



TEXAS GENERAL LAND OFFICE  
GEORGE P. BUSH, COMMISSIONER

January 12, 2016

Mr. Greg Dutton  
Planning and Zoning Department  
City of Austin  
505 Barton Springs Blvd.  
Austin, Texas 78704

*via email greg.dutton@austintexas.gov*

RE: City File No. C20-2015-014; Item No. C. 13 on the January 12, 2016 Planning Commission Agenda

Dear Mr. Dutton:

On behalf the Texas General Land Office ("GLO"), for the reasons that follow, I am writing to respectfully state the GLO's opposition to above-referenced City of Austin Code Amendment.

The GLO understands that the proposed code amendment would extend the current  $\frac{3}{4}$ -majority vote requirement for recommended denials of "PUD" zoning to cases of initial "zoning" and not be limited to cases of "re-zoning". The code amendment is specifically aimed at "un-zoned" lands in the City of Austin, but would also apply to newly annexed land as well.

The GLO is the oldest state agency in the State of Texas. Its core mission is the management of state lands and mineral-rights properties totaling over 12.5 million acres. These property interests are held in trust for the Permanent School Fund and proceeds from managing these interests are used to benefit the schoolchildren of Texas.<sup>1</sup> Additionally, the Legislature often designates GLO to assist other state agencies in the disposition of their state-owned lands.

It appears that state-owned lands in the City of Austin are among the "un-zoned" properties targeted by the proposed ordinance. The GLO is very concerned that the proposed code amendment could make any potential disposition of state-owned lands more difficult and may reduce the monetary return to the State of Texas from any such disposition as a result. The proposed amendment will make the entitlement process more difficult and much less certain if only 3 out of a possible 11 council members could defeat a proposed zoning case. Those difficulties would likely have a detrimental impact on potential purchasers of state-owned land, thereby causing them to lower their offers or refuse to bid at all on state-owned lands in Austin.

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<sup>1</sup> The Permanent School Fund is a perpetual endowment fund created to support and maintain an efficient system of public free schools for present and future generations of Texas school children. Tex. Const. art. VII, §§ 2, 5. The Permanent School Fund consists of the surface and mineral estates in public land that the Texas Constitution and the Texas Legislature dedicated for the support of the Texas public schools. Tex. Educ. Code Ann. § 43.001(a).

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This uncertainty could force the GLO to elect to pursue approvals under Section 31.165 of the Texas Natural Resources Code and avoid the City's zoning process altogether. For these reasons, GLO respectfully requests that that the code amendment not be adopted. Please kindly distribute copies of this letter to all City of Austin Planning Commissioners and City Council Members.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "B. S. Carter", followed by a long horizontal line extending to the right.

Brian S. Carter  
Sr. Deputy Director, Asset Enhancement  
Texas General Land Office

cc: Russell May, GLO  
Jeff Gordon, GLO