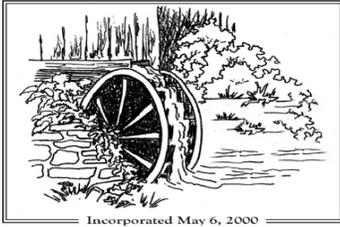


**REGULAR CITY
COUNCIL MEETING
PACKET**

Thursday, November 21, 2019

6:00 p.m.



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, NOVEMBER 21, 2019 – 6:00 P.M.

AGENDA

1. **CALL TO ORDER** November 21, 2019 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary, Laura Calcote
3. **INVOCATION** Unity Church of Wimberley Reverend, Jill Carey
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**
5. **CITIZENS COMMUNICATIONS**
The City Council welcomes comments from the general public on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.
6. **CONSENT AGENDA**
 - 6.1. Approval of minutes from the Regular City Council Meeting held November 7, 2019.
 - 6.2. Approval of Place One Council Member Rebecca Minnick's appointment of Rebecca (Beckie) Reisberg to the Ethics Commission.
 - 6.3. Approval of Place Three Council Member Christine Byrne's appointment of John Dunn to the Ethics Commission.
 - 6.4. Approval of Place Four Council Member Gary Barchfeld's appointment of Jennifer Marino to the Ethics Commission.
 - 6.5. Approval of Place Five Council Member Bo Bowman's appointment of David Cohen to the Ethics Commission.

6.6. Approval of Edmond Moreland as the consensus appointment to the Ethics Commission.

7. BOARD, COMMISSION, COMMITTEE REPORT

Report from the Tourism Management and Development Committee (*Committee Chairperson Natalie Meeks*)

8. CITY ADMINISTRATOR REPORT

Updates regarding road projects, communication and upcoming City events (*City Administrator Shawn Cox*)

9. PUBLIC HEARINGS AND POSSIBLE ACTION

9.1. Hold a public hearing and consider approval regarding case ZA-19-008, an application to change the zoning from Commercial-Low Impact (C-1) to Office-Low Impact (O-1) for property located at 3 Palos Verdes Drive, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Andervant Enterprises*)

9.2. Hold a public hearing and consider approval regarding case CUP-19-014, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Neighborhood Services (NS) located at 106 Sierra Loma, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Greg & Lisa Weeks*)

9.3. Hold a public hearing and consider approval regarding case ZA-19-009, an application to change the zoning from Single-Family Residential 2 (R-2) to Neighborhood Services (NS) for property located at 400 Lange Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Jonathan Polhemus*)

9.4. Hold a public hearing and consider approval regarding case CUP-19-015, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Single-Family Residential 2 (R-2) located at 400 Lange Road, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Jonathan Polhemus*)

9.5. Hold a public hearing and consider approval regarding case CUP-19-016, an application for a Conditional Use Permit to allow for the operation of a vacation rental on property zoned Commercial-Moderate Impact (C-2) located at 111 Mill Race Lane, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Jeanne Ann Cope*)

9.6. Hold a public hearing and consider approval regarding case ZA-19-010, proposing an ordinance amending Ordinance No. 2018-042, which designated real property located on 3.221 acres of land out of the Texas Central Railway Co. Survey No. 5, Abstract No.707, more commonly known as 210 Masonic Lodge Road, Wimberley, Hays County, Texas, as a Wimberley Planned Development District (WPDD) with a base zoning of Neighborhood Services (NS), and imposed certain development regulations. This

amendment proposes to revise the site plan; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Ken & Yvette Strange)*

9.7. Hold a public hearing and consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 12 (Utilities) Article 12.03 (On-Site Sewage Facilities), Section 12.03.007 (Local Rules) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. *(City of Wimberley)*

9.8. Hold a public hearing and consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.04 (Water Quality Protection), of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. *(City of Wimberley)*

9.9. Hold a public hearing and consider approval of the first reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), to create Division 11 (Landscaping & Tree Preservation) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. *(City of Wimberley)*

10. DISCUSSION AND POSSIBLE ACTION

10.1. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-37, amending Chapter 3 “Animal Control”; Article 3.02 “Sale of Animals, Animal Protection, and Other Restrictions”; by adding a new section 3.02.009 “Animal Nuisances”; providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting *(City Administrator Shawn Cox)*

10.2. Discuss and consider possible action to approve the donation of swag bags for the Polar Bear Plunge Event. *(Park Operations and Programs Manager Richard Shaver)*

10.3. Discuss and consider possible action to approve a bid in the amount of \$13,600.00 from Ball Brothers for painting of the Wimberley Community Center. *(Community Center Director Terri Provost)*

10.4. Discuss and consider possible action to approve a bid in the amount of \$5,125.00 from Hays County for guardrail replacement and repair on County Road 1492. *(Public Works Superintendent John Provost)*

10.5. Discuss and consider possible action regarding a City of Wimberley Oak Wilt Policy. *(Place Four Council Member Gary Barchfeld)*

- 10.6. Discuss and consider possible action to award a contract in the amount of \$29,009.00 from to the Hays County Transportation Department for the installation of a grate over the Hidden Valley Low-Water Crossing fish weir. *(City Administrator Shawn Cox)*
- 10.7. Discuss and consider possible action regarding the response to the Texas Wildlife Department Letter concerning the Hidden Valley Bridge fish weir. *(City Administrator Shawn Cox)*
- 10.8. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. *(City Administrator Shawn Cox)*

11. CITY COUNCIL REPORTS

11.1. Announcements

11.2. Future agenda items

12. ADJOURNMENT

The City Council may retire into Executive Session at any time between the meeting’s opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas Government Code; consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberations about gifts and donations pursuant to Chapter 551.076 of the Texas Government Code; discussion of economic development pursuant to Chapter 551.087 of the Texas Government Code; action, if any, will be taken in open session.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City’s website, www.cityofwimberley.com, in compliance with Chapter 551, Texas Government Code, on Monday, November 18, 2019, by 6:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Laura J. Calcote

 Laura J. Calcote, MPA, TRMC
 City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Laura Calcote at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.





AGENDA ITEM: Consent Agenda
SUBMITTED BY: Laura Calcote, City Secretary
DATE SUBMITTED: November 18, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

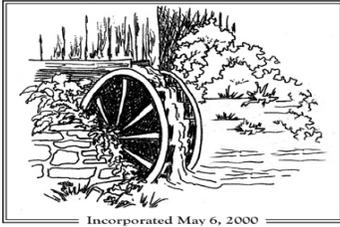
- 6.1. Approval of minutes from the Regular City Council Meeting held November 7, 2019.
- 6.2. Approval of Place One Council Member Rebecca Minnick’s appointment of Rebecca (Beckie) Reisberg to the Ethics Commission. - application attached
- 6.3. Approval of Place Three Council Member Christine Byrne’s appointment of John Dunn to the Ethics Commission. - application attached
- 6.4. Approval of Place Four Council Member Gary Barchfeld’s appointment of Jennifer Marino to the Ethics Commission.
- 6.5. Approval of Place Five Council Member Bo Bowman’s appointment of David Cohen to the Ethics Commission. - application attached
- 6.6. Approval of Edmond Moreland as the consensus appointment to the Ethics Commission. - application attached

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | | |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item | <input type="checkbox"/> | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/> | Current Estimate: | \$ |
| Not Applicable | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |



City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER DRIVE, WIMBERLEY, TEXAS 78676
THURSDAY, NOVEMBER 7, 2019 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Pro Tem, Rebecca Minnick, called the meeting to order at 6:00 p.m.

CALL OF ROLL

Council Members Present:	Rebecca Minnick	Place One
	Craig Fore	Place Two
	Christine Byrne	Place Three
	Gary Barchfeld	Place Four
	Bo Bowman	Place Five
Council Members Absent:	Susan Jaggars	Mayor
City Staff Present:	Shawn Cox	City Administrator
	Sarah Griffin	Deputy City Attorney
	Richard Shaver	Parks Operations & Programs Manager
	Nathan Glaiser	Natural Resource and Maintenance Manager

INVOCATION

Wimberley United Methodist Church Reverend, Wes Cain, gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Pro Tem, Rebecca Minnick, led the pledges to the United States and Texas flags.

CITIZENS COMMUNICATIONS

There were two citizen’s comments. They were as follows:

1. Miles Grant, a Junior at the Katherine Anne Porter School, spoke regarding the upcoming Wimberley Youth Summit to be held on November 9th and invited Council and the audience to attend.
2. Dan Gauthier thanked City Council and the Friends of Blue Hole for the shade canopy at the playground area at the Park and spoke about the success of the Boo! Hole Halloween Event.

BOARD, COMMISSION, COMMITTEE REPORT

Parks and Recreation Board Chairperson, Mark Bursiel, addressed Council regarding the achievements and goals of the Board over the past year. Some of the achievements included the passage of the revised City of Wimberley Parks and Recreation Master Plan, the passage of

the Cypress Creek Nature Preserve and Trail Master Plan, trash clean-up around the Lumberyard, usage of the soccer fields by two separate groups and multiple discussions regarding an agreement between the Friends of Blue Hole and the City of Wimberley. Upcoming goals of the Board included mitigating rain runoff from Alexis Point onto the Patsy Glenn Refuge, working to finalize the agreement between the Friends of Blue Hole and the City, utilizing an area of Blue Hole Regional Park for new recreational fields and repaving the hike and bike trail from Blue Hole Regional Park to the Wimberley Square.

DONATION AND POSSIBLE ACTION

Discuss and consider possible action to accept and designate a \$50,000.00 donation check from Sonora Bank. *(Mayor Susan Jagers)*

Sonora Bank Wimberley Branch Manager, Josh Smith, addressed Council regarding the \$50,000 donation. Mr. Smith indicated the money was donated to reinvest in the City and community, and might be beneficial to utilize for capital improvements in the downtown area.

Motion to accept the \$50,000.00 donation check from Sonora Bank was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

EXECUTIVE SESSION

City Council adjourned into Executive Session at 6:16 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

- 8.3. Section 551.071 (Consultation with Attorney), to receive legal advice regarding Cause No. 19-1203; Steve Thurber vs. The City of Wimberley, including offer of settlement.
- 8.4. Section 551.071 (Consultation with Attorney) to receive legal advice regarding litigation in Cause No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207th District Court, Hays County, Texas.
- 8.5. Section 551.071 (Consultation with Attorney) to receive legal advice regarding litigation in Cause No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.
- 8.6. Section 551.071 (Consultation with Attorney) to receive legal advice regarding litigation in Cause No. 19-0279-C; Madrone Office Park & Storage, LLC v. City of Wimberley Board of Adjustment.

OPEN SESSION

Regular Session reconvened at 6:42 p.m.

No action was taken.

PRESENTATION AND POSSIBLE ACTION

Presentation and consider possible action to approve the City of Wimberley's Quarterly Investment Report for the fourth quarter of Fiscal Year 2019. *(City Administrator Shawn Cox)* City Administrator, Shawn Cox, presented the City's fourth quarter (July-September 2019) investment report for FY 2019. There was discussion among Council members regarding CDs and maturity dates, including interest earned.

Motion to approve the City of Wimberley’s Quarterly Investment Report for the fourth quarter for Fiscal Year 2019 was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

CONSENT AGENDA

Motion to approve the Consent Agenda was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

10.1. Approval of minutes from the Regular City Council Meeting held October 17, 2019.

10.2. Approval of minutes from the Special City Council Meeting held October 31, 2019.

10.3. Approval of the City of Wimberley Financial Statements for August 2019.

CITY ADMINISTRATOR REPORT

City Administrator, Shawn Cox, provided updates regarding the increase in sales tax over the past year, the successful Boo! Hole Halloween Event at Blue Hole Regional Park and the upcoming Polar Bear Plunge set for January 1, 2020. Additionally, Mr. Cox provided information regarding the recently adopted 2015 International Building Code and the informational meeting held on October 24th between the City and local builders. There was discussion pertaining to ordinances from 2017 that were not properly codified, along with updating the City’s website. The Hidden Valley Bridge fish weir was also discussed by Mr. Cox and Council members.

PUBLIC HEARING AND POSSIBLE ACTION

Hold a public hearing and consider approval of the second and final reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), Division 5 (Off-street Parking & Loading Requirements) Section 9.02.157 (Design Standards) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting. *(Place Two Council Member Craig Fore)*

Mayor Pro Tem, Rebecca Minnick, opened the public hearing at 7:13 p.m.

There were no public comments.

Mayor Pro Tem, Rebecca Minnick, closed the public hearing at 7:13 p.m.

Motion to approve the second and final reading of an ordinance of the City of Wimberley, Texas amending Chapter 9 (Planning & Development Regulations) Article 9.02 (Subdivision Control), Division 5 (Off-street Parking & Loading Requirements) Section 9.02.157 (Design Standards) of the City of Wimberley Code of Ordinances; and providing for the following: findings of fact, a savings clause, a repealing clause, a severability clause, effective date, and proper notice and meeting was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

DISCUSSION AND POSSIBLE ACTION

14.1. Discuss and consider possible action to approve the first reading of Ordinance No. 2019-37, amending Chapter 3 “Animal Control”; Article 3.02 “Sale of Animals, Animal Protection, and Other Restrictions”; by adding a new section 3.02.009 “Animal Nuisances”; providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting. *(City Administrator Shawn Cox)*

There was discussion among Council members pertaining to the entity responsible for enforcement of the potential ordinance, including the Sheriff's Department, the Constable's Office or the City Administrator. Deputy City Attorney, Sarah Griffin, advised on the prosecution process for implementing the ordinance. There was discussion regarding the issuance of a warning notice before a citation would be given for disruptive animals.

Motion to approve the first reading of Ordinance No. 2019-37, amending Chapter 3 "Animal Control"; Article 3.02 "Sale of Animals, Animal Protection, and Other Restrictions"; by adding a new section 3.02.009 "Animal Nuisances"; providing findings of fact; a penalty provision; a repealing clause; a savings and severability clause; an effective date; and proper notice and meeting was made by Council Member Christine Byrne. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).

- 14.2. Discuss and consider possible action to approve Resolution No. 17-2019, adopting a Naming Policy for municipal parks, facilities and infrastructure. (*City Administrator Shawn Cox*)

There was lengthy discussion on this item, but no action was taken. The Naming Policy would be revised and brought back to a future City Council meeting for consideration.

- 14.3. Discuss and consider possible action to approve a contract with Mariposa Cleaning for an amount not to exceed \$14,580.00 to provide for the cleaning of restrooms at Blue Hole Regional Park, the Martha Knies Community Park and the downtown restroom trailers. (*City Administrator Shawn Cox*)

There was discussion among Council members regarding the frequency of restroom cleaning provided for within the presented contract, especially mopping floors and sanitizing the walls once a week.

Motion to approve a contract with Mariposa Cleaning as presented, with the option for the City Administrator to negotiate the mopping of floors from once a week to three times a week, for an amount not to exceed the Fiscal Year 2020 budgeted amount of \$16,500.00 to provide for the cleaning of restrooms at Blue Hole Regional Park, the Martha Knies Community Park and the downtown restroom trailers was made by Council Member Craig Fore. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (5-0).

- 14.4. Discuss and consider possible action regarding the status of the Central Wimberley Wastewater Project. (*City Administrator Shawn Cox*)

City Council adjourned into Executive Session at 7:50 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purpose:
Section 551.072 regarding acquisition of real property for the Central Wimberley Wastewater Project.

Regular Session reconvened at 8:05 p.m.

No action was taken.

There was further discussion regarding the status of the Central Wimberley Wastewater Project, including a Project timeline.

No action was taken.

EXECUTIVE SESSION

City Council adjourned into Executive Session at 8:14 p.m. in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

8.1. Section 551.074 (Personnel Matters) City Council will meet to discuss the restructuring of the Parks Department.

8.2. Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment duties, discipline or dismissal of a public officer or employee: City Administrator Shawn Cox.

OPEN SESSION

Regular Session reconvened at 9:05 p.m.
No action was taken.

CITY COUNCIL REPORTS

15.1. Announcements – None.

15.2. Future agenda items – There was discussion pertaining to zoning cases and the tree ordinance that would be presented to the Planning and Zoning Commission at their upcoming meeting. Council Member, Christine Byrne, requested an update on fish weir and scheduling a possible town hall meeting concerning the Central Wimberley Wastewater Project. Council Member, Rebecca Minnick, requested an update from the Tourism Management and Development Committee at the next regular Council meeting.

ADJOURNMENT

Motion to adjourn the meeting at 9:10 p.m. by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (5-0).

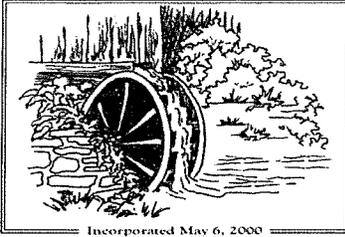
RECORDED BY:

Laura J. Calcote, City Secretary



APPROVED BY:

Susan Jagers, Mayor



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 Fax: (512) 847-0422 Web: www.cityofwimberley.com

Application for Appointment to Board/Commission/Committee

Name of Board/Commission/Committee: Ethics Commission

Nominated By: Rebecca Minnick

Name: Beekie Reusberg Phone: [REDACTED] E-mail: [REDACTED]

Physical Address: [REDACTED]

Mailing Address (If different than physical address): _____

Employer: self Position/Occupation: _____

Business Number: _____ Fax: _____

I reside: Inside Wimberley's City Limits Wimberley's ETJ Outside ETJ

I am a registered voter in: City of Wimberley Hays County Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? Yes No

If "Yes" please explain: _____

Are you committed to devote the necessary amount of time to service on this Board/Commission/Committee and to attend all regularly scheduled meetings? Yes No

Would you consider serving on a different Commission/Board/Committee? Yes No

Please describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Board/Commission/Committee that you would prefer to serve on. Attach a separate sheet, if necessary.

As a small business owner for over 33 years, I effectively mediated conflicts between employees and maintained a positive work environment.

Signature: Beekie Reusberg

Date: Nov 16, 2019

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 Fax: (512) 847-0422 Web: www.cityofwimberley.com

Application for Appointment to Board/Commission/Committee

Name of Board/Commission/Committee: Ethics Committee

Nominated By: Christine Byrne

Name: John Dunn Phone: 281-615-5257 E-mail: jfdunn74@gmail.com

Physical Address: 466 Flite Acres Rd

Mailing Address
(If different than physical address): (Same as above)

Employer: _____ Position/Occupation: Retired

Business Number: _____ Fax: _____

I reside: Inside Wimberley's City Limits Wimberley's ETJ Outside ETJ

I am a registered voter in: City of Wimberley Hays County Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? Yes No

If "Yes" please explain: _____

Are you committed to devote the necessary amount of time to service on this Board/Commission/Committee and to attend all regularly scheduled meetings? Yes No

Would you consider serving on a different Commission/Board/Committee? Yes No

Please describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Board/Commission/Committee that you would prefer to serve on. Attach a separate sheet, if necessary.

I have previously served on this committee for more than 10 years. I am a retired engineering executive and have had long experience in both corporate roles and philanthropic board positions. I believe I am well qualified to serve on this committee.

Signature: _____

Date: 11/18/2019

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676.



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Application for Appointment to Board/Commission/Committee

Name of Board/Commission/Committee: Ethics Committee

Nominated By: Bo Bowman

Name: David Cohen Phone: 512-722-3919 E-mail: dcohenlawoffice@tgmail.com

Physical Address: 231 Blanco Drive, Wimberley, Texas 78676

Mailing Address
(If different than physical address): _____

Employer: Self Position/Occupation: Attorney

Business Number: 512-473-2111 Fax: 512-457-9794

I reside: Inside Wimberley's City Limits Wimberley's ETJ Outside ETJ

I am a registered voter in: City of Wimberley Hays County Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? Yes No

If "Yes" please explain: _____

Are you committed to devote the necessary amount of time to service on this Board/Commission/Committee and to attend all regularly scheduled meetings? Yes No

Would you consider serving on a different Commission/Board/Committee? Yes No

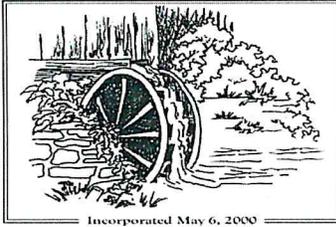
Please describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Board/Commission/Committee that you would prefer to serve on. Attach a separate sheet, if necessary.

I have taken an active interest in and participated in efforts relating to the sewer project. I have familiarity with city government and have an interest in ethical issues faced by those serving in government.

Signature: David Cohen Digitally signed by David Cohen
Date: 2019.11.18 16:54:19 -06'00'

Date: _____

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, Texas 78676

Phone: (512) 847-0025 Fax: (512) 847-0422 Web: www.cityofwimberley.com

Application for Appointment to Board/Commission/Committee

Name of Board/Commission/Committee: Ethics Commission

Nominated By: Christine Byrne

Name: Edmond Moreland Phone: 214-564-3823 E-mail: edmond@morelandlaw.com

Physical Address: 104 Winn Wood Rd., Wimberley, TX 78676

Mailing Address
(If different than physical address): _____

Employer: Moreland Verrett, P.C. Position/Occupation: Shareholder/Attorney

Business Number: 512-782-0567 Fax: 512-782-0605

I reside: Inside Wimberley's City Limits Wimberley's ETJ Outside ETJ

I am a registered voter in: City of Wimberley Hays County Not Registered

Do you or your employer have any business or other dealings with the City of Wimberley, which might present a conflict of interest? Yes No
If "Yes" please explain: _____

Are you committed to devote the necessary amount of time to service on this Board/Commission/Committee and to attend all regularly scheduled meetings? Yes No

Would you consider serving on a different Commission/Board/Committee? Yes No

Please describe any qualifications, expertise, credentials or special interests that relate to your possible appointment. If you are not responding to a specific advertisement, please indicate the Board/Commission/Committee that you would prefer to serve on. Attach a separate sheet, if necessary.

I have been a practicing attorney for over 20 years. In that role, I have often faced, and had to resolve, ethical issues.

Signature: Edmond Moreland

Date: 11-18-19

Note: Your application will be kept on file for 12 months and maintained under the Texas Open Records Act as public information. It is recommended that you submit a letter of interest and a brief resume with your application. Please submit any information to the City Secretary, City of Wimberley, P.O. Box 2027, 221 Stillwater Drive, Wimberley, Texas 78676.



AGENDA ITEM: City Administrator’s Report
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: November 18, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding road projects, communication, and upcoming City events.

REQUESTED ACTION

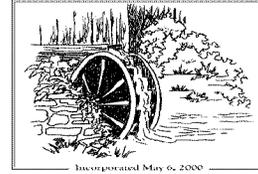
- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item <input type="checkbox"/>	Original Estimate/Budget: \$
Non-budgeted Item <input type="checkbox"/>	Current Estimate: \$
Not Applicable <input checked="" type="checkbox"/>	Amount Under/Over Budget: \$

STAFF RECOMMENDATION

Report for ZA-19-008



Summary: An application to change zoning from C-1 to O-1 for property located at 3 Palos Verdes Drive

Applicant Information:

Applicant: Andervant Enterprises, LLC
 3 Palos Verdes Drive
 Wimberley, TX 78676

Property Owner: Andervant Enterprises, LLC

Subject Property:

Legal Description: Lot 1 & Lot 2R, Block 2, Woodcreek Section 3
Location: 3 Palos Verdes Drive
Existing Use of Property: Residential
Existing Zoning: Commercial-Low Impact (C-1)
Proposed Use of Property: Commercial
Proposed Zoning: Office-Low Impact (O-1)
Planning Area: III
Overlay District: Entrance Corridor

Surroundings:

Frontage On: Palos Verdes Drive; Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PF	Public
S of Property	PF	Public
E of Property	C2	Commercial
W of Property	R2	Residential

Legal Notice

200' Letters: 10/16/2019
Published: 10/24/2019
Sign Placement: 10/16/2019
Responses: none

Comments:

The applicant, Andervant Enterprises, LLC, has requested to change the zoning on two tracts approximately 1.21 acres in size from Commercial-Low Impact (C-1) to Office-Low Impact (O-1), O-1 is an allowable use in Planning Area III. The applicant currently utilizes the approximately 2,200 square foot 3 bedroom/2 bath home on the property as an office.

There have been no responses for or against the application.

At the November 14th Planning & Zoning meeting, the Commission voted 6-0-0 to recommend approval.

RECEIVED
9-25-19

Expanded (Commercial)

FOR OFFICIAL USE ONLY

APPLICATION DATE: 9-25-2019 FILE NO. _____
TENTATIVE P&Z HEARING: 11-14-2019 TENTATIVE COUNCIL HEARING: 11-21-2019
CITY INITIATED: YES - NO PLANNING AREA: III ZONING REQUESTED: 0-1
ZONING FEES: \$ 810⁰⁰ DATE PAID: 9-25 RECEIVED BY: SIF

APPLICATION FOR COMMERCIAL ZONING
NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS

OWNER, AGENT AND PROJECT DATA

STREET ADDRESS OF PROPERTY TO BE ZONED: 3 Palos Verdes Dr. Wimberley, Texas
HAYS COUNTY CENTRAL APPRAISAL DISTRICT
PROPERTY ID#: R 52694 **
* New street addresses can be obtained by calling (512) 393-2160
** This number may be obtained this from your property tax statement or HCAD's website.
R134893

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:
North on RR12 past HEB, turn left @ Exxon, Property is on corner of RR12 + Palos Verdes Dr.

NOTE: Please clearly mark your property so it is easily identifiable.

1. OWNER'S NAME: Andervant Enterprises LLC
(April Anderson)
HOME PHONE: () _____
BUSINESS PHONE: _____
FAX: () _____
E-MAIL: _____

OWNER'S CURRENT MAILING ADDRESS: 3 Palos Verdes Dr. CITY Wimberley STATE TX ZIP 78676
EMAIL: _____

2. AGENT'S NAME: April Anderson AGENT'S PHONE: _____
AGENT'S FIRM NAME: Hill Country Premier Lodging FAX: () _____
E-MAIL: _____

AGENT'S FIRM MAILING ADDRESS: 3 Palos Verdes Dr. CITY Wimberley STATE TX ZIP 78676
EMAIL: _____

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES 1.2087 (OR) SQ.FT. _____ TOTAL NO. of TRACTS: 2

4. PLANNING AREA(S): III 5. REQUESTED ZONING CLASSIFICATION: O-1

PROPOSED USE(S): Administrative and Professional Office

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): C-1

7. LEGAL DESCRIPTION

Street Address: 3 Palos Verdes Subdivision: Woodcreek Sec. 3

Block(s) 2 Lot(s) 1, 2R

Plat Book: _____ Page Number: _____

8. **DEED RECORDS:** (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER):

Lot 1 1 Page 157-158

2R VOLUME: 116 PAGE: 25 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

A. IS PROPERTY IN AN OVERLAY DISTRICT? YES NO _____ UNKNOWN _____

TYPE OF OVERLAY ZONE(S) (if applicable) Entrance Corridor

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): _____

C. ELECTRIC UTILITY PROVIDER: Pedernales Electric

WATER UTILITY PROVIDER: Wimberley Water

WASTEWATER UTILITY PROVIDER: On-site

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): 4310

Related Cases, If Applicable

- Zoning File No. _____
- Building Permit File No. _____
- Subdivision File No. _____
- Sign Permit File No. _____
- Engineered construction File No. _____

SITE INSPECTION AUTHORIZATION

Applicant/owner, or Applicant's authorized agent, hereby authorizes the City of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 9/24/19 APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

**ACKNOWLEDGMENT OF EXISTING
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants
and/or Zoning Conditional Use Permits**

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 3 Palos Verdes Dr., and more particularly known as Lot 1,2, Block 2 of the Woodcreek Sec. 3 Subdivision.

If a conflict should result with the request I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 9/25/19 APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

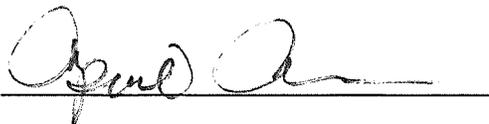
TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- Complete "Application For Zoning"
- Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat map of the specific property to be zoned.
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- Provide a legal description of the property to be zoned.
- Sign/date Submittal Verification form.
- Sign/date Site Inspection Authorization form.
- Sign/date Acknowledgement Form.
- Pay Zoning Fee (this fee is based on the cost of services incurred by the City of Wimberley in reviewing, processing and recording the zoning request).
- Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

- () My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.
- () I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 9/25/19

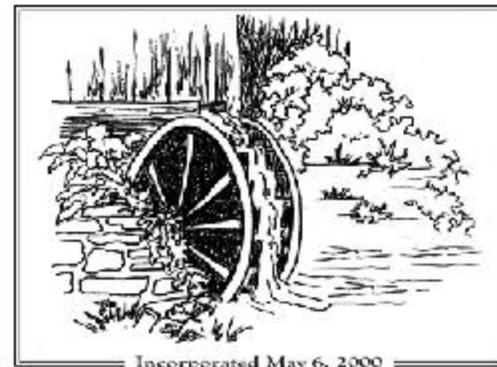
APPLICANT SIGNATURE 

WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

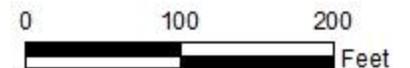
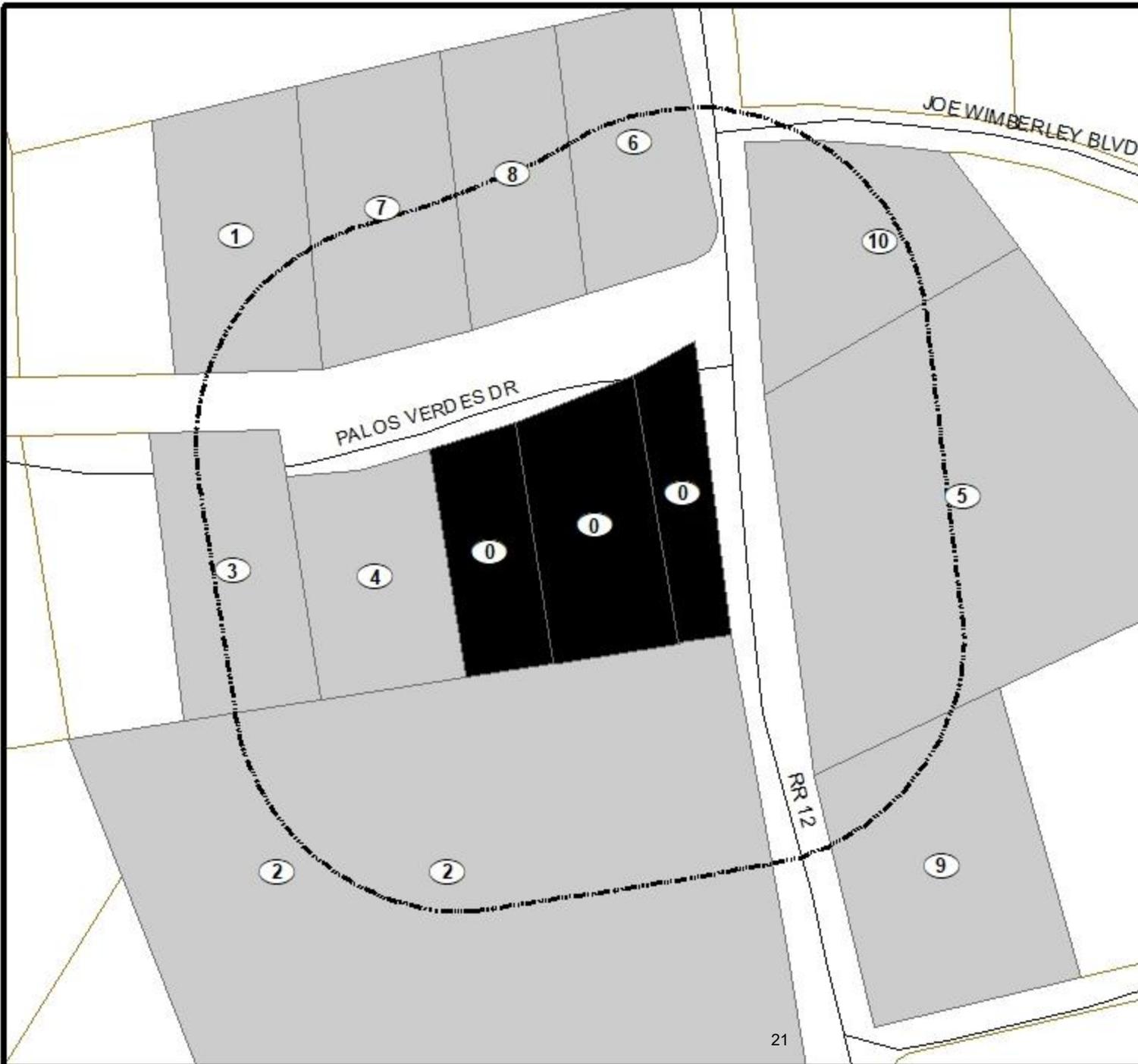
ZA-19-008 ~ 3 Palos Verdes

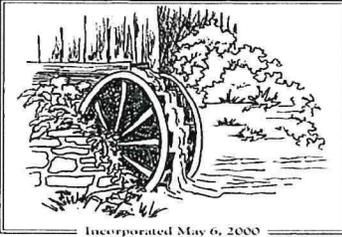


200' NOTIFICATION

Legend

- 200' Buffer notice
- ID. Owner**
- 0. SUBJECT TRACT
- 1. AYMOND GREGORY M BISHOP OF THE
- 2. CHAPEL IN THE HILLS CHURCH
- 3. GRACE, MICHELLE
- 4. GRACE, MICHELLE
- 5. HILL COUNTRY CONVENIENCE & PETROLEUM LLC
- 6. MCCARTHY JOHN E REV
- 7. MCCARTHY, JOHN
- 8. MCCARTHY, JOHN
- 9. SMITH DAIRY QUEENS LTD
- 10. VICTORIA BANK & TRUST





City of Wimberley

221 Stillwater (P.O. Box 2027), Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

October 16, 2019

NOTICE OF PUBLIC HEARING

Re: File No. ZA-19-008
3 Palos Verdes Dr.

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicant, Andervant Enterprises, LLC, is proposing to change the zoning from **Commercial-Low Impact (C-1) to Office-Low Impact (O-1)** for property located at 3 Palos Verdes Drive. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, November 14, 2019 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, November 21, 2019, at 6:00 p.m.**

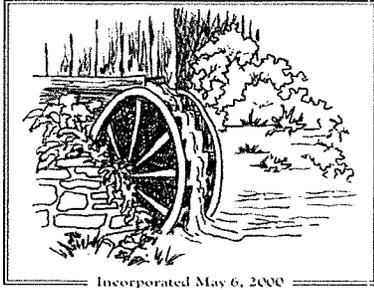
Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

A handwritten signature in blue ink that reads "Sandy I. Floyd".

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: October 16, 2019

ZONING NO: ZA-19-008

APPLICANT: Andervant Enterprises, LLC
(April Anderson)

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 3 Palos Verdes Drive

John Provost
Public Works/Code Enforcement

Note: The above referenced sign was placed on the subject property on

10/16 2019



Signature

Only \$42 per year. Direct to your mailbox

★ Classifieds

TERMS OF SERVICE

line at auctionwork.com 800-801-8003
 auction.com/txland
 orted Sale - bids due Nov. 14 - 42, 716 SF.
 www.AsbestosLaw.com
 Call 800-460-0606 for professional legal insight or visit
 lung cancer or breast cancer (Lunar, Houston, Conn.)
MEDICAL
 Portable Oxygen Concentrator May Be Covered by
 Medicaid! Reclaim independence and mobility with the
 compact design and long-lasting battery of Inogen One.
 Free information kit! Call 866-747-9983.

THE WIMBERLEY VIEW, WIMBERLEY, TX., THURSDAY, OCTOBER 24, 2019

Public Notice

Public Notice

Public Notice

Public Notice

General Help Wanted

General Help Wanted

General Help Wanted

Homes For Rent

REQUEST FOR PROPOSALS

DRIPPING SPRINGS MIDDLE SCHOOL RENOVATIONS & NEW WALNUT

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY SUBDIVISION CONTROL CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS), ARTICLE 9.02 (SUBDIVISION CONTROL), TO CREATE DIVISION 11, (LANDSCAPING AND TREE PRESERVATION) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY UTILITIES CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 12 (UTILITIES) ARTICLE 12.03 (ON-SITE SEWAGE FACILITIES), SECTION 12.03.007 (LOCAL RULES) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

PUBLIC NOTICE REQUEST FOR PROPOSAL CITY OF WOODCREEK, TEXAS RFP NO. 2019-11

...water conservation plan, user drought contingency plan, monthly quarterly metered reporting and proof of public notice. The public may submit public comments to the HTGCD office by the ten-day deadline date, November 2, 2019. The deadline date starts upon the first day of the running of the applicant's published notice. All public comments will be reviewed prior to HTGCD staff recommendations. A secondary public notice shall include staff recommendations and a twenty-day deadline date to submit formal contested case letters to the HTGCD office. The operating permit amendment application is available for review on the HTGCD website www.haysgroundwater.com under Quick Links / Pending Permit Applications / Permit Amendments or is available for review at the HTGCD office, 14101 Highway 290 West, Building 100, Suite 212. Mail should be sent to HTGCD, P.O. Box 1648, Dripping Springs, TX 78620, email to Manager2@haysgroundwater.com or call HTGCD 512-858-9253.

NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. to consider the following: ZA-19-008 - a request to change the zoning from Commercial-Low Impact (C-1) to Office-Low Impact (O-1) for property located at 3 Palos Verdes. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: CUP-19-015 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 400 Lange Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

Kelly Moore Paints Bee Cave Location 3595 RR 620 S. Austin, TX 78738

PART-TIME RECORDS MANAGEMENT CLERK
 Responsible for planning, organizing, and coordinating storage and maintenance of City records; provide support and/or training to employees and departments regarding records management policies, procedures, changes in laws and compliance with records management program; provide public access to records and record retrieval service to the Council, staff, and general public.

LAWN MAINTENANCE PERSON NEEDED
 for commercial property, mowing and weedeating. Starting \$15/hr. 512-847-1960



HISTORIC MILL RACE ROAD. INVESTMENT OPPORTUNITY 3.17 ACRES. LONG OVERLOOKED UNDEVELOPED RETAIL, RESORT, CONDO POSSIBILITY. ADJOINING COMMUNITY CENTER PARKING LOT OVERLOOKING CYPRESS CREEK AND OLD TOWN SQUARE. REDUCED FOR QUICK SALE CALL Jon 830-446-9157

View over Cypress Creek, \$1600/mo + \$1,000/dep. References & Background Check req. Avail. Immediately 512-550-0839

BEAUTIFUL STUDIO
 for rent, all bills paid, fully furnished, full kitchen. Fantastic view, close to high school. \$995/mo + dep. Month to month lease 830-822-4007

2/2 CHARMING
 renovated, country home, huge double lot, secluded neighborhood, Wimberley Water, \$980 Ava10/1 512-847-7615 Owner/Agent



Estate Sales

Estate Sales

Estate Sales

Misc. Services

Life Changes Estate Sale
 Vintage in San Marcos
 404 Suttles Dr.
 Thursday - Friday, from 9am - 3pm
 Saturday 50% off from 9am - 1pm
 Visit www.lifechangesestatesales.com

Life Changes Estate Sales
 Come Shop With Us!
 LifeChangesEstateSales.com

EYE SORES TREE AND HAULING SERVICE. ALL TYPES CLEANUP
 We will remove your eye sores! Fire escaping fire prevention & flood prevention. Lot clear cleanup & removal. Tree trimming & brush. Hauling brush, trash & junk. Bob leveling & Bob work. Land clear dozer services. move and level portable building. Call for an estimate 512-312-1 or 512-689-341

CALL JOHN WILTON
 for all your home renovations, rep. and handyman needs. 512-618-1085 Down to Earth Services

Classified Work!



ORDINANCE NO. 2019-37

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY LOCATED AT 3 PALOS VERDES DRIVE, WIMBERLEY, HAYS COUNTY, TEXAS, FROM COMMERCIAL-LOW IMPACT (C-1) TO OFFICE-LOW IMPACT (O-1).

WHEREAS, Chapter 211 of Vernon’s Local Government Code empowers the City Council of the City of Wimberley to enact zoning regulations and provides for their administration, enforcement and amendment; and

WHEREAS, the regulations established by the Wimberley Code of Ordinances Section 155 (Zoning), as amended, (the “Code”) are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and

WHEREAS, the City Council of the City of Wimberley has complied with all notice of public hearing as required by the Code and State law; and

WHEREAS, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning Lot 1, Block Two, Woodcreek, Section Three and Lot 2R, Block Two, Woodcreek, Section Three, in Wimberley, Hays County, Texas, commonly known as 3 Palos Verdes Drive from Commercial-Low Impact (C-1) to Office-Low Impact (O-1) zoning classification.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS:

ARTICLE I. REZONING

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning Lot 1, Block Two, Woodcreek, Section Three and Lot 2R, Block Two, Woodcreek, Section Three, in Wimberley, Hays County, Texas, commonly known as 3 Palos Verdes Drive and more particularly described on the attached Exhibit “A”, incorporated by reference for all purposes, from Commercial-Low Impact (C-1) to Office-Low Impact (O-1) zoning classification.

ARTICLE II. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

III. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE IV. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 21st day of November 2019, by (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Susan Jagers, Mayor

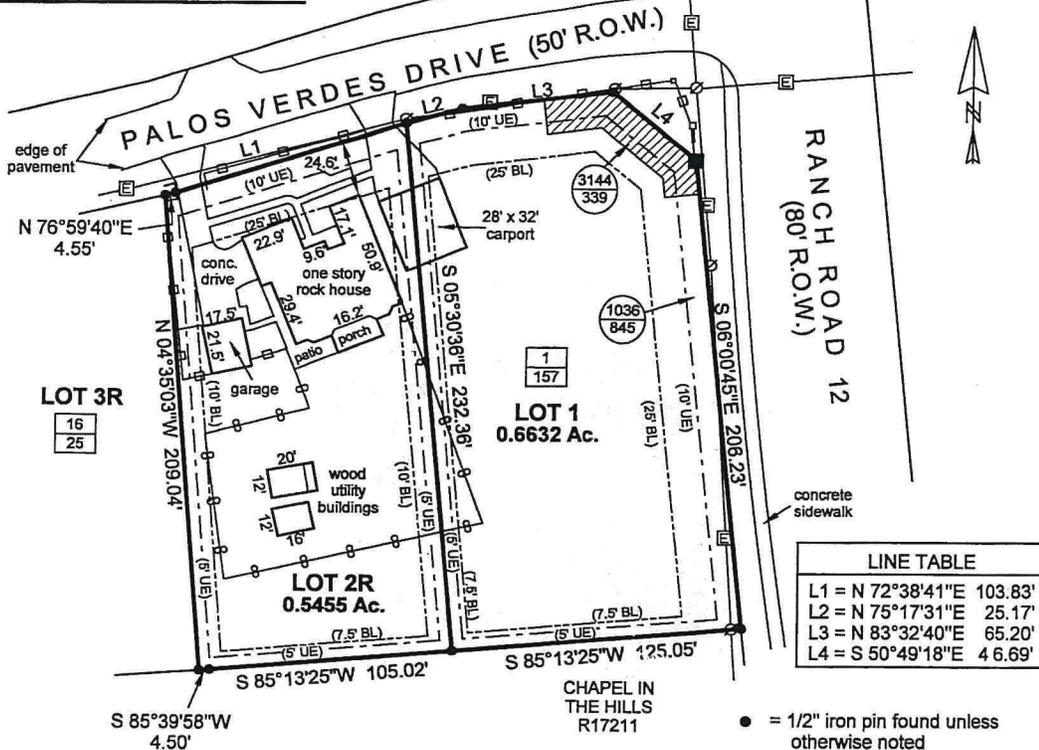
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

IMPROVEMENT SURVEY



LINE TABLE	
L1 = N 72°38'41"E	103.83'
L2 = N 75°17'31"E	25.17'
L3 = N 83°32'40"E	65.20'
L4 = S 50°49'18"E	4.6.69'

Reference utility easements 10' wide along street lot lines and 5' wide along interior lot lines and building setback lines 25' wide along street lot lines and 7.5' along all interior lot lines, as recorded in Volume 249, Page 363, Hays County Deed Records.

Reference utility easements granted to Wimberley Water Supply Company as, recorded in Volume 210, Page 125, Hays County Deed Records, and in Volume 3951, Page 768, Hays County Official Public Records.

Reference easements granted to Aqua Texas Inc. as described and recorded in Volume 3144, Page 335, and Volume 3144, Page 339, Hays County Official Public Records.

Reference a utility easement granted to GTE Southwest Incorporated 10' wide along the East line of Lot 1, as recorded in Volume 1036, Page 845, Hays County Deed Records.

Reference a blanket utility easement granted to Pedemales Electric Cooperative, Inc., as recorded in Volume 289, Page 369, Hays County Deed Records.

- = 1/2" iron pin found unless otherwise noted
- = concrete highway monument
- UE = utility easement
- BL = building setback line
- (XXXX) = recorded data "calls"
- = chain link fence
- = wood fence
- ⊠— = overhead electric line
- ⊘ = utility pole
- Vol Page = Hays County Plat Records
- ⊘ Page = Hays County Deed Records

Copyright © 2013 Eagle Land Surveying. All rights reserved.

Subject property does not lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 480321 0238 F, dated September 2, 2005.

LEGAL DESCRIPTION: All of Lot 1, Block 2, WOODCREEK, Section 3, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 1, Pages 157- 158, Plat Records of Hays County, Texas, AND all of Lot 2R, of the amending plat of Lots 2, 3, 4, WOODCREEK, Block 2, Section 3, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 16, Page 25, Plat Records of Hays County, Texas.

CLIENT: Nick Dowell and Amber Dowell
ADDRESS: 3 Palos Verdes, Wimberley, Texas 78676

TITLE COMPANY: Independence Title Company
G.F. No.: 1306169-WIM

I hereby certify that this plat represents a survey made upon the ground under my supervision, on April 18, 2013 and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso

Clyde Barroso, R.P.L.S. #5404, State of Texas.



ALLEN ZAK



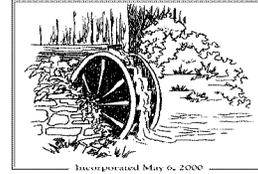
EAGLE LAND SURVEYING
 (512) 847-1079
 P.O. Box 2264 Wimberley, TX. 78676

Scale: 1" = 60'
Date: April 18, 2013

Job No. 13-055 jj

Exhibit "A"

Report for CUP-19-014



Summary: An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 106 Sierra Loma

Applicant Information:

Applicant: Greg & Lisa Weeks
10400 RR 12
Wimberley, TX 78676

Property Owner: Greg & Lisa Weeks

Subject Property:

Legal Description: Hilltop Place, Sec. 1, Lot 3
Location: 106 Sierra Loma
Existing Use of Property: Residential-new construction
Existing Zoning: Neighborhood Services (NS)
Proposed Use of Property: Vacation Rental
Proposed Zoning: CUP
Planning Area: VII & I
Overlay District: Entrance Corridor

Surroundings:

Frontage On: Ranch Road 12; Sierra Loma

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	RA	Residential
S of Property	SC	Commercial
E of Property	RA	Residential
W of Property	ETJ	Residential

Legal Notice

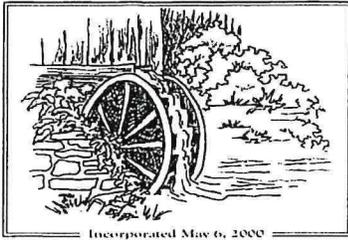
200' Letters: 10/16/2019
Published: 10/24/2019
Sign Placement: 10/16/2019
Responses: none

Comments:

The applicants, Greg & Lisa Weeks, have requested a Conditional Use Permit (CUP) to operate a vacation rental (STR2) for property located at 106 Sierra Loma. The proposed vacation rental will be constructed as 1,375 square feet, 2 bedroom/2 bath and will be serviced by on-site sewage facility. The proposed maximum occupancy is 6 guests. The owners live on-site at the other side of the property. That home is addressed as 10400 RR 12. This will be a secondary residence that does not require a CUP under the Neighborhood Services zoning district.

There has been no response received for or against the application.

At the November 14th Planning & Zoning meeting, the Commission voted 6-0-0 to recommend approval.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422

www.cityofwimberley.com

65800 Kathy Rakowitz

I can send pdf's



CONDITIONAL USE PERMIT APPLICATION BY: _____

OFFICE USE CUP 19-014 Date: 10-7-2019 Staff Review SIF
 P&Z Hearing: 11-14-19 Council Hearing: 11-21-19 Fees Paid:

Applicant: Greg & Lisa Weeks
 Mailing address: 10400 Ranch Rd 12 City: Wimberley State: TX Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: Greg & Lisa Weeks
 Mailing address: 10400 Ranch Rd 12 City: Wimberley State: TX Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]

Project Site Address: (10400 ^{main home} Ranch Rd 12) 106 SIERRA LOMA
 Legal description: ~~Small Casita~~ HILLTOP PLACE, SEC. 1, LOT 3
 Total Acreage or Square Footage: 1000 s.f (Approx) Deed recorded in: #12033721
 Hays CAD Parcel ID R 31963 Planning Area: VII E I Zoning: NS New neighborhood services
 Is property located in an overlay district? Yes No If Yes, type: ENTRANCE CORRIDOR
 Specific Conditional Use Requested: Vacation Rental

Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

Utilities
 Electric Provider: PEC
 Water provider or Private Well: Well
 Wastewater Service or Septic Permit No. septic application already filed
 *If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

9-4-19
DATE

9-4-19
DATE

[Signature]
OWNER

[Signature]
OWNER

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: Greg + Lisa Weeles
LOCATION OF PROPERTY: 10400 Ranch Rd 12 Wimberley
LEGAL DESCRIPTION: New Construction / Guest House
PLANNING AREA: VII & I
PRESENT ZONING: NS
EXISTING USE: _____
USE TO BE GRANTED: _____ *Bed & Breakfast* OR *Vacation Rental*

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses

OFF-STREET PARKING: All parking will be off-street. Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of _____ guests. Parking will be in these spaces only.

SIGNAGE: All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 2

PROPOSED MAXIMUM OCCUPANCY: 6 guests.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the _____ River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times.

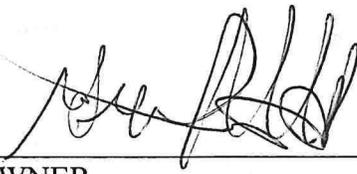
REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

9-4-19
DATE

9-4-19
DATE


OWNER

OWNER

IMPROVEMENT SURVEY

LEGEND

- = 1/2" iron pin found unless otherwise noted
- UE = utility easement
- BL = building setback line
- (XXXX) = recorded data
- E— = overhead electric line
- T— = overhead telephone line
- ⊙ = utility pole
- = concrete highway monument
- ▲ = record location in centerline of gravel road



LOT 10

LOT 9

(N 55°44'10"E 140.74')
 (N 55°16'58"E 138.93')
 (S 76°19'02"E 81.82')
 (S 77°16'57"E 80.92')

LOT 3
 5.29 Ac.
 (5.31 Ac.)

HILLTOP DRIVE
 (SIERRA LOMA)
 (50' road easement)

Note: The restrictions call for a 40' wide building setback line from the "front street", a 15' wide building setback line from the "side street", and a 25' wide building setback line for all interior lot lines. The Village of Wimberley zoning ordinances may designate additional setback requirements not shown hereon

RANCH ROAD 12
 (100' R.O.W.)

1/2" IPF with SWART CAP #62

(25' BL)
 (10' UE)
 S 01°23'23"E 762.27'
 (S 00°54'00"E 762.27')

LOT 4

CURVE DATA

C1
 Δ = (22°28'41") 11°23'52"
 R = (1482.17)
 A = (295.28') 294.85'
 C = 294.36'
 @ N 01°22'32" W

N 04°20'44"E 106.54'
 (N 04°45'57"E 106.23')

S 88°42'15"W 358.28'
 (S 89°06'00"W 357.84')
 Basis for bearing

LOT 2

Reference a 20' utility easement adjacent to all streets and a 10' utility easement along street and interior lot lines as per plat.

Reference building setback lines and utility easements as recorded in Volume 304, Page 470, and Volume 307, Page 262, Hays County Deed Records, and in Volume 415, Page 802, Hays County Real Property Records.

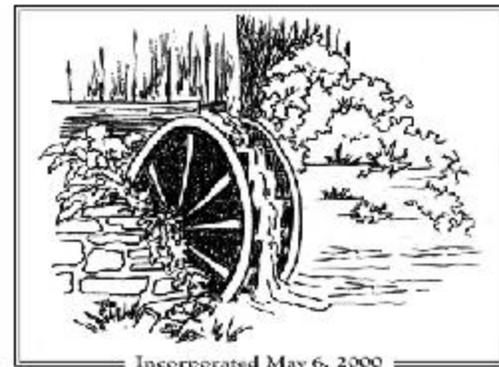
Reference restrictions as recorded in Volume 2001, Page 827, Hays County Official Public Records.

Reference a blanket utility easement as recorded in Volume 322, Page 784, Hays County Deed Records.

Reference an electric utility easement, as recorded in Volume 214, Page 320, Hays County Deed Records. This easement, recorded in 1966, predates the recorded plat for this subdivision. The description of this easement is ambiguous, but does contain a clause stating that the easement could be relocated by current or future owners. The utility easements designated on the recorded plat have probably satisfied the requirements of this easement.

This lot lies within the corporate limits of the Village of Wimberley.

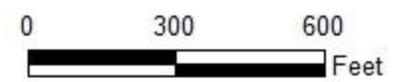
CUP-19-014 ~ 106 Sierra Loma

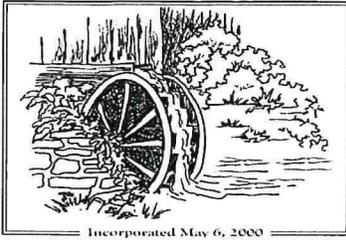


200' NOTIFICATION

Legend

- 200' Buffer
- ID. OWNER**
- 0. SUBJECT TRACT
- 1. HIGH VIEW HOLDINGS LLC
- 2. GUNTER KEVIN P & COLLEEN M
- 3. PEDEN THOMAS
- 4. TIME WARNER CABLE TEXAS LLC
- 5. JONAS C WALTER
- 6. JONAS PETER CHRISTIAN





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

October 16, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-014

106 Sierra Loma

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

The applicants, Greg & Lisa Weeks, have requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 106 Sierra Loma, further described as Hilltop Place, Section 1, Lot 3. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, November 14, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, November 21, 2019, at 6:00 p.m.**

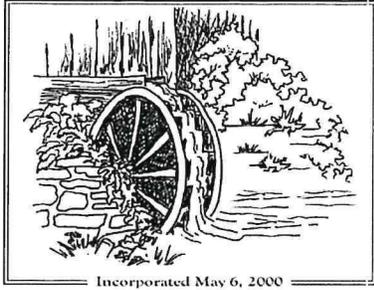
Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

A handwritten signature in blue ink that reads "Sandra I. Floyd". The signature is written in a cursive, flowing style.

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: October 16, 2019

ZONING NO: CUP-19-014

APPLICANT: Greg & Lisa Weeks

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 106 Sierra Loma

John Provost
Public Works/Code Enforcement

City of Wimberley

Note: The above referenced sign was placed on the subject property on

10/16 2019



Signature

The Wimberley View CLASSIFIEDS



P.O. Box 49 Wimberley, Texas 78676 512-847-2202

Public Notice Public Notice

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT RENEWAL

PERMIT NO. WQ0013321001

APPLICATION. City of Wimberley, 221 Stillwater, Wimberley, Texas 78676, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013321001 (EPA I.D. No. TX0135445) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 75,000 gallons per day with provisions to dispose of treated domestic wastewater effluent at a volume not to exceed a daily average flow of 9,450 gallons per day to eleven pressure dosed absorption beds. The domestic wastewater treatment facility and disposal site are located at 333 Blue Hole Lane, Wimberley, in Hays County, Texas 78676. The discharge route is from the plant site to Deer Creek; thence to Upper Blanco River. TCEQ received this application on August 5, 2019. The permit application is available for viewing and copying at Wimberley City Hall, 221 Stillwater, Wimberley, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=d85bac14afbc468bhd43608168250f&marker=98.08499%2C30.0042&level=12>

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number, and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Beer Retailer's Permit Food & Beverage Certificate by Sonny T. Tran dba Simply Pho House, to be located at 614 Belterra Village Way Suite Y500 Austin, Texas 78737 in Hays County, Texas. Owner of said corporation is Sonny T. Tran.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: CUP-19-014— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 106 Sierra Loma. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: CUP-19-016— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 111 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING

City of Dripping Springs
Public Notice of Approved Ordinance
Citation Issuance Authority
Effective Date: October 24, 2019
Ordinance No. 2019-38
AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS AMENDING SI 12.03.006 OF THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES AMENDING THE AUTHORITY TO CITE BY ADDING "WORKS COORDINATOR" AND "ENFORCEMENT AND CONSTRUCTION INSPECTOR" TO "CODE ENFORCEMENT AND CONSTRUCTION INSPECTOR"; AND AMENDING FOR THE FOLLOWING: "INGS OF FACT, AMENDMENT PEALER, SEVERABILITY, CO TION, EFFECTIVE DATE, AND P NOTICE AND MEETING.

NOTICE TO ALL PERSONS HAVING CLAIMS AGAINST THE ESTATE OF ROBERT JOHN MCGREGOR

Notice is hereby given that original Testamentary for the Estate of Robert McGregor, Deceased, were issued on October 21, 2019 in Cause No. 19 pending in the County Court at Law County, Texas to Linda Suzanne McGregor, as Independent Executor said Estate. All persons having against this Estate are required to them to said Executor at 39 Spring Drive, Wimberley, Texas 78676, will time and in the manner prescribed by L

Dated the 22nd day of October 2019

Patrick G. Rehmet, Attorney for the of Robert John McGregor, Deceased

Law Office of Patrick G. Rehmet
P.O. Box 1916
Wimberley, Texas 78676
State Bar no. 16738800
prehmet@austin.rr.com
(512) 827-0117
(512) 847-1274 Fax

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY WATER QUALITY PROTECTION CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 21, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, AMENDING CHAPTER 9 (PLANNING DEVELOPMENT REGULATIONS) CLE 9.04 (WATER QUALITY PROTECTION), OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND AMENDING FOR THE FOLLOWING: "INGS OF FACT, A SAVINGS CLAUSE, A SEVERITY CLAUSE, AN EFFECTIVE

ORDINANCE NO. 2019-38

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY GREG & LISA WEEKS TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 106 SIERRA LOMA, WIMBERLEY, TEXAS, ZONED NEIGHBORHOOD SERVICES (NS); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Greg & Lisa Weeks (“Applicant”) requesting authorization to operate a vacation rental on real property described as Hilltop Place, Phase One, Lot 3, zoned Neighborhood Services (NS); and

WHEREAS, a vacation rental is an authorized use in areas zoned Neighborhood Services (NS) upon approval of a CUP;

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Greg & Lisa Weeks (“Applicant”) for use as a vacation rental on real property, described as Hilltop Place, Phase One, Lot 3, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Neighborhood Services (NS), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.

3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire, no later than thirty (30) days of such change.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two hundred (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one (1) or more of the following conditions or events on public or private property: the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives if compliance is in question, with proper notice provided if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part of the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.
13. The owner of the property or the owner's agent, which may be a vacation rental agency, shall provide each renter a property map for the vacation rental property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.

14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 21st day of November, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

City of Wimberley, Texas

ATTEST:

Laura Calcote, City Secretary

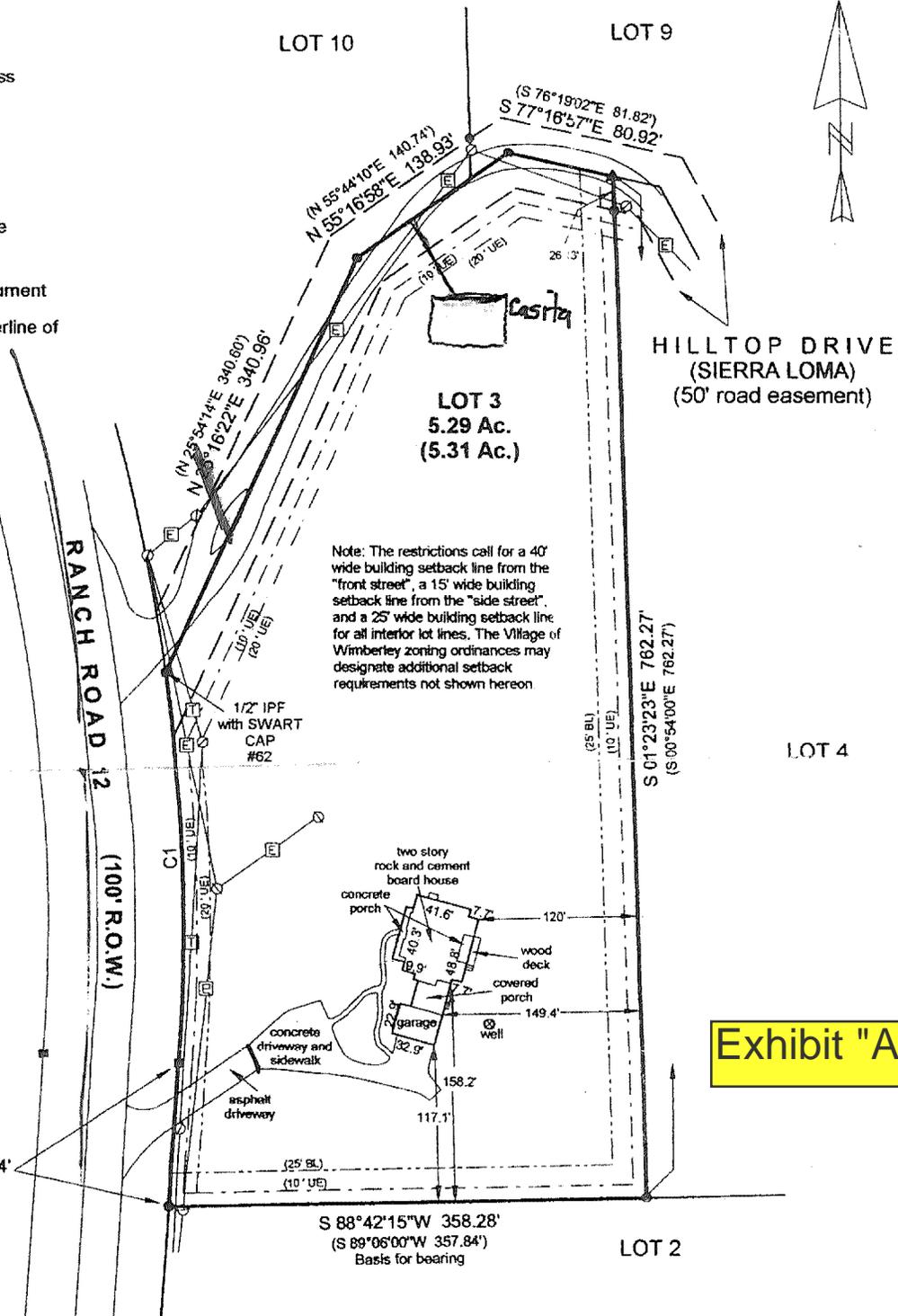
APPROVED AS TO FORM:

City Attorney

IMPROVEMENT SURVEY

LEGEND

- = 1/2" iron pin found unless otherwise noted
- UE = utility easement
- BL = building setback line
- (XXXX) = recorded data
- E— = overhead electric line
- T— = overhead telephone line
- ⊙ = utility pole
- = concrete highway monument
- ▲ = record location in centerline of gravel road



Note: The restrictions call for a 40' wide building setback line from the "front street", a 15' wide building setback line from the "side street", and a 25' wide building setback line for all interior lot lines. The Village of Wimberley zoning ordinances may designate additional setback requirements not shown hereon

CURVE DATA

C1
 $\Delta = (22^\circ 28' 41") 11^\circ 23' 52"$
 $R = (1482.17')$
 $A = (295.28') 294.85'$
 $C = 294.36'$
 $\odot N 01^\circ 22' 32" W$

Exhibit "A"

Reference a 20' utility easement adjacent to all streets and a 10' utility easement along street and interior lot lines as per plat.

Reference building setback lines and utility easements as recorded in Volume 304, Page 470, and Volume 307, Page 262, Hays County Deed Records, and in Volume 415, Page 802, Hays County Real Property Records.

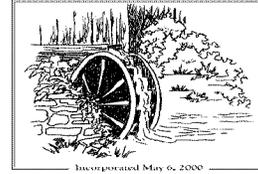
Reference restrictions as recorded in Volume 2001, Page 827, Hays County Official Public Records.

Reference a blanket utility easement as recorded in Volume 322, Page 784, Hays County Deed Records.

Reference an electric utility easement, as recorded in Volume 214, Page 320, Hays County Deed Records. This easement, recorded in 1966, predates the recorded plat for this subdivision. The description of this easement is ambiguous, but does contain a clause stating that the easement could be relocated by current or future owners. The utility easements designated on the recorded plat have probably satisfied the requirements of this easement.

This lot lies within the corporate limits of the Village of Wimberley.

Report for ZA-19-009



Summary: An application to change zoning from R-2 to NS for property located at 400 Lange Road

Applicant Information:

Applicant: Jonathan Polhemus
400 Lange Road
Wimberley, TX 78676

Property Owner: Jonathan Polhemus

Subject Property:

Legal Description: 1.181 acres out of the Amasa Turner Survey
Location: 400 Lange Road
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 (R-2)
Proposed Use of Property: Residential
Proposed Zoning: Neighborhood Services (NS)
Planning Area: II
Overlay District: N/A

Surroundings:

Frontage On: Palos Verdes Drive; Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R2, R3	Residential
S of Property	MF1, R1	Residential
E of Property	R3	Residential
W of Property	R4, NS	Residential

Legal Notice

200' Letters: 10/18/2019
Published: 10/24/2019
Sign Placement: 10/17/2019
Responses: none

Comments:

The applicant, Jonathan Polhemus, has requested to change the zoning on a 1.18 acre parcel from Single-Family Residential 2 (R-2) to Neighborhood Services (NS). This property is in Planning Area II and Neighborhood Services (NS) is an allowable zoning. Existing structures are a one story house, carport, and metal barn.

There have been no responses for or against the application.

At the November 14th Planning & Zoning meeting, the Commission voted 6-0-0 to recommend approval.

FOR OFFICIAL USE ONLY

APPLICATION DATE: 10-10-2019 FILE NO. ZA-19-009
TENTATIVE P&Z HEARING: 11-14-19 TENTATIVE COUNCIL HEARING: 11-21-19
CITY INITIATED: YES - NO PLANNING AREA: _____ ZONING REQUESTED: NS
ZONING FEES: \$ 809.05 DATE PAID: 10-10-19 RECEIVED BY: SIF

APPLICATION FOR COMMERCIAL ZONING
NON-RESIDENTIAL, MULTI-FAMILY DEVELOPMENTS, MOBILE HOME DEVELOPMENTS

OWNER, AGENT AND PROJECT DATA

STREET ADDRESS OF PROPERTY TO BE ZONED: 400 LANGE RD. Wimberley, Texas HAYS COUNTY CENTRAL APPRAISAL DISTRICT PROPERTY ID#: R 18605 **
* New street addresses can be obtained by calling (512) 393-2160
** This number may be obtained this from your property tax statement or HCAD's website.

PLEASE PROVIDE DIRECTIONS TO YOUR PROPERTY:
TURN ON RIVER ROAD, STAY STRAIGHT ON LANGE ROAD. LAST ROCK HOUSE ON RIGHT. ACROSS FROM TWIN MOUNTAIN MANOR

NOTE: Please clearly mark your property so it is easily identifiable.

1. OWNER'S NAME: JONATHAN J. POYHEMUS HOME PHONE: [REDACTED]
BUSINESS PHONE: () _____
FAX: () _____
E-MAIL: [REDACTED]

OWNER'S CURRENT MAILING ADDRESS: SAME AS ABOVE CITY _____ STATE _____ ZIP _____
EMAIL: _____

2. AGENT'S NAME: " AGENT'S PHONE: () 11
FAX: () _____
AGENT'S FIRM NAME: " E-MAIL: _____

AGENT'S FIRM MAILING ADDRESS: " CITY _____ STATE _____ ZIP _____
EMAIL: _____

PROPERTY INFORMATION

3. TOTAL AREA TO BE ZONED: ACRES 1.181 (OR) SQ.FT. _____ TOTAL NO. of TRACTS: 1

4. PLANNING AREA(S) : _____ 5. REQUESTED ZONING CLASSIFICATION: NS

PROPOSED USE(S): AIR B:B ? WOOD SHOP

6. EXISTING ZONING CLASSIFICATION(S) AND USES (if applicable): _____

7. LEGAL DESCRIPTION

Street Address: 400 LANGE RD. Subdivision: N/A (UNRECORDED)

Block(s) N/A Lot(s) NA

Plat Book: ~~5407~~ 5404 Page Number: N/A 597

8. DEED RECORDS: (REFERENCE OF DEED CONVEYING PROPERTY TO THE PRESENT OWNER): VESTING DEED

VOLUME: 5407 PAGE: 594 OF COUNTY PLAT RECORDS

9. OTHER PROVISIONS

A. IS PROPERTY IN AN OVERLAY DISTRICT? YES _____ NO X UNKNOWN ✓

TYPE OF OVERLAY ZONE(S) (if applicable) N/A

B. FLOOD PLAIN (What, if any, flood zone does your property occupy?): NO

C. ELECTRIC UTILITY PROVIDER : P.E.C.

WATER UTILITY PROVIDER: WWSC

WASTEWATER UTILITY PROVIDER: OSSF

HAYS COUNTY SEPTIC PERMIT NUMBER (if applicable): _____

Related Cases, If Applicable

- Zoning File No. _____
- Building Permit File No. _____
- Subdivision File No. _____
- Sign Permit File No. _____
- Engineered construction File No. _____

SITE INSPECTION AUTHORIZATION

Applicant/owner, or Applicant's authorized agent, hereby authorizes the City of Wimberley representatives to visit and inspect the property for which this application is being submitted.

Date: 10/10/19 APPLICANT SIGNATURE 
WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

**ACKNOWLEDGMENT OF EXISTING
Subdivision Plat Notes, Deed Restrictions Restrictive Covenants
and/or Zoning Conditional Use Permits**

I, the Applicant herein, have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits prohibiting certain uses and/or requiring certain development restrictions (for example, height, access, screening) on the property now being zoned on my behalf and located at: 400 LANGE RD, and more particularly known as Lot _____, Block _____ of the UNRECORDED Subdivision.

If a conflict should result with the request I am submitting to the City of Wimberley due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permits.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional use permit information, which may apply to this property.

Date: 10/10/19 APPLICANT SIGNATURE 
WHEN APPLICABLE:

Date: _____ AGENT SIGNATURE _____

SUBMITTAL CHECKLIST

TO ENSURE THAT YOU HAVE COMPLIED WITH THE ZONING APPLICATION REQUIREMENTS, REVIEW THE FOLLOWING LIST. FAILURE TO COMPLETE THE NECESSARY STEPS CAN CAUSE A DELAY IN PROCESSING YOUR APPLICATION.

- Complete "Application For Zoning"
- Provide plat map of property to be zoned which includes all properties within 200 feet of any portion of Applicant's property; and which clearly indicates streets in surrounding area.
- Provide plat map of the specific property to be zoned.
- Provide names and addresses of property owners within 200 feet of any portion of Applicant's property.
- Provide a legal description of the property to be zoned.
- Sign/date Submittal Verification form.
- Sign/date Site Inspection Authorization form.
- Sign/date Acknowledgement Form.
- Pay Zoning Fee (this fee is based on the cost of services incurred by the City of Wimberley in reviewing, processing and recording the zoning request).
- Applicant agrees to attend a pre-zoning conference prior to acceptance of Application.
- Applicant agrees to attend Planning & Zoning Commission hearings scheduled for Applicant's proposed zoning.
- Applicant agrees to attend City Council hearing scheduled for Applicant's proposed zoning or waives his/her rights of appearance (see below).

SUBMITTAL VERIFICATION AND/OR WAIVER OF APPEARANCE

() My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application.

() I hereby waive my right to appear before the City of Wimberley City Council at the public hearing to be held concerning the zoning of my above-referenced property. I understand that my failure to appear allows the Council to consider my zoning request; however, if questions are raised that cannot be answered, the matter will be continued.

Date: 10/10/19

APPLICANT SIGNATURE

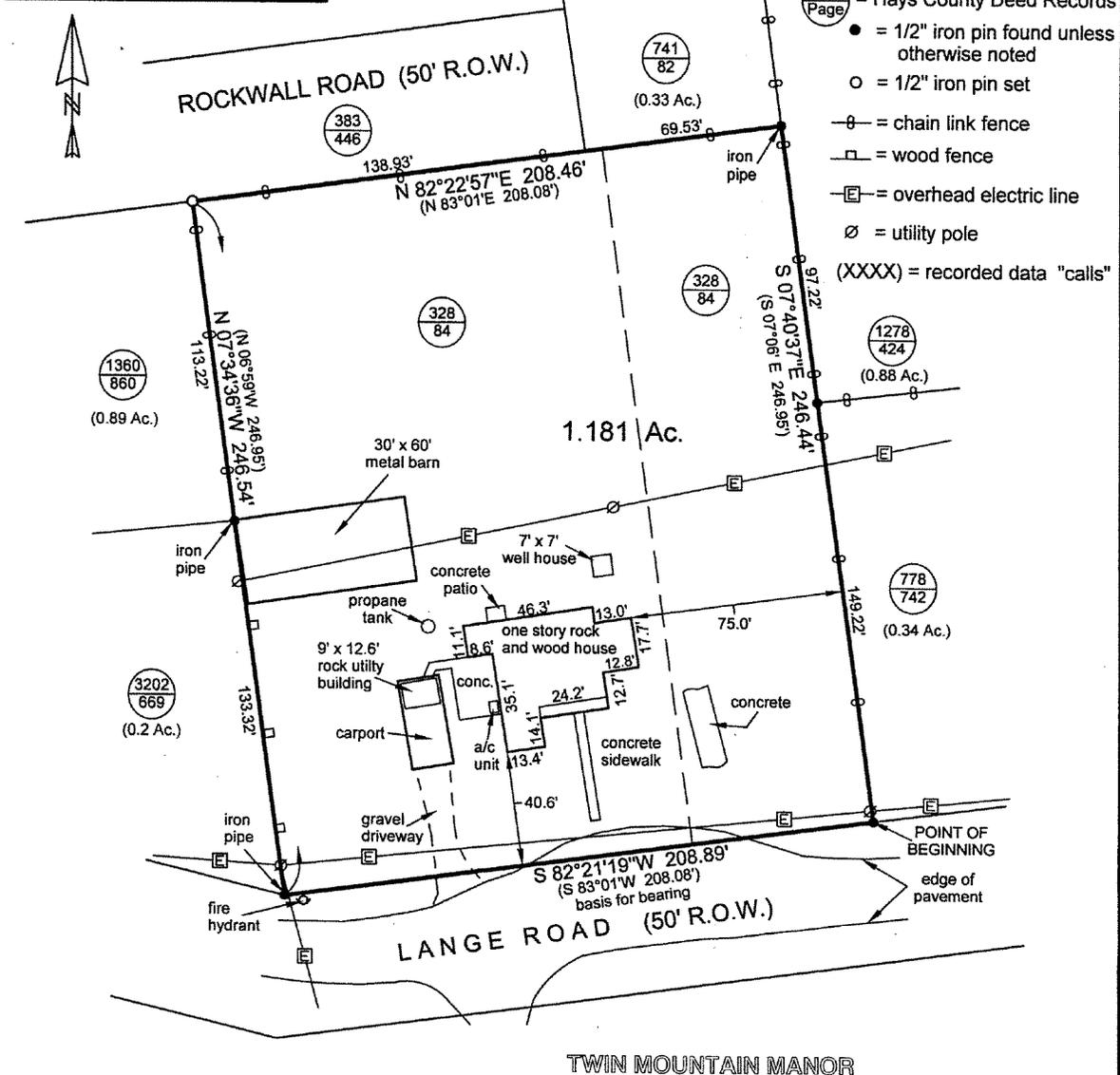


WHEN APPLICABLE:

Date: _____

AGENT SIGNATURE _____

IMPROVEMENT SURVEY



Copyright © 2012 Eagle Land Surveying. All rights reserved.

Subject property does not lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 480321 0355 F, dated September 2, 2005.

LEGAL DESCRIPTION: Being 1.181 acres of land, more or less, out of the AMASA TURNER SURVEY in Hays County, Texas, being that same tract of land called "Tract One" and "Tract Two", as described and recorded in Volume 328, Page 84, Hays County Deed Records, said 1.181 acres being more particularly described by metes and bounds in the field notes attached hereto.

ADDRESS: 400 Lange Road, Wimberley, Texas 78676

CLIENT: Paul Polhemus and Carmen Polhemus	TITLE COMPANY: Independence Title Company G.F. No.: 1215800-WIM
--	--

I hereby certify that this plat represents a survey made upon the ground under my supervision, on July 31, 2012, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso, R.P.L.S. #5404, State of Texas.

<p>EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78676</p>	Scale: 1" = 50'	Job No. 12-111 jj
	Date: August 1, 2012	

JUZAK

Sec. 9.03.097 Neighborhood Services District; NS

(a) General purpose and description. The NS, Neighborhood Services district is established to provide areas for limited local neighborhood, low intensity retail and service facilities for the retail sales of goods and services. These business areas shall utilize established landscape and buffering requirements and can also act as a buffer between residential areas and more intense commercial areas.

(b) Permitted uses.

- (1) Single-family residence;
- (2) Religious assembly; and
- (3) Accessory uses as permitted in section 9.03.182.

(c) Conditional uses.

- (1) Administrative and professional office:
 - (A) Insurance, real estate, attorneys, accountants, architects, investment services, travel agencies;
 - (B) Photography studios, doctors, dentists;
 - (C) Nonprofit organizations (with certain restrictions);
 - (D) Research services: limited;
 - (E) Office; and
 - (F) Arts and crafts.
- (2) Civic uses (such as city hall);
- (3) Office/residential;
- (4) Medical services: limited;
- (5) Retail sales and services: limited;
- (6) Repair services: consumer;
- (7) Bed and breakfast lodging;
- (8) Telecommunications towers, commercial antennas, and broadcast towers, subject to all applicable city regulations;
- (9) Private primary educational services;
- (10) Accessory uses as permitted in section 9.03.182;
- (11) Vacation rental; and
- (12) Personal care home.

(d) Development regulations.

- (1) Minimum lot size: 6,000 square feet.
- (2) Maximum building height (as defined in section 9.03.005):
 - (A) Primary buildings: Not more than 2 stories and not more than 28 feet with flat roof (see definition) or 35 feet with pitched roof;
 - (B) Accessory buildings: Not more than 18 feet and not more than one story; and
 - (C) Decks: Not more than 12 feet including a railing only or 18 feet including a roof.
- (3) The minimum setbacks shall be the larger of the dimensions in section 9.03.184(a), table A, or the following:
 - (A) Dominant street: 25 feet;
 - (B) Secondary street: 15 feet; and
 - (C) Interior side and rear yard: 10 feet, 20 feet when adjacent to a residential district and the building is more than one story.
- (4) Maximum impervious cover: 60%. Impervious coverage shall be calculated as a percentage of the net site area.

(5) Maximum building coverage: 50%. Building coverage shall be calculated as a percentage of the net site area.

(6) Maximum building footprint: 4,500 square feet.

(7) Maximum floor area: 9,000 square feet.

(e) Special district requirements. Fencing and landscaping are required to mitigate and screen adverse impacts on adjacent residential properties.

(f) Supplemental development standards.

(1) All permitted uses within this district, with the exception of medical services, bed and breakfast lodging, residential, and government and public uses, shall have hours of operation between 6:00 a.m. and 10:00 p.m.

(2) Open storage is prohibited for all uses.

(3) Recreational vehicles, travel trailers, and motor homes may not be used for on-site dwelling or nonresidential purposes.

(4) Other development standards as established in division 5 of this article, development standards, apply.

(g) Parking requirements.

(1) As established by section 9.03.181, off-street parking and loading requirements.

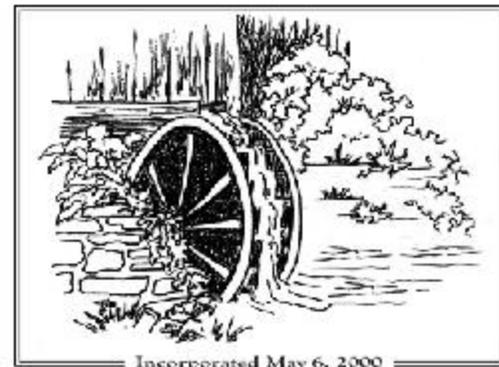
(2) Open storage is prohibited.

(3) For site plan requirements, see section 9.03.183.

(4) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling or nonresidential purposes.

(Ordinance 2001-010, sec. 40, adopted 4/1/01; Ordinance 2004-002 adopted 2/19/04; 2006 Code, sec. 155.061; Ordinance 2008-023, sec. II(Z), adopted 7/17/08; Ordinance 2009-050, sec. II(F), adopted 12/3/09; Ordinance 2011-004, sec. II(F), adopted 1/20/11; Ordinance 2012-003, sec. II(C), adopted 2/2/12)

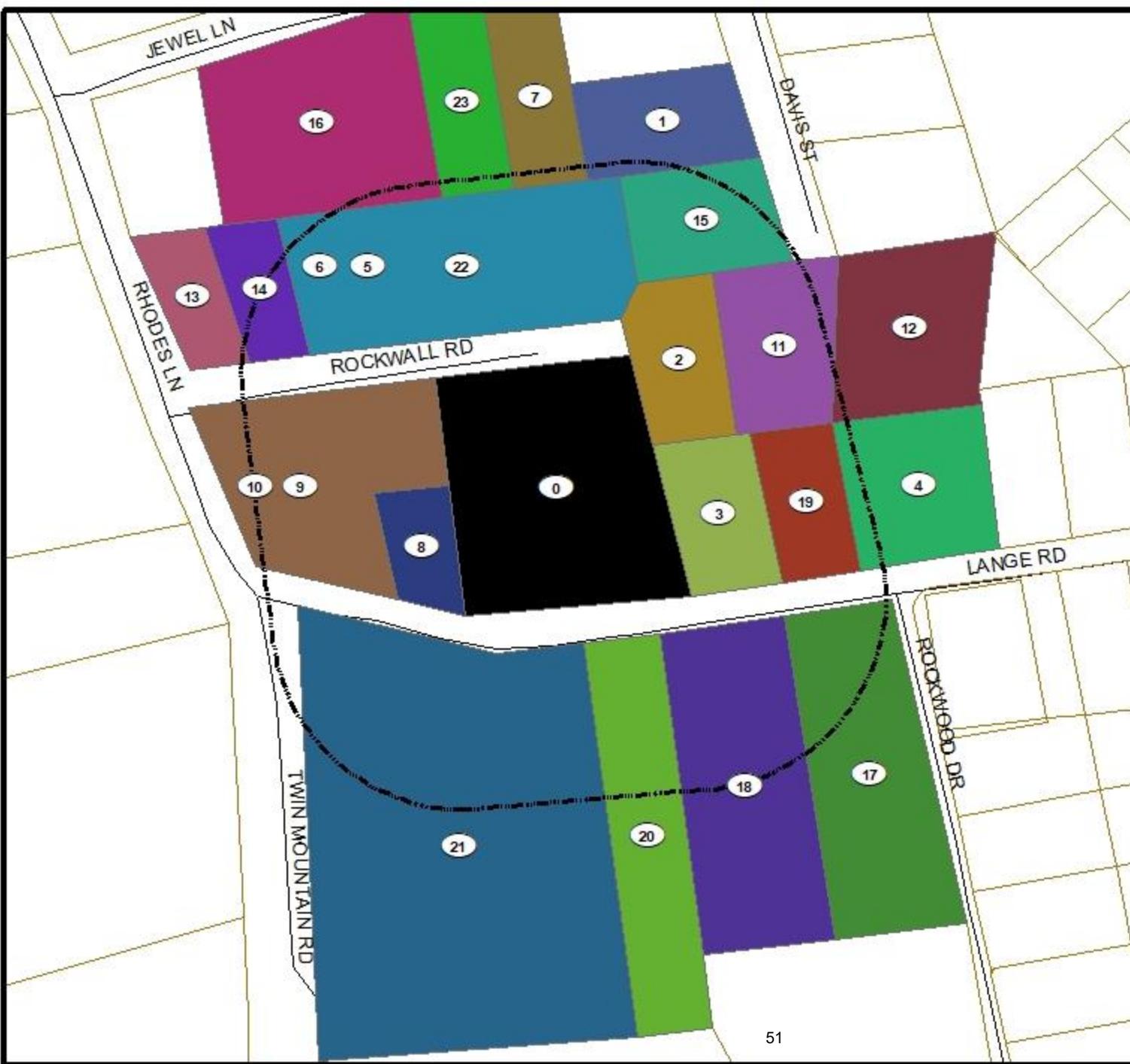
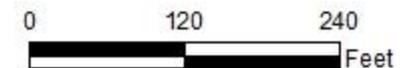
ZA-19-009 ~ 400 Lange Road

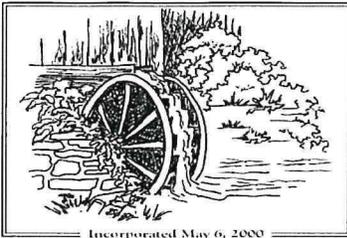


200' NOTIFICATION

Legend

- 200 Buffer
- ID, OwnerName**
- 0. SUBJECT TRACT
- 1. ADAMS, CHARLOTTE JANE
- 2. ALLISON ROBERT & TRUDI
- 3. ALLISON ROBERT & TRUDI
- 4. AYRES JONATHAN L & DEANNA J
- 5. CORDOVA, JUAN
- 6. CORDOVA, LEONARDO
- 7. HARTOIN RAYMOND J JR
- 8. HERNANDEZ SIMITRIO & HORTENCIA CRUZ
- 9. LANGE DEVELOPMENT LLC
- 10. LANGE DEVELOPMENT LLC
- 11. MAHANAY RICHARD J & DEBRA A
- 12. MAHANAY RICHARD J & DEBRA A
- 13. PATLYEK DWAYNE
- 14. PATLYEK DWAYNE
- 15. POTTER, DWAYNE R
- 16. REYNOLDS, JANIE CORING TERRELL ASHER
- 17. ROEDERER RICHARD
- 18. ROEDERER RICHARD
- 19. SNYDER GABRIELLE & JUSTIN
- 20. TWIN MOUNTAIN MANOR INC
- 21. TWIN MOUNTAIN MANOR INC
- 22. ULLOA JOSE & DEL CARMEN GAYTAN GODINEZ
- 23. WILHELM JILL ANN (LIFE ESTATE)





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

October 17, 2019

NOTICE OF PUBLIC HEARING

Re: File No. ZA-19-009
400 Lange Road

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

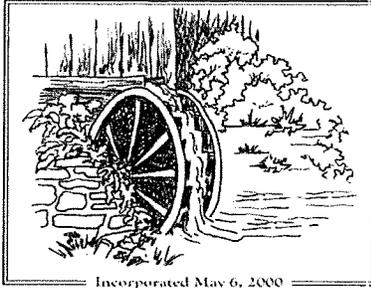
The applicant, Jonathan Polhemus, is proposing to change the zoning from **Single-Family Residential 2 (R-2) to Neighborhood Services (NS)** for property located at 400 Lange Road. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, November 14, 2019 at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, November 21, 2019, at 6:00 p.m.**

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: October 17, 2019

ZONING NO: ZA-19-009

APPLICANT: Jonathan Polhemus

TO: CODE ENFORCEMENT/PUBLIC WORKS

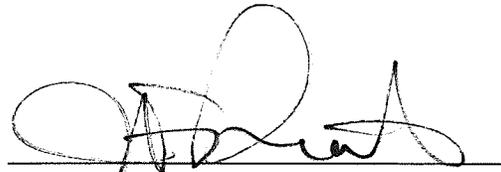
Please place a Proposed Zoning Sign on the following property:

Project Site Address: 400 Lange Road

John Provost
Public Works/Code Enforcement

Note: The above referenced sign was placed on the subject property on

10/17 20 19


Signature

The Wimberley View CLASSIFIEDS

P.O. Box 49 Wimberley, Texas 78676 512-847-2202

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

...grant a request for a contested case hearing on issues the requestor submitted in their timely comments ...

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

...ABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated ...

...AND INFORMATION. Public comments and requests must be submitted either electronically at ...

...also be obtained from City of Wimberley at the address stated above or by calling Mr. Shawn Cox at ...

2019

Public Notice	Public Notice	Public Notice	Public Notice
---------------	---------------	---------------	---------------

ALL CHILDREN WITH DISABILITIES
...erent pace, but often children need our help ...

¿S CON DESAFIOS DE APRENDIZAJE
...mo diferente, aun así, ocasionalmente los ...

Public Notice
...ATION TO ...

PUBLIC NOTICE
Pursuant to Chapter 59, Texas Property Code, Sleepy Hollow Properties, LLC, 523 Flite Acres, Road, Wimberley, Texas, will hold a public auction of property being sold to satisfy a landlord's lien. Sale will be held at 8 a.m. on Monday, November 4, 2019 at 523 Flite Acres Road, Wimberley, Texas, 78676.

Albert Hernandez - Misc. items
Jo Ann Seay/Bethina Brigham - Misc. items

**City of Dripping Springs
Public Notice of Approved Ordinance -
Technical Manual Adoption**
Effective Date: October 15, 2019
Ordinance No. 2019-39
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS ADDING ARTICLE 28.07 TECHNICAL CRITERIA AS ATTACHED IN EXHIBIT A; AND ADOPTING THE TECHNICAL CRITERIA, AS ATTACHED IN EXHIBIT B; AND PROVIDING FOR FINDINGS OF FACT, ADOPTION AND AMENDMENTS, A REPEALER, SEVERABILITY, AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**More Legals
and Public Notices
on the
Following Page**

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY WATER QUALITY PROTECTION CODE
Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (WPDD Amendment)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: ZA-19-010 - an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Neighborhood Services (NS) at 210 Masonic Lodge Road. This proposed amendment revises the concept plan. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019 at 6:00 p.m. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. to consider the following: ZA-19-009 - a request to change the zoning from Single-Family Residential 2 (R-2) to Neighborhood Services (NS) for property located at 400 Lange Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY WATER QUALITY PROTECTION CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS) ARTICLE 9.04 (WATER QUALITY PROTECTION), OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

PUBLIC NOTICE

Wimberley ISD Child Find
The purpose of Child Find is to locate, identify and evaluate children from birth to 21 years of age with disabilities and their possible need for special education and related services or Section 504 related supports. Child Find is a free referral and information service available through Wimberley ISD. If you are concerned that your child has significant difficulty with speech and language, learning, social interaction, play, vision, hearing, attention, behavior, or coordinating movements, please call the Wimberley ISD Special Services Department at (512) 847-7567.

El Distrito Escolar está obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a estudiantes incapacitados que califican para recibir servicios bajo esta ley. ¿Sabes de un niño quien necesita ayuda? ¿Un niño que no progresa normalmente? Ayúdeno a ayudarnos los niños - llame al numero (512) 847-7567.

Did you know?
You can now view the Legals and Public Notices Online at wimberleyview@gmail.com



ORDINANCE NO. 2019-39

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS REZONING A PROPERTY LOCATED AT 400 LANGE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, FROM SINGLE-FAMILY RESIDENTIAL 2 (R-2) TO NEIGHBORHOOD SERVICES (NS).

WHEREAS, Chapter 211 of Vernon’s Local Government Code empowers the City Council of the City of Wimberley to enact zoning regulations and provides for their administration, enforcement and amendment; and

WHEREAS, the regulations established by the Wimberley Code of Ordinances Section 155 (Zoning), as amended, (the “Code”) are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and

WHEREAS, the City Council of the City of Wimberley has complied with all notice of public hearing as required by the Code and State law; and

WHEREAS, in keeping with the spirit and objectives of the area, the City Council has given due consideration to all components of said proposed zoning change and the recommendations of the Planning and Zoning Commission concerning recommended requirements, conditions and safeguards necessary to protect adjoining property; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning 1.181 acres of land out of the Amasa Turner Survey, in Wimberley, Hays County, Texas, commonly known as 400 Lange Road from Single-Family Residential 2 (R-2) to Neighborhood Services (NS) zoning classification.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS:

ARTICLE I. REZONING

THAT the Zoning Map of the City of Wimberley is hereby amended by rezoning 1.181 acres of land out of the Amasa Turner Survey, in Wimberley, Hays County, Texas, commonly known as 400 Lange Road, and more particularly described on the attached Exhibit “A”, incorporated by reference for all purposes, from Single-Family Residential 2 (R-2) to Neighborhood Services (NS) zoning classification.

ARTICLE II. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

III. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE IV. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 21st day of November 2019, by (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY

BY: _____
Susan Jagers, Mayor

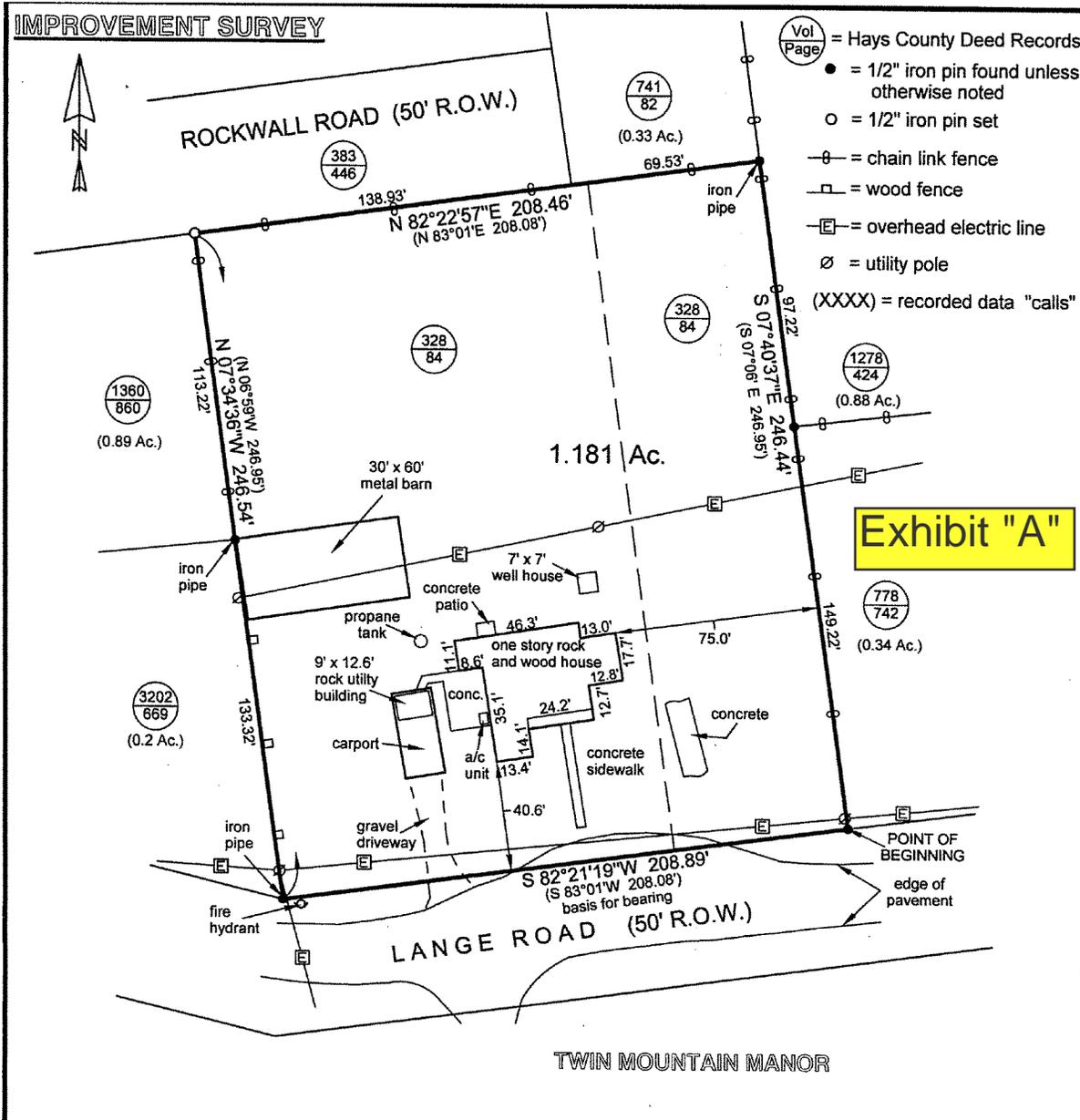
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

IMPROVEMENT SURVEY



- Vol Page = Hays County Deed Records
- = 1/2" iron pin found unless otherwise noted
 - = 1/2" iron pin set
 - ⊞ = chain link fence
 - ⊞ = wood fence
 - ⊞ = overhead electric line
 - ⊘ = utility pole
 - (XXXX) = recorded data "calls"

Exhibit "A"

Copyright © 2012 Eagle Land Surveying. All rights reserved.

Subject property does not lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 480321 0355 F, dated September 2, 2005.

LEGAL DESCRIPTION: Being 1.181 acres of land, more or less, out of the AMASA TURNER SURVEY in Hays County, Texas, being that same tract of land called "Tract One" and "Tract Two", as described and recorded in Volume 328, Page 84, Hays County Deed Records, said 1.181 acres being more particularly described by metes and bounds in the field notes attached hereto.

ADDRESS: 400 Lange Road, Wimberley, Texas 78676

CLIENT: Paul Polhemus and Carmen Polhemus	TITLE COMPANY: Independence Title Company
G.F. No.: 1215800-WIM	

I hereby certify that this plat represents a survey made upon the ground under my supervision, on July 31, 2012, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso, R.P.L.S. #5404, State of Texas.

 <p>EAGLE LAND SURVEYING (512) 847-1079 P.O. Box 2264 Wimberley, TX. 78676</p>	Scale: 1" = 50'	Job No. 12-111 jj	JUZAK
	Date: August 1, 2012		

Report for CUP-19-015



Summary: An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 400 Lange Road

Applicant Information:

Applicant: Jonathan Polhemus
400 Lange Road
Wimberley, TX 78676

Property Owner: Jonathan Polhemus

Subject Property:

Legal Description: 1.181 acres out of the Amasa Turner Survey
Location: 400 Lange Road
Existing Use of Property: Residential
Existing Zoning: Single-Family Residential 2 (R-2)
Proposed Use of Property: Residential
Proposed Zoning: CUP
Planning Area: II
Overlay District: N/A

Surroundings:

Frontage On: Palos Verdes Drive; Ranch Road 12

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	R2, R3	Residential
S of Property	MF1, R1	Residential
E of Property	R3	Residential
W of Property	R4, NS	Residential

Legal Notice

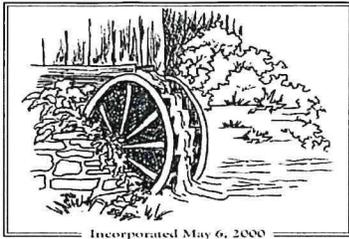
200' Letters: 10/18/2019
Published: 10/24/2019
Sign Placement: 10/17/2019
Responses: none

Comments:

The applicant, Jonathan Polhemus, has requested a Conditional User Permit (CUP) to operate a vacation rental (STR2) for property located at 400 Lange Road. The proposed vacation rental is approximately 1,600 square feet, 3 bedroom/2 bath and serviced by on-site sewage facility. The proposed maximum occupancy is 8 guests.

There have been no responses for or against the application.

At the November 14th Planning & Zoning meeting, the Commission voted 6-0-0 to recommend approval.



City of Wimberley

221 Stillwater Drive, P.O. Box 2027, Wimberley, TX 78676

Phone (512) 847-0025 Fax (512) 847-0422

www.cityofwimberley.com

RECEIVED
10-10-19

CONDITIONAL USE PERMIT APPLICATION

OFFICE USE CUP 19 - 015 Date: 10-10-19 Staff Review SIF
 P&Z Hearing: 11-14-19 Council Hearing: 11-21-19 Fees Paid:

Applicant: JONATHAN J. POLHEMUS
 Mailing address: 400 LANGE RD City: WIMBERLEY State: TX Zip: 78676
 Phone: [REDACTED] Email: [REDACTED]
 Property Owner: JONATHAN J. POLHEMUS
 Mailing address: [REDACTED] City: SAME State: AS Zip: ABOVE
 Phone: _____ Email: _____

Project Site Address: 400 LANGE RD.
 Legal description: 1.181 AC. OUT OF AMASA TURNER SURVEY
 Total Acreage or Square Footage: 1.181 Deed recorded in: 5407/593
 Hays CAD Parcel ID R 18605 Planning Area: II Zoning: R-2
 Is property located in an overlay district? Yes No If Yes, type: _____
 Specific Conditional Use Requested: VACATION RENTAL
 Applicant understands that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

Utilities
 Electric Provider: PEC
 Water provider or Private Well: BOTH
 Wastewater Service or Septic Permit No. OSSF
 *If you have an On-Site Sewage Facility (OSSF) you can submit an open records request for your permit information if you do not have it.

SUBMITTAL CHECKLIST

- Complete "Conditional Use Permit Application"
- Metes and bounds description and/or survey exhibit
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences
- Deed(s)
- Payment of application fee
- Agent authorization to represent property owner if applicable

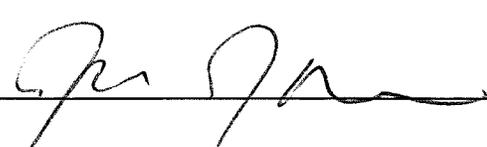
MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- The use requested by the applicant is set forth as a conditional use in the base district;
- The nature of the use is reasonable;
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me, my firm, or agent, may delay the review of the Application. I authorize City of Wimberley Staff to visit and inspect the property for which this application is being submitted. I agree to attend or have a representative attend the Planning & Zoning Commission and City Council meetings. I have checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and understand that the City zoning action does not relieve any obligation of these restrictions.

Date: 10/10/19

Applicant's Signature: 

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: JONATHAN J. POLHEMUS

LOCATION OF PROPERTY: 400 LANGE RD

LEGAL DESCRIPTION: 1.181 AMASA TURNER SURVEY

PLANNING AREA: II

PRESENT ZONING: R-2

EXISTING USE: RESIDENTIAL

USE TO BE GRANTED: _____ *Bed & Breakfast* OR *Vacation Rental*

NEW CONSTRUCTION: (Describe existing construction) If new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional “Hill Country” design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses

OFF-STREET PARKING: All parking will be off-street. 5 Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 8 guests. Parking will be in these spaces only.

SIGNAGE: All signage will be of traditional “Hill Country” design and will comply with the City Sign Ordinance.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 3 / 2 PATH APPROX 1600 SQ/FT

PROPOSED MAXIMUM OCCUPANCY: 8 guests.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the BLANCO River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times.

REVOCATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

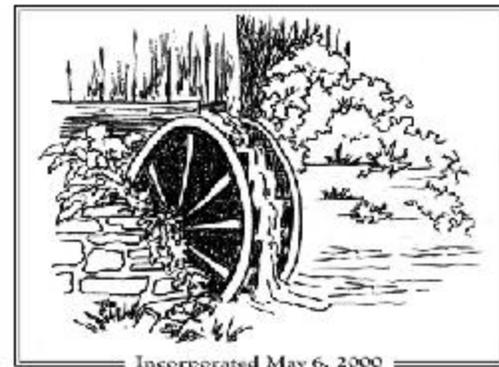
10/10/19
DATE


OWNER

DATE

OWNER

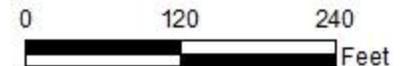
ZA-19-009 ~ 400 Lange Road

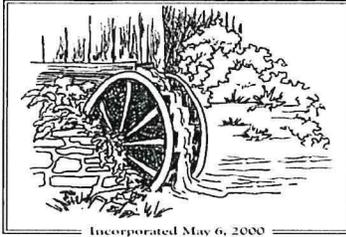


200' NOTIFICATION

Legend

- 200 Buffer
- ID, OwnerName**
- 0. SUBJECT TRACT
- 1. ADAMS, CHARLOTTE JANE
- 2. ALLISON ROBERT & TRUDI
- 3. ALLISON ROBERT & TRUDI
- 4. AYRES JONATHAN L & DEANNA J
- 5. CORDOVA, JUAN
- 6. CORDOVA, LEONARDO
- 7. HARTOIN RAYMOND J JR
- 8. HERNANDEZ SIMITRIO & HORTENCIA CRUZ
- 9. LANGE DEVELOPMENT LLC
- 10. LANGE DEVELOPMENT LLC
- 11. MAHANAY RICHARD J & DEBRA A
- 12. MAHANAY RICHARD J & DEBRA A
- 13. PATLYEK DWAYNE
- 14. PATLYEK DWAYNE
- 15. POTTER, DWAYNE R
- 16. REYNOLDS, JANIE CORING TERRELL ASHER
- 17. ROEDERER RICHARD
- 18. ROEDERER RICHARD
- 19. SNYDER GABRIELLE & JUSTIN
- 20. TWIN MOUNTAIN MANOR INC
- 21. TWIN MOUNTAIN MANOR INC
- 22. ULLOA JOSE & DEL CARMEN GAYTAN GODINEZ
- 23. WILHELM JILL ANN (LIFE ESTATE)





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

October 17, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-015

400 Lange Road

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

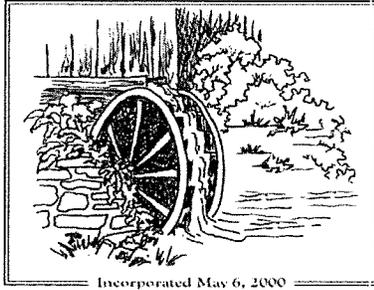
The applicant, Jonathan Polhemus, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 400 Lange Road. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, November 14, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, November 21, 2019, at 6:00 p.m.**

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: October 17, 2019

ZONING NO: CUP-19-015

APPLICANT: Jonathan Polhemus

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 400 Lange Road

John Provost
Public Works/Code Enforcement

Note: The above referenced sign was placed on the subject property on

10/17/2019



Signature

Only \$42 per year. Direct to your mailbox

★ Classifieds

TERMS OF SERVICE

line at auctionwork.com 800-801-8003
 unction.com/txland
 ected Sale - bids due Nov. 14 - 42, 716 SF.
 ical office facility, 1402 Presidio Square
 onston, TX. Includes classrooms, training
 fices, 128-person capacity auditorium, 1000
 Medcare! Reclaim independence and mobility with the
 compact design and long-lasting battery of Inogen One.
 Free information kit! Call 866-747-9983.

THE WIMBERLEY VIEW, WIMBERLEY, TX., THURSDAY, OCTOBER 24, 2019

Public Notice

Public Notice

Public Notice

Public Notice

General Help Wanted

General Help Wanted

General Help Wanted

Homes For Rent

REQUEST FOR PROPOSALS

DRIPPING SPRINGS MIDDLE SCHOOL RENOVATIONS & NEW WALNUT

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY SUBDIVISION CONTROL CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS), ARTICLE 9.02 (SUBDIVISION CONTROL), TO CREATE DIVISION 11, (LANDSCAPING AND TREE PRESERVATION) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY UTILITIES CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 12 (UTILITIES) ARTICLE 12.03 (ON-SITE SEWAGE FACILITIES), SECTION 12.03.007 (LOCAL RULES) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

PUBLIC NOTICE REQUEST FOR PROPOSAL CITY OF WOODCREEK, TEXAS RFP NO. 2019-11

...water conservation plan, user drought contingency plan, monthly quarterly metered reporting and proof of public notice. The public may submit public comments to the HTGCD office by the ten-day deadline date, November 2, 2019. The deadline date starts upon the first day of the running of the applicant's published notice. All public comments will be reviewed prior to HTGCD staff recommendations. A secondary public notice shall include staff recommendations and a twenty-day deadline date to submit formal contested case letters to the HTGCD office. The operating permit amendment application is available for review on the HTGCD website www.haysgroundwater.com under Quick Links / Pending Permit Applications / Permit Amendments or is available for review at the HTGCD office, 14101 Highway 290 West, Building 100, Suite 212. Mail should be sent to HTGCD, P.O. Box 1648, Dripping Springs, TX 78620, email to Manager2@haysgroundwater.com or call HTGCD 512-858-9253.

NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. to consider the following: ZA-19-008 - a request to change the zoning from Commercial-Low Impact (C-1) to Office-Low Impact (O-1) for property located at 3 Palos Verdes. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: CUP-19-015 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 400 Lange Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

Kelly Moore Paints Bee Cave Location 3595 RR 620 S. Austin, TX 78738

practices.

PART-TIME RECORDS MANAGEMENT CLERK

Responsible for planning, organizing, and coordinating storage and maintenance of City records; provide support and/or training to employees and departments regarding records management policies, procedures, changes in laws and compliance with records management program; provide public access to records and record retrieval service to the Council, staff, and general public.

FULL-TIME WWTP MAINTENANCE WORKER

Provide overall maintenance to City properties, facilities, and structures; performs a wide variety of semi-skilled tasks involving the maintenance and repair of facilities, including water reclamation and recreation facilities and equipment.

FULL-TIME GIS ANALYST/PLANNER

Manage complex data and mapping work in the City and ETJ, including data collection, creation, and maintenance, producing accurate maps and other representations of data for public use, and ensuring data accuracy and resolving data conflicts. Plan and coordinate meetings, workshops, and other events, research trends and emerging issues on program activities, and develop presentations and communication materials for staff.

PART-TIME SPECIAL EVENTS AND PROGRAMS SPECIALIST

Assist Parks & Community Services Director with planning and supervision of City-Wide and City Co-Sponsored Special Events, assist with the coordination, implementation and evaluation of recreation programs.

LAWN MAINTENANCE PERSON NEEDED for commercial property, mowing and weedeating. Starting \$15/hr. 512-847-1960



HISTORIC MILL RACE ROAD. INVESTMENT OPPORTUNITY 3.17 ACRES. LONG OVERLOOKED UNDEVELOPED RETAIL, RESORT, CONDO POSSIBILITY. ADJOINING COMMUNITY CENTER PARKING LOT OVERLOOKING CYPRESS CREEK AND OLD TOWN SQUARE. REDUCED FOR QUICK SALE CALL Jon 830-446-9157

BEAUTIFUL STUDIO for rent, all bills paid, fully furnished, full kitchen. Fantastic view, close to high school. \$995/mo + dep. Month to month lease 830-822-4007

2/2 CHARMING renovated, country home, huge double lot, secluded neighborhood, Wimberley Water, \$980 Ava10/1 512-847-7615 Owner/Agent



Estate Sales

Estate Sales

Estate Sales

Misc. Services

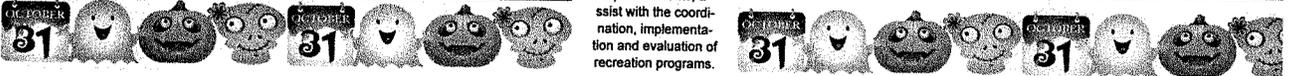
Life Changes Estate Sale
 Vintage in San Marcos
 404 Suttles Dr.
 Thursday - Friday, from 9am - 3pm
 Saturday 50% off from 9am - 1pm
 Visit www.lifechangesestatesales.com

Life Changes
 Come Shop With Us!
 LifeChangesEstateSales.com

EYE SORES TREE AND HAULING SERVICE.
 ALL TYPES CLEANUP
 We will remove your eye sores! Fire escaping fire prevention & flood prevention. Lot clear cleanup & removal. Tree trimming & tiling. Hauling brush, trash & junk. Ho leveling & Bob work. Land clear dozer services. move and level portable building. Call for an estimate 512-312-1 or 512-689-341

CALL JOHN WILTON
 for all your home renovations, rep and handyman needs. 512-618-1085 Down to Earth Services

Classified Work!



ORDINANCE NO. 2019-40

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY JONATHAN POLHEMUS TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 400 LANGE ROAD, WIMBERLEY, TEXAS, ZONED SINGLE-FAMILY RESIDENTIAL 2 (R-2); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Jonathan Polhemus (“Applicant”) requesting authorization to operate a vacation rental on real property described as 1.181 acres out of the Amasa Turner Survey, zoned Single-Family Residential 2 (R-2); and

WHEREAS, a vacation rental is an authorized use in areas zoned Single-Family Residential 2 (R-2) upon approval of a CUP;

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Jonathan Polhemus (“Applicant”) for use as a vacation rental on real property, described as 1.181 acres out of the Amasa Turner Survey, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Single-Family Residential 2 (R-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.

2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.
3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire, no later than thirty (30) days of such change.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two hundred (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one (1) or more of the following conditions or events on public or private property: the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives if compliance is in question, with proper notice provided if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part of the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.

13. The owner of the property or the owner's agent, which may be a vacation rental agency, shall provide each renter a property map for the vacation rental property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 21st day of November 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

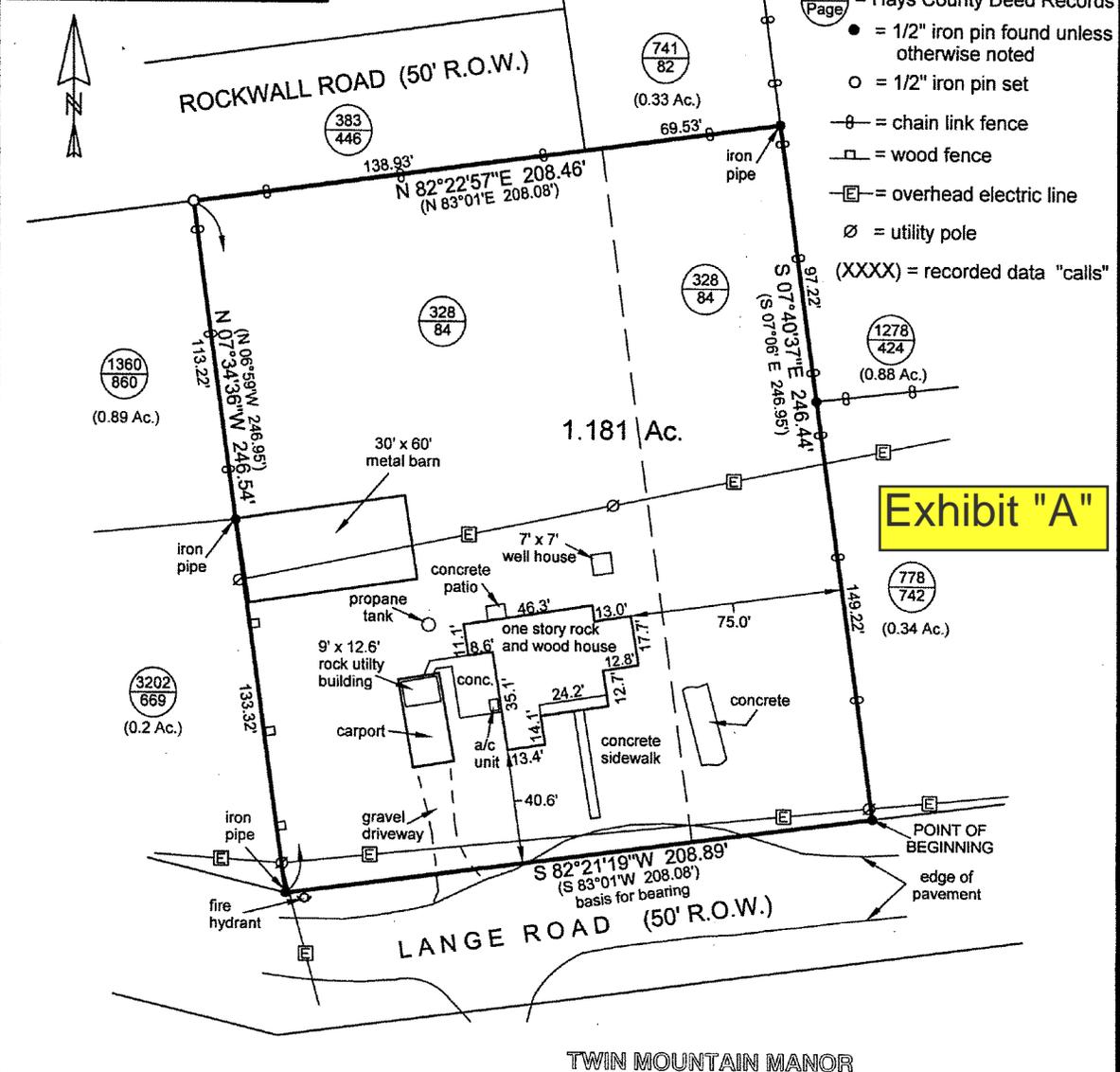
ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

IMPROVEMENT SURVEY



Copyright © 2012 Eagle Land Surveying. All rights reserved.

Subject property does not lie within a Special Flood Hazard Area as determined from FIRM Hazard Map, Community Panel No. 480321 0355 F, dated September 2, 2005.

LEGAL DESCRIPTION: Being 1.181 acres of land, more or less, out of the AMASA TURNER SURVEY in Hays County, Texas, being that same tract of land called "Tract One" and "Tract Two", as described and recorded in Volume 328, Page 84, Hays County Deed Records, said 1.181 acres being more particularly described by metes and bounds in the field notes attached hereto.

ADDRESS: 400 Lange Road, Wimberley, Texas 78676

CLIENT: Paul Polhemus and Carmen Polhemus

TITLE COMPANY:

Independence Title Company

G.F. No.: 1215800-WIM

I hereby certify that this plat represents a survey made upon the ground under my supervision, on July 31, 2012, and there are no visible or apparent encroachments upon this property, except as shown hereon.

Clyde Barroso, R.P.L.S. #5404, State of Texas.



EAGLE LAND SURVEYING
(512) 847-1079
P.O. Box 2264 Wimberley, TX. 78676

Scale:

1" = 50'

Date:

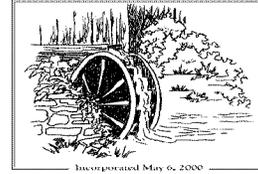
August 1, 2012

Job No. 12-111 jj

JUZAK

2K12

Report for CUP-19-016



Summary: An application for a Conditional Use Permit to allow for the operation of a Vacation Rental at 111 Mill Race Lane

Applicant Information:

Applicant: Jeanne Ann Cope
 PO Box 666
 Wimberley, TX 78676

Property Owner: Elizabeth Dibrell

Subject Property:

Legal Description: Lot 2, L.K. Groesbeeck
Location: 111 Mill Race Lane
Existing Use of Property: Residential
Existing Zoning: Commercial-Moderate Impact (C-2)
Proposed Use of Property: Vacation Rental
Proposed Zoning: CUP
Planning Area: V
Overlay District: City Center

Surroundings:

Frontage On: Mill Race Lane

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	PR2, C2	Public, Residential
S of Property	L1	Commercial
E of Property	C2	Residential
W of Property	PR2	Public

Legal Notice

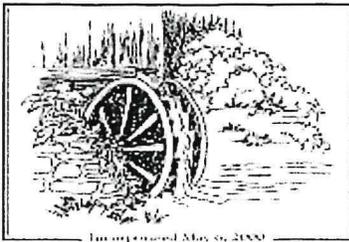
200' Letters: 10/18/2019
Published: 10/24/2019
Sign Placement: 10/18//2019
Responses: 2 letters of support outside 200'

Comments:

The applicant, Jeanne Ann Cope, has requested a Conditional Use Permit (CUP) to operate a vacation rental (STR2) for property located at 111 Mill Race Lane. The proposed vacation rental is 1,177 square feet, 2 bedroom/2 bath and will be serviced by Aqua for wastewater. The proposed maximum occupancy is 8 guests.

There have been two letters of support from property owners outside the 200' notice area.

At the November 14th Planning & Zoning meeting, the Commission voted 6-0-0 to recommend approval.



City of Wimberley

221 Stillwater, Wimberley, TX 78676

P/ (512) 847-0025 F/ (512) 847-0422

www.cityofwimberley.com

REC-10-15-19

CONDITIONAL USE PERMIT APPLICATION

No. CUP 19 - 016

FOR OFFICIAL USE ONLY

Application Date: 10-15-19 Tentative P&Z Hearing: 11-14-19 Tentative Council Hearing: 11-21-19

FEES: \$650.00 DATE PAID: 10-15-19 CHECK NO. 1911 REC'D BY STF

PROJECT SITE ADDRESS: 111 Mill Race Ln Wimberley, TX 78676

OWNER/APPLICANT Elizabeth Dibrell/Seanne Ann Cope PHONE ()

MAILING ADDRESS: PO Box 666

CITY: Wimberley STATE: TX ZIP: 78676

APPLICANT UNDERSTANDS that the purpose of the Conditional Use Permit (CUP) process is to allow certain uses which are not specific; permitted uses within a zoning district. To be considered for a CUP, the requested use must be listed under "Conditional Uses" within the applicable zoning district.

SPECIFIC CONDITIONAL USE REQUESTED: (e.g. Bed & Breakfast Lodging, Vacation Rental)

SJ.R 2 - Vacation Rental

Planning Area 5 Zoning L-2 Total Acreage or Sq. Ft. 1.78 AC

Subdivision: L.K. Groesbeeck Lot 2 Block _____

Appraisal District Tax ID #: R 135575

Deed Records Hays County: Volume 4272 Page 460

Is property located in an overlay district? Yes () No If Yes, type: City Center

Is property located in flood plain? () Yes No

UTILITY PROVIDERS:

Electric Provider: PEC

Water Provider or Private Well: ~~Aqua~~ Wimberley Water Supply

Wastewater Service Provider or Hays County Septic Permit No: Aqua TX

MY REQUEST IS BASED ON THE FOLLOWING:

- The use is harmonious and compatible with surrounding existing uses or proposed uses, and does not adversely affect an adjoining site than would a permitted use;
- The use requested by the applicant is set forth as a conditional use in the base district;
- The nature of the use is reasonable;
- The conditional use does not adversely affect the safety or convenience of vehicular or pedestrian circulation, including reasonably anticipated traffic and uses in the area;
- The conditional use does not adversely affect an adjacent property by its resulting traffic through the location, or its lighting, or its type of sign; and
- That any additional conditions specified, if any, ensure that the intent and purposes of the base district are being upheld.

ADDITIONAL REQUIREMENTS/DOCUMENTATION

- Metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the CUP is being requested.
- Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200').
- List of Special Conditions that Applicant agrees apply to property.
- List of all property owners, with mailing addresses located within two hundred feet (200') of any point of the subject property.
- Payment of Application fee \$650.00 (non-refundable)
- Applicant agrees to attend public hearings before the P&Z Commission as well as the City Council concerning this application; or waives his/her right to appear, understanding that if questions are raised that cannot be answered, the matter may be continued, or denied.
- Applicant has checked the subdivision plat notes, deed restrictions, restrictive covenants and/or zoning actions to ensure that there are no restrictions on the subject property and applicant understands that the City zoning action does not relieve any obligation of these restrictions.
- Applicant agrees to provide additional documentation as needed by the City.
- Applicant understands that City review of this Application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided may delay the review of the Application. Applicant, by his/her signature below, certifies that to the best of his/her knowledge said information is complete and correct.
- Applicant hereby authorizes the City representatives to visit and inspect the subject property.

10-15-19
DATE

Elizabeth W. Schul by Jeanne Ann Corso POA
APPLICANT SIGNATURE

WHEN APPLICABLE:

Date _____

AGENT SIGNATURE

**LIST OF CONDITIONS THAT MAY BE INCLUDED IN A
BED AND BREAKFAST/VACATION RENTAL CUP**

Owner: Elizabeth W. Dibrell - Jeanne Ann Cope POA

LOCATION OF PROPERTY: 111 Mill Race Ln

LEGAL DESCRIPTION: L.K. Groesbeck Lot 2

PLANNING AREA: 5

PRESENT ZONING: C-2

EXISTING USE: Long term rental

USE TO BE GRANTED: Bed & Breakfast OR Vacation Rental

NEW CONSTRUCTION: (Describe existing construction) if new construction is contemplated: Describe new construction. The architecture and façade of all new construction will be traditional "Hill Country" design and harmonious with those of adjacent uses. No construction shall commence prior to compliance with all applicable ordinances, laws, rules and regulations.

COMPATIBILITY TO NEARBY AREAS: The facilities on the property will at all times be harmonious and compatible with surrounding uses 42.2 A 1.

OFF-STREET PARKING: All parking will be off-street. Off-street parking spaces will be provided for off-street guest parking, which will be adequate for a maximum occupancy of 6 guests. Parking will be in these spaces only. 42.2 A 5; 42.3 F.

SIGNAGE: All signage will be of traditional "Hill Country" design and will comply with the City Sign Ordinance. 42.2 A 1; 42.2 A 6.

NOISE AND LIGHTING: Exterior lighting to be only landscape lighting. All noise audible from outside, and all light visible from outside the property shall be maintained at low levels appropriate to a single family neighborhood. No large parties are permitted.

NUMBER OF BEDROOMS: 2 42.3 B. 2 bath 1,177 sqft

MAXIMUM OCCUPANCY: 8 guests. 42.3 B.

OCCUPANT REGULATIONS AND GUIDELINES: Guest Guidelines are attached hereto and made a part of this Conditional Use Permit. The bed and breakfast lodging facility shall be operated in accordance with the guidelines. These guidelines shall be furnished to all guests. 42.3 D.

WASTEWATER SYSTEM: The wastewater treatment system (to be designed and constructed) will at all times be adequate for the maximum occupancy. 42.3 H.

WATERFRONT USAGE: (Applicable if guests have water access) Guests may only use the MA River/Creek in the area directly adjacent to the bed and breakfast lodging facility. Guests may not use the River/Creek in front of other properties or enter upon any property

which is not part of the bed and breakfast facility for the purpose of entering or exiting the water or for any other reason. 42.3 E.

PROPERTY MANAGEMENT: Owner will provide guests and close-by neighbors with owner's telephone number to assure Owner's immediate knowledge of any concerns that may arise. (If not owner occupied) Owner agrees to retain under contract a responsible local management company at all times the property is used as a non-owner occupied bed and breakfast lodging. The management company shall advise guests of the applicable conditions contained herein, receive and pass on to owner any complaints received and at owner's direction act upon such complaints. (If Owner occupied) The property shall be the owner's principal place of residence and the owner shall actively supervise and manage the property at all times that it is used as a bed and breakfast facility. 42.3 D.

MISCELLANEOUS: Owner agrees to maintain the property in a manner conducive to the health and safety of the guests and the neighborhood. All trash and garbage will be placed in provided receptacles which shall not be visible from the street except on pick-up day. No trash bags shall be left out in the open. The exterior of the facility and the landscaping, including lawns, will be maintained in good condition at all times. 42.2 A 1.

REVOCAATION: The cup may be revoked by the City Council upon recommendation of the planning and Zoning Commission in the event of the violation of any of the conditions contained therein.

OWNER COMPLIANCE: Owners agree to comply with all City of Wimberley Ordinances, and all state, county and City laws, rules and regulations.

ACCEPTED AND AGREED TO:

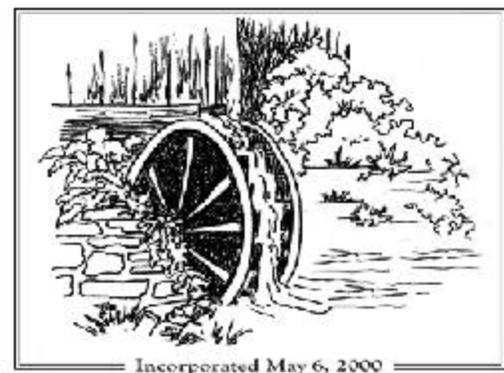
10-15-19
DATE

Elizabeth W. DeLull by Jeanne Ann Lopez
OWNER POA

DATE

OWNER

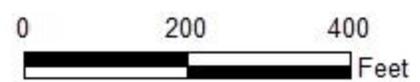
CUP-19-016 ~ 111 Mill Race Lane

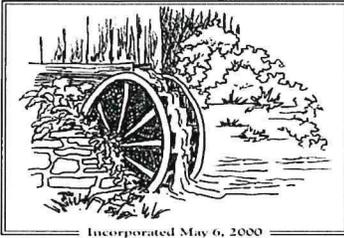


200' NOTIFICATION



- Legend
- 200' Buffer
 - 0. OWNER
 - 0. SUBJECT TRACT
 - 1. INSTITUTE OF CULTURES FOR THE WIMBERLEY VALLEY
 - 2. HARRIS JAMES MALCOLM &
 - 3. OZONA NATIONAL BANK
 - 4. WIMBERLEY SENIOR CITIZEN ACTIVITIES INC
 - 5. WIMBERLEY SENIOR CITIZEN ACTIVITIES INC
 - 6. INSTITUTE OF CULTURES FOR THE WIMBERLEY VALLEY
 - 7. CITY OF WIMBERLEY
 - 8. WILCOX WILLIAM A & NANCY K
 - 9. WARD GRAHAM KEITH & MARYANN G





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

October 18, 2019

NOTICE OF PUBLIC HEARING

Re: File No. CUP-19-016

111 Mill Race Lane

A request for a Conditional Use Permit (CUP) to allow the operation of a Vacation Rental

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

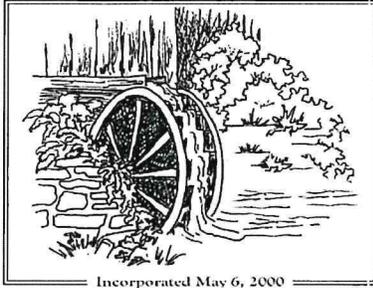
The applicant, Jeanne Ann Cope, has requested a Conditional Use Permit (CUP) to operate a Vacation Rental at 111 Mill Race Lane. The City of Wimberley Planning & Zoning Commission will consider this request at a public hearing on **Thursday, November 14, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, November 21, 2019, at 6:00 p.m.**

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676

(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: October 18, 2019

ZONING NO: CUP-19-016

APPLICANT: Jeanne Ann Cope

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

Project Site Address: 111 Mill Race Lane

John Provost
Public Works/Code Enforcement

City of Wimberley

Note: The above referenced sign was placed on the subject property on

10/18 2019



Signature

The Wimberley View CLASSIFIEDS



P.O. Box 49 Wimberley, Texas 78676 512-847-2202

Public Notice Public Notice

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT RENEWAL

PERMIT NO. WQ0013321001

APPLICATION. City of Wimberley, 221 Stillwater, Wimberley, Texas 78676, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013321001 (EPA I.D. No. TX0135445) to authorize the discharge of treated wastewater at a volume not to exceed a daily average flow of 75,000 gallons per day with provisions to dispose of treated domestic wastewater effluent at a volume not to exceed a daily average flow of 9,450 gallons per day to eleven pressure dosed absorption beds. The domestic wastewater treatment facility and disposal site are located at 333 Blue Hole Lane, Wimberley, in Hays County, Texas 78676. The discharge route is from the plant site to Deer Creek; thence to Upper Blanco River. TCEQ received this application on August 5, 2019. The permit application is available for viewing and copying at Wimberley City Hall, 221 Stillwater, Wimberley, Texas. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For the exact location, refer to the application.

<https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=d85bac14afbc468bhd43608168250f&marker=98.08499%2C30.0042&level=12>

ADDITIONAL NOTICE. TCEQ's Executive Director has determined the application is administratively complete and will conduct a technical review of the application. After technical review of the application is complete, the Executive Director may prepare a draft permit and will issue a preliminary decision on the application. Notice of the Application and Preliminary Decision will be published and mailed to those who are on the county-wide mailing list and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing.

OPPORTUNITY FOR A CONTESTED CASE HEARING. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments. Unless the application is directly referred for a contested case hearing, the response to comments, and the Executive Director's decision on the application, will be mailed to everyone who submitted public comments and to those persons who are on the mailing list for this application. If comments are received, the mailing will also provide instructions for requesting reconsideration of the Executive Director's decision and for requesting a contested case hearing. A contested case hearing is a legal proceeding similar to a civil trial in state district court.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and proposed permit number; the location and distance of your property/activities relative to the proposed facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; a list of all disputed issues of fact that you submit during the comment period and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the proposed facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

The Commission may only grant a request for a contested case hearing on issues the requestor submitted in their timely comments that were not subsequently withdrawn. If a hearing is granted, the subject of a hearing will be limited to disputed issues of fact or mixed questions of fact and law relating to relevant and material water quality concerns submitted during the comment period. TCEQ may act on an application to renew a permit for discharge of wastewater without providing an opportunity for a contested case hearing if certain criteria are met.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and permit number, and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated

PUBLIC NOTICE

Application has been made with the Texas Alcoholic Beverage Commission for a Wine and Beer Retailer's Permit for Food & Beverage Certificate by Sonny T. Tran dba Simply Pho House, to be located at 614 Belterra Village Way Suite Y500 Austin, Texas 78737 in Hays County, Texas. Owner of said corporation is Sonny T. Tran.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: CUP-19-014— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 106 Sierra Loma. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: CUP-19-016— an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 111 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING

City of Dripping Springs
Public Notice of Approved Ordinance
Citation Issuance Authority
Effective Date: October 24, 2019
Ordinance No. 2019-38
AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS AMENDING SI 12.03.006 OF THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES AMENDING THE AUTHORITY TO CITE BY ADDING "WORKS COORDINATOR" AND "ENFORCEMENT AND CONSTRUCTION INSPECTOR" TO "CODE ENFORCEMENT AND CONSTRUCTION INSPECTOR"; AND AMENDING THE FOLLOWING: "INGS OF FACT, AMENDMENT PEALER, SEVERABILITY, CO TION, EFFECTIVE DATE, AND P NOTICE AND MEETING.

NOTICE TO ALL PERSONS HAVING CLAIMS AGAINST THE ESTATE OF ROBERT JOHN MCGREGOR

Notice is hereby given that original Testamentary for the Estate of Robert McGregor, Deceased, were issued on October 21, 2019 in Cause No. 19 pending in the County Court at Law County, Texas to Linda Suzanne McGregor, as Independent Executor said Estate. All persons having claims against this Estate are required to file them with said Executor at 39 Spring Drive, Wimberley, Texas 78676, within 90 days of the date of this notice and in the manner prescribed by Law.

Dated the 22nd day of October 2019

Patrick G. Rehmet, Attorney for the Estate of Robert John McGregor, Deceased

Law Office of Patrick G. Rehmet
P.O. Box 1916
Wimberley, Texas 78676
State Bar no. 16738800
prehmet@austin.rr.com
(512) 827-0117
(512) 847-1274 Fax

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY WATER QUALITY PROTECTION CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 21, 2019, at 6:00 p.m. to consider the following: AMENDING CHAPTER 9 (PLANNING DEVELOPMENT REGULATIONS) CLE 9.04 (WATER QUALITY PROTECTION), OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND AMENDING THE FOLLOWING: "INGS OF FACT, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND MEETING.

CHARLES H. DUGGAN

PO Box 3050, Wimberley, Texas 78676

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator/GIS Analyst
Floodplain Administrator
City of Wimberley
221 Stillwater, Wimberley TX 78676

RE: CUP-19-016 application: 109 Mill Race Lane, Wimberley

Dear Sandy:

Jeanne Ann & Jerre Cope have been good neighbors and are active participants in the Mill Race Lane community. I fully support their application for a Conditional Use Permit to use their home as a short-term vacation rental.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. H. Duggan', with a long horizontal line extending to the right.

Charles H. Duggan

Sandra Floyd

From: Shellye Arnold [REDACTED]
Sent: Wednesday, November 6, 2019 3:06 PM
To: Shawn Cox; Sandra Floyd
Cc: Jeanne Ann Cope
Subject: RE: Support for CUP application for 111 Mill Race Lane

Follow Up Flag: Follow up
Flag Status: Flagged

Apologies, adding Sandy Floyd

From: Shellye Arnold
Sent: Wednesday, November 6, 2019 3:03 PM
To: scox@cityofwimberley.com
Cc: Jeanne Ann Cope <bloominaggie@j-cope.com>
Subject: Support for CUP application for 111 Mill Race Lane

(Please pass this to the Planning and Zoning Committee and onto City Council members at the appropriate time, thank you)

Hello Wimberley Planning and Zoning Committee and Mr. Cox,

This is to support the request for approval for a CUP to operate short-term rental lodging at 111 Mill Race Lane. Jeanne Anne and Jerry Cope, the applicants, have been wonderful and very responsible neighbors since we have owned our property on Mill Race Lane since 2004. I have no doubt they will be responsible operators of any rentals as well.

Thank you for your consideration.

Shellye Arnold
330 Mill Race Lane
Wimberley, TX 78676

Mailing address:
859 Azalea Street
Houston, TX 77018

ORDINANCE NO. 2019-41

AN ORDINANCE APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT SUBMITTED BY JEANNE ANN COPE TO PERMIT THE OPERATION OF A VACATION RENTAL ON PROPERTY LOCATED AT 111 MILL RACE LANE, WIMBERLEY, TEXAS, ZONED COMMERCIAL-MODERATE IMPACT (C-2); AND PROVIDING FOR FINDINGS OF FACT; AMENDMENT OF THE ZONING DISTRICT MAP; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING; AND PROVIDING FOR CERTAIN CONDITIONS.

WHEREAS, an application for a Conditional Use Permit (“CUP”) has been filed by Jeanne Ann Cope (“Applicant”) requesting authorization to operate a vacation rental on real property described as Lot 2, L.K. Groesbeeck Subdivision, zoned Commercial-Moderate Impact (C-2); and

WHEREAS, a vacation rental is an authorized use in areas zoned Commercial-Moderate Impact (C-2) upon approval of a CUP;

WHEREAS, after conducting a public hearing on the matter, the Planning and Zoning Commission recommended approval of the CUP application; and

WHEREAS, the City Council conducted a public hearing on the CUP wherein public comment was received and considered on the application; and

WHEREAS, the City Council finds that the use of the subject property as a vacation rental facility, subject to the conditions imposed by this Ordinance, is an appropriate use for the property and is a compatible use with the surrounding properties and neighborhoods.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

ARTICLE II. APPROVAL - TERMS AND CONDITIONS

The CITY COUNCIL HEREBY GRANTS the Application for a Conditional Use Permit submitted by Jeanne Ann Cope (“Applicant”) for use as a vacation rental on real property, described as Lot 2, L.K. Groesbeeck Subdivision, as more particularly described by survey in Exhibit “A”, attached and incorporated by reference, zoned Commercial-Moderate Impact (C-2), Wimberley, Hays County, Texas, subject to the following terms and conditions:

1. No organized outside activities shall be allowed on the property after 10 p.m.
2. No guests, other than paying guests, shall be allowed on the property at any time, unless approved in advanced, in writing, by the owner or their agent.

City of Wimberley, Texas

3. The grounds outside the residence shall remain free of litter and trash at all times.
4. A fire escape plan, identifying fire exits shall be developed and graphically displayed in each guest room.
5. One (1) smoke alarm shall be provided in each guest room, along with a fire extinguisher visible and accessible to guests.
6. A valid taxpayer number for reporting any Texas/City tax shall be provided to the City along with a copy of the completed City of Wimberley/State of Texas Hotel Occupancy Tax Questionnaire, no later than thirty (30) days of such change.
7. The City shall be notified of any change in ownership of the subject property within thirty (30) days of such change.
8. A copy of the requirements set forth in the CUP shall be made available to all guests.
9. The subject property owner shall provide the City and property owners within two hundred (200) feet of the subject property, with the current names and contact information (including telephone numbers and e-mail address) for the local responsible party for the subject property. The local contact shall be able to respond to any incident within thirty (30) minutes of a call and shall be authorized to make decisions regarding tenants at the property. If the name or contact information for the local contact changes, then the property owners shall notify the City and property owners within two hundred (200) feet of the subject property, with the current name and contact information.
10. Unruly gatherings are prohibited. Unruly gathering means a gathering of more than one (1) person which is conducted on premises within the City and which, by reason of the conduct of those persons in attendance, results in the occurrence of one (1) or more of the following conditions or events on public or private property: the destruction of property; obstruction of roadways, driveways, or public ways by crowds or vehicles; excessive noise; disturbances, brawls, fights or quarrels; public urination or defecation; or indecent or obscene conduct or exposure.
11. The property shall be subject to inspection at any time by designated City representatives if compliance is in question, with proper notice provided if feasible.
12. The CUP shall terminate and be considered abandoned if and when there is evidence of no rental activity, based in part of the State/City Hotel Occupancy Tax Reports, for a period of nine (9) months. The burden shall be on the property owner to prove that use of the property has been in continuous use.

13. The owner of the property or the owner's agent, which may be a vacation rental agency, shall provide each renter a property map for the vacation rental property that shows the boundaries of the property and advises that trespassing on adjacent property is prohibited.
14. Should an operating permit for vacation rental facilities be established by the City in the future, the owner of the subject property shall comply with any and all applicable operating permit requirements that may be established by the City.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the Conditional Use Permit established by this Ordinance.

ARTICLE IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

ARTICLE V. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE VI. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED by the City of Wimberley City Council on the 21st day of November, 2019 by a vote of (Ayes) and (Nays) and (Abstain).

CITY OF WIMBERLEY

By: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

Exhibit "A"

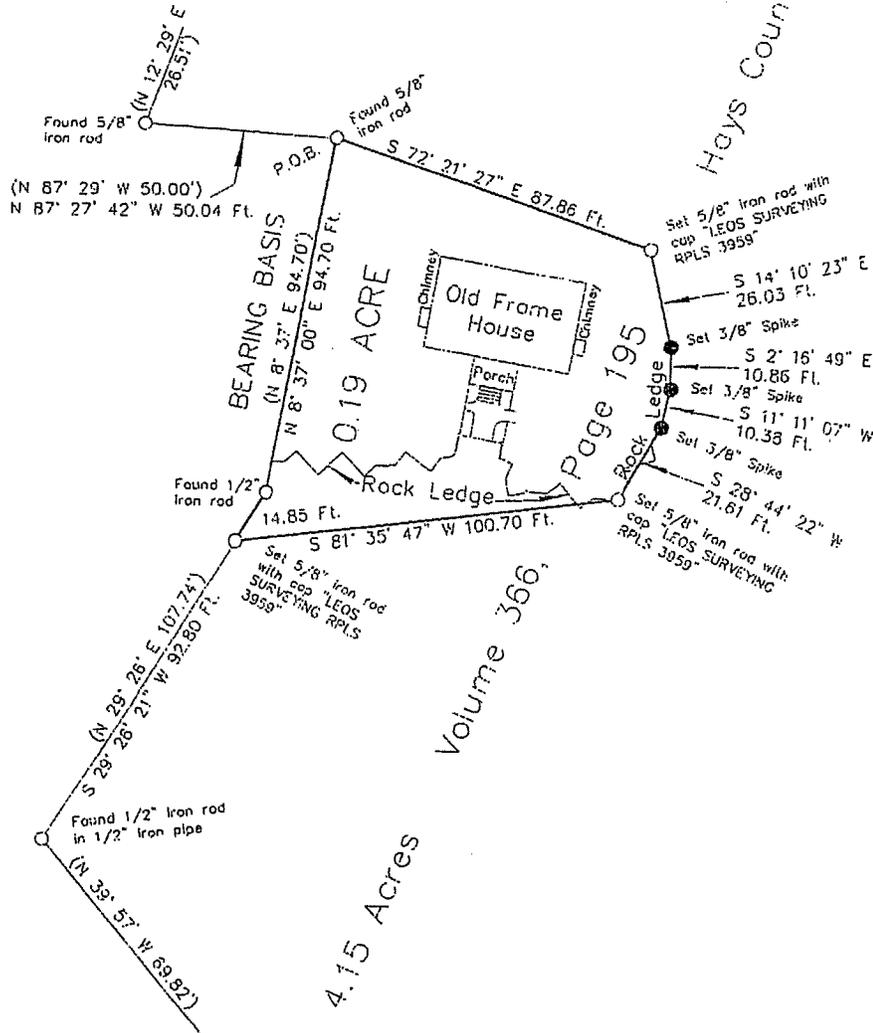
AMASA TURNER SURVEY

A-461

Wimberley Community Center Subdivision
Volume 11, Page 187 Hays County Plat Records

Hays County Deed Record

Lot 1



I Elisandro Leos, do hereby certify that the above plat represents a survey made on the ground, by me, and shows the facts as found at the time of the survey, that there are no visible and or apparent encroachments or easements other than shown. This survey is NULL AND VOID without the original signature, in blue ink, and impression seal.

Elisandro Leos
Elisandro Leos - R.P.L.S. 3959



Leos Surveying
900 Peaceful Valley Road
Kyle, TX 78640-4422
512-295-3197
Cell: 512-567-4349

SURVEY FLAT
OF

A 0.19 ACRE TRACT SITUATED IN THE AMASA TURNER SURVEY, ABSTRACT NUMBER 461 AND BEING A PART OF A 4.15 ACRE TRACT OF LAND OF RECORD IN VOLUME 366, PAGE 195 OF THE HAYS COUNTY DEED RECORDS.

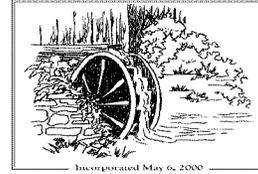
in
The Village of Wimberley, Texas
Surveyed For : Wimberley Institute of Cultures

Surveyed : September 2, 2009

Scale : 1" = 30 Feet

Exhibit "C"

Report for ZA-19-010



Summary: An application for an amendment to the existing WPDD to revise the site plan at 210 Masonic Lodge Rd

Applicant Information:

Applicant: Yvette Strange
210 Masonic Lodge Rd
Wimberley, TX 78676

Property Owner: Ken and Yvette Strange

Subject Property:

Legal Description: 3.221 acres of land out of Texas Central Railway Co. Survey No. 5, A-707

Location: 210 Masonic Lodge Rd

Existing Use of Property: Commercial

Existing Zoning: WPDD with base zoning of Neighborhood Services (NS)

Proposed Use of Property: Commercial

Proposed Zoning: WPPD amendment

Planning Area: II

Overlay District: N/A

Surroundings:

Frontage On: Masonic Lodge Rd

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	RA	Residential
S of Property	R1	Residential
E of Property	RA	Residential
W of Property	SC	Public

Legal Notice

200' Letters: 10/25/2019

Published: 10/24/2019

Sign Placement: 10/25/2019

Responses: 1 inquiry from property owner w/in 200'

Comments:

The applicants, Yvette & Ken Strange, have requested an amendment to their Wimberley Planned Development District (WPDD). The original application was approved by City Council November 15, 2018 to operate glamping vacation rentals with accessory structures and to expand the existing Med Spa services and footprint for property located at 210 Masonic Lodge Road.

The proposed site plan revisions are outlined in the following document.

At the November 14th Planning & Zoning meeting, the Commission voted 6-0-0 to recommend approval.

_|10.20.19



Sandy I. Floyd, C.F.M.
Planning & Development Coordinator/GIS Analyst
Floodplain Administrator
City of Wimberley
221 Stillwater, Wimberley, TX 78676

Re: Spoon Mountain Glampground
Revised PDD Application
Substantive changes with regard to prior application.

This letter is to address the PDD reapplication for Spoon Mountain Glampground, Masonic Lodge Rd., Wimberley, Texas.

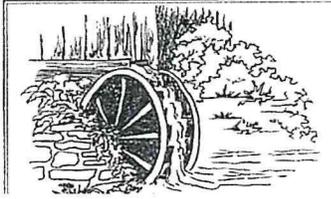
The initial application included a 3 Phase proposal for the site development. Phase 1 was to include two tents with surrounding decks, a driveway gate and landscaping. Phase 2 included an open-air pavilion with a bathroom, a pool area and one additional tent. Phase 3 was an addition to the existing Med Spa. The total proposed new developed/disturbed area, including parking, was to be 10,700 sq. ft.

The current reapplication proposes two phases. Phase 1 would include 3 glamping tents, as well as, a community pavilion totaling 6,295 s.f.. Impervious cover for roadway and parking for these facilities would amount to 19,500 s.f.. Phase 1 improvements would total 25,795 s.f. of developed area. Phase 2 would include a pool and shade structure at 1,750 s.f.. The total proposed new development area for both phases is 27,545 s.f.. The total impervious cover, on site, regarding this new proposal and including existing structures is 29,195 s.f. (21% of land area).

There are three reasons for resubmitting this application. The first being the omission of an addition to the Med Spa. The second is the relocation of the facilities on the property primary due to fire and emergency services access. Thirdly, is the redefinition of project scope and time line.

Very Truly Yours,

Chresten J. Martin RA, TX# 15402
Ash and Associates, LLC



City of Wimberley

221 Stillwater, P.O. Box 2027
Wimberley, Texas, 78676
Phone: 512-847-0025 Fax: 512-847-0422
www.cityofwimberley.com

Wimberley Planned Development District

OFFICE USE	ZA <u>19 - 010</u>	Date: <u>10-24-19</u>	Staff Review <u>SIF</u>
P&Z Hearing:	<u>11-7-19</u>	Council Hearing: <u>11-14-19</u>	Fees Paid: <input checked="" type="checkbox"/> Application <input type="checkbox"/> Public Notice

Applicant: <u>Spoon Mountain Glamping / The Med Spa LLC</u>			
Mailing address:	<u>210 Masonic Lodge Road</u>	City: <u>Wimberley</u>	State: <u>TX</u> Zip: <u>78676</u>
Phone:	[REDACTED]	Email:	[REDACTED]
Property Owner: <u>Ken and Yvette Strange</u>			
Mailing address:	<u>210 Masonic Lodge Rd</u>	City: <u>Wimberley</u>	State: <u>Tx</u> Zip: <u>78676</u>
Phone:Ken:	[REDACTED]	Email:	[REDACTED]

Project Site Address: <u>210 Masonic Lodge Road, Wimberley TX, 78676</u>	
Legal description: <u>Being 3.221 acres of land, more or less, out of the Texas Central Railway Co. Survey No. 5. A-707, Hays County, Texas being that same tract of land called 3.21 acres as recorded in Document #17000873, Hays county Official Public Records, and being more particularly described by metes and bounds in the bounds in the fieldnotes attached hereto.</u>	
Total Acreage or Square Footage:	<u>3.221 ac</u> Deed recorded in: <u># 17000873</u>
Hays CAD Parcel ID	<u>R90704</u> Planning Area: <u>11</u> Zoning: <u>NS/WPDD</u>
Is property located in an overlay district? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, type: _____	

WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD)

See the Wimberley Code of Ordinances, Section 155.062 for full requirements of the Wimberley Planned Development District.

This document sets forth in narrative and graphic form (attached) the purpose, intent and physical nature of a Wimberley Planned Development District, which is a zoning district that applies only to the property described herein, as provided by Section 155.062 of the Wimberley Code of Ordinances.

All references to the "Zoning Ordinance" refer to the ordinance and amendments in effect on the date of the application for this WPDD.

A. PURPOSE AND INTENT

1. General

The Wimberley Planned Development District, herein referred to as WPDD, is a special zoning district category that provides an alternate approach to conventional land use controls. The WPDD may be used for individual tracts or on tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master design statement or a master development plan. The WPDD is subject to special review procedures, and once approved by the City Council, it becomes a special zoning classification for the property it represents.

Conventional land use controls tend to segregate uses and concentrate them into specific areas on the land. One of the key objectives of the Comprehensive Plan is to ensure the continuation of the eclectic, mixed-use pattern which characterizes the Wimberley Valley. Toward that end, WPDDs, shall be allowed in all Planning Areas and shall be used to allow otherwise incompatible uses to be sited side-by-side. While it is not customary to use the planned developments in this way, the WPDD will be the Planning and Zoning Commission's "tool of choice" to ensure that this ordinance does not adversely impact the historical growth patterns of the City.

2. Specific

The purpose and intent of the development under this application is:

a. Compatibility with adjoining and nearby properties: Spoon Mountain Glamping will be located on the same property as the existing business "The Med Spa" and is also located near other commercial properties, such as "Sandra's Salsa" and "The Learning Center Hippocampus"

b. Preservation of unique physical features of the site: We will be preserving as many trees as possible to create a unique high end "glamping" experience. Our tents will be nestled under a clump of oak trees that will present a natural beautiful setting. We are going to add many bird feeders and watering stations and we will plant indigenous plants that will attract both birds and other wildlife.

c. Achievement of diversified land uses: We will consider our "glamping vacation rental" unique and unlike others in the area. We want to offer a serene, relaxing space for guests to come to and enjoy nature and our beautiful village by being in a high-quality canvas tent that has 5 star amenities. Guests can also walk a short trail/path to "The Med Spa" to receive facials and massages.

d. Achievement of continuity of function and design: The look and feel of Spoon Mountain Glamping will fit in beautifully with the calming Spa like services that are offered at The Med Spa. We will have paths and sitting areas and bird stations.

e. Provision of open space and common areas: Open spaces and common spaces will be sitting areas to watch the sunset, a fire pit (to be used in accordance with the burn ban) a safari/canvas type common area pavilion with a safari like pool with beautiful rockwork and landscaping. Areas for yoga or meditation nestled in the trees.

B. PERMITTED USES

1. Base Zoning District: Neighborhood Services
2. Additional uses allowed: We currently have a CUP
3. Conditional Uses: We currently have a CUP for Beauty Salon and Spa

C. SITE AREA

1. Total tract Area: 3.221
2. Net Site Area as defined by the zoning code: 3.21 acres or 140,335 sq. ft
3. Areas in the five (5) slope zones defined in the Net Site Area: 100% of the land area with 0% to 15% average slope.
4. Area within a Flood Plain: none
5. Area to be disturbed by development (all phases):
 - Phase 1: 3 tents & 1 community pavilion totaling 4,420.0 sq.ft..
 - Road access, parking, water storage pad totaling 19,500 sq. ft..
 - Phase 2: Pool w/ shade structure totaling 1,750 sq. ft.
 - TOTAL ALL PHASES: 25,670.0 sq. ft..

D. EXISTING DEVELOPMENT

Existing development features and structures that do not comply with the base district provisions and these WPDD development regulations shall be considered legal nonconforming features and structures, except as provided under Site Remediation.

Existing development consists of:

1. Buildings and other structures shown as existing on the site plan having total impervious surface of 1620 square feet.
2. Roads and parking areas shown as existing on the site plan having a total impervious surface of 4700 square feet.
3. Development features and structures shown as existing on the site plan, which are within an Overlay District of the Zoning Ordinance: N/A
4. Number of parking spaces shown as existing on the site plan: 10
5. Existing uses that are to be continued under this WPDD: The Beauty Salon and Spa
6. Number of parking spaces required by Section 155.075 of the Code of Ordinances for the existing uses that are to be continued: 10
7. Area and volume of storm water retention or detention facilities shown as existing on the site plan: none
8. The existing zoning, development, and uses on adjacent property are:

North: RA

East: R1

South: RA

West: SC

E. SITE REMEDIATION

Existing development features and structures shown as existing on the site plan shall be removed and/or improved as follows: Addition of The Med Spa remodel in phase 3.

F. NEW DEVELOPMENT

1. Phases

The site will be developed in phases and by area shown on the site plan according to the following schedule:

Phase 1: Will start upon approval from the Planning and Zoning committee and the City of Wimberley and will consist of construction of driveway and parking area with caliche/crushed granite, putting in septic, running electricity and pipes to tent sites, constructing decks and installing 3 Glamping tents. This phase will also include installing a gate on driveway and putting up a privacy fence on the North side of the property as well as general landscaping. A sign that meets the requirements of the city will also be installed. If all goes as planned this phase will be completed by Spring of 2020 for guests to be able to stay.

Phase 2: This Phase will consist of preparing the middle of the property for the Safari like open air pavilion with a small bathroom and spa area

This phase will be started as soon as phase 1 is profitable and making money, if all goes as planned by spring of 2020. This phase may not start till fall of 2021.

2. Subdivision

The site will be subdivided according to the attached Subdivision Plan. NA

3. Buildings

At full build-out the site will have 3 new safari luxury tents on decks totaling 4419 sq ft and a 26.8 x 70 community pavillion totaling 1876 sq ft.

4. Roads, Driveways and Parking

At full build-out the site will have 19,500 impervious sq. ft of new caliche/crushed granite driveways and parking.

5. Parking Space

The new buildout will have 15 new parking spaces to accommodate glamping tent customers and we currently have 10 parking spaces for the Med Spa customers. At full build-out there will be a total of 25 parking spaces on the site. Parking spaces are required by Section 155.075 of the

Code of Ordinances for the proposed and existing uses on the site.

6. **Water Supply:** Wimberley Water

7. **Wastewater Treatment:** OSSF

8. **Drainage**

A plan shall be included upon City Engineer request in the Site Development phase for storm water drainage for the construction phase (applying to any construction phase) and for the permanent drainage (applying to the entire site and/or each individual subdivided lot): To be reviewed in site development phase.

The storm water management plan shall be adequate for the two (2), ten (10) and twenty-five (25) year storm events. The plan shall include any necessary engineered designs for storm water retention, detention and filtration facilities, and a demonstration that the proposed development of the property:

1. Shall preserve established watercourses as conduits for storm water runoff from higher properties and to lower properties; and
2. Shall not result in damage or diminished value of downstream properties by a peak flow of storm water runoff exceeding the historical peak flow rate for each above referenced storm event; and
3. Shall not result in an alteration in the historical overland flow pattern of storm water; and
4. Shall not result in the conduct of hazardous materials, and pollutants, onto another property or into a waterway.

The plan shall include an analysis of the effect of land grading, including any cut and fill, and/or natural land surface alteration within and outside of the areas of impervious cover. The City may require a hydrological engineering report to demonstrate the adequacy of the plan. Detention, retention and filtration facilities may be shared between multiple properties. The plan shall also include proposed storm water conveyance for the one-hundred (100) year storm event

9. **Landscaping**

The areas set aside for landscaping and preservation of natural existing plant material on the site plan will be developed according to the Commercial Landscape regulation of the Code of Ordinances, Section 155.078. We plan on improving the tent area with natural landscaping around the tents and mulch paths that will complement the Texas hill country. We are also considering adding rain water collection [if it is possible to catch water from the tents.] We will provide "green screen" vegetation and a 6' privacy fence along the North and South property lines.

G. DEVELOPMENT REGULATIONS

Development regulations for the base district, Overlay districts and Ordinances and Development Standards

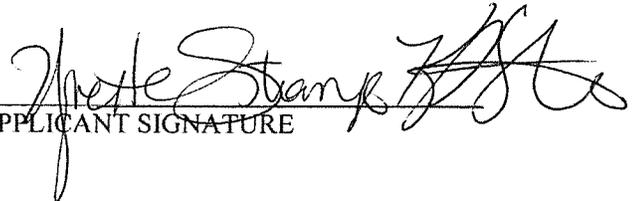
of the City of Wimberley shall apply, except as otherwise explicitly provided in this WPPD.

1. In the absence of a connection to a State Licensed central wastewater treatment utility, a current Hays County private wastewater permit for the existing and/or proposed use and discharge rate shall be required.
2. Evidence shall be provided of compliance with TCEQ regulation: Subchapter B: Contributing Zone To The Edwards Aquifer in Medina, Bexar, Comal, Kinney, Uvalde, Hays, Travis And Williamson Counties. 213.20 — 213.28, Effective June 1, 1999
3. Permanent and construction phase drainage plans shall be provided and be subject to review by the City upon request by the City Engineer.
4. A plan for a curb cut or interface between a private road or drive and a City street shall be provided and be subject to review by the City. Evidence of curb cut permission from Texas Department of Transportation shall be provided when applicable.
5. New and existing signage shall comply with the Code of Ordinances Section 152 (Signs) and be of uniform style.
6. An Outdoor Lighting Plan shall be submitted upon City Engineer request showing how new and existing outdoor lighting, including lighting for any form of illuminated sign, shall comply with the Code of Ordinances Section 151.60 Outdoor Lighting.
7. Open storage or placement of materials, commodities or equipment and machinery, including motor vehicles and trailers, shall be within the building setback and shall be fully screened, by fence (as permitted by the City) and/or vegetative screening, from City streets or roads or adjacent or facing residential or un-zoned districts. Outdoor placement or display of commercial material and equipment for sale in the building setback space, or the outdoor display of any object, merchandise, or material that is not a usual item for sale under the permitted use for the site or lot is prohibited.
8. Additional development regulations including but not limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, setbacks, screening, landscaping, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and other requirements as the City Council and the Planning and Zoning Commission may deem appropriate are as follows:

October 15, 2019
DATE

Yvette and Ken Strange

APPLICANT SIGNATURE



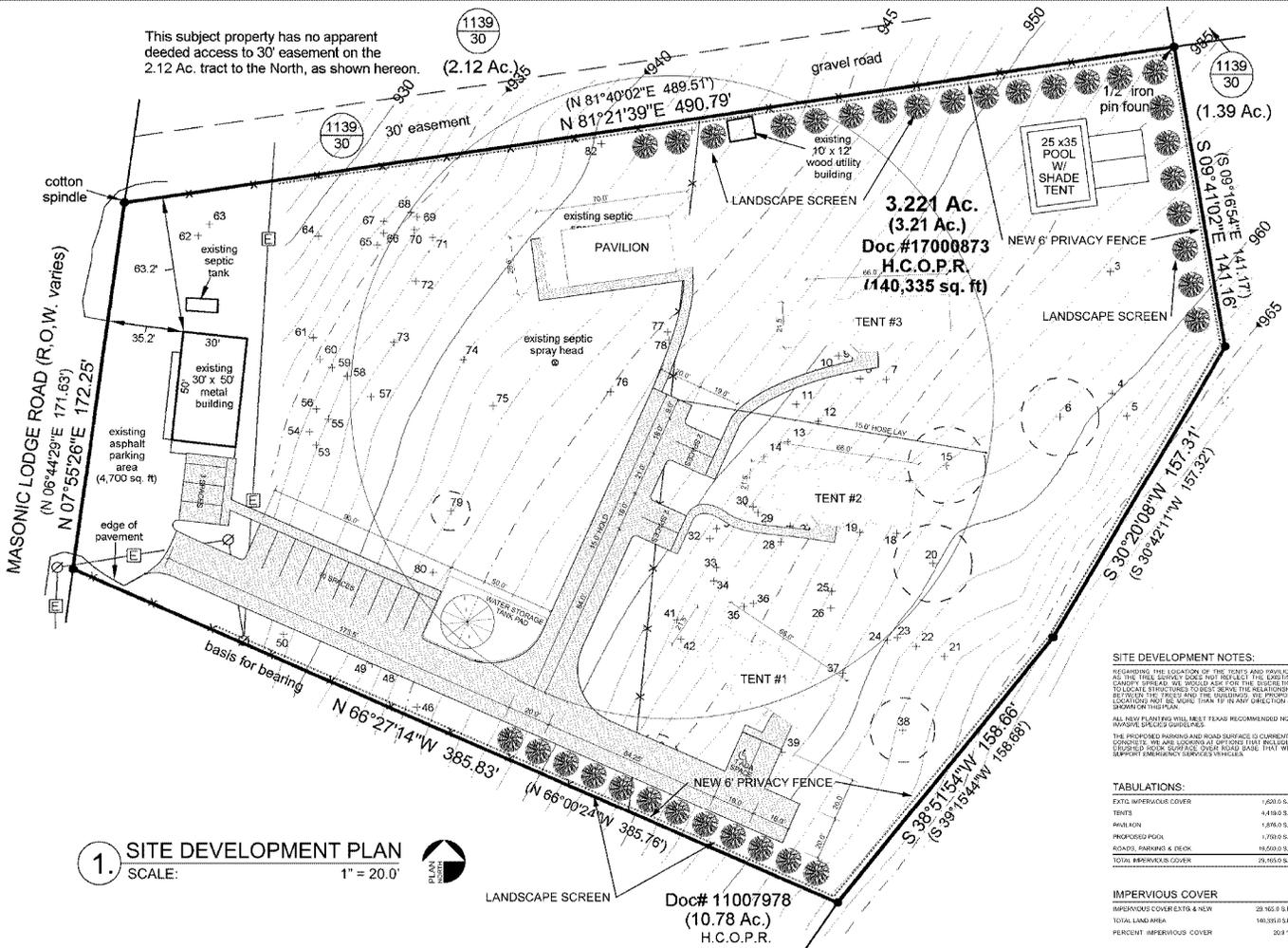
WHEN APPLICABLE:

Date 10/29/19

This subject property has no apparent deeded access to 30' easement on the 2.12 Ac. tract to the North, as shown hereon.

(1139/30)

(2.12 Ac.)



(1139/30)

(1.39 Ac.)

(S 09°16'54"E 141.17')

(S 09°41'02"E 141.16')

(S 30°20'08"W 157.31')

(S 30°42'11"W 157.32')

(N 66°00'21"W 385.76')

(N 66°27'14"W 385.83')

(N 81°40'02"E 489.51')

(N 81°21'39"E 490.79')

(N 06°44'29"E 171.63')

(N 07°55'28"E 172.25')

(S 38°57'15"W 158.66')

(S 39°15'44"W 158.68')

(N 66°00'21"W 385.76')

(N 66°27'14"W 385.83')

(N 81°40'02"E 489.51')

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(N 81°40'02"E 489.51')

(N 81°21'39"E 490.79')

(N 06°44'29"E 171.63')

(N 07°55'28"E 172.25')

1. SITE DEVELOPMENT PLAN

SCALE: 1" = 20.0'



PLAN

SITE DEVELOPMENT NOTES:
 REGARDING THE LOCATION OF THE TENTS AND HOSE LAY AS THE TRAIL SURVEY DOES NOT REFLECT THE LANDING CENTER SPREAD, WE WOULD ASK FOR THE SERVICE FROM THE CLIENT TO LOCATE THE TENTS AND HOSE LAY. THE RELATIONSHIP BETWEEN THE TENTS AND HOSE LAY IS NOT SHOWN ON THIS PLAN.
 ALL REEF FOOTINGS WILL MEET TEXAS RECOMMENDED HIGH IMPACT SPREAD GUIDELINES.
 THE PROPOSED PARKING AND ROAD SURFACE IS CURRENTLY UNDEVELOPED. WE ARE SUGGESTING ASPHALT DRIVE THAT WILL SUPPORT EMERGENCY SERVICES VEHICLE.

TABULATIONS:

EXT. IMPERVIOUS COVER	1,620 S.F.
TENTS	4,418 S.F.
PAVILION	1,580 S.F.
PROPOSED POOL	1,720 S.F.
ROADS, PARKING & DECK	10,620 S.F.
TOTAL IMPERVIOUS COVER	29,958 S.F.

IMPERVIOUS COVER

IMPERVIOUS COVER EXIST & NEW	29,958 S.F.
TOTAL LAND AREA	160,225 S.F.
PERCENT IMPERVIOUS COVER	20.0%



142 JACKSON LN
 SAN MARCOS, TEXAS 78666
 512.392.1719

ARCHITECTURE
 ENGINEERING
 SURVEYING
 PLANNING

SPOON MOUNTAIN CAMP
 - SITE PLAN -
 MASONIC LODGE ROAD, WIMBERLEY, TEXAS



10.14.19 SDP-2

ORDINANCE NO. 2018-042

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS CHANGING THE ZONING DESIGNATION FOR APPROXIMATELY 3.221 ACRES OF PROPERTY LOCATED AT 210 MASONIC LODGE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, TO WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) WITH A BASE ZONING DISTRICT OF NEIGHBORHOOD SERVICES (NS) AND PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Chapter 155 (Zoning) of the Wimberley Code of Ordinances, as amended, (the “Code”), are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and,

WHEREAS, in the course of adopting the regulations established by the Code the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and,

WHEREAS, the regulations established by the Code and in this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and,

WHEREAS, the following enactments are a valid exercise of the City’s broad police powers and based upon the City’s statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and,

WHEREAS, in accordance with section 9.03.098 of the Code, the Wimberley Planned Development District (WPDD) Zoning is permitted in all Planning Areas of the Comprehensive Plan, and the Neighborhood Services (NS) zoning district is permitted in Planning Area II; and,

WHEREAS, the purpose of the WPDD is to permit flexibility and creativity within a project to maximize the unique physical features of a particular site, encourage the efficient use of land and economic arrangement of improvements, as well as encourage the conservation of energy and natural resources; and,

WHEREAS, the proposed layout of improvements provides the most efficient and practical use of the property due to the shape of the subject property described herein; and,

WHEREAS, the property owner proposes to conserve and preserve existing natural resources and landscape features of the property by providing enhancements and proposing construction materials which will be in conformance with the City’s aesthetic goals; and,

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City’s Comprehensive Zoning Ordinance and has concluded that the approximate 3.221 acres of land out of the Texas Central Railway Co. Survey No. 5, Abstract No.707, more commonly known as 210 Masonic Lodge Road, Wimberley, Hays County, Texas (the “Property”) qualifies for the Wimberley Planned Development District (WPDD) Zoning, with a base zoning district of Neighborhood Services (NS) designation, and that such designation is consistent with established City policy and is in the public interest, subject to the conditions stated herein and to be constructed in accordance with the Development Plan to be submitted prior to the issuance of building permits, to be based on the Concept Plan, Design Standards and Elevations of the subject property, attached hereto and incorporated herein as Exhibit “A”, which is hereby made a part of this WPDD Ordinance; and,

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, on November 8, 2018 and November 15, 2018, respectively, notice of which was published in the City’s official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

ARTICLE II. AMENDMENT

A. Zoning. That the property described as approximately 3.221 acres of land out of the Texas Central Railway Co. Survey No. 5, Abstract No.707, more commonly known as 210 Masonic Lodge Road, Wimberley, Hays County, Texas (the “Property”) and more particularly described in the attached metes and bounds description in Exhibit “B”, (referred to herein as the “Property”) is hereby designated as a Wimberley Planned Development District, with a base zoning district Neighborhood Services (NS) in accordance with the Code of Ordinances and subject to the WPDD Conditions described herein in Subsection B. Further, development and construction on the Property shall be in conformance with the Development Plan to be submitted prior to issuance of building permits, to be based on the Concept Plan,

Design Standards and Elevations, described on Exhibit “A”, and incorporated by reference for all purposes.

B. WPDD Conditions.

1. All provisions of the Neighborhood Services (NS) zoning district shall apply except as modified herein.
2. Development and construction of the Property shall be in conformance with the Concept Plan, which includes, but is not limited to, building layout, special amenities, square footages and parking, attached as Exhibit “A”, and incorporated by reference for all purposes.
3. Development and construction of the Property shall be in conformance with the Design Standards describing the building construction materials, special amenities, and other design elements applicable to the Property, as follows:
 - a. Three (3) canvas tents allowed
 - b. Tents shall be:
 - i. standard Bushtec or equivalent with respect to canvas seventeen (17) ounce (550 gsm)
 - ii. Ripstop CPAI 84 fire retardant UV and rot protected
 - iii. PVC 550 GSM PVC UV & rot protected
 - c. Tents shall be installed on permanent deck
 - d. Maximum occupancy for the property shall be two (2) people per tent.
 - e. Preservation of all trees sixteen (16) inches in diameter at four (4) feet.
 - f. Fence with vegetative barrier of varying height to accommodate residential structure on south building line.
 - g. Eight hundred (800) square foot common area canvas tent.
 - h. Four hundred fifty (450) square foot pool.
4. The City short-term rental business regulations shall apply.
5. Continued existing use of the beauty shop and spa.
 - a. Fifteen hundred (1500) square foot metal building for beauty shop and spa expansion.

All conditions and requirements provided in this Ordinance and the City's Code of Ordinances must be complied with prior to the issuance of a building permit and certificate of occupancy.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the zoning district boundary established by this Ordinance.

ARTICLE IV. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE V. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VI. PROPER NOTICE AND MEETING

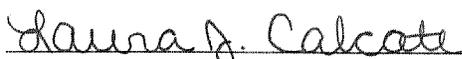
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 15th day of November, 2018, by a vote of 3 (Ayes) to 1 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas

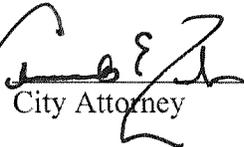
CITY OF WIMBERLEY

BY: 
Susan Jagers, Mayor

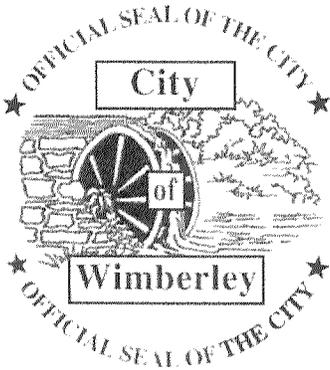
ATTEST:


Laura J. Calcote, City Secretary

APPROVED AS TO FORM:



City Attorney



ORDINANCE NO. 2019-42

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING ORDINANCE NO. 2018-042 WHICH DESIGNATED REAL PROPOERTY LOCATED AT 210 MASONIC LODGE ROAD, WIMBERLEY, HAYS COUNTY, TEXAS, AS A WIMBERLEY PLANNED DEVELOPMENT DISTRICT (WPDD) WITH A BASE ZONING DISTRICT OF NEIGHBORHOOD SERVICES (NS) AND IMPOSED CERTAIN CONDITIONS, IN ORDER TO REVISE THE CONCEPT PLAN AND CERTAIN DEVELOPMENT REGULATIONS RELATING TO MAXIMUM BUILDING FOOTPRINT AND IMPERVIOUS COVER PROVIDING FOR THE FOLLOWING: DELINEATION ON ZONING MAP; FINDINGS OF FACT; SEVERABILITY; EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the regulations established by Chapter 155 (Zoning) of the Wimberley Code of Ordinances, as amended, (the “Code”), are specifically designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public facilities; and,

WHEREAS, in the course of adopting the regulations established by the Code the Planning and Zoning Commission and City Council have given careful consideration to the unique qualities of the City, including the demographics of its inhabitants, the community’s history, geography, natural resources, existing structures, property values, workforce, education levels, commercial base, surrounding communities, public facilities and infrastructure; and,

WHEREAS, the regulations established by the Code have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and,

WHEREAS, the regulations established by the Code and in this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and,

WHEREAS, the following enactments are a valid exercise of the City’s broad police powers and based upon the City’s statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, and 211; and,

WHEREAS, in accordance with section 9.03.098 of the Code, the Wimberley Planned Development District (WPDD) Zoning is permitted in all Planning Areas of the Comprehensive Plan, and the Neighborhood Services (NS) zoning district is permitted in Planning Area II; and,

WHEREAS, the purpose of the WPDD is to permit flexibility and creativity within a

project to maximize the unique physical features of a particular site, encourage the efficient use of land and economic arrangement of improvements, as well as encourage the conservation of energy and natural resources; and,

WHEREAS, the proposed layout of improvements provides the most efficient and practical use of the property due to the shape of the subject property described herein; and,

WHEREAS, the property owner proposes to conserve and preserve existing natural resources and landscape features of the property by providing enhancements and proposing construction materials which will be in conformance with the City’s aesthetic goals; and,

WHEREAS, the City Council and Planning and Zoning Commission have carefully reviewed the requirements of the City’s Comprehensive Zoning Ordinance and has concluded that the approximate 3.221 acres of land out of the Texas Central Railway Co. Survey No. 5, Abstract No.707, more commonly known as 210 Masonic Lodge Road, Wimberley, Hays County, Texas (the “Property”) qualifies for the Wimberley Planned Development District (WPDD) Zoning, with a base zoning district of Neighborhood Services (NS) designation, and that such designation is consistent with established City policy and is in the public interest, subject to the conditions stated herein and to be constructed in accordance with the Development Plan to be submitted prior to the issuance of building permits, to be based on the Concept Plan, Design Standards and Elevations of the subject property, attached hereto and incorporated herein as Exhibit “A”, which is hereby made a part of this WPDD Ordinance; and,

WHEREAS, parties in interest and citizens have had an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and City Council, on November 7, 2019 and November 14, 2019, respectively, notice of which was published in the City’s official newspaper before the 15th day before the first public hearing and agendas for each hearing were posted at City Hall more than seventy-two (72) hours prior to the respective hearing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, HAYS COUNTY, TEXAS:

ARTICLE I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

ARTICLE II. AMENDMENT

A. Zoning. That the property described as approximately 3.221 acres of land out of the Texas Central Railway Co. Survey No. 5, Abstract No.707, more commonly known as 210 Masonic Lodge Road, Wimberley, Hays County, Texas (the “Property”) and more particularly described in the attached metes and bounds description in Exhibit “B”, (referred to herein as the “Property”) is hereby amended as a Wimberley Planned Development District, with a base zoning district Neighborhood Services (NS) in accordance with the Code of Ordinances

and subject to the WPDD Conditions described herein in Subsection B. Further, development and construction on the Property shall be in conformance with the Development Plan to be submitted prior to issuance of building permits, to be based on the Concept Plan, Design Standards and Elevations, described on Exhibit "A", and incorporated by reference for all purposes.

B. WPDD Conditions.

1. All provisions of the Neighborhood Services (NS) zoning district shall apply except as modified herein.

2. Development and construction of the Property shall be in conformance with the Concept Plan, which includes, but is not limited to, building layout, special amenities, square footages and parking, attached as Exhibit "A", and incorporated by reference for all purposes.

3. Development and construction of the Property shall be in conformance with the Design Standards describing the building construction materials, special amenities, and other design elements applicable to the Property, as follows:

- a. Three (3) canvas tents allowed
- b. Tents shall be:
 - i. standard Bushtec or equivalent with respect to canvas seventeen (17) ounce (550 gsm)
 - ii. Ripstop CPAI 84 fire retardant UV and rot protected
 - iii. PVC 550 GSM PVC UV & rot protected
- c. Tents shall be installed on permanent deck
- d. Maximum occupancy for the property shall be two (2) people per tent.
- e. Preservation of all trees sixteen (16) inches in diameter at four (4) feet.
- f. Fence with vegetative barrier of varying height to accommodate residential structure on south building line.
- ~~g. Eight hundred (800) square foot common area canvas tent.~~
- g. One-thousand eight hundred sixty two (1,862) square foot common area pavilion with bathroom.
- ~~h. Four hundred fifty (450) square foot pool.~~
- h.i. Eight hundred seventy five (875) square foot pool with shade tent.

4. The City short-term rental business regulations shall apply.

5. Continued existing use of the beauty shop and spa.

a. ~~Fifteen hundred (1500) square foot metal building for beauty shop and spa expansion.~~

All conditions and requirements provided in this Ordinance and the City's Code of Ordinances must be complied with prior to the issuance of a building permit and certificate of occupancy.

ARTICLE III. ZONING DISTRICT MAP

The official Zoning District Map shall be revised to reflect the zoning district boundary established by this Ordinance.

ARTICLE IV. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

ARTICLE V. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

ARTICLE VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and the Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 14th day of November, 2019, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas

CITY OF WIMBERLEY

BY: _____
Susan Jagers, Mayor

ATTEST:

Laura Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney

DESCRIPTION

DESCRIPTION OF A 3.21 ACRE TRACT OUT OF THE TEXAS CENTRAL RAILWAY CO. SURVEY NO. 5, A-707, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND CALLED TO BE 246.4 ACRES, DESCRIBED IN A DEED TO JAMES L. SAUNDERS, OF RECORD IN VOLUME 203, PAGE 536, OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, SAID 3.21 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a cotton spindle set in the east line of the Masonic Lodge Road (Old Wimberly-Kyle Road), for the southwest corner of a tract of land called to be 2.12 acres, described in a deed to Beatrice Elizabeth Carruthers, III, of record in Volume 1139, Page 30, of the Official Public Records of Hays County, Texas, said cotton spindle being the northwest corner of the herein described tract;

THENCE, N 81° 40' 02" E, with the south line of said 2.12 acre tract, 489.51 feet to a 1/2 inch iron rod found with cap for the southeast corner of said 2.12' acre tract, same being the southwest corner of a tract of land called to be 1.39 acres, described in a deed to Thomas J. Carruthers, II, of record in Volume 1139, Page 25, of the Official Public Records of Hays County, Texas, said iron rod being the northwest corner of a 10.78 acre tract surveyed this date, and the northeast corner of the herein described tract;

THENCE, across said Saunders 246.4 acre tract the following three (3) courses:

- 1) S 09° 16' 54" E, 141.17 feet to a 5/8 inch iron rod set;
- 2) S 30° 42' 11" W, 157.32 feet to a 5/8 inch iron rod set;
- 3) S 39° 15' 44" W, 158.68 feet to a 5/8 inch iron rod set for a northeast corner of a 9.56 acre tract surveyed this date, and the southeast corner of the herein described tract;

THENCE, N 66° 00' 24" W, continuing across said Saunders 246.4 acre tract, 385.78 feet to a 5/8 inch iron rod set in the west line of said Masonic Lodge Road, said iron rod being the most northerly northwest corner of said 9.56 acre tract, and the southwest corner of the herein described tract;

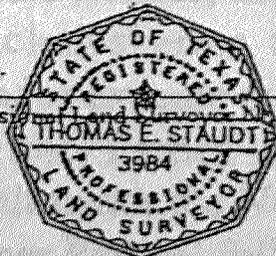
THENCE, N 08° 44' 29" E, with the east line of said Masonic Lodge Road, 171.63 feet to the POINT OF BEGINNING containing 3.21 acres of land within these metes and bounds!

Surveyed by: Staudt Surveying
P.O. Box 1273
Dripping Springs, TX 78620
512-858-2236

Thomas E. Staudt

Thomas E. Staudt

Registered Professional Land Surveyor



3984

9/28/98

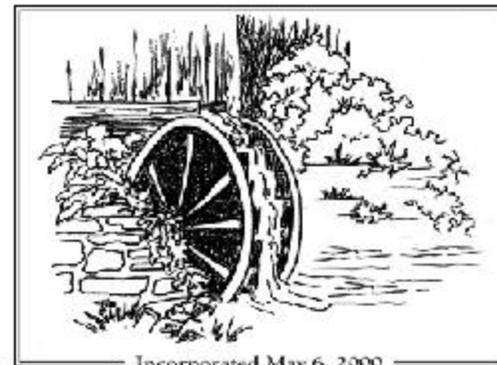
Date

Job No. 98115-1

Exhibit "B"

Filed for Record in:
Hays County
On: Nov 02, 2006 at 03:24P
Document Number: 06033542
Amount: 32.00
Receipt Number - 152273
By:
Olga Martinez, Deputy
Lee Carlisle, County Clerk
Hays County

ZA-19-010 ~ 210 Masonic Lodge Rd



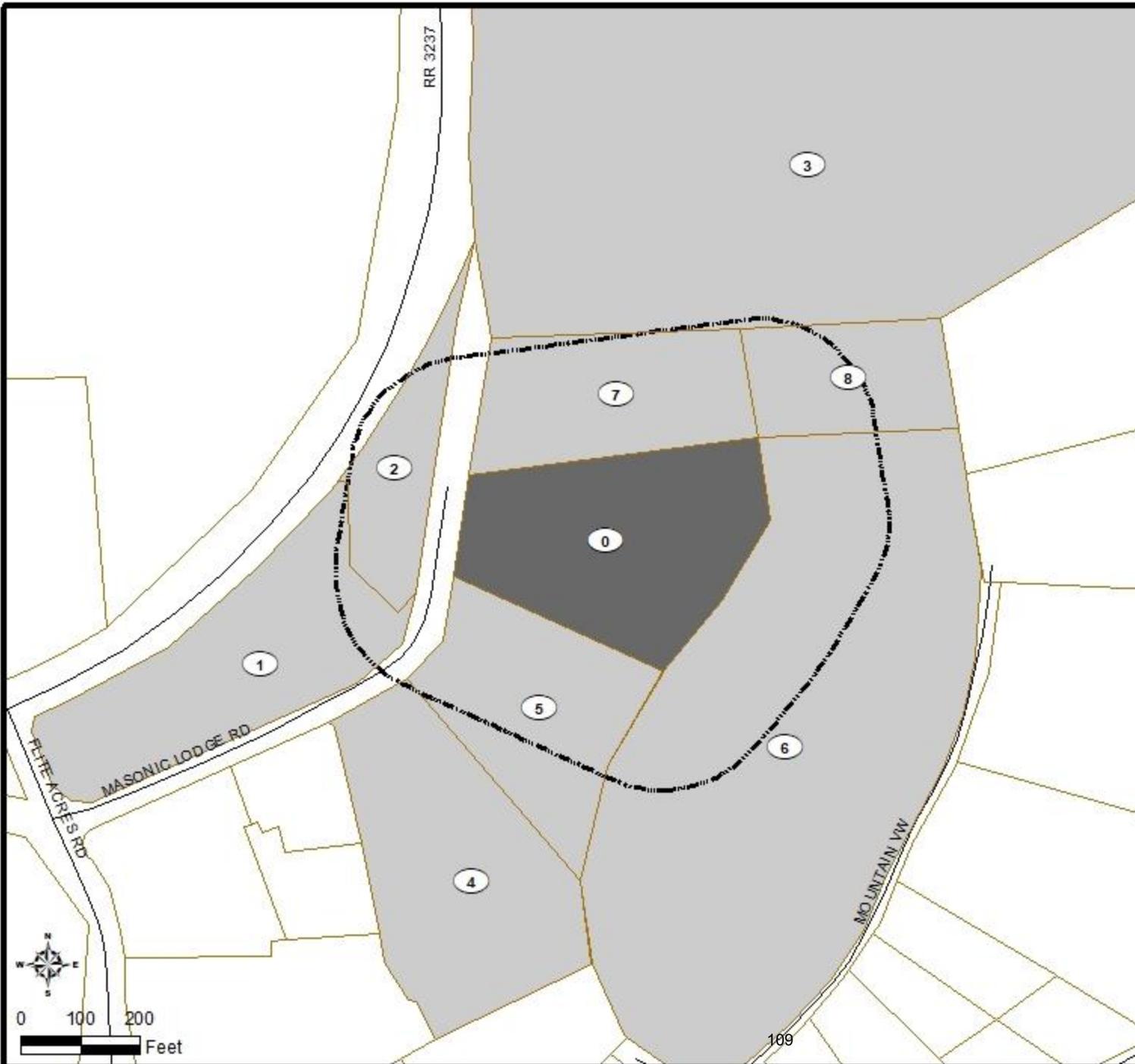
Incorporated May 6, 2000
200' NOTIFICATION

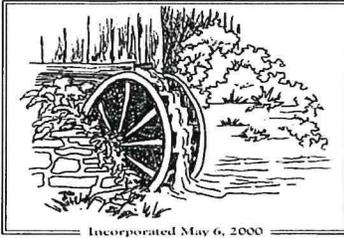
Legend

--- 200' Buffer

ID. OWNER

- 0. SUBJECT TRACT
- 1. LAUTERWEST LLC
- 2. MASONIC, LODGE WMBERLEY
- 3. LOMAX, WLTON
- 4. FOSTER SHANE S & FOSTER JOHN P
- 5. BERTRAND, DOLORES
- 6. DANZE SHERI & CHRISTOPHER
- 7. KITCHENS, THERESA
- 8. KITCHENS, THERESA





City of Wimberley

221 Stillwater, Wimberley, Texas 78676
Phone: 512-847-0025 Fax: 512-847-0422 Web: cityofwimberley.com

October 25, 2019

NOTICE OF PUBLIC HEARING

Re: **File No. ZA-19-010**
210 Masonic Lodge Road
Request for an amendment to an existing Wimberley Planned Development District (WPDD)

Dear Property Owner:

You are receiving this letter because you own property within 200 feet of the above-referenced location.

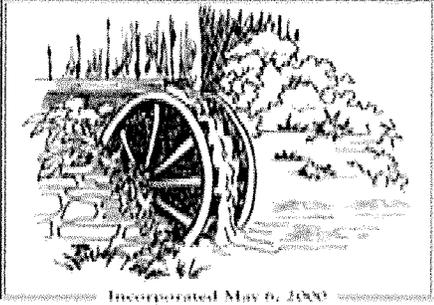
The applicants, Ken & Yvette Strange, have requested an amendment to their existing WPDD with base zoning of Neighborhood Services (NS) at 210 Masonic Lodge Road. This WPDD amendment proposes to revise the site plan. The City Planning & Zoning Commission will consider this request on **Thursday, November 14, 2019, at 6:00 p.m.** in the Wimberley City Hall, 221 Stillwater. Upon a recommendation from the Commission, City Council will hold a public hearing to consider the same request on **Thursday, November 21, 2019, at 6:00 p.m.**

Because the granting of this request may affect your property, you are encouraged to participate in the zoning process. The public will be given an opportunity to speak during the hearing. If you wish to comment but are unable to attend, written comments may be submitted prior to the meeting.

Additional information regarding the proposed request is available for public review at City Hall during normal business hours. Should you have questions, please feel free to email or contact me at 512-847-0025.

Thank you,

Sandy I. Floyd, C.F.M.
Planning & Development Coordinator
GIS Analyst
sfloyd@cityofwimberley.com



City of Wimberley

221 Stillwater, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

NOTICE BY SIGN POSTING

DATE: October 25, 2019

ZONING NO: ZA-19-010

APPLICANT: Ken & Yvette Strange

TO: CODE ENFORCEMENT/PUBLIC WORKS

Please place a Proposed Zoning Sign on the following property:

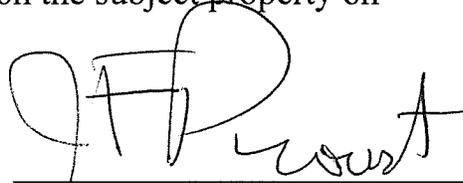
Project Site Address: 210 Masonic Lodge Road

John Provost
Public Works/Code Enforcement

City of Wimberley

Note: The above referenced sign was placed on the subject property on

10/25 2019



Signature

The Wimberley View CLASSIFIEDS

P.O. Box 49 Wimberley, Texas 78676 512-847-2202

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

2019

Public Notice

ALL CHILDREN WITH DISABILITIES
...erent pace, but often children need our help ...

¿S CON DESAFIOS DE APRENDIZAJE
...mo diferente, aun así, ocasionalmente los ...

Public Notice
...ATION TO ...

PUBLIC NOTICE

Pursuant to Chapter 59, Texas Property Code, Sleepy Hollow Properties, LLC, 523 Flite Acres, Road, Wimberley, Texas, will hold a public auction of property being sold to satisfy a landlord's lien. Sale will be held at 8 a.m. on Monday, November 4, 2019 at 523 Flite Acres Road, Wimberley, Texas, 78676.

Albert Hernandez - Misc. items
Jo Ann Seay/Bethina Brigham - Misc. items

**City of Dripping Springs
Public Notice of Approved Ordinance -
Technical Manual Adoption**
Effective Date: October 15, 2019
Ordinance No. 2019-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS ADDING ARTICLE 28.07 TECHNICAL CRITERIA AS ATTACHED IN EXHIBIT A; AND ADOPTING THE TECHNICAL CRITERIA, AS ATTACHED IN EXHIBIT B; AND PROVIDING FOR FINDINGS OF FACT, ADOPTION AND AMENDMENTS, A REPEALER, SEVERABILITY, AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**More Legals
and Public Notices
on the
Following Page**

...ZUTN, at 6:00 p.m. to consider the following: CUP-19-016 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 111 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (WPDD Amendment)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: ZA-19-010 - an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Neighborhood Services (NS) at 210 Masonic Lodge Road. This proposed amendment revises the concept plan. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019 at 6:00 p.m. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. to consider the following: ZA-19-009 - a request to change the zoning from Single-Family Residential 2 (R-2) to Neighborhood Services (NS) for property located at 400 Lange Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY WATER QUALITY PROTECTION CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS) ARTICLE 9.04 (WATER QUALITY PROTECTION), OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

PUBLIC NOTICE

Wimberley ISD Child Find
The purpose of Child Find is to locate, identify and evaluate children from birth to 21 years of age with disabilities and their possible need for special education and related services or Section 504 related supports. Child Find is a free referral and information service available through Wimberley ISD. If you are concerned that your child has significant difficulty with speech and language, learning, social interaction, play, vision, hearing, attention, behavior, or coordinating movements, please call the Wimberley ISD Special Services Department at (512) 847-7567.

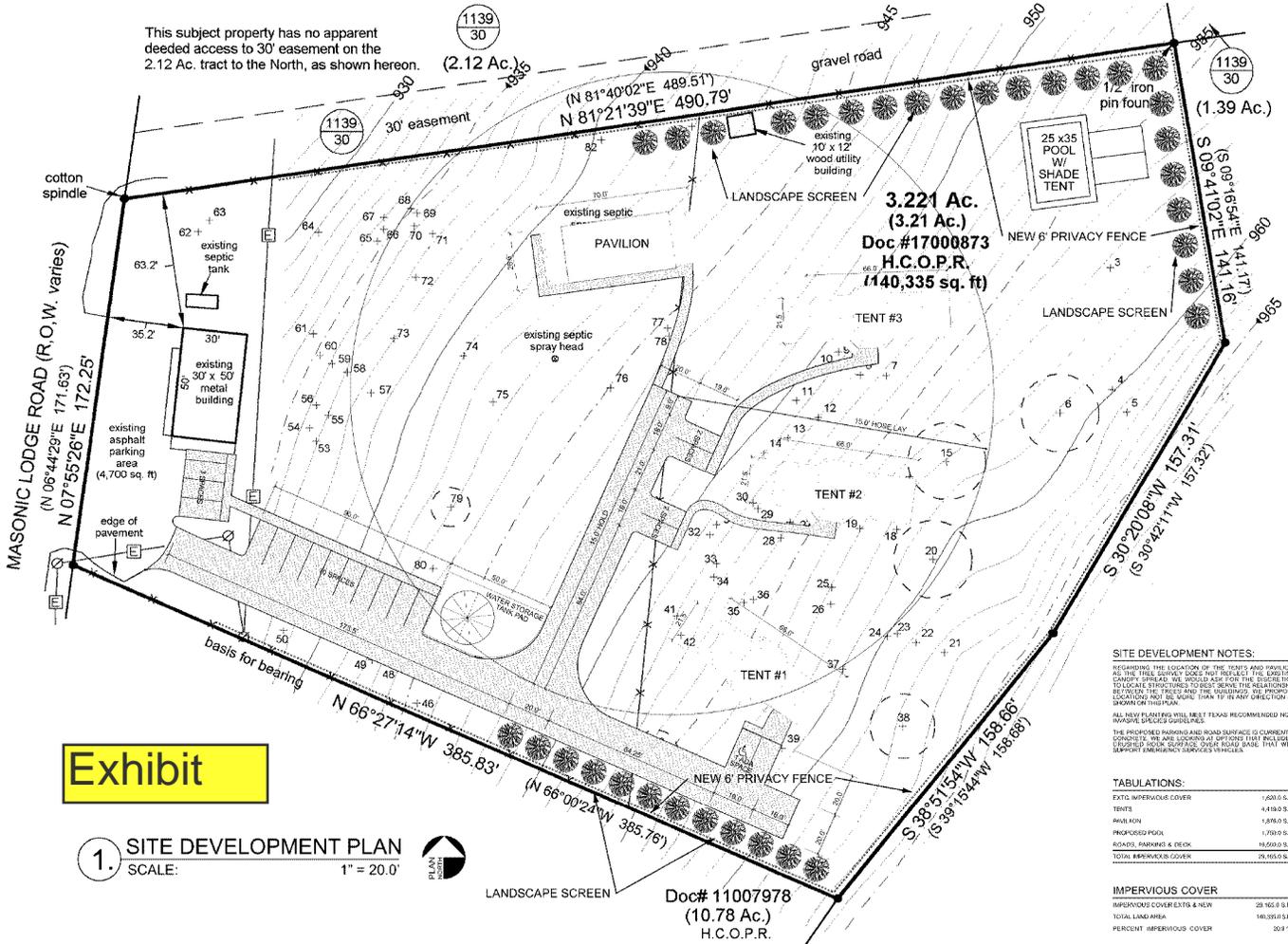
El Distrito Escolar está obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a estudiantes incapacitados que califican para recibir servicios bajo esta ley. ¿Sabes de un niño quien necesita ayuda? ¿Un niño que no progresa normalmente? Ayúdeno a ayudarnos los niños - llame al numero (512) 847-7567.



Did you know?
You can now view the Legals and Public Notices Online at wimberleyview@gmail.com



This subject property has no apparent deeded access to 30' easement on the 2.12 Ac. tract to the North, as shown hereon.



Exhibit

1. SITE DEVELOPMENT PLAN

SCALE: 1" = 20.0'



LANDSCAPE SCREEN

Doc# 11007978
(10.78 Ac.)
H.C.O.P.R.

SITE DEVELOPMENT NOTES:

REGARDING THE LOCATION OF THE TENTS AND HOSE LAY AS THE TRAIL SURVEY DOES NOT REFLECT THE LANDING CENTER SPREAD, WE WOULD ASK FOR THE SERVICE FROM TO LOCATE THE TENTS AND HOSE LAY. THE RELATIONSHIP LOCATIONS ARE BEING SHOWN TO BE ANY DIRECTION AS SHOWN ON THIS PLAN.

ALL REEF FOOTING WILL MEET TEXAS RECOMMENDED HIGH IMPACT SPREADS GUIDELINES.

THE PROPOSED PAVING AND ROAD SURFACE IS CURRENTLY UNDEVELOPED. WE ARE SUGGESTING AS OPTIONS THAT THEY WILL SUPPORT EMERGENCY SERVICES VEHICLE.

TABULATIONS:

EXTG. IMPERVIOUS COVER	1,620 S.F.
TENTS	4,180 S.F.
PAVILION	1,500 S.F.
PROPOSED POOL	1,720 S.F.
ROADS, PARKING & DECK	10,000 S.F.
TOTAL IMPERVIOUS COVER	29,460 S.F.

IMPERVIOUS COVER

IMPERVIOUS COVER EXIST & NEW	29,460 S.F.
TOTAL LAND AREA	160,225 S.F.
PERCENT IMPERVIOUS COVER	20.9%



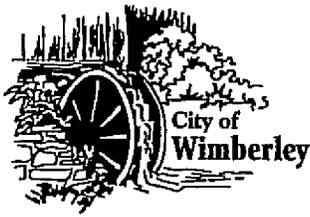
142 JACKSON LN
SAN MARCOS TEXAS
78666
512.392.1719

ARCHITECTURE
ENGINEERING
SURVEYING
PLANNING

SPOON MOUNTAIN CAMP
- SITE PLAN -
MASONIC LODGE ROAD, WIMBERLEY, TEXAS



The State Board of Professional Engineers and Surveyors
has approved this plan for the purpose of the above stated project.
This approval is not a guarantee of the accuracy of the information
contained herein and does not constitute an endorsement of the project.
The State Board of Professional Engineers and Surveyors
is not responsible for the consequences of the use of this plan.



AGENDA ITEM: Lot size
SUBMITTED BY: Sandy I. Floyd
DATE SUBMITTED: November 18, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discussion and consider 1st reading amending the minimum lot size requirements for lots within the City. This code amendment would allow staff to approve minor plat amendments that do not increase density. Many of the tracts that are currently legal fell under previous minimum lot size regulations. When property owner's that own multiple parcels dissolve interior lines to create one developable tract, the current regulations are triggered and the combination of the tracts does not meet the minimum lot size requirements that are in place today. This amendment would allow for an administrative approval versus a variance as long as the number of tracts is not increasing.

The Planning & Zoning Commission voted 6-0-0 to recommend approval.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | | |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item | <input type="checkbox"/> | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/> | Current Estimate: | \$ |
| Not Applicable | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

STAFF RECOMMENDATION

Ordinance No. 2019-43

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 12 (UTILITIES), ARTICLE 12.03 (ON-SITE SEWAGE FACILITIES), SECTION 12.03.077 (LOCAL RULES) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO REVISE THE SIZE OF LOTS FOR RESIDENTIAL LOT SIZES FOR MINOR AMENDMENTS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the Planning and Zoning Commission and City Council have considered, among other things, the development of a quality urban environment by establishing standards for the provision of adequate light, air, water satisfactory for human consumption, open space, stormwater drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its human and natural resources; and

WHEREAS, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade, and commerce of the City and necessary and proper for carrying out the power granted by law to the City; and

WHEREAS, the following enactments are a valid exercise of the City's broad police powers and based on the City's statutory regulatory authority, including, but not limited to, Texas Local Government Code Chapters 51, 52, and 212; and

WHEREAS, the City Council finds that the provisions of this Ordinance will serve to promote the public health, safety, morals, and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Article as if copied in their entirety.

SECTION II. AMENDMENT

- A. The City of Wimberley Code of Ordinances, Chapter 12 (Utilities), Article 12.03 (On-Site Sewage Facilities), Section 12.03.077 (Local Rules), Subsection A (Land Planning and Site Evaluation), (i) (Residential Lot Sizing), is hereby amended by adding the double underlined language as follows:

“Sec. 12.03.007 Local rules

The city, wishing to adopt more stringent rules for its OSSF ordinance, understands that the more stringent local rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent local rules adopted by the city.

(1) Facility planning.

(A) Land planning and site evaluation. All of the terms and provisions of 30 TAC section 285.4 are incorporated within the rules of the city except as expressly amended below.

(i) Residential lot sizing.

a. Platted or unplatted lots served by surface water or rainwater collection systems. Lots used for single-family residences platted or created after the effective date of these rules and served by a surface water or rainwater collection system shall have surface areas of at least the acreage designated in table A.

This subsection shall not apply to any amendment to a subdivision that does not increase the number of lots and is a minor amendment either dissolving an interior lot line or amending an interior lot line location.

b. Platted or unplatted lots served by public water systems. Lots used for single-family residences platted or created after the effective date of these rules and served by a public water system shall have surface areas of at least the acreage designated in table B.

This subsection shall not apply to any amendment to a subdivision that does not increase the number of lots and is a minor amendment either dissolving an interior lot line or amending an interior lot line location.

c. Platted or unplatted lots served by private wells or other water systems. Lots used for single-family residences platted or created after the effective date of these rules and served by a private well or any other system other than those described in subsection a. or b. above shall have surface areas of at least the acreage designated in table C.

This subsection shall not apply to any amendment to a subdivision that does not increase the number of lots and is a minor amendment either dissolving an interior lot line or amending an interior lot line location.”

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Article shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Article.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Article be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Article in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION V. REPEALER

The provisions of this Article shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Article are hereby expressly repealed to the extent that such inconsistency is apparent. This Article shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

This Article shall take effect immediately from and after its passage and publication as may be required by law.

SECTION VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Article was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED First Reading this __ day of _____, 2019, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

PASSED AND APPROVED Second Reading this __ day of _____, 2019, by a vote of (Ayes) to (Nays) (Abstain) vote of the City Council of the City of Wimberley, Texas.

Susan Jagers, Mayor

ATTEST:

Laura Calcote,
City Secretary

City Attorney

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 ices, 128-person capacity auditorium, 100
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 compact design and long-lasting battery of Inogen One.
 Free information kit! Call 866-747-9983.

THE WIMBERLEY VIEW, WIMBERLEY, TX., THURSDAY, OCTOBER 24, 2019

Public Notice

Public Notice

Public Notice

Public Notice

General Help Wanted

General Help Wanted

General Help Wanted

Homes For Rent

REQUEST FOR PROPOSALS

DRIPPING SPRINGS MIDDLE SCHOOL RENOVATIONS & NEW WALNUT

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY SUBDIVISION CONTROL CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS), ARTICLE 9.02 (SUBDIVISION CONTROL), TO CREATE DIVISION 11, (LANDSCAPING AND TREE PRESERVATION) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY UTILITIES CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 12 (UTILITIES) ARTICLE 12.03 (ON-SITE SEWAGE FACILITIES), SECTION 12.03.007 (LOCAL RULES) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

PUBLIC NOTICE REQUEST FOR PROPOSAL CITY OF WOODCREEK, TEXAS RFP NO. 2019-11

...water conservation plan, user drought contingency plan, monthly quarterly metered reporting and proof of public notice. The public may submit public comments to the HTGCD office by the ten-day deadline date, November 2, 2019. The deadline date starts upon the first day of the running of the applicant's published notice. All public comments will be reviewed prior to HTGCD staff recommendations. A secondary public notice shall include staff recommendations and a twenty-day deadline date to submit formal contested case letters to the HTGCD office. The operating permit amendment application is available for review on the HTGCD website www.haysgroundwater.com under Quick Links / Pending Permit Applications / Permit Amendments or is available for review at the HTGCD office, 14101 Highway 290 West, Building 100, Suite 212. Mail should be sent to HTGCD, P.O. Box 1648, Dripping Springs, TX 78620, email to Manager2@haysgroundwater.com or call HTGCD 512-858-9253.

NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. to consider the following: ZA-19-008 - a request to change the zoning from Commercial-Low Impact (C-1) to Office-Low Impact (O-1) for property located at 3 Palos Verdes. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Conditional Use Permit)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: CUP-19-015 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 400 Lange Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

Kelly Moore Paints Bee Cave Location 3595 RR 620 S. Austin, TX 78738

PART-TIME RECORDS MANAGEMENT CLERK
 Responsible for planning, organizing, and coordinating storage and maintenance of City records; provide support and/or training to employees and departments regarding records management policies, procedures, changes in laws and compliance with records management program; provide public access to records and record retrieval service to the Council, staff, and general public.

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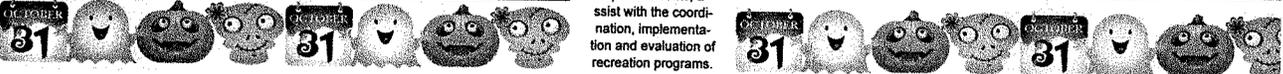
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 Visit www.lifechangesestatesales.com

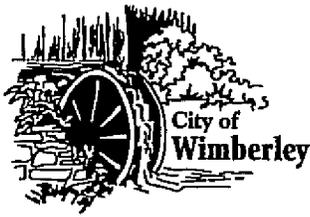
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AGENDA ITEM: Water Quality Protection
SUBMITTED BY: Sandy I. Floyd
DATE SUBMITTED: November 18, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The attached proposed revisions have been recommended by the City engineer and also the engineer working with the Meadows Center.

The Planning & Zoning Commission voted 6-0-0 to recommend approval with the revisions as included in this document.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | | |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item | <input type="checkbox"/> | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/> | Current Estimate: | \$ |
| Not Applicable | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

STAFF RECOMMENDATION

CYPRESS CREEK WATERSHED PROTECTION PROJECT
WIMBERLEY AND WOODCREEK WATERSHED PROTECTION ORDINANCES

Why Update the Ordinances?

Water quality protection

Consistent with the TCEQ Optional Enhanced Measures that the US Fish and Wildlife Service determined were protective of threatened and endangered species from impacts due to water quality degradation

Enhance Cypress Creek protection with primary benefit being water quality buffer zones in headwater creeks/drainages

Using up-to-date science, replacing outdated water quality measure design

Same water quality protection measures in Wimberley and Woodcreek

Eliminate regulatory overlap with the TCEQ Edwards Aquifer Protection Program

One water quality plan, one review by TCEQ

Clear path to a permit for the development community

Reduce staff burden, don't have to sort through different criteria

Promote low impact development and water saving measures

Rainwater harvesting, permeable pavements, rain gardens, etc.

ARTICLE 9.04 WATER QUALITY PROTECTION*

Division 1. Generally

Sec. 9.04.001 Title, purpose and scope

- (a) **Title.** This article shall be commonly cited as the water quality protection ordinance.
- (b) **Introduction.** Section 26.177 of the Texas Water Code provides an opportunity for municipalities to regulate water protection, water pollution, and pollution abatement.
- (c) **Purpose.** This article provides standards and procedures for municipal determination of the non-point source pollution control management policies which govern the planning, design, construction, operation and maintenance of drainage, erosion, and water quality facilities within the city limits and the city's extraterritorial jurisdiction (ETJ). This article sets forth the minimum requirements necessary to provide and maintain a safe, efficient and effective non-point source pollution control system and to establish the various public and private responsibilities for the provision thereof. Further, it is the purpose of this article to:
- (1) Protect human life, health and property;
 - (2) Preserve the natural beauty and aesthetics of the community;
 - (3) Prevent degradation and pollution of groundwater resources;
 - (4) Protect the integrity of local ecological systems such as Blue Hole, the Blanco River and Cypress Creek;
 - (5) Minimize the expenditure of public money for building and maintaining non-point source pollution control projects and cleaning sediments out of storm drains, streets, sidewalks and watercourses;
 - (6) Help maintain a stable tax base and preserve land values;
 - (7) Control and manage the quality of stormwater runoff, [and] the sediment load in that runoff, from points and surfaces within subdivisions;
 - (8) Utilize best management practices (BMP) for development which prevents erosion and sediment damage and which reduces the pollutant loading to streams, ponds and other watercourses; and
 - (9) Prevent losses of endangered species and habitat of endangered species.
- (d) **Jurisdiction.** This article applies to all property within the city limits and the city's ETJ.
- (e) **Development.**
- (1) The planning area-land use map of the city comprehensive plan acknowledges the existing land use patterns of the city, and delineates compatible extensions of these patterns. It is a long-range, general guide for future growth, classified by seven broad categories (planning areas). The

comprehensive plan states the city center should be the most densely developed planning area. Urban sprawl and high intensity land uses outward from the city center should be resisted. Through the designation of a high intensity planning area (HIPA), the city council finds it reasonable and prudent to encourage growth within the city center and discourage heavy development in the ETJ.

(2) This article applies to development when considered as a whole, even if comprised of more than one lot. These regulations may not be circumvented by aggregating lots, when in fact the lots share a common development scheme.

(f) **Mandate.**

(1) Any person proposing the development of real property within the city limits or the city's ETJ is subject to the provisions of this article.

(2) Requirements of this article shall be addressed in applications for subdivision plats, site development permits, rezoning, Wimberley Planned Development Districts (WPPDs), conditional use permits, development agreements, and building permits.

(3) It shall be an offense for any person to develop or improve real property in violation of this article.

(4) It shall be an offense for any person to violate the prohibitions set forth in division 2 of this article (public pollution prevention controls).

(g) **Definitions and rules of construction.** Words and phrases used in this article shall have the meanings set forth in section 9.04.002 of this article. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(Ordinance 2011-005, sec. 156.001, adopted 3/3/11)

Sec. 9.04.002 Definitions

Agricultural activities. Pasturing of livestock or use of the land for planting, growing, cultivating, and harvesting crops for human use or animal consumption. Such activities include nursery farms and orchards.

Agricultural stormwater runoff. Any stormwater runoff from orchards, cultivated crops, pastures, range land, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR section 122.24.

Applicant. The applicant shall be the owner of the property subject to this article, acting in person or by and through the owner's authorized representative. Documentation, in a form acceptable to the city, evidencing ownership of the property and the authority of the authorized agent must be submitted along with the application. For example, written power of attorney or a letter of agency will be sufficient to prove agency. A deed or tax letter will be adequate to establish ownership of the property.

Application. A written request for an approval required by this article.

Background pollutant load. The amount of pollution in stormwater runoff that is discharged from a site before development. The method used for calculating background pollutant load is to be found in the TCSSSTCEQ Edwards

Commented [1]:
Can we make these defined items italicized in the ordinance?
Commented [TH2R1]: Sure thing, this can be done.

Aquifer Rules – Technical Guidance on Best Management Practices, RG-348 (Manual) (or the technical standards section of this article).

Best management practice (BMP). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the non-point source pollution of waters in the state. The two basic types of BMPs for purposes of this article are “structural BMPs” (which include engineered and constructed systems that are designed to provide for water quantity and/or water quality control of stormwater runoff) and “non-structural BMPs” (which include institutional and pollution-prevention type practices designed to prevent pollutants from entering stormwater runoff or to reduce the volume of stormwater requiring management). This term expressly includes both structural and non-structural BMPs.

Board of adjustment. This term is the same as defined and applied in the zoning ordinance for the city.

City engineer. The engineer for the City of Wimberley.

City limits. The incorporated municipal boundaries of the City of Wimberley.

Cluster development: A confined area of housing or commercial development that is separated from other development areas by undeveloped land.

Common plan of development: A construction activity that is completed in one or more of the following ways: separate stages, separate phases, and in combination with other construction activities. A common plan of development is identified by the documentation for the construction project that identifies the scope of the project and may include plats, construction plans, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

Contributing zone. The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer or Trinity Aquifer.

Critical environmental features (CEFs). These are infiltration features and include caves, solution cavities, fractures, sinkholes, and other karst surface features as defined by TCEQ features.

CYPRESS CREEK TECHNICAL RESOURCE GUIDE. Guide developed by the Cypress Creek project that outlines low impact development and alternate standards techniques to encourage low impervious cover development and provide guidance for developments less than 5 acres in area that are exempt from the TCEQ Edwards Aquifer Protection Rules.

Design storm event. The design storm event for water quality is defined in the TCEQ Edwards Aquifer Technical Guidance, RG-348, shall be the 2-year, 3-hour storm. The pollutant loadings for this storm event shall be calculated in accordance with the TCSS Manual.

Develop. To engage in the development of land.

Developer. An individual engaged in the development of land.

Development. All land modification and construction activity, including the construction of buildings, roads, paved storage areas, parking lots and other improvements. “Development” also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, grubbing, excavating, filling, installing streets and utilities and grading, mining, and dredging, and the deposit of refuse, waste or fill whether or not a site development permit or building permit are required. Development includes but is not limited to commercial, industrial, and subdivision projects. The following activities are excluded from the definition: care and maintenance of lawns, gardens, and trees; minimal clearing (maximum 10 feet wide) for surveying and testing.

Discharge. Any addition or introduction of any pollutant, stormwater, or any other substance in a harmful quantity into a stormwater drainage system or into waters in the state.

Discharger. Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

Discharge (hydraulics). The rate of fluid flow, expressed as the volume of fluid passing a point per unit time, commonly expressed as cubic feet per second.

Domestic sewage. Human excrement, gray water from home clothes washing, bathing, showers, dishwashing, and food preparation, other wastewater from household and residential drains, and waterborne waste normally discharged from the sanitary conveniences of apartment houses, hotels, office buildings, factories, institutions and other dwellings, but excluding industrial waste.

Drainage area. The horizontal projection of the area contributing runoff to a single control or design point.

EDWARDS AQUIFER PROTECTION PROGRAM. Program administered by the TCEQ to protect the Edwards Aquifer that is a drinking water source for San Antonio and surrounding central Texas communities.

Commented [TH3]: This will be developed if/when the ordinance revisions are approved by the City Council. It will be a brief document that links directly to the TCEQ Edwards Aquifer Protection Program Design Manual so that the water quality measures can be applied to developments less than 5 acres in area but that have impervious cover greater than 15%.

EPA. The federal Environmental Protection Agency, or a successor agency.

Erosion. The detachment and movement of soil, sediment, or rock fragments by wind, water, ice or gravity.

ETJ. The extraterritorial jurisdiction of the city.

Facility. Any building, structure, installation, process, or activity from which there is or may be discharge of a pollutant.

Fertilizer. A solid or non-solid substance or compound that contains an essential plant nutrient element in a form available to plants that is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of one or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

Fill. The man-made deposition and compaction of material to effect a rise in elevation.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from (i) the overflow of inland or tidal waters, or (ii) the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. For the purposes of water quality buffer zones, this term shall mean either of one or the other following definitions:

- (1) A FEMA studied floodplain identified on the FIRM (flood insurance rate maps) as zone AE or equivalent; or
- (2) A studied floodplain as provided through engineering data prepared and certified by a professional engineer.

Grade. The vertical location or elevation of a surface, or the degree of rise or descent of a slope.

Harmful quantity. The amount of any substance that will cause pollution of water in the state.

Hazardous household waste (HHW). Any material generated by or in a household (including single and multiple residences, hotels, motels, bunk houses, ranger stations, camp grounds, picnic grounds, and day use recreational areas) which, except for the exclusion provided in 40 CFR section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR part 261.

Hazardous substance. Any substance listed in table 302.4 of 40 CFR part 302.

Hazardous waste. Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR part 261.

Herbicide. A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

High intensity planning area (HIPA). That area of higher density development within the city limits as defined in the city comprehensive plan and the current zoning ordinance as Planning Areas III through VI. Planning Areas I, II and VII along with the city's ETJ are not included in the HIPA.

Impervious cover. Impermeable development covering the natural land surface that inhibits infiltration. The term expressly excludes storage tanks for rainwater harvesting systems, or the structure covering specifically the rainwater collection tanks.

Industrial waste. Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

Infiltration. The passage or movement of water into the subsurface of the natural land.

Land user. Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Licensed professional engineer/geoscientist. A person who possesses an active license and is registered by the state board of registration for professional engineers/geoscientists in the state. The term also includes a professional engineer (PE).

Limited plan review. A level of city review of development site plans that is less detailed than standard review procedures and consisting of a geometric review of proposed impervious cover overlaid on stream buffer zones and CEF setbacks with no requirement in the review process to demonstrate achievement of otherwise applicable performance standards.

Livestock containment area. An area such as a corral, barn or pen used to contain livestock for the purpose of management and providing care.

Local governmental agencies. Any department or agency related to the subdivision of the state in the form of the county or municipality.

Natural state. The condition of the land existing prior to any development.

Notice of intent (NOI). The notice of intent that is required by either the site development permit or building permit.

Non-point source (NPS) pollution. Pollution that is caused by or attributable to diffuse sources. Such pollution results in the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water. Typically, NPS pollution results from land runoff, precipitation, atmospheric disposition, or percolation.

Non-point source pollution control plan. The drawings and documents submitted by an applicant seeking plan or permit approval under this article. Such a plan consists of a system of vegetative, structural and other measures to control the increased rate and volume of surface runoff and reduce pollutants in the runoff caused by human changes to the land.

Oil. Any kind of petroleum substance including but not limited to petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Operator. The person or persons who, either individually or taken together, have day-to-day operational control over a facility and activities at the facility sufficient to attain compliance with the requirements of this article.

Owner. The person who owns a facility or part of a facility subject to the requirements of this article.

Person. Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

Pesticide. A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, as these terms are defined in Texas Agriculture Code section 76.001.

Petroleum storage tank (PST). Any one or combination of above-ground or underground storage tanks that contain oil, petroleum products or petroleum substances, and any connecting underground pipes.

Point source. Any discernable, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant. Eroded or displaced sediment, soil, silt or sand resulting from development; dredged spoil; solid waste; sewage; garbage; chemical waste; biological materials; any other substance or material or thing not naturally found in waters in the state; radioactive materials; abandoned or discarded appliances or equipment; and industrial, municipal, and agricultural waste which is or may be discharged into waters in the state. This term shall be limited to those substances listed herein, or monitored or regulated by the TCEQ or EPA.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Recharge zone. That area where the stratigraphic units constituting the Edwards Aquifer and Trinity Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer and Trinity Aquifer where caves, sinkholes, faults, fractures or other permeable features create a potential for recharge of surface waters into the Edwards Aquifer and Trinity Aquifer.

REDEVELOPMENT. Any building, renovation, replat of property, revisions, remodel, and reconstruction of existing development.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into a stormwater drainage system or into waters in the state.

Residence. Any building, or portion thereof, which is designed for or used as living quarters for one or more families including related outbuildings, garages, storage buildings, greenhouses, etc.

Riparian corridor. The ecological areas within and adjacent to a floodplain that do or can support the following plant species: Pecan, American Elm, Arizona Walnut, Bald Cypress, Black Walnut, Bur Oak, Cedar Elm, Little Walnut, Green Ash, Texas Sugarberry, American Sycamore, Eastern Cottonwood, Black Willow, and Live Oak.

Rubbish. Nonputrescible solid waste, excluding ashes, that consists of:

- (1) Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture,

rubber, plastics, asphalt, yard trimmings, leaves, and similar materials; and

(2) Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Runoff. That portion of precipitation or precipitation drainage that flows by force of gravity across the ground surface as sheet flow or in a stormwater drainage system towards water in the state.

Septic tank waste. Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage (or sanitary sewage). The domestic sewage and/or industrial waste that is discharged into a sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

Sewer (or sanitary sewer). The system of pipes, conduits, and other conveyances which carry domestic sewage and/or industrial waste from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and which are intended to exclude stormwater, surface water, and groundwater.

Site development plan – Detailed engineered drawings and accompanying text clearly describing the site development improvements.

Site development permit/plan. The permit record of approval of the site development plan issued to and applicant required by the city's Code of Ordinances.

Commented [4]:
I felt the old definition was not very useful.

Solid waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

Spring. A point or zone of natural groundwater discharge, whether constant or intermittent, having measurable flow, or a pool, and characterized by the presence of a mesic plant community adapted to the moist conditions of the site.

Start of construction. The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

State. The State of Texas.

Steep slope. Defined as a 400% grade, as defined for the purposes of setbacks.

Stormwater drainage system. A conveyance or system of conveyances including roads with drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains designed or used for collecting or conveying stormwater.

Stormwater pollution prevention plan (SWPPP). A plan required by either the TPDES construction site general permit or the TPDES industrial general permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity.

Streams. Perennial and intermittent watercourses identified through site inspection and USGS maps. Perennial streams are those which are depicted on a USGS map with a solid blue line. Intermittent streams are those which are depicted on a USGS map with a dotted blue line.

Subdivision. A division, or re-division, of any tract of land situated within the city's jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or in the future, of sale, division of ownership or building development. "Subdivision" includes re-subdivisions of land or lots which are part of previously recorded subdivisions.

TCEQ. The Texas state Commission on Environmental Quality or its predecessor or successor agencies as defined by law.

Technical Construction Standards and Specifications (TCSS) Manual. This manual describes in detail the technical criteria and procedures to be used to comply with provisions of this article. Although the purpose of the TCSS Manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of any information relevant to the accomplishment of the purposes of this article. Other generally accepted, or innovative and effective, engineering designs, practices and procedures may be used in conjunction with, or instead of, those prescribed by the TCSS Manual if approved by the city engineer. The TCSS Manual for the city

shall be the same manual adopted by the City of Austin, as may be amended. A copy is maintained and available for inspection at the city hall.

TPDES general permit for construction stormwater discharges. The Construction General Permit No. TXR150000 issued by TCEQ on March 5, 2003 and any subsequent modifications or amendments thereto.

TPDES general permit for industrial stormwater discharges. The Industrial General Permit No. TYR050000 issued by TCEQ on August 20, 2001 and any subsequent modifications or amendments thereto.

TPDES permit. A permit issued by TCEQ pursuant to authority granted under 33 USC section 1342(b) that authorizes the discharge of pollutants into waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

Transferable development intensity (TDI). Authorization to exceed the uniform intensity levels otherwise imposed under this article on a less environmentally sensitive tract of land resulting from voluntary relinquishment of development rights otherwise allowed under this article on a more environmentally sensitive tract of land (e.g., through dedicated conservation easement). A TDI can also result from the removal of existing impervious cover within an existing development with water quality protection measures not otherwise required by this article.

Waiver. A grant of relief to a person from the requirements of this article when specific enforcement would result in unjustifiable or unnecessary hardship due to out-of-the-ordinary or extenuating circumstances.

Water in the state (or water). Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, or canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are inside the jurisdiction of the state.

Water quality buffer zone (WQBZ). Natural riparian areas along waterways and critical environmental features that reduce overland flow velocities and filter pollutants.

Water quality controls. An engineered and constructed device or system designed to protect water from pollution, control the rate and flows of stormwater runoff, and/or minimize erosion and sediment deposits from stormwater runoff.

Watershed. The total area contributing runoff to a stream or drainage system.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions and conforms to the U.S. Army Corps of Engineers' definition. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard waste. Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

(Ordinance 2011-005, sec. 156.010, adopted 3/3/11)

Secs. 9.04.003–9.04.030 Reserved

Division 2. Public Pollution Prevention Controls

Sec. 9.04.031 Prohibitions

Per the city comprehensive plan, it is the intent of the following prohibitions to eliminate sources of pollution affecting watersheds and aquifers.

(1) General prohibitions.

(A) No person shall discharge, or cause, suffer or allow the discharge, of any wastes, substances or other materials into or adjacent to any water in the state which causes or will cause pollution of any water in the state, except where otherwise exempt or allowed through permit by the TCEQ.

(B) No person shall introduce or cause to be introduced into a stormwater drainage system any pollutants or other discharge that is not composed entirely of stormwater, except where otherwise exempt or allowed through permit by the TCEQ.

(2) Specific prohibitions.

- (A) No person shall introduce or cause to be introduced into a stormwater drainage system any discharge that causes or contributes to causing a violation of a water quality standard established by law.
- (B) No person shall introduce, discharge, or cause, suffer or allow a release of any quantity of the following substances into a stormwater drainage system:
- (i) Motor oil, antifreeze, or any other motor fluid;
 - (ii) Industrial waste;
 - (iii) Asphalt;
 - (iv) Hazardous waste, including hazardous household waste;
 - (v) Domestic sewage, septic tank waste, grease trap waste, or grit trap waste;
 - (vi) Garbage, rubbish or yard waste beyond that yard waste that typically washes off a yard during a rain event;
 - (vii) Wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance operation at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;
 - (viii) Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (ix) Wastewater from commercial floor, rug, or carpet cleaning;
 - (x) Wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance as defined by EPA or TCEQ; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
 - (xi) Effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
 - (xii) Ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
 - (xiii) Runoff or washdown water from any animal pen, kennel, or fowl or livestock containment area;
 - (xiv) Filter backwash from a swimming pool, or fountain, or spa;

- (xv) Swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (xvi) Discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
- (xvii) Fire protection water containing oil or hazardous substances or materials (except for discharges or flows from firefighting activities by a locally accredited fire department);
- (xviii) Water from a water curtain in a spray room used for painting vehicles or equipment;
- (xix) Contaminated runoff from a vehicle wrecking yard;
- (xx) A substance or material that will damage, block, or clog the stormwater drainage system;
- (xxi) Release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
 - a. The discharge complies with all state and federal standards and requirements;
 - b. The discharge does not contain a harmful quantity of any pollutant;
 - c. The discharge does not contain more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).
- (C) No person shall introduce into a stormwater drainage system any quantity of sediment, silt, dirt, soil, sand or other material associated with clearing, grading, excavation or other development activities, or associated with landfilling or other placement or disposal of soil, rock, sand or other earth materials, in excess of what could be retained on-site or captured by employing sediment and erosion control measures to the minimum extent required by this article.
- (D) No person shall connect a line conveying sanitary sewage, whether domestic or industrial, to a stormwater drainage system, nor allow such a connection to continue if discovered.
- (E) No person shall cause or allow any pavement wash_water from a gasoline service station, constructed after the effective date of this article, to be discharged into a stormwater drainage system unless such wash_water has first passed through a grease, oil, and sand interceptor which is properly functioning and maintained.
- (F) Pesticide, herbicide and fertilizer regulation.
 - (i) Any license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for sale, distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide or fertilizer must be presented to an authorized city enforcement officer for examination upon request.
 - (ii) No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.

(iii) No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters in the state.

(iv) No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters in the state.

(G) Used oil regulation.

(i) No person shall discharge used oil into a stormwater drainage system or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse.

(ii) No person shall knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill.

(iii) The application of used oil shall be allowed for the uses of used oil that are defined in 40 CFR 279.1.

(iv) All businesses engaged in the changing of motor oil for the public, all municipal waste landfills, and all fire stations may serve as public used oil collection centers as provided by state law.

(v) A retail establishment which sells motor oil in containers directly to the public for use off-premises shall post in a prominent place a sign informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state used oil information center.

(Ordinance 2011-005, sec. 156.002, adopted 3/3/11)

Secs. 9.04.032-9.04.060 Reserved Permit Determination

(a) **Exemptions.** The following are exempt from the provisions of this ordinance:

- (1) Development or redevelopment that adds less than 5,000 square feet of new impervious cover
- (2) Development of a single-family residence on an existing platted lot
- (3) Development of a single-family residence that creates more than 5,000 square feet of new impervious cover and provides erosion and sediment control during construction and is in compliance with the water quality buffer zone requirements found in 9.04.063.
- (4) Agricultural activities

(b) **Alternate Standards Compliance.** Development that meets the following criteria need not comply with Section 9.04.061(a) (provide structural or nonstructural BMPs)

- (1) Not part of a common plan of development and the project impervious cover is less than 15% and the cluster development sections (individual drainage areas) have impervious cover less than 20 percent.
- (2) The street and drainage network is designed to include the use of open roadway sections (no curb and gutter), ribbon curb, drainage channels and the maintenance of sheet flow and/or?
- (3) Impervious cover credits described in the Cypress Creek Technical Resource Guide may be used to gain compliance with this section.

Sections 9.04.033-9.04.060 Reserved

Commented [5]:
This section of permit determination is unclear what permitting it applies to. Is it Site Plan permits or Development permits of some kind defined by the city of Wimberley? It seems like this section should be placed in the "Purpose and scope section" at the top of the Article.

Commented [TH6R5]: See Development definition above. I added more descriptive information. This can be placed at your suggested location.

Commented [7]:
What are these?

Commented [TH8R7]: See definitions above.

Commented [9]:
What does this mean?

Commented [TH10R9]: See the added definition above. This is based on the TCEQ Edwards Aquifer Program definition to maintain consistency with that program.

Commented [11]:
Definition?

Commented [TH12R11]: See added definition above.

Commented [TH13]: Added word "and"

Division 3. Development Pollution Controls

Sec. 9.04.061 Performance standards for development

(a) All new subdivision development ~~and~~ or new commercial development that adds more than 5,000 square feet of new impervious cover shall achieve the pollutant removal standards detailed in this section through the design and implementation of structural and nonstructural BMPs and water quality controls. These standards shall apply to an entire project for which a unified development scheme is intended by the applicant, without regard to whether the project is comprised of more than one lot. These regulations cannot be avoided by dividing a single project into several small lots. These regulations shall not apply to the development of a single-family residence on an existing platted lot.

Commented [14]:
"Or"?

Commented [TH15R14]: Correct, thanks for the catch.

(b) The ~~Technical Construction Standards and Specifications (TCSS) Manual~~ TCEQ Edwards Aquifer Rules – Technical Guidance on Best Management Practices, RG-348 (Manual), ~~as amended~~ shall be used to guide efforts to achieve the performance standards for development set forth in this article. The ~~TCSS Manual~~ describes in detail the technical criteria and procedures to be used to comply with provisions of this article. It neither replaces the need for engineering judgment nor precludes the use of any information relevant to the accomplishment of the purposes of this article. If approved by the city engineer ~~and/or the TCEQ~~, other generally accepted, or innovative and effective, engineering designs, practices and procedures may be used in conjunction with, or instead of, those prescribed by the ~~TCSS Manual~~.

Commented [16]:
Generally when we refer to outside criteria I feel like we should say "as amended" so when they update there is no misunderstanding that we automatically update too.

(1) **Performance standards for development within high intensity planning area (HIPA)**– All development within the area defined as the HIPA is subject to the following requirements:

(A) 5 acres or less and not part of a common plan of development (exempt from TCEQ Edwards Rules) ~~and~~ impervious cover is 15 percent or greater: The applicant must provide technical demonstration that the water quality volume is retained on site for not less than 24 hours through the use of conventional and low impact development techniques found in the TCEQ Edwards Aquifer Rules – Technical Guidance on Best Management Practices, RG-348 or the Cypress Creek Technical Resource Guide. ~~Technical demonstration of pollutant load removal is not required; however, the applicant shall employ a combination of structural and non-structural BMPs to remove the net increase in pollutants due to development to a level of not less than 80% of the total suspended solids pollutant load while the remaining pollutant loading constituents shall be addressed through nonstructural measures, in accordance with the TCSS.~~

Commented [17]:
This reads a little weird; not sure what the meaning is

Commented [TH18R17]: Added text to clarify.

(B) Greater than 5 acres: Technical demonstration of pollutant load removal is required by obtaining Contributing Zone Plan approval from TCEQ unless the project is exempt from the TCEQ requirements due to proposed impervious cover levels less than TCEQ thresholds for permitting. If exempt from TCEQ Edwards CZP approval, then, the project shall comply with the Cypress Creek Technical Resource Guide and obtain City approval prior to commencing construction. ~~For each of the constituents below, the design shall demonstrate 85% removal of the net increase for the design storm event:~~

(i) Total suspended solids.

(ii) Total phosphorus.

(iii) Oil and grease.

(C) Background pollutant loads and pollution concentrations for developed sites:

(i) Background pollutant concentrations shall be as defined in the TCSS Manual.

(ii) Standard pollutant concentrations for developed sites shall be as defined in the TCSS Manual.

(iii) Calculation of annual pollutant loading shall comply with the criteria set forth in the TCSS Manual.

(2) Performance standards for development outside high intensity planning area (HIPA). All development that is not within the area defined as the HIPA is subject to the following requirements:

(A) Technical demonstration of pollutant load removal is required. For each of the constituents below, the design shall demonstrate 90% removal of the net increase for the design storm event:

(i) Total suspended solids.

(ii) Total phosphorus.

(iii) Oil and grease.

(B) Background pollutant loads and pollution concentrations for developed sites:

(i) Background pollutant concentrations shall be as defined in the TCSS Manual.

(ii) Standard pollutant concentrations for developed sites shall be as defined in the TCSS Manual.

(iii) Calculation of annual pollutant loading shall comply with the criteria set forth in the TCSS Manual.

(1) Alternate Standards – Development that is exempt from the TCEQ Edwards Contributing Zone Plan requirements and meets the following criteria need not provide water quality volume as noted in subsection 156.03.A.1 [9.04.061(b)(1)(A):

Commented [19]:
Updated reference.

(a) The gross impervious cover is 15 percent or less and the cluster development sections have 20 percent or less gross impervious cover.

(b) Street and drainage network is designed to include the use of open roadway sections, ribbon curb, drainage swales, maintenance of sheet flow and water quality buffer zones.

(Ordinance 2011-005, sec. 156.003, adopted 3/3/11)

Sec. 9.04.062 Impervious cover

Per the city comprehensive plan, it is the intent of this section to preserve and protect the quality of watersheds and limit the amount of impervious cover in development. Recognizing there is an established correlation between increasing impervious cover and the impairment of water quality and increased erosion, the following limitations on impervious cover are set forth:

- (1) **Maximum limits.** Maximum limits on impervious cover are established as follows on developments occurring after the effective date of this article:
 - (A) For areas within the recharge and contributing zones of the Edwards Aquifer or Trinity Aquifer in the ETJ, the maximum impervious cover limit is 230%.
 - (B) For areas within the city limits, impervious cover limits for tracts are established in the city's zoning ordinance according to the particular zoning district the tract is designated.
- (2) **Impervious cover limit calculations.** Impervious cover limits in this section are expressed as a percentage of the gross site area of the subject tract. For purposes of calculation of impervious cover limits, the gross site area includes water quality buffer zone (WQBZ) areas and critical environmental features (CEF) setback areas.
- (3) **Items considered impervious cover.** The following shall be considered as impervious cover, unless modified through the use of incentives (rainwater collection, porous pavement, etc.):
 - (A) Roads, pavements, and driveways;
 - (B) Parking areas;
 - (C) Buildings;
 - (D) Pedestrian walkways and sidewalks;
 - (E) Concrete, asphalt, and masonry surfaced areas, and stone surfaced areas;
 - (F) Swimming pool water surface area;
 - (G) Densely compacted natural soils or fills which result in a coefficient of permeability less than 1×10^{-6} cm/sec;
 - (H) All existing man-made impervious surfaces prior to development;
 - (I) Water quality and stormwater detention basins lined with impermeable materials;
 - (J) Stormwater drainage conveyance structures lined with impermeable materials.
- (4) **Items not considered impervious cover.**
 - (A) Existing roads adjacent to the development and not constructed as part of the development at an earlier phase;
 - (B) Rock outcrops;
 - (C) Landscaped areas and areas remaining in their natural state;
 - (D) Water quality controls and stormwater detention basins not lined with impermeable materials;
 - (E) Stormwater drainage conveyance structures not lined with impermeable materials;

- (F) Interlocking or “permeable” pavers; and
- (G) Functioning rainwater harvesting systems, as defined below.

(5) **Reduction incentives.**

(A) As an incentive to reduce impervious cover, all developments with less than 15% impervious cover that are exempt from the TCEQ Edwards Aquifer Protection Program rules are not required to provide technical demonstration for removal of net increase in pollutants, but must still incorporate sufficient water quality control measures to comply with the other provisions found in the Cypress Creek Technical Resource Guide. of this article. Development eligible for these Alternate Standards must meet the following requirements:

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- The gross development impervious cover is 15 percent or less, and
- The street and drainage network is designed to include the use of open roadway sections, ribbon curb, grassy channels, and maximize sheet flow.

(B) ~~Through the incorporation of incentives (rainwater collection, pervious pavement, non-structural BMPs), also known as “stormwater credits” for the purposes of water quality calculations, this allows for the reduction of impervious cover that is considered (taken into account) in the calculation of pollutant load removal for a specific site. (Refer to the city’s TCSS Manual for more explanation regarding the calculations and methods for attaining effective impervious cover.) There is a reduction in the impervious cover for purposes of calculation, and also a corresponding allowance for an increase in the physical impervious cover.~~

(6) **Rainwater harvesting incentives.**

(A) Rainwater harvesting consists of a series of components designed to capture, store and reuse rainwater. A rainwater harvesting system consists of six basic components including:

- (i) Catchment area/roof, which is the surface on which the rain falls;
- (ii) Gutters and downspouts, which transport the water from the catchment area to storage;
- (iii) Leaf screens and roof washers, which are used to filter out debris;
- (iv) Cisterns or storage tanks where collected rainfall is stored;
- (v) Conveyance, which is the method of delivering the water either by gravity or pump; and
- (vi) Water treatment, which includes filters and equipment that are used to settle, filter, and disinfect the water if it is to be used for drinking water.

(B) A rainwater harvesting system approved under this article shall comply with the following minimum requirements:

- (i) The entire system, including rainwater collection, conveyance and storage, shall be isolated from the site stormwater system.
- (ii) The collected rainwater shall be used for on-site irrigation, residential potable water use, or other purposes as approved by the city.

(iii) The system shall comply with the pollution control performance standards of section 9.04.061(a) and (b).

(iv) The on-site irrigation system shall be designed in accordance with standard irrigation practices considering such factors as soil type, slope, and vegetative uptake rates.

(C) Rainwater collection and containment structures functioning as a rainwater harvesting system are not considered impervious cover. Such structures and/or improvements can be used to obtain credit towards any impervious cover requirement set forth in this article. Structures and/or improvements (e.g., building roofs, patios, awnings, etc.) from which stormwater is harvested are considered impervious cover.

(D) In order to qualify to receive credit for a rainwater harvesting system, the system must be designed to exceed normal draw (i.e., no credit will be given if the tank does not fall below 85% full at any time during a calendar year routinely stays full). Credit is just for the tank cover. In order to qualify, the applicant must demonstrate where water is going. (e.g., how it will be drawn down, use as non-potable source rainwater, or irrigation).

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How is this communicated beforehand during permitting?

Commented [TH23R22]: This will be found in the Cypress Creek Technical Resource Guide.

(E) Credits can zero-out impervious cover for purposes of calculating runoff treatment for the captured area. Applicants may also get up to 10 percentage points credit toward additional cover. The calculation procedures are found in the Cypress Creek Technical Resource Guide.

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Where is this document located? Wasn't able to find it online.

Commented [TH25R24]: See note above and definition.

(7) Transferable development intensity (TDI) incentive.

(A) Transfer of development intensity. An applicant who complies with a provision of this subsection qualifies for the TDI:

(i) For each three (3) acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for nonresidential use, and does not include impervious calculations elsewhere, the applicant may transfer up to one (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points;

(ii) For each six (6) acres of land that an applicant leaves undeveloped and undisturbed in an area zoned by the city for residential use and does not include impervious calculations elsewhere, the applicant may transfer up to one (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points; or

(iii) For each six (6) acres of land that an applicant leaves undeveloped and undisturbed in the ETJ of the city and does not include its impervious calculations elsewhere, the applicant may transfer up to one (1) acre of impervious cover, but in no case shall the maximum impervious cover limit be increased by more than ten (10) percentage points.

(B) Requirements. An applicant who qualifies for a TDI must comply with the following requirements to effectuate the transfer:

(i) The transferring tract and the receiving tract must be located within the city limits or the city's ETJ;

- (ii) The transferring tract does not include a WQBZ or CEF;
- (iii) The receiving tract must comply with the water quality control standards of this article;
- (iv) The transferring and the receiving tracts must be concurrently platted and must transfer development intensity at that time;
- (v) The TDI must be noted on the plats of the transferring and receiving tracts; and
- (vi) A restrictive covenant must be filed in the deed records, approved by the city, that runs with the transferring tract and describes the TDI.

(8) **Restrictions on siting of impervious cover.**

- (A) Impervious cover shall not be constructed downstream of water quality controls except for specific instances reviewed and approved by the City engineer.
- (B) Impervious cover shall not be constructed within WQBZs except as allowed by this Ordinance.
- (C) Impervious cover shall not be constructed within critical environmental feature setback areas.
- (D) Impervious cover shall not be constructed within the areas designated for on-site irrigation of treated wastewater effluent disposal and/or captured stormwater.

(Ordinance 2011-005, sec. 156.004, adopted 3/3/11)

Sec. 9.04.063 Water quality setbacks

(a) **Water quality buffer zones (WQBZ) required.** As the location of development activities can have significant impacts on water quality, water quality buffer zones (WQBZ) shall be established along streams at the time of platting (creation of newly subdivided lots or site plans). This subsection does not apply to legally platted lots that existed as of the effective date of this ordinance.

(b) **Dimensions for WQBZ.**

(1) Option 1 - A WQBZ shall be established along streams with the specified contributing drainage area as follows. The dimensions of the WQBZ shall be based on the size of its watershed as are shown below:

(Aa) Greater than 5 acres and up to 40 acres but excluding roadside swales. The WQBZ shall extend a minimum of 25 feet from either side of the centerline of the waterway (total of 50 feet of buffer zone). This buffer zone category will not apply within the City Limits.

(b) Greater than 40 acres and up to 128 acres. The WQBZ shall extend a minimum of 50 feet from either side of the centerline of the waterway (total of 100 feet of buffer zone).

(c) Greater than 128 acres and up to 320 acres. The WQBZ shall extend a minimum of 100 feet from either side of the centerline of the waterway (total of 200 feet of buffer zone).

(d) Greater than 320 acres and up to 6400 acre. The WQBZ shall extend a minimum of 200 feet from either side of the centerline of the waterway (total of 400 feet of buffer zone).

(e) Greater than 640 acres. The WQBZ shall extend a minimum of 300 feet from either side of the centerline of the waterway (total of 600 feet of buffer zone).

Up to 80 acres: The WQBZ shall be established per the requirements of the city's Protected Water [Protected Waterway] overlay district.

~~(B) Greater than 80 acres and up to 320 acres: The WQBZ shall extend a minimum of 150 feet from either side of the centerline of the stream (total of 300 feet of buffer zone):~~

~~(C) Greater than 320 acres: The WQBZ shall extend a minimum of 200 feet from either side of the centerline of the stream (total of 400 feet of buffer zone):~~

~~(2) With approval of the city engineer, modification of the buffer zone dimensions is allowed to address site specific conditions:~~

OPTION 2 – Floodplain Buffer Zone

For creeks or rivers draining less than 40 square miles but more than five (5) acres, excluding roadside swales, the WQBZ shall extend a minimum of 25 feet from the 100-year floodplain boundary paralleling each side of the creek or river. The 100-year floodplain shall be based on modeling approaches as approved by the City Engineer. For creeks or rivers draining more than 40 square miles, the WQBZ shall be considered equal to the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA) or by an engineered floodplain study approved by the City Engineer.

(c) Special instructions regarding WQBZs.

(1) At the sole discretion of the city and based on special circumstances, minimum distances from the stream centerline may be adjusted if there are equivalent protection measures proposed that are found acceptable by the city engineer.

(2) Along steep slopes, as defined, the width of the WQBZ shall be 25 feet beyond the edge of the defined steep slope.

(3) Except as specifically provided for in this article, all development activities, including temporary construction activities, and landscaping activities, are prohibited in the WQBZ of a stream, without the express written approval of the city engineer, who must be provided evidence of equivalent protection.

(d) Allowable development in WQBZ. The following development activities within a WQBZ may be allowed at the sole discretion of the city with the corresponding conditions:

(1) Critical utility crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

(2) Critical roadway crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;

- (3) Critical transportation crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;
- (4) Hike and bike trails if provided for in an approved development plan;
- (5) Maintenance and restoration of native, non-invasive vegetation;
- (6) Water quality control monitoring devices;
- (7) Removal of trash, debris, and pollutants;
- (8) Fences that do not obstruct flood flows;
- (9) Public and private parks and open space, if human activities are limited to hiking, jogging, or walking trails, and excluding stables, corrals and other forms of animal housing;
- (10) Typical private drives (acceptable to the city) to allow access to property not otherwise accessible; and/or
- (11) The construction and use of BMPs regional stormwater detention basins for the express purpose of water quality floodplain management. and stormwater control provided that the natural drainage to the site is less than 128 acres. The embankment shall occupy a narrow footprint and no excavation takes place in the flood storage pool. Limited vegetation clearing and minor grading is allowed to construct the embankment and outlet works..

(e) **Limitations on allowed activities in WQBZ.** Any development within a WQBZ allowed under subsection (d) of this section shall be designed and/or conducted in a manner which limits the alteration and pollution of the natural riparian corridor to the maximum extent feasible. In no case shall any wastewater line be located less than 100 feet from the centerline of a stream unless the applicant has demonstrated that installation of the wastewater line outside of this zone is physically prohibitive or environmentally unsound. Any wastewater lines located in a WQBZ shall meet design standards and construction specifications to ensure zero leakage.

(f) **Requirements for discharges in WQBZ.** All water quality control discharges and stormwater discharges shall not be directly connected to the into a WQBZ. Instead, concentrated runoff shall be converted to diffused overland sheet flow. shall only be in the form of diffused, overland sheet flow and shall have peak velocities of less than 5 feet per second at the 2-year, 3-hour design storm event, unless demonstration is provided that this is not achievable with the proposed BMPs for managing stormwater runoff and quality, or that other means of diffusing the velocity of the runoff is provided that will protect the affected stream's morphology.

(Ordinance 2011-005, sec. 156.005, adopted 3/3/11)

Sec. 9.04.064 Critical environmental feature (CEF) protection

As critical environmental features (CEF) are micro-geologic features that can become direct entry points where pollutants are introduced into the aquifer, the following setbacks from CEFs are as set forth in this article to minimize the risk of groundwater pollution:

- (1) **Minimum setback.** A minimum setback area with a radius of one hundred (100) feet is established around the outside periphery of all CEFs.

(2) **Restrictions.**

(A) No development activities are allowed within the setback area.

(B) No untreated stormwater runoff from developed land shall be allowed to flow over CEFs.

(3) **Hilltop CEFs.** For CEFs which are discovered to lie in an area which does not receive stormwater runoff (e.g., situated at the top of a hill), the setback area is 25 feet to prevent inadvertent pollution of the CEF unless otherwise restricted by this code.

(Ordinance 2011-005, sec. 156.006, adopted 3/3/11)

Sec. 9.04.065 Erosive flow controls

Per the city comprehensive plan, it is the intent of this section to minimize the effects of rainwater runoff on property development and environmental degradation. This section encourages using structural and non-structural stormwater drainage systems to preserve the natural features of the area and to assist with the replenishment of the area's water supply. As stormwater discharges (hydraulics) from development pose a significant threat to water quality, the following sediment and erosion control regulations are set forth for development:

(1) **Erosion control requirement.** When development occurs on a property, all disturbed land areas shall have erosion and sediment control measures established prior to any work being performed on the property. This section applies whether or not a site development permit or building permit is required. Such measures shall be designed so as to eliminate the possible transport of silt, earth, topsoil, rubbish, yard waste etc., by water runoff from the subject property to an adjacent property, stream, or onto city streets, drainage easements, and drainage facilities, following any land disturbing activity.

(2) **Erosion control plan.**

(A) In those cases where a building permit or site development permit is required, including but not limited to development within the boundaries of a Protected Water [Protected Waterway] overlay district, in order to clearly identify all erosion and sediment control measures to be installed and maintained throughout the duration of the project, a detailed erosion control plan shall be required prior to the issuance of the site development permit or the building permit. Such plans shall be prepared in accordance with the requirements set forth in the TCSSEQ Stormwater Pollution Prevention Plan (SWPPP) guidance Manual.

(B) Each developer shall implement and maintain the erosion control measures shown on its approved erosion control plan in order to minimize the erosion and the transport of silt, earth, topsoil, etc., by water runoff or development activities, beyond the limits of the developer's site onto city streets, drainage easements, drainage facilities, storm drains or other city property prior to beginning any land disturbing activity. Sediment basins are required for drainage areas serving at least 10 acres and are sized to capture the runoff from the 2-year 24-hour storm (8,000 cubic feet per acre). The runoff shall be detained a minimum of 48 hours and it is desirable to use techniques that draw water off the top of the water surface. Sediment basins cannot be installed in drainage areas greater than 40 acres and are not allowed in the WQBZ.

(C) It shall be an offense for a developer performing work on a project to violate any of the requirements of this article, including, but not limited to, the following:

(i) Conducting development activity without an approved erosion control plan, when required, for the location where the violation occurred.

(ii) Failing to install erosion control devices or to maintain erosion control devices throughout the duration of development activities, in compliance with the approved erosion control plan for the location where the violation occurred.

(iii) Failing to remove off-site sedimentation that is a direct result of development activities where such off-site sedimentation results from the failure to implement or maintain erosion control devices as specified in an approved erosion control plan for the location where the violation occurred.

(iv) Allowing sediment-laden water resulting from below-ground installations to flow from a site without being treated through an erosion control device.

(v) Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.

(vi) Written notice of violation shall be given to the developer or his job site representative as identified in the erosion control plan for a site. Such notice shall identify the nature of the alleged violation and the action required to obtain compliance with the intent of the approved erosion control plan.

(3) Construction stormwater general permit. Prior to the commencement of development activity, including clearing, grading, and excavation activities, that result in the disturbance of 51 or more acres of total land area, or that are part of a common plan of development or sale within which 51 or more acres of total land area are disturbed, the developer is required to obtain the construction stormwater general permits, as may be required by TCEQ, and shall submit for review to the city a signed copy of its required notice of intent (NOI) along with a copy of the required stormwater pollution prevention plan (SWPPP).

(A) A copy of any NOI that is required shall be submitted to the city in conjunction with any application for a building permit, subdivision plat approval, site development plan approval, and any other city approval necessary to commence or continue construction at the site.

(B) The city shall require any developer who is required to prepare a SWPPP to submit the SWPPP, and any modifications thereto, to the city for review. Such submittal and review of the SWPPP shall be required by the city prior to commencement of or during construction activities at the site.

(C) Upon the city's review of the SWPPP and any site inspection that the city may conduct, the city may deny approval of any building permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue, or to assume occupancy, on the grounds that the SWPPP does not comply with the requirements of the construction general permit, or any additional requirement imposed by or under this article. Also, if at any time the city determines that the SWPPP is not being fully implemented, the city may similarly deny approval of any building permit,

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Sort of redundant with Section 2A above, would like your guidance on this. Feel free to modify.

site development permit, subdivision plat, site development plan or any other city approval necessary to commence or continue development, or to assume occupancy, at the site.

(4) **Drainage patterns.** Drainage patterns shall be designed to the maximum extent practical to prevent erosion, maintain the recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by stormwater. All discharge points from stormwater retention and detention ponds or other accumulation areas shall provide for energy dissipation prior to exiting the site. Overland sheet flow and natural drainage features and patterns shall be maintained, rather than concentrating flows in storm sewers and drainage ditches. Stormwater drainage structures/facilities shall be sized to maintain flood flow velocities as outlined in the Hays County Drainage Criteria Manual (DCM) or other guidance approved by the City Engineer. ~~below the velocity associated with the 25-year, 3-hour storm event.~~

(5) **Stormwater discharge into waterway.** For site designs that provide for discharge of stormwater into a waterway, adequate retention and/or detention shall be incorporated into the site design to manage post-development peak runoff rates to be equal to or less than existing runoff rates for the 2-year, 10-year, 25-year, and 100 year storms or demonstrate no negative impact to downstream property owners per the Hays County DCM or other guidance approved by the City Engineer. ~~to limit flows into the receiving waterway to the level consistent with the flow rate of the 2-year, 3-hour storm design event evenly distributed over a 24-hour period.~~

~~(6) **Enclosed storm sewers and impervious channel linings.** Enclosed storm sewers and impervious channel linings may be considered and approved by the city if such storm sewers or impervious linings are considered to be protective of water quality.~~

~~(7) **Overland flow facilities.** Overland flow facilities for a stormwater drainage system shall be designed in accordance with criteria set forth in the TCSS Manual.~~

~~(8) **Erosion hazard setbacks.** The city may require preservation of an existing channel or waterway for use as a natural floodplain through the establishment of erosion hazard setbacks in accordance with the TCSS Manual. No building, fence, wall, deck, swimming pool or other structure shall be located, constructed or maintained within the area encompassing the setback.~~

~~(A) **Alternative to erosion hazard setback.** As an alternative to the establishment of an erosion hazard setback, an existing channel or waterway may be preserved and protected through a bank stabilization and protection plan as approved by the city.~~

~~(9) **BMP standards.** Erosion control, terracing and water quality control BMPs shall be designed in accordance with the TCSS Manual.~~

~~(10) **Cut and fill stabilization.** A cut or fill with a finished grade steeper than 33% shall be stabilized with a permanent structure.~~

~~(11) **Roof runoff.** All roof runoff from nonresidential buildings shall have downspouts disconnected from the site stormwater drainage system. Special circumstances may be reviewed and approved by the city without a waiver to this requirement.~~

~~(12) — Grass-lined swales or vegetated buffers. To the maximum extent practical, stormwater drainage shall be treated using overland flow methods to a grass-lined swale or other vegetated buffer. The vegetated buffer shall be designed in accordance with the TCSS Manual. Special circumstances may be reviewed and approved by the city without a waiver to this requirement.~~

(Ordinance 2011-005, sec. 156.007, adopted 3/3/11)

Sec. 9.04.066 Landscaping controls

(a) A developer shall to the maximum extent practical:

- (1) Landscape shall be preserved in its natural state;
- (2) Xeriscape and low maintenance vegetation shall be included in all nonresidential development in accordance with specifications in the TCSS Manual;
- (3) The use of herbicides, pesticides and fertilizers shall be minimized.

(b) (1) An applicant for a site development permit shall submit a pesticide and fertilizer management plan providing information regarding proper use, storage, and disposal of pesticides and fertilizers. The plan shall indicate likely pesticides and fertilizers to be used. The plan shall include two lists of pesticides and fertilizers:

- (A) Those which, due to their chemical characteristics, potentially contribute significantly to water quality degradation;
- (B) Those which, due to their chemical characteristics, potentially would result in minimal water quality degradation.

(2) City approval of the pesticide and fertilizer plan is required prior to issuance of a site development permit.

(c) An applicant for a site development permit shall submit an integrated pest management (IPM) plan in accordance with criteria set forth in the TCSS Manual. City approval of the integrated pest management plan is required prior to issuance of a site development permit.

~~(d) — Vegetative BMPs, such as vegetative filter strips, shall be designed in accordance with the TCSS Manual.~~

(Ordinance 2011-005, sec. 156.008, adopted 3/3/11)

Sec. 9.04.067 Water quality controls (WQC) Maintenance

(a) An applicant for a site development permit shall submit a WQC maintenance plan describing the specific measures proposed for operating, monitoring, and maintaining each water quality control proposed for a development project as required by this article. The measures described in the WQC maintenance plan shall be consistent with the guidelines set forth in the TCSS Manual. City approval of the WQC maintenance plan is required prior to issuance of a site development permit.

(b) Upon city approval of the WQC maintenance plan, the project applicant shall record in the county deed records and on any recorded plat(s) for the development a notation stating that the property is subject to a water quality control maintenance plan on file at the city's administrative

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Are there standard Pesticide and Fertilizer Management plans available where we could just require that the applicant provide a statement they they will follow the plan?

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This:
<https://www.epa.gov/pesticide-registration/about-pesticide-registration#laws>
Or possibly this:
<http://otsoweb.tamu.edu/Laws/FertLaws.aspx>

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Are there standard Pesticide and IPM plans available where we could just require that he applicant provide a statement they will follow the plan?

offices. Upon transferring title to the property, or any subdivided portion thereof, the applicant shall establish a deed restriction stating that the property is subject to a water quality control maintenance plan on file at the city's administrative offices.

(c) All applicants shall operate, monitor, and maintain each water quality control required by this article in accordance with the WQC maintenance plan and the requirements of this article.

(d) (1) The WQC maintenance plan may provide for transfer of responsibility for WQC operation and maintenance activities to:

(A) A groundwater district, a municipal utility district, a public utility district, or any other special district created under state law;

(B) A homeowners' or property owners' association;

(C) A natural resources conservation or other environmental interest group; or

(D) Any similar third party entity.

(2) Transfer of responsibility to any such entity requires the advance written consent of the city. Any entity assuming responsibility for WQC operation and maintenance shall also assume responsibility for the financial assurance as may be required by the TCSS or the city council.

(e) Structural water quality controls (WQCs) shall be sized for the entire contributing drainage area for the following types of developments:

(1) New multi-family residential development, new nonresidential development, and new subdivision development.

(2) Redeveloped multi-family residential development, redeveloped nonresidential development, and all redeveloped subdivision development that increases total impervious cover to a level greater than the impervious cover limits described in section 9.04.062.

(3) New single-family residential development which is not part of a subdivision development if such development has impervious cover greater than the impervious cover limits described in section 9.04.062.

~~(f) The volume of runoff required to be captured, isolated, and treated by each structural WQC, or series of WQCs operating in sequence as a treatment train, shall be required to handle the design storm event and based on the contributing drainage area for the WQC or series of WQCs:~~

~~(g) Stormwater runoff from the following areas shall not require structural WQCs nor be included in the calculation of the volume of stormwater runoff required to be captured, isolated, and treated by a structural WQC:~~

~~(1) The full area of existing natural areas or restored natural areas from which stormwater runoff is routed around a WQC structure and which is restricted from development and from pesticides, herbicide, or fertilizer application through a plat note or restrictive covenant. The drainage areas from which stormwater is not routed around a WQC structure and which blends with runoff from developed areas shall be included in the water quality volume calculations:~~

- (2) — 50% of the area using landscaping that requires no irrigation and no pesticide, herbicide, or fertilizer applications.
- (3) — The area on which a WQC structure is situated.
- (4) — Swimming pools that do not discharge filter backwash into a stormwater drainage system.
- (5) — Impervious surface areas used for stormwater collection and on-site irrigation.
- (6) — Drainage from off-site areas which is routed around a WQC structure. The drainage areas from which stormwater is not routed around a WQC structure and which blends with runoff from developed areas shall be included in the water quality volume calculations.
- (h) — In determining the required level of treatment, the nature and volume of pollutant loads from all developed areas shall be considered including but not limited to the following:
 - (1) — Areas of impervious cover;
 - (2) — The potential for pollutant impacts from industrial, commercial and other nonresidential types of development;
 - (3) — Lawns, landscaping, and gardens using pesticides, herbicides or fertilizers;
 - (4) — Play fields and other recreational or green space areas using pesticides, herbicides or fertilizers; and
 - (5) — Areas receiving wastewater effluent through surface spray irrigation or subsurface infiltration.
- (i) — All WQCs utilized for any development or redevelopment project shall be designed by a licensed Texas professional engineer in accordance with the removal efficiencies and other technical criteria set forth in the TCSS Manual. Alternative WQC technical criteria may be approved if it is determined in the sole discretion of the city that the alternative technical criteria will result in equal or greater water quality control performance as that required under this article.
- (j) — All structural WQCs utilized in the recharge zone shall be modified or augmented to prevent direct infiltration and recharge from the WQC. To meet this requirement, such WQCs shall utilize artificial linings, evapo-transpiration beds, or other methods designed and operated to prevent infiltration into the CEFs and Edwards Aquifer and Trinity Aquifers, even during periods of extended rainfall.
- (k) — To the maximum extent practical, WQCs shall be designed to restore the infiltration capacity to pre-development conditions. Infiltration BMPs shall be designed in accordance with the TCSS Manual.
- (l) — The erosion control requirements of this article shall apply to all related areas for a development project including but not limited to off-site borrow areas, off-site spoil areas and off-site construction staging areas which are owned or controlled by the developer.
- (m) — The peak runoff rate for developed conditions shall not exceed the peak runoff rate for pre-development conditions for the two-year storm event. Peak runoff rate calculations shall comply

with the criteria set forth in the TCSS Manual.

(ng) To provide necessary access for maintenance and monitoring, water quality controls shall be located within an area dedicated to the public by easement, deed restriction, or recorded plat notation. The dedicatory instrument shall note that water quality restrictions exist on the property and that any alternative use or alteration of the property must be approved in writing by the city.

(o) An applicant for a site development permit shall submit a WQC maintenance plan describing the specific measures proposed for operating, monitoring, and maintaining each water quality control proposed for a development project as required by this article. The measures described in the WQC maintenance plan shall be consistent with the guidelines set forth in the TCSS Manual and shall comply with the financial assurance requirements as may be defined by the TCSS and as required by the city council based upon design criteria and needs. City approval of the WQC maintenance plan is required prior to issuance of a site development permit.

(Ordinance 2011-005, sec. 156.009, adopted 3/3/11)

Secs. 9.04.068–9.04.100 Reserved

Division 4. Administration and Enforcement

Sec. 9.04.101 Waivers

(a) **Presumption.** There shall be a presumption against waivers. However, if the applicant requests a waiver in writing, the board of adjustment may authorize a waiver from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.

(b) **Identification.** All waivers requested for a project must be identified during the platting and/or site plan approval process (as may be applicable).

(c) **Conditions.** In granting a waiver, the board of adjustment shall prescribe upon the applicant only conditions that it deems necessary to or desirable in the public interest.

(d) **Considerations.** In making the findings required below, the board of adjustment shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of such waiver on the public health, safety, convenience and welfare in the vicinity.

(e) **Findings.** No waiver shall be granted unless the board of adjustment finds that all of the following provisions are met, and the burden shall be on the developer to show that these provisions are satisfied:

- (1) That there are special circumstances or conditions affecting the land involved, such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;
- (2) That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant;
- (3) That the granting of the waiver will not be detrimental to the public health, safety or welfare,

or injurious to other property in the area; and

(4) That the granting of the waiver will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this article.

(f) **Pecuniary hardship.** Pecuniary hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.

(g) **Minimum departure.** When the board of adjustment determines that a waiver is warranted, the waiver permitted shall be the minimum departure from the terms of this article necessary to avoid such deprivation of privileges enjoyed by such other property to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences.

(h) **Adequate basis: Option 1.** It may be determined by the board of adjustment to be an adequate basis for granting a waiver that doing so will enable the applicant to create additional open space, preserve trees, maintain critical environmental features, ensure more wildlife preservation, or bring nonconforming structures (including but not limited to signs) into compliance with current regulations. The Applicant shall submit a mitigation plan demonstrating how the proposed plan compensates for the waiver(s) being granted. Examples of potential mitigation include, but are not limited to, the Applicant's use of rainwater harvesting, vegetative filter strips and other non-structural BMPs as well as agreement to further limit impervious cover below what is required by this Ordinance. This section is designed to achieve a more favorable outcome for the general public than would be possible complying with the strict mandates of this article.

(i) **Adequate basis: Option 2.** It may be determined by the board of adjustment to be an adequate basis for granting a waiver that the applicant provides the city with a proposal pursuant to which the applicant presents a site exceeding the standard impervious cover rates with a mitigation plan that compensates for the additional impervious cover. Examples of potential mitigation include, but are not limited to, the applicant's acquisition of TDIs to offset the additional impervious cover.

(Ordinance 2011-005, sec. 156.011, adopted 3/3/11)

Sec. 9.04.102 Enforcement; penalties

(a) **Civil and criminal penalties apply.** The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance.

(b) **Criminal prosecution.** Any person violating any provision of this article shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

(c) **Civil remedies.** Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;
- (2) A civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article; and
- (3) Other available relief.
- (d) **Administrative action.**

- (1) **Stop work orders.** When an appropriate authorized official of the city determines that there has been noncompliance with any material term, condition, requirement or agreement under this article, the person obtaining such approved plan shall be ordered by the city in writing to cease and desist from further development or construction material to the alleged noncompliance until corrected by compliance.

- (2) **Withholding authorizations.** The city may refuse to grant development, construction, or occupancy approvals for improvements for a property that does not fully and completely comply with all terms and conditions of this article. Without limiting the type or number of approvals the city may withhold, the city is specifically authorized to refuse to grant site development permits, building permits, utility connections, and certificates of occupancy.

(Ordinance 2011-005, sec. 156.012, adopted 3/3/11; Ordinance adopting 2018 Code)

The Wimberley View CLASSIFIEDS

P.O. Box 49 Wimberley, Texas 78676 512-847-2202

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

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...submit public comments, a request for a contested case hearing or a reconsideration of the Executive ...

2019

Public Notice

ALL CHILDREN WITH DISABILITIES
...erent pace, but often children need our help ...

CON DESAFIOS DE APRENDIZAJE
...mo diferente, aun así, ocasionalmente los ...

Public Notice
...ATION TO ...

PUBLIC NOTICE

Pursuant to Chapter 59, Texas Property Code, Sleepy Hollow Properties, LLC, 523 Flite Acres, Road, Wimberley, Texas, will hold a public auction of property being sold to satisfy a landlord's lien. Sale will be held at 8 a.m. on Monday, November 4, 2019 at 523 Flite Acres Road, Wimberley, Texas, 78676.

Albert Hernandez - Misc. items
Jo Ann Seay/Bethina Brigham - Misc. items

**City of Dripping Springs
Public Notice of Approved Ordinance -
Technical Manual Adoption**
Effective Date: October 15, 2019
Ordinance No. 2019-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS ADDING ARTICLE 28.07 TECHNICAL CRITERIA AS ATTACHED IN EXHIBIT A; AND ADOPTING THE TECHNICAL CRITERIA, AS ATTACHED IN EXHIBIT B; AND PROVIDING FOR FINDINGS OF FACT, ADOPTION AND AMENDMENTS, A REPEALER, SEVERABILITY, AND ENFORCEMENT; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

**More Legals
and Public Notices
on the
Following Page**

...ZUTN, at 6:00 p.m. to consider the following: CUP-19-016 - an application for a Conditional Use Permit (CUP) to allow the operation of a vacation rental at 111 Mill Race Lane. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (WPDD Amendment)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019, at 6:00 p.m. to consider the following: ZA-19-010 - an amendment to the Wimberley Planned Development District (WPDD) with base zoning of Neighborhood Services (NS) at 210 Masonic Lodge Road. This proposed amendment revises the concept plan. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019 at 6:00 p.m. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PUBLIC HEARING (Request for Zoning)

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. to consider the following: ZA-19-009 - a request to change the zoning from Single-Family Residential 2 (R-2) to Neighborhood Services (NS) for property located at 400 Lange Road. Upon recommendation of the Planning & Zoning Commission, the City Council will also hold a public hearing on Thursday, November 21, 2019, at 6:00 p.m. at City Hall. Comments on this request from any member of the public may be presented in person at City Hall, by mail, or by email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, 221 Stillwater, Wimberley, Texas.

NOTICE OF PROPOSED AMENDMENT TO THE CITY OF WIMBERLEY WATER QUALITY PROTECTION CODE

Notice is hereby given that the Planning & Zoning Commission of the City of Wimberley will hold a public hearing at the Wimberley City Hall on Thursday, November 14, 2019 at 6:00 p.m. on AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 9 (PLANNING & DEVELOPMENT REGULATIONS) ARTICLE 9.04 (WATER QUALITY PROTECTION), OF THE CITY OF WIMBERLEY CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, A SAVINGS CLAUSE, A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. Upon recommendation of the Planning & Zoning Commission, the City Council will hold a public hearing and first reading at its regular Council meeting on Thursday, November 21, 2019, and a second reading on Thursday, December 5, 2019 at 6:00 p.m. at City Hall to consider the ordinance referred to herein. Comments from any member of the public may be presented in person at City Hall, by mail, or email (sfloyd@cityofwimberley.com) prior to the hearing. The public will be granted an opportunity to speak at the hearings. Additional information concerning the proposed action is available for review at the Wimberley City Hall, located at 221 Stillwater, Wimberley, Texas 78676.

PUBLIC NOTICE

Wimberley ISD Child Find
The purpose of Child Find is to locate, identify and evaluate children from birth to 21 years of age with disabilities and their possible need for special education and related services or Section 504 related supports. Child Find is a free referral and information service available through Wimberley ISD. If you are concerned that your child has significant difficulty with speech and language, learning, social interaction, play, vision, hearing, attention, behavior, or coordinating movements, please call the Wimberley ISD Special Services Department at (512) 847-7567.

El Distrito Escolar está obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a estudiantes incapacitados que califican para recibir servicios bajo esta ley. ¿Sabes de un niño quien necesita ayuda? ¿Un niño que no progresa normalmente? Ayúdeno a ayudarnos los niños - llame al numero (512) 847-7567.

Did you know?
You can now view the Legals and Public Notices Online at wimberleyview@gmail.com





AGENDA ITEM: **Animal Nuisances**
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: November 18, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

At the October 17 meeting, Council directed the City Attorney to draft an ordinance to address animal nuisances (barking dogs). Attached for consideration is Ordinance No. 2019-37. This Ordinance will add the following language to **Chapter 3 “Animal Control”**:

Sec. 3.02.009 Animal Nuisances

No person shall, at any time, willfully or knowingly keep or harbor on his premises or elsewhere an animal that creates an unreasonable disturbance of the neighbors or the occupants of adjacent premises or persons living in the vicinity thereof, or permit such animal to create disturbing noises by howling, barking, whining, or otherwise. A person shall be deemed to have willfully and knowingly violated terms of this Section if such person shall have been notified by any official acting on behalf of the City of such disturbance and shall have failed or refused to correct such disturbance and prevent its recurrence.

Violation of this ordinance is a class C misdemeanor punishable as provided in **Sec. 1.01.009 General penalty for violations of code; continuing violations:**

- (a) Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).

Ordinance No. 2019-37 was heard and passed on first reading on November 7, 2019.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance

Resolution

Other

FINANCIAL

Budgeted Item

Original Estimate/Budget:

Non-budgeted Item

Current Estimate:

Not Applicable

Amount Under/Over Budget:

STAFF RECOMMENDATION

ATTACHMENT(S)

- Ordinance No. 2019-37

ORDINANCE NO. 2019-37

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 3 “ANIMAL CONTROL”; ARTICLE 3.02 “SALE OF ANIMALS, ANIMAL PROTECTION, AND OTHER RESTRICTIONS”; BY ADDING A NEW SECTION 3.02.009 “ANIMAL NUISANCES”; PROVIDING FINDINGS OF FACT; A PENALTY PROVISION; A REPEALING CLAUSE; A SAVINGS AND SEVERABILITY CLAUSE; AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley’s is a General Law Type A City under the statutes of the State of Texas; and

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

WHEREAS, pursuant to Texas Local Government Code Section 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the Council considers proper for the government, interest, welfare or good order of the City; and

WHEREAS, the City Council of the City of Wimberley has determined it to be in the public interest to adopt to the proposed amendments which in its best judgment are intended to promote the peace, welfare and good order of the City.

NOW, THEREFORE, BE IT ORDAINED by the CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

Section 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. The City of Wimberley Code of Ordinances Chapter 3, Article 3.02 is hereby amended to add the following Section:

“Sec. 3.02.009 Animal Nuisances

No person shall, at any time, willfully or knowingly keep or harbor on his premises or elsewhere an animal that creates an unreasonable disturbance of the neighbors or the occupants of adjacent premises or persons living in the vicinity thereof, or permit such animal to create disturbing noises by howling, barking, whining, or otherwise. A person shall be deemed to have willfully and knowingly violated terms of this Section if such person shall have been notified by any official acting on behalf of the City of such disturbance and shall have failed or refused to correct such disturbance and prevent its recurrence.”

Section 3. The penalty provision of the City Code of Ordinances Chapter 1, Section 1.01.009 shall be applicable to any violation of this Ordinance.

Section 4. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

Section 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication as provided by law.

Section 7. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on First Reading this the 7th day of November, 2019, by a vote of 5 (Ayes), 0 (Nays), and 0 (Abstentions).

PASSED AND APPROVED on Second Reading this the 21st day of November, 2019, by a vote of _____ (Ayes), _____ (Nays), and _____ (Abstentions).

Susan B. Jagers, Mayor

ATTEST:

Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

City Attorney





AGENDA ITEM: Donation of swag bags for the Polar Bear Plunge Event
SUBMITTED BY: Richard Shaver, Park Operations and Program Manager
DATE SUBMITTED: 11-14-19
MEETING DATE: 11-21-19

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Bryan Burke with Century 21 has offered to sponsor the plastic swag bags for the Polar Bear Plunge at an estimated \$200 for 250 bags. These bags will be given to everyone that registers for the 5K or 1K Fun Run during the event.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Original Estimate/Budget: \$ 0
- Non-budgeted Item Current Estimate: \$ 200
- Not Applicable Amount Under/Over Budget: \$0

STAFF RECOMMENDATION

Staff is recommending approval.



AGENDA ITEM: Accept Bid for Painting of Community Center
SUBMITTED BY: Terri Provost
DATE SUBMITTED: November 14, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Accept the Bid from Ball Brothers to paint Community Center areas (See attached).

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input checked="" type="checkbox"/>	Original Estimate/Budget:	\$ 15,000.00
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$ 13,600.00
Not Applicable	<input type="checkbox"/>	Amount Under/Over Budget:	\$ 1,400.00

STAFF RECOMMENDATION

Move to accept the lowest bid from Ball Brothers Painting in the amount of \$13,600. This bid also provided for the shortest time period required to paint allowing for less down time for the areas involved. Painting will be scheduled over a 7-day period that is least impactful to the operation of the Center (January or February).



AGENDA ITEM: Bid for Painting of the Wimberley Community Center
SUBMITTED BY: Terri Provost
DATE SUBMITTED: November 14, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Accept the bid from Ball Brothers to paint the Wimberley Community Center areas (See attached).

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | |
|---|------------------------------|--|
| Budgeted Item <input checked="" type="checkbox"/> | Original Estimate/Budget: \$ | |
| Non-budgeted Item <input type="checkbox"/> | Current Estimate: \$ | |
| Not Applicable <input type="checkbox"/> | Amount Under/Over Budget: \$ | |

STAFF RECOMMENDATION

Move to accept the lowest bid from Ball Brothers Painting in the amount of \$13,600. This bid also provided for the shortest time period required to paint allowing for less down time for the areas involved. Painting will be scheduled over a 7-day period that is least impactful to the operation of the Center (January or February).

 Sign

 Print

 Download

ESTIMATE



Terri Provost
 Wimberley Community Ctr. 14068
 Ranch Road 12
 Wimberley, Texas 78676
 (512) 847-1282

Ball Brothers 1-800-PAINTING

PO Box 2906
 Wimberley, Texas 78676
 Phone: (512) 360-7062
 Email: john@ballbrotherspainting.com
 Web: www.ballbrotherspainting.com

Estimate # 003295
 Date 08/05/2019

Description	Total
Entry Labor and material to paint entryway.	\$1,200.00
Hallway Walls Labor and material to paint hallway walls in front of bathrooms.	\$800.00
Drywall Repair Labor and material to repair drywall damage in ceiling in hallway.	\$300.00
Men's Bathroom Labor and material to paint walls in men's bathroom.	\$600.00
Women's Bathroom Labor and material to paint walls in entryway to and inside walls in women's bathroom.	\$800.00
Blanco Meeting Room Labor and material to paint walls in Blanco Meeting Room.	\$900.00
Cypress Meeting Room Labor and material to paint walls in Cypress Meeting Room.	\$600.00
Johnson Hall - full walls Labor and material to paint entire wall area in Johnson Hall.	\$6,800.00
Gallery Labor and material to paint walls in gallery hall.	\$1,600.00

TERMS are 1/2 down, remainder due upon completion.

This estimate good for 90 days from date shown. Payment may be made by cash, check or credit card (Mastercard, Visa, American Express or Discover). CHANGE ORDERS: Work crews are not authorized to complete work beyond the specifications in this contract without a written and signed change order. Please contact our office for an estimate on any additional work at 512-360-7062. I release Ball Brothers 1-800-Painting to publish photographs of my home's interior and/or exterior in print, online and video-based marketing materials. Color matching: All color matches requested must be signed off on by owner at start of job. Due to weathering and fading, etc. on original color, matches may not be exact. Color matches must be accepted by client before work begins. Ball Brothers Painting will not be responsible for selecting colors.

By signing this document, the customer agrees to the services and conditions outlined in this document.

Terri Provost

Subtotal	\$13,600.00
Total	\$13,600.00

A Better Business Bureau (BBB) Accredited Business
Member, Painting and Decorating Contractors of America
<http://www.ballbrotherspainting.com/testimonials.html>

REFERENCES

Fran Adair 512-789-9299 • Bernice Hardee 512-878-0982
Bob Fulton 512-847-5472 • Beverly Pearman 512-618-3280
Patricia Lamb 512-847-7464 • Clay Bass 512-748-4694
Denise Treadwell 512-873-9960 • Mike Thibodeaux 713-202-0406



AGENDA ITEM: Guardrail Replacement & Repair on County Road 1492

SUBMITTED BY: John Provost

DATE SUBMITTED: November 15, 2019

MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Request approval of a bid in the amount of \$5,125.00 to repair and replace the guardrails on both sides of CR 1492, just west of the RR 12 intersection. The funds for this project are out of the road maintenance budget.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- Budgeted Item Original Estimate/Budget: \$
- Non-budgeted Item Current Estimate: \$
- Not Applicable Amount Under/Over Budget: \$

STAFF RECOMMENDATION

Approval

ESTIMATE FOR CITY OF WIMBERLEY ROADWAYS 149

October 17, 2019

<i>ROAD NAME</i>	<i>TIME</i>	<i>OPERATOR LABOR</i>	<i>EXPENSES</i>	<i>EQUIP USAGE & FUEL</i>	<i>EXPENSES</i>
DAMAGED GUARDRAIL REPAIR	14 HRS	6 MAN CREW \$34.50/HR/MAN	\$2,898	3 VEHICLES 10 @ \$46/HRS	\$460
			\$2,898		\$460
ADMINISTRATIVE PROCESSING FEE			\$500		

1/2 GUARDRAIL

<i>MATERIALS</i>	<i>EXPENSES</i>	
WEST BOUND		
2- 26' RAIL @ \$139PER/RAIL	\$278	
4- POSTS @ \$18PER/POST	\$72	
EAST BOUND		
3- 26' RAIL @ \$139PER/RAIL	\$417	
9- POSTS @ \$18PER/POST	\$162	
1- SLOPE RAIL @ \$238PER/RAIL	\$238	
MISC	\$100	
	\$1,267	PROJECT COST
		\$4,625
		ADMINISTRATIVE COST
		\$500
		TOTAL COST
		\$5,125



AGENDA ITEM: City of Wimberley Oak Wilt Policy
SUBMITTED BY: Gary Barchfeld
DATE SUBMITTED: 11/14/2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

Discuss and Consider Possible Action regarding setting a Wimberley City Oak Wilt Policy. This would be a Policy very similar to our neighboring City Woodcreek. This is meant to be a preliminary discussion by Council and Staff to understand the problem of Oak Wilt and the benefit to having a uniform Policy in place in the Wimberley Valley.

REQUESTED ACTION

Motion
Discussion
Ordinance
Resolution
Other

FINANCIAL

Budgeted Item Original Estimate/Budget: \$
Non-budgeted Item Current Estimate: \$
Not Applicable Amount Under/Over Budget: \$

STAFF RECOMMENDATION

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES

CHAPTER 91: TREES

§ 91.01 TITLE.

This Chapter shall be known and may be cited as the Tree Ordinance.

§ 91.02 OAK WILT REPORTING.

Any person who discovers or suspects the presence of oak wilt infestation or an oak wilt infected tree shall report that information to the City Manager/Administrator by the next business day.

§ 91.03 PURPOSE

The provisions of this chapter are deemed to be necessary to promote the health, safety, property and general welfare of the residents of the city.

§ 91.04 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in this chapter and not defined herein shall have their ordinarily accepted meaning. For the purposes of this chapter.

Diseased trees. Oaks infected by the fungus *Ceratocystis fagacearum*.

Firewood. Branches and limbs larger than two inches in diameter cut from diseased oaks; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

Fungicide. A chemical treatment used on non-symptomatic or slightly symptomatic trees within the trench line that could be vulnerable to infection.

Live oaks. Members of a distinct group of the genus *Quercus* characterized by leathery oval leaves that includes two Texas species: plateau live oak (*Quercus fusiformis*) and coastal live oak (*Quercus virginiana*).

Oak wilt. A vascular wilt disease of oaks. The fungus responsible, *Ceratocystis fagacearum*, invades the water-conducting tissues of oak roots, trunks, and limbs. *Ceratocystis fagacearum* does not actively grow anywhere in nature except in oak trees. Spores of this fungus can be moved around by certain insects and by humans.

Oak wilt center. A site where the oak wilt fungus is spreading through the roots of diseased trees to infect healthy oaks, creating an area of sick, dead and dying oaks.

Preventive measures. Actions that prevent the spread of oak wilt from diseased to healthy oaks, including but not limited to oak wilt suppression trench installation and the removal and destruction of diseased red oaks and firewood from any diseased oak.

Red oaks. Members of a distinct group of the genus *Quercus* characterized by lobed leaves tipped by small soft spines, including but not limited to Texas red oak (*Quercus texana*, also called *Quercus buckleyi*), Shumard oak (*Quercus shumardii*), Southern red oak (*Quercus falcata*), and blackjack oak (*Quercus marilandica*).

Substantially dead tree. Trees in which more than 70 percent of the previously healthy branches have died due to any cause.

Susceptible species. All varieties of the genus *Quercus* that may be infected and killed by *Ceratocystis fagacearum*, including live oaks and all species of red oaks.

Trenching. Short for "oak wilt suppression trench installation," a method used to isolate the infected area between healthy and diseased trees. Trenching equipment is used to cut connecting roots so that the fungus cannot spread between trees.

Woody debris. Branches and limbs smaller than 2 inches in diameter cut from diseased trees; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

§ 91.05 CERTAIN TREES DECLARED A PUBLIC NUISANCE.

(A) All red oak diseased trees, alive, dead or substantially dead, and all wood from diseased red oak trees to which any bark is still attached, are hereby

declared to be public nuisances, as is any tree of any species that is dead or substantially dead.

(B) All species and varieties of trees that are dead or substantially dead, and all dead diseased oak wood to which the bark is still attached, which, because of its condition, may serve as a breeding place for any carrier of oak wilt disease, are hereby declared to be public nuisances.

§ 91.06 INSPECTIONS.

(A) The city and the Texas A&M Forest Service, and their agents are authorized and empowered to enter upon any lot or parcel of land in the city at any reasonable hour for the purpose of inspecting any oak tree(s) or dead oak wood situated thereon.

(B) If such premises are occupied, the above personnel shall first present credentials and request entry.

(C) If such premises are unoccupied, the city shall first make a reasonable effort to locate the owner or other persons who have charge or control of the premises and request cooperation for entry.

(D) Permission of the owner, occupant, or person in control of the premises is necessary for entry. If such entry is refused and the city has probable cause to believe that there exists on the premises a public nuisance as defined herein, the city shall go before the municipal court judge and seek to obtain a search warrant. The purpose of the warrant is to determine the presence of a public nuisance and to obtain such specimens of trees as are required for the purposes of analysis to determine whether the same are infected.

§ 91.07 NOTICE TO OWNER.

(A) If, on laboratory analysis of specimens removed from any red oak tree, it is determined that such tree is a public nuisance, as provided in this chapter, or if it is determined that any dead or substantially dead tree, is a public nuisance, as provided herein, and if it is determined that any such tree should be removed, the city may serve or cause to be served a written notice upon the owner of record and upon all lienholders of the lot or parcel of land on which the tree or dead oak wood is located, requiring such owner to comply with the provisions of this chapter. Diagnosis may be obtained via laboratory verification by the Texas A&M Forest Service or through a field survey by trained personnel.

(B) Service of notice provided for in this chapter shall be by certified mail to the owner's address as listed on the Hays County Appraisal District's tax roll. Notice to a lienholder or its agent may be made by personal service or by certified mail. Certified mail returned as "unclaimed" or "refused" shall be deemed delivered.

§ 91.08 ABATEMENT REQUIRED; PREVENTIVE MEASURES; CITY MAY ABATE

(A) Upon receipt of written notice by the city as described in § 91.07 it shall be unlawful for any owner of any lot or parcel of land within the city to permit or maintain on any such lot or parcel any dead oak wood or oak tree which is a public nuisance as defined in this chapter, and it shall be the duty of the owner of such to promptly remove and destroy such oak tree by cutting the tree off at ground level and removing all dead oak wood and woody debris as directed by the city.

(B) Should the property owner fail to abate the public nuisance within 14 days following the receipt of notification, the city shall have the right to cause the removal and destruction of the diseased trees. The full cost of such removal and destruction shall be assessed to the property owner. Should the property owner fail to pay the city within 30 days from the date of invoicing the city may, at its discretion, file a lien against the property in the amount of all costs incurred by the city, plus interest. The assessment of expenses and lien shall follow the procedures established in Tex. Health and Safety Code Ch. 342.

(C) Red oaks known or suspected to have died of oak wilt may not be retained for firewood under any circumstances due to the high risk of fungal mat formation and insect transmission.

(D) Red oaks that are dead or dying of oak wilt as determined by the city staff or the Texas A&M Forest Service shall be cut at ground level, with all firewood and woody debris covered and hauled away or disposed of by burying, burning or chipping within three working days.

(E) It shall be unlawful to stack firewood taken from live oaks known to be infected or suspected of being infected by the oak wilt fungus around or near healthy oaks unless the entire stack is completely wrapped in clear plastic with the ends buried, tucked under, or completely secured with weights.

(F) It shall be unlawful for any person to transport or sell firewood within the city that was taken from trees known or suspected to be infected by the oak wilt fungus.

(G) Pruning or cutting of oak trees shall be prohibited in the spring months of February through June when fungal spore formation and beetle activity are highest unless such activities are completely unavoidable in order to protect the safety of people and property or the health of the tree.

(H) Pruning or cutting of oaks is permitted from July through January.

(I) Regardless of the time of year that the wound occurs, black tree wound dressing must be applied immediately to all wounds of any size on susceptible oaks, including the cut surface of healthy oak stumps, pruning cuts, construction damage, or any spot where the bark has been removed to expose the wood beneath, in order to discourage potential insect/disease contamination. Failure to seal any wound immediately upon creation of the wound is an unlawful violation of this chapter.

§ 91.09 ENFORCEMENT.

The City Manager or designee is charged with the enforcement of the provisions of this chapter.

§ 91.10 COSTS OF PREVENTIVE MEASURES, TREATMENT OR REMOVAL AND REPLACEMENT.

(A) The city shall appropriate funds as deemed appropriate by the city council for oak wilt suppression.

(B) The city has no obligation to pay for preventive measures on any private property. However, in order to encourage participation by property owners, the city may enter into written agreements with certain property owners to pay for all or part of the costs of preventive measures.

(C) The city may enter into an agreement with the property owner(s) for cost-sharing of trenching or removal of dead red oaks.

(D) The city may enter into an agreement with the property owner(s) for cost-sharing of replacement trees.

(E) Fungicide treatment for non-symptomatic or slightly symptomatic trees or removal of infected or dead trees shall be the responsibility of the landowner.

§ 91.11 TREE-TRIMMING PERMIT REQUIRED

No person, individual, firm, corporation, contractor, landscape contractor, tree trimmer, builder, utility service or any other type of business entity shall trim, prune or remove any tree within the City without having first obtained a permit from the City. Permits shall be issued without charge. Permits shall be effective for thirty (30 days) from the date of issuance and shall apply only to the lot or parcel of land for which it is issued. The permit shall be posted in a place where it can be seen from the nearest street while the work is in process.

§ 91.99 PENALTY.

It shall be unlawful for any person, firm or corporation to violate the provisions of this chapter. Any person violating any provision hereof shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every such violation and for each and every day or portion thereof during which any such violation continues or occurs. Upon the conviction of such violation, such offense shall be punishable by fine which shall not exceed \$1,000 for each separate offense.



City of Woodcreek Tree-Trimming Permit Application

Date of Application Submittal: _____

Site Location Address: _____ Property Owner's Name: _____ Mailing Address (if different than above): _____ Telephone Number: _____
Contractor Performing Work: _____ Mailing Address: _____ Telephone Number: _____
Date(s) Work to be Performed: _____ Permit Expires (30 days from issuance): _____

Note: To minimize the spread of Oak Wilt, No Oak Tree trimming is allowed between February 1 and July 1 of each year. (§ 91.01, Chapter 91, Woodcreek Code of Ordinances)

I agree to: paint all wounds to Live Oak and Red Oak trees (whether from ground-maintenance equipment, trimming, cutting, or pruning) immediately after the cutting, trimming, pruning or wounding of the tree with opaque paint to prevent the spread of Oak Wilt disease; paint all Oak roots with a diameter larger than a dime severed from underground utility cuts and excavations; acknowledge the effective date of this permit; acknowledge that no Oak tree trimming is permitted between February 1 and July 1 of each year; acknowledge that this permit applies only to the site location listed above; and to post this permit in a location that can be seen from the nearest street while the work is in progress. Violations of § 91.01 (Tree Trimming Permit Required) of the Woodcreek Code of Ordinances are punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

Property Owner

Contractor Performing Work

Tree-trimming Contractor: I acknowledge that I am required in the City of Woodcreek to collect 1% City Sales Tax on all tree-trimming and yard-maintenance work (to be submitted to the Texas Comptroller).

Contractor Performing Work



AGENDA ITEM: Hidden Valley Low-Water Crossing Weir Grate
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: November 18, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

On August 27, 2019 the City Council considered awarding a project to the Hays County Transportation Department to install a ladder grate over the opening in the Fish Weir, using 4” pipe and angle iron. The estimated costs to complete the installation was \$2,543.00. At the meeting the Council directed staff to look at alternative methods for securing the weir, primarily installing a grate over the entire weir opening, rather than just the portion under the low-water crossing.

For consideration is the awarding of a contract to the Hays County Transportation Department for the installation of a grate over the weir as described above for an amount not to exceed \$29,009.00.

Payment of the installation would come from the Public Works Capital Roads line item. For FY 2020, \$100,000.00 was budgeted in this line item.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

- | | | | |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item | <input type="checkbox"/> | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/> | Current Estimate: | \$ |
| Not Applicable | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

STAFF RECOMMENDATION

The City Administrator recommends awarding the installation of a grate over the Hidden Valley Low-Water Crossing weir to the Hays County Transportation Department for an amount not to exceed \$29,009.00.

ATTACHMENT(S)

- Hays County Quote

ESTIMATE FOR CITY OF WIMBERLEY (HIDDEN VALLEY GRATE)

November 13, 2019

<i>ROAD NAME</i>	<i>TIME</i>	<i>OPERATOR LABOR</i>	<i>EXPENSES</i>	<i>EQUIP USAGE & FUEL</i>	<i>EXPENSES</i>	<i>MATERIALS</i>	<i>EXPENSES</i>	
Hidden Valley Grate (CULVERT-FISHWEIR GRATE COVER) 4" pipe on 10" CENTER WITH 6" OPENING non-galvanized	5 DAYS	7 MAN CREW (280HRS @ \$34.50/HR) Fabrication and Install	\$9,660	1 - SERVICE TRUCK (40 HRS @ \$53.50/HR) 1-BACKHOE (8HRS @\$43.75) 3- P/U & Trailer (30hrs @ \$74.26/hr)	\$2,140 \$350 \$2,228	MATERIALS TO BUILD GRATE (4" METAL PIPE/ANGLE IRON) (anchors, epoxy, welding supplies)	\$9,744 \$750 \$1,000	
								PROJECT COST
			\$9,660		\$4,718		\$11,494	\$25,872
								ADMINISTRATIVE COST
ADMINISTRATIVE PROCESSING FEE			\$500					\$500
								COST
								\$26,372
								CONTINGENCY COST
CONTINGENCY			\$2,637					\$2,637
								TOTAL COST
								\$29,009



AGENDA ITEM: Hidden Valley Low-Water TPWD Letter Update
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: November 18, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City received a letter from Texas Parks and Wildlife (TPWD) regarding the Hidden Valley Fish Weir. In the letter they require the City's plan for correcting the weir's deficiencies. This plan is due November 23. The City spoke with Craig Bonds (Director of Inland Fisheries) was able to talk with Wednesday, October 30, 2019. Based on this conversation, the following plan has been developed to address the concerns of the TPWD:

- **December 2019:** Determine needed baffle heights. As discussed in our previous meeting, this is a step the City anticipates taking on in house. Using temporary construction materials, the heights of the baffles will be raised to ensure the proper water level in the fish weir.
- **December 2019/January 2020:** Work with design engineers to determine best way to permanently raise the baffle heights and provide the 12-inch opening in the weir wall.
- **January 2020:** Revise weir plans for pricing of required modifications to weir, including baffle heights and weir opening. Request quotes from contractors to construct modified plans. Coordinate with TPWD on construction as needed.
- **February 2020:** Pending funding availability, award contract for construction of weir modification, with an anticipated Notice to Proceed to contractor by the end of the month.

A response letter including the plan as outlined above was provided to Mr. Bonds on Monday, November 18, 2019.

REQUESTED ACTION

- | | |
|------------|-------------------------------------|
| Motion | <input type="checkbox"/> |
| Discussion | <input checked="" type="checkbox"/> |
| Ordinance | <input type="checkbox"/> |
| Resolution | <input type="checkbox"/> |
| Other | <input checked="" type="checkbox"/> |

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION

ATTACHMENT(S)

- TPWD Letter – October 23, 2019
- City of Wimberley Response Letter



Life's better outside.®

October 23, 2019

Mr. Shawn Cox, City Administrator
Wimberley City Hall
221 Stillwater
Wimberley, Texas 78676

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Dick Scott
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Lee M. Bass
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Fort Worth

T. Dan Friedkin
Chairman-Emeritus
Houston

Carter P. Smith
Executive Director

Dear Mr. Cox:

As you are likely aware, the City of Wimberley (City) was issued Sand and Gravel General Permit Number 2016-G023 on March 17, 2017, for the construction of a permanent crossing of the Blanco River at Hidden Valley Road. Permit 2016-G023 included design plans for the crossing and a fish-passage structure as a condition of the permit. This permit was issued after considerable discussions and coordination between the City and the Texas Parks and Wildlife Department (TPWD) about how the crossing was to be constructed.

Construction of the crossing was completed in early October 2017, and a site visit by TPWD staff on October 10, 2017, found that the fish-passage structure had not been built according to permitted plans. As a result, the structure does not provide fish passage and is not in compliance with the permit.

On October 30, 2017, TPWD staff met on-site with the City's engineering consultant to discuss preliminary concepts for remedial actions and potential methods for implementing those actions. However, in the intervening two years, though there have been periodic meetings and email communication to further discuss potential remedial action, no steps have been taken to correct the failure of the fish passage structure to function as permitted. Again, on April 24, 2019, the City acknowledged these shortcomings and verbally agreed to implement corrective measures once the higher river flows from this past spring subsided. Although the flows are now at base levels, corrective measures have not been implemented. In addition, TPWD continues to receive complaints from riverside landowners who express concerns about the safety of swimmers, particularly children, who are physically accessing the fish-passage structure. Although these safety concerns are not jurisdictional to TPWD, our staff believes separate, corrective measures suggested by City personnel would help attenuate those concerns. Steps taken to correct the functionality deficiencies in the fish-passage structure should not prevent or interfere with the City's efforts to address the public's safety concerns.

TPWD urges the City to comply with its permit obligations by swiftly developing a remediation proposal with corrective measures within thirty (30) days to address the structure problems and an implementation plan to bring the structure into compliance. This remediation plan should be provided for TPWD approval before it is executed.

Mr. Shawn Cox, City Administrator
Page 2
October 23, 2019

Please do not hesitate to coordinate with Tom Heger (Aquatic Resources Permitting and Consultations Team Leader) by phone (512-389-4583) or email (tom.heger@tpwd.texas.gov) if you have questions about developing the remediation proposal.

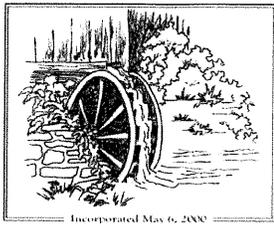
Sincerely,

A handwritten signature in black ink that reads "Craig Bonds". The signature is written in a cursive, flowing style.

Craig Bonds
Director of Inland Fisheries

CB:dh

cc: Mr. Carter Smith
Mr. Timothy Birdsong
Mr. Robert Sweeney
Mr. Tom Heger



City of Wimberley

221 Stillwater, Wimberley, Texas 78676
(512) 847-0025 Fax (512) 847-0422 www.cityofwimberley.com

Susan Jagers, Mayor

Rebecca Minnick, Mayor Pro-tem

Council Members

Craig Fore

Christine Byrne

Gary Barchfeld

Bo Bowman

November 18, 2019

Craig Bonds

Director of Inland Fisheries

Texas Parks and Wildlife Department

4200 Smith School Road

Austin, TX 78744

Re: Sand and Gravel Permit – 2016-G023 -City of Wimberley

Mr. Bonds,

As you indicated in your letter from October 23, 2019, the City was made aware that the permitted fish weir was not built according to the plans submitted with the Sand and Gravel Permit application. Issues needing correction include baffle heights, and fish passage through the weir wall. In multiple conversations with the design engineer, Stantec, and the Texas Parks and Wildlife Department (TPWD), it was determined the following solutions might resolve and deficiencies in the fish weir:

- Increasing the height of the baffles in the weir passage could elevate the water level in the weir enough to allow for a new fish passage to be placed through the weir wall without increasing the head pressure the fish would have to swim against.
- Boring a new fish passage through the weir wall, approximately 12-inches in diameter, could provide greater opportunities for the fish to swim upstream.

One of the main concerns the City has is to improve the safety of the weir. To that end, the city is getting pricing to install a grate over the weir opening. The grate is anticipated to be installed in December pending council approval of the construction contract. Following the grate's installation, the City plans to take the following steps to bring the weir into compliance with the Sand and Gravel Permit issued by the TPWD:

- **December 2019**: Determine needed baffle heights. As discussed in our previous meeting, this is a step the City anticipates taking on in house. Using temporary construction materials, the heights of the baffles will be raised to ensure the proper water level in the fish weir.
- **December 2019/January 2020**: Work with design engineers to determine best way to permanently raise the baffle heights and provide the 12-inch opening in the weir wall.
- **January 2020**: Revise weir plans for pricing of required modifications to weir, including baffle heights and weir opening. Request quotes from contractors to construct modified plans. Coordinate with TPWD on construction as needed.

- **February 2020:** Pending funding availability, award contract for construction of weir modification, with an anticipated Notice to Proceed to contractor by the end of the month.

The City of Wimberly is committed to adhering to the terms of the Sand and Gravel Permits the TPWD issued to allow the re-construction of the Hidden Valley Low-Water Crossing. I would also like to thank the TPWD for working with the City as we strive to make the weir functional.

Should you have any question please feel free to contact me at any time. I can be reached at scox@cityofwimberly.com, or at 512-847-0025 x22.

Sincerely,



Shawn Cox
City Administrator



AGENDA ITEM: Central Wimberley Wastewater Project Update
SUBMITTED BY: Shawn Cox, City Administrator
DATE SUBMITTED: November 18, 2019
MEETING DATE: November 21, 2019

AGENDA FORM

ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update regarding the Central Wimberley Wastewater Project; including updates on easements, construction, contracts and coordination with various State entities.

REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

STAFF RECOMMENDATION