



Technical Advisory Review Panel (TARP)

Quarterly Report – December 2024

Submitted by: Brydan Summers, Land Development Rules Administrator (LDRA)

Executive Summary

This report summarizes TARP meetings for the fourth quarter (October- December) of 2024. During this quarter, the TARP reviewed three proposed rules from the Utilities Criteria Manual (UCM), Standards Manual, and Standard Specifications Manual. TARP review resulted in modifications to one rule to clarify language and resolve concerns identified by panelists. All proposed rules were approved to move forward with the rules adoption process required by City Code Chapter 1-2.

In addition, the TARP continued discussions on the use of waivers and suggestions for standardizing the way they are processed and applied. The LDRA is working with City departments on a proposal to provide applicants with more consistent and uniform information on waivers across the manuals. This discussion will continue in 2025.

The December meeting was cancelled as there were no proposed rules to be reviewed.



Report Contents

For ease of reference, the report is organized as follows:

Section	Topic	Page No.
October Meeting		
Discussion on Waivers	Identification of how waivers are handled across the administrative criteria manuals and general discussion on standardization	3
November Meeting		
Proposed Rules	UCM Sections 2.9.0, 2.9.2, and 2.9.3	6
	Standards Manual Items 511 and 512	7
	Standard Specifications Item 511	8
LDRA Determination on Proposed Rules	Recommendations to move forward with Chapter 1-2 of City Code to adopt rules	8
COA Departments Discussion on Waivers	Review of the Criteria Manual Relief Standardization Proposal	8
December Meeting Cancelled		
Appendix		
CM Relief Standardization Proposal	Proposals from the LDRA for departments' consideration	9



October Meeting

Meeting Details

1:00pm – October 24, 2024
Meeting Held Virtually

Discussion on Waivers

The purpose of this meeting was to identify and initiate changes that would improve the waiver process. This topic has been raised in past TARP and TARP working group meetings, and if consensus can be reached among departments, then updates may be appropriate.

To aid in understanding the differences in administering each manual, departments were asked the following questions:

- Does your manual make it explicit that applicants can ask for waivers for rules?
- Do you require a fee when processing a waiver?
- Do you track the issuance/granting of waivers?

Below are the responses for each manual:

Transportation Criteria Manual (TCM)

The TCM does explicitly state that when design criteria cannot be met you can request a waiver, subject the approval of the reviewer. There is a fee structure posted online, these fees were derived from a time study analysis to complete the reviews.

Transportation Public Works (TPW) is working towards a new tracking process; currently, they are putting a field note on the review fee line in AMANDA. This has been their practice for the last four years. TPW is intending to create a memo that can be sent to applicants outlining their process and requesting them to state which criteria they are seeking a waiver from, a description of the hardship, and any associated background information on the case.

Drainage Criteria Manual (DCM)

Waivers to the DCM are a joint effort between drainage and water quality reviewers in Development Services (DSD) and the waiver coordinator at Watershed Protection (WPD). WPD has a tracking spreadsheet documenting fees, which are assessed by DSD. DSD also tracks how many waivers are granted on an info tab but does not specify which rule is being waived.



Environmental Criteria Manual (ECM)

The Environmental Resource Inventory is the only waiver granted in the ECM, and it has an associated fee. The ECM is somewhat unique in that most manuals provide additional regulatory requirements in furtherance of implementing Code; whereas, the much of the ECM's content is providing criteria for alternative equivalent compliance or variances from Code sections.

Standard Specifications

Waivers are granted for standard specifications, but it is not explicit in the manual that this is allowed. Fees are not assessed but TPW does have internal tracking on when they are granted. Reviewers ask applicants to request waivers when they are needed. AW noted that for waivers on their standard specifications they ask the applicant to submit special details or special provisions that illustrates their plans.

Utilities Criteria Manual (UCM)

UCM Section 2.9.6 authorizes Austin Water to grant waivers. They are planning to update the manual to further clarify the process for applicants and are looking to model it after the Texas Commission on Environmental Quality's exceptions process. AW does have a fee and tracks waiver requests on a project-by-project basis, where all the requested waivers are listed on the plan set. The plan sets are stored in AMANDA but are likely not a query-able data field. AW staff raised concerns that creating too much specificity in rules, in an attempt to reduce waivers, might be problematic from a safety standpoint and because it may create a snowball of other waiver requests.

Austin Energy also has a section that details their waiver process. AE waivers are handled through their design team. They do not track them or charge a fee, but they are in the preliminary stages of formalizing their process.

General Discussion

It would be helpful to have common terminology to describe the different options for getting relief from criteria manual rules. It seems important to avoid existing terms for specific processes such as variances and alternative equivalent compliance. It may also be helpful to find a way to "right-size" requests so that in appropriate instances reviewers can grant waivers without a formal process and a fee.

To address concerns that information on waivers is difficult to find, the LDRA asked departments for feedback on the idea of placing a statement in the preface of each criteria manual describing what waivers are available and the process for requesting them. Departments are potentially open to this idea but will need to check with their



staff. There is a concern that the ECM only offers waivers for one section, and that the rest are administrative variances, so any language describing the use of waivers for this manual may need to look different. Similar variations may exist in other manuals, so uniform language may not be possible, but placing information on waivers in the same location within each manual would improve usability for applicants.

The LDRA proposed that the manuals should also describe the process for how waivers are requested, reviewed, and what forms are needed. The goal here is transparency and helping applicants better understand the development process. However, departments will still need flexibility in their individual processes to account for the specificity of certain rules, what they are trying to regulate, and that they are handled in an appropriate context.

The LDRA proposed that departments should agree to track waiver requests and that that information be consolidated in a central location so that it can be fully tracked across department. There are concerns about this creating additional work for reviewers and whether it is worth the effort. More research should be done to see if AMANDA changes could make this easier. It was noted that tracking waivers across manuals may not result in an “apples to apples” comparison because of the differences in how waivers are handled across departments.

The LDRA cited the example of TPW using an administrative memo to provide applicants with information on waiver options for a rule in the TCM. He proposed that the City should commit to not using administrative memos for this purpose, except on a temporary basis, and to instead include more information in the rule itself so that memos are not needed. Using memos creates two places that applicants need to look for information, and some applicants might not know that memos exist. TPW noted that this has just been the way the department has handled it in the past, but are willing to consider transferring content of memos into the TWP. City departments should keep in mind this approach when developing rule language as a standard for rule development.

November Meeting

Meeting Details

1:00pm – November 20, 2024
Meeting Held Virtually



Proposed Rules

Utilities Criteria Manual (UCM) Sections 2.9.0, 2.9.2, and 2.9.3

Summary of Rule Change

Specifies requirements are effective for unincorporated areas within Austin Water's (AW) service area. Provides guidance on when the use of water crosses is allowed and requirements for cutting in a tee on polyethylene (PE) pipe.

Discussion Summary

Regarding the requirements being effective for unincorporated areas, a panelist noted that some of these areas will likely never be annexed by the City. These would be Municipal Utility Districts in unincorporated areas that would not be serviced by AW. In those cases, why would the City need to review water and waste water systems when they are not the utility provider? AW provided the following analysis after consulting with staff after the meeting:

"How each Water Control and Improvement District (WCID) or other water provider is affected would depend on what our respective contract with them states. Adding this language would not change/override existing contractual requirements for each of them. Other service providers, like WCIDs, exist in our extra-territorial jurisdiction today, so we don't see anything that would cause any conflicts."

With this context, the LDRA does not recommend any language changes to address this concern.

A panelist asked if there is a required separation of the tees when connecting to existing infrastructure. This requirement is specified in Item 18, that all fittings are three feet apart so there is room in between the pipe as they make those connections.

The LDRA asked if these updates reflect best practices. AW stated these are best practices for infill conditions and that trying to replace a tee is very difficult when the lines are coming from four directions. The requirements to use high density polyethylene (HDPE) are derived from what the Professional Engineers committee wants cities to follow. Requiring tees instead of crosses and HDPE should not have major cost impacts.



Standards Manual Items 511 and 512

Summary of Rule Change

Adds new standard details for combination air valve assemblies (CAVs). Requires fluoropolymer coating on dual pressure reducing valve stations and fire line meters.

Discussion Summary

These updates are in response to changes in the UCM that have already been adopted requiring CAVs. This detail creates a distinction between Type 1 and Type 2 CAVs. Type 1 is when the main is located under the roadway and the CAV will be located outside the pavement, whereas Type 2 is when the main is located outside the roadway and the CAV will be placed in that same location.

A panelist asked if this change would impact developer costs, particularly for multi-family housing. AW replied that it likely would not, as air release valves were already required. The CAVs are a better unit that can handle pressure situations in the pipe to allow the air in if there is a break in the line instead of it collapsing. The CAVs may be a higher cost but marginally.

The LDRA asked how these details were designed, and what considerations were made. AW stated that CAVs have been installed for a long time and the American Water Works Association (AWW) updated their CAV manual of practice which now suggests these mains incorporate an air accumulation chamber. These changes better align AW standards to the AWW standards.

A panelist asked if the requirements for the nuts and bolts to have a fluoropolymer finish applies to anything inside the vault versus any part of the assembly holding the pipe. AW responded that anything associated with the pipe and valves needs this coating, but the pipe support system would not have this requirement. AW offered a language update to state:

2. Nuts and bolts **for connecting pipe, fittings, and valves** shall be stainless steel (SS304 or SS3016) or high-strength low-alloy steel with a blue fluoropolymer finish.

This consensus change will be incorporated into the proposed rule to provide better clarity.



Standard Specifications Item 511

Summary of Rule Change

This update removes gate valve language in favor of referencing appropriate standard product lists, makes minor grammatical/formatting updates, lists Type 1 and Type 2 combination air valves as separate pay items and adds cross references.

Discussion Summary

There were no questions or concerns for this update from the TARP.

LDRA Determination on Proposed Rules

UCM Sections 2.9.0, 2.9.2, and 2.9.3

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 Items 511 and 512

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

Standards Specifications Item 511

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

Discussion on Waivers

The LDRA reviewed the Criteria Manual Relief Standardization Proposal (Appendix) with City of Austin staff.

Staff will discuss these proposals with their departments and bring feedback to the January meeting to determine if a standard operating procedure can be developed specifying updates that will take place in 2025.



Appendix

Criteria Manual Relief Standardization Proposal

Purpose

The purpose of this document is to establish a common terminology and practice across the City of Austin's administrative criteria manuals for relief of regulations. This proposal is for the consideration of City departments and the TARP, and contains actionable steps to standardize the use of waivers. The intent is to foster agreement on a framework that can be developed into a standard operating procedure.

Background

The City has eight administrative manuals that regulate land development. Relief for specific rules is often allowed when an applicant demonstrates that site or design constraints makes it difficult or impossible to fully comply with the rule. Review staff work with applicants on a case-by-case basis to ensure the objective of the rule is adhered to, while also allowing for plan approval when they do not strictly follow the letter of the regulation.

While relief is approved across all the manuals, the instructions for how it is requested, the review and approval process, and the approach to rule language development regarding relief varies. To achieve a more consistent and equitable waiver process, the City should commit to standardizing processes while still maintaining flexibility for departments to adequately implement Council policy and directives.

Definitions

While this proposal is specific to the use of relief for criteria manuals, similar processes exist for City Code and other facets of the development process. These proposed definitions are intended to create a common language around the use of relief for the sake of clarity.

Waiver

Relief from an entire or substantial portion of criteria manual requirement, formally requested by the applicant and reviewed and approved by the regulating department.

Example: Due to site constraints, an applicant is proposing a 10-foot easement for water, reclaimed, and wastewater infrastructure for their project. Utilities Criteria Manual Section 2.9.1 specifies these easements shall be a minimum of 15 feet wide. The applicant can submit a waiver request along with their evidence that maintenance activities will not be hindered by the reduced width. Austin Water would review the waiver application and either approve or deny the request.

Variance

The relief from a requirement specified directly in the Land Development Code, rather than just in a criteria manual. Variances can be reviewed and approved by a department director through administrative variances or alternative equivalent compliance, the Board of Adjustments, the Land Use Commission, or City Council depending on the authority granted through the Land Development Code.



Example: An applicant would like to exceed the limitations on cut and fill to facilitate pond construction under Chapter 25-8. The Land Use Commission would be responsible for reviewing and either approving or denying this request for a variance.

Standardizing Relief Throughout the Manuals

To provide a more consistent applicant experience across the manuals, the following are proposed changes that should be implemented in 2025.

Standardize the Location and Instructions for Requesting Waivers

Place a statement in the forward of each manual stating that waivers may be available. Currently, manuals have this acknowledgement in various sections and placing it at the beginning of the manuals will make it more readily evident for unfamiliar applicants. The specific language used can be tailored for each manual, but all should include information on what needs to be submitted, where to submit the request, any information about required fees, and what to expect in the review process. The City should consider using a standardized application template that departments can modify as needed.

Tracking Waiver Requests

Each department should put in place a method for tracking waiver requests. This could be conducted in any system but would preferably be done by identifying a field in AMANDA which indicates a waiver was requested, such as an added fee line, associated info field, or comment note. If this requirement is adopted, the Development Services Department will assist with AMANDA updates to reduce impacts on staff across departments. This information should be reported to the Land Development Rules Administrator annually to aid in the analysis of rules.

Phase-Out the Use of Administrative Memos to Provide Relief Information

There have been some instances of departments providing guidance to applicants on design modifications that would result in the granting of a waiver. Administrative memos are more difficult to find than the criteria manuals, so applicants with less familiarity with the process are at a disadvantage. This practice should be gradually phased out in favor of writing rules that include this information or by requiring waivers.