MINUTES
URBAN COUNTY PLANNING COMMISSION
COMPREHENSIVE PLAN GOALS AND OBJECTIVES PUBLIC HEARING
February 16, 2023

I. CALL TO ORDER – Chair Larry Forester called the meeting to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

II. ATTENDANCE – The meeting was attended by Planning Commission members Larry Forester, Anthony de Movellan, Janice Meyer, Graham Pohl, Robin Michler, Frank Penn, Judy Worth, Headley Bell, and Ivy Barksdale. Planning staff members present were Jim Duncan, Chris Woodall, Chris Taylor, Valerie Friedmann, Sam Castro, Traci Wade, Hal Baillie, Autumn Goderwis, and Paula Schumacher. Other staff present were Tracy Jones and Brittany Smith, Department of Law.

III. STAFF PRESENTATION – Chris Woodall, Long Range Planning Manager, presented the Imagine Lexington 2045 - Comprehensive Plan Goals and Objectives. He mentioned that Imagine Lexington 2018 was the foundation to the upcoming 2045 plan. He talked about the input that was included in the planning process, as well as the timeline that has been followed. Mr. Woodall also described the public input, specifically from On the Table meetings, organizational input meetings, and business roundtables, and how that input was incorporated into the Goals & Objectives. He then gave an overview of the proposed changes to the Goals and Objectives. He also explained the next steps timeline moving forward.

IV. PUBLIC COMMENT

Dr. Andy Roberts, 6921 Old Richmond Road, shared his concerns about expanding the Urban Service Boundary and its impact on the horse industry.

Carla Blanton, Lexington for Everyone, said that there needs to be a balanced approach to growth, and believes that a delay in expansion discussion is concerning.

Andi Johnson, Commerce Lex, believes that there needs to be a priority for employment, and land opportunity for job creation. She said there is an urgent need for available land.

Raquel Carter, Lexington for Everyone, shared the need for available housing for people of all income levels and all walks of life.

Todd Johnson, BIA Central Kentucky, shared his concern for finishing the goals of the past Comprehensive Plan before making new goals.

Bub Crutcher, 284 Blue Sky Parkway, expressed his desire for property he owns to be included in a Rural Activity Center.

Will Adams, Bluegrass Land Conservancy, spoke to his desire to protect the viability of rural land by keeping development areas within the current Urban Service Area.

Matthew Williams, 1071 Armstrong Mill Road, stated that he appreciated the work that had been done on the Goals & Objectives. He was concerned about the lack of representation of youth and underserved populations on the Planning Commission.

Bruce Simpson, 326 S. Broadway, said that he was representing job creators. He believes that expanding the Urban Service Boundary is important to provide jobs for those who are not represented in the meeting today or many other Planning Commission meetings.

Jesse Voigt, 1859 Nicholasville Road, shared her concerns for stronger language regarding conservation. She said that there was not enough representation on boards or commissions for conservation issues.

Dick Shore, 205 Catalpa Road, expressed his desire to further protect the environment by adding a specific date for by which Lexington is striving to be carbon neutral.

Henry Jackson, Bluegrass Climate Action Team, called for additional steps to further respond to climate change.

Ashleigh Dunsmoor, Fayette Alliance, applauded staff for their hard work, and shared her desire for responsible growth specifically for employment.

Brittany Rothemeier, Fayette Alliance, shared recommendations for changes for Goals 3 & 4, Theme E, related to potential changes to the Urban Service Area boundary. She shared her desire to wait for the completion of the sewer-ability study before any growth discussion. She mentioned proposed language from the Fayette Alliance, as follows (underline indicates proposed additional text):

- Goal 3: Maintain the current boundaries of the USA and RAC; and create no new RACs. To ensure Lexington is responsive to its future land use needs, <u>future decisions concerning the USB and RACs will be informed by completion of Theme E, Goal 4, Objective A, while continuing to focus on infill and redevelopment as the primary growth strategy</u>.

- Goal 4: Protect Lexington's invaluable rural resources and inform long-range planning for infrastructure, community facilities, and economic development <u>by creating a data-driven process for determining long term land use decisions involving the Urban Service Boundary and Rural Activity Centers.</u>
  - <u>Objective A. Develop a process which is informed by robust public and stakeholder engagement, key research necessary for data-driven growth decisions, and which enhances and supports other Goals & Objectives. Adopt the process as an amendment to the Comprehensive Plan.</u>

Amy Clark, 628 Kastle Road, believes there needs to be more balance in the urban area for equity and housing. She asked for protection and restoration of home ownership. She encouraged more multi-family models. She also said there was a need for more sheltered areas for cyclists.

Josh DeSpain, 517 Severn Way, was concerned about the lack of transparency in the process. He believes that there needs to be more communication and trust in the future.

Nick Nicholson, 300 W. Main Street, expressed his disappointment in the removing of goals without resolving them. He said that the Goal 4 Work Group was very balanced and that there was a consensus in every decision made. He said that there was too much concern about amenities in our community rather than the housing needs.

Richard Murphy, 250 W. Main Street, supports a specific deadline for a growth management plan. He stated his concerns regarding the time it takes for building to occur after land becomes available. He said that our housing crisis cannot wait for 2030, and he asked for more land use flexibility for smaller parcels in the Expansion Area, especially those that are bisected by the Urban Service Area boundary. He said that there needs to be more available housing in Fayette County so that more people can enjoy the amenities that have been built.

B. Meade, 242 Rand Avenue, shared her desire to expand public transportation and it's benefits.

Steve Kay, 250 Campsie Place, shared his concern that the adopting of the new Goals 3 & 4 would give the Planning Commission the ability to expand the Urban Service Area boundary, rather than the Urban County Council. He said there was too much uncertainty.

Judith Humble, Bluegrass Climate Action Team, spoke about climate change in our community, and suggested that a target date for carbon neutrality was necessary.

Don Todd, 5119 Keene Road, shared his opposition to changes to Goal 4. He believes that expanding the Urban Service Area boundary should not be considered. He shared his support of the suggested changes to Goals 3 & 4 from the Fayette Alliance.

Jim Hodge, 6050 Old Richmond Road, said that the Richmond Road Neighborhood Association supports the suggested language from the Fayette Alliance for Goals 3 & 4. He is concerned about expanding the Urban Service Area.

Nachie Braga, 2013 Dunkirk Drive, spoke about conserving the urban water cycle in Fayette County.

Doug Gibson, 1051 Turkey Foot Road, said that he hoped that the property he owns off of Exit 104 could be included in a future expansion area.

Margaret Graves, Bluegrass Land Conservancy, shared her concerns regarding the balance between the urban and rural land. She urged the Planning Commission to preserve the Urban Service Area boundary.

Nolan Adams, KY Tenants, spoke for the renters of Lexington. He shared the difficulties of several residents finding safe, affordable housing, and he expressed his desire for a landlord registry.

Stephanie Hensley, 2101 Fontaine Road, detailed her personal struggles trying to find safe, high-quality, and affordable housing.

Emma Anderson, KY Tenants, also shared some of her personal struggle to find housing. She had spoken with many of the renters in Lexington, and shared the problems that they are facing. She said that housing should be the priority in Lexington and shared policies from KY Tenants that could help.

Andrea Zang, KY Tenants, said that Imagine Lexington cannot be equitably implemented without policies addressing the housing crisis. She shared that many renters do not have access to many of the amenities offered by Lexington, and said that in all of the conversations she has had with tenants, the Urban Service Area boundary was never mentioned.

Patty Draus, 608 Allen Court, explained her concerns with environmental issues. She said there needs to be measurable criteria. She said that neighborhoods need to have good air quality and less noise pollution. She believes that light rail needs to be included in our public transportation. She believes that the Planning Commission needs to include someone representing the climate science sector.

Emery Elkinson, Henry Clay High School, spoke about the importance of equitable climate change. She mentioned that the time of the hearing made it difficult for young people to attend and take part in the process.

V. PLANNING COMMISSION QUESTIONS & DISCUSSION

Ms. Meyer asked how the information that had been heard could be incorporated into the Goals and Objectives. Mr. Duncan shared the options available. He stated that they could act on the Goals and Objectives as presented by staff, or as amended, if they chose to do so. He told them that they were also able to continue the hearing to a later date, if they felt they needed more time to consider. Mr. Duncan also asked the Commission members to advise staff on what they would like to see in a revision. Ms. Meyer also asked about when a continued hearing would take place. Mr. Duncan replied that it would need to be another public meeting with or without public input.

Mr. Penn stated that the Planning Commission would make a decision that would be sent to the Urban County Council, and the Council would make a decision based on what was sent to them. Then it would be up to Planning staff and the Planning Commission to implement it. He said that he was concerned that only half of the 2018 Comprehensive Plan had been implemented. He said there were too many issues being placed in the Goals and Objectives. He also spoke to the need to wait for the sewerability study information. He doesn't believe that all the issues that have been mentioned can be fixed by the Goals and Objectives.

Mr. Forester stressed the need to continue to meet the needs of the underserved. He asked the other Planning Commission members to share their comments at this time.

Ms. Meyer stated that Planning Commission members have been asked if it was possible to set aside more land for affordable housing. She asked staff if it was possible to look at or if there was any flexibility in the Urban Service Area boundary. Mr. Woodall replied that what is available and what is able to be done would require more text amendments. The implementation of the current plan includes looking at regulations, and implementation of the new goals, specifically Theme A, Goal 5, which would help update those regulations for equity in affordable housing.

Mr. Michler said that uncertainty is difficult for every stage of building and development. He was concerned that the Growth Management Plan could undermine the Urban Service Boundary. He also stated that the Parking ZOTA eliminated a large hurdle for infill and redevelopment, but it had only just taken effect. He believes that it will help the future development of affordable housing. He also stated that he didn't believe that the Urban Service Area boundary should be changed in an automatic way. He also did not believe they were given enough information to adopt a target in the objectives, but hoped that the objectives could help them develop policy to adopt a date for tracking carbon emissions. Mr. Woodall responded that the Goals and Objectives were the platform to help create the policies that get more specific. He also said that specific policies would be coming regarding the measures for the environmental concerns. Mr. Michler replied that he wanted the objective regarding the carbon emissions to be strengthened. He said that he wanted more clarity for why the Urban Service Area boundary should be weakened with an expansion.

Mr. Bell stated that he had faith in the process, and that the Planning Commission does care about the issues that were addressed. He believed that the Planning staff had the experience needed to help guide them in their decisions. He also shared that the Goals and Objectives were including the things that staff had heard from public comments and concerns.

Ms. Barksdale shared that her biggest concern was affordable housing. She asked how they could capture policies that keep housing affordable within the Goals and Objectives. Mr. Woodall replied that Theme A, Goal 5 addressed affordable housing. He said that the funding for affordable housing does not come through the Division of Planning, but that addressing incentives for developers could allow for more housing to be built.

Ms. Barksdale also requested clarification on the dates for when the expansion of the Urban Service Area boundary would take place. Mr. Woodall said that it takes time to plan any expansion, and it will take buy-in from everyone involved. Ms. Barksdale also asked if the unfinished items from the 2018 Plan would be rolled into the 2045 Plan. Mr. Woodall replied that they would.

Ms. Worth noted a suggestion from public comment that would require a more holistic approach to the environmental goals, and wanted to make sure that it was added to the conversation. She was not sure if Lexington was ready for a carbon neutral deadline, but that there could be goals leading to that. She also expressed concern regarding residents being able to stay in affordable housing after they had found it. She believed that it is important to ensure affordable housing remains livable once a resident has moved in. She also reminded those who were concerned about expansion, that Goal 4 was specifically intended to set up a process to determine whether to expand the boundary and how to proceed if it was determined that expansion was warranted. She wanted to discuss the different options that had been suggested.

Mr. Pohl said that he wanted to make environmental objectives more quantifiable. He also believed that a Tenant Bill of Rights would be fundamental to solving the housing problem. He also believed that there was no evidence that expanding the Urban Service Area boundary would help provide affordable housing. He said he believes that the way we handle the boundary needed to change, and thought the Fayette Alliance proposition could be the way forward. He wanted the Urban Service Area boundary to be valued. He stated that there should be a timeline placed on the expansion discussion.

Mr. Duncan said that the Council put a timeline on the discussion, but it was not met because of how difficult it is. He also stated that both sides of the argument believe that the sewerability study needed to be complete before any look at expansion could happen. He did not believe establishing a timeline would be feasible at this time.

Ms. Meyer asked if other studies, such as the Rural Land Management Plan, could be looked at while waiting for the sewerability study to be complete. Mr. Duncan replied that the priority needed to be finishing the Comprehensive Plan, because future decisions would be made based on the Plan. He then said that other things could be looked into.

Ms. Worth stated that the Goal 4 Work Group did suggest an update to the Rural Land Management Plan and an update to the cost of development study. She said that that update could be with the sewerability study.

Mr. Penn reminded the Commission members that other items could be added into the Comprehensive Plan after it is adopted. He said his concern was the timeline. He believed that there was too much time being spent on the Goals and Objectives, only to have the Council potentially change them. If that happened, the Planning Commission would have less time to work on the rest of the Comprehensive Plan. He also stated that they did need good input from the public regarding the boundary, but they could still send the Goals and Objectives on to the Council while that input was being received.

Mr. Michler asked Mr. Penn if he wanted to vote on the Goals and Objectives at that time or if an amendment was needed.

Mr. Penn replied that he wanted to make an amendment to take the word “supersede” out. He felt that the suggested language of Fayette Alliance in Goals 3 & 4 were sufficient. Mr. Penn again reminded the Commission members that Council could change it. He said the important thing was getting the Goals and Objectives to Council.

Mr. Forester asked for clarity on how they should proceed if there are significant amendments that were to be made, or if the meeting should be continued to a later date. Mr. Duncan replied that if there were just a few desired changes, they could vote on them at this time, but if there were fundamental changes desired, the Commission should direct staff to review them and bring back an alternative at a later time.

Ms. Barksdale asked about the possibility of having a committee look at the process of the conversation regarding the expansion of the boundary. Mr. Woodall replied that many conversations will be taking place. He also mentioned that the Sustainable Growth Taskforce as well as the Goal 4 Work Group had put out recommendations for the expansion process, and they will be added to stakeholder engagement and input from others for a conclusion.

Ms. Meyer stated that she believed the Fayette Alliance suggested verbiage that would require the collection of all the needed research and data to make smart growth decisions.

Mr. Michler asked if there could be a vote on the Goals and Objectives with a continuance of just Theme E.

Ms. Jones reiterated that the Planning Commission needed to vote on a recommendation of Goals and Objectives to send to the Urban County Council, who then adopts them. She then added that the Planning Commission would adopt the elements that would serve the Goals and Objectives. She did reply that they could continue the discussion, but it may be best to take the vote on all of the items at one time, but only discussing the one item in that continuance.

Mr. Michler stated that he wanted to make sure all the items of concerned were adequately discussed.

Mr. Pohl asked about the Growth Management Plan being reviewed and approved by the Urban County Council. Ms. Jones replied that legally, the nuts and bolts of the Comprehensive Plan are in the purview of the Planning Commission. The Goals and Objectives are the purview of the Council. She stated that if the Goals and Objectives were written as presented or as the Fayette Alliance suggested, the Planning Commission would do the legwork of implementing the Growth Management Plan. She also cautioned that, because the Council had changed the wording previously, it was difficult to answer the question specifically.

Mr. Bell asked staff if there were any changes that could or should be made based on what had been heard, specifically on items other than Theme E. Mr. Duncan replied that there were a number of things that were addressed that could be rewritten if the Planning Commission directed staff to do so. Mr. Bell continued, telling the Planning Commission members that he would rather not re-write anything at this time, but wanted staff to have adequate time to give guidance.

Mr. Forester inquired about possible dates for a continued hearing if one was requested. Mr. Duncan presented several potential dates and times for the Commission to consider. Ms. Jones reminded the Commission that it would need to be a continued meeting, so that everything heard already would be included.

Mr. de Movellan thanked everyone that spoke about Goals and Objectives. He stated that he believed the best course of action was to send the Goals and Objectives, as presented by staff, to the Urban County Council without any changes.

Mr. Michler asked for clarification on the background of the Growth Management Plan. Mr. Woodall stated that it was a combination of the data and concepts from the Goal 4 Work Group, Sustainable Growth Taskforce, as well as the existing Goal 4, Theme E.

Mr. Penn asked why the wording stated that Goal 4 would supersede Goal 3. Mr. Woodall replied that any process which determined an Urban Service Area boundary decision, after being adopted by the Planning Commission, would be in conflict with parts of Goal 3. He then continued by saying that such an agreed upon process, that has been fully vetted would have to supersede Goal 3 to avoid legal conflicts.

Mr. Penn explained that his concern was that the Council would interpret “supersede” differently. He reiterated his desire to send the Goals and Objectives to the Council without changes, because of the unknowns with the Council’s decision and the funding of it. He also said that the Planning Commission cannot move forward until they see what the Council sends back to them.

Ms. Meyer stated that if she were to vote on the Goals and Objectives, she would feel comfortable with the wording provided by the Fayette Alliance.

Mr. Bell asked Ms. Meyer if the staff could vet the Fayette Alliance wording before a vote was made. She replied that she felt very strongly about the wording of Theme A.

More discussion was had regarding whether the vote should be held then or if they should allow staff to draft an alternative. There was also some confusion with wording regarding the Growth Management Plan.

Mr. Duncan stated that the Growth Management Plan was not an expansion, but a road map to decide if expansion was necessary and where.

Mr. de Movellan reminded everyone that there would not be any “superseding” until the adoption of a Growth Management Plan.

Mr. Pohl asked if the Growth Management Plan could allow for growth outside the boundary without actually changing the boundary such as a rural activity center. Mr. Duncan said that it was possible even though it had not been their longstanding process. He believed that the Growth Management Plan should let them look at what the growth possibilities are outside the Urban Service Area boundary.

There was discussion of the uses of the words “process” and “plan”. Mr. Woodall stated that the Urban Service Area boundary was Lexington’s greatest tool for growth, but the wording could be changed if directed.

Mr. Pohl shared concern that the language presented by staff would ultimately eliminate the Urban Service Area boundary altogether. He was concerned about future Planning Commissions building outside the boundary without reservation.

Mr. Duncan firmly stated that the Staff had no intention to eliminate the Urban Service Area boundary. The term “supersede” would only apply to the point when a decision was made regarding the process of expansion.

Ms. Barksdale and Mr. Pohl suggested some more word changes regarding the maintenance of the Urban Service Area boundary. Mr. Penn reminded everyone, again, that the Council could change anything they wanted to in the Goals and Objectives.

Mr. Bell shared his desire to have the staff look at the concerns that have been address and present something to them at a later time, but was concerned that they would not achieve a quorum for a special meeting. Mr. Forester agreed.

Mr. Duncan suggested that they could hear it at the end of their next regular scheduled Planning Commission meeting.

Mr. de Movellan gave more suggestions to change wording regarding the Urban Service Area boundary. Mr. Woodall stated that he needed to have more time to think about the suggestions.

Several Commission members discussed the Fayette Alliance wording and stakeholder input.

Mr. Bell made a motion, seconded by Ms. Worth, and carried 7-2 (de Movellen and Penn opposed, Nicol and Davis absent) to continue the discussion, with no more public input, to the end of the February 23, 2023 Planning Commission meeting.

VI. **<u>ADJOURNMENT</u>** – The meeting was adjourned at 5:35 p.m.

PS/CT/TW

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Larry Forester

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Janice Meyer