MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, May 20, 2009, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Leirion Gaylor Baird, Michael Cornelius, Dick Esseks, Wendy Francis, Roger Larson, Jim Partington, Lynn Sunderman and Tommy Taylor; Marvin Krout, Steve Henrichsen, David Cary, Rashi Jain, Jean Preister and Teresa McKinstry of the Planning Department; media and other interested citizens.
STATED PURPOSE OF MEETING:	Regular Planning Commission Meeting

Vice-Chair Lynn Sunderman called the meeting to order. Eugene Carroll officially resigned from the Planning Commission on May 17, 2009, having been elected to the City Council on May 5, 2009.

Sunderman requested a motion approving the minutes for the regular meeting held May 6, 2009. Motion for approval made by Larson, seconded by Partington and carried 7-0: Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird abstained.

Due to the resignation of Eugene Carroll, Vice-Chair Sunderman opened nominations for the election of Chair to fulfill the unexpired term of Eugene Carroll until August 26, 2009. Cornelius nominated Lynn Sunderman, seconded by Esseks. There being no other nominations, Lynn Sunderman was elected Chair on a vote of 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

Chair Sunderman then opened nominations for Vice-Chair until August 26, 2009. Esseks nominated Michael Cornelius, seconded by Francis. There being no other nominations, Michael Cornelius was elected Vice-Chair on a vote of 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION: May 20, 2009

Members present: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08025, SPECIAL PERMIT NO. 09009 and COUNTY SPECIAL PERMIT NO. 09011**

Ex Parte Communications: None

Cornelius moved to approve the Consent Agenda, seconded by Larson and carried 8-0: Gaylor Baird, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 09009, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

CHANGE OF ZONE NO. 09002,
FROM AG AGRICULTURAL DISTRICT TO
AGR AGRICULTURAL RESIDENTIAL DISTRICT,
ON PROPERTY GENERALLY LOCATED AT
SOUTH 96TH STREET AND SALTILLO ROAD.
REQUEST FOR DEFERRAL: May 20, 2009

Members present: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman.

The Clerk announced that the applicant has requested deferral of the public hearing on this application until June 17, 2009.

Francis moved to defer, with continued public hearing and action scheduled for Wednesday, June 17, 2009, seconded by Cornelius and carried 8-0: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman voting 'yes'.

There was no public testimony.

COMPREHENSIVE PLAN AMENDMENT NO. 09003,
TO AMEND THE COMPREHENSIVE PLAN TO ADOPT
TEXT CHANGES TO THE COMMUNITY VISION CHAPTER
TO ADD THE GENERAL TOPIC OF "SUSTAINABILITY".
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: May 20, 2009

Members present: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman.

Ex parte communications: None.

Staff recommendation: Approval.

Staff presentation: **Brandon Garrett of Planning staff** advised that the Planning Commission has received 14 additional e-mails in support since the public hearing held on May 13, 2009. The Planning Commission has also received a communication from the Realtors Association of Lincoln in opposition, referring to the requests made by the Home Builders Association; however, the Planning Department has not received any correspondence from the Home Builders Association.

Esseks asked Garrett to explain the purpose of this amendment. Garrett referred to Analysis #3 in the staff report:

> The topic of sustainability is incredibly broad and includes issues ranging from environmental protection to energy to land use policy to quality of life to economics. The current amendment does not set out to outline any specific recommendations for changes to such policies, but rather brings sustainability to the forefront for further community discussion.

Garrett went on to state that the two main points of this amendment are to basically add some generalized language to the Comprehensive Plan specifically referencing this buzz word of "sustainability" in the front section of the Comprehensive Plan. The staff views this as a starting pont for future discussions, which could possibly lead to further amendments to the Comprehensive Plan in the future.

Esseks understands that one cannot predict the specific outcomes of placing a goal of this nature in the Comprehensive Plan, but it might be helpful to have some idea of the general types of positive applications that may come by placing this goal in the Comprehensive Plan. Garrett suggested that it is ultimately in the hands of future groups and discussions that are formulated. For example, in the proposed amendment itself, we mention things such as best practices for mixing uses within the city, which may provide better opportunity for public transportation. There is also mention of preserving areas or making areas more popular for growing more local food, which could also cut down on the cost of food because transportation costs would be cut out and we would be supporting local agricultural interests. It also talks about encouraging reduced energy consumption, which could be met in a wide variety of ways, such as the transportation element and building construction – doing things more efficiently. Water is a huge issue, especially in western states such as Nebraska during drought times. It is especially important to conserve water or use water more wisely or maybe we find other ways to reuse water. Economic functions of sustainability include supporting the local agricultural economy and new industries that support sustainable practices or cater to more of the local needs of the community. Another aspect suggested is to modify existing policies and regulations that act as barriers to furthering sustainable principles. There may be regulations on the books today that are actually preventing people from coming forward with sustainable building practices or other sustainable types of projects. This is a goal that would have to be considered as a

separate discussion with very detailed research and committee work to break down some of those barriers and make sustainable practices more common and easier to accomplish.

Partington inquired whether there are any examples of such barriers now. Garrett pointed out that the Planning Department does not issue building permits but that might perhaps be one of the areas that warrants some additional research. He did not have a specific example.

Partington asked Garrett to clarify the position of the Realtors Association. Garrett has not had any discussion or correspondence with them other than the e-mail received, which states,

> This decision is based on the facts that today's new construction is more energy efficient and also that water consumption is now lower per dwelling unit than it has been in previous years due to new technology and the conscientious decisions made by today's builders.

Garrett does not believe this amendment is in contradiction with their practices.

Gaylor Baird wondered whether this amendment provides incentives for bidders on contracts to have greener practices. Garrett believes that could be one of the outcomes. For example, the Mayor just announced the Greener Cleaner Lincoln initiative. If the city takes on sustainability as a policy, it might also become a policy to implement those types of practices.

Support

1. Jim Dyck, Architect, 17701 S. 12th, who has practiced in downtown Lincoln for 27 years, testified in support. He has a Masters Degree in Urban Planning and Policy and is a LEED (Leadership in Energy and Environmental Design) accredited professional. This amendment is important for sustainable sites (all about smart planning, regional planning, transportation, land use and all resources in a unified way). It would promote water efficiency – 26 billion gallons of water are used a day in this country, which equates to 3,700 million gallons of excess use over what we are recharging. Our buildings use up 68% of the electricity generated in this country. 40% of the solid waste treatment in this country is generated by construction and demolition. There is no need for that. There is a lot of use for recycling. He wants a healthy planet for his grandson. He strongly supports this concept and commended the Planning Department for writing an excellent report and well-crafted amendment.

LEED is a national certification process that has been developed by the United States Green Build Council. It is consistent with the Mayor's Greener Cleaner initiative. This proposed amendment formalizes some of the things that are already in the Comprehensive Plan and brings Lincoln more up-to-date. We are now finally joining the rest of the world in terms of being concerned about the planet and its future.

Cornelius asked what we are really talking about when we talk about "sustainability". What are we sustaining? Dyck suggested that it means, "meeting our needs today without compromising future generations from doing the same." "Sustainable" communities has a lot to do with economic sustainability. There is also social sustainability in terms of a community providing services. All of the aspects of sustainability have a profound effect on the quality of life, which is what the Comprehensive Plan is all about.

2. Jill Becker, 240 Sycamore Drive, appeared on behalf of **Black Hills Energy**, the natural gas provider for the City of Lincoln, in support. Black Hills Energy views this as a first step in continuing their partnership with the City in developing clean and green energy for our community. Black Hills Energy has been involved in the Quilt Museum and has been in discussions with the City on various energy projects, including the transportation sector and sustainability, relating to the amount of federal funding that the city will be receiving at the federal level and how those funds may be used to further the city's project on energy efficiency.

Becker observed that natural gas is 90% efficient. While it is not a renewable energy source, clearly that resource is plentiful and available for the foreseeable future. Technologies are advancing. In looking at all types of energy for customers and businesses, Black Hills Energy believes that there is room for everyone to be involved.

If Lincoln adopts this goal in the Comprehensive Plan, Esseks inquired whether Lincoln would be the first in this state or this region. Becker did not know. Probably many communities would view themselves as working towards becoming more energy efficient, but she could not say that any are sustainable. Kansas City has been designated by the federal government as a participant in the Clean City's Program run through the Environmental Protection Agency.

3. Robert Scott, individual and business owner, testified in support. He is excited about looking more toward sustainability as a community.

Larson inquired whether this would have any economic benefit or otherwise in Scott's kind of operation. Scott suggested that to be a difficult question because most of their projects are more sustainable in a sense. His company is LEED certified. It will affect the way they look at projects.

Esseks suggested that there is a need to be concerned about negative impact upon the community. Scott acknowledged that there are some voices that have expressed

opposition because change is difficult and it will change how people build and how we grow as a community. But, we need to have a long term outlook. Obviously, it will affect some home builders and residential developers. However, he does not believe we are moving in the right direction if we do not move toward sustainability.

Gaylor Baird inquired as to why Scott pursued LEED certification. Scott advised that one of their projects, the Sawmill Building, is a LEED silver certified building. There has been a lot of interest in the building and it has been successful. We are looking at saving 30% in energy year after year. The investment up front is a savings for the future. The building is 100% occupied, thus there seems to be interest in a sustainable green environment. There are tangible benefits for the individuals working in the building.

Partington stated that moving towards sustainability implies that the present situation is not sustainable. Are we presently unsustainable as a community? Scott would not say that we are not sustainable, but we are using too many resources. We can be more efficient using less raw material. We need to focus on reuse. Using fewer resources is a benefit to the community. There is less pressure on the grid, and hopefully some cost savings. We cannot control energy prices. There is a finite amount of energy resources and fossil fuels.

Opposition

1. Mark Hunzeker appeared on behalf of the **Home Builders Association of Lincoln.** He stated that he does not know whether their position is totally opposed because it is very unclear what this language means. It is unclear whether this will cause difficulties for the home builders. Sustainability is used to encompass a variety of environmental issues. In the context of the Comprehensive Plan, it should include that, but also be focused on the purpose of the Comprehensive Plan, which is to guide the growth of this city into a city of 300,000+ over the next few years. That ought to be the focus of the issue of sustainability. What is not sustainable is for this community to have only 100 single-family building permits issued in the first quarter of this year. That leaves you with a tax base that is not growing at a rate adequate to sustain the services that we expect and which provide a good deal of what we call our high quality of life.

Between 1999 and 2004, a five-year period, sales tax revenues grew 23.9%. From 2004-2008 that rate dropped to 6%, about 1.5% per year. Same with the property tax valuations. From 1999-2004 property tax valuations grew 49.6%. From 2004-2005 they grew 22.8%. That's not sustainable. That puts us into the death spiral that California finds itself in today. He also noticed that the next Planning Commission meeting has been canceled – why? – for lack of an agenda. That's not sustainable. We don't want to slip into that spiral of having to increase taxes to sustain the services that we all expect.

Hunzeker suggested that this matter be placed on pending indefinitely for the purpose of rewriting it to encompass the urgent need for measures which will encourage and

accelerate the growth of this community and to sustain the level of services that we all expect.

Partington stated that he is concerned about the openness of the term and the various interpretations and how that will be used in the discussions in the future. Some people interpret sustainability as being what Hunzeker describes as a problem, which is zero population growth, and some people want that. And the community probably can't survive under the current situation with zero population growth. Hunzeker agreed. We have been experiencing negative economic growth in this country over the past year. He does not think that is very sustainable either. Nobody is here suggesting that we ought to be wasting resources, but there needs to be a focus on the need for continued growth of this community to sustain the services that we expect.

If this objective is in place and it encourages entrepreneurs to build homes that cost less to build and cost less to operate in terms of water, electricity, etc., Esseks does not see a conflict between sustainability and the development of a healthy community. What he sees now is an international problem with the economy. Hunzeker does not believe anybody needs to encourage builders to cut the cost of construction. They are always seeking ways to cut costs. He suggested that the contractors do not need to be encouraged to seek ways to provide for more energy efficient housing. The market is doing that for you without this language in the Comprehensive Plan. The Home Builders Association is not in favor of wasting resources. They are just suggesting that as a planning commission charged with the Comprehensive Plan as being a guide for the growth of this community, the focus ought to include growing this community and encouraging its growth and doing whatever possible to accelerate its growth.

Esseks observed that many years ago, we had unregulated development. Then we began implementing building standards and building codes so that houses would not collapse. There is an effective tradition in our country of the community and private sector working towards safer and more economic rational construction. He believes the argument by Hunzeker is obsolete.

Hunzeker responded, suggesting that much of the community that we regard as being worthy of preservation was constructed way before the regulations to which Commissioner Esseks refers. Lincoln didn't have a zoning ordinance or planning director or comprehensive plan before about 1952. And builders and developers did okay up to that point, otherwise we wouldn't be worried about preserving all that area.

Larson confirmed with Hunzeker that he admits that he does not know what the effect of this amendment will be. We have had some excellent growth since 1952 when we started having the regulations. Up until the time when the national economy went bad, he believes Lincoln was an example of a great home building industry and has sustained steady growth. He agrees with Esseks that the decline in Lincoln's growth is all a national problem and not a local problem.

Hunzeker does not believe he suggested the current plan caused that decline. All he is suggesting is that we ought to be focused on doing things that will help alleviate the problem that we are in. He is suggesting that if sustainability is something that has meaning, then that meaning ought to include worrying about whether or not we are going to grow this community fast enough to grow the tax base to provide the services that we regard as part of the quality of life that we enjoy.

Larson asked Hunzeker whether he believes this amendment will reduce the amount of applications submitted. Hunzeker stated that he does not know what this language means. We haven't really defined what it is we are trying to sustain, nor have we defined what it is it implies that we are going to regulate to implement this. The bullet points do imply the possibility of additional regulations. He would like to have a broader focus placed on the terminology or at least some better definition.

Gaylor Baird asked Hunzeker if he had some language to offer that would make this a better amendment. Hunzeker indicated that he has not tried to draft an amendment, but he does believe that this aspect of the sustainable community has not been addressed in the language proposed. It is appropriate to consider that as a part of the Comprehensive Plan when the Comprehensive Plan is for the purpose of guiding the growth of this community. If we weren't encouraging growth, we would not have a Comprehensive Plan. Growth needs to be part of the discussion, otherwise the implication is regulating and making people do things different than what we are doing now. At a minimum, there should be some recognition that sustainability means growing the community at a rate that we can tolerate tax-wise.

Gaylor Baird inquired whether Hunzeker sees some pending regulations coming out of this that are troublesome. Hunzeker acknowledged that he is not aware of any at this time, but there is a general concern among the home builders that it implies there may be additional regulations that follow this. He does not know what this entails. Having some language which recognizes a little broader focus rather than simply focusing on energy conservation and environmental regulation would at least provide some balance in that discussion.

Gaylor Baird suggested that the Comprehensive Plan does focus on smart growth as opposed to anti-growth. Hunzeker does not believe there is enough balance in the Comprehensive Plan for that.

Partington clarified that Hunzeker's position is not concerned with building codes or zoning issues, but the vagueness of the term because it does not support growth in the future. Hunzeker agreed.

Gaylor Baird pointed out that the Comprehensive Plan does lay out expectations for a certain amount of growth each year. The plan exists to try and navigate a sustainable and smart growth for the community. She is surprised that we are having this discussion.

Staff Discussion

Marvin Krout, Director of Planning suggested that this amendment is really placing a "foot in the door". There is some not altogether misplaced concern that that foot is going to be covered with some heavy boot of government regulations. Krout assured that the "foot in the door" is to open up a community dialog. We have demonstrated today that sustainability can mean different things. The wording in the amendment talks about "incentives", "encouraging" and "attracting", and "removing barriers". There is nothing in this amendment about additional regulations. But we do hope to have a community dialog on what sustainability should mean for Lincoln. We do spend most of the Comprehensive Plan talking about growth, rate of growth, how to grow the economy, and how to provide the land and infrastructure to accommodate growth. What is missing is a piece that recognizes the conservation of resources, and that that is wise to do as you look forward because it keeps your options open.

For example, we will need a new landfill by 2035. If we are more resource efficient, we can at least defer and postpone, if not avoid, having to go through that kind of process. By about the same time, we are going to need a new source of water because we probably won't be able to get any more water out of the well fields of the Platte River. We could possibly postpone that decision and expense by looking at the possibility of saving more water and using it more efficiently.

The idea is to incorporate that kind of thinking – of doing the economic calculations at a long range, looking at the pay back and not just the initial cost. The City is getting 2.4 million dollars a year from the federal government to spend on energy efficiency. The administration is trying to figure out what that means and where it should be spent. That is a lot of money and he believes that there needs to be a plan to begin to look at that issue. The idea is that both public and private sectors have some opportunities with money being made available. We also need to prepare for the possibility that there may be mandates that come to us from the federal level. The whole idea is to keep our options open and to keep conservation in mind as we make big decisions in the future. The idea is to open that door and to enter into a community dialog with the Home Builders, the Realtors, the larger public about what the definition of sustainability should be for Lincoln, Nebraska.

Francis confirmed that the Comprehensive Plan is not a Bible, it is a guide. Krout agreed. And, Francis further confirmed that not everything is written in stone, but a guideline to use in making decisions. Krout agreed, and it tells you that you have to have a pretty good reason to go away from the Plan. Francis also clarified that if we have this language in the Comprehensive Plan, it is an avenue for dialog and to make everyone aware that we are going to have this dialog. Krout agreed, and hopefully the Realtors and Home Builders will help carry that message. Francis also observed that building permits were down in 2004, which is when the impact fees were implemented. She believes impact fees had something to do with it as opposed to the Comprehensive Plan. Right now we have an overstock and

supply of houses for sale which has probably put a little kibosh on new construction. Again, Krout agreed. Our cycle is not as deep as many communities and hopefully we have reached the bottom. But the Comprehensive Plan still recommends that growth is good, that we pursue 1.5% population growth, and it identifies that the growing tax base is necessary to provide continuing services. It is a way to provide more opportunities -- education, economic, cultural – as the community grows. There is nothing about sustainability that subtracts from the primary goals that are already in the Plan.

Francis also believes that the Planning Department has been proactive in working with the Home Builders Association to modify current zoning regulations to be more flexible and to allow more building lots on spaces by reducing lot sizes and setbacks. Krout concurred. We see a market for reduced lot sizes for more affordable housing and that may also happen to be energy efficient housing.

Partington stated that he has spent some time in Washington, D.C., and has dealt with the Congress, so he is in tune to the fact that you can put innocuous phrases in documents that can later come out as a club against people. Could we introduce a phrase to balance the sustainability issue so that it cannot be used against anyone? Krout suggested something to the effect that it is not the intent of this section to compromise any of the economic or other goals in the Plan. Partington thinks it is worth some thought and analysis. Krout would be glad to have the Planning Commission take this under advisement for a period of time to work on it, but not indefinitely.

Sunderman suggested a statement about sustainability being a balance between costs today and costs tomorrow, with recognition that there will be maintenance costs involved in the future. Sustainability is taking care of what we already have and making sure there are funds there in the future.

ACTION BY PLANNING COMMISSION: May 20, 2009

Esseks moved approval as recommended by staff, seconded by Larson.

Esseks does not think this needs to be modified in any way. The growth objectives are already clearly in the Plan. There are other segments that have goals like this, such as preservation of recreational opportunities and such as concern about the general health and welfare. It is not just growth as defined by the number of building permits, but growth that is healthy and good for the community. This is one type of objective that could serve the community and it depends on how the community wants to implement this objective. He does not see it as a threat but rather offering opportunities.

Cornelius suggested that the argument by the Home Builders Association presented today really has qualities resembling a straw man. It raised the specter of our current economic situation with its own complicated problems to subtract from other issues addressed by this

amendment, such as sustainable quality of life. Their argument requires a leap of logic that he cannot make. He does not see anything that is discouraging growth, economic or otherwise. The language of the amendment is not ordinance, it is not designed to be ordinance. The language is designed, like the rest of the Plan, to be general, and generally encourages a variety of so-called sustainable practices. A sustainable quality of life is not just encouraging, but makes future growth and economic opportunity possible in Lincoln and he intends to vote in favor.

Sunderman stated that he will also support this amendment. He would prefer to have more comments or bullet points to acknowledge the fact that sustainability includes economic well-being of our community and the ability to pay for what we do now later, and it may include less use of manmade materials and include recycling and care in what we build.
Motion for approval carried 8-0: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman voting 'yes'. This is a recommendation to the City Council and Lancaster County Board.

COMPREHENSIVE PLAN AMENDMENT NO. 09004,
TO AMEND THE COMPREHENSIVE PLAN TO ADJUST
THE TEXT IN THE RESIDENTIAL CHAPTER REGARDING
RURAL AREA/ACREAGE POLICY.
CONTINUED PUBLIC HEARING BEFORE PLANNING COMMISSION: May 20, 2009

Members present: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman.

Ex parte communications: None.

Staff recommendation: Approval, as revised.

Staff presentation: **Mike DeKalb of the Planning Department** stated that this amendment is in response to the discussion had by the Planning Commission last summer in regard to rural development growth. There have been continuing discussions in developing the language to make corrections, adjustments and updates. This is designed to refine and clarify existing language. It updates those issues that have been completed and clarifies existing language. It adds language relative to private nonprofit land trusts and educational efforts, etc. A lot of the language is cleanup and adjustment so the changes are not substantive.
The staff has briefed the County Board two times and they have made four recommendations for further adjustments. The Realtors Association of Lincoln has also suggested a change relative to future supply. The Planning Commission has been provided with the adjustments at the request of the County Board and has deleted language relative to forecasting demand and supply. The term "availability of emergency services" has been added at the suggestion of one of the Planning Commission members. Staff endorses the changes as outlined in the proposed amendments.

There was no testimony in opposition.

Gaylor Baird sought the staff's perspective on the amendments. DeKalb stated that the staff has had discussions with the County Board and the staff endorses the amendments.

Marvin Krout, Director of Planning, advised that the staff worked quite awhile on these amendments. The Planning Commission had a retreat and several workshops, and a committee, so the staff thought it to be a good package. Krout also thought that there was an informal understanding with the County Board that this would be acceptable. But at the briefing with the County Board, he found out that it was not acceptable. Most of their issues were minor, but the one that was not so minor and not so agreeable to Planning was the issue about encouraging the grouping of any future requests for AGR zoning (3-5 acre developments) for review once a year as part of the annual plan review to allow evaluation in terms of the demand and supply of acreages in the community. We have a goal that we are providing this lifestyle but we are also looking to see that it does not become a predominant lifestyle preference because, in the view of staff, we are not sure that acreages are a very sustainable pattern of development. In that particular case, we thought that it was appropriate to look at them in terms of the demand and supply. And also be able to look at all the pending requests at one time in order to compare and contrast in terms of the criteria. It is much harder to evaluate whether lots should be approved or not approved incrementally as opposed to a group. That was something Krout thought there was consensus upon and thought the County Board found it acceptable, but they did not and they thought it was an infringement upon their authority as to when they can review zone requests. Perhaps they have not bought into the idea of acreages being 6% of the total housing market. Lot supply is also questioned by the Realtors Association. Krout realized there were not sufficient votes on the County Board to approve that portion of the amendment. This issue about acreages is not going to go away and we will probably be talking about it as part of the major update of the Comprehensive Plan. Krout has agreed to go along with the County Board's request, but he believes that this issue will be revisited again in the future.

Cornelius inquired whether there is sufficient substance that remains in the amendment to warrant its approval. Krout believes that there is. One of the key issues was water availability and quality – that's new. The idea of encouraging land trusts to be established to purchase conservation easements to protect farm land is new. The idea of more public education to better inform prospective home buyers and lot buyers about living in the country is new. Commissioner Esseks has suggested looking at the "availability of emergency services" in the area.

Partington suggested that which has been added is more important criteria than some of the others that have been requested to be taken out.

ACTION BY PLANNING COMMISSION: May 20, 2009

Francis moved approval, as revised, seconded by Cornelius.

Sunderman noted that this moves the acreage issue forward into the major update of the Comprehensive Plan.

Motion for approval, as revised, carried 8-0: Francis, Partington, Taylor, Gaylor Baird, Larson, Cornelius, Esseks and Sunderman voting 'yes'. This is a recommendation to the City Council and Lancaster County Board.

There being no further business, the meeting was adjourned at 2:20 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on June 17, 2009.

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