



**Lost Creek Civic Organization
Board of Directors
Resolution: CodeNEXT 3.0**

WHEREAS, the Lost Creek Civic Organization is committed to protecting, maintaining, and enhancing the quality of life in, and economic value and welfare of, the Lost Creek community; and

WHEREAS, the City of Austin is currently considering rewriting its Land Development Code, replacing it with a document entitled CodeNEXT; and

WHEREAS, the provisions of CodeNEXT 3.0 directly contravene many deed restrictions existing in Lost Creek for almost 40 years, including CodeNEXT provisions for ADUs, short term rentals, and businesses or other non-single family uses of residential lots; and

WHEREAS, implementing CodeNEXT 3.0 would establish a litigious environment within Lost Creek because it does not recognize the deed restrictions running with the land and the City has not committed to support, enforce, and defend existing deed restrictions that may conflict with CodeNEXT zoning; and

WHEREAS, implementing CodeNEXT 3.0 would result in degrading the neighborhood environment in conflict with the “equal or superior” clause of the Texas Local Government Code Sec. 43.056 and otherwise; and

WHEREAS, despite repeated attempts to correct the errors, certain properties owned by the Lost Creek Limited District (LCLD) remain incorrectly zoned as MU2A-A or RR; and

WHEREAS, the Lost Creek commercial zone is zoned as MU2A and MU2B (mixed use zones that allow residential, low intensity office, service and retail uses) with potential access through Loop 360 or Lost Creek Boulevard, either of which would result in more traffic on both roads, neither of which can handle more volume; and

WHEREAS, dangerously congested traffic on both Lost Creek Boulevard and the Capital of Texas Highway/Loop 360 presents serious health and safety threats to the neighborhood; and

WHEREAS, Lost Creek is a Firewise community; and

WHEREAS, an inadequate water supply in Lost Creek already presents a grave risk to residents from any fire, and increasing the development in the community under CodeNEXT 3.0 standards would exacerbate that risk; and

WHEREAS, Lost Creek is a Dark Skies community, a desirable neighborhood attribute; and

WHEREAS, CodeNEXT 3.0 would permit a significant increase in impervious cover, creating dangerous conditions for wildlife, the likelihood of further water pollution, and an increase in water damage to structures as well as general flooding; and

WHEREAS, the provisions in CodeNEXT 3.0 that could encourage the construction of a large number of additional residential units in Lost Creek will not create any new affordable residences because the economics do not favor that result; and

WHEREAS, the effects on education, infrastructure, traffic, and wildfires, among many other important factors, have not been determined but can reasonably be expected to be significant and negative; and

WHEREAS, CodeNEXT 3.0 has increased to more than 1500 pages, is overly large and complicated, is impossible for a single citizen to comprehend, and has no cross-index between the previous and new code provisions, making it difficult to know all of the new provisions that might affect Lost Creek; and

WHEREAS, given the length and content of CodeNEXT 3.0, there is insufficient time to engage a neighborhood of 1,250 homes in this complicated document before City commissions and the City Council consider it; and

WHEREAS, the time between the public release of CodeNEXT 3.0 and the anticipated City Council consideration and vote on it is too short for adoption of a resolution in accordance with the regular procedures of the Lost Creek Civic Organization Bylaws; and

WHEREAS, delay by the Lost Creek Civic Organization in responding by resolution to CodeNEXT 3.0 until after the City Council considers and votes on CodeNEXT would reduce the timeliness of the resolution or otherwise make the resolution significantly less meaningful; and

WHEREAS, the Lost Creek Civic Organization membership considered these matters at its duly called March 1, 2018 general meeting and a majority of members present indicated their agreement with the concerns expressed in this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the board of directors of the Lost Creek Civic Organization requests the City of Austin to

- Commit to support, enforce, and defend existing deed restrictions in Lost Creek that may conflict with CodeNEXT zoning;

- Reject any CodeNEXT provision that would result in degrading the existing Lost Creek neighborhood environment, including zoning classifications that would permit nonresidential uses;
- Correct the zoning of all properties the Lost Creek Limited District owns to CL or PR so that those properties will remain free from development and to preserve their long-standing use as publicly-owned parks, indoor or outdoor active recreation areas, and civic buildings;
- Preserve the current zoning along the Lost Creek commercial zone that limits development to low-intensity office buildings;
- Eliminate any CodeNEXT provision that could significantly increase the volume of traffic on Lost Creek Boulevard or Capital of Texas Highway/Loop 360;
- Include Firewise standards in CodeNEXT for new construction, subdivision development and re-development, maintaining homes, and maintaining City-owned lands;
- Remove from CodeNEXT any provision that would exacerbate the existing grave risk to Lost Creek residents from the current inadequate water supply;
- Adopt the Dark Skies lighting standards for all new construction as well as subdivision development and re-development, and encourage compliance with those standards for all existing developments;
- Reject any provision of CodeNEXT that would permit or result in an increase in impervious cover;
- Reject any provision of CodeNEXT that would permit or result in increased residential density in Lost Creek;
- Reject any provision of CodeNEXT that would permit or result in increased development density or broaden permitted uses in the Lost Creek commercial zone;
- Include in CodeNEXT a transition guide that correlates existing code provisions to CodeNEXT provisions, identifies CodeNEXT provisions that do not correlate to previous provisions, and identifies existing code provisions that do not correlate to any CodeNEXT provision;
- Postpone any vote on CodeNEXT 3.0 until all interested persons have had an adequate time to read, analyze, and contribute comments about it; and
- Reject CodeNEXT 3.0 in its entirety, unless the above-described deficiencies and others that are later identified are cured.

Approved and adopted this 9th day of March, 2018 by the Lost Creek Civic Organization board of directors.