



Technical Advisory Review Panel (TARP)

Quarterly Report – July, 2024

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Executive Summary

This report provides a summary of the TARP meetings during April, May, and June of 2024.

During this quarter, the April and May meetings were primarily focused on planning future meeting agendas, identifying and implementing improvements to the TARP process, modifying the administrative process for proposing rules changes, and developing the TARP's working groups.

In May, 9 proposed rules were administratively exempted from the TARP's review by the LDRA and allowed to move forward with the adoption process as it was determined they did not create substantive changes to the development process. The TARP was informed of their approval and did not indicate a desire to place them on an agenda.

In June, 4 proposed rule changes were reviewed, of which three were approved to move forward with the rules adoption process outlined in City Code Chapter 1-2. The proposed rule that was not approved was a new Street Tree Root Barrier Detail for the Standards Manual. This topic will be further analyzed by the TARP's Green Infrastructure Working Group and panelists will coordinate with the Transportation Public Works Department (TPW) as part of their initiative to develop a right-of-way (ROW) design and management plan to be responsive to Council's [Green Infrastructure Resolution](#). It is expected that a series of details related to street trees will undergo TARP review in future meetings.



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April Meeting

Meeting Details

April 11, 2024

Meeting held virtually.

Agenda Planning

The TARP reviewed a list of issues that have been identified for potential future actions and City of Austin departments provided updates on plans for proposed rule changes. Below is a summary of the discussion for each administrative criteria manual:

Administrative Rules for Solid Waste Services

Austin Resource Recovery (ARR) currently has administrative rules that must be codified by Council, which is different than all other manuals where they are adopted in the process described by Chapter 1-2. It is anticipated that Council will consider changing this to align the Rules for Solid Waste Services with the Chapter 1-2 process. ARR is planning rules changes, but they will be operational in nature and it is unclear what, if any, impact they will have on the development process. They will be screened to determine if TARP review is needed.

Building Criteria Manual

The Building Official is planning to update qualifications for commercial electrical inspectors with the hope of broadening the applicant pool for those positions. This is planned for some time in the summer.

The Parks and Recreation Department has identified that due to state law changes pertaining to parkland dedication they may need to update rules, but nothing is planned at this time.

Drainage Criteria Manual

The LDRA has received comments about rule 1.2.3.C. which requires connecting to storm drain infrastructure if it is within 550'. This rule may benefit from clarifying if/when waivers are allowed for this requirement. A panelist asked that the entirety of 1.2.2., 1.2.3., and 1.2.4. be topics of discussion in a future meeting and will provide a summary of specific comments.



Environmental Criteria Manual

Appendix R7 was identified as needing to be updated, as it relates to the water quality credit for the rainwater harvesting rule discussed in the February meeting.

Comments were received about 2.3.0. which are landscaping requirements for single family homes as there is now ambiguity about how it applies to single family lots with multiple units. There are also concerns about how the requirements were intended for commercial projects but are now being applied to residential projects.

Comments were received about definitions in 1.10.3. related to wetlands. This may require review to due to changes to federal law about what qualifies as jurisdictions for wetlands. Other definitions may need to be reviewed when this is placed on an agenda.

A request was made to look at section 1.8. which describes impervious cover regulations as it relates to sidewalks and easements. This may also be important when looking at criteria manual rules impacts on implementing any changes from the HOME amendments. In staff discussions, it has been identified that Austin Fire Department (AFD), TPW, and the Watershed Protection Department (WPD) are in the process of examining problems with pavers for fire lanes. The LDRA will track these changes and determine if TARP review is needed once changes have been identified.

Fire Protection Manual

AFD is tracking updates that are underway for the International Fire Code and expects a need to update the Fire Protection Manual once they are in place. These changes are tentatively scheduled for TARP review in October.

Standard Specifications Manual

Capital Delivery Services (CDS) has identified rules related to volumetric concrete trucks that are impacting public projects. TPW will coordinate with CDS to determine if rules changes are needed.

Standards Manual

Austin Water (AW) is bringing forward several updates in the June TARP meeting.

Transportation Criteria Manual

TPW intends on proposing rule changes in the July TARP meeting. These were identified in the March meeting, impact implementation of HOME amendments, and include the following topics: Evaluate allowing three driveways, update driveway width standards, driveway strips, and joint use access easement requirements.



Through lots, major and minor driveway clarifications, and guidance for site plans versus single family homes will require additional time for TPW to research and prepare updates if they are needed. The LDRA will work with TPW to identify a later date to discuss these.

AW and TPW are developing Figure 13.1 (Structures in the ROW). This is a diagram that is specific to AW infrastructure and TPW has agreed to bring forward a proposed rule change for this in their next TCM update.

Utilities Criteria Manual

Identified in the March meeting, the TARP will continue to explore utility conflicts in driveways and how they may impact implementation of HOME amendments. The LDRA will also work with AW and WPD to determine what, if any, changes can be made to be responsive to issues raised in the February meeting around determining if Type 2 cisterns meet requirements for innovative management practices and calibrating requirements for Type 2 residential rainwater harvesting which may increase utilization across the City and assist with water conservation goals.

Panelists have requested to review Austin Energy (AE) Section 1.14.3 around safety clearances. There are concerns about the impact on housing capacity and conflicts with other utilities that complicates the development process and creates issues for the COA utility departments. A request was also made to investigate transformer requirements, the LDRA will evaluate this issue and add it to our list of potential future actions.



May Meeting

Meeting Details

May 9, 2024

Meeting held virtually.

Rules Exempted from TARP Review

The following proposed rules were administratively exempted from TARP review by the LDRA, and allowed to move forward with the adoption process, as it was determined they did not create substantive changes to the development process. The TARP was informed of their approval and did not indicate a desire to place them on an agenda.

Drainage Criteria Manual – 1.2.2 – General Summary

Simplifies the receiving systems descriptions.

Land Development Rules Administrator Comments

Combined with the Glossary addition of Storm Drainage System, this simplifies requirements for where runoff can be discharged without removing existing options. The term “dedicated drainage easement” is removed but the new definition of Storm Drainage System, encompasses dedicated drainage easements.

Drainage Criteria Manual 2.1.0, 2.3.0, 2.4.0, and 2.4.2 Summary

Corrects various spelling and grammar errors.

Land Development Rules Administrator Comments

No substantive changes made.

Drainage Criteria Manual 2.3.1 – Duration and Frequency Values Summary

The table has been updated to include 10-minute duration rainfall amounts and North and South labels for each Zone.

Land Development Rules Administrator Comments

This change reorganizes parameters needed for meteorological modeling, clarifies that Zone 1 and Zone 2 are South and North, respectively, and adds 10-minute duration rainfall amounts.



Drainage Criteria Manual 5.6.1. – Spacing

Summary

This change clarifies the intent of the language.

Land Development Rules Administrator Comments

This language is more prescriptive but does not meaningfully change what is required.

Drainage Criteria Manual 3.1.1, 5.7.1, Table 5-7, and 6.2.2

Summary

This updates the term storm sewer to storm drain for continuity across the Code and Criteria Manuals.

Land Development Rules Administrator Comments

No substantive changes made.

Drainage Criteria Manual Appendix B

Summary

The Design Rainfall Time Series Chart has been updated to specify Zone 1 and Zone 2 are South and North, respectively.

Land Development Rules Administrator Comments

No substantive changes made.

Drainage Criteria Manual Glossary

Summary

These changes modify the definition for Adverse Flooding Impact and includes a new definition for Storm Drainage System.

Land Development Rules Administrator Comments

The changes to *Adverse Flooding Impact* specify it pertains to the 100-year flood. This is supported by City Code 25-7-61 B: “*to the greatest extent feasible, preserves the natural and traditional character of the land and the waterway located within the 100-year floodplain;*”

This is also consistent with long-term interpretation and enforcement. The addition of a Storm Drainage System definition provides greater clarity and allows for the removal of drainage easements in Section 1.2.2 without limiting options for discharging increased runoff.



Environmental Criteria Manual 1.4.4, 1.6.2.C, 1.6.3.B, 1.6.7.5.E.2, 1.6.9.2 A, 1.6.10 A
Summary

This updates the term storm sewer to storm drain for continuity across the Code and Criteria Manuals.

Land Development Rules Administrator Comments

No substantive changes made.

Environmental Criteria Manual Appendix Q2

Summary

This adds language for impervious cover exclusions for porous pavement. This does not change the watershed impervious cover calculations but helps clarify when applicants are proposing porous pavement in their projects.

Land Development Rules Administrator Comments

This change provides greater clarity during review and does not affect regulations. Having this information flagged earlier in the review process should be helpful for both staff and applicants, as it will be considered earlier in the review process.

TARP and Rules Adoption Process Changes

The following changes to the TARP's operations, administrative requirements, and internal procedures for City of Austin Departments to initiate administrative criteria manual rule changes were discussed in this meeting. Below is a summary of changes that were implemented, effective June, 2024. These changes are reflected in the updated Land Development Rules Adoption Policy and Process standard operating procedure (See Appendix 1) which is posted on the [TARP's website](#).

Stakeholder Engagement

Previously, city departments have been required to show proof of their stakeholder engagement to the Land Development Rules Manager as a pre-requisite to move forward with the Notice of Proposed Rule. This requirement originated from a City Council resolution endorsing the "Citizen's Planning Committee Report of 1995." Within the report, a recommendation states, "Review current rule posting regulations; consider public review process before adoption." In addition to this directive, departments have found that reviewing proposed changes with stakeholders before launching the formal adoption process helps to reduce the volume of comments received during the review period and minimize appeals to the City Manager.

It is the determination of the LDRA and City staff that the TARP now satisfies this requirement and that providing this proof should no longer be required when submitting



the necessary documents for the Notice of Proposed Rule. Departments are still encouraged, and have indicated they will continue, to hold engagement when making changes to inform their stakeholders. Stakeholders and the public are also now able to read in-depth analysis on proposed rules from TARP reports prior to rule adoption.

Panelists expressed the desire that stakeholder engagement still take place while rules are being drafted, prior to conducting TARP review or launching the formal rule adoption process. Departments can, and should, seek feedback during this rule development stage.

Interdepartmental Review Process

Since the implementation of the TARP, departments have been asked to complete stakeholder engagement, an interdepartmental review process, and the TARP's review process as a pre-requisite for the Notice of Proposed Rule. However, the sequence for completing these requirements has been unspecified, and in practice they have run concurrently or in whatever order departments chose. The LDRA has received feedback that it is more helpful for departments to understand the exact order of requirements as they plan to launch their proposed rules, and that interdepartmental review prior to the TARP is helpful for ensuring panelists are prepared to have productive conversations. This also allows for partner departments to prepare draft language edits which can then be discussed by the TARP and, if consensus is reached, they can be included in the rule language before it is approved by the LDRA.

Based on this feedback, the sequence for initiating proposed rules is as follows:

- (1) Departments submit their proposed rule language;
- (2) Interdepartmental review is conducted for two weeks using the internal LDRPP Sharepoint comment system; and
- (3) The proposed rule is reviewed at a TARP meeting, with interdepartmental comments posted as backup documents.

The Rule Adoption Cycle Calendar

Prior to the TARP's creation, administrative rules were submitted during review cycles four times a year. Starting in January 2024, the number of cycles was reduced to three to account for additional time needed for the TARP review. The cycle calendar was originally intended to limit the amount of time partner departments spent reviewing each other's rules to just four two-week periods a year. However, as a result of the TARP process, interdepartmental review is now occurring more frequently and organically as departments are expected to review each other's rules prior to monthly TARP meetings and engage in feedback and discussion during those rules.



To improve efficiency, the rule adoption cycle calendar will be discontinued in favor of a calendar based on the TARP meeting dates and their agenda topics. The TARP's review of a rule is now the most critical requirement for moving forward with the adoption process and is limited by the amount of agenda time that can be dedicated for each proposed rule. This new calendar will be based on identifying when TARP agenda space is available and will list the necessary dates to submit rule language, complete the interdepartmental review, and the earliest date a rule can be adopted (See Appendix 2). This change allows for departments to adopt rules on a rolling basis once all requirements have been completed.

Screening Standards Worksheet and the Affordability Impact Statement

The LDRA has received feedback that the Screening Standards Worksheet and the Affordability Impact Statement are duplicative and redundant, since both are used to identify how rules may impact Council priorities related to housing, affordability, and achieving a more efficient development process. An Affordability Impact Statement is required, by ordinance, for each proposed rule and provides a determination on how a rule change may impact housing development and costs. The Screening Standards Worksheet was developed in response to Council's resolution establishing the TARP process, which highlights similar goals related to improving the cost and efficiency of the development process.

The LDRA and the Housing Department have consolidated questions from both documents into one form for ease of use by City departments. In addition, the Housing department may use information from TARP meetings to aid in the development of their Affordability Impact Statements. This form is now available here: [AIS and TARP Submissions - Lists \(sharepoint.com\)](#)

Working Groups

Working groups (WGs) will be created to:

- (1) Identify which established rules are appropriate for TARP review;
- (2) provide more intensive review than can be accomplished at regular TARP meetings;
- (3) develop recommended rule language changes; and
- (4) improve efficiency of the TARP.

WGs will be comprised of City staff and housing and development industry panelists. A draft standard operating procedure for WGs, which has now been adopted, was reviewed in this meeting (See Appendix 3).

Panelists agreed to the creation of a proposed "Housing & Affordability" WG, which would prioritize existing rules based on their impacts to housing development and



affordability. Discussion of the WG process covered several other issues, including staggering WG meetings to respect time commitments, the importance of launching the Housing & Affordability WG first, and the possibility of using WGs to address process issues (including review of legal documents).

Based on the TARP's enacting resolution, the LDRA finds that creation of WGs to address any challenges (including legal/process) with implementing criteria manuals is appropriate. There are seven WGs that have been identified and will be in development. They are:

- Drainage Criteria Manual WG
- Environmental Criteria Manual WG
- Green Infrastructure WG
- Housing and Affordability WG
- Standard Specifications WG
- Transportation Criteria Manual WG
- Utilities Criteria Manual WG

Aligning the TARP with Land Development Code Changes

As City Council considers changes to the Land Development Code, it is important for the TARP to consider necessary rules changes so that these initiatives can be fully implemented and help achieve the underlying Council goals. The LDRA will use the existing Schedule of Active Code Amendments provided by the Planning Department to track when potential Council votes may take place and then plan TARP agendas for the following months. In addition, the LDRA will work with City departments to identify rules that may need to be updated in advance of these meetings and potentially ask WGs to provide an analysis.

TARP Dissent Process

Panelists will now be able to publish their dissent to rules and/or recommendations relevant to the topics the TARP considers. Panelists can identify their dissent in meetings, as well as with a form that cites the rule, the part of the rule or recommendation they disagree with, and additional detail they wish to document (See Appendix 4). Dissent will be published in TARP reports to fully capture the varied opinions of the group.



June Meeting

Meeting Details

June 13, 2024
Room 1405, Permitting and Development Center
6310 Wilhelmina Delco Dr., Austin, TX 78752

Proposed Rules

Utilities Criteria Manual (UCM) Sections 2.9.1, 2.9.2, 2.9.3, and 2.9.4

Summary of Rule Change

Updates language in the combination air valves section. Modifies requirements related to water mains for water systems and reclaimed water systems. Adds back language allowing encroachment into the critical water quality zone for wastewater systems when Code allows. Adds requirement for isolation valves for wastewater systems.

Discussion Summary

There was a question about why the language specifies that the installation of combination air valves and vaults must be below grade, as opposed to below grade when possible. Austin Water (AW) explained they want all valves below grade it's possible; but their plan review team has reported that with language like "where possible" it creates confusion and it's clearer to instead require a waiver in the few instances where that may not be feasible. AW has recently updated the UCM to use the term waiver, so applicants will understand which process they need to pursue in those cases.

Discussion on this change did not identify any core concerns from City staff or housing and development industry professionals.

Standards Manual 511-AW-04 – Combination Air Valve Detail

Summary of Rule Change

Discontinues the existing Standard Detail 511-AW-04 and replaces it with one that specifies the use of combination air valves for potable and reclaimed service.



Discussion Summary

Discussion on this change did not identify any core concerns from City staff or housing and development industry professionals. Although it may increase costs for some projects, aligning with industry best practices and the need to protect health and safety make it appropriate.

TCM Section 13.2.1.D – Excavation Backfill Figure

Summary of Rule Change

Updates the existing TCM Figure 13-1 to show a more realistic/likely depiction for excavating existing utilities.

Discussion Summary

The updated figure shows additional space around the utility in the trench, which is what is actually necessary in the field to service the utility. This also allows for a steeper slope which creates less disrupted area required for the trench.

Discussion on this change did not identify any core concerns from City staff or housing and development industry professionals.

Standards Manual (New) – Street Tree Root Barrier Detail

Summary of Rule Change

Creates a new Standard Detail that illustrates separations between street trees and utilities that are described in UCM Section 2.9.1.C.

Summary of Discussion

AW described their intent as providing a detail for the requirements that are already spelled out in the UCM but understand there is a lot of interest in street trees as it relates to the Green Infrastructure Resolution. This detail would be a starting point to a series of necessary details for street trees. This detail is parallel to the curb and is intended to depict the utility gap. AW has received feedback to improve labeling for better clarity and is considering those additions.

There was acknowledgement that individual department goals, such as ensuring reliable water service and easy access to utilities, can be at odds with overall City goals. The TARP working group on Green Infrastructure and the Transportation Public Works



(TPW) led project to develop a right-of-way (ROW) design and management plan that achieves the goals in the Green Infrastructure resolution will be the appropriate way to work through these issues. The LDRA is collaborating with TPW and will provide a work plan for the Green Infrastructure working group and the TARP in the upcoming months. With that recognition, the following discussion summarized in this report is intended to inform future work, highlight key issues that will need to be addressed, and identify what information the TARP will need to be able to provide recommendations.

Panelists suggested that this detail is incomplete on its own to address street trees and utility protection and needs to be a part of a larger series that illustrate more fully the ROW up to buildings, prototypical plans, and addresses the vertical dimension, along with the lateral. In addition, with the passage of the HOME amendments, details should be created that address these higher density, narrower lots to ensure their underlying housing goals, and goals for street trees can be met. AW noted there are currently details in the Standard Series Manual, 432S-7A, 432S-7B, and 432S-7C that provide additional clarity on street trees, but they are obsolete as the TCM sections that were referenced have been replaced. These details would also need to be replaced as part of any holistic approach.

Panelists noted that there are other methods to protecting infrastructure besides the types of root barriers specified in this detail. The Corridor Construction Program, which was a previous City initiative led by the Corridor Program Office to address street trees in 2018, did come up with more holistic tree details and a proposal for utility protection. This information will be shared with the Green Infrastructure Working Group and the TARP as a resource for future discussions on this topic. A panelist raised that the UCM language that this detail would illustrate is currently the single biggest detriment to implementing street trees today, due to the constrained ROW where these trees are intended to be planted. Approved planned unit developments that have reduced the distance requirement between the tree and the utility itself to five feet have resulted in more planting of streets trees than would be allowed with this detail. Reducing distance requirements is also critical for implementing Project Connect where space is even more strained. Expanding street trees is crucial due to their ecological benefit, the protection they provide to pedestrians from the roadway, and importantly for the shade they provide which has impacts on achieving the City's mobility and climate equity goals.

The UCM requires that a root barrier be placed between a tree and a utility, so if a utility is running parallel to the curb, such as a lateral, it is required. Utilities also cannot be placed in a tree planting zone, so if one already exists it is likely that the utility will be placed in the street, as closer to buildings would not be an option. There was a concern that the spacing requirement for lateral lines reduces the potential for tree planting



throughout the city, and this was demonstrated in some of the backup provided by panelists and has been their experience working on projects in Austin. It was suggested that reducing that requirement to five feet would yield more trees in these scenarios.

The key takeaways from this discussion include:

- Certain standard details and sections of existing criteria manuals are either obsolete or will need to be changed to achieve the goals in the Green Infrastructure resolution. The TARP needs to create a comprehensive list of these existing details/rules to ensure any updates are not in conflict.
- There should be a comprehensive set of details for street trees that includes how they fit into the ROW, and that illustrate how to resolve typical spatial issues related to street trees.
- We must determine how details will be organized in the Criteria Manuals. Historically, each department owns their own details within the Standards Manual, and so a determination needs to be made who will own these. As TPW has been assigned the responsibility of developing the ROW design and management plan they will likely own new details, but we will discuss this with them.
 - We will also explore what resources or expertise TPW needs to be able to fulfill their responsibility of managing the ROW and how the TARP can assist.
- Panelists should identify key conflict points, so we know what issues need to be resolved when developing updates.
- The council resolution mentions the Corridor Program Office Tree Reference Manual, which is marked as a draft from 2020. While it is marked draft, this is the base document referenced in the resolution and was the genesis of a series of CAD and PDF details that were designed to become City Standards. There is also an accompanying document, Utility Protection, Root Barrier Strategies, which provides other details that should be considered. These documents, along with a presentation that describe peer city research will be reviewed by the working group and TARP to create a starting point, and so that City departments can provide feedback on the feasibility of the details.
 - We should explore other methods of root barriers, like horizontal root barriers, and differentiate between types of root barriers and when they can be applicable based on depth.
- There should be a clear delineation between details for existing trees and planted trees.



LDRA Determination on Proposed Rules

UCM Sections 2.9.1, 2.9.2, 2.9.3, and 2.9.4

This rule is approved to move forward with the Notice of Proposed Rule pursuant to the rules posting process (City Code Chapter 1-2).

Standards Manual 511-AW-04 – Combination Air Valve Detail

This rule is approved to move forward with the Notice of Proposed Rule pursuant to the rules posting process (City Code Chapter 1-2).

TCM Section 13.2.1.D – Excavation Backfill Figure

This rule is approved to move forward with the Notice of Proposed Rule pursuant to the rules posting process (City Code Chapter 1-2).

Standards Manual (New) – Street Tree Root Barrier Detail

This rule is not approved to move forward with the Notice of Proposed Rule. While the rule is intended to provide an illustrative detail of existing requirements in UCM Section 2.9.1.C, those requirements appear to be in conflict with City Council goals established in the Green Infrastructure resolution and may be improved through the TARP's working group on Green Infrastructure, and through the development of TPW's ROW design and management plan. The TARP will consider a package of details for street trees once more work has been done.

Appendix

Appendix 1

Land Development Rules Adoption Policy and Process



Land Development Rules Adoption Policy and Process

Purpose

The purpose of this document is to establish written procedures for the administrative rules adoption process so departments may enact needed rules for implementing the Land Development Code (LDC) consistently and in a timely manner.



Background

On January 28, 1988, Council adopted [Ordinance No. 880128-Q](#), establishing the process for City departments to adopt administrative rules for implementing, administering, and enforcing the Land Development Code (LDC). In 1999, Council adopted [Ordinance No. 99—0225-70 \(b\)](#), which recodified the rules adoption process under City Code [Title 1, Chapter 1-2 \(Adoption of Rules\)](#), and broadened it to cover all types of administrative rules.

City departments follow the rules process established under Chapter 1-2 to adopt “administrative criteria manuals,” which codify rules used by individual departments to implement LDC requirements within their areas of expertise. To achieve greater consistency and provide for heightened level of review and input, in 2023 the City Council passed [Resolution No. 20230323-057](#) directing the City Manager to establish a Technical Advisory Review Panel (TARP). The role of the TARP includes: *“Ensuring opportunities for public input and consultation... which should be timed to maximize opportunities for departments to consider the TARP’s recommendations before beginning the process required by City Code Chapter 1-2 (Adoption of Rules) for adopting criteria manuals or amendments.”*

Rules and Applications

Rules are adopted to implement, administer, enforce, or comply with the Code, an ordinance, or another law for which a department is responsible. Proposed rules must be limited to these purposes.

As authorized by City Chapter 25-1, Article 4 (*Application and Approval*), rules may be used to establish requirements for reviewing and submitting applications consistent with the LDC. These requirements may include, where appropriate, review deadlines, processing cycles, and other requirements that help to ensure an efficient, cost-effective, and thorough review process.

Roles and Responsibilities

City Manager

Acts on appeals of adopted rules as required by Code. Considers reports issued by the TARP.

Department Directors

Appoints one single point of contact (SPOC) for their department. Works with other directors to resolve departmental conflicts. Reviews and signs the Notice of Proposed Rule prior to review by the City Attorney.

Department Single Point of Contact (SPOCS)

Works with their department to draft needed proposed rules. Facilitates their department’s stakeholder review prior to posting the rule. Submits proposed rules to the Rules Manager. Provides feedback on other department’s proposed rules. Serves as a member of the TARP.

Land Development Rules Administrator (LDRA)

Reviews proposed rules and determines if enhanced review is needed by the TARP before initiating the rules adoption process under Chapter 1-2 of the City Code. Facilitates and manages operation of the TARP, including membership information, organizing and facilitating meetings, and producing reports



and recommendations. Manages the TARP agenda calendar.

Law Department

Assists departments with rule creation. Ensures proposed rules are legally valid and there is no other conflicting ordinance or rule, as indicated through the signature of the City Attorney on the Notice of Proposed Rule.

Office of the City Clerk

Posts notices on the [Land Development Rules Notice website](#).

Rules Manager

Coordinates the rules posting and adoption process required under Chapter 1-2 of the City Code. Confirms department SPOCs have submitted all necessary documents and information for notices. Manages the interdepartmental review process. Ensures adopted rules are made publicly available, currently through the criteria manuals hosted on Municode. Maintains internal tracking of all proposed rules and their status.

Technical Advisory Review Panel

At the direction of the LDRA, reviews and discusses existing and proposed rules codified in administrative criteria manuals. Considers ways to better align criteria manuals with existing City Council policies, City housing goals, and industry best practices, as well as the needs of individual departments and the protection of public health and safety.

Procedures

Phase 1 – Interdepartmental Review

City departments will prepare proposed rules and submit them to the Rules Manager. The Rules Manager will post the proposed rules on the Land Development Rules Posting Process website: [Land Development Rules Posting Portal - Power Apps](#) and notify City Departments that there are rules requiring review. Departments will have two weeks to complete their review and provide comments and suggested edits. Comments and suggested edits will be used as back up for TARP meetings on those rules. The interdepartmental review process must end at least two weeks before the TARP meeting on those rules.

Phase 2 – Technical Advisory Review Panel Review

SPOCs will submit information for the [screening standards](#) on the combined AIS/Screening Standards form at least two weeks before the TARP meeting on those rules can take place. This form is located here: [Affordability Impact Statement \(AIS\) Request & TARP Technical Screening Standards Form \(office.com\)](#) After reviewing a proposed rule and the screening standards information submitted by the department SPOC, the LDRA will determine whether to require TARP review based on the proposed rule's overall consistency with the Criteria Manual Screening Standards. If the LDRA does not require TARP review, the rule may be initiated under the rules adoption process established in Chapter 1-2 of the City Code following completion of the interdepartmental review process.



If a proposed rule does require TARP review, the LDRA will schedule one or more TARP meetings to evaluate the proposed rule for consistency with the screening standards. In advance of the TARP meeting, the LDRA will identify primary issues of concern based on the information submitted by the department SPOC. TARP members with expertise relevant to a proposed rule must attend meetings held for those rules. See Appendix 1 for a sample TARP calendar and required deadlines.

After the TARP has considered the proposed rule, the LDRA will issue a report summarizing any consensus or concerns identified through the TARP process and shall make a determination on whether the proposed rule may be initiated for adoption. In making this determination, the LDRA shall consider all of the screening standards, but shall defer to department SPOCs on issues requiring technical expertise or engineering judgment, and shall consider any changes proposed by the department to address concerns identified through the TARP process.

If the LDRA determines that a proposed rule may be initiated for adoption following one or more TARP meetings, no further review is required. If the LDRA determines that a proposed rule may not be initiated for adoption, the rule may not be considered in its original form and must be resubmitted with modified language.

Escalation Process

A department SPOC may request in writing that the City Manager overturn a decision by the LDRA that a proposed rule may not be initiated. Where escalation is requested, the LDRA shall provide the City Manager's Office with copies of all relevant background materials, including the LDRA's report on the proposed rule and any statement the department SPOC provides in support of the proposed rule.

Phase 3 – Notice of Proposed Rule

SPOCS are responsible for submitting the following to the rules manager:

- Completed Notice of Proposed Rule, including:
 - The appropriate dates
 - Contact information of representative the public can direct questions to
 - Brief explanation of the rule
 - Director signature
 - Signature of the City Attorney
 - Proposed rule language changes shown in red or new language shown in yellow
- Word document of the proposed rule changes
- Documentation of stakeholder involvement
- Documentation of request sent to Housing and Planning Department for the Affordability Impact Statement

Once all documents have been received, the Rules Manager will assign a rule number and instruct the Office of the City Clerk to post the Notice of Proposed Rule on the [Land Development Rules Notice website](#).



Phase 4 – Public Comment / Rule Adoption

After the public comment period indicated on the Notice of Proposed Rule has closed, the SPOC must respond to all comments received using the LDC Rules Response to Public Comments Tool (Appendix 2). If changes are desired to address comments, they should be incorporated into the proposed rule language for the Notice of Rule Adoption and sent to the Rules Manager.

The Rules Manager will instruct the Office of the City Clerk to post the Notice of Rule Adoption on the [Land Development Rules Notice website](#)

A Notice of Rule Adoption must be posted after the public comment period but no later than seventy (70) days after posting the Notice of Proposed Rule. If the 70 days are exceeded, the rule is automatically withdrawn from the process and must be reprocessed.

Phase 5 – Appeal Process

A person may appeal the adoption of a rule to the city manager by filing with the City Clerk a written statement that:

- States the name, address, and telephone number of the person appealing the rule
- Identifies each rule being appealed; and
- States the specific reason why the rule should be modified or withdrawn

On receipt of an appeal, the City Clerk will supply a copy to the City Manager, Director of the initiating department, each Council member, and the Rules Manager.

The City Manager may affirm, amend, or withdraw the appealed rule by filing a Notice of Decision on Appeal of an Adopted Rule. Notices must be filed with the Office of the City Clerk. If the City Manager does not act on the appeal on or before the 60th day after the Notice of Rule Adoption is posted, the rule is withdrawn.

Phase 6 – Publication

The Rules Manager will send the vendor publisher the adopted rules with the rule number, adopted date, and the title of the manual the rule will reside. The Rules Manager will also update their internal tracking of the status of the rules for that cycle.

Links

Land Development Rules Posting Process website: [Land Development Rules Posting Portal - Power Apps](#)

Combined Affordability Impact Statement and Rules Screening Standards Form: [Affordability Impact Statement \(AIS\) Request & TARP Technical Screening Standards Form \(office.com\)](#)

TARP Website: [Technical Advisory Review Panel | AustinTexas.gov](#)



Appendix 2 Sample Rule Adoption Calendar

Proposed Administrative Criteria Manual Adoption Calendar						
Language Submitted for Interdept Review	Interdept Review Ends (2 Week Review Period)	Screening Standards/AIS Due (2 Weeks Before TARP)	TARP Meeting	Identified TARP Agenda	Notice of Proposed Rule (2 Weeks After TARP)	Earliest Notice of Adoption (Not before 32 days after NOPR, not after 70 days)
2024						
5-Apr	19-Apr	25-Apr	5/9/2024	Operations	27-May	28-Jun
10-May	24-May	30-May	6/13/2024	UCM - AW	1-Jul	2-Aug
14-Jun	5-Jul	10-Jul	7/24/2024	TCM - TPW	12-Aug	13-Sep
26-Jul	9-Aug	14-Aug	8/28/2024	Open	16-Sep	18-Oct
23-Aug	6-Sep	11-Sep	9/25/2024	Open	14-Oct	15-Nov
20-Sep	4-Oct	9-Oct	10/23/2024	FPM - AFD (Tent)	11-Nov	13-Dec
18-Oct	1-Nov	6-Nov	11/20/2024	Open	9-Dec	10-Jan-2025
15-Nov	29-Nov	4-Dec	12/18/2024	Open	6-Jan-2025	7-Feb-2025
2025						
20-Dec	3-Jan	8-Jan	1/22/2025	Open	10-Feb	14-Mar
24-Jan	7-Feb	12-Feb	2/26/2025	Open	17-Mar	18-Apr
14-Feb	7-Mar	12-Mar	3/26/2025	Open	14-Apr	16-May
21-Mar	4-Apr	9-Apr	4/23/2025	Open	12-May	13-Jun
25-Apr	9-May	14-May	5/28/2025	Open	16-Jun	18-Jul
23-May	6-Jun	11-Jun	6/25/2025	Open	14-Jul	15-Aug
20-Jun	4-Jul	9-Jul	7/23/2025	Open	11-Aug	12-Sep
18-Jul	8-Aug	13-Aug	8/27/2025	Open	15-Sep	17-Oct
22-Aug	5-Sep	10-Sep	9/24/2025	Open	13-Oct	14-Nov
19-Sep	3-Oct	8-Oct	10/22/2025	Open	10-Nov	12-Dec
17-Oct	31-Oct	5-Nov	11/19/2025	Open	8-Dec	9-Jan-2026
7-Nov	28-Nov	3-Dec	12/17/2025	Open	5-Jan-2026	6-Feb-2026
The Public Appeal Period Ends 30 Days After Adoption						
Allow Approximately 2 Weeks For Publishing in Municode After Adoption						

Proposed Rule Language is Due the Friday Before the 2 Week Interdepartmental Review Period Begins

If the Proposed Rule is Approved by the LDRA, the Notice of Proposed Rule Can be Posted on the First Monday After 2 Weeks From the TARP Meeting Date

Appendix 3 TARP Working Group SOP

Technical Advisory Review Panel (TARP) Working Groups SOP

Purpose

To provide objectives and structure to guide the activities of working groups to aid in the TARP's responsibility of reviewing proposed and established criteria manual rules.

Goals

- Identify established rules for TARP review.
- Provide more intensive review prior to TARP meetings.
- Develop suggested language changes for rules.



- Improve efficiency of TARP meetings.

Scope

Working groups can be initiated to provide additional analysis on any administrative criteria manual, proposed rule, and for specific topics on an ad hoc basis at the direction of City Council or on the initiative of the TARP. The Land Development Rules Administrator (LDRA) must approve the creation of any ad hoc work groups.

While work groups may be used to provide review of any rule or manual, their use is not required as part of the overall TARP process.

Membership

Working groups should be limited in size to encourage productive meetings. The ideal size for a working group is under 12 members. Departments may invite additional subject matter experts during certain meetings but should limit their regular working group membership to 1-2 members. The LDRA can assist with managing working group rosters in collaboration with its members.

Any TARP panelist can request to join any working group and will be admitted. City staff from any department that administers, or is impacted by, the manual being reviewed must have a member.

City of Austin Departments can request that one housing and development industry professional that is not a current TARP panelist be admitted to a working group, the LDRA will make the final determination on their eligibility and admittance.

Roles, and Responsibilities

Land Development Rules Administrator (LDRA)

Provide administrative support for working groups to include managing their rosters, setting meeting dates, providing agendas, tracking progress, and developing meeting summaries. The LDRA will also schedule TARP agendas based off the prioritization of established rules from the working groups.

City of Austin Working Group Panelists

Propose potential rule changes and provide expertise on established rules and their purpose. Participate in the identification and prioritization of established rules. Represent the interests of their departments.



Housing and Development Industry Professional Working Group Panelists

Participate in the identification and prioritization of established rules. Provide expertise in their discipline and raise key issues with complying with criteria manual rule regulations.

Working Groups

Identify and prioritize established rules for a criteria manual and provide this list to the LDRA. Review, analyze, and provide recommendations on rules. Identify other issues with implementing criteria manuals including administrative processes and conflicts with City Code. Working groups may provide their analysis and recommendations to the TARP at a regular meeting.

Working Group Chair

Working Groups may select a chair to help facilitate meetings and ensure progression of the group's work. The chair may also plan meeting agendas, identify areas of consensus and disagreement, prepare reports and recommendations.

Technical Advisory Review Panel (TARP)

Consider the analysis and recommendations of working groups. Identify areas of consensus and disagreement so that the LDRA can prepare recommendations and TARP reports.

Structure

The agenda items for each working group's first meeting is as follows:

- Review of this SOP
- Determination of meeting cadence and time
- Identification of established rules for the TARP to review
- Prioritization of the established rules for the TARP to review

If the working group does not finish their identification and prioritization this will be repeated for subsequent meetings until the LDRA has received their list.

Regular working group meetings will be one of these three categories:

- 1) Review of proposed rules.
- 2) Review of an established rule.
- 3) Analysis of rules as they relate to a specific topic.

In each instance, the working group will discuss rules or topics and seek to identify both the core concerns of COA departments and the concerns of development stakeholders in implementing the rule requirements. If there is consensus on alternative rule language or the



core issue, this will be recorded and summarized, and may become a recommendation from the working group. If there is disagreement, this will be recorded and summarized and may be included in the overall working group's analysis. Straw polling can be utilized but is not necessary. Voting, except to indicate general agreement or disagreement, is discouraged as these votes will not necessarily indicate that a rule will be changed through the administrative rule making process.

Working groups may summarize their findings, recommendations, and any other commentary they wish to provide on a manual, rule, or topic. Working groups may explore issues outside of the criteria manuals, such as operational administration, City Code, or City processes that make it difficult to implement criteria manuals and provide this analysis. However, please remember that the TARP is primarily concerned with improving criteria manuals and their rules.

Working group reports and recommendations will be presented to the TARP as an agenda item for the group's full consideration. The potential outcomes of these meetings are the same as any regular scheduled TARP meeting, reports and potentially recommendations to the department that administers a criteria manual.

This SOP will be revisited annually with the TARP with the purpose of promoting continuous improvement in this process.

Appendix 4 TARP Dissent Form

Technical Advisory Review Panel (TARP)

Panelist Dissent Form

Purpose

This form allows for TARP panelists to document their dissent to recommendations or proposed criteria manual rule language, along with providing a space for verbatim commentary on any TARP topic or discussion. The language provided on this form will be published in an appropriate section of a TARP report covering the topic.

Date:

Name:

Topic (Criteria Manual Section, Rule, Proposed Language, General Issue, etc.):

Dissent Commentary: