



Planning and Public Safety Committee

June 21, 2022

Summary and Motions

Chair J. Brown called the meeting to order at 1:01 p.m. Committee Members Ellinger, Lamb, Kloiber, Baxter, Bledsoe, Reynolds, and Plomin were in attendance. Committee Members McCurn and Worley were absent. Council Members Moloney, Sheehan, and F. Brown, and Vice Mayor Kay were also present as non-voting members.

I. Approval of April 19, 2022 Committee Summary

Motion by Ellinger to approve the April 19, 2022 Committee Summary. Seconded by Baxter. Motion passed without dissent.

II. Sustainable Growth Study Update

Mark Butler, Project Manager with Stantec, began by providing a background of the Sustainable Growth Study. He reviewed the Urban Service Boundary (USB) which was established in 1958 and was the first in the nation. The goal is to create a data driven process and set goals and objectives, but does not identify land for preservation or expansion. He displayed a map to illustrate vacant land and he spoke about 2022 revisions to the vacant land database. The revisions address changes that have occurred and information will be updated as it becomes available. He spoke about how the revisions would impact meeting each of the scenarios for residential, office space, retail space, and industrial space. Moving forward, the Planning Commission is recommending that Council consider approving the Resolution to adopt the Sustainable Growth Study (framework and data). The study will be updated on an annual basis to serve as a resource for growth management decisions and to track vacant land and growth trends.

Moloney and Butler discussed meeting 75% of the full growth projected for the next 20 years based on population predictions which Butler confirmed to be true for residential. Moloney spoke about 2 hospitals under construction which will change the structure of the study because hospitals impact growth. He expressed concern with approving the resolution when there is more work to do. Butler mentioned that this is a perfect example for why data needs to be consistently updated so changes can be factored in. Framework is predicated on the notion that we update it consistently so the most up-to-date data is being considered in the discussion on future land use planning.

Kloiber asked if all of the vacant land in this framework is considered fundable and interchangeable or if it is distinguishable. Butler said each parcel has zoning that is allowed on it and there is a note about its development potential. In some cases where there are extenuating circumstances, this would be noted for its potential development. Kloiber feels there are inherent projections of development being used to present this data with assumptions about what is important. Butler noted that in scenario 1, they tried to skew as close to what the zoning will allow and he also explained presumptions that were made in scenarios 2 and 3. Kloiber asked if the only requirement being considered for future expansion is available land to which Butler clarified there is a set of metrics and scenarios that are also considered. Kloiber and Butler agreed that the affordability of housing is also considered. Butler explained that they want to be able to easily calculate scenarios based on the data. For this reason, the criteria for affordable housing was a higher number of potential units and a higher mix of development types. As a result, those with a

higher number of units and a higher mix of development would do better than a scenario that had fewer units and fewer types of housing. Kloiber feels the framework does not provide a solution or goal, but it basically says you can build more density on land if you want to. Butler noted that continuous updates will show that we are running out of land, even under the highest capacity scenario, and we need to make changes.

F. Brown and Butler discussed the breakdown of the acreage designated as infill. If it is developed now, Butler clarified that this is not measured with a defined or concrete number. They looked at the Existing Conditions Report and they used different development proposals for Lexington to build scenario 3. F. Brown asked how they handled the land within the USB such as Overbrook Farm to determine whether or not they would be developed. Butler said a directive in the scope of the study was that any agricultural land within the USB was assumed to have the potential for development. F. Brown asked how we get this information to the owners of large tracts of land within the USB because that would dictate how much land needed for development. He also spoke about criteria for the land that is ready for development, such as land along the interstate that is outside the USB, but it is ready for development. Butler explained that this was included in the existing conditions survey, but they did not evaluate any land-use scenarios outside USB per the scope of the study.

Bledsoe spoke about the importance of data integrity and said the purpose for this framework was to present a policy for decision-making. She asked who decides the weights, when the weights are decided, and how often they are reviewed. She stressed that when making decisions on this, it is not the entire Comprehensive Plan being considered. She feels that updating data every 2 years rather than 5 years will keep Council informed of decisions being made in zone changes.

Kay mentioned the possibility that the decision this body makes today could have some caveats when this moves from committee to Council. He sees that part of today's issue is whether or not to forward to Council a recommendation that the basic framework and the basic dataset that have been offered is comprehensive and not perfect, but it is a starting point. He finds it difficult to understand the connection of the data and scenarios, but it is important to remember that the scenarios are a 20 year projection and a lot can happen in 20 years. We are not saying that today we are making a decision about that particular land use. We are saying that here is the data, this is what it tells us, and these are the policies we have in place that will either meet our projections or not. He mentioned that while are questions that may not be able to be answered definitively, the *Goal 4 Workgroup* will be working on a set of recommendations that address that set of questions (how the process will work, what we know about the land outside the boundary, and how the two intersect).

J. Brown feels the *Goal 4 Workgroup* will help to enhance and add to the framework. An important thing to consider, which weighs heavily when making these decisions, is land that is identified for long-term preservation in addition to what is already out there. Referencing Moloney's comments, he mentioned that hospitals and new development will change the dynamic of our community and our needs on a case-by-case basis. We need to have a framework in place that is fluid and has the ability to adjust and address this community's needs as we go forward. He feels we need to make a decision today and move something forward to recognize the work and decisions made by the *Sustainable Growth Task Force* and this also sets a baseline for the *Goal 4 Workgroup* to make long-term and lasting policy decisions. He feels a yearly update or every 2 years would be best for updating the data. He asked if the mechanism for weighing the priorities is included in the framework or if it needs to be included in the resolution. Duncan spoke about adjusting the weights and scenarios as priorities change. He noted that this could be included in the

Comprehensive Plan, the report from the *Goal 4 Workgroup*, or included in the Resolution, but he is not prepared to make that decision today.

Lamb spoke about how far we have come from since 1996 when we expanded 5400 acres and what we have learned from the conversations we have had and continue to have about how, where, and when to make these decisions for our community. She suggested that the policies and issues be reviewed in the *Goal 4 Workgroup*. As far as waiting one year, two years, or five years, it would be unique to understand what it looks like if the data was reviewed every year as opposed to every two or five years because it is a moving process.

Reynolds mentioned that this is more complex than what land is available to develop because we need residents' support for this to work.

Kloiber worries about using the dataset as the foundation for the framework because the data we have is mostly the wrong data. We are tying this entire process to available land, but not the effects and outcomes that our residents are experiencing. The data is great as a reference, but Kloiber is concerned about creating an entire narrative and framework that uses this as a basis for that discussion. He is concerned that by coming forward and saying we are using this data as a framework that we are saying available land is the factor on which we base everything else and not just a reference for the effects that happen to our residents.

Sheehan asked if we can update the data separately from the framework rather than continuing to delay that piece. Kay explained that the data can't be updated without having something to start with and the best way to do this is to move the Resolution forward which includes the dataset as a base, emphasizing this is only a dataset. He added that land is a finite resource and the boundary for Fayette County is a line that is absolute. We will reach a point in time when there is no rural land available for development because it will either be protected or put into use, but the demand will not change. At this point, we will need to consider how we want Fayette County to look in terms of the balance between rural and urban land. He is hopeful that the *Goal 4 Workgroup* will provide guidance and direction about this and provide recommendations to the Planning Commission and Council about how to resolve this underlying fundamental issue.

Moloney asked if this uses new additional data or if there will be an update on the data from two years ago. Butler believes this to mean it will be an update of land records that have changed from being vacant or redevelopment and it does happen significantly enough in the span of a year to make sure we update on a consistent basis.

Lamb and Kay discussed having the *Goal 4 Workgroup* take up the conversation on the waiting period between updates and providing a recommendation for when this should take place.

Motion by Bledsoe to approve the Sustainable Growth Study Resolution, including an amendment to remove "framework" as cited in the title section of the resolution and to remove "both the Evaluations Framework and" as cited in the 6th paragraph of the resolution. Seconded by Ellinger. Motion passed without dissent.

III. PDR and Public Benefits

David Kloiber, 6th District Council Member, provided a brief introduction of the item and why it was referred to committee. He began with an overview of the PDR program which is intended to preserve agricultural land and prevents development on that land in perpetuity. He reviewed a map to illustrate 30,000 acres of land that is currently protected by PDR. He spoke about the history of PDR which allowed rural zoning for one house per 10 acre lot. Farm owners lobbied to increase this to 40 acres to prevent aggressive subdivisions on farms and then they lobbied for compensation for the lost privileges of subdivisions. When the PDR program began in 2000, there was no federal matching and PDR dollars were not tied to a specific use. He reviewed the zoning process for PDR land which includes an application (review by the Planning Commission), a public hearing, and a zone change for development. He mentioned alternative ways for protecting land such as historic districting or the Environmental Conservancy Trust. He highlighted public access activities that could enhance the program and enhance green initiatives. He would like to keep the item in committee to further reach out to the community for ideas on sustainable enhancements to the program that would add benefit.

Motion by Bledsoe to direct the RLMB to review/consider the presentation and the concerns and have RLMB provide a presentation to committee where the Division of PDR and members of RLMB can address these concerns. Seconded by Ellinger. Motion passed without dissent.

Lamb referenced page 31 in the packet and pointed out that she would like the third bullet point: *Farm owners lobbied for compensation for the lost privileges of subdivision* to be removed for its improper context. On page 36, the first bullet point says the Planning Commission is appointed for four years and the presentation referenced that the Mayor puts forward the appointments. Lamb wants to be sure it is understood that while the Mayor puts forward the appointments, Council has the final vote and approves the appointments. She spoke about the slide on page 37 which compares PDR to Affordable Housing. She wants to ensure this number does not take into consideration the many other agencies in the community that contribute to affordable housing funding. Finally, she questions the PDR dollars because she has not had a chance to review those numbers. She feels these numbers need to be looked at before they are taken as factual. Kloiber addressed questions regarding the exact numbers and said he would send out the information provided to him which was verified by the Finance Department. Adding to Lamb's comments, Plomin pointed out that the total acreage for PDR in our community is 32,598 and there has been a \$62M investment since the inception.

IV. Items Referred to Committee

No comment or action was taken on this item.

Motion by Bledsoe to adjourn at 2:55 p.m. Seconded by Baxter. Motion passed without dissent.