



**1. Is it that we need to be on an agenda in 30 days or does the hearing have to take place within 30 days?**

- A. The Commission needs to take action in 30 days. Non-action by the Commission or by staff results in automatic approval. State law now limits the actions by Commission to:
- approval,
  - approval with conditions,
  - Or disapproval with reasons.

Plat approval follows any non-action. There are more provisions in the law that say what we must do in those cases. We have to issue a certificate among other things.

**2. This bill says that site development permits are also subject to new rules. So why is the City ordinance excluding those?**

- A. Direct these types of questions to the City legal department. The determination that the law does not apply to site plans is in line with legal advice we received from the Texas Municipal League and our City attorneys. It is also in line with what other cities in Texas have proposed.

Site plan means different things in different jurisdictions. A site plan in Houston means a plot plan, a site plan in other jurisdictions means something else. In Austin a site plan is a thing, we have it defined, we have an application, and we have a lot of rules. Site plans are not under Chapter 212. When we do a site plan review, we are looking at 211 zoning and other things, not 212 subdivision code.

**3. If something changes you said you would reject it. So if you change something I guess you need to start the whole process over? Are we going to have guidelines for what is too big of a modification?**

- A. That would be very difficult to do without being too limiting. So, yes, if you make major changes to the entire project, that's not the same application. For example, if you switch from 60 feet lots to 50, that is not the same application. A minor change is if you shifted an intersection around as a response to some of our comments. If you went from 40 lots to 60 lots all the sudden, that's a different application. There is not a bright line that I could define for you, there is some judgement there. We will work with you. But we will have to say no if it triggers a whole lot of new non-compliant issues that we have not seen before. We are going to ask you to start over.

**4. What happens if you miss something like public safety or fire due to an automatic approval?**

- A. Our strategy will be an FYI comment to the engineer and to the owner. Noting that although staff can't insist you to make this change, we recommend you comply. If someone could press the case and force us to approve it. But we would be on record as saying this isn't safe, we don't recommend it, we recommend you make the changes. State law says I can't force you, I would have to push it forward and approve it. But it would be well documented. I'd say your owner and engineer would be at risk for sure if it is a clear public safety issue.

We have a lot of comments that you know aren't public safety, but we have a lot that can be. So we would document it, but it would be an FYI, we can't force you to do it.

**5. If I make an application to the single office, on the submittal day, can someone tell me what that is going to look like? Will both staff, both county and city staff, be there? For both formal submittal and completeness check?**

A. COA Answer:

The County will be participating in completeness check. They have their code compliance summary. They will be making comments in the completeness check process. Once you file the application nothing changes based off what we do today. It's when it goes to Commission that changes. So today we send things to our Land Use Commission and then the Commissioner's Court. Now you go to the Commissioner's Court and the Land Use Commission on the same day.

B. Travis Co. Answer:

We want to see how the engineer addressed the comments and where those are in their plans. We want to get you in and out of the process as fast as possible. We will be more embedded in completeness review. I want to agree with, and thank Andy, as well as thank you all, because you all are going to help us make this process better. I want your feedback. I know we had to do this in a hurry, and we have already benefited from some of your feedback. There will be some glitches in the beginning, it's going to be a little bit rough in the beginning. It will become easier as we move forward and start to see how it is working. Let us know what you think. Our process mirrors the City of Austin's process. We've implemented prerequisites for filing a subdivision application with Travis County. Prerequisites include any of the required approvals from other jurisdictions. Examples include:

- FEMA (Federal Emergency Management Agency)
- TX DOT (Department of Transportation) approvals for right-of-way improvements,
- Traffic Impact Analysis (TIA)
- Mitigations identified in a draft phasing agreement, etc.

We also have a development assessment process like the City of Austin. We encourage applicants to take part in that process. The Project Assessment Process will help applicants identify prerequisite requirements. Project Assessment will also follow the Fair Notice requirements. It establishes grandfather dates for code. The biggest change in our process will be the Code Compliance summaries. Keep in mind, at Travis County, we have the same staff that is implementing 3167 that we've had all along. We intend to follow these tight deadlines. We have five engineers and five planners and we're planning to use them to best effect. The Code Compliance summaries are fillable form PDFs. They include:

- the Code requirements,
- the Transportation Criteria Manual,
- And Drainage Criteria Manual requirements.

We're asking you to identify how you've met those Code requirements and where. That document is part of your subdivision application. The intent is to provide transparency of Code requirements. You can find those documents on the Travis County website.

**6. There could be a lot of off-cycle issues that we need to address. How will the City handle waivers? So off cycle meaning it's not part of a site plan application.**

A. The Project Assessment process gives you a recommendation on your variance request. The DSD fee structure is set up where we have two components to our fees. The first part is a review of the variance, which we would charge as part of the Project Assessment. The second part is the Commission fees, which we would charge at the formal approval. There are separate requirements for the Project Assessment for each variance you request. So if you request any variances with the Project Assessment, we will:

- ask for details,
- charge the fee,
- do the review,
- make a recommendation.

We base the recommendation off what you've given us. We will tie the Project Assessment to formal submittal. This creates a record of all variances recommended, so that when you come in, you reference them.

**7. Has the City been working with TxDOT as well since we need to get those driveway waivers in advance?**

A. They're not tied to us. I mean they do take part in the TIA review, so if you're doing a zoning case they're going to see that. They take part in the Travis County TIA process. It's rare that for subdivisions that that's not already occurred. But they're not distributed in our review, it's a separate process. The only waivers we distribute to TxDOT is in the TIA process.

**8. I have more of a suggestion than anything, but I hope that you're involved with the Code rewrite. We've hit a point where re-subdividing one lot into two lots for infill purposes has too much review. It hurts us, it hurts the buyers, and it backs up the City. What you could do is increase the threshold before going through this process kicks in. For example, in CodeNext draft one, if you had enough land area for two duplexes, you could build two duplexes. You could bypass re-subdivision process. A relief valve can be to increase the threshold at the bottom. Particularly for small projects that don't increase impervious cover.**

A. I will provide your comment through to the folks working on the rewrite. If we need adjustments to the code we passed, the rewrite would be the opportunity to do that. The draft is coming out around the 1st of October, with a Council action in December on a first reading. So if we need tweaks to this, that's our opportunity. Feedback on what we need to adjust between now and then would be helpful.

**9. Will there be a completeness check associated with the Project Assessment? Do you identify the items that you want an assessment on?**

A. There is, but it's not at the same level as a formal application. If you need a variance, then there's a list of things we need to check so that there is some level of completeness. There's a general level of what we have to have. We have to show the lots, roads, right-of-way widths. Variances trigger more requirements. The completeness check list is much less stringent than a regular application.

**10. What are the turnaround times for Project Assessment completeness check?**

A. 21 day initial review and 14 day updates. The shorter time frame allows for quick movement. Project Assessment's expire after 180 days.

**11. What is the outcome of a Project Assessment?**

A. The outcome of a Project Assessment will be a lot like our standard comment report. But it's not comments that you have to clear, it's a recommendation and an analysis. But again, it's not a comment that you must go do. I mean you could come forward and file your application not correcting those, but the same comments will appear, so that kind of defeats the purpose.

**12. What would the Project Assessment process give you for a water quality variance?**

A. You get a recommendation and an analysis. The intent of the Project Assessment process is for us to meet and discuss. You can come in after you receive your initial analysis and discuss before you come back with an update. It's shorter than the review of a subdivision, again to try to keep it moving. The case number from the Project Assessment carries through to the Formal Submittal.

**13. Will the Project Assessment expire?**

A. 180 days from when we give you our last response.

**14. If you're in the ETJ does the same Project Assessment process then carry over to the County as well?**

A. If you're under Title 30, the County has a different process for 482. 482 is their section of the code that's not in the City ETJ. But inside our ETJ where we're under the single office "it is" the same process.

**15. Will Travis County have a process like the City of Austin's Project Assessment process?**

A. Yes, Travis County will have a process like ours. Travis County will handle the completeness check when it falls only in the County.

**16. Would the City consider creating geographic areas for each reviewer? Geographic areas makes it easy to identify who to contact.**

A. I can't speak for the other departments, but I can say Austin Energy, I know, has north and south. Austin Water doesn't divide by geographic area. DSD in the past divided the department into geographic areas. We found out that was we had to often change them because one area would get overloaded. So whoever had one section of town had nothing and Bolden had 400 applications. So we went away from that model to be timely. We do try to keep projects with the same reviewers. But giving geographic areas for us was not working. I will say is Austin Energy is now going to take part in completeness check. Fair warning, I don't know what kind of comments they'll make but they are going to make comments. Likely they will be looking at easements or transmission towers.

**17. Fees?**

A. Coming soon after Council adopts budget.

**18. Planning and Zoning Commission will now handle cases as they come in. Say they have a case they are not familiar with and the neighborhood people come in 90 people strong. How will we deal with them?**

A. I don't have a good answer for you, because, again, we have to be at Commission in 30 days. So if there's a variance associated with it, the Commission has discretion. If there are no variance of waivers, by State law, Commission must approve. No matter how many

neighbors attend. That's very challenging for our community, but that's state law. So what happens if 90 people show up to speak, is that 90 people show up to speak. If there were no variances or waivers Commission has no discretion. If staff has recommended it, State law says the Commission has to approve it. We've been through that many times, and, it's very contentious, but it happens. This process actually makes that a little more difficult. Staff won't be issuing a backup and a recommendation a neighbor could look at in advance.

**19. There has to be a process for postponement?**

A. There is not.

**20. Project Assessment could be very varied about what someone brings in. Say its 15,000 acres versus 10 acres. How are you going to base fees?**

A. We will not do a fee study on the Project Assessment in this short amount of time. We are going to base our fee on what we were using for a development assessment. I can't quote what that is. There is a range on those, a little bit with per acre. It's not on the same scales of subdivision fees which are much higher. A Project Assessment will not be complete code analysis of the entire project. It will not be at the same level of a formal subdivision. This should be high-level guidance on Code Compliance. For example, if you have lots in the critical zone and you didn't request a "floodplain" variance. That's what we're intending for it to be. Or if you have variances, to try to give you an assessment on our responses to each of those. Since we already submitted our budget for the year, we may have to come back mid-year to adjust our fees. Fees include a base fee. We have fee schedule for variances of what we would charge for those. There's two components to it, there's the Commission support and then there's the review. We will charge for the review in the Project Assessment process. That goes forward to the actual formal application. Then there's the fee to go to the Commission and defend it.

**21. When you go to the Commission, are you going to be making a recommendation on your variance?**

A. If you don't change your application, our recommendation will carry forward. That's a certainty you do get. We make that analysis and say if you do these things, then yes we agree and we'll support that. The Planning Commission has the jurisdiction to overrule us. If you have a lot of variances, there is discretion by the Commission. I can't predict what they may or may not do. Most of the time they follow staff recommendation, but not always.

**22. When Smart Housing implemented in 2000, it created fast-track reviews for subdivisions. 14 days for preliminary plan, final plat, and construction plans. 7 days for corrections. Does this ordinance affect those timelines? And is this documented anywhere?**

A. This new ordinance doesn't change Smart Housing timelines. Our agreements with neighborhood housing doesn't change. They're still shorter than 3167 mandates, and we would still honor that. Today, instead of our 20 business days, we are at 15 for Smart Housing-certified projects. We will not be changing that, they will still be shorter. I have to get with Rosie Truelove and ask her how they want to document this. Although we can't take you to an earlier Commission. Smart housing can't ask for variances and still get the faster review done. Smart Housing cannot claim full 245 rights. Instead you must get an environmental sign-off in the desired development zone. As well as prove you're doing better than what 245 would otherwise need. In the drinking water protection zone, you're required to do better than what 245 would allow. Council would have to approve that

variance.

**23. Project Assessment - is that a development application? And do you have to do a Project Assessment for each variance you are requesting?**

- A. Yes, that is a development application. One Project Assessment per project, all variances in one application. You can find the application on our [website here](#).

**24. What happens if they find that there's something else that you need that you didn't request? Will that be part of the recommendation?**

- A. If you need a variance, and it requires a Commission, you're going to need a recommendation from staff. So we would ask you to go back to the Project Assessment phase. We haven't talked about what happens if you had a Project Assessment and a variance pops up later. The question is can you use the same assessment. I will have to think about that one (See below)

*Answer –*

*If your project assessment has not expired, you update requesting the variance consideration. We limit Project Assessments to two updates. Or you file a new Project Assessment application to get a variance consideration.*

**25. What happens if in the field an inspector discovers that they haven't met the code on a certain issue?**

- A. It would depend what it is. We would have to look at it. If it's something we missed in the code, State law is going to give them the opportunity to leave it. I can't answer that for you, it would depend on what it is. But if it's something we missed under state law and I don't have the ability to make the applicant change it.

**26. Concurrent reviews are not allowed?**

- A. Concurrent reviews that involve zoning and a subdivision are not allowed. You must finish one before moving on the next. The order for approval is:
- the Preliminary Plan,
  - the Final Plat,
  - And then the Subdivision Construction Plan.

This is the same for Travis County as well. That's in Travis County 482 and in Title 30, that's across the board. If it used to take you a year to get to that Commission, now it's 30 days for the initial and 15 days for updates. You should get through the Commission three times in 90 days. If we're not done in 3 times, something's wrong.

**27. Say there is a subdivision or zoning application that already exists and it's approaching an expiration date. They withdraw and resubmit after the adoption of the new Code. Are they required to follow the new 30-day shot clock rules?**

- A. We've discussed and I don't have a final answer for you. Withdraw and resubmit is subject to new code. But if you have an approved preliminary plan, and it's a final plat, you still have your plat rules. I'll get with law and respond to that. It's a great question because we don't have a formal answer yet.

*Answer -*

*Yes. The withdraw and resubmittal process results in a new application. That application is subject to the new process created for HB 3167 compliance.*

**28. Are TCEQ, SCS documentation, WPAP components, required before we submit and the Project Assessment? Are compliance assessments required for conditional overlays of the hill country road layer? Or for neighborhood plans?**

A. We don't need your TCEQ, we would mention you need it, but that's between you and the state. We're not involved in those. Hill country roadway, as it applies to a subdivision, we would have to look at that. But there are requirements for a subdivision, driveway location is one. If you're varying something in the hill country, I would tell you do a Project Assessment. Let us look at it and give you a formal answer. Neighborhood plans, you'll have to follow. That shouldn't have to be a prerequisite review, we're going to pull it up and look at it. Neighborhood plans are a rule you have to follow. Unless you want to vary from it, we would ask you to go do that beforehand because it would take council action.

**29. Clients are going to raise concerns that we have a 10 page list of conditions, when it says approved. What would your advice be to limit that or to cut some of those conditions?**

A. If you'd prefer disapproval with conditions, we can send you to the Planning Commission. They could give you a denial with reasons. You could ask to go to the Commission. But to keep things administrative, state law prohibits us from saying you're disapproved.

**30. Will we still be able to do a zoning case and a site plan at the same time? And the rules for the site plan as far as time frame etc. on your end?**

A. You can do zoning with Site Plan, that doesn't change. Neither do current timelines. As we move to do our permanent rules, we will move site plan to the same timelines of 30 and 15 days for consistency. It's confusing to have one be 20 business days now and the other 30 calendar days.

**31. When are formal rules adopted?**

A. I would guess a couple months. Council actually asked me to brief them on the rules we've adopted. I told them that we would wait a couple of months to get comments and feedback from the stakeholders and staff. We want to see if we adopted something that works or do we need to tweak it. So when we do a permanent rule that's going to live on, it's right. If there are things that we need to change in code, we would try to put those in the code rewrite.

**32. If we had cases on a Commission, and they couldn't get a quorum, does that mean that it's approved?**

A. It's approved. My concern is not a quorum, but the concern I have raised at many levels is people abstaining. You don't know right till they get the case whether they have worked with someone on the application. We don't have an avenue to address it. Today we will be stressing to the Commission's that if you're not going to show up, you need to tell us. Because if they don't act on that day, everything on the agendas approved. Our Commissioners committed to serving the public. We'll make sure they get there. I am concerned about someone showing up and having to recuse themselves. If someone does that we can't get a quorum vote. We can't go add more Commissioners or anything.

**33. What happens on Christmas and holidays?**

A. We have an application calendar showing when you can actually submit. If there's not a Commission meeting that is not going to be "30 days from the submittal" it may not be a

week you can submit. We're going to tie those submittal dates exactly to 30 days when we know the Commission's going to act. When you get into November you may run out of times you can submit. So when you get the end of the year know there is not a lot of opportunities for a formal submittal for the first time.

**34. Which Commission do you go to?**

A. You will know when you file.

**35. In regards to Boards and Commissions, what happens if you get two different responses?**

A. If one says you're denied, you're denied and you get to come back. If they offer different conditions, you must meet them both and come back. Staff recognition would be the same. Our recommendation will be to go to both the Commission Court and to our Land Use Commission. They are an infinite body so what the Commissioners choose to do with it is up to them. We haven't worked through if it's a Commissioner's Court versus a Land Use Commission variance. How does Commissioner's court act? What does the Commissioner's Court do? Do they do an approval with conditions, which then means it has to come back, or can they say approved? That's an outstanding legal question for us, is how do we how do we instruct them to act.

**36. Will Project Assessment go through DAC, who will do the completeness check? And will that team carry on through the application?**

A. It will be the same staff that does completeness now. It's modeled after a development assessment, but the full review teams will get it. We will have consistent team to review applications. Can't promise 100%. Will be a much more thorough analysis. The intent is to do a high-level review. You might get a comment that says I can't review that because I don't have enough info. Catch major issues.

**37. The result of the Development Assessment was a copy of the whole comment library. Will the Project Assessment be the same? Or will staff actually say we do not like this or we recommend you change this?**

A. The idea is that it's a much more thorough analysis. We will point out specific areas where we see non-compliance with code, and we recommend you change it. It shouldn't be follow Imagine Austin, that's not helpful. The intent is to actually do a high level review. Let you know what we can't analyze because of missing information. We will catch things like missing critical water quality zones. Or if you have lots that are smaller than allowed by your subdivision code. The Development Assessment is a one-time thing, the Project Assessment is iterative.

**38. At the Commissioner's court, is the process going to apply to site plans?**

A. Yes, by the end of the year, so we have less process, not because it's required under 3167. Applicable to Travis County Basic Development Permit applications.

**39. If we're in the City of Austin ETJ and we have a D site plan that we're submitting, which process are we going to go through?**

A. You would still have to go through both of them (City of Austin and Travis County) at the same time. But they would be separate because site plans are not part of the single office process.



**40. What discussions have there been with Fire? Tell us about that, Andy.**

A. Fire asked for increased staffing for this year. They're well aware of the deadlines that come with this. If you want an alternative method of compliance for Fire, you must work that out in a Project Assessment.

**41. Say I have PUD with approved cross section in it, but Fire didn't agree with approved Fire sections, does that go away?**

A. So I can't speak to that and they're not in the room. I will say I would see that will still be a conflict. File a Project Assessment. Highlight it, and say resolve this now before I file my Subdivision plan. Same thing with the Travis County single office. Where we have a PUD ordinance, file a Project Assessment and ask us to work that out. So that you don't go spend your money designing subdivisions that we can't approve. That would be an advantage of a Project Assessment, it gives you an avenue to let us work that out. Or you could file it and say you have 30 days, but I mean I'm sure you'll come back with disapprove with reasons. It would be beneficial to let us try to work that out before you come in. And before you spend your money doing your design.

**42. Will Austin Water review in the Project Assessment phase? Is that's when they'll give you red lines and on your plans? How does that work?**

A. They're not going to change their methods of review. But they will have to say, if they're doing markups, what section of the code they're highlighting.

**43. Can you speak to the current Subdivision timeline? You're kind of average approval? And how you see this process shaking out an average approval time?**

A. We're going to have some speed bumps and challenges. But as we go through this long-term, the actual review will go much quicker. Again you can get to Commission 3 times. The work to get to a Code Compliance solution across the 14 departments will still be there. But it now happens before you come in. We average between FY 13 and 18, 336 applications per year. So far this year we've had 213 application, which is 21 per month. Since FY 13 the average application has been in review for 93 calendar days. With DSD awaiting applicant response for 146 days for a total of 239 calendar days on average. We expect a large volume of our applications to go much faster.

**44. The bill speaks to the comments the reviewer has to include on their comments. It can't be a boilerplate. It has to call out particularly how it pertains to that plan. And then offer a condition or a way meet the comment. Is that your understanding?**

A. I don't know about having to offer a solution, but we do have to specify exactly what code we're referencing. Every comment has to have a code or criteria section referenced on why the comments there. It can't be a boilerplate, we have to give you the code or criteria. We try to give you direction where we can.

**45. You talked about the Project Assessment being iterative. Each time you come back is that a new application? Are there any fees?**

A. We treat it like a regular application. When you file, we will give you your comments in 21 calendar days or give you opinions or recommendations. When you bring it back we'll do it in 14 days the second time. You can do that twice. So you get a total of 3 trips through the cycle. Then we'll stop. There are no more fees to bring it back for the updates.

**46. Can you talk about Administrative Approval again? Are you going to issue the comments? Is approved with those conditions the end of the process?**

A. No, you will then need to come back and address the conditions. Staff will issue the comments. You will need to come back and address those conditions before we will issue an approval. The same thing would happen if it went to Commission. You'd have to come back and address whatever is outstanding. We'll take you back to the Commission and they can act. Your only condition could be record your easement. We would tell you you're done, bring us the easement we will record both together. But if it's other things, we'll file another cycle.

**47. I'm with 9-1-1 addressing, and we are one of the reviewers for all subdivisions. The standards applied to street names are not subject to code. So in our case we wouldn't be able to give you a Code reference saying what's wrong with this street name. We do make an effort to make it as clear as possible how you would need to change the name.**

- A. We need to talk. We'll figure out something. I imagine that if you're doing a review, there is an enabling Code somewhere. It could be under Homeland Security. But there's something that enables you to actually do that review. Your part of 911 response which our Code enables. We'll have to find that for you and I'll give it to the law department and ask.
- B. Clarification – Staff and the Law Department have identified enabling codes for the addressing review.

**48. What happens if after the three rounds of comments, all comments are not cleared?**

A. It's not how many rounds, it's how long you take. If you've run out of time on a preliminary plan or plat, you have to go back and withdraw and resubmit. Subdivision Construction Plans, you get a year. You could go through 5 or 6 updates like you do now. We would like to see that gets down to like two. Project Assessment is one response and then two updates and then that's all we'll do we stop.

**49. Andy, usually I come to you with difficult questions. There's been times where staff didn't agree with your interpretation of the ordinance. They told me I have to take it to a director above them. I've had to do but it takes about 4 months to find out from the director that the staff had misinterpreted the code. How are we going to deal with these situations? What happens where there's a complete disagreement over the interpretation of the Code?**

A. We hope that disagreement occurs in a Project Assessment format, but we will have to be quicker. I mean we're going to be because we owe you a response in the timelines set by the law. I can't say "oh, come back to me in 9 months, because well you know, that won't work. You're pointing out something that needs to change for how the city operates. We have a deadline, you have a deadline, and we need to respond faster. We hope don't have as many of those, but I mean when we do, we have to respond faster. I'll mention I do have a position called the Development Officer. Created for situations like that. They could funnel to Brent Lloyd, who currently is working on the Code rewrite. He will get to come back. We created that position to take that away so that he could be the final answer on that at an administrative level. He could do that coordination. Kind of like the Building Official does on the building side, to try to hurry those things. He was here about 2 months, and we were starting to make some things go, but now he's working on the code rewrite. I was fortunate

to hire someone with that much experience that knows that stuff well. But it won't be until March or so I that I have him back working here full-time.