

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, APRIL 13, 2011

4:00 p.m.

-Convene

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider awarding contract for pavement rehabilitation Project No. 2011-11, 31st Street from Louisiana Street to Haskell Avenue (Keith Browning); and
- (c) Consider awarding contract for pavement rehabilitation Project No. 201-18, Route 442 from Lawrence City limits to Wakarusa River Bridge (Keith Browning)

REGULAR AGENDA

- (2) Discuss Cooperative Agreement between the City of Lawrence, Douglas County and USD497 regarding setting up a neighborhood revitalization to facilitate tax increment rebate at 1040 Vermont as part of a project to rehabilitate building for Treanor Architect headquarters (Diane Stoddard, Asst. City Manager)- No Backup
- (3) Presentation with regard to Douglas County United Way goals (Erika Dvorske and Peter Luckey)
- (4) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments:
Lawrence-Douglas County Metropolitan Planning Commission 05/31/11;
Property Crimes Compensation Board 04/30/11
 - (c) Miscellaneous
 - (d) Public Comment

RECESS UNTIL 6:35 P.M.

Reconvene 6:35 p.m.

- (5) **Z-1-5-11**: Consider a request to rezone approximately 41.966 acres from County A (Agricultural) to County I-1 (Light Industrial), located south of 694 E 1700 Road, Baldwin City (S15-T14-R20). Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. Sheila Stogsdill will present the item.
- (6) **PP-1-1-11**: Consider a one-lot Preliminary Plat for Vinland Airzone 2nd Plat, approximately 41.966 acres, located south of 694 E. 1700 Road, Baldwin City (S15-T14-R20). Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. Sheila Stogsdill will present the item.
- (7) Consider approving Comprehensive Plan Amendment, **CPA-2008-7**, amending Horizon 2020 to include Chapter 16 – Environment. Adopt on first reading, **Joint Ordinance No. 8592/Resolution** for Comprehensive Plan Amendment (CPA-2008-7) amending Horizon 2020 to include Chapter 16 – Environment. (PC Item 4; approved 8-1-1 on 8/23/10) **AAM/MKM ACTION**: Approve Comprehensive Plan Amendment (CPA-2008-7) and adopt **Joint Ordinance No. 8592/Resolution No.** if appropriate.
- (8) Adjourn

WEDNESDAY, APRIL 20, 2011

4:00 p.m. –Meeting only

-Proclamation for “Bike Month.”

-Proclamation for “National Take-back Day”-(Steve Lewis)

-Consider approval of a Resolution of the Board of County Commissioners establishing sustainability goals for Douglas County departments (Eileen Horn)

-Adopt resolution to give notice of a public hearing for Yankee Tank Dam

WEDNESDAY, APRIL 27, 2011

- Review and approve the Douglas County Community Corrections Comprehensive Plan Grant Application for 2012 & Review and Approve the Community Corrections Budget Summary and Narrative for 2012 (Ron Stegall)

WEDNESDAY, MAY 25, 2011 – Light Agenda

Note: *The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer

Date : April 5, 2011

Re : Consider awarding contract for pavement rehabilitation Project No. 2011-11
31st Street from Louisiana Street to Haskell Avenue

Bids were opened April 4 for the referenced project. The project entails 2"-deep milling, extensive patching, and 2" overlay of 31st Street from the west side of Louisiana Street to the west side of Haskell Avenue. The project also entails surface paving 6'-wide shoulders throughout the one-mile section, and installation of cold plastic pavement markings for the road centerlines and all pavement markings near each intersection. An add-alternate bid was included to furnish cold plastic for the white edge lines away from each intersection, so the entire mile would have all cold plastic markings. Prior to contract construction work, this department's crews will place asphalt shoulder base material to support shoulder surfacing.

We received bids from four contractors as shown below (also see attached bid tabulation). The low bidder was Little Joes Asphalt, Inc. from Bonner Springs. We have not worked with this company before, but they are on KDOT's approved contractor's list for this type of work.

<u>Bidder</u>	<u>Base Bid</u>	<u>Add-Alternate</u>	<u>Total Bid</u>
Little Joes Asphalt, Inc.	\$366,247.15	\$19,251.72	\$385,498.87
Sunflower Paving, Inc.	\$367,766.20	\$19,978.20	\$387,744.40
Bettis Asphalt	\$372,357.10	\$19,796.58	\$392,153.68
Seal-O-Matic	\$388,360.52	\$20,341.44	\$408,701.96
Engineer's Estimate	\$488,760.00	\$22,702.50	\$511,462.50

It is recommended to accept the low total bid from Little Joes Asphalt in the amount of \$385,498.87. The add-alternate bid for cold plastic edge line markings is recommended due to the high traffic counts on 31st Street and the disruption to the traveling public during painting operations. Due to uncertainty in the depth of required patching, I also request authority to approve change orders totaling up to 10% of the contract amount. The CIP allocates \$575,000 for total project costs.

Action Required: Accept the low total bid from Little Joes Asphalt, Inc. and award a construction contract in the amount of \$385,498.87 for Project No. 2011-11, pavement rehabilitation on 31st Street from Louisiana Street to Haskell Avenue, and authorize the Public Works Director to approve change orders up to 10% of the contract amount.

DOUGLAS COUNTY PUBLIC WORKS
BID TABULATION
BID #11-F-0009
PROJECT 2011-11; HMA OVERLAY 31ST STREET

BID SUMMARY			
COMPANY	BASE BID AMOUNT	ADD-ALTERNATE	COMBINED BID TOTAL
ENGINEER'S ESTIMATE	\$488,760.00	\$22,702.50	\$511,462.50
LITTLE JOES ASPHALT	\$366,247.15	\$19,251.72	\$385,498.87
SUNFLOWER PAVING INC.	\$367,766.20	\$19,978.20	\$387,744.40
BETTIS ASPHALT	\$372,357.10	\$19,796.58	\$392,153.68
SEAL-O-MATIC	\$388,360.52	\$20,341.44	\$408,701.96

DOUGLAS COUNTY PUBLIC WORKS
 BID TABULATION
 BID #11-F-0009
 PROJECT 2011-11; HMA OVERLAY 31ST STREET

Item No.	Description	Unit	Approx. Quantity	ENGINEER'S ESTIMATE		LITTLE JOES ASPHALT		SUNFLOWER INC.		BETTIS ASPHALT		SEAL-O-MATIC	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1	Mobilization	L.S.	1	\$10,000.00	\$10,000.00	\$1,700.00	\$1,700.00	\$11,000.00	\$11,000.00	\$1,050.00	\$1,050.00	\$550.00	\$550.00
2	Milling (0" - 2")	S.Y.	2,326	\$2.50	\$5,815.00	\$2.23	\$5,186.98	\$1.60	\$3,721.60	\$1.35	\$3,140.10	\$3.18	\$7,396.68
3	HMA-Comm.Gr.(Class A) (Surface)	Ton	2,604	\$55.00	\$143,220.00	\$50.58	\$131,710.32	\$51.50	\$134,106.00	\$50.50	\$131,502.00	\$52.69	\$137,204.76
4	HMA-Comm.Gr.(Class A) (Patch)	Ton	3,149	\$90.00	\$283,410.00	\$59.87	\$188,530.63	\$57.00	\$179,493.00	\$64.00	\$201,536.00	\$64.50	\$203,110.50
5	Pavement Marking (Int. Grade)(Wh)(24")	L.F.	66	\$13.00	\$858.00	\$12.71	\$838.86	\$13.00	\$858.00	\$13.10	\$864.60	\$12.79	\$844.14
6	Pvmt Marking (Int. Grade)(WH)(Left Arrow)	Each	5	\$285.00	\$1,425.00	\$370.38	\$1,851.90	\$380.00	\$1,900.00	\$382.00	\$1,910.00	\$373.02	\$1,865.10
7	Pavement Marking (PCP)(Yellow)(4")	L.F.	10,192	\$2.50	\$25,480.00	\$2.12	\$21,607.04	\$2.10	\$21,403.20	\$2.18	\$22,218.56	\$2.14	\$21,810.88
8	Pavement Marking (PCP)(White)(4")	L.F.	1,184	\$2.50	\$2,960.00	\$2.12	\$2,510.08	\$2.10	\$2,486.40	\$2.18	\$2,581.12	\$2.14	\$2,533.76
9	Pavement Marking (PCP)(White)(6")	L.F.	220	\$4.80	\$1,056.00	\$4.44	\$976.80	\$4.10	\$902.00	\$4.36	\$959.20	\$4.27	\$939.40
10	Flagger (Set)	Hour	1	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00	\$40.00
11	Traffic Control (Initial Setup)	L.S.	1	\$5,000.00	\$5,000.00	\$1,586.52	\$1,586.52	\$1,600.00	\$1,600.00	\$500.00	\$500.00	\$1,598.63	\$1,598.63
12	Portable Changeable Message Sign	Each/Day	38	\$125.00	\$4,750.00	\$105.99	\$4,027.62	\$110.00	\$4,180.00	\$62.82	\$2,387.16	\$106.58	\$4,050.04
13	Construction Signs (0 to 9.25 sq. ft.)	Each/Day	28	\$1.75	\$49.00	\$1.36	\$38.08	\$1.00	\$28.00	\$0.38	\$10.64	\$1.07	\$29.96
14	Construction Signs (9.26 to 16.25 sq. ft.)	Each/Day	269	\$2.00	\$538.00	\$2.24	\$602.56	\$2.00	\$538.00	\$0.70	\$188.30	\$2.14	\$575.66
15	Construction Barricades (Type III 4' to 8')	Each/Day	196	\$2.00	\$392.00	\$5.30	\$1,038.80	\$6.00	\$1,176.00	\$0.70	\$137.20	\$5.33	\$1,044.68
16	Construction Warning Light (Type "A")	Each/Day	434	\$0.50	\$217.00	\$1.14	\$494.76	\$1.00	\$434.00	\$0.33	\$143.22	\$1.07	\$464.38
17	Trim Line Channelizers	Each/Day	700	\$0.50	\$350.00	\$1.12	\$784.00	\$1.00	\$700.00	\$0.27	\$189.00	\$1.07	\$749.00
18	Monument Box	Each	1	\$1,200.00	\$1,200.00	\$722.20	\$722.20	\$1,200.00	\$1,200.00	\$1,000.00	\$1,000.00	\$1,552.95	\$1,552.95
19	Maint. and Restoration of Haul Roads(set)	L.S.	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
TOTAL					\$488,760.00		\$366,247.15		\$367,766.20		\$372,357.10		\$388,360.52

ADD-ALTERNATE BID													
Item No.	Description	Unit	Approx. Quantity	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1	Pavement Marking (PCP)(White)(4")	L.F.	9,081	\$2.50	\$22,702.50	\$2.12	\$19,251.72	\$2.20	\$19,978.20	\$2.18	\$19,796.58	\$2.24	\$20,341.44

COMBINED BID AMOUNT **\$511,462.50** **\$385,498.87** **\$387,744.40** **\$392,153.68** **\$408,701.96**



DOUGLAS COUNTY PUBLIC WORKS

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dgcopubw@douglas-county.com
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Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : April 4, 2011

Re : Consider awarding contract for pavement rehabilitation Project No. 2010-18
Route 442 from Lawrence city limits to Wakarusa River bridge

Bids were opened March 31 for the referenced project. The project entails milling 5"-depth asphalt pavement off of the original concrete pavement constructed as K-10 highway in the 1930's. A 1-inch thick "Stress Absorbing Membrane Interlayer" (SAMI) will then be placed over the concrete pavement. The SAMI is a specially formulated asphalt mix that will significantly retard reflective cracking. Then, four inches of new asphalt will be placed on top of the SAMI. The project also entails paving 4'-wide shoulders throughout the project length, and replacing three cross-road culverts.

We received bids from six contractors as shown below (also see attached bid tabulation). The low bidder was Hamm, Inc.

<u>Bidder</u>	<u>Total Bid</u>
Hamm, Inc.	\$1,118,258.21
APAC-Kansas	\$1,180,183.60
Sunflower Paving	\$1,250,928.22
O'Donnell & Sons	\$1,316,748.40
Bettis Asphalt	\$1,339,055.83
McAnany Construction	\$2,063,877.98
Engineer's Estimate	\$1,618,262.45

It is recommended to accept the low bid from Hamm, Inc. in the amount of \$1,118,258.21. I also request authority to approve change orders totaling up to 5% of the contract amount. The CIP allocates \$1,637,000 for total project costs.

Action Required: Accept the low bid from Hamm, Inc. and award a construction contract in the amount of \$1,118,258.21 for Project No. 2010-18, pavement rehabilitation on Route 442 from the Lawrence city limits to the Wakarusa River bridge, and authorize the Public Works Director to approve change orders up to 5% of the contract amount.

**DOUGLAS COUNTY PUBLIC WORKS
 BID TABULATION
 BID # 11-F-0008
 PROJECT 2010-18
 BID OPENING MARCH 31, 2011
 TABULATION SHEET 1 OF 2**

NO.	ITEM	UNIT	QTY	ENGINEER'S ESTIMATE		HAMM INC.		APAC-KANSAS		SUNFLOWER PAVING, INC		O'DONNELL & SONS	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1.	MOBILIZATION	L.S.	1	\$50,000.00	\$50,000.00	\$24,000.00	\$24,000.00	\$9,300.00	\$9,300.00	\$21,486.62	\$21,486.62	\$24,600.00	\$24,600.00
2.	HMA COMMERCIAL GRADE (CLASS A) (SURFACE)	TON	6564	\$58.00	\$380,712.00	\$49.70	\$326,230.80	\$54.05	\$354,784.20	\$53.90	\$353,799.60	\$54.75	\$359,379.00
3.	HMA COMMERCIAL GRADE (CLASS A) (BASE)	TON	7853	\$58.00	\$455,474.00	\$41.32	\$324,485.96	\$51.10	\$401,288.30	\$49.50	\$388,723.50	\$48.50	\$380,870.50
4.	HMA BASE (RCI)	TON	2190	\$210.00	\$459,900.00	\$133.60	\$292,584.00	\$137.05	\$300,139.50	\$155.00	\$339,450.00	\$155.00	\$339,450.00
5.	HMA COMMERCIAL GRADE (CLASS A) (PATCHING)	TON	50	\$200.00	\$10,000.00	\$125.00	\$6,250.00	\$139.30	\$6,965.00	\$120.00	\$6,000.00	\$175.00	\$8,750.00
6.	EXTRA WORK SAW CUTS (SET PRICE)	L.F.	1	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50	\$3.50
7.	2" MILLING	S.Y.	2471	\$1.25	\$3,088.75	\$2.20	\$5,436.20	\$1.85	\$4,571.35	\$1.20	\$2,965.20	\$1.00	\$2,471.00
8.	5" MILLING	S.Y.	39720	\$2.50	\$99,300.00	\$1.25	\$49,650.00	\$0.76	\$30,187.20	\$1.20	\$47,664.00	\$2.25	\$89,370.00
9.	SHOULDER PREPARATION (HMA WIDENING)	STA.	147	\$100.00	\$14,700.00	\$65.50	\$9,628.50	\$65.60	\$9,643.20	\$85.00	\$12,495.00	\$220.00	\$32,340.00
10.	STOCKPILE EXISTING SHOULDER MATERIAL	C.Y.	2170	\$15.00	\$32,550.00	\$6.75	\$14,647.50	\$2.40	\$5,208.00	\$6.00	\$13,020.00	\$8.00	\$17,360.00
11.	STOCKPILED SHOULDER MATERIAL (REUSE)	C.Y.	581	\$50.00	\$29,050.00	\$17.35	\$10,080.35	\$2.85	\$1,655.85	\$16.00	\$9,296.00	\$9.00	\$5,229.00
12.	PAVEMENT EDGE WEDGE	STA.	147	\$40.00	\$5,880.00	\$30.00	\$4,410.00	\$82.20	\$12,083.40	\$68.00	\$9,996.00	\$40.00	\$5,880.00
13.	REMOVAL OF EXISTING STRUCTURES	L.S.	1	\$4,500.00	\$4,500.00	\$14,500.00	\$14,500.00	\$9,500.00	\$9,500.00	\$4,500.00	\$4,500.00	\$2,500.00	\$2,500.00
14.	36" CROSS ROAD PIPE (RCP)	L.F.	153	\$300.00	\$45,900.00	\$104.00	\$15,912.00	\$106.80	\$16,340.40	\$123.00	\$18,819.00	\$175.00	\$26,775.00
15.	36" END SECTIONS (RC)	EA.	6	\$1,000.00	\$6,000.00	\$1,100.00	\$6,600.00	\$935.00	\$5,610.00	\$1,130.00	\$6,780.00	\$1,100.00	\$6,600.00
16.	MONUMENT BOX	EA.	3	\$1,000.00	\$3,000.00	\$650.00	\$1,950.00	\$450.00	\$1,350.00	\$1,050.00	\$3,150.00	\$1,250.00	\$3,750.00
17.	TRAFFIC CONTROL (INITIAL SET UP)	L.S.	1	\$7,500.00	\$7,500.00	\$2,500.00	\$2,500.00	\$3,390.00	\$3,390.00	\$2,700.00	\$2,700.00	\$3,350.00	\$3,350.00
18.	CONSTRUCTION SIGN (0 TO 9.25 SQ.FT.)	EA./DAY	336	\$0.50	\$168.00	\$1.50	\$504.00	\$1.55	\$520.80	\$1.60	\$537.60	\$1.50	\$504.00
19.	CONSTRUCTION SIGN (9.26 TO 16.25 SQ.FT.)	EA./DAY	1530	\$0.60	\$918.00	\$1.50	\$2,295.00	\$1.55	\$2,371.50	\$1.60	\$2,448.00	\$1.50	\$2,295.00
20.	TYPE III BARRICADE (4 - 8 FT.)	EA./DAY	1422	\$1.50	\$2,133.00	\$2.00	\$2,844.00	\$1.00	\$1,422.00	\$2.20	\$3,128.40	\$1.00	\$1,422.00
21.	TYPE "A" WARNING LIGHT	EA./DAY	2388	\$0.40	\$955.20	\$0.30	\$716.40	\$0.05	\$119.40	\$0.35	\$835.80	\$0.05	\$119.40
22.	PORTABLE CHANGEABLE MESSAGE SIGN	EA./DAY	20	\$225.00	\$4,500.00	\$50.00	\$1,000.00	\$85.00	\$1,700.00	\$55.00	\$1,100.00	\$85.00	\$1,700.00
23.	MAINTENANCE AND RESTORATION OF HAUL ROAD (SET)	L.S.	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
24.	WATER FOR EARTHWORK COMPACTION (SET)	MGAL.	1	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00	\$30.00
TOTAL =				\$1,618,262.45		\$1,118,258.21		\$1,180,183.60		\$1,250,928.22		\$1,316,748.40	

**DOUGLAS COUNTY PUBLIC WORKS
 BID TABULATION
 BID # 11-F-0008
 PROJECT 2010-18
 BID OPENING MARCH 31, 2011
 TABULATION SHEET 2 OF 2**

NO.	ITEM	UNIT	QTY	BETTIS ASPHALT		McANANY CONST. CO.	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1.	MOBILIZATION	L.S.	1	\$36,100.00	\$36,100.00	\$35,000.00	\$35,000.00
2.	HMA COMMERCIAL GRADE (CLASS A) (SURFACE)	TON	6564	\$55.70	\$365,614.80	\$73.00	\$479,172.00
3.	HMA COMMERCIAL GRADE (CLASS A) (BASE)	TON	7853	\$47.65	\$374,195.45	\$73.00	\$573,269.00
4.	HMA BASE (RCI)	TON	2190	\$150.00	\$328,500.00	\$195.00	\$427,050.00
5.	HMA COMMERCIAL GRADE (CLASS A) (PATCHING)	TON	50	\$245.00	\$12,250.00	\$250.00	\$12,500.00
6.	EXTRA WORK SAW CUTS (SET PRICE)	L.F.	1	\$3.50	\$3.50	\$3.50	\$3.50
7.	2" MILLING	S.Y.	2471	\$1.23	\$3,039.33	\$1.50	\$3,706.50
8.	5" MILLING	S.Y.	39720	\$3.05	\$121,146.00	\$2.75	\$109,230.00
9.	SHOULDER PREPARATION (HMA WIDENING)	STA.	147	\$119.00	\$17,493.00	\$1,290.00	\$189,630.00
10.	STOCKPILE EXISTING SHOULDER MATERIAL	C.Y.	2170	\$4.30	\$9,331.00	\$5.00	\$10,850.00
11.	STOCKPILED SHOULDER MATERIAL (REUSE)	C.Y.	581	\$4.65	\$2,701.65	\$60.00	\$34,860.00
12.	PAVEMENT EDGE WEDGE	STA.	147	\$89.00	\$13,083.00	\$665.00	\$97,755.00
13.	REMOVAL OF EXISTING STRUCTURES	L.S.	1	\$2,100.00	\$2,100.00	\$3,500.00	\$3,500.00
14.	36" CROSS ROAD PIPE (RCP)	L.F.	153	\$220.00	\$33,660.00	\$155.00	\$23,715.00
15.	36" END SECTIONS (RC)	EA.	6	\$900.00	\$5,400.00	\$950.00	\$5,700.00
16.	MONUMENT BOX	EA.	3	\$830.00	\$2,490.00	\$3,500.00	\$10,500.00
17.	TRAFFIC CONTROL (INITIAL SET UP)	L.S.	1	\$3,520.00	\$3,520.00	\$39,000.00	\$39,000.00
18.	CONSTRUCTION SIGN (0 TO 9.25 SQ.FT.)	EA./DAY	336	\$1.60	\$537.60	\$1.60	\$537.60
19.	CONSTRUCTION SIGN (9.26 TO 16.25 SQ.FT.)	EA./DAY	1530	\$1.60	\$2,448.00	\$1.60	\$2,448.00
20.	TYPE III BARRICADE (4 - 8 FT.)	EA./DAY	1422	\$1.05	\$1,493.10	\$1.05	\$1,493.10
21.	TYPE "A" WARNING LIGHT	EA./DAY	2388	\$0.05	\$119.40	\$0.06	\$143.28
22.	PORTABLE CHANGEABLE MESSAGE SIGN	EA./DAY	20	\$90.00	\$1,800.00	\$89.25	\$1,785.00
23.	MAINTENANCE AND RESTORATION OF HAUL ROAD (SET)	L.S.	1	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
24.	WATER FOR EARTHWORK COMPACTION (SET)	MGAL.	1	\$30.00	\$30.00	\$30.00	\$30.00

\$1,339,055.83

\$2,063,877.98

BID SUMMARY	
COMPANY	BID AMOUNT
ENGINEER'S EST.	\$1,618,262.45
HAMM INC.	\$1,118,258.21
APAC-KANSAS	\$1,180,183.60
SUNFLOWER PAVING	\$1,250,928.22
O'DONNELL & SONS	\$1,316,748.40
BETTIS ASPHALT	\$1,339,055.83
McANANY CONST.	\$2,063,877.98

Memorandum
City of Lawrence
City Manager's Office

TO: David L. Corliss, City Manager

FROM: Diane Stoddard, Assistant City Manager

CC: Cynthia Wagner, Assistant City Manager
Corey Mohn, Economic Development Coordinator

Date: April 5, 2011

RE: Proposal for Neighborhood Revitalization Area at 1040 Vermont Street

Background:

Kansas Law enables cities to establish neighborhood revitalization areas in order to encourage redevelopment under the Neighborhood Revitalization Act (NRA). The establishment of a revitalization area enables a property owner to receive a rebate on a portion of the incremental increase of property taxes associated with an improvement project within the area. Staff has drafted a Neighborhood Revitalization Act policy for City Commission consideration, to include the update suggested by the Public Incentives Review Committee, further discussed in this memo.

Treanor Architects wishes to relocate its Lawrence office to 1040 Vermont. Plans include remodeling the interior and exterior of the existing building, and adding a second story. Treanor estimates these costs at \$2.1 to \$2.2 million. Treanor is requesting a 10 year declining scale rebate program be established for the incremental increase in a portion of the property taxes on the property in accordance with the chart below:

Year	Rebate % to be refunded to property owner
2012	95% of increment
2013	95% of increment
2014	95% of increment
2015	95% of increment
2016	85% of increment
2017	85% of increment
2018	70% of increment
2019	50% of increment

2020	30% of increment
2021	20% of increment

The increment is set based upon the total amount of taxes collected by all taxing jurisdictions in the base year. Thus, the 2011 base is \$26,263.12, excluding the special tax related to parking lot improvements. As the value of the property increases, Treanor will receive a percentage of the increment equal to the current year's taxes, minus any special taxes, minus the base tax amount of \$26,263.12, subject to the table above.

Treanor is requesting that the City, Douglas County and USD 497 all participate in the revitalization program. Douglas County and USD 497 will need to determine its level of participation and City staff believes that a cooperation agreement between the City, County and USD 497 would be required related to this matter.

In January 2011, the City Commission received the Treanor request. At its March 15, 2011 City Commission meeting, the City Commission referred the policy and the Treanor request to the Public Incentives Review Committee (PIRC) for its recommendations. The City Commission is scheduled to have a public hearing at its meeting on April 5, 2011. In conjunction with this request, the City is also considering a policy related to future requests for neighborhood revitalization areas.

Benefit Cost Analysis

Prior to leaving the City, Economic Development Coordinator/Planner Roger Zalneraitis completed a benefit/cost analysis for the proposal. The benefit/cost analysis concludes that the project would yield a net positive benefit for the City, Douglas County, and USD 497, as proposed. Over a 15 year period, the project generates a \$660,000 (present value/discounted) increase in revenue for the City, County, School District and State of Kansas. Specifically, he concluded a cost-benefit ratio of 2.09 for the City, meaning that for every dollar of additional costs and tax rebates, the City will receive \$2.09 of new revenue. Total discounted revenue to the City would be about \$40,000. The cost/benefit ratio for Douglas County would be 3.71, with \$60,000 in present value increase in revenue. According to Mr. Zalneraitis' analysis, the School District would not incur any costs related to the project, but would anticipate approximately \$85,000 in discounted increased revenue. These figures are shown on the chart below:

Taxing Jurisdiction	Cost/Benefit Ratio	Present Value of Increased Revenues Over 15 years
City of Lawrence	2.09	\$40,000
Douglas County	3.71	\$60,000
USD 497	Not applicable (no costs)	\$85,000

Any increase in the mill levy by any of the taxing jurisdictions during the 10 year period will result in a larger increment being generated, thus improving the benefit cost ratio

for the taxing jurisdictions and increasing the amount of rebate returning to the property owner. Any decrease in the mill levy will have the converse effect. Again, it should be noted that Mr. Zalneraitis did not assume any fluctuations in the mill levy for the purpose of his analysis. Fluctuations would have an impact on the benefit/cost ratio.

Draft Neighborhood Revitalization Plan

Staff has prepared a draft Neighborhood Revitalization Plan, which is required by State statute, which mirrors the Treanor request. This plan should be reviewed by the City Commission, the Public Incentive Review Committee, and the taxing jurisdictions. The plan includes the rebate schedule referenced earlier in this memo. The plan also includes provisions for Douglas County to retain 2.5% of the first year's increment as an administrative fee associated with its administrative responsibilities over the 10 year period. This administrative fee would be approximately \$1,500.

Public Incentives Review Committee:

The Public Incentives Review Committee met on March 29, 2011 for the purpose of discussing the Neighborhood Revitalization Act policy and also the Treanor request. The draft minutes of the meeting are attached. At the meeting, the Public Incentives Review Committee voted to recommend to add an element to the policy to establish a criteria of a benefit/cost ratio of at least 1.25 and to add an examination of the policy in the Spring of 2012 for the purpose of discussing whether any threshold of the size of a project needed to be added to the policy. Additionally, they unanimously voted to recommend the approval of the Treanor request.

County and School District Action on Request:

Upon further research, staff believes that Douglas County and USD 497 should formally consider their individual participation in this Neighborhood Revitalization area by considering adoption of cooperation agreement. This action would formally indicate the participation of the entities in the plan as outlined. This agreement would reference the Plan concerning the 1040 Vermont property specifically.

Performance Agreement:

City staff is recommending that a performance agreement be executed between the City and Treanor concerning this project to ensure that project will proceed as envisioned and to require an annual reporting of employment levels and associated wages.

Action Requested:

- Approve the County/School District's participation in the neighborhood revitalization area at 1040 Vermont as requested by Treanor Architects and authorize the County/School District's execution an agreement between the City,

County and School District concerning the administration of this neighborhood revitalization area.

Attachments:

1. Treanor Request
2. Draft NRA Policy
3. Benefit/Cost Analysis
4. Draft Neighborhood Revitalization Plan
5. Draft minutes from the Public Incentive Review Committee
6. Draft Cooperation Agreement

Memorandum

City of Lawrence

City Manager's Office

TO: David L. Corliss, City Manager
CC: Diane Stoddard, Assistant City Manager
FROM: Roger Zalneraitis, Economic Development Coordinator/Planner
DATE: February 23, 2011
RE: 1040 Vermont Cost-Benefit Analysis

Treanor Architects has proposed relocating their Lawrence office from their current location near the USD497 administration building to Downtown. The proposed site of the project is 1040 Vermont Street, which is an abandoned grocery store adjacent to Capitol Federal Bank.

Treanor Architects has requested a Neighborhood Revitalization Act (NRA) be placed on the property. The NRA would allow Treanor to receive a portion of the increase in property taxes back in the form of a tax rebate. This Act would not reduce the amount of property taxes currently paid by the property. Treanor proposed a tax rebate schedule similar to that offered in Atchison, Kansas. The rebate schedule would be as follows: in the first 4 years, 95 percent of the incremental property taxes would be rebated; in the 5th and 6th year, 85% of the incremental property taxes would be rebated; in the 7th year, 70% of the taxes would be rebated; in the 8th year, 50%; in the 9th year, 30%; and in the 10th year, 20% of the incremental property taxes would be rebated. The tax rebate would then cease.

Treanor Architects has also requested 50 parking passes for 10 hour lots. They would pay the City \$195 per year for each parking pass for the next 10 years.

The 1040 Vermont Street property currently appraises at about \$800,000. Treanor estimates that it will cost between \$2.1 and \$2.2 million to rehabilitate the property. Thus the property value should be around 3 million dollars when complete. Of that, the \$800,000 would not be subject to property tax rebates. Only the incremental portion of the property value would be subject to rebates.

Treanor would relocate their 57 employees from their current location to Downtown. These 57 employees make, on average, about \$62,000 per year in salaries (this excludes benefits).

Staff conducted an analysis of the benefits and costs associated with Treanors' proposed relocation and redevelopment. The analysis assumed that the incremental benefit to the City, Douglas County, the School District and the State would primarily derive from the increase in property taxes on the building. There would also be some sales taxes resulting from the purchase of construction-related material for the rehabilitation of the property. Staff also estimated that there may be some additional incremental sales taxes resulting from employees being located closer to restaurants and stores

downtown. The model does not account for benefits from temporary construction jobs resulting from the redevelopment.

The cost-benefit model assumes that there is some capital costs for the City and the County whenever there is new construction in the community. Other than that, there were no additional costs associated with the relocation of Treanor's headquarters. This also means that the model assumes that the property that Treanor currently leases does not decline in value. If that property remains vacant for an extended period of time, it is likely that the property value and thus the assessed value of that property would fall. This is a cost that is not accounted for in the model.

As a final estimate of incentives, the model assumes that there is a modest increase in downtown parking rates each year for 10 years. The model assumes that these parking passes would have otherwise been sold for the market rate each year. This means that if Treanor pays \$195 per year for each of its 50 parking passes, there would be a modest subsidy from the City to cover the balance of the fee. This subsidy is accounted for as an incentive from the City.

The model does not take into account the property taxes being collected on the 1040 Vermont property as it currently stands. Those would be collected regardless of the redevelopment, and they are not subject to rebate. As a result, these property taxes are excluded from the analysis.

A copy of the results is attached. In total, over 15 years the model estimates that there will be \$660,000 in discounted (present value) dollars of additional revenue for the City, County, School District, and State. There will be about \$63,000 in additional costs for the City and the County. Incremental sales from new employees being located downtown only accounts for about 1 percent of that total revenue.

The tax rebate would reduce property taxes to all taxing jurisdictions by about \$367,000 in discounted dollars. In other words, over half the benefit would be rebated to Treanor Architects. Nevertheless, the resulting cost-benefit ratios are substantial. The City's cost-benefit ratio is 2.09. This means that for every dollar of additional costs and tax rebates, the City will receive \$2.09 of revenue. After taking into account the tax rebates and additional costs, the City will receive about \$40,000 in discounted dollars.

The County has a cost-benefit ratio of 3.71 after accounting for the tax rebate. The County will receive about \$60,000 in present value after accounting for costs and tax rebates. The School District and State do not have a cost-benefit ratio, as there are no costs associated with either jurisdiction for the project. However, the School District will receive about \$85,000 in discounted dollars as a result of this project after the tax rebates are provided. The State will likely get around \$105,000 in discounted dollars after the tax rebates.

Model: New Treanor Architects Headquarters- NRA

Project Summary

Capital Investment in Plant:	\$2,150,000
Annual Local Expenditures by Firm:	\$0
Retained Jobs:	58
Average Wage per Retained Job:	\$62,000
Indirect Jobs Created:	1
Average Wage of Indirect Jobs:	\$35,282
Total New Households:	-
Average Value of Home Purchased:	\$0
Discount Rate:	7.25%
Cost and Revenue Escalation:	1.00%
Number of Years Evaluated:	15

Incentives

IRB Offered	No
Value of IRB Construction Sales Tax:	\$0
Tax Rebate:	95% declines over 10 years
Length of Tax Abatement/s:	10 Years
Value of Tax Abatements, Total:	\$494,809
Other Incentives	
Site Infrastructure:	\$0
Facility Construction:	\$0
Loans/Grants:	\$4,507 Impact of holding parking passes at \$195

Value of All Incentives Offered: \$499,316

Value of All Incentives per Job per Year:	\$574
Value of Incentives in Hourly Pay:	\$0.28
Value of Incentives per Dollar Invested:	\$0.23

Summary of Results

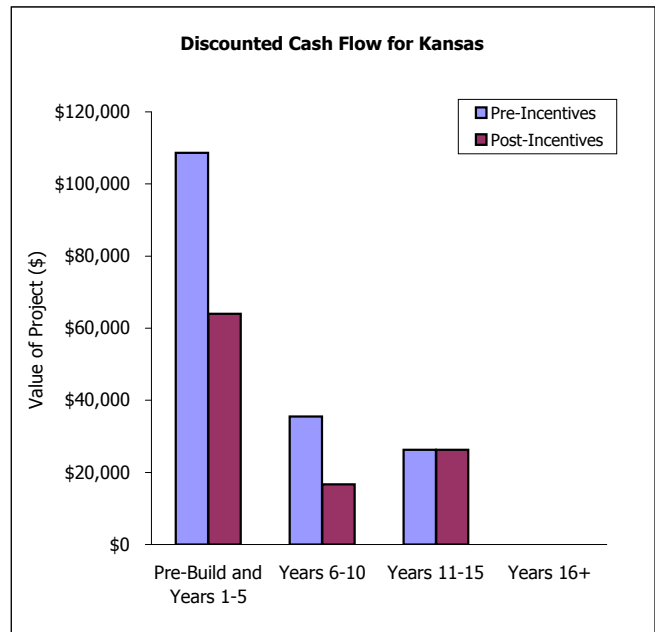
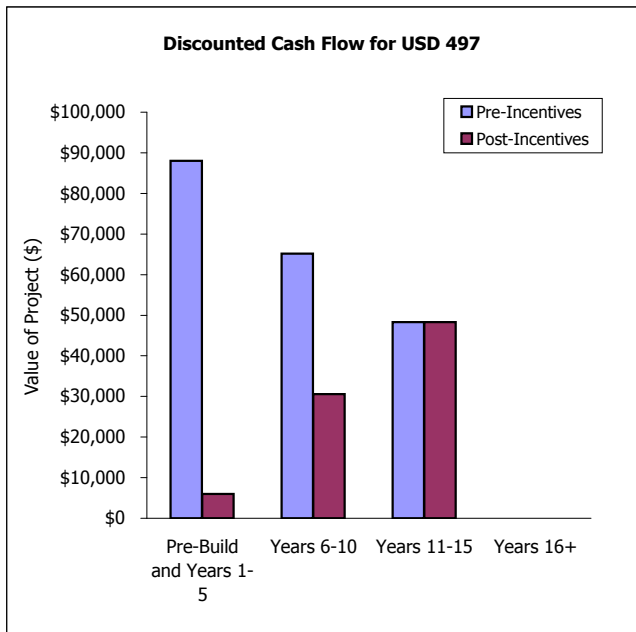
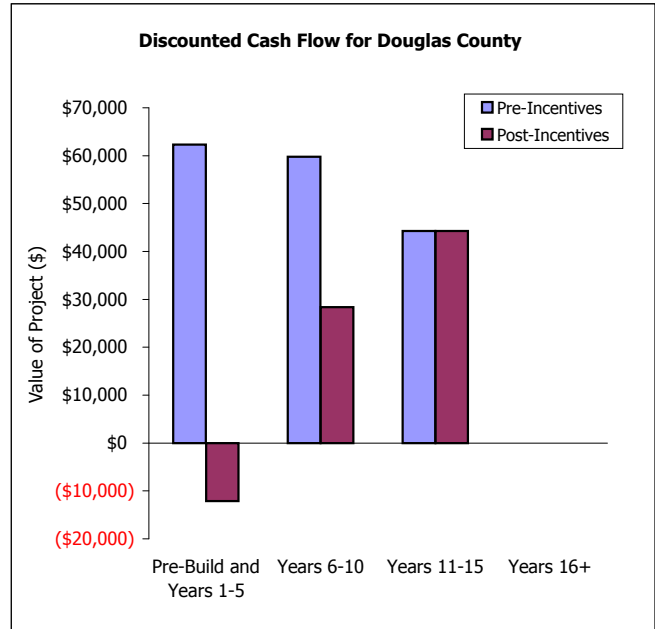
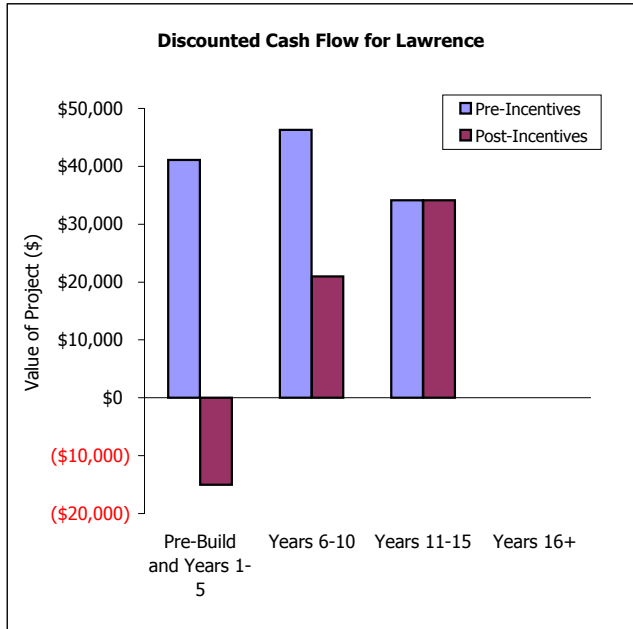
Returns for Jurisdictions	Lawrence	Douglas County	USD 497	State of Kansas
Revenues	\$258,671	\$317,388	\$341,541	\$251,173
Costs	\$39,355	\$23,953	\$0	\$0
<i>Revenue Stream, Pre-Incentives</i>	<i>\$219,316</i>	<i>\$293,435</i>	<i>\$341,541</i>	<i>\$251,173</i>
Value of Incentives Offered	\$111,325	\$143,562	\$158,242	\$86,186
Revenue Stream with Incentives	\$107,990	\$149,873	\$183,299	\$164,987

Returns for Jurisdictions, Discounted	Lawrence	Douglas County	USD 497	State of Kansas
Discount Rate	7.25%			
Discounted Cash Flow, Without Incentives	\$121,554	\$166,364	\$201,495	\$170,474
<i>Benefit/Cost Ratio, Without Incentives</i>	<i>4.31</i>	<i>8.45</i>	<i>N/A</i>	<i>N/A</i>
Discounted Cash Flow, With Incentives	\$40,084	\$60,532	\$84,842	\$106,940
Benefit/Cost Ratio, With Incentives	2.09	3.71	N/A	N/A

Model:

New Treanor Architects Headquarters- NRA

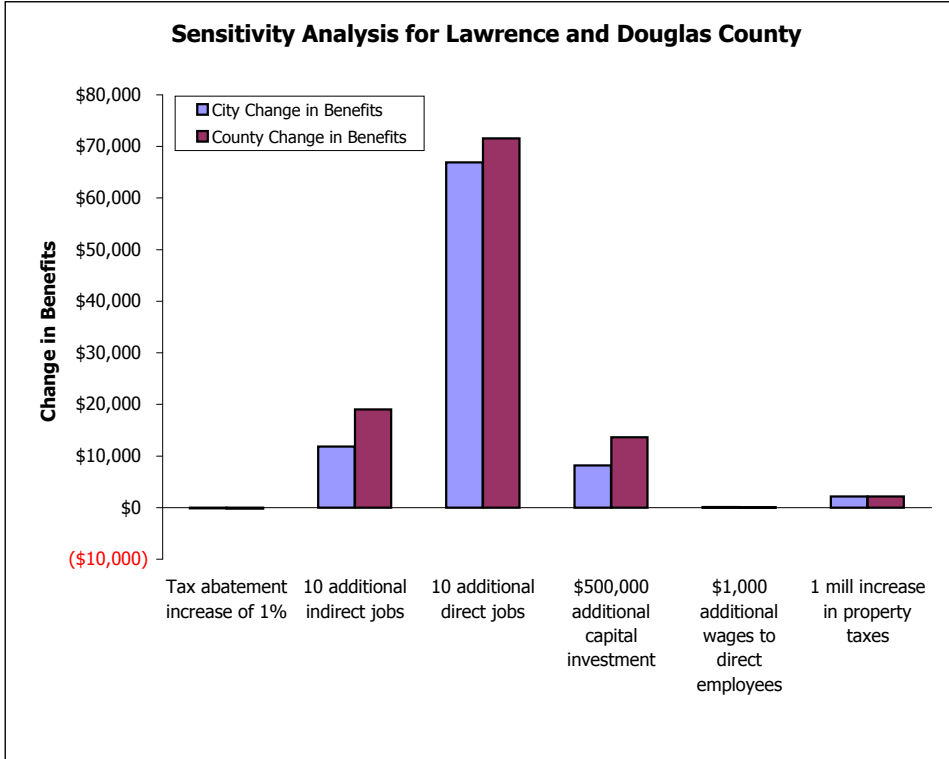
Graphs of Benefits and Costs by Time Period, with and Without Abatement



Model:

New Treanor Architects Headquarters- NRA

Sensitivity Analysis



Model: New Treanor Architects Headquarters- NRA

APPENDIX 1: Annual Results (not Discounted)

<i>Lawrence</i>					
Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$30,883	(\$39,355)	(\$13,607)	(\$22,078)	(\$22,078)
2	\$15,391	\$0	(\$13,840)	\$1,551	(\$20,527)
3	\$15,545	\$0	(\$14,076)	\$1,469	(\$19,058)
4	\$15,701	\$0	(\$14,314)	\$1,386	(\$17,672)
5	\$15,858	\$0	(\$13,065)	\$2,793	(\$14,879)
6	\$16,016	\$0	(\$13,293)	\$2,724	(\$12,155)
7	\$15,989	\$0	(\$11,243)	\$4,747	(\$7,408)
8	\$16,086	\$0	(\$8,381)	\$7,705	\$297
9	\$16,247	\$0	(\$5,461)	\$10,787	\$11,084
10	\$16,410	\$0	(\$4,046)	\$12,363	\$23,447
11	\$16,574	\$0	\$0	\$16,574	\$40,021
12	\$16,740	\$0	\$0	\$16,740	\$56,761
13	\$16,907	\$0	\$0	\$16,907	\$73,668
14	\$17,076	\$0	\$0	\$17,076	\$90,744
15	\$17,247	\$0	\$0	\$17,247	\$107,990

<i>Douglas County</i>					
Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$23,691	(\$23,953)	(\$18,287)	(\$18,549)	(\$18,549)
2	\$19,649	\$0	(\$18,470)	\$1,179	(\$17,370)
3	\$19,845	\$0	(\$18,655)	\$1,191	(\$16,179)
4	\$20,044	\$0	(\$18,841)	\$1,202	(\$14,977)
5	\$20,244	\$0	(\$17,026)	\$3,218	(\$11,759)
6	\$20,446	\$0	(\$17,197)	\$3,250	(\$8,510)
7	\$20,651	\$0	(\$14,304)	\$6,347	(\$2,162)
8	\$20,857	\$0	(\$10,319)	\$10,538	\$8,376
9	\$21,066	\$0	(\$6,253)	\$14,813	\$23,189
10	\$21,277	\$0	(\$4,211)	\$17,066	\$40,255
11	\$21,489	\$0	\$0	\$21,489	\$61,744
12	\$21,704	\$0	\$0	\$21,704	\$83,449
13	\$21,921	\$0	\$0	\$21,921	\$105,370
14	\$22,141	\$0	\$0	\$22,141	\$127,511
15	\$22,362	\$0	\$0	\$22,362	\$149,873

Model: New Treanor Architects Headquarters- NRA

APPENDIX 1: Annual Results (not Discounted) (Continued)

USD 497

Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$21,218	\$0	(\$20,157)	\$1,061	\$1,061
2	\$21,430	\$0	(\$20,358)	\$1,071	\$2,132
3	\$21,644	\$0	(\$20,562)	\$1,082	\$3,215
4	\$21,861	\$0	(\$20,768)	\$1,093	\$4,308
5	\$22,079	\$0	(\$18,767)	\$3,312	\$7,620
6	\$22,300	\$0	(\$18,955)	\$3,345	\$10,965
7	\$22,523	\$0	(\$15,766)	\$6,757	\$17,722
8	\$22,748	\$0	(\$11,374)	\$11,374	\$29,096
9	\$22,976	\$0	(\$6,893)	\$16,083	\$45,179
10	\$23,206	\$0	(\$4,641)	\$18,564	\$63,743
11	\$23,438	\$0	\$0	\$23,438	\$87,181
12	\$23,672	\$0	\$0	\$23,672	\$110,853
13	\$23,909	\$0	\$0	\$23,909	\$134,762
14	\$24,148	\$0	\$0	\$24,148	\$158,910
15	\$24,389	\$0	\$0	\$24,389	\$183,299

State of Kansas

Year	Revenues	Costs	Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$76,664	\$0	(\$10,978)	\$65,686	\$65,686
2	\$11,675	\$0	(\$11,088)	\$587	\$66,273
3	\$11,792	\$0	(\$11,199)	\$593	\$66,865
4	\$11,910	\$0	(\$11,311)	\$598	\$67,463
5	\$12,029	\$0	(\$10,222)	\$1,807	\$69,270
6	\$12,149	\$0	(\$10,324)	\$1,825	\$71,095
7	\$12,270	\$0	(\$8,587)	\$3,683	\$74,779
8	\$12,393	\$0	(\$6,195)	\$6,198	\$80,977
9	\$12,517	\$0	(\$3,754)	\$8,763	\$89,740
10	\$12,642	\$0	(\$2,528)	\$10,114	\$99,854
11	\$12,769	\$0	\$0	\$12,769	\$112,623
12	\$12,896	\$0	\$0	\$12,896	\$125,519
13	\$13,025	\$0	\$0	\$13,025	\$138,545
14	\$13,156	\$0	\$0	\$13,156	\$151,700
15	\$13,287	\$0	\$0	\$13,287	\$164,987

Model: New Treanor Architects Headquarters- NRA

APPENDIX 2: Annual Results (Discounted)

<i>Lawrence</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$28,794	(\$36,693)	(\$12,686)	(\$20,585)	(\$20,585)
2	\$13,380	\$0	(\$12,031)	\$1,348	(\$19,237)
3	\$12,600	\$0	(\$11,409)	\$1,191	(\$18,046)
4	\$11,865	\$0	(\$10,817)	\$1,048	(\$16,998)
5	\$11,173	\$0	(\$9,205)	\$1,968	(\$15,030)
6	\$10,522	\$0	(\$8,732)	\$1,789	(\$13,241)
7	\$9,793	\$0	(\$6,886)	\$2,907	(\$10,334)
8	\$9,186	\$0	(\$4,786)	\$4,400	(\$5,933)
9	\$8,651	\$0	(\$2,908)	\$5,743	(\$190)
10	\$8,146	\$0	(\$2,009)	\$6,138	\$5,948
11	\$7,671	\$0	\$0	\$7,671	\$13,619
12	\$7,224	\$0	\$0	\$7,224	\$20,843
13	\$6,803	\$0	\$0	\$6,803	\$27,646
14	\$6,406	\$0	\$0	\$6,406	\$34,052
15	\$6,033	\$0	\$0	\$6,033	\$40,084

<i>Douglas County</i>					
Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$22,089	(\$22,333)	(\$17,050)	(\$17,294)	(\$17,294)
2	\$17,081	\$0	(\$16,056)	\$1,025	(\$16,270)
3	\$16,085	\$0	(\$15,120)	\$965	(\$15,305)
4	\$15,147	\$0	(\$14,238)	\$909	(\$14,396)
5	\$14,264	\$0	(\$11,997)	\$2,267	(\$12,129)
6	\$13,432	\$0	(\$11,297)	\$2,135	(\$9,994)
7	\$12,649	\$0	(\$8,761)	\$3,888	(\$6,106)
8	\$11,911	\$0	(\$5,893)	\$6,018	(\$88)
9	\$11,217	\$0	(\$3,330)	\$7,887	\$7,799
10	\$10,562	\$0	(\$2,090)	\$8,472	\$16,271
11	\$9,947	\$0	\$0	\$9,947	\$26,218
12	\$9,367	\$0	\$0	\$9,367	\$35,584
13	\$8,820	\$0	\$0	\$8,820	\$44,405
14	\$8,306	\$0	\$0	\$8,306	\$52,711
15	\$7,822	\$0	\$0	\$7,822	\$60,532

Model: New Treanor Architects Headquarters- NRA

APPENDIX 2: Annual Results (Discounted) (Continued)

USD 497

Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$19,783	\$0	(\$18,794)	\$989	\$989
2	\$18,629	\$0	(\$17,698)	\$931	\$1,921
3	\$17,543	\$0	(\$16,666)	\$877	\$2,798
4	\$16,520	\$0	(\$15,694)	\$826	\$3,624
5	\$15,557	\$0	(\$13,223)	\$2,334	\$5,957
6	\$14,650	\$0	(\$12,452)	\$2,197	\$8,155
7	\$13,795	\$0	(\$9,657)	\$4,139	\$12,293
8	\$12,991	\$0	(\$6,495)	\$6,495	\$18,789
9	\$12,233	\$0	(\$3,670)	\$8,563	\$27,352
10	\$11,520	\$0	(\$2,304)	\$9,216	\$36,568
11	\$10,848	\$0	\$0	\$10,848	\$47,417
12	\$10,216	\$0	\$0	\$10,216	\$57,632
13	\$9,620	\$0	\$0	\$9,620	\$67,252
14	\$9,059	\$0	\$0	\$9,059	\$76,311
15	\$8,531	\$0	\$0	\$8,531	\$84,842

State of Kansas

Year	Discounted Revenues	Discounted Costs	Discounted Incentives	Net	Cumulative
Pre-Operation	\$0	\$0	\$0	\$0	\$0
1	\$71,479	\$0	(\$10,236)	\$61,243	\$61,243
2	\$10,149	\$0	(\$9,639)	\$510	\$61,753
3	\$9,557	\$0	(\$9,077)	\$480	\$62,233
4	\$9,000	\$0	(\$8,548)	\$452	\$62,686
5	\$8,475	\$0	(\$7,202)	\$1,273	\$63,959
6	\$7,981	\$0	(\$6,782)	\$1,199	\$65,158
7	\$7,516	\$0	(\$5,260)	\$2,256	\$67,414
8	\$7,077	\$0	(\$3,538)	\$3,540	\$70,953
9	\$6,665	\$0	(\$1,999)	\$4,666	\$75,619
10	\$6,276	\$0	(\$1,255)	\$5,021	\$80,640
11	\$5,910	\$0	\$0	\$5,910	\$86,550
12	\$5,565	\$0	\$0	\$5,565	\$92,116
13	\$5,241	\$0	\$0	\$5,241	\$97,357
14	\$4,935	\$0	\$0	\$4,935	\$102,292
15	\$4,648	\$0	\$0	\$4,648	\$106,940

December 30, 2010

Mr. David Corliss
6 East 6th Street
PO Box 708
Lawrence, Kansas 66044

RE: 1040 Vermont Parking Request

Dear David:

As you know, we are in the process of looking at options for new Treanor office space to consolidate our two offices located in Lawrence to one office. We are interested in relocating to 1040 Vermont in downtown Lawrence, but face some hurdles both from parking considerations and the higher costs to renovate and rehabilitate the downtown property. Our current plans call for remodeling the interior and exterior of the 1040 Vermont building, and adding a second story. I have attached a rendering to show you our plans. This plan has received approval from the Historic Resources Commission.

We would like the City of Lawrence to assist us in the following ways:

1. We need to be assured that we will have adequate parking for our staff. We anticipate approximately 70 professionals will relocate to this building. We have a certain number of parking spaces in our lot, but we will need at least fifty more spaces in the public parking lot located to the north of the Project. We would like an agreement with the City to designate this parking lot for longer term parking with a paid parking permit. Our understanding is that currently the cost of such permits would be \$195 per space annually. We would like the agreement to fix that price for a period of ten years.
2. Pursuant to K.S.A. 12-17,114 et. seq., we would like the City to create a Neighborhood Revitalization Area and designate this building as being in the area. We believe that the building satisfies Subsection 12-17,115(a)(3) as being an area "there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use." We note that this building has not been occupied for a number of years, and that we anticipate a substantial amount of remodeling work to bring the building back up to productive use. I have attached a copy of the Neighborhood Revitalization program that has been adopted by the City of Atchison for your information and consideration. See attached Memo for projected analysis of tax rebate effect.

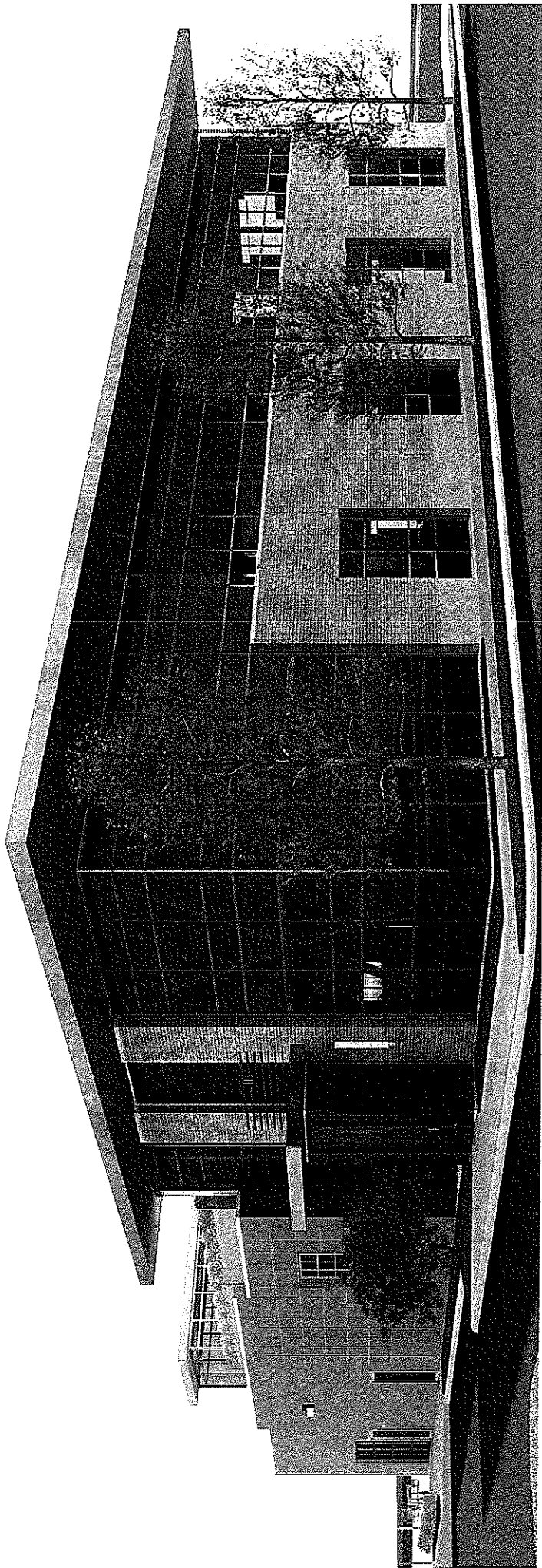
Please contact me if you have any questions regarding this letter. Thank you and the rest of the City staff for your assistance in this matter.

Sincerely,

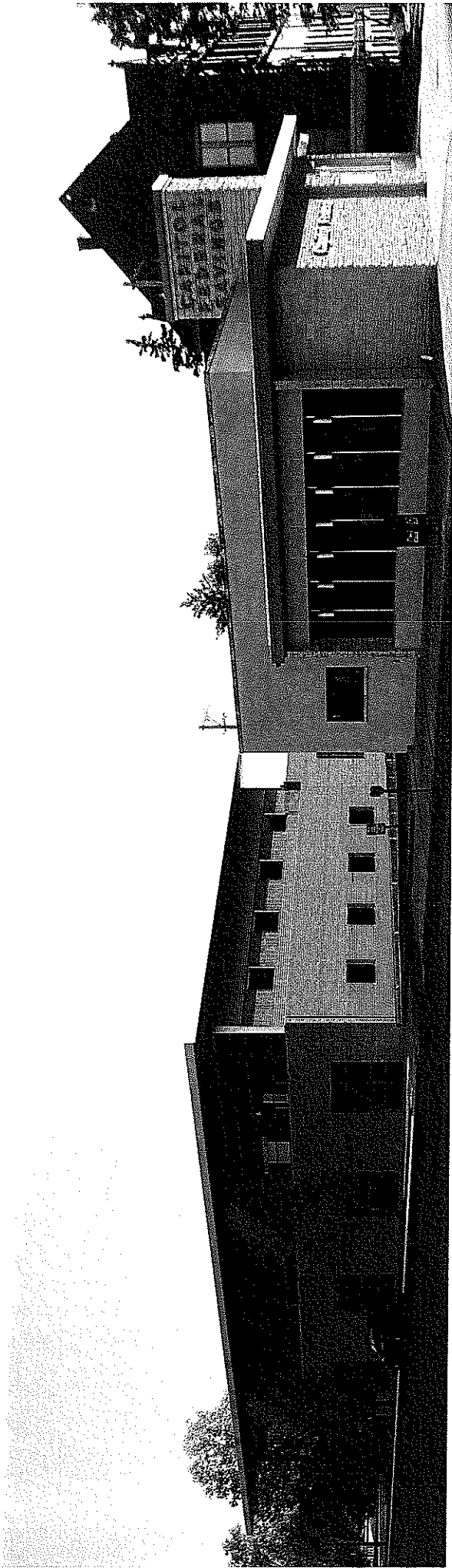
Bill

William N. Fleming
General Counsel
Treasor Architects, P.A.

(enclosures):







MEMORANDUM

TO: David Corliss, City Manager

FROM: William N. Fleming

RE: Analysis of Financial Impact of Downtown Revitalization District.

DATE: December 20, 2010

We have requested the City form a Neighborhood Revitalization area to support the planned move of the Treanor Architect, P.A. offices to 1040 Vermont. This memo summarizes certain information that has been gathered that analyzes the financial impact to the City of Lawrence from the request.

1. The current assessed fair market value for the 1040 Vermont property is \$850,000. The property is classified as commercial property and thus has a assessment rate of 25%. Therefore, the current assessed value is \$212,500.
2. The mill levy for Year 2010 is 123.591 mills.
3. Of the total mill levy, the portion assessed by the City of Lawrence is 26.697 mills, or approximately 21.6% of the total.
4. Treanor anticipates the total improvements will cost approximately \$2 million. We anticipate that the total assessed value for real estate tax purposes after construction is complete will be approximately \$2.85 million.
5. The "tax increment" therefore will be approximately \$2 million (increased valuation equal to \$2,850,000 - \$850,000 = \$2,000,000).
6. Based on the current mill levy, the increased increment will result in increased real estate taxes equal to approximately \$61,796 [$\$2,000,000 \times 25\% \times 123.591 \text{ mills} = \$61,795.50$].
7. Of this amount, the City of Lawrence, in the absence of the Neighborhood Revitalization area would have collected approximately \$13,348 per year (assuming no change in the mill levy).

8. If we assume the same rebate percentages as set forth in the City of Atchison plan, then the rebate amounts to Treanor Architects, P.A. would be as follows (assuming 3% per year increase in amount of tax to account for inflation and inclusion of School District share):

Year	Amount of Tax	Rebate %	Rebate Amount
2012	\$61,796	95%	\$58,706
2013	\$63,650	95%	\$60,468
2014	\$65,560	95%	\$62,282
2015	\$67,527	95%	\$64,151
2016	\$69,553	85%	\$59,120
2017	\$71,640	85%	\$60,894
2018	\$73,789	70%	\$51,652
2019	\$76,003	50%	\$38,002
2020	\$78,283	30%	\$23,485
2021	\$80,631	20%	\$16,126

SUMMARY OF REQUEST

- Treanor Architects, P.A. is requesting the formation of a Neighborhood Revitalization area which is authorized pursuant to state law, K.S.A. 12-17,114 et. seq.
- Treanor Architects, P.A. respectfully suggests that the plan be similar to the City of Atchison plan, with a phase out of rebate percentages over a ten year period.

ATCHISON COUNTY

NEIGHBORHOOD REVITALIZATION PLAN

TAX REBATE INCENTIVE

APPLICATION FORM

November 1, 2009 – October 31, 2013

3rd Term

NEIGHBORHOOD REVITALIZATION PLAN

Purpose: This plan is intended to promote the revitalization and development of the County of Atchison by stimulating new construction and the rehabilitation, conservation or redevelopment of the area in order to protect the public health, safety or welfare of the residents of the County by offering certain incentives, which include tax rebates.

CRITERIA FOR DETERMINATION OF ELIGIBILITY

- (A) "Structure" means any building, wall or other structure assimilated and attached to the real estate. Swimming pools, communication towers, and residential fences are excluded. Structures may be new construction or rehabilitation of existing.
New structure is defined as: free-standing with no common walls.
Rehabilitated is defined as: improvements to an existing structure and/or attached to an existing structure.
New garages are categorized as "new" whether detached or attached to an existing structure.
- (B) There will be a four-year application period, ending November 1, 2013. At the end of the four years, the taxing entities will review the plan and determine its continuation. Those approved during the four-year period shall continue to receive the tax rebate for the full term of the rebate period.
- (C) To qualify the applicant must have received official project approval from the Atchison County Appraiser's office *before* construction of improvements begins. **Those applications submitted after commencement will be rejected.**
- (D) There must be a minimum investment of \$5,000 for residential property, to receive a tax rebate. **Cost estimates of the proposed investment must be submitted with this application.**
- (E) There must be a minimum investment of \$10,000 on agricultural, commercial and/or industrial property, to receive a tax rebate. **Cost estimates of the proposed investment must be submitted with this application.**
- (F) The new, as well as the existing improvements on property must conform with all other codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate, or the rebate may be terminated.
- (G) **Any property that is delinquent in any tax payment and/or special assessment shall not be eligible for any rebate for the year of the delinquency.** Delinquency is defined as: "Any tax and/or special assessment that are not paid by the scheduled due dates and has entered into a period where interest is assigned as a penalty by the county for unpaid condition.
- (H) Each property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and any existing tax abatement program, **must submit a separate application per structure.** For example, a separate application must be submitted for each new house, garage, agricultural building, commercial building, etc., even if they are on the same parcel.
- (I) Tax rebate is applicable in participating taxing units (USD 409, USD 377, Atchison County, Benton and Grasshopper Townships, Cities of Atchison, Huron and Muscotah). Tax rebate will be based on the increase of appraised value due directly to the improvements made. The amount of the increase in the year following completion will be used throughout the term of the program.
- (J) The Tax rebate will transfer to subsequent owners if they comply with plan rules. The participating owner is responsible for passing on the rules and general information of the plan to any subsequent owner.

**THE INTENDED PURPOSE OR USE OF THE STRUCTURE WILL DETERMINE IF THE PROJECT IS
AGRICULTURE, COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL**

Initial

Date

Rev 10/30/09

Tax Rebate Spreadsheet

The following table illustrates the refund percentages for each property class and the corresponding rebate term.

Year	Residential Rehabilitation \$5,000 +	New Residential \$5,000 +	Commercial Agricultural Industrial \$10,000 +	Commercial Agricultural Industrial \$500,000 +
1	95%	95%	95%	95%
2	95%	95%	95%	95%
3	95%	75%	80%	95%
4	80%	55%	75%	95%
5	70%	45%	65%	85%
6	60%	35%	55%	85%
7	50%	25%	35%	70%
8	40%	None	None	50%
9	30%	None	None	30%
10	20%	None	None	20%

5% of the increased tax bill will be withheld annually by the County for administration of the plan, with a \$25.00 minimum.

Refund is based on rebate value only, not the total tax bill.

Rebate \$ will only be refunded from the following municipalities within your taxing unit which adopted the Rebate Program:

City of Atchison	Atchison County	USD 409
City of Effingham	Benton Township	USD 377
City of Muscotah	Grasshopper Township	
City of Huron		

Reminder: Any property that is delinquent in any tax payment and/or special assessment shall not be eligible for any rebate for the year of the delinquency.

Initial

Date

Rev 10/30/09

APPLICATION PROCEDURE

- 1) Completed application must be filed with the County Appraiser's Office, with a non-refundable \$25.00 application fee, prior to the commencement of construction. The applicant will be given a complete copy of the Application/Attachments.
- 2) After the following have been reviewed, the County Appraiser's Office, within fifteen (15) working days, will notify the applicant with an approval or denial of project:
 - a) Verify that the applicant is the owner of record or the owner has also signed the application.
 - b) Verify that taxes are paid current with no delinquent taxes due.
 - c) Inspect the site to ensure that no construction has been started.
 - d) Review the cost estimates to verify the minimum investment is being met.
- 3) The County Appraiser's Office will notify the County Clerk, the Chamber of Commerce President, and the City Engineer of all approved applications, for monitoring purposes.
- 4) Periodic inspections will be done during the construction process. Any forms left at the site must be completed and returned to the Appraiser's Office as soon as possible.
- 5) Appraised value is established as of January 1 each year. To qualify for the Rebate to begin, the project must be completed by January 1.
- 6) For any improvement/remodeling project that is only partially completed as of January 1:
 - a) The owner-applicant must notify the County Appraiser indicating the status of construction on January 1 of each year in which the project remains incomplete.
- 7) For any improvement/remodeling project that is completed on or before January 1:
 - a) The owner-applicant must file Part 2 of the application with the County Appraiser after completion of the project. **Increase in value due to the Improvement will not be on the Rebate Program without Part 2 returned to the Appraiser's Office.**
 - b) After receiving the Part 2, the County Appraiser will determine if the project is in compliance with the eligibility requirements for a tax rebate and shall notify the applicant-owner.
- 8) Upon the payment of the real estate tax for the subject property for the initial and each succeeding year through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Atchison County to the other taxing units, a tax rebate in the amount of the tax increment (less an administrative fee as specified in the Interlocal Agreement) shall be made to the owner. The tax rebate shall be made by the County Treasurer's Office of Atchison County through the Neighborhood Revitalization Fund established in conjunction with the other taxing entities and other taxing units participating in an Interlocal Agreement. An annual report shall be provided to the local taxing units.

Initial

Date

Part 1

Application for Tax Rebate under the Atchison County
Neighborhood Revitalization Plan

Owner's Name: _____ Day Phone: (____) _____
Applicant must be current owner of record (Please Print)

Owner's Mailing Address: _____ City: _____ Zip _____

E-mail Address: _____ May we use this for correspondence? ____ Yes ____ No

Address of Property: _____ School District: _____

Parcel Identification Number: _____
(Take from your tax statement or call County Appraiser's Office)

RESIDENTIAL: (Minimum \$5,000 investment)

Fill out this section for new house / manufactured home projects ONLY:

____ Single family **OR** ____ Multi-family (i.e. Duplex) _____ Attached garage ____ Yes ____ No

____ Stick built house on site _____ Custom factory built home (stick built off site-Wardcraft, Quality Homes, etc.)

____ Manufactured home (double-wide/HUD approved) Year: _____ Make: _____ Model: _____
(Must include manufacturer's specifications for a permanent foundation if not putting on a basement.)

Foundation type: _____ Basement _____ Walk-out basement _____ Crawl space _____ Slab

RESIDENTIAL: _____ New misc. other structures (Garages, sheds, decks, patios, etc.) **OR** _____ Rehab

New structure type: (Example: 20x40 garage) **OR** Remodel (Details) _____

Room additions are remodel / attached and detached garages are new projects (Attach dimensions with cost estimates)

COMMERCIAL, INDUSTRIAL & AGRICULTURE: (Minimum \$10,000 investment)

COMMERCIAL: _____ New **OR** _____ Rehab; _____ Rental **OR** _____ Owner-Occupied

INDUSTRIAL: _____ New **OR** _____ Rehab; _____ Rental **OR** _____ Owner-Occupied

AGRICULTURE: _____ New **OR** _____ Rehab; _____ Rental **OR** _____ Owner-Occupied

New structure type: (Example: 20x40 pole building) _____
(Attach drawings and dimensions with cost estimates)

Remodel (Details) _____

Part 1, continued

Estimated Date of Construction: ____/____/____ Estimated Date of Completion: ____/____/____

Estimated Cost of Improvements: Materials \$ _____ Labor \$ _____ Total \$ _____
(Documentation, i.e.: cost estimates, bid sheets, floor plans, are needed to support these.)

List any buildings/structures to be demolished: _____

***To be on this plan New or Rehab must be permanently attached to the property.**

I have read and do hereby agree to follow all application procedures and criteria of the Atchison County Neighborhood Revitalization Plan and further agree as follows:

- A. I hereby acknowledge receipt of a complete copy of the criteria and application/attachments.
- B. I have initialed each page of the attachments to the application verifying that I have read each page.
- C. I am agreeing by my signature that this application is the complete explanation of the provisions and conditions of the plan and there are no understandings to the contrary
- D. The plan is subject to the laws of the state of Kansas. If the laws of the state of Kansas are changed so that the plan cannot continue, then the plan will not continue which may result in the termination of any rebate payments that would otherwise be made pursuant the plan.
- E. I further understand that this application will be void one year from the date below, if improvements or construction haven't begun.
- F. I also understand the project needs to be completed within twenty-four (24) months from the date below.
- G. If at some point in time the property is sold, I will pass on all information concerning compliance with this plan, to the subsequent owners.
- H. If a project is partially completed as of January 1, the increase in value will be taxed and no rebate will be sent. The rebate will start the year after completion of the project, and part 2 must be returned to the Appraiser's office after completion for the rebate to start.

*A non-refundable \$25 application fee must accompany this application.

*May we use county photographs taken of your property for rebate promotional purposes? ____ yes ____ no

Signature of Applicant

Date Signed

-FOR COUNTY APPRAISER'S USE ONLY

Based upon the above listed improvements and associated costs applied by the applicant, the improvements will ____ will not ____ meet the terms for a tax rebate.

Date: _____

(Atchison County Appraiser's Office)

PART 2

**MUST BE SIGNED AND RETURN TO THE APPRAISER'S OFFICE
AFTER COMPLETION**

APPLICATION FOR TAX REBATE

STATUS OF COMPLETION

DATE OF COMPLETION: _____

**FINAL COSTS AND A LIST OF ANY CHANGES FROM THE ORIGINAL
APPLICATION MUST BE INCLUDED WITH THIS FORM.**

Signed: _____ Date: _____
(Applicant)

Total cost of project (attach final bid sheets) \$ _____

Address of the project: _____

Parcel Identification Number: _____

FOR COUNTY APPRAISER'S USE ONLY

The Above Improvements:

_____ Meet the \$5,000 minimum investment for Residential Property

_____ Does Not Meet the \$5,000 minimum investment for Residential Property

_____ Meet the \$10,000 minimum investment for Agricultural, Commercial, or Industrial Property

_____ Does Not Meet the \$10,000 minimum investment for Agricultural, Commercial, or Industrial Property

First year in which property goes into the rebate program for this project _____

By: _____ Date: _____
(Atchison County Appraiser's Office)

Online Values & Taxes

You are here: [Home](#) > [Online Services](#) > [Online Values & Taxes](#) > [Property Search Results](#)

New Search Modify Search Search Results Printer-friendly Version			- Select Tax Year -
PROPERTY INFORMATION			
Year: 2010	Pin Number: 023-079-31-0-20-29-004.00-0	Plate/Record Id: U01439A	
Owner1: 1040 VERMONT LLC			
Owner2: (no record)			
In-Care-Of: (no record)			
Property Address: 1040 VERMONT ST, LAWRENCE, KANSAS			
Delinquent Tax: No	Tax Unit: 041	School: USD 497	
Sec-Twp-Rng:	Book: 1024	Page: 3230	

VALUE INFORMATION						
Class	Appraised			Assessed		
	Land	Improvements	Total*	Land	Improvements	Total
CU	\$297,000	\$553,000	\$850,000	\$74,250	\$138,250	\$212,500

*Market or Ag use

TAX INFORMATION				
Tax	Special Tax	Total Tax	Taxes Paid	Mill Levy
\$26,263.12	\$211.81	\$26,474.93	\$0.00	123.5910

TAX SPECIALS INFORMATION							
Year	Ord/Res	Descripton	Issue Year	Term	Starting Principal	Special Tax	Interest Rate
2010	Non-Pr	Non-Project	2010	1	\$211.81	\$211.81	.0 %

PROPERTY DESCRIPTION
VERMONT STREET LTS 108, 110 & 112 150 X 117

LEGAL DESCRIPTION
VERMONT STREET LTS 108,110 & 112 (U01439,41 & 43 COMBINED 1988)

**DRAFT
NEIGHBORHOOD REVITALIZATION ACT
AGREEMENT**

This Agreement (hereinafter "Agreement") is entered into this ____ day of _____, 2011, by and between the City of Lawrence, Kansas (hereinafter "City"); the Board of Commissioners of Douglas County, Kansas (hereinafter "County"); and Unified School District No. 497, Douglas County, State of Kansas (hereinafter "USD 497") (collectively the "Parties"), all of which are municipalities within the meaning of K.S.A. 10-1101 and K.S.A. 12-17,114 *et seq.*; and

WHEREAS, pursuant to K.S.A. 12-2901 *et seq.* and amendments thereto, the Parties have authority to enter into agreements to jointly perform certain functions, including economic development, and this Agreement furthers mutual cooperation and joint action; and

WHEREAS, K.S.A. 12-17,114 *et seq.* and amendments thereto, also referred to as the Kansas Neighborhood Revitalization Act (the "Act"), provides a program for neighborhood revitalization to provide incentives for property owners to improve aging and deteriorating property, or otherwise stimulate new construction, the rehabilitation, conservation or redevelopment of an area in order to protect the public health, safety and welfare; and

WHEREAS, K.S.A. 12-17,119, provides for all taxing jurisdictions within a Neighborhood Revitalization District to enter into agreements as set out in K.S.A. 12-2901 *et seq.* to further neighborhood revitalization; and

WHEREAS, the Parties desire to maximize the economic development opportunities under the Act and the Neighborhood Revitalization Plan (later defined herein) by acting jointly through the use of this agreement; and

WHEREAS, the Parties desire to set out the terms and conditions of participation as described herein, and

WHEREAS, the City and County will have primary responsibility for the procedural aspects of NRA implementation and administration, and therefore desire to set forth the specific rights and responsibilities of the Parties with respect to the procedures associated with the NRA.

NOW, THEREFORE, for the mutual promises and covenants contained herein and other good and valuable consideration, the Parties understand and agree as follows:

1. Purpose. The purpose of this Agreement is to provide a program for neighborhood revitalization and allow the taxing jurisdictions within the designated neighborhood revitalization area ("Area") to work together, through this agreement, to maximize the economic development incentives allowed through the Act.
 - a. After conducting a public hearing and complying with the publication requirements of K.S.A. 12-17,117 as amended, on April 12, 2011, the City approved Ordinance No. 8625 adopting a neighborhood revitalization district plan in substantially the same form and content as contained in **Exhibit A** attached hereto and incorporated herein by reference. ("Plan").
 - b. The other Parties to this Agreement have also reviewed and considered the Plan, and by adoption of this Agreement, agree to work cooperatively to implement the Plan.
 - c. The Parties further agree that no separate legal entity shall be created under this Agreement, but rather the City, on behalf of all Parties, shall administer the Plan as adopted by the City or as it may be subsequently amended as provided herein.
 - d. The Parties agree that the Plan shall not be amended by the City or by any of the Parties acting separately and shall only be amended in writing and accompanied by a new Agreement signed by all Parties hereto, which consent and cooperation shall not be unreasonably withheld.
 - e. In the event that the Neighborhood Revitalization Plan, as adopted, is not followed with respect to the aspects set forth in the Plan, the Parties may individually wish to reconsider participation in the Plan at that point.
2. Duration. This Agreement shall commence on May 1, 2011 and expire May 1, 2021. The City reserves the right to evaluate the Program at any time. The City may, at its sole discretion to repeal, amend or modify this Plan as conditions, policies or priorities of the City Commission change, subject to paragraph 1.d. above.
3. Termination. The Parties agree that termination of this Agreement by any party prior to May 1, 2021 would adversely impact the Plan, and consequently, this Agreement may only be terminated with ninety (90) days written notice, and further provided such written notice must be received prior to August 1 in the calendar year prior to the tax year the party desires to terminate participation, unless such notice is waived, in writing, by all Parties to this Agreement. The Parties further agree that any application for tax rebate submitted to the City prior to receipt of the

notice of termination shall, if approved, be considered eligible for the duration of the rebate period set forth in the Plan.

4. Financing.

- a. A qualified improvement must meet the requirements set out in the Plan. The tax increment will be calculated as described in Section 7 of the Plan. (The real property taxes and special assessments must be paid and the increment generated before a rebate will be issued.)
- b. The County is authorized to and shall transfer any tax increment received for the Parties to the Neighborhood Revitalization Fund (NRA Fund) a separate fund created and maintained by the City under the authority of K.S.A. 12-17,118 and amendments thereto.
- c. The City shall pay to the County a one-time, administrative fee in an amount equal to 2.5% of the total tax increment in the first year of the program. The County shall deduct this fee from the Tax Increment prior to rebating the tax increment to the City for disbursement to the applicant as provided in the Plan.
- d. Within thirty (30) days of distribution of the tax increment from the County, the City will disburse the rebate(s) in the appropriate percentage to each eligible taxpayer in accordance with the Plan. All funds transferred to the NRA Fund by the County and not required to be rebated to taxpayers shall be refunded by the City to the County Treasurer for distribution to all participating taxing jurisdictions in their proportionate share based on their tax rate at the time of disbursement.
- e. There shall be no financing of the cooperative undertaking of the Parties except as provided in this paragraph 4.

5. Additional City Responsibilities.

- a. Throughout the term of this agreement, the City shall verify the structure and premises are in code compliance and shall verify that the applicant is not delinquent in its payment of real property taxes and special assessments.
- b. Provided the submitted plans are approved, the City shall issue a building permit for the proposed improvements.
- c. On or before December 1st of each calendar year, the County Appraiser shall conduct an on-site inspection as part of normal

valuations to determine the increase in taxable valuation due to the Improvements (“Tax Increment”). The County Appraiser will notify the City Manager of the valuation as provided in Section 6 of this Agreement.

- d. Within thirty (30) days of distribution of the tax increment from the County Treasurer, the City will disburse the rebate to the eligible taxpayer in accordance with the Plan unless the tax is paid in semi-annual payments, in which case the rebate will be made after payment of the second and final installment.

6. Additional County Responsibilities.

- a. Prior to December 1 each year, the County Appraiser shall conduct an on-site inspection of the Improvements and determine the new valuation of the real property as part of their normal valuations.
- b. After completing their inspections, the County Appraiser shall report the new valuation for 1040 Vermont contained in the Plan to the City Manager by June 15. The City Clerk will verify whether or not the applicant is in compliance with all Plan requirements. The City Clerk shall forward such verification to the County Appraiser on or before July 1.
- c. Once the property owner has paid the taxes based on the new valuation, the County Treasurer is authorized to and shall transfer any tax increment received by the Parties to the Neighborhood Revitalization Fund (NRA Fund), a separate fund created and maintained by the City under the authority of K.S.A. 12-17,118 and amendments thereto in accordance with the schedule outlined in the 1040 Vermont Neighborhood Revitalization Plan. Any remaining increment shall be returned to the County for distribution to the participating taxing subdivisions in their proportional share based on the applicable tax rate.

7. Property. No real or personal property shall be acquired or disposed of in this undertaking except for monies credited to the NRA Fund provided for in paragraph 4.

8. Execution. For purposes of executing this Agreement, this document if signed and transmitted by facsimile machine or telecopier, is to be treated as an original document. This Agreement may be executed in one or more counterparts and by each party on a separate counterpart, each of

which when so executed and delivered shall be an original, and all of which together shall constitute one instrument.

9. Liberal Construction. This Agreement shall be liberally construed to achieve the economic development objectives and purposes of both this Agreement and the Plan. Should any provision of this Agreement be determined to be void, invalid, unenforceable or illegal, such provision(s) shall be null and void, but the remaining provisions shall be unaffected thereby and shall continue to be valid and enforceable.
10. Entire Agreement. This Agreement constitutes the entire agreement between the Parties on this subject and may not be modified or amended except in writing executed by all Parties in the same manner as the original.
11. Governing Law. This Agreement and the Plan and the rights of all the Parties hereto shall be governed by and construed according to the laws of the State of Kansas.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed by their respective, appropriate representatives with authority to bind their respective entity. .

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CITY OF LAWRENCE, KANSAS

[SEAL]

By: _____

Attest:

David L. Corliss, City Manager

Jonathan Douglass, City Clerk

(Rest of Signature Page Left Intentionally Blank)

BOARD OF COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

[Seal]

By: _____

Attest:

_____, Clerk of the Board

Approved As To Form:

County Counselor

(Rest of Signature Page Left Intentionally Blank)

UNIFIED SCHOOL DISTRICT NO. 497,
DOUGLAS COUNTY, STATE OF
KANSAS

[Seal]

By: _____

President, Board of Education

Attest:

Clerk of the Board

Approved As To Form:

Attorney for the Board

(Rest of Signature Page Left Intentionally Blank)

Exhibit A

Neighborhood Revitalization Plan
As adopted by Governing Body of the City of Lawrence
On April 12, 2011
through Ordinance No. 8625

[See Attached]

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 1A: A TO I-1; 41.966 ACRES; SOUTH OF 694 E 1700 Road. (SECTION 15, TOWNSHIP 14 RANGE 20) (SLD)

Z-1-5-11: Consider a request to rezone approximately 41.966 acres from County A (Agricultural) to County I-1 (Light Industrial), located south of 694 E. 1700 Road, Baldwin City. Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. *Joint meeting with Baldwin City Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request for 41.966 acres from County A (Agricultural) to I-1 (Limited Industrial) District and forwarding it to the County Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Applicant's reason for request: *"To allow for immediate business expansion and for planning of future business expansion in the airzone environs.*

KEY POINTS

- The property has immediate access to an arterial road.
- The property has immediate access to existing airfield.
- Property is adjacent to existing industrial land and is intended to accommodate local business expansion.
- New industrial zoning in the unincorporated areas of the County is recommended for parcels not less than 40 acres in size to allow for appropriate development and buffering.
- The boundary of the request follows established property lines.
- Request intended to ensure owner's ability for both short and long term development and expansion.
- Minimum area needed to accommodate buildings, septic fields, and setbacks from runway surface.

ATTACHMENTS

- Area map.
- Applicant's response to conformance with Comprehensive Plan, *Horizon 2020*.
- Link to Baldwin Comprehensive Plan: <http://www.baldwincity.org/compplan/>
- Memorandum from Tina Rakes Baldwin City Code Administrator
- Transitional air zones exhibit

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The area is part of the Vinland community that includes *McFarlane Aviation Products*. The existing area development pattern incorporates aviation-related uses and activities.

CONFORMANCE WITH *HORIZON 2020*

- The proposed request is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- State law review for impact on environs of registered properties.
- Subdivision approval required as a pre-development step.
- Site plan approval required as a pre-development step.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Letter from City of Baldwin.

Project Summary:

This property includes 41 acres as a single parcel. The property has frontage along E 1700 Road, a major arterial road. The proposed request is for rezoning the property to I-1 (Light Industrial), a County zoning designation. A preliminary plat accompanies this request (PP-1-1-11). A site plan (SP-3-16-11) was also recently submitted and will be reviewed by staff prior to consideration by the County Commission. Because the property is within the environs of multiple listed historic properties in the Vinland area, this request is also subject to review by the State Historic Preservation Office (SHPO).

GENERAL INFORMATION

Current Zoning and Land Use: County A (Agricultural) District; existing agricultural field.

Surrounding Zoning and Land Use: A (Agricultural) District and I-1 (Limited Industrial) District to the north; existing residence and aviation-related business.

A (Agricultural) District to the east, west, and south; existing fields and rural residences.

A (Agricultural) District to the east of the airfield including residences and historic buildings (church and library).

The airfield provides a direct benefit to the business. The applicant states that a large part of the business as well as future growth is depending on new product development. Access to aircraft for research and development is essential. The airfield provides the ability to taxi an aircraft directly to the main facility providing a significant efficiency advantage. Additionally, customers fly-in to pick up or drop off parts.

I. ZONING AND LAND USES OF SURROUNDING PROPERTIES



The surrounding property is predominantly zoned A (Agricultural). A 3.4 acre parcel is zoned I-1 immediately north along N 700 Road. This is the location of the existing aviation-related manufacturer (McFarlane Aviation products) and airplane hangars providing support services to the Vinland airfield. This request would expand the existing I-1 zoning district to the south. Other land uses in the area include the Vinland Fairgrounds to the northeast and the County Public Works salt and sand storage site located on the north side of N 700 Road. Several historical properties are located on the east side of the airstrip.

A significant feature of the surrounding land use is the existing grass airstrip (also known as the primary runway surface) located along the east boundary of the subject property. This is an

active airfield providing services to the public (as a private airport). The runway is an integral part of the existing and proposed operations but is not zoned industrial. The applicant describes the importance of the airstrip as follows:

The onsite airport (particularly the small, grass strip airport and the pioneering aviation spirit that it embodies) is also a big part of our company culture. It keeps us in touch with the aircraft and customers for which we provide product. Our employees are able to interact daily with pilots and watch the parts they design/produce/sell be put to use. This is a huge benefit to both the company and everyone that works here."

Various land uses are shown in the following table.

Vinland Land Uses	
	
<p style="text-align: center;">Surrounding Uses</p> <ul style="list-style-type: none"> • County Salt and sand storage building. • Vinland Fairgrounds • Vinland Elementary. • Existing hangars • McFarlane Aviation • Vinland Airstrip. • Church of Christ • Vinland Presbyterian Church • Vinland United Methodist Church 	<p style="text-align: center;">Historic Properties</p> <ul style="list-style-type: none"> • Barnes Apple Barn (713 E 1728 Rd) • Coal Creek Library (698 E. 1719 Road) • Vinland Fair Association Fairgrounds Exhibit Building (1736 N 700 Road) • Vinland Grange Hall (Oak and Main Streets) • Vinland Presbyterian Church (697 E. 1725 Rd.)

Staff Finding – The adjacent land use, an active runway, is a key feature in the area and its proximity to the property is central to this request. Industrial zoning exists along the north side of the proposed request. The proximity and range of non-residential and non-agricultural uses support a request for industrial zoning.

II. CHARACTER OF THE AREA

The subject property is located within the unincorporated community known as Vinland. The history of Vinland is summarized at the following website:

<http://www.legendsofkansas.com/vinland.html>

Historic property summaries can be found at: <http://www.kshs.org/p/register-database/14638>, then by typing "Vinland" in the City box.

The community is situated between Lawrence and Baldwin City. The area includes several historic buildings, churches, and a school facility as well as an existing grass airstrip. Homes are located along county roads. Vinland Fairgrounds is also located to the northeast of the area proposed to be rezoned. The area along N 700 Road between E 1700 Road and E 1750 Road represents the commercial corridor of the community of Vinland.

Several parcels of land and related building improvements are public or quasi public in nature. In addition to the fairgrounds the school district (USD 358) has an elementary school located on the northwest corner of E 1750 Road and N 700 Road and the county has a salt and sand storage building on the north side of N 700 Road across from the Vinland airport¹.

Various agencies own property on the east side of the airstrip that includes designated historic buildings. Vinland is also known for multiple historic resources. In order to maintain sight lines to the historic properties, sufficient acreage will be need to be zoned to accommodate business expansion and future improvements.

A central feature in the community is the airfield. The airfield and supporting operations provide daily activity in the community.

Staff Finding -- The area is characterized as including a mix of residential, public, and quasi-public buildings in a rural setting. The functioning air facility has been an integral element in the community for more than 20 years and is intended to continue to be an asset to the community in the future. Approval of the request is in keeping with the character of the community.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response: *"Current agricultural zoning does not allow for planned industrial uses."*

The property is currently zoned A (Agricultural) District which permits residential development and continued agricultural activities. This property is adjacent to existing I-1 (Limited Industrial) District to the north and the Vinland airstrip to the east. The property is bounded on the west by an arterial road. The request is to rezone the property to the I-1 Zoning District which

¹ Airport in this report is intended to refer to the hangar buildings and offices providing support services to the Vinland Airfield.

permits industrial uses such as manufacturing and warehousing uses. The proximity of the airfield is a contributing consideration to the question of suitable land use.

The purpose of the Agricultural District is as follows:

Section 12-306-1 of the County Code

“...provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses. The district is also intended for purposes of protecting watersheds and water supplies to provide for spacious development, to protect forest areas, and scenic areas, and to conserve fish and wildlife, to promote forestry, the growing of natural crops and grazing, and to prevent untimely scattering of more dense urban development. For the purpose of restricting outdoor advertising signs, the area within this district shall be considered as defined for residential purposes only.” ()

There are no stream or forest environmental features to be protected with regard to this property. The property does include Class II soils. There are no known municipal water supply sources located on this property. The current zoning has served the purpose of *“preventing untimely scattering of more dense urban development.”*

The proximity to the airfield and the location of a thriving industrial business are also important to the question of suitable land use. It is important in that uses associated with attracting wildlife (bodies of water and grain fields) are generally incompatible with airplane operations.

Suitability, in this application, relates to the ability of an existing aviation-related use to expand in the existing area. If denied, the property may still be used for agricultural purposes and the property is suited to this use, but the existing business would be limited in its ability to grow and expand in the community.

While the A zoning has been suitable for this location, the following factors should be considered:

1. Certain agricultural activities are associated with attracting wildlife that pose harm to aircraft operations.
2. Certain livestock production is not recommended within specific distances from airport operations including, feed lots, dairy operations, hog or chicken productions. Additional livestock feed, water and manure may attract birds such as starlings that pose hazards to aviation.²
3. Property immediately abuts the primary runway of the Vinland airfield. Much of the property is encumbered by building and use setbacks related to height because of the proximity of the airfield.
4. New residential development is arguably less desirable than non residential uses adjacent to an airstrip.

The purpose of the I-1 District is to:

Section 12-311-1 of the County Code

“provide sufficient space in appropriate locations, usually in planned industrial subdivisions, for certain types of business and manufacturing, relatively free from offense, in modern, landscaped buildings, to make available more attractive locations for these businesses and factories, and to provide opportunities for

² Information taken from Aviation Advisory Circular 150/5200-33B.

http://www.faa.gov/documentLibrary/media/advisory_circular/150-5200-33B/150_5200_33b.pdf

employment closer to residence with corresponding reduction of travel time from home to work."

This property is immediately adjacent to non-residential/non-agricultural uses along the north and east property lines. The property provides a buffer for the airfield. The property abuts an existing industrial use that is limited in opportunities to expand by the confines of the existing zoning boundaries.

Site characteristic that make the proposed I-1 zoning suitable for this location including the following:

1. Location along arterial road providing appropriate access for development.
2. Location along an active airfield.
3. Approval will allow for the future growth on an existing industrial business in the community and expands the tax base.

If approved the development of the site will be subject to site plan review and approval prior to development of the site.

Staff Finding -- The property is suited to the restrictions of the A district. However, the existing zoning inhibits the ability to accommodate growth in industrial business with an aviation focus for the community and the property is also suited to the proposed I-1 District.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

The property is currently undeveloped. The property was zoned A in 1966 with the adoption of the County Zoning Regulations. The airstrip has operated since approximately 1978. The airport includes multiple services including airplane rental, flight instruction, fuel sales, and hangar space. If approved, the subject property would be developed as an expansion of the McFarlane Aviation manufacturing business and would allow for possible other industrial uses in the future. The subject property is currently used for agricultural purposes. The location adjacent to the airfield (previous railroad right-of-way for the Atchison, Topeka, and Santa Fe) includes encumbrances for the airfield protection zone.

Staff Finding – The property is undeveloped. It is being used for agricultural purposes. The property has provided a portion of the airspace protection for the airfield since its operation in the 1970's.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response: *"No negative impact on nearby properties."*

The rezoning would permit the development of industrial uses permitted in the I-1 District. The property is bounded on the west by an arterial road and on the east by an existing airfield. Immediately north of the property is a developed industrial property that is aviation related. The property abuts the airfield providing protection and buffering to the runway along with reasonable access to the runway if needed.

The community has been integrated with aviation activity since 1978 when McFarlane Aviation established the local business. A site plan was completed in 1996 for building improvements for the business and later additions were constructed in 2004 and 2008.

This request is accompanied by a preliminary plat. The plat will serve to establish minimum building areas and setbacks for the property. Approval of the request will provide an opportunity for an existing aviation-related business to expand. Approval of the request is likely to increase traffic in the area associated with the increased employment of the business expansion planned for this area. The existing road system can support this anticipated increase in traffic with turn lane improvements as the property develops.

Staff Finding – Removal of the A district restrictions and applying the I-1 zoning restriction will have the following affect: loss of Class II soils, increased imperious coverage, increased traffic and activity, and increased employment. These affects, in staff’s opinion, will not be harmful to the nearby property is properly site planned.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER’S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant’s Response: *“Increased job opportunities, increased taxes, and adjacent public improvements.”*

Evaluation of these criteria includes weighing the benefits the denial of the rezoning request would provide for the public versus the hardship the denial would impose on the owner of the subject property. Benefits are measured based on the anticipated impacts of the rezoning request on the public health, safety and welfare.

Further, this finding asks for a comparison of those benefits/costs to be weighed against hardships imposed on individual landowners.

If the rezoning request were denied, the area would remain in agricultural land uses or could be developed with rural residential homes permitted in the A District. Denial of the rezoning request would significantly restrict the ability to grow an existing industrial business. In turn this is a potential loss to the county for growth in the economic tax base. Minimal extensions of public services would be required because this area is already served by fire, law enforcement and water providers.

Traffic may increase from further development of the property, however, the arterial road network is capable of sustaining added traffic volumes. If approved and developed this property will be taken out of agricultural production.

Staff Finding – If approved, impacts imposed on individual landowners would be limited to increased traffic and change in the visual aspect of the area by the addition of new buildings. Approval of the request will provide additional opportunities for industrial development adding to the county’s economic tax base with marginal impacts on public services.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant’s Response: *“see attachment”.*

A key feature of Chapter 7 of *Horizon 2020* is intended to: "*encourage site improvements, and community amenities which best respond to the market demands for industrial and business development while maintaining the community objectives for the type and quality of such development.*" This application is accompanied by a preliminary plat in anticipation of a site plan for expansion of an existing business. This request is specifically related to efforts to grow business opportunities in the community.

Principal strategies of Chapter 7 include identification, development and maintenance of industrial and employment related areas. Key strategies related to industrial development state:

- *Increase community involvement in economic development activities, by partnering with the local business community and area educational institutions to bring new technology and investment to the region for the purpose of meeting the economic development job growth goal of securing twenty thousand new jobs in Douglas County by 2020.*
- *Protect, enhance, and retain existing industrial-related land use areas serving the community.*
- *Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future.*

Approval of this request facilitates opportunities for industrial development consistent with these policies as they related to a planned expansion of an existing business.

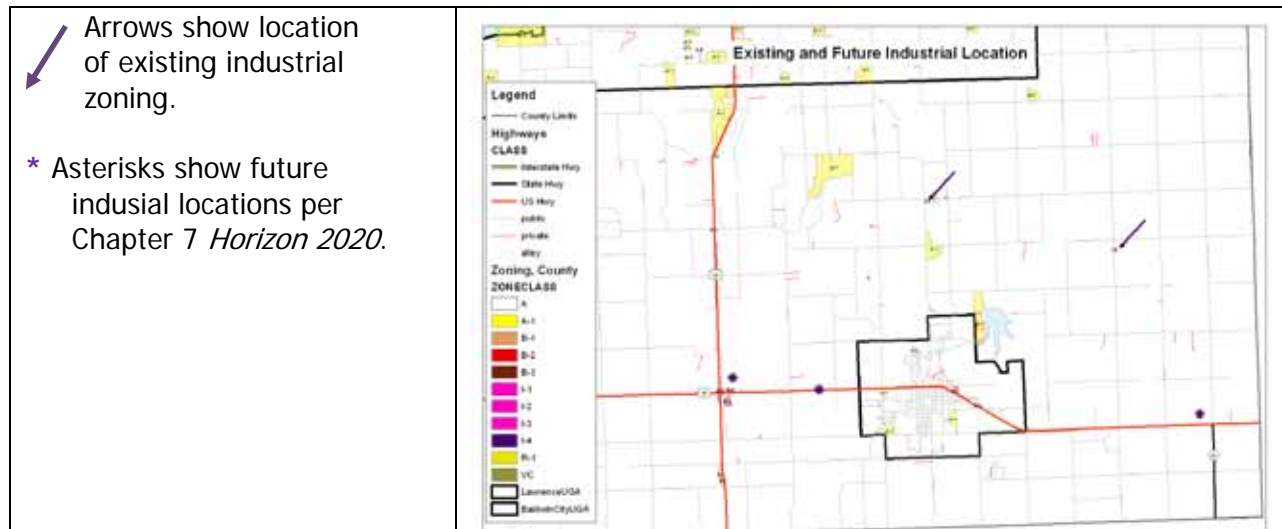
The locational criteria for new industrial development are provided in Chapter 7. This site meets several of the criteria specifically noted in *Horizon 2020*. This request proposes to expand the existing industrial district boundary substantially to the south. The district, as currently zoned, (3.03 acres) does not meet the minimum 40 acre threshold recommended in *Horizon 2020*.

Location Criteria	Finding
Have feasible access to Federal and State transportation networks.	This site is approximately 4 mile east of Highway 59 and 4 miles north of Highway 56. The property is located along County Route 1055 and the road is designated as a principal arterial in <i>Transportation 2030</i> .
Be of adequate parcel size, generally over 40 acres.	This site is approximately 41.99 acres.
Lie primarily outside of the regulatory floodplain.	This site is not encumbered by regulatory floodplain.
Have minimal average slopes.	Slopes across this site are less than 1%.

Horizon 2020 speaks to preservation of high-quality agricultural land. This property includes approximately 30 acres of Class II soils but does not include any Class I soils. When weighing the goal of protection of Class II soils for this specific location against the proximity to an active airfield and the criteria that supports industrial land use, the property is well suited for industrial development.

There is very little industrially zoned land in the unincorporated portion of Douglas County. Most of the acreage that is zoned industrial is located within the City of Lawrence Urban Growth

Area. Identified industrial locations in the area include areas west of Baldwin City and at the Highway 59/Highway 56 intersection, as well as the Highway 56/K-33 intersection.



Horizon 2020 includes numerous policies related to retention of established industrial and employment related uses in the city and in the unincorporated Douglas County. Policy 1.4 states (page 7-12):

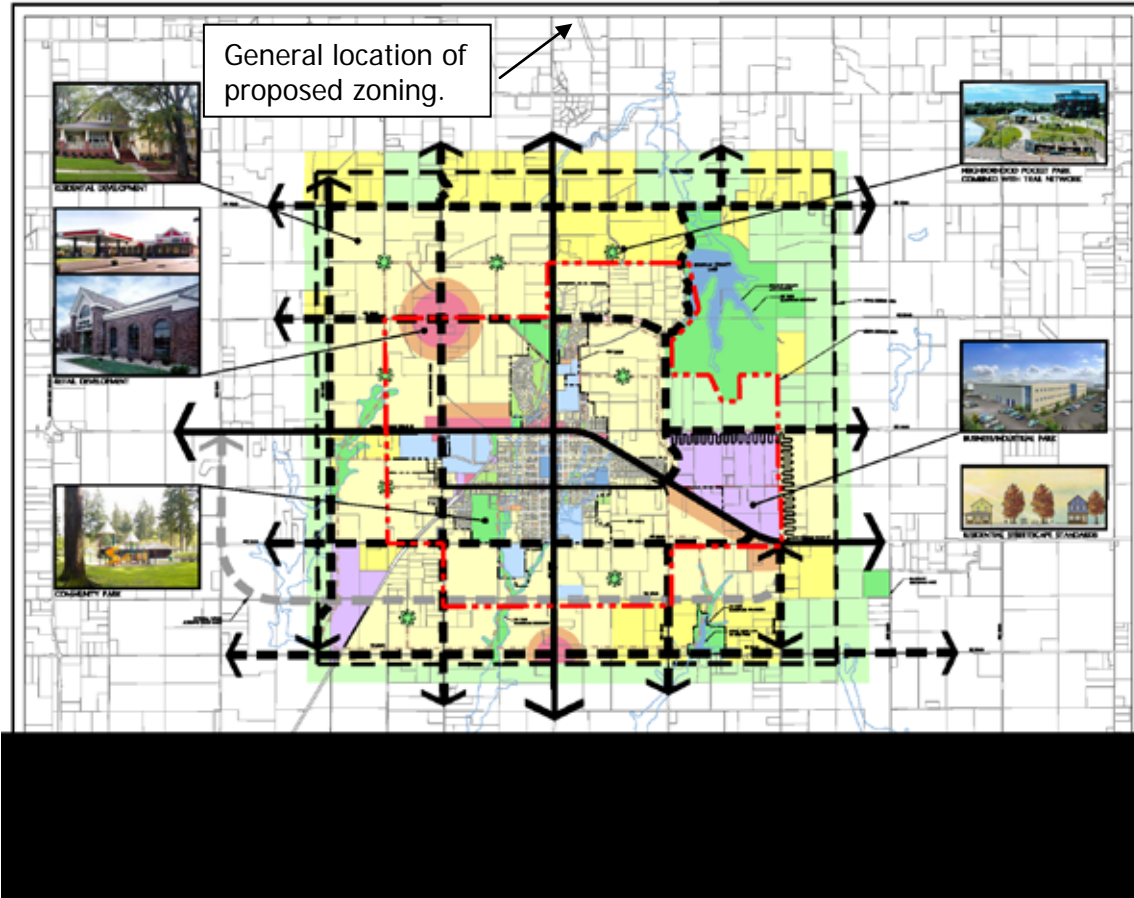
Policy 1.4: Provide Opportunities for Limited Industrial and Employment-Related Development in the Unincorporated Areas of Douglas County

Encourage redevelopment and limited expansion of existing industrial and employment-related areas where specific criteria (p. 7-5) can be met.

Additional site specific criteria are provided as follows:

- *preserve environmentally sensitive areas, including vegetative cover and wildlife habitat, to act as buffers and site amenities;*
- *encourage natural stormwater management, including locations that permit direct discharge to the floodplain;*
- *have available and adequate utilities, infrastructure and services (i.e. police and fire protection) for the proposed use;*
- *be compatible with existing and future zoning/land use patterns, including the use of appropriate buffers between land uses;*
- *be annexed before development if adjacent to municipal boundaries.*

This property is located within 3 miles of Baldwin City but at the northern boundary of the 3 mile area. The property is also outside of the Baldwin City urban growth area (see map below). It is unlikely that this area would be annexed into Baldwin City within the scope of the Baldwin City Comprehensive Plan.



Based on the criteria listed above, the value of preserving Class II soils is the only factor which competes with the compatibility of the request to meet the location criteria.

Staff Finding -- The proposed rezoning request conforms with *Horizon 2020* policies related to the retention and expansion of existing industrial development. The property provides a buffer to the existing airstrip. Further, approval of the rezoning will subject development of the property to site plan review as part of the development process. This will ensure that building setbacks, screening and site development are compatible with the surrounding uses.

STAFF REVIEW

This application has been submitted concurrently with a preliminary plat. The property is intended as a single lot industrial parcel to accommodate expansion of an existing business. The property abuts the airfield on the east and a major arterial road on the west. Approximately 41 acres are being requested to be rezoned from the A (Agricultural) to the I-1 (Limited Industrial) District. The site is also located in proximity to Baldwin City and within 4 miles of a U.S. highway.

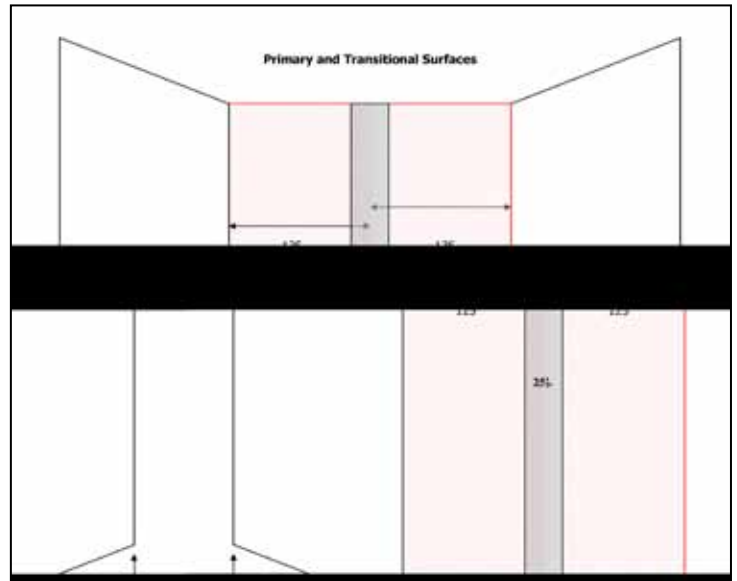
With regard to the airfield, uses can be divided into two general categories: airside uses and landside uses. Airside uses refer to those areas that occupy space above ground level that provide for maneuverability for aircraft use. Protection zones and building height limitations protect these areas. They are generally conically shaped with the most restrictive heights being located closest to the runway. Landside uses includes those activities that occur at an "airport"

and provide support services to the users of the runway or airport. These uses can include, hangars, mechanics, airport operations, and fueling stations. It can also include comfort conveniences such as hotels, restaurants, and car rental.

The Vinland airfield is a private facility. A variety of services are provided to users of the airfield. The airfield use is not limited to only the property owner, which is generally the case for most private airstrips located in Douglas County. The facility is structured similarly to a very small municipal facility offering hangar storage, lessons, airplane rental, flight instruction, and fuel sales. Limitations to development of the airfield include the land area available for development. The existing 3.2 acres of industrially zoned property is generally built out leaving no additional room for expansion.

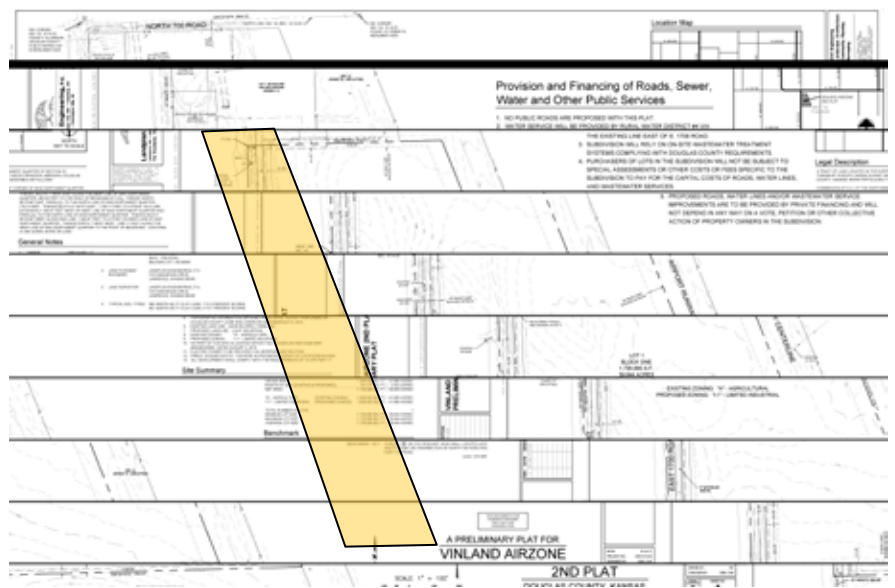
Current FAA regulations stipulate that no structures be placed within the protected airspace that is measured at a 7:1 slope from the primary surface (runway). The primary surface is approximately 250' centered on the runway, or 125' measured either side of the center of the runway. This standard has a significant impact on the availability of the property to be development.

- For each 7' distance from the edge of the primary runway a building may be constructed 1' above grade.
- The I-1 District allows a maximum building height of 45'.
- The property proposed to be rezoned is irregularly shaped with an east/west dimension of 718.74 acres along the north property line and 1,390.87 acres along the south property lines.



This impact of these factors would be the equivalent of a 315' building setback from the east property line. This setback would occupy approximately 13 acres (31.7%) of the total site. Shorter buildings may be constructed closer to the primary surface (runway) but may not exceed the 7:1 slope. This does not account for changes to FAA regulations in the future.

Airfield (airport) development is desirable when a tenant or business can have direct access to a runway or taxiway. The



development of an airfield requires sufficient area to best accommodate both structures and aircraft that may be maneuvering around the site. Large wing spans require larger areas for building separation and taxiway areas between buildings and the runway.

Adequate area is required to accommodate minimum building and obstruction setback requirements. These unique parameters support the rezoning of a larger parcel to accommodate future aviation-related businesses.

This proposed request follows existing parcel lines and extends the full length of the abutting airfield. Approval of the request subjects development of the site to site plan review. This can help assure that adequate setback is maintained from the airfield and ensure that buildings and improvements are properly oriented to minimize conflicts.

Procedure – Joint Meeting

This property is located within 3 miles of an incorporated city (Baldwin City). A joint County Resolution (Resolution 80-5) provides for an opportunity for a joint Planning commission meeting and recommends from both the Baldwin City Planning Commission and the Lawrence Douglas County Planning Commission. The Baldwin City Planning Commission considered this request at their regular meeting on March 8, 2011 and unanimously recommended approval of the request (memo attached). Baldwin City Commissioners may attend this meeting.

CONCLUSION

This staff report reviews the proposed location for its compliance with the Comprehensive Plan, the Golden Factors, and compatibility with surrounding development. The development proposal meets the locational criteria required for approval. The rezoning request is compliant with recommendations in *Horizon 2020*.

City of Lawrence Douglas County Metropolitan Planning

Rezoning Request

Sheet A,

Question 5: "How does Your Request Conform with the Comprehensive Plan, Horizon 2020?"

Without question, this request to rezone approximately 42 acres near Vinland, Kansas is an expansion of an existing aircraft-related industry, which has been in business for over 30 years. As it relates to *Chapter Seven, Industrial and Employment-Related Land Use*, many references are made that support this project. Key words used in this chapter are precisely what define this request. Diversity is referred to in the introductory section –encouraging aircraft-related industries such as this support industrial diversity in Douglas County. The large area-requirement is the rationale for the size (42 acres) request. The history of an additional one to three jobs per year provides local jobs in a growing industry, which meets the concept of employment base. Approving the request is at the heart of protecting, enhancing and retaining existing industrial-related businesses. The additional expansion potential is ensuring site availability, allowing the applicant to meet future market demands.

General responses to listed goals and policies are:

Goal 1: Development in Established Industrial and Employment-Related Areas.

The applicant currently has an aircraft-related manufacturing facility in an I-1 zoned parcel of land immediately west of the existing runway near Vinland, Kansas (unincorporated). This facility has a history of steady growth in a growing market of providing replacement parts for small engine aircraft. The request is twofold. First is to allow for enough expansion for the immediate needs of this business, which is a 15,000 square foot manufacturing and warehouse facility with ample expansion capabilities. More importantly, however, is the rezoning of additional land for future expansion capabilities and other aircraft-related business ventures that are taking advantage of the proximity to an existing, small aircraft runway- an opportunity that exists no place else in Douglas County.

The requested site meets the adequate parcel size, is outside of the regulatory floodplain and has minimal slopes.

Goal 2: Criteria for New Industrial and Employment-Related Development.

This is an expansion of an existing industry. This location does, however, completely meet three of the four location criteria. The fourth criterion, access to Federal and State transportation networks, is substantially met in that this criterion presumes a requirement tied to ground-oriented transportation. To serve aircraft related industries, an airport with ample space for hangers, testing, and turning movements for aircraft is a necessity. The planned transportation system established for Douglas County provided for more than adequate access for employee vehicles and the occasional commercial delivery vehicles.

Approving this location and the 42-acre zoning request allows Douglas County to maintain an inventory of industry-specific land related to the small aircraft industry.

Goal 3: Compatible Transition from Industrial and Employment-Related Development to Less Intensive Uses.

This location is an existing airport with an existing industry. Douglas County manages a Public Works yard to the north and the land to the south and west is agricultural. The opportunity for an aircraft related development lies only within the limits of the existing airport runway – which is this 42-acre request. Transitions from the rezoning request to the agricultural land will be as they exist today.

Goal 4: Transportation Considerations.

As shown in the submitted traffic study, this request keeps traffic on adjacent County roads to an acceptable level of service. The requested two access points onto Douglas County Road E 1700 is a) to ensure adequate future circulation within the 42 acres and b) permanently establish these as our two future access points on to Douglas County Road E 1700.

Memo

To: Sheila Stogsdill, Assistant Director Planning & Development

From: Tina Rakes, Code Administrator

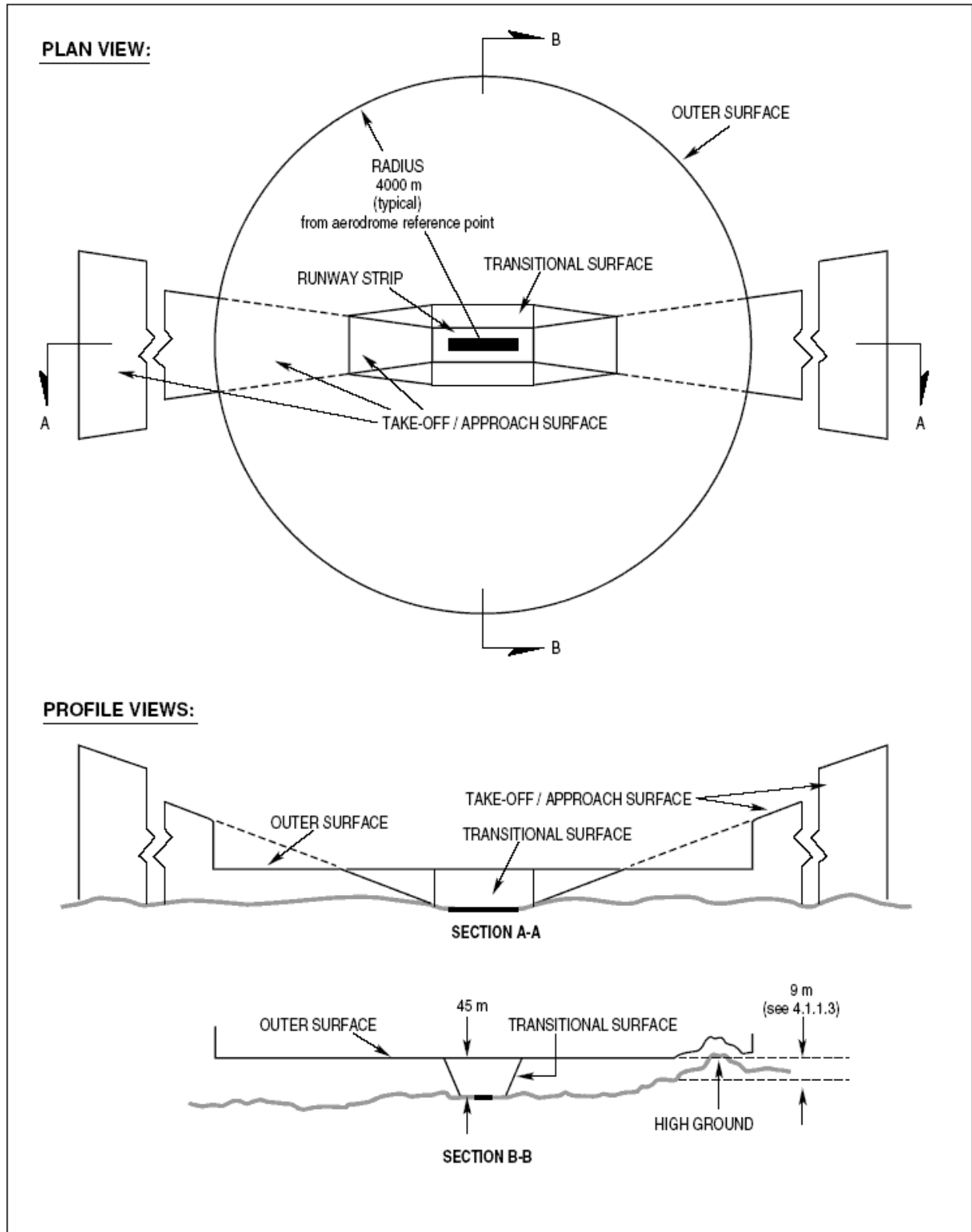
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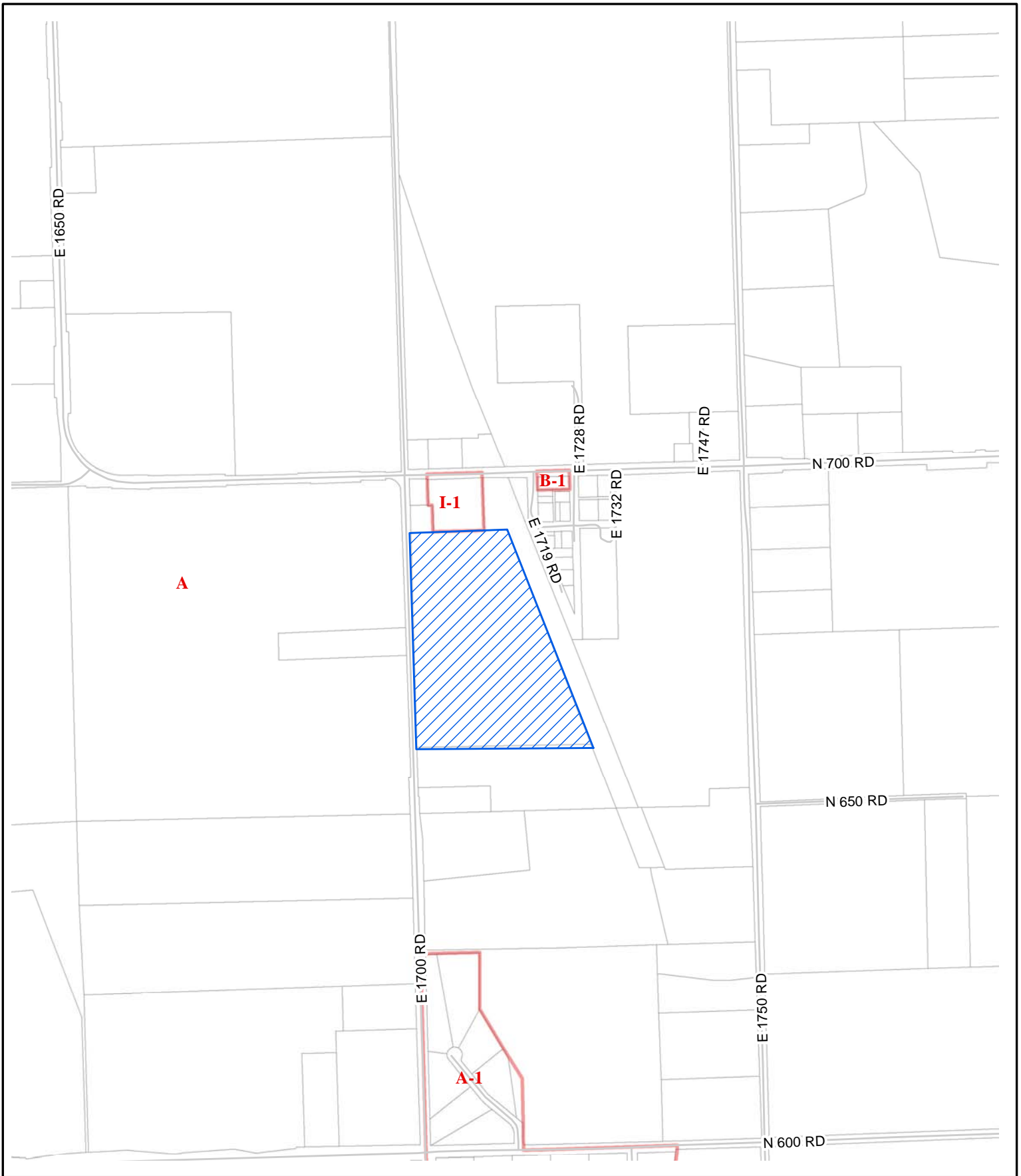
Date: April 6, 2011

Re: Preliminary Plat & rezone

The Baldwin City Planning Commission met on March 8, 2011, at a regularly scheduled meeting. They reviewed the preliminary plat and the rezoning request submitted by Land & Sky, L.C., David McFarlane.

Unanimously, the Planning Commission approved the preliminary plat for the 41.966 acres referred to as Vinland Airzone 2nd Plat, and the rezoning from "A", Agricultural to "I-1" limited Industrial zone.



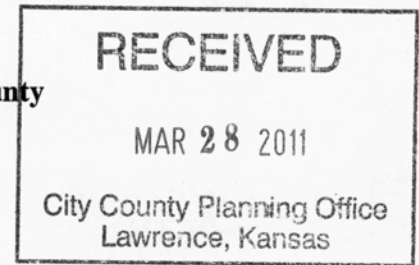


**Z-01-05-11: Rezone 41.96 acres from A to I-1
694 E 1700 Road**



League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

March 27, 2011



Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE ITEM NO. 1A: A TO I-1; 41.966 ACRES; [S15-T14-R20] SOUTH OF 694 E 1700 ROAD, BALDWIN CITY (SLD)

Dear Chairman Blaser and Planning Commissioners:

We have a question about this I-1 Industrial District rezoning request.


Although this I-1 District is unlikely to expand in space beyond the requested 40 acres, it is possible for it to expand in intensity. The I-1 Zoning District permits a wide variety of permitted uses, some of which would be inappropriate for this site and could cause unforeseen consequences if developed here.

We have always questioned the use of conditioning conventional zoning districts to restrict permitted uses, as can be done with Planned Development Overlay Districts (PDs) and Special Use Permits (SUPs). However, in this case we suggest that conditioning the zoning to restrict inappropriate uses could be a solution for creating a more predictable outcome, and we suggest that the Planning Commission consider this approach. Attached is the I-1 District list of permitted uses.

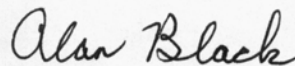
We would appreciate your considering this issue.

Thank you.

Sincerely yours,



Milton Scott
Vice President



Alan Black, Chairman
Land Use Committee

Attachment

ATTACHMENT

12-311 "I-1" LIMITED INDUSTRIAL DISTRICT REGULATIONS

12-311 "I-1" LIMITED INDUSTRIAL DISTRICT REGULATIONS

12-311-1.

The regulations set forth in this section, or set forth elsewhere in this Resolution, when referred to in this section are the regulations in the "I-1" Limited Industrial District. The purpose of this district is to provide sufficient space in appropriate locations, usually in planned industrial subdivisions, for certain types of business and manufacturing, relatively free from offense, in modern, landscaped buildings, to make available more attractive locations for these businesses and factories, and to provide opportunities for employment closer to residence with corresponding reduction of travel time from home to work.

12-311-2. USE REGULATIONS

A building or premises shall be used only for the following purposes, but subject to the special conditions as enumerated in section 12-311-3 below:

12-311-2.01. Laboratories, research, experimental, or testing.

12-311-2.02. Offices and office buildings.

12-311-2.03. Wholesale merchandising or storage warehouses with floor area devoted to warehousing and handling of merchandise.

12-311-2.04. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.

12-311-2.05. Photographic processing or blueprinting.

12-311-2.06. Printing and publishing.

12-311-2.07. Manufacture or assembly of medical and dental equipment drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.

12-311-2.08. Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheetmetal products, and vitreous enameled metal products.

12-311-2.09. Manufacture of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages, slaughtering of poultry or animals, or processing of bulk storage of grain or feeds for animals or poultry.

12-311-2.10. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.

12-311-2.11. Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.

12-311-2.12. Moving picture production.

12-311-2.13. Generally those light manufacturing uses similar to those listed in items 04 through 12 above, which do not create any more danger to health and safety in surrounding

areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.

- 12-311-2.14.** Bank, drive-in or otherwise.
- 12-311-2.15.** Restaurant, but not a drive-in restaurant.
- 12-311-2.16.** Filling station, if located in a district of 20 acres or more.
- 12-311-2.17.** Hotel, motel, or motor lodge, if located in a district of 20 acres or more.
- 12-311-2.18.** Dwellings for resident watchmen and caretakers employed on the premises.
- 12-311-2.19.** Accessory farm dwellings on a farm of 10 acres or more.
- 12-311-2.20.** Railroad siding.
- 12-311-2.21.** Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises.
- 12-311-2.22.** Animal hospital or clinic as described in "B-1", section 12-309-2.07.

12-311-3. SPECIAL CONDITIONS

The uses enumerated above shall be subject to the following special conditions:

- 12-311-3.01.** All uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from streets by landscaping, fences, or walls.
- 12-311-3.02.** All main plant buildings shall be of concrete, structural steel, or masonry construction and limited to 45 feet in height, unless otherwise approved by the Board of Zoning Appeals.
- 12-311-3.03.** Adequate parking and loading space shall be provided off the street for all employees and traffic to the plant.
- 12-311-3.04.** Loading operations shall be conducted at the side or rear of buildings.
- 12-311-3.05.** No parking or storage of material or products shall be permitted in the required from yard.
- 12-311-3.06.** The front yard shall be landscaped with trees, grass, shrubs, or pedestrian walks and maintained in a neat and attractive condition.
- 12-311-3.07.** All fencing shall have a uniform and durable character and shall be properly maintained.
- 12-311-3.08.** Accessory signs in excess of 60 square feet in area shall be attached flat

against a building.

12-311-4. PARKING REGULATIONS

Additional parking regulations for permitted uses are contained in section 12-316 of this Resolution.

12-311-5. OFF-STREET LOADING REGULATIONS

Additional off-street loading regulations for permitted uses are contained in section 12-317.

12-311-6. HEIGHT, AREA, AND BULK REGULATIONS

Additional height, area, and bulk regulations shall be as set forth in the chart of section 12-318.

12-311-7. Supplementary use regulations are contained in section 12-319.

12-311-8. Supplementary height, area, and bulk regulations are contained in section 12-321.

**ITEM NO. 1A A TO I-1; 41.966 ACRES; [S15-T14-R20]
 SOUTH OF 694 E 1700 ROAD, BALDWIN CITY (SLD)**

Z-1-5-11: Consider a request to rezone approximately 41.966 acres from County A (Agricultural) to County I-1 (Light Industrial), located south of 694 E 1700 Road, Baldwin City (S15-T14-R20). Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. *Joint meeting with Baldwin City Planning Commission.*

ITEM NO. 1B PRELIMINARY PLAT FOR VINLAND AIRZONE 2ND PLAT (SLD)

PP-1-1-11: Consider a one-lot Preliminary Plat for Vinland Airzone 2nd Plat, approximately 41.966 acres, located south of 694 E. 1700 Road, Baldwin City (S15-T14-R20). Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. *Joint meeting with Baldwin City Planning Commission.*

STAFF PRESENTATION

Ms. Sandra Day presented items 1A & 1B together.

Commissioner Dominguez inquired about an exemption.

Ms. Day said it needed to be a minimum of 40 acres so this would meet that minimum.

Commissioner Dominguez inquired about the type II soils.

Ms. Day said of the 40 acres she estimated, using the GIS area calculator, approximately 30 acres were type II soils.

Commissioner Harris inquired about drainage from the area without a detention pond.

Ms. Day said being able to spread development over a larger surface area and maintaining as much turf as possible would help disperse some of that drainage. She said there was not a lot of drainage coming through the property and that it was not encumbered by any floodplain. She said it had adequate area to be able to address management techniques through site development.

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Commissioner Harris asked if sewage would be contained on the property of question.

Ms. Day said yes, that was the intent.

Mr. McCullough said it would either be on this lot or the adjacent lot where the existing facility was today.

Commissioner Harris inquired about the League of Women Voters letter and concern about different kinds of development other than industrial at that location. She wondered if that came up at the Historic Resources Commission meeting.

Ms. Day said this item did not go to the Historic Resources Commission due to it being in the county. It went to the State for an independent review and they indicated that the project may proceed and met their criteria for historic evaluation.

APPLICANT PRESENTATION

Mr. Phil Struble, Landplan Engineering, thanked staff for their work. He said each facility would have its own septic tank system. He stated there were four predominant reasons for the larger rezoning size. He said the McFarlane's were good business people and were looking at the big picture of growing their operation. He said the shape of the property, as it relates to the runway, was the logical piece of property as an airport related piece of property. He stated there needed to be a significant amount of open space for the leach fields and turning movements of the planes. He said they were satisfied with the size of the property to allow for sanitation, traffic, turning movements, and site distances between entrances. He stated the runway took up a significant part of ground due to runway restrictions. He said when combined, the septic field, runway, and location of entrances, the 41 acres was eaten up quickly. He said regarding drainage, he worked with Mr. Keith Browning, Douglas County Public Works Director, on how to deal with it. He said the bulk of the drainage runs to the northwest corner of the property.

Mr. Matt Kirby, Baldwin City Planning Commissioner, asked the applicant to speak to some of the Federal Aviation Administration (FAA) issues about the angle of approach and existing structures.

Mr. Dan McFarlane described how the airspace restrictions relate to the property. He stated any building within a certain perimeter of the airport had to comply with FAA regulations related to airports and airspace. He said it defines a 250' primary surface that was centered on the center line of runway. He stated it was an imaginary surface that defines the airspace restrictions. He stated 125' from the center line of the runway there was a 1 to 7 slope that no building could be built that exceeds the plane created by that 1 to 7 slope. That meant somewhere around 250-300' there could not be a building higher than 20' tall. He said the farther out from the runway center line the taller the building could be. He stated one of the existing structures on the current Vinland airzone was pushing the margins as close as it could get without exceeding those airspace restrictions.

PUBLIC HEARING on Item 1A

Ms. Beth Johnson, Chamber of Commerce, said this was an existing company looking to expand. She said it was a family run and owned company with a family environment. She stated it was a hidden gem in the county. She said the company anticipated an additional 28 new jobs and the average pay would be \$48,000 and that most of the jobs (probably 80%) would come from Douglas County.

Mr. Mike Grosdidier, Baldwin City Planning Commissioner, said they were supportive of the business and had no concerns.

COMMISSION DISCUSSION

Mr. Kirby agreed with what Mr. Grosdidier said and that Baldwin City Planning Commission unanimously approved it. He said it was a wonderful local business. He stated initially he had some concerns about wastewater but upon talking to Tina with the Baldwin City Public Works they arrived at the belief it was a matter of simple engineering and easily worked out.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Singleton, to approve the rezoning request for 41.966 acres from County A (Agricultural) to I-1 (Limited Industrial) District and forwarding it to the County Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Commissioner Harris said she would support the motion but that 30 acres of class II was a lot and she hated to see them taken out of production.

Mr. Dave McFarlane (spoke from his seat in the audience) said he would like to farm some of it. He said they intended to replace the topsoil taken off for construction back in agricultural areas so. He said they also wanted to farm the buffer zone and that most of the land would stay in production as long as possible.

Unanimously approved 10-0. Student Commissioner Davis voted in favor.

Motioned by Commissioner Rasmussen, seconded by Commissioner Liese, to approve the Preliminary Plat of the Vinland Airzone 2nd plat and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions:

1. Provision of a revised preliminary plat to show the ~~maximum~~-building setback *line from the runway* for a building 45' *high* based on the allowable height of the district and
2. Provision of a revised preliminary plat to include a note that states buildings may be constructed within the transitional zone less than 45' in height subject to the requirements of 14 CFR Part 77.

Unanimously approved 10-0. Student Commissioner Davis voted in favor.

**PLANNING COMMISSION REPORT
NON-PUBLIC HEARING ITEM**

PC Staff Report
03/28/2011

ITEM NO: PP-1-1-11: Consider a Preliminary Plat for Vinland Airzone 2nd Plat, approximately 41.966 acres, located south of 694 E. 1700 Road. Submitted by Landplan Engineering, for Land & Sky, LC., property owner of record. *Joint meeting with Baldwin City Planning Commission.* SLD

Updated language is shown in *italic type*.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the Vinland Airzone 2nd plat and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions:

1. Provision of a revised preliminary plat to show the ~~maximum~~ building setback *line from the runway* for a building 45' *high* based on the allowable height of the district and
2. Provision of a revised preliminary plat to include a note that states buildings may be constructed within the transitional zone less than 45' in height subject to the requirements of 14 CFR Part 77.

Attachments:

- Plat drawing

Applicant's Reason for Request: Subdivision requirement prior to obtaining a building permit for development.

KEY POINTS

- Property abuts existing airstrip.
- There are no stands of mature trees or floodplain areas (environmentally sensitive areas).
- Property includes Class II soils.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 (Section 12-113 of the County Code) states that building permits in the unincorporated area of the county may be issued only for platted lots, vested land divisions or Residential Development Parcels.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioners' acceptance of easements and rights-of-way as shown on the preliminary plat.
- Publication of rezoning resolution rezone to the I-1 Zoning District (Z-1-5-11).
- Final Plat (PF-1-1-11) submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.
- Approval of site plan (SP-3-16-11) by the Board of County Commissioners.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area: 41.966 acres
Number of Lots: 1
Right-of-way: 2.311 acres (E 1700 Road)

GENERAL INFORMATION

Current Zoning and Land Use: County A (Agricultural) District; existing agricultural field.

Surrounding Zoning and Land Use: A (Agricultural) District and I-1 (Limited Industrial) District to the north; existing residence and aviation-related business.

A (Agricultural) District to the east, west, and south; existing fields and rural residences.

A (Agricultural) District to the east of the airfield including residences and historic buildings (church and library).

STAFF REVIEW

This plat includes 41.966 acres and is located on the east side of E 1700 Road south of the intersection of E 1700 Road and N 700 Road in the Palmyra Township. The property abuts the Vinland airstrip along the east property line. This plat is preparatory to planned building expansion. A rezoning request has been submitted for the subject property (Z-1-5-11). The applicant proposes to expand an existing aviation-related business located immediately north of this property (SP-3-16-11). The site plan will be considered by the County Commission pending approval of the rezoning and platting processes.

Streets and Access

The property includes a frontage length of 1,685'. Additionally, this plat is for the purposes of expanding an existing business with improvements located on the platted lot to the north of the subject property with direct access to N 700 Road. Both E 1700 Road and N 700 Road are designated as principal arterial roads per Transportation 2030 map 6.10.

The County Access Management Standards require that drives on a principal arterial be separated by 1,320 feet (Section 9-501 of the County Code). However, this standard does not apply to property zoned I-1 at this time. There are two access points proposed for development of this property. See Figure 1. Access as proposed does not strictly adhere to the county standards but maximizes the separation of the drives from the intersection and other property.

Considerations for the type of use and desirability for emergency response/egress allow for a deviation from the standard (if it were technically applicable to the I-1 zoning district). The north access location meets the requirements for minimum corner clearance from N 700 Road. While the south access location is less than 1,320 feet from the north location it is desirable to provide clearance from the existing residential entrance at 652 E 1700 Rd. The proposed access locations strike a good balance of meeting current access management requirements while taking into account existing entrances.

A traffic study was reviewed by County staff regarding development of the property. Development is intended to occur in two phases. The initial phase will not require left turn lanes. However, ultimate build-out will require left turn lane improvements and will be assessed with the specific building proposals through the site plan process. It is the County Public Works Director's opinion that at full build-out a right turn lane would also be required but acknowledges that additional detail about future development is needed. Appropriate public improvement plans will be required with the Final Plat.

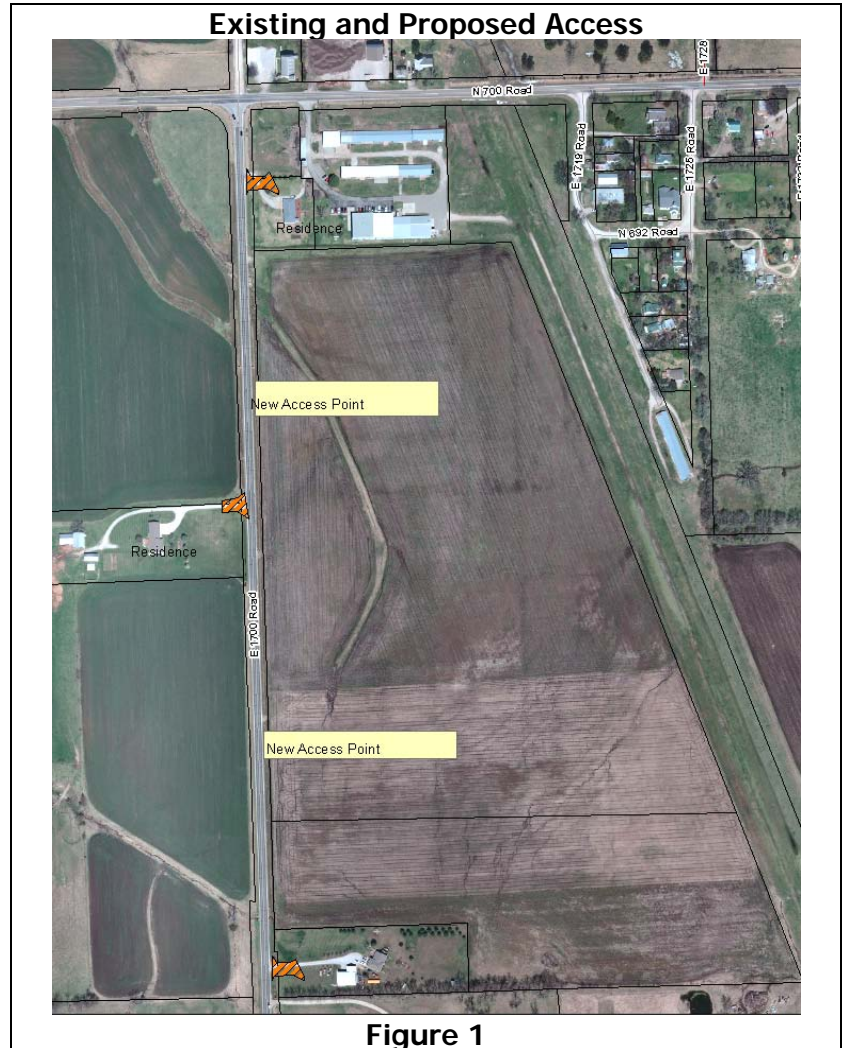


Figure 1

Utilities and Infrastructure

The property is served by Rural Water District No. 4. The Rural Water District reports that the property included in the boundary of the proposed preliminary plat is located within a "strong service area." The district anticipates no difficulty in serving proposed improvements on this property. The Palmyra Township Fire Department is the applicable fire department for this property and did not have any comments about the plat.

The applicant is considering various means of sewage management and will either utilize an on-site method such as a septic system or holding tank or an off-site lagoon. The Kansas Department of Health and Environment would approve the location of the lagoon and would also issue the permit. Lagoons generally are incompatible with aviation operations as they attract waterfowl that can cause significant damage to aircraft and pose harm to safe operations. This element will also be reviewed in detail as part of a site plan for development of the site, if approved.

Easements and Rights-of-way

Easements are shown on the preliminary plat which will be dedicated for utility purposes. These easements are located along the north, south and west property lines. The plat notes that electric power serving the site shall be provided underground. This will benefit the aircraft operations by reducing the number of obstructions in the area.

The plat shows the dedication of 60' of right-of-way for E 1700 Road. The total right-of-way required for an arterial road is 120'. The new right-of-way line captures the existing water line and places it within the new right-of-way rather than within an easement crossing a particular property. No additional right-of-way is needed to accommodate future turn lane improvements that may be needed with development of the property.

Airspace

Vinland airstrip is a private facility. The airstrip includes 11 acres. Hangar space is located on a parcel adjacent to the airstrip and along N 700 Road and is 3.03 acres. The Vinland community is located to the east of the airstrip.

The tract of land containing the runway is approximately 150' wide. The runway includes the surface of the runway and an area to accommodate wingspan and maneuvering making the total "runway" 250'. This area is also referred to as the Primary Runway Surface (*PRS*). The plat includes an extraordinary setback of 60 *feet* to include the PRS that encroaches along the east property line. The standard setback for industrial development is only 30'.

Runways also include an area known as a Transitional Surface (see graphic included in Z-1-5-11). This area is a three dimensional area of space adjacent to the runway (either side of the 250' boundary) that buildings and improvements are restricted. The setback line extends out from the runway in a diagonal allowing only 1' of height for every 7' *of the horizontal distance* away from the runway. This standard impacts both building setback and building height of the proposed lot. Staff estimates that approximately one-third of the site would be encumbered by the transitional surface with a structure built at the maximum 45' building height. See Figure 2.

The preliminary plat shows a rear yard setback of 60' to coincide with the width of the Primary Runway Surface. Additional building height and setback are required to comply with the Transitional Surface Setbacks.

Staff recommends the ~~maximum~~ setback *line from the runway* for a 45' *high* building be shown on the face of the preliminary plat with a note that states buildings may be constructed within the transitional zone less than 45' in height subject to the requirements of 14 CFR Part 77. This documentation on the preliminary plat provided base information regarding building setbacks.

Conformance



The proposed plat conforms to the minimum design standards of the Subdivision Regulations. The size of the parcel follows the proposed zoning boundary and is consistent with the minimum area recommendations for industrial zones stated in *Horizon 2020*.

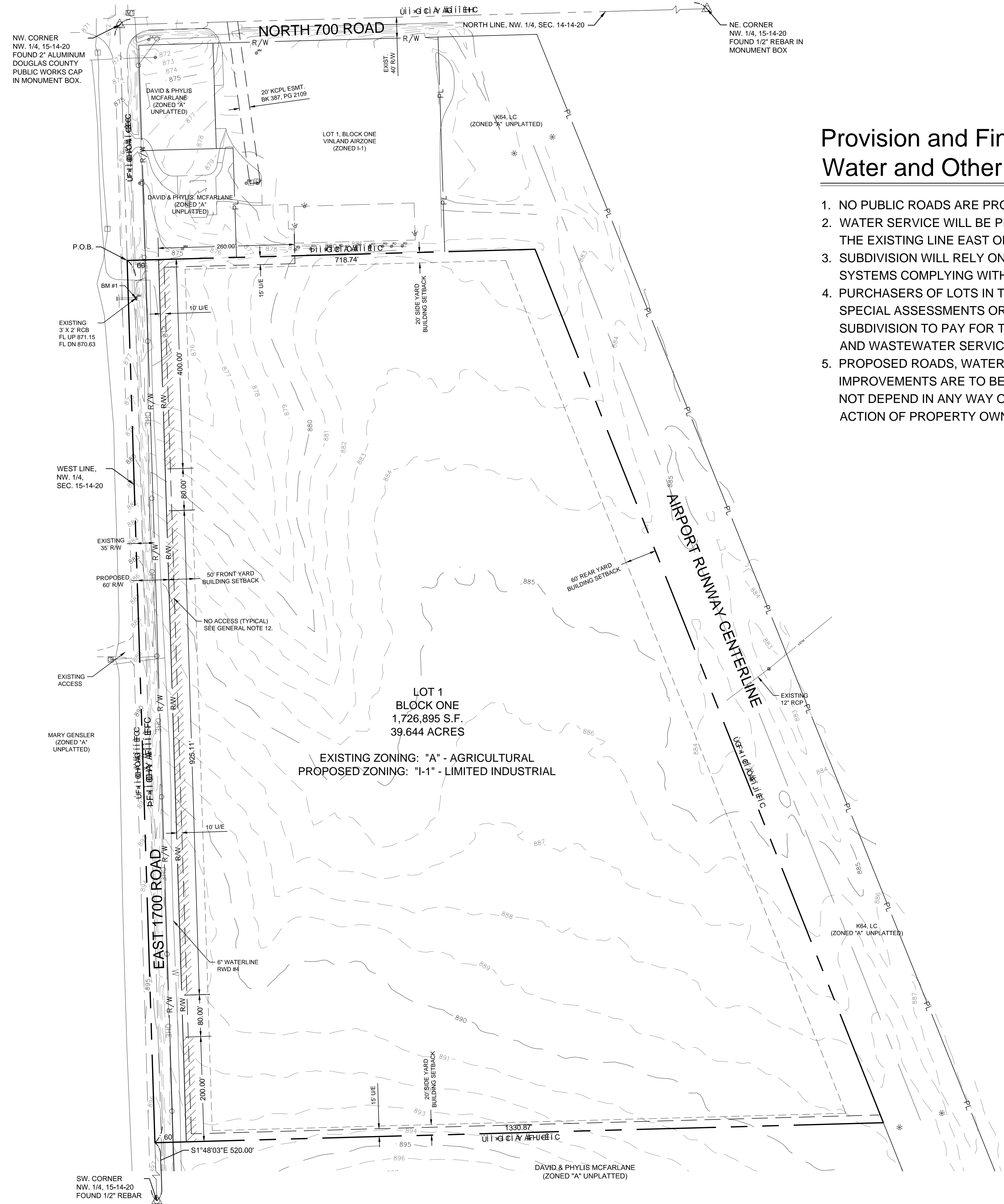
Conclusion

This review assumes the property is rezoned I-1. Notes on the face of the preliminary plat ensure that reasonable steps are taken with regard to development to ensure continued safe operations of the airport operations. These notes will be required on the face of the Final Plat.

**Primary Runway Surface
And
Transitional Surface
Figure 2**



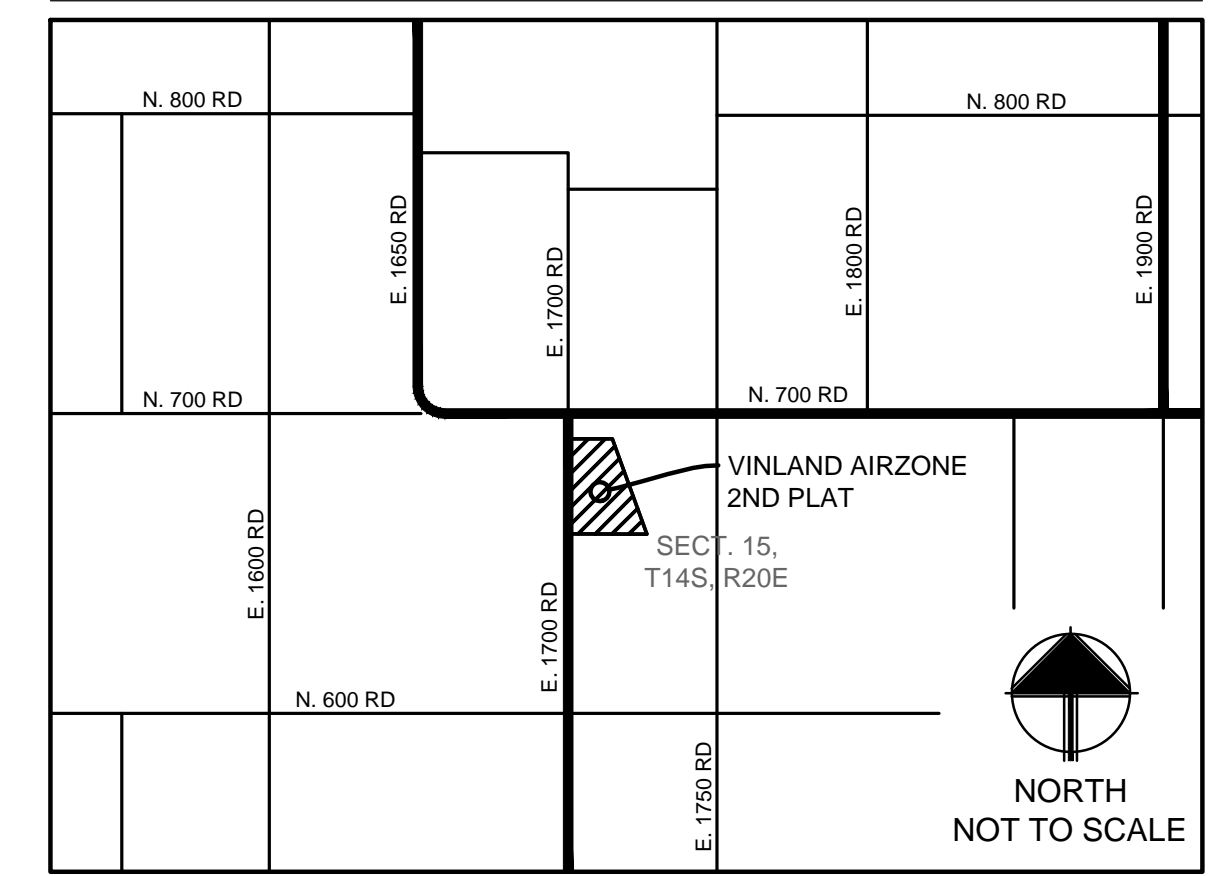
Primary Runway Surface	
Transitional Surface	
<i>Setback at 1' height for each 7' from edge of PRS</i>	



Provision and Financing of Roads, Sewer, Water and Other Public Services

1. NO PUBLIC ROADS ARE PROPOSED WITH THIS PLAT.
2. WATER SERVICE WILL BE PROVIDED BY RURAL WATER DISTRICT #4 VIA THE EXISTING LINE EAST OF E. 1700 ROAD.
3. SUBDIVISION WILL RELY ON ON-SITE WASTEWATER TREATMENT SYSTEMS COMPLYING WITH DOUGLAS COUNTY REQUIREMENTS.
4. PURCHASERS OF LOTS IN THE SUBDIVISION WILL NOT BE SUBJECT TO SPECIAL ASSESSMENTS OR OTHER COSTS OR FEES SPECIFIC TO THE SUBDIVISION TO PAY FOR THE CAPITAL COSTS OF ROADS, WATER LINES, AND WASTEWATER SERVICES.
5. PROPOSED ROADS, WATER LINES AND/OR WASTEWATER SERVICE IMPROVEMENTS ARE TO BE PROVIDED BY PRIVATE FINANCING AND WILL NOT DEPEND IN ANY WAY ON A VOTE, PETITION OR OTHER COLLECTIVE ACTION OF PROPERTY OWNERS IN THE SUBDIVISION.

Location Map



Legal Description

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 14 SOUTH, RANGE 20 EAST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

OUT TO CORNER... (Detailed legal description text describing the tract of land in Section 15, Township 14 South, Range 20 East of the 6th Principal Meridian, Douglas County, Kansas.)

General Notes

1. OWNER: LAND & SKY, LC
694 E. 1700 ROAD
BALDWIN CITY, KS 66006
2. LAND PLANNER/ENGINEER: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
3. LAND SURVEYOR: LANDPLAN ENGINEERING, P.A.
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
4. TYPICAL SOIL TYPES: MB: MARTIN SILTY CLAY LOAM, 1 TO 3 PERCENT SLOPES
MC: MARTIN SILTY CLAY LOAM, 3 TO 7 PERCENT SLOPES
5. TOPOGRAPHIC INFORMATION OBTAINED FROM AERIAL SURVEY PERFORMED BY DOUGLAS COUNTY LIDAR AND LANDPLAN ENGINEERING P.A., 2010.
6. EXISTING LAND USE: UNDEVELOPED, FARMLAND
7. PROPOSED LAND USE: LIGHT INDUSTRIAL
8. EXISTING ZONING: "A" - AGRICULTURAL
9. PROPOSED ZONING: "I-1" - LIMITED INDUSTRIAL
10. NO PART OF THIS SITE IS LOCATED WITHIN THE FLOODPLAIN PER FEMA MAP #20045C0308D, DATED AUGUST 5, 2010.
11. ELECTRIC POWER TO BE PROVIDED VIA UNDERGROUND ROUTING.
12. DIRECT ACCESS ONTO E. 1700 ROAD IS PROHIBITED EXCEPT AT LOCATIONS SHOWN.
13. ALL DEVELOPMENT SHALL COMPLY WITH THE REQUIREMENTS OF 14 CFR PART 77.

Site Summary

GROSS AREA:	1,828,002 SQ. FT. / 41.966 ACRES
RIGHTS OF WAY (EXISTING & PROPOSED):	101,107 SQ. FT. / 2.322 ACRES
NET AREA:	1,726,895 SQ. FT. / 39.644 ACRES

"A" - AGRICULTURE (EXISTING ZONING)	1,828,002 SQ. FT. / 41.966 ACRES
"I-1" - LIMITED INDUSTRIAL (PROPOSED ZONING)	1,828,002 SQ. FT. / 41.966 ACRES

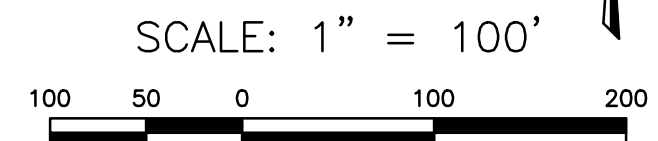
TOTAL NUMBER OF LOTS	1
MINIMUM LOT SIZE	1,726,895 SQ. FT. / 39.644 ACRES
MAXIMUM LOT SIZE	1,726,895 SQ. FT. / 39.644 ACRES
AVERAGE LOT SIZE	1,726,895 SQ. FT. / 39.644 ACRES

Benchmark

BENCHMARK NO. 1 OPPOSITE CORNER OF SECTION 15, TOWNSHIP 14 SOUTH FROM THE INTERSECTION OF NORTH 700 ROAD AND EAST 1700 ROAD. ELEV. 874.956'

THIS DOCUMENT IS FOR PLANNING PURPOSES ONLY - NOT FOR CONSTRUCTION

A PRELIMINARY PLAT FOR VINLAND AIRZONE 2ND PLAT DOUGLAS COUNTY, KANSAS



**Civil Engineering
Landscape Architecture
Community Planning
Surveying**

Landplan Engineering, P.A.
Lawrence, KS • Kansas City, MO • Columbus, OH
The Woodlands, TX • Farmington Hills, MI

1310 Wakarusa Drive
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Fax: (785) 842-2410
Web: www.landplan-pa.com

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VINLAND AIRZONE 2ND PLAT PRELIMINARY PLAT

REV	DATE	DESCRIPTION
A	03/08/11	STAFF REVIEW

DATE:	01.24.11
PROJECT NO.:	20101312.00
DESIGNED BY:	CMS, CLM
DRAWN BY:	RK
CHECKED BY:	CMS, CLM

ISSUE	SHEET NO.
B	1
OF 1 SHEETS	

6425 SW 6th Avenue
Topeka, KS 66615



phone: 785-272-8681
fax: 785-272-8682
cultural_resources@kshs.org

Kansas Historical Society

Sam Brownback, Governor
Jennie Chinn, Executive Director

March 24, 2011

Christopher M. Storm, PE, LEED AP
Engineering Manager
Landplan Engineering, PA
1310 Wakarusa Drive
Lawrence KS 66049

RE: Vinland Airzone 2nd Plat and McFarlane Aviation Products Project
Douglas County
Within the Environs of the Vinland Grange Hall and Vinland Presbyterian Church

Dear Mr. Storm:

We have reviewed the materials received March 16, 2011, regarding the above-referenced project in accordance with the state preservation statute K.S.A. 75-2724. The law requires the State Historic Preservation Officer (SHPO) be given the opportunity to comment on proposed projects affecting historic properties or districts. The SHPO has determined the proposed project will not encroach upon, damage, or destroy any listed historic property or its environs. As far as this office is concerned, the project may proceed.

Please refer to the Kansas State Review & Compliance number (KSR&C#) listed above on any future correspondence. If you have any questions concerning this review, please contact Kim Norton Gant at 785-272-8681, ext 225.

Sincerely,
Jennie Chinn
State Historic Preservation Officer

Patrick Zollner
Director, Cultural Resources Division
Deputy State Historic Preservation Officer

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Memorandum
City of Lawrence
Douglas County
Planning and Development Services

TO: Douglas County Board of County Commissioners
Craig Weinaug, County Administrator
Lawrence City Commission
David L. Corliss, City Manager

FROM: Amy Miller, Long-Range Planner
Mary Miller, Current Planner

CC: Scott McCullough, Director, Planning and Development Services

Date: April 7, 2011

RE: Proposed Chapter 16: Environment to Horizon 2020 - Follow-up to questions raised at the joint study session held on March 8, 2011.

This memo serves as a response to questions raised by Commissioners at the March 8, 2011 joint Lawrence City Commission/ Douglas County Board of County Commissioners study session regarding CPA-2008-7, the inclusion of the proposed Chapter 16: Environment to *Horizon 2020*. A list of the main questions, as well as the associated [staff response](#) follows:

1. The .pdf document that is posted to the website is not searchable. [Staff has corrected this and posted a new, searchable copy to the website.](#)
2. Should v. Shall. Throughout the chapter "shall" is used 15 times in the goal and policy statements while "should" is used 19 times. For reference, staff has included a copy of the proposed chapter in the packet information that has the "shall" statements highlighted in green and "should" statements highlighted in yellow. In order to reduce file size, the maps have been removed from this version of the chapter. In a sampling of other chapters in *Horizon 2020*, Chapter 7 (Industrial) used "shall" 10 times and "should" 26 times. Chapter 6 (Commercial) used "shall" 126 times and "should" 20 times. The proposed Chapter 16 notes how the goals and policies in the chapter are to be used in the "Chapter Utilization" section at the beginning of the chapter.
3. What policies correspond to regulations that we already have in place and which policies would require new regulations be drafted? For reference, staff has included a copy of the proposed chapter in the packet information that has the policies color coded as to whether they have corresponding regulations that exists or if new regulations would be needed. In order to reduce the file size, the

maps have been removed from this version of the chapter. There are 35 policies that would require new regulations be developed in the proposed chapter, 89 that have partial regulations in place, 13 that have existing regulations and 13 inventory action items. Some of the most significant policies that would result in new regulations would be Policy 1.2 a – Develop stream setback ordinance, Policy 1.4 b, c, d – Wetland protections, Policy 2.2 a.3, a.4, b.2 – Woodland and Urban Forest protections, Policy 2.4 b-i – Natural habitat protection, Policy 2.7 b – Programs to protect High Quality Agricultural Land, and Policy 3.4 – Reduce mercury emissions.

4. The chapter lists several policies that require that inventories of certain natural features be conducted. List those policies and try to determine which ones staff can complete and which ones staff will need to partner with an outside agency in order to complete.

Policy #	What?	Who? Partner?	Notes
1.3 b, 1.4 a	Wetlands, Riparian Areas	KBS	Some data exists, but would need to translate into our GIS system.
1.5 a	Groundwater	KGS	Data exists, but would need to translate into our GIS system.
2.2 a	Woodlands	TBD	TBD
2.2 b.1, 3.5 a	Urban Forest	TBD	TBD
2.3 a	Native Prairie	KBS	Some data exists, but would need to translate into our GIS system.
2.4 a	Habitats	KDWP, KBS	Some data exists, but would need to translate into our GIS system.
2.5	Viewsheds	Planning Staff	Would need public input on criteria first.
2.7 c	Agricultural Soils	Planning Staff	Would need to start tracking soils lost to urbanization.
3.5 b	Greenhouse Gas	TBD	TBD
4.1 b	Quarries	Planning Staff	Would need to gather locations of current and past quarries and map.
4.1 c	Mineral Deposits	KGS	Some data exists, but would need to translate into our GIS system.

KBS = Kansas Biological Survey

KGS = Kansas Geological Survey

KDWP = Kansas Department of Wildlife and Parks

The majority of the inventory items above will have a minimal cost associated with them since the bulk of the work will be performed by planning staff. In the event that data would need to be collected by an outside partner with an associate cost, the use of grants will be investigated and/or the item will need to be included in a future planning budget. The items will need to be prioritized and scheduled as a part of the planning department work program. Further information related to the inventory items in the table above will be verbally presented to the County Commission at their April 13th, 2011 meeting.

Environment

*Planning Commission Approved Draft
(PC Approved 8/23/10, Vote 8-1-1)*

Shall

Should

Existing Regulations in Place

Partial Existing Regulations in Place

Future Regulations Needed

Inventory Items

***** Maps have been removed from this version of the proposed chapter in order to reduce file size.*****

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CHAPTER SIXTEEN - ENVIRONMENT

"The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value."
—Theodore Roosevelt, 1907

OVERVIEW

Douglas County has a rich and valuable heritage that is characterized by a variety of environmental and natural conditions. Prairies, rivers, forests, wetlands, agricultural soils, and other natural features provide scenic beauty, recreation, natural habitats, flood protection, and opportunities for interpretation, appreciation, and education.

Protecting and enhancing Douglas County's environment, including its built environment, is the focus of this chapter. The recommendations are intended to foster a healthy environment that contributes to a growing economy and a livable community. This concept is in line with an overall goal of Horizon 2020 (see Chapter 1) regarding sustainability that states: *"We will strive to ensure the sustainability of our physical environment, both natural and built, the health of our economy and the efficient and effective functioning of our community."*

Environmental quality and appropriate use of natural resources are essential elements of an area's livability and greatly enhance the quality of life for Douglas County residents. Protection of natural resources is an important component in planning for growth and development in Douglas County since all development activities create some level of impact on the air, water and land resources mentioned in this chapter. While land development is important to economic vitality, natural resources and climate protection are increasingly recognized as equally important to the health and vitality of the community and must be protected for future generations. The responsible way to achieve the mutual goals of environmental protection and planned growth is to develop in a sustainable manner, one that is capable of being continued with minimal long term effects on the environment.

There are already a few programs in place that aim to achieve some of the sustainability goals of this chapter, such as the county-wide ECO² program which is a tool used to promote the dual goal of open space preservation and economic development. The program uses a concept of net equity that states an amount equal to a portion of the investment of public funds for industrial development be

used for open space preservation. In addition, the City of Lawrence adopted a Land Development Code in 2006 which addresses some recommendations of this chapter, including standards for impervious surface coverage, open space requirements, and landscaping. The City and Douglas County also have recently revised the subdivision regulations which include provisions for land divisions which contain environmentally sensitive features. The City of Lawrence also has multiple efforts currently underway with similar goals as presented in this chapter, including work by the Sustainability Advisory Board, the Mayor's Climate Protection Task Force, and the Peak Oil Task Force. These advisory boards review issues and make recommendations to the Lawrence City Commission. Douglas County has recently established a Local Food Policy Council to work with stakeholders in creating and maintaining a healthy local food system. This chapter takes into account recommendations that have been made by all advisory boards related to topics discussed. It is important that work on these programs be ongoing in order to further the goals of this chapter. Also, the City and County are committing to internalizing sustainability principles within their operations in order to take the lead in creating a sustainable and livable community.

A variety of management practices are recommended in this chapter, including education of the public and government officials, development of incentives and regulations, and incorporation of green infrastructure strategies. "Green infrastructure strategies actively seek to understand, leverage, and value the different ecological, social, and economic functions provided by natural systems in order to guide more efficient and sustainable land use and development patterns as well as protect ecosystems."¹

The recommendations in this chapter focus on integrating the natural and built environments in order to create a healthy, sustainable community for current and future generations to live, work and play. The City of Lawrence and Douglas County are committed to protecting and enhancing the environment while meeting other community, economic development, housing and infrastructure goals.

Strategies:

Strategies provide a direction or approach to accomplish specific goals or policies of this chapter:

- Identify and protect important environmental features in a manner that also:
 - Accommodates planned urban and rural growth,

¹ *Towards a Sustainable America: Advancing Prosperity, Opportunity, and a Healthy Environment for the 21st Century, May 1999 (The President's Council on Sustainable Development.)*

- Discourages urban sprawl,
 - Provides for efficient transportation systems,
 - Partners with economic development activities,
 - Considers private property rights,
 - Allows adequate open space for preservation and recreation,
 - Establishes a contiguous network of open space, and
 - Creates a sustainable community.
- Consider the impact upon environmental and natural resources in planning and development efforts.
 - Establish effective incentives and regulations that promote sustainable and efficient management of environmental resources.
 - Develop educational programs to foster community awareness of and support for the protection and enhancement of natural areas, efficient use of natural resources and appropriate waste management.
 - Encourage environmental policies and programs to secure the community's future economic, ecological, animal, plant and human health.

Chapter Organization:

This chapter covers a wide range of subjects and is divided into sections for different environmental categories, such as Water or Land Resources. Each section contains:

- 1) **Introduction:** *Presents a broad overview of each category.*
- 2) **Summary of Issues:** *Provides brief discussion of topics.*
- 3) **Goals and Policies:** *Presents long-range goals of the community and identifies specific courses of action to achieve those goals.*

Chapter Utilization

This chapter presents a comprehensive overview of environmental issues as they relate to land use. Action steps are contained in many of the goals and policies presented in this chapter. Those action steps may involve other agencies or may take time to complete. Development proposals shall be evaluated using the goals and policies contained in this chapter to promote sustainable development that is aligned with the strategies above. Doing so will ensure that there is a balance between environmental and developmental concerns.

- This chapter is meant as a guide that will supplement goals and policies discussed in other chapters in Horizon 2020. This chapter

is meant to integrate with other chapters in the comprehensive plan.

- Code regulations shall be developed to achieve the policies discussed in this chapter.
- Goals and policies discussed in this chapter shall be used in the long-range planning process, as well as long range plans for other city and county departments, such as Parks and Recreation, Utilities, Public Works, etc.
- Development proposals will be reviewed for general conformance with the goals and policies in this chapter to promote sustainable development.

WATER RESOURCES AND MANAGEMENT

This section discusses the variety of water resources in Douglas County, which includes creeks, rivers, streams, lakes, wetlands and groundwater. Each type of water resource can be viewed individually or as a comprehensive, interconnected network to understand their importance and function in the natural environment. They can also be evaluated to determine how actions taken as part of the planning and development process may impact or influence their ability to provide good water quality for human consumption and aquatic habitat, reduce flooding, and provide recreational opportunities.

Summary of Issues:

- 1) **Water quality.** *Protection of watersheds, particularly those above public water supply reservoirs, is critical to ensuring that public water quality is maintained at its highest level. Minimizing pollutants that can contaminate ground and surface water and controlling erosion will also help to protect the water quality and help provide high quality aquatic habitats. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*
- 2) **Flooding.** *Protecting floodplain areas maintains the carrying capacity of the floodplain, improves water quality, provides wildlife habitat, reduces threats to human life, and minimizes damage to property. In the past, Douglas County has experienced flooding, most notably with the 1951 and 1993 floods. The 1951 flood caused an excess of \$3 million in damage to the City of Lawrence alone, compared with only \$1.2 million in damage after the 1993 flood. The damage in 1993 in the City of Lawrence was significantly lower than the damage in 1951 because the local levee system was completed in 1980, before the 1993 flood. It is important to note that the majority of the damage from the 1993 flood occurred in unprotected areas of Douglas County therefore causing more than \$5.8 million in damage county-wide. Efforts associated with the National Flood Insurance Program (NFIP), including compliance with regulatory standards and the City of Lawrence's participation in the Community Rating System (CRS) program, also led to a decreased vulnerability to flood damage as a result of the 1993 flood. Flooding is considered a serious public hazard and approximately 16% of all of the land in Douglas County is located in the 100-year floodplain.*
- 3) **Recreation.** Douglas County contains numerous water resources that provide recreational benefits, such as fishing, boating, and swimming. Clinton Lake, the Kansas River and the Wakarusa River are just a few of

the water bodies that contribute to the healthy outdoor lifestyle of residents.

Goals and Policies:

Goal 1: Properly manage all water resources, including Drainage Areas, Surface Watercourses, Wetlands, Sub-surface Waterways, Floodplain areas, and Stormwater runoff, in order to protect natural habitats, mitigate hazards, and ensure water quality.

Policy 1.1 Planning at the watershed level **should** be implemented to mitigate development impacts on a large scale. This could include development of a county wide drainage area plan that would identify the drainage areas and set out goals and policies specific to each area.

Policy 1.2 Preserve and protect natural surface watercourses.

- a. Develop stream setback regulations for both the City of Lawrence and Douglas County to establish stream corridors which provide a buffer that stabilizes stream banks, reduces erosion, preserves riparian areas, mitigates flood hazards, and ensures water quality.
- b. Encourage uses of riparian areas that are low-impact, which may include recreational uses and also serve as connectors to other non-water recreational areas.
- c. Water structures, including dams, **shall** be permitted and maintained in accordance with applicable Federal, State and local regulations.
- d. Encourage continued alignment with the Kansas Water Plan, which lists the following measures:
 - d.1 Use native plants in yards and gardens; they need fewer chemicals and water.
 - d.2 Use fewer chemicals on lawn, gardens, fields and forests to protect water quality.
 - d.3 Separate livestock operations from streams with a vegetated filter and adequate distance.

Policy 1.3 Improve and maintain water quality, particularly sources of public drinking water, through watershed protection measures.

- a. The City and County shall participate in applicable Watershed Restoration and Protection Strategy (WRAPS) programs, focusing on the protection of the Upper Wakarusa and Lower Kansas Watersheds.
- b. The City and County shall identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed.
- c. Develop regulations and incentives for the protection of the inventoried features discussed above with emphasis on protection of public drinking water supply, habitat preservation, stream stability and erosion control.

Policy 1.4 Preserve and protect wetlands and the various functions they serve.

- a. Inventory and map wetlands in the county; identifying them based on the priority criteria listed in The Wetland Federal Regulations 33 CFR Part 320.4, as amended.
- b. Develop a wetland policy which promotes protection, enhancement and restoration of existing high priority wetlands and effective mitigation of wetlands when disturbed.
- c. Develop regulations and incentives for the retention and protection of the wetlands identified through the inventory focusing on impacts from both on-site and off-site development activity that affects the wetlands in question.
- d. Provide education and outreach programs to inform citizens and government employees of the function and values of wetlands and the measures that protect them.

Policy 1.5 Protect sub-surface water resources.

- a. Conduct an inventory of Douglas County and identify any significant areas of groundwater recharge to maximize opportunities for protection of water quality.
- b. Develop programs and regulations, such as pesticide-free park programs and further stormwater regulations, to minimize pollutants

leaching into underlying groundwater systems to help ensure the quality of our groundwater resources.

- c. If important areas of groundwater recharge are identified through the inventory, prepare a wellhead protection plan.
- d. Provide education and outreach programs to inform citizens and government employees of the function and values of sub-surface water resources and the measures that protect them.

Policy 1.6 Protect floodplain areas to maintain the carrying capacity of the floodplain and mitigate potential hazards to human life.

- a. The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality. Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas.
- b. Communities shall continue participation in the National Flood Insurance Program (NFIP).
- c. The City of Lawrence should continue participation in the Community Rating System (CRS) program and increase their level of participation in order to achieve a greater discount to citizens on their flood insurance rates. Douglas County should investigate participating in the program as well.
- d. Encourage all property owners living in flood prone areas to purchase flood insurance.
- e. Continue to educate citizens on flood related hazards, floodplain regulations, and other flood related topics to comply with national programs and reduce the flood hazard.

Policy 1.7 Develop stormwater management policies and programs in a manner that ensures water quality and properly controls runoff.

- a. Encourage minimal and appropriate use of fertilizers, pesticides and other chemicals to reduce stormwater pollutants.

- b. Develop strong erosion and sediment control policies on construction sites that include consistent and effective enforcement to improve stormwater quality.
- c. As part of the City of Lawrence's overall stormwater management strategy, maintain regulations and policies that are consistent with the provisions and goals of the Clean Water Act, including its National Pollutant Discharge Elimination System (NPDES) Program, and other federal, state and local requirements for water quality and environmental preservation.
- d. Maintain an inventory of stormwater structures for ongoing inspection, compliance and maintenance procedures. Establish an inspection and maintenance plan with property owners as part of Best Management Practices (BMPs).
- e. Use nonstructural or natural approaches to stormwater system design and management. Encourage stormwater management that uses natural features, rain barrels, rain gardens, bio-retention swales, pervious paving materials, and limits the use of impervious surfaces, etc.
- f. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.
- g. Encourage environmentally sensitive farming methods, such as terracing, buffering, the use of no-till farming practices, etc., near surface watercourses to reduce pollution, stabilize streambanks and prevent erosion.
- h. Douglas County shall adopt stormwater regulations that include submittal of drainage plans and regulations for on-site detention, particularly for properties located in Urban Growth Area's (UGAs) throughout the County.

LAND RESOURCES AND MANAGEMENT

This section discusses Douglas County's various land resources, which consist of rural woodlands and urban forests, native prairies, and agricultural soils. These resources provide wildlife habitats, viewsheds, and open spaces, as well as, serving as 'Green Infrastructure', as they provide benefits to the natural and built environments. Like many other parts of the country, land resources within Douglas County are being impacted by development pressures and agricultural practices. Benefits of preserving and managing land resources include growth management, flood control, improved water quality, protection of wildlife habitat, and economic advantages to the community, such as a lower cost to the community for development.

Summary of Issues:

- 1) Open space network.** *The creation of an open space network or green infrastructure system minimizes the fragmentation of natural areas and benefits the community by protecting natural habitats, providing appropriate stormwater management, providing open-air recreation areas and promoting sustainable development practices. Open space networks can include:*

***Topography:** Developing on steep slopes can be costly and permanently alters the natural slope of the land which may have detrimental effects on other natural features, stormwater runoff and habitats.*

***Rural Woodlands and Urban Forests:** The trees in rural woodlands and urban forests provide many valuable benefits ranging from:*

- ***Ecological** (improving air and water quality),*
- ***Biological** (providing wildlife habitat),*
- ***Physical** (serving as 'green infrastructure' by providing shade and screening),*
- ***Social** (providing areas of scenic beauty and areas for recreation), and*
- ***Cultural** (establishing and maintaining the character of the area).*

***Native Prairies:** The tallgrass prairie has an intrinsic value as an endangered ecosystem which is a feature of our national heritage. The prairies provide recreational and educational opportunities, as well as providing habitats for wildlife and*

plant species. In addition, native prairies play a valuable role in controlling sedimentation, aiding groundwater recharge, and absorbing stormwater runoff.

Endangered Species and Wildlife Habitats: The protection of critical habitats is a principal means of protecting rare and endangered species and also serves to protect other species that use the same habitat. Because development has resulted in fragmentation of wildlife habitats, corridors connecting them should be maintained. The Kansas Wildlife Conservation Plan² includes protection measures for rare and endangered species and is geared toward practices and policies that would help keep common species from becoming endangered.

- 2) **Agricultural soils.** High Quality Agricultural Land is recognized as having exceptional quality and fertility, and in Douglas County is generally described as having Capability Class (non-irrigated) I and II soils as defined by the National Resources Conservation Service. This High Quality Agricultural Land is a finite resource that is important to the regional economy. This land requires less intervention to produce high yields of crops with high nutrition and should be protected, preferably for food production.

Goals and Policies:

Goal 2: Properly manage all land resources, including soils, woodlands, native prairies, wildlife habitats, viewsheds and open spaces, to maintain the functions they provide, ensure the sustainability of the resources, and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 2.1 Development **should** maintain the natural benefits of existing topography. Development on steep slopes (above 15%) **should** be done in a manner that encourages the use of the existing topography with minimal grading to minimize adverse effects.

Policy 2.2 Preserve and sustain woodlands within Douglas County.

² <http://www.kdwp.state.ks.us/news/Other-Services/Wildlife-Conservation-Plan>

- a. The City and County shall partner with other agencies and institutions to inventory and map woodlands within the county. The inventory and map should identify the different types of woodlands ('high quality natural areas', woodlands which form, or could form, corridors or greenways and riparian woodlands) and provide a ranking system in priority order for protection.
 - a.1 Develop regulations and incentives that provide different levels of protection for the different types of woodlands.
 - a.2 Encourage environmentally sensitive site design practices which minimize the unnecessary physical and visual impacts upon the surrounding landscape caused by removal of woodlands.
 - a.3 Develop regulations and incentives for the protection, maintenance, and improvement of riparian woodlands which include an ordinance defining the stream setbacks and the activity which may occur in the riparian area.
 - a.4 Develop public outreach and educational programs to increase public awareness concerning the importance of woodlands.
- b. Protect and increase the urban forest in Lawrence.
 - b.1 The City shall conduct an inventory of the Urban Forest.
 - b.2 Adopt an Urban Forestry Master Plan and associated policies, programs, and incentives for the preservation and enhancement of Lawrence's urban forest on both public and private property, through development and zoning codes, emphasizing the use of trees appropriate to the climate of this region.
 - b.3 Adopt standards for tree care activities and the regulation of tree maintenance contractors that will prevent the serious damage that inappropriate pruning practices cause to Lawrence's trees. Partner with utility agencies regarding appropriate tree location and pruning practices.
 - b.4 Establish educational programs to foster public/community awareness of, support for, and contribution to Lawrence's urban forestry initiatives, which are directed at establishing the

maximum urban tree canopy, maintaining it in a healthy condition and promoting its conservation.

Policy 2.3 Preserve and protect native prairie.

- a. Partner with the Kansas Biological Survey, other agencies, and individuals to inventory and map the remaining native prairie remnants within Douglas County.
- b. Develop regulations, planning guidelines, management techniques, and incentives for preserving native prairies. The native prairie **should** be preserved and used as parks and/or open space either through purchase or the use of conservation easements.

Policy 2.4 Preserve and protect natural habitats.

- a. Identify and map areas of 'critical habitat', key habitats, and wildlife corridors, including areas that could link together to increase connectivity throughout the City and County.
- b. Develop incentives to encourage on-site and off-site habitat connections and/or enhancement of natural areas as part of development projects.
- c. Develop regulations that permit only low-impact development with environmentally sensitive design in areas of 'critical habitat'.
- d. Increase awareness of the species and loss of habitat through educational and outreach programs.
- e. Treat areas identified as key habitats as high priority areas for preservation and protection in the development of regulations, protection standards, and incentives.
- f. Develop regulations and incentive programs for the protection and maintenance of wildlife corridors and key habitat areas.
- g. Regulate the placement of roads, trails and utilities with development or infrastructure projects to minimize creation of fragmented natural areas.

- h. Develop a program to encourage and incentivize the connectivity of natural areas whether they are on a particular development site or off-site.
- i. Develop a combination of educational programs, incentives, and development standards that recognize and promote sound management practices by private land owners to maintain the health of natural habitats on private property.

Policy 2.5 Along with community members in Douglas County, identify and define important features that contribute to viewsheds, as well as establish possible protections for viewsheds. At such time, further policies relating to viewsheds may need to be addressed.

Policy 2.6 Preserve existing open space and create new open space areas to preserve and expand a sustainable green infrastructure system.

- a. To maximize the advantages to the community that the natural and built environments provide, open space preservation shall remain a goal especially as it relates to protecting and preserving natural features discussed in the comprehensive plan. This should be done through:
 - a.1 Maintaining and enhancing existing open space.
 - a.2 Creating new designated open space areas.
 - a.3 Creating a large interconnected network of open space.
- b. Incorporate open space evaluation into long range plans to determine in advance of development proposals what areas are suitable for development and what areas would serve better as open space.
- c. The acquisition and continued maintenance of open space that is publicly accessible shall be strongly encouraged.
- d. Promote and encourage eco-tourism to sustain open space and natural areas.

Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current and future agricultural use.

- a. The protection of High Quality Agricultural Land shall be used as a key assumption in the sector planning process.
- b. Establish tools to protect High Quality Agricultural Land for farming and make its protection economically feasible for the land owner, such as an agricultural easement program, development incentives that encourage the protection of this resource, public/private partnerships, or other funding mechanisms.
- c. Maintain an inventory of High Quality Agricultural Land in Douglas County and track the amount lost to urbanization.
- d. Encourage and develop policies that support agri- and eco-tourism, as well as a sustainable local/regional food system.

AIR RESOURCES AND MANAGEMENT

This section focuses on air quality, which is impacted by the amounts of pollutants present, such as sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone, radon, particulate matter, mercury and lead. Air pollution has a profound impact on the environment and can lead to water contamination, soil contamination and impact the health of humans, animals and plants.

Excess greenhouse gases, such as carbon dioxide, methane, nitrous oxide, and fluorinated gases, are a form of air pollution that may lead to global warming. The *Climate Protection Plan: Climate Protection Task Force Report* to the Lawrence City Commission provides recommendations for the reduction of greenhouse gas emissions in the community.

Summary of Issues:

- 1) **Air quality.** *The quality of air impacts human, plant and animal health.*
 - a. **Outdoor air pollution.** *Minimizing pollutants is critical to maintaining outdoor air quality. Outdoor air pollution can lead to negative health impacts.*
 - b. **Excessive greenhouse gases.** *Reducing greenhouse gases is necessary to limit their negative impacts on the climate.*
 - c. **Indoor air pollution.** *Pollutants, such as radon, second-hand smoke, carbon monoxide and VOCs (volatile organic compounds) affect indoor air quality and have a negative impact on human health.*

Goals and Policies:

Goal 3: Improve indoor and outdoor air quality in order to mitigate impacts to human, animal and plant life in Douglas County.

Policy 3.1 Improve air quality through reduction in emissions from vehicle exhaust by reducing the number of vehicle miles traveled.

- a. Recommend land use and transportation design standards that encourage the use of alternative forms of transportation (other than private vehicle), encourage development in areas that are served or could be served by transit facilities, and provide efficient connections from one mode of transportation to another.

- b. Encourage and provide incentives for mixed use districts which provide live/work/shop opportunities within walkable distance.
- c. Encourage redevelopment and infill where adequate infrastructure currently exists.
- d. Encourage and provide incentives for carpooling or use of mass transit and alternative forms of transportation.
- e. The City and County Governments, in addition to other employers within Douglas County, **should** develop and implement incentive programs to promote and increase public transit use or forms of alternative transportation (non-vehicular) among their employees.
- f. Provide education to the general public, businesses and government officials regarding the cause and effects of air pollution, focusing on steps everyone can take to reduce air pollution and the intended benefits of local regulations designed to reduce air pollution.
- g. Develop a walkable, complete street program stressing connectivity and street design that safely accommodates all users including non-motorized vehicular traffic.

Policy 3.2 Reduce emissions from vehicle exhaust and encourage the use of more energy efficient vehicles.

- a. Provide education to the general public, businesses and government officials regarding the cause and effects of air pollution focusing on steps everyone can take to reduce air pollution.
- b. The City and County **should** take a leadership role in reducing emissions from the city/county vehicles and public transit vehicles, purchasing more energy efficient vehicles, and reducing the number of miles traveled when possible.

Policy 3.3 Reduce emissions of non-vehicular air toxics as listed by the EPA.

- a. The City and County **should** strive to minimize power usage, promote alternate fuel sources, and use environmentally friendly building design and mechanical systems (often referred to as 'green building') in their government buildings to serve as a model to the community.

- b. Encourage education and outreach programs which explain the need for improvement and provide information on steps individuals, businesses, institutions, the City and the County can take to reduce their contribution to emissions in Douglas County.

Policy 3.4 **Adopt and implement the standards in the Federal Clean Air Mercury Rule to reduce the mercury emissions in the area.**

Policy 3.5 **Develop Land Use Planning regulations and incentives to reduce greenhouse gas emissions to acceptable levels.**

- a. Develop and implement policies to inventory and increase the amount of urban forest that will help reduce the amount of CO2 in the air.
- b. Develop a Douglas County inventory of greenhouse gas emissions using the guidance materials available from the EPA and use this inventory to monitor success of implemented programs.
- c. Develop a program to accommodate and encourage the increased use of bicycling as a form of transportation. The program **should** include the following features:
 - c.1 Bicycle/pedestrian level of service standards and guidelines for new developments.
 - c.2 Incentives for provision of additional bicycle parking at existing facilities.
 - c.3 Plans for the retrofit of existing streets where bicycle facilities are needed.
 - c.4 The implementation of a comprehensive network of bicycle facilities identified in the bikeway system map.
- d. Encourage and incentivize energy efficient building design.
- e. Encourage and incentivize transit and forms of non-motorized transportation.
- f. City and County governments **should** serve as a model for the community by setting goals for reduction of greenhouse gas emissions from construction and operation of government buildings.

Policy 3.6 Improve indoor air quality to maintain and improve the health of our community.

- a. Inform and educate the public to the causes and effects of indoor air pollution as well as the measures to reduce the pollution.
- b. Maintain current building codes aimed at reducing indoor pollutants and consider codes to further improve indoor air quality.

Policy 3.7 Work with agencies to implement the above policies in order to keep Douglas County from becoming a non-attainment area as defined by the Environmental Protection Agency.

RESOURCE MANAGEMENT

This section encourages the responsible use of marketable natural resources within Douglas County through proper extraction and reclamation methods. They are essential to sustainable development activity, primarily in the form of low cost raw materials, such as sand, gravel, timber, oil, gas, and stone, etc.

Summary of Issues:

- 1) Resources.** *The improper extraction of marketable natural resources can create environmental problems such as erosion, negative impacts on water quality, and degradation of wildlife habitats.*

Goals and Policies:

Goal 4: Properly manage marketable resources to ensure the sustainability of the resources and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 4.1 Identify and properly manage marketable natural resources.

- To minimize negative environmental impacts, the City and County shall work with applicable state agencies to develop appropriate operation standards for harvesting, collecting, recovery and extraction of marketable natural resources, and provide for effective reclamation of land.
- Document and map all operating and non-operating quarries. Document any quarries and sand/gravel operations which were in operation prior to the establishment of zoning regulations and work with the operators to minimize negative impacts of operations.
- Identify and map marketable mineral deposits to assist in future land use/planning decisions.

WASTE MANAGEMENT

This section provides a general discussion of the proper disposal methods of waste, including solid waste and hazardous waste. In addition, the section also addresses ways to reduce waste production through reuse and recycling. Proper disposal of waste reduces pollution of land, water, air and other natural resources.

Summary of Issues:

- 1) Waste management.** *As part of our daily lives, significant amounts of solid waste are generated and the majority of that solid waste is then diverted to landfills. Disposing of waste in this manner is costly, and can create water, air and land pollution, as well as wasting resources that might otherwise be reused. It is important to reduce, reuse, and recycle waste material.*

Goals and Policies:

Goal 5: Properly manage all waste, including solid and hazardous waste, in order to reduce, reuse and recycle the majority of the waste that is produced in Douglas County .

Policy 5.1 Manage solid waste through a program that emphasizes the principles of Reduce, Reuse, and Recycle.

- Encourage recycling efforts, both existing and new, in Douglas County in order to reduce the amount of material being disposed of in landfills.
- Encourage waste reduction, reuse and recycling through educational outreach efforts to residents and businesses.
- Encourage the recycling of construction and demolition debris.
- Encourage and expand the yard waste collection programs to divert more material from landfills and to provide mulch and compost from sustainable sources.
- Establish standards for provision of recycling receptacles on multi-family residential and non-residential development proposals.

Policy 5.2 **Maintain support for and improve the Lawrence-Douglas County Household Hazardous Waste Program to ensure that household hazardous waste is disposed of properly.**

HUMAN AND BUILT ENVIRONMENT

*"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making. It is not the tradeoff between these pillars, but the synergy between them."*³

The majority of this chapter discusses protection of certain environmental and natural features in order to preserve them for the future. This final section of the chapter takes those ideas a step further by identifying how those environmental protection efforts impact the human and built environment to create a sustainable and livable community.

Summary of Issues:

- 1) Sustainability.** *Creating a sustainable community protects and preserves the environment, natural and built, for future generations. This can include minimizing negative impacts from development on the environment and promoting sustainable building and land use practices.*

- 2) Healthy and active lifestyles.** *How the physical environment of Douglas County is built has a direct impact on the lifestyles and health of its residents. Making cities and neighborhoods pedestrian and bicycle friendly, creating a system of interconnecting greenspaces, reducing air and water pollution, creating appropriately designed transportation systems, and providing recreation spaces help enhance the health of our citizens. As an example, the Safe Routes to Schools program, sponsored by the State of Kansas Department of Transportation, provides safe zones which make it safer for children to bike or walk to schools.*

- 3) Local/Regional Food.** *Local and regional food programs provide health benefits by encouraging healthy diets made up of adequate amounts of locally grown fresh food and may produce air quality benefits by reducing fossil fuel emissions associated with food-related transportation. In Douglas County, there are approximately 98,000 harvested acres of active farmland. A report, "Eastern Kaw River Region's Local Farm and Food Economy", studied seven counties in eastern Kansas and found that the region loses \$2.1 billion of potential revenue by buying food supplies from*

³ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

outside of the region. This money can be potentially recaptured by implementing a local food program and the Douglas County Local Food Policy Council is developing strategies to achieve this. Not only does a local and regional food program encourage the preservation of agricultural lands, but it also encourages diverse forms of food production, such as community gardens and other urban forms of food production, and provides economic benefits to the community.

Goals and Policies:

Goal 6: Mitigate negative impacts to the human and built environment caused by noise pollution, light pollution and development activities in order to promote a sustainable, healthy, and active lifestyle for the residents of Douglas County.

Policy 6.1 Mitigate noise pollution by using appropriate land use buffers, limits on noise levels, and limits on operating hours.

Policy 6.2 Continue to develop and implement standards that will limit light trespass, glare and sky glow, by establishing design guidelines for the type and placement of industrial, commercial and residential lighting.

Policy 6.3 The City of Lawrence and Douglas County **should** encourage the promotion of healthy and active lifestyles for its residents through the use of standards regarding transit options, pedestrian connectivity, multi-use recreational paths, increased open space preservation, etc. Those standards **should** also include tools, such as Health Impact Assessment, that measure the long-term health effects of projects.

Policy 6.4 Develop a sustainable transportation system.

- a. Encourage land development patterns that utilize transit options and provide for connectivity of pedestrian walkways, bicycle routes, and multi-use recreational paths while providing for appropriate vehicular access options.

- b. In a fiscally responsible manner, the City and County shall use the most environmentally friendly (i.e. fuel efficient) vehicles available on the market for government vehicles, including the publicly-owned transit fleet.
- c. Encourage Travel Demand Management techniques, such as carpooling, vanpooling, signal coordination, etc. to reduce vehicular travel and energy consumption.
- d. Encourage alternative transportation options, such as bus service, van pools, bike paths, etc., for regional commutes.

Policy 6.5 Promote sustainable building practices.

- a. The City of Lawrence and Douglas County should lead the way by requiring that all new public facilities and substantial remodels of existing public facilities be built according to sustainable or “green” industry accepted standards and programs.
- b. Development and building codes should permit and encourage “green” industry accepted standards and programs.

Policy 6.6 Promote the responsible use and conservation of energy, water and other natural resources.

- a. Encourage the use of drought-tolerant native species in public and private landscaping.
- b. Encourage water conservation through the use of alternative irrigation methods such as the use of rain barrels and rain gardens.
- c. Provide education on the use of mulch, drip irrigation, and other features which would reduce water consumption for landscaping.
- d. Provide incentives for building and facility design which minimizes water usage such as water efficient plumbing fixtures, and reuse of gray water for irrigation.
- e. Develop an education and outreach program to inform the public and government officials on the various means to reduce energy consumption.

- f. The City and County governments **shall** take the lead and set an example of reducing energy consumption for the community in a fiscally responsible manner, and examples may include:
 - f.1 Providing incentive programs for employees to use mass transit or alternative forms of transportation,
 - f.2 Considering travel miles when locating new facilities,
 - f.3 Making energy consumption a major factor when purchasing new vehicles and equipment,
 - f.4 Taking steps to reduce energy consumption in governmental buildings (using an energy audit system), and
 - f.5 Utilizing energy efficient building materials and designs on new facilities.
- g. Develop regulations and incentives for the use of renewable energy sources.
- h. Encourage land use patterns that result in reduced energy usage, such as mixed use development.
- i. The City **shall** adopt a Complete Street Policy so all road rights-of-way are developed in a manner to ensure the safety and accommodation of all users.

Policy 6.7 **As the community develops a local/regional food program, the City of Lawrence and Douglas County **should** work with stakeholders (local merchants, farmers, landowners, institutions, consumers, etc.) to assist in developing that program.**

- a. As a local food program is developed, further policies relating to land use may need to be addressed in this chapter, as well as Chapter 12 – Economic Development.
- b. Encourage zoning laws to permit community gardens, farmer's markets and other uses to promote growing and marketing local food in an urban setting.
- c. The City and County governments **should** consider establishing local food programs in their operations.

GLOSSARY:

Complete Streets	<i>Streets that are designed and operated to safely accommodate all users, including but not limited to: motorists, pedestrians, bicyclists, transit, and people of all ages and abilities. The entire right-of-way is designed to encompass users of all types and enable users to safely move along and across the road.</i>
Critical Habitats	<i>Habitat that has been designated as essential for the conservation of species that are listed as threatened or endangered.</i>
Drainage Areas	<i>Land areas that contribute surface water to a given location delineated by surface topography. They vary in size and are made up of five interconnected sub-features: Basins, Subbasins, Watersheds, Subwatersheds, and Catchment areas.</i>
Endangered Species	<i>Any species of wildlife whose continued existence as a viable component of the state's wild fauna is determined to be in jeopardy. That term shall also include any species of wildlife determined to be an endangered species pursuant to Pub. L. No. 93-205 (December 28, 1973), the Endangered Species Act of 1973, and amendments thereto.</i>
Energy audit system	<i>An energy audit is an inspection, survey and analysis of energy flows for energy conservation in a building, process or system to reduce the amount of energy input into the system without negatively affecting the output(s).</i>
Floodplain	<i>The land inundated by a flood of a given magnitude as determined by the FEMA Flood Insurance Study or by an approved Hydrologic and Hydraulic Study.</i>
Glare	<i>The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.</i>
Green Infrastructure	<i>A strategically planned and managed network of natural lands, working landscapes and other open spaces that conserve ecosystem values and functions and provide associated benefits to human populations.⁴</i>
Greenhouse Gases	<i>Gases that trap heat in the atmosphere are often called greenhouse gases. Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human</i>

⁴ Green Infrastructure: Smart Conservation for the 21st Century, www.sprawlwatch.org

	<i>activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), and Fluorinated Gases such as hydrofluorocarbons or perfluorocarbons which are usually emitted from a variety of industrial processes.</i>
Groundwater Recharge	<i>Water that infiltrates the land surface and percolates downward to the underlying groundwater system.</i>
Health Impact Assessment	<i>A combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.⁵</i>
High Quality Agricultural Land	<i>Land with good soil quality that is rated as Capability Class (non-irrigated) I and II as defined by the National Resources Conservation Service.</i>
Key Habitat	<i>Habitat for wildlife that are not listed as endangered or threatened, but that have declined over the last 50 years to the point that they are in danger of being listed as such.</i>
Level of service standards	<i>A qualitative rating of the effectiveness of a highway or highway facility in serving traffic, in terms of operating conditions (speed, travel time, comfort, convenience, traffic interruptions, freedom to maneuver). The Highway Capacity Manual identifies operating conditions ranging from A, for best operations (low volume, high speed) to F, for worst conditions.</i>
Light Pollution	<i>The adverse effect of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste.</i>
Light Trespass	<i>When light is directed outside of the given property.</i>
Native Prairies	<i>A prairie is an ecosystem native to central North America, with fire as its primary periodic disturbance. Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairies have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies.)</i>
Open Space Area	<i>An area which provide visual & psychological relief from the built environment; public access via trails & walkways to these areas is important to provide passive recreational</i>

⁵ <http://www.cdc.gov/healthyplaces/hia.htm>

	<i>opportunities where it is compatible with resource protection & environmental regulations; open space areas may or may not be improved, but can include playfields, trails, greenbelts/greenways, community gardens, farmed areas, buffers between land uses of differing intensities, such as residential & commercial or industrial activity, areas within community or neighborhood parks which are left in their natural state, & other environmentally sensitive areas.⁶</i>
Riparian Areas	<i>The part of the watershed that flanks surface watercourses. These areas provide benefits, such as storage of flood waters, storm water conveyance, pollutant filtration, wildlife habitat, shaded areas, recreational areas, and aesthetic amenities.</i>
Sky Glow	<i>An artificial brightening of the night sky.</i>
Slope	<i>Slope is the rate of change in elevation between two points in a given area and is one of the main components of the topography or surface features of a given site.</i>
Steep Slopes	<i>Slopes that are 15% or above.⁷</i>
Stormwater	<i>Water runoff from precipitation events.</i>
Stream Corridor	<i>A strip of land which is centered on the centerline of the stream; including intermittent, perennial and ephemeral streams. The width of the stream corridor is dependent upon various factors including: vegetation, topography, drainage area, soil type and streambed slope.</i>
Stream Setback	<i>An area within the stream corridor in which activity is limited. There may be various types of setbacks which permit differing degrees of activity.</i>
Sub-surface Watercourses	<i>Water that occurs below the surface of the Earth, that moves slowly, and ultimately discharges to streams, lakes, wetlands, and the oceans.</i>
Surface Watercourses	<i>Above ground waterways such as rivers, lakes and streams.</i>
Sustainability	<i>Meeting needs of present generation without compromising the ability of future generations to meet their needs.</i>
Sustainable Development	<i>Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making.</i>

⁶ From Horizon 2020, Chapter 9: Parks, Recreation, and Open Space

⁷ Marsh, William M., Landscape Planning: Environmental Applications, 2005.

	<i>It is not the tradeoff between these pillars, but the synergy between them.⁸</i>
Tallgrass Prairies	<i>Prairies are distinguished by the types of grasses they contain. Tallgrass prairies flourish in areas with rich soils and moderate rainfall of around 30 to 35 inches per year. The major grasses of the tallgrass prairie are the big bluestem, the little bluestem, indiagrass and switchgrass.</i>
Threatened Species	<i>Any species of wildlife which appears likely, within the foreseeable future, to become an endangered species. That term shall also include any species of wildlife determined to be a threatened species pursuant to Pub. L. No. 93-205 (December 28, 1973), the Endangered Species Act of 1973, and amendments thereto.</i>
Tree Canopy	<i>The layer of leaves, branches, and stems of trees that cover the ground when viewed from above.</i>
Urban Forest	<i>Trees in the urban and near-urban areas including, but not limited to, street trees, park trees, residential trees, natural riparian habitats, and trees on other private and public properties.</i>
Viewsheds	<i>Viewsheds are areas visible from certain locations that are scenic vistas that are important to a given community. They are generally correlated with other environmental features and can include views of water bodies, significant topography, structures, vegetation or other physical things.</i>
Watershed	<i>Typically between ten and a hundred square miles in area, and defined as areas that drain to a particular watercourse or body of water or the total area above a given point on a stream that contributes water to that flow at that point. The top of each watershed is delineated by ridgelines that naturally control the direction of water.</i>
Wetlands	<i>Any area of predominantly hydric soils where standing water or wet soil conditions exists for a significant part of the growing season of most years.⁹</i>
Wildlife corridor	<i>Habitat pathways or linkages that connect areas of natural open space otherwise separated or fragmented. A wildlife corridor allows wildlife to move between separated habitats, providing an escape route from fire,</i>

⁸ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

⁹ Kansas Water Plan

	<p><i>predators, and human disturbances, and serving as a travel path for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs.</i></p>
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PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
08/23/10

**ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT; H2020; CHP 16;
ENVIRONMENT (AAM/MKM)**

CPA-2008-7: Consider adoption of the Comprehensive Plan Amendment to Horizon 2020 to include Chapter 16 – Environment.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment adding Chapter 16: Environment to *Horizon 2020* and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 8-6-10.

SUMMARY/BACKGROUND

The Comprehensive Plans Committee (CPC), in conjunction with Planning Staff, have been working since April 2008 to draft a new chapter in Horizon 2020 concerning environmental issues. This chapter was initiated in April 2008 and the CPC and staff started meeting in September 2008 regarding timeline, process, and the development of a draft overview, strategies, and outline. The draft outline, strategies, and overview were then presented to the Planning Commission in November 2008 to not only get input from the public, but also the Planning Commission. A series of educational meetings were held from December through March 2009 on various sub-topics of the chapter. Community organizations, researchers, and other experts in their fields were invited to give brief presentations to the group in order to help educate staff and the CPC on certain issues.

Staff and the CPC worked over the next year to develop the "April 2010 Draft". The "April 2010 Draft" was posted to the website in early April and comments were received from both the public and Planning Commissioners at the April 28th, 2010 meeting. Staff then worked with the CPC to revise the draft document based on those comments. The "August 2010 Draft" is reflective of those revisions.

A website has been setup to act as a central hub for information regarding the drafting of this chapter (<http://www.lawrenceks.org/pds/H2020-Env>) and the "August 2010 Draft" is posted to this site. In addition, an email distribution list has been created to keep people informed about the chapter as it moves through the process. Members of the public can sign up to be a part of this email distribution list by visiting the City's subscription page (<http://www.lawrenceks.org/subscriptions>) and signing up for the "Horizon 2020 Chapter 16: Environment" list under the Public Meetings heading.

STAFF REVIEW

Chapter 16: Environment is a new chapter to be incorporated into the Comprehensive Plan, Horizon 2020. The CPC adopted the following mission statement in reference to their work on the creation of the new chapter:

"Identify environmental resources present in Douglas County, and draft goals, policies and strategies to support protection, conservation, and management of these resources in the context of development activity, planning, and government operations, to achieve a livable, vibrant, and healthy community."

The chapter covers a wide range of topics, including water resources, land resources, air resources, marketable natural resources, waste management, and the human and built environments. These topics are discussed in terms of how they relate to land use.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. At the time *Horizon 2020* was written, there was no chapter specifically devoted to environmental issues, but instead some chapters contained a few policies relating to environmental issues. This is a new chapter, devoted entirely to the environment in the context of land use.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further one of the main strategies in *Horizon 2020* regarding Sustainability: *"We will strive to ensure the sustainability of our physical environment, both natural and built, the health of our economy and the efficient and effective functioning of our community."* (page 1-3)

C. Is the proposed amendment a result of a clear change in public policy?

Over time, environmental issues have come more to the forefront in planning policy. The creation of this chapter represents changes in public policy over time.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment adding Chapter 16: Environment to *Horizon 2020* and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Environment

*Planning Commission Approved Draft
(PC Approved 8/23/10, Vote 8-1-1)*

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CHAPTER SIXTEEN - ENVIRONMENT

"The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value."
—Theodore Roosevelt, 1907

OVERVIEW

Douglas County has a rich and valuable heritage that is characterized by a variety of environmental and natural conditions. Prairies, rivers, forests, wetlands, agricultural soils, and other natural features provide scenic beauty, recreation, natural habitats, flood protection, and opportunities for interpretation, appreciation, and education.

Protecting and enhancing Douglas County's environment, including its built environment, is the focus of this chapter. The recommendations are intended to foster a healthy environment that contributes to a growing economy and a livable community. This concept is in line with an overall goal of Horizon 2020 (see Chapter 1) regarding sustainability that states: *"We will strive to ensure the sustainability of our physical environment, both natural and built, the health of our economy and the efficient and effective functioning of our community."*

Environmental quality and appropriate use of natural resources are essential elements of an area's livability and greatly enhance the quality of life for Douglas County residents. Protection of natural resources is an important component in planning for growth and development in Douglas County since all development activities create some level of impact on the air, water and land resources mentioned in this chapter. While land development is important to economic vitality, natural resources and climate protection are increasingly recognized as equally important to the health and vitality of the community and must be protected for future generations. The responsible way to achieve the mutual goals of environmental protection and planned growth is to develop in a sustainable manner, one that is capable of being continued with minimal long term effects on the environment.

There are already a few programs in place that aim to achieve some of the sustainability goals of this chapter, such as the county-wide ECO² program which is a tool used to promote the dual goal of open space preservation and economic development. The program uses a concept of net equity that states an amount equal to a portion of the investment of public funds for industrial development be

used for open space preservation. In addition, the City of Lawrence adopted a Land Development Code in 2006 which addresses some recommendations of this chapter, including standards for impervious surface coverage, open space requirements, and landscaping. The City and Douglas County also have recently revised the subdivision regulations which include provisions for land divisions which contain environmentally sensitive features. The City of Lawrence also has multiple efforts currently underway with similar goals as presented in this chapter, including work by the Sustainability Advisory Board, the Mayor's Climate Protection Task Force, and the Peak Oil Task Force. These advisory boards review issues and make recommendations to the Lawrence City Commission. Douglas County has recently established a Local Food Policy Council to work with stakeholders in creating and maintaining a healthy local food system. This chapter takes into account recommendations that have been made by all advisory boards related to topics discussed. It is important that work on these programs be ongoing in order to further the goals of this chapter. Also, the City and County are committing to internalizing sustainability principles within their operations in order to take the lead in creating a sustainable and livable community.

A variety of management practices are recommended in this chapter, including education of the public and government officials, development of incentives and regulations, and incorporation of green infrastructure strategies. "Green infrastructure strategies actively seek to understand, leverage, and value the different ecological, social, and economic functions provided by natural systems in order to guide more efficient and sustainable land use and development patterns as well as protect ecosystems."¹

The recommendations in this chapter focus on integrating the natural and built environments in order to create a healthy, sustainable community for current and future generations to live, work and play. The City of Lawrence and Douglas County are committed to protecting and enhancing the environment while meeting other community, economic development, housing and infrastructure goals.

Strategies:

Strategies provide a direction or approach to accomplish specific goals or policies of this chapter:

- Identify and protect important environmental features in a manner that also:
 - Accommodates planned urban and rural growth,

¹ *Towards a Sustainable America: Advancing Prosperity, Opportunity, and a Healthy Environment for the 21st Century, May 1999 (The President's Council on Sustainable Development.)*

- Discourages urban sprawl,
 - Provides for efficient transportation systems,
 - Partners with economic development activities,
 - Considers private property rights,
 - Allows adequate open space for preservation and recreation,
 - Establishes a contiguous network of open space, and
 - Creates a sustainable community.
- Consider the impact upon environmental and natural resources in planning and development efforts.
 - Establish effective incentives and regulations that promote sustainable and efficient management of environmental resources.
 - Develop educational programs to foster community awareness of and support for the protection and enhancement of natural areas, efficient use of natural resources and appropriate waste management.
 - Encourage environmental policies and programs to secure the community's future economic, ecological, animal, plant and human health.

Chapter Organization:

This chapter covers a wide range of subjects and is divided into sections for different environmental categories, such as Water or Land Resources. Each section contains:

- 1) **Introduction:** *Presents a broad overview of each category.*
- 2) **Summary of Issues:** *Provides brief discussion of topics.*
- 3) **Goals and Policies:** *Presents long-range goals of the community and identifies specific courses of action to achieve those goals.*

Chapter Utilization

This chapter presents a comprehensive overview of environmental issues as they relate to land use. Action steps are contained in many of the goals and policies presented in this chapter. Those action steps may involve other agencies or may take time to complete. Development proposals shall be evaluated using the goals and policies contained in this chapter to promote sustainable development that is aligned with the strategies above. Doing so will ensure that there is a balance between environmental and developmental concerns.

- This chapter is meant as a guide that will supplement goals and policies discussed in other chapters in Horizon 2020. This chapter

is meant to integrate with other chapters in the comprehensive plan.

- Code regulations shall be developed to achieve the policies discussed in this chapter.
- Goals and policies discussed in this chapter shall be used in the long-range planning process, as well as long range plans for other city and county departments, such as Parks and Recreation, Utilities, Public Works, etc.
- Development proposals will be reviewed for general conformance with the goals and policies in this chapter to promote sustainable development.

WATER RESOURCES AND MANAGEMENT

This section discusses the variety of water resources in Douglas County, which includes creeks, rivers, streams, lakes, wetlands and groundwater. Each type of water resource can be viewed individually or as a comprehensive, interconnected network to understand their importance and function in the natural environment. They can also be evaluated to determine how actions taken as part of the planning and development process may impact or influence their ability to provide good water quality for human consumption and aquatic habitat, reduce flooding, and provide recreational opportunities.

Summary of Issues:

- 1) **Water quality.** *Protection of watersheds, particularly those above public water supply reservoirs, is critical to ensuring that public water quality is maintained at its highest level. Minimizing pollutants that can contaminate ground and surface water and controlling erosion will also help to protect the water quality and help provide high quality aquatic habitats. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*
- 2) **Flooding.** *Protecting floodplain areas maintains the carrying capacity of the floodplain, improves water quality, provides wildlife habitat, reduces threats to human life, and minimizes damage to property. In the past, Douglas County has experienced flooding, most notably with the 1951 and 1993 floods. The 1951 flood caused an excess of \$3 million in damage to the City of Lawrence alone, compared with only \$1.2 million in damage after the 1993 flood. The damage in 1993 in the City of Lawrence was significantly lower than the damage in 1951 because the local levee system was completed in 1980, before the 1993 flood. It is important to note that the majority of the damage from the 1993 flood occurred in unprotected areas of Douglas County therefore causing more than \$5.8 million in damage county-wide. Efforts associated with the National Flood Insurance Program (NFIP), including compliance with regulatory standards and the City of Lawrence's participation in the Community Rating System (CRS) program, also led to a decreased vulnerability to flood damage as a result of the 1993 flood. Flooding is considered a serious public hazard and approximately 16% of all of the land in Douglas County is located in the 100-year floodplain.*
- 3) **Recreation.** Douglas County contains numerous water resources that provide recreational benefits, such as fishing, boating, and swimming. Clinton Lake, the Kansas River and the Wakarusa River are just a few of

the water bodies that contribute to the healthy outdoor lifestyle of residents.

Goals and Policies:

Goal 1: Properly manage all water resources, including Drainage Areas, Surface Watercourses, Wetlands, Sub-surface Waterways, Floodplain areas, and Stormwater runoff, in order to protect natural habitats, mitigate hazards, and ensure water quality.

Policy 1.1 Planning at the watershed level should be implemented to mitigate development impacts on a large scale. This could include development of a county wide drainage area plan that would identify the drainage areas and set out goals and policies specific to each area.

Policy 1.2 Preserve and protect natural surface watercourses.

- a. Develop stream setback regulations for both the City of Lawrence and Douglas County to establish stream corridors which provide a buffer that stabilizes stream banks, reduces erosion, preserves riparian areas, mitigates flood hazards, and ensures water quality.
- b. Encourage uses of riparian areas that are low-impact, which may include recreational uses and also serve as connectors to other non-water recreational areas.
- c. Water structures, including dams, shall be permitted and maintained in accordance with applicable Federal, State and local regulations.
- d. Encourage continued alignment with the Kansas Water Plan, which lists the following measures:
 - d.1 Use native plants in yards and gardens; they need fewer chemicals and water.
 - d.2 Use fewer chemicals on lawn, gardens, fields and forests to protect water quality.
 - d.3 Separate livestock operations from streams with a vegetated filter and adequate distance.

Policy 1.3 Improve and maintain water quality, particularly sources of public drinking water, through watershed protection measures.

- a. The City and County shall participate in applicable Watershed Restoration and Protection Strategy (WRAPS) programs, focusing on the protection of the Upper Wakarusa and Lower Kansas Watersheds.
- b. The City and County shall identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed.
- c. Develop regulations and incentives for the protection of the inventoried features discussed above with emphasis on protection of public drinking water supply, habitat preservation, stream stability and erosion control.

Policy 1.4 Preserve and protect wetlands and the various functions they serve.

- a. Inventory and map wetlands in the county; identifying them based on the priority criteria listed in The Wetland Federal Regulations 33 CFR Part 320.4, as amended.
- b. Develop a wetland policy which promotes protection, enhancement and restoration of existing high priority wetlands and effective mitigation of wetlands when disturbed.
- c. Develop regulations and incentives for the retention and protection of the wetlands identified through the inventory focusing on impacts from both on-site and off-site development activity that affects the wetlands in question.
- d. Provide education and outreach programs to inform citizens and government employees of the function and values of wetlands and the measures that protect them.

Policy 1.5 Protect sub-surface water resources.

- a. Conduct an inventory of Douglas County and identify any significant areas of groundwater recharge to maximize opportunities for protection of water quality.
- b. Develop programs and regulations, such as pesticide-free park programs and further stormwater regulations, to minimize pollutants

leaching into underlying groundwater systems to help ensure the quality of our groundwater resources.

- c. If important areas of groundwater recharge are identified through the inventory, prepare a wellhead protection plan.
- d. Provide education and outreach programs to inform citizens and government employees of the function and values of sub-surface water resources and the measures that protect them.

Policy 1.6 Protect floodplain areas to maintain the carrying capacity of the floodplain and mitigate potential hazards to human life.

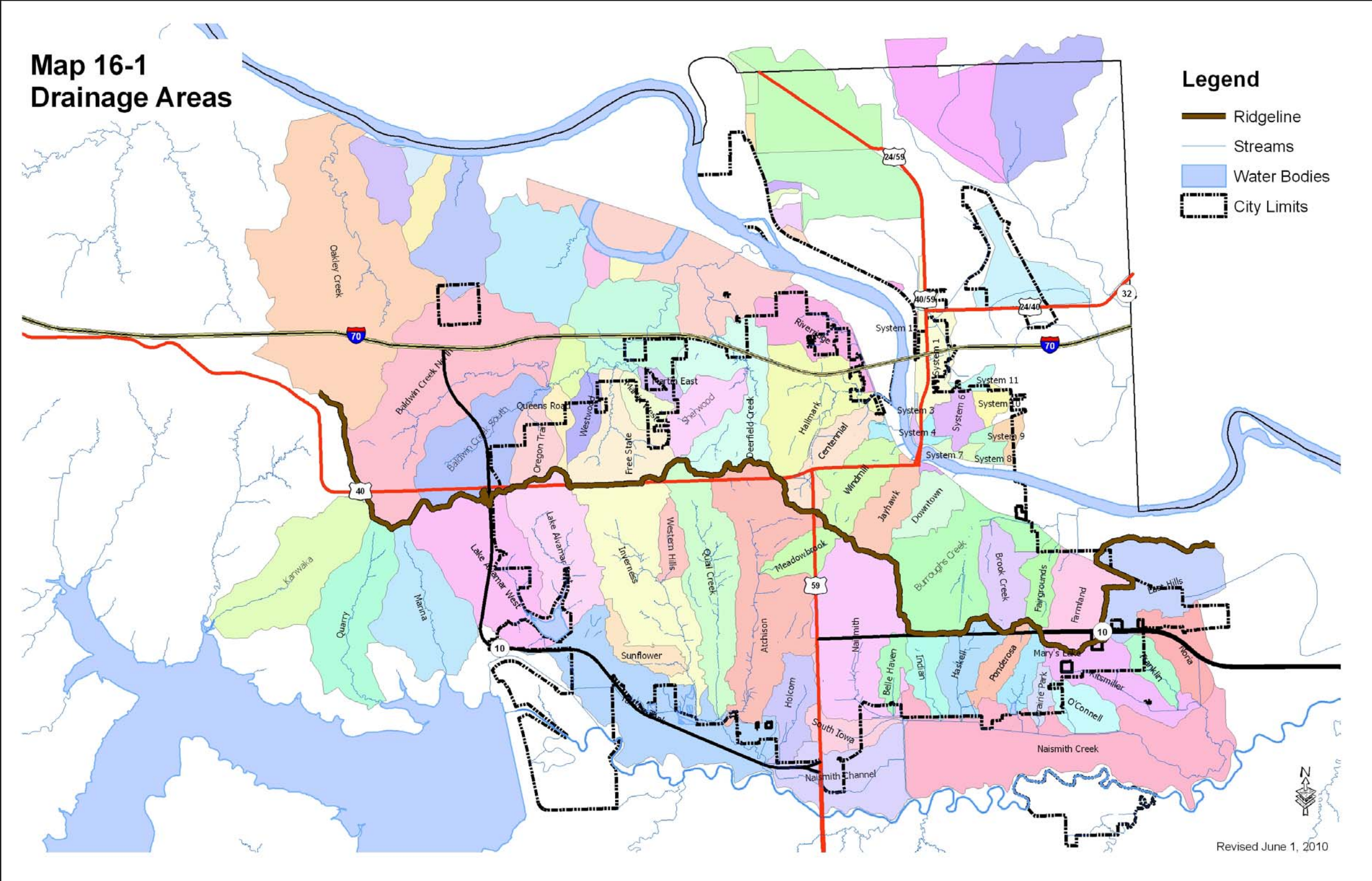
- a. The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality. Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas.
- b. Communities shall continue participation in the National Flood Insurance Program (NFIP).
- c. The City of Lawrence should continue participation in the Community Rating System (CRS) program and increase their level of participation in order to achieve a greater discount to citizens on their flood insurance rates. Douglas County should investigate participating in the program as well.
- d. Encourage all property owners living in flood prone areas to purchase flood insurance.
- e. Continue to educate citizens on flood related hazards, floodplain regulations, and other flood related topics to comply with national programs and reduce the flood hazard.

Policy 1.7 Develop stormwater management policies and programs in a manner that ensures water quality and properly controls runoff.





- a. Encourage minimal and appropriate use of fertilizers, pesticides and other chemicals to reduce stormwater pollutants.

- b. Develop strong erosion and sediment control policies on construction sites that include consistent and effective enforcement to improve stormwater quality.
- c. As part of the City of Lawrence's overall stormwater management strategy, maintain regulations and policies that are consistent with the provisions and goals of the Clean Water Act, including its National Pollutant Discharge Elimination System (NPDES) Program, and other federal, state and local requirements for water quality and environmental preservation.
- d. Maintain an inventory of stormwater structures for ongoing inspection, compliance and maintenance procedures. Establish an inspection and maintenance plan with property owners as part of Best Management Practices (BMPs).
- e. Use nonstructural or natural approaches to stormwater system design and management. Encourage stormwater management that uses natural features, rain barrels, rain gardens, bio-retention swales, pervious paving materials, and limits the use of impervious surfaces, etc.
- f. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.
- g. Encourage environmentally sensitive farming methods, such as terracing, buffering, the use of no-till farming practices, etc., near surface watercourses to reduce pollution, stabilize streambanks and prevent erosion.
- h. Douglas County shall adopt stormwater regulations that include submittal of drainage plans and regulations for on-site detention, particularly for properties located in Urban Growth Area's (UGAs) throughout the County.

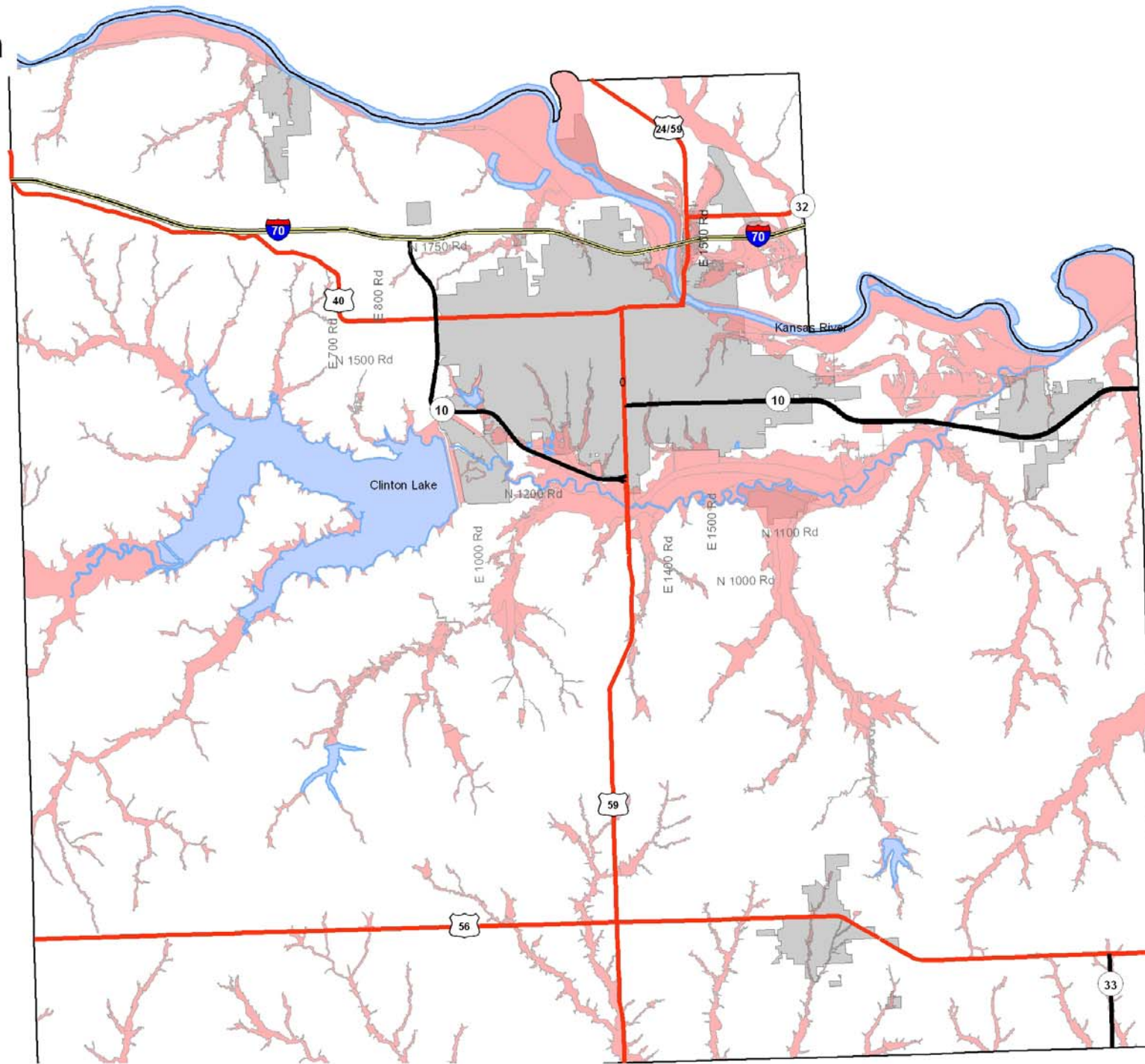
Map 16-1 Drainage Areas







Legend

-  Ridgeline
-  Streams
-  Water Bodies
-  City Limits

Map 16-2 Floodplain



Legend

-  County Limits
-  City Limits
-  Water Bodies
-  100-year Floodplain



Revised July 30, 2010

LAND RESOURCES AND MANAGEMENT

This section discusses Douglas County's various land resources, which consist of rural woodlands and urban forests, native prairies, and agricultural soils. These resources provide wildlife habitats, viewsheds, and open spaces, as well as, serving as 'Green Infrastructure', as they provide benefits to the natural and built environments. Like many other parts of the country, land resources within Douglas County are being impacted by development pressures and agricultural practices. Benefits of preserving and managing land resources include growth management, flood control, improved water quality, protection of wildlife habitat, and economic advantages to the community, such as a lower cost to the community for development.

Summary of Issues:

- 1) Open space network.** *The creation of an open space network or green infrastructure system minimizes the fragmentation of natural areas and benefits the community by protecting natural habitats, providing appropriate stormwater management, providing open-air recreation areas and promoting sustainable development practices. Open space networks can include:*

***Topography:** Developing on steep slopes can be costly and permanently alters the natural slope of the land which may have detrimental effects on other natural features, stormwater runoff and habitats.*

***Rural Woodlands and Urban Forests:** The trees in rural woodlands and urban forests provide many valuable benefits ranging from:*

- ***Ecological** (improving air and water quality),*
- ***Biological** (providing wildlife habitat),*
- ***Physical** (serving as 'green infrastructure' by providing shade and screening),*
- ***Social** (providing areas of scenic beauty and areas for recreation), and*
- ***Cultural** (establishing and maintaining the character of the area).*

***Native Prairies:** The tallgrass prairie has an intrinsic value as an endangered ecosystem which is a feature of our national heritage. The prairies provide recreational and educational opportunities, as well as providing habitats for wildlife and plant species. In addition, native prairies play a valuable role*

in controlling sedimentation, aiding groundwater recharge, and absorbing stormwater runoff.

Endangered Species and Wildlife Habitats: *The protection of critical habitats is a principal means of protecting rare and endangered species and also serves to protect other species that use the same habitat. Because development has resulted in fragmentation of wildlife habitats, corridors connecting them should be maintained. The Kansas Wildlife Conservation Plan² includes protection measures for rare and endangered species and is geared toward practices and policies that would help keep common species from becoming endangered.*

- 2) Agricultural soils.** *High Quality Agricultural Land is recognized as having exceptional quality and fertility, and in Douglas County is generally described as having Capability Class (non-irrigated) I and II soils as defined by the National Resources Conservation Service. This High Quality Agricultural Land is a finite resource that is important to the regional economy. This land requires less intervention to produce high yields of crops with high nutrition and should be protected, preferably for food production.*

Goals and Policies:

Goal 2: Properly manage all land resources, including soils, woodlands, native prairies, wildlife habitats, viewsheds and open spaces, to maintain the functions they provide, ensure the sustainability of the resources, and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 2.1 Development should maintain the natural benefits of existing topography. Development on steep slopes (above 15%) should be done in a manner that encourages the use of the existing topography with minimal grading to minimize adverse effects.

Policy 2.2 Preserve and sustain woodlands within Douglas County.

² <http://www.kdwp.state.ks.us/news/Other-Services/Wildlife-Conservation-Plan>

- a. The City and County shall partner with other agencies and institutions to inventory and map woodlands within the county. The inventory and map should identify the different types of woodlands ('high quality natural areas', woodlands which form, or could form, corridors or greenways and riparian woodlands) and provide a ranking system in priority order for protection.
 - a.1 Develop regulations and incentives that provide different levels of protection for the different types of woodlands.
 - a.2 Encourage environmentally sensitive site design practices which minimize the unnecessary physical and visual impacts upon the surrounding landscape caused by removal of woodlands.
 - a.3 Develop regulations and incentives for the protection, maintenance, and improvement of riparian woodlands which include an ordinance defining the stream setbacks and the activity which may occur in the riparian area.
 - a.4 Develop public outreach and educational programs to increase public awareness concerning the importance of woodlands.
- b. Protect and increase the urban forest in Lawrence.
 - b.1 The City shall conduct an inventory of the Urban Forest.
 - b.2 Adopt an Urban Forestry Master Plan and associated policies, programs, and incentives for the preservation and enhancement of Lawrence's urban forest on both public and private property, through development and zoning codes, emphasizing the use of trees appropriate to the climate of this region.
 - b.3 Adopt standards for tree care activities and the regulation of tree maintenance contractors that will prevent the serious damage that inappropriate pruning practices cause to Lawrence's trees. Partner with utility agencies regarding appropriate tree location and pruning practices.
 - b.4 Establish educational programs to foster public/community awareness of, support for, and contribution to Lawrence's urban forestry initiatives, which are directed at establishing the

maximum urban tree canopy, maintaining it in a healthy condition and promoting its conservation.

Policy 2.3 Preserve and protect native prairie.

- a. Partner with the Kansas Biological Survey, other agencies, and individuals to inventory and map the remaining native prairie remnants within Douglas County.
- b. Develop regulations, planning guidelines, management techniques, and incentives for preserving native prairies. The native prairie should be preserved and used as parks and/or open space either through purchase or the use of conservation easements.

Policy 2.4 Preserve and protect natural habitats.

- a. Identify and map areas of 'critical habitat', key habitats, and wildlife corridors, including areas that could link together to increase connectivity throughout the City and County.
- b. Develop incentives to encourage on-site and off-site habitat connections and/or enhancement of natural areas as part of development projects.
- c. Develop regulations that permit only low-impact development with environmentally sensitive design in areas of 'critical habitat'.
- d. Increase awareness of the species and loss of habitat through educational and outreach programs.
- e. Treat areas identified as key habitats as high priority areas for preservation and protection in the development of regulations, protection standards, and incentives.
- f. Develop regulations and incentive programs for the protection and maintenance of wildlife corridors and key habitat areas.
- g. Regulate the placement of roads, trails and utilities with development or infrastructure projects to minimize creation of fragmented natural areas.

- h. Develop a program to encourage and incentivize the connectivity of natural areas whether they are on a particular development site or off-site.
- i. Develop a combination of educational programs, incentives, and development standards that recognize and promote sound management practices by private land owners to maintain the health of natural habitats on private property.

Policy 2.5 Along with community members in Douglas County, identify and define important features that contribute to viewsheds, as well as establish possible protections for viewsheds. At such time, further policies relating to viewsheds may need to be addressed.

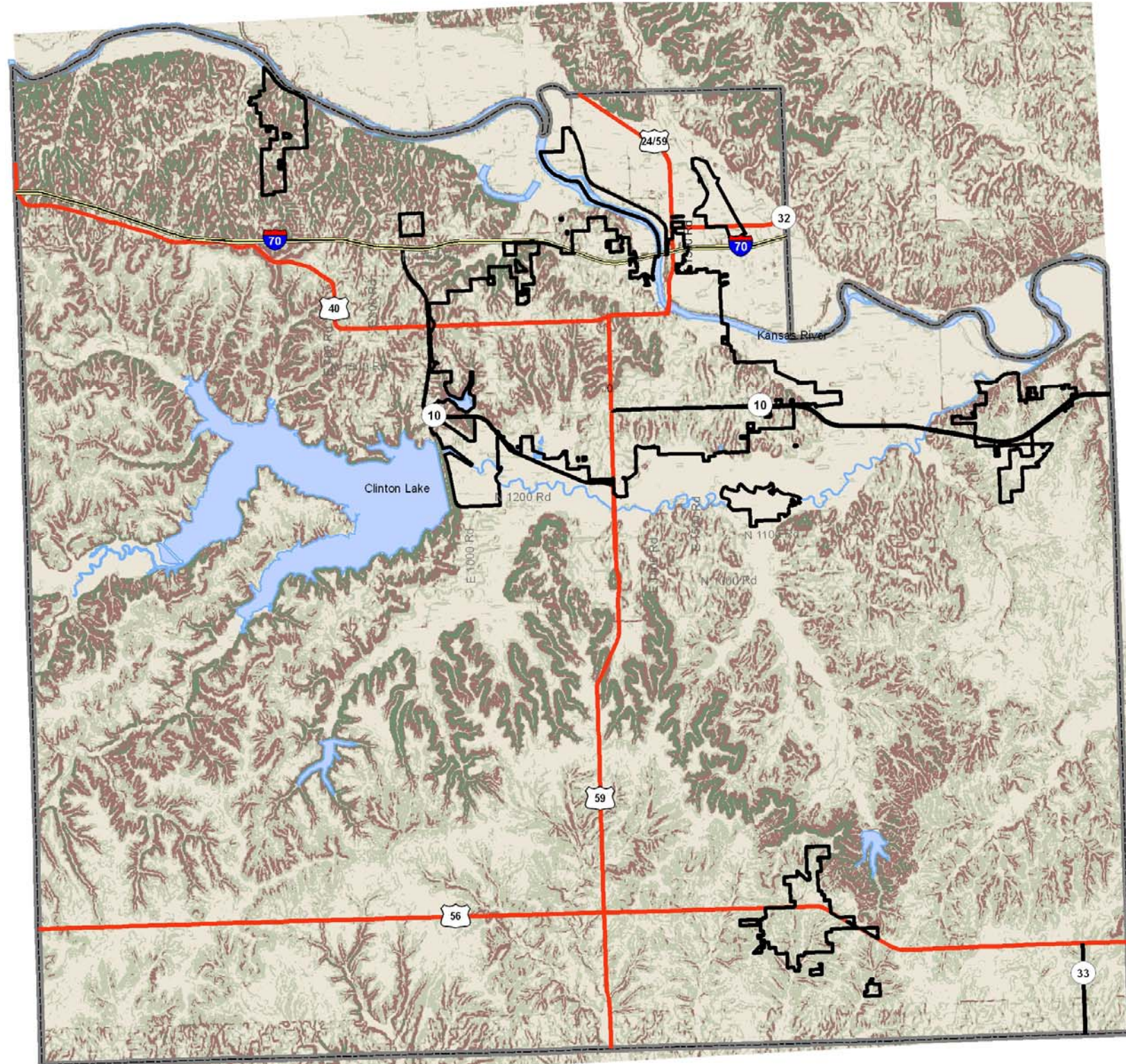
Policy 2.6 Preserve existing open space and create new open space areas to preserve and expand a sustainable green infrastructure system.

- a. To maximize the advantages to the community that the natural and built environments provide, open space preservation shall remain a goal especially as it relates to protecting and preserving natural features discussed in the comprehensive plan. This should be done through:
 - a.1 Maintaining and enhancing existing open space.
 - a.2 Creating new designated open space areas.
 - a.3 Creating a large interconnected network of open space.
- b. Incorporate open space evaluation into long range plans to determine in advance of development proposals what areas are suitable for development and what areas would serve better as open space.
- c. The acquisition and continued maintenance of open space that is publicly accessible shall be strongly encouraged.
- d. Promote and encourage eco-tourism to sustain open space and natural areas.








Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current and future agricultural use.

- a. The protection of High Quality Agricultural Land shall be used as a key assumption in the sector planning process.
- b. Establish tools to protect High Quality Agricultural Land for farming and make its protection economically feasible for the land owner, such as an agricultural easement program, development incentives that encourage the protection of this resource, public/private partnerships, or other funding mechanisms.
- c. Maintain an inventory of High Quality Agricultural Land in Douglas County and track the amount lost to urbanization.
- d. Encourage and develop policies that support agri- and eco-tourism, as well as a sustainable local/regional food system.

**Map 16-3
Slopes**



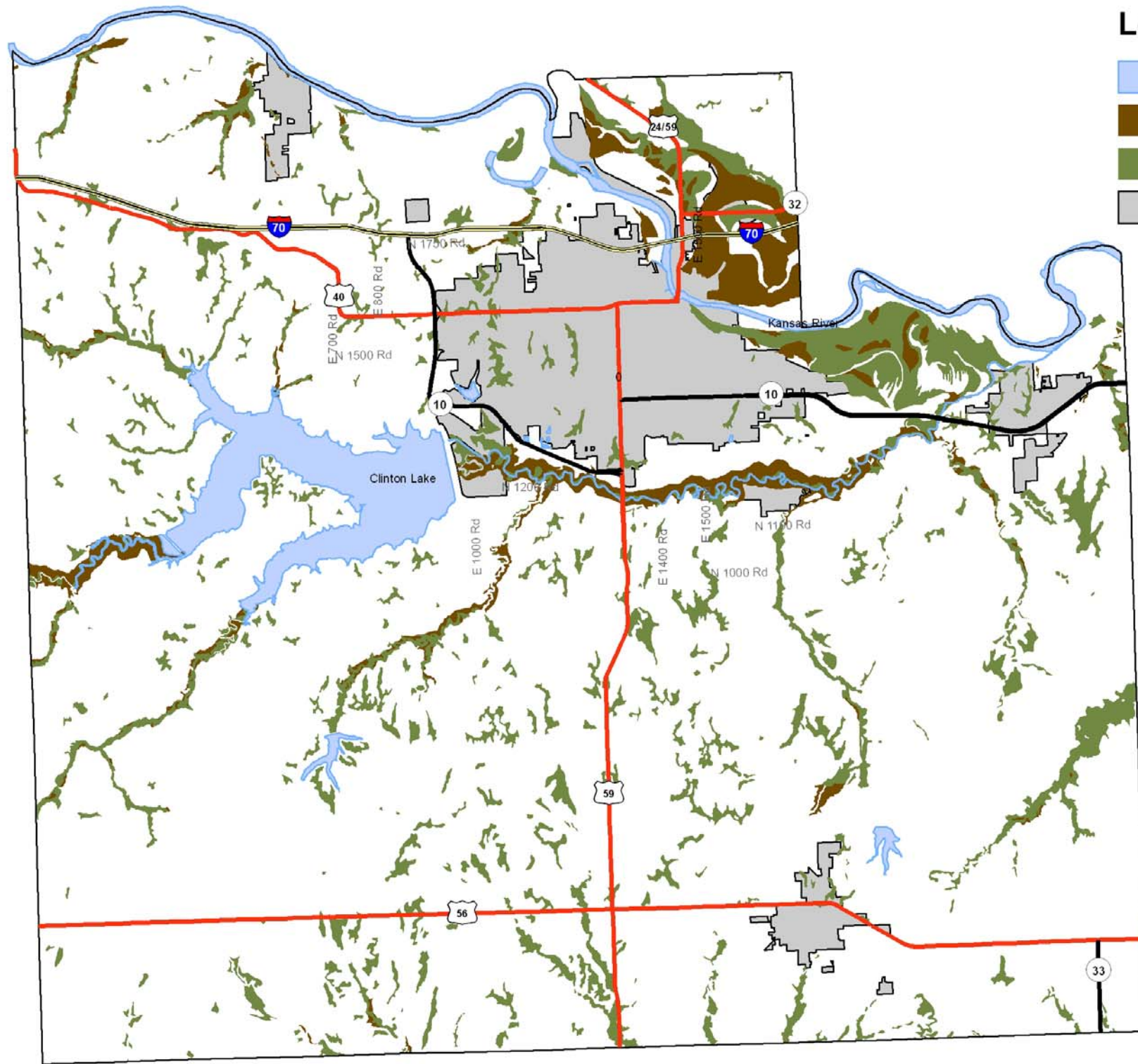
Legend

-  City Limits
-  County Limits
-  Water Bodies
-  0 - 3%
-  3 - 7%
-  7- 15%
-  15% & above



Revised June 1, 2010

Map 16-4 High Quality Agricultural Land



Legend

-  Water Bodies
-  Capability Class I
-  Capability Class II
-  City Limits

Revised August 30, 2010

AIR RESOURCES AND MANAGEMENT

This section focuses on air quality, which is impacted by the amounts of pollutants present, such as sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone, radon, particulate matter, mercury and lead. Air pollution has a profound impact on the environment and can lead to water contamination, soil contamination and impact the health of humans, animals and plants.

Excess greenhouse gases, such as carbon dioxide, methane, nitrous oxide, and fluorinated gases, are a form of air pollution that may lead to global warming. The *Climate Protection Plan: Climate Protection Task Force Report* to the Lawrence City Commission provides recommendations for the reduction of greenhouse gas emissions in the community.

Summary of Issues:

- 1) **Air quality.** *The quality of air impacts human, plant and animal health.*
 - a. **Outdoor air pollution.** *Minimizing pollutants is critical to maintaining outdoor air quality. Outdoor air pollution can lead to negative health impacts.*
 - b. **Excessive greenhouse gases.** *Reducing greenhouse gases is necessary to limit their negative impacts on the climate.*
 - c. **Indoor air pollution.** *Pollutants, such as radon, second-hand smoke, carbon monoxide and VOCs (volatile organic compounds) affect indoor air quality and have a negative impact on human health.*

Goals and Policies:

Goal 3: Improve indoor and outdoor air quality in order to mitigate impacts to human, animal and plant life in Douglas County.

Policy 3.1 Improve air quality through reduction in emissions from vehicle exhaust by reducing the number of vehicle miles traveled.

- a. Recommend land use and transportation design standards that encourage the use of alternative forms of transportation (other than private vehicle), encourage development in areas that are served or could be served by transit facilities, and provide efficient connections from one mode of transportation to another.

- b. Encourage and provide incentives for mixed use districts which provide live/work/shop opportunities within walkable distance.
- c. Encourage redevelopment and infill where adequate infrastructure currently exists.
- d. Encourage and provide incentives for carpooling or use of mass transit and alternative forms of transportation.
- e. The City and County Governments, in addition to other employers within Douglas County, should develop and implement incentive programs to promote and increase public transit use or forms of alternative transportation (non-vehicular) among their employees.
- f. Provide education to the general public, businesses and government officials regarding the cause and effects of air pollution, focusing on steps everyone can take to reduce air pollution and the intended benefits of local regulations designed to reduce air pollution.
- g. Develop a walkable, complete street program stressing connectivity and street design that safely accommodates all users including non-motorized vehicular traffic.

Policy 3.2 Reduce emissions from vehicle exhaust and encourage the use of more energy efficient vehicles.

- a. Provide education to the general public, businesses and government officials regarding the cause and effects of air pollution focusing on steps everyone can take to reduce air pollution.
- b. The City and County should take a leadership role in reducing emissions from the city/county vehicles and public transit vehicles, purchasing more energy efficient vehicles, and reducing the number of miles traveled when possible.

Policy 3.3 Reduce emissions of non-vehicular air toxics as listed by the EPA.

- a. The City and County should strive to minimize power usage, promote alternate fuel sources, and use environmentally friendly building design and mechanical systems (often referred to as 'green building') in their government buildings to serve as a model to the community.

- b. Encourage education and outreach programs which explain the need for improvement and provide information on steps individuals, businesses, institutions, the City and the County can take to reduce their contribution to emissions in Douglas County.

Policy 3.4 Adopt and implement the standards in the Federal Clean Air Mercury Rule to reduce the mercury emissions in the area.

Policy 3.5 Develop Land Use Planning regulations and incentives to reduce greenhouse gas emissions to acceptable levels.

- a. Develop and implement policies to inventory and increase the amount of urban forest that will help reduce the amount of CO2 in the air.
- b. Develop a Douglas County inventory of greenhouse gas emissions using the guidance materials available from the EPA and use this inventory to monitor success of implemented programs.
- c. Develop a program to accommodate and encourage the increased use of bicycling as a form of transportation. The program should include the following features:
 - c.1 Bicycle/pedestrian level of service standards and guidelines for new developments.
 - c.2 Incentives for provision of additional bicycle parking at existing facilities.
 - c.3 Plans for the retrofit of existing streets where bicycle facilities are needed.
 - c.4 The implementation of a comprehensive network of bicycle facilities identified in the bikeway system map.
- d. Encourage and incentivize energy efficient building design.
- e. Encourage and incentivize transit and forms of non-motorized transportation.
- f. City and County governments should serve as a model for the community by setting goals for reduction of greenhouse gas emissions from construction and operation of government buildings.

Policy 3.6 Improve indoor air quality to maintain and improve the health of our community.

- a. Inform and educate the public to the causes and effects of indoor air pollution as well as the measures to reduce the pollution.
- b. Maintain current building codes aimed at reducing indoor pollutants and consider codes to further improve indoor air quality.

Policy 3.7 Work with agencies to implement the above policies in order to keep Douglas County from becoming a non-attainment area as defined by the Environmental Protection Agency.

RESOURCE MANAGEMENT

This section encourages the responsible use of marketable natural resources within Douglas County through proper extraction and reclamation methods. They are essential to sustainable development activity, primarily in the form of low cost raw materials, such as sand, gravel, timber, oil, gas, and stone, etc.

Summary of Issues:

- 1) Resources.** *The improper extraction of marketable natural resources can create environmental problems such as erosion, negative impacts on water quality, and degradation of wildlife habitats.*

Goals and Policies:

Goal 4: Properly manage marketable resources to ensure the sustainability of the resources and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 4.1 Identify and properly manage marketable natural resources.

- To minimize negative environmental impacts, the City and County shall work with applicable state agencies to develop appropriate operation standards for harvesting, collecting, recovery and extraction of marketable natural resources, and provide for effective reclamation of land.
- Document and map all operating and non-operating quarries. Document any quarries and sand/gravel operations which were in operation prior to the establishment of zoning regulations and work with the operators to minimize negative impacts of operations.
- Identify and map marketable mineral deposits to assist in future land use/planning decisions.

WASTE MANAGEMENT

This section provides a general discussion of the proper disposal methods of waste, including solid waste and hazardous waste. In addition, the section also addresses ways to reduce waste production through reuse and recycling. Proper disposal of waste reduces pollution of land, water, air and other natural resources.

Summary of Issues:

- 1) **Waste management.** *As part of our daily lives, significant amounts of solid waste are generated and the majority of that solid waste is then diverted to landfills. Disposing of waste in this manner is costly, and can create water, air and land pollution, as well as wasting resources that might otherwise be reused. It is important to reduce, reuse, and recycle waste material.*

Goals and Policies:

Goal 5: Properly manage all waste, including solid and hazardous waste, in order to reduce, reuse and recycle the majority of the waste that is produced in Douglas County .

Policy 5.1 Manage solid waste through a program that emphasizes the principles of Reduce, Reuse, and Recycle.

- a. Encourage recycling efforts, both existing and new, in Douglas County in order to reduce the amount of material being disposed of in landfills.
- b. Encourage waste reduction, reuse and recycling through educational outreach efforts to residents and businesses.
- c. Encourage the recycling of construction and demolition debris.
- d. Encourage and expand the yard waste collection programs to divert more material from landfills and to provide mulch and compost from sustainable sources.
- e. Establish standards for provision of recycling receptacles on multi-family residential and non-residential development proposals.

Policy 5.2 **Maintain support for and improve the Lawrence-Douglas County Household Hazardous Waste Program to ensure that household hazardous waste is disposed of properly.**

HUMAN AND BUILT ENVIRONMENT

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making. It is not the tradeoff between these pillars, but the synergy between them."³

The majority of this chapter discusses protection of certain environmental and natural features in order to preserve them for the future. This final section of the chapter takes those ideas a step further by identifying how those environmental protection efforts impact the human and built environment to create a sustainable and livable community.

Summary of Issues:

- 1) Sustainability.** *Creating a sustainable community protects and preserves the environment, natural and built, for future generations. This can include minimizing negative impacts from development on the environment and promoting sustainable building and land use practices.*
- 2) Healthy and active lifestyles.** *How the physical environment of Douglas County is built has a direct impact on the lifestyles and health of its residents. Making cities and neighborhoods pedestrian and bicycle friendly, creating a system of interconnecting greenspaces, reducing air and water pollution, creating appropriately designed transportation systems, and providing recreation spaces help enhance the health of our citizens. As an example, the Safe Routes to Schools program, sponsored by the State of Kansas Department of Transportation, provides safe zones which make it safer for children to bike or walk to schools.*
- 3) Local/Regional Food.** *Local and regional food programs provide health benefits by encouraging healthy diets made up of adequate amounts of locally grown fresh food and may produce air quality benefits by reducing fossil fuel emissions associated with food-related transportation. In Douglas County, there are approximately 98,000 harvested acres of active farmland. A report, "Eastern Kaw River Region's Local Farm and Food Economy", studied seven counties in eastern Kansas and found that the region loses \$2.1 billion of potential revenue by buying food supplies from*

³ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

outside of the region. This money can be potentially recaptured by implementing a local food program and the Douglas County Local Food Policy Council is developing strategies to achieve this. Not only does a local and regional food program encourage the preservation of agricultural lands, but it also encourages diverse forms of food production, such as community gardens and other urban forms of food production, and provides economic benefits to the community.

Goals and Policies:

Goal 6: Mitigate negative impacts to the human and built environment caused by noise pollution, light pollution and development activities in order to promote a sustainable, healthy, and active lifestyle for the residents of Douglas County.

Policy 6.1 Mitigate noise pollution by using appropriate land use buffers, limits on noise levels, and limits on operating hours.

Policy 6.2 Continue to develop and implement standards that will limit light trespass, glare and sky glow, by establishing design guidelines for the type and placement of industrial, commercial and residential lighting.

Policy 6.3 The City of Lawrence and Douglas County should encourage the promotion of healthy and active lifestyles for its residents through the use of standards regarding transit options, pedestrian connectivity, multi-use recreational paths, increased open space preservation, etc. Those standards should also include tools, such as Health Impact Assessment, that measure the long-term health effects of projects.

Policy 6.4 Develop a sustainable transportation system.

- a. Encourage land development patterns that utilize transit options and provide for connectivity of pedestrian walkways, bicycle routes, and multi-use recreational paths while providing for appropriate vehicular access options.

- b. In a fiscally responsible manner, the City and County shall use the most environmentally friendly (i.e. fuel efficient) vehicles available on the market for government vehicles, including the publicly-owned transit fleet.
- c. Encourage Travel Demand Management techniques, such as carpooling, vanpooling, signal coordination, etc. to reduce vehicular travel and energy consumption.
- d. Encourage alternative transportation options, such as bus service, van pools, bike paths, etc., for regional commutes.

Policy 6.5 Promote sustainable building practices.

- a. The City of Lawrence and Douglas County should lead the way by requiring that all new public facilities and substantial remodels of existing public facilities be built according to sustainable or “green” industry accepted standards and programs.
- b. Development and building codes should permit and encourage “green” industry accepted standards and programs.

Policy 6.6 Promote the responsible use and conservation of energy, water and other natural resources.

- a. Encourage the use of drought-tolerant native species in public and private landscaping.
- b. Encourage water conservation through the use of alternative irrigation methods such as the use of rain barrels and rain gardens.
- c. Provide education on the use of mulch, drip irrigation, and other features which would reduce water consumption for landscaping.
- d. Provide incentives for building and facility design which minimizes water usage such as water efficient plumbing fixtures, and reuse of gray water for irrigation.
- e. Develop an education and outreach program to inform the public and government officials on the various means to reduce energy consumption.

- f. The City and County governments shall take the lead and set an example of reducing energy consumption for the community in a fiscally responsible manner, and examples may include:
 - f.1 Providing incentive programs for employees to use mass transit or alternative forms of transportation,
 - f.2 Considering travel miles when locating new facilities,
 - f.3 Making energy consumption a major factor when purchasing new vehicles and equipment,
 - f.4 Taking steps to reduce energy consumption in governmental buildings (using an energy audit system), and
 - f.5 Utilizing energy efficient building materials and designs on new facilities.
- g. Develop regulations and incentives for the use of renewable energy sources.
- h. Encourage land use patterns that result in reduced energy usage, such as mixed use development.
- i. The City shall adopt a Complete Street Policy so all road rights-of-way are developed in a manner to ensure the safety and accommodation of all users.

Policy 6.7 As the community develops a local/regional food program, the City of Lawrence and Douglas County should work with stakeholders (local merchants, farmers, landowners, institutions, consumers, etc.) to assist in developing that program.

- a. As a local food program is developed, further policies relating to land use may need to be addressed in this chapter, as well as Chapter 12 – Economic Development.
- b. Encourage zoning laws to permit community gardens, farmer's markets and other uses to promote growing and marketing local food in an urban setting.
- c. The City and County governments should consider establishing local food programs in their operations.

GLOSSARY:

Complete Streets	<i>Streets that are designed and operated to safely accommodate all users, including but not limited to: motorists, pedestrians, bicyclists, transit, and people of all ages and abilities. The entire right-of-way is designed to encompass users of all types and enable users to safely move along and across the road.</i>
Critical Habitats	<i>Habitat that has been designated as essential for the conservation of species that are listed as threatened or endangered.</i>
Drainage Areas	<i>Land areas that contribute surface water to a given location delineated by surface topography. They vary in size and are made up of five interconnected sub-features: Basins, Subbasins, Watersheds, Subwatersheds, and Catchment areas.</i>
Endangered Species	<i>Any species of wildlife whose continued existence as a viable component of the state's wild fauna is determined to be in jeopardy. That term shall also include any species of wildlife determined to be an endangered species pursuant to Pub. L. No. 93-205 (December 28, 1973), the Endangered Species Act of 1973, and amendments thereto.</i>
Energy audit system	<i>An energy audit is an inspection, survey and analysis of energy flows for energy conservation in a building, process or system to reduce the amount of energy input into the system without negatively affecting the output(s).</i>
Floodplain	<i>The land inundated by a flood of a given magnitude as determined by the FEMA Flood Insurance Study or by an approved Hydrologic and Hydraulic Study.</i>
Glare	<i>The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.</i>
Green Infrastructure	<i>A strategically planned and managed network of natural lands, working landscapes and other open spaces that conserve ecosystem values and functions and provide associated benefits to human populations.⁴</i>
Greenhouse Gases	<i>Gases that trap heat in the atmosphere are often called greenhouse gases. Some greenhouse gases such as carbon dioxide occur naturally and are emitted to the atmosphere through natural processes and human</i>

⁴ Green Infrastructure: Smart Conservation for the 21st Century, www.sprawlwatch.org

	<i>activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), and Fluorinated Gases such as hydrofluorocarbons or perfluorocarbons which are usually emitted from a variety of industrial processes.</i>
Groundwater Recharge	<i>Water that infiltrates the land surface and percolates downward to the underlying groundwater system.</i>
Health Impact Assessment	<i>A combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.⁵</i>
High Quality Agricultural Land	<i>Land with good soil quality that is rated as Capability Class (non-irrigated) I and II as defined by the National Resources Conservation Service.</i>
Key Habitat	<i>Habitat for wildlife that are not listed as endangered or threatened, but that have declined over the last 50 years to the point that they are in danger of being listed as such.</i>
Level of service standards	<i>A qualitative rating of the effectiveness of a highway or highway facility in serving traffic, in terms of operating conditions (speed, travel time, comfort, convenience, traffic interruptions, freedom to maneuver). The Highway Capacity Manual identifies operating conditions ranging from A, for best operations (low volume, high speed) to F, for worst conditions.</i>
Light Pollution	<i>The adverse effect of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste.</i>
Light Trespass	<i>When light is directed outside of the given property.</i>
Native Prairies	<i>A prairie is an ecosystem native to central North America, with fire as its primary periodic disturbance. Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairies have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies.)</i>
Open Space Area	<i>An area which provide visual & psychological relief from the built environment; public access via trails & walkways to these areas is important to provide passive recreational</i>

⁵ <http://www.cdc.gov/healthyplaces/hia.htm>

	<i>opportunities where it is compatible with resource protection & environmental regulations; open space areas may or may not be improved, but can include playfields, trails, greenbelts/greenways, community gardens, farmed areas, buffers between land uses of differing intensities, such as residential & commercial or industrial activity, areas within community or neighborhood parks which are left in their natural state, & other environmentally sensitive areas.⁶</i>
Riparian Areas	<i>The part of the watershed that flanks surface watercourses. These areas provide benefits, such as storage of flood waters, storm water conveyance, pollutant filtration, wildlife habitat, shaded areas, recreational areas, and aesthetic amenities.</i>
Sky Glow	<i>An artificial brightening of the night sky.</i>
Slope	<i>Slope is the rate of change in elevation between two points in a given area and is one of the main components of the topography or surface features of a given site.</i>
Steep Slopes	<i>Slopes that are 15% or above.⁷</i>
Stormwater	<i>Water runoff from precipitation events.</i>
Stream Corridor	<i>A strip of land which is centered on the centerline of the stream; including intermittent, perennial and ephemeral streams. The width of the stream corridor is dependent upon various factors including: vegetation, topography, drainage area, soil type and streambed slope.</i>
Stream Setback	<i>An area within the stream corridor in which activity is limited. There may be various types of setbacks which permit differing degrees of activity.</i>
Sub-surface Watercourses	<i>Water that occurs below the surface of the Earth, that moves slowly, and ultimately discharges to streams, lakes, wetlands, and the oceans.</i>
Surface Watercourses	<i>Above ground waterways such as rivers, lakes and streams.</i>
Sustainability	<i>Meeting needs of present generation without compromising the ability of future generations to meet their needs.</i>
Sustainable Development	<i>Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making.</i>

⁶ From Horizon 2020, Chapter 9: Parks, Recreation, and Open Space

⁷ Marsh, William M., Landscape Planning: Environmental Applications, 2005.

	<i>It is not the tradeoff between these pillars, but the synergy between them.⁸</i>
Tallgrass Prairies	<i>Prairies are distinguished by the types of grasses they contain. Tallgrass prairies flourish in areas with rich soils and moderate rainfall of around 30 to 35 inches per year. The major grasses of the tallgrass prairie are the big bluestem, the little bluestem, indiagrass and switchgrass.</i>
Threatened Species	<i>Any species of wildlife which appears likely, within the foreseeable future, to become an endangered species. That term shall also include any species of wildlife determined to be a threatened species pursuant to Pub. L. No. 93-205 (December 28, 1973), the Endangered Species Act of 1973, and amendments thereto.</i>
Tree Canopy	<i>The layer of leaves, branches, and stems of trees that cover the ground when viewed from above.</i>
Urban Forest	<i>Trees in the urban and near-urban areas including, but not limited to, street trees, park trees, residential trees, natural riparian habitats, and trees on other private and public properties.</i>
Viewsheds	<i>Viewsheds are areas visible from certain locations that are scenic vistas that are important to a given community. They are generally correlated with other environmental features and can include views of water bodies, significant topography, structures, vegetation or other physical things.</i>
Watershed	<i>Typically between ten and a hundred square miles in area, and defined as areas that drain to a particular watercourse or body of water or the total area above a given point on a stream that contributes water to that flow at that point. The top of each watershed is delineated by ridgelines that naturally control the direction of water.</i>
Wetlands	<i>Any area of predominantly hydric soils where standing water or wet soil conditions exists for a significant part of the growing season of most years.⁹</i>
Wildlife corridor	<i>Habitat pathways or linkages that connect areas of natural open space otherwise separated or fragmented. A wildlife corridor allows wildlife to move between separated habitats, providing an escape route from fire,</i>

⁸ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

⁹ Kansas Water Plan

	<i>predators, and human disturbances, and serving as a travel path for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs.</i>
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League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

March 4, 2011

RECEIVED

MAR 04 2011

CITY MANAGERS OFFICE
LAWRENCE, KS

Mayor Mike Amyx
Members of the Lawrence City Commission
Chairman Jim Flory
Members of the Douglas County Board of Commissioners

RE: Text Amendment to Horizon 2020, new Chapter 16 - Environment

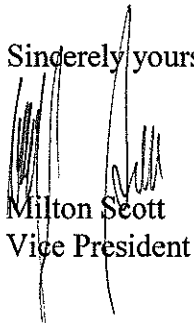
Dear Mayor Amyx, Chairman Jim Flory and Commissioners:

Over a period of many months the Land Use Committee of the League of Women Voters of Lawrence-Douglas County has studied the development of this Text Amendment to Horizon 2020: Chapter 16, the Environment. We would like to express our appreciation for the effort, care, and expertise that has gone into the writing of this chapter. We sincerely hope that you will find this a valuable guide and will adopt it as it is written. Should you recommend any changes, we ask that such changes will only serve to strengthen, and not to weaken this chapter.


With this in mind, we respectfully submit the final comments that we made to the Planning Commission as they studied and adopted this important addition to Horizon 2020. If you should choose to make changes to the current Text Amendment, Chapter 16, we ask that you include our proposed modifications.

We thank the Planning Commission and Planning Staff for this invaluable addition to Horizon 2020.

Sincerely yours,



Milton Scott
Vice President

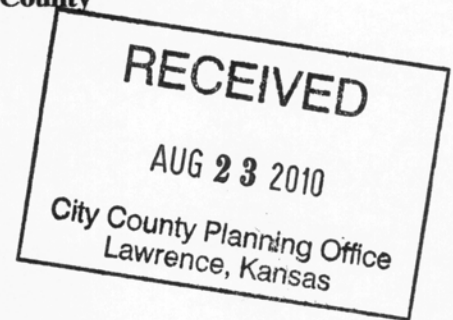


Alan Black, Chairman
Land Use Committee

Attachments

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010



Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT; H2020 CH 16, ENVIRONMENT

Dear Chairman Blaser and Planning Commissioners:

Attached is a copy of our comments regarding the current draft of Horizon 2020, Chapter 16, Environment.

We ask that you consider the following suggestions:

- The term "rural development" should be better defined so as not to confuse it with non-agricultural residential expansion. By "rural development" we hope you mean agricultural and related development.
- We ask that the "agricultural soils" to be protected should include more than just the narrow types "Class 1 and 2 Soils." If you don't attempt to support the farming activities on other soils, this narrow definition could work against supporting agriculture and agricultural development in our Rural Area. (Please see attached exhibits.)
- Steep slopes should be protected from most development.
- Greenhouse gases contribute to global warming.
- Wherever possible existing urban forests should be preserved.
- The term "healthy" often is intended to mean "healthful" (for humans, that is). We believe that is what you mean.

We have learned from experience that apparently minor wording changes in our Codes can lead to unintended consequences. We hope that you will accept our suggested changes in this version of the Chapter 16 addition to *Horizon 2020*.

Thank you.

Sincerely yours,

Milton Scott
Vice President

A handwritten signature in cursive script that reads "Alan Black".

Alan Black, Chairman
Land Use Committee

Attachments

Comments have been annotated onto this draft text from the Land Use Committee, League of Women Voters of Lawrence/Douglas County. Annotated pages are noted below and have been extracted from the Draft Text.

Environment

Draft – August 2010

Language removed from the April 2010 Draft is noted in ~~strikethrough~~ and language added is in green.

Annotated comments are on the following pages:
16-2; 16-16; 16-20; 16-24; 16-25; 16-27; 16-32; 16-38.

industrial development and be used for open space preservation. In addition, the City of Lawrence adopted a Land Development Code in 2006 which addresses some recommendations of this chapter, including standards for impervious surface coverage, open space requirements, and landscaping. The City and Douglas County also have recently revised the subdivision regulations which include provisions for land divisions which contain environmentally sensitive features. The City of Lawrence also has multiple efforts currently underway with similar goals as presented in this chapter, including work by the Sustainability Advisory Board, the Mayor's Climate Protection Task Force, and the Peak Oil Task Force. These advisory boards review issues and make recommendations to the Lawrence City Commission. Douglas County has recently established a Local Food Policy Council to work with stakeholders in creating and maintaining a healthy local food system. This chapter takes into account recommendations that have been made by all advisory boards related to topics discussed. It is important that work on these programs be ongoing in order to further the goals of this chapter. Also, the City and County are committing to internalizing sustainability principles within their operations in order to take the lead in creating a sustainable and livable community.

A variety of management practices are recommended in this chapter, including education of the public and government officials, development of incentives and regulations, and incorporation of green infrastructure strategies. "Green infrastructure strategies actively seek to understand, leverage, and value the different ecological, social, and economic functions provided by natural systems in order to guide more efficient and sustainable land use and development patterns as well as protect ecosystems."¹

The recommendations in this chapter focus on integrating the natural and built environments in order to create a healthy, sustainable community for current and future generations to live, work and play. The City of Lawrence and Douglas County are committed to protecting and enhancing the environment while meeting other community, economic development, housing and infrastructure goals.

Strategies:

Strategies provide a direction or approach to accomplish specific goals or policies of this chapter:

- Identify and protect important environmental features in a manner that also:
 - Accommodates planned urban and rural growth,*

¹ *Towards a Sustainable America: Advancing Prosperity, Opportunity, and a Healthy Environment for the 21st Century, May 1999 (The President's Council on Sustainable Development.)*

in controlling sedimentation, aiding groundwater recharge, and absorbing stormwater runoff.

Endangered Species and Wildlife Habitats: *The protection of critical habitats is a principal means of protecting rare and endangered species and also serves to protect other species that use the same habitat. Because development has resulted in fragmentation of wildlife habitats, corridors connecting them should be maintained. The Kansas Wildlife Conservation Plan² includes protection measures for rare and endangered species and is geared toward practices and policies that would help keep common species from becoming endangered.*

2) Agricultural soils.* *High Quality Agricultural Land is recognized as having exceptional quality and fertility, and in Douglas County is generally described as **having** Capability Class (non-irrigated) 1 and 2 soils as defined by the National Resources Conservation Service. This High Quality Agricultural Land is a finite resource that is important to the regional economy. This land requires less intervention to produce high yields of crops with high nutrition and should be protected, preferably for food production.*

Please include the other soils that are listed as "prime agricultural soils." For example, the State Soil is an upland soil called "Harney." See footnote. Or, better, simply state "preserve existing agricultural land and land use."

Goals and Policies:

Goal 2: Properly manage all land resources, including soils, woodlands, native prairies, wildlife habitats, viewsheds and open spaces, to maintain the functions they provide, ensure the sustainability of the resources, and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 2.1 ~~Appropriately develop land to~~ **Development should maintain the natural benefits of existing topography. Development on steep slopes (above 15%) shall **should** be done in a manner that encourages the use of the existing topography with minimal grading to **minimize adverse effects.****

Policy 2.2 **Preserve and sustain woodlands within Douglas County.**

This is a step backwards. Development on steep slopes must be avoided.

*See attached file at end of these pages: ks_soil[1]Harney-Ks State Soil.

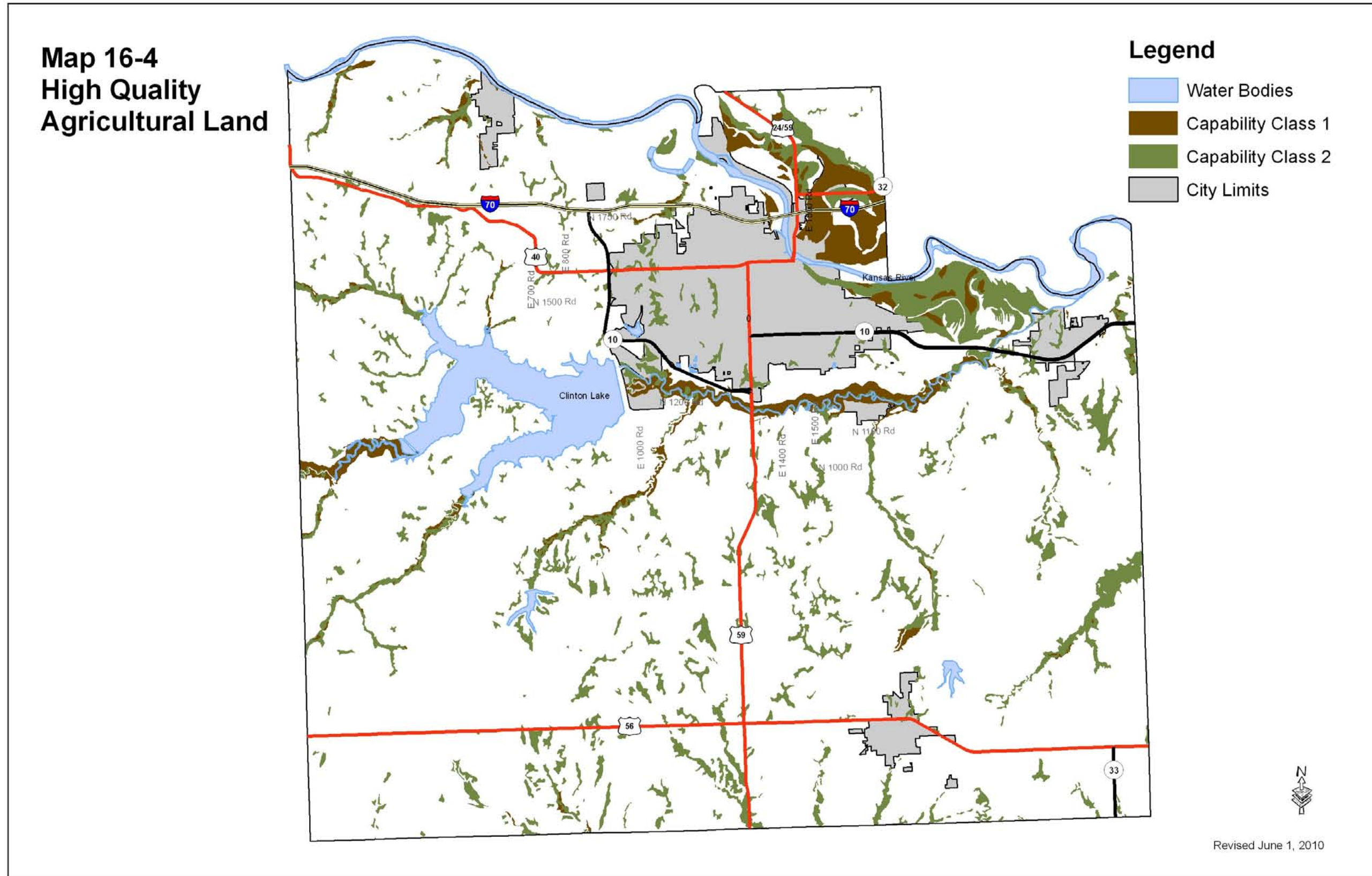
² <http://www.kdwp.state.ks.us/news/Other-Services/Wildlife-Conservation-Plan>

Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current ~~or~~ and future agricultural use.

- a. The protection of High Quality Agricultural Land ~~should~~ shall be used as a key assumption in the sector planning process.
- b. Establish tools to protect High Quality Agricultural Land for farming and make its protection economically feasible for the land owner, such as an agricultural easement program, development incentives that encourage the protection of this resource, public/private partnerships, or other funding mechanisms.
- c. Encourage ~~and support efforts that advance effective economic systems related to agri- and eco-tourism,~~ and develop policies that support and support efforts that advance effective economic systems related to agri- and eco-tourism, as well as a sustainable local/regional food system.

Please see previous comments on page 16-16. "High quality" is too limiting to define important farmland and agricultural land. All of the "high quality" shown on the map is in floodplain and former floodplain areas. Upland agricultural land must also be protected. Please see map of "prime agricultural land obtained in 1999 from the NRCS in Salina.

Note: The implication of this map is that only those areas marked in dark green and brown are worth saving for agricultural use or worth saving as agricultural land. This is a misleading concept. When the LWV made its study of agricultural land use in the county almost 80% was being used for agricultural use and a map we received from the SCS in Salina indicated a far greater amount of land was designated as "prime" and considered valuable for agricultural use. Please see the enclosed map at the end of this annotated copy of Draft Chapter 16.



AIR RESOURCES AND MANAGEMENT

This section focuses on air quality, which is impacted by the amounts of pollutants present, such as sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone, radon, particulate matter, and lead. Air pollution has a profound impact on the environment and can lead to water contamination, soil contamination and impact the health of humans, animals and plants.

Excess greenhouse gases, such as carbon dioxide, methane, nitrous oxide, and fluorinated gases, are a form of air pollution that can ~~may lead to~~ global warming. The *Climate Protection Plan: Climate Protection Task Force Report* to the Lawrence City Commission provides recommendations for the reduction of greenhouse gas emissions in **the community**. Lawrence, as well as improving the ~~global climate~~.

contribute

Summary of Issues:

- 1) **Air quality.** *The quality of air impacts human, plant and animal health.*
 - a. **Outdoor air pollution.** *Minimizing pollutants is critical to maintaining outdoor air quality. Outdoor air pollution can lead to negative health impacts.*
 - b. **Excessive greenhouse gases.** *Reducing greenhouse gases is necessary to limit their negative impacts on the climate.*
 - c. **Indoor air pollution.** *Pollutants, such as radon, second-hand smoke, carbon monoxide and VOCs (volatile organic compounds) affect indoor air quality and have a negative impact on human health.*

Goals and Policies:

Goal 3: Improve indoor and outdoor air quality in order to mitigate impacts to human, animal and plant life in Douglas County.

Policy 3.1 Improve air quality through reduction in emissions from vehicle exhaust by reducing the number of vehicle miles traveled.

- a. Recommend land use and transportation design standards that encourage the use of alternative forms of transportation (other than private vehicle), encourage development in areas that are served or could be served by transit facilities, and provide efficient connections from one mode of transportation to another.

Please don't equivocate. Adding greenhouse gases to the atmosphere does lead to global warming.

- b. Encourage education and outreach programs which explain the need for improvement and provide information on steps individuals, businesses, institutions, the City and the County can take to reduce their contribution to emissions in Douglas County.

Policy 3.4 Develop Land Use Planning regulations and incentives to reduce greenhouse gas emissions to acceptable levels.

- a. Develop and implement policies to inventory^{,preserve,} and increase the amount of urban forest that will help reduce the amount of CO2 in the air.
- b. Develop a Douglas County inventory of greenhouse gas emissions using the guidance materials available from the EPA and use this inventory to monitor success of implemented programs.
- c. Develop a program to accommodate and encourage the increased use of bicycling as a form of transportation. The program should include the following features:
 - c.1 Bicycle/pedestrian level of service standards and guidelines for new developments.
 - c.2 Incentives for provision of additional bicycle parking at existing facilities.
 - c.3 Plans for the retrofit of existing streets where bicycle facilities are needed.
 - c.4 The implementation of a comprehensive network of bicycle facilities identified in the bikeway system map.
- d. Encourage and incentivize energy efficient building design.
- e. Encourage and incentivize transit and forms of non-motorized transportation.
- f. City and County governments should serve as a model for the community by setting goals for reduction of greenhouse gas emissions from construction and operation of government buildings.

Policy 3.5 Improve indoor air quality to maintain and improve the health of our community.

HUMAN AND BUILT ENVIRONMENT

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making. It is not the tradeoff between these pillars, but the synergy between them."³

The majority of this chapter discusses protection of certain environmental and natural features in order to preserve them for the future. This final section of the chapter takes those ideas a step further by identifying how those environmental protection efforts impact the human and built environment to create a sustainable and livable community.

Summary of Issues:

- 1) Sustainability.** *Creating a sustainable community protects and preserves the environment, natural and built, for future generations to enjoy. This can include minimizing negative impacts from development on the environment and promoting sustainable building and land use practices.*
- 2) Healthy and active lifestyles.** *How the physical environment of Douglas County is built has a direct impact on the lifestyles and health of its residents. Making cities and neighborhoods pedestrian and bicycle friendly, creating a system of interconnecting greenspaces, reducing air and water pollution, creating appropriately designed transportation systems, and providing recreation spaces help enhance the health of our citizens. As an example, the Safe Routes to Schools program, sponsored by the State of Kansas Department of Transportation, provides safe zones which make it safer for children to bike or walk to schools.*
- 3) Local/Regional Food.** *Local and regional food programs provide health ~~benefits by encouraging healthy~~ diets made up of adequate amounts of locally grown fresh food and may produce air quality benefits by reducing fossil fuel emissions associated with food-related transportation. In Douglas County, there are approximately 98,000 harvested acres of active farmland. A report, "Eastern Kaw River Region's Local Farm and Food Economy", studied seven counties in eastern Kansas and found that the region loses \$2.1 billion of potential revenue by buying food supplies from*

healthful

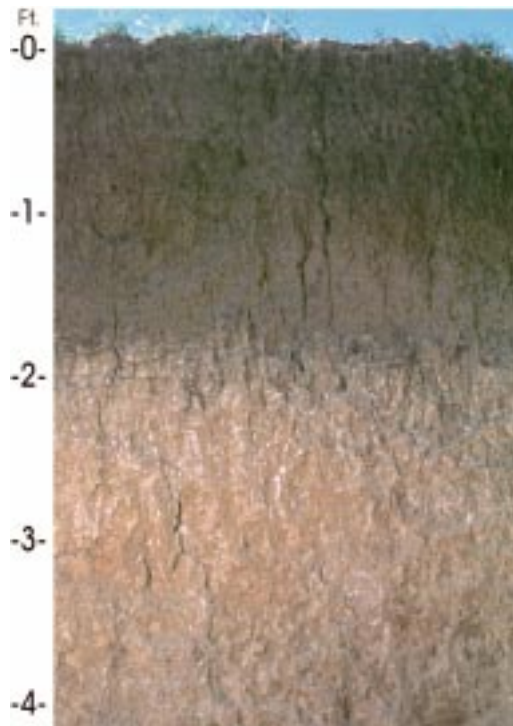
³ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

Please also define prime agricultural land and include it as worthy of protection.

	<i>activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), and Fluorinated Gases such as hydrofluorocarbons or perfluorocarbons which are usually emitted from a variety of industrial processes.</i>
Groundwater Recharge	<i>Water that infiltrates the land surface and percolates downward to the underlying groundwater system.</i>
Health Impact Assessment	<i>A combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population⁵</i>
High Quality Agricultural Land	<i>Land with good soil quality that is rated as Capability Class (non-irrigated) 1 and 2 as defined by the National Resources Conservation Service.</i>
Key Habitat	<i>Habitat for wildlife that are not listed as endangered or threatened, but that have declined over the last 50 years to the point that they are in danger of being listed as such.</i>
Level of service standards	<i>A qualitative rating of the effectiveness of a highway or highway facility in serving traffic, in terms of operating conditions (speed, travel time, comfort, convenience, traffic interruptions, freedom to maneuver). The Highway Capacity Manual identifies operating conditions ranging from A, for best operations (low volume, high speed) to F, for worst conditions.</i>
Light Pollution	<i>The adverse effect of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste.</i>
Light Trespass	<i>When light is directed outside of the given property.</i>
Native Prairies	<i>A prairie is an ecosystem native to central North America, with fire as its primary periodic disturbance. Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairies have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies.)</i>
Open Space Area	<i>An area which provide visual & psychological relief from the built environment; public access via trails & walkways</i>

⁵ <http://www.cdc.gov/healthyplaces/hia.htm>

HARNEY -- KANSAS STATE SOIL



Harney Soil Profile

Surface layer: dark grayish brown silt loam
Subsurface layer: dark grayish brown silty clay loam
Subsoil - upper: grayish brown silty clay loam
Subsoil - middle: light brownish gray, calcarous silty clay loam
Subsoil - lower: light gray, calcarous silt loam

The Harney series was adopted as the Official State Soil of Kansas on April 12, 1990, when Governor Mike Hyden signed Senate Bill 96. The name "Harney" (meaning people) is derived from "harahey," an ancient Wichita Indian term for "Pawnee Indian," stemming from when Coronado journeyed across Kansas.

Harney soils have the ideal qualities of prairie soils. They are recognized as prime farmland and have excellent properties for producing food and fiber crops. These soils occur on about 4 million acres in west-central Kansas. Kansas is one of the top producers of wheat, grain sorghum, and silage in the nation because of Harney and other productive soils.

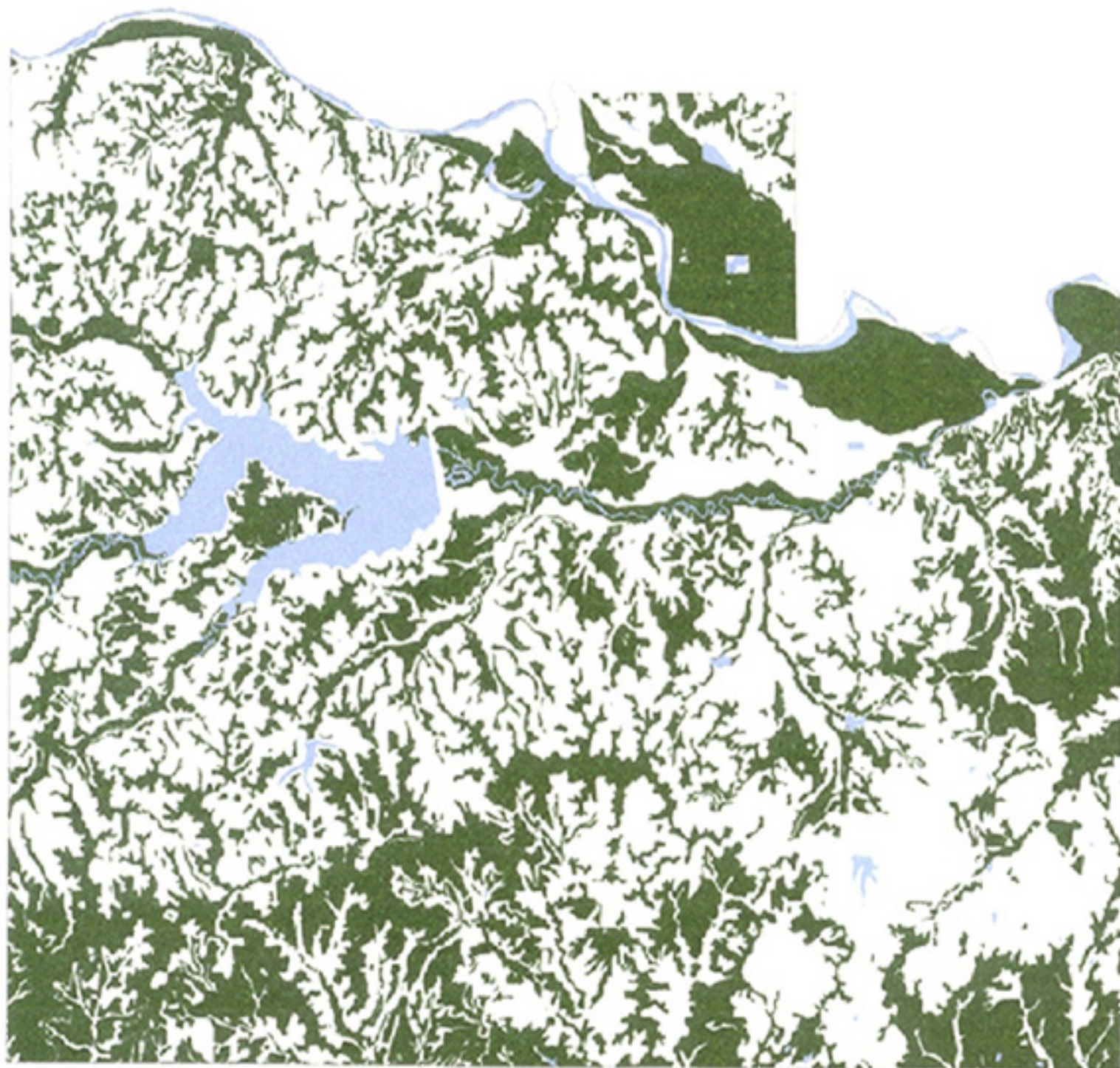


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USDA NRCS
Natural Resources Conservation Service

DOUGLAS COUNTY, KANSAS

1999 GIS Map from USDA-NRCS
Soil Conservation Service



 Prime Farmland Soils

 Water



Lawrence Board of REALTORS®
3838 W. SIXTH STREET / LAWRENCE, KANSAS 66049

December 10, 2010

Lawrence City Commission
City Hall
P.O. Box 708
Lawrence, KS 66044

Dear Commissioners –

On behalf of the Lawrence Board of REALTORS®, thank you for the opportunity to submit written comments detailing our position on the current draft of Chapter 16 to Horizon 2020. Although we support the intent behind the draft chapter in promoting a quality living environment for the citizens of our community, we believe the adoption of this proposal in its current form is not in the best long-term interest for economic development and job creation in our community.

As real estate professionals who are involved on a daily basis in community development discussions, we strongly believe that our local governments should exhibit strong leadership in adopting policies and regulations that will promote economic development and job creation in this community. If a policy does not promote these goals, then we believe that the adoption of such a policy only serves to create opportunities for other communities who will benefit from those new opportunities at our expense.

In reviewing the draft chapter, we believe the fundamental standards of review should be: (1) whether the document exhibits the proper balance between promoting environmental sustainability and creating economic development; and (2) whether the document will promote job creation and economic development in our community? In our opinion, a community can only deliver a high quality of life and economic prosperity to its citizens by succeeding on both measures of success.

Following a thorough review of the draft chapter, we strongly believe that the adoption of this proposal in its current form fails to achieve a satisfactory outcome on either measure of success. Despite the stated intent to “ensure there is a balance between environmental and developmental concerns” in the chapter, the current language of the chapter represents a gross imbalance between environmental and economic development concerns.

Draft Chapter Fails to Exhibit Balance Between Environmental and Economic Development Issues

In its current form, the draft chapter fails to demonstrate a proper balance between the promotion of environmental sustainability and the creation of economic development opportunities. While the draft chapter purports to seek a balance between these two items, the actual language utilized in the chapter focus almost exclusively on environmental sustainability at the expense of economic development.

Although the draft chapter notes that numerous advisory groups focusing on environmental sustainability were asked to contribute recommendations to the language, there is a glaring omission on the countervailing side in that no input or recommendations have been adopted from groups that focus on economic development-related goals and policies. In our opinion, the absence of input from these organizations unfairly skews the draft chapter towards an extreme view of environmental sustainability.

Draft Chapter Will Inhibit Economic Development and Job Creation in Our Community

In total, the draft chapter calls for the creation of nearly 50 new projects and studies to be implemented by consultants and planning to staff to implement the goals and strategies of the chapter. At a time when the city is struggling to identify the resources needed to maintain core functions, we believe it is fiscally irresponsible to burden staff even further will these additional projects and studies.

Furthermore, the draft chapter creates 19 different new mandates for planning staff and property developers through the use of the word “shall” in various places throughout the draft chapter. In every instance, compliance with the new mandates will create an enormous financial and resource burden on planning staff and property developers to adhere to the burdensome mandates of the draft chapter.

Although the introductory notes of the draft chapter state that “this chapter is meant as a guide” for informing the public and property owners on the issues contained in the chapter, the use of the word “shall” and an examination of the other language in the chapter would reveal that the chapter goes beyond a simple guide to create a new set of mandates on the use of property in our community.

In addition, the draft chapter seems to create new local regulations that either mimic or exceed existing state and federal regulations on various environmental issues relating to land use. If adopted, these new regulations could drastically increase the cost of developing new commercial, industrial and residential properties in our community and drive new development to communities with less local regulations.

Conclusion

In closing, the draft chapter does not even attempt to explain the potential harmful impacts the new policies will have on existing property owners, businesses and farming operations in our community. In our opinion, the Planning Commission should create a comprehensive map showing the areas designated for regulation under the draft chapter and distribute this map to potentially affected property owners so they can have input into the draft chapter.

The adoption of this chapter could drastically increase the cost of developing their property for commercial, industrial or residential use and could thus dramatically decrease the value of their property. In these situations, we believe that these property owners have an absolute right to participate in this process.

Thank you for the opportunity to provide our comments on this issue. I would be more than happy to stand for any questions at the appropriate time.

Sincerely,

Luke Bell
Governmental Affairs Director
Lawrence Board of REALTORS®
3838 W. Sixth St.
Lawrence, KS 66049
lbell@kansasrealtor.com

REPORT

To: Lawrence Mayor and City Commissioners
From: Lawrence Chamber of Commerce Development Review Committee
Date: December 9, 2010

Re: Chamber Report
Draft Chapter 16, Environment - Horizon 2020

Executive Summary

Environmental protection and conservation are very important to our community as they relate to the values, quality of life and vibrancy of Lawrence and Douglas County. The Lawrence Chamber of Commerce knows that a quality environment contributes to the ability to create new jobs, garner new business and industry, and grow existing businesses to the benefit of the community. The Chamber, therefore, supports the Ch. 16 adoption effort.

Accordingly, The Chamber review of the draft Ch. 16 document is tempered by two important questions: First, is this chapter a balanced one, truly integrating and reflecting the aspects necessary for Lawrence to thrive? Second, what does this chapter do to promote job creation and economic development in Lawrence and Douglas County? While introductory recommendations state the intention to “foster a healthy environment that contributes to a growing economy and livable community” and to “ensure there is a balance between environmental and developmental concerns”, indications of imbalance between environmental and economic concerns is the subject of this report.

For immediate consideration, we request the following actions on the part of the City Commission:

- 1. Please do not act to approve or deny the Ch. 16 draft document. Rather refer the document, with our comments below, back to study session, to include additional stakeholder entities also listed below.**
- 2. Develop an informational map indicating, for the benefit of the potentially affected property owners and business owners, the properties in the City and County that stand to be affected by the far-reaching proposals contained in the draft document. (It is our understanding that such a map has been requested previously, although no such map has been produced thus far.)**
- 3. Provide proper legal notice to affected property owners and promote public participation in the continued development and review of Ch. 16.**

We request and recommend that the Ch. 16 document be revisited and the following items be thoroughly addressed prior to adoption by the City of Lawrence:

I. Stakeholder Involvement

In the introductory paragraphs, the draft document mentions the involvement and/or influence of ECO², Sustainability Advisory Board, Mayor’s Climate Control Protection Task Force, Peak Oil Task Force and the Local Food Policy Council.

To maintain a balanced approach, other stakeholders should be expressly involved and mentioned, including but not limited to [for instance], Cities of Baldwin, Eudora and Perry Lecompton, Douglas County Development, Inc., Douglas County Farm Bureau, Kaw Valley Drainage District, Lawrence Douglas County Bioscience Authority, Lawrence Board of Realtors, Lawrence Homebuilders Association, Natural Resource Conservation Service, The University of Kansas and KDOT.

II. Education of the Public

A. Public education regarding the issues is likely to be necessary with efforts set forth in the draft document. A typical mention of public education reads [for example], “Develop public outreach and educational programs to increase public awareness concerning the importance of _____”.

To maintain a balanced approach and promote the fiscal goals mentioned in the document, references to public educational efforts should be expanded to the affect, “...and how these features [or practices, etc.] interact with the local economy and job growth in a mutually beneficial way”.

B. Fourteen (14) education and outreach programs for businesses, government officials and/or the general public are proposed in the draft document. The following sections propose programs regarding:

- | | | |
|----------------------|-----------------------|--------------------------|
| 1.4 Wetlands | 2.2 Urban Forest | 3.6 Indoor Air Pollution |
| 1.5 Subsurface water | 2.4 Natural Habitats | 5.1 Recycling |
| 1.6 Floodplain | 3.1 Air Pollution | 6.6 Irrigation |
| 1.7 Erosion Control | 3.2 Vehicle Exhaust | 6.6 Energy Consumption |
| 2.2 Woodlands | 3.3 General Emissions | |

It is prudent to assess the costs and benefits of fulfilling these potentially work-intensive and time-consuming programs. Similarly, consider paring-down the quantity of proposed programs. While p. 16-3 states action steps “may take time to complete”, further clarify in the body of the document that it is unlikely certain programs will be in place prior to continued community development activity.

III. Incentives

Twenty-four (24) references to the creation of incentives to help implement goals and policies are mentioned in the draft document. Example sections include:

- 1.4.c. Develop regulations and **incentives** for the retention and protection of the wetlands identified through the inventory focusing on impacts from both on-site and off-site development activity that affects the wetlands in question.

- 2.2.b.2. Adopt an Urban Forestry Master Plan and associated policies, programs, and **incentives** for the preservation and enhancement of Lawrence’s urban forest on both

public and private property, through development and zoning codes, emphasizing the use of trees appropriate to the climate of this region.

2.4.i. Develop a combination of educational programs, **incentives**, and development standards that recognize and promote sound management practices by private land owners to maintain the health of natural habitats on private property.

The word “incentive” can mean “fear of punishment”, or it can mean “expectation of a reward”. While we generally assume the word to mean “expectation of a reward”, the concept should be clarified in the document. Moreover, the word “incentive”, used in the latter, positive sense, suggests that something more than is typically offered is rewarded in exchange for the desired outcome (i.e. extraordinary wetland, forest, or habitat preservation, etc.)

In any case, the term “incentive” should be defined in the Glossary of Terms, and sample incentives should be added to the body of the document for clarity.

IV. Staff/Consultant “Projects”

Approximately fifty (50) staff and/or consultant projects are proposed to be undertaken by the City and/or County to implement goals and policies mentioned in the draft document. A portion of these projects is described in the above-mentioned “incentive” paragraphs. Other examples of such projects include:

1.4.a. **Inventory and map wetlands** in the county; identifying them based on the priority criteria listed in The Wetland Federal Regulations 33 CFR Part 320.4, as amended.

1.5.a. Conduct an inventory of Douglas County and **identify any significant areas of groundwater recharge** to maximize opportunities for protection of water quality.

1.7.d. **Maintain an inventory of stormwater structures** for ongoing inspection, compliance and maintenance procedures. Establish an inspection and maintenance plan with property owners as part of Best Management Practices (BMPs).

2.2.a. The City and County shall partner with other agencies and institutions to **inventory and map woodlands within the county**. The inventory and map should identify the different types of woodlands (‘high quality natural areas’, woodlands which form, or could form, corridors or greenways and riparian woodlands) and **provide a ranking system in priority order for protection**.

3.5.b. Develop a Douglas County **inventory of greenhouse gas emissions** using the guidance materials available from the EPA and use this inventory to monitor success of implemented programs.

It is prudent to assess the costs and benefits of fulfilling these potentially work-intensive and time-consuming projects. Similarly, consider paring-down the quantity of proposed programs. While p. 16-3 states action steps “may take time to complete”, further clarify in the body of the document that it is unlikely certain projects will be in place prior to continued community development activity.

V. Use of the Word “Shall”

The word “shall” is used nineteen (19) times in the draft document. Examples include:

Chapter Utilization Code regulations **shall** be developed to achieve the policies discussed in this chapter.

1.3.b. The City and County **shall** identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed.

2.2.b.1. The City **shall** conduct an inventory of the Urban Forest.

4.1.a. To minimize negative environmental impacts, the City and County **shall** work with applicable state agencies to develop appropriate operation standards for harvesting, collecting, recovery and extraction of marketable natural resources, and provide for effective reclamation of land.

Introductory notes in the draft document state, "This chapter is meant as a guide...", reiterating multiple statements found in the main introduction to Horizon2020 itself. Conversely, the word "shall" is arbitrary, inferring an edict and, therefore, is inappropriate in numerous instances in the Ch. 16 document.

We suggest a review of the draft document to replace the word "shall" with more conforming words and phrases such as, "are likely to be", "should", "should encourage", or "may".

VI. Excessive Local Standards

Numerous locations within the body of the draft suggest altering local regulations to either mimic state and federal regulations already in place, or exceed them. The following are some examples, followed by additional questions/comments added in *italics*:

1.4.a. Inventory and map wetlands in the county; identifying them based on the priority criteria listed in The Wetland Federal Regulations 33 CFR Part 320.4, as amended. *If a city- or county-wide wetland map is created, will this preclude individual owners from performing typically required wetland delineation and assessment work at time of grading or construction? If not, why would we want to do this twice?*

1.6.a. The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. Exceeding National and State regulations benefits the community by reducing the threat to human life, reducing property loss and ensuring water quality. Consider further limiting new development from encroaching into the regulatory floodplain by adopting regulations that promote no adverse impact in flood hazard areas. *Existing federal and state floodplain development permitting is quite difficult and requires significant work to obtain. Why would we ask local owners/operations to uniquely exceed these requirements? If deemed necessary, what regulations or policies are desired?*

1.7.b. Develop strong erosion and sediment control policies on construction sites that include consistent and effective enforcement to improve stormwater quality. *Federal and state requirements dictate Stormwater Pollution Prevention Plans and NPDES permits with all land disturbance operations in excess of an acre. Why are additional local policies necessary? If deemed necessary, what regulations or policies are desired?*

1.7.c. As part of the City of Lawrence's overall stormwater management strategy, maintain regulations and policies that are consistent with the provisions and goals of the Clean Water Act, including its National Pollutant Discharge Elimination System (NPDES) Program, and other federal, state and local requirements for water quality and environmental preservation. *Federal and state requirements dictate Stormwater Pollution Prevention Plans and NPDES permits with all land disturbance operations in excess of an acre. Why are additional local policies necessary? If deemed necessary, what regulations or policies are desired?*

VII. High Quality Agricultural Land

The Chamber agrees in principle with the concept of conservation of "high quality agricultural land". However, at least two locations within the body of the draft prescribe the "protection" of such property:

Land Resources and Management - Summary of Issues, Item 2

This land requires less intervention to produce high yields of crops with high nutrition and should be **protected**, preferably for food production.

2.7.a. The **protection** of High Quality Agricultural Land shall be used as a key assumption in the sector planning process.

Where applicable in the body of the document, the word "protection" should be replaced with the word "conservation", to provide flexibility during the evaluation of land use proposals or studies where soils identified as being "high quality" exist in proximity to existing transportation infrastructure, major utilities and urban growth patterns. In such cases, multiple conditions (in addition to soil type) may constitute "key assumptions" and should be considered in a balanced way -- language to this affect should be added to the body of the document.

Also consider establishing [for the purpose of this document and other community planning purposes] a quantity (area) of productive farmland necessary to reach "sustainable" status for agriculture in the City/County. As of now, approximately 400 acres of fruits and vegetables are in production within Douglas County. This represents a noticeably very small percentage of the total arable farmland in the County, which brings into question the necessary quantity and extent of "protection" of "High Quality Agricultural Land" the City and County. This matter should be addressed in the body of the document.

VIII. Topography

The following statements are found in the draft document:

Land Resources and Management - Summary of Issues, Item 1

Developing on steep slopes can be costly and permanently alters the natural slope of the land which may have detrimental effects on other natural features, stormwater runoff and habitats.

2.1 Development should maintain the natural benefits of existing topography. Development on steep slopes (above 15%) should be done in a manner that encourages the use of the existing topography with minimal grading to minimize adverse effects.

Farmers, developers and owners typically avoid disturbing land in areas of excessive slope, unless clearly necessary. Where efficient use of land and resources warrant disturbance of steep slopes, retaining

walls, terracing and placement of erosion control materials are used [as required by federal and state Stormwater Pollution Prevention requirements and NPDES permitting]. Such instances include [for example] the Oread Inn, Stonegate Subdivision, numerous Alvamar properties, East Hills Business Park and former Farmland Industries. To maintain a balanced approach and promote the fiscal goals mentioned in the document, any references to development on steep slopes should be expanded to the affect, "...and where necessary, should be performed in conformance with development conventions and regulated erosion mitigation practices".

IX. Effects of this Chapter

The draft document does not explain the potential impacts of this policy upon existing property owners, businesses and farming operations in the City and County. Will these policies apply only to new farms, agri-businesses, residents, industry and development? Will existing owners continue to exercise their present rights to buy, sell, clear, conduct grading operations, irrigate, illuminate and generally operate upon their properties as they do now?

This document should include a thorough explanation of proposed effects upon all ongoing legitimate operations on private and public property throughout the City and County.

X. Public Notice

This chapter proposes significant impacts throughout the County, pertaining to view sheds, wetlands, ground water, emissions, grading, plant selection, urban forest and woodlands areas, hours of operation, use of chemicals and fertilizers, livestock operations, natural resources, open space, etc.

A comprehensive map showing areas designated for regulation by this chapter should be made available so that potentially affected parties are clearly aware of impending policy changes, as part of the adoption process.

While it will be a substantial task to notify owners of the effects of this document upon their ability to farm, operate, develop or otherwise improve lands, it seems imperative to do so. This would be similar to the legal notice to neighboring owners required with any development or significant land improvement proposal in Lawrence-Douglas County.

From: Barbara Clark, Maggie's Farm [mailto:maggiesfarm@sbcglobal.net]

Sent: Monday, August 23, 2010 8:59 AM

To: Chuck Blaser; Lisa Harris; Richard Hird; Charlie Dominguez; Kenzie Singleton; Stan Rasmussen; Bruce Liese; Brad Finkeldei; Hugh Carter; Lara Adams Burger

Cc: Amy Miller

Subject: Chapter 16 - Environment

Dear Commissioners;

I would like to make one request for an addition under Goals and Policies for Chapter 16 - Environment.

It would be within:

**Policy 2.7 Encourage the protection of High Quality
Agricultural Land in Douglas County for current
and future agricultural use.**

**d. Inventory Capability Class I and II soils acreage. Track loss of
these soils to urbanization.**

Thank you all for considering this request.

I would respectfully encourage you to support Chapter 16 - Environment with this policy addition.

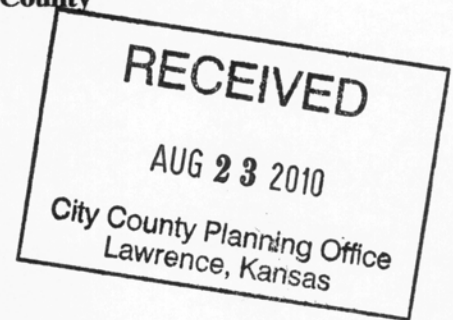
Sincerely,
Barbara Clark

"The history of every nation is eventually written in the way in which it cares for its soil." Franklin Roosevelt

Maggie's Farm
2050 E. 1550 Road
Lawrence, KS 66044

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 22, 2010



Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT; H2020 CH 16, ENVIRONMENT

Dear Chairman Blaser and Planning Commissioners:

Attached is a copy of our comments regarding the current draft of Horizon 2020, Chapter 16, Environment.

We ask that you consider the following suggestions:

- The term "rural development" should be better defined so as not to confuse it with non-agricultural residential expansion. By "rural development" we hope you mean agricultural and related development.
- We ask that the "agricultural soils" to be protected should include more than just the narrow types "Class 1 and 2 Soils." If you don't attempt to support the farming activities on other soils, this narrow definition could work against supporting agriculture and agricultural development in our Rural Area. (Please see attached exhibits.)
- Steep slopes should be protected from most development.
- Greenhouse gases contribute to global warming.
- Wherever possible existing urban forests should be preserved.
- The term "healthy" often is intended to mean "healthful" (for humans, that is). We believe that is what you mean.

We have learned from experience that apparently minor wording changes in our Codes can lead to unintended consequences. We hope that you will accept our suggested changes in this version of the Chapter 16 addition to *Horizon 2020*.

Thank you.

Sincerely yours,

Milton Scott
Vice President

A handwritten signature in cursive script that reads "Alan Black".

Alan Black, Chairman
Land Use Committee

Attachments

Comments have been annotated onto this draft text from the Land Use Committee, League of Women Voters of Lawrence/Douglas County. Annotated pages are noted below and have been extracted from the Draft Text.

Environment

Draft – August 2010

Language removed from the April 2010 Draft is noted in ~~strikethrough~~ and language added is in green.

Annotated comments are on the following pages:
16-2; 16-16; 16-20; 16-24; 16-25; 16-27; 16-32; 16-38.

industrial development and be used for open space preservation. In addition, the City of Lawrence adopted a Land Development Code in 2006 which addresses some recommendations of this chapter, including standards for impervious surface coverage, open space requirements, and landscaping. The City and Douglas County also have recently revised the subdivision regulations which include provisions for land divisions which contain environmentally sensitive features. The City of Lawrence also has multiple efforts currently underway with similar goals as presented in this chapter, including work by the Sustainability Advisory Board, the Mayor's Climate Protection Task Force, and the Peak Oil Task Force. These advisory boards review issues and make recommendations to the Lawrence City Commission. Douglas County has recently established a Local Food Policy Council to work with stakeholders in creating and maintaining a healthy local food system. This chapter takes into account recommendations that have been made by all advisory boards related to topics discussed. It is important that work on these programs be ongoing in order to further the goals of this chapter. Also, the City and County are committing to internalizing sustainability principles within their operations in order to take the lead in creating a sustainable and livable community.

A variety of management practices are recommended in this chapter, including education of the public and government officials, development of incentives and regulations, and incorporation of green infrastructure strategies. "Green infrastructure strategies actively seek to understand, leverage, and value the different ecological, social, and economic functions provided by natural systems in order to guide more efficient and sustainable land use and development patterns as well as protect ecosystems."¹

The recommendations in this chapter focus on integrating the natural and built environments in order to create a healthy, sustainable community for current and future generations to live, work and play. The City of Lawrence and Douglas County are committed to protecting and enhancing the environment while meeting other community, economic development, housing and infrastructure goals.

Strategies:

Strategies provide a direction or approach to accomplish specific goals or policies of this chapter:

- Identify and protect important environmental features in a manner that also:
 - Accommodates planned urban and rural growth,*

¹ *Towards a Sustainable America: Advancing Prosperity, Opportunity, and a Healthy Environment for the 21st Century, May 1999 (The President's Council on Sustainable Development.)*

*"rural growth" must be defined as "agricultural and related land use."

in controlling sedimentation, aiding groundwater recharge, and absorbing stormwater runoff.

Endangered Species and Wildlife Habitats: *The protection of critical habitats is a principal means of protecting rare and endangered species and also serves to protect other species that use the same habitat. Because development has resulted in fragmentation of wildlife habitats, corridors connecting them should be maintained. The Kansas Wildlife Conservation Plan² includes protection measures for rare and endangered species and is geared toward practices and policies that would help keep common species from becoming endangered.*

2) Agricultural soils.* *High Quality Agricultural Land is recognized as having exceptional quality and fertility, and in Douglas County is generally described as **having** Capability Class (non-irrigated) 1 and 2 soils as defined by the National Resources Conservation Service. This High Quality Agricultural Land is a finite resource that is important to the regional economy. This land requires less intervention to produce high yields of crops with high nutrition and should be protected, preferably for food production.*

Please include the other soils that are listed as "prime agricultural soils." For example, the State Soil is an upland soil called "Harney." See footnote. Or, better, simply state "preserve existing agricultural land and land use."

Goals and Policies:

Goal 2: Properly manage all land resources, including soils, woodlands, native prairies, wildlife habitats, viewsheds and open spaces, to maintain the functions they provide, ensure the sustainability of the resources, and improve the environmental quality of the City of Lawrence and unincorporated Douglas County.

Policy 2.1 ~~Appropriately develop land to~~ **Development should maintain the natural benefits of existing topography. Development on steep slopes (above 15%) shall **should** be done in a manner that encourages the use of the existing topography with minimal grading to **minimize adverse effects.****

Policy 2.2 **Preserve and sustain woodlands within Douglas County.**

This is a step backwards. Development on steep slopes must be avoided.

*See attached file at end of these pages: ks_soil[1]Harney-Ks State Soil.

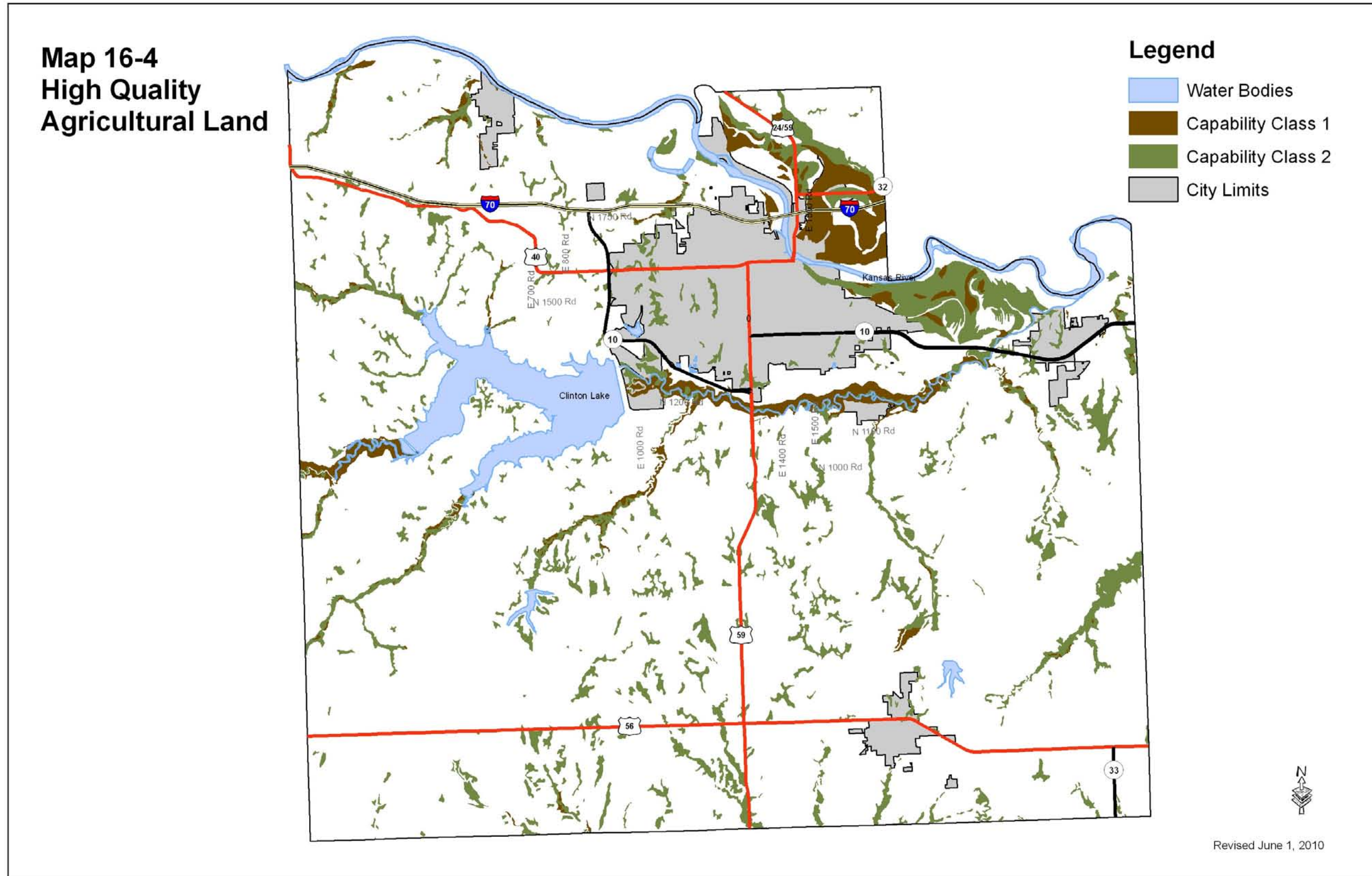
² <http://www.kdwp.state.ks.us/news/Other-Services/Wildlife-Conservation-Plan>

Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current ~~or~~ and future agricultural use.

- a. The protection of High Quality Agricultural Land ~~should~~ shall be used as a key assumption in the sector planning process.
- b. Establish tools to protect High Quality Agricultural Land for farming and make its protection economically feasible for the land owner, such as an agricultural easement program, development incentives that encourage the protection of this resource, public/private partnerships, or other funding mechanisms.
- c. Encourage ~~and support efforts that advance effective economic systems related to agri- and eco-tourism,~~ and develop policies that support and support efforts that advance effective economic systems related to agri- and eco-tourism, as well as a sustainable local/regional food system.

Please see previous comments on page 16-16. "High quality" is too limiting to define important farmland and agricultural land. All of the "high quality" shown on the map is in floodplain and former floodplain areas. Upland agricultural land must also be protected. Please see map of "prime agricultural land obtained in 1999 from the NRCS in Salina.

Note: The implication of this map is that only those areas marked in dark green and brown are worth saving for agricultural use or worth saving as agricultural land. This is a misleading concept. When the LWV made its study of agricultural land use in the county almost 80% was being used for agricultural use and a map we received from the SCS in Salina indicated a far greater amount of land was designated as "prime" and considered valuable for agricultural use. Please see the enclosed map at the end of this annotated copy of Draft Chapter 16.



AIR RESOURCES AND MANAGEMENT

This section focuses on air quality, which is impacted by the amounts of pollutants present, such as sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone, radon, particulate matter, and lead. Air pollution has a profound impact on the environment and can lead to water contamination, soil contamination and impact the health of humans, animals and plants.

Excess greenhouse gases, such as carbon dioxide, methane, nitrous oxide, and fluorinated gases, are a form of air pollution that can ~~may lead to~~ global warming. The *Climate Protection Plan: Climate Protection Task Force Report* to the Lawrence City Commission provides recommendations for the reduction of greenhouse gas emissions in **the community**. Lawrence, as well as improving the ~~global climate~~.

contribute

Summary of Issues:

- 1) **Air quality.** *The quality of air impacts human, plant and animal health.*
 - a. **Outdoor air pollution.** *Minimizing pollutants is critical to maintaining outdoor air quality. Outdoor air pollution can lead to negative health impacts.*
 - b. **Excessive greenhouse gases.** *Reducing greenhouse gases is necessary to limit their negative impacts on the climate.*
 - c. **Indoor air pollution.** *Pollutants, such as radon, second-hand smoke, carbon monoxide and VOCs (volatile organic compounds) affect indoor air quality and have a negative impact on human health.*

Goals and Policies:

Goal 3: Improve indoor and outdoor air quality in order to mitigate impacts to human, animal and plant life in Douglas County.

Policy 3.1 Improve air quality through reduction in emissions from vehicle exhaust by reducing the number of vehicle miles traveled.

- a. Recommend land use and transportation design standards that encourage the use of alternative forms of transportation (other than private vehicle), encourage development in areas that are served or could be served by transit facilities, and provide efficient connections from one mode of transportation to another.

Please don't equivocate. Adding greenhouse gases to the atmosphere does lead to global warming.

- b. Encourage education and outreach programs which explain the need for improvement and provide information on steps individuals, businesses, institutions, the City and the County can take to reduce their contribution to emissions in Douglas County.

Policy 3.4 Develop Land Use Planning regulations and incentives to reduce greenhouse gas emissions to acceptable levels.

- a. Develop and implement policies to inventory^{,preserve,} and increase the amount of urban forest that will help reduce the amount of CO2 in the air.
- b. Develop a Douglas County inventory of greenhouse gas emissions using the guidance materials available from the EPA and use this inventory to monitor success of implemented programs.
- c. Develop a program to accommodate and encourage the increased use of bicycling as a form of transportation. The program should include the following features:
 - c.1 Bicycle/pedestrian level of service standards and guidelines for new developments.
 - c.2 Incentives for provision of additional bicycle parking at existing facilities.
 - c.3 Plans for the retrofit of existing streets where bicycle facilities are needed.
 - c.4 The implementation of a comprehensive network of bicycle facilities identified in the bikeway system map.
- d. Encourage and incentivize energy efficient building design.
- e. Encourage and incentivize transit and forms of non-motorized transportation.
- f. City and County governments should serve as a model for the community by setting goals for reduction of greenhouse gas emissions from construction and operation of government buildings.

Policy 3.5 Improve indoor air quality to maintain and improve the health of our community.

HUMAN AND BUILT ENVIRONMENT

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making. It is not the tradeoff between these pillars, but the synergy between them."³

The majority of this chapter discusses protection of certain environmental and natural features in order to preserve them for the future. This final section of the chapter takes those ideas a step further by identifying how those environmental protection efforts impact the human and built environment to create a sustainable and livable community.

Summary of Issues:

- 1) Sustainability.** *Creating a sustainable community protects and preserves the environment, natural and built, for future generations to enjoy. This can include minimizing negative impacts from development on the environment and promoting sustainable building and land use practices.*
- 2) Healthy and active lifestyles.** *How the physical environment of Douglas County is built has a direct impact on the lifestyles and health of its residents. Making cities and neighborhoods pedestrian and bicycle friendly, creating a system of interconnecting greenspaces, reducing air and water pollution, creating appropriately designed transportation systems, and providing recreation spaces help enhance the health of our citizens. As an example, the Safe Routes to Schools program, sponsored by the State of Kansas Department of Transportation, provides safe zones which make it safer for children to bike or walk to schools.*
- 3) Local/Regional Food.** *Local and regional food programs provide health ~~benefits by encouraging healthy~~ diets made up of adequate amounts of locally grown fresh food and may produce air quality benefits by reducing fossil fuel emissions associated with food-related transportation. In Douglas County, there are approximately 98,000 harvested acres of active farmland. A report, "Eastern Kaw River Region's Local Farm and Food Economy", studied seven counties in eastern Kansas and found that the region loses \$2.1 billion of potential revenue by buying food supplies from*

healthful

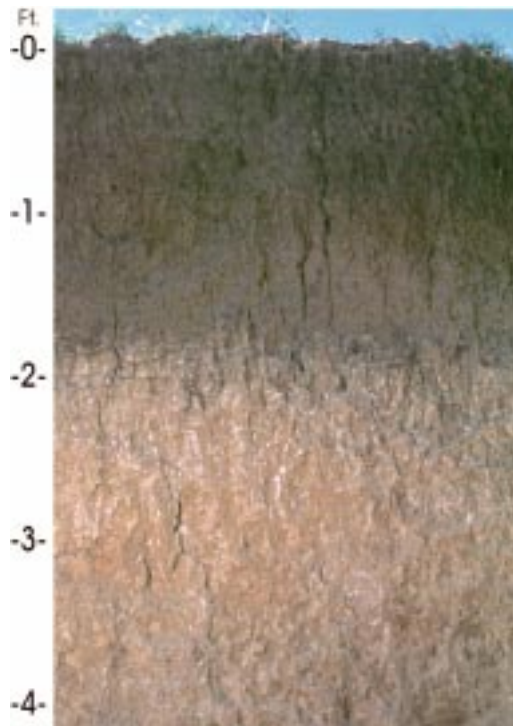
³ A portion of this definition is taken from Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

Please also define prime agricultural land and include it as worthy of protection.

	<i>activities. Other greenhouse gases (e.g., fluorinated gases) are created and emitted solely through human activities. The principal greenhouse gases that enter the atmosphere because of human activities are: Carbon Dioxide (CO₂), Methane (CH₄), Nitrous Oxide (N₂O), and Fluorinated Gases such as hydrofluorocarbons or perfluorocarbons which are usually emitted from a variety of industrial processes.</i>
Groundwater Recharge	<i>Water that infiltrates the land surface and percolates downward to the underlying groundwater system.</i>
Health Impact Assessment	<i>A combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population⁵</i>
High Quality Agricultural Land	<i>Land with good soil quality that is rated as Capability Class (non-irrigated) 1 and 2 as defined by the National Resources Conservation Service.</i>
Key Habitat	<i>Habitat for wildlife that are not listed as endangered or threatened, but that have declined over the last 50 years to the point that they are in danger of being listed as such.</i>
Level of service standards	<i>A qualitative rating of the effectiveness of a highway or highway facility in serving traffic, in terms of operating conditions (speed, travel time, comfort, convenience, traffic interruptions, freedom to maneuver). The Highway Capacity Manual identifies operating conditions ranging from A, for best operations (low volume, high speed) to F, for worst conditions.</i>
Light Pollution	<i>The adverse effect of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste.</i>
Light Trespass	<i>When light is directed outside of the given property.</i>
Native Prairies	<i>A prairie is an ecosystem native to central North America, with fire as its primary periodic disturbance. Prairie areas that have remained relatively untouched on undeveloped, untilled portions of properties are 'native prairies'. Native prairies have remained primarily a mixture of native grasses interspersed with native flowering plants. (These areas have not been planted, but are original prairies.)</i>
Open Space Area	<i>An area which provide visual & psychological relief from the built environment; public access via trails & walkways</i>

⁵ <http://www.cdc.gov/healthyplaces/hia.htm>

HARNEY -- KANSAS STATE SOIL



Harney Soil Profile

Surface layer: dark grayish brown silt loam
Subsurface layer: dark grayish brown silty clay loam
Subsoil - upper: grayish brown silty clay loam
Subsoil - middle: light brownish gray, calcarous silty clay loam
Subsoil - lower: light gray, calcarous silt loam

The Harney series was adopted as the Official State Soil of Kansas on April 12, 1990, when Governor Mike Hyden signed Senate Bill 96. The name "Harney" (meaning people) is derived from "harahey," an ancient Wichita Indian term for "Pawnee Indian," stemming from when Coronado journeyed across Kansas.

Harney soils have the ideal qualities of prairie soils. They are recognized as prime farmland and have excellent properties for producing food and fiber crops. These soils occur on about 4 million acres in west-central Kansas. Kansas is one of the top producers of wheat, grain sorghum, and silage in the nation because of Harney and other productive soils.



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice or TDD). *USDA is an equal opportunity provider and employer.*

USDA NRCS
Natural Resources Conservation Service

DOUGLAS COUNTY, KANSAS

1999 GIS Map from USDA-NRCS
Soil Conservation Service



Prime Farmland Soils



Water

To: The Lawrence-Douglas County Planning Commission

Re: Horizon 2020 Environmental Chapter, August, 2010 Draft

Date: August 23, 2010

Dear Commissioners,

I am writing to request that you approve the Horizon 2020 Environmental Chapter, August, 2010 Draft.

The Chapter incorporates many forward-thinking, constructive guidelines for development policies that should protect and support a healthy environment for humans and wildlife in Douglas County.

I particularly applaud the guidelines that promote planning on the watershed level. This is the type of vision we need if we are to maintain our water quality and supply for the community, agriculture, industry and wildlife. It is also wonderful to see the emphasis on preserving productive farmland and developing ways to support and increase consumption of locally produced food. I'm also grateful for the stress placed in several parts of the document on connecting our open and green spaces so that wildlife can access resources needed for survival.

The Chapter shows understanding of the very important role of open space of various kinds in maintaining the mental and physical health of the community and in protecting our water supply through filtering of pollutants and groundwater recharge. I want to thank planners Amy Miller and Mary Miller for including in the August draft language suggested in April by our local WRAPS groups relating to the importance and understanding of the role played by riparian areas, stream corridors and prairies in maintaining water quality and controlling storm water runoff and flooding.

I hope that all stakeholders in the Lawrence community will become familiar with this document and use it to guide their development plans and dreams so that our beloved place on the earth will stay beautiful, productive and healthy for all the life that makes its home here.

With thanks to all who worked so hard on the Horizon 2020 Environmental Chapter,

Susan Iversen
Member, Stakeholder Leadership Team
Lower Kansas WRAPS

August 22, 2010

To: Lawrence/Douglas County Metropolitan Planning Commission:

Re: Chapter 16 ENVIRONMENT AUGUST 2010 DRAFT

For the most part, I believe that this chapter shows a great deal of forethought and promise that land-use planning will become much more sustainable upon full adoption and implementation of this chapter. However, there are a few key points that need correction:

Page 16-5 "Summary of Issues"

- 1) Water quality. The following sentence should be added at the end of the paragraph:
 - a. ***Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.***

Reason: The Kansas Water Office has reported that nearly all reservoirs in the state are being silted in far in advance of the projections made at the time of construction of the impoundments.

Page 16-6 Goals and Policies:

Goal 1: Should read: Properly manage all water resources, including: drainage areas, surface water courses, wetlands, ***groundwater***, floodplains, and storm-water runoff, in order to protect natural habitats, mitigate hazards, and ensure water quality.

Reason: The type of geology in Douglas County does not lend itself to "subsurface waterways" which suggests that there are narrow bands of flowing water below the surface. This type of condition is generally found in areas of karst topography. In Douglas County everything below the water table is saturated over a wide area, not in narrow bands. The groundwater then flows slowly in the direction of the gradient toward the discharge areas: streams, rivers and surface water reservoirs.

This change should be made throughout the document:

Page 16-7 Policy 1.5 Protect ***ground*** water resources.

Page 16-8 1.5 d Provide education and values of ***ground*** water resources

Page 16-39 GLOSSARY: Change sub-surface watercourses to ***Groundwater***

Page: 16-9: Policy 1.7 b

Change to: Develop strong erosion and sediment control policies on construction sites that include consistent and effective enforcement to ***eliminate or minimize sediment from reaching storm sewers or natural drainage areas.***

Page 16-25 AIR RESOURCES AND MANAGEMENT:

Should mercury be added to the list of pollutants sometimes present in the air? When present it does pose a serious health hazard.

Page 16-29 RESOURCE MANAGEMENT

It somehow seems incongruent to include timber as a resource for extraction, when a great deal of this document is devoted to explaining why Lawrence and Douglas County citizens should maintain or enhance our county and urban woodlands.

Page 16-31 WASTE MANAGEMENT

I realize that this might be considered somewhat frivolous; however, I'm going to present it any way. I'm appalled at the statistics on the millions of plastic bottle containers that are land filled on a monthly basis nationwide. [At the Container Recycling Institute's web site at the time of this writing, it showed that up to this time in 2010 there are more than 82,697,000,000 plastic bottles land filled, littered or incinerated.] There is so much misinformation about the quality of "bottled water" and if we paid the same amount for a gallon of gas for our vehicles, there would be a near revolution! I would love to see a policy address this issue:

Policy 5.3 Investigate the feasibility of establishing a "bottle deposit" fee in Lawrence and Douglas County to enhance the actual recycling rate of plastic bottles.

Thank you for your attention and consideration to these suggestions. I appreciate your efforts on this important issue.

Sincerely,

Joyce A Wolf

1605 East 318 Road

Lecompton, KS 66050

785-887-6019

Memorandum: Comments on Horizon 2020 Environmental Chapter, August 2010 Draft

To: Lawrence-Douglas County Planning Commission

From: City of Lawrence Sustainability Advisory Board

Date: August 11, 2010

Dear Planning Commissioners,

On behalf of the City of Lawrence Sustainability Advisory Board (SAB), we would like you to approve all of the latest language changes, edits, and additions to the Environmental Chapter of the Horizon 2020 document.

Also, we would like to acknowledge the hard work and continuing dedication of Amy Brown and Mary Miller in drafting this document.

Lastly, the SAB thanks the Commission for using some of the wording that our board proposed for this document.

Sincerely,

Sustainability Advisory Board

Commissioner Dever said it might be a good idea to make sure they had a technical understanding of some of the bigger issues such as classification of soils, drainage areas, and what those meant technically. If talking about protecting or enhancing the use of something, it was important for everyone to have a clear understanding of what that meant. He said most of the comments were about drainage, flooding and the protection of those two types of soils.

Commissioner Chestnut said he was referring to drainage and soil class.

Commissioner Dever said it was better to ask questions up front and get a professional opinion, that way there would be no debate and everyone could understand how important those issues were together.

Vice Mayor Cromwell said it boiled down to the main contentious areas and they needed to make sure there was the expertise on hand to deal with the technical aspects, making it an interesting study session. (15)

Receive proposed Comprehensive Plan Amendment, CPA-2008-7, amending Horizon 2020 to include Chapter 16 – Environment.

Amy Miller, Planner, presented the staff report which read:

The Comprehensive Plans Committee (CPC), in conjunction with Planning Staff, had been working since April 2008 to draft a new chapter in Horizon 2020 concerning environmental issues. This chapter was initiated in April 2008 and the CPC and staff started meeting in September 2008 regarding timeline, process, and the development of a draft overview, strategies, and outline. The draft outline, strategies, and overview were then presented to the Planning Commission in November 2008 to not only get input from the public, but also the Planning Commission. A series of educational meetings were held from December through March 2009 on various sub-topics of the chapter. Community organizations, researchers, and other experts in their fields were invited to give brief presentations to the group in order to help educate staff and the CPC on certain issues.

Staff and the CPC worked over the next year to develop the “April 2010 Draft”. The “April 2010 Draft” was posted to the website in early April and comments were received from both the public and Planning Commissioners at the April 28th, 2010 meeting. Staff then worked with CPC to revise the draft document based on those comments. The “August 2010 Draft” is reflective of those revisions.

A website has been setup to act as a central hub for information regarding the drafting of this chapter (<http://www.lawrenceks.org/pds/H2020-Env>) and the “August 2010 Draft” is posted to this site. In addition, an email distribution list has been created to keep people informed about the chapter as it moves through the process. Members of the public can sign up to be a

part of this email distribution list by visiting the City's subscription page (<http://www.lawrenceks.org/subscription>) and signing up for the "Horizon 2020 Chapter 16: Environment" list under the Public Meetings heading.

Staff recommends approval of this comprehensive plan amendment adding Chapter 16: Environment to Horizon 2020 and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Commissioner Chestnut said regarding the study session, it might be good to have a reminder of the initial chapter of Horizon 2020 which was not a blank document. He said in consideration of this chapter, the preamble needed to be read to understand the context and not consider it in a vacuum.

David Corliss, City Manager, said writing code in this area was particularly challenging as seen with the environmentally sensitive areas code language where the City struggled to make sure that it was operational. He said he had concerns about how well it would be road tested when having a lot of development that impacted those code requirements. The comments about making sure we understood this was a comprehensive plan and was not code language was very important. He said he mentioned the environmentally sensitive area language because they had all seen its evolution and maturation and its changes.

Vice Mayor Cromwell said the City was writing an environmental chapter because environmental issues were important to Lawrence and were relevant to the planning issues that Horizon 2020 addressed. He said it was important to remember not to get too caught up in the wording-smithing of a document when it was not necessarily going to be important to the outcome.

This was another example of a tremendous amount of work and would be useful in clarifying the City's position. It would be a useful tool in planning. Not many communities had similar chapters which would make Lawrence distinguishable. It would be interesting to receive the County's perspective on this issue and there would be opportunities for public input during the first part of the year.

Corliss asked if it was the Commission's desire to have both this Comprehensive Plan Amendment (Environmental Chapter) and Northeast Sector Plan at the same meeting.

Vice Mayor Cromwell said it was difficult to get everyone together for a study session and was in favor of tackling both issues at the same time. He said the environmental chapter impacted the sector plan.

Commissioner Dever said enough time should be allocated to discuss both items because the items were uniquely conjoined specifically the biggest points of contention were the same. He said he hoped both items would pass at a similar time frame.

Commissioner Johnson agreed.

Vice Mayor Cromwell asked what the process was in the next step.

Corliss said he anticipated the City Commission would agree on a joint study session date and staff would do its best to use the list serve and email list to let the interested citizens and stakeholders know about that public meeting. Then, dependent upon direction coming out of the study session, would place it back on the City Commission agenda to take public comment and then any action that the City Commission requested. It would be sometime after the study session so people could be notified and maximize the opportunity for comment. **(16)**

Consider approving annexation (A-9-3-10) of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended). Adopt on first reading Ordinance No. 8594 for the annexation (A-9-3-10) of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended).

Toni Wheeler, Director of Legal Services, presented the staff report which read:

Background

On September 21, 2010, the governing body received the property owner's petition for and consent to annexation. In accordance with the City's annexation policy, the governing body referred the request to the planning commission for a recommendation because the tract of land is larger than ten acres in size. The planning commission considered the annexation at its regular meeting on October 27, 2010, and voted 8-0 to recommend the Board of County Commissioners make the finding required by K.S.A. 12-520c so the annexation could proceed. The planning commission also found that the annexation complied with Horizon 2020.

**ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020; CHP 16; ENVIRONMENT
(AAM/MKM)**

CPA-2008-7: Consider adoption of the Comprehensive Plan Amendment to Horizon 2020 to include Chapter 16 – Environment.

STAFF PRESENTATION

Ms. Amy Miller presented the item.

Commissioner Harris inquired about comments from others who suggesting changes to the plan and whether staff agreed with those suggestions or not.

Ms. A. Miller said she had a lengthy discussion with the League of Women Voters regarding the agricultural soils and the League has included that comment in previous correspondence to the Planning Commission. She said it was the feeling of the Comprehensive Plans Committee that it still should be restricted to the class 1 and 2 soils. She said she has not gone through the rest of the comments point by point. She said some of the comments were redundant and had been submitted with previous correspondence.

Commissioner Harris inquired about the agricultural and related development comment.

Ms. A. Miller said that it would greatly change and limit the intent of that strategy.

Commissioner Harris asked staff to comment on the letter from Ms. Joyce Wolf.

Ms. A. Miller said the Comprehensive Plans Committee changed their mind twice on the term groundwater and went back to the term subsurface water. She said the Committee had information from the Kansas Biological Survey and also discussed a couple other references during meetings and went back to the term subsurface water. She said as far as the other comments, adding timber to resource management was a conscience decision by the Committee.

Commissioner Harris asked for staff's comments on Ms. Wolf's recommendation of adding the following sentence at the end of the water quality paragraph:

a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.

Ms. A. Miller said she did not necessarily see a problem with adding that sentence.

Commissioner Harris asked for staff's thoughts on Ms. Wolf's comment about adding mercury to the list of pollutants sometimes present in the air.

Ms. Mary Miller said that could be looked into. She said staff took the information from the Environmental Protection Agency. She said staff could research it.

Commissioner Rasmussen asked if Policy 2.7(a) '*The protection of High Quality Agricultural Land ~~should~~ shall be used as a key assumption in the sector planning process.*' would mean it gives high quality agricultural land a priority over other considerations.

Ms. Miller said it adds it as one of the assumptions.

Commissioner Finkeldei asked if Chapter 7 says the importance of economic development shall be used as a key assumption in sector planning or if this is a unique provision.

Mr. McCullough said no, he did not know that it was listed anywhere else. He said this was a new chapter and new policy for consideration. He said the consideration was the protection of the land shall be used as a key assumption.

Ms. A. Miller said Chapter 14 Specific Plans was added after Chapter 7 was revised.

PUBLIC HEARING

Ms. Barbara Clark said the only thing that might possibly be an addition was to add a quantitative mechanism and take inventory to keep track of diminishing class 1 and 2 soils in Douglas County.

Ms. Beth Johnson, Chamber of Commerce, felt that economic development should be considered in other chapters, not just Chapter 7.

COMMISSION DISCUSSION

Commissioner Hird said he met with Ms. Clark to talk about conservation/preservation of high quality soils. He referred to Policy 2.7 where the phrase *'as a key assumption in the sector planning process'* is used. He inquired about the meaning of 'key assumption' and if that meant it was more important than others.

Mr. McCullough said it is a key assumption but one of many to find ways to protect and preserve that land and use it for its quality.

Commissioner Hird thought it was odd to use the phrase for this policy but not others.

Mr. McCullough said it was probably relevant to what was being done with the Northeast Sector Plan. He said it hasn't historically been a strongly worded assumption to protect high quality agricultural land.

Commissioner Hird felt it pits one valid environmental issue against others.

Commissioner Rasmussen suggested striking the words *'used as a key assumption'* and replaced with the word *'considered'*:

Policy 2.7(a) *'The protection of High Quality Agricultural Land ~~should~~ shall be **considered** ~~used as a key assumption~~ in the sector planning process.'*

Commissioner Hird said he would agree with the language change suggested by Commissioner Rasmussen.

Commissioner Harris said the word *'consider'* had a different spirit.

Mr. McCullough said there was a great deal of discussion with the sub-committee about the degree of importance to give high quality ag-land on several occasions.

Commissioner Rasmussen disagreed that the committee as a whole thought that it should have a priority. He stated that the items the committee was split on would be brought to the full Planning Commission.

Commissioner Liese said it would make more sense for it to say *'...High Quality Agricultural Land should or shall be protected in the sector planning process.'*

Commissioner Hird said he would have a hard time with that because it is a directive with no options.

Commissioner Singleton said the sub-committee looked at every policy to determine if it should be a 'shall' or 'should' statement.

Commissioner Rasmussen felt it was a huge change to Horizon 2020 and there was not agreement with the committee to the 'shall' and 'should' statements. He pointed out that there were 95 mandatory statements in the policies and only 40 voluntary ones. He said there was a cost associated with many of the 'shall'

statements. He felt most of the 'shall' statements should be changed to 'should' statements and leave it to the County and City Commission to decide the 'shall' statements.

Commissioner Singleton said she argued pretty hard in the committee about the 'shall' statements because she wanted to send the strongest document as possible to the County and City Commissioners to protect the environment. She felt the policies were important to the community.

Commissioner Dominguez said the argument was not about cost, it was going to be if they believe in the 'shall' and 'should' statements.

Commissioner Singleton said City and County Commissioners will go through each statement.

Commissioner Harris said it was Planning Commissions job to go through the statements. She said when looking at the goals of the chapter if a statement was important she felt it should be a 'shall' statement and if it was optional then she thought it should be 'should' statement.

Commissioner Rasmussen said the committee did not come to consensus.

Commissioner Dominguez suggested sending it back to the committee. He did not think County or City Commission should have to go through all the statements.

Ms. A. Miller said one of the last things the sub-committee did was go through and specifically look at 'should' and 'shall' statements. Any statements the committee could not be agree upon each of the four committee members was polled on. She said a lot of the items only had three votes.

Commissioner Finkeldei said he respects what the committee did but does not necessarily agree with them. He said if it is sent back to the committee then they need to be provided direction.

Commissioner Rasmussen said he thought the statements should be 'shall' statements instead of 'should' statements so that the elected governing bodies could determine which ones were a priority.

Commissioner Harris said she thought a majority of the committee was comfortable with the language.

Mr. McCullough said staff thought they had a process that got to the point of the committee as a whole.

Commissioner Burger asked what the County and City Commission was expecting Planning Commission to provide them.

Mr. McCullough said the governing bodies are used to 'should' and 'shall' statements in chapters.

Commissioner Liese asked Commissioner Rasmussen if he would vote in favor of passing this tonight given he was the dissenting vote on the committee.

Commissioner Rasmussen said probably. He said he was not a dissenting vote on the plan. He thought they should not be using 'shall' statements and instead use the wording that the city and county should consider. He said this was a very strong document and he was proud of the work the committee did. He thought they needed to strongly consider what they were saying. He said there were a lot of dollars and resources being committed in the wording. He said it would affect every development project going forward.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Dominguez, to approve this comprehensive plan amendment adding Chapter 16: Environment to Horizon 2020 and recommend forwarding to the Lawrence City Commission and the Douglas County Board of County Commissioners with the following changes:

- Change to roman numerals for Class I and II soils.

- Include Ms. Joyce Wolf's suggestion on page 16-5 of the document under "Summary of Issues"
1) Water quality: The following sentence should be added at the end of the paragraph: *a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*

Commissioner Hird inquired about page 16-17 Policy 2.2 b.b.1 that says 'shall' and b.b.2 & 3 says 'adopt.'

Ms. A. Miller said the action statements were the same as 'shall' statements.

Commissioner Harris suggested adding two additional changes to the motion; to add Ms. Barbara Clark's comment about tracking soils and to have staff consider adding mercury to the Air Quality section as a pollutant if appropriate.

Commissioner Liese amended the motion, seconded by Commissioner Harris, to approve this comprehensive plan amendment adding Chapter 16: Environment to Horizon 2020 and recommend forwarding to the Lawrence City Commission and the Douglas County Board of County Commissioners with the following four changes:

- Change to roman numerals for Class I and II soils.
- Include Ms. Joyce Wolf's suggestion on page 16-5 of the document under "Summary of Issues"
1) Water quality: The following sentence should be added at the end of the paragraph: *a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*
- Include Ms. Joyce Wolf's suggestion on Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current and future agricultural use.
d. Inventory Capability Class I and II soils acreage. Track loss of these soils to urbanization
- Consider adding mercury to the Air Quality section as a pollutant, if appropriate.

Motion carried 8-1-1, with Commissioner Finkeldei voting in opposition. Commissioner Carter abstained.

Motioned by Commissioner Hird, seconded by Commissioner Harris, to approve and sign Planning Commission Resolution 8-6-10.

Approved 8-1-1, with Commissioner Finkeldei voting in opposition and Commissioner Carter abstaining.

ORDINANCE NO. 8592
RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND
RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS AMENDING THE COMPREHENSIVE LAND
USE PLAN "*HORIZON 2020*" TO ADD CHAPTER 16 - ENVIRONMENT;
ADOPTING AND INCORPORATING BY REFERENCE "CHAPTER 16 -
ENVIRONMENT, AUGUST 2010 EDITION" PREPARED BY THE LAWRENCE-
DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE.

WHEREAS, pursuant to K.S.A. 12-747, a comprehensive plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds; and

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted a comprehensive land use plan labeled "*Horizon 2020*"; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on August 23, 2010, by Resolution No. PCR-8-6-10, adopted and recommended the adoption of an amendment to add Chapter 16 - Environment in "*Horizon 2020*," contained in planning staff report CPA 2008-7; and

WHEREAS, a certified copy of the Chapter 16 – Environment amendment contained in planning staff report CPA 2008-7 and adopted by the Planning Commission in Resolution No. PCR-8-6-10 on August 23, 2010, together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on April 28, 2010, and August 23, 2010, have been submitted to the Governing Body; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, K.S.A. 12-3009 to and including 12-3012, K.S.A. 12-3301 *et seq.*, the Home Rule Authority of the County as granted by K.S.A. 19-101a, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Constitution of Kansas, the Board and the City are authorized to adopt and amend, by resolution and ordinance, respectively, and by incorporation by reference, planning and zoning laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS; AND BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section 1. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

Section 2. The Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans have been fully complied with in consideration, approval, adoption of and amendment to "*Horizon 2020*".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "*Horizon 2020*" by approving the recommendation of the Planning Commission and adopting and incorporating by reference the amendment Horizon 2020 to add "Chapter 16 – Environment, August 2010 Edition" contained in Resolution No. PCR-8-6-10 and adopted by the Planning Commission on August 23, 2010.

Section 4. That "Chapter 16 – Environment, August 2010 Edition" approved by Section 3 above, prepared, compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office is hereby adopted and incorporated by reference as if fully set forth herein, and shall be

incorporated into *Horizon 2020* and known as the "Chapter 16 – Environment, August 2010 Edition". One copy of said comprehensive plan amendment shall be marked or stamped as "Official Copy" as Passed by Ordinance No. 8592 and Resolution No. ___ and to which shall be attached a copy of this ordinance, and filed with each of the County Clerk and City Clerk, to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative offices of the City charged with enforcement of this ordinance shall be supplied, at the cost of the City, such number of official copies of such "Chapter 16 – Environment, December 14, 2010 Edition" marked as may be deemed expedient.

Section 5. Severability. If any section, clause, sentence, or phrase of this joint ordinance or resolution is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this joint ordinance and resolution.

Section 6. This joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence, Kansas this ____ day of _____, 20__.

APPROVED:

Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day of _____, 20__.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Jim Flory
Chair

Mike Gaughan
Commissioner

Nancy Thellman
Commissioner

ATTEST:

/s/ Jameson D. Shew
Jameson D. Shew
County Clerk