



## **Dripping Springs Development Temporary Moratorium FAQs DRAFT**

*The Temporary Moratorium was adopted on November 22, 2021, by City Council.*

### **1. What Is a moratorium?**

A moratorium is a tool afforded to cities by state law that allows a city to pause new development that may be detrimental to its community while the City further assesses its infrastructure and regulatory needs.

### **2. Why is the City of Dripping Springs enacting a temporary development moratorium?**

The City of Dripping Springs recognizes the impact of rapid growth on providing for responsible development especially as it relates to density, transportation, and the provision of wastewater. Currently, the City has reached its wastewater capacity. It is also in the process of updating its Comprehensive Plan and Zoning Ordinance to handle land use regulation issues. Dripping Springs is using the moratorium to give the City time for responsible development and future planning so that commercial development ordinances or regulations and other applicable laws are adequate to prevent new development from being detrimental to the public health, safety, or welfare of the residents of the city while also addressing the need for sustainable infrastructure. The Planning and Zoning Commission and the City Council both received public input related to the proposed moratorium. Based on this input, and the analysis of the City's needs and the benefits of a temporary development moratorium, the City Council voted to enact a temporary development moratorium.

### **3. When does this take effect?**

The temporary development moratorium began on November 18, 2021, and has been extended to City Council for ninety (90) days to February 20, 2021. The Dripping Springs City Council approved an ordinance that extended the temporary moratorium on development permits within the city on November 22, 2021. This is a temporary moratorium and will delay the acceptance, authorization, and approvals necessary for any application or permit related to land use. This delay will affect any request to change a piece of property that allows for new development on the property. During this temporary moratorium, each department of the City will only accept applications or plans that include a request for either an exception or waiver. For forms for either an exception or waiver please [click here](#).

Exceptions will be reviewed by staff to verify which projects have previous approvals, are subject to development agreements, or projects which do not have an impact on the stated reasons for the temporary moratorium. If a project has preapprovals such as a plat, wastewater agreement, development agreement, a zoning or site development change, or is already in progress, an application for an exception may be appropriate. All other projects for new development may apply for a waiver if the project can show that the project will not need wastewater, that the project will fund and build all needed wastewater, or which does not need certain land use approvals.

An application for an exception can be applied for at the time of permit application or for the first thirty days of the extended moratorium (December 22, 2021). These will be processed as received. Where a previous approval or development agreement is the reason for the exception, only those permits that are in accordance with the previous approval or agreement will be allowed under the exception. Any wastewater or land use changes will require a new exception or waiver.

Waivers can be applied for any project for new development that is not excepted. Waivers will be reviewed by City Council within 10 days of receipt. These requests will only be approved if the project does not need wastewater or any land use changes, or if a property owner agrees to construct certain wastewater infrastructure at property owners' sole expense.

#### **4. What areas can be affected by the temporary moratorium?**

This moratorium covers development in the city limits of Dripping Springs as well as its extraterritorial jurisdiction (ETJ). For a map of the city limits and ETJ please see [here](#).

#### **5. How did we get here?**

The City of Dripping Springs has identified a need to prevent a shortage of essential public facilities, namely wastewater. The City has ensured that the City provides superior wastewater service to its citizens in a timely manner, and in a way that allows it to be treated to the highest level required by the state and then reuse the effluent, further protecting the environment. However, we are currently defending litigation brought upon the City and the Texas Commission on Environmental Quality (TCEQ) regarding the discharge permit issued by TCEQ commissioners to the City of Dripping Springs. The discharge permit was issued on February 27, 2019, to allow the City to begin the much needed expansion of its regional wastewater treatment plant and address the area's growing wastewater needs in a responsible and sustainable manner. The current litigation combined with the level of growth the City is experiencing has led the City to be unable to serve new property owners who have instead turned to onsite septic facilities or onsite wastewater facilities that are not subject to the strict levels of treatment required by the City's approved discharge permit.

The moratorium also enables the City to focus the City's development needs, modify the City's comprehensive plan, and make appropriate changes to all land-use regulations to ensure Dripping Springs is fiscally sustainable and environmentally resilient moving forward.

## **6. What will happen during this time?**

During the temporary development moratorium, we will be working on our comprehensive plan while also using other tools that the City has at its disposal to ensure proper wastewater capacity, transportation capacity, and development regulations:

- Wastewater Agreements: continue to abide by its current wastewater agreements while analyzing the need to invoke agreed to interim solutions.
- Zoning: continue to review current zoning and comprehensive plan while working with selected firm on updating its current zoning and comprehensive plan.

We see this temporary development moratorium as an opportunity to protect our City and its residents and to create a roadmap for responsible development going forward that preserves the City of Dripping Springs while continuing to guide our growth responsibly.

## **7. What exactly does this mean for property owners who want to build in Dripping Springs?**

The temporary moratorium would not apply to any pending or approved projects. Any application for a permit that was submitted prior to the effective date of the temporary moratorium will be processed based on the requirements in effect at the time of submission if the application is complete and compliant upon submission. Application for grandfathered development status may be required for this process. An exception form for any of the approved or ongoing projects should be submitted at the time of the application.

Permits for new projects should apply for a waiver when the application for the permit is filed. Any project that has not received an exception or a waiver will be delayed until the moratorium is lifted.

## **8. Which types of permits are affected by the Moratorium?**

For a list of permits that are or are not affected by the moratorium, please review the list [here](#). If a permit is subject to the moratorium, then an exception form or waiver form will need to accompany the application unless an approved form is already on file. If a permit is not subject to the moratorium, then no additional documentation is needed.

## **9. How can you apply for an Exception or Waiver?**

Exceptions: The following steps must be completed to apply for an Exception:

1. Applicant must complete the forms found on the City's website at [cityofdrippingsprings.com/moratorium](http://cityofdrippingsprings.com/moratorium). Backup documentation may be required.
2. Staff will review the forms, with comments issued as needed.

3. Staff will decide whether to grant or deny an exception while reviewing each permit application for administrative completeness. An application for grandfathered determination status may also be needed.
4. If approved, the normal review process may continue.
5. If denied, the applicant can apply to City Council for an appeal or apply for a waiver.

Waivers: The following steps must be completed to apply for a Waiver:

1. Applicant must complete the forms found on the City's website at [cityofdrippingsprings.com/moratorium](http://cityofdrippingsprings.com/moratorium). Backup documentation may be required.
2. Staff will review the forms, with comments issued as needed.
3. City Council will review the Waiver and either grant or deny the waiver within ten days of receipt of the waiver request.
4. If approved, the normal review process may continue.
5. If denied, the applicant the project will be delayed until the end of the temporary moratorium.

#### **10. Where can I find more information on the Moratorium?**

The City has set up a webpage for the temporary moratorium and that is the best place to find information. That page can be found here: [www.cityofdrippingsprings.com/moratorium](http://www.cityofdrippingsprings.com/moratorium). All information related to this effort will be added to the webpage. Please continue to check back for regular updates. Any questions not answered on that page can be sent to [moratorium@cityofdrippingsprings.com](mailto:moratorium@cityofdrippingsprings.com) or call the City at (512) 858-4725.

In addition, we know there will be project-level questions, and our Planning staff is ready to assist. You can reach out to them at [planning@cityofdrippingsprings.com](mailto:planning@cityofdrippingsprings.com).

#### **11. Press Inquiries**

All press inquiries should be directed to the Communications and Marketing Department. They can be emailed to [communications@cityofdrippingsprings.com](mailto:communications@cityofdrippingsprings.com) or call the city at 512-858-4725.

**Moratorium Ordinance:** [Ordinance](#)

**Permits List:** [Permits](#)

**Waiver Form:** [Waivers](#)

**Exception Form:** [Exceptions](#)

**Updates on the Moratorium:** <https://www.cityofdrippingsprings.com/moratorium>

## **Additional FAQs**

### **Can I apply for an exception or waiver without an application for a permit?**

No. For exceptions, starting on December 23, 2021, all exception requests must be accompanied by a permit application. All waiver requests must be accompanied by a permit application. The waiver or exception will be reviewed simultaneously with the administrative completeness review of each permit application. A determination on a waiver or exception will be provided before or at the time of administrative completeness determination. Include any prior land use approval document if that is the basis for the exception, for example an approved plat or an approved development agreement. If there is insufficient information or documentation to approve a waiver or exception, staff may offer the applicant the opportunity to withdraw the waiver or exception application in order to provide additional information and avoid a denial.