

**PLANNING COMMISSION MINUTES**  
**August 20, 2020**

**PUBLIC HEARING**

**CASE NO. 20-LDC-0001**

Project Name: Parking Requirements Amendment  
Request: LDC Text Amendment  
Applicant: Louisville Metro  
Jurisdiction: All Jurisdictions  
Council Districts: All Council Districts  
**Case Manager: Chris French, AICP, Planning & Design Supervisor**

**NOTE: COMMISSIONER BROWN LEFT AND DID NOT VOTE ON THIS CASE**

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

03:40:55 Mr. French discussed the case summary, standard of review and staff analysis from the staff report.

03:47:57 Commissioner Mims asked if any of the maximums were changed. Mr. French said yes, they were reduced slightly. Did that apply to the Suburban Form Districts as well? Mr. French said yes, Suburban and Traditional Form Districts. Also, did you get any feedback from any of the commercial developers? Mr. French said there was some input and reviews.

03:49:55 Commissioner Carlson stated the occupancy and parking are the same. Mr. French explained that he researched and looked at other cities and found they were the same, especially in areas similar to our Traditional Form Districts that are more walkable.

03:52:07 Chair Jarboe stated Councilman Coan and Councilwoman George had to attend the Metro Council meeting but wrote in to say they would like the Planning Commission to support this amendment.

03:52:29 Commissioner Howard said both Councilman Coan and Councilwoman George attended the Planning Committee meetings.

**Deliberation**

03:54:29 Commissioner Lewis stated a lot of work, investigation and thought went into this proposal and it's a needed change. The other commissioners agree.

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**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Amend Chapter 9 (Parking and Loading) of the Land Development Code (LDC) regarding reductions in off-street parking requirements and formatting corrections**

**The following amendments are included within this LDC text amendment:**

1. The nonconforming parking section was changed to include a provision that exempts buildings that are at least 50 years old from minimum parking requirements.
2. The parking to be determined and use not listed provision were amended to clarify the process for determining parking requirements by the Planning Director.
3. The table that determines when minimum or maximum parking provisions are applicable to which form districts as well as parking reduction applicability was altered to simplify the table and to include the Urban Center Neighborhood Form District.
4. Parking reduction provisions were amended to clarify what is considered mixed use developments. A parking reduction was added for ride share, carpooling, and vanpooling.
5. The parking requirement table was completely revised to meet current best practices for land use classification. This was done using the American Planning Association's Land Use Based Classification System (LBCS). This allowed the table to be reduced from 13 pages to five pages. Staff reviewed parking requirements from over a dozen cities. The proposed requirements remove the minimum requirement for residential uses within traditional form districts, reduce significantly the parking requirements for other uses in traditional form districts, and reduce requirements in suburban form districts based on current best practices.
6. Corrected the numbering of tables throughout chapter 9 to coincide with applicable section numbers.

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution was adopted.

**PLANNING COMMISSION RESOLUTION NO. 20-LDC-0001**

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**A RESOLUTION BY THE PLANNING COMMISSION RECOMMENDING  
APPROVAL OF LAND DEVELOPMENT CODE TEXT AMENDMENTS  
TO CHAPTER 9 TO THE LOUISVILLE METRO COUNCIL AND OTHER  
JURISDICTIONS WITH ZONING AUTHORITY.**

**WHEREAS**, the Planning Commission received a resolution from the Louisville Metro Council requesting that the Commission review the Land Development Code (LDC) for reductions in parking requirements for certain areas; and

**WHEREAS**, the Advancing Equity Report created by the Department of Develop Louisville staff and the LDC Diagnosis study conducted by Opticos Design for the Department of Develop Louisville recommended that parking requirements be reduced; and

**WHEREAS**, Planning and Design Services staff developed an amendment to Chapter 9 of the LDC, as provided for in detail in Section I through V of this resolution; and

**WHEREAS**, Plan 2040 Community Form Goal 1, Policy 3.1.12 recommended the creation of the Urban Center Neighborhood Form District and also recommended reducing or removing minimum parking requirements for this form; and

**WHEREAS**, Plan 2040 Mobility Goal 3, Policy 14 recommended that parking requirements both minimums and maximum look at the context of an area, which includes the availability of on-street parking and further recommended that these considerations should be used to reduce parking requirements for specific areas; and

**WHEREAS**, Plan 2040 Mobility Goal 3, Policy 23 recommended that parking requirements within the LDC be reviewed against current best practices and technology; and

**WHEREAS**, Plan 2040 Economic Development Goal 1, Policy 11 promotes the redevelopment of surface parking lots where appropriate; and

**WHEREAS**, Plan 2040 Housing Goal 1, Policy 9 urges an increase in flexibility of design and parking requirements to promote adaptive reuse and infill development.

**NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO PLANNING COMMISSION AS FOLLOWS:**

Additions  
Deletions

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**SECTION I:** Chapter 9 of the LDC, Section 9.1.3 – Calculating Parking Requirements / Allowances is amended as follows:

**A. Parking Spaces Required / Allowed**

The minimum and maximum number of parking spaces required/allowed is based upon both the use and the Form District/Planned Development District in which that use is located. To determine the minimum number of parking spaces required and the maximum allowed, locate the applicable standard based on the Form District/Planned Development District in which the use is located in Table 9.1.43A and apply that standard to the requirements associated with the specific use located in Table 9.1.23B.

**B. Nonconforming Parking**

A use or structure with nonconforming off-street parking (e.g., insufficient off-street parking to meet the current land use requirements in compliance with Table 9.1.23B, below) may be physically enlarged (e.g., expansion of structure or outdoor land use) or undergo a change in use in compliance with the following provisions.

1. Residential uses. No additional parking spaces shall be required; provided, the change does not increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access. Exception: structures that are at least 50 years of age are not subject to the minimum parking requirements listed in Table 9.1.3B but are subject to the maximum parking requirements listed in Table 9.1.3B.

2. Non-residential uses.

...

- e. Exception: structures that are at least 50 years of age are not subject to the minimum parking requirements listed in Table 9.1.3B but are subject to the maximum parking requirements listed in Table 9.1.3B.

**C. Parking Requirements for Uses not Listed or To be Determined**

~~Parking requirements for a use not specifically listed in Table 9.1.2 shall be determined by the Planning Commission or its designee based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use. For uses not listed in Table 9.1.3B or listed as to be determined in Table 9.1.3B the Planning Director or designee is authorized to do any of the following:~~

1. Apply the minimum or maximum off-street parking space requirement specified in Table 9.1.3B for the listed use that is deemed most similar to the proposed use as determined by the Planning Director or designee. This determination shall be based on the operating characteristics of the use, the most similar related occupancy classification, or other factors related to potential parking demand.
2. Establish the minimum off-street parking and loading requirements based on a parking study prepared by the applicant in accordance with LDC section 9.1.7.

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D. Different Use Areas

...

Exception: An accessory use constituting twenty (20) percent or less of the gross floor area of all buildings on a site shall be calculated independently when the accessory use is specified in the parking requirements for the primary use found in Table 9.1.23B.

E. Calculations

...

Table 9.1.43A Minimum and Maximum Parking Spaces Based on Form District/Planned Development District

Form District/Planned Development District	Minimum Requirement – Table 9.1.2	Maximum Requirement – Table 9.1.2	Applicable Reductions
<u>Campus Conservation</u> Neighborhood Village Town Center Planned Village Development District <u>Regional Center</u> <u>Suburban Marketplace</u> <u>Corridor</u> <u>Suburban Workplace</u> <u>Traditional Neighborhood</u>  <u>Traditional Marketplace</u> <u>Corridor</u> <u>Traditional Workplace</u>	Applicable	Applicable	1, 2, <u>3, 4, 5, 6,</u> 7, 8 and 9
<u>Traditional Neighborhood</u> <u>Traditional Marketplace</u> <u>Corridor</u> <u>Traditional Workplace</u>	Applicable	Applicable	1, 2, 4, 6, 7, 8 and 9
<u>Campus</u> <u>Suburban Workplace</u>	Applicable	Applicable	1, 3, 7, 8 and 9
<u>Downtown</u> <u>Urban Center Neighborhood</u>	Not Applicable	Not Applicable	Not Applicable

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Regional Center Suburban Marketplace Corridor	Applicable	Applicable	1, 2, 5, 7, and 9
Planned Transit Development District	80% Applicable	Applicable	2, <u>6</u> , 7, 8 and 9

- F. Off-street Parking Reductions (see Table 9.1.43A for applicable reductions by form district/planned development district)
1. A ten (10) percent reduction in the minimum required number of spaces shall apply to any development within ~~200~~ 1,000 feet of a designated transit route.
  2. A ten (10) percent reduction in the minimum required number of spaces shall apply to any mixed use development site (for the purposes of this provision mixed use means a development site that contains both residential and non-residential principal uses) that incorporates at least 25% of the gross floor area of the development site to residential use. An additional ten (10) percent reduction for the development site shall be applicable to developments that incorporate at least one mixed use structure (for the purposes of this provision mixed use means a structure that contains both residential and non-residential principal uses) that contains a minimum of five (5) residential units.
- ...
6. A Parking Waiver must be obtained to reduce the minimum number of required parking spaces, except as provided in Table 9.1.43A.
- ...
11. For each shared vehicle, carpool, or vanpool space provided, the minimum number of required off-street parking spaces may be reduced by four. Each shared vehicle, carpool, or vanpool space shall count toward the minimum number of required off-street parking spaces.

**SECTION II:** Chapter 9 of the LDC, Table 9.1.2A – Minimum and Maximum Motor Vehicle Parking Based on Use shall be repealed and replaced with the following:

*Table 9.1.3B Minimum and Maximum Motor Vehicle Parking Based on Use*

<u>GENERAL ACTIVITIES (LBCS Code)</u>	<u>SPECIFIC ACTIVITIES (LBCS Code)</u>	<u>MINIMUM REQUIREMENT</u>	<u>MAXIMUM REQUIREMENT</u>
<u>Residential (1000)</u>			
<u>Household Living (1100)</u>	<u>Single-family, duplex<sup>2</sup></u>	<u>Suburban Form  2 spaces per unit</u>	<u>Suburban Form  5 spaces per unit</u>

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		<u>Traditional Form</u>	<u>Traditional Form</u>
		<u>Not applicable</u>	<u>3 spaces per unit</u>
	<u>Multi-family (3 or more units)<sup>2</sup></u>	<u>Suburban Form</u>	<u>Suburban Form</u>
		<u>1 spaces per unit</u>	<u>2 spaces per unit</u>
		<u>Traditional Form</u>	<u>Traditional Form</u>
		<u>Not applicable</u>	<u>2 spaces per unit</u>
<u>Institutional Living (1300)</u>	<u>Dormitories, Fraternities, Sororities, Boarding House, Transitional Housing, Rehabilitation Home, Homeless Shelter</u>	<u>Suburban Form: 1 per 4 residents (capacity)</u>	<u>Suburban Form</u>
		<u>Traditional Form: 1 per 6 residents (capacity)</u>	<u>1 per resident (capacity)</u>
			<u>Traditional Form</u>
			<u>1 per 2 residents (capacity)</u>
<u>Transient Living (1200)</u>	<u>Bed and Breakfast, Hotel, Motel</u>	<u>Suburban Form: 1 per room</u>	<u>Suburban Form</u>
		<u>Traditional Form: 0.5 per room</u>	<u>1.5 per room</u>
			<u>Traditional Form</u>
			<u>1 per room</u>
<u>Shopping, business, or trade (2000)</u>			
	<u>Shopping (goods or service-oriented) (2100)</u>	<u>Suburban Form</u>	<u>Suburban Form</u>
		<u>1 per 500 sq. ft. of gross floor area</u>	<u>1 per 250 sq. ft. of gross floor area</u>
		<u>Traditional Form</u>	<u>Traditional Form</u>
		<u>1 per 1,000 sq. ft. of gross floor area</u>	<u>1 per 500 sq. ft. of gross floor area</u>
	<u>Restaurant (includes bars) (2200)</u>	<u>Suburban Form</u>	<u>Suburban Form</u>
		<u>1 per 500 sq. ft. of gross floor area</u>	<u>1 per 250 sq. ft. of gross floor area</u>
		<u>Traditional Form</u>	<u>Traditional Form</u>

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		<u>1 per 1,000 sq. ft. of gross floor area</u>	<u>1 per 500 sq. ft. of gross floor area</u>
	<u>Health club/Fitness Center</u>	<u>Suburban Form</u> <u>1 per 300 sq. ft. of gross floor area, plus</u> <u>1 per 200 sq. ft. of gross floor area used for</u> <u>classroom/instruction area</u> <u>Traditional Form</u> <u>1 per 500 sq. ft. of gross floor area, plus</u> <u>1 per 300 sq. ft. of gross floor area used for</u> <u>classroom/instruction area</u>	<u>Suburban Form</u> <u>1 space per 100 sq. ft. of gross floor area</u>  <u>Traditional Form</u> <u>1 space per 300 sq. ft. of gross floor area</u>
	<u>Indoor Athletic Facility</u>	<u>Suburban Form</u> <u>1 space per 300 sq. ft. of gross floor area</u> <u>Traditional Form</u> <u>1 space per 500 sq. ft. of gross floor area</u>	<u>Suburban Form</u> <u>1 space per 100 sq. ft. of gross floor area</u> <u>Traditional Form</u> <u>1 space per 300 sq. ft. of gross floor area</u>
	<u>Entertainment uses such as bowling alleys, game rooms, bingo halls, miniature golf, go-cart facilities</u>	<u>To be determined by Director or designee</u>	<u>No more than 25% above minimum requirement</u>
	<u>Physical Fitness Instruction</u>	<u>Suburban Form</u> <u>1 per 300 sq. ft. of gross floor area</u> <u>Traditional Form</u> <u>1 per 400 sq. ft. of gross floor area</u>	<u>Suburban Form</u> <u>1 space per 150 sq. ft. of gross floor area</u> <u>Traditional Form</u> <u>1 space per 200 sq. ft. of gross floor area</u>



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<u>Vehicle Service</u>	<u>Quick Vehicle Service, Vehicle Repair</u>	<u>1 per bay</u>	<u>2 per bay</u>
	<u>Car Wash, Self-Service</u>	<u>1 space</u>	<u>2 spaces</u>
	<u>Car Wash, Full-Service</u>	<u>1 per stall</u>	<u>2 per stall</u>
	<u>Fuel Station</u>	<u>Suburban Form</u> <u>1 per 500 sq. ft. of gross floor area for retail space</u> <u>Traditional Form</u> <u>1 per 1,000 sq. ft. of gross floor area for retail space</u>	<u>Suburban Form</u> <u>1 per 250 sq. ft. of gross floor area for retail space</u> <u>Traditional Form</u> <u>1 per 500 sq. ft. of gross floor area for retail space</u>
<u>Outdoor Sales and Display</u>		<u>Suburban Form</u> <u>1 per 1,000 sq. ft.</u> <u>Traditional Form</u> <u>1 per 2,000 sq. ft.</u>	<u>Suburban Form</u> <u>1 per 500 sq. ft.</u> <u>Traditional Form</u> <u>1 per 1,000 sq. ft.</u>
<u>Office (2300)</u>	<u>Office, including general, business, medical, dental, professional, financial, and veterinary</u>	<u>Suburban Form: 1 space per 400 sq. ft. of gross floor area</u>  <u>Traditional Form: 1 space per 750 sq. ft. of gross floor area</u>	<u>Suburban Form: 1 space per 200 sq. ft. of gross floor area</u>  <u>Traditional Form: 1 space per 300 sq. ft. of gross floor area</u>
	<u>Studios for Artist, designers, photographers, and other similar professionals</u>	<u>To be determined by Director or designee</u>	<u>No more than 25% above minimum requirement</u>
<u>Industrial, manufacturing, and waste-related (3000)</u>			

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	<u>Primarily plant or factory (3110)</u>	<u>1 space per 2,000 sq. ft. of gross floor area</u>	<u>1 space per 1,000 sq. ft. of gross floor area</u>
	<u>Primarily good storage or handling (3120)</u>	<u>Suburban Form</u> <u>1 space per 2,000 sq. ft. of gross floor area</u> <u>Traditional Form</u> <u>1 space per 3000 sq. ft. of gross floor area</u>	<u>Suburban Form</u> <u>1 space per 500 sq. ft. of gross floor area</u> <u>Traditional Form</u> <u>1 space per 1,000 sq. ft. of gross floor area</u>
	<u>Mini-warehouse</u>	<u>Suburban Form</u> <u>1 per 500 sq. ft. of gross floor area for office, plus one space per 15 climate-controlled storage units</u> <u>Traditional Form</u> <u>1 per 1,000 sq. ft. of gross floor area for office, plus 1 space per 30 climate-controlled storage units</u>	<u>Suburban Form</u> <u>1 per 250 sq. ft. of gross floor area for office, plus one space per 5 climate-controlled storage units</u> <u>Traditional Form</u> <u>1 per 500 sq. ft. of gross floor area for office, plus 1 space per 15 climate-controlled storage units</u>
<u>Social, institutional, or infrastructure-related (4000)</u>			
<u>School or library (4100)</u>	<u>Grade, elementary, middle, junior high, high school, colleges, universities, vocational training and similar uses</u>	<u>To be determined by Planning Director or designee</u>	<u>No more than 25% above minimum</u>

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	<u>Daycare, child or adult</u>	<u>To be determined by Planning Director or designee</u>	<u>No more than 25% above minimum</u>
<u>Health care, medical, or treatment (4500)</u>	<u>Hospitals, nursing home, medical clinic</u>	<u>To be determined by Director</u>	<u>No more than 25% above minimum</u>
<u>Interment, cremation, or grave digging (4600)</u>	<u>Crematory, cemetery, mausoleum</u>	<u>To be determined by Director</u>	<u>No more than 25% above minimum</u>
<u>Travel or movement (5000)</u>		<u>To be determined by Planning Director or designee</u>	<u>No more than 25% above minimum</u>
<u>Mass assembly of people (6000)</u>			
	<u>Passenger assembly (6100)</u> <u>Spectator Sports Assembly (6200)</u> <u>Movies, concerts, or entertainment shows (6300)</u> <u>Social, cultural, or religious assembly (6600)</u> <u>Gatherings at galleries, museums, aquariums, zoological park, etc. (6700)</u>	<u>To be determined by Planning Director or designee</u>	<u>No more than 25% above minimum</u>
<u>Leisure (7000)</u>			
	<u>Golf Courses,</u> <u>Driving Ranges,</u> <u>Tennis Centers,</u> <u>Skate Parks, Horse</u>	<u>To be determined by Director or designee</u>	<u>No more than 25% above minimum</u>

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	<u>Riding Stables, Amusement Parks, and similar uses</u>		
<u>Natural resources- related (8000)</u>		<u>To be determined by Planning Director or designee</u>	<u>No more than 25% above minimum</u>
<u><sup>1</sup>LBCS – Land-Based Classification Standards developed by the American Planning Association - <a href="http://www.planning.org/lbcs/standards">www.planning.org/lbcs/standards</a></u>			
<u><sup>2</sup>Garages and carports count as off-street parking spaces for residential use.</u>			

**SECTION III:** Chapter 9 of the LDC, Section 9.1.12 – Parking Area Improvements and Maintenance is amended as follows:

...

- L. Bicycle parking may substitute for up to five (5) percent of required parking spaces (as required by Table 9.1.23B) in accordance with the following calculation method. For every five (5) non-required bicycle parking spaces (non-required spaces are those bicycle spaces provided in excess of those required by Table 9.2.1) that meet the short or long-term bicycle parking standards, the motor vehicle parking minimum requirement shall be reduced by one space. Existing parking may be converted to take advantage of this provision.

**SECTION IV:** Chapter 9 of the LDC, Section 9.1.13 – Parking Area Layout and Design is amended as follows:

...

**B. Parking Space and Aisle Dimensions**

1. The dimensions of off-street parking spaces and associated drive aisles shall be determined by applying the minimum dimensional requirements found within Table 9.1.13. The width of compact vehicles spaces shall be at least eight (8) feet and the recommended length is 14' to 16'. The recommended aisle width for compact space area parking areas is 20'. The width of motorcycle spaces shall be at least five (5) feet.
2. Parking structures developed to provide the minimum number parking spaces required by this Part must meet the minimum dimensional requirements specified in Table 9.1.13, below. The design and layout of all other parking structures, including but not limited to those used to create parking spaces in excess of the maximum allowed for a particular use and those for-profit parking structures not associated with

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any particular use, shall be approved by the agency responsible for approval of off-street parking facilities.

3. Parking spaces serving single family residential developments located within driveways and garages need only meet the Stall Width and Stall Depth to Wall standards set forth in Table 9.1.13.

**SECTION V:** Chapter 9 of the LDC, Section 9.1.13 – Parking Area Layout and Design amends the title of Table 9.1.3 to Table 9.1.13.

**SECTION VI:** Chapter 9 of the LDC, Section 9.1.13 – Parking Area Layout and Design amends the title of Figure 9.1.3 to Figure 9.1.13.

**SECTION VII:** Chapter 9 of the LDC, Section 9.1.15 – Parking in Residential Area is amended as follows:

...

- A. Parking of Passenger Vehicles and Light Trucks. Passenger vehicles and light trucks may be parked in any allowed parking area to the extent that the number of vehicles being parked does not exceed the maximum permitted in Table 9.1.23B.
- B. Parking of Medium and Heavy Trucks.
  1. The parking of medium trucks shall count against the maximum number of vehicles allowed in Table 9.1.23B and shall be permitted as follows:

**SECTION VIII:** Chapter 9 of the LDC, Section 9.1.16 – Parking Waiver Provisions is amended as follows:

- A. General Parking Waivers. In extraordinary cases in which the requirements of this Part would create hardship in the use of a particular site, the Planning Commission may consider granting a General Parking Waiver.

...

4. Required Findings. In granting a General Parking Waiver the Planning Commission must find that:

...

- b. Waivers to Reduce the Minimum Number of Required Parking Spaces

...

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- iv. The requirements found in Table 9.1.23B do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

...

- c. Waivers to Provide More Parking Spaces than the Maximum Allowed
  - i. The requirements found in Table 9.1.23B do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use; and

**SECTION IX:** Chapter 9 of the LDC, Section 9.2.5 – Parking Space Requirements are amended as follows:

- A. Calculating Space Requirements. The requirements listed in Table 9.2.45 pertain to the number of spaces for bicycle parking. One bicycle parking rack may have room for several parking spaces. Where an option is provided, whichever results in the greatest number of spaces is the minimum required. For land uses not specifically mentioned in the table, requirements will be determined based on the most similar use listed, except that single family and multi-family residential dwellings are exempt from bicycle parking requirements.
- B. Parking Requirements for Additions to Existing Structures/ Uses. The standards in Table 9.2.45 shall apply when any existing use or structure is proposed for an addition or expansion that increases the unit(s) of measurement (such as number of dwelling units, gross floor area, seating capacity, or number of employees) used for computing the required parking facilities for that use. When a lawful building or use not meeting the requirements for bicycle parking is increased in gross floor area by fifty (50) percent or less, then only the addition shall be required to meet the standards of this Part. The existing building or use is not required to come into compliance with the standards of this Part. When a lawful building or use not meeting the requirements for bicycle parking is increased in gross floor area by more than fifty (50) percent, then both the existing building or use and the addition shall be required to meet the standards of this Part. This provision shall be cumulative and shall apply to any single or group of successive increases that occur after the effective date of this Part.

**SECTION X:** Chapter 9 of the LDC, Section 9.2.5 – Parking Space Requirements amends the title of Table 9.2.1 to Table 9.2.5.

**SECTION XI:** This resolution shall take effect upon its passage and approval.

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Vince Jarboe  
Chair

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council and all other jurisdictions with zoning authority within Jefferson County that a **RESOLUTION** for the amendment of Chapter 9 (Parking and Loading) of the Land Development Code (LDC) regarding reductions in off-street parking requirements and formatting corrections be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Carlson, Daniels, Howard, Lewis, Mims, Seitz and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Brown**

**ABSTAIN: Commissioner Peterson**