



Updated:

4/26/10 @ 11:45am

Added communications and additional attachments for the following items:

Item 2 - Conditional Use Permit for 1478 N 1700 Rd

Communications

Applicant response & revised documents

Item 6 - Text Amendment for Environmentally Sensitive Areas

Communications

Sample plans

Item 7 - CPA to H2020, Chapter 16 – Environment

Communications

4/23/10 @ 2:10pm

Added communications regarding the Draft March PC Minutes

Updated Draft March PC Minutes - clarified public comments made by Mr. Bill Mitchell (packet pages 31 & 35) and Mr. James Sherman (packet page 32)

4/22/10 @ 10:30am

Added Item 6 - Text Amendment for Environmentally Sensitive Areas

Added communications for the following items:

Item 2 - Conditional Use Permit for 1478 N 1700 Rd

Item 7 - CPA to H2020, Chapter 16 - Environment

4/21/10 @ 2:30pm

The following item will be added when available:

Item 6 - Text Amendment for Environmentally Sensitive Areas

LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION

CITY HALL, 6 EAST 6TH STREET, CITY COMMISSION MEETING ROOM

AGENDA FOR PUBLIC & NON-PUBLIC HEARING ITEMS

APRIL 26 & 28, 2010 6:30 - 10:30 PM

GENERAL BUSINESS:

PLANNING COMMISSION MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of March 22 and 24, 2010.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

COMMUNICATIONS

- a) Receive written communications from the public.
- b) Receive written communications from staff, Planning Commissioners, or other commissioners.

- c) Receive written action of any waiver requests/determinations made to the City Engineer.
- d) Disclosure of ex parte communications.
- e) Declaration of abstentions from specific agenda items by commissioners.

**REGULAR AGENDA (APRIL 26, 2010) MEETING
PUBLIC HEARING ITEMS:**

ITEM NO. 1 PUD TO OS; 22.63 ACRES; SE OF W 27TH ST & CROSSGATE DR (MKM)

Z-3-3-10: Consider a request to rezone approximately 22.63 acres, from PUD (Planned Unit Development) to OS (Open Space), located southeast of W 27th St. & Crossgate Dr. *Initiated by Planning Commission on 3/22/10.*

ITEM NO. 2 CONDITIONAL USE PERMIT; 1478 N 1700 RD (MKM)

CUP-2-1-10: Consider a Conditional Use Permit for camping, sale of farm products, and events at Pinwheel Farm, approximately 11.79 acres, located at 1478 North 1700 Road. Submitted by Natalya Lowther, property owner of record.

ITEM NO. 3 COMPREHENSIVE PLAN ANNUAL REVIEW (MJL)

Receive the Comprehensive Plan Annual Review and initiate recommended comprehensive plan amendments to be considered at future meetings.

ITEM NO. 4 TEXT AMENDMENT FOR USES IN IBP DISTRICT (MJL)

Consider initiating a Text Amendment to add Hotel, Motel, Extended stay uses in the IBP (Industrial Business Park) District for discussion at a future public hearing.

ITEM NO. 5 INDUSTRIAL DESIGN GUIDELINES (MJL)

Receive the draft Industrial Design Guidelines.

Consider initiation of an amendment to the Community Design Manual to incorporate the Industrial Design Guidelines and initiation of a Text Amendment to the Land Development Code, Chapter 20 of the Code of the City of Lawrence, Kansas referencing the Industrial Design Guidelines for discussion at a future public hearing.

ITEM NO. 6 AMENDMENTS TO DEVELOPMENT CODE; ENVIRONMENTALLY SENSITIVE AREAS (MKM)

TA-12-27-07: Consider Text Amendments to various sections of the Land Development Code, Chapter 20 – Code of the City of Lawrence, Kansas to revise the Protection Standards for Environmentally Sensitive Areas and to provide more precise definitions. *Planning Commission requested more information on the proposed Density Bonus Incentive at their 2/22/10 meeting.*

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess until 6:30 P.M. on April 28, 2010.

BEGIN PUBLIC HEARING (APRIL 28, 2010):

COMMUNICATIONS

- a) Receive written communications from staff, Planning Commissioners, or other commissioners.
- b) Disclosure of ex parte communications.
- c) Declaration of abstentions from specific agenda items by commissioners.

PUBLIC HEARING ITEMS:

Presentation only, no action being taken on Item 7

ITEM NO. 7 COMPREHENSIVE PLAN AMENDMENT TO H2020; CHAPTER 16 - ENVIRONMENT (AMB/MKM)

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

ITEM NO. 8 TEXT AMENDMENT TO DEVELOPMENT CODE, CITY CODE, COUNTY CODE; FLOODPLAIN OVERLAY DISTRICT (AMB)

Consider initiation of Text Amendments to the Land Development Code, Chapter 20, Article 12 of the Code of The City of Lawrence, KS and to the Zoning Regulations, Chapter 12, Article 28 of the Code of the County of Douglas, Kansas to reference 2010 effective dates for new Floodplain Overlay District Maps and related regulation changes for discussion at a future public hearing.

****DEFERRED****

~~ITEM NO. 9 TEXT AMENDMENT; LAND DEVELOPMENT CODE; MU DISTRICT (MJL)~~

~~**TA-1-1-10:** Consider Text Amendments to the Land Development Code, Chapter 20, Sections 20-403, 20-509(3), and 20-524 of the Code of the City of Lawrence, KS to permit Bars or Lounges and to consider changes to development standards for various Eating & Drinking Establishments in the MU (Mixed Use) District. *Initiated by City Commission on 2/2/10.*~~

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

CALENDAR

March 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May 2010						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

PCCM Meeting:

(3/10, 4/14, 5/10)

TAC Meeting:	(Generally 1 st Tuesday of each month, 1:30pm–2:30pm)
CPC Meeting:	(Generally 1 st & 3 rd Wednesday of each month, 4:00pm)
RZC meeting:	(Generally every 2 weeks on Thursdays, 3:30pm–5:00pm)

ADJOURN



PLANNING COMMISSION MEETING

March 22 & 24, 2010

Meeting Minutes DRAFT

March 22, 2010 – 6:30 p.m.

Commissioners present: Carter, Chaney, Dominguez, Finkeldei, Hird, Moore, Rasmussen, and Singleton

Staff present: McCullough, Day, J. Miller, M. Miller, and Ewert

MINUTES

Receive and amend or approve the minutes from the Planning Commission meeting of February 22, 2010.

Motioned by Commissioner Singleton, seconded by Commissioner Rasmussen, to approve the February 22, 2010 Planning Commission minutes.

Motion carried 6-0-1, with Commissioners Hird abstaining. Commissioner Dominguez was not present for the vote.

COMMITTEE REPORTS

Receive reports from any committees that met over the past month.

Commissioner Moore said there was an Industrial Committee update during the Planning Commission mid-month meeting.

Commissioner Hird said the Agri-tourism Committee did not meet in March but will meet the 2nd Thursday in April.

COMMUNICATIONS

Mr. Scott McCullough reviewed new attachments/communications that were posted to the online Planning Commission agenda after the initial posting date.

No written action of any waiver requests/determinations made to the City Engineer.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:

Commissioner Moore said he received a few calls from Mr. Bill Newsome regarding the Lawrence Community Shelter and he discussed mostly what was in the letter he submitted.

Commissioner Rasmussen said he received the same type of call from Mr. Newsome expressing his general opposition to the proposed location of the Lawrence Community Shelter.

Commissioner Chaney said he also received the same type of call from Mr. Newsome.

Mr. McCullough said the Commissioners were part of a meeting that met with the development group for Bauer Farm. He stated a letter was included in the Planning Commission packet that discloses that discussion.

- Abstentions:
Commissioner Hird said he would abstain from Item 4 for the Lawrence Community Shelter.

PC Minutes 3/22/10 **DRAFT**

**ITEM NO. 1 PRELIMINARY PLAT FOR LAWRENCE MUNICIPAL AIRPORT ADDITION
NO. 2; 15.7 ACRES; 1915 AIRPORT RD (SLD)**

PP-1-2-10: Consider a Preliminary Plat for Lawrence Municipal Airport Addition No. 2, approximately 15.7 acres, located at 1915 Airport Rd., and variances from Sections 20-801 & 20-810 of the Subdivision Regulations regarding the portion of property to be platted and number of access points to the site. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING on Variances only

No public comment.

ACTION TAKEN

Motioned by Commissioner Hird, seconded by Commissioner Carter, to approve the variance from Section 20-801 (c) of the Subdivision Regulations requiring all property of contiguously owned land be platted; and approve the variance from Section 20-810 (d)(2)(iii) of the Subdivision Regulations requiring a second access to development with more than 25,000 SF; and approve the Preliminary Plat of Lawrence Municipal Airport Addition No. 2 and forwarding it to the City Commission for consideration of the proposed dedication of easements and rights of way.

Unanimously approve 7-0. Commissioner Dominguez was not present yet at the meeting.

PC Minutes 3/22/10 **DRAFT**

ITEM NO. 2A PRELIMINARY PLAT FOR FOUR SEASONS PUMP STATION; 30.894 ACRES; SE OF W 27TH ST & CROSSGATE DR (MKM)

PP-1-1-10: Consider a 2 lot Preliminary Plat for Four Seasons Pump Station, containing approximately 30.894 acres, located southeast of W 27th St. & Crossgate Dr. Request for variance from Section 20-810(b) to permit the creation of a lot without road frontage and Variance from Section 20-801(c) to permit the platting of a lot without requiring the platting of all contiguously owned lands that are not platted. Submitted by Bartlett & West for the City of Lawrence, property owner of record.

ITEM NO. 2B PUD TO OS; 8.18 ACRES; SE OF W 27TH ST & CROSSGATE DR (MKM)

Z-1-2-10: Consider a request to rezone approximately 8.18 acres from PUD (Planned Unit Development) to OS (Open Space), located southeast of W 27th St. & Crossgate Dr. Submitted by the City of Lawrence, property owner of record.

ITEM NO. 2C SPECIAL USE PERMIT FOR LAWRENCE PUMP STATION 09; SE OF W 27TH ST & CROSSGATE DR (MKM)

SUP-1-2-10: Consider a Special Use Permit for the City of Lawrence Pump Station 09 Wet Weather Storage Expansion, a minor utility, on approximately 8.18 acres, located southeast of W 27th St. & Crossgate Dr. Submitted by the City of Lawrence, property owner of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 2A-2C together.

Mr. Philip Ciesielski, Assistant Utilities Director, was present for questioning.

Commissioner Rasmussen inquired about the undeveloped portion north of this site.

Ms. Miller said there is an area in the Four Seasons Development Plan that was platted and they do have lots but it is not part of this development. At some point it was divided into lots which are mostly within the floodway and building on that would not be possible. She stated back when they did that those were allowed to be platted lots.

Commissioner Rasmussen asked if there was no hope for that chunk to be developed at any point.

Ms. Miller said there are variances for the floodway but they are stringent and may not meet the requirements.

Commissioner Rasmussen asked how they would get access to that area.

Ms. Miller said if something was developed there it would have to find access and perhaps that could be done by purchasing some of the land and extending the road. She said that is a piece of land that would be difficult to develop.

Commissioner Rasmussen asked if there have been any complaints about odor from the retention basin.

Ms. Miller said no, but the Utilities Department said with the additional detention it would possibly improve any odors that were present and that they did not expect them to increase.

PUBLIC HEARING

No public comment.

ACTION TAKEN ON ITEM 2B

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to approve the rezoning request for approximately 8.18 acres from PUD (Planned Unit Development) District to OS (Open Space) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

Unanimously approved 7-0. Commissioner Dominguez was not present for the vote.

Motioned by Commissioner Finkeldei, seconded by Commissioner Singleton, to initiate the rezoning of the remainder of the property, approximately 22.63 acres (Lot 1 on the Four Seasons Pump Station Addition), from PUD (Planned Unit Development) to OS (Open Space) District.

Unanimously approved 7-0. Commissioner Dominguez was not present for the vote.

6:50pm - Commissioner Dominguez arrived at the meeting.

ACTION TAKEN ON ITEM 2A

Motioned by Commissioner Finkeldei, seconded by Commissioner Hird, to approve the variance requested from Section 20-810(b) to permit the creation of 2 lots without street frontage subject to the condition that any development proposal on Lot 1 would require the variance be re-evaluated and re-enacted by the Planning Commission. Approval of the variance requested from Section 20-801(c) to permit the platting of the subject property without the platting of all contiguous property under the same ownership. Approval of the Preliminary Plat of the Four Seasons Pump Station Subdivision and referring it to the City Commission for consideration of dedication of easements subject to the following conditions of approval:

- 1) The preliminary plat shall be revised with the following changes:
 - a. A detail shall be included which illustrates how the facility is accessed and the easements which are utilized (both on- and off-site) shall be noted.
 - b. The on-site easement used to access to the facility shall be renamed a 'municipal access and utility' easement to clarify its purpose.
 - c. The floodplain note will be revised to reference the Base Flood Elevation, rather than the 'surface elevation'.
 - d. If the Planning Commission votes to grant the variances requested, the plat shall be revised to reference the variances identified in this staff report and note the date the Planning Commission granted them.
 - i. The note for the variance from the requirement that each lot shall have street frontage shall include the following condition: *"The variance for Lot 1 shall be re-evaluated and re-enacted by the Planning Commission prior to approval of any development proposal on Lot 1."*

Motion carried 7-0-1, with Commissioner Dominguez abstaining.

ACTION TAKEN ON ITEM 2C

Moved by Commissioner Finkeldei, seconded by Commissioner Hird, to approve Special Use Permit, SUP-1-2-10, for a wet weather storage expansion for Pump Station 09, a minor utility, based upon the findings presented in the body of the staff report and subject to the following conditions:

1. Publication of an ordinance per Section 20-1306(j).
2. Approval of a Floodplain Development Permit required prior to release of Special Use Permit for building permits.
3. Approval and recordation of a Final Plat required prior to release of Special Use Permit for building permit.
4. Applicant shall provide a revised site plan with the following changes:
 - a. Label the 30 ft easement along the east side of the property which provides access to the facility as a 'municipal access and utility easement'.
 - b. Note dimensions of holding tank—diameter.
 - c. Note the Base Flood Elevation on the plan.
 - d. Note the type and maximum wattage of the new lighting.
 - e. Label the width of the access drive.
 - f. Add the following notes:
Current zoning PUD
Proposed zoning OS;
Current Use: Pump station and wet weather detention;
Proposed Use: Additional wet weather detention for pump station
 - g. Add City of Lawrence as property owner:
City of Lawrence, KS
PO Box 708
Lawrence, Kansas 66044
785.832.3000

Motion carried 7-0-1, with Commissioner Dominguez abstaining.

PC Minutes 3/22/10 **DRAFT**

**ITEM NO. 3 PRELIMINARY DEVELOPMENT PLAN FOR BAUER FARM; 43.88 ACRES;
4700 W 6TH ST (MKM)**

PDP-1-1-10: Consider a revised Preliminary Development Plan for Bauer Farm, on approximately 43.88 acres, located at 4700 West 6th St. Associated variances include a request for a reduction in the parking requirement and approval of the variances previously approved with the Preliminary Development Plan for Bauer Farm, PDP-03-02-05, to permit reduced peripheral setbacks. The revised plan proposes the development of an assisted living facility on the 4.24 acres located at the immediate SW corner of Overland Dr. & Folks Rd. Submitted by Landplan Engineering, for Free State Group, LLC; Free State Holdings, Inc; Bauer Farms Residential, LLC; Bauer Farm Retail Pad 1, LLC; Kansas CVS Pharmacy, LLC; Lawrence Tunnel Wash, LLC; Pete G & Diana Bernal; and Lee & Karen Schmidt, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

Mr. Tim Herndon, Landplan Engineering, discussed the details of the plan displayed on the overhead projector.

Commissioner Hird asked how the change fits into the new urbanism concept.

Mr. Herndon said Bauer Farm has been a hybrid from the get go. He said it has consistently featured numerous components of new urbanism. He said there are some things that have detracted from the purity of the new urbanism approach. He said the building is being pushed up to the reduced setback to create a more urbanized streetscape, particularly along Folks Road. He said in terms of walkability they are still working with staff to continue to investigate better ways to connect pedestrians to the outlying surrounding streets. He said another thing that makes this unique, when the subdivision was first approved the sidewalks on both sides of proposed streets which doubles the pedestrian friendliness of the streetscape. Also, there will be a sidewalk on the south side of Overland Drive that gives access to open space. He said the architect created a building with an exciting façade on every side.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Singleton, to approve the parking requirement reduction to permit the construction of 77 parking spaces based on the findings in the staff report and subject to the condition that a note be included on the face of the plan that the parking requirement reduction applies only to the independent and/or assisted living use and is based on the condition that the use of the structure is restricted to an independent and/or assisted living use and may not be converted to a multi-dwelling structure without addressing the parking requirement. Approve the previously approved waivers and variances including the variance which reduced the peripheral setbacks for the subject property from 30 ft to 10 ft. Approve the Preliminary Development Plan for Bauer Farm based on the findings presented in the staff report and forwarding it to the City Commission with a recommendation for approval subject to the following conditions:

1. Review of the maintenance agreement with the City to ensure it reflects the approved changes, if necessary.

2. The landscaping will be reviewed at the Final Development Plan Stage to ensure compliance with Code and that utility/tree/intersection obstruction conflicts are avoided.
3. Access onto Overland Drive is conditioned upon the use of the property as independent and/or assisted living residential use. A use other than independent and/or assisted living residential use may require the closure of the access onto Overland Drive.
4. Provision of a revised Preliminary Development Plan with the following changes/conditions:
 - a. The FDP shall detail appropriate additional pedestrian pathways from the adjacent sidewalks into the development to improve pedestrian circulation and connectivity.
 - b. Show the crosswalk pavement markings on the PRD as shown on the previously approved plans, and include pavement markings for crossings across access drives on the lot with the retirement facility.

Unanimously approved 8-0.

PC Minutes 3/22/10 **DRAFT**

ITEM NO. 4 SPECIAL USE PERMIT FOR A TEMPORARY SHELTER FOR LAWRENCE COMMUNITY SHELTER; 3701 FRANKLIN PARK CIR (SLD)

SUP-1-3-10: Consider a Special Use Permit for the establishment of a Temporary Shelter for the Lawrence Community Shelter, approximately 4.15 acres, located at 3701 Franklin Park Cir. Submitted by Lawrence Community Shelter, for Franklin Business Center LLC, property owner of record.

STAFF PRESENTATION

Commissioner Hird recused himself for the evening.

Ms. Sandra Day presented the item. She stated that the management plan had been updated in the online packet but that it was essentially the same plan.

Commissioner Finkeldei asked if an official position has been taken by the advisory committee regarding the bus route.

Ms. Day said not by the advisory committee.

Commissioner Dominguez asked what year the Community Commission on Homelessness came up with the chart she showed on the overhead during her presentation.

Ms. Day said in 2005 City Commission established Community Commission on Homelessness and adopted the Housing Vision in June of 2007.

Commissioner Dominguez asked if any of the same City Commissioners who were on the commission in 2007 are still serving on the commission.

Mr. McCullough said that current Commissioners Amyx, Chestnut, and Dever were all on the commission in 2007.

APPLICANT PRESENTATION

Mr. Loring Henderson, Lawrence Community Shelter, went over how the new shelter would be different than the current location. He stated the new location would not be a drop-in center with people coming and going the way the current location is. He stated that the current 10th & Kentucky shelter provides a variety of services with limited space and these would be enhanced at the new location. He said the new location would provide all of its own food service for three meals a day, only for people checked in to the center. He went over the management plan and said they would like to make the following change on the first page of the management plan under number 2.

Description of all services provided by removing the last part of the sentence:

- breakfast, lunch, and dinner meals for guests staying in the shelter ~~and lunch for people experiencing homelessness but not staying at the shelter~~

He said the transportation plan for the new site includes a proposed new bus stop near the shelter and a van that the shelter has. He said increased use in the new space by collaborating agencies would reduce traffic in and out of the shelter. He said about 5,400 square feet would be devoted to the jobs program which would allow the potential for guests to work onsite.

Commissioner Carter asked how many passengers the shelter van can hold.

Mr. Henderson said nine.

Commissioner Carter inquired about the hours of operation for the van.

Mr. Henderson said the van will be used as needed.

Commissioner Finkeldei inquired about bus stop discussions.

Mr. Henderson said there was one meeting about a proposed new bus stop and that it was a positive discussion.

Commissioner Finkeldei asked what percentage of guests are considered drop-in.

Mr. Henderson said perhaps anywhere from 10-20% who are not in the program. He said it depends on what is defined as being in the program because some guests try and fail.

Commissioner Carter asked if he thought that was due to lack of programs.

Mr. Henderson said they would not necessarily have new programs at the new location, but rather enhance existing programs. He said they did not currently have enough health type programs but that there would be a clinic at the new location.

Commissioner Dominguez asked if any changes have been made for what constitutes as a Douglas county resident.

Mr. Henderson said no.

Commissioner Rasmussen asked what makes this proposed location his number one choice for the shelter.

Mr. Henderson said because the building is already there and affordable, it has ample space and good outdoor space that will allow for a garden. He stated it is not near houses. There will always be opposition no matter the location. He said it has good space for the jobs program which is key to getting people out of homelessness. He stated they did not know the property was for sale until the seller came forward.

Commissioner Rasmussen asked what the negatives of the new site were in his opinion.

Mr. Henderson said some people would say the distance is a negative but he did not necessarily see that as a negative. He said he did not have any major drawbacks for the new location and said it is the first location he has allowed himself to become excited about.

Mr. Doug Brown, McGrew Real Estate, said they considered over 70 properties and toured over 20 properties. He said they wanted the Text Amendment for industrial zoning because they knew they needed to be away from schools, residential districts, and downtown. He stated the seller of 3701 Franklin Park Circle contacted the shelter and thought the building would work for their needs. He said this location kind of fell in the shelters lap and it makes a lot more sense for a lot more reasons.

Mr. Don Huggins, Lawrence Community Shelter Board of Directors President, said there were a lot of reasons the board likes the Franklin site. The location is pretty remote from businesses and residential areas. The building exists which will cut construction time and speed up occupancy. There will be space for the jobs program and space is one of the factors that effects the shelters success. The recreational area is tucked out of site. From a capital campaign perspective, there is a willing

seller and the building is affordable. He said they have looked at properties that were not affordable. He said the overall cost at the Franklin site to turn it into a shelter is going to cost less than what was proposed at the previous site of Don's Steakhouse. He said with the site, future facility, and more focused management plan will collectively increase the success of moving people out of homelessness.

PUBLIC HEARING

Mr. John Matthews, E 25th Terrace, expressed concern about the economic downfall of housing and businesses in the area. He felt the changes with acreage were too aggressive. He said the shelter would be close to a residential area and farther from services that guests of the shelter may use. He stated for the 2010 City budget at least \$84,000 would be spent on the shelter. He felt the City could not afford something of this magnitude. He said the current sidewalks are not adequate. He expressed concern about loitering and felt Mary's Lake would need additional patrol. He said the new site of 25,000 square feet would be more than twice what they have now and he felt that the shelter would not be satisfied with that in the future and would want more space.

Mr. Peter Zacharias, downtown business owner, said the current facility on Kentucky Street is dramatically overcrowded and it's impossible for them to provide adequate supervision for the people they are trying to take care of. He said the current shelter also has problems with its proximity to businesses, schools, and churches and felt the proposed new site on Franklin was the best so far. He urged the Commission to approve the Special Use Permit.

Commissioner Dominguez asked if panhandling has been detrimental to downtown businesses.

Mr. Zacharias answered yes.

Commissioner Dominguez asked how he thought it would affect the new location.

Mr. Zacharias said he did not know. He felt the begging issue was a separate issue and should not be brought into this discussion.

Ms. Lindsey McCaig, Prairie Park Neighborhood Association President, said over 90% of the neighborhood is opposed to the shelter being at this proposed location. She felt they should take a step back and look at why there is opposition to the proposed location and address those issues instead of relocating it to another place. She said the major concern from property owners is increased foot traffic and loitering.

Ms. McCaig said there are reports that say that 55% of the shelter's guests are substance abusers. The proposed new site is fairly close to grade school and near a wooded area. She said when looking at the shelter track record it is difficult for the neighborhood to accept that things will just be better. She said she pulled numbers from an annual report and last year the shelter served 619 separate individuals with almost 200 of those not being Douglas County residents and only half of them entered into programs. She addressed Commissioner Finkeldei's earlier question about what percentage of people take advantage of their programs. She said it is 50% and that she has great concern why only half are taking advantage of the programs.

Ms. McCaig said the neighborhood does not want an unlimited Special Use Permit because it would put the burden on the neighborhood to be watch dogs and make sure the shelter is complying. She said the shelter has already proven they are not a desirable neighbor, demonstrated by the fact they are being pushed out of downtown. She would like to see significant changes and implementation of the management plan before they expand. She would also like to see improvement and standards of

success at the current location before they move. She said she toured the current shelter on Jan 25th and was told that the shelter withdrew their application at Don's Steakhouse but they did not mention anything about the proposed Franklin location. She felt like this was sprung on the neighbors. She expressed opposition to the Special Use Permit and asked that it be denied.

Commissioner Dominguez asked why she thought wherever the shelter goes they would not be wanted.

Ms. McCaig said she has offered several suggestions such as jobs programs and volunteer work, such as doing work for Parks and Recreation. She felt that they should be making a difference in the community instead of draining the community. She also felt the shelter should be a good neighbor. She said when she visited the site it bothered her to see people sitting in the day room playing dominos and people on the porch smoking. She said guests are allowed to stay there for 90 days without doing a single thing.

Mr. John Rockhold, property owner in Prairie Park, felt the Franklin site was not right. He felt it defied logic to be on that side of town and away from other community networks. He was concerned about changes to the Farmland area and other businesses in the area. He was opposed to Special Use Permit and wondered about the old Tanger Outlet as being a possible location.

Mr. Hubbard Collinsworth, was concerned about the tax base and wondered if they would be able to generate enough taxes to replace what comes off. He expressed concern about the management plan where it says a limit of guest of 125 but then mentions the excess guests will be temporary housed in the facility. He wondered about the actions and consequences list saying that bans will be reviewed once a month and can be shortened and/or revoked. He questioned how they could have a meeting with the guest when the guest is not allowed on the property.

Ms. Beth Johnson, Chamber of Commerce, reviewed the memo that the Chamber of Commerce sent and was included in the Planning Commission packet. She expressed the need for industrial land and that a homeless shelter in the area would decrease the number of people that the Chamber could attract to that area.

Commissioner Carter asked if the Chamber had an issue with the previous Don's Steakhouse location.

Ms. Johnson said no.

Commissioner Carter asked why the Franklin site was an issue.

Ms. Johnson said it is an existing building that is already zoned industrial so the Chamber did not want to take that building off marketability.

Commissioner Dominguez asked if potential industrial applicants already envision a fence around the property.

Ms. Johnson said the main concern would be additional walking traffic which would be a major deterrent. She said there is also an additional public perception of a homeless shelter as opposed to a residential area. Homeless shelters typically have more loitering than residential areas.

Commissioner Dominguez asked if potential businesses looking at a site in Lawrence do a security review of the area.

Ms. Johnson said yes.

Commissioner Singleton said that the city has told the shelter that they cannot be near downtown, schools, and residential areas, so industrial is what's left. She said there is currently a lot of pedestrian traffic in and out of the jail and it would be better to get a bus stop out there to decrease that. She said there was concern expressed by neighbors regarding the foot traffic but there is already pedestrian traffic out there for the jail and there isn't additional crime because of it. Some inmates are approved for work programs and leave during the day for work and return at night.

Ms. Johnson said she did not remember discussing industrial being an approved location for a shelter. She said there is a lot of heavy truck traffic in industrial areas and she was concerned about any residential use being in an industrial area.

Mr. Brit Kring, Lawrence Community Shelter board, said they looked at many properties trying to find a site that would have the least amount of impact on the community. He discussed the concerns brought up by several people regarding the shelter serving guests who are not Douglas County residents. He stated wouldn't the community want Douglas County residents to be helped if they were somewhere else and needed assistance. He said one of the biggest concerns he's heard is loitering and the current facility has no way to separate the guests and the people walking by. He said the new shelter would not have the capability of loitering. He said a new facility is needed and he felt this was the best site for it.

Mr. Jerry Taylor, owner of Hillcrest Wrecker at 3700 Franklin Park Cir, said the proposed shelter would lower the value of his property and devalue his business. He said he plans to sell the business someday and worries about the value and potential buyers being afraid of the shelter being nearby. He said Mr. Henderson has not been to visit him at all. He felt that housing 125 people in an industrial district is a bad plan. He said the building may fit the shelter's needs but the land use does not. He asked them to deny the Special Use Permit.

Commissioner Rasmussen asked if anyone has come out to visit Mr. Taylor regarding the shelter.

Mr. Taylor said no.

Commissioner Singleton asked if he attended any of the community meetings.

Mr. Taylor said yes but that Mr. Henderson told him he would come see him and never did. He expressed concern for the security and safety of his employees. He said there is already foot traffic from the jail and he has had problems with people breaking into vehicles on his property.

Ms. Deanna Taylor, read a quote from Mr. Loring Henderson from an article in the Lawrence Journal World from Feb 23rd *'Everything with the new site is going well enough, it is going surprisingly well, neighbors have had questions certainly, but since there aren't any real immediate neighbors the questions have been a little softer.'* She said that she and her husband, who own Hillcrest Wrecker, are an immediate neighbor and have not been contacted. She said the article goes on to quote a property owner who has both a home and an office near the shelter and he has experienced significant amounts of trespassing, theft, and harassment, which he believes is a result of the shelter. She said the downtown area doesn't want the problems so why should it be placed in her front yard. She said everything west of the proposed site is residential and expressed concern for the safety of the surrounding area. She said Hillcrest Wrecker is a 24 hour business and was worried

about employee safety. She wondered who would pay for the damage to the property and loss of property value. She asked for the Special Use Permit to be denied.

Mr. & Ms. Bill and Bernice Vervynck, live in the area, said they would not feel safe with a homeless shelter being in their area. They wondered what would happen to guests who were turned away and how they would get back to town. They said they are lots of unsecure outbuildings in our area and they were concerned about those buildings being occupied by guests of the shelter. They said there is a future planned residential area near the shelter and wondered what developer would be able to develop that area. They inquired about the Special Use Permit not being reviewable.

Mr. McCullough said the recommendation from staff does not include an expiration date. If the Special Use Permit is approved an annual report would be required as part of that process. He stated any non-compliance with the Special Use Permit conditions, including the management plan, are grounds for review and revocation of the Special Use Permit. He said it can be revoked with cause.

Commissioner Moore said they are compliant driven.

Mr. Vervynck said they live on the county side of the shelter and that this is a city problem being dumped on the county doorstep.

Mr. Bobby Jones, operates Professional Moving & Storage at 3620 Thomas Court, north of the proposed shelter property, said he located his business there because of the businesses that would eventually move out there. He said he has no problems with the jail. He felt the transient population might devalue his business and property and that customer trust could be lost as far as storage usage of his business. His concerns were no transportation and adequate city services to and from the site, no sidewalks on K-10 and high car speeds. He felt a shelter in that area would really be a disadvantage to the population it is trying to serve.

Commissioner Dominguez asked how many people he employs.

Mr. Jones said currently 10 people.

Commissioner Dominguez asked if any of his employees ride the bus.

Mr. Jones said two of his employees occasionally ride the bus.

Commissioner Rasmussen asked Mr. Henderson to comment about concerns expressed about the potential for guests to be turned away. He inquired about what the process would be.

Mr. Henderson said the management plan states they would not turn anyone away without a destination and the shelter would provide transportation to a destination.

Commissioner Dominguez asked if he would drop them off at the bridge if they wanted.

Mr. Henderson said yes, it's not a great destination but that it is a destination. He stated that they could be dropped off with a family member, friend, church, or anywhere else the guest makes arrangements to stay.

Commissioner Dominguez asked if he could assure that turned away guests won't just pass out and sleep outside the shelter.

Mr. Henderson said yes.

Commissioner Dominguez asked what would happen if someone passes out in a field near the shelter.

Mr. Henderson said he would have to know about it but that he would go get them if he is informed of the situation. He said he would pick someone up not only for the safety of the neighborhood, but for the safety of the individual.

Commissioner Dominguez asked if a driver would always be available to go pick someone up who, for example, passes out at the fairgrounds.

Mr. Henderson said yes.

Ms. Anne Bracker, serves on the board of directors for Lawrence Community Shelter and lives in the Prairie Park neighborhood. She urged them to act on the Special Use Permit tonight. She urged them to act with land use in mind since they are a land use committee.

Mr. Terry Jacobsen, CEO of Printing Solutions and owns land near Hillcrest Wrecker and was going to build a business there. He said he has employed guests from the shelter over the past year. He said he hasn't heard anyone talk about the level of crime at the current location. He said the jail is not a police station and not equipped with police officers who can run out and deal with issues. He felt the problem was just being moved to another location. The neighbors who live in the area will have to deal with whatever comes with the shelter. He felt the management plan needs to be more specific and address specific issues and how they will be handled.

Commissioner Moore said there were extensive public hearing discussions when the Don's Steakhouse location was discussed and that Don Huggins went over police reports and statistics so he suggested Mr. Jacobsen talk to Mr. Huggins.

Mr. Brad Cook, social worker at Lawrence Community Shelter and co-Chair of the Coalition for Homeless Concerns. He spoke in favor of the Special Use Permit and said the new facility will offer more space. A common criticism is that the same people are always there and that is not the case. He said many homeless experience physical disabilities, mental illness, and substance abuse issues and others should not judge for the perceived lack of their expeditious change. He said as far as safety of female employees, there have been several female students helping at the shelter and have had no problems with the homeless individuals bothering or harassing them. He disagreed with the notion of guests being only Douglas County residents and said individuals are not bound by manmade lines. He spoke in favor of the shelter.

Mr. Steve Glass, managing member of Franklin Business Park, spoke in opposition of the Special Use Permit. He recapped his letter that was included in the Planning Commission packet. His primary concern was a residential use being introduced to an area zoned and planned for industrial use. He said one of the issues he has with the rear gathering area is that three of the surrounding lots for sale look right into that area. He said he was involved in the creation of the Southeast Area Plan. The plan separates industrial uses from residential on purpose. He felt that if the Special Use Permit is approved the value of surrounding land will diminish.

Mr. Bill Newsome, representing the development Fairfield 180 acres around proposed site, said when the area is built out it will have over 700 housing units. He said this is the wrong application in the wrong location. He said job growth is important and jobs can't be created in a vacuum and the

surrounding land uses are critical to creating jobs. He said pretty soon this area is not going to be at the edge of the city and they need to look at what will be there in the future. He felt it would diminish value around the location.

Mr. Roger Johnson, represents land to the north, expressed opposition to the Special Use Permit. He said that acreage surrounding the proposed site will be difficult to sell. He said nobody ever contacted him.

Mr. Todd Thompson, represents members of PDO Investors Limited Liability Company who own property adjacent to the site. He said this project is being rushed and crammed through and needs to be slowed down for more review. He did not think it was good planning to put a residential use in the middle of an industrial park. The least amount of impact is an operational issue, not a locational issue. He said the Code allows a shelter to be granted in the appropriate residential or commercial neighborhood. He felt that East Hills Business Park was a better site than this one because it is farther from residential, park, lake, school, buffer of K-10, on an existing bus route, and there are lots for sale there. He wondered what about the shelter makes it inappropriate for downtown, the location or the operation. He said the only evidence is that there will be a reduction of value in property.

Commissioner Dominguez inquired about how many social services there are in the city.

Mr. Thompson said there are only a few located near the proposed location so it would be moving the wrong direction from services. He suggested relocating the shelter to the VFW hall.

Mr. Price Banks, professional planner and attorney, said he was familiar with more shelters in industrial and commercial than residential. He said this process first came to Planning Commission three years ago and has not been rushed. He said there were a number of public hearings regarding the Text Amendment to enable homeless shelters in industrial districts and tremendous evidence put before Planning Commission, City Commission, and Community Commission on Homelessness. This is a process that has been ongoing for a long time and there have been many sites looked at. This site works because of the size and will allow the shelter to do their job better. He urged Planning Commission to approve and not defer the request.

Ms. Katherine Dinsdale, Chair of Community Commission on Homelessness, said every community that cares about its citizens has to have an emergency shelter. The Text Amendment was written so that more sites could be looked at. She said an industrial site was not the first choice but that it was from being turned away from other sites. She said the property there already is near the jail so property value wouldn't be that different with a homeless shelter there. She said the Community Commission on Homelessness strongly advises approval.

Mr. John Tacha, board member of Lawrence Community Shelter, said homelessness is a fact of life in Lawrence and that it is a shelter for the people of Lawrence and they deserve a chance. They are people down on their luck. He said he would rather pass this issue and then make a commitment to be part of making it something worthwhile. He said a work program is needed and could help make businesses grow. He said it takes a community to make a village and that there is no place in Lawrence where it wouldn't be near people who are opposed.

Ms. Jane Pennington, Director of Downtown Lawrence, said she was in favor of new location. She said there will never be a perfect place for a homeless shelter. She said the fact that the shelter has any success in their current location is an amazing thing and wanted to give them the opportunity to expand and succeed. She commented on the earlier discussion about 50% of people not taking

advantage of services being used. She said when the drop in center is taken away it will greatly reduce that number. She said that loitering downtown is on public property and they can't really be asked to leave but if they loiter on residential or business property it would be private property and something could be done about that. She asked the Commission to act and not defer.

APPLICANT CLOSING COMMENTS

Mr. Loring Henderson thanked everyone for their comments. He said regarding the comments about him not talking to people individually, he is not a perfect person and just hasn't gotten to them yet but that he would talk to them before the City Commission meeting. He said they had a public meeting and sent over 900 notice letters to invite people to the meeting.

Commissioner Finkeldei inquired about the statistics of 50% of people taking advantage of the shelter programs.

Mr. Henderson said the 600 number was people who passed through during the year. He said those are people using all kinds of services, for example just coming in to use the phone.

Commissioner Finkeldei asked about intakes into the case management program.

Mr. Henderson said intakes into the case management program is about 50%. Some people might stay the night and not be taken into the case management program. Guests can stay up to 90 nights during the evaluation period, which is the time period in which the shelter reviews the individual.

Commissioner Finkeldei said the Special Use Permit states that 125 people can sleep at the shelter per night, he wondered if that is the number of beds.

Mr. Henderson said 125 people is what was used based on the total capacity of the shelter and Salvation Army had together on very cold nights. He said that is the worst case scenario. He said they are finding that the family problem is so much more serious so they may increase the family number and decrease the individual number. He said if they go over that number they will ask downtown churches to help house people.

Commissioner Moore asked if he has looked into some sort of automated population system besides just a sign in sheet.

Mr. Henderson said several agencies use the Homeless Management Information System that HUDD mandated across the country. He said the sign in sheet information is put into the database after the intake. He said that is paid for by a grant from the state.

Commissioner Carter inquired about the letter regarding the Don's Steakhouse location that Mr. Newsome mentioned.

Mr. Henderson said he did not know about it.

Mr. McCullough said there was a letter submitted after the 10:00am communication deadline that referenced Don's Steakhouse still being available for purchase.

Commissioner Dominguez inquired about police reports.

Ms. Day said she met with Ms. Kim Murphree with the Police Department and discussed what other use downtown has the same number of calls, which she said is bars. She said all those calls are not

necessarily directly related to the shelter, for example it could be a traffic report near that location. Staff talked with police staff about trying to come to the Planning Commission Mid-Month meeting to do a study meeting but that hasn't been coordinated yet.

Commissioner Finkeldei asked staff to comment on housing residents in an industrial area.

Mr. McCullough said it has been a lengthy discussion and year long process for the Text Amendment debating whether this use should or could go in industrial districts. When we've gone through the public discussion about where should this type of land use exist in this community, least desirable locations are downtown and residential, and then it filters down to commercial and industrial as the most desired locations and then the discussion turns to which industrial locations. Staff does not view this as a purely residential use, it is an institutional use. There is an Alzheimer's facility in an industrial park west of Wakarusa. It could be argued that it's not the same type of industry but they can exist if properly mitigated. Staff's position of support is derived because it's adjacent of the jail which is community facility, it's on the periphery of this business park, and it's not surrounded by dirty industry.

Commissioner Finkeldei inquired about the Southeast Area Plan.

Mr. McCullough said sector plans don't highlight every use in the zoning use tables or whether or not they will be compatible. They are generally 30,000 foot analysis and then it goes through this type of public process to look at specific uses. Staff does see this as a potential expansion of the community facility use that is the jail today. The jail has room to expand as well and do any number of things on their property.

Commissioner Singleton said in reference to the industrial use, she has seen a lot of cities moving toward putting homeless shelters in industrial areas. She inquired about an overlap map that was shown at the last Planning Commission Mid-Month meeting that showed most industrial areas in Lawrence abutting residential areas.

Mr. McCullough said the majority of industrial is flanked by residential of some sort.

Commissioner Singleton discussed police calls. She said a lot of those calls are not necessarily crimes that have taken place at that location. She gave the example of a victim of domestic violence fleeing an emergency situation with her children and the first place she goes that she's safe to report a crime is the shelter, which could be included in the number of reported calls.

Mr. Don Huggins said there were 422 confirmed calls for 2009. That means the location the officer reported was in or around the shelter.

Commissioner Finkeldei asked staff about a previous location being conditioned with approval of a bus route.

Ms. Day said she did not recall whether staff or Planning Commission added that condition. The Planning Commission can certainly add it as a condition. She said the discussions with Mr. Robert Nugent, Public Transit Administrator, were very positive and it is actively on their radar to be able to provide service to that location. Staff did not feel it was a needed condition because a bus route is something outside of the shelters control, it is a City Commission thing.

Commissioner Finkeldei inquired about Special Use Permit time limit.

Ms. Day said there was very specific and direct discussion at the City Commission level with the current site about the city's ability to revoke or to initiate actions to revoke a Special Use Permit. It is very clear that authority does exist in the Code regardless of there being a time limit or not. The annual reporting pieces engage staff in looking at things and a part of that includes complaints as well that will be looked into by Development Services.

Mr. McCullough said the current shelter was never approved with the intention of being a permanent shelter. If the new site is approved the city has the mechanisms in place to enforce the code.

Commissioner Moore asked if there has been thought to having Development Services have some sort of interaction with the shelter.

Mr. McCullough said the Community Commission on Homelessness is currently involved in terms of trying to mediate with neighbors next to shelter.

Commissioner Dominguez asked how many Special Use Permits have been revoked in the last year.

Mr. McCullough said none have been revoked but there was a revocation hearing for the current location of shelter.

Mr. McCullough said staff is not trying to sugar coat this use in any way, this is a use that will have neighborhood impacts. In staffs opinion it has greater neighborhood impacts at its current location because it doesn't have the space to function appropriately. This is a land use application that's applicant driven and the Planning Commission purpose is to react to the application. Policy wise a lot of these things have been discussed through the Community Commission on Homelessness, City Commission, and Planning Commission with Text Amendments.

Commissioner Moore said this is tough issue but that he is not too concerned about the transit issue because the city will probably make that commitment. He said he liked the increased size for job training. It is a land use issue for Planning Commission and it's allowed in the proposed zoning. He said he thought there were more people present for the previous location at Don's Steakhouse. He said that wherever it is proposed there will be a room full of people. He stated it seems like the community wants to fix the problem but not in their backyard.

Commissioner Carter said the Planning Commissions job is to act on this application and land use. He did not feel there was a site that would work better that they knew of. Wherever the shelter is located it will eventually be built around unless it is put so far out that it wouldn't serve a purpose. He said if the current facility was adequate he would be hard pressed to move the facility at all. He said if he lived adjacent to the property he would be living adjacent to Hillcrest Wrecker and the jail. He stated he has family that lives adjacent to the property and he has family that has business adjacent to the property. Concerns about loitering will be addressed with the size of the site being adequate. He felt the success of the capital campaign is very important. This site gives the shelter the chance to be successful. The drop in center not being at the new location and room for collaborating programs, it's going to be a different shelter with different results. He felt it was critical that the bus route be a condition of approval. He said he would support the Special Use Permit.

Commissioner Finkeldei agreed the bus route needs to be a condition. He stated a shelter is needed. He said he lived in Prairie Park for 8 years and was .82 miles from the proposed location and then he moved to Sunset Drive which is .87 miles from the current shelter location. He said both of his children went to preschool across the street from the shelter at First Christian Church and then to St. Johns which is .4 miles from the current shelter location. He said he never feared for his children and

does not have any safety concerns but could understand why neighbors would. He thought with a bigger site that issues could be controlled better. He said the issue he was struggling with a bit is if this was in East Hills Business Park would he support it there. He said having a homeless shelter in a prime industrial space did cause him some concern. He was hesitant about the unlimited Special Use Permit and whether or not there should be some concern of putting a condition on that. He said last time he supported the deferral of this plan because he wanted to see changes in the management plan and he has seen those changes.

Commissioner Rasmussen said in his gut he had concern about the location within reference to the rest of the community because it is way out on the edge of town which he felt was no different than putting it in the country. He has concerns about access and proximity to services used by guests that stay there. He said they needed to know there would be bus service to and from the location. He did not think it was reasonable to say that one or two vans will service the facility. He said a good point was made about what if this was located in East Hills Business Park. He said he was unhappy to hear that the immediate neighbors were not contacted personally. The community needs a place for a homeless shelter. He said he was not sure what criteria and evidence was used to determine that this is the best location for the homeless shelter. He said he was inclined to support the Special Use Permit with the condition of bus service. He felt the management plan should have more forceful language for offsite behavior and felt that the language could be strengthened. He does not want to see people standing out on 23rd or K-10 with a sign asking for money.

Commissioner Carter said his thoughts about not setting a time limit on the Special Use Permit is because that issue is more about financing.

Commissioner Rasmussen said the time limit is not necessary because City Commission is an elected body and will be responsive to complaints and have the authority and power to revoke the Special Use Permit at any time because there are already conditions to require annual reporting to City Commission.

Commissioner Singleton commented regarding the safety of female employees that was brought up earlier. She said she lived at 10th & New Hampshire and felt much safer there then walking through campus at night. She said she was not concerned about that particular issue. She said she has been in the Prairie Park neighborhood and has friends who live in the neighborhood. She said when looking at maps of industrial abutting up to residential use it was not planned appropriately a time ago. In looking at current usage there is a lot of high density residency next to industrial in this community already and the shelter would actually be a buffer between that. She does not see homeless people as being criminals, she sees them as the women she talks to every day in her job who have to decide to be homeless or stay with the men who beat them. She said she worked with people who were indigent and who lived in the shelter. She said that when someone asks what they will see in the backyard of the shelter they are going to see people building a community garden, which is not a bad thing. She spoke about the topic of what the residents are doing during the day that was brought up in public discussion. They are running errands, taking kids school, they are trying to get to the social services office and trying to get their lives together. They are not the same people just sitting around playing bingo. She said the idea that this plan was rushed is false because it has been in discussion for years but people may not have known about it if it didn't touch their property. She felt the capital plan will determine the success of the shelter and is important so a time limit is not needed for the Special Use Permit. She thought the Lawrence Community Shelter has made every type of effort possible regarding the transportation and the rest is left up to the city. In reference to Mr. Henderson not having talked to all the people across the street, she said she could only imagine what his day is like and probably spends it going from crisis to crisis. She said she understood why maybe he did not have the opportunity to speak with every person but she said she

would like to see that happen over the next few months. She supported Mr. Cook's earlier comments about how the community treats the poorest people is a reflection of who the community is. She thought this was a good plan and would benefit the community in a variety of ways.

Commissioner Dominguez said he felt the opposite of Commissioner Singleton. He said he sees this as rewarding failure and that is what he considers the program at this point. He felt the shelter should prove their success and then be allowed to expand. He said he did not buy the fact that all the shelters failures are due to lack of space. He said the area was planned for industrial and now a homeless shelter will go there which is not fair to the people who live around the area. He felt in this economy they should be trying to bring jobs to the city and he did not feel this sends that message. He said he lives downtown and has to walk his children back from St. John's every day because the homeless badger them and causes fear in his children. He said they cannot play in South Park after dark because of the homeless that hang out there, sleeping and urinating. He said property owners invest in the community and then their livelihood is devastated by a shelter for people who are not even from Lawrence. He was opposed to the Special Use Permit. He felt the shelter needed to taper down their clients and then expand and show what they can do. He said there was more to it than giving them space.

Commissioner Chaney felt the proposed location had more cons than pros. He expressed concern about the bus route not being there and pedestrians having to cross a major street. He said that was a concern at the previously proposed Don's Steakhouse location and it was already on the other side of the street. He was concerned about pedestrian connectivity and said there were no sidewalks connecting it to the majority of town. He was unsure if this was the best industrial area for this type of Special Use Permit and also did not think it was appropriate for this gateway to the community. He said even though there was not a residential area there now, there soon would be. He did not like the idea of an unlimited Special Use Permit. He discussed a few pros to the site, such as it currently being separated from residential areas, an existing facility that needs a tenant, and the jail and shelter benefiting from a transit route there. He felt the shelter has failed at their current location and have not shown improvement. He said a bigger facility might cause more problems. He indicated he would vote against the Special Use Permit because he did not feel it was the best location for it.

Commissioner Carter said if the bus stop is conditioned it may motivate the city to get it done.

Commissioner Moore agreed with Commissioner Carter.

ACTION TAKEN

Motioned by Commissioner Singleton to approve a Special Use Permit, SUP-01-03-10, for a Temporary Shelter (Lawrence Community Shelter) to be located at 3701 Franklin Park Circle, based upon the findings presented in the body of the staff report, contingent upon a bus stop being within a reasonable distance prior to occupancy, and subject to the following conditions:

1. An ordinance per Section 20-1306(j) shall be published by staff.
2. Provision of a revised site plan to include the following notes and changes:
 - a. State that missing or diseased landscape shall be replaced as a condition of occupancy of the site.
 - b. Provision of a revised site plan to include a note that states maximum sleeping capacity shall not exceed 125 individuals.
3. Submittal of an annual report to the City Commission within the first calendar quarter of each year. The report shall include the number of guests who obtain jobs and housing, the number of guests who utilize the day and nighttime services, and an update on the on-going

commitment to communicate with the surrounding neighborhood to address concerns of neighbors, and a statement of compliance with these conditions, the approved site plan, and the approved management plan.

4. A signed Site Plan Performance Agreement shall be submitted to the Planning Office.

Mr. McCullough suggested language of the applicant working with the city because the applicant can't themselves put the bus route there.

Commissioner Carter said it is not an appropriate site without a bus route.

Commissioner Moore agreed.

Commissioner Finkeldei asked if the condition says it is contingent upon the bus route being approved and City Commission approves the Special Use Permit, can they remove the condition.

Mr. McCullough said yes or they could return it to Planning Commission for additional discussion.

Commissioner Singleton asked if they could approve the Special Use Permit and then also have a resolution or motion where Planning Commission says they strongly think City Commission needs to put a bus site out there.

Mr. McCullough said it could be included in the motion without making it a condition.

Commissioner Moore said he was fine with that and did not want to bog down the applicant with process.

Commissioner Rasmussen said he would not vote for it without a strong condition that bus service is required out there. Just saying the applicant needs to work with the city is not strong enough and he would not support that. He would also not support it if it is a separate item. He said having a bus route is important and should be a condition.

Commissioner Carter agreed.

Mr. McCullough suggested wording such as 'prior to occupancy of the structure as a temporary shelter a bus route shall be operational within appropriate distance to the shelter.' He said it is a process within itself on where the stops would be, where the routes would be, how they would circulate, and it's hard to condition specifics at this time.

Commissioner Rasmussen said he didn't think there needed to be a stop right at the front door but the nearest stop shouldn't be at 23rd and Harper. He thought it should be within the industrial park.

Mr. McCullough said it could be determined by City Commission.

Commissioner Singleton said the only reason a bus stop would be out there would be for the jail and shelter so it would serve no function unless it is right by the jail and shelter.

Commissioner Rasmussen said it might enhance development to the west if there is a known bus route that loops through and comes out on 23rd and goes through the residential community.

Seconded by Commissioner Carter.

Motion carried 5-2, with Commissioners Chaney and Dominguez voting in opposition.
Commissioner Hird abstained.

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Recess at 10:47pm until 6:30pm on March 24, 2010.

PC Minutes 3/24/10 **DRAFT**

Reconvene March 24, 2010 – 6:30 p.m.

Commissioners present: Carter, Chaney, Finkeldei, Harris, Hird, Moore, Rasmussen, and Singleton
Staff present: McCullough, Stogsdill, Leininger, J. Miller, and Ewert

BEGIN PUBLIC HEARING (MARCH 24, 2010):

COMMUNICATIONS

No communications received.

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:
Commissioner Carter said he had a conversation with Mr. John Davis and Mr. Jeff Hatfield in a social setting and briefly discussed the Oread Neighborhood Association.
Commissioner Rasmussen said he had a conversation with Ms. Marci Francisco regarding congregate living standards.
- No abstentions.

PC Minutes 3/24/10 **DRAFT**

The Commission heard item 6, then item 7, then item 5.

ITEM NO. 6 AMENDMENTS TO DEVELOPMENT CODE; MU DISTRICT (MJL)

TA-1-1-10: Consider a Text Amendment to Sections 20-403, 20-509(3), and 20-524 of the Development Code to permit Bars & Restaurants in the MU District. *Initiated by City Commission on 2/2/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Hird asked who the applicant was.

Ms. Leininger said it was initiated by City Commission and the applicant is Paul Werner Architects.

Mr. McCullough said several sector plans mention the MU district and staff is actively speaking with applicants about development in North Lawrence that could benefit greatly, in staff's opinion, by an MU district zoning designation. He urged the Commission to think about this issue more globally because it has implication city-wide for whether a bar or lounge should be included in the use table as a Special Use Permit.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said he was representing The Hawk and The Wheel to provide those businesses security if something should happen. He said it is not his intention to encourage a bar to replace the Jayhawk Bookstore. He said they considered zoning The Hawk and The Wheel as CS but MU made more sense in that area. He thinks the Special Use Permit is appropriate. He said the 5,000 square feet may not be needed because even with the Special Use Permit they cannot build anything bigger because the addition would have to meet the Development Code. He was frustrated by a quality restaurant being limited to 3,000 square feet and felt that should be changed in the Code. He reiterated that nobody thinks a Special Use Permit at 1420 Crescent (Jayhawk Bookstore) is a good idea.

Commissioner Harris asked about the definition of a quality restaurant.

Ms. Leininger said a fast food restaurant is packaged food to eat on the premises or readily take off the premises. A quality restaurant would be a sit down type restaurant such as Applebee's or Perkins.

Mr. McCullough read the definition from the Code:

Restaurant, Quality

An eating establishment where the principal business is the dispensing and consumption of prepared foods and/or beverage at tables, not including bars, brewpubs or nightclubs. Table service by food & beverage servers is available at "quality restaurants".

Commissioner Harris asked if that was in the code before the Krause's project.

Ms. Leininger said the term Private Dining Establishment was what was added to the Code for the Krause Dining.

Commissioner Finkeldei asked if the Text Amendment is passed as written could it be possible to have a bar at 1420 Crescent (Jayhawk Bookstore).

Mr. McCullough said yes, it is possible that if this is included in the Code then the owner of any Mixed Use district could come in and apply for a Special Use Permit to have a bar at that establishment through the Special Use Permit process which is a public hearing process. He stated that staff has not done any analysis on the Jayhawk Bookstore site to determine whether or not any use in the Mixed Use district would be Development Code compliant. He said it's possible a bar could work but that site is a bit constrained so the building would have to be raised with underground parking. He said it was important to remember that the MU district has language that requires mixed uses in certain zones and that is done through vertical structures and horizontal structures. He said what is not likely to happen is one use, such as one bar at one site. It would most likely be residential, retail, office, or some mix of those. In staff's opinion, the Special Use Permit is typically the protection to allow in a context where it is compatible with surrounding uses but be able to deny it when it is not compatible with certain uses. He said he was not prepared to speak tonight about if they could retroactively go back and do something with Jayhawk Bookstore and that it is not the issue being discussed tonight.

Commissioner Hird asked if the Special Use Permit for The Hawk and The Wheel would be an irrevocable permit.

Mr. Werner said essentially. There are other instances in the Code when site plans have changed by right.

Commissioner Hird asked if they would remain a non conforming use.

Mr. Werner said yes, they would be non conforming uses that would be able to rebuild if a fire or something else should happen.

Mr. McCullough said staff will be better prepared to discuss the issues next month when it is brought back before the Commission. He said the language is modeled after some existing concepts in the Development Code that bring in uses into any district that doesn't meet Development Code standards at that time. He said the form of the MU district is different than conventional districts because the building is brought up to the line instead of setbacks so staff felt it was appropriate to grandfather those in so they wouldn't be considered legal non-conforming, they would conform to the MU district because there would be language in the MU district to give them that land use right.

Commissioner Harris asked if because the current buildings conform more to the MU district is that why the client is going for the MU rather than CS.

Mr. Werner said after discussions with staff the MU works for the clients so they agreed to go down that path.

Mr. McCullough said staff laid out options for the applicant and the Code does not encourage any more CS zoning in the city.

Commissioner Carter inquired about the possibility of applying an overlay district to the Jayhawk Bookstore.

Mr. McCullough said the overlay districts cannot introduce new uses that the Development Code does not already contain. He said the Jayhawk Bookstore is not in the Oread neighborhood area in terms of where the overlays will occur. He said the Commission will hear a lot of testimony tonight about different perspectives and there are no guarantees in land use development. Governing bodies

can take certain actions on a property to change the land use, although it is preferred to operate in a system that does have some perceived guarantees in the Development Code and property rights, but things change and the will of the governing body changes and they have to work within that system as well. He said staff could explore adding an overlay district.

Commissioner Moore said at least it would convey the idea that the Commission does not agree for a bar to be located where the Jayhawk Bookstore is.

Mr. McCullough said it would not have that right if this Text Amendment is approved, it would have the opportunity to request a Special Use Permit.

Commissioner Harris asked if something could be conditioned after the fact.

Mr. John Miller said he would have to research that. His impression would be that a condition could not be placed after the fact and that the property would have to go through the normal rezoning process with a public hearing.

Mr. Werner said asked what zones the Jayhawk Bookstore has, and if they are primary and secondary.

Mr. McCullough said when a Text Amendment is requested staff does not think about one property only, they think about city wide implications and implementation. In staffs opinion the Special Use Permit is protection for a neighborhood as requests come in.

Commissioner Harris gave the scenario regarding the Jayhawk Bookstore where students living close to that lot would want a bar there so then the Planning Commission and City Commission would have to weight that, so it could go the other way based on those circumstances. She said at the time when the rezoning of Jayhawk Bookstore was granted there was a definite sense that a bar would not go there.

PUBLIC HEARING

Mr. Bill Mitchell reiterated the main points of his letter included in the Planning Commission packet. He stated that text amendments that change land use are, effectively, changes of zoning and neighbors should have timely notification. He stated that when 1420 Crescent was rezoned MU the neighborhood was assured that bars would not be allowed. He felt that making bars a Special Use would assure the neighbors that, until a bar is granted, they will face the harassment of having to fight it again and again. He said that bars are inappropriate uses west of campus. He felt the university should be solicited for their input.

Commissioner Carter asked staff to comment about Mr. Mitchell suggestion in his letter that any substantive change to land use requirements in the zoning district should require notification of all parties.

Mr. McCullough said there is one property in the city zoned MU district. He said the next agenda item is for a Text Amendment in the IL district which would require notifying thousands of property owners. He said staff can explore some of that language but Text Amendments are typically seen as policy issues. He said he did see the point that if there is a use being added by right, for example, in a district it does provide the owner within that district the ability to use that land use. He stated staff can explore some of that regarding notification. He said upon Mr. Mitchell's urging staff did notify those within the notification area of the MU district.

Mr. James Sherman, 1511 Crescent Road, representing the University Heights Neighborhood Association. He read a letter from the President of the University Heights Neighborhood Association Allan Miller that stated the neighborhood was assured they would be notified if issues like this came up and that he was disturbed by the new proposal. *The rest of what Mr. Sherman said were his own words:* He said he likes the Jayhawk Bookstore but does not want it to become a bar of any kind because it would tremendously increase traffic, noise, litter, and raise the possibility of violence in the neighborhood. He felt like he was railroaded into making this an MU district without knowing all the consequences. He asked that they not approve the Text Amendment and put a special restriction on 1420 Crescent prohibiting a bar, or develop some other type of zoning. He feels like they are being pushed into doing this because there are other bars that are non-compliant.

Commissioner Finkeldei asked staff when the rezoning of Jayhawk Bookstore was approved.

Mr. McCullough said October, 2008.

Ms. Stacey Dillon, Chi Omega Sorority 1345 W Campus Rd, said it is an historic site and that the idea of having a bar near there is awful. She expressed concern about increased traffic. She said alcohol is a huge issue on the campus and a bar would encourage what they are trying to fight.

Mr. McCullough said staff is aware of the historical implications of land use and development with the Historic Resources Commission and there is a process for that. He said the Jayhawk Bookstore does not have any application submitted to the Planning office for any change of use or development at that side, nor The Hawk or The Wheel.

Ms. Faye Watson, 1516 Crescent Road, asked if their area was still the only MU district in the city.

Mr. McCullough said yes.

Ms. Watson said the neighborhood was assured a year and a half ago that 1420 Crescent would not become a bar and that the atmosphere and hours of a bar would disturb the neighborhood.

Mr. David Holroyd, 1224 Louisiana St, said 5,000 square feet is slightly under the size of lots in the Oread neighborhood. He said there is an ongoing problem of trash but that it is a citywide problem. He asked if the Jayhawk Bookstore site would allow housing for seniors on that property.

Mr. McCullough replied yes.

Ms. Jenna Sheldon-Sherman expressed opposition to a bar at 1420 Crescent.

Mr. McCullough said an option to consider is the MU district requires designating one of three zones; primary, secondary, and tertiary. Primary is the most intense zone. The Jayhawk Bookstore was zoned with a tertiary and a secondary zone, not primary. He said they might consider permitting, with a Special Use Permit, only primary zones allowed to have bars or lounges. He said he did not know if the primary zone would work for The Hawk and The Wheel and that staff would have to look into that.

APPLICANT CLOSING COMMENTS

Mr. Werner said he is willing to work on figuring it out.

COMMISSION DISCUSSION

Commissioner Rasmussen suggested a potential solution since Jayhawk Bookstore is currently the only MU in the city. He said he remembered discussing the issue and that the Commission did not want a sex shop, bar, etc at that location. He said since it is the only MU zoned property why don't they leave it zoned MU and create a new district to allow bars and lounges. He said as they go forward with MU districts in the city there could be a category that allows bars, such as MU-BL (Mixed Use-Bars Lounges) and one that does not, such as MU. He also questioned the square footage restrictions and felt that it was micromanaging businesses.

Ms. Leininger said currently quality restaurants have restrictions in the CN1 and CO districts only. There are no regulations that apply to the MU district. If the Commission wants standards for the quality restaurants then they should be added under this section. If the Commission doesn't want standards then the asterisk would be removed from the use table that directs to that section. Currently there is an asterisk that directs to that section where there are no regulations that apply to it. Staff would not recommend adding any square footage restrictions. The applicant said if the Commission is looking at keeping the asterisks there and adding regulation then this is what is proposed.

Commissioner Rasmussen inquired about an accessory restaurant.

Mr. McCullough gave the example of a Barnes and Noble with a coffee shop.

Ms. Leininger said the square footage of bars and dance floors is what the applicant proposed but staff is looking for direction from the Planning Commission.

Commissioner Harris asked why staff thought use standards were appropriate for CN1 and CO but not the MU district.

Ms. Leininger said those are currently in the code.

Commissioner Harris asked if the extra standards were necessary for quality restaurants in those areas, why they would not be necessary in another kind of area.

Mr. McCullough said the MU is a more active district than the commercial districts. There is more intensity and when envisioning what a Mixed Use District can hold the restrictions may not be needed and the other districts don't have that intensity of use.

Ms. Stogsdill commented on the size restrictions by saying the CN1 district was supposed to be very small development sites and the CO district limitation is so there isn't a district that becomes commercial as opposed to mostly office.

Commissioner Harris asked how to prevent a MU district area from being mostly commercial instead of mixed with residential.

Ms. Stogsdill said the MU district has built into the district all sorts of requirements for how to mix those uses. There are already protections in there for the mixing and ratio.

Commissioner Hird asked if staff has explored other alternatives to protect The Wheel and The Hawk without having to implement a Text Amendment.

Mr. McCullough said yes, staff has. If we assume we want to protect the interests of The Hawk and The Wheel then staff has explored several options including rezoning to CS or other Text

Amendments to the non-conforming article. This option seemed the most appropriate because of the designation in the Oread Neighborhood Plan. Staff did consult the City Historic Preservation Administrator, Lynne Braddock Zollner, when those discussions were had. Staff focused on the 14th Street corridor and this is one that staff felt they could support.

Commissioner Hird felt the irrevocable Special Use Permit looked like something other than a Special Use Permit because Special Use Permits by nature are things that can be revoked or have a time limit associated to it. He said he doesn't necessarily object to the irrevocable Special Use Permit but that he was unsure what that becomes.

Mr. McCullough said those were the applicant's words. Staff needs to explore that more.

Commissioner Hird said this appears to be an issue that can be resolved. He said he sensed everyone all going in the same direction of not wanting a bar at that location.

Commissioner Moore said Planning Commission previously promised the neighborhood that there wouldn't be that use at the Jayhawk Bookstore.

Commissioner Finkeldei said Planning Commission conditionally zoned that location to restrict certain uses, such as brewpub at the Jayhawk Bookstore. He said there cannot be a brewpub there because it was removed from the use table and conditionally zoned it. He said a regular bar wasn't conditionally zoned out because it wasn't in the use table to begin with. He said if the Planning Commission would have even considered this happening they could have added that as a condition. He said the site was limited in all sorts of ways except in this way and he didn't blame the neighbors for being upset.

Commissioner Carter liked Commissioner Rasmussen's idea of having separate MU districts. He also agreed with removing the square footage requirements.

Commissioner Singleton said Planning Commission promised not to modify this district and assured homeowners that there wouldn't be a bar there. She was not comfortable making modifications to that district. She felt zoning issues related to drinking around campus are important.

Commissioner Finkeldei recalled past Planning Commission discussions where they removed bars because Mixed Use would be mostly infill and if there is infill it was hard to imagine an infill district in East Lawrence where a bar would be wanted. He said they pulled that out for a reason. He liked Commissioner Rasmussen's idea because he could see areas where they would want Mixed Use but if it allowed a bar it would be a problem. He did not think conditioning was always the best route.

Commissioner Harris supported Commissioner Rasmussen's suggestion of two MU districts. She said it would help in the future if a district was approved for a bar that future people moving to the area would know the area has been approved for a bar. She also agreed with removing the asterisks from the use table.

Mr. McCullough said it leads to discussion of other uses in the MU district. He stated the vehicle staff typically uses in this type of neighborhood protection is the Special Use Permit. He said staff can come back with a series of uses that segregate out more neighborhood friendly versus a district that allows uses that may have more impact. He said they could also explore other ways to protect the Jayhawk Bookstore and keep the Special Use Permit in one district.

Commissioner Rasmussen asked if there was merit in having a more neighborhood concept of a Mixed Use and then a more commercialized MU type area.

Mr. McCullough said the standard employed by the Development Code is the Special Use Permit process for those uses staff determines should not be determined by right and demand some sort of public process to analyze the compatibility of whatever neighborhood it is in. He said one concern is for another use to come in, such as entertainment and spectator sport use, so then there would be multiple mixed use districts for different types of uses when there is already a mechanism in the Code that helps get to the issue of compatibility. He said staff will explore options and felt there were ways to get at protection for the neighborhood.

Commissioner Singleton asked if Commissioner Rasmussen's suggestion for multiple MU's was used would that mean that the Oread neighborhood could have, with a Special Use Permit, more bars.

Mr. McCullough said it is possible, depending on how that districts ends up looking. He said there are a lot of variables for what could occur.

Commissioner Harris asked staff to discuss the idea about notice for changes to uses in zoning areas. She agreed that zoning type notices should be required for any change of use.

Mr. McCullough said it could be looked at.

Commissioner Finkeldei said Mr. McCullough made a good point earlier that if the city notified changes in the IL district, for example, then there could possibly be thousands of letters being sent out.

Mr. McCullough went over the different types of media ways that the city does get the word out to the public such as mailed notice, newspaper, website, list serve, and relationships with organizations and neighborhood groups.

Mr. Bill Mitchell said notice did get out only because he read the legal notice in the newspaper, visited Planning to find out what was going on, then notified the neighbors.

Ms. Judy Kish, lives near Jayhawk Bookstore, said the neighborhood associations have a feeling that the city considers them snoops and pests. She felt the city should spend more time getting notice out to people.

Ms. Leininger said city staff did notify the adjacent neighborhood association.

NO ACTION TAKEN

PC Minutes 3/24/10 **DRAFT**

ITEM NO. 7 AMENDMENTS TO DEVELOPMENT CODE; IL DISTRICT (MJL)

TA-1-2-10: Consider a Text Amendment to Sections 20-403, 20-601(b) and 20-601(b)(1), to permit Hotel/Motel/Extended Stay Use as an allowed use in IL Zoning. *Initiated by City Commission on 2/2/10.*

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Rasmussen inquired about lower height limitation in IL districts.

Ms. Leininger said staff was responding to what the applicant requested but that staff could look at making it taller. Staff was going with the idea of it being a transitional district and at a minimum it would match the high density residential districts height maximum.

Commissioner Harris inquired as to if the Farmland site was zoned IG.

Mr. McCullough said Farmland is not zoned yet but that East Hills Business Park is zoned IG.

Commissioner Chaney asked if the term Extended Stay could include a temporary shelter.

Ms. Leininger said that Temporary Shelters are their own use category.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, said they have a potential hotel user. He agreed with the first two conditions. He said he struggled with footnotes 14 and 15 regarding setbacks being recommended for denial.

Mr. McCullough said the footnotes were derived from an issue that when several M districts were folded into the IG District, it left a lot of developments with a closer setback than the new code so structures could not be expanded. The fix to that issue were the footnotes for the IG properties zoned that were previously zoned M2 District. Any new IG zoning has to comply with the table of 50' setbacks so it was only meant for those parcels that were zoned M2 and already developed and any other issues could be brought to the BZA for a variance.

Mr. Werner said hardships through the Board of Zoning Appeals are hard to prove. He said the footnote would only apply to this piece of property. He did not see the harm in taking the setback from 50' to 25'.

Commissioner Harris asked why the applicant was going with this zoning and not a zoning that would allow the use.

Mr. Werner said the options are CS which they and staff discussed but since it's caddy-corner to the Holiday Inn Holidome, there is a specific provision in the code that in theory discourages CS. He said it was turned down for rezoning years ago because everyone was afraid a convenience store would be built there.

Mr. McCullough said looking globally across the city staff had discussions about if the hotel use would be appropriate in the IBP District. Staff found it appropriate for the IBP and IL district, not the IG district.

Commissioner Hird asked why not in the IG district.

Mr. McCullough said the compatibility of uses. That is a heavier use that allows dirtier industry.

Commissioner Rasmussen said he thought the Industrial Design Guidelines tries to encourage bicycling, walking, and beautiful streets so why would a motel/hotel not be allowed.

Mr. McCullough said staff are encouraging that context specific to the use that they are proposing, mainly for not just any pedestrian or bicyclist, but employees or visitors to the site. He said they could discuss the appropriateness of IG.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Finkeldei asked if IL or IBP were more like an office park.

Mr. McCullough said that all the industrial districts allow administrative and professional offices with some use standards. IG does not allow financial insurance and real estate offices. The greatest difference comes between IG and IL with fast order food, several retail uses, and heavy industrial uses are allowed in IG but not IL or IBP.

Commissioner Finkeldei said if Farmland and East Hills developed out with a whole bunch of offices he could see someone wanting to put a hotel there for the people coming in from out of town.

Mr. McCullough said they could request rezoning. Staff struggles when looking at these uses about whether the industrial zones are being watered down out of industrial.

Commissioner Finkeldei inquired about the setback issue.

Mr. McCullough said if it were developed under IG it would have 25' and 20' setbacks because of the decision to honor the previous setbacks of the M-2 District.

Mr. Werner said the only other property it would impact would be another IG zoned property rezoned to IL.

Mr. McCullough looked at a map of M-2 and M-3 zoning and said it looked like there was no IL zoning today that would be affected by those footnotes. By rezoning this and creating an IL district where M-2 once existed would likely be the only property affected with the footnote.

Commissioner Harris said what was the harm in having every property that was zoned M-2 have 25' setback like it had before no matter what it's rezoned.

Mr. McCullough said the harm is when the Development Code is changed and then new development will be expected to meet those codes. There were no IL Districts at the time that were M-2 because they all folded into IG.

Commissioner Rasmussen inquired about height restriction. He said in his mind the progress from IBP to IL to IG got more intensive in use so he was curious why there would be such a low height restriction in IL and should they take this opportunity to make it equivalent to IBP.

Mr. McCullough said he cannot speak to why it's 35' today. He said it was worth exploring. The development in IBP District has been more of a campus type office development so multi-story, versus manufacturing warehousing which typically have a lower height structure. On the surface it demands a higher height than 35'.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Hird, to approve the following portions of Text Amendment TA-1-2-10 to amend the Land Development Code and forward to the City Commission:

1. Amend Section 20-403 Nonresidential District Use Table, to permit the Hotel, Motel, Extended Stay use in the IL and IBP Districts; and
2. Amend Section 20-601(b) Nonresidential Districts, Density and Dimensional Standards, for the IL District, for the maximum building height to be 45'; and
3. Amendments to Section 20-601(b)[14] and Section 20-601(b)[15] to add the IL District in the table footnotes related to setbacks.

Commissioner Rasmussen asked if they vote for this tonight could there potentially be an application for hotel/motel/extended stay facility in the area of Bob Billings and Wakarusa.

Mr. McCullough said yes, it would be a permitted use by right so it would be an administrative site plan.

Commissioner Hird thought it would be an acceptable use in that area.

Commissioner Harris said she would vote in favor of the motion. She expressed concern about multiple hotels and motels which would erode the ability to have industries in those areas. She did not think it would be a good amenity for the community to have it become a district like that. She did however think it was a good use of the property.

Unanimously approved 8-0.

PC Minutes 3/24/10 **DRAFT**

ITEM NO. 5 IG TO IL; 5.252 ACRES; 151 MCDONALD DR (MJL)

Z-1-1-10: Consider a request to rezone approximately 5.252 acres from IG (General Industrial) to IL (Limited Industrial), located at 151 McDonald Dr. Submitted by Paul Werner Architects, for Downtown Equities II, LC, property owner of record.

STAFF PRESENTATION

Ms. Michelle Leininger presented the item.

Commissioner Harris asked if a personal convenience, retail sales, or food service could be inside the hotel.

Ms. Leininger said they would probably be considered more of an accessory uses and if the uses are permitted in the use table as an accessory use then they would be allowed.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, agreed with the staff recommendation. He was concerned about the list getting long of uses not permitted. He said he did not agree with conditions F, I, J, and K and would like them removed. He suggested possibly limiting the square footage to 20,000 for conditions I, J, and K.

Commissioner Carter inquired about the covenants.

Mr. Werner read from a list such things as mixed media, convenience stores, fast food, theaters, thrift stores, adult themed retail and shows. He said some commercial there makes sense and they would be willing to limit that.

Commissioner Rasmussen inquired about a snack/gift type shop in the hotel.

Mr. McCullough said if conditions I, J, and K are stricken they would still accept some ancillary hotel related retail but that staff would not support standalone retail at the site.

Commissioner Rasmussen inquired about condition G.

Ms. Leininger said that is a grocery store type of use.

Mr. Werner said they have possibly thought about a coffee shop within the hotel.

Commissioner Hird asked if they wanted to lease out space in the hotel to Starbucks how that would work.

Mr. McCullough said staff would have to see a specific plan for it but that it could be an ancillary use to the hotel but if they did a drive thru then it would not be an ancillary use.

Commissioner Hird asked if the commercial parking facility exclusion would exclude valet parking.

Mr. McCullough said no.

Commissioner Finkeldei asked if they passed the rezoning as suggested in the staff report could it still have ancillary uses.

Mr. McCullough said they can have those accessory ancillary uses with the hotel as the primary use.

Commissioner Finkeldei asked if a Jimmy John's inside the hotel, like the Oread Hotel, would be an ancillary use.

Mr. McCullough said it would be site and plan specific.

Commissioner Moore inquired about the footprint of the hotel.

Mr. Werner said 2-2 ½ acres, possibly 3 stories in height, no more than 15,000 square feet.

Commissioner Rasmussen thought commercial parking as ancillary might be okay because it could be, for example, a stop for a shuttle to the airport.

Commissioner Harris was comfortable with the uses not permitted list but suggested adding something at the top that says 'except those asterisked as possible accessory uses' and then asterisk those uses that would be appropriate for a hotel.

Commissioner Moore asked about the out parcels.

Commissioner Harris said it depends on what it is.

Commissioner Moore said if the square footage was capped then it would be married to some type of hotel use.

Commissioner Finkeldei was in favor of a 15,000 square foot cap.

Commissioner Moore stated that when trucks turn onto N. Iowa from Princeton it stops traffic dead. He asked if there were plans to address that.

Mr. Werner said it would be a right in, right out along Princeton. He said it is designed for a free flowing truck lane.

Commissioner Moore asked if the R-O-W would be there.

Mr. Werner said the R-O-W is there.

Commissioner Singleton asked if the applicant wanted 20,000 square feet of retail.

Mr. Werner said 15,000 square feet seems reasonable.

Commissioner Harris asked what Design Guidelines would apply to the property.

Mr. McCullough said anything under the Commercial Use category would apply to the Commercial Design Guidelines.

PUBLIC HEARING

Mr. Steven Holton, said this would result in another hotel being across from the existing Holiday Inn Holidome. He read the Convention and Visitors Bureau (CVB) 12 month occupancy rate in Lawrence, 56% for 2009. He said this was before the new Oread Hotel. The average daily rate in Lawrence,

according to the CVB, is \$81. This is the lowest rate since 2005. He said the Holidome only sells out 8-10 times per year on weekends. He discussed the impact to the hospitality industry. He was opposed to the rezoning.

COMMISSION DISCUSSION

Commissioner Harris inquired about screening of possibly allowed tractor trailers.

Mr. McCullough said the appropriate buffer yards would apply.

Commissioner Harris asked if they would be sufficient to screen the view of big trucks from the road.

Mr. McCullough said it would be hard to screen semi trucks.

Commissioner Moore asked what side the detention basin was on.

Mr. Werner said the northeast side. He said the only commercial parking he could foresee would be cars to the airport.

Commissioner Harris addressed Mr. Holton's comments about hotels and vacancy rates. She said they have the same issue with apartments and she does not feel like she has the tools and knowledge to deny a project. This project is not for a hotel, it is for a rezoning to allow for a hotel. She said this is a concern for the community but she does not know how to address it here. She does not have the tools to evaluate the number of hotel rooms or apartments that are appropriate for a community.

Commissioner Carter said it seemed to be more of a free market issue and a matter of competition. He thought a 65 room hotel sounded like a fairly limited service hotel and something the city could probably still use.

Commissioner Hird said he would probably support the rezoning but was still concerned about parking trucks. He suggested carving it out to say that commercial parking of automobiles will be permitted but not commercial parking of trucks. He did not want to see it become a truck stop.

Mr. Werner said he was fine with that.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the rezoning of approximately 5.252 acres, from the IG (General Industrial) District to IL (Limited Industrial) District based on the findings presented in the staff report with the following conditions and forwarding it to the City Commission with a recommendation for approval.

1. In lieu of submission and approval of a retail market study (per Section 20-1107), there shall be no more than 50,000 square feet of retail uses, as defined by 20-1107 (b) (1), permitted on the 5.252 acres being rezoned with this application.
2. The following uses shall not be permitted on property:
 - a. Mobile Home
 - b. Detention Facilities
 - c. Cemetery
 - d. Livestock Sales
 - e. Fast Order Food, with Drive-In
 - f. ~~Commercial Parking Facilities~~
 - g. Retail Sales and Services Food and Beverage

- h. Mixed Media Store
 - ~~i. Retail Sales and Services Personal Convenience~~
 - ~~j. Retail Sales and Services Personal Improvement~~
 - ~~k. Retail Sales, General~~
 - l. Cleaning (Vehicle Sales and Services)
 - m. Gas and Fuel Sales
 - n. Heavy Equipment Sales/Rental
 - o. Inoperable Vehicles Storage
 - p. RV and Boats Storage
 - q. Heavy, Wholesale, Storage & Distribution
 - r. Recycling Facilities Large Collection
 - s. Recycling Facilities Processing Center
3. Retail Sales and Service Personal Convenience, Retail Sales and Services Personal Improvement, Retail Sales General shall be no more than 15,000 square feet for these uses total.
4. Commercial parking facilities would not allow commercial trucks.

Unanimously approved 8-0.

PC Minutes 3/24/10 **DRAFT**

Work session for the following Text Amendment:

ITEM NO. 8 AMENDMENTS TO DEVELOPMENT CODE; BOARDING HOUSES (SDM)

TA-6-17-09: Reconsider Text Amendments to various sections of the City of Lawrence Land Development Code to review standards related to "Boarding House." *This item was originally heard by Planning Commission on 12/16/09. City Commission returned this item on 2/2/10 for additional consideration.*

STAFF PRESENTATION

Mr. Scott McCullough presented the item and went over the memo from the staff report.

Commissioner Harris asked if this would affect a good patch of the East Lawrence neighborhood that has single-family homes now but has been rezoned to multi-family.

Mr. McCullough said yes, anywhere that has that unique issue. It needs to be a city-wide set of standards. He discussed nonconformities in the area and said there have been some discussions about the structures that do not comply with the definition of family. He said that staff felt this amendment never set out to address that issue and should not address that issue. There is existing language in the code that deals with non conforming structures.

Commissioner Carter asked staff to comment on the letter sent by Lawrence Preservation Alliance that suggested wording on parking and limitations on expansion.

Mr. McCullough said City Commission directed staff to establish one standard for parking on existing and new construction.

Commissioner Rasmussen asked what type of restrictions there are on the expansion of other types of residential buildings.

Mr. McCullough said setbacks, Design Review Guidelines, impervious surface, lot coverage, and standards applicable to all uses.

Commissioner Rasmussen asked if he had a home and wanted to expand in size, as long as he met setback requirements and height restrictions could he do that.

Mr. McCullough said that was correct.

Commissioner Rasmussen inquired about the restriction 20% rule.

Mr. McCullough said the building footprint was discussed at the City Commission level. A few Commissioners thought that was an appropriate way to look at expansions.

Commissioner Rasmussen asked if there was a loophole where it could be expanded by 19% and then another 20% on top of that.

Mr. McCullough said staff sought to close that loophole with the language in section 20-546(3)(iv)(b):

A site plan for a Congregate Living use is not eligible for approval if the building footprint, measured at grade, of an existing Structure proposed to contain the use has been expanded greater than 20%

within three years of submitting the site plan application for the Congregate Living use.

Commissioner Rasmussen said if he was trying to get around the language he would expand his house by 19% and build a big deck and then seek to turn it into a boarding house.

Mr. McCullough said decks would be a standard looked at when an application is turned in for a boarding house. If the deck exceeds the 20 square feet per bedroom they would need to remove a portion of the deck or seek a variance.

Commissioner Rasmussen suggested language that says limited to not more than 8 bedrooms.

Commissioner Harris gave the example of a 5 bedroom house where 3 bedrooms could be added to turn it into a congregate living house for 8 people with only 5 parking spaces.

Mr. McCullough said it could be done if the capacity to put all 8 parking spaces on the property was not possible, but that it would have to be shown and justified. He said the structure would have to be greater than 4,000 square feet to have the parking issue looked at.

Commissioner Hird asked if an expansion from 5 bedrooms to 8 bedrooms was limited by the 20% rule.

Mr. McCullough said yes.

Commissioner Finkeldei asked if congregate living would be limited to 8 bedrooms no matter how big the structure is.

Mr. McCullough said yes.

Commissioner Finkeldei gave the example of an old rundown 14 unit apartment building that might forever stay rundown because it will not be given the chance to be revived due to the limitation of 8 bedrooms.

Mr. McCullough said that congregate living is not the only option and there are other uses that the Code allows in RM districts. He said the number 8 that staff came up with wasn't necessarily brought about by City Commission. City Commission made overtures about putting a maximum back in and staff used that as an opportunity to bring forth a recommendation that linked it to the behavioral issues and the definition of family.

PUBLIC HEARING

Mr. Rob Farha, Crimson Properties, felt there should be credit for an on-street parking spot. He also felt there should be 5 parking spots with 7 bedrooms.

Mr. Dennis Brown, Lawrence Preservation Alliance President, agreed with Commissioner Rasmussen's comment about the language stating 'not more than 8 bedrooms.' He said the parking standards should be one space per bedroom. He said 20% of livable space is the best way to go and he wondered about the difference between footprint and livable space. He inquired about the parking standard minimum for a 4,000 square feet structure and asked if that was before the 20% expansion.

Mr. McCullough said the difference between livable square feet and building footprint is based on different math equations because the footprint looks at the two-dimensional square feet of where the building hits the grade, not taking into account how many stories it is or whether there is livable space in the basement. He said the idea on parking was for an existing 4,000 square foot structure to accommodate hardship, not something that creates a hardship. He said staff can work on the language if the Commission would like.

Ms. Gwen Klingenberg, Lawrence Association of Neighborhoods President, said this is a citywide issue. She said they supported Special Use Permits for large Historic Properties. She felt that no structures should be expanded to become boarding houses. She was concerned about the loss of affordable housing. She said they supported one parking space per bedroom, to maintain the definition of family, and maintain nonconformities.

Commissioner Hird asked if an existing house could expand more than 20% if it didn't impact the footprint.

Mr. McCullough said with the current language yes, if it went up.

Mr. James Hicks discussed the history of the Oread Neighborhood as being originally built with boarding houses.

Ms. Candice Davis said the goals in the neighborhood plan include a variety of housing types with diversity of residents. She felt they should concentrate on a variety of housing types. She felt that boarding houses should be a minimum of 6 bedrooms with a maximum of 8 bedrooms. She said an 8 bedroom boarding house should have a Special Use Permit. She did not want all the houses to be boarding houses because it would negate the definition of family. She would also like a registered agent for each boarding house to address behavior issues.

Commissioner Rasmussen asked how it would be handled with just Special Use Permits and would there be specific restrictions.

Mr. McCullough said that many Special Use Permits come with use standards.

Ms. Marci Francisco, 1101 Ohio Street, felt that mixed uses should be preserved. She felt that there needed to be a minimum of bedrooms or size to be a boarding house because if any house with 5 bedrooms can be a boarding house then there wouldn't be any more single-family homes. She felt there should be parking standards for larger houses with overlay districts. She felt they should match the higher density on the plan with areas for boarding houses.

Ms. Carol von Tersch felt there should be a minimum of 6 bedrooms for congregate living and without a minimum it would create amnesty for property owners who have not complied with the law.

Mr. David Holroyd asked about the minimum occupancy required.

Mr. McCullough said it would be in the Building Code standard and that he did not have that in front of him. He said congregate living structures are considered one unit.

Commissioner Finkeldei inquired about setting a minimum of bedrooms.

Mr. McCullough said there are many different goals such as behavior issues, saving historic structures, housing types, definition of family, and parking. He said the definition of congregate living is 5 bedrooms.

Commissioner Finkeldei asked Mr. Farha about the first house he did and if he got a parking variance.

Mr. Farha said he did get a variance.

Commissioner Finkeldei suggested managing thru parking standards rather than number of bedrooms.

Mr. Farha was concerned about what would happen to 5 bedroom boarding houses.

Ms. Francisco said nowhere else in the city is it okay to have 5 unrelated people living together.

Mr. McCullough said this is no different than any time a Text Amendment is done that changes standards and creates non-conformities.

Ms. Francisco wondered if City Commission or Planning Commission could initiate variances for existing boarding houses for those that would not comply with standards.

Mr. McCullough said typically variances are requested by the owner and he did not believe it could be initiated by the governing bodies but that it's an issue that can be looked at.

Commissioner Singleton said those that are in compliance should be protected and rewarded.

Commissioner Harris said there is a place for congregate living in the Oread neighborhood but not if that means losing single-family houses. She felt that congregate living was not appropriate outside of the area near campus. She said she had mixed feelings about using larger structures for congregate living. She said if the house has 5 bedrooms then it shouldn't be expanded unless parking can be provided. She also felt that there needed to be a registered representative for the larger houses.

Commissioner Singleton liked the idea of a Special Use Permit process. She felt there needed to be a designated resident dealing with complaints, one parking space per bedroom, and protection for current registered houses.

Commissioner Rasmussen said he liked the idea of putting a floor on the number of units. He said he didn't know why the floor wouldn't be 5 to tie in with the definition of family. He did not think it was necessary to have a cap on the number of units. He said he was not sure about one parking space per bedroom, possibly .75 spaces per bedroom. He agreed with Commissioner Harris about congregate living being around the university, not throughout the entire city.

NO ACTION TAKEN

MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

PUBLIC COMMENT SECTION

ADJOURN 11:05pm

✓
TO: Planning Commission/Staff
FROM: Bill Mitchell, 1201 Emery Road 66044
SUBJ: Suggested revisions to PC minutes of 24mar10
DATE: 22 April 2010

RECEIVED

APR 23 2010

City County Planning Office
Lawrence, Kansas

Thanks for the draft and the opportunity to "help."

P.27 para 9: "Mr. Bill Mitchell read from the letter that he sent..." I don't like to quibble, but I did not read from the letter; reading from something the audience has before them (letter, power-point, whatever) is - at the very least - insulting & I would not do that to you. Nor would I want to be credited(?) with so doing in the minutes. I enclose a copy of what I did read from, not so you can incorporate the whole shebang into the minutes but, in part, to remind you that I said a couple of (worthwhile?) things in addition to briefly restating (for the benefit of that part of the audience who had not seen it) the essential parts of my letter. I particularly regret the omission of some mention in the minutes of the need to carefully consider, in consultation with the University, the desirability of enabling more bars around campus.

P.27 para 12: I thought Jim Sherman gave the letter from Allan Miller (not Allen) to you so I expected to see it appended. My recollection, too, was that Sherman had a fairly lengthy list of unneighborly things that happen around bars - noise, traffic, trash, violence and more; that should be included in the minutes. It's not that we just don't like bars.

P.31 para 8: I believe a nuance was missed here. What I said, in response to Mr. McCullough's defense of the existing means of "notification," was that the only reason anyone showed up to protest this text amendment at the CC meeting was because I'd seen the legal (not at all clear in its meaning, even misleading), visited Planning to find out what was going on, then notified neighbors and that, had I not done that, the thing would have slipped through under our radar. [That is solid argument against these widespread "administrative decisions." I didn't say that at the meeting but that is why I said what I did.]

P.31 para 9: Judy Cash is Judy Kish.

system that does have some perceived guarantees in the Development Code and property rights, but things change and the will of the governing body changes and they have to work within that system as well. He said staff could explore adding an overlay district.

Commissioner Moore said at least it would convey the idea that the Commission does not agree for a bar to be located where the Jayhawk Bookstore is.

Mr. McCullough said it would not have that right if this Text Amendment is approved, it would have the opportunity to request a Special Use Permit.

Commissioner Harris asked if something could be conditioned after the fact.

Mr. John Miller said he would have to research that. His impression would be that a condition could not be placed after the fact and that the property would have to go through the normal rezoning process with a public hearing.

Mr. Werner said asked what zones the Jayhawk Bookstore has, and if they are primary and secondary.

Mr. McCullough said when a Text Amendment is requested staff does not think about one property only, they think about city wide implications and implementation. In staffs opinion the Special Use Permit is protection for a neighborhood as requests come in.

Commissioner Harris gave the scenario regarding the Jayhawk Bookstore where students living close to that lot would want a bar there so then the Planning Commission and City Commission would have to weight that, so it could go the other way based on those circumstances. She said at the time when the rezoning of Jayhawk Bookstore was granted there was a definite sense that a bar would not go there.

PUBLIC HEARING

Mr. Bill Mitchell read from the letter that he sent and was included in the Planning Commission packet. He felt that bars are inappropriate uses west of campus.

Commissioner Carter asked staff to comment about Mr. Mitchell suggestion in his letter that any substantive change to land use requirements in the zoning district should require notification of all parties.

Mr. McCullough said there is one property in the city zoned MU district. He said the next agenda item is for a Text Amendment in the IL district which would require notifying thousands of property owners. He said staff can explore some of that language but Text Amendments are typically seen as policy issues. He said he did see the point that if there is a use being added by right, for example, in a district it does provide the owner within that district the ability to use that land use. He stated staff can explore some of that regarding notification. He said upon Mr. Mitchell's urging staff did notify those within the notification area of the MU district.

Mr. James Sherman, 1511 Crescent Road, representing the University Heights Neighborhood Association. He read a letter from the President of the University Heights Neighborhood Association Allen Miller that stated the neighborhood was assured they would be notified if issues like this came up and that he was disturbed by the new proposal. The rest of what Mr. Sherman said were his own words: He said he likes the Jayhawk Bookstore but does not want it to become a bar of any kind. He felt like he was railroaded into making this an MU district without knowing all the consequences. He

Code that helps get to the issue of compatibility. He said staff will explore options and felt there were ways to get at protection for the neighborhood.

Commissioner Singleton asked if Commissioner Rasmussen's suggestion for multiple MU's was used would that mean that the Oread neighborhood could have, with a Special Use Permit, more bars.

Mr. McCullough said it is possible, depending on how that districts ends up looking. He said there are a lot of variables for what could occur.

Commissioner Harris asked staff to discuss the idea about notice for changes to uses in zoning areas. She agreed that zoning type notices should be required for any change of use.

Mr. McCullough said it could be looked at.

Commissioner Finkeldei said Mr. McCullough made a good point earlier that if the city notified changes in the IL district, for example, then there could possibly be thousands of letters being sent out.

Mr. McCullough went over the different types of media ways that the city does get the word out to the public such as mailed notice, newspaper, website, list serve, and relationships with organizations and neighborhood groups.

| Mr. Bill Mitchell said notice did get out because he read the legal notice in the newspaper and saw that some change was coming up in a Text Amendment and he notified the neighbors.

| Ms. Judy Cash, lives near Jayhawk Bookstore, said the neighborhood associations have a feeling that the city considers them snoops and pests. She felt the city should spend more time getting notice out to people.

Ms. Leininger said city staff did notify the adjacent neighborhood association.

NO ACTION TAKEN

SINCE YOU HAVE ALL RECEIVED - & ~~CAREFULLY CONSIDERED~~ MY LETTER OF 16 MARCH, I'LL ONLY RESTATE ITS ESSENTIAL PARTS: 1) TEXT AMENDMENTS THAT CHANGE LAND USE ARE, EFFECTIVELY, CHANGES OF ZONING & NEIGHBORS SHOULD HAVE TIMELY NOTIFICATION; 2) SINCE, WHEN 1420 CRESCENT WAS REZONED MY NEIGHBOR-OPPONENTS WERE ASSURED THAT BARS WOULD NOT BE ALLOWED & THE OWNER WAS OK WITH THAT, YOU OWE US THAT CONTINUED ASSURANCE; & 3) MAKING BARS A SPECIAL USE WOULD MERELY ASSURE US THAT, UNTIL A BAR IS GRANTED, WE WILL FACE THE HARASSMENT OF HAVING TO FIGHT IT AGAIN & AGAIN & AGAIN. I AM SOMEWHAT ASHAMED OF MY PAROCHIAL, NIMBY, ~~POSTURE~~ ^{ATTITUDE} BUT MY FIRM - & FAIR - BACKSTOP POSITION IS THAT BARS ARE INAPPROPRIATE USES WEST-OF-CAMPUS FOR ALL THE REASONS THAT MY NEIGHBORS CITE. (I WOULD EXPECT MOST OF YOU TO REALIZE THAT WITHOUT OUR HAVING TO SAY A WORD.)

ON THE OTHER HAND, BARS MAY BE APPROPRIATE ELSEWHERE, I DON'T KNOW. AROUND THE WHEEL & THE JAYHAWK, PERHAPS YOU WANT THAT KIND OF THING TO EXPAND THERE. TO THE NORTH & WEST OF THE FLAGPOLE HILTON? THAT SEEMS A LITTLE DUBIOUS, WITH AGGIEVILLE (A.K.A. "DOWNTOWN") SO CLOSE AT HAND. BUT A THING I THINK PLANNERS (FORESEERS) MIGHT CONSIDER^{IS} - & I HOPE I CAN CONVEY THIS

WITHOUT SEEMING TO CHANNEL CARRIE NATION—
DO WE WANT TO FURTHER ENABLE THE
PROLIFERATION OF BARS, ALREADY "OF
RIGHT" IN MOST COMMERCIAL DISTRICTS &
AS "ACCESSORY BARS" IN ALL OF THEM? SEEMS
LIKE WE, ~~WE~~ AS A CITY, MIGHT GIVE SOME
THOUGHT TO THE RECENT J-W SERIES ON
LINCOLN DRINKIN' & THAT THE UNIVERSITY
SHOULD BE SOLICITED FOR INPUT, HAVING JUST
SUFFERED THE EMBARRASSMENT OF 2 "ALCOHOL-
RELATED DEATHS."

I'VE NOT YET FULLY DIGESTED THE STAFF
RECOMMENDATION SO WILL ~~NOT~~ COMMENT ONLY
ON ONE SENTENCE: "[BARS AND LOUNGES] IS AN
APPROPRIATE USE IN THE MU DISTRICT BECAUSE
THE INTENT OF THE MU DISTRICT IS TO MIX
RESIDENTIAL AND NONRESIDENTIAL USES IN A
PEDESTRIAN ORIENTED SETTING." WHAT KIND OF
~~RESIDENTIAL~~ NEIGHBORHOODS DO THESE STAFF
PEOPLE LIVE IN? MORE TO THE POINT, WHAT KIND
DO THEY WANT TO CONDEMN US TO LIVE IN?

WHATEVER ELSE YOU DO, PLEASE DO AT LEAST 2 THINGS: 1) EXCLUDE THE MU AT 1420 CRESCENT FROM ALLOWING BARS & 8000⁰¹ "QUALITY RESTAURANTS" & 2) INITIATE A TEXT AMENDMENT TO THE CODE TO REQUIRE NOTIFICATION OF NEIGHBORS & NEIGHBORHOOD ASSNS. WHENEVER SUBSTANTIVE CHANGES IN LAND USE ARE PROPOSED IN SLIPPERY TEXT AMENDMENTS SUCH AS THIS ONE. (SEE SUGGESTED TEXT IN MY ^{3 FEBRUARY} LETTER TO THE CITY COMMISSION.)

THANK YOU.

2010
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION
MID-MONTH & REGULAR MEETING DATES

Mid-Month Meetings, Wednesdays 7:30 – 9:00 AM	Mid-Month Topics		Planning Commission Meetings 6:30 PM, Mon & Wed	
Jan 13	Midland Junction Sand Facility		Jan 25	Jan 27
Feb 10	KU Endowment	Kansas Biological Survey	Feb 22	Feb 24
Mar 10	Industrial Design Guidelines		Mar 22	Mar 24
Apr 14	Environmental Chapter Presentation		Apr 26	Apr 28
May 12	APA Conference Report	Northeast Sector Plan Presentation	May 24	May 26
Jun 09				
June 11 All day Friday	PC Orientation [including Joint City/County Commissions session]		Jun 21	Jun 23
Jul 14			Jul 26	Jul 28
Aug 11			Aug 23	Aug 25
Sep 08			Sep 20	Sep 22
Oct 13			Oct 25	Oct 27
Nov 03			Nov 15	Nov 17
Dec 01			Dec 13	Dec 15
	Suggested topics for future meetings: <i>Joint meeting with other Cities’ Planning Commissions</i> <i>Joint meeting with other Cities and Townships – UGA potential revisions</i> <i>Presentation from KC-metro Planning Directors</i> <i>Tour Bowersock Dam</i> <i>Tour City/County Facilities</i>			
Meeting Locations	The Planning Commission meetings are held in the City Commission meeting room on the 1 st floor of City Hall, 6 th & Massachusetts Streets, unless otherwise noticed.			
Planning & Development Services Lawrence-Douglas County Planning Division 785-832-3150 www.lawrenceks.org/pds				

Revised 04/19/10

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

ITEM NO. 1 : **PUD TO OS; 22.63 ACRES; SE OF W 27TH ST & CROSSGATE DR
(MKM)**

Z-3-3-10: Consider a request to rezone approximately 22.63 acres, from PUD (Planned Unit Development) to OS (Open Space), located southeast of W 27th St. & Crossgate Dr. *Initiated by Planning Commission on 3/22/10. City of Lawrence, property owner of record.*

1. **STAFF RECOMMENDATION:** Staff recommends approval of the rezoning request for approximately 22.63 acres from PUD (Planned Unit Development) District to OS (Open Space) District and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report.

REASON FOR REQUEST

The adjacent parcel, also owned by the City, was rezoned from PUD to OS in March, 2010 to accommodate the expansion of a minor utility. The subject parcel is also owned by the City and is intended to serve as an open space buffer for the utility. The parcel was inadvertently omitted from the previous zoning request.

KEY POINTS

- The intent of the applicant is to rezone the site to OS to provide an open space buffer for the minor utility.
- The City Utilities Department has no objection to the rezoning of this property to OS.
- The property is being platted as Lot 1 of the Four Seasons Pump Station Addition
- The property has no street frontage and is completely encumbered with the regulatory floodplain.

GOLDEN FACTORS TO CONSIDER

CHARACTER OF THE AREA

- The surrounding area is encumbered with regulatory floodplain. Open space is the principal land use. City parks are adjacent to the subject property on the east and west, and city owned farmland is adjacent on the south. Residences are located to the north across the multi-use bike path. Two utilities are located in the area, Pump Station 9 and a radio tower.

CONFORMANCE WITH *HORIZON 2020*

- The proposed rezoning request from PUD (Planned Unit Development) District to OS (Open Space) District is consistent with land use recommendations found in *Horizon 2020*.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- City Commission approval of the rezoning request and publication of ordinance.
- Submittal of a final plat for Four Seasons Pump Station 09 for administrative review and recordation.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None.

GENERAL INFORMATION

Current Zoning and Land Use: PUD-Four Seasons (Planned Unit Development) and Floodplain Overlay Districts; Open space.

Surrounding Zoning and Land Use: To the north:
--PUD-Four Seasons (Planned Unit Development) and Floodplain Overlay Districts; open space which was platted as Four Seasons No. 5 in 1976 but has no street frontage as right-of-way was vacated with a subsequent plat.
--RS7 (Single-Dwelling Residential) and Floodplain Overlay Districts; single family homes.

To the east: OS (Open Space) and Floodplain Overlay Districts; City parkland and minor utility.

To the south: OS (Open Space) District and floodplain; city-owned property with woodland and row crops.

To the west: OS (Open Space) and Floodplain Overlay Districts; City owned Nature Area.

Project Summary

The City's 2003 Wastewater Master Plan recommends the expansion of Pump Station 09 through the addition of a wet weather detention basin to improve existing service and to accommodate future development in the area. The City owns both parcels in the PUD Zoning District south of the multi-use bike path and submitted a preliminary plat for both properties and a rezoning request for the 8.18 acres which contain the minor utility. The subject parcel is being platted as Lot 1, Four Seasons Pump Station Addition but was not included in the rezoning request. The Utility Department indicated that it is their intention to keep the land as open space to provide a buffer between the minor utility and the residential properties to the north. The Planning Commission initiated the rezoning request to the OS District at their March 22, 2010 meeting.

REVIEW & DECISION-MAKING CRITERIA

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Following are sections of *Horizon 2020* that relate to this development (staff comments are in italics):

Parks, Recreation and Open Space:

Policy 3.1 Identify Future Parklands and Open Space Areas:

(e) Encourage open space uses in the community's privately or publicly owned floodplains and drainageways. (Page 9-16)

As the property is completely encumbered with floodplain, the rezoning to OS would be in conformance with the open space recommendation in Horizon 2020.

Community Facilities:

Policy 2.4: Utilize Locational Criteria for Utility Structures:

(a) Choose locations and design sites in a manner which minimizes the impact on adjacent properties. (Page 10-17)

Staff Finding --

The pump station is located on City owned land and the open space surrounding the property serves to buffer the use from adjacent properties. The proposed rezoning request conforms with *Horizon 2020* policies related to community facilities/public utilities and open space.

ZONING AND LAND USES OF NEARBY PROPERTY, INCLUDING OVERLAY ZONING

The area contains open space land uses such as a city park, a city nature area and agricultural land that are all zoned OS. A sanitary sewer pump station is located at the southeast corner of the property, also on OS zoned property. To the north of the subject property are properties zoned PUD-Four Seasons which contain open space and a communication tower. Residences in the RS7 Zoning District are located to the north across the multi-use recreation path. The subject property and the surrounding area are encumbered with the regulatory floodplain which includes large areas of regulatory floodway. (Figures 1 and 2)

Staff Finding --

CHARACTER OF THE AREA

The area is very level and is heavily encumbered with floodplain. Much of the area has been zoned to the OS District and open space and agriculture are the predominate land uses in the area. A multi-use path which is part of the City Bike Trail passes through the area.

Staff Finding -- The area contains primarily open space and agricultural uses in a floodplain area with limited residential and minor utilities.

PLANS FOR THE AREA OR NEIGHBORHOOD, AS REFLECTED IN ADOPTED AREA AND/OR SECTOR PLANS INCLUDING THE PROPERTY OR ADJOINING PROPERTY

The subject property is not included in any adopted area and/or sector plans. *Horizon 2020* is the guiding plan for this property.

SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED UNDER THE EXISTING ZONING REGULATIONS

The property is currently zoned PUD-Four Seasons (Planned Unit Development). The Four Seasons Development proposal included residential land uses for this area. The property is not suitable for residential land uses as it has no street frontage and is heavily encumbered with the regulatory floodplain. Any development proposal to a use which was not approved with the PUD Zoning would require rezoning.

The Open Space District permits low-intensity uses by right, and other more-intense uses only through approval of a Special Use Permit. Uses permitted by right in the Open Space

District include cemeteries, minor utilities that serve a specific subdivision, passive recreation, nature preserve, and private recreation.

Staff Finding – The property is not suitable for the residential uses to which it is restricted with the current PUD Zoning given the lack of road access and the fact that it is heavily encumbered with the regulatory floodplain. It is suitable for the uses to which it would be restricted with the proposed OS Zoning.

LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The property has never been developed.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTIES

The rezoning would further restrict the use of the property, rather than removing restrictions. This would reduce the number of possible land uses and will insure that the area will continue to serve as a buffer for the pump station.

Staff Finding – The rezoning will add restrictions to the property which will insure its use as an open space buffer. There will be no detrimental affect.

THE GAIN, IF ANY, TO THE PUBLIC HEALTH, SAFETY AND WELFARE DUE TO THE DENIAL OF THE APPLICATION, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE LANDOWNER, IF ANY, AS A RESULT OF DENIAL OF THE APPLICATION

Evaluation of these criteria includes weighing the benefits to the public versus the benefits of 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.

If the rezoning were denied, the property would remain zoned for residential uses. As the property has no street frontage and is completely encumbered with the floodplain, residential development would not be appropriate. The open space zoning will insure that the property will remain undeveloped, or developed minimally, which will minimize any negative impacts on the floodplain.

Staff Finding – There would be no gain to the public or hardship to the landowner in the denial of the rezoning request. The rezoning request will assign an appropriate land use designation to the property for its current and intended land use of an open space buffer.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of the rezoning to the Open Space District as it is an appropriate zoning district for this property. Very limited development is possible on the property as it is completely encumbered with the floodplain, both floodway and floodway fringe, and has no street frontage. Few uses and very limited development are permitted in the OS District; therefore, this is an appropriate zoning district for this property.

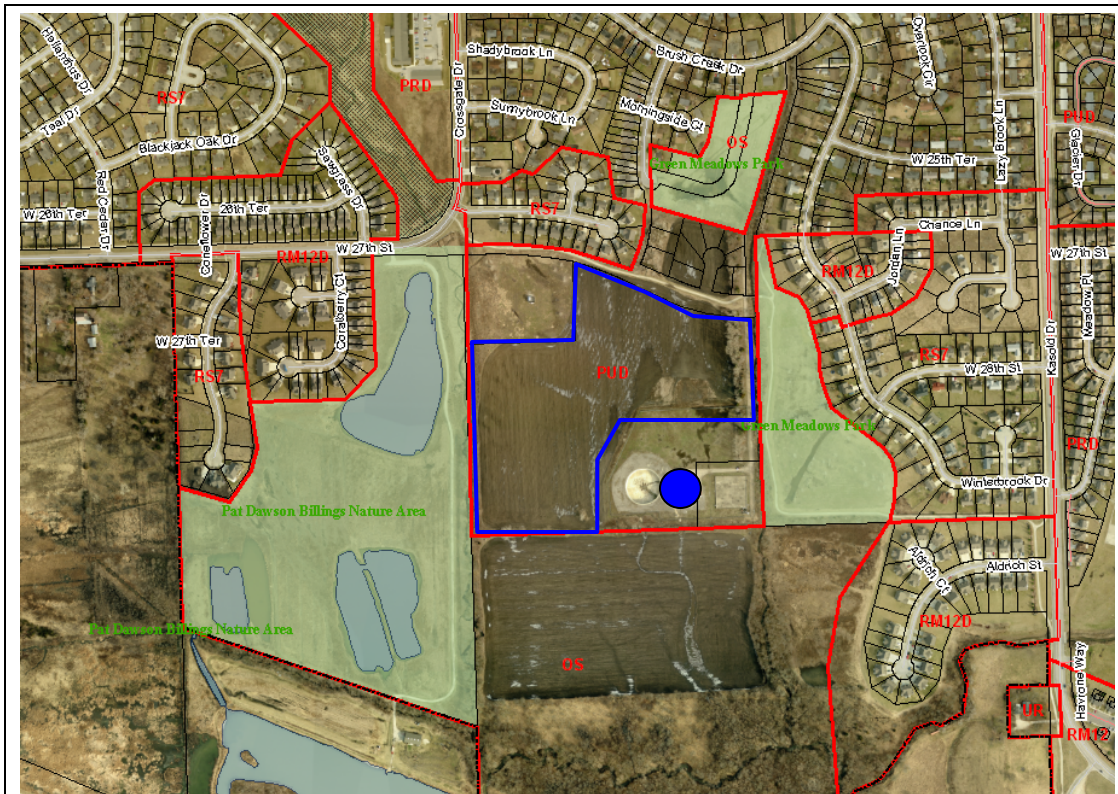


Figure 1. Base Zoning Districts in nearby area. Area recently rezoned to the OS District is marked with a • Approximate boundaries of the property which is the subject of this rezoning request is outlined in blue.

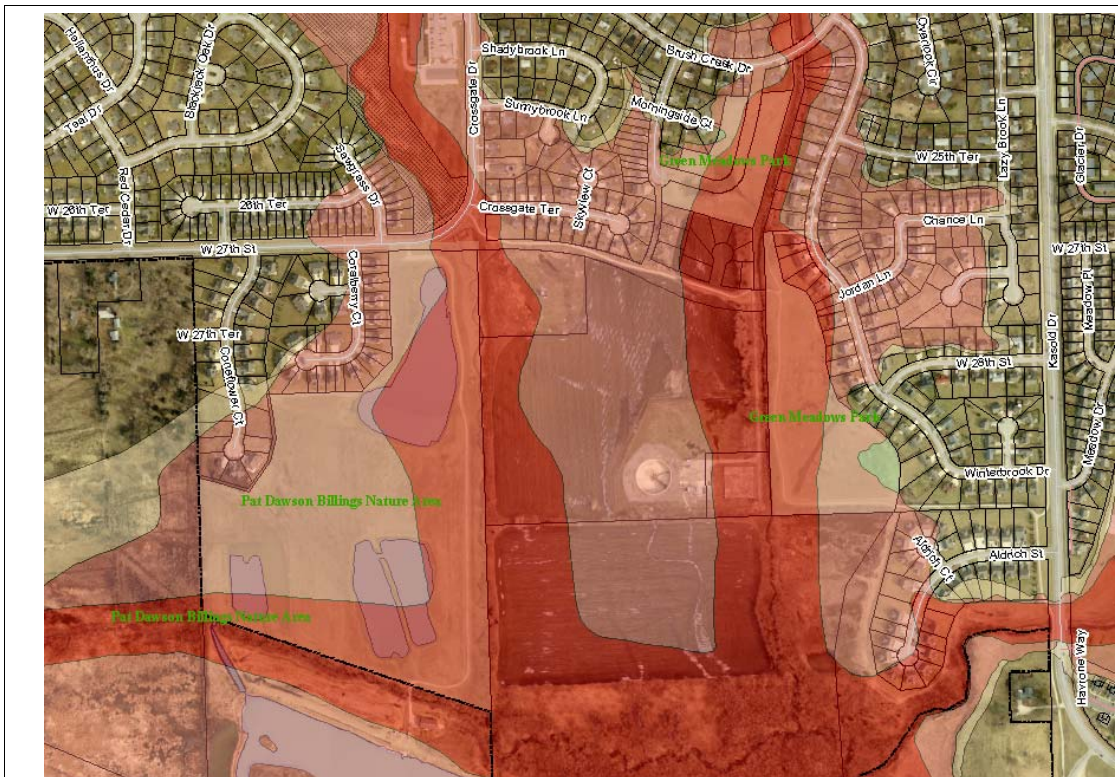
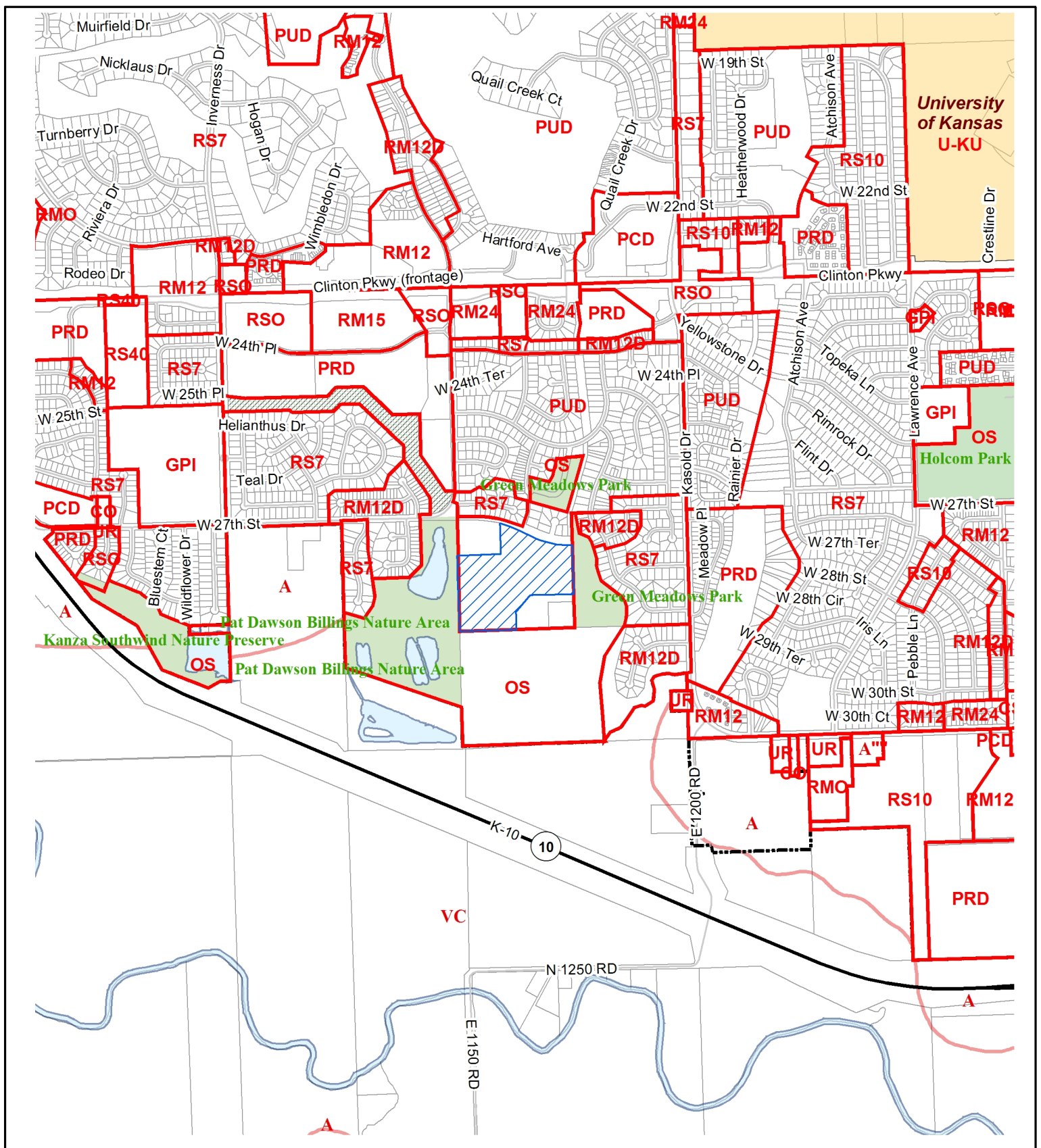


Figure 2. Floodplain Overlay District. Regulatory Floodway (red) and Regulatory Floodway Fringe (Pink).



**Z-03-03-10: Rezone 22.63 acres from PUD to OS
SE of W 27th St & Crossgate Dr.**



Area Requested

Scale: 1 Inch = 1500 Feet

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
04/26/10

ITEM NO. 2: CONDITIONAL USE PERMIT; 1478 N 1700 RD (MKM)

CUP-2-1-10: Consider a Conditional Use Permit for camping, sale of farm products, and events at Pinwheel Farm, approximately 11.79 acres, located at 1478 North 1700 Road. Submitted by Natalya Lowther, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of a Conditional Use Permit for camping, events, and sale of farm products at a Farmer's Market at Pinwheel Farm, located at 1478 N 1700 Road and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions:

1. The CUP approval is valid for 10 years with a review in 5 years to determine if the use is still appropriate with the level of urbanization that has occurred. The CUP approval will expire at the end of 10 years (July 1, 2020), unless an application for renewal is approved by the local governing body.
2. The property owner shall execute a lateral line easement for the off-site lateral lines for 1480 N 1700 Road, per the County Health Official's approval, and the easement shall be recorded at the Register of Deeds prior to the final approval of the CUP.
3. The property owner shall relocate the eastern driveway within the dedicated right-of-way easement or the easement should be revised to include the drive. The driveway shall be relocated or the revised right-of-way easement recorded prior to final approval of the CUP.
4. No more than 4 self-contained camping trailers or RVs and/or up to 4 tents at a time, with a maximum of 6 units housing up to 12 adults may be located on the site at any given time (exclusive of the permanent house on 1480 N 1700 Road). Vacant RVs or other camping units will count toward the number permitted on the site.
5. RVs or other camping units are limited to 20 ft or less in length.
6. Camping will be operated as an accessory use to farm operations, not as a stand-alone enterprise.
7. Camping shall not be publicly promoted in any way, although it may be mentioned as a housing option in farm volunteer opportunity descriptions.
8. The property owner shall provide an annual report to Planning Staff which lists the number of campers in each camping unit, the type of unit and dates of stay.
9. Fire extinguishers are required in all camping units.
10. No engines or gas generators may be used for power supply to campers on the farm, except for emergency use in the case of neighborhood power failure.
11. Lights shall be shielded to prevent glare or light trespass to neighboring properties.
12. Camping areas shall be kept in a neat, safe and sanitary manner.
13. Camping units in active use shall be placed in areas that are reasonably screened from view of street or neighbors.
14. RVs or other vehicular camping units must be properly tagged and roadworthy.
15. No sound amplification is permitted.

16. Events may occur between 7 AM to 9PM Sunday through Thursday and 7 AM to 11 PM on Friday and Saturday.
17. If any events are proposed which would have more than 30 attendees, it is the applicant's responsibility to arrange for adequate parking so parking on North Street will not be utilized.
18. Bottled water and a chemical toilet are required for events with more than 25 attendees.
19. Any development on a parcel which contains regulatory floodplain may require a Floodplain Development Permit from the Zoning and Codes Office.
20. Applicant shall provide a revised site plan with the following changes:
 - i. The limits of the regulatory floodplain shall be shown.
 - ii. The camping area in the regulatory floodplain shall be relocated. No camping is permitted within the regulatory floodplain.
 - iii. The area proposed for the farm sales, whether a structure, farm stand or mobile unit, should be more clearly marked on the plan.
 - iv. The parking requirements (6 for camping, 6 for events, and 1 per 200 sq ft of farm stand for the farm sales) shall be noted and the plan shall show the location and number of provided parking spaces as well as the designated overflow parking area for larger events.
 - v. ADA accessible parking space shall be shown. If less than 25 parking spaces are provided, 1 ADA accessible space is required.
 - vi. The southern camping area shall be delineated to maintain a 50 ft setback from North Street right-of-way. A note shall be added that no more than 2 camping units will be permitted in this area at a time.
 - vii. A 15 ft camping setback shall be provided from the property lines adjacent to residential zoning or uses.
 - viii. The proposed farm sales area shall note the expected size of the stand and show the parking spaces being provided. Parking is required at a ratio of 1 space per 200 sq ft of stand area. The number of parking spaces required and provided shall be included in the parking summary on the plan.
 - ix. Show the area where screening will be provided, or currently exists, to screen the 2 southernmost camping areas from view of the adjacent residences and North Street.
 - x. A note shall be added which states: "All drives and parking areas, except the overflow area, shall be graveled unless the County Engineer approves the use of alternative surfacing materials."
 - xi. The privy shall be shown and labeled.

Reason for Request:

Applicant's response:

"In 2005, I was informed that I had unwittingly violated county regulations prohibiting camping by utilizing a self-contained tent camper (a birthday gift from my parents) as a temporary seasonal office space, storage, break room, and occasional overnight accommodation at my small farm at 1480 N 1700 Rd. I complied with the order to remove the vehicle entirely from the property, and it remains in storage at my parent's home in another county. Yet I was surprised to learn that camping and so many other activities normally and naturally associated

with farm life are not actually permitted as 'agricultural uses' for land zoned specifically for farming.

Ironically, the State of Kansas has, in recent years, begun to see the benefits of promoting 'agritourism' as a source of economic development based on the natural resources of the region. A special state agency has been created, and special regulations have been promulgated in order to encourage farms to open their operations to visitors. This includes regulations waiving liability for injury or death to participants in registered agritourism activities. I have registered my farm as an agritourism site with the State in order to protect myself should any mishap befall a visitor.

As I continue to develop my farm, I find that its close proximity to the City of Lawrence makes it an increasingly popular destination for families, who wish to expose their children to the 'farm experience' so they can learn where food comes from. Furthermore, an exploding nationwide interest in locally grown, sustainably produced food has created an upsurge in people wishing to obtain hands-on training and experience in this rapidly growing agricultural niche. With a significant lack of educational/vocational training programs in established academic institutions to meet this demand, grass-roots educational networks have evolved. Programs like WWOOF (international) and Growing Growers (KS food-shed area) have emerged to connect farms needing helpers with eager volunteers, who get hands-on opportunities to hone their farming skills and knowledge, add to their resumes, and network with agriculture professionals and potential customers while providing farms with enthusiastic help in return.

In meeting these demands for agritourism and agri-education, other auxiliary needs arise: Space for children to play, for eating and resting, accommodations for temporary volunteers who may be living on the road in campers passing through town, etc. To balance the needs of guests/volunteers with the orderly operations of the farm and its natural environment, designated adequate facilities are essential. Currently, Pinwheel Farm's potential pool of volunteers, especially through the WWOOF program, is limited to those who are willing to room in my home and to those whom I am willing to live with in close quarters.

The farms' proximity to the City of Lawrence also brings to bear additional use restrictions that farms in more rural areas do not face, because of its location within the Urban Growth Area. Because I live outside city limits, and thus cannot vote for elected city officials, I do not have full representation in the development of City regulations that apply to my farm now or in the future. The possibility of involuntary incorporation into the City of Lawrence cannot be ruled out until such time as City authorities put in writing that this will never be done.

Therefore, I am requesting to have camping permitted on my farm in carefully delineated circumstances, as described in the supporting document titled "*Pinwheel Farm Camping Guidelines*". I am also requesting permitting for other normal outdoor agritourism activities including picnicking, outdoor cooking of food/barbequing, playing, hiking, bird-watching, dog walking, horseback riding, etc. I am also requesting to have a wide variety of other specific activities, primarily pertaining to

agriculture and essential to the on-going development of Pinwheel Farm as an agricultural enterprise and living environment, permitted at the farm. The full range of activities requested under this CUP are listed in the Table of Long Range Goals."

KEY POINTS

- The subject property is located within Service Area 2 of the Lawrence Urban Growth Area.
- The property is located on North Street and is adjacent to the city limits.
- The applicant owns 5 contiguous parcels in this location; however, as one parcel (501 North Street) is located within the city limits only 4 parcels are included in this CUP.

GOLDEN FACTORS TO CONSIDER

ZONING AND USES OF PROPERTY NEARBY

- Nearby properties close to North Street are zoned RS7, RS10 (Single-Dwelling Residential—City zoning) and A (Agricultural—County zoning). Single family residences are the primary land use on these properties. The subject property extends to the north, where the nearby properties are zoned I-1 (Limited Industrial—County zoning), GPI (General Public and Institutional Uses—City zoning) and IG (General Industrial—City zoning). Several of the properties have not been developed, and the others contain a warehouse/distribution center, a construction sales business and a detention facility. The 100 year regulatory floodway and floodplain is present in this area, so nearby properties and portions of the subject property are located in the Floodplain Overlay Districts, both City and County.

CHARACTER OF THE AREA

- The area is a transitional area on the edge of the city where urban and rural land uses blend. The streets in this area are constructed with open ditches rather than curb and gutter and several of the residences have gardens and seasonal farm stands. The blend of uses include the subject farm property, other agricultural lands, single-dwelling residences and a mobile home park.

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

- The current zoning designation for the property is A (Agricultural) District, a district in which many different agriculture-related uses are allowed. The A District is intended to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises. The district is also intended to promote the growing of natural crops and grazing and to prevent untimely scattering of more dense urban development. The subject property contains high quality agricultural soils and is therefore well suited for agricultural uses; however, consideration must be given to the close proximity to the city limits. As the area becomes more urbanized, some agricultural uses may not be appropriate in this location.

Uses which are not permitted within the A District but have been determined to be compatible with the character of the area are permitted with the approval of a Conditional Use Permit. The requested uses: camping, events, and year-round sale of farm products at a farm stand or market are allowed in the A District with approval of a Conditional Use Permit (CUP). The property is suited for the uses which are permitted in the A District.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval by Board of County Commissioners
- If approved, new and/or converted buildings will be subject to county building code requirements.
- Dedication of easement for septic field lateral lines which extend over the parcel lines.
- Floodplain Development Permit from the Douglas County Office of Zoning and Codes for any new development on parcels which are encumbered with the regulatory floodplain.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Phone call from neighbor expressing concern with parking for the events and other uses on the farm. She felt that adequate parking should be provided on-site so parking on North Street would not be utilized.
- Phone call from Ted Boyle, President of the North Lawrence Improvement Association expressing concern about the negative impact camping may have if it were to be used primarily for people without permanent residences.

GENERAL INFORMATION

Current Zoning and Land Use:	A (Agricultural) District and Floodplain Overlay District; agriculture and residential land uses.
Surrounding Zoning and Land Use:	<p>To the west: A (Agricultural) District, I-1 (Limited Industrial) District; residence and open space.</p> <p>To the north: IG (General Industrial) District—City Zoning; warehouse/distribution. I-1 (Limited Industrial) District; residence and agriculture.</p> <p>To the east: I-1 (Limited Industrial) District; construction sales and residence. RS10 (Single-Dwelling Residential) District—City Zoning; single dwelling residences.</p> <p>To the south: RS7 (Single-Dwelling Residential) District—City Zoning; residential.</p>

Site Summary

Subject Property	<p>CUP activity is located on 4 parcels containing approximately 12 acres.</p> <p>1480 N 1700 Road contains approximately 1.083 acres and has been developed with a residence.</p> <p>1478 N 1700 Road contains approximately .445 acres and was developed with a residence. The structure is now being used as an accessory farm structure.</p>
------------------	--

The unaddressed parcels without street frontage contain agricultural uses and accessory farm structures.

Parking Requirements:

Total Parking Required: 12 spaces plus parking for farm stand
1 per 5 seats (or attendees) for event or assembly use – 30 attendees = 6 spaces
ADA 1 (for 1 to 25 spaces)
1 parking space for each camp-site – 6 campsites = 6 spaces
1 parking space for each 200 sq ft of farm sales stand area

Total Parking Provided: Not noted on plan. The site plan shall be revised to note the number of parking spaces that are required and the number which are provided on site. The site plan shall show the location of designated parking spaces.

I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding – The subject property abuts the city limits in several areas and is bounded by various zoning districts and land uses. The property is on the north side of North Street and the surrounding properties along North Street are zoned for single-dwelling residences (within the city limits) and agriculture (outside the city limits). These properties are developed with single-dwelling residences. The north portion of the subject property is bounded by Limited Industrial (outside city limits), and General industrial (within the city limits) zoning districts. A warehouse distribution facility is located to the north while the remainder of the industrially zoned property contains residences or agricultural uses. The land use and zoning of the area are illustrated in **Figure 1**.

II. CHARACTER OF THE AREA

Staff Finding – The subject property is adjacent to North Street which was constructed with open ditches as permitted by the alternate City Street Standards. This portion of North Lawrence has a rural/urban character and there are several farm stands, gardens and other agricultural uses included with the predominately residential area. This area is heavily encumbered with the floodplain, including both the floodway and the floodway fringe, and also contains high quality soils. (**Figures 2 and 3**)

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

Applicant's response:

"The four properties are zoned "A" Agricultural. They are all Capability Class 1 soil ideal for agriculture in all ways. The location of the property in the river valley with a high water table makes it especially suited to horticultural agriculture and forestry. A portion of the largest property is in the floodway fringe; agritourism use of that portion would be in compliance with applicable regulations to the extent that this can be reasonably determined. A portion of the largest property is currently enrolled in

the USDA's CRP Riparian Protection Program; agritourism use of this area would be in compliance with the terms of the CRP lease to the extent that this can be reasonably determined.

The main farm property has been used since 1997 as an intensively managed, integrated, sustainable small farm including production and sale of animal products and by-products, vegetables, fruits, herbs, nuts, forest products, animal feed and forage, bee products, and value-added processing of raw agricultural products produced on the farm, as well as use of such products by owner, other residents, guests, volunteers and staff. The training of students, volunteers and employees in skills and knowledge related to such agricultural production is an essential part of this operation.

The property surrounding the farm is mostly residential, agricultural production, or vacant agricultural land. Much of that land (to the west and north) is likely to remain vacant or agricultural because it is in the floodway/floodway fringe areas."

Staff Finding – A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for agricultural purposes will not be altered with the granting of the CUP. The property is suitable for the uses to which it has been restricted.

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

Staff Finding –County Zoning Regulations were adopted in 1966; the southern portion of this property has been zoned A (Agricultural) since that time. The northern 9.8 acres were rezoned from I-1 to A in 1996. The property is currently developed with residential and agricultural structures and uses.

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

Applicant's Response:

"The restrictions that are to be removed are ones that most small-scale agricultural property owners don't know exist, and not infrequently violate. The activities proposed are ones that are commonly assumed to be acceptable and natural aspects of a small family farm operation and/or residence. Many of these activities are already carried on by nearby neighbors without the benefit of appropriate zoning or CUP.

Occasions for annoyance of neighbors based on removal of these restrictions will be proactively addressed by guidelines, orientation of visitors, and on-site monitoring by the landlord or designated farm participant. Pinwheel Farm already has General Policies applicable to all farm participants that will be part of the camping agreement signed by campers; these General Policies address most potential annoyances and safety concerns.

Neighbors will be provided with contact information and procedures for letting us know of any particular situations that arise, so that we may quickly work to resolve legitimate concerns.

Most obvious annoyances that could occur are ones that we currently suffer from nearby neighbors with no recourse because they are normal activities of daily living. These include, but are not limited to:

- Occasional parking on the street and presence of unusual numbers of people due to special activities;
- Bright lights shining in our eyes outdoors or through windows at night;
- Loud or boisterous human activity including music, laughter, shrieks of happy children;
- A few additional people walking jogging biking, or walking dogs around the neighborhood;
- A few additional cars using North St. and connecting access roads."

Section 12-319-1.01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."*

Approval of the request will not alter the base zoning district. The proposed uses fall under the following categories listed in Section 12-319.4 Conditional Uses Enumerated, of the Zoning Regulations:

- Camping—*Rooming, Boarding and Lodging Houses, and similar uses*
- Events—*Recreation Facility*
- Farm Sales including products from other farms---*Farmer's Market*

Possible negative impacts on the nearby properties could include:

1) Parking on North Street

The property is located on, and takes access from, North Street which is classified as a collector on the major thoroughfares map. North Street is identified as N 1700 Road when it is outside the city limits. North Street is a narrow street with 20' of pavement (which is the minimum clear area which can be provided for emergency vehicles) and ditches on each side. Parking may create safety issues for vehicles exiting residential driveways on North Street and may obstruct emergency vehicles.

The applicant anticipates about 25 to 30 attendees at the events, although larger events, such as sheep shearing days, may occur. The number of attendees should be limited to 30 people and adequate parking should be provided for that number in addition to the parking provided for the camping. Parking requirements for event centers are based on square footage, when the events occur within a structure. Parking requirements for outdoor events are based on attendance with a ratio of 1 parking space per 5 seats (attendees). 6 parking spaces are required for 30 attendees. An overflow parking area should be designated on the site plan to accommodate larger events.

2) Camping

The impact of people residing in tents or RVs is greater than that of a mobile home, guest house, or home because of the additional exterior activity that is involved. Camping often involves exterior storage of materials, an outdoor living area with lawn chairs and ropes for

drying towels or clothes and often an outdoor cooking area. Staff considered setting limitations on the length of time a camper could camp, to differentiate the camping use from a residence. The applicant pointed out that the impact would be the same whether you had one camper that stayed for 9 months or 9 campers that stayed for 1 month each. The number of campsites/campers should be limited and a size limitation placed on RVs to minimize the impact on the nearby properties.

3) Events

Negative impacts could be created if events are too large for the parking to be accommodated on site, are noisy (amplified music), extend late into the night, or use exterior lighting which is not adequately shielded.

CAMPING

The applicant provided Camping Guidelines which are included as an attachment with this report. The camping guidelines indicate that the primary purpose for the camping use is to house short-term farm volunteers. Camping may also house visitors to the farm or farm events. The guidelines limit camping to 6 campsites, which would be a mixture of RVs and tents. There would be a maximum of 4 RVs or 4 tents, with the number of campers limited to 12 adults. The applicant indicated that 2 RVs may be there permanently; however, they may be vacant part of the time. When vacant they would still count toward the number of campsites.

To reduce negative impacts from the camping activity, staff recommends that the campsites be setback 15 ft from property lines adjacent to residences or residential zoning.

The impact of the campsites would be lessened with screening from the adjacent residences. The applicant indicated they would install vegetative screening along the west property line. Screening in the form of vegetation or fencing should be provided to screen the camping use from the adjacent residential uses to the west and south.

Small campers and tents would be more in keeping with the farm character and staff recommends that RVs be restricted to those 20' or less in length.

Staff recommends that the camping area nearest North Street (Figure 3) be pulled back to maintain a setback of 50 feet from the right-of-way. The camping in this area shall be limited to 2 camping units to minimize the impact on the adjacent residences.

The following were taken from the Camping Guidelines, and should be made conditions of the CUP as they will serve to minimize negative impact of camping:

- No more than 4 self-contained camping trailers or RVs and/or up to 4 tents at a time, with a maximum of 6 units housing up to 12 adults at any given time.
- Vacant RVs or other camping units will count toward the number permitted on the site.
- Camping will be operated as an adjunct to farm operations, not as a stand-alone enterprise intended to make a profit.
- Camping will not be publicly promoted in any way, although it may be mentioned as a housing option in farm volunteer opportunity descriptions.

- Name, permanent address, phone numbers email address, etc shall be kept on file for each person using the camping facilities. A yearly report will be provided to Planning Staff which lists the number of campers, type of unit and dates of stay; the names and contact information shall not be included.
- Fire extinguishers shall be required in all camping units.
- No engines or gas generators will be used for power supply to campers on the farm, except for emergency use in the case of neighborhood failure.
- Bright lights will be shielded to prevent glare or light trespass to neighboring properties.
- Camping areas will be kept in a neat, safe and sanitary manner.
- Camping units in active use shall be placed in areas that are reasonably screened from view of street or neighbors.
- Adequate on-site parking will be provided to accommodate the campers.
- Campers must be properly tagged and roadworthy.

EVENTS

The small size of the events should reduce the negative impacts on the neighborhood. The following restrictions will further reduce any negative impacts:

- No sound amplification
- Hours of events limited to 7 AM to 9 PM Sunday through Thursday and 7 AM to 11 PM on Friday and Saturday.
- If any events are proposed which would have more attendees, it is the applicant's responsibility to arrange for adequate parking so parking on North Street will not be utilized.
- The site plan shall show the parking location as well as an 'over-flow' area for parking with larger events.

Staff Finding – Approval of the request will allow for additional activity in the area which may result in negative impacts such as increased activity due to camping and events. The farm is adjacent to residential properties and special steps are necessary to minimize the impact of the additional uses on the nearby properties.

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:

"I don't think there would be any benefit to the community from my request being denied, for two reasons:

- It is the community that is demanding the opportunities for activities for which I must get the CUP in order to provide.

- Others in the neighborhood and throughout the county are currently providing these opportunities without realizing they require a special CUP to do so legally.

The hardships imposed on my use of my land by denying the request would include:

- Restricting my pursuit of happiness through my peaceful enjoyment of outdoor living on my farm, and through sharing my passion for and knowledge of sustainable farming and the natural farm ecology with interested people of all ages.
- Significantly reducing my access to volunteers/interns during intense times such as lambing;
- Significantly diminishing the comfort of volunteers.
- Reducing my ability to extend hospitality to guests visiting the farm, especially out-of-town or international visitors. Instead of bringing the world and its money to Lawrence, I would have to travel and thereby take my money outside of the Lawrence community to meet such a diverse array of people interested in farming.

Denying the request would deprive the community of innumerable agritourism and agri-educational opportunities for all ages. In the long run, this would depress the number of trained sustainable farmers and home gardeners in the region, reducing the supply of fresh fruits and vegetables for consumption by Lawrence area residents."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

The approval of the CUP would provide temporary living facilities for farm volunteers and others interested in visiting the farm and would benefit the applicant's agritourism programs. A variety of events will be held, with the majority being agritourism in nature. Others may include outdoor weddings, spiritual meetings, or other similar events. The applicant indicated that the events were tied to the farm and were meant to provide education or appreciation of farm life.

Denial may benefit the surrounding property owners as negative impacts such as noise, lighting, and parking issues may be associated with the uses unless effective management techniques are utilized to minimize these impacts. Denial would prevent the land-owner from engaging in this form of agritourism and would reduce the amount of volunteer labor they could use.

Staff Finding – Denial of the Conditional Use Permit may negatively impact the community as a year-round market for farm products could not be established. Denial would negatively impact the landowner as her agritourism programs would be curtailed which could limit the farm's production.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's response:

"This request supports the overall vision of Horizon 2020 and other long-range planning efforts by contributing to the environmental health of the community,

providing essential goods and services, supporting local businesses, providing jobs and training for local residents and protecting high-value agricultural soils.”

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits; however it does recommend the protection, conservation and incorporation of environmentally sensitive areas within the UGA within the design of any development. (Policies 1.3.1.f and 1.3.2.e; *Horizon 2020*, page 4-7 and 4-8)

Staff Finding –The proposal is in general conformance with the comprehensive plan. The requested uses would preserve the agricultural use of the land, and the high-quality agricultural soils, by allowing the property owner to further develop an agritourism use which would not require development of the property or result in non-farm residential development.

STAFF REVIEW

While this is a CUP request for agriculturally zoned property, it is unique in that the property is across the street from a residential neighborhood within the city and abuts the city limits on two sides. The subject property is located within Service Area 2 of the Urban Growth Area. The applicant's goal is to continue farming in this location for the long term. If the property is annexed, it would be zoned UR and all agricultural activities which were permitted prior to annexation would be permitted to continue until development was proposed and rezoning to an appropriate zoning district was approved. The applicant has asked for guarantees that the City would not require annexation or that the rights to farm would never be limited. While this is not possible, it may be appropriate to include an *Urban Agriculture* use, with standards, in certain zoning districts of the Development Code. At the present time, the property is not required to annex and the farming activities are not limited.

Possible negative impacts which may occur from the proposed uses were reviewed earlier in this report and conditions recommended which would minimize these impacts.

The *Farm Sales* use was not discussed earlier as no adverse impacts are anticipated with this use. Currently, there are various farm stands along North Street and the applicant does operate a seasonal farm stand, as is permitted in the A District. The proposal is to operate a year-round rather than seasonal farm stand and invite other farmers to bring their products to the sale. This classifies as a *Farmer's Market* which requires a CUP. Parking must be provided for the farmer's market in relation to the size of structure or stand. The farmer's market would be considered a retail store and if a structure is used parking shall be provided at a ratio of 1 space per 200 sq ft. of floor area. Parking regulations have not been established for a farm stand and would vary with the size of the stand. Using the ratio for the retail use, 1 parking space would be required for each 200 sq ft of stand area. The applicant will need to note the anticipated size of the stand area and identify the required parking spaces on the plan. The commercial building codes would apply to any structure used for the *Farmer's Market*, but do not apply to stands, tents or mobile trailer units.

Parking: Required parking for the event use is one space per 5 seats for Auditorium, theater, gymnasium stadium, arena or convention hall or 1 space per 100 sq ft of building (Section 12-316-1 County Zoning Regulations). These events will occur outdoors; therefore, the parking

requirement is calculated at the ratio of 1 space per 5 attendees, similar to the 1 space per 5 seats for events in buildings with fixed seating. As the number of attendees is expected to be about 25 to 30, 6 parking spaces are required for the *event* use. One parking space is required for each camping unit. The maximum number of camping units is capped at 6 units; therefore, 6 parking spaces must be provided for the *camping* use. The *farmers market* would require parking at a ratio of 1 space per 200 sq ft of floor area if a structure were used. The applicant indicated she would use a stand at this time. The zoning regulations do not provide a parking requirement for a farm stand. Per Section 12-316-2.06 of the Zoning Regulations, a parking requirement of a use with similar parking demand generation will be used. The stand would have the same traffic generation as a retail use, but parking would need to be calculated on stand area rather than floor area. 1 parking space is required for each 200 sq ft of stand area. The site plan will need to be revised to indicate the dimension of the farm stand being proposed and show the location of the required parking. If a structure is proposed for the farm stand at a later time, the approved CUP site plan would need to be revised. The total parking required is 12 spaces, in addition to the parking required for the *farm sales* use. If the number of total parking spaces is below 25, one ADA parking space is required.

Drives and parking areas are required to be graveled. Experimental, permeable pavement materials require the County Engineer's approval.

Access: The farm uses two entrances from North Street to make a circular drive, which reduces the need to back out onto North Street. One entrance is located on 1480 North 1700 Road, which is a separate parcel that has been developed with a residence. A right-of-way easement has been dedicated to allow cross access from this parcel to the farm; however, the existing drive was not constructed within the easement. To insure the circular drive remains for the use of the farm, the drive should be constructed on the right-of-way easement or the easement should be revised to include the drive location.

Screening: The two southernmost camping areas are in close proximity to nearby residences. (Figure 4). Camp sites in these areas need to be screened from view of the nearby residences and from the street right-of-way. This screening may be vegetation, fencing or a combination.

Water and Sewage:

The applicant is working with Richard Ziesenis, County Health Officer, on the water supply and sewage management. Richard indicated that the well water could be used but if more than 25 people are present for more than 60 days of the year, bottled water is required. He highly recommended that that bottled water be used to provide drinking water to the workers or visitors because well water quality is an unknown because it is not continually disinfected.

He also indicated that the existing privy could be used; however, he recommended a chemical toilet considering the odors and general cleanliness of a privy. He stated that the recommended rate for portable chemical toilet is 1 per 100 people. The Camping Guidelines indicate that the RVs could empty their sewage holding tanks at KOA or Clinton Lake. Small cassette type chemical toilets can be emptied into the pit privy or a household toilet or taken to KOA's dumping facility. The use of well water and the privy are acceptable except for events with more than 25 attendees. Bottled water and chemical toilets are required at these times. The privy will need to be shown and labeled on the site plan.

The lateral lines for the residence at 1480 N 1700 Road are located across the parcel lines. The County Health Officer indicated that either the lateral lines should be relocated onto the 1480 parcel or an easement could be dedicated which states that the property may be used for lateral lines for 1480 N 1700 Road for perpetuity, that no structures or other uses will be installed on the property, and it will be used strictly for sewage management. The applicant indicated that they would dedicate this easement prior to selling the property. As there would be no trigger to dedicate this easement in a real estate transfer, staff recommends that this easement be dedicated with this CUP.

Time Frame:

The applicant requested a 100 year approval period for the CUP with occasional reviews. Given the fact that the farm is adjacent to the city limits and is in Service Area 2 of the Urban Growth Area, Staff recommends that the CUP be approved for 10 years with a review in 5 years to determine if the use is still appropriate with the level of urbanization that has occurred. The 10 year approval period with 5 year administrative review is the standard time frame for recently CUPs.

Conclusion

The proposed CUP, as conditioned, complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*.

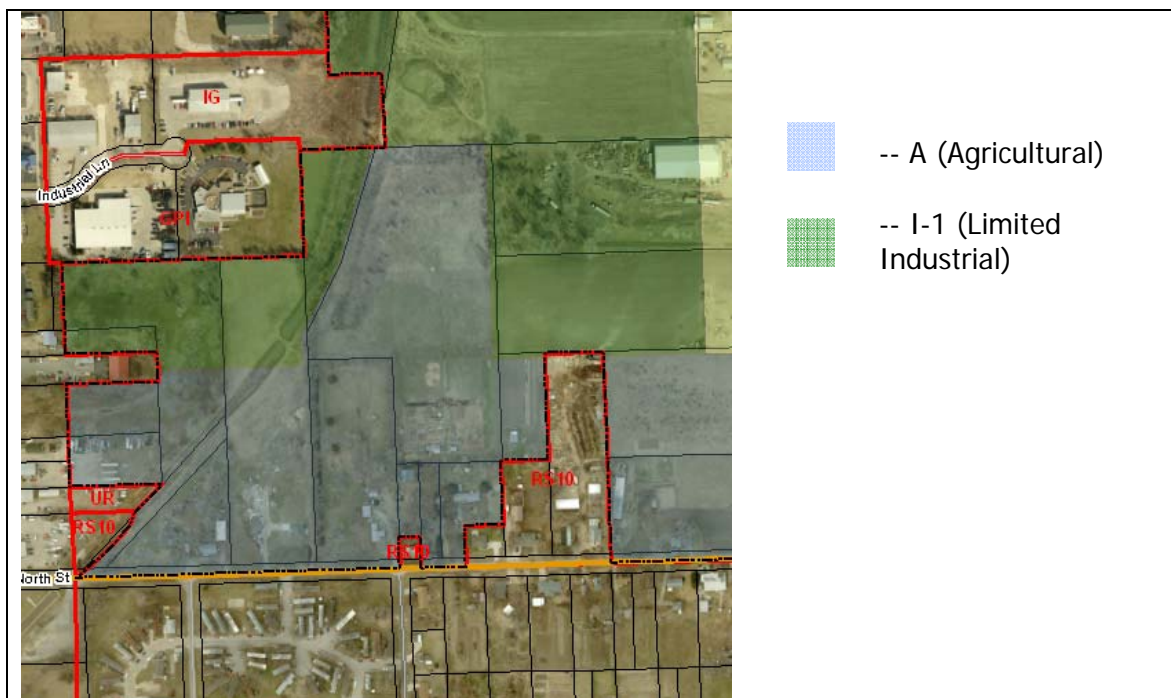
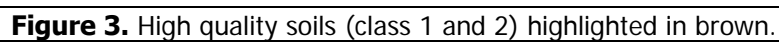
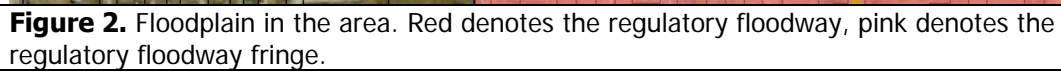


Figure 1. Land use and zoning of nearby properties. Zoning of properties in the unincorporated areas are shown in colors, zoning of properties within the city limits are labeled.



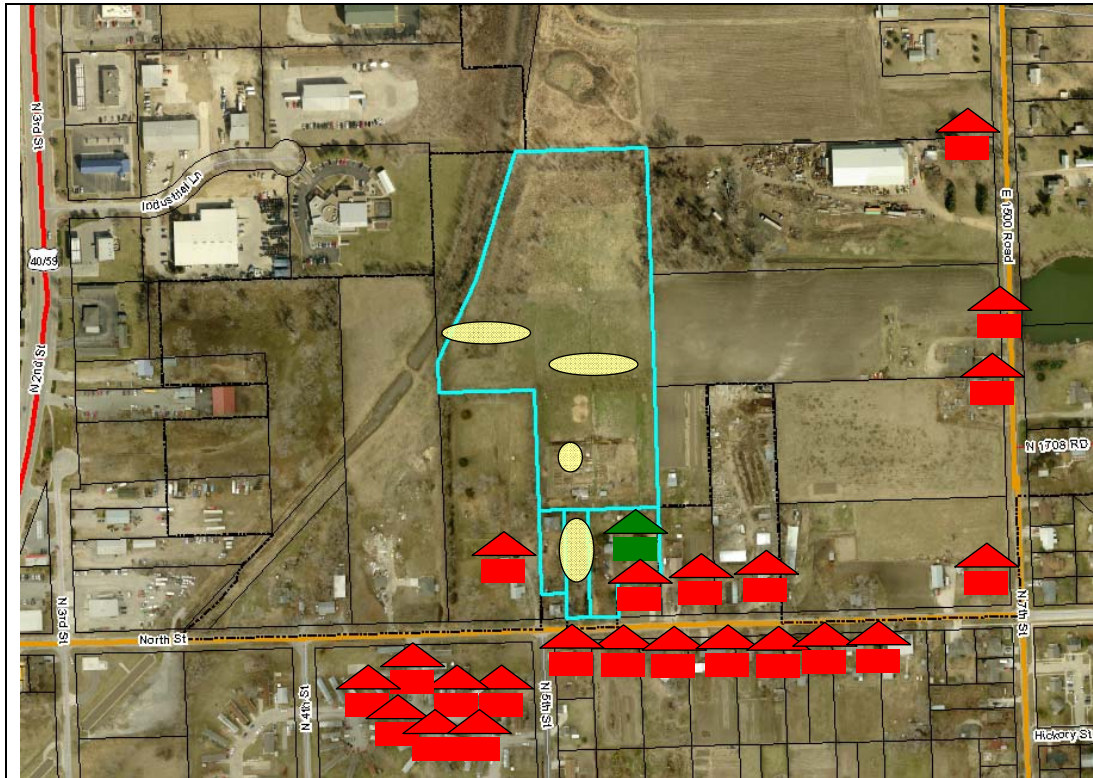
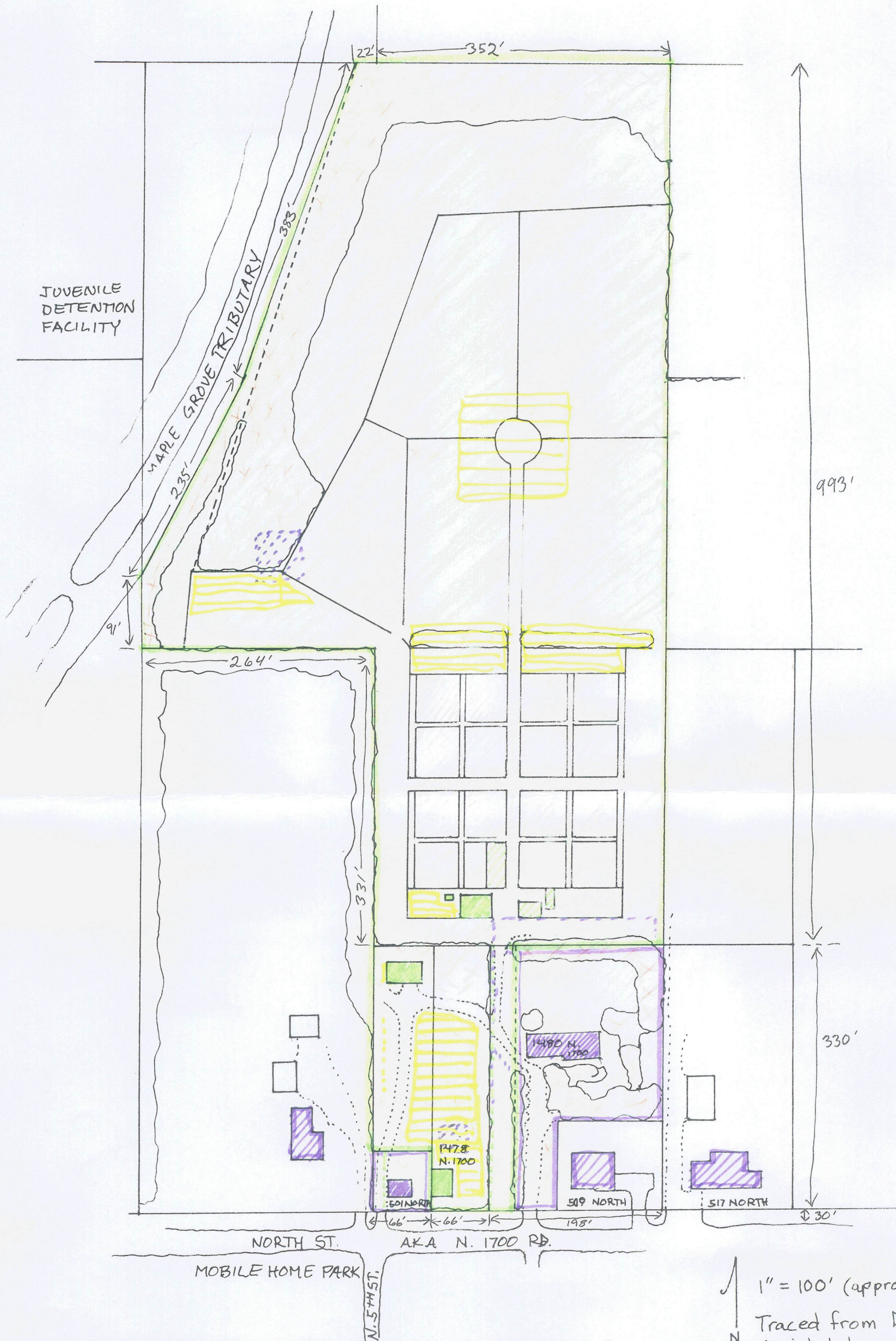


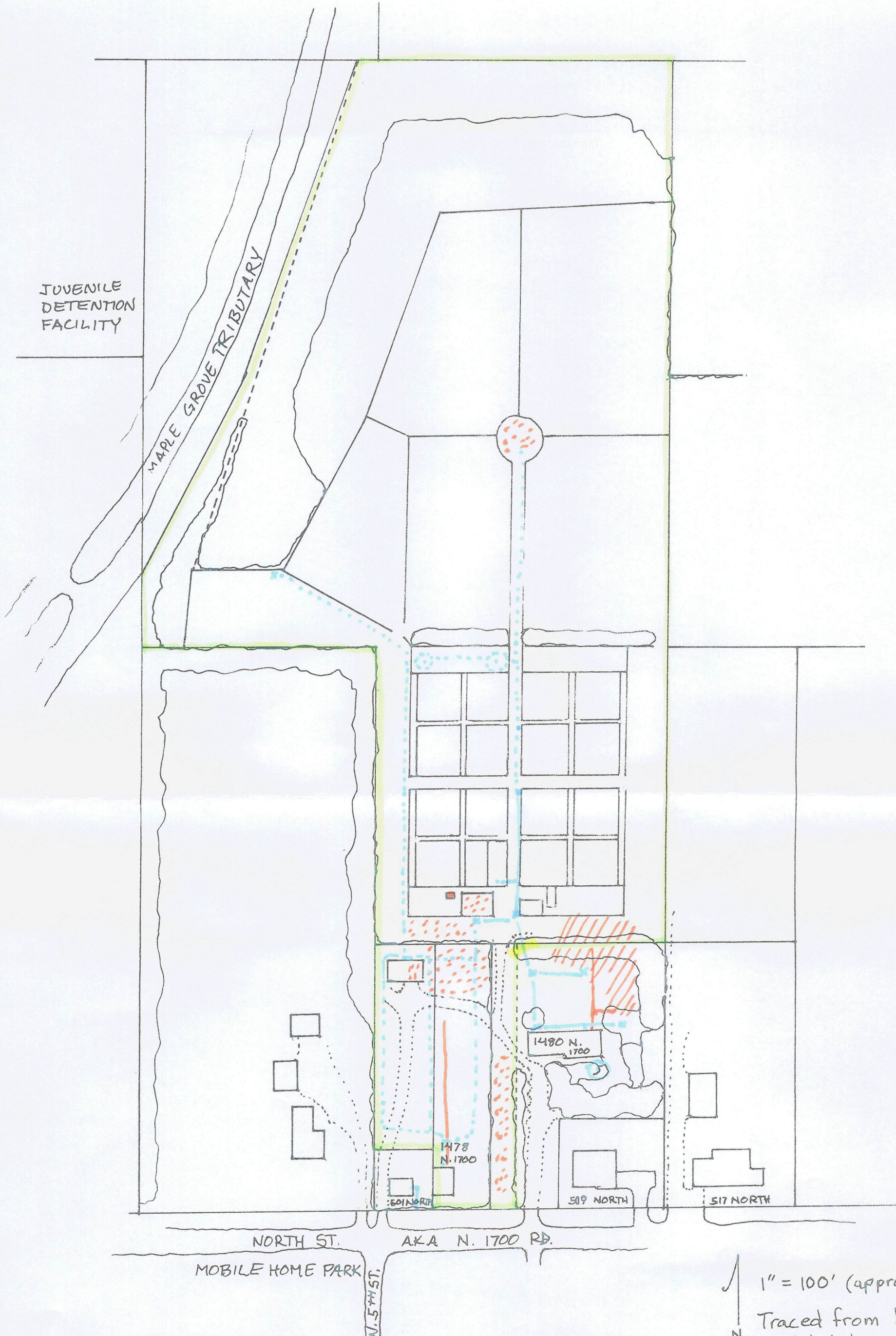
Figure 4. Existing residences in the area (Residence on the subject property shown in green). Proposed camping areas in yellow.



PINWHEEL FARM CUP, MAP 1 OF 3

1" = 100' (approx.)
Traced from DG CO.
Aerial taken about 2005

- Pinwheel Farm - core area
- Pinwheel Farm - residential parcels
- Easements
- Rights of ways
- Perennial green space
- Trees
- Neighbor homes
- Pinwheel residences
- Possible future
- Annual crop areas
- Potential Camping Areas
- Farm use structure
- Portable " "

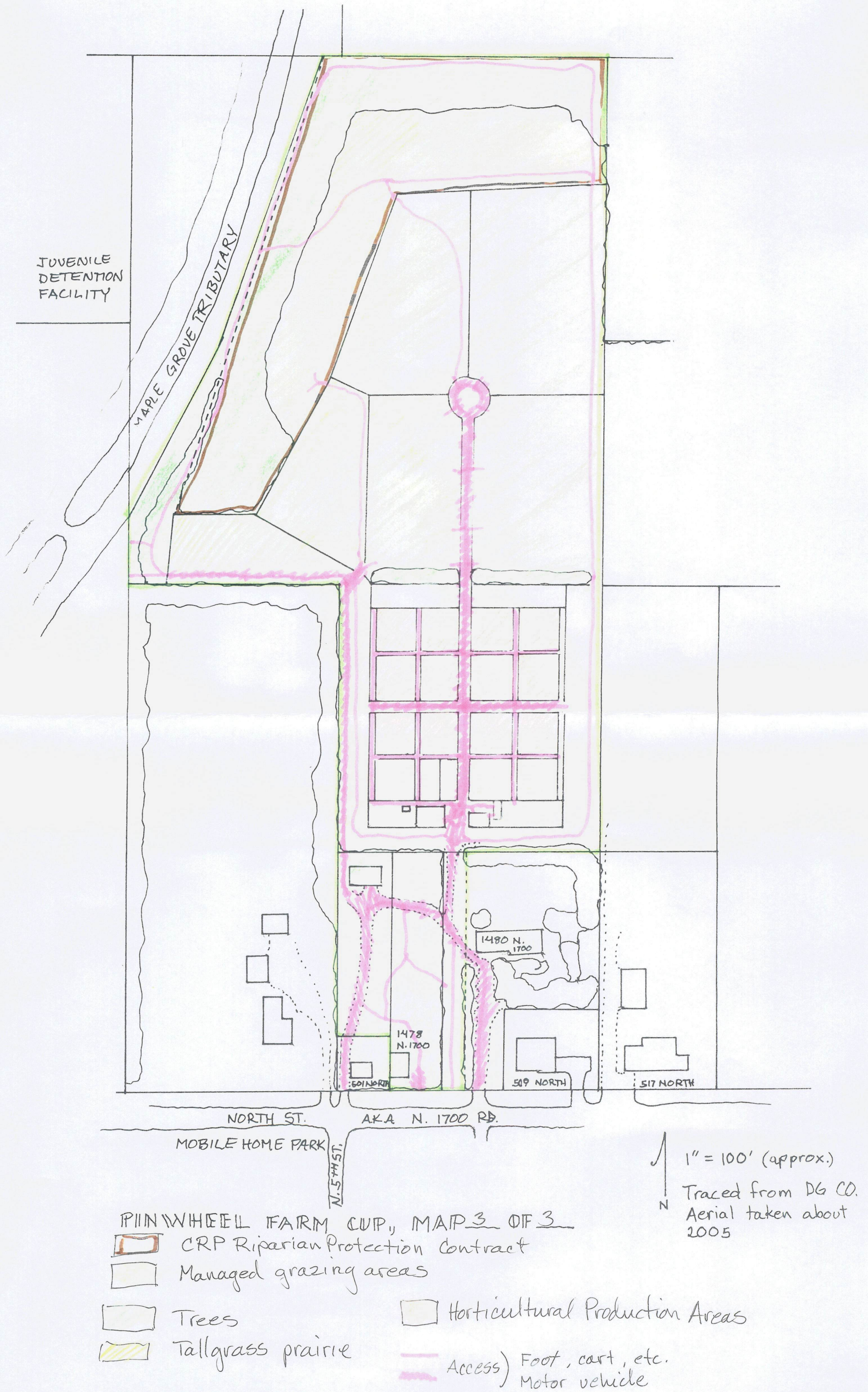


PINWHEEL FARM CUP, MAP 2 OF 3

- Existing water lines (electric similar)
- Hydrant
- Well
- Future - several options to be evaluated to connect new north well with existing system and 1478 property
- Disconnection of farm water system between 1478 and 1480.

- septic & Privy
- /// Lateral field
- ... concentrated livestock

1" = 100' (approx.)
 Traced from DG CO.
 Aerial taken about 2005



PINWHEEL FARM CONDITIONAL USE PERMIT

INTRODUCTION

Pinwheel Farm currently consists of 5 adjacent parcels of land located on the north side of North Street “in” North Lawrence. One parcel, 1/6 A with a small house, is within the City of Lawrence, and is not subject to this Condition Use Permit Request. The others are in Grant Township, Douglas County, and are subject to this CUP.

Additional acreage from neighboring parcels will be bought or leased if/when possible, especially focusing on pasture, woodland, wildlife habitat, riparian areas, floodway fringe, and other land unsuitable for intensive development. The desired result is a vibrant, ecologically healthy, economically productive farm surrounded by residential properties (mostly already existing) along the existing roads. Developing this farm will require virtually no investment or services from the city/county, and will add jobs and sales tax revenues to the local economy while providing essential products and services in an environmentally benign manner.

CONTEXT OF CUP

This CUP is part of a comprehensive long-range plan for the 5 properties that will be carried out over a number of years as necessary resources and circumstances are available. These changes are necessary to bring the various properties more into compliance with existing regulations and uses. Other planned changes include:

- Shifting about 38 feet of real estate from the “brown barn property” to the 501 North St. parcel so that the parcel meets the minimum size requirements for the City’s RS7 zoning;
- Annexing that additional portion of 501 North St.;
- Rezoning the entire extended 501 North St. parcel to RS7, consistent with other nearby City properties;
- Platting 501 North St.;
- Remodeling the house at 501 North St. to render it serviceable for the short- to mid-term future;
- Building an accessory building (detached garage) to 501 North St.;
- Moving the east property line of 1478 N. 1700 Rd. to the east edge of the Right-of-Way along the west side of 1480 N. 1700 Rd.;
- Deeding an easement on the main farm ground along the north side of 1480 so that 1480 has rights to the portions of its lateral field that are actually on the farm property;
- Merging 1478 with the landlocked brown barn parcel to the west and the landlocked farm ground to the north to create one unified farm parcel of about 11 acres, vested and with street frontage;
- Installing a well on the farm ground, constructing a pumphouse, and supplying it with electricity through connection to the farm electrical system or through a solar electric system;
- Disconnecting the farm electrical system from 1480 and connecting it to 1478.

OVERVIEW

This CUP is primarily for non-point uses, rather than permanent built structures. Therefore site plans have been de-emphasized in preference of laying out the types of activities which are expected to be carried out, and the policies, principles, guidelines and plans that will guide those activities.

Integrated small-scale farming is an organic, dynamic enterprise, and does not require nor often permit hard and fast lines to be drawn. Activities are often overlapping in both space and time, and often change—either very quickly, or very slowly. A farm must be prepared to—and allowed to—respond effectively to such changes.

The term of our long-range planning process is 100 years. This may seem excessive, since community long-term planning often only looks 20 years in the future. However, the farm owner's grandmother is over 100 and still going strong, and the farm owner is barely more than half that age. If aging in place proves feasible, at least a 50 year plan is needed to ensure a secure retirement on the farm. Furthermore, the existence of tens of thousands of "Century Farms" throughout Kansas and surrounding states indicates that a vision of Pinwheel Farm in the 22nd century is not unreasonable.

While it is impossible to foresee technological, environmental, and societal changes as far in the future as we hope the farm will exist, it is not only possible but also essential to begin to lay out a conceptual and operational framework for building a farm infrastructure and business that will be flexible enough to meet the challenges of a rapidly changing world.

We hope that the County Commissioners will support us in our vision of "Farming the Past to Feed the Future" by granting this Conditional Use Permit for a term of 100 years, with periodic reviews and modifications as needed to ensure that the farm remains an asset to the Lawrence/Douglas County community.

CONTENTS

The supporting materials for the CUP include:

- Table of Long-Range Goals
- General Policies
- Environmental Policies
- Camping Guidelines
- Operational Policies
- Food Safety Plan
- Construction Principles
- Aerials of the subject properties
- Maps denoting areas likely to be used for various activities related to Long-Range Goals

**PINWHEEL FARM LONG RANGE GOALS
FOR CONDITIONAL USE PERMIT SUBMITTAL
FEBRUARY, 2010**

LONG RANGE GOALS	KEY COMPONENTS. For all components, the ability to devise, arrange, construct, repair, improve, move, and maintain farm and agritourism related infrastructure in ways that protect human health and the environment without unduly burdensome local regulatory requirements is essential to on-going farm operations.	REGULATIONS/ LICENSING	MAP	KEY
A. Preserve in perpetuity the vast majority of Pinwheel Farm's land as agricultural land/green space, carefully balancing natural, cultivated, and landscaped spaces with adequate support infrastructure so that the farm can provide a wide array of benefits to the neighborhood and region.	1. Support beneficial CO2/O2 exchange through perennial vegetation, increasing over time as perennial plantings (pasture, woodland, orchards) mature.			
	2. Provide stormwater management through extensive naturally permeable infiltration areas, minimization of new impermeable surfaces, and careful management of runoff from impermeable surfaces, leading to healthy groundwater recharge while reducing demand on public stormwater and flood control structures.	USDA, EPA (CWA)		
	3. Create and preserve wildlife habitats supporting a diverse, balanced plant and animal ecology where less common and potentially threatened species can find the resources they need to survive and reproduce in an increasingly urbanized bioregion	USDA (CRP); KS P&W		
	4. Provide buffering of wind, noise, light, pollution, and temperature between North Lawrence's commercial/transportation infrastructure and its residential areas.	LDC Planning		
	5. Provide educational opportunities through informal volunteer programs; formal internships, classes and workshops; day care and school related activities; tours; special events; written materials; etc.			
	6. Provide recreation, relaxation, and spiritual contemplation	KS Agritourism		

	opportunities conventionally associated with traditional farm operations and environments, including birdwatching, walking, camping, farm tours, playing, picnicking, outdoor cooking, etc.	Registration		
	7. Enhance the quality of life for the neighborhood and region through the esthetic value of attractively managed farm and open space.			
	8. Maintain ownership of the Pinwheel Farm land so that it is not “cashed in” for windfall personal gain; ownership of some portions may be transferred to recognize purchasers’ real investment in the community of the farm and to further the long term goals of the farm.			
	9. Lease or purchase, if feasible, additional adjacent land to be used as part and parcel of the farm in a manner consistent with existing farm policies and operations; revise CUP to cover any such land as needed.			
B. Operate an environmentally sustainable, financially profitable, diverse, integrated, flexible, and increasing agricultural enterprise that will be continued in perpetuity by family or other interested parties, producing these and other primary products and value-added products there-of, for use by farm residents and participants as well as for sale directly to consumers, to	1. Meat products, including lamb and mutton, other small ruminant, poultry, limited beef and pork, and specialty such as rabbit; meat by-products (tallow, soap, bone, horn, pelts, leather, pet food); colostrum, milk, and processed dairy products (from small ruminants, limited cattle); eggs (various species); other animal products.	KSDA Meat, Dairy, Eggs, Weights & Measures		
	2. Horticultural products, including vegetables, fruits and nuts (soil-grown, high tunnel, greenhouse, wild-crafted, etc.); mushrooms; sprouts and shoots; edible grains and other staples; etc.	Weights & Measures; Mushroom inspection requirement		
	3. Fibers, including wool, angora, camelid, and other animal fibers; plant fibers such as linen and cotton; value-added products from these fibers such as washed wool, yarn, felt, yarn and felt products; paper and paper products; natural plant and mineral dyes; etc.	Federal ban on pet fur products		
	4. Bee products, including honey and honey/wax products; other			

local institutions and businesses, and occasionally to national or international customers.	insect products.			
	5. Nursery products, including bedding plants, perennials, live trees, etc.	KSDA ; APHIS?		
	6. Horses for working and transportation, including limited breeding, training, and boarding of horses for these purposes.			
	7. Seeds and seed products, including plant breeding, cultivar development and selection, and growing out of non-GMO, non-patented seeds for planting, sale, sprouting and other uses.	KSDA; APHIS?		
	8. Forest products, including nuts and other food and feed; lumber and other building/construction/fabrication materials; fence posts; basket materials; artist's charcoal; etc.			
	9. Fish, frogs, crayfish, and other aquatic species for food and other beneficial use.			
	10. Worms and other invertebrate species for food and other beneficial use.			
	11. Fungal and microbial products for food or other beneficial use, including mushrooms, algae, yeast, etc.			
	12. Legal harvesting of wild animals naturally occurring at the farm, especially those that can have an adverse economic impact on domestic plants, livestock and other farm production, including deer, rabbit, squirrel, woodchuck, etc., for meat, furs, and other products.	KS Parks& Wildlife— hunting/trapping licenses		
	13. Livestock feed, including pasture; hay and fresh-cut feed; storage crops such as pumpkins and root vegetables; coppiced browse.			
	14. Soil amendments, including manure, compost, etc.			
	15. Tools and machines of wood, fiber, metal, for farming and processing of farm products, including breeding and training working farm animals as living machines; small-scale production of tools from farm products and farming by-products.			
	16. Pumping, collection, processing and storage of water for on-farm use by farm residents and participants.	LDCHA, KHDE, EPA		

C. Procure, store, use, repair, and maintain the supplies, tools, equipment, facilities, and infrastructure to support production and processing of farm products.	17. Energy, including solar and wind energy (primarily for on-farm use); firewood; direct bio-energy (draft animals, pedal-power, etc.)			
	18. Conduct ongoing research and development for improved methods, tools, and processes for carrying out any and all farm-related operations, including both production and conservation aspects in all areas.			
	1. Vehicles and other conveyances for transportation of people, animals, tools, materials, supplies, products, etc. to carry out the work of the farm and normal living for farm residents and participants.	DMV		
	2. Tools, both primary and secondary, as needed to carry out the work of the farm and normal living for farm residents and participants.			
	3. Shelters, tools, materials, and other infrastructure as needed to properly preserve, store, maintain, and repair vehicles, conveyances, and other farm- and living-related equipment.			
	4. Fences, gates, pens, posts, styles, moats, trenches, cattle guards, etc. to contain and exclude animals and people as needed, designate various areas, control traffic, denote boundaries, provide security, and other purposes.			
	5. Shelters; watering, feeding and handling facilities; and equipment and feed with adequate storage facilities, as needed to properly manage and care for livestock and other farm animals throughout the life cycle.			
	6. Milking, dairy processing and storage facilities for dairy production.	KSDA Dairy		
	7. Shelters, trellises, tools, equipment, supplies, water and wastewater systems, and storage to support horticultural production and distribution.			
	8. Specialty facilities, tools, supplies, storage, etc. as needed for the production, processing, storage and sale of all primary and value-added farm products.			

D. To provide practical, emotional and spiritual support to farm residents, participants, and neighbors through the life cycle, as long as our generations may extend.	1. Handicap accessible and child-friendly residences, farm infrastructure, and recreational facilities for use by owners/residents from birth through end-of-life.	ADA, LDCHD, KDHE		
	2. Affordable, healthy food for farm owners, residents, and participants.			
	3. Accommodations (shelter, food, etc.) for care-givers for residents needing such assistance.			
	4. Opportunity for lifetime employment for owners/residents that can adapt to meet changing abilities/needs/interests			
	5. Opportunity for rental income and/or room/board-for-work trade to provide material support for owners/residents.			
	6. "Extended family" environment for owners'/residents' families with young or elderly members.			
	7. Resting place for cremation remains and pet burials for owners/residents.			
	8. Emergency preparedness facilities, equipment and materials, and training in the use thereof.			
Carry out these goals in an organized and well-regulated manner, compliant with regulatory requirements to the extent these are known.	9. All business activities necessary and/or customary for the management of the farm enterprise, including record-keeping, accounting, collection and remittance of taxes, ordering, delivering, receiving, communication, promotion, human resource management, etc.	Too numerous to mention		
	10. Establish, apply, and periodically re-evaluate comprehensive written guidelines, policies, plans and Standard Operating Procedures to guide short-term decisions so that they support the long-term goals.			
	11. Work with local, regional, state and national organizations, agencies, and other entities to ensure that the privileges and opportunities protected by this Conditional Use Permit are available to others in perpetuity.	"		
	12. Maintain all applicable licenses, permits, inspections, memberships, etc. as needed.	"		

PINWHEEL FARM CAMPING GUIDELINES

Overview: Camping is an activity many people logically associate with rural life, farming, “simple living”, etc. Many people are therefore surprised to learn that it is expressly prohibited on land zoned for agricultural use in Douglas County. Even the presence of an unused camper, or the use of a camper as storage, office space, or “break room” for farm staff, can bring regulatory scrutiny and challenge. A key purpose of seeking a Conditional Use Permit is to create legal, thoughtfully managed opportunities for people associated with the farm to experience the close connection with the natural and farm environment that comes most easily from living outside the insulated, sound-deadening walls of conventionally constructed energy-efficient modern homes filled with the conveniences of modern life.

In carrying out the educational and production aspects of its mission, Pinwheel Farm provides extensive hands-on training to people desiring to become farmers. In return, farm volunteers, interns, etc. provide the majority of our short-term labor needs. Small-scale private camping in RVs and tents will support the ongoing operation of Pinwheel Farm as a food production and farmer training enterprise by meeting the basic human needs of farm participants in an economically and environmentally sustainable manner. Camping is not intended as a stand-alone enterprise separate from the farm business; it will only be available to farm residents’ family, friends, and farm participants. It is not intended to compete with local public or for-profit campgrounds, nor with conventional short or long-term housing.

Many of our volunteers are in Kansas short-term while traveling across the U.S. through World-wide Opportunities on Organic Farms (WWOOF USA and WWOOF International). Some have requested to bring their own camping unit in which they are journeying to many farms. Other WWOOF participants may prefer to experience the close relationship with the farm environment possible only through staying in a tent during their sojourn here. Differences in personal habit may make it most comfortable for WWOOFers and other out-of-town visitors to use Pinwheel Farm camping accommodations rather than share a permanent farm resident’s living quarters. Even local farm participants may wish to enjoy the experience of camp life.

Another aspect of the need for camping at Pinwheel Farm is that certain farm activities need people to be on-call around the clock or to be available at odd hours of the day. During lambing, it is sometimes necessary to check ewes or lambs throughout the night. In a camping situation, one can much more readily sense the activities of farm animals. This is also true when evaluating and/or addressing predator or pest problems, to observe or confront these animals in their natural routines. During very hot weather, it is good to work very early and late, and have on-farm accommodations for taking a siesta in the mid-day. After the covered wagon, one of America’s first RVs was the distinctive, traditional sheepherder’s wagon that enabled the shepherd to live with the flock.

Camping provides inexpensive, flexible, environmentally-friendly housing to meet changing needs for short-term resident farm participants. Camping is also a quintessential part of the rural experience for those who come to us from urban areas, and helps participants connect more intimately with the natural farm environment.

Camping will replace some of the previous high-density residential use of the houses associated with the farm, so the net increase in residents at the farm at any one time will not be as high as the numbers may appear.

Like all farm activities, camping will be supervised by long term Pinwheel Farm residents to ensure that there is minimal negative impact to neighbors and surrounding properties. Activity levels and population density will not differ drastically from existing and historical norms for the neighborhood, both at Pinwheel Farm and among neighbors. Feedback from neighbors is welcome so that we can rapidly address any isolated problems that may arise.

Camping at the farm is covered under the agritourism liability waiver: *“Under Kansas law, there is no liability for an injury or death of a participant in a registered agritourism activity conducted at this registered agritourism location if such injury or death results from the inherent risks of such agritourism activity. Inherent risks of agritourism include, but shall not be limited to, the potential of you as a participant to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this registered agritourism activity.”*

All Pinwheel Farm policies, guidelines, and SOPs are subject to review and revision in response to specific problems or to reflect on-going improvements and changes at the farm.

Guiding Principles and Details:

1. “Small is beautiful”. Camping activities will be limited in several dimensions, consistent with the small scale of our farm.

–Most camping will be from April to October. However, camping may occur at any season depending on farm needs and participant desires. Regular camping may begin in early March (to accommodate lambing assistants “living with” the flock) and may last through the second weekend in December (to accommodate friends participating in the Christmas Parade).

–Camping will be operated as an adjunct to farm operations, not as a stand-alone enterprise intended to make a profit. However, campers may be charged a cleaning/damage deposit and a modest one-time orientation fee to compensate for the time and overhead involved in making arrangements for their stay. A nightly, weekly, or monthly fee will not be charged for camping.

–No more than 4 self-contained camping trailers or RVs and/or up to 4 tents at a time, with a maximum of 6 units housing up to 12 adults at any given time. (Note: In the foreseeable future, the landowner’s tent camper and a key farm volunteer’s “Scamp” mini camping trailer will constitute 2 of the trailer/RV units most of the time, and one or both of these units will often be vacant.)

–Vacant camping trailers or RVs will count towards the total number of units present at any

given time. Any vacant units will be the property of currently active farm volunteers, and may be present year-around. Non-permanent carport-type shelters may be used to protect such units. (Again, this will initially consist of the landowner's tent camper and a key farm volunteer's Scamp.)

–Camping will not be publicly promoted in any way, although it will be mentioned as a housing option in farm volunteer opportunity descriptions.

2. “It is easier to pass through a needle’s eye than to enter the kingdom of Pinwheel Farm camping”.

–Camping is limited to active farm participants, guests and family of farm residents.

--Accommodation for all disabilities may not always be feasible in the camping and working farm environment, however, we will gladly do our best with available resources.

--Campers must be US citizens or properly documented foreign visitors.

–All campers shall comply with the Pinwheel Farm General Policies and Environmental Policies, including no drinking, drugs, weapons, fireworks, noise restrictions, etc. A synopsis of these policies as they particularly apply to campers will be given to each camper and posted near camping areas. Campers who do not comply will be requested to leave.

--Campers who break the law will be reported to authorities promptly.

3. “Leave nothing but tracks, and well-kept records”.

–Name, permanent address, phone numbers, email address, etc. shall be kept on file for each person using the camping facilities.

--License and registration information will be kept on file for each camping vehicle using the camping facilities.

4. “Essential needs of daily living must be provided, consistent with applicable regulations”.

–Potable water needs will be met in accordance with all discernable applicable regulations. Based on usage (<25 people < 60 days per year), as a non-public water system we can allow campers to use the farm's well water. Such use will be at the user's own risk under the Agritourism waiver. Treated potable water can be obtained, if desired, from many other sources including bottled water, public campgrounds, and the City water treatment plant.

–Sewage holding tanks can be dumped at KOA or Clinton Lake. Small “cassette” type chemical toilets can be emptied into the pit privy or a household toilet, or taken to KOA's dumping facility.

–Trash and recycling service for campers will be combined with Pinwheel Farm’s regular weekly trash and recycling pickup services (as of this time, we contract with Honey Creek for solid waste and Sunflower Recycling for recycling).

–Fire safety measures will be enforced, including fire extinguishers in all camping units. Open flames will be allowed only in designated areas during appropriate weather conditions. Water and emergency equipment will be available in those areas.

–Fire protection for the farm is provided by Lawrence Fire Dept. through Grant Township. There are two hydrants near the RV camping area, and critical portions of the drive serving the area will be posted as a fire lane to be kept clear at all times.

–A phone, first aid kit, storm shelter area, and similar emergency preparedness provisions will be accessible to campers at a nearby residence or at the farm facilities.

–Until properly permitted on-farm facilities are constructed, laundry and shower needs may be met in town at a variety of locations, at KOA, or by special arrangements with the farm residents.

–Battery charging accommodations can be arranged on-farm on a case-by-case basis.

5. “Do unto others as you would have them do unto you”.

–No engines or gas generators will be used for power supply to campers while on the farm to prevent annoyance, fumes and fire hazard, except for emergency use in the case of neighborhood power failure.

–Bright lights will be shielded to prevent annoyance to neighbors or other farm residents/participants.

–Camping areas will be kept in a neat, safe and sanitary manner.

–Camping units in active use shall be placed in areas that are reasonably screened from view of street or neighbors.

–Neighbors will be provided with a means of communicating with the farm owner/management any concerns that may arise specifically related to the operation of the camping area. Concerns will be taken seriously, and every reasonable effort will be made to implement satisfactory solutions.

–Campers will park off-street. All vehicles, camping trailers and RVs must be properly tagged and insured if applicable, and must be in road worthy condition.

–Campers will avoid backing onto North St. from Pinwheel Farm driveways. When doing so is unavoidable, they will make a reasonable attempt to have someone directing traffic and

undertake such maneuvers at times when traffic is light.

–Small children must be supervised by designated caregivers at all times. Older children must be supervised to the extent appropriate for safety of themselves and farm property, and to ensure that they comply with all applicable policies.

–Abandoned camping units may be removed at owner's expense after 3 days of apparent abandonment if satisfactory arrangements cannot be made by phone or email. A letter informing the unit owner will be mailed to their last known mailing address.

6. "Pets are people, too"

–Pets will be allowed only if confined, quiet, and properly cared for, including current vaccinations.

--Only the statutorily allowed number of dogs will reside at the farm at any one time, between the landowner's dogs and any campers' dogs. Additional dogs may be present with day visitors for limited times.

--Any animal known to be aggressive with people or other animals will not be allowed.

--Owners will manage their pets' waste in a sanitary manner consistent with farm policies and procedures.

--A pet deposit will be charged.

--Pets may not be left unattended by their owners/guardians for more than 8 hours at a time while at the farm. Pets will be housed and cared for in a humane manner.

--Pet policies will be posted at the farm for both resident and non-resident pets.

PINWHEEL FARM GENERAL POLICIES

Note: All Pinwheel Farm policies, guidelines, and SOPs are subject to review and revision in response to specific problems or to reflect on-going improvements and changes at the farm. Your input is welcome at any time.

OUR MISSION

Pinwheel Farm's mission is to help people to live simply, sustainably, and spiritually as part of the Earth's community of life by developing, modeling and teaching innovative alternatives to conventional input-dependent agriculture and consumerist lifestyles and economies.

The farm consists of working groups that carry out various aspects of this mission. Some individuals may be involved in just one group; others in more than one.

The Farm Group's role is to develop and carry out sustainable ways of producing, processing, marketing, and utilizing wholesome natural and agricultural products.

The Living Group's role is to explore ways of living a simple, environmentally, economically, socially, and spiritually sustainable life together in the context of the farm and its larger human and natural communities.

The Educational Group's role is to provide safe, appropriate farm-based learning experiences to people of all ages and abilities.

NOTICE OF NON-DISCRIMINATION

Pinwheel Farm does not discriminate on the basis of race, religion, gender, national origin, disability, sexual orientation, economic situation or life circumstances.

Pinwheel Farm strives to avoid gender-based roles and stereotyping in all its activities.

GENERAL POLICIES

APPLICABILITY: The Pinwheel Farm General Policies are in effect at all times and apply to all persons, regardless of their reason for being present at the farm. They are mostly common sense and good manners, so no specific effort is made to require that occasional visitors read them. A condensed version will be posted at the farm, and will be given to all regular farm participants. Pinwheel Farm staff, regular volunteers, and community gardeners should have a sound working knowledge of these policies.

ENFORCEMENT: Anyone acting in a manner inconsistent with some provision of these policies is gently informed of the particular policy and encouraged to read the entire General Policies. Discussion with Pinwheel Farm staff is encouraged. After a friendly request for compliance has thus been given, continued behavior believed by Pinwheel Farm staff to demonstrate willful and/or repeated disregard for these policies may result in the immediate suspension of the privilege of visiting Pinwheel Farm. This is necessary to ensure the safety, serenity and sanctity of the farm's natural and human communities.

In case of emergency, these policies may be temporarily waived only to the extent necessary to respond to the emergency in an appropriate and timely manner.

A. Responsibility: In order to provide community gardeners, students, and visitors with the opportunity to enjoy and use the Pinwheel Farm environment, Pinwheel Farm and its staff must count on each person taking full responsibility for themselves and their actions.

- Participants understand that “Under Kansas law, there is no liability for an injury or death of a participant in a registered agritourism activity conducted at this registered agritourism location if such injury or death results from the inherent risks of such agritourism activity. Inherent risks of agritourism include, but shall not be limited to, the potential of you as a participant to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this registered agritourism activity.”
- All children must be accompanied by a responsible adult when visiting the farm, or must be officially enrolled in an educational program. Adults are expected to supervise the children in their charge, to enforce these policies, and to remove any children who continue to behave in a manner inconsistent with these policies.
- All individuals must promptly cease and desist from any behavior upon direct request from Pinwheel Farm staff, unless to do so would immediately endanger lives.
- All interactions with non-domestic animals at PWF are considered "acts of God" for which Pinwheel Farm is not responsible.

B. General prohibitions: To preserve our peaceful, family-oriented farm environment, we absolutely insist on the following restrictions:

- Possession or use of firearms or any other weapon designed or intended for use against a human being; fireworks; or explosives of any other kind is strictly prohibited.
- Possession or use of any illegal drug is strictly prohibited.
- Consumption of alcoholic beverages, other than for bona-fide religious use, is prohibited except with written permission from Pinwheel Farm staff.
- Smoking or any other use of tobacco, other than bona-fide religious use, is prohibited everywhere on the farm except inside the smoker's own vehicle or in a designated smoking area.
- Operation of internal combustion engines is prohibited beyond the main farm gate except with explicit permission from Pinwheel Farm staff.

C. Safety, health and security: To nurture the community of life at Pinwheel Farm, including our participants, customers, and visitors; and to be good stewards of our physical facilities; everyone and everything--people, animals, plants and inanimate objects--must be treated with love, respect, and gratitude.

- Do not run, except with explicit permission and/or in designated areas; running can scare animals and/or lead to accidents.

- Do not climb, except with explicit permission and/or in designated areas; climbing may be unsafe for the structure and/or the climber.
- Do not threaten, hit, abuse or harass any person or animal (wild or domestic); treat all beings with the respect and love you desire for yourself.
- Do not wantonly damage or abuse any trees, shrubs or other plants; they are a vital part of our community.
- Pick up after yourself and others; there are designated containers for compost, recyclable materials, burnable (paper/wood/cardboard) trash and non-burnable trash.
- Leave all gates and doors in the condition in which they were found (open or closed, latched or unlatched) except as directed otherwise by Pinwheel Farm staff, for the safety of animals, people and plants.
- Light fires only with permission from Pinwheel Farm staff, in accordance with local and state regulations; properly contain, supervise, and extinguish fires.
- Use designated sanitary facilities (i.e., bathroom or latrine) in accordance with applicable regulations to preserve health and decency.
- To prevent transmission of disease and parasites, wash hands as needed, especially after using the toilet, after contact with animals or soil, and before preparing food or eating.
- Promptly notify Pinwheel Farm staff of any exposure to infectious diseases that could be transmitted within the farm environment, including plant, animal, and human diseases.
- Use tools and other facilities in a safe manner to prevent damage to objects or injury to living beings.
- Wear proper protective clothing for conditions and activities to preserve your own safety and increase your enjoyment of your farm experience.
- Glitter and chewing gum can present significant clean-up hassles and can contaminate wool; please to not bring them to the farm.

D. Social, economic, and spiritual guidelines: Pinwheel Farm is set aside as a place to create and enjoy a unique environment, where we can explore what it means to live simply, based on our values, "in the world but not of the world". We want to live as citizens of a social and economic system that is based on spiritual, not financial, values. To help keep our focus on our immediate experience of reality within the farm's community of natural and human life, please honor these guidelines as best you can:

- Language and other self-expression must be appropriate and respectful of others. Please do your best to find ways of communicating pain, frustration, anger and other strong emotions without profanities, obscenities or unnecessarily loud or hostile expressions. Good communication of honest emotions is vital to living in community. This is a learning process for all of us.
- To help us direct our focus away from consumerism, materialism, and competitiveness, we ask that advertising materials not be displayed on Pinwheel Farm. This includes prominent brand names on clothing or other items; advertising or promotional paraphernalia such as cups, packaging, etc.; and college, team or other institutional designs. (If we really wanted to see advertising on the farm, we'd rent it out for billboards.)
- To help us hear the sounds of the natural world around us, we avoid the broadcast of non-live voices or music (including radio, music recordings, TV, and videos) except for

essential farm-related purposes. We prefer the "live" music of our friends of all species. The livestock sometimes have important things to say to us; we need to be able to hear them if they are in trouble. Furthermore, many of the verbal messages that are commonly recorded or broadcast are inconsistent with what we are trying to create and teach here.

- We ask that you refrain from lengthy discussion or prominent display of popular media-related subjects or characters (movies, cartoon characters, electronic games, etc.) while at the farm. There are plenty of other times and places to enjoy these cultural icons without bringing them into the distinctly separate environment of Pinwheel Farm.

PEOPLE AT THE FARM

Pinwheel Farm has a strong tradition of being a welcoming place for people of all ages and abilities to experience God's creation and learn about farming and nature. However, because unrestricted visitors can overwhelm available resources and interfere with essential stewardship activities, Pinwheel Farm residents may control access to the farm according to each visitor's status. Residents' authority does not extend to Pinwheel Farm landowners or any person acting on behalf of the landowners as Power of Attorney or designated landowner's representative.

"Landowner" refers to the legal holder of title to the real estate where Pinwheel Farm resides. In the event that Pinwheel Farm leases property from other landowners, there may be more than one landowner. Duly designated landowner representatives and Powers of Attorney may act as landowner when to do so is in keeping with their responsibilities to the legal landowner.

"Partner" refers to one or more individual who have entered into a formal agreement with the landowner to share the management, work and financial return for specified aspects of the farm. . Duly designated partner representatives and powers of attorney may act as landowner when to do so is in keeping with their responsibilities to the legal landowner. The partner shall have authority over the landowner, their designated representatives, or powers of attorney only to the extent granted in the partnership agreement. The partner shall, however, have authority over all other people at the farm, consistent with each person's designated role at the farm.

"Steward" refers to the key individual(s) responsible for overseeing day-to-day management of the farm, long-term planning, and general care of and responsibility for everything that is not expressly assigned to someone else's care. In most cases the landowner and/or a partner will fill the role of steward of the farm. When the steward position is filled by someone other than the landowner, the steward shall have no authority over the landowner or partner, their designated representatives, or powers of attorney. The stewards shall, however, have authority over all other people at the farm, consistent with each person's designated role at the farm.

"Staff" includes the landowner, partner(s), steward(s), apprentices, interns, volunteers, contract labor, and employees; i.e., those actively engaged in the business and day-to-day operation of Pinwheel Farm. It does not necessarily signify a condition of compensated employment by Pinwheel Farm for tax, legal or accounting purposes.

"Residents" are individuals who live at Pinwheel Farm; they may or may not be regularly involved with Pinwheel Farm activities.

“Community gardeners” are individuals or groups who use a designated portion of Pinwheel Farm land and other resources to produce food for their personal use.

“Tenant Farmers” are individuals or groups who use a portion of Pinwheel Farm land and other resources to produce agricultural products for sale.

"Farm Participants" are people who have hands-on involvement in physical, business and/or management activities on the farm as staff, community gardeners, residents, etc.

"Priority Visitors" are people who may not be frequently or regularly present on the farm, but have legitimate business at the farm, and/or who, by nature of their relationship to the landowner(s) or prior involvement with the farm, deserve special consideration. They should have free access to all parts of the farm to meet their reasonable needs. Priority visitors include, but are not limited to:

- Anyone accompanied by the landowner, the landowner's Power of Attorney, or landowner's representative;
- The immediate family of the landowner(s): parents Tom and Monta Manney, sisters Ruth Patrick and Gloria Manney and their partners and children, daughter Namaste Manney and her partner and children;
- Ross and Jeanne Lunz and anyone accompanied by them (Ross built the Torii for their wedding at the farm);
- Representatives and agents of government agencies with legitimate need for access to carry out official duties, including but not limited to people affiliated with Farm Service Agency, Maple Grove Drainage District, Douglas County Code Enforcement, etc.;
- Individuals assigned by the landowner or steward(s) to carry out business and property management activities on their behalf, including people acting as duly authorized Powers of Attorney or landowner's representative, and workers employed by the landowner to give advice regarding, make estimates for, or perform specified work.

"Farm Visitors" are people who visit the farm infrequently and do not have significant business, physical or managerial involvement with the farm, who are at the farm for informal and/or unpaid educational or recreational purposes.

"Customers" are people whose relationship with the farm is primarily to purchase farm products or services, or educational or recreational activities for which admission or fees are charged, whether at the farm location or at other venues.

Landowner, partners, and/or steward(s) will work with staff, farm participants, visitors and customers to set conditions for access (dates, times, walking in vs. driving in, route to take, disposition of gates, use of tools and facilities, interactions with livestock, etc.) that will allow them to carry out their activities while not unduly interfering with others' activities. Landowner, partners, and/or stewards(s) can restrict or refuse access or service to anyone, so long as such control is not exercised in an abusive or discriminatory manner, and is in compliance with any applicable regulations or laws.

PEOPLE NOT AT THE FARM

People being people, the farm has had a few bad experiences.

“Expatriates” are people who have at one time had a beneficial relationship with Pinwheel Farm, but who have been banned from presence or participation at the farm for cause. In most cases these are people who, through deliberate actions or negligence, have incurred significant debts to the farm or caused significant expenses, in excess of their contributions, that remain unpaid. A few have been banned for verbal or physical violence against the landowner and/or property the farm. A list of expatriates is available to landowner, partner(s), stewards or staff, and to others on a need-to-know basis only.

It is not Pinwheel Farm’s intent to maintain a punitive relationship with these individuals, but rather to set healthy boundaries and prevent further abuse of Pinwheel Farm resources until restitution is made and a positive relationship can be restored. Individuals may be proposed for addition or removal from the list of expatriates by the landowner, partner(s), stewards or staff. Such changes will be considered by these parties.

If an individual refuses a request from Pinwheel Farm staff to vacate the premises for violation of the General Policies, and the aid of law enforcement officers is required to escort the individual off the property, that person will immediately be considered an expatriate.

February, 2010

PINWHEEL FARM ENVIRONMENTAL POLICIES

These policies apply to all areas of Pinwheel Farm (PWF), including the houses, outbuildings, yard, farm ground, and wilderness areas. They are incorporated by reference in all agreements pertaining to the use of Pinwheel Farm and its resources. “Landowner” means Natalya M. Lowther, property owner of Pinwheel Farm.

These policies represent goals, not accomplishments. In some cases, they have been inspired by mistakes which we hope not to repeat. They are intended to guide our daily work on the farm to ensure that the broad and lasting effects of our decisions are considered.

All Pinwheel Farm policies, guidelines, and SOPs are subject to review and revision in response to specific problems or to reflect on-going improvements and changes at the farm.

NO-SPRAY ZONE

Pinwheel Farm shall be registered with appropriate authorities as a “no-spray zone” to prevent spray drift from pesticide applications in the local area from affecting the Pinwheel Farm environment. This includes Douglas County and the State of Kansas.

Appropriate signage must be displayed on the street frontage and at intervals along property lines. Adjoining neighbors should be notified of Pinwheel Farm’s no-spray status, and educated about the consequences of inappropriate pesticide use.

Any exceptions to the no-spray zone shall be on a case-by-case basis and shall be authorized in writing by the landowner prior to spraying.

INSECT CONTROL

Use of any form of insecticide is strongly discouraged, in order that a natural ecological balance may be developed and maintained. Under no conditions shall compounds containing potentially harmful minerals such as copper or arsenic be applied to Pinwheel Farm soils.

Insect control shall be by mechanical (row covers, hand picking, etc.) or naturally-occurring biological means whenever feasible. Mineral and botanical pesticides may also be used, except arsenic- or copper-containing compounds are forbidden to avoid long-term accumulations that could be toxic to sheep or contaminate water sources. Use of chemicals should favor compounds that degrade quickly, such as pyrethroids over slower-degrading chemicals. All use of chemicals must be in strict compliance with labeled directions.

Chemical control shall be limited to the following situations, unless case-by-case approval is granted by the landowner. *Such use must not present a possibility of contamination of products to be consumed or sold.*

- Control of internal and external parasites, such as worms, ticks, and fleas, on humans and animals.

PINWHEEL FARM ENVIRONMENTAL POLICIES

These policies apply to all areas of Pinwheel Farm (PWF), including the houses, outbuildings, yard, farm ground, and wilderness areas. They are incorporated by reference in all agreements pertaining to the use of Pinwheel Farm and its resources. “Landowner” means Natalya M. Lowther, property owner of Pinwheel Farm.

These policies represent goals, not accomplishments. In some cases, they have been inspired by mistakes which we hope not to repeat. They are intended to guide our daily work on the farm to ensure that the broad and lasting effects of our decisions are considered.

All Pinwheel Farm policies, guidelines, and SOPs are subject to review and revision in response to specific problems or to reflect on-going improvements and changes at the farm.

NO-SPRAY ZONE

Pinwheel Farm shall be registered with appropriate authorities as a “no-spray zone” to prevent spray drift from pesticide applications in the local area from affecting the Pinwheel Farm environment. This includes Douglas County and the State of Kansas.

Appropriate signage must be displayed on the street frontage and at intervals along property lines. Adjoining neighbors should be notified of Pinwheel Farm’s no-spray status, and educated about the consequences of inappropriate pesticide use.

Any exceptions to the no-spray zone shall be on a case-by-case basis and shall be authorized in writing by the landowner prior to spraying.

INSECT CONTROL

Use of any form of insecticide is strongly discouraged, in order that a natural ecological balance may be developed and maintained. Under no conditions shall compounds containing potentially harmful minerals such as copper or arsenic be applied to Pinwheel Farm soils.

Insect control shall be by mechanical (row covers, hand picking, etc.) or naturally-occurring biological means whenever feasible. Mineral and botanical pesticides may also be used, except arsenic- or copper-containing compounds are forbidden to avoid long-term accumulations that could be toxic to sheep or contaminate water sources. Use of chemicals should favor compounds that degrade quickly, such as pyrethroids over slower-degrading chemicals. All use of chemicals must be in strict compliance with labeled directions.

Chemical control shall be limited to the following situations, unless case-by-case approval is granted by the landowner. *Such use must not present a possibility of contamination of products to be consumed or sold.*

- Control of internal and external parasites, such as worms, ticks, and fleas, on humans and animals.

- Use of personal insect repellents.
- Use of targeted sprays to kill wasp colonies on their nests.
- Extermination and prevention treatments to protect the house and other major outbuildings from termites or other destructive insects.
- Spot treatments to manage ants, roaches or other household pests inside buildings.
- Chemical control of fiber pests in areas where fibers are used, stored or sold.

WEED CONTROL

Weeds should be controlled manually, by pulling, digging, pruning, heavy mulching, and preventing seed production. In some cases altering the pH or fertility of the soil may discourage particular plants, or grazing may provide control.

Chemical weed control shall be limited to spot treatment of poison ivy or other dangerous or noxious weeds that cannot reasonably be controlled by other means. Label directions must be followed scrupulously. Every possible precaution must be taken to prevent spray or vapor drift to sensitive plants including grapes, fruit trees, tomato plants, and many other vegetables and ornamentals.

Herbicides shall not be used in the garden area or its surrounding paths and lanes without specific written authorization by the landowner.

All weeds designated as noxious weeds by the State of Kansas must be controlled at all times. These weeds include, but are not limited to:

- Musk thistle
- Johnson grass
- Bindweed
- Wild Hemp
- Sericea lespediza
- Jimson weed*

Additionally, the following weeds are considered “Pinwheel Farm Noxious Weeds” and should be kept under control:

- Dodder
- Cocklebur
- Burdock (if cultivated must NOT be allowed to seed)*
- Poison Ivy
- White Snakeroot
- Spanish needles (Tagetes)
- Bedstraw
- Hedge parsley
- Japanese Hop vine
- Caltrops/Puncture vine*
- Bur grass/Sandbur
- Horsenettle
- Sweet Annie

- Any other plant producing burs or thorns which may contaminate wool or injure people or domesticated animals, unless cultivated or maintained for a specific beneficial use
- Any other plant presenting a poisoning hazard to people or domesticated animals, unless cultivated or maintained for a specific beneficial use.
- Any prolifically self-seeding plant, such as dock, should be considered a PWF noxious weed in the garden and yard areas.
- Any rhizomaceous plant, such as Bermuda Grass, Smooth brome grass, etc., should be considered a PWF noxious weed in the cultivated garden areas.
- Any vining plant, such as wild buckwheat or morning glory, that poses a tangling hazard for people, animals and equipment should be considered a PWF noxious weed in the garden and yard areas.

*These have not been found on Pinwheel Farm as of Sept. 12, 2006.

Landowner should be notified of any weed infestations covered by this section.

RODENT CONTROL

Rodents and other destructive animals (including mice, rats, squirrels, rabbits, woodchucks, etc.) shall be controlled by mechanical or biological deterrence whenever possible, including packaging, fencing or other enclosure of the pests' targets or use of predatory (cats) or guardian (llama, geese) animals.

Trapping of rodents in buildings may be with live traps or killing traps. Drowning is a quick and effective way of disposing of animals caught in live traps.

Rodenticides may be used only in buildings and only in such a manner that humans and non-target animals will not contact either the poison or the poisoned rodents.

In certain situations, larger pests such as deer, rabbits, squirrels and woodchucks may be controlled by shooting for human consumption, in compliance with applicable regulations.

FERTILIZER

Only general types of fertilizers and soil amendments acceptable under most organic standards shall be applied to Pinwheel Farm soils. These include compost; poultry and herbivore manure; and minerals such as lime. Organic matter imported from off-farm sources shall be free of state and PWF noxious weed seeds and disease organisms of concern to domesticated animals, including sheep (parasites, footrot, caseous lymphadenitis, etc.).

Nutrient sources such as manure and compost must be managed in such a way as to prevent nutrient or microbial contamination of potable water or food products, and to prevent run-off to neighboring properties or waterways.

USE OF HAZARDOUS MATERIALS

Use of all materials considered hazardous by federal, state or local regulations shall be in strict compliance with all applicable regulations and with label directions. Hazardous materials shall be clearly labeled and safely stored at all times to prevent contamination of property or accidental exposure of humans or animals. Materials used and/or stored on the farm shall be limited to those intended for general consumer use and commonly available from hardware or farm stores. Materials should be purchased and stored in the smallest packages available that will fulfill their intended use. Once a package has been opened, the package should be stored in a rigid plastic container clearly and permanently labeled "Danger-Pesticide".

HOUSEHOLD HAZARDOUS WASTE DISPOSAL

Packaging and spent or unused products that may contain hazardous materials should be disposed in accordance with label recommendations or according to recommendations of the City of Lawrence Household Hazardous Waste Disposal Program. Under no circumstances may such waste be burned, buried, or otherwise disposed on Pinwheel Farm property.

NON-HAZARDOUS WASTE DISPOSAL

Household trash must be disposed of in an approved sanitary landfill.

Vegetable scraps, weeds, etc. should be fed to animals when appropriate, or composted.

Certain noxious weed waste (any part that can reproduce) should be disposed of in an approved sanitary landfill, by burning, or other method suitable to prevent their spread.

Recycling of glass, metals, etc. is strongly encouraged when feasible.

Non-recyclable waste, and all waste not disposed by other methods, should be sent to an approved sanitary landfill.

Burnable waste such as paper, cardboard, wood, brush, etc. may be burned in a contained facility (barrel) or in a safely located and maintained brush pile. At present no permit is required for burning because of the farm's location in Grant Township. However, the Lawrence Fire Department should be notified prior to burning a brush pile and after completion of the burn. Brush pile fires should be attended at all times, and thoroughly extinguished before they are left unsupervised. All reasonable safety precautions must be observed when burning, including selecting an appropriate day with minimal wind, having tools and water available, excluding livestock from the burn area, and supervising fires at all times. Fires should not be allowed to create smoke that would be a nuisance to the neighbors.

Dead animals and slaughter waste shall be disposed by burial at least 3' deep in a designated area, or shall be composted for at least 1 year in properly constructed and maintained animal compost facilities. A rough map of the location of all burials shall be maintained to minimize digging up an old grave when creating a new one.

New additions to the animal compost piles shall be covered immediately with at least 8" of

compacted barn waste, hay, dry leaves, or straw, and pile must be thoroughly wetted within 24 hours and monitored to prevent objectionable odors. If objectionable odors are noticed, additional cover and water shall be added until the problem is remedied. Outside of pile shall be protected with metal panels, and the top of the pile shall be covered with chain link fencing to prevent scavengers from digging in the pile.

STEWARDSHIP OF SURFACE WATER; STORMWATER MANAGEMENT

Pinwheel Farm is bordered by a major public drainage ditch on the west side of the pasture, as well as a smaller local drainage area on the north. The Conservation Reserve Program set-aside ground provides protection for these waterways from run-off from farm operations. Nevertheless, at times of heavy rainfall the entire farm may be covered in standing water for short periods of time. Farm activities should be conducted in a manner such that animal wastes or excessive organic fertilizers dissolved or suspended in water are confined as much as possible to PWF property, flowing neither to the drainage ditches nor to neighbors' yards. Stormwater from roofs should be recycled for agricultural or household use whenever feasible.

STEWARDSHIP OF GROUNDWATER

All household and farming activities should be carried out in such a manner as to avoid contamination of the groundwater. Water table is at approximately 20', and soil is highly permeable, so it should be assumed that any liquid or soluble material placed on the ground or run through the septic system will eventually reach the groundwater, on which the farm and many of its neighbors depend for irrigation, livestock water, and household use, and drinking.

Landowner's written permission is required, in addition to compliance with all applicable regulations and Best Management Practices, for any work that might significantly affect the groundwater such as well installation or changes to sanitary waste disposal systems.

STEWARDSHIP OF SOIL

No business activities may be conducted that would result in a significant export of soil from the farm. For example, selling nursery stock potted in PWF soil is prohibited. Importation of soil from other locations is forbidden without written permission of the landowner.

Rocks and gravel may be imported to the farm for specific essential uses including drainage around hydrants; resurfacing of existing driveway; or use in mixing cement. Other uses or placement of rocks or gravel must be approved by the landowner prior to importation. Sand may be used at will anywhere on the farm.

When possible, farming, repair and construction activities should be carried out with a minimum of disturbance to the existing soil location, profile, structure and ecology. This favors no-till methods over hand digging, and hand digging over mechanical tillage.

Potentially toxic minerals such as copper must not be applied to the soil. Occasional limited topical use for specific health concerns (i.e., footrot in sheep) may be made with careful attention

to the long-term consequences of non-degradable toxins in the environment, bearing in mind that sheep can bioaccumulate copper to toxic levels much quicker than other animals.

Activities, especially those involving access by motor vehicle, should take into consideration soil conditions to avoid compaction and/or rutting of the soil.

BIOSECURITY

Reasonable precautions should be taken in daily activities as well as decision-making to avoid importation and establishment of life forms, including disease organisms, parasites, weeds, vermin, etc., at Pinwheel Farm that:

- Are not already present in the Pinwheel Farm environment;
- Would be difficult, time-consuming, or costly to eradicate from the Pinwheel Farm environment; and
- Would negatively affect the health or productivity of desirable species at Pinwheel Farm.

Precautions include, but should not be limited to:

- Carefully assessing the health status of any live animals and plants to be brought to Pinwheel Farm, and not bringing to the farm any plants or animals that may be infected with a communicable disease or parasite;
- Being aware of the potential for bringing in disease organisms or parasites on raw agricultural products brought to the farm, such as feedstuffs, fiber or other animal products from other farms, and using appropriate selection, segregation, and disposal methods to prevent infection/infestation; and
- Being aware of the potential to transport disease organisms or parasites on clothing, shoes, equipment, vehicle tires, etc., that have been used on other farms, and decontaminating or restricting access to the farm of such vectors.

AIR QUALITY

Farming and household operations should be carried out in such a way as to minimize any odor problems that might affect the neighbors. Care should be taken to avoid situations creating or leading to undue air-borne particulate matter, including dust, noxious pollen from non-economic plants, or heavy smoke.

NOISE

Farming, daily living, and recreational/cultural activities shall be carried out in such a way that does not produce loud or objectionable noise. In part this is for the sake of our neighbors, but loud noises can also stress the farm's animals, both domesticated and wild.

Examples of specific activities that should be limited, if not prohibited, include:

- Keeping of peafowl, guinea hens, donkeys, or other livestock that utter loud, persistent, piercing sounds;
- Loud spiritual or creative activities such as drum circles;
- Operation of power equipment outside of normal waking hours.

February, 2010

PINWHEEL FARM FOOD SAFETY PLAN

Food safety—the overall wholesomeness of the farm’s food products, including especially its freedom from disease-causing agents, chemical contamination, toxic materials, and harmful foreign objects—is the foundation of Pinwheel Farm’s economic sustainability, its relationship with its greater human community, and, in the long run, the farm’s very existence as a farm.

Food safety is especially important due to the nature of our customers. The individuals that purchase our products at the Farmer’s Market must trust that we are giving the best, safest food available, or they would take their business to other vendors. The customers in the Lawrence Memorial Hospital cafeteria, to which we supply salad greens and other fresh vegetables and herbs, must trust that they will be served food that will not make them sick even though their presence in that location increases the likelihood that they may have excessively challenged or compromised immune systems. Our restaurant customers would be soon out of business if their customers became ill when our products are served to them. The physical and economic health of our broader human community depends on the safety of our food.

As a very small farm using unconventional sustainable productions methods, many agro-industrial production and handling standards are not appropriate. FDA and USDA recognize this dilemma in their “Guidance for Industry--Guide to Minimize Microbial Food Safety Hazards for Fresh Fruits and Vegetables” (1) which states in part,

“The agencies [FDA and USDA] encourage growers, packers, and shippers to use the general recommendations in this guidance to tailor food safety practices appropriate to their particular operations. An alternative approach may be used if such approach would effectively serve to reduce microbial hazards that could result in foodborne illness and if such approach satisfies applicable statutes and regulations.”

“Because of the diversity of agricultural practices and commodities, practices recommended to minimize microbial contamination will be most effective when adapted to specific operations.”

Our solution is to try to keep abreast of industry standards so that the concerns underlying them can be met in appropriate, innovative ways at Pinwheel Farm to ensure a healthy food supply for our human community. This is an on-going process that must be able to adapt rapidly to operational changes that may arise due to external or internal, voluntary or involuntary situations.

The topics addressed in this plan are developed from the above-mentioned “Guidance for Industry...” and USDA Ag Marketing Service’s “Good Agricultural Practices and Good Handling Practices Audit Verification Checklist” (2).

As a framework for our Food Safety Plan, we adopt the basic principles set forth in FD/USDA’s “guidance for Industry”. These are paraphrased and expanded to better

address the context of Pinwheel Farm. By identifying basic principles of microbial food safety within the realm of growing, harvesting, packing, and transporting fresh produce, we can work towards a comprehensive awareness of food safety concerns and address those concerns intentionally as we carry out all aspects of our work at the farm.

These principles will serve as the basis for written Standard Operating Procedures (SOPs) for specific tasks, subject to change as our crops, facilities, methods, etc. evolve. All Pinwheel Farm policies and SOPs are subject to review and revision in response to specific problems or to reflect on-going improvements and changes at the farm.

Principle 1. “An ounce of prevention is worth a pound of cure”. Prevention of microbial contamination of fresh produce is favored over reliance on corrective actions once contamination has occurred. In most cases at Pinwheel Farm, corrective action means disposal of contaminated product through livestock feeding, composting, or as an extreme measure landfilling. If appropriate, potentially contaminated food may be pulled from saleable stock and made available to farm participants for use at their own risk.

Principle 2. “Do our best at all times”. We should always use good agricultural and management practices in all our work, and assure that others do so as well. We should always remember that what we grow, pick, and pack today could in fact end up on our grandparent’s or grandchildren’s plate tomorrow. Our work should reflect our love for them.

Principle 3. “Keep poop and food separate every day in every way”. Fresh produce can become microbiologically contaminated at any point along the farm-to-table food chain. In many cases, microbial contamination with fresh produce is associated with human or animal feces. Control of manure, livestock, wildlife, and dust; handwashing and other personal hygiene; water quality management; sanitation of work areas and equipment; etc. are all aspects of this principle.

Principle 4. “Water, water everywhere—and every drop should be drinkable”. Whenever water comes in contact with produce, its source and quality dictate the potential for contamination. Minimize the potential of microbial contamination from water used with fresh fruits and vegetables. This begins at the source level, and includes wellhead protection; appropriate collection and storage of process waste water and stormwater for irrigation purposes; proper conveyance, treatment, and use of process water; etc.

Principle 5. “Time is on our side” We take the time to wash hands, change boots and change clothes if indicated when moving between livestock areas and food areas. Because we integrate our livestock production closely with our horticultural production, we need to be extra careful about our separation times between foraging and harvesting, as well as between application of animal wastes and harvesting. We use only manure from our own animals or animals from farms we know well, or manure which has been professionally composted according to industry standard protocols.

Principle 6. “Healthy people produce healthy food”. Worker health, hygiene and sanitation practices during production, harvesting, sorting, packing, and transport play a critical role in minimizing the potential for microbial contamination of fresh produce. Pickers and packers should be in good health (no diarrhea or fever symptoms, no runny nose or significant cough, TB negative), wear clean clothes, confine hair, wash hands, cover coughs and sneezes with their upper arms, and other precautions customary for food service work. Workers who might compromise food safety due to a health condition are welcome to perform other essential farm tasks where food safety is not a concern, so no one should have cause to cover up a condition for fear of being denied the opportunity to participate in the work of the farm. Those in charge of food-safety-sensitive operations should be aware of their participants’ health status, and should be prepared to meet work needs in other ways if there is not adequate healthy staff.

Principle 7. “Play with the big dogs”. Follow all applicable customer, local, state, and Federal laws and regulations for agricultural and handling practices to the best of our ability, in good faith. Look for continuing education opportunities to expand our knowledge and understanding of GAPs and GHPs; share what we learn with others at the farm; and work constantly to improve our procedures and update our guidance and training documents.

Principle 8. “We take satisfaction in our work, and let folks know about it”. Accountability at all levels of our operation (production, harvest, packing, storage, transportation and sale) is important to a successful food safety program. Each worker is responsible for knowing what to do, doing it correctly, and consulting with someone more knowledgeable if there is any doubt. Labeling and recordkeeping are as important as any other work we do. If a problem arises, we need to be able to track it back to its roots so we can understand it and prevent it in the future.

Principle 9: “The best certification is the farmers’ and customers’ shadows”. Food security is an extension of food safety that is important to consider as well. While food safety addresses the inadvertent or careless contamination of food with health-threatening agents, food security addresses the deliberate, malicious contamination of food to use it as a means of harming people.

Our key means to the highest possible food quality in terms of both safety and security is the quality of people who participate in the farm. Our General Policies generally screen out those who are not enthusiastically “on our side”. We do not believe that fences, locks and strict regulation of visitors are necessary or appropriate in the context of our neighborhood farm, although occasionally specific circumstances may dictate otherwise, and we will use such precautions when they seem indicated. Living at the farm means that someone is always aware of what is going on.

Principle 10: “Have a Plan B”. We will work with local agencies to develop plans for appropriate response protocols in case of fire, tornado, flood, chemical release, and other significant emergencies. In the event of a potential epidemic of a highly contagious disease, whether naturally occurring such as Swine Flu, from accidental release from a

containment facility such as NBAF, or from intentional biological attack, Pinwheel Farm will work with experts to establish a specific plan for keeping up production and distribution of food to critical community customers such as LMH while maintaining the highest possible degree of food safety and security. This may include a “reverse quarantine” of Pinwheel Farm facilities and any volunteers who commit to participating in such a “reverse quarantine”.

Resources:

- (1) <http://www.fda.gov/downloads/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/ProduceandPlanProducts/UCM169112.pdf>
- (2) <http://www.fda.gov/downloads/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/ProduceandPlanProducts/UCM169112.pdf>).

PINWHEEL FARM CONSTRUCTION PRINCIPLES

Note: All Pinwheel Farm policies, guidelines, and SOPs are subject to review and revision in response to specific problems or to reflect on-going improvements and changes at the farm. Your input is welcome at any time.

Construction of buildings and other structures at Pinwheel Farm must be in compliance with the Pinwheel Farm Environmental Policies. The following principles offer guidance in applying the policies to construction projects at the farm.

1. **“First, do no harm”.** On Pinwheel Farm, our community consists of all living things. We should consider the effects of any construction projects on soil ecology, trees and other vegetation, wildlife, etc. For example, as much as possible, we should work around existing large trees. As trees are removed for production, health or safety purposes, and new ones are planted, we may need to rearrange facilities and work patterns to reflect a changing environment.
2. **“We can always change our minds”.** The farm’s first 12 years have showed us in no uncertain terms the reality that farming routines, needs, layout, etc. will change. Such change is often necessary to solve problems, improve efficiency, etc. Therefore all infrastructure shall be designed and constructed to allow for maximum flexibility. This is reflected by using portable buildings, temporary shelters, moveable “furniture” and equipment, and multi-use structures.
3. **“Build it like we mean it”.** While often a temporary structure devised from reusable multipurpose metal or wood panels, tarps, plastic, etc. may be perfectly adequate for a short-term use, we should use such structures to experiment, with the goal of determining whether a permanent portable structure should be constructed. Permanent structures, even if designed with their eventual relocation in mind, should be solidly constructed of durable materials. Rust, rot, pest, and moisture resistance must be considered.
4. **“It’s only going to be new until we use it, anyhow”.** Whenever feasible, reused construction materials shall be used to cut costs and make the best use resources. Also, preference should be given to using materials produced on the farm or locally produced, materials in their least processed state that will serve the need, etc. Non-residential farm buildings offer many low-risk opportunities to experiment with innovative building materials, designs and techniques and evaluate their performance over an extended time.
5. **“Weather or not, we’re going to farm”.** Wind, snow, rainwater, ice, burrowing animals, and extreme temperatures are persistent elements of our environment. Portable buildings should be properly designed, oriented and anchored to prevent them from moving in the wind, and they should support the kinds of rain and snow we are likely to receive. Changing soil conditions, including digging by wildlife, should be considered when planning soil-based support for structures.
6. **“Build it big enough”.** Though smaller structures may serve the practical purpose at hand, from the point of view of livestock and equipment, it’s essential to consider the ergonomics

of working in them over the long term. Can people stand up in them? Can cleaning tools (shovel, broom, manure fork, etc.) be easily used in them? Can appropriate conveyances (carts, etc.) be gotten through the doors to minimize work?

7. **“The road to Pinwheel Farm is paved with permeable, biodegradable materials”.** Our most treasured resource is our Class 1 soil. A primary goal is to preserve this soil for future generations. Impermeable paving materials such as concrete and asphalt interfere with the natural absorption of stormwater and increase flooding problems in the North Lawrence area. They are also expensive and difficult to install, and consume unconscionable amounts of non-renewable resources. They are expensive and difficult to relocate or remove when the farm’s needs change. The soil under such paving essentially dies from lack of natural air and water exchange, and remediation of such “killed” soils takes a long time. They should not be used at the farm.

Conventional permeable materials such as gravel lodge forever in the soil and are difficult to relocate or remove when use patterns change; therefore they are not appropriate at the farm. Gravel requires heavy equipment for installation and maintenance. Gravel also presents a temptation for children to throw it or to carry it to other locations on the farm.

History offers several permeable, biodegradable paving options that use locally produced, renewable resources. “Puncheon” is sections of log set on end as a sort of paving stone, bedded in sand and/or wood chips. “Corduroy” is lengths of logs, slabs or planks laid across the direction of travel, bedded in sand or wood chips. When these materials eventually degrade, they actually improve the soil. They shelter a complex ecosystem between and under the wood chunks. When putting a path or lane out of service, the environment itself will eventually remove them with no specific effort. In addition to other benefits, these options sequester carbon for delayed release into the atmosphere. Initial small-scale experiments with such materials on the farm show great promise.

Feb. 2010

PINWHEEL FARM LIVESTOCK GUIDELINES

Pinwheel Farm is a diversified farm integrating livestock production, vegetable and other crop production, and working animals. Currently we have sheep and llamas and Border Collies (herding dogs). Usually we have a broad range of poultry including chickens, ducks and geese. We have plans to use draft animals (most likely ponies).

It is essential that Pinwheel Farm have the right to keep the number and kind of animals that it deems appropriate to its conditions and objectives, based on complex changing conditions, to the extent that it can maintain reasonable husbandry standards based on traditional agricultural practices. Per-acre restrictions or guidelines on the number of animals kept do not reflect the ability of different farms' land, infrastructure and management practices to support a livestock population.

Pinwheel Farm must retain its animal husbandry rights even during times that it is not exercising them. We have biosecurity guidelines as part of our Environmental Policies to control the spread of livestock diseases to Pinwheel Farm; however, these are not perfect. Should we end up with certain contagious diseases of sheep or other livestock, in some cases the only remedy is to de-stock the farm of all animals subject to the disease to allow the soil and premises to decontaminate naturally. This process may take several years for some diseases. Furthermore, personal life changes (such as commuting regularly to another town to care for an ill family member) may make it prudent to temporarily alter the farm's livestock population for an extended period of time, with the intent to return to previous operations at a later date or to revamp our livestock production plans when resuming livestock operations.

This does not mean the farm will do anything and everything it wants with regard to livestock. We have our own internal guidelines for keeping livestock, including:

- Species kept will be those that can reasonably be contained on the farm, and that do not regularly make unusually loud or annoying noises (no peacocks, guinea fowl, or donkeys);
- No individual animals known to be dangerous to humans will be kept, with the exception that a limited number of prudently managed intact male animals may be kept for breeding purposes;
- Local regulations regarding dogs will be followed;
- Cats will be maintained both indoors and outdoors as working animals to control rodents and other pests;
- Only species legal under State regulations will be kept; proper permits will be obtained for any wildlife or exotic animals;
- Animals will be kept for production, training, evaluation, or working purposes, not solely for pleasure or "rescue";
- Animals will be kept on pasture or in large pens or paddocks, living reasonably natural lives, to the extent this is consistent with good husbandry, predator and disease control, and feasible according to weather and other environmental conditions;

- Feed will be produced on-farm or locally to the extent possible, and will be fed in the least-processed form available that reasonably meets operational and livestock needs;
- An on-going relationship with a livestock veterinarian familiar with our farm and production practices will be maintained; and
- Number of animals kept, and species kept, will be adjusted as deemed appropriate by farm participants to achieve a beneficial dynamic balance among all farm resources.

Temporary or long-term boarding or keeping of animals not specifically owned by Pinwheel Farm will be permitted only to the extent that such animals belong to active Pinwheel Farm participants or their families, and will be an adjunct to farm operations, not a primary enterprise. Any such boarding will be decided on a case-by-case basis to ensure that it does not conflict with general farm operations or place an inappropriate demand on farm resources. Boarding will not be advertised.

While every possible effort is made to contain our livestock on our farm, we cannot control the ability of human beings to make mistakes, nor of animals to challenge apparently sound and appropriate fences. We will attempt to remedy, in kind or in other compensation, any documented real damage done by our escaped livestock, to the extent that the damaged could not have reasonably been prevented by the aggrieved party.

In our original rezoning of the farm ground from Industrial to Agricultural, we placed a voluntary restriction (via letter to our neighbors placed in our file) on our operations saying that we would not keep hogs, in order to meet neighbor concerns about confined hog operations producing unpleasant odors or groundwater contamination. Since then we have observed small-scale pastured hog rearing on other farms, and realize that very small scale hog rearing could have significant benefits in controlling difficult noxious weeds (Johnson grass, bindweed) without the use of herbicides, and could make beneficial use of dairy and vegetable processing wastes. We will no longer abstain from the keeping of hogs in accordance with our general livestock guidelines, if doing so fits with our operational goals.

PINWHEEL FARM PRODUCTION AND PROCESSING GUIDELINES

The production and processing of natural, agricultural, and recycled products for on-farm use, for use and/or consumption by farm participants, and for sale to customers in the broader community through a variety of marketing outlets (Farmer's Market, on-farm sales, institutional customers, etc.) is at the core of Pinwheel Farm's mission and working groups.

To develop and maintain a sustainable, thriving, growing farm business, Pinwheel Farm must have the flexibility to change its products and processing at will, to meet customer demand and other environmental changes. Changing products may mean growing different crops and raising different livestock. It can also mean changing our processing of our raw agricultural products—either the form we process them into, or the procedures, tools, and materials we use to process them.

Most agricultural products require a variety of processing steps between growing and marketing. At a minimum, products must be harvested, contained, transported, cleaned in some way, stored, packaged, weighed, and distributed to the end users. Further or more detailed processing may be needed to meet regulatory, insurance, or customer requirements, to preserve raw agricultural products for future sales, or to satisfy customer demands for convenience, etc. such additional processing may be done on-farm by farm participants or contractors, or may be done off-farm by specialized processors.

Off-farm processing may be required by law for some products. We cannot legally slaughter, cut and package our lamb meat products for sale. For other products, off-farm processing helps ensure proper management of process wastes from processes such as machine-washable tanning of sheep skins. Off-farm processing of wool yields different products (large batts, roving, machine-spun yarn) than on-farm processing, appealing to different purchasers. When feasible, we use off-farm processors who are as local as possible, both to reduce transportation costs and to support our local community.

On-farm processing is required by law for some products, such as raw milk. For other products it is the only way to maintain the quality of the product, such as vegetables. On-farm processing allows us to make use of by-products that would otherwise be considered waste, such as manure, animal fats, bones, dyestuffs, etc. On-farm processing allows us to market our products in their most saleable form, while getting the best financial return on them. And it allows us to make use slow times productively, and to extend our marketing season. Examples of on-farm processing include egg washing, grading and packaging; cheese-making; rendering of animal fats; soap-making; cleaning and sanitizing of bones; composting manure; winnowing and cleaning seeds and grains; washing, trimming, and packaging vegetables; drying herbs; making jams and jellies from fruit; slaughtering limited amounts of poultry; skirting, washing, dying, carding, spinning and knitting wool and other fibers; making wreaths and baskets; constructing furniture from farm-grown materials; carving wooden items; splitting firewood; etc.

These represent normal farming and home-making activities of by-gone days, expanded to a modest cottage-industry scale.

Examples of on-farm processing of non-agricultural products that support our agricultural products, and thus are part of our agricultural enterprise, include writing and producing educational materials about farm-related topics; making specialty spinning and garden tools from recycled/reclaimed materials; sewing special production- and marketing-related clothing and equipment; etc.

Processing may require the use of purchased inputs such as containers, ingredients, labels, etc. We try to use reclaimed or recycled products whenever possible, and to purchase from local manufacturers/suppliers.

Often specialized equipment is needed for on-farm processing by Pinwheel Farm participants. Such equipment may represent a sizeable investment, yet it may only be used infrequently. To make ownership of such equipment more cost-effective, Pinwheel Farm may offer such equipment for use by other producers either on or off our farm, or may provide processing services either on or off our farm to other producers or to consumers. Such processing of products not of Pinwheel Farm origin will be an adjunct to Pinwheel Farm's operations, not a primary business enterprise. In some cases, we may do such processing partly for the purpose of obtaining a farm input that is a by-product of the processing. However, our primary purpose is to minimize duplication of equipment within the local producer community. Duplication of specialized equipment among small farms reduces profitability and is a wasteful use of finite resources. Sharing equipment is environmentally sound and economically sustainable, as well as building relationships among neighbors.

We may also store and use jointly owned, borrowed, or otherwise shared processing equipment at Pinwheel Farm. Conversely, we may transport, or allow to be transported, equipment owned, rented or stored by Pinwheel Farm to other cooperating producers. Such equipment, whether shared or solely for pinwheel Farm use, may be constructed, fabricated, modified, maintained, repaired, etc. at Pinwheel Farm as an essential part of our agricultural production.

All processing at Pinwheel Farm will be done in compliance with the Environmental Policies and any other applicable farm policies, as well as with outside regulations to the extent they can reasonably be determined.

PINWHEEL FARM FENCING GUIDELINES

Fences are a necessary part of a diverse agricultural enterprise, just as walls are essential for a conventional manufacturing facility. Pinwheel Farm must have the freedom to construct, change, alter or remove its fences as needed to meet production, logistical, esthetic and other needs without unnecessary regulations. Further, Pinwheel Farm must retain its rights under Kansas Fence Law, which places specific responsibilities on both Pinwheel Farm and its neighbors. Neighbors must do their part whether they are residential, agricultural or industrial.

Fences serve many purposes, including the following general purposes, illustrated with common examples:

- Confining livestock or other animals (chicken and sheep pens);
- Protecting livestock from predators (chicken pen);
- Separating livestock from each other or from people, plants, equipment, hazards, etc. (rotational grazing paddocks, ram pens);
- Guiding people and separating them from livestock, plants, equipment, hazards, etc. (temporary fences used to cordon off material piles on open farm days);
- Delineating special use areas (certain garden plots, or the bee yard);
- Protecting plants from wild or domestic animals, trampling, etc. (deer or raccoon fence; fences between yard and garden);
- Wind and snow control (snow fence);
- Esthetic (screening off storage or work areas); and
- Delineating property boundaries (decorative and livestock perimeter fences).

Fencing is a highly specialized concern, and new technology constantly being developed. Pinwheel Farm must be free to adopt the most appropriate technology available to meet specific needs. Pinwheel Farm currently uses or plans to use the following types of fences:

- Temporary electric fences with a variety of conductors and posts;
- Permanent electric fences with a variety of conductors and posts;
- Standard woven and welded wire field fencing of various dimensions and types;
- High-tensile woven and smooth wire fencing;
- Chain link fencing and panels of various heights;
- Welded steel rod “cattle panels” and “combination panels”;
- Tubular steel gate/fence panels;
- Various combinations of the above materials;
- Decorative yard fencing, including vinyl and split cedar rail;
- Solid wood panels;
- Stone, log or other walls;
- Live hedges; and
- Board fencing.

The one fence material that Pinwheel Farm will not use is barbed wire, because of its clear and present hazard to humans. It is also ineffective and/or dangerous for most livestock typically kept at Pinwheel Farm. A few of the original woven wire fences with barbed top wires remain in place, but efforts to replace these are ongoing. In most cases the remaining barbed wire fences are old perimeter fences where alternative fencing must be negotiated with the neighbors under Kansas Fence Law.

ON-FARM SALES AT PINWHEEL FARM

All Pinwheel Farm policies, guidelines, and SOPs are subject to review and revision in response to specific problems or to reflect on-going improvements and changes at the farm.

Overview: Pinwheel Farm currently sells the bulk of its vegetable products and many of its meat products off-farm, at the Downtown Lawrence Farmer's Market and to restaurant and institutional customers such as Lawrence Memorial Hospital. While these are effective ways of marketing, there will always be a need to sell products directly from the farm.

On-farm sales are an essential part of operating our diverse farm business. The most obvious example of this is that it is not legal to sell certain farm products (notably raw milk) except at the farm where they are produced. This assures that the customer is aware of the conditions in which it has been produced, and has a relationship with the producer. On-farm sales are also helpful for large direct purchases, such as a side of lamb, when home delivery is not desired.

It is especially important that we remain relatively free from local regulations restricting on-farm sales, so that we have the freedom to respond to changes in State and Federal regulations with a minimum of red tape at the local level.

Even for products where on-farm sales are not required, many customers prefer to connect directly with the farm that produces their food for a variety of reasons. Some customers may wish to pick their own vegetables or other farm products, or may tour or volunteer at the farm in conjunction with purchasing products.

Furthermore, North Lawrence lacks a regular grocery store, and only limited items are available at the convenience stores. Neighbors may want to purchase healthy, natural food items without driving several miles to a supermarket. While we don't expect to fill the void of not having a full-service grocery store here, we do think we can make a small but significant contribution to North Lawrence's food security.

Perishable farm products such as vegetables, eggs, meat, and milk are most easily sold directly from on-farm storage facilities. Fragile items or items in breakable containers will be subject to less loss from breakage if transportation is minimized. Quality and freshness are preserved compared with hauling to a remote location such as Farmer's Market, where display conditions may be harsh.

Large items are most easily sold at the farm, as well, to minimize handling. Wool is bulky, and customers wishing to choose from among many fleeces may need considerable space to open and evaluate fleeces. Some customers may wish to perform preliminary preparation activities such as skirting (removing the dirtiest portions of the fleece) on the farm. Customers also like to meet the sheep whose wool they are purchasing. Forest products including firewood or furniture would be difficult to sell from a remote location. Livestock, obviously, must be selected and loaded at the farm, typically directly into the customer's vehicle.

The farm's immediate neighborhood has a long-standing reputation for on-farm sales. At one point in the mid 1990s as many as 7 homes (more than 30%) in a 3-block section of North Street offered produce and eggs for sale on a drop-in basis via signs posted at the driveways. We are honored to be a part of continuing this tradition as older gardeners have departed.

On-farm sales allow farm participants to carry out essential stewardship and production activities at the farm while serving customers, especially supervisory and management activities (paperwork, communication, etc.). Having people at the farm as much as possible significantly reduces predator problems with the sheep, provides security from human vandals, facilitates the supervision of field workers, and helps us to respond to animal health problems diligently. All manner of unexpected problems that might arise can be dealt with quickly and more economically if people are there to do so.

Having farm participants at the farm as much as possible adds to the security not just of the farm but of the entire neighborhood. Unusual activities are more likely to be noticed and questioned or reported to authorities. Retail sales workers will have their attention focused towards the neighborhood as customers come and go, whereas field workers are more removed from the street area.

However, it is obvious that on-farm retail activities could have a negative effect on a neighborhood if carried out inappropriately. Pinwheel Farm's goal is to be a good neighbor. Provisions will be made for neighbors to communicate directly with the farm regarding any problems so that they can be resolved promptly.

Guiding principles and details:

Scale: Due to the small size of the farm, a large conventional storefront retail operation in terms of sales value or number of customers is unlikely. However, Pinwheel produces a large array of items, and many of these are bulky and/or seasonal, so a large inventory may be on hand at any given time. Also, some farm events such as Sheep Shearing Day may be enhanced by inviting other local producers to show and sell their products at the event in a temporary small-scale farmer's market or craft sale setting, either in existing farm buildings such as the barn or at outdoor tables, booths or tents.

Products: Primary products will be those produced at the farm, as well as value-added products using Pinwheel Farm materials or ingredients. We will also have farm and simple living related products that we recycle from local waste items (for example boot socks sewn from old wool sweaters, or insect catching nets made from old curtains.). We may also develop cooperative arrangements to sell products produced by neighbors, in effect consolidating existing customer traffic to several farm stands to one location. People producing products for sale at Pinwheel will be required to participate in the retail sales facility or event. To a limited extent, we will also sell commercially made specialty tools or materials associated with the farm products we sell, or intended to facilitate customers' use, care or enjoyment of Pinwheel Farm products. This will not be done with

the intent to compete with local suppliers of such products, but rather as a service to customers. Such purchased sale items will represent a tiny percent of our inventory. In most cases they will be items that are otherwise difficult to find locally, or that support our farm products such as tools for carding wool or blowing egg shells.

Deliveries: Deliveries of products or materials from off farm will be minimal, so there should be little impact from delivery vehicles beyond what is needed for farm production activities (hay, grain, etc.). Some minimal increase in delivery of value-added products (wool, hides, etc.) returning from off-farm processing and in delivery of supplies such as egg cartons, livestock equipment, etc. may occur as farm production gradually increases, but this would be the same even if all products were sold off-farm. Deliveries associated with on-farm retail sales would be primarily through small personal vehicles (van, pickup) or through normal package delivery services (UPS, Fed-Ex) and would not exceed a volume reasonable for a private residence.

Parking: Off-street parking will be provided commensurate with the level of on-farm retail sales vehicle traffic, with additional parking being developed to meet demand as demand increases. Additionally, legal on-street parking may be used now and then, just as it would be for residential purposes. Pinwheel Farm cannot be responsible for how or where its customers park, but we will try to educate them. We encourage customers to come by walking, bicycle, bus, or car-pool whenever possible.

Hours: A substantial amount of on-farm sales will likely remain on an appointment basis, as in the past. When regular hours are established for walk-in sales, we will do our best to ensure that they do not create an annoyance for neighbors. If a Consumer Supported Agriculture (CSA) plan is created, careful consideration will be made to balance the efficiency of having a short pick-up time with the traffic congestion it might create. Off-site pickup options will be evaluated as an alternative. Existing neighborhood traffic flow will be considered in planning such group pick-ups at the farm.

Facilities: Some sales will take place at general or non-specific locations, for example sales of livestock. Other sales will occur at the point of processing or storage, for example pick-you-own or pre-ordered vegetables from the cooler or washhouse, wool at shearing time, lamb sold out of the freezer. Temporary “farm stand” facilities may be developed for seasonal produce sales. This may begin as simply as a table or cart, and may go through many evolutionary stages include awning, trailer, carport structure, etc., as the farm grows and changes. Existing structures will be used to the extent possible, for efficiency and economy, as long as this can be done safely. Eventually a new permanent retail facility (storefront) will be developed to combine storage and sales. The exact location and plans for such a facility will be developed in cooperation with applicable authorities in such a manner as to balance economic and environmental sustainability needs with the protection of human health and safety. Traffic flow will be a significant consideration.

Lighting, signage, etc.: Will be designed to have a minimal negative impact on neighbors, esthetically or from a safety perspective. Proper set-backs, size and construction criteria

according to City of Lawrence regulations will be followed for all permanent signs. Temporary signs will be in keeping with the historical “residential farm stand” character of the neighborhood.

Staffing: A large staff will not be needed for the scale of on-farm sales we intend. Some on-farm sale activities may be on a self-serve “honor” system as we’ve done in the past. At most, one or two participants might be dedicated to on-farm sales during regular retail hours when these are established. For CSA pickups or special event-related sale, customers may actually perform many of the customer service activities, as is common for CSAs.

PINWHEEL FARM EVENT GUIDELINES

All Pinwheel Farm policies, guidelines, and SOPs are subject to review and revision in response to specific problems or to reflect on-going improvements and changes at the farm.

Overview: These guidelines address two general types of events: “educational events” and “special events”. While the purpose for allowing such events differs, the logistics to hosting them will be similar, as will the restrictions.

“Special events” include family events such as weddings, birthdays, graduations, baby showers, memorials, potlucks, and other social gatherings etc., which are ordinary parts of family life, and religious events such as prayer groups, sunrise services, meditation walks, etc., which enrich people’s spiritual lives. Pinwheel Farm is a “family place” and a “spiritual retreat” to many of our participants. A place large enough to gather more people than a small apartment, a relaxed, private outdoor setting, a place already filled with cherished memories...there are many reasons Pinwheel’s participants might wish to host their special event at the farm. We want to be sure our participants can celebrate their lives in a place that they have helped to create, a place they know and love.

“Educational events” include workshops, tours, seminars, a wide range of formal and informal group activities. In carrying out the educational and production aspects of its mission, Pinwheel Farm provides extensive hands-on training to people desiring to become farmers.

Special events are not intended as a stand-alone enterprise separate from the farm business. They will be restricted to family and religious events for farm residents’, participants’, and immediate neighbors’ family and friends, and educational events will be restricted to those that directly relate to Pinwheel’s mission. We do not intend to compete with more general local private or public event venues.

Events held at Pinwheel will tend to be fairly small by nature, without imposing specific restrictions. Due to our modest facilities and limited parking, large gatherings will be more effectively planned at other locations. In general, events will be similar in scale to those that would be hosted at an individual’s residence.

Like all farm activities, events will be supervised by long term Pinwheel Farm residents to ensure that there is minimal negative impact to neighbors and surrounding properties. Activity levels and population density will not differ drastically from existing and historical norms for the neighborhood, both at Pinwheel Farm and among neighbors. Feedback from neighbors is welcome so that we can rapidly address any isolated problems that may arise.

Most events at the farm would be covered under the agritourism liability waiver: *“Under Kansas law, there is no liability for an injury or death of a participant in a registered agritourism activity conducted at this registered agritourism location if such injury or death results from the inherent risks of such agritourism activity. Inherent risks of agritourism include, but shall not be limited to, the potential of you as a participant to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that*

may contribute to your injury or death. You are assuming the risk of participating in this registered agritourism activity.”

Historically, the farm has been called on to host a wide variety of events. Each event suggests a particular location and logistics peculiar to the event. The pasture is a natural place for an outdoor wedding or memorial, or spiritual gatherings such as a sunrise service. Educational events, tours and workshops are typically staged at the parking area and then proceed to whatever area of the farm is connected with the event—high tunnel, garden, barn, pasture, wilderness area, etc. The two barns and the high tunnel provide shelter for attendees so that workshops can continue in case of rain.

Guiding Principles and Details:

1. “Small is beautiful”. Events will be limited in several dimensions, consistent with the small scale of our farm.

–Most events will be outdoor events, typically from March (Sheep Shearing Open Farm Day) through October. However, events may occur at any season depending on farm participant desires.

–Event hosting will be operated as an adjunct to farm operations, not as a stand-alone enterprise intended to make a profit. However, we may request a cleaning/damage deposit and a modest compensation for Pinwheel’s time and overhead involved in making arrangements for the event. We will typically ask for material charges plus a free-will donation for educational events.

–Event hosting will not be publicly promoted in any way, although specific events will be promoted consistent with the nature of the event. Many special events will be restricted invitation-only; generally word-of-mouth will be the main form of promotion although a few “open farm days” may be announced through general advertising.

2. “It is easier to pass through a needle’s eye than to host an event at Pinwheel Farm ”.

–Events are limited to those hosted and/or coordinated by active farm participants, guests and family of farm residents.

--Accommodation for all disabilities may not always be feasible in the farm environment, however, we will gladly do our best with available resources.

–Events will be planned to comply with the Pinwheel Farm General Policies and Environmental Policies, including no drinking, drugs, weapons, fireworks, noise restrictions, etc. A synopsis of these policies as they particularly apply to the event will be posted near the event area. Events that evolve out of compliance will be ended. The exception is that alcohol for ceremonial purposes, or in moderation as part of a celebration, may be tolerated depending on the event (wine with a meal, a toast for newlyweds, etc. No keg parties.) within the compass of all pertinent laws.

--Attendees who break the law will be reported to authorities promptly.

3. “Leave nothing but tracks, and well-kept records”.

–Name, permanent address, phone numbers, email address, etc. shall be kept on file for the people responsible for hosting an event at the farm.

--A written plan/event agreement will be made for any large or publicly advertised events, addressing any special arrangements needed.

4. “Essential needs for health, sanitation and safety must be provided, consistent with applicable regulations”.

–Potable water needs will be met in accordance with all discernable applicable regulations. Based on usage (<25 people per day, or <60 days per year), as a non-public water system we can allow event participants to use the farm’s well water. Such use will be at the user’s own risk under the Agritourism waiver. For larger events, treated potable water will be obtained, if desired, from other sources such as bottled water.

--Event hosts will be responsible for contracting and coordinating chemical toilet use for larger events. Smaller events may use the farm’s existing sanitary facilities.

–Trash and recycling service for events will be combined with Pinwheel Farm’s regular weekly trash and recycling pickup services (as of this time, we contract with Honey Creek for solid waste and Sunflower Recycling for recycling). Events that would generate more waste than reasonable for this approach would not be consistent with Pinwheel Farm’s policies and would not be allowed in the first place.

–Fire safety measures will be enforced, including fire extinguishers in main event areas. Open flames will be allowed only in designated areas during appropriate weather conditions, and will be supervised. Water and emergency equipment will be available in those areas.

–Fire protection and emergency services for the farm are provided by Lawrence Fire Dept. through Grant Township. There are two hydrants near the farm, and critical portions of the drive serving the area will be posted as a fire lane to be kept clear at all times.

–A phone, first aid kit, storm shelter area, and similar emergency preparedness provisions will be accessible to event participants at a nearby residence or at the farm facilities. Larger events would typically be cancelled or restricted in case of threatening weather, so provision of storm shelter for a large number of people is unlikely to be necessary.

5. “Do unto others as you would have them do unto you”.

–No loud noises, bright lights, or other obvious potential annoyance will be allowed.

–Event areas will be kept in a neat, safe and sanitary manner.

–Events generally will take place in areas that are reasonably screened from view of street or neighbors.

–Neighbors will be provided with a means of communicating with the farm owner/management any concerns that may arise specifically related to the operation of the event area. Concerns will be taken seriously, and every reasonable effort will be made to implement satisfactory solutions.

–Event attendees will park off-street or on streets where parking is legal. Pinwheel Farm will engage parking attendants for large events, and often for small ones as well, to do our part to ensure that a nuisance or dangerous situation is not created. However, Pinwheel Farm cannot be responsible for attendees’ lack of judgment in parking on city streets.

–Attendees will be encouraged to avoid backing onto North St. from Pinwheel Farm driveways. When doing so is unavoidable, they will make a reasonable attempt to have someone directing traffic and undertake such maneuvers at times when traffic is light.

--Attendees will be encouraged to walk, ride bikes, take the bus or carpool to events to minimize extra traffic. Additionally, large events will be planned to avoid coinciding with heavy traffic times such as commuter traffic and days when neighbors are hosting events, if we have such information in a timely manner. In some cases, shuttles may be arranged for attendees to park at a near-by parking facility (church, public parking areas, etc.).

–Small children must be supervised by designated caregivers at all times. Older children must be supervised to the extent appropriate for safety of themselves and farm property, and to ensure that they comply with all applicable policies.

6. “Pets are people, too”

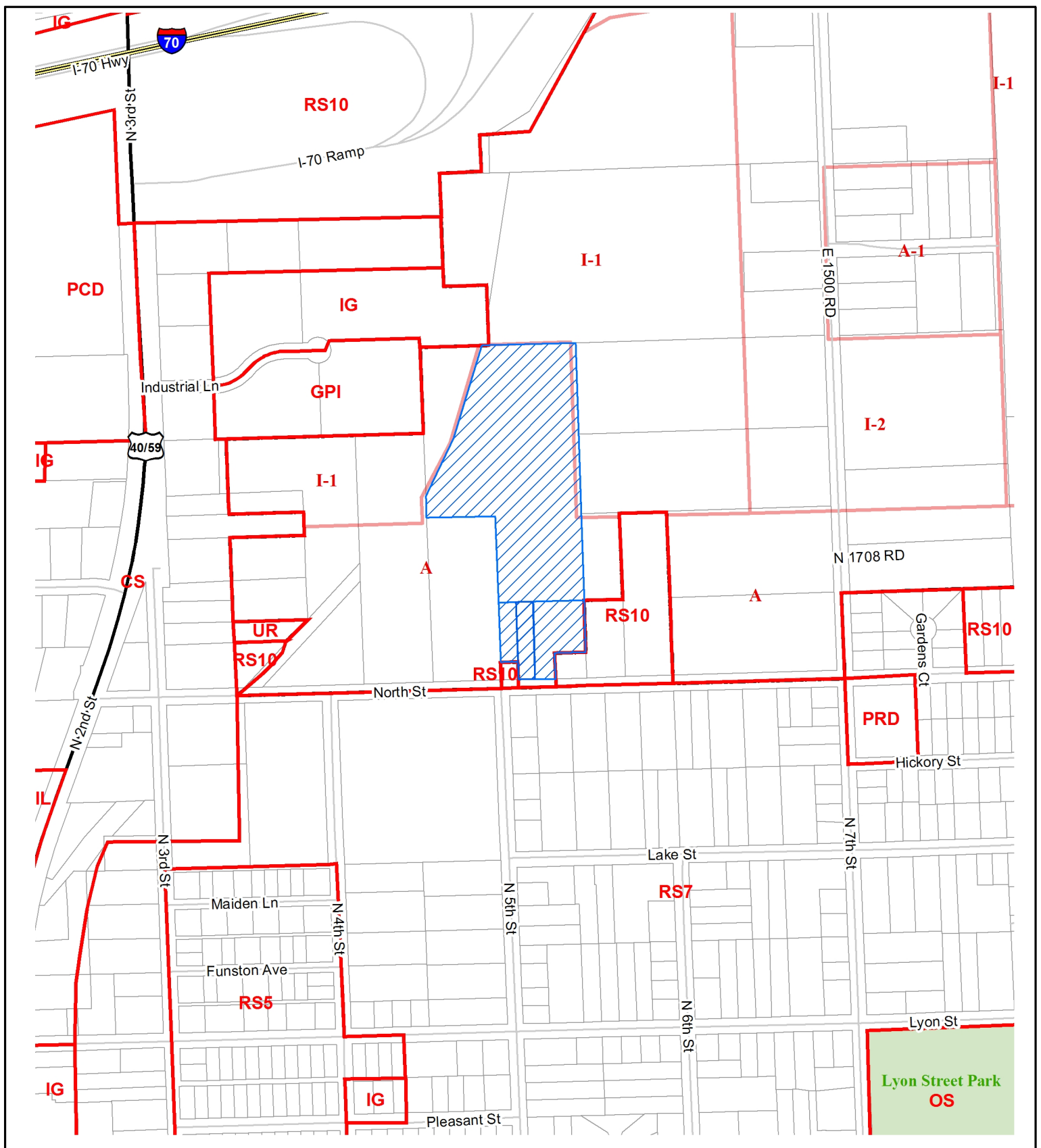
–Pets will be allowed only to specific events. They must be well-mannered, properly socialized, and current on their vaccinations.

--Pets will be on leash or in fenced areas so they cannot stray from the farm property.

--Anyone with an animal known or appearing to be aggressive with people or other animals will be asked to remove the animal.

--Owners will manage their pets’ waste in a sanitary manner consistent with farm policies and procedures.

--Pet policies will be posted at the farm for both resident and non-resident pets.



**CUP-02-01-10: Conditional Use Permit for camping,
sale of farm products, and events at Pinwheel Farm
1478 North 1700 Road**



Mary Miller

From: Natalya Lowther [natalyalowther@hotmail.com]
Sent: Monday, April 26, 2010 9:26 AM
To: Mary Miller
Subject: Response to Hamblin letter

Mary, I would like to respond to some of Ms. Hamblin's letter of August 17, 2010, because I think she raises important concerns that deserve a thoughtful response to her as well as the public and the Planning Commission. I'm also responding to some of the concerns conveyed in the Higgins' letter. Please include this email in the packet to the Planning Commission.

1. Temporary toilets. Ms. Hamblin raises an important concern that has not been discussed at all, the location(s) of temporary chemical toilets if/when they are needed. I certainly agree that they do not come in the prettiest colors and can be quite an eyesore, giving a cheap look to a property. I don't like them myself, that's why we built the privy (and it smells much better!)

Temporary chemical toilets need to be located along the main farm lanes, for easy vehicle access by heavy (not large) trucks for servicing (once a week, at most).

If we were to bring in a temporary chemical toilet for a specific event, it would be located in a place convenient to the event. It would most likely be in the parking area, which will be in the wooded area north of 501 North and 1478 N. 1700, or in the barn area, north of the wooded area and north of 1480 N 1700.

A temporary chemical toilet intended to be in place for longer than a few days would be placed at a location central to current farm activities where it might be used...camping, gardening, or the farmers market. Just west of the brown barn would be a likely spot. We would almost certainly screen or conceal it in some manner for the sake of our own esthetic sensibilities. This might be a vegetative screen, wood, an E-ZUp style canopy with canvas sides, etc.

In all cases, a temporary chemical toilet will not be located within 50' of the street, nor within 50' of a neighbor's home. In Ms. Hamblin's case, due to her location relative to driveways and right-of ways, such a toilet would be at least 100' from her home.

2. Driveway access and traffic flow. Ms. Hamblin and other neighbors seem to believe we have just the one driveway into the farm. However, as we gradually improve the parking area in the woodlot, and as I relocate my residence to 501 North eventually (whether in the existing dwelling remodeled, or in a new home constructed there), more of the farm-related traffic will shift over to the west end of the farm drive, which is essentially an extension of N. 5th. This will greatly reduce traffic problems for the neighbors who are concerned. We will install a stop sign on our side of the drive where it opens onto North St., for traffic safety. Improving this west drive will reduce the current traffic flow at the 1480 drive by about 1/2, due to cars not leaving the same way they came in. Improved traffic flow for the farm as well as its surrounding community is, in fact, one of the driving forces behind our proposed changes to the farm layout, and was our main impetus to purchase 501 and 1478.

We agree that the existing drive at 1480 is badly in need of repair work. This has been postponed until planned installation of new underground utility lines is completed, so that the new driveway surface will not be immediately defaced. We monitor the puddles for signs of mosquito breeding and would use an appropriate control technique if we found any.

3. RV traffic density. Short term campers will most likely use tents or our RVs, and may not even

have motor vehicles. Our two small RVs will essentially be present full-time either in use or in storage; these both have portable cassette-type holding tanks so would not have to leave the farm to empty holding tanks. Thus RV traffic will be very minimal compared to the business-related traffic (including large, heavy delivery and construction trucks) posed by Higgins' business activities and by Lawrence Landscaping. I would be surprised to have more than 2 RV ingress/egress events in a week, and generally there will be none for weeks or even months on end. Allowing the long-term camping as opposed to limiting each camper's stay definitely has a significant positive effect on this. Volunteers being able to stay overnight at peak busy times (such as Friday nights before Farmer's Market in town) will also significantly reduce automobile traffic from local volunteers.

4. Neighborhood improvements supported. Since neighbors are so rightly concerned about the traffic and on-street parking, it seems clear that "no parking" signs are needed all along North St. to clarify this issue to visitors at all the homes and businesses in the area, esp. when the neighbors have garage sales, etc. We also strongly support the installation of pedestrian sidewalks on the City right-of way along the north side of North Street, recognizing that this might incur some expense to us even if undertaken by the City, and that such sidewalks would seem very close to our home at first. I hope my neighbors will join me in campaigning for these improvements to our neighborhood safety.

5. Well issues. Our well is located between 1480 and Ms. Hamblin's home. The water has been tested periodically over the years and has improved significantly since we purchased the farm ground north of 1480 (nitrates dropped from about 9.8 to almost undetectable after nitrate fertilizers ceased to be used). We have plans to increase our testing frequency for farm operational reasons (vegetable processing), and will be installing a new well further away from residential lawn chemicals as soon as possible, to meet or exceed all applicable regulations.

6. Child issues. We operated a licensed day care home here in 2003, meeting all applicable health and safety requirements, so we are well aware of child safety issues. We require children to be supervised by responsible adults at all times. If a neighbor child approaches us independently, we meet the parents and obtain permission for the child to be here with us. Long-term camping volunteers are not likely to have children. Children are much more likely to come for day events or informal tours, which do not seem to raise the concerns for neighbors that camping does. Situations where children would be camping would generally be a local farm volunteer family tent camping for a weekend. Possibly one of my grandchildren or other young relatives might camp here for a summer, as my nephew did before I learned that even family members weren't allowed to camp in Douglas County. It's also possible that a small youth group doing a service project or working on a badge related to the farm might ask to have an overnight campout as part of their experience.

7. Current and future use of 1478. The structure at 1478 is now what it was to begin with, a farm use building. It has not been used as a residence for well over a year. Apparently our ruse of leaving lights on and parking over there to prevent vandalism has worked, since the neighbors believe it to be currently occupied! At any rate, coincidental or not, we have been pleased to see a marked reduction in vandalism since several long-term neighborhood residents moved away last fall.

We intend to combine the 1478 parcel with the main farm ground and the other land-locked parcel in due time, so that we can eventually build a home farther back on the farm ground if desired. We have no plans to annex anything into the city, since that would eliminate our farm business, our livelihood, and our way of life. It would also cost more than the property is worth.

8. Housekeeping issues. I have to confess I am a bit surprised that Ms. Hamblin apparently didn't notice our farm or our gravel driveway before she bought the home adjacent to them. I am glad she has noticed my efforts to clean up 1478 and 501, which was another reason I bought them. My efforts to improve the appearance of our streetscape will be on-going, though perhaps not at the

speed or with the exact look that others would prefer. Truly, I would rather be tending the flower garden around the farm sign than jumping through the hoops of the CUP process! I would welcome their voluntary help in improving the appearance of our neighborhood, within the parameters of the farm's General Policies and Environmental Policies and my personal esthetics.

I am certainly aware of the City lawn mowing and sidewalk maintenance ordinances. Is there also a city ordinance requiring the raking of leaves in a yard, of which I am unaware? Of course my county property would be exempt, but I have tried to maintain a general spirit of compliance with the City ordinances for the frontage area of my property, including sign regulations, etc.

Neighbors may not be aware that the tenants during my 2005-2007 sabbatical (for voluntary religious service work) left well over \$20,000 worth of property damage to the farm. It has been a long, slow struggle to put things to rights again since then, necessitating the off-farm job for a few years on top of rebuilding and operating the farm business. We have focused our efforts on the main operational areas of the farm, such as rebuilding the barn, but are gradually turning our attention towards the cosmetic issues that seem to bother some neighbors.

9. Security. Farm volunteers are a significant beneficial factor in farm and neighborhood security, since they come and go to and from town at unscheduled times compared to my well-known schedule. Their presence--especially if they are camping--assures the farm is rarely unattended for long periods of time, which might attract vandals. This is one reason we want camping in the pasture, to discourage a repeat of its past use as a shortcut for thieves vandalizing a nearby industrial facility. I have been blessed, overall, with a wonderful team of responsible, highly motivated people of all ages who appreciate the trust I have in them to manage themselves, communicate with me and with each other, and make wise decisions based on extensive training that I provide regularly.

People who want to voluntarily pull weeds, plant vegetables, milk sheep, get up at 4:30 a.m. to get ready for Farmer's Market, etc., in my experience, unlikely to cause harm to the neighbors. Background checks seem unnecessary and a bit insulting to someone who is travelling across the nation at their own expense to come here to learn the fine points of scooping poop. Volunteers have literally thousands of farms to choose from; they are unlikely to be interested in our farm description if they are not good citizens looking for a farm that has a neighborhood and spiritual focus.

10. Sanitation. When I had my camper here before learning it was illegal, KOA was pleased to let me dump my tiny portable toilet cassette for \$10 (their standard RV dumping fee) and to shower there occasionally. They have always been very friendly to me in the past. I believe this is still their policy. We can also shower and empty RV tanks and portable cassettes at Clinton Lake for \$4.20 per day (the daily vehicle fee) per vehicle. Our preference would be to support our local North Lawrence neighbors and maintain a lifelong family affinity for KOA campgrounds, but clearly we have feasible options for all necessities if KOA has changed their policies. Taking a picnic to the lake after a long day of farm work, and grabbing a shower while I'm there, sounds like a relaxing end to a day of hard work!

11. ADA Compliance. We are committed to making the farm as accessible as possible, since we have friends who use mobility devices. We were disappointed to learn that after constructing our initial pit privy, state regulations were changed to prevent our constructing the planned second, handicap accessible, privy. We hope that we will be allowed to retrofit the existing privy to allow for full accessibility.

We will designate handicap accessible parking spaces as required as needed based on the location of each event and/or current Farmer's Market location. We offer customized priority parking to anyone we believe might be aided by it, or who reasonably requests it.

Blessings,

Natalya Lowther
Applicant, CUP-2-1-10
785-979-6786

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. [Get busy.](#)

RECEIVED

APR 26 2010

City County Planning Office
Lawrence, Kansas

PROPOSED AMENDED CONDITIONS

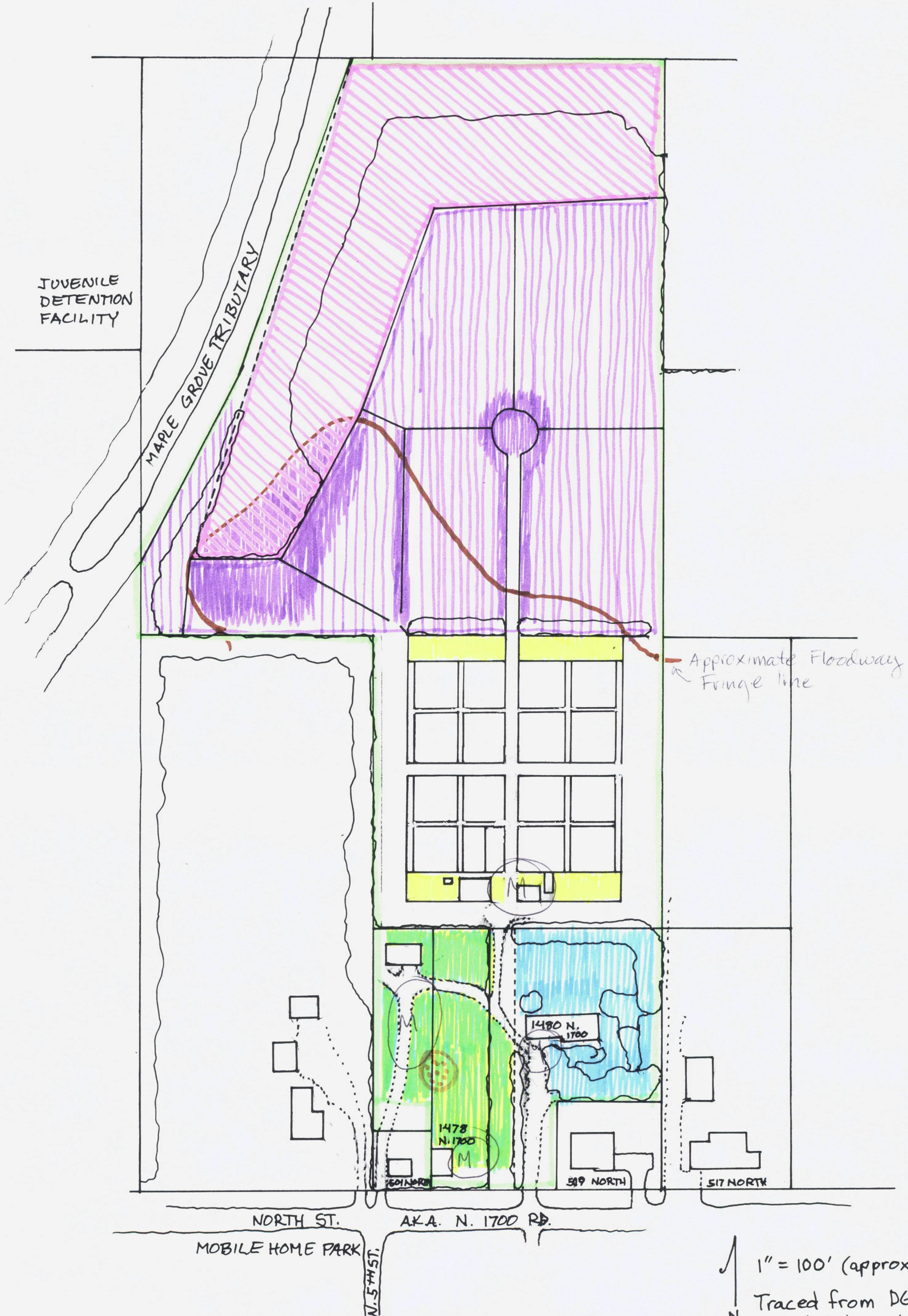
1. The CUP approval is valid for 100 years, with a review ~~every 5 years to determine~~ if the use continues to be beneficial to the community at large, and does not create any unreasonable disruption to immediate neighbors compared with other neighborhood businesses or with acceptable residential uses.
2. The property owner shall execute a lateral line easement for the off-site lateral lines for 1480 N. 1700 Rd., per the County Health Official's approval, prior to the sale of either 1480 N. 1700 Rd. or the land where the laterals are located, if the off-site lateral lines are still in service. The easement shall be recorded at the Register of Deeds. An affidavit stating this requirement shall be recorded with the Register of Deeds prior to the final approval of the CUP.
3. The property owner shall relocate the eastern driveway within the dedicated right-of-way easement, or the easement shall be revised to include the existing driveway, prior to the sale of any of the properties served by the driveway. An affidavit stating this requirement shall be recorded at the Register of Deeds prior to the final approval of the CUP.
4. [No change]
5. RVs or other camping units are limited to 30' or less in length, exclusive of hitches or carrying racks.
6. [No change]
7. [No change]
8. The property owner shall provide an annual report to Planning Staff which lists the number of campers in each unit, the type of unit, location of campsite used, and dates of stay. The report shall also list the square footage and location of both CUP-permitted and permitted-by-right farm stand used, and the number of parking spaces provided for the CUP-permitted farm stand (1 space per 200 sq. ft. is required). This report shall be submitted electronically or in hard copy by Jan. 15 of each year commencing Jan. 15, 2011.
9. [No change]
10. [No change]
11. Lights shall be shielded to prevent unreasonable glare or light trespass to neighboring properties.
12. Camping areas shall be kept in a reasonably neat, safe and sanitary manner.

13. [No change]
14. [No change]
15. No electronic sound amplification is permitted that is readily audible from neighboring properties, except for emergency/hazard warning devices.
16. Camping and events will observe quiet time between 9 pm and 7 am Sunday through Thursday, and between 11 pm and 7 am Friday and Saturday. Immediate neighbors who must sleep during other hours due to their job or school requirements may request special accommodations for other quiet times by contacting the property owner of record.
17. The applicant will actively discourage parking by farm participants and event attendees on city streets where it is unsafe. The applicant will go through established procedures to encourage the city to install "No Parking" signs in all neighborhood areas where the roads are too narrow for safe on-street parking. [If road is eventually widened and curbside parking accommodated, then it should be able to be used by all community members]
18. Bottled water and chemical toilets shall be provided for each event where it can be reasonably predicted that more than 25 attendees are likely to need water and sanitary facilities. Chemical toilets will be located at least 50' from North St. and at least 50' from neighboring residences.
19. [No change]
20.
 - i. [No change]
 - ii. The site plan notes shall specify conditions for each camping zone, with special considerations for areas in the floodway fringe.
 - iii. [No change]
 - iv. The parking requirements (6 for camping, 6 for events, and 1 per 200 sq ft of CUP-permitted farm stand) shall be noted and the plan shall show the location and number of provided parking spaces for camping and events, likely locations for farm stand parking, as well as the designated overflow parking area for larger events.
 - v. The site plan notes shall specify that 1 ADA accessible space per 25 parking spaces will be provided in a location convenient to current event or farm stand locations.
 - vi. The southern camping area shall be delineated to maintain a 50 ft setback from the North Street right-of-way. The site plan notes shall specify that no more than 4 camping units will be permitted in this area at a time. [In most cases it will be highly desirable to keep non-tent camping units as close as possible to improved driveways;

limiting southern camping area to 2 units effectively reduces the overall number of RV units to 2.]

- vii. A 10' campsite setback shall be provided from the property lines adjacent to residential zoning or uses not subject to this CUP. [10' is the residential setback for a house. Since screening is required in addition to the setback, this is adequate to ensure that more privacy is maintained than with standard residential site plans. Part of the CUP area is used residentially; this area should not be subject to the setback requirement since the CUP residents have control over the camping use.]
- viii. [No change]
- ix. The site plan shall show the location of long-term privacy screening for the southern camping area. Temporary screening strategically placed in other locations may be used until long-term screening has been established.
- x. The site plan notes shall specify "All drives and parking areas, except the overflow area, shall be graveled unless the County Engineer approves the use of alternative surfacing materials."
- xi. [No change]
- xii. Facilities for auxiliary uses to camping and events such as picnic and outdoor cooking areas, play areas, walking trails, etc. will comply with all camping conditions, except that property line setbacks will not be required for trails.

RECEIVED
 APR 19 2010
 City County Planning Office
 Lawrence, Kansas



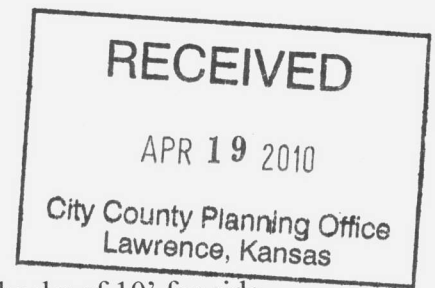
PINWHEEL FARM CUP, MAP 1A OF 3

- | | | |
|---|---|--|
| <p> Main Residential Camping
 Secondary Residential Camping
 1480 Residential Camping Overlay </p> | <p> Main Wilderness Camping areas
 Possible Wilderness Camping areas
 CRP Overlay </p> | <p> Approx. Floodway Fringe
 Farm boundary
 Main play area
 Market area options accordg to season </p> |
|---|---|--|

1" = 100' (approx.)
 Traced from DG. CO.
 Aerial taken about 2005

SITE PLAN NOTES

CAMPING AREAS



Setbacks: All camping will, at a minimum, observe residential setbacks of 10' for side property lines and the alternative standard for average front setback. The standard rear lot setback of 30' will be observed. In this situation, we would assume that matching the setback of the existing dwelling at 509 North St. would be sufficient front setback. Most likely, only a very short term (weekend) visiting RV parked near 1478 would be this close to the road; most camping units would meet or exceed the 150' regular setback.

Recordkeeping: In addition to filling out an information sheet including the participants' name, address, contact information, dates of stay, type of unit, number of people, signed agritourism or other waiver, etc., campers will mark their camping location on a map. These records will be kept available in a location known to and accessible by Fire and Medical and Sheriff personnel in case of emergency. Statistics will be compiled annually and submitted to the appropriate governing body (Dg. County Code Enforcement?).

Main Residential Camping Area: The parcels known as "Brown Barn" and "1478 N. 1700 Rd." will comprise the main camping area. Nearly all RVs not owned by local Pinwheel Farm participants will be in this area, since it is most easily accessed by motor vehicles in all weather and road conditions. Tents may also set up here. Most units will have self-contained sanitary units; campers not so equipped will use the privy behind the barn, although portable chemical toilets may also be used depending on circumstances. Portable chemical toilets would typically be located in the vicinity of the main barnyard area or the parking area, observing all residential setbacks.

Secondary Residential Camping Area: Residential tents may also set up in the area south and west of the privy. This location provides considerable privacy, proximity to work areas, and proximity to the privy. Likewise, residential tents or small RVs may be set up in the barnyard area or just south of the Willow Row when this meets the practical needs of the farm.

Wilderness Camping Area: North of the Willow Row, camping will be mainly for agricultural or spiritual purposes. Camping in the floodway fringe area will be allowed with prudent precautions to guard against flood hazard. Long-term residential camping will not be allowed in the Floodway, for safety reasons. Long-term residential camping in the Floodway Fringe area will be allowed along the pasture lane and "keyhole" areas, which are only slightly lower than the Floodway Fringe boundary line, to the extent this does not conflict with prudent stormwater management. An evacuation plan for excessive rainfall events will be on file for each wilderness camping units. Typically, only locally-owned RV units would be placed in the Wilderness Camping area.

Wilderness camping units will utilize self-contained sanitary facilities, or a portable chemical toilet will be provided in a nearby area. Each unit will be equipped with a fire extinguisher, weather alarm radio, a two-way communication device, and an evacuation

plan. A designated alternative camping or other lodging location will be designated on the evacuation plan for use during times when flooding is predicted.

CRP Overlay Area: All use must be in compliance with the current USDA Conservation Reserve Program contract while such contract is in effect. This significantly limits most recreational use, including camping. When this area is no longer under contract, it would be used on the same basis as the rest of the land north of the willows, with due practical consideration of its natural characteristics.

1480 Residential Overlay Area: Camping only at the discretion of the residents of 1480 N. 1700 Rd.—mainly reserved for family and friends of said residents. No more than one RV or two tent units may be used here at a time. Camping must be suitably screened from neighbors.

PICNICING AREAS

Picnic areas will generally parallel camping areas. Similar safety provisions will be made.

MARKETING AREAS

Marketing location will vary significantly over time, both through seasonal changes and due to facility improvements over time. Key areas are:

1480 N. 1700 Rd.: The garage has historically been used as an on-farm storage and sales location, and would continue to be used so in the near future.

1478 N. 1700 Rd.: The area around this house might be a location for a Farmer's Market set up in temporary tents or trailers, since 1478 will likely be used as storage for farm products.

The parking area north of 501 North Street may be used for Farmer's Market sales, esp. in the heat of summer.

The barnyard area will be a focal point of production and harvest/postharvest handling and storage. It's logical to make sales from that location.

PARKING AREAS AND TRAFFIC HANDLING

Existing parking provides the following historically graveled parking areas:

1478 N. 1700—3-4 spaces

1480 N. 1700—6-7 spaces

Main parking area will be between 501 North St. and the Brown Barn, and will consist of diagonal parking on one or both sides of the lane. Approximately 22 average vehicles can

be accommodated in this area. Parking will be improved with biodegradable wood-based paving, to the extent this proves to be a reasonable alternative to gravel.

EVENT LOCATIONS

Outdoor events will occur throughout the farm, and may include use of tents.

Events in Ag-exempt structures will be limited to those that must be held in such structures due to the nature of the event, i.e., Sheep Shearing will be held in the barn used to handle sheep, and a High Tunnel training session will be held in the High Tunnel.

SCENARIO COMPARISONS—CONVENTIONAL VS. PROPOSED

To better evaluate our proposal, people should understand what has been done historically and what could be done under more conventional development scenarios. In this context, neighbors should quickly realize that we are proposing a truly sustainable, minimalist development scenario for using our real estate resources as effectively as possible to produce food, educational opportunities, and outdoor living experiences for our community.

Historical population density:

Existing structures have been the established residences of the following populations within the past 15 years:

--501—2 adults

--1478—2 adults and one teen/young adult

--1480—4 adults and 2 children at one time

Total: 9 big people and 2 small ones, plus any houseguests they might wish to have (we have housed up to 8 friends at once at 1480 for a weekend cultural event).

City regulations limit 501 to housing no more than 3 unrelated adults. There are no such limits on the number of “unrelated” adults that can share a home outside the city limits (1478 and 1480). There are no limits on the number of children. Potentially, with extended families, these existing houses could legally house a rather astonishing number of people if they wanted to live in close quarters.

Full conventional buildout scenario with existing zoning:

With only the proposed parcel changes (merging of 1478 and the 2 landlocked parcels; extension of 501 to normal lot size), existing zoning would allow:

--replacement of or addition to 1480 to almost unlimited size and number of rooms, so that it could house a very large family. A guest house (bed and bathrooms but no kitchen) would be allowed also.

--replacement of 1478 with a house at least 800 sq. ft. but no maximum; as well as a guest house and/or farm worker lodging (One or more mobile homes properly installed, occupied by blood/marriage relative of resident of main house and/or person(s) employed on the farm). The overall dimensions of the merged farm property could allow up to 6 such mobile homes for farm workers, in addition to a new main farm house. If these were 3-bedroom mobile homes occupied by 3 couples each (at least one of each couple employed at the farm) in stereotypical migrant farm worker conditions, that could be up

to 18 adults plus uncounted children, in addition to an unlimited number of adults in the main residence.

--replacement of 501 with a house with a footprint up to 2,496 sq. ft...could be multiple levels. This could house a LARGE extended family!

This would result in a significant increase of impermeable paved driveways, rooftops, etc. but would still allow a lot of the land to continue to provide stormwater management benefits for the larger community.

Full buildout scenario with annexation, subdivision, etc.:

Considering only the portion of the properties not in the regulatory floodplain, assuming RS-10 zoning and all pertinent setbacks, with a large loop (not cul-de-sac) drive encircling a central commons, it would be possible to subdivide approx. 6 of the 12 acres into 12 buildable lots, possibly more. This could easily result in residences for more than 36 adults (a couple plus a nanny or elderly relatives, for instance) plus easily that many children.

The neighborhood impact of such a build-out would be significant, as would the demand for city infrastructure. Assuming every adult had their own vehicle, this would result in a significant increase in traffic in the area. Furthermore, there would be significant additional traffic from service vehicles, visitors, workmen, etc. Such a scenario could result in an increased demand on school infrastructure equivalent to more than an entire class of children!

Since all the roads, driveways, and roofs would be impermeable surfaces, a huge area of open ground that currently helps infiltrate stormwater would be lost. The remaining 6 acres could easily be structured to retain stormwater from the development, but the value of the farm land for managing stormwater for other properties and acting as a buffering area for Maple Grove would be lost.

Our alternative:

In contrast to the higher population densities possible with conventional residential development, we are proposing a maximum of 6 camping units (tents or RVs) at a time with a maximum of no more than 12 adults at a time. One or two of those units will belong to locally resident farm participants (myself and a frequent volunteer), and may be used by existing farm residents for occasional camping, or by visiting volunteers or guests. Since we are also limiting the number of RVs to 4; our RVs (whether occupied or not) would effectively reduce this to 2 "incoming" RVs plus 2-4 tents for maximum occupancy. An overall average of less than one additional personal vehicle in the neighborhood per camping unit will result since two of the RVs account for existing cars (mine). Clearly, we are asking to limit ourselves to a much smaller population density on the farm than conventional development scenarios—even just upgrading the existing dwellings—would create.

Essentially, we are wanting to use a camping paradigm to house resident farm volunteers (eventually paid employees) for extended stays such as are allowed by KOA, hotels, and other reputable “transient” housing providers. Not only does this allow a low-cost, flexible solution to housing challenges, but it satisfies frequent requests from volunteers that they WANT to camp at the farm and would rather stay in a tent or RV than in a conventional home, to further their farm experience.

Instead of constructing new structures and infrastructure immediately, and creating significant numbers of dwelling spaces for workers that actually might only be used seasonally, we propose to use a more flexible, environmentally-friendly approach of allowing people to live at the farm in RVs or tents, either their own or ours. How much difference is there between a conventional mobile home housing farm help, or an RV?

Unlike mobile homes or stick-built dwellings, when camping units are not in use, only a couple of them will remain to present impermeable surfaces to stormwater. This is one way in which this paradigm addresses the general North Lawrence area concern over stormwater management.

Of course both campers and neighbors will want privacy. We will address this through privacy fences and/or vegetative screening, just as is done in denser residential and commercial areas of town. The same challenges would exist with conventional residential or farm worker build-out scenarios, without any regulatory requirement for screening. Any diminishment of privacy will be only an illusion fostered by the current extremely low housing density. It is unrealistic of neighbors to think that land around them will not be developed just because it is near their homes, as long as regulatory setbacks are maintained. We propose to apply conventional side property line setbacks to our camping units, at a minimum (10’); however, most units will be much farther away from neighbors’ property lines.

In the long run, we intend to move towards replacing the existing houses at 501 and 1478 with code-compliant, energy-efficient dwellings. We will most likely also build guest houses associated with such dwellings. We would like to eventually build permanent, energy-efficient housing for volunteers in the spirit of the county regulations for housing for farm help, but we would build something nicer than the conventional mobile homes allowed by the regulations.

Obviously these long-term construction plans will require significant planning and cash outlay. Meanwhile, we still want to provide housing for our volunteer workers now...because they want to be here and contribute to our community now. They may be the very ones to return to the farm and opt in as invested partners in the long run, and construct permanent residences.

Our volunteers are helping to build the farm to the point in the not-too-distant future where it will be able to support myself and several employees. It’s a process of bootstrapping—a great American tradition we want to continue.

Meanwhile, we are providing priceless occupational training for a large number of people of all ages, so that those individuals will be able to create their own businesses someday producing high-quality food for their communities. Many of our volunteers have been very impressed with Lawrence and express interest in returning to the area.

Vehicle traffic considerations:

As far as I know, there are no legal limits on the number of cars that can be associated with a residence. Even assuming just 1 car per resident of driving age, that is a lot of cars...and many individual long-term neighborhood residents might have more than one vehicle. By contrast, most people camping at the farm would have no more than 1 car per campsite, if that. In many cases, we would be allowing volunteers traveling to Lawrence by rail, plane, bus, etc. to use one of our camping units (tent or small RV) so there could be less than 1 car per campsite.

Volunteers working flexible hours on the farm seem more inclined to use bicycles even when they bring cars, since their schedule allows more time for local travel and they tend to be here in pleasant weather. Pinwheel Farm provide bicycles for those who don't bring their own, as well as bus fare, to minimize extra traffic and model sustainable living. Biking provides a nice change of pace from our farm activities, and North Lawrence offers wonderful recreational bicycling.

The proposed camping scenario would automatically result in a reduced number of vehicles associated with the property during the months when extra vehicles can cause the most difficulty, in winter storm conditions when narrow streets are further narrowed by ice and snow. While we would not specifically deny camping during the winter, it would be significantly self-limiting especially as there is little volunteer work needed at the farm during the winter, and camping is only for family and farm participants.

Some increased traffic related to basic farm operations (delivery of supplies to the farm, hauling of products to markets) will naturally result from increase in the farm business. However, because we strive to minimize our use of purchased farming inputs, the volume of deliveries to the farm is not likely to grow significantly. Production-related traffic is extremely unlikely to ever exceed that at existing businesses in the neighborhood.

Growth of the Farmer's Market would be slow. Some increase in traffic will undoubtedly occur. This use is currently permitted by right to the extent that we can sell our own products. The "extra" we are asking for is to sell other farmers' products. Most likely, these will be products that we don't produce, so instead of more customers buying the same thing, each customer will buy more different things. We would certainly invite our neighbors who farm or garden to participate in our market on the same terms as other participating farmers, and would gladly refer our customers to neighbors when we don't have what they are looking for.

Most “events” will be quite small. We have been having “events” informally for years, not really understanding that we might be in violation of codes. In many cases, it is unclear the extent to which our events are currently subject to regulation. We aren’t intending to significantly change the scale of events we offer here. Large weddings or music festivals would be clearly inappropriate for this space. Our focus is on small educational workshops, tours, demonstrations, etc. and the occasional family or employee birthday party or Easter sunrise service.

Large events that might require parking off-site would almost certainly be held on weekends, when commercial traffic on North Street is minimal.

Parking considerations

We understand and share neighbor’s concerns with parking along North St. It is a narrow street with a deep ditch on much of the south side. Historically, for large events (family and employee get-togethers at nearby-businesses, garage sales, etc.) in the neighborhood, cars have parked randomly along both sides of North St. causing significant traffic and safety issues.

Whenever we have had occasions that might draw more cars than we can park on our own land, we ask someone to stand out by the street and discourage folks from parking on the street.

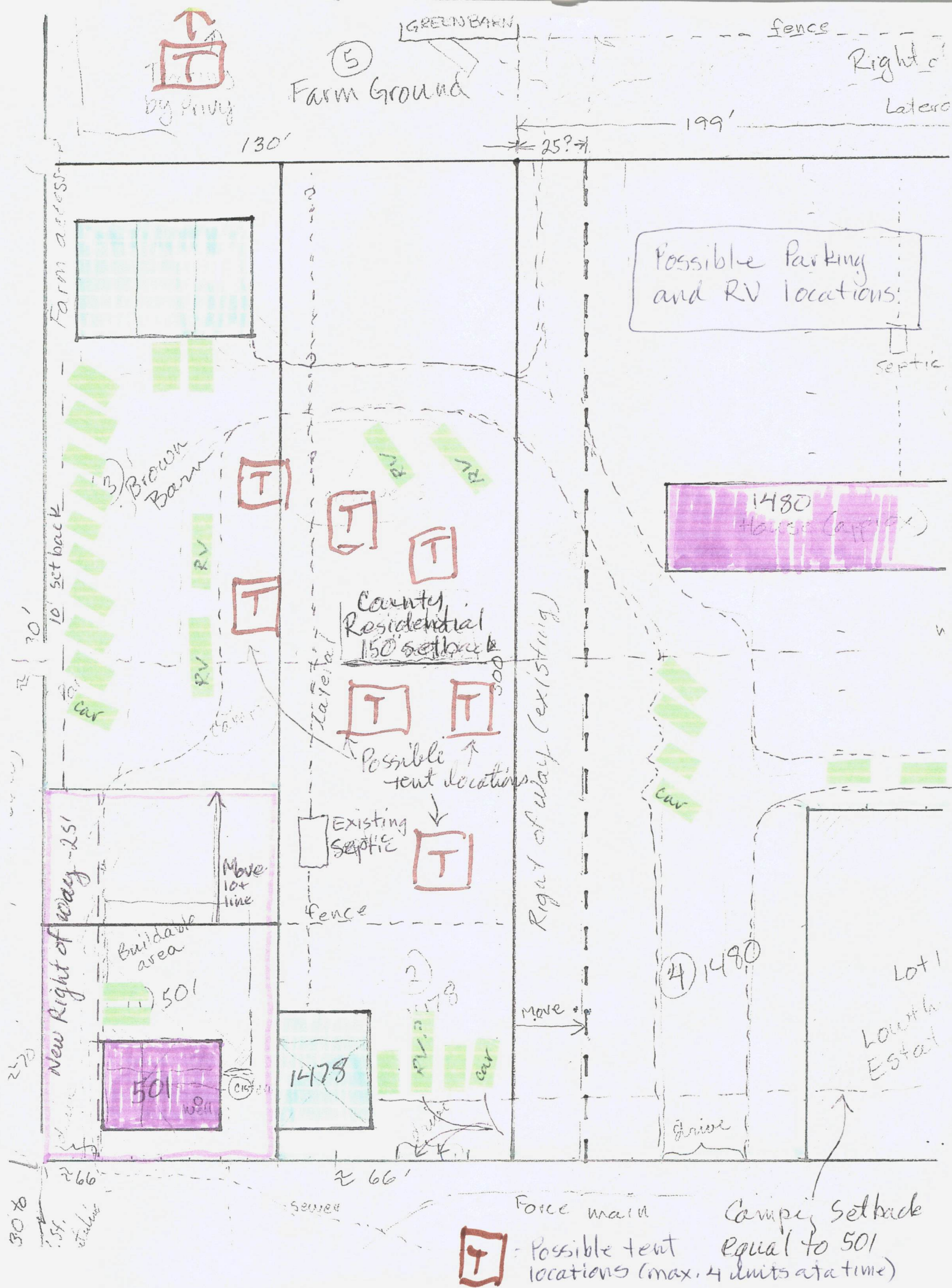
We agree that parking along North Street is not ideal and we actively discourage it. We will continue to do so, and we will continue to provide alternatives through the existing parking areas at 501 and 1478, the existing parking along the main farm driveway at 1480 and the brown barn area, and overflow parking in the deeded access easement area, the back yard of 1480 (avoiding the septic system, of course), and the green barn area.

We do propose to develop this parking and access lanes gradually over time, using low-impact sustainable non-permanent paving systems like modern versions of puncheon and corduroy. Our parking needs will not change significantly in the short term, and it will take time and experimentation to determine the best possible permeable paving methods, alignment of drives, parking areas, etc. Over time, more permanent paving solution will naturally be used once we are confident of the permanent locations and on-going needs. Because the farm is large and spread out, minimizing our walking effort while carrying out the farm work is extremely important; we do not want to lock ourselves in to an inefficient work flow by premature permanent paving.

Prior to our purchase of 501 and 1478, it was common for several vehicles to be parked in front of those houses, so we have already lessened the problem. We propose that if neighbors do not want any vehicles associated with the farm parking along the street in front of the farm property, they could join with us in requesting that “No Parking” signs be installed along both sides on the entire length of North St. This would make the parking situation much clearer to drivers, and prevent the kind of bottlenecks that have

occurred in the past. It would allow problems to be resolved by ticketing and towing if appropriate. As long as there are no "No parking" signs, it's unrealistic to say that residents, as well as neighbors' customers, visitors and friends, can park in the street but the farm's customers, visitors and friends of the farm. We already have customers, visitors and friends, permitted by right, and will certainly continue to have them whether we provide housing or not, and whether we sell other farmers' products or not.

We want to be good, law-abiding neighbors. We are just asking to be allowed to apply common sense and use existing resources in a flexible, sustainable manner over time to meet our needs for volunteer housing and to better enjoy the farm's natural beauty and wildlife. Camping will let us do that while being a good neighbor by placing a minimum of additional burden on city/county infrastructure and services compared with more permanent structures, to increase our farm business and its positive contributions to the community, and to be allowed to enjoy the fruits of our labors.



April 19, 2010

To the Lawrence-Douglas County Metropolitan Planning Commission,

We are writing in reference to the recent request for a conditional use permit at 1478 North 1700 Rd. Our family has lived next to Ms. Lowther, the owner of the property, for many, many years and is quite accustomed to the manner in which she keeps her property, the process she uses in trying to communicate or attend to concerns of the neighborhood, and the aggressive methods she uses to have her own personal interests met. Due to this pre-existing knowledge, we have developed a list of concerns related to her request for a conditional use permit.

- 1) The only access in and out of the property is a poorly kept dirt/gravel driveway. This driveway is narrow and passes just to the west of a residential home, approximately five yards away. Intensified traffic and the coming and going of many vehicles greatly disrupt the rights of the property owner living five yards from this driveway.
- 2) We live just southeast of the Lowther property at 517 North St. and have been at this location for 33 years. Because we have lived at this location for so many years we know that the Lowther property was once a well-kept ranch style family home with cut grass and groomed trees. Since Natalya Lowther moved into this location it has become increasingly run down. The Lowther property (home, two other residential structures, fencing, and landscaping) is in very poor condition and has deteriorated greatly over the years.
- 3) There are two structures located to the front of the Lowther property, facing North Street and are within the city limits of Lawrence. Ms. Lowther is referring to them as a long term farm residence and a farm structure. In fact, both are in such poor condition that no one should occupy either of them and neither is safe enough for human beings to enter. We are attaching a photograph for the Commission to gain a better understanding of the extreme condition. We are under the impression that Ms. Lowther has "volunteers" living in these quarters at this current time.
- 4) Ms. Lowther works long hours away from her property as described in a recent Lawrence Journal World article. She spends time driving a bus and is not on her property enough to manage the work of others. We believe that there is no way for Ms. Lowther to enforce all of the rules she has listed on her submitted paperwork.
- 5) There is a nearby campground known as KOA. Here they run background checks on temporary residents, providing a safe situation for others living in the area. Ms. Lowther makes no mention of conducting criminal and background checks on the individuals she wants "camping" on her property. In this case, we believe any camping on the Lowther property will in fact be a homeless encampment of people looking for a free place to stay and calling themselves "farm volunteers."

- 6) Ms. Lowther describes the agro-tourism liability waiver as a way to protect herself. She does not address the issue of responsibility when one of her "volunteer farmers" hurts, breaks, or does even greater harm to nearby residents. Who is responsible then?
- 7) What about potential visitors to her property who have disability? How can she possibly provide safe sanitary toilet conditions for people who are in wheelchairs or using other assistive devices?
- 8) Ms. Lowther mentions facility use at KOA (shower and laundry) but she has obtained no permission for this kind of access.
- 9) Ms. Lowther describes large groups of people on her property, some year round, with children. How will she provide safe, sanitary and healthy conditions for the children in particular?

These are but a few of our concerns. We request that the Planning Commission take all of these things into consideration. We greatly appreciate the protection and security of our neighborhood and the role the Commission plays in keeping it that way.

Although we do have deep concern and completely reject the idea of having a campsite such as the proposed, we do welcome the growing of produce, the raising of animals and other lifestyles that show an appreciation for nature and the land.

Thank You,

David and Joyce Higgins



Mary Miller

From: Barbara Higgins-Dover [bhigginsdover@gmail.com]
Sent: Wednesday, April 21, 2010 4:17 PM
To: Mary Miller
Subject: one more item

Ms. Miller

Here is one more point of interest the commission might want to consider....

Natalya Lowther mentions a liability waiver and how she is protected under that program with no responsibility or need to purchase protection for her proposed agrotourism business....I searched and found the information about this issue and it tells a slightly more complicated story suggesting that all business owners purchase liability policies especially since harm, death or injury could come to surrounding (off site) neighbors as a result of her operations and or her workers. And I bet that her homeowners insurance policy agent would not allow it at all.

Here is the link to that information
<http://www.kansasagritourism.org/Liability/Pages/default.aspx>

You might want to attach that information to the Higgins packet as well.

--

Barbara Higgins-Dover MS. Ed.
bhigginsdover@gmail.com

Mary Miller

From: Barbara Higgins-Dover [bhigginsdover@gmail.com]
Sent: Wednesday, April 21, 2010 3:15 PM
To: Mary Miller
Subject: a few more images

Attachments: DSCF3413.JPG; DSCF3412.JPG; DSCF3410.JPG; DSCF3411.JPG



DSCF3413.JPG (1 MB)



DSCF3412.JPG (1 MB)



DSCF3410.JPG (1 MB)



DSCF3411.JPG (1 MB)

Ms. Miller

Here are a few images of the homes surrounding the Lowther structure.
I think it is easy to see why the residents fear loss of property value if this conditional use permit is granted. The commissioners only have to compare surrounding property and the care that is given to them with the Lowther property.

thanks again

--

Barbara Higgins-Dover MS. Ed.
bhigginsdover@gmail.com





530

\$1000 REWARD
Farm Bureau
MEMBER



The Higgins Family

Dave Joyce

2

St. Lawrence

RECEIVED

April 17, 2010

APR 22 2010

City County Planning Office
Lawrence, Kansas

Owners of Record: David D. and Diane L. Hamblin
509 North Street
Lawrence, KS 66044

To Members of the Metropolitan Planning Commission
Concerning CUP 2-1-10

First of all, thank you for your interest in public opinion on conditional use permits. Unfortunately, I will not be present at the meeting on April 26th as my mother is seriously ill in northern California and I will be out of town. I was present at the NLIA meeting on April 12, 2010 to discuss this proposal.

I have lived at 509 North St. for ten (10) years. This is the property directly in front of Pinwheel Farm to the south which fronts onto North St. I have no objections to education farm activities (eg. Sheep shearing) or the selling of farm products, as many other North Lawrence residents participate in similar activities. I have definite objections to allowing camping and RV's of any kind on Pinwheel Farm properties.

The one major good that has been associated with this CUP application, has been a major clean-up of said properties that has not happened in ten (10) years.

Now for my input. There have only been a few instances with halfway cooperation from my neighbor, Natalya Lowther. For ten (10) years I have heard the comments; not enough time, not enough money. Most of us have the same issues. She has offered perennial plants if I wanted them. She has invited me to farm potlucks. I have allowed wires attached to the back side of the west privacy fence for grapevines. After trimming trees once from the 6 ft. privacy fence which separates our homes, north and south, she made a huge wood-chip pile on the easement property between my property line and her driveway. It spilled over onto my lawn and attracted insects. When I asked her to move it as it would be a "haven" during termite swarm season, she said, "The termites were here first." Fortunately, she did remove most of it two weeks later.

About 1½ years ago she had a landscape company chemically eradicate all vegetation between North St. and her sign (about 30 ft.). She said she did not have time to control weed growth. Then she brought in large round bales and left them along the drive. When I mentioned it was a fire hazard as motorists flip cigarette butts and trash along North St., there was no reply. The round bales remain along the drive. I am also often reminded to not spray lawn to cause "drift" to her farm. There is a beautiful old oak tree along the drive. I rake my oak leaves 5-6 times a year and put them in containers for city recycle, she has asked to use them for sheep bedding but will not rake her side of the fence. The tree is on her property. I refused. These are just a few of my personal examples.

Now my objections to camping. The main proposed thorough fare to the camping area is 25 ft. from my property line and less than 75 ft. from my home. Said driveway has always been a huge mud hole or dust alley. I have a right to a quality backyard environment. I spend almost every day in my backyard. I acquired a small dog in September of 2009, which necessitated fencing a portion of my yard to keep sheep and county dogs out (no leash laws) and give my dog some freedom.

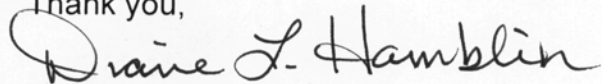
Then there is the problem of temporary portable toilets. How far will they be located from my home? And what of water well facilities? Is the well safe? The proposal states it will be used at your own risk. And showers, etc. – KOA is about one mile away. Is the well located at 1478 or 1480? I already have a fly and mosquito problem in warm weather due to the close proximity of farm animals. I do not need additional problems of dust, odor, and/or noise and dogs so I would be unable to enjoy my outdoor space.

North St. is a narrow, two lane roadway without sidewalks. If a large vehicle is passing another, one must take the shoulder. The large ruts along the street attest to this. When I walk my dog I stand on the shoulder when two vehicles are present. RV's and campers would only make the situation worse. As for the proposed "no backing into North St." – is there a proposed turn-around?

Let's be realists. Pinwheel Farm is not in the "country." It is in Douglas County on the very edge of expanding city limits. If the structure at 1478 (now deemed uninhabitable) is brought up to code, will it be annexed into the City? It sits between 501 North St. (city) and 509 North St. (city).

This is not a feasible CUP!

Thank you,



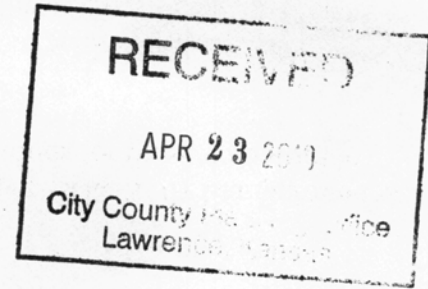
Diane L. Hamblin
509 North St.
Lawrence, KS 66044-5367

Email: hokeydory789@yahoo.com

Phone: (785) 842-9681

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS



April 20, 2010

To the Lawrence-Douglas County Planning Commission,

The North Lawrence Improvement Association and North Lawrence residents do not want camping on the Pinwheel Farm or any parking or backing up off of North Street at all. This would be unsafe as North Street is very narrow.

There are also many safety concerns related to having campers. The KOA Campground is a mile down the road and could provide safe, sanitary conditions for those who want to work at Pinwheel Farm.

Speaking as a voice for the people of North Lawrence, we are against the requested conditional use permit and ask that the Commission reject the proposal made by property owner, Natalya Lowther.

Thank You,

A handwritten signature in cursive script that reads "Ted Boyle".

Ted Boyle
President of NLIA

From: Jan Newcomb [mailto:janknewcomb@yahoo.com]

Sent: Monday, April 26, 2010 7:56 AM

To: Mary Miller

Subject: Pin Wheel Farm

Please support Pin Wheel Farm. They are not only providing fresh food but recreation and most importantly education. Teaching others how to grow vegetables, raise animals and how to be kind to the environment are things a community can be proud of. Please allow the farm's conditional use permit. Setting up a handful of tents on twelve acres will only improve the farm and your community. Supporting Pin Wheel Farm is a win win situation for Lawrence and its citizens.

Sincerely,

Jan Newcomb

Rich Hill, MO

From: Amber [mailto:wheresamber@gmail.com]
Sent: Sunday, April 25, 2010 11:49 PM
To: City Hall email; Scott McCullough
Subject: In regards to Apr 26 Planning Commission Meeting

To whom it may concern;

I am writing in support of the Conditional Use Permit (2-1-10) request made for Pinwheel Farm by Natalya Lowther.

I volunteered at Pinwheel Farm for two weeks in June of 2008. During this time I spent many hours exploring Lawrence and supporting its beautiful businesses. Over the course of those few weeks, I spent roughly \$200 on gifts, food, and other items. I plan to visit the farm soon and looking forward to spending more money in the town. I feel that Lawrence is a beautiful place and deserves to have money go into it.

During my time at Pinwheel Farm I would have loved the chance to set up my tent and relax. I simply cannot understand why someone would be prohibited from allowing friends to camp on their land if they own it and pay taxes. I've volunteered at several farms and all the fellow volunteers I have met are kind, hard-working, honest folks. These range from agriculture students who wish to have real-world experiences to retired people wishing to travel and help others. Many of the volunteers I have met have lived in big cities for most of their lives and don't have much connection with nature. Living in tents gives these people a way to truly connect and live with nature, while still protecting them from the harsh aspects of the elements. Historically, living in tents and camper vans [wagons] is a common aspect of life. During war time soldiers would, and still do, set up non-permanent structures. Settlers traveling west from the east coast would make the trip in wagons. Today many parents take their children camping to reconnect with nature. Many families and retired couples purchase camper vans to see our great country and explore it freely. I cannot see why a property owner would be denied the ability to let people camp and stay in RVs if it is such a common and accepted activity.

I understand Pinwheel Farm is also asking for the ability to hold spiritual, family and educational events, as well as, to hold a small farmer's market. Pinwheel Farm is a beautiful place that presents countless learning opportunities to all those interested. Our current break-neck pace of life has left many people feeling isolated and disconnected from the spiritual side of living. I feel the ability to connect with nature and to gather with one's community allows the feeling of grace to touch people. Also, the American general public is becoming more interested in sustainable and 'green' living. However, many don't know where to turn to get information or support. Pinwheel is an excellent place to meet those needs. I feel that being able to hold a small farmer's market would give the community surrounding the farm a base to gathering, share and interact. This would foster a greater sense of community, self-reliance and safety. Also, it would give area residents a chance to share excess produce from gardens, swap recipes and enjoy the company of others.

In conclusion, I fully support the Conditional Use Permit requested for Pinwheel Farm on the basis of community and personal need.

Kind regards,
Amber Prosceno
707 Fallon Avenue
Wilmington, DE 19804
302-545-8184
wheresamber@gmail.com

Mary Miller

From: Sarah Archibold [sarah.archibold@gmail.com]
Sent: Saturday, April 24, 2010 12:07 PM
To: Mary Miller
Cc: natalyalowther@hotmail.com
Subject: supporting Pinwheel Farm supports Lawrence economy and local agriculture

Dear Ms. Miller,

I am writing in support of Natalya Lowther's request for a conditional use permit for her farm. Natalya and her farm are an asset to the Lawrence community and just the kind of business enterprise that we should be encouraging in Lawrence and nationwide. She has been very active in small farm education and training, She welcomes people to her farm not just from Lawrence, but from communities near and far who come to learn more about small-scale sustainable farming. This is a good, positive thing for Lawrence! Visitors to Pinwheel Farm learn about what a great place Lawrence is and spend their dollars at Lawrence businesses while they are visiting. Those visitors go back home and tell their friends about what a great place Lawrence Kansas is! It would be a shame to stifle the growth of such a place, and for local government to limit Natalya's opportunities. Please support Pinwheel Farm and Natalya Lowther's open and honest business practices and allow her to continue her hard work toward becoming another much needed full time, small town, local farmer!

Sincerely,

Sarah Busse
17482 26th St.
Lawrence KS
66044

Mary Miller

From: Dan Bentley [dan66044@yahoo.com]

Sent: Sunday, April 25, 2010 10:08 PM

To: Mary Miller

Cc: natalya lowther

Subject: Natalya Lowther

I am Natalya's (next to) near neighbor to the south. My property does not adjoin hers but I can see her property from the back yard. I support anything that Natalya wants to do on her farm. As far as I'm concerned she has shown nothing but good will and good sense in all her activities. At a time that our society desperately needs sustainability in agriculture and culture she is leading the way with her teaching farm. If she wants for people to camp on her property I'm sure she will do it with the utmost of care and consideration for the neighbors. Please accept Natalya's request. I'd be glad to talk with anyone about this. Daniel Bentley, 517 Lake Street, Lawrence Ks. phone number 785-842-4418

Mary Miller

From: Kirsten Bosnak [moonfarm@sunflower.com]
Sent: Sunday, April 25, 2010 8:03 PM
To: Mary Miller
Subject: In support of CUP for Pinwheel Farm

Hello, Mary --

My name is Kirsten Bosnak. I have lived in Lawrence for more than 20 years. I'm a KU graduate and have made my living at the university for 14 years. I work at the Kansas Biological Survey doing outreach.

I moved to North Lawrence in 2004, partly for the excellent soil, the same soil that feeds Pinwheel Farm. Natalya Lowther is my neighbor and my friend. I have known her and her farm for about 10 years, and in that time, I have known Natalya to be single-minded and determined in living out her dream of working a functioning farm that feeds people and provides an opportunity for people of all ages to learn about where our food comes from.

This time of year, I go to Pinwheel Farm two or three times a week to fill a sack with assorted greens or pick up some lamb. I know this food is of very high quality and contributes to my health. When Natalya first moved to the farm, the noise and view of I-70 was very intrusive. Over the years, those sights and sounds have been replaced by the trees she has intentionally allowed to grow at the back of the land and by the calls of red-winged blackbirds. Visiting the farm is a joy.

The location of Pinwheel at the very edge of the city puts it in an excellent position to provide both food and education. I have been personally acquainted with some of the volunteers there and know them to be idealistic, hardworking and goal-oriented. They speak of how much they learn from Natalya, and I know the farm depends on their contributions of knowledge and energy.

I hope the commission will permit the special uses Natalya requests - volunteer camping, events, and a small market. I also would like to see the farm continue its operation as usual, including these uses, if the city spreads out around the land on which the farm sits and the farm comes within city limits in the future.

I appreciate your consideration.

Kirsten Bosnak

646 Walnut St.

856-5745

Mary Miller

From: Madeline Campbell [orangemom95@gmail.com]
Sent: Sunday, April 25, 2010 11:48 PM
To: Mary Miller
Cc: natalyalowther@hotmail.com
Subject: Pinwheel Farm Public Hearing

Mary Miller, Planner,

For the past three or four years we have been going to Pinwheel Farm for visits on our annual trips from Calgary, Alberta Canada. We have come to love Lawrence and hope to continue coming. The close proximity of the farm to the main shopping area has made our visits even better. We shop, go to the wonderful aquatic park, I get tattooed, and we eat. All this we have come to truly value. The ability to camp would greatly decrease our financial burden and allow us to continue to visit. We are able to work on the farm, visit with dear friends, explore the great farmers market, go to the library and enjoy all the other joys that Lawrence offers. There are so many wonderful opportunities that are not available here that we love and would dearly love to continue to enjoy.

Thank you for your time,
Madeline Campbell
Calgary, Alberta

4/26/2010

Mary Miller

From: Craig Comstock [craig_comstock@yahoo.com]
Sent: Sunday, April 25, 2010 8:33 PM
To: Mary Miller
Cc: Natalya Lowther
Subject: Pinwheel Farm Support

Hi Mary (and Natalya),

I just wanted to write in my support of Natalya and Pinwheel Farm. I have attended several workshops there which were VERY well organized and VERY helpful. I hear there may be some concerns about the camping portion of Natalya's CUP. Given the organized nature in which the workshops I have attended were managed I would have no concerns about the safety and good-neighborliness of any camping activity.

Thanks and much support and kudos for Natalya's efforts.

-Craig

Mary Miller

From: greg dowdle [gregdowdle@hotmail.com]
Sent: Sunday, April 25, 2010 11:34 PM
To: Mary Miller
Subject: pinwheel farms conditional use permit

April 25, 2010

To the Lawrence-Douglas County Metropolitan Planning Commission,

I'm am writing to you in support of the conditional use permit at 1478 North 1700 Rd. that Ms. Lowther of Pinwheel Farms has requested. My family has lived directly south of Pinwheel Farms across North Street at 770 North 5th St. since 2003. We have never had any sort of problem or concern with her or anyone that has worked at her farm. We have bought farm products from her many times and haven't seen anything that would concern us about her operation. I believe approving this permit would make this farm more productive and benefit not only the people that are there to learn about farming but the community and the city of Lawrence as well.

Thankyou
Gregory Dowdle

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. [Get busy.](#)

4/26/2010

Mary Miller

From: Maryam Hjersted [mhjersted@yahoo.com]
Sent: Sunday, April 25, 2010 11:07 PM
To: Mary Miller
Cc: natalialowther@yahoo.com
Subject: CUP for Pinwheel Farm

To Whom It Concerns,

I write in earnest support for the approval for Pinwheel Farm to be able to pursue it's much needed educational activities. I own a home in North Lawrence, and believe the highest use for this entire area is to grow food. It will someday become a vital component in the self-sustaining food supply for our city. All efforts aimed at educating people on the methods of growing food and keeping small livestock should be applauded and supported. This knowledge is being lost as this generation of farmer's children have given up any idea of an economically viable future in farming. There is a very steep learning curve, and the knowledge needed, the discipline instilled, is usually cultivated over a lifetime of growing up within the farming culture. Most of us grew up without that education, well outside the culture of farming. We as a community are having to seek out those with the experience, the willingness to teach, and the land on which to learn. This is evident in the growing number of gardener's groups and the sense of urgency felt by so many that it is time to learn to grow our own food. Growing numbers can no longer afford the cost of food shipped across the country. Growing your own vegetables, is an empowering act to reduce the fear of going hungry due to poverty or failures in food supply lines. "Food Not Lawns" is such an important national movement, and the city should support this movement as well it its educational efforts as part of its long range preparedness as we approach the possibility of a peak oil crisis.

Natalia offers our community a resource which is precious and should be regarded with respect and gratitude. Those who speak against it out of fear are, I believe, over reacting, and some are being unkind and making personal attacks. This is not a good way, not a just way, and certainly not a wise way to respond to a hard working woman who has only our best interests at heart.

Please consider her requests and give them your approval. Let time tell whether any of the expressed fears are just, and reevaluate at that time if necessary. Fear "of what might happen" is not a fair basis upon which to make a decision, when the activities for which she request permission are neither dangerous nor threaten the safety or peace of anyone outside the four corners of her land. Land ownership carries with it the rights of egress, and the pursuit of one's interests upon that land. Though it has been proven that it is the basic human condition is to make "fear based decisions." Let's not let her good positive aspirations be sacrificed based simply on the "fear based projections" of others most probably are unfounded.

Sincerely, Maryam Hjersted



Mary Miller

From: johnny koch [johnnykoch1978@yahoo.com]
Sent: Monday, April 26, 2010 3:23 AM
To: Mary Miller
Subject: support for the pinwheel farms Conditional Use Permit

This is to show my support for the pinwheel farms Conditional Use Permit. I think that it would only help our community in more ways than one. The local economy, local businesses local education, to name a few. I have been following this for a little while and frankly the people that oppose this do so without facts. First the kinds of people that will visit pinwheel farms are educated people, collage students, future farmers, agriculturists, and seasoned farmers. If you have any doubt as to how this collaboration of farmers and agriculturists can be beneficial watch the documentary "food inc." it may enlighten you on why supporting local farming is just the right thing to do for our community and our future.

John, Koch

Mary Miller

From: namaste [namastem@yahoo.com]
Sent: Monday, April 26, 2010 3:10 AM
To: Mary Miller
Subject: support Pinwheel farms' Conditional Use Permit

This letter is to support Pinwheel farms' Conditional Use Permit. I feel that it will only help the community in more ways than one. First it will bring in revenue, second it will help educate the community on organic foods, self sustainable farming. There are many other benefits that will come from this. As for the rumors of homeless, degenerates and the like using this farm as a refuge, that simply is not the case the kinds of people that will come and stay are collage students future farmers seasoned farmers, and other agriculturists. The need for this kind of system is great, to have a collaboration of farmers future farmers and anyone interested in agriculture is supremely beneficial to the whole community, it would not only bring in revenue from the people coming to visit but would greatly help local farmers with new ideas, different views on farm life, which in full circle helps the entire communities economy. In short to support this permit will support the local farmers, local businesses, and ultimately the economy.

Namaste, Manney

4/26/2010

Mary Miller

From: smacfamilly@aol.com
Sent: Monday, April 26, 2010 8:34 AM
To: Mary Miller
Subject: support for Natalya Lowther and Pinwheel farm

I am writing this in support of Natalya Lowther and all of the growers in the area. I believe that farms like her's are a true treasure. They provide safe, healthy food in a time where food sources are suspect at best. It is important to support all of our local farms as they are the first line of defense in our food safety. Running a farm is very different than any other type of business. You need to be hands on all year long. You need to be flexible with your plans and able to think and react quickly to solve problems. Your livelihood depends on the weather. It can keep you working in the field until late at night to plant or harvest before the weather will prevent you from working or destroy the crop you have tended all season. Farmers are among the hardest working, most dedicated people around. They sincerely care for the earth and the people that they feed. Lawrence is fortunate to have wonderful farms providing great food for the residents. I hope the city will see this and support all of the local Lawrence area farms. Work with the farmers, they are the life of your city.

Sincerely,
Sheri McNeil

Mary Miller

From: Stephanie Thomas [springcreekcsa@yahoo.com]
Sent: Monday, April 26, 2010 8:36 AM
To: Mary Miller
Subject: Pinwheel Farm and camping

Greetings,

I am a local organic farmer, and want to make a comment about Natalya Lowther's request to allow farm participants to camp at her farm.

As a small farmer, I can only afford a very limited amount in labor dollars, and hire two part-time apprentices each year through Growing Growers. I depend on a crew of 8 volunteers to take up the slack, and in exchange, I offer them training in growing fruits, vegetables and meat using organic and sustainable methods. We farm on 20 acres, right next to the Baldwin City Spring Creek Lake 2 miles south of the city. There are often groups that camp there overnight or even for entire weekends. Some of those are organized camps (Boy Scouts, Discover, etc.), but many are just high school kids or college students on a long, early spring or fall weekend. In 9 years we have never had any problems on our adjoining property from campers.

Natalya's potential campers are there for experiential training in an organized and structured program, and are unlikely to be interested in any sort of activities that would cause concern for the local community. One of the first things people learn after a day on the farm is that you don't have any energy for a night-life! These are students of natural growing and farming who need a place to stay a night or two on someone's personal property. In my experience with volunteer farm workers, I expect that her guests will treat the camping area as an extension of Natalya's own house and home. As a farmer whose operation is of similar size as Natalya's, I can say without a doubt that I could not afford to put up a house for volunteers, and don't have the space in my own house. From the volunteers' perspective, they are not getting paid anything more than meals and seconds, and are donating their time for the training. I see no harm that can come from them pitching a tent for a short time.

Sincerely,

Stephanie Thomas
Spring Creek Farm
1841 N. 150 Rd.
Baldwin City, KS

Mary Miller

From: Catlady [catsrme@mts.net]
Sent: Monday, April 26, 2010 8:48 AM
To: Mary Miller
Subject: Pinwheel Farm Conditional Use Permit Public Hearing

Mary Miller, Planner:

Hi. I am writing about the application for Natalya Lowther to have visitors and casual helpers to Pinwheel Farm being allowed to camp on her property.

I have an interest, not despite my living so far from Lawrence, but rather because of the distance. I would like to, in fact plan to, visit Natalya. I know that she is very busy with her farm and her outside job, so staying with her in her home could be an added burden. However, knowing that I could bring a tent, to stay close to her while giving us both the freedom to come and go would be very attractive. I also know that she often has volunteer workers at her farm – again, needing to house those people would be an added burden that would negate any help given. I don't believe that allowing Natalya to permit tenting on her property will turn it into any sort of camping free-for-all; but it will make it possible for her to continue to be a viable economic contribution to Lawrence. And certainly, making a visit to Pinwheel Farm attractive will also help the local economy, as I would definitely like to explore your city, and shop. One business that I'm looking forward to visiting is the Yarn Barn, which I understand is close to Pinwheel Farm, and a business that I have dealt with long distance in the past, but would like to see and shop at in person.

I also know that Pinwheel Farm supplies local businesses with fresh produce, and that is also great for an economy that is looking more and more to locally produced goods of any kind. I am also a business owner, retail, and am aware of the current trends regardless of where one lives. People are looking to keep costs down whenever possible (having volunteer labour staying on the farm reduces production costs) and to reducing carbon footprints in every way possible (again, saving the travelling to and from the farmsite by the volunteer labourers as well as having local produce that can be purchased close to the source, without added delivery driving certainly fill this desire).

I hope that my comments will assist you in understanding that Pinwheel Farm is a very important component in Lawrence, and anything you can do to help it prosper and grow will ultimately be good for Lawrence as well.

Anne C.

Crafting is my passion; Cats are my obsession.

Mary Miller

From: Avery Walker [dirtclodmusic@yahoo.com]
Sent: Monday, April 26, 2010 9:08 AM
To: Mary Miller
Subject: pinwheel farm

I urge you to allow camping at Pinwheel Farm, and anything else Natalya requests to allow her to improve her farm. Because of the consolidation of farms that has occurred over the last couple generations, there are fewer people who grew up on farms than ever before. If we are to increase our food security and strengthen our local economy by increasing the number of small farms in the area, the next generation of farmers will have to come from a non-farming background. Natalya is a knowledgeable farmer and a patient teacher. Allowing apprentices to camp at Pinwheel Farm will increase the number of people she can teach about farming, with less potential for nuisance than exists with other business activities that are already allowed in north Lawrence. Enabling young people to learn about farming is good for our society, our environment and our economy.

thank you,

Avery Lominska

RECEIVED

APR 26 2010

City County Planning Office
Lawrence, Kansas

X = North Lawrence resident

On Sat, Apr 17, 2010 at 4:40 PM, ~~Planning Office~~ wrote:

Dear Friends.....I am asking you to sign a petition that will support our North Lawrence neighbor, Natalya Lowther, to get permission to use her farm for a small farmers market, to allow camping there for the volunteer farm workers who help her and to hold small events. That's it, in a nutshell.....not sure if she is growing nuts there, but she sure is feeling nuts dealing with the county restrictions! I would like to help her. I need signatures of support. You can read all of the details below if you want. Or, you can just scroll to the bottom and fill in your name and any comments of support. I need these names by April 24th!
Thanks, Iris

PETITION FOR CONDITIONAL USE PERMIT SUPPORT
FOR CAMPING AND OTHER ACTIVITIES
AT PINWHEEL FARM

Pinwheel Farm (1480 N. 1700 Rd., a.k.a. 5th and North St.) owner Natalya Lowther has applied for a Conditional Use Permit (CUP) to secure her farm's freedom to conduct traditional farm-related activities that are no longer allowed on land zoned A "Agricultural". Specific uses requested include camping, hosting of events, and a small "farmers' market".

The proposal will be discussed and hopefully voted on by the Planning Commission on Monday, April 26, at 6:30 at City Hall. We encourage you to attend and support this CUP, or to send more detailed comments to the Planning office prior to that date. If you have questions or concerns, or would like to arrange a site visit, feel free to contact Natalya Lowther. We value input from our community.

A few neighbors and NLIA have expressed concerns about traffic, on-street parking, "strangers", and privacy. We believe that our farm-focused, small-scale approach will allow us to carry out our planned activities without adversely affecting the neighborhood. The overall impact of these uses will be much less than if we developed the land in a conventional residential manner consistent with existing zoning—even if all we did was replace existing houses (501 North St. and 1478 N. 1700 Rd., which we acquired in 2006) with larger ones.

Pinwheel Farm has extensive policies and guidelines to ensure that all farm uses, not just the proposed CUP uses, are conducted in a manner that helps maintain a secure, safe, and pleasant neighborhood environment. Pinwheel Farm is committed to preserving our natural resources, providing healthy food to the community, and preserving and teaching traditional, sustainable living and farming skills.

Pinwheel Farm is working with low-impact, highly permeable wood-based paving alternatives that will use sustainable wood waste instead of gravel or concrete for paving parking and lanes. Pinwheel Farm is adamant that gravel and concrete (required by County regulations for parking and lanes) are not appropriate paving materials for most of our purposes. Wood-based paving will minimize the CUP activities' environmental impact in terms of preserving Class 1 soil, managing stormwater, and avoiding the dust that gravel paving causes. Wood will degrade to enrich the soil over time if we take a lane out of use, while gravel will stay in the soil forever.

The time frame of this request is for 100 years. Pinwheel Farm would like to be a Century Farm someday! To remain a viable farm business rewarded more by the lifestyle than by a high-paying job, Pinwheel Farm needs to know what rights it will have not just now but in the very long-term future.

Some details of the requested uses:

1. Camping would provide both short and long-term temporary housing for farm volunteers and family members in a manner that will create a minimum loss of permeable soil surfaces to absorb stormwater while allowing volunteers to more fully appreciate and understand the farm's fascinating ecosystem. Instead of using permanent mobile homes or constructed guest house (both legal without the CUP) to

house helpers, then having those buildings around when no one is using them, tents and campers can be put away.

Pinwheel Farm is part of the World-Wide Opportunities on Organic Farms program (WWOOF) which matches itinerant volunteers with host farms needing free labor in exchange for learning opportunities, food, and shelter. WWOOFers contribute to the local economy in many different ways. Pinwheel also is a host farm for the regional Growing Growers apprenticeship program, and has more informal volunteers as well.

Camping would be limited to a maximum of 12 adults housed in at most 6 units, consisting of up to 4 self-contained RVs/campers and/or up to 4 tents. Conventional housing setbacks will be followed along property lines. Units would be scattered in strategic places around the farm depending on the purpose of the camping (predator control, lambing supervision, volunteer housing, etc.) While it would be allowed year-around, there would be fewer people camping during cold weather.

Many people are surprised to learn that in 2006, Natalya was threatened with a \$500/day fine for possessing a camper on her own land (zoned Agricultural). She was using it as office space, a rest area, and for occasional farming-related overnight stays. What a shame to not be able to fully enjoy the natural beauty of the farm and its wildlife!

2. Events such as weddings, picnics, educational workshops, tours, etc. are not explicitly allowed by existing Agricultural zoning regulations. Having them specifically allowed by the CUP will help establish guidelines for parking, etc. to ensure that the neighborhood is not adversely affected. Most events hosted at the farm will be relatively small (less than 25 participants) and will be farm-related educational programs.

3. A temporary farm stand is allowed on agricultural land, but only selling the products produced on that land. Pinwheel Farm would like to allow a few other farmers and gardeners from the North Lawrence and further north area to sell their products along with our own. Since we don't have a grocery store on this side of the river, this could give North Lawrence residents easier access to healthy, local agricultural products including meat, eggs, vegetables, fruit, etc. This would also allow us to be a pick-up point for a multi-farm CSA (Consumer-Supported Agriculture food subscription service) in the future, if desired.

We, the undersigned, support Pinwheel Farm's Conditional Use Permit for camping, events, and a farmers' market.

1. NAME Jessi Asmussen Signature Jessi Asmussen

ADDRESS 1832 New Hampshire, Lawrence, KS, 66044

Phone 785____ - 856____ - 0622____ E-mail: mellowfields@gmail.com

COMMENTS: _____

2. NAME Trish Jackson Signature Trish Jackson

ADDRESS 1736 Brook St , Lawrence, KS, 66044

Phone 785-760-5445____ E-mail: gardentrish@gmail.com

COMMENTS: This CUP will only enrich our community and Iris' neighborhood!

3. NAME Melissa Forester **SIGNATURE** Melissa Forester

ADDRESS 1226 Delaware St. #13 Lawrence, KS, 66044

Phone 785 - 393 - 4268 **E-mail:** _____

COMMENTS: There is a need to support local growers who are trying to develop the local food system Lawrence is in need of. The World Wide Opportunities on Organic Farms organization and the Growing Growers Program are both excellent programs and Lawrence would benefit from this. _____

4. NAME Amber Lehrman **SIGNATURE** Amber Lehrman

ADDRESS 2409 Brookside Dr. _____, Lawrence, KS, 66047

Phone 785 - 842 - 2686 **E-mail:** jailehrman@yahoo.com

COMMENTS: I strongly support this request. We need more farms willing to openly teach how to grow food in a low impact, sustainable way. Better access to farmer's markets makes it easier for more people to enjoy delicious food grown locally and will keep more of our food dollars in the local economy.

5. NAME Georgia Palos Shiney **SIGNATURE** >

GS

ADDRESS 303 lincoln st. _____, > Lawrence, KS, 66044

Phone 785 - 979 - 7453 **E-mail:** georgiapalos@gmail.com

COMMENTS: _____

6. NAME Justin Henry Shiney **SIGNATURE** > JS

ADDRESS 303 lincoln st. _____, > Lawrence, KS, 66044

Phone 785 - 550 - 8810 **E-mail:** j@shiney.com

COMMENTS: _____

7. NAME Sondra Beverly **SIGNATURE** Sondra Beverly

ADDRESS 2607 Orchard Lane _____, Lawrence, KS, 66049

Phone 785-830-8234 **E-mail:** sqbeverly@gmail.com

COMMENTS: Natalya is an outstanding member of the Douglas County community. She is doing innovative things on her farm, and sharing her knowledge and experience with others. She will respect the rights and needs of neighbors as she carries out these plans.

8. NAME Ann Renée' Holl **SIGNATURE** Renee Holl

ADDRESS 313 Pleasant _____, Lawrence, KS, 66044

Phone 785-840-5056 **E-mail:** reju@sunflower.com

COMMENTS: __I totally support this sustainable business and encourage Commissioners to support other well planned community efforts.__

9. NAME Jane W. Gibson SIGNATURE __Jane W. Gibson__

ADDRESS __1845 Learnard Ave_____, Lawrence, KS, 66044

Phone _785-__838-__8974_ E-mail: __janeqibsonis@gmail.com

COMMENTS: North Lawrence has long needed a farmers' market and the other opportunities Pinwheel Farm could offer can help secure the farm into the future. Pinwheel Farm is working to become a model for sustainable small-scale agriculture, already preserving a healthy way of life and imparting its associated skills and values to others in our urban area. I urge the City Commission to support Pinwheel Farm's proposal for a Conditional Use Permit.



10. NAME Iris Wilkinson SIGNATURE Iris Wilkinson

ADDRESS 410 Elm, Lawrence, KS, 66044

Phone 785-841-7050 E-mail: zzwilk@aol.com

COMMENTS: We definitely need to support what Natalya Lowther is doing with Pinwheel Farm. We need places for farmers to sell their wares here in North Lawrence (especially since we do not have a grocery store!) and we need opportunities to teach people how to produce food. Of course, people should be allowed to camp at Pinwheel when they are staying there for special events! Please support Pinwheel Farms request for a Conditional Use Permit!

NAME _____ SIGNATURE _____

ADDRESS _____, Lawrence, KS, 66044

Phone ____ - ____ - ____ E-mail: _____

COMMENTS: _____

NAME _____ SIGNATURE _____

ADDRESS _____, Lawrence, KS, 66044

Phone ____ - ____ - ____ E-mail: _____

COMMENTS: _____

Re: FW: [Isn-garden] Iris needs support for a petition

From: **jdrumm7@juno.com** (jdrumm7@juno.com)

Sent: Tue 4/20/10 9:38 PM

To: natalyalowther@hotmail.com



We, the undersigned, support Pinwheel Farm's Conditional Use Permit for
> camping, events, and a farmers' market.

>

> NAME Jean Drumm SIGNATURE _____

>

> ADDRESS 233 N. 4th Street Lawrence, KS, 66044

>

> Phone 785-841-6067 E-mail: idrumm7@iuno.com

> _____

>

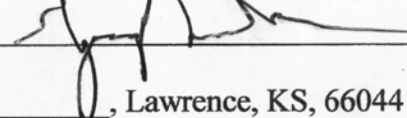
> COMMENTS: _Please let this space be used for good efforts on the part of farmers!

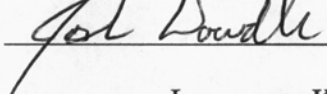
Penny Stock Jumping 2000%

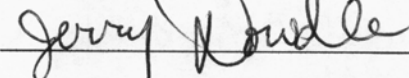
Sign up to the #1 voted penny stock newsletter for free today!

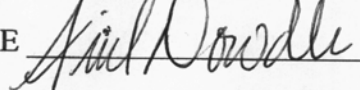
AwesomePennyStocks.com

* We, the undersigned, support Pinwheel Farm's Conditional Use Permit for camping, events, and a farmers' market.

NAME Greg Dowdle SIGNATURE 
ADDRESS 770 N 5th St., Lawrence, KS, 66044
Phone 785-218-6958 E-mail: gregdowdle @ Harman.com
COMMENTS: _____

* NAME JOSHUA DOWDLE SIGNATURE 
ADDRESS 2113 HARVARD APT D, Lawrence, KS, 66044
Phone 785-393-0400 E-mail: joshdowdle@gmail.com
COMMENTS: _____

* NAME Jerry Dowdle SIGNATURE 
ADDRESS 770 N. 5th St, Lawrence, KS, 66044
Phone 785-760-0254 E-mail: dowdle @ sunflower
COMMENTS: _____

* NAME Ariel Dowdle SIGNATURE 
ADDRESS 770 N 5th, Lawrence, KS, 66044
Phone 785 393 7337 E-mail: arieldaniel@gmail.com
COMMENTS: _____

*

We, the undersigned, support Pinwheel Farm's Conditional Use Permit for camping, events, and a farmers' market.

NAME Jessica Conner SIGNATURE Jessica Conner
ADDRESS 520 North St., Lawrence, KS, 66044
Phone 785-248-1213 E-mail: jmcnrr_joshjess@yahoo.com
COMMENTS: _____

*

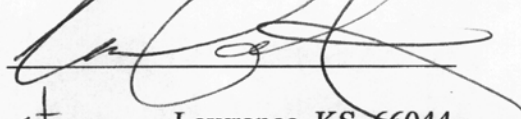
NAME Howard H. P. SIGNATURE Howard H. P.
ADDRESS 742 W 5th, Lawrence, KS, 66044
Phone 785-842-5922 E-mail: _____
COMMENTS: Perfectly reasonable request approve it!

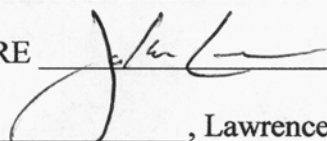
*

NAME Denise Kester SIGNATURE Denise Kester
ADDRESS 735 N5, Lawrence, KS, 66044
Phone 843-8266 E-mail: dkester@sunflower.com
COMMENTS: It's fine with me + more gardening is always better!

NAME _____ SIGNATURE _____
ADDRESS _____, Lawrence, KS, 66044
Phone _____ - _____ E-mail: _____
COMMENTS: _____

We, the undersigned, support Pinwheel Farm's Conditional Use Permit for camping, events, and a farmers' market.

NAME Ilan Gitter SIGNATURE 
ADDRESS 919 1/2 Massachusetts st., Lawrence, KS, 66044
Phone 817 - 757-8793 E-mail: gitter@colorado.edu
COMMENTS: Let them Camp!

NAME Jake Lerman SIGNATURE 
ADDRESS 919 1/2 MASS st., Lawrence, KS, 66044
Phone 817 - 650 - 5465 E-mail: jlerm88@ku.edu
COMMENTS: Camp on!

NAME _____ SIGNATURE _____
ADDRESS _____, Lawrence, KS, 66044
Phone _____ - _____ - _____ E-mail: _____
COMMENTS: _____

NAME _____ SIGNATURE _____
ADDRESS _____, Lawrence, KS, 66044
Phone _____ - _____ - _____ E-mail: _____
COMMENTS: _____

We, the undersigned, support Pinwheel Farm's Conditional Use Permit for camping, events, and a farmers' market.

NAME NAN RENBARGER SIGNATURE Nan Renbarger

ADDRESS 577 E 300 Rd Overbrook, Lawrence, KS, ⁶⁶⁵²⁴~~66044~~

Phone - - E-mail: verbenamazing@yahoo.com

COMMENTS: Let people spend a night under the stars!

NAME JASON HERING SIGNATURE J. Hering

ADDRESS 1614 Kentuck, Lawrence, KS, 66044

Phone 785-341-4911 E-mail: Jason711@k.ks.edu

COMMENTS: Students would love to camp at this farm.

NAME Marin Massa SIGNATURE Marin Massa

ADDRESS 1193 E. 596, Lawrence, KS, ⁶⁶⁰⁴⁷~~66044~~

Phone 785-748-0018 E-mail: rin@inorbit.com

COMMENTS: Sands great!


NAME James & Erin Hahn SIGNATURE James & Erin Hahn

ADDRESS 1012 EMERY RD #F10, Lawrence, KS, 66044

Phone 785-841-3342 E-mail:

COMMENTS:

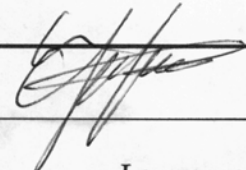
We, the undersigned, support Pinwheel Farm's Conditional Use Permit for camping, events, and a farmers' market.

NAME Avery Lominska SIGNATURE 

ADDRESS 2308 Union Rd, Lawrence, KS, 66044

Phone 785-842-1696 E-mail: —

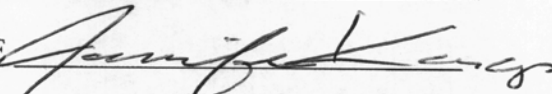
COMMENTS: —

NAME Carolina N Proudfoot SIGNATURE 

ADDRESS 1040 Colleg Blvd., Lawrence, KS, 66044

Phone 913-972-7460 E-mail: CarolinaN.Proudfoot

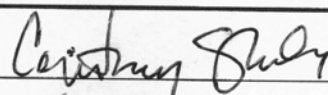
COMMENTS: —

NAME Jennifer Kongs SIGNATURE 

ADDRESS 940 Connecticut, Lawrence, KS, 66044

Phone 785-241-4159 E-mail: jennifer.kongs@gmail.com

COMMENTS: this is a GREAT small business development idea!!

NAME Courtney Skeeba SIGNATURE 

ADDRESS 110 E 7th St. Leecompton KS 66050, Lawrence, KS, 66044

Phone 785-887-3926 E-mail: info@circlehr.com

COMMENTS: —

We, the undersigned, support Pinwheel Farm's Conditional Use Permit for camping, events, and a farmers' market.

NAME Jamene Brooks-Kieffer SIGNATURE Jamene Brooks Kieffer
ADDRESS 507 Arizona St, Lawrence, KS, ~~66044~~ 66049
Phone 785-832-8953 E-mail: jameneb@sbcglobal.net
COMMENTS: _____

NAME Chris & George Sundstrom SIGNATURE Chris Sundstrom
ADDRESS 1529 New Hampshire, Lawrence, KS, 66044
Phone 785-841-5568 E-mail: _____
COMMENTS: _____

* NAME Karen Mathis SIGNATURE Karen Mathis
ADDRESS 1102 W. 22nd Ter., Lawrence, KS, 66044
Phone 785-832-0925 E-mail: kitmath@sunflower.com
COMMENTS: _____

NAME Araron Silber SIGNATURE Araron Silber
ADDRESS 1329 Maple Lw., Lawrence, KS, 66044
Phone 785-550-4261 E-mail: _____
COMMENTS: I like to sleep in a tent.

PLANNING COMMISSION REPORT Regular Agenda – Public Hearing Item

PC Staff Report
4/26/09

ITEM NO. 3 COMPREHENSIVE PLAN ANNUAL REVIEW (MJL)

Receive the comprehensive plan annual review and initiate recommended comprehensive plan amendments (CPA).

SUMMARY

This review is an annual review of the comprehensive plan, *Horizon 2020* for 2009-2010. The review examines *Horizon 2020* for consistency and viability of the comprehensive plan adopted by the Planning Commission as a tool for making land use decisions. K.S.A. 12-747(d) states, "At least once each year, the planning commission shall review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same."

The comprehensive plan is not a static document; the planning process must be continuous. The Plan should be monitored and updated on a regular basis. The need for plan amendments is the result of many community influences. Most frequently these are brought about by changes in attitudes, assumptions, or emerging needs not foreseen at the time of plan adoption.

STAFF REVIEW

I. SUMMARY OF CHAPTER UPDATES

Horizon 2020 states that a substantial plan review and update should occur at least once every five years. This process was started in 2001 with the update of Chapter 2 - Summary of Background Studies. Below is a summary of the updates since the last annual review in June 2009.

Chapter updates in process

- Chapter 8 - Transportation
- Chapter 10 – Community Facilities
- Chapter 11 – Historic Resources
- Chapter 16 - Environmental – New chapter

Future chapter updates

- Chapter 17 – Implementation

II. SUMMARY OF PLAN AMENDMENTS

In addition to entire chapter updates, smaller amendments have been made to the plan. These amendments could include changes to maps, additions of text, and updates to existing text. Below is a summary of the completed and initiated amendments to the plan since the last annual review.

Completed Amendments

- Chapter 7 – Industrial and Employment Related Uses; August 2009
- Amendment to Chapter 4 - Growth Management & Chapter 6 – Commercial Land Use regarding Rural Tourism Facilities; August 2009
- Amendment to Chapter 3 to remove the Land Use Categories Table; November 2009
- Renumber the Implementation Chapter from Chapter 13 to Chapter 17; November 2009

Initiated Amendments

- Amend Map 3-3 – Change identified UGAs to Planning areas around incorporated cities except for Lawrence; on hold until the Lawrence UGA is revised.
- Environmental chapter; PC presentation in April
- Amend Map 3-1 Lawrence Urban Growth Area: Service Areas and Future Land Use (review of UGA); on hold for Waste Water Master Plan update
- Chapter 11 - Historic Resources; in process
- Chapter 8 – Transportation; in process
- Northeast Sector Plan; in process, first draft available for comments

III. LONG-RANGE PLANS

Sector planning has played a larger role in the planning process in implementing *Horizon 2020*. Below is a summary the long-range planning since the last annual review.

Long-range plans in process

- *Oread Neighborhood Plan*; PC recommended approval on 1/10/10; at City Commission Study Session 4/20/10
- *Northeast Sector Plan*; first draft available for comments

Identified long-range plans to be initiated

- South of the Wakarusa

Long-range plans due for review

- *East Lawrence Neighborhood Revitalization Plan*; Adopted November 2000; scheduled for review 2010
The East Lawrence Neighborhood Revitalization Plan was drafted by the neighborhood with help from City Staff and consultants in 2000. This plan is still viable and many implementation strategies remain to be completed.
- *HOP District Plan*; Adopted May 2005; scheduled for review 2010
The HOP District Plan was drafted by City Staff and the 3 neighborhoods it affects (Pinckney, Hillcrest, Old West Lawrence). The Neighborhoods currently are working to implement portions of the plan. The plan suggested rezoning for the area and as a result of the implementation of Goal 2 of the plan. The neighborhoods worked designated a task force to work on this project and they worked with staff to rezone almost 40 properties. This plan is still viable and many items remain to be implemented.

IV. IDENTIFIED AMENDMENTS

Below are identified amendments.

- Update Chapter 14 – Specific Plans. There are references are made to the previous Chapter 13 – Implementation regarding the adoption process for plans. The reference needs to be updated to refer to Chapter 17 – Implementation. This was an oversight when the chapter was renumbered.
- Amend Chapter 7 – Industrial and Employment Related Land Uses to be consistent with the approved *K-10 & Farmer's Turnpike Plan* to include the plan expanded Santa Fe Industrial Area and I-70 and K-10 industrial area.
- Update Chapter 11 – Historic Resources. This chapter has been in process since 2005. We have different numbering system and would like to update the file to the current system (currently CPA-2005-3).
- Update to Chapter 10 – Community Facilities. An update to this chapter is needed.

STAFF RECOMMENDATION

Staff recommends initiation of CPA's for the identified amendments for future public hearings.

Memorandum

City of Lawrence

Planning & Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Michelle Leininger, AICP, Area/Neighborhood Planner

CC: Scott McCullough, Director of Planning and Development Services
Sheila Stogsdill, Assistant Director

Date: April 26, 2010

RE: ITEM NO. 4 TEXT AMENDMENT FOR USES IN IBP DISTRICT

Consider initiating a Text Amendment to add Hotel, Motel, Extended stay uses in the IBP (Industrial Business Park) District for discussion at a future public hearing.

It was brought to staff's attention after the March Planning Commission meeting that there was an issue regarding the Text Amendment for the IL District and the recommendation for the Hotel, Motel, Extended Stay use being added as a permitted use in the IBP District. As part of the review of the proposed amendments to the IL District, staff determined that it would be appropriate to permit the Hotel, Motel, Extended Stay use in the IBP District. Staff recommended the use be permitted in the IBP District as part of the text amendment staff report. This was an error as the legal publication did not indicate that amendments to the IBP District would be considered, only the amendments to the IL District. The recommendation should have been to initiate a text amendment to include the Hotel, Motel, Extended Stay use as a permitted use in the IBP District.

Staff has removed the recommendation to add the Hotel, Motel, Extended Stay use IBP District from the information sent to the City Commission for action in the TA since it was not properly noticed. However, we still believed it is appropriate to consider this use in the IBP District and request that the PC initiate a text amendment to hold a public hearing on this matter.

Action Requested

Staff requests the Planning Commission initiate a text amendment to chapter 20, Article 4 of the Code of the City of Lawrence, Kansas to add the Hotel, Motel, Extended Stay use as a permitted use in the IBP District.

Memorandum
City of Lawrence
Douglas County
Planning & Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Michelle Leininger, AICP, Area/Neighborhood Planner

CC: Scott McCullough, Director of Planning and Development Services
Sheila Stogsdill, Assistant Director

Date: April 26, 2010

RE: **Agenda Item 5:**
Consider initiation of an amendment to the Community Design Manual to incorporate the Industrial Design Guidelines and initiation of a Text Amendment to the Land Development Code, Chapter 20 of the Code of the City of Lawrence, Kansas referencing the Industrial Design Guidelines for discussion at a future public hearing.

Planning Staff and the Industrial Design Committee of the Planning Commission have been working since the summer of 2008 to draft the Industrial Design Standards. In 2006 the city adopted the Commercial Design Standards which are a chapter of an overall Community Design Manual. The Industrial Design Standards will become another chapter in the Community Design Manual and part of the implementation of both *Horizon 2020* and the *K-10 & Farmer's Turnpike Plan*. Staff has sent the draft to stakeholders for comments twice and we will be meeting with a group of manufacturers for a presentation and comments. While they have been in committee for sometime, they must be formally initiated in order to proceed with a public hearing.

Action Requested

Staff requests the Planning Commission initiate the Industrial Design Standards and initiate a text amendment to the Land Development Code referencing the Industrial Design Standards.

SECTION THREE: INDUSTRIAL DEVELOPMENT

Part One: Introduction

I. Purpose and Intent

Industrial development plays a major role in the economic vitality of the region. Industrial development areas in Lawrence provide economic and employment opportunities for the prosperity of its citizens and the community.

Design standards and guidelines offer a vision for an approach to industrial design that can be beneficial both to developers and to the community. The concepts for industrial development encourage the highest level of design quality and creativity while emphasizing key design concepts such as, but not limited to, enhancing functionality for industrial uses; ensuring efficient multi-modal transportation systems; designing public spaces at a pedestrian-scale; creating visual interest; and ensuring that the overall aesthetic character of new developments are compatible with surrounding uses.

The purpose of these industrial design standards and guidelines is to strike a balance between requiring quality industrial projects and allowing creative, cost effective solutions for site and building development. In addition, the standards and guidelines strive to:

1. articulate community design standards and guidelines for industrial development within the city of Lawrence to maintain the character and heritage of the community and neighborhoods within the community;
2. enhance the community's overall value and appearance;
3. promote well-designed projects;
4. ensure compatibility with surrounding uses;
5. enhance pedestrian safety and walkability in public spaces;
6. encourage efficient transportation.

It is recognized that design professionals including architects, landscape architects, engineers, and land planners are trained to strive for creative excellence. The standards and guidelines established herein are not intended to restrict creative solutions.

II. Applicability of Standards

All development activity within the IG, IL, IBP, and PID zoning districts or uses included in the Industrial Use Group in the Section 20-403 of the *Land Development Code* for which site plan or development plan approval are required, are subject to these design standards. Additional standards and guidelines may also apply where a specific plan has been approved. Industrial developments subject to review under Kansas Statutes K.S.A. 75-2715 thru 75-2725, as amended (Kansas Historic Preservation Act) and Chapter 22 of the City Code (Conservation of Historic Resources Code) are subject to these industrial design standards to the greatest extent practical. Additionally, industrial developments subject to review under the *City of Lawrence Downtown Design Guidelines* or under standards adopted as part of an Urban Conservation Overlay District are subject to these industrial design standards to the greatest extent practical.

Community Design Manual – Section Three: Industrial Development

These standards are in addition to the regulations contained in the city's *Land Development Code*. The standards will be used in reviewing projects to further the goals of the community's comprehensive plan, *Horizon 2020*, and any adopted specific plans. Where the provisions of these design standards conflict with provisions in the *Land Development Code* or adopted specific plan, the more site restrictive provision shall apply.

The following should be considered when applying these standards:

1. To the greatest extent practical for each development activity, each standard in this design manual should be implemented. It is recognized that a project may not be able to meet every standard and that certain standards, such as site planning standards, architectural standards, etc., may be more or less applicable in the different industrial zoning districts and given a project's surrounding development context. Projects that are adjacent to residential uses, for example, or that will include uses that draw the general public to the site will be given greater scrutiny than projects that do not have these conditions.
2. The degree to which each standard and guideline applies to a development project will be evaluated on a case by case basis through the site planning process in an effort to achieve an overall design that meets the purpose and intent of the industrial design standards.
3. Projects constructed in the Industrial zoning districts that are categorized in use groups other than the Industrial Use Group of the *Land Development Code* will be given greater scrutiny than projects categorized in the Industrial Use Group of the *Land Development Code*.
4. Large or intense industrial projects will be provided the greatest amount of latitude to comply with these standards due to their very utilitarian nature.

III. How to Use This Document

The industrial design standards are not intended to set a particular style of architecture or design theme. These standards set forth specific criteria that are organized in a format that contains design standards and guidelines. They encourage the establishment of a greater sense of quality, unity, and conformance with the community's urban form.

It is also important to note that the standards are not intended to slow or restrict development, but rather to add consistency and predictability to the development review process. Each subsection contains the following components, which should be applied as discussed.

A. Standards and Guidelines:

Standards are the community's desires for implementing the goals and intent of these design standards. These standards are statement(s) that explain the design intent for the guidelines that follow. Standards are the mandatory minimum requirements.

Guidelines describe ways to achieve the stated standard statement(s) and offer flexibility in meeting the standard. It is not mandatory that all the guidelines be met.

Community Design Manual – Section Three: Industrial Development

The “shall” statements offer relatively little flexibility, unless choices are provided within the statements themselves. The “should”, “recommended”, or “encouraged” statements offer flexibility and indicate that the city is open to design features that are equal to or better than those stated, so long as the intent is satisfied.

Regardless of which term is used, each standard must be addressed. A development application shall demonstrate how a project has responded to each standard. The applicant has the burden of proof to demonstrate how a proposed design satisfies the standards and appropriately addresses the guidelines. This determination will be made by the Planning Director.

B. Illustrations and Pictures:

The pictures, drawings, and diagrams in this document are intended to illustrate the intention of the individual guidelines. They are not intended to illustrate the only or even the best way to meet the minimum requirements. Applicants and project designers are encouraged to consider designs, styles, and techniques not pictured in the examples that fulfill the intention of the design standards.

IV. The Design Review Process

Consideration of these standards should be contemplated early in the design process and should be a collaborative effort with the developer and city staff. The design review process authorizes the Planning Director to review, as a part of the site plan or development plan review process, certain development applications for conformance with adopted design standards. Minor adjustments may be made after review and approval by the Planning Director. Adjustments shall be limited to minor changes in the dimensions, siting of improvements, or to design details that do not change the scope or character of the proposal. Any party aggrieved by the decision of the Planning Director may file an appeal in accordance with the provisions and procedures for appeals set forth in Sec. 20-1305 or 20-1311 of the *Land Development Code*.

Community Design Manual – Section Three: Industrial Development

Part Two: Development Standards & Guidelines

I. General Design Objectives:

The design of each industrial project in Lawrence should strive to:

- Establish attractive, inviting, imaginative and functional site arrangement of buildings and parking areas, and quality architecture and landscape.
- Consider the scale, proportion and character of development in the surrounding area.
- Minimize impacts of noise, light, traffic, smells and visual character on surrounding non-industrial properties.



II. Site Planning

These standards and guidelines are intended to promote a quality appearance for industrial buildings and the functional arrangement of buildings and site components.

A. **Grading**

STANDARD:

Site grading shall be completed in a manner that is functional yet aesthetically pleasing.

GUIDELINES:

1. Industrial developments should be sensitive to their natural surroundings. Grading should follow natural contours as practical.
2. Erosion control measures such as terracing, grasses and plantings should be employed.

B. **Building Siting**

STANDARD:

The arrangement of structures, parking and circulation areas, and open spaces shall recognize the particular characteristics of the site and relate to the surrounding built environment in pattern, function, scale, massing, character and materials.

GUIDELINES:

1. Structure siting should take into consideration the context of the industrial area, the location of different uses, the location of major traffic generators, as well as the site's characteristics.
2. The placement and design of structures should foster pedestrian access and circulation from the street and parking area to the public entrance.
3. The building's primary facade should front along the primary street frontage whenever practical.
4. The facade(s) of the building along the primary public street frontage, or other publicly visible side, should undulate in order to avoid long

Community Design Manual – Section Three: Industrial Development

- monotonous building facades and to create an interesting street scene.
5. Building placement that creates opportunities for plazas, courtyards, and recreational areas are encouraged in order to provide design opportunities for integrating the mass and scale of industrial buildings and offer employee and visitor amenities. Shade trees or architectural elements which provide shelter and relief from direct sunlight should be provided within plazas and courtyards. Landscaping, water features, and art should be incorporated into plaza and courtyard design.

C. Vehicular Access/Circulation/Parking

STANDARD:

The parking, access, and circulation systems shall provide for the safe, efficient, convenient and functional movement of multiple modes of transportation both on and off the site where pedestrian, bicycle, and vehicle conflicts are minimized.

GUIDELINES:

1. Conflicts between heavy trucks, employee and public vehicles, and pedestrians should be avoided.
2. Dead-end driveways should include adequate turn around areas.
3. Adequate areas for maneuvering, stacking, truck staging and loading, and emergency vehicle access should be accommodated on site. Designs which encourage the use of external streets for internal circulation should be avoided.
4. If appropriate, driveway entry locations should be coordinated with existing or planned median openings and driveways on the opposite side of the street.
5. Loading and service areas should be provided with separate access and circulation where appropriate based on an analysis of vehicular and truck volume.



Traffic separation

D. Multimodal Systems

STANDARD:

Multimodal transportation systems, such as transit, pedestrian and bicycle, shall be incorporated into all developments and designed to be safe and inviting.

GUIDELINES:

1. On-site pedestrian and bicycle connections from parking areas and streets to building entrances should be integrated into the site design through striping, materials, or separation.
2. Separation of heavy truck, vehicle, and pedestrian/bicycle traffic should be provided for safety and convenience of all modes of transportation.

Community Design Manual – Section Three: Industrial Development

3. Pedestrian access should be provided between or near transit stops and building entrances where applicable.
4. Bicycle parking spaces should be located near customer and employee building entrances.
5. Bicycle racks should not be positioned where they will obstruct building entrances or the flow of pedestrian traffic.
6. Pedestrian connections between sites should be encouraged.



Pedestrian and bicycle system

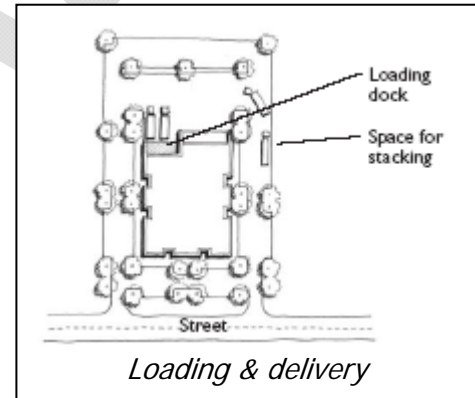
E. Loading & Delivery

STANDARD:

Loading and delivery service areas shall be located and designed to minimize their visibility from public view, to reduce circulation conflicts, and to mitigate adverse noise impacts.

GUIDELINES:

1. Loading and service areas should not be located between the building and the primary public street frontage.
2. When it is not possible to locate loading facilities and service areas on a non-street side of a building, loading docks and doors should not dominate the building facade and should be screened from all adjoining public rights-of-way with landscaping, screen walls or other means.
3. Loading and delivery areas should be separate from the employee/visitor vehicular access and circulation.
4. Loading and delivery service areas should be screened with portions of the building, architectural wing walls, freestanding walls or landscape planting.
5. Loading and unloading should be accommodated entirely on site.
6. Loading areas should be located so that the loading or unloading of trucks does not disrupt the smooth flow of traffic within the site.
7. Loading and service areas should be offset from driveway openings.



Loading & delivery



Loading & delivery located to the center

Community Design Manual – Section Three: Industrial Development

8. On-site space for stacking vehicles waiting to load or unload should be provided as necessary.

F. Utility and Mechanical Equipment

STANDARDS:

Utility and mechanical equipment shall be designed to mitigate visual and noise impacts from adjacent public streets and adjacent non-industrial uses.

GUIDELINES:

1. When utility and mechanical equipment are to be installed within the front yard setback, they should be installed underground.
2. All screening devices should be compatible with the remainder of the site.
3. While windmills, solar panels, and similar “green” mechanical devices are not easily screened, their location on the site should respect any non-industrial use on adjacent properties.

G. Trash, Recycling and Exterior Storage Areas

STANDARDS:

Trash and exterior storage areas shall be integrated into the site to be consistent with the overall site and building design and screened from the most visible sides of the site.

GUIDELINES:

1. Trash and recycling storage should be enclosed adjacent to the main structure or located within separate freestanding enclosures.
2. Trash and recycling enclosures should be unobtrusive and conveniently accessible for trash collection but should not impede circulation during loading operations.
3. Trash and recycling enclosures should be located away from residential uses to minimize nuisance to adjacent properties.
4. Where trash compactors are used, they should be screened from public view, either within a trash enclosure or located within the building.
5. Trash, recycling and exterior storage enclosures should be constructed of materials to match or complement the building material.

H. Walls and Fences

STANDARD:

Walls and fences shall contribute to the visual quality of the project and character of the surrounding area when visible from the public street frontage or an adjacent non-industrial use.

GUIDELINES:

1. When not required for security, screening or grade transitions, the height of walls and fences should be minimized.
2. Landscaping should be used to soften the appearance of wall surfaces.
3. Long expanses of wall surfaces or fence should contain periodic offsets or architectural elements designed to prevent monotony.
4. Walls and fences should be designed in such a manner as to create an attractive appearance and complement the project's architecture.

Community Design Manual – Section Three: Industrial Development

5. Gates provided in walls or fences should be aesthetically pleasing if viewed from the street.
6. High perimeter walls, chain link fence, and walls topped with barbed wire, or razor wire should not be used adjacent to public street frontages or non-industrial uses.



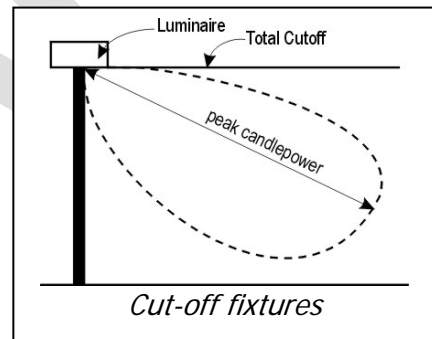
I. Lighting

STANDARD:

Exterior lighting shall be designed to minimize light pollution and provide for safety and security.

GUIDELINES:

1. Exterior lighting should be considered an integral part of the architectural and landscape design.
2. The design of the light fixtures and their structural support should be architecturally compatible with the theme of the development.
3. Pedestrian scale/decorative light fixtures are encouraged within plazas, courtyards, and building entrances.
4. Lighting sources should be kept as low to the ground as possible while ensuring safe and functional levels of illumination.
5. All fixtures should be cut-off fixtures that confine lighting to the subject site and shield the light source from view.



III. Architectural Standards

Architectural design shall seek to add to community character while providing flexibility to avoid rigid uniformity of design. A wide variety of design techniques are encouraged to promote the quality and attractiveness of the site.

A. Architectural Character

STANDARD:

Building design shall enhance the character of the development by varying building types, breaking up large facades with design elements and maintaining architectural quality and design.

GUIDELINES:

1. The selected architectural style/design should consider compatibility with surrounding character, including harmonious building style, form, size, color, materials and roofline. In developed areas, infill projects should meet or exceed the standards of quality which have been set by

Community Design Manual – Section Three: Industrial Development

surrounding development.

2. The designer should employ variations in form, building details, and materials in order to create visual interest.
3. Individual buildings within industrial/business parks should use similar and/or complementary colors, materials, roof forms, signs, decorative pavement, and architectural style.



Architectural design

B. Building Massing, Forms and Scale

STANDARD:

Buildings shall relate to the terrain and each other in their massing, forms and building heights.

GUIDELINES:

1. Buildings should have features and patterns that provide visual interest which reduces apparent mass and relates to the surrounding architectural character.
2. Buildings should be designed with elements that relate to the human scale in public areas.
3. Vertical and horizontal offsets should be provided to minimize building bulk and add architectural interest.
4. Buildings should be segmented in distinct massing elements.



Proportional windows and pedestrian scale

C. Building Facade and Roof Articulation

STANDARD:

Facades and roof articulation shall incorporate structural or design elements to break wall expanses and add visual interest to the roof line.

GUIDELINES:

1. Building windows should have a proportional relationship and be consistent with the design of the building facade.
2. Building facades should be articulated with architectural elements and details. The facade should include shade and shadow patterns that will render the facade more interesting and aesthetically pleasing.



Building elevation variation

Community Design Manual – Section Three: Industrial Development

3. Facades should incorporate structural or design elements to break wall expanses into smaller parts. Windows, doors and other openings should be incorporated into this rhythm.
4. Variable building elevations along linear street frontages are encouraged.
5. Various building forms should be employed to create visual character and interest.
6. Roof design should be an integral component of the overall building architecture. Long continuous rooflines are discouraged. Multiple roof planes and offsets are encouraged.

D. Building Materials

STANDARD:

Building materials and colors shall be used to create visual interest and be aesthetically pleasing. When buildings are located within an industrial/business park, they shall utilize colors and materials which are compatible with and complementary to the design of the existing buildings of the park.

GUIDELINES:

1. Exposed gutters and downspouts should be colored to complement fascia or wall materials.
2. Various types of exterior building materials should be used to produce different texture, shade and shadow effects.
3. Use of accent materials and/or colors should be used on all street front facades of the building.

E. Building Entry

STANDARD:

Building entries shall be readily identifiable and relate to human scale.

GUIDELINES:

1. The main or public building entry should front the primary street.
2. Building entries should be readily identifiable. Use of elements such as recesses, projections, roof detail, columns, and distinctive materials and colors to articulate entrances is encouraged.
3. All building entrances should be well-lit.



Identifiable building entry

IV. Landscaping Standards

Landscaping for industrial areas is provided within each building site to: enhance the aesthetics of industrial developments; create a pedestrian friendly environment at building entrances; break up the mass of industrial buildings and soften architectural materials; provide screening of service structures and loading areas; buffer the line of site for taller structures; enhance the streetscape environment; define building and parking area entrances; provide shade and reduce the heat island effect; provide buffers between different land uses or site areas; filter drainage and stormwater runoff from parking areas and streets.

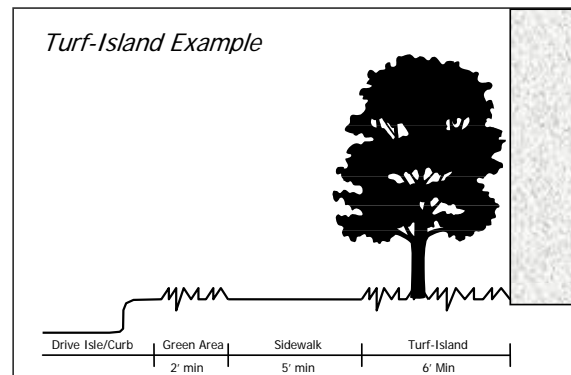
A. General

STANDARD:

Landscaping shall be incorporated to improve the character of the entire site by breaking up large areas of paving and softening building edges. Utilization of a variety of deciduous and non-deciduous plantings shall be used for visual interest and noise reduction

GUIDELINES:

1. Landscaping should be used to define entrances to buildings and parking lots, buffer less compatible adjacent uses, and screen outdoor storage, loading and equipment areas.
2. Landscaping should be in scale with adjacent buildings and of an appropriate size at maturity to accomplish its intended purpose.
3. Buildings should be located on 'turf-islands'. Except at loading and service areas, a minimum 12-foot landscape strip, including a sidewalk and other amenities, should be provided between the building, parking areas and drive lanes.
4. Employment of grade differential and/or berming in conjunction with landscaping should be used to reduce the appearance of building mass and height along street frontages.
5. Trees or large shrubs should not be planted under overhead lines or over underground utilities if their growth will interfere with the installation or maintenance of these utilities.
6. Landscaping materials should be spaced so that they do not interfere with the lighting of the premises or restrict access to emergency apparatus.



Community Design Manual – Section Three: Industrial Development

- Existing healthy mature trees should be preserved whenever practical and incorporated into the overall landscaping plan.

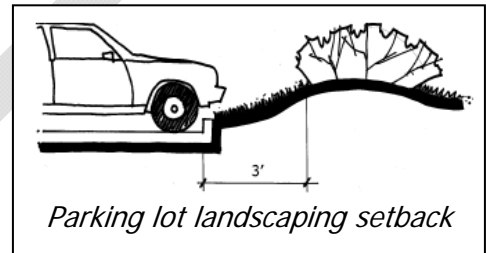
B. Parking Lot Landscaping

STANDARD:

Parking lots shall be designed to incorporate appropriate landscape plantings and grading.

GUIDELINES:

- Parking lot landscaping should accent driveways, frame the major circulation aisles, and highlight pedestrian pathways.
- Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces and/or wheel stops.
- Planting strips should be at least 3 feet in width.
- Where head-in parking occurs, all shrubs should be located a minimum of 3-feet from the edge of the parking lot curb.



C. Plant Maintenance and Irrigation

STANDARD:

Landscaping shall be provided and designed to be maintained in a healthy and growing condition.

GUIDELINES:

- Landscape areas should be large enough and wide enough to encourage plant health and match the growing conditions of the site.
- Effort should be made to conserve water by utilizing native and drought resistant materials that match the growing conditions of the site.
- Where native and drought resistant materials are not primarily used, automatic sprinkler controllers should be installed to ensure that landscaped areas will be watered properly. Drip irrigation to trees and shrubs are encouraged.
- Sprinkler heads and risers should be protected from car bumpers. "Pop-up" heads should be used near curbs and sidewalks and should be setback from curbs at least 6-12 inches.
- The landscape irrigation system should be designed to prevent run-off and overspray.

V. Signs

STANDARD:

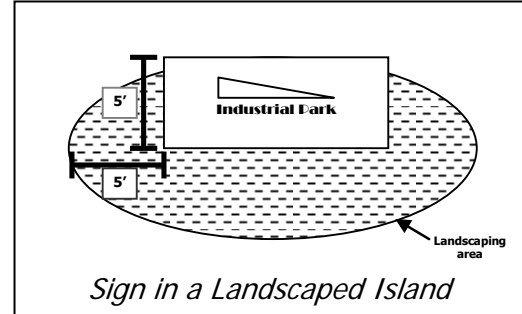
Signs shall be consistent with overall project design but shall be subordinate to architectural and landscape elements. The size of signs shall afford businesses sufficient visibility and identification without becoming a dominant part of the landscape or interfering with vehicular movement along the public streets.



Community Design Manual – Section Three: Industrial Development

GUIDELINES:

1. Sign materials should incorporate the building materials and design features of the building which the sign serves.
2. Monument signs should be located in a planter setting within a landscaped area at least as wide as the sign is tall.



Memorandum

City of Lawrence

Planning & Development Services

TO: Planning Commission

FROM: Mary Miller, Planner

CC: Scott McCullough, Director of Planning and Development Services
Sheila Stogsdill, Assistant Planning Director

Date: For April 26, 2010 Planning Commission meeting

RE: Item 6; Density Bonus for the Protection of Environmentally Sensitive Areas

Attachments:

A—Plat review

B—Review of other communities' codes

C—Revised draft language for density bonus incentive—clean copy

C2—Revised draft language for density bonus incentive—changes shown

At the November 2009 meeting, the Planning Commission directed Staff to develop incentives encouraging the protection of additional environmentally sensitive areas above that required by Code. Staff prepared information on the density bonus and received the following direction from the Planning Commission at their February, 2010 meeting:

- 1) Review existing subdivisions in Lawrence to determine what density it typically achieved in different zoning districts to assist in the understanding of the concept of 'Base Density'.
- 2) Research more communities and find examples where the density bonus was used.
- 3) Distribute the bonus information to the development community and request their input.
- 4) Revise the language to include the protection of prairies in the density bonus.

ACTION

If the Planning Commission finds the proposed Density Bonus Incentive language acceptable, Staff recommends that the Commission do the following:

- Initiate a Text Amendment to Article 6 of the Development Code to revise the Density and Dimensional Standards to accommodate the increased density.
- Initiate a Comprehensive Plan Amendment to Chapter 5 of *Horizon 2020* to note that the Density Caps may be exceeded when density bonuses are applied.
- Direct staff to revise Text Amendment [TA-12-27-07] for Protection Standards for Environmentally Sensitive Lands to incorporate the incentive language and place it on the May Planning Commission agenda for action.

BASE DENSITY

A review of recent plats is attached with this memo as Attachment A. The principal zoning districts within these plats are the RS7, RM12D, and other multi-dwelling districts. The density achieved with these plats varied quite a bit, with the highest density being achieved when grid-street patterns were used and no detention basins were required. The average density achieved from these plats is 73% of the density permitted by code.

'SET' BASE DENSITY

Base density can be set as a standard percentage of the permitted code, such as the average 73% from the reviewed plats mentioned above. Ashland Oregon uses 60% of the permitted density as the Base Density and adds the density bonus to that. Our higher percentage can be explained by the fact that Ashland applies the base density to the 'gross area' including future right-of-way, while the plats in this example expressed density per 'net area' excluding right-of-way.

The amount of variation in the actual density achieved in the reviewed plats indicates that the use of the 'set' base density of 60% or 73% could result in an inequitable incentive. For instance, consider two similar sized properties 'A' and 'B', with 'A' containing hills or floodway that prevents the grid-street pattern. With the different features on the two properties, 'A' could only develop at 50% of the density permitted by code while 'B' could develop at 70% of the permitted density. Using a set base density of 73% and adding a density bonus to it would result in a much higher density incentive for the more constrained land 'A' (See Table 1).

As the table below illustrates, the use of a density bonus incentive based on a 'set' base density may result in a larger increase in the number of dwelling units or lots that can be created on a property which has constraints to development. As the entire area is not suitable for development, larger reductions in lot area or frontage requirements would be necessary to accommodate the additional density to be provided in the developable area. Staff does not recommend the use of the 'set' base density for these reasons.

	A (constrained)	B
Zoning	RS7	RS7
Area	10 acres	10 acres
Density per zoning	6.22 per acre-62 du	6.22 per acre-62 du
'Actual' Base Density	31 du	43 du
20% incentive 'actual'	37 du	51 du
'Set' Base Density	73%	73%
Density per 'Set' Base	45 du	45 du
20% incentive 'set'	54 du	54 du

Table 1. Comparison of incentive with 'actual' base density verses 'set'

ACTUAL BASE DENSITY

The other option is to use a concept plat which shows the proposed street layout, detention/drainage areas and the area which is available for development. The Base Density is the number of lots that are possible based on the concept plat. This option allows topographical constraints and other features to be taken into account and the base density is determined for each property based on its unique characteristics.

Staff was concerned that the creation of a concept plat may put a burden, such as additional cost or time, on the applicant but one respondent from the development community indicated that they typically draw up a concept plat in preliminary meetings with the applicant so it wouldn't be a hardship to provide the concept plat at the pre-application meeting. Staff will review the concept plan for compliance with the Subdivision Regulations to determine if the density shown is reasonable.

OTHER COMMUNITIES

Many of the communities that I've researched are in the process of establishing density bonuses. I've attached a summary of my research into various communities' density bonus programs. I've asked for examples of plans from two of the communities that have used the bonuses. Madison, Wisconsin used the bonuses with required affordable housing but discontinued using the incentives when they determined the incentives didn't allow them to do more than could have been developed otherwise. Ashland, Oregon uses the density bonus for various reasons—affordable units, more energy efficient housing and additional open space and they reported that it works in providing a measure of flexibility over 'cookie cutter' subdivisions particularly in areas with environmental constraints or in-fill development.

DENSITY CAPS

One point I would like to make is that the actual base density for single-dwelling and duplex dwellings or townhomes was lower than that for the multi-dwelling districts, such as the RM15 or RM24. This can be explained by the need to create individual lots and separate dwelling structures in the single-dwelling, duplex, and townhome developments. The principal limiting factors in the multi-dwelling developments are the additional facilities or design aspects the applicant wants to include, such as swimming pools and club houses, and the parking requirements. In multi-dwelling districts, the Base Density –or actual density possible-- could often be the same as the maximum permitted density for that zoning district. An amendment to the Comprehensive Plan and Development Code may be necessary to permit the density to exceed the density cap in these districts when a density bonus incentive is provided.

In a few of the single-dwelling districts, particularly the RS7, it may also be possible to exceed the density cap set in the Comprehensive Plan. The RS7 District permits lots that are a minimum of 7000 sq ft in area. This results in a density of 6.22 dwelling units per acre, which exceeds the density cap in *Horizon 2020* of 6 dwelling units per acre for low density residential. In one of the reviewed plats, the actual density achieved in the RS7 District was 5.74 du/acre. If 20% additional environmentally sensitive lands were protected, the density would be 6.84 du/acre which is above the cap for low density homes. An amendment to the Comprehensive Plan and Development Code may be necessary to permit the density to exceed the density cap in these districts when a density bonus incentive is provided. (Table 2)

ZONING REGULATIONS

Density and Dimensional Standards will need to be revised to permit the additional density in the unprotected areas. Smaller lot areas, reduced street frontage or lot width or maximum height (for multi-dwelling developments) requirements would be necessary to accommodate the increase in the number of dwelling units made possible with the incentive.

Density Caps			
<i>H 2020</i> Classification	<i>H 2020</i> Density Limit	Corresponding Zoning District [Sec.20-201(b)]	Maximum Density Permitted by Code
Very Low Density	1 du/acre or less	RS40 40,000 sq ft lots	1. 08 du/acre
Low density	1 to 6 du/acre	RS20 20,000 sq ft lots	2.17 du/acre
		RS10 10,000 sq ft lots	4.35 du/acre
		RS7 7,000 sq ft lots	6.22 du/acre
		RS5, RSO (low/medium) 5,000 sq ft lots	8.71 du/acre
Medium density	7 to 15 du/acre	RS3 3,000 sq ft lots	14.52 du/acre
		RS5, RSO (low/medium) 5,000 sq ft lots	8.7 du/acre
		RM12, RM12D	12 du/acre
		RM15	15 du/acre
High-density	16 to 21 du/acre	RM24,	24 du/acre
		RM32	32 du/acre
		RMO	22 du/acre
Table 2. Density Caps set in <i>Horizon 2020</i> and maximum density permitted by Code.			

DEVELOPMENT COMMUNITY INPUT

The draft language and plat information was made available to the development community along with these specific questions:

- The problem with this could be the cost or time involved with creating the concept plat. This would only be a concept plat, but the street layout and the drainage/detention areas would need to be known. What is your opinion of the use of the concept plat?
- What is your opinion of the use of the 'standard base density'? Would it be better if the concept plat showed only the undevelopable areas, noted the remaining developable area, and the standard base density was applied to that?
- If you favor the standard base density, do you feel the 73% is the appropriate percentage for a standard base density? If not, what would you suggest?

I received input from two members of the Development Community prior to the printing of this staff report. One supported the use of the concept plat to determine base density and indicated that this would not be a burden on the developer. Another commented that the removal of height restrictions may not be enough of an incentive for the RM Districts, as taller buildings may require elevators. He noted that the density is typically limited by the permitted density, and felt that allowing development above the density cap would be the stronger incentive. He also thought that a narrower street right-of-

way would be a strong incentive. The City has established standard street sections for different classifications of streets. This incentive would require an alternative street section for use as an incentive for protection of environmentally sensitive lands. This change is beyond the scope of this amendment, but may warrant review as a possible incentive in the future.

PROTECTION OF PRAIRIES

The draft language for the Density Bonus Incentive has been revised to include native prairies as an environmentally sensitive area for which the incentive bonus would apply. The revised language is attached with this memo.

PLAT REVIEW

To determine if a 'standard base density' could be established for Lawrence, I reviewed several plats which have been submitted since 2005. A summary of the actual densities which were achieved for the various plats is in Table 1. Information and graphics for each plat follow. The 4th column in the table shows the actual density which was obtained with developments which would be the basis for the 'base density'. In a few cases, the net area did not include drainage areas; therefore, the density was higher. The Development Code defines 'net density' as the number of dwelling units per area of land excluding the rights-of-way of publicly dedicated streets. The Plats that calculated density based on the area minus right-of-way and drainage area or open space are noted in bold print.

Planned Developments were not included in this review as they have additional common open space and peripheral boundary requirements that are not required with traditional plats.

DISCUSSION:

While the 'standard base density' seems the easiest and most predictable approach, it does not take into account the unique nature of each property. Using a 'standard' base density may result in a property that could only develop at a density of 3.2 dwelling units per acre to be granted a density bonus on the standard base density of 4.54 (RS7 property). Using the standard base density may result in inequitable bonuses.

Base Density for RS7 District range from 2.24 du/acre (Cypress Park) to 5.34 du/acre (Glenwood Addition). The average density for the RS7 District is 4.4 du/acre. This is approximately 73% of the maximum permitted density. We have not had many plats for RS3, RS5, or RS10 Zoning Districts, so it is not possible to determine the average density for these districts.

Stone Meadows South

(SW corner of Inverness and Clinton Pkwy)

Zoned for single and multi- dwellings. Gross Area: 21.99

Rights-of-way: 6.07

Net Area: 15.92

multi-dwelling 4.12 acre RM1—now RM12

density permitted by RM1→ now RM12—12 du/acre: 49 du

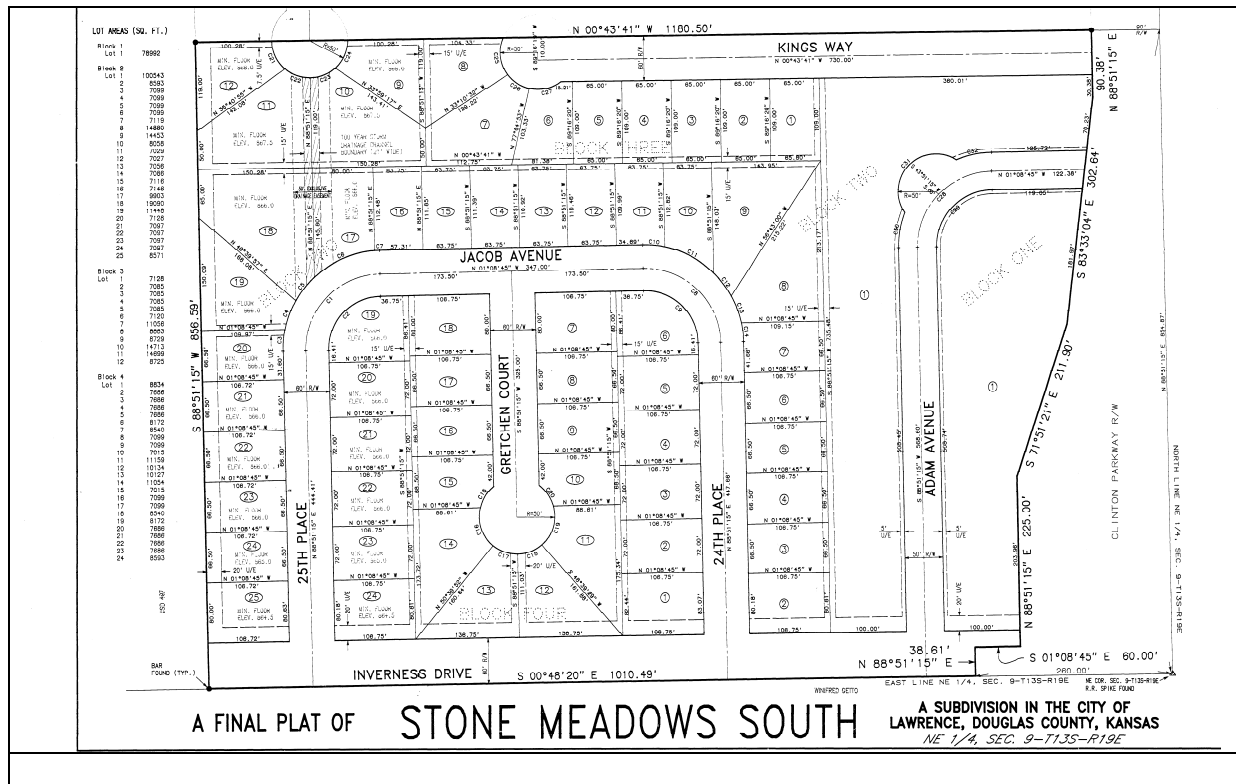
of dwelling units: based on site plans (sp-10-64-94 and sp-11-67-94) 32:

Actual density: 7.77 du/acre

single-dwelling 11.8 acre RS2—now RS7

density permitted by RS2→now **RS7 6.22 du/acre**—73 lots (du)

Actual density: 59 lots (du) 11.8 acre---density→ 4.66 du/acre



Spring Hill No. 2;

SW Corner Peterson Rd and Monterey Way

Zoned for RS-2 (now RS7) single – dwellings and PRD-1. (no info at this time on the PRD portion)

Gross Area: 19.3 acres

Gross Area: RS7: 7.96 acres – Right-of-way: 1.58 acres – **Net Area 6.38 Acres**

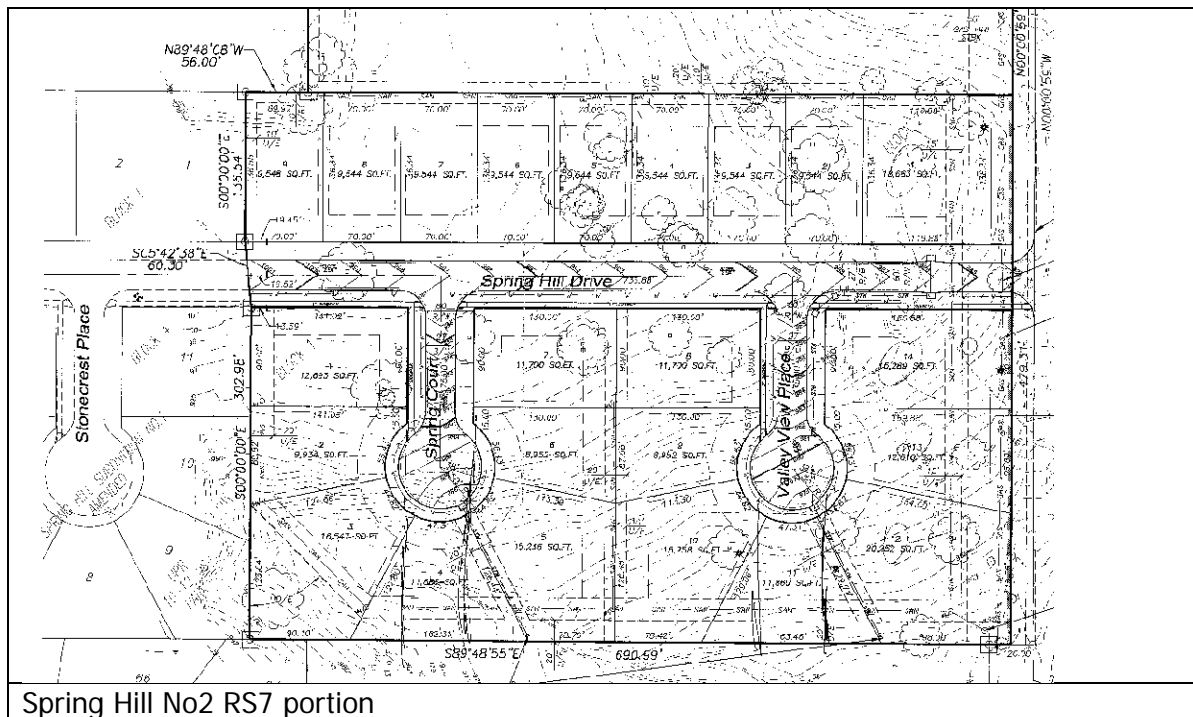
Gross Area: PRD: 11.33 acres—

single-dwelling RS2—now RS7

density permitted by RS2→now **RS7 6.22 du/acre**—39 lots (du)

Actual density: 23 lots (du) 6.38 acre---density→ **3.60 du/acre**

(possible reason for lower density could be the larger lots required around a cul-de-sac.)



Spring Hill No2 RS7 portion

If 40% of the site were protected, 20% over the required amount, 20% increase in density. – 4 additional lots or 27 lots (27/4.56 acres=5.92 du/acre. **This would still be below the density cap of 6.22 du/acre. Lot width and area could be revised to permit this increase in density.**

Lake View Addition No. 2

N of Clinton Pkwy east of K10

RM12: **12 du/acre)**

RM12 Lot 1 Block 1 Net Area—16.20 acres

Permitted density= 194 current code

Actual density from site plan SP-04-25-04: Units= 108—density→ **6.66 du/acre**

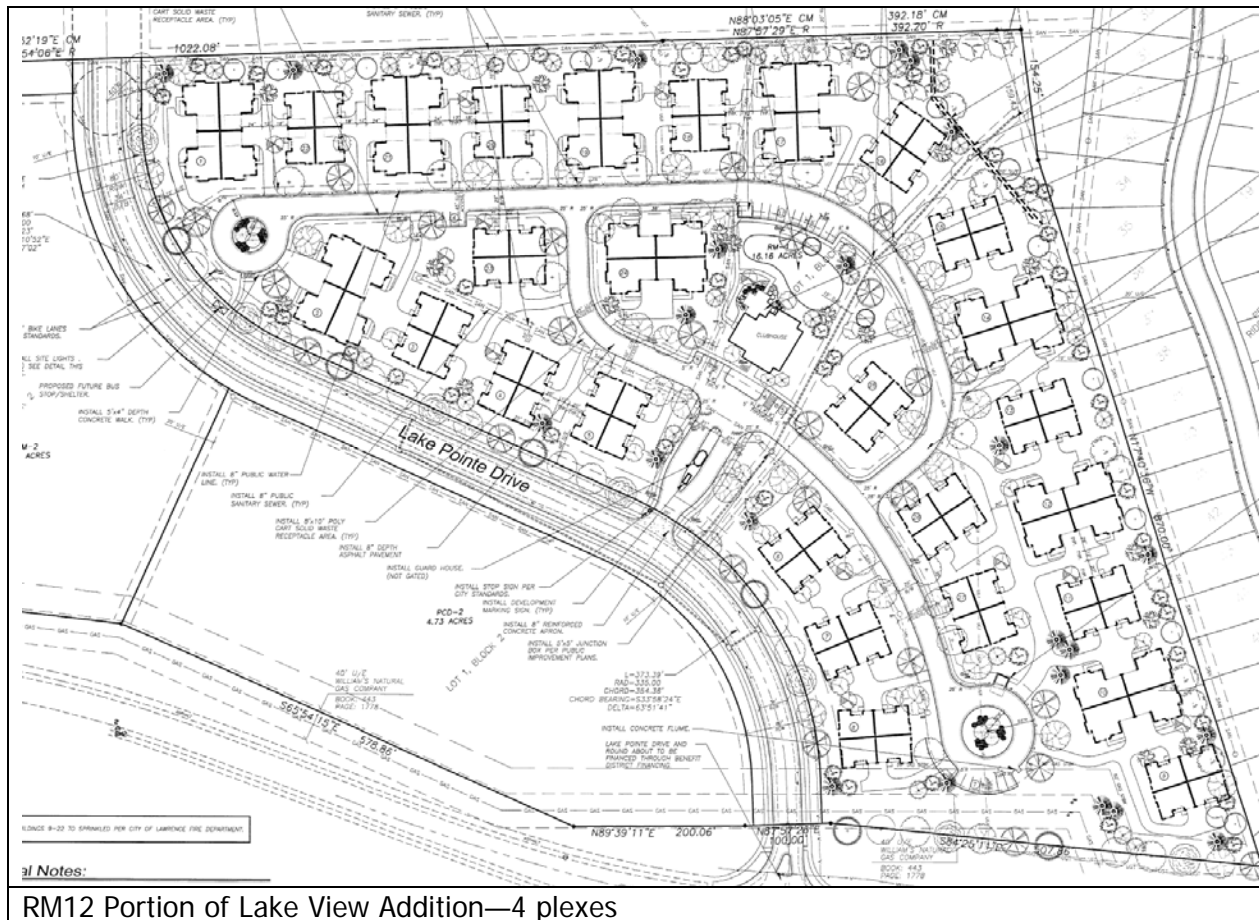
RM24: **24 du/acre)**

RM24 Lot 1 Block 2, Net Area=5.87 acres

Permitted density=128 du/acre (140 current code)

Actual density= (from site plan SP-1-8-06 for Lake Pointe Villas) 42 units → **7.1 du/acre**

Lower density for this portion explained by use of private streets and development in a more duplex nature rather than apt complex





RM24 Portion of Lake View Addition

Lakes Estates at Alvamar;

NE Corner 22 Terr and Lake Pointe Dr

Zoned for RS-1 and RS-2 (now RS 10 and RS7) single – dwellings

Gross Area: 12.59 acres – Right-of-way: 2.54 acres – **Net area 9.60 acres**

3.63 acres zoned to RS1 and 5.03 zoned to RS2 by CC on 3-15-05; *the areas are not calculated for each zoning district on the plat. Using the zoning percentages, the density calculations are based on the following net areas (which may be incorrect)—RS1 = 42% of total; RS2 = 58% of total (8.66)*

Net area for RS1= 42% of 9.60= 4 acres

Net area for RS2= 58% of 9.60= 5.6 acres

single-dwelling

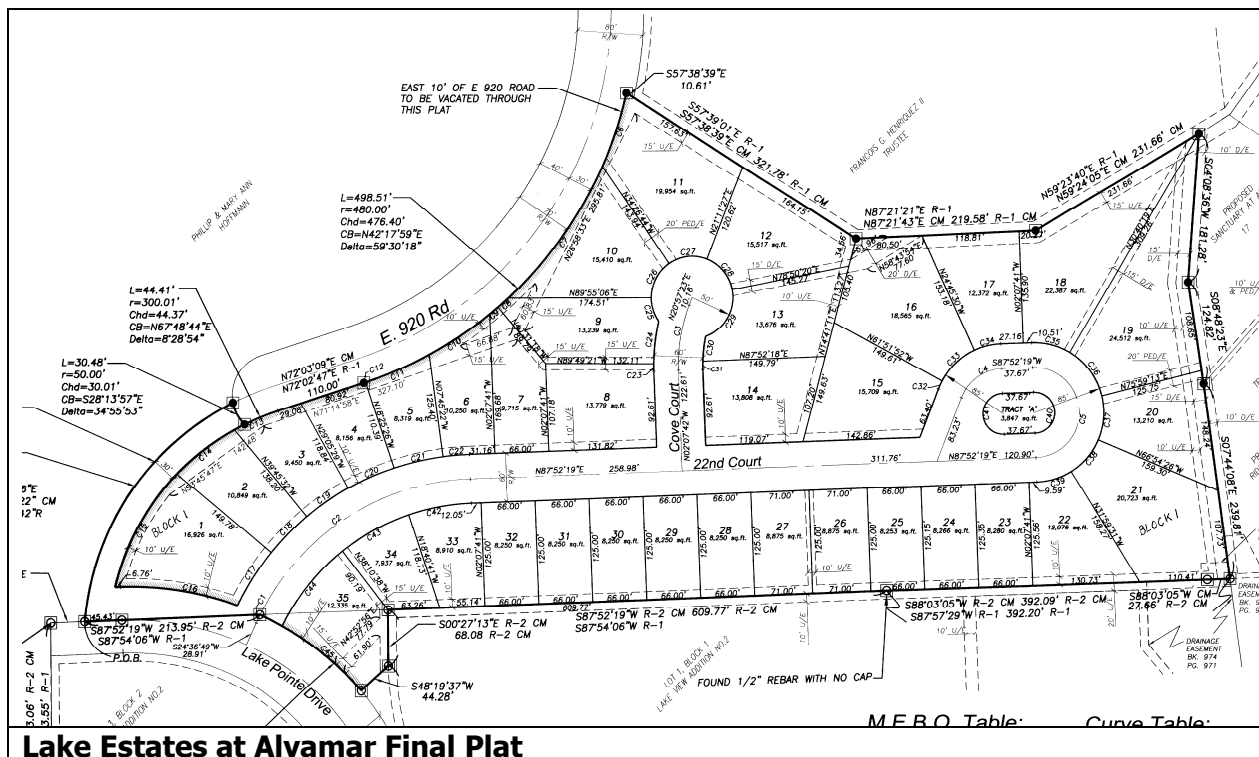
density permitted by RS10=**4.36 du/acre—17 lots**

Actual density: 11 RS10 lots (du) 4 acre---density→ **2.75 du/acre** (63% of permitted)

density permitted by RS7= **6.22 du/acre)—34 lots (du)**

Actual density: 24 lots (du) 5.6 acre---density→ **4.28 du/acre** (69% of permitted)

(possible reason for lower density could be the larger lots required around a cul-de-sac.)



Sherylville Estates

(1600-1800 Riverridge Road)

Zoned for single - dwellings. Gross Area: 5.71 acres

Rights-of-way: 1.15

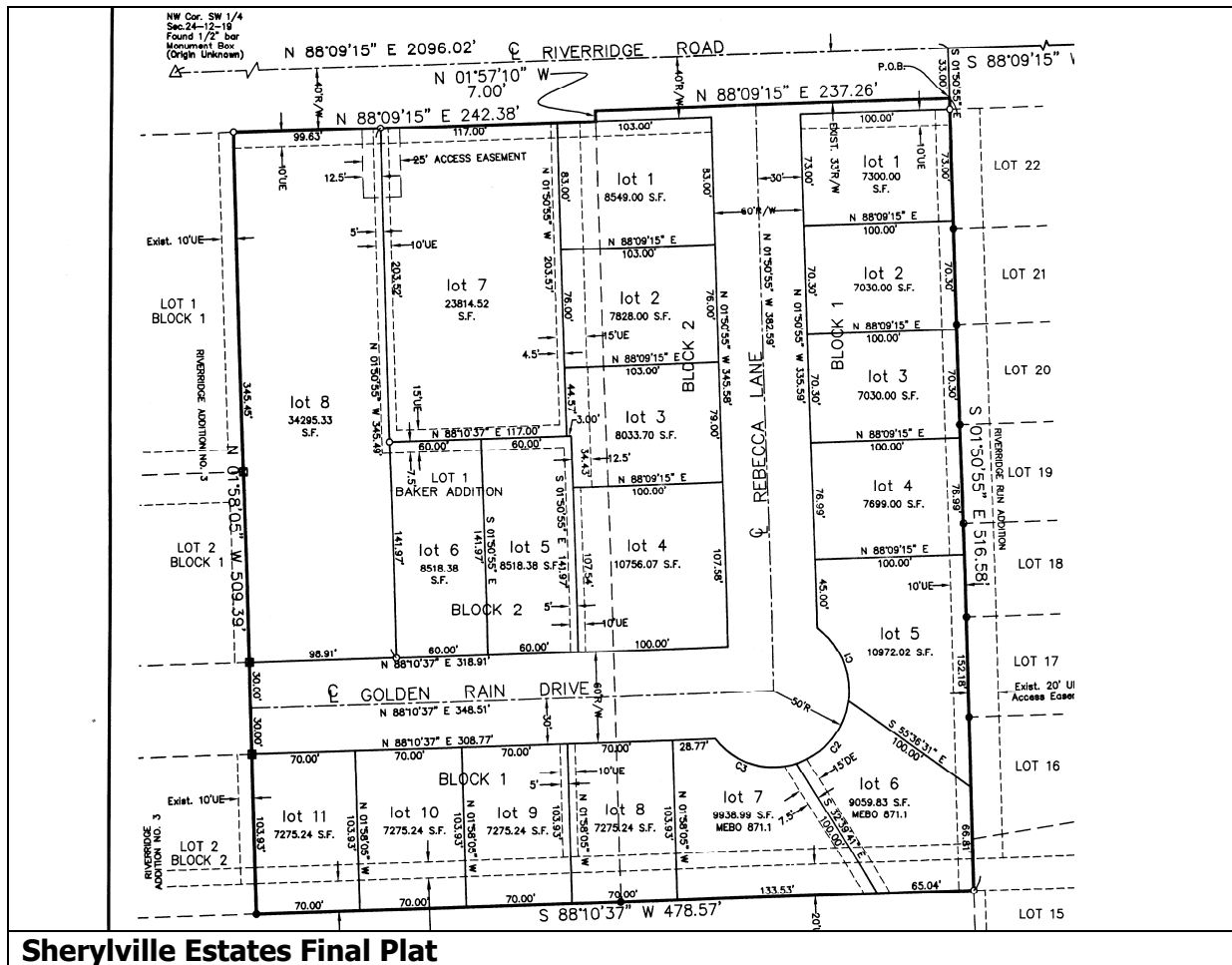
Net Area: 4.56 (calculated by adding all lot areas on final plat)

single-dwelling 4.56 acre RS2—now RS7

density permitted by RS2→6.22 (now **RS7 6.22 du/acre**)—28 lots (du)

Actual density: 19 lots (du) 4.56 acre---density→ **4.16 du/acre**

(dif in density accounted for by corner lots on exterior curve and 2 very large lots)



The Exchange at Lawrence

(31st and Ousdahl)

Zoned for multi - dwellings. Gross Area: 24.46 acres **Net Area: 23.33 acres**

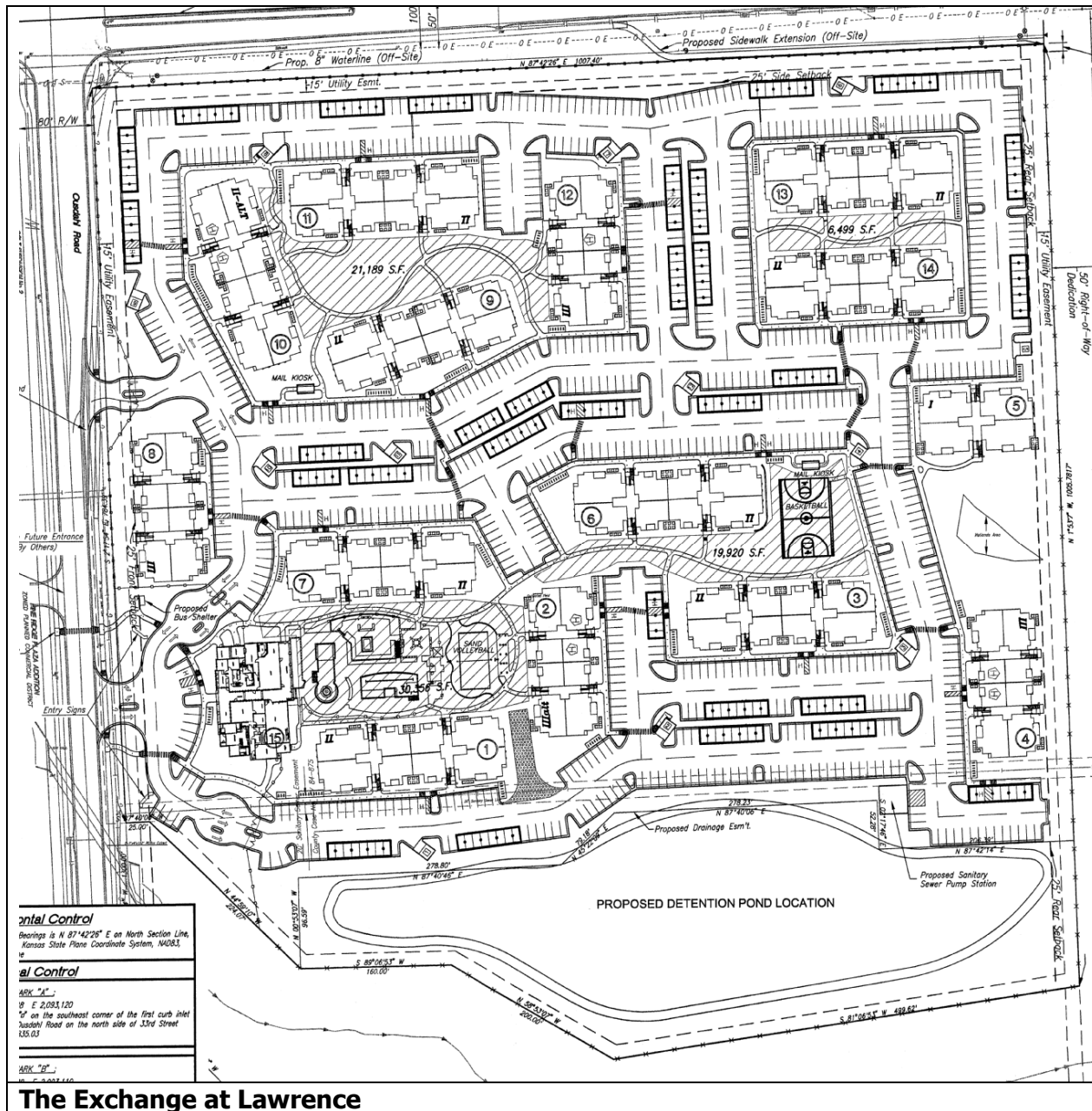
Rights-of-way: 1.13 acres

Zoning

RM-15

Permitted density = **15 du/acre** = 350 du/acre

Actual density = 324 dwelling units / 23.33 acres = **13.89 du/acre**



Glenwood Addition;

(SE corner of Wakarusa and Eisenhower Drives)

Zoned for single and multi- dwellings RS7 and RM12. Gross Area: 12.623 acres

Rights-of-way: 0

Net Area: 12.623 acres

multi-dwelling 10.561 acres RM1—now RM12

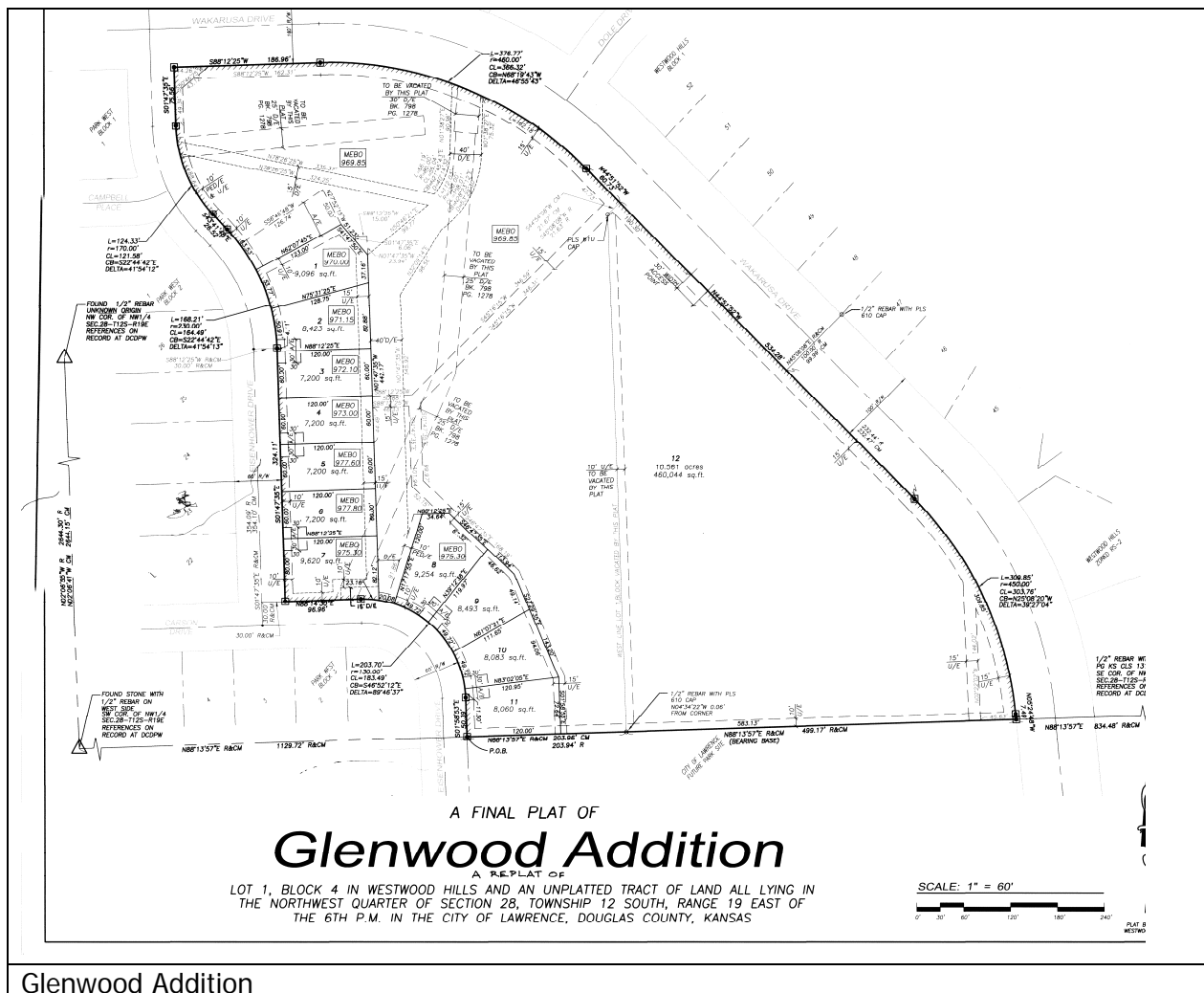
density permitted by RM1→ **12.4 du/acre** (now RM12—12 du/acre) 130 (126 current code) du

density for multi-dwelling is not available

single-dwelling 2.06 acre RS7

density permitted by RS7→6.22 —12 lots (du)

Actual density: 11 lots (du) 2.06 acre---density→ **5.34 du/acre**



Remington Sq

South of Clinton Pkwy, to the west of Crossgate

Zoned for multi- dwellings RM15.

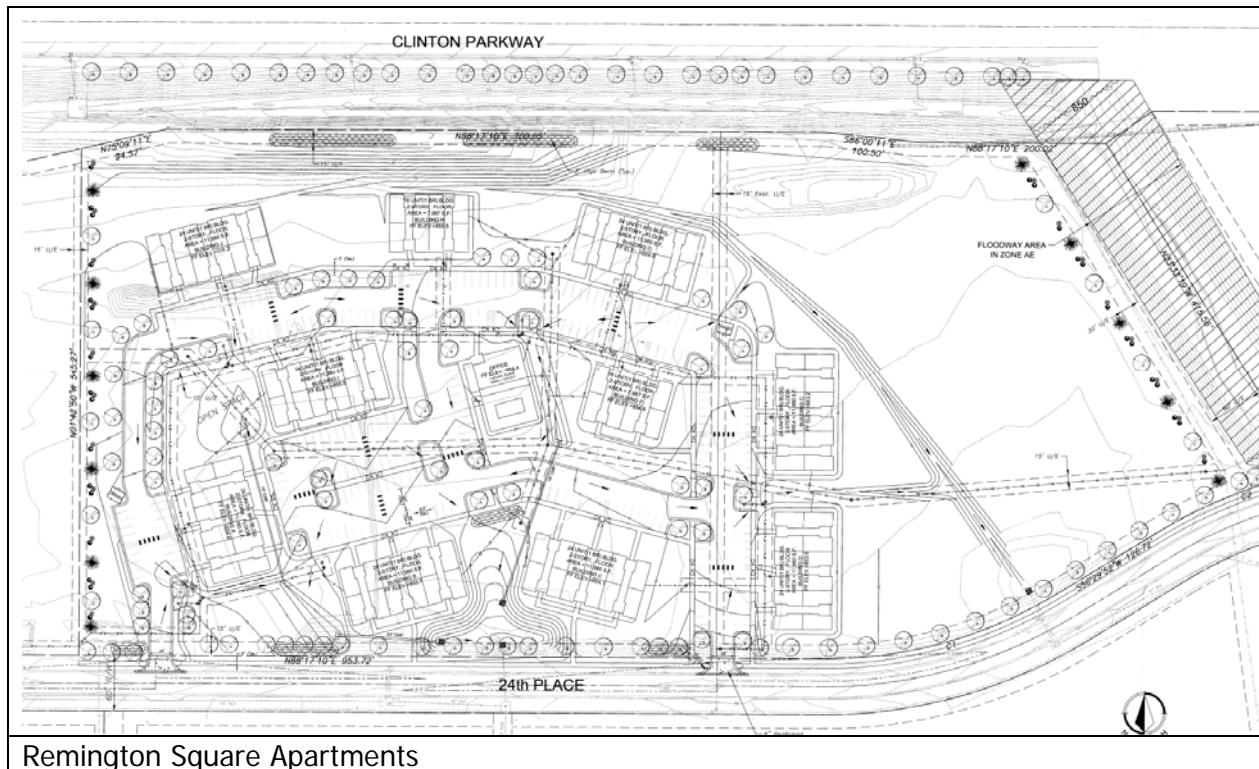
Net Area: 15 acres

Multi-Dwelling

Density permitted by code: 15 du/acre

224 Dwelling units per Site Plan SP-06-38-08

Actual Density: 14.93 du/acre



Green Tree Subdivision #3;

GWW & Harvard Rd

Zoned for single - dwellings. RS7

Gross Area: 6.266 acres

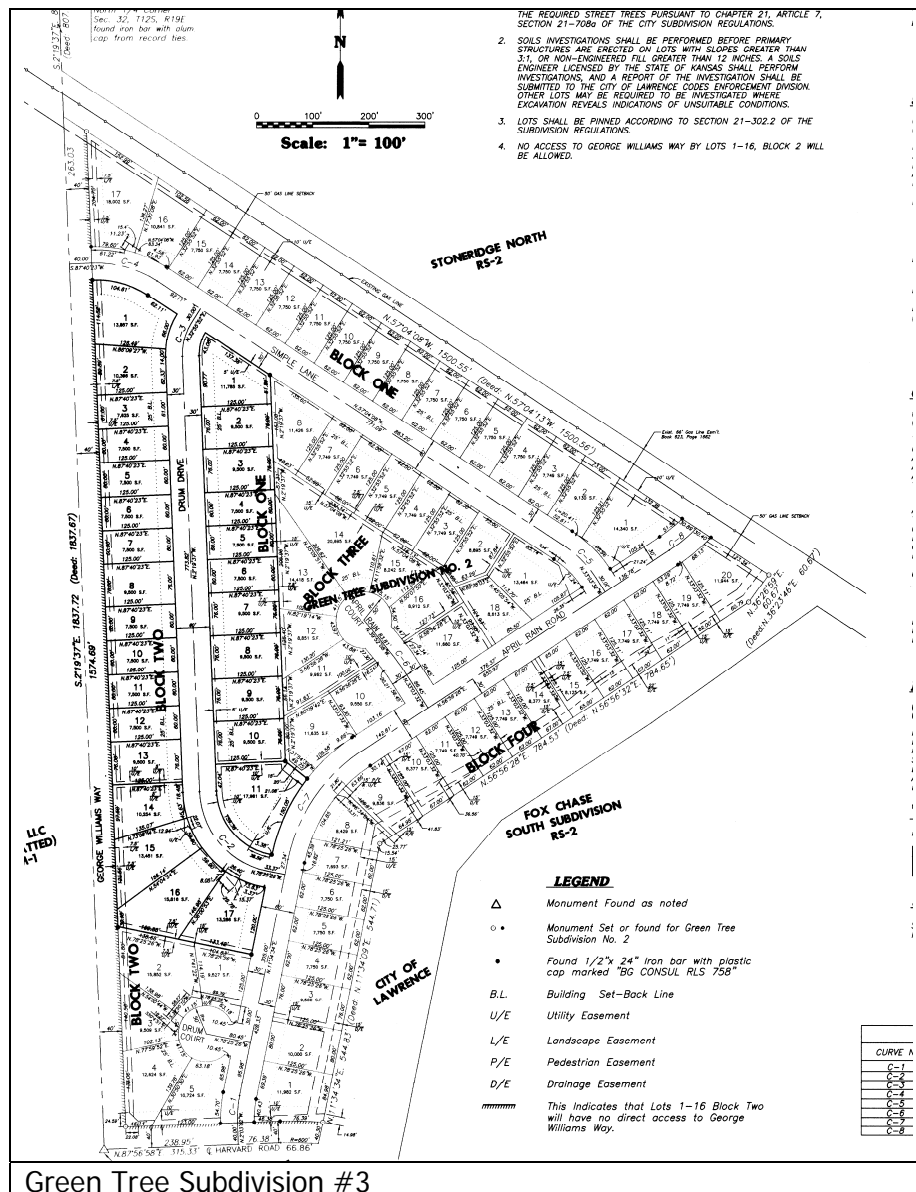
Rights-of-way: 0

Net Area: 6.266 acres

density permitted by RS7→6.22 du/acre: —38 lots (du)

Actual density: 28 lots (du) 6.266 acre---density→ **4.46 du/acre**

(dif in density accounted for by corner lots on exterior curve and 2 very large lots)



Doolittle Subdivision;

515 Monterey Way

Zoned for single - dwellings. RS7

Gross Area: 10.281 acres

Rights-of-way: 2.304 acres

Tracts (drainage): .846 acres

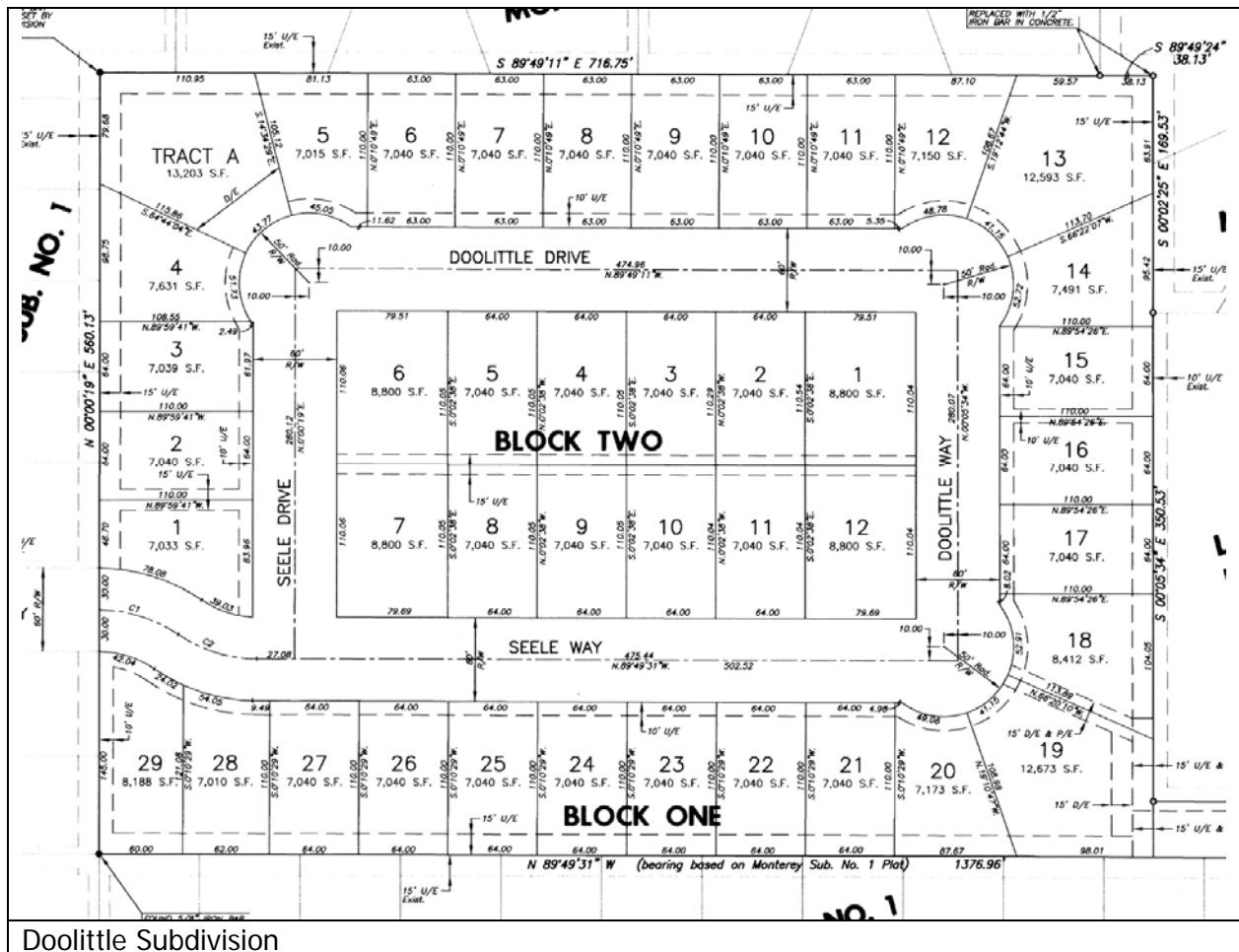
Net Area: 7.131 acres

density permitted by RS7 → 6.22 du/acre: 44 lots (du)

Actual density: 41 lots (du) 7.131 acres---density → **5.74 du/acre**

(density slightly higher as drainage easements were not included in the net area. If they had not been removed the net area would have been 7.977 acres and density would have been:

5.13 du/acre



Cypress Park Addition;

1801 Learnard Avenue –

Zoned for single - dwellings. RS7

Gross Area: 2.23 acres

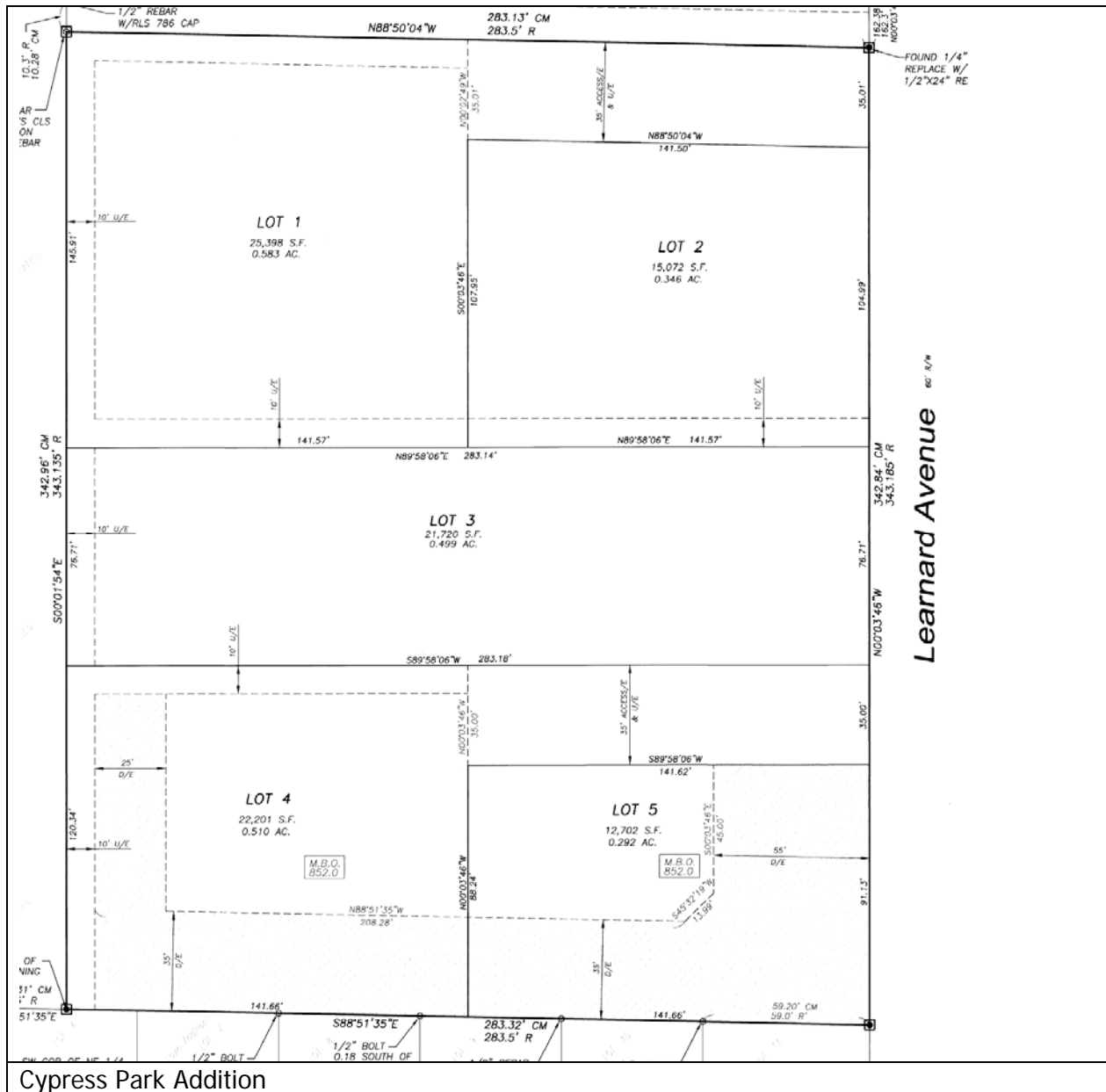
Rights-of-way: 0

Net Area: 2.23 acres

density permitted by RS7 → 6.22 -- 13 lots (du)

Actual density: 5 lots (du) 2.23 acre → **2.24 du/acre**

(unique subdivision where very long lots were divided using flag lots. Not a typical sample)



Langston Heights;

Zoned for multi- (RM12D) and single – dwellings (RS7).

Gross Area: 27.57 acres

Rights-of-way: 8.00 acres

Net Area: 19.57 acres

Multi-dwelling RM12D—12 units per acre

Gross Area—6.79 acre

r-o-w 1.79 acre

net area 5.00 acre

number of dwelling units: 36

density permitted by RM12-D 12 du/acre→ 60 units

Actual density: 36 dwelling units → **7.2 du/acre**

single-dwelling

gross area 20.78 acre

r-o-w 6.21 acre

net area 14.57 acres

density permitted by RS2→6.22 --90 lots (du)

Actual density: 67 lots (du) 14.57 acre---density→ **4.59 du/acre**

Not recorded---no image available

Langston Heights

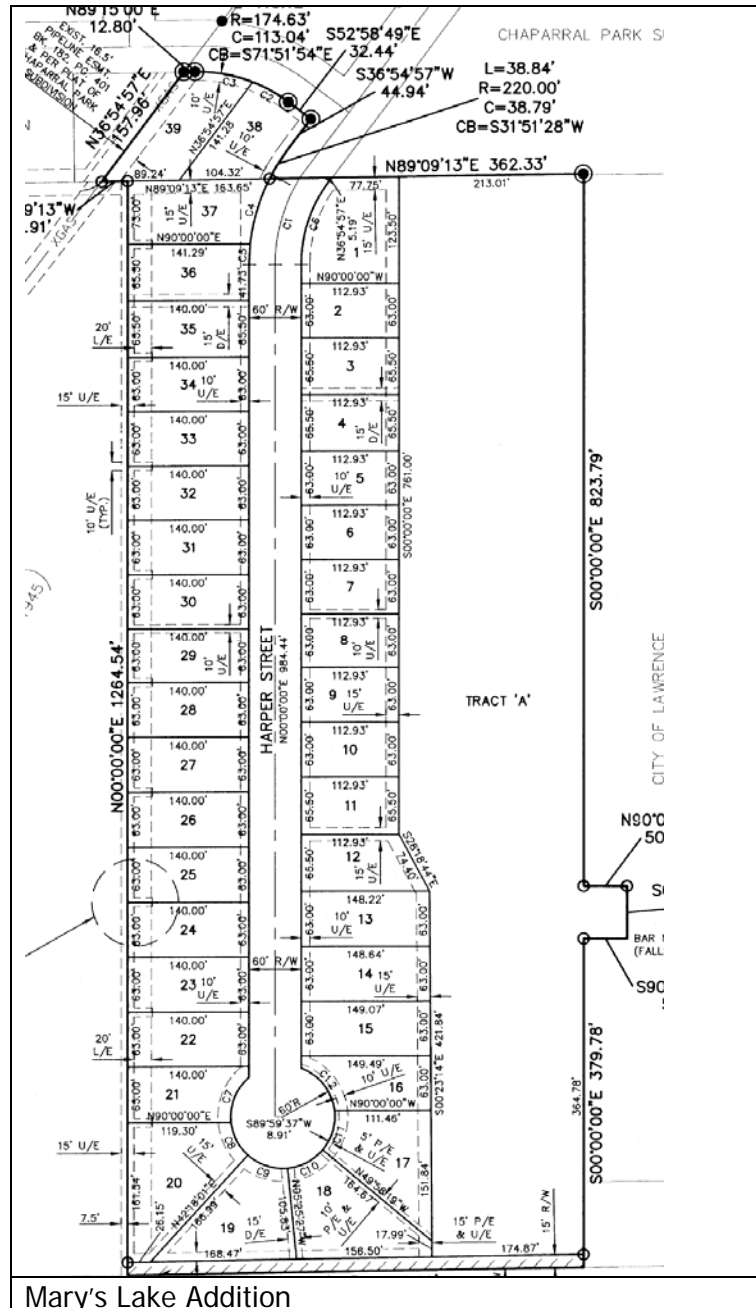
Mary's Lake Addition;

Zoned for single - dwellings.RS7
Gross Area: 15.98 acres
Tract A (open space): 5.862 acre
Rights-of-way: 1.863
Net Area: 8.253

density permitted by RS7→6.22 du/acre—51 lots (du)

Actual density: 39 lots (du) 8.253 acres---density→ **4.73 du/acre**

Net area does not include the open space tract which results in a lower density



Mercato Addition 2nd Plat;

NE corner of W 6th St and K-10 Bypass

Zoned for single - dwellings.RS7; multi - dwellings RM12D and RM24

Single-dwelling: RS7

Gross Area: 25.82 acres

Tract (detention): 3.30 acre

Rights-of-way: 6.01

Net Area: 16.51

density permitted by RS7→6.22 du/acre—102 lots (du)

Actual density: 75 lots (du) 16.51 acres---density→ **4.54 du/acre**

Multi-dwelling: RM12D

Gross Area: 7.63 acres

Right-of-way: 2.06

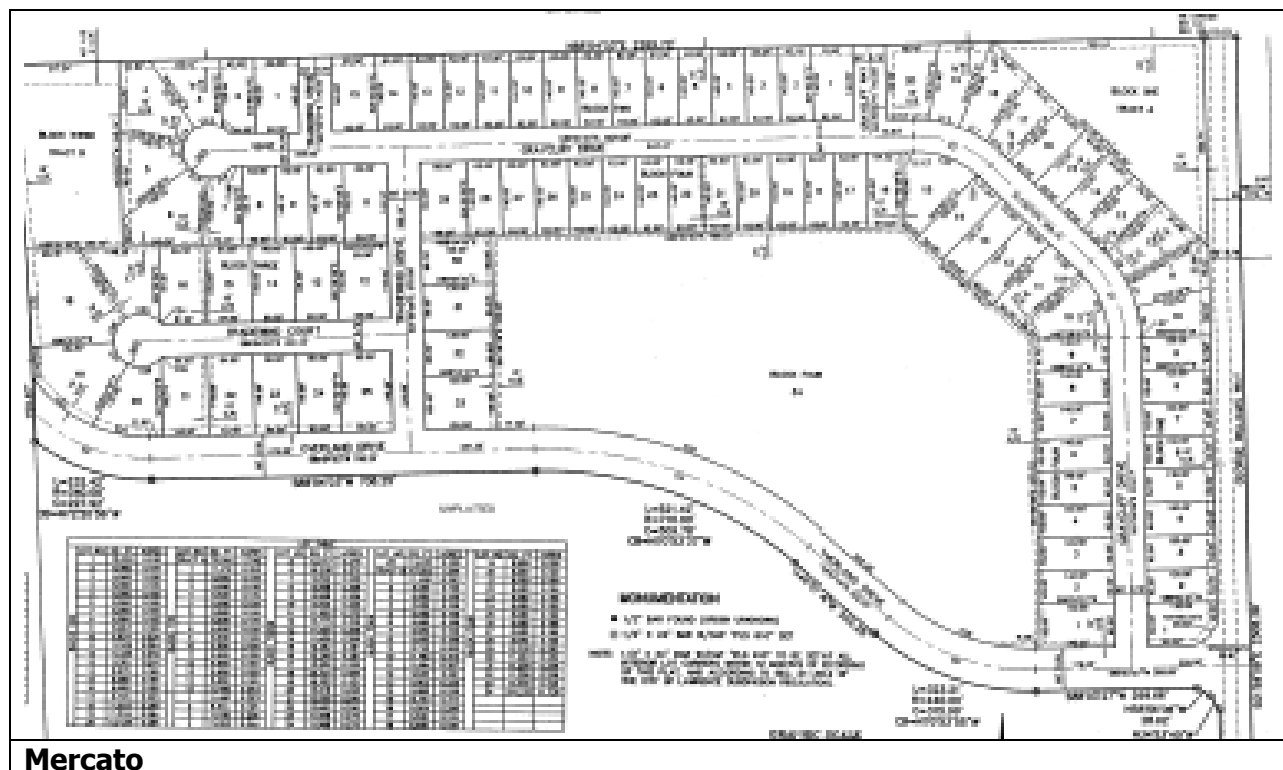
Net Area: 5.57 acres

Density permitted by RM12D—12 du/acre—66 du

Actual density: 36 du 5.57 acres→ **6.46 cu/acre**

Multi-dwelling: RM24

Not site-planned, no density determined



* Plats which may exceed the density cap

Table 1. Summary of density info from plat review

REVIEW OF OTHER COMMUNITIES DENSITY BONUS PROGRAMS

(My notes are in **green**)

Austin TX

1. Density bonus recommendations following review of peer cities

http://www.ci.austin.tx.us/downtown/downloads/db_1_density_bonus_recgs.pdf

2. Downtown density program

http://www.ci.austin.tx.us/downtown/downloads/full_db_report_7-6-09.pdf

Recommendations 2007

Greater density in exchange for community benefits: affordable and workforce housing, child and elder care, open space, pedestrian connectivity, transit, green building, historic preservation, preservation of community features, area for non-profits, public art, cultural facilities.

Downtown density program (draft 2009)

Principles:

1. Density should be encouraged, not penalized
2. Existing zoning should be retained as the base for the program
3. High quality urban design should be required
4. There should be one, administrative and predictable pathway to a density bonus.
5. Additional density should be allowed only where appropriate and compatible
6. Community benefits derived from density bonuses should be focused on the most 'at-risk' elements.

The program set different density bonuses for each of the goals. This would not be applicable to our program where we have only the one goal (however, we may have subsets of the goal, such as protection of contiguous wooded areas, or protection of some env sensitive features more than others).

Develop a transparent and understandable system for awarding additional density, above that which is allowed by established zoning.

Definition of density: *"A density bonus is an incentive-based tool, which permits developers to increase the maximum allowable floor area or height on a property in exchange for helping the community achieve public policy goals."* (page 5)

Density bonuses are effective when they result in clear benefits to *both* the property developer and the community.

The density bonuses proposed in Austin are expressed in FAR, which would not be applicable to our Code.

Clifton NY

<http://landuse.law.pace.edu/landuse/documents/laws/reg2/CliftonParkNYOpnSpIncIntvZon.doc>

Community benefits (may be either –on or off site) :

1. permanent easement (conservation easement): agricultural conservation, open space, scenic, ecological or other type of easement would be acceptable.
2. Permanent protection in fee simple. Executed purchase contractor transfer of ownership of title required

This incentive permits density increase up to 100% of the original base density---
For SF residential---1 unit density increase is permitted for each 3 acres protected.
For MF residential--- increase equal to the development potential for site that is set aside;
for each 2 acres protected

Pre-application review.

Application shall include the following:

- requested incentive
- proposed amenity
- map showing constrained and unconstrained land
- the proposed unconstrained land which is the basis for the requested incentive must be specifically identified on the map
- Base density calculation must be provided

Must determine that City services are available to serve the additional density.

(Clifton requires PC review and recommendation to CC who approves or denies the request. This may be a deterrent to the incentive.)

Ashland OR

<http://www.ashland.or.us/CodePrint.asp?CodeID=3420>

- A. Base Densities: the density of the development shall not exceed the density established by this Section. The density shall be computed by dividing the total number of dwelling units by the acreage of the project (including land dedicated to the public) fractional portions of the final answer, after bonus point calculations shall not apply towards the total density.

They capped their density bonus at 60% and in no case could it exceed that recommended by the Comp Plan.

Center for Land Use Education

<http://www.uwsp.edu/cnr/landcenter/pdf/implementation/densitybonus.pdf>

“A density bonus is an incentive-based tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals. Increasing development density may allow for increases in developed square footage or increases in the number of developed units.”

A density bonus is commonly used to promote conservation or improvement of natural resources and open space. A community may allow a developer to build more units than is permitted in an area in exchange for permanently protecting green spaces---this technique can be used to protect land on the property being developed or on another property. **I would recommend we tie it only to the land being developed. Using off-site lands, may result in incentives being provided for the protection of a site for which there are no plans to develop.**

- Policy language should identify allowable density increases (i.e. total number of units or maximum square footage.
- If resources are to be protected, legal means—such as easements, must be included.

Pre-application meeting to see if the incentive qualifies for the bonus

Staff review the plan or plat to determine that the bonus does not adversely effect adjacent properties and that utilities are available to serve the additional density

Land set aside for protection must have restrictions or easements recorded on the deed before construction activity begins to insure they are not developed in the future

Draft Language for Bonus Density Incentive
(Clean Copy— changes from version presented to
Planning Commission at their February 22 meeting incorporated)

Changes being proposed with this draft language:

- 1)** All environmentally sensitive lands qualify for the incentive. The previous draft excluded floodplain and historical properties, but if the lands qualify for protection, it would seem logical that they would also qualify for the incentive.
- 2)** Additional definitions. The League of Women Voters suggested that the new terms such as 'Base Density' be included in Section 20-1701 of the Code.
- 3)** Protection of Native Prairies. This environmentally sensitive area has been included as an area which qualifies for the incentive, even though protection is not required.

DRAFT LANGUAGE:

Density bonuses are available to encourage the protection of selected environmentally sensitive areas in a greater amount than required by Section 20-1101(d)(2)(iii)(a). In order for a density bonus to be approved, planning staff must determine that utilities and infrastructure are available to serve the additional density proposed and the design of the development does not negatively impact adjacent properties.

The density bonus applies when environmentally sensitive areas are protected to a greater degree than required by Code. Density bonuses may be applied to properties which contain the environmentally sensitive areas listed in Section 20-1101(X).

Density Bonus: Increase in Dwelling Units

Base Density

Base Density is the number of dwelling units that it is possible to develop on a property given the size of the parcel, the area required for street right-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), requirements for drainage or detention, environmental protection standards and other features affecting the amount of developable land. A sketch plan or concept plat showing the proposed development and the base density shall be provided to the Planning Office during the pre-application meeting.

When evaluating requests for the density bonus incentive the following criteria will be evaluated:

- 1) Are adequate city services available to serve the additional density?
- 2) Is the design of the development compatible with adjacent properties?
- 3) Is the resultant density compliant with the Comprehensive Plan?
- 4) Is the development arranged to take maximum advantage of the protected areas?
- 5) Is adequate connectivity (including environmental, pedestrian and vehicular) being provided?

To qualify for a density bonus, environmentally sensitive areas noted in this Section are committed for preservation either through designation as a tract, through a conservation or landscape easement, or dedication to the City in addition to the area required in Section 20-1101(d)(2)(iii)(a).

Density Bonus Determination

The additional environmentally sensitive area being preserved shall be illustrated on a sketch plan and the total area being protected shall be noted. If more than 20% of the total site contains protected environmentally sensitive areas, the density bonus shall be calculated using the proportions in Table 1. The density bonus is added to the base density, which is the number of possible dwelling units, to determine the total number of dwelling units which may be developed.

Standards Adjustment

In single-dwelling and duplex-dwelling zoning districts it may be necessary to reduce the lot area/ lot width requirements to permit the allowable density. In the multi-dwelling districts it may be necessary to increase the height limitation to permit the allowable density. In some cases, particularly multi-dwelling districts, the density may exceed the maximum density permitted for that zoning district. These revisions shall be made to the minimum degree necessary to accommodate the allowable density.

The number of additional dwelling units awarded shall increase proportionally with the amount of environmentally sensitive areas designated for protection according to the schedule in Table 1. Land offered for dedication shall be subject to approval by the Governing Body.

TABLE 1			
Density Bonus			
% of property preserved/protected	% increase in Dwelling Units	% of property preserved/protected	% increase in Dwelling Units
21	1	31	11
22	2	32	12
23	3	33	13
24	4	34	14
25	5	35	15
26	6	36	16
27	7	37	17
28	8	38	18
29	9	39	19
30	10	40	20

Density Bonus—Increase in Developed Square Footage

This bonus provides for an increase in developable square footage or building coverage. The number of units remains the same; however, the developable area of a lot is increased. This allows for the construction of larger structures, or the addition of more impervious surface to a lot. The proportions in Table 3 apply to the increase in developable square footage. Each 1% of protected environmentally sensitive areas above that required by Code results in a 1% increase in the building coverage or

impervious surface. In some cases, the minimum outdoor area or setbacks may need to be reduced to accommodate the additional building coverage. This reduction shall be made to the minimum degree necessary to accommodate the additional building coverage. In no case shall the setbacks be reduced below the following minimums:

- Interior side setback -- 5 ft (except in the case of attached dwellings),
- Front setback --15 ft
- Rear Setback -- 15 ft

Table 3—Density Increase in Developable Square Footage

	Minimum Area / dwelling unit (sq ft)	Maximum Building Coverage (%)	Maximum Impervious Cover (%)	Min Outdoor Area per Dwelling (sq ft)	Int Side Setback (ft)	Front/Back setbacks (ft)
RS40	40,000	15	25	--	20	25/30
RS20	20,000	30	50	--	20	25/30
RS10	10,000	40	70	--	10	25/30
RS7	7,000	45	70	--	5	25/30
RS5	5,000	50	75	240	5	20/20
RS3	3,000	50	75	150	5	15/20*
RSO	15/acre	50	75	--	5	25/20
RM12D	12/acre	50	75	50	5	25/20
RM12	12/acre	50	75	50	5	25/20
RMO	22/acre	50	75	50	5	25/20
RM15	15/acre	50	75	50	5	25/25
RM24	24/acre	50	75	50	5	25/20
RM32	32/acre	60	80	50	5	25/20
for each 1% protection above the required 20% (to maximum of 40%)		1% increase	1% increase	1% decrease	Adjusted as needed --not less than 5	Adjusted as needed --not less than 15

Density Bonus Requirements per protected feature

Floodplain: The protected area shall be placed in a tract or easement, or a building envelope shall be shown on the plat or site plan which excludes the floodplain. Maintenance responsibility shall be noted on the plat or site plan. The protected floodplain is to remain in a natural state; however, passive recreation and trails may be permitted.

Stream Corridor: The protected area shall be placed in a tract or easement with maintenance responsibility noted. The types of activities which may be permitted within the stream corridor, such as trails, shall be noted per the City Stormwater Engineer's approval.

Stands of Mature Trees: The protected area shall be placed in a tract or easement, or a building envelope shall be shown on the plat or site plan which excludes the stands of mature trees. Maintenance responsibility shall be noted on the plat or site plan. Permitted activities within this area such as trails and passive recreation shall be noted on the plat or site plan.

Historic Sites: If a property owner is willing to protect a historic site that is not listed or part of the environs, the density bonus will apply. The Historic Resources Administrator will determine if the site is suitable for protection. The plat shall include a note regarding maintenance responsibility and permitted activities.

Prairies: If an area has been determined to be a native prairie, or has been planted to native grasses and is determined by the Kansas Biological Survey to be an established prairie, the density bonus shall apply.

DEFINITIONS TO BE ADDED TO SECTION 20-1701:

DENSITY BONUS

A density bonus is an incentive-based tool that permits developers to increase the maximum allowable development on a property in exchange for helping the community achieve public policy goals, which in this case is the protection of environmentally sensitive areas.

BASE DENSITY

The density at which a property can be developed when taking into account street right-of-way, topographical features, stormwater detention, and other factors affecting the developable land area.

Draft Language for Bonus Density Incentive
(Marked up copy showing changes from previous version
presented to Planning Commission at their February 22 meeting)

Changes being proposed with this draft language:

- 1) All environmentally sensitive lands qualify for the incentive. The previous draft excluded floodplain and historical properties, but if the lands qualify for protection, it would seem logical that they would also qualify for the incentive.
- 2) Additional definitions. The League of Women Voters suggested that the new terms such as 'Base Density' be included in Section 20-1701 of the Code.
- 3) Protection of Native Prairies. This environmentally sensitive area has been included as an area which qualifies for the incentive, even though protection is not required.

DRAFT LANGUAGE:

Density bonuses are available to encourage the protection of selected environmentally sensitive areas in a greater amount than required by Section 20-1101(d)(2)(iii)(a). In order for a density bonus to be approved, planning staff must determine that utilities and infrastructure are available to serve the additional density proposed and the design of the development does not negatively impact adjacent properties.

The density bonus applies when environmentally sensitive areas are protected to a greater degree than required by Code. Density bonuses may be applied to properties which contain the ~~following~~ environmentally sensitive areas **listed in Section 20-1101(X)**.

- ~~regulatory floodway fringe,~~
- ~~jurisdictional wetlands,~~
- ~~stream corridors, and/or~~
- ~~stands of mature trees.~~

Density Bonus: Increase in Dwelling Units

Base Density

~~The Base Density is the number of dwelling units which it is possible to develop can be developed on the subject property, rather than the maximum density permitted for the zoning district. Base Density is determined by calculating the number of dwelling units possible on a property given the size of the parcel, the area required for street right-of-way or infrastructure, the density and dimensional standards of Section 20-601(a), requirements for drainage or detention, and the environmental protection standards, and other features affecting the amount of developable land. A sketch plan showing the proposed development and the base density shall be provided to the Planning Office during the pre-application meeting.~~

When evaluating requests for the density bonus incentive the following criteria will be evaluated:

- 1) Are adequate city services available to serve the additional density?**
- 2) Is the design of the development compatible with adjacent properties?**
- 3) Is the resultant density compliant with the Comprehensive Plan?**
- 4) Is the development arranged to take maximum advantage of the protected areas?**
- 5) Is adequate connectivity (including environmental, pedestrian and vehicular) being provided?**

~~A development shall~~ **To** qualify for a density bonus, if environmentally sensitive areas noted in this Section are committed for preservation either through designation as a tract, through a conservation or landscape easement, or dedication to the City in addition to the area required in Section 20-1101(d)(2)(iii)(a).

Density Bonus *Determination*~~—Increase in numbers of units~~

The additional environmentally sensitive area being preserved shall be illustrated on a sketch plan and the total area being protected shall be noted. If more than 20% of the total site contains protected environmentally sensitive areas, the density bonus shall be calculated using the proportions in Table 1. The density bonus is added to the base density, which is the number of possible dwelling units, to determine the total number of dwelling units which may be developed. ~~This number may equal but may not exceed the Density Cap for that zoning district.~~

Standards Adjustment

In single-dwelling and duplex-dwelling zoning districts it may be necessary to reduce the lot area/ lot width requirements to permit the allowable density. In the multi-dwelling districts it may be necessary to increase the height limitation to permit the allowable density. These revisions ~~shall~~ **may** be made to the minimum degree necessary to accommodate the allowable density.

The number of additional dwelling units awarded shall increase proportionally with the amount of environmentally sensitive areas designated for protection according to the schedule in Table 1. Land offered for dedication shall be subject to approval by the Governing Body.

TABLE 1			
Density Bonus			
% of property preserved/protected	% increase in Dwelling Units	% of property preserved/protected	% increase in Dwelling Units
21	1	31	11
22	2	32	12
23	3	33	13
24	4	34	14
25	5	35	15
26	6	36	16
27	7	37	17
28	8	38	18

29	9	39	19
30	10	40	20

TABLE 2 Density Gap			
Comprehensive Plan Designation	Zoning District	Density Permitted by Code	Density Gap— current in <i>Horizon 2020</i>
Very-low density: single dwelling	RS40	1.09 du / acre	1 du / acre
Low-density: single dwelling	RS20	2.18 du / acre	2-6 du / acre
	RS10	4.26 du / acre	
	RS7	6.22 du / acre	
Medium-density: single dwelling	RS5	8.7 du / acre	7-15 du / acre
	RS3	14.52 du / acre	
	RS0	14.52 du / acre	
Medium-density: multi-dwelling	RM12 ₇	12 du / acre	7-15 du / acre
	RM12D ₇	12 du / acre	
	RM15	15 du / acre	
High-density: multi- dwelling (apartments)	RM24 ₇	24 du / acre	16-21 du / acre
	RM32	32 du / acre	

Density Bonus—Increase in Developed Square Footage

This bonus provides for an increase in developed **developable** square footage or building coverage. The number of units remains the same; however, the developable area of a lot is increased. This allows for the construction of larger structures, or the addition of more impervious surface to a lot. The proportions in Table 3 apply to the increase in developable square footage. Each 1% of protected environmentally sensitive areas above that required by Code results in a 1% increase in the building coverage or impervious surface. In some cases, the minimum outdoor area or setbacks may need to be reduced to accommodate the additional building coverage. This reduction **shall** may be made to the minimum degree necessary to accommodate the additional building coverage. In no case shall the setbacks be reduced below the following minimums:

- Interior side setback -- 5 ft (except in the case of attached dwellings),
- Front setback -- **15 ft** 20 ft (except in the RS3 District which permits 15 ft front setbacks)
- Rear Setback - 15 ft

Table 3—Density Increase in Developable Square Footage

	Minimum Area / dwelling unit (sq ft)	Maximum Building Coverage (%)	Maximum Impervious Cover (%)	Min Outdoor Area per Dwelling (sq ft)	Int Side Setback (ft)	Front/Back setbacks (ft)
RS40	40,000	15	25	--	20	25/30
RS20	20,000	30	50	--	20	25/30
RS10	10,000	40	70	--	10	25/30

RS7	7,000	45	70	--	5	25/30
RS5	5,000	50	75	240	5	20/20
RS3	3,000	50	75	150	5	15/20*
RSO	15/acre	50	75	--	5	25/20
RM12D	12/acre	50	75	50	5	25/20
RM12	12/acre	50	75	50	5	25/20
RMO	22/acre	50	75	50	5	25/20
RM15	15/acre	50	75	50	5	25/25
RM24	24/acre	50	75	50	5	25/20
RM32	32/acre	60	80	50	5	25/20
for each 1% protection above the required 20% (to maximum of 40%)		1% increase	1% increase	1% decrease	Adjusted as needed --not less than 5	Adjusted as needed --not less than 15

Density Bonus Requirements per Protected Feature

Floodplain: The protected area shall be placed in a tract or easement, or a building envelop shall be shown on the plat or site plan which excludes the floodplain. Maintenance responsibility shall be noted on the plat or site plan. The protected floodplain is to remain in a natural state; however, passive recreation and trails may be permitted.

Stream Corridor: The protected area shall be placed in an easement with maintenance responsibility noted. The types of activities which may be permitted within the stream corridor, such as trails, shall be noted per the City Stormwater Engineer's approval.

Stands of Mature Trees: The protected area will be placed in a tract ~~and/or~~ easement or a building envelop shall be shown on the plat or site plan which excludes the protected stands of mature trees. Maintenance responsibility shall be noted on the plat or site plan. Permitted activities within this area such as trails and passive recreation shall be noted on the plat or site plan.

Historic Sites---if a property owner is willing to protect a historic site that is not listed or part of the environs, the density bonus will apply. The Historic Resources Administrator will determine if the site is suitable for protection. The plat shall include a note regarding maintenance responsibility and permitted activities.

Prairies---if an area has been determined to be a native prairie, or has been planted to native grasses and is determined by the Kansas Biological Survey to be an established prairie, the density bonuses shall apply.

DEFINITIONS TO BE ADDED TO SECTION 20-1701:

DENSITY BONUS

A density bonus is an incentive-based tool that permits developers to increase the maximum allowable development on a property in exchange for helping

the community achieve public policy goals, which in this case is the protection of environmentally sensitive areas.

BASE DENSITY

The density at which a property can be developed when taking into account road right-of-way, topographical features, stormwater detention, and other constraints.

ATTACHMENT A

Protection requirements and the Density Bonus Incentive:

Floodplain: The protected area shall be placed in a tract or easement, with maintenance responsibility noted. The protected floodplain is to remain in a natural state. The protected floodplain is to remain in a natural state. Passive recreation and trails may be permitted.

The density bonus will apply only to property that is not encumbered with the floodplain.

Stream Corridor: The protected area shall be placed in an easement with maintenance responsibility noted. The easement will note the types of activities, if any, which may be permitted within the stream corridor, per the City Stormwater Engineer's approval.

Stands of Mature Trees: The protected area will be placed in a tract and/or easement with maintenance responsibility noted. The easement or plat will include any permitted activities within this area and will outline permitted maintenance activities.

4) Historic Sites---if a property owner is willing to protect a historic site that is not listed or part of the environs, the density bonus will apply. The Historic Resources Administrator will determine if the site is suitable for protection. The plat shall include a note regarding maintenance responsibility and permitted activities.

5) Prairies---if an area has been determined to be a native prairie, or has been planted to native grasses and is determined by the Kansas Biological Survey to be an established prairie, the density bonuses shall apply.

When evaluating requests for the density bonus incentive the following criteria will be evaluated:

- 6) Are adequate city services available to serve the additional density?
- 7) Is the design of the development compatible with adjacent properties?
- 8) Is the resultant density compliant with the Comprehensive Plan?
- 9) Is the development arranged to take maximum advantage of the protected areas?
- 10) Is adequate connectivity (both pedestrian and vehicular) being provided?

This issue requires further analysis to determine what the cap should be for each zoning district. The cap should permit an increase in density while limiting the number of units so the development is still compliant with the comprehensive plan. As mentioned earlier, an amendment to the Comprehensive Plan to permit increased densities in residential districts when density bonuses are applied may be necessary, as well as an amendment to the density and dimensional table in Section 20-601(a) to permit alterations to the standards when density bonuses are applied.

ASHLAND PLANNING DEPARTMENT
STAFF REPORT
September 12, 2006

PLANNING ACTION: 2006-01091

APPLICANT: Urban Development Services LLC

LOCATION: 203 N. Mountain Ave.

ZONE DESIGNATION: R-1-5-P

COMPREHENSIVE PLAN DESIGNATION: Single-Family Residential

APPLICATION DEEMED COMPLETE: July 9, 2006

120-DAY TIME LIMIT: January 5, 2006 (with 60-day extension)

ORDINANCE REFERENCE:	18.20 R-1 Single-Family Residential District
	18.61 Tree Preservation and Protection
	18.88 Performance Standards Options

REQUEST: Request for an Outline Plan approval under the Performance Standards Option Chapter 18.88 to subdivide the property into 14 lots including 13 lots for single-family homes and one lot for open space purposes for the property located at 203 N. Mountain Ave. A Lot Line Adjustment is included in the proposal to incorporate the western end of the parcel located at 185 N. Mountain Ave. (Havurah Shir Haddash Jewish Temple) into the subdivision. A Tree Removal permit is requested to remove a 40-inch diameter at breast height Black Walnut tree in the N. Mountain Ave. street right-of-way adjacent to the front of the property located at 203 N. Mountain Ave.

I. Relevant Facts

A. Background - History of Application

The application was noticed for the August 8, 2006 meeting, but the applicant postponed the review prior to the meeting. The applicant decided to make some adjustments to the alley location and building envelopes to preserve four trees on the site.

There are no other planning actions of record for this site.

B. Detailed Description of the Site and Proposal

The project site is situated on the west side of N. Mountain Ave., near the railroad tracks and right-of-way. The site is u-shaped, and is comprised of three parcels as well as the

westerly corner of 185 N. Mountain Ave., the Havurah Shir Haddash Jewish Temple. Two of the parcels are vacant, narrow, triangular shaped pieces of land adjacent to the north side of the railroad right-of-way. The bulk of the site is from the property located at 203 N. Mountain Ave. A single-family residence and an outbuilding are situated near Mountain Ave. on the property. The westerly two-thirds of the site is vacant.

The site is moderately sloped averaging approximately a four percent downhill slope to the north. A drainage, identified as Mountain Creek in the City of Ashland Stormwater and Drainage Master Plan June 2000, runs from south to north along the sites western edge. A wetland has been preliminarily delineated on the western side of the site, adjacent to Mountain Creek. The application includes a tree inventory which identifies six trees sized six inches diameter at breast height (dbh) and greater. The tree inventory does not include the trees located in the vicinity of the wetlands and Mountain Creek. The trees are located in the N. Mountain Ave. right-of-way, around the existing house and in the vicinity of the wetlands and Mountain Creek.

The subject parcel as well as the surrounding properties to the north and east are located in the R-1-5 Single-Family Residential zoning district. The area on the west side of Mountain Creek and north of the railroad tracks is located in the E-1 Employment zoning district. The area immediately west of the subject site is vacant.

1. Outline Plan for Performance Standards Options Subdivision

The applicant is requesting Outline Plan approval to subdivide the property for the development of 13 single-family homes. Four of the thirteen homes would be in an attached, duplex format, and the remaining nine units would be detached units. The existing home would be preserved in the current location on one of the 13 lots. A sample elevation is provided for the residential units.

The proposal is to provide access to the subdivision by constructing a new public street connecting to N. Mountain Ave. and running along the north side of the site. When the properties to the north and west eventually develop, the street would be extended to the northwest and north to serve those properties. The frontage of the property located at 203 N. Mountain Ave. will be improved with a parkrow and sidewalk to city standards.

An alley connecting to the new street would provide vehicular access to the 11 of the residential units. The existing home and adjacent lot would be served by a shared driveway near the easterly end of the new street. The application describes Lots 1 - 11 as having two off-street parking spaces, and lots 12 and 13 as having three parking spaces. On-street parking spaces are available on the new street.

The proposed open space area is an area 25,870 square feet in size (.59 Ac.), which is 23 percent of the total site area. The preliminary determination of the boundary of the wetlands is included in the application site plan, and identifies a wetland which is approximately 4,780 square feet in size. The proposal is to retain the wetland and include it in the open space area on the western end of the

site. Approximately half of the open space area is comprised of the wetland and creek. The remainder of the open space area is comprised of the long narrow area adjacent to the railroad right-of-way. The application says that the wetland and surrounding open space area will be left in a natural state. The application goes on to say that “the applicants’ intentions are to remove the invasive Blackberry overgrowth, retain all trees within the wetland area, and retain the wetland habitat as a natural open space corridor.”

a) Public Facilities

The existing and proposed public facilities are generally discussed in the application narrative. Utility lines are indicated on the site plan, but are not labeled or sized. The application states and the plan notes that all primary utilities will be extended in the new road, alley or public utility easement. The application also states that the lines in the new street will be “upsized, in cooperation with the City, in order to accommodate future capacity needs.” Existing and proposed upgrades include:

- Existing water and sanitary sewer facilities are not addressed in the application. Extensions and sizes of water and sanitary sewer utilities are not delineated on the plan.
- Three scenarios for storm drainage are described as being researched for Final Plan application. The first option is to install a pipe from the site and in N. Mountain Ave. to the existing storm drain system in Village Green Drive. The drainage from Village Green Drive is directed to Beach Creek. The second option is to drain storm water into Mountain Creek, possibly using a detention system. The third option is a combination of the previous two options.
- Existing electric utilities are not addressed in the application. Electric utilities and layout to serve the subdivision are not delineated on the plan.
- Paved access is provided by N. Mountain Ave., as well as by the proposed new street running through the site. The proposal is to build a “half-street” improvement. The easterly 70 feet of the street would include a two travel lanes and a parkrow and sidewalk on the south side of the street. The remaining 410 feet would include two travel lanes, parking on the south side of the street, and a parkrow and sidewalk on the south side of the street.
- The frontage of the property located at 203 N. Mountain Ave. will be improved with a parkrow and sidewalk to city standards.

3. Tree Removal Permit

One tree is identified for removal as part of the project being a 40-inch dbh Walnut in the N. Mountain Street right-of-way near the southeast corner of the property located at 203 N. Mountain Ave.

II. Project Impact

The project requires a subdivision approval since it involves the creation of residential lots. A Tree Removal Permit is required to remove trees which are 18 inches diameter at breast height and greater and located on lands under the control of the City of Ashland (i.e. street rights-of-way). In accordance with Chapter 18.108, applications for Outline Plan approval are required to be reviewed under the “Type II” process with a public hearing.

Staff has reviewed the application and applicable approval criteria. Several issues are identified that Staff believe needs further discussion or information before the Planning Commission makes a decision on the application. The issues of Staff concern are in the subsections (e.g. ***a) Preliminary Utility Plan***). The issues are outlined according to the required planning approvals which are identified by capital letters and bold type (e.g. **A. Outline Plan for Performance Standards Options Subdivision**) and applicable approval criteria (e.g. **1. Public Facilities**).

A. Outline Plan for Performance Standards Options Subdivision

In Staff’s review of the proposal, the application appears to meet the approval criteria for Outline Plan approval. Chapter 18.88, Performance Standards Options, allows a flexible lot layout and design approach in an effort to preserve natural features as well as encourage creative and energy efficient site and building design. To this end, the base density of the project is based on the total site area. While perimeter and front yard setbacks must conform to the requirements of the zoning district, the lot sizes and interior site setbacks can vary in size.

1. Development of Adjacent Land

The Outline Plan approval criteria require “That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.”

The parcels to the north of the site are similar to 203 N. Mountain Ave. in that the zoning is Single-Family Residential (R-1-5), and the lots are configured as long narrow parcels with homes situated at the east end of the lots and fronting on N. Mountain Ave. There is developable area on these lots behind the homes at the rear of the parcels. As a result, the area between the subject site and the southern edge of the Mountain Creek Estates Subdivision (located at the southwest corner of the intersection of N. Mountain Ave. and Hersey St.) has development potential. Additionally, the property to the west of Mountain Creek has

development potential. The area west of Mountain Creek is zoned Employment (E-1), and the bulk of the area is a 19.53 acre parcel owned by Union Pacific Railroad Company. This site is commonly referred to as the railroad property. The lots across from the site on N. Mountain Ave., on the east side of the street, are zoned Single-Family Residential (R-1-5) and are largely developed except for a parcel directly north of the railroad right-of-way and tracks. The large parcel is approximately ten acres in size, is not in the city limits and has a residence with several accessory buildings located on the lot. Finally, the area to the south of the site and south of the railroad right-of-way and tracks is zoned High Density Multi-Family (R-2) and Employment (E-1). This area includes a mixture of multi-family developments, single-family homes and a public works yard operated by the City of Ashland.

In Staff's opinion, the primary issue to consider in the development of the subject site is providing for the connection and coordination of the future street system and utilities to serve the developable areas to the north and west of the subject site. The City of Ashland Transportation Plan Map was updated in June 2002 to include the conceptual street locations and dedications for the railroad property area including the subject site (see attached map). The application has based the street layout and type on the adopted Transportation Plan Map. In addition, the application states that the "utility lines (water, sewer, storm, electric, etc.) will be upsized, in cooperation with the City, in order to accommodate future capacity needs." In Staff's opinion, the proposed subdivision will not prevent adjacent land from being developed in accordance with the R-1 zoning district, Ashland Land Use Ordinance and Ashland Comprehensive Plan.

2. Public Facilities and Street Standards

The Outline Plan approval criteria require "That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity."

Transportation requirements are further addressed by the approval criteria which states that "The development complies with the Street Standards."

a) Preliminary Utility Plan

In Staff's opinion, it is very likely that public facilities and utilities are in place or can be extended to service the project. The existing and proposed facilities are generally discussed in the application narrative and some utilities are noted on the site plan. However, Staff believes the Planning Commission needs information about the size, location and capacity of existing utilities, and the location and size of proposed connections and extensions of public utilities to make a finding that adequate city facilities can be provided to the development.

b) Street Improvements

The City of Ashland Transportation Plan Map was updated in June 2002 to include the conceptual street locations and dedications for the railroad property area including the subject site. The plan identifies a collector street connecting N. Mountain Ave. to Oak St. The eastern end of the collector street is on the subject site. Going from east to west, the street would then cross over Mountain Creek, traverse the railroad property and connect to the existing end of Clear Creek Drive.

The location of the street conforms to the adopted Transportation Plan Map. In addition, the new street has been designed to a Neighborhood Commercial Collector standard. The Neighborhood Commercial Collector standard is consistent with the existing west end of the street, Clear Creek Drive.

In Staff's opinion, the proposal largely meets the requirements of the Street Standards. The applicant has done an admirable job of balancing between the project needs and the long-range planning issues. For example, the street design needs to accommodate future development to the north and west. Initially at the pre-application stage, the subdivision design included individual driveways serving the eleven street facing lots. At that time, Staff raised the issue of the safety and traffic flow impacts of individual driveways on the new collector street. This is an important issue because in the future when the area is built out the new collector street will accommodate a higher level of vehicle trips per day. Subsequently, the applicant adjusted the site plan to include an alley. The alley reduces the number of access points on the street which reduces the potential vehicular conflicts, creates a better pedestrian environment and presents a more attractive home front façade to the street.

Additionally, the majority of the east end of the new collector street will be located on the subject site rather than being more equally split between the subject site and the property to the north. The applicant is building both travel lanes with parking, a parkrow and a sidewalk on one side. A typical residential Neighborhood Street is a total of 47 feet in width including sidewalks and parkrows on both sides of the street. The proposed "half street" improvement to a collector street standard is comparable being a total width of 44 feet in improvements. This construction of the "half street" improvement will allow the property to the north to simply finish off the parking, parkrow and sidewalk on the north side if the property is developed.

(1) Bicycle Facilities

Staff believes the provision of bicycle facilities needs further discussion before the Planning Commission approves the Outline Plan. The Street Standards require a bicycle lane on a Neighborhood Commercial Collector

street when there will be more than 3,000 vehicle trips per day or actual motor vehicle travel speeds in excess of 25 mph. Staff believes that when the areas to the north and west are fully developed, the trips per day on the new east-west collector connecting N. Mountain Ave. to Oak St. will be close to or exceed 3,000 vehicle trips per day. As a result, the new street included in the application should have bicycle lanes. However, when the west end of the street was developed as Clear Creek Drive, a decision was made to have a multi-use bicycle and pedestrian path on the north side of the railroad tracks instead of installing bicycle lanes on Clear Creek Drive. As a result, a ten-foot wide easement was established from the alley off of the south side of Clear Creek Drive along the full length of the railroad property. This existing multi-use path easement ends on the western boundary of the subject site. Staff believes the applicant is required to provide bicycle facilities as part of the street improvement, and recommends that in lieu of installation of a bicycle lane in the street, the Planning Commission require a ten to 12-foot wide public pedestrian easement along the sites southern boundary for a future multi-use path. Also, there should be a path connecting the subdivision to the future multi-use path.

3. Natural Features and Open Space

The Outline Plan approval criteria require "That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas and unbuildable areas."

The maintenance of open space and common area is further addressed in the approval criteria which states "That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ration of amenities as proposed in the entire project."

The subject site includes Mountain Creek, the associated wetlands and trees. Mountain Creek is identified as a Riparian Land Drainage on the adopted Comprehensive Plan maps. The tree inventory included in the application identifies five trees in the development area of the site that are larger than six inches diameter at breast height and greater (dbh) including. The proposal is to retain the five trees over six inches dbh on site.

In Staff's opinion, the application has identified the natural features on the site, and has preserved the significant natural features in the open space for the subdivision. The development is required to provide five percent of the total site area in Open Space. The open space area at the western end of the property is approximately a third of an acre in size and 11.6 percent of the total site area.

Additionally, the open space area including Mountain Creek and the wetlands at

the west end of the site is consistent with the City of Ashland Open Space Plan and the draft Railroad Property Master Plan. The City of Ashland Open Space Program plan identifies the area along this section of Mountain Creek, from the railroad tracks to Williamson Way as an open space and future trail connection. The draft Railroad Property Master Plan also shows a park and trail in this area. Both plans show a corridor running along both sides of the creek corridor as open space with a trail parallel and west of the creek. In the location of this site, both plans identify an area approximately 150 feet wide with approximately 75 feet on each side of the creek, as open space. The proposed open space area at the west end of the site exceeds these dimensions as it is approximately 105 feet in width, and a third of an acre in size.

a) Impact of Storm Drain Changes

Currently, storm drainage from south of the site is collected at a point north of the railroad tracks, piped under the tracks and directed in an open ditch to the wetland/creek area. This is an old, existing condition that does not contain the necessary easements. Additionally, the situation is not created by the existing or proposed development on the site, but rather the site itself is impacted by the facilities and water flowing on the property and further on to properties to the north. The applicant is working with the Ashland Engineering Division to remedy the situation in conjunction with the development of the property. The option being evaluated at this time is rerouting the storm drainage into a pipe that would go into the public system in the street and away from the site, creek and wetlands. While there are numerous storm drainage control benefits to removing the water from the site, Staff believes the potential impact on the wetlands needs to be evaluated. Specifically, an assessment by the project biologist and engineer needs to be made evaluating the impact of rerouting the storm drainage on the wetlands, and whether the necessary soils, vegetation, etc. will continue to thrive without the water.

b) Side Yard Setback from Wetlands

The building envelope for the lot closest to the wetlands, Lot 11, shows the building footprint on the side (west) property line. The west property line of Lot 11 is shown at 17 feet from the closest point in the wetland. Since the envelopes are relatively small, Staff is assuming the actual building footprint may use up the entire building envelope.

Staff believes a western side yard setback should be provided on Lot 11 to create an additional buffer to the wetlands from the residence. Staff's concern is twofold. First, construction activities tend to take place well outside the actual building footprint which could impact the wetland area. Second, in the long run, the owner of Lot 11 will need space to maintain the side of the home. Staff believes the lot configuration may lend itself to Lot 11 using the open space as de facto yard area. This opens the door to more possible infringement on the wetland area. Finally, since the wetland is a draft

delineation, there is a possibility that the wetland boundaries may change. A condition has been added requiring the Final Plan document to include a minimum of six feet for the west side yard for Lot 11 to provide a greater setback from the eastern edge of the wetland to the footprint of the residence.

4. Base and Bonus Density Standards

The Outline Plan approval criteria require "That the proposed density meets the base and bonus density standards established under this Chapter."

The site has a base density of 11.565 units (2.57 acres x 4.5 units = 11.565). The proposal is to use the conservation density bonus to increase the number of units to 13 (11.565 x .15 conservation density bonus = 13.30). As a result, the proposal satisfies the density requirements of Chapter 18.88.

5. Other Applicable Ordinance Requirements

The Outline Plan approval criteria require "That the development meets all applicable ordinance requirements of the City of Ashland." The remaining issues that are addressed under this criterion are the setback and parking requirements.

Chapter 18.88 requires that one space is provided per unit on the street for guest parking. A total of 13 spaces will be available on the project frontage with 10 proposed spaces on the new street and three spaces on the site frontage on N. Mountain Ave. The proposal meets the on-street parking requirement.

The site plan delineates the proposed lot lines, building envelopes, setbacks and solar setbacks. There are a few adjustments that need to be made to the proposal to meet the setback requirements of Chapter 18.88.

a) Street Frontages

The proposal describes lots 12 and 13 as flag lots. However, the site plan does not show the required flag pole connection to the street. As a result, the lot lines for 12 and 13 must be redrawn to provide a physical connection to the street.

c) Solar Setback

Chapter 18.70 requires that newly created lots with slopes less than 15 percent to be configured so that the future homes will meet Solar Setback A. Solar Setback A is the most stringent standard which requires that new structures can not shade the property to the north more than a six foot fence would at the north property line. The application is requesting that a less demanding solar setback standard be applied to Lots 12 and 13. The solar setbacks for Lots 1 – 11 appear to be addressed in the application, but the final determination is made at the building permit submittal.

The application describes a “solar envelope” for Lots 12 and 13 which is delineated on the site plan. The proposed envelope would allow the shadowing of the garages, rear yards and residences on Lots 7 – 10. The request is based on the desire to locate the future homes away from the railroad right-of-way and tracks. Staff believes this is a reasonable request, but that approval of the solar envelope should be delayed until the Final Plan application so that more information be provide on the height of the shadow on the residences. Additionally, it appears the proposed solar envelope would allow shading of the back yards of Lots 8, 9 and 10. These rear yard areas are relatively small, and the only opportunity for private rear yard space for the lots. Staff recommends that the applicant explore the possibilities of shifting the garages and using partial solar envelopes to preserve the solar exposure to the rear yard areas. A condition has been added requiring further information on shadow height and rear yard areas to be submitted at the Final Plan with the exception for the solar envelope being processed at the Final Plan application.

B. Tree Removal Permit

Chapter 18.61 of the Ashland Land Use Ordinance (ALUO), Tree Preservation and Protection, requires a Tree Removal Permit for one tree adjacent to the site, a 40-inch dbh Walnut in the N. Mountain Ave. right-of-way near the southeast corner of the property. A Tree Removal Permit is required to remove trees which are 18 inches diameter at breast height and greater and located on lands under the control of the City of Ashland (i.e. street rights-of-way). The application states that the applicants are willing to retain the tree if it is deemed significant by the Tree Commission and Planning Commission. The Tree Commission had not reviewed the proposal at the time of writing.

The arborist report identifies the tree as in poor condition and describes the species as having a poor tolerance to construction. The application goes on further to say that the poor condition of the walnut tree is most likely due to continuous topping for overhead electric lines. The written findings identify the walnut tree as a future hazard tree due to is poor condition and proximity to the street and sidewalk.

Walnut trees are identified as prohibited street trees in the Recommended Street Tree Guide prepared by the Ashland Tree Commission. While the list is intended as a guide for the planting of new trees, it provides useful information in evaluating potential problems of existing species that are problematic in street and sidewalk areas. The guide states “The following species are normally prohibited for one or several of the following reasons: 1) their roots cuase injury to sewers or pavements; 2) they are particularly subject to insects or diseases; 3) they cause safety and visibility problems along streets at intersections; 4) they create messy sidewalks and pavements.” The proposal is to mitigate the removal of the walnut tree with an appropriate tree from the Recommended Street Tree Guide.

1. Tree Protection Plan

The tree information included in the application is missing some of the items required in the Tree Protection Plan requirements of 18.61.200. In discussions with the applicant, Staff understands that this was due to the that the original application included the removal of the four trees to the south of Lots 1, 2 and 3. The applicant has indicated that they are working on revising the Tree Protection Plan to include the required information. Specifically, the trees within 15 feet of the site, the drip lines of each tree, the location of tree protection fencing and utility information is required on the Tree Protection Plan. Staff recommends that this information is provided and reviewed prior to the Planning Commission making a decision on the application.

III. Procedural - Required Burden of Proof

The criteria for Outline Plan approval are described in 18.88.030.A as follows:

- a. That the development meets all applicable ordinance requirements of the City of Ashland.
- b. That adequate key City facilities can be provided including water, sewer, paved access to and through the development, electricity, urban storm drainage, police and fire protection and adequate transportation; and that the development will not cause a City facility to operate beyond capacity.
- c. That the existing and natural features of the land; such as wetlands, floodplain corridors, ponds, large trees, rock outcroppings, etc., have been identified in the plan of the development and significant features have been included in the open space, common areas, and unbuildable areas.
- d. That the development of the land will not prevent adjacent land from being developed for the uses shown in the Comprehensive Plan.
- e. That there are adequate provisions for the maintenance of open space and common areas, if required or provided, and that if developments are done in phases that the early phases have the same or higher ratio of amenities as proposed in the entire project.
- f. That the proposed density meets the base and bonus density standards established under this Chapter.
- g. The development complies with the Street Standards.

The criteria for Issuance of Tree Removal are described in 18.61.080 as follows:

An applicant for a Tree Removal-Staff Permit shall demonstrate that the following criteria are satisfied. The Staff Advisor may require an arborist's report to substantiate the criteria for a permit.

- A. Hazard Tree: The Staff Advisor shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights of way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

2. The City may require the applicant to mitigate for the removal of each hazard tree pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

B. Tree that is Not a Hazard: The City shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates all of the following:

1. The tree is proposed for removal in order to permit the application to be consistent with other applicable Ashland Land Use Ordinance requirements and standards. (e.g. other applicable Site Design and Use Standards). The Staff Advisor may require the building footprint of the development to be staked to allow for accurate verification of the permit application; and

2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and

3. Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within 200 feet of the subject property.

The City shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. Nothing in this section shall require that the residential density be reduced below the permitted density allowed by the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the Ashland Land Use Ordinance.

4. The City shall require the applicant to mitigate for the removal of each tree granted approval pursuant to AMC 18.61.084. Such mitigation requirements shall be a condition of approval of the permit.

IV. Conclusions and Recommendations

Staff believes the applicant has taken an admirable approach by designing a development that balances project needs with long-range planning items. The proposal has several positive components that will benefit the residents of the development as well as the future railroad property neighborhood including the use of alleys to reduce potential conflict points on the future commercial collector street, a traditional streetscape by orienting the building façade to the street and car facilities at the back of the lots, an oversized open space that is consistent with the open space program and the draft Railroad Property Plan, and potentially providing the last link for a multi-use path

easement along the north side of the railroad tracks.

In Staff's opinion, the proposal is consistent with the approval criteria for a Performance Standards Options subdivision and Tree Removal Permit. However, Staff believes the Planning Commission needs more information on the utilities, bicycle facilities, lot configurations and tree protection plan before the Commission can make findings that the application meets the approval criteria for a Performance Standards Options Subdivisions. While all of the information can be provided and items can be resolved, the issues are significant enough that they should not be deferred through conditions to the Final Plan application. Staff recommends the application be continued so that the applicant can address the following items. The issues are discussed in the body of this report and summarized below.

- **Preliminary Utility Plan**

Staff believes the Planning Commission needs information about the size, location and capacity of existing utilities, and the location and size of proposed connections and extensions of public utilities to make a finding that adequate city facilities can be provided to the development.

- **Bicycle Facilities**

Staff believes the applicant is required to provide bicycle facilities as part of the street improvement, and recommends that in lieu of installation of a bicycle lane in the street, the Planning Commission require a ten to 12-foot wide public pedestrian easement along the sites southern boundary for a future multi-use path. Also, there should be a path connecting the subdivision and the new street to the future multi-use path.

- **Impact of Storm Drain Changes**

The applicant is working with the Ashland Engineering Division to redirect storm drainage that has historically been directed under the railroad tracks and across the subject property to Mountain Creek. The option being evaluated at this time is rerouting the storm drainage into a pipe that would go into the public system in the street and away from the site, creek and wetlands. While there are numerous storm drainage control benefits to removing the water from the site, Staff believes the potential impact on the wetlands needs to be evaluated. Specifically, if the total volume of water is rerouted and does not go into the wetland area, a determination as to whether the necessary soils, vegetation, etc. will continue to thrive without the water.

- **Street Frontages for Lots 12 and 13**

The proposal describes lots 12 and 13 as flag lots. However, the site plan does not show the required flag pole connection to the street. As a result, the lot lines for 12 and 13 must be redrawn to provide a physical connection to

the street.

○ **Tree Protection Plan**

The tree information included in the application is missing some of the items required in the Tree Protection Plan requirements of 18.61.200. In discussions with the applicant, Staff understands that this was due to the that the original application included the removal of the four trees to the south of Lots 1, 2 and 3. The applicant has indicated that they are working on revising the Tree Protection Plan to include the required information. Specifically, the trees within 15 feet of the site, the drip lines of each tree, the location of tree protection fencing and utility information is required on the Tree Protection Plan. Staff recommends that this information is provided and reviewed prior to the Planning Commission making a decision on the application.

Should the Planning Commission approve the application, Staff recommends approval of the application with the following conditions attached.

- 1) That all proposals of the applicant are conditions of approval unless otherwise modified here.
- 2) That all easements for sewer, water, electric and streets shall be indicated on the final survey plat as required by the City of Ashland.
- 3) That a drainage way easement shall be indicated on the final survey plat for the width and length of the western open space area including Mountain Creek and the associated wetlands.
- 4) That the boundaries of the wetland and the western property line of Lot 11 shall be delineated on site, and inspected by the Ashland Planning Division prior to the Final Plan approval.
- 5) That the street right-of-way for the undeveloped western end of the street shall be dedicated as public right-of-way and if determined necessary by Ashland Engineering Division, a street plug shall be established at the western boundary of the street right-of-way.
- 6) That a public pedestrian and bicycle easement, a minimum of ten feet in width, shall be indicated on the final survey plat for future development as a multi-use path parallel to the railroad right-of-way and along the length of the southern boundary of the site, connecting the western site boundary to N. Mountain Ave. In addition, a public pedestrian and bicycle easement shall be provided linking the subject development to the future multi-use path.
- 7) That engineering for the utility plan including but not limited to the water, sewer, storm drainage and electric facilities shall be submitted with the Final Plan application. The utility plan shall include the location of connections to all public

facilities in and adjacent to the development, including the locations of water lines and meter sizes, fire hydrants, sewer mains and services, manholes and clean-outs, storm drainage pipes and catch basins, and locations of all primary and secondary electric services including line locations, transformers (to scale), cabinets, meters and all other necessary equipment. Transformers and cabinets shall be located in areas least visible from streets, while considering the access needs of the Electric Department. Any required private or public utility easements shall be delineated on the utility plan.

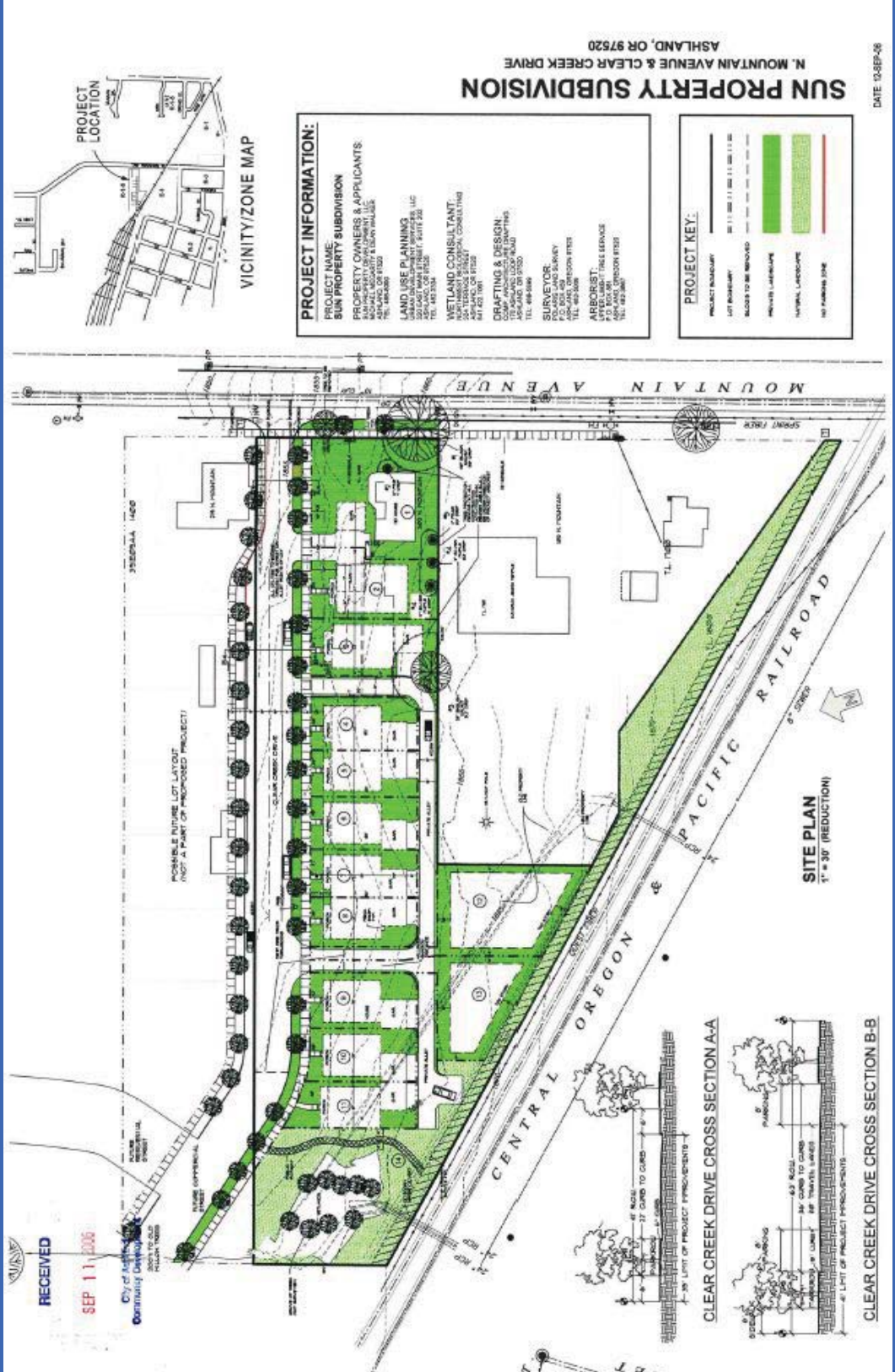
- 8) That the Electric Distribution Plan shall be coordinated with the Ashland Electric Department, and shall be included in the utility plan with the Final Plan application.
- 9) That the Tree Protection Plan shall be revised to be coordinated with the final utility plan, and shall be submitted with the Final Plan application.
- 10) That if the storm drainage plan includes on-site storm water detention systems and/or off-site storm drain system improvements, the engineering shall be submitted with the Final Plan application. The permanent maintenance of on-site storm water detention systems must be addressed through the obligations of the Homeowners' Association and approved by the Public Works Department and Building Division.
- 11) That the Final Plan application shall include an analysis by the project biologist and engineer on the impact of rerouting storm drainage away from the wetland into the public system.
- 12) That a grading plan addressing general areas of cut and fill shall be submitted with the Final Plan application.
- 13) That the required pedestrian-scaled streetlight shall consist of the City of Ashland's residential streetlight standard, and shall be included in the utility plan and engineered construction drawings for the street improvements.
- 14) The engineering for proposed street improvements shall be provided at Final Plan application. The engineering drawings shall address the treatment of the northern edge of the street and direction of storm drainage, and address the necessary curb radius and travel lane width for truck traffic use.
- 15) That the Final Plan application shall delineate vision clearance areas at the intersections of streets and alleys throughout the project in accordance with 18.92.070.D. Structures, signs and vegetation in excess of two and one-half feet in height shall be placed in the vision clearance areas.
- 16) Subdivision infrastructure improvements, including but not limited to utilities, public streets, street trees and irrigation and open space landscaping and irrigation shall be installed or an irrevocable letter of credit posted for the full cost of construction prior to signature of the final survey plat. If an irrevocable letter of credit is posted for common area and open space improvements, the Final Plan application shall

include a phasing plan for the common area and open space improvements including but not limited to landscaping, irrigation and pathway improvements. The project landscape architect shall inspect the common area and open space improvements for conformance with the approved plan, and shall submit a final report on the inspection and items addressed to the Ashland Planning Division. The phasing plan shall include a schedule for a final inspection including the project landscape architect with the Ashland Planning Division of the common areas and open spaces prior to issuance of the ninth building permit.

- 17) That the street name shall be reviewed and approved by Ashland Engineering for compliance with the City's resolution for street naming.
- 18) That the final wetland determination/delineation report shall be prepared and submitted with the Final Plan application, and the necessary state and federal permits received prior to the Final Plan application. If the final wetland determination/delineation report submitted for state and federal review differs significantly from the preliminary determination (i.e. larger area or numerous wetland areas), the Outline Plan shall be modified prior to an application for Final Plan approval.
- 19) That the recommendations of the Ashland Tree Commission, with final approval by the Staff Advisor, shall be incorporated into the Tree Protection and Removal Plan.
- 20) That one tree shall be planted in the parkrow in the N. Mountain Ave. right-of-way in accordance with 18.61.084 as mitigation for the removal of the 40-inch walnut. The landscaping plan provided at the time of the Final Plan application shall include and identify the mitigation trees.
- 21) That a Verification Permit in accordance with 18.61.042.B shall be applied for and approved by the Ashland Planning Division prior to removal of the walnut tree and prior to site work, storage of materials and/or the issuance of an excavation or building permit. The Verification Permit is to inspect the tree to be removed and the installation of the tree protection fencing. The tree protection for the trees to be preserved shall be installed according to the approved Tree Protection Plan prior to site work or storage of materials. Tree protection fencing shall be chain link fencing a minimum of six feet tall and installed in accordance with 18.61.200.B.
- 22) That a size and species specific landscaping plan for the parkrows and open spaces shall be provided at the time of the Final Plan application. The western open space shall include a north-south path connecting the future multi-use path parallel to the railroad right-of-way and the new street and improved with asphalt, concrete or a comparable all weather surface.
- 23) That street trees, located one per 30 feet of street frontage, shall be installed in the parkrow along street frontages as part of the subdivision infrastructure

improvements. Street trees shall be chosen from the Recommended Street Tree List and shall be installed in accordance with the specifications noted in the Recommended Street Tree List. The street trees shall be irrigated.

- 24) Fence heights within side and rear yard areas adjoining the open space shall not exceed four feet. Stipulations with regards to fencing shall be described in the project CC&R's.
- 25) That a draft copy of the CC&R's for the Homeowners Association is provided at the time of Final Plan application. CC&R's shall describe responsibility for the maintenance of all common area and open space improvements, parkrows and street trees. CC&R's shall note that any deviation from the Tree Protection Plan must receive written approval from the City of Ashland Planning Department.
- 26) That the Final Plan application shall demonstrate compliance with a maximum lot coverage of 50 percent by either using a total site area calculation or including lot coverage calculations in square footage and percentage for each lot.
- 27) That the Final Plan application shall include a minimum of six feet for the west side yard for Lot 11.
- 28) The setback requirements of 18.88.070 shall be met and identified on the building permit submittals including but not limited to the required width between buildings as described in 18.88.070.D. The structures on Lots 2, 3 5, 6, 7, 9 and 10 shall be limited to a maximum of 18 feet in height for the purposes of distance between buildings in accordance with 18.88.070.D as stipulated the application, and Lots 10 and 11 shall be limited to a maximum of 16 feet for the purposes of distance between buildings.
- 29) That for Lot 12 and 13, the Final Plan application shall include detail on the proposed shadow height on the residences to the north, and shall preserve as much un-shadowed rear yard space in the lots to the north as possible. The solar envelope as included in the Outline Plan is not approved, and the Final Plan application shall include a application for a variance to the Solar Setback Standard in accordance with 18.70.060 for Lot 12 and 13.
- 30) That all new structures on Lots 1 – 11 shall meet Solar Setback A in accordance with Chapter 18.70 of the Ashland Land Use Ordinance. Solar setback calculations shall be submitted with each building permit and include the required setback with the formula calculations and an elevation or cross-section clearly identifying the height of the solar producing point from natural grade.
- 31) Individual lot coverage calculations including all impervious surfaces shall be submitted with the building permits. Impervious driveway and parking areas shall be counted as pervious surfaces for the purpose of lot coverage calculations.



Site Plan (Revised)

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 25, 2010

RECEIVED

APR 26 2010

City County Planning Office
Lawrence, Kansas

Mr. Greg Moore, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM 6; DENSITY BONUS FOR THE PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS

Dear Chairman Moore and Planning Commissioners:

Comments on calculating bonus densities

As you know, we have sent several letters on the issue of the text amendment to Section 20-1101(d). Regarding the staff suggestions to providing a bonus for voluntarily preserving additional sensitive land in residential districts beyond that required, we have one primary objection: the multiple family residential districts are proposed to be treated in the same manner as are the single family residential districts. We believe that a different standard should be used in multiple family districts.

Our reason is that conventional multiple family districts are currently based on "large lot development." This type of development is almost identical to that intended for the Planned Development Overlay District and the Planned Development Districts, in that the design of each development is based on placement of multiple residential buildings on a single lot and site planning rather than on the yard, lot, block, and street system that normally separates buildings and provides access to individual residential buildings in conventional districts as required by the Lawrence Land Development Code. The Land Development Code has no standards for placement of many residential buildings on an individual lot other than those applicable to the Planned Development Overlay District. For example, the only standard for distances between buildings on the same lot in conventional multiple family districts is the fire code of 3 feet (according to one developer).

In multiple family conventional districts the actual requirement that may or may not separate buildings and requires access are the parking requirements, which apply to individual buildings and number of dwellings in each building. Parking lot access is to driveways, not streets. Individual buildings on a large lot multiple family development, as currently interpreted, do not require yards or any space between buildings (other than that of the fire code), but rather, yards are required only at the periphery of the lot. Therefore, the larger the lot, the greater is the allowable density up to the theoretical gross density of the tract. Private driveways are substitutes for public streets and don't count as subtracting from the theoretically allowable base density.

Our point is that because of the manner in which multiple family developments are currently being built, the net density and thus base density of a multiple family development can approach the maximum gross density possible for its district. Therefore, the conventional multiple family districts can't really benefit to the same extent as a single family district by allowing an increase in density as a bonus, at least not in the same proportion as a single family development. Increasing the density caps doesn't remove the disparity or inequity.

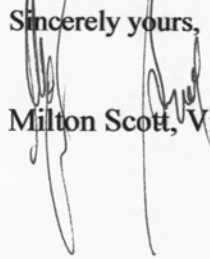
We suggest that these two types of development be treated differently. We suggest that the base density for multiple family districts be calculated on the basis of what it would be if each residential building had its own lot and yard and fronted on a dedicated public street, and that the bonus density then be calculated on that basis.


Continued issues on preserving sensitive land

We also refer you to our previous letters regarding the preservation of sensitive lands. We continue to ask that you include features not included in the current version of this Section 20-1101(d) as features required for preservation: steep slopes, prairies and potential but not currently registered historical and archeological sites. We also ask that you adopt a method to prevent grading and land disturbance by developers prior to applications for approval. One method would be requirement of a development permit similar to that in floodplain areas.

We hope that you will seriously consider these issues. Thank you.

Sincerely yours,


Milton Scott, Vice-president


Alan Black, Chairman
Land Use Committee

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission

From: Amy M. Brown, Long Range Planner
Mary Miller, Current Planner

Date: For April 28, 2010 Planning Commission Meeting

RE: **Item #7: CPA-2008-7:** Consider Comprehensive Plan Amendment to Horizon 2020 to include Chapter 16 – Environment.

Introduction:

The Comprehensive Plans Committee (CPC), in conjunction with Planning Staff, have been working over the last few years to draft a new chapter in Horizon 2020 concerning environmental issues. At this point a draft chapter has been developed and released for public comment. Staff has asked for written comments to be submitted by 10am, Monday April 26th for inclusion in the Planning Commission packet. Staff will be giving a brief presentation on the chapter at the April 28, 2010 Planning Commission meeting and asking for oral comments from both the public and the Planning Commissioners.

History/Background:

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".

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 "April 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.

Action:

Staff will give a presentation at the April 28th, 2010 Planning Commission meeting and be available to answer questions. Oral comments will also be received from the public and from the Commissioners. Staff is asking for Planning Commission feedback and direction regarding next steps based on the comments that are received, but is not asking for any formal action.

Environment

Draft – April 2010

*Additional information may be added to maps included in this chapter.

this page intentionally left blank

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 assumes that the net investment of public funds is equal for industrial development and 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.

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:

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

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.)*

- 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.*
- 2) Flooding.** *Protecting floodplain areas from inappropriate development 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. 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 encouraged 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 in order to reduce erosion, preserve riparian areas, mitigate flood hazards, and ensure water quality.
- b. Encourage use of riparian areas be 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 will identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed.
- c. Develop standards and incentives for the protection of the inventoried features discussed above with emphasis on protection of public drinking water supply, habitat preservation and erosion control.

Policy 1.4 Preserve and protect existing 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 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 from inappropriate development to maintain the carrying capacity of the floodplain and mitigating potential hazards to human life.

- a. The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. 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. Encourage continued participation by the City of Lawrence in the Community Rating System (CRS) program. Increase the level of participation in order to achieve a greater discount to citizens on their flood insurance rates.
- 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

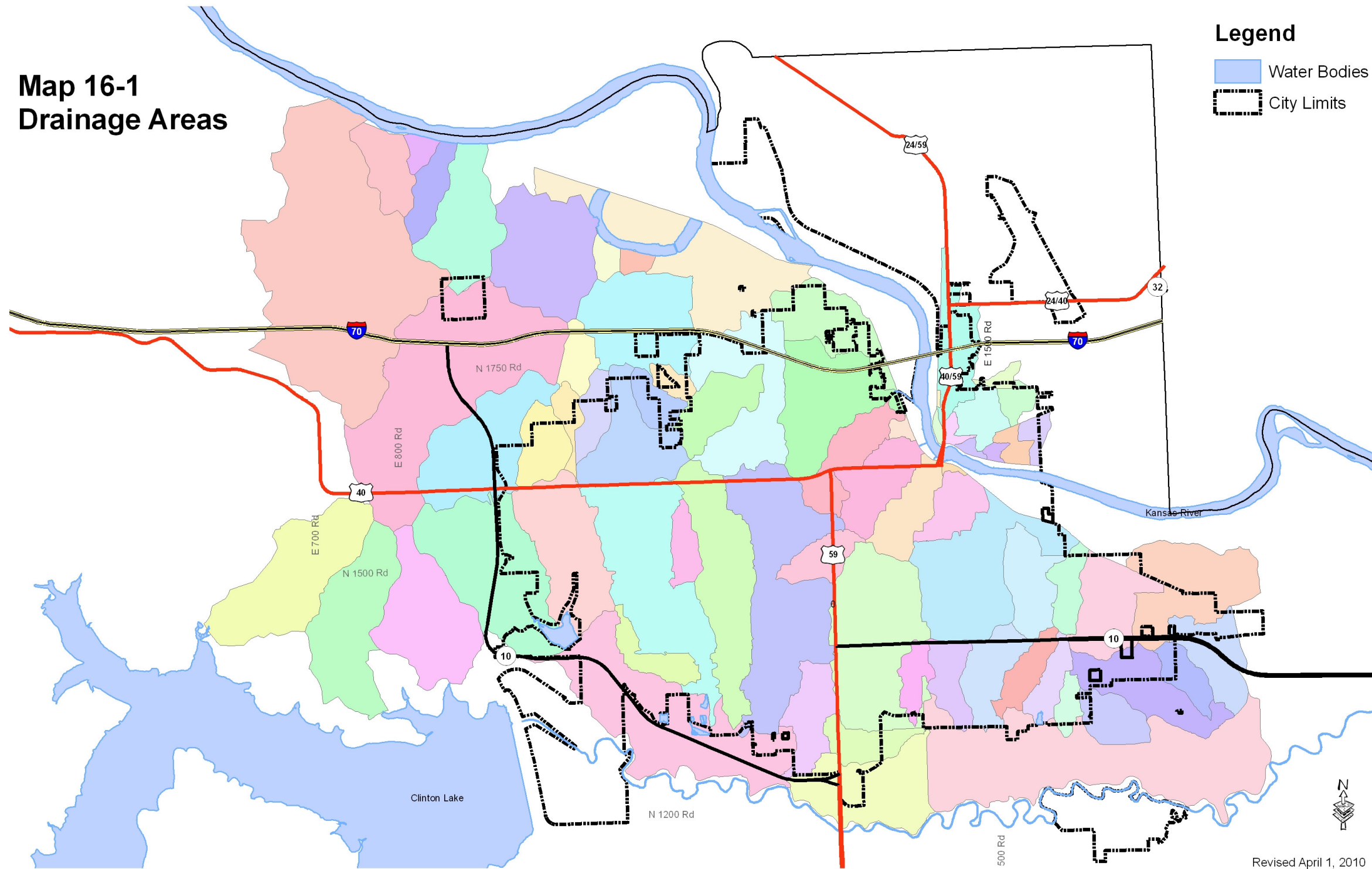
Pollutant Discharge Elimination System (NPDES) Program, and other federal, state and local requirements for water quality and environmental preservation.

- 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 near surface watercourses to reduce pollution and prevent erosion.
- h. Douglas County should adopt stormwater regulations that include submittal of drainage plans and regulations for onsite detention, particularly for properties located in Urban Growth Area's (UGAs) throughout the County.

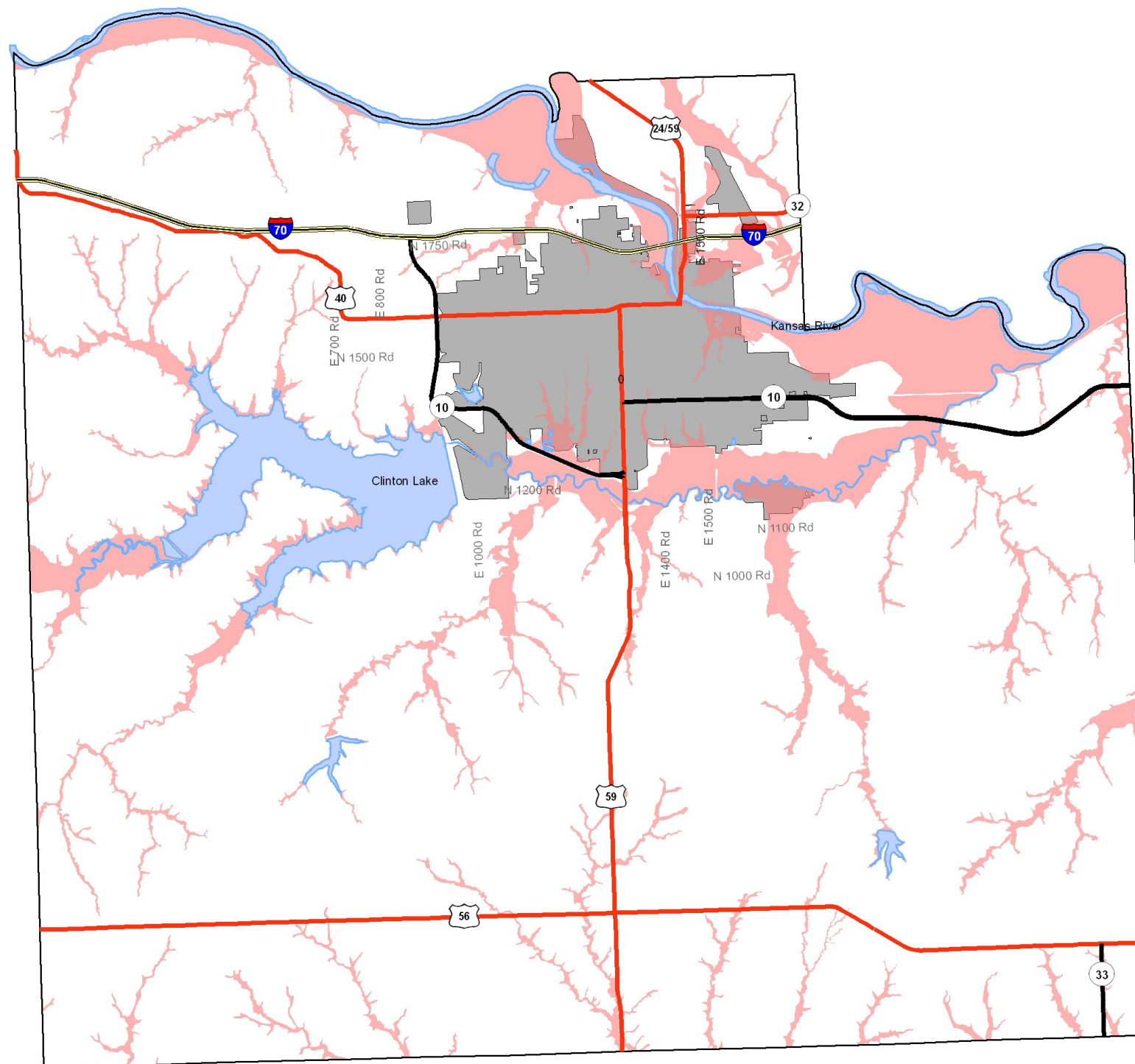
**Map 16-1
Drainage Areas**

Legend

- Water Bodies
- City Limits



**Map 16-2
Floodplain**



Legend

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



Revised April 1, 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.*

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 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.

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

Policy 2.2 Preserve and sustain woodlands within Douglas County.

- 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

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

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 onsite and offsite 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 the 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.

- a. To maintain a balance between natural and built environments, open space preservation should 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. 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.

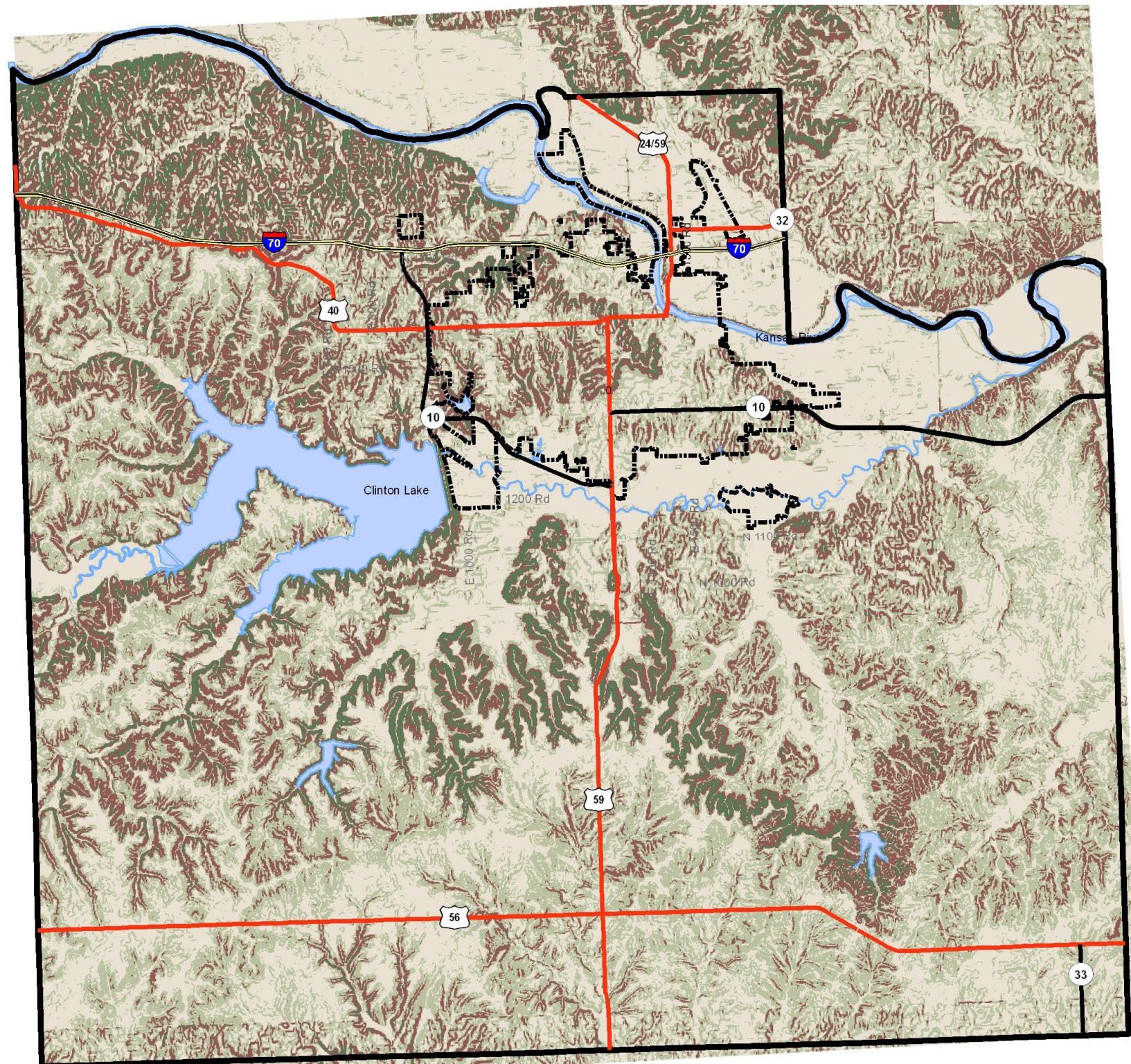
Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current or future agricultural use.

- a. The protection of High Quality Agricultural Land should 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.

**Map 16-3
Slopes**



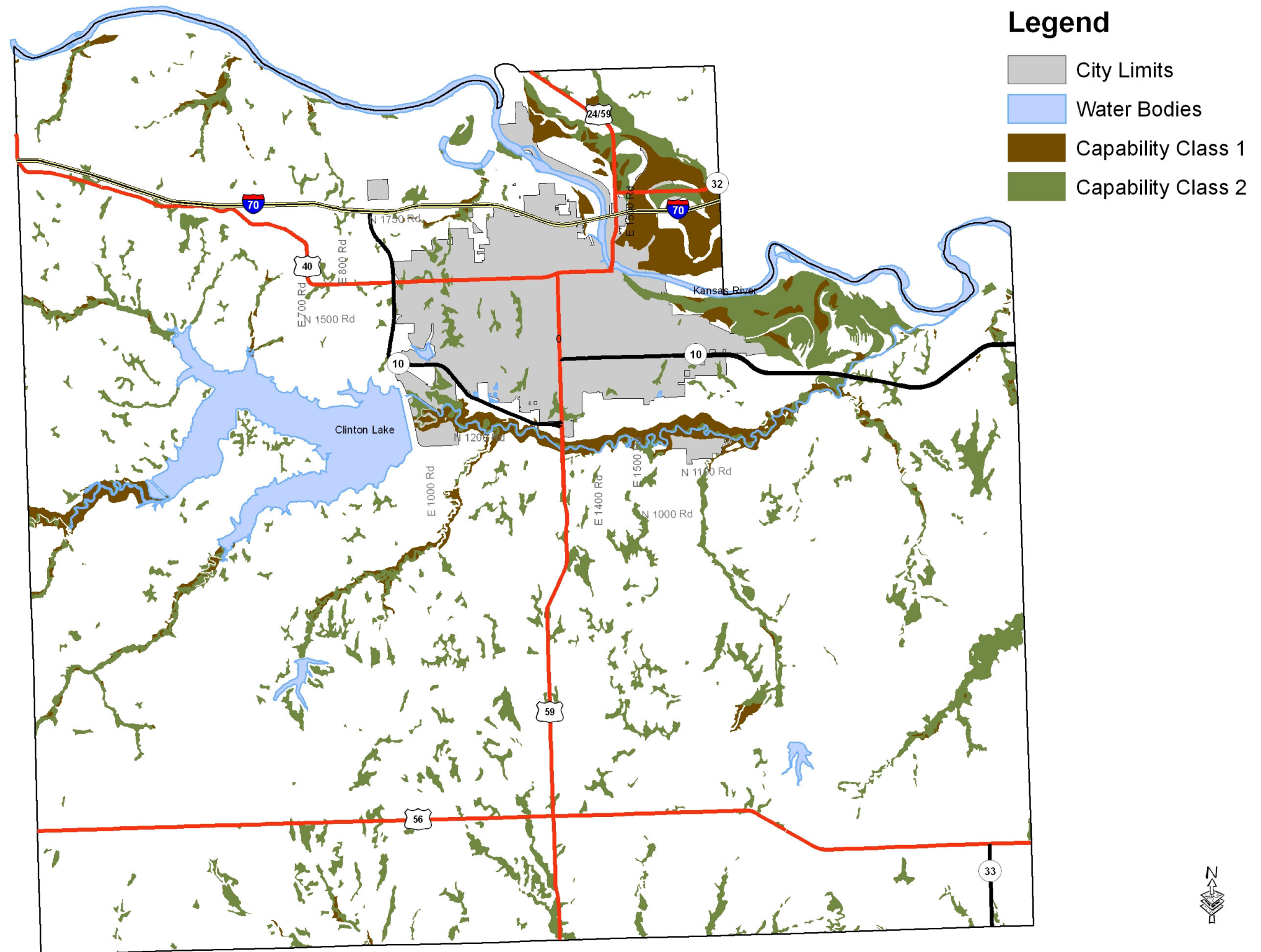
Legend

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



Revised April 1, 2010

**Map 16-4
High Quality
Agricultural Land**



Revised April 1, 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, 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 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 Lawrence, as well as improving the global climate.

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 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 3.5 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 3.6 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 a vibrant economy, primarily in the form of low cost raw materials, such as sand, gravel and stone.

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.

- a. The City and County should work with applicable state agencies to develop appropriate operation standards for quarries and other extraction facilities to minimize negative environmental impacts and provide for effective reclamation of land.
- b. 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.
- c. 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."*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 green-spaces, reducing air and water pollution, creating appropriately designed transportation systems, and providing recreation spaces help enhance the health of our citizens.*
- 3) Local Food.** *Local food programs provide health benefits by encouraging healthy diets made up of adequate amounts of locally grown fresh food and 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 outside of the region. This money can be potentially recaptured by implementing a local food program and the Douglas County Local Food Policy Board is one way to achieve this. Not only does a local food program encourage the preservation of agricultural lands, but it also encourages other forms of food production, such as community gardens and other urban forms of food production.*

³ Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

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 Standards should continue to be developed and implemented 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.

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 should 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 should 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 The City of Lawrence and Douglas County, along with stakeholders (local merchants, farmers, landowners, institutions, consumers, etc.), will support a local food 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 Flood Insurance Study or by an approved Hydrologic and Hydraulic Study.</i>
Glare	<i>The sensation produced by luminance within the visual field that are 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>
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>
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</i>

	<i>of the topography or surface features of a given site.</i>
Steep Slopes	<i>Slopes that are 15% or above.⁵</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 ocean.</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.</i>
Tall grass 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, Indiangrass 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>

⁵ Marsh, William M., Landscape Planning: Environmental Applications, 2005.

<i>Urban Forest</i>	<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>
<i>Viewsheds</i>	<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>
<i>Watershed</i>	<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>
<i>Wetlands</i>	<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. (Kansas Water Plan)</i>
<i>Wildlife corridor</i>	<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, 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>

MEMORANDUM

Date: April 19, 2010

To: Lawrence Planning Office

From: Tom Huntzinger, Upper Wakarusa WRAPS Coordinator

Subject: Comments regarding the draft Environmental Chapter of Horizon 2020

I have read through the subject document. I believe it has been well done and addresses the range of topics of interest to the Upper Wakarusa WRAPS program. I have attached a copy with my comments on the document. We appreciate the effort Douglas County Planning has put into this Chapter and look forward to its final approval.

Feel free to contact me regarding my comments at 785-766-6717 or by email at tomhuntzinger@sunflower.com.

RECEIVED

APR 20 2010

City County Planning Office
Lawrence, Kansas

Tom Huntzinger

4/30/2010

Pages with comments are
submitted for consideration

Tom Huntzinger
Upper Wakarusa WRAPS

Environment

Draft – April 2010

*Additional information may be added to maps included in this chapter.

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.*
- 2) **Flooding.** *Protecting floodplain areas from inappropriate development 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. 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.*

Floodplain protection efforts associated with FEMA flood prone area management also led to decreased vulnerability to flood damage in 1993.

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 encouraged 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.

- to establish stream corridors which provide a buffer that stabilizes stream banks*
- a. Develop stream setback regulations for both the City of Lawrence and Douglas County ~~in order to~~ reduce erosion, preserve riparian areas, mitigate flood hazards, and ensure water quality.
 - b. Encourage use ^{that are} of riparian areas ~~be~~ 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 will identify and map priority wetlands, surface water buffer areas, and riparian areas within each watershed.
- c. Develop standards and incentives for the protection of the inventoried features discussed above with emphasis on protection of public drinking water supply, habitat preservation, and erosion control.

Policy 1.4 Preserve and protect ~~existing~~ 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 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. Enhance and restore natural wetlands identified as high value for habitat, stream stability, storm water retention, and natural vistas.
- e. 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.

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).

→ Establish stormwater retention concepts that strive to achieve or maintain runoff characteristics comparable to a native prairie environment

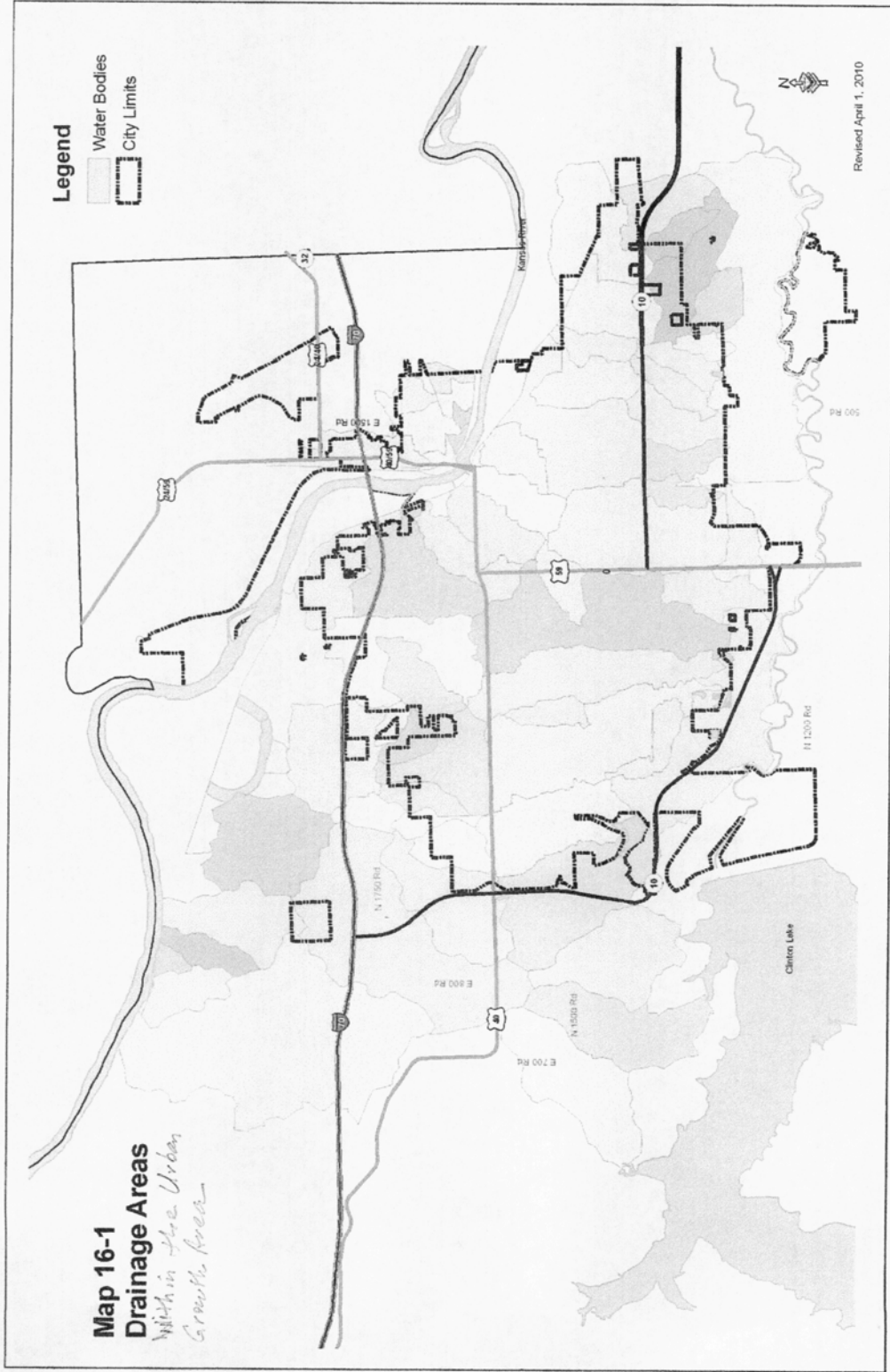
- e. Use nonstructural or natural approaches to stormwater system design and management. Encourage stormwater management that uses natural features, rain barrels, rain gardens, bio-retention swales, pervious paving materials, and limits the use of impervious surfaces, etc.

- 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 near surface watercourses to reduce pollution and prevent erosion.

stabilize stream banks,

- h. Douglas County should adopt stormwater regulations that include submittal of drainage plans and regulations for onsite detention, particularly for properties located in Urban Growth Area's (UGAs) throughout the County.



Rare and Endangered Fish and Wildlife Species and their Habitats

~~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 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.

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

Policy 2.2 Preserve and sustain woodlands within Douglas County.

- 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

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

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 onsite and offsite 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 ^{with incentives that} to encourage ^s and incentivize the connectivity of natural areas whether they are on a particular development site or off-site.

	<i>of the topography or surface features of a given site.</i>
Steep Slopes	<i>Slopes that are 15% or above.⁵</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 ocean.</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.</i>
Tall grass 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, Indiangrass 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>

the term aquifer has not been used - is this intended?

⁵ Marsh, William M., Landscape Planning: Environmental Applications, 2005.

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. (Kansas Water Plan)</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, 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>

Note: most if
not all WRAPS
watersheds are
larger than 100 mi².

Amy Brown (Miller)

From: Judy Billings [director@visitlawrence.com]
Sent: Friday, April 02, 2010 5:09 PM
To: Amy Brown (Miller)
Subject: environmental chapter of Horizon 2020

Hello Amy,

Admittedly, I have only glanced through this document but I'd like to make a comment.

I would like to have you consider including in the Strategies that also: *Respect the history/heritage of the county." I understand and support the strategies regarding water & drainage issues and air quality and all the rest. I believe that there are social benefits beyond just recreational. For instance, I'd like to see bicycle paths along heritage corridors with outdoor interpretive exhibits that would begin to educate people about their heritage as they exercise and enjoy the natural environment. As development is considered, there are areas of historical importance that should be taken into consideration. For instance, a development on Peterson Road several years ago was built on a site of some historic importance because there were no guidelines that helped the community review such assets. Heritage resources are equally as marketable as natural and recreational resources and once they're gone, they can never be retrieved. I would welcome the opportunity to visit about my thoughts further if you're interested. Thanks for your consideration.

judy

Judy Billings
President & CEO
Destination Management, Inc.
Lawrence Convention & Visitors Bureau
785-856-5301
director@visitlawrence.com

Executive Director
Freedom's Frontier National Heritage Area
jbillings@freedomfrontier.org

Amy Brown (Miller)

From: Marilyn Hull [marilynhull@dccfoundation.org]
Sent: Friday, April 09, 2010 3:57 PM
To: Amy Brown (Miller)
Subject: RE: Updates regarding Environmental Chapter to Horizon 2020

Amy:

One other comment.

We hope you will give some thought to the specific needs of children for safe routes to schools and safe green spaces for play.

We need to be intentional about making it easy for children to walk or ride bikes to school. In addition to improving their overall health, it will cut down on traffic congestion and pollution.

Marilyn Hull / Program and Communications Officer Douglas County Community Foundation
Phone 785-843-8727 Fax 785-843-8735

-----Original Message-----

From: Amy Brown (Miller) [mailto:AmyBrown@ci.lawrence.ks.us]
Sent: Friday, April 09, 2010 2:56 PM
To: Marilyn Hull
Subject: RE: Updates regarding Environmental Chapter to Horizon 2020

Thank you for the comments. I will make sure they are included in the Planning Commission's packet!

Amy Brown, AICP, CFM Long-Range Planner

-----Original Message-----

From: Marilyn Hull [mailto:marilynhull@dccfoundation.org]
Sent: Friday, April 09, 2010 2:49 PM
To: Amy Brown (Miller)
Subject: FW: Updates regarding Environmental Chapter to Horizon 2020

Hi Amy:

I am forwarding comments from Dan Partridge, Director of the Lawrence-Douglas County Health Department, and member of the LiveWell Lawrence Steering Committee.

Marilyn Hull / Program and Communications Officer Douglas County Community Foundation
Phone 785-843-8727 Fax 785-843-8735

Policy 6.3 Wording seems vague. Are there specific standards that can be referenced? Can we include language about a "complete cost analysis" here in order to include the concept that there is an economic cost benefit to providing active transportation opportunities?

Policy 6.6i Enthusiastically support!

Thanks for the opportunity to review this.

Dan Partridge, RS, MPH
Director
Lawrence-Douglas County Health Department
200 Maine Suite B
Lawrence, KS 66044
v: 785-843-3060 f: 785-843-3161
www.ldchealth.org

Healthy People Build Strong Communities

STATEMENT OF INTENDED USE:

This message from the Lawrence-Douglas County Health Department, including attachments, contains information which may be privileged and confidential and is solely for the intended recipient. If you are not the intended recipient, be aware that any review, disclosure, copying, or use of the contents of this message is strictly prohibited. If you have received this in error, please destroy it immediately and please notify us immediately (785-843-3060).

-----Original Message-----

From: Marilyn Hull [mailto:marilynhull@dccfoundation.org]
Sent: Monday, April 05, 2010 9:44 AM
To: Dan Partridge; Bruce Passman
Subject: FW: Updates regarding Environmental Chapter to Horizon 2020

Dan and Bruce:

I thought you might want to take a look at the section of the draft policy referenced below that deals with "Human and Built Environment." It starts on page 16-27.

We have the opportunity to suggest revisions if warranted.

Marilyn Hull / Program and Communications Officer
Douglas County Community Foundation
Phone 785-843-8727 Fax 785-843-8735

-----Original Message-----

From: Lawrence Planning Office [mailto:mailinglist@ci.lawrence.ks.us]
Sent: Friday, April 02, 2010 2:52 PM
To: Marilyn Hull
Subject: Updates regarding Environmental Chapter to Horizon 2020

Message to Stakeholders:

Subject: Draft Environmental Chapter to Horizon 2020 is available.

The Lawrence -Douglas County Planning Office, in conjunction with the Planning Commission's Comprehensive Plans Committee (CPC), has been working through a process to draft a new chapter in Horizon 2020 concerning environmental issues. You are receiving this email because the CPC has identified you as a project stakeholder and you have expressed your desire to be kept informed of the progress of the chapter.

A draft of the Environmental Chapter has been released. Comments on the April 2010 Draft are due to staff by 10am on April 26, 2010 for inclusion in the April Planning Commission Packet. The Planning Commission will hear a presentation on the proposed chapter at their April 28, 2010 meeting, but no action will be taken on this first draft at this time.

The draft of the chapter can be found by visiting the project website at: <http://www.lawrenceks.org/pds/H2020-Env>

Comments and questions can be directed to Amy Brown at (785) 832-3166, amybrown@ci.lawrence.ks.us, or P.O. Box 708, Lawrence, KS 66044.

--

If you do not want to receive any more messages,
<http://www.ci.lawrence.ks.us/lists/?p=unsubscribe&uid=05b874ae1d1fa1dc1593d47880d51070>

To update your preferences and to unsubscribe visit
<http://www.ci.lawrence.ks.us/lists/?p=preferences&uid=05b874ae1d1fa1dc1593d47880d51070>

Forward a Message to Someone
<http://www.ci.lawrence.ks.us/lists/?p=forward&uid=05b874ae1d1fa1dc1593d47880d51070&mid=1821>

--

Powered by PHPlist, www.phplist.com --

Amy Brown (Miller)

From: Barbara Clark, Maggie's Farm [maggiesfarm@sbcglobal.net]
Sent: Wednesday, April 21, 2010 5:12 PM
To: Lisa Harris Email; Chuck Blaser; Richard Hird; Brad Finkeldei; Greg Moore; Hugh Carter; Charles Dominguez; Jeff Chaney; Stanley Rasmussen; Kenzie Singleton
Cc: Amy Brown (Miller)
Subject: Comments on Chapter 16 Environment - Horizon 2020

Dear Chairman Finkeldei, Commissioners Blaser, Moore, Harris, Carter, Hird, Dominguez, Chaney, Rasmussen and Singleton,

I would like to express my thanks, firstly, for being allowed to sit in and add comments during the early CPC meetings for Chapter 16. The comprehensive and inclusive nature of the process of drafting this document is something I greatly appreciate. The breadth of concerns addressed in this chapter seemed overwhelming at the outset. This chapter draft has been able to distill the many specific interest areas and create a document that reflects comprehensive coverage and clarity for these varied concerns.

My comments will be given by page number and page location to hopefully make referencing them easier.

Page 16-16 **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. Encourage and support efforts that advance effective economic systems related to agri- and eco-tourism *and a sustainable local/regional food system.*

Page 16-24 **Policy 4.1 Identify and properly manage marketable natural resources.**

- c. Identify and map marketable mineral deposits to assist in future land use/planning decisions.

My comments on this item come out of email communications with Associate Scientist Greg Ludvigson, Stratigraphic Research, Kansas Geological Survey. I contacted Mr. Ludvigson in January of this year after following the process and eventual withdrawal of the CUP for the Midland Junction Sand Pit Mining proposal. My hope was that using stratigraphic analysis and GIS mapping information a data source could be arrived at that would help to eliminate future conflicts between our Capability Class 1 and 2 Soils and our need for sand and gravel extraction. Mr. Ludvigson had done similar stratigraphic mapping while working for the Iowa Geological Survey. Here is a sample map that he forwarded me to show this resource capability.
<http://www.igsb.uiowa.edu/webapps/gsbpubs/pdf/OFM-1998-5.pdf>

If I may quote Mr. Ludvigson, "One fairly simple-minded way to do this would be to pull out a GIS coverage of the Newman Terrace deposits from this map: www.kgs.ku.edu/General/Geology/County/def/dg/gifs/M26_DouglasGeology_1992.pdf. The map was assembled using GIS technology, so the digital coverage is available in the library of GIS coverage managed by our GIS Services Section: <http://www.kgs.ku.edu/Staff/dasc.html>

He states further, "A word of caution, though. The digital coverage is no better than the quality of the geological information that went into the map, and the vintage of that map, and the likely overemphasis that was placed on the bedrock resource makes me very suspicious that the level of analysis that went into the mapping of the Kansas River alluvium would not provide very good information for the purpose you have in mind. This is a case of the technical capabilities of the GIS technology outstripping the quality of the mapped information. Remember the old computer adage of ...garbage in...garbage out! This comment is not meant to denigrate the quality of the mapping. I just don't think that this Douglas County map was ever really designed to provide expert opinion on the stratigraphy of the Kansas River alluvium."

Mr. Ludvigson goes on to state, "KU Professor William Johnson has just been awarded a mapping grant to investigate the stratigraphy of the Kansas River alluvium in Douglas County, so this kind of information is going to be developed over the next few years. Dr. Johnson recognized the need, but this will take time for him to complete. The Kansas Geological Survey will be publishing those results when completed, and the resulting maps will be assembled via GIS technology. In short, the kind of thing you are talking about is theoretically possible, presuming that the appropriate detailed mapping studies have already been carried out." Ends Mr. Ludvigson's quote.

This is the work Dr. Johnson is undertaking now. http://www2.ku.edu/~geography/peoplepages/Johnson_W.shtml#research

So, my request would be to make contact with Dr. Johnson to express interest in an overlay GIS document that would assist in locating areas of probable sand and gravel resources that do not conflict with Capability Class 1 and 2 Soils. While I recognize this is a project in its initial stages, I've learned long-range land use planning is an evolving, on-going task. My hope remains that through the newest stratigraphic study of the Kansas River alluvium and the existing GIS documents for Capability Class 1 and 2 Soils an overlay map would facilitate fewer situations of conflict between these two valuable natural resources.

Please advise if any of these links are not working. I will make corrections.

As always, thank you for all the work you do for our community.

4/22/2010

Respectfully,
Barbara Clark
2050 E. 1550 Road
Lawrence, KS 66044
Maggie's Farm
www.maggiesfarm-ks.com
"wear more wool"

Amy Brown (Miller)

From: Barbara Clark, Maggie's Farm [maggiesfarm@sbcglobal.net]
Sent: Wednesday, April 21, 2010 6:57 PM
To: Brad Finkeldej; Chuck Blaser; Greg Moore; Lisa Harris; Hugh Carter; Richard Hird; Charlie Dominguez; Jeff Chaney; Stanley Rasmussen; Kenzie Singleton
Cc: Amy Brown (Miller)
Subject: Link correction

Follow-up to previous email.

I found that one of the links I sent you in my previous email did not work. Apologies!

Here is the link to the GIS coverage of the Newman Terrace deposits that Greg Ludvigson references in his communications with me.

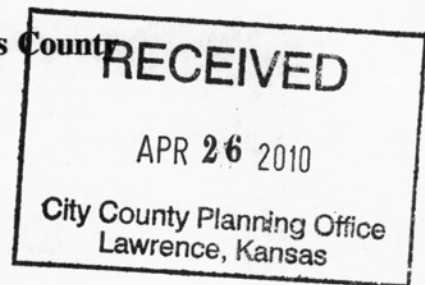
http://www.kgs.ku.edu/General/Geology/County/def/dg/gifs/M26_DouglasGeology_1992.pdf

Best,
Barbara Clark

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

April 25, 2010

Mr. Greg Moore, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044



RE: ITEM NO. 7: CPA-2008-7: CONSIDER COMPREHENSIVE PLAN AMENDMENT TO
HORIZON 2020 TO INCLUDE CHAPTER 16 – ENVIRONMENT.

Dear Chairman Moore and Planning Commissioners:

The Land Use Committee reviewed the new Chapter 16, Environment, for *Horizon 2020* and would like to commend Amy Brown, the Long Range Planner, who worked so diligently on this project, and thank her for this draft.

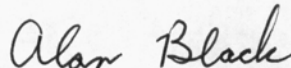
Although there is much in this chapter that we are very glad to see, we do have some suggested changes that we hope you will incorporate into this chapter. Attached to this letter is an annotated copy with suggestions that we hope you will accept as changes and emphases.

Thank you for your interest in this issue.

Sincerely yours,


Milton Scott, Vice-president

Attachment



Alan Black, Chairman
Land Use Committee

ATTACHMENT

This copy has been annotated for the Planning Commission with comments on suggestions for changes. We note that much of this chapter has recommendations for future programs because it depends on creating new regulations and data bases and implies need for administering them. It is a "management plan."

The Land Use Committee has reviewed this draft and has added suggested changes as annotations.

The following pages have been annotated:

16-2, 16-3, 16-6, 16-8, 16-9, 16-10, 16-11, 16-12, 16-13, 16-14, 16-19, 16-20, 16-22, 16-27

Environment

Draft – April 2010

*Additional information may be added to maps included in this chapter.

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.

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:

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

The growth management chapter discourages urban sprawl.

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.)*

Do you mean analyze the impacts, or assess the impacts, both negative and positive...?

- Creates a sustainable community.

- Consider the impact upon environmental and natural resources in planning and development efforts. **This has no meaning.**
- 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:

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 encouraged 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.

Please say "shall" instead of "could."

Policy 1.2 Preserve and protect natural surface watercourses.

- a. Develop stream setback regulations for both the City of Lawrence and Douglas County in order to reduce erosion, preserve riparian areas, mitigate flood hazards, and ensure water quality.
- b. Encourage use of riparian areas be 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. Also, what about using a protective barrier against farm animal intrusion?

What do you mean by the term "alignment?" Do you mean "consistency with..."?

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

- 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 from inappropriate development to maintain the carrying capacity of the floodplain and mitigating potential hazards to human life.

- a. The City and County shall maintain floodplain regulations that meet or exceed National and State regulations. 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. Encourage continued participation by the City of Lawrence in the Community Rating System (CRS) program. Increase the level of participation in order to achieve a greater discount to citizens on their flood insurance rates.
- 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.

Why not say,
"Limit new
development..." or
better, "Prohibit
new
development..."

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. Please add: "Encourage organic methods of cultivation for lawns and gardens."
- 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).

Please prioritize
this!

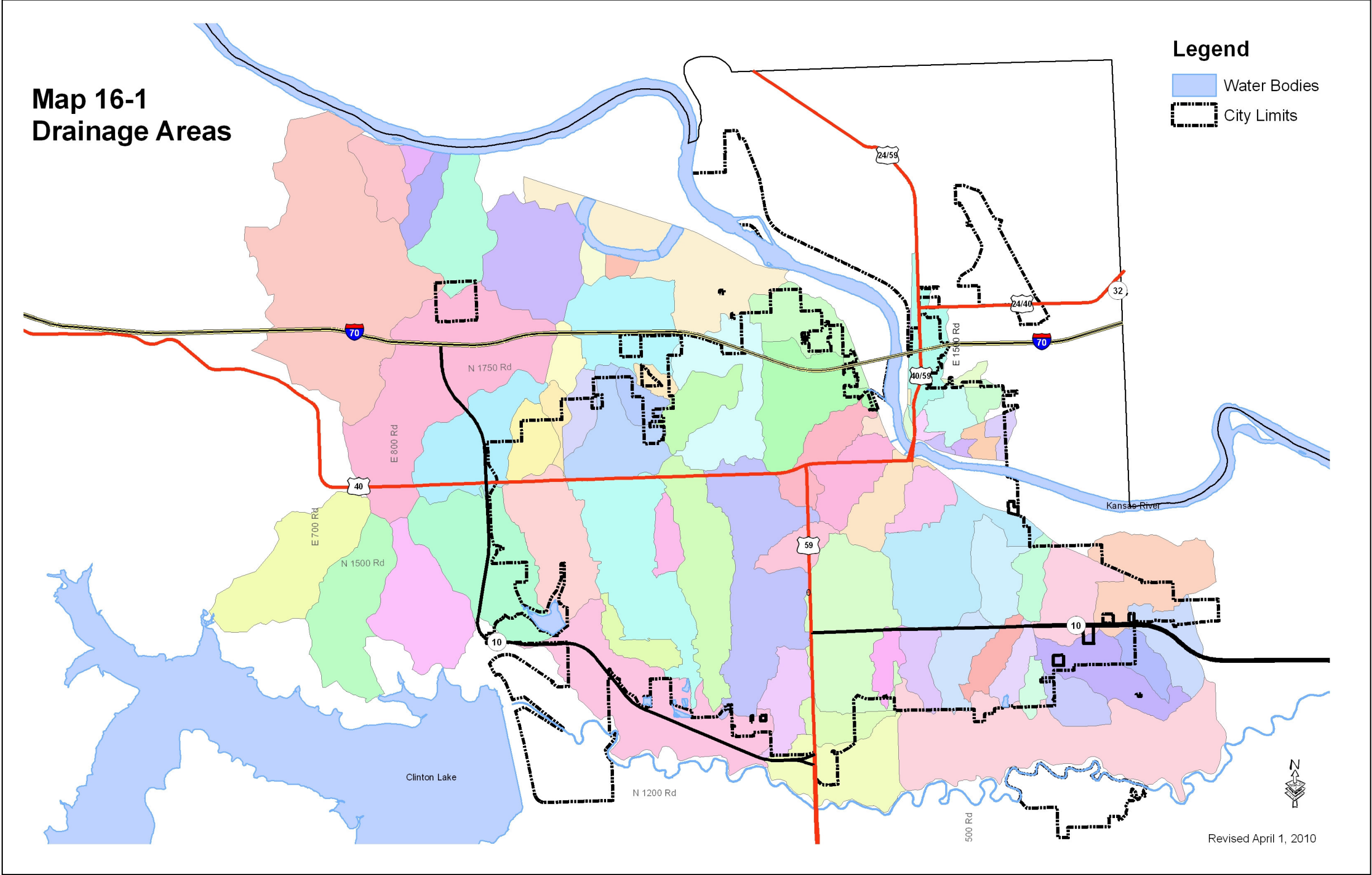
- e. Use nonstructural or natural approaches to stormwater system design and management. Encourage stormwater management that uses natural features, rain barrels, rain gardens, bio-retention swales, pervious paving materials, and limits the use of impervious surfaces, etc.

- 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.

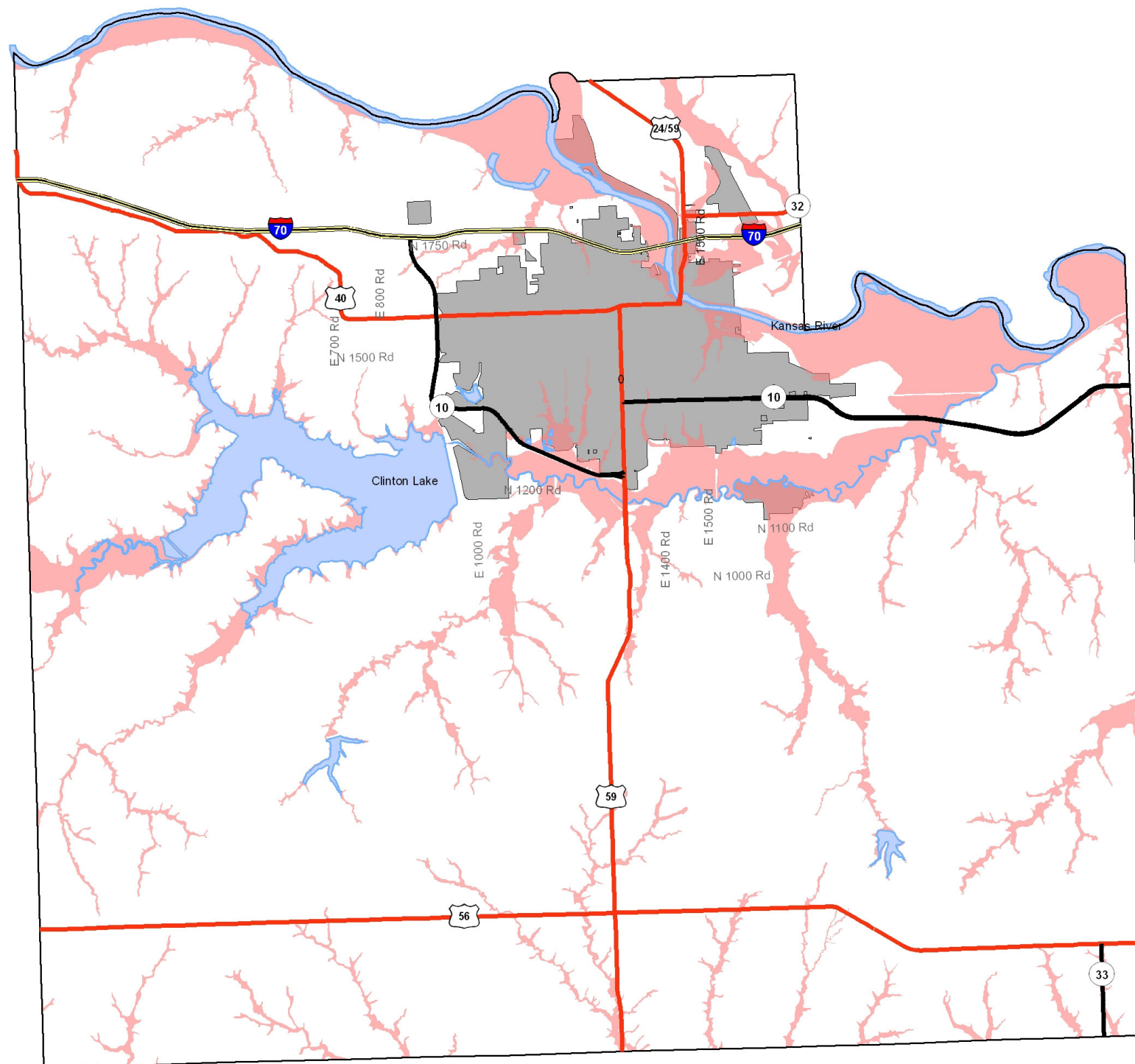
- g. Encourage environmentally sensitive farming methods near surface watercourses to reduce pollution and prevent erosion.

- h. Douglas County should adopt stormwater regulations that include submittal of drainage plans and regulations for onsite detention, particularly for properties located in Urban Growth Area's (UGAs) throughout the County.

Please locate the ridge lines of the drainage channels, on another map, if necessary. It isn't clear that each watershed area that you are showing is flowing from the top ridge lines to the edges of each closest drainage channel and/or floodplain. If this is impractical, it would also be helpful to indicate an example on an additional map having underlying topographical map on one of the watersheds.



**Map 16-2
Floodplain**



Legend

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

Do the darker shades of coral indicate city-owned property? If so, please indicate that.



Revised April 1, 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.

What do you mean here by "growth management?" Urban growth?

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.*

Please consider adding: "Also, providing natural areas in strategic locations can aid in pest control of agricultural crops by providing habitats for insect-eating birds and other animals."

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 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.

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 maintain the natural benefits of existing topography. Development on steep slopes (above 15%) shall be done in a manner that encourages the use of the existing topography with minimal grading. Please add: "Wherever vegetation must be removed it shall be replaced, including reforestation."

Please add: "...discouraged or built at lowest densities and..."

Policy 2.2 Preserve and sustain woodlands within Douglas County.

- 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

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

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.

Please prioritize this.

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.

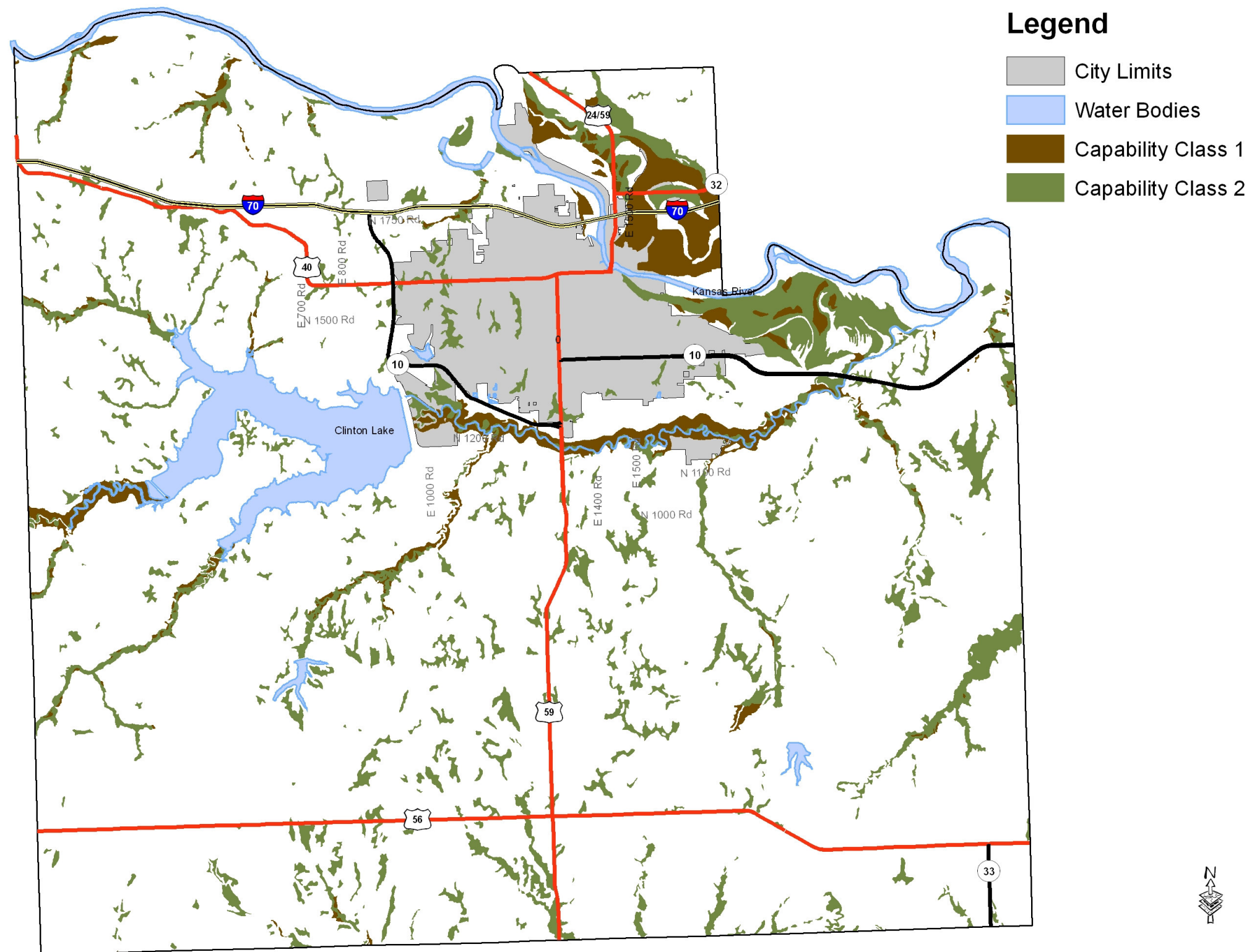
b.3 Adopt standards for tree care activities and the regulation of tree maintenance contractors that will prevent the serious damage that inappropriate pruning practices cause to Lawrence's trees. Partner with utility agencies regarding appropriate tree location and pruning practices.

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.

Map 16-4 High Quality Agricultural Land

This map gives the impression that the only good farmland in Douglas County occurs in these small, separated and scattered tracts. This gives the wrong impression and invites urban sprawl, as though there is no other farmland worth saving. This map should be rethought, because there is much valuable upland farmland.

The League received a map from the NRCS in Salina in 1999 that also shows "prime farmland soils." it is more extensive that shown here.



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 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 Lawrence, as well as improving the global climate.

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 ~~motor 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 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.

Please
prioritize:

- 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 3.5 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.

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."*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:

Please make this a positive statement. If you do not, this will erase everything else in the chapter.

Humans (and all life) depend on their environment for survival. Protecting the environment goes well beyond "enjoyment."

Another "glaring omission" is the need for encouraging creation of energy from wind and solar sources.

1) Sustainability. *Creating a sustainable community protects and preserves the environment, natural and built, for future generations ~~to enjoy~~. This ~~can~~ includes 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 green-spaces, reducing air and water pollution, creating appropriately designed transportation systems, and providing recreation spaces help enhance the health of our citizens.*

3) Local Food. *Local food programs provide health benefits by encouraging healthy diets made up of adequate amounts of locally grown fresh food and 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 outside of the region. This money can be potentially recaptured by implementing a local food program and the Douglas County Local Food Policy Board is one way to achieve this. Not only does a local food program encourage the preservation of agricultural lands, but it also encourages other forms of food production, such as community gardens and other urban forms of food production.*

³ Brundtland Report: World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.

Amy Brown (Miller)

From: Kathy Richardson
Sent: Monday, April 26, 2010 8:38 AM
To: Amy Brown (Miller)
Cc: rrcab
Subject: SAB Letter to Planning Commission

Hi Amy, Can you please forward the Sustainability Advisory Board's letter below to the Planning Commission?
 Thanks!

From: Poindexter, Megan [mailto:meganp@ku.edu]
Sent: Friday, April 23, 2010 10:17 AM
To: Kathy Richardson
Subject: Letter to Planning Commission

April 26, 2010

To: City of Lawrence Planning Commission
 From: Sustainability Advisory Board
 Re: Horizon 2020 Environmental Chapter

On behalf of the City of Lawrence Sustainability Advisory Board, we truly appreciate the invitation to submit comments regarding the Horizon 2020 Environmental Chapter to be reviewed by the Lawrence - Douglas County Planning Office, in conjunction with the Planning Commission's Comprehensive Plans Committee. Our action plan is to provide you feedback regarding the initial draft of the Environmental Chapter after your April 28, 2010 meeting.

We recently completed a biennial goal planning process, in which we identified our continued collaboration with you and other City boards and Commissions as a top priority. More specifically, our goals include: advocating for a Pay As You Throw system of waste management, supporting energy efficiency efforts across the community, advocating to achieve a 50% recycling rate by 2015 for the Lawrence community, collaborating with the Lawrence Chamber of Commerce to define and adopt sustainable business practices, and supporting and advocating for city policies to reflect sustainability principles in agricultural land preservation and brownfield development.

The SAB is a committed stakeholder, and we look forward to participating in the development and review of the Environmental Chapter of Horizon 2020. We wholeheartedly support the Commission's comprehensive planning efforts, and look forward to working with you on this important project.

Please feel free to contact us with questions or specific requests.

Cordially,

Megan Poindexter
 Sustainability Advisory Board

4/26/2010

Date: April 26, 2010

To: Chairman Finkeldei, Commissioners Blaser, Moore, Harris, Carter, Hird, Dominquez, Chaney, Rasmussen and Singleton and Amy Brown, City Planner.

Re: TA 12-07-07: Amendments for Section 20-1101 of the Development Code, which will be replaced by Section 20-1109 and the Horizon 2020 Environment- April 2010 draft.

Good morning,

In the Chapter Utilization section on Page 16-3 of the Horizon 2020 Environment - April 2010 draft, it states that "Code regulations shall be developed to achieve the policies discussed in this chapter." Given this goal and the statements in this document that support the value of preserving steep slopes, wetlands, woodlands, prairies, floodplains, drainage ways, riparian corridors and other natural features in the interest of maintaining wildlife habitat, and water quality and quantity in our watersheds, I would request the Commission to maintain or restore language specifically listing all these features to Text Amendment 12-07-07 on Environmentally Sensitive Areas. Would it not be more efficient to produce a code on this go round that follows our master plan, rather than having to revisit it in a few years to agree with the H-2020 goals and policies which do include all these features?

►Specifically on the issue of steep slopes, at a previous meeting I attended, planners stated that good construction practices were mandated and monitored so that there was minimal erosion from construction sites. I hope that is truly enforced by staff inspections rather than depending on citizen complaints. Nevertheless, on page 16-12, the H-2020 document states under 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.

Thus it is not just run-off during construction that is an issue. Development on steep slopes is basically damaging to the proper functioning of the watershed. Many jurisdictions prohibit altering the grade on slopes steeper than 15%. We should follow suit and protect our water by placing restrictions on development of steep slopes and not just rely on best management practices that may or not be effectively applied during construction.

►Please do restore native prairies to the list of features to be protected and included in the TA 12-07-07 incentive program as the new draft language proposes. The H-2020 draft states on 16-12 that native prairies have an intrinsic value as an endangered ecosystem. However, the draft fails to make the point that prairies have an enormous capacity to absorb rainfall and storm runoff. The deep soil and copious root systems absorb virtually all the water that falls on them and sediment is not lost. Thus they play a valuable role in controlling sedimentation and aiding groundwater recharge. This point should be added to the H-2020 draft.

►Wetlands of all sizes also serve to trap sediment and pollutants and prevent them from moving into the streams and rivers of the watershed. Please consider adding wetlands to the features eligible for density bonus incentives.

Overall the H-2020 Environment draft takes a positive, proactive stance on watershed issues and should help refocus community planning to take into account watershed level concerns. Also the emphasis on maintaining connections between areas of natural habitat is excellent and policy needs to be developed to make this reality. Also I second Tom Huntzinger's comments and suggestions for inclusions and am glad to see that closer relationships between the community and WRAPS groups are promoted in the draft language.

Please take this opportunity before you approve TA 12-07-07 to bring it into agreement with the Horizon 2020 goals and policies on preserving environmental features important for water quality and wildlife habitat.

Sincerely,
Susan Iversen
1305 Engel Road, Lawrence, KS 66044
Member, Stakeholder Leadership Team, Lower Kansas WRAPS

Memorandum

City of Lawrence – Douglas County Planning & Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Amy M. Brown, Long Range Planner

Date: For March 22, 2010 Regular PC Meeting – Miscellaneous Item

RE: Text Amendment Initiation to City and County Codes regarding
Floodplain Management Regulations

The Federal Emergency Management Agency (FEMA) recently completed a re-evaluation of flood hazards for Douglas County. Staff has received the preliminary maps and has been in the process of reviewing them. As part of the issuance of new Flood Insurance Rate Maps (FIRMs), staff will be setting up an informational website with information about the new maps, and conducting outreach activities within the community to raise awareness about the new flood hazard maps.

FEMA requires each community to amend their floodplain regulations to include the new effective date of the FIRM maps, which will be August 5, 2010. Therefore, staff is requesting that the Planning Commission initiate two text amendments:

1. Initiate a text amendment to the Land Development Code, Chapter 20, Article 12 of the Code of The City of Lawrence, KS.
2. Initiate a text amendment to the Zoning Regulations, Chapter 12, Section 12-328 of the Code of the County of Douglas, Kansas.

Any review will include insuring compliance with the City's storm water standards and the criteria related to the City's participation in the Community Rating System, as well as review by the State Division of Water Resources to insure compliance with model codes. Since the City of Lawrence's regulations were recently updated, other changes besides the FIRM effective date are not anticipated, however the Douglas County regulations will need to be amended to comply with the state model ordinance.