

PC Minutes 4/22/09

ITEM NO. 6 CPA-2004-02; AMENDMENT TO HORIZON 2020, CHAPTER 7 (AMB)

CPA-2004-02: Consider revision to a Comprehensive Plan Amendment to Horizon 2020, Chapter 7: Industrial and Employment Related Land Use. City Commission referred the item back to the Planning Commission to define soil conserving agri-industries and how such definition works with the protections of Class 1 and Class 2 soils.

STAFF PRESENTATION

Ms. Amy Brown presented the item. She stated that the focus was on specific direction from the City Commission to look at the definition.

Commissioner Finkeldei reminded the public and Commission that the focus of discussion would be regarding the definition of soil conserving agri-industries.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Harris inquired about the language "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."

Mr. McCullough said the Planning Commission had previous discussions about whether or not high quality agricultural land would be a locational criteria or discussed in the chapter more generally. The decision of the Planning Commission as a whole was that it should not be a locational criteria by which to specifically factor in whether or not a site should be industrial or not, and that the general discussion should occur in the chapter. These are the two paragraphs that the Planning Commission took up after that discussion. Then there was additional debate at the governing bodies and ultimately the words 'soil conserving' in the second sentence of the second paragraph was included at the County Commission level. When it went back to City Commission there was discussion about how the phrase soil conserving agri-businesses was defined. That is when the Planning Commission was given the charge to help clarify what soil conserving agri-industry business means.

Commissioner Hird asked if 'research' would be considered a soil conserving agri-business.

Mr. McCullough said it could be depending on how far it is taken to clarify what the use is. Staffs interpretation would be agricultural production that protects or utilizes the soil element of the land. There are all kinds of agricultural uses that do not necessarily take up the soil part of the land.

Commissioner Hird inquired about 'production.' He gave the example of a seed company doing research on seeds using the soil to grow crops would not be producing an agricultural product.

Mr. McCullough said a seed company still may preserve it for agricultural use because it would be using the soil.

Commissioner Finkeldei said in his opinion the soil conserving agri-business is a good definition and that is what they are asked to rule on this evening.

Commissioner Dominguez asked why soil conserving agri-industry business could not just be called farming.

Mr. McCullough said the intent is to open it up to industries such as a seed company that is not pure farming.

Commissioner Hird said if he were a land owner and wanted to object to someone using a farm site for creating new seeds, he would say they are not preserving it for future agricultural use but rather using it for a scientific purpose and that is not agricultural production. He said he had no real bone to pick with the definition but did not think it was a good definition due to it being too vague and seemed to exclude everything except agricultural production or preserving it for future agricultural use. He asked if the assumption would have to be made that whoever is using the land has the intent to preserve it for future agricultural use. He said it did not define what they can do with it while they are using it. He said he had reservations about the definition.

Commissioner Harris suggested changing agricultural production to agricultural use. She agreed the definition was vague about what is trying to be accomplished. She felt that the sentence should be stronger to clearly reflect the intent of preserving the soil and the quality of the soil.

Commissioner Dominguez asked if a farm parts store could be put there.

Commissioner Finkeldei said that soil conserving is the key component. He went on to say that the County Commission said that agri-industry did not go far enough so they added the term 'soil conserving agri-industry business.' Planning Commission has been asked to help define that and the intent of the County Commission was to conserve the soil.

Mr. McCullough said that instead of talking about what uses will be allowed or not allowed with the language they need to think about if the language provides enough clarity for the Planning Commission and governing bodies to provide guidance in future development.

Commissioner Hird said his issue with the second phrase 'preserving for future agricultural use' was that if someone is doing anything other than leaving the soil alone it is not being preserved for future use. He expressed concern about the definition being too limiting and said there are things that could be done with the land that would be consistent with good conservation and would protect the soils but do not fit within the definition.

Commissioner Carter did not agree that preserving the soil for future use limits it too much. He did not think it should be limited too much because there might be unintended consequences. He felt it needed to be sufficiently vague so interpretations can be made.

Commissioner Hird said he understood the concept but that the language 'businesses that preserve land for future agricultural use' did not mean much to him. He felt that all it did was invite a challenge of it later.

Commissioner Moore said the intent is to preserve the soil and this is how it can be done by encouraging businesses that are soil conserving.

Commissioner Finkeldei felt there were only two ways to protect class 1 and class 2 soils, either use it as agricultural or preserve it. He said it would absolutely limit the uses but that seemed to be the County Commissions intent.

Commissioner Hird said what they are doing is defining what type of business they would encourage to be there and if that is what the County Commission wants then he has no problem restricting it to that.

Commissioner Harris suggested the following language 'will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use.'

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Carter, to approve the following changes, including the suggested change by Commission Harris, to the second sentence of the last paragraph on page 7-8 that references high-quality agricultural land: (added language is in ***bold italics*** while language to be removed is in ~~strikethrough~~)

"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. Soil conserving agri-industry businesses that ***will protect the*** ~~would benefit from high-quality~~ ***of existing high quality*** agricultural land ~~by~~ ***either through*** ~~utilizing it for~~ ***agricultural use*** production ~~or preserving~~ ***preservation*** ~~it for future agricultural use~~ 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."

Commissioner Finkeldei said he did not support the inclusion of 'soil conserving' but that he would vote in support of the definition.

Unanimously approved 8-0.

Motioned by Commissioner Hird, seconded by Commissioner Moore, to authorize the Chair to sign the Planning Commission resolution.

Unanimously approved 8-0.