



DRIPPING SPRINGS  
Texas

# CITY COUNCIL REGULAR MEETING - MORATORIUM WAIVERS

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Tuesday, March 08, 2022 at 5:00 PM

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## 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.*

### BUSINESS AGENDA

- 1.** Discuss and consider approval of a Waiver Application from the temporary development moratorium for the Wenty's Wine Bar development. *Applicant: Russ Hooper / Todd Hutchison*

- 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 Ariza multifamily development. *Applicant: Katie Stewart*

- 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.*

## **UPCOMING MEETINGS**

### **City Council & Board of Adjustment Meetings**

- March 15, 2022, at 6:00 p.m. (CC)
- March 22, 2022, at 5:00 p.m. (Moratorium Waivers)
- April 5, 2022, at 6:00 p.m. (CC & BOA)
- April 12, 2022, at 5:00 p.m. (Moratorium Waivers)
- April 19, 2022, at 6:00 p.m. (CC)
- April 26, 2022, at 6:00 p.m. (Moratorium Waivers)

## **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](http://www.cityofdrippingsprings.com), on **March 4, 2022, at 3:00 p.m.***

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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.*

**NOTES:**

- APPROVAL OF THESE PLANS BY HAYS COUNTY INDICATES COMPLIANCE WITH APPLICABLE COUNTY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
- ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [ANSI 403.3]
- ACCESSIBLE PARKING SPACES MUST BE LOCATED ON A SURFACE WITH A SLOPE NOT EXCEEDING 1:50. [ANSI 502.5]
- SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP. [ANSI 403.3]
- THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP RUN IS 30 IN. THE MAXIMUM HORIZONTAL PROJECTION IS 30 FEET FOR A RAMP WITH A SLOPE BETWEEN 1:12 AND 1:15, AND 40 FEET FOR A RAMP WITH A SLOPE BETWEEN 1:16 AND 1:20. [ANSI 405.2 - 405.6]

**TREE INDEX**

TAG NO. TYPE INDICATES MULTI TRUNK

INDIVIDUAL TRUNK DIA. (IN INCHES)

CRITICAL ROOT ZONES (TREE CIRCLES) ARE SHOWN USING THE COA FORMULA FOR SINGLE AND MULTI TRUNK TREES.

CDR=CEDAR  
CE=CEDAR ELM  
LO=LIVE OAK

1775 CDR 8 3	**1788 CE 17
1776 CE 19	1789 LO 8
1777 CE 19	1790 LO 20
1778 CE 19	**1791 CE 16
1779 CDR 8 6 6 6 6 4 4	1792 CDR 11 7 6 6
**1780 LO 19	1793 CE 16
**1781 CE 18	1794 LO 16
**1782 CE 15	1795 LO 18
**1783 CE 15	1796 LO 11
**1784 CE 15	1797 LO 8
**1785 CE 15	1798 LO 8
1786 LO 18	**1799 CE 11
1787 CE 16	

\*\* TREES TO BE REMOVED

THE SPECIES OF TREES SHOWN WERE DETERMINED TO THE BEST OF OUR ABILITIES BY ON THE GROUND SURVEY CREW. NOT A CERTIFIED ARBORIST. CONSULT A CERTIFIED ARBORIST FOR FINAL DETERMINATION OF SPECIES.

NOTE ABOUT DEAD TREES: IF THE TREE APPEARED TO BE DEAD, THEN IT HAS BEEN NOTED AS DEAD; HOWEVER, SUCH DETERMINATION IS SUBJECT TO VERIFICATION BY A QUALIFIED ARBORIST.

**Existing Conditions HMS Values**

Label	Area (sq mi)	CN	IC (%)	Tc Lag (min)
EX-1	0.002718	84.0	0%	5.0

**Existing Conditions for Wenty Winery**

Hydrologic Element	Drainage Area	Peak Discharge (cfs)				
		2-yr	5-yr	10-yr	25-yr	100-yr
DA-1	0.002720	6.47	9.17	11.61	15.02	20.54
POA-1	0.002720	6.47	9.17	11.61	15.02	20.54

**Proposed Development HMS Values**

Label	Area (sq mi)	CN	IC (%)	Tc Lag (min)
PR-1	0.002718	84.0	35%	5.0

**DETENTION POND - POND STORAGE**

elevations	[sq. feet]	[acre]	Volume [cubic feet]	Cumulative Volume
1211.8	0			
1211.90	10.00	0.0002	0.50	0.50
1212.00	175.00	0.0040	9.25	9.75
1212.20	1,385.00	0.0318	156.00	165.75
1212.40	3,610.00	0.0829	499.50	665.25
1212.60	4,895.00	0.1124	850.50	1,515.75
1212.80	5,005.00	0.1149	990.00	2,505.75
1213.00	5,115.00	0.1174	1,012.00	3,517.75

**Proposed Pond Outlets**

**Culvert**

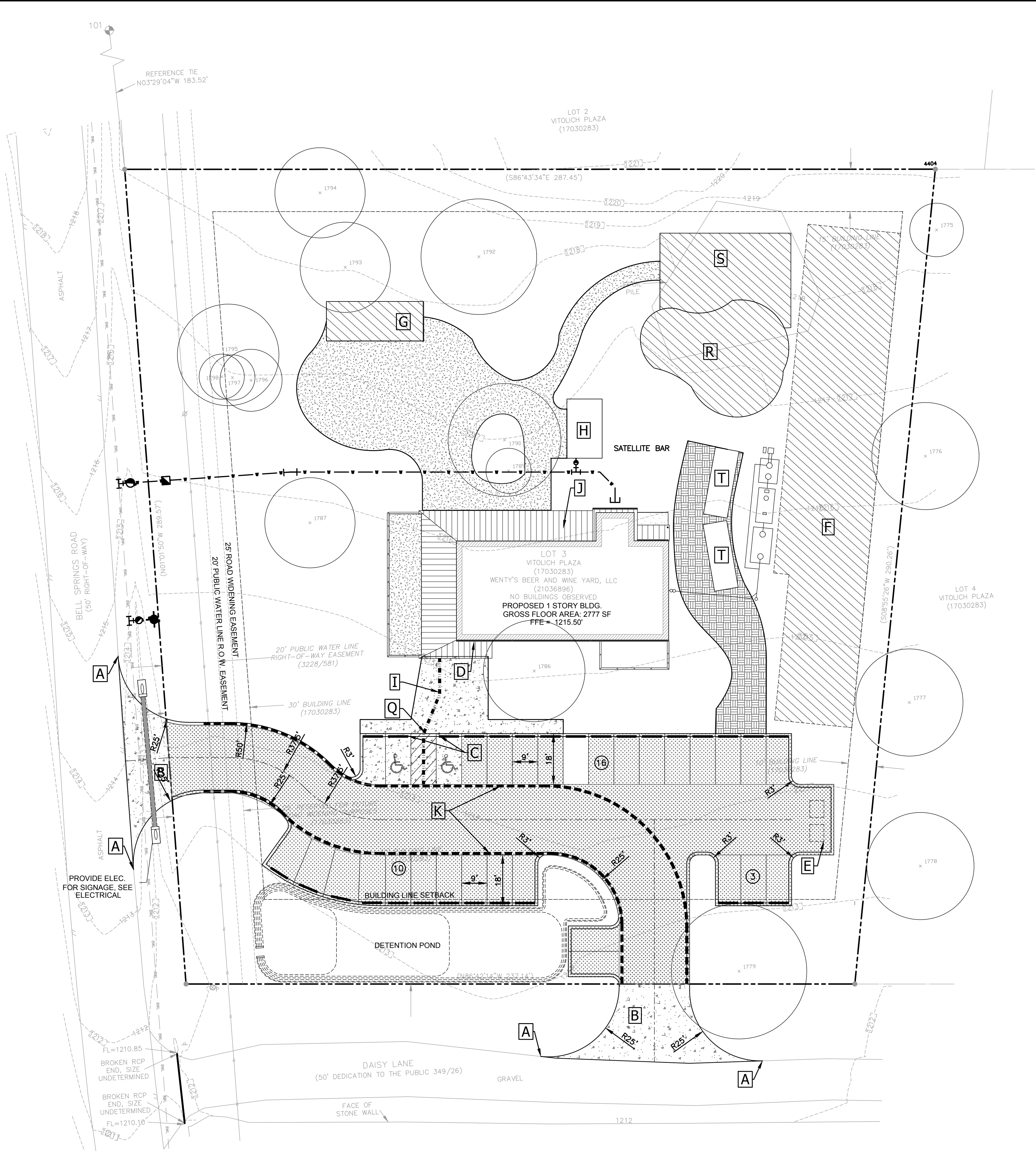
Barrels = 7  
Shape = Circular  
Length = 5.00  
Size = 0.6667 ft  
Inlet Elev = 1211.9  
Coef = 1  
Out Elev = 1211.85  
Coef = 1  
Manning n = 0.013

**Spillway**

Elevation = 1212.6  
Width = 15  
Coef = 3

**Proposed Development for Wenty Winery**

Hydrologic Element	Drainage Area	Peak Discharge (cfs)				
		2-yr	5-yr	10-yr	25-yr	100-yr
DA-1	0.002720	7.38	9.99	12.34	15.63	20.99
Pond	0.002720	5.99	8.89	11.35	14.68	19.93
POA-1	0.002720	5.99	8.89	11.35	14.68	19.93



**LEGEND**

- BOUNDARY / RIGHT OF WAY
- EASEMENT / SETBACK
- CURB / EDGE OF PAVEMENT
- EXISTING BUILDING FACE
- ACCESSIBLE ROUTE (ADA)
- FIRE LANE STRIPING
- OVERHEAD UTILITY LINE
- LIMITS OF CONSTRUCTION
- RETAINING / SCREEN WALL
- WIRE FENCE
- WOOD FENCE
- WROUGHT IRON FENCE
- CHAIN LINK FENCE
- SCREENING FENCE
- BUILDING PAD AREA
- PERVIOUS CONCRETE
- COMPACTED GRANITE/AGG BASE- 1" MINIMUM
- DECOMPOSED GRANITE WITH STABILIZER ADA ACCESSIBLE AREAS
- ROD/NAIL FOUND OR SET BENCHMARK
- TREE W/ TAG (TO REMAIN) HERITAGE TREE
- TREE TO BE REMOVED

A	SAW-CUT EXISTING PAVEMENT. TIE TO EXISTING PAVEMENT PROPOSED PAVEMENT/CURB SHALL MATCH EXISTING GRADE
B	CONCRETE PAVEMENT. REFERENCE PAVEMENT SECTION(S) ON CONSTRUCTION DETAILS SHEET(S)
C	PARKING WHEEL STOPS TYP.
D	BUILDING ENTRANCE, REFERENCE BUILDING PLANS.
E	TRASH/DUMPSTER/RECYCLING LOCATION
F	SEPTIC FIELD
G	SOUND STAGE. ELECTRICITY TO BE PROVIDED
H	SATELLITE BAR
I	ADA ROUTE MAX. RUNNING SLOPE (5%) WITH A MAXIMUM (2%) CROSS SLOPE. DECOMPOSED GRANITE WITH STABILIZER TO BE USED IN ALL ACCESSIBLE PATHWAYS.
J	COVERED PORCH
K	FIRE LANE
L	EXIT SIGN
M	UNDERGROUND SEPTIC TANK.
O	ADULT OUTDOOR AREA INCLUDING SEATING, PICNIC TABLES & OFF LEASH DOG AREA.
P	SPLASH PAD AREA WITH EQUIPMENT HOUSE. ELECTRIC CONNECTION & WATER TO BE PROVIDED.
Q	ACCESSIBLE PARKING SIGN AND "VAN ACCESSIBLE" SIGN WITH BOLLARD.
R	SPLASH PAD. PROVIDE WATER AND PLUMBING. SEE PLUMBING AND ELECTRICAL PLANS.
S	PLAYGROUND
T	FOOD TRUCK PARKING

**CAUTION:**  
CONTRACTOR TO VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION. CONTRACTOR TO NOTIFY THE ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.

Item # 1

REVISION

NO. DATE

**WENTY'S WINE BAR**  
5307 BELL SPRINGS ROAD  
DRIPPING SPRINGS, HAYS COUNTY, TEXAS 78620

**SITE PLAN**

STATE OF TEXAS  
RUSSELL E. HOOPER  
126975  
LICENSED PROFESSIONAL ENGINEER  
01/16/2022

MOUNTAIN SUN DEVELOPMENT CO.  
1601-B BOLDWIN AVE  
AUSTIN, TX 78704  
PH: +1 800 581 2674 (TX)  
PH: +1 800 581 2674 (INTL)  
RUSS@MOUNTAIN SUNRESOURCES.COM

**mountain sun**  
SUN RESOURCES

SHEET  
**CS100**  
8 OF 13



User: User  
 Modified: Feb 07, 2022 - 01:09  
 Drawing: CS100 is this file?  
 003.10.001\_C-007 SITE PLAN 2/8/2022 8:00 AM





# City Council Planning Department Staff Report

Item # 1.

**City Council Meeting:** March 8, 2022

**Project No:** MORW2022-007

**Project Planner:** Tory Carpenter, AICP, Senior Planner

## Item Details

**Project Name:** Wenty's Wine Bar

**Property Location:** Bell Springs Road at Daisy Lane

**Legal Description:** Lot 3 Vitolich Plaza

**Applicant:** Russ Hooper / Todd Hutchison

**Property Owners:** Leslie Wentworth

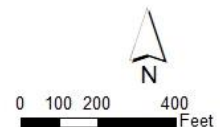
**Request:** A waiver from the temporary development moratorium



### Location Map

*Wenty's Wine Bar  
Moratorium Waiver*

- Roads
- Parcel Lines
- City Limits**
- Full Purpose



## Development Proposal

This request is associated with a site development permit for a wine bar in the ETJ. The project consists of a 2800 square foot building, food truck pads, outdoor stage, and associated parking.

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 there is no commercial use 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:

While there are residential properties east of the subject property this proposed project is consistent with development trends in this area of Bell Springs Road and US 290. Recent developments include the Dripping Springs Distillery and an a 16-unit office / warehouse park. Additionally, despite the property’s location in the ETJ, staff does not anticipate imminent comprehensive planning efforts to reverse this emergent trend of commercial development surrounding this intersection, nor the institution of restrictive land use regulations on the property which would preclude commercial uses.

## 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: Concept 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 #	<u>MOR</u>
Date Received	_____

Property/Site Address or Legal Description: Wenty's Wine Bar (aka Sipping Springs) - 5307 Bell Springs Road

Lot 3 Vitolich Plaza Hays CAD Property ID (R #): \_\_\_\_\_

Owner Name: Leslie Wentworth Phone #: 707.502.4319

Owner Email: leslie.wentworth125@gmail.com

Authorized Agent: Russ Hooper / civil engineer, Todd Hutchison, Architect Phone #: 707.502.4319

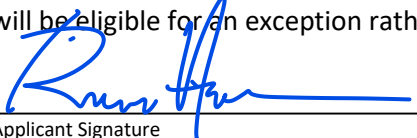
Agent Email: Russ@mountainsunresources.com, todd@designopa.com

**BASIS FOR WAIVER:**

Proposed 2400 SF wine bar on septic in the ETJ. Water served by DS community.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

  
Applicant Signature

Russ Hooper  
Print Name

2.28.22  
Date

OFFICIAL USE ONLY:			
Date all necessary documentation received: _____	Approved: _____	Denied: _____	Date: _____
By: _____		11/2021	



**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2022-03**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, (“CITY”) EXTENDING 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 extend the enacted moratorium in order to continue 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 is in negotiation with 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 updated 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 updated analysis by the City's Wastewater Engineer and Deputy City Administrator, the City Council has made updated 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; and
5. The City is actively updating its Development Code and is in negotiation with a planning firm to update its Comprehensive Plan and Development Code.

**WHEREAS,** the City continues to take actions to increase wastewater capacity, but until actions can be finalized 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 continue 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 City Council is adopting a working plan and time schedule for achieving an updated comprehensive plan and development code as contained herein as Attachment "C"; 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 and by the City Council, were published and held in accordance with applicable statutes, laws, and regulations and a temporary moratorium was adopted for 90 days; and

**WHEREAS**, the notice for the possible extension of the temporary moratorium has been published in the newspaper for a public at City Council; and

**WHEREAS**, based on the updated findings contained herein, information provided by City staff, and the evidence submitted at the public hearing, 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 extend the 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 extension of the 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 extended 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 upon expiration of the moratorium on February 20, 2022, and shall extend the moratorium for 90 days.

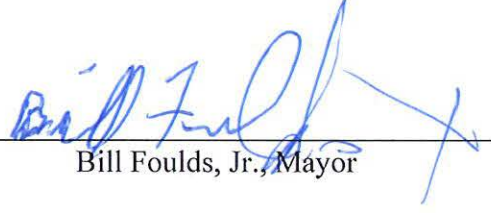


**SECTION 14. PROPER NOTICE & MEETING**

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.

**PASSED & APPROVED** this, the 15<sup>th</sup> day of February 2022, by a vote of 3 (ayes) to 1 (nay) to 1 (abstention) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

  
\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
Andrea Cunningham, City Secretary



ATTACHMENT "A"



**Permits Subject to Moratorium<sup>1</sup>**

- 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

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<sup>1</sup> Any permit subject to the Moratorium must be accompanied by an Exception or Waiver Form which can be found at [www.cityofdrippingsprings.com/moratorium](http://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

**ATTACHMENT "B"**  
**WASTEWATER ENGINEER LETTER**

Firm Registration No. F-10834

February 9, 2022

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. Oral Arguments will be heard in the El Paso Circuit Court on April 10, 2022.

Based on operational information, the City's operator estimates that the existing South Regional WWTP is still 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 2021 through January 2022 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)
- 394,000 GPD Permit Amendment 2 (Adding 50,000 GPD Disposal Area at Carter Ranch and at 60,000 GPD at Heritage PID)

Also included in Permit Amendment 2, is that the existing 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.

Permit Amendment 2 may also be contested. A Virtual Public Meeting is set for May 28, 2022.

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 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](mailto: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



**ATTACHMENT “C”****PLAN AND TIME SCHEDULE FOR UPDATED COMPREHENSIVE PLAN AND DEVELOPMENT CODE.**

- January 2022:** Issue and receive qualifications on Comprehensive Plan and Development Code RFQ
- January 18, 2022:** City Council selects Contractor and Alternate for RFQ
- February 2022:** Staff consults with Contractor and produces and executes agreement with Contractor for needed services; Review and Approval of updated regulations related to ADUs.
- March 2022:** Kickoff meeting for Comprehensive Plan/Development Code Rewrite
- March – Oct. 2022:** Public Engagement, data collection, and drafting of documents; additional updates to codes as needed.
- October 2022:** Required notices for public hearings and actions on the Comprehensive Plan and Development Code sent to Newspaper and posted on City Website
- November 2022:** Presentation of draft Comprehensive Plan and Development Code to Planning and Zoning Commission and City Council
- December 2022:** Comprehensive Plan and updated Development Code approved by City Council



# City Council Planning Department Staff Report

Item # 2.

**City Council Meeting:** March 8, 2022  
**Project No:** MORW2022-008  
**Project Planner:** Tory Carpenter, AICP, Senior Planner

### Item Details

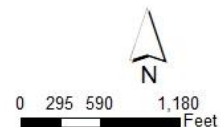
**Project Name:** Ariza Multifamily  
**Property Location:** 13900 W US 290  
**Legal Description:** 19.16 acres out of the E.B. Hargraves Survey  
**Applicant:** Katie Stewart  
**Property Owners:** Henna Investments LLC  
**Request:** A waiver from the temporary development moratorium



**Location Map**

*Ariza Multifamily  
Moratorium Waiver*

	Roads
	Parcel Lines
<b>City Limits</b>	
	Full Purpose



## Development Proposal

This request is associated with a site development permit for a multifamily development. The project consists of a 293 multifamily units and associated parking.

The project would be served by an on-site private wastewater treatment system and would not impact the city wastewater system.

## Request Overview

The applicant requests an administrative exception to the temporary development moratorium. Since there is not multifamily use currently 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 private wastewater system and will not impact the city wastewater system.

### Land Use:

This area of US 290 has a variety of office/warehouse and commercial uses, most-notably directly across the highway to the south. There are numerous multifamily developments within approximately two miles to the east and west of the subject property. The property prominently fronts US Highway 290, which lends itself to both high-turnover highway commercial land uses, and dense residential uses which create high demand for vehicle trips. Additionally, despite the property’s location in the ETJ, staff does not anticipate imminent comprehensive planning efforts to reverse the trend of high-intensity development along a heavily-traveled US Highway, nor the institution of restrictive land use regulations on the property which would preclude such uses.

## 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: Concept 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

# Planning Department Staff Report

Item # 2.

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 #	<u>MOR</u>
Date Received	_____

Property/Site Address or Legal Description: Approximately 13900 W. US-290, Dripping Springs, TX

19.16-acres out of the E.B. Hargraves Survey, Abstract 240 Hays CAD Property ID (R #): R89488, R12836, R15384, R15391

Owner Name: Henna Investments LLC Phone #: 512-517-4650

Owner Email: dustin.lindig@henna.com

Authorized Agent: Katie Stewart Phone #: 512-454-8711

Agent Email: kstewart@pape-dawson.com

**BASIS FOR WAIVER:**

The subject project proposes to utilize an on-site septic system for wastewater service. There are several factors as to why this project has no impact on the City of Dripping Springs public wastewater: (1) There is no public wastewater adjacent to the site to serve the site and no extensions of wastewater are proposed, (2) the site is not within the CCN of the City of Dripping Springs, (3) the site will be served by West Travis County PUA for water and will utilize private septic system on-site, and (4) there is adequate space on the 19.16-acre site for the required wastewater treatment plant and septic fields. The project will propose approximately 293 MF units made up of a mix of 1, 2, and 3-bedroom units. Please see the engineer's summary letter associated with the Preliminary Plat submittal per Project # 1263973 with the City of Dripping Springs.

**Additional Information / Submittal Requirements:**

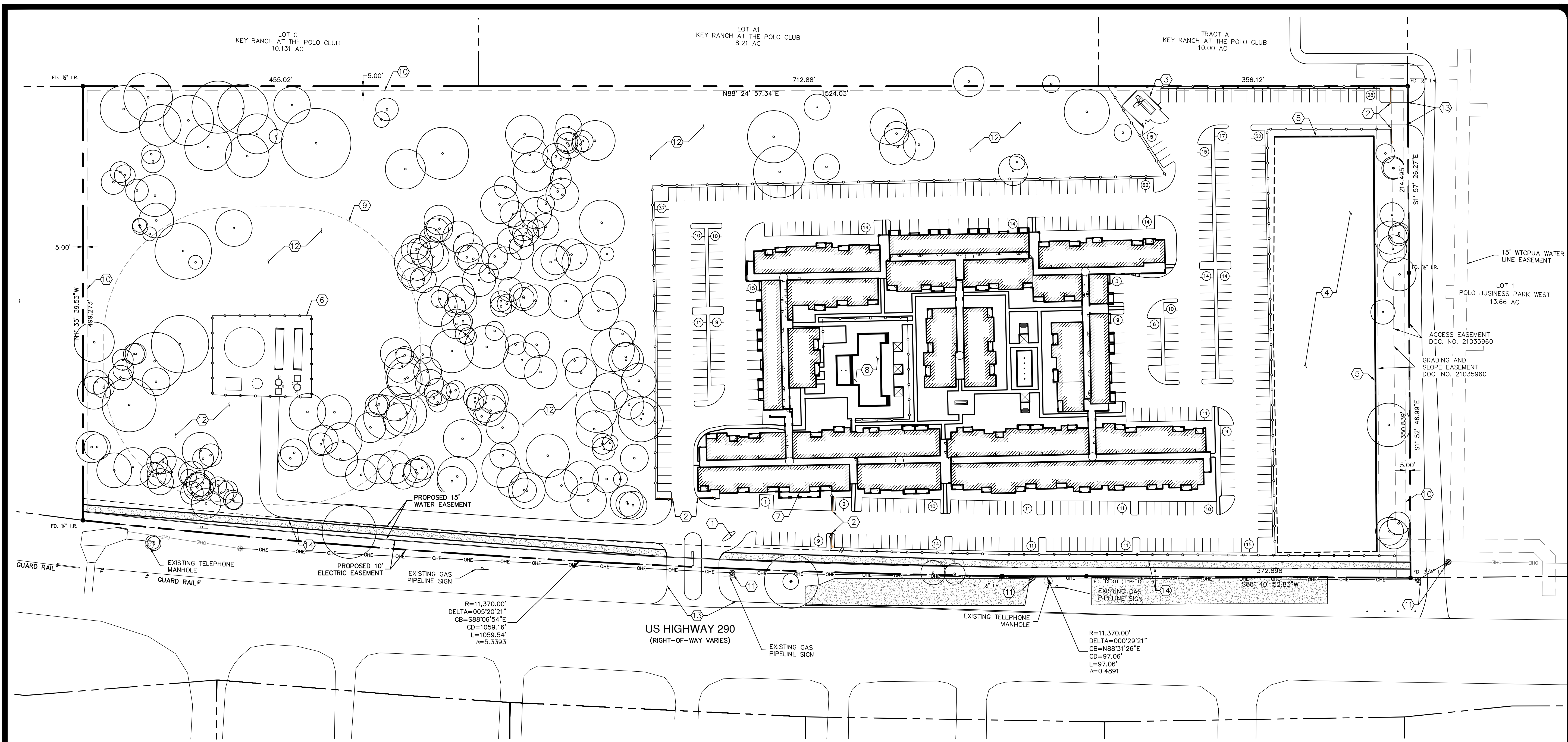
This request should be submitted simultaneously with any other permit application including: (1) site development; (2) plat; (3) replat; (4) zoning application including Planned Development District; (5) application for Development Agreement; (6) Building Permit application; (7) Wastewater application; 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.

KS  
Applicant Signature

Katie Stewart  
Print Name

2/25/2022  
Date

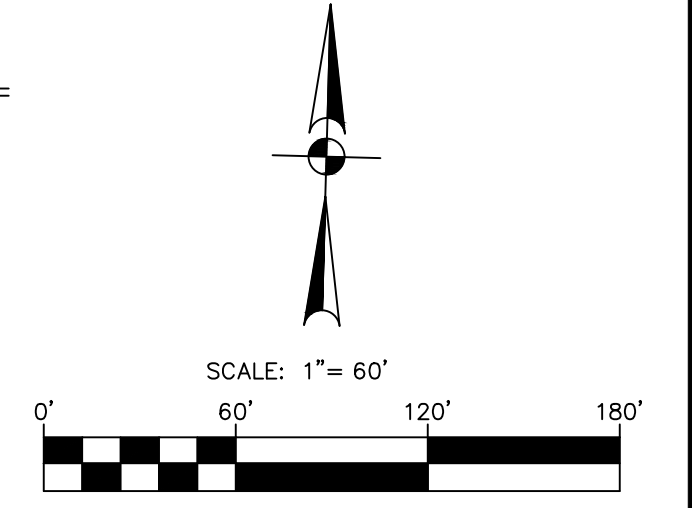
OFFICIAL USE ONLY:			
Date all necessary documentation received: _____	Approved: _____	Denied: _____	Date: _____
By: _____			11/2021



Site Data Table	
<b>Ariza Dripping Springs Multifamily</b>	
Proposed Use	Multifamily Residential
Unit Count	293
Proposed Lot Area	834,674 SF / 19.16 AC
Proposed Impervious Cover	35%
Proposed Parking Spaces	533 spaces (11 of which will be ADA spaces)
Building Setbacks	10' front 5' side 5' rear

- KEYED NOTES**
- 1 PROPOSED GUEST ENTRY KIOSK
  - 2 PROPOSED MOTORIZED GATE
  - 3 PROPOSED DUMPSTER ENCLOSURE
  - 4 PROPOSED GRASS-BOTTOM POND (SEE SHEET 09)
  - 5 PROPOSED RETAINING WALL
  - 6 PROPOSED WASTEWATER TREATMENT PLANT
  - 7 PROPOSED LEASING OFFICE
  - 8 PROPOSED POOL
  - 9 REQUIRED OFFSET FROM PROPOSED WASTEWATER TREATMENT PLANT
  - 10 REQUIRED BUILDING SETBACK
  - 11 PROPOSED UTILITY POLE
  - 12 PROPOSED SEPTIC FIELD AREA
  - 13 PROPOSED DRIVEWAY
  - 14 PROPOSED 8' SHARED USE PATH

- LEGEND**
- — — — — PROPERTY LINE
  - - - - - EASEMENT LINE
  - — — — — EXISTING OVERHEAD ELECTRICAL
  - — — — — PROPOSED RETAINING WALL
  - — — — — PROPOSED FENCE
  - ▨ PROPOSED BUILDING



NO.	REVISION	DATE

STATE OF TEXAS  
 SHELLEY MITCHELL  
 103682  
 PROFESSIONAL ENGINEER  
 02/18/2022  
 Shelly Mitchell

**PAPE-DAWSON ENGINEERS**  
 AUSTIN | SAN ANTONIO | HOUSTON | FORT WORTH | DALLAS  
 1801 N. MOPAC EXPY., BLDG. 3, STE. 200 | AUSTIN, TX 78758 | 512.464.8711  
 TYPE FIRM REGISTRATION #470 | TYPE C FIRM REGISTRATION #10028601

**ARIZA DRIPPING SPRINGS MULTIFAMILY**  
 13900 W. US-290, DRIPPING SPRINGS, TEXAS  
 PRELIMINARY SITE PLAN

JOB NO.	51312-00
DATE	FEBRUARY 2022
DESIGNER	HJC
CHECKED	KIS DRAWN GM
SHEET	05 of 09

Date: Feb 18, 2022, 2:25pm User ID: GMay  
 File: \\pape-dawson.com\user-pd\Projects\51312\05\12\05\212 preliminary\Civil\SP51312-05.dwg

THIS DOCUMENT HAS BEEN PRODUCED FROM MATERIAL THAT WAS STORED AND/OR TRANSMITTED ELECTRONICALLY AND MAY HAVE BEEN INADVERTENTLY ALTERED. RELY ONLY ON FINAL HARDCOPY MATERIALS BEARING THE CONSULTANT'S ORIGINAL SIGNATURE AND SEAL.

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2022-03**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, (“CITY”) EXTENDING 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 extend the enacted moratorium in order to continue 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 is in negotiation with 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 updated 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 updated analysis by the City's Wastewater Engineer and Deputy City Administrator, the City Council has made updated 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; and
5. The City is actively updating its Development Code and is in negotiation with a planning firm to update its Comprehensive Plan and Development Code.

**WHEREAS,** the City continues to take actions to increase wastewater capacity, but until actions can be finalized 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 continue 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 City Council is adopting a working plan and time schedule for achieving an updated comprehensive plan and development code as contained herein as Attachment "C"; 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 and by the City Council, were published and held in accordance with applicable statutes, laws, and regulations and a temporary moratorium was adopted for 90 days; and

**WHEREAS**, the notice for the possible extension of the temporary moratorium has been published in the newspaper for a public at City Council; and

**WHEREAS**, based on the updated findings contained herein, information provided by City staff, and the evidence submitted at the public hearing, 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 extend the 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 extension of the 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 extended 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

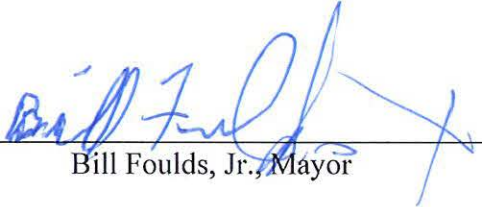
This Ordinance shall be effective upon expiration of the moratorium on February 20, 2022, and shall extend the moratorium for 90 days.

**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.

**PASSED & APPROVED** this, the 15<sup>th</sup> day of February 2022, by a vote of 3 (ayes) to 1 (nay) to 1 (abstention) of the City Council of Dripping Springs, Texas.

**CITY OF DRIPPING SPRINGS:**

  
\_\_\_\_\_  
Bill Foulds, Jr., Mayor

**ATTEST:**

  
\_\_\_\_\_  
Andrea Cunningham, City Secretary



ATTACHMENT "A"



**Permits Subject to Moratorium<sup>1</sup>**

- 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

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<sup>1</sup> Any permit subject to the Moratorium must be accompanied by an Exception or Waiver Form which can be found at [www.cityofdrippingsprings.com/moratorium](http://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

**ATTACHMENT "B"**  
**WASTEWATER ENGINEER LETTER**

Firm Registration No. F-10834

February 9, 2022

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. Oral Arguments will be heard in the El Paso Circuit Court on April 10, 2022.

Based on operational information, the City's operator estimates that the existing South Regional WWTP is still 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 2021 through January 2022 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)
- 394,000 GPD Permit Amendment 2 (Adding 50,000 GPD Disposal Area at Carter Ranch and at 60,000 GPD at Heritage PID)

Also included in Permit Amendment 2, is that the existing 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.

Permit Amendment 2 may also be contested. A Virtual Public Meeting is set for May 28, 2022.

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 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](mailto: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

## ATTACHMENT "C"

**PLAN AND TIME SCHEDULE FOR UPDATED COMPREHENSIVE PLAN AND  
DEVELOPMENT CODE.**

- January 2022:** Issue and receive qualifications on Comprehensive Plan and Development Code RFQ
- January 18, 2022:** City Council selects Contractor and Alternate for RFQ
- February 2022:** Staff consults with Contractor and produces and executes agreement with Contractor for needed services; Review and Approval of updated regulations related to ADUs.
- March 2022:** Kickoff meeting for Comprehensive Plan/Development Code Rewrite
- March – Oct. 2022:** Public Engagement, data collection, and drafting of documents; additional updates to codes as needed.
- October 2022:** Required notices for public hearings and actions on the Comprehensive Plan and Development Code sent to Newspaper and posted on City Website
- November 2022:** Presentation of draft Comprehensive Plan and Development Code to Planning and Zoning Commission and City Council
- December 2022:** Comprehensive Plan and updated Development Code approved by City Council