

REVISED

A G E N D A

CITY-COUNTY COMMON MEETING
Tuesday, May 28, 2002 - 8:00 a.m.
County-City Building - Room 113

- I.** **MINUTES** - Common Meeting on April 9, 2002

- II.** **8:00 a.m.** **COMPREHENSIVE PLAN DISCUSSION** - Planning Department

- III.** **ADJOURNMENT**

MINUTES
CITY-COUNTY COMMON
Tuesday, May 28, 2002 - 8:00 a.m.
County-City Building - Room 113

County Commissioners Present: Bernie Heier, Common Chair; Kathy Campbell, Larry Hudkins, Ray Stevens and Bob Workman

City Council Members Present: Ken Svoboda, Common Vice Chair; Jon Camp, Jonathan Cook, Glenn Friendt, Annette McRoy, Coleen Seng and Terry Werner

Others Present: Mayor Don Wesely; Steve Henrichsen, Kent Morgan, Mike DeKalb, Duncan Ross, Planning Department; Allan Abbott, Mike Brienzo and Steve Masters, Public Works; Kerry Eagan and Gwen Thorpe, County Board; Mark Bowen and Ann Harrell, Mayor's Office; Vince Mejer, Purchasing; Carol Connor, Library; Joan Ross, City Clerk; Lynn Johnson and Terry Genrich, Parks & Recreation; Dave Johnson, Deputy County Attorney; Darrell Podany, City Council Office; Kent Seacrest, Mark Hunzeker and Mike Carlin, General Public; and Cori Beattie, County Board Secretary

MINUTES

Workman moved approval of the April 9, 2002, Common meeting minutes; seconded by Campbell. Roll call vote. Ayes: Campbell, Friendt, Heier, Hudkins, Seng, Stevens, Svoboda, Werner and Workman. Nays: None. Motion passed 9-0. (Wesely, Camp, Cook and McRoy absent for vote.)

COMPREHENSIVE PLAN

Morgan said prior to today, everyone should have received a binder which included the Comprehensive Plan Amendment Requests (copy on file), as well as a memo regarding the requested amendments to the April 3, 2002 Draft Comprehensive Plan. **(See Exhibit A, pgs. 1-2)** He suggested discussing each individual amendment on the list, though, no motions are necessary. This working session is simply to gain concurrence between the City Council and County Board so that only one motion is necessary at each respective meeting held later today.

Morgan reminded officials the City Council needs five votes and the County Board needs three votes to approve an amendment.

(Jon Camp arrived at 8:05 a.m.)

Campbell emphasized officials should diligently attempt to come forth with a unified Plan, as no matter what each body does in the future, it will affect the other in an increasing measure. She asked what happens if consensus is not reached? Morgan said there would still be one Plan, but certain areas would be identified as approved by the City or the County only. He also strongly encouraged officials to reach consensus. Hudkins agreed.

(Mayor Wesely arrived at 8:10 a.m.)

Heier asked members to draw their attention to the Mayor's memo regarding the Proposed Comprehensive Plan Amendments (**See Exhibit B, pgs. 1-3**) and the email from Jeff Altman and letter from Eleanor Francke (**See Exhibit C, pgs. 1-6**).

(McRoy arrived at 8:12 a.m.)

Attention was then focused on the list of specific written requests for amendments (public and private) as of 3:00 p.m. on May 23, 2002. For specific amendment language, **See Exhibit D, pgs. 1-7**.

Amendment 1 – Vote to approve: City 7-0; County 5-0

Amendment 2 - Vote: Paragraph 1 - Withdrawn by Werner.
To approve paragraph 2 - City 3-4; County 0-5
To approve paragraph 3 as modified below - City 6-1; County 5-0

Workman questioned whether giving preference to local companies would pose a problem with the fair bidding process. Mejer said he would not go over the merits of this being included in a land use plan. On the County side, State law would have to be changed. On the City side, there would need to be an ordinance. This issue is not as simple as having a preference.

Werner said he feels this Amendment is part of a bigger vision. When looking at bids based upon dollar amount, officials must ask if there is a benefit to our community if work is awarded to a local company. The cost-benefit ratio becomes a factor.

Camp indicated a couple of broader issues, such as the living wage element. He is concerned about the potential of letting the Comp Plan supercede legislative responsibilities, therefore, he did not support the Amendment.

Stevens said he has a problem with the first paragraph. He thinks local preference comes naturally but is not always the best source. Another concern referred to the creation of full-time jobs. Not everyone is looking for full-time jobs. Werner said he would be willing to delete the "full-time" reference.

Svoboda stated he would love to see local preference given but realizes the entire market could be skewed upward as vendors consider themselves "a given." Outside vendors provide fair balance in the bidding process. He did not support the Amendment. Friendt said he also disagrees with Werner's amendment and feels it should not be included in the Comp Plan.

With regard to the first paragraph, Werner said he supports the "local preference" approach. The second paragraph discusses workers and economic development which he feels are missing from the Plan and are major factors. Sustainable, full-time jobs are what officials should be bringing into the community. The Amendment stresses the need to attract quality businesses versus those types of jobs which are classified below the minimum standard of living. Werner felt it is appropriate to include this language in the Plan and encouraged his fellow elected officials to support its inclusion.

(Cook arrived at 8:25 a.m.)

Werner said the third paragraph of Amendment 2 includes a blanket statement acknowledging that small businesses are very much a part of our community. Workman stated he feels the Amendment somewhat interferes with the free enterprise system. He asked for a consensus so discussion on other items could continue.

Heier asked if anyone was in favor of including Amendment 2, as proposed, in the Comp Plan. Wesely said the third paragraph is okay. Seng inquired whether staff has reviewed the Amendment for any rewriting. Morgan commented it could fit with the economic development ideas already in the Plan; it's simply whether or not officials would like it included.

Abbott said local preference sounds like a good idea but in reality, it is not a good idea. He had serious concerns with this portion of the Amendment. Werner withdrew the first paragraph.

In reference to the third paragraph, Abbott noted what he thought to be contradictory language. The first part reads, "...should not be given preference to intermediate and large business", though the last part states, "...we need to foster new and maintain existing businesses." He was unsure of the intent. Werner clarified the language was intended to acknowledge the importance of small businesses in our community.

Cook asked Werner if he had a problem with striking "small business should not be given preference to intermediate and large business...", but rather begin with, "small business - our economic development team should always be cognizant of the role small business plays in our community...". Werner agreed to the change.

Amendment 3 – Vote to approve: City 7-0; County 5-0

Amendment 4 – Vote to approve: City 7-0; County 5-0

Werner said language needs to be more inclusive, hence, he proposed adding the County, the Chamber of Commerce, etc. Friendt said he would support the amendment if the words "including" were change to "open to." Camp wondered if the language could remain the same but rather add the other entities mentioned. Morgan read back the amendment as follows, "...such as the Lincoln Partnership for Economic Development (LPED), the UNL Technology Park, the University of Nebraska (UNL), Lancaster County, the Lincoln Chamber of Commerce, small business representation and Lincoln's working men and women."

Friendt said his concern with having specific examples is leaving someone out. Svoboda said the Lincoln Independent Business Association (LIBA) is probably more outspoken about economic development and job issues in our community, yet they are not included. It was agreed to add LIBA to the list of examples, as well as include the words "among" and "such as."

After much discussion, the consensus was to change the wording to, "The community actively encourages public-private partnerships, strategic alliances and collaborative efforts among the LPED, UNL Tech Park, UNL, Lancaster County, City of Lincoln, Lincoln Chamber of Commerce, small business representation and Lincoln's working men and women as a means to accomplish its future economic objectives."

Amendment 5 – Vote to approve: City 7-0; County 5-0

Amendment 6 - Vote: Amendment approved by both bodies...exact vote not recorded.

Hudkins said a great deal of discussion took place by the County Board regarding this Amendment. The possibility of locating a business outside of Lincoln or another incorporated city or village in the County must remain open. Campbell added she thought the Mayor's suggestion of using "...in or near the cities or towns..." is much more accurate. Also, she clarified the wording is referencing unique site requirements, not simply unique requirements and asked for other wording examples. Morgan said the word site or location could be used. Camp said the Mayor's and Campbell's suggestions are both good additions. Workman added he likes the addition of "site" and the removal of "or near." Seng agreed.

Wesely asked officials not to adopt this Amendment as a process is in place to accommodate a particular business if it would need special consideration. The policy should be to keep business activity within corporate limits as much as possible.

Stevens liked the "or near" wording as it gives the City more flexibility in controlling what goes on in the three-mile zoning jurisdiction. Officials do not want to preclude looking at businesses such as Kawasaki, Garner Industries and Novartis, from happening in the future. Seng noted all of these businesses were able to locate via the amendment process. She would like to remove "or near" and add unique "site" requirements. Camp said officials need to send a business-friendly signal.

The final version read, "While location in the cities and towns of the county is a priority, unique site requirements of a business may necessitate consideration of other suitable and appropriate locations in the county."

Amendment 7 – Vote to approve: City 3-4; County 0-5

Friendt agreed with protecting tree masses but was unsure if the Plan should have greenspace based on where trees have already grown up. Abbott questioned what constitutes a mass. DeKalb added Planning did not totally understand the Amendment either. Campbell also had difficulties with the meaning and felt that perhaps different language is needed.

Friendt recalled the intent to be regarding zoning requests before the City. In the midst of this, developers had bulldozers removing trees. He felt this type of destruction should not take place until some type of determination is made.

Seng said there needs to be protection parameters but doesn't know how this issue can be addressed in the Comp Plan. Lynn Johnson stated the Amendment's concept is already embodied in the Plan. Friendt said he believes this is a legislative issue not a Comprehensive Plan issue. DeKalb reiterated there is substantial language in the Plan relative to sensitivity to the environment. This Amendment only inserts the words, "and their integrity protected."

Cook said while the addition is somewhat ambiguous, he felt it is okay to include as an indicator of what officials will follow up on. Campbell suggested, "are integrated into new development after appropriate assessment," to see if trees are even in good quality rather than just including a global statement as was proposed. Svoboda looked at it as a rights issue - landowners should have the right to remove their trees at any time. There is also a cost factor involved in doing assessments. Cook said he would rather have no change than include an assessment.

Amendment 8 – Vote to approve: City - exact vote not recorded; County 4-1

Cook said the reference to ½ mile is too specific. Lynn Johnson said he didn't have a concern with this change since it refers to the broader language of parks and open space. He added the goal is to establish one neighborhood park per square mile. Camp suggested using "within each section" instead of "½ mile." Henrichsen said this poses a problem as not all sections are complete.

Amendments 9, 10, 14 and 15 - Vote to send Amendments back to Planning Commission:
City 7-0; County 5-0

Henrichsen directed everyone's attention to the table of Comp Plan Amendments held by the Planning Commission on April 3, 2002. **(See Exhibit E)** The first thirteen items will have a separate hearing before the Planning Commission later this summer before coming back through the process. Amendment 9 is also included in the table as Item 14. It was recommended this amendment be forwarded to the Planning Commission as well.

There was also a proposal from Cornhusker Energy LLC (see Amendment 10) which references the same property as referenced in the Arvid Wunderlich letter (see Item 1 on table). It was recommended these two items be combined.

Two of four requests from Realty Trust Group are listed at the bottom of the table. Both fall in the Stevens Creek (or E3) area which was added by the Planning Commission but did not change any land uses. It was also recommended to return these to the Planning Commission.

Camp asked if anything done in the Comp Plan will have a negative affect on these items. Henrichsen said there would be no change in status. In reference to the other Realty Trust Group Amendments (12, 13 and 16), it was recommended these not be sent back to the Planning Commission and that no action be taken.

Cook suggested Amendments 9, 10, 14 and 15 be sent back to the Planning Commission and that 12, 13 and 16 be skipped. Stevens said he would prefer a separate review of Amendments 12, 13 and 16.

Amendment 11 – Vote to approve as Tier I priority: City 7-0; County 3-2

Hudkins said a sewer line in the area has been in existence for years. He believed somewhere between 1260 and 1280 acres would be serviceable. Future research would be necessary to see if adequate water pressure can be attained. He added now may also be the time to look at extending West Superior to the north and not go through Arnold Heights. McRoy said she was confronted about this project long ago. She questioned the existing road and gate. Abbott said there is no road, just an easement. DeKalb stated the road was vacated by the County Board in 1942, thus there is no road right-of-way, only an easement for access.

Cook asked if the Planning Commission considered this item as he thought it may be appropriate for them to review and then forward on. McRoy stated she thought the Arnold Heights neighborhood was neutral on the issue, although, Rich Wiese would like the road opened. A map of the area was distributed. **(See Exhibit F)** She said she supports paving and sewer in the area but the cost is a concern. Hudkins indicated a combination of players would have to absorb the cost.

Campbell said the County Board has really struggled with this road. A lot of questions are still up in the air. At first there were not many people in the area. Then the University moved in and were asked to pay for the road. Preliminary estimates indicate completion of the road to be costly. She asked if Jim Chambers put forward a proposal and, if so, why it was not included in the list of thirteen to be reviewed by the Planning Commission. Morgan said this was due in part because Hudkins and Svoboda came forward with this Amendment.

Friendt questioned which criteria would be used to consider a site-specific, property-specific addition. Morgan said the Planning Department's preference is to review a larger area. He added this is a very exciting prospect, though, not all issues have been resolved. Officials could send this Amendment back to the Planning Commission or evaluate which Tier to include it in. Staff recommended Tier II. Svoboda said he would like it to be in Tier I.

Werner asked if all issues in Tier I are resolved and, if not, why would these issues be different? Morgan commented not everything is resolved in Tier I. He felt this project does have unique issues but didn't feel like it would be a long time before it was addressed. Money to complete all the work in Tier I is a major factor. Werner wondered if the same issues wouldn't be relevant to the seven miles added to the Stevens Creek area. Morgan said one could certainly ask that question. Abbott commented if money is spent here, something else will have to give. It will be very difficult to complete this project without additional funds.

McRoy inquired about a time frame for Tier I and Tier II. Morgan said Tier I is the more active planning area, meaning infrastructure will be completed in the near term, i.e., within 25 years. An option would be for officials to place a time limit, say six months, for staff to complete a more detailed analysis of Tier I. He added the transportation issue concerns staff the most.

Campbell indicated Stevens Creek had its own task force to review the area. She would prefer this Amendment go back to the Planning Commission along with the list of proposals and ask that a report come back to officials.

Svoboda said he recognizes the need for affordable housing lots and would like to keep this in Tier I. He asked what options are available for including it as a part of a larger area. Morgan said staff suggested placing the entire basin in Priority II. The Planning Department is in favor of the Amendment, but there are many loose ends. Hudkins added he would like it to remain in Tier I.

McRoy asked how long it would take to do a study and get a report back. Morgan said essentially the City and County could set a time frame, say three months for example, and staff would have the report done. Svoboda asked if placing a time limit on the project would keep it in Tier I. Morgan noted an immediate response with specific recommendations would cause the project to have greater focus. It would need to go before the Planning Commission so a three month minimum time frame would be preferred.

Amendments 12 and 13 – Vote to take no action on these Amendments:
Amendment 12 - City 6-1; County 5-0
Amendment 13 - City 5-2; County 5-0

Morgan said staff recommended no action be taken on these Amendments. Cook said the Council had previously reviewed and voted on Amendments 12 and 13. He felt these do not need to be further discussed. Stevens indicated Council turned down Amendment 12 but

Amendment 13 was placed on pending for threat of a veto. Both bodies agreed no action be taken on these Amendments.

Amendment 16 – Vote to override Planning Commission’s decision to not move item forward:
City – denied (exact vote not recorded); County 0-5

Morgan indicated the Planning Commission did not move Amendment 16 forward. Heier asked for a vote to override the Planning Commission’s decision. Both bodies denied the override.

Amendment 17 – Withdrawn by Werner

Amendment 18 – Vote to approve as amended below: City 6-1; County 4-1

Morgan distributed a memo regarding potential alternative language for Amendments 18, 20 and 23, **(See Exhibit G)**, as well as a copy of a newspaper article from the Rocky Mountain News, dated May 25, 2002, titled “Oil Supply Predicted to Peak in 2010.” **(See Exhibit H)**

Werner noted the newspaper article points out that preservation of nonrenewable resources is going to become a huge issue. He feels language is needed in the Comp Plan acknowledging similar concerns for the future. Morgan said staff agreed and offered the language in Exhibit G. Also, changing the location of the wording in the Plan will not limit it to a particular Tier.

Werner asked why the words “a strategy” were removed? Henrichsen said the community forum section is about principles and felt, “the strategy is to implement principles in community forums”, already related to the rest of the strategies throughout the Plan. Specific locations were reviewed but including it under the section Community Forum helps the amendment apply to the entire County.

Werner said he has a problem with the reference to “...maximize the preservation of our nonrenewable resources...”. He feels the word strategy needs to be included. Morgan offered the language, “In the City and County, develop a strategy to maximize the preservation of our renewable resources, such as land and fossil fuels.” Officials approved the wording change.

Amendment 19 – Vote to approve as amended below: City 5-2; County 2-3
Reconsideration of vote: City 5-2; County 4-1

Campbell questioned whether the City has a lighting ordinance. Morgan said there are two points in the report which reference lighting. Cook said he views this as more of a light pollution issue or ordinance. Svoboda suggested the City refine its existing lighting ordinance versus addressing it in the Comp Plan. Werner said he feels lighting is as much a Comp Plan issue as roads.

Seng noted she worked hard on the existing lighting ordinance and admitted something stronger is needed, though, she is unsure if the current proposed language is adequate. She wondered if the issue shouldn’t go back to the Planning Commission.

DeKalb said there are only two pieces in place regarding regulatory control of light pollution - one relates to parking lots and the other is relative to recreational uses. He added staff’s position is neutral in that the concept is appropriate to continue working on language and tools

to develop a new ordinance, though, he didn't know if officials wished to go that far at this time.

Seng suggested this item be sent back to the Planning Department and the Planning Commission as a number of things must be addressed. Werner wondered if the ordinance reference shouldn't be removed but keep the concept. Seng said the last sentence of the Amendment could be removed but she would still like Planning to review.

Campbell questioned if there is already language and an ordinance, why is more needed? DeKalb presumed if the policy was set about lighting concerns, it may be that several ordinances or even design standards by resolution are necessary. Campbell said if the Council really wants this item included, she would change her vote.

Amendment 20 – Vote to approve as amended below: City 7-0; County 5-0

Morgan suggested the following language, "10 Provide for housing opportunities." (See Exhibit G) This way, no individual or group is excluded.

Amendment 21 – Withdrawn by Werner

Camp said he would prefer to leave this Amendment out and let the market place dictate the principles for downtown. Workman added he attended a symposium last week which emphasized when housing comes to a downtown area, retail automatically follows.

Amendment 22 – Vote to approve amendment: City 4-3; County 0-4 (Hudkins absent)

Werner said a huge obstacle to mass transportation is adding parking to the downtown area which encourages people to drive. Camp proposed this Amendment be withdrawn. He feels the downtown has changed significantly because of the parking issue.

Campbell stated officials need to continue to retain the downtown's drawing power for the community, as well as the people who visit for specific events. She feels the Amendment is too tunnel visioned as the downtown area must have adequate parking.

Werner said he supports downtown but building more garages encourages more automobile use and congestion. He feels officials should look at a plan which encourages people to find alternate ways of getting to work in the downtown area while paying special attention to visitors' needs.

To clarify the procedure for today's meetings, Morgan noted all approved Amendments will be included in a packet requiring only one motion. While the motion will not include those Amendments which were not moved forward, officials could still comment on any of the items.

Amendment 23 – Withdrawn by Werner

Amendment 24 – Vote to approve: County 5-0; City 6-1

The County Board proposed changing the word "will" to "should." Dave Johnson suggested the word "may." Campbell and Hudkins preferred "should." Workman added the Board spent a great deal of time on this one word and feels "should" is the perfect compromise.

Amendment 25 – Vote to approve as amended below: City 7-0; County 5-0

Seng said the Amendment is extremely appropriate. Hudkins suggested changing the word “globe” to “world.” Werner agreed to that change.

Amendment 26 – Vote to approve: County 5-0; City 7-0

Campbell noted the sentence which follows this language on page F64 of the Comp Plan, “Notification to adjacent property owners of possible burnings and smoke occurrences must occur as title to property changes.”, is the language the County Board requested and the Planning Commission included. The Board felt it was much stronger in terms of the objective trying to be reached.

Amendment 27 – Vote (broken into three parts):

Delete last sentence of paragraph one: City 7-0; County 5-0

Approve new paragraph two: City 3-4; County 0-5

Approve new paragraph three: City 2-5; County 0-5

Genrich noted wording was presented which allows for parkland throughout the corridor. Staff tried to broaden the entire picture to include conservation easements, ag land, trails, etc. Opportunities will be available to incorporate more types of recreation.

DeKalb said staff had one concern with the new language in the middle section. The term park and parkland is used twice and wondered if the intent wasn’t for a generic park. If the meaning is for publicly owned park or true “park” then there would be an issue. Lynn Johnson said generically the word used is greenway.

Stevens noted the reference to the Homestead Trail was not included in the transportation section. Morgan said staff is okay with the deletion of this sentence. It is the next two changes where staff has concerns.

With regard to paragraph two, McRoy questioned if a federal grant was received last year to buy land along Wilderness Park. Genrich commented approval was received for two grants. One was FEMA funds strictly for conservation easements and acquisition of flood plains. The environmental trust was also received for flood plains.

Campbell said what is different in this Plan versus the 1994 version is the whole development of the greenway concept. She supports the concept but has a concern about adding such specific language. Developing a future park trust in which areas among the greenway would be designated as parkland corridors and public parks is an issue officials should study. She added important language already exists which protects the Wilderness corridor. But, the entire greenway concept must be included not just one portion. Wesely agreed and felt amending the Plan in this fashion would be a serious mistake.

Camp said his biggest concern is that the Comp Plan is mindful of the gap in the southwest portion of Lincoln where development is slow, hence, infrastructure and growth are being undermined.

Seng asked if the language in paragraphs two and three was recommended by the Greenprint Challenge Task Force. Genrich said he wasn’t sure but could go back and look. He noted the

Heritage Greenway was a main emphasis which came out of the workshop, though, he didn't feel this wording came directly from the Task Force. It provided broad terminology so issues such as flood plain protection are included. Seng felt these paragraphs were too specific and recommended they not be moved forward.

Amendment 28 – Vote to approve: City 7-0; County 5-0

Amendment 29 – Vote to approve: City 3-4; County 0-5.

Werner said he proposed the change to make the wording more inclusive and to draw groups, such as the Lower Platte South Natural Resources District and the University of Nebraska, in to the process. DeKalb noted the change is really not necessary as staff already cooperates with these groups and many others.

Amendment 30 – Withdrawn by Werner

Amendment 31 – Withdrawn by Werner

Werner said he would like to keep this amendment in the Plan but added a slight change in the original language, "Neighborhoods should include homes, stores, workplaces, schools, places to recreate and access to libraries." Camp thought this would go against the quadrant approach with regard to super libraries. Werner said that's why he offered the alternate wording. Camp said it leaves out substations or sub-libraries. Workman stated he agrees with Camp in that there is a super library concept in place regarding future locations.

Cook said he doesn't entirely agree with the quadrant, super library concept and feels neighborhood libraries within walking distance in high density areas are extremely valuable. Obviously, this isn't fiscally possible so the wording change offered by Werner makes sense.

Connor noted in the 1970's there was an urban library plan that if implemented by 2000, there would have been 12 libraries in the City with nine more planned. She would love to have everyone within walking distance of a public library but realizes there are budgetary constraints. Larger quadrant libraries have been found to be an economical way of serving the community. And staff does have ways of serving those who are homebound or have transportation challenges.

Hudkins thanked Connor for her efforts in providing services to the rural areas via the Bookmobile.

Werner asked if Connor would oppose his change to the amendment. Connor said she is willing to compromise but reminded officials that politically when something is added to the Comp Plan, it is very hard to change. She could live with or without a reference to libraries. Werner withdrew the entire amendment.

Amendment 32 – Vote to approve Amendment to pg. F77: County 4-1; City 6-1

Vote to approve Paragraph 2 on pg. F79 as amended below:

County 5-0; City 7-0

Vote to approve Paragraph 3 on pg. F79 as amended below:

County 5-0; City 7-0

Vote to approve Amended Paragraph 4 on pg. F79: County 5-0; City 7-0

Wesely said he understood the County Board's concerns regarding the acreage elements of the Plan and asked for support to leave the language as is but so that a study could be done and the build-through policy re-addressed in the future.

Workman asked to consider the Amendment in two parts – F77 and F79. Page F77 seemed to contain some negative wording. Campbell asked everyone to turn to page F35 regarding Tier II Priority Areas. The last bullet reads, "Means for addressing transitional issues as land is converted from agricultural to urban uses." Campbell said she was asked by Commissioner Heier to draft the proposed language, but perhaps he could better address the concept of the Amendment. She feels the County is in a period where development is overlapping traditional agriculture with more urbanization. She agreed with the Mayor that officials are all struggling with what to do, but, conceptual issues must be debated as well. Wesely said many acreage proposals have been received even though there is a push to make acreage development more difficult.

DeKalb noted the Planning Commission attempted to resolve some very major issues, reached points of compromise and worked long and hard on the specific wording. He added the Board felt there may be a negative slant to the language and would like it rewritten in a more positive fashion. Also, acreages impact the City's ability to move through an area and could substantially increase the impacts on Tier II and Tier III in the three-mile area.

Hudkins indicated the County Board also spent a great deal of time on acreage development. In reviewing the issue, the Board took a serious look at cluster developments, bringing acreages together in a closer area rather than tying up a full twenty acres. At the same time, the density was not increased.

DeKalb added $\frac{2}{3}$ to $\frac{3}{4}$ of acreage development requests occur in the three-mile area. Wesely said it would make sense to keep the language, do the study and review the recommendations.

Heier said he asked for the language change as he thought the original wording was very negative. The new version doesn't really change the Plan, it simply makes it read a little better. With this Amendment, the County Board is saying, "We know acreages are coming so let's control them." He feels the Board's suggestions have simplified the process and made it more accountable. It was accepted by the Planning Commission and people are happy. Hudkins added if the County Board would reverse its position on this issue, it would be somewhat deceptive to the public. He felt the Board is proposing a more realistic acreage proposal.

Wesely thought there may be some confusion. The Planning Commission's changes are what is before the Commission now. He felt the reason people weren't out in force to testify is because the proposed changes were acceptable. He suggested leaving it as such and not making additional changes. When asked by the Mayor if proposing additional changes really stopped anyone from commenting, Hudkins noted the Board received many calls from constituents who were concerned with the Planning Commission's action. The Board's Amendment has seemed to satisfy most.

Workman said the real compromise lies on page F79. Campbell agreed it is more important to debate the issues on page F79. On page F77 the wording is such as it's either a dilemma we are working our way out of (original version) or a transition period we need to work our way out of (Board proposed). This language is not as important as the issues on page F79.

Stevens said he liked the Board's Amendment as a great deal of time was spent to incorporate more positive language. He added the Amendment really has four parts and feels they should be voted on separately.

In reference to page F79, Workman said these are the most important paragraphs for the Board as they designate future land use requirements in the County. He agreed with a constituent that the language is confusing. The reference to a 40 acre Community Unit Plan (CUP) is an incentive to not develop 20 acre lots but rather create smaller parcels within a larger parcel. To make the entire section of language more understandable, he would move the second sentence in paragraph two, "Provide for an ability to divide two 3 acre lots...", to the third paragraph. Then the entire third paragraph could be moved to the second paragraph. Workman added this compromise is changing the current 75 acre minimum to 40 acres. In addition, on these 40 acre plots the County would allow administrative approval of two 3 acre lots as an incentive not to develop two 20 acre lots on a 40 acre parcel. Hudkins concurred and added this approach will provide for a much better use of the land.

Campbell asked if the City has a lot of AG zoning in the three mile area. DeKalb confirmed this to be true. Campbell said the language on page F79 was obviously written from the County's zoning jurisdiction. She said a concept was previously discussed which allowed different conditions for "rural acreages" and "urban acreages" via the build-through concept.

Referring to the Mayor's memo (see Exhibit B), DeKalb clarified the Mayor's point with regard to paragraph two to be there is a lot of agricultural zoning in the three mile area so language should apply jointly to the City and County. In paragraph three, the County plugged in "minimum size of 40 acres." The question here is whether officials are writing the code or setting policy. The revision may be better left to an ordinance or resolution change. Finally in paragraph four, the term "AG" is accepted as an appropriate change.

In response to Workman's inquiry regarding moving the paragraphs around, DeKalb said he was not sure this would clarify things.

Going back to paragraph two, Campbell said the County Board's concern was there needs to be some indication that conditions must be met, there will be an administrative review and appeal process. The Board was trying to provide more clarity. She assumed specific conditions would be referenced in the study which will help frame the land use regulations and ordinances. Campbell also added that officials are getting into some very crucial issues and she would rather take the time to make sure each is thoroughly discussed versus just approving them. She suggested narrowing the discussion to only paragraph two of page F79.

Wesely said he is very concerned about acreage development and related growth problems. This is why the study, the build-through concept and clustering are all very appropriate. Stevens commented the Board spent 25-30 hours discussing this issue in an attempt to come up with something everyone can live with. He liked the way the language turned out and hoped it could be approved so today's discussion could move on.

In reference to paragraph two, staff suggested inserting a period after "appeal", thereby deleting the words, "...to the County Board." Workman said the words, "by right" could be removed. Campbell suggested striking "by right" and placing a period after "appeal." Stevens thought it should read, "and right of appeal." It was decided the new sentence would read,

“Provide for an ability to divide two 3 acre lots per 40 acre parcel with conditions and administrative review and right of appeal.”

In reference to paragraph three, Campbell asked if the City’s problem is with changing “lower threshold” to “minimum size of 40 acres.” Campbell said the County’s concern is people would want to go lower than 40 acres. Workman suggested, “Provide more bonuses and a lower threshold size, not below 40 acres,...”. It was agreed to go with DeKalb’s suggestion, “Provide more bonuses and a lower threshold size (not below nominal 40 acres) for the proven technique of “cluster” development using the CUP.

Changes to paragraph four were accepted as originally drafted.

Amendment 33 – Vote to approve: City 7-0; County 5-0

Amendment 34 – Vote to approve: City 7-0; County 5-0

Amendment 35 – Vote to approve: City 6-0 (Camp absent); County 4-0 (Hudkins absent)

Amendment 36 – Vote to approve: City 3-3 (Camp absent); County 0-5

Werner commented this Amendment calls for consideration of the economic viability of competition in our natural gas service. He noted a few years ago when gas prices soared, Lincoln’s costs were 15-18% higher than Omaha. He feels it is a disservice to the community if competition is not considered. Svoboda said Lincoln has an open gas franchise so competition is already a possibility.

Amendment 37 – Vote to approve: City 7-0; County 5-0

Amendment 38 – Vote to approve: City 5-2; County 2-3
City Revote to approve original Amendment: City 1-5 (one abstention)
Vote to substitute Exhibit I for entire Amendment 38: City 7-0; County 5-0

Werner said he feels the Comp Plan does not advocate enough for multi-modal transportation. Wesely suggested officials follow the study rather than include this in the Comp Plan. Camp said he felt the proposal was unaffordable. Werner noted he isn’t changing anything specific but rather emphasizing the need for conservation and multi-modal transportation. Camp added the second sentence of the Amendment on page F11 states, “An innovative, multi-modal transportation system must be developed...”, which to him means it is imperative. He did not support the Amendment.

Wesely said the Amendment also calls for a City-County Department of Transportation which is a really bad idea at this time without a detailed study. Stevens added some of these points are well made but in reading the Plan, the same clause or sentence was added four or five times to various subheadings. He would like to see this Amendment referred back to the Planning Department and Planning Commission to develop a more consolidated list.

Abbott said regardless of what people may think, Public Works does support mass transit. He added officials should be cautious in choosing to include it in the Comp Plan, though. Creating a department will not solve transit problems; a willingness to pay for it will.

Werner said he was not only talking about mass transit. He also disagreed with the Mayor regarding the formation of a Department of Transportation as there needs to be someone advocating these issues on a daily basis. He agreed to strike the references to a City-County Department of Multi-Modal Transportation but not the other language.

Workman noted there are also things in this language which hinder the ability to designate the rights-of-way in the south and east beltway corridors. Campbell added there are too many amendments. Either all should be used to strengthen the study or they should be referred back to the Planning Commission and Planning Department for review. Werner asked his colleagues if they would agree to send the amendments back to Planning and accept his rewording on the study.

Friendt said if moving along is a matter of reaching consensus, he would change his vote. Seng said the important issue is getting the study approved – then the rest can be forgotten. Morgan stated the study currently included in the Comp Plan was originated through the C-SIP Process but tends to focus more on special needs and specific market segments. Werner's Amendment is a much broader study in scope.

Morgan said the Planning Department has several concerns - one is transportation needs. He feels the Plan does go to great lengths to increase the idea of multi-modal transportation. Another concern causes the study to look at transportation opportunities versus multi-modal needs. This calls for behavioral changes amongst citizens. Also, he is concerned with the study being done by an independent third party. The study should have oversight and review by City and County staff.

A handout on alternative wording for possible multi-modal study was distributed. **(See Exhibit I)** Werner said he prefers his language with the exclusion of the independent third party reference. Camp said he supports the concept and suggested each individual body work on the issue. Campbell added that how the study is structured is the implementation part and she felt it should not be in the Plan. Seng agreed and referenced the third paragraph in the Mayor's memo (see Exhibit B) regarding Amendment 38 and the eventual overhaul of the planning process. She felt the language in Exhibit I was appropriate and wanted future thoughts to move forward on the larger transportation issue not just vehicles.

In regard to how this proposed study relates to page 119, Morgan assumed it would be separate. Werner said his intent was for his language to replace the existing Community-wide mobility review. Morgan said he would do both as special needs in this community for transit services should be addressed fairly quick, thus, Werner's proposed study would be added as a separate bullet.

Wesely said the language proposed by staff in Exhibit I would be fine to add. He noted a potential typographical error in the second to last sentence. Morgan said the word "over" should be "our." Workman suggested a vote on substituting Exhibit I for Amendment 28, which was unanimously approved.

Amendment 39 – Vote to approve: County 5-0; City 7-0

Amendment 40 – Vote to approve: City 0-7; County 0-5

Abbott stated the original Plan had four lanes on Humphrey and nothing on Pennsylvania. It was suggested to make Humphrey and Pennsylvania 2 + 1 roadways. Then someone suggested it revert back to the original concept. Abbott prefers 2 + 1 roadways on each. Morgan clarified that a "yes" vote would change the Plan; a "no" vote would keep it as Abbott suggested.

Amendment 41 – Vote to approve: City 3-4; County 1-4

Morgan said staff views this as "no harm; no foul." Cook noted this is a huge community concern and should be included in the Plan.

Amendment 42 – Vote to approve as amended below: City 2-5; County 0-5

Abbott indicated his staff is already making meeting agendas and minutes readily available to the public. Therefore, he didn't feel this Amendment was a necessity in the Comp Plan. Cook said the appropriate thing would be to cross out "and ITS Subcommittee" and replace it with "MPO Technical Committee schedules, agendas and minutes shall be made readily available...", since the MPO Technical Committee is the decision-making committee. Abbott said he has no problem with this suggestion as it is already required. Cook noted complaints have been received regarding difficulty accessing information. Werner agreed. Seng asked if Planning still sends out cards for agenda/minute mailings. Abbott said this is done by his department.

Amendment 43 – Vote to approve: County 5-0; City 7-0

Amendment 44 – Vote to approve: County 5-0; City 7-0

Amendment 45 – Vote to approve: County 5-0; City 7-0

Amendment 46 – Vote to approve: County 5-0; City 7-0

Morgan said this Amendment would requires some kind of written document from the City or County Attorney outlining ground rules. It will be part of the annual review process scheduled approximately one year from now.

Amendment 47 – Vote to approve: City 7-0; County 5-0

Morgan said concern was expressed regarding text in the Plan at the public hearings. Therefore, the draft language was replaced with verbatim text from the existing Comp Plan with the retention of two items the Comp Plan Committee and Planning Commission felt very strongly about: 1) tying the Annual Review and City's Capital Improvement Program processes; and 2) "benchmark indicators" program intended to provide a firm basis for reviewing the status of keep Plan assumptions.

Amendment 48 – Vote to approve: City 6-1; County 5-0

Morgan stated the existing language is appropriate and consistent with the City Charter. It adds some new introductory verbiage and a closing sentence in paragraph two.

CLOSING REMARKS

DeKalb asked the County Board to move the approval of the Amendment packet to the end of today's agenda to allow staff more time to prepare.

Campbell thanked staff and community participants for all their efforts with regard to the Comp Plan update.

There being no further business, the meeting adjourned at 12:30 p.m.

Submitted by,

Cori R. Beattie
County Board Secretary

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