



DRIPPING SPRINGS
Texas

CITY COUNCIL REGULAR MEETING - MORATORIUM WAIVERS

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, January 11, 2022 at 5:00 PM

AGENDA

CALL TO ORDER AND 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 April Harris Allison

Council Member Place 5 Sherrie Parks

Staff, Consultants & Appointed/Elected Officials

City Administrator Michelle Fischer

Deputy City Administrator Ginger Faught

City Attorney Laura Mueller

City Secretary Andrea Cunningham

Planning Director Howard Koontz

Senior Planner Tory Carpenter

Planning Assistant Warlan Rivera

PLEDGE OF ALLEGIANCE

PRESENTATION OF CITIZENS

A member of the public who desires to address the City Council regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the City Council's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the City Council. It is the request of the City Council that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.

MORATORIUM WAIVERS

- 1. Discuss and consider approval of a Waiver Application from the temporary development moratorium for the Overlook at Bunker Ranch residential development.**
Applicant: Brian Estes

- a. Applicant Presentation
- b. Staff Report
- c. Waiver Application

- 2. Discuss and consider approval of a Waiver Application from the temporary development moratorium for the Hardy T Land South residential development.**
Applicant: Brian Estes

- a. Applicant Presentation
- b. Staff Report
- c. Waiver Application

- 3. Discuss and consider approval of a Waiver Application from the temporary development moratorium for the Hardy T Land North residential development.**
Applicant: Brian Estes

- a. Applicant Presentation
- b. Staff Report
- c. Waiver Application

EXECUTIVE SESSION AGENDA

The City Council for the City of Dripping Springs has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The City Council for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

- 4. Consultation with City Attorney regarding legal issues related to planning matters, wastewater capacity, comprehensive plan, and processes related to approvals.**
Consultation with City Attorney, 550.071

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING

All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting.

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, www.cityofdrippingsprings.com, on **January 7, 2022, at 1:00 p.m.***

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.



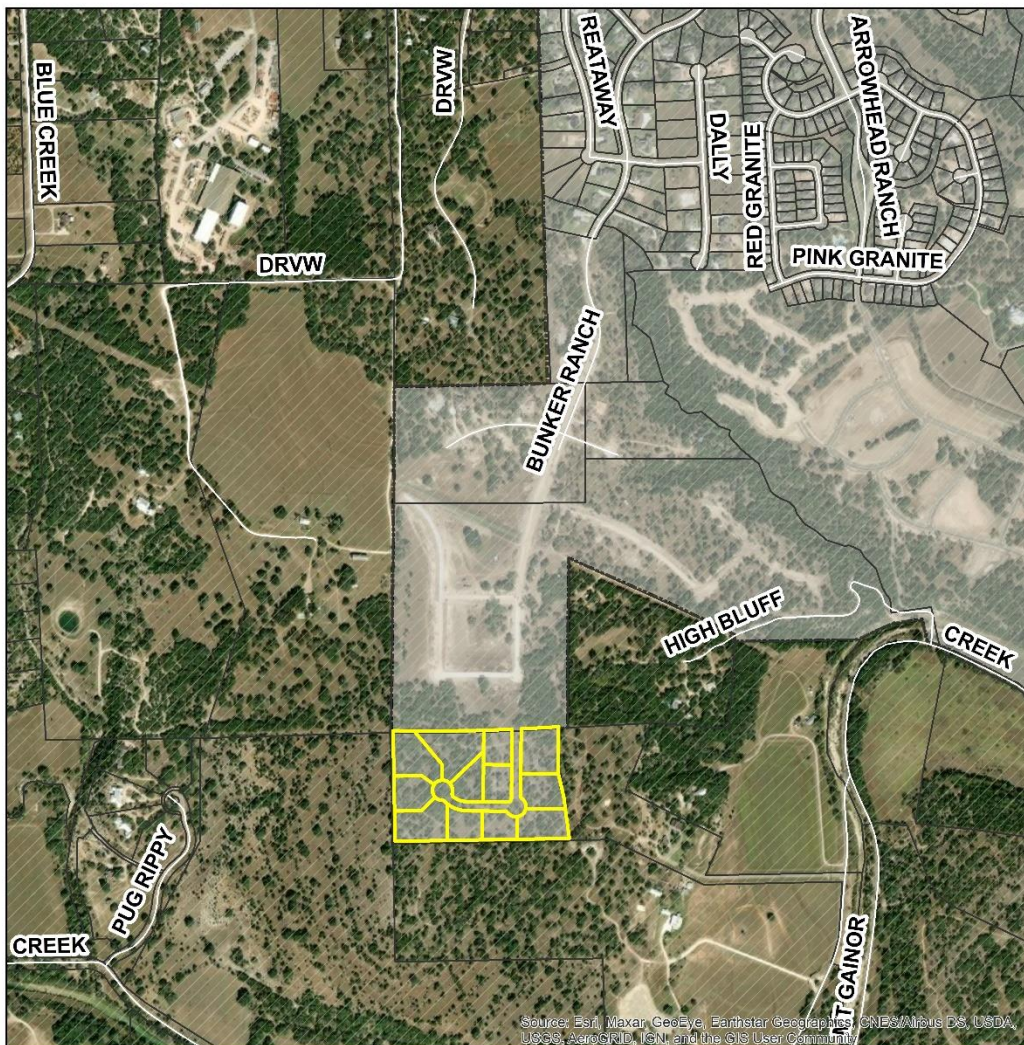
City Council Planning Department Staff Report

Item 1.

City Council Meeting: January 11, 2022
Project No: MORW2022-001
Project Planner: Tory Carpenter, AICP, Senior Planner

Item Details

Project Name: Overlook at Bunker Ranch
Property Location: 2100 Creek Road
Legal Description: 18.25 acres out of the Benjamin F Hanna Survey
Applicant: Brian Estes
Property Owners: Overlook at Bunker Ranch, LLC
Request: A waiver from the temporary development moratorium



Location Map

SUB2021-0020
Overlook at Bunker Ranch
Preliminary Plat

- Site
- Roads
- Parcel Lines
- City Limits Full Purpose
- Dripping Springs ETJ



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Development Proposal

This request is associated with a preliminary plat application for a property known as the Florio Tract which was annexed March 9, 2021. This extension of the Bunker Ranch development includes 11 residential lots zoned SF-2. The project would be served by on-site septic and would not impact the City wastewater system.

Request Overview

The applicant requests an administrative exception to the temporary development moratorium. Given that no residential use was established on the property, the proposed development was determined to be a “change in use” and staff denied the exception request. Staff directed the applicant to apply for a waiver.

Staff Analysis

Moratorium Ordinance: Section 8 Art. B

Waivers. Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners’ sole expense and who do not require land use modifications inconsistent with the updated comprehensive plan, in accordance with Local Government Code Chapter 212, Subchapter E, may apply for a waiver in accordance with City policy.

Wastewater:

This development will be served by on-site septic systems and will not impact the city wastewater system.

Land Use:

This development is consistent with the existing SF-2 zoning district on the property. Additionally, this project is consistent with development trends in the area.

It is important to note, that if the development moratorium were not in place, this project could proceed without any entitlements from the City Council, or any other boards or commissions. If this waiver request is denied, the applicant can proceed with the development after expiration or termination of the temporary development moratorium.

Council Action

City Council is tasked with approval or denial of the waiver. Any denial will stand until the moratorium is lifted unless there is a substantial change to the project.

Attachments

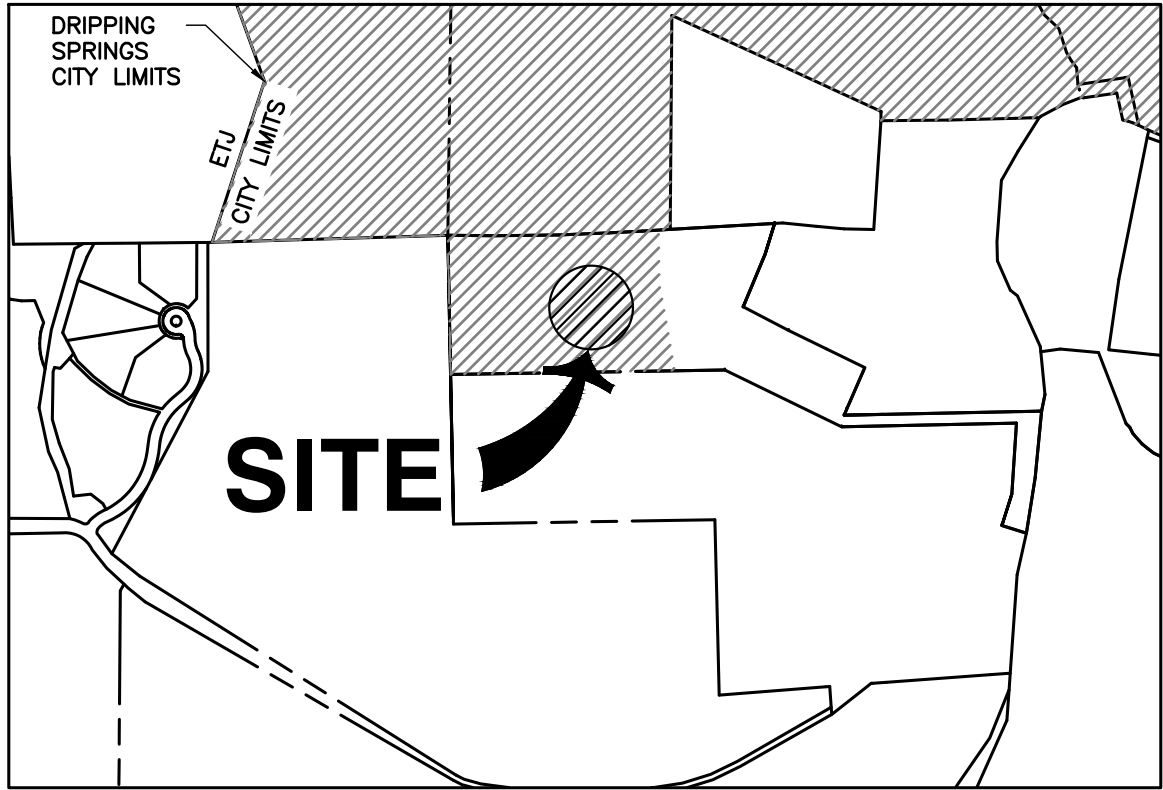
Exhibit 1: Waiver Request

Exhibit 2: Site Plan

Exhibit 3: Moratorium Ordinance

Recommended Action:	Staff provides this request to City Council with a neutral recommendation.
Alternatives/Options:	Deny or approve the waiver.
Budget/Financial Impact:	N/A
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A

A:\300-0001\300-0001 - CADD\Draw\Phase\City\ Preliminary Plans\304065-C001-C001 - COVER SHEET.dwg(304065-C001-C001) - LP: 12/17/2021 1:29 PM



VICINITY MAP
SCALE: 1"=1000'

OWNER/TEAM INFORMATION

CIVIL ENGINEER

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
3711 S. MOPAC EXPRESSWAY, BUILDING 1, SUITE 550
AUSTIN, TX 78746
PH: (512) 439-0400
CONTACT: BRIAN ESTES, PE

OWNER / DEVELOPER

OVERLOOK AT BUNKER RANCH, LLC
STEVE HARREN
6836 BEE CAVES ROAD
AUSTIN, TEXAS 78746

LAND SURVEYOR

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
3711 S. MOPAC EXPRESSWAY, BUILDING 1, SUITE 550
AUSTIN, TX 78746
PH: (512) 439-0400
CONTACT: FRANK FUNK, RPLS

SUMMARY

ZONING:

SF-2

AREAS

LOTS	16.47 AC.	90%
R.O.W.	1.78 AC.	10%
TOTAL =	18.25 AC.	

IMPERVIOUS COVER

ASPHALT	31,874 S.F.
CURB & GUTTER	4,610 S.F.
ASSUMED I.C. PER LOT (1-3 ACRE SIZE LOTS)	7,000 S.F.
ASSUMED I.C. PER LOT (15,000 S.F. - 1 ACRE SIZE LOTS)	5,000 S.F.
SIDEWALK	10,810 S.F.

IMPERVIOUS COVER TOTAL	118,294 S.F.
IMPERVIOUS COVER TOTAL	2.72 AC.
TOTAL AREA	18.25 AC.

IMPERVIOUS COVER 14.9%

LOT COUNT

NUMBER OF LOTS = 11
AVERAGE LOT = 1.42 AC.
TOTAL PHASE = 18.25 AC.

BUILDING SETBACKS

FRONT = 35'
BACK = 50'
SIDE = 50'

PLAT NOTES

- ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. IN REVIEWING THESE PLANS, THE CITY MUST REPLY ON THE ADEQUACY 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 48209C0085F DATED 9/2/2005
- WATER PROVIDER: DRIPPING SPRINGS WATER SUPPLY CORP.
- SURFACE WATER WILL BE USED FOR THIS PROJECT, WITH COMPLIANCE WITH LCRA AND USFWS
- GROUND WATER WILL NOT BE USED FOR THIS PROJECT.

APPROVED BY:

CHAIR OF THE PLANNING & ZONING COMMISSION

CITY SECRETARY

APPROVED BY:

DRIPPING SPRINGS WATER SUPPLY CORPORATION

HAYS COUNTY ESD #6

DATE

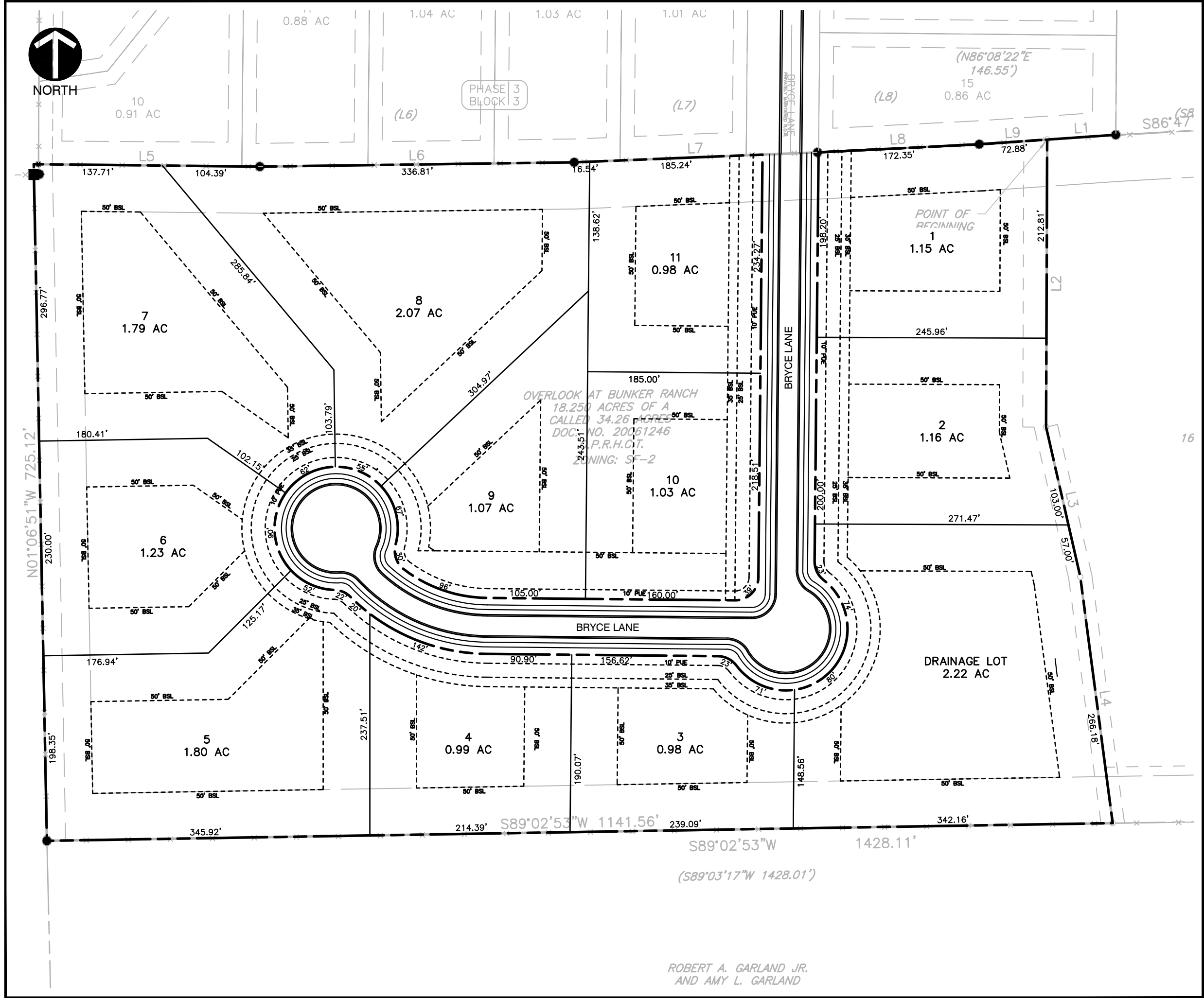
SITE PERMIT NUMBER

PRELIMINARY PLAT

FOR

OVERLOOK AT BUNKER RANCH

CITY OF DRIPPING SPRINGS, HAYS COUNTY, TX



SITE MAP
SCALE: 1"=100'

- THE ENTIRETY OF THIS PROJECT LIES WITHIN THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER.
- THE JURISDICTIONAL AUTHORITY FOR ONSITE SEWAGE FACILITIES (OSSF) FALLS UNDER THE TEXAS COMMISSION OF ENVIRONMENTAL QUALITY. THE AUTHORIZED AGENT IS THE CITY OF DRIPPING SPRINGS.
- 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 28.06.051.*
- THE OVERLOOK AT BUNKER RANCH HOA WILL BE RESPONSIBLE FOR OPERATION AND MAINTENANCE OF ALL PRIVATE ROADS, STORMWATER UTILITIES AND PONDS.
- BRYCE LANE SHALL BE EXTENDED FROM BUNKER RANCH BOULEVARD AS A CONDITION OF THIS PRELIMINARY PLAT APPROVAL.
- BUILDERS MUST COMPLY WITH THE ASSUMED IMPERVIOUS COVER LIMIT INDICATED ON THIS PLAT. IF THE IMPERVIOUS COVER FOR A LOT EXCEEDS THE ASSUMPTION, THEN THE LOT BUILDER MUST PROVIDE WATER QUALITY BMP FOR SAID LOT PRIOR TO RELEASE OF CO.
- SECONDARY INGRESS/EGRESS WILL BE PROVIDED BY BUNKER RANCH BOULEVARD AND 290 CONNECTION. ACCESS WILL MEET WIDTH, HORIZONTAL CLEARANCE, LOAD BEARING, AND GATING REQUIREMENTS OF THE HAYS COUNTY FIRE MARSHALL.

SUBMITTED BY : BRIAN ESTES, PE

04/26/21

I CERTIFY THAT THESE ENGINEERING DOCUMENTS ARE COMPLETE, ACCURATE AND ADEQUATE FOR THE INTENDED PURPOSES, INCLUDING CONSTRUCTION, BUT ARE NOT AUTHORIZED FOR CONSTRUCTION PRIOR TO FORMAL CITY APPROVAL.

SHEET LIST

SHEET #	DESCRIPTION
01	COVER SHEET
02	PRELIMINARY PLAT
03	EXISTING DRAINAGE AREA MAP
04	PROPOSED DRAINAGE AREA MAP
05	DETENTION POND PLAN
06	TREE PLAN & LIST

LEGAL DESCRIPTION

- BEING AN 18.250 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 34.26 ACRE TRACT CONVEYED TO CHARLES B. FLORIO AND KYLE FLORIO BY DEED OF RECORD IN VOLUME 5262, PAGE 573, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 18.250 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, AT A ½ INCH IRON ROD FOUND IN THE SOUTH LINE OF A CALLED 5.01 ACRE TRACT CONVEYED TO BOBBY GLENN STEVENS AND DORRAE TUBB STEVENS BY DEED OF RECORD IN DOCUMENT NO. 16011837, O.P.R.H.C.T., AT THE NORTHERLY COMMON CORNER OF SAID 34.26 ACRE TRACT AND OF A CALLED 34.27 ACRE TRACT CONVEYED TO BARBARA JEAN JOHNSON BY DEED OF RECORD IN VOLUME 1055, PAGE 894, O.P.R.H.C.T.;

THENCE, ALONG THE COMMON LINE OF SAID 34.26 ACRE TRACT AND OF SAID 5.01 ACRE TRACT, S86°47'54"W, A DISTANCE OF 543.83 FEET TO A ½ INCH IRON ROD FOUND AT THE SOUTHERLY COMMON CORNER OF SAID 5.01 ACRE TRACT AND 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.; THENCE, ALONG THE COMMON LINE OF SAID 34.26 ACRE TRACT AND SAID REMAINDER OF 111.67 ACRE TRACT, S86°01'29"W, A DISTANCE OF 73.64 FEET TO A ½ INCH IRON ROD WITH "CEC" CAP SET FOR THE POINT OF BEGINNING, HEREOF;

THENCE, OVER AND ACROSS SAID 34.26 ACRE TRACT, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- S00°13'03"W, A DISTANCE OF 308.03 FEET TO A SET ½ INCH IRON ROD;
- S12°51'27"E, A DISTANCE OF 164.56 FEET TO A SET ½ INCH IRON ROD;
- S07°29'25"E, A DISTANCE OF 266.18 FEET TO A ½ INCH IRON ROD SET IN THE COMMON LINE OF SAID 34.26 ACRE TRACT AND OF A CALLED 74.00 ACRE TRACT CONVEYED TO ROBERT A. GARLAND, JR. AND AMY L. GARLAND BY DEED OF RECORD IN DOCUMENT NO. 14020704, O.P.R.H.C.T.;

THENCE, ALONG THE COMMON LINE OF SAID 34.26 ACRE TRACT AND OF SAID 74.00 ACRE TRACT, S89°02'53"W, A DISTANCE OF 1,141.56 FEET TO A 5/8 INCH IRON ROD WITH "STAUDT SURVEYING" CAP FOUND IN THE EAST LINE OF A CALLED 603.70 ACRE TRACT CONVEYED TO ANNA MARIE WIDEN SPEIR, ET AL, BY DEED OF RECORD IN DOCUMENT 00025671, O.P.R.H.C.T., AT THE WESTERLY COMMON CORNER OF SAID 34.26 ACRE TRACT AND OF SAID 74.00 ACRE TRACT;

THENCE, ALONG THE COMMON LINE OF SAID 34.26 ACRE TRACT AND OF SAID 603.70 ACRE TRACT, N01°06'51"W, PASSING AT A DISTANCE OF 713.92 FEET, AN 8" CEDAR FENCE POST FOUND IN THE COMMON LINE OF SAID 603.70 ACRE TRACT AND OF A CALLED 79.61 ACRE TRACT CONVEYED TO P & H FAMILY LIMITED PARTNERSHIP NO. 1 BY DEED OF RECORD IN DOCUMENT NO. 00025538, O.P.R.H.C.T., FROM SAID FENCE POST, A FOUND ½ INCH IRON ROD BEARS N86°15'32"E, A DISTANCE OF 5.94 FEET, AND CONTINUING AN ADDITIONAL 11.21 FEET (BOUNDING AREA IN CONFLICT) FOR A TOTAL DISTANCE OF 725.12 FEET TO A SET ½ INCH IRON ROD WITH "CEC" CAP;

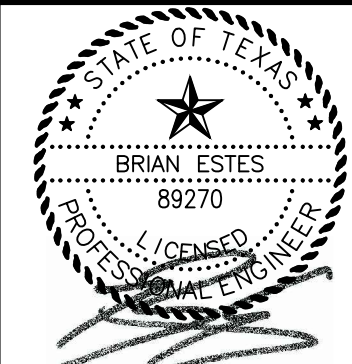
THENCE, S89°22'34"E, PASSING AT 5.01 FEET (BOUNDING AREA OF CONFLICT), A ½ INCH IRON ROD FOUND FOR THE SOUTHWESTERLY CORNER OF SAID REMAINDER OF 111.67 ACRE TRACT, CONTINUING ALONG THE COMMON LINE OF SAID 34.26 ACRE TRACT AND SAID REMAINDER OF 111.67 ACRE TRACT FOR A TOTAL DISTANCE OF 242.11 FEET TO A FOUND ½ INCH IRON ROD;

THENCE, CONTINUING WITH THE COMMON LINE OF SAID 34.26 ACRE TRACT AND SAID REMAINDER OF 111.67 ACRE TRACT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- N89°12'53"E, A DISTANCE OF 336.81 FEET TO A FOUND ½ INCH IRON ROD;
- N87°39'49"E, A DISTANCE OF 260.74 FEET TO A FOUND ½ INCH IRON ROD;
- N87°07'43"E, A DISTANCE OF 173.46 FEET TO A FOUND ½ INCH IRON ROD;
- N86°01'29"E, A DISTANCE OF 72.88 FEET TO THE POINT OF BEGINNING, AND CONTAINING 18.250 ACRES (794,923 SQUARE FEET, INCLUDING 60 SQUARE FEET IN CONFLICT) OF LAND, MORE OR LESS.



!!! CAUTION !!!
!!!
IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION, and NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES



DRAWING NO.:

01

SHEET 01 OF 06

COVER SHEET

DATE: APRIL 2021
DRAWN BY: BRIAN ESTES
DRAFT
PROJECT NO: 304-065
CHECKED BY:
DRAFT
APPROVED BY:

OVERLOOK AT BUNKER RANCH, LLC
OVERLOOK AT BUNKER RANCH
DRIPPING SPRINGS, HAYS COUNTY, TX

Civil & Environmental Consultants, Inc.
3711 South Mopac Expressway - Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 - Fax: 512.329.0096
www.cecnr.com

REVISION RECORD

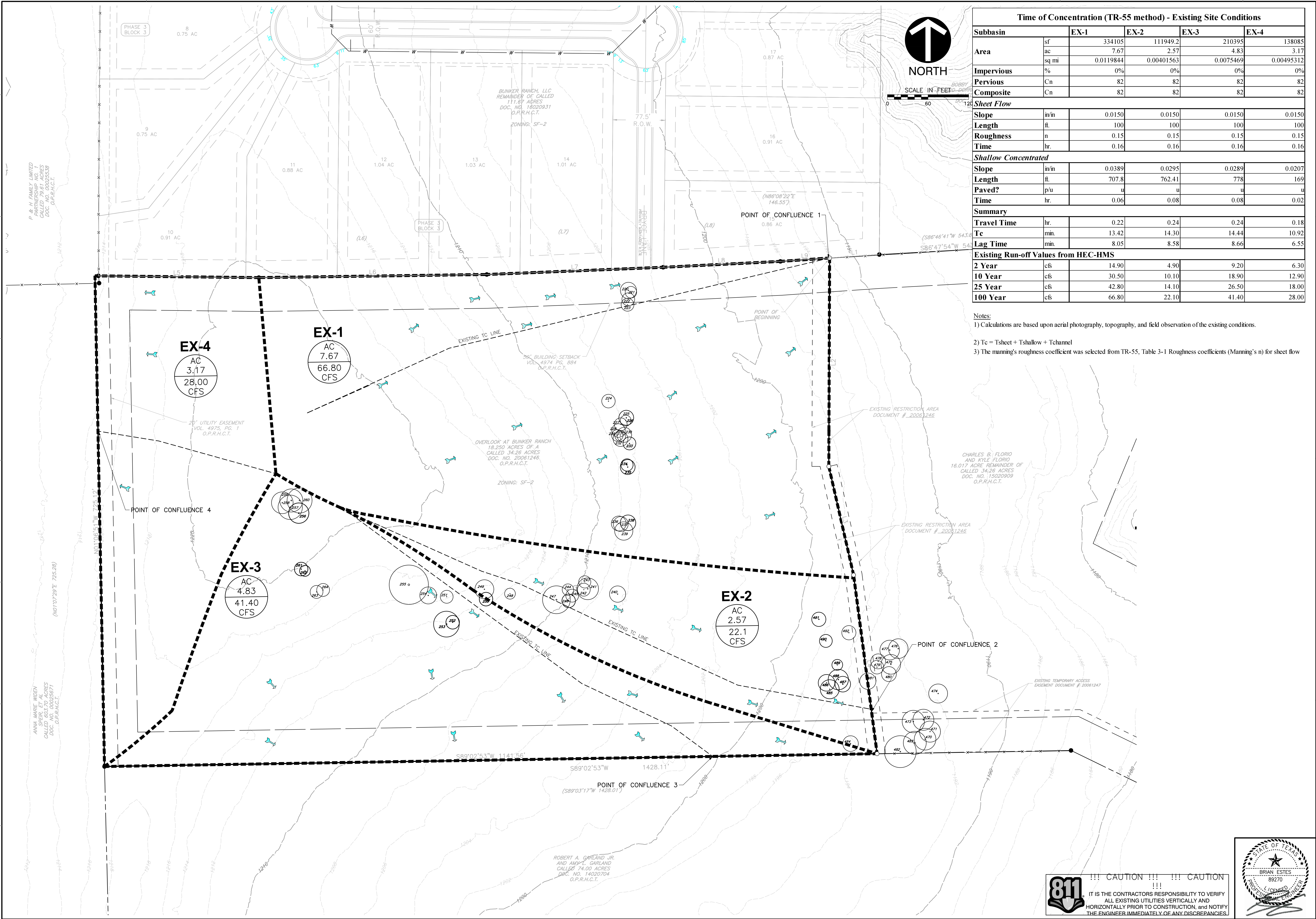
DESCRIPTION

NO. DATE

Item 1.

6

A:\300-2001_304-0001\304-0001\Drawings\Phase 3\0311\0311.dwg (12/17/2021) - 12/17/2021 11:01 AM



Time of Concentration (TR-55 method) - Existing Site Conditions					
Subbasin		EX-1	EX-2	EX-3	EX-4
Area	sf	334105	111949.2	210395	138085
	ac	7.67	2.57	4.83	3.17
	sq mi	0.0119844	0.00401563	0.0075469	0.00495312
Impervious	%	0%	0%	0%	0%
Pervious	Cn	82	82	82	82
Composite	Cn	82	82	82	82
Sheet Flow					
Slope	in/in	0.0150	0.0150	0.0150	0.0150
Length	ft.	100	100	100	100
Roughness	n	0.15	0.15	0.15	0.15
Time	hr.	0.16	0.16	0.16	0.16
Shallow Concentrated					
Slope	in/in	0.0389	0.0295	0.0289	0.0207
Length	ft.	707.8	762.41	778	169
Paved?	p/u	u	u	u	u
Time	hr.	0.06	0.08	0.08	0.02
Summary					
Travel Time	hr.	0.22	0.24	0.24	0.18
Tc	min.	13.42	14.30	14.44	10.92
Lag Time	min.	8.05	8.58	8.66	6.55
Existing Run-off Values from HEC-HMS					
2 Year	cfs	14.90	4.90	9.20	6.30
10 Year	cfs	30.50	10.10	18.90	12.90
25 Year	cfs	42.80	14.10	26.50	18.00
100 Year	cfs	66.80	22.10	41.40	28.00

- Notes:
- 1) Calculations are based upon aerial photography, topography, and field observation of the existing conditions.
 - 2) Tc = Tsheet + Tshallow + Tchannel
 - 3) The manning's roughness coefficient was selected from TR-55, Table 3-1 Roughness coefficients (Manning's n) for sheet flow

REVISION RECORD

NO	DATE	DESCRIPTION

EXISTING DRAINAGE AREA MAP

DATE: APRIL, 2021
DRAWN BY: BRIAN, ESTES
DWG SCALE: 1"=60'
PROJECT NO: 304-065
APPROVED BY: DRAFT

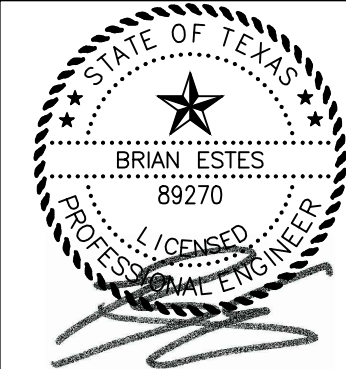
03

SHEET 03 OF 06

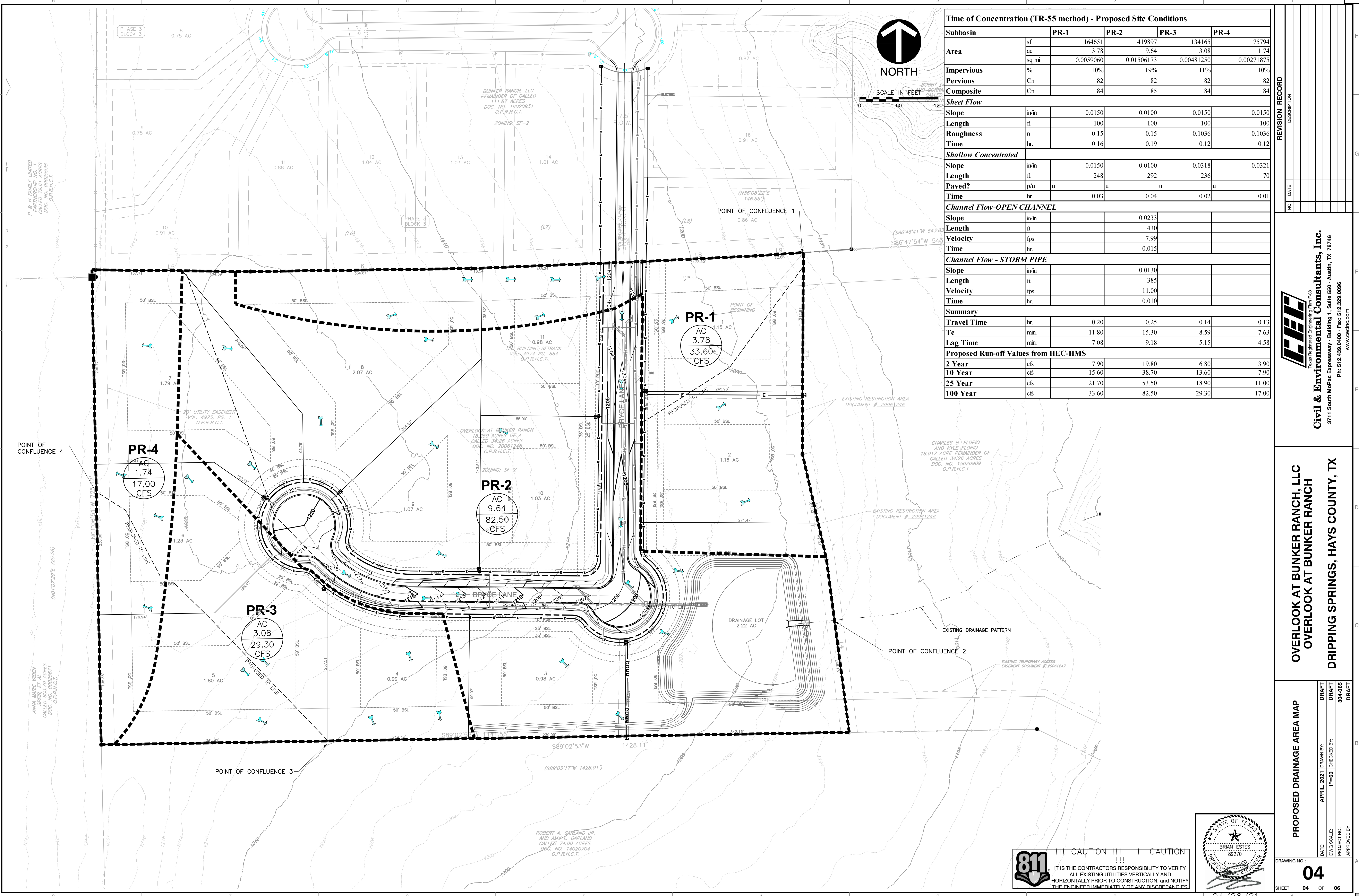
OVERLOOK AT BUNKER RANCH, LLC
OVERLOOK AT BUNKER RANCH
DRIPPING SPRINGS, HAYS COUNTY, TX

Civil & Environmental Consultants, Inc.
3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 - Fax: 512.329.0096
www.cecinco.com

811 !!! CAUTION !!! !!! CAUTION !!!
IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION, and NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES



A:\300-3001\304-001\30400\Drawings\304005-C01-C04 - PROPOSED DMI LS(12/17/2021 - completed) - LP 12/17/2021 11:02 AM



Time of Concentration (TR-55 method) - Proposed Site Conditions					
Subbasin		PR-1	PR-2	PR-3	PR-4
Area	sf	164651	419897	134165	75794
	ac	3.78	9.64	3.08	1.74
	sq mi	0.0059060	0.01506173	0.00481250	0.00271875
Impervious	%	10%	19%	11%	10%
Pervious	Cn	82	82	82	82
Composite	Cn	84	85	84	84
Sheet Flow					
Slope	in/in	0.0150	0.0100	0.0150	0.0150
Length	ft.	100	100	100	100
Roughness	n	0.15	0.15	0.1036	0.1036
Time	hr.	0.16	0.19	0.12	0.12
Shallow Concentrated					
Slope	in/in	0.0150	0.0100	0.0318	0.0321
Length	ft.	248	292	236	70
Paved?	p/u	u	u	u	u
Time	hr.	0.03	0.04	0.02	0.01
Channel Flow-OPEN CHANNEL					
Slope	in/in		0.0233		
Length	ft.		430		
Velocity	fps		7.99		
Time	hr.		0.015		
Channel Flow - STORM PIPE					
Slope	in/in		0.0130		
Length	ft.		385		
Velocity	fps		11.00		
Time	hr.		0.010		
Summary					
Travel Time	hr.	0.20	0.25	0.14	0.13
Tc	min.	11.80	15.30	8.59	7.63
Lag Time	min.	7.08	9.18	5.15	4.58
Proposed Run-off Values from HEC-HMS					
2 Year	cfs	7.90	19.80	6.80	3.90
10 Year	cfs	15.60	38.70	13.60	7.90
25 Year	cfs	21.70	53.50	18.90	11.00
100 Year	cfs	33.60	82.50	29.30	17.00

REVISION RECORD

NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 - Fax: 512.329.0096
www.cecninc.com

PROPOSED DRAINAGE AREA MAP

DATE: APRIL 2021
DRAWN BY: BRIAN ESTES
DWG SCALE: 1"=60'
PROJECT NO: 304-065
APPROVED BY: DRAFT

OVERLOOK AT BUNKER RANCH, LLC
OVERLOOK AT BUNKER RANCH
DRIPPING SPRINGS, HAYS COUNTY, TX

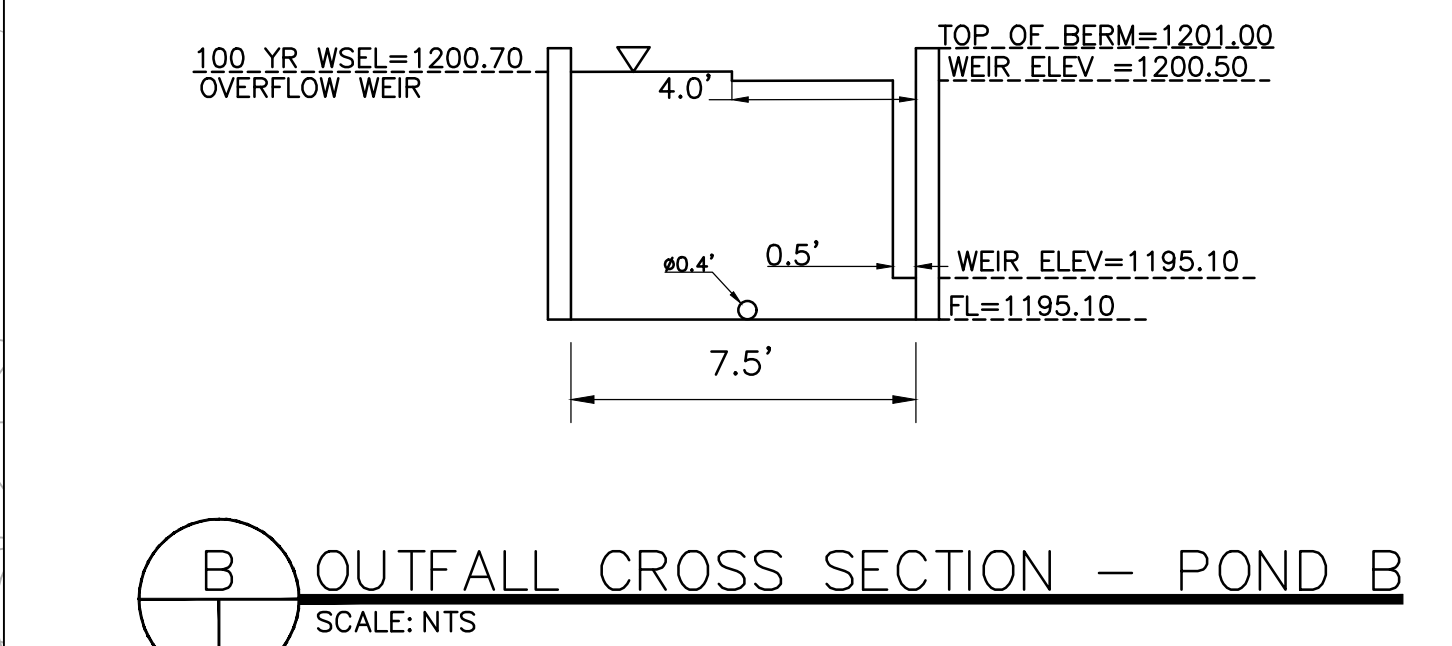
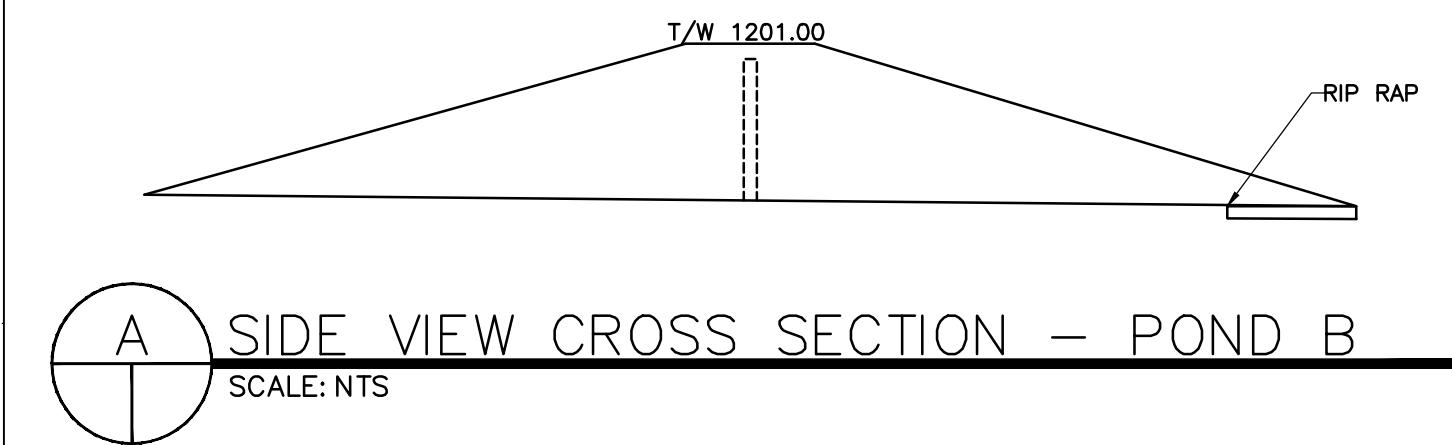
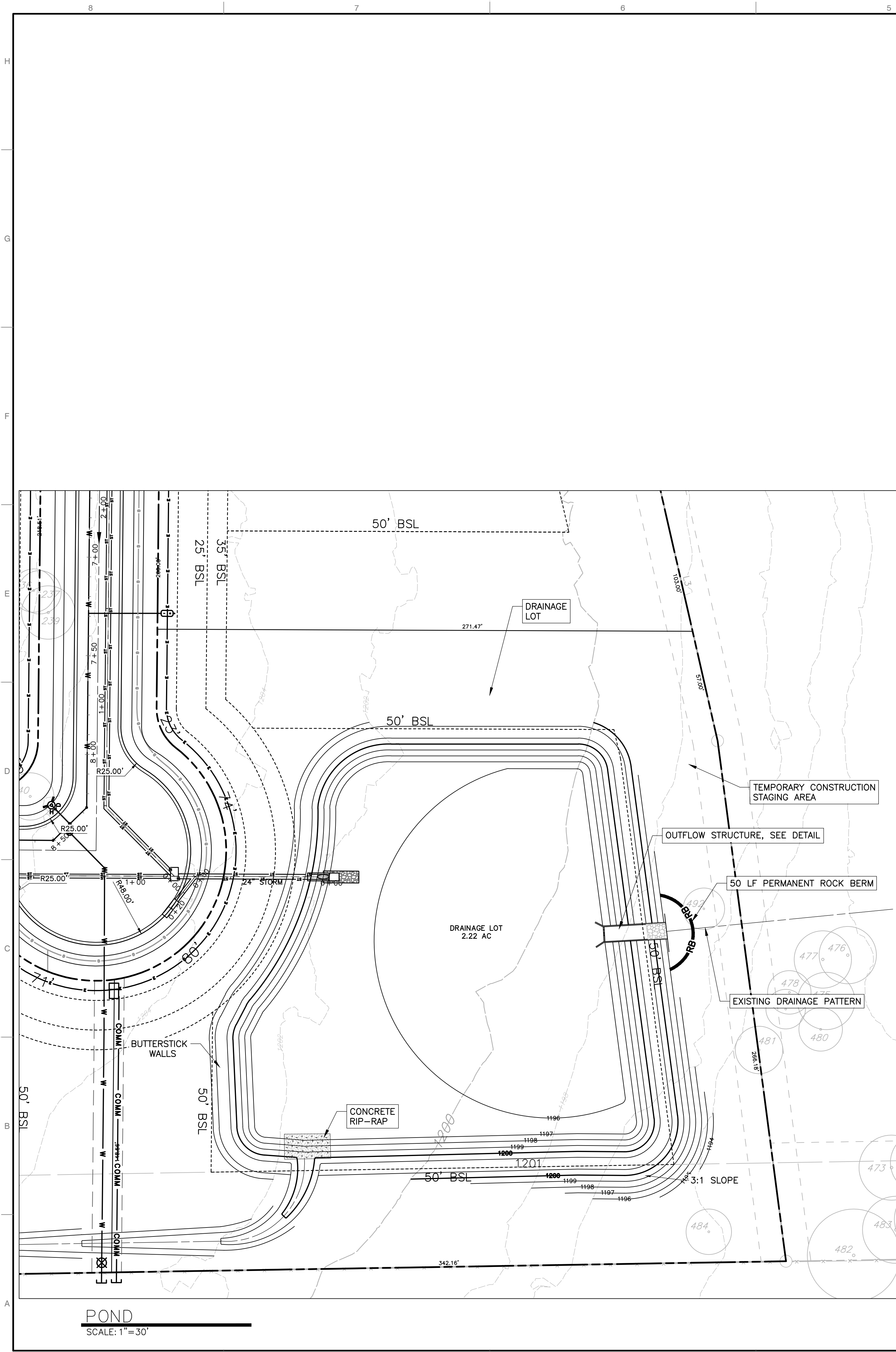
811 !!! CAUTION !!! !!! CAUTION !!!

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STATE OF TEXAS
BRIAN ESTES
89270
Professional Engineer

DRAWING NO: 04
SHEET 04 OF 06
04/26/21

A:\300-3001_304-001 - 0400 [Long] Plans [C01] Preliminary Plans [304005-001-000] - RETENTION POND PLAN [C01] Preliminary Plans [304005-001-000] - LP: 12/17/2021 11:03 AM

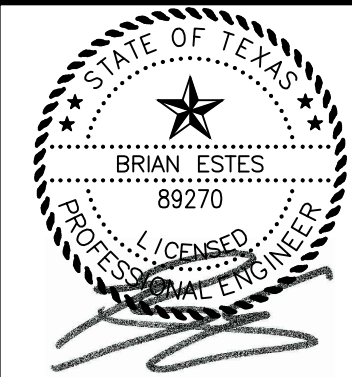


SUMMARY OF DRAINAGE FLOWS			
Point of Confluence	Existing	Proposed	Δ (Proposed-Existing)
1	Q_{2yr} (cfs) = 14.9	Q_{2yr} (cfs) = 7.9	ΔQ_{2yr} (cfs) = -7 [REDUCTION IN FLOW]
	Q_{10yr} (cfs) = 30.5	Q_{10yr} (cfs) = 15.6	ΔQ_{10yr} (cfs) = -14.9 [REDUCTION IN FLOW]
	Q_{25yr} (cfs) = 42.8	Q_{25yr} (cfs) = 21.7	ΔQ_{25yr} (cfs) = -21.1 [REDUCTION IN FLOW]
	Q_{100yr} (cfs) = 66.8	Q_{100yr} (cfs) = 33.6	ΔQ_{100yr} (cfs) = -33.2 [REDUCTION IN FLOW]
2	Q_{2yr} (cfs) = 4.9	Q_{2yr} (cfs) = 2.8	ΔQ_{2yr} (cfs) = -2.1 [REDUCTION IN FLOW]
	Q_{10yr} (cfs) = 10.1	Q_{10yr} (cfs) = 6.8	ΔQ_{10yr} (cfs) = -3.3 [REDUCTION IN FLOW]
	Q_{25yr} (cfs) = 14.1	Q_{25yr} (cfs) = 10.5	ΔQ_{25yr} (cfs) = -3.6 [REDUCTION IN FLOW]
	Q_{100yr} (cfs) = 22.1	Q_{100yr} (cfs) = 19.7	ΔQ_{100yr} (cfs) = -2.4 [REDUCTION IN FLOW]
3	Q_{2yr} (cfs) = 9.2	Q_{2yr} (cfs) = 6.8	ΔQ_{2yr} (cfs) = -2.4 [REDUCTION IN FLOW]
	Q_{10yr} (cfs) = 18.9	Q_{10yr} (cfs) = 13.6	ΔQ_{10yr} (cfs) = -5.3 [REDUCTION IN FLOW]
	Q_{25yr} (cfs) = 26.5	Q_{25yr} (cfs) = 18.9	ΔQ_{25yr} (cfs) = -7.6 [REDUCTION IN FLOW]
	Q_{100yr} (cfs) = 41.4	Q_{100yr} (cfs) = 29.3	ΔQ_{100yr} (cfs) = -12.1 [REDUCTION IN FLOW]
4	Q_{2yr} (cfs) = 6.3	Q_{2yr} (cfs) = 3.9	ΔQ_{2yr} (cfs) = -2.4 [REDUCTION IN FLOW]
	Q_{10yr} (cfs) = 12.9	Q_{10yr} (cfs) = 7.9	ΔQ_{10yr} (cfs) = -5 [REDUCTION IN FLOW]
	Q_{25yr} (cfs) = 18	Q_{25yr} (cfs) = 11	ΔQ_{25yr} (cfs) = -7 [REDUCTION IN FLOW]
	Q_{100yr} (cfs) = 28	Q_{100yr} (cfs) = 17	ΔQ_{100yr} (cfs) = -11 [REDUCTION IN FLOW]

FLORIO POND A-Detention Pond Stage Values					
Stage	Area (sf)	Area (ac)	Volume (cf)	Cum. Volume (cf)	Ac-ft
1195.10	0	0.000000	0 cf	0 cf	0.0000
1196.00	28,530	0.654959	12,839	12,839	0.2947
1197.00	36,603	0.840289	32,567	45,405	1.0424
1198.00	37,803	0.867837	37,203	82,608	1.8964
1199.00	39,003	0.895386	38,403	121,011	2.7780
1200.00	40,203	0.922934	39,603	160,614	3.6872
1201.00	41,403	0.950482	40,803	201,417	4.6239

Pond - Detention Pond Values from HEC-HMS Hydrologic Modeling Software				
Storm Event	Q-Ex (cfs)	Q-Pr (cfs)	PR-Routed (cfs)	WS Elevation (ft)
2-yr	4.9	19.8	2.8	1197.1
10-yr	10.1	38.7	6.8	1198.3
25-yr	14.1	53.50	10.5	1199.1
100-yr	22.1	82.50	19.7	1200.7

811 !!! CAUTION !!!
IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION, and NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES



REVISION RECORD

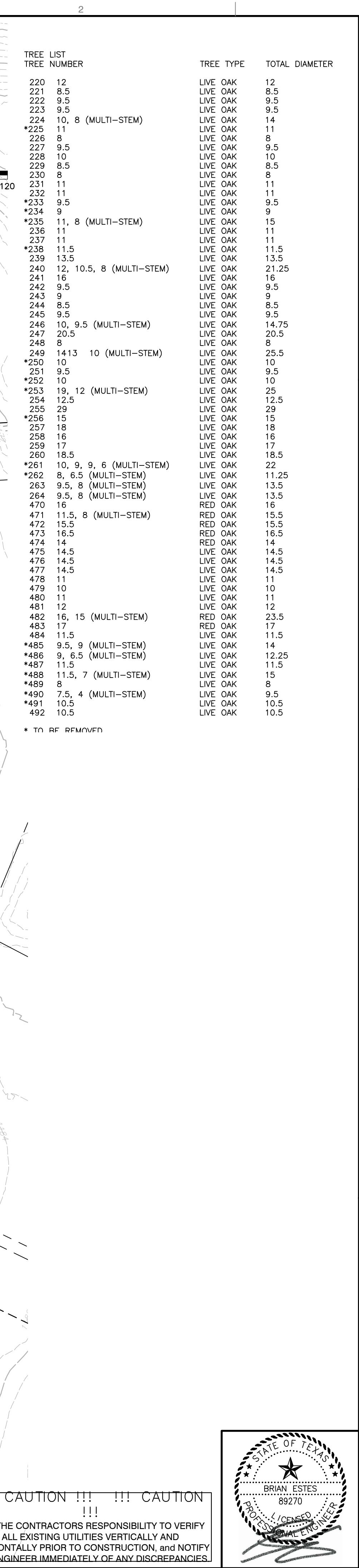
NO	DATE	DESCRIPTION

Civil & Environmental Consultants, Inc.
Texas Registered Engineering Firm F-38
3711 South MoPac Expressway - Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 - Fax: 512.329.0096
www.cedinc.com

OVERLOOK AT BUNKER RANCH, LLC
OVERLOOK AT BUNKER RANCH
DRIPPING SPRINGS, HAYS COUNTY, TX

DETENTION POND PLAN
DATE: APRIL, 2021
DRAWN BY: BRIAN, ESTES
DWG SCALE: 1"=30'
PROJECT NO: 304-065
APPROVED BY: DRAFT

DRAWING NO.: 05
SHEET 05 OF 06



OVERLOOK AT BUNKER RANCH, LLC
OVERLOOK AT BUNKER RANCH
DRIPPING SPRINGS, HAYS COUNTY, TX

DRAWING NO.:
06
SHEET **06** OF **06**

CITY OF DRIPPING SPRINGS

ORDINANCE 2021-

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, (“CITY”) ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FOR FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, DETERMINATION AND APPEALS, REPEALER, SEVERABILITY, ENFORCEMENT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, and construction on real property in the City limits and extraterritorial jurisdiction; and

WHEREAS, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of revisiting the Comprehensive Plan and studying land use and development in the City limits and extraterritorial jurisdiction, and has issued a Request for Qualifications for a professional land planning firm to provide comprehensive plan and development code services; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations 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, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures and development-related activities; and

- WHEREAS,** the City seeks to ensure that impending and future development is conducted in a fiscally-sustainable and environmentally responsible manner; and
- WHEREAS,** the City Limits and Extraterritorial Jurisdiction (ETJ) are comprised of a combination of topographical, ecological, and drainage features that create significant development challenges; and
- WHEREAS,** the City will change drastically if continued growth and development should occur under the City's existing Code of Ordinances and Comprehensive Plan, which no longer adequately address concerns about the effect of responsible development in the City and ETJ; and
- WHEREAS,** as codified in Tex. Water Code § 26.081(a), the Legislature of the State of Texas found and declared that it is necessary to the health, safety, and welfare of the people of this state to implement the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state; and
- WHEREAS,** the City agrees with the Legislature of the State of Texas that it is necessary to the health, safety, and welfare of the people in the City limits and the ETJ to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens in the City limits and the ETJ to prevent pollution and maintain and enhance the quality of the water in the City limits and the Extraterritorial Jurisdiction; and
- WHEREAS,** the City conducted an analysis to determine the adequacy of the City's current regional wastewater facilities and the need beyond the estimated capacity that is expected to result from new property development; and
- WHEREAS,** upon review of the analysis by the City's Wastewater Engineer and Deputy City Administrator, the City Council has made findings contained herein as **Attachment "B"** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and
- WHEREAS,** the City Council finds that certain essential public and private infrastructure, being wastewater facilities and improvements and transportation facilities and improvements throughout the City Limits and ETJ, are inadequate and insufficient to adequately serve new development; and
- WHEREAS,** relying on the analysis provided by City Staff, the outstanding permits issued by the City prior to this moratorium, and the City's impact fee analysis, the City Council makes the following findings:

1. Taking into account all wastewater that has been committed by contract, the City's wastewater facilities are at capacity; and
2. The current wastewater collection system has bottlenecks that threaten the proper operation of the City's regional wastewater system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional capacity of the City's regional wastewater plant, there is currently no additional capacity available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and the ETJ.

WHEREAS, until actions can be taken to increase the wastewater capacity of the City of Dripping Springs, allowing for additional wastewater service connections to the Dripping Springs Wastewater Treatment Plant(s) service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City Limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of capacity and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing infrastructure and development are needed to allow for growth and development within the City Limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to study and evaluate the impact of further development; the need for additional wastewater facilities; appropriate zoning districts and district regulations; appropriate land use and wastewater regulations; and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural, and ecological importance and significance

within the City Limits and ETJ, the City wishes to maintain the *status quo* by implementing a temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this study period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement this moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, have been published and held in accordance with applicable statutes, laws, and regulations; and

WHEREAS, based on the findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Dripping Springs; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health or safety.

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

SECTION 2. DEFINITIONS: As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City's Code of Ordinances, or if not defined by the City then the common meanings in accordance with ordinary usage.

A. Commercial property: means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

B. Essential public facilities: means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.

C. Permit: means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

D. Project: means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.

E. Property development: means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

F. Residential property: means property zoned for or otherwise authorized for single-family or multi-family use.

SECTION 3. APPLICABILITY: The City of Dripping Springs hereby enacts this Ordinance in order to implement a temporary moratorium on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This temporary moratorium applies to all city zoning district uses within the City Limits and the ETJ.

Unless a project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the Moratorium are attached as **Attachment “A”**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator.

SECTION 4. PURPOSE: This temporary moratorium is being enacted to maintain the *status quo*, and to:

- A. assess the short-term and long-term comprehensive plan;
- B. review the City’s policies on the acceptance of applications for municipal permits for construction or development;
- C. update the City’s permitting and planning requirements and processes for wastewater and transportation infrastructure; and
- D. obtain and review public input and expert guidance.

SECTION 5. ENACTMENT: The City of Dripping Springs hereby enacts this Ordinance implementing a temporary moratorium on the City’s acceptance, review, approval,

and issuance of permits in the City Limits and ETJ.

SECTION 6. DURATION: The initial duration of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

SECTION 7. EXTENSION: If the City determines that the initial period is insufficient for the City to fully complete its study and planning, this Ordinance may be renewed or extended for an additional period of time, necessary to complete the study and implement the recommended changes to City codes, policies, and processes in accordance with the time limits as provided by law upon a majority vote of the City Council.

SECTION 8. EXCEPTIONS AND EXEMPTIONS:

A. Exceptions. Any property owner who believes that they fall within the below exceptions shall provide notice of the exception at time of application for any permit with the city-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Request is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. No Impact Projects. The temporary moratorium implemented by this Ordinance does not apply to a project that does not:

- Impact wastewater capacity
- Require land use modifications inconsistent with the updated comprehensive planning

To make a determination of whether a project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. Ongoing Projects.

The temporary moratorium implemented by this Ordinance does not apply to any projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of November 18, 2021, such being the fifth business day after the date on which the City published notice of the public hearings to consider this Ordinance. The provisions of this Ordinance do not apply to any completed application or plan for development for a permit, plat, verification, rezoning, site plan, approved wastewater plan, or new or revised certificate of occupancy for Property Development that were filed prior to November 18, 2021. New permits applied for as part of a previously approved project may proceed once an exception is applied for and approved as described herein.

3. **Grandfathered Projects.** The temporary moratorium implemented by this Ordinance shall not apply to projects that are grandfathered under as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after November 18, 2019, then a new request is not required to meet this exception. New permits applied for as part of a previously vested project may proceed once an exception is applied for and approved as described herein.
 4. **Development Agreement:** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, wastewater, and development rules pursuant to Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New permits applied for as part of a Development Agreement project may proceed once an exception is applied for and approved as described herein.
- B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners' sole expense and who do not require land use modifications inconsistent with the updated comprehensive planning, in accordance with Local Government Code Chapter 212, Subchapter E may apply for waiver in accordance with City policy.

SECTION 9. DETERMINATIONS & APPEALS

- A. Exceptions.** The Planning Director or their designee shall make all initial determinations regarding the status of all projects seeking to apply for permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for projects filed within thirty (30) days of the effective date of this ordinance may be filed without a corresponding permit application. Any exception application filed within this period will be decided within ten (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, project, plat, or all area covered by a particular permit or agreement.
- B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.
- C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest

solely with the City Council. Any denial will stand until the moratorium is lifted unless the project requesting the waiver has a substantial change and reapplies for a waiver.

SECTION 10. REPEALER: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 11. SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstances 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 12. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective immediately upon passage.

SECTION 14. 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 and public hearings were also provided as required by Texas Government Code Chapter 212, Subchapter E.

READ & ACKNOWLEDGED on First Reading on the 16th day of November 2021.

READ & APPROVED on the Second Reading on the 22nd day of November 2021.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMENT “A”**Permits Subject to Moratorium¹**

- Commercial/Multi-Family Building Permit Application
- Residential Building Permit Application
- Plan Review Application
- Subdivision Application
- Site Development Application
- Zoning Amendment/PDD Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Swimming Pool Permit
- Mobile/Modular Home Permit

¹ Any permit subject to the Moratorium must be accompanied by an Exception or Waiver Form which can be found at www.cityofdrippingsprings.com/moratorium.

Permits not Subject to Moratorium

- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Child Care Facility Health Inspection Application
- Food Establishment Permit/Compliance Inspection
- Mobile Food Unit
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Residential Addition Permit
- Residential Accessory Structure Permit
- Residential Demolition Permit
- Residential Swimming Pool Permit
- Commercial Demolition Permit
- Commercial Tenant Finish Out

- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application (Business Move In/Change of Ownership)
- Any Fire Permits

BURGESS & NIPLE

235 Ledge Stone Drive | Austin, TX 78737 | 512.432.1000

Firm Registration No. F-10834

November 1, 2021

Laura Mueller
City Attorney
City of Dripping Springs

Dripping Springs, TX 78620

Re: South Regional WWTP Capacity Summary
CMA Job Number 1431-001

Dear Mrs. Mueller:

In October 2015, the City of Dripping Springs submitted an application to the TCEQ to convert its method of treated effluent disposal from land application to discharge into waters of the State, and to expand its wastewater treatment facilities to accommodate the aggressive growth in the Greater Dripping Springs area. The permit was contested and the case was heard at the State Office of Administrative Hearings. The City prevailed and was issued the permit on May 5, 2019 (permit WQ0014488003). However, because of pending litigation, construction of the new wastewater treatment and storage facilities are being delayed.

Based on operational information, the City's operator estimates that the existing South Regional WWTP is currently at a monthly average capacity of approximately 185,000 GPD. This is based on meters measuring flows to the drip irrigation fields and to the Caliterra Effluent Holding Pond. However, please note that in the months from April through September monthly average WWTP flows surpassed 200,000 GPD based on the flow meter in the chlorine contact chamber. This is believed to be inaccurate due to excessive backwashing of the cloth filters that has now been corrected. Below is a summary of the constructed, to be constructed, and permitted capacities for the South Regional WWTP current permit WQ0014488001.

- 189,500 GPD Current Constructed Capacity (127,500 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra)
- 313,500 GPD Current Permitted Capacity (127,500 GPD Drip Irrigation at WWTP + 186,000 GPD Surface Irrigation at Caliterra)
- 284,000 GPD Future Permitted Capacity with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra)
- 160,000 GPD Currently Constructed with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation)

Laura Mueller
City Attorney
City of Dripping Springs
November 1, 2021
Page 2 of 3

- 394,000 GPD Amendment 2 (Adding 50,000 GPD Disposal Area at Carter Ranch and at 60,000 GPD at Heritage PID)

Drip irrigation disposal capacity will be reduced from 127,5000 GPD to 98,000 GPD during construction of the new discharge WWTP and 15,000,000 million gallon effluent holding pond.

Attached is a summary of the developments the City has committed to provide service to in the near future, along with a summary of permitted capacity and capacity of different construction phases. There is enough tankage in the existing WWTP to accommodate treatment capacity, however the City is limited by storage and disposal area capacity. For the purpose of this evaluation, a wastewater production estimate of 175 GPD/LUE is used. As one will see, the capacity of the existing permitted capacity will be exceeded if the total number of committed LUEs are connected before the current pending Amendment 2 to the permit is issued by the TCEQ and/or if future irrigation phases that are needed are not constructed. There are three surface irrigation phases (each 62,000 GPD) permitted at Caliterra. Only one has been constructed. The following is a clause from the City's permit WQ0014488001:

Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

Based on the flow data collected, the City is over 90% disposal capacity, and has obtained authorization from the Commission to commence construction of the next 62,000 GPD surface irrigation phase at Caliterra (see attached approval letter). It is recommended that the approved phase be immediately constructed and that design of the final phase begin immediately followed by construction of the improvements very soon to follow.

At this time the City does not have existing disposal capacity available to provide service to any new developments. Prior to issuance and construction of Amendment No. 2 improvements by the TCEQ (adding 50,000 GPD disposal area at Carter Ranch and at 60,000 GPD at Heritage PID), the City will not have disposal capacity to provide service to any new developments past the original committed developments.

However, the City required newer developments to produce "backup plans" in the case the City exceeds its permitted and/or constructed capacities and need to be removed from the system. These include pumping and

Laura Mueller
City Attorney
City of Dripping Springs
November 1, 2021
Page 3 of 3

hauling raw sewage to other wastewater treatment and disposal facilities, individual onsite sewage treatment facilities/septic systems, or small TCEQ permitted wastewater treatment and disposal facilities.

Please feel free to contact me at 512-432-1000 or at robby.callegari@burgessniple.com with any questions and/or comments.

Very truly yours,

Burgess & Niple



Robert P. Callegari, P.E.
Austin South Engineering Section Director



City of Dripping Springs

MORATORIUM WAIVER APPLICATION

Official Use Only:

Project # MOR

Date Received _____

Property/Site Address or Legal Description: 2100 CREEK RD, DRIPPING SPRINGS, TX Hays CAD Property ID (R #): 14993
 Owner Name: OVERLOOK AT BUNKER RANCH LLC Phone #: 512-970-7271
 Owner Email: STEVEHARRIS@aol.com
 Authorized Agent: BRIAN ESTES Phone #: 512-699-3081
 Agent Email: bestes@cecinc.com

BASIS FOR WAIVER:

ONGOING PROJECT
& NO SEWER REQUESTED
OVERLOOK AT BUNKER RANCH PRELIM PLAN
SUB 2021-0020

Additional Information / Submittal Requirements:

This request should be submitted simultaneously with any other permit application including: (1) site development; (2) plat; (3) replat; (4) zoning application including Planned Development District; (5) application for Development Agreement; (6) Building Permit application; (7) Wastewater application; and (8) other land use applications. Waivers will be reviewed by City Council within 10 days of the City receiving: (1) this application; (2) the application for the underlying permit; and (3) all documentation related to the basis for the waiver (for example an agreement to fund and construct wastewater infrastructure). A letter on the status of this waiver will be provided to the applicant after the City Council makes a decision on the request. If denied, a waiver may not be reapplied for unless the waiver request or project substantially changes. Prior to applying for a waiver, it is recommended that you review with staff whether you will be eligible for an exception rather than a waiver.

[Signature]
 Applicant Signature

BRIAN ESTES
 Print Name

1-3-22
 Date

OFFICIAL USE ONLY:

Date all necessary documentation received: _____ Approved: _____ Denied: _____ Date: _____

By: _____ 11/2021



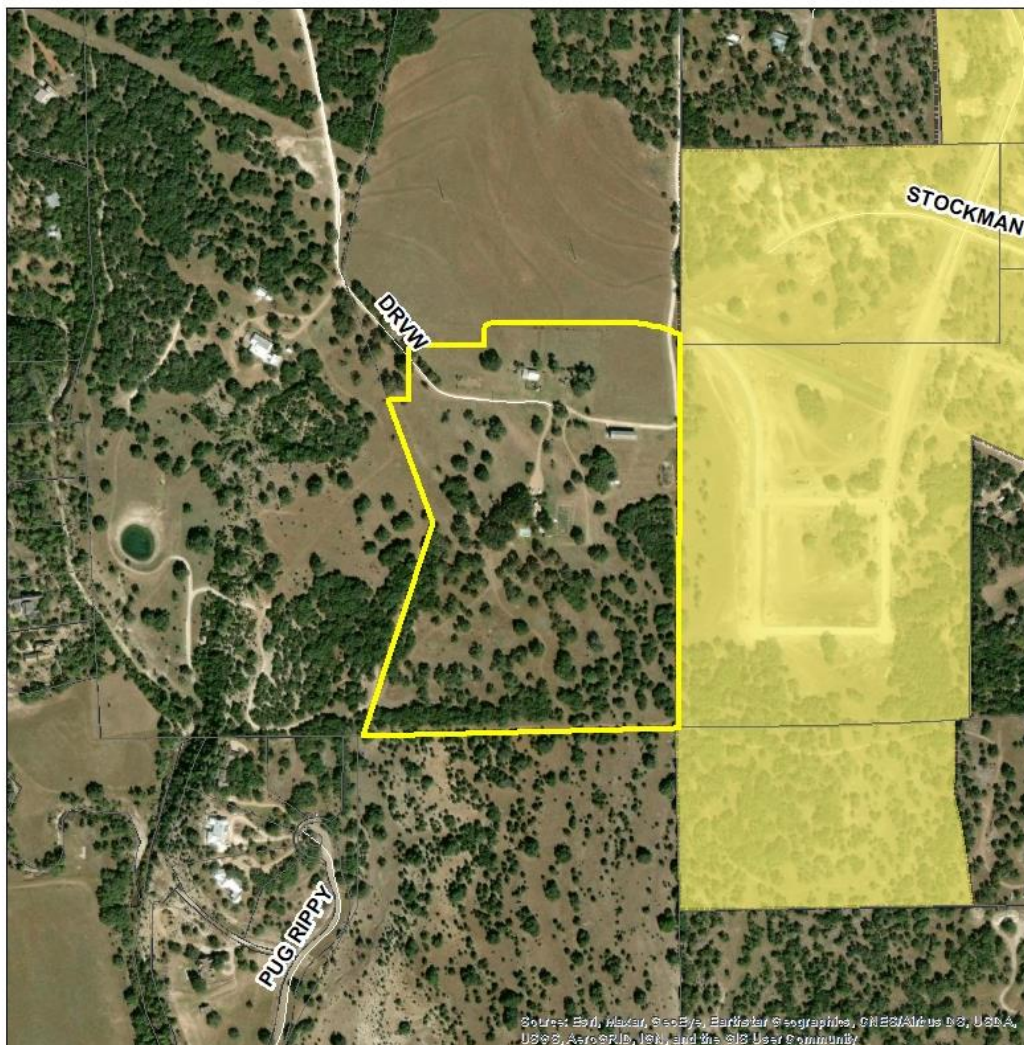
City Council Planning Department Staff Report

Item 2.

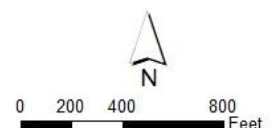
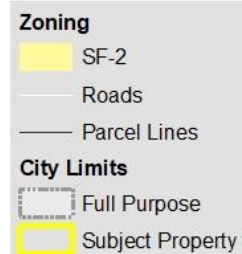
City Council Meeting: January 11, 2022
Project No: MORW2022-002
Project Planner: Tory Carpenter, AICP, Senior Planner

Item Details

Project Name: Hardy South
Property Location: 2901 W US 290
Legal Description: 39.341 acres out of the Benjamin F Hanna Survey
Applicant: Brian Estes
Property Owners: Hardy T Land, LLC
Request: A waiver from the temporary development moratorium



ZC2021-0007
Hardy South
Zoning Amendment



Development Proposal

This request is associated with a preliminary plat application for a portion of the property known as the Hardy Tract which was annexed December 7, 2021. This extension of the Bunker Ranch development includes 39 residential lots zoned SF-2. The project would be served by on-site septic and would not impact the City wastewater system.

Request Overview

The applicant requests an administrative exception to the temporary development moratorium. Since this tract appears to have been used primarily for agricultural purposes, the proposed development was determined to be a “change in use” and staff denied the exception request. Staff directed the applicant to apply for a waiver.

Staff Analysis

Moratorium Ordinance: Section 8 Art. B

Waivers. Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners’ sole expense and who do not require land use modifications inconsistent with the updated comprehensive plan, in accordance with Local Government Code Chapter 212, Subchapter E, may apply for a waiver in accordance with City policy.

Wastewater:

This development will be served by on-site septic systems and will not impact the city wastewater system.

Land Use:

This development is consistent with the existing SF-2 zoning district on the property. Additionally, this project is consistent with development trends in the area.

It is important to note, that if the development moratorium were not in place, this project could proceed without any entitlements from the City Council, or any other boards or commissions. If this waiver request is denied, the applicant can proceed with the development after expiration or termination of the temporary development moratorium.

Council Action

City Council is tasked with approval or denial of the waiver. Any denial will stand until the moratorium is lifted unless there is a substantial change to the project.

Attachments

Exhibit 1: Waiver Request

Exhibit 2: Site Plan

Exhibit 3: Moratorium Ordinance

Recommended Action:	Staff provides this request to City Council with a neutral recommendation as this is ultimately a policy decision.
Alternatives/Options:	Deny or approve the waiver.
Budget/Financial Impact:	N/A
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A



City of Dripping Springs

MORATORIUM WAIVER APPLICATION

Official Use Only:

Project # **MOR**

Date Received _____

Property/Site Address or Legal Description: 2901 W US 290 DRIPPING SPRINGS TX Hays CAD Property ID (R #): 15103
 Owner Name: HARDY T LAND LLC Phone #: 512-970-7271
 Owner Email: steveharren@aol.com
 Authorized Agent: BRIAN ESTES Phone #: 512-699-3081
 Agent Email: bestes@cecinc.com

BASIS FOR WAIVER:ONGOING PROJECT& NO SEWER REQUESTEDHARDY SOUTH PRELIMINARY PLATANNEX 2021-004 / ZA2021-0007**Additional Information / Submittal Requirements:**

This request should be submitted simultaneously with any other permit application including: (1) site development; (2) plat; (3) replat; (4) zoning application including Planned Development District; (5) application for Development Agreement; (6) Building Permit application; (7) Wastewater application; and (8) other land use applications. Waivers will be reviewed by City Council within 10 days of the City receiving: (1) this application; (2) the application for the underlying permit; and (3) all documentation related to the basis for the waiver (for example an agreement to fund and construct wastewater infrastructure). A letter on the status of this waiver will be provided to the applicant after the City Council makes a decision on the request. If denied, a waiver may not be reapplied for unless the waiver request or project substantially changes. Prior to applying for a waiver, it is recommended that you review with staff whether you will be eligible for an exception rather than a waiver.

[Signature]
 Applicant Signature

BRIAN ESTES
 Print Name

1-3-22
 Date

OFFICIAL USE ONLY:

Date all necessary documentation received: _____

Approved: _____ Denied: _____ Date: _____

By: _____ 11/2021

CITY OF DRIPPING SPRINGS

ORDINANCE 2021-

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, (“CITY”) ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FOR FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, DETERMINATION AND APPEALS, REPEALER, SEVERABILITY, ENFORCEMENT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, and construction on real property in the City limits and extraterritorial jurisdiction; and

WHEREAS, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of revisiting the Comprehensive Plan and studying land use and development in the City limits and extraterritorial jurisdiction, and has issued a Request for Qualifications for a professional land planning firm to provide comprehensive plan and development code services; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations 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, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures and development-related activities; and

- WHEREAS,** the City seeks to ensure that impending and future development is conducted in a fiscally-sustainable and environmentally responsible manner; and
- WHEREAS,** the City Limits and Extraterritorial Jurisdiction (ETJ) are comprised of a combination of topographical, ecological, and drainage features that create significant development challenges; and
- WHEREAS,** the City will change drastically if continued growth and development should occur under the City's existing Code of Ordinances and Comprehensive Plan, which no longer adequately address concerns about the effect of responsible development in the City and ETJ; and
- WHEREAS,** as codified in Tex. Water Code § 26.081(a), the Legislature of the State of Texas found and declared that it is necessary to the health, safety, and welfare of the people of this state to implement the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state; and
- WHEREAS,** the City agrees with the Legislature of the State of Texas that it is necessary to the health, safety, and welfare of the people in the City limits and the ETJ to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens in the City limits and the ETJ to prevent pollution and maintain and enhance the quality of the water in the City limits and the Extraterritorial Jurisdiction; and
- WHEREAS,** the City conducted an analysis to determine the adequacy of the City's current regional wastewater facilities and the need beyond the estimated capacity that is expected to result from new property development; and
- WHEREAS,** upon review of the analysis by the City's Wastewater Engineer and Deputy City Administrator, the City Council has made findings contained herein as **Attachment "B"** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and
- WHEREAS,** the City Council finds that certain essential public and private infrastructure, being wastewater facilities and improvements and transportation facilities and improvements throughout the City Limits and ETJ, are inadequate and insufficient to adequately serve new development; and
- WHEREAS,** relying on the analysis provided by City Staff, the outstanding permits issued by the City prior to this moratorium, and the City's impact fee analysis, the City Council makes the following findings:

1. Taking into account all wastewater that has been committed by contract, the City's wastewater facilities are at capacity; and
2. The current wastewater collection system has bottlenecks that threaten the proper operation of the City's regional wastewater system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional capacity of the City's regional wastewater plant, there is currently no additional capacity available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and the ETJ.

WHEREAS, until actions can be taken to increase the wastewater capacity of the City of Dripping Springs, allowing for additional wastewater service connections to the Dripping Springs Wastewater Treatment Plant(s) service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City Limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of capacity and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing infrastructure and development are needed to allow for growth and development within the City Limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to study and evaluate the impact of further development; the need for additional wastewater facilities; appropriate zoning districts and district regulations; appropriate land use and wastewater regulations; and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural, and ecological importance and significance

within the City Limits and ETJ, the City wishes to maintain the *status quo* by implementing a temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this study period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement this moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, have been published and held in accordance with applicable statutes, laws, and regulations; and

WHEREAS, based on the findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Dripping Springs; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health or safety.

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

SECTION 2. DEFINITIONS: As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City's Code of Ordinances, or if not defined by the City then the common meanings in accordance with ordinary usage.

A. Commercial property: means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

B. Essential public facilities: means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.

C. Permit: means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

D. Project: means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.

E. Property development: means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

F. Residential property: means property zoned for or otherwise authorized for single-family or multi-family use.

SECTION 3. APPLICABILITY: The City of Dripping Springs hereby enacts this Ordinance in order to implement a temporary moratorium on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This temporary moratorium applies to all city zoning district uses within the City Limits and the ETJ.

Unless a project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the Moratorium are attached as **Attachment “A”**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator.

SECTION 4. PURPOSE: This temporary moratorium is being enacted to maintain the *status quo*, and to:

- A. assess the short-term and long-term comprehensive plan;
- B. review the City’s policies on the acceptance of applications for municipal permits for construction or development;
- C. update the City’s permitting and planning requirements and processes for wastewater and transportation infrastructure; and
- D. obtain and review public input and expert guidance.

SECTION 5. ENACTMENT: The City of Dripping Springs hereby enacts this Ordinance implementing a temporary moratorium on the City’s acceptance, review, approval,

and issuance of permits in the City Limits and ETJ.

SECTION 6. DURATION: The initial duration of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

SECTION 7. EXTENSION: If the City determines that the initial period is insufficient for the City to fully complete its study and planning, this Ordinance may be renewed or extended for an additional period of time, necessary to complete the study and implement the recommended changes to City codes, policies, and processes in accordance with the time limits as provided by law upon a majority vote of the City Council.

SECTION 8. EXCEPTIONS AND EXEMPTIONS:

A. Exceptions. Any property owner who believes that they fall within the below exceptions shall provide notice of the exception at time of application for any permit with the city-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Request is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. No Impact Projects. The temporary moratorium implemented by this Ordinance does not apply to a project that does not:

- Impact wastewater capacity
- Require land use modifications inconsistent with the updated comprehensive planning

To make a determination of whether a project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. Ongoing Projects.

The temporary moratorium implemented by this Ordinance does not apply to any projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of November 18, 2021, such being the fifth business day after the date on which the City published notice of the public hearings to consider this Ordinance. The provisions of this Ordinance do not apply to any completed application or plan for development for a permit, plat, verification, rezoning, site plan, approved wastewater plan, or new or revised certificate of occupancy for Property Development that were filed prior to November 18, 2021. New permits applied for as part of a previously approved project may proceed once an exception is applied for and approved as described herein.

3. **Grandfathered Projects.** The temporary moratorium implemented by this Ordinance shall not apply to projects that are grandfathered under as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after November 18, 2019, then a new request is not required to meet this exception. New permits applied for as part of a previously vested project may proceed once an exception is applied for and approved as described herein.
 4. **Development Agreement:** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, wastewater, and development rules pursuant to Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New permits applied for as part of a Development Agreement project may proceed once an exception is applied for and approved as described herein.
- B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners' sole expense and who do not require land use modifications inconsistent with the updated comprehensive planning, in accordance with Local Government Code Chapter 212, Subchapter E may apply for waiver in accordance with City policy.

SECTION 9. DETERMINATIONS & APPEALS

- A. Exceptions.** The Planning Director or their designee shall make all initial determinations regarding the status of all projects seeking to apply for permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for projects filed within thirty (30) days of the effective date of this ordinance may be filed without a corresponding permit application. Any exception application filed within this period will be decided within ten (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, project, plat, or all area covered by a particular permit or agreement.
- B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.
- C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest

solely with the City Council. Any denial will stand until the moratorium is lifted unless the project requesting the waiver has a substantial change and reapplies for a waiver.

SECTION 10. REPEALER: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 11. SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstances 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 12. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective immediately upon passage.

SECTION 14. 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 and public hearings were also provided as required by Texas Government Code Chapter 212, Subchapter E.

READ & ACKNOWLEDGED on First Reading on the 16th day of November 2021.

READ & APPROVED on the Second Reading on the 22nd day of November 2021.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMENT “A”**Permits Subject to Moratorium¹**

- Commercial/Multi-Family Building Permit Application
- Residential Building Permit Application
- Plan Review Application
- Subdivision Application
- Site Development Application
- Zoning Amendment/PDD Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Swimming Pool Permit
- Mobile/Modular Home Permit

¹ Any permit subject to the Moratorium must be accompanied by an Exception or Waiver Form which can be found at www.cityofdrippingsprings.com/moratorium.

Permits not Subject to Moratorium

- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Child Care Facility Health Inspection Application
- Food Establishment Permit/Compliance Inspection
- Mobile Food Unit
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Residential Addition Permit
- Residential Accessory Structure Permit
- Residential Demolition Permit
- Residential Swimming Pool Permit
- Commercial Demolition Permit
- Commercial Tenant Finish Out

- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application (Business Move In/Change of Ownership)
- Any Fire Permits

BURGESS & NIPLE

235 Ledge Stone Drive | Austin, TX 78737 | 512.432.1000

Firm Registration No. F-10834

November 1, 2021

Laura Mueller
City Attorney
City of Dripping Springs

Dripping Springs, TX 78620

Re: South Regional WWTP Capacity Summary
CMA Job Number 1431-001

Dear Mrs. Mueller:

In October 2015, the City of Dripping Springs submitted an application to the TCEQ to convert its method of treated effluent disposal from land application to discharge into waters of the State, and to expand its wastewater treatment facilities to accommodate the aggressive growth in the Greater Dripping Springs area. The permit was contested and the case was heard at the State Office of Administrative Hearings. The City prevailed and was issued the permit on May 5, 2019 (permit WQ0014488003). However, because of pending litigation, construction of the new wastewater treatment and storage facilities are being delayed.

Based on operational information, the City's operator estimates that the existing South Regional WWTP is currently at a monthly average capacity of approximately 185,000 GPD. This is based on meters measuring flows to the drip irrigation fields and to the Caliterra Effluent Holding Pond. However, please note that in the months from April through September monthly average WWTP flows surpassed 200,000 GPD based on the flow meter in the chlorine contact chamber. This is believed to be inaccurate due to excessive backwashing of the cloth filters that has now been corrected. Below is a summary of the constructed, to be constructed, and permitted capacities for the South Regional WWTP current permit WQ0014488001.

- 189,500 GPD Current Constructed Capacity (127,500 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra)
- 313,500 GPD Current Permitted Capacity (127,500 GPD Drip Irrigation at WWTP + 186,000 GPD Surface Irrigation at Caliterra)
- 284,000 GPD Future Permitted Capacity with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra)
- 160,000 GPD Currently Constructed with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation)

Laura Mueller
City Attorney
City of Dripping Springs
November 1, 2021
Page 2 of 3

- 394,000 GPD Amendment 2 (Adding 50,000 GPD Disposal Area at Carter Ranch and at 60,000 GPD at Heritage PID)

Drip irrigation disposal capacity will be reduced from 127,5000 GPD to 98,000 GPD during construction of the new discharge WWTP and 15,000,000 million gallon effluent holding pond.

Attached is a summary of the developments the City has committed to provide service to in the near future, along with a summary of permitted capacity and capacity of different construction phases. There is enough tankage in the existing WWTP to accommodate treatment capacity, however the City is limited by storage and disposal area capacity. For the purpose of this evaluation, a wastewater production estimate of 175 GPD/LUE is used. As one will see, the capacity of the existing permitted capacity will be exceeded if the total number of committed LUEs are connected before the current pending Amendment 2 to the permit is issued by the TCEQ and/or if future irrigation phases that are needed are not constructed. There are three surface irrigation phases (each 62,000 GPD) permitted at Caliterra. Only one has been constructed. The following is a clause from the City's permit WQ0014488001:

Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

Based on the flow data collected, the City is over 90% disposal capacity, and has obtained authorization from the Commission to commence construction of the next 62,000 GPD surface irrigation phase at Caliterra (see attached approval letter). It is recommended that the approved phase be immediately constructed and that design of the final phase begin immediately followed by construction of the improvements very soon to follow.

At this time the City does not have existing disposal capacity available to provide service to any new developments. Prior to issuance and construction of Amendment No. 2 improvements by the TCEQ (adding 50,000 GPD disposal area at Carter Ranch and at 60,000 GPD at Heritage PID), the City will not have disposal capacity to provide service to any new developments past the original committed developments.

However, the City required newer developments to produce "backup plans" in the case the City exceeds its permitted and/or constructed capacities and need to be removed from the system. These include pumping and

Laura Mueller
City Attorney
City of Dripping Springs
November 1, 2021
Page 3 of 3

hauling raw sewage to other wastewater treatment and disposal facilities, individual onsite sewage treatment facilities/septic systems, or small TCEQ permitted wastewater treatment and disposal facilities.

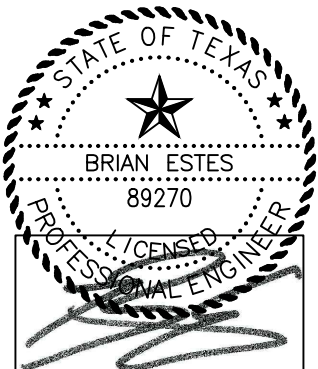
Please feel free to contact me at 512-432-1000 or at robby.callegari@burgessniple.com with any questions and/or comments.

Very truly yours,

Burgess & Niple



Robert P. Callegari, P.E.
Austin South Engineering Section Director



PRELIMINARY PLAT		REVISION RECORD	
HARDY T LAND LLC HARDY T LAND SOUTH DRIPPING SPRINGS, HAYS COUNTY, TX		NO	DATE
DATE: DECEMBER 16, 2021		DESCRIPTION	
DWG SCALE: 1" = 60'		ESH	
PROJECT NO: 304-065		CHECKED BY:	
APPROVED BY:		SSK	

Texas Registered Surveyor Firm 10104-119 Texas Registered Engineering Firm F-38

Civil & Environmental Consultants, Inc.

3711 South MoPac Expressway · Building 1, Suite 550 · Austin, TX 78746

Ph: 512.439.0400 · Fax: 512.329.0096

www.ccecinc.com

DRAWING NO: **SV01**

SHEET **2** OF **9**



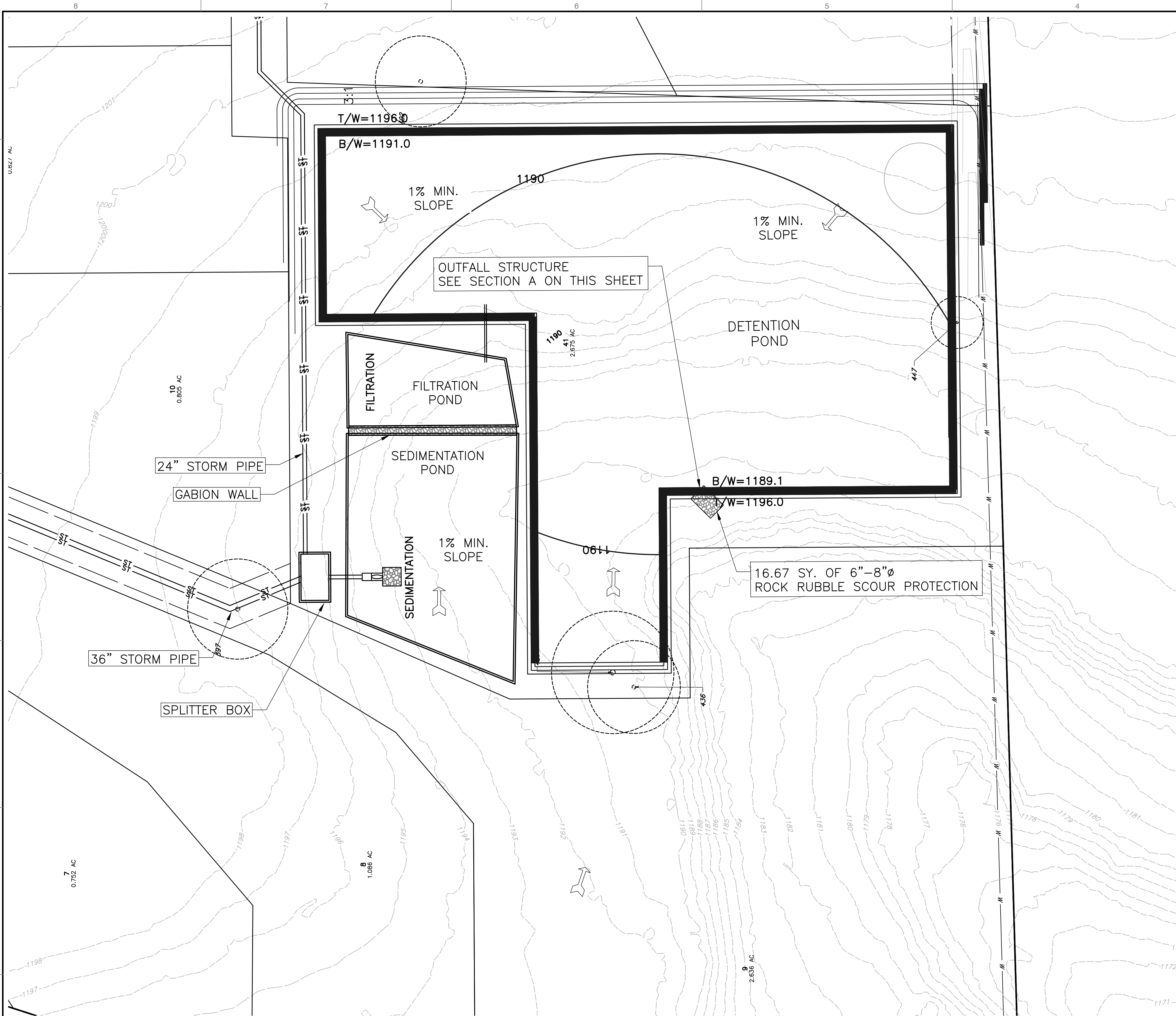
Existing Run-off Values from HEC-HMS		
2 Year	cfs	61.70
10 Year	cfs	121.50
25 Year	cfs	167.50
100 Year	cfs	253.90

Notes:

- 1) Lag Times less than 3 min, are assumed to be 3 min. to correspond to a 5 minute minimum Time of Concentration.
- 2) Calculations are based upon aerial photography, topography, and field data.
- 3) $T_c = T_{sheet} + T_{shallow} + T_{channel}$
- 4) The Manning's roughness coefficient was selected from TR-55, Table 3-1 Roughness coefficients (Manning's n) for sheet flow

HARDY T LAND LLC
HARDY T LAND SOUTH
DRIPPING SPRINGS, HAYS COUNTY, TX

P:\100-000\100-0051-CADD\Draw\Hard\Hard\DETENTION POND PLAN.dwg (AUTOCAD) - LSP: 12/16/2021 10:57 PM



NOTES:

- EXPANSION JOINTS ON FREE STANDING WALLS SHALL HAVE WATER TIGHT SEALS AS NEEDED [ECM 1.6.3(B)(4)].
- ALL POND BOTTOMS, SIDE SLOPES, AND EARTHEN EMBANKMENTS SHALL BE COMPACTED TO NINETY-FIVE (95) PERCENT OF MAXIMUM DENSITY IN ACCORDANCE WITH COA STANDARD SPECIFICATIONS. SIDE SLOPES FOR EARTHEN EMBANKMENTS SHALL NOT EXCEED THREE TO ONE (3H:1V). ROCK SLOPES MAY EXCEED THESE LIMITS IF A GEOTECHNICAL REPORT WARRANTS A DEVIATION. ACTUAL FIELD CONDITIONS MAY OVERRIDE THE GEOTECHNICAL REPORT. CONCRETE WALLS SHALL BE BUILT TO COA STANDARD SPECIFICATIONS. EXPANSION JOINTS ON FREE STANDING WALLS SHALL HAVE WATER TIGHT SEALS AS NEEDED.

Existing and Proposed Conditions at Points of Analysis		
	Existing Drainage Area	Proposed Drainage Area
	Ex_Point of Analysis D	Pr_Point of Analysis D
Contributing Drainage Areas	EX_DA4	Pr_Off 1, 2, PR-POND-routed
2-Yr Peak Discharge, Q ₂	61.70	55.30
10-Yr Peak Discharge, Q ₁₀	121.50	112.30
25-Yr Peak Discharge, Q ₂₅	167.50	159.80
100-Yr Peak Discharge, Q ₁₀₀	253.90	253.30

Pond B - Detention Pond Values from HEC-HMS Hydrologic Modeling Software

Storm Event	Q-Ex (cfs)	Q-Pr (cfs)	PR-POND-Routed (cfs)	WS Elevation (ft)
2-yr	61.70	72.70	37.1	1191.6
10-yr	121.50	137.10	75.7	1193.1
25-yr	167.50	186.70	108.3	1194.1
100-yr	253.90	280.20	173.9	1195.9

POND B -Detention Pond Stage Values

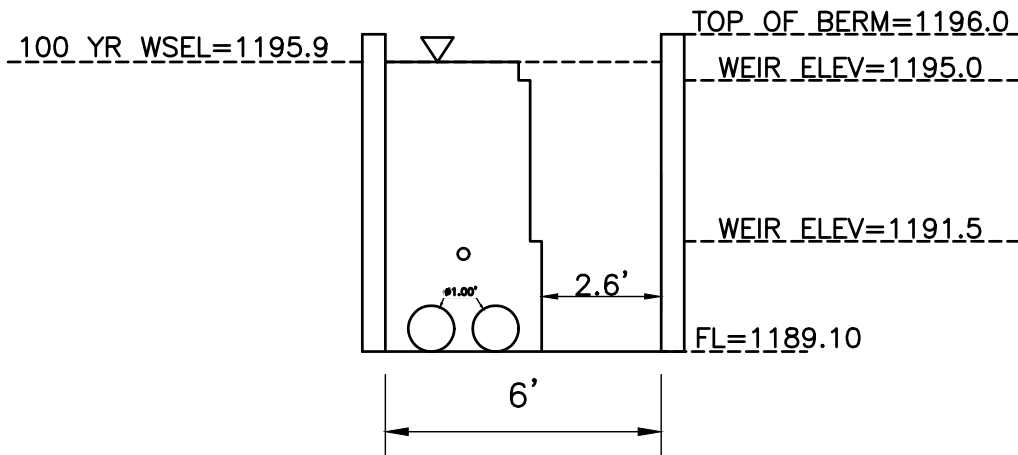
Stage	Area (sf)	Area (ac)	Volume (cf)	Cum. Volume (cf)	Ac-ft
1189.1	0 sf	0	0 cf	0 cf	0.0000
1190.0	41,559	0.954063361	18,702	18,702	0.4293
1191.0	59,345	1.362373737	50,452	69,154	1.5875
1192.0	59,345	1.362373737	59,345	128,499	2.9499
1193.0	61,840	1.419651056	60,593	189,091	4.3409
1194.0	61,840	1.419651056	61,840	250,931	5.7606
1195.0	64,366	1.477640037	63,103	314,034	7.2092
1196.0	64,366	1.477640037	64,366	378,400	8.6869

POND B -Sedimentation Pond Stage Values

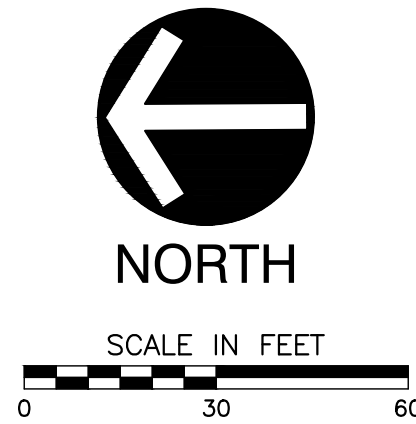
Stage	Area (sf)	Area (ac)	Volume (cf)	Cum. Volume (cf)	Ac-ft
1189.2	0	0	0 cf	0 cf	0.0000
1190.0	10,352	0.237649219	4,141	4,141	0.0951
1191.0	10,352	0.237649219	10,352	14,493	0.3327
1192.0	10,352	0.237649219	10,352	24,845	0.5704
1193.0	10,352	0.237649219	10,352	35,197	0.8080
1194.0	10,352	0.237649219	10,352	45,549	1.0457
1195.0	10,352	0.237649219	10,352	55,901	1.2833

POND B -Filtration Pond Stage Values

Stage	Area (sf)	Area (ac)	Volume (cf)	Cum. Volume (cf)	Ac-ft
1189.1	3,650	0.08379247	0 cf	0 cf	0.0000
1190.0	3,650	0.08379247	3,285	3,285	0.0754
1191.0	3,650	0.08379247	3,650	6,935	0.1592
1192.0	3,650	0.08379247	3,650	10,585	0.2430
1193.0	3,650	0.08379247	3,650	14,235	0.3268
1194.0	3,650	0.08379247	3,650	17,885	0.4106
1195.0	3,650	0.08379247	3,650	21,535	0.4944



A OUTFALL CROSS SECTION - POND B
SCALE: NTS



REVISION RECORD

NO	DATE	DESCRIPTION

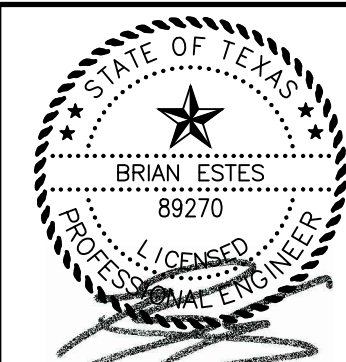
Civil & Environmental Consultants, Inc.
3711 South McRae Expressway - Building 1, Suite 550 - Austin, TX 78746
Ph: 512.439.0400 - Fax: 512.329.0096
www.ccginc.com

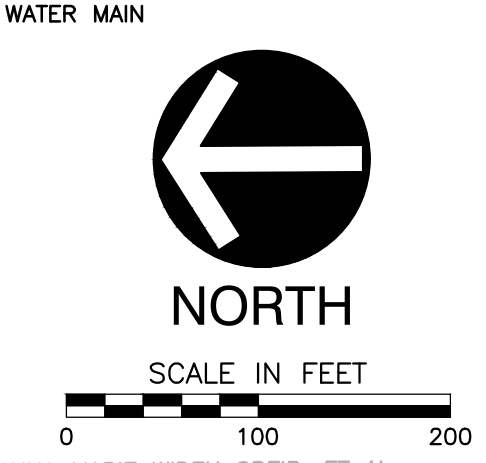
HARDY T LAND LLC
HARDY T LAND SOUTH
DRIPPING SPRINGS, HAYS COUNTY, TX

DETENTION POND PLAN


DATE:	DRAWN BY:	STAFF
DEC. 2021	BRIAN ESTES	MSC
PROJECT NO:	CHECKED BY:	304-065
APPROVED BY:	DATE:	BE

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.






<h1 style="text-align: center;">WATER & EROSION CONTROL PLAN</h1>		DATE:	DEC. 2021	DRAWN BY:	STAFF
		DWG SCALE:	1"= 100'	CHECKED BY:	MSC
		PROJECT NO:			
		APPROVED BY:			
DRAWING NO.:		06			
SHEET	06	OF	06		



!!! CAUTION !!!

IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY
ALL EXISTING UTILITIES VERTICALLY AND
HORIZONTALLY PRIOR TO CONSTRUCTION, AND NOTIFY
THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.

!!! CAUTION !!!



FOR INFORMATION ONLY



City of Dripping Springs

MORATORIUM WAIVER APPLICATION

Official Use Only:

Project # **MOR**

Date Received _____

Property/Site Address or Legal Description: 2901 W US 290, DRIPPING SPRINGS, TX Hays CAD Property ID (R #): 15103

Owner Name: HARDY T LAND LLC Phone #: 512-970-7271

Owner Email: steveharren@aol.com

Authorized Agent: BRIAN ESTES Phone #: 512-699-3081

Agent Email: bestes@cecinc.com

BASIS FOR WAIVER:

"Property currently has an approved moratorium exception dated December 20, 2021 for a high density, multi-family residential concept. Approved moratorium exception attached for your reference."

If this moratorium waiver is approved, Owner may change project to approximately 33 single family residential lots averaging 1+ acres. Owner may be requesting annexation/zoning for a SF-2 zoning district, and requesting preliminary and final plat with associated construction documents. Conceptual lot layout has been attached for reference purposes."

Additional Information / Submittal Requirements:

This request should be submitted simultaneously with any other permit application including: (1) site development; (2) plat; (3) replat; (4) zoning application including Planned Development District; (5) application for Development Agreement; (6) Building Permit application; (7) Wastewater application; and (8) other land use applications. Waivers will be reviewed by City Council within 10 days of the City receiving: (1) this application; (2) the application for the underlying permit; and (3) all documentation related to the basis for the waiver (for example an agreement to fund and construct wastewater infrastructure). A letter on the status of this waiver will be provided to the applicant after the City Council makes a decision on the request. If denied, a waiver may not be reapplied for unless the waiver request or project substantially changes. Prior to applying for a waiver, it is recommended that you review with staff whether you will be eligible for an exception rather than a waiver.

[Signature]
Applicant Signature

BRIAN ESTES
Print Name

1-3-22
Date

OFFICIAL USE ONLY:

Date all necessary documentation received: _____

Approved: _____ Denied: _____ Date: _____

By: _____ 11/2021



DRIPPING SPRINGS Texas

December 20, 2021

RE Application for Exception
 Project Name: Bunker Ranch Phases 1-4; Hardy Tract North
 Name of Applicant: Brian Estes, P.E.
 Address of Project: 2751 US 290, Dripping Springs, Texas

Via E-mail: bestes@cecinc.com

Dear Mr. Estes:

The City of Dripping Springs has enacted a moratorium for a period of 90 days. As part of enactment of this ordinance the City provided an administrative exception process as it relates to approved plats and projects. We received your exception request on December 10, 2021. It is approved based on the filed request. Please keep in mind that this approval is only based on what is currently approved through the Recorded Plats and other related land use approvals and allows currently filed applications to move forward. Any changes to approved land use or wastewater approvals could be subject to the temporary development moratorium.

Approved for Bunker Ranch Phases 1-4

Phase 1: 213 acres/156 residential/2 commercial-OSSF (Final Plat 2017)

Phase 2: 39.29 acres/35 residential lots-OSSF (Final Plat 2020)

Phase 3: 40.20 acres/39 residential lots-OSSF (Final Plat 2021)

Phase 4: 39 acres/28 residential lots-OSSF (Final Plat 2021)

Hardy Tract-North: 39 acres/ 8 residential lots-OSSF (Preliminary Plat Application 2021)

Approval of the exception is not an approval of any current or future application, but instead allows any application that is in process or that is consistent with above land use approvals or applications may move forward for review.

Sincerely,

Howard Koontz
 Planning Director
 City of Dripping Springs

cc: Ginger Fought, Deputy City Administrator, City of Dripping Springs
 Sarah Cole, Building Official, City of Dripping Springs

Open spaces, friendly faces.

CITY OF DRIPPING SPRINGS

ORDINANCE 2021-

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, (“CITY”) ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FOR FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, DETERMINATION AND APPEALS, REPEALER, SEVERABILITY, ENFORCEMENT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, and construction on real property in the City limits and extraterritorial jurisdiction; and

WHEREAS, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of revisiting the Comprehensive Plan and studying land use and development in the City limits and extraterritorial jurisdiction, and has issued a Request for Qualifications for a professional land planning firm to provide comprehensive plan and development code services; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations 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, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally-sustainable and environmentally responsible manner; and

WHEREAS, the City Limits and Extraterritorial Jurisdiction (ETJ) are comprised of a combination of topographical, ecological, and drainage features that create significant development challenges; and

WHEREAS, the City will change drastically if continued growth and development should occur under the City's existing Code of Ordinances and Comprehensive Plan, which no longer adequately address concerns about the effect of responsible development in the City and ETJ; and

WHEREAS, as codified in Tex. Water Code § 26.081(a), the Legislature of the State of Texas found and declared that it is necessary to the health, safety, and welfare of the people of this state to implement the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state; and

WHEREAS, the City agrees with the Legislature of the State of Texas that it is necessary to the health, safety, and welfare of the people in the City limits and the ETJ to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens in the City limits and the ETJ to prevent pollution and maintain and enhance the quality of the water in the City limits and the Extraterritorial Jurisdiction; and

WHEREAS, the City conducted an analysis to determine the adequacy of the City's current regional wastewater facilities and the need beyond the estimated capacity that is expected to result from new property development; and

WHEREAS, upon review of the analysis by the City's Wastewater Engineer and Deputy City Administrator, the City Council has made findings contained herein as **Attachment "B"** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and

WHEREAS, the City Council finds that certain essential public and private infrastructure, being wastewater facilities and improvements and transportation facilities and improvements throughout the City Limits and ETJ, are inadequate and insufficient to adequately serve new development; and

WHEREAS, relying on the analysis provided by City Staff, the outstanding permits issued by the City prior to this moratorium, and the City's impact fee analysis, the City Council makes the following findings:

1. Taking into account all wastewater that has been committed by contract, the City's wastewater facilities are at capacity; and
2. The current wastewater collection system has bottlenecks that threaten the proper operation of the City's regional wastewater system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional capacity of the City's regional wastewater plant, there is currently no additional capacity available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and the ETJ.

WHEREAS, until actions can be taken to increase the wastewater capacity of the City of Dripping Springs, allowing for additional wastewater service connections to the Dripping Springs Wastewater Treatment Plant(s) service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City Limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of capacity and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing infrastructure and development are needed to allow for growth and development within the City Limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to study and evaluate the impact of further development; the need for additional wastewater facilities; appropriate zoning districts and district regulations; appropriate land use and wastewater regulations; and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural, and ecological importance and significance

within the City Limits and ETJ, the City wishes to maintain the *status quo* by implementing a temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this study period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement this moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, have been published and held in accordance with applicable statutes, laws, and regulations; and

WHEREAS, based on the findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Dripping Springs; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health or safety.

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

SECTION 2. DEFINITIONS: As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City's Code of Ordinances, or if not defined by the City then the common meanings in accordance with ordinary usage.

A. Commercial property: means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

B. Essential public facilities: means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.

C. Permit: means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

D. Project: means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.

E. Property development: means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

F. Residential property: means property zoned for or otherwise authorized for single-family or multi-family use.

SECTION 3. APPLICABILITY: The City of Dripping Springs hereby enacts this Ordinance in order to implement a temporary moratorium on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This temporary moratorium applies to all city zoning district uses within the City Limits and the ETJ.

Unless a project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the Moratorium are attached as **Attachment “A”**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator.

SECTION 4. PURPOSE: This temporary moratorium is being enacted to maintain the *status quo*, and to:

- A. assess the short-term and long-term comprehensive plan;
- B. review the City’s policies on the acceptance of applications for municipal permits for construction or development;
- C. update the City’s permitting and planning requirements and processes for wastewater and transportation infrastructure; and
- D. obtain and review public input and expert guidance.

SECTION 5. ENACTMENT: The City of Dripping Springs hereby enacts this Ordinance implementing a temporary moratorium on the City’s acceptance, review, approval,

and issuance of permits in the City Limits and ETJ.

SECTION 6. DURATION: The initial duration of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

SECTION 7. EXTENSION: If the City determines that the initial period is insufficient for the City to fully complete its study and planning, this Ordinance may be renewed or extended for an additional period of time, necessary to complete the study and implement the recommended changes to City codes, policies, and processes in accordance with the time limits as provided by law upon a majority vote of the City Council.

SECTION 8. EXCEPTIONS AND EXEMPTIONS:

A. Exceptions. Any property owner who believes that they fall within the below exceptions shall provide notice of the exception at time of application for any permit with the city-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Request is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. No Impact Projects. The temporary moratorium implemented by this Ordinance does not apply to a project that does not:

- Impact wastewater capacity
- Require land use modifications inconsistent with the updated comprehensive planning

To make a determination of whether a project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. Ongoing Projects.

The temporary moratorium implemented by this Ordinance does not apply to any projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of November 18, 2021, such being the fifth business day after the date on which the City published notice of the public hearings to consider this Ordinance. The provisions of this Ordinance do not apply to any completed application or plan for development for a permit, plat, verification, rezoning, site plan, approved wastewater plan, or new or revised certificate of occupancy for Property Development that were filed prior to November 18, 2021. New permits applied for as part of a previously approved project may proceed once an exception is applied for and approved as described herein.

3. **Grandfathered Projects.** The temporary moratorium implemented by this Ordinance shall not apply to projects that are grandfathered under as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after November 18, 2019, then a new request is not required to meet this exception. New permits applied for as part of a previously vested project may proceed once an exception is applied for and approved as described herein.
 4. **Development Agreement:** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, wastewater, and development rules pursuant to Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New permits applied for as part of a Development Agreement project may proceed once an exception is applied for and approved as described herein.
- B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners' sole expense and who do not require land use modifications inconsistent with the updated comprehensive planning, in accordance with Local Government Code Chapter 212, Subchapter E may apply for waiver in accordance with City policy.

SECTION 9. DETERMINATIONS & APPEALS

- A. Exceptions.** The Planning Director or their designee shall make all initial determinations regarding the status of all projects seeking to apply for permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for projects filed within thirty (30) days of the effective date of this ordinance may be filed without a corresponding permit application. Any exception application filed within this period will be decided within ten (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, project, plat, or all area covered by a particular permit or agreement.
- B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.
- C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest

solely with the City Council. Any denial will stand until the moratorium is lifted unless the project requesting the waiver has a substantial change and reapplies for a waiver.

SECTION 10. REPEALER: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 11. SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstances 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 12. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective immediately upon passage.

SECTION 14. 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 and public hearings were also provided as required by Texas Government Code Chapter 212, Subchapter E.

READ & ACKNOWLEDGED on First Reading on the 16th day of November 2021.

READ & APPROVED on the Second Reading on the 22nd day of November 2021.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMENT “A”**Permits Subject to Moratorium¹**

- Commercial/Multi-Family Building Permit Application
- Residential Building Permit Application
- Plan Review Application
- Subdivision Application
- Site Development Application
- Zoning Amendment/PDD Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Swimming Pool Permit
- Mobile/Modular Home Permit

¹ Any permit subject to the Moratorium must be accompanied by an Exception or Waiver Form which can be found at www.cityofdrippingsprings.com/moratorium.

Permits not Subject to Moratorium

- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Child Care Facility Health Inspection Application
- Food Establishment Permit/Compliance Inspection
- Mobile Food Unit
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Residential Addition Permit
- Residential Accessory Structure Permit
- Residential Demolition Permit
- Residential Swimming Pool Permit
- Commercial Demolition Permit
- Commercial Tenant Finish Out

- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application (Business Move In/Change of Ownership)
- Any Fire Permits

BURGESS & NIPLE

235 Ledge Stone Drive | Austin, TX 78737 | 512.432.1000

Firm Registration No. F-10834

November 1, 2021

Laura Mueller
City Attorney
City of Dripping Springs

Dripping Springs, TX 78620

Re: South Regional WWTP Capacity Summary
CMA Job Number 1431-001

Dear Mrs. Mueller:

In October 2015, the City of Dripping Springs submitted an application to the TCEQ to convert its method of treated effluent disposal from land application to discharge into waters of the State, and to expand its wastewater treatment facilities to accommodate the aggressive growth in the Greater Dripping Springs area. The permit was contested and the case was heard at the State Office of Administrative Hearings. The City prevailed and was issued the permit on May 5, 2019 (permit WQ0014488003). However, because of pending litigation, construction of the new wastewater treatment and storage facilities are being delayed.

Based on operational information, the City's operator estimates that the existing South Regional WWTP is currently at a monthly average capacity of approximately 185,000 GPD. This is based on meters measuring flows to the drip irrigation fields and to the Caliterra Effluent Holding Pond. However, please note that in the months from April through September monthly average WWTP flows surpassed 200,000 GPD based on the flow meter in the chlorine contact chamber. This is believed to be inaccurate due to excessive backwashing of the cloth filters that has now been corrected. Below is a summary of the constructed, to be constructed, and permitted capacities for the South Regional WWTP current permit WQ0014488001.

- 189,500 GPD Current Constructed Capacity (127,500 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra)
- 313,500 GPD Current Permitted Capacity (127,500 GPD Drip Irrigation at WWTP + 186,000 GPD Surface Irrigation at Caliterra)
- 284,000 GPD Future Permitted Capacity with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra)
- 160,000 GPD Currently Constructed with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation)

Laura Mueller
City Attorney
City of Dripping Springs
November 1, 2021
Page 2 of 3

- 394,000 GPD Amendment 2 (Adding 50,000 GPD Disposal Area at Carter Ranch and at 60,000 GPD at Heritage PID)

Drip irrigation disposal capacity will be reduced from 127,5000 GPD to 98,000 GPD during construction of the new discharge WWTP and 15,000,000 million gallon effluent holding pond.

Attached is a summary of the developments the City has committed to provide service to in the near future, along with a summary of permitted capacity and capacity of different construction phases. There is enough tankage in the existing WWTP to accommodate treatment capacity, however the City is limited by storage and disposal area capacity. For the purpose of this evaluation, a wastewater production estimate of 175 GPD/LUE is used. As one will see, the capacity of the existing permitted capacity will be exceeded if the total number of committed LUEs are connected before the current pending Amendment 2 to the permit is issued by the TCEQ and/or if future irrigation phases that are needed are not constructed. There are three surface irrigation phases (each 62,000 GPD) permitted at Caliterra. Only one has been constructed. The following is a clause from the City's permit WQ0014488001:

Whenever flow measurements for any domestic sewage treatment facility reach 75 percent of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90 percent of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75 percent of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

Based on the flow data collected, the City is over 90% disposal capacity, and has obtained authorization from the Commission to commence construction of the next 62,000 GPD surface irrigation phase at Caliterra (see attached approval letter). It is recommended that the approved phase be immediately constructed and that design of the final phase begin immediately followed by construction of the improvements very soon to follow.

At this time the City does not have existing disposal capacity available to provide service to any new developments. Prior to issuance and construction of Amendment No. 2 improvements by the TCEQ (adding 50,000 GPD disposal area at Carter Ranch and at 60,000 GPD at Heritage PID), the City will not have disposal capacity to provide service to any new developments past the original committed developments.

However, the City required newer developments to produce "backup plans" in the case the City exceeds its permitted and/or constructed capacities and need to be removed from the system. These include pumping and

Laura Mueller
City Attorney
City of Dripping Springs
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Page 3 of 3

hauling raw sewage to other wastewater treatment and disposal facilities, individual onsite sewage treatment facilities/septic systems, or small TCEQ permitted wastewater treatment and disposal facilities.

Please feel free to contact me at 512-432-1000 or at robby.callegari@burgessniple.com with any questions and/or comments.

Very truly yours,

Burgess & Niple

A handwritten signature in black ink, appearing to read 'R. Callegari', with a long, sweeping horizontal line extending to the right.

Robert P. Callegari, P.E.
Austin South Engineering Section Director



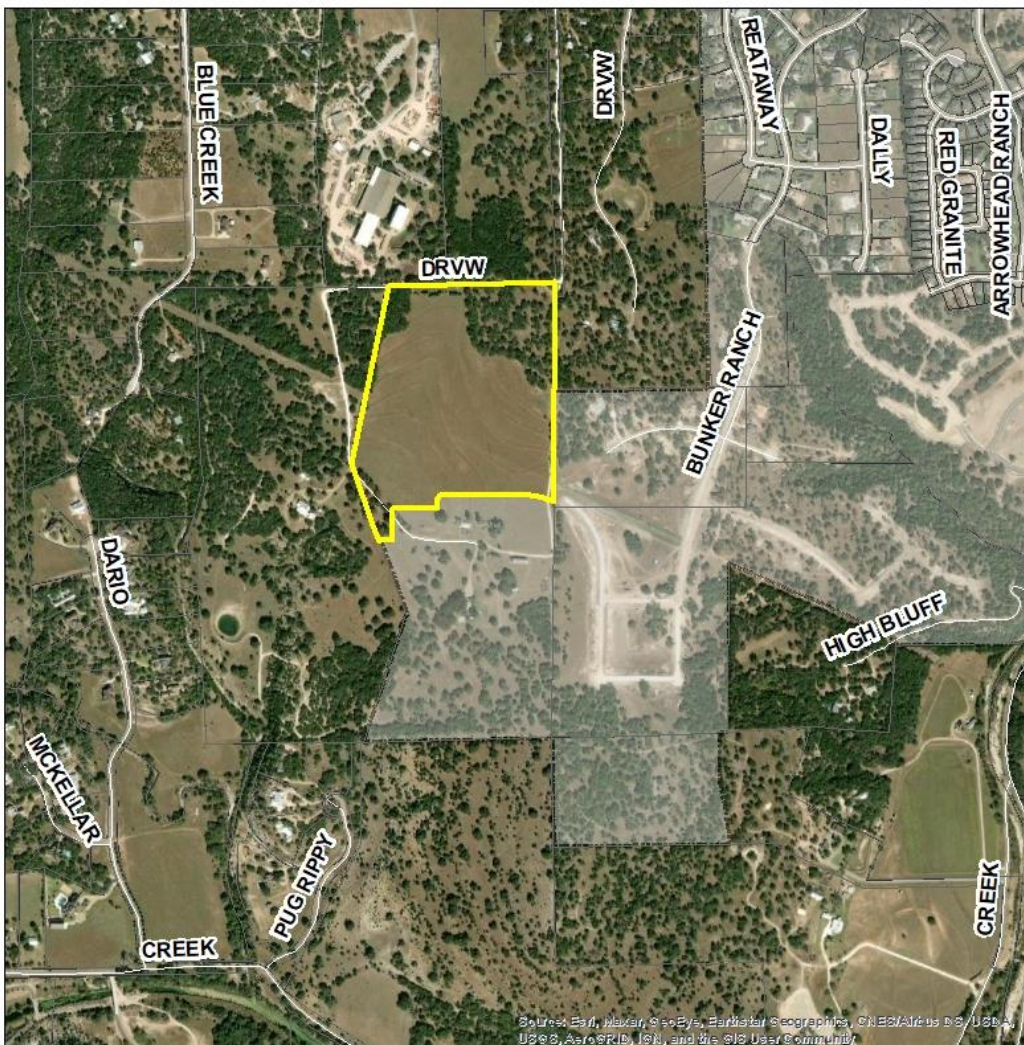
City Council Planning Department Staff Report

Item 3.

City Council Meeting: January 11, 2022
Project No: MORW2022-003
Project Planner: Tory Carpenter, AICP, Senior Planner

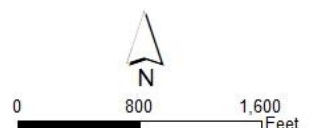
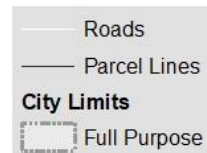
Item Details

Project Name: Hardy North
Property Location: 2901 W US 290
Legal Description: 39.341 acres out of the Benjamin F Hanna Survey
Applicant: Brian Estes
Property Owners: Hardy T Land, LLC
Request: A waiver from the temporary development moratorium



Location Map

SUB2021-0051
Hardy T Land
Preliminary Plat



Development Proposal

This request is associated with a proposed zoning amendment and annexation for a portion of the property known as the Hardy Tract. There is currently a plat application in process for a 7 lot multifamily development in the ETJ. If this waiver is approved, the applicant has stated that he will withdraw the current preliminary plat application and instead develop the property with approximately 33 single-family residential lots zoned SF-2.

The project would be served by on-site septic and would not impact the City wastewater system.

Request Overview

The applicant requests an administrative exception to the temporary development moratorium. Since this tract appears to have been used primarily for agricultural purposes, the proposed development was determined to be a “change in use” and staff denied the exception request. Staff directed the applicant to apply for a waiver.

Staff Analysis

Moratorium Ordinance: Section 8 Art. B

Waivers. Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners’ sole expense and who do not require land use modifications inconsistent with the updated comprehensive plan, in accordance with Local Government Code Chapter 212, Subchapter E, may apply for a waiver in accordance with City policy.

Wastewater:

This development will be served by on-site septic systems and will not impact the city wastewater system.

Land Use:

This development is consistent with the existing SF-2 residential development in the immediate area. Additionally, this project is consistent with development trends in the area.

It is important to note, that if the development moratorium were not in place, an ETJ multifamily project could proceed without any entitlements from the City Council, or any other boards or commissions. If this waiver request is denied, the applicant can proceed with the multifamily development after expiration or termination of the temporary development moratorium. If the waiver is approved, the applicant can proceed with annexation and a zoning amendment to SF-2 which would allow a single-family development.

Council Action

City Council is tasked with approval or denial of the waiver. Any denial will stand until the moratorium is lifted unless there is a substantial change to the project.

Attachments

Exhibit 1: Waiver Request

Exhibit 2: Site Plan

Exhibit 3: Moratorium Ordinance

Recommended Action:	Staff provides this request to City Council with a neutral recommendation as this is ultimately a policy decision.
Alternatives/Options:	Deny or approve the waiver.

Planning Department Staff Report

Item 3.

Budget/Financial Impact:	N/A
Public Comments:	No public comment was received for this request.
Enforcement Issues:	N/A

CITY OF DRIPPING SPRINGS

ORDINANCE 2021-

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, (“CITY”) ENACTING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FOR FINDINGS OF FACT, DEFINITIONS, APPLICABILITY, PURPOSE, ENACTMENT, DURATION, EXTENSION, EXCEPTIONS AND EXEMPTIONS, DETERMINATION AND APPEALS, REPEALER, SEVERABILITY, ENFORCEMENT, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) as a duly-elected legislative body, finds that it is facing significant historic and contemporary land use challenges that existing regulations were not designed to address; and

WHEREAS, the City Council finds that it is in the best interest of the City and its citizens to adopt and enact a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, zoning, and construction on real property in the City limits and extraterritorial jurisdiction; and

WHEREAS, the City has developed a Comprehensive Plan for development within the City and desires to protect its ability to regulate development within its jurisdiction; and

WHEREAS, the City has started the process of revisiting the Comprehensive Plan and studying land use and development in the City limits and extraterritorial jurisdiction, and has issued a Request for Qualifications for a professional land planning firm to provide comprehensive plan and development code services; and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations 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, Texas Local Government Code Chapters 211, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures and development-related activities; and

- WHEREAS,** the City seeks to ensure that impending and future development is conducted in a fiscally-sustainable and environmentally responsible manner; and
- WHEREAS,** the City Limits and Extraterritorial Jurisdiction (ETJ) are comprised of a combination of topographical, ecological, and drainage features that create significant development challenges; and
- WHEREAS,** the City will change drastically if continued growth and development should occur under the City's existing Code of Ordinances and Comprehensive Plan, which no longer adequately address concerns about the effect of responsible development in the City and ETJ; and
- WHEREAS,** as codified in Tex. Water Code § 26.081(a), the Legislature of the State of Texas found and declared that it is necessary to the health, safety, and welfare of the people of this state to implement the state policy to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state; and
- WHEREAS,** the City agrees with the Legislature of the State of Texas that it is necessary to the health, safety, and welfare of the people in the City limits and the ETJ to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens in the City limits and the ETJ to prevent pollution and maintain and enhance the quality of the water in the City limits and the Extraterritorial Jurisdiction; and
- WHEREAS,** the City conducted an analysis to determine the adequacy of the City's current regional wastewater facilities and the need beyond the estimated capacity that is expected to result from new property development; and
- WHEREAS,** upon review of the analysis by the City's Wastewater Engineer and Deputy City Administrator, the City Council has made findings contained herein as **Attachment "B"** related to the inadequacy of existing essential public facilities in accordance with Section 212.135 of the Texas Local Government Code; and
- WHEREAS,** the City Council finds that certain essential public and private infrastructure, being wastewater facilities and improvements and transportation facilities and improvements throughout the City Limits and ETJ, are inadequate and insufficient to adequately serve new development; and
- WHEREAS,** relying on the analysis provided by City Staff, the outstanding permits issued by the City prior to this moratorium, and the City's impact fee analysis, the City Council makes the following findings:

1. Taking into account all wastewater that has been committed by contract, the City's wastewater facilities are at capacity; and
2. The current wastewater collection system has bottlenecks that threaten the proper operation of the City's regional wastewater system; and
3. Based on these bottlenecks and the contractual commitments that will utilize all additional capacity of the City's regional wastewater plant, there is currently no additional capacity available to commit to development of lots; and
4. This moratorium is reasonably limited to property located in the City limits and the ETJ.

WHEREAS, until actions can be taken to increase the wastewater capacity of the City of Dripping Springs, allowing for additional wastewater service connections to the Dripping Springs Wastewater Treatment Plant(s) service area will only exacerbate the situation; and

WHEREAS, the City Council finds that a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the City Limits and ETJ will prevent the situation from becoming worse, and will allow the City time to address the measures needed to remedy the shortage of capacity and to secure funds to pay for such remedial measures; and

WHEREAS, additional evaluation of the existing infrastructure and development are needed to allow for growth and development within the City Limits and ETJ while protecting the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, the City desires to study and evaluate the impact of further development; the need for additional wastewater facilities; appropriate zoning districts and district regulations; appropriate land use and wastewater regulations; and issues that will affect future growth and development of the area within its jurisdiction; and

WHEREAS, the City finds this evaluation process will require community input and will take a reasonable amount of time to complete; and

WHEREAS, the City has determined that it is necessary to study and update its development ordinances and procedures in order to clarify and improve its planning policies based on the forthcoming regulations, strengthen the connection between the City's Code of Ordinances and the goals and needs of the City's residents, and to protect the health, safety, environment, quality of life, and general welfare of its residents; and

WHEREAS, in order for the City to have adequate and reasonable time to review, evaluate, and revise the City's development ordinances, and to consider the impact of the ordinances upon future growth, public health and safety, development, the natural environment, and place of architectural, and ecological importance and significance

within the City Limits and ETJ, the City wishes to maintain the *status quo* by implementing a temporary moratorium, during which certain applications for development permits and/or approvals will be suspended; and

WHEREAS, the purpose of prohibiting certain applications for development permits and/or approvals during this study period includes, within limitation, preserving the *status quo* during the planning process, eliminating incentives for hurried applications, facilitating thoughtful and consistent planning, avoiding exploitation of the delays inherent in the municipal legislative process, and preventing applications from undermining the effectiveness of the revised rules by applying for permits and/or approvals in order to avoid the application of new, possibly more restrictive, development regulations; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City desires to implement this moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, have been published and held in accordance with applicable statutes, laws, and regulations; and

WHEREAS, based on the findings contained herein, information provided by City staff, and the evidence submitted at public hearings, the City Council has determined that existing development ordinances and regulations and other applicable laws are inadequate to prevent existing essential public facilities from exceeding capacity, thereby being detrimental to the public health, safety, and welfare of the residents of Dripping Springs; and

WHEREAS, the City Council finds that the enactment of this Ordinance is directly related to the immediate preservation of the public peace, health or safety.

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

SECTION 1. FINDINGS OF FACT: The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

SECTION 2. DEFINITIONS: As used in this Ordinance, these terms shall be defined as follows. Terms appearing in this Ordinance but not defined herein shall have the meanings provided in the City's Code of Ordinances, or if not defined by the City then the common meanings in accordance with ordinary usage.

A. Commercial property: means property zoned for or otherwise authorized for use other than single-family use, multifamily use, heavy industrial use, or use as a quarry.

B. Essential public facilities: means water, sewer/wastewater, or storm drainage facilities or street improvements provided by a municipality or private utility.

C. Permit: means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

D. Project: means an endeavor over which a regulatory agency exerts its jurisdiction and for which one (1) or more permits are required to initiate, continue, or complete the endeavor.

E. Property development: means the construction, reconstruction, or other alteration or improvement of residential or commercial buildings or the subdivision or replatting of a subdivision of residential or commercial property.

F. Residential property: means property zoned for or otherwise authorized for single-family or multi-family use.

SECTION 3. APPLICABILITY: The City of Dripping Springs hereby enacts this Ordinance in order to implement a temporary moratorium on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities. This temporary moratorium applies to all city zoning district uses within the City Limits and the ETJ.

Unless a project falls within an Exception (as provided below), this temporary moratorium applies to all applications for property development permits. Permits that are affected or not affected by the Moratorium are attached as **Attachment “A”**. The applicability of the moratorium to any permit not listed shall be determined based on the purpose of the moratorium and may be added to the list by the City Administrator.

SECTION 4. PURPOSE: This temporary moratorium is being enacted to maintain the *status quo*, and to:

- A. assess the short-term and long-term comprehensive plan;
- B. review the City’s policies on the acceptance of applications for municipal permits for construction or development;
- C. update the City’s permitting and planning requirements and processes for wastewater and transportation infrastructure; and
- D. obtain and review public input and expert guidance.

SECTION 5. ENACTMENT: The City of Dripping Springs hereby enacts this Ordinance implementing a temporary moratorium on the City’s acceptance, review, approval,

and issuance of permits in the City Limits and ETJ.

SECTION 6. DURATION: The initial duration of this temporary moratorium shall be for a period of ninety (90) days after enactment of this Ordinance, or repeal of this Ordinance by the City, whichever is sooner.

SECTION 7. EXTENSION: If the City determines that the initial period is insufficient for the City to fully complete its study and planning, this Ordinance may be renewed or extended for an additional period of time, necessary to complete the study and implement the recommended changes to City codes, policies, and processes in accordance with the time limits as provided by law upon a majority vote of the City Council.

SECTION 8. EXCEPTIONS AND EXEMPTIONS:

A. Exceptions. Any property owner who believes that they fall within the below exceptions shall provide notice of the exception at time of application for any permit with the city-approved form. Exceptions are administratively approved or denied. Any exception that is denied may be appealed to the City Council. Exceptions will be determined within the same time period as the administrative completeness check for each project, or within ten business days, whichever is sooner. If a Grandfathered Development Status Determination Request is required, then the exception can be applied concurrently with the Request but the time frame of the Request shall be controlling.

1. No Impact Projects. The temporary moratorium implemented by this Ordinance does not apply to a project that does not:

- Impact wastewater capacity
- Require land use modifications inconsistent with the updated comprehensive planning

To make a determination of whether a project is no impact as listed, an applicant shall apply for an exception to the moratorium.

2. Ongoing Projects.

The temporary moratorium implemented by this Ordinance does not apply to any projects that are currently, actively in progress for which valid City permits have been issued and have not expired as of November 18, 2021, such being the fifth business day after the date on which the City published notice of the public hearings to consider this Ordinance. The provisions of this Ordinance do not apply to any completed application or plan for development for a permit, plat, verification, rezoning, site plan, approved wastewater plan, or new or revised certificate of occupancy for Property Development that were filed prior to November 18, 2021. New permits applied for as part of a previously approved project may proceed once an exception is applied for and approved as described herein.

3. **Grandfathered Projects.** The temporary moratorium implemented by this Ordinance shall not apply to projects that are grandfathered under as provided by state law. Property owners asserting grandfathered rights under Texas Local Government Code Chapter 245 must submit an application claiming an exception to this temporary moratorium to the planning department for review in accordance with City policy. Grandfathered status can be approved through an approved Grandfathered Development Status Determination Request. If a Grandfathered Development Status Determination Request has been finalized by staff on or after November 18, 2019, then a new request is not required to meet this exception. New permits applied for as part of a previously vested project may proceed once an exception is applied for and approved as described herein.
 4. **Development Agreement:** Property owners with a negotiated approval granted by the City Council providing for construction standards, platting, wastewater, and development rules pursuant to Local Government Code Chapter 212, Subchapter G may apply for an exception in accordance with City policy. New permits applied for as part of a Development Agreement project may proceed once an exception is applied for and approved as described herein.
- B. Waivers.** Any property owner who does not assert rights under Texas Local Government Code Chapter 245, but who seeks authorization to proceed with the development permitting process during the time of the temporary moratorium can request a waiver. Property owners agreeing to construct certain wastewater infrastructure at property owners' sole expense and who do not require land use modifications inconsistent with the updated comprehensive planning, in accordance with Local Government Code Chapter 212, Subchapter E may apply for waiver in accordance with City policy.

SECTION 9. DETERMINATIONS & APPEALS

- A. Exceptions.** The Planning Director or their designee shall make all initial determinations regarding the status of all projects seeking to apply for permits during this temporary moratorium and recognition of all Exceptions (as provided herein). Exceptions for projects filed within thirty (30) days of the effective date of this ordinance may be filed without a corresponding permit application. Any exception application filed within this period will be decided within ten (10) business days of receipt. Any exception that is denied may be appealed to City Council or the applicant may apply for a Waiver. An exception may be applied for by lot, project, plat, or all area covered by a particular permit or agreement.
- B. City Council.** City Council shall make a final decision on waivers within 10 days of filing of application.
- C. Waivers.** The decision to approve an Exemption (as provided for above) shall rest

solely with the City Council. Any denial will stand until the moratorium is lifted unless the project requesting the waiver has a substantial change and reapplies for a waiver.

SECTION 10. REPEALER: In the case of any conflict between the other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 11. SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstances 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 12. ENFORCEMENT: The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this temporary moratorium is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity.

SECTION 13. EFFECTIVE DATE: This Ordinance shall be effective immediately upon passage.

SECTION 14. 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 and public hearings were also provided as required by Texas Government Code Chapter 212, Subchapter E.

READ & ACKNOWLEDGED on First Reading on the 16th day of November 2021.

READ & APPROVED on the Second Reading on the 22nd day of November 2021.

CITY OF DRIPPING SPRINGS:

by: _____
Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMENT “A”**Permits Subject to Moratorium¹**

- Commercial/Multi-Family Building Permit Application
- Residential Building Permit Application
- Plan Review Application
- Subdivision Application
- Site Development Application
- Zoning Amendment/PDD Application
- Development Agreement
- Development Agreement Minor Modification/Amendment
- Conditional Use Permit
- Variance Application
- Wastewater Application
- Special District Agreement/Amendment
- Accessory Dwelling Unit Permit
- Swimming Pool Permit
- Mobile/Modular Home Permit

¹ Any permit subject to the Moratorium must be accompanied by an Exception or Waiver Form which can be found at www.cityofdrippingsprings.com/moratorium.

Permits not Subject to Moratorium

- Contractor Registration Form
- Grandfathered Status Request/Appeal
- City Limits/ETJ Determination Letter
- Street Cut/Driveway Permit
- Operational Permit/Inspection Application
- On Site Sewage Facility Permit Application
- Child Care Facility Health Inspection Application
- Food Establishment Permit/Compliance Inspection
- Mobile Food Unit
- Pre-Development Meeting Form
- Certificate of Appropriateness
- Annexation Application
- Sign Permit
- Master Sign Plan
- License to Encroach
- Exterior Lighting Compliance Review
- Zoning Determination Letter Request
- Residential Addition Permit
- Residential Accessory Structure Permit
- Residential Demolition Permit
- Residential Swimming Pool Permit
- Commercial Demolition Permit
- Commercial Tenant Finish Out

- Asbestos Compliance Statement
- Pyrotechnics/Fireworks Application
- Certificates of Occupancy Application (Business Move In/Change of Ownership)
- Any Fire Permits

BURGESS & NIPLE

235 Ledge Stone Drive | Austin, TX 78737 | 512.432.1000

Firm Registration No. F-10834

November 1, 2021

Laura Mueller
City Attorney
City of Dripping Springs

Dripping Springs, TX 78620

Re: South Regional WWTP Capacity Summary
CMA Job Number 1431-001

Dear Mrs. Mueller:

In October 2015, the City of Dripping Springs submitted an application to the TCEQ to convert its method of treated effluent disposal from land application to discharge into waters of the State, and to expand its wastewater treatment facilities to accommodate the aggressive growth in the Greater Dripping Springs area. The permit was contested and the case was heard at the State Office of Administrative Hearings. The City prevailed and was issued the permit on May 5, 2019 (permit WQ0014488003). However, because of pending litigation, construction of the new wastewater treatment and storage facilities are being delayed.

Based on operational information, the City's operator estimates that the existing South Regional WWTP is currently at a monthly average capacity of approximately 185,000 GPD. This is based on meters measuring flows to the drip irrigation fields and to the Caliterra Effluent Holding Pond. However, please note that in the months from April through September monthly average WWTP flows surpassed 200,000 GPD based on the flow meter in the chlorine contact chamber. This is believed to be inaccurate due to excessive backwashing of the cloth filters that has now been corrected. Below is a summary of the constructed, to be constructed, and permitted capacities for the South Regional WWTP current permit WQ0014488001.

- 189,500 GPD Current Constructed Capacity (127,500 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra)
- 313,500 GPD Current Permitted Capacity (127,500 GPD Drip Irrigation at WWTP + 186,000 GPD Surface Irrigation at Caliterra)
- 284,000 GPD Future Permitted Capacity with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation at Caliterra)
- 160,000 GPD Currently Constructed with Future Drip Fields Removed for WWTP and Effluent Pond Construction (98,000 GPD Drip Irrigation at WWTP + 62,000 GPD Surface Irrigation)

Laura Mueller
City Attorney
City of Dripping Springs
November 1, 2021
Page 2 of 3

- 394,000 GPD Amendment 2 (Adding 50,000 GPD Disposal Area at Carter Ranch and at 60,000 GPD at Heritage PID)

Drip irrigation disposal capacity will be reduced from 127,5000 GPD to 98,000 GPD during construction of the new discharge WWTP and 15,000,000 million gallon effluent holding pond.

Attached is a summary of the developments the City has committed to provide service to in the near future, along with a summary of permitted capacity and capacity of different construction phases. There is enough tankage in the existing WWTP to accommodate treatment capacity, however the City is limited by storage and disposal area capacity. For the purpose of this evaluation, a wastewater production estimate of 175 GPD/LUE is used. As one will see, the capacity of the existing permitted capacity will be exceeded if the total number of committed LUEs are connected before the current pending Amendment 2 to the permit is issued by the TCEQ and/or if future irrigation phases that are needed are not constructed. There are three surface irrigation phases (each 62,000 GPD) permitted at Caliterra. Only one has been constructed. The following is a clause from the City's permit WQ0014488001:

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Based on the flow data collected, the City is over 90% disposal capacity, and has obtained authorization from the Commission to commence construction of the next 62,000 GPD surface irrigation phase at Caliterra (see attached approval letter). It is recommended that the approved phase be immediately constructed and that design of the final phase begin immediately followed by construction of the improvements very soon to follow.

At this time the City does not have existing disposal capacity available to provide service to any new developments. Prior to issuance and construction of Amendment No. 2 improvements by the TCEQ (adding 50,000 GPD disposal area at Carter Ranch and at 60,000 GPD at Heritage PID), the City will not have disposal capacity to provide service to any new developments past the original committed developments.

However, the City required newer developments to produce "backup plans" in the case the City exceeds its permitted and/or constructed capacities and need to be removed from the system. These include pumping and

Laura Mueller
City Attorney
City of Dripping Springs
November 1, 2021
Page 3 of 3

hauling raw sewage to other wastewater treatment and disposal facilities, individual onsite sewage treatment facilities/septic systems, or small TCEQ permitted wastewater treatment and disposal facilities.

Please feel free to contact me at 512-432-1000 or at robby.callegari@burgessniple.com with any questions and/or comments.

Very truly yours,

Burgess & Niple



Robert P. Callegari, P.E.
Austin South Engineering Section Director