

Memorandum
City of Lawrence
Douglas County
Planning Department

TO: Craig Weinaug, County Administrator
Board of County Commissioners
FROM: Amy Miller Brown, Long-Range Planner
CC: Scott McCullough, Director of Planning & Development Services
Date: November 5, 2008
RE: CPA-2004-02; Comprehensive Plan Amendment to *Horizon 2020*,
Chapter 7: Industrial and Employment Related Land Use.

Introduction:

This item is for the approval of a comprehensive plan amendment and adoption of a joint City ordinance and County resolution related to CPA-2004-02, amending Chapter 7: Industrial and Employment Related Land Use in *Horizon 2020*. Included in your packet materials are the joint ordinance/resolution, Planning Commission minutes from the May 21, 2008 meeting, City Commission minutes, correspondence from Planning Commission and City Commission meetings, a soils map, draft chapter (labeled "Exhibit 1: Chapter Seven – Industrial and Employment Related Land Use in Horizon 2020 October 2008 Edition) and the associated staff report, which details the history of this CPA up until this past spring when it was recommended for approval by the Planning Commission on May 21, 2008 (PC item #11, approved 7-2). This memo serves to supplement the associated staff report and update the Board of County Commissioners on the history of this chapter since the Planning Commission recommended it for approval.

Brief History since Spring 2008:

- Planning Commission March 26, 2008: Deferred pending revisions & input from sub-committee
- Planning Commission May 21, 2008: Approved (7-2)
- City Commission June 10, 2008: Deferred pending complete PC minutes
- City Commission September 9, 2008: Approved revised CPA & 1st reading of Ordinance (4-1)
- City Commission September 16, 2008: Deferred 2nd reading of Ordinance
- City Commission September 23, 2008: Deferred pending revisions to locational criteria
- City Commission October 21, 2008: Tabled pending Board of County Commissioners input

Draft Approved by Planning Commission: May 21, 2008

The Planning Commission voted to recommend for approval CPA-2004-02 at their May 21, 2008 meeting. The version of the draft chapter that was recommended for approval by the Planning Commission **did not contain** the language marked in green in the draft chapter that is presented as part of the packet materials to the Board of County Commissioners labeled "Exhibit 1: Chapter Seven – Industrial and Employment Related

Land Use in Horizon 2020 October 2008 Edition". Additionally, the last two paragraphs on p. 7-8 read as follows:

The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and an produces high yields of crops. Within Douglas County these are capability class (non-irrigated) 1 and 2, as identified by the National Resources Conservation Service.

At least one of the sites identified above (Airport) has some amount of high-quality agricultural land. Agri-industry businesses that would benefit from high-quality agricultural land should be encouraged to locate in these areas. Future Industrial and Employment land use sites not included on Map 7-2, Potential Locations for Future Industrial and Employment Related Development, should balance the agricultural significance on the site against the need for industrial and employment related development.

City Commission Hearings: June 10, 2008 and September 9, 2008

The City Commission deferred consideration of CPA-2004-02 and its associated ordinance at the June 10, 2008 meeting because complete minutes from the Planning Commission's May 21st meeting were not available at that time.

The City Commission next considered the item at their September 9, 2008 meeting, where after a lengthy discussion, the Commission voted (4-1) to approve an amended Comprehensive Plan Amendment (CPA-2004-02) and adopt on first reading Ordinance 8283. The Commission amended the Planning Commission's recommended draft by removing the first two sentences of the last paragraph on p. 7-8. The following shows the approved text with the sentences that were removed struck-out:

The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and an produces high yields of crops. Within Douglas County these are capability class (non-irrigated) 1 and 2, as identified by the National Resources Conservation Service.

~~*At least one of the sites identified above (Airport) has some amount of high-quality agricultural land. Agri-industry businesses that would benefit from high-quality agricultural land should be encouraged to locate in these areas. Future Industrial and Employment land use sites not included on Map 7-2, Potential Locations for Future Industrial and Employment Related Development, should balance the agricultural significance on the site against the need for industrial and employment related development.*~~

City Commission Hearings: September 16, 2008 and September 23, 2008

The City Commission deferred the adoption of Ordinance 8283 at their September 16, 2008 meeting to give Commissioner Amyx more time to consider the issues surrounding "prime farmland".

At their September 23, 2008 meeting, the City Commission deferred consideration of the second reading of Joint City Ordinance (8283)/County Resolution with specific direction to staff to add to the general location criteria on p.7-5 that sites "have minimal areas of non-irrigated capability class 1 and 2 soils as defined by the NRCS". In addition, the commission directed staff to make the necessary associated changes to each site description that follows the general location criteria, as well as changes to appropriate policies. Staff made those changes, which are highlighted in green in the draft chapter copy associated with the comprehensive plan amendment (CPA-2004-02) and presented in the Board of County Commissioners meeting packet.

City Commission Hearings: October 21, 2008

Staff made the requested changes and brought the revised comprehensive plan amendment (CPA-2004-02), along with the associated Joint City Ordinance (8283)/County Resolution for City Commission consideration at the October 21, 2008 meeting. After a lengthy discussion, a motion to send the item back to the Planning Commission failed. A motion was then made to approve the revised (October 2008 edition) CPA and adopt on first reading Ordinance 8283, which failed 3-2 because approval of the revised chapter required a super majority vote (4 of the 5 Commissioners) since the revisions were substantially different than the Planning Commissions recommendation. At this point, it was suggested to get the Board of County Commissioners to weigh in on the revised chapter. Ultimately, the CPA and its associated ordinance were tabled.

Recommendation:

Planning Staff recommends that the Board of County Commissioners hold a public hearing concerning the Comprehensive Plan Amendment to Horizon 2020 regarding Chapter 7: Industrial and Employment Related Land Use (CPA-2004-02). The Board of County Commissioners has the following actions at their disposal:

1. Approve the revised (October 2008 edition) CPA-2004-02 presented to the City Commission at their October 21, 2008 meeting, amending Horizon 2020, Chapter 7, and adopt joint City Ordinance(8283)/County Resolution. This would require a super-majority vote (unanimous) since the revisions are substantially different than the Planning Commissions recommended version.
2. Approve the revised (October 2008 edition) CPA-2004-02 presented to the City Commission at their October 21, 2008 meeting with any changes the Board of County Commissioners wishes to make, amending Horizon 2020, Chapter 7, and adopt joint City Ordinance(8283)/County Resolution. This would require a super-majority vote (unanimous) since the revisions are substantially different than the Planning Commissions recommended version.

3. Approve the original CPA-2004-02 recommended for approval by the Planning Commission at their May 21, 2008 meeting, and adopt joint City Ordinance (8283)/County Resolution. This would require a majority vote.
4. Defer consideration of CPA-2004-02 and its associated resolution, giving specific direction to staff and/or the City Commission regarding next steps.

List of items included in Packet Materials:

- Draft Chapter 7 labeled "Exhibit 1: Chapter Seven – Industrial and Employment Related Land Use in Horizon 2020 October 2008 Edition"
- Soils Map
- Staff Report from May 21, 2008 Planning Commission meeting
- City Commission meeting minutes from the following meetings:
 - October 21, 2008
 - September 23, 2008
 - September 16, 2008
 - September 9, 2008
 - June 10, 2008
- Planning Commission meeting minutes from the May 21, 2008 meeting
- Correspondence from all Planning Commission and City Commission meetings March 26, 2008 to October 21, 2008