

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, July 13, 2011, 12:00 p.m., Room 113, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jeanelle Lust, Jim Partington, Lynn Sunderman and Tommy Taylor; Marvin Krout, Nicole Fleck-Tooze, Mike DeKalb, and Michele Abendroth of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: County Land Use Plan in LPlan 2040

The meeting was called to order at 12:00 p.m.

Fleck-Tooze began by explaining the format for the upcoming Planning Commission workshops. She noted that staff intends to use the questionnaire distributed recently to LPAC as the basis for the discussion. She also noted that public comments received will be grouped together and given to the Commissioners prior to the workshops.

Krout noted that transportation is an important issue to the Chamber of Commerce and LIBA. He noted that there may be an increase in the budget for roads. There may be another \$6 million in the budget for roads due to increases in property and wheel taxes. If that budget is approved, there will be some shifting in the priorities of the road projects in the Long Range Transportation Plan. This will make it easier to do projects that those organizations are interested in.

DeKalb began by stating that his retirement is in five weeks, and he will not be here for the public hearing. Sara Hartzell will be taking over his duties.

DeKalb stated that the County Board reviewed the 2040 Comprehensive Plan at its June 9 meeting and voted to restore all the Low Density Residential land use areas (yellow areas) that had been proposed to be removed from the 2040 future land use map. They were concerned that people may have purchased property based on presumption of approval of the change of zone. The land use map has been revised to reflect that change. The County Board also requested an explanation of the changes shown on the June 1 land use map. DeKalb explained that the areas shown for Low Density Residential were developed in part based on a weighting system using criteria developed during the Greenprint study in 2001 to assist in determining appropriate locations for acreage development.

Lust asked if the County Board felt there was a deficiency in the scoring system. DeKalb responded that he doesn't think so; he believes the County Board did not have a level of comfort with the quantity and location of higher scoring areas. He believes they were comfortable with the data and layers of information. Lust asked how scoring is related to a change of zone. DeKalb stated that they will always see a section in the staff report that lists criteria and gives a subjective response.

Gaylor Baird stated that someone is always going to be affected by a change of zone and asked how changes have been done in the past. DeKalb replied that during the annual review of the Comp Plan, the changes of zone that have been approved were reflected on the map. During the five- and ten-year review, there are proposals from the public as well as staff recommendations. Gaylor Baird stated she is concerned that if we don't make some of the changes that we're just setting ourselves up as a Commission down the road when people come in and they want something, and the Commission knows it is not a good idea based on staff analysis. DeKalb stated that is staffs' concern as well. We have areas that are known issues. The County Board was concerned that they have turned down some AGR's because of lack of water. The thought was if they poke a hole further out, they may find something. They don't want to take away something people may have invested in based on the Comp Plan.

Lust asked if we are doing a disservice to people who would be looking to invest in the future if it is actually not appropriate for that use but we've shown it as such in the future Comp Plan. DeKalb stated that part of the concern in taking away areas is to not direct folks with the assumption that this is a good place to be. Lust stated that particularly if it's a place that we now know there's a lack of water, but we're being directed to show it as potential acreage use. Krout stated that even if we're still showing it, they still have to come to the Planning Commission and County Board and demonstrate that they have water available. Lust stated it is a concern that the Comprehensive Plan is wrong. Sunderman stated that we do not know it's wrong until we do the hydrology test. Esseks stated that the Plan should include selection criteria that would guide staff and the buyer. Grandparenting is such an important part of land use policy. The land is granparented in because it's been developed for years. We should be concerned about improving the language in the Plan. Krout stated that they would like the Commission to review the language.

Lust stated that she is concerned about the logic of the prior investment and the need to keep it in the Comp Plan. If you've made an investment but now there is data showing that going forward, you may have a problem getting a change of zone. She asked if it is better to notify the property owners of that issue. Krout stated that they were prepared to send notices to all the property owners.

Sunderman asked how acreage development is occurring. DeKalb stated that acreage development is about 21-23% based on building permit. The rest of it is in AG clusters, grandfathered lots, 20's and the "2-3's/40" provision, so ¾ of it is occurring in places other than the yellow areas.

DeKalb drew the Commission's attention to a letter sent to the County Board explaining the changes to the Low Density Residential suggested on the draft 2040 future land use map. He briefly reviewed the major points of the letter.

Gaylord Baird asked if people who are currently investing in properties can still come forward. Lust stated that if they have made the investment, they are not out anything, as they can still come forward for approval. Gaylor Baird stated that she feels like they are being asked to compromise their defined role. She realizes it is complicated and that the County Board has a different role.

Lust asked about the process in terms of what the County Board has proposed and asked if they could send a message to the County stating that this is not a good idea for planning. Fleck-Tooze stated that there is another option to develop strategies in the Plan that identify future examination beyond the adoption of the Plan. Another way would be to identify that this is an issue to be examined after the Plan is adopted.

Esseks stated that he believes the best way to handle this is to strengthen the written criteria.

Krout stated that staff will provide some written language to the Commissioners for their consideration.

The meeting was adjourned at 12:52 p.m.