published in Chapter 4C, Traffic Control Signal Needs Studies, contained in the Texas Manual on Uniform Traffic Control Devices (TMUTCD). Specifically Warrant III, the *Peak Hour* warrant, was evaluated. The peak hour signal warrant is anticipated to be satisfied at the intersection of US 290 with Arrowhead Ranch Boulevard under forecasted 2025 no-build (base) conditions during both the weekday AM and weekday PM peak hours. Therefore, traffic signal control is assumed to be necessary for the planned Arrowhead Ranch development and the installation of traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard would be the sole responsibility of the Arrowhead Ranch development.

Copies of the graphs used to verify warrants for the installation of traffic signal control are included in Appendix L to this report.

Therefore, capacity calculations were then performed for the study intersection of US 290 with Arrowhead Ranch Boulevard assuming the installation of a traffic signal at the intersection. The results of these capacity calculations revealed that the intersection of US 290 with Arrowhead Ranch Boulevard could be anticipated to operate at an overall intersection Level of Service C or better during the weekday AM and PM peak hours, with all movements operating at a LOS C or better, following installation of traffic signal control. The anticipated Levels of Service at the intersection of US 290 with Arrowhead Ranch Boulevard, assuming the installation of a traffic signal, are presented in Figure 19 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

Copies of the capacity calculations performed using forecasted 2025 no-build (base) traffic volumes including mitigations are included in Appendix M to this report.

SITE TRAFFIC GENERATION AND DISTRIBUTION

VEHICULAR TRIP GENERATION

Vehicular trip generation for the proposed Bunker Ranch subdivision expansion was projected based upon data published in the aforementioned *Trip Generation*. Land Use Code 210, *Single-Family Detached Housing*, was used to estimate the trip generation for the proposed 228 Single family units.

Using this methodology, the proposed Bunker Ranch subdivision expansion can be anticipated to generate a total of 162 trips during the weekday AM peak hour (40 trips entering and 122 trips exiting) and a total of 213 trips during the weekday PM peak hour (134 trips entering and 79 trips exiting).

SITE TRAFFIC DISTRIBUTION

As previously detailed, arrival and departure distribution for the proposed Bunker Ranch subdivision expansion was provided by the Traffic Engineering Consultant for the City of Dripping Springs. This trip distribution is summarized in Figure 7.

The forecasted trips to be added to each of the study intersections by the proposed Bunker Ranch subdivision expansion are presented in Figure 20.

FORECASTED 2025 BUILD (WITH DEVELOPMENT) TRAFFIC VOLUMES

The forecasted 2025 build traffic volumes (with development) at each of the study intersections during the weekday AM and weekday PM hours were determined by adding the forecasted trips to be added to the study intersection by the proposed Bunker Ranch subdivision expansion (Figure 20) to the forecasted 2025 no-build (base) traffic volumes (Figure 17). The resultant forecasted 2025 build (with development) traffic volumes are presented in Figure 21.

FORECASTED 2025 BUILD (WITH DEVELOPMENT) CONDITION CAPACITY CALCULATIONS

Capacity calculations were performed for each of the study intersections using forecasted 2025 build (with development) traffic volumes and conditions during the weekday AM and weekday PM peak hours. The results of the capacity calculations performed using forecasted 2025 build (with development) conditions and traffic volumes are presented in Figure 22 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

The results of the capacity calculations performed using forecasted 2025 build (with development) condition traffic volumes revealed that the study intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane are anticipated to continue to operate at an overall intersection Level of Service A during the weekday AM and PM peak hours, with all movements

at each intersection forecasted to operate at a LOS D or better. Therefore, no mitigation measures are necessary for the intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane following completion of the Bunker Ranch subdivision expansion.

However, similar to the analyses performed for the 2025 no-build (base) conditions, the study intersection of US 290 with Arrowhead Ranch Boulevard is anticipated to operate with an overall intersection Level of Service F during both the weekday AM and PM peak hours, with both the northbound Arrowhead Ranch Boulevard and the southbound DSISD Transportation Department driveway approaches to the intersection operating at LOS F during each of the peak hours analyzed under existing traffic control. As previously detailed, warrants for the installation of traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard are forecasted to be satisfied under forecasted 2025 no-build (base) conditions. Therefore, traffic signal control is assumed to be necessary for the planned Arrowhead Ranch development. Installation of traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard is the sole responsibility of the Arrowhead Ranch development.

Copies of the capacity calculations performed using forecasted 2025 build (with development) traffic volumes are included in Appendix N to this report.

Therefore, capacity calculations were then performed for the study intersection of US 290 with Arrowhead Ranch Boulevard assuming the installation of a traffic signal at the intersection. The results of these capacity calculations revealed that the intersection of US 290 with Arrowhead Ranch Boulevard could be anticipated to operate at an overall intersection Level of Service C or better during the weekday AM and PM peak hours, with all movements operating at a LOS C or better, following installation of traffic signal control. The anticipated Levels of Service at the intersection of US 290 with Arrowhead Ranch Boulevard, assuming the installation of a traffic signal, are presented in Figure 23 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

Copies of the capacity calculations performed using forecasted 2025 build (with development) traffic volumes including mitigations are included in Appendix O to this report.

ADDITIONAL ANALYSES

SIGNAL WARRANT EVALUATION

As previously discussed, warrants for the installation of traffic signal control at the study intersection of US 290 with Arrowhead Ranch Boulevard are anticipated to be satisfied under forecasted 2025 no-build (base) conditions and are forecasted to continue to be satisfied under forecasted 2025 build (with development) conditions.

According to the City of Dripping Springs Code of Ordinances, Chapter 28, Exhibit A, Section 11.11, *“The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but*

unbuilt developments holding valid, unexpired building permits at level of service “C” or above.” Therefore, signal warrant evaluations were not performed for the intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane.

QUEUING ANALYSIS

Traffic volumes at each of the study intersections were used to perform queuing analyses for each approach to each intersection. These queuing analyses were reported as the 95th percentile queue from the average of five (5) runs of SimTraffic Traffic Signal Coordination Software by TrafficWare. The results of these queuing analyses are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

As described under Existing Conditions, a center, two-way left turn lane is provided along US 290 within the study area. SimTraffic Traffic Signal Coordination Software does not account for left turns being made within a center two-way left turn lane. Therefore, in order to accurately model the intersections, the center, two-way left turn lane was treated as an exclusive left turn lane at each of the study intersections.

Based on the results of these queueing analyses, each of the existing auxiliary turn lanes at the study intersections is of sufficient length to accommodate all existing queues, as well as all forecasted 2025 queues, both without and following the proposed Bunker Ranch subdivision expansion.

However it should be noted that the right turn in/right turn out driveway proposed to be constructed as part of the planned Arrowhead Ranch commercial developments will be located in the middle of the taper of the existing eastbound right turn lane on US 290 at its intersection with Arrowhead Ranch Boulevard. Therefore, it is anticipated that the eastbound right turn lane on US 290 will need to be lengthened in order to accommodate the location of the right turn in/right turn out driveway and the increase in traffic volumes associated with the Arrowhead Ranch development.

Copies of the queuing analyses performed for existing 2021, forecasted 2025 no-build (base), forecasted 2025 no-build (base) mitigated, forecasted 2025 build (with development), and forecasted 2025 build (with development) mitigated conditions have been included in Appendix P, Appendix Q, Appendix R, Appendix S and Appendix T to this report, respectively.

STOPPING SIGHT DISTANCE

Stopping sight distance calculations were performed for the US 290 approaches to Arrowhead Ranch Boulevard, as warrants for the installation of traffic signal control at the intersection are anticipated to be satisfied and the installation of a traffic signal is anticipated to be required in order to mitigate the impacts caused by the construction of the proposed Arrowhead Ranch commercial development. Stopping sight distance calculations were completed based on the methodologies presented in the TXDOT *Roadway Design Manual*, July 2020. For analysis purposes, the stopping sight distance required for vehicles approaching a stopped vehicle along US 290 was evaluated

The posted speed limit of US 290 is 60 miles per hour west of Arrowhead Ranch Boulevard and 50 miles per hour east of Arrowhead Ranch Boulevard. Therefore, for analysis purposes, the stopping sight distance calculations were conservatively based on a posted speed limit of 60 miles per hour. According to the TXDOT Roadway Design Manual, Section 3, Table 2-1, the required stopping sight distance for a 60 mph posted speed limit is 570 feet.

The available stopping sight distance for the US 290 approaches to Arrowhead Ranch Boulevard was measured to the location of the projected back of the queues on US 290. Based on the results of the queuing analysis performed, the back of queue on the eastbound US 290 approach to Arrowhead Ranch Boulevard was identified to be approximately 230 feet back from the intersection during the weekday AM peak hour and approximately 196 feet back from the intersection during the weekday PM peak hour. The back of queue on the westbound US 290 approach to Arrowhead Ranch Boulevard was identified to be approximately 170 feet back from the intersection during the weekday AM peak hour and approximately 152 feet back from the intersection during the weekday PM peak hour.

Based on the sight distance measurements performed at the intersection of US 290 with Arrowhead Ranch Boulevard, greater than 1,000 feet of sight distance is available to the back of queue along eastbound US 290 and greater than 1,000 feet of sight distance is available to the back of queue along westbound US 290. Therefore, the available sight distance along US 290 to the back of queue at Arrowhead Ranch Boulevard exceeds the required stopping sight distance for a posted speed limit of 60 miles per hour.

CONCLUSIONS/RECOMMENDATIONS

The study concluded that the construction of the proposed Bunker Ranch Residential Development expansion will have no significant impact on the operation of the study intersections.

Following completion of the proposed Bunker Ranch Residential Development expansion, the study intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane are anticipated to continue to operate at an overall intersection Level of Service A during the weekday AM and PM peak hours, with all movements operating at a LOS D or better.

However, it should be noted that, under both forecasted 2025 no-build (base) and forecasted 2025 build (with development) conditions, the study intersection of US 290 with Arrowhead Ranch Boulevard is anticipated to operate at an overall intersection Level of Service F during both the weekday AM and PM peak hours, with both the northbound Arrowhead Ranch Boulevard and the southbound DSISD Transportation Department driveway approaches to the intersection operating at LOS F during each of the peak hours analyzed. These Failure Levels of Service can be directly attributed to the traffic volumes generated by the planned Arrowhead Ranch commercial developments, including a 1,800 SF liquor store and a 6,000 SF super convenience store with 10 vehicle fueling positions.

Warrants for the installation of traffic signal control are anticipated to be satisfied at the intersection of US 290 with Arrowhead Ranch Boulevard under forecasted 2025 no-build (base)

TABLES

TABLE 1
SUMMARY OF CAPACITY ANALYSIS RESULTS - AM PEAK HOUR
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Intersection/Movement	2021 Existing Conditions					2025 No-Build Conditions					2025 No-Build Mitigated Conditions ⁽⁵⁾					2025 Build Conditions					2025 Build Mitigated Conditions ⁽⁵⁾				
	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾
US 290 with Bunker Ranch Boulevard																									
Eastbound US 290																									
EB Through	A	0.0	--	0'	1490'	A	0.0	--	0'	1490'	--	--	--	--	--	A	0.0	--	0'	1490'	--	--	--	--	--
EB Right			--	0'	240'			--	0'	240'			--	--	--			--	0'	240'			--	--	--
EB Approach			--	--	--			--	--	--			--	--	--			--	--	--			--	--	--
Westbound US 290																									
WB Left ⁽⁶⁾	A	9.4	0.046	36'	150'+	A	9.9	0.075	43'	150'+	--	--	--	--	--	B	10.2	0.123	45'	150'+	--	--	--	--	--
WB Through	A	0.0	--	0'	780'	A	0.0	--	0'	780'	--	--	--	--	--	A	0.0	--	0'	780'	--	--	--	--	--
WB Approach	A	0.6	--	--	--	A	0.9	--	--	--	--	--	--	--	--	A	1.4	--	--	--	--	--	--	--	--
Northbound Bunker Ranch Blvd.																									
NB Approach	B	11.8	0.045	48'	--	B	14.4	0.213	60'	--	--	--	--	--	--	C	20.5	0.517	156'	--	--	--	--	--	--
Overall Intersection	A	0.5	--	--	--	A	1.3	--	--	--	--	--	--	--	--	A	3.3	--	--	--	--	--	--	--	--
US 290 with Arrowhead Ranch Boulevard																									
Eastbound US 290																									
EB Left ⁽⁶⁾	A	8.9	0.001	3'	150'+	A	8.7	0.001	0'	150'+	B	16.6	0.00	5'	150'+	A	8.8	0.001	5'	150'+	B	20.0	0.00	4'	150'+
EB Through	A	0.0	--	0'	780'	A	0.0	--	2'	780'	C	23.5	0.78	201'	780'	A	0.0	--	0'	780'	C	32.2	0.85	230'	780'
EB Right	A	0.0	--	0'	250'	A	0.0	--	10'	250'	B	18.0	0.17	58'	250'	A	0.0	--	9'	250'	C	21.5	0.16	59'	250'
EB Approach	A	0.0	--	--	--	A	0.0	--	--	--	C	23.3	--	--	--	A	0.0	--	--	--	C	31.9	--	--	--
Westbound US 290																									
WB Left ⁽⁶⁾	A	0.2	0.053	32'	150'	B	11.3	0.296	96'	150'	B	17.5	0.63	132'	150'	B	12.3	0.327	95'	150'	C	27.1	0.74	160'	150'
WB Through	A	0.0	--	0'	440'	A	0.0	--	11'	440'	B	14.8	0.45	150'	440'	A	0.0	--	21'	440'	B	18.2	0.46	170'	440'
WB Right																									
WB Approach	A	0.6	--	--	--	A	3.2	--	--	--	B	15.5	--	--	--	A	3.4	--	--	--	C	20.7	--	--	--
Northbound Arrowhead Ranch Blvd.																									
NB Approach	C	19.6	0.248	68'	--	F	2,413	6.111	358'	--	C	22.9	0.74	318'	--	F	3508.7	8.462	355'	--	C	28.5	0.67	335'	--
Southbound DSISD Driveway																									
SB Approach	D	31.9	0.017	15'	--	F	105.9	0.062	13'	--	B	15.5	0.01	9'	--	F	145.0	0.084	13'	--	B	16.9	0.00	10'	--
Overall Intersection	A	1.3	--	--	--	F	509.9	--	--	--	C	20.1	--	--	--	F	690.3	--	--	--	C	26.8	--	--	--
US 290 with Springs Lane																									
Eastbound US 290																									
EB Left ⁽⁶⁾	A	9.1	0.003	11'	150'+	A	9.6	0.003	8'	150'+	--	--	--	--	--	A	9.7	0.003	10'	150'+	--	--	--	--	--
EB Through	A	0.0	--	0'	440'	A	0.0	--	0'	440'	--	--	--	--	--	A	0.0	--	0'	440'	--	--	--	--	--
EB Approach	A	0.0	--	--	--	A	0.0	--	--	--	--	--	--	--	--	A	0.0	--	--	--	--	--	--	--	--
Westbound US 290																									
WB Through	A	0.0	--	0'	490'	A	0.0	--	0'	490'	--	--	--	--	--	A	0.0	--	0'	490'	--	--	--	--	--
WB Right																									
WB Approach																									
Southbound Springs Lane																									
SB Approach	C	17.0	0.056	35'	--	C	19.7	0.067	36'	--	--	--	--	--	--	C	20.9	0.072	40'	--	--	--	--	--	--
Overall Intersection	A	0.2	--	--	--	A	0.2	--	--	--	--	--	--	--	--	A	0.2	--	--	--	--	--	--	--	--

(1) Level of service determined through the use of Synchro Traffic Simulation Software, Version 11. All calculations were performed using the methodologies published in Highway Capacity Manual 6th Edition by the Transportation Research Board.

(2) Volume to capacity ration (v/c) were calculated using Synchro Traffic Simulation Software, Version 11. All calculations were performed using the methodologies published in Highway Capacity Manual 6th Edition by the Transportation Research Board.

(3) 95th percentile queue lengths were calculated using SimTraffic Traffic Signal Coordination Software. Results of queueing analysis represent the average of five (5) SimTraffic simulation runs.

(4) Existing queue storage capacity was determined through the use of Google Earth Software and signal plans. All storage lengths were rounded up to the nearest 5 ft. increment.

(5) Results of the capacity analyses performed without mitigations indicate that the intersection of US 290 with Arrowhead Ranch Boulevard is forecasted to operate under LOS F conditions. Therefore, it is anticipated that mitigation measures will need to be constructed by the Arrowhead Ranch development in order to mitigate the projected LOS F conditions. As a result, mitigated conditions for this study represent the anticipated need to install traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard.

TABLE 2
SUMMARY OF CAPACITY ANALYSIS RESULTS - PM PEAK HOUR
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Intersection/Movement	2021 Existing Conditions					2025 No-Build Conditions					2025 No-Build Mitigated Conditions ⁽⁵⁾					2025 Build Conditions					2025 Build Mitigated Conditions ⁽⁵⁾				
	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	Bay Length (ft) ⁽⁴⁾
US 290 with Bunker Ranch Boulevard																									
Eastbound US 290																									
EB Through	A	0.0	--	0'	1490'	A	0.0	--	0'	1490'	--	--	--	--	--	A	0.0	--	0'	1490'	--	--	--	--	--
EB Right			--	0'	240'			--	0'	240'			--	--	--			--	4'	240'			--	--	--
EB Approach			--	--	--			--	--	--			--	--	--			--	--	--			--	--	--
Westbound US 290																									
WB Left ⁽⁶⁾	A	9.1	0.016	21'	150'+	A	9.7	0.1	45'	150'+	--	--	--	--	--	B	10.9	0.254	68'	150'+	--	--	--	--	--
WB Through	A	0.0	--	0'	780'	A	0.0	--	0'	780'	--	--	--	--	--	A	0.0	--	0'	780'	--	--	--	--	--
WB Approach	A	0.1	--	--	--	A	0.8	--	--	--	--	--	--	--	--	A	1.8	--	--	--	--	--	--	--	--
Northbound Bunker Ranch Blvd.																									
NB Approach	B	12.1	0.078	50'	--	B	14.2	0.196	98'	--	--	--	--	--	--	C	20.5	0.45	196'	--	--	--	--	--	--
Overall Intersection	A	0.3	--	--	--	A	1.1	--	--	--	--	--	--	--	--	A	2.7	--	--	--	--	--	--	--	--
US 290 with Arrowhead Ranch Boulevard																									
Eastbound US 290																									
EB Left ⁽⁶⁾	B	11.8	0.004	2'	150'+	B	11.7	0.004	8'	150'+	B	13.6	0.01	5'	150'+	B	12.5	0.004	6'	150'+	B	13.4	0.01	9'	150'+
EB Through	A	0.0	--	0'	780'	A	0.0	--	0'	780'	B	18.0	0.69	196'	780'	A	0.0	--	0'	780'	B	18.1	0.71	196'	780'
EB Right	A	0.0	--	0'	250'	A	0.0	--	10'	250'	B	14.0	0.08	45'	250'	A	0.0	--	13'	250'	B	13.8	0.08	42'	250'
EB Approach	A	0.0	--	--	--	A	0.0	--	--	--	B	17.8	--	--	--	A	0.0	--	--	--	B	17.9	--	--	--
Westbound US 290																									
WB Left ⁽⁶⁾	A	9.4	0.068	33'	150'	B	11.4	0.352	116'	150'	B	12.3	0.62	151'	150'	B	12	0.372	148'	150'	B	12.8	0.64	152'	150'
WB Through	A	0.0	--	0'	440'	A	0.0	--	0'	440'	B	11.8	0.54	143'	440'	A	0.0	--	111'	440'	B	12.2	0.59	152'	440'
WB Right																									
WB Approach	A	0.6	--	--	--	A	3.0	--	--	--	B	11.9	--	--	--	A	2.9	--	--	--	B	12.4	--	--	--
Northbound Arrowhead Ranch Blvd.																									
NB Approach	B	14.2	0.106	42'	--	F	1,016.3	3.051	326'	--	C	21.2	0.63	183'	--	F	1362.1	3.78	321'	--	C	22.2	0.64	189'	--
Southbound DSISD Driveway																									
SB Approach	E	41.4	0.02	11'	--	F	155.1	0.079	11'	--	B	16.3	0.01	14'	--	F	204.7	0.103	20'	--	B	17.1	0.01	12'	--
Overall Intersection	A	0.8	--	--	--	F	140.0	--	--	--	B	15.2	--	--	--	F	171.2	--	--	--	B	15.5	--	--	--
US 290 with Springs Lane																									
Eastbound US 290																									
EB Left ⁽⁶⁾	B	10.1	0.003	6'	150'+	B	11.2	0.004	12'	150'+	--	--	--	--	--	B	11.8	0.004	9'	150'+	--	--	--	--	--
EB Through	A	0.0	--	0'	440'	A	0.0	--	0'	440'	--	--	--	--	--	A	0.0	--	0'	440'	--	--	--	--	--
EB Approach	A	0.0	--	--	--	A	0.0	--	--	--	--	--	--	--	--	A	0.0	--	--	--	--	--	--	--	--
Westbound US 290																									
WB Through	A	0.0	--	0'	490'	A	0.0	--	0'	490'	--	--	--	--	--	A	0.0	--	0'	490'	--	--	--	--	--
WB Right																									
WB Approach																									
Southbound Springs Lane																									
SB Approach	C	18.9	0.068	46'	--	C	23.6	0.089	44'	--	--	--	--	--	--	D	26.7	0.102	46'	--	--	--	--	--	--
Overall Intersection	A	0.2	--	--	--	A	0.2	--	--	--	--	--	--	--	--	A	0.2	--	--	--	--	--	--	--	--

(1) Level of service determined through the use of Synchro Traffic Simulation Software, Version 11. All calculations were performed using the methodologies published in Highway Capacity Manual 6th Edition by the Transportation Research Board.

(2) Volume to capacity ration (v/c) were calculated using Synchro Traffic Simulation Software, Version 11. All calculations were performed using the methodologies published in Highway Capacity Manual 6th Edition by the Transportation Research Board.

(3) 95th percentile queue lengths were calculated using SimTraffic Traffic Signal Coordination Software. Results of queueing analysis represent the average of five (5) SimTraffic simulation runs.

(4) Existing queue storage capacity was determined through the use of Google Earth Software and signal plans. All storage lengths were rounded up to the nearest 5 ft. increment.

(5) Results of the capacity analyses performed without mitigations indicate that the intersection of US 290 with Arrowhead Ranch Boulevard is forecasted to operate under LOS F conditions. Therefore, it is anticipated that mitigation measures will need to be constructed by the Arrowhead Ranch development in order to mitigate the projected LOS F conditions. As a result, mitigated conditions for this study represent the anticipated need to install traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard.

(6) A two-way center left turn lane is provided along US 290 within the environs of the study. Synchro Traffic Simulation Software, Version 11 does not account for left turns being made within a center two-way left turn lane. Therefore, in order to accurately model the intersections, the center two-way left turn lane was treated as an exclusive left turn lane at each of the study intersections. For analysis purpose, the lanes were evaluated as having a storage length of 150 feet. However, additional storage is available within this center two-way left turn lane.

Source: Analysis by CEC.

TABLE 3
APPROVED BUNKER RANCH SUBDIVISION TRIP GENERATION SUMMARY
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Description/Land Use Code	Size	Time Period	Trip Generation ⁽¹⁾		
			Primary Trips		
			In	Out	Total
APPROVED BUNKER RANCH SUBDIVISION					
Approved Existing Bunker Ranch Subdivision					
Single-Family Detached Housing	160 units	Weekday 24 Hour	801	801	1602
		Weekday AM Peak Hour	30	88	118
		Weekday PM Peak Hour	101	59	160
Multifamily Low-Rise	42 units	Weekday 24 Hour	153	154	307
		Weekday AM Peak Hour	5	16	21
		Weekday PM Peak Hour	17	10	27
Subtotal	--	Weekday 24 Hour	954	955	1,909
		Weekday AM Peak Hour	35	104	139
		Weekday PM Peak Hour	118	69	187
Existing Bunker Ranch Subdivision Currently Constructed/Occupied ⁽²⁾					
Single-Family Detached Housing	58 units	Weekday 24 Hour	315	315	630
		Weekday AM Peak Hour	12	34	46
		Weekday PM Peak Hour	38	22	60
Multifamily Low-Rise	6 units	Weekday 24 Hour	22	22	44
		Weekday AM Peak Hour	1	2	3
		Weekday PM Peak Hour	3	2	5
Subtotal	--	Weekday 24 Hour	337	337	674
		Weekday AM Peak Hour	13	36	49
		Weekday PM Peak Hour	41	24	65
Bunker Ranch Subdivison Approved Residential Units Not Yet Constructed/Occupied to be Included in Background Traffic Volumes					
Single-Family Detached Housing	102 units	Weekday 24 Hour	486	486	972
		Weekday AM Peak Hour	18	54	72
		Weekday PM Peak Hour	63	37	100
Multifamily Low-Rise	36 units	Weekday 24 Hour	131	132	263
		Weekday AM Peak Hour	4	14	18
		Weekday PM Peak Hour	14	8	22
Subtotal	--	Weekday 24 Hour	617	618	1,235
		Weekday AM Peak Hour	22	68	90
		Weekday PM Peak Hour	77	45	122

(1) Anticipated trip generation calculated based on the rates published in the Institute of Transportation Engineers (ITE) *Trip Generation* , 10th Edition publication.

(2) Data regarding the number of residential units that have yet to be constructed or occupied have been provided by the City of Dripping Springs. The Bunker Ranch Development has currently been approved for the construction of 160 single family units and 42 condo units. At this time, 102 single family units and 36 condo units have yet to be constructed or occupied.

Source: Analysis by CEC.

TABLE 4
PROPOSED BUNKER RANCH SUBDIVISION EXPANSION TRIP GENERATION SUMMARY
Proposed Bunker Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Description/Land Use Code	Size	Time Period	Trip Generation ⁽¹⁾		
			Primary Trips		
			In	Out	Total
BUNKER RANCH RESIDENTIAL DEVELOPMENT					
Proposed Total Bunker Ranch Subdivision After Expansion					
Single-Family Detached Housing	388 units	Weekday 24 Hour	1810	1810	3620
		Weekday AM Peak Hour	70	210	280
		Weekday PM Peak Hour	235	138	373
Approved Bunker Ranch Subdivision Single Family Units ⁽³⁾					
Single-Family Detached Housing	160 units	Weekday 24 Hour	801	801	1602
		Weekday AM Peak Hour	30	88	118
		Weekday PM Peak Hour	101	59	160
Proposed New Bunker Ranch Subdivsion Residential Single Family Units ⁽³⁾					
Single-Family Detached Housing	228 units	Weekday 24 Hour	1,009	1,009	2,018
		Weekday AM Peak Hour	40	122	162
		Weekday PM Peak Hour	134	79	213

- (1) Anticipated trip generation calculated based on the rates published in the Institute of Transportation Engineers (ITE) *Trip Generation* , 10th Edition publication.
- (2) Data regarding the number of residential units that have yet to be constructed or occupied have been provided by the City of Dripping Springs. The Bunker Ranch Development has currently been approved for the construction of 160 single family units and 42 condo units. At this time, 102 single family units and 36 condo units have yet to be constructed or occupied.
- (3) From Table 3.
- (4) The total Bunker Ranch Subdivision Trips was calcaulted by adding the existing approved Bunker Ranch Subdivison trips (160 Single Family Residential Units plus 42 Multifamily Low-Rise Residential Units shown on Table 3) to the proposed Bunker Ranch Subdivision Expansion trips (Additional 228 Single Family Residential Units shown on Table 4).

Source: Analysis by CEC.

TABLE 5
PROPOSED BUNKER RANCH SUBDIVISION APPROVED PLUS EXPANSION TRIP GENERATION SUMMARY
Proposed Bunker Subdivison Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Description/Land Use Code	Size	Time Period	Trip Generation ⁽¹⁾		
			Primary Trips		
			In	Out	Total
APPROVED BUNKER RANCH SUBDIVISION ⁽¹⁾					
Approved Existing Bunker Ranch Subdivision					
Single-Family Detached Housing	160 units	Weekday 24 Hour	801	801	1602
		Weekday AM Peak Hour	30	88	118
		Weekday PM Peak Hour	101	59	160
Multifamily Low-Rise	42 units	Weekday 24 Hour	153	154	307
		Weekday AM Peak Hour	5	16	21
		Weekday PM Peak Hour	17	10	27
Subtotal	--	Weekday 24 Hour	954	955	1,909
		Weekday AM Peak Hour	35	104	139
		Weekday PM Peak Hour	118	69	187
PROPOSED NEW BUNKER RANCH SUBDIVISION EXPANSION ⁽²⁾					
Single-Family Detached Housing	228 units	Weekday 24 Hour	1,009	1,009	2,018
		Weekday AM Peak Hour	40	122	162
		Weekday PM Peak Hour	134	79	213
Multifamily Low-Rise	--	Weekday 24 Hour	--	--	--
		Weekday AM Peak Hour	--	--	--
		Weekday PM Peak Hour	--	--	--
Subtotal	--	Weekday 24 Hour	1,009	1,009	2,018
		Weekday AM Peak Hour	40	122	162
		Weekday PM Peak Hour	134	79	213
TOTAL APPROVED BUNKER RANCH SUBDIVISION PLUS PROPOSED NEW BUNKER RANCH SUBDIVISION EXPANSION					
Single-Family Detached Housing	388 units	Weekday 24 Hour	1,810	1,810	3,620
		Weekday AM Peak Hour	70	210	280
		Weekday PM Peak Hour	235	138	373
Multifamily Low-Rise	42 units	Weekday 24 Hour	153	154	307
		Weekday AM Peak Hour	5	16	21
		Weekday PM Peak Hour	17	10	27
Subtotal	--	Weekday 24 Hour	1,963	1,964	3,927
		Weekday AM Peak Hour	75	226	301
		Weekday PM Peak Hour	252	148	400

(1) From Table 3.

(2) From Table 4.

Source: Analysis by CEC.

TABLE 6
ARROWHEAD RANCH DEVELOPMENT TRIP GENERATION SUMMARY
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Description/Land Use Code	Size	Time Period	Trip Generation ⁽¹⁾								
			Primary Trips			Pass-By Trips			Total Trips		
			In	Out	Total	In	Out	Total	In	Out	Total
ARROWHEAD RANCH DEVELOPMENT											
Total Approved Arrowhead Ranch Residential Development											
Single-Family Detached Housing	403 units	Weekday 24 Hour	1874	1874	3748	0	0	0	1,874	1,874	3,748
		Weekday AM Peak Hour	73	218	291	0	0	0	73	218	291
		Weekday PM Peak Hour	244	143	387	0	0	0	244	143	387
Existing Arrowhead Ranch Residential Development Currently Constructed/Occupied ⁽²⁾											
Single-Family Detached Housing	181 units	Weekday 24 Hour	898	897	1795	0	0	0	898	897	1,795
		Weekday AM Peak Hour	33	100	133	0	0	0	33	100	133
		Weekday PM Peak Hour	113	67	180	0	0	0	113	67	180
Arrowhead Ranch Residential Development Approved Residential Units Not Yet Constructed/Occupied to be Included in Background Traffic Volumes											
Single-Family Detached Housing	222 units	Weekday 24 Hour	976	977	1953	0	0	0	976	977	1,953
		Weekday AM Peak Hour	40	118	158	0	0	0	40	118	158
		Weekday PM Peak Hour	131	76	207	0	0	0	131	76	207
Planned Arrowhead Ranch Development Commercial Development ⁽³⁾											
Liquor Store	1,800 SF	Weekday 24 Hour	92	91	183	0	0	0	92	91	183
		Weekday AM Peak Hour	4	4	8	0	0	0	4	4	8
		Weekday PM Peak Hour	15	14	29	0	0	0	15	14	29
Super Convenience Market/Gas Station	6,000 SF	Weekday 24 Hour	No Data Available for Weekday 24-Hour Period						1,153	1,152	2,305
		Weekday AM Peak Hour	59	59	118	185	185	370	244	244	488
		Weekday PM Peak Hour	46	46	92	147	147	294	193	193	386
SubTotal		Weekday 24 Hour	--	--	--	--	--	--	1,245	1,243	2488
		Weekday AM Peak Hour	63	63	126	185	185	370	248	248	496
		Weekday PM Peak Hour	61	60	121	147	147	294	208	207	415

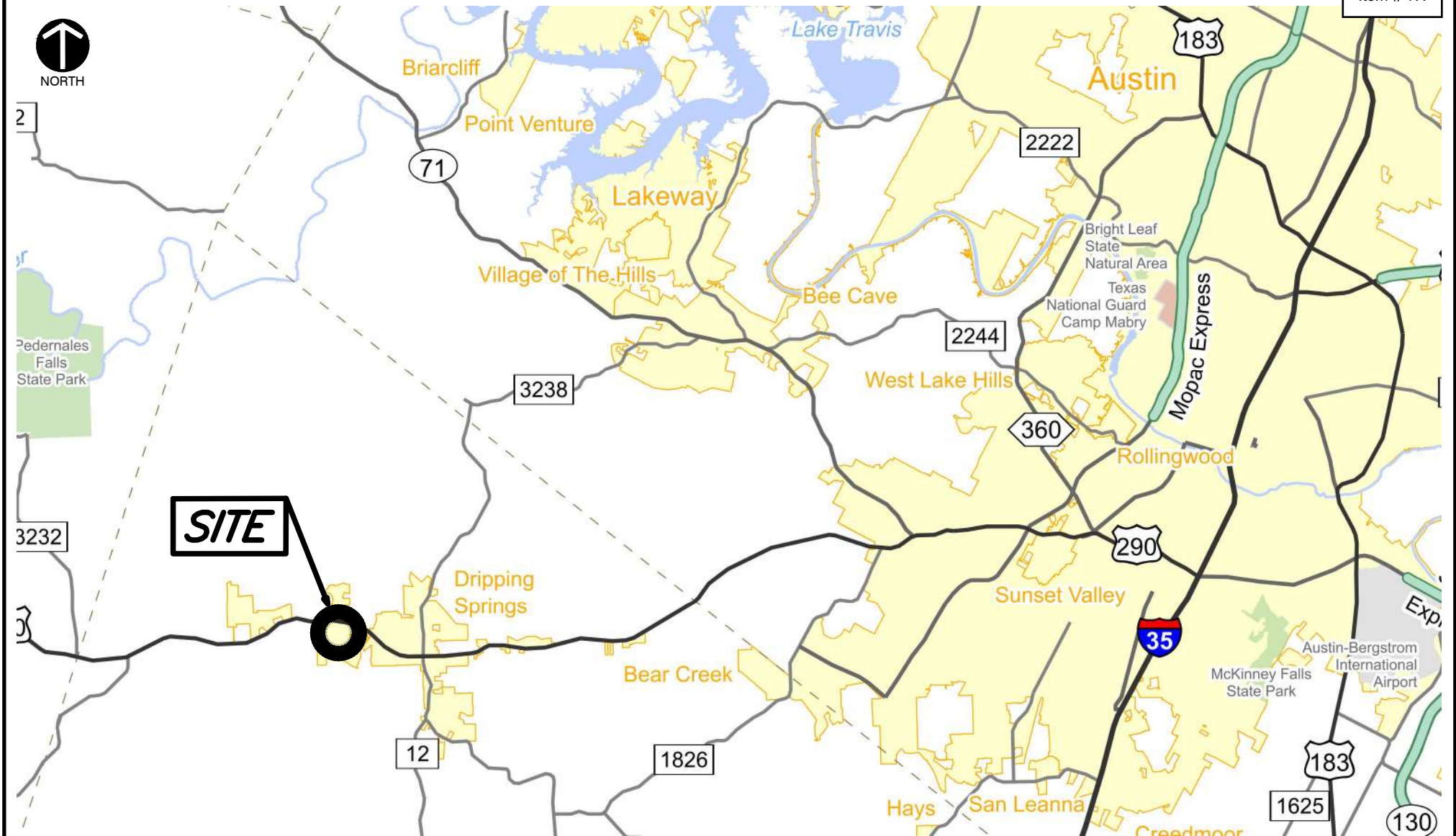
(1) Anticipated trip generation calculated based on the rates published in the Institute of Transportation Engineers (ITE) *Trip Generation*, 10th Edition publication.

(2) Data regarding the number of residential units that are currently constructed and occupied have been provided by the City of Dripping Springs.

(3) The City of Dripping Springs has requested that trips associated with the planned Arrowhead Ranch Super Convenience Market/Gas Station and Liquor Store be included in the background traffic projections. A conceptual site plan for these commercial developments has been provided by the City of Dripping Springs.

Source: Analysis by CEC.

FIGURES



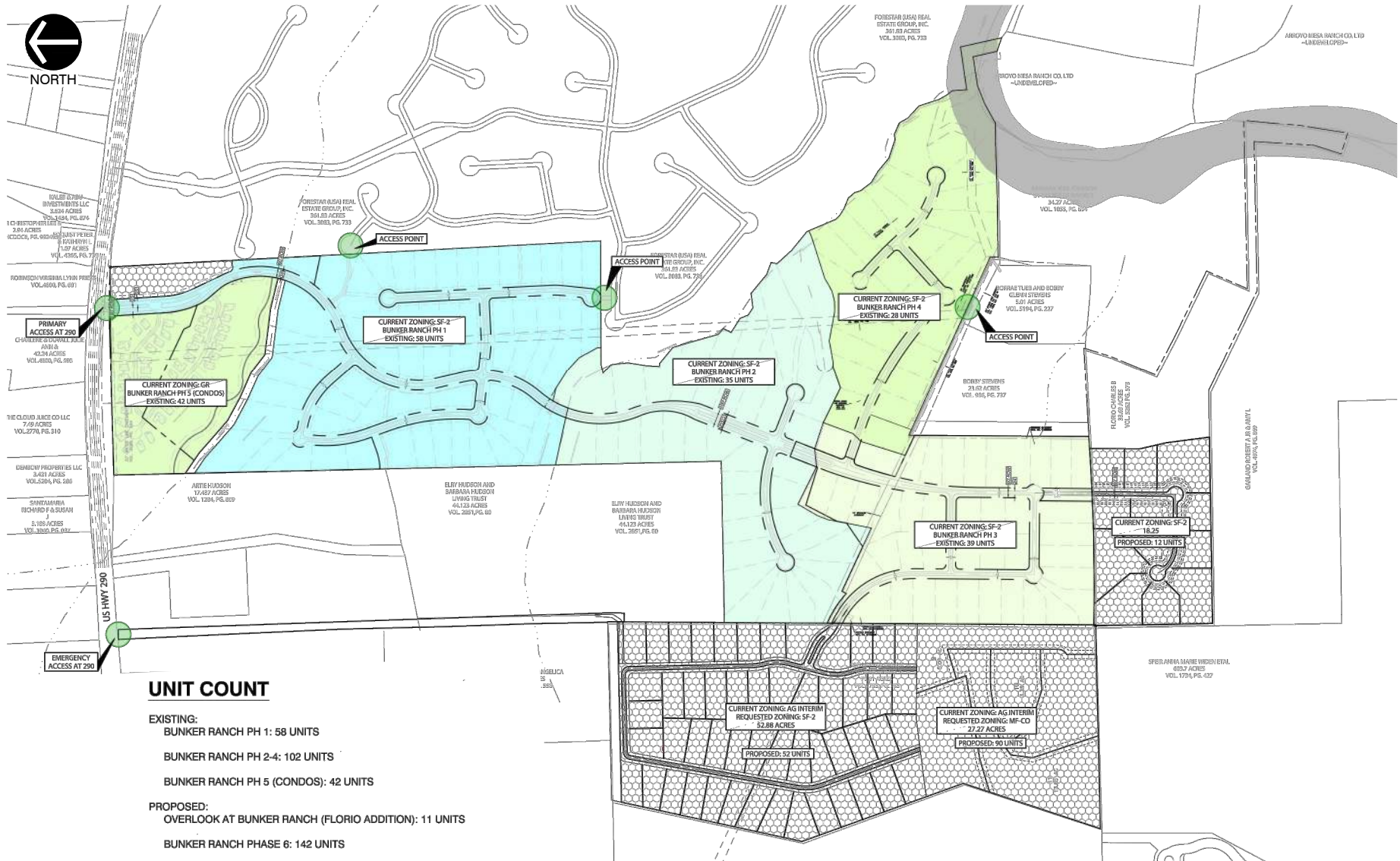
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**BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

SITE LOCATION

DRAWN BY:	ANL	CHECKED BY:	CAD	APPROVED BY:	JMD	FIGURE NO.:	1	604
DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO:	304-065			



UNIT COUNT

EXISTING:
 BUNKER RANCH PH 1: 58 UNITS
 BUNKER RANCH PH 2-4: 102 UNITS
 BUNKER RANCH PH 5 (CONDOS): 42 UNITS

PROPOSED:
 OVERLOOK AT BUNKER RANCH (FLORIO ADDITION): 11 UNITS
 BUNKER RANCH PHASE 6: 142 UNITS



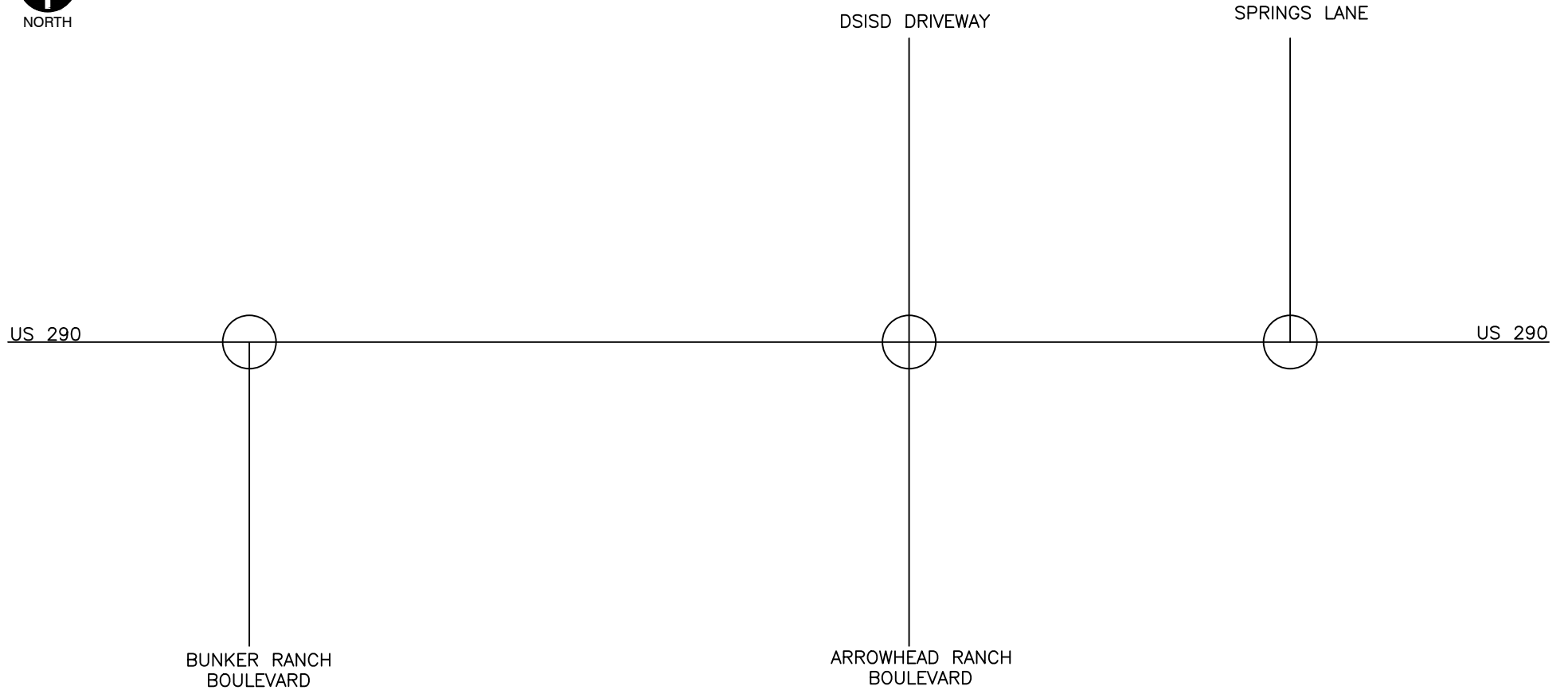
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**BUNKER RANCH SUBDIVISION EXPANSION
 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

SITE PLAN

DRAWN BY:	ANL	CHECKED BY:	CAD	APPROVED BY:	JMD	FIGURE NO.:	2
DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO:	304-065		605



LEGEND



Existing Unsignalized Intersection



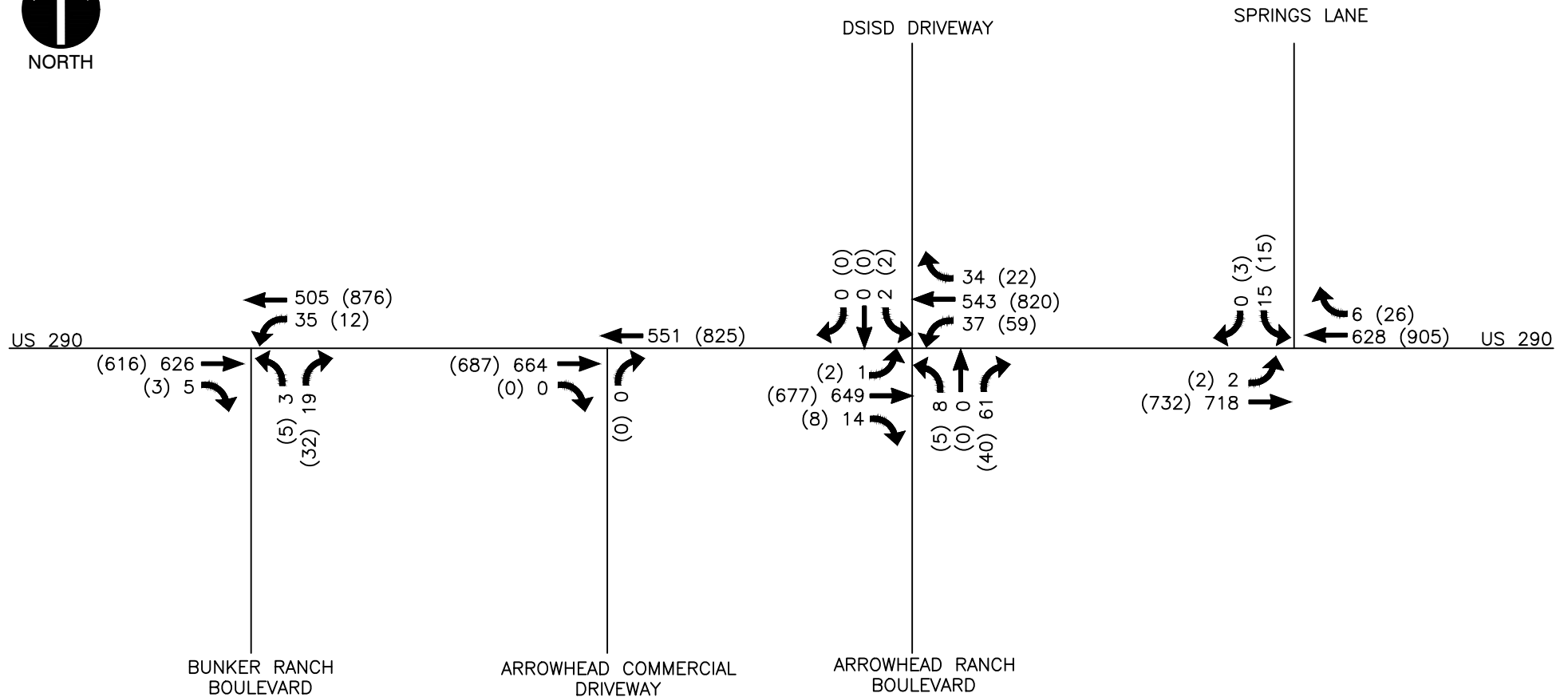
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**BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

STUDY INTERSECTIONS

DRAWN BY:	ANL	CHECKED BY:	CAD	APPROVED BY:	JMD	FIGURE NO.:	3	606
DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO:	304-065			

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
 (123) P.M. Peak Hour Traffic Volumes



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**BUNKER RANCH SUBDIVISION EXPANSION
 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**EXISTING 2021
 PEAK HOUR TRAFFIC VOLUMES**

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

DATE: MAY 2021

DWG SCALE: NOT TO SCALE

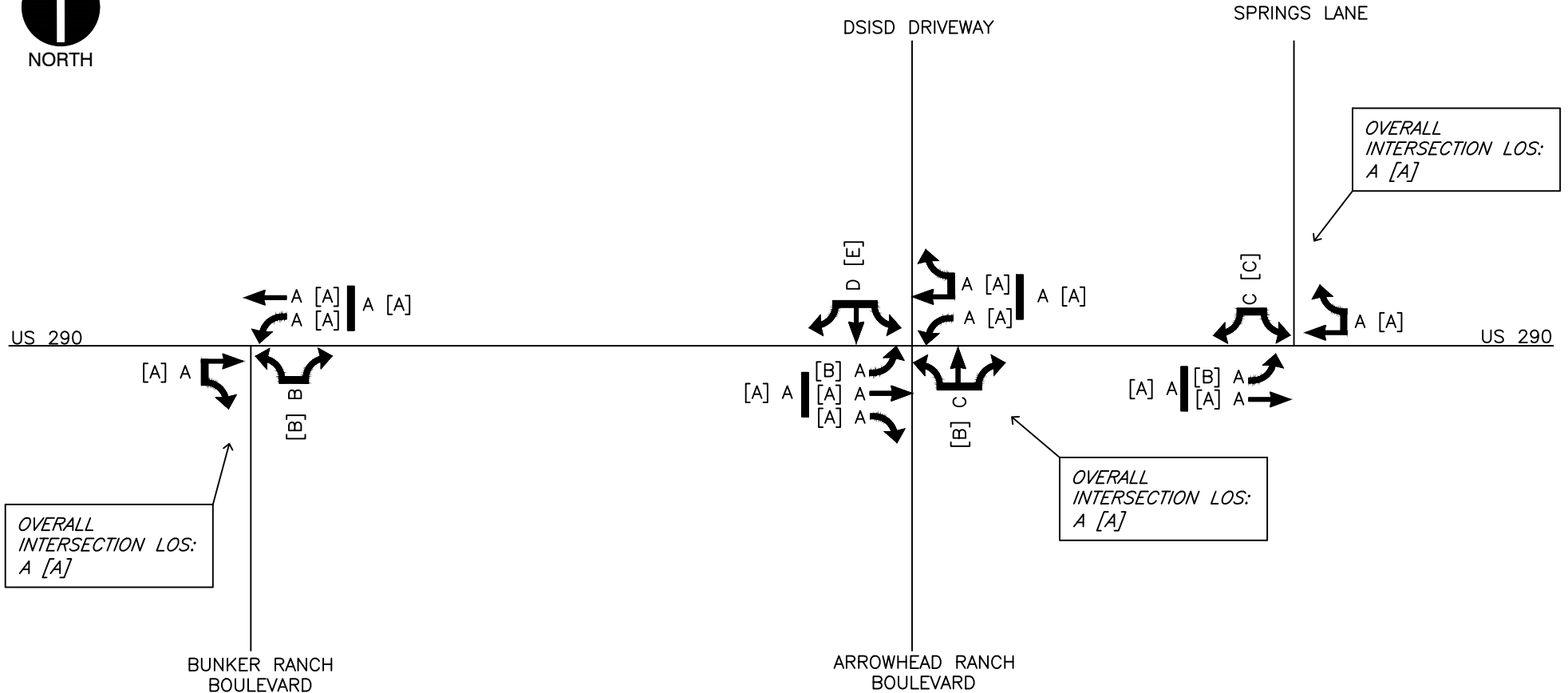
PROJECT NO: 304-065

4

607



NORTH

**LEGEND**

A A.M. Peak Hour Levels of Service

[B] P.M. Peak Hour Levels of Service

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**BUNKER RANCH SUBDIVISION EXPANSION
 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**EXISTING 2021
 PEAK HOUR LEVELS OF SERVICE**

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

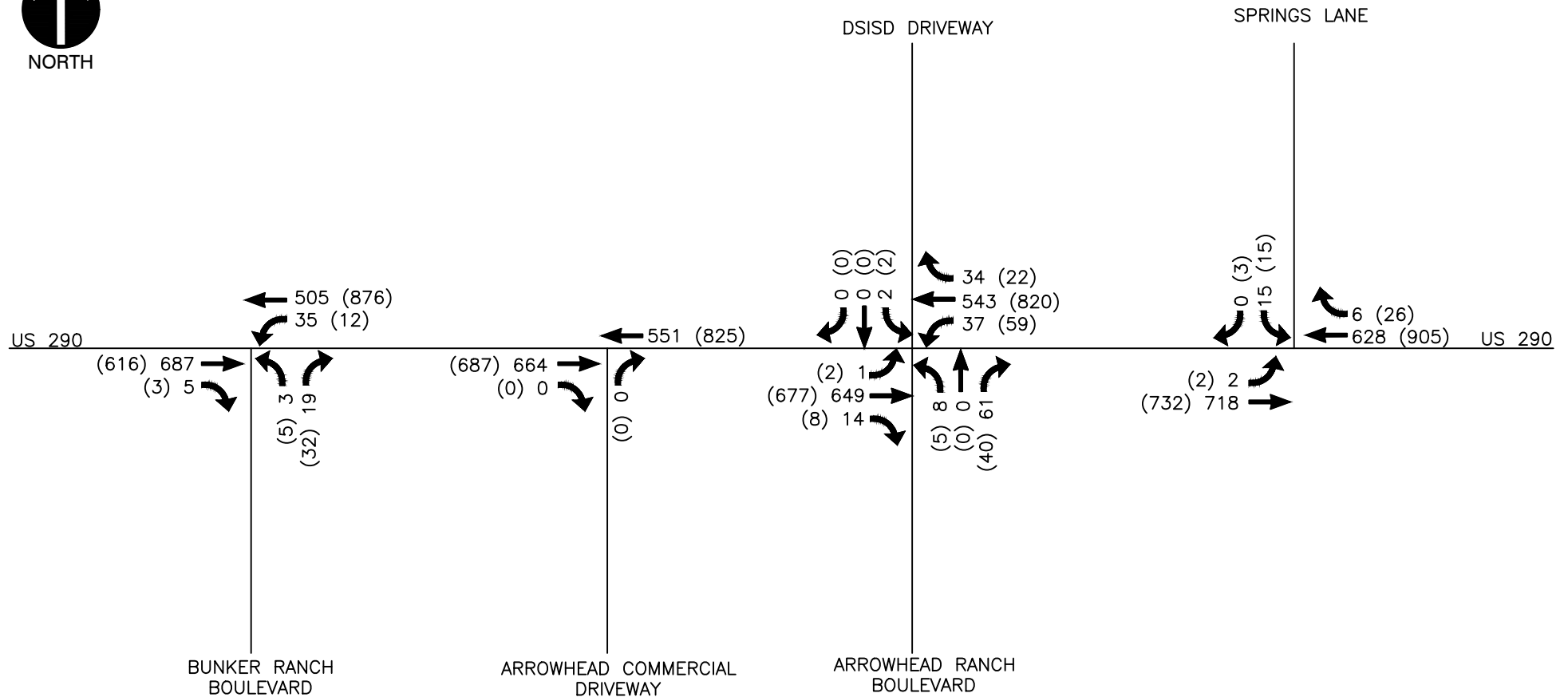
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

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**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes

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 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

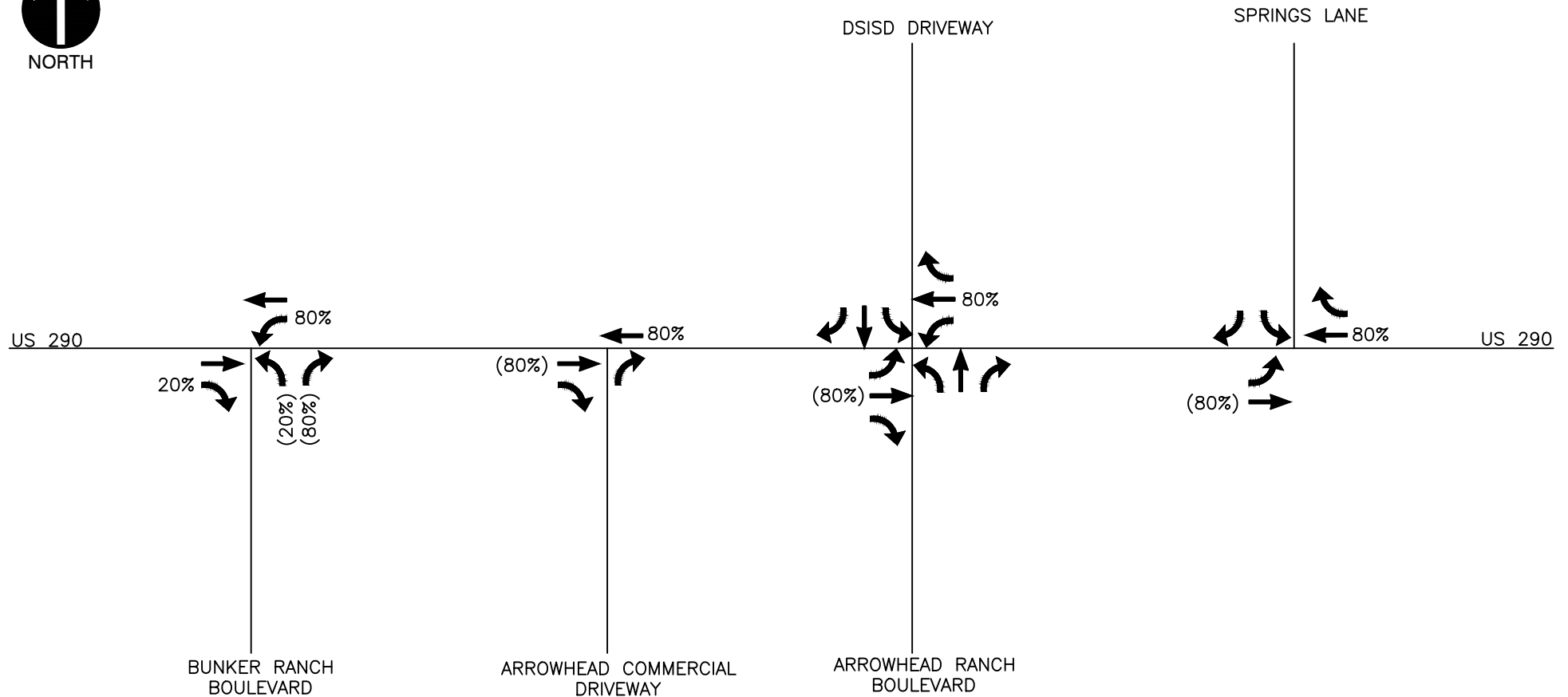
**FORECASTED 2025 BACKGROUND
 PEAK HOUR TRAFFIC VOLUMES**

DRAWN BY: **ANL**CHECKED BY: **CAD**APPROVED BY: **JMD**

FIGURE NO.:

DATE: **MAY 2021**DWG SCALE: **NOT TO SCALE**PROJECT NO: **304-065****6**

609

**LEGEND**

- 12% Primary Trip Arrival Distribution
 (12%) Primary Trip Departure Distribution



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 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS

ANTICIPATED BUNKER RANCH RESIDENTIAL
 PRIMARY TRIP ARRIVAL/DEPARTURE DISTRIBUTION

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

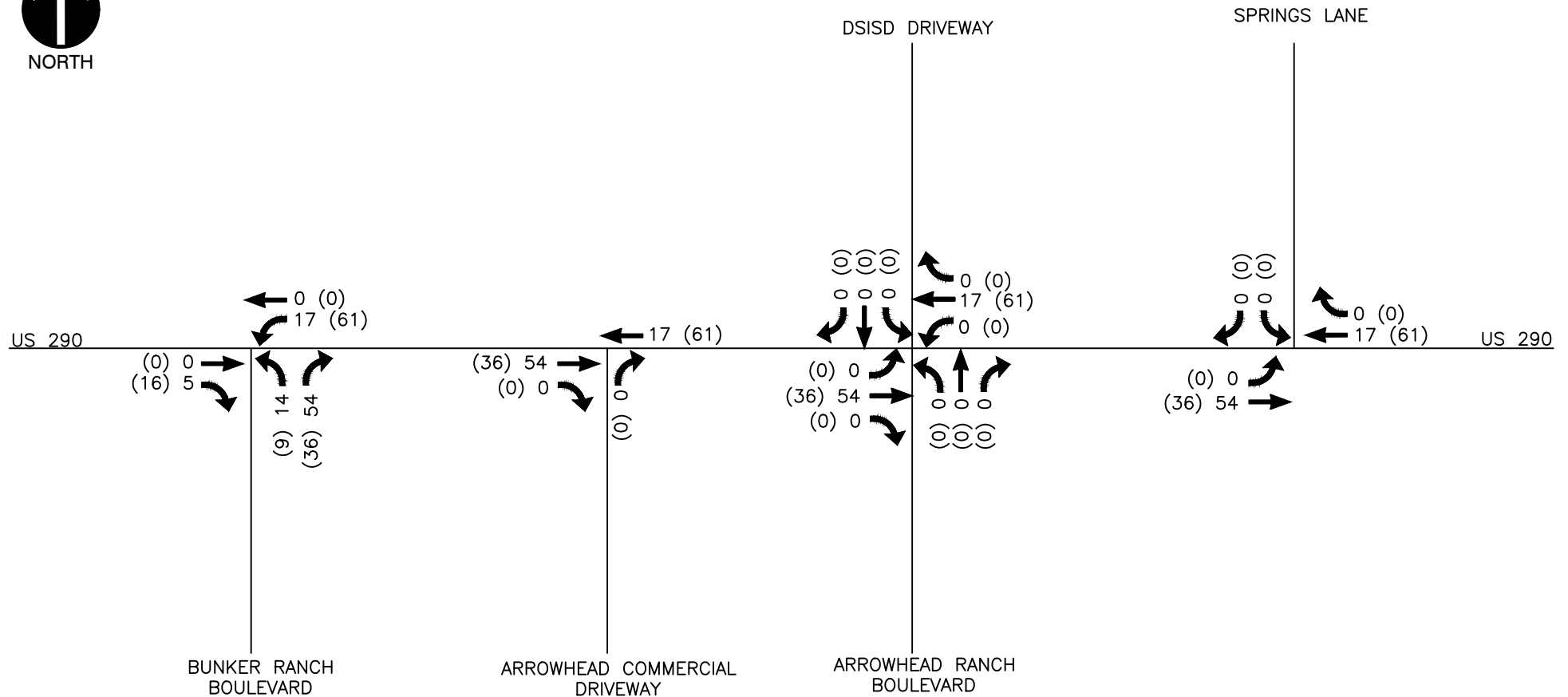
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

7

610

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
 (123) P.M. Peak Hour Traffic Volumes



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**BUNKER RANCH SUBDIVISION EXPANSION
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 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**ANTICIPATED BUNKER RANCH APPROVED BACKGROUND
 PRIMARY SITE GENERATED PEAK HOUR TRIPS**

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

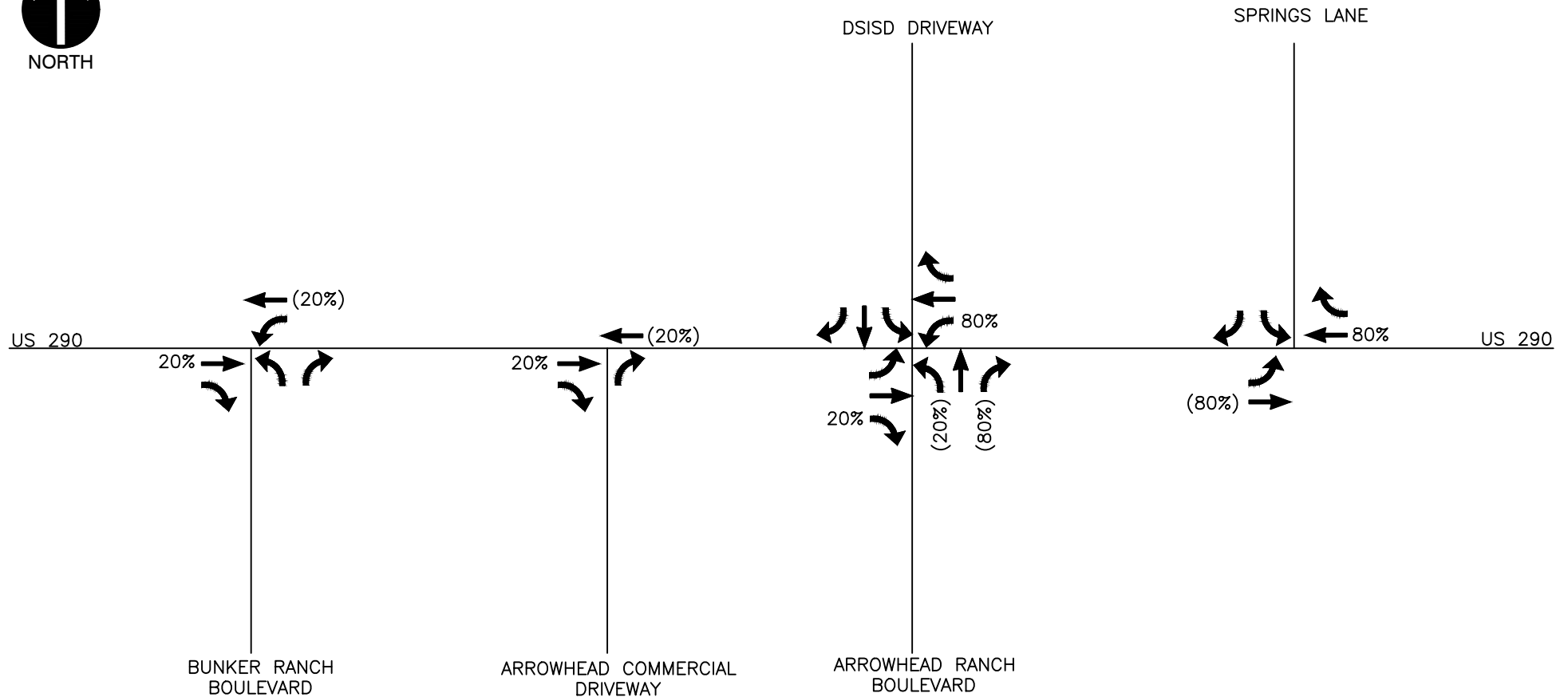
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

8

611

**LEGEND**

- 12% Primary Trip Arrival Distribution
 (12%) Primary Trip Departure Distribution



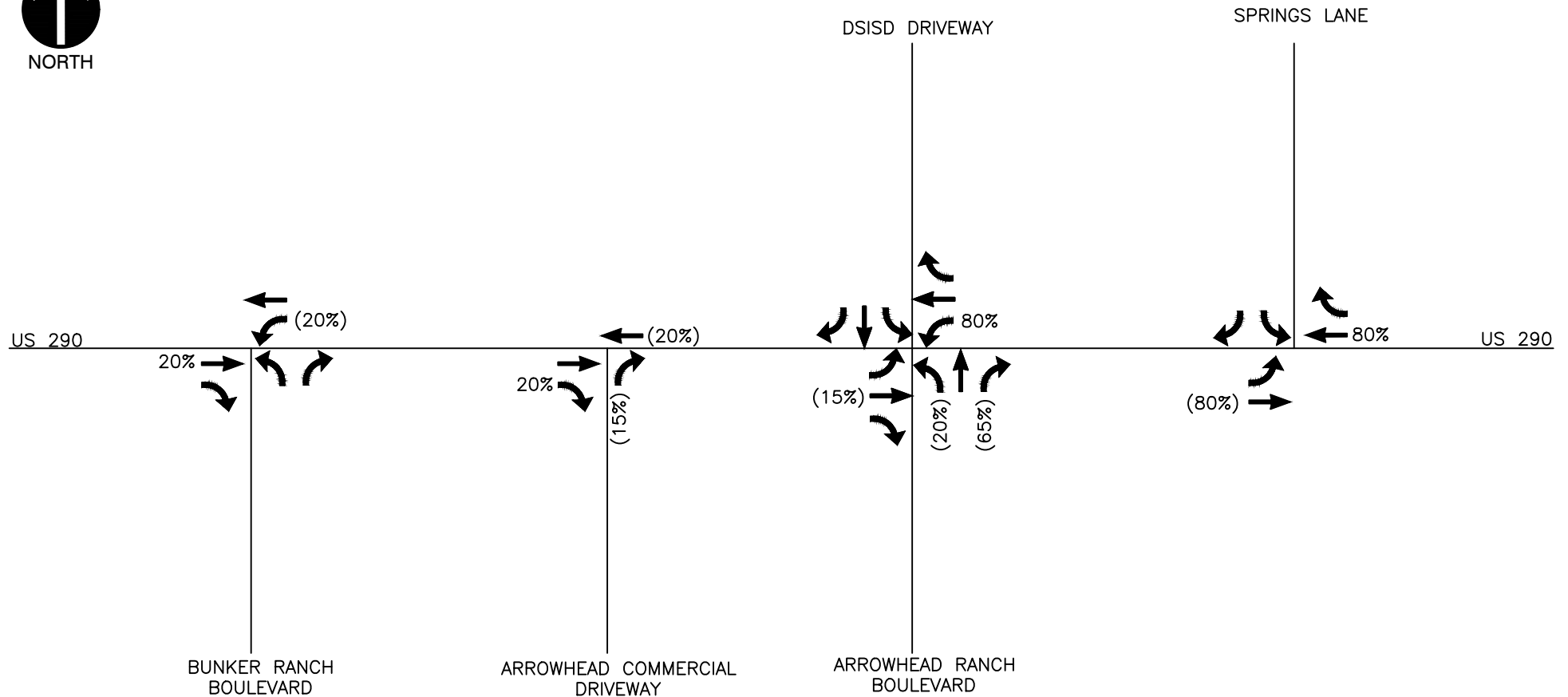
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**BUNKER RANCH SUBDIVISION EXPANSION
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 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**ANTICIPATED ARROWHEAD RANCH RESIDENTIAL
 PRIMARY TRIP ARRIVAL/DEPARTURE DISTRIBUTION**

DRAWN BY:	ANL	CHECKED BY:	CAD	APPROVED BY:	JMD	FIGURE NO.:	9
DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO:	304-065		612

**LEGEND**

- 12% Primary Trip Arrival Distribution
 (12%) Primary Trip Departure Distribution



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**BUNKER RANCH SUBDIVISION EXPANSION
 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**ANTICIPATED ARROWHEAD RANCH COMMERCIAL
 PRIMARY TRIP ARRIVAL/DEPARTURE DISTRIBUTION**

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

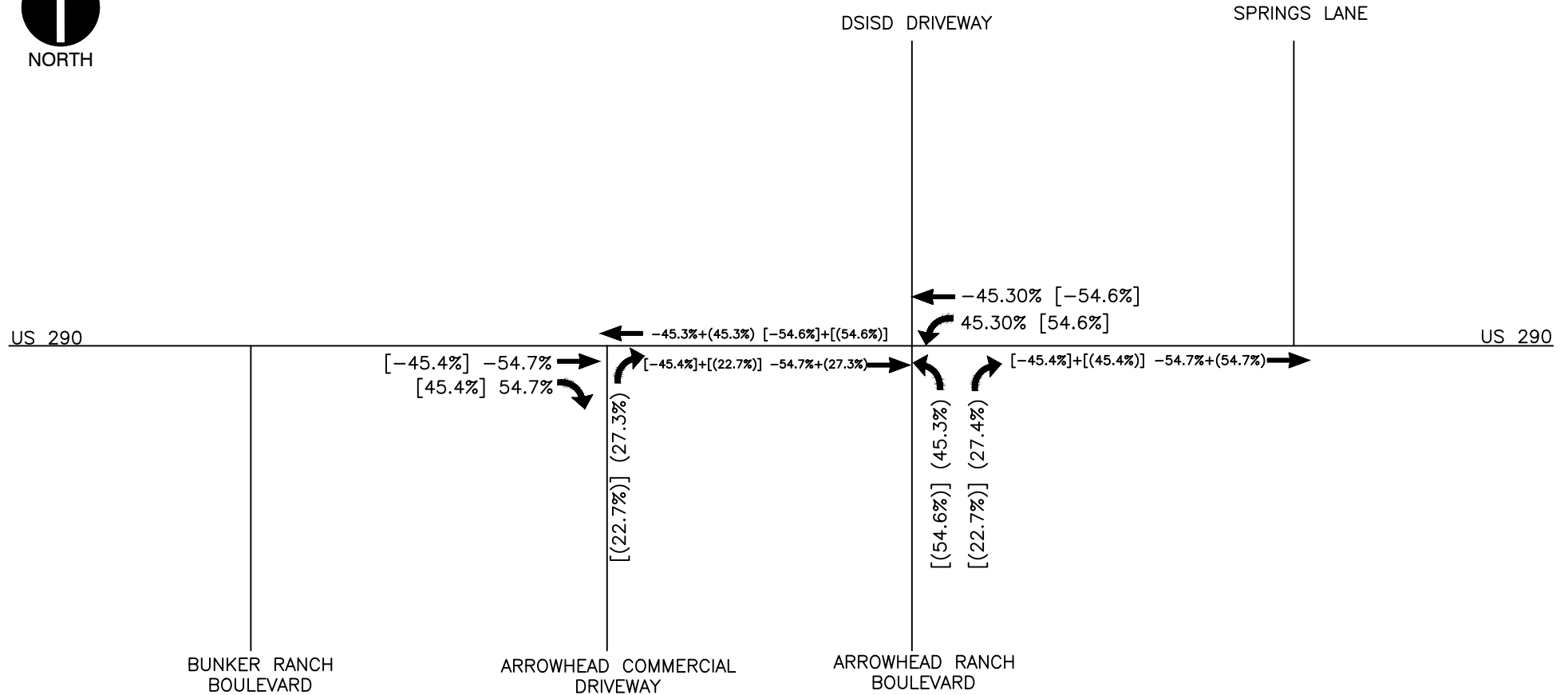
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

10

613



LEGEND

- 12% AM Peak Hour Arrival Trip Distribution
- (12%) AM Peak Hour Departure Trip Distribution
- [12%] PM Peak Hour Arrival Trip Distribution
- [(12%)] PM Peak Hour Departure Trip Distribution



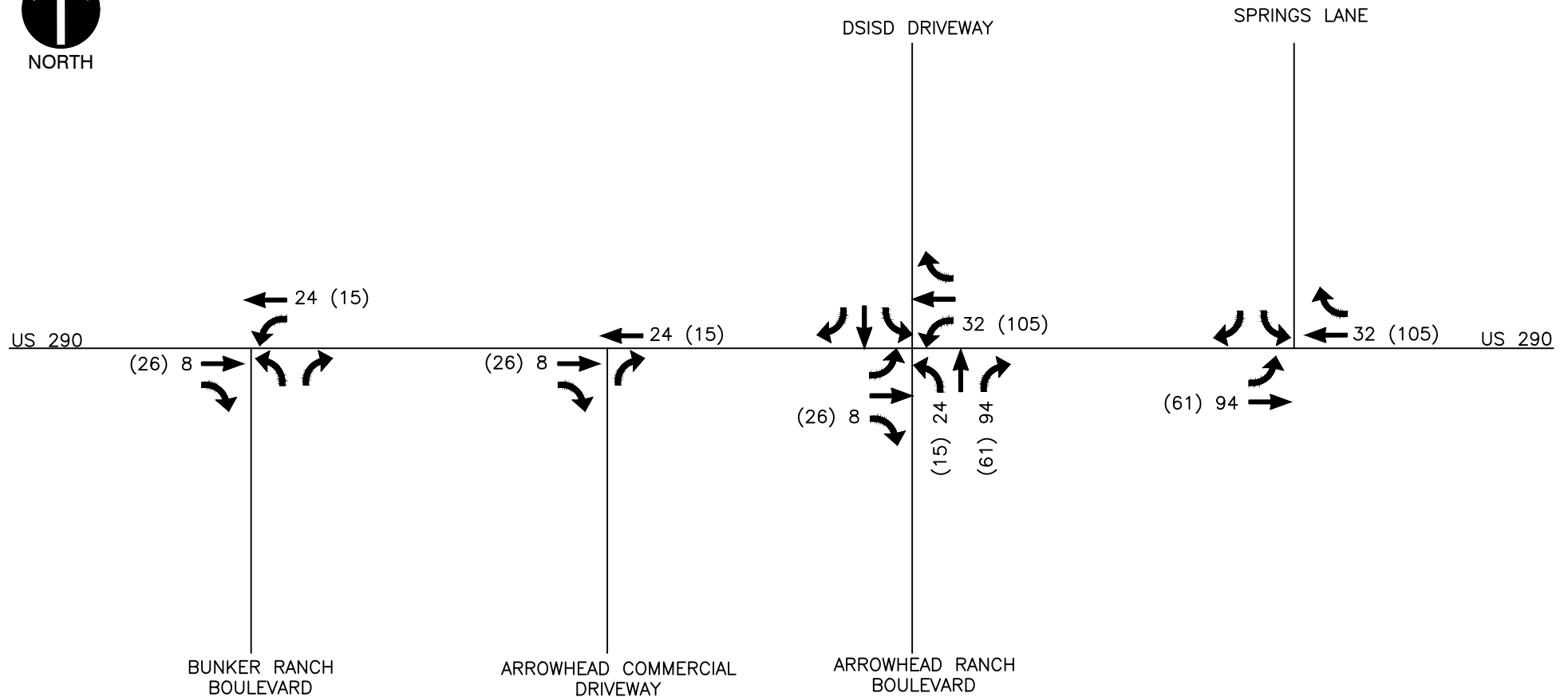
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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH COMMERCIAL
PASS-BY TRIP ARRIVAL/DEPARTURE DISTRIBUTION

DRAWN BY:	ANL	CHECKED BY:	CAD	APPROVED BY:	JMD	FIGURE NO.:	11
DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO:	304-065		614

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
 (123) P.M. Peak Hour Traffic Volumes



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**BUNKER RANCH SUBDIVISION EXPANSION
 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**ANTICIPATED ARROWHEAD RANCH APPROVED BACKGROUND
 RESIDENTIAL SITE GENERATED PEAK HOUR TRIPS**

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

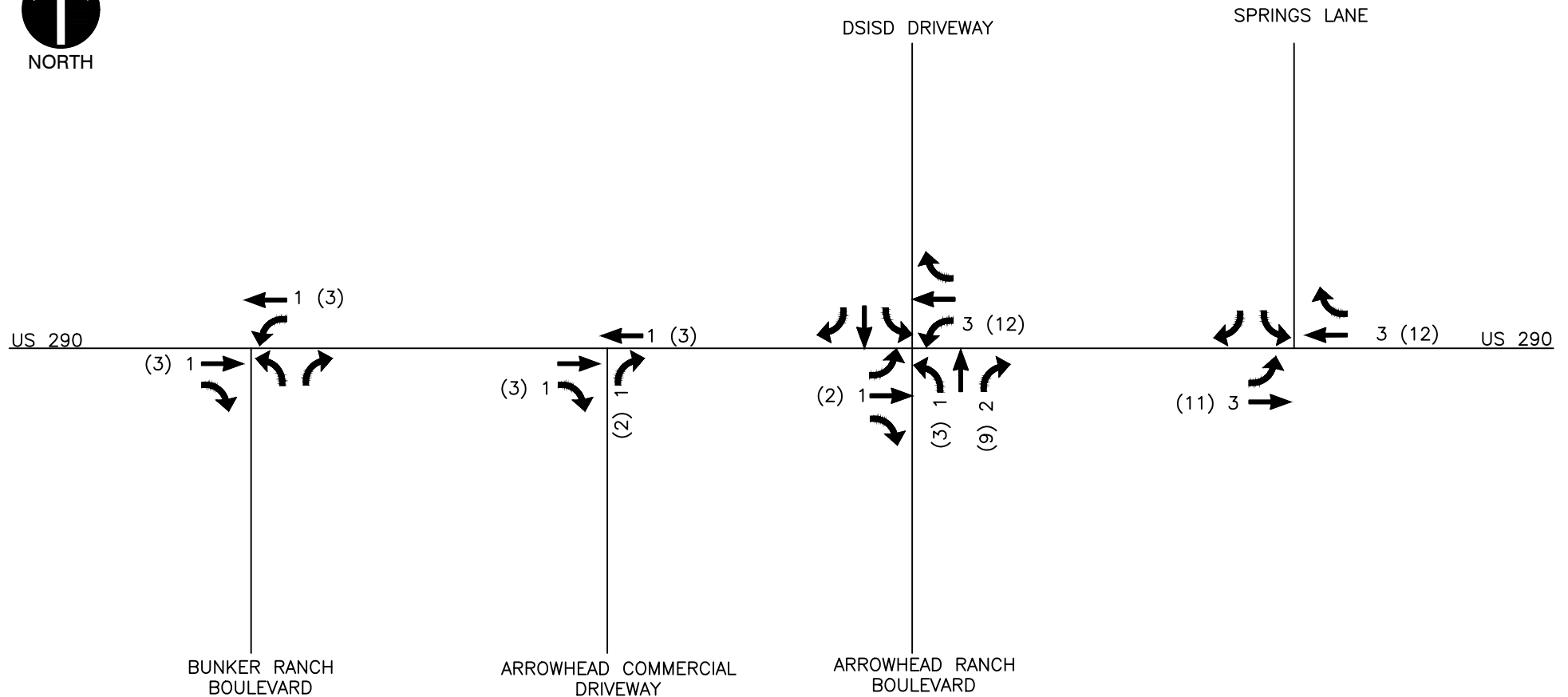
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

12

615

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH PLANNED LIQUOR STORE
PRIMARY SITE GENERATED PEAK HOUR TRIPS

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

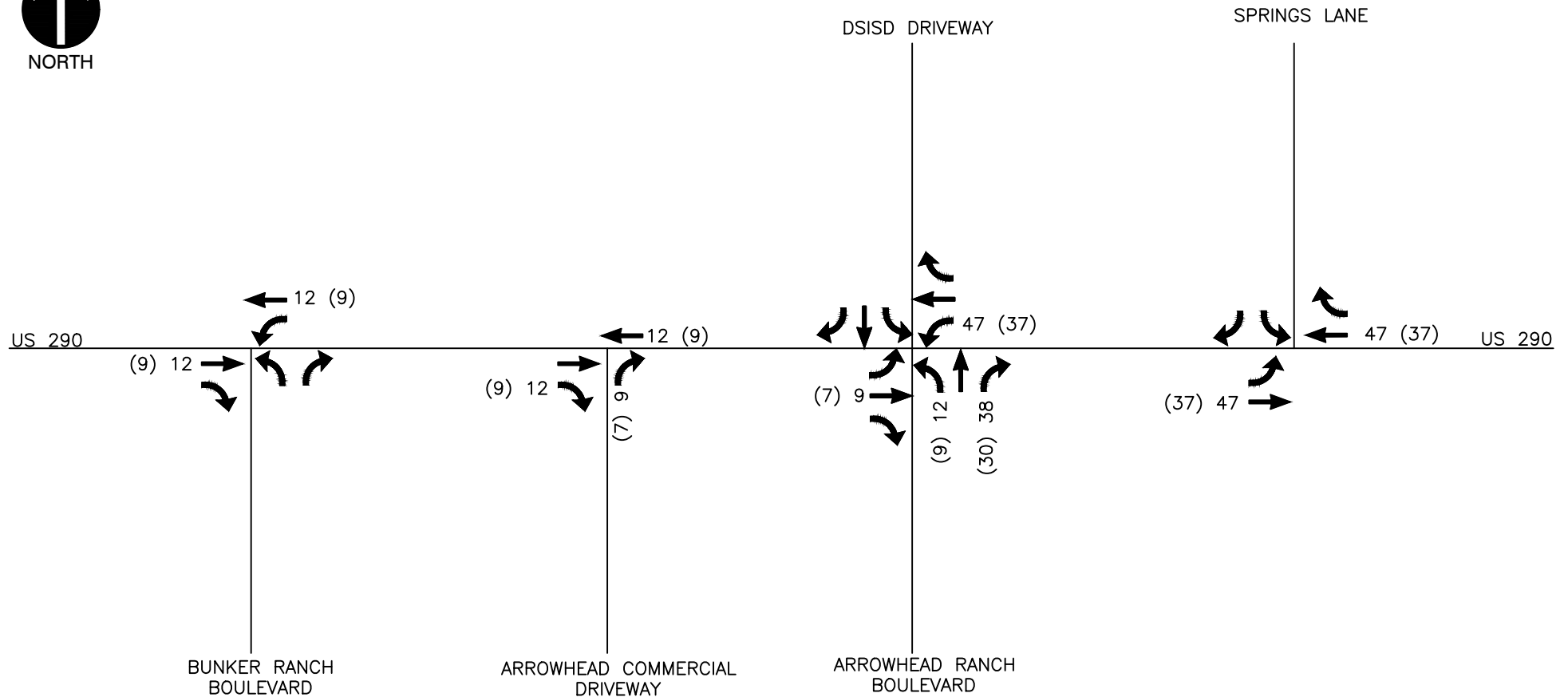
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

13

616

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH PLANNED GAS STATION
PRIMARY SITE GENERATED PEAK HOUR TRIPS

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

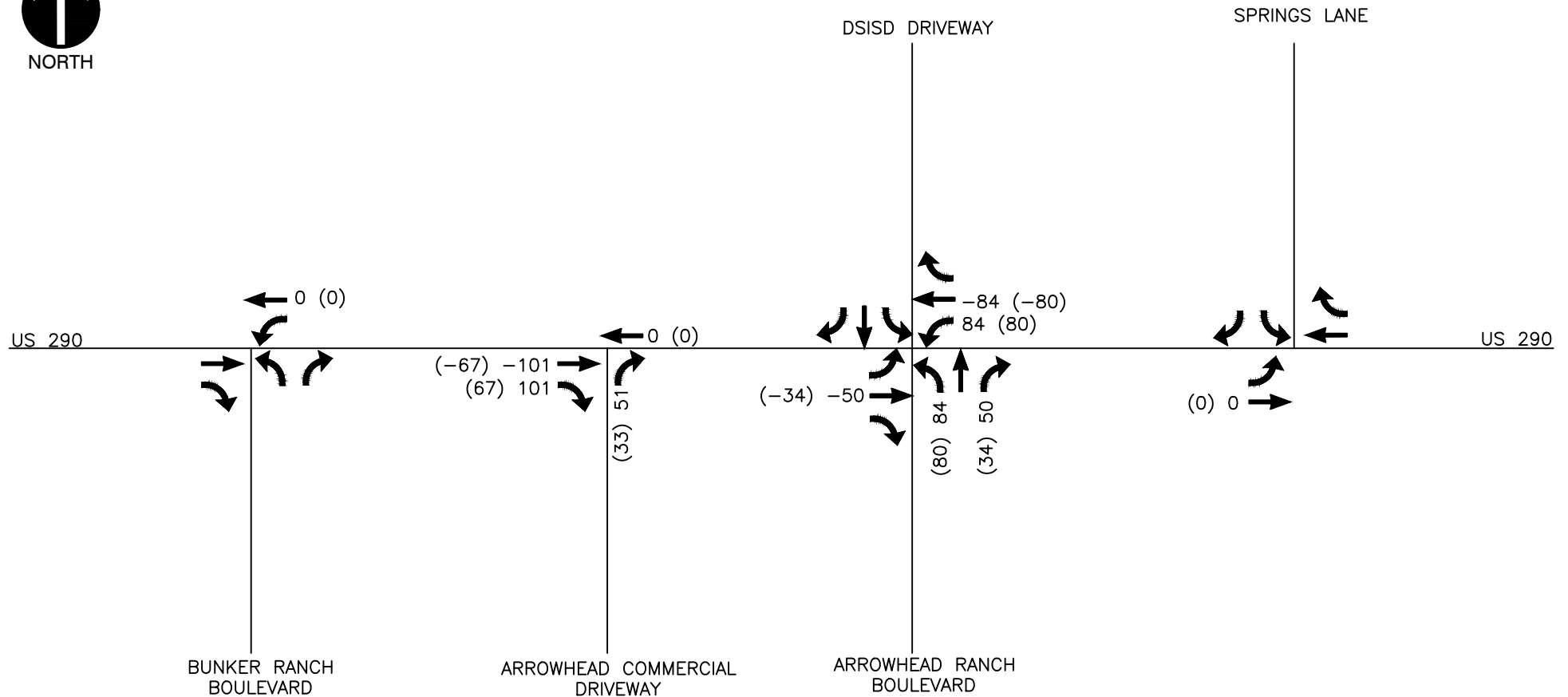
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

14

617

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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**BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

**ANTICIPATED ARROWHEAD RANCH PLANNED GAS STATION
PASS-BY SITE GENERATED PEAK HOUR TRIPS**

DRAWN BY: **ANL**

CHECKED BY: **CAD**

APPROVED BY: **JMD**

FIGURE NO.:

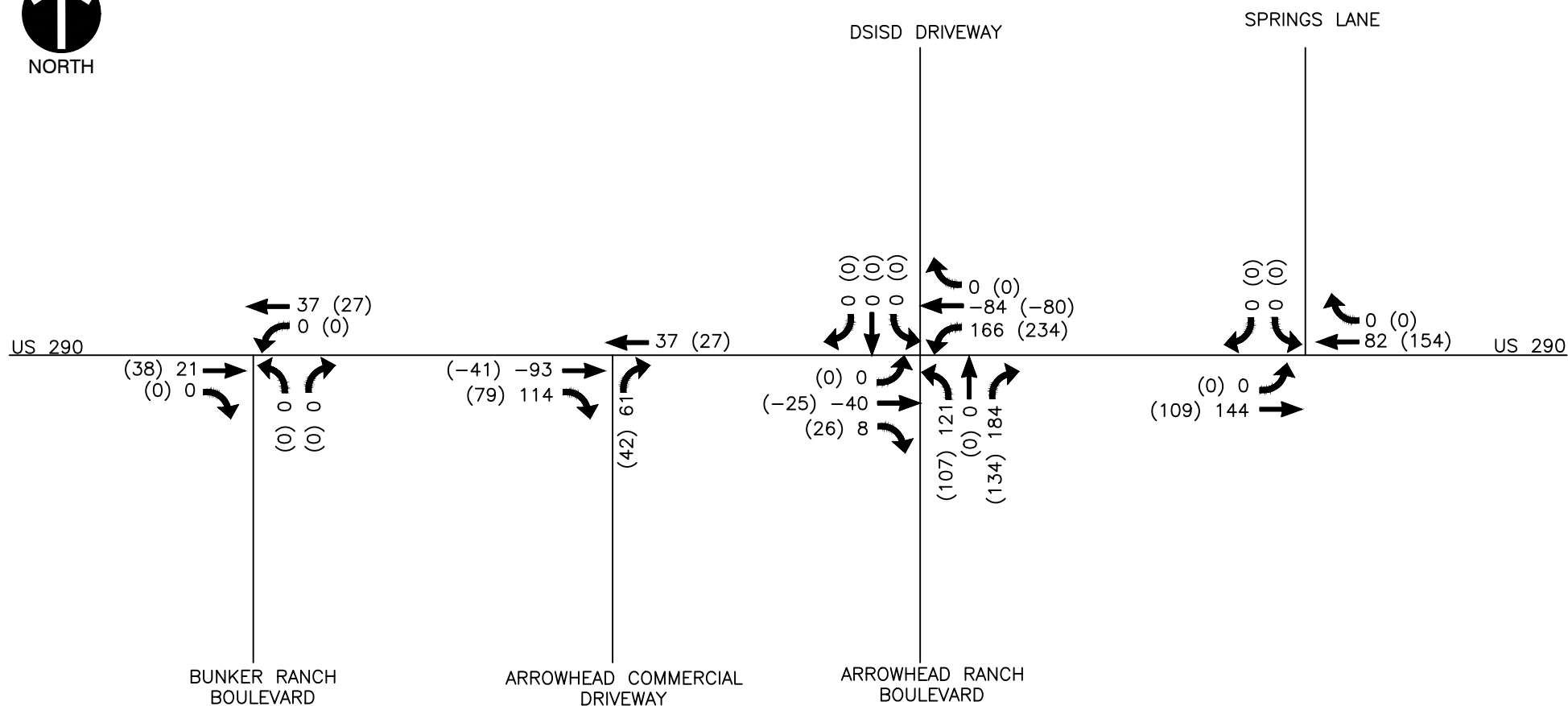
DATE: **MAY 2021**

DWG SCALE: **NOT TO SCALE**

PROJECT NO: **304-065**

15

618

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



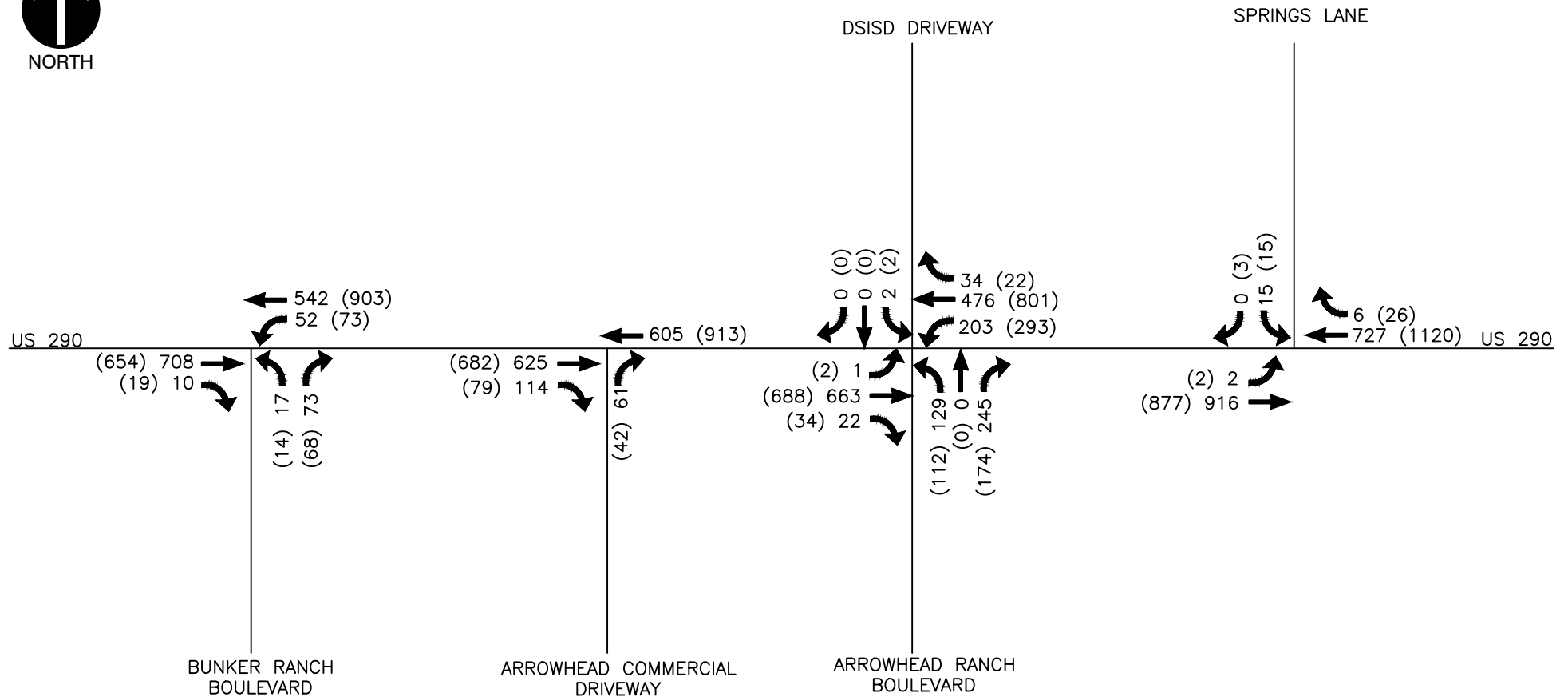
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**BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

**ANTICIPATED ARROWHEAD RANCH TOTAL
BACKGROUND SITE GENERATED PEAK HOUR TRIPS**

DRAWN BY:	ANL	CHECKED BY:	CAD	APPROVED BY:	JMD	FIGURE NO.:	16
DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO:	304-065		619

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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**BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

**FORECASTED 2025 NO-BUILD (BASE)
PEAK HOUR TRAFFIC VOLUMES**

DRAWN BY: **ANL**

CHECKED BY: **CAD**

APPROVED BY: **JMD**

FIGURE NO.:

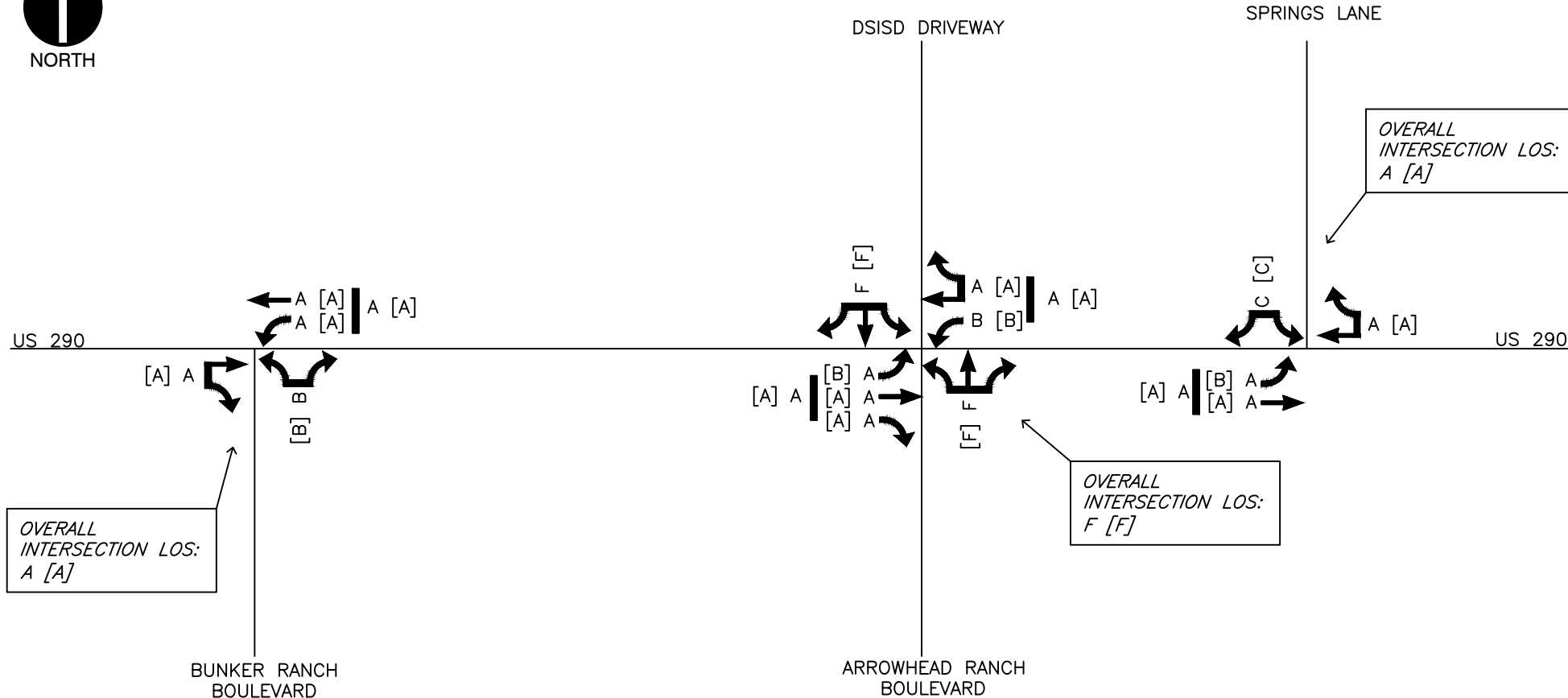
DATE: **MAY 2021**

DWG SCALE: **NOT TO SCALE**

PROJECT NO: **304-065**

17

620



LEGEND

- A A.M. Peak Hour Levels of Service
- [B] P.M. Peak Hour Levels of Service



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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

FORECASTED 2025 NO-BUILD(BASE)
LEVELS OF SERVICE

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

18

621



NORTH

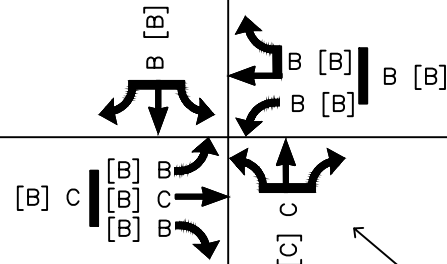
US 290

BUNKER RANCH
BOULEVARD

DSISD DRIVEWAY

SPRINGS LANE

US 290

OVERALL
INTERSECTION LOS:
C [B]ARROWHEAD RANCH
BOULEVARD**LEGEND**

A A.M. Peak Hour Levels of Service

[B] P.M. Peak Hour Levels of Service

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TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXASFORECASTED 2025 NO BUILD(BASE)-MITIGATED
LEVELS OF SERVICE

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

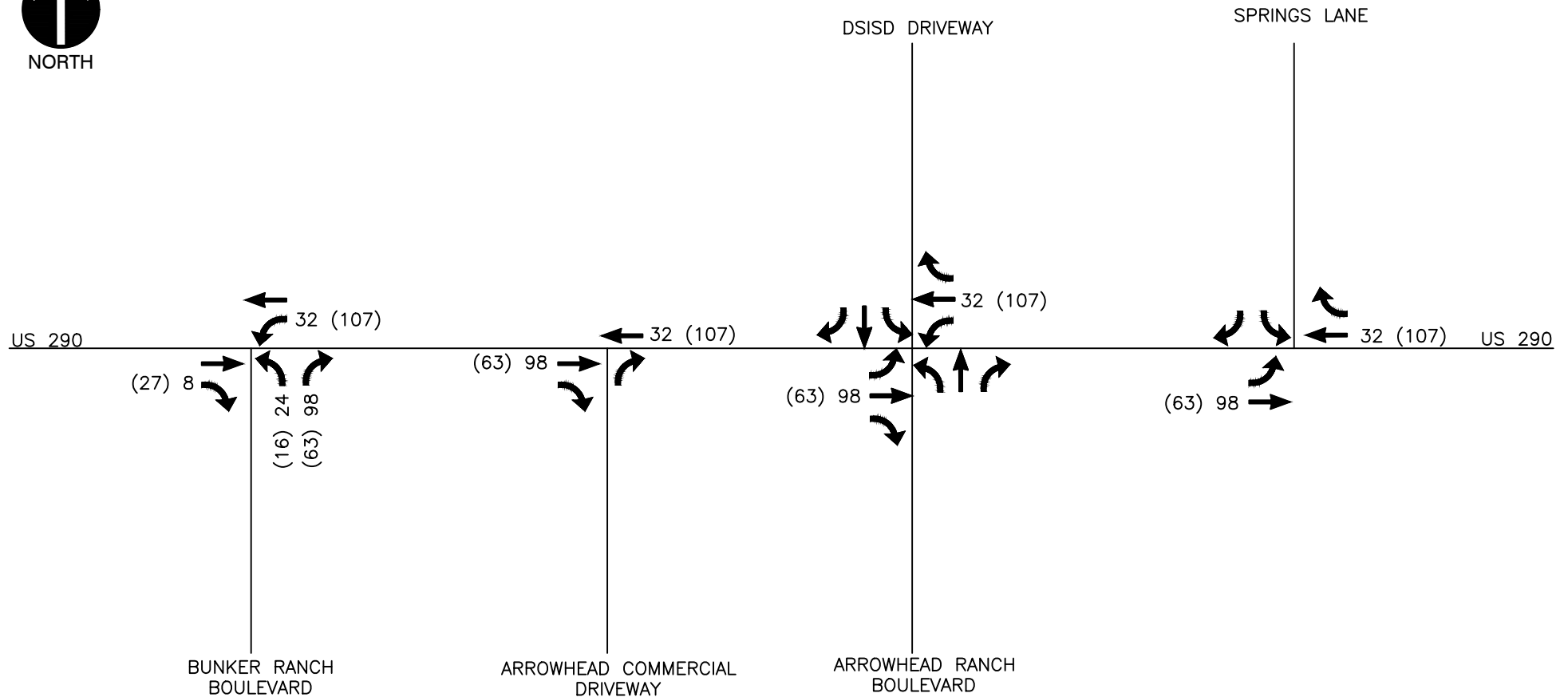
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

19

622

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
 (123) P.M. Peak Hour Traffic Volumes



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**BUNKER RANCH SUBDIVISION EXPANSION
 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**ANTICIPATED PROPOSED BUNKER RANCH
 PRIMARY SITE GENERATED PEAK HOUR TRIPS**

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

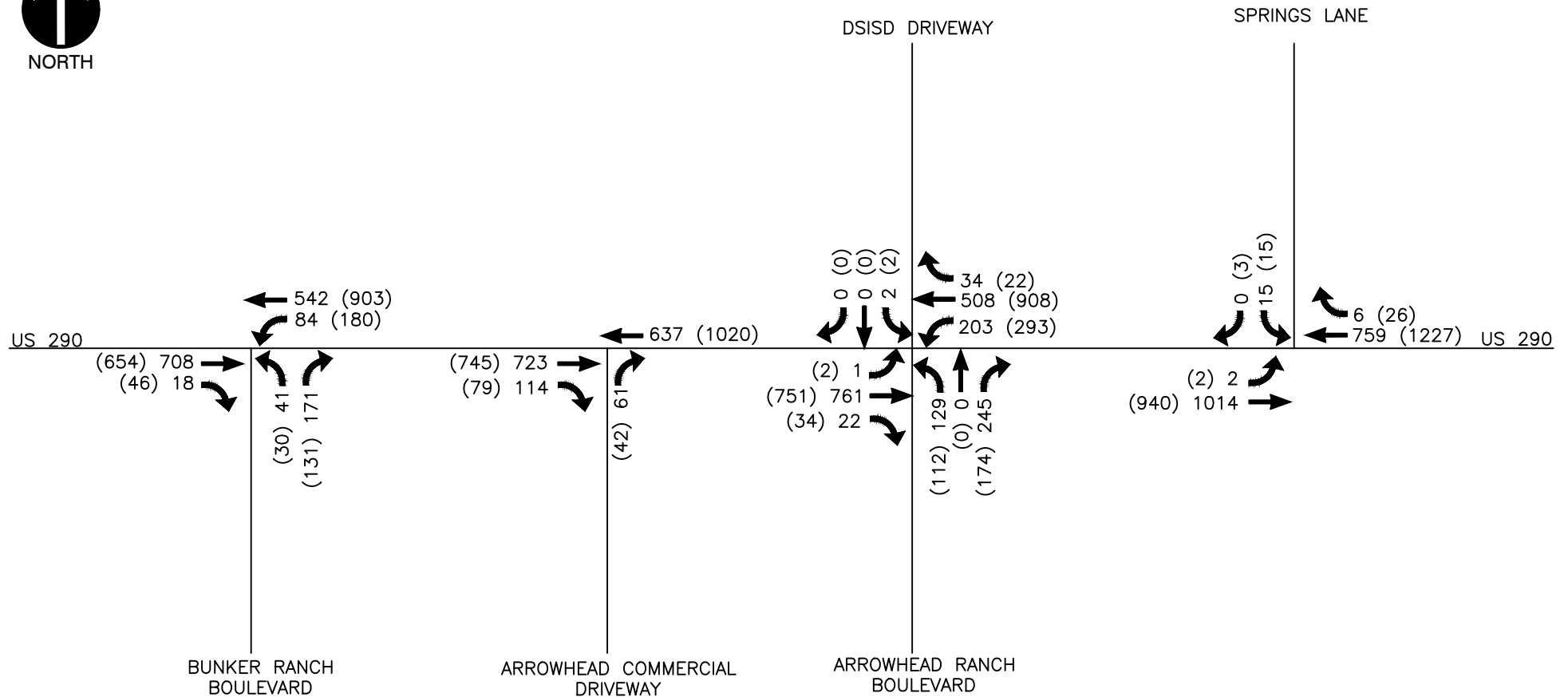
DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

20

623

**LEGEND**

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes

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**BUNKER RANCH SUBDIVISION EXPANSION
 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**FORECASTED 2025 BUILD (WITH DEVELOPMENT)
 PEAK HOUR TRAFFIC VOLUMES**

DRAWN BY: **ANL**CHECKED BY: **CAD**APPROVED BY: **JMD**

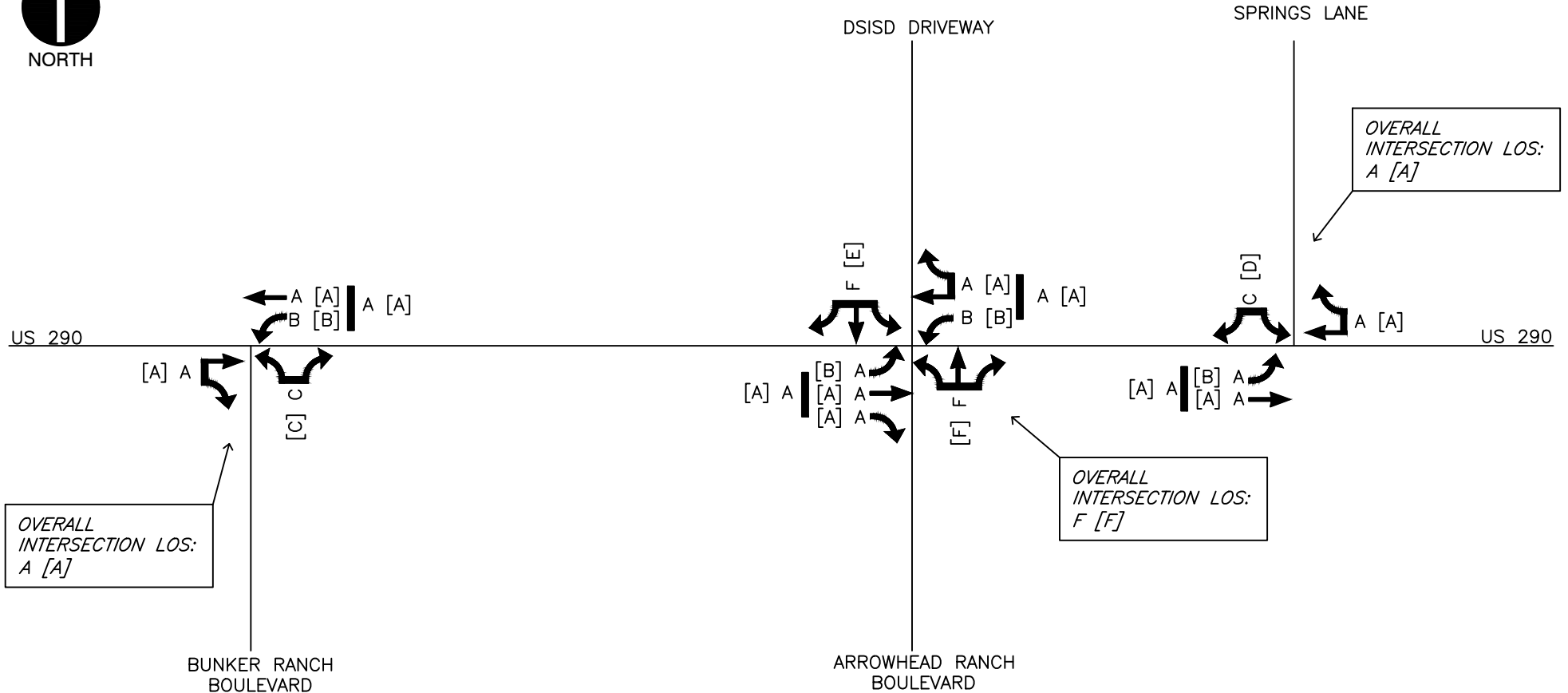
FIGURE NO.:

DATE: **MAY 2021**DWG SCALE: **NOT TO SCALE**PROJECT NO: **304-065****21**

624



NORTH



LEGEND

A A.M. Peak Hour Levels of Service

[B] P.M. Peak Hour Levels of Service

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**BUNKER RANCH SUBDIVISION EXPANSION
 TRAFFIC IMPACT ANALYSIS
 CITY OF DRIPPING SPRINGS
 HAYS COUNTY, TEXAS**

**FORECASTED 2025 BUILD (WITH DEVELOPMENT)
 PEAK HOUR LEVELS OF SERVICE**

DRAWN BY: ANL

CHECKED BY: CAD

APPROVED BY: JMD

FIGURE NO.:

DATE: MAY 2021

DWG SCALE: NOT TO SCALE

PROJECT NO: 304-065

22

625

APPENDIX A
TRAFFIC IMPACT ANALYSIS SCOPE OF STUDY



TRAFFIC IMPACT ANALYSIS SCOPE AND STUDY AREA

Project Name:	Bunker Ranch	Date:	March 31, 2021
Location:	South of the intersection of US 290 and Bunker Ranch Boulevard		
Owner's Agent:	Civil & Environmental Consultants, Inc.	Phone:	512-439-0400

1. Background Information

The following information should be provided:

- Site Map or Site Plan.
- Location/Study area map specifying major roadways within the study area.
- Identify state and county roadways in the study area. Scope should be provided to all agencies impacted by the study.
- Identify adopted plans and public infrastructure improvement projects applicable to this site.

2. Intersection Level of Service

Calculations for AM and PM peak hours must be performed for the intersections listed below, showing existing traffic conditions and projected traffic conditions, identifying site, non-site, and total traffic:

- US 290 and Bunker Ranch Boulevard
- US 290 and Arrowhead Ranch Boulevard
- US 290 and Springs Lane
- All Site Driveways Accessing US 290

AM and PM peak-hour turning movement counts will be collected at the study intersections to determine existing background traffic and should be collected while school is in session. If

historical counts must be obtained due to the COVID-19 pandemic and reduced traffic, a growth rate approved by the city must be applied to reflect existing “2021” conditions. If counts are collected during the COVID-19 reduced traffic conditions, adjustments to the traffic counts should be made, and data to justify the adjustments should be provided with the submittal of the TIA.

The Intersection Capacity Analysis should include the following build-out phases/years:

- Phase 1 – Residential land use buildout year
- Phase 2 – Commercial land use buildout year

Intersection Capacity Analysis for each phase/year shall include:

- Level of Service by movements
- Delay by movements
- V/C by movements
- Queuing analysis with 95% queue length by movements, vs existing storage bay and/or distance from adjacent intersection(s)

3. Roadway Analysis

Document the projected daily volumes on Bunker Ranch Boulevard for each analysis phase/year.

4. Sight Distance Analysis

- When proposed mitigation recommends a new traffic signal be installed, an analysis of the stopping sight distance on approach to stopped queues (back of queue) should be included.
- New intersections or driveways must provide an analysis of the intersection sight distance. The intersection of US 290 and Bunker Ranch Boulevard is considered an existing driveway and does not require a sight distance analysis.

5. Transportation Improvements

The following adopted plans and public infrastructure improvement projects applicable to this site should be considered in the analysis.

- Dripping Springs Traffic Study 2020 (Dripping Springs)
- Dripping Springs Thoroughfare Plan (Dripping Springs)

Consider the following for transportation improvements related to the site:

- Improvements required to mitigate the impact of site traffic for intersections below Level of Service C, based on City of Dripping Springs Code Chapter 28, Exhibit A, Section 11.11.

6. **Other Considerations**

- Ensure automated traffic data captures demand. Manual observations or a multiple period analysis may be necessary.
- Capture and report data to calibrate model for existing operational analysis (i.e. queue length and approach/movement delay recommended)
- Methodology for capacity and level of service shall be Highway Capacity Manual, latest edition (i.e. Synchro, version 10).
- Discuss and illustrate model calibration (i.e. queue length and approach/movement delay recommended).

7. **Study Assumptions**

The following assumptions must be included in the analysis:

- Background traffic —the average annual growth rate shall be calculated using available sources and documented in the report. Identified growth rate for use in analysis which must be approved by the City prior to submittal
- Projects for background traffic calculations:
 - Arrowhead Ranch
The City will provide available land use information for the proposed development.
- Transit Trips/Walking/Biking Reductions – N/A
- Internal Capture Reductions – N/A
- Pass-By Trip Reductions – Appropriate pass-by trip reductions may be applied to commercial land uses based on the ITE Trip Generation Manual, 10th Edition.
- Trip distribution – To be determined based on existing and historical data. Analysis used to support distribution assumptions should be provided with the submittal of the TIA. Obtain approval by the City prior to submittal.

8. **Submittal Requirements**

- Submit an electronic version of the draft TIA report for agency review. Once all agency comments are resolved, submit two (2) printed copies of the final report, signed and sealed by a professional engineer licensed in the State of Texas for submittal to City of Dripping Springs. The final report should also be provided in electronic format. Submit an electronic version of the draft and final TIA report TxDOT through DropBox.
- The submittal should include the following: PDF of the TIA, Synchro Network for all conditions analyzed and background DXF or aerial format (Synchro files must be in real world coordinates), excel spreadsheets with, overall trip generation, internal and pass-by trip reduction rates if applicable, site trip distribution and assignment within roadway network and site driveways, A CAD file for the site plan, if available.
- Traffic signal modeling requirements:
 - All intersections must be modeled in one Synchro file (including unsignalized intersections).
 - Synchro signal timing sheets are to be included with the submittal.


- Present intersection LOS by movements, Delay by movements, v/c by movements, and 95% queue length by movements in a tabular format (preferably in 11"x17") for different scenarios noted.
- The following Maps should be included in the TIA report:
 - Site Map or Site Plan.
 - Location/Study area map specifying major roadways within the study area.
 - A map showing all bicycle routes, bus transit and bus stops within ½ mile of the site
 - A map showing all background projects and trip generation for each project,
 - A map showing all roadways and driveways analyzed (labeled and dimensioned)
 - An aerial map of all intersections with roadway improvements (dimensioned), including above ground utilities called out.

This scope and study are based upon discussions between Civil & Environmental Consultants, Inc., the City of Dripping Springs transportation consultant, and TxDOT. Any change in these assumptions may require a change in scope.

Approved by: 
Chad Gilpin, P.E., City Engineer, City of Dripping Springs

Reviewed by: 
Leslie D. Pollack, P.E., PTOE, HDR Engineering, Inc.

Approved by: 
Scott R. Cunningham, P.E., TxDOT Austin District

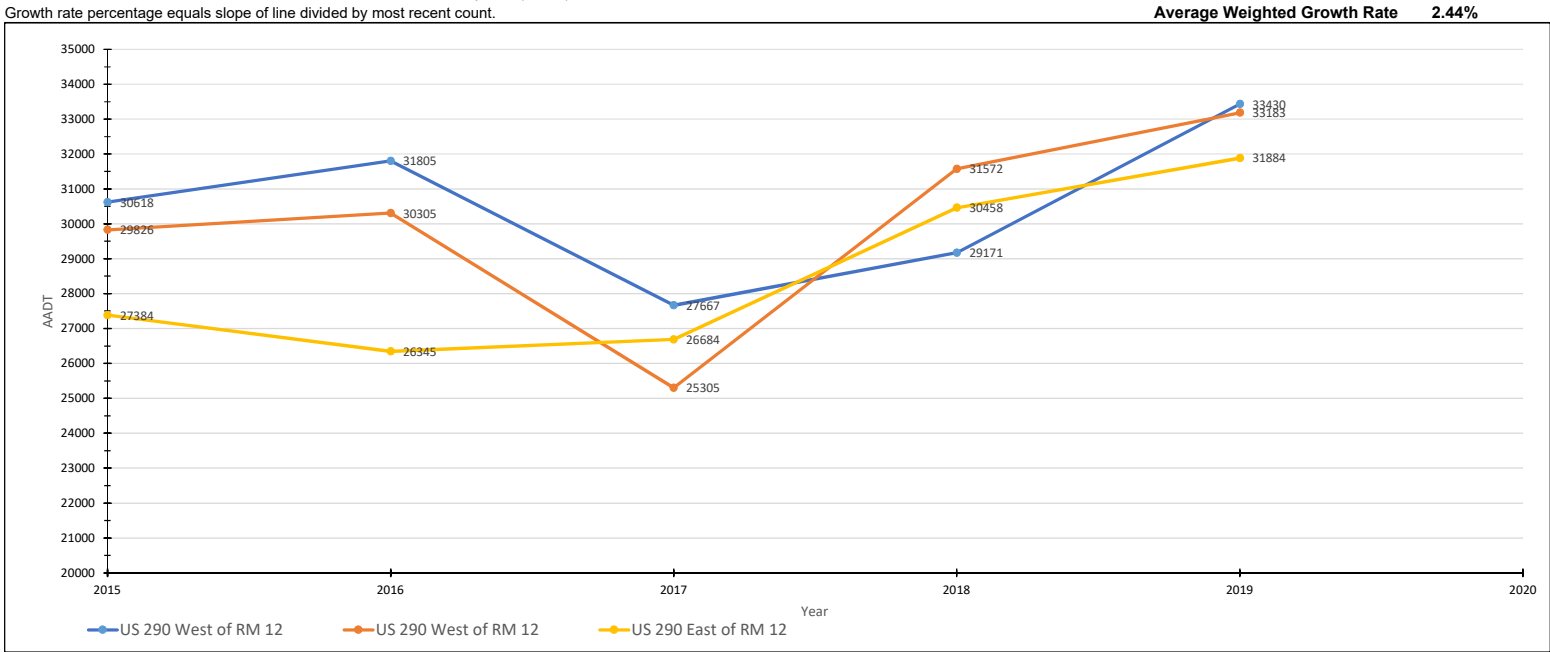
Agree to follow: 
Jeffrey M. DePaolis, P.E., PTOE, Civil & Environmental Consultants, Inc.

APPENDIX B
BACKGROUND TRAFFIC GROWTH RATE CALCULATIONS

TABLE A1
BACKGROUND TRAFFIC GROWTH RATE CALCULATIONS

Station ID #	Location	AADT Traffic Counts (1)											Statistics						
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Slope	Y-Intercept	Number of Data Points	R Squared	Growth Rate ⁽²⁾	Weight	Weighted Growth
109,265	US 290 West of RM 12						30618	31805	27667	29171	33430		299.0000	-572544.8	5	0.045	0.90%	0.34	0.31%
109,273	US 290 West of RM 12						29826	30305	25305	31572	33183		798.1000	-1579729.5	5	0.183	2.40%	0.34	0.81%
109,321	US 290 East of RM 12						27384	26345	26684	30458	31884		1311.3	-2616341.1	5	0.703	4.10%	0.32	1.33%

- (1) Traffic count data obtained form the TXDOT Traffic Count Database System (TCDS)
(2) Growth rate percentage equals slope of line divided by most recent count.



Droznek, Chris

From: Pollack, Leslie <Leslie.Pollack@hdrinc.com>
Sent: Friday, April 30, 2021 4:06 PM
To: Droznek, Chris
Subject: RE: Bunker Ranch TIA

Hi Chris, I am good with the growth rate as proposed. Thank you!

Leslie D. Pollack, P.E., PTOE
D 512.904.3728 M 512.560.1619

hdrinc.com/follow-us

From: Droznek, Chris <cdroznek@cecinc.com>
Sent: Friday, April 30, 2021 7:23 AM
To: Pollack, Leslie <Leslie.Pollack@hdrinc.com>
Subject: RE: Bunker Ranch TIA

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Leslie,

Thank you. I'm also attaching a copy of the calculated growth rate for the study area. Since our project is located on US 290, I collected AADT data along US 290. From the TXDOT Traffic Count Database System (TCDS) I was able to locate 3 count locations along US 290 and within Dripping Springs. I utilized the most recent 5 years of AADT data available for the calculations. From this data I calculated a linear growth rate of 2.44% per year using a weighted average of the three locations.

I understand that you want to verify this information prior to submission of the TIA. Please review the attached calculated growth rate and provide me with any comments or suggestions as to what background traffic growth rate you would like to utilize for the study area.

Thank you,

Chris

Chris A. Droznek II, P.E. | Project Manager
Civil & Environmental Consultants, Inc.
333 Baldwin Road, Pittsburgh, PA 15205
direct 412.249.3177 **office** 412.429.2324 **mobile** 412.804.8807
www.cecinc.com

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APPENDIX C
TURNING MOVEMENT COUNT SUMMARIES

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626

512-832-8650

File Name : Site 1 - US 290 & Bunker Ranch Blvd - AM

Site Code : 1

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy vehicles

	Southbound					US 290 Westbound					Bunker Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
07:00	0	0	0	0	0	4	82	0	0	86	0	0	2	0	2	0	148	0	0	148	236
07:15	0	0	0	0	0	4	100	0	0	104	0	0	4	0	4	0	161	0	0	161	269
07:30	0	0	0	0	0	8	131	0	1	140	0	0	5	0	5	0	178	1	0	179	324
07:45	0	0	0	0	0	11	118	0	0	129	1	0	3	0	4	0	157	0	0	157	290
Total	0	0	0	0	0	27	431	0	1	459	1	0	14	0	15	0	644	1	0	645	1119
08:00	0	0	0	0	0	12	137	0	0	149	0	0	5	0	5	0	137	1	0	138	292
08:15	0	0	0	0	0	5	109	0	0	114	0	0	3	0	3	0	141	0	0	141	258
08:30	0	0	0	0	0	7	108	0	0	115	3	0	1	0	4	0	180	2	0	182	301
08:45	0	0	0	0	0	11	151	0	0	162	0	0	10	1	11	0	168	2	0	170	343
Total	0	0	0	0	0	35	505	0	0	540	3	0	19	1	23	0	626	5	0	631	1194
Grand Total	0	0	0	0	0	62	936	0	1	999	4	0	33	1	38	0	1270	6	0	1276	2313
Apprch %	0	0	0	0		6.2	93.7	0	0.1		10.5	0	86.8	2.6		0	99.5	0.5	0		
Total %	0	0	0	0	0	2.7	40.5	0	0	43.2	0.2	0	1.4	0	1.6	0	54.9	0.3	0	55.2	
Vehicles	0	0	0	0	0	60	825	0	1	886	3	0	32	1	36	0	1168				
% Vehicles	0	0	0	0	0	96.8	88.1	0	100	88.7	75	0	97	100	94.7	0	92	83.3	0	91.9	90.6
Heavy vehicles																					
% Heavy vehicles	0	0	0	0	0	3.2	11.9	0	0	11.3	25	0	3	0	5.3	0	8	16.7	0	8.1	9.4

	Southbound					US 290 Westbound					Bunker Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00																					
08:00	0	0	0	0	0	12	137	0	0	149	0	0	5	0	5	0	137	1	0	138	292
08:15	0	0	0	0	0	5	109	0	0	114	0	0	3	0	3	0	141	0	0	141	258
08:30	0	0	0	0	0	7	108	0	0	115	3	0	1	0	4	0	180	2	0	182	301
08:45	0	0	0	0	0	11	151	0	0	162	0	0	10	1	11	0	168	2	0	170	343
Total Volume	0	0	0	0	0	35	505	0	0	540	3	0	19	1	23	0	626	5	0	631	1194
% App. Total	0	0	0	0		6.5	93.5	0	0		13	0	82.6	4.3		0	99.2	0.8	0		
PHF	.000	.000	.000	.000	.000	.729	.836	.000	.000	.833	.250	.000	.475	.250	.523	.000	.869	.625	.000	.867	.870
Vehicles	0	0	0	0	0	34	433	0	0	467	3	0	18	1	22	0	569	4	0	573	1062
% Vehicles						97.1	85.7	0	0	86.5	100	0	94.7	100	95.7	0	90.9	80.0	0	90.8	88.9
Heavy vehicles																					
% Heavy vehicles	0	0	0	0	0	2.9	14.3	0	0	13.5	0	0	5.3	0	4.3	0	9.1	20.0	0	9.2	11.1

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626

512-832-8650

File Name : Site 1 - US 290 & Bunker Ranch Blvd - PM

Site Code : 1

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy vehicles

	Southbound					US 290 Westbound					Bunker Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
16:00	0	0	0	0	0	6	151	0	0	157	2	0	10	0	12	0	172	1	0	173	342
16:15	0	0	0	0	0	8	188	0	0	196	0	0	10	0	10	0	155	0	0	155	361
16:30	0	0	0	0	0	5	295	0	0	300	0	0	7	0	7	0	141	1	0	142	449
16:45	0	0	0	0	0	5	196	0	0	201	2	0	5	0	7	0	156	1	0	157	365
Total	0	0	0	0	0	24	830	0	0	854	4	0	32	0	36	0	624	3	0	627	1517
17:00	0	0	0	0	0	2	186	0	0	188	2	0	10	0	12	0	157	1	0	158	358
17:15	0	0	0	0	0	0	199	0	0	199	1	0	10	0	11	0	162	0	0	162	372
17:30	0	0	0	0	0	6	178	0	0	184	2	0	8	0	10	0	162	1	0	163	357
17:45	0	0	0	0	0	2	164	0	0	166	0	0	10	0	10	0	142	1	0	143	319
Total	0	0	0	0	0	10	727	0	0	737	5	0	38	0	43	0	623	3	0	626	1406
Grand Total	0	0	0	0	0	34	1557	0	0	1591	9	0	70	0	79	0	1247	6	0	1253	2923
Apprch %	0	0	0	0	0	2.1	97.9	0	0	0	11.4	0	88.6	0	0	0	99.5	0.5	0	0	0
Total %	0	0	0	0	0	1.2	53.3	0	0	54.4	0.3	0	2.4	0	2.7	0	42.7	0.2	0	42.9	0
Vehicles	0	0	0	0	0	32	1508									1186					
% Vehicles	0	0	0	0	0	94.1	96.9	0	0	96.8	100	0	95.7	0	96.2	0	95.1	100	0	95.1	96.1
Heavy vehicles																					
% Heavy vehicles	0	0	0	0	0	5.9	3.1	0	0	3.2	0	0	4.3	0	3.8	0	4.9	0	0	4.9	3.9

	Southbound					US 290 Westbound					Bunker Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 16:30																					
16:30	0	0	0	0	0	5	295	0	0	300	0	0	7	0	7	0	141	1	0	142	449
16:45	0	0	0	0	0	5	196	0	0	201	2	0	5	0	7	0	156	1	0	157	365
17:00	0	0	0	0	0	2	186	0	0	188	2	0	10	0	12	0	157	1	0	158	358
17:15	0	0	0	0	0	0	199	0	0	199	1	0	10	0	11	0	162	0	0	162	372
Total Volume	0	0	0	0	0	12	876	0	0	888	5	0	32	0	37	0	616	3	0	619	1544
% App. Total	0	0	0	0	0	1.4	98.6	0	0	0	13.5	0	86.5	0	0	0	99.5	0.5	0	0	0
PHF	.000	.000	.000	.000	.000	.600	.742	.000	.000	.740	.625	.000	.800	.000	.771	.000	.951	.750	.000	.955	.860
Vehicles	0	0	0	0	0	12	860	0	0	872	5	0	31	0	36	0	583	3	0	586	1494
% Vehicles							98.2	0	0	98.2	100	0	96.9	0	97.3	0	94.6	100	0	94.7	96.8
Heavy vehicles																					
% Heavy vehicles	0	0	0	0	0	0	1.8	0	0	1.8	0	0	3.1	0	2.7	0	5.4	0	0	5.3	3.2

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626
512-832-8650

File Name : Site 2 - US 290 & Arrowhead Ranch Blvd - AM

Site Code : 2

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy Vehicles

	Bus Barn Driveway Southbound					US 290 Westbound					Arrowhead Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
07:00	0	0	0	0	0	4	97	0	0	101	1	0	22	0	23	0	156	0	0	156	280
07:15	3	0	0	0	3	9	106	0	0	115	1	0	20	0	21	0	160	2	0	162	301
07:30	1	0	1	0	2	12	138	3	1	154	2	0	21	0	23	0	176	0	0	176	355
07:45	1	0	0	0	1	11	143	4	0	158	2	0	10	0	12	0	168	0	0	168	339
Total	5	0	1	0	6	36	484	7	1	528	6	0	73	0	79	0	660	2	0	662	1275
08:00	0	0	0	0	0	6	144	0	0	150	2	0	15	0	17	0	142	2	0	144	311
08:15	1	0	0	0	1	11	119	2	0	132	3	0	16	0	19	0	155	3	0	158	310
08:30	0	0	0	0	0	8	126	6	0	140	2	0	13	0	15	1	173	4	0	178	333
08:45	1	0	0	0	1	12	154	26	0	192	1	0	17	0	18	0	179	5	0	184	395
Total	2	0	0	0	2	37	543	34	0	614	8	0	61	0	69	1	649	14	0	664	1349
Grand Total	7	0	1	0	8	73	1027	41	1	1142	14	0	134	0	148	1	1309	16	0	1326	2624
Apprch %	87.5	0	12.5	0		6.4	89.9	3.6	0.1		9.5	0	90.5	0		0.1	98.7	1.2	0		
Total %	0.3	0	0	0	0.3	2.8	39.1	1.6	0	43.5	0.5	0	5.1	0	5.6	0	49.9	0.6	0	50.5	
Vehicles	4	0	0	0	4	69	919	7	1	996	7	0	130	0	137	1	1223				
% Vehicles	57.1	0	0	0	50	94.5	89.5	17.1	100	87.2	50	0	97	0	92.6	100	93.4	12.5	0	92.5	90.1
Heavy Vehicles																					
% Heavy Vehicles	42.9	0	100	0	50	5.5	10.5	82.9	0	12.8	50	0	3	0	7.4	0	6.6	87.5	0	7.5	9.9

	Bus Barn Driveway Southbound					US 290 Westbound					Arrowhead Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00																					
08:00	0	0	0	0	0	6	144	0	0	150	2	0	15	0	17	0	142	2	0	144	311
08:15	1	0	0	0	1	11	119	2	0	132	3	0	16	0	19	0	155	3	0	158	310
08:30	0	0	0	0	0	8	126	6	0	140	2	0	13	0	15	1	173	4	0	178	333
08:45	1	0	0	0	1	12	154	26	0	192	1	0	17	0	18	0	179	5	0	184	395
Total Volume	2	0	0	0	2	37	543	34	0	614	8	0	61	0	69	1	649	14	0	664	1349
% App. Total	100	0	0	0		6	88.4	5.5	0		11.6	0	88.4	0		0.2	97.7	2.1	0		
PHF	.500	.000	.000	.000	.500	.771	.881	.327	.000	.799	.667	.000	.897	.000	.908	.250	.906	.700	.000	.902	.854
Vehicles	2	0	0	0	2	36	476	3	0	515	1	0	59	0	60	1	601	2	0	604	1181
% Vehicles						97.3	87.7	8.8	0	83.9	12.5	0	96.7	0	87.0	100	92.6	14.3	0	91.0	87.5
Heavy Vehicles																					
% Heavy Vehicles	0	0	0	0	0	2.7	12.3	91.2	0	16.1	87.5	0	3.3	0	13.0	0	7.4	85.7	0	9.0	12.5

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626
512-832-8650

File Name : Site 2 - US 290 & Arrowhead Ranch Blvd - PM

Site Code : 2

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy Vehicles

	Bus Barn Driveway Southbound					US 290 Westbound					Arrowhead Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
16:00	2	0	0	0	2	7	161	0	0	168	2	0	8	0	10	0	183	2	0	185	365
16:15	1	0	0	0	1	14	205	2	0	221	0	0	16	0	16	0	161	1	0	162	400
16:30	0	0	0	0	0	18	236	2	0	256	0	0	11	0	11	1	152	2	0	155	422
16:45	1	0	0	0	1	13	189	1	0	203	0	0	12	0	12	0	166	4	0	170	386
Total	4	0	0	0	4	52	791	5	0	848	2	0	47	0	49	1	662	9	0	672	1573
17:00	0	0	0	0	0	9	198	5	0	212	3	0	11	0	14	1	182	0	0	183	409
17:15	1	0	0	0	1	19	197	14	0	230	2	0	6	0	8	0	177	2	0	179	418
17:30	3	0	2	0	5	15	175	10	0	200	0	0	8	0	8	2	182	0	0	184	397
17:45	6	0	0	0	6	12	157	6	0	175	0	0	11	0	11	0	158	4	0	162	354
Total	10	0	2	0	12	55	727	35	0	817	5	0	36	0	41	3	699	6	0	708	1578
Grand Total	14	0	2	0	16	107	1518	40	0	1665	7	0	83	0	90	4	1361	15	0	1380	3151
Apprch %	87.5	0	12.5	0		6.4	91.2	2.4	0		7.8	0	92.2	0		0.3	98.6	1.1	0		
Total %	0.4	0	0.1	0	0.5	3.4	48.2	1.3	0	52.8	0.2	0	2.6	0	2.9	0.1	43.2	0.5	0	43.8	
Vehicles	13	0	2	0	15	105	1464									1302					
% Vehicles	92.9	0	100	0	93.8	98.1	96.4	7.5	0	94.4	85.7	0	97.6	0	96.7	75	95.7	93.3	0	95.6	95
Heavy Vehicles																					
% Heavy Vehicles	7.1	0	0	0	6.2	1.9	3.6	92.5	0	5.6	14.3	0	2.4	0	3.3	25	4.3	6.7	0	4.4	5

	Bus Barn Driveway Southbound					US 290 Westbound					Arrowhead Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 16:30																					
16:30	0	0	0	0	0	18	236	2	0	256	0	0	11	0	11	1	152	2	0	155	422
16:45	1	0	0	0	1	13	189	1	0	203	0	0	12	0	12	0	166	4	0	170	386
17:00	0	0	0	0	0	9	198	5	0	212	3	0	11	0	14	1	182	0	0	183	409
17:15	1	0	0	0	1	19	197	14	0	230	2	0	6	0	8	0	177	2	0	179	418
Total Volume	2	0	0	0	2	59	820	22	0	901	5	0	40	0	45	2	677	8	0	687	1635
% App. Total	100	0	0	0		6.5	91	2.4	0		11.1	0	88.9	0		0.3	98.5	1.2	0		
PHF	.500	.000	.000	.000	.500	.776	.869	.393	.000	.880	.417	.000	.833	.000	.804	.500	.930	.500	.000	.939	.969
Vehicles	2	0	0	0	2	58	796	1	0	855	5	0	38	0	43	1	647	7	0	655	1555
% Vehicles						98.3	97.1	4.5	0	94.9	100	0	95.0	0	95.6	50.0	95.6	87.5	0	95.3	95.1
Heavy Vehicles																					
% Heavy Vehicles	0	0	0	0	0	1.7	2.9	95.5	0	5.1	0	0	5.0	0	4.4	50.0	4.4	12.5	0	4.7	4.9

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626

512-832-8650

File Name : Site 3 - US 290 & Springs Ln - AM

Site Code : 3

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy Vehicles

	Springs Ln Southbound					US 290 Westbound					Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
07:00	9	0	1	0	10	0	97	2	0	99	0	0	0	0	0	1	181	0	0	182	291
07:15	7	0	2	0	9	0	122	2	0	124	0	0	0	0	0	1	191	0	0	192	325
07:30	6	0	1	0	7	0	146	6	0	152	0	0	0	0	0	0	208	0	0	208	367
07:45	9	0	1	0	10	0	158	4	0	162	0	0	0	0	0	0	177	0	0	177	349
Total	31	0	5	0	36	0	523	14	0	537	0	0	0	0	0	2	757	0	0	759	1332
08:00	5	0	0	0	5	0	158	1	0	159	0	0	0	0	0	0	159	0	0	159	323
08:15	5	0	0	0	5	0	135	0	0	135	0	0	0	0	0	1	173	0	0	174	314
08:30	2	0	0	0	2	0	138	3	0	141	0	0	0	0	0	0	187	0	1	188	331
08:45	3	0	0	0	3	0	197	2	0	199	0	0	0	0	0	1	199	0	0	200	402
Total	15	0	0	0	15	0	628	6	0	634	0	0	0	0	0	2	718	0	1	721	1370
Grand Total	46	0	5	0	51	0	1151	20	0	1171	0	0	0	0	0	4	1475	0	1	1480	2702
Apprch %	90.2	0	9.8	0		0	98.3	1.7	0		0	0	0	0		0.3	99.7	0	0.1		
Total %	1.7	0	0.2	0	1.9	0	42.6	0.7	0	43.3	0	0	0	0	0	0.1	54.6	0	0	54.8	
Vehicles	44	0	4	0	48	0	1004									1372					
% Vehicles	95.7	0	80	0	94.1	0	87.2	90	0	87.3	0	0	0	0	0	75	93	0	100	93	90.5
Heavy Vehicles																					
% Heavy Vehicles	4.3	0	20	0	5.9	0	12.8	10	0	12.7	0	0	0	0	0	25	7	0	0	7	9.5

	Springs Ln Southbound					US 290 Westbound					Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total		Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00																					
08:00	5	0	0	0	5	0	158	1	0	159	0	0	0	0	0	0	159	0	0	159	323
08:15	5	0	0	0	5	0	135	0	0	135	0	0	0	0	0	1	173	0	0	174	314
08:30	2	0	0	0	2	0	138	3	0	141	0	0	0	0	0	0	187	0	1	188	331
08:45	3	0	0	0	3	0	197	2	0	199	0	0	0	0	0	1	199	0	0	200	402
Total Volume	15	0	0	0	15	0	628	6	0	634	0	0	0	0	0	2	718	0	1	721	1370
% App. Total	100	0	0	0		0	99.1	0.9	0		0	0	0	0		0.3	99.6	0	0.1		
PHF	.750	.000	.000	.000	.750	.000	.797	.500	.000	.796	.000	.000	.000	.000	.000	.500	.902	.000	.250	.901	.852
Vehicles	15	0	0	0	15	0	525	6	0	531	0	0	0	0	0	2	667	0	1	670	1216
% Vehicles							83.6	100	0	83.8	0	0	0	0	0	100	92.9	0	100	92.9	88.8
Heavy Vehicles																					
% Heavy Vehicles	0	0	0	0	0	0	16.4	0	0	16.2	0	0	0	0	0	0	7.1	0	0	7.1	11.2

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626

512-832-8650

File Name : Site 3 - US 290 & Springs Ln - PM

Site Code : 3

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy Vehicles

	Springs Ln Southbound					US 290 Westbound					Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
16:00	3	0	0	0	3	0	185	4	0	189	0	0	0	0	0	0	203	0	0	203	395
16:15	4	0	1	0	5	0	226	6	0	232	0	0	0	0	0	0	182	0	0	182	419
16:30	4	0	0	0	4	0	260	6	0	266	0	0	0	0	0	1	162	0	0	163	433
16:45	2	0	2	0	4	0	192	7	0	199	0	0	0	0	0	1	187	0	0	188	391
Total	13	0	3	0	16	0	863	23	0	886	0	0	0	0	0	2	734	0	0	736	1638
17:00	7	0	1	0	8	0	211	6	0	217	0	0	0	0	0	0	190	0	0	190	415
17:15	2	0	0	0	2	0	242	7	0	249	0	0	0	0	0	0	193	0	0	193	444
17:30	3	0	0	0	3	0	193	4	0	197	0	0	0	0	0	1	195	0	0	196	396
17:45	3	0	0	0	3	0	189	4	0	193	0	0	0	0	0	0	169	0	0	169	365
Total	15	0	1	0	16	0	835	21	0	856	0	0	0	0	0	1	747	0	0	748	1620
Grand Total	28	0	4	0	32	0	1698	44	0	1742	0	0	0	0	0	3	1481	0	0	1484	3258
Apprch %	87.5	0	12.5	0		0	97.5	2.5	0		0	0	0	0		0.2	99.8	0	0		
Total %	0.9	0	0.1	0	1	0	52.1	1.4	0	53.5	0	0	0	0	0	0.1	45.5	0	0	45.5	
Vehicles	28	0	3	0	31	0	1613									1419					
% Vehicles	100	0	75	0	96.9	0	95	97.7	0	95.1	0	0	0	0	0	100	95.8	0	0	95.8	95.4
Heavy Vehicles																					
% Heavy Vehicles	0	0	25	0	3.1	0	5	2.3	0	4.9	0	0	0	0	0	0	4.2	0	0	4.2	4.6

	Springs Ln Southbound					US 290 Westbound					Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 16:30																					
16:30	4	0	0	0	4	0	260	6	0	266	0	0	0	0	0	1	162	0	0	163	433
16:45	2	0	2	0	4	0	192	7	0	199	0	0	0	0	0	1	187	0	0	188	391
17:00	7	0	1	0	8	0	211	6	0	217	0	0	0	0	0	0	190	0	0	190	415
17:15	2	0	0	0	2	0	242	7	0	249	0	0	0	0	0	0	193	0	0	193	444
Total Volume	15	0	3	0	18	0	905	26	0	931	0	0	0	0	0	2	732	0	0	734	1683
% App. Total	83.3	0	16.7	0		0	97.2	2.8	0		0	0	0	0	0	0.3	99.7	0	0		
PHF	.536	.000	.375	.000	.563	.000	.870	.929	.000	.875	.000	.000	.000	.000	.000	.500	.948	.000	.000	.951	.948
Vehicles	15	0	2	0	17	0	864	25	0	889	0	0	0	0	0	2	700	0	0	702	1608
% Vehicles			66.7	0	94.4	0	95.5	96.2	0	95.5	0	0	0	0	0	100	95.6	0	0	95.6	95.5
Heavy Vehicles																					
% Heavy Vehicles	0	0	33.3	0	5.6	0	4.5	3.8	0	4.5	0	0	0	0	0	0	4.4	0	0	4.4	4.5

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626
512-832-8650

Item # 17.

Site Code: 1
Station ID:
US 290
East of CR 239
Latitude: 0' 0.0000 Undefined

Start Time	20-Apr-21 Tue	Westbound		Hour Totals		Eastbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		9	167			7	192				
12:15		11	164			4	179				
12:30		6	219			5	148				
12:45		4	183	30	733	4	140	20	659	50	1392
01:00		4	182			1	159				
01:15		3	216			2	153				
01:30		4	202			8	154				
01:45		3	177	14	777	4	162	15	628	29	1405
02:00		2	216			2	139				
02:15		1	201			3	189				
02:30		5	190			4	216				
02:45		4	164	12	771	3	176	12	720	24	1491
03:00		6	215			3	201				
03:15		3	234			4	184				
03:30		3	209			5	168				
03:45		3	173	15	831	6	184	18	737	33	1568
04:00		4	197			8	189				
04:15		5	225			7	221				
04:30		9	261			24	182				
04:45		16	211	34	894	21	188	60	780	94	1674
05:00		12	212			28	200				
05:15		26	241			33	190				
05:30		51	210			56	197				
05:45		70	180	159	843	59	173	176	760	335	1603
06:00		66	210			89	155				
06:15		71	169			99	157				
06:30		66	167			132	164				
06:45		86	135	289	681	141	134	461	610	750	1291
07:00		101	104			173	108				
07:15		122	118			195	100				
07:30		165	131			218	117				
07:45		170	96	558	449	177	88	763	413	1321	862
08:00		159	107			167	92				
08:15		138	71			163	70				
08:30		163	66			173	65				
08:45		190	81	650	325	187	62	690	289	1340	614
09:00		193	77			175	52				
09:15		133	61			172	52				
09:30		159	45			166	38				
09:45		161	43	646	226	171	41	684	183	1330	409
10:00		162	40			175	25				
10:15		178	30			175	24				
10:30		168	23			153	21				
10:45		158	36	666	129	150	16	653	86	1319	215
11:00		159	28			171	19				
11:15		153	14			164	11				
11:30		176	13			209	17				
11:45		139	12	627	67	182	6	726	53	1353	120
Total		3700	6726			4278	5918			7978	12644
Percent		35.5%	64.5%			42.0%	58.0%			38.7%	61.3%

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626
512-832-8650

Site Code: 1
Station ID:
US 290
East of CR 239
Latitude: 0' 0.0000 Undefined

Start Time	21-Apr-21 Wed	Westbound		Hour Totals		Eastbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		12	159			3	173				
12:15		9	197			7	157				
12:30		4	189			3	152				
12:45		8	181	33	726	1	151	14	633	47	1359
01:00		3	153			0	152				
01:15		4	208			2	158				
01:30		6	188			9	170				
01:45		2	158	15	707	2	146	13	626	28	1333
02:00		2	176			4	151				
02:15		3	180			3	186				
02:30		3	177			5	222				
02:45		4	182	12	715	3	176	15	735	27	1450
03:00		4	152			1	174				
03:15		6	207			2	160				
03:30		5	184			5	168				
03:45		2	200	17	743	8	192	16	694	33	1437
04:00		10	194			8	219				
04:15		5	232			9	200				
04:30		8	225			21	176				
04:45		13	220	36	871	15	168	53	763	89	1634
05:00		12	243			23	172				
05:15		23	227			45	194				
05:30		47	219			39	194				
05:45		61	266	143	955	65	180	172	740	315	1695
06:00		66	201			64	184				
06:15		68	178			117	163				
06:30		80	193			112	166				
06:45		96	168	310	740	151	136	444	649	754	1389
07:00		81	130			187	115				
07:15		139	118			194	123				
07:30		155	124			188	95				
07:45		183	128	558	500	188	89	757	422	1315	922
08:00		149	102			187	91				
08:15		144	93			170	105				
08:30		149	82			172	91				
08:45		175	88	617	365	196	89	725	376	1342	741
09:00		171	80			177	59				
09:15		175	67			164	51				
09:30		166	60			167	36				
09:45		154	44	666	251	170	38	678	184	1344	435
10:00		148	38			173	58				
10:15		163	33			164	30				
10:30		161	25			177	28				
10:45		188	23	660	119	177	28	691	144	1351	263
11:00		168	17			162	32				
11:15		156	23			174	14				
11:30		184	8			182	13				
11:45		184	17	692	65	169	5	687	64	1379	129
Total		3759	6757			4265	6030			8024	12787
Percent		35.7%	64.3%			41.4%	58.6%			38.6%	61.4%
Grand Total		7459	13483			8543	11948			16002	25431
Percent		35.6%	64.4%			41.7%	58.3%			38.6%	61.4%

ADT

ADT 20,716

AADT 20,716

APPENDIX D
COVID-19 TRAFFIC VOLUME FACTOR EVALUATION

Volume Comparison for COVID-19 Factor Determination

Data Source	ADT Traffic Volumes		
	Eastbound	Westbound	Total
Tuesday, January 30, 2018	7,570	7,389	14,959
Grown to 2021 (2.44% per year linear)	8,124	7,930	16,054
Tuesday, April 20, 2021	10,196	10,426	20,622
Wednesday, April 21, 2021	10,295	10,516	20,811
Average	10,246	10,471	20,717
Difference	2,122	2,541	4,663

Linear Growth Rate	2.44%
2018	2021
	1.0732

Based on data, no factor to adjust 2021 traffic volumes to account for COVID conditions will be applied.

2018 traffic count data provided by the City of Dripping Springs

GRAM Traffic Counting Inc.

3751 FM 1105 Bldg A
Georgetown, TX 78626
512-832-8650

Item # 17.

Site Code: 2
Station ID:
Hwy 290
West of Bell Springs Rd
Latitude: 0' 0.0000 Undefined

Start Time	30-Jan-18 Tue	Eastbound		Hour Totals		Westbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		4	131			18	124				
12:15		3	110			5	132				
12:30		6	133			6	120				
12:45		4	122	17	496	3	122	32	498	49	994
01:00		1	145			1	125				
01:15		2	135			4	113				
01:30		4	115			2	124				
01:45		2	117	9	512	1	116	8	478	17	990
02:00		3	113			3	121				
02:15		2	152			2	125				
02:30		1	170			1	115				
02:45		3	142	9	577	2	148	8	509	17	1086
03:00		4	136			5	161				
03:15		1	107			2	146				
03:30		12	100			0	173				
03:45		7	105	24	448	3	130	10	610	34	1058
04:00		6	107			3	150				
04:15		3	121			5	160				
04:30		10	97			6	171				
04:45		19	101	38	426	8	156	22	637	60	1063
05:00		23	123			9	195				
05:15		35	129			20	170				
05:30		55	164			34	142				
05:45		67	130	180	546	52	166	115	673	295	1219
06:00		91	125			36	159				
06:15		108	109			60	151				
06:30		134	106			51	145				
06:45		123	83	456	423	64	101	211	556	667	979
07:00		118	69			65	115				
07:15		166	70			84	60				
07:30		168	63			89	95				
07:45		153	55	605	257	106	85	344	355	949	612
08:00		152	32			90	66				
08:15		144	43			92	63				
08:30		164	36			95	78				
08:45		166	26	626	137	122	55	399	262	1025	399
09:00		147	17			104	69				
09:15		150	30			109	49				
09:30		127	36			126	36				
09:45		147	24	571	107	123	30	462	184	1033	291
10:00		141	23			89	24				
10:15		117	15			93	34				
10:30		116	20			122	32				
10:45		134	12	508	70	108	23	412	113	920	183
11:00		133	16			97	16				
11:15		134	5			120	15				
11:30		114	6			118	10				
11:45		116	4	497	31	109	6	444	47	941	78
Total		3540	4030			2467	4922			6007	8952
Percent		46.8%	53.2%			33.4%	66.6%			40.2%	59.8%
Grand Total		3540	4030			2467	4922			6007	8952
Percent		46.8%	53.2%			33.4%	66.6%			40.2%	59.8%
ADT		ADT 3,815		AADT 3,815							

APPENDIX E
INTERSECTION APPROACH PHOTOGRAPHS

Intersection: US 290 with Bunker Ranch Boulevard

Eastbound US 290 Approach



Westbound US 290 Approach



Intersection: US 290 with Bunker Ranch Boulevard

Northbound Bunker Ranch Boulevard



Intersection: US 290 with Arrowhead Ranch Boulevard/DSISD Driveway

Eastbound US 290 Approach



Westbound US 290 Approach



Intersection: US 290 with Arrowhead Ranch Boulevard/DSISD Driveway

Northbound Arrowhead Ranch Boulevard Approach



Looking at Southbound DSISD Driveway



Intersection: US 290 with Springs Lane Road

Eastbound US 290 Approach



Westbound US 290 Approach



Intersection: US 290 with Springs Lane Road

Southbound Springs Lane Approach



APPENDIX F
LEVEL OF SERVICE DEFINITIONS

LEVELS OF SERVICE

Intersection levels of service (LOS) were determined through implementation of the methodology presented in the *Highway Capacity Manual 6th Edition*, published by the Transportation Research Board.

i. Signalized Intersections

An explanation of level of service at signalized intersections is as follows:

This subsection describes the LOS criteria for the motorized vehicle mode. The criteria for the motorized vehicle mode are different from those for other modes. Specifically, the motorized vehicle mode criteria are based on performance measures that are field measurable and perceivable by travelers. The criteria for other modes are based on scores reported by travelers indicating their perception of service quality.

LOS can be characterized for the entire intersection, each intersection approach, and each lane group. Control delay alone is used to characterize LOS for the entire intersection of an approach. Control delay and volume-to-capacity ratio are used to characterize LOS for a lane group. Delay quantifies the increase in travel time due to traffic signal control. It is also a surrogate measure of driver discomfort and fuel consumption. The volume-to-capacity ratio quantifies the degree to which a phase's capacity is utilized by a lane group. The following paragraphs describe each LOS.

LOS A describes operations with a control delay of 10 s/veh or less and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is exceptionally favorable or the cycle length is very short. If it is due to favorable progression, most vehicles arrive during the green indication and travel through the intersection without stopping.

LOS B describes operations with control delay between 10 and 20 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is highly favorable or the cycle length is short. More vehicles stop than with LOS A.

LOS C describes operations with control delay between 20 and 35 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when progression is favorable or the cycle length is moderate. Individual *cycle failures* (i.e., one or more queued vehicles are not able to depart as a result of insufficient capacity during the cycle) may begin to appear at this level. The number of vehicles stopping is significant, although many vehicles still pass through the intersection without stopping.

LOS D describes operations with control delay between 35 and 55 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high and either progression is ineffective or the cycle length is long. Many vehicles stop and individual cycle failures are noticeable.

LOS E describes operations with control delay between 55 and 80 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high, progression is unfavorable, and the cycle length is long. Individual cycle failures are frequent.

LOS F describes operations with control delay exceeding 80 s/veh or a volume-to-capacity ratio greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is very high, progression is very poor, and the cycle length is long. Most cycles fail to clear the queue.

A lane group can incur a delay less than 80 s/veh when the volume-to-capacity ratio exceeds 1.0. This condition typically occurs when the cycle length is short, the signal progression is favorable, or both. As a result, both the delay and volume-to-capacity ratio are considered when lane group LOS is established. A ratio of 1.0 or more indicates that cycle capacity is fully utilized and represents failure from a capacity perspective (just as delay in excess of 80 s/veh represents failure from a delay perspective).

Exhibit 19-8 lists the LOS thresholds established for the motor vehicle mode at a signalized intersection.

Exhibit 19-8

LOS Criteria: Signalized Intersection

Control Delay (s/veh)	LOS by Volume-to-Capacity (v/c) Ratio ⁽¹⁾	
	v/c ≤ 1.0	v/c > 1.0
≤ 10	A	F
> 10 – 20	B	F
> 20 – 35	C	F
> 35 – 55	D	F
> 55 – 80	E	F
> 80	F	F

(1) For approach-based and intersectionwide assessments, LOS is defined solely by control delay.

ii. Unsignalized Intersections

The following level-of-service criteria for two-way stop-controlled and all-way stop-controlled intersections differ from the criteria for signalized intersections. The primary reason for this difference is that drivers expect different levels of performance from various kinds of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an unsignalized intersection. Thus, a higher level of control delay is acceptable at a signalized intersection for the same level of service.

Level of service for two-way stop-controlled (TWSC) intersections and an all-way stop control intersections is determined by the computed or measured control delay. For motor vehicles, LOS is determined for each minor-street movement (or shared movement), as well as the major-street left turns, by using the criteria given in Exhibit 20-2 and Exhibit 21-8. For TWSC intersections, LOS is not defined for the intersection as a whole or for major –street approaches for three primary reasons: (a) major-street through vehicles are assumed to experience zero delay; (b) the disproportionate number of major-street through vehicles a typical TWSC intersection skews the weighted average of all movements, resulting in a very low overall average delay for all vehicles; and (c) the resulting low delay can mask LOS deficiencies for minor movements. Level of service for two-way stop control is not defined for the intersection as a whole, while level of service for all-way stop control is defined for the intersection as a whole. Level of service criteria are given in Exhibit 20-2 (two-way stop-controlled intersections) and Exhibit 21-8 (all-way stop controlled intersections).

Exhibit 20-2 and Exhibit 21-8

LOS Criteria: Two-Way and All-Way Stop Controlled Intersections

Control Delay (s/veh)	LOS by Volume-to-Capacity (v/c) Ratio ⁽¹⁾⁽²⁾	
	v/c ≤ 1.0	v/c > 1.0
0 – 10	A	F
> 10 – 15	B	F
> 15 – 25	C	F
> 25 – 35	D	F
> 35 – 50	E	F
> 50	F	F

- (1) TWSC: The LOS criteria apply to each lane on a given approach and to each approach on the minor street. LOS is not calculated for major-street approaches or for the intersection as a whole.
- (2) AWSC: For approaches and intersectionwide assessment, LOS is defined solely by control delay.

APPENDIX G
EXISTING 2021 CAPACITY CALCULATIONS

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2021 Existing Conditions
Timing Plan: AM Peak Hour








Item # 17.

Intersection						
Int Delay, s/veh	0.5					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↗	↘	↑↑	↘	
Traffic Vol, veh/h	626	5	35	505	3	19
Future Vol, veh/h	626	5	35	505	3	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	10	20	3	15	0	6
Mvmt Flow	720	6	40	580	3	22
Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	726	0	1090	360
Stage 1	-	-	-	-	720	-
Stage 2	-	-	-	-	370	-
Critical Hdwy	-	-	4.16	-	6.8	7.02
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	-	-	2.23	-	3.5	3.36
Pot Cap-1 Maneuver	-	-	866	-	213	625
Stage 1	-	-	-	-	448	-
Stage 2	-	-	-	-	675	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	866	-	203	625
Mov Cap-2 Maneuver	-	-	-	-	329	-
Stage 1	-	-	-	-	448	-
Stage 2	-	-	-	-	644	-
Approach	EB		WB		NB	
HCM Control Delay, s	0		0.6		11.8	
HCM LOS	B					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	557	-	-	866	-	
HCM Lane V/C Ratio	0.045	-	-	0.046	-	
HCM Control Delay (s)	11.8	-	-	9.4	-	
HCM Lane LOS	B	-	-	A	-	
HCM 95th %tile Q(veh)	0.1	-	-	0.1	-	

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2021 Existing Conditions
Timing Plan: AM Peak Hour





Item # 17.

Intersection												
Int Delay, s/veh	1.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	649	14	37	543	34	8	0	61	2	0	0
Future Vol, veh/h	1	649	14	37	543	34	8	0	61	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	85	85	85	85	85	85	85	85	85	85	85	85
Heavy Vehicles, %	0	8	86	3	13	92	88	0	4	0	0	0
Mvmt Flow	1	764	16	44	639	40	9	0	72	2	0	0
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	679	0	0	780	0	0	1174	1533	382	1131	1529	340
Stage 1	-	-	-	-	-	-	766	766	-	747	747	-
Stage 2	-	-	-	-	-	-	408	767	-	384	782	-
Critical Hdwy	4.1	-	-	4.16	-	-	9.26	6.5	6.98	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.2	-	-	2.23	-	-	4.38	4	3.34	3.5	4	3.3
Pot Cap-1 Maneuver	923	-	-	827	-	-	75	118	610	161	118	662
Stage 1	-	-	-	-	-	-	218	415	-	376	423	-
Stage 2	-	-	-	-	-	-	409	414	-	616	408	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	923	-	-	827	-	-	72	112	610	136	112	662
Mov Cap-2 Maneuver	-	-	-	-	-	-	72	112	-	136	112	-
Stage 1	-	-	-	-	-	-	218	415	-	376	401	-
Stage 2	-	-	-	-	-	-	387	392	-	543	408	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0.6			19.6			31.9		
HCM LOS							C			D		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	327	923	-	-	827	-	-	136				
HCM Lane V/C Ratio	0.248	0.001	-	-	0.053	-	-	0.017				
HCM Control Delay (s)	19.6	8.9	-	-	9.6	-	-	31.9				
HCM Lane LOS	C	A	-	-	A	-	-	D				
HCM 95th %tile Q(veh)	1	0	-	-	0.2	-	-	0.1				

HCM 6th TWSC
4: US 290 & Spring Lane

2021 Existing Conditions
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	718	628	6	15	0
Future Vol, veh/h	2	718	628	6	15	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	0	8	17	0	0	0
Mvmt Flow	2	845	739	7	18	0
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	746	0	-	0	1170	373
Stage 1	-	-	-	-	743	-
Stage 2	-	-	-	-	427	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	871	-	-	-	189	630
Stage 1	-	-	-	-	436	-
Stage 2	-	-	-	-	632	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	871	-	-	-	189	630
Mov Cap-2 Maneuver	-	-	-	-	317	-
Stage 1	-	-	-	-	435	-
Stage 2	-	-	-	-	632	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		17		
HCM LOS	C					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	871	-	-	-	317	
HCM Lane V/C Ratio	0.003	-	-	-	0.056	
HCM Control Delay (s)	9.1	-	-	-	17	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.2	

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2021 Existing Conditions
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	616	3	12	876	5	32
Future Vol, veh/h	616	3	12	876	5	32
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	6	0	0	2	0	4
Mvmt Flow	716	3	14	1019	6	37

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	719	0	1254
Stage 1	-	-	-	-	716
Stage 2	-	-	-	-	538
Critical Hdwy	-	-	4.1	-	6.8
Critical Hdwy Stg 1	-	-	-	-	5.8
Critical Hdwy Stg 2	-	-	-	-	5.8
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	892	-	167
Stage 1	-	-	-	-	450
Stage 2	-	-	-	-	555
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	892	-	164
Mov Cap-2 Maneuver	-	-	-	-	299
Stage 1	-	-	-	-	450
Stage 2	-	-	-	-	546








Approach	EB	WB	NB
HCM Control Delay, s	0	0.1	12.1
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	550	-	-	892	-
HCM Lane V/C Ratio	0.078	-	-	0.016	-
HCM Control Delay (s)	12.1	-	-	9.1	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.3	-	-	0	-

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2021 Existing Conditions
Timing Plan: PM Peak Hour





Item # 17.

Intersection												
Int Delay, s/veh	0.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	2	677	8	59	820	22	5	0	40	2	0	0
Future Vol, veh/h	2	677	8	59	820	22	5	0	40	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	50	5	13	2	3	96	0	0	5	0	0	0
Mvmt Flow	2	698	8	61	845	23	5	0	41	2	0	0
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	868	0	0	706	0	0	1247	1692	349	1332	1689	434
Stage 1	-	-	-	-	-	-	702	702	-	979	979	-
Stage 2	-	-	-	-	-	-	545	990	-	353	710	-
Critical Hdwy	5.1	-	-	4.14	-	-	7.5	6.5	7	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.7	-	-	2.22	-	-	3.5	4	3.35	3.5	4	3.3
Pot Cap-1 Maneuver	530	-	-	888	-	-	132	94	638	114	94	576
Stage 1	-	-	-	-	-	-	400	443	-	272	331	-
Stage 2	-	-	-	-	-	-	495	327	-	642	440	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	530	-	-	888	-	-	125	87	638	101	87	576
Mov Cap-2 Maneuver	-	-	-	-	-	-	125	87	-	101	87	-
Stage 1	-	-	-	-	-	-	398	441	-	271	308	-
Stage 2	-	-	-	-	-	-	461	304	-	598	438	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0.6			14.2			41.4		
HCM LOS							B			E		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	438	530	-	-	888	-	-	101				
HCM Lane V/C Ratio	0.106	0.004	-	-	0.068	-	-	0.02				
HCM Control Delay (s)	14.2	11.8	-	-	9.4	-	-	41.4				
HCM Lane LOS	B	B	-	-	A	-	-	E				
HCM 95th %tile Q(veh)	0.4	0	-	-	0.2	-	-	0.1				

HCM 6th TWSC
4: US 290 & Spring Lane

2021 Existing Conditions
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	732	905	26	15	3
Future Vol, veh/h	2	732	905	26	15	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	5	5	4	0	34
Mvmt Flow	2	771	953	27	16	3
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	980	0	-	0	1357	490
Stage 1	-	-	-	-	967	-
Stage 2	-	-	-	-	390	-
Critical Hdwy	4.1	-	-	-	6.8	7.58
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.64
Pot Cap-1 Maneuver	712	-	-	-	143	447
Stage 1	-	-	-	-	334	-
Stage 2	-	-	-	-	659	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	712	-	-	-	143	447
Mov Cap-2 Maneuver	-	-	-	-	257	-
Stage 1	-	-	-	-	333	-
Stage 2	-	-	-	-	659	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		18.9		
HCM LOS				C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	712	-	-	-	277	
HCM Lane V/C Ratio	0.003	-	-	-	0.068	
HCM Control Delay (s)	10.1	-	-	-	18.9	
HCM Lane LOS	B	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.2	

APPENDIX H
BUNKER RANCH TRIP GENERATION CALCULATIONS

Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas

Proposed Total Bunker Ranch Development Single Family Homes (160 Approved plus 228 Proposed)

388	units	ITE Land Use Code	210	Single-Family Detached Housing
	Weekday 24-Hour	=====>	$\text{Ln}(T) = 0.92 \text{ Ln}(X) + 2.71$ $\text{Ln}(T) = 0.92 \text{ Ln}(388) + 2.71$ $\text{Ln}(T) = 0.92 (5.961) + 2.71$ $\text{Ln}(T) = 8.19$ $T = 3619.622$ $T = 3620$	$(50\% \text{ Entering} / 50\% \text{ Exiting})$ $(1810 \text{ Entering} / 1810 \text{ Exiting})$
	A.M. Peak Hour	=====>	$T = 0.71 (X) + 4.8$ $T = 0.71 (388.00) + 4.80$ $T = 280.28$ $T = 280$	$(25\% \text{ Entering} / 75\% \text{ Exiting})$ $(70 \text{ Entering} / 210 \text{ Exiting})$
	P.M. Peak Hour	=====>	$\text{Ln}(T) = 0.96 \text{ Ln}(X) + 0.2$ $\text{Ln}(T) = 0.96 \text{ Ln}(388) + 0.2$ $\text{Ln}(T) = 0.96 (5.961) + 0.2$ $\text{Ln}(T) = 5.92$ $T = 373.368$ $T = 373$	$(63\% \text{ Entering} / 37\% \text{ Exiting})$ $(235 \text{ Entering} / 138 \text{ Exiting})$

**Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas**

Bunker Ranch Approved Single Family Units

160	units	ITE Land Use Code	210	Single-Family Detached Housing
	Weekday 24-Hour	=====>	$\ln(T) = 0.92 \ln(X) + 2.71$ $\ln(T) = 0.92 \ln(160) + 2.71$ $\ln(T) = 0.92 (5.075) + 2.71$ $\ln(T) = 7.38$ $T = 1602.243$ $T = 1602$	(50 % Entering/ 50 % Exiting) (801 Entering/ 801 Exiting)
	A.M. Peak Hour	=====>	$T = 0.71 (X) + 4.8$ $T = 0.71 (160.00) + 4.80$ $T = 118.4$ $T = 118$	(25 % Entering/ 75 % Exiting) (30 Entering/ 88 Exiting)
	P.M. Peak Hour	=====>	$\ln(T) = 0.96 \ln(X) + 0.2$ $\ln(T) = 0.96 \ln(160) + 0.2$ $\ln(T) = 0.96 (5.075) + 0.2$ $\ln(T) = 5.07$ $T = 159.520$ $T = 160$	(63 % Entering/ 37 % Exiting) (101 Entering/ 59 Exiting)

Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas

Bunker Ranch Single Family Homes Currently Built and Occupied

58	units	ITE Land Use Code	210	Single-Family Detached Housing
	Weekday 24-Hour	=====>	$\text{Ln}(T) = 0.92 \text{ Ln}(X) + 2.71$ $\text{Ln}(T) = 0.92 \text{ Ln}(58) + 2.71$ $\text{Ln}(T) = 0.92 (4.060) + 2.71$ $\text{Ln}(T) = 6.45$ $T = 629.929$ $T = 630$	(50 % Entering/ 50 % Exiting) (315 Entering/ 315 Exiting)
	A.M. Peak Hour	=====>	$T = 0.71 (X) + 4.8$ $T = 0.71 (58.00) + 4.80$ $T = 45.98$ $T = 46$	(25 % Entering/ 75 % Exiting) (12 Entering/ 34 Exiting)
	P.M. Peak Hour	=====>	$\text{Ln}(T) = 0.96 \text{ Ln}(X) + 0.2$ $\text{Ln}(T) = 0.96 \text{ Ln}(58) + 0.2$ $\text{Ln}(T) = 0.96 (4.060) + 0.2$ $\text{Ln}(T) = 4.10$ $T = 60.221$ $T = 60$	(63 % Entering/ 37 % Exiting) (38 Entering/ 22 Exiting)

Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas

Bunker Ranch Development Approved Multifamily Units

42	units	ITE Land Use Code	220		Multifamily Low-Rise					
	Weekday 24-Hour	=====>	T = 7.32 (X) T = 7.32 (42.00) T = 307.44 T = 307		(50 % Entering/ 50 % Exiting)					
	A.M. Peak Hour	=====>	Ln(T) = 0.95 Ln(X) - 0.51 Ln(T) = 0.95 Ln(42) - 0.51 Ln(T) = 0.95 (3.738) - 0.51 Ln(T) = 3.04 T = 20.922 T = 21		(23 % Entering/ 77 % Exiting)					
	P.M. Peak Hour	=====>	Ln(T) = 0.89 Ln(X) - 0.02 Ln(T) = 0.89 Ln(42) - 0.02 Ln(T) = 0.89 (3.738) - 0.02 Ln(T) = 3.31 T = 27.290 T = 27		(63 % Entering/ 37 % Exiting)					
					(17 Entering/ 10 Exiting)					

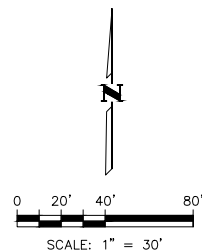
Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas

Bunker Ranch Development Multifamily Units Currently Constructed and Occupied

6	units	ITE Land Use Code	220		Multifamily Low-Rise					
	Weekday 24-Hour	=====>	T = 7.56 (X) - 40.86 T = 7.56 (6.00) - 40.86 T = 4.5 T = 5		(50 % Entering/ 50 % Exiting)					
	A.M. Peak Hour	=====>	Ln(T) = 0.95 Ln(X) - 0.51 Ln(T) = 0.95 Ln(6) - 0.51 Ln(T) = 0.95 (1.792) - 0.51 Ln(T) = 1.19 T = 3.294 T = 3		(23 % Entering/ 77 % Exiting)					
	P.M. Peak Hour	=====>	Ln(T) = 0.89 Ln(X) - 0.02 Ln(T) = 0.89 Ln(6) - 0.02 Ln(T) = 0.89 (1.792) - 0.02 Ln(T) = 1.57 T = 4.829 T = 5		(63 % Entering/ 37 % Exiting)					
					(3 Entering/ 2 Exiting)					

APPENDIX I
ARROWHEAD RANCH CONCEPTUAL SITE PLAN

	TOTAL ACRES	IMPERVIOUS COVER (SF)	IMPERVIOUS COVER (AC)	IMPERVIOUS COVER (%)
LOT A C-STORE	3.783	70,430	1.617	42.74 %
LOT B RETAIL	2.864	32,346	0.743	25.94 %
TOTAL SITE	6.647	102,776	2.36	35.50 %



CIVIL KEY NOTES	
1	PAVEMENT STRIPING (TYPICAL) (REFERENCE SHEET C13)
2	CONCRETE SIDEWALK (REFERENCE SHEET C13)
3	6" CONCRETE CURB (TYPICAL) (REFERENCE SHEET C13)
4	HANDICAP SIGN (REFERENCE ARCHITECTURAL PLANS FOR DETAILS)
5	BOLLARDS (REFERENCE SHEET C13)
6	ACCESSIBILITY STRIPING (REFERENCE SHEET C13)
7	GARBAGE DUMPSTER (REFERENCE ARCHITECTURAL PLANS FOR DETAILS)
8	CONCRETE WHEEL STOP (REFERENCE SHEET C13)
9	TXDOT CONCRETE DRIVEWAY (REFERENCE SHEET C13)
10	CONCRETE DRIVEWAY (REFERENCE SHEET C14)
11	CURB RAMP (REFERENCE SHEET C13)
12	DOWNSPOUT (REFERENCE ARCHITECTURAL PLANS FOR DETAILS)

- NOTES:**
1. REFERENCE STRUCTURAL PLANS FOR FOUNDATION.
 2. ALL CURB RADI ARE 3' UNLESS OTHERWISE NOTED.
 3. REFER TO GENERAL NOTE SHEET FOR ADDITIONAL SITE NOTES.
 4. "C" IN PARKING SPACE DENOTES COMPACT SPACE. COMPACT SPACES ARE 8' X 16'.
 5. PAVEMENT MARKINGS IN BEAR COUNTY R.O.W. MUST BE THERMOPLASTIC.
 6. PAVEMENT DESIGN FOR AUXILIARY LANES ABUTTING AN EXISTING ROAD SHALL BE MINIMUM 2" HMAAC TYPE D (OR TYPE C AND 12") HMAAC TYPE B OR MATCH EXISTING PAVEMENT SECTION (IF KNOWN).
 7. REFERENCE CANOPY PLANS FOR CANOPY AND FUEL TANK DETAILS.
 8. REFER TO ARCHITECTURAL PLANS FOR CAR WASH CONFIGURATION AND DETAILS.

[illegible]

APPENDIX J
ARROWHEAD RANCH TRIP GENERATION CALCULATIONS

Trip Generation Calculations
Arrowhead Ranch Development
City of Dripping Springs, Hays County, Texas

Approved Arrowhead Ranch Residential Units		ITE Land Use Code		210	Single-Family Detached Housing	
403	units					
Weekday 24-Hour	=====>	Ln(T) =	0.92	Ln(X) +	2.71	(50 % Entering/ 50 % Exiting)
		Ln(T) =	0.92	Ln(403) +	2.71	
		Ln(T) =	0.92	(5.999) +	2.71	
		Ln(T) =		8.23		(1874 Entering/ 1874 Exiting)
		T =		3748.165		
		T =		3748		
A.M. Peak Hour	=====>	T =	0.71	(X) +	4.8	(25 % Entering/ 75 % Exiting)
		T =	0.71	(403.00) +	4.80	
		T =		290.93		
		T =		291		(73 Entering/ 218 Exiting)
P.M. Peak Hour	=====>	Ln(T) =	0.96	Ln(X) +	0.2	(63 % Entering/ 37 % Exiting)
		Ln(T) =	0.96	Ln(403) +	0.2	
		Ln(T) =	0.96	(5.999) +	0.2	
		Ln(T) =		5.96		(244 Entering/ 143 Exiting)
		T =		387.215		
		T =		387		

Trip Generation Calculations
Arrowhead Ranch Development
City of Dripping Springs, Hays County, Texas

Arrowhead Ranch Single Family Residential Units Currently Constructed and Occupied
 181 units ITE Land Use Code 210

Single-Family Detached Housing

Weekday 24-Hour	=====>	Ln(T) =	0.92	Ln(	X	) +	2.71	(	50	% Entering/	50	% Exiting)
		Ln(T) =	0.92	Ln(	181	) +	2.71					
		Ln(T) =	0.92	(	5.198	) +	2.71					
		Ln(T) =			7.49			(	898	Entering/	897	Exiting)
		T =			1794.743							
A.M. Peak Hour	=====>	T =			1795							
		T =	0.71	(	X	) +	4.8	(	25	% Entering/	75	% Exiting)
		T =	0.71	(	181.00	) +	4.80					
		T =			133.31							
		T =			133			(	33	Entering/	100	Exiting)
P.M. Peak Hour	=====>	Ln(T) =	0.96	Ln(	X	) +	0.2	(	63	% Entering/	37	% Exiting)
		Ln(T) =	0.96	Ln(	181	) +	0.2					
		Ln(T) =	0.96	(	5.198	) +	0.2					
		Ln(T) =			5.19			(	113	Entering/	67	Exiting)
		T =			179.569							
		T =			180							

Trip Generation Calculations
Arrowhead Ranch Development
City of Dripping Springs, Hays County, Texas

1,800	Square Feet	ITE Land Use Code	899		Liquor Store				
	Weekday 24-Hour	=====>	T =	101.49	(X)	(50	% Entering/	50	% Exiting)
			T =	101.49	(1.80)				
			T =		182.682				
			T =		183	(92	Entering/	91	Exiting)
	A.M. Peak Hour	=====>	T =	4.55	(X)	(51	% Entering/	49	% Exiting)
	Peak Hour of Generator		T =	4.55	(1.80)				
			T =		8.19				
			T =		8	(4	Entering/	4	Exiting)
	P.M. Peak Hour	=====>	T =	16.37	(X)	(50	% Entering/	50	% Exiting)
			T =	16.37	(1.80)				
			T =		29.466				
			T =		29	(15	Entering/	14	Exiting)

Trip Generation Calculations
Arrowhead Ranch Development
City of Dripping Springs, Hays County, Texas

10 6,000	Vehicle Fueling Positions Square Feet	ITE Land Use Code	960	Super Convenience Market/Gas Station									
	Weekday 24-Hour	=====>	T = T = T = T =	230.52 230.52 2305.2 2305	( ( (	X 10 2305	) ) )	( (	50 1153	% Entering/ Entering/	50 1152	% Exiting Exiting)	
	A.M. Peak Hour	=====>	T = T = T = T =	[(VFP Factor) x (Number of VFP)] + [(GFA Factor) x (GFA)] + (Constant)				(	50	% Entering/	50	% Exiting	
				(	16.1	x	10	) + (	135	x	6	) + -483	
								488					
								488	(	244	Entering/	244	Exiting)
	P.M. Peak Hour	=====>	T = T = T = T =	[(VFP Factor) x (Number of VFP)] + [(GFA Factor) x (GFA)] + (Constant)				(	50	% Entering/	50	% Exiting	
				(	11.5	x	10	) + (	82.9	x	6	) + -226	
								386.4					
								386	(	193	Entering/	193	Exiting)
Pass-By Trip Generation													
	A.M. Peak Hour	=====>	76	%	Pass-By Trips								
								Primary	=	59	Entering /	59	Exiting
								Pass-By	=	185	Entering /	185	Exiting
	P.M. Peak Hour	=====>	76	%	Pass-By Trips								
								Primary	=	46	Entering /	46	Exiting
								Pass-By	=	147	Entering /	147	Exiting

APPENDIX K
FORECASTED 2025 NO-BUILD (BASE) CAPACITY CALCULATIONS

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2025 No Build (B)
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	1.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	708	10	52	542	17	73
Future Vol, veh/h	708	10	52	542	17	73
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	10	20	3	15	0	6
Mvmt Flow	814	11	60	623	20	84

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	825
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.16
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.23
Pot Cap-1 Maneuver	-	-	795
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	795
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-









Approach	EB	WB	NB
HCM Control Delay, s	0	0.9	14.4
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	486	-	-	795	-
HCM Lane V/C Ratio	0.213	-	-	0.075	-
HCM Control Delay (s)	14.4	-	-	9.9	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.8	-	-	0.2	-

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (B
Timing Plan: AM Peak Hour

Item # 17.

Intersection												
Int Delay, s/veh	509.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	663	22	203	476	34	129	0	245	2	0	0
Future Vol, veh/h	1	663	22	203	476	34	129	0	245	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	85	85	85	85	85	85	85	85	85	85	85	85
Heavy Vehicles, %	0	8	86	3	13	92	88	0	4	0	0	0
Mvmt Flow	1	780	26	239	560	40	152	0	288	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	600	0	0	806	0	0	1540	1860	390	1450	1866	300
Stage 1	-	-	-	-	-	-	782	782	-	1058	1058	-
Stage 2	-	-	-	-	-	-	758	1078	-	392	808	-
Critical Hdwy	4.1	-	-	4.16	-	-	9.26	6.5	6.98	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.2	-	-	2.23	-	-	4.38	4	3.34	3.5	4	3.3
Pot Cap-1 Maneuver	987	-	-	808	-	-	~ 35	74	603	94	73	702
Stage 1	-	-	-	-	-	-	212	408	-	244	304	-
Stage 2	-	-	-	-	-	-	221	297	-	610	397	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	987	-	-	808	-	-	~ 27	52	603	38	51	702
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 27	52	-	38	51	-
Stage 1	-	-	-	-	-	-	212	408	-	244	214	-
Stage 2	-	-	-	-	-	-	156	209	-	318	397	-





Approach	EB	WB	NB	SB
HCM Control Delay, s	0	3.2	\$ 2413.3	105.9
HCM LOS			F	F

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	72	987	-	-	808	-	-	38
HCM Lane V/C Ratio	6.111	0.001	-	-	0.296	-	-	0.062
HCM Control Delay (s)	\$ 2413.3	8.7	-	-	11.3	-	-	105.9
HCM Lane LOS	F	A	-	-	B	-	-	F
HCM 95th %tile Q(veh)	49.3	0	-	-	1.2	-	-	0.2

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

HCM 6th TWSC
4: US 290 & Spring Lane

2025 No Build (B) Item # 17.
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	916	727	6	15	0
Future Vol, veh/h	2	916	727	6	15	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	0	8	17	0	0	0
Mvmt Flow	2	1078	855	7	18	0
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	862	0	-	0	1402	431
Stage 1	-	-	-	-	859	-
Stage 2	-	-	-	-	543	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	789	-	-	-	133	578
Stage 1	-	-	-	-	380	-
Stage 2	-	-	-	-	552	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	789	-	-	-	133	578
Mov Cap-2 Maneuver	-	-	-	-	263	-
Stage 1	-	-	-	-	379	-
Stage 2	-	-	-	-	552	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		19.7		
HCM LOS	C					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	789	-	-	-	263	
HCM Lane V/C Ratio	0.003	-	-	-	0.067	
HCM Control Delay (s)	9.6	-	-	-	19.7	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.2	

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2025 No Build (B) Item # 17.
Timing Plan: PM Peak Hour

Intersection						
Int Delay, s/veh	1.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↗	↘	↑↑	↘↗	
Traffic Vol, veh/h	654	19	73	903	14	68
Future Vol, veh/h	654	19	73	903	14	68
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	6	0	0	2	0	4
Mvmt Flow	760	22	85	1050	16	79
Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	782	0	1455	380
Stage 1	-	-	-	-	760	-
Stage 2	-	-	-	-	695	-
Critical Hdwy	-	-	4.1	-	6.8	6.98
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	-	-	2.2	-	3.5	3.34
Pot Cap-1 Maneuver	-	-	845	-	123	612
Stage 1	-	-	-	-	428	-
Stage 2	-	-	-	-	462	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	845	-	111	612
Mov Cap-2 Maneuver	-	-	-	-	243	-
Stage 1	-	-	-	-	428	-
Stage 2	-	-	-	-	415	-
Approach	EB		WB		NB	
HCM Control Delay, s	0		0.7		14.2	
HCM LOS					B	
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	486	-	-	845	-	
HCM Lane V/C Ratio	0.196	-	-	0.1	-	
HCM Control Delay (s)	14.2	-	-	9.7	-	
HCM Lane LOS	B	-	-	A	-	
HCM 95th %tile Q(veh)	0.7	-	-	0.3	-	

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (B
Timing Plan: PM Peak Hour

Item # 17.

Intersection												
Int Delay, s/veh	140											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑			↕			↕	
Traffic Vol, veh/h	2	688	34	293	801	22	112	0	178	2	0	0
Future Vol, veh/h	2	688	34	293	801	22	112	0	178	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	50	5	13	2	3	96	0	0	5	0	0	0
Mvmt Flow	2	709	35	302	826	23	115	0	184	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	849	0	0	744	0	0	1730	2166	355	1801	2190	425
Stage 1	-	-	-	-	-	-	713	713	-	1442	1442	-
Stage 2	-	-	-	-	-	-	1017	1453	-	359	748	-
Critical Hdwy	5.1	-	-	4.14	-	-	7.5	6.5	7	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.7	-	-	2.22	-	-	3.5	4	3.35	3.5	4	3.3
Pot Cap-1 Maneuver	541	-	-	859	-	-	~ 58	48	633	51	46	583
Stage 1	-	-	-	-	-	-	394	438	-	142	199	-
Stage 2	-	-	-	-	-	-	258	197	-	637	423	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	541	-	-	859	-	-	~ 42	31	633	26	30	583
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 42	31	-	26	30	-
Stage 1	-	-	-	-	-	-	392	436	-	141	129	-
Stage 2	-	-	-	-	-	-	167	128	-	451	421	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	3	\$ 1016.3	155.1
HCM LOS			F	F





Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	98	541	-	-	859	-	-	26
HCM Lane V/C Ratio	3.051	0.004	-	-	0.352	-	-	0.079
HCM Control Delay (s)	\$ 1016.3	11.7	-	-	11.4	-	-	155.1
HCM Lane LOS	F	B	-	-	B	-	-	F
HCM 95th %tile Q(veh)	29	0	-	-	1.6	-	-	0.2

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

HCM 6th TWSC
4: US 290 & Spring Lane

2025 No Build (B)
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	877	1120	26	15	3
Future Vol, veh/h	2	877	1120	26	15	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	5	5	4	0	34
Mvmt Flow	2	923	1179	27	16	3
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	1206	0	-	0	1659	603
Stage 1	-	-	-	-	1193	-
Stage 2	-	-	-	-	466	-
Critical Hdwy	4.1	-	-	-	6.8	7.58
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.64
Pot Cap-1 Maneuver	586	-	-	-	90	371
Stage 1	-	-	-	-	254	-
Stage 2	-	-	-	-	604	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	586	-	-	-	90	371
Mov Cap-2 Maneuver	-	-	-	-	195	-
Stage 1	-	-	-	-	253	-
Stage 2	-	-	-	-	604	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		23.6		
HCM LOS	C					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	586	-	-	-	212	
HCM Lane V/C Ratio	0.004	-	-	-	0.089	
HCM Control Delay (s)	11.2	-	-	-	23.6	
HCM Lane LOS	B	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.3	

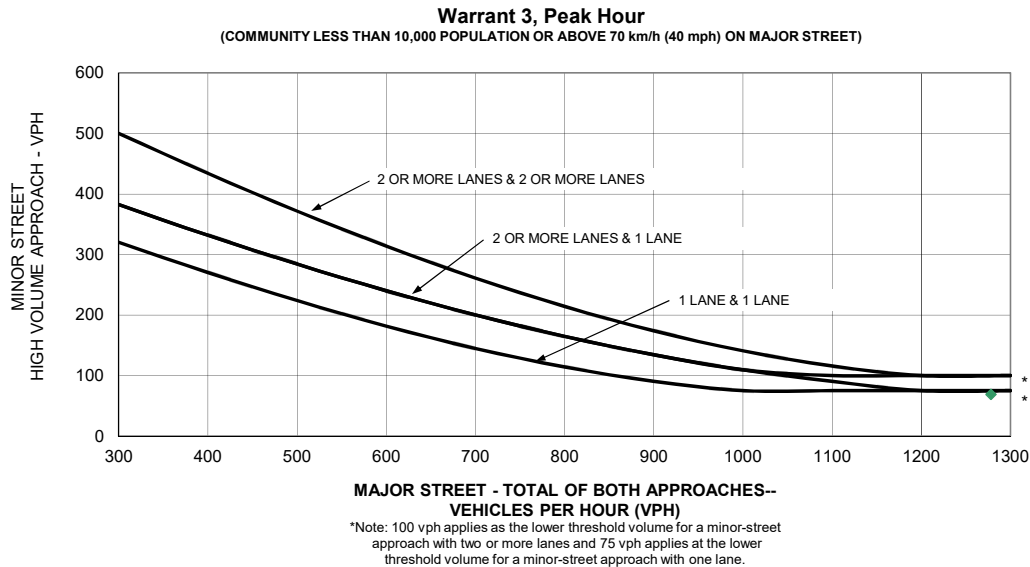
APPENDIX L
TRAFFIC SIGNAL WARRANT EVALUATION

Project:		Bunker Ranch TIA	Calculations:	CAD
Major Street	Name:	US 290	Date:	5/6/21
	Speed Limit (mph):	50-60	Checked by:	JMD
	Approach Lanes:	2	Date:	5/6/21
Minor Street	Name:	Arrowhead Ranch Blvd	 Civil & Environmental Consultants, Inc.	
	Speed Limit (mph):	25		
	Approach Lanes:	1		
Population < 10000?		Yes		

Warrant 3 - Peak Hour

Signal Warrant Satisfied?

☒ Yes

☐ No[illegible]

Signal warrant satisfied if hourly threshold satisfied for any 1 hour of an average day.

APPENDIX M
FORECASTED 2025 NO-BUILD (BASE) MITIGATED CAPACITY CALCULATIONS




















HCM 6th Signalized Intersection Summary

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (Base) Mitig

Item # 17.

Timing Plan: AM Peak Hour

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	1	663	22	203	476	34	129	0	245	2	0	0
Future Volume (veh/h)	1	663	22	203	476	34	129	0	245	2	0	0
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1976	1781	625	1930	1707	537	596	1976	1841	1900	1976	1900
Adj Flow Rate, veh/h	1	780	26	239	560	40	152	0	288	2	0	0
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Percent Heavy Veh, %	0	8	86	3	13	92	88	0	4	0	0	0
Cap, veh/h	350	1002	157	377	1256	90	233	19	342	387	0	0
Arrive On Green	0.00	0.30	0.30	0.11	0.41	0.41	0.32	0.00	0.32	0.32	0.00	0.00
Sat Flow, veh/h	1882	3385	530	1838	3071	219	501	60	1063	870	0	0
Grp Volume(v), veh/h	1	780	26	239	295	305	440	0	0	2	0	0
Grp Sat Flow(s),veh/h/ln	1882	1692	530	1838	1622	1668	1624	0	0	871	0	0
Q Serve(g_s), s	0.0	14.2	2.4	5.6	8.8	8.9	14.7	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	14.2	2.4	5.6	8.8	8.9	16.9	0.0	0.0	0.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.13	0.35		0.65	1.00		0.00
Lane Grp Cap(c), veh/h	350	1002	157	377	663	682	594	0	0	387	0	0
V/C Ratio(X)	0.00	0.78	0.17	0.63	0.45	0.45	0.74	0.00	0.00	0.01	0.00	0.00
Avail Cap(c_a), veh/h	487	1412	221	440	797	820	892	0	0	600	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	16.6	21.6	17.5	14.9	14.3	14.3	21.1	0.0	0.0	15.5	0.0	0.0
Incr Delay (d2), s/veh	0.0	1.9	0.5	2.3	0.5	0.5	1.8	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	4.9	0.3	2.0	2.6	2.7	6.3	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	16.6	23.5	18.0	17.3	14.8	14.8	22.9	0.0	0.0	15.5	0.0	0.0
LnGrp LOS	B	C	B	B	B	B	C	A	A	B	A	A
Approach Vol, veh/h	807				839				440			
Approach Delay, s/veh	23.3				15.5				22.9			
Approach LOS	C				B				C			
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	13.7	25.9		27.6	6.1	33.4		27.6				
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0		6.0				
Max Green Setting (Gmax), s	10.0	28.0		34.0	5.0	33.0		34.0				
Max Q Clear Time (g_c+I1), s	7.6	16.2		2.1	2.0	10.9		18.9				
Green Ext Time (p_c), s	0.2	3.7		0.0	0.0	3.0		2.7				
Intersection Summary												
HCM 6th Ctrl Delay	20.1											
HCM 6th LOS	C											

















Timings

2025 No Build (Base) Mitig

Item # 17.

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Timing Plan: AM Peak Hour

									
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Traffic Volume (vph)	1	663	22	203	476	129	0	2	0
Future Volume (vph)	1	663	22	203	476	129	0	2	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	NA	Perm	NA
Protected Phases	5	2		1	6		8		4
Permitted Phases	2		2	6		8		4	
Detector Phase	5	2	2	1	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	16.0	16.0	11.0	16.0	11.0	11.0	11.0	11.0
Total Split (s)	11.0	34.0	34.0	16.0	39.0	40.0	40.0	40.0	40.0
Total Split (%)	12.2%	37.8%	37.8%	17.8%	43.3%	44.4%	44.4%	44.4%	44.4%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	Min	Min	None	Min	None	None	None	None
Act Effct Green (s)	27.9	22.7	22.7	38.3	36.7		25.3		25.3
Actuated g/C Ratio	0.37	0.30	0.30	0.50	0.48		0.33		0.33
v/c Ratio	0.00	0.78	0.08	0.62	0.41		0.86		0.01
Control Delay	12.0	31.8	0.5	19.8	15.8		34.8		17.5
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Delay	12.0	31.8	0.5	19.8	15.8		34.8		17.5
LOS	B	C	A	B	B		C		B
Approach Delay		30.8			16.9		34.8		17.5
Approach LOS		C			B		C		B

Intersection Summary

Cycle Length: 90

Actuated Cycle Length: 76.3

Natural Cycle: 55

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.86

Intersection Signal Delay: 26.1

Intersection LOS: C

Intersection Capacity Utilization 64.6%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290






















HCM 6th Signalized Intersection Summary

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (Base) Mitig

Item # 17.

Timing Plan: PM Peak Hour

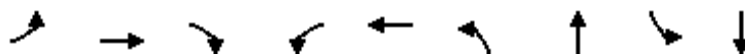
												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	2	688	34	293	801	22	112	0	174	2	0	0
Future Volume (veh/h)	2	688	34	293	801	22	112	0	174	2	0	0
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1205	1826	1707	1945	1856	477	1900	1976	1826	1900	1976	1900
Adj Flow Rate, veh/h	2	709	35	302	826	23	115	0	179	2	0	0
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	50	5	13	2	3	96	0	0	5	0	0	0
Cap, veh/h	246	1023	427	490	1541	43	215	22	227	389	0	0
Arrive On Green	0.00	0.30	0.30	0.15	0.44	0.44	0.23	0.00	0.23	0.23	0.00	0.00
Sat Flow, veh/h	1148	3469	1447	1853	3503	98	542	94	989	1124	0	0
Grp Volume(v), veh/h	2	709	35	302	416	433	294	0	0	2	0	0
Grp Sat Flow(s),veh/h/ln	1148	1735	1447	1853	1763	1838	1625	0	0	1124	0	0
Q Serve(g_s), s	0.1	9.9	1.0	5.6	9.5	9.5	7.6	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.1	9.9	1.0	5.6	9.5	9.5	9.3	0.0	0.0	0.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.05	0.39		0.61	1.00		0.00
Lane Grp Cap(c), veh/h	246	1023	427	490	775	809	464	0	0	389	0	0
V/C Ratio(X)	0.01	0.69	0.08	0.62	0.54	0.54	0.63	0.00	0.00	0.01	0.00	0.00
Avail Cap(c_a), veh/h	348	2088	871	824	1479	1542	710	0	0	585	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	13.6	17.1	14.0	11.0	11.3	11.3	19.8	0.0	0.0	16.3	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.9	0.1	1.3	0.6	0.6	1.4	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	3.1	0.3	1.6	2.6	2.7	3.4	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	13.6	18.0	14.0	12.3	11.8	11.8	21.2	0.0	0.0	16.3	0.0	0.0
LnGrp LOS	B	B	B	B	B	B	C	A	A	B	A	A
Approach Vol, veh/h		746			1151			294			2	
Approach Delay, s/veh		17.8			11.9			21.2			16.3	
Approach LOS		B			B			C			B	
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	14.1	22.2		18.6	6.2	30.1		18.6				
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0		6.0				
Max Green Setting (Gmax), s	18.0	33.0		21.0	5.0	46.0		21.0				
Max Q Clear Time (g_c+I1), s	7.6	11.9		2.1	2.1	11.5		11.3				
Green Ext Time (p_c), s	0.6	4.2		0.0	0.0	4.9		1.3				
Intersection Summary												
HCM 6th Ctrl Delay				15.2								
HCM 6th LOS				B								

Timings 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (Base) Mitig

Timing Plan: PM Peak Hour

Item # 17.



Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations	←	↑↑	←	←	↑↑		↑↓		↑↓
Traffic Volume (vph)	2	688	34	293	801	112	0	2	0
Future Volume (vph)	2	688	34	293	801	112	0	2	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	NA	Perm	NA
Protected Phases	5	2		1	6		8		4
Permitted Phases	2		2	6		8		4	
Detector Phase	5	2	2	1	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	16.0	16.0	11.0	16.0	11.0	11.0	11.0	11.0
Total Split (s)	11.0	39.0	39.0	24.0	52.0	27.0	27.0	27.0	27.0
Total Split (%)	12.2%	43.3%	43.3%	26.7%	57.8%	30.0%	30.0%	30.0%	30.0%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	None	None	None	None	Min	Min	Min	Min
Act Effect Green (s)	23.8	18.5	18.5	35.0	33.5		10.4		10.4
Actuated g/C Ratio	0.41	0.32	0.32	0.60	0.58		0.18		0.18
v/c Ratio	0.01	0.65	0.06	0.54	0.43		0.65		0.01
Control Delay	7.0	20.6	0.2	9.6	9.1		17.6		22.5
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Delay	7.0	20.6	0.2	9.6	9.1		17.6		22.5
LOS	A	C	A	A	A		B		C
Approach Delay		19.6			9.2		17.6		22.5
Approach LOS		B			A		B		C

Intersection Summary

Cycle Length: 90

Actuated Cycle Length: 58.1

Natural Cycle: 55

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.65

Intersection Signal Delay: 13.9

Intersection LOS: B

Intersection Capacity Utilization 65.4%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290



APPENDIX N
FORECASTED 2025 BUILD (WITH DEVELOPMENT) CAPACITY CALCULATIONS

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2025 E
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	3.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	708	18	84	542	41	171
Future Vol, veh/h	708	18	84	542	41	171
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	10	20	3	15	0	6
Mvmt Flow	814	21	97	623	47	197
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	835	0	1320	407
Stage 1	-	-	-	-	814	-
Stage 2	-	-	-	-	506	-
Critical Hdwy	-	-	4.16	-	6.8	7.02
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	-	-	2.23	-	3.5	3.36
Pot Cap-1 Maneuver	-	-	788	-	151	582
Stage 1	-	-	-	-	401	-
Stage 2	-	-	-	-	576	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	788	-	132	582
Mov Cap-2 Maneuver	-	-	-	-	263	-
Stage 1	-	-	-	-	401	-
Stage 2	-	-	-	-	505	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	1.4		20.5		
HCM LOS	C					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	471	-	-	788	-	
HCM Lane V/C Ratio	0.517	-	-	0.123	-	
HCM Control Delay (s)	20.5	-	-	10.2	-	
HCM Lane LOS	C	-	-	B	-	
HCM 95th %tile Q(veh)	2.9	-	-	0.4	-	

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 Item # 17.

Timing Plan: AM Peak Hour

Intersection												
Int Delay, s/veh	690.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑			↕			↕	
Traffic Vol, veh/h	1	761	22	203	508	34	129	0	245	2	0	0
Future Vol, veh/h	1	761	22	203	508	34	129	0	245	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	85	85	85	85	85	85	85	85	85	85	85	85
Heavy Vehicles, %	0	8	86	3	13	92	88	0	4	0	0	0
Mvmt Flow	1	895	26	239	598	40	152	0	288	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	638	0	0	921	0	0	1674	2013	448	1546	2019	319
Stage 1	-	-	-	-	-	-	897	897	-	1096	1096	-
Stage 2	-	-	-	-	-	-	777	1116	-	450	923	-
Critical Hdwy	4.1	-	-	4.16	-	-	9.26	6.5	6.98	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.2	-	-	2.23	-	-	4.38	4	3.34	3.5	4	3.3
Pot Cap-1 Maneuver	956	-	-	731	-	-	~ 26	59	553	79	59	683
Stage 1	-	-	-	-	-	-	172	361	-	231	292	-
Stage 2	-	-	-	-	-	-	214	285	-	564	351	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	956	-	-	731	-	-	~ 19	40	553	28	40	683
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 19	40	-	28	40	-
Stage 1	-	-	-	-	-	-	172	361	-	231	197	-
Stage 2	-	-	-	-	-	-	~ 144	192	-	270	351	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	3.4	\$ 3508.7	145
HCM LOS			F	F





Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	52	956	-	-	731	-	-	28
HCM Lane V/C Ratio	8.462	0.001	-	-	0.327	-	-	0.084
HCM Control Delay (s)	\$ 3508.7	8.8	-	-	12.3	-	-	145
HCM Lane LOS	F	A	-	-	B	-	-	F
HCM 95th %tile Q(veh)	51.7	0	-	-	1.4	-	-	0.3

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

HCM 6th TWSC
4: US 290 & Spring Lane

2025 E
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	1014	759	6	15	0
Future Vol, veh/h	2	1014	759	6	15	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	0	8	17	0	0	0
Mvmt Flow	2	1193	893	7	18	0
Major/Minor	Major1	Major2	Minor2			
Conflicting Flow All	900	0	-	0	1498	450
Stage 1	-	-	-	-	897	-
Stage 2	-	-	-	-	601	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	763	-	-	-	115	562
Stage 1	-	-	-	-	363	-
Stage 2	-	-	-	-	516	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	763	-	-	-	115	562
Mov Cap-2 Maneuver	-	-	-	-	244	-
Stage 1	-	-	-	-	362	-
Stage 2	-	-	-	-	516	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		20.9		
HCM LOS				C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	763	-	-	-	244	
HCM Lane V/C Ratio	0.003	-	-	-	0.072	
HCM Control Delay (s)	9.7	-	-	-	20.9	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.2	

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2025 B
Timing Plan: PM Peak Hour









Item # 17.

Intersection						
Int Delay, s/veh	2.7					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑↑	↗	↖	↑↑	↘	
Traffic Vol, veh/h	654	46	180	903	30	131
Future Vol, veh/h	654	46	180	903	30	131
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	6	0	0	2	0	4
Mvmt Flow	760	53	209	1050	35	152
Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	813	0	1703	380
Stage 1	-	-	-	-	760	-
Stage 2	-	-	-	-	943	-
Critical Hdwy	-	-	4.1	-	6.8	6.98
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	-	-	2.2	-	3.5	3.34
Pot Cap-1 Maneuver	-	-	823	-	84	612
Stage 1	-	-	-	-	428	-
Stage 2	-	-	-	-	344	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	823	-	63	612
Mov Cap-2 Maneuver	-	-	-	-	173	-
Stage 1	-	-	-	-	428	-
Stage 2	-	-	-	-	257	-
Approach	EB		WB		NB	
HCM Control Delay, s	0		1.8		20.5	
HCM LOS	C					
Minor Lane/Major Mvmt	NBLn1		EBT	EBR	WBL	WBT
Capacity (veh/h)	416		-	-	823	-
HCM Lane V/C Ratio	0.45		-	-	0.254	-
HCM Control Delay (s)	20.5		-	-	10.9	-
HCM Lane LOS	C		-	-	B	-
HCM 95th %tile Q(veh)	2.3		-	-	1	-

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 B
Timing Plan: PM Peak Hour

Item # 17.

Intersection												
Int Delay, s/veh	171.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	2	751	34	293	908	22	112	0	174	2	0	0
Future Vol, veh/h	2	751	34	293	908	22	112	0	174	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	50	5	13	2	3	96	0	0	5	0	0	0
Mvmt Flow	2	774	35	302	936	23	115	0	179	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	959	0	0	809	0	0	1850	2341	387	1943	2365	480
Stage 1	-	-	-	-	-	-	778	778	-	1552	1552	-
Stage 2	-	-	-	-	-	-	1072	1563	-	391	813	-
Critical Hdwy	5.1	-	-	4.14	-	-	7.5	6.5	7	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.7	-	-	2.22	-	-	3.5	4	3.35	3.5	4	3.3
Pot Cap-1 Maneuver	481	-	-	812	-	-	~ 47	37	603	40	36	537
Stage 1	-	-	-	-	-	-	360	410	-	121	176	-
Stage 2	-	-	-	-	-	-	239	174	-	610	395	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	481	-	-	812	-	-	~ 33	23	603	20	23	537
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 33	23	-	20	23	-
Stage 1	-	-	-	-	-	-	359	408	-	121	111	-
Stage 2	-	-	-	-	-	-	150	109	-	427	393	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	2.9	\$ 1362.1	204.7
HCM LOS			F	F





Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	78	481	-	-	812	-	-	20
HCM Lane V/C Ratio	3.78	0.004	-	-	0.372	-	-	0.103
HCM Control Delay (s)	\$ 1362.1	12.5	-	-	12	-	-	204.7
HCM Lane LOS	F	B	-	-	B	-	-	F
HCM 95th %tile Q(veh)	30.7	0	-	-	1.7	-	-	0.3

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

HCM 6th TWSC
4: US 290 & Spring Lane

2025 B
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	940	1227	26	15	3
Future Vol, veh/h	2	940	1227	26	15	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	5	5	4	0	34
Mvmt Flow	2	989	1292	27	16	3
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	1319	0	-	0	1805	660
Stage 1	-	-	-	-	1306	-
Stage 2	-	-	-	-	499	-
Critical Hdwy	4.1	-	-	-	6.8	7.58
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.64
Pot Cap-1 Maneuver	531	-	-	-	72	338
Stage 1	-	-	-	-	221	-
Stage 2	-	-	-	-	581	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	531	-	-	-	72	338
Mov Cap-2 Maneuver	-	-	-	-	170	-
Stage 1	-	-	-	-	220	-
Stage 2	-	-	-	-	581	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		26.7		
HCM LOS	D					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	531	-	-	-	185	
HCM Lane V/C Ratio	0.004	-	-	-	0.102	
HCM Control Delay (s)	11.8	-	-	-	26.7	
HCM Lane LOS	B	-	-	-	D	
HCM 95th %tile Q(veh)	0	-	-	-	0.3	




















APPENDIX O
FORECASTED 2025 BUILD (WITH DEVELOPMENT) MITIGATED CAPACITY
CALCULATIONS

HCM 6th Signalized Intersection Summary

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 Build Mitig
Timing Plan: AM Peak Hour

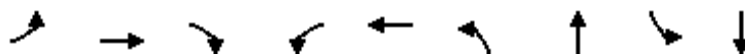
Item # 17.

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	1	761	22	203	508	34	129	0	245	2	0	0
Future Volume (veh/h)	1	761	22	203	508	34	129	0	245	2	0	0
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1976	1781	625	1930	1707	537	596	1976	1841	1900	1976	1900
Adj Flow Rate, veh/h	1	895	26	239	598	40	152	0	288	2	0	0
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Percent Heavy Veh, %	0	8	86	3	13	92	88	0	4	0	0	0
Cap, veh/h	320	1054	165	323	1289	86	245	19	390	417	0	0
Arrive On Green	0.00	0.31	0.31	0.11	0.42	0.42	0.37	0.00	0.37	0.37	0.00	0.00
Sat Flow, veh/h	1882	3385	530	1838	3086	206	509	51	1062	901	0	0
Grp Volume(v), veh/h	1	895	26	239	314	324	440	0	0	2	0	0
Grp Sat Flow(s),veh/h/ln	1882	1692	530	1838	1622	1670	1622	0	0	901	0	0
Q Serve(g_s), s	0.0	20.9	3.0	7.0	11.8	11.8	17.1	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	20.9	3.0	7.0	11.8	11.8	19.7	0.0	0.0	0.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.12	0.35		0.65	1.00		0.00
Lane Grp Cap(c), veh/h	320	1054	165	323	677	697	654	0	0	417	0	0
V/C Ratio(X)	0.00	0.85	0.16	0.74	0.46	0.46	0.67	0.00	0.00	0.00	0.00	0.00
Avail Cap(c_a), veh/h	429	1244	195	343	692	713	654	0	0	417	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	20.0	27.2	21.0	19.3	17.7	17.7	23.0	0.0	0.0	16.9	0.0	0.0
Incr Delay (d2), s/veh	0.0	5.0	0.4	7.8	0.5	0.5	5.5	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	8.1	0.4	3.2	3.8	4.0	8.3	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	20.0	32.2	21.5	27.1	18.2	18.2	28.5	0.0	0.0	16.9	0.0	0.0
LnGrp LOS	B	C	C	C	B	B	C	A	A	B	A	A
Approach Vol, veh/h	922				877				440			
Approach Delay, s/veh	31.9				20.7				28.5			
Approach LOS	C				C				C			
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	15.1	32.3		37.0	6.1	41.2		37.0				
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0		6.0				
Max Green Setting (Gmax), s	10.0	31.0		31.0	5.0	36.0		31.0				
Max Q Clear Time (g_c+I1), s	9.0	22.9		2.1	2.0	13.8		21.7				
Green Ext Time (p_c), s	0.1	3.4		0.0	0.0	3.3		2.1				
Intersection Summary												
HCM 6th Ctrl Delay	26.8											
HCM 6th LOS	C											

Timings 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 Build Mitig
Timing Plan: AM Peak Hour

Item # 17.



Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations	←	↑↑	↗	←	↑↑		↕		↕
Traffic Volume (vph)	1	761	22	203	508	129	0	2	0
Future Volume (vph)	1	761	22	203	508	129	0	2	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	NA	Perm	NA
Protected Phases	5	2		1	6		8		4
Permitted Phases	2		2	6		8		4	
Detector Phase	5	2	2	1	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	16.0	16.0	11.0	16.0	11.0	11.0	11.0	11.0
Total Split (s)	11.0	37.0	37.0	16.0	42.0	37.0	37.0	37.0	37.0
Total Split (%)	12.2%	41.1%	41.1%	17.8%	46.7%	41.1%	41.1%	41.1%	41.1%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	None	None	None	None	Max	Max	Max	Max
Act Effect Green (s)	32.6	27.6	27.6	43.1	41.2		31.1		31.1
Actuated g/C Ratio	0.38	0.32	0.32	0.50	0.48		0.36		0.36
v/c Ratio	0.00	0.84	0.07	0.72	0.44		0.81		0.01
Control Delay	11.0	35.4	0.4	27.5	16.5		32.7		19.5
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Delay	11.0	35.4	0.4	27.5	16.5		32.7		19.5
LOS	B	D	A	C	B		C		B
Approach Delay		34.4			19.5		32.7		19.5
Approach LOS		C			B		C		B

Intersection Summary

Cycle Length: 90

Actuated Cycle Length: 86.4

Natural Cycle: 55

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.84

Intersection Signal Delay: 28.2

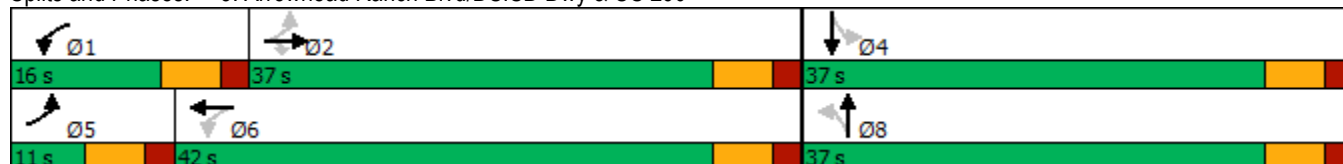
Intersection LOS: C

Intersection Capacity Utilization 67.3%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290























HCM 6th Signalized Intersection Summary

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 E Item # 17.

Timing Plan: PM Peak Hour

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	2	751	34	293	908	22	112	0	174	2	0	0
Future Volume (veh/h)	2	751	34	293	908	22	112	0	174	2	0	0
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1205	1826	1707	1945	1856	477	1900	1976	1826	1900	1976	1900
Adj Flow Rate, veh/h	2	774	35	302	936	23	115	0	179	2	0	0
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	50	5	13	2	3	96	0	0	5	0	0	0
Cap, veh/h	226	1090	455	473	1598	39	211	21	224	377	0	0
Arrive On Green	0.00	0.31	0.31	0.14	0.45	0.45	0.23	0.00	0.23	0.23	0.00	0.00
Sat Flow, veh/h	1148	3469	1447	1853	3516	86	544	91	989	1106	0	0
Grp Volume(v), veh/h	2	774	35	302	469	490	294	0	0	2	0	0
Grp Sat Flow(s),veh/h/ln	1148	1735	1447	1853	1763	1840	1624	0	0	1106	0	0
Q Serve(g_s), s	0.1	11.2	1.0	5.6	11.3	11.3	8.0	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.1	11.2	1.0	5.6	11.3	11.3	9.7	0.0	0.0	0.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.05	0.39		0.61	1.00		0.00
Lane Grp Cap(c), veh/h	226	1090	455	473	801	836	456	0	0	377	0	0
V/C Ratio(X)	0.01	0.71	0.08	0.64	0.59	0.59	0.64	0.00	0.00	0.01	0.00	0.00
Avail Cap(c_a), veh/h	324	2070	863	761	1423	1486	683	0	0	558	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	13.4	17.2	13.7	11.3	11.6	11.6	20.7	0.0	0.0	17.1	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.9	0.1	1.4	0.7	0.7	1.5	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	3.5	0.3	1.6	3.1	3.2	3.6	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	13.4	18.1	13.8	12.8	12.2	12.2	22.2	0.0	0.0	17.1	0.0	0.0
LnGrp LOS	B	B	B	B	B	B	C	A	A	B	A	A
Approach Vol, veh/h	811			1261			294			2		
Approach Delay, s/veh	17.9			12.4			22.2			17.1		
Approach LOS	B			B			C			B		
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	14.1	23.9		18.9	6.2	31.9		18.9				
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0		6.0				
Max Green Setting (Gmax), s	17.0	34.0		21.0	5.0	46.0		21.0				
Max Q Clear Time (g_c+I1), s	7.6	13.2		2.1	2.1	13.3		11.7				
Green Ext Time (p_c), s	0.6	4.7		0.0	0.0	5.8		1.3				
Intersection Summary												
HCM 6th Ctrl Delay	15.5											
HCM 6th LOS	B											

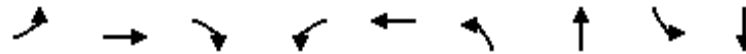
Timings

2025 E

Item # 17.

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Timing Plan: PM Peak Hour



Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations	←	↑↑	→	←	↑↑		↕		↕
Traffic Volume (vph)	2	751	34	293	908	112	0	2	0
Future Volume (vph)	2	751	34	293	908	112	0	2	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	NA	Perm	NA
Protected Phases	5	2		1	6		8		4
Permitted Phases	2		2	6		8		4	
Detector Phase	5	2	2	1	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	16.0	16.0	11.0	16.0	11.0	11.0	11.0	11.0
Total Split (s)	11.0	40.0	40.0	23.0	52.0	27.0	27.0	27.0	27.0
Total Split (%)	12.2%	44.4%	44.4%	25.6%	57.8%	30.0%	30.0%	30.0%	30.0%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	None	None	None	None	Min	Min	Min	Min
Act Effect Green (s)	25.5	20.2	20.2	36.8	35.2		10.6		10.6
Actuated g/C Ratio	0.42	0.34	0.34	0.61	0.59		0.18		0.18
v/c Ratio	0.01	0.67	0.06	0.56	0.48		0.66		0.01
Control Delay	7.0	20.8	0.2	10.0	9.3		18.3		23.5
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Delay	7.0	20.8	0.2	10.0	9.3		18.3		23.5
LOS	A	C	A	A	A		B		C
Approach Delay		19.9			9.5		18.3		23.5
Approach LOS		B			A		B		C

Intersection Summary

Cycle Length: 90

Actuated Cycle Length: 60

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.67

Intersection Signal Delay: 14.2

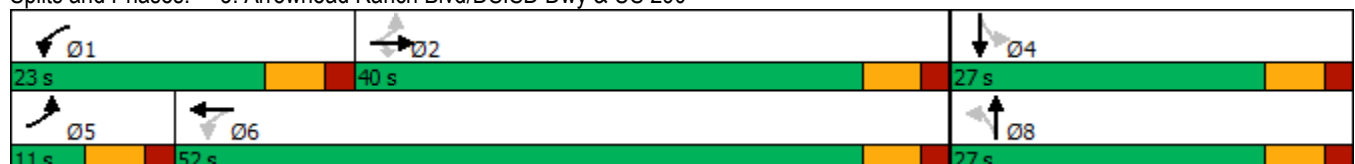
Intersection LOS: B

Intersection Capacity Utilization 67.1%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290



Synchro 11 Report

APPENDIX P
EXISTING 2021 QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1423	1415	1417	1350	1407	1402
Vehs Exited	1423	1421	1416	1351	1403	1404
Starting Vehs	20	20	17	14	9	15
Ending Vehs	20	14	18	13	13	15
Travel Distance (mi)	728	716	724	689	709	713
Travel Time (hr)	15.2	15.2	15.1	14.5	14.9	15.0
Total Delay (hr)	1.0	1.2	1.0	1.0	1.0	1.0
Total Stops	146	163	145	152	138	148
Fuel Used (gal)	24.0	24.0	23.8	23.0	23.2	23.6

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1423	1415	1417	1350	1407	1402
Vehs Exited	1423	1421	1416	1351	1403	1404
Starting Vehs	20	20	17	14	9	15
Ending Vehs	20	14	18	13	13	15
Travel Distance (mi)	728	716	724	689	709	713
Travel Time (hr)	15.2	15.2	15.1	14.5	14.9	15.0
Total Delay (hr)	1.0	1.2	1.0	1.0	1.0	1.0
Total Stops	146	163	145	152	138	148
Fuel Used (gal)	24.0	24.0	23.8	23.0	23.2	23.6

Queuing and Blocking Report 2021 Existing Conditions

2021 Existing Conditions

Item # 17.

AM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	48	59
Average Queue (ft)	13	20
95th Queue (ft)	36	48
Link Distance (ft)		357
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	4	46	101	30
Average Queue (ft)	0	11	27	2
95th Queue (ft)	3	32	68	15
Link Distance (ft)			292	108
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	150	150		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	26	36
Average Queue (ft)	2	11
95th Queue (ft)	11	35
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1759	1821	1717	1816	1742	1771
Vehs Exited	1762	1804	1712	1813	1739	1766
Starting Vehs	16	7	18	15	17	13
Ending Vehs	13	24	23	18	20	19
Travel Distance (mi)	890	914	860	922	879	893
Travel Time (hr)	18.6	19.1	17.9	19.2	18.4	18.7
Total Delay (hr)	1.3	1.4	1.1	1.4	1.3	1.3
Total Stops	144	148	141	139	130	141
Fuel Used (gal)	30.0	30.9	28.9	31.0	29.4	30.0

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1759	1821	1717	1816	1742	1771
Vehs Exited	1762	1804	1712	1813	1739	1766
Starting Vehs	16	7	18	15	17	13
Ending Vehs	13	24	23	18	20	19
Travel Distance (mi)	890	914	860	922	879	893
Travel Time (hr)	18.6	19.1	17.9	19.2	18.4	18.7
Total Delay (hr)	1.3	1.4	1.1	1.4	1.3	1.3
Total Stops	144	148	141	139	130	141
Fuel Used (gal)	30.0	30.9	28.9	31.0	29.4	30.0

Queuing and Blocking Report
2021 Existing Conditions

2021 Existing Conditions
PM Peak Hour

Item # 17.

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	32	57
Average Queue (ft)	4	25
95th Queue (ft)	21	50
Link Distance (ft)		357
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	4	38	64	24
Average Queue (ft)	0	15	17	1
95th Queue (ft)	2	33	42	11
Link Distance (ft)			292	108
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	150	150		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	15	57
Average Queue (ft)	1	16
95th Queue (ft)	6	46
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

APPENDIX Q
FORECASTED 2025 NO-BUILD (BASE) QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1725	1757	1766	1806	1744	1759
Vehs Exited	1736	1754	1768	1802	1740	1761
Starting Vehs	39	23	27	29	24	27
Ending Vehs	28	26	25	33	28	28
Travel Distance (mi)	754	767	777	786	757	768
Travel Time (hr)	188.2	192.6	205.5	178.7	148.8	182.8
Total Delay (hr)	172.4	176.6	189.0	162.2	132.7	166.6
Total Stops	297	253	272	335	293	290
Fuel Used (gal)	60.4	62.6	66.3	60.9	53.1	60.7

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1725	1757	1766	1806	1744	1759
Vehs Exited	1736	1754	1768	1802	1740	1761
Starting Vehs	39	23	27	29	24	27
Ending Vehs	28	26	25	33	28	28
Travel Distance (mi)	754	767	777	786	757	768
Travel Time (hr)	188.2	192.6	205.5	178.7	148.8	182.8
Total Delay (hr)	172.4	176.6	189.0	162.2	132.7	166.6
Total Stops	297	253	272	335	293	290
Fuel Used (gal)	60.4	62.6	66.3	60.9	53.1	60.7

Queuing and Blocking Report
2025 No Build (Base)

2025 No Build (B) Item # 17.
AM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	51	72
Average Queue (ft)	19	36
95th Queue (ft)	43	60
Link Distance (ft)	357	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	WB	WB	NB	SB
Directions Served	T	R	L	T	LTR	LTR
Maximum Queue (ft)	4	24	122	19	355	24
Average Queue (ft)	0	1	51	1	326	2
95th Queue (ft)	2	10	96	11	358	13
Link Distance (ft)	780			451	292	108
Upstream Blk Time (%)					100	
Queuing Penalty (veh)					0	
Storage Bay Dist (ft)		250	150			
Storage Blk Time (%)			0			
Queuing Penalty (veh)			0			

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	16	40
Average Queue (ft)	1	11
95th Queue (ft)	8	36
Link Distance (ft)	207	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2088	2118	2059	2049	2112	2086
Vehs Exited	2082	2113	2055	2044	2108	2080
Starting Vehs	28	27	40	33	33	31
Ending Vehs	34	32	44	38	37	36
Travel Distance (mi)	975	992	973	966	1004	982
Travel Time (hr)	161.3	154.7	177.2	173.6	159.4	165.2
Total Delay (hr)	141.0	133.9	157.0	153.6	138.7	144.8
Total Stops	378	390	344	356	374	369
Fuel Used (gal)	66.9	66.0	69.8	69.3	66.7	67.7

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2088	2118	2059	2049	2112	2086
Vehs Exited	2082	2113	2055	2044	2108	2080
Starting Vehs	28	27	40	33	33	31
Ending Vehs	34	32	44	38	37	36
Travel Distance (mi)	975	992	973	966	1004	982
Travel Time (hr)	161.3	154.7	177.2	173.6	159.4	165.2
Total Delay (hr)	141.0	133.9	157.0	153.6	138.7	144.8
Total Stops	378	390	344	356	374	369
Fuel Used (gal)	66.9	66.0	69.8	69.3	66.7	67.7

Queuing and Blocking Report
2025 No Build (Base)

2025 No Build (B) Item # 17.
PM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	56	135
Average Queue (ft)	21	45
95th Queue (ft)	45	98
Link Distance (ft)	357	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	WB	NB	SB
Directions Served	L	R	L	LTR	LTR
Maximum Queue (ft)	11	24	134	345	18
Average Queue (ft)	0	1	68	301	1
95th Queue (ft)	8	10	116	326	11
Link Distance (ft)				292	108
Upstream Blk Time (%)				100	
Queuing Penalty (veh)				0	
Storage Bay Dist (ft)	150	250	150		
Storage Blk Time (%)			0		
Queuing Penalty (veh)			0		

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	27	52
Average Queue (ft)	2	16
95th Queue (ft)	12	44
Link Distance (ft)	207	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

APPENDIX R
FORECASTED 2025 NO-BUILD (BASE) MITIGATED QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1998	2020	2035	1992	2016	2012
Vehs Exited	2018	2017	2066	2005	1996	2021
Starting Vehs	42	33	53	33	20	37
Ending Vehs	22	36	22	20	40	25
Travel Distance (mi)	842	857	854	836	851	848
Travel Time (hr)	29.6	30.2	31.6	29.3	30.7	30.3
Total Delay (hr)	10.9	11.2	12.4	10.6	11.8	11.4
Total Stops	1135	1186	1231	1135	1221	1183
Fuel Used (gal)	34.9	35.3	36.0	34.9	35.8	35.4

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1998	2020	2035	1992	2016	2012
Vehs Exited	2018	2017	2066	2005	1996	2021
Starting Vehs	42	33	53	33	20	37
Ending Vehs	22	36	22	20	40	25
Travel Distance (mi)	842	857	854	836	851	848
Travel Time (hr)	29.6	30.2	31.6	29.3	30.7	30.3
Total Delay (hr)	10.9	11.2	12.4	10.6	11.8	11.4
Total Stops	1135	1186	1231	1135	1221	1183
Fuel Used (gal)	34.9	35.3	36.0	34.9	35.8	35.4

Queuing and Blocking Report
2025 No Build (Base) Mitigated

2025 No Build (Base) Mitigated

Item # 17.

AM Peak Hour

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	T	T	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	9	241	221	64	163	182	162	340	18
Average Queue (ft)	0	133	112	19	74	81	61	178	1
95th Queue (ft)	5	201	184	58	132	150	135	318	9
Link Distance (ft)		780	780			451	451	292	108
Upstream Blk Time (%)								2	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	150			250	150				
Storage Blk Time (%)		4	0		0	1			
Queuing Penalty (veh)		0	0		1	2			

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2332	2349	2228	2258	2295	2292
Vehs Exited	2336	2340	2229	2262	2293	2294
Starting Vehs	41	35	42	32	29	35
Ending Vehs	37	44	41	28	31	37
Travel Distance (mi)	1064	1088	1010	1052	1049	1053
Travel Time (hr)	35.8	36.0	33.5	34.3	35.6	35.1
Total Delay (hr)	12.8	12.5	11.3	11.7	12.8	12.2
Total Stops	1278	1276	1209	1209	1252	1243
Fuel Used (gal)	43.7	43.8	41.1	42.7	42.7	42.8

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2332	2349	2228	2258	2295	2292
Vehs Exited	2336	2340	2229	2262	2293	2294
Starting Vehs	41	35	42	32	29	35
Ending Vehs	37	44	41	28	31	37
Travel Distance (mi)	1064	1088	1010	1052	1049	1053
Travel Time (hr)	35.8	36.0	33.5	34.3	35.6	35.1
Total Delay (hr)	12.8	12.5	11.3	11.7	12.8	12.2
Total Stops	1278	1276	1209	1209	1252	1243
Fuel Used (gal)	43.7	43.8	41.1	42.7	42.7	42.8

Queuing and Blocking Report
2025 No Build (Base) Mitigated

2025 No Build (Base) Mitigated

Item # 17.

PM Peak Hour

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	T	T	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	14	203	185	56	164	199	152	214	18
Average Queue (ft)	1	127	106	13	91	78	57	98	1
95th Queue (ft)	8	187	169	40	150	144	115	179	10
Link Distance (ft)		780	780			451	451	292	108
Upstream Blk Time (%)								0	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	150			250	150				
Storage Blk Time (%)		3			2	0			
Queuing Penalty (veh)		0			6	0			

APPENDIX S
FORECASTED 2025 BUILD (WITH DEVELOPMENT) QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1897	1884	1853	1951	1875	1891
Vehs Exited	1907	1894	1845	1939	1874	1892
Starting Vehs	41	34	24	18	30	29
Ending Vehs	31	24	32	30	31	28
Travel Distance (mi)	831	815	817	855	815	827
Travel Time (hr)	226.8	235.8	279.0	194.6	213.3	229.9
Total Delay (hr)	209.0	218.4	261.6	176.3	195.7	212.2
Total Stops	439	402	373	426	435	414
Fuel Used (gal)	71.8	74.1	82.8	67.1	68.7	72.9

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1897	1884	1853	1951	1875	1891
Vehs Exited	1907	1894	1845	1939	1874	1892
Starting Vehs	41	34	24	18	30	29
Ending Vehs	31	24	32	30	31	28
Travel Distance (mi)	831	815	817	855	815	827
Travel Time (hr)	226.8	235.8	279.0	194.6	213.3	229.9
Total Delay (hr)	209.0	218.4	261.6	176.3	195.7	212.2
Total Stops	439	402	373	426	435	414
Fuel Used (gal)	71.8	74.1	82.8	67.1	68.7	72.9

Queuing and Blocking Report 2025 Build

2025 B
AM Peak Hour

Item # 17.

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	58	218
Average Queue (ft)	22	76
95th Queue (ft)	45	156
Link Distance (ft)		357
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	WB	WB	NB	SB
Directions Served	L	R	L	T	LTR	LTR
Maximum Queue (ft)	11	17	115	29	353	24
Average Queue (ft)	0	1	52	1	322	2
95th Queue (ft)	5	9	95	21	355	13
Link Distance (ft)				451	292	108
Upstream Blk Time (%)					100	
Queuing Penalty (veh)					0	
Storage Bay Dist (ft)	150	250	150			
Storage Blk Time (%)			0	0		
Queuing Penalty (veh)			1	0		

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	21	49
Average Queue (ft)	1	13
95th Queue (ft)	10	40
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 1

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2247	2322	2298	2290	2217	2275
Vehs Exited	2235	2315	2293	2293	2214	2270
Starting Vehs	32	32	36	44	41	36
Ending Vehs	44	39	41	41	44	42
Travel Distance (mi)	1038	1084	1068	1068	1041	1060
Travel Time (hr)	210.3	204.7	191.7	183.5	171.6	192.4
Total Delay (hr)	188.1	181.9	169.0	160.7	149.7	169.9
Total Stops	500	543	524	553	485	520
Fuel Used (gal)	80.3	80.7	77.6	75.9	71.7	77.3

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2247	2322	2298	2290	2217	2275
Vehs Exited	2235	2315	2293	2293	2214	2270
Starting Vehs	32	32	36	44	41	36
Ending Vehs	44	39	41	41	44	42
Travel Distance (mi)	1038	1084	1068	1068	1041	1060
Travel Time (hr)	210.3	204.7	191.7	183.5	171.6	192.4
Total Delay (hr)	188.1	181.9	169.0	160.7	149.7	169.9
Total Stops	500	543	524	553	485	520
Fuel Used (gal)	80.3	80.7	77.6	75.9	71.7	77.3

Queuing and Blocking Report

2025 Build

2025 B Item # 17.
PM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	EB	WB	NB
Directions Served	R	L	LR
Maximum Queue (ft)	9	83	262
Average Queue (ft)	0	38	84
95th Queue (ft)	4	68	196
Link Distance (ft)			357
Upstream Blk Time (%)			0
Queuing Penalty (veh)			0
Storage Bay Dist (ft)	240	150	
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	8	35	160	183	92	329	35
Average Queue (ft)	0	1	79	15	6	301	4
95th Queue (ft)	6	13	148	111	65	321	20
Link Distance (ft)				451	451	292	108
Upstream Blk Time (%)						100	
Queuing Penalty (veh)						0	
Storage Bay Dist (ft)	150	250	150				
Storage Blk Time (%)			2	0			
Queuing Penalty (veh)			10	0			

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	11	54
Average Queue (ft)	1	17
95th Queue (ft)	9	46
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 10

APPENDIX T
FORECASTED 2025 BUILD (WITH DEVELOPMENT) MITIGATED
QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2194	2168	2165	2115	2205	2168
Vehs Exited	2195	2164	2162	2120	2197	2169
Starting Vehs	47	36	31	37	31	37
Ending Vehs	46	40	34	32	39	35
Travel Distance (mi)	933	909	916	884	913	911
Travel Time (hr)	38.0	36.9	35.7	34.0	37.1	36.3
Total Delay (hr)	16.9	16.3	15.0	14.0	16.1	15.7
Total Stops	1432	1476	1425	1367	1483	1436
Fuel Used (gal)	40.8	39.7	39.6	38.1	39.2	39.5

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2194	2168	2165	2115	2205	2168
Vehs Exited	2195	2164	2162	2120	2197	2169
Starting Vehs	47	36	31	37	31	37
Ending Vehs	46	40	34	32	39	35
Travel Distance (mi)	933	909	916	884	913	911
Travel Time (hr)	38.0	36.9	35.7	34.0	37.1	36.3
Total Delay (hr)	16.9	16.3	15.0	14.0	16.1	15.7
Total Stops	1432	1476	1425	1367	1483	1436
Fuel Used (gal)	40.8	39.7	39.6	38.1	39.2	39.5

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	T	T	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	9	254	249	72	171	202	160	337	24
Average Queue (ft)	0	162	142	18	90	99	73	189	1
95th Queue (ft)	4	230	219	59	160	170	141	335	10
Link Distance (ft)		780	780			451	451	292	108
Upstream Blk Time (%)								4	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	150			250	150				
Storage Blk Time (%)		10	0		1	1			
Queuing Penalty (veh)		0	0		3	2			

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2498	2531	2518	2541	2481	2514
Vehs Exited	2511	2537	2512	2563	2485	2521
Starting Vehs	49	34	32	47	43	42
Ending Vehs	36	28	38	25	39	34
Travel Distance (mi)	1126	1159	1150	1157	1121	1143
Travel Time (hr)	40.4	40.9	39.9	41.5	39.7	40.5
Total Delay (hr)	15.4	15.4	14.7	15.8	14.8	15.2
Total Stops	1408	1465	1362	1503	1398	1427
Fuel Used (gal)	46.7	48.2	47.5	48.7	46.7	47.5

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2498	2531	2518	2541	2481	2514
Vehs Exited	2511	2537	2512	2563	2485	2521
Starting Vehs	49	34	32	47	43	42
Ending Vehs	36	28	38	25	39	34
Travel Distance (mi)	1126	1159	1150	1157	1121	1143
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Fuel Used (gal)	46.7	48.2	47.5	48.7	46.7	47.5

Queuing and Blocking Report
2025 Build

2025 Build Item # 17.
PM Peak Hour

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	T	T	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	14	220	209	50	170	192	160	261	24
Average Queue (ft)	1	127	108	15	93	84	58	100	1
95th Queue (ft)	9	196	179	42	152	152	122	189	12
Link Distance (ft)		780	780			451	451	292	108
Upstream Blk Time (%)								0	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	150			250	150				
Storage Blk Time (%)		3	0		1	0			
Queuing Penalty (veh)		0	0		5	1			

conditions during both the weekday AM and weekday PM peak hours, and can be anticipated to continue to be satisfied under forecasted 2025 build (with development) conditions. Therefore, the installation of traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard is required to accommodate the traffic volumes generated by the proposed Arrowhead Ranch commercial development and the installation of traffic signal control at the intersection would be the sole responsibility of the Arrowhead Ranch development.

The available sight distance along US 290 to the back of queue at Arrowhead Ranch Boulevard exceeds the required stopping sight distance for a posted speed limit of 60 miles per hour.

Capacity calculations performed for the intersection of US 290 with Arrowhead Ranch Boulevard assuming the installation of a traffic signal at the intersection revealed that the intersection can be anticipated to operate at an overall intersection Level of Service C or better during the weekday AM and PM peak hours, with all movements operating at a LOS C or better, following installation of traffic signal control.

The right turn in/right turn out driveway proposed to be constructed as part of the planned Arrowhead Ranch commercial developments will be located in the middle of the taper of the existing eastbound right turn lane on US 290 at its intersection with Arrowhead Ranch Boulevard. Therefore, it is anticipated that the eastbound right turn lane on US 290 will need to be lengthened in order to accommodate the location of the right turn in/right turn out driveway and the increase in traffic volumes associated with the Arrowhead Ranch development.

According to the City of Dripping Springs Code of Ordinances, Chapter 28, Exhibit A, Section 11.11, *“The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service “C” or above.”* Therefore, signal warrant evaluations were not performed for the intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane.

The results of queueing analyses performed for the remaining study intersections revealed that each of the existing auxiliary turn lanes at the study intersections is of sufficient length to accommodate all existing queues, as well as all forecasted 2025 queues, both without and following the proposed Bunker Ranch subdivision expansion.

Therefore, no mitigations to the existing study intersections are anticipated to be required in order to accommodate the traffic volumes anticipated to be generated by the proposed Bunker Ranch subdivision expansion.

This concludes CEC’s Revised Traffic Impact Analysis for the construction of the proposed Bunker Ranch subdivision expansion, located south of US 290 at its intersection with Bunker Ranch Boulevard in the City of Dripping Springs, Hays County, Texas.

Included with this report is a Technical Appendix containing all counts, analyses and calculations.

Exhibit 6

YouTube link to the Planning and Zoning Commission Regular Meeting on August 27, 2024

<https://www.youtube.com/watch?v=-3CZax8lYUs>



To: Jamie Rose

From: Chad Gilpin, P.E., City Engineer; Laura Mueller, City Attorney

Date: May 2, 2024

RE: Takings Impact Assessment for Required Infrastructure for the Hardy Tract

INTRODUCTION

The City of Dripping Springs has required, due to site development and fire requirements, that the project commonly known as the Hardy Tract build a road as specified in Exhibit “A.” The property owner has requested a Takings Impact Assessment related to this requirement. For the City to impose this requirement it must show that “the required dedication is related both in nature and extent to the project’s anticipated impact, though a precise mathematical calculation is not required.”¹ This assessment will show that the road requirement is roughly proportional to the impact of the Bunker Ranch/Hardy Tract project.

REQUIREMENTS

The City, in consultation with the Fire Department (North Hays County Fire – ESD), requires a minimum twenty-six (26) foot roadway and a five (5) foot sidewalk on one side. This was based on the representation by the developer that multi-family may be placed on the tract. If no multi-family is on the tract, the roadway only must be twenty-four (24) feet. This is a fire requirement. Section 11.3.4 of the City Subdivision Ordinance requires all subdivisions with fifty (50) or more lots or units have at least two points of vehicular access and must be connected via improved roadways. The standard is to require sidewalks on both sides of the roadway, but the City waived the requirement for the second side on request of the developer in return for payment of fee-in-lieu. In addition, drainage improvements are required, but are only those needed to meet the Water Quality and Drainage mitigation as required by the Water Quality Ordinance Article 22.05.² The extent of the drainage improvements are only those that directly affect the required roadway and the sidewalk. These improvements are not required to be oversized for any other development.

The purpose of requiring two points of vehicular access is to provide safety and adequate traffic circulation to the residents of the subdivision. The subdivision ordinance is attached as Exhibit “A.” The requirement of adequate drainage and water quality is to ensure that any required or planned improvements do not burden other private or public parties with adverse stormwater flows. In addition, it aids in protecting all waterways in the area from pollutants. The Ordinance adopted Article 22.05 is attached to this assessment as Exhibit “C.” The remoteness requirement is from the Fire Code Section D106.3. It is attached as Exhibit “B.” These required improvements

¹ *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994).

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are reasonably related to and accomplish the legitimate municipal goal of public safety while ensuring that neighboring properties are not burdened by new development.

The roadway only needs to be twenty-four (24) feet in width unless multi-family is built adjacent to the roadway. This is the minimum for any subdivision within the City of Dripping Springs. Fire requires twenty-six (26) feet if there will be multi-family.

IMPACT OF DEVELOPMENT

The Hardy Tract will add an additional seventy-five lots. In addition, the development is seventy-eight acres. This roadway is only for the residents of this development and does not have to be open to the public. In addition, the City is not asking that it be oversized to meet the needs of the public in general, only to meet the minimum city and fire requirements. Detention and Water Quality are required by the Hardy Tract subdivision to mitigate increased flows to neighboring properties caused by the roadway. The issue of the expense of the drainage is the fact that the second access point, the roadway in question, is between two parcels that are currently not owned by the developer. This requires that the drainage, sidewalk, and roadway must be included in their owned property.

DISCUSSION AND ANALYSIS

The requirements the City and Fire require are the minimum for roads and drainage for any residential development. In addition, the minimum normally required for a sidewalk on a two-lane rural roadway (which is the roadway required by the City) is five feet on both sides. The City waived the requirement that the sidewalk be on both sides, instead only requiring it on one side. These requirements are required for safety and are also sized to an extent appropriate to a development of this size. The nature of a subdivision as proposed is a two-lane rural road with sidewalks including adequate drainage.

ALTERNATIVES


The development could build a second point of access in another part of the development. In addition, the City has offered to review the possibility of allowing drainage to be stored on an adjacent agricultural lot. Finally, the developer could also appeal the partial waiver of the sidewalk to the Planning & Zoning Commission.

CONCLUSION AND RECOMMENDATIONS

The City and Fire is open to limiting the roadway to twenty-four feet so long as no multi-family is built in this development or adjacent to this roadway. If any other variances or waivers are requested, or decisions to be appealed, the processes must be followed. The City is not requiring that the development pay for any additional city infrastructure or fees that are not the minimum required by the number of lots and acres within this subdivision. The Hardy Drive and related infrastructure is not for the public or the City, it is solely to benefit the safety of the future residents of the proposed development.



To: Jamie Rose

From: Chad Gilpin, P.E.,  City Engineer; Laura Mueller, City Attorney

Date: May 2, 2024

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Summary of Comments on Microsoft Word - Hardy Tract.Takings Assessment.2024 TC

Item # 17.

Page: 1

 Number: 1 Author: ChadGilpin Subject: Highlight Date: 7/25/2024 12:53:12 PM -05'00'


Section 11.3.4 of the City Subdivision Ordinance requires all subdivisions with fifty (50) or more lots or units have at least two points of vehicular access and must be connected via improved roadways.

 Number: 2 Author: ChadGilpin Subject: Highlight Date: 7/25/2024 12:54:37 PM -05'00'

The standard is to require sidewalks on both sides of the roadway, but the City waived the requirement for the second side on request of the developer in return for payment of fee-in-lieu.

 Number: 3 Author: ChadGilpin Subject: Highlight Date: 7/25/2024 12:56:08 PM -05'00'

The purpose of requiring two points of vehicular access is to provide safety and adequate traffic circulation to the residents of the subdivision. The subdivision ordinance is attached as Exhibit "A."

 Number: 1 Author: ChadGilpin Subject: Highlight Date: 7/25/2024 12:58:25 PM -05'00'

In addition, the minimum normally required for a sidewalk on a two-lane rural roadway (which is the roadway required by the City) is five feet on both sides. The City waived the requirement that the sidewalk be on both sides, instead only requiring it on one side.

Jamie A Rose
Tel 512.320.7281
Fax 512.320.7210
Jamie.Rose@gtlaw.com

January 27, 2025

Planning@cityofdrippingsprings.com
c/o Laura Mueller
City Attorney
City of Dripping Springs, Texas
lmueller@cityofdrippingsprings.com

Re: Notice of Appeal – Takings/Rough Proportionality Assessment – Hardy Driveway and Hardy Subdivision.

Dear City of Dripping Springs, Texas,

This firm represents Hardy T. Land, LLC (“Appellant”) regarding the Hardy Driveway (Project No. SD2022-0025) and the Hardy Subdivision (Project No. SUB2023-0042). On December 6, 2024, Hardy T Land gave its written notice of appeal of the May 2, 2024 Takings Impact Assessment for Requested Infrastructure for the Hardy Tract, from Chad Gilpin, P.E., City Engineer, and Laura Mueller, City Attorney, attached hereto as Exhibit A (the “Assessment”). Such matter was to be heard at prior meetings that were cancelled by the City, including the January 21, 2025 meeting that was cancelled due to inclement weather.

Appellants hereby request this appeal be placed on the agenda for the City of Dripping Spring’s City Council meeting to be held on **February 18, 2025**.

Please let us know if you wish to discuss in advance of the meeting.

Best regards,

/s/ *Jamie Rose*

Jamie A. Rose
Shareholder

Exhibit A



To: Jamie Rose

From: Chad Gilpin, P.E., City Engineer; Laura Mueller, City Attorney

Date: May 2, 2024

RE: Takings Impact Assessment for Required Infrastructure for the Hardy Tract

INTRODUCTION

The City of Dripping Springs has required, due to site development and fire requirements, that the project commonly known as the Hardy Tract build a road as specified in Exhibit “A.” The property owner has requested a Takings Impact Assessment related to this requirement. For the City to impose this requirement it must show that “the required dedication is related both in nature and extent to the project’s anticipated impact, though a precise mathematical calculation is not required.”¹ This assessment will show that the road requirement is roughly proportional to the impact of the Bunker Ranch/Hardy Tract project.

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The Hardy Tract will add an additional seventy-five lots. In addition, the development is seventy-eight acres. This roadway is only for the residents of this development and does not have to be open to the public. In addition, the City is not asking that it be oversized to meet the needs of the public in general, only to meet the minimum city and fire requirements. Detention and Water Quality are required by the Hardy Tract subdivision to mitigate increased flows to neighboring properties caused by the roadway. The issue of the expense of the drainage is the fact that the second access point, the roadway in question, is between two parcels that are currently not owned by the developer. This requires that the drainage, sidewalk, and roadway must be included in their owned property.

DISCUSSION AND ANALYSIS

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The development could build a second point of access in another part of the development. In addition, the City has offered to review the possibility of allowing drainage to be stored on an adjacent agricultural lot. Finally, the developer could also appeal the partial waiver of the sidewalk to the Planning & Zoning Commission.

CONCLUSION AND RECOMMENDATIONS

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DECLARATION OF JIM BOUSHKA

Pursuant to Section 132.001 of the Texas Civil Practice and Remedies Code, Declarant Jim Boushka hereby makes the following declaration under penalty of perjury:

1. My name is James Boushka. I am over the age of eighteen and am fully competent to make this declaration. The facts stated in this declaration are true and correct and based upon my personal knowledge.

2. This Declaration is made on behalf of Hardy T Land, LLC in support of its Appeal of the May 2, 2024 Takings Impact Assessment for Requested Infrastructure for the Hardy Tract, from Chad Gilpin, P.E., City Engineer, relating to Project No. SUB2023-0042 (known as the “Hardy Subdivision”) and Project No. SD2022-0025 (known as the “Hardy Driveway”). A copy of the Notice of Appeal is attached hereto as **Exhibit A**. We initially gave notice of our intent to be heard at the December 17, 2024 City Council Meeting, but we were notified that meeting had been cancelled by the City.

3. I am a manager of Bunker Ranch, LLC, Hardy T Land, LLC and the Overlook at Bunker Ranch, LLC. I have over 7 years of experience in residential real estate development and construction, including as the owner and developer of 7 residential subdivision projects, including Bunker Ranch.

4. Hardy T Land owns an approximately 79-acre tract (the “Hardy Tract”) in the City of Dripping Springs (the “City”) that has been approved by the City for development as a residential subdivision, being an extension to and comprising Phase 6 of Bunker Ranch Subdivision, in accordance with Project No. SUB2023-0042 (known as the “Hardy Subdivision”), on the condition that Hardy T Land also improve (to the City’s specifications) a private caliche road located in the Dripping Springs extra territorial jurisdiction (the “ETJ”) that runs from the proposed Hardy Subdivision to Highway 290 (the “Hardy Driveway”). Attached hereto are (i) the deed conveying the Hardy Tract and (as tenants in common) the Hardy Driveway to Hardy T Land (**Exhibit B**); (ii) the plans for the Hardy Subdivision (**Exhibit C**); (iii) the City’s conditional approval of the Hardy Subdivision (**Exhibit D**); and (iv) the City’s approval with conditions of the plans for the Hardy Driveway (**Exhibit E**).

5. Aerial photos depicting the Hardy Subdivision and Hardy Driveway locations are attached at **Exhibit F**. The Hardy Subdivision consists of 72 lots, which (like the existing, completed phases of Bunker Ranch Subdivision) are large lots, and with respect to the Hardy Subdivision, intended to be on average approximately .75 acre in size to accommodate the City’s desire for reduced density. Primary access for the Hardy Subdivision will be via Bunker Ranch Boulevard, which a Traffic Impact Analysis (“TIA”) determined to be sufficient to handle the traffic flow stemming from the Hardy Subdivision. A copy of the TIA is attached hereto as **Exhibit G**. The City is requiring, as a condition to approval of the Hardy Subdivision development, the improvement of the Hardy Driveway to serve as a fire apparatus road and a secondary point of vehicular access to the Hardy Subdivision. It is the secondary access requirement imposed by the City that has apparently also led the City to impose requirements for construction of a sidewalk

along one side of the Hardy Driveway and to require payment of a fee-in-lieu of construction of a sidewalk along the other side. *See Exhibit H; see also* City Code section 15.4.2. Hardy T Land sought from the Planning and Zoning Commission waivers of the secondary access and sidewalk requirements relating to the Hardy Driveway, as well as variances from the requirement to build sidewalks within the Hardy Subdivision, all of which were denied. It is noted that no prior phases of Bunker Ranch Subdivision were required to install sidewalks, and thus there are no sidewalks within Bunker Ranch Subdivision (as it is currently existing) to which sidewalks within the Hardy Subdivision could feasibly connect. The City staff has indicated that the denials of sidewalk variances by P&Z is not subject to administrative appeal. This is a separate question from the issue at hand, namely, whether the City must compensate Hardy T Land for the substantial costs associated with the sidewalk and fee-in lieu requirements based on the law relating to Takings and Rough Proportionality.

6. Hardy T Land LLC owns as tenants in common with a third party the approximately 3000 x 60 ft strip of land that is currently improved as a private caliche driveway and referred to herein as the “Hardy Driveway,” which is located between two large approximately 80-acre privately-owned family tracts unrelated to the Hardy development, and which extends from the proposed Hardy Subdivision to Hwy 290. *See Exhibit B.* The fact that Hardy T Land owns the Hardy Driveway as tenants in common with a third party, prevents it as a matter of law from unilaterally dedicating the driveway and/or any sidewalk improvement associated with the driveway to the City as a public right-of-way. Thus, the conditionally approved site development plan contemplates that the Hardy Driveway and any sidewalk improvements will remain private property.

7. While Hardy T Land has challenged the necessity and extent of the required Hardy Driveway improvements, which Hardy T Land alleges far exceed those needed for a fire apparatus road and secondary access point, the subject of this appeal of the Takings Impact Assessment focuses on the City’s requirements for the developer to (i) construct and pay for a *sidewalk to nowhere* along one side of the Hardy Driveway and (ii) pay a fee in lieu of a *sidewalk to nowhere* on the other side of this private drive, both of which—along with related increases in the construction costs associated with the private drive—constitute exactions for which the City must compensate Hardy T Land.

8. To put the City’s requirements for the Hardy Driveway in context, I provide some background on the Hardy Tract and surrounding properties.

9. Bunker Ranch LLC owned and developed Phases 1-5 of the Bunker Ranch residential subdivision that is situated south of Hwy 290 and west of the Arrowhead subdivision. Consistent with maintaining its rural appeal, the Bunker Ranch residential subdivision includes large, approximately 1-acre lots, and was not required to build sidewalks. As mentioned above, the City waived the requirement for sidewalks within prior phases of the Bunker Ranch Subdivision. In 2020, Overlook at Bunker Ranch, LLC proposed to develop an additional 18.25 acres to the south of Bunker Ranch, as an extension of Bunker Ranch (known as the Overlook at Bunker Ranch or the “Florino Tract,” Project No. SFL2021-0001)). The City waived sidewalks for

the Overlook at Bunker Ranch development due to sidewalks “not providing any beneficial pedestrian connectivity.” See **Exhibit I**.

10. In 2021, Hardy T Land acquired the Hardy Tract, which is located to the west of the existing Bunker Ranch Subdivision and the proposed Florio Tract development, and which at the time of acquisition was located outside of the City limits. The Hardy Tract was acquired with the specific intent to develop a residential subdivision that would be an extension of Bunker Ranch Subdivision, and this plan was discussed at length with the City both before and after the acquisition of the Hardy Tract. See **Exhibit J**. Hardy T Land also acquired co-ownership of the Hardy Driveway extending from the new proposed Phase 6 of Bunker Ranch to Hwy 290. Prior to Hardy T Land’s acquisition of the Hardy Tract and Hardy Driveway tract, principals of Hardy T Land (including me) participated in numerous and extensive meetings and calls with the City, during which it was discussed that this new addition would be an extension of Bunker Ranch Subdivision and that the Hardy Driveway might be required for secondary emergency fire access to satisfy the “remoteness” requirements of Fire Code Sec. D104.3. It is not disputed by the City that the fire code does not require sidewalks, and that the fire marshal did not determine that sidewalks must be built.

11. In 2021, Hardy T Land voluntarily annexed the Hardy Tract into the City in reliance on the City’s representations that it would be an extension of (and treated like) prior phases of Bunker Ranch Subdivision. However, the Hardy Driveway tract remains in the EJTB. Despite no public facilities, sidewalks, trails, or roads existing in the vicinity of the Hardy Driveway, and despite the City previously waiving sidewalk requirements in all prior phases of the Bunker Ranch Subdivision, as well as in the Florio Tract, the City is now requiring costly sidewalks both within the Hardy Subdivision (Phase 6 of Bunker Ranch) and along the Hardy Driveway. Again, this appeal of the Takings Impact Assessment focuses on the *sidewalk to nowhere* and fee in lieu requirements along the Hardy Driveway.

12. While *public* sidewalks can advance a legitimate state interest, they do not do so along the *private* Hardy Driveway. There is no evidence showing that the development of the Hardy Driveway will have any impact on existing (or future planned and funded) infrastructure, such that the City is permitted to force Hardy T Land to pay for the sidewalk improvements and fees-in-lieu. In addition, there is no evidence showing that a sidewalk along the Hardy Driveway will provide any pedestrian connectivity with the rest of Bunker Ranch Subdivision or surrounding properties at all.

13. First, Mr. Gilpin’s Taking Impact Assessment refers, without any detail or engineering analysis, to the City’s “standard of requiring sidewalks on both sides of a roadway” as supporting his (incorrect) conclusion that there is no municipal taking of property, and that the sidewalk requirements are roughly proportional to the impact of the subdivision development. He offers no information or individualized, engineering analysis at all, including any supporting documentation on the level of pedestrian traffic (or corresponding reduction in vehicle traffic) that could be anticipated on a sidewalk along the Hardy Driveway. Given that a half-mile sidewalk along the Hardy Driveway would go nowhere and connect with nothing at Hwy 290 or within the remainder of the Bunker Ranch Subdivision, it defies logic to suggest that the impact of the Hardy

Tract subdivision requires the sidewalk. A copy of the Takings Impact Assessment is attached hereto as **Exhibit K**.

14. Second, sidewalks along the private Hardy Driveway significantly impair—rather than promote—safety. The Takings Impact Assessment asserts that sidewalks are “solely to benefit the safety of the future residents of the proposed development.” *Id.* But it does not explain how, why, or on what basis that statement is made. On the contrary, sidewalks along the private Hardy Driveway are *not required* by the Fire Code or the Fire Marshal—tasked with determining safety issues associated with developments. The Takings Impact Assessment does not address or attempt to address this fact and provides nothing to support its claim. Further, the required sidewalk would dead-end into Hwy 290’s dangerous traffic, where there are no existing sidewalks, or any planned and funded sidewalks. To promote access via a sidewalk to nowhere will decrease safety for any pedestrians foolhardy enough to decide to walk to Hwy 290 along the Hardy Driveway. Encouraging pedestrian traffic to enter this dangerous area of Hwy 290, where there are no public improvements or safety measures in place or planned is simply negligent. And as shown in **Exhibit F** there are no existing or planned public or even private trail systems connecting to the Hardy Driveway. *See* ppt. 2-11. The existing trails within Bunker Ranch Subdivision dead end into a fence abutting private ranch property located adjacent to the east of the Hardy Driveway. In addition, there is currently fencing along both sides of the Hardy Driveway separating the driveway from the adjacent, privately-owned ranch properties, thus, without additional land grants by adjacent owners, there is no possibility of connectivity between Bunker Ranch, Hardy Tract and any public trails within the vicinity. The closest public sidewalk to the Hardy Driveway is in front of Walnut Springs Middle School, which is approximately 1 mile from the intersection of the Hardy Driveway/Hwy 290 and there are no existing, or planned and funded public sidewalks on Hwy 290 for that entire 1 mile.

15. Third, Mr. Gilpin makes a conclusory statement that the requirements of the Hardy Driveway are required to protect waterways or the environment. There is no explanation as to how that would support the City’s requirement for the addition of a sidewalk, which by its very nature will increase impervious cover. During public comment at the P&Z hearing, neighbors and concerned citizens expressed their disapproval of adding more cement (i.e., from the sidewalks). Further, Mr. Gilpin did not even consider whether expanding the width of the road by requiring the sidewalk would necessitate the removal of additional large, native trees that currently line both sides of Hardy Driveway. Surely, removing these trees at the expense of cement sidewalks could not possibly be beneficial for the environment. *See Exhibit F*, p. 12-18.

16. Fourth, Mr. Gilpin does not offer nor address any reasonable alternatives to building sidewalks along the Hardy Driveway.

17. I am qualified by my years of experience in residential development and construction to determine the relative and reasonable costs of the Hardy Driveway with and without the City’s sidewalk requirements. Attached as **Exhibit L** is a current estimate of the cost of the Hardy Driveway, based on the City’s current approval with conditions. I believe that this is a reasonable cost estimate based on the current market and City’s requirements, and the actual cost will continue to grow and is likely to be higher at the time of construction because of the passage

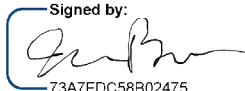
of time and delay caused by the disputes with the City relating to their excessive requirements for the Hardy Driveway. Attached as **Exhibit M** is a current estimate of the cost for the Hardy Driveway without the requirement for a sidewalk along one side. The compensation due to Hardy T Land is **\$2,011,936**, which is the difference between the two estimates plus the fee in lieu on one side, and represents the costs associated with the *sidewalks to nowhere*.

18. Attached hereto as **Exhibit N** is correspondence Greenberg Traurig, LLP sent on our behalf on April 3, 2024, and we have done everything possible to resolve this matter since, to no avail. We are asking the Council to make the right decision, and award compensation for this taking of private property. If we are unable to get compensation for the exactions that do not flow from the subdivision's impact, we intend to seek relief from the Courts. The extreme costs of the Hardy Driveway, due to the City staff's specifications, compared to the relatively small number of lots proposed for the Hardy Tract to meet City's desire for reduced density, essentially destroys the economic viability of the Hardy Subdivision project. We have even requested, and been denied, additional density within the Hardy Subdivision. After many years of trying to reach an acceptable compromise with the City on this issue, I note that if Hardy T Land is forced to build the required sidewalks and pay the fees in lieu as required by the City as a condition to development of the Hardy Tract, Hardy T Land may be left with no option but to abandon the development of the Hardy Tract with its limited density, as currently contemplated.

19. Hardy T. Land's counsel, Jamie Rose with Greenberg Traurig, LLP, has corresponded with Laura Mueller, City Attorney of Dripping Springs, regarding the procedures for this hearing. Apparently, the City had no procedures in place for this type of Appeal before January 7, 2025—just two weeks prior to our appeal hearing. Attached hereto as **Exhibit O** are email correspondence between Jamie Rose and Laura Mueller.

20. My name is Jim Boushka, my date of birth is March 29, 1961, and my address is 6836 FM 2244, Rd 3-302, Austin, Texas 78746. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 16th day of January 2025

Signed by: 
73A7FDC58B02475...

Jim Boushka

Exhibit A

Jamie A Rose
Tel 512.320.7281
Fax 512.320.7210
Jamie.Rose@gtlaw.com

December 12, 2024

Planning@cityofdrippingsprings.com
c/o Laura Mueller
City Attorney
City of Dripping Springs, Texas
lmueller@cityofdrippingsprings.com

Re: Notice of Appeal – Takings/Rough Proportionality Assessment – Hardy Driveway and Hardy Subdivision.

Dear City of Dripping Springs, Texas,

On behalf of Hardy T. Land, LLC, and Bunker Ranch, LLC (collectively, “Appellants”), regarding the Hardy Driveway (Project No. SD2022-0025) and the Hardy Subdivision (Project No. SUB2023-0042), please consider this letter as a formal, written notice of appeal of the May 2, 2024 Takings Impact Assessment for Requested Infrastructure for the Hardy Tract, from Chad Gilpin, P.E., City Engineer, and Laura Mueller, City Attorney, attached hereto as Exhibit A (the “Assessment”).

Appellants hereby request this appeal be placed on the agenda for the City of Dripping Spring’s meeting to be held on January 21, 2025.

Please let us know if you wish to discuss in advance of the Planning & Zoning meeting.

Best regards,

/s/ Jamie Rose

Jamie A. Rose
Shareholder



To: Jamie Rose

From: Chad Gilpin, P.E., City Engineer; Laura Mueller, City Attorney

Date: May 2, 2024

RE: Takings Impact Assessment for Required Infrastructure for the Hardy Tract

INTRODUCTION

The City of Dripping Springs has required, due to site development and fire requirements, that the project commonly known as the Hardy Tract build a road as specified in Exhibit “A.” The property owner has requested a Takings Impact Assessment related to this requirement. For the City to impose this requirement it must show that “the required dedication is related both in nature and extent to the project’s anticipated impact, though a precise mathematical calculation is not required.”¹ This assessment will show that the road requirement is roughly proportional to the impact of the Bunker Ranch/Hardy Tract project.

REQUIREMENTS

The City, in consultation with the Fire Department (North Hays County Fire – ESD), requires a minimum twenty-six (26) foot roadway and a five (5) foot sidewalk on one side. This was based on the representation by the developer that multi-family may be placed on the tract. If no multi-family is on the tract, the roadway only must be twenty-four (24) feet. This is a fire requirement. Section 11.3.4 of the City Subdivision Ordinance requires all subdivisions with fifty (50) or more lots or units have at least two points of vehicular access and must be connected via improved roadways. The standard is to require sidewalks on both sides of the roadway, but the City waived the requirement for the second side on request of the developer in return for payment of fee-in-lieu. In addition, drainage improvements are required, but are only those needed to meet the Water Quality and Drainage mitigation as required by the Water Quality Ordinance Article 22.05.² The extent of the drainage improvements are only those that directly affect the required roadway and the sidewalk. These improvements are not required to be oversized for any other development.

The purpose of requiring two points of vehicular access is to provide safety and adequate traffic circulation to the residents of the subdivision. The subdivision ordinance is attached as Exhibit “A.” The requirement of adequate drainage and water quality is to ensure that any required or planned improvements do not burden other private or public parties with adverse stormwater flows. In addition, it aids in protecting all waterways in the area from pollutants. The Ordinance adopted Article 22.05 is attached to this assessment as Exhibit “C.” The remoteness requirement is from the Fire Code Section D106.3. It is attached as Exhibit “B.” These required improvements

¹ *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994).

² All references to Ordinances or Sections are to the City of Dripping Springs Code of Ordinances unless otherwise stated. City of Dripping Springs Code of Ordinances are available on the City’s website and municode.com.

are reasonably related to and accomplish the legitimate municipal goal of public safety while ensuring that neighboring properties are not burdened by new development.

The roadway only needs to be twenty-four (24) feet in width unless multi-family is built adjacent to the roadway. This is the minimum for any subdivision within the City of Dripping Springs. Fire requires twenty-six (26) feet if there will be multi-family.

IMPACT OF DEVELOPMENT

The Hardy Tract will add an additional seventy-five lots. In addition, the development is seventy-eight acres. This roadway is only for the residents of this development and does not have to be open to the public. In addition, the City is not asking that it be oversized to meet the needs of the public in general, only to meet the minimum city and fire requirements. Detention and Water Quality are required by the Hardy Tract subdivision to mitigate increased flows to neighboring properties caused by the roadway. The issue of the expense of the drainage is the fact that the second access point, the roadway in question, is between two parcels that are currently not owned by the developer. This requires that the drainage, sidewalk, and roadway must be included in their owned property.

DISCUSSION AND ANALYSIS

The requirements the City and Fire require are the minimum for roads and drainage for any residential development. In addition, the minimum normally required for a sidewalk on a two-lane rural roadway (which is the roadway required by the City) is five feet on both sides. The City waived the requirement that the sidewalk be on both sides, instead only requiring it on one side. These requirements are required for safety and are also sized to an extent appropriate to a development of this size. The nature of a subdivision as proposed is a two-lane rural road with sidewalks including adequate drainage.

ALTERNATIVES

The development could build a second point of access in another part of the development. In addition, the City has offered to review the possibility of allowing drainage to be stored on an adjacent agricultural lot. Finally, the developer could also appeal the partial waiver of the sidewalk to the Planning & Zoning Commission.

CONCLUSION AND RECOMMENDATIONS

The City and Fire is open to limiting the roadway to twenty-four feet so long as no multi-family is built in this development or adjacent to this roadway. If any other variances or waivers are requested, or decisions to be appealed, the processes must be followed. The City is not requiring that the development pay for any additional city infrastructure or fees that are not the minimum required by the number of lots and acres within this subdivision. The Hardy Drive and related infrastructure is not for the public or the City, it is solely to benefit the safety of the future residents of the proposed development.

Exhibit B

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

cor

amount therein stated, bearing interest and payable to the order of First Lien Lender as therein provided, the payment of which First Lien Note to the extent of the funds advanced for the purchase of the Property (defined below) is secured by the vendor's lien herein retained and by a deed of trust (the "First Lien Deed of Trust") of even date herewith to Steve Dujka, Trustee; and

3. Delivery and payment to Grantor by JPH INVESTMENT HOLDINGS, LLC, a Texas limited liability company ("Second Lien Lender"), at the instance and request of Grantee, of the proceeds from one certain promissory note dated on or about the date of this Deed (the "Second Lien Note"), executed by Grantee, in the original principal amount therein stated, bearing interest and payable to the order of Second Lien Lender as therein provided, the payment of which Second Lien Note to the extent of the funds advanced for the purchase of the Property (defined below) is secured by a subordinate vendor's lien herein retained and by a subordinate deed of trust (the "Second Lien Deed of Trust") of even date herewith to James P. Hendricks, Trustee.

Grantor hereby EXCEPTS from the Property hereby conveyed and RESERVES UNTO ITSELF, its successors and assigns, all of the oil, gas and other minerals of every kind and character, whether similar or dissimilar, known or unknown, in, on, under and which may be discovered, mined, produced, or recovered from the Property, or any portion thereof, that are owned by Grantor as of the date of this instrument (hereinafter the "Mineral Reservation"). The Mineral Reservation expressly excluding water, sand, gravel, limestone, rock, building stone, caliche, surface shale, near surface lignite, iron, and similar materials considered part of the surface estate. In connection with the Mineral Reservation, Grantor hereby WAIVES AND RELEASES any and all rights of every kind on the part of itself and its successors and assigns, to use the surface of the Land between the natural surface thereof and a depth of five hundred feet (500') in connection with the exploration, prospecting, mining, drilling, producing, saving, transporting, storing, treating or otherwise dealing with the oil, gas and other minerals lying in, on and under the Land or which may be produced therefrom.

This conveyance and the warranties of title herein are expressly made subject to: a) *ad valorem* taxes for the year 2021, not yet due and payable, and all subsequent years, including any and all assessments for prior years due to changes in land usage; and b) the matters set forth on **EXHIBIT B**, attached hereto and incorporated herein by this reference for all purposes (collectively, the "Permitted Exceptions").

BY ITS ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, GRANTEE ACKNOWLEDGES AND AGREES THAT, EXCEPT FOR THE SPECIAL WARRANTY OF TITLE SET FORTH HEREIN AND THOSE REPRESENTATIONS AND WARRANTIES IN THAT CERTAIN FARM AND RANCH CONTRACT BETWEEN GRANTOR AND STEVE HARRAN AND JIM BOUSHKA, PREDECESSORS IN INTEREST TO GRANTEE, DATED MARCH 5, 2021 AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO FARM AND RANCH CONTRACT DATED JUNE 17, 2021 AND THAT CERTAIN SECOND AMENDMENT TO FARM AND RANCH CONTRACT DATED AUGUST 23, 2021 (COLLECTIVELY, THE "GRANTOR REPRESENTATIONS AND WARRANTIES"), GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, WARRANTIES,

PROMISES, COVENANTS, AGREEMENTS OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO: (A) THE NATURE, QUALITY OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL AND GEOLOGY; (B) THE INCOME TO BE DERIVED FROM THE PROPERTY OR THE PROPERTY'S INCOME POTENTIAL; (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT THEREON; (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY; (E) THE HABITABILITY OR MERCHANTABILITY OF THE PROPERTY OR ITS FITNESS FOR ANY PARTICULAR PURPOSE; (F) THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES ON THE PROPERTY, AS WELL AS THE SUITABILITY OF THE PROPERTY AS HABITAT FOR ANY OF THOSE SPECIES; (G) THE PRESENCE OF ANY HISTORICAL OR ARCHEOLOGICALLY SIGNIFICANT SITE ON THE PROPERTY; (H) THE AVAILABILITY, CAPACITY OR LOCATION OF UTILITIES TO SERVE THE PROPERTY; (I) THE IMPACT UPON OR PRECISE NATURE OF OPERATIONS CONDUCTED UPON THE PROPERTY IN CONNECTION WITH ANY OIL, GAS AND MINERAL OPERATIONS WHICH MAY HAVE BEEN PREVIOUSLY CONDUCTED UPON OR NEAR THE PROPERTY OR (J) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY OTHER THAN AS MAY BE SPECIFICALLY REPRESENTED IN THE GRANTOR REPRESENTATIONS AND WARRANTIES.

WITHOUT LIMITING THE FOREGOING, EXCEPT AS SET FORTH IN GRANTOR'S REPRESENTATIONS AND WARRANTIES, GRANTOR DOES NOT AND HAS NOT MADE ANY REPRESENTATION OR WARRANTY REGARDING THE PRESENCE OR ABSENCE OF ANY HAZARDOUS SUBSTANCES (defined below) OR SOLID WASTE (defined at 40 C.F.R., Part 261) ON, UNDER OR ABOUT THE PROPERTY OR THE COMPLIANCE OF THE PROPERTY WITH ANY OF THE FOLLOWING ENVIRONMENTAL LAWS AND GRANTEE FURTHER RELEASES GRANTOR FROM ANY CLAIMS, DEMANDS OR CHARGES THAT MAY BE BROUGHT BY IT WITH RESPECT TO THE FOLLOWING ENVIRONMENTAL LAWS - THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT ("CERCLA"), THE SUPERFUND AMENDMENT AND REAUTHORIZATION ACT, THE RESOURCE CONSERVATION RECOVERY ACT, THE FEDERAL WATER POLLUTION CONTROL ACT, THE FEDERAL ENVIRONMENTAL PESTICIDES ACT, THE CLEAN WATER ACT, THE CLEAN AIR ACT, THE TEXAS NATURAL RESOURCES CODE, THE TEXAS WATER CODE, THE TEXAS SOLID WASTE DISPOSAL ACT, THE TEXAS HAZARDOUS SUBSTANCES SPILL PREVENTION AND CONTROL ACT, ANY SO CALLED FEDERAL, STATE OR LOCAL "SUPERFUND" OR "SUPERLIEN" STATUTE, OR ANY OTHER STATUTE, LAW, ORDINANCE, CODE, RULE, REGULATION, ORDER OR DECREE REGULATING, RELATING TO OR IMPOSING LIABILITY (INCLUDING STRICT LIABILITY) OR STANDARDS OF CONDUCT CONCERNING ANY HAZARDOUS SUBSTANCES (COLLECTIVELY, THE "ENVIRONMENTAL LAWS"). FOR PURPOSES OF THIS INSTRUMENT, THE TERM "HAZARDOUS SUBSTANCES" SHALL MEAN AND INCLUDE THOSE ELEMENTS OR COMPOUNDS WHICH ARE CONTAINED ON THE LIST OF HAZARDOUS SUBSTANCES ADOPTED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE LIST OF TOXIC POLLUTANTS DESIGNATED BY

CONGRESS OR THE ENVIRONMENTAL PROTECTION AGENCY OR UNDER ANY ENVIRONMENTAL LAWS. (49 CFR 172.101 AND 40 CFR PART 301) AND AMENDMENTS THERETO OR ANY SUBSTANCES, MATERIALS OR WASTES WHICH ARE OR BECOME REGULATED UNDER ANY APPLICABLE ENVIRONMENTAL LAW, INCLUDING, WITHOUT LIMITATION, ANY MATERIAL, WASTE, OR SUBSTANCE WHICH IS (i) PETROLEUM, (ii) ASBESTOS, (iii) POLYCHLORINATED BIPHENYLS, (iv) DESIGNATED AS A "HAZARDOUS SUBSTANCE" UNDER SECTION 331 OF THE CLEAN WATER ACT OR LISTED PURSUANT TO SECTION 307 OF THE CLEAN WATER ACT OR (v) DEFINED AS A "HAZARDOUS WASTE" PURSUANT TO SECTION 101 OF CERCLA.

GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT: (i) GRANTEE HAS BEEN GIVEN FREE AND FULL OPPORTUNITY TO INSPECT THE PROPERTY; (ii) GRANTEE IS A SOPHISTICATED BUYER OF REAL PROPERTY, (iii) GRANTEE WILL BE PURCHASING THE PROPERTY PURSUANT TO ITS INDEPENDENT EXAMINATION, STUDY, INSPECTION AND KNOWLEDGE OF THE PROPERTY; (iv) GRANTEE IS RELYING UPON ITS OWN DETERMINATION OF THE VALUE OF THE PROPERTY AND USES TO WHICH THE PROPERTY MAY BE PUT, AND NOT ON ANY INFORMATION PROVIDED OR TO BE PROVIDED BY GRANTOR OR ITS AGENTS; AND (v) THE PURCHASE PRICE REFLECTS THE "AS IS" NATURE OF THIS INTENDED TRANSACTION. GRANTEE SPECIFICALLY ACKNOWLEDGES AND AGREES THAT, EXCEPT AS OTHERWISE SPECIFICALLY SET FORTH IN THE GRANTOR REPRESENTATIONS AND WARRANTIES, GRANTOR IS SELLING THE PROPERTY AND GRANTEE IS PURCHASING THE PROPERTY ON AN "AS IS", "WHERE IS" AND "WITH ALL FAULTS" BASIS.

TO HAVE AND TO HOLD the Land, subject to the Mineral Reservation and the Permitted Exceptions, unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT and FOREVER DEFEND, all and singular the Land unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, but subject, however, to the Mineral Reservation and the Permitted Exceptions.

Ad valorem taxes for the current year have been prorated as of the Effective Date of this instrument.

First Lien Lender, at Grantee's request, has paid in cash to Grantor that certain portion of the purchase price of the Property as is evidenced by the above referenced First Lien Note. It is expressly agreed and stipulated that a first and superior vendor's lien against and superior title (to the extent of the portion of the First Lien Note advanced for the purchase of the Property), is hereby retained by Grantor against the Property for the benefit of First Lien Lender until the above-described First Lien Note, and all interest accruing thereon, have been fully paid in accordance with their terms. Grantor does hereby TRANSFER, ASSIGN and CONVEY unto First Lien Lender said vendor's lien and superior title to the Property, WITHOUT RECOURSE against Grantor. Upon the full and complete payment of the First Lien Note and satisfaction and performance of all covenants, conditions, obligations and liabilities under the First Lien Deed of Trust, then this conveyance shall

become absolute and the vendor's lien and superior title herein reserved shall be automatically released and discharged.

In addition, Second Lien Lender, at Grantee's request, has paid in cash to Grantor that certain portion of the purchase price of the Property as is evidenced by the above referenced Second Lien Note. It is expressly agreed and stipulated that a subordinate vendor's lien (to the extent of the portion of the Second Lien Note advanced for the purchase of the Property), is hereby retained by Grantor against the Property for the benefit of Second Lien Lender until the above-described Second Lien Note, and all interest accruing thereon, have been fully paid in accordance with their terms. Grantor does hereby TRANSFER, ASSIGN and CONVEY unto Second Lien Lender said vendor's lien, WITHOUT RECOURSE against Grantor. Upon the full and complete payment of the Second Lien Note and satisfaction and performance of all covenants, conditions, obligations and liabilities under the Second Lien Deed of Trust, then this conveyance shall become absolute and the vendor's lien and superior title herein reserved shall be automatically released and discharged.

(Signature page follows)

EXECUTED effective as of this 16th day of September, 2021 (the "Effective Date").

GRANTOR:

P & H FAMILY LIMITED PARTNERSHIP NO. 1
a Texas limited partnership

By: Pathar No. 1, L.L.C.
Its: General Partner

By: Hardy E. Thompson III
Name: Hardy E. Thompson, III
Title: President

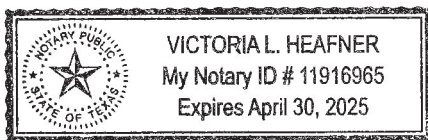
GRANTEE:

HARDY T LAND, LLC
a Texas limited liability company

By: [Signature]
Name: Steve G. Harren
Title: Manager

THE STATE OF TEXAS §
COUNTY OF Hays §

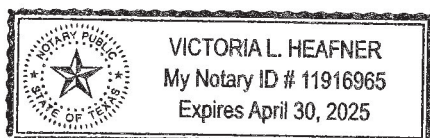
This instrument was acknowledged before me on the 16th day of September, 2021, by Hardy E. Thompson, III, in his capacity as President of Pathar No. 1, L.L.C., a Texas limited liability company, general partner to P & H Family Limited Partnership No. 1, a Texas limited partnership, for and on behalf of said limited partnership.



[Signature]
Notary Public in and for the State of Texas

THE STATE OF TEXAS §
COUNTY OF Hays §

This instrument was acknowledged before me on the 16th day of September, 2021, by Steve G. Harren, in his/her capacity as Manager of Hardy T Land, LLC, a Texas limited liability company, for and on behalf of said limited liability company.



[Signature]
Notary Public, State of Texas

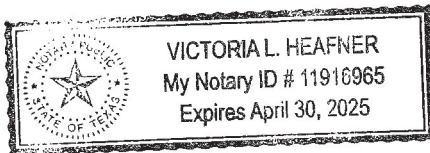
The following individuals join in the execution of this Special Warranty Deed to reflect the relinquishment of their homestead rights, if any, in and to the Property.

Hardy E. Thompson III
Hardy E. Thompson, III

Susan S. Thompson
Susan S. Thompson

THE STATE OF TEXAS §
 §
COUNTY OF Hays §

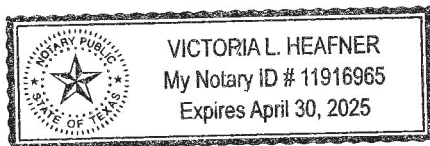
This instrument was acknowledged before me on the 16th day of September, 2021 by Hardy E. Thompson, III.



[Signature]
Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF Hays §

This instrument was acknowledged before me on the 16th day of September, 2021 by Susan S. Thompson.



[Signature]
Notary Public, State of Texas

After recording, please return to:
GF No. 20-4146-D
Attn: Vicki Heafner
Corridor Title Company
171 Benney Lane, Bldg. 1
Dripping Springs, Texas 78620

EXHIBIT A**LEGAL DESCRIPTION OF THE LAND**

Tract 1: Being 78.021 acres of land, more or less, out of the B. F. HANNA LEAGUE, in Hays County, Texas, being a portion of that certain 79.61 acre tract conveyed in Deed recorded in Volume 1733, Page 755, Official Public Records, Hays County, Texas. Said 78-021 acre tract being more particularly described by metes and bounds in **Exhibit "A-1"** attached hereto and made a part hereof.

Tract 2: A one-half undivided interest in and to that certain 3.706 acres of land, more or less, out of the B.F. HANNA LEAGUE, in Hays County, Texas, being all of a called 4.25 acre tract conveyed to P & H Family Limited Partnership No. 1 in Exhibit C by deed of record in Volume 1733, Page 755, Official Public Records, Hays County, Texas. Said 3.706 acre tract being more particularly described by metes and bounds in **Exhibit "A-2"** attached hereto and made a part hereof.

Tract 3: A one-half undivided interest in and to that certain 1.507 acre tract of land, more or less, out of the BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, in Hays County, Texas, being a portion of a called 79.61 acre tract conveyed to P & H Family Limited Partnership No. 1 as Tract A by Deed of record in Volume 1733, Page 755, Official Public Records, Hays County, Texas. Said 1.507 acre tract being more particularly described by metes and bounds in **Exhibit "A-3"** attached hereto and made a part hereof.

Tract 4: Being all of Grantor's right, title and interest in and to that certain non-exclusive easement for ingress and egress sixty (60) feet in width, lying south of and adjacent to the northern boundary of that certain 79.39-acre tract being out of and a part of quarter section No. 15. of the B. F. HANNA LEAGUE and a portion of the A. J. Holford Survey, in Hays County, Texas, said 79.39 acre-tract being more particularly described on Exhibit B to that certain Special Warranty Deed dated October 23, 2000 recorded at Document No. 00025537, Volume 1733, Page 748 in the Official Public Records of Hays County, Texas (the "FLP 2 Tract"); said easement over the FLP 2 Tract being created and described as Item #4 in that Special Warranty Deed dated October 23, 2000, executed by Hardy E. Thompson, Jr. and Patty King Thompson, to P & H Family Limited Partnership No. 1, a Texas limited partnership, recorded in Volume 1733, Page 755, Official Public Records, Hays County, Texas.

Tract 5: Being all of Grantor's right, title and interest in and to a one-half undivided interest in any other easements of ingress and egress appurtenant to Tract 1 or to the FLP 2 Tract, as described as Item #3 in that Special Warranty Deed dated October 23, 2000, executed by Hardy E. Thompson, Jr. and Patty King Thompson, to P & H Family Limited Partnership No. 1, a Texas limited partnership, recorded in Volume 1733, Page 755, Official Public Records, Hays County, Texas.

EXHIBIT A-1

METES AND BOUNDS DESCRIPTION AND SURVEY PLAT OF TRACT 1

[SEE ATTACHED]

EXHIBIT A-1

78.021 ACRES
BUNKER RANCH
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065
MARCH 4, 2021

LEGAL DESCRIPTION

BEING A 78.021 ACRE TRACT OF LAND (INCLUDING A 60 SQUARE FOOT AREA IN CONFLICT) OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 79.61 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 AS TRACT A BY DEED OF RECORD IN VOLUME 1733, PAGE 755, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 78.021 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a ½ inch iron rod with "CEC" cap set at the northeast corner of the remainder of said 79.61 acre tract, being an interior "ell" corner of a called 4.25 acre tract described in Exhibit C of said deed recorded in Volume 1733, Page 755, O.P.R.H.C.T.;

THENCE, along the common line of said remainder of 79.61 acre tract and of said 4.25 acre tract, S00°25'57"W, a distanced of 60.03 feet to a ½ inch iron rod with "CEC" cap set for the easterly common corner of said 78.021 acre tract and of said remainder of 79.61 acre tract and the **POINT OF BEGINNING**, hereof.

THENCE, along the common line of said 78.021 acre tract and partially of said 4.25 acre tract and then partially of a called 44.123 acre tract conveyed to the Elry and Barbara Hudson Living Trust by deed of record in Volume 2851, Page 80, O.P.R.H.C.T., S00°25'57"W, passing at distance of 39.91 feet, a ½ inch iron rod found at the westerly common corner of said 4.25 acre tract and of said 44.123 acre tract, continuing for a total distance of 652.82 feet to a ½ inch iron rod found at the westerly common corner of said 44.123 acre tract and of Bunker Ranch Phase 2, a subdivision of record in Document No. 20017197, O.P.R.H.C.T.;

THENCE, along the common line of said 78.021 acre tract and partially of said Bunker Ranch Phase 2 and then partially of the remainder of a called 111.67 acre tract conveyed to Bunker Ranch, LLC by deed of record in Document No. 16020931, O.P.R.H.C.T., S00°21'25"W, passing at 629.14 feet, a ½ inch iron rod with "CEC" cap set at the westerly common corner of said Bunker Ranch Phase 2 and the said remainder of 111.67 acre tract, continuing for a total distance of 2,259.99 feet to a ½ inch iron rod found at the westerly common corner of said remainder of 111.67 acre tract of a called 18.250 acre tract conveyed to The Overlook at Bunker Ranch, LLC by deed of record in Document No. 20061246, O.P.R.H.C.T.;

THENCE, bounding the area of conflict, the following two (2) courses and distances:

1. S05°53'31"E, a distance of 10.82 feet to a found ½ inch iron rod;
2. S86°15'32"W, a distance of 5.94 feet to an 8 inch cedar fence post found at the northerly common corner of said 18.250 acre tract and of a called 603.70 acre tract conveyed to Anna Marie Widen Speir, et al, by deed of record in Volume 1734, Page 427, O.P.R.H.C.T.;

THENCE, along the common line of said 78.021 acre tract and of said 603.70 acre tract, S88°42'30"W, a distance of 1,237.34 feet to a ½ inch iron rod with "CEC" cap set at the southerly common corner of said 78.021 acre tract and of a called 79.39 acre tract conveyed to P & H Family Limited Partnership No. 2 by deed of record in Volume 1733, Page 748, O.P.R.H.C.T.;

78.021 ACRES
BUNKER RANCH
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065
MARCH 4, 2021

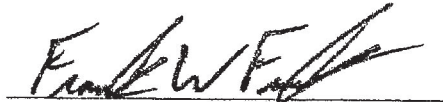
THENCE, along the common line of said 78.021 acre tract and of said 79.39 acre tract, the following three (3) courses and distances:

1. N18°14'48"E, a distance of 881.92 feet to a found ½ inch iron rod;
2. N19°44'58"W, a distance of 1,048.36 feet to a found 8 inch cedar fence post;
3. N12°13'46"E, a distance of 1,128.80 feet to a ½ inch iron rod set at the westerly common corner of said 78.021 acre tract and said remainder of 79.61 acre tract;

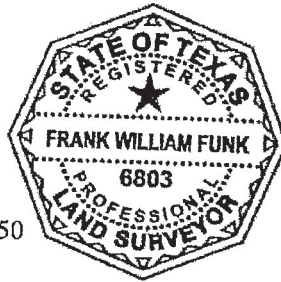
THENCE, along the common line of said 78.021 acre tract and of said remainder of 79.61 acre tract, N88°43'55"E, 1,100.12 feet to the **POINT OF BEGINNING**, and containing 78.021 acres (3,398,613 square feet) of land, more or less.

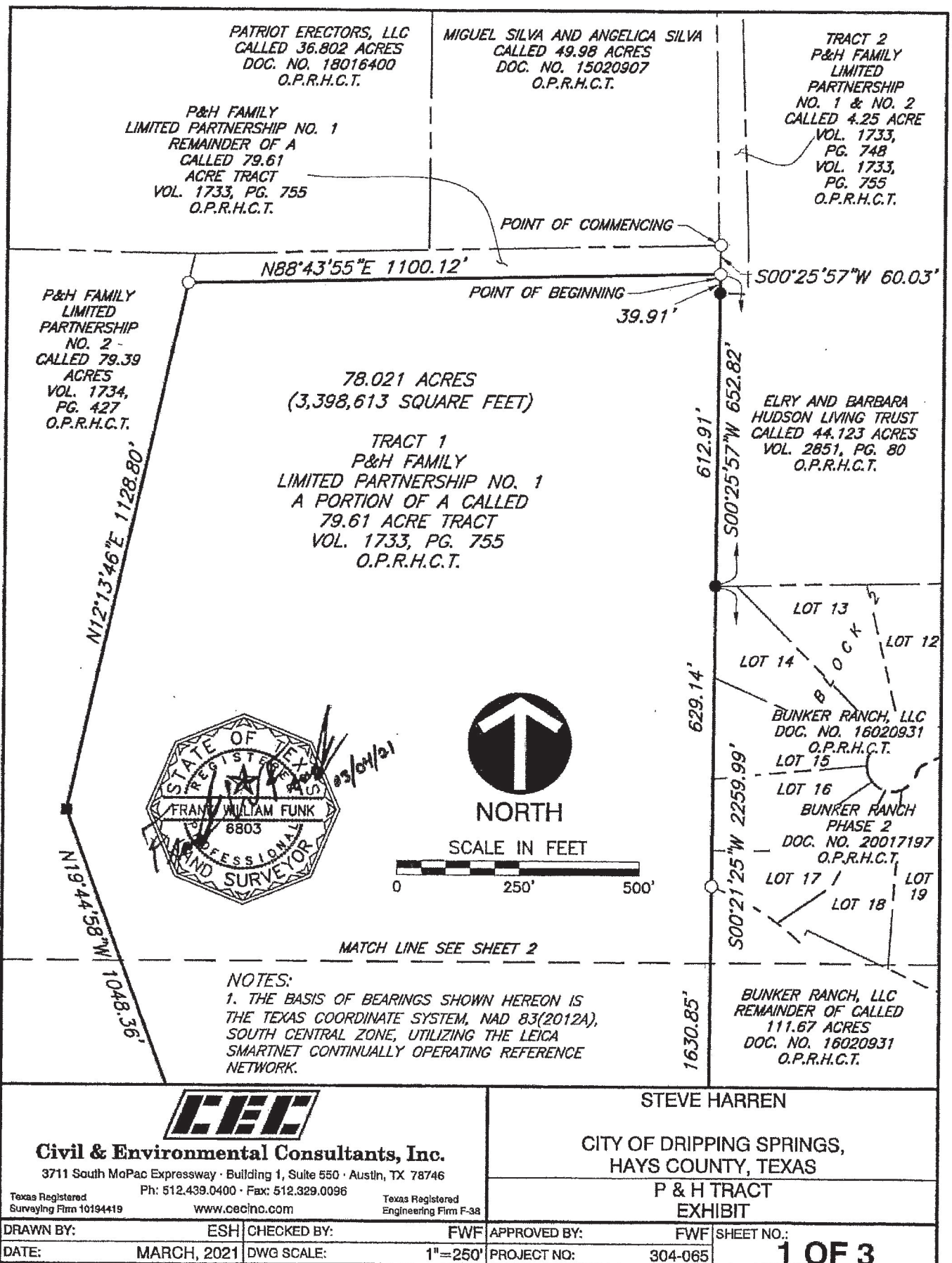
THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

Witness my hand and seal this 4th day of March, 2021.

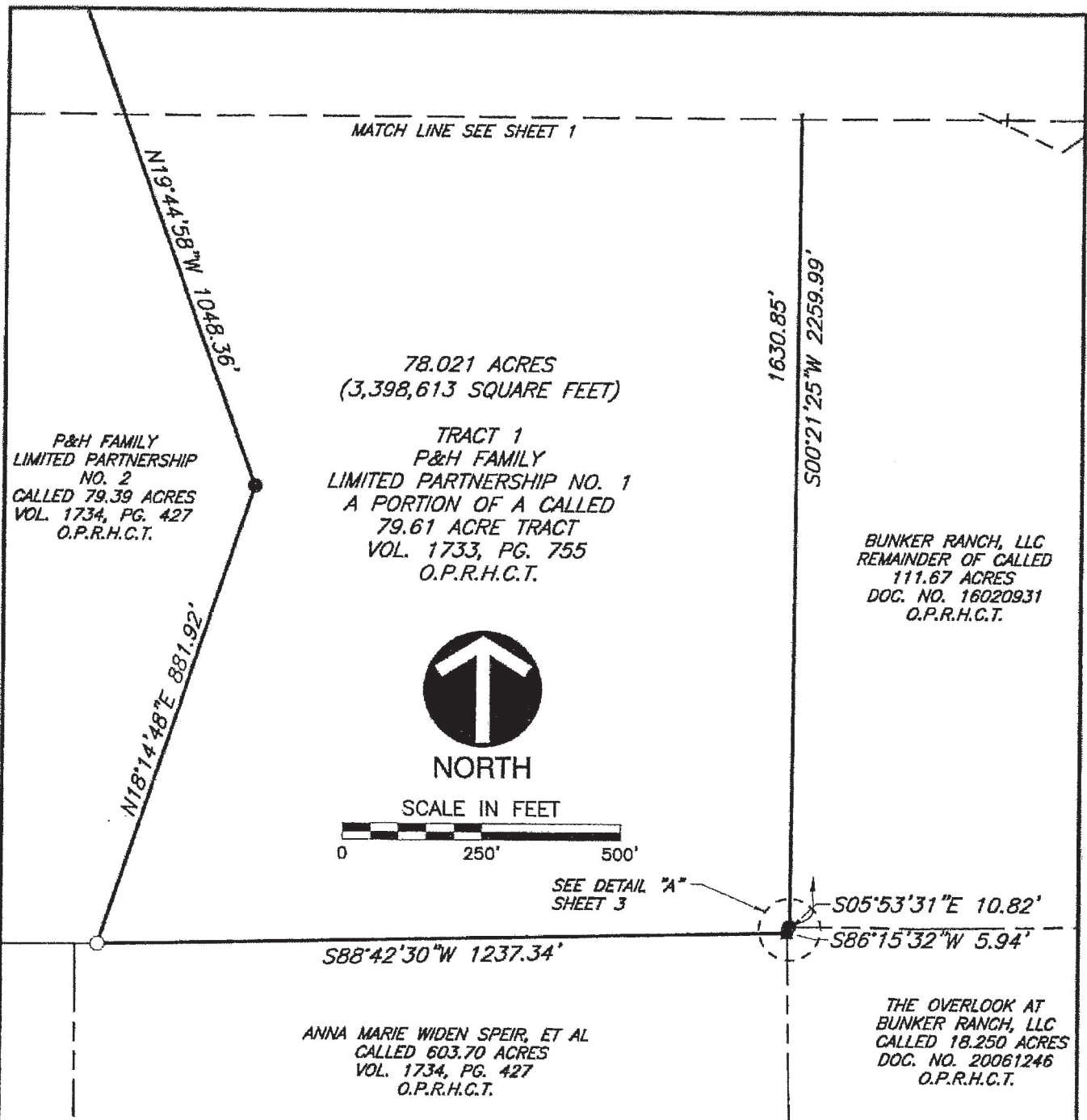


Frank William Funk, R.P.L.S. 6803
Civil & Environmental Consultants, Inc.
3711 S. MoPac Expressway, Building 1, Suite 550
Austin, TX 78746
Texas Registered Surveying Firm No. 10194419





P:\300-000\304-065\Survey\Draw\304-065-SVD1 P AND H EXHIBIT.dwg[EXHIBIT SHEET 1 OF 3] LS:03/04/2021 -- ehopkin) -- LP: 3/14/2021 9:44 AM



NOTES:

1. THE BASIS OF BEARINGS SHOWN HEREON IS THE TEXAS COORDINATE SYSTEM, NAD 83(2012A), SOUTH CENTRAL ZONE, UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.



Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746

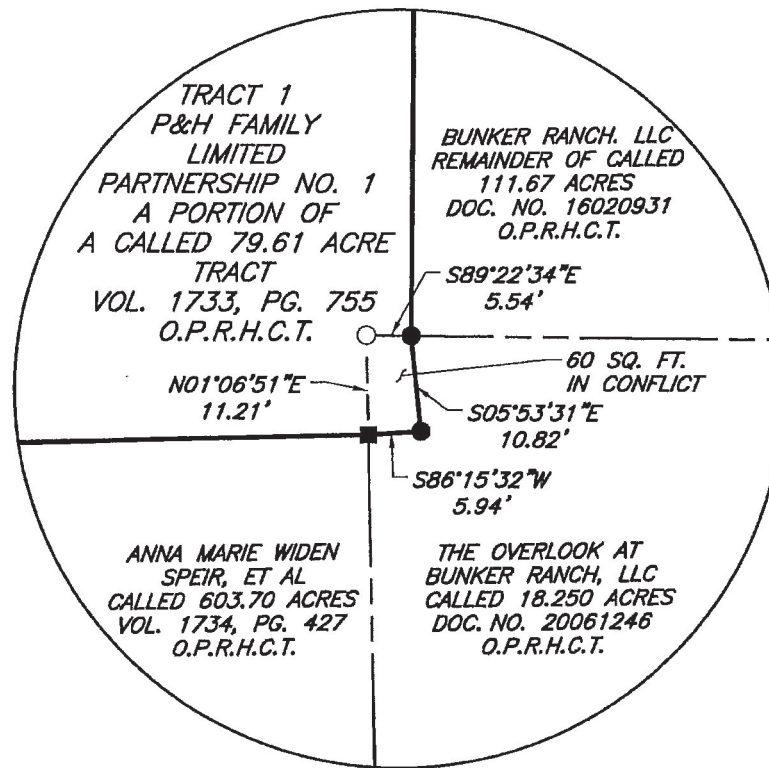
Texas Registered
Surveying Firm 10194419Ph: 512.439.0400 - Fax: 512.329.0096
www.cecinc.comTexas Registered
Engineering Firm F-38

STEVE HARREN

CITY OF DRIPPING SPRINGS,
HAYS COUNTY, TEXASP & H TRACT
EXHIBIT

DRAWN BY:	ESH	CHECKED BY:	FWF	APPROVED BY:	FWF	SHEET NO.:
DATE:	MARCH, 2021	DWG SCALE:	1"=250'	PROJECT NO:	304-065	2 OF 3

P:\300-000\304-065-Survey\Draw\304-065-SV01 P AND H EXHIBIT.dwg[EXHIBIT SHEET 2 OF 3] LS:(03/04/2021 - ehoplsh) -- LP: 3/14/2021 9:44 AM



DETAIL "A"
SCALE 1" = 20'

LEGEND:

- 1/2" IRON ROD FOUND
- FENCE POST FOUND
- 1/2" IRON ROD SET W/ "CEC" CAP
- SUBJECT PROPERTY LINE
- - - - - ADJACENT PROPERTY LINE
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- DOC. NO. DOCUMENT NUMBER
- VOL. VOLUME
- PG. PAGE



Civil & Environmental Consultants, Inc.

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www.cecinc.com

Texas Registered
Engineering Firm F-38

STEVE HARREN

CITY OF DRIPPING SPRINGS,
HAYS COUNTY, TEXAS

P & H TRACT
EXHIBIT

DRAWN BY: ESH	CHECKED BY: FWF	APPROVED BY: FWF	SHEET NO.:
DATE: MARCH, 2021	DWG SCALE: 1"=250'	PROJECT NO: 304-065	3 OF 3

EXHIBIT A-2

METES AND BOUNDS DESCRIPTION AND SURVEY PLAT OF TRACT 2

[SEE ATTACHED]

EXHIBIT A-2

3.706 ACRES
BUNKER RANCH
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065
APRIL 29, 2021

LEGAL DESCRIPTION

BEING A 3.706 ACRE TRACT OF LAND OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING ALL OF A CALLED 4.25 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 IN EXHIBIT C BY DEED OF RECORD IN VOLUME 1733, PAGE 755, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 3.706 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a ½ inch iron rod with "CEC" cap set at an interior "ell" corner of said 3.706 acre tract, being the northeast corner of a called 79.61 acre tract, being described in Exhibit A of said deed recorded in Volume 1733, Page 755, O.P.R.H.C.T., for the **POINT OF BEGINNING**, hereof;

THENCE, along the common line of said 3.706 acre tract and of said 79.61 acre tract, S88°43'55"W, a distance of 3.37 feet to a found cotton spindle in a fence post at the southerly common corner of said 3.706 acre tract and of a called 49.98 acre tract conveyed to Miguel Silva and Angelica Silva by deed of record in Document No. 15020907, O.P.R.H.C.T.;

THENCE, along the common line of said 3.706 acre tract and of said 49.98 acre tract, generally following the fence, the following six (6) courses and distances:

1. N01°03'57"W, a distance of 453.05 feet to a calculated point;
2. N01°56'10"W, a distance of 547.42 feet to a calculated point;
3. N01°13'49"W, a distance of 182.02 feet to a calculated point;
4. N01°27'10"W, a distance of 445.20 feet to a calculated point;
5. N02°33'10"W, a distance of 563.42 feet to a calculated point;
6. N02°40'11"W, a distance of 802.30 feet to a ½ inch iron rod found in the southerly right-of-way line of U.S. Highway 290 at the northerly common corner of said 3.706 acre tract and of said 49.98 acre tract;

THENCE, along the common line of said 3.706 acre tract and of the southerly right-of-way line of U.S. Highway 290, N89°24'56"E, a distance of 60.00 feet to a ½ inch iron rod with "CEC" cap set at the northerly common corner of said 3.706 acre tract and of a called 18.340 acre tract conveyed to Nelda Kyle by deed of record in Volume 1264, Page 812, O.P.R.H.C.T.;

THENCE, along the common line of said 3.706 acre tract and partially of said 18.340 acre tract, and then partially of a called 44.123 acre tract conveyed to the Elry and Barbara Hudson Living Trust in Volume 2851, Page 80, O.P.R.H.C.T., S02°00'08"E, a distance of 2995.00 feet to a found ½ inch iron rod;

THENCE, along the common line of said 3.706 acre tract and of said 44.123 acre tract, the following two (2) courses and distances:

1. S00°49'45"W, a distance of 99.68 feet to a found ½ inch iron rod;

3.706 ACRES
BUNKER RANCH
DRIPPING SPRINGS, TX


PROJECT NO.: 304-065
APRIL 29, 2021

2. N89°00'40"W, a distance of 56.01' feet to a ½ inch iron rod found in the easterly line of said 79.61 acre tract found at the westerly common corner of said 3.706 acre tract and of said 44.123 acre tract;

THENCE, along the common line of said 3.706 acre tract and of said 79.61 acre tract, N00°25'57"E, a distance of 99.94 feet to the **POINT OF BEGINNING**, and containing 3.706 acres (161,454 square feet) of land, more or less.

THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

Witness my hand and seal this 29th day of April, 2021.


Frank William Funk, R.P.L.S. 6803
Civil & Environmental Consultants, Inc.
3711 S. MoPac Expressway, Building 1, Suite 550
Austin, TX 78746
Texas Registered Surveying Firm No. 10194419





NORTH

U.S. HIGHWAY 290 (R.O.W. VARIES)

BEARING BASIS:
TEXAS COORDINATE SYSTEM NSRS
2011(2012A), SOUTH CENTRAL
ZONE, UTILIZING THE LEICA
SMARTNET CONTINUALLY
OPERATING REFERENCE NETWORK.

MIGUEL SILVA AND
ANGELICA SILVA
CALLED 49.98 ACRES
DOC. NO. 15020907
O.P.R.H.C.T.

P&H FAMILY
LIMITED PARTNERSHIP
NO. 1 & NO. 2
CALLED 4.25 ACRE
VOL. 1733, PG. 748
VOL. 1733, PG. 755
O.P.R.H.C.T.

3.706 ACRES
(161,454 SQ. FT.)

SEE DETAIL "A"

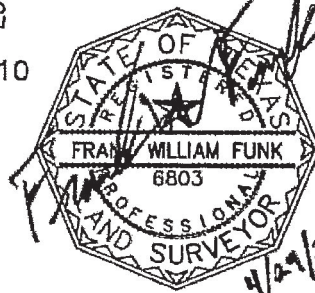
P&H FAMILY
LIMITED
PARTNERSHIP NO. 1
CALLED 79.61 ACRE
VOL. 1733, PG. 755
O.P.R.H.C.T.

SCALE IN FEET

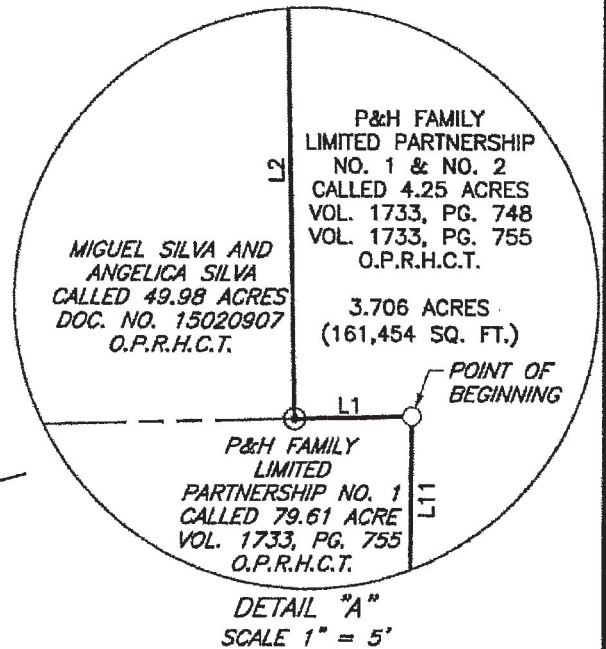


NELDA KYLE
CALLED 18.340
ACRES
VOL. 1264,
PG. 812
O.P.R.H.C.T.

ELRY AND BARBARA
HUDSON LIVING TRUST
CALLED 44.123 ACRES
VOL. 2851, PG. 80
O.P.R.H.C.T.

**LEGEND:**

- 1/2" IRON ROD FOUND
- ⊙ COTTON SPINDLE FOUND
- 1/2" IRON ROD SET
W/ "CEC" CAP
- △ CALCULATED POINT

**LINE TABLE**

LINE #	BEARING	DISTANCE
L1	S88°43'55"W	3.37'
L2	N01°03'57"W	453.05'
L3	N01°56'10"W	547.42'
L4	N01°13'49"W	182.02'
L5	N01°27'10"W	445.20'
L6	N02°33'10"W	563.42'
L7	N02°40'11"W	802.30'
L8	N89°24'56"E	60.00'
L9	S00°49'45"W	99.68'
L10	N89°00'40"W	56.01'
L11	N00°25'57"E	99.94'



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Texas Registered
Engineering Firm F-38

STEVE HARREN

CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

P&H TRACT
U.S. 290 ACCESS

DRAWN BY:	CEC	CHECKED BY:	FWF	APPROVED BY:	FWF	SHEET NO.:
DATE:	APRIL, 2021	DWG SCALE:	1"=500'	PROJECT NO:	304-065	1 OF 1

P:\300-000\304-065-Survey\Draw\304-065-S101 P&H Tract 2 Boundary.dwg[LAYOUT1] LS:(4/29/2021 - funk) - LP: 4/29/2021 6:14 PM

EXHIBIT A-3

METES AND BOUNDS DESCRIPTION AND SURVEY PLAT OF TRACT 3

[SEE ATTACHED]

EXHIBIT A-3

1.507 ACRES
BUNKER RANCH
DRIPPING SPRINGS, TX

PROJECT NO.: 304-065
APRIL 29, 2021

LEGAL DESCRIPTION

BEING A 1.507 ACRE TRACT OF LAND OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 79.61 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 AS TRACT A BY DEED OF RECORD IN VOLUME 1733, PAGE 755, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 1.507 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a ½ inch iron rod with "CEC" cap set at the northeast corner of the said 79.61 acre tract, being an interior "ell" corner of a called 4.25 acre tract described in Exhibit C of said deed recorded in Volume 1733, Page 755, O.P.R.H.C.T., for the **POINT OF BEGINNING** hereof;

THENCE, along the common line of said 1.507 acre tract and of said 4.25 acre tract, S00°25'57"W, a distance of 60.03 feet to a ½ inch iron rod with "CEC" cap set at the easterly common corner of said 1.507 acre tract and the remainder of said 79.61 acre tract;

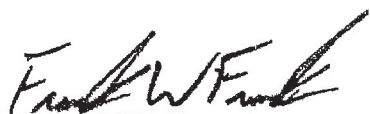
THENCE, along the common line of said 1.507 acre tract and of said remainder of 79.61 acre tract, S88°43'55"W, 1,100.12 feet to a ½ inch iron rod with "CEC" cap set in the common line of said 79.61 acre tract and of a called 79.39 acre tract conveyed to P&H Family Limited Partnership No. 2 by deed of record in Volume 1733, Page 748, O.P.R.H.C.T., at the westerly common corner of said 1.507 acre tract and of the remainder of said 79.61 acre tract;

THENCE, along the common line of said 1.507 acre tract and of said 79.39 acre tract, N12°13'46"E, a distance of 61.70 feet to a ½ inch iron rod found in the southerly line of a called 36.802 acre tract conveyed to Patriot Erectors, LLC by deed of record in Document No. 18016400, O.P.R.H.C.T., at the northerly common corner of said 1.507 acre tract and of said 79.39 acre tract;

THENCE, along the common line of said 1.507 acre tract and partially of said 36.802 acre tract, and then partially of a called 49.98 acre tract conveyed to Miguel Silva and Angelica Silva by deed of record in Document No. 15020907, O.P.R.H.C.T., and then partially of said 4.25 acre tract, N88°43'55"E, passing at a distance of 1,084.13, a found cotton spindle in a fence post at the southerly common corner of said 49.98 acre tract and of said 4.25 acre tract, continuing for a total distance of 1,087.50 feet to the **POINT OF BEGINNING**, and containing 1.507 acres (65,628 square feet) of land, more or less.

THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

Witness my hand and seal this 29th day of April, 2021.



Frank William Funk, R.P.L.S. 6803
Civil & Environmental Consultants, Inc.
3711 S. MoPac Expressway, Building 1, Suite 550
Austin, TX 78746
Texas Registered Surveying Firm No. 10194419





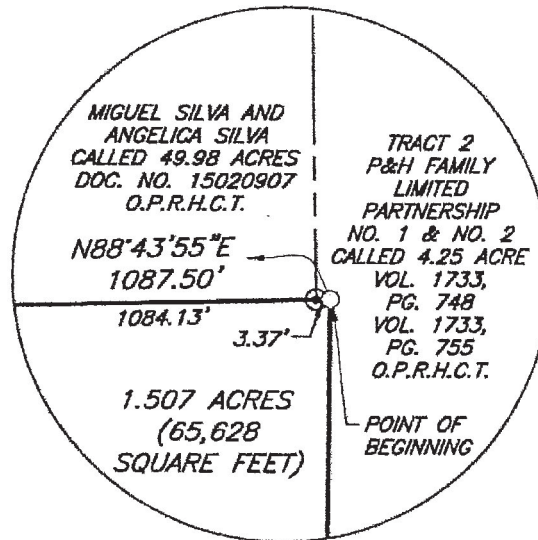
NORTH

SCALE IN FEET

0 250' 500'

LEGEND:

- 1/2" IRON ROD FOUND
- ⊙ COTTON SPINDLE FOUND
- 1/2" IRON ROD SET W/ "CEC" CAP

DETAIL "A"
SCALE 1" = 40'

PATRIOT ERECTORS, LLC CALLED
36.802 ACRES
DOC. NO. 18016400
O.P.R.H.C.T.

MIGUEL SILVA AND ANGELICA SILVA
CALLED 49.98 ACRES
DOC. NO. 15020907
O.P.R.H.C.T.

TRACT 2
P&H FAMILY
LIMITED
PARTNERSHIP
NO. 1 & NO. 2
CALLED 4.25 ACRE
VOL. 1733,
PG. 748
VOL. 1733,
PG. 755
O.P.R.H.C.T.

P&H FAMILY
LIMITED
PARTNERSHIP
NO. 2
CALLED 79.39
ACRES
VOL. 1733,
PG. 748
O.P.R.H.C.T.

TRACT 1
P&H FAMILY
LIMITED PARTNERSHIP NO. 1
A REMAINDER OF A CALLED 79.61
ACRE TRACT
VOL. 1733, PG. 755 O.P.R.H.C.T.

1.507 ACRES
(65,628 SQUARE FEET)

TRACT 3
P&H FAMILY
LIMITED PARTNERSHIP NO. 1
PORTION OF A
CALLED 79.61
ACRE TRACT
VOL. 1733, PG. 755
O.P.R.H.C.T.

ELRY AND BARBARA
HUDSON LIVING TRUST
CALLED 44.123 ACRES
VOL. 2851, PG. 80
O.P.R.H.C.T.

THE BASIS OF BEARINGS SHOWN HEREON IS THE
TEXAS COORDINATE SYSTEM, NSRS 2011 (2012A),
SOUTH CENTRAL ZONE, UTILIZING THE LEICA
SMARTNET CONTINUALLY OPERATING REFERENCE
NETWORK.

SEE DETAIL "A"

POINT OF BEGINNING
S00°25'57"W 60.03'

N88°43'55"E 1087.50'

N12°13'46"E 61.70'

S88°43'55"W 1100.12'

**Civil & Environmental Consultants, Inc.**

3711 South MoPac Expressway · Building 1, Suite 550 · Austin, TX 78746

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www.cecinc.com

Texas Registered
Engineering Firm F-38

STEVE HARREN

CITY OF DRIPPING SPRINGS,
HAYS COUNTY, TEXASP & H TRACT 3
EXHIBIT

DRAWN BY:	ESH	CHECKED BY:	FWF	APPROVED BY:	FWF	SHEET NO.:
DATE:	APRIL, 2021	DWG SCALE:	1"=250'	PROJECT NO:	304-065	1 OF 1

P:\300-000\304-065-SU01 P AND H NORTHERN REMAINDER EXHIBIT.dwg\EXHIBIT SHEET 1 OF 1\LS(04/20/2021 - ehokin) - LP: 4/29/2021 6:10 PM

EXHIBIT B

Permitted Exceptions

1. Easement granted to Southwestern Bell Telephone Company, dated July 12, 1937, recorded in Volume 115, Page 86, of the Deed Records of Hays County, Texas (Tract 2).
2. Easement granted to Dripping Springs Water Supply Corporation, dated December 18, 2002, recorded in Volume 3228, Page 542, of the Official Public Records of Hays County, Texas (Tracts 1 and 3).
3. Non-exclusive ingress and egress easement set out in Special Warranty Deed recorded in Volume 1733, Page 748, Official Public Records, Hays County, Texas (Tract 3).
4. Rights and claims of cotenants in the land and to the rights of anyone claiming under them including, but not limited to, rights of partition, claims for improvements, claims for reimbursement, owelty of partition, and agreements between co-tenants (Tracts 2 and 3).
5. Easement granted to Pedernales Electric Cooperative, Inc. pursuant to Condemnation Proceedings filed May 19, 1953, under Cause No. 1648, in the County Court of Hays County, Texas and file of record in Document No. 21022398 of the Official Public Records of Hays County, Texas and as affected by Amendment recorded in Volume 1983, Page 576, of the Official Public Records of Hays County, Texas (Tract 1).
6. Easement granted to Dripping Springs Water Supply Corporation, dated December 4, 2003, recorded in Volume 3228, Page 534, of the Official Public Records of Hays County, Texas (Tract 2).
7. Affidavit to the public regarding a non-standard and/or proprietary on-site sewage facility installed on subject property, as recorded in Document No. 18037775, of the Official Public Records of Hays County, Texas. (Tract 4)
8. An approximately 60 square foot area located at the southeast corner of the Land in conflict with description of 18.250 acre tract in deed to The Overlook at Bunker Ranch, LLC recorded at Clerk's File No. 20061246, of the Official Public Records of Hays County, Texas.

**THE STATE OF TEXAS
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Hays County, Texas.

21051171 DEED
09/17/2021 09:07:15 AM Total Fees: \$110.00

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas



Exhibit C



VICINITY MAP

OWNER/TEAM INFORMATION

CIVIL ENGINEER
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
317 CHANCE LANE #240
AUSTIN, TX 78746
CONTACT: BRIAN ESTES, PE

LAND SURVEYOR
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
317 CHANCE LANE #240
AUSTIN, TX 78746
CONTACT: STANLEY SMITH, MGRS, R.F.L.S.

SUMMARY

FULL PURPOSE CITY LIMITS
ZONING: SF-2

AREAS

LOTS (73) 80.80%
ROW 9.02 AC, 11.82%
TOTAL = 79.82 AC

IMPERVIOUS COVER

CONCRETE = 182,898 S.F.
SIDEWALK = 66,493 S.F.
ASSUMED IC REPRESENTATIONAL LOT = 5,500 S.F.
IMPERVIOUS COVER TOTAL = 865,919 S.F.
TOTAL AREA = 79.82 AC
TOTAL AREA = 2,624,742 S.F.
PROPOSED IMPERVIOUS COVER = 26.07%
MAX. ALLOWED IMPERVIOUS COVER = 40%

LOT COUNT

NUMBER OF LOTS = 73
BACK = 20
TOTAL = 614 AC

PLAT NOTES

- ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THESE PLANS. THE CITY MUST REVIEW THE ACCURACY OF THE WORK OF THE DESIGN ENGINEER.
- ASSIGNED CITY ADDRESS NUMBERS SHALL BE PERMANENTLY AFFIXED TO ALL STRUCTURES IN SUCH POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET.
- NO PORTION OF THIS TRACT FALLS WITHIN FEMA 1% ANNUAL CHANCE FLOOD HAZARD AREA PER FEMA PANEL 460600808F DATED 02/20/05.
- WATER PROVIDER: DRIPPING SPRINGS WATER SUPPLY CORP.
- A PORTION OF THIS PROJECT IS LOCATED WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.
- THE JURISDICTIONAL AUTHORITY FOR ONSITE SEWAGE FACILITIES (OSS) FALLS UNDER THE TEXAS COMMISSION OF ENVIRONMENTAL QUALITY. THE AUTHORIZED AGENT IS THE CITY OF DRIPPING SPRINGS.
- THE HSA SHALL BE RESPONSIBLE FOR OPERATION AND MAINTENANCE OF STORMWATER FACILITIES.
- DRIPPING SPRINGS WATER SUPPLY CORPORATION WILL OWN AND OPERATE THE WATER FACILITIES AS PER NOTE 4.
- THE HSA SHALL BE THE OWNER AND OPERATOR OF ROADWAY FACILITIES.
- A WATER QUALITY BMP MAINTENANCE PLAN HAS BEEN PREPARED FOR THIS DEVELOPMENT AND IS ON FILE AT THE CITY HALL IN THE SITE DEVELOPMENT CASE # 820292-006.

APPROVED BY:

CITY ADMINISTRATOR

CITY ENGINEER

DRIPPING SPRINGS WATER SUPPLY CORPORATION

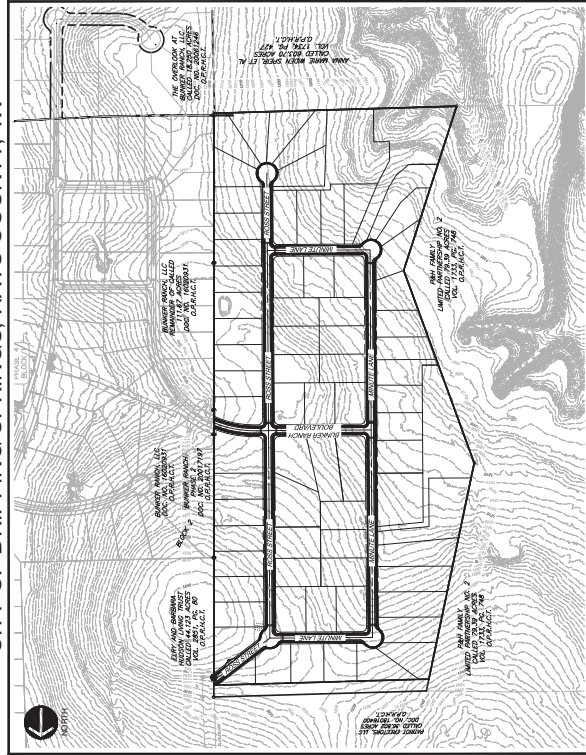
APPROVED BY:

HAYS COUNTY ESD #6

SITE PERMIT NUMBER

SUBDIVISION CONSTRUCTION DRAWINGS FOR HARDY T LAND

CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX



SITE MAP

SCALE: 1"=300'

LEGAL DESCRIPTION

BENGA 28.021 ACRE TRACT OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING ALL OF TRACT 1, CONVERTED TO HARDY T LAND, L.C.B.Y. 1997, BEING 28.021 ACRES, MORE OR LESS, AS SHOWN ON AN ACQUAINTANCE SURVEY, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.A.C.T.).

NOTES:

- OWNER WILL BE ABLE TO CONTINUE DEVELOPMENT PROCESS, SUCH AS ROADS, UTILITIES, AND SIDEWALKS, ON THE EXISTING BUNKER RANCH BOULEVARD STUB AT BUNKER RANCH PHASE 4 MUST BE COMPLETED PRIOR TO APPROVAL OF THE FINAL PLAT FOR HARDY T.
- CONNECTION TO THE EXISTING BUNKER RANCH BOULEVARD STUB AT BUNKER RANCH PHASE 4 MUST BE COMPLETED PRIOR TO APPROVAL OF THE FINAL PLAT FOR HARDY T.
- STREET TREES SHALL BE PLANTED IN EACH LOT PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY PER THE QUANTITY, SIZE AND LOCATION REQUIREMENTS OF SUBDIVISION ORDINANCE 2006.001.
- DEVELOPER WILL BUILD SIDEWALKS ADJACENT TO COMMON AREAS. HOME BUILDERS WILL BUILD SIDEWALKS ON RESIDENTIAL LOTS. DEVELOPER WILL BUILD SIDEWALKS PRIOR TO CONSTRUCTION.

SUBMITTED BY: BRIAN ESTES, PE



02/13/2024

I, CERTIFY THAT THESE ENGINEERING DOCUMENTS ARE COMPLETE, ACCURATE AND CORRECTLY REPRESENT THE DESIGN AND CONSTRUCTION OF THE PROJECT, BUT ARE NOT AUTHORIZED FOR CONSTRUCTION PRIOR TO FORMAL CITY APPROVAL.



!!! CAUTION !!!
IT IS THE ENGINEER'S RESPONSIBILITY TO ENSURE THAT ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY ARE CORRECTLY LOCATED AND DEPTHS ARE CORRECT. THE ENGINEER ASSUMES NO LIABILITY FOR ANY DISCREPANCIES.

Item # 17.

COVER SHEET

HARDY T LAND LLC
DRIPPING SPRINGS, HAYS COUNTY, TX

Civil & Environmental Consultants, Inc.
3711 South Meador Expressway, Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 Fax: 512.229.0096
www.civilandenv.com



REVISION RECORD

Sheet #	Description
01	COVER SHEET
02	GENERAL NOTES
03	PRELIMINARY PLAN
04	PRELIMINARY PLAN
05	EXISTING CONDITIONS
06	PROPOSED DRAINAGE AREA MAP
07	PROPOSED DRAINAGE AREA MAP
08	ROSS STREET NORTH (0+00 - 4+50)
09	ROSS STREET NORTH (4+50 - END)
10	ROSS STREET SOUTH (0+00 - 9+50)
11	ROSS STREET SOUTH (9+50 - END)
12	MINUTE LANE NORTH (0+00 - 5+50)
13	MINUTE LANE NORTH (5+50 - END)
14	MINUTE LANE SOUTH (0+00 - 9+50)
15	MINUTE LANE SOUTH (9+50 - END)
16	BUNKER RANCH BLVD. (0+00 - END)
17	GENERAL DETAILS 2
18	GENERAL DETAILS
19	OVERALL WATER PLAN
20	WATER LINE A P&P (0+00 - 3+50)
21	WATER LINE A P&P (3+50 - 14+50)
22	WATER LINE A P&P (14+50 - 21+50)
23	WATER LINE A P&P (21+50 - END)
24	WATER LINE B P&P (0+00 - 6+00)
25	WATER LINE B P&P (6+00 - 16+00)
26	WATER LINE B P&P (16+00 - 24+00)
27	WATER LINE B P&P (24+00 - END)
28	WATER LINE C P&P
29	UTILITY DETAILS
30	OVERALL STORM PLAN
31	STORM LINES A
32	STORM LINE A1 & A2
33	STORM B
34	STORM LINES B1 & B2
35	STORM LINE C
36	STORM LINE C1-C5
37	STORM LINES D
38	STORM LINE D2
39	STORM LINE E
40	STORM LINES E1-E2-E3
41	STORM LINE F
42	EAS CONTROL PLAN
43	DEFENTION POND A
44	DEFENTION POND B
45	DEFENTION POND C
46	WATER QUALITY POND B
47	WATER QUALITY POND C
48	SIGNING AND STRIPING PLAN
49	STRUCTURAL DETAILS

Exhibit D



DRIPPING SPRINGS
Texas

City of Dripping Springs

511 Mercer Street • PO Box 384 • Dripping Springs, TX 78620 • 512.858.4725
cityofdrippingsprings.com

Open spaces, friendly faces.

Date: **March 7, 2024**

Name: **Luis Garcia**
Company: **CEC**
Email: **lgarcia@cecinc.com**

Dear **Luis Garcia**:

CONDITIONAL APPROVAL

This letter is to inform you that case **SUB2023-0042 HARDY CONSTRUCTION PLANS** has received a conditional approval. **Each the following conditions must be addressed before the permit is approved.**

1. Final approval will be withheld until completion of the secondary access.
2. Provide copy of executed drainage easement.

Should you have any questions or concerns, please feel free to reach out to the planning department.

Regards,

Tory Carpenter, AICP
Planning Director
City of Dripping Springs

Exhibit E



DRIPPING SPRINGS
Texas

City of Dripping Springs

511 Mercer Street • PO Box 384 • Dripping Springs, TX 78620 • 512.858.4725
cityofdrippingsprings.com

Open spaces, friendly faces.

Date: **November 7, 2023**

Name: **Michael Theone**
Company: **Civil & Environmental Consultants, Inc.**
Email: **mtheone@cecinc.com**

Dear **Michael Theone**:

CONDITIONAL APPROVAL

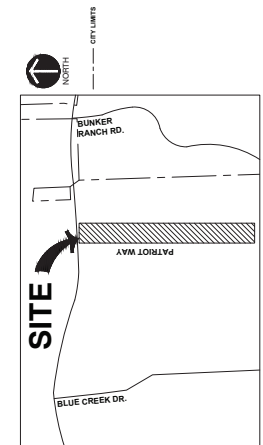
This letter is to inform you that the case **SD2022-0025 HARDY DRIVEWAY** has received a conditional approval. **Each the following conditions must be addressed before the permit is approved.**

1. Submit executed drainage easement document.
2. I do not see the level spreader details for the culvert discharge. Please add details or clarify location. The one detail reference 508S-13 is a standard headwall detail that will not fit the situation.
3. Confirm 100-yr flow is contained within the ROW. Provide an exhibit confirming the spread of the 100-yr is contained within the ROW.
4. Since this roadway is in the ETJ provide a signature block on the cover with approval by the County Transportation Department prior to submitting to the City for final approval and signatures.

Should you have any questions or concerns, please feel free to reach out to the planning department.

Regards,

Michelle Fischer
City Administrator
City of Dripping Springs



VICINITY MAP
SCALE: 1"=100'

OWNER/TEAM INFORMATION

CIVIL ENGINEER
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
3711 S. MOPAC EXPRESSWAY, BUILDING 1, SUITE 500
AUSTIN, TX 78746
PH: 512-432-0400
CONTACT: MICHAEL THEONE, PE

LAND SURVEYOR
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
3711 S. MOPAC EXPRESSWAY, BUILDING 1, SUITE 500
AUSTIN, TX 78746
CONTACT: STONEY SNACKS, RPS

OWNER/DEVELOPER
HARDY T LAND, LLC
317 GRACE LAKE #240
AUSTIN, TEXAS 78746

IMPERVIOUS COVER

IMPERVIOUS COVER TOTAL: 1.85 AC
TOTAL AREA: 2.05 AC
IMPERVIOUS COVER: 40.5%

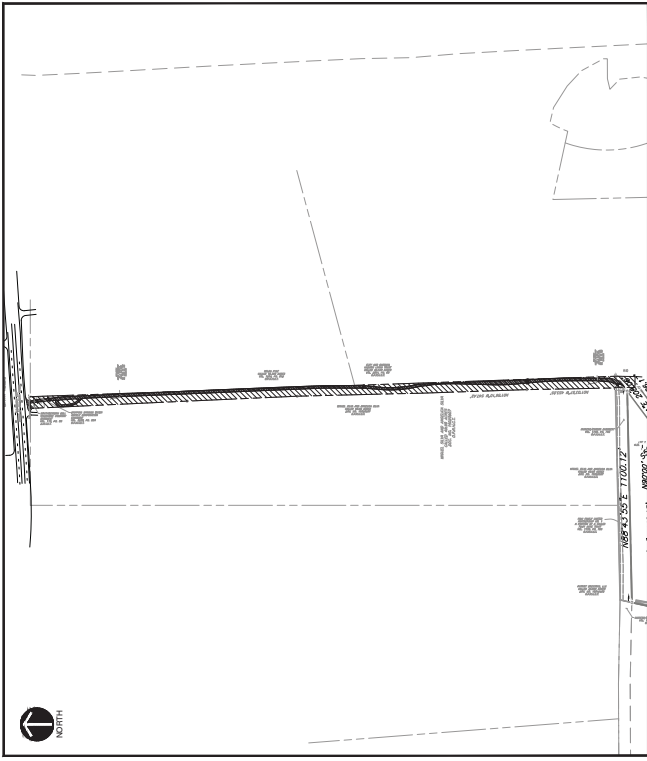
NOTES

ALL INFORMATION FOR ACCURACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. INFORMATION FROM PLANS, THE CITY OF DIPPING SPRINGS, TEXAS, AND ANY OTHER SOURCES OBTAINED BY THE DESIGN ENGINEER.
THIS SITE LIES WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.
C2P EAP ID NO. 150252-REGULATED ENTITY NO. RNT 190528
NO PORTION OF THIS SITE LIES WITHIN A FEMA FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) NO. 170671Z.
A WATER QUALITY MANAGEMENT PLAN (WQMP) HAS BEEN PREPARED FOR THIS DEVELOPMENT AND IS ON FILE AT CITY HALL & SITE DEVELOPMENT CENTER.
THE OWNER OF THE PROPERTY - HARDY T LAND, LLC - IS RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE STORMWATER UTILITIES WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.
THE EDWARDS AQUIFER IS TO BE UTILIZED IN THE CONSTRUCTION OF THIS ROADWAY FOR THE APPROVAL OF THE GEOTECHNICAL ENGINEER.

FLOOD STATEMENT:
THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN AS SHOWN BY THE FLOOD INSURANCE RATE MAP (FIRM) NO. 170671Z.
WATER-SHED INFORMATION:
ENTIRETY OF THE SITE LIES WITHIN EDWARDS AQUIFER CONTRIBUTING ZONE. SITE DEVELOPMENT PERMIT WILL REQUIRE A CONTRIBUTING ZONE PLAN (CZP) FROM TDC.

REVISIONS				CORRECTIONS			
NO.	DESCRIPTION	REVISED (R) / ADD (A) SHEET NO.	PLAN SET / SHEET TOTAL	NET IC CHANGE	SITE IC	% IC	APPROVED / DATE
NO.	DESCRIPTION	REVISED (R) / ADD (A) SHEET NO.	PLAN SET / SHEET TOTAL	NET IC CHANGE	SITE IC	% IC	APPROVED / DATE

HARDY T LAND, LLC HARDY DRIVEWAY CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX SITE DEVELOPMENT PLANS SUBMITTAL DATE: 8/10/2022



SITE MAP
SCALE: 1"=300'

LEGAL DESCRIPTION

A0222 BELUAM F HANNA SURVEY, ACRES 3.706

ADDRESS

2901 W HWY 290
DRIPPING SPRINGS, TX 78620

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF THE DRAINAGE OF AN EXISTING 14 FOOT WIDE PRIVATE DRAINAGE TO 36 FEET IN NORTH SPANNING APPROXIMATELY 500' LONG FEET.

SUBMITTED BY : MICHAEL A. THEONE

8/10/2022



I CERTIFY THAT THESE ENGINEERING DOCUMENTS ARE COMPLETE, ACCURATE AND ADEQUATE FOR THE INTENDED PURPOSES, AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE CONSTRUCTION OF THE PROJECT PRIOR TO FORMAL CITY APPROVAL.



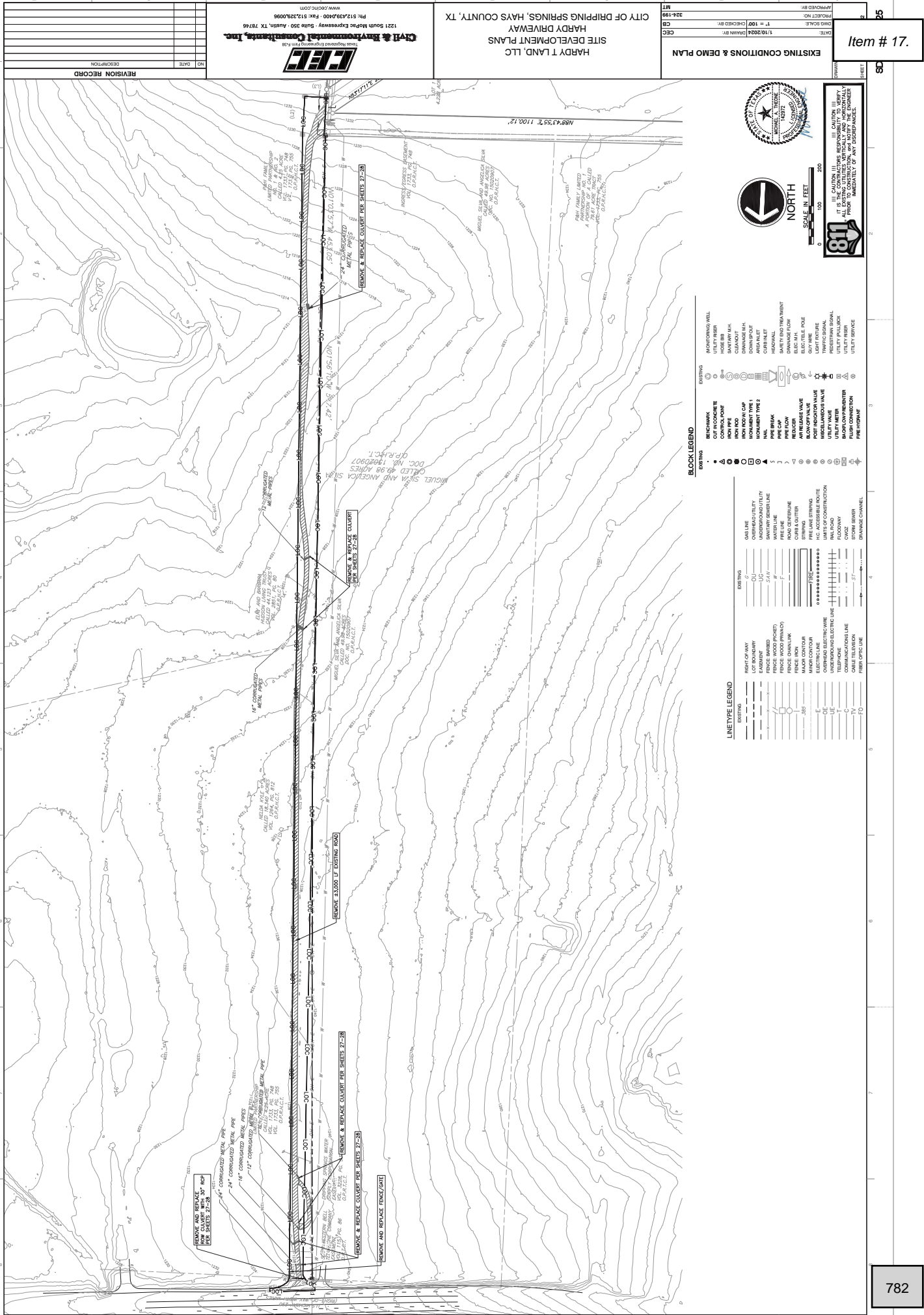
SITE DEVELOPMENT PLANS INDEX	
SHEET NO.	SHEET TITLE
01	COVER SHEET
02	GENERAL NOTES
03	EXISTING CONDITIONS & DEMO PLAN
04	LAYOUT SHEET
05	SITE DETAILS
06	SITE DETAILS 2
07	SECTION PLAN SHEET
08	SECTION DETAILS
09	EXISTING DMAP 1 OF 2
10	EXISTING DMAP 2 OF 2
11	PROPOSED DMAP 1 OF 2
12	PROPOSED DMAP 2 OF 2
13	TODOT CULVERT - EXISTING DMAP
14	TODOT CULVERT - PROPOSED DMAP
15	OVERALL GRADING AND DRAINAGE PLAN
16	TODOT DRIVEWAY
17	UNDERGROUND DETENTION 1 OF 2
18	UNDERGROUND DETENTION 2 OF 2
19	UNDERGROUND DETENTION CALCUS
20	GRADING AND DRAINAGE 1
21	GRADING AND DRAINAGE 2
22	GRADING AND DRAINAGE 3
23	GRADING AND DRAINAGE 4
24	GRADING AND DRAINAGE 5
25	GRADING AND DRAINAGE 6
26	GRADING AND DRAINAGE 7
27	STORM PLAN & PROFILES A-C
28	STORM PLAN & PROFILES D-G
29	STORM PLAN & PROFILES H-K
30	STORM PLAN & PROFILES L-M
31	ROAD PAVEMENT DESIGN
32	ROAD PLAN & PROFILE STA 0+00 TO 1+00
33	ROAD PLAN & PROFILE STA 1+00 TO 2+00
34	ROAD PLAN & PROFILE STA 2+00 TO 3+00
35	ROAD PLAN STA 3+00 - LINE OF SIGHT
36	ROADSIDE DITCH PAP 4+00 TO 10+00
37	ROADSIDE DITCH PAP 10+00 TO END
38	ROADSIDE DITCH SECTIONS
39	UNDERGROUND DETENTION 1 1 OF 2
40	UNDERGROUND DETENTION 1 2 OF 2
41	UNDERGROUND DETENTION 2 1 OF 2
42	UNDERGROUND DETENTION 2 2 OF 2



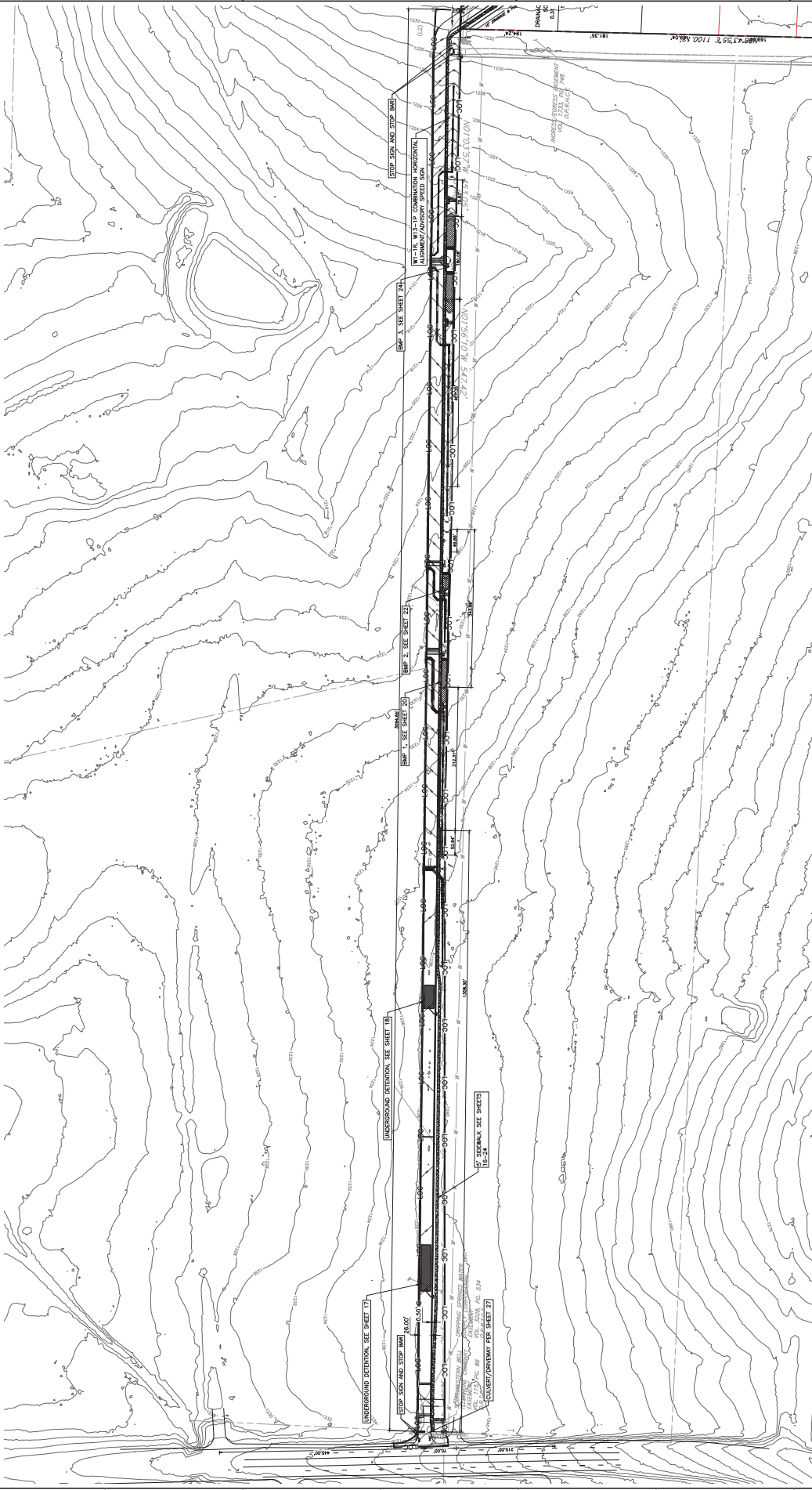
HARDY T LAND, LLC
SITE DEVELOPMENT PLANS
CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX

COVER SHEET	
PROJECT NO.	8/10/2022
DATE	8/10/2022
DRAWN BY	NTS
CHECKED BY	NTS
SCALE	1"=300'
CAD	1/10/2022
DATE	8/10/2022
APPROVED BY	

Item # 17.



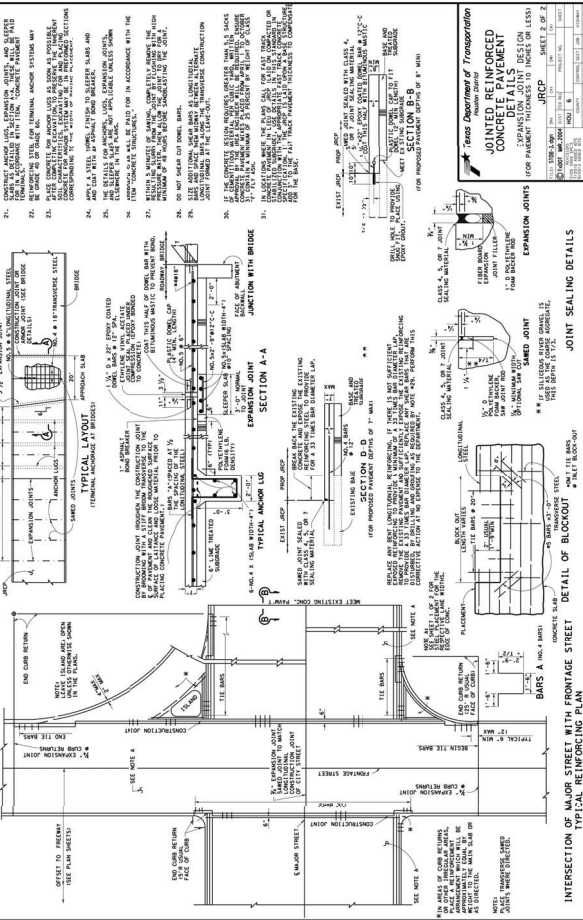
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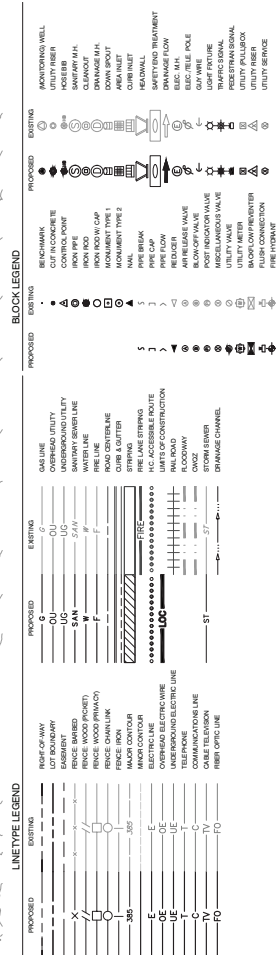


SITE DATA TABLE		
USE	ETJ	
LAND USE DESIGNATION	PRIVATE DRIVEWAY	
PROPOSED LAND USE	PRIVATE DRIVEWAY	
TOTAL SITE AREA (AC)	3.71	
EXISTING IMPERVIOUS COVER AREA (AC)	1.14	
EXISTING IMPERVIOUS COVER PERCENT	30.7%	
PROPOSED ONSITE IMPERVIOUS COVER AREA (AC)	1.88	
PROPOSED ONSITE IMPERVIOUS COVER PERCENT	49.9%	

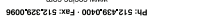
BLOCK LEGEND

PROPOSED	EXISTING

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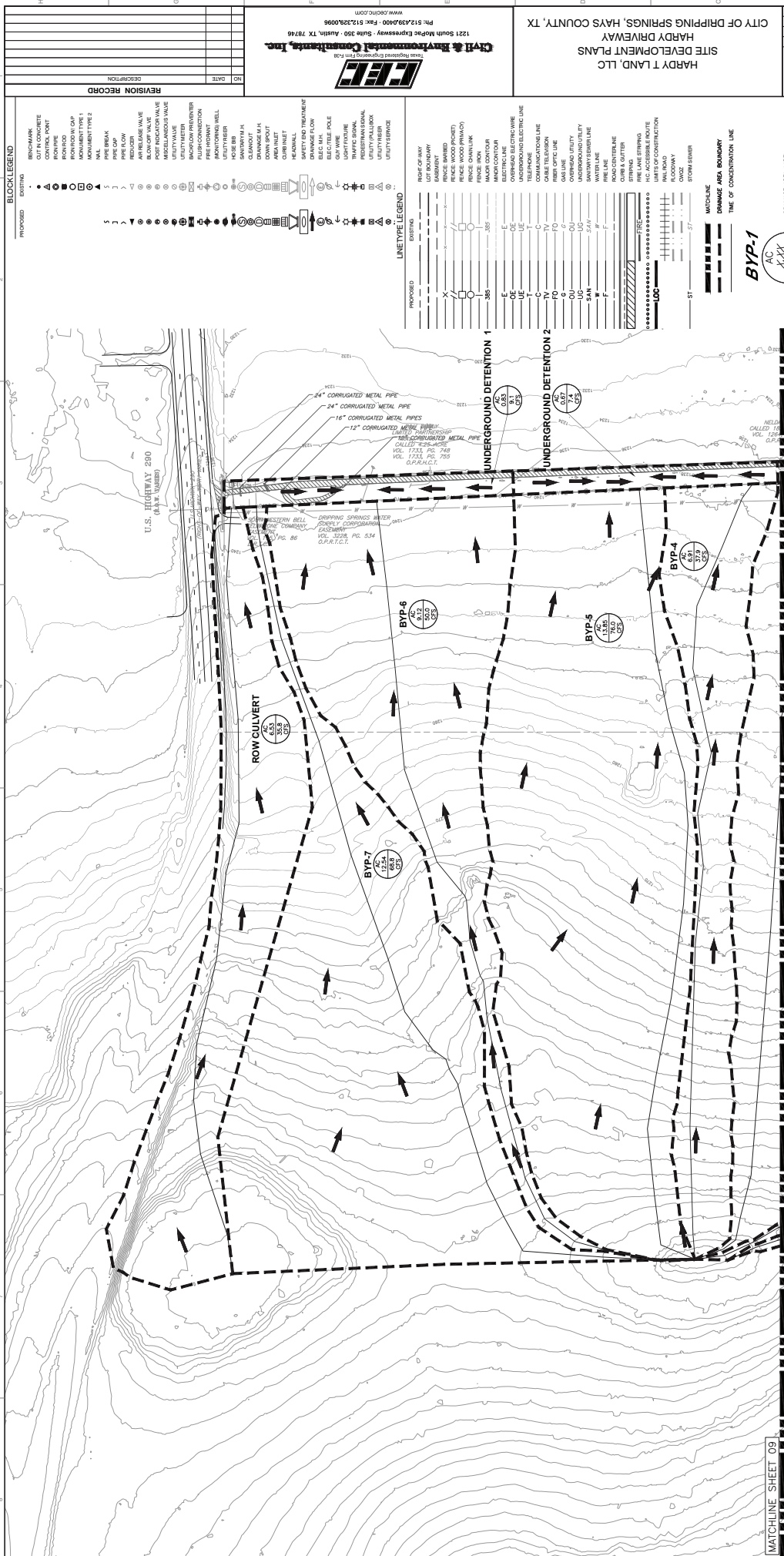


CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX





Storm Event	Existing	Proposed
02-YR	11	11
10-YR	20.1	20.1
25-YR	26.7	26.5
100-YR	40.7	39.9

[illegible]



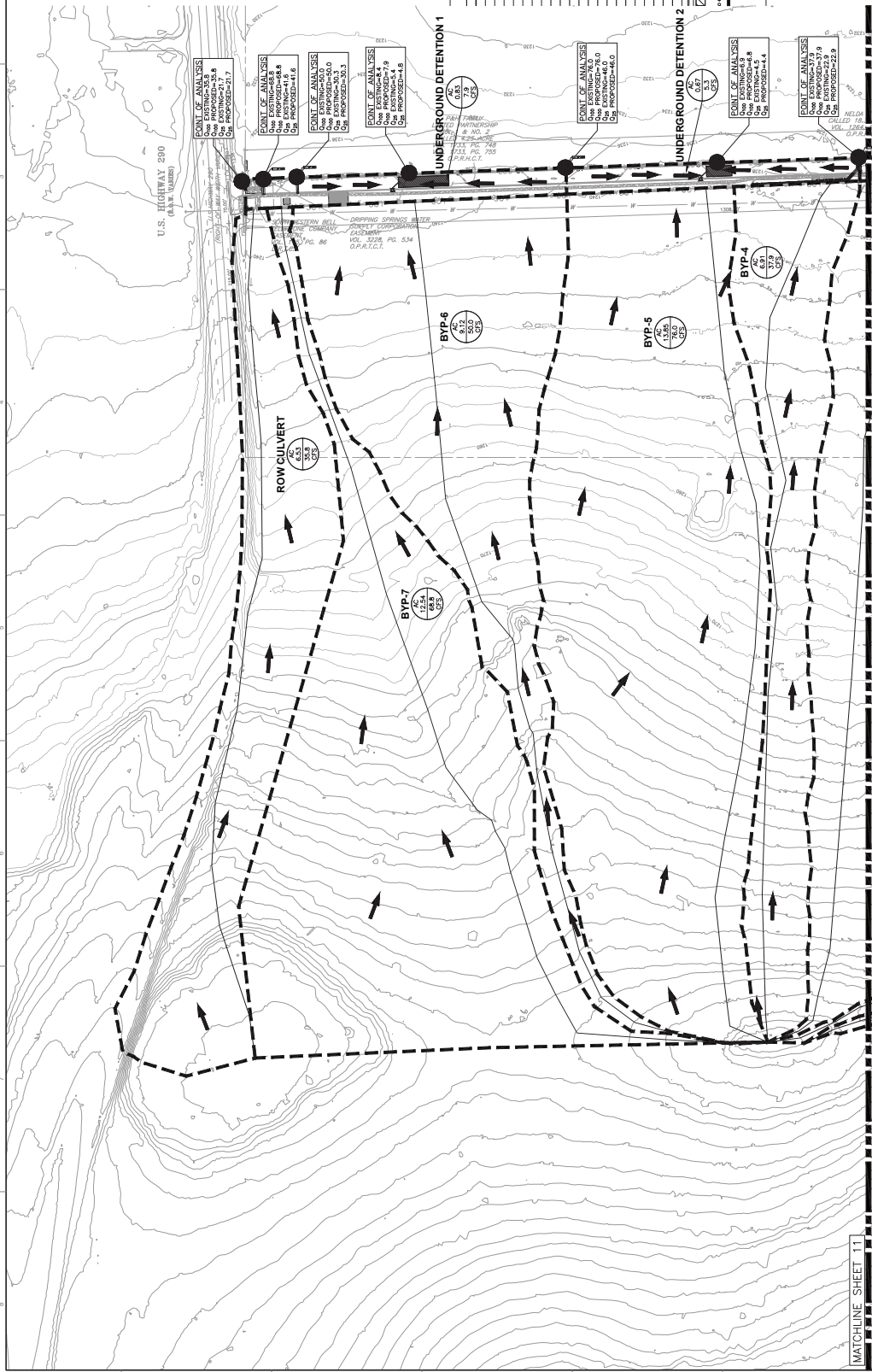
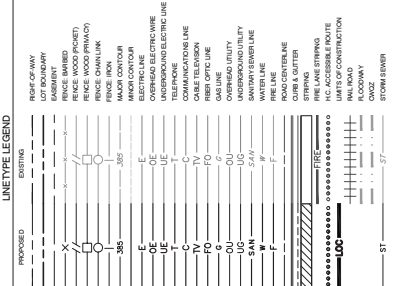
NOTE: POINT OF ANALYSIS FLOW SUMMARY TABLE DESCRIBES ONLY THE ON-SITE FLOWS FOR EACH STORM EVENT, ALL BYPASS FLOWS REMAIN AS SHOWN WITHIN THE DRAINAGE AREA MAPS AND DO NOT CHANGE BETWEEN PROPOSED AND EXISTING CONDITIONS

[illegible]

Time of Concentration (TR-55 method) - Existing Site Conditions

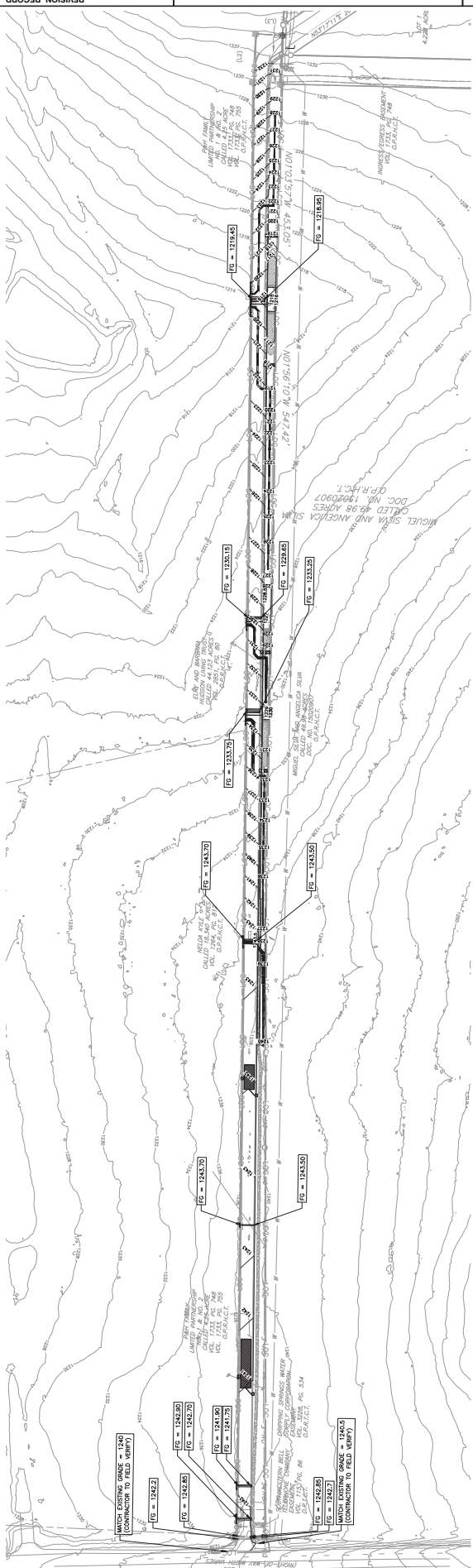
NOTE: POINT OF ANALYSIS FLOW SUMMARY TABLE DESCRIBES ONLY THE ON-SITE FLOWS FOR EACH STORM EVENT, ALL BYPASS FLOWS REMAIN AS SHOWN WITHIN THE DRAINAGE AREA MAPS AND DO NOT CHANGE BETWEEN PROPOSED AND EXISTING CONDITIONS

789

[illegible]

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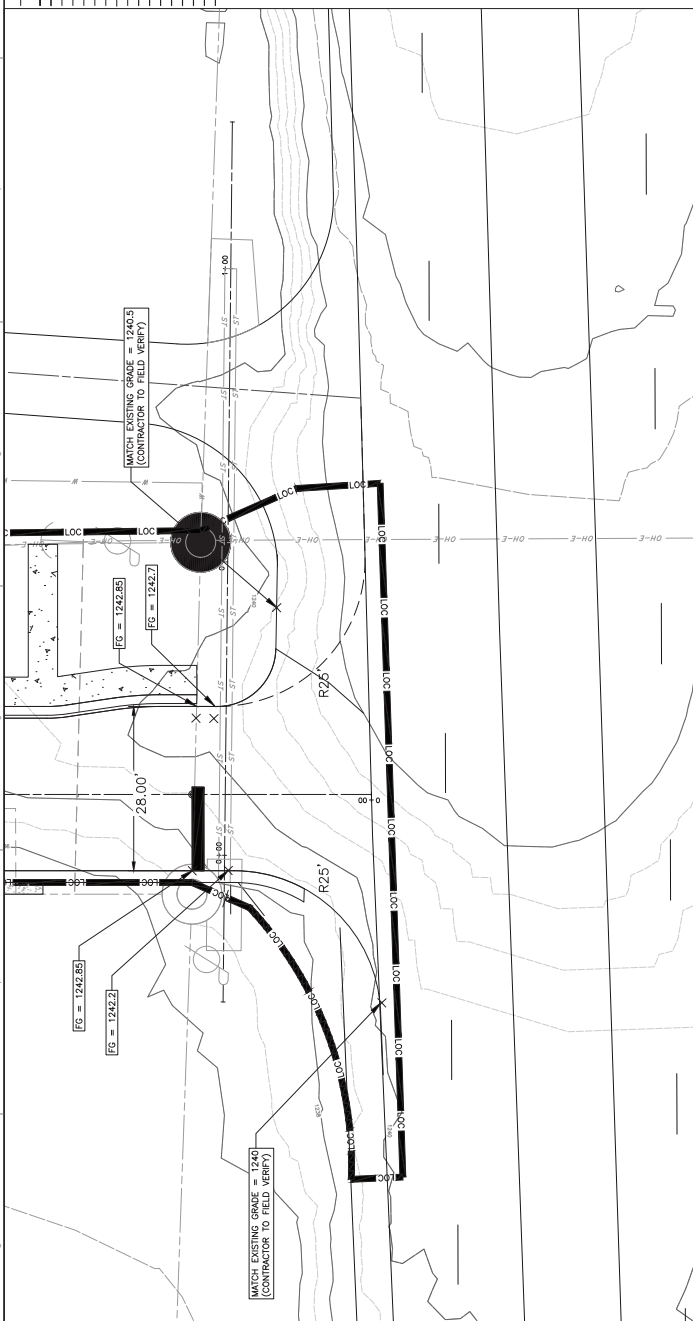
NO	DATE	DESCRIPTION
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NOTES

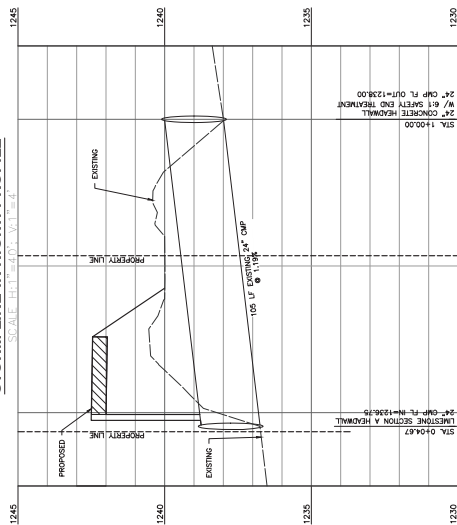
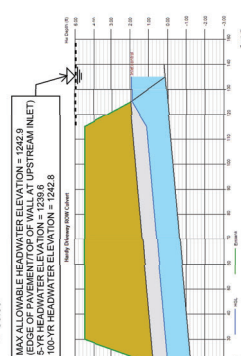
- DRAINAGE FOR THIS DEVELOPMENT DOES NOT DRAIN TO TFOOT ROW, DOES NOT CAUSE TFOOT DRAINAGE TO BE BLOCKED, AND HAS BEEN DESIGNED SUCH THAT THERE WILL BE NO ADVERSE IMPACTS ON THE CAPACITY, FUNCTION OR INTEGRITY OF TEXAS DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DRAINAGE FACILITIES.

[illegible]

[illegible]

Monday, Jul 17 2023

Calculations

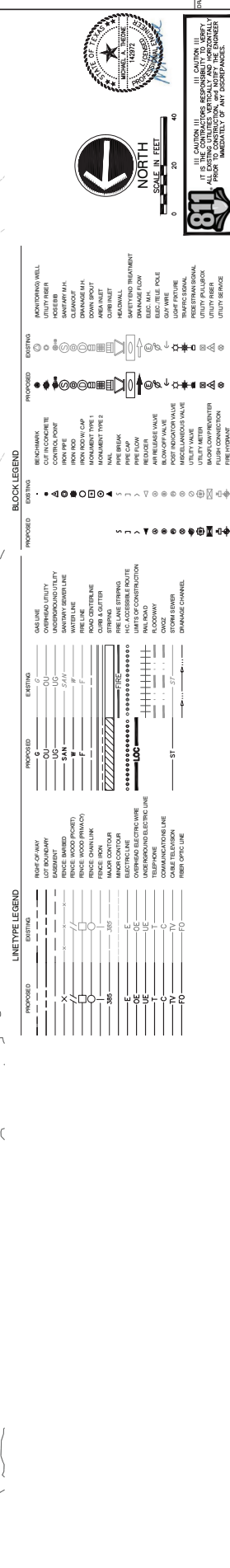
[illegible]

Hardy Driveway Hydraulflow Results											
Storm Event	Q Total (cfs)	Q Pipe (cfs)	Q Over (cfs)	Velocity Dn (ft/s)	Velocity Up (ft/s)	Depth Dn (in)	Depth Up (in)	HGL Dn (ft)	HGL Up (ft)	HGL Hw (ft)	HGL Hw/D
2-yr	8.4	8.4	0.0	5.1	5.1	12.4	12.4	1237.78	1239.03	1239.56	0.78
5-yr	11.7	11.7	0.0	5.8	5.8	14.7	14.7	1237.98	1239.23	1239.92	0.96
10-yr	15.0	15.0	0.0	6.4	6.4	16.7	24.0	1238.15	1240.35	1240.95	1.48
25-yr	21.0	21.0	0.0	7.6	6.7	19.7	24.0	1238.39	1241.68	1242.86	2.43
50-yr	28.4	20.5	5.9	7.5	6.5	19.5	24.0	1238.37	1241.55	1242.67	2.33
100-yr	33.2	20.8	12.5	7.6	6.6	19.6	24.0	1238.38	1241.62	1242.77	2.39



811  **CAUTION !!!**
IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY
ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY
PRIOR TO CONSTRUCTION, and NOTIFY THE ENGINEER
IMMEDIATELY OF ANY DISCREPANCIES.





Storm Event	Q-Ex (cfs)	Q-Pr (cfs)	PR-Routed (cfs)	WS Elevation (ft)
2-yr	2.1	2.4	1.9	1238.5
10-yr	4.0	4.4	3.4	1238.9
25-yr	5.4	5.9	4.8	1239.2
100-yr	8.4	9.0	7.9	1239.6

HARDY DRIVEWAY Detention Pond Stage Values - UNDERGROUND DETENTION				
Stage	Area (sf)	Area (ac)	Volume (cf)	Cum. Volume (cf)
1238.00	2000	0.045914	0 cf	0 cf
1238.50	2000	0.045914	1,000	1,000
1239.00	2000	0.045914	2,000	2,000
1239.50	2000	0.045914	1,000	3,000

Storm Event	Duration (yr)	Area of wetland (z) [m ²]	Even velocity (m/s)
2-yr	1.9	0.15	12.67
10-yr	3.4	0.2	22.67
25-yr	4.8	0.3	16.00
100-yr	7.9	0.9	8.78

6.0 IN. OF CONCRETE OVER 6.0 IN. OF
SUBBASE PER SECTION. SUPPORT
SEE 1741.50

Storm Event	Q-Ex (cfs)	Q-Pr (cfs)	PR-Routed (cfs)	WS Elevation (ft)
2-yr	1.7	2.0	1.7	1239.3
10-yr	3.3	3.7	3.3	1239.7
25-yr	4.5	4.9	4.4	1240.0
100-yr	6.9	7.4	6.8	1240.5

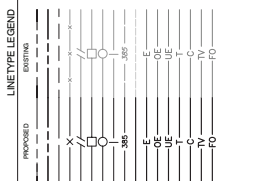
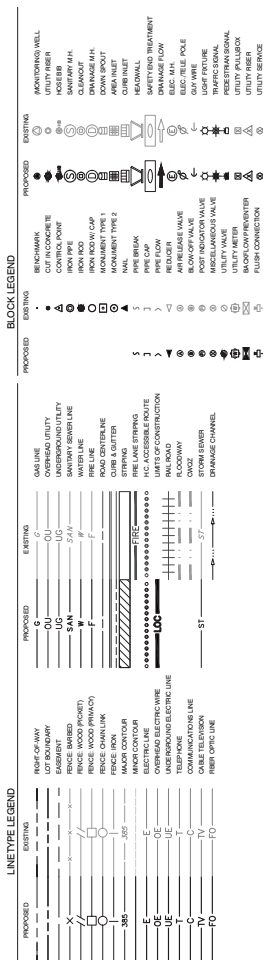
HARDY DRIVEWAY Detention Pond Stage Values - UNDERGROUND DETENTION				
Stage	Area (sf)	Area (ac)	Volume (cf)	Cum. Volume (cf)
1238.50	1000	0.022957	0 cf	0 cf
1239.00	1000	0.022957	500	500
1239.50	1000	0.022957	500	1,000
1240.00	1000	0.022957	500	1,500

Joint event	Quoted [35]	Area of well (t, z) [3]	Well velocity [35] [3]
2-yr	1.7	0.6	2.83
10-yr	3.3	0.9	3.67
25-yr	4.4	1.1	3.91
100-yr	6.8	1.5	4.53

[illegible]

SPLITTER BOX WEIR LENGTH	
CALC.	
weir equation: $q = 3.33 (b - 0.2 h) h^{3/2}$	
max. Q (100-yr storm) =	58.20 cfs
max. Q over weir =	58.75 cfs
q = length of weir	50.00 ft.
h = head abv. Weir	0.50 ft.

OX WEIR LENGTH	A.C.
33 (0 - 0.2 ft) h ^{0.52}	
82.90 cfs	
86.06 cfs	
12.00 ft.	
1.70 ft.	



Additional information is provided for cells with a red triangle in the upper right corner. Place the cursor over the cell.

Test shown in blue indicate position of impurities in the Technical Guidance Manual - TGS-248.

Characters shown in black (bold) are calculated fields. Changes to these fields will remove the equations used in the spreadsheet.

1. The Required Load Materials for the site project.

Page 3-27 to 3-30

where:

Equation 3-3: $L_{req} = 27.7(P_{avg} + P)$

where:

L_{req} = Required TSS removal resulting from the proposed development = 80% of increased load

P_{avg} = Average annual precipitation, inches

P = Average annual precipitation, inches

Site Data: Determine Required Load Based on the Site Project

Predevelopment Impervious Area: 1.10 acres

Postdevelopment Impervious Area: 1.10 acres

Predevelopment Impervious Area: 1.10 acres

Postdevelopment Impervious Area: 1.10 acres

Predevelopment Impervious Area: 1.10 acres

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Predevelopment Impervious Area: 1.10 acres

Postdevelopment Impervious Area: 1.10 acres

Predevelopment Impervious Area: 1.10 acres

Postdevelopment Impervious Area: 1.10 acres

EXTENDED DETENTION CALCULATIONS FOR DEVELOPMENT PERMIT

DRAINAGE AREA DATA:

Drainage Area to Control (DA) 0.22 ac

Drainage Area Impervious Cover 50.00% %

WATER QUALITY CONTROL CALCULATIONS (PER TCEQ RG-348):

Water Quality Volume (REQ WQV = $1.2 \times \text{WQV PER TCEQ}$) 1,435.5 cf

100-year Peak Flow Rate to Control (Q100) 2.2 cfs

Forbay Area (AF) 572.0 cf

Depth of forbay (D) 2.0 ft

Forebay Water Quality Volume (WQV ponded-AF*D) 1,154.0 cf

Stage 2 Water Quality Volume 281.5 cf

Water Quality Elevation (WQE) 1227.5 ft msl.

Extended Detention Drawdown Time 48 hr

Underdrain Orifice Size (Diameter) 0.4 in

Underdrain Orifice Size (Area) 0.1261 sq-in

Orifice Calculation: $Q = V \cdot T$

WQV 1,370.0 cf

Time = 48 Hr x 60 Min x 60 Sec = 172800 Sec

Q 0.007928 cfs

Assumption: Average Head Will Occur: 5 Feet Below WQE

WQE 1227.75 ft msl.

Orifice E 1223.717 ft msl.

H average 3.533 ft

 $Q = 0.6 \cdot A \cdot (2 \cdot 32.2 \cdot H)^{0.5}$

A 0.000876 sq-ft

D 0.033397 ft

D 0.400767 in

NOTAL: 1" PVC 8" BELOW OF LEVEL SPREADER

REFLECTOR

REFERENCE PLAIN SHEET

P. (REF. CALCS)

P. (REF. CALCS)

P. (REF. CALCS)

P. (REF. CALCS)

P. (REF. CALCS)

P. (REF. CALCS)

P. (REF. CALCS)

P. (REF. CALCS)

P. (REF. CALCS)

TYPICAL LEVEL SPREADER DETAIL

HARDY DRIVEWAY DETENTION POND STAGE VALUES - BMP 2

Stage	Area (ac)	Volume (cf)	Cum. Volume (cf)	Ac-ft
1	0.0000	0.00	0.00	0.0000
2	0.0000	0.00	0.00	0.0000
3	0.0000	0.00	0.00	0.0000
4	0.0000	0.00	0.00	0.0000
5	0.0000	0.00	0.00	0.0000
6	0.0000	0.00	0.00	0.0000
7	0.0000	0.00	0.00	0.0000
8	0.0000	0.00	0.00	0.0000
9	0.0000	0.00	0.00	0.0000
10	0.0000	0.00	0.00	0.0000
11	0.0000	0.00	0.00	0.0000
12	0.0000	0.00	0.00	0.0000
13	0.0000	0.00	0.00	0.0000
14	0.0000	0.00	0.00	0.0000
15	0.0000	0.00	0.00	0.0000
16	0.0000	0.00	0.00	0.0000
17	0.0000	0.00	0.00	0.0000
18	0.0000	0.00	0.00	0.0000
19	0.0000	0.00	0.00	0.0000
20	0.0000	0.00	0.00	0.0000
21	0.0000	0.00	0.00	0.0000
22	0.0000	0.00	0.00	0.0000
23	0.0000	0.00	0.00	0.0000
24	0.0000	0.00	0.00	0.0000
25	0.0000	0.00	0.00	0.0000
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30	0.0000	0.00	0.00	0.0000
31	0.0000	0.00	0.00	0.0000
32	0.0000	0.00	0.00	0.0000
33	0.0000	0.00	0.00	0.0000
34	0.0000	0.00	0.00	0.0000
35	0.0000	0.00	0.00	0.0000
36	0.0000	0.00	0.00	0.0000
37	0.0000	0.00	0.00	0.0000
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39	0.0000	0.00	0.00	0.0000
40	0.0000	0.00	0.00	0.0000
41	0.0000	0.00	0.00	0.0000
42	0.0000	0.00	0.00	0.0000
43	0.0000	0.00	0.00	0.0000
44	0.0000	0.00	0.00	0.0000
45	0.0000	0.00	0.00	0.0000
46	0.0000	0.00	0.00	0.0000
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80	0.0000	0.00	0.00	0.0000
81	0.0000	0.00	0.00	0.0000
82	0.0000	0.00	0.00	0.0000
83	0.0000	0.00	0.00	0.0000
84	0.0000	0.00	0.00	0.0000
85	0.0000	0.00	0.00	0.0000
86	0.0000	0.00	0.00	0.0000
87	0.0000	0.00	0.00	0.0000
88	0.0000	0.00	0.00	0.0000
89	0.0000	0.00	0.00	0.0000
90	0.0000	0.00	0.00	0.0000
91	0.0000	0.00	0.00	0.0000
92	0.0000	0.00	0.00	0.0000
93	0.0000	0.00	0.00	0.0000
94	0.0000	0.00	0.00	0.0000
95	0.0000	0.00	0.00	0.0000
96	0.0000	0.00	0.00	0.0000
97	0.0000	0.00	0.00	0.0000
98	0.0000	0.00	0.00	0.0000
99	0.0000	0.00	0.00	0.0000
100	0.0000	0.00	0.00	0.0000

Storm Event	Length of Level Spreader (ft) [L]	Height of Level Spreader (ft) [H]	Area of Level Spreader (sq-ft) [A]	Level Spreader Velocity (ft/s) [V]	Level Spreader Velocity (ft/s) [V]
2-yr	14.5	21.0	0.50	10.5	1.4
10-yr	26.0	21.0	0.50	10.5	2.5
25-yr	37.1	21.0	0.50	10.5	3.5
100-yr	61.0	21.0	0.50	10.5	5.8

DITCH SECTION 2

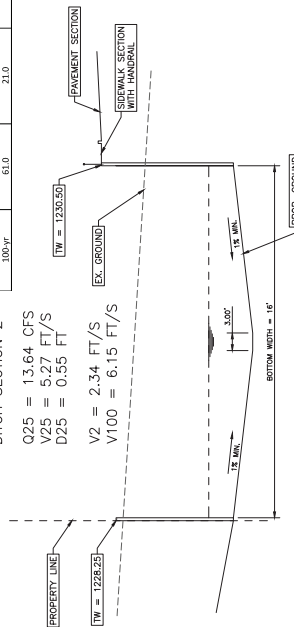
Q25 = 13.64 CFS

V25 = 5.27 FT/S

D25 = 0.55 FT

V2 = 2.34 FT/S

V100 = 6.15 FT/S



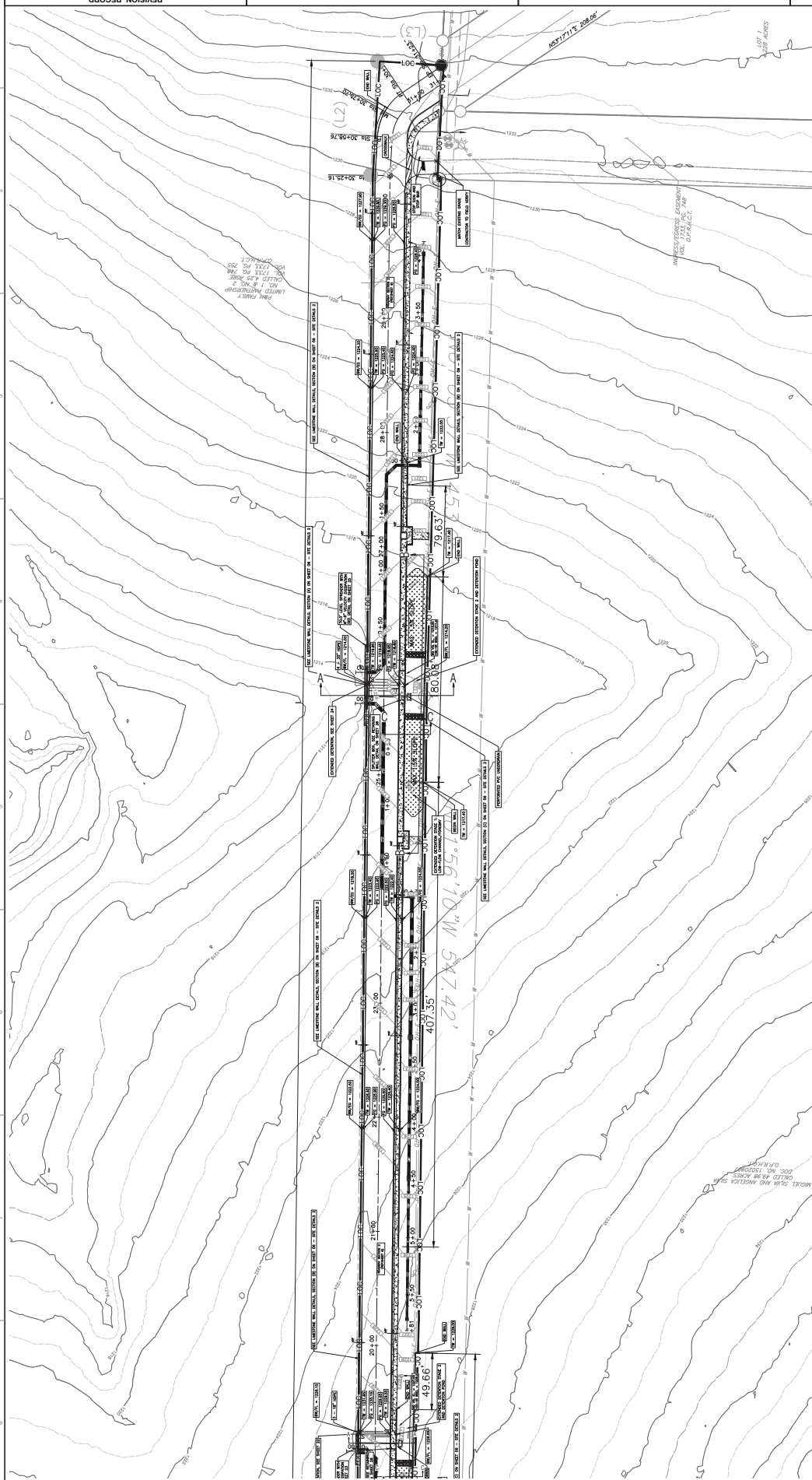
2 POND CROSS SECTION C

21 21 SCALE IN FEET

WO/DETENTION BASIN

5' COVERED SPILLWAY BOX

CONCRETE BARRIER



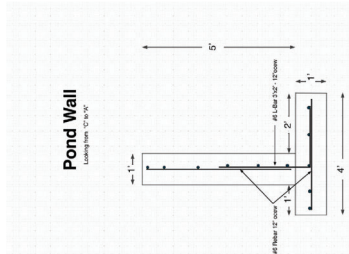
NO.	DATE	REVISION RECORD
1		
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4		
5		
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7		
8		

Civil & Environmental Consultants, Inc.
 1221 South Maple Expressway, Suite 350, Austin, TX 78746
 P: 512.329.0400 F: 512.329.0096
 www.civilenv.com

HARDY T LAND, LLC
 SITE DEVELOPMENT PLANS
 HARDY DRIVEWAY
 CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX

DATE	PROJECT NO.	PROJECT NAME
11/10/2024	2024-199	DRAINAGE DETAILS
NTS	CHECKED BY	DESIGNED BY
CEC		

Item # 17.



EXTENDED DETENTION DETAIL

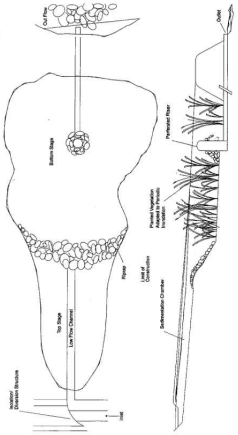
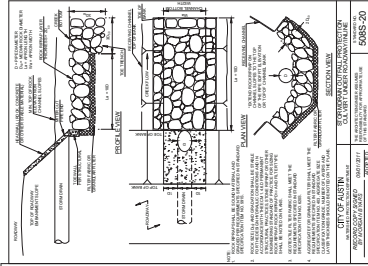
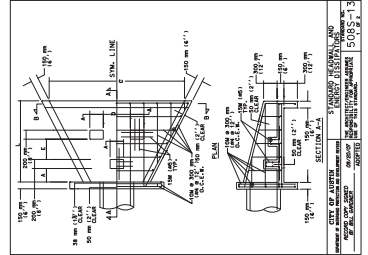


Figure 3-17 Schematic of a two stage Extended Detention Basin (UCRA, 1998)

NO.	DATE	REVISION RECORD
1		
2		
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8		



NO.	DATE	REVISION RECORD
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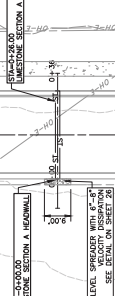


IT IS THE POLICY OF THE STATE OF TEXAS THAT THE ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. IT IS THE POLICY OF THE STATE OF TEXAS THAT THE ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. IT IS THE POLICY OF THE STATE OF TEXAS THAT THE ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.

Civil & Environmental Consultants, Inc.
Texas Registered Engineering Firm E-130
1221 South Mopac Expressway, Suite 350 • Austin, TX 78746
Ph: 512.439.0400 • Fax: 512.328.0096

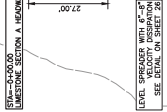
[illegible]

1. SEE SHEET 06 FOR LIMESTONE SECTION/WALL DETAILS.
2. SIDEWALK CULVERTS WILL BE REQUIRED AT ANY LOCATION WHERE THE PROPOSED SIDEWALK CROSSES A CHANNELIZED FLOW PATH.



CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX

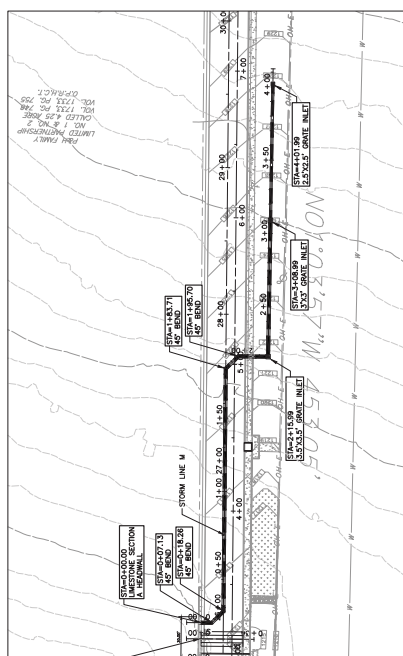
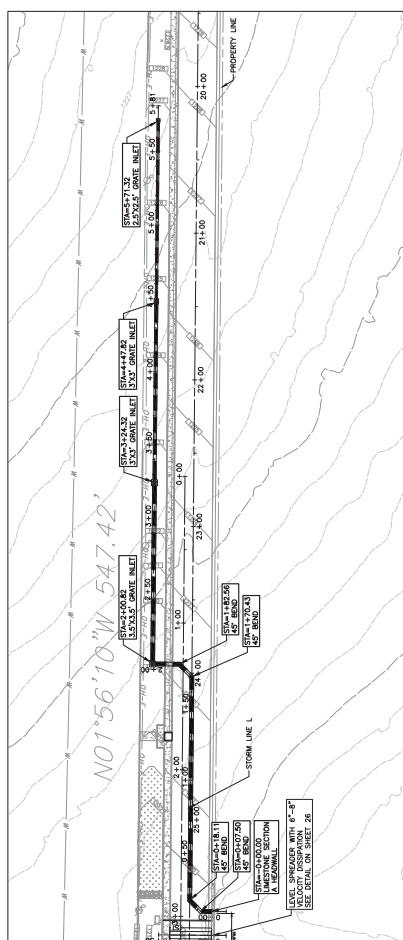
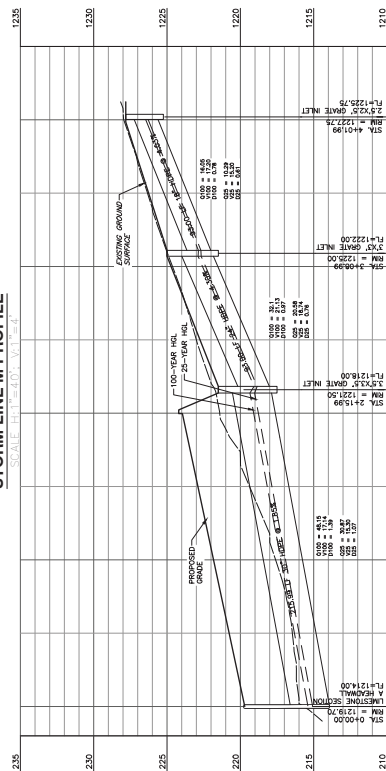
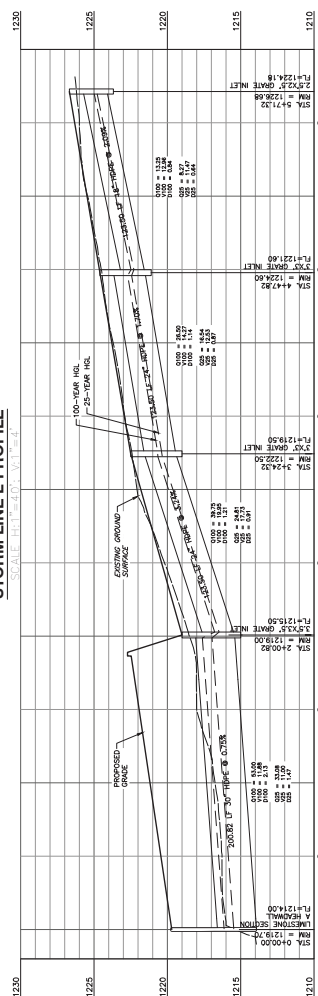
.com



1. SEE SHEET 06 FOR LIMESTONE SECTION/WALL DETAILS.
2. SIDEWALK CULVERTS WILL BE REQUIRED AT ANY LOCATION WHERE THE PROPOSED SIDEWALK CROSSES A CHANNELIZED FLOW PATH.



REVISION RECORD		
NO	DATE	DESCRIPTION



1. SEE SHEET 06 FOR LIMESTONE SECTION/WALL DETAILS.
2. SIDEWALK CULVERTS WILL BE REQUIRED AT ANY LOCATION WHERE THE PROPOSED SIDEWALK CROSSES A CHANNELIZED FLOW PATH.

Rigid Pavements

Based on the Hays County criteria stated above, a design AOT of 750 and 500, and a design ESAL of 34,000 and 25,000 was selected for design. We performed our analyses using the AASHTO 1993 design method. The design ESALs are based on the design traffic volume, design life, and design subgrade strength. The design ESALs are based on the design traffic volume, design life, and design subgrade strength. Based on these procedures, and Hays County, City of Dripping Springs and City of Austin criteria, together with known subgrade conditions, the following Jointed Reinforced Concrete Pavement thickness is recommended:

Local Roadway 34,000 ESALS 6.0 in. concrete over 6.0 in. subbase
Local Roadway 25,000 ESALS 6.0 in. concrete over 6.0 in. subbase

The 6.0-inch thickness for the Local Roadway Category is set based on reinforcing steel cover requirements and recommended depth of control joints. In addition, the following recommendations to guide pavement detailing and material selection are provided:

- Over-excavate and remove any surficial OH clay soils and then compact and moisture-condition the existing subgrade (limestone derivative material) to a depth of 6 inches and compact to 95% of the maximum dry density as determined using Test Method TEX-113-E at a moisture content within 2% of optimum.
- Provide at least 6 inches of compacted subbase material beneath the concrete pavement. A site-generated subbase material mined on-site is acceptable provided it conforms with the criteria for select fill presented on page 7 of this report.
- The subbase material should be compacted to 95% of the maximum dry density determined by TxDOT Test Method TEX-113-E at a moisture content within 2% of optimum. The compacted subbase should extend 2 ft beyond the edges of the pavement structure (including curbs).
- The concrete pavement should be reinforced with #4 longitudinal bars spaced at 16-inch centers, and transverse bars spaced at 24-inch centers. As an alternate, #10

welded wire fabric (WWF) may be used with 6-inch spacing between longitudinal wires and 12-inch spacing between transverse wires. All reinforcements should be chained to be secure at slab mid-height. Please refer to TxDOT JCRP Detail Sheet 1 of 2 attached in Appendix 1, for other details (Note: TxDOT longitudinal bar spacing is different.)

- The concrete mix should be designed to satisfy a 28-day design strength of 4,500 psi with a flexural strength of 650 psi (third point loading). To promote aggregate interlock and efficient load transfer, we recommend crushed limestone aggregate. Contractor should submit concrete mix designs at least 2 weeks before paving commencement.
- For slipform paving operations, we recommend a maximum concrete slump of 1 to 1.5 inches. For concrete placed by hand or with a vibratory or roller screed, we recommend a maximum slump of 4 inches.
- We recommend a concrete air content of 3 to 5%.
- Transverse control joints should be placed on minimum 15 ft centers. Joints should penetrate at least 1/4 of the pavement thickness and should be cut within the time allocations prescribed by ACI criteria (ACI 302.1R, Reference 19). For early-entry saw cutting, the time of cutting is usually in the range of 2 to 6 hrs. We recommend that the successful bidding contractor address this issue in his Quality Control Plan submitted for approval by the engineer. It is important to make the saw cuts early to avoid premature crack formation but not too early to avoid possible spalling and raveling damage to the concrete.
- Full depth expansion joints should be constructed at 180 ft spacing.
- Longitudinal joints will also be required along the centerline of the pavement. The longitudinal joints should be cut at the same time as the transverse joints using the same procedure.
- All saw cut joints should be approximately 1/4 inch wide and will need to be routed. See details on the attached TxDOT JCRP Detail Sheets - Appendix A. All joints will need to be sealed with appropriate joint sealer satisfying requirements of ACI 325.12R-4.7. Proposed joint sealer product information shall be submitted to the engineer for approval. The use of backer material and silicone sealer is recommended. Routine maintenance of joints and joint filler over the life of the pavement will be required and could include re-sealing on a 5 to 10-year frequency.
- It is recommended that the successful bidding contractor provide a detailed Quality Control Plan document outlining specific joint locations (including cut de sacs), method of construction of joints, proposed backer material and joint filler material and periodic maintenance recommendations.



IT IS THE DUTY OF THE ENGINEER TO EXAMINE THE PROJECT AND REPORT THEREON ACCORDING TO THE STANDARDS AND PRACTICES OF THE PROFESSION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CONTRACTOR.

Item # 17.

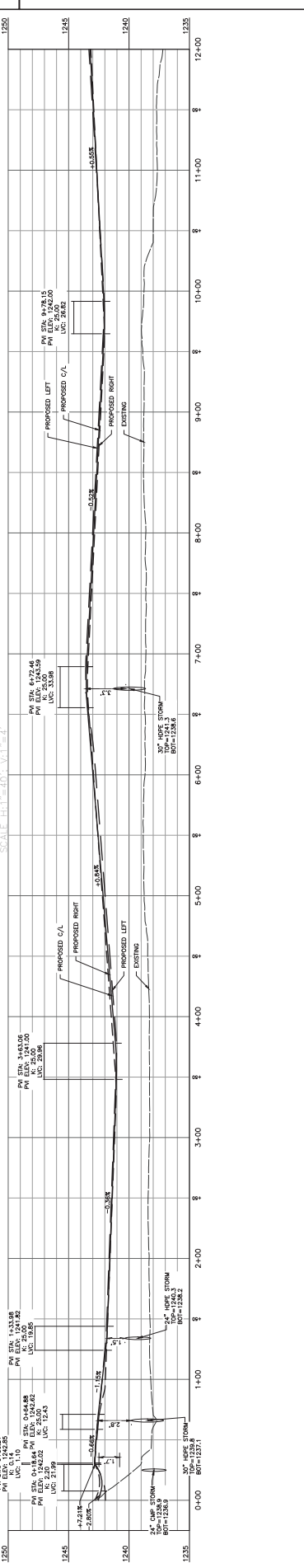
RIGID PAVEMENT DESIGN

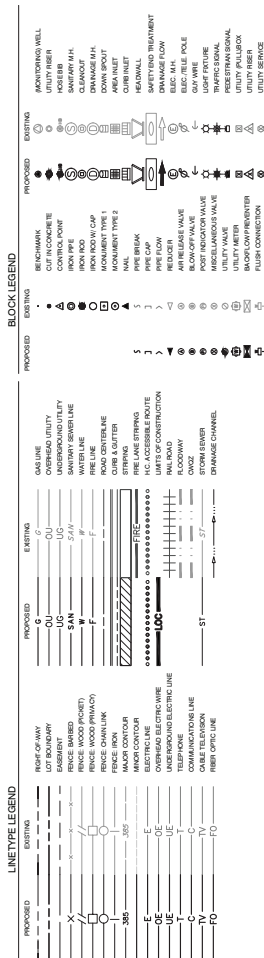
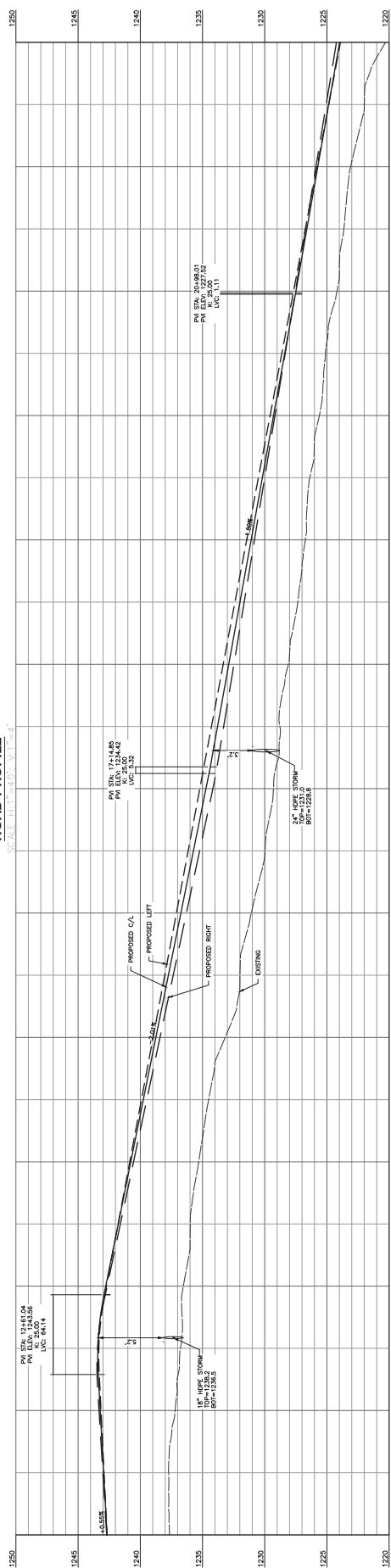
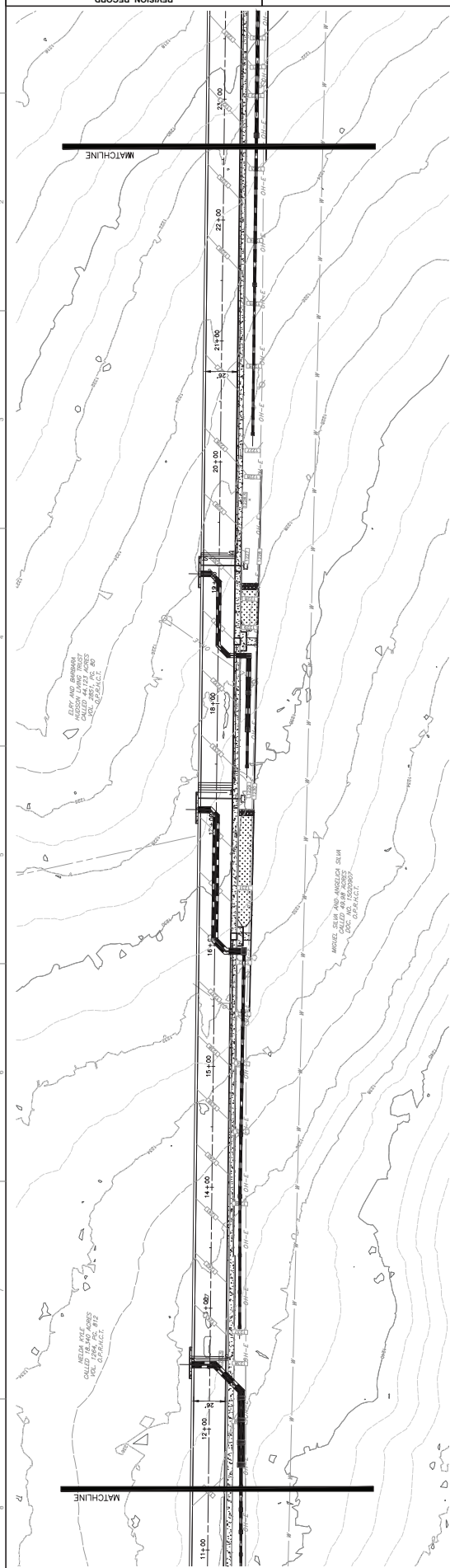
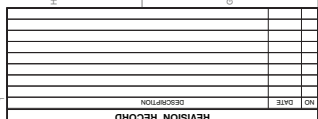
HARDY T LAND, LLC
SITE DEVELOPMENT PLANS
HARDY DRIVEWAY
CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX

Civil & Environmental Consultants, Inc.
1221 South Maple Expressway - Suite 350 - Austin, TX 78746
Tel: 512.432.9400 Fax: 512.432.0096
www.cetcoinc.com

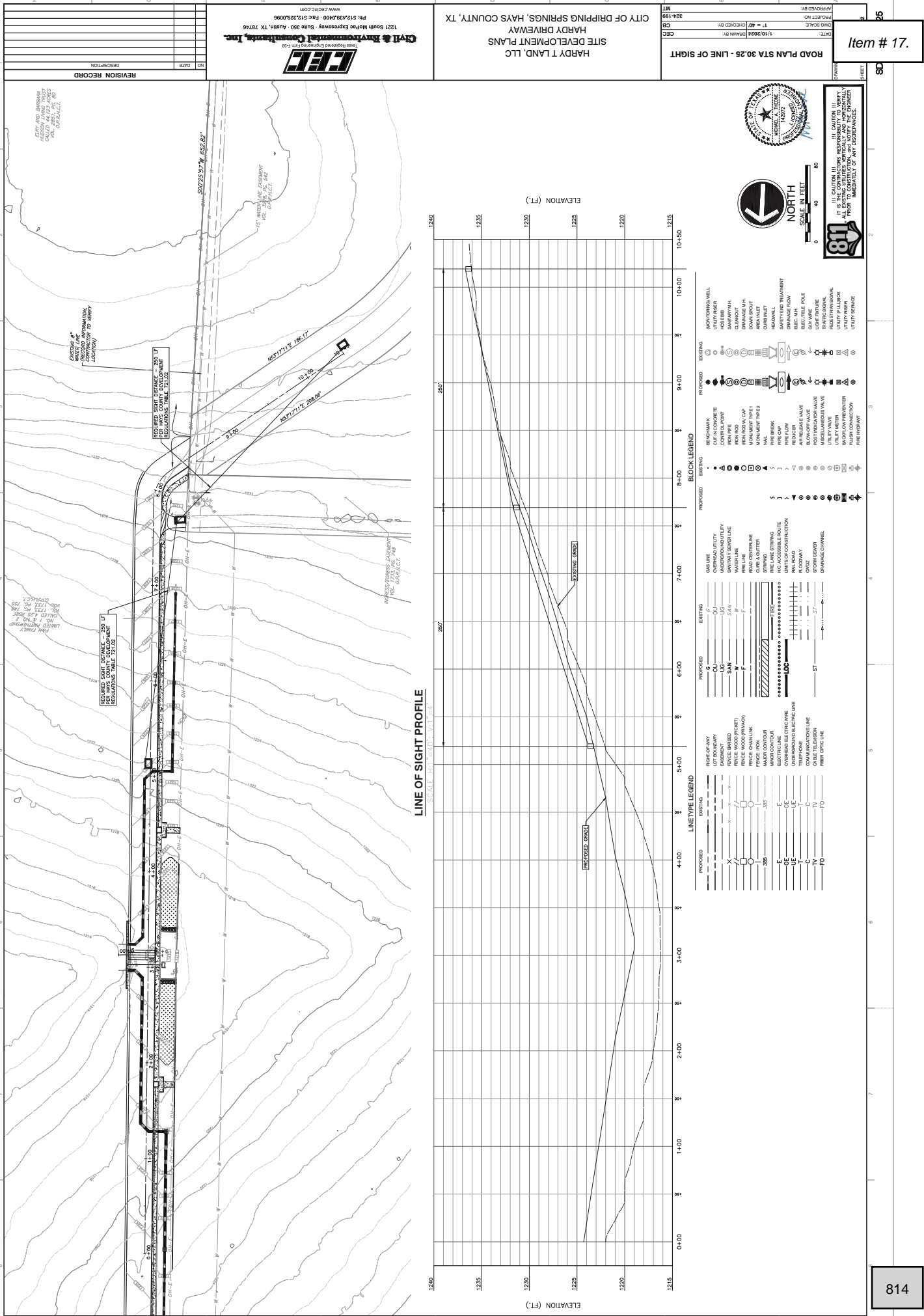


REVISION RECORD

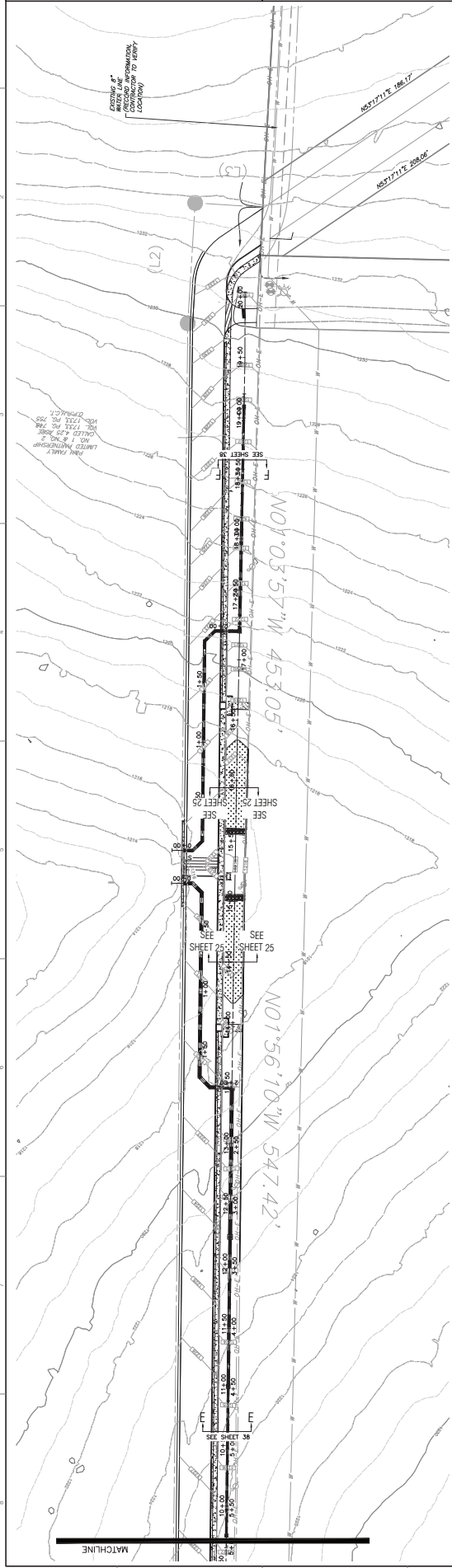
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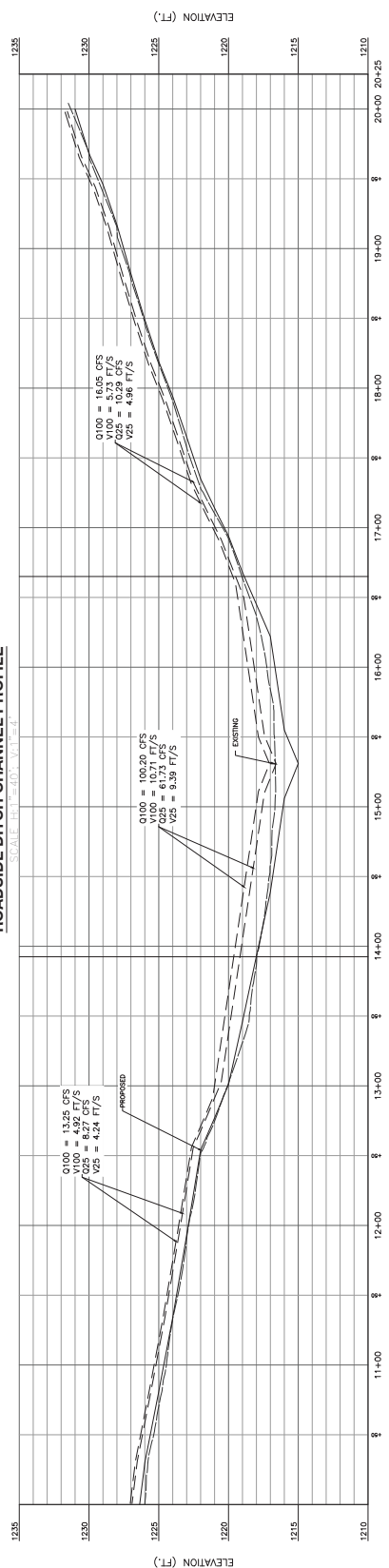
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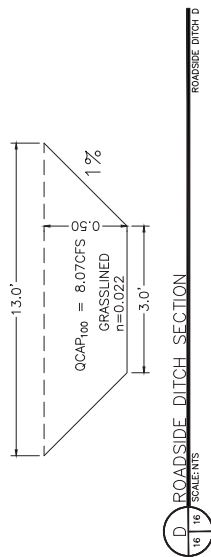
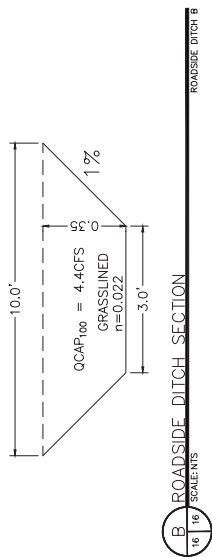
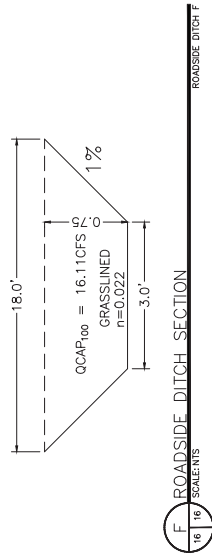






ROADSIDE DITCH CHANNEL PROFILE

[illegible]





UNDERGROUND DETENTION 1 OF 2

HARDY T LAND, LLC
SITE DEVELOPMENT PLANS
CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX

Civil & Environmental Consultants, Inc.
1221 South Maple Expressway - Suite 250 - Austin, TX 78746
Ph: 512.329.2040 Fax: 512.329.0096
www.cetec.com

REVISION RECORD

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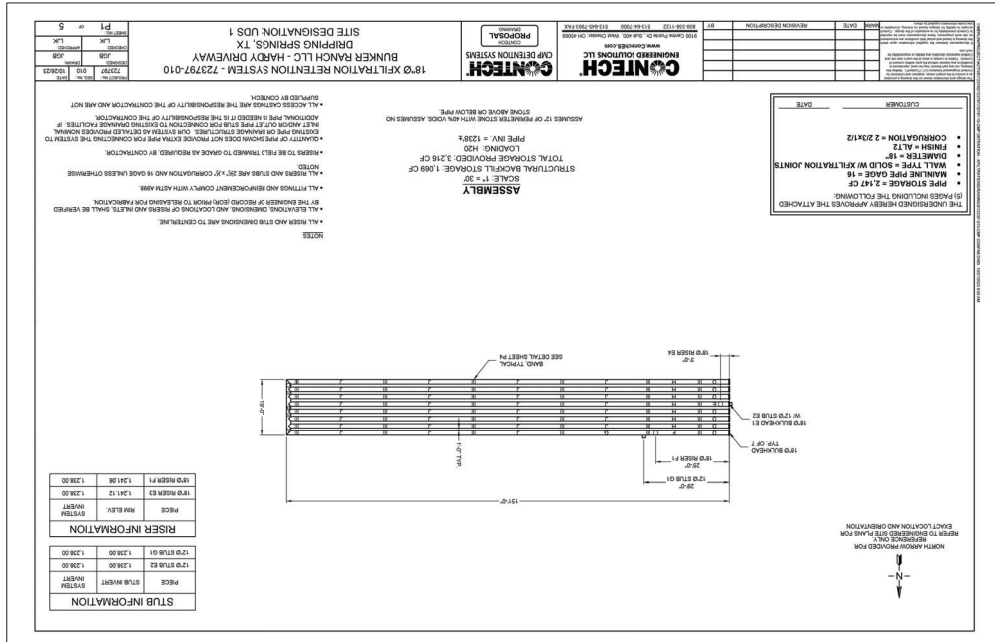
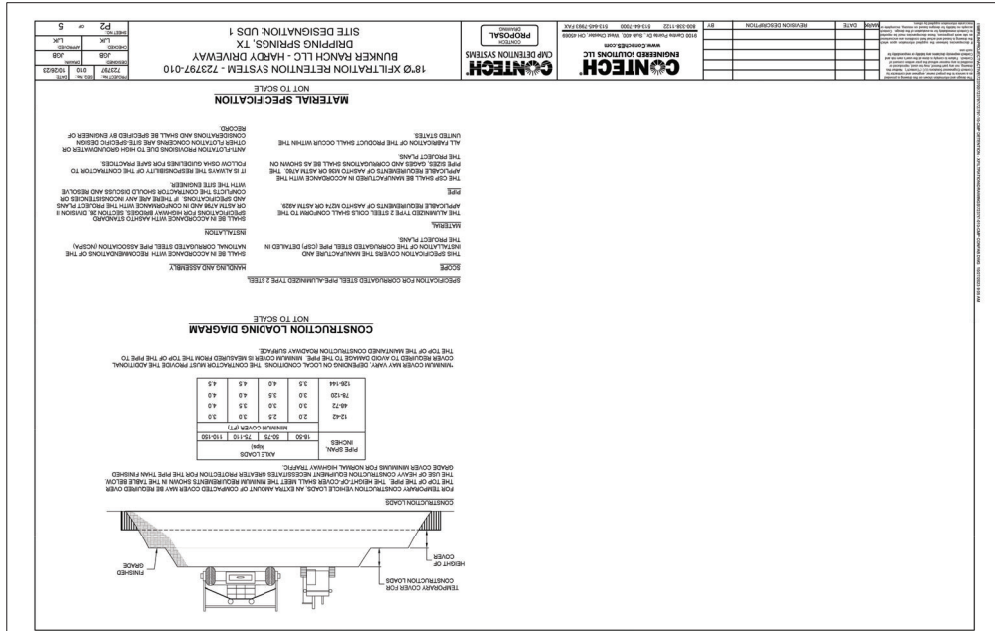
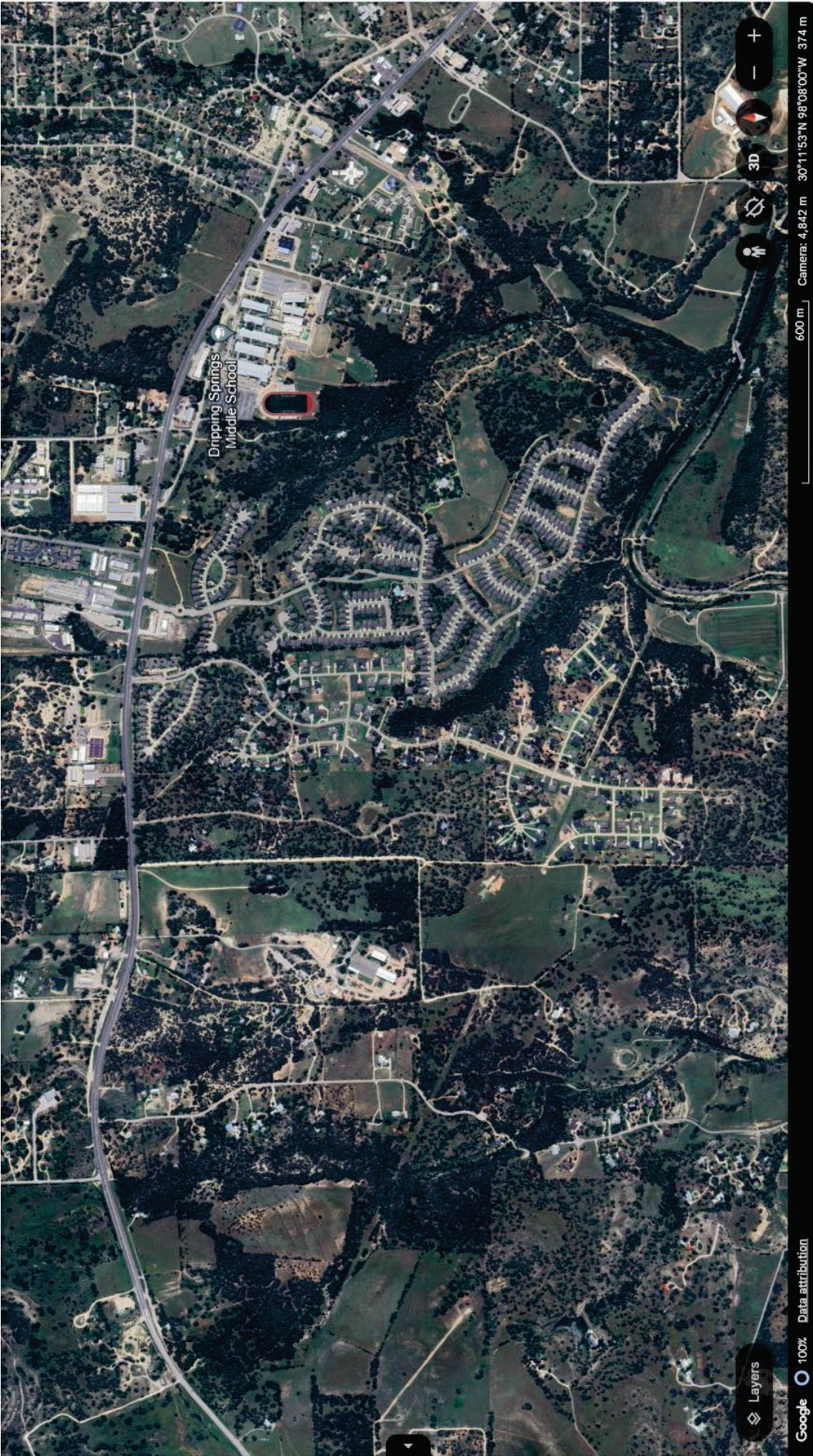


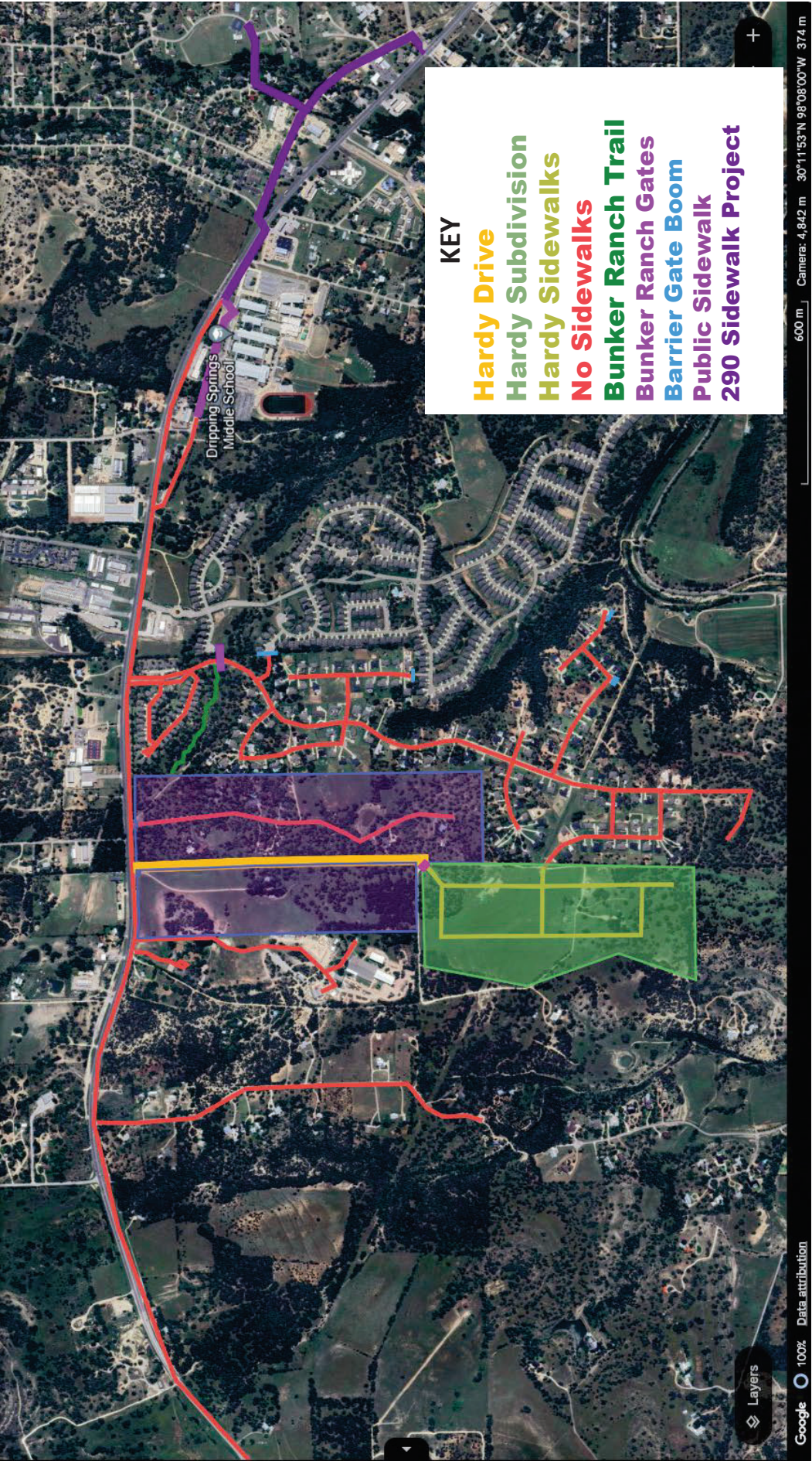
Exhibit F



Overview

Item # 17.





Hardy Drive

**Hudson, Nelda,
& Green Land**

**Bunker
Ranch**

Silva Land

Gate

Hardy Subdivision

Hardy Drive Neighboring Land

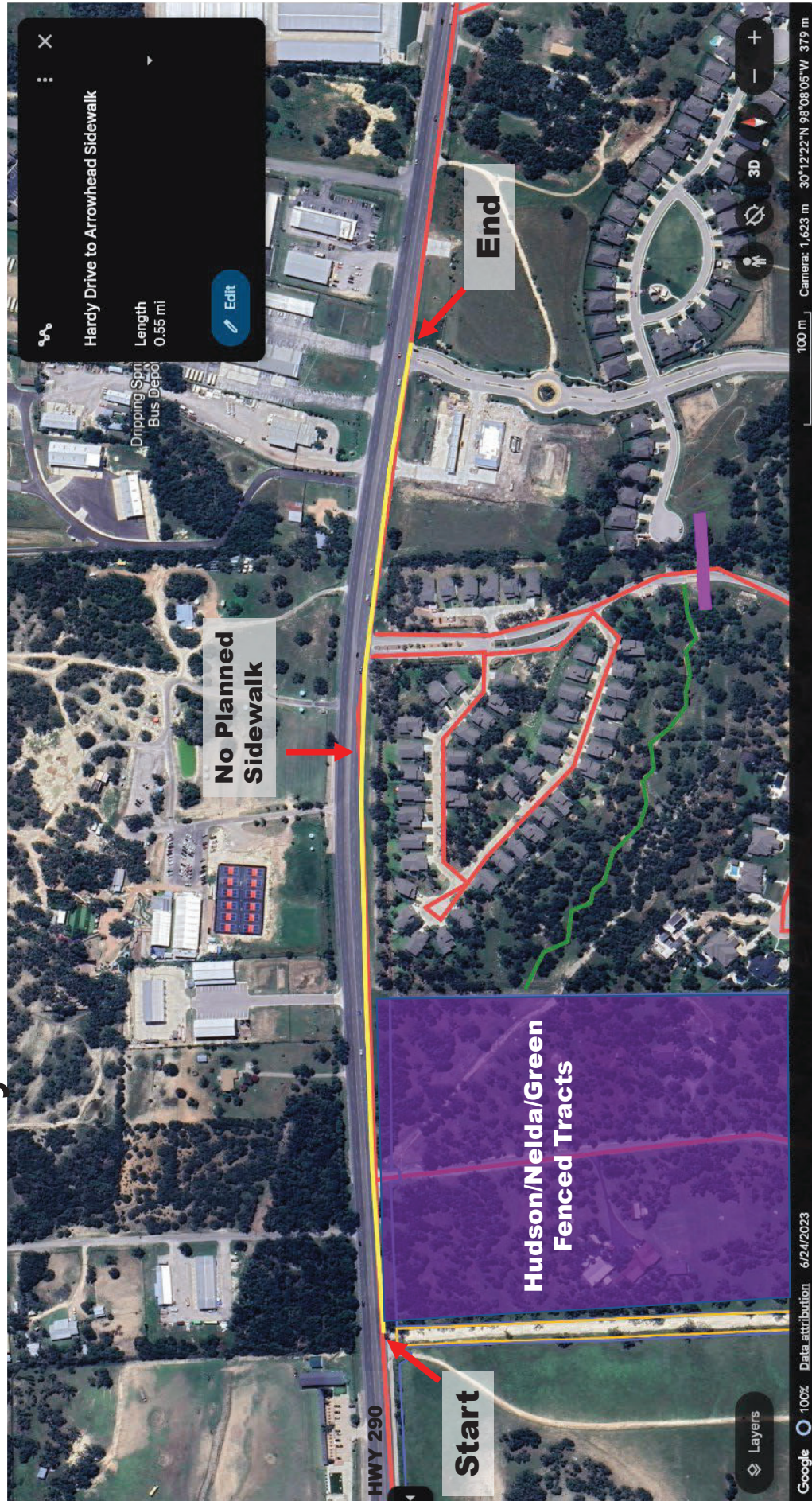
- Private
- Fenced
- Rural
- Large Parcels
- No Planned Development/Sale
- No Planned Multifamily Development
- No Planned Commercial Development
- No Connectivity



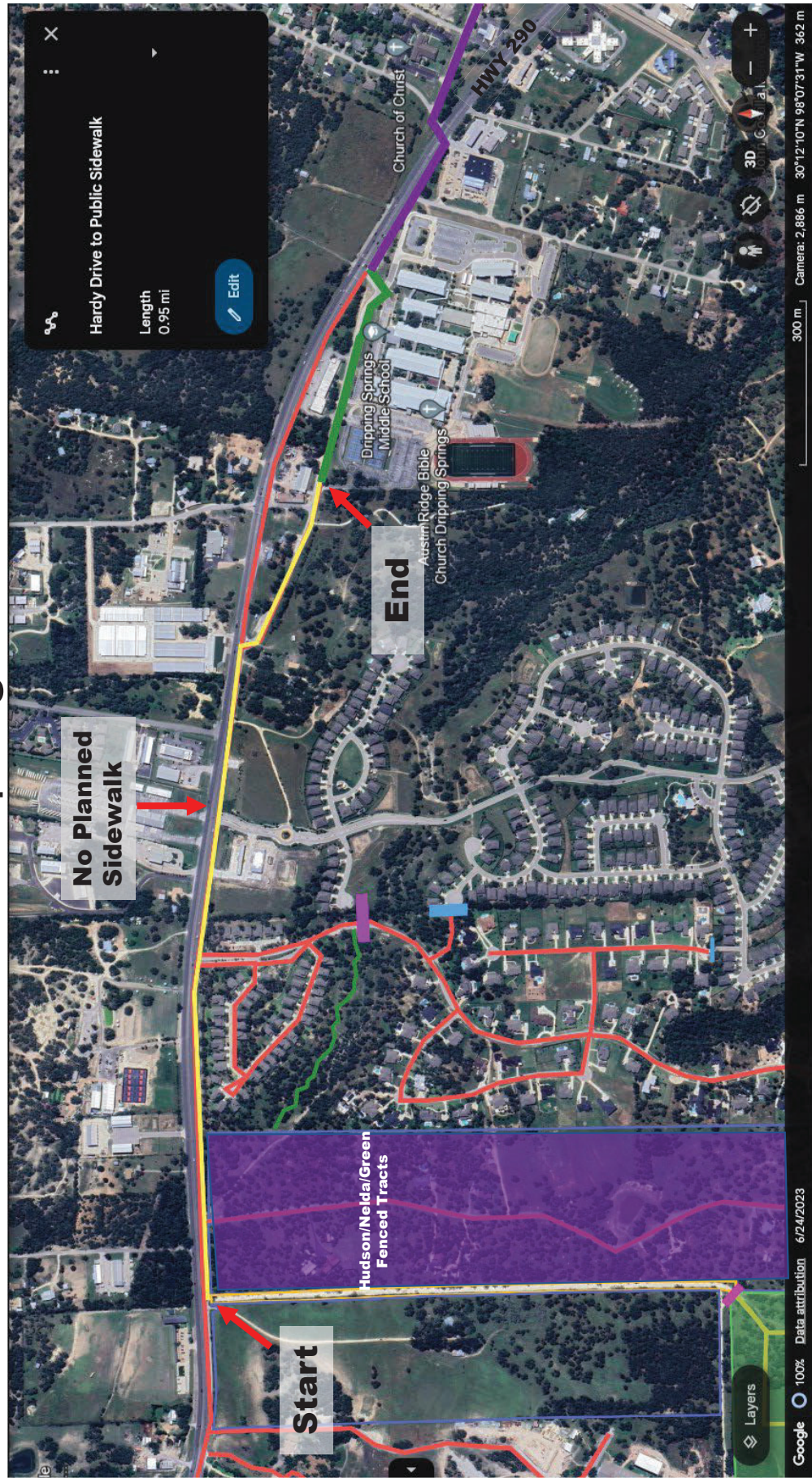
Proximity to Bunker Ranch Trail: Half of a Mile



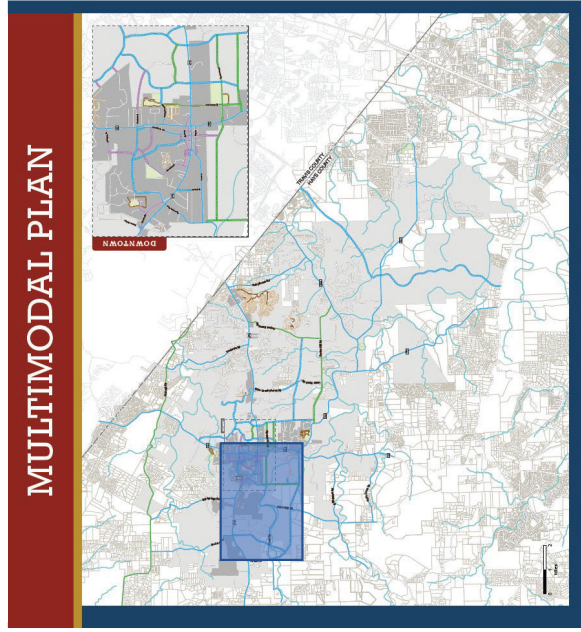
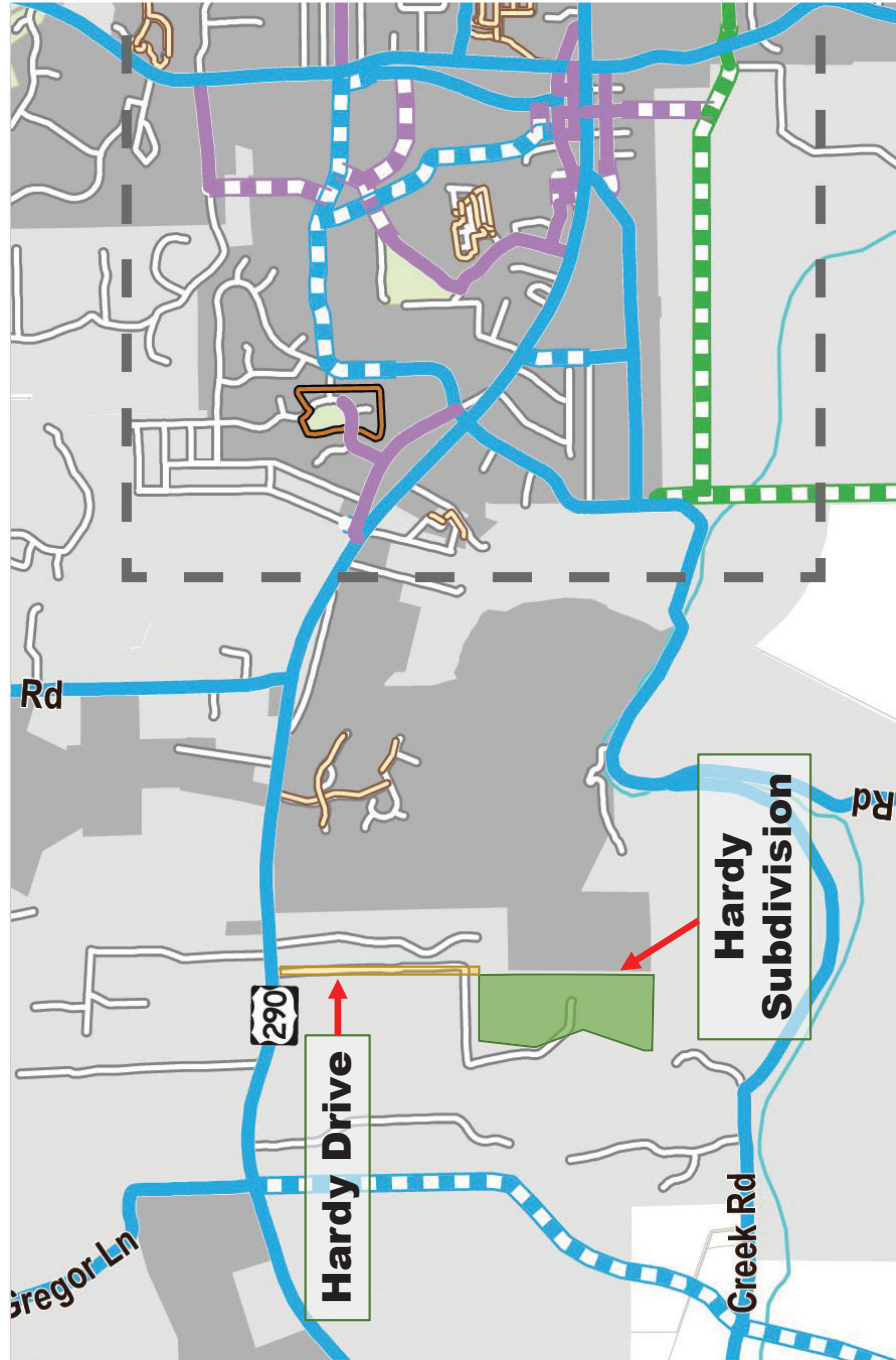
Proximity to Arrowhead: Half of a Mile



Proximity to Closest Public Sidewalk - Walnut Springs - ~1 Mile

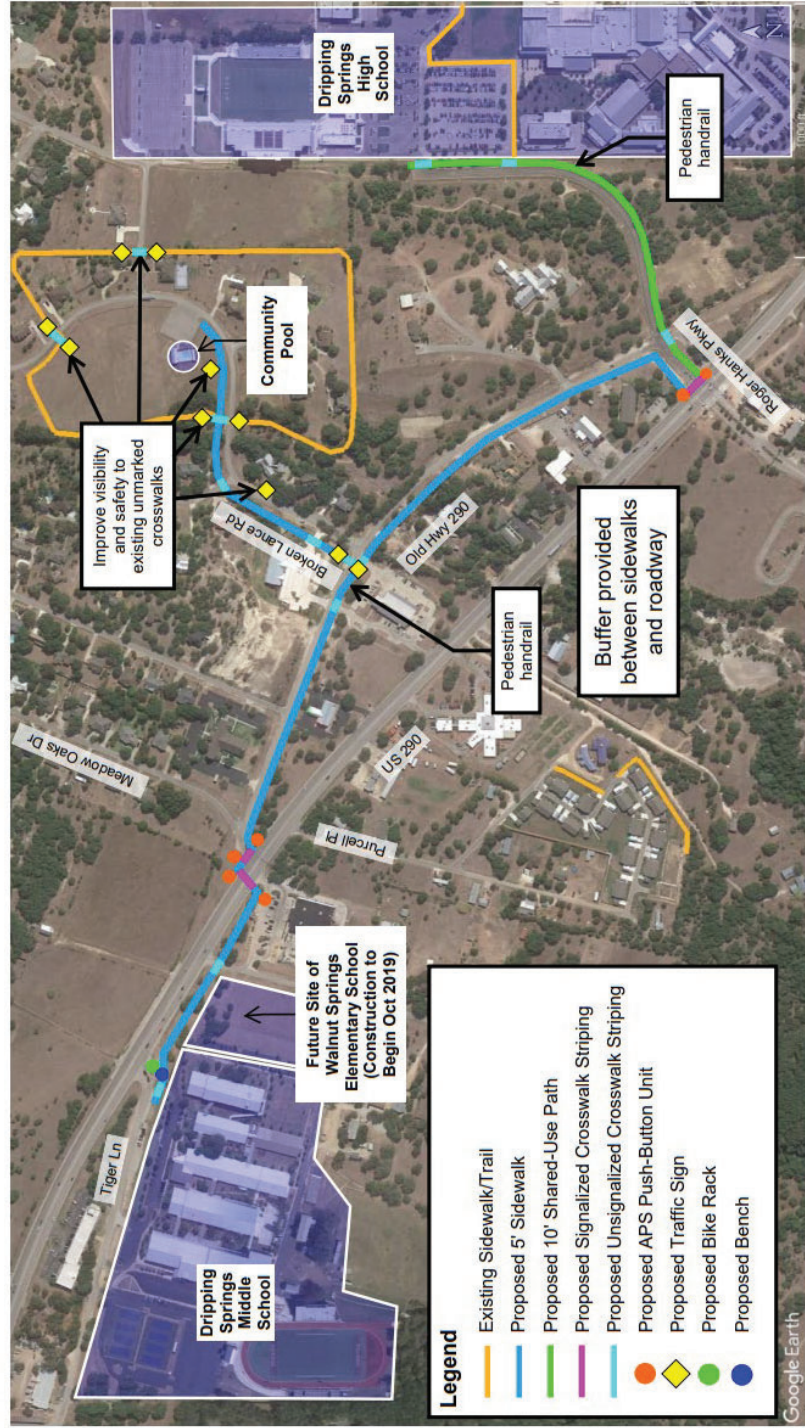


City's Future Sidewalk Plans Cont.



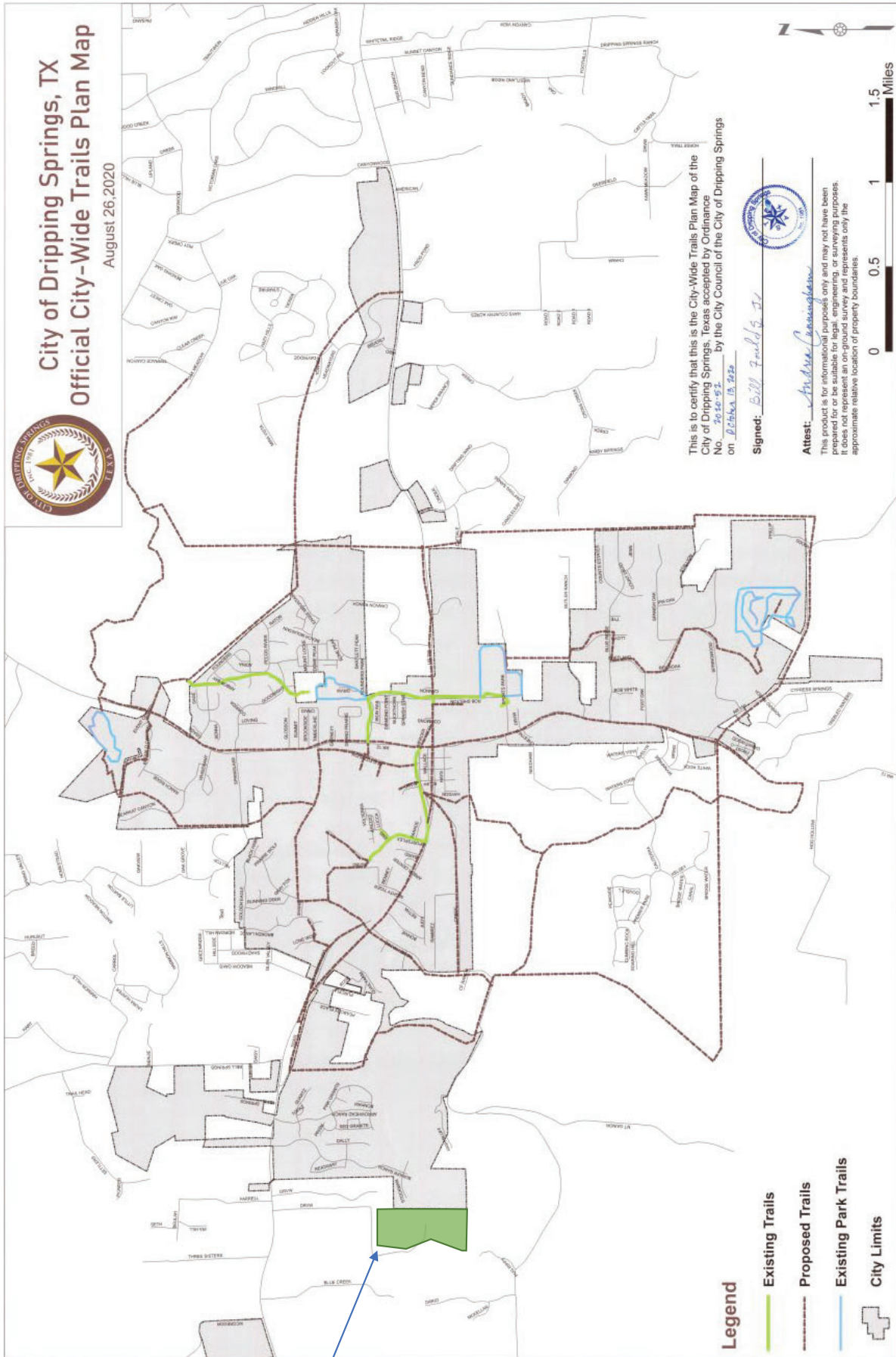
City of Dripping Springs
DSMS to DSHS SRTS Shared-Use Path/Sidewalk Project
Project Layout Map

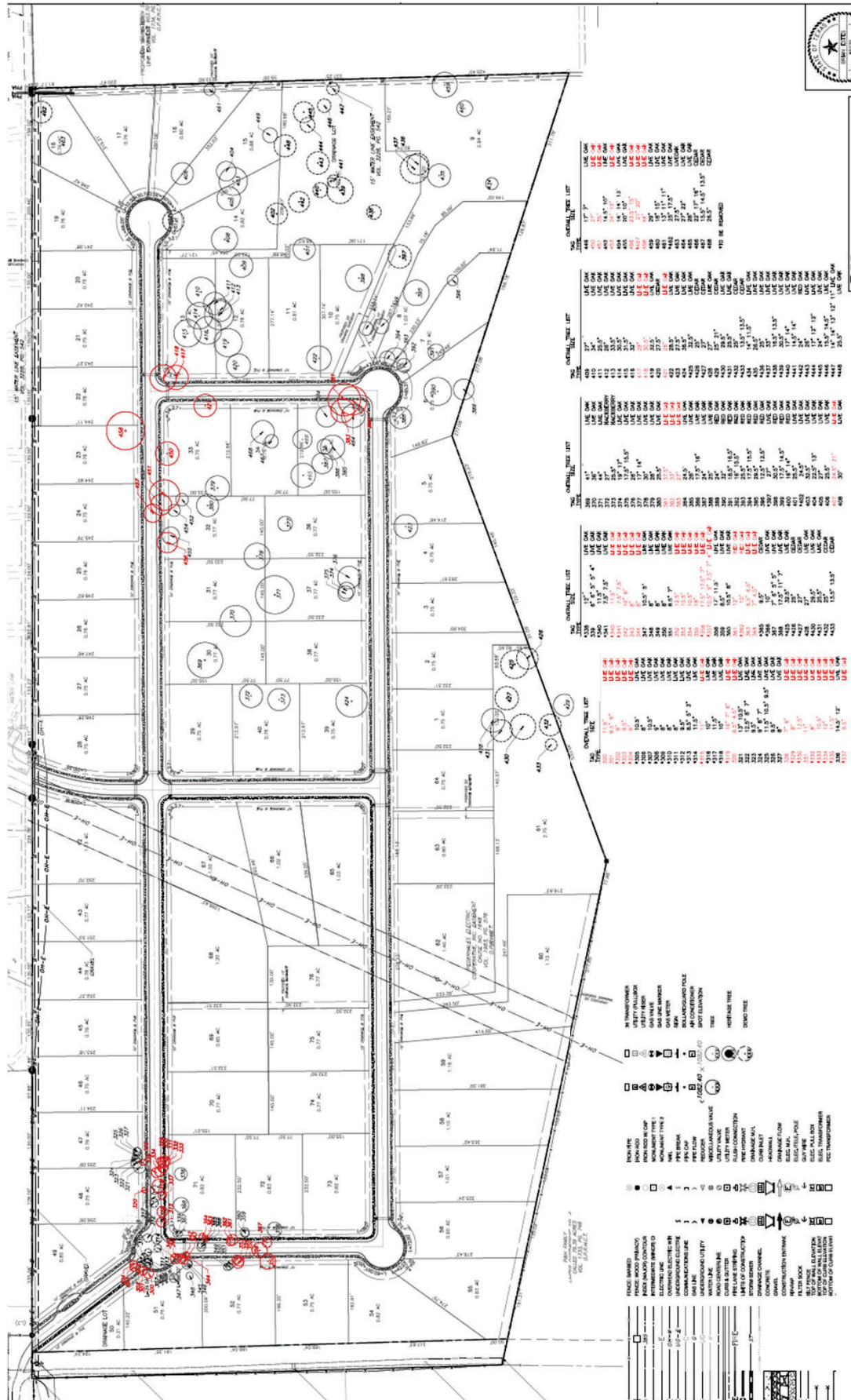
B- Project Details

Dripping Spr Middle School SRTS SUP/Sidewalk Project along US Hwy 290 from DSpr High School to DSpr Middle School Project # 0_AUS_Dripping Springs03_SRTS-TA_Dripping Springs MS SUP & Sidewalk

Cite: https://www.cityofdrippingsprings.com/sites/g/files/vyhlif6956/f/uploads/project_location_middle_school_sup_and_sidewalks.pdf





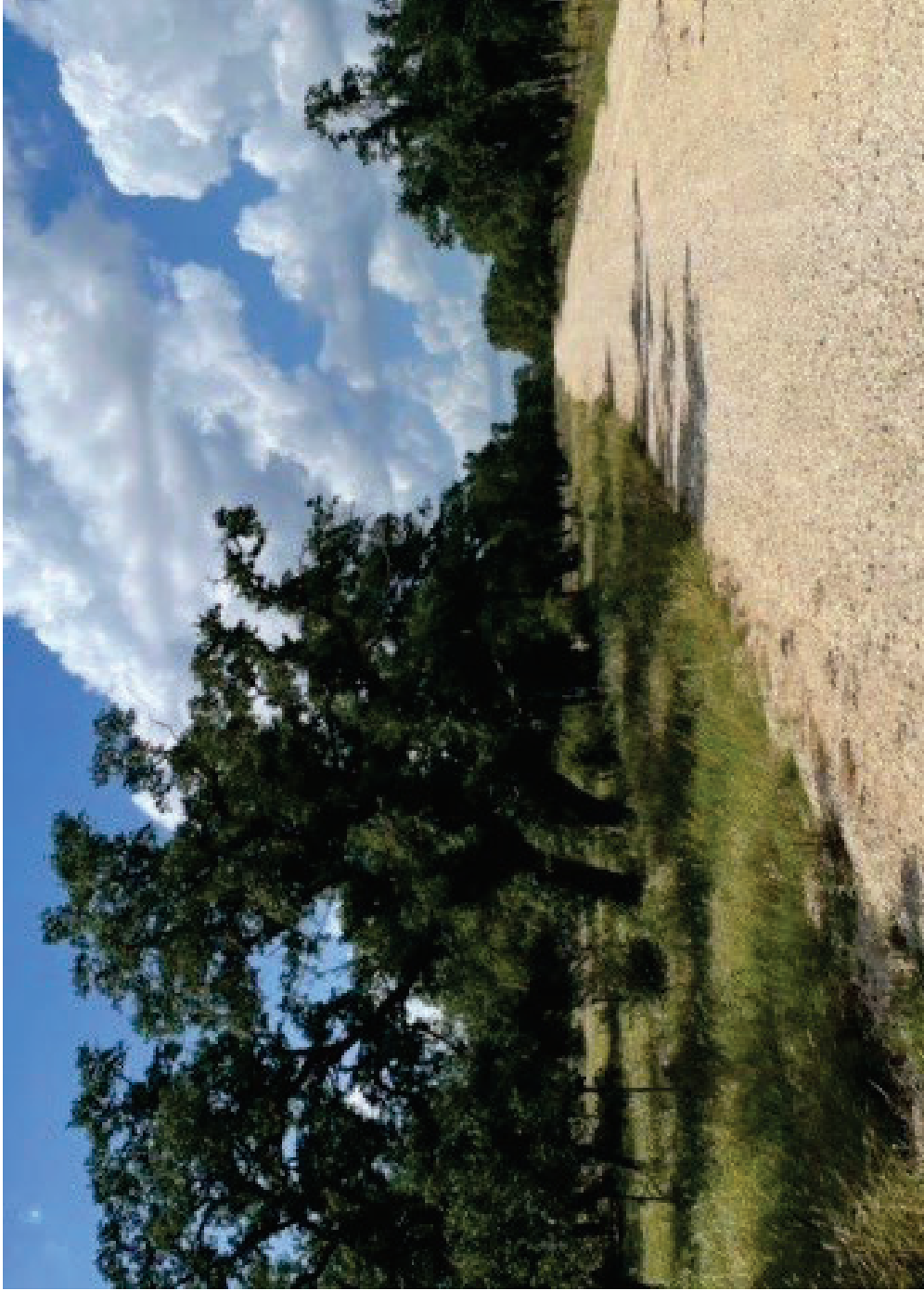
Protected Tree Removal – Hardy Drive



Protected Tree Removal – Hardy Drive Cont.



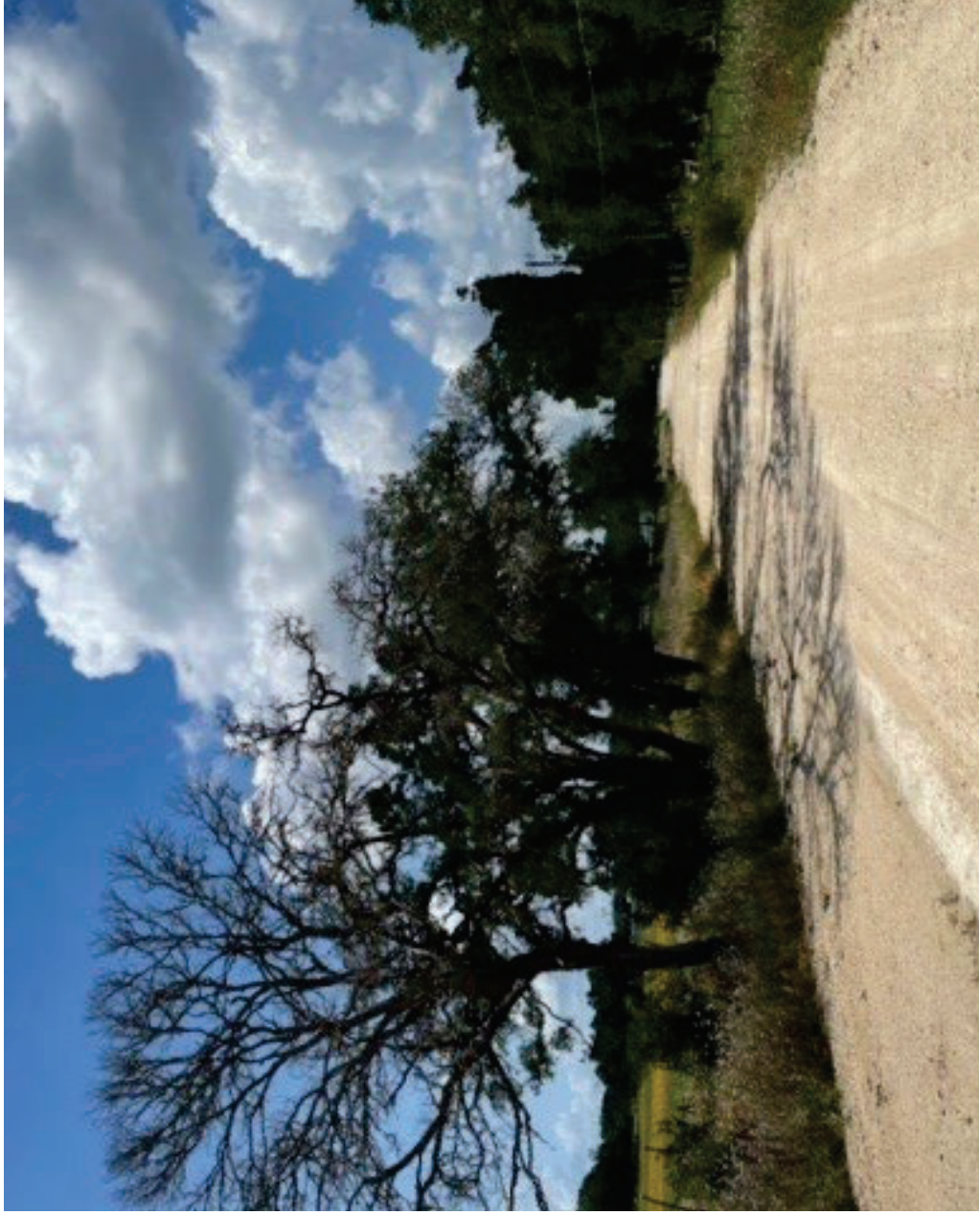
Protected Tree Removal – Hardy Drive Cont.



Protected Tree Removal – Hardy Drive Cont.



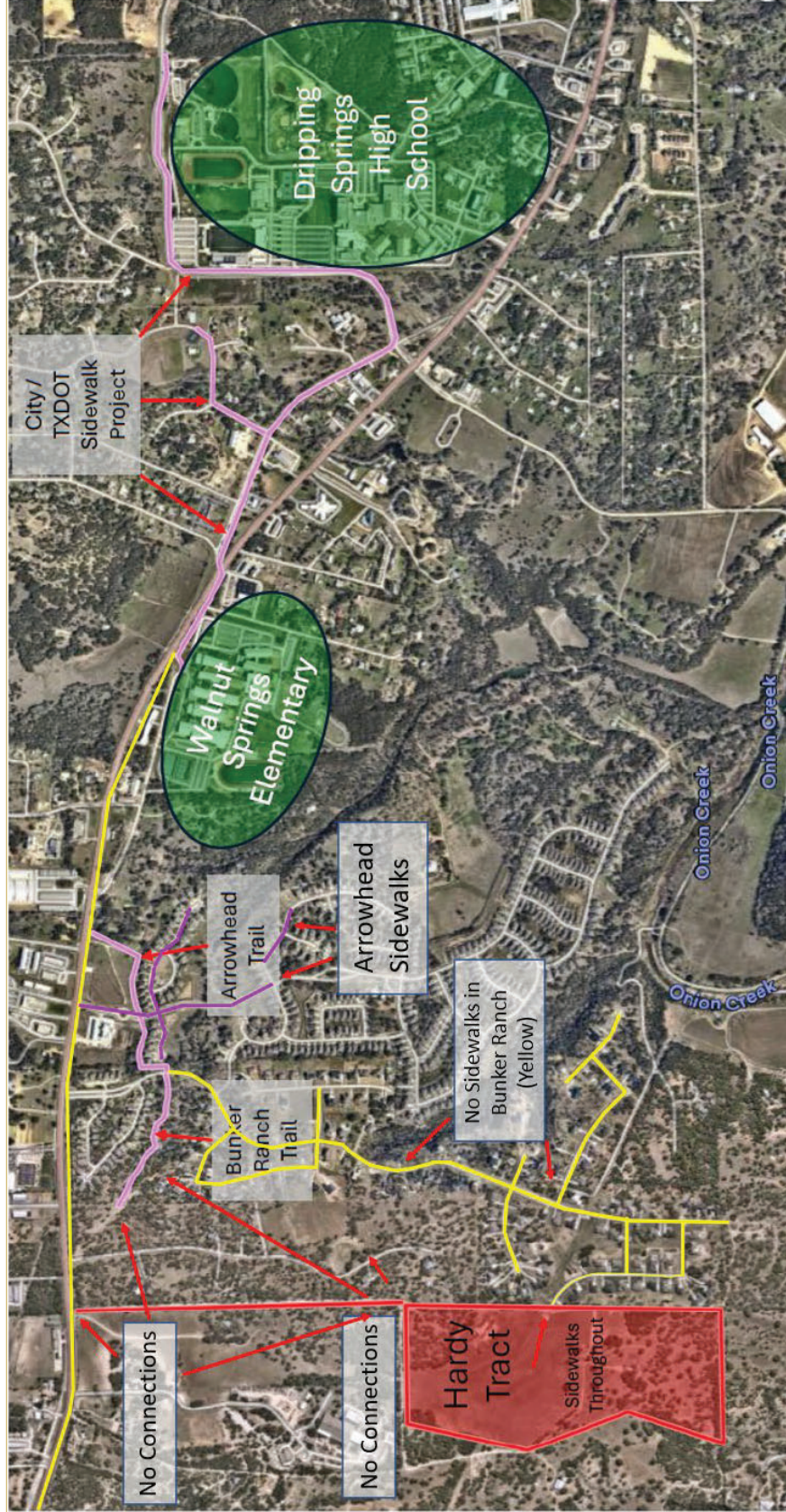
Protected Tree Removal – Hardy Drive Cont.



Protected Tree Removal – Hardy Drive Cont.



Supplemental Slides



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GT GreenbergTraurig

Exhibit G

JUNE 9, 2021

REVISED TRAFFIC IMPACT ANALYSIS FOR THE PROPOSED BUNKER RANCH SUBDIVISION EXPANSION

US 290 and
Bunker Ranch Boulevard

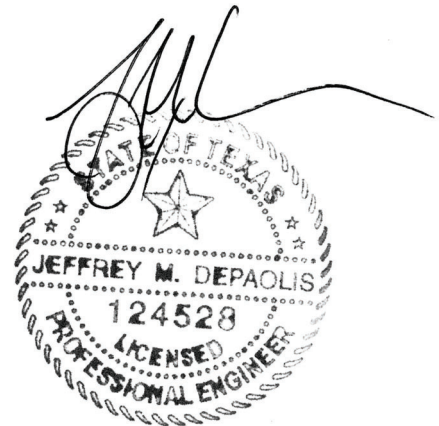
City of Dripping Springs
Hays County, Texas

Prepared for:

The Overlook at Bunker Ranch, LLC
Mr. Steve Harren
317 Grace Lane #240
Austin, Texas 78746
(512) 644-6800

Prepared by:

Civil & Environmental Consultants, Inc.
Mr. Jeffrey M. DePaolis, P.E., PTOE
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Pittsburgh, Pennsylvania 15205
(412) 429-2324



Civil & Environmental Consultants, Inc.

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**REVISED TRAFFIC IMPACT ANALYSIS
FOR THE PROPOSED
BUNKER RANCH SUBDIVISION EXPANSION
City of Dripping Springs, Hays County, Texas**

EXECUTIVE SUMMARY

General Overview of the Development

- The Bunker Ranch subdivision is located south of US 290, at its intersection with Bunker Ranch Boulevard, in the City of Dripping Springs, Hays County, Texas.
- The Bunker Ranch subdivision was previously approved to include 160 single family units and 42 condominium units. At the time of the data collection for this project, 58 single family units and six (6) condominium units have been constructed and occupied.
- The proposed expansion will include the construction of an additional 228 single family units (388 total single family units).
- Access to the Bunker Ranch subdivision is provided via Bunker Ranch Boulevard at its intersection with US 290. No changes to the site access are planned with the expansion.
- Traffic Impact Analysis revised in order to address review comments received from the traffic engineering consultant for the City of Dripping Springs (HDR Engineering, Inc.) dated June 3, 2021.

Study Intersection

- US 290 with Bunker Ranch Boulevard (existing unsignalized);
- US 290 with Arrowhead Ranch Boulevard (existing unsignalized); and
- US 290 with Springs Lane (existing unsignalized).

Trip Generation and Distribution

- Trip generation of the proposed Bunker Ranch subdivision was determined using rates and formulae contained in the Institute of Transportation Engineers (ITE) publication *Trip Generation*, Tenth Edition, 2017:
 - Land Use Code 210, *Single-Family Detached Housing*, was used to determine the trip generation of the proposed 228 additional single family units.
- Estimated Trip Generation for the proposed development:

AM Peak Hour:	40 Entering / 122 Exiting / 162 Total
PM Peak Hour:	134 Entering / 79 Exiting / 213 Total
- Trip distribution provided by the City of Dripping Springs indicates 80% / 20% distribution with the majority of trips originating from or destined to the east of the site along US 290.

Mitigation Measures to be Constructed Concurrent with Development

- No mitigation measures recommended for the Bunker Ranch development expansion.

**REVISED TRAFFIC IMPACT ANALYSIS
FOR THE PROPOSED
BUNKER RANCH SUBDIVISION EXPANSION
City of Dripping Springs, Hays County, Texas**

Civil & Environmental Consultants (CEC) has completed this Revised Traffic Impact Analysis for the construction of the proposed expansion of the Bunker Ranch subdivision, which is located south of US 290, at its intersection with Bunker Ranch Boulevard, in the City of Dripping Springs, Hays County, Texas.

This Traffic Impact Analysis has been revised in order to address review comments received from the traffic engineering consultant for the City of Dripping Springs, HDR Engineering Inc., dated June 3, 2021.

The following sections of this report contain a project description, data collection, site traffic generation and distribution, projected traffic volumes, analysis, and conclusions and recommendations.

**PROJECT DESCRIPTION/DATA COLLECTION/EXISTING
ROADWAY DESCRIPTION**

PROJECT DESCRIPTION

As shown in Figure 1, the Bunker Ranch subdivision is located south of US 290, at its intersection with Bunker Ranch Boulevard, in the City of Dripping Springs, Hays County, Texas.

The Bunker Ranch subdivision was previously approved to include 160 single family units and 42 condominium units. At the time data collection was performed for this project, 58 single family units and six (6) condominium units had been constructed and occupied. The proposed expansion will include the construction of an additional 228 single family units, for a total of 388 single family units following the proposed expansion.

A copy of the site plan for the proposed Bunker Ranch subdivision has been included with this report as Figure 2.

In accordance with a scope of study developed by the representatives of the City of Dripping Springs and provided to CEC via an email dated March 31, 2021, the following intersections were selected for study:

- US 290 with Bunker Ranch Boulevard (existing unsignalized);
- US 290 with Arrowhead Ranch Boulevard (existing unsignalized); and
- US 290 with Springs Lane (existing unsignalized).

A total of three (3) existing intersections were included in the scope of the study. A copy of the completed City of Dripping Springs/Texas Department of Transportation Traffic Impact Analysis

Scope and Study Area form provided by the City of Dripping Springs has been included in Appendix A to this report.

The study intersections with respect to the site are illustrated in Figure 3.

DATA COLLECTION

Manual turning movement counts were performed at the existing study intersections on Tuesday, April 20, 2021 from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM. These time periods were assumed to include the weekday AM and weekday PM peak hours of vehicular activity for the study area. Summaries of the data collected during the turning movement counts at the study intersections have been included in Appendix C to this report.

The overall peak hours determined from these counts are as follows:

- AM Peak Hour – 8:00 AM – 9:00 AM
- PM Peak Hour – 4:30 PM – 5:30 PM

The results of the turning movement counts are presented in Figure 4.

However, as a result of measures put in place to prevent the spread of COVID-19 including stay at home orders, canceling of events and public gatherings, business closures, university and school closures, increased telecommuting, and increased jobless numbers, traffic volumes observed at the time the turning movement counts were conducted collected may be lower than under pre-COVID conditions in some locations. Therefore, at the request of the City of Dripping Springs, historic traffic count data during pre-COVID conditions was reviewed in order to determine if an adjustment factor is necessary to account for variations in traffic volumes due to the COVID-19 pandemic.

Pre-COVID 24-hour traffic volumes collected in January 2018 along US 290, west of Bell Springs Road, were provided by the City of Dripping Springs. According to this count data, the Average Daily Traffic (ADT) along US 290, west of Bell Springs Road, was 14,959 vehicles per day in 2018.

In order to project current year, 2021, traffic volumes, CEC calculated a background traffic growth rate for the study area. This growth rate was calculated based on Average Annual Daily Traffic (AADT) volume data obtained from the TXDOT Traffic Count Database System (TCDS). The data includes the five (5) most recent years of AADT count data available for three (3) count stations along US 290. Based on this count data, a background traffic growth rate of 2.44 percent per year, linear was calculated. This background traffic growth rate was approved by the City of Dripping Springs Traffic Consultant, HDR Inc., on April 30, 2021. Detailed background traffic growth rate calculations are provided in Appendix B to this report.

The background traffic growth rate of 2.44 percent per year, linear, was then applied to the 2018 ADT volumes provided by the City of Dripping Springs in order to depict existing 2021 24-hour

ADT traffic volumes along US 290, west of Bell Springs Road. The resultant 2021 ADT traffic volumes for US 290, west of Bell Springs Road, was estimated to be 16,054 vehicles per day.

An Automatic Traffic Recorder (ATR) was installed along US 290, west of Bell Springs Road, for 48-continuous hours on Tuesday, April 20, 2021 and Wednesday, April 21, 2021. Based on the data collected using the ATR, the average ADT for this location along US 290 was identified to be approximately 20,717 vehicles per day. This reflects an increase of 4,663 vehicles per day when compared to the ADT data provided by the City of Dripping Springs, grown to estimate existing 2021 conditions. As a result, it is CEC's opinion that traffic volumes within the study area do not require an adjustment factor to account for COVID-19. This evaluation was provided to and approved by the City of Dripping Spring's Traffic Consultant, HDR Inc., in a virtual meeting held on April 3, 2021.

Traffic volume comparisons to evaluate COVID-19 traffic conditions are provided in Appendix D to this report.

EXISTING CONDITIONS

A field reconnaissance of the study area was conducted by CEC to obtain information such as roadway widths, roadway grades, and posted speed limits within the environs of the study intersection. A description of the study roadways is as follows:

US 290 – Within the study area, US 290 is a State-maintained, principal arterial roadway providing a five (5) lane, 63-foot wide improved surface with a 15 foot wide center two-way left turn lane and five (5) foot-wide paved shoulders.

At its intersection with Bunker Ranch Boulevard, US 290 provides a three (3) lane approach for eastbound traffic (two (2) exclusive through lanes and an exclusive right turn lane) and a three (3) lane approach for westbound traffic (left turns from the center, two-way left turn lane and two (2) exclusive through lanes). The intersection is controlled by a Stop sign on the Bunker Ranch Boulevard approach to US 290.

At its intersection with Arrowhead Ranch Boulevard/Dripping Springs Independent School District (DSISD) Transportation Department driveway, US 290 provides a four (4) lane approach for eastbound traffic (left turns from the center, two-way left turn lane, two (2) exclusive through lanes and an exclusive right turn lane) and a three (3) lane approach for westbound traffic (left turns from the center, two-way left turn lane, an exclusive through lane, and a shared through/right turn lane). The intersection is controlled by a Stop sign on the Arrowhead Ranch Boulevard driveway approach to US 290. Although there is no Stop sign on the DSISD Transportation Department driveway approach to US 290, it is assumed that this minor street approach to US 290 is intended to stop prior to entering US 290.

At its intersection with Springs Lane, US 290 provides a three (3) lane approach for eastbound traffic (left turns from the center, two-way left turn lane and two (2) exclusive through lanes) and a two (2) lane approach for westbound traffic (an exclusive through lane and a shared through/right turn lane). The intersection is controlled by a Stop sign on the Springs Lane approach to US 290.

The posted speed limit of US 290 is 60 miles per hour west of Arrowhead Ranch Boulevard and 50 miles per hour east of Arrowhead Ranch Boulevard.

Bunker Ranch Boulevard – At its intersection with US 290, Bunker Ranch Boulevard is a privately-maintained roadway, providing a 20-foot wide lane for ingress traffic and a 20-foot wide lane for egress traffic, separated by a 20-foot wide median. Bunker Ranch Boulevard provides a one (1) lane approach to US 290 for northbound traffic. The posted speed limit on Bunker Ranch Boulevard is 25 mph.

Arrowhead Ranch Boulevard – At its intersection with US 290, Arrowhead Ranch Boulevard is a privately-maintained roadway providing a 24-foot wide lane for ingress traffic and a 24-foot wide lane for egress traffic, separated by a eight (8) foot wide median. Arrowhead Ranch Boulevard provides a one (1) lane approach to US 290 for northbound traffic. There is no posted speed limit on Arrowhead Ranch Boulevard.

Dripping Springs Independent School District (DSISD) Transportation Department Driveway – At its intersection with US 290, the Dripping Springs Independent School District (DSISD) Transportation Department driveway is a privately-maintained roadway providing a 40-foot wide improved lane with a single lane approach to US 290 for southbound traffic. There is no posted speed limit on the DSISD Transportation Department driveway.

Springs Lane – At its intersection with US 290, Springs Lane is a privately-owned roadway, providing a two (2) lane, 30-foot wide improved surface with a single lane approach to US 290 for southbound traffic. There is no posted speed limit on Springs Lane.

Photographs of each approach to the study intersections are included in Appendix E to this report.

EXISTING 2021 CONDITION CAPACITY ANALYSIS

Capacity calculations were performed for each of the existing study intersections using existing 2021 peak hour traffic volumes and the methodologies published by the Transportation Research Board in their *Highway Capacity Manual*, Sixth Edition, 2017. This methodology determines how well an intersection, approach to an intersection, or movement at an intersection operates, and assigns to it a Level of Service (LOS) A through F, with LOS A representing the best operating conditions and LOS F, the worst. Detailed definitions of LOS have been included in Appendix F to this report.

The results of the capacity calculations performed using existing 2021 peak hour traffic volumes and conditions at the existing study intersections are presented in Figure 5 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach to each study intersection are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

The results of the capacity calculations performed using existing 2021 condition traffic volumes revealed that each of the existing study intersections currently operates at an overall intersection Level of Service A during both the weekday AM and weekday PM peak hours, with all movements

at the study intersections operating at a Level of Service C or better, with the exception of the DSISD Transportation Department driveway approach to US 290, which currently operates at a LOS D during the weekday AM peak hour and a LOS E during the weekday PM peak hour. Copies of the capacity calculations performed using existing 2021 peak hour traffic volumes and conditions at the existing study intersections are included in Appendix G to this report.

FORECASTED 2025 NO-BUILD (BASE) TRAFFIC VOLUMES

The proposed Bunker Ranch subdivision expansion is anticipated to be completed and fully occupied in 2025. Therefore, traffic volumes were projected for the study intersections for forecasted 2025 conditions.

Forecasted 2025 background traffic volumes for the weekday AM and weekday PM peak hours were determined by applying the aforementioned background traffic growth rate of 2.44 percent per year, linear, to the existing 2021 peak hour traffic volumes (Figure 4). The resultant forecasted 2025 background weekday AM and weekday PM peak hour traffic volumes are presented in Figure 6.

As previously discussed, the Bunker Ranch subdivision was previously approved to include 160 single family units and 42 condominium units but, at the time data collection was performed for this project, 58 single family units and six (6) condominium units had been constructed and occupied. Therefore, the anticipated weekday AM and PM peak hour trips to be generated by the 102 single family units and 36 condominium units that have been approved but not yet constructed or occupied have been included in the within the approved no-build (base) condition traffic volumes.

Vehicular trip generation of the 102 single family units and 36 condominium units that have been approved but not yet constructed or occupied was projected based upon data published by the Institute of Transportation Engineers (ITE) in their *Trip Generation*, Tenth Edition, 2017. Land Use Code 210, *Single-Family Detached Housing*, was used to estimate the trip generation for the 102 single family units and Land Use Code 220, *Multifamily Low-Rise*, was used to estimate the trip generation for the 36 multi-family condo units.

Using this methodology, the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision can be anticipated to generate a total of 90 trips during the weekday AM peak hour (22 trips entering and 68 trips exiting) and a total of 122 trips during the weekday PM peak hour (77 trips entering and 45 trips exiting). Copies of the trip generation calculations performed in order to estimate the anticipated trip generation of the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision are included in Appendix H to this report.

The forecasted trips to be generated by the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision were distributed onto the study roadways and through the study intersections based on an arrival/departure distribution provided by the Traffic Engineering Consultant for the City of Dripping Springs. According to this information, 80 percent of primary trips within the study area are anticipated to originate from and be destined to

the east along US 290 and the remaining 20 percent of primary trips are anticipated to originate from and be destined to the west along US 290. The anticipated distribution of the forecasted trips to be generated by the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision is presented in Figure 7.

The anticipated trips to be added to the study intersections by the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision during the weekday AM and weekday PM peak hours are presented in Figure 8.

Similarly, it is understood that approximately 181 of the 403 residential units that have been approved as part of the Arrowhead Ranch residential development have been constructed and are occupied. Therefore, the anticipated weekday AM and PM peak hour trips to be generated by the 222 single family units that have been approved but not yet constructed or occupied have been included in the within the approved no-build (base) condition traffic volumes.

Vehicular trip generation of the 222 single family units that have been approved but not yet constructed or occupied was projected based upon data published by the aforementioned Trip Generation. Land Use Code 210, *Single-Family Detached Housing*, was used to estimate the trip generation for the 222 single family units.

Using this methodology, the approved but not constructed or occupied residential units within the Arrowhead Ranch residential development can be anticipated to generate a total of 158 trips during the weekday AM peak hour (40 trips entering and 118 trips exiting) and a total of 207 trips during the weekday PM peak hour (131 trips entering and 76 trips exiting).

The forecasted trips to be generated by the approved but not yet constructed or occupied residential units within the Arrowhead Ranch development were distributed onto the study roadways and through the study intersections based on the aforementioned arrival/departure distribution provided by the Traffic Engineering Consultant for the City of Dripping Springs. The anticipated distribution of the forecasted trips to be generated by the approved but not yet constructed or occupied residential units within the Arrowhead Ranch residential development is presented in Figure 9.

In addition, according to representatives of the City of Dripping Springs, a 6,000 SF super convenience store with 10 vehicle fueling positions and a 1,800 SF liquor store are currently planned to be constructed as part of the Arrowhead Ranch development. It is CEC's understanding that these commercial developments have not submitted a TIA and are not currently approved by the City of Dripping Springs. However, the City of Dripping Springs has requested that the anticipated trips to be generated by these planned commercial developments be included in the background traffic projections.

The City of Dripping Springs provided a conceptual site plan for these planned Arrowhead Ranch commercial developments. Based on the site plan provided, access to these commercial developments is proposed via a new site access driveway to US 290, the centerline of which is shown to be located approximately 320 feet west of the centerline of Arrowhead Ranch Boulevard, that will be restricted to right turns in/right turns out only. A second, full-movement driveway to

Arrowhead Ranch Boulevard is also planned to provide access to these commercial developments. A copy of the conceptual site plan for the planned Arrowhead Ranch commercial developments is included in Appendix I to this report.

Vehicular trip generation for the planned Arrowhead Ranch commercial developments was projected based upon data published in the aforementioned *Trip Generation*. Land Use Code 960, *Super Convenience Market/Gas Station*, was used to estimate the trip generation for the 6,000 SF super convenience store with 10 vehicle fueling positions. Land Use Code 899, *Liquor Store*, was used to estimate the trip generation for the 1,800 SF liquor store.

Using this methodology, the proposed 6,000 SF super convenience store with 10 vehicle fueling positions can be anticipated to generate a total of 488 trips during the weekday AM peak hour (244 trips entering and 244 trips exiting) and a total of 386 trips during the weekday PM peak hour (193 trips entering and 193 trips exiting). Similarly, the proposed 1,800 SF liquor store can be anticipated to generate a total of eight (8) trips during the weekday AM peak hour (four (4) trips entering and four (4) trips exiting) and a total of 29 trips during the weekday PM peak hour (15 trips entering and 14 trips exiting).

In addition, a portion of the total trips to be generated by the proposed Arrowhead Ranch 6,000 SF super convenience store with 10 vehicle fueling positions can be anticipated to be pass-by trips (those trips that are already traveling the study roadways and will stop at the site as an intermediate stop between their primary origin and their primary destination). The forecasted pass-by trips to be generated by the planned 6,000 SF super convenience store with 10 vehicle fueling positions, as a percentage of the total site trip generation, were estimated using data published by ITE in their *Trip Generation Handbook*, Third Edition, 2017. Land Use Code 960, *Super Convenience Market/Gas Station*, was used to estimate the trip generation for the 6,000 SF super convenience store with 10 vehicle fueling positions. According to this information, a *Super Convenience Market/Gas Station* can be anticipated to generate approximately 76 percent pass-by trips during both the weekday AM and PM peak hours.

Using this methodology, approximately 370 of the 488 trips generated by the planned 6,000 SF super convenience store with 10 vehicle fueling positions during the weekday AM peak hour can be anticipated to be pass-by trips (185 trips entering/185 trips exiting) and approximately 294 of the total 386 trips generated by the planned 6,000 SF super convenience store with 10 vehicle fueling positions during the weekday PM peak hour can be anticipated to be pass-by trips (147 trips entering/147 trips exiting).

The forecasted primary trips to be generated by the planned Arrowhead Ranch commercial developments were distributed onto the study roadways and through the study intersections based on the aforementioned arrival/departure distribution provided by the Traffic Engineering Consultant for the City of Dripping Springs. The anticipated distribution of the forecasted trips to be generated by the planned Arrowhead Ranch commercial developments is presented in Figure 10.

Forecasted pass-by trips to be generated by the planned super convenience store with 10 vehicle fueling positions were distributed through the study intersections based on the existing peak hour

traffic volume distributions along US 290 during each individual peak hours analyzed for both the weekday AM and PM peak hours. The forecasted pass-by trip distribution percentages are presented in Figure 11.

The anticipated trips to be added to the study intersections by the approved but not yet constructed or occupied residential units within the Arrowhead Ranch residential development during the weekday AM and weekday PM peak hours are presented in Figure 12.

The anticipated trips to be added to the study intersections by the planned Arrowhead Ranch liquor store during the weekday AM and weekday PM peak hours are presented in Figure 13.

The forecasted primary trips to be added to the study intersections by the planned Arrowhead Ranch super convenience market/gas station are presented in Figure 14.

The forecasted pass-by trips to be added to the study intersections by the planned Arrowhead Ranch super convenience market/gas station are presented in Figure 15.

The total trips to be added to each of the study intersections by the Arrowhead Ranch development, including both primary and pass-by trips, are presented in Figure 16.

Forecasted 2025 no-build traffic volumes for the weekday AM and weekday PM peak hours were determined by adding anticipated trips to be added to the study intersections by the approved but not yet constructed or occupied residential units within the Bunker Ranch subdivision (Figure 8) and the total trips to be added to each of the study intersections by the Arrowhead Ranch development (Figure 16) to the forecasted 2025 background traffic volumes (Figure 6). The resultant 2025 no-build (base) traffic volumes are presented in Figure 17.

FORECASTED 2025 NO-BUILD (BASE) CONDITION CAPACITY CALCULATIONS

Capacity calculations were performed for each of the study intersections using forecasted 2025 no-build (base) condition traffic volumes during the weekday AM and weekday PM peak hours. The results of the capacity calculations performed using forecasted 2025 no-build (base) condition traffic volumes are presented in Figure 18 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach to each study intersection are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

The results of the capacity calculations performed using forecasted 2025 no-build (base) condition traffic volumes revealed that the study intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane are anticipated to operate at an overall intersection Level of Service A during the weekday AM and PM peak hours, with all movements at each intersection forecasted to operate at a LOS C or better during each of the peak hours analyzed.

However, the study intersection of US 290 with Arrowhead Ranch Boulevard/DSISD Transportation Department driveway is anticipated to operate at an overall intersection Level of Service F during both the weekday AM and PM peak hours, with both the northbound Arrowhead

Ranch Boulevard and the southbound DSISD Transportation Department driveway approaches to the intersection operating at LOS F during each of the peak hours analyzed.

Copies of the capacity calculations performed using forecasted 2025 no-build (base) traffic volumes and conditions are included in Appendix L to this report.

According to the City of Dripping Springs Code of Ordinances, Chapter 28, Exhibit A, Section 11.11, *“The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service “C” or above.”* Therefore, because of the forecasted decrease in Level of Service, mitigation measures will need to be considered for the intersection of US 290 with Arrowhead Ranch Boulevard.

Warrants for the installation of traffic signal control were evaluated at the study intersection of US 290 with Arrowhead Ranch Boulevard. These analyses were performed using criteria published in Chapter 4C, Traffic Control Signal Needs Studies, contained in the Texas Manual on Uniform Traffic Control Devices (TMUTCD). Specifically Warrant III, the *Peak Hour* warrant, was evaluated. The peak hour signal warrant is anticipated to be satisfied at the intersection of US 290 with Arrowhead Ranch Boulevard under forecasted 2025 no-build (base) conditions during both the weekday AM and weekday PM peak hours. Therefore, traffic signal control is assumed to be necessary for the planned Arrowhead Ranch development and the installation of traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard would be the sole responsibility of the Arrowhead Ranch development.

Copies of the graphs used to verify warrants for the installation of traffic signal control are included in Appendix L to this report.

Therefore, capacity calculations were then performed for the study intersection of US 290 with Arrowhead Ranch Boulevard assuming the installation of a traffic signal at the intersection. The results of these capacity calculations revealed that the intersection of US 290 with Arrowhead Ranch Boulevard could be anticipated to operate at an overall intersection Level of Service C or better during the weekday AM and PM peak hours, with all movements operating at a LOS C or better, following installation of traffic signal control. The anticipated Levels of Service at the intersection of US 290 with Arrowhead Ranch Boulevard, assuming the installation of a traffic signal, are presented in Figure 19 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

Copies of the capacity calculations performed using forecasted 2025 no-build (base) traffic volumes including mitigations are included in Appendix M to this report.

SITE TRAFFIC GENERATION AND DISTRIBUTION

VEHICULAR TRIP GENERATION

Vehicular trip generation for the proposed Bunker Ranch subdivision expansion was projected based upon data published in the aforementioned *Trip Generation*. Land Use Code 210, *Single-Family Detached Housing*, was used to estimate the trip generation for the proposed 228 Single family units.

Using this methodology, the proposed Bunker Ranch subdivision expansion can be anticipated to generate a total of 162 trips during the weekday AM peak hour (40 trips entering and 122 trips exiting) and a total of 213 trips during the weekday PM peak hour (134 trips entering and 79 trips exiting).

SITE TRAFFIC DISTRIBUTION

As previously detailed, arrival and departure distribution for the proposed Bunker Ranch subdivision expansion was provided by the Traffic Engineering Consultant for the City of Dripping Springs. This trip distribution is summarized in Figure 7.

The forecasted trips to be added to each of the study intersections by the proposed Bunker Ranch subdivision expansion are presented in Figure 20.

FORECASTED 2025 BUILD (WITH DEVELOPMENT) TRAFFIC VOLUMES

The forecasted 2025 build traffic volumes (with development) at each of the study intersections during the weekday AM and weekday PM hours were determined by adding the forecasted trips to be added to the study intersection by the proposed Bunker Ranch subdivision expansion (Figure 20) to the forecasted 2025 no-build (base) traffic volumes (Figure 17). The resultant forecasted 2025 build (with development) traffic volumes are presented in Figure 21.

FORECASTED 2025 BUILD (WITH DEVELOPMENT) CONDITION CAPACITY CALCULATIONS

Capacity calculations were performed for each of the study intersections using forecasted 2025 build (with development) traffic volumes and conditions during the weekday AM and weekday PM peak hours. The results of the capacity calculations performed using forecasted 2025 build (with development) conditions and traffic volumes are presented in Figure 22 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

The results of the capacity calculations performed using forecasted 2025 build (with development) condition traffic volumes revealed that the study intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane are anticipated to continue to operate at an overall intersection Level of Service A during the weekday AM and PM peak hours, with all movements

at each intersection forecasted to operate at a LOS D or better. Therefore, no mitigation measures are necessary for the intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane following completion of the Bunker Ranch subdivision expansion.

However, similar to the analyses performed for the 2025 no-build (base) conditions, the study intersection of US 290 with Arrowhead Ranch Boulevard is anticipated to operate with an overall intersection Level of Service F during both the weekday AM and PM peak hours, with both the northbound Arrowhead Ranch Boulevard and the southbound DSISD Transportation Department driveway approaches to the intersection operating at LOS F during each of the peak hours analyzed under existing traffic control. As previously detailed, warrants for the installation of traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard are forecasted to be satisfied under forecasted 2025 no-build (base) conditions. Therefore, traffic signal control is assumed to be necessary for the planned Arrowhead Ranch development. Installation of traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard is the sole responsibility of the Arrowhead Ranch development.

Copies of the capacity calculations performed using forecasted 2025 build (with development) traffic volumes are included in Appendix N to this report.

Therefore, capacity calculations were then performed for the study intersection of US 290 with Arrowhead Ranch Boulevard assuming the installation of a traffic signal at the intersection. The results of these capacity calculations revealed that the intersection of US 290 with Arrowhead Ranch Boulevard could be anticipated to operate at an overall intersection Level of Service C or better during the weekday AM and PM peak hours, with all movements operating at a LOS C or better, following installation of traffic signal control. The anticipated Levels of Service at the intersection of US 290 with Arrowhead Ranch Boulevard, assuming the installation of a traffic signal, are presented in Figure 23 for the weekday AM and weekday PM peak hours. LOS, delay, and volume to capacity ratios for each approach are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

Copies of the capacity calculations performed using forecasted 2025 build (with development) traffic volumes including mitigations are included in Appendix O to this report.

ADDITIONAL ANALYSES

SIGNAL WARRANT EVALUATION

As previously discussed, warrants for the installation of traffic signal control at the study intersection of US 290 with Arrowhead Ranch Boulevard are anticipated to be satisfied under forecasted 2025 no-build (base) conditions and are forecasted to continue to be satisfied under forecasted 2025 build (with development) conditions.

According to the City of Dripping Springs Code of Ordinances, Chapter 28, Exhibit A, Section 11.11, *“The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but*

unbuilt developments holding valid, unexpired building permits at level of service “C” or above.” Therefore, signal warrant evaluations were not performed for the intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane.

QUEUING ANALYSIS

Traffic volumes at each of the study intersections were used to perform queuing analyses for each approach to each intersection. These queuing analyses were reported as the 95th percentile queue from the average of five (5) runs of SimTraffic Traffic Signal Coordination Software by TrafficWare. The results of these queuing analyses are summarized in Table 1 and Table 2 for the weekday AM and weekday PM peak hours, respectively.

As described under Existing Conditions, a center, two-way left turn lane is provided along US 290 within the study area. SimTraffic Traffic Signal Coordination Software does not account for left turns being made within a center two-way left turn lane. Therefore, in order to accurately model the intersections, the center, two-way left turn lane was treated as an exclusive left turn lane at each of the study intersections.

Based on the results of these queueing analyses, each of the existing auxiliary turn lanes at the study intersections is of sufficient length to accommodate all existing queues, as well as all forecasted 2025 queues, both without and following the proposed Bunker Ranch subdivision expansion.

However it should be noted that the right turn in/right turn out driveway proposed to be constructed as part of the planned Arrowhead Ranch commercial developments will be located in the middle of the taper of the existing eastbound right turn lane on US 290 at its intersection with Arrowhead Ranch Boulevard. Therefore, it is anticipated that the eastbound right turn lane on US 290 will need to be lengthened in order to accommodate the location of the right turn in/right turn out driveway and the increase in traffic volumes associated with the Arrowhead Ranch development.

Copies of the queuing analyses performed for existing 2021, forecasted 2025 no-build (base), forecasted 2025 no-build (base) mitigated, forecasted 2025 build (with development), and forecasted 2025 build (with development) mitigated conditions have been included in Appendix P, Appendix Q, Appendix R, Appendix S and Appendix T to this report, respectively.

STOPPING SIGHT DISTANCE

Stopping sight distance calculations were performed for the US 290 approaches to Arrowhead Ranch Boulevard, as warrants for the installation of traffic signal control at the intersection are anticipated to be satisfied and the installation of a traffic signal is anticipated to be required in order to mitigate the impacts caused by the construction of the proposed Arrowhead Ranch commercial development. Stopping sight distance calculations were completed based on the methodologies presented in the TXDOT *Roadway Design Manual*, July 2020. For analysis purposes, the stopping sight distance required for vehicles approaching a stopped vehicle along US 290 was evaluated

The posted speed limit of US 290 is 60 miles per hour west of Arrowhead Ranch Boulevard and 50 miles per hour east of Arrowhead Ranch Boulevard. Therefore, for analysis purposes, the stopping sight distance calculations were conservatively based on a posted speed limit of 60 miles per hour. According to the TXDOT Roadway Design Manual, Section 3, Table 2-1, the required stopping sight distance for a 60 mph posted speed limit is 570 feet.

The available stopping sight distance for the US 290 approaches to Arrowhead Ranch Boulevard was measured to the location of the projected back of the queues on US 290. Based on the results of the queuing analysis performed, the back of queue on the eastbound US 290 approach to Arrowhead Ranch Boulevard was identified to be approximately 230 feet back from the intersection during the weekday AM peak hour and approximately 196 feet back from the intersection during the weekday PM peak hour. The back of queue on the westbound US 290 approach to Arrowhead Ranch Boulevard was identified to be approximately 170 feet back from the intersection during the weekday AM peak hour and approximately 152 feet back from the intersection during the weekday PM peak hour.

Based on the sight distance measurements performed at the intersection of US 290 with Arrowhead Ranch Boulevard, greater than 1,000 feet of sight distance is available to the back of queue along eastbound US 290 and greater than 1,000 feet of sight distance is available to the back of queue along westbound US 290. Therefore, the available sight distance along US 290 to the back of queue at Arrowhead Ranch Boulevard exceeds the required stopping sight distance for a posted speed limit of 60 miles per hour.

CONCLUSIONS/RECOMMENDATIONS

The study concluded that the construction of the proposed Bunker Ranch Residential Development expansion will have no significant impact on the operation of the study intersections.

Following completion of the proposed Bunker Ranch Residential Development expansion, the study intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane are anticipated to continue to operate at an overall intersection Level of Service A during the weekday AM and PM peak hours, with all movements operating at a LOS D or better.

However, it should be noted that, under both forecasted 2025 no-build (base) and forecasted 2025 build (with development) conditions, the study intersection of US 290 with Arrowhead Ranch Boulevard is anticipated to operate at an overall intersection Level of Service F during both the weekday AM and PM peak hours, with both the northbound Arrowhead Ranch Boulevard and the southbound DSISD Transportation Department driveway approaches to the intersection operating at LOS F during each of the peak hours analyzed. These Failure Levels of Service can be directly attributed to the traffic volumes generated by the planned Arrowhead Ranch commercial developments, including a 1,800 SF liquor store and a 6,000 SF super convenience store with 10 vehicle fueling positions.

Warrants for the installation of traffic signal control are anticipated to be satisfied at the intersection of US 290 with Arrowhead Ranch Boulevard under forecasted 2025 no-build (base)

TABLES

TABLE 1
SUMMARY OF CAPACITY ANALYSIS RESULTS - AM PEAK HOUR
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Intersection/Movement	2021 Existing Conditions				2025 No-Build Conditions				2025 No-Build Mitigated Conditions ⁽⁵⁾				2025 Build Conditions				2025 Build Mitigated Conditions ⁽⁵⁾				
	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	
US 290 with Bunker Ranch Boulevard																					
Eastbound US 290																					
EB Through			--	0'			--	1490'			--	--									
EB Right	A	0.0	--	0'	A	0.0	--	240'			--	--	A	0.0	--	--					
EB Approach			--	--			--	--			--	--									
Westbound US 290																					
WB Left ⁽⁶⁾	A	9.4	0.046	36'	A	9.9	0.075	43'	A	150+ ⁺			B	10.2	0.123	45'	A	150+ ⁺			
WB Through	A	0.0	--	0'	A	0.0	--	780'			--	--	A	0.0	--	0'	A	780'			
WB Approach	A	0.6	--	--	A	0.9	--	--			--	--	A	1.4	--	--					
Northbound Bunker Ranch Blvd.																					
NB Approach	B	11.8	0.045	48'	B	14.4	0.213	60'	B	--			C	20.5	0.517	156'	C	--			
Overall Intersection	A	0.5	--	--	A	1.3	--	--	A	--			A	3.3	--	--	A	--			
US 290 with Arrowhead Ranch Boulevard																					
Eastbound US 290																					
EB Left ⁽⁶⁾	A	8.9	0.001	3'	A	8.7	0.001	0'	A	150+ ⁺			A	8.8	0.001	5'	A	150+ ⁺			
EB Through	A	0.0	--	0'	A	0.0	--	2'	A	780'			A	0.0	--	0'	A	780'			
EB Right	A	0.0	--	0'	A	0.0	--	10'	A	250'			A	0.0	--	9'	A	250'			
EB Approach	A	0.0	--	--	A	0.0	--	--			--	--	A	0.0	--	--					
Westbound US 290																					
WB Left ⁽⁶⁾	A	0.2	0.053	32'	A	11.3	0.296	96'	B	150'			B	12.3	0.327	95'	B	150'			
WB Through	A	0.0	--	0'	A	0.0	--	11'	A	440'			A	0.0	--	21'	A	440'			
WB Right	A	0.6	--	--	A	3.2	--	--			--	--	A	3.4	--	--					
WB Approach	A	0.6	--	--	A	3.2	--	--			--	--	A	3.4	--	--					
Northbound Arrowhead Ranch Blvd.																					
NB Approach	C	19.6	0.248	68'	F	24.13	6.111	358'	C	--			F	3508.7	8.462	355'	C	28.5	0.67	335'	--
Southbound DNSD Driveway																					
SB Approach	D	31.9	0.017	15'	F	105.9	0.062	13'	B	--			F	145.0	0.084	13'	B	16.9	0.00	10'	--
Overall Intersection	A	1.3	--	--	F	509.9	--	--	C	20.1			F	690.3	--	--	C	26.8	--	--	--
US 290 with Springs Lane																					
Eastbound US 290																					
EB Left ⁽⁶⁾	A	9.1	0.003	11'	A	9.6	0.003	8'	A	150+ ⁺			A	9.7	0.003	10'	A	150+ ⁺			
EB Through	A	0.0	--	0'	A	0.0	--	0'	A	440'			A	0.0	--	0'	A	440'			
EB Approach	A	0.0	--	--	A	0.0	--	--			--	--	A	0.0	--	--					
Westbound US 290																					
WB Through																					
WB Right	A	0.0	--	0'	A	0.0	--	0'	A	490'			A	0.0	--	0'	A	490'			
WB Approach				--				--													
Southbound Springs Lane																					
SB Approach	C	17.0	0.056	35'	C	19.7	0.067	36'	C	--			C	20.9	0.072	40'	C	--			
Overall Intersection	A	0.2	--	--	A	0.2	--	--	A	--			A	0.2	--	--	A	--			

- (1) Level of service determined through the use of Synchro Traffic Simulation Software, Version 11. All calculations were performed using the methodologies published in Highway Capacity Manual 6th Edition by the Transportation Research Board.
- (2) Volume to capacity ratio (v/c) were calculated using Synchro Traffic Simulation Software, Version 11. All calculations were performed using the methodologies published in Highway Capacity Manual 6th Edition by the Transportation Research Board.
- (3) 95th percentile queue lengths were calculated using Synchro Traffic Simulation Software. Results of queuing analysis represent the average of five (5) SimTraffic simulation runs.
- (4) Existing queue storage capacity was determined through the use of Google Earth Software and signal plans. All storage lengths were rounded up to the nearest 5 ft. increment.
- (5) Results of the capacity analyses performed without mitigations indicate that the intersection of US 290 with Arrowhead Ranch Boulevard is forecasted to operate under LOS F conditions. Therefore, it is anticipated that mitigation measures will need to be constructed by the Arrowhead Ranch development in order to mitigate the projected LOS F conditions. As a result, mitigated conditions for this study represent the anticipated need to install traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard.

TABLE 2
SUMMARY OF CAPACITY ANALYSIS RESULTS - PM PEAK HOUR
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Intersection/Movement	2021 Existing Conditions				2025 No-Build Conditions				2025 No-Build Mitigated Conditions ⁽⁵⁾				2025 Build Conditions				2025 Build Mitigated Conditions ⁽⁵⁾			
	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾	LOS ⁽¹⁾	Delay ⁽¹⁾	V/C ⁽²⁾	95th % Queue (ft) ⁽³⁾
US 290 with Bunker Ranch Boulevard																				
Eastbound US 290																				
EB Through				0'																
EB Right	A	0.0		0'	A	0.0		0'												
EB Approach																				
Westbound US 290																				
WB Left ⁽⁶⁾	A	9.1	0.016	21'	A	9.7	0.1	45'												
WB Through	A	0.0		0'	A	0.0		0'												
WB Approach	A	0.1			A	0.8														
Northbound Bunker Ranch Blvd.																				
NB Approach	B	12.1	0.078	50'	B	14.2	0.196	98'												
Overall Intersection	A	0.3			A	1.1														
US 290 with Arrowhead Ranch Boulevard																				
Eastbound US 290																				
EB Left ⁽⁶⁾	B	11.8	0.004	2'	B	11.7	0.004	8'												
EB Through	A	0.0		0'	A	0.0		0'												
EB Right	A	0.0		0'	A	0.0		0'												
EB Approach	A	0.0			A	0.0														
Westbound US 290																				
WB Left ⁽⁶⁾	A	9.4	0.068	33'	B	11.4	0.352	116'												
WB Through	A	0.0		0'	A	0.0		0'												
WB Right	A	0.6			A	3.0														
WB Approach	A	0.6			A	3.0														
Northbound Arrowhead Ranch Blvd.																				
NB Approach	B	14.2	0.106	42'	F	1,016.3	3.051	326'												
Southbound DSI/SD Driveway																				
SB Approach	E	41.4	0.02	11'	F	155.1	0.079	11'												
Overall Intersection	A	0.8			F	140.0														
US 290 with Springs Lane																				
Eastbound US 290																				
EB Left ⁽⁶⁾	B	10.1	0.003	6'	B	11.2	0.004	12'												
EB Through	A	0.0		0'	A	0.0		0'												
EB Approach	A	0.0			A	0.0														
Westbound US 290																				
WB Through	A	0.0		0'	A	0.0		0'												
WB Right	A	0.0			A	0.0														
WB Approach	A	0.0			A	0.0														
Southbound Springs Lane																				
SB Approach	C	18.9	0.068	46'	C	23.6	0.089	44'												
Overall Intersection	A	0.2			A	0.2														

(1) Level of service determined through the use of Synchro Traffic Simulation Software, Version 11. All calculations were performed using the methodologies published in Highway Capacity Manual 6th Edition by the Transportation Research Board.
(2) Volume to capacity ratio (v/c) were calculated using Synchro Traffic Simulation Software, Version 11. All calculations were performed using the methodologies published in Highway Capacity Manual 6th Edition by the Transportation Research Board.
(3) 95th percentile queue lengths were calculated using Synchro Traffic Simulation Software. Results of queuing analysis represent the average of five (5) SimTraffic simulation runs.
(4) Existing queue storage capacity was determined through the use of Google Earth Software and signal plans. All storage lengths were rounded up to the nearest 5 ft. increment.
(5) Results of the capacity analyses performed without mitigations indicate that the intersection of US 290 with Arrowhead Ranch Boulevard is forecasted to operate under LOS F conditions. Therefore, it is anticipated that mitigation measures will need to be constructed by the Arrowhead Ranch development in order to mitigate the projected LOS F conditions. As a result, mitigated conditions for this study represent the anticipated need to install traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard.
(6) A two-way center left turn lane is provided along US 290 within the environs of the study. Synchro Traffic Simulation Software, Version 11 does not account for left turns being made within a center two-way left turn lane. Therefore, in order to accurately model the intersections, the center two-way left turn lane was treated as an exclusive left turn lane at each of the study intersections. For analysis purpose, the lanes were evaluated as having a storage length of 150 feet. However, additional storage is available within this center two-way left turn lane.
Source: Analysis by CHC.

TABLE 3
APPROVED BUNKER RANCH SUBDIVISION TRIP GENERATION SUMMARY
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Description/Land Use Code	Size	Time Period	Trip Generation ⁽¹⁾		
			Primary Trips		
			In	Out	Total
APPROVED BUNKER RANCH SUBDIVISION					
Approved Existing Bunker Ranch Subdivision					
Single-Family Detached Housing	160 units	Weekday 24 Hour	801	801	1602
		Weekday AM Peak Hour	30	88	118
		Weekday PM Peak Hour	101	59	160
		Weekday 24 Hour	153	154	307
Multifamily Low-Rise	42 units	Weekday AM Peak Hour	5	16	21
		Weekday PM Peak Hour	17	10	27
		Weekday 24 Hour	954	955	1,909
		Weekday AM Peak Hour	35	104	139
Subtotal	--	Weekday PM Peak Hour	118	69	187
Existing Bunker Ranch Subdivision Currently Constructed/Occupied ⁽²⁾					
Single-Family Detached Housing	58 units	Weekday 24 Hour	315	315	630
		Weekday AM Peak Hour	12	34	46
		Weekday PM Peak Hour	38	22	60
		Weekday 24 Hour	22	22	44
Multifamily Low-Rise	6 units	Weekday AM Peak Hour	1	2	3
		Weekday PM Peak Hour	3	2	5
		Weekday 24 Hour	337	337	674
		Weekday AM Peak Hour	13	36	49
Subtotal	--	Weekday PM Peak Hour	41	24	65
Bunker Ranch Subdivision Approved Residential Units Not Yet Constructed/Occupied to be Included in Background Traffic Volumes					
Single-Family Detached Housing	102 units	Weekday 24 Hour	486	486	972
		Weekday AM Peak Hour	18	54	72
		Weekday PM Peak Hour	63	37	100
		Weekday 24 Hour	131	132	263
Multifamily Low-Rise	36 units	Weekday AM Peak Hour	4	14	18
		Weekday PM Peak Hour	14	8	22
		Weekday 24 Hour	617	618	1,235
		Weekday AM Peak Hour	22	68	90
Subtotal	--	Weekday PM Peak Hour	77	45	122

(1) Anticipated trip generation calculated based on the rates published in the Institute of Transportation Engineers (ITE) *Trip Generation*, 10th Edition publication.

(2) Data regarding the number of residential units that have yet to be constructed or occupied have been provided by the City of Dripping Springs. The Bunker Ranch Development has currently been approved for the construction of 160 single family units and 42 condo units. At this time, 102 single family units and 36 condo units have yet to be constructed or occupied.

Source: Analysis by CEC.

TABLE 4
PROPOSED BUNKER RANCH SUBDIVISION EXPANSION TRIP GENERATION SUMMARY
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Description/Land Use Code	Size	Time Period	Trip Generation ⁽¹⁾		
			Primary Trips		
			In	Out	Total
BUNKER RANCH RESIDENTIAL DEVELOPMENT					
Proposed Total Bunker Ranch Subdivision After Expansion					
Single-Family Detached Housing	388 units	Weekday 24 Hour	1810	1810	3620
		Weekday AM Peak Hour	70	210	280
		Weekday PM Peak Hour	235	138	373
Approved Bunker Ranch Subdivision Single Family Units ⁽³⁾					
Single-Family Detached Housing	160 units	Weekday 24 Hour	801	801	1602
		Weekday AM Peak Hour	30	88	118
		Weekday PM Peak Hour	101	59	160
Proposed New Bunker Ranch Subdivision Residential Single Family Units ⁽³⁾					
Single-Family Detached Housing	228 units	Weekday 24 Hour	1,009	1,009	2,018
		Weekday AM Peak Hour	40	122	162
		Weekday PM Peak Hour	134	79	213

- (1) Anticipated trip generation calculated based on the rates published in the Institute of Transportation Engineers (ITE) *Trip Generation*, 10th Edition publication.
- (2) Data regarding the number of residential units that have yet to be constructed or occupied have been provided by the City of Dripping Springs. The Bunker Ranch Development has currently been approved for the construction of 160 single family units and 42 condo units. At this time, 102 single family units and 36 condo units have yet to be constructed or occupied.
- (3) From Table 3.
- (4) The total Bunker Ranch Subdivision Trips was calculated by adding the existing approved Bunker Ranch Subdivision trips (160 Single Family Residential Units plus 42 Multifamily Low-Rise Residential Units shown on Table 3) to the proposed Bunker Ranch Subdivision Expansion trips (Additional 228 Single Family Residential Units shown on Table 4).

Source: Analysis by CEC.

TABLE 5
PROPOSED BUNKER RANCH SUBDIVISION APPROVED PLUS EXPANSION TRIP GENERATION SUMMARY
Proposed Bunker Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Description/Land Use Code	Size	Time Period	Trip Generation ⁽¹⁾		
			Primary Trips		
			In	Out	Total
APPROVED BUNKER RANCH SUBDIVISION ⁽¹⁾					
Approved Existing Bunker Ranch Subdivision					
Single-Family Detached Housing	160 units	Weekday 24 Hour	801	801	1602
		Weekday AM Peak Hour	30	88	118
		Weekday PM Peak Hour	101	59	160
		Weekday 24 Hour	153	154	307
Multifamily Low-Rise	42 units	Weekday AM Peak Hour	5	16	21
		Weekday PM Peak Hour	17	10	27
		Weekday 24 Hour	954	955	1,909
		Weekday AM Peak Hour	35	104	139
Subtotal	--	Weekday PM Peak Hour	118	69	187
PROPOSED NEW BUNKER RANCH SUBDIVISION EXPANSION ⁽²⁾					
Single-Family Detached Housing	228 units	Weekday 24 Hour	1,009	1,009	2,018
		Weekday AM Peak Hour	40	122	162
		Weekday PM Peak Hour	134	79	213
		Weekday 24 Hour	--	--	--
Multifamily Low-Rise	--	Weekday AM Peak Hour	--	--	--
		Weekday PM Peak Hour	--	--	--
		Weekday 24 Hour	1,009	1,009	2,018
		Weekday AM Peak Hour	40	122	162
Subtotal	--	Weekday PM Peak Hour	134	79	213
TOTAL APPROVED BUNKER RANCH SUBDIVISION PLUS PROPOSED NEW BUNKER RANCH SUBDIVISION EXPANSION					
Single-Family Detached Housing	388 units	Weekday 24 Hour	1,810	1,810	3,620
		Weekday AM Peak Hour	70	210	280
		Weekday PM Peak Hour	235	138	373
Multifamily Low-Rise	42 units	Weekday 24 Hour	153	154	307
		Weekday AM Peak Hour	5	16	21
		Weekday PM Peak Hour	17	10	27
Subtotal	--	Weekday 24 Hour	1,963	1,964	3,927
		Weekday AM Peak Hour	75	226	301
		Weekday PM Peak Hour	252	148	400

(1) From Table 3.

(2) From Table 4.

Source: Analysis by CEC.

TABLE 6
ARROWHEAD RANCH DEVELOPMENT TRIP GENERATION SUMMARY
Proposed Bunker Ranch Subdivision Expansion Traffic Impact Analysis
City of Dripping Springs, Hays County, Texas

Description/Land Use Code	Size	Time Period	Trip Generation ⁽¹⁾										
			Primary Trips			Pass-By Trips			Total Trips				
			In	Out	Total	In	Out	Total	In	Out	Total		
ARROWHEAD RANCH DEVELOPMENT													
Total Approved Arrowhead Ranch Residential Development													
Single-Family Detached Housing	403 units	Weekday 24 Hour	1874	1874	3748	0	0	0		1,874	1,874	3,748	
		Weekday AM Peak Hour	73	218	291	0	0	0		73	218	291	
		Weekday PM Peak Hour	244	143	387	0	0	0		244	143	387	
Existing Arrowhead Ranch Residential Development Currently Constructed/Occupied ⁽²⁾													
Single-Family Detached Housing	181 units	Weekday 24 Hour	898	897	1795	0	0	0		898	897	1,795	
		Weekday AM Peak Hour	33	100	133	0	0	0		33	100	133	
		Weekday PM Peak Hour	113	67	180	0	0	0		113	67	180	
Arrowhead Ranch Residential Development Approved Residential Units Not Yet Constructed/Occupied to be Included in Background Traffic Volumes													
Single-Family Detached Housing	222 units	Weekday 24 Hour	976	977	1953	0	0	0		976	977	1,953	
		Weekday AM Peak Hour	40	118	158	0	0	0		40	118	158	
		Weekday PM Peak Hour	131	76	207	0	0	0		131	76	207	
Planned Arrowhead Ranch Development Commercial Development ⁽³⁾													
Liquor Store	1,800 SF	Weekday 24 Hour	92	91	183	0	0	0		92	91	183	
		Weekday AM Peak Hour	4	4	8	0	0	0		4	4	8	
		Weekday PM Peak Hour	15	14	29	0	0	0		15	14	29	
Super Convenience Market/Gas Station	6,000 SF	Weekday 24 Hour	No Data Available for Weekday 24-Hour Period										
		Weekday AM Peak Hour	59	59	118	185	185	370		1,153	1,152	2,305	
		Weekday PM Peak Hour	46	46	92	147	147	294		244	244	488	
		Weekday 24 Hour	--	--	--	--	--	--		193	193	386	
		Weekday AM Peak Hour	63	63	126	185	185	370		1,245	1,243	2488	
SubTotal			61	60	121	147	147	294		208	207	415	

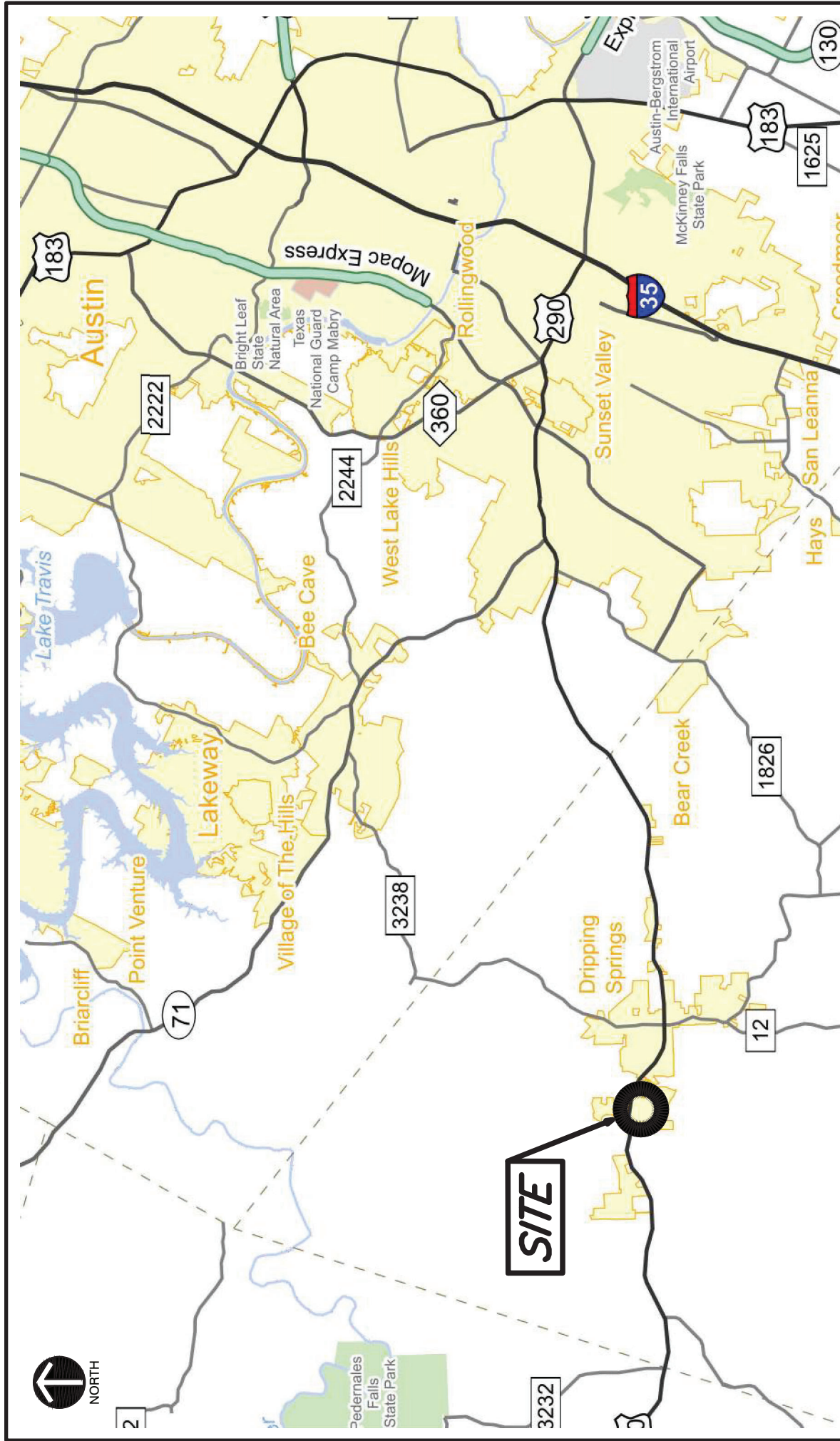
(1) Anticipated trip generation calculated based on the rates published in the Institute of Transportation Engineers (ITE) *Trip Generation*, 10th Edition publication.

(2) Data regarding the number of residential units that are currently constructed and occupied have been provided by the City of Dripping Springs.

(3) The City of Dripping Springs has requested that trips associated with the planned Arrowhead Ranch Super Convenience Market/Gas Station and Liquor Store be included in the background traffic projections. A conceptual site plan for these commercial developments has been provided by the City of Dripping Springs.

Source: Analysis by CEC.

FIGURES



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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

Item # 17.

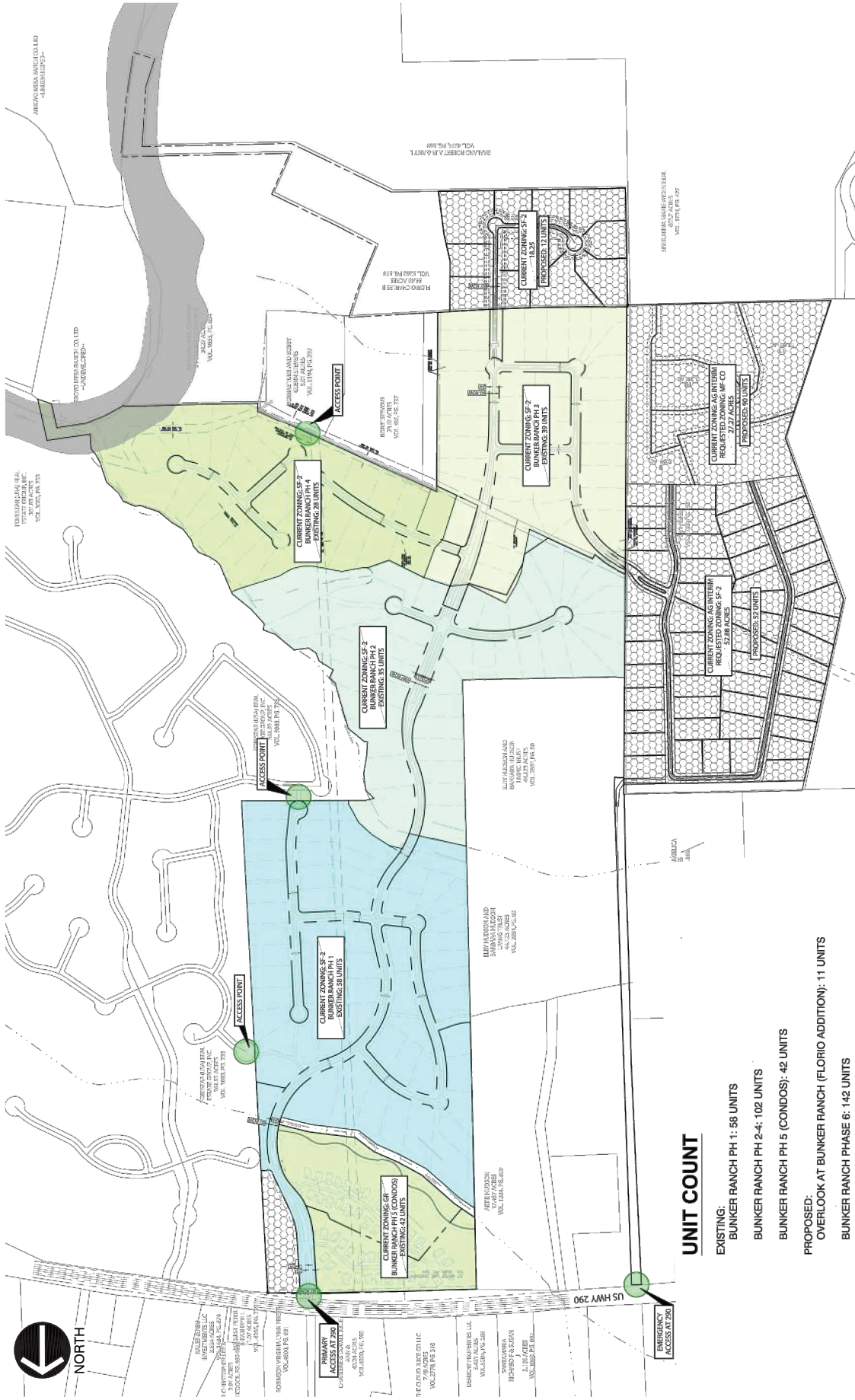
SITE LOCATION

DRAWN BY: ANL
DATE: MAY 2021

CHECKED BY: ANL
DWG SCALE: NOT TO SCALE

APPROVED BY: JMD
PROJECT NO: 304-065

FIGURE NO: 1



UNIT COUNT

EXISTING:
BUNKER RANCH PH 1: 58 UNITS
BUNKER RANCH PH 2-4: 102 UNITS
BUNKER RANCH PH 5 (CONDOS): 42 UNITS
PROPOSED:
OVERLOOK AT BUNKER RANCH (FLORIO ADDITION): 11 UNITS
BUNKER RANCH PHASE 6: 142 UNITS



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**BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

SITE PLAN

Item # 17.

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DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO.:	304-065		



DSISD DRIVEWAY

SPRINGS LANE

US 290

US 290

BUNKER RANCH
BOULEVARD

ARROWHEAD RANCH
BOULEVARD

LEGEND



Existing Unsignalized
Intersection

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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

STUDY INTERSECTIONS

Item # 17.

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FIGURE NO.:

3

DATE:

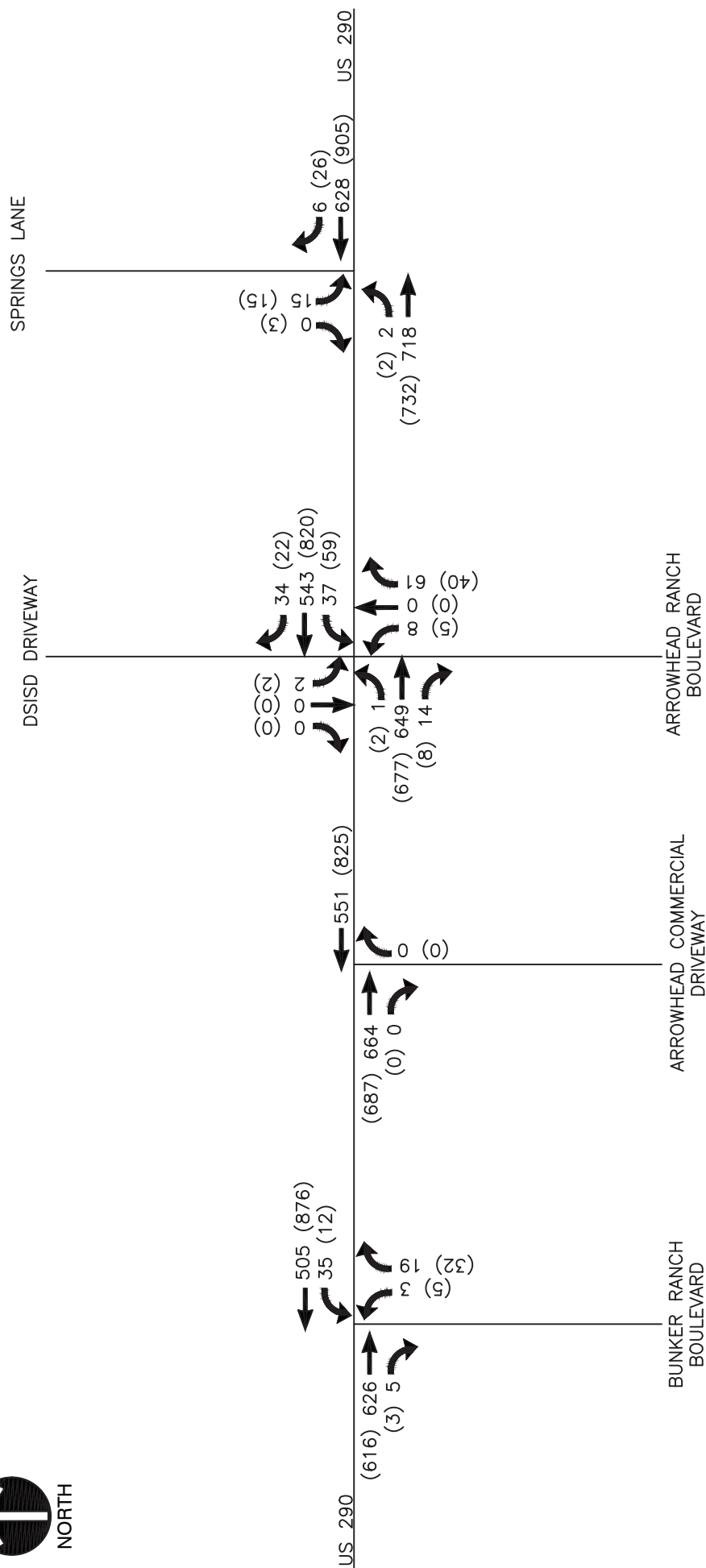
MAY 2021

DWG SCALE:

NOT TO SCALE

PROJECT NO:

304-065



LEGEND

- | | | | |
|-------|------|-----------|-----------------|
| 123 | A.M. | Peak Hour | Traffic Volumes |
| (123) | P.M. | Peak Hour | Traffic Volumes |

875

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FIGURE NO.:

4

DATE: _____

MAY 3

DWG SCALE:

NOT TO SCALE

PROJECT NO:

304-065

BUNKER RANCH SUBDIVISION EXPANSION

TRAFFIC IMPACT ANALYSIS

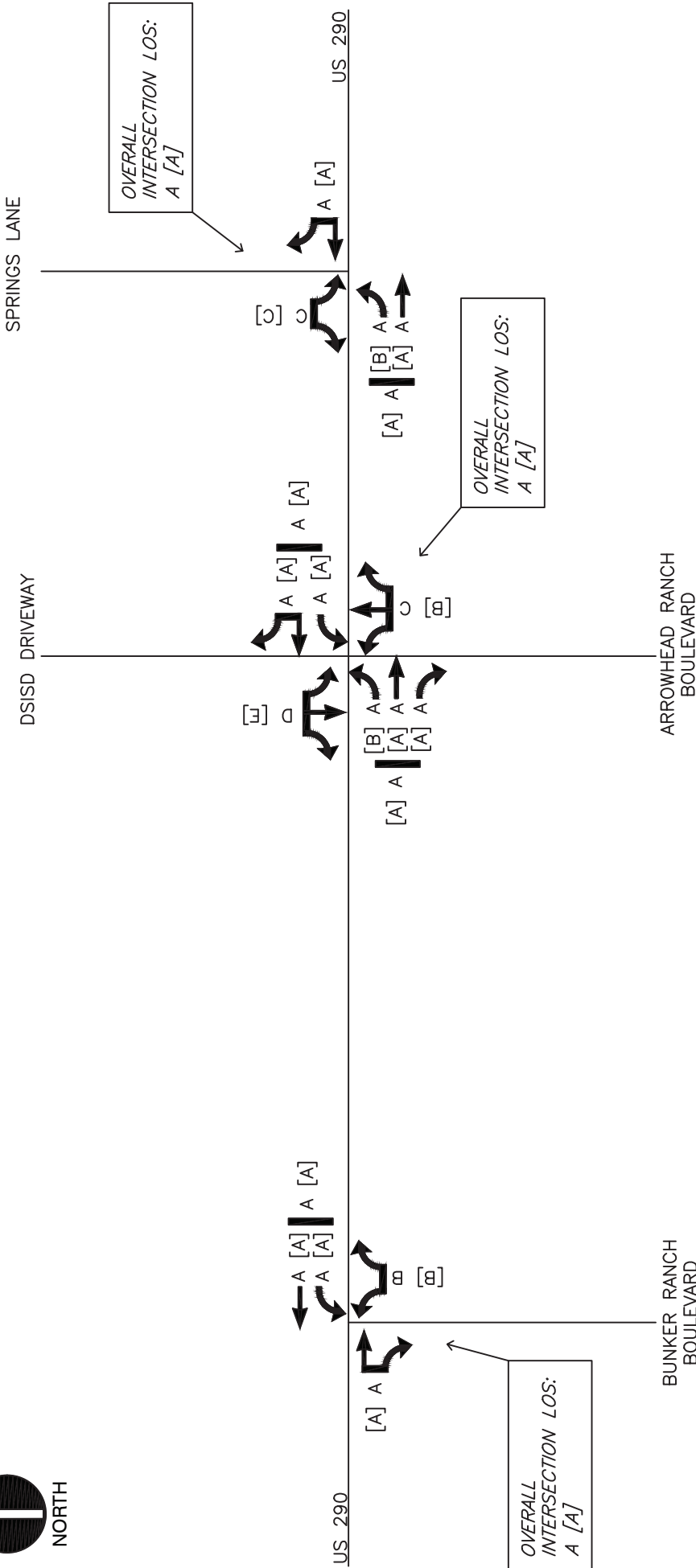
CITY OF DRIPPING SPRINGS

HAYS COUNTY, TEXAS

EXISTING 2021

PEAK HOUR TRAFFIC VOLUMES

Item # 17.



LEGEND

- A A.M. Peak Hour Levels of Service
- [B] P.M. Peak Hour Levels of Service



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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

EXISTING 2021

PEAK HOUR LEVELS OF SERVICE

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FIGURE NO.:

5

DATE:

MAY 2021

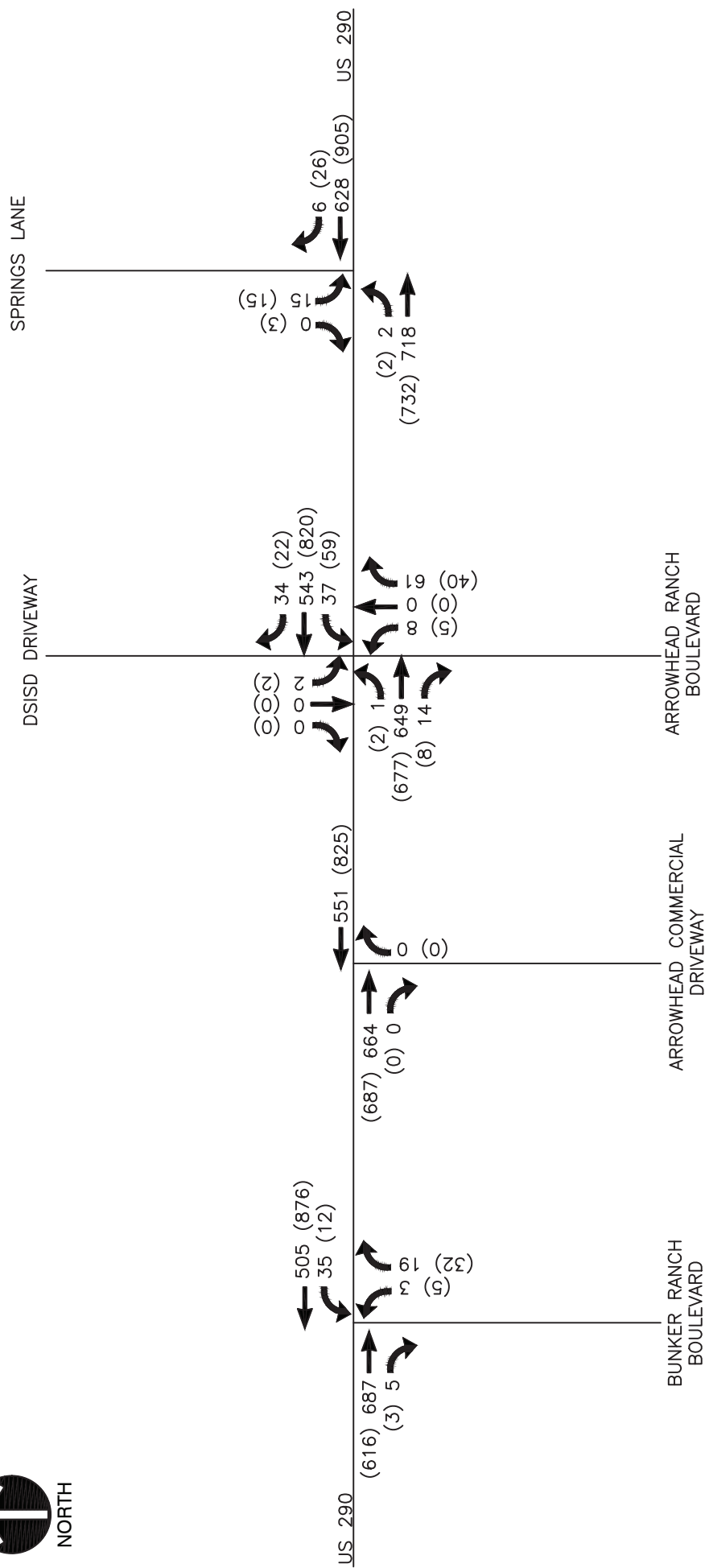
DWG SCALE:

NOT TO SCALE

PROJECT NO.:

304-065

876



LEGEND

123 A.M. Peak Hour Traffic Volumes

(123) P.M. Peak Hour Traffic Volumes



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TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

FORECASTED 2025 BACKGROUND PEAK HOUR TRAFFIC VOLUMES

Item # 17.

877

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1

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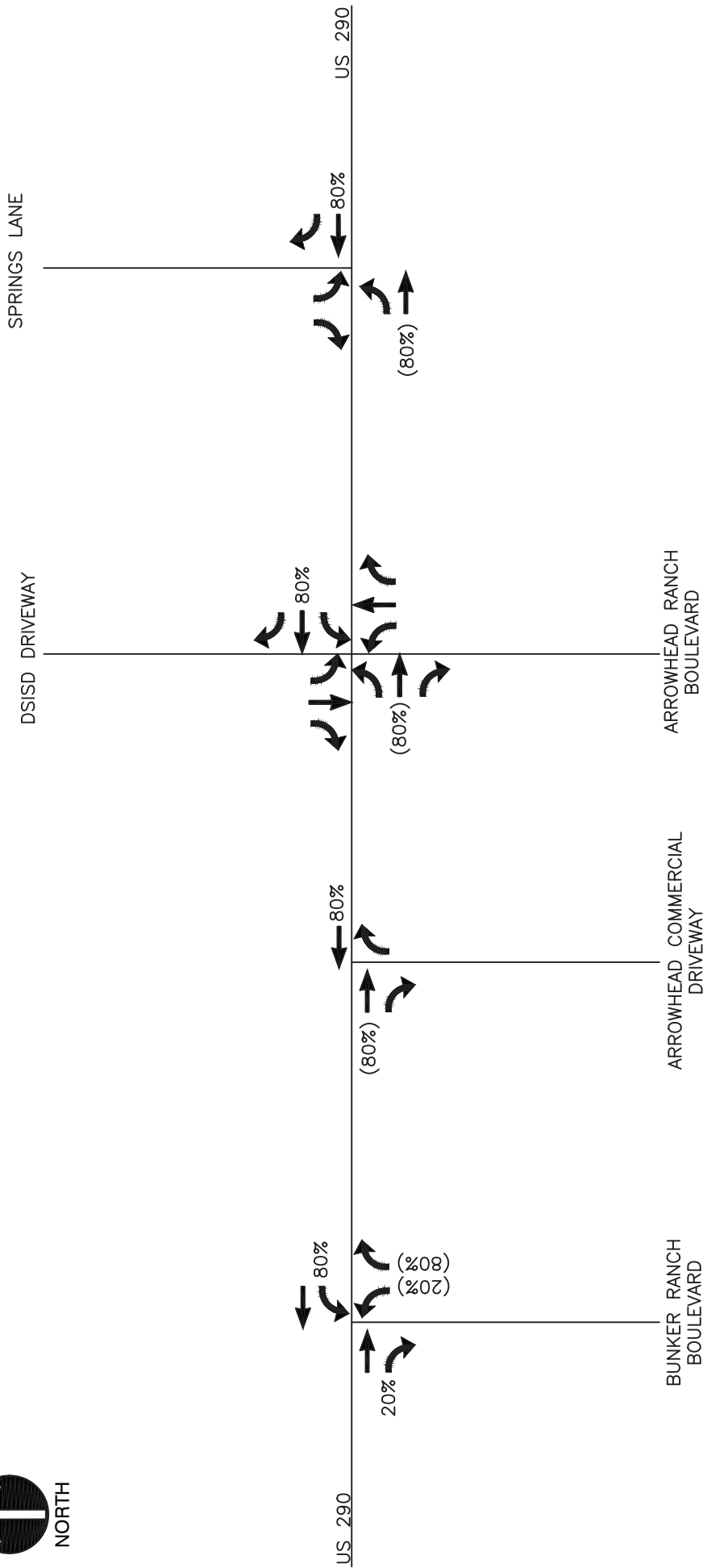
JMD

FIGURE NO.:

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PROJECT NO: _____

JMD	304-065
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6



LEGEND

- 12% Primary Trip Arrival Distribution
- (12%) Primary Trip Departure Distribution

878



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BUNKER RANCH SUBDIVISION EXPANSION
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CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED BUNKER RANCH RESIDENT
PRIMARY TRIP ARRIVAL/DEPARTURE DISTRIBUTION

Item # 17.

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FIGURE NO.:

7

DATE:

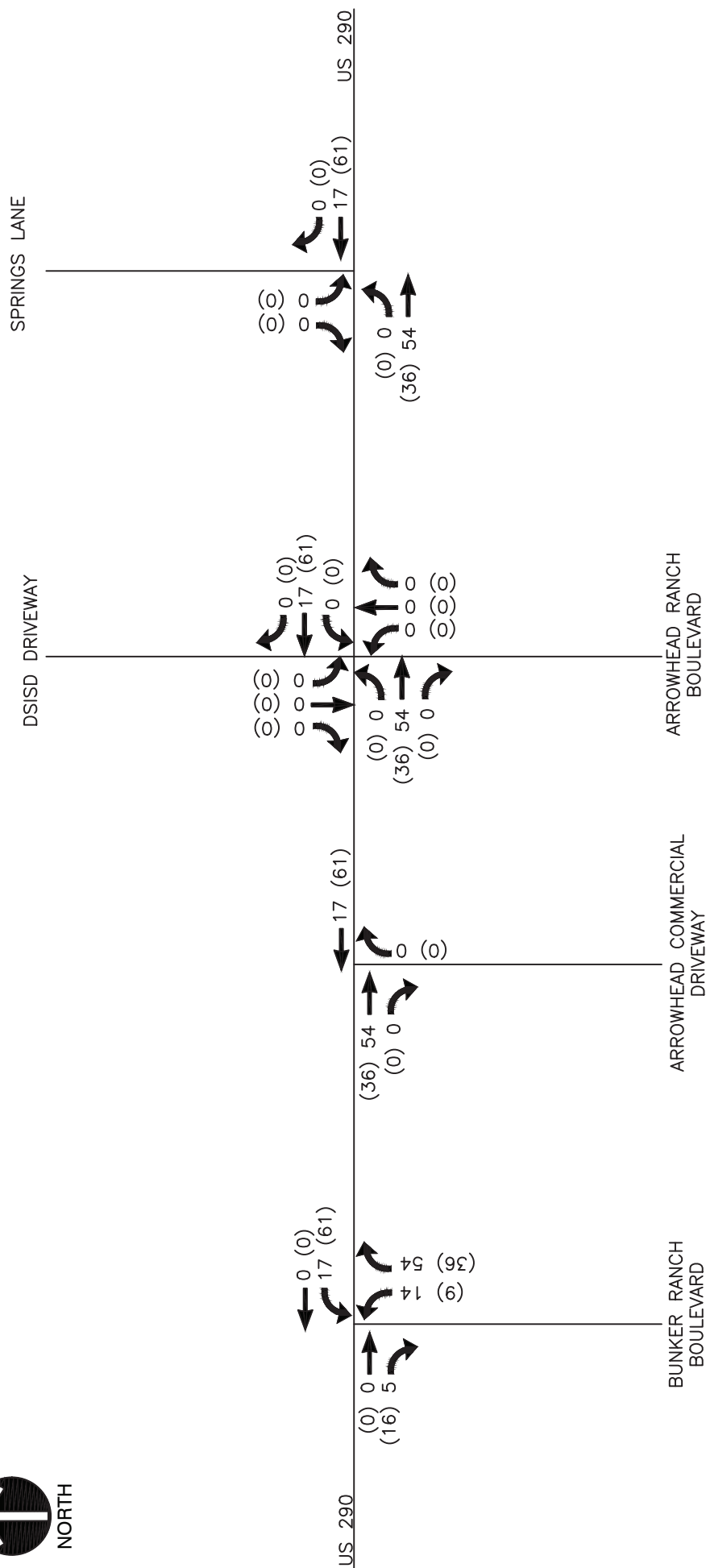
MAY 2021

DWG SCALE:

NOT TO SCALE

PROJECT NO:

304-065



LEGEND

- | 123 | A.M. Peak Hour Traffic Volumes |
|-------|--------------------------------|
| (123) | P.M. Peak Hour Traffic Volumes |

879

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1

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FIGURE NO.:

DATE: _____

MAY 2

2021	DWG SCALE:
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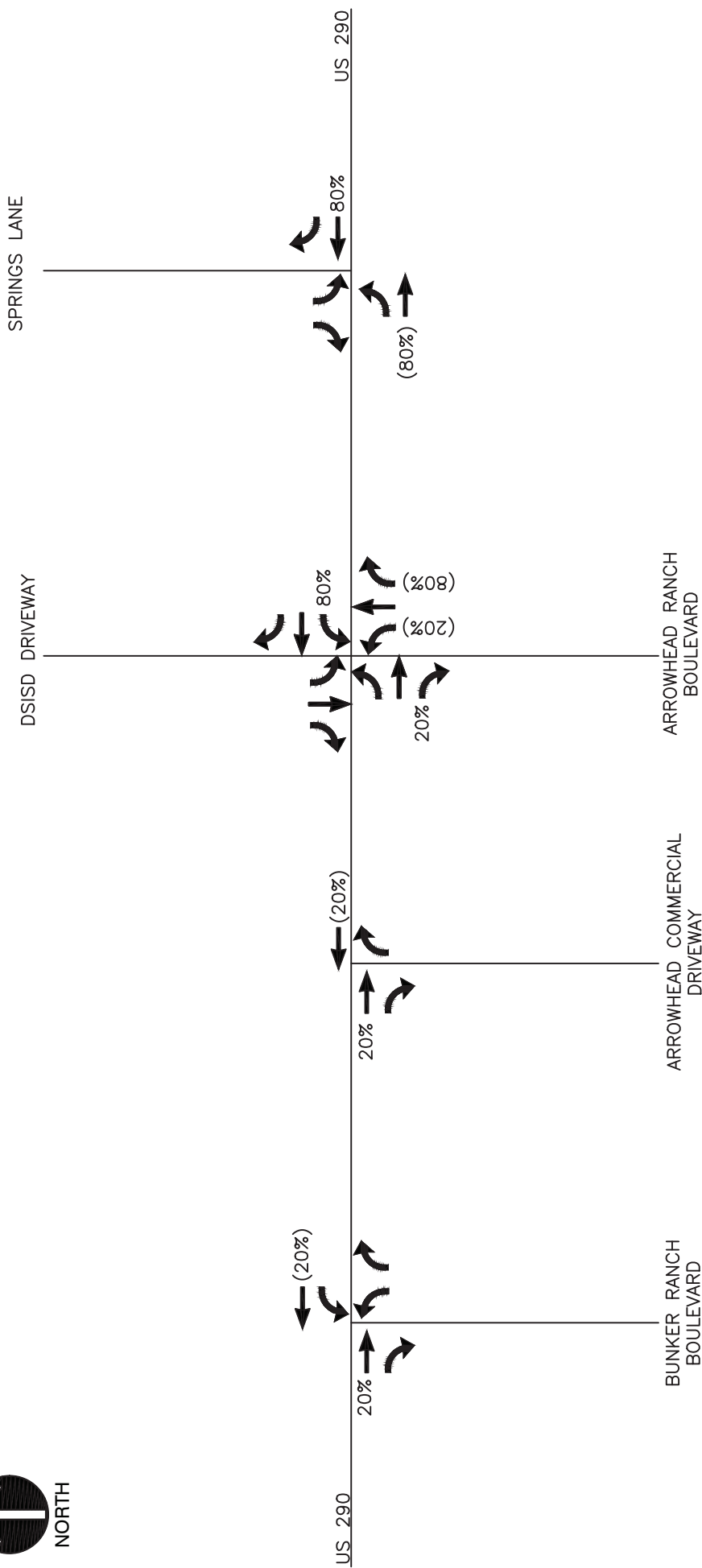
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PROJECT NO:

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88

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LEGEND

- 12% Primary Trip Arrival Distribution
- (12%) Primary Trip Departure Distribution



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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH RESIDENT
PRIMARY TRIP ARRIVAL/DEPARTURE DISTRIBUTION

Item # 17.

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ANL CHECKED BY:

CAD APPROVED BY:

JMD FIGURE NO.:

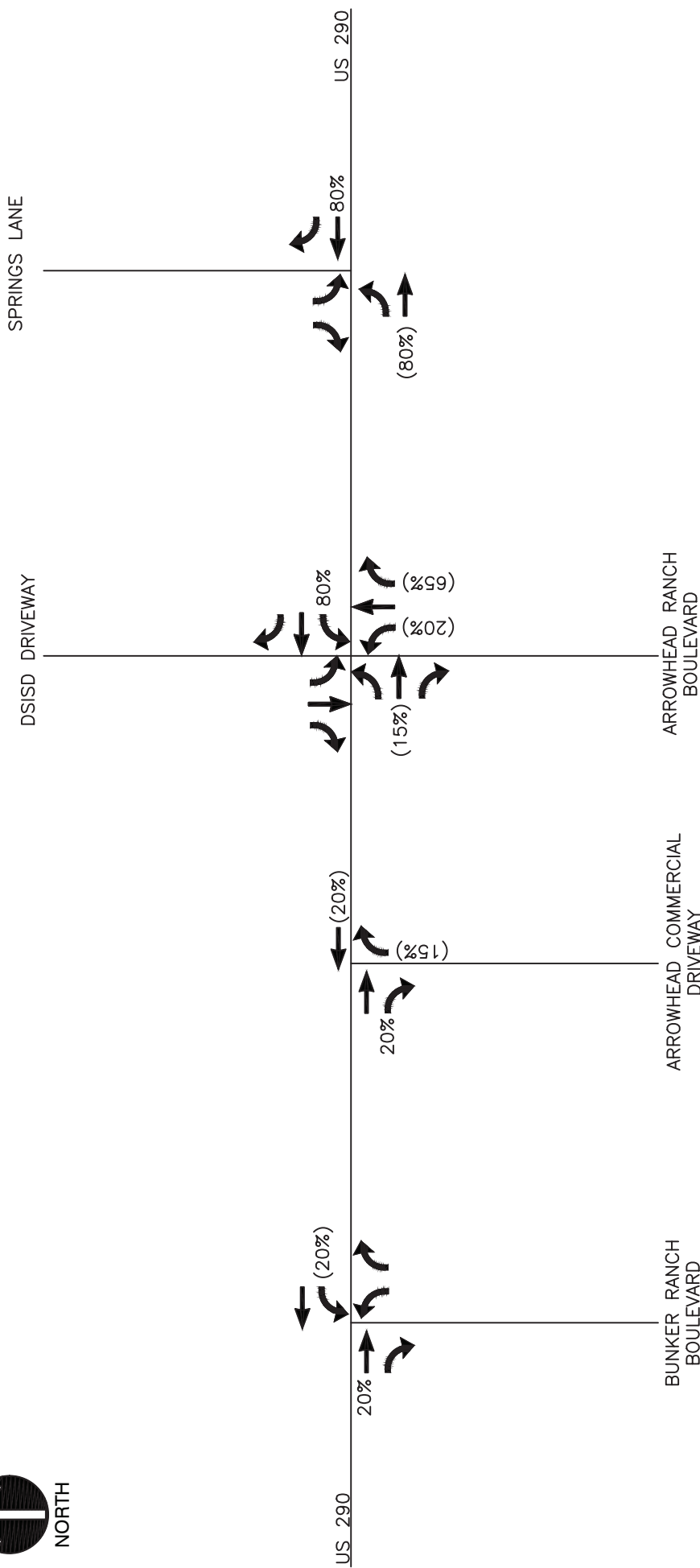
DATE:

MAY 2021 DWG SCALE:

NOT TO SCALE PROJECT NO:

304-065

9



LEGEND

- 12% Primary Trip Arrival Distribution
- (12%) Primary Trip Departure Distribution

881



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**BUNKER RANCH SUBDIVISION EXPANSION
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CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

**ANTICIPATED ARROWHEAD RANCH COMMERCIAL
PRIMARY TRIP ARRIVAL/DEPARTURE DISTRIBUTION**

Item # 17.

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DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO.:	304-065		



DSISD DRIVEWAY

SPRINGS LANE

US 290 US 290

← -45.30% [-54.6%]
↘ 45.30% [54.6%]

← -45.3%+(45.3%) [-54.6%]+[(54.6%)]

↘ [-45.4%] -54.7%
[45.4%] 54.7%

↘ [-45.4%]+[(22.7%)] -54.7%+(27.3%)

↘ [-45.4%]+[(45.4%)] -54.7%+(54.7%)

↘ [(22.7%)] (27.3%)

↘ [(54.6%)] (45.3%)
[(22.7%)] (27.4%)

BUNKER RANCH
BOULEVARD

ARROWHEAD COMMERCIAL
DRIVEWAY

ARROWHEAD RANCH
BOULEVARD

LEGEND

- 12% AM Peak Hour Arrival Trip Distribution
- (12%) AM Peak Hour Departure Trip Distribution
- [12%] PM Peak Hour Arrival Trip Distribution
- [88] PM Peak Hour Departure Trip Distribution



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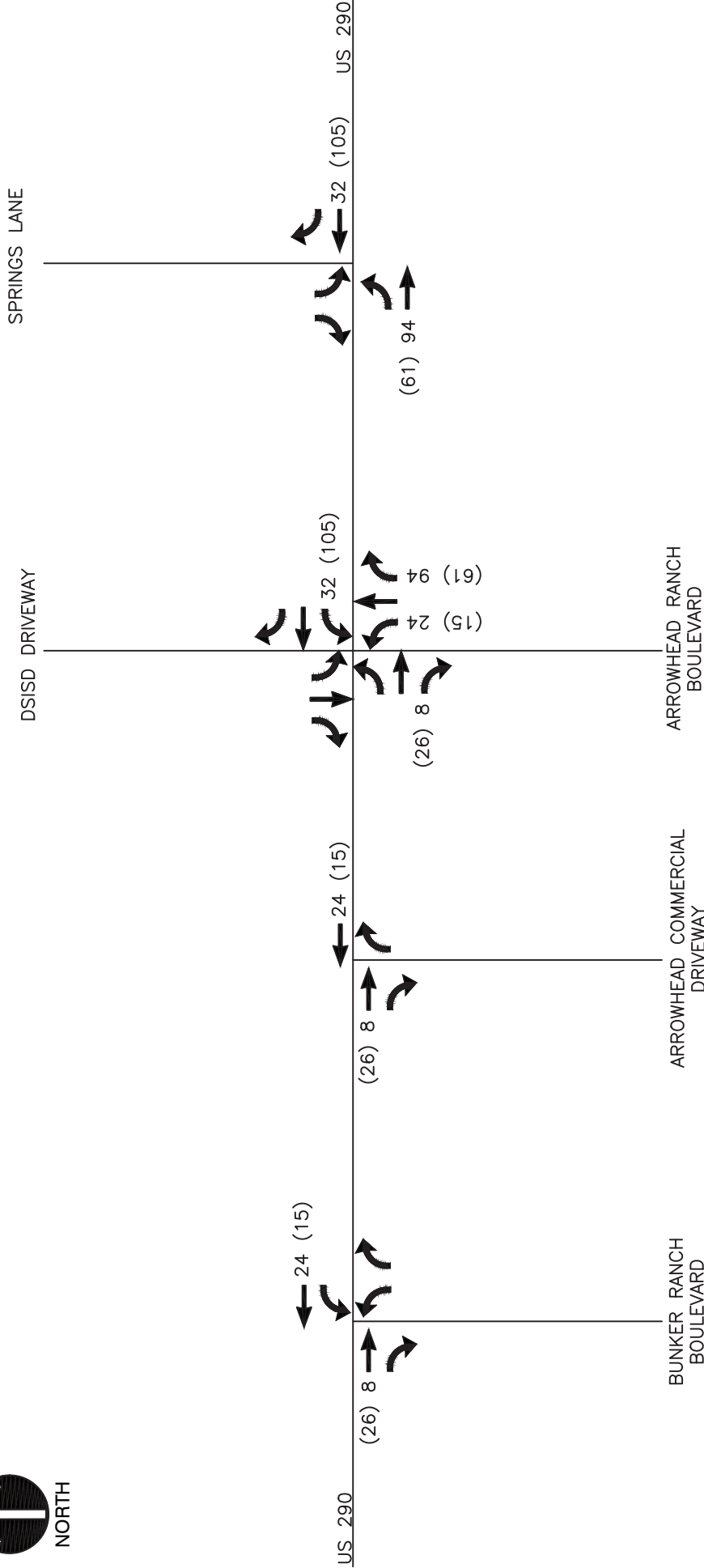
BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH COMMERCIAL
PASS-BY TRIP ARRIVAL/DEPARTURE DISTRIBUTION

Item # 17.

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DATE: MAY 2021 DWG SCALE: NOT TO SCALE PROJECT NO: 304-065



LEGEND

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes

883



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TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH APPROVED BACKGROUN
RESIDENTIAL SITE GENERATED PEAK HOUR T

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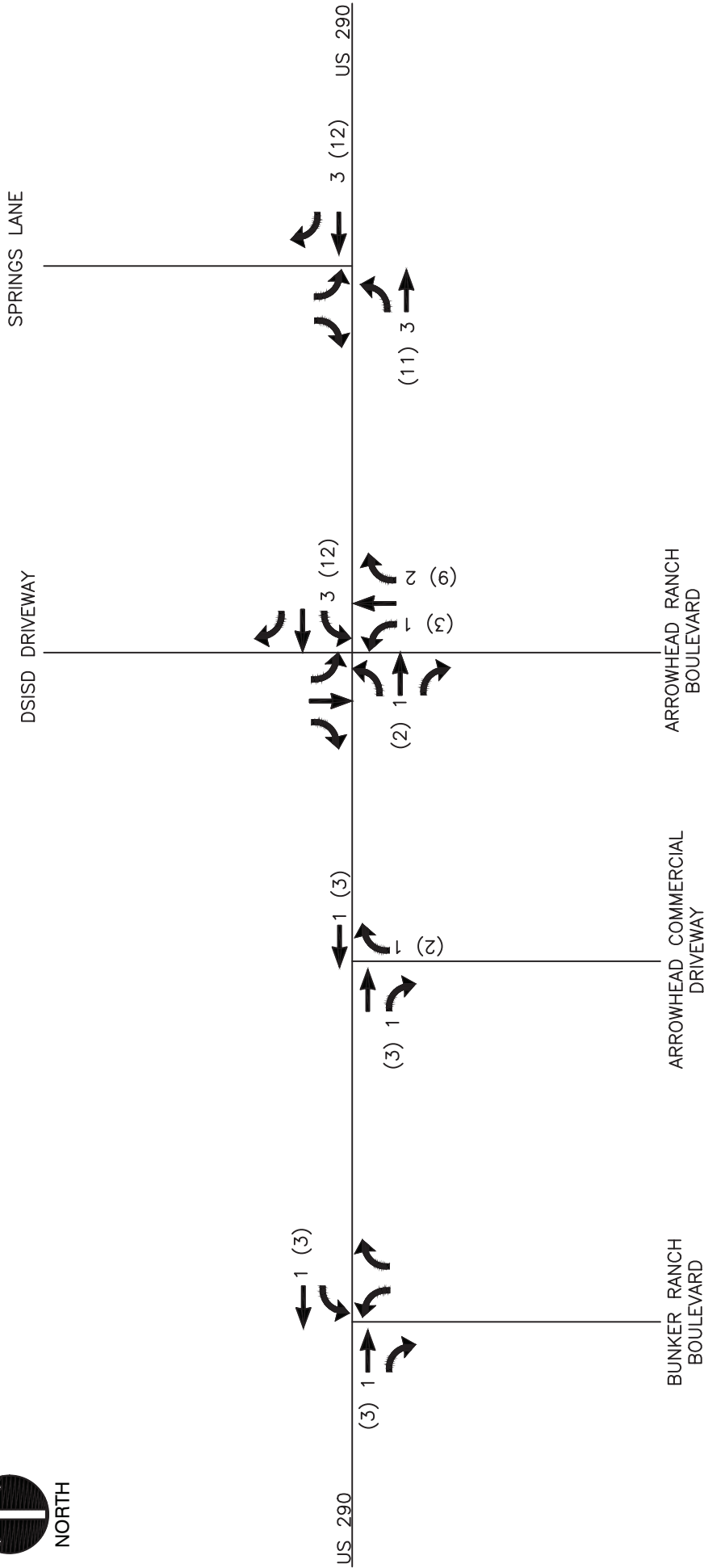
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PROJECT NO:

12



LEGEND

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH PLANNED LIQUOR
PRIMARY SITE GENERATED PEAK HOUR TR

Item # 17.

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APPROVED BY:

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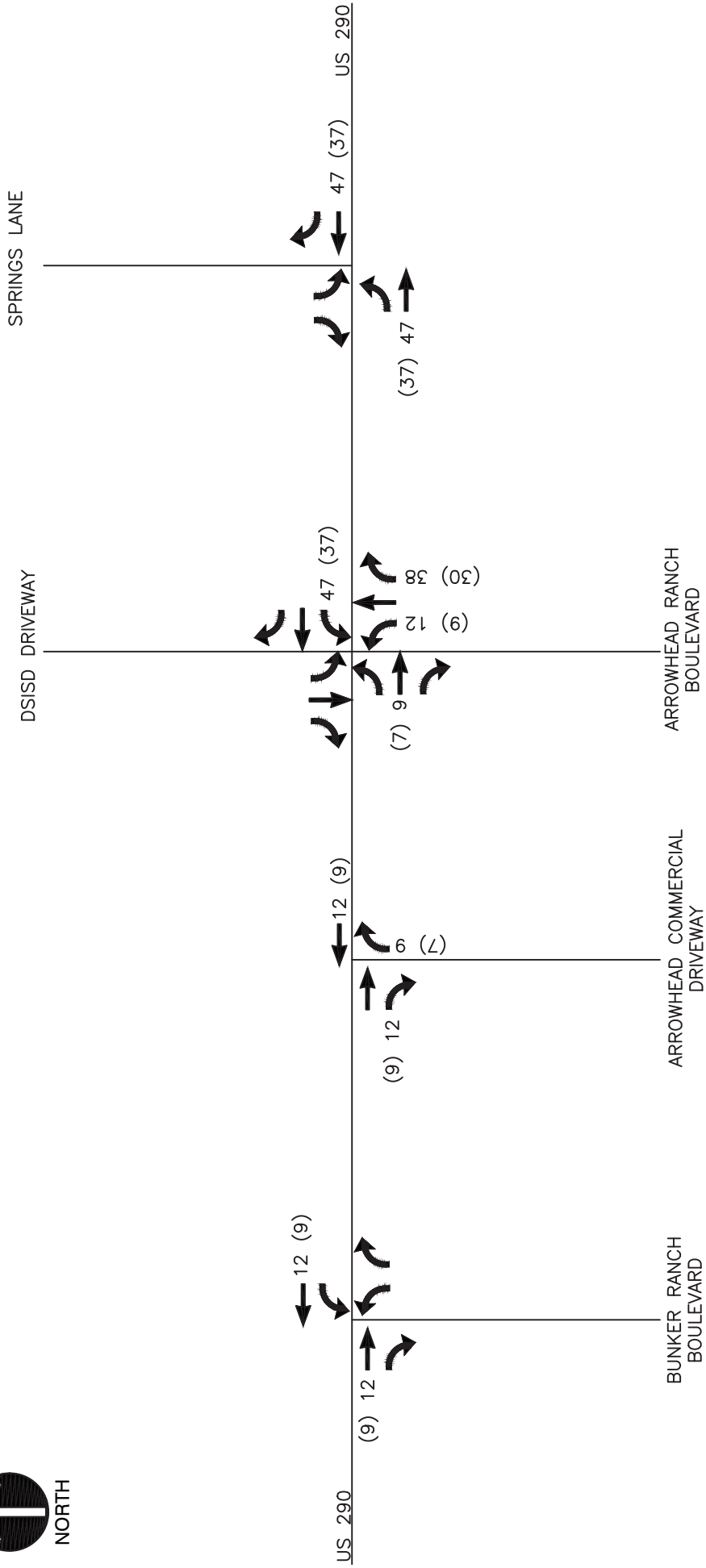
MAY 2021

DWG SCALE:

NOT TO SCALE

PROJECT NO:

304-065



LEGEND

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH PLANNED GAS STATION
PRIMARY SITE GENERATED PEAK HOUR TRAFFIC VOLUMES

Item # 17.

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FIGURE NO.:

14

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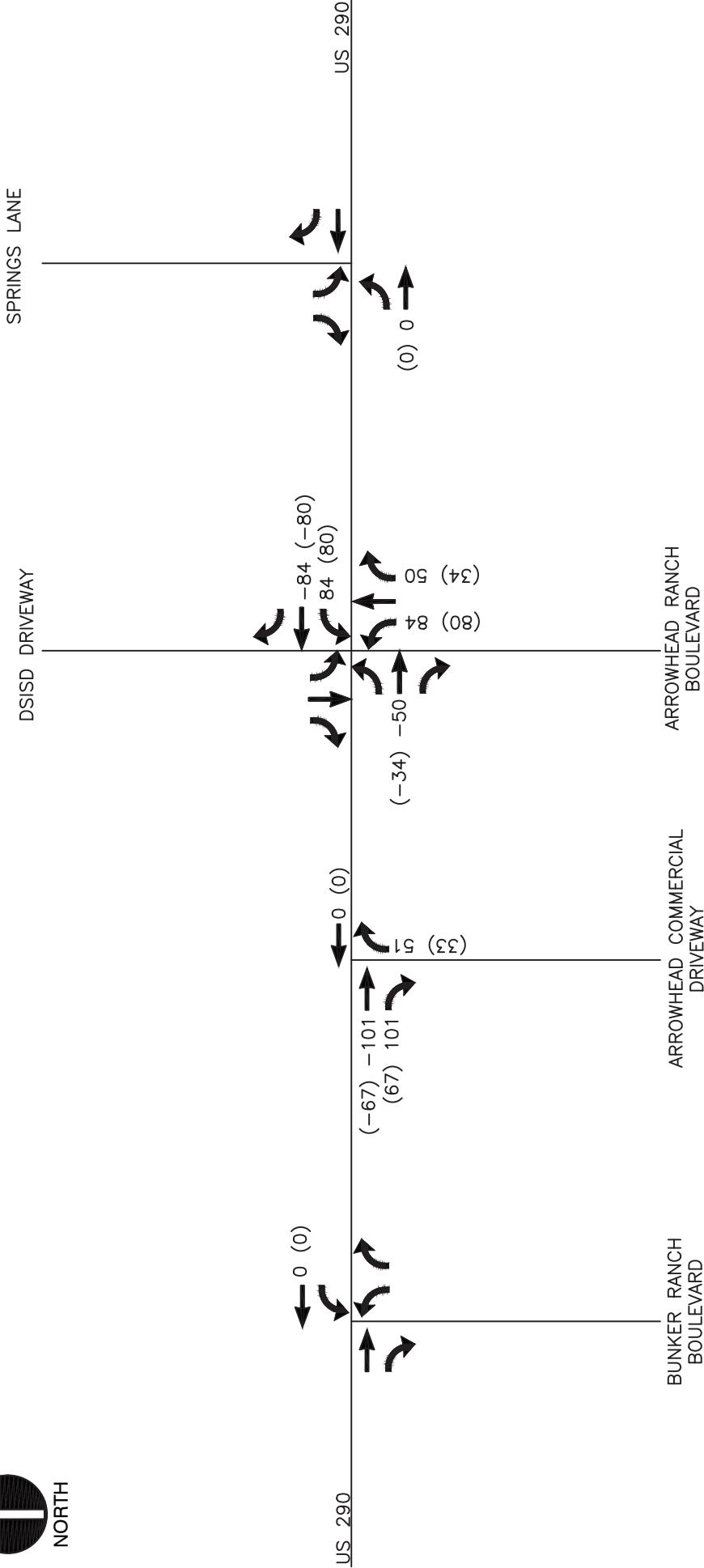
MAY 2021

DWG SCALE:

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PROJECT NO.:

304-065



LEGEND

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH PLANNED GAS STATION
PASS-BY SITE GENERATED PEAK HOUR TRAFFIC VOLUMES

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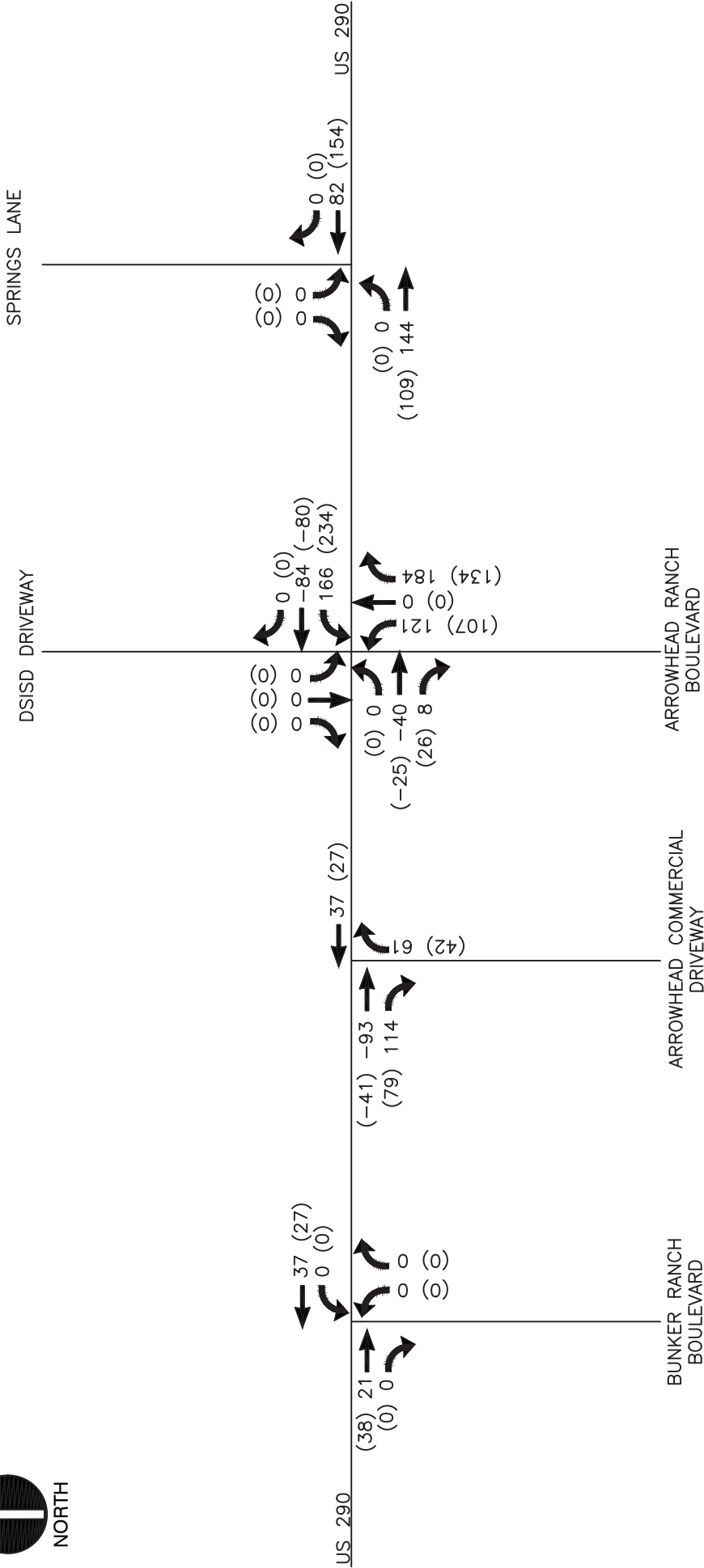
MAY 2021

DWG SCALE:

NOT TO SCALE

PROJECT NO:

304-065



LEGEND

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

ANTICIPATED ARROWHEAD RANCH TOTAL
BACKGROUND SITE GENERATED PEAK HOUR TRIP

Item # 17.

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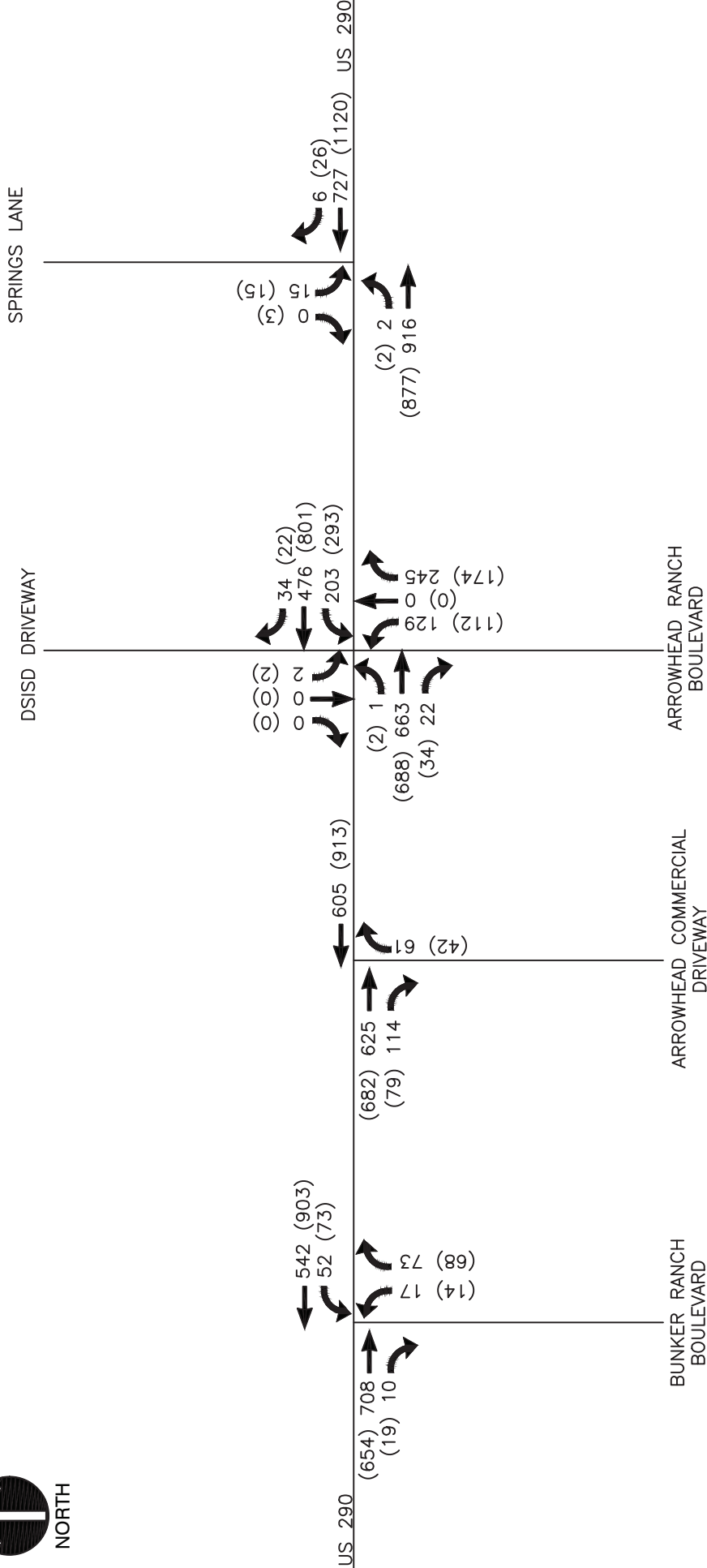
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PROJECT NO: 304-065

16

MAY 2021 DWG SCALE: NOT TO SCALE



LEGEND

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



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TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

FORECASTED 2025 NO-BUILD (BASE)
PEAK HOUR TRAFFIC VOLUMES

Item # 17.

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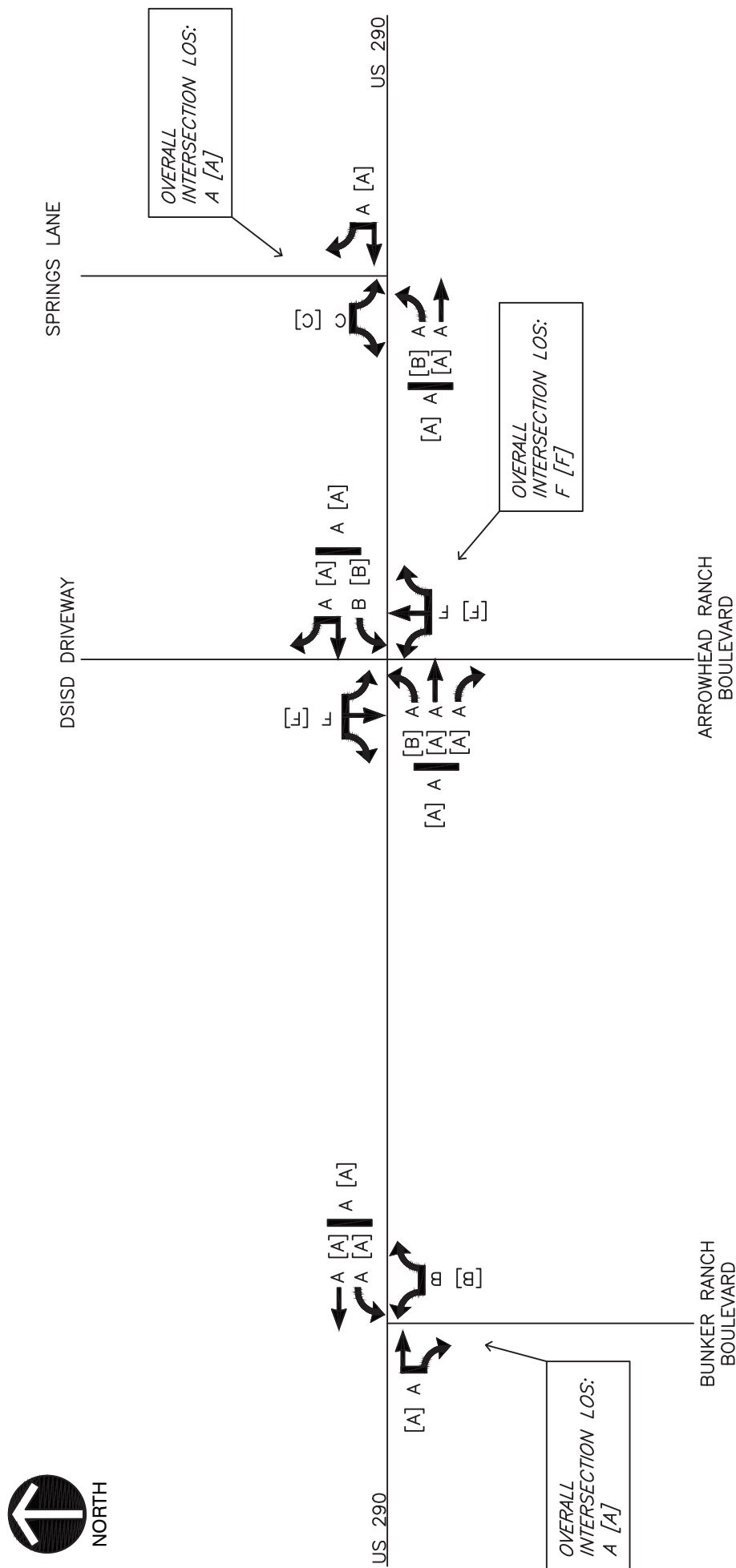
MAY 2021

DWG SCALE:

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PROJECT NO:

304-065



LEGEND

A A.M. Peak Hour Levels of Service

[B] P.M. Peak Hour Levels of Service



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**BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS**

**FORECASTED 2025 NO-BUILD(BASE)
LEVELS OF SERVICE**

Item # 17.

389

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JMD

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APPROVED BY: _____

PROJECT NO: _____

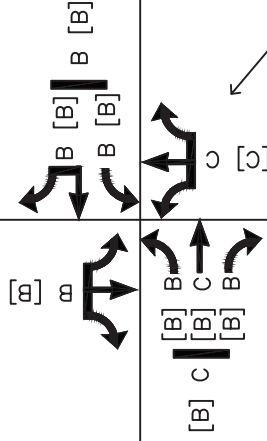
JMD
304-065

81



DSISD DRIVEWAY

SPRINGS LANE



US 290

US 290

OVERALL
INTERSECTION LOS:
C [B]

BUNKER RANCH
BOULEVARD

ARROWHEAD RANCH
BOULEVARD

LEGEND

- A A.M. Peak Hour Levels of Service
- [B] P.M. Peak Hour Levels of Service

890



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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS
FORECASTED 2025 NO BUILD(BASE)-MITIG
LEVELS OF SERVICE

Item # 17.

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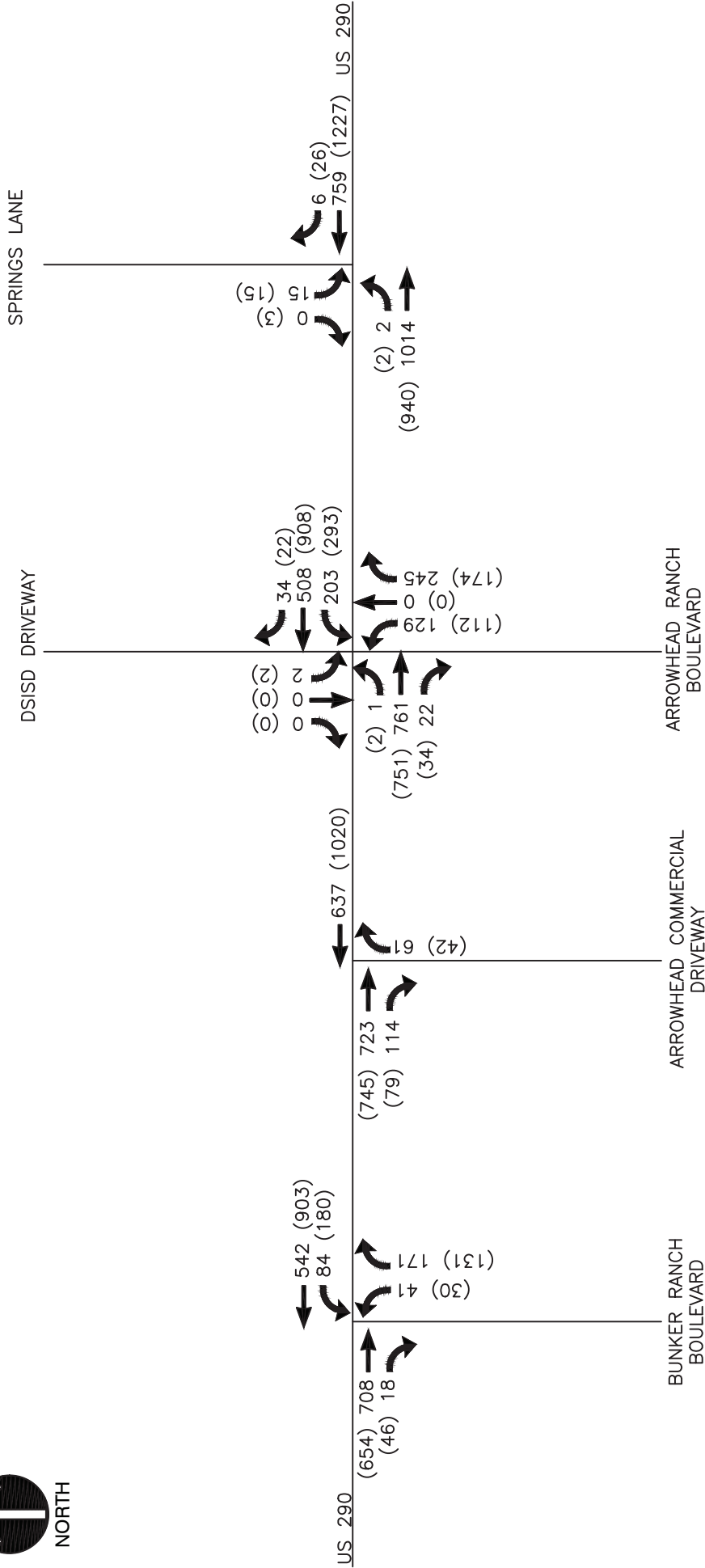
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PROJECT NO.:

304-065



LEGEND

- 123 A.M. Peak Hour Traffic Volumes
- (123) P.M. Peak Hour Traffic Volumes



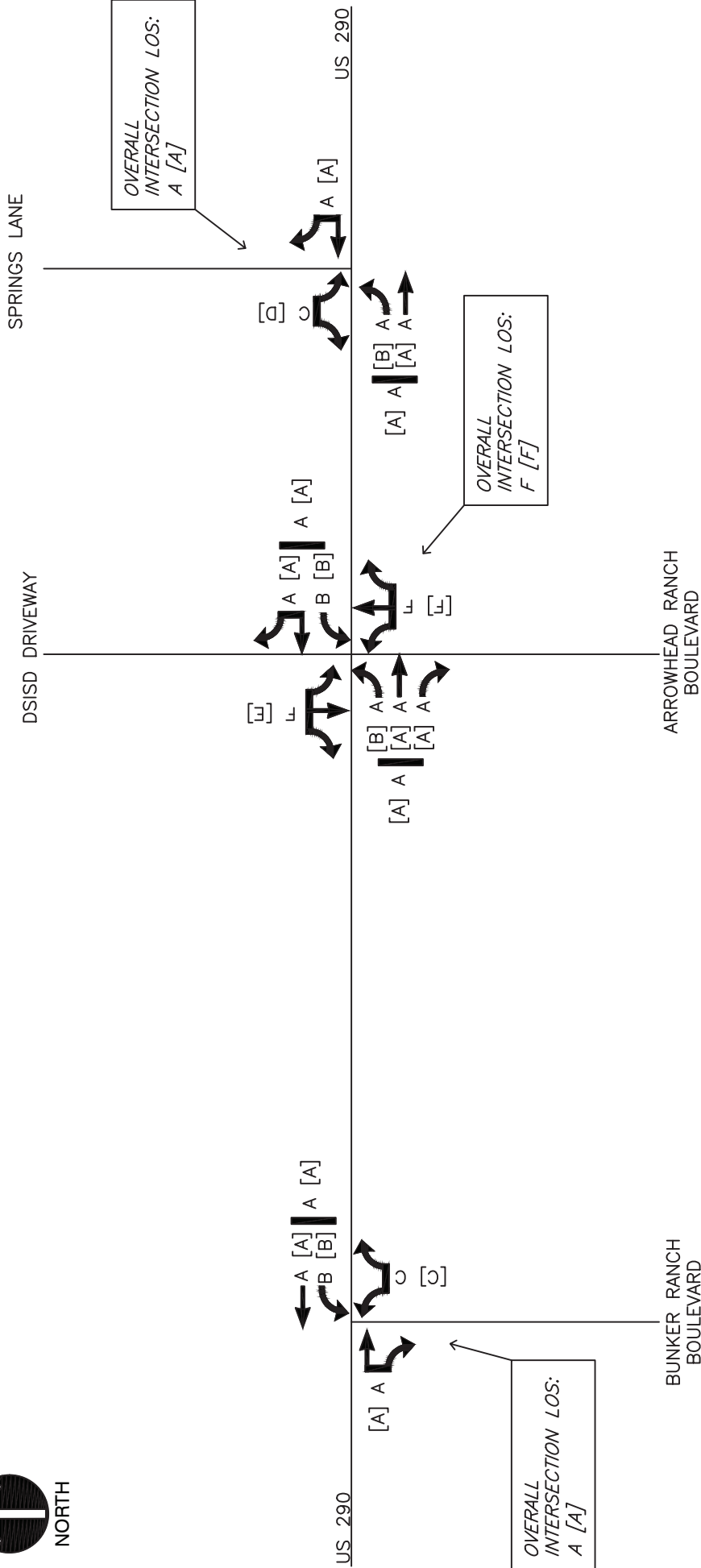
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BUNKER RANCH SUBDIVISION EXPANSION
TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS
FORECASTED 2025 BUILD (WITH DEVELOPMENT)
PEAK HOUR TRAFFIC VOLUMES

Item # 17.

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DATE:	MAY 2021	DWG SCALE:	NOT TO SCALE	PROJECT NO.:	304-065		



LEGEND

- A A.M. Peak Hour Levels of Service
- [B] P.M. Peak Hour Levels of Service



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TRAFFIC IMPACT ANALYSIS
CITY OF DRIPPING SPRINGS
HAYS COUNTY, TEXAS

FORECASTED 2025 BUILD (WITH DEVELOPMENT)
PEAK HOUR LEVELS OF SERVICE

Item # 17.

893

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22

DATE:

MAY 2021

DWG SCALE:

NOT TO SCALE

PROJECT NO:

304-065

APPENDIX A
TRAFFIC IMPACT ANALYSIS SCOPE OF STUDY



TRAFFIC IMPACT ANALYSIS SCOPE AND STUDY AREA

Project Name:	Bunker Ranch	Date:	March 31, 2021
Location:	South of the intersection of US 290 and Bunker Ranch Boulevard		
Owner's Agent:	Civil & Environmental Consultants, Inc.	Phone:	512-439-0400

1. Background Information

The following information should be provided:

- Site Map or Site Plan.
- Location/Study area map specifying major roadways within the study area.
- Identify state and county roadways in the study area. Scope should be provided to all agencies impacted by the study.
- Identify adopted plans and public infrastructure improvement projects applicable to this site.

2. Intersection Level of Service

Calculations for AM and PM peak hours must be performed for the intersections listed below, showing existing traffic conditions and projected traffic conditions, identifying site, non-site, and total traffic:

- US 290 and Bunker Ranch Boulevard
- US 290 and Arrowhead Ranch Boulevard
- US 290 and Springs Lane
- All Site Driveways Accessing US 290

AM and PM peak-hour turning movement counts will be collected at the study intersections to determine existing background traffic and should be collected while school is in session. If

historical counts must be obtained due to the COVID-19 pandemic and reduced traffic, a growth rate approved by the city must be applied to reflect existing “2021” conditions. If counts are collected during the COVID-19 reduced traffic conditions, adjustments to the traffic counts should be made, and data to justify the adjustments should be provided with the submittal of the TIA.

The Intersection Capacity Analysis should include the following build-out phases/years:

- Phase 1 – Residential land use buildout year
- Phase 2 – Commercial land use buildout year

Intersection Capacity Analysis for each phase/year shall include:

- Level of Service by movements
- Delay by movements
- V/C by movements
- Queuing analysis with 95% queue length by movements, vs existing storage bay and/or distance from adjacent intersection(s)

3. Roadway Analysis

Document the projected daily volumes on Bunker Ranch Boulevard for each analysis phase/year.

4. Sight Distance Analysis

- When proposed mitigation recommends a new traffic signal be installed, an analysis of the stopping sight distance on approach to stopped queues (back of queue) should be included.
- New intersections or driveways must provide an analysis of the intersection sight distance. The intersection of US 290 and Bunker Ranch Boulevard is considered an existing driveway and does not require a sight distance analysis.

5. Transportation Improvements

The following adopted plans and public infrastructure improvement projects applicable to this site should be considered in the analysis.

- Dripping Springs Traffic Study 2020 (Dripping Springs)
- Dripping Springs Thoroughfare Plan (Dripping Springs)

Consider the following for transportation improvements related to the site:

- Improvements required to mitigate the impact of site traffic for intersections below Level of Service C, based on City of Dripping Springs Code Chapter 28, Exhibit A, Section 11.11.

6. Other Considerations

- Ensure automated traffic data captures demand. Manual observations or a multiple period analysis may be necessary.
- Capture and report data to calibrate model for existing operational analysis (i.e. queue length and approach/movement delay recommended)
- Methodology for capacity and level of service shall be Highway Capacity Manual, latest edition (i.e. Synchro, version 10).
- Discuss and illustrate model calibration (i.e. queue length and approach/movement delay recommended).

7. Study Assumptions

The following assumptions must be included in the analysis:

- Background traffic —the average annual growth rate shall be calculated using available sources and documented in the report. Identified growth rate for use in analysis which must be approved by the City prior to submittal
- Projects for background traffic calculations:
 - Arrowhead Ranch
The City will provide available land use information for the proposed development.
- Transit Trips/Walking/Biking Reductions – N/A
- Internal Capture Reductions – N/A
- Pass-By Trip Reductions – Appropriate pass-by trip reductions may be applied to commercial land uses based on the ITE Trip Generation Manual, 10th Edition.
- Trip distribution – To be determined based on existing and historical data. Analysis used to support distribution assumptions should be provided with the submittal of the TIA. Obtain approval by the City prior to submittal.

8. Submittal Requirements

- Submit an electronic version of the draft TIA report for agency review. Once all agency comments are resolved, submit two (2) printed copies of the final report, signed and sealed by a professional engineer licensed in the State of Texas for submittal to City of Dripping Springs. The final report should also be provided in electronic format. Submit an electronic version of the draft and final TIA report TxDOT through DropBox.
- The submittal should include the following: PDF of the TIA, Synchro Network for all conditions analyzed and background DXF or aerial format (Synchro files must be in real world coordinates), excel spreadsheets with, overall trip generation, internal and pass-by trip reduction rates if applicable, site trip distribution and assignment within roadway network and site driveways, A CAD file for the site plan, if available.
- Traffic signal modeling requirements:
 - All intersections must be modeled in one Synchro file (including unsignalized intersections).
 - Synchro signal timing sheets are to be included with the submittal.


- Present intersection LOS by movements, Delay by movements, v/c by movements, and 95% queue length by movements in a tabular format (preferably in 11"x17") for different scenarios noted.
- The following Maps should be included in the TIA report:
 - Site Map or Site Plan.
 - Location/Study area map specifying major roadways within the study area.
 - A map showing all bicycle routes, bus transit and bus stops within ½ mile of the site
 - A map showing all background projects and trip generation for each project,
 - A map showing all roadways and driveways analyzed (labeled and dimensioned)
 - An aerial map of all intersections with roadway improvements (dimensioned), including above ground utilities called out.

This scope and study are based upon discussions between Civil & Environmental Consultants, Inc., the City of Dripping Springs transportation consultant, and TxDOT. Any change in these assumptions may require a change in scope.

Approved by: 
Chad Gilpin, P.E., City Engineer, City of Dripping Springs

Reviewed by: 
Leslie D. Pollack, P.E., PTOE, HDR Engineering, Inc.

Approved by: 
Scott R. Cunningham, P.E., TxDOT Austin District

Agree to follow: 
Jeffrey M. DePaolis, P.E., PTOE, Civil & Environmental Consultants, Inc.

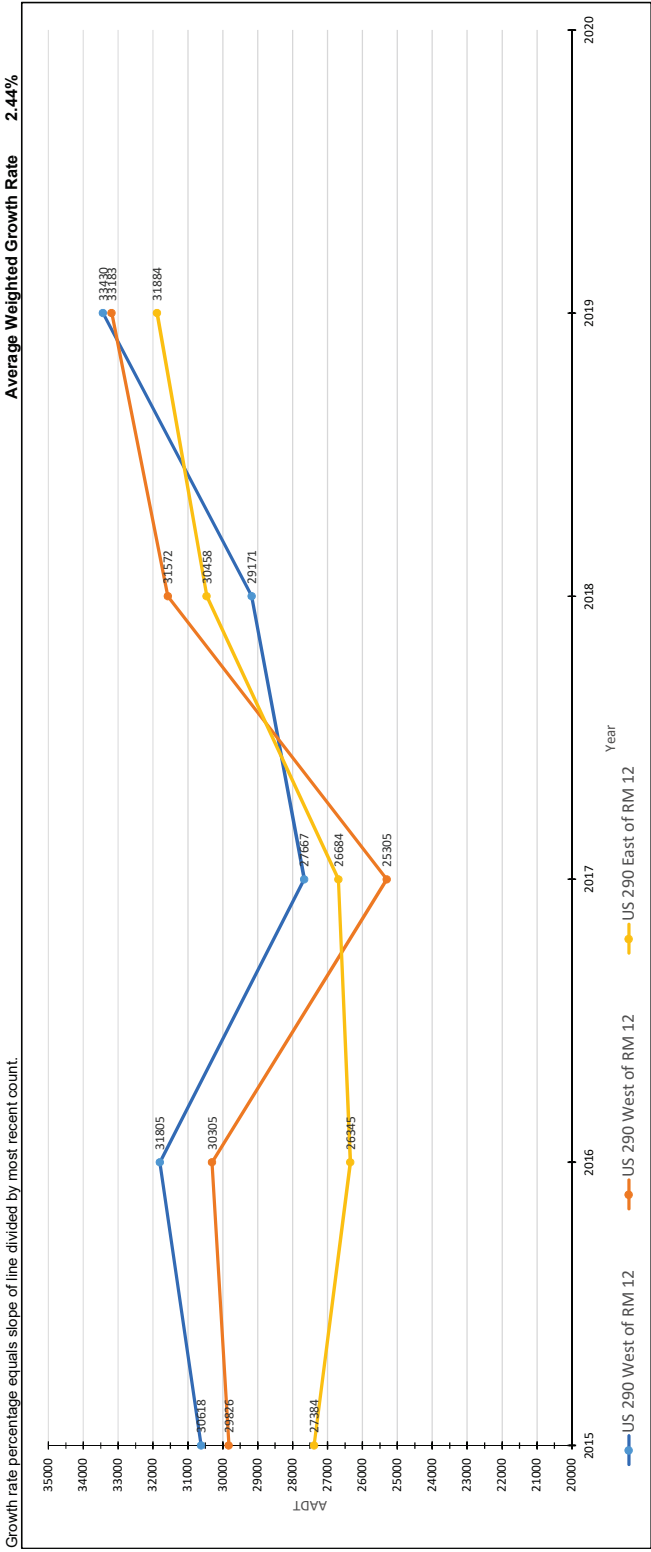
APPENDIX B
BACKGROUND TRAFFIC GROWTH RATE CALCULATIONS

TABLE A1
BACKGROUND TRAFFIC GROWTH RATE CALCULATIONS

Station ID #	Location	AADT Traffic Counts (1)										Statistics							
		2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Slope	Y-Intercept	Number of Data Points	R Squared	Growth Rate ⁽²⁾	Weight	Weighted Growth
109.265	US 290 West of RM 12					30618	31805	27667	29171	33430		299.0000	-572544.8	5	0.045	0.90%	0.34	0.31%	
109.273	US 290 West of RM 12					29826	30305	25305	31572	33183		798.1000	-1579729.5	5	0.183	2.40%	0.34	0.81%	
109.321	US 290 East of RM 12					27384	26345	26684	30458	31884		1311.3	-2616341.1	5	0.703	4.10%	0.32	1.33%	

(1) Traffic count data obtained from the TXDOT Traffic Count Database System (TCDS)

(2) Growth rate percentage equals slope of line divided by most recent count.



Droznek, Chris

From: Pollack, Leslie <Leslie.Pollack@hdrinc.com>
Sent: Friday, April 30, 2021 4:06 PM
To: Droznek, Chris
Subject: RE: Bunker Ranch TIA

Hi Chris, I am good with the growth rate as proposed. Thank you!

Leslie D. Pollack, P.E., PTOE
D 512.904.3728 M 512.560.1619

hdrinc.com/follow-us

From: Droznek, Chris <cdroznek@cecinc.com>
Sent: Friday, April 30, 2021 7:23 AM
To: Pollack, Leslie <Leslie.Pollack@hdrinc.com>
Subject: RE: Bunker Ranch TIA

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Leslie,

Thank you. I'm also attaching a copy of the calculated growth rate for the study area. Since our project is located on US 290, I collected AADT data along US 290. From the TXDOT Traffic Count Database System (TCDS) I was able to locate 3 count locations along US 290 and within Dripping Springs. I utilized the most recent 5 years of AADT data available for the calculations. From this data I calculated a linear growth rate of 2.44% per year using a weighted average of the three locations.

I understand that you want to verify this information prior to submission of the TIA. Please review the attached calculated growth rate and provide me with any comments or suggestions as to what background traffic growth rate you would like to utilize for the study area.

Thank you,

Chris

Chris A. Droznek II, P.E. | Project Manager
Civil & Environmental Consultants, Inc.
333 Baldwin Road, Pittsburgh, PA 15205
direct 412.249.3177 **office** 412.429.2324 **mobile** 412.804.8807
www.cecinc.com

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APPENDIX C
TURNING MOVEMENT COUNT SUMMARIES

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626

512-832-8650

File Name : Site 1 - US 290 & Bunker Ranch Blvd - AM

Site Code : 1

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy vehicles

	Southbound					US 290 Westbound					Bunker Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
07:00	0	0	0	0	0	4	82	0	0	86	0	0	2	0	2	0	148	0	0	148	236
07:15	0	0	0	0	0	4	100	0	0	104	0	0	4	0	4	0	161	0	0	161	269
07:30	0	0	0	0	0	8	131	0	1	140	0	0	5	0	5	0	178	1	0	179	324
07:45	0	0	0	0	0	11	118	0	0	129	1	0	3	0	4	0	157	0	0	157	290
Total	0	0	0	0	0	27	431	0	1	459	1	0	14	0	15	0	644	1	0	645	1119
08:00	0	0	0	0	0	12	137	0	0	149	0	0	5	0	5	0	137	1	0	138	292
08:15	0	0	0	0	0	5	109	0	0	114	0	0	3	0	3	0	141	0	0	141	258
08:30	0	0	0	0	0	7	108	0	0	115	3	0	1	0	4	0	180	2	0	182	301
08:45	0	0	0	0	0	11	151	0	0	162	0	0	10	1	11	0	168	2	0	170	343
Total	0	0	0	0	0	35	505	0	0	540	3	0	19	1	23	0	626	5	0	631	1194
Grand Total	0	0	0	0	0	62	936	0	1	999	4	0	33	1	38	0	1270	6	0	1276	2313
Apprch %	0	0	0	0		6.2	93.7	0	0.1		10.5	0	86.8	2.6		0	99.5	0.5	0		
Total %	0	0	0	0	0	2.7	40.5	0	0	43.2	0.2	0	1.4	0	1.6	0	54.9	0.3	0	55.2	
Vehicles	0	0	0	0	0	60	825	0	1	886	3	0	32	1	36	0	1168				
% Vehicles	0	0	0	0	0	96.8	88.1	0	100	88.7	75	0	97	100	94.7	0	92	83.3	0	91.9	90.6
Heavy vehicles																					
% Heavy vehicles	0	0	0	0	0	3.2	11.9	0	0	11.3	25	0	3	0	5.3	0	8	16.7	0	8.1	9.4

	Southbound					US 290 Westbound					Bunker Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00																					
08:00	0	0	0	0	0	12	137	0	0	149	0	0	5	0	5	0	137	1	0	138	292
08:15	0	0	0	0	0	5	109	0	0	114	0	0	3	0	3	0	141	0	0	141	258
08:30	0	0	0	0	0	7	108	0	0	115	3	0	1	0	4	0	180	2	0	182	301
08:45	0	0	0	0	0	11	151	0	0	162	0	0	10	1	11	0	168	2	0	170	343
Total Volume	0	0	0	0	0	35	505	0	0	540	3	0	19	1	23	0	626	5	0	631	1194
% App. Total	0	0	0	0		6.5	93.5	0	0		13	0	82.6	4.3		0	99.2	0.8	0		
PHF	.000	.000	.000	.000	.000	.729	.836	.000	.000	.833	.250	.000	.475	.250	.523	.000	.869	.625	.000	.867	.870
Vehicles	0	0	0	0	0	34	433	0	0	467	3	0	18	1	22	0	569	4	0	573	1062
% Vehicles						97.1	85.7	0	0	86.5	100	0	94.7	100	95.7	0	90.9	80.0	0	90.8	88.9
Heavy vehicles																					
% Heavy vehicles	0	0	0	0	0	2.9	14.3	0	0	13.5	0	0	5.3	0	4.3	0	9.1	20.0	0	9.2	11.1

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626

512-832-8650

File Name : Site 1 - US 290 & Bunker Ranch Blvd - PM

Site Code : 1

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy vehicles

	Southbound					US 290 Westbound					Bunker Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
16:00	0	0	0	0	0	6	151	0	0	157	2	0	10	0	12	0	172	1	0	173	342
16:15	0	0	0	0	0	8	188	0	0	196	0	0	10	0	10	0	155	0	0	155	361
16:30	0	0	0	0	0	5	295	0	0	300	0	0	7	0	7	0	141	1	0	142	449
16:45	0	0	0	0	0	5	196	0	0	201	2	0	5	0	7	0	156	1	0	157	365
Total	0	0	0	0	0	24	830	0	0	854	4	0	32	0	36	0	624	3	0	627	1517
17:00	0	0	0	0	0	2	186	0	0	188	2	0	10	0	12	0	157	1	0	158	358
17:15	0	0	0	0	0	0	199	0	0	199	1	0	10	0	11	0	162	0	0	162	372
17:30	0	0	0	0	0	6	178	0	0	184	2	0	8	0	10	0	162	1	0	163	357
17:45	0	0	0	0	0	2	164	0	0	166	0	0	10	0	10	0	142	1	0	143	319
Total	0	0	0	0	0	10	727	0	0	737	5	0	38	0	43	0	623	3	0	626	1406
Grand Total	0	0	0	0	0	34	1557	0	0	1591	9	0	70	0	79	0	1247	6	0	1253	2923
Apprch %	0	0	0	0	0	2.1	97.9	0	0	0	11.4	0	88.6	0	0	0	99.5	0.5	0	0	0
Total %	0	0	0	0	0	1.2	53.3	0	0	54.4	0.3	0	2.4	0	2.7	0	42.7	0.2	0	42.9	0
Vehicles	0	0	0	0	0	32	1508									1186					
% Vehicles	0	0	0	0	0	94.1	96.9	0	0	96.8	100	0	95.7	0	96.2	0	95.1	100	0	95.1	96.1
Heavy vehicles																					
% Heavy vehicles	0	0	0	0	0	5.9	3.1	0	0	3.2	0	0	4.3	0	3.8	0	4.9	0	0	4.9	3.9

	Southbound					US 290 Westbound					Bunker Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 16:30																					
16:30	0	0	0	0	0	5	295	0	0	300	0	0	7	0	7	0	141	1	0	142	449
16:45	0	0	0	0	0	5	196	0	0	201	2	0	5	0	7	0	156	1	0	157	365
17:00	0	0	0	0	0	2	186	0	0	188	2	0	10	0	12	0	157	1	0	158	358
17:15	0	0	0	0	0	0	199	0	0	199	1	0	10	0	11	0	162	0	0	162	372
Total Volume	0	0	0	0	0	12	876	0	0	888	5	0	32	0	37	0	616	3	0	619	1544
% App. Total	0	0	0	0	0	1.4	98.6	0	0	0	13.5	0	86.5	0	0	0	99.5	0.5	0	0	0
PHF	.000	.000	.000	.000	.000	.600	.742	.000	.000	.740	.625	.000	.800	.000	.771	.000	.951	.750	.000	.955	.860
Vehicles	0	0	0	0	0	12	860	0	0	872	5	0	31	0	36	0	583	3	0	586	1494
% Vehicles							98.2	0	0	98.2	100	0	96.9	0	97.3	0	94.6	100	0	94.7	96.8
Heavy vehicles																					
% Heavy vehicles	0	0	0	0	0	0	1.8	0	0	1.8	0	0	3.1	0	2.7	0	5.4	0	0	5.3	3.2

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626
512-832-8650

File Name : Site 2 - US 290 & Arrowhead Ranch Blvd - AM
Site Code : 2
Start Date : 4/20/2021
Page No : 1

Groups Printed- Vehicles - Heavy Vehicles

	Bus Barn Driveway Southbound					US 290 Westbound					Arrowhead Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
07:00	0	0	0	0	0	4	97	0	0	101	1	0	22	0	23	0	156	0	0	156	280
07:15	3	0	0	0	3	9	106	0	0	115	1	0	20	0	21	0	160	2	0	162	301
07:30	1	0	1	0	2	12	138	3	1	154	2	0	21	0	23	0	176	0	0	176	355
07:45	1	0	0	0	1	11	143	4	0	158	2	0	10	0	12	0	168	0	0	168	339
Total	5	0	1	0	6	36	484	7	1	528	6	0	73	0	79	0	660	2	0	662	1275
08:00	0	0	0	0	0	6	144	0	0	150	2	0	15	0	17	0	142	2	0	144	311
08:15	1	0	0	0	1	11	119	2	0	132	3	0	16	0	19	0	155	3	0	158	310
08:30	0	0	0	0	0	8	126	6	0	140	2	0	13	0	15	1	173	4	0	178	333
08:45	1	0	0	0	1	12	154	26	0	192	1	0	17	0	18	0	179	5	0	184	395
Total	2	0	0	0	2	37	543	34	0	614	8	0	61	0	69	1	649	14	0	664	1349
Grand Total	7	0	1	0	8	73	1027	41	1	1142	14	0	134	0	148	1	1309	16	0	1326	2624
Apprch %	87.5	0	12.5	0		6.4	89.9	3.6	0.1		9.5	0	90.5	0		0.1	98.7	1.2	0		
Total %	0.3	0	0	0	0.3	2.8	39.1	1.6	0	43.5	0.5	0	5.1	0	5.6	0	49.9	0.6	0	50.5	
Vehicles	4	0	0	0	4	69	919	7	1	996	7	0	130	0	137	1	1223				
% Vehicles	57.1	0	0	0	50	94.5	89.5	17.1	100	87.2	50	0	97	0	92.6	100	93.4	12.5	0	92.5	90.1
Heavy Vehicles																					
% Heavy Vehicles	42.9	0	100	0	50	5.5	10.5	82.9	0	12.8	50	0	3	0	7.4	0	6.6	87.5	0	7.5	9.9

	Bus Barn Driveway Southbound					US 290 Westbound					Arrowhead Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00																					
08:00	0	0	0	0	0	6	144	0	0	150	2	0	15	0	17	0	142	2	0	144	311
08:15	1	0	0	0	1	11	119	2	0	132	3	0	16	0	19	0	155	3	0	158	310
08:30	0	0	0	0	0	8	126	6	0	140	2	0	13	0	15	1	173	4	0	178	333
08:45	1	0	0	0	1	12	154	26	0	192	1	0	17	0	18	0	179	5	0	184	395
Total Volume	2	0	0	0	2	37	543	34	0	614	8	0	61	0	69	1	649	14	0	664	1349
% App. Total	100	0	0	0		6	88.4	5.5	0		11.6	0	88.4	0		0.2	97.7	2.1	0		
PHF	.500	.000	.000	.000	.500	.771	.881	.327	.000	.799	.667	.000	.897	.000	.908	.250	.906	.700	.000	.902	.854
Vehicles	2	0	0	0	2	36	476	3	0	515	1	0	59	0	60	1	601	2	0	604	1181
% Vehicles						97.3	87.7	8.8	0	83.9	12.5	0	96.7	0	87.0	100	92.6	14.3	0	91.0	87.5
Heavy Vehicles																					
% Heavy Vehicles	0	0	0	0	0	2.7	12.3	91.2	0	16.1	87.5	0	3.3	0	13.0	0	7.4	85.7	0	9.0	12.5

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626
512-832-8650

File Name : Site 2 - US 290 & Arrowhead Ranch Blvd - PM
Site Code : 2
Start Date : 4/20/2021
Page No : 1

Groups Printed- Vehicles - Heavy Vehicles

	Bus Barn Driveway Southbound					US 290 Westbound					Arrowhead Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
16:00	2	0	0	0	2	7	161	0	0	168	2	0	8	0	10	0	183	2	0	185	365
16:15	1	0	0	0	1	14	205	2	0	221	0	0	16	0	16	0	161	1	0	162	400
16:30	0	0	0	0	0	18	236	2	0	256	0	0	11	0	11	1	152	2	0	155	422
16:45	1	0	0	0	1	13	189	1	0	203	0	0	12	0	12	0	166	4	0	170	386
Total	4	0	0	0	4	52	791	5	0	848	2	0	47	0	49	1	662	9	0	672	1573
17:00	0	0	0	0	0	9	198	5	0	212	3	0	11	0	14	1	182	0	0	183	409
17:15	1	0	0	0	1	19	197	14	0	230	2	0	6	0	8	0	177	2	0	179	418
17:30	3	0	2	0	5	15	175	10	0	200	0	0	8	0	8	2	182	0	0	184	397
17:45	6	0	0	0	6	12	157	6	0	175	0	0	11	0	11	0	158	4	0	162	354
Total	10	0	2	0	12	55	727	35	0	817	5	0	36	0	41	3	699	6	0	708	1578
Grand Total	14	0	2	0	16	107	1518	40	0	1665	7	0	83	0	90	4	1361	15	0	1380	3151
Apprch %	87.5	0	12.5	0		6.4	91.2	2.4	0		7.8	0	92.2	0		0.3	98.6	1.1	0		
Total %	0.4	0	0.1	0	0.5	3.4	48.2	1.3	0	52.8	0.2	0	2.6	0	2.9	0.1	43.2	0.5	0	43.8	
Vehicles	13	0	2	0	15	105	1464									1302					
% Vehicles	92.9	0	100	0	93.8	98.1	96.4	7.5	0	94.4	85.7	0	97.6	0	96.7	75	95.7	93.3	0	95.6	95
Heavy Vehicles																					
% Heavy Vehicles	7.1	0	0	0	6.2	1.9	3.6	92.5	0	5.6	14.3	0	2.4	0	3.3	25	4.3	6.7	0	4.4	5

	Bus Barn Driveway Southbound					US 290 Westbound					Arrowhead Ranch Blvd Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 16:30																					
16:30	0	0	0	0	0	18	236	2	0	256	0	0	11	0	11	1	152	2	0	155	422
16:45	1	0	0	0	1	13	189	1	0	203	0	0	12	0	12	0	166	4	0	170	386
17:00	0	0	0	0	0	9	198	5	0	212	3	0	11	0	14	1	182	0	0	183	409
17:15	1	0	0	0	1	19	197	14	0	230	2	0	6	0	8	0	177	2	0	179	418
Total Volume	2	0	0	0	2	59	820	22	0	901	5	0	40	0	45	2	677	8	0	687	1635
% App. Total	100	0	0	0		6.5	91	2.4	0		11.1	0	88.9	0		0.3	98.5	1.2	0		
PHF	.500	.000	.000	.000	.500	.776	.869	.393	.000	.880	.417	.000	.833	.000	.804	.500	.930	.500	.000	.939	.969
Vehicles	2	0	0	0	2	58	796	1	0	855	5	0	38	0	43	1	647	7	0	655	1555
% Vehicles						98.3	97.1	4.5	0	94.9	100	0	95.0	0	95.6	50.0	95.6	87.5	0	95.3	95.1
Heavy Vehicles																					
% Heavy Vehicles	0	0	0	0	0	1.7	2.9	95.5	0	5.1	0	0	5.0	0	4.4	50.0	4.4	12.5	0	4.7	4.9

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626

512-832-8650

File Name : Site 3 - US 290 & Springs Ln - AM

Site Code : 3

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy Vehicles

	Springs Ln Southbound					US 290 Westbound					Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
07:00	9	0	1	0	10	0	97	2	0	99	0	0	0	0	0	1	181	0	0	182	291
07:15	7	0	2	0	9	0	122	2	0	124	0	0	0	0	0	1	191	0	0	192	325
07:30	6	0	1	0	7	0	146	6	0	152	0	0	0	0	0	0	208	0	0	208	367
07:45	9	0	1	0	10	0	158	4	0	162	0	0	0	0	0	0	177	0	0	177	349
Total	31	0	5	0	36	0	523	14	0	537	0	0	0	0	0	2	757	0	0	759	1332
08:00	5	0	0	0	5	0	158	1	0	159	0	0	0	0	0	0	159	0	0	159	323
08:15	5	0	0	0	5	0	135	0	0	135	0	0	0	0	0	1	173	0	0	174	314
08:30	2	0	0	0	2	0	138	3	0	141	0	0	0	0	0	0	187	0	1	188	331
08:45	3	0	0	0	3	0	197	2	0	199	0	0	0	0	0	1	199	0	0	200	402
Total	15	0	0	0	15	0	628	6	0	634	0	0	0	0	0	2	718	0	1	721	1370
Grand Total	46	0	5	0	51	0	1151	20	0	1171	0	0	0	0	0	4	1475	0	1	1480	2702
Apprch %	90.2	0	9.8	0		0	98.3	1.7	0		0	0	0	0		0.3	99.7	0	0.1		
Total %	1.7	0	0.2	0	1.9	0	42.6	0.7	0	43.3	0	0	0	0	0	0.1	54.6	0	0	54.8	
Vehicles	44	0	4	0	48	0	1004									1372					
% Vehicles	95.7	0	80	0	94.1	0	87.2	90	0	87.3	0	0	0	0	0	75	93	0	100	93	90.5
Heavy Vehicles																					
% Heavy Vehicles	4.3	0	20	0	5.9	0	12.8	10	0	12.7	0	0	0	0	0	25	7	0	0	7	9.5

	Springs Ln Southbound					US 290 Westbound					Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 07:00 to 08:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00																					
08:00	5	0	0	0	5	0	158	1	0	159	0	0	0	0	0	0	159	0	0	159	323
08:15	5	0	0	0	5	0	135	0	0	135	0	0	0	0	0	1	173	0	0	174	314
08:30	2	0	0	0	2	0	138	3	0	141	0	0	0	0	0	0	187	0	1	188	331
08:45	3	0	0	0	3	0	197	2	0	199	0	0	0	0	0	1	199	0	0	200	402
Total Volume	15	0	0	0	15	0	628	6	0	634	0	0	0	0	0	2	718	0	1	721	1370
% App. Total	100	0	0	0		0	99.1	0.9	0		0	0	0	0		0.3	99.6	0	0.1		
PHF	.750	.000	.000	.000	.750	.000	.797	.500	.000	.796	.000	.000	.000	.000	.000	.500	.902	.000	.250	.901	.852
Vehicles	15	0	0	0	15	0	525	6	0	531	0	0	0	0	0	2	667	0	1	670	1216
% Vehicles							83.6	100	0	83.8	0	0	0	0	0	100	92.9	0	100	92.9	88.8
Heavy Vehicles																					
% Heavy Vehicles	0	0	0	0	0	0	16.4	0	0	16.2	0	0	0	0	0	0	7.1	0	0	7.1	11.2

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626
512-832-8650

File Name : Site 3 - US 290 & Springs Ln - PM

Site Code : 3

Start Date : 4/20/2021

Page No : 1

Groups Printed- Vehicles - Heavy Vehicles

	Springs Ln Southbound					US 290 Westbound					Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
16:00	3	0	0	0	3	0	185	4	0	189	0	0	0	0	0	0	203	0	0	203	395
16:15	4	0	1	0	5	0	226	6	0	232	0	0	0	0	0	0	182	0	0	182	419
16:30	4	0	0	0	4	0	260	6	0	266	0	0	0	0	0	1	162	0	0	163	433
16:45	2	0	2	0	4	0	192	7	0	199	0	0	0	0	0	1	187	0	0	188	391
Total	13	0	3	0	16	0	863	23	0	886	0	0	0	0	0	2	734	0	0	736	1638
17:00	7	0	1	0	8	0	211	6	0	217	0	0	0	0	0	0	190	0	0	190	415
17:15	2	0	0	0	2	0	242	7	0	249	0	0	0	0	0	0	193	0	0	193	444
17:30	3	0	0	0	3	0	193	4	0	197	0	0	0	0	0	1	195	0	0	196	396
17:45	3	0	0	0	3	0	189	4	0	193	0	0	0	0	0	0	169	0	0	169	365
Total	15	0	1	0	16	0	835	21	0	856	0	0	0	0	0	1	747	0	0	748	1620
Grand Total	28	0	4	0	32	0	1698	44	0	1742	0	0	0	0	0	3	1481	0	0	1484	3258
Apprch %	87.5	0	12.5	0		0	97.5	2.5	0		0	0	0	0		0.2	99.8	0	0		
Total %	0.9	0	0.1	0	1	0	52.1	1.4	0	53.5	0	0	0	0	0	0.1	45.5	0	0	45.5	
Vehicles	28	0	3	0	31	0	1613									1419					
% Vehicles	100	0	75	0	96.9	0	95	97.7	0	95.1	0	0	0	0	0	100	95.8	0	0	95.8	95.4
Heavy Vehicles																					
% Heavy Vehicles	0	0	25	0	3.1	0	5	2.3	0	4.9	0	0	0	0	0	0	4.2	0	0	4.2	4.6

	Springs Ln Southbound					US 290 Westbound					Northbound					US 290 Eastbound					
Start Time	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Left	Thru	Right	U-TURN	App. Total	Int. Total
Peak Hour Analysis From 16:00 to 17:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 16:30																					
16:30	4	0	0	0	4	0	260	6	0	266	0	0	0	0	0	1	162	0	0	163	433
16:45	2	0	2	0	4	0	192	7	0	199	0	0	0	0	0	1	187	0	0	188	391
17:00	7	0	1	0	8	0	211	6	0	217	0	0	0	0	0	0	190	0	0	190	415
17:15	2	0	0	0	2	0	242	7	0	249	0	0	0	0	0	0	193	0	0	193	444
Total Volume	15	0	3	0	18	0	905	26	0	931	0	0	0	0	0	2	732	0	0	734	1683
% App. Total	83.3	0	16.7	0		0	97.2	2.8	0		0	0	0	0		0.3	99.7	0	0		
PHF	.536	.000	.375	.000	.563	.000	.870	.929	.000	.875	.000	.000	.000	.000	.000	.500	.948	.000	.000	.951	.948
Vehicles	15	0	2	0	17	0	864	25	0	889	0	0	0	0	0	2	700	0	0	702	1608
% Vehicles			66.7	0	94.4	0	95.5	96.2	0	95.5	0	0	0	0	0	100	95.6	0	0	95.6	95.5
Heavy Vehicles																					
% Heavy Vehicles	0	0	33.3	0	5.6	0	4.5	3.8	0	4.5	0	0	0	0	0	0	4.4	0	0	4.4	4.5

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A

Georgetown, TX 78626

512-832-8650

Site Code: 1

Station ID:

US 290

East of CR 239

Latitude: 0' 0.0000 Undefined

Start Time	20-Apr-21 Tue	Westbound		Hour Totals		Eastbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		9	167			7	192				
12:15		11	164			4	179				
12:30		6	219			5	148				
12:45		4	183	30	733	4	140	20	659	50	1392
01:00		4	182			1	159				
01:15		3	216			2	153				
01:30		4	202			8	154				
01:45		3	177	14	777	4	162	15	628	29	1405
02:00		2	216			2	139				
02:15		1	201			3	189				
02:30		5	190			4	216				
02:45		4	164	12	771	3	176	12	720	24	1491
03:00		6	215			3	201				
03:15		3	234			4	184				
03:30		3	209			5	168				
03:45		3	173	15	831	6	184	18	737	33	1568
04:00		4	197			8	189				
04:15		5	225			7	221				
04:30		9	261			24	182				
04:45		16	211	34	894	21	188	60	780	94	1674
05:00		12	212			28	200				
05:15		26	241			33	190				
05:30		51	210			56	197				
05:45		70	180	159	843	59	173	176	760	335	1603
06:00		66	210			89	155				
06:15		71	169			99	157				
06:30		66	167			132	164				
06:45		86	135	289	681	141	134	461	610	750	1291
07:00		101	104			173	108				
07:15		122	118			195	100				
07:30		165	131			218	117				
07:45		170	96	558	449	177	88	763	413	1321	862
08:00		159	107			167	92				
08:15		138	71			163	70				
08:30		163	66			173	65				
08:45		190	81	650	325	187	62	690	289	1340	614
09:00		193	77			175	52				
09:15		133	61			172	52				
09:30		159	45			166	38				
09:45		161	43	646	226	171	41	684	183	1330	409
10:00		162	40			175	25				
10:15		178	30			175	24				
10:30		168	23			153	21				
10:45		158	36	666	129	150	16	653	86	1319	215
11:00		159	28			171	19				
11:15		153	14			164	11				
11:30		176	13			209	17				
11:45		139	12	627	67	182	6	726	53	1353	120
Total		3700	6726			4278	5918			7978	12644
Percent		35.5%	64.5%			42.0%	58.0%			38.7%	61.3%

GRAM Traffic Counting, Inc.

3751 FM 1105, Bldg. A
Georgetown, TX 78626
512-832-8650

Item # 17.

Site Code: 1
Station ID:
US 290
East of CR 239
Latitude: 0' 0.0000 Undefined

Start Time	21-Apr-21 Wed	Westbound		Hour Totals		Eastbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		12	159			3	173				
12:15		9	197			7	157				
12:30		4	189			3	152				
12:45		8	181	33	726	1	151	14	633	47	1359
01:00		3	153			0	152				
01:15		4	208			2	158				
01:30		6	188			9	170				
01:45		2	158	15	707	2	146	13	626	28	1333
02:00		2	176			4	151				
02:15		3	180			3	186				
02:30		3	177			5	222				
02:45		4	182	12	715	3	176	15	735	27	1450
03:00		4	152			1	174				
03:15		6	207			2	160				
03:30		5	184			5	168				
03:45		2	200	17	743	8	192	16	694	33	1437
04:00		10	194			8	219				
04:15		5	232			9	200				
04:30		8	225			21	176				
04:45		13	220	36	871	15	168	53	763	89	1634
05:00		12	243			23	172				
05:15		23	227			45	194				
05:30		47	219			39	194				
05:45		61	266	143	955	65	180	172	740	315	1695
06:00		66	201			64	184				
06:15		68	178			117	163				
06:30		80	193			112	166				
06:45		96	168	310	740	151	136	444	649	754	1389
07:00		81	130			187	115				
07:15		139	118			194	123				
07:30		155	124			188	95				
07:45		183	128	558	500	188	89	757	422	1315	922
08:00		149	102			187	91				
08:15		144	93			170	105				
08:30		149	82			172	91				
08:45		175	88	617	365	196	89	725	376	1342	741
09:00		171	80			177	59				
09:15		175	67			164	51				
09:30		166	60			167	36				
09:45		154	44	666	251	170	38	678	184	1344	435
10:00		148	38			173	58				
10:15		163	33			164	30				
10:30		161	25			177	28				
10:45		188	23	660	119	177	28	691	144	1351	263
11:00		168	17			162	32				
11:15		156	23			174	14				
11:30		184	8			182	13				
11:45		184	17	692	65	169	5	687	64	1379	129
Total		3759	6757			4265	6030			8024	12787
Percent		35.7%	64.3%			41.4%	58.6%			38.6%	61.4%
Grand Total		7459	13483			8543	11948			16002	25431
Percent		35.6%	64.4%			41.7%	58.3%			38.6%	61.4%

ADT ADT 20,716 AADT 20,716

APPENDIX D
COVID-19 TRAFFIC VOLUME FACTOR EVALUATION

Volume Comparison for COVID-19 Factor Determination

Data Source	ADT Traffic Volumes		
	Eastbound	Westbound	Total
Tuesday, January 30, 2018	7,570	7,389	14,959
Grown to 2021 (2.44% per year linear)	8,124	7,930	16,054
Tuesday, April 20, 2021	10,196	10,426	20,622
Wednesday, April 21, 2021	10,295	10,516	20,811
Average	10,246	10,471	20,717
Difference	2,122	2,541	4,663

Linear Growth Rate	2.44%
2018	2021
	1.0732

Based on data, no factor to adjust 2021 traffic volumes to account for COVID conditions will be applied.

2018 traffic count data provided by the City of Dripping Springs

GRAM Traffic Counting Inc.

3751 FM 1105 Bldg A
Georgetown, TX 78626
512-832-8650

Item # 17.

Site Code: 2
Station ID:
Hwy 290
West of Bell Springs Rd
Latitude: 0' 0.0000 Undefined

Start Time	30-Jan-18 Tue	Eastbound		Hour Totals		Westbound		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		4	131			18	124				
12:15		3	110			5	132				
12:30		6	133			6	120				
12:45		4	122	17	496	3	122	32	498	49	994
01:00		1	145			1	125				
01:15		2	135			4	113				
01:30		4	115			2	124				
01:45		2	117	9	512	1	116	8	478	17	990
02:00		3	113			3	121				
02:15		2	152			2	125				
02:30		1	170			1	115				
02:45		3	142	9	577	2	148	8	509	17	1086
03:00		4	136			5	161				
03:15		1	107			2	146				
03:30		12	100			0	173				
03:45		7	105	24	448	3	130	10	610	34	1058
04:00		6	107			3	150				
04:15		3	121			5	160				
04:30		10	97			6	171				
04:45		19	101	38	426	8	156	22	637	60	1063
05:00		23	123			9	195				
05:15		35	129			20	170				
05:30		55	164			34	142				
05:45		67	130	180	546	52	166	115	673	295	1219
06:00		91	125			36	159				
06:15		108	109			60	151				
06:30		134	106			51	145				
06:45		123	83	456	423	64	101	211	556	667	979
07:00		118	69			65	115				
07:15		166	70			84	60				
07:30		168	63			89	95				
07:45		153	55	605	257	106	85	344	355	949	612
08:00		152	32			90	66				
08:15		144	43			92	63				
08:30		164	36			95	78				
08:45		166	26	626	137	122	55	399	262	1025	399
09:00		147	17			104	69				
09:15		150	30			109	49				
09:30		127	36			126	36				
09:45		147	24	571	107	123	30	462	184	1033	291
10:00		141	23			89	24				
10:15		117	15			93	34				
10:30		116	20			122	32				
10:45		134	12	508	70	108	23	412	113	920	183
11:00		133	16			97	16				
11:15		134	5			120	15				
11:30		114	6			118	10				
11:45		116	4	497	31	109	6	444	47	941	78
Total		3540	4030			2467	4922			6007	8952
Percent		46.8%	53.2%			33.4%	66.6%			40.2%	59.8%
Grand Total		3540	4030			2467	4922			6007	8952
Percent		46.8%	53.2%			33.4%	66.6%			40.2%	59.8%
ADT		ADT 3,815		AADT 3,815							

APPENDIX E
INTERSECTION APPROACH PHOTOGRAPHS

Intersection: US 290 with Bunker Ranch Boulevard

Eastbound US 290 Approach



Westbound US 290 Approach



Intersection: US 290 with Bunker Ranch Boulevard

Northbound Bunker Ranch Boulevard



Intersection: US 290 with Arrowhead Ranch Boulevard/DSISD Driveway

Eastbound US 290 Approach



Westbound US 290 Approach



Intersection: US 290 with Arrowhead Ranch Boulevard/DSISD Driveway

Northbound Arrowhead Ranch Boulevard Approach



Looking at Southbound DSISD Driveway



Intersection: US 290 with Springs Lane Road

Eastbound US 290 Approach



Westbound US 290 Approach



Intersection: US 290 with Springs Lane Road

Southbound Springs Lane Approach



APPENDIX F
LEVEL OF SERVICE DEFINITIONS

LEVELS OF SERVICE

Intersection levels of service (LOS) were determined through implementation of the methodology presented in the *Highway Capacity Manual 6th Edition*, published by the Transportation Research Board.

i. Signalized Intersections

An explanation of level of service at signalized intersections is as follows:

This subsection describes the LOS criteria for the motorized vehicle mode. The criteria for the motorized vehicle mode are different from those for other modes. Specifically, the motorized vehicle mode criteria are based on performance measures that are field measurable and perceivable by travelers. The criteria for other modes are based on scores reported by travelers indicating their perception of service quality.

LOS can be characterized for the entire intersection, each intersection approach, and each lane group. Control delay alone is used to characterize LOS for the entire intersection of an approach. Control delay and volume-to-capacity ratio are used to characterize LOS for a lane group. Delay quantifies the increase in travel time due to traffic signal control. It is also a surrogate measure of driver discomfort and fuel consumption. The volume-to-capacity ratio quantifies the degree to which a phase's capacity is utilized by a lane group. The following paragraphs describe each LOS.

LOS A describes operations with a control delay of 10 s/veh or less and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is exceptionally favorable or the cycle length is very short. If it is due to favorable progression, most vehicles arrive during the green indication and travel through the intersection without stopping.

LOS B describes operations with control delay between 10 and 20 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is low and either progression is highly favorable or the cycle length is short. More vehicles stop than with LOS A.

LOS C describes operations with control delay between 20 and 35 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when progression is favorable or the cycle length is moderate. Individual *cycle failures* (i.e., one or more queued vehicles are not able to depart as a result of insufficient capacity during the cycle) may begin to appear at this level. The number of vehicles stopping is significant, although many vehicles still pass through the intersection without stopping.

LOS D describes operations with control delay between 35 and 55 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high and either progression is ineffective or the cycle length is long. Many vehicles stop and individual cycle failures are noticeable.

LOS E describes operations with control delay between 55 and 80 s/veh and a volume-to-capacity ratio no greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is high, progression is unfavorable, and the cycle length is long. Individual cycle failures are frequent.

LOS F describes operations with control delay exceeding 80 s/veh or a volume-to-capacity ratio greater than 1.0. This level is typically assigned when the volume-to-capacity ratio is very high, progression is very poor, and the cycle length is long. Most cycles fail to clear the queue.

A lane group can incur a delay less than 80 s/veh when the volume-to-capacity ratio exceeds 1.0. This condition typically occurs when the cycle length is short, the signal progression is favorable, or both. As a result, both the delay and volume-to-capacity ratio are considered when lane group LOS is established. A ratio of 1.0 or more indicates that cycle capacity is fully utilized and represents failure from a capacity perspective (just as delay in excess of 80 s/veh represents failure from a delay perspective).

Exhibit 19-8 lists the LOS thresholds established for the motor vehicle mode at a signalized intersection.

Exhibit 19-8

LOS Criteria: Signalized Intersection

Control Delay (s/veh)	LOS by Volume-to-Capacity (v/c) Ratio ⁽¹⁾	
	v/c ≤ 1.0	v/c > 1.0
≤ 10	A	F
> 10 – 20	B	F
> 20 – 35	C	F
> 35 – 55	D	F
> 55 – 80	E	F
> 80	F	F

(1) For approach-based and intersectionwide assessments, LOS is defined solely by control delay.

ii. Unsignalized Intersections

The following level-of-service criteria for two-way stop-controlled and all-way stop-controlled intersections differ from the criteria for signalized intersections. The primary reason for this difference is that drivers expect different levels of performance from various kinds of transportation facilities. The expectation is that a signalized intersection is designed to carry higher traffic volumes than an unsignalized intersection. Thus, a higher level of control delay is acceptable at a signalized intersection for the same level of service.

Level of service for two-way stop-controlled (TWSC) intersections and an all-way stop control intersections is determined by the computed or measured control delay. For motor vehicles, LOS is determined for each minor-street movement (or shared movement), as well as the major-street left turns, by using the criteria given in Exhibit 20-2 and Exhibit 21-8. For TWSC intersections, LOS is not defined for the intersection as a whole or for major –street approaches for three primary reasons: (a) major-street through vehicles are assumed to experience zero delay; (b) the disproportionate number of major-street through vehicles a typical TWSC intersection skews the weighted average of all movements, resulting in a very low overall average delay for all vehicles; and (c) the resulting low delay can mask LOS deficiencies for minor movements. Level of service for two-way stop control is not defined for the intersection as a whole, while level of service for all-way stop control is defined for the intersection as a whole. Level of service criteria are given in Exhibit 20-2 (two-way stop-controlled intersections) and Exhibit 21-8 (all-way stop controlled intersections).

Exhibit 20-2 and Exhibit 21-8

LOS Criteria: Two-Way and All-Way Stop Controlled Intersections

Control Delay (s/veh)	LOS by Volume-to-Capacity (v/c) Ratio ⁽¹⁾⁽²⁾	
	v/c ≤ 1.0	v/c > 1.0
0 – 10	A	F
> 10 – 15	B	F
> 15 – 25	C	F
> 25 – 35	D	F
> 35 – 50	E	F
> 50	F	F

- (1) TWSC: The LOS criteria apply to each lane on a given approach and to each approach on the minor street. LOS is not calculated for major-street approaches or for the intersection as a whole.
- (2) AWSC: For approaches and intersectionwide assessment, LOS is defined solely by control delay.

APPENDIX G
EXISTING 2021 CAPACITY CALCULATIONS

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2021 Existing Conditions
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.5					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	626	5	35	505	3	19
Future Vol, veh/h	626	5	35	505	3	19
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	10	20	3	15	0	6
Mvmt Flow	720	6	40	580	3	22

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	726
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.16
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.23
Pot Cap-1 Maneuver	-	-	866
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	866
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-









Approach	EB	WB	NB
HCM Control Delay, s	0	0.6	11.8
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	557	-	-	866	-
HCM Lane V/C Ratio	0.045	-	-	0.046	-
HCM Control Delay (s)	11.8	-	-	9.4	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	-

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2021 Existing Conditions
Timing Plan: AM Peak Hour

Item # 17.

Intersection												
Int Delay, s/veh	1.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	649	14	37	543	34	8	0	61	2	0	0
Future Vol, veh/h	1	649	14	37	543	34	8	0	61	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	85	85	85	85	85	85	85	85	85	85	85	85
Heavy Vehicles, %	0	8	86	3	13	92	88	0	4	0	0	0
Mvmt Flow	1	764	16	44	639	40	9	0	72	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	679	0	0	780	0	0	1174	1533	382	1131	1529	340
Stage 1	-	-	-	-	-	-	766	766	-	747	747	-
Stage 2	-	-	-	-	-	-	408	767	-	384	782	-
Critical Hdwy	4.1	-	-	4.16	-	-	9.26	6.5	6.98	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.2	-	-	2.23	-	-	4.38	4	3.34	3.5	4	3.3
Pot Cap-1 Maneuver	923	-	-	827	-	-	75	118	610	161	118	662
Stage 1	-	-	-	-	-	-	218	415	-	376	423	-
Stage 2	-	-	-	-	-	-	409	414	-	616	408	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	923	-	-	827	-	-	72	112	610	136	112	662
Mov Cap-2 Maneuver	-	-	-	-	-	-	72	112	-	136	112	-
Stage 1	-	-	-	-	-	-	218	415	-	376	401	-
Stage 2	-	-	-	-	-	-	387	392	-	543	408	-





Approach	EB	WB	NB	SB
HCM Control Delay, s	0	0.6	19.6	31.9
HCM LOS			C	D

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	327	923	-	-	827	-	-	136
HCM Lane V/C Ratio	0.248	0.001	-	-	0.053	-	-	0.017
HCM Control Delay (s)	19.6	8.9	-	-	9.6	-	-	31.9
HCM Lane LOS	C	A	-	-	A	-	-	D
HCM 95th %tile Q(veh)	1	0	-	-	0.2	-	-	0.1

HCM 6th TWSC
4: US 290 & Spring Lane

2021 Existing Conditions
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	718	628	6	15	0
Future Vol, veh/h	2	718	628	6	15	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	0	8	17	0	0	0
Mvmt Flow	2	845	739	7	18	0
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	746	0	-	0	1170	373
Stage 1	-	-	-	-	743	-
Stage 2	-	-	-	-	427	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	871	-	-	-	189	630
Stage 1	-	-	-	-	436	-
Stage 2	-	-	-	-	632	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	871	-	-	-	189	630
Mov Cap-2 Maneuver	-	-	-	-	317	-
Stage 1	-	-	-	-	435	-
Stage 2	-	-	-	-	632	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		17		
HCM LOS	C					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	871	-	-	-	317	
HCM Lane V/C Ratio	0.003	-	-	-	0.056	
HCM Control Delay (s)	9.1	-	-	-	17	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.2	

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2021 Existing Conditions
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	616	3	12	876	5	32
Future Vol, veh/h	616	3	12	876	5	32
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	6	0	0	2	0	4
Mvmt Flow	716	3	14	1019	6	37

Major/Minor	Major1	Major2	Minor1		
Conflicting Flow All	0	0	719	0	1254
Stage 1	-	-	-	-	716
Stage 2	-	-	-	-	538
Critical Hdwy	-	-	4.1	-	6.8
Critical Hdwy Stg 1	-	-	-	-	5.8
Critical Hdwy Stg 2	-	-	-	-	5.8
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	892	-	167
Stage 1	-	-	-	-	450
Stage 2	-	-	-	-	555
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	892	-	164
Mov Cap-2 Maneuver	-	-	-	-	299
Stage 1	-	-	-	-	450
Stage 2	-	-	-	-	546

Approach	EB	WB	NB
HCM Control Delay, s	0	0.1	12.1
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	550	-	-	892	-
HCM Lane V/C Ratio	0.078	-	-	0.016	-
HCM Control Delay (s)	12.1	-	-	9.1	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.3	-	-	0	-

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2021 Existing Conditions
Timing Plan: PM Peak Hour

Item # 17.

Intersection												
Int Delay, s/veh	0.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑			↕			↕	
Traffic Vol, veh/h	2	677	8	59	820	22	5	0	40	2	0	0
Future Vol, veh/h	2	677	8	59	820	22	5	0	40	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	50	5	13	2	3	96	0	0	5	0	0	0
Mvmt Flow	2	698	8	61	845	23	5	0	41	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	868	0	0	706	0	0	1247	1692	349	1332	1689	434
Stage 1	-	-	-	-	-	-	702	702	-	979	979	-
Stage 2	-	-	-	-	-	-	545	990	-	353	710	-
Critical Hdwy	5.1	-	-	4.14	-	-	7.5	6.5	7	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.7	-	-	2.22	-	-	3.5	4	3.35	3.5	4	3.3
Pot Cap-1 Maneuver	530	-	-	888	-	-	132	94	638	114	94	576
Stage 1	-	-	-	-	-	-	400	443	-	272	331	-
Stage 2	-	-	-	-	-	-	495	327	-	642	440	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	530	-	-	888	-	-	125	87	638	101	87	576
Mov Cap-2 Maneuver	-	-	-	-	-	-	125	87	-	101	87	-
Stage 1	-	-	-	-	-	-	398	441	-	271	308	-
Stage 2	-	-	-	-	-	-	461	304	-	598	438	-





Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0.6			14.2			41.4		
HCM LOS							B			E		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	438	530	-	-	888	-	-	101
HCM Lane V/C Ratio	0.106	0.004	-	-	0.068	-	-	0.02
HCM Control Delay (s)	14.2	11.8	-	-	9.4	-	-	41.4
HCM Lane LOS	B	B	-	-	A	-	-	E
HCM 95th %tile Q(veh)	0.4	0	-	-	0.2	-	-	0.1

HCM 6th TWSC
4: US 290 & Spring Lane

2021 Existing Conditions
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	732	905	26	15	3
Future Vol, veh/h	2	732	905	26	15	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	5	5	4	0	34
Mvmt Flow	2	771	953	27	16	3
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	980	0	-	0	1357	490
Stage 1	-	-	-	-	967	-
Stage 2	-	-	-	-	390	-
Critical Hdwy	4.1	-	-	-	6.8	7.58
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.64
Pot Cap-1 Maneuver	712	-	-	-	143	447
Stage 1	-	-	-	-	334	-
Stage 2	-	-	-	-	659	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	712	-	-	-	143	447
Mov Cap-2 Maneuver	-	-	-	-	257	-
Stage 1	-	-	-	-	333	-
Stage 2	-	-	-	-	659	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		18.9		
HCM LOS				C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	712	-	-	-	277	
HCM Lane V/C Ratio	0.003	-	-	-	0.068	
HCM Control Delay (s)	10.1	-	-	-	18.9	
HCM Lane LOS	B	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.2	

APPENDIX H
BUNKER RANCH TRIP GENERATION CALCULATIONS

Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas

Proposed Total Bunker Ranch Development Single Family Homes (160 Approved plus 228 Proposed)

388	units	ITE Land Use Code	210	Single-Family Detached Housing
	Weekday 24-Hour	=====>	$\text{Ln}(T) = 0.92 \text{ Ln}(X) + 2.71$ $\text{Ln}(T) = 0.92 \text{ Ln}(388) + 2.71$ $\text{Ln}(T) = 0.92 (5.961) + 2.71$ $\text{Ln}(T) = 8.19$ $T = 3619.622$ $T = 3620$	$(50\% \text{ Entering} / 50\% \text{ Exiting})$ $(1810 \text{ Entering} / 1810 \text{ Exiting})$
	A.M. Peak Hour	=====>	$T = 0.71 (X) + 4.8$ $T = 0.71 (388.00) + 4.80$ $T = 280.28$ $T = 280$	$(25\% \text{ Entering} / 75\% \text{ Exiting})$ $(70 \text{ Entering} / 210 \text{ Exiting})$
	P.M. Peak Hour	=====>	$\text{Ln}(T) = 0.96 \text{ Ln}(X) + 0.2$ $\text{Ln}(T) = 0.96 \text{ Ln}(388) + 0.2$ $\text{Ln}(T) = 0.96 (5.961) + 0.2$ $\text{Ln}(T) = 5.92$ $T = 373.368$ $T = 373$	$(63\% \text{ Entering} / 37\% \text{ Exiting})$ $(235 \text{ Entering} / 138 \text{ Exiting})$

**Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas**

Bunker Ranch Approved Single Family Units

160	units	ITE Land Use Code	210	Single-Family Detached Housing
	Weekday 24-Hour	=====>	$\text{Ln}(T) = 0.92 \text{ Ln}(X) + 2.71$ $\text{Ln}(T) = 0.92 \text{ Ln}(160) + 2.71$ $\text{Ln}(T) = 0.92 (5.075) + 2.71$ $\text{Ln}(T) = 7.38$ $T = 1602.243$ $T = 1602$	$(50\% \text{ Entering} / 50\% \text{ Exiting})$ $(801 \text{ Entering} / 801 \text{ Exiting})$
	A.M. Peak Hour	=====>	$T = 0.71 (X) + 4.8$ $T = 0.71 (160.00) + 4.80$ $T = 118.4$ $T = 118$	$(25\% \text{ Entering} / 75\% \text{ Exiting})$ $(30 \text{ Entering} / 88 \text{ Exiting})$
	P.M. Peak Hour	=====>	$\text{Ln}(T) = 0.96 \text{ Ln}(X) + 0.2$ $\text{Ln}(T) = 0.96 \text{ Ln}(160) + 0.2$ $\text{Ln}(T) = 0.96 (5.075) + 0.2$ $\text{Ln}(T) = 5.07$ $T = 159.520$ $T = 160$	$(63\% \text{ Entering} / 37\% \text{ Exiting})$ $(101 \text{ Entering} / 59 \text{ Exiting})$

Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas

Bunker Ranch Single Family Homes Currently Built and Occupied

58	units	ITE Land Use Code	210	Single-Family Detached Housing
	Weekday 24-Hour	=====>	$\text{Ln}(T) = 0.92 \text{ Ln}(X) + 2.71$ $\text{Ln}(T) = 0.92 \text{ Ln}(58) + 2.71$ $\text{Ln}(T) = 0.92 (4.060) + 2.71$ $\text{Ln}(T) = 6.45$ $T = 629.929$ $T = 630$	(50 % Entering/ 50 % Exiting) (315 Entering/ 315 Exiting)
	A.M. Peak Hour	=====>	$T = 0.71 (X) + 4.8$ $T = 0.71 (58.00) + 4.80$ $T = 45.98$ $T = 46$	(25 % Entering/ 75 % Exiting) (12 Entering/ 34 Exiting)
	P.M. Peak Hour	=====>	$\text{Ln}(T) = 0.96 \text{ Ln}(X) + 0.2$ $\text{Ln}(T) = 0.96 \text{ Ln}(58) + 0.2$ $\text{Ln}(T) = 0.96 (4.060) + 0.2$ $\text{Ln}(T) = 4.10$ $T = 60.221$ $T = 60$	(63 % Entering/ 37 % Exiting) (38 Entering/ 22 Exiting)

Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas

Bunker Ranch Development Approved Multifamily Units

42	units	ITE Land Use Code	220		Multifamily Low-Rise
	Weekday 24-Hour	=====>	T = 7.32 (X) T = 7.32 (42.00) T = 307.44 T = 307		(50 % Entering/ 50 % Exiting) (153 Entering/ 154 Exiting)
	A.M. Peak Hour	=====>	Ln(T) = 0.95 Ln(X) - 0.51 Ln(T) = 0.95 Ln(42) - 0.51 Ln(T) = 0.95 (3.738) - 0.51 Ln(T) = 3.04 T = 20.922 T = 21		(23 % Entering/ 77 % Exiting) (5 Entering/ 16 Exiting)
	P.M. Peak Hour	=====>	Ln(T) = 0.89 Ln(X) - 0.02 Ln(T) = 0.89 Ln(42) - 0.02 Ln(T) = 0.89 (3.738) - 0.02 Ln(T) = 3.31 T = 27.290 T = 27		(63 % Entering/ 37 % Exiting) (17 Entering/ 10 Exiting)

Trip Generation Calculations
Bunker Ranch Development
City of Dripping Springs, Hays County, Texas

Bunker Ranch Development Multifamily Units Currently Constructed and Occupied

6	units	ITE Land Use Code	220		Multifamily Low-Rise					
	Weekday 24-Hour	=====>	T = 7.56 (X) - 40.86 T = 7.56 (6.00) - 40.86 T = 4.5 T = 5		(50 % Entering/ 50 % Exiting)					
	A.M. Peak Hour	=====>	Ln(T) = 0.95 Ln(X) - 0.51 Ln(T) = 0.95 Ln(6) - 0.51 Ln(T) = 0.95 (1.792) - 0.51 Ln(T) = 1.19 T = 3.294 T = 3		(23 % Entering/ 77 % Exiting)					
	P.M. Peak Hour	=====>	Ln(T) = 0.89 Ln(X) - 0.02 Ln(T) = 0.89 Ln(6) - 0.02 Ln(T) = 0.89 (1.792) - 0.02 Ln(T) = 1.57 T = 4.829 T = 5		(63 % Entering/ 37 % Exiting)					
					(3 Entering/ 2 Exiting)					

APPENDIX I
ARROWHEAD RANCH CONCEPTUAL SITE PLAN

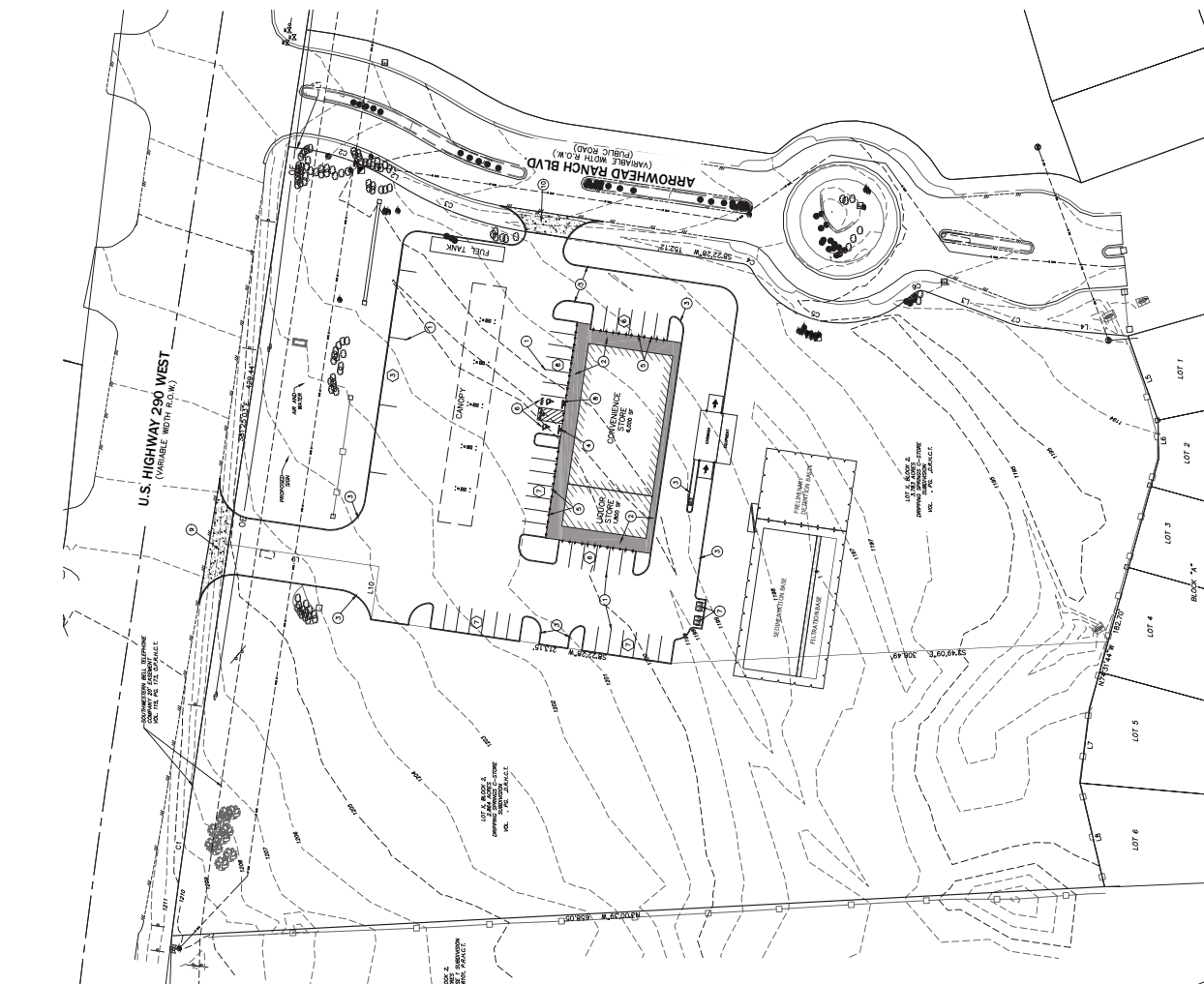
DRIPPING SPRINGS C-STORE
PLAT NO.

#####

DRIPPING SPRINGS C-STORE
PLAT NO.

PRELIMINARY
NOT FOR CONSTRUCTION,
BIDDING, OR PERMIT
PURPOSES.
PREPARED UNDER THE
SUPERVISION OF
NATASHA E. UHLRICH,
P.E. #89502 ON
March 26, 2021

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NOTES:

REFERENCE STRUCTURAL PLANS FOR FOUNDATION.
ALL CURB RADII ARE 3' UNLESS OTHERWISE NOTED.
REFER TO GENERAL NOTE SHEET FOR ADDITIONAL SITE NOTES.
"C" IN PARKING SPACE DENOTES COMPACT SPACE. COMPACT
SPACES ARE 8' X 16'.
TRAFFIC SIGNALS IN BEAR COUNTY R.O.W. MUST BE
THERMOPLASTIC.
PAVEMENT DESIGN FOR AUXILIARY LANES ABUTTING AN EXISTING
ROAD SHALL BE MINIMUM 2" HMAAC TYPE C (OR TYPE C) AND 12"
HMAAC TYPE B OR MATCH EXISTING PAVEMENT SECTION (IF KNOWN).
REFERENCE ARCHITECTURAL PLANS FOR CAR WASH CONFIGURATION.

NOTES:

- REFERENCE STRUCTURAL PLANS FOR FOUNDATION.
REFER TO GENERAL NOTE SHEET FOR ADDITIONAL SITE NOTES.
C IN PARKING SPACE DEEPEST COMPACT SPACE. COMPACT
SPACES ARE 8' X 16'.
PAVEMENT MARKINGS IN BEXAR COUNTY R.O.W. MUST BE
PAVEMENT DESIGN FOR AUXILIARY LANE ABUTTING AN EXISTING
ROAD SHALL BE MINIMUM 2" HMAAC TYPE D (OR TYPE C) AND 12"
HMAAC TYPE B OR MATCH EXISTING PAVEMENT SPECIFY IF KNOWN).
REFERENCE ARCHITECTURAL PLANS FOR GARDEN WASH CONFIGURATION

	TOTAL ACRES	IMPERVIOUS COVER (SF)	IMPERVIOUS COVER (AC)	IMPERVIOUS COVER (%)
LOT A C-STORE	3,783	70,430	1.617	42.74 %
LOT B RETAIL	2,864	32,346	0.743	25.94 %
TOTAL SITE	6,647	102,776	2.36	35.50 %

APPENDIX J
ARROWHEAD RANCH TRIP GENERATION CALCULATIONS

Trip Generation Calculations
Arrowhead Ranch Development
City of Dripping Springs, Hays County, Texas

Approved Arrowhead Ranch Residential Units		ITE Land Use Code		210	Single-Family Detached Housing	
403	units					
Weekday 24-Hour	=====>	Ln(T) =	0.92	Ln(X) +	2.71	(50 % Entering/ 50 % Exiting)
		Ln(T) =	0.92	Ln(403) +	2.71	
		Ln(T) =	0.92	(5.999) +	2.71	
		Ln(T) =		8.23		(1874 Entering/ 1874 Exiting)
		T =		3748.165		
		T =		3748		
A.M. Peak Hour	=====>	T =	0.71	(X) +	4.8	(25 % Entering/ 75 % Exiting)
		T =	0.71	(403.00) +	4.80	
		T =		290.93		
		T =		291		(73 Entering/ 218 Exiting)
P.M. Peak Hour	=====>	Ln(T) =	0.96	Ln(X) +	0.2	(63 % Entering/ 37 % Exiting)
		Ln(T) =	0.96	Ln(403) +	0.2	
		Ln(T) =	0.96	(5.999) +	0.2	
		Ln(T) =		5.96		(244 Entering/ 143 Exiting)
		T =		387.215		
		T =		387		

Trip Generation Calculations
Arrowhead Ranch Development
City of Dripping Springs, Hays County, Texas

Arrowhead Ranch Single Family Residential Units Currently Constructed and Occupied
 181 units ITE Land Use Code 210

Single-Family Detached Housing

Weekday 24-Hour	=====>	Ln(T) = 0.92	Ln(X) +	2.71	(50 % Entering/ 50 % Exiting)
		Ln(T) = 0.92	Ln(181) +	2.71	
		Ln(T) = 0.92	(5.198) +	2.71	
		Ln(T) =	7.49		(898 Entering/ 897 Exiting)
		T =	1794.743		
A.M. Peak Hour	=====>	T = 0.71	(X) +	4.8	(25 % Entering/ 75 % Exiting)
		T = 0.71	(181.00) +	4.80	
		T =	133.31		
		T =	133		(33 Entering/ 100 Exiting)
P.M. Peak Hour	=====>	Ln(T) = 0.96	Ln(X) +	0.2	(63 % Entering/ 37 % Exiting)
		Ln(T) = 0.96	Ln(181) +	0.2	
		Ln(T) = 0.96	(5.198) +	0.2	
		Ln(T) =	5.19		(113 Entering/ 67 Exiting)
		T =	179.569		
		T =	180		

Trip Generation Calculations
Arrowhead Ranch Development
City of Dripping Springs, Hays County, Texas

1,800	Square Feet	ITE Land Use Code	899		Liquor Store				
	Weekday 24-Hour	=====>	T =	101.49	(X)	(50	% Entering/	50	% Exiting)
			T =	101.49	(1.80)				
			T =		182.682				
			T =		183	(92	Entering/	91	Exiting)
	A.M. Peak Hour	=====>	T =	4.55	(X)	(51	% Entering/	49	% Exiting)
	Peak Hour of Generator		T =	4.55	(1.80)				
			T =		8.19				
			T =		8	(4	Entering/	4	Exiting)
	P.M. Peak Hour	=====>	T =	16.37	(X)	(50	% Entering/	50	% Exiting)
			T =	16.37	(1.80)				
			T =		29.466				
			T =		29	(15	Entering/	14	Exiting)

Trip Generation Calculations
Arrowhead Ranch Development
City of Dripping Springs, Hays County, Texas

10 6,000	Vehicle Fueling Positions Square Feet	ITE Land Use Code	960	Super Convenience Market/Gas Station										
	Weekday 24-Hour	=====>	T =	230.52	(X)	(50	% Entering/	50	% Exiting)		
			T =	230.52	(10)							
			T =			2305.2								
			T =			2305	(	1153	Entering/	1152	Exiting)		
	A.M. Peak Hour	=====>	T =	[(VFP Factor) x (Number of VFP)] + [(GFA Factor) x (GFA)] + (Constant)					(50	% Entering/	50	% Exiting)	
			T =	(16.1	x	10) + (135	x	6) + -483		
			T =					488						
			T =					488	(244	Entering/	244	Exiting)	
	P.M. Peak Hour	=====>	T =	[(VFP Factor) x (Number of VFP)] + [(GFA Factor) x (GFA)] + (Constant)					(50	% Entering/	50	% Exiting)	
			T =	(11.5	x	10) + (82.9	x	6) + -226		
			T =					386.4						
			T =					386	(193	Entering/	193	Exiting)	
Pass-By Trip Generation														
A.M. Peak Hour	=====>	76	%		Pass-By Trips	Primary	=	59	Entering /	59	Exiting			
						Pass-By	=	185	Entering /	185	Exiting			
P.M. Peak Hour	=====>	76	%		Pass-By Trips	Primary	=	46	Entering /	46	Exiting			
						Pass-By	=	147	Entering /	147	Exiting			

APPENDIX K
FORECASTED 2025 NO-BUILD (BASE) CAPACITY CALCULATIONS

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2025 No Build (B)
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	1.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	708	10	52	542	17	73
Future Vol, veh/h	708	10	52	542	17	73
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	10	20	3	15	0	6
Mvmt Flow	814	11	60	623	20	84

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	825
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.16
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.23
Pot Cap-1 Maneuver	-	-	795
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	795
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.9	14.4
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	486	-	-	795	-
HCM Lane V/C Ratio	0.213	-	-	0.075	-
HCM Control Delay (s)	14.4	-	-	9.9	-
HCM Lane LOS	B	-	-	A	-
HCM 95th %tile Q(veh)	0.8	-	-	0.2	-










HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (B)
Timing Plan: AM Peak Hour

Item # 17.

Intersection

Int Delay, s/veh 509.9

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	1	663	22	203	476	34	129	0	245	2	0	0
Future Vol, veh/h	1	663	22	203	476	34	129	0	245	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	85	85	85	85	85	85	85	85	85	85	85	85
Heavy Vehicles, %	0	8	86	3	13	92	88	0	4	0	0	0
Mvmt Flow	1	780	26	239	560	40	152	0	288	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	600	0	0	806	0	0	1540	1860	390	1450	1866	300
Stage 1	-	-	-	-	-	-	782	782	-	1058	1058	-
Stage 2	-	-	-	-	-	-	758	1078	-	392	808	-
Critical Hdwy	4.1	-	-	4.16	-	-	9.26	6.5	6.98	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.2	-	-	2.23	-	-	4.38	4	3.34	3.5	4	3.3
Pot Cap-1 Maneuver	987	-	-	808	-	-	~ 35	74	603	94	73	702
Stage 1	-	-	-	-	-	-	212	408	-	244	304	-
Stage 2	-	-	-	-	-	-	221	297	-	610	397	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	987	-	-	808	-	-	~ 27	52	603	38	51	702
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 27	52	-	38	51	-
Stage 1	-	-	-	-	-	-	212	408	-	244	214	-
Stage 2	-	-	-	-	-	-	156	209	-	318	397	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	3.2	\$ 2413.3	105.9
HCM LOS			F	F





Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	72	987	-	-	808	-	-	38
HCM Lane V/C Ratio	6.111	0.001	-	-	0.296	-	-	0.062
HCM Control Delay (s)	\$ 2413.3	8.7	-	-	11.3	-	-	105.9
HCM Lane LOS	F	A	-	-	B	-	-	F
HCM 95th %tile Q(veh)	49.3	0	-	-	1.2	-	-	0.2

Notes

~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

HCM 6th TWSC
4: US 290 & Spring Lane

2025 No Build (B) Item # 17.
Timing Plan: AM Peak Hour

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	916	727	6	15	0
Future Vol, veh/h	2	916	727	6	15	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	0	8	17	0	0	0
Mvmt Flow	2	1078	855	7	18	0
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	862	0	-	0	1402	431
Stage 1	-	-	-	-	859	-
Stage 2	-	-	-	-	543	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	789	-	-	-	133	578
Stage 1	-	-	-	-	380	-
Stage 2	-	-	-	-	552	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	789	-	-	-	133	578
Mov Cap-2 Maneuver	-	-	-	-	263	-
Stage 1	-	-	-	-	379	-
Stage 2	-	-	-	-	552	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		19.7		
HCM LOS				C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	789	-	-	-	263	
HCM Lane V/C Ratio	0.003	-	-	-	0.067	
HCM Control Delay (s)	9.6	-	-	-	19.7	
HCM Lane LOS	A	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.2	

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2025 No Build (B)
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	1.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	654	19	73	903	14	68
Future Vol, veh/h	654	19	73	903	14	68
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	6	0	0	2	0	4
Mvmt Flow	760	22	85	1050	16	79
Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	782	0	1455	380
Stage 1	-	-	-	-	760	-
Stage 2	-	-	-	-	695	-
Critical Hdwy	-	-	4.1	-	6.8	6.98
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	-	-	2.2	-	3.5	3.34
Pot Cap-1 Maneuver	-	-	845	-	123	612
Stage 1	-	-	-	-	428	-
Stage 2	-	-	-	-	462	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	845	-	111	612
Mov Cap-2 Maneuver	-	-	-	-	243	-
Stage 1	-	-	-	-	428	-
Stage 2	-	-	-	-	415	-
Approach	EB		WB		NB	
HCM Control Delay, s	0		0.7		14.2	
HCM LOS					B	
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	486	-	-	845	-	
HCM Lane V/C Ratio	0.196	-	-	0.1	-	
HCM Control Delay (s)	14.2	-	-	9.7	-	
HCM Lane LOS	B	-	-	A	-	
HCM 95th %tile Q(veh)	0.7	-	-	0.3	-	

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (B) Item # 17.
Timing Plan: PM Peak Hour

Intersection												
Int Delay, s/veh	140											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑			↕			↕	
Traffic Vol, veh/h	2	688	34	293	801	22	112	0	178	2	0	0
Future Vol, veh/h	2	688	34	293	801	22	112	0	178	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	50	5	13	2	3	96	0	0	5	0	0	0
Mvmt Flow	2	709	35	302	826	23	115	0	184	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	849	0	0	744	0	0	1730	2166	355	1801	2190	425
Stage 1	-	-	-	-	-	-	713	713	-	1442	1442	-
Stage 2	-	-	-	-	-	-	1017	1453	-	359	748	-
Critical Hdwy	5.1	-	-	4.14	-	-	7.5	6.5	7	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.7	-	-	2.22	-	-	3.5	4	3.35	3.5	4	3.3
Pot Cap-1 Maneuver	541	-	-	859	-	-	~ 58	48	633	51	46	583
Stage 1	-	-	-	-	-	-	394	438	-	142	199	-
Stage 2	-	-	-	-	-	-	258	197	-	637	423	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	541	-	-	859	-	-	~ 42	31	633	26	30	583
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 42	31	-	26	30	-
Stage 1	-	-	-	-	-	-	392	436	-	141	129	-
Stage 2	-	-	-	-	-	-	167	128	-	451	421	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	3	\$ 1016.3	155.1
HCM LOS			F	F





Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	98	541	-	-	859	-	-	26
HCM Lane V/C Ratio	3.051	0.004	-	-	0.352	-	-	0.079
HCM Control Delay (s)	\$ 1016.3	11.7	-	-	11.4	-	-	155.1
HCM Lane LOS	F	B	-	-	B	-	-	F
HCM 95th %tile Q(veh)	29	0	-	-	1.6	-	-	0.2

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

HCM 6th TWSC
4: US 290 & Spring Lane

2025 No Build (B)
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	877	1120	26	15	3
Future Vol, veh/h	2	877	1120	26	15	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	5	5	4	0	34
Mvmt Flow	2	923	1179	27	16	3
Major/Minor	Major1	Major2		Minor2		
Conflicting Flow All	1206	0	-	0	1659	603
Stage 1	-	-	-	-	1193	-
Stage 2	-	-	-	-	466	-
Critical Hdwy	4.1	-	-	-	6.8	7.58
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.64
Pot Cap-1 Maneuver	586	-	-	-	90	371
Stage 1	-	-	-	-	254	-
Stage 2	-	-	-	-	604	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	586	-	-	-	90	371
Mov Cap-2 Maneuver	-	-	-	-	195	-
Stage 1	-	-	-	-	253	-
Stage 2	-	-	-	-	604	-
Approach	EB	WB		SB		
HCM Control Delay, s	0	0		23.6		
HCM LOS	C					
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	586	-	-	-	212	
HCM Lane V/C Ratio	0.004	-	-	-	0.089	
HCM Control Delay (s)	11.2	-	-	-	23.6	
HCM Lane LOS	B	-	-	-	C	
HCM 95th %tile Q(veh)	0	-	-	-	0.3	

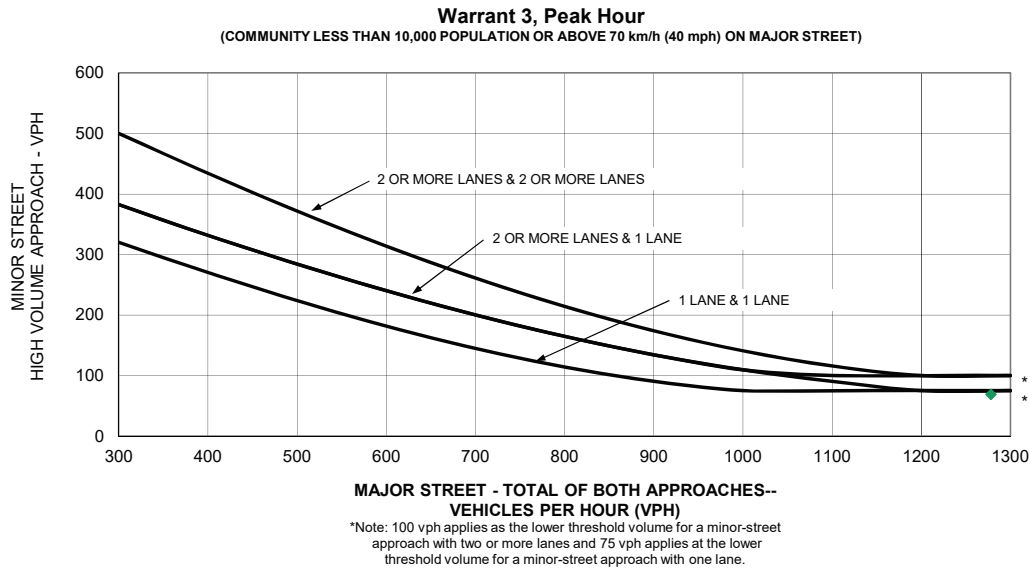
APPENDIX L
TRAFFIC SIGNAL WARRANT EVALUATION

Project:		Bunker Ranch TIA	Calculations:	CAD
Major Street	Name:	US 290	Date:	5/6/21
	Speed Limit (mph):	50-60	Checked by:	JMD
	Approach Lanes:	2	Date:	5/6/21
Minor Street	Name:	Arrowhead Ranch Blvd	 Civil & Environmental Consultants, Inc.	
	Speed Limit (mph):	25		
	Approach Lanes:	1		
Population < 10000?		Yes		

Warrant 3 - Peak Hour

Signal Warrant Satisfied?

X Yes

☐ No[illegible]

Signal warrant satisfied if hourly threshold satisfied for any 1 hour of an average day.




















APPENDIX M
FORECASTED 2025 NO-BUILD (BASE) MITIGATED CAPACITY CALCULATIONS

HCM 6th Signalized Intersection Summary

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (Base) Mitig
Timing Plan: AM Peak Hour

Item # 17.

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	1	663	22	203	476	34	129	0	245	2	0	0
Future Volume (veh/h)	1	663	22	203	476	34	129	0	245	2	0	0
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1976	1781	625	1930	1707	537	596	1976	1841	1900	1976	1900
Adj Flow Rate, veh/h	1	780	26	239	560	40	152	0	288	2	0	0
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Percent Heavy Veh, %	0	8	86	3	13	92	88	0	4	0	0	0
Cap, veh/h	350	1002	157	377	1256	90	233	19	342	387	0	0
Arrive On Green	0.00	0.30	0.30	0.11	0.41	0.41	0.32	0.00	0.32	0.32	0.00	0.00
Sat Flow, veh/h	1882	3385	530	1838	3071	219	501	60	1063	870	0	0
Grp Volume(v), veh/h	1	780	26	239	295	305	440	0	0	2	0	0
Grp Sat Flow(s),veh/h/ln	1882	1692	530	1838	1622	1668	1624	0	0	871	0	0
Q Serve(g_s), s	0.0	14.2	2.4	5.6	8.8	8.9	14.7	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	14.2	2.4	5.6	8.8	8.9	16.9	0.0	0.0	0.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.13	0.35		0.65	1.00		0.00
Lane Grp Cap(c), veh/h	350	1002	157	377	663	682	594	0	0	387	0	0
V/C Ratio(X)	0.00	0.78	0.17	0.63	0.45	0.45	0.74	0.00	0.00	0.01	0.00	0.00
Avail Cap(c_a), veh/h	487	1412	221	440	797	820	892	0	0	600	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	16.6	21.6	17.5	14.9	14.3	14.3	21.1	0.0	0.0	15.5	0.0	0.0
Incr Delay (d2), s/veh	0.0	1.9	0.5	2.3	0.5	0.5	1.8	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	4.9	0.3	2.0	2.6	2.7	6.3	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	16.6	23.5	18.0	17.3	14.8	14.8	22.9	0.0	0.0	15.5	0.0	0.0
LnGrp LOS	B	C	B	B	B	B	C	A	A	B	A	A
Approach Vol, veh/h	807				839				440			
Approach Delay, s/veh	23.3				15.5				22.9			
Approach LOS	C				B				C			
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	13.7	25.9		27.6	6.1	33.4		27.6				
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0		6.0				
Max Green Setting (Gmax), s	10.0	28.0		34.0	5.0	33.0		34.0				
Max Q Clear Time (g_c+I1), s	7.6	16.2		2.1	2.0	10.9		18.9				
Green Ext Time (p_c), s	0.2	3.7		0.0	0.0	3.0		2.7				
Intersection Summary												
HCM 6th Ctrl Delay	20.1											
HCM 6th LOS	C											

















Timings

2025 No Build (Base) Mitig

Item # 17.

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Timing Plan: AM Peak Hour

									
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Traffic Volume (vph)	1	663	22	203	476	129	0	2	0
Future Volume (vph)	1	663	22	203	476	129	0	2	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	NA	Perm	NA
Protected Phases	5	2		1	6		8		4
Permitted Phases	2		2	6		8		4	
Detector Phase	5	2	2	1	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	16.0	16.0	11.0	16.0	11.0	11.0	11.0	11.0
Total Split (s)	11.0	34.0	34.0	16.0	39.0	40.0	40.0	40.0	40.0
Total Split (%)	12.2%	37.8%	37.8%	17.8%	43.3%	44.4%	44.4%	44.4%	44.4%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	Min	Min	None	Min	None	None	None	None
Act Effect Green (s)	27.9	22.7	22.7	38.3	36.7		25.3		25.3
Actuated g/C Ratio	0.37	0.30	0.30	0.50	0.48		0.33		0.33
v/c Ratio	0.00	0.78	0.08	0.62	0.41		0.86		0.01
Control Delay	12.0	31.8	0.5	19.8	15.8		34.8		17.5
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Delay	12.0	31.8	0.5	19.8	15.8		34.8		17.5
LOS	B	C	A	B	B		C		B
Approach Delay		30.8			16.9		34.8		17.5
Approach LOS		C			B		C		B

Intersection Summary

Cycle Length: 90

Actuated Cycle Length: 76.3

Natural Cycle: 55

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.86

Intersection Signal Delay: 26.1

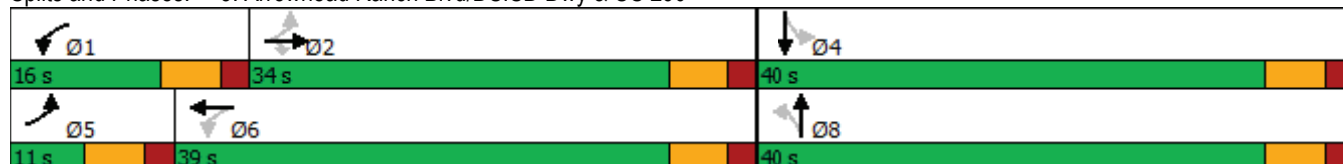
Intersection LOS: C

Intersection Capacity Utilization 64.6%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290










HCM 6th Signalized Intersection Summary 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (Base) Mitig
Timing Plan: PM Peak Hour

Item # 17.



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	2	688	34	293	801	22	112	0	174	2	0	0
Future Volume (veh/h)	2	688	34	293	801	22	112	0	174	2	0	0
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1205	1826	1707	1945	1856	477	1900	1976	1826	1900	1976	1900
Adj Flow Rate, veh/h	2	709	35	302	826	23	115	0	179	2	0	0
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	50	5	13	2	3	96	0	0	5	0	0	0
Cap, veh/h	246	1023	427	490	1541	43	215	22	227	389	0	0
Arrive On Green	0.00	0.30	0.30	0.15	0.44	0.44	0.23	0.00	0.23	0.23	0.00	0.00
Sat Flow, veh/h	1148	3469	1447	1853	3503	98	542	94	989	1124	0	0
Grp Volume(v), veh/h	2	709	35	302	416	433	294	0	0	2	0	0
Grp Sat Flow(s),veh/h/ln	1148	1735	1447	1853	1763	1838	1625	0	0	1124	0	0
Q Serve(g_s), s	0.1	9.9	1.0	5.6	9.5	9.5	7.6	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.1	9.9	1.0	5.6	9.5	9.5	9.3	0.0	0.0	0.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.05	0.39		0.61	1.00		0.00
Lane Grp Cap(c), veh/h	246	1023	427	490	775	809	464	0	0	389	0	0
V/C Ratio(X)	0.01	0.69	0.08	0.62	0.54	0.54	0.63	0.00	0.00	0.01	0.00	0.00
Avail Cap(c_a), veh/h	348	2088	871	824	1479	1542	710	0	0	585	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	13.6	17.1	14.0	11.0	11.3	11.3	19.8	0.0	0.0	16.3	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.9	0.1	1.3	0.6	0.6	1.4	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	3.1	0.3	1.6	2.6	2.7	3.4	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	13.6	18.0	14.0	12.3	11.8	11.8	21.2	0.0	0.0	16.3	0.0	0.0
LnGrp LOS	B	B	B	B	B	B	C	A	A	B	A	A
Approach Vol, veh/h	746		1151			294			2			
Approach Delay, s/veh	17.8		11.9			21.2			16.3			
Approach LOS	B		B			C			B			
Timer - Assigned Phs	1	2	4		5	6	8					
Phs Duration (G+Y+Rc), s	14.1	22.2	18.6		6.2	30.1	18.6					
Change Period (Y+Rc), s	6.0	6.0	6.0		6.0	6.0	6.0					
Max Green Setting (Gmax), s	18.0	33.0	21.0		5.0	46.0	21.0					
Max Q Clear Time (g_c+I1), s	7.6	11.9	2.1		2.1	11.5	11.3					
Green Ext Time (p_c), s	0.6	4.2	0.0		0.0	4.9	1.3					

Intersection Summary

















HCM 6th Ctrl Delay	15.2
HCM 6th LOS	B

Timings 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 No Build (Base) Mitig

Item # 17.

Timing Plan: PM Peak Hour

									
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Traffic Volume (vph)	2	688	34	293	801	112	0	2	0
Future Volume (vph)	2	688	34	293	801	112	0	2	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	NA	Perm	NA
Protected Phases	5	2		1	6		8		4
Permitted Phases	2		2	6		8		4	
Detector Phase	5	2	2	1	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	16.0	16.0	11.0	16.0	11.0	11.0	11.0	11.0
Total Split (s)	11.0	39.0	39.0	24.0	52.0	27.0	27.0	27.0	27.0
Total Split (%)	12.2%	43.3%	43.3%	26.7%	57.8%	30.0%	30.0%	30.0%	30.0%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	None	None	None	None	Min	Min	Min	Min
Act Effct Green (s)	23.8	18.5	18.5	35.0	33.5		10.4		10.4
Actuated g/C Ratio	0.41	0.32	0.32	0.60	0.58		0.18		0.18
v/c Ratio	0.01	0.65	0.06	0.54	0.43		0.65		0.01
Control Delay	7.0	20.6	0.2	9.6	9.1		17.6		22.5
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Delay	7.0	20.6	0.2	9.6	9.1		17.6		22.5
LOS	A	C	A	A	A		B		C
Approach Delay		19.6			9.2		17.6		22.5
Approach LOS		B			A		B		C

Intersection Summary

Cycle Length: 90

Actuated Cycle Length: 58.1

Natural Cycle: 55

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.65

Intersection Signal Delay: 13.9

Intersection LOS: B

Intersection Capacity Utilization 65.4%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290



APPENDIX N
FORECASTED 2025 BUILD (WITH DEVELOPMENT) CAPACITY CALCULATIONS

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2025 E
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	3.3					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	708	18	84	542	41	171
Future Vol, veh/h	708	18	84	542	41	171
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	87	87	87	87	87	87
Heavy Vehicles, %	10	20	3	15	0	6
Mvmt Flow	814	21	97	623	47	197

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	835
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.16
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.23
Pot Cap-1 Maneuver	-	-	788
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	788
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.4	20.5
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	471	-	-	788	-
HCM Lane V/C Ratio	0.517	-	-	0.123	-
HCM Control Delay (s)	20.5	-	-	10.2	-
HCM Lane LOS	C	-	-	B	-
HCM 95th %tile Q(veh)	2.9	-	-	0.4	-

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 Item # 17.

Timing Plan: AM Peak Hour

Intersection												
Int Delay, s/veh	690.3											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑			↕			↕	
Traffic Vol, veh/h	1	761	22	203	508	34	129	0	245	2	0	0
Future Vol, veh/h	1	761	22	203	508	34	129	0	245	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	85	85	85	85	85	85	85	85	85	85	85	85
Heavy Vehicles, %	0	8	86	3	13	92	88	0	4	0	0	0
Mvmt Flow	1	895	26	239	598	40	152	0	288	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	638	0	0	921	0	0	1674	2013	448	1546	2019	319
Stage 1	-	-	-	-	-	-	897	897	-	1096	1096	-
Stage 2	-	-	-	-	-	-	777	1116	-	450	923	-
Critical Hdwy	4.1	-	-	4.16	-	-	9.26	6.5	6.98	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.26	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.2	-	-	2.23	-	-	4.38	4	3.34	3.5	4	3.3
Pot Cap-1 Maneuver	956	-	-	731	-	-	~ 26	59	553	79	59	683
Stage 1	-	-	-	-	-	-	172	361	-	231	292	-
Stage 2	-	-	-	-	-	-	214	285	-	564	351	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	956	-	-	731	-	-	~ 19	40	553	28	40	683
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 19	40	-	28	40	-
Stage 1	-	-	-	-	-	-	172	361	-	231	197	-
Stage 2	-	-	-	-	-	-	~ 144	192	-	270	351	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	3.4	\$ 3508.7	145
HCM LOS			F	F





Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	52	956	-	-	731	-	-	28
HCM Lane V/C Ratio	8.462	0.001	-	-	0.327	-	-	0.084
HCM Control Delay (s)	\$ 3508.7	8.8	-	-	12.3	-	-	145
HCM Lane LOS	F	A	-	-	B	-	-	F
HCM 95th %tile Q(veh)	51.7	0	-	-	1.4	-	-	0.3

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon

HCM 6th TWSC
4: US 290 & Spring Lane

2025 E
Timing Plan: AM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	0.2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	1014	759	6	15	0
Future Vol, veh/h	2	1014	759	6	15	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	85	85	85	85	85	85
Heavy Vehicles, %	0	8	17	0	0	0
Mvmt Flow	2	1193	893	7	18	0

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	900	0	-	0	1498
Stage 1	-	-	-	-	897
Stage 2	-	-	-	-	601
Critical Hdwy	4.1	-	-	-	6.8
Critical Hdwy Stg 1	-	-	-	-	5.8
Critical Hdwy Stg 2	-	-	-	-	5.8
Follow-up Hdwy	2.2	-	-	-	3.5
Pot Cap-1 Maneuver	763	-	-	-	115
Stage 1	-	-	-	-	363
Stage 2	-	-	-	-	516
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	763	-	-	-	115
Mov Cap-2 Maneuver	-	-	-	-	244
Stage 1	-	-	-	-	362
Stage 2	-	-	-	-	516

Approach	EB	WB	SB
HCM Control Delay, s	0	0	20.9
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	763	-	-	-	244
HCM Lane V/C Ratio	0.003	-	-	-	0.072
HCM Control Delay (s)	9.7	-	-	-	20.9
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.2

HCM 6th TWSC
2: Bunker Ranch Blvd & US 290

2025 B
Timing Plan: PM Peak Hour

Item # 17.

Intersection						
Int Delay, s/veh	2.7					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑↑	↑	↑	↑↑	↑	↑
Traffic Vol, veh/h	654	46	180	903	30	131
Future Vol, veh/h	654	46	180	903	30	131
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	240	150	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	86	86	86	86	86	86
Heavy Vehicles, %	6	0	0	2	0	4
Mvmt Flow	760	53	209	1050	35	152

Major/Minor	Major1	Major2	Minor1
Conflicting Flow All	0	0	813
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	-	-	4.1
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	-	-	2.2
Pot Cap-1 Maneuver	-	-	823
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	-	-	823
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.8	20.5
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	416	-	-	823	-
HCM Lane V/C Ratio	0.45	-	-	0.254	-
HCM Control Delay (s)	20.5	-	-	10.9	-
HCM Lane LOS	C	-	-	B	-
HCM 95th %tile Q(veh)	2.3	-	-	1	-

HCM 6th TWSC
3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 B
Timing Plan: PM Peak Hour

Item # 17.

Intersection												
Int Delay, s/veh	171.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↰	↑↑	↱	↰	↑↑			↕			↕	
Traffic Vol, veh/h	2	751	34	293	908	22	112	0	174	2	0	0
Future Vol, veh/h	2	751	34	293	908	22	112	0	174	2	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	150	-	250	150	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	97	97	97	97	97	97	97	97	97	97	97	97
Heavy Vehicles, %	50	5	13	2	3	96	0	0	5	0	0	0
Mvmt Flow	2	774	35	302	936	23	115	0	179	2	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	959	0	0	809	0	0	1850	2341	387	1943	2365	480
Stage 1	-	-	-	-	-	-	778	778	-	1552	1552	-
Stage 2	-	-	-	-	-	-	1072	1563	-	391	813	-
Critical Hdwy	5.1	-	-	4.14	-	-	7.5	6.5	7	7.5	6.5	6.9
Critical Hdwy Stg 1	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.5	5.5	-	6.5	5.5	-
Follow-up Hdwy	2.7	-	-	2.22	-	-	3.5	4	3.35	3.5	4	3.3
Pot Cap-1 Maneuver	481	-	-	812	-	-	~ 47	37	603	40	36	537
Stage 1	-	-	-	-	-	-	360	410	-	121	176	-
Stage 2	-	-	-	-	-	-	239	174	-	610	395	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	481	-	-	812	-	-	~ 33	23	603	20	23	537
Mov Cap-2 Maneuver	-	-	-	-	-	-	~ 33	23	-	20	23	-
Stage 1	-	-	-	-	-	-	359	408	-	121	111	-
Stage 2	-	-	-	-	-	-	150	109	-	427	393	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	0	2.9	\$ 1362.1	204.7
HCM LOS			F	F

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	78	481	-	-	812	-	-	20
HCM Lane V/C Ratio	3.78	0.004	-	-	0.372	-	-	0.103
HCM Control Delay (s)	\$ 1362.1	12.5	-	-	12	-	-	204.7
HCM Lane LOS	F	B	-	-	B	-	-	F
HCM 95th %tile Q(veh)	30.7	0	-	-	1.7	-	-	0.3

Notes			
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon





HCM 6th TWSC
4: US 290 & Spring Lane

2025 B
Timing Plan: PM Peak Hour

Item # 17.

Intersection

Int Delay, s/veh 0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	940	1227	26	15	3
Future Vol, veh/h	2	940	1227	26	15	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	150	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	0	5	5	4	0	34
Mvmt Flow	2	989	1292	27	16	3

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	1319	0	0
Stage 1	-	-	-
Stage 2	-	-	-
Critical Hdwy	4.1	-	-
Critical Hdwy Stg 1	-	-	-
Critical Hdwy Stg 2	-	-	-
Follow-up Hdwy	2.2	-	-
Pot Cap-1 Maneuver	531	-	-
Stage 1	-	-	-
Stage 2	-	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	531	-	-
Mov Cap-2 Maneuver	-	-	-
Stage 1	-	-	-
Stage 2	-	-	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	26.7
HCM LOS			D

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	531	-	-	-	185
HCM Lane V/C Ratio	0.004	-	-	-	0.102
HCM Control Delay (s)	11.8	-	-	-	26.7
HCM Lane LOS	B	-	-	-	D
HCM 95th %tile Q(veh)	0	-	-	-	0.3




















APPENDIX O
FORECASTED 2025 BUILD (WITH DEVELOPMENT) MITIGATED CAPACITY
CALCULATIONS

HCM 6th Signalized Intersection Summary

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 Build Mitig
Timing Plan: AM Peak Hour

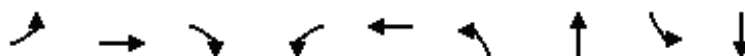
Item # 17.

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	1	761	22	203	508	34	129	0	245	2	0	0
Future Volume (veh/h)	1	761	22	203	508	34	129	0	245	2	0	0
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1976	1781	625	1930	1707	537	596	1976	1841	1900	1976	1900
Adj Flow Rate, veh/h	1	895	26	239	598	40	152	0	288	2	0	0
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Percent Heavy Veh, %	0	8	86	3	13	92	88	0	4	0	0	0
Cap, veh/h	320	1054	165	323	1289	86	245	19	390	417	0	0
Arrive On Green	0.00	0.31	0.31	0.11	0.42	0.42	0.37	0.00	0.37	0.37	0.00	0.00
Sat Flow, veh/h	1882	3385	530	1838	3086	206	509	51	1062	901	0	0
Grp Volume(v), veh/h	1	895	26	239	314	324	440	0	0	2	0	0
Grp Sat Flow(s),veh/h/ln	1882	1692	530	1838	1622	1670	1622	0	0	901	0	0
Q Serve(g_s), s	0.0	20.9	3.0	7.0	11.8	11.8	17.1	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.0	20.9	3.0	7.0	11.8	11.8	19.7	0.0	0.0	0.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.12	0.35		0.65	1.00		0.00
Lane Grp Cap(c), veh/h	320	1054	165	323	677	697	654	0	0	417	0	0
V/C Ratio(X)	0.00	0.85	0.16	0.74	0.46	0.46	0.67	0.00	0.00	0.00	0.00	0.00
Avail Cap(c_a), veh/h	429	1244	195	343	692	713	654	0	0	417	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	20.0	27.2	21.0	19.3	17.7	17.7	23.0	0.0	0.0	16.9	0.0	0.0
Incr Delay (d2), s/veh	0.0	5.0	0.4	7.8	0.5	0.5	5.5	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	8.1	0.4	3.2	3.8	4.0	8.3	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	20.0	32.2	21.5	27.1	18.2	18.2	28.5	0.0	0.0	16.9	0.0	0.0
LnGrp LOS	B	C	C	C	B	B	C	A	A	B	A	A
Approach Vol, veh/h	922			877			440			2		
Approach Delay, s/veh	31.9			20.7			28.5			16.9		
Approach LOS	C			C			C			B		
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	15.1	32.3		37.0	6.1	41.2		37.0				
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0		6.0				
Max Green Setting (Gmax), s	10.0	31.0		31.0	5.0	36.0		31.0				
Max Q Clear Time (g_c+I1), s	9.0	22.9		2.1	2.0	13.8		21.7				
Green Ext Time (p_c), s	0.1	3.4		0.0	0.0	3.3		2.1				
Intersection Summary												
HCM 6th Ctrl Delay	26.8											
HCM 6th LOS	C											

Timings 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 Build Mitig
Timing Plan: AM Peak Hour

Item # 17.



Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations	←	↑↑	→	←	↑↑		↕		↕
Traffic Volume (vph)	1	761	22	203	508	129	0	2	0
Future Volume (vph)	1	761	22	203	508	129	0	2	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	NA	Perm	NA
Protected Phases	5	2		1	6		8		4
Permitted Phases	2		2	6		8		4	
Detector Phase	5	2	2	1	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	16.0	16.0	11.0	16.0	11.0	11.0	11.0	11.0
Total Split (s)	11.0	37.0	37.0	16.0	42.0	37.0	37.0	37.0	37.0
Total Split (%)	12.2%	41.1%	41.1%	17.8%	46.7%	41.1%	41.1%	41.1%	41.1%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	None	None	None	None	Max	Max	Max	Max
Act Effect Green (s)	32.6	27.6	27.6	43.1	41.2		31.1		31.1
Actuated g/C Ratio	0.38	0.32	0.32	0.50	0.48		0.36		0.36
v/c Ratio	0.00	0.84	0.07	0.72	0.44		0.81		0.01
Control Delay	11.0	35.4	0.4	27.5	16.5		32.7		19.5
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Delay	11.0	35.4	0.4	27.5	16.5		32.7		19.5
LOS	B	D	A	C	B		C		B
Approach Delay		34.4			19.5		32.7		19.5
Approach LOS		C			B		C		B

Intersection Summary

Cycle Length: 90

Actuated Cycle Length: 86.4

Natural Cycle: 55

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.84

Intersection Signal Delay: 28.2

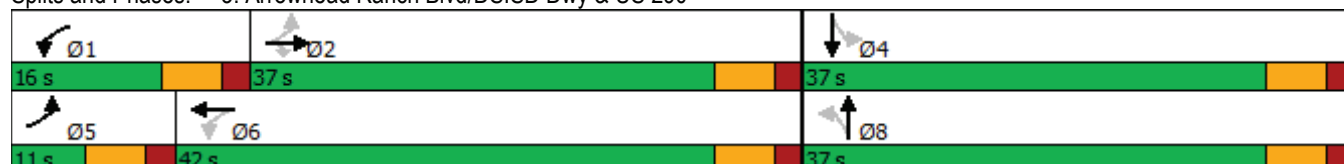
Intersection LOS: C

Intersection Capacity Utilization 67.3%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290






















HCM 6th Signalized Intersection Summary

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

2025 E Item # 17.

Timing Plan: PM Peak Hour

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	2	751	34	293	908	22	112	0	174	2	0	0
Future Volume (veh/h)	2	751	34	293	908	22	112	0	174	2	0	0
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1205	1826	1707	1945	1856	477	1900	1976	1826	1900	1976	1900
Adj Flow Rate, veh/h	2	774	35	302	936	23	115	0	179	2	0	0
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	50	5	13	2	3	96	0	0	5	0	0	0
Cap, veh/h	226	1090	455	473	1598	39	211	21	224	377	0	0
Arrive On Green	0.00	0.31	0.31	0.14	0.45	0.45	0.23	0.00	0.23	0.23	0.00	0.00
Sat Flow, veh/h	1148	3469	1447	1853	3516	86	544	91	989	1106	0	0
Grp Volume(v), veh/h	2	774	35	302	469	490	294	0	0	2	0	0
Grp Sat Flow(s),veh/h/ln	1148	1735	1447	1853	1763	1840	1624	0	0	1106	0	0
Q Serve(g_s), s	0.1	11.2	1.0	5.6	11.3	11.3	8.0	0.0	0.0	0.0	0.0	0.0
Cycle Q Clear(g_c), s	0.1	11.2	1.0	5.6	11.3	11.3	9.7	0.0	0.0	0.1	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.05	0.39		0.61	1.00		0.00
Lane Grp Cap(c), veh/h	226	1090	455	473	801	836	456	0	0	377	0	0
V/C Ratio(X)	0.01	0.71	0.08	0.64	0.59	0.59	0.64	0.00	0.00	0.01	0.00	0.00
Avail Cap(c_a), veh/h	324	2070	863	761	1423	1486	683	0	0	558	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	0.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	13.4	17.2	13.7	11.3	11.6	11.6	20.7	0.0	0.0	17.1	0.0	0.0
Incr Delay (d2), s/veh	0.0	0.9	0.1	1.4	0.7	0.7	1.5	0.0	0.0	0.0	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	3.5	0.3	1.6	3.1	3.2	3.6	0.0	0.0	0.0	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	13.4	18.1	13.8	12.8	12.2	12.2	22.2	0.0	0.0	17.1	0.0	0.0
LnGrp LOS	B	B	B	B	B	B	C	A	A	B	A	A
Approach Vol, veh/h	811			1261			294			2		
Approach Delay, s/veh	17.9			12.4			22.2			17.1		
Approach LOS	B			B			C			B		
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	14.1	23.9		18.9	6.2	31.9		18.9				
Change Period (Y+Rc), s	6.0	6.0		6.0	6.0	6.0		6.0				
Max Green Setting (Gmax), s	17.0	34.0		21.0	5.0	46.0		21.0				
Max Q Clear Time (g_c+I1), s	7.6	13.2		2.1	2.1	13.3		11.7				
Green Ext Time (p_c), s	0.6	4.7		0.0	0.0	5.8		1.3				
Intersection Summary												
HCM 6th Ctrl Delay	15.5											
HCM 6th LOS	B											

Synchro 11 Report

















Timings

2025 E

Item # 17.

3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Timing Plan: PM Peak Hour

									
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Traffic Volume (vph)	2	751	34	293	908	112	0	2	0
Future Volume (vph)	2	751	34	293	908	112	0	2	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	Perm	NA	Perm	NA
Protected Phases	5	2		1	6		8		4
Permitted Phases	2		2	6		8		4	
Detector Phase	5	2	2	1	6	8	8	4	4
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	5.0	5.0	5.0	5.0
Minimum Split (s)	11.0	16.0	16.0	11.0	16.0	11.0	11.0	11.0	11.0
Total Split (s)	11.0	40.0	40.0	23.0	52.0	27.0	27.0	27.0	27.0
Total Split (%)	12.2%	44.4%	44.4%	25.6%	57.8%	30.0%	30.0%	30.0%	30.0%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Lost Time (s)	6.0	6.0	6.0	6.0	6.0		6.0		6.0
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	None	None	None	None	Min	Min	Min	Min
Act Effect Green (s)	25.5	20.2	20.2	36.8	35.2		10.6		10.6
Actuated g/C Ratio	0.42	0.34	0.34	0.61	0.59		0.18		0.18
v/c Ratio	0.01	0.67	0.06	0.56	0.48		0.66		0.01
Control Delay	7.0	20.8	0.2	10.0	9.3		18.3		23.5
Queue Delay	0.0	0.0	0.0	0.0	0.0		0.0		0.0
Total Delay	7.0	20.8	0.2	10.0	9.3		18.3		23.5
LOS	A	C	A	A	A		B		C
Approach Delay		19.9			9.5		18.3		23.5
Approach LOS		B			A		B		C

Intersection Summary

Cycle Length: 90

Actuated Cycle Length: 60

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.67

Intersection Signal Delay: 14.2

Intersection LOS: B

Intersection Capacity Utilization 67.1%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

		
Ø1	Ø2	Ø4
23 s	40 s	27 s
		
Ø5	Ø6	Ø8
11 s	52 s	27 s

Synchro 11 Report

APPENDIX P
EXISTING 2021 QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1423	1415	1417	1350	1407	1402
Vehs Exited	1423	1421	1416	1351	1403	1404
Starting Vehs	20	20	17	14	9	15
Ending Vehs	20	14	18	13	13	15
Travel Distance (mi)	728	716	724	689	709	713
Travel Time (hr)	15.2	15.2	15.1	14.5	14.9	15.0
Total Delay (hr)	1.0	1.2	1.0	1.0	1.0	1.0
Total Stops	146	163	145	152	138	148
Fuel Used (gal)	24.0	24.0	23.8	23.0	23.2	23.6

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1423	1415	1417	1350	1407	1402
Vehs Exited	1423	1421	1416	1351	1403	1404
Starting Vehs	20	20	17	14	9	15
Ending Vehs	20	14	18	13	13	15
Travel Distance (mi)	728	716	724	689	709	713
Travel Time (hr)	15.2	15.2	15.1	14.5	14.9	15.0
Total Delay (hr)	1.0	1.2	1.0	1.0	1.0	1.0
Total Stops	146	163	145	152	138	148
Fuel Used (gal)	24.0	24.0	23.8	23.0	23.2	23.6

Queuing and Blocking Report 2021 Existing Conditions

2021 Existing Conditions

Item # 17.

AM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	48	59
Average Queue (ft)	13	20
95th Queue (ft)	36	48
Link Distance (ft)		357
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	4	46	101	30
Average Queue (ft)	0	11	27	2
95th Queue (ft)	3	32	68	15
Link Distance (ft)			292	108
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	150	150		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	26	36
Average Queue (ft)	2	11
95th Queue (ft)	11	35
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1759	1821	1717	1816	1742	1771
Vehs Exited	1762	1804	1712	1813	1739	1766
Starting Vehs	16	7	18	15	17	13
Ending Vehs	13	24	23	18	20	19
Travel Distance (mi)	890	914	860	922	879	893
Travel Time (hr)	18.6	19.1	17.9	19.2	18.4	18.7
Total Delay (hr)	1.3	1.4	1.1	1.4	1.3	1.3
Total Stops	144	148	141	139	130	141
Fuel Used (gal)	30.0	30.9	28.9	31.0	29.4	30.0

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1759	1821	1717	1816	1742	1771
Vehs Exited	1762	1804	1712	1813	1739	1766
Starting Vehs	16	7	18	15	17	13
Ending Vehs	13	24	23	18	20	19
Travel Distance (mi)	890	914	860	922	879	893
Travel Time (hr)	18.6	19.1	17.9	19.2	18.4	18.7
Total Delay (hr)	1.3	1.4	1.1	1.4	1.3	1.3
Total Stops	144	148	141	139	130	141
Fuel Used (gal)	30.0	30.9	28.9	31.0	29.4	30.0

Queuing and Blocking Report 2021 Existing Conditions

2021 Existing Conditions Item # 17.
PM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	32	57
Average Queue (ft)	4	25
95th Queue (ft)	21	50
Link Distance (ft)		357
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	WB	NB	SB
Directions Served	L	L	LTR	LTR
Maximum Queue (ft)	4	38	64	24
Average Queue (ft)	0	15	17	1
95th Queue (ft)	2	33	42	11
Link Distance (ft)			292	108
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)	150	150		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	15	57
Average Queue (ft)	1	16
95th Queue (ft)	6	46
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

APPENDIX Q
FORECASTED 2025 NO-BUILD (BASE) QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1725	1757	1766	1806	1744	1759
Vehs Exited	1736	1754	1768	1802	1740	1761
Starting Vehs	39	23	27	29	24	27
Ending Vehs	28	26	25	33	28	28
Travel Distance (mi)	754	767	777	786	757	768
Travel Time (hr)	188.2	192.6	205.5	178.7	148.8	182.8
Total Delay (hr)	172.4	176.6	189.0	162.2	132.7	166.6
Total Stops	297	253	272	335	293	290
Fuel Used (gal)	60.4	62.6	66.3	60.9	53.1	60.7

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1725	1757	1766	1806	1744	1759
Vehs Exited	1736	1754	1768	1802	1740	1761
Starting Vehs	39	23	27	29	24	27
Ending Vehs	28	26	25	33	28	28
Travel Distance (mi)	754	767	777	786	757	768
Travel Time (hr)	188.2	192.6	205.5	178.7	148.8	182.8
Total Delay (hr)	172.4	176.6	189.0	162.2	132.7	166.6
Total Stops	297	253	272	335	293	290
Fuel Used (gal)	60.4	62.6	66.3	60.9	53.1	60.7

Queuing and Blocking Report
2025 No Build (Base)

2025 No Build (B) Item # 17.
AM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	51	72
Average Queue (ft)	19	36
95th Queue (ft)	43	60
Link Distance (ft)		357
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	WB	WB	NB	SB
Directions Served	T	R	L	T	LTR	LTR
Maximum Queue (ft)	4	24	122	19	355	24
Average Queue (ft)	0	1	51	1	326	2
95th Queue (ft)	2	10	96	11	358	13
Link Distance (ft)	780			451	292	108
Upstream Blk Time (%)					100	
Queuing Penalty (veh)					0	
Storage Bay Dist (ft)		250	150			
Storage Blk Time (%)			0			
Queuing Penalty (veh)			0			

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	16	40
Average Queue (ft)	1	11
95th Queue (ft)	8	36
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2088	2118	2059	2049	2112	2086
Vehs Exited	2082	2113	2055	2044	2108	2080
Starting Vehs	28	27	40	33	33	31
Ending Vehs	34	32	44	38	37	36
Travel Distance (mi)	975	992	973	966	1004	982
Travel Time (hr)	161.3	154.7	177.2	173.6	159.4	165.2
Total Delay (hr)	141.0	133.9	157.0	153.6	138.7	144.8
Total Stops	378	390	344	356	374	369
Fuel Used (gal)	66.9	66.0	69.8	69.3	66.7	67.7

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2088	2118	2059	2049	2112	2086
Vehs Exited	2082	2113	2055	2044	2108	2080
Starting Vehs	28	27	40	33	33	31
Ending Vehs	34	32	44	38	37	36
Travel Distance (mi)	975	992	973	966	1004	982
Travel Time (hr)	161.3	154.7	177.2	173.6	159.4	165.2
Total Delay (hr)	141.0	133.9	157.0	153.6	138.7	144.8
Total Stops	378	390	344	356	374	369
Fuel Used (gal)	66.9	66.0	69.8	69.3	66.7	67.7

Queuing and Blocking Report
2025 No Build (Base)

2025 No Build (B) Item # 17.
PM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	56	135
Average Queue (ft)	21	45
95th Queue (ft)	45	98
Link Distance (ft)	357	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	WB	NB	SB
Directions Served	L	R	L	LTR	LTR
Maximum Queue (ft)	11	24	134	345	18
Average Queue (ft)	0	1	68	301	1
95th Queue (ft)	8	10	116	326	11
Link Distance (ft)			292		108
Upstream Blk Time (%)			100		
Queuing Penalty (veh)			0		
Storage Bay Dist (ft)	150	250	150		
Storage Blk Time (%)			0		
Queuing Penalty (veh)			0		

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	27	52
Average Queue (ft)	2	16
95th Queue (ft)	12	44
Link Distance (ft)	207	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

APPENDIX R
FORECASTED 2025 NO-BUILD (BASE) MITIGATED QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1998	2020	2035	1992	2016	2012
Vehs Exited	2018	2017	2066	2005	1996	2021
Starting Vehs	42	33	53	33	20	37
Ending Vehs	22	36	22	20	40	25
Travel Distance (mi)	842	857	854	836	851	848
Travel Time (hr)	29.6	30.2	31.6	29.3	30.7	30.3
Total Delay (hr)	10.9	11.2	12.4	10.6	11.8	11.4
Total Stops	1135	1186	1231	1135	1221	1183
Fuel Used (gal)	34.9	35.3	36.0	34.9	35.8	35.4

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1998	2020	2035	1992	2016	2012
Vehs Exited	2018	2017	2066	2005	1996	2021
Starting Vehs	42	33	53	33	20	37
Ending Vehs	22	36	22	20	40	25
Travel Distance (mi)	842	857	854	836	851	848
Travel Time (hr)	29.6	30.2	31.6	29.3	30.7	30.3
Total Delay (hr)	10.9	11.2	12.4	10.6	11.8	11.4
Total Stops	1135	1186	1231	1135	1221	1183
Fuel Used (gal)	34.9	35.3	36.0	34.9	35.8	35.4

Queuing and Blocking Report
2025 No Build (Base) Mitigated

2025 No Build (Base) Mitigated

Item # 17.

AM Peak Hour

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	T	T	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	9	241	221	64	163	182	162	340	18
Average Queue (ft)	0	133	112	19	74	81	61	178	1
95th Queue (ft)	5	201	184	58	132	150	135	318	9
Link Distance (ft)		780	780			451	451	292	108
Upstream Blk Time (%)								2	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	150			250	150				
Storage Blk Time (%)		4	0		0	1			
Queuing Penalty (veh)		0	0		1	2			

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2332	2349	2228	2258	2295	2292
Vehs Exited	2336	2340	2229	2262	2293	2294
Starting Vehs	41	35	42	32	29	35
Ending Vehs	37	44	41	28	31	37
Travel Distance (mi)	1064	1088	1010	1052	1049	1053
Travel Time (hr)	35.8	36.0	33.5	34.3	35.6	35.1
Total Delay (hr)	12.8	12.5	11.3	11.7	12.8	12.2
Total Stops	1278	1276	1209	1209	1252	1243
Fuel Used (gal)	43.7	43.8	41.1	42.7	42.7	42.8

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2332	2349	2228	2258	2295	2292
Vehs Exited	2336	2340	2229	2262	2293	2294
Starting Vehs	41	35	42	32	29	35
Ending Vehs	37	44	41	28	31	37
Travel Distance (mi)	1064	1088	1010	1052	1049	1053
Travel Time (hr)	35.8	36.0	33.5	34.3	35.6	35.1
Total Delay (hr)	12.8	12.5	11.3	11.7	12.8	12.2
Total Stops	1278	1276	1209	1209	1252	1243
Fuel Used (gal)	43.7	43.8	41.1	42.7	42.7	42.8

Queuing and Blocking Report
2025 No Build (Base) Mitigated

2025 No Build (Base) Mitigated

Item # 17.

PM Peak Hour

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	T	T	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	14	203	185	56	164	199	152	214	18
Average Queue (ft)	1	127	106	13	91	78	57	98	1
95th Queue (ft)	8	187	169	40	150	144	115	179	10
Link Distance (ft)		780	780			451	451	292	108
Upstream Blk Time (%)								0	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	150			250	150				
Storage Blk Time (%)		3			2	0			
Queuing Penalty (veh)		0			6	0			

APPENDIX S
FORECASTED 2025 BUILD (WITH DEVELOPMENT) QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	1897	1884	1853	1951	1875	1891
Vehs Exited	1907	1894	1845	1939	1874	1892
Starting Vehs	41	34	24	18	30	29
Ending Vehs	31	24	32	30	31	28
Travel Distance (mi)	831	815	817	855	815	827
Travel Time (hr)	226.8	235.8	279.0	194.6	213.3	229.9
Total Delay (hr)	209.0	218.4	261.6	176.3	195.7	212.2
Total Stops	439	402	373	426	435	414
Fuel Used (gal)	71.8	74.1	82.8	67.1	68.7	72.9

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1897	1884	1853	1951	1875	1891
Vehs Exited	1907	1894	1845	1939	1874	1892
Starting Vehs	41	34	24	18	30	29
Ending Vehs	31	24	32	30	31	28
Travel Distance (mi)	831	815	817	855	815	827
Travel Time (hr)	226.8	235.8	279.0	194.6	213.3	229.9
Total Delay (hr)	209.0	218.4	261.6	176.3	195.7	212.2
Total Stops	439	402	373	426	435	414
Fuel Used (gal)	71.8	74.1	82.8	67.1	68.7	72.9

Queuing and Blocking Report

2025 Build

2025 B Item # 17.
AM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	WB	NB
Directions Served	L	LR
Maximum Queue (ft)	58	218
Average Queue (ft)	22	76
95th Queue (ft)	45	156
Link Distance (ft)		357
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	WB	WB	NB	SB
Directions Served	L	R	L	T	LTR	LTR
Maximum Queue (ft)	11	17	115	29	353	24
Average Queue (ft)	0	1	52	1	322	2
95th Queue (ft)	5	9	95	21	355	13
Link Distance (ft)				451	292	108
Upstream Blk Time (%)					100	
Queuing Penalty (veh)					0	
Storage Bay Dist (ft)	150	250	150			
Storage Blk Time (%)			0	0		
Queuing Penalty (veh)			1	0		

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	21	49
Average Queue (ft)	1	13
95th Queue (ft)	10	40
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 1

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2247	2322	2298	2290	2217	2275
Vehs Exited	2235	2315	2293	2293	2214	2270
Starting Vehs	32	32	36	44	41	36
Ending Vehs	44	39	41	41	44	42
Travel Distance (mi)	1038	1084	1068	1068	1041	1060
Travel Time (hr)	210.3	204.7	191.7	183.5	171.6	192.4
Total Delay (hr)	188.1	181.9	169.0	160.7	149.7	169.9
Total Stops	500	543	524	553	485	520
Fuel Used (gal)	80.3	80.7	77.6	75.9	71.7	77.3

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2247	2322	2298	2290	2217	2275
Vehs Exited	2235	2315	2293	2293	2214	2270
Starting Vehs	32	32	36	44	41	36
Ending Vehs	44	39	41	41	44	42
Travel Distance (mi)	1038	1084	1068	1068	1041	1060
Travel Time (hr)	210.3	204.7	191.7	183.5	171.6	192.4
Total Delay (hr)	188.1	181.9	169.0	160.7	149.7	169.9
Total Stops	500	543	524	553	485	520
Fuel Used (gal)	80.3	80.7	77.6	75.9	71.7	77.3

Queuing and Blocking Report

2025 Build

2025 B Item # 17.
PM Peak Hour

Intersection: 2: Bunker Ranch Blvd & US 290

Movement	EB	WB	NB
Directions Served	R	L	LR
Maximum Queue (ft)	9	83	262
Average Queue (ft)	0	38	84
95th Queue (ft)	4	68	196
Link Distance (ft)			357
Upstream Blk Time (%)			0
Queuing Penalty (veh)			0
Storage Bay Dist (ft)	240	150	
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	8	35	160	183	92	329	35
Average Queue (ft)	0	1	79	15	6	301	4
95th Queue (ft)	6	13	148	111	65	321	20
Link Distance (ft)				451	451	292	108
Upstream Blk Time (%)						100	
Queuing Penalty (veh)						0	
Storage Bay Dist (ft)	150	250	150				
Storage Blk Time (%)			2	0			
Queuing Penalty (veh)			10	0			

Intersection: 4: US 290 & Spring Lane

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	11	54
Average Queue (ft)	1	17
95th Queue (ft)	9	46
Link Distance (ft)		207
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	150	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 10

APPENDIX T
FORECASTED 2025 BUILD (WITH DEVELOPMENT) MITIGATED
QUEUING ANALYSIS

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:45	7:45	7:45	7:45	7:45	7:45
End Time	9:00	9:00	9:00	9:00	9:00	9:00
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2194	2168	2165	2115	2205	2168
Vehs Exited	2195	2164	2162	2120	2197	2169
Starting Vehs	47	36	31	37	31	37
Ending Vehs	46	40	34	32	39	35
Travel Distance (mi)	933	909	916	884	913	911
Travel Time (hr)	38.0	36.9	35.7	34.0	37.1	36.3
Total Delay (hr)	16.9	16.3	15.0	14.0	16.1	15.7
Total Stops	1432	1476	1425	1367	1483	1436
Fuel Used (gal)	40.8	39.7	39.6	38.1	39.2	39.5

Interval #0 Information Seeding

Start Time	7:45
End Time	8:00
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	8:00
End Time	9:00
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2194	2168	2165	2115	2205	2168
Vehs Exited	2195	2164	2162	2120	2197	2169
Starting Vehs	47	36	31	37	31	37
Ending Vehs	46	40	34	32	39	35
Travel Distance (mi)	933	909	916	884	913	911
Travel Time (hr)	38.0	36.9	35.7	34.0	37.1	36.3
Total Delay (hr)	16.9	16.3	15.0	14.0	16.1	15.7
Total Stops	1432	1476	1425	1367	1483	1436
Fuel Used (gal)	40.8	39.7	39.6	38.1	39.2	39.5

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	T	T	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	9	254	249	72	171	202	160	337	24
Average Queue (ft)	0	162	142	18	90	99	73	189	1
95th Queue (ft)	4	230	219	59	160	170	141	335	10
Link Distance (ft)		780	780			451	451	292	108
Upstream Blk Time (%)								4	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	150			250	150				
Storage Blk Time (%)		10	0		1	1			
Queuing Penalty (veh)		0	0		3	2			

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:15	4:15	4:15	4:15	4:15	4:15
End Time	5:30	5:30	5:30	5:30	5:30	5:30
Total Time (min)	75	75	75	75	75	75
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intervals	1	1	1	1	1	1
Vehs Entered	2498	2531	2518	2541	2481	2514
Vehs Exited	2511	2537	2512	2563	2485	2521
Starting Vehs	49	34	32	47	43	42
Ending Vehs	36	28	38	25	39	34
Travel Distance (mi)	1126	1159	1150	1157	1121	1143
Travel Time (hr)	40.4	40.9	39.9	41.5	39.7	40.5
Total Delay (hr)	15.4	15.4	14.7	15.8	14.8	15.2
Total Stops	1408	1465	1362	1503	1398	1427
Fuel Used (gal)	46.7	48.2	47.5	48.7	46.7	47.5

Interval #0 Information Seeding

Start Time	4:15
End Time	4:30
Total Time (min)	15
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:30
End Time	5:30
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	2498	2531	2518	2541	2481	2514
Vehs Exited	2511	2537	2512	2563	2485	2521
Starting Vehs	49	34	32	47	43	42
Ending Vehs	36	28	38	25	39	34
Travel Distance (mi)	1126	1159	1150	1157	1121	1143
Travel Time (hr)	40.4	40.9	39.9	41.5	39.7	40.5
Total Delay (hr)	15.4	15.4	14.7	15.8	14.8	15.2
Total Stops	1408	1465	1362	1503	1398	1427
Fuel Used (gal)	46.7	48.2	47.5	48.7	46.7	47.5

Queuing and Blocking Report
2025 Build

2025 B Item # 17.
PM Peak Hour

Intersection: 3: Arrowhead Ranch Blvd/DSISD Dwy & US 290

Movement	EB	EB	EB	EB	WB	WB	WB	NB	SB
Directions Served	L	T	T	R	L	T	TR	LTR	LTR
Maximum Queue (ft)	14	220	209	50	170	192	160	261	24
Average Queue (ft)	1	127	108	15	93	84	58	100	1
95th Queue (ft)	9	196	179	42	152	152	122	189	12
Link Distance (ft)		780	780			451	451	292	108
Upstream Blk Time (%)								0	
Queuing Penalty (veh)								0	
Storage Bay Dist (ft)	150			250	150				
Storage Blk Time (%)		3	0		1	0			
Queuing Penalty (veh)		0	0		5	1			

conditions during both the weekday AM and weekday PM peak hours, and can be anticipated to continue to be satisfied under forecasted 2025 build (with development) conditions. Therefore, the installation of traffic signal control at the intersection of US 290 with Arrowhead Ranch Boulevard is required to accommodate the traffic volumes generated by the proposed Arrowhead Ranch commercial development and the installation of traffic signal control at the intersection would be the sole responsibility of the Arrowhead Ranch development.

The available sight distance along US 290 to the back of queue at Arrowhead Ranch Boulevard exceeds the required stopping sight distance for a posted speed limit of 60 miles per hour.

Capacity calculations performed for the intersection of US 290 with Arrowhead Ranch Boulevard assuming the installation of a traffic signal at the intersection revealed that the intersection can be anticipated to operate at an overall intersection Level of Service C or better during the weekday AM and PM peak hours, with all movements operating at a LOS C or better, following installation of traffic signal control.

The right turn in/right turn out driveway proposed to be constructed as part of the planned Arrowhead Ranch commercial developments will be located in the middle of the taper of the existing eastbound right turn lane on US 290 at its intersection with Arrowhead Ranch Boulevard. Therefore, it is anticipated that the eastbound right turn lane on US 290 will need to be lengthened in order to accommodate the location of the right turn in/right turn out driveway and the increase in traffic volumes associated with the Arrowhead Ranch development.

According to the City of Dripping Springs Code of Ordinances, Chapter 28, Exhibit A, Section 11.11, *“The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service “C” or above.”* Therefore, signal warrant evaluations were not performed for the intersections of US 290 with Bunker Ranch Boulevard and US 290 with Springs Lane.

The results of queueing analyses performed for the remaining study intersections revealed that each of the existing auxiliary turn lanes at the study intersections is of sufficient length to accommodate all existing queues, as well as all forecasted 2025 queues, both without and following the proposed Bunker Ranch subdivision expansion.

Therefore, no mitigations to the existing study intersections are anticipated to be required in order to accommodate the traffic volumes anticipated to be generated by the proposed Bunker Ranch subdivision expansion.

This concludes CEC’s Revised Traffic Impact Analysis for the construction of the proposed Bunker Ranch subdivision expansion, located south of US 290 at its intersection with Bunker Ranch Boulevard in the City of Dripping Springs, Hays County, Texas.

Included with this report is a Technical Appendix containing all counts, analyses and calculations.

Exhibit H



City of Dripping Springs

511 Mercer Street • PO Box 384 • Dripping Springs, TX 78620 • 512.858.4725
cityofdrippingsprings.com

Open spaces, friendly faces.

Date: **May 20, 2022**

Name: **Steve Harren**
Email: **Steveharren@aol.com**

Dear **Mr. Harren**:

This letter is to inform you that the Development Review Committee reviewed **VAR2022-0005**, a variance requesting to be relieved from the sidewalk requirements for the road from US290 to the Hardy Tract.

The development review committee has approved the variance request with the following conditions:

- 1. Sidewalks are required along the entire length of one side of the road; and**
- 2. Sidewalks along the other side of the road are deferred until the adjacent property is developed.**

Per section 28.04.015(k), this decision can be appealed to the Planning & Zoning Commission. An appeal can be requested in writing via email.

Should you have any questions or concerns, please feel free to reach out to the planning department.

Regards,

Tory Carpenter, AICP
Senior Planner

Exhibit I



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384 • Dripping Springs, TX 78620
512.858.4725 • www.cityofdrippingsprings.com

May 4, 2020

Attn: Steve Harren
Overlook at Bunker Ranch, LLC
317 Grace Lane, Suite 240,
Austin Texas 78746
JBock@sunlandgrp.com

RE: Decision by Development Team Review Committee – Sidewalk Fee-in-Lieu for Overlook at Bunker Ranch

Project Number: SFL2021-0001
Project Name: Overlook at Bunker Ranch
Project Address: 2004 Creek Road

Mr. Harren:

The City of Dripping Springs has finished the review of SFL2021-0001 Overlook at Bunker Ranch. The applicant is requesting to not construct 10,810 square feet of sidewalk with the Overlook at Bunker Ranch due to the proposed sidewalk not providing any beneficial pedestrian connectivity. The applicant is requesting to pay fee-in-lieu for 10,810 square feet of the sidewalk. Per Chapter 28, Article 28.04 Subdivision Ordinances, Section 28.04.019 Sidewalks of the City of Dripping Springs Code of Ordinances:

The Development Review Committee shall consider the following criteria when evaluating a request for fee-in-lieu of construction for sidewalks:

- I. Proximity to the nearest existing sidewalk;
- II. Proximity to public facilities, such as public or private schools, libraries, and other government buildings;
- III. Whether any public sidewalk improvements are planned or contemplated in the area; and
- IV. Any other information deemed appropriate by the Development Review Committee.

The Development Review Committee has found that the sidewalk would currently provide no beneficial pedestrian connectivity to the adjacent subdivisions. There are no proposed sidewalks planned or contemplated in this area and this development is not near any public facilities. The City **approves the sidewalk fee-in-lieu request for the entire 10,810 square feet of sidewalk.**



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Please provide the Sidewalk Fee-in-lieu per the City's Fee Schedule prior to approval of the Preliminary Plat:

Sidewalk Fee-in-Lieu: \$8.00/square foot of approved fee-in-lieu of sidewalk construction

Should you have any questions or concerns in the meantime, please feel free to reach out to the Planning Department.

Sincerely,

Michelle Fischer
City Administrator

City of ~~DR~~ ^{BR}
Drip ^{75K}
\$ 86,480
sidewalk fee
in lieu

Exhibit J



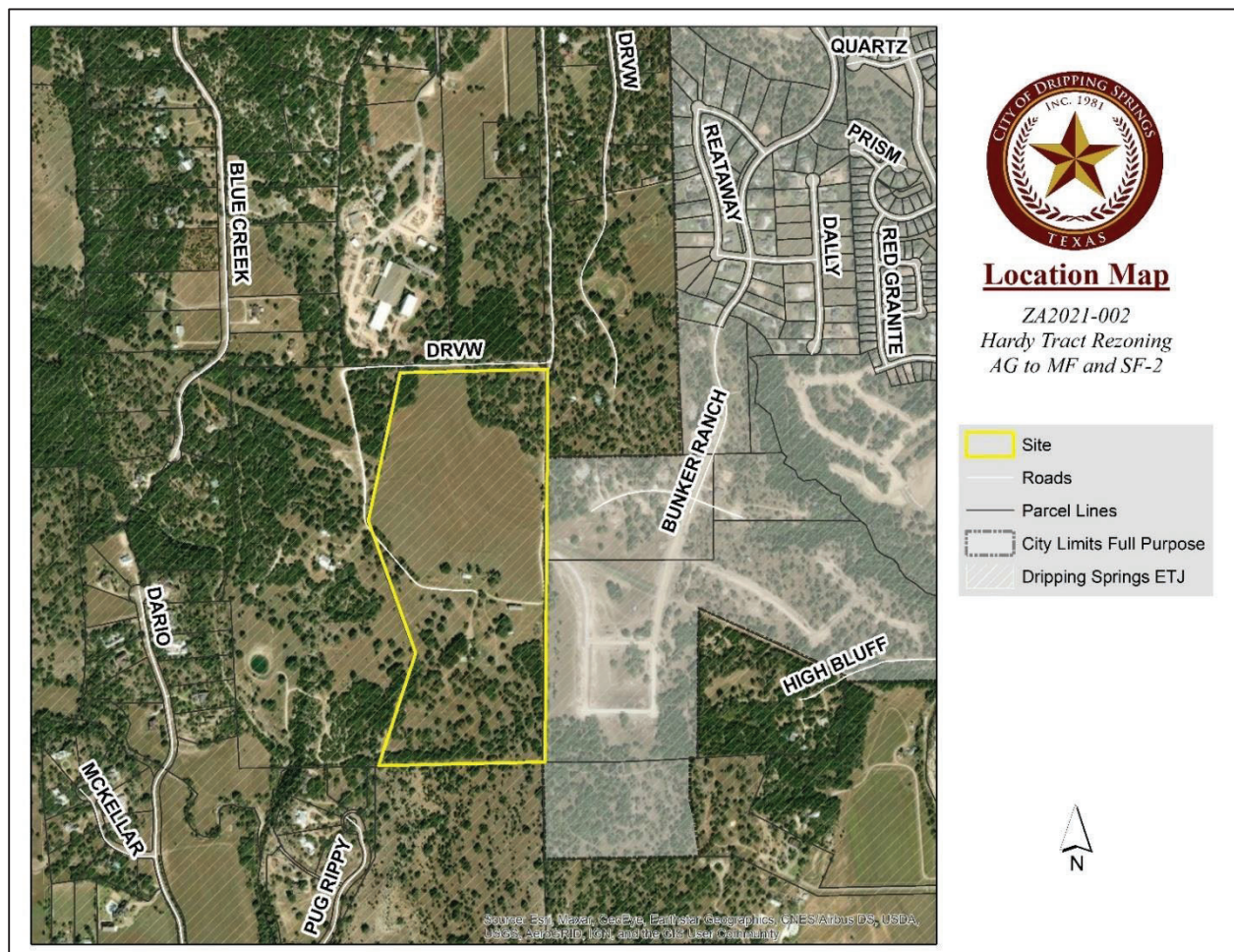
Planning and Zoning Commission Planning Department Staff Report

Item # 17.

Planning and Zoning Commission Meeting: June 22, 2021
Project No: ZA2021-0002
Project Planner: Amanda Padilla, Senior Planner

Item Details

Project Name: Hardy Tract
Property Location: 2901 W US Highway 290, Dripping Springs, Texas 78620 (R15103)
Legal Description: Approximately 79.61 acres, situated in the Benjamin F. Hanna Survey No. 28, Abstract No. 222
Applicant: Steve Harren c/o Brian Estes, P.E.
Property Owners: P& H Family Limited Partnership No. 1
Request: Zoning Map Amendment to zone a 78.021-acre tract of land to SF-2, Moderate Density Residential zoning district, upon annexation.
Staff Recommendation: Staff is recommending approval of the SF-2 Zoning district



Overview

The applicant submitted a petition for voluntary annexation of the approximately 78.021 acres, therefore should the annexation be approved by City Council at the July 20, 2021 meeting, the applicant would like to request the zoning designation of SF-2, Moderate Density Residential. The applicant's intention for development of the 78.021-acre tract is a similar build to the property east of this tract, Bunker Ranch Phase 3. The applicant had previously requested SF-2 for the northern portion and MF for the southern portion of the tract but has since removed the MF zoning.

Site Information

Location:

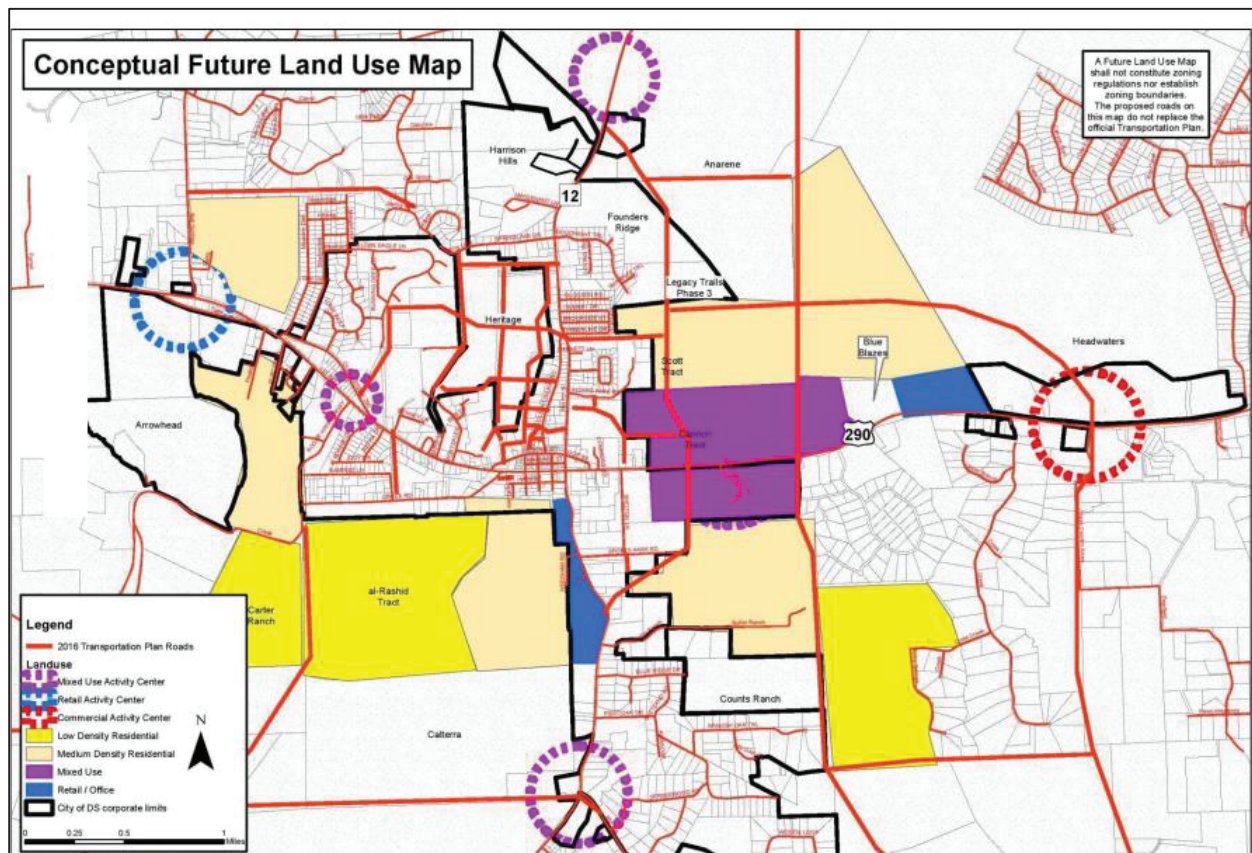
The subject property is located south of US Highway 290, along the western boundary of Bunker Ranch Phase 3 and north of Creek Road.

Physical and Natural Features:

The subject property is open in the northern portion and heavily treed in the southern portion. The property has a residential home that will be removed for development with a 60-foot access easement that extends out to US Highway 290.

Future Land Use and Zoning Designations:

The subject property is not indicated on the Future Land Use Map. There is currently no zoning designation on the property because at the time of application the property was within the City's Extraterritorial Jurisdiction.

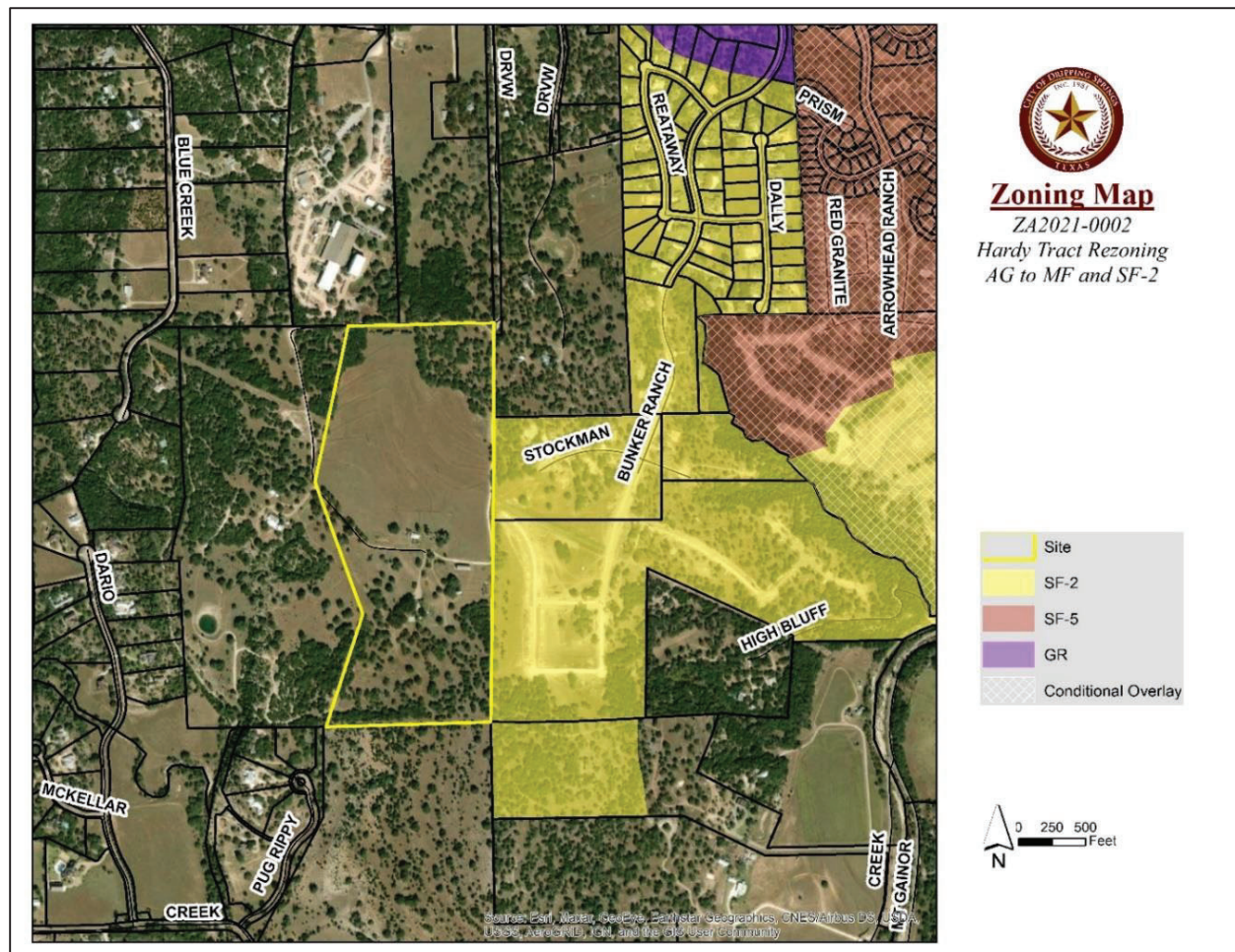


Surrounding Properties:

The Subject property is just west of the City Limits. The surrounding lots had originally been large tract residential but in recent years the adjacent City Limit tracts have become zoned SF-2, which allows for tracts greater than a ½ acre. The tracts to the north, west, and south are within the ETJ and are larger than 1 acre.

The current zoning and existing uses of the adjacent properties to the north, south, east, and west are outlined in the table below:

Direction	Zoning District	Existing Use	Comprehensive Plan
North	ETJ	Residential	The properties are not within in the Comprehensive Plan or Future Land Use Map.
East	SF-2, Moderate Density Residential	Residential (Bunker Ranch Subdivision)	
South	ETJ	Residential	
West	ETJ	Residential	



Property History:

The applicant has come before the commission on April 27, 2021 for a zoning map amendment to zone the property to SF-2 and MF with a conditional overlay. The Planning and Zoning Commission had unanimously voted to postpone the zoning amendment. The applicant met with staff and submitted a new application which is being presented today.

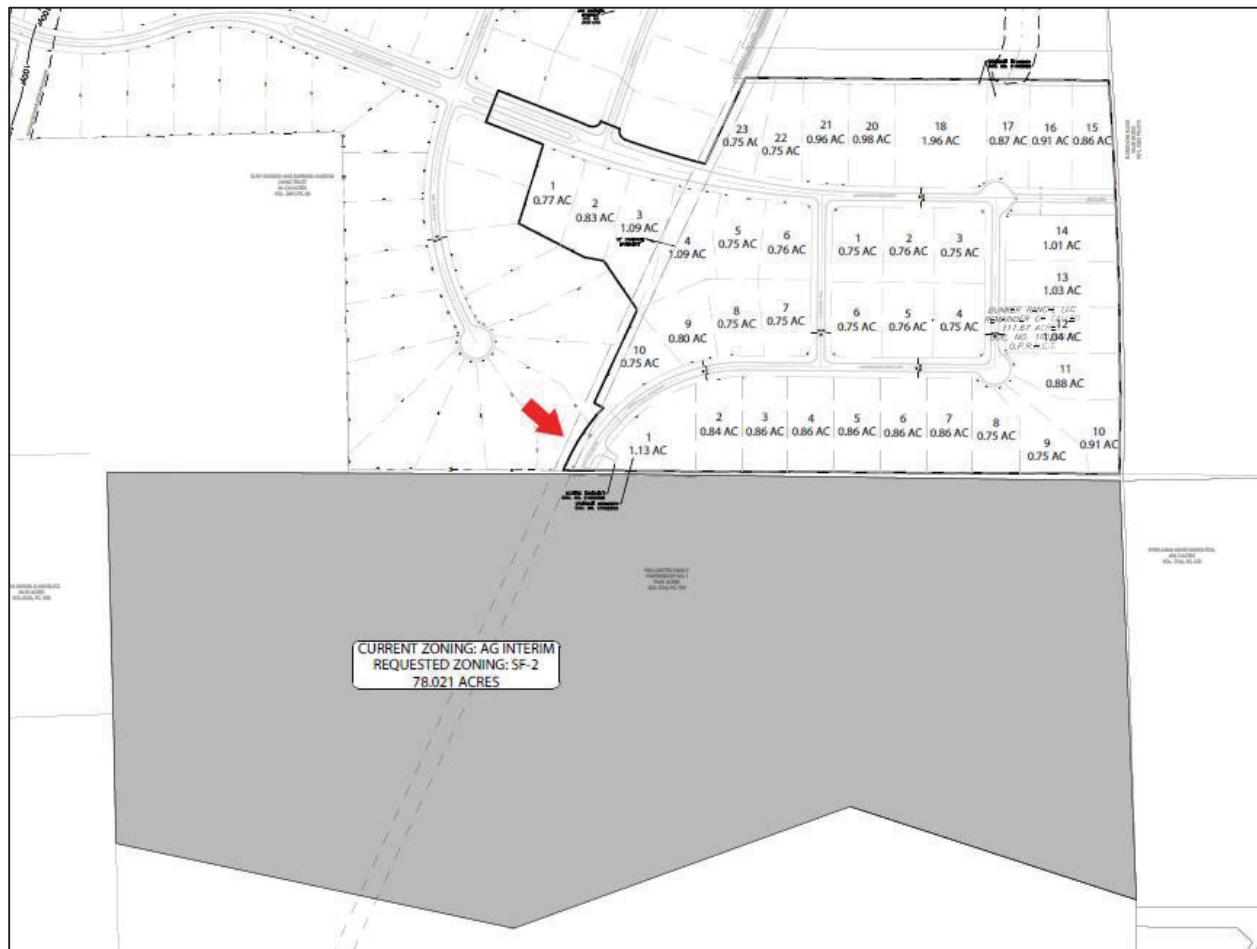
Utilities

The subject property is located within the Dripping Springs Water Supply Corporation service area for Water, Pedernales Electric Cooperative (PEC) service area for electricity and will be utilizing on-site septic facilities for wastewater.

Transportation

The subject property will have ingress and egress through Phase 3 of the Bunker Ranch Development. The access would be through local streets which provide primary land access and connectivity between land parcels and other streets and collectors.

A Traffic Impact Analysis is currently being reviewed by the City's Transportation Engineer.



Proposed Zoning District

Single-family residential district—Moderate density (SF-2)

The Single-family residential district – moderate density (SF-2) is intended to provide for development of primarily moderate-density detached, single-family residences on lots of at least ½ acre in size.

Permitted uses: Those uses listed for the SF-2 district or any less intense residential district in appendix C [appendix E] (Use Charts) as "P" or "C" are authorized uses permitted by right or conditionally permitted uses, respectively.

Development Standards for SF-2	
Size of Lots	
Minimum Lot area	½ acre
Setback Requirements	
Minimum Front Yard	25 feet
Minimum Side Yard	15 feet
Minimum Rear Yard	25 feet
Height Regulations	
Main Building	2 ½ stories, or 40', whichever is less, for the main buildings
Accessory Building	25'
Other Development Standards	
Impervious Cover	40% total, including main buildings and accessory buildings

Special requirements:

- On-site dwellings: Recreational vehicles, manufactured homes, travel trailers or motor homes may not be used for on-site dwelling purposes.
- Open storage: Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- Side-entry garages: Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering.
- Swimming pools: Swimming pools shall be constructed and enclosed in accordance with the city building code.
- Nonresidential uses: Site plan approval shall be required for any nonresidential use (such as a school, church, child-care center, private recreation facility, etc.) in the SF-2 district. Any nonresidential land use that may be permitted in this district shall conform to the local retail district standards.
- Temporary facilities: There shall be no permanent use of temporary facilities or buildings.
- Other regulations: Refer to section 5, Development Standards and Use Regulations.
- OSSFs: On-site sewage facilities (OSSFs) are prohibited in this district on lots of less than three-quarters of an acre.

Criteria

Staff has reviewed the proposed rezoning request based on the criteria outlined in Chapter 30 Zoning

Exhibit A Zoning Ordinance Section 2.28.2, see below:

Zoning Map Amendment Criteria	
1. Whether the proposed change will be appropriate in the immediate area concerned;	<p>The applicant is proposing to zone the subject property to SF-2. The SF-2 Zoning district is consistent with the surrounding areas, and due to the proximity to the ETJ and the surrounding properties, it would serve as a transition to more rural parts of the city's ETJ. The lots to the east are single-family lots that are equal to or greater to 0.75 acre lots and have the same designation as the zoning requested for the subject property. To the north, south, and west are residential large lots that are over 30 acres and are within the City's ETJ.</p> <p>SF-2 zoning requires that lots be a minimum of ½ acre and if the wastewater is being provided via an OSSF the lots are required to be a minimum of ¾ acres.</p> <p>Based on the proposed zoning, adjacent City Limits zoning, and the ETJ lots the proposed zoning is appropriate in the area.</p>
2. Their relationship to the general area and the City as a whole;	<p>The SF-2 zoning uses proposed will fit in with the surrounding areas zoning districts and will be compatible with the ETJ properties.</p> <p>Though this property is not within the City's Conceptual Future Land Use Map, the current map shows low density and moderate density on the outer edges of the City Limits, which shows that low density should occur away from the city center.</p>
3. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;	<p>The subject property is not shown on any existing or proposed plans for public schools, streets, water supply, sanitary sewers, and other utilities to the area.</p>
4. The amount of undeveloped land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such undeveloped land unavailable for development;	<p>The City is seeing an increase in residential development within the city limits and the extraterritorial jurisdiction. Within the vicinity of the subject property to the east are tracts zoned SF-2 the land is currently being developed. Rezoning the subject property to SF-2 is appropriate and will not affect any similar zoned lots within the vicinity. The City has not seen any issues with undeveloped land for properties rezoned to SF-2.</p>
5. The recent rate at which land is being developed in the same zoning classification, particularly in the vicinity of the proposed change;	

As stated above the adjacent lot to the east is currently being developed for SF-2 zoning. The rate of land being developed in this area has increased within the last few years.
6. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved;
Based on the area, the proposed rezone to SF-2 will not affect the surrounding area and will complement the adjacent lots.
7. Whether the proposed change treats the subject parcel of land in a manner which is significantly different from decisions made involving other, similarly situated parcels; and
This property is being treated similarly to other similarly situated parcels within the City Limits.
8. Any other factors which will substantially affect the public health, safety, morals, or general welfare.
Staff does not see this zoning change affecting the public health, safety, morals, or general welfare.

Based on the Criteria listed above, staff finds that the requested zoning amendment is a compatible use that will ensure conformity with the character of the area and will promote the orderly development of the city.

Meetings

June 22, 2021- Planning and Zoning Commission (Zoning)
 July 20, 2021- City Council (Annexation and Zoning)

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the request.

Attachments

Attachment 1: Rezoning Application
 Attachment 2: Zoning Use Chart
 Attachment 3: Site Exhibit
 Attachment 4: Deed

Recommended Action:	Recommend approval of the Single-Family residential district – Moderate Density (SF-2) Zoning district.
Alternatives/Options:	Recommend denial of the Single-Family residential district – Moderate Density (SF-2) Zoning district.
Budget/Financial Impact:	None calculated at this time.

Planning Department Staff Report

Item # 17.

Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A



CITY OF DRIPPING SPRINGS

PHYSICAL: 511 Mercer Street • MAILING: PO Box 384

Dripping Springs, TX 78620

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Item # 17.

ZONING/PDD AMENDMENT APPLICATION

Case Number (staff use only): _____ - _____

CONTACT INFORMATION

PROPERTY OWNER NAME P & H Family Limited Partnership No. 1
STREET ADDRESS P O BOX 1696
CITY Dripping Springs STATE TX ZIP CODE 78620
PHONE _____ EMAIL _____

APPLICANT NAME Brian Estes
COMPANY Civil and Environmental Consultants Inc.
STREET ADDRESS 3711 S. Mo Pac Expy Suite 550
CITY Austin STATE Texas ZIP CODE 78746
PHONE 512-439-0400 EMAIL bestes@cecinc.com

REASONS FOR AMENDMENT

☐ TO CORRECT ANY ERROR IN THE REGULATION
OR MAP

☐ TO RECOGNIZE CHANGES IN TECHNOLOGY, STYLE
OF LIVING, OR MANNER OF CONDUCTING BUSINESS

☐ TO RECOGNIZE CHANGED CONDITIONS OR
CIRCUMSTANCES IN A PARTICULAR LOCALITY

☒ TO MAKE CHANGES IN ORDER TO IMPLEMENT
POLICIES REFLECTED WITHIN THE COMPREHENSIVE
PLAN

PROPERTY & ZONING INFORMATION	
PROPERTY OWNER NAME	P & H Family Family Limited Partnership No. 1
PROPERTY ADDRESS	2901 W US 290, DRIPPING SPRINGS, TX 78620
CURRENT LEGAL DESCRIPTION	A0222 BENJAMIN F HANNA SURVEY, ACRES 77
TAX ID#	R15103
LOCATED IN	<input type="checkbox"/> CITY LIMITS <input type="checkbox"/> EXTRATERRITORIAL JURISDICTION
CURRENT ZONING	AG
REQUESTED ZONING/AMENDMENT TO PDD	SF-2
REASON FOR REQUEST (Attach extra sheet if necessary)	Annex into full purpose city limits
INFORMATION ABOUT PROPOSED USES (Attach extra sheet if necessary)	Will comprise etirely of single family home lots.

COMPLIANCE WITH OUTDOOR LIGHTING ORDINANCE? *

(See attached agreement).

☒ YES (REQUIRED)* ☐ YES (VOLUNTARY)* ☐ NO*

* If proposed subdivision is in the City Limits, compliance with Lighting Ordinance is **mandatory**. If proposed subdivision is in the ETJ, compliance is **mandatory** when required by a Development Agreement or as a condition of an Alternative Standard/Special Exception/Variance/Waiver.

Voluntary compliance is strongly encouraged by those not required by above criteria (see *Outdoor Lighting tab* on the CORDS webpage and online *Lighting Ordinance* under *Code of Ordinances tab* for more information).

APPLICANT'S SIGNATURE

The undersigned, hereby confirms that he/she/it is the owner of the above described real property and further, that Brian Estes (Civil & Environmental Consultants, Inc.) is authorized to act as my agent and representative with respect to this Application and the City's zoning amendment process.
(As recorded in the Hays County Property Deed Records, Vol. _____, Pg. _____.)

[Signature]
Name

PRINCIPAL
Title

STATE OF TEXAS §
 §
COUNTY OF HAYS §

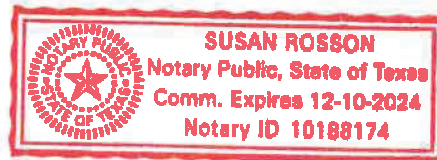
This instrument was acknowledged before me on the 5th day of March,
2021 by Hardy E. Thompson, III.

[Signature]
Notary Public, State of Texas

Susan Rosson

My Commission Expires: 12-10-2024

Hardy E. Thompson, III
Name of Applicant



ZONING AMENDMENT SUBMITTAL

All required items and information (including all applicable above listed exhibits and fees) must be received by the City for an application and request to be considered complete. **Incomplete submissions will not be accepted.** By signing below, I acknowledge that I have read through and met the above requirements for a complete submittal:



5/24/2021

Applicant Signature

Date

CHECKLIST

STAFF	APPLICANT	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Completed Application Form - including all required signatures and notarized
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application Fee-Zoning Amendment or PDD Amendment (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	PDF/Digital Copies of all submitted Documents
<input type="checkbox"/>	<input checked="" type="checkbox"/>	When submitting digital files, a cover sheet must be included outlining what digital contents are included.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Billing Contact Form
<input type="checkbox"/>	<input checked="" type="checkbox"/>	GIS Data
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Lighting Ordinance Compliance Agreement - signed with attached photos/drawings (<i>required if marked "Yes (Required)" on above Lighting Ordinance Section of application</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Concept Plan
<input type="checkbox"/>	<input type="checkbox"/>	Plans
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Maps
<input type="checkbox"/>	<input type="checkbox"/>	Architectural Elevation
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Explanation for request (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Information about proposed uses (<i>attach extra sheets if necessary</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Notice Sign (<i>refer to Fee Schedule</i>)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proof of Ownership-Tax Certificate or Deed
<input type="checkbox"/>	<input type="checkbox"/> n/a	Copy of Planned Development District (<i>if applicable</i>)
<input type="checkbox"/>	<input type="checkbox"/> n/a	Digital Copy of the Proposed Zoning or Planned Development District Amendment

Project Number: _____ - _____

Only filled out by staff

Date, initials

**BILLING CONTACT FORM**Project Name: Bunker Ranch Phase 6 (Hardy Tract 79.61 Acres)Project Address: 2901 W US 290, Dripping Springs, TX 78620Project Applicant Name: Cristina Cordoba / Brian Estes**Billing Contact Information**Name: Steve HarrenMailing Address: 317 Grace Lane #240Austin, Texas 78746Email: steveharren@aol.com Phone Number: (512)644-6800

Type of Project/Application (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Alternative Standard | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Certificate of Appropriateness | <input type="checkbox"/> Street Closure Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Waiver |
| <input type="checkbox"/> Exterior Design | <input type="checkbox"/> Wastewater Service |
| <input type="checkbox"/> Landscape Plan | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Lighting Plan | <input checked="" type="checkbox"/> Zoning |
| <input type="checkbox"/> Site Development Permit | <input type="checkbox"/> Other _____ |

*Applicants are required to pay all associated costs associated with a project's application for a permit, plan, certificate, special exception, waiver, variance, alternative standard, or agreement, regardless of City approval. Associated costs may include, but are not limited to, public notices and outside professional services provided to the City by engineers, attorneys, surveyors, inspectors, landscape consultants, lighting consultants, architects, historic preservation consultants, and others, as required. Associated costs will be billed at cost plus 20% to cover the City's additional administrative costs. **Please see the online Master Fee Schedule for more details.** By signing below, I am acknowledging that the above listed party is financially accountable for the payment and responsibility of these fees.*

Signature of Applicant

5/24/2021

Date

E.1. Use regulations (charts).

E.1.1. The use of land or buildings shall be in accordance with those listed in the following use charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located.

(a) The legend for interpreting the permitted uses in the use charts is:

- P Designates that the use is permitted in the zoning district indicated.
 Designates that the use is prohibited in the zoning district indicated.
 C Designates that the use may be permitted in the zoning district only pursuant to issuance of a conditional use permit.
 ** Designates that the use is defined in this chapter.

(b) Definitions: See definitions in section 1.6 of this chapter for further description of uses.

(c) Uses not listed: If a use is not listed in the use charts, it is not allowed in any zoning district.

(d) Use chart organization: The following use categories are listed in the use charts:

Agricultural uses.

Residential uses.

Office uses.

Personal and business service uses.

Retail uses.

Transportation and auto service uses.

Amusement and recreational service uses.

Institutional/governmental uses.

Commercial and wholesale trade uses.

Manufacturing and light industrial uses.

Use Chart
 Adopted February 17, 2015

Permitted Uses "P"

Conditional Uses "C"

	Residential Uses						Nonresidential Uses								
AGRICULTURE	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Bulk Grain and/or Feed Storage	P										X	P			
Farms, General (Crops), Commercial	P	C	C								X				

Greenhouse (Non-Retail)	P	P	P	P							P				
Livestock Sales	P										X				
Orchard/Crop Propagation	P	P	C	C	C	C	C	C	C	C	P	C			
Plant Nursery (Commercial)	P								P	P	X	C			
Small Scale Farm	P	C	C			C	C	C	C	C	P				
Stable, Commercial	P	C									X				
Stables (Private, accessory use)	P	C	C								P				
Stables (Private, principal use)	P	C									X				
Garden (Non-Retail)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farm Animals (Exempt - FFA, 4H)	P	C	C	C	C	C	C	C	C	C	P	C			
Farm Animals (Non-Exempt)	P	C	C	C	C	C	C	C	C	C	P	C			

	Residential Uses						Nonresidential Uses								
RESIDENTIAL	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Accessory Bldg./Structure (Nonresidential)							P	P	P	P	P	P			
Accessory Bldg./Structure (Residential)	P	P	P	P	P	P					P				
Accessory Dwelling	P	C	C								P		P		
Caretaker's/Guard Residence	P	P	P								P				

Community or Group Home	C	C	C	C	C					P				
Duplex/Two-Family				P	P	P	P	P	P	P				
Garage Residential Conversion	P	P	C	C						P				
Garden Home/Townhome					P	P	P	P	P	P				
Home Occupation	P	P	P	P	P	P	P	P	P	P				
HUD-Code Manufactured Home	C			C	C	C				X				
Living Quarters on Site with a Business							P	P	P	P				
Multiple-Family Dwelling						P	P	P	P	P				
Residential Loft							P	P	P	P				
Rooming/Boarding House						P		P		P				
Single-Family Dwelling, Detached	P	P	P	P	P	P				P				
Single-Family Industrialized Housing	P	P	P	P	P	P				P				
Swimming Pool, Private	P	P	P	P	P	P	P	P	P	P				

OFFICE	Residential Uses						Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Armed Services Recruiting Center							P	P	P	P	P				
Bank										C	X				
Check Cashing Service								P	P	P	X				
Credit Agency							P	P	P	P	X				
Insurance Agency Offices							P	P	P	P	P				

Offices, General/Professional							P	P	P	P	P				
Office, Brokerage Services							P	P	P	P	P				
Offices, Health Services							P	P	P	P	P				
Offices, Legal Services							P	P	P	P	P				
Offices, Parole/Probation											X		P		
Offices, Professional							P	P	P	P	P				
Offices, Real Estate Office							P	P	P	P	P				
Saving and Loan										C	X				
Security Monitoring Company							P	P	P	P	X				
Telemarketing Center							P	P	P	P	X				

PERSONAL AND BUSINESS SERVICES	Residential Uses							Nonresidential Uses								
	AG	SF-1	SF-2	SF-4	SF-5	MF-1		O	LR	GR	CS	HO*	I	GUI	PR	PP
All-Terrain Vehicle										P	P	X				
Dealer (Sales Only)												X				
Ambulance Service (Private)											P	X				
Antique Shop									P	P	P	P				
Appliance Repair									P	P	P	X				
Art Dealer/Gallery									P	P	P	P				
Artisan's Shop	P								P	P	P	P				
Artist Studio	P	P	P	P	P	P	P	P	P	P	P	P				
Auto Sales (New and Used)										C	P	X				
Auto Supply Store										P	P	X				
Bakery or Confectionary (Retail)									P	P	P	P				
Bar									C	C	C	C				
Barbershop									P	P	P	P				
Beauty Shop									P	P	P	P				
Bed and Breakfast Inn or Facility	C	C	C						P	P	P	P				

Bicycle Sales and Repair								P	P	P	P				
Book Store								P	P	P	P				
Building Materials Sales									C	P	X				
Cabinet/Counter/Woodworking Shop (Custom) Retail										C	X	P			
Cabinet/Counter/Woodworking Shop (Manufacturing) Wholesale											X	P			
Cafeteria							C	C	P	P	P				
Communication Equipment Repair										P	X				
Computer Sales								P	P	P	P				
Consignment Shop								P	P	P	P				
Convenience Store (With Gas Sales)									P	P	X				
Convenience Store (Without Gas Sales)								C	P	P	P				
Cooking School								P	P	P	P				
Dance/Drama/Music Studio or School								P	P	P	P				
Department Store									P	P	P				
Drapery, Blind Upholstery Store								P	P	P	P				
Exterminator Services										P	X				
Financial Services								P	P	P	P				
Florist Shop								P	P	P	P				
Food or Grocery Store (General)									P	P	P				
Food or Grocery Store (Limited)								P	P	P	P				
Funeral Home or Mortuary										P	X				
Furniture Store (New and/or Used)								P	P	P	X				
Garden Shop (Inside Storage)								P	P	P	P				
General or Community Retail Store									P	P	P				
Gravestone/Tombstone Sales										P	X				
Hardware Store								P	P	P	P				
Home Improvement Center									P	P	X				
Laundry/Dry Cleaning										P	X				
Lawnmower Sales & Repair									P	P	X				
Live-in Security Quarters							P	P	P	P	P				
Locksmith								P	P	P	X				

Major Appliance Sales									P	P	X				
Market (Public)								P	P	P	P				
Mini-Warehouse - Self Storage										C	X				
Mobile food vendor - 10 days or less							P	P	P	P	P	P	P	P	P
Mobile food vendor - longer than 10 days							C	C	C	C	C	C	C		
Mobile food vendor court							C	C	C	C	C	C	C		
Motorcycle Dealer (Sales, Repair)									P	P	X				
Motel or Hotel									P	P	P				
Needlework Shop								P	P	P	P				
Pet Shop/Supplies								P	P	P	P				
Pharmacy								P	P	P	P				
Photocopying/Duplicating								P	P	P	P				
Photography Studio								P	P	P	P				
Plant Nursery (Retail Sales, Outdoors)									P	P	X				
Radio or Television Studio									P	P	X				
Recycling Center										C	X	P			
Restaurant (No Drive-Through Service)								P	P	P	P				
Restaurant (With Drive-Through)									P	P	X				
Security Systems Installation Company									C	P	X				
Sexually Oriented Business										C	X	C			
Shoe Repair								P	P	P	P				
Studio, Tattoo or Body Piercing								C	C	C	P				
Tailor Shop								P	P	P	P				
Tool and Machinery Rental (Indoor Storage)								P	P	P	X				
Tool and Machinery Rental (Outdoor Storage)										P	X				
Travel Agency							P	P	P	P	P				
Temporary Outdoor Sales/Promotion							C	P	P	P	P				
Upholstery Shop									P	P	P				
Used Merchandise/Furniture								P	P	P	P				
Vacuum Cleaner Sales and Repair								P	P	P	X				

Veterinarian Clinic (Indoor Kennels)									P	P	P	P				
Woodworking Shop (Ornamental, Handmade									P	P	P	P				

*Permitted in HO district per requirements of chapter 30, article 30.05, Mobile Food Vendors.

	Residential Uses						Nonresidential Uses								
TRANSPORTATION AND AUTO SERVICES	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Antique Vehicle Restoration										P	X				
Auto Body Repair										P	X				
Auto Financing and Leasing								P	P	P	X				
Auto Muffler Shop										P	X				
Auto Paint Shop										P	X				
Auto Tire Sales and Repair									P	P	X				
Auto Upholstery Shop										P	X				
Auto Washing Facility, Attended									P	P	X				
Auto Washing Facility, Unattended									P	P	X				
Auto Wrecker Service										P	X				
Automobile Repair, Major										P	X				
Automobile Repair, Minor								C	C	P	X				
Heliport												P	P		
Helistop												P	P		
Limousine/Taxi Service										P	X				
Oil Change and Inspection									P	P	X				
Parking Lot, Commercial										C					

Parking Structure, Commercial							C	C	C	P	P				
Tire Dealer, Indoor Storage								P	P	P	X				

	Residential Uses						Nonresidential Uses								
AMUSEMENT/ RECREATION	AG	SF- 1	SF- 2	SF- 4	SF- 5	MF- 1	O	LR	GR	CS	HO	I	GUI	PR	PP
Amusement Arcade (Four or more devices)									P	P	P				
Amusement Services (Indoor)									P	P	P				
Amusement Services (Outdoor)									P	P	X				
Billiard/Pool Facility									P	P	P				
Bingo Hall									P	P	P			P	
Bowling Center									P	P	P			P	
Broadcast Station (With Tower)											X	P			
Country Club (Private)									P		X				
Dance Hall									P	P	P			P	
Day Camp for Children	C	C					C		P	P					
Civic/Conference Center											P		P		
Dinner Theater									P	P	P				
Driving Range														P	
Fairgrounds/Exhibition Area	C													P	
Gaming Club (private)								C	C	C					
Golf Course (Miniature)									P	P				P	
Golf Course (Public, Private)	C								P	P				P	
Health Club							C	P	P	P	P			P	
Motion-Picture Studio, Commercial										P		P			
Motion-Picture Theater									P	P	P				
Museum								P	P	P	P				
Park accessory uses															P

Park and/or Playground	P	P	P	P	P	P	P	P	P	P	P				P
Psychic Reading Services								P	P	P	P				
Rodeo Grounds	C									C		C			
Skating Rink										P				P	
Tennis Court	P	P	P	P	P	P					P			P	
Theater (Stage)									P	P	P			P	
Video Rentals/Sales								P	P	P	P				

	Residential Uses						Nonresidential Uses								
INSTITUTIONAL/ GOVERNMENT	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Assisted Living Facility						C		C	C	C	P				
Broadcast Tower (Commercial)												C			
Cemetery or Mausoleum	C												P		
Child Day-Care Facility	C	C	C	C	C	C	C	P	P	P	P				
Church, Religious Assembly	P	P	P	P	P	P	P	P	P	P	P		P		
Civic Club							P	P	P	P	P				
Community Center (Municipal)											P		P		
Electrical Generating Plant												P	P		
Electrical Substation												P	P		
Emergency Care Clinic									P	P					
Fire Station	P	P	P	P	P	P	P	P	P	P			P		
Fraternal Lodge or Union							P	P	P	P	P				
Government Building (Mun., St., Fed.)										P	P		P		
Group Day-Care Home	C	C	C	C	C	C	C	P	P	P					
Medical Clinic or Office							P	P	P	P	P				

Wireless Communications Tower	C	C	C			C	C	C	C	C		C			
Heliport												P			
Home for the Aged, Residential	C	C	C	C	C	C	C	C	P	P	P				
Hospice								C	P	P	P				
Hospital (Acute Care, General)							C	C	P	P					
Library							P	P	P	P	P		P		
Maternity Home							C	C	P	P	P				
Nursing/Convalescent Home							C	C	P	P					
Orphanage						C	C	C	P	P	P				
Philanthropic Organization							P	P	P	P	P				
Post Office	P	P	P	P	P	P	P	P	P	P	P		P		
Radio, Television, Microwave Tower									C	C		C			
School, K Through 12 (public or private)	P	P	P	P	P	P	P	P	P	P	P		P		
Sewage Pumping Station	C	C	C	C	C	C	C	C	C	C	P	P	P		
Telephone Switching/Exchange Bldg.							C	C	C	P	P		P		
Wastewater Treatment Plant	C	C	C	C	C	C	C	C	C	C		C	P		
Water Supply (Elevated Storage Tank)	C	C	C	C	C	C	C	C	C	C	P	C	P		
Water Supply Facility (Private)	P	P	P	P	P	P		C	C	C		C	P		

	Residential Uses						Nonresidential Uses								
COMM. AND WHOLESALE TRADE	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Book Bindery										P	P				
Feed and Grain Store									P	P					

Furniture Manufacture												P			
Heating and Air-Conditioning Sales/Service								P	P						
Pawnshop								C	C						
Propane Sales (Retail)									P						
Taxidermist									P						
Transfer Station/Refuse Pickup											P				
Veterinarian (Outdoor Kennels or Pens)	C								P						
Warehouse/Office									C		P				
Welding Shop									C		P				

	Residential Uses						Nonresidential Uses								
LIGHT INDUSTRIAL/MFG.	AG	SF-1	SF-2	SF-4	SF-5	MF-1	O	LR	GR	CS	HO	I	GUI	PR	PP
Contractor's Office (No Outside Storage)								P	P	P	P	P			
Contractor's Office (With Outside Storage)										C		P			
Contractor's Temporary On-site Office	C	C	C	C	C	C	C	C	C	C	P	C			
Electronic Assembly										C		P			
Engine Repair or Manufacture												P			
Laboratory Equipment Manufacture												P			
Machine Shop												P			

Maintenance and Repair Services for Bldgs.										P					
Open Storage/Outside Storage	C									C		P			
Plumbing Shop									P	P					
Research Lab (Nonhazardous)									C	C		P			
Sand/Gravel/Stone Sales or Storage	C									C		P			
Sand/Gravel Quarrying												C			
Sign Manufacturing										C	P	P			
Stone/Clay/Glass Manufacturing										C		P			

(Ordinance 1220.10, adopted 9/12/06; Ordinance 1220.99, adopted 2/17/15; Ordinance 1220.140, att. B, adopted 4/11/17; Ordinance 1220.149, adopted 11/14/17; Ordinance 1220.151, adopted 12/12/17; Ordinance 2018-09, adopted 4/10/18; Ordinance 2019-44, adopted 12/10/19; Ordinance 2020-01, adopted 1/14/20)

ZONING EXHIBIT	
DATE	MAY, 2021
PROJECT NO.	17-000
CHECKED BY	CHADWY
DRAFT	
DRAFT	
DRAFT	
DRAFT	

OVERLOOK AT BUNKER RANCH, LLC
HARDY T LAND
DRIPPING SPRINGS
HAYS COUNTY, TEXAS

CCE
Civil & Environmental Consultants, Inc.
2711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746
P.O. 512.429.0400 - Fax: 512.229.0096
www.cceinc.com

NO	DATE	DESCRIPTION
----	------	-------------



CURRENT ZONING INTERIM
MAP 2020 MAP 2020
78.47 AC LOTS

7/21
PM

SPECIAL WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HAYS §

THAT the undersigned, Hardy E. Thompson, Jr., and Patty King Thompson, husband and wife (hereinafter referred to as "Grantors"), have GRANTED and CONVEYED, and by these presents do hereby GRANT and CONVEY unto the P & H Family Limited Partnership No. 1, a Texas Limited Partnership, whose mailing address is 1034 Liberty Park Drive, Apt. G2, Austin, Texas 78746 (hereinafter referred to as "Grantee"), the following:

1. The real property described in Exhibit A, which is attached hereto and incorporated herein for all pertinent purposes (hereinafter referred to as "Tract A");
2. A one-half (1/2) undivided interest in the real property described in Exhibit C, which is attached hereto and incorporated herein for all pertinent purposes, (hereinafter referred to as the "Road"), subject to a non-exclusive easement of ingress and egress in the entire Road in the event of a subsequent partition;
3. A one-half (1/2) undivided interest in any other easements of ingress and egress appurtenant to either Tract A or to the real property described in Exhibit B, which is attached hereto and incorporated herein for all pertinent purposes (hereinafter referred to as "Tract B"); and

4. A nonexclusive easement of ingress and egress sixty (60) feet in width lying south of and adjacent to the northern boundary of Tract B and running from the eastern boundary of Tract B to a point where the northern boundary of Tract B intersects with the western boundary of any easement of ingress and egress to and from Tract B to U.S. Highway 290.

Said real property interests are hereinafter referred to collectively as the "Property."

This conveyance is expressly made and accepted subject to all valid and subsisting liens, leases of surface acreage, oil, gas, and mineral leases, all prior mineral conveyances of any nature, easements, restrictions, reservations, covenants, conditions and other matters relating to the Property to the extent that the same are valid and enforceable against said Property, as same are shown by instruments filed for record in the office of the County Clerk of Hays County, Texas, or as same are evident upon inspection of the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, subject to the foregoing terms and provisions, unto the said Grantee, its successors and/or assigns forever; and Grantors do hereby bind Grantors' heirs, executors, administrators, successors and/or assigns, to WARRANT AND FOREVER DEFEND all and singular the Property, subject, however, as aforesaid, unto the said Grantee, its successors and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through or under Grantors, but not otherwise.

EXECUTED this 23rd day of October, 2000.

Hardy Evans Thompson Jr.
Hardy E. Thompson, Jr.

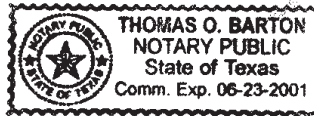
Patty King Thompson
Patty King Thompson

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The foregoing instrument was acknowledged before me on the 23rd day of October, 2000, by **Hardy E. Thompson, Jr.**

Thomas O. Barton
Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §



The foregoing instrument was acknowledged before me on the 23rd day of October, 2000, by **Patty King Thompson.**

Thomas O. Barton
Notary Public, State of Texas

After Recording Return To:

Thomas O. Barton
McGinnis, Lochridge & Kilgore, L.L.P.
919 Congress Ave., Suite 1300
Austin, Texas 78701

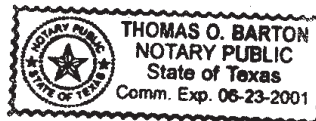


EXHIBIT A

79.61 acres of land out of and a part of quarter section No. 15 of the B. F. Hanna League, situated in Hays County, Texas, said 79.61 acre tract being more particularly described as being a portion of that certain 159.0 acre tract of land conveyed from Katherine Roberts, a widow, to Hardy E. Thompson, and wife Patty Thompson by deed of record in Volume 239, Pages 521-524 of the Deed Records of Hays County, Texas, said 79.61 acre tract being more fully described by metes and bounds as follows

Beginning at a steel pin found at a fence corner at the northeast corner of said quarter section No. 15, same being the common corner of quarter sections No. 14, 15, 16, and 17 of said Hanna League, for the northeast corner of the tract herein described, said point also being the northeast corner of said 159.0 acre tract;

THENCE with the fence along the common line of said quarter sections No. 14 and 15, same being the east line of said 159.0 acre tract, S 00°06'E 2983.98 feet to a steel pin set at a fence corner post for the southeast corner of the tract herein described;

THENCE with a new fence along the south line of this Survey S 88°12'W 1243.27 feet to a steel pin set a fence corner for the southwest corner of the tract herein described:

THENCE with the west line of this survey the following three (3) courses;

1. N 17°46'E, with a fence, 882.44 feet to a steel pin set at a fence corner;
2. N 20°12'W, leaving said fence, 1048.31 feet to a steel pin set at a fence corner;
3. N 11°45'E, with a fence, 1190.68 feet to a steel pin set at a fence corner in the north line of said 159.0 acre tract for the northwest corner of the tract herein described;

THENCE with the fence along the north line of said 159.0 acre tract N 88°15'E 1087.93 feet to the place of BEGINNING containing 79.61 acres of land.

EXHIBIT A

EXHIBIT B

Doc 00025538 Bk OPR Vol 1733 Pg 759

Item # 17.

79.39 acres of land out of and a part of quarter section No. 15 of the B. F. Hanna League, and a portion of the A. J. Holford Survey, situated in Hays County, Texas, said 79.39 acre tract being more particularly described as being a portion of that certain 159.0 acre tract of land conveyed from Katherine Roberts, a widow, to Hardy E. Thompson, and wife Patty Thompson by deed of record in Volume 239, Pages 521-524 of the Deed Records of Hays County, Texas, said 79.39 acre tract being more fully described by metes and bounds as follows:

BEGINNING at a steel pin found at a fence corner at the northwest corner of said 159.0 acre tract for the northwest corner of the tract herein described;

THENCE with the fence along the north line of said 159.0 acre tract the following two (2) courses;

1. N 89°44'E 832.80 feet to an iron stake found at a bend in said fence at a fence corner on the east side of a gate;
2. S 88°52'E 426.95 feet to a steel pin set at a fence corner for the northeast corner of the tract herein described;

THENCE with the east line of this survey the following three (3) courses;

1. S 11°45'W, with a fence, 1190.68 feet to a steel pin set at a fence corner;
2. S 20°12'E, leaving said fence, 1048.31 feet to a steel pin set at a fence corner;
3. S 17°46'W, with a fence, 882.44 feet to a steel pin set at a fence corner for the southeast corner of the tract herein described;

THENCE with a new fence along the south line of this survey N 89°59'W 571.9 feet to a steel pin found at the top of a bluff;

THENCE continue with the fence along the south line of said 159.0 acre tract N 83°00'W 233.9 feet to a steel pin at a fence corner for the southwest corner of the tract herein described, same being the southwest corner of said 159.0 acre tract;

THENCE with the fence along the west line of said 159.0 acre tract the following twelve (12) courses;

1. N 01°12'W 71.2 feet;
2. N 37°07'W 383.7 feet;
3. N 15°10'W 92.6 feet;
4. N 53°25'E 44.2 feet;
5. N 18°26'W 157.4 feet;
6. N 01°23'W 32.74 feet;
7. N 12°00'W 230.6 feet;
8. N 02°15'W 263.5 feet;
9. N 10°36'E 131.8 feet;
10. N 01°54'E 406.5 feet;
11. N 02°44'W 214.3 feet;
12. N 00°11'W 1052.3 feet to the place of BEGINNING Containing 79.39 acres of land.

EXHIBIT B

A 4.25 acre tract of land out of and a part of Quarter Section, Numbers 14 and 17 of the B. F. Hanna League, situated in Hays County, Texas, being more particularly described as being part of those certain two tracts of land that were conveyed to Clayton S. Brown and wife, Henry Louise Brown, by deeds of record in Volume 166, Page 264-266 and Volume 268, Page 594-596 of the Hays County, Texas Deed Records, said 4.25 acre tract being more fully described by metes and bounds as follows:

BEGINNING at a steel pin set at a corner fence post at the southwest corner of the above said Quarter Section No. 17, it being also the southwest corner of that certain 160.0 acre tract conveyed to Clayton S. Brown by the above said deed of record in Volume 166, Pages 264-266 of the Hays County, Texas Deed Records;

THENCE with the fence along the west line of the Clayton S. Brown 160.0 acre tract, North 2993.2 feet to a corner fence post set in concrete in the south line of Highway No. 290 for the northwest corner of the 4.25 acre tract herein described;

THENCE with the south line of Highway No. 290, S 89°33'E, 60.0 feet to a steel pin set for the northeast corner of this 4.25 acre tract;

THENCE South 2990.0 feet to a steel pin set in the common line between said Quarter Sections 14 and 17, said steel pin being also in the north line of that certain 23.0 acre tract of land that was conveyed to Clayton S. Brown by the above said deed found of record in Volume 268, Pages 594-596 of the Hayes County, Texas Deed Records;

THENCE S 0°06'E, 100.00 feet to a steel pin set for the southeast corner of this 4.25 acre tract;

THENCE S 88°15'W, 56.0 feet to a steel pin in the fence on the east line of that certain 159.0 acre tract of land that was conveyed to Hardy E. Thompson and wife, Patty Thompson by deed of record in Volume 239, pages 521-524 of the Hays County, Texas Deed Records;

THENCE with the fence between the said Clayton S. Brown 23.0 acre tract and the said Hardy E. Thompson 159.0 acre tract, N 0°06'E, 100.0 feet to a steel pin found at a fence corner at the northeast corner of said Thompson 159.0 acre tract, said point being also the northwest corner of the above said Clayton S. Brown 23.0 acre tract;

THENCE S 88°15'W, 4.0 feet to the place of beginning; and containing 4.25 acres of land.

Doc Bk Vol Pg
00025538 OPR 1733 761

Item # 17.

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Oct 26, 2000 at 03:09P

Document Number: 00025538

Amount 21.00

By
Lynn Curry
Lee Carlisle, County Clerk
Hays County

Exhibit K



To: Jamie Rose

From: Chad Gilpin, P.E., City Engineer; Laura Mueller, City Attorney

Date: May 2, 2024

RE: Takings Impact Assessment for Required Infrastructure for the Hardy Tract

INTRODUCTION

The City of Dripping Springs has required, due to site development and fire requirements, that the project commonly known as the Hardy Tract build a road as specified in Exhibit “A.” The property owner has requested a Takings Impact Assessment related to this requirement. For the City to impose this requirement it must show that “the required dedication is related both in nature and extent to the project’s anticipated impact, though a precise mathematical calculation is not required.”¹ This assessment will show that the road requirement is roughly proportional to the impact of the Bunker Ranch/Hardy Tract project.

REQUIREMENTS

The City, in consultation with the Fire Department (North Hays County Fire – ESD), requires a minimum twenty-six (26) foot roadway and a five (5) foot sidewalk on one side. This was based on the representation by the developer that multi-family may be placed on the tract. If no multi-family is on the tract, the roadway only must be twenty-four (24) feet. This is a fire requirement. Section 11.3.4 of the City Subdivision Ordinance requires all subdivisions with fifty (50) or more lots or units have at least two points of vehicular access and must be connected via improved roadways. The standard is to require sidewalks on both sides of the roadway, but the City waived the requirement for the second side on request of the developer in return for payment of fee-in-lieu. In addition, drainage improvements are required, but are only those needed to meet the Water Quality and Drainage mitigation as required by the Water Quality Ordinance Article 22.05.² The extent of the drainage improvements are only those that directly affect the required roadway and the sidewalk. These improvements are not required to be oversized for any other development.

The purpose of requiring two points of vehicular access is to provide safety and adequate traffic circulation to the residents of the subdivision. The subdivision ordinance is attached as Exhibit “A.” The requirement of adequate drainage and water quality is to ensure that any required or planned improvements do not burden other private or public parties with adverse stormwater flows. In addition, it aids in protecting all waterways in the area from pollutants. The Ordinance adopted Article 22.05 is attached to this assessment as Exhibit “C.” The remoteness requirement is from the Fire Code Section D106.3. It is attached as Exhibit “B.” These required improvements

¹ *Dolan v. City of Tigard*, 512 U.S. 374, 391 (1994).

² All references to Ordinances or Sections are to the City of Dripping Springs Code of Ordinances unless otherwise stated. City of Dripping Springs Code of Ordinances are available on the City’s website and municode.com.

are reasonably related to and accomplish the legitimate municipal goal of public safety while ensuring that neighboring properties are not burdened by new development.

The roadway only needs to be twenty-four (24) feet in width unless multi-family is built adjacent to the roadway. This is the minimum for any subdivision within the City of Dripping Springs. Fire requires twenty-six (26) feet if there will be multi-family.

IMPACT OF DEVELOPMENT

The Hardy Tract will add an additional seventy-five lots. In addition, the development is seventy-eight acres. This roadway is only for the residents of this development and does not have to be open to the public. In addition, the City is not asking that it be oversized to meet the needs of the public in general, only to meet the minimum city and fire requirements. Detention and Water Quality are required by the Hardy Tract subdivision to mitigate increased flows to neighboring properties caused by the roadway. The issue of the expense of the drainage is the fact that the second access point, the roadway in question, is between two parcels that are currently not owned by the developer. This requires that the drainage, sidewalk, and roadway must be included in their owned property.

DISCUSSION AND ANALYSIS

The requirements the City and Fire require are the minimum for roads and drainage for any residential development. In addition, the minimum normally required for a sidewalk on a two-lane rural roadway (which is the roadway required by the City) is five feet on both sides. The City waived the requirement that the sidewalk be on both sides, instead only requiring it on one side. These requirements are required for safety and are also sized to an extent appropriate to a development of this size. The nature of a subdivision as proposed is a two-lane rural road with sidewalks including adequate drainage.

ALTERNATIVES

The development could build a second point of access in another part of the development. In addition, the City has offered to review the possibility of allowing drainage to be stored on an adjacent agricultural lot. Finally, the developer could also appeal the partial waiver of the sidewalk to the Planning & Zoning Commission.

CONCLUSION AND RECOMMENDATIONS

The City and Fire is open to limiting the roadway to twenty-four feet so long as no multi-family is built in this development or adjacent to this roadway. If any other variances or waivers are requested, or decisions to be appealed, the processes must be followed. The City is not requiring that the development pay for any additional city infrastructure or fees that are not the minimum required by the number of lots and acres within this subdivision. The Hardy Drive and related infrastructure is not for the public or the City, it is solely to benefit the safety of the future residents of the proposed development.

Exhibit L

HARDY ROAD PROJECT WITH THE SIDEWALK**HARDY ROAD****12/4/24****Civil Improvements**

Item	Unit	QTY	PRICE	2023 TOTAL	12/24 TOTAL
Mobilization	EA	1	\$ 50,000.00	\$ 7,500	\$ 8,625.0
Surveying and Layout	EA	1	\$ 45,000.00	\$ 45,000	\$ 51,750.0
Clearing	EA	1	\$ 13,000.00	\$ 13,000	\$ 14,950.0
Silt Fence	LF	5000	\$ 3.75	\$ 18,750	\$ 21,562.5
Rock Berm	LF	150	\$ 30.00	\$ 4,500	\$ 5,175.0
*Revegetation	EA	1	\$ 35,000.00	\$ 35,000	\$ 40,250.0
SUB_TOTAL				\$ 123,750	\$ 142,312.5

Street Improvements

Item	Unit	QTY	PRICE	2023 TOTAL	12/24 TOTAL
Street Embankment Material	CT	20388	\$18	\$ 366,978	\$ 422,024
Site Equipment	EA	1	\$375,000	\$ 375,000	\$ 431,250
Subgrade Preperation	CT	20388	\$ 5.00	\$ 101,938	\$ 117,229
Street Signs	EA	1	\$ 5,000.00	\$ 5,000	\$ 5,750
Limestone Butterstick Blocks	ea	5155	\$ 150.00	\$ 773,190	\$ 889,169
Footing Allowance	ea		\$ 175,000.00	\$ 175,000	\$ 201,250
Handrail Allowance	lf	1400	\$ 95.00	\$ 133,000	\$ 152,950
Testing Allowance		1	\$ 55,000.00	\$ 55,000	\$ 63,250
Haul Off Allowance	EA	1	\$ 50,000.00	\$ 50,000	\$ 57,500
Tree Disposal	EA	1	\$ 25,000.00	\$ 25,000	\$ 28,750
SUB-TOTAL				\$ 2,060,106	\$ 2,369,122

Concrete

6" Concrete Allowance	SF	81900	\$ 11.00	\$ 900,900	\$ 1,036,035
Sidewalk Allowance	SF	15750	\$ 5.00	\$ 78,750	\$ 90,563
Retaining Wall Allowance				\$ 300,000	\$ 345,000
SUB-TOTAL				\$ 1,279,650	\$ 1,471,598

Drainage Improvements

Item	Unit	QTY	PRICE	2023 TOTAL	12/24 TOTAL
HDPE	EA	1	\$ 135,777	\$ 135,777	\$ 156,144
6x4 Grate Inlet	EA	5	\$ 13,000	\$ 65,000	\$ 74,750
5x5 grate inlets	EA	3	\$ 9,500	\$ 28,500	\$ 32,775
4x4 Grate Inlets	EA	2	\$ 5,600	\$ 11,200	\$ 12,880
3x3 grate inlets	EA	10	\$ 3,250	\$ 32,500	\$ 37,375
2.5x2.5 grate inlets	EA	9	\$ 2,400	\$ 21,600	\$ 24,840
2x2 Grate Inlets	EA	1	\$ 1,600	\$ 1,600	\$ 1,840
Misc Parts		1	\$ 35,000	\$ 35,000	\$ 40,250
5' Curb Inlet	EA	2	\$ 8,250	\$ 16,500	\$ 18,975
					\$ -
DRAINAGE GRADING	EA	1	\$ 75,000	\$ 75,000	\$ 86,250
					\$ -
Pond Allowance	EA	4	\$ 50,000	\$ 200,000	\$ 230,000
					\$ -
Underground Detention System	EA	1	\$ 275,000	\$ 275,000	\$ 316,250
SUB-TOTAL				\$ 897,677	\$ 1,032,329

Supervision

Project Manager				\$ 75,000	\$ 86,250
Superintendent				\$ 125,000	\$ 143,750
Overhead				\$ 75,000	\$ 86,250
GC Fee				\$ 500,000	\$ 575,000
Onsite Engineer				\$ 150,000	\$ 172,500
SUB-TOTAL				\$ 925,000	\$ 1,063,750

Sidewalk Fee in Lue				\$ 185,700	\$ 185,700
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Item	Unit	QTY	PRICE	2023 TOTAL	12/24 TOTAL
ROAD ESTIMATE				\$5,471,183	\$ 6,264,810

Exhibit M

HARDY ROAD PROJECT WITHOUT THE SIDEWALK**HARDY ROAD****12/4/24****Civil Improvements**

Item	Unit	QTY	TOTAL 12/24
Mobilization	EA	1	\$ 8,250.0
Surveying and Layout	EA	1	\$ 49,500.0
Clearing	EA	1	\$ 14,300.0
Silt Fence	LF	5000	\$ 20,625.0
Rock Berm	LF	150	\$ 4,950.0
*Revegetation	EA	1	\$ 38,500.0
SUB_TOTAL			\$ 136,125.0

Street Improvements

Item	Unit	QTY	TOTAL 12/24
Street Embankment Material	CT	20388	\$ 238,535
Site Equipment	EA	1	\$ 243,750
Subgrade Preparation	CT	20388	\$ 66,260
Street Signs	EA	1	\$ 3,250
Limestone Butterstick Blocks	ea	5155	\$ 502,574
Footing Allowance	ea		\$ 113,750
Handrail Allowance	lf	1400	\$ 86,450
Testing Allowance		1	\$ 35,750
Haul Off Allowance	EA	1	\$ 32,500
Tree Disposal	EA	1	\$ 16,250
SUB-TOTAL			\$ 1,339,069

Concrete

6" Concrete Allowance	SF	81900	\$ 990,990
Sidewalk Allowance	SF	15750	\$ -
Retaining Wall Allowance			
SUB-TOTAL			\$ 990,990

Drainage Improvements

Item	Unit	QTY	TOTAL 12/24
HDPE	EA	1	\$ 88,255
6x4 Grate Inlet	EA	5	\$ 42,250
5x5 grate inlets	EA	3	\$ 18,525
4x4 Grate Inlets	EA	2	\$ 7,280
3x3 grate inlets	EA	10	\$ 21,125
2.5x2.5 grate inlets	EA	9	\$ 14,040
2x2 Grate Inlets	EA	1	\$ 1,040
Misc Parts		1	\$ 22,750
5' Curb Inlet	EA	2	\$ 10,725
			\$ -
DRAINAGE GRADING	EA	1	\$ 48,750
			\$ -
Pond Allowance	EA	4	\$ 130,000
			\$ -
Underground Detention System	EA	1	\$ 178,750
			\$ -
SUB-TOTAL			\$ 583,490

Supervision

Project Manager		\$ 82,500
Superintendent		\$ 137,500
Overhead		\$ 82,500
GC Fee		\$ 550,000
Onsite Engineer		\$ 165,000
SUB-TOTAL		\$ 1,017,500

Sidewalk Fee in Lue	\$ 185,700
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ROAD ESTIMATE	TOTAL 12/24
	\$ 4,252,874

Exhibit N

Jamie A Rose
Tel 512.320.7281
Fax 512.320.7210
Jamie.Rose@gtlaw.com

April 3, 2024

Laura Mueller
City Attorney
Dripping Springs, Texas
511 Mercer Street
Dripping Springs, Texas 78620

Via email:
lmuellder@cityofdrippingsprings.com

Re: Project No. SUB2023-0042, Hardy subdivision construction plans (the “Hardy Development”); and Project No. SD2022-0025, site development plans for the Hardy Driveway (the “Hardy Driveway”)

Dear Ms. Mueller:

This firm represents Hardy T. Land, LLC and Bunker Ranch, LLC in regards to the above projects and specifically unreasonable conditions the City of Dripping Springs (the “City”) has imposed on the approval of the Hardy Driveway site development plans – and by extension on the approval of the subdivision plat for the Hardy Development – which constitute exactions and a regulatory taking without proper compensation in violation of Local Government Code §212.904 and other applicable law. My clients’ efforts to reach an amicable resolution of these issues have been unsuccessful to date. We are prepared to engage with the City to promptly resolve this matter. We have been instructed to pursue all appropriate legal remedies on behalf of the client starting with an application for determination under Local Government Code §212.904 and with obtaining the City’s takings impact assessment required by Government Code §2007.043.

Please accept this letter as Hardy T. Land, LLC’s (i) request under the Texas Public Information Act for all reports, evaluations, and other information the City maintains, or has access to, that demonstrates that “rough proportionality” test required by Local Government Code §212.904 has been met for its property, (ii) request under the Texas Public Information Act for all reports, evaluations, and other information the City maintains, or has access to, that constitute, support, reference or demonstrate the City’s taking impact analysis under §2007.043 of the Government Code, (iii) request for determination under §212.904(a) of the Local Government Code, (iv) request for the City’s takings impact analysis under §2007.043 of the Government Code, and (v) request for determination as to whether, pursuant to the current Interlocal Cooperation Agreement Between Hays County and the City of Dripping Springs, the City has assumed exclusive responsibility for approving the Hardy Driveway site development plans, such that my client does not have to seek the same approvals from the County.

The City has conditioned its approval of the client's subdivision plat for the Hardy Development on my client's construction and funding of extensive and costly improvements to an existing private driveway, which the City is requiring to be improved as a secondary point of access to the proposed Hardy Development consisting of approximately 78 acres and 72 lots. The City's requirements for the Hardy Driveway include significant expansion of the road, and construction of extensive and costly infrastructure for drainage and water flow, as well as sidewalks, all of which have little or no discernable relationship to the impact of the proposed subdivision development, and which are estimated to cost between \$4,142,747 and \$4,350,131.76, destroying the economic viability of the Hardy Development. Bear in mind, the Hardy Driveway (i) is not situated within the Hardy Development, (ii) is in the City's extra-territorial jurisdiction ("ETJ"), and (iii) is co-owned by Hardy T. Land, LLC as a tenant in common with an unaffiliated, third-party landowner.

The City has never offered engineering or other data that would explain how its position that Hardy T. Land, LLC must pay for such extensive improvements to the private driveway meets the "rough proportionality" standard required by Local Government Code §212.904, and we do not believe a legitimate explanation exists. For example, the available water flow information indicates that the subdivision to the south would not be affected by the addition of culverts, storm drains, and other drainage requirements that are not already in place, as the water flowing to the driveway is flowing west to east, not south. Additionally, the required sidewalks extend to undeveloped regions, implying no foreseeable increase in connectivity or community integration. In fact, the adjacent Bunker Ranch subdivision has no such sidewalks. Further, a traffic impact analysis ("TIA") for the proposed subdivision demonstrates that Bunker Ranch Boulevard (being the primary, existing point of vehicular access to the subdivision) can support the anticipated traffic arising from the proposed subdivision.

The City is mechanically applying UDC 11.3.4, requiring two points of vehicular access to all subdivisions with 50 or more lots. However, the City's engineer has the ability to waive the requirement of a second point of access, and the Hardy Driveway could be minimally improved to provide emergency access for public safety vehicles without the onerous requirements the City seeks to impose. In fact, comparing the treatment of the adjacent Arrowhead subdivision, which consists of more than 400 lots and has one entrance and one exit, casts considerable doubt on any necessity and reasonableness of the onerous requirements of secondary access being imposed in the instant case.

In sum, we think the City can and should proceed with a far less onerous development plan for the Hardy Driveway, consistent with the unified development code, and my client has made various proposals to no avail. However, we intend to ensure that the City must bear its proportionate cost, and compensate my client, for the exactions and regulatory takings imposed by the City on Hardy T. Land's projects.

We look forward to receiving the materials requested herein and, provided we can do so without delay, working with you to reach an amicable resolution of this matter. I am happy to have a preliminary call with you to discuss the foregoing in advance of a call that includes staff, engineers, clients, etc. If that would be helpful, please let me know your availability.

Sincerely,

/s/ Jamie A. Rose
Jamie A. Rose
Shareholder

JAR:cs

cc: Steve Harren
Jim Boushka
Sue Savage
Joe Shaneyfelt (firm)

Andrea Cunningham, City Secretary & Records Management Officer, City of Dripping Springs, via email: acunningham@cityofdrippingsprings.com

Exhibit O

Dominguez, Sylvia (LSS-AUS-LT)

From: Laura Mueller <lmuel@cityofdrippingsprings.com>
Sent: Monday, September 16, 2024 2:11 PM
To: Rose, Jamie (Shld-AUS-LT)
Cc: Shaneyfelt, Joe (Assoc-AUS-LT); ssavage@hsvllp.com
Subject: RE: Hardy Driveway; Hardy Subdivision

Thank you for reaching out. We do not have an established procedure for this so we will treat this like other planning appeals.

1. Submit your written appeal two Fridays before the Tuesday meetings so that it can be placed on the agenda in accordance with our approved agenda policy.
 - a. October 1, 2024 Meeting – need appeal by September 20, 2024
 - b. October 15, 2024 Meeting – need appeal by October 4, 2024
 - c. November 5, 2024 Meeting – need appeal by October 25, 2024
2. All backup materials (other than the meeting presentation) is due the Wednesday before the meeting.
 - a. October 1, 2024 Meeting – need materials by September 25, 2024
 - b. October 15, 2024 Meeting – need materials by October 9, 2024
 - c. November 5, 2024 Meeting – need materials by October 30, 2024.
3. Presentation is due 5 p.m. the day before the Meeting.

This will be an evidentiary hearing will you all will be able to make a presentation on the analysis. Afterwards, the City Council will have 30 days to issue a written decision on the appeal.

Submit your appeal to planning@cityofdrippingsprings.com.

Please let me know if you have any questions.



Laura Mueller
City Attorney

lmuel@cityofdrippingsprings.com
512.858.4725 City Hall

511 Mercer Street • PO Box 384
Dripping Springs, TX 78620

cityofdrippingsprings.com

From: Jamie.Rose@gtlaw.com <Jamie.Rose@gtlaw.com>
Sent: Monday, September 16, 2024 10:37 AM
To: Laura Mueller <lmuel@cityofdrippingsprings.com>
Cc: Joe.Shaneyfelt@gtlaw.com; ssavage@hsvllp.com
Subject: RE: Hardy Driveway; Hardy Subdivision

Laura – following up on the email below, and the procedures that will apply to the appeal of the Takings/Rough Proportionality assessment.

Jamie Rose
Shareholder

Item # 17.

Greenberg Traurig, LLP
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Jamie.Rose@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Laura Mueller <lmuel@cityofdrippingsprings.com>
Sent: Friday, September 6, 2024 2:32 PM
To: Rose, Jamie (Shld-AUS-LT) <Jamie.Rose@gtlaw.com>
Cc: Shaneyfelt, Joe (Assoc-AUS-LT) <Joe.Shaneyfelt@gtlaw.com>; ssavage@hsvllp.com
Subject: RE: Hardy Driveway; Hardy Subdivision

EXTERNAL TO GT

Jamie,

There is no appeal from the variances. You can appeal the takings assessment to City Council. I will see if there are any requirements for this appeal, and I will let you know next week.

Sincerely,



Laura Mueller
City Attorney

lmuel@cityofdrippingsprings.com
512.858.4725 City Hall

511 Mercer Street • PO Box 384
Dripping Springs, TX 78620

cityofdrippingsprings.com

From: Jamie.Rose@gtlaw.com <Jamie.Rose@gtlaw.com>
Sent: Friday, September 6, 2024 1:16 PM
To: Laura Mueller <lmuel@cityofdrippingsprings.com>
Cc: Joe.Shaneyfelt@gtlaw.com; ssavage@hsvllp.com
Subject: Hardy Driveway; Hardy Subdivision

Laura –

Please confirm that there is no further right of appeal from the P&Z decisions on the appeals/variances heard last week. Assuming that is the case, my clients want to appeal the Takings Impact Assessment and request a hearing before Council on the matter. Please advise of the procedures that will apply to that appeal.

Regards,

Jamie Rose
Shareholder

Greenberg Traurig, LLP
300 West 6th Street, Suite 2050 | Austin, Texas 78701



If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

Dominguez, Sylvia (LSS-AUS-LT)

From: Laura Mueller <lmuel@cityofdrippingsprings.com>
Sent: Wednesday, January 8, 2025 3:11 PM
To: Rose, Jamie (Shld-AUS-LT)
Cc: Sgovio, Sydney (Assoc-AUS-LT); Aniz Alani
Subject: RE: Hardy T Land Subdivision / Hardy Driveway
Attachments: Takings Assessment Procedures.pdf

Jamie,

In advance of our meeting today, I wanted to send you the Appeal Procedures City Council adopted last night.

Sincerely,



From: Jamie.Rose@gtlaw.com <Jamie.Rose@gtlaw.com>
Sent: Tuesday, January 7, 2025 10:00 AM
To: Laura Mueller <lmuel@cityofdrippingsprings.com>
Cc: Sydney.Sgovio@gtlaw.com
Subject: RE: Hardy T Land Subdivision / Hardy Driveway

Laura – could you do 3:30pm (or another time in the afternoon) tomorrow?

Jamie Rose
 Shareholder

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Jamie.Rose@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Laura Mueller <lmuel@cityofdrippingsprings.com>
Sent: Monday, January 6, 2025 4:38 PM
To: Rose, Jamie (Shld-AUS-LT) <Jamie.Rose@gtlaw.com>
Cc: Sgovio, Sydney (Assoc-AUS-LT) <Sydney.Sgovio@gtlaw.com>
Subject: Re: Hardy T Land Subdivision / Hardy Driveway

Yes. Tomorrow. I can do 2p or 330p. I also have availability on Wednesday or Thursday if those times don't work.

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From: Jamie.Rose@gtlaw.com <Jamie.Rose@gtlaw.com>
Sent: Monday, January 6, 2025 12:35:19 PM
To: Laura Mueller <lmuel@cityofdrippingsprings.com>
Cc: Sydney.Sgovio@gtlaw.com <Sydney.Sgovio@gtlaw.com>
Subject: RE: Hardy T Land Subdivision / Hardy Driveway

Laura – do you have time to confer this afternoon or tomorrow regarding this matter?

Jamie Rose
 Shareholder

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Jamie.Rose@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Laura Mueller <lmuel@cityofdrippingsprings.com>
Sent: Monday, December 16, 2024 1:22 PM
To: Rose, Jamie (Shld-AUS-LT) <Jamie.Rose@gtlaw.com>
Cc: Sgovio, Sydney (Assoc-AUS-LT) <Sydney.Sgovio@gtlaw.com>
Subject: RE: Hardy T Land Subdivision / Hardy Driveway

Wednesday, January 15 for Backup Materials.
 5 p.m. on January 20th should be fine.

Sincerely,



Laura Mueller
 City Attorney
lmuel@cityofdrippingsprings.com
 512.858.4725 City Hall
 511 Mercer Street • PO Box 384
 Dripping Springs, TX 78620
cityofdrippingsprings.com



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 Holiday Lights, and So Much More!
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From: Jamie.Rose@gtlaw.com <Jamie.Rose@gtlaw.com>
Sent: Monday, December 16, 2024 11:38 AM
To: Laura Mueller <lmuel@cityofdrippingsprings.com>
Cc: Sydney.Sgovio@gtlaw.com
Subject: RE: Hardy T Land Subdivision / Hardy Driveway

Laura –

We want to confirm the deadlines associated with the January 21 Council Meeting.

All backup materials due on Monday, January 13
 Presentation due at 5:00 pm on Monday, January 20 **this is MLK Day, so we want to double check this deadline*

Thanks,

Jamie Rose
Shareholder

Greenberg Traurig, LLP
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T +1 512.320.7281 | F +1 512.320.7210
Jamie.Rose@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Laura Mueller <lmuel@cityofdrippingsprings.com>
Sent: Thursday, December 12, 2024 11:14 AM
To: Rose, Jamie (Shld-AUS-LT) <Jamie.Rose@gtlaw.com>
Subject: RE: Hardy T Land Subdivision / Hardy Driveway

I'll move it.



Laura Mueller
City Attorney
lmuel@cityofdrippingsprings.com
512.858.4725 City Hall
511 Mercer Street • PO Box 384
Dripping Springs, TX 78620
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From: Jamie.Rose@gtlaw.com <Jamie.Rose@gtlaw.com>
Sent: Thursday, December 12, 2024 11:05 AM
To: Laura Mueller <lmuel@cityofdrippingsprings.com>
Subject: RE: Hardy T Land Subdivision / Hardy Driveway

We need to shift to January 21. Amended notice coming.

Thanks,

Jamie Rose
Shareholder

Greenberg Traurig, LLP
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Jamie.Rose@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Laura Mueller <lmuel@cityofdrippingsprings.com>
Sent: Wednesday, December 11, 2024 2:04 PM
To: Rose, Jamie (Shld-AUS-LT) <Jamie.Rose@gtlaw.com>
Cc: Shaneyfelt, Joe (Assoc-AUS-LT) <Joe.Shaneyfelt@gtlaw.com>; Sgovio, Sydney (Assoc-AUS-LT) <Sydney.Sgovio@gtlaw.com>
Subject: RE: Hardy T Land Subdivision / Hardy Driveway

EXTERNAL TO GT

Okay.

Item # 17.



Laura Mueller
City Attorney

lmueller@cityofdrippingsprings.com
512.858.4725 City Hall

511 Mercer Street • PO Box 384
Dripping Springs, TX 78620
cityofdrippingsprings.com



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From: Jamie.Rose@gtlaw.com <Jamie.Rose@gtlaw.com>

Sent: Wednesday, December 11, 2024 11:03 AM

To: Laura Mueller <lmuel@cityofdrippingsprings.com>

Cc: Joe.Shaneyfelt@gtlaw.com; Sydney.Sgovio@gtlaw.com

Subject: RE: Hardy T Land Subdivision / Hardy Driveway

Laura – I may have a snag on January 7. Please hold and let me confirm if that date works or we need to do January 21.

Thanks,

Jamie Rose
Shareholder

Greenberg Traurig, LLP
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Jamie.Rose@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



From: Rose, Jamie (Shld-AUS-LT) <Jamie.Rose@gtlaw.com>

Sent: Tuesday, December 10, 2024 4:34 PM

To: Laura Mueller <lmuel@cityofdrippingsprings.com>

Cc: Shaneyfelt, Joe (Assoc-AUS-LT) <Joe.Shaneyfelt@gtlaw.com>; Sgovio, Sydney (Assoc-AUS-LT) <Sydney.Sgovio@gtlaw.com>

Subject: Hardy T Land Subdivision / Hardy Driveway

Laura – please see attached revised Notice of Appeal for the January 7, 2025 Council Meeting.

Thanks,

Jamie Rose
Shareholder

Greenberg Traurig, LLP
300 West 6th Street, Suite 2050 | Austin, Texas 78701
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Jamie.Rose@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



DECLARATION OF MICHAEL THEONE

Pursuant to Section 132.001 of the Texas Civil Practice and Remedies Code, Declarant Michael Theone hereby makes the following declaration under penalty of perjury:

1. My name is Michael Theone. I am over the age of eighteen and am fully competent to make this declaration. The facts stated in this declaration are true and correct and based upon my personal knowledge and/or experience.

2. This Declaration is given on behalf of Hardy T Land, LLC in support of its Appeal of the May 2, 2024 Takings Impact Assessment for Requested Infrastructure for the Hardy Tract, from Chad Gilpin, P.E., City Engineer, relating to Project No. SUB2023-0042 (known as the “Hardy Subdivision”) and Project No. SD2022-0025 (known as the “Hardy Driveway”).

3. I have eight (8) years of experience as a Professional Engineer, Texas License No. 142972, with the following certifications: 1.4.1 Land Planning/Engineering, TxDot; 4.2.1 Roadway Design, TxDOT; 17.5.1 Civil Engineering, TxDOT; 18.3.1 Utility Adjustment Coordination, TxDOT; and 18.4.1 Utility Engineering, TxDOT.

4. Currently, I am a Senior Project Manager for Civil & Environmental Consultants, Inc. My project experience focuses on land development that includes site plan design, grading and drainage, water quality, stormwater management, erosion and sedimentation control design, small and large roadway design, utility design / coordination, and traffic control plan design. A copy of my Resume is attached to this Declaration as **Exhibit A.**

5. As one of the project engineers for the Hardy Driveway, I was asked to provide an explanation regarding the engineering complexities and costs associated with constructing a sidewalk along one side of the Hardy Driveway, as currently required by the City.

6. The Hardy Driveway project (SD2022-0025) is located on a 60' wide tract that stretches roughly 3,100 LF from the US HWY 290 right-of-way to the proposed Hardy Subdivision (SUB2023- 0042). Roughly 105 acres of upgradient drainage traverse through the subject tract via existing stormwater culverts. With a relatively narrow tract and large off-site drainage conditions, there are several construction challenges to accommodate the city requirements for drainage analysis points, detention, water quality, and accessibility.

7. The cost of requiring a sidewalk on one side of a long, single road is significantly higher due to the unique challenges associated with water quality, stormwater detention, and off-site drainage routing. When constructing sidewalks on a roadway, the available area for managing stormwater runoff is greatly reduced. This forces designers to look for alternative/atypical solutions, where costs escalate rapidly (drainage swales with stormwater inlet improvements, underground detention, etc.).

8. In a typical roadway project with space to spare, detention ponds, bioswales, or other above-ground stormwater management features can be installed alongside the road. These options are generally more cost-effective and easier to maintain. However, when space is constrained-such as in urban or densely developed corridors-there may not be enough room to implement these above-ground systems or traditional drainage swales. In such cases, stormwater detention and/or water quality treatment must be integrated beneath the road itself, and drainage swales will require extensive stormwater improvements. An example of such a road is attached as **Exhibit B**. These improvements will cause the costs associated with the construction of the sidewalk to substantially increase.

9. This underground approach requires complex engineering solutions. For example, detention vaults, oversized culverts, or modular storage systems need to be buried beneath the

roadway. These systems involve heavy excavation, specialized materials, and the reinforcement of the roadbed to maintain its structural integrity. Furthermore, these installations often require precise grading, advanced filtration technologies, and access points for maintenance, all of which contribute to higher costs.

10. If a sidewalk is required along one side of the Hardy Driveway, this will necessarily result in the road and the sidewalk having to be elevated to accommodate the storage and treatment of stormwater discharge under the roadway. This accommodation of these facilities under the roadway, as well as the increased costs associated with the complex engineering, limited working space, and logistical challenges of doing so, will make this project significantly more expensive than those with more flexible site layouts.

11. I have reviewed the costs that Jim Boushka concludes that the Hardy Driveway Project is expected to incur with and without a sidewalk. I believe Mr. Boushka's conclusions to be reasonable based on my knowledge of the engineered plans and requirements of the City.

My name is Michael Theone, my date of birth is March 23, 1994, and my business address is 1221 S. Mopac Expressway, Suite 350, Austin, Texas 78746. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 15th day of January 2025



Michael Theone

Exhibit A

Michael Theone, P.E.

Senior Project Manager



8 YEARS OF EXPERIENCE

EDUCATION

B.S., Civil Engineering, University of Texas at San Antonio, 2017

My experience in land development includes site plan design, grading and drainage, water quality, stormwater management, erosion and sedimentation control design, small and large roadway design, utility design / coordination, and traffic control plan design. I utilize these skills to ensure my projects stay on budget and on schedule. I understand the importance of being responsive and take pride in maintaining excellent client communication.

PROJECT EXPERIENCE

NFM - Cedar Park, NFM, Cedar Park

Role: Civil PM

118 ac mixed use development with over super-regional destination retail.

Lot 2 - Arrowpoint Subivision, RCPDevco LLC, Cedar Park texas

Role: Civil PM

1 ac pad site development for QSR (shake shack)

Lot 4 - Arrowpoint Subdivision, RCPDevco LLC, Cedar Park texas

Role: Civil PM

Roughly 1.5 ac pad site development with multi-tenant retail building.

Lot 3 Arrowpoint Subdivision, Glen Irby, Cedar Park texas

Role: Civil PM

1 ac pad site development for QSR (black rock coffee)

707 W. Slaughter Lane, Jounreyman Construction inc., Austin Texas

Role: Civil Pm

300 unit multi family development

1208 East Howard Lane, Journeyman Construction INC., Austin Texas

Role: Civil PM

300 unit multifamily development on tract containing floodplains and CEFs

Arrowpoint Subdivision, Realtex Ventures, LP, Cedar Park, Texas

Role: Assistant Project Manager

Mr. Theone served as the sole client contact for the development of a 25 acre commercial subdivision in Cedar Park, Texas. Responsibilities included final design, platting/permitting, construction phase services, and pad site lot marketing assistance. Design activities included extensive site grading, roadway design, detention, water quality management, utility design and franchise utility coordination.

EXPERTISE

Site design. Especially: grading, stormwater management, water quality, and floodplain design

Client and team communication

REGISTRATIONS

Professional Engineer

- TX 142972

CERTIFICATIONS

1.4.1 Land Planning / Engineering, TxDOT

4.2.1 Roadway Design, TxDOT

17.5.1 Civil Engineering, TxDOT

18.3.1 Utility Adjustment Coordination, TxDOT

18.4.1 Utility Engineering, TxDOT



Michael Theone, P.E.

Senior Project Manager

QuikTrip No. 4129, QuikTrip Corporation, Austin, Texas

Role: Assistant Project Manager

Mr. Theone served as Assistant Project Manager for the development of a 21.7 acre tract in Austin, Texas. The development included platting, subdivision improvements, relocation of public storm water infrastructure, and civil site development plans for a proposed QuikTrip store. Responsibilities included site grading, storm water management, water quality, and QuikTrip Prototype coordination.

QuikTrip No. 4128, QuikTrip Corporation, Bastrop, Texas

Role: Assistant Project Manager

Mr. Theone served as the Assistant Project Manager for a QuikTrip Travel Center in Bastrop, Texas. Responsibilities included final site design, permitting, QuikTrip Prototype coordination, and construction phase services. Design activities included site grading, underground detention design, and franchise utility coordination.

Pond Springs Mixed-Use, David Spatz, Austin, Texas

Role: Assistant Project Manager

Mr. Theone served as the Assistant project Manager for a proposed Mixed-Use development including 72 units of multi-family and live/work units in Austin, Texas. Responsible for final site design, permitting and construction phase services. Design activities included site grading, innovative water quality management, utility design and coordination with franchise utility providers.

Rooms to Go Expansion, Roomstogo.com, Inc. dba Rooms To Go, Round Rock, Texas

Role: Assistant Project Manager

Mr. Theone served as the Assistant Project Manager for expansion of an existing Rooms To Go in Round Rock, Texas. Responsibilities included final site design, floodplain investigation, permitting, and construction phase services. Design activities included deceleration lane design, franchise utility relocations, right of way donation, and encroachment agreements with the City of Round Rock.

Wolf Lakes Village Section 5, Novak Commercial LLC, Georgetown Texas

Role: Civil PM

Multifamily development with a master development community (PUD) containing over 250 units.

Bar W Ranch Commercial, Barshop & Oles Company, Leander, Texas

Role: Assistant Project Manager

Mr. Theone served as the Assistance Project Manager for 50 acres of civil subdivision improvements including civil site development plans for retail and anchor tenant use (HEB). Responsibilities included drainage design, platting/permitting, construction phase services, and client marketing assistance. Design activities included unmapped floodplain modifications, wet pond design, and sedimentation/filtration ponds to serve the ultimate build out of the 50 acre commercial development.

Dairy Queen Hutto, Robert Mayfield, Hutto, Texas

Role: Assistant Project Manager

Mr. Theone served as Assistant Project Manager for a proposed Dairy Queen Restaurant in Hutto, Texas. Responsibilities included final design, permitting, subdivision improvement coordination, and construction phase services. Design activities included site grading, site layout, and utility design/coordination with the concurrent subdivision improvements.

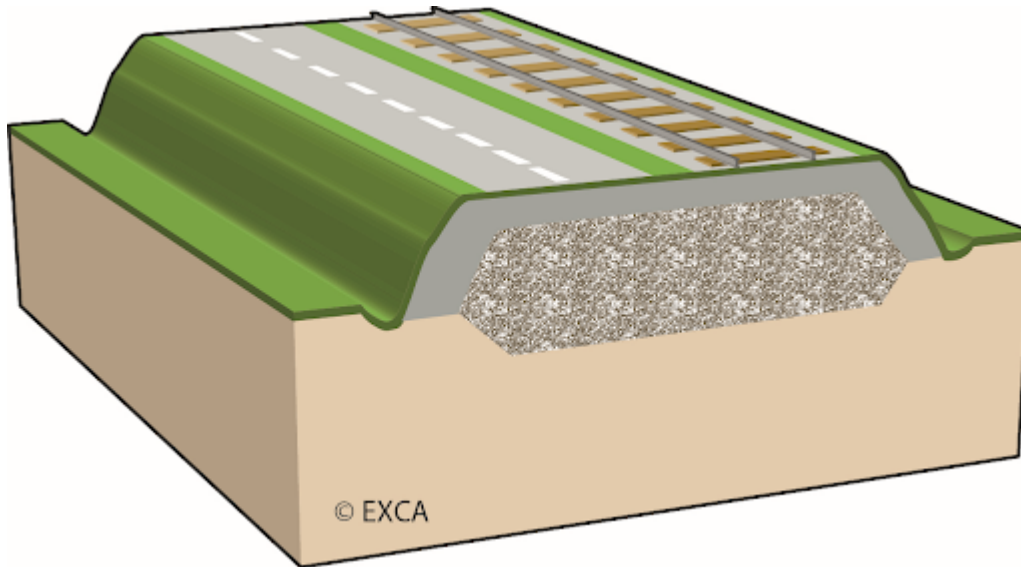
Shady Oaks Gun Range, Shady Oaks Gun Range, Cedar Park, Texas

Mr. Theone served as the sole client contact for the proposed gun range expansion in Cedar Park, Texas. Responsibilities included final site design, permitting, and construction phase services. Design activities included utilization of natural filter strips and earthen berm detention included in the overall site grading.

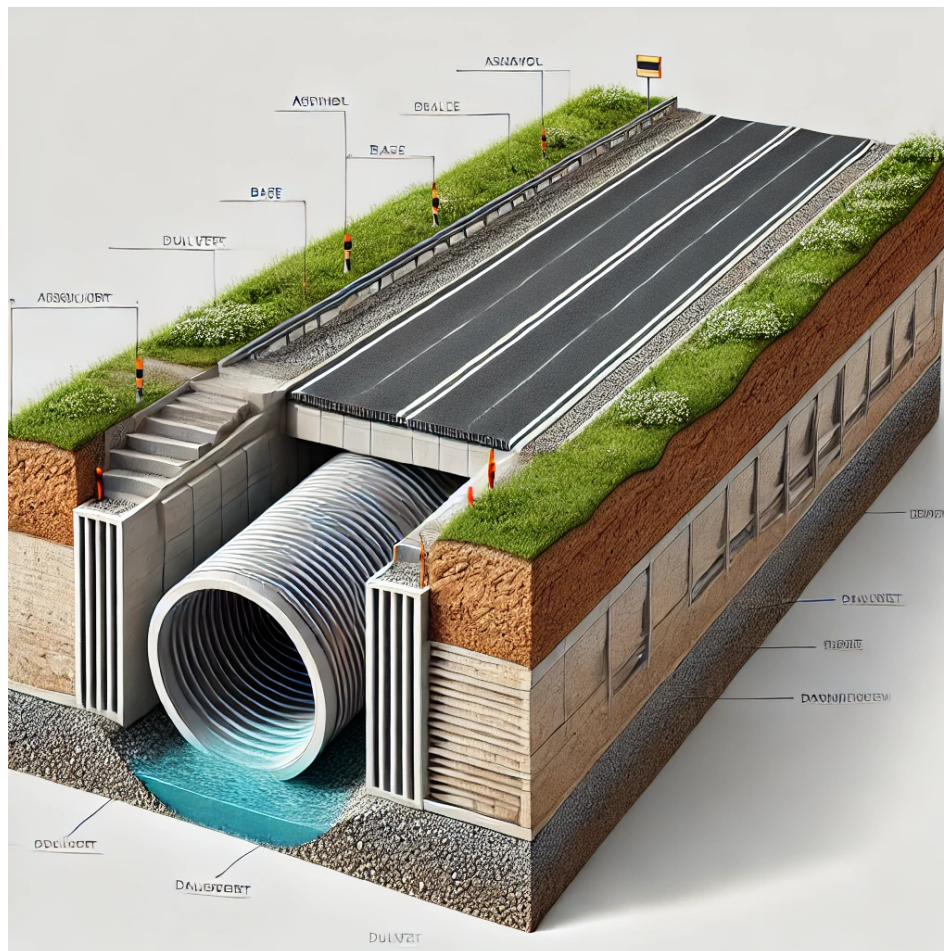
PROFESSIONAL AFFILIATIONS

Real Estate Council of Austin

Exhibit B



ELEVATED ROADWAY WITH ROADSIDE DRAINAGE SWALES



ELEVATED ROADWAY WITH UNDERGROUND DETENTION

11.3. Adequacy of streets and thoroughfares.

11.3.1.Responsibility for adequacy. The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of rights-of-way and street improvements, in accordance with the following policies and standards, and subject to the city's cost participation policies on oversized facilities, and in accordance with the technical standards and transportation plan.

11.3.2.General adequacy policy. Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation; shall be properly related to the city's transportation plan, road classification system, comprehensive plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.

11.3.3.Road network. New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, and safe and efficient traffic circulation. The adequacy of the road network for developments of 200 or more dwelling units, or for developments generating 2,000 or more "one-way" trips per day, or for developments involving collector or arterial streets not appearing on the city's adopted transportation plan, shall be demonstrated by preparation and submission, prior to the preliminary plat application, of a traffic impact analysis prepared, which takes into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. In the event that the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the planning and zoning commission may require a demonstration of adequacy pursuant to this section for additional phases or portions of the property as a condition of approval for the proposed preliminary plat. In the event that the applicant submits a traffic impact analysis for an entire phased development project, the city may require an update of the study for each subsequent phase of the development which reflects any applicable changed conditions. If the preliminary plat is in conformance with the transportation plan and if the preliminary plat is for a development of less than 200 dwelling units or for a development generating less than 2,000 "one-way" trips per day, then a traffic impact analysis is not required.

11.3.4.Approach roads and access. All subdivisions with 50 or more lots or units must have at least two points of vehicular access and must be connected via improved roadways to the improved thoroughfare and street system (city, county and state, as may be applicable) by one or more approach roads of such dimensions and improved to such standards as are hereinafter set forth. Requirements for dedication of right-of-way and improvement of approach roads may be increased depending upon the size or density of the proposed development, or if such need is demonstrated by traffic impact analysis. This requirement shall be waived by the city upon demonstration by the applicant that the required access points are prohibited by TxDOT.

- (a) "Two points of vehicular access" shall be construed to mean that the subdivision has at least two improved roads accessing the subdivision from the improved thoroughfare system, and the subdivision has at least two road entrances. The planning and zoning commission may, at its discretion and upon a finding that such will not compromise public safety or impede emergency access, accept a single median-divided entrance from the city's improved thoroughfare system provided that the median extends into the subdivision for an unbroken length of at least 200 feet to an intersecting internal street which provides at least two routes to the interior of the subdivision. For example, the entrance street is not a dead-end or cul-de-sac, and it does not create a "bottleneck" allowing only one emergency route into the interior of the subdivision.
- (b) The subdivision shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision shall have a minimum frontage on a dedicated public street as required by applicable zoning or 35 feet, whichever is greater, unless other provisions have been authorized through planned development district approval. Each nonresidential lot shall have a

- minimum frontage on a dedicated public street as required by applicable zoning or 50 feet, whichever is greater, unless other provisions have been authorized through planned development approval.
- (c) At the discretion of the city engineer, the second access point may take the form of an unimproved dedicated public right-of-way without requiring improvement. The city engineer may waive the requirement for a second access point if justified by the presence of a multiple-lane entrance and exit, the width of the single access point, and any geographical or topographical considerations.

ARTICLE 22.05. WATER QUALITY PROTECTION¹

Sec. 22.05.001. Title.

This article shall be commonly cited as the water quality protection ordinance.

(Ordinance 3500.11, § 1.1, adopted 2/20/07)

Sec. 22.05.002. Authority.

Section 26.177 of the Texas Water Code provides an opportunity for municipalities to regulate water protection, water pollution, and pollution abatement.

(Ordinance 3500.11, § 1.2, adopted 2/20/07)

Sec. 22.05.003. Purpose.

- (a) This article provides standards and procedures for municipal determination of the nonpoint source pollution control management policies which govern the planning, design, construction, operation and maintenance of drainage, erosion, and water quality facilities within the city's jurisdiction.
- (b) This article sets forth the minimum requirements necessary to provide and maintain a safe, efficient and effective nonpoint source pollution control system and to establish the various public and private responsibilities for the provision thereof. Further, it is the purpose of this article to:
 - (1) Protect human life, health and property;
 - (2) Prevent losses of endangered species and habitat of endangered species;
 - (3) Protect the integrity of local ecological systems;
 - (4) Minimize the expenditure of public money for building and maintaining nonpoint source pollution control projects and cleaning sediments out of storm drains, streets, sidewalks and watercourses;
 - (5) Help maintain a stable tax base and preserve land values;
 - (6) Preserve the natural beauty and aesthetics of the community;
 - (7) Control and manage the quality of stormwater runoff, and the sediment load in that runoff, from points and surfaces within subdivisions;
 - (8) Establish a reasonable standard of design and performance for development which prevents erosion and sediment damage and which reduces the pollutant loading to streams, ponds and other watercourses; and

¹State law reference(s)—Water quality control, V.T.C.A., Water Code, § 26.001 et seq.; sanitary standards of drinking water and protection of public water supplies and bodies of water, V.T.C.A., Health and Safety Code, § 341.031 et seq.

- (9) Prevent degradation and pollution of groundwater resources.

(Ordinance 3500.11, § 1.3, adopted 2/20/07)

Sec. 22.05.004. Program description.

The city's water quality protection program is comprehensive and practical. The regulations enacted to implement the program are found throughout the city's development code, and include but are not limited to:

Element of Program	Document	Code Citation
Rural vision	Comprehensive plan	
Public education	Water quality	Article 22.05
Land use	Zoning	Chapter 30, exhibit A
Lot size in city limits	Zoning	Chapter 30, exhibit A
Lot size in ETJ	Subdivision	Chapter 28, exhibit A
Impervious cover	Zoning (city)	Chapter 30, exhibit A
	Water quality (ETJ)	Article 22.05
Drainage	TCSS	
	Flood damage prevention	
	Site development	Article 28.04
	Water quality	Article 22.05
	Subdivision	Chapter 28, exhibit A
Vegetation	Landscaping	Article 28.06
Open space	Parkland dedication	Article 28.03
	Conservation design	Article 28.05
Water supply	Subdivision	Chapter 28, exhibit A
Water pollution	Water quality protection	Article 22.05
Wastewater	Subdivision	Chapter 28, exhibit A
	OSSF	Article 20.03
Preferred growth areas	Zoning	Chapter 30, exhibit A
Buffer zones	TCSS	
Development agreements	Development agreements	Article 22.02

(Ordinance 3500.11, § 1.4, adopted 2/20/07)

Sec. 22.05.005. Scope.

- (a) This article applies to all property within the city limits and the ETJ.
- (b) This article applies to projects when considered as a whole, even if comprised of more than one lot. These regulations may not be circumvented by aggregating small lots, when in fact the lots share a common development scheme as part of a joint project.

(Ordinance 3500.11, § 1.5, adopted 2/20/07)

Sec. 22.05.006. Exemptions.

- (a) This article shall not apply to public school facilities.

- (b) The city encourages all public school facilities.

(Ordinance 3500.11, § 1.6, adopted 2/20/07)

Sec. 22.05.007. TCSS manual.

The technical construction standards and specifications (TCSS) manual establishes uniform design practices; it neither replaces the need for engineering judgment nor precludes the use of any information relevant to the accomplishment of the purposes of this article. Other generally accepted or innovative and effective engineering procedures may be used in conjunction with, or instead of, those prescribed by the TCSS manual if approved by the city engineer. The TCSS manual is maintained and available for inspection at city hall.

(Ordinance 3500.11, § 1.7, adopted 2/20/07)

Sec. 22.05.008. Applicability; compliance.

- (a) Any person proposing to develop real property within the jurisdiction of the city is subject to the provisions of this article.
- (b) Requirements of this article shall be addressed in applications for subdivision plats, site development permits, rezoning, planned development districts (PDs), conditional use permits, development agreements, and construction permits.
- (c) It shall be an offense for any person to develop or improve real property in violation of this article.

(Ordinance 3500.11, § 1.8, adopted 2/20/07)

Sec. 22.05.009. Preferred growth areas.

- (a) Preferred growth areas (PGAs) are defined herein.
- (b) Through the designation of PGAs, the city council finds it reasonable and prudent to encourage growth within the mostly-developed urban core of the municipality, and discourage heavy development in the ETJ.
- (c) PGA status is attained by a tract of land upon the granting of zoning, not upon annexation.

(Ordinance 3500.11, § 1.9, adopted 2/20/07)

Sec. 22.05.010. Definitions.

- (a) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.
- (b) Specific definitions.

Agricultural activities : Pasturing of livestock or use of the land for planting, growing, cultivating, and harvesting crops for human or animal consumption.

Agricultural stormwater runoff : Any stormwater runoff from orchards, cultivated crops, pastures, range land, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR section 122.24.

Applicant : A person who submits an application for approval required by this article. The applicant shall be the owner of the property subject to this article, acting in person or by and through the owner's authorized representative. Documentation, in a form acceptable to the city, evidencing ownership of the property or the authority of the authorized agent must be submitted along with the application. For example, written power of attorney or letter of agency will be sufficient to prove agency. A deed or tax letter will be adequate to establish ownership of the property.

Application : A written request for an approval required by this article.

Background pollutant load : The amount of pollution in stormwater runoff that is discharged from a site before development. The method used for calculating background pollutant load is to be found in the TCSS (or the technical standards section of this article).

Best management practices (BMP) : Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the nonpoint source pollution of waters in the state. The two basic types of BMPs for purposes of this article are "structural BMPs" (which include engineered and constructed systems that are designed to provide for water quantity and/or water quality control of stormwater runoff) and "nonstructural BMPs" (which include institutional and pollution-prevention type practices designed to prevent pollutants from entering stormwater runoff or to reduce the volume of stormwater requiring management). This term expressly includes both structural and nonstructural BMPs.

Board of adjustment : This term is the same as defined and applied in the zoning ordinance for the city.

City limits : The incorporated municipal boundaries of the city.

Contributing zone : The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer.

Critical environmental features (CEFs) : Geologic or manmade features that are critically important to assure protection of water quality in:

- (1) The hydraulic interconnectedness between the ground surface and the Edwards Aquifer; and
- (2) The rapid infiltration to the subsurface.

Features of critical importance to protect may include, but are not limited to, bluffs, springs, caves, solution cavities, solution-enlarged fractures and sinkholes.

Developer : A person who owns a tract of land and who is engaged in clearing, grubbing, filling, mining, excavating, grading, installing streets and utilities or otherwise preparing that tract of land for the eventual division into one or more lots on which building(s) or other structure(s) will be constructed or placed.

Development : All land modification activity, including the construction of buildings, roads, paved storage areas, and parking lots. "Development" also includes any land-disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, filling and grading, mining, and dredging, and the deposit of refuse, waste or fill. The following activities are excluded from the definition: care and maintenance of lawns, gardens, and trees; minimal clearing (maximum ten feet (10') wide) for surveying and testing; and agricultural activities.

Discharge : Any addition or introduction of any pollutant, stormwater, or any other substance in a harmful quantity into a stormwater drainage system or into waters in the state.

Discharge (hydraulics) : The rate of fluid flow, expressed as the volume of fluid passing a point per unit time, commonly expressed as cubic feet per second.

Domestic sewage : Human excrement, gray water from home clothes washing, bathing, showers, dishwashing, and food preparation, other wastewater from household and residential drains, and waterborne waste normally discharged from the sanitary conveniences of apartment houses, hotels, office buildings, factories, institutions and other dwellings, but excluding industrial waste.

Drainage area : The horizontal projection of the area contributing runoff to a single control or design point.

EPA : The federal Environmental Protection Agency, or a successor agency.

ETJ : The extraterritorial jurisdiction of the city.

Erosion : The detachment and movement of soil, sediment, or rock fragments by wind, water, ice or gravity.

Facility : Any building, structure, installation, process, or activity from which there is or may be discharge of a pollutant.

Fertilizer : A solid or non-solid substance or compound that contains an essential plant nutrient element in a form available to plants that is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of one or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

Fill : The man-made deposition and compaction of material to effect a rise in elevation.

Flood : A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain : For the purposes of water quality buffer zones, this term shall mean either of one or the other following definitions:

- (1) A FEMA studied floodplain identified on the FIRM (flood insurance rate maps) as zone AE or equivalent; or
- (2) A studied floodplain as provided through engineering data prepared and certified by a professional engineer.

Grade : The vertical location or elevation of a surface, or the degree of rise or descent of a slope.

Harmful quantity : The amount of any substance that will cause pollution of water in the state.

Hazardous household waste (HHW) : Any material generated in a household (including single and multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR part 261.

Hazardous substance : Any substance listed in table 302.4 of 40 CFR part 302.

Hazardous waste : Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR part 261.

Herbicide : A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

Impervious cover : Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevent infiltration. For purposes of compliance with this article, the term

expressly excludes storage tanks for rainwater collection systems, or the structure covering specifically the rainwater collection tanks.

Industrial waste : Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

Infiltration : The passage or movement of water into the subsurface of the natural land.

Island annexation : Any annexation of land that is not contiguous to the city's corporate limits as defined by the most current official city limits map.

Licensed professional engineer : A person who possesses an active license and is registered by the state board of registration for professional engineers to engage in the practice of engineering in the state. The term also includes a professional engineer (PE).

Local governmental agencies : Any department or agency related to the subdivision of the state in the form of the county or municipality.

Natural state : The condition of the land existing prior to any development activities.

Nonpoint source (NPS) pollution : Pollution that is caused by or attributable to diffuse sources. Such pollution results in the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water. Typically, NPS pollution results from land runoff, precipitation, atmospheric disposition, or percolation.

Oil : Any kind of petroleum substance, including but not limited to petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Owner : The person who owns a facility or part of a facility subject to the requirements of this article.

Person : Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

Pesticide : A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, as these terms are defined in Texas Agriculture Code section 76.001.

Petroleum storage tank (PST) : Any one or combination of aboveground or underground storage tanks that contain oil, petroleum products or petroleum substances, and any connecting underground pipes.

Pollutant : Eroded or displaced sediment, soil, silt or sand resulting from development activities; dredged spoil; solid waste; sewage; garbage; chemical waste; biological materials; radioactive materials; abandoned or discarded appliances or equipment; and industrial, municipal, and agricultural waste which is or may be discharged into waters in the state. This term shall be limited to those substances listed herein, or monitored or regulated by the TCEQ or EPA.

Pollution : The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Preferred growth area (PGA) : That area as defined by the contiguous city limits as reflected in the most current official city limits map, and is affected by the current zoning ordinance defining areas of higher-density development (specifically zoning categories of MF, CS, LR, GR, I, O, and SF-5), as may be determined from time to time to be deemed as appropriate for higher-density development. This area allows for change through future contiguous annexations. This is not to reflect the areas of land annexed as "island annexations."

Recharge zone : That area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer where caves, sinkholes, faults, fractures or other permeable features create a potential for recharge of surface waters into the Edwards Aquifer.

Release : Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into a stormwater drainage system or into waters in the state.

Residence : Any building, or portion thereof, which is designed for or used as living quarters for one or more families.

Riparian corridor : The ecological areas within and adjacent to a floodplain that are or can be comprised of the following plant species: Pecan, American Elm, Arizona Walnut, Bald Cypress, Black Walnut, Bur Oak, Cedar Elm, Little Walnut, Green Ash, Texas Sugarberry, American Sycamore, Eastern Cottonwood, Black Willow, and Live Oak.

Rubbish : Nonputrescible solid waste, excluding ashes, that consists of:

- (1) Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and
- (2) Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Runoff : That portion of precipitation or precipitation drainage that flows by force of gravity across the ground surface as sheet flow or in a stormwater drainage system towards water in the state.

Septic tank waste : Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage (or sanitary sewage) : The domestic sewage and/or industrial waste that is discharged into a sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

Site development permit : The permit required by the city's Code of Ordinances.

Solid waste : Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

Spring : A point or zone of natural groundwater discharge having measurable flow, or a pool, and characterized by the presence of a mesic plant community adapted to the moist conditions of the site.

Steep slope : Defined as a 400 percent grade, as defined for the purposes of setbacks.

Stormwater drainage system : A conveyance or system of conveyances including roads with drainage systems, catchbasins, curbs, gutters, ditches, man-made channels, or storm drains designed or used for collecting or conveying stormwater.

Streams : Perennial and intermittent watercourses identified through site inspection and USGS maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

Subdivision : A division, or redivision, of any tract of land situated within the city's jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or in the future, of sale, division of ownership or building development. "Subdivision" includes resubdivisions of land or lots which are part of previously recorded subdivisions.

TCEQ : The state commission on environmental quality or its predecessor or successor agencies as defined by law.

Transferable development right (TDR) : Authorization to exceed the uniform intensity levels otherwise imposed under this article on a less environmentally sensitive tract of land resulting from voluntary relinquishment of development rights otherwise allowed under this article on a more environmentally sensitive tract of land (e.g., through dedicated conservation easement). A TDR can also result from voluntary retrofitting of existing development with water quality protection measures not otherwise required by this article.

Waiver : A grant of relief to a person from the requirements of this article when specific enforcement would result in unjustifiable or unnecessary hardship due to out-of-the-ordinary or extenuating circumstances.

Water in the state (or water) : Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, or canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are inside the jurisdiction of the state.

Watershed : The total area contributing runoff to a stream or drainage system.

Wetland : An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and conforms to the U.S. Army Corps of Engineers' definition. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste : Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

(Ordinance 3500.11, § 2, adopted 2/20/07; Ordinance 3500.12, adopted 2/17/09)

Sec. 22.05.011. Enforcement; penalties.

- (a) **Enforcement**. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.
- (b) **Criminal penalty**. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.
- (c) **Civil remedies**. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
 - (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
 - (3) Other available relief.
- (d) **Administrative actions**.
 - (1) **Stop work orders**. When an appropriate authorized official of the city determines that there has been noncompliance with any material term, condition, requirement or agreement under this article, the person obtaining such approved plan shall be ordered by the city in writing to cease and desist from further development or construction material to the alleged noncompliance until corrected by compliance.

- (2) Withholding authorizations. The city may refuse to grant development, construction, or occupancy approvals for improvements for a property that does not fully and completely comply with all terms and conditions of this article. Without limiting the type or number of approvals the city may withhold, the city is specifically authorized to refuse to grant site development permits, building permits, utility connections, and certificates of occupancy.

(Ordinance 3500.11, § 20, adopted 2/20/07)

Sec. 22.05.012. Waivers.

- (a) Presumption. There shall be a presumption against waivers. However, if the applicant requests a waiver in writing, the board of adjustment may authorize a waiver from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.
- (b) Identification. All waivers requested for a project must be identified during the platting and/or site plan approval process (as may be applicable).
- (c) Conditions. In granting a waiver, the board of adjustment shall prescribe upon the applicant only conditions that it deems necessary to or desirable in the public interest.
- (d) Considerations. In making the findings required below, the board of adjustment shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of such waiver on the public health, safety, convenience and welfare in the vicinity.
- (e) Findings. No waiver shall be granted unless the board of adjustment finds that all of the following provisions are met, and the burden shall be on the developer to show that these provisions are satisfied:
- (1) That there are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;
 - (2) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (3) That the granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (4) That the granting of the waiver will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.
- (f) Pecuniary hardship. Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.
- (g) Minimum departure. When the board of adjustment determines that a waiver is warranted, the waiver permitted shall be the minimum departure from the terms of this article necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences.
- (h) Adequate basis option 1. It may be determined by the city to be an adequate basis for granting a waiver that doing so will enable the applicant to create additional open space, preserve trees, maintain critical environmental features, ensure more wildlife preservation, or bring nonconforming structures (including but not limited to signs) into compliance with current regulations. This section is designed to achieve a more favorable outcome for the general public than would be possible complying with the strict mandates of this article.

- (i) Adequate basis option 2. It may be determined by the city to be an adequate basis for granting a waiver that the applicant provides the city with a proposal pursuant to which the applicant presents a site exceeding the standard impervious cover rates with a mitigation plan that compensates for the additional impervious cover. Examples of potential mitigation include, but are not limited to, the applicant's acquisition of transferable development rights (TDRs) to offset the additional impervious cover.

(Ordinance 3500.11, § 19, adopted 2/20/07)

Sec. 22.05.013. Prohibitions.

(a) General prohibitions.

- (1) Except as otherwise specifically authorized by this article, no person shall discharge, or cause, suffer or allow the discharge, of any wastes, substances or other materials into or adjacent to any water in the state which causes or will cause pollution of any water in the state, except where otherwise exempt or allowed through permit by the TCEQ.
- (2) Except as otherwise specifically authorized by this article, no person shall introduce or cause to be introduced into a stormwater drainage system any pollutants or other discharge that is not composed entirely of stormwater, except where otherwise exempt or allowed through permit by the TCEQ.

(b) Specific prohibitions.

- (1) No person shall introduce or cause to be introduced into a stormwater drainage system any discharge that causes or contributes to causing a violation of a water quality standard established by law.
- (2) No person shall introduce, discharge, or cause, suffer or allow a release of any harmful quantity of the following substances into a stormwater drainage system:
 - (A) Used motor oil, antifreeze, or any other motor vehicle fluid;
 - (B) Industrial waste;
 - (C) Hazardous waste, including hazardous household waste;
 - (D) Domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (E) Garbage, rubbish, or yard waste beyond that which typically washes off a yard during by rain event;
 - (F) Wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance operation at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;
 - (G) Wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (H) Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (I) Wastewater from commercial floor, rug, or carpet cleaning;
 - (J) Wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance as defined by the EPA or TCEQ; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other

petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;

- (K) Effluent from a cooling tower, condenser, compressor, emissions scrubber, or emissions filter, or the blowdown from a boiler;
 - (L) Ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
 - (M) Runoff or washdown water from any animal pen, kennel, or fowl or livestock containment area;
 - (N) Filter backwash from a swimming pool, or fountain, or spa;
 - (O) Swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
 - (P) Discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
 - (Q) Fire protection water containing oil or hazardous substances or materials (except for discharges or flows from firefighting activities by a locally accredited fire department);
 - (R) Water from a water curtain in a spray room used for painting vehicles or equipment;
 - (S) Contaminated runoff from a vehicle wrecking yard;
 - (T) Substance or material that will damage, block, or clog the stormwater drainage system;
 - (U) Release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
 - (i) The discharge complies with all state and federal standards and requirements;
 - (ii) The discharge does not contain a harmful quantity of any pollutant; and
 - (iii) The discharge does not contain more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
- (3) No person shall introduce or cause to be introduced into a stormwater drainage system any harmful quantity of sediment, silt, dirt, soil, sand or other material associated with clearing, grading, excavation or other construction activities, or associated with landfilling or other placement or disposal of soil, rock, sand or other earth materials, in excess of what could be retained on-site or captured by employing sediment and erosion control measures to the minimum extent required by this article.
- (4) No person shall connect a line conveying sanitary sewage, whether domestic or industrial, to a stormwater drainage system, nor allow such a connection to continue if discovered.
- (5) No person shall cause or allow any pavement washwater from a service station to be discharged into a stormwater drainage system unless such washwater has first passed through a grease, oil, and sand interceptor which is properly functioning and maintained.

(Ordinance 3500.11, § 3, adopted 2/20/07)

Sec. 22.05.014. Restricted activities.

- (a) Pesticides, herbicides and fertilizers.

- (1) Any license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for sale, distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide or fertilizer must be presented to an authorized city enforcement officer for examination upon request.
 - (2) No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
 - (3) No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters of the United States.
 - (4) No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters in the state.
- (b) Used oil.
- (1) No person shall:
 - (A) Discharge used oil into a stormwater drainage system or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse;
 - (B) Knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill.

The application of used oil shall be allowed for the uses of used oil as defined in 40 CFR 279.1.
 - (2) All businesses engaged in the changing of motor oil for the public, all municipal waste landfills, and all fire stations may serve as public used oil collection centers as provided by state law.
 - (3) A retail establishment which sells motor oil in containers directly to the public for use off-premises shall post in a prominent place a sign informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state used oil information center.
- (c) Hazardous material traps (HMT).
- (1) Roadways capable of conveying at least 5,000 vehicles a day must include a hazardous material trap (HMT).
 - (A) These HMTs must be designed to retain a spill of 10,000 gallons of liquid hazardous material.
 - (B) These may be of a variety of designs, including that used previously by TxDOT.
 - (2) To eliminate the need for manual draining of a hazardous material trap after a rain event, the state department of transportation (TxDOT) has developed an automatic siphon system to drain the HMT when it fills with rainwater. See the city's TCSS for an illustration of a typical siphon detail from a set of TxDOT construction plans.
 - (A) The siphon device is designed to drain the trap after it becomes full from a rain event, but is installed at an elevation above the full capacity of the trap.
 - (B) Therefore, as long as a hazardous material spill does not occur during a rain event, the system should contain the spill.
 - (C) The siphon is provided with bypass and shutoff valves so that alert on-scene responders can shut off the automatic siphon and thereby maintain some containment even in the event of a concurrent rain/spill.

- (D) Other options for spill containment are presented in the main section of TCEQ's Optional Enhanced Measures (OEM), RG-348.

(Ordinance 3500.11, § 4, adopted 2/20/07)

Sec. 22.05.015. Performance standards.

(a) Applicability.

- (1) All development shall achieve the following pollutant removal standards through the design and implementation of structural and nonstructural BMPs and water quality controls.
- (2) This article shall apply to an entire project for which a unified development scheme is intended by the applicant, without regard to whether the project is comprised of more than one lot. These regulations cannot be avoided by dividing a single project into several small lots.

(b) Performance standards within PGA. All development within the area defined as the PGA is subject to the following requirements:

- (1) Five acres or less: Technical demonstration of pollutant load removal is not required; however, the applicant shall employ a combination of structural and nonstructural BMPs to remove the net increase in pollutants due to development to a level of not less than 80 percent TSS pollutant load removal and shall address the remaining pollutant loading constituents through nonstructural measures, in accordance with the TCSS.
- (2) Greater than five acres: For each of the constituents below, the design shall demonstrate 85 percent removal of the net increase for the design storm event:
 - (A) Total suspended solids.
 - (B) Total phosphorus.
 - (C) Oil and grease.

(c) Performance standards outside PGA. All development that is not within the area defined as the PGA is subject to the following requirements:

- (1) It is the desire of these regulations that there be no net increase of pollutant load.
- (2) Plans shall be designed to achieve no net increase above base analysis.
- (3) For each of the constituents below, the design shall demonstrate 90 percent removal of the net increase for the design storm event:
 - (A) Total suspended solids.
 - (B) Total phosphorus.
 - (C) Oil and grease.
- (4) Background pollutant loads and pollution concentrations for developed sites:
 - (A) Background pollutant concentrations shall be as defined in the TCSS manual.
 - (B) Standard pollutant concentrations for developed sites shall be as defined in the TCSS manual.
 - (C) Calculation of annual pollutant loading shall comply with the criteria set forth in the TCSS manual.

(d) Incentive-based alternative standards. These standards shall apply throughout the city limits and the ETJ as they are to encourage the use of innovative strategies and opportunities for meeting water quality standards

and lessening demand on water for irrigation or other water uses that would otherwise use either surface water or groundwater resources.

- (1) The gross impervious cover is 15 percent or less.
 - (2) The street and drainage network is designed to include the use of open roadway sections, ribbon curb, maintenance of sheet flow and vegetative buffer zones.
 - (3) Impervious cover credit by use of porous pavement, rainwater harvesting, and other methods can be used to gain compliance as they are demonstrated to the satisfaction of the city engineer to provide long-term water quality viability, and the long-term maintenance is ensured by the developer and subsequent owners through an approved method prescribed by the city council.
- (e) Design storm event. The design storm event shall be the two-year, three-hour storm. The pollutant loadings for this storm event shall be calculated in accordance with the TCSS manual.

(Ordinance 3500.11, § 5, adopted 2/20/07)

Sec. 22.05.016. Impervious cover.

- (a) Maximum limitations. Maximum limitations on impervious cover are established as follows on developments for which a site development plan is first filed after the effective date of this article:
- (1) For areas within the Edwards Aquifer recharge zone: Ten percent.
 - (2) For areas within the Edwards Aquifer contributing zone in the ETJ: 35%.
 - (3) For areas within the city limits, refer to the zoning ordinance:
 - (A) Zoning. Impervious cover limits for tracts within PGAs are established in the city's zoning ordinance according to the particular zoning district the tract is designated.
 - (B) Reduction incentives. As an incentive to reduce impervious cover, all developments in the contributing zone with less than 15 fifteen percent impervious cover are not required to provide technical demonstration for removal of net increase in pollutants, but must still incorporate sufficient water quality control measures to comply with the other provisions of this section. Refer to section 22.05.015(b) and (c).
 - (C) Effective impervious cover. Through the incorporation of incentives (rainwater collection, pervious pavement, nonstructural BMPs), also known as "stormwater credits" for the purposes of water quality calculations, this allows for the reduction of impervious cover that is considered (taken into account) in the calculating of pollutant load removal for a specific site. (Refer to the LCRA or the city's TCSS manual for more explanation regarding the calculations and methods for attaining effective impervious cover.) There is a reduction in the impervious cover for purposes of calculation, and also a corresponding allowance for an increase in the physical impervious cover.
- (b) Impervious cover limit calculations. Impervious cover limits in this section are expressed as a percentage of the gross site area of the subject tract. For purposes of calculation of impervious cover limits, the gross site area includes water quality buffer zone areas and critical environmental features setback areas.
- (c) Items considered impervious cover. Impervious cover shall include all man-made improvements which prevent the infiltration of water into the natural soil, or prevent the migration of the infiltration as base flow. The following shall be considered as impervious cover, unless modified through the use of incentives (stormwater credit: rainwater collection, porous pavement, etc.):
- (1) Roads, pavements, and driveways, except as provided in subsection (d) of this section;
 - (2) Parking areas;

- (3) Buildings;
 - (4) Pedestrian walkways and sidewalks;
 - (5) Concrete, asphalt, masonry surfaced areas, and paving stone surfaced areas;
 - (6) Swimming pool water surface area;
 - (7) Densely compacted natural soils or fills which result in a coefficient of permeability less than 1×10^{-6} cm/sec;
 - (8) All existing man-made impervious surfaces prior to development;
 - (9) Water quality and stormwater detention basins lined with impermeable materials;
 - (10) Stormwater drainage conveyance structures lined with impermeable materials;
 - (11) Fifty percent of the horizontal surface area of an uncovered deck that has drainage spaces between the deck boards that is located over a pervious surface;
 - (12) Up to fifty percent of the horizontal surface of materials whose design has been prepared by a Texas licensed professional engineer and approved by the city to accommodate the capture and/or infiltration of stormwater, provided the design incorporates maintenance provisions sufficient to maintain the pervious nature of the material for its full service life.
- (d) Items not considered impervious cover.
- (1) Existing roads adjacent to the development and not constructed as part of the development at an earlier phase;
 - (2) Rock outcrops;
 - (3) Landscaped areas and areas remaining in their natural state;
 - (4) Water quality controls and stormwater detention basins not lined with impermeable materials;
 - (5) Stormwater drainage conveyance structures not lined with impermeable materials; and
 - (6) Interlocking or "permeable" pavers.
- (e) Rainwater harvesting.
- (1) Rainwater harvesting collection and containment structures functioning as a rainwater harvesting system are not considered impervious cover. Structures and/or improvements (e.g., building roofs, patios, awnings, etc.) from which stormwater is harvested are considered impervious cover. Only that portion of a structure covering a rainwater harvesting collection system may be credited with not being impervious cover.
 - (2) In order to qualify to receive credit for a rainwater system, the system must be designed to exceed normal draw (i.e., no credit will be given if the tank routinely stays full). Credit is not just for the tank cover, but for structures collected from. The applicant must demonstrate where water is going to qualify (how he is going to draw it down, e.g., use as nonpotable source rainwater, or irrigation).
 - (3) Credits can zero-out impervious cover for purposes of calculating runoff treatment. Applicants may also get 50 percent credit toward additional cover.
- (f) Siting restrictions. Impervious cover shall not be constructed:
- (1) Downstream of water quality controls;
 - (2) Within critical environmental feature setback areas; or
 - (3) Within the areas designated for on-site irrigation for treated wastewater effluent disposal.

(Ordinance 3500.11, § 6, adopted 2/20/07)

Sec. 22.05.017. Water quality buffer zones.

- (a) Applicability . This section is applied at the time of platting (creation of newly subdivided lots). This section does not apply to legally platted lots that existed as of the effective date of this article.
- (b) Water quality buffer zones (WQBZ) .
 - (1) Greater than 50 acres and up to 160 acres: The WQBZ shall extend a minimum of 50 feet from either side of the centerline of the stream (total of 100 feet of buffer zone).
 - (2) Greater than 160 acres and up to 320 acres: The WQBZ shall extend a minimum of 100 feet from either side of the centerline of the stream (total of 200 feet of buffer zone).
 - (3) Greater than 320 acres and up to 640 acres: The WQBZ shall extend a minimum of 200 feet from either side of the centerline of the stream (total of 400 feet of buffer zone).
 - (4) Greater than 640 acres and up to 1,280 acres: The WQBZ shall extend a minimum of 300 feet from either side of the centerline of the stream (total of 600 feet of buffer zone).
 - (5) Greater than 1,280 acres: The WQBZ shall extend a minimum of 400 feet from either side of the centerline of the stream (total of 800 feet of buffer zone).
- (c) Special instructions regarding WQBZs .
 - (1) At the sole discretion of the city and based on special circumstances, minimum distances from the stream centerline may be adjusted if there are equivalent protection measures proposed that are found acceptable by the city engineer.
 - (2) Along steep slopes, as defined, the width of the WQBZ shall be 25 feet beyond the edge of the defined steep slope.
 - (3) Except as specifically provided for in this section, all development activities, including temporary construction activities, and landscaping activities, are prohibited in the buffer zone of a stream without the express written approval of the city engineer, who must be provided evidence of equivalent protection.
- (d) Allowable development in WQBZ . The following development activities within a WQBZ may be allowed at the sole discretion of the city with the corresponding conditions:
 - (1) Critical utility crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;
 - (2) Critical roadway crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;
 - (3) Critical transportation crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;
 - (4) Hike-and-bike trails if provided for in an approved development plan;
 - (5) Maintenance and restoration of native, noninvasive vegetation;
 - (6) Water quality control monitoring devices;
 - (7) Removal of trash, debris, pollutants;
 - (8) Fences that do not obstruct flood flows;

- (9) Public and private parks and open space, if human activities are limited to hiking, jogging, or walking trails, and excluding stables, corrals and other forms of animal housing;
 - (10) Typical private drives (acceptable to the city) to allow access to property not otherwise accessible; and/or
 - (11) The construction and use of BMPs for the express purpose of water quality and stormwater control provided that the natural drainage to the site is less than 128 acres.
- (e) Limitations on allowed activities. Any development within a WQBZ allowed under subsection (d) of this section shall be designed and/or conducted in a manner which limits the alteration and pollution of the natural riparian corridor to the maximum extent feasible. In no case shall any wastewater line be located less than 100 feet from the centerline of a stream unless the applicant has demonstrated that installation of the wastewater line outside of this zone is physically prohibitive or environmentally unsound. Any wastewater lines located in a WQBZ shall meet design standards and construction specifications to ensure zero leakage.
- (f) Requirements for discharges. All water quality control discharges and stormwater discharges into a WQBZ shall only be in the form of diffused, overland sheet flow and shall have peak velocities of less than five feet per second at the two-year, three-hour design rainfall event, unless demonstration is provided that this is not achievable with the proposed BMPs for managing stormwater runoff and quality, or that other means of diffusing the velocity of the runoff are provided that will protect the affected stream's morphology.

(Ordinance 3500.11, § 7, adopted 2/20/07)

Sec. 22.05.018. CEF setbacks.

- (a) Minimum setback. A minimum setback area of 150 feet is established around the outside periphery of all CEFs.
- (b) CEFs in Edwards Aquifer recharge zone. For a CEF which is in direct communication with the Edwards Aquifer, the upstream setback area shall extend out to the upper catchment divide of the CEF or 300 feet, whichever is less, but in no circumstances less than 150 feet.
- (c) Restrictions. No site development activities are allowed within the setback area.
- (d) Hilltop CEFs. For CEFs which are discovered to lie in an area which does not receive stormwater runoff (e.g., situated at the top of a hill), the setback area is 25 feet to prevent inadvertent pollution of the CEF.

(Ordinance 3500.11, § 8, adopted 2/20/07)

Sec. 22.05.019. Erosive flow control.

- (a) Prohibition. No untreated stormwater runoff from developed land shall be allowed to flow over critical environmental features.
- (b) Downspouts for certain roofs. All roof runoff from nonresidential buildings shall have downspouts disconnected from the site stormwater drainage system. Special circumstances may be reviewed and approved by the city without a waiver to this requirement.
- (c) Grass-lined swales or vegetated buffers. To the maximum extent practical, stormwater drainage shall be treated using overland flow methods to a grass-lined swale or other vegetated buffer. The vegetated buffer shall be designed in accordance with the TCSS manual. Special circumstances may be reviewed and approved by the city without a waiver to this requirement.

- (d) Drainage patterns. Drainage patterns shall be designed to the maximum extent practical to prevent erosion, maintain the recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by stormwater. All discharge points from stormwater retention and detention ponds or other accumulation areas shall provide for energy dissipation prior to exiting the site. Overland sheet flow and natural drainage features and patterns shall be maintained, rather than concentrating flows in storm sewers and drainage ditches. Stormwater drainage structures shall be sized to maintain flood flow velocities below the velocity associated with the 25-year, three-hour rainfall event.
- (e) Stormwater discharge into waterway. For site designs that provide for discharge of stormwater into a waterway, adequate retention and/or detention shall be incorporated into the site design to limit flows into the receiving waterway to the level consistent with the flow rate of the two-year, three-hour rainfall event evenly distributed over a 24-hour period.
- (f) Enclosed storm sewers and impervious channel linings. Enclosed storm sewers and impervious channel linings may be considered and approved by the city if such storm sewers or impervious linings are considered to be protective of water quality.
- (g) Overland flow facilities. Overland flow facilities for a stormwater drainage system shall be designed in accordance with criteria set forth in the TCSS manual.

(Ordinance 3500.11, § 9, adopted 2/20/07)

Sec. 22.05.020. Infiltration.

- (a) Restoration of infiltration capacity. To the maximum extent practical, water quality controls shall be designed to restore the infiltration capacity to pre-development conditions. Infiltration BMPs shall be designed in accordance with the TCSS manual.
- (b) Impact avoidance. Infiltration systems shall be designed and located to avoid impacts to existing springs and recharge structures.

(Ordinance 3500.11, § 10, adopted 2/20/07)

Sec. 22.05.021. Steep slopes.

- (a) Nonresidential construction. To the maximum extent practical, nonresidential construction shall be limited to those areas with pre-development natural grades of less than 25 percent.
- (b) BMP standards. Erosion control, terracing and water quality control BMPs shall be designed in accordance with the TCSS manual.
- (c) Cut and fill. A cut or fill with a finished gradient steeper than 33 percent shall be stabilized with a permanent structure.

(Ordinance 3500.11, § 11, adopted 2/20/07)

Sec. 22.05.022. Vegetation.

- (a) Construction plans. Construction plans must demonstrate the following:
 - (1) Landscape shall be restored to the maximum extent practical to its natural state after construction on the site is concluded (i.e., restoration of landscaping and vegetation is done at the time of post-construction final inspection).

- (2) Xeriscape and low maintenance vegetation shall be included in all nonresidential development in accordance with specifications in the TCSS manual.
- (3) Guidance shall be provided for the use of herbicides, pesticides and fertilizers.
- (b) Pesticide and fertilizer management plan. An applicant for a site development permit shall submit a pesticide and fertilizer management plan providing information regarding proper use, storage, and disposal of pesticides and fertilizers. The plan shall indicate likely pesticides and fertilizers to be used. The plan shall include two lists of pesticides and fertilizers:
 - (1) Those which, due to their chemical characteristics, potentially contribute significantly to water quality degradation;
 - (2) Those which, due to the chemical characteristics, potentially would result in minimal water quality degradation.
- (c) Integrated pest management plan. An applicant for a site development permit shall submit an integrated pest management (IPM) plan in accordance with criteria set forth in the TCSS manual.
- (d) Nonstructural BMPs. For the purposes of achieving compliance with this article, integrated pest management, pesticide, fertilizer, and parking lot management plans are considered a valid nonstructural BMP.
- (e) Vegetative BMPs. Vegetative BMPs, such as vegetative filter strips, shall be designed in accordance with the TCSS manual.

(Ordinance 3500.11, § 12, adopted 2/20/07)

Sec. 22.05.023. Structural controls.

- (a) Water quality control sizing. Structural water quality controls (WQCs) shall be sized for the entire contributing drainage area for the following types of developments:
 - (1) New multifamily residential development, new nonresidential development, and new subdivision development.
 - (2) Redeveloped multifamily residential development, redeveloped nonresidential development, and all redeveloped subdivision development that increases total impervious cover to a level greater than the impervious cover limits described in section 22.05.016.
 - (3) New single-family residential development which is not part of a subdivision development if such development has impervious cover greater than the impervious cover limits described in section 22.05.016.
- (b) Runoff volume. The volume of runoff required to be captured, isolated, and treated by each structural WQC, or series of WQCs operating in sequence as a treatment train, shall be as required in section 22.05.015(e) and based on the contributing drainage area for the WQC or series of WQCs.
- (c) Limited exclusions. Stormwater runoff from the following areas shall not require structural WQCs nor be included in the calculation of the volume of stormwater runoff required to be captured, isolated, and treated by a structural WQC:
 - (1) The full area of existing natural areas or restored natural areas from which stormwater runoff is routed around a WQC structure and which is restricted from development and from pesticide, herbicide, or fertilizer application through a plat note or restrictive covenant. The drainage areas from which stormwater is not routed around a WQC structure and which blends with runoff from developed areas shall be included in the water quality volume calculations.

- (2) Fifty percent of the area using landscaping that requires no irrigation and no pesticide, herbicide, or fertilizer applications.
 - (3) The area on which a WQC structure is situated.
 - (4) Swimming pools that do not discharge the filter backwash into a stormwater drainage system.
 - (5) Impervious surface areas used for stormwater collection and on-site irrigation.
 - (6) Drainage from off-site areas which is routed around a WQC structure. The drainage areas from which stormwater is not routed around a WQC structure and which blends with runoff from developed areas shall be included in the water quality volume calculations.
- (d) Nature and volume of pollutant loads. In determining the required level of treatment, the nature and volume of pollutant loads from all developed areas shall be considered, including but not limited to the following:
- (1) Areas of impervious cover;
 - (2) The potential for pollutant impacts from industrial, commercial and other nonresidential types of development;
 - (3) Lawns, landscaping, and gardens using pesticides, herbicides or fertilizers;
 - (4) Golf courses, play fields and other recreational or greenspace areas using pesticides, herbicides or fertilizers; and
 - (5) Areas receiving wastewater effluent through surface spray irrigation or subsurface infiltration.
- (e) Engineer required. All WQCs utilized for any development or redevelopment project shall be designed by a licensed Texas professional engineer in accordance with the removal efficiencies and other technical criteria set forth in the TCSS manual. Alternative WQC technical criteria may be approved if it is determined in the sole discretion of the city that the alternative technical criteria will result in equal or greater water quality control performance as that required under this article.
- (f) Direct infiltration and recharge from WQC prohibited. All structural WQCs utilized in the recharge zone shall be modified or augmented to prevent direct infiltration and recharge from the WQC. To meet this requirement, such WQCs shall utilize artificial linings, evapotranspiration beds, or other methods designed and operated to prevent infiltration into the Edwards Aquifer even during periods of extended rainfall.
- (g) Erosion control. The erosion control requirements of this article shall apply to all related areas for a development project, including but not limited to off-site borrow areas, off-site spoil areas and off-site construction staging areas which are owned or controlled by the developer.
- (h) Peak runoff rate. The peak runoff rate for developed conditions shall not exceed the peak runoff rate for pre-development conditions for the two-year storm event. Peak runoff rate calculations shall comply with the criteria set forth in the TCSS manual.
- (i) Dedictory instrument. To provide necessary access for maintenance and monitoring, water quality controls shall be located within an area dedicated to the public by easement, deed restriction, or recorded plat notation. The dedicatory instrument shall note that water quality restrictions exist on the property and that any alternative use or alteration of the property must be approved in writing by the city.

(Ordinance 3500.11, § 13, adopted 2/20/07)

Sec. 22.05.024. Roof runoff capture systems.

A roof rainfall runoff capture system or rainwater harvesting system approved under this article shall comply with the following minimum requirements:

- (1) The entire system, including rainwater collection, conveyance and storage, shall be isolated from the site stormwater system.
- (2) The collected rainwater shall be used for on-site irrigation or other purposes as approved by the city.
- (3) The system shall comply with the pollution control performance standards of section 22.05.015(b) and (c).
- (4) The on-site irrigation system shall be designed in accordance with standard irrigation practices considering such factors as soil type, slope, and vegetative uptake rates.

(Ordinance 3500.11, § 14, adopted 2/20/07)

Sec. 22.05.025. Erosion hazard setbacks.

- (a) Generally. The city may require preservation of an existing channel or waterway for use as a natural floodplain through the establishment of erosion hazard setbacks in accordance with the TCSS manual. No building, fence, wall, deck, swimming pool or other structure shall be located, constructed or maintained within the area encompassing the setback.
- (b) Alternative. As an alternative to the establishment of an erosion hazard setback, an existing channel or waterway may be preserved and protected through a bank stabilization and protection plan as approved by the city.

(Ordinance 3500.11, § 15, adopted 2/20/07)

Sec. 22.05.026. Operation and maintenance of water quality controls.

- (a) Maintenance plan required. An applicant for a site development permit shall submit a WQC maintenance plan describing the specific measures proposed for operating, monitoring, and maintaining each water quality control proposed for a development project as required by this article. The measures described in the WQC maintenance plan shall be consistent with the guidelines set forth in the TCSS manual and shall comply with the financial assurance requirements as may be defined by the TCSS and as required by the city council based upon design criteria and needs. City approval of the WQC maintenance plan is required prior to issuance of a site development permit.
- (b) Recording of plan; deed restriction. Upon city approval of the WQC maintenance plan, the project applicant shall record in the county deed records and on any recorded plat(s) for the development a notation stating that the property is subject to a water quality control maintenance plan on file at the city's administrative offices. Upon transferring title to the property, or any subdivided portion thereof, the applicant shall establish a deed restriction stating that the property is subject to a water quality control maintenance plan on file at the city's administrative offices.
- (c) Operation, monitoring and maintenance of controls. All applicants shall operate, monitor, and maintain each water quality control required by this article in accordance with the WQC maintenance plan and this article.
- (d) Transfer of responsibility.

- (1) The WQC maintenance plan may provide for transfer of responsibility for WQC operation and maintenance activities to:
 - (A) A groundwater district, a municipal utility district, a public utility district, or any other special district created under state law;
 - (B) A homeowners' or property owners' association;
 - (C) A natural resources conservation or other environmental interest group; or
 - (D) Any similar third party entity.
- (2) Transfer of responsibility to any such entity requires the advance written consent of the city. Any entity assuming responsibility for WQC operation and maintenance shall also assume responsibility for the financial assurance as may be required by the TCSS or the city council.

(Ordinance 3500.11, § 16, adopted 2/20/07)

APPENDIX D FIRE APPARATUS ACCESS ROADS

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height.

Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area.

Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520 m²) that have a single *approved* fire apparatus access road where all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness.

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

CITY OF DRIPPING SPRINGS**ORDINANCE No. 2021-40**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING ARTICLE 22.04 TRANSPORTATION MASTER PLAN, SECTION 22.04.001 ADOPTION, ADOPTING THE 2021 CITY OF DRIPPING SPRINGS TRANSPORTATION MASTER PLAN AND ASSOCIATED POLICIES.

WHEREAS, Chapter 213 of the Texas Local Government Code authorizes the City to adopt a comprehensive plan for the long-range development of the City; and

WHEREAS, the Transportation Master Plan, represents a single plan organized by subject matter and geographic area to be used to coordinate and guide the establishment of development regulations; and

WHEREAS, the City Council approved a Professional Services Agreement with HDR to conduct transportation master planning services on May 18, 2018; and

WHEREAS, the primary purposes of the Transportation Master Plan are as follows:

1. Update the Thoroughfare Plan
2. Complete traffic analysis supporting routes identified on the Thoroughfare Plan
3. Develop recommended cross-sections
4. Identify cross-section and right-of-way needs on new and existing roads
5. Prepare a Transportation Master Plan documenting analysis, recommendations, and best practices

WHEREAS, the City Council of the City of Dripping Springs conducted a transportation master planning open house in January 2019; draft Thoroughfare Plan and Multimodal Plan was presented online for public comment in November/December 2020; and a virtual Town Hall in February 2021; and

WHEREAS, the City staff conducted stakeholder meetings with key representatives from local agencies that included Dripping Springs Independent School District, Hays County Commissioners Court, Texas Department of Transportation, and Hays County Transportation Department to address specific concerns related to local and regional mobility; and

WHEREAS, the Transportation Committee of the City of Dripping Springs received multiple presentations related to the Transportation Master Plan and provided input related to the proposed Plan; and

WHEREAS, the City Council and Planning and Zoning Commission were invited to participate in the transportation master planning open house in January 2019; and

WHEREAS, the Planning & Zoning Commission of the City of Dripping Springs conducted a public hearing on October 12, 2021, to consider the draft Transportation Master Plan report and provide recommendations for City Council consideration; and

WHEREAS, the City has conducted all necessary public hearings regarding the need and desirability of amendments, revisions, deletions, and modifications to the proposed 2021 Transportation Master Plan; and

WHEREAS, the City finds it has satisfied all legal prerequisites and has determined that the adoption of this Ordinance is in the interest of promoting the general health, safety, morals, and welfare of the community; and

WHEREAS, this Ordinance was passed and approved at a meeting of the City Council of the City of Dripping Springs held in compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

SECTION 1: ADOPTION OF MASTER PLAN

That the City Council of the City of Dripping Springs does hereby adopt the attached 2021 Transportation Master Plan (the "Plan"), which supersedes previous existing Transportation Master Plans.

ARTICLE 22.04. TRANSPORTATION PLAN

Sec. 22.04.001. Adopted.

The transportation plan attached to Ordinance No. 2021-40 as exhibit A is adopted by reference.

SECTION 2: POLICIES STATEMENT

That the City Council of the City of Dripping Springs does hereby adopt the Plan subject to the following policies:

- (a) It is the intent of the City Council to adopt a Plan that provides direction to enhance the development of a transportation network of roads, bicycle lanes, trails, sidewalks, and shared use paths that adequately supports existing and planned land uses, as well as to integrate and support interconnectivity among subdivisions, commercial areas, schools, and places of interest.
- (b) It is the intent of the City Council that projects listed in the Plan will be constructed or developed within the general time frame outlined in the Plan.

- (c) The City Council recognizes the need for annexation planning and transportation master planning to be coordinated activities.
- (d) The Plan is designed to ensure compliance with applicable federal, state, and local regulatory programs. Projects identified within the Plan should be designed to ensure that transportation mobility within the City of Dripping Springs is managed in a comprehensive manner that minimizes project life-cycle costs and maximizes overall benefits for the citizens of Dripping Springs.
- (e) The City Council acknowledges that circumstances may arise where adjustments or deviations from the Plan may be in the best interest of the City of Dripping Springs. If it is determined that an adjustment or deviation should be made, the Dripping Springs City Council may amend the Plan at any time to reflect the change.

SECTION 3. REPEALER

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 6. EFFECTIVE DATE

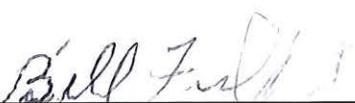
The Ordinance shall be effective immediately upon passage and publication.

SECTION 7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 19th day of October 2021, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:


 Bill Foulds, Jr., Mayor

ATTEST:


Andrea Cunningham, City Secretary



EXHIBIT “A”
Transportation Master Plan

DRIPPING SPRINGS

F32

604 Lavaca Street, Suite 900, Austin, TX 78701
512-204-2700 | www.hdrinc.com

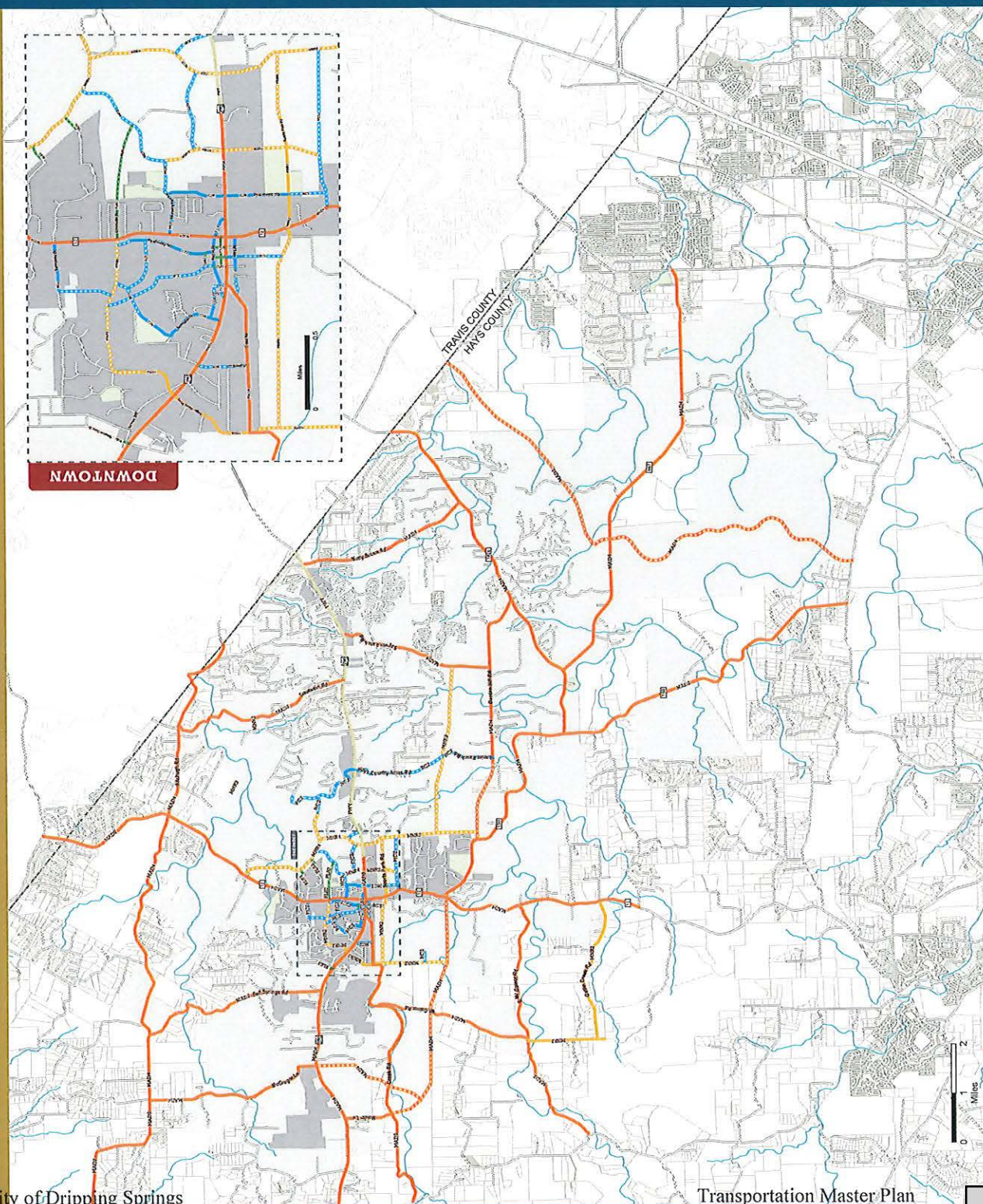
October 2021

This Thoroughfare Plan depicts proposed enhancements to existing roadways and proposed roadways.

Final alignments of proposed roadways will be determined in cooperation with TxDOT, Hays County and its Long Range Transportation Plan, and the subdivision platting process.

- US 290 classification and roadway cross-section to be determined by TxDOT as part of US 290 Corridor Study.

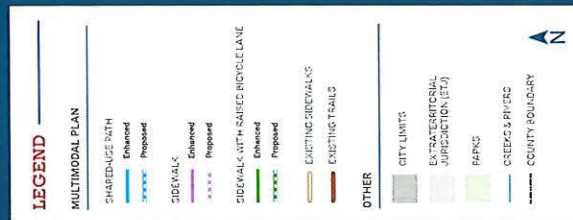
US 290 Corridor Study.



MULTIMODAL PLAN



DRIPPING SPRINGS
Texas



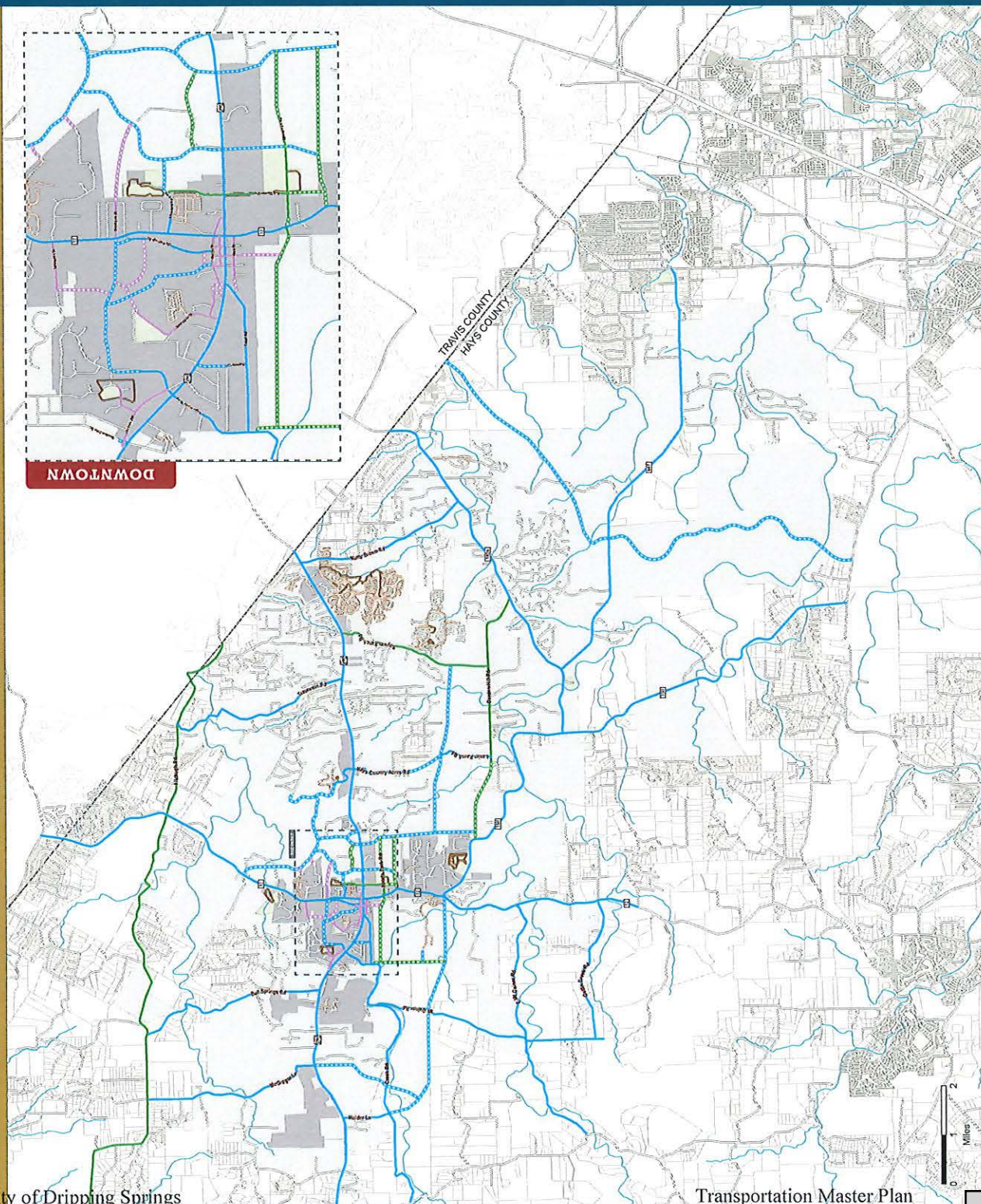
October 2021

This Multimodal Plan depicts proposed multimodal enhancements to existing roadways and proposed roadways. This Multimodal Plan does not preclude pedestrian and/or bicycle enhancements not indicated on this map. Final alignments of proposed roadways will be determined in cooperation with TxDOT, Hays County and its Long Range Transportation Plan, and the subdivision platting process.

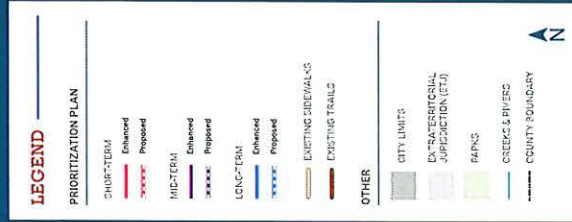
HDR

504 Lavaca Street, Suite 900 Austin, TX 78701
512-463-5700 | www.hdrinc.com

Item # 17.



PRIORITIZATION PLAN



October 2021

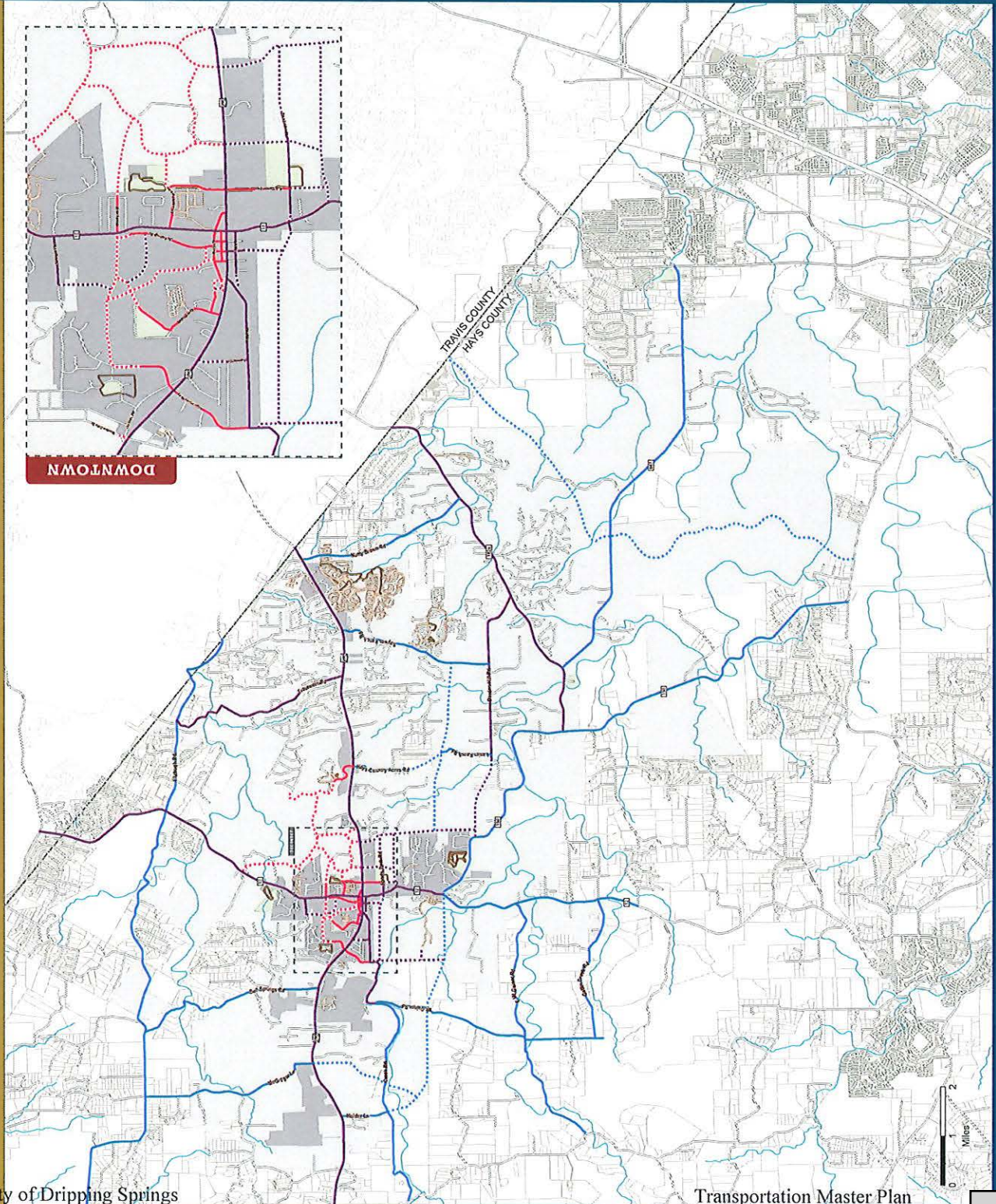
This Prioritization Plan depicts the recommended project priority for enhancements to existing roadways and proposed roadways.

Final alignments of proposed roadways will be determined in cooperation with TxDOT, Hays County and its Long Range Transportation Plan, and the subdivision platting process.



504 Laredo Street, Suite 900 Austin, TX 78701
512-944-9700 | www.hdrinc.com

Item # 17.



2021-40

Item # 17.

San Marcos Publishing, LP
Wimberley View • Century News
P.O. Box 49, Wimberley, Texas 78676
(512) 847-2202

State of Texas
County of Hays

Received
OCT 28 2021
City of Dripping Springs

Before me, the undersigned authority, on this day personally appeared Dalton Sweat, who being by me here and now duly sworn, upon oath says:

My name is Dalton Sweat, and I am the General Manager, of the The Wimberley View & The Dripping Springs Century News, a newspaper of general circulation in Hays County, Texas, and a newspaper which has been regularly and continuously published in Wimberley, Hays County, Texas, for a period of more than one year immediately preceding the date of publications of the following, and that the said notice, a copy of which follows, was published in the regular edition of said newspaper for a period of 1 week on the following dates:

October 28, 2021

----- 2021

----- 2021

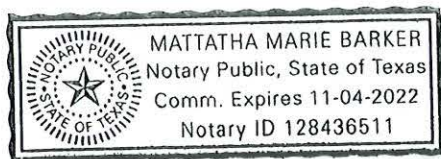
----- 2021

The said General Manager, Dalton Sweat further states that the rate charged for this publication is the lowest rate charged to commercial advertisers for the same class as advertising for a like amount of space.

Dalton Sweat
Signature of Affiant

Subscribed and Sworn to me, by the said General Manager Dalton Sweat this 29th day of October, 2021 to certify which witness my hand and seal of office.

Mattatha Barker
NOTARY PUBLIC in and for Hays County, Texas

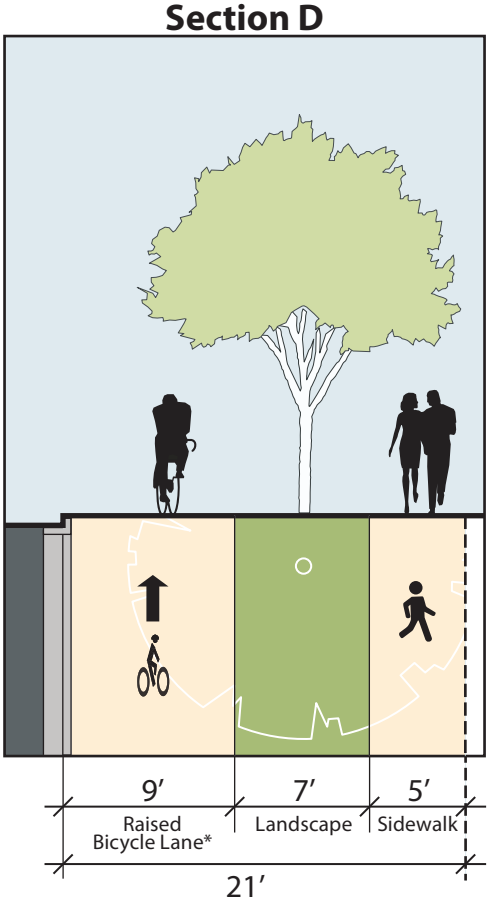
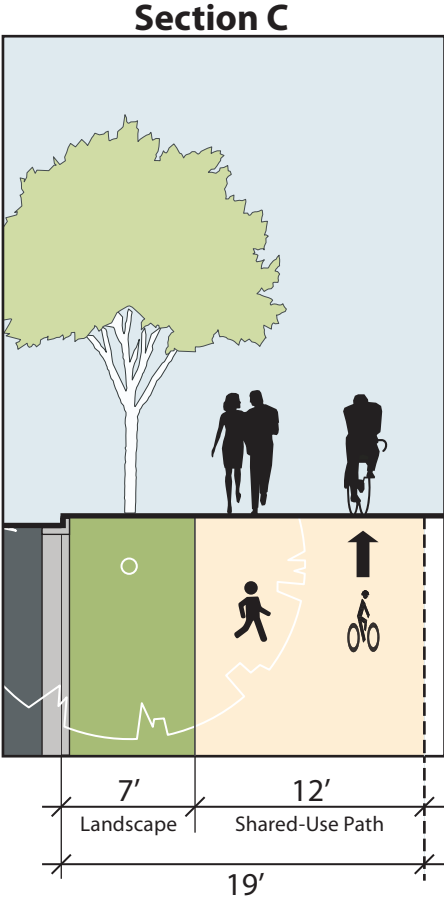
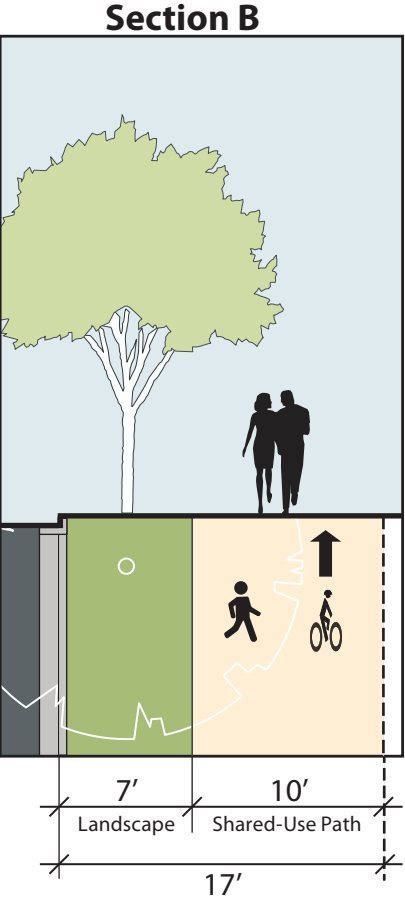
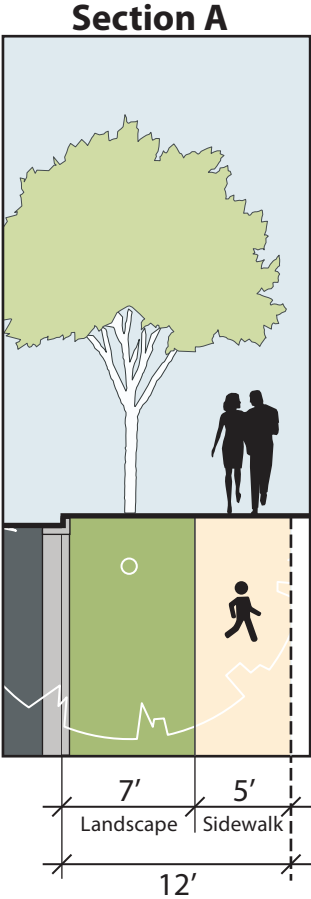


016-1505

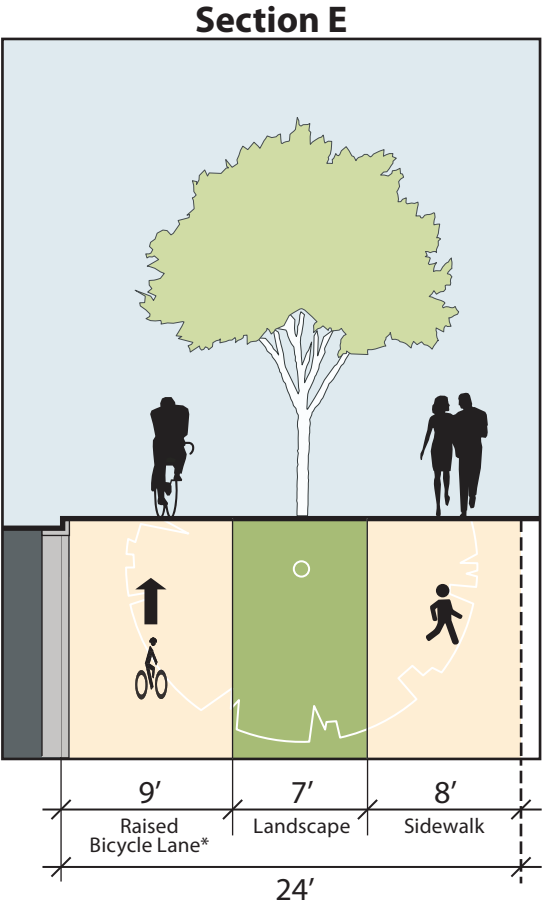
**City of Dripping Springs
Public Notice of Ordinance 2021-40
Transportation Master Plan
Effective Date: October 28, 2021**

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF DRIPPING SPRINGS,
TEXAS AMENDING ARTICLE 22.04
TRANSPORTATION MASTER PLAN,
SECTION 22.04.001 ADOPTION, ADOPT-
ING THE 2021 CITY OF DRIPPING
SPRINGS TRANSPORTATION MASTER
PLAN AND ASSOCIATED POLICIES.

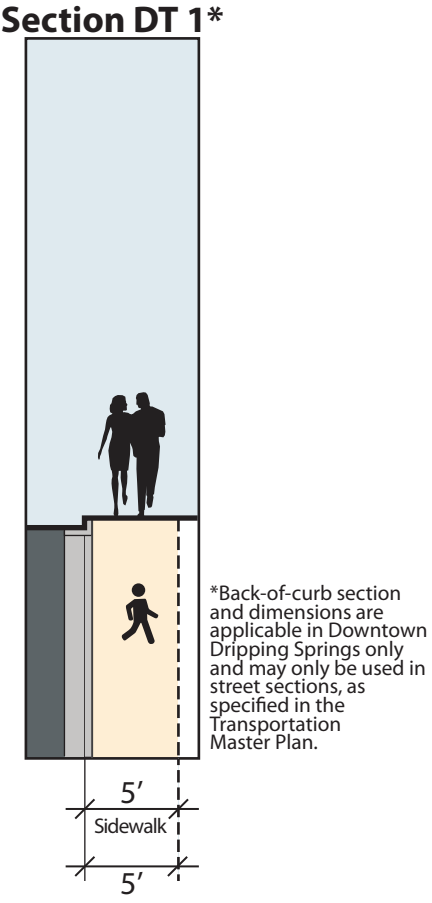




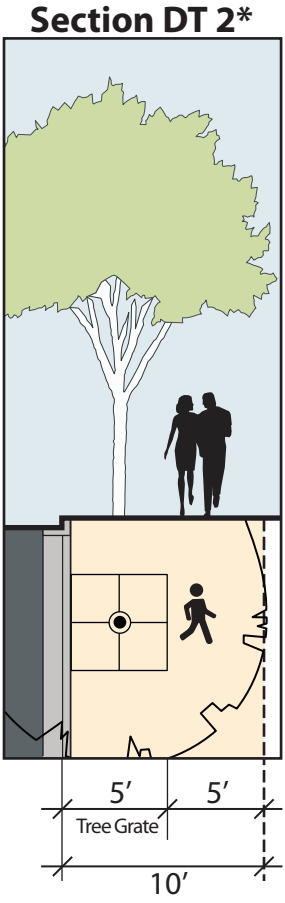
*Raised Bicycle Lane is dimensioned from the face-of-curb and includes a 2-foot buffer adjacent to the roadway.



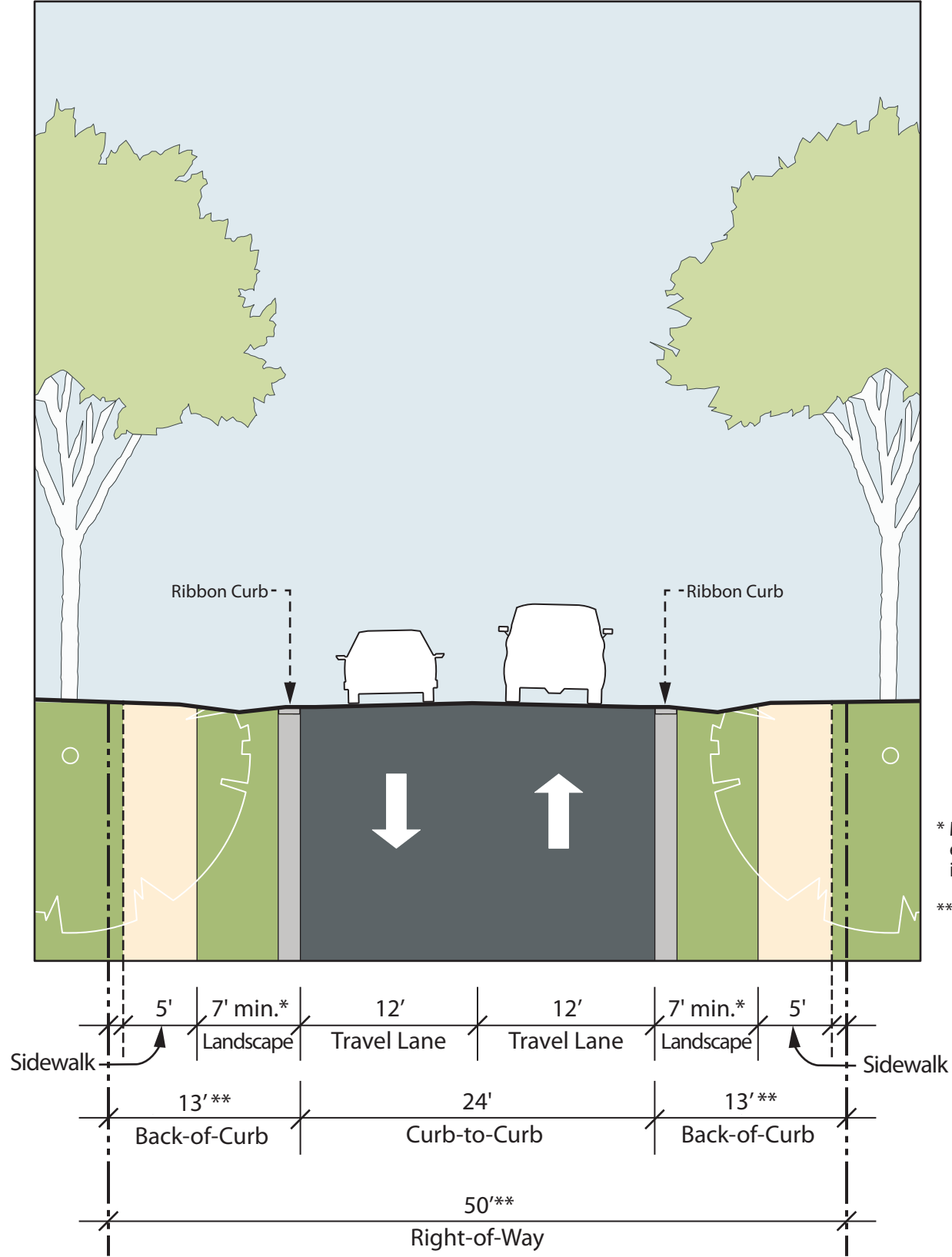
*Raised Bicycle Lane is dimensioned from the face-of-curb and includes a 2-foot buffer adjacent to the roadway.



*Back-of-curb section and dimensions are applicable in Downtown Dripping Springs only and may only be used in street sections, as specified in the Transportation Master Plan.



*Back-of-curb section and dimensions are applicable in Downtown Dripping Springs only and may only be used in street sections, as specified in the Transportation Master Plan.



* Minimum landscape clear space width between edge of pavement and sidewalk to be determined in coordination with the City of Dripping Springs.

** Accommodations for drainage may impact required Right-of-Way width.

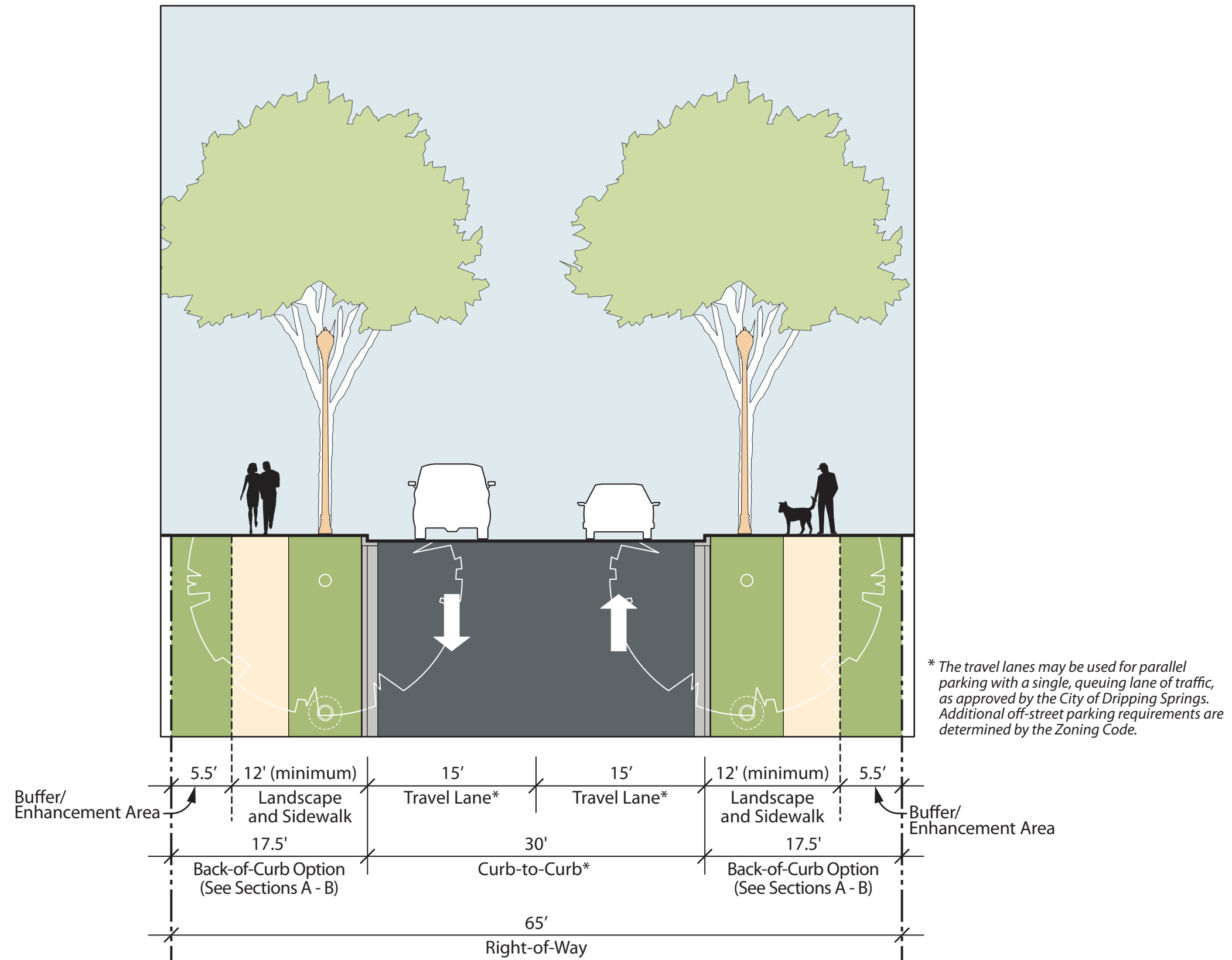
0' 5' 10 ft.

2 Lane Rural Roadway

City of Dripping Springs - Transportation Master Plan

October 19, 2021

- NOTES**
- Curb-to-curb dimensions are to face-of-curb.
 - For Back-of-Curb Options refer to the Sections supplement for alternate configurations and dimensions. Use of an alternate Section may encroach into the Buffer/Enhancement Area.



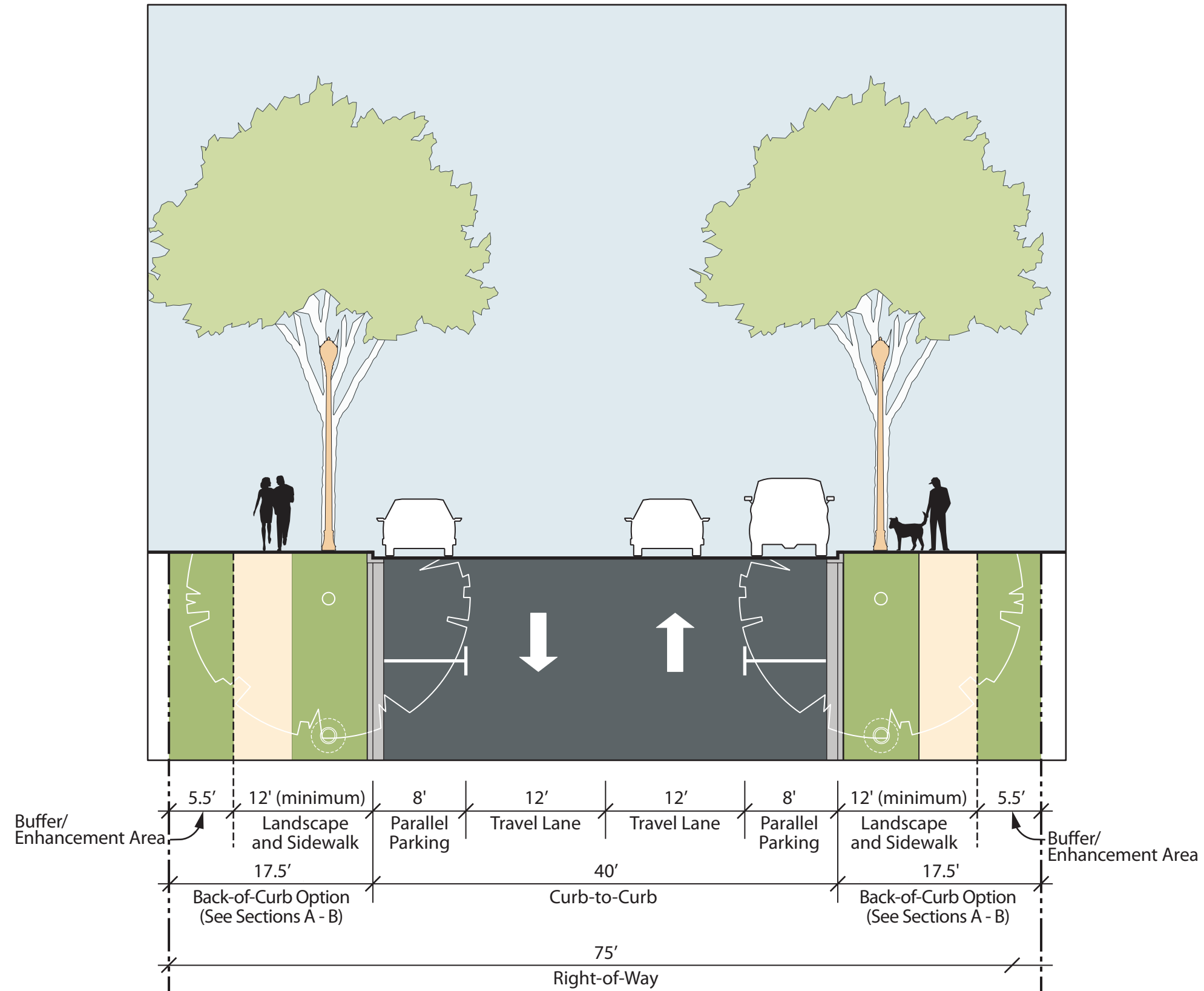
2 Lane Residential Local Street

City of Dripping Springs - Transportation Master Plan

October 19, 2021

NOTES

- Curb-to-curb dimensions are to face-of-curb.
- For Back-of-Curb Options refer to the Sections supplement for alternate configurations and dimensions. Use of an alternate Section may encroach into the Buffer/Enhancement Area.



2 Lane Residential Collector/Local Street

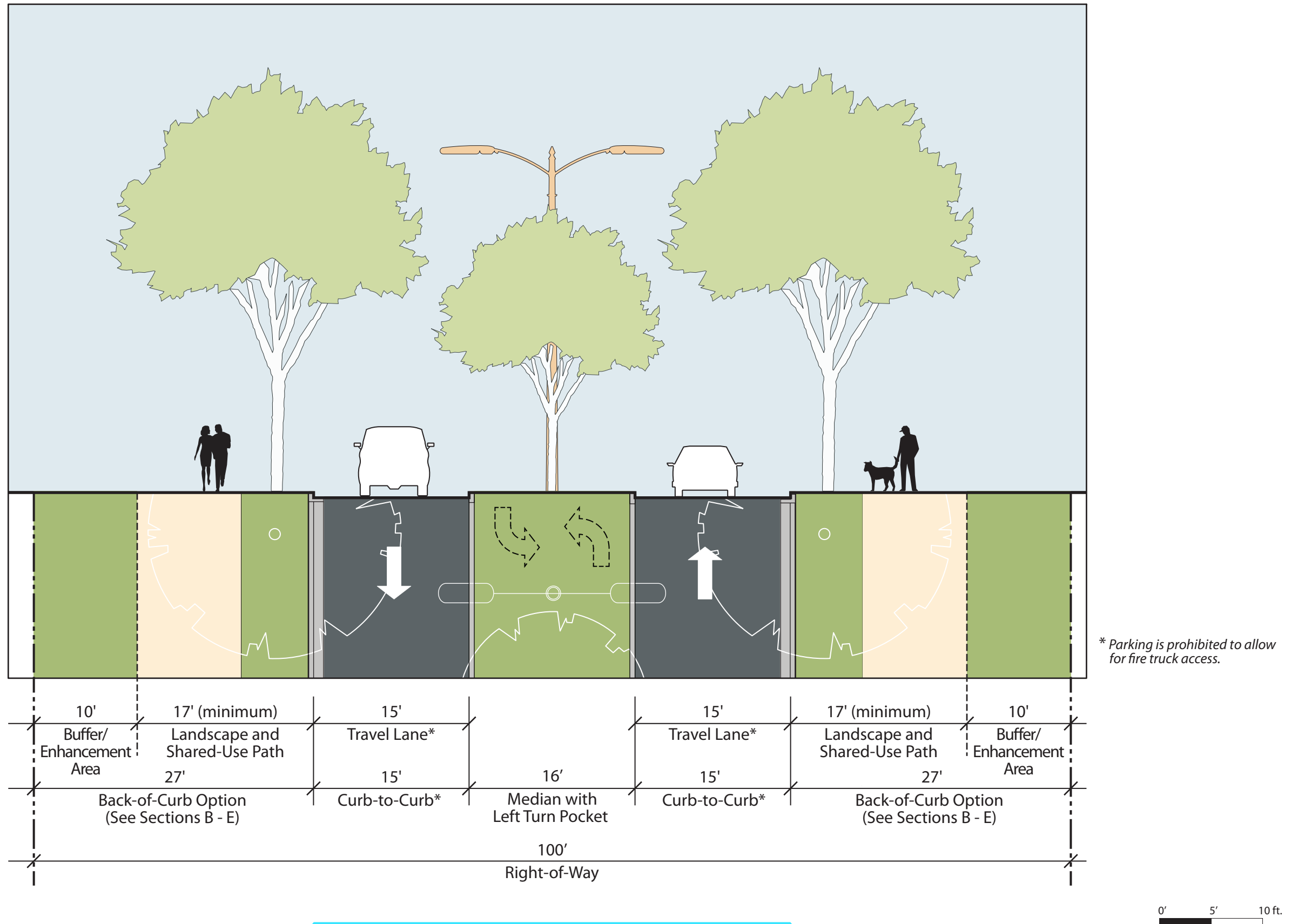
City of Dripping Springs - Transportation Master Plan

October 19, 2021

0' 5' 10 ft.

NOTES

- Curb-to-curb dimensions are to face-of-curb.
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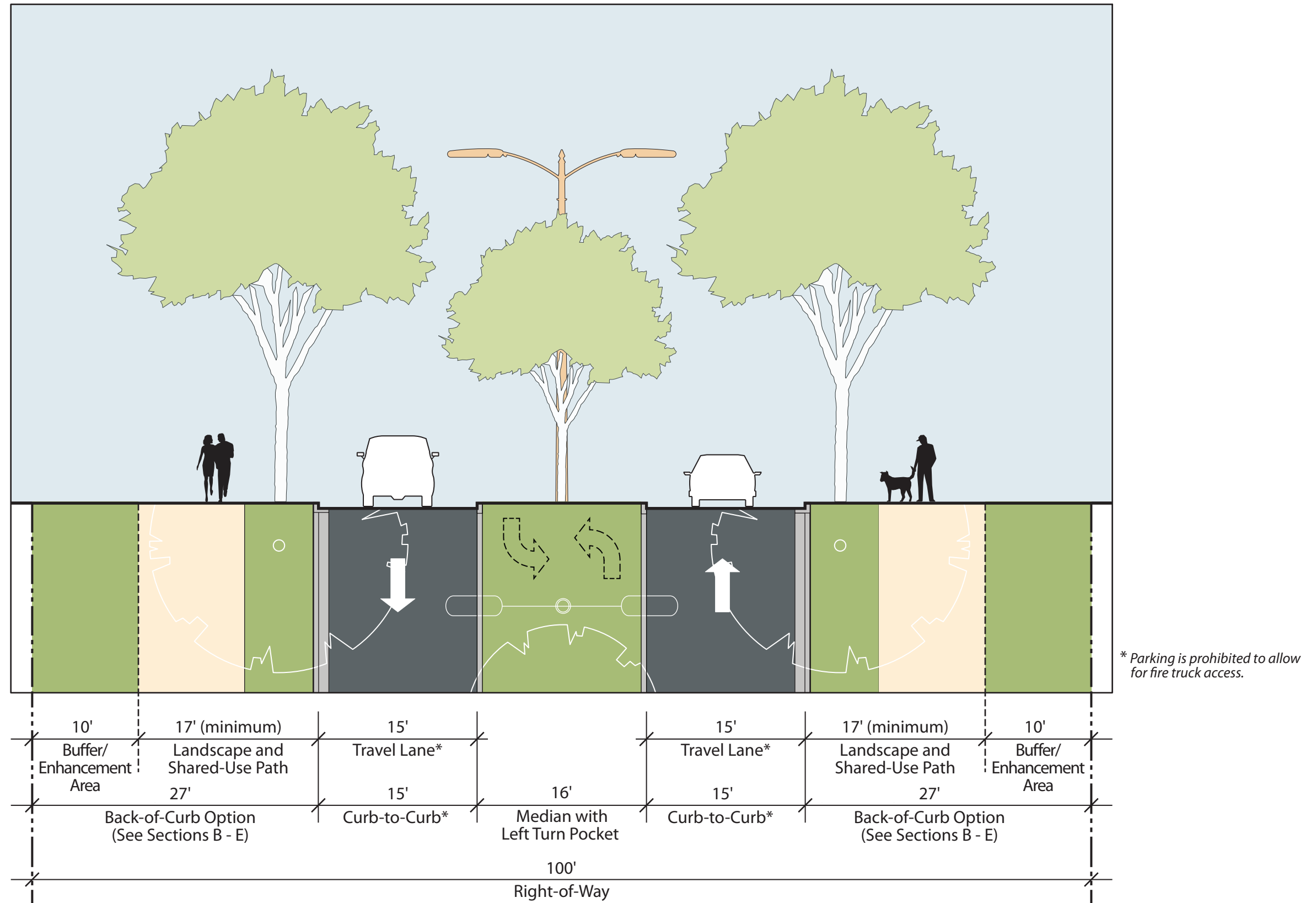
2 Lane Neighborhood Collector Divided

City of Dripping Springs - Transportation Master Plan

October 19, 2021

NOTES

- Curb-to-curb dimensions are to face-of-curb.
- For Back-of-Curb Options refer to the Sections supplement for alternate configurations and dimensions. Use of an alternate Section may encroach into the Buffer/Enhancement Area.



2 Lane Minor/Major Arterial Divided

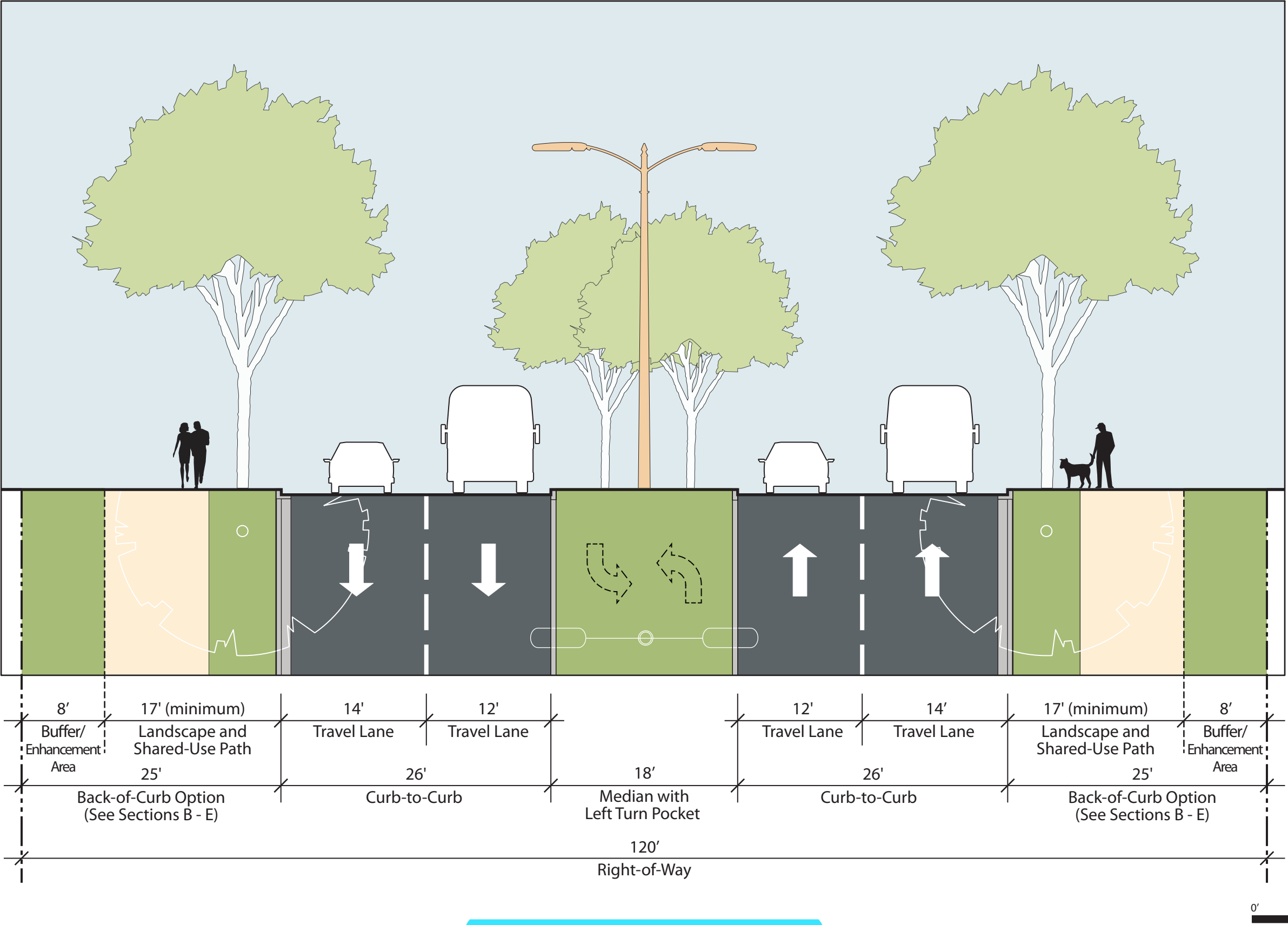
City of Dripping Springs - Transportation Master Plan

October 19, 2021

0' 5' 10 ft.

NOTES

- Curb-to-curb dimensions are to face-of-curb.
- For Back-of-Curb Options refer to the Sections supplement for alternate configurations and dimensions. Use of an alternate Section may encroach into the Buffer/Enhancement Area.



4 Lane Major Arterial Divided
City of Dripping Springs - Transportation Master Plan

October 19, 2021

- NOTES**
- Curb-to-curb dimensions are to face-of-curb.
 - For Back-of-Curb Options refer to the Sections supplement for alternate configurations and dimensions. Use of an alternate Section may encroach into the Buffer/Enhancement Area.



From: [Luisa Leon](#)
To: [Planning](#)
Subject: Re: Hardy development concern
Date: Saturday, January 18, 2025 11:02:25 AM

Hello City of Dripping Springs,

I hope this message finds you well. My name is Luisa Alberto and I live in the Bunker Ranch community here in Dripping Springs. I am reaching out to make a public statement on the appeal happening Tuesday 1/21/2025 for the proposed Hardy development. I would like to voice my family's concern as we live on the main Bunker Ranch Blvd road in our community and cannot fathom why construction traffic would be allowed through our community for this project! We have young families that use these roads and I fear for our safety. I've almost been hit by a car walking in my own community and cannot imagine the legal consequences this could impart by allowing these big construction trucks to go through our private community; day in and day out. Another notable mention, we had a personal incident of a construction truck going through our backyard when a home was being built on our block. They could have hit our little one! We do not trust that these construction crews will be safe and we fear for our safety in allowing strangers have that close of proximity to our homes. Considering the dangers, lack of regulation, safety concerns, and disruption to our community we hope that the city will put its residents first and deny the developer using our community to access the project. The last thing we want is to add legal affairs to an already burdened city that we recognize you all juggling at the moment. Sincerely, we know you are dealing with a plethora of issues that come with growth and you are appreciated in our community; we simply pray you will value our concerns.

A concerned citizen,

Luisa Alberto

From: [Marcia Opsata Sparks](#)
To: [Tory Carpenter](#)
Subject: Bunker Ranch #9
Date: Sunday, January 19, 2025 12:58:19 PM

Mr Carpenter,

I am a resident of Bunker Ranch. I have been living here since April 2019.

This neighborhood has grown and changed every single day since our move here. What hasn't changed are the degradation of our streets, the racing through our neighborhood by construction vehicles and the inability to walk safely along the street.

I used to stand in the middle of the road, waving my arms to get the drivers to slow down. It rarely worked and of course it wasn't safe for me to do that. I just wanted them to slow down. We have old people, we have little people, all of which might not be able to quickly jump out of the way of a speeding vehicle.

One of our diligent parents was able to get some speed bumps and stop signs installed. They help but the honest to goodness truth is that people still race through the neighborhood AND they run the stop signs.

We do have a security gate at our entrance. The gate initially was suppose to be open during the day and closed at night, (per the developer). The hours for construction people to be in the neighborhood varied between 6 and 7 am and then to be out by 6 or 7 pm. The gates were then closed for the night. What we experienced was construction personnel, wanting to come in earlier then allowed. They would push our gate open, tie the gate open, block the sensors once they got in and of course any additional means to essentially break our gate opening and closing. Early on, I reached out to our HOA and asked how much money had been spent to repair the gates. At that time I was quoted \$6300+. WOW! The sad thing is that we have probably spent twice that much since my inquiry. We recently were able to get our security gates to be closed full time. This has helped keep out unauthorized vehicles. However, with the possibility of increased construction trafficking through our neighborhood our gates will again be subjected to increased vandalism thus eroding our personal and property safety. When we had little control over our gates, we were subjected to construction traffic at all times of the day and night. The cement trucks often entered in the middle of the night to pour cement. If you have never witnessed or been abused by the noise of construction at 1 am, you simply cannot understand how horrendously loud it is. Forget about going back to sleep.

Have I mentioned the condition of our Bunker Ranch roads? Well, the first phase roads were built with a side strip of cement and then the main driving road being blacktop. These roads which carry ALL of the Bunker Ranch traffic currently have large cracks, crumbling blacktop/cement and of course they were built too narrow for safe driving! When the "powers that be" approved building in the newer areas, they mandated full cement roads which are a decent width for two passing vehicles. They are infact, awesome. The roads in the first phase were not built to handle such heavy duty equipment on a regular basis If access is allowed to the desired building area via Bunker Ranch, our first phase roads will need to be replaced and potentially the second phase will also need repair or replacement..

It is my understanding that the gravel road two gates to our west is a direct road to the area that is wanting to be developed. Why can that road not be used for the entrance and exit to the building area? It makes sense to use it and not impact so many families. It seems logical.

Mr. Carpenter, I apologize for the length of this long missive. It's just that I am tired of being abused by the developer and his wants. What we, the residents of Bunker Ranch want, is a safe, quiet neighborhood where we can build a community that will benefit Dripping Springs and the surrounding areas

Hopefully you can help us build a better Bunker Ranch and thus a better Dripping Springs.

Thank you

Marcia Opsata-Sparks.

From: [Rodney Sparks](#)
To: [Planning](#)
Cc: [Bill Foulds](#); [Taline Manassian](#); [Wade King](#); [Geoffrey Tahuahua](#); [Travis Crow](#); [Sherrie Parks](#)
Subject: Opposition to Takings Assessment Appeal, Case TA2025-001, Hardy Tract
Date: Tuesday, January 21, 2025 8:18:20 AM

All,

As long-time residents of Bunker Ranch my wife and I vehemently oppose approval of the Appeal. We were one of the first three families to buy here back in 2018. We chose to move from out of state back to Texas and to settle in Dripping Springs and Bunker Ranch as we retired. You may be surprised that our HOA has not opposed this, but that is because it is still under the control of the developer seeking a variance. The residents do not seem to be of much concern to them.

We have witnessed heavy construction traffic with large and small trucks, speeding and running of stop signs by these trucks and contractor employees, and damage to our entrance road by the large trucks has yet to be addressed by the developer/HOA. I should also point out that these same contractors do not comply with the supposed 12-hour day time limits (which change from time to time and are not really in writing) and I have seen and have been roused from sleep by large trucks and even caravans of trucks anywhere from 1 in the morning to 5 in the morning. The HOA claims they have no real control over the contractors or builders.

It has only been in the last few months that the developer has allowed the gates to be closed during the day, and with new construction being requested the gates may remain open again. All of the wear and tear caused by large trucks has also caused problems with the gates and their operations, including being broken, disarmed, or dismantled by construction crews who forgot codes when they arrived in the hours outside their approved time. Broken and open gates in the middle of the night have allowed unwanted visitors and thefts to occur. Furthermore, HOA funds paid by the residents have paid for the repairs, not the developer.

I am a signatory of the petition being submitted by our fellow concerned Bunker Ranch neighbors and urge you to consider the main points outlined there: 1. Destruction of Infrastructure; 2. Traffic Congestion and Thru Traffic; 3. Safety Concerns; 4. Traffic Hazards; 5. Violation of HOA bylaws; 6. Property Value Impacts.

We also request that the City Council honor the requests in our petition regarding upholding the previous rejection of the sidewalk issue, deny any future appeals or requests not compliant with the subdivision ordinances, requiring the construction traffic to utilize a new road from 290 into the Hardy Tract, and to protect the interests of the residents of Bunker Ranch and our community.

Thank you for your consideration.

Rodney Sparks
 132 Dally Court, Bunker Ranch, Dripping Springs, Texas 78620
 434-806-8198
Rsparks64@gmail.com

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Rodney Sparks

From: [lchen108](#)
To: [Tory Carpenter](#)
Cc: lauralindsey6212@gmail.com
Subject: Public Comment for Takings Assessment Appeal (TA2025-001)
Date: Sunday, January 19, 2025 8:14:18 AM

To Whom This May Concern:

Please consider the following public comment with respect to the Takings Assessment Appeal (TA2025-001) as it pertains to the public hearing currently scheduled for January 21, 2025:

I, Laura Lindsey and Lindsey Chen, jointly submit these comments, as current residents of the existing Bunker Ranch Estates neighborhood.

ACCESS ROAD -

- We are respectfully requesting that any and all contractors, sub-contractors, and construction related vehicles/individuals involved in the future development of the Hardy Subdivision be forced to either create a separate access road outside of the existing Bunker Ranch Estates neighborhood front entrance gate and/or use ONLY the new exit road linking the Hardy Subdivision to HWY 290. **Specifically, we are requesting that the Hardy Subdivision be prohibited from using the existing main entrance gate of Bunker Ranch Estates under all circumstances during the construction of the proposed subdivision.**
 - As the developer of the Hardy Subdivision is well aware, we have specific bylaws in place which were in part created by the developer himself, that were intended to protect the current homeowners from being forced to endure "unusual construction practices." Moreover, the contract (our bylaws) in which the developer created understands that enduring years of loud construction vehicles, unauthorized individuals/vehicles from accessing our private property during all hours of the day/night, the speeding of vehicles, as well as, the danger of large construction trucks, when children are present and at

play, as well as the destruction of our current roads, qualifies as "unusual construction practices" and is a direct violation of our bylaws pursuant to Article 5, paragraph 5.25 - "Construction Activities."

- Furthermore, it is our understanding that if such activities do constitute "unusual construction practices" we have the right as members of the community, to potentially seek an injunction via the ACC. We believe by addressing this ingress and egress issue now, all parties involved will avoid potential future litigation.
- In addition to the aforementioned, as a result of the developer allowing our front gate to remain open during the day for many years, there have been numerous occurrences of theft on private properties under construction, as unauthorized vehicles have been known to case the various lots during active construction, and we have had numerous encounters where both children and adults are almost hit by construction workers (because we don't have sidewalks which should never have been approved by the City.) Please note that the front gate at the main entrance to Bunker Ranch is now closed after years of residents requesting to the HOA that it be closed during the daytime. The HOA took action to close the gate for the full 24 hour day period following an incident where an unwelcomed non-resident and potentially illegal adult male took pictures and engaged in inappropriate conversation with several children out for early trick or treating on Halloween this past October. Re-opening the main entrance of Bunker Ranch for construction traffic for 78 additional tracts would put the residents and especially the children of Bunker Ranch Estates at risk.
- Finally, please understand that there are some residents of Bunker Ranch Estates who have already been forced to live through nearly 5 years of constant construction activities; with no end date in sight within the current plots of Bunker Ranch Estates; it's time for this to come to an end.

Thank you for taking the time to listen to our comments, concerns, and requests. We can both be reached for additional comments/questions by

phone and/or email as noted below.

Sincerely,

Laura Lindsey, Esq. and Lindsey Chen

Contact Info:

Laura Lindsey: LauraLindsey6212@gmail.com / (858) 335-4619

Lindsey Chen: lchen108@protonmail.com / (541) 272-2026

Sent with [Proton Mail](#) secure email.

From: [Mike Wright](#)
To: [Planning](#)
Subject: Hardy Tract Appeal
Date: Saturday, January 18, 2025 9:09:49 AM

I am responding to the Public Notice below:

**CITY OF DRIPPING SPRINGS
NOTICE OF PUBLIC HEARING
FOR A TAKINGS ASSESSMENT APPEAL
CASE #: TA2025-001
HARDY TRACT**

I am a resident of Bunker Ranch and I believe that a second entry/exit for Hardy Tract is critical for the safety of Bunker Ranch residents. There are now many children in our neighborhood and plenty of traffic from residents, delivery trucks and contractors that are causing concerns and safety issues and adding to it threatens our residents even further.

A second entry/exit for Hardy Tract, would also be essential for the residents there should they build at some point.

Thank you for your consideration.

Sincerely,

Michael S. Wright
250 Reataway
630-258-8790



DRIPPING SPRINGS
Texas

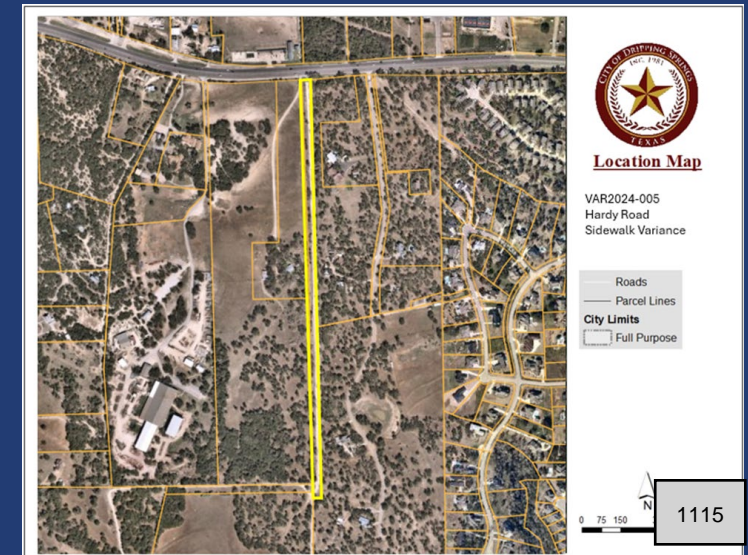
Hardy Tract: Taking Assessment Appeal

Laura Mueller, City Attorney
Chad Gilpin, City Engineer

BACKGROUND – HARDY TRACT

Item # 17.

- The City of Dripping Springs has required, due to site development and fire requirements, that the project commonly known as the Hardy Tract build a road, including sidewalks and drainage.
- The property owner requested a Takings Assessment.
- Takings Assessment, drafted by City Engineer Chad Gilpin, supported the required infrastructure.
- Hardy Tract applied for variances to request relief from the sidewalk requirements. They were partially approved to allow sidewalks on only one side of the Hardy Road. The remaining variances were denied.
 - Final decision on August 27, 2024
- The developer then appealed the Takings Assessment to the City Council.



Takings Assessment Appeal Process

- Appellant (Developer) can appeal the Takings Assessment at any time by setting a Notice of Appeal.
- Once the item is placed on the City Council Agenda, the Appellant (Developer) may submit any written information to include in the City Council's Packet by the Wednesday before the meeting.
- At the meeting: A public hearing on an appeal shall proceed in the following order:
 - (1) a report from City staff including outline of the Takings Assessment;
 - (2) a presentation by the appellant;
 - (3) public hearing by persons supporting the appeal;
 - (4) public hearing by persons opposing the appeal; and
 - (5) a rebuttal by the appellant.
- At the public hearing, each speaker receives 2 minutes similar to Presentation of Citizens.
- After the item, the Appellant can choose to submit the item or submit additional information for up to ten (10) additional days.
- Once all testimony and documentation is submitted, the City Council has 30 days to issue its opinion.
 - Staff recommends that deliberation occur at the next meeting.
- Appellant then has 30 days to appeal the City Council's decision to district court if it wishes to do so.

Takings Assessment Analysis

In order for the required infrastructure to be upheld as stated in the Takings Assessment, the City must show that the requirements:

- (1) are for legitimate government purposes; and
- (2) are roughly proportional to the impact of the development.

The assessment must show that “the developer’s portion of the costs [does] not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development” for the improvements to be legally required by the City.

Difference to Variance Analysis:

In Variance review, cost of infrastructure is not analyzed as part of the undue hardship review. Takings/Rough Proportionality does anticipate analysis of the cost of the infrastructure.

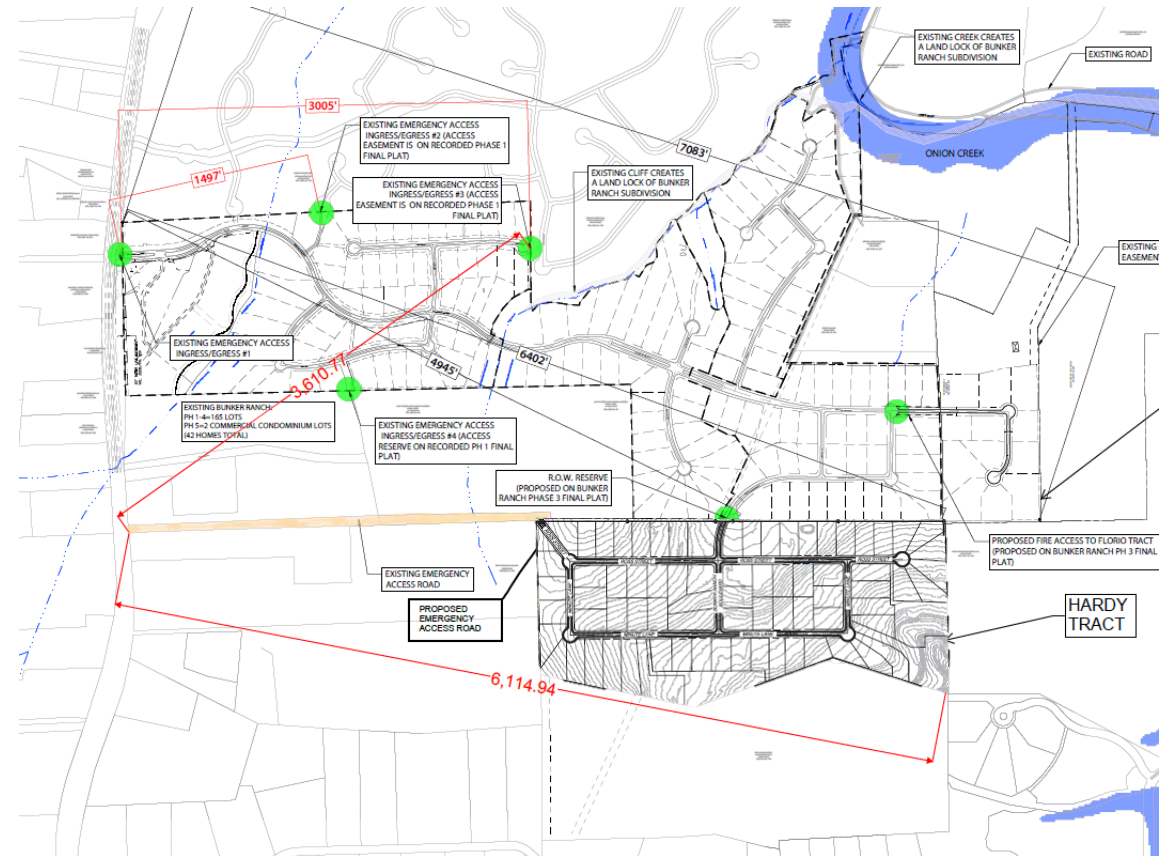
REQUIRED IMPROVEMENTS

Item # 17.

- Two points of ingress and egress – Fire and City Requirement
- Two lane rural road: twenty-four foot (24 ft) road (26 ft if the development includes multi-family) – Subdivision Ordinance --11.3.4
- Five (5) foot sidewalk on one side (based on partial approval of variance)
- Drainage improvements required to meet the Water Quality and Drainage mitigation as required by the Water Quality Ordinance Article 22.05.
- These improvements are to service the development and are not required to be oversized for any other development.
- There is no requirement for dedication of right-of-way or easement for the City or any other entity.

ROADWAYS

- The purpose of requiring two points of vehicular access is to provide safety and adequate traffic circulation to the residents of the subdivision.
- The other purpose of requiring two points of vehicular access is to provide adequate fire access based on remoteness.
- Fire Code – Section D104.3 – Remoteness
“Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.”



Drainage

- The requirement of adequate drainage and water quality is to ensure that any required or planned improvements do not burden other private or public parties with adverse stormwater flows.
 - In addition, it aids in protecting all waterways in the area from pollutants.

Sidewalks

Item # 17.

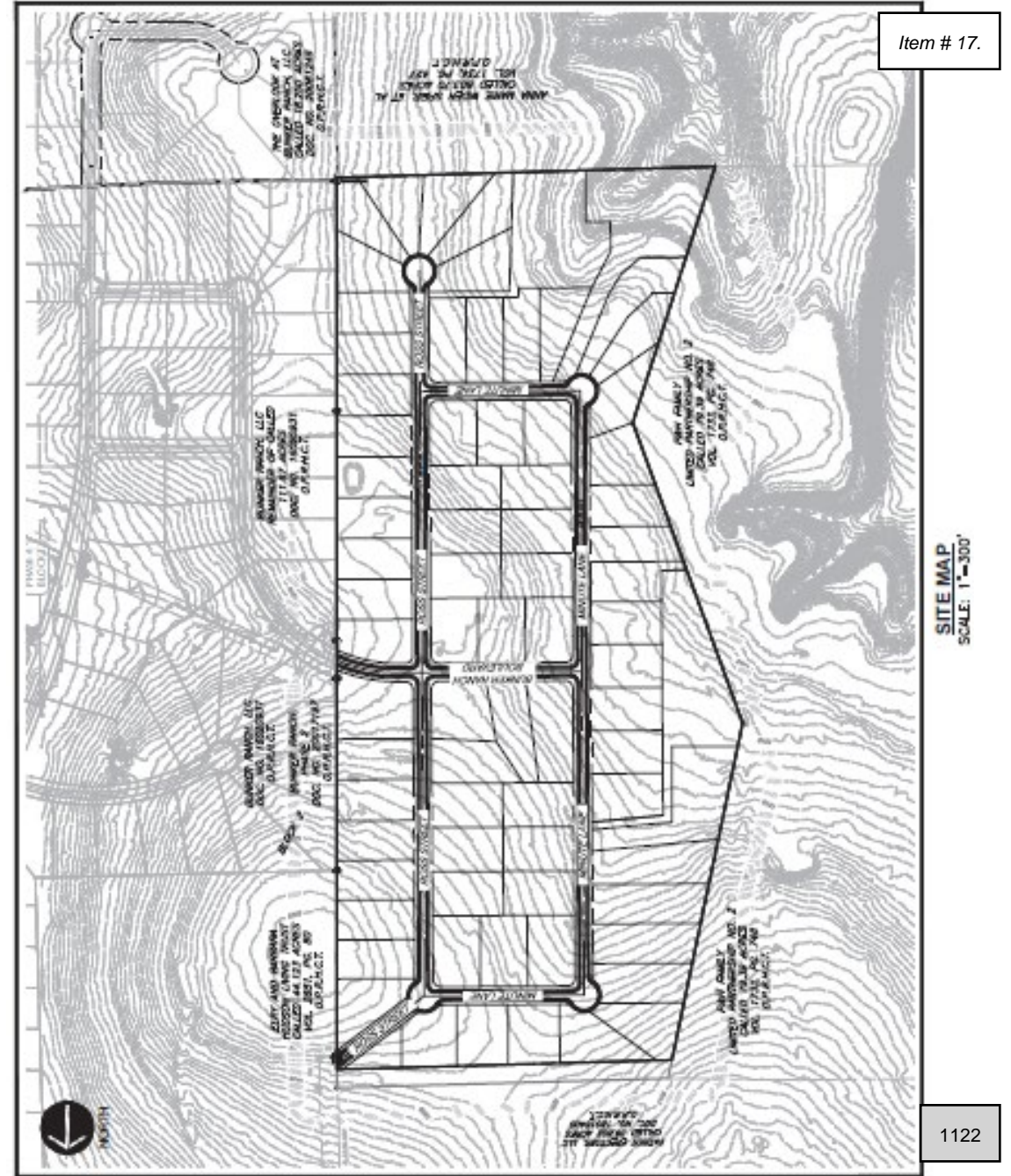
The requirement for sidewalks is to provide pedestrian access to the subdivision that provides a safer alternative than walking in the roadway itself.



IMPACT OF DEVELOPMENT

The Hardy Tract is 78 acres and will add an additional seventy-five lots.

- **This roadway is only for the residents of this development and does not have to be open to the public.**
- **The infrastructure required only meets minimum city and fire requirements.**
- **Detention and Water Quality are required by the Hardy Tract subdivision to mitigate increased flows to neighboring properties caused by the roadway.**
- **The sidewalk is only required for one side of the road and is near trails and the middle school/high school sidewalk project.**



- The development could build a second point of access in another part of the development.
- In addition, the City has offered to review the possibility of allowing drainage to be stored on an adjacent agricultural lot.

CONCLUSION AND RECOMMENDATIONS

Item # 17.

- The City and Fire is open to limiting the roadway to twenty-four feet so long as no multi-family is built in this development or adjacent to this roadway.
- The City is not requiring that the development pay for any additional city infrastructure or fees that are not the minimum required by the number of lots and acres within this subdivision.
- The City is not requiring any right-of-way dedication or easement to the City or any other entity.
- The Hardy Drive and related infrastructure is not for the public or the City, it is solely to benefit the safety of the future residents of the proposed development.

CONCLUSION AND NEXT STEPS

Item # 17.

Staff Recommendation:

The City Engineer and staff found that the required infrastructure was roughly proportional to the impact of the development as it is the minimum required for the size and type of development.

Next Steps:

For the City Council to consider the appellant's arguments and the City Engineer's Takings Assessment and determine whether the required infrastructure is a taking.

Appellant can request up to 10 additional days to submit written information.

Decision must be issued by City Council within 30 days of the final submission of testimony and written information. Staff recommends deliberation occur at Council's next meeting.

Questions?



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Andrew Binz, Parks and Community Services Director

City Council Meeting Date: March 4, 2025

Agenda Item Wording: Discuss and consider approval of an Ordinance amending the Fiscal Year 2025 Budget related to Parks & Recreation Expenses.

Agenda Item Sponsor: Taline Manassian

Summary/Background: With the opening of the Rob Shelton Blvd. extension heading south of Sports Park Rd, there is a need for the installation of a fence between the road and the soccer fields. The new fence would serve as a barrier to keep stray soccer balls, players and trail users from entering the road unexpectedly.

There are other improvements to the existing fencing at the park that staff would like the City Council to consider. A small section of fencing to the west of the front parking lot needs resetting and re-tying.

Staff would recommend using the funds that were earmarked and approved in the 2025 Budget for the improvements to the restrooms at Founders Park and Sports & Recreation Park which totaled \$30,000 (\$20,000 at Founders Park and \$10,000 at Sports & Recreation Park).

The Parks and Recreation Commission voted 6 – 0 in favor of this recommendation to City Council at their February 19th meeting.

Staff Recommendations: Staff is recommending the approval of the repair of the existing fence and the installation of a 10' fence between the Rob Shelton extension and the soccer fields at Sports & Recreation Park not to exceed \$30,000.

Attachments: SRP – Fence Project 2025 Map

Next Steps/Schedule: Gather quotes for a Professional Services Agreement to be approved by the City Administrator.



CITY OF DRIPPING SPRINGS

ORDINANCE NO. 2025-_____

BUDGET AMENDMENT

**AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS
AMENDING THE CURRENT 2024-2025 FISCAL YEAR BUDGET;
FINDING MUNICIPAL PURPOSES; AUTHORIZING
EXPENDITURES; PROVIDING FOR A SEVERABILITY CLAUSE;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to amend and otherwise modify the City’s budget for Fiscal Year 2024-2025; and

WHEREAS, the City has had a need to adjust line items in the General Fund; and

WHEREAS, the City Council finds that the proposed Budget Amendment is for legitimate municipal purposes, and thus is statutorily authorized by Texas Local Government Code section 102.010; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the city and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Local Government Code Section 101.002, the City Council may manage and control the finances of the municipality; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Dripping Springs to adopt an ordinance amending the current budget.

NOW, THEREFORE, BE IT ORDAINED by the Dripping Springs City Council, that:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein. The City of Dripping Springs’ budget for Fiscal Year 2024 -2025 shall read in accordance with *Attachment “A”*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

2. BUDGET AMENDMENTS

The City of Dripping Springs' budget for Fiscal Year 2024-2025 shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Budget changes include:

General Fund:

Revenues:

Expenditures:

- Founders Park Improvements has decreased **\$20,000.00** (From \$175,000.00 to \$155,000.00)
- S & R Park Improvements has increased **\$20,000.00** (From \$70,000.00 to \$90,000.00)

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. NOTICE TO COUNTY

The City Secretary has hereby been directed to file this Budget Amendment in the office of the County Clerk in Hays County pursuant to Chapter 102 of the Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 4th day of March 2025 by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
CITY - GENERAL FUND			
Balance Forward	2,682,552.45	3,121,821.56	
Revenue			
AD Valorem	3,707,356.54	3,707,356.54	
AV P&I	4,000.00	4,000.00	
Sales Tax	4,500,000.00	4,500,000.00	
Mixed Beverage	100,000.00	100,000.00	
Alcohol Permits	6,500.00	6,500.00	
Fire Inspections	50,000.00	50,000.00	
Bank Interest	150,000.00	150,000.00	
Development Fees:			
- Subdivision	295,100.00	295,100.00	
- Site Dev	400,000.00	400,000.00	
- Zoning/Signs/Ord	65,000.00	65,000.00	
Building Code	1,500,000.00	1,500,000.00	
Transportation Improvements Reimbursements	1,010,000.00	1,010,000.00	
Solid Waste	55,000.00	55,000.00	
Health Permits/Inspections	75,000.00	75,000.00	
Municipal Court			
Other Income	40,000.00	40,000.00	
TXF from Capital Improvements			
TXF DSRP On Call			
TXF from HOT	55,000.00	255,000.00	
TXF from WWU			
TXF from TIRZ	-	100,000.00	
TXF from Sidewalk Fund	29,000.00	29,000.00	
FEMA			
CARES Act			
Opioid Abatement			
Coronavirus Local Fiscal Recovery Funds (CLFRF)			
Total	14,724,508.98	15,463,778.10	-
Expense			
Supplies	37,000.00	37,000.00	
Office IT Equipment and Support	117,329.00	117,329.00	
Software Purchase, Agreements and Licenses	301,251.76	301,251.76	
Website	7,000.00	7,000.00	
Communications Network/Phone	85,221.64	85,221.64	
Miscellaneous Office Equipment	10,000.00	10,000.00	
Utilities:			
- Street Lights	20,000.00	20,000.00	
- Streets Water	4,000.00	4,000.00	
- Office Electric	8,000.00	8,000.00	
- Office Water	750.00	750.00	
- DT Restroom Electric	2,000.00	2,000.00	
- DT Restroom Water	2,000.00	2,000.00	
- Stephenson Electric	1,500.00	1,500.00	
- Stephenson Water	800.00	800.00	
Transportation:			
- Improvement Projects	790,000.00	790,000.00	
- Street & ROW Maintenance	215,075.00	215,075.00	
- Street Improvements	-	439,269.14	
Office Maintenance/Repairs	36,880.00	36,880.00	

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
Stephenson Building Maintenance	2,500.00	2,500.00	
Maintenance Equipment	115,500.00	115,500.00	
Equipment Maintenance	17,750.00	17,750.00	
Maintenance Supplies	6,500.00	6,500.00	
Fleet Acquisition	50,000.00	50,000.00	
Fleet Maintenance	103,675.00	103,675.00	
City Hall Improvements	1,100,000.00	1,100,000.00	
Maintenance Facility	-	-	
Uniforms	17,500.00	17,500.00	
Special Projects:			
- Family Violence Ctr	7,000.00	7,000.00	
- Lighting Compliance	2,000.00	2,000.00	
- Economic Development	5,000.00	5,000.00	
- Records Management	720.00	720.00	
- Government Affairs	50,000.00	50,000.00	
- Stephenson Parking Lot Improvements			
- Stephenson Building Rehabilitation	-	-	
- Planning Consultant	30,000.00	30,000.00	
- Land Acquisition	10,000.00	10,000.00	
- Downtown Bathroom	-	360,000.00	
- City Hall Planning			
Public Safety:			
- Emergency Management Equipment	67,500.00	67,500.00	
- Emergency Equipment Fire & Safety	611.00	611.00	
- Emergency Mgt PR	3,000.00	3,000.00	
- Emergency Equipment Maintenance & Service	12,299.00	12,299.00	
- Emergency Management Other			
- Animal Control	3,400.00	3,400.00	
Public Relations	15,000.00	15,000.00	
Postage	4,500.00	4,500.00	
TML Insurance:			
- Liability	33,908.00	33,908.00	
- Property	67,191.00	67,191.00	
- Workers' Comp	42,497.00	42,497.00	
Dues, Fees, Subscriptions	74,462.85	74,462.85	
Public Notices	2,600.00	2,600.00	
City Sponsored Events			
Election	8,000.00	8,000.00	
Salaries	3,936,374.84	3,936,374.84	
Taxes	309,012.18	309,012.18	
Benefits	315,432.63	315,432.63	
Retirement	214,341.87	214,341.87	
DSRP Salaries	293,829.00	293,829.00	
DSRP Taxes	23,737.92	23,737.92	
DSRP Benefits	35,267.45	35,267.45	
DSRP Retirement	17,049.43	17,049.43	
Professional Services:			
- Financial Services	37,500.00	37,500.00	
- Engineering	70,000.00	70,000.00	
- Special Counsel and Consultants	16,000.00	16,000.00	
- Muni Court	15,500.00	15,500.00	
- Bldg. Inspector	750,000.00	750,000.00	
- Fire Inspector	40,000.00	40,000.00	
- Health Inspector	-	-	

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	
- Architectural and Landscape Consultants	5,000.00	5,000.00		
- Historic District Consultant	29,500.00	29,500.00		
- Lighting Consultant	2,000.00	2,000.00		
- Human Resource Consultant	38,200.00	38,200.00		
Training/CE	100,000.00	100,000.00		
Employee Engagement	20,000.00	20,000.00		
Meeting Supplies	3,120.00	3,120.00		
Code Publication	6,461.47	6,461.47		
Mileage	2,000.00	2,000.00		
Miscellaneous Office Expense	10,000.00	10,000.00		
Bad Debt Expense				
Contingencies/Emergency Fund	62,000.00	62,000.00		
Coronavirus Local Fiscal Recovery Funds (CLFRF)				
Debt Payment 2024	486,041.67	486,041.67		
Debt Payment 2025	865,000.00	865,000.00		
TXF to Reserve Fund	500,000.00	500,000.00		
TXF AV to TIF	575,566.14	575,566.14		
TXF to TIRZ				
Sales Tax TXF to WWU	900,000.00	900,000.00		
SPA & ECO D TXF	259,200.00	259,200.00		
TXF to DSRP				
TXF to Capital Improvement Fund	-	-		
TXF to Vehicle Replacement Fund	115,083.55	115,083.55		
TXF to WWU				
TXF to Founders Day				
TXF to Farmers Market	16,542.01	16,542.01		
Total	13,561,681.40	14,360,950.54	-	

PARKS - GENERAL FUND**Revenue**

Sponsorships and Donations	5,500.00	5,500.00		
City Sponsored Events				
Programs and Events	9,500.00	9,500.00		
Community Service Permit Fees	1,800.00	1,800.00		
Aquatics Program Income	41,750.00	41,750.00		
Pool and Pavilion Rental	21,235.00	21,235.00		
Park Rental Fees	6,000.00	6,000.00		
Reimbursement of Utility Costs				
TXF from HOT Fund	16,500.00	16,500.00		
TXF from Parkland Dedication	8,500.00	8,500.00		
TXF from Parkland Development				
TXF from Landscaping Fund	60,000.00	60,000.00		
Total Revenue	170,785.00	170,785.00		

Expense

Other	6,500.00	6,500.00		
Park Consultants				
Dues Fees and Subscriptions	2,575.00	2,575.00		
Advertising & Marketing	15,500.00	15,500.00		
Total Other	24,575.00	24,575.00		

Public Improvements

All Parks	247,000.00	247,000.00		
Triangle Improvement	5,000.00	5,000.00		

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	
Rathgeber Improvements	-	-		
Founders Park	175,000.00	175,000.00	155,000.00	(20,000.00)
Founders Pool	10,000.00	10,000.00		
Skate Park	25,000.00	25,000.00		
S & R Park	70,000.00	70,000.00	90,000.00	20,000.00
Charro Ranch Park	-	-		
Total Improvements	532,000.00	532,000.00		-
Utilities				
Portable Toilets	10,000.00	10,000.00		
Hays Trinity Groundwater Permit	150.00	150.00		
Triangle Electric	500.00	500.00		
Triangle Water	500.00	500.00		
Ranch House Network/Phone	8,568.00	8,568.00		
S&R Park Water	13,000.00	13,000.00		
SRP Electric	2,500.00	2,500.00		
FMP Pool/ Pavilion Water	5,300.00	5,300.00		
FMP Pool//Electricity	4,500.00	4,500.00		
Pool Phone/Network	2,500.00	2,500.00		
FMP Pool Propane	10,000.00	10,000.00		
Total Utilities	57,518.00	57,518.00		
Maintenance				
General Maintenance (All Parks)	25,000.00	25,000.00		
Trail Washout repairs				
Equipment Rental	5,000.00	5,000.00		
Founders Pool	21,000.00	21,000.00		
Founders Park	26,000.00	26,000.00		
Skate Park Maintenance	2,500.00	2,500.00		
S&R	43,500.00	43,500.00		
Charro Ranch Park	26,150.00	26,150.00		
Triangle/ Veteran's Memorial Park	5,700.00	5,700.00		
Rathgeber Maintenance				
Ranch Park Maintenance	17,000.00	17,000.00		
Total Maintenance	171,850.00	171,850.00		
Supplies				
General Parks	19,600.00	19,600.00		
Charro Ranch Supplies	1,050.00	1,050.00		
Founders Park Supplies	-	-		
Founders Pool Supplies	26,200.00	26,200.00		
Program and Events	10,950.00	10,950.00		
DSRP & Ranch House Supplies				
Rathgeber Supplies	1,504.00	1,504.00		
S&R Supplies	400.00	400.00		
Total Supplies	59,704.00	59,704.00		
Program Staff				
Camp Staff	-	-		
Program Event Staff	16,840.00	16,840.00		
Aquatics Staff	126,813.64	126,813.64		
Total Staff Expense	143,653.64	143,653.64		
Total Parks Expenditures	989,300.64	989,300.64		

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	Change
FOUNDERS DAY - GENERAL FUND				
Balance Forward	63,778.56	63,778.56		
Revenue				
Craft booths/Business Booths	7,540.00	7,540.00		
Food booths	1,500.00	1,500.00		
BBQ cookers	5,115.00	5,115.00		
Carnival	15,000.00	15,000.00		
Parade	4,675.00	4,675.00		
Sponsorship	100,000.00	100,000.00		
Parking concession	500.00	500.00		
Electric	3,000.00	3,000.00		
Misc.				
TXF from General Fund				
Total	201,108.56	201,108.56		
Expense				
Publicity	1,400.00	1,400.00		
Porta-Potties	10,000.00	10,000.00		
Security	38,000.00	38,000.00		
Health, Safety & Lighting	17,500.00	17,500.00		
Transportation	10,500.00	10,500.00		
Barricades/Traffic Plan	21,500.00	21,500.00		
Bands/Music/Sound	25,000.00	25,000.00		
Clean Up	18,500.00	18,500.00		
FD Event Supplies	1,000.00	1,000.00		
Sponsorship	3,500.00	3,500.00		
Parade	500.00	500.00		
Tent, Tables & Chairs	7,000.00	7,000.00		
Electricity	2,000.00	2,000.00		
FD Electrical Setup	225.00	225.00		
Contingencies				
Total expenses	156,625.00	156,625.00		
Balance Forward	44,483.56	44,483.56		
ECLIPSE - 2024				
Revenue				
Sponsorships				
- Sunblock Party	-	-		
- Glasses	-	-		
- Misc. Sponsorships	-	-		
Sales				
- Glasses	-	-		
- T-Shirts	-	-		
- Other	-	-		
TXF from HOT	-	-		
Total	-	-		
Expense				
Merchandise				
- Glasses	-	-		
- T-Shirts	-	-		
- Stickers	-	-		
- Other	-	-		

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	
Maintenance	-	-		
Block Party	-	-		
Other	-	-		
Total expenses	-	-		

CONSOLIDATED GENERAL FUND**Revenue**

City	14,724,508.98	15,463,778.12	-	
Parks	170,785.00	170,785.00	-	
Founders	201,108.56	201,108.56	-	
Eclipse	-	-	-	
Total	15,096,402.54	15,835,671.68	-	-

Expense

City	13,561,681.40	14,360,950.54		
Parks	989,300.64	989,300.64	-	
Founders	156,625.00	156,625.00	-	
Eclipse	-	-	-	
Total Expense	14,707,607.04	15,506,876.18	-	-

Balance Forward

388,795.50	328,795.50	-	-
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DRIPPING SPRINGS FARMERS MARKET**Balance Forward**

28,193.38 **28,193.38**

Revenue

FM Sponsor	1,000.00	1,000.00		
Grant Income	1,000.00	1,000.00		
Booth Space	66,000.00	66,000.00		
Applications	1,400.00	1,400.00		
Membership Fee	2,200.00	2,200.00		
Interest Income	1,800.00	1,800.00		
Market Event/Merch.	400.00	400.00		
Transfer from General Fund	16,542.01	16,542.01		
Total	118,535.39	118,535.39		

Expense

Advertising	4,700.00	4,700.00		
Market Manager	60,468.30	60,468.30		
Payroll Tax Expense	4,877.83	4,877.83		
DSFM Benefits	7,057.78	7,057.78		
Retirement	3,508.67	3,508.67		
Entertainment& Activities	5,000.00	5,000.00		
Dues Fees & Subscriptions	200.00	200.00		
Training	100.00	100.00		
Office Expense	200.00	200.00		
Supplies Expense	-	-		
Network & Phone	200.00	200.00		
Cleaning & Maintenance	2,200.00	2,200.00		
Other Expense	-	-		
Capital Fund	-	-		
Contingency Fund	500.00	500.00		
Transfer to Reserve Fund	-	-		

Total Expense	89,012.58	89,012.58		
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Balance Forward

29,522.81	29,522.81		
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FY 2025
AdoptedFY 2025
AmendedFY 2025
Proposed
Amendment #2**PARKLAND DEDICATION FUND****Balance Forward**

10,365.81

10,365.81

Revenue

Parkland Fees

Total Revenue

10,365.81

10,365.81

Expense

Park Improvements

-

-

TXF to AG Facility

Master Naturalists

-

-

Total Expenses

-

-

Balance Forward

10,365.81

10,365.81

PARKLAND DEVELOPMENT FUND**Balance Forward****Revenue**

Parkland Development Fees

Total Revenue

-

Expense

Transfer to Parks

Total Expenses

-

Balance Forward

-

AG FACILITY FUND**Balance Forward**

-

Revenue

Ag Facility Fees

-

Total Revenues

-

Expense

TXF to DSRP

-

Total Expense

-

Balance Forward

-

LANDSCAPING FUND**Balance Forward**

509,067.00

509,067.00

Revenue

Tree Replacement Fees

Total Revenues

509,067.00

509,067.00

Expense

Sports and Rec Park

DSRP

FMP

Charro

Historic Districts

Professional Services

Tree Maintenance

25,000.00

25,000.00

City Hall Lawn and Tree Maintenance

2,300.00

2,300.00

Total Expense

27,300.00

27,300.00

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
Balance Forward	481,767.00	481,767.00	

SIDEWALK FUND

Balance Forward	29,828.96	29,828.96	
Revenue			
Fees	-	-	
Total Revenues	29,828.96	29,828.96	
Expense			
Expense	29,000.00	29,000.00	
Total Expense	29,000.00	29,000.00	
Balance Forward	828.96	828.96	

DRIPPING SPRINGS RANCH PARK OPERATING FUND

Balance Forward	156,169.49	156,169.49	
Revenue			
Stall Rentals	40,000.00	40,000.00	
RV/Camping Site Rentals	21,000.00	21,000.00	
Facility Rentals	125,000.00	125,000.00	
Equipment Rental	8,000.00	8,000.00	
Sponsorships & Donations	52,275.00	52,275.00	
Merchandise Sales	22,065.20	22,065.20	
Riding Permits	8,000.00	8,000.00	
Staff & Misc. Fees	4,000.00	4,000.00	
Cleaning Fees	25,000.00	25,000.00	
General Program and Events:			
- Riding Series	35,000.00	35,000.00	
- Coyote Camp	137,100.00	137,100.00	
- Misc. Events	12,000.00	12,000.00	
- Programing	53,000.00	53,000.00	
- Concert Series			
- Ice Rink	229,169.00	229,169.00	
- Ice Rink Merchandise	500.00	500.00	
Consessions			
Other Income	500.00	500.00	
Interest	4,500.00	4,500.00	
TXF from Ag Facility	-	-	
TXF from HOT	330,000.00	330,000.00	
Total Revenue	1,263,278.69	1,263,278.69	
Expense			
Advertising	15,000.00	15,000.00	
Office Supplies	10,000.00	10,000.00	
Postage			
DSRP On Call	-	-	
Programing Staff	154,246.48	154,246.48	
Network and Communications	9,414.00	9,414.00	
IT Equipment & Support	3,000.00	3,000.00	
Co-Sponsored Events	7,900.00	7,900.00	
Sponsorship Expenses	2,100.00	2,100.00	
Supplies and Materials	-	-	
Uniforms	1,000.00	1,000.00	
Ranch House Supplies	1,000.00	1,000.00	

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	Change
Dues, Fees and Subscriptions	5,127.50	5,127.50		
Mileage	500.00	500.00		
Equipment	5,000.00	5,000.00		
House Equipment				
Equipment Rental	3,000.00	3,000.00		
Equipment Maintenance	25,000.00	25,000.00		
Portable Toilets	960.00	960.00		
Electric	60,000.00	60,000.00		
Water	7,000.00	7,000.00		
Septic	750.00	750.00		
Lift Station Maintenance	12,000.00	12,000.00		
Propane/Natural Gas	2,500.00	2,500.00		
On Call Phone				
Alarm	13,317.24	13,317.24		
Stall Cleaning & Repair	4,000.00	4,000.00		
Training and Education	-	-		
General Program and Events:				
- Riding Series	28,000.00	28,000.00		
- Coyote Camp	12,000.00	12,000.00		
- Misc. Events	700.00	700.00		
- Programing	8,000.00	8,000.00		
- Concert Series				
- Ice Rink	229,169.00	229,169.00		
Other Expense	10,000.00	10,000.00		
Improvements	320,000.00	320,000.00		
Tree Planting				
Contingencies	30,000.00	30,000.00		
Fleet Acquisition	-	-		
Fleet Maintenance	3,000.00	3,000.00		
General Maintenance and Repair	149,040.00	149,040.00		
Grounds and General Maintenance	21,690.00	21,690.00		
House Maintenance	5,000.00	5,000.00		
HCLE	13,200.00	13,200.00		
Merchandise	17,065.20	17,065.20		
Sales Tax Remittance				
RV/Parking Lot				
TXF to Vehicle Replacement Fund	31,906.08	31,906.08		
Total Expenses	1,221,585.50	1,221,585.50		
Balance Forward	41,693.19	41,693.19		

HOTEL OCCUPANCY TAX FUND

Balance Forward	626,259.95	826,259.95	200,000.00
Revenues			
Hotel Occupancy Tax	900,000.00	900,000.00	
Interest	7,200.00	7,200.00	
Total	1,533,459.95	1,733,459.95	200,000.00
Expenses			
Advertising	300.00	300.00	
Christmas Lighting Displays	27,290.00	27,290.00	
City Sponsored Events			
Historic Districts Marketing			
Signage	90,200.00	90,200.00	

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
Arts	-	-	
Lighting			
Dues and Fees	5,000.00	5,000.00	
TXF to Debt Service	90,375.00	90,375.00	
RV/ Parking Lot			
Software	5,000.00	5,000.00	
TXF to General Fund	55,000.00	255,000.00	200,000.00
TXF to DSVB	550,000.00	550,000.00	
TXF to Event Center	330,000.00	330,000.00	
Grants	40,842.00	40,842.00	
Total expenses	1,194,007.00	1,394,007.00	200,000.00
Balance Forward	339,452.95	339,452.95	-

VISITORS BUREAU

Balance Forward

Revenue	3,323.83	3,323.83	
Fees			
- Brewers Fest	1,000.00	1,000.00	
- Wedding Showcase	9,000.00	9,000.00	
Ticket Sales			
- Brewers Fest	17,000.00	17,000.00	
- Dripping with Taste	-	-	
- Songwriter's Festival	9,000.00	9,000.00	
Merchandise			
- Brewers Fest	-	-	
- Songwriters Festival	4,000.00	4,000.00	
- Eclipse	-	-	
Sponsorships & Donations			
- Songwriter's Festival	70,000.00	70,000.00	
- Brewers Fest	1,000.00	1,000.00	
- Stars in Dripping Springs	20,000.00	20,000.00	
Grants			
TXF from HOT Fund	550,000.00	550,000.00	
Other Revenues	9,000.00	9,000.00	
Interest	5,000.00	5,000.00	
Total	698,323.83	698,323.83	

Expense

Personnel			
- Salaries	143,727.90	143,727.90	
- Taxes	11,499.18	11,499.18	
- Benefits	14,172.99	14,172.99	
- TMRS	8,339.81	8,339.81	
Dues, Fees and Subscriptions	3,065.00	3,065.00	
Advertising & Marketing	66,742.00	66,742.00	
Supplies	2,500.00	2,500.00	
IT Equipment & Support			
Software	21,960.00	21,960.00	
Training & Education	8,800.00	8,800.00	
Professional Services			
- Marketing Consultant	5,000.00	5,000.00	
Utilities			

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	Change
- Water				
- Electricity	1,000.00	1,000.00		
- Phone/Network				
Website	10,000.00	10,000.00		
Office Maintenance/Repairs	10,700.00	10,700.00		
Office Improvements	-	-		
Postage	500.00	500.00		
Other	-	-		
Brewers Fest	17,675.00	17,675.00		
Dripping with Taste	-	-		
Songwriter's Festival	100,000.00	100,000.00		
Wedding Showcases	2,000.00	2,000.00		
Stars in Dripping Springs	40,000.00	40,000.00		
Transfer to Capital	40,000.00	40,000.00		
Total expenses	507,681.89	507,681.89		
Balance Forward	190,641.94	190,641.94		

UTILITY FUND

Balance Forward	8,730,497.32	8,730,497.32
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Wastewater

Revenue

TXF from TWDB	-	-
Wastewater Service	1,672,883.25	1,672,883.25
Late Fees/Rtn check fees	9,000.00	9,000.00
Portion of Sales Tax	-	-
Delayed Connection Fees	5,000.00	5,000.00
Line Extensions	-	-
Transfer fees	-	-
Overuse fees	-	-
Reuse Fees	-	-
FM 150 WWU Line Reimbursement	-	-
Interest	-	-
Other Income	-	-
Reuse Water Income	-	-
Developer Reimbursed Costs	-	-
TXF from General Fund	-	-
Total Revenues	1,686,883.25	1,686,883.25

Expense

Administrative and General Expense:

- Regulatory Expense	-	-
- Planning and Permitting	-	-

Engineering:

- Engineering & Surveying	-	-
- Construction Phase Services HR TEFS 1873-001	-	-
- Misc. Planning/Consulting 1431-001	-	-
- 2nd Amendment CIP 1881-001	-	-
- Sewer Planning CAD 1971-001	-	-
- Water Planning 1982-001	-	-
- FM 150 WWU Line 1989-001	-	-
- Parallel West Interceptor Design& Cost	-	-
- Caliterra Plan Review & construction Phase Services 19	-	-
- TLAP Renewal application 1732-001	-	-

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	Change
- Arrowhead PR & Const. Phase Services - 1967-001	-	-		
- Heritage PID PR & Cons. Phase Services - 1734-001	-	-		
- Double L Planning & Const. Phase Services - 1743-001	-	-		
- Cannon Tract - 1842-001	-	-		
- Driftwood 522 PR & Const. Phase Services - 1900-001	-	-		
- Big Sky PR & Const Phase Services - 1913-001	-	-		
- Driftwood Creek PR & Const Phase Services - 1917-001	-	-		
- Cannon/Cynosure/Double L Water CCN App. - 2007-001	-	-		
- Cynosure-Wild Ridge - 2009-001	-	-		
- Oryx Cannon 58 Plan Review & CPS - 60972-2	-	-		
- New Growth Plan Review & CPS - 60972-2	-	-		
- Cannon Ranch Gateway Village Plan Review & CPS -	-	-		
- TLAP Renewal application	-	-		
System Operations and Maintenance:				
- Routine Operations	95,700.00	95,700.00		
- Non-Routine Operations	94,400.00	94,400.00		
- System Maintenance & Repair	30,000.00	30,000.00		
- Chlorinator Maintenance	4,500.00	4,500.00		
- Chlorinator Alarm	1,500.00	1,500.00		
- Odor Control	28,600.00	28,600.00		
- Meter Calibrations	3,500.00	3,500.00		
- Lift Station Cleaning	35,000.00	35,000.00		
- Jet Cleaning Collection lines	50,000.00	50,000.00		
- Drip Field Lawn Maintenance	11,000.00	11,000.00		
- Drip Field Maint & Repairs	30,000.00	30,000.00		
- Drip Field Meter Box Replacement	-	-		
- Lift Station repairs	35,000.00	35,000.00		
- Autodialer Replacement	-	-		
- Lift Station Preventative Maintenance	11,000.00	11,000.00		
- WWTP Repairs/Pump Repairs	70,000.00	70,000.00		
- Chemicals	16,500.00	16,500.00		
- Electricity	88,000.00	88,000.00		
- Laboratory Testing	-	-		
- Sludge Hauling	165,000.00	165,000.00		
- Phone/Network	-	-		
- Supplies	-	-		
- Wastewater Flow Measurement	-	-		
- Backwash Flow Meter & Check valve	-	-		
- Arrowhead Plant Operations	-	-		
- Big Sky Plant Operations	-	-		
Arrowhead Operations and Maintenance:				
- Routine Operations	26,000.00	26,000.00		
- Non-Routine Operations	24,000.00	24,000.00		
- Chlorinator Maintenance	1,750.00	1,750.00		
- Chlorinator Alarm	1,100.00	1,100.00		
- Meter Calibrations	1,400.00	1,400.00		
- Lift Station Cleaning	6,000.00	6,000.00		
- Drip Field Lawn Maintenance	44,000.00	44,000.00		
- Drip Field Maint & Repairs	8,000.00	8,000.00		
- Lift Station repairs	3,000.00	3,000.00		
- Lift Station Preventative Maintenance	2,000.00	2,000.00		
- WWTP Repairs/Pump Repairs	17,000.00	17,000.00		
- Chemicals	14,300.00	14,300.00		
- Electricity	22,000.00	22,000.00		

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
- Sludge Hauling	50,000.00	50,000.00	
- Supplies			
- Equipment			
- Equipment Maintenance			
- Fleet Acquisition			
- Fleet Maintenance			
- Fuel			
- Capital Projects	-	-	
- Arrowhead Plant Lease(s)	286,560.00	286,560.00	
Big Sky Operations and Maintenance:			
- Routine Operations	23,250.00	23,250.00	
- Non-Routine Operations	21,450.00	21,450.00	
- Chlorinator Maintenance	1,500.00	1,500.00	
- Chlorinator Alarm	1,000.00	1,000.00	
- Meter Calibrations	1,200.00	1,200.00	
- Lift Station Cleaning	3,000.00	3,000.00	
- Drip Field Maint & Repairs	7,500.00	7,500.00	
- Lift Station repairs	2,500.00	2,500.00	
- Lift Station Preventative Maintenance	1,000.00	1,000.00	
- WWTP Repairs/Pump Repairs	5,000.00	5,000.00	
- Chemicals	13,000.00	13,000.00	
- Electricity	20,000.00	20,000.00	
- Sludge Hauling	39,000.00	39,000.00	
- Supplies	-	-	
Other Expense	-	-	
Capital Projects:	-	-	
- Road Reconstruction	-	-	
- HRTreated Effluent Fill Station	-	-	
- Parallel West Interceptor	-	-	
- Arrowhead Drain Field	-	-	
- Parallel West Interceptor	-	-	
Other:			
- Reimbursement to Caliterra Oversize of West Intercept	-	-	
TWDB Engineering:			
- West Interceptor, SC, LS, FM and TE line 1950-001	-	-	
- East Interceptor 1951-001	-	-	
- Effluent HP 1952-001	-	-	
- Reclaimed Water Facility 1953-001	-	-	
- WWTP Design Assistance	-	-	
- So Regional WW System Exp P&M 1923-001	-	-	
Miscellaneous:	-	-	
- Consultants and Legal	-	-	
TWDB Capital Projects:	-	-	
- West Interceptor	-	-	
- South Collector, LS and FM and TE Line	-	-	
- East Interceptor	-	-	
- Effluent Holding Pond	-	-	
- WWTP	-	-	
Transfer to General Fund			
Transfer to Vehicle Replacement Fund	50,545.02	50,545.02	
Total Expense	1,466,755.02	1,466,755.02	

DEVELOPMENT/CAPITAL

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
Revenues			
Developer Reimbursed Costs	567,500.00	567,500.00	
Portion of Sales Tax	900,000.00	900,000.00	
Overuse fees	221,841.43	221,841.43	
Line Extension Fees	-	-	
Reuse Fees	-	-	
FM 150 WWU Line Reimbursement	40,000.00	40,000.00	
Other Income	40,000.00	40,000.00	
PEC	130,000.00	130,000.00	
ROW Fees	3,500.00	3,500.00	
Cable	130,000.00	130,000.00	
TX Gas Franchise Fees	4,250.00	4,250.00	
Interest	180,000.00	180,000.00	
Total Revenue	2,217,091.43	2,217,091.43	
Expense			
- Construction Phase Services HR TEFS 1873-001	15,000.00	15,000.00	
- Misc. Planning/Consulting 1431-001	67,500.00	67,500.00	
- 2nd Amendment CIP 1881-001	60,000.00	60,000.00	
- Sewer Planning CAD 1971-001	15,000.00	15,000.00	
- Water Planning 1982-001	5,000.00	5,000.00	
- FM 150 WWU Line 1989-001	40,000.00	40,000.00	
- Parallel West Interceptor Design& Cost	-	-	
- Caliterra Plan Review & construction Phase Services 1'	15,000.00	15,000.00	
- TLAP Renewal application 1732-001			
- Arrowhead PR & Const. Phase Services - 1967-001	10,000.00	10,000.00	
- Heritage PID PR & Cons. Phase Services - 1734-001	60,000.00	60,000.00	
- Double L Planning & Const. Phase Services - 1743-001	75,000.00	75,000.00	
- Cannon Tract - 1842-001	5,000.00	5,000.00	
- Driftwood 522 PR & Const. Phase Services - 1900-001	75,000.00	75,000.00	
- Big Sky PR & Const Phase Services - 1913-001	20,000.00	20,000.00	
- Driftwood Creek PR & Const Phase Services - 1917-001	35,000.00	35,000.00	
- Cannon/Cynosure/Double L Water CCN App. - 2007-001			
- Cynosure-Wild Ridge - 2009-001	25,000.00	25,000.00	
- Oryx Cannon 58 Plan Review & CPS - 60972-2	60,000.00	60,000.00	
- New Growth Plan Review & CPS - 60972-2	60,000.00	60,000.00	
- Cannon Ranch Gateway Village Plan Review & CPS -	60,000.00	60,000.00	
- Effluent HP 1952-001 - Engineering	60,000.00	60,000.00	
- Effluent Holding Pond - Construction			
Other Expense			
- HRTreated Effluent Fill Station	200,000.00	200,000.00	
- Parallel West Interceptor	-	-	
- Arrowhead Drain Field	1,800,000.00	1,800,000.00	
- WWTP Water Supply	50,000.00	50,000.00	
- WWTP Road Repair	50,000.00	50,000.00	
- Arrowhead Capital Projects	500,000.00	500,000.00	
Total Expense	3,347,500.00	3,347,500.00	

TWDB PROJECT**Revenues**

TXF from TWDB	21,005,000.00	21,005,000.00
Total Revenue	21,005,000.00	21,005,000.00

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	Change
Expense				
TWDB Engineering:				
- West Interceptor, SC, LS, FM and TE line 1950-001	150,000.00	150,000.00		
- East Interceptor 1951-001	200,000.00	200,000.00		
- Reclaimed Water Facility 1953-001	25,000.00	25,000.00		
- WWTP Design Assistance				
- So Regional WW System Exp P&M 1923-001	30,000.00	30,000.00		
Miscellaneous:				
- Consultants and Legal	100,000.00	100,000.00		
TWDB Capital Projects:				
- West Interceptor	3,000,000.00	3,000,000.00		
- South Collector, LS and FM and TE Line	3,500,000.00	3,500,000.00		
- East Interceptor	-	-		
- WWTP	14,000,000.00	14,000,000.00		
Total Expense	21,005,000.00	21,005,000.00		
WATER				
Revenue				
Fees:				
- Tap Fees	-	-		
- Impact Fees	-	-		
- Meter Set Fees	3,000.00	3,000.00		
- Disconnect Fees	-	-		
- Equipment Fees	8,000.00	8,000.00		
- Inspection Fees	1,000.00	1,000.00		
Rates:				
- Base Rate	40,000.00	40,000.00		
- Usage	200,000.00	200,000.00		
- Penalties				
Other Revenues	6,000.00	6,000.00		
TXF from Wastewater Fund				
Total Revenue	258,000.00	258,000.00		
Expense				
Administrative and General Expense:				
- Regulatory Expense	-	-		
- Planning and Permitting	-	-		
System Operations and Maintenance:				
- Routine Operations	27,500.00	27,500.00		
- Non Routine Operations	15,000.00	15,000.00		
- System Maintenance & Repair	25,000.00	25,000.00		
- Laboratory Testing	-	-		
- Supplies	-	-		
- Water Meters	60,000.00	60,000.00		
Operating and Maintenance				
Total Expense	127,500.00	127,500.00		
ADMINISTRATION				
Revenues				
PEC	-	-		
ROW Fees	-	-		
Cable	-	-		
TX Gas Franchise Fees	-	-		

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
Interest	-	-	
TXF from General Fund	-	-	
Total Revenue	-	-	

Expense

Administrative and General Expense:

- Administrative/Billing Expense	66,000.00	66,000.00	
- Legal Fees	55,000.00	55,000.00	
- Auditing	10,000.00	10,000.00	
- Software	7,000.00	7,000.00	
- IT Equipment & Support	5,000.00	5,000.00	

Systems Operations and Maintenance:

- Phone/Network	18,000.00	18,000.00	
- Equipment	320,000.00	320,000.00	
- Equipment Maintenance	11,000.00	11,000.00	
- Fleet Acquisition	50,000.00	50,000.00	
- Fleet Maintenance	14,000.00	14,000.00	
- Fuel	22,000.00	22,000.00	
- Laboratory Testing	45,000.00	45,000.00	
- SCADA	50,000.00	59,450.00	9,450.00
Supplies	59,500.00	59,500.00	

Other Expense

Public Relations	-	-	
Uniforms	11,000.00	11,000.00	
Training	20,000.00	20,000.00	
Dispatch	3,000.00	3,000.00	
Salaries	711,493.20	711,493.20	
Overtime	48,672.00	48,672.00	
Taxes	53,169.15	53,169.15	
Benefits	70,133.37	70,133.37	
Retirement	40,977.10	40,977.10	
On Call	26,000.00	26,000.00	

Total Expense	1,716,944.82	1,726,394.82	9,450.00
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CONSOLIDATED UTILITY FUND**Revenue**

Balance Forward	8,730,497.32	8,730,497.32	
Development/Capital	2,217,091.43	2,217,091.43	
TWDB Project	21,005,000.00	21,005,000.00	
Wastewater	1,686,883.25	1,686,883.25	
Water	258,000.00	258,000.00	
Operations	-	-	

Total	33,897,472.00	33,897,472.00	
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Expense

Development/Capital	3,347,500.00	3,347,500.00	
TWDB Project	21,005,000.00	21,005,000.00	
Wastewater	1,466,755.02	1,466,755.02	
Water	127,500.00	127,500.00	
Operations	1,716,944.82	1,726,394.82	9,450.00

Total Expense	27,663,699.84	27,673,149.84	9,450.00
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Balance Forward	6,233,772.16	6,224,322.16	(9,450.00)
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TWDB FUND

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
Balance Forward	906.24	906.24	
Revenues	21,005,000.00	21,005,000.00	
Interest	20.00	20.00	
Total revenue	21,005,926.24	21,005,926.24	

Expenses			
Escrow Fees			
Expenses	21,005,000.00	21,005,000.00	
Total Expenses	21,005,000.00	21,005,000.00	
Balance Forward	926.24	926.24	

IMPACT FUND

Bal Forward	852,770.61	852,770.61	
Revenue			
Impact Fees			
Impact Fee Deposits			
Interest Income	45,000.00	45,000.00	
Total	897,770.61	897,770.61	
Expense			
TXF to Debt Service 2015	670,405.60	670,405.60	
TXF to Debt Service 2019			
TXF to Debt Service 2022			
Total expense	670,405.60	670,405.60	
Total Bal Forward	227,365.01	227,365.01	

DEBT SERVICE FUND 2015

Bal Forward	860,634.56	860,634.56	
Revenue			
TXF from Impact Fund	670,405.60	670,405.60	
Interest	20,000.00	20,000.00	
Total Revenue	1,551,040.16	1,551,040.16	
Expenses			
Debt Payment 2015	684,900.76	684,900.76	
Total Expense	684,900.76	684,900.76	
Balance Forward	866,139.40	866,139.40	

DEBT SERVICE FUND 2013

Bal Forward	125,421.54	125,421.54	
Revenue			
TXF from HOT	90,375.00	90,375.00	
Interest	20,000.00	20,000.00	
Total	235,796.54	235,796.54	
Expense			
Tax Series 2013	88,487.50	88,487.50	
Total Expenses	88,487.50	88,487.50	
Balance Forward	147,309.04	147,309.04	

DEBT SERVICE FUND 2019

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
Bal Forward	1,103,641.63	1,103,641.63	
Revenue			
TXF from Impact Fees			
Interest	20,000.00	20,000.00	
Total	1,123,641.63	1,123,641.63	

Expense			
Tax Series 2019	1,043,533.00	1,043,533.00	
Total Expenses	1,043,533.00	1,043,533.00	
Balance Forward	80,108.63	80,108.63	

DEBT SERVICE FUND 2022

Bal Forward	1,195,168.50	1,195,168.50	
Revenue			
TXF from Impact Fees			
Interest			
Total	1,195,168.50	1,195,168.50	

Expense			
Tax Series 2022	1,191,768.50	1,191,768.50	
Total Expenses	1,191,768.50	1,191,768.50	
Balance Forward	3,400.00	3,400.00	

PEG FUND

Balance Forward	154,185.10	154,185.10	
Revenues			
TWC	30,000.00	30,000.00	
Interest Income	4,000.00	4,000.00	
Total Revenues	188,185.10	188,185.10	

Expense			
TXF to Event Center	-	-	
Total Expense	-	-	
Balance Forward	188,185.10	188,185.10	

RESERVE FUND

Balance Forward	2,744,859.25	2,744,859.25	
Revenue			
TXF from General Fund	300,000.00	300,000.00	
Interest	75,000.00	75,000.00	
Total	3,119,859.25	3,119,859.25	

Expense			
Expense			
Total Expense	-	-	
Balance Forward	3,119,859.25	3,119,859.25	

TIRZ 1

Balance Forward	121,804.14	177,204.14	55,400.00
Revenues			

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2
City AV	219,023.80	219,023.80	
County AV	346,013.11	346,013.11	
City for GAP Escrow			
Interest Income	20,000.00	20,000.00	
EPS Reimbursements			
Total Revenue	706,841.05	762,241.05	55,400.00

Expense

TIRZ Expense			
Project Management/Misc. Costs	16,000.00	16,000.00	
Project Administration P3 Works	8,000.00	8,000.00	
Legal Fees			
EPS			
MAS	-	-	
HDR	52,500.00	52,500.00	
TJKM - Grant Writing			
Buie - PR			
Misc. Consulting	155,000.00	155,000.00	
Creation Cost Reimbursements			
TXF to GAP Escrow			
TXF to General Fund		50,000.00	50,000.00
Stakeholder Reimbursement	-	-	
Total Expense	231,500.00	281,500.00	50,000.00
Balance Forward	475,341.05	480,741.05	5,400.00

TIRZ 2

Balance Forward	1,979,387.49	2,068,387.49	89,000.00
Revenue			
Interest Income	30,000.00	30,000.00	
City AV	356,542.34	356,542.34	
County AV	596,658.45	596,658.45	
Total Revenue	2,962,588.28	3,051,588.28	89,000.00

Expense

Project Management/Misc. Costs	16,000.00	16,000.00	
Project Administration P3 Works	8,000.00	8,000.00	
MAS			
HDR	17,500.00	17,500.00	
Misc. Consulting	95,000.00	95,000.00	
Creation Cost Reimbursements			
TXF to General Fund		50,000.00	50,000.00
Stakeholder Reimbursement	-	-	
Total Expense	136,500.00	186,500.00	50,000.00
Balance Forward	2,826,088.28	2,865,088.28	39,000.00

VEHICLE REPLACEMENT FUND

Balance Forward	317,116.00	317,116.00	
Revenue			
TXF from General Fund	115,083.55	115,083.55	
TXF from DSRP	31,906.08	31,906.08	
TXF from WWU	50,545.02	50,545.02	
Total Revenue	514,650.65	514,650.65	

	FY 2025 Adopted	FY 2025 Amended	FY 2025 Proposed Amendment #2	Change
Expense				
Vehicle Replacement				
Total Expense	-			
Balance Forward	514,650.65			



DRIPPING SPRINGS Texas



City of Dripping Springs FY 2025-2026 Budget Important Dates & Deadlines

The attached Budget Calendar outlines the statutory dates and planning activities for City Staff, Boards, Commissions, Committees and City Council as they relate to the Budget Process for Fiscal Year 2026. Calendar activities in RED note deadlines for staff & City Council, and Public Notifications. The Finance Director will coordinate with City Administration, the City Attorney and City Secretary regarding all notices, ordinances and resolutions as adopted, to include filing the proper documents with County and State Entities. The City Council will hold the following meetings regarding the Tax Rate and Budget Adoption:

- June 03, 2025: Budget Workshop
- June 17, 2025: Budget Workshop
- July 01, 2025: Budget Workshop
- July 15, 2025: Budget Workshop
- August 05, 2025: Budget Workshop, Set Proposed Tax Rate, and Discussion
- August 19, 2025: Budget Workshop
- September 02, 2025: Budget Workshop, Public Hearings on Tax Rate and Budget, and Possible Adoption of the Budget*
- September 16, 2025: Adoption of Approved Budget and Tax Rate, and Ratification of Tax Rate**

**The Council may choose to either adopt the budget or postpone adoption to the following meeting on September 16, 2025.*

***If the total property tax revenue is raised, the Council will need to Ratify the Tax Rate with a resolution.*

All other calendar dates are related to the budget planning process for City staff to include recommendations from boards, commissions, and committees. Budget process activities are listed below each calendar for reference. The following boards, commissions and committees will submit budget recommendations:

- DSRP Board of Directors
- Economic Development Committee
- Emergency Management Committee
- Farmers Market Committee
- Founders Day Commission
- Historic Preservation Commission
- Parks & Recreation Commission
- TIRZ No. 1 & No. 2 Board
- Transportation Committee

The Finance Director will provide staff with the proper forms and budget planning materials related to individual requests and department requests. Staff will work with their supervisor and the Finance Director to draft and submit their requests, and Staff Liaisons to Boards, Commissions and Committees will hold meetings to discuss and provide recommendations for requests. The City Secretary will make sure that each meeting following approval of the Budget Calendar has a budget review/recommendation added to the abovementioned board and commission agendas. The City Secretary does not draft committee agendas but is available to staff for assistance. Please make sure you attach, or forward for attachment documents for agenda discussion items.



City of Dripping Springs

FY 2026 Tax Rate & Budget Adoption

Important Dates & Deadlines

Item # 19.

March 4, 2025	City Council Approval of Budget Calendar and Presentation on Legislative Changes to the Budget Process
May 16, 2025	City Staff Department Budget Requests Due to Administration (includes individual staff member requests submitted to supervisors and IT related requests)
May 30, 2025	Board, Commission and Committee Budget Recommendations Due; City Staff Employee Pay Recommendations Due from Department Heads
June 3, 2025	City Council Budget Workshop
June 17, 2025	City Council Budget Workshop
June 27, 2025	Finance files Proposed Budget with City Secretary
July 1, 2025	City Council Budget Workshop
July 15, 2025	City Council Budget Workshop
August 5, 2025	City Council Budget Workshop, Set Proposed Tax Rate, and Discussion
August 14, 2025	Publication of Notice of Proposed Tax Rate, and Tax Rate and Budget Public Hearings (<i>Submit for publication August 6, 2025</i>)
August 14, 2025	Begin Continuous Notice of Proposed Tax Rate on City Website with Public Hearing Dates for Budget and Tax Rate Hearing, and Notice of Tax Rate
August 19, 2025	City Council Budget Workshop
September 2, 2025	City Council Budget Workshop – Public Hearings on Tax Rate and Budget (<i>Must take action to either adopt or postpone adoption of the Budget to the September 16, 2025, City Council meeting</i>)
September 16, 2025	City Council Meeting – Adoption of Budget, Ratification of the Tax Rate (if total property tax revenue is raised) and Adoption of the Tax Rate
September 17, 2025	Publication of Tax Rate and Budget on City Website, File Tax Rate and Budget with County and State Entities
September 25, 2025	Publication of Notice of Approved Tax Rate and Budget (<i>Submit for publication on September 17, 2025</i>)

March 2025

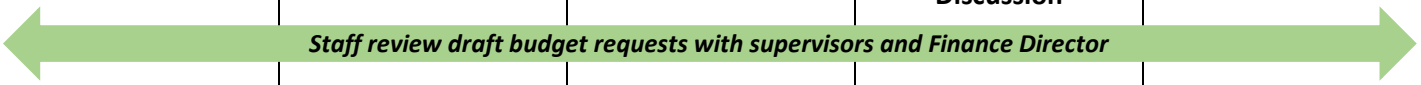

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
3	4	5	6	7
	CC Meeting: Budget Presentation & Budget Calendar Approval		Historic Preservation Commission Budget Discussion	
10	11	12	13	14
TIRZ Board Budget Discussion Founders Day Commission Budget Discussion		DSRP Board Budget Discussion Parks & Recreation Commission Budget Discussion		**Staff obtain proper budget request forms from Finance Director
17	18	19	20	21
Founders Day Commission Budget Discussion				
24	25	26	27	28
Transportation Committee Budget Discussion Founders Day Commission Budget Discussion			Farmers Market Committee Discussion Emergency Management Committee Budget Discussion	Departmental IT budget requests due to City Administrator
31				

Budget Activities

- Finance provides necessary budget information and request forms to develop individual and department budget requests.
- Staff begins meeting with boards, commissions, committees, and council members to discuss budget recommendations and form budget planning committees, if that is usual practice.
- Staff department heads review IT related software and equipment requests with Administration, Finance & IT and determine any additional costs related to infrastructure. Requests due to Administration & Finance by March 28th.

***Dates may vary according to progress*

April 2025

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1	2	3	4
			Historic Preservation Commission Budget Discussion	HOT Grant Application Available
 <i>Staff review draft budget requests with supervisors and Finance Director</i>				
7	8	9	10	11
		DSRP Board Budget Discussion		
 <i>Staff review draft budget requests with supervisors and Finance Director</i>				
14	15	16	17	18
TIRZ Board Budget Discussion Founders Day Commission Budget Discussion		Parks & Recreation Commission Budget Discussion	Farmers Market Committee Budget Discussion Emergency Management Committee Budget Discussion	
21	22	23	24	25
28	29	30		
Transportation Committee Budget Discussion				

Budget Activities

- Staff continues meeting with boards, commissions, committees, and council members to discuss budget recommendations and form budget planning committees, if that is usual practice.
- Staff reviews draft budget requests with supervisors and Finance.

May 2025

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
			1	2
			Historic Preservation Commission Approve Recommendation	HOT Grant Applications Due
5	6	7	8	9
12	13	14	15	16
TIRZ Board Budget Approve Recommendation Founders Day Commission Discussion		DSRP Board Approve Recommendation	Farmers Market Committee Approve Recommendation Emergency Management Committee Approve Recommendation	City Staff Department Budget Requests Due (Includes individual staff requests)
19	20	21	22	23
Transportation Committee Approve Recommendation		Parks & Recreation Commission Approve Recommendation		
City Administration Budget Development				
26	27	28	29	30
City Administration Budget Development				Board, Commission, Committee, & Council Member Budget Recommendations Due

Budget Activities

- City Staff continues meeting with boards, commissions, committees, and council members to review and approve budget requests and recommendations.
- City Staff continues to develop individual and department budget requests and updates them with feedback provided by Administration & Finance. Staff/Departmental requests due by May 16th.
- Administration, Finance & IT work with vendors and staff on options and costs for IT related expenses.
- Administration & Finance draft proposed budget and review with staff and council members as necessary.
- All board, commission, committee, and council member recommendations due to Administration & Finance by May 30th.

June 2025

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	2	3	4	5
	CC Meeting: Budget Workshop			HOT Grant Program Recommendation Due
Budget Review w/Mayor				
9	10	11	12	13
Founders Day Commission Approve Recommendation				
Budget Review w/Mayor				
16	17	18	19	20
	CC Meeting: Budget Workshop			
Budget Review w/Mayor				
23	24	25	26	27
				Proposed Budget Filed with City Secretary & Post to Website
30				

Budget Activities

- Administration & Finance begin budget review with the Mayor.
- City Council holds 1st budget workshop to review and discuss proposed budget on June 2nd.
 - Review of Budget Process – Review of Assumptions
- City Council holds 2nd budget workshop to review and discuss proposed budget on June 17th.
 - Review of General, Agriculture, Landscaping, Sidewalk, & PEG Funds
- Finance files proposed budget with City Secretary on June 27th.
- City Secretary posts proposed budget on city website and copy given to reception for public inspection.

July 2025

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1	2	3	4
	CC Meeting: Budget Workshop			
7	8	9	10	11
14	15	16	17	18
	CC Meeting: Budget Workshop			
21	22	23	24	25
				Certified Tax Rolls Due
28	29	30	31	

Budget Activities

- City Staff continues to meet with council members assigned to discuss recommendations.
- City Council holds 3rd Budget Workshop on July 1st.
 - Review of Utilities, Impact Fees & TWDB project.
- City Council holds 4th Budget Workshop on July 15th.
 - Review of Parks (General Fund), DSRP, Parkland Dedication & Development & HOT

August 2025

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
				1
4	5	6	7	8
	CC Meeting: Budget Workshop **Set Proposed Tax Rate			
11	12	13	14	15
			**Publication of Proposed Tax Rate & Budget Public Hearings Begin Continuous Notice on City website	
18	19	20	21	22
	CC Meeting: Budget Workshop			
25	26	27	28	29

Budget Activities

- City Staff continues to meet with council members assigned to discuss recommendations.
- City Council holds 5th Budget Workshop on August 5th.
 - Review of outstanding or requested items.
- Council sets Proposed Tax Rate on August 5th.
- City Secretary submits notice to News-Dispatch regarding Public Hearing dates for proposed Tax Rate and Budget on August 6th for publication on August 14th.
- City Secretary & Communications begin continuous notification of public hearing on city website on August 14th.
- City Council holds 6th Budget Workshop on August 19th.
 - Review of outstanding or requested items.

September 2025

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1	2	3	4
	CC Meeting: Budget Workshop Public Hearing on Tax Rate & Budget			
8	9	10	11	12
15	16	17	18	19
	CC Meeting: 2 nd Public Hearing on Tax Rate & Budget Budget Adoption Tax Rate Ratification & Adoption	Publication of Tax Rate & Budget on City website File Tax Rate & Budget with County and State Entities		
22	23	24	25	26
			Publication of Notice of Approved Tax Rate & Budget	
29	30			

Budget Activities

- City Staff continues to meet with council members assigned to discuss recommendations.
- City Council holds 7th Budget Workshop on September 1st.
- Council holds public hearings for Proposed Tax Rate & Budget on September 1st.
- City Council adopts Budget and Tax Rate on September 16th.
- Finance Director prepares Approved Budget for Fiscal Year 2026 with prescribed cover page.
- City Secretary submits notice to News-Dispatch regarding Approved Tax Rate and Budget on September 17th for publication on September 25th.
- City Secretary files Approved Tax Rate and Budget with Hays County and State Entities.



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78620

Submitted By: Shawn Cox, Deputy City Administrator

Council Meeting Date: Tuesday, February 4, 2025

Agenda Item Wording: **Discuss and consider projects related to the proposed Certificates of Obligation.**

Agenda Item Requestor: Shawn Cox, Deputy City Administrator

Summary/Background:

As a part of the FY 2025 budget preparation, Council considered funding options for a number of upcoming projects: including TIRZ priority projects, street improvements, and a maintenance facility. Since the adoption of the budget, we have included funding for property acquisition. The projects and costs are:

Project		Cost	TIRZ*	City
Street Improvements	Complete Reconstruction of Existing Roads (FY25)	\$ 616,948	\$ -	\$ 616,948
Transportation Improvements	Design/Construction of New Infrastructure	\$ 1,040,000	\$ -	\$ 1,040,000
Maintenance Facility	Purchase & Construction of Maintenance Facility	\$ 412,805	\$ -	\$ 412,805
Property Acquisition		\$ 2,250,000		\$ 2,250,000
TIRZ Projects	Construction of OFR, Stephenson Bldg. & DT Parking Lot	\$ 9,654,799	\$ 7,241,099	\$ 2,413,700
		\$ 13,974,552	\$ 7,241,099	\$ 6,733,452

*TIRZ costs are calculated at 75% of the total costs of their projects.

Below is a breakout of projects under the Street Improvement, Transportation Improvement and TIRZ Project categories:

Project		Cost
Street Improvements	- Post Oak:	
	Segment 1: RR12 to Shetland Rd	
	Segment 2: Shetland Rd to Roanoke Dr	
	Segment 3 – Roanoke Dr to Spanish Oak	\$ 616,948
Transportation Improvements	- Sidewalk Design & Construction:	
	Middle School	\$ 50,000
	Mercer Street	\$ 760,000
	- HDR Engineering/Consulting:	
	Symposiums	\$ 5,000
	Grants	\$ 125,000
	Reviews	\$ 100,000
Maintenance Facility	Purchase & Construction of Maintenance Facility	\$ 412,805
Property Acquisition		\$ 2,250,000
TIRZ Projects	Old Fithugh Road	\$ 5,459,636
	Stephenson Building	\$ 3,059,053
	Downtown Parking	\$ 1,136,110
		\$ 13,974,551

After working with the City’s Financial Advisor and Bond Council, for consideration is the issuance of \$13,255,000.00 in Combination Tax and Revenue Certificates of Obligation Bonds with a Reoffering premium of \$1,204,249.40 for a total issuance of \$14,459,249.40. Based on the “Debt Servicing Schedule,” this issuance will be repaid from the General and TIRZ funds as follows:

FY	Total Payment	Payment (Gen.)	Payment (TIRZ 1)	Payment (TIRZ 2)	Rate Impact
FY 2025	\$ 1,002,312.50	\$ 482,950.99	\$ 326,379.30	\$ 192,982.21	\$ 0.02337
FY 2026	\$ 1,007,250.00	\$ 485,330.06	\$ 327,987.08	\$ 193,932.86	\$ 0.02349
FY 2027	\$ 1,007,250.00	\$ 485,330.06	\$ 327,987.08	\$ 193,932.86	\$ 0.02349
FY 2028	\$ 1,006,250.00	\$ 484,848.22	\$ 327,661.45	\$ 193,740.33	\$ 0.02346
FY 2029	\$ 1,004,250.00	\$ 483,884.55	\$ 327,010.20	\$ 193,355.25	\$ 0.02342
FY 2030	\$ 1,006,250.00	\$ 484,848.22	\$ 327,661.45	\$ 193,740.33	\$ 0.02346

The chart above outlines the next five years of payments. This issuance is a 20-year note.

The “Rate Impact” column calculates the Interest & Sinking Tax Rate which could be levied to cover the General Funds portion of the debt. For FY 2025, the City budgeted \$865,000.00 to cover the anticipated annual debt cost.

Commission Recommendations: N/A

Recommended Council Actions: This item is intended for discussion only. Any future action resulting from Council’s discussion will be included in a future agenda item.

Attachments:

Next Steps/Schedule:



STAFF REPORT
City of Dripping Springs
PO Box 384
511 Mercer Street
Dripping Springs, TX 78602

Submitted By: Shane Pevehouse, Building Official

Council Meeting Date: 26 February, 2025

Agenda Item Wording: **Update on approved variance at 406 Sue Peaks Loop**

Agenda Item Sponsor: Mayor Foulds

Summary/Background: During the Board of Adjustment meeting on 1/7/2025, City Council approved a variance (VAR2024-009) to allow the single family residence at 406 Sue Peaks Loop to be in the side setback. One of the conditions of that variance was the home owner to the West of 406 Sue Peaks Loop (394 Sue Peaks Loop) be offered the same level of fire resistance improvements for their home. On 2/24/2025, Meritage provided a signed document from the owner of 394 Sue Peaks Loop denying improvements.

The builder has contracted with a 3rd party company to conduct the repairs and their next step will be submitting plans for review. Once approved, the sequence of inspections will be synchronized with the scope of work and construction to add 1-hour fire resistance to the interior and exterior walls will begin. Once all inspections have been passed, the project will be closed and Certificate of Occupancy will be submitted.

**Commission
Recommendations:**

**Recommended
Council Actions:**

Attachments: VAR2024-009 Letter of denial from homeowner at 394 Sue Peaks Loop

Next Steps/Schedule:



TO: Mrs. Megan Fischer

FROM: Meritage Homes

DATE: February 21, 2025

SUB: Offer of changes to 394 Sue Peaks, Big Sky Ranch
Dripping Springs, TX 78620 to match changes being made at 406 Sue Peaks.

Please see information below to outline the steps Meritage Homes will take to address and correct the issues identified at 406 Sue Peaks.

Correction Process for 406 Sue Peaks, Offer to be done at 394 Sue Peaks

Exterior Wall Corrections

1. Remove Exterior Facade

- Remove brick on the first floor and siding on the second floor from the right side of the house.

2. Soffit Overhang Adjustments

- Cut back soffit overhangs to ensure they are a minimum of 2 feet from the property line.
- Any remaining soffit overhang will have a 1-hour fire rating on the underside per Table 302.1 (1).

3. Window Removal

- Remove windows at the second-floor game room that are less than 3 feet from the property line.

4. Water Heater Vent Adjustment

- 5. Remove the water heater vent on the right side. It will be vented through a chase added in the game room (see Interior Wall section).

6. Vent Removal

- Remove vents for bath fans and the dryer from the right side. These will be

vented through a chase added in the game room (see Interior Wall section).

7. HVAC Adjustments

- Remove the HVAC condenser and all connections from the right side of the house. It will be moved to the left side of the house.
- Remove the 11 0V HVAC service plug from the right side of the house.

8. Water Heater Drain Adjustment

- Remove water heater secondary drains from the right side of the house. They will be relocated to the interior stud bay of said wall to exit the exterior of the front of the home.

9. Pest Control Connection Removal

- Remove the pest control connection on the right side of the house.

10. Add Fire-Rated Sheathing

- Install fire-rated sheathing as per the attached detail.

11. Replace Soffit and Fascia Trim Boards

- Ensure a minimum 2-foot clearance from the property line.
- Any remaining soffit overhang will have a 1-hour fire rating on the underside per Table 302.1 (1).

12. Replace Exterior Facade

- Replace the brick on the first floor and siding on the second floor.
- Replace the brick on the first floor with siding in an area 8 feet wide (4 feet O.C) of the master bath window to create an area 8x9 feet or 72 sq. ft. that is greater than 3 feet from the property line.

7. Vent Rerouting

- Reroute the water heater, dryer, and vent fans through the game room chases, including termination through the roof.

8. Water Heater Drain Rerouting

- Reroute the water heater drain to the garage floor.

9. Electrical Adjustments

- Replace electrical junction boxes with fire-resistant rated boxes per R302.4.

10. Drywall Replacement

- Replace drywall on the right exterior wall with 5/8" type "X" gypsum as per the attached detail.
- Repair interior drywall as needed, including chases in the game room and damage from relocating HVAC.

11. Bathroom Fixture Reinstallation

- Reinstall the primary tub and shower, including shower glass and tile surrounds.

12. Trim and Baseboard Replacement

- Replace all interior trims as needed, including mechanical trims, shelving, and baseboards.

13. Repainting

- Repaint the interior as required.

14. Flooring Reinstallation

- Reinstall flooring as required.

15. Final Cleaning and Inspection

- Clean the area thoroughly.
- Pass any applicable inspections.

I **decline** changes being made to 394 Sue Peaks:

Signature: Miguel Date: 2/21/25

Signature: Megan Fischer Date: _____

I **accept** that the changes are to be made to 394 Sue Peaks:

Signature: _____ Date: _____

Signature: _____ Date: _____