

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Lawrence-Douglas County Planning Commission

From: Dan Warner, AICP, Long Range Planner

Date: For April 23, 2012 Planning Commission Meeting

RE: CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to include the Northeast Sector Plan.

Background:

The Northeast Sector Plan was approved the Lawrence-Douglas County Planning Commission by a vote of 5-4 on September 20, 2010. The Douglas County Board of Commissioners considered the Northeast Sector Plan at meetings on May 11, 2011 and June 1, 2011. The County Commission, by a vote of 2-1, referred the Northeast Sector Plan back to the Planning Commission with specific direction. The City Commission reviewed the Northeast Sector Plan at their meeting on August 9, 2011. The City Commission also provided direction to the Planning Commission.

The Planning Commission reconsidered the Northeast Sector Plan at their regular meeting on December 12, 2011. The Commission held a public hearing and discussed the Northeast Sector Plan. The Commission provided direction to reduce the industrially designate acreage west and south of the airport from 300 acres to 125 acres, and to bring back options on the configuration of those 125 acres.

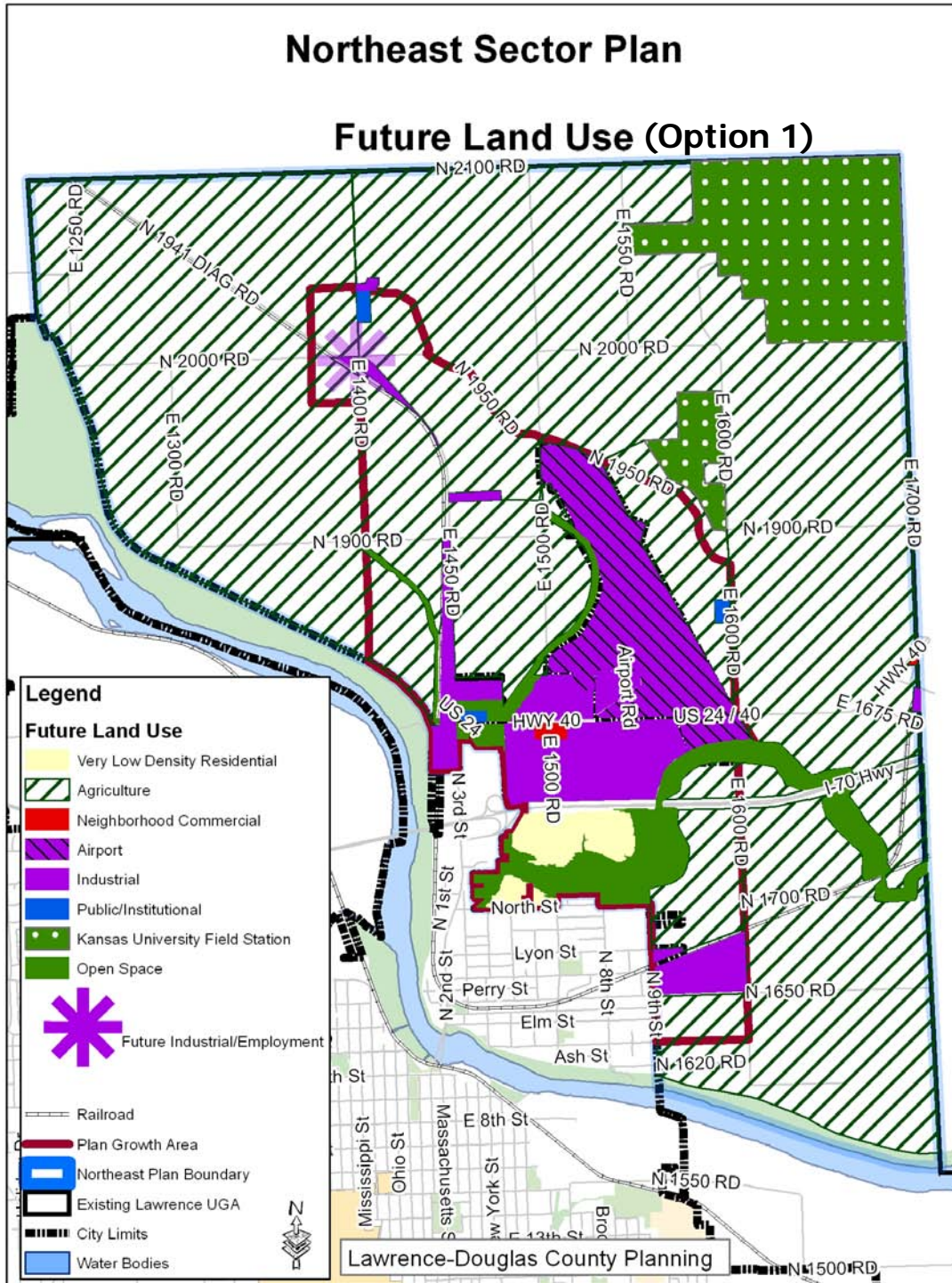
The Commission considered the Plan again at their meeting on January 23, 2012. The Commission held a public hearing and deferred the Plan to be heard again before the current membership of the Commission changes in June. The Commission also wanted to discuss the Plan again at their mid-month meeting on March 14, 2012.

The Commission discussed the Plan at their mid-month meeting on March 14, 2012 and directed staff to bring back future land use options for the Commission to consider, one of which is an option that provides for no future industrial or commercial development south and west of the airport. The future land use options are presented below.

The full NE Sector Plan Planning Commission packet can be found with the December 12, 2011 PC agenda.

Future Land Use Option 1 (from approved Plan)

Approximately 285 acres of Industrial
 Approximately 15 acres of Neighborhood Commercial



Option 1 land use description (approved Plan – no changes)

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

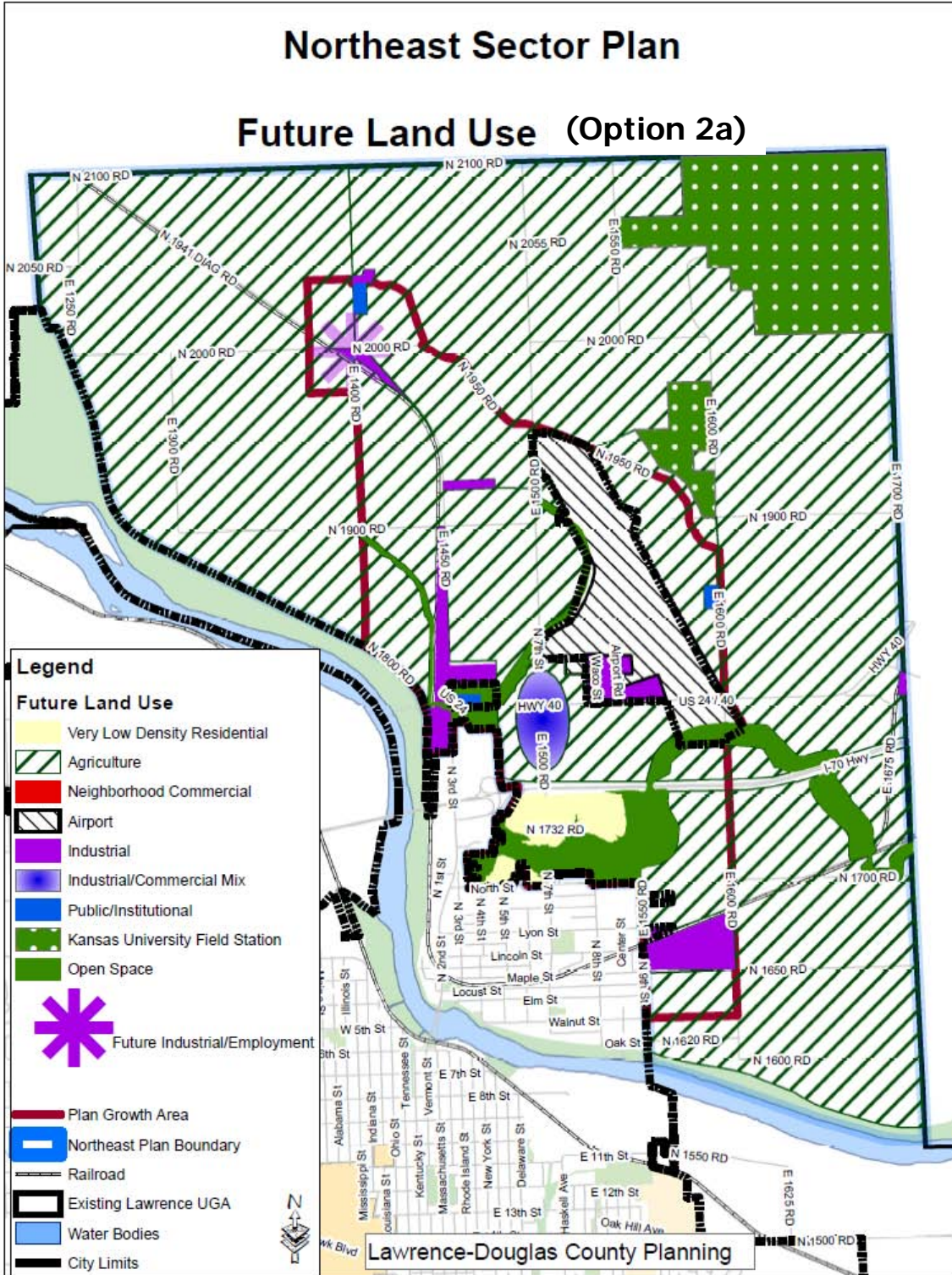
Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

Future Land Use Option 2a

Approximately 125 acres of Industrial/Commercial Mix



Option 2a land use description changes

3.2.1.3 ~~Neighborhood Commercial Center~~

~~A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Horizon 2020, Chapter 6 Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas This category designates the property at 1697 Hwy. 40 that are as a rural commercial uses that and are is not anticipated to urbanize.~~

~~Intensity: Medium-High~~

~~Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)~~

~~Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash~~

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses, including large scale or specialized industrial uses, that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. ~~Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category Properties in this category may or may not receive urban services is expected to urbanize.~~

~~Intensity: Medium-High~~

~~Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)~~

~~Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil conserving agri businesses~~

3.2.1.5 Industrial/Commercial Mix

The intent of the Industrial/Commercial Mix category is to allow for a mix of commercial and industrial uses proximate to the intersection of Hwy. 24/40 and E. 1500 Rd. that utilize Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in this area. Commercial uses in this category shall be of a Neighborhood Commercial Center nature intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Properties in this category are expected to urbanize.

Several competing values have challenged the community on how best to plan for the area south of the airport between Hwy. 24/40 and I-70. While multi-modal transportation networks exist and a flat terrain promotes industrial uses, the area contains significant amounts of Class I & II soils, contributes to stormwater absorption, is valued for its potential agriculture production and rural character, and has public infrastructure costs related to stormwater management that must be factored into determining its future use. Additionally, the Lawrence Mayor's Peak Oil Task Force recently released their "Solutions to Peak Oil Vulnerabilities: Response Plan for Lawrence, Kansas", which includes a recommendation to: *Redraw the City's Urban Growth Area boundaries to preserve high quality soils for agricultural uses.*

In order to balance the competing values noted above, the total approximate acreage for the industrial and commercial uses shall be no greater than 125 acres. The development should be organized in a contiguous manner. A master planned project is most appropriate for this category to ensure appropriate planning of all 125 acres.

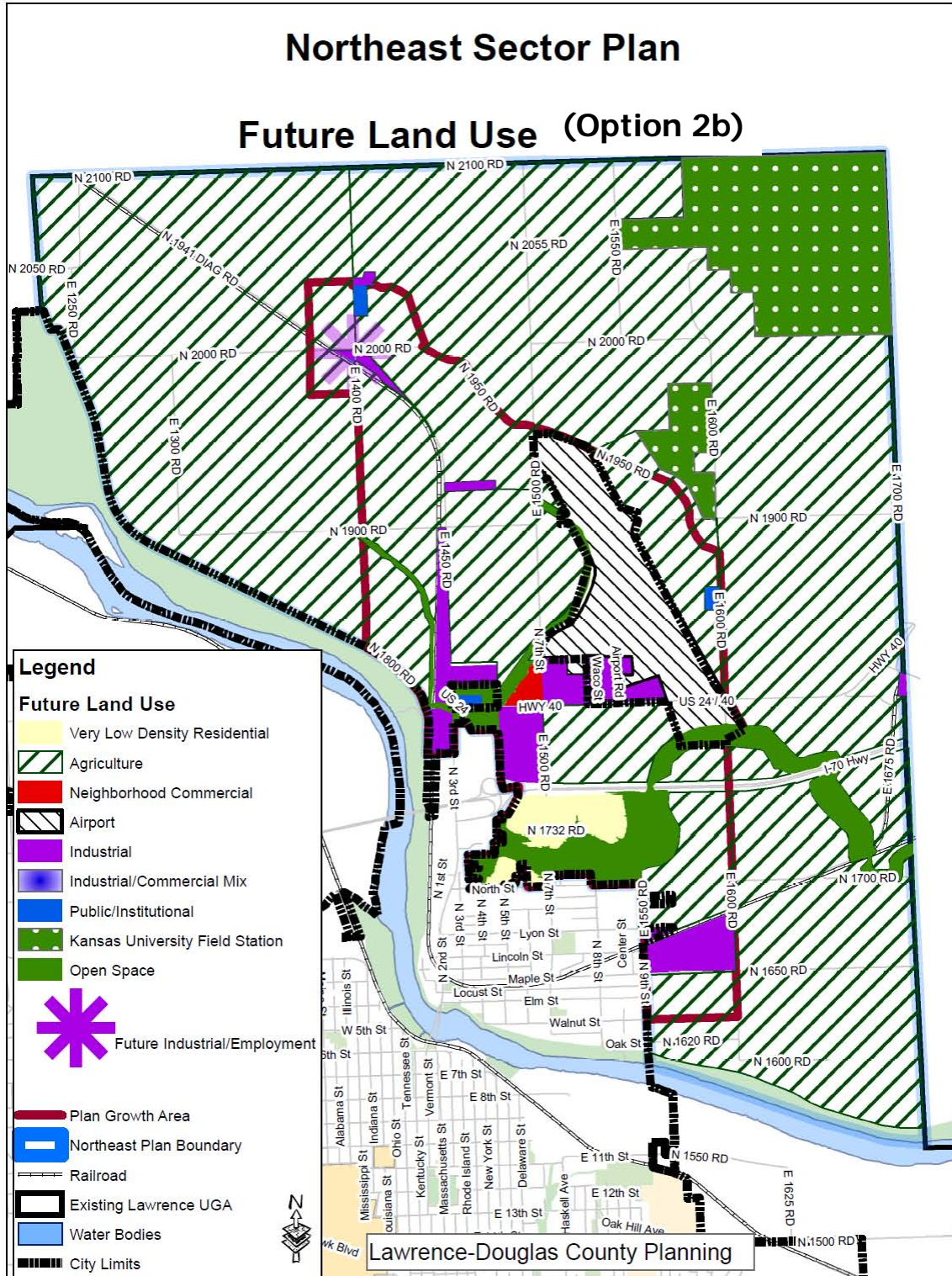
Intensity: Medium-High

Zoning Districts: Lawrence – CN2 (Neighborhood Commercial), MU (Mixed Use), IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses, non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

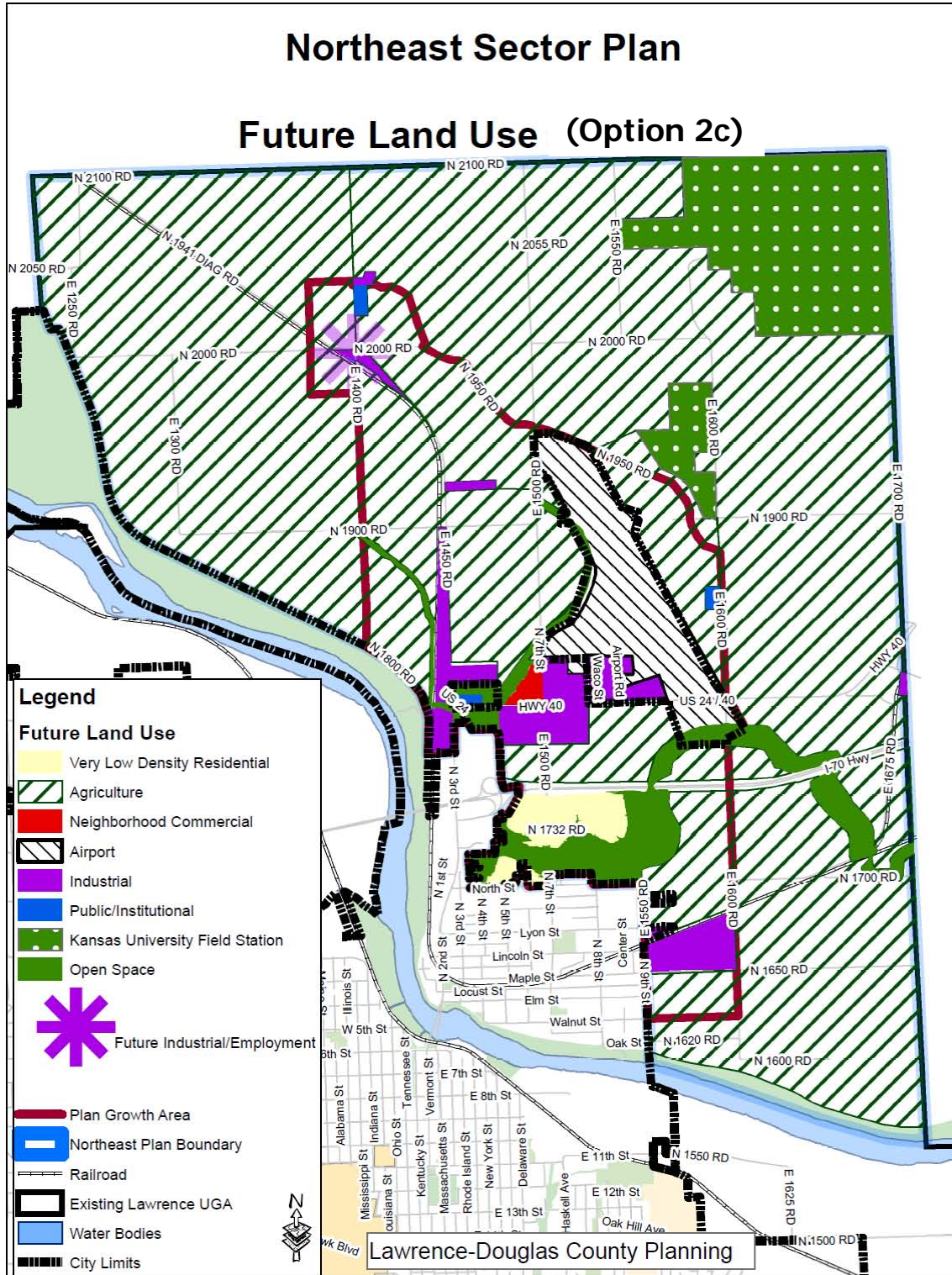
Future Land Use Option 2b

Approximately 105 acres of Industrial south and west of the airport.
 Approximately 20 acres of Neighborhood Commercial at the northwest corner of N. 7th Street and US 24/40



Future Land Use Option 2c

Approximately 105 acres of Industrial south and west of the airport.
 Approximately 20 acres of Neighborhood Commercial at the northwest corner of N. 7th Street and US 24/40



Options 2b and 2c description changes

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize at the northwest corner of ~~around~~ Highway 24/40 and E 1500 Rd, and includes approximately 20 acres. ~~Other areas designated are rural and currently exist and are~~ This category also includes the property at 1697 Hwy. 40 that is an existing rural commercial use and is not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes approximately 35 acres of land at the airport dedicated to aviation related development, and approximately 20 acres of land at the airport which could be aviation or non-aviation related development. Land west of the airport and north of Highway 24/40 to E. 1550 Rd. and south of Highway 24/40 is also classified as industrial.

Several competing values have challenged the community on how best to plan for the area south of the airport between Hwy. 24/40 and I-70. While multi-modal transportation networks exist and a flat terrain promotes industrial uses, the area contains significant amounts of Class I & II soils, contributes to stormwater absorption, is valued for its potential agriculture production and rural character, and has public infrastructure costs related to stormwater management that must be factored into determining its future use. Additionally, the Lawrence Mayor's Peak Oil Task Force recently released their "Solutions to

Peak Oil Vulnerabilities: Response Plan for Lawrence, Kansas", which includes a recommendation to: *Redraw the City's Urban Growth Area boundaries to preserve high quality soils for agricultural uses.*

In order to balance the competing values noted above, the total approximate acreage for the industrial uses shall be no greater than 105 acres. The development should be organized in a contiguous manner that is most intense at the intersection of Hwy. 24/40 and E 1500 Rd. A master planned project is most appropriate for this category to ensure appropriate planning of all 125 commercial and industrial acres.

Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. ~~The industrial~~ Properties in this category is are expected to urbanize.

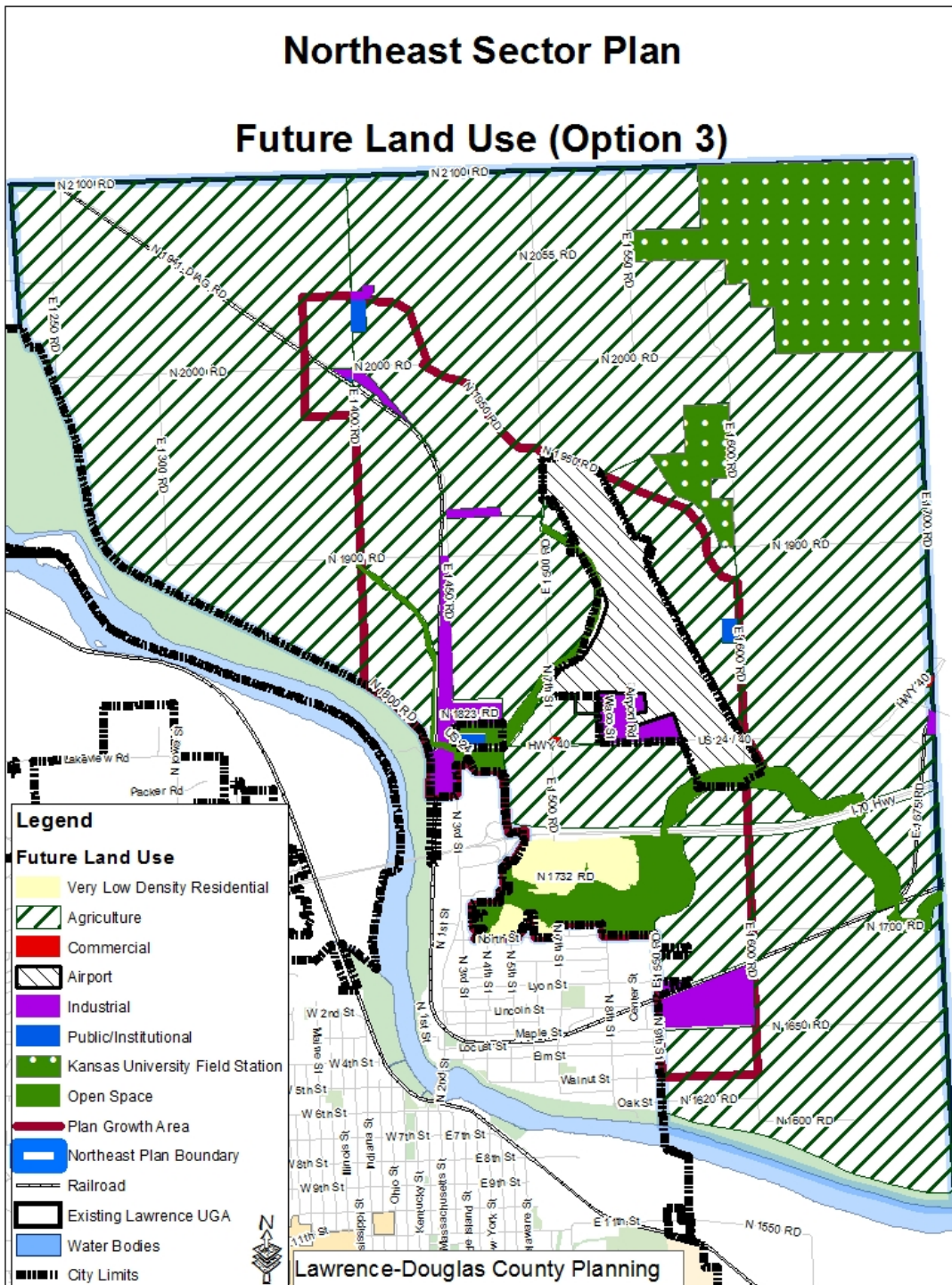
Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

Future Land Use Option 3

No future Industrial or Neighborhood Commercial south and west of the Airport.



3.2.1.3 ~~Neighborhood Commercial Center~~

~~A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. Horizon 2020, Chapter 6 Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas This category designates the property at 1697 Hwy. 40 and the properties at the northeast and southwest corners of US24/40 and E 1500 Rd. that are as rural commercial uses that are not anticipated to urbanize.~~

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); ~~Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)~~

Primary Uses: ~~non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash~~

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Intensity: Medium-High

Zoning Districts: Douglas County - I-1 (Limited Industrial), I-2 (Light Industrial), I-3, and I-4 (Heavy Industrial) Districts. Lawrence – ~~IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)~~

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, ~~soil conserving agri businesses~~

Northeast Sector Plan

Lawrence-Douglas County Planning and Development Services

**Lawrence-Douglas County Planning Commission – 09/20/10
Douglas County Board of County Commissioners –
Lawrence City Commission –**

I hereby certify that this is a true and correct copy of the comprehensive plan or part of the plan; that the Lawrence-Douglas County Metropolitan Planning Commission adopted said comprehensive plan or part of the plan on September 20, 2010.

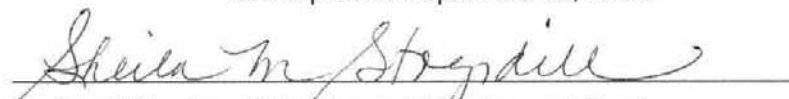

Assistant Director of Planning and Development Services.

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Section 1: Introduction

1.1 Purpose

The purpose of the *Northeast Sector Plan* is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of their proximity to the city and highways, they are likely to be areas of rural and urban development pressure. However, this plan recognizes that this area is unique in its development potential and the community may benefit most by limited development.

The plan outlines future land uses for the planning area to be used as a guide for rural and urban development. This plan does not annex property nor does it rezone property upon adoption. These types of proposals are typically requested by the property owners and/or developers that have a stake in such property and wish to develop within Douglas County and within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area's future growth patterns.

It is expected that development in the planning area will occur within the span of decades as the market demands and as urban services are able to be provided. It is anticipated that rural and agricultural uses will continue to be present and maintained as the planning area urbanizes. Because of the long timeframe of the plan, it should be reviewed on a regular basis.

1.2 Description of Planning Area

The *Northeast Sector Plan* planning area is located north of the city of Lawrence (see Map 1-1) and within Grant Township, in northeastern Douglas County, Kansas. The planning area contains approximately 10,640 gross acres and encompasses Grant Township north of the Kansas River.

The planning area boundaries are: E 1700 Road on the east, N 2100 Road on the north, the riverfront park on the west, and the Lawrence city limits and the Kansas River on the south. See Map 1-1. The planning area encompasses the Lawrence Urban Growth Area (UGA) in northeast Douglas County, as currently identified in *Horizon 2020*. A majority of the planning area is located in Service Area 4 which is the outer most service area in *Horizon 2020*. For Service Area 4 *Horizon 2020* states: "The land uses north of US-24/40 shall be primarily non-residential uses such as industrial, warehouse and office" and "Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed." The North Lawrence Drainage Study was completed in 2005.

A portion of the planning area, south of Highway 24/40 is located in Service Area 2. *Horizon 2020* states: "Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted. Divisions of land for rural residential development shall be permitted only when the following criteria exist: access to paved roads, conformance with minimum road frontage requirements, and availability of rural water meters. Development shall not be permitted on steep slopes (15% or greater), regulatory floodplains or other environmentally sensitive areas, and state or federally designated historic sites or landmarks. The pattern and lot layout of rural residential developments shall provide, through early planning, dedications or reservations for the logical extension of public roads and infrastructure" and "Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities."

As mentioned earlier, the entire planning area is within the Lawrence UGA. The UGA was expanded to the Douglas County line in this area in 2004. This action was largely in response to concerns that the Douglas County Subdivision Regulations did not regulate rural residential growth, i.e., the 5 and 10 acre exemptions allowed the creation of residential lots without platting. The UGA was expanded into this area to help regulate rural residential growth.

The subdivision regulations for Douglas County were amended and adopted in 2007 and put in place standards to regulate rural residential growth. These standards regulate rural residential growth in the Rural Area, as well as the UGA. Since there are now standards for the division of property in the Rural Area, one of the reasons for expanding the UGA to the county line in this area is no longer necessary.



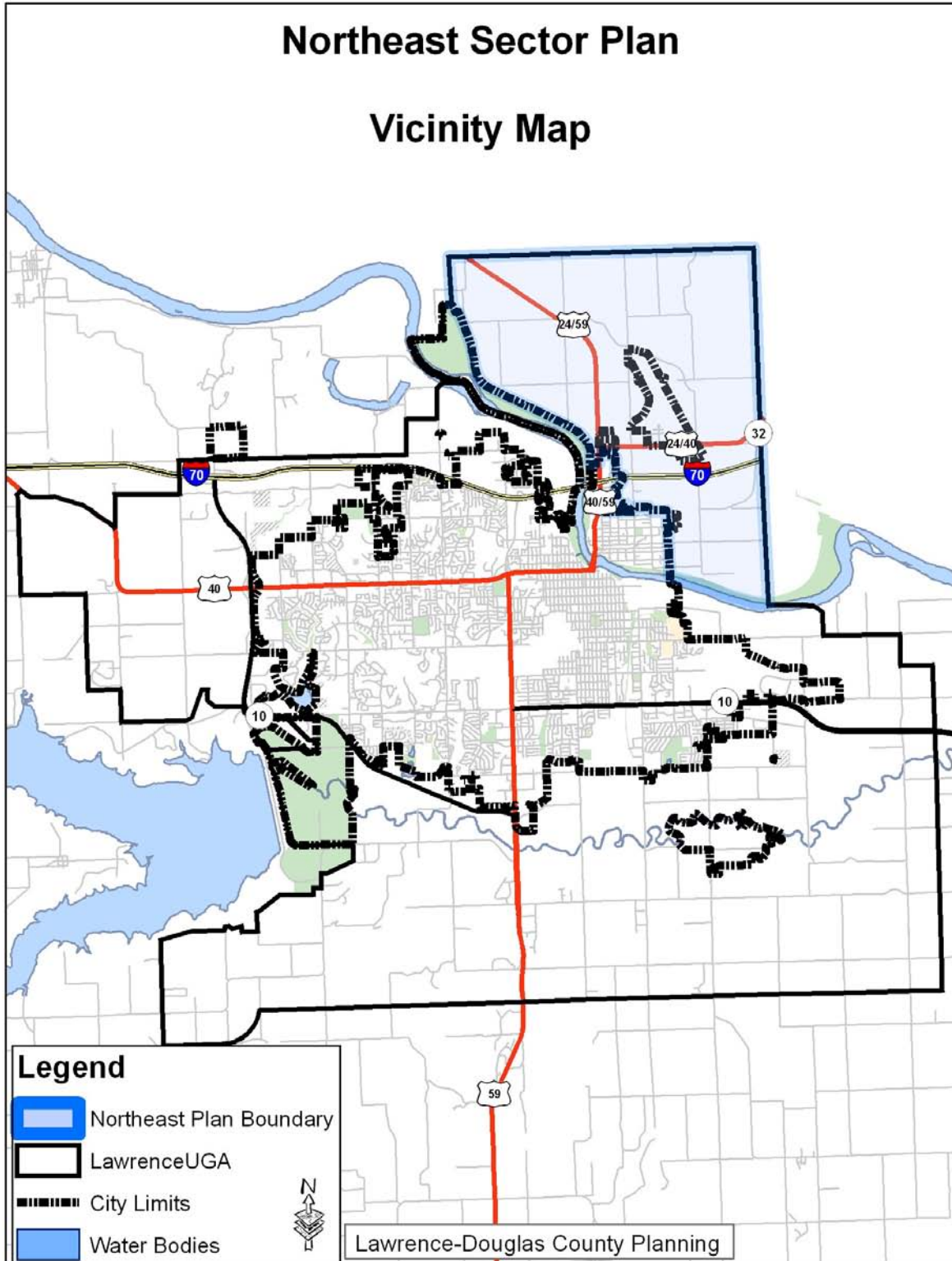
The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat, lower parts of the planning area are agriculture row crop, livestock production, and pastureland uses.

Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning area. The KU Field Station is located in the northeast corner of the planning area and also within Jefferson and Leavenworth counties.

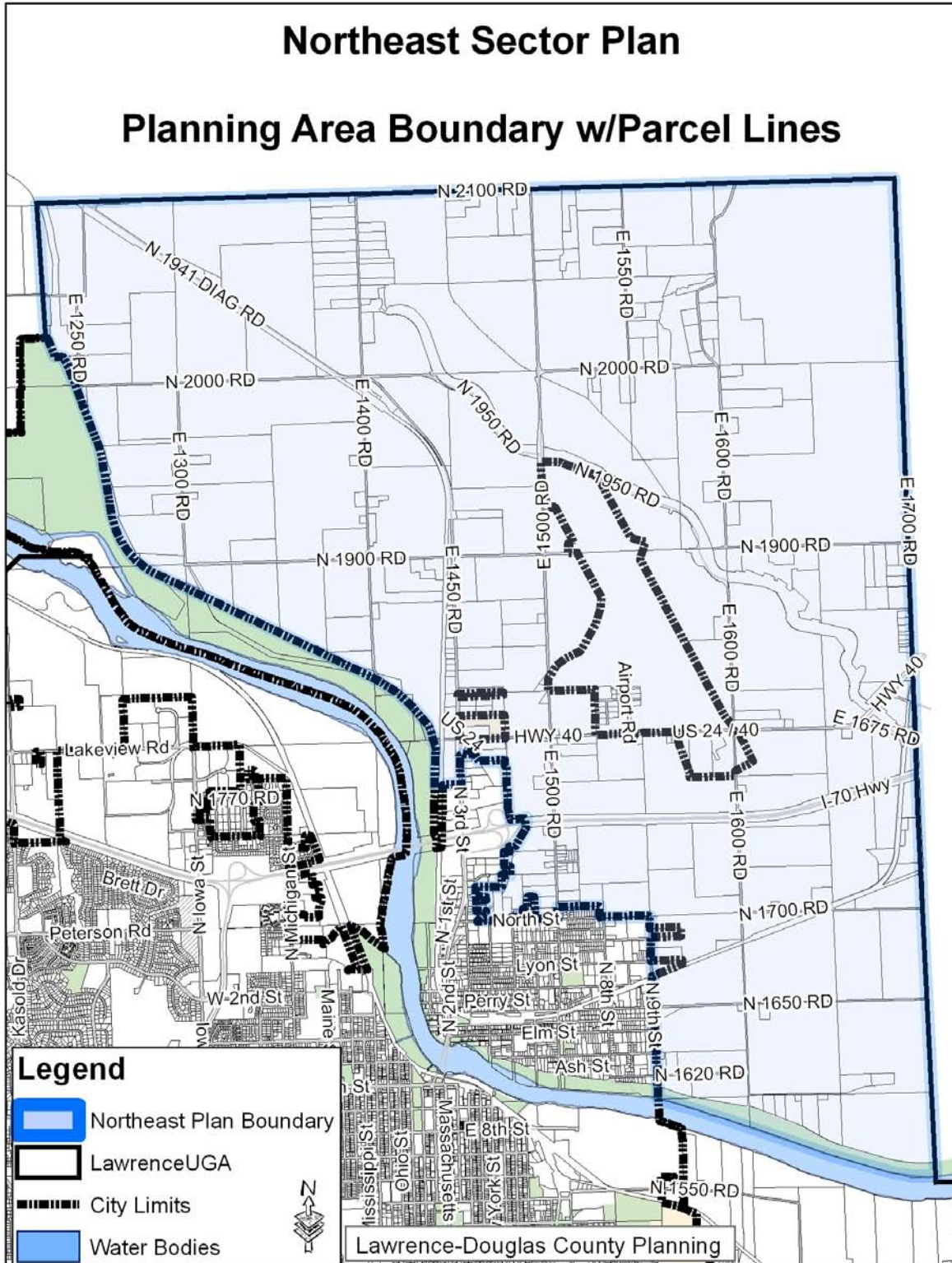
I-70 and a toll plaza, along with Highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the city, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area.

The planning area boundaries and parcel composition are illustrated in Map 1-2.

Map 1.1 – Vicinity Map



Map 1.2



1.3 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.
- *North Lawrence Drainage Study*. 2005

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

2.1 Land Uses

2.1.1 Existing Land Uses

There are currently a variety of land uses within the planning area. The planning area has approximately 10,116 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff.

Agricultural uses, in the form of row crops, livestock production, pasturelands, and farms are the dominant land uses and encompass approximately 7,330 acres of land, which accounts for 72% of the planning area. There are farms of varying sizes (less than 5 acres up to hundreds of acres) within the planning area. Production includes row crops, local market production and animal production. Farms are owner operated or leased to larger operations. The City leases land around the airport for agriculture use.

The second largest land use category is parks/rec/open space use with approximately 956 acres. The parks/rec/open space use category includes the KU Field Station properties in the northeast portion of the planning area.

The third largest land use category is transport/communication/utility. This land use category includes the Lawrence Municipal Airport.

The next largest category is single family residential use. This category includes property with one dwelling unit located on it. The *Douglas County Zoning Regulations* define a dwelling as, "Any building or portion thereof designed or used for residential purposes. This shall include structures designed as underground structures but shall not include trailers or mobile homes". The single-family residential use is seen within the planning area primarily in the rural form – typically a house on 1 to 10 acres (although some larger single family properties in the area range between 10 – 40 acres).

The remaining land is designated a variety of uses ranging from industrial/warehouse/distribution to public/institutional uses. These uses are located primarily along Highway 24/59. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

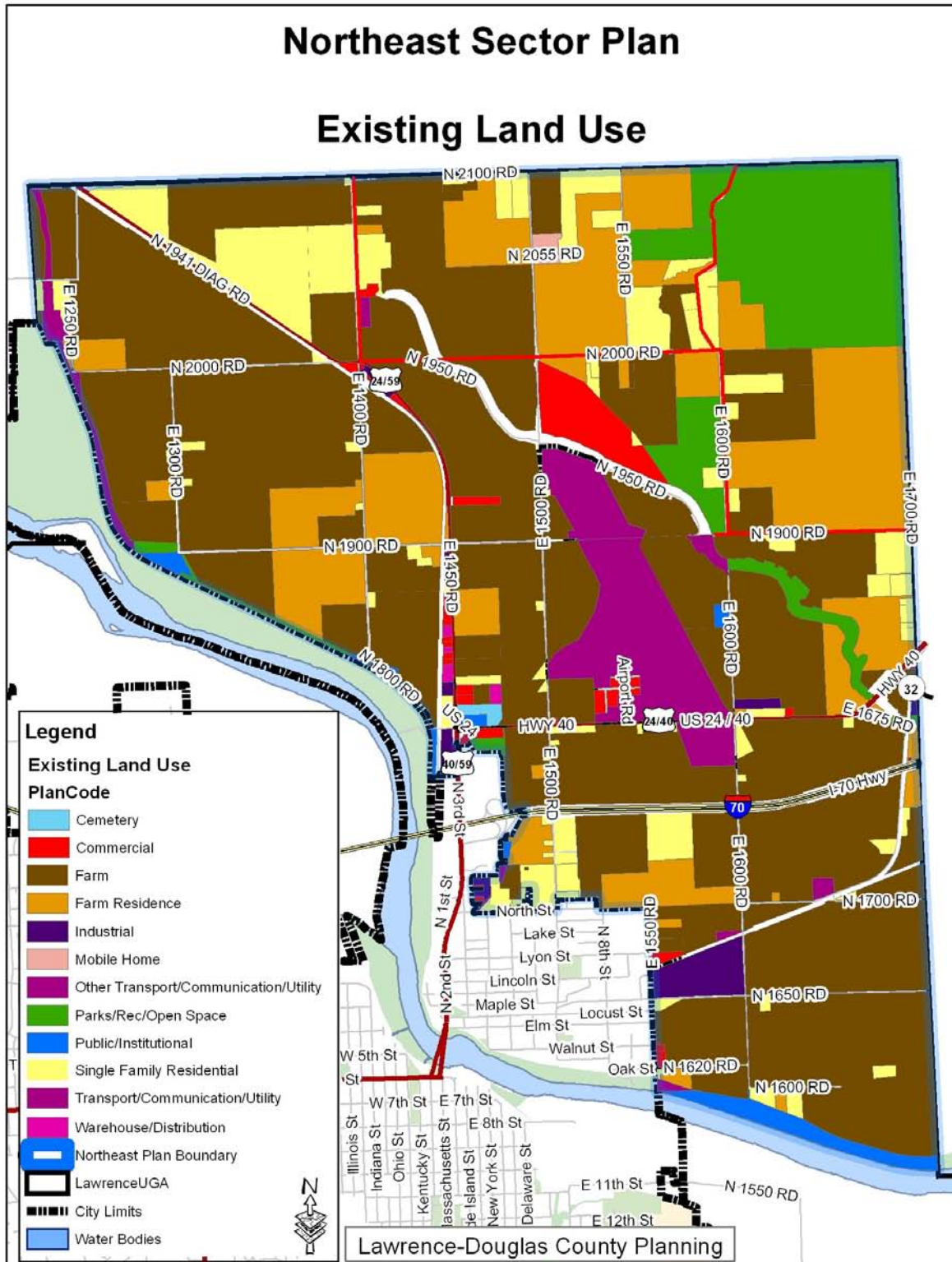
TABLE 2-1: EXISTING LAND USE SUMMARY

Land use	Acres	Percent
Agricultural	7,330	72%
Single Family Residential	550	5%
Vacant Residential	232	2%
Residential - Other	72	1%
Commercial	186	2%
Industrial/Warehouse/Distribution	125	1%
Public/Institutional	110	1%
Parks/Rec/Open Space	956	10%
Transport/Communication/Utility	555	6%
TOTAL	10,116	100%

2.1.1 Historic Resources

Currently, there is one structure listed on the National Register of Historic Places within the planning area. The Vermilya Boener House is located at the northwest corner of N 1900 Rd. and E 1400 Rd and was listed in 1992.

Map 2.1 – Existing Land Use



2.2 Zoning Patterns

The planning area encompasses approximately 10,640 acres of land including public rights-of-ways. Approximately 520 acres are located within the city of Lawrence and the rest is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. Industrial zoning is found in the planning area with specific areas zoned I-1, I-2, I-3 and I-4 Districts. There is also some B-2 (General Business District) zoning along Hwy. 24/40. See Map 2-2.

The main portion of the planning area located within the city of Lawrence is the Lawrence Municipal Airport, which is zoned IG (General Industrial). The Maple Grove Cemetery is also within the city of Lawrence and is zoned OS (Open Space District). Both of these properties are islands that are not contiguous to the corporate limits of Lawrence. See Map 2-2.

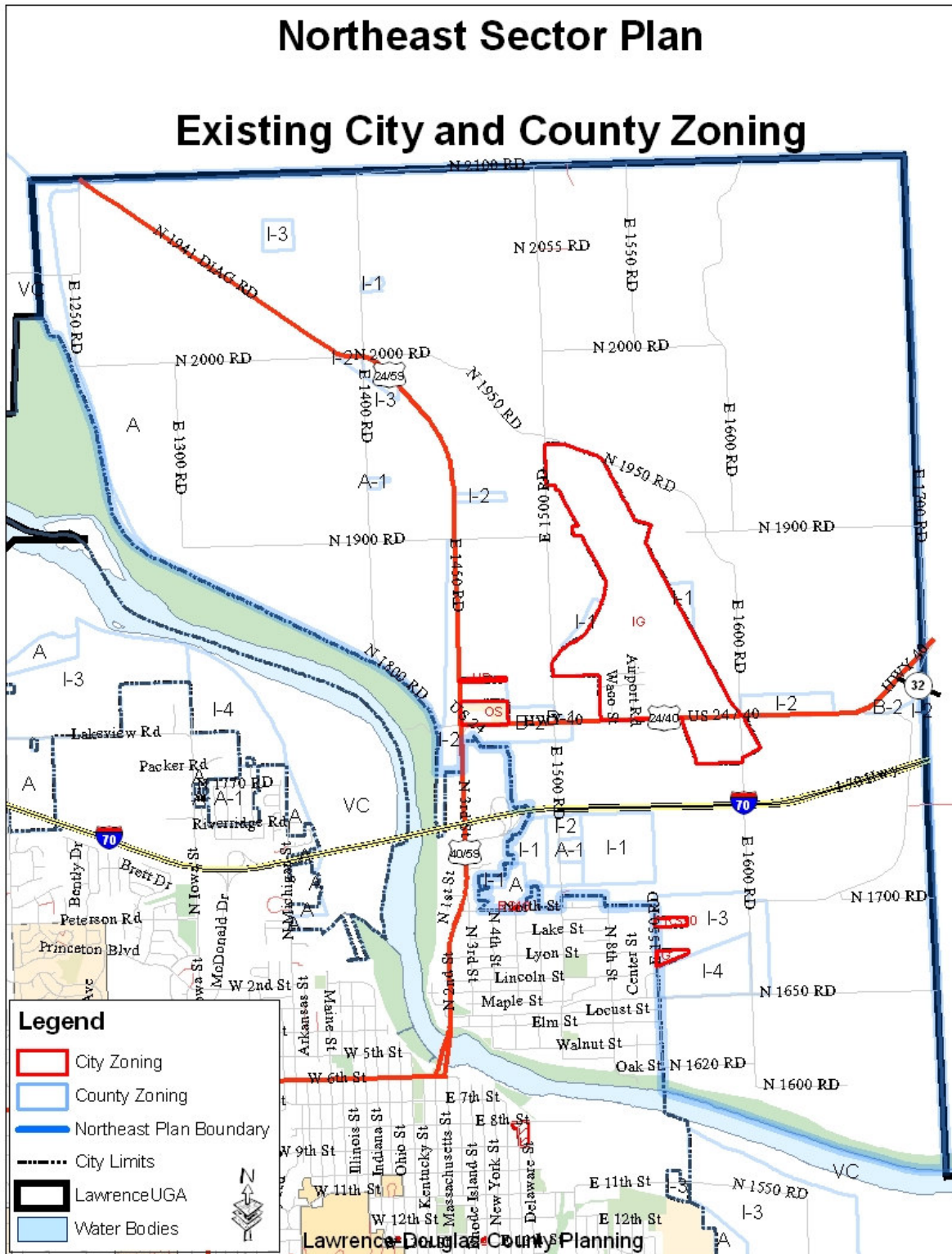
Table 2-2 County Zoning Classifications

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
A-1	Suburban Homes	Very Low-Density Residential
I-1	Limited Industrial	Industrial
I-2	Light Industrial	Industrial
I-3	Heavy Industrial	Industrial
I-4	Heavy Industrial	Industrial
VC	Valley Channel	N/A

Table 2-3 City Zoning Classifications

City Zoning	District Name	Comprehensive Plan Designation
RS20	Single-Dwelling Residential (20,000 sq. feet per dwelling unit)	Low-Density Residential
IG	General Industrial	Warehouse and Distribution or Industrial
OS	Open Space	N/A

Map 2.2 – Existing Zoning



2.3 Infrastructure

2.3.1 Water and Wastewater Infrastructure

A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to the majority of those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Jefferson County Rural Water District #13, or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. The City, however, recently approved extending water and sewer infrastructure to serve the municipal airport. The flat topography of the area poses a challenge to providing urban wastewater infrastructure to the planning area. The flatness of the area makes it difficult to gravity flow wastewater and thus drives up the the relative cost of providing those services.

A portion of the planning area will be included in the City's Wastewater Master Plan update, underway in 2010. That update will provide a better idea of the actual cost of extending wastewater infrastructure. It is important to note that prior to any wastewater infrastructure extensions to the planning area, impacts to the downstream wastewater system will also have to be evaluated. Improvements to that system may also be part of the cost to extend infrastructure to the area.

2.3.2 Stormwater Infrastructure

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the south, by way of the tributaries, to the Kansas River.

2.3.3 Gas Infrastructure

The planning area includes three natural gas lines. One pipeline owned by Southern Star Gas enters the planning area from the north and crosses to the east through the center of the planning area. A second Southern Star Gas pipeline enters the planning area in the southeast corner, proceeds northeast and exits the planning area near Highway 24/40 and Highway 32. Another pipeline is owned by Williams Natural Gas and it enters the planning area on the west center portion and crosses northeast through the planning area. See Map 2-5.

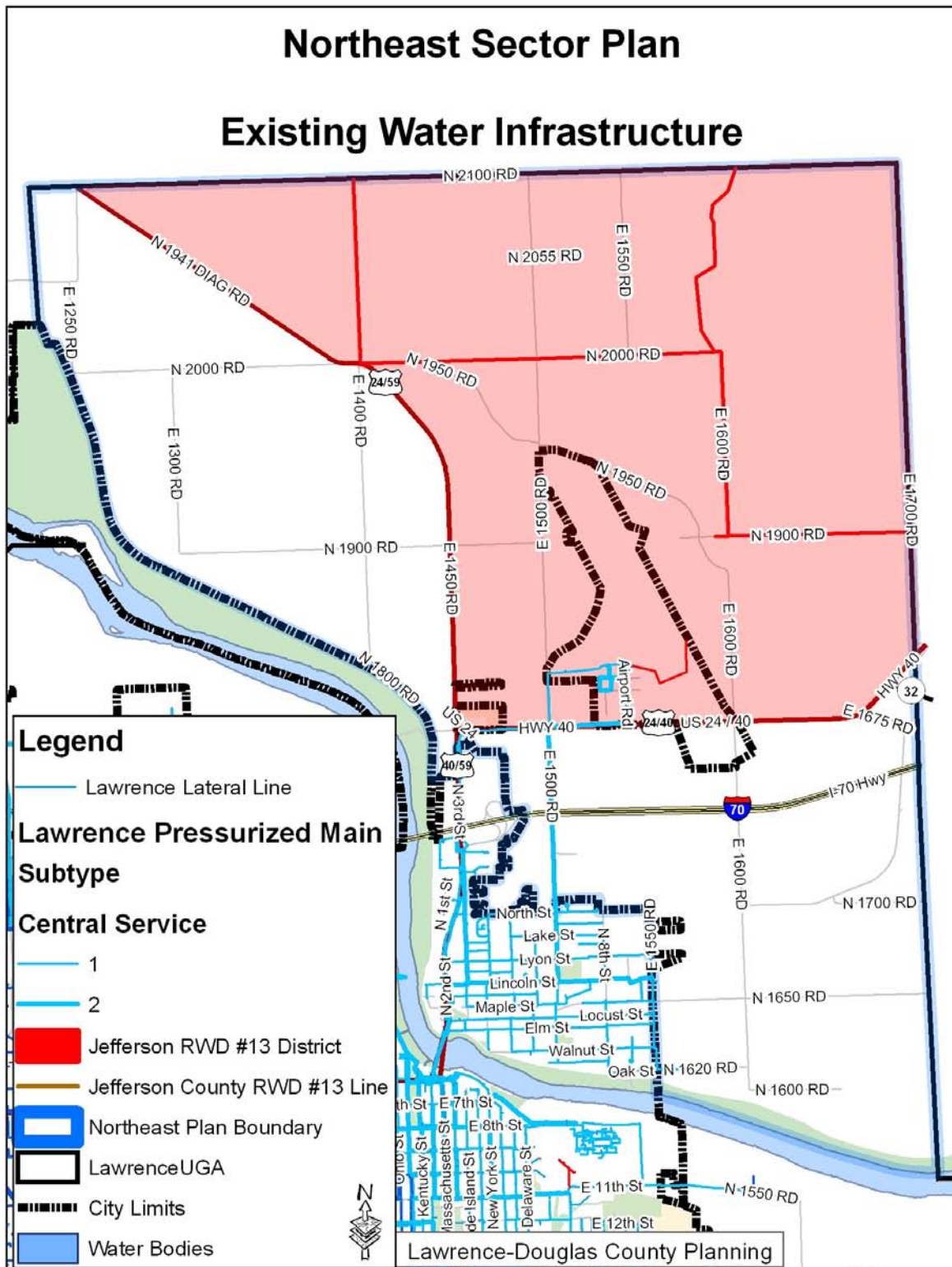
2.3.4 Electric Infrastructure

Westar serves the planning area. Large electric transmission lines also traverse the planning area. See Map 2-5.

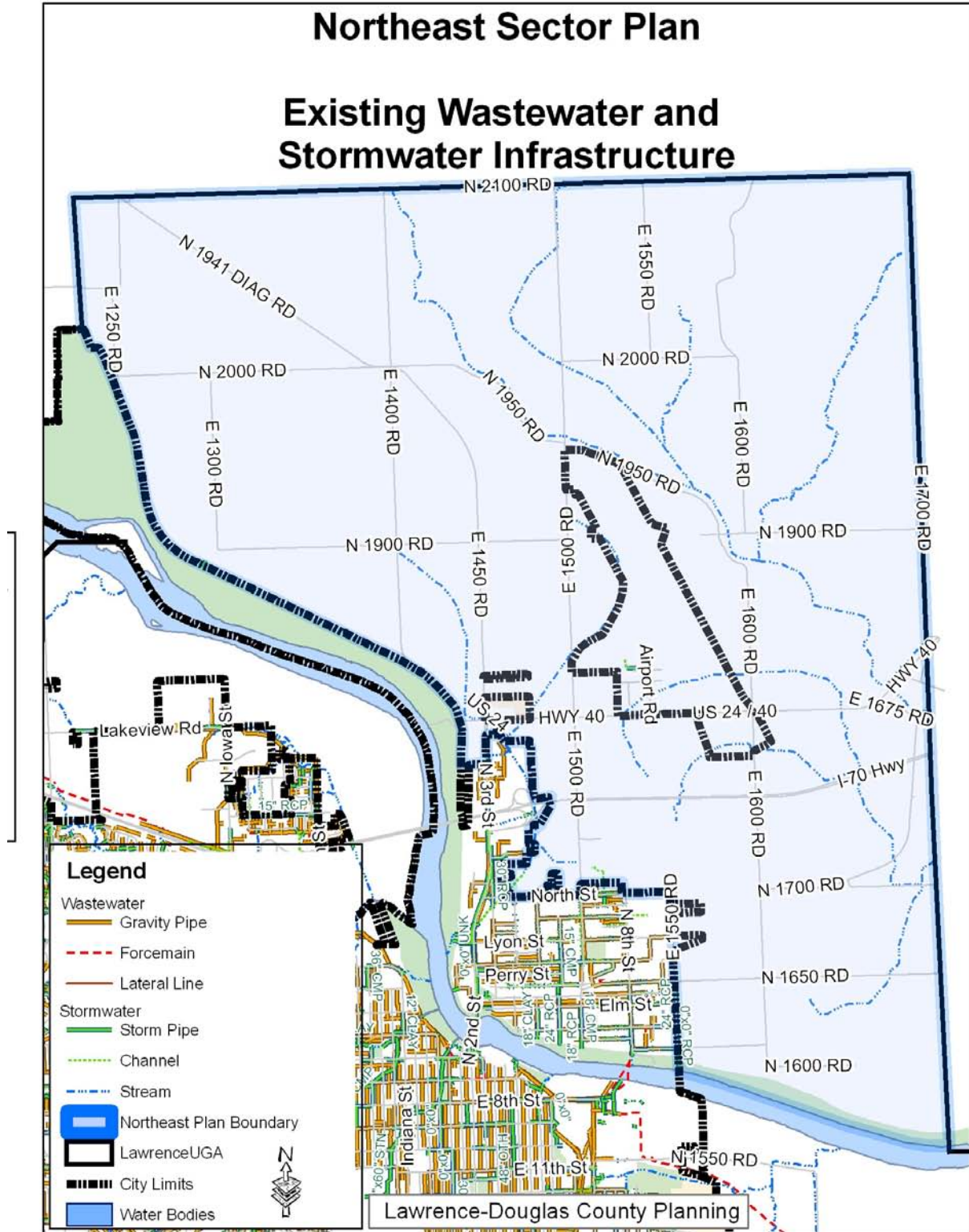
2.3.5 Drainage Districts

The Douglas County KAW Drainage District is the only drainage district in the planning area, but it does not cover the entire planning area. See Map 2-6.

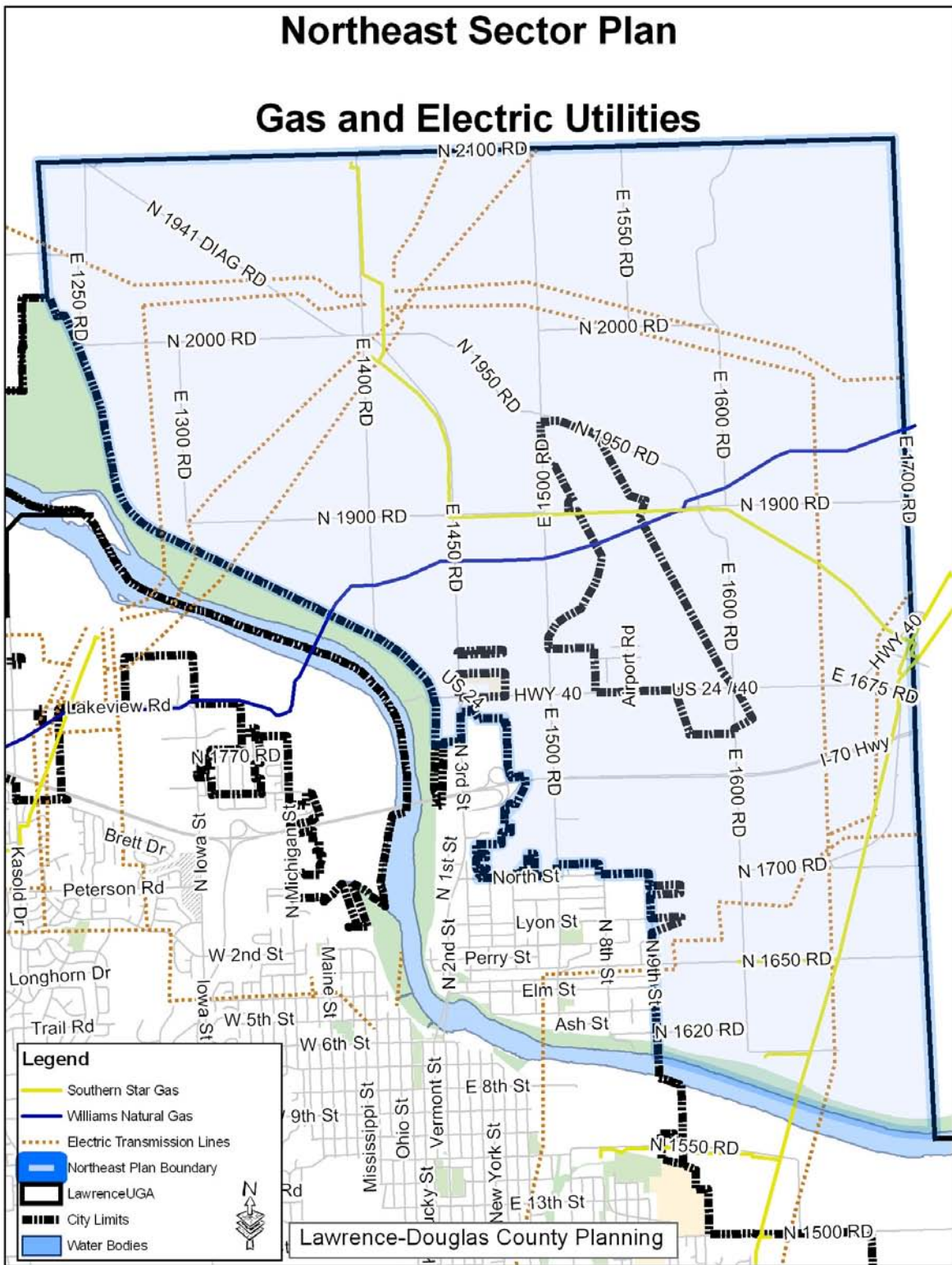
Map 2-3 – Water Infrastructure



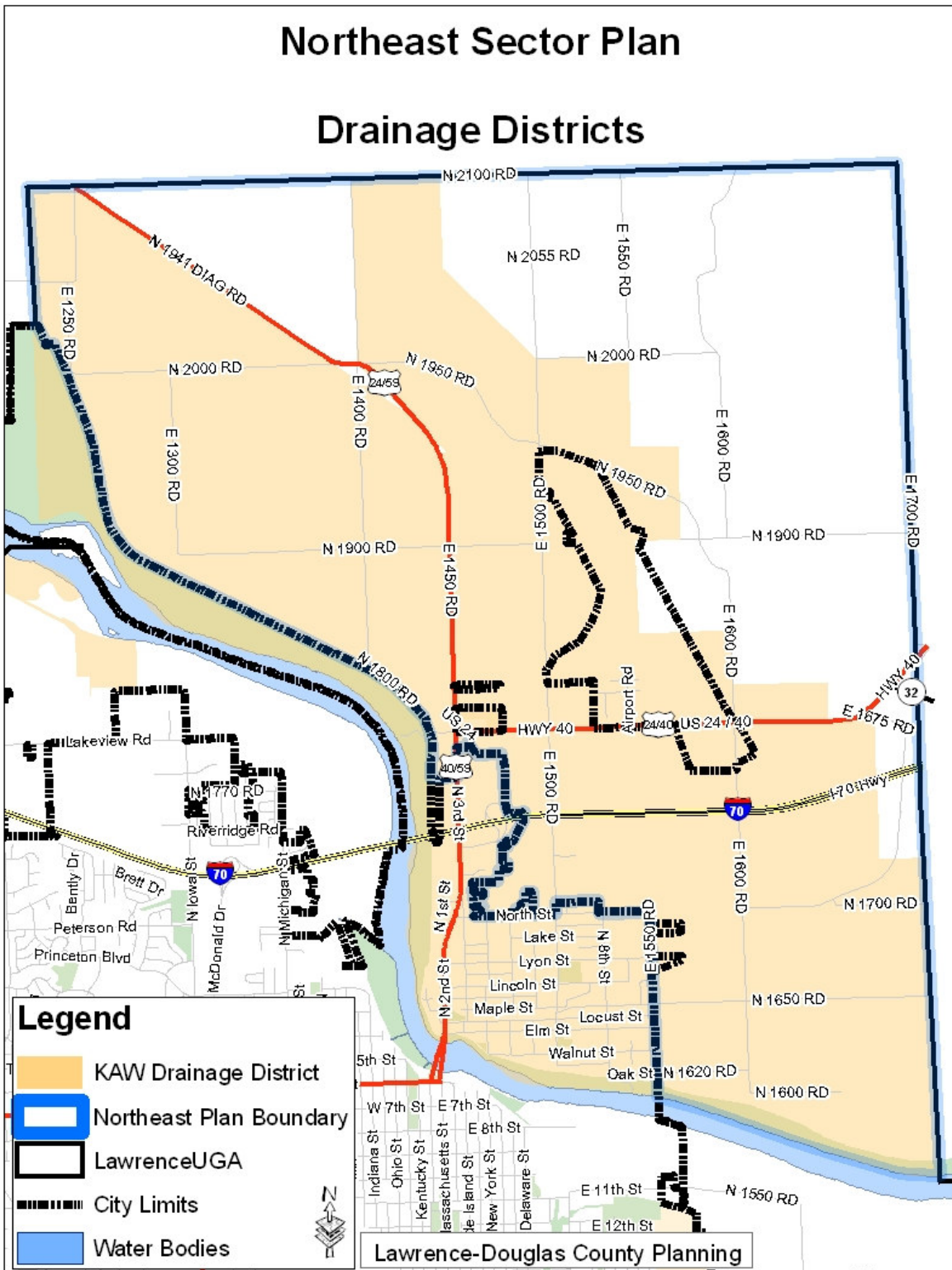
Map 2-4 – Wastewater and Stormwater Infrastructure



Map 2-5 – Gas and Electric Utilities



Map 2-6 Drainage Districts



2.3.5 Transportation

2.3.5.1 Road and Streets

The majority of the roads in the planning area are rural township roads, most of which are gravel. Grant Township maintains the majority of the roads in Grant Township. However, Douglas County has maintenance responsibility over Douglas County Route 9 (E 1500 Rd from city limits north to Highway 24/40) and Wellman Road north of Midland Junction to the Jefferson County line. KDOT has responsibility over Highways 24/59 and 24/40.

Douglas County has adopted access management standards that spell out minimum frontage and access standards for rural roads based upon road classifications.

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, (local roads and streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local roads and streets, to major thoroughfares (arterial streets) that carry traffic across the entire city and county. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.



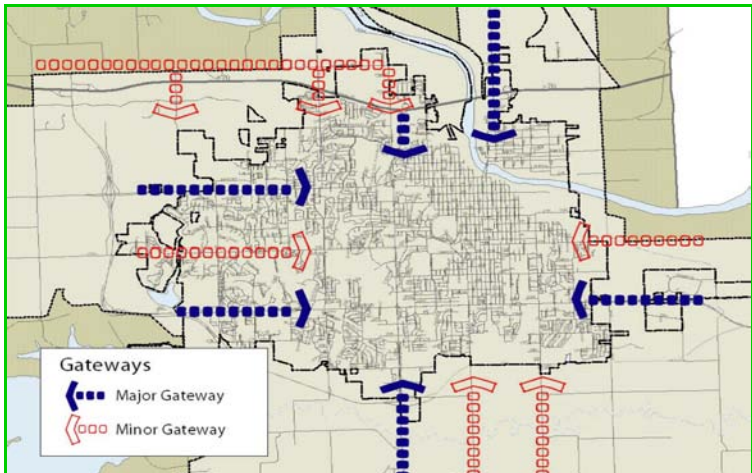
T2030 was adopted in 2008 and is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

2.3.5.2 Gateways

Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Highway 24/59 as a major gateway into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030.

T2030 Figure 2.4
Lawrence Gateways



2.3.5.3 Rail

There are also rail lines that weave through the planning area. All lines are currently active and make a number of trips through the area over the course of a typical day. These rail lines pose issues at the various crossings in the area. See Map 2-7 and Map 3-1 for the location of the rail lines.

2.3.5.4 Transit



Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area. However, paratransit service is available to all of Douglas County. Paratransit service is a demand response service available to seniors and people with disabilities.

2.3.5.5 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and multi-use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A multi-use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

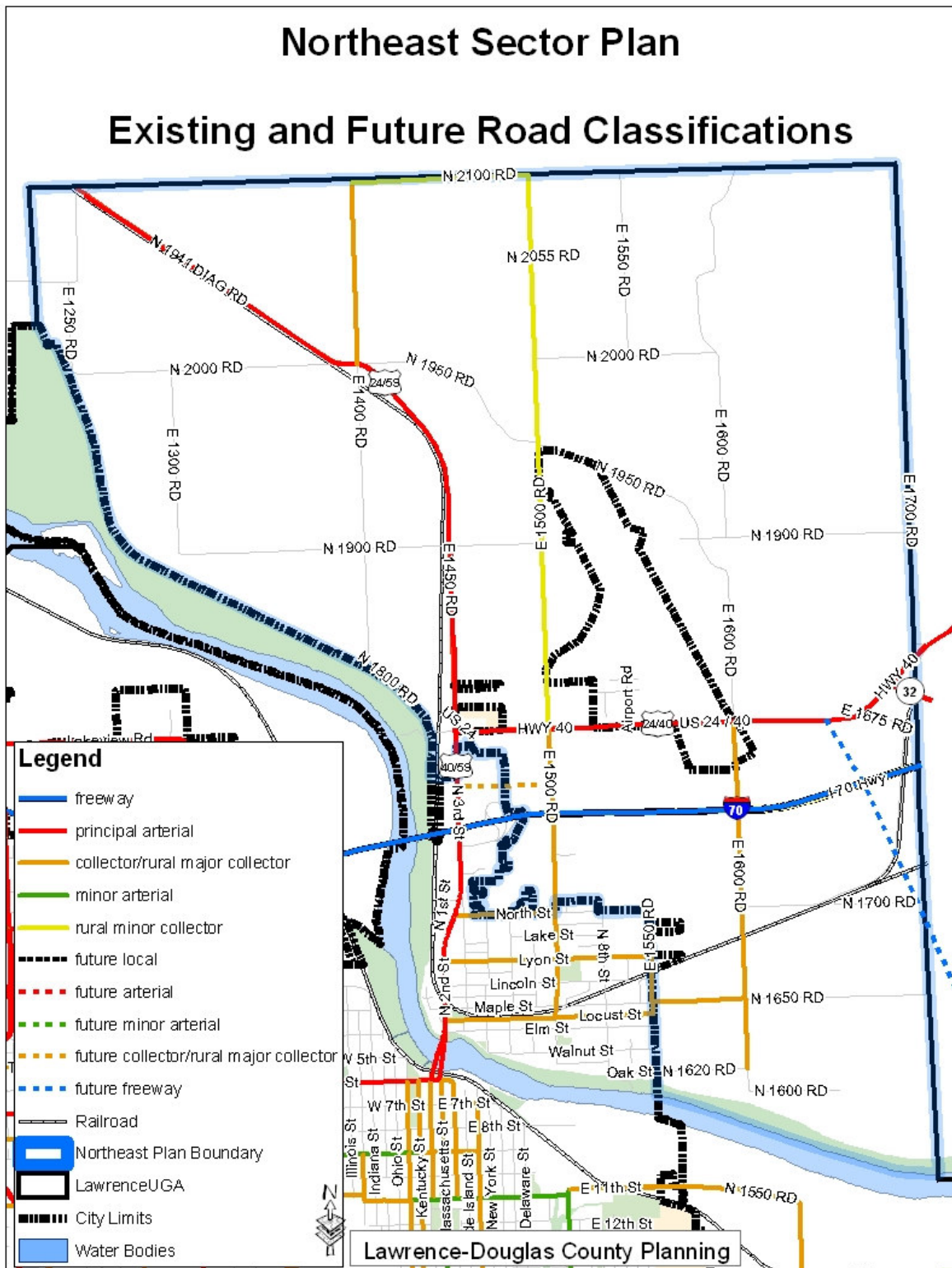


Map 2-8 identifies existing and future bicycle facilities that include:

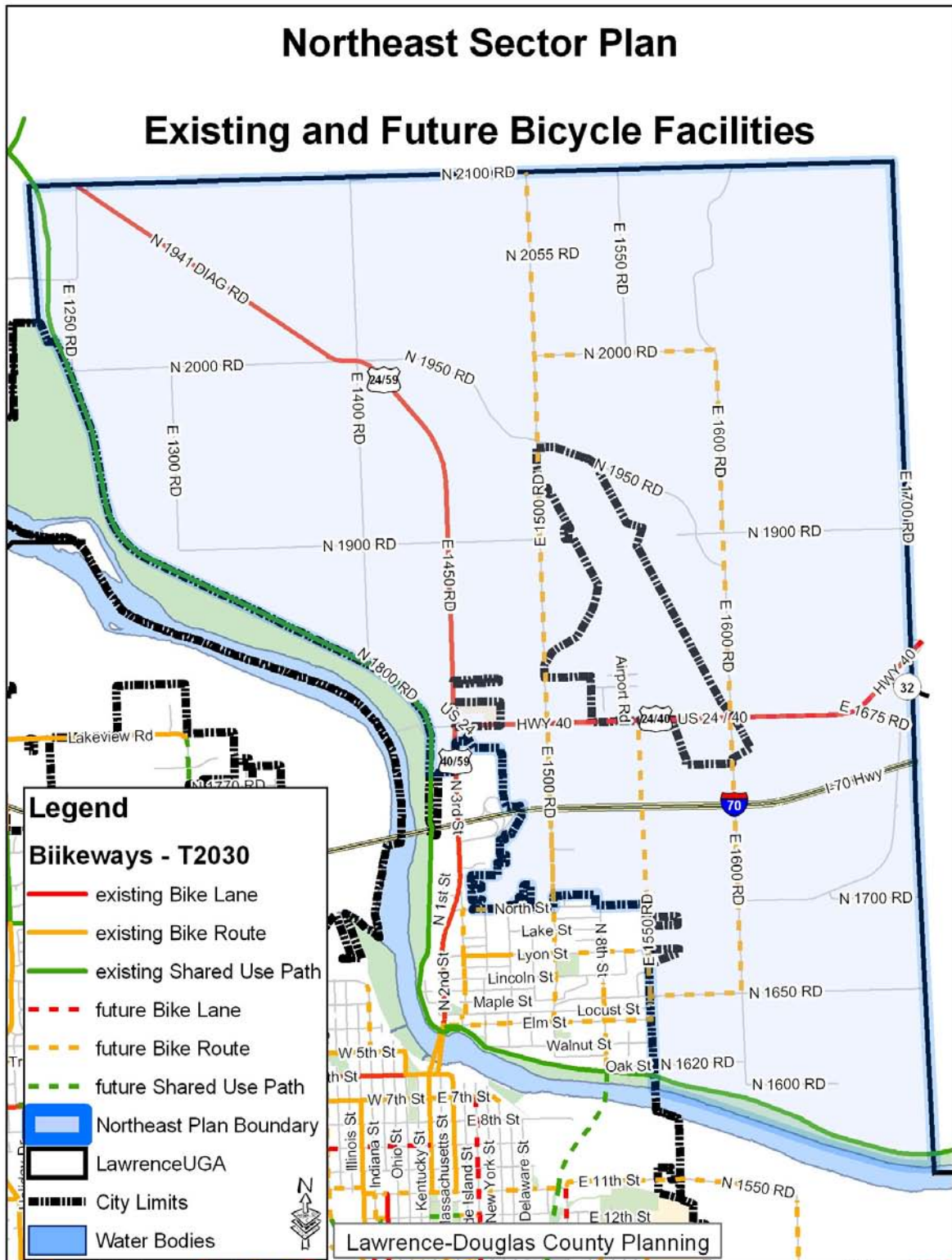
- o An existing multi-use path along the north side of the Kansas River Levee.
- o A future bike lane identified along Highway 24/40.
- o A future bike route is identified along E 1600 Road, via N 1650 Road east from Lawrence, north to N 2000 Road.

- A future bike route is identified along E 1500 Road from Lawrence north to the county line.
- Another future bike route is identified along E 1550 Road from Lawrence to Highway 24/40.
- A future bike route identified along North Street in Lawrence.

Map 2-7 – Existing and Future Road Classifications



Map 2-8 – Existing and Future Bicycle Facilities



2.4 Environmental Conditions

The planning area is made up of several drainage basins which drain to the Kansas River. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Mud Creek and its tributaries, Maple Grove Creek, and the Kansas River. See Map 2-9. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Mud Creek and its tributaries flow through portions of the planning area. The Kansas River is immediately outside of the west and south parts of the planning area.

The North Lawrence Drainage Study was commissioned by the City in 2005 to develop a stormwater plan for the North Lawrence watershed. Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with existing stormwater issues and future ones that will be created with development.

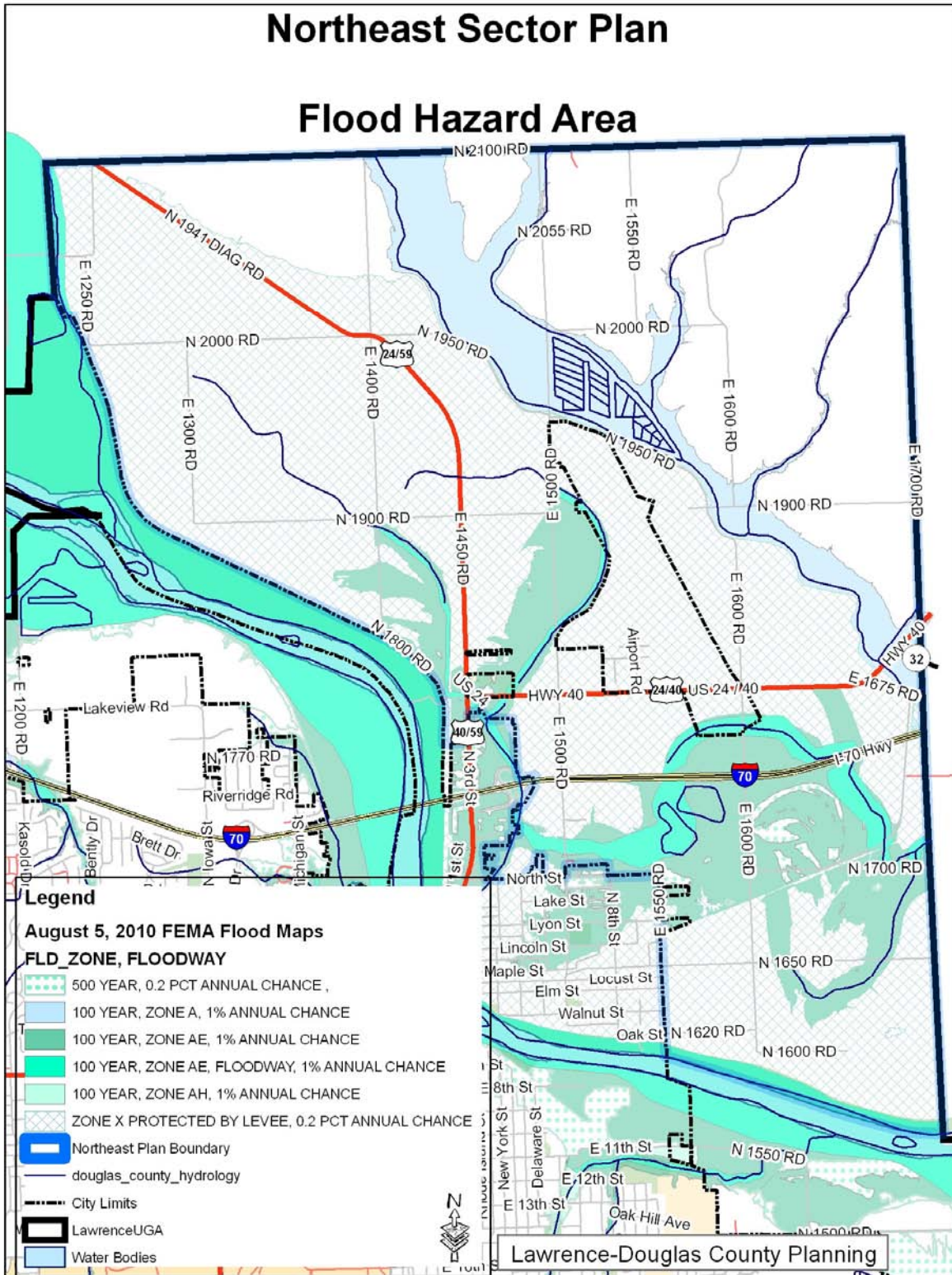
The majority of the land coverage within the planning area is agricultural land used for crop and animal production. The planning area also contains areas of prairie, grazing land and reserved areas of land that are a part of the KU Field Station. There are some water bodies and woodlands are also present in the northwest and northeast parts of the planning area. See Map 2-10 for a land coverage summary.

There is a range of topography within the planning area. The high points are along the northern and northeastern portions of the planning area north of the airport and Highway 24/59. The low points are essentially the rest of the planning area. This area is notable for the fact that it is so flat. As such, it is this area that has portions encumbered by floodplain. See

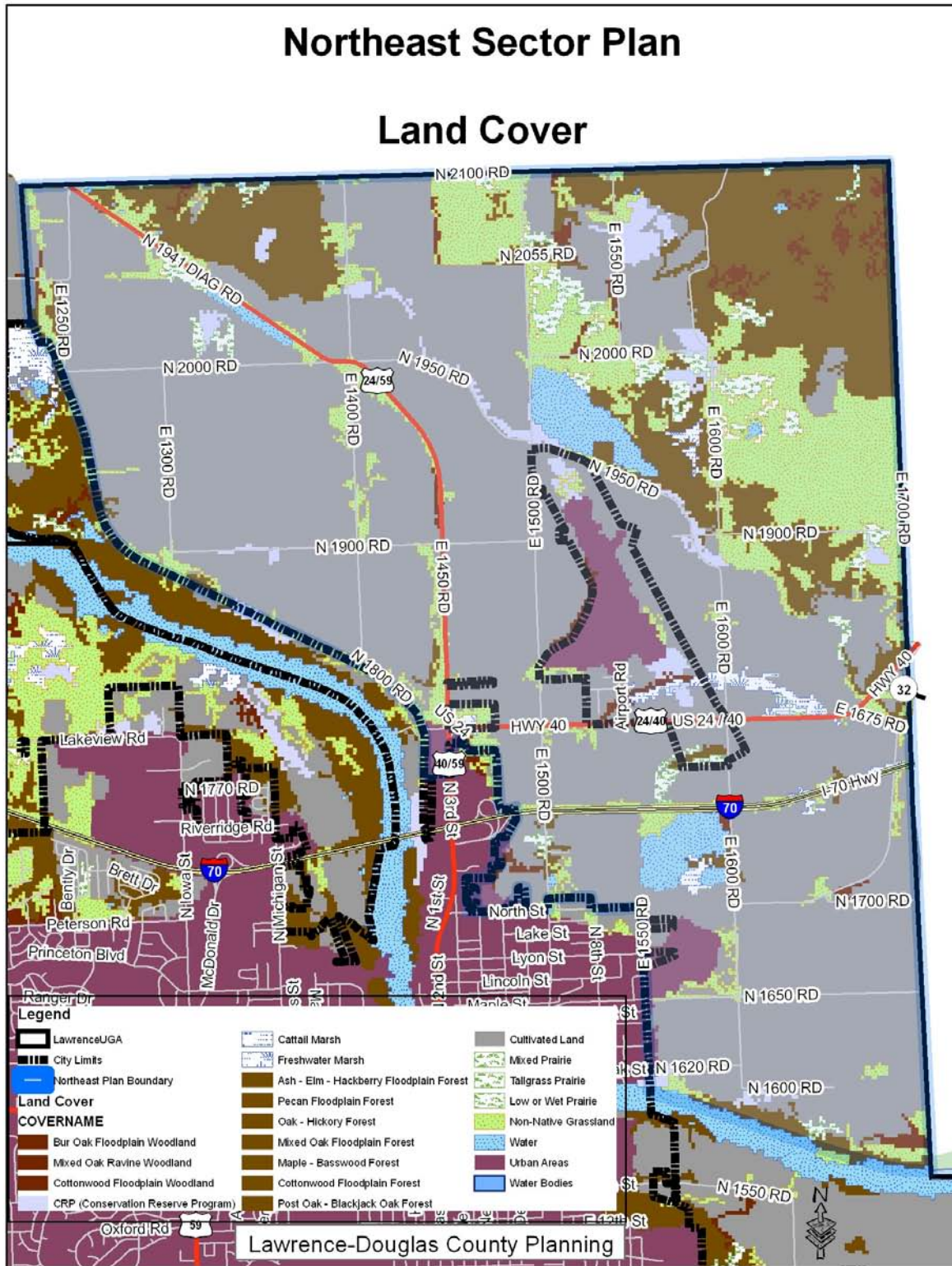
Map 2-11 and Map 2-12. Detailed topographic surveys will be required as individual properties are developed.

The planning area also contains Class I and II soils as determined by the Natural Resources Conservation Service, a division of the United States Department of Agriculture. These soils are considered to be high quality agricultural land. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states *"The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are capability class (non-irrigated) I and II, as identified by the National Resources Conservation Service."* These soils are highly permeable and assist in stormwater management. See Map 2-13.

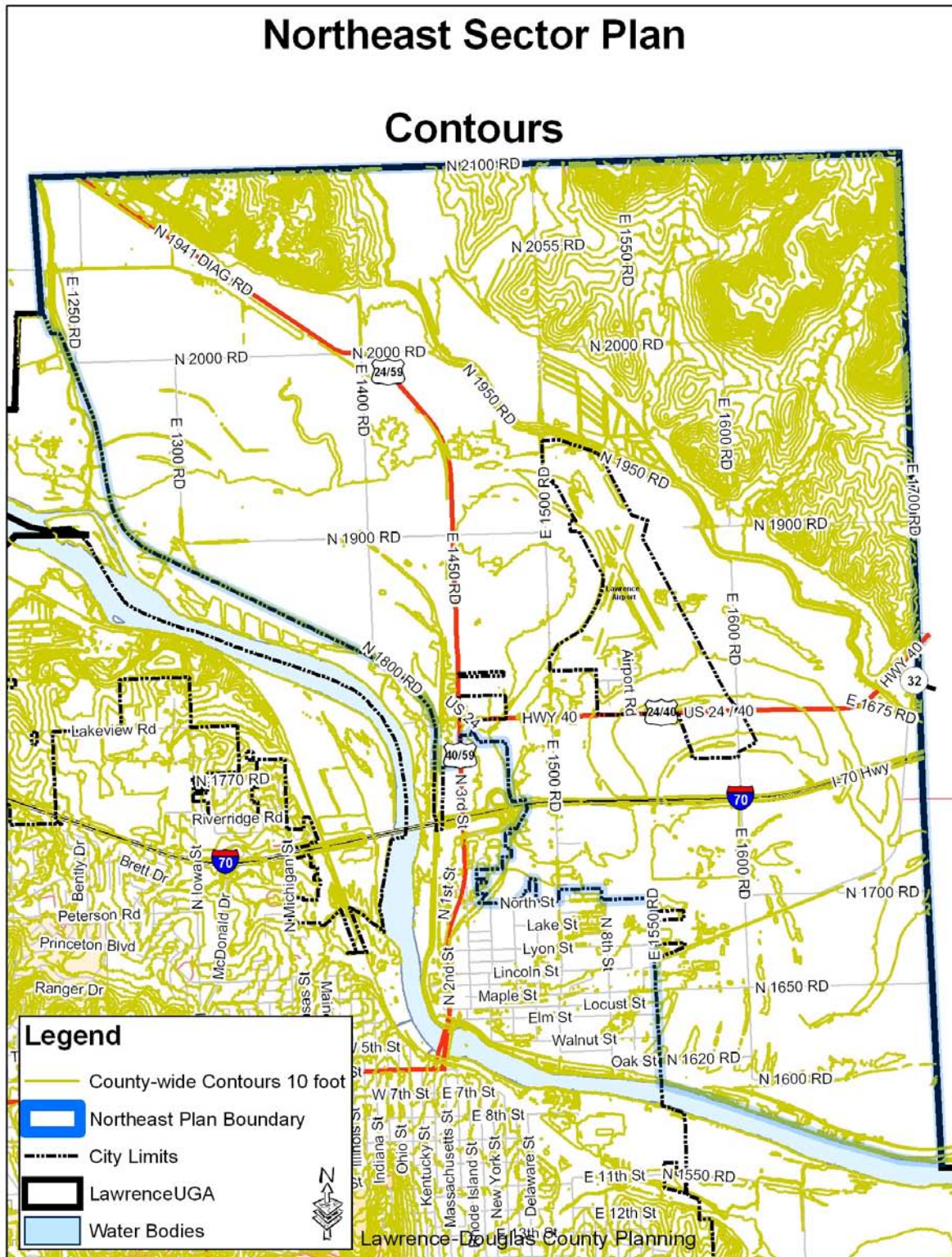
Map 2-9 – Regulatory Flood Hazard Area and Streams



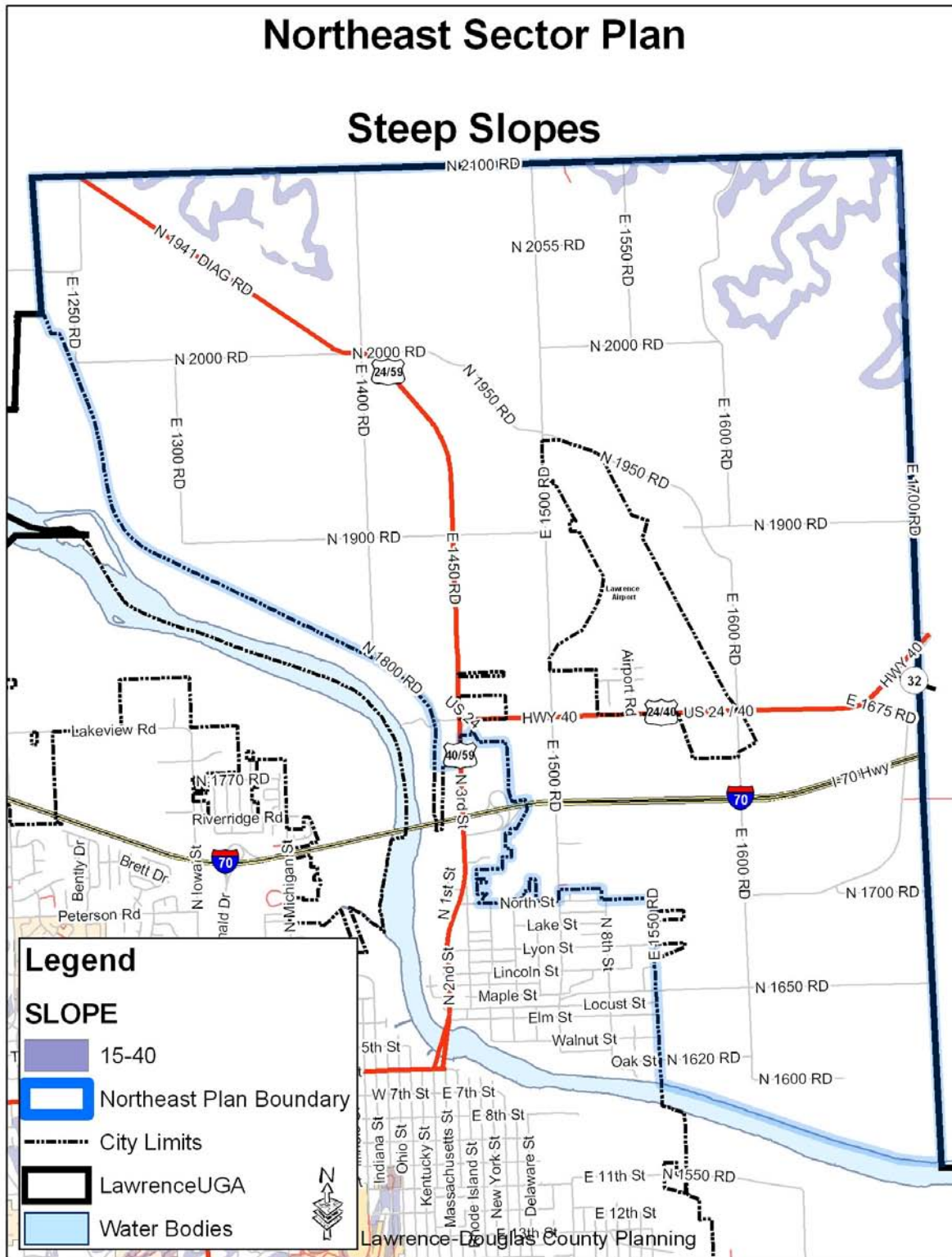
Map 2-10 – Land Cover



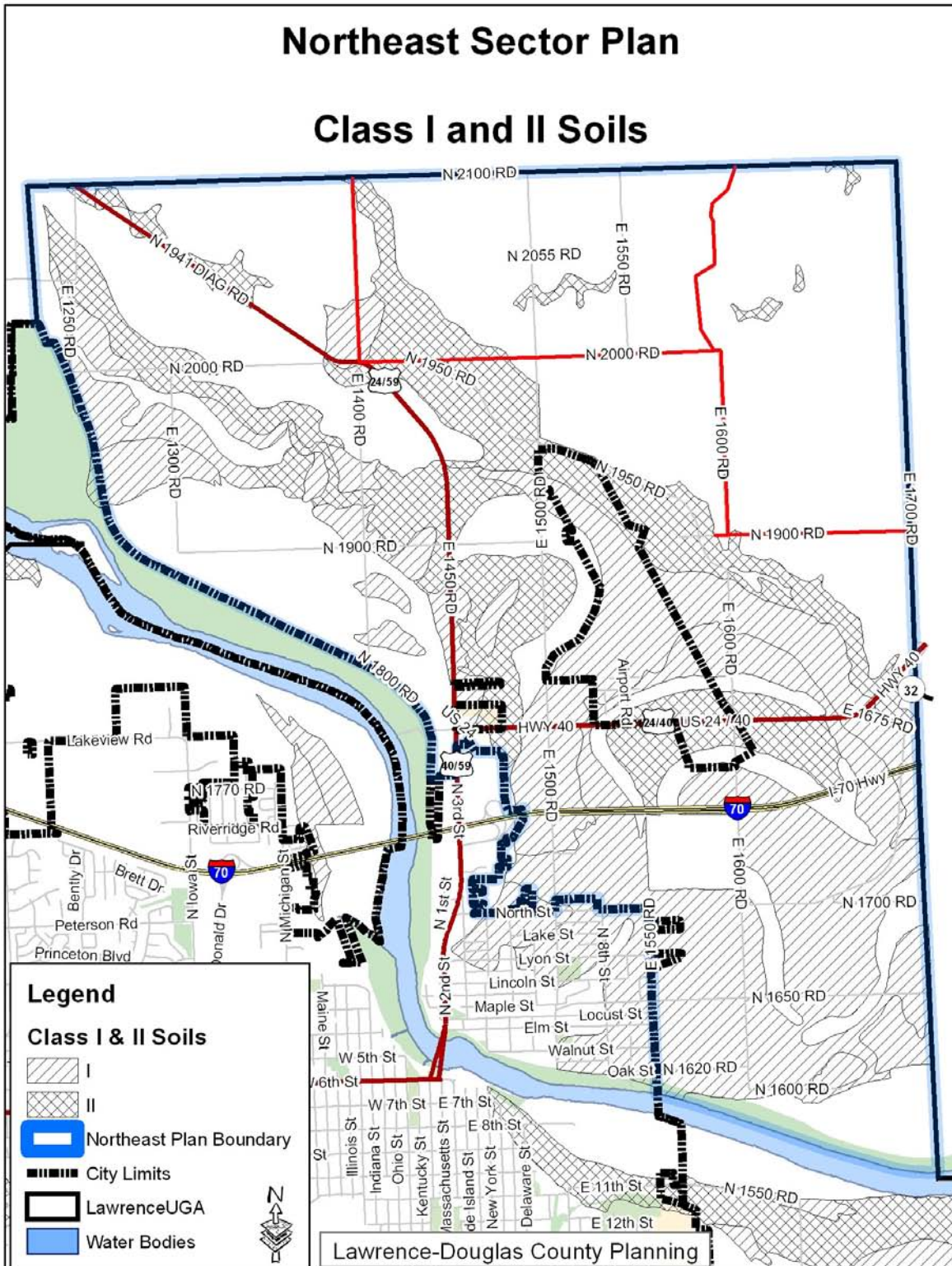
Map 2-11 – Contours



Map 2-12 – Steep Slopes



Map 2-13 – Class I and II Soils



2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use by, the community. Within the planning area there are a few community facilities. Grant Township owns and maintains a community building east of the airport on E 1600 Rd. That building is also currently being used by Prairie Moon Waldorf School, a private kindergarten and grade school. The Township also maintains a facility near Midland Junction where it stores and services equipment needed for road maintenance. KDOT also has a maintenance facility in the planning area at the northeast corner of Highway 24/40 and Highway 24/59.

Kansas University maintains the Kansas University Field Station (KUFS) in the northeast corner of the planning area. The KSR was established in 1947 and is the biological field station of Kansas University. Numerous research and teaching activities take place at the KUFS. Much of the KUFS is also located in neighboring Jefferson and Leavenworth counties and is not accessible to the public. However, the KUFS also maintains ecological reserves in the planning area that are accessible to the public. For example, the Fitch Natural History Reservation and McColl Nature Reserve, located in the very northeast corner of the planning area, have 4 miles of self-guided nature trails within Douglas County that allow users to explore forest, grassland, stream, wetland, and pond areas.

The planning area is located within the Lawrence Public School District (USD 497). The students in the planning area attend Woodlawn Elementary for elementary school; Central Junior High for junior high; and Free State High for high school. Students in the area can also attend the aforementioned private Prairie Moon Waldorf School for kindergarten and grade school.

Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the south of the planning area within the city of Lawrence. See Map 2-14

The rural portions of the planning area are served by Lawrence-Douglas County Fire & Medical through an agreement with Grant Township. The Lawrence-Douglas County Health Department ~~is~~ also serves the planning area.

Law enforcement is shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.

The city-owned Lawrence Municipal Airport is located in the planning area north of Highway 24/40 and east of E 1500 Road. The city has owned and operated the airport at this site since 1929. The airport is a general aviation facility that is an all weather facility for business and recreation flyers. A portion of the airport is dedicated to aviation-related employment activities and the city is actively marketing the airport for new businesses while recently approving water and sewer extensions to serve the airport.

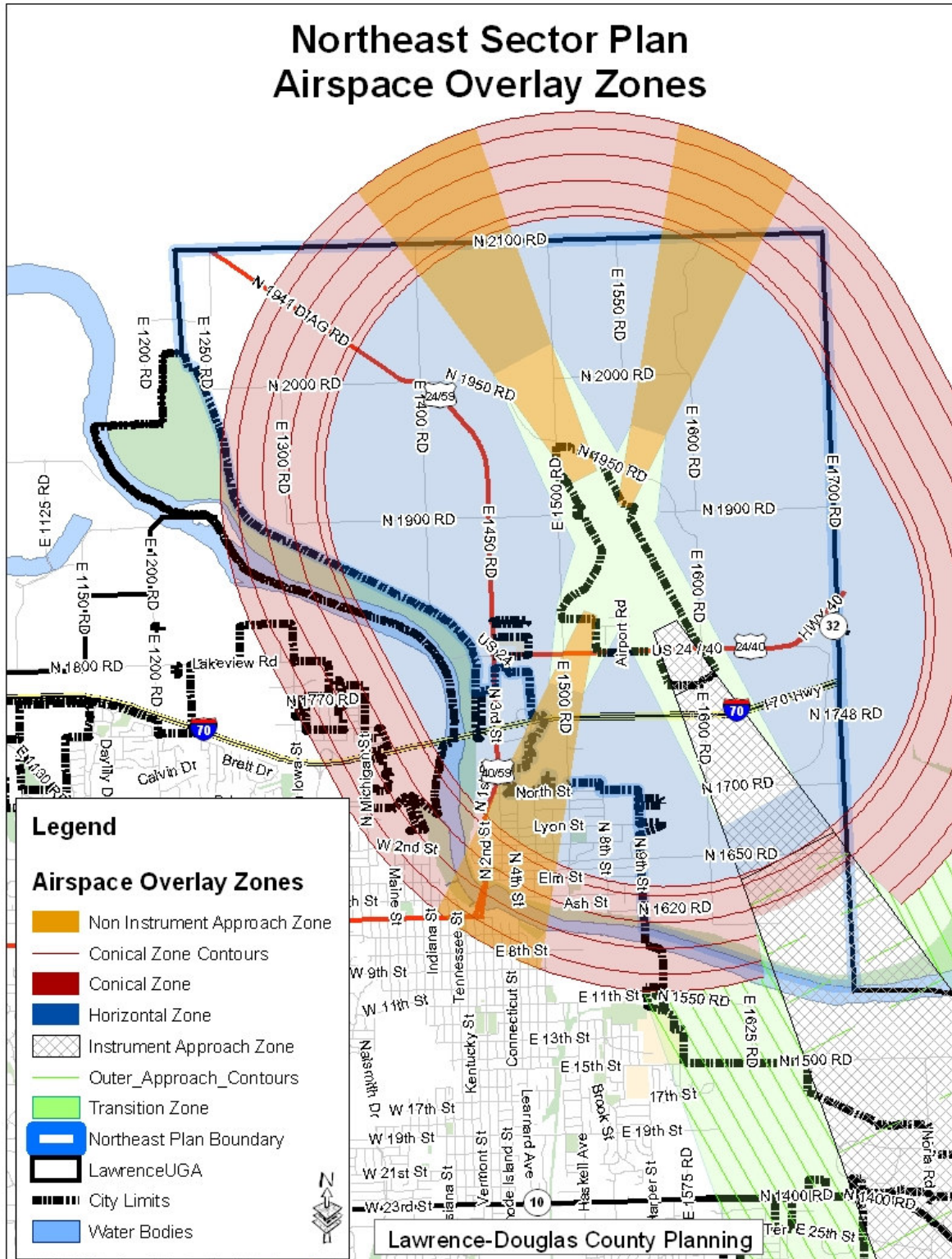
The Federal Aviation Administration (FAA) regulates certain aspects of the operation of the airport and the activity around the airport. There are restrictions in place that manage structure heights around the airport to help maintain the integrity of runway approaches. See Map 2-15. The FAA also mandates a 10,000 foot Wildlife Mitigation Buffer around the runway and taxiway improvements at the airport. The buffer extends 10,000 feet beyond the runway

and taxiways. The buffer is meant to keep water bodies and other wildlife attractants to a minimum. Proposed developments within the 10,000 foot buffer require FAA review. See Map 2-16.

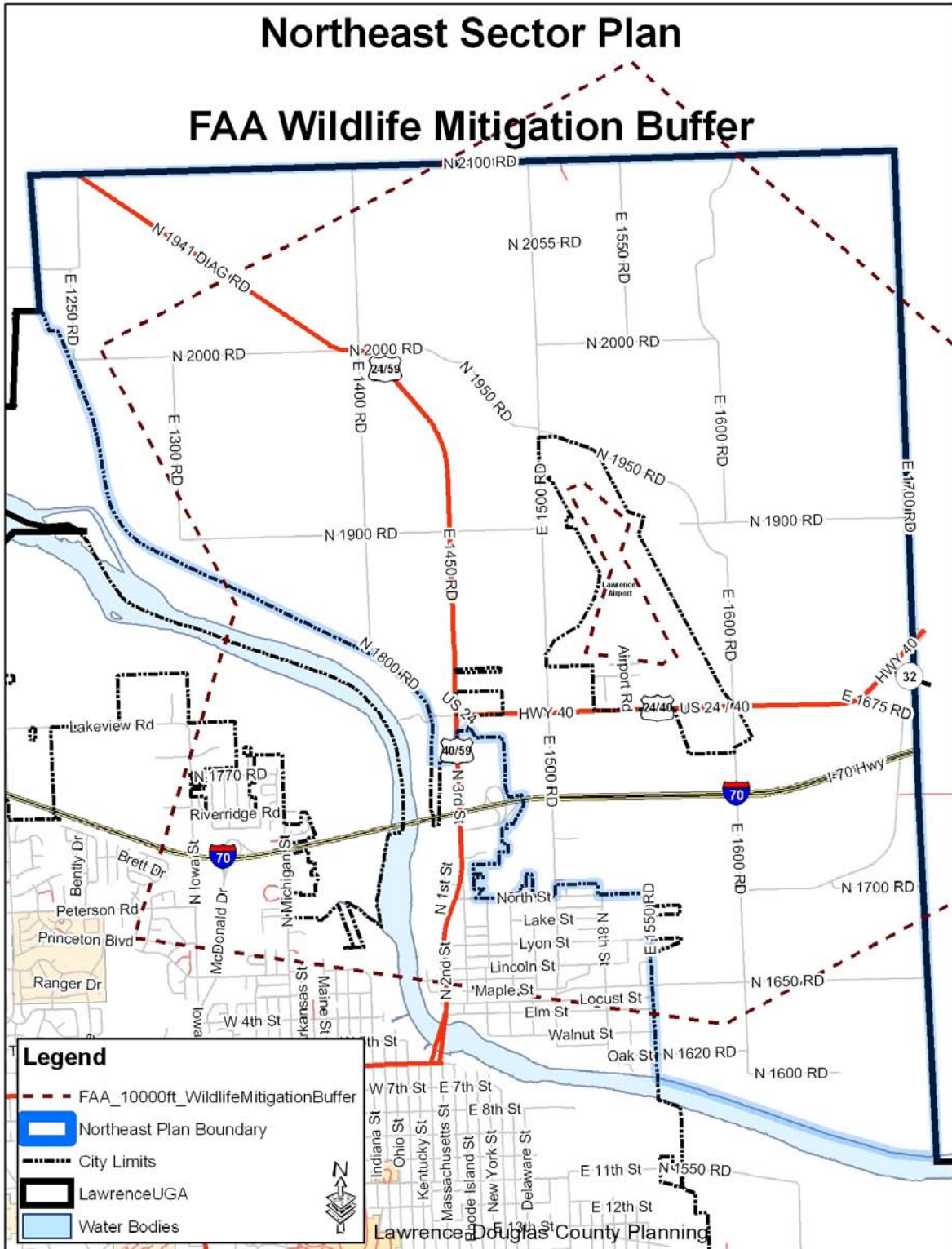
Map 2-14 – Community Facilities



Map 2-15 – Airspace Overlay Zones



Map 2-16 – FAA Wildlife Mitigation Buffer



Section 3 – Recommendations

The Northeast Sector Plan planning area is anticipated to develop with a range of uses and intensities that extend from agriculture to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to US 24/40 Highway and the airport. Agriculture uses are located in the majority of the planning area which is not anticipated to urbanize within the foreseeable future.

Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the area's unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- FAA Regulations and Lawrence Municipal Airport Protection Zones

Yet the planning area also benefits from the Lawrence Municipal Airport, nearby urban services, and access to I-70.

This plan recognizes the interconnectedness of these unique elements and proposes only limited urban development in the planning area.

3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Northeast Sector Plan* planning area.

3.1.1 Land Use

Goal: Establish future land uses appropriate for the following unique characteristics of the area:

The interaction of urban and rural lifestyles and development patterns

Multi-modal transportation system

- Airport
- Highway 24/40/59
- Interstate 70
- Railroad

Predominate agriculture use with existing industrial and commercial uses along the highways

Relatively flat terrain

Floodplain/stormwater challenges

KU Field Station and ecological reserves

Kansas River/Levee

3.1.1.1 Policies

3.1.1.1.a General

1. Establish an urban growth area boundary that considers the costs of urban development and that recognizes that the majority of the planning area will not develop in an urban manner during the time horizon of this plan.
2. Recognize that infrastructure challenges will limit urban growth in the planning area. Stormwater management costs identified by the North Lawrence Drainage Study are significant for urban development. The lack of slope of part of the planning area presents challenges for urban wastewater infrastructure and management.
3. Consider allowing alternate development standards for urbanized development that promote sustainable development– swales, no curb and gutter, pervious surfaces, etc. – that will limit the downstream impact of development.
4. Annex property in an orderly manner as urbanization of new development occurs. Further, consider annexing existing county industrial developments as utility issues in the area are better understood and as properties redevelop.

3.1.1.1.b Agriculture Use

1. Encourage continued agriculture use for the majority of the planning area, especially in areas with Class I and II soils and in the regulatory floodplain areas.
2. Encourage incentives/partnerships that assist the ongoing agriculture uses in the area.
3. Recognize that the impacts of farming – truck traffic, noises, etc. – are necessary and are not nuisances in the community.
4. Identify and create programs that promote continued agriculture use by supporting existing and new agriculture ventures.

3.1.1.1.c Industrial/Employment Use

1. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
2. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.
3. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate the Midland Junction area as a future industrial/employment area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Adoption of Nodal Plan is encouraged prior to urbanizing and/or providing urban services to this site.
4. Support continued development of the Airport property for aviation-related businesses.
5. Require compatible land uses within FAA guidelines related to runway protection zones and wildlife mitigation.

3.1.1.1.d Commercial Use

1. Per Horizon 2020 Chapter 6 – Commercial Land Use, designate the intersection of E 1500 Rd. and Highway 24/40 as a future Neighborhood Commercial Center.
2. Allow future commercial uses, in addition to industrial/employment uses, at Midland Junction to provide a greater mix of uses to support highway travelers after Nodal Plan is adopted. Consider improvements to Highway 24/59 that address the safety of the curves as part of a future Nodal Plan.

3.1.1.1.e Residential Use

1. Rural residential (rural estate) uses are permitted in portions of the planning area and are encouraged if supporting agriculture uses.
2. Very low density residential uses are encouraged for the non-regulatory floodplain area between the North Lawrence neighborhood and I-70.

3.1.1.1.f Open Space

1. Protect the existing and future Kansas University Field Station and protect it from future development projects with tools such as appropriate buffers and land uses that will minimize the impact of neighboring development.
2. Encourage continued use of the Kansas River levee as an open space amenity.

3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary by limiting it to those areas of Grant Township feasible for urban-type development through the analysis of this Sector Plan and the analysis of future water and wastewater master plans.

3.1.2 Environmental Resources

Goal: Consider the unique environmental resources of the area when reviewing development applications. Environmental resources include:

Class I and II soils

Flat terrain

Floodplain

Groundwater/Wells

KU Field Station and ecological reserves

Kansas River/Levee

Sand, gravel, topsoil, etc.

3.1.2.1 Policies

3.1.2.1.a Class I and II Soils

1. Recognize Class I and II soils as valuable to this portion of Douglas County for its permeability (positive attribute for stormwater and flooding) and crop production capabilities.
2. Encourage the preservation of high quality agriculture land (Class I and II soils) through conservation programs, private/public partnerships, and other funding mechanisms.
3. Encourage private agriculture easements that will preserve high quality agriculture land in perpetuity.

3.1.2.1.b Floodplain

1. The City and County should consider developing and implementing higher regulatory standards that promote no adverse impact in regulatory flood hazard areas as shown on the Flood Insurance Rate Maps for Douglas County and within the Floodplain Overlay District for the City of Lawrence.
2. Development should not be allowed within the regulatory floodway.
3. Promote the natural and beneficial functions of the floodplain.
4. Encourage natural stormwater management.
5. Crop and animal agriculture uses are appropriate in the regulatory floodplain.

3.1.2.1.c Groundwater

1. Promote land management choices that limit the potential for negative groundwater impacts.
2. Minimize pollutants percolating into groundwater systems to help ensure the quality of the area's groundwater systems.
3. 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.

3.1.2.1.d Kansas University Field Station

1. Encourage future development that is compatible with the Kansas University Field Station. Buffers and other methods may be necessary to mitigate the impacts of the built environment of future development projects in close proximity to the Field Station.
2. Promote the research and educational aspects of the Kansas University Field Station.

3.1.2.1.e Recreation

1. Maximize recreation opportunities by developing trails that connect to focal points in the area and to the larger interconnected Lawrence and Douglas County network, including the Kansas River levee trail.

3.1.2.1.f Sand, gravel, topsoil, etc.

1. Support the extraction of natural resources such as sand, gravel, topsoil, etc. if compatible with existing land uses, especially the Lawrence Municipal Airport and Kansas University Field Station, and if infrastructure can support the process of extraction.

3.1.3 Economic Development

Goal: Promote economic development opportunities that take advantage of the unique characteristics of the area, which include:

A multi-modal transportation system

- **Airport**
- **Highways 24/40/59**
- **Interstate 70**
- **Railroad**

Class I and II soils

Relatively flat terrain

Existing industrial and commercial businesses along the highways

KU Endowment land

3.1.3.1 Policies

3.1.3.1.a Airport

1. Support aviation-based development at the airport, and the necessary road and utility infrastructure, as an economic development generator for Lawrence and Douglas County.

3.1.3.1.b Industrial/Employment

1. Support goals and policies of Horizon 2020 Chapter 7 – Industrial & Employment Related Land Use and recognize that certain areas identified in Chapter 7 in the planning area are valuable to the goal of creating jobs for Douglas County.

3.1.3.1.c Agriculture Economy

1. Encourage public/private partnerships and programs to establish and support a sustainable local food program.
2. Establish incentives as part of a local food program that foster farm to table relationships.
3. Support the ag community by creating partnerships and programs that further economic development of an agricultural nature.
4. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
5. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.

3.1.3.1.d KU

1. Create partnerships with KU that help build the agricultural, research, aviation, and industrial businesses of the area.

3.1.4 Infrastructure

Goal: Improve existing services for the area and recognize the infrastructure challenges posed by the unique characteristics of the area when considering development applications. The unique characteristics include:

Relatively flat terrain
Floodplain/stormwater challenges
Township roads

3.1.4.1 Policies

3.1.4.1.a Existing Services

1. Develop partnerships between Douglas County, Grant Township and the City of Lawrence for appropriate road maintenance programs in the planning area as development occurs.
2. When conditions warrant, the City should consider locating a fire station near the airport to improve emergency service for the airport, the North Lawrence neighborhood, and the remainder of Grant Township.
3. Heavy truck traffic from commercial and industrial development should use highways or improved roads for travel through the area.

3.1.4.1.b Floodplain/Stormwater/Flat terrain

1. Consider implementing alternate sustainable development standards to help reduce the cost of stormwater improvements needed for existing and future development.
2. The flat terrain in some parts of the planning area hinders storm drainage. Stormwater improvements identified in the North Lawrence Drainage Study should be constructed as development occurs in the area.
3. Implement appropriate stormwater management practices throughout the planning area.
4. Flat terrain poses cost challenges to providing sanitary sewer to the area. Consider alternative sewer solutions when prudent.

3.1.5 Transportation

Goal: Continue developing a multi-modal transportation system that supports the designated land uses of the area.

3.1.5.1 Policies

3.1.5.1.a Safety

1. Work with KDOT to improve the Midland Junction Highway 24/59 curves to make the route safer for travelers.
2. Consider improvements to Highway 24/40 that facilitate easier turning movements onto and off of the highway – in particular at E 1500 Rd./N 7th Street and at the airport entrance.
3. Encourage on-going discussion with the railroad companies regarding rail crossing safety.

3.1.5.1.b Trails/Pathways

1. Develop a trail/bikeway system for the planning area that considers connecting to open space and recreation areas.
2. Include the planning area in the county-wide bikeway system map.
3. Identify and build pathways throughout the planning area.

3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the Northeast Sector Plan planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Zoning Regulations for the Unincorporated Territory of Douglas County and the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

This plan encompasses a large area that for the most part is not intended to urbanize, and as such, a large area is designated Agriculture on the future land use map. There are a number of properties in the planning area that have existing county zoning designations other than Agricultural zoning. Some of those properties are shown on the future land use map to have a different future land use through possible future urbanization. There are also properties that have county industrial and business zoning, and that are currently developed, that are shown on the future land use map as industrial or commercial, reflecting their existing developed use.

There are other properties that have County industrial or business zoning, but that are not presently developed and that are outside the anticipated urbanization area of this plan, that are shown as Agriculture on the future land use map. It is important to note that this plan does not take away those properties' rights to develop under the current county zoning regulations. Properties with zoning other than Agricultural that seek to develop for a permitted use may do so without oversight of the future land use map of this plan as long as they receive the appropriate approvals to do so.

3.2.1 Land Use Descriptions

3.2.1.1 Agriculture

The Agriculture classification is intended for those parts of the planning area not anticipated to urbanize over the course of the planning horizon. The primary existing use of this classification is agriculture uses such as row crops, livestock production, and pastureland. Secondary uses include residential and other uses allowed in zoning districts. The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County. Existing uses that are not agriculture or residential, and that have the appropriate existing zoning for the use, are not affected because this policy classification is not changing the zoning on the property. The Agriculture classification contains regulatory flood hazard areas. Development on properties containing flood hazard area must comply with the flood plain regulations of Douglas County.

Density: Per Douglas County Zoning Regulations

Intensity: Very low

Zoning Districts: Douglas County - A (Agriculture District), "A-1" (Suburban Homes District)

Primary Uses: Agriculture, commercial greenhouse, commercial riding stable, grain storage structures, single-family dwellings, churches, schools, parks and open space and utilities.

3.2.1.2 Very Low-Density Residential

The intent of the Very Low-Density Residential classification is to allow for large lot, single-dwelling type uses. The very low-density classification is expected to urbanize within the city of Lawrence.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Zoning Districts: Lawrence – RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agri-businesses

3.2.1.5 Airport

The intent of the Airport category is to designate the existing City-owned Lawrence Municipal Airport land and allow for aviation-related development.

Intensity: Medium-High

Zoning District: Lawrence – IG (General Industrial District)

Primary Uses: Aviation-related uses

3.2.1.6 Public/Institutional

The intent of the Public/Institutional Use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: Douglas County – A (Agriculture District); Lawrence – GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

3.2.1.7 Kansas University Field Station

The intent of the KU Field Station Use is to classify the existing Kansas University property.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District)

Primary Uses: crop agricultural, cultural center, teaching, active recreation, passive recreation, nature preserve, research

3.2.1.8 Open Space

The intent of the Open Space classification is to provide future opportunities for public and private recreational facilities and natural area preservation. This category primarily includes regulatory floodway areas as well as regulatory floodplain areas that are not in the Agriculture Land Use classification.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District), V-C (Valley Channel District); Lawrence – GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),

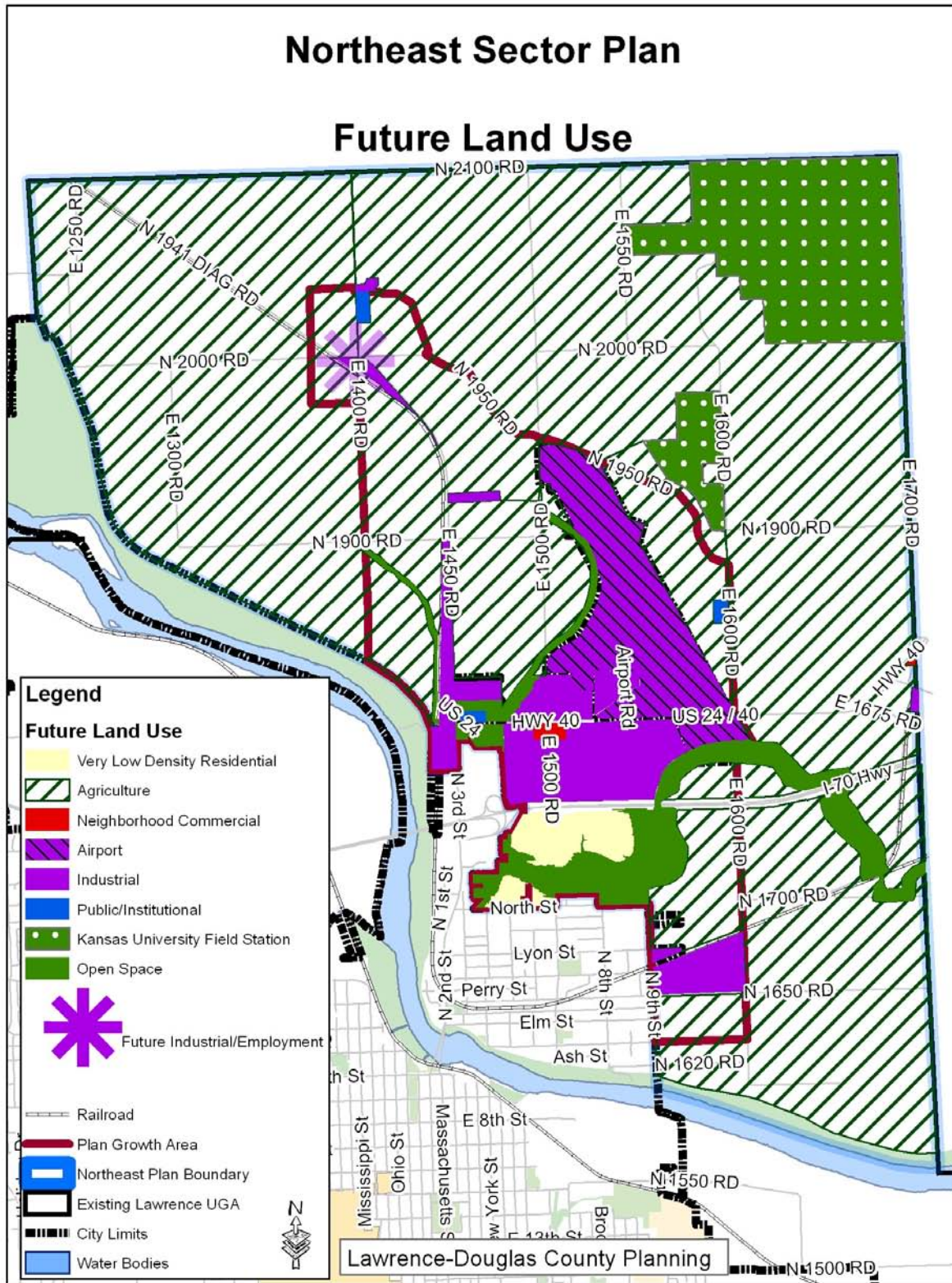
Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

3.2.1.9 Future Industrial/Employment

This classification recognizes the Midland Junction area as a future employment center. Although the area may or may not urbanize and support a larger employment base and possibly expanded commercial uses, this likely won't happen for at least 30 years (Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use).

A Nodal Plan will be required prior to the area substantially developing. A Nodal Plan will provide a detailed land use examination of the Midland Junction intersection. The Nodal Plan should determine future land use, including a consideration for some commercial land use. In addition to future land use, among the other issues the Nodal Plan should examine are: traffic safety issues with Highway 24/59, stormwater, and Class I and II soils.

Map 3-1 – Future Land Use



3.3 Implementation

1. Amend *Horizon 2020* Chapter 6 - Commercial Land Use designate the Neighborhood Commercial Center at the intersection of E 1500 Road and US Highway 24/40 to the southern portion of the intersection of E 1500 Road and US Highway 24/40.
2. Reevaluate and update the Lawrence Urban Growth Area (UGA) in *Horizon 2020*.
3. Include the planning area in the future wastewater and water master plan updates.
4. Include the planning area in future long-range transportation plan updates.
5. Reassess the planning area in a Bikeway Map update to include connecting the open space areas to the greater trail network.
6. Consider implementing regulations that promote no adverse impact for floodplain management.



Sustainability Action Network

Local Solutions for Transition to a Sustainable Economy

Lawrence North-East Sector Plan

23 April 2012 – Lawrence-Douglas County Planning Commission

Because of energy depletion, the economic development model for the 21st Century differs from that of the 20th Century. The exponential growth rate of the 20th Century was highly dependent on abundant, cheap petroleum. But everyone monitoring global energy flows, including the Pentagon, the Geological Society of America, the Congressional Research Service, Shell Oil, the International Energy Agency, and many more, has acknowledge that the supply of conventional oil from all major oil fields can no longer meet the growing global demand for oil. What remains is the difficult and expensive oil. That is the essence of peak oil.

The record petroleum price of \$147 per barrel in 2008 triggered a temporary drop in demand and prices. But as emerging economies demand more oil, recent prices have reached \$110 per barrel, and oil-derived products such as pavement, plastics, and fuels are costing more. Most troubling, however, is that agricultural energy accounts for 17% of total U.S. energy use, about half being petroleum, for fuel, hydraulics, pesticides, fertilizers, processing and transport.

By now I imagine the Commissioners have read the Lawrence peak oil plan entitled “Solutions to Peak Oil Vulnerabilities”, from which this data is sourced. Planning for energy depletion in the 21st Century is critical, the impact on our ability to feed ourselves being paramount. Already we are seeing two major trends in agriculture prompted by rising energy prices – local and regional food, and organic food – both with considerably lower energy profiles.

As noted in the Staff report for the N. E. Sector Plan, the top solution in the peak oil plan for local food vulnerability is to “Redraw the City’s Urban Growth Area boundaries to preserve high quality soils for agricultural uses”. Omitted was the rest of the statement, “Encourage brownfield and infill development as alternatives to nonagricultural development of high quality soils”. The key here is location. Located in the N. E. Sector are Capability I & II soils with inherent fertility that needs minimum energy inputs. Given future energy cost inflation, it would be insanity to urbanize this world class treasure. Industry should be located elsewhere.

Furthermore, it is a 20th Century anachronism that “flat terrain promotes industrial uses” as staff said. Industry was historically located in bottom land simply because it was served by rail which required no more than 3% grade. Whereas today, most freight trucks can handle up to 7-8% grade and navigate hillier sites in Lawrence. A more compelling case can be made for flat terrain being used agriculturally, because the bottom land is where the best silty loam soils have accumulated, and the water table is more accessible.

Another fallacy that persists is that the N. E. Sector is served by multi-modal transportation. The space constraints of the Lawrence Municipal Airport prevent it ever developing on par with the New Century AirCenter or Forbes Field. And Union Pacific has rail sidings only at the bankrupt Schmidt Lumber and at Midland Junction, 1 and 2 miles north west. Potential new sidings are just one more of the unaccounted infrastructure costs to urbanize this farmland.

Finally, it is unfair that a handful of landowners in the valley insist that the larger community upzone and appreciate the value of their land, simply because they want to maximize their asking price. They have no legal basis for such demands, because numerous U.S. Supreme Court decisions have said that reasonable, uniformly applied land use regulations designed to secure the common welfare do not constitute legal takings. The Court narrowly defined taking: “When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking.” <http://caselaw.lp.findlaw.com/data/constitution/amendment05/16.html#f236>

For these few landowners, the agricultural status quo has not stripped the value of their land, so if they sell it at agricultural valuation they are not suffering a taking. But were the larger community to devise a plan by which these few landowners could apply for upzoning, they would be the last to admit that such would constitute a “giving”.

If our community feels compelled to assist these landowners, it would be more constructive to create a “Local Farm Link” program similar to the Pennsylvania Dept. of Agriculture program that links young prospective farmers with retiring farmers who want to sell their land. http://www.pafarmlink.org/succession_success.html

Likewise, Lawrence should adopt Transfer of Development Rights (TDR) for Capability I and II prime soils specifically. In such a program, lands containing these soils are so designated, and farm owners can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund. http://www.greenvalleyinstitute.org/landuse_innovativezoning.htm

Therefore, the Sustainability Action Network requests that the version of the N. E. Sector plan that you adopt be the one designating zero acres for additional industrial/commercial uses.

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

April 22, 2012

RECEIVED

APR 23 2012

City County Planning Office
Lawrence, Kansas

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

RE: ITEM NO. 4: Northeast Sector Plan: CPA-6-5-09

Dear Chairman Hird and Planning Commissioners:

As you know, the Land Use Committee has sent you several letters regarding the issue of future land use for the Northeast Sector Plan.

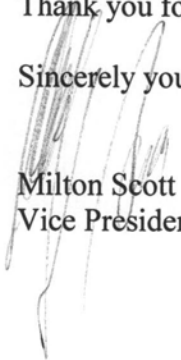
We have asked that you not designate for industrial or commercial development those areas that are in the identified types of I and II Class soils areas or in the 100-year flood plain.


The Citizens for Responsible Planning has asked that you not include these areas for designated industrial and/or commercial development in their current letter to you. Our Land Use Committee is endorsing that letter.

Of the four Options presented to you by the planning staff to consider in the Future Land Use Map for the Northeast Sector Plan, we believe that Option 3 comes closest to meeting these objectives stated in the letter from the Citizens for Responsible Planning and those positions expressed on this issue in the previous letters to you from our Land Use Committee.

Thank you for your consideration of this issue.

Sincerely yours,


Milton Scott
Vice President


Alan Black, Chairman
Land Use Committee

Jerry Jost
217 North Fifth Street
Lawrence, KS 66044
April 23, 2012

Richard Hird, Chair
Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Hird,

I am a resident of North Lawrence and a resident of Grant Township for the past twenty years. I am concerned about the safety issues related to storm water management in the Northeast Sector. The following texts are selected excerpts taken from the North Lawrence Drainage Study. The emphasis is mine.

NORTH LAWRENCE DRAINAGE STUDY

Section VI: Watershed Analysis

Recommendations

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. Currently, the roads are not raised far above the floodplain and the hydraulic structures are relatively small. The result of this is that there is significant overtopping of the road during times of high flow. During such times, it is very dangerous, if not impossible, for emergency vehicles to traverse these roads. With a dense urban population, this will become unacceptable. Therefore, the roads will not only have to be improved to increase traffic capacity, but will have to be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. By raising the road, it cuts off the large amount of water that used to flow across the lower roads. It is therefore necessary to provide hydraulic structures capable of passing that large amount of additional flow, while not increasing water surface elevations upstream. This results in some significant increases in required flow capacity over the existing hydraulic structures.

Future Hydraulic Drainage Improvements

As the area develops, the need for uninterrupted transportation and emergency services will increase. An investigation was undertaken to assess the requirements for raising the major roads above the 100-year elevation and building hydraulic structures that would pass the 100-year with out increasing the backwater. In the North Lawrence basin there are approximately 5 miles of roads that would fall under these criteria. To construct major arterial streets on mostly borrowed fill and only across

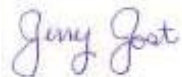
the 100-year floodplain and upgrade the associated hydraulic structures to pass the flows without causing increased flooding upstream would cost approximately \$14.3 million. This does not include ancillary items such as interface with other roadways, bridges, traffic control devices, right-of-way acquisition, etc. There are fourteen hydraulic structures on these roads in the current model.

Judging by the sewer improvement project at the airport, these improvements could be more difficult and expensive than projected. Also proposed engineered solutions can bring unanticipated consequences. What seemed like an easily engineered project has been riddled with cost and time overruns and even a failed first attempt. Even during the past dry summer seven pumps couldn't successfully pump out the underground water to install the septic system tank.

The costs to the taxpayer of improving five miles of roads and eleven bridges along with improving fourteen hydraulic structures and adding new traffic control devices are formidable. Douglas County has more cost effective sites for industrial development with less risk to public safety than planning for increased industrial development in the Northeast Sector.

Thank you for your consideration of these concerns.

Sincerely,

A handwritten signature in blue ink that reads "Jerry Jost". The signature is written in a cursive style with a loop at the end of the last name.

Jerry Jost

U.S. Supreme Court rulings on Regulatory Takings – Case Law

Northeast Sector Plan

26 July 2010

Michael Almon

There is a substantial body of case law on land use and takings, specifically regulatory takings, and the U.S. Supreme Court has established clear precedent in this regard. Regulatory takings are applied in any number of situations, but primarily for the public health and safety.

Reasonable public policy is fully justified for the protection of our population from flooding through flood plain preservation, for assuring the solvency of our city and county infrastructure budgets, and for securing our community's ability to feed ourselves as peak oil increasingly drives up food prices and limits food imports.

The Commission is on firm legal footing when adopting plans with specific provisions for regulatory takings that protect our common health and safety. You would be derelict in your duties if you did not do this. I urge the Commission to incorporate the following into the Northeast Sector Plan.

1. Promulgate public policies and codes that recognize numerous U.S. Supreme Court case decisions which say reasonable, uniformly applied land use regulations do not constitute legal takings. Some of the rulings include:
 - No one may claim damages due to police regulation designed to secure the common welfare, especially in the area of health and safety regulations. The distinguishing characteristic between eminent domain and police regulation is that the former involves the taking of property because of its need for the public use, while the latter involves the regulation of such property to prevent the use thereof in a manner that is detrimental to the public interest. (Nichols' The Law of Eminent Domain Sec. 1.42; J. Sackman, 3d rev. ed. 1973)
 - Land use controls constitute takings, the Court stated, if they do not “substantially advance legitimate governmental interests”, or if they deny a property owner “economically viable use of his land”. (Agins v. City of Tiburon)
 - When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking. (Lucas v. South Carolina Coastal Council, 112 S. Ct. 2886, 2895 - 1992)
 - These and considerably more may be found at:
<http://caselaw.lp.findlaw.com/data/constitution/amendment05/16.html#f236>
2. Adopt a zoning category of “exclusive agricultural use” for rural properties, with a gradient of development limitations keyed to the USDA soil classification levels. This would not be a requirement, merely a zoning category that a landowner may request for their land
http://www2.co.multnomah.or.us/Community_Services/LUT-Planning/urban/zonordin/efu/efu.html
3. Adopt code provisions for the Transfer of Development Rights (TDR) of Capability I and Capability II prime soils specifically. Using such a program, lands containing these soils are so designated, and owners of such farmland can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund.
http://www.greenvallleyinstitute.org/landuse_innovativezoning.htm

To: Chairman Richard Hird

Members of the Lawrence-Douglas County Metropolitan Planning Commission

From: Jayhawk Audubon Society

Re: Northeast Sector Plan

We would like to endorse the letter sent to you by the Citizens for Responsible Planning.

We believe that they have made a very thorough case for why there are much more appropriate locations where industrial development should be planned and the Class I and Class II soils preserved for agricultural uses. We also concur that the historic tendency for this area to be flood prone is another significant reason to avoid uses that would exacerbate flooding.

Thank you for taking our comments into consideration.

Sincerely,

Gary Anderson, President

Jayhawk Audubon Society

From: Lane Williams [<mailto:lane@drckansas.org>]

Sent: Saturday, April 21, 2012 11:19 AM

To: Jerry Jost; Dan Warner

Cc: Barbara and David Clark; Ted Boyle; Debbie Milks Charlie Novogradac; Debbie Milks

Subject: RE: NE Sector Plan - PC Meeting - Proposed Changes

Good job, Jerry. Thanks for preparing it. Charlie and Debbie, I also think your letter to the commission is terrific.

I talked with one of the rail staff at KDOT yesterday. He used to live in Lawrence and is very familiar with the area. As I understand, there are no federal or state regulations on whether/how a siding can cross a US highway, but there are some big negatives to it ever happening:

1. It's strictly up to Union Pacific whether to allow the siding of the existing lines, and it likely will want millions of dollars to allow siding lines;
2. It will require 2 siding lines (one goes to the industrial site and one is used to store cars) so there's a question whether there's enough space between the existing tracks and the highway;
3. UP will require the site to ship a minimum number of cars before it will agree to add the lines. It could be anywhere from 10 to 100 per week;
4. The existing tracks are 2 of UP's primary through lines, particularly for transporting coal, and are rated for speeds of 60 and 70 mph; this makes using a line for switch traffic which runs much slower a potential safety risk;
5. Whether/how it crosses the highway(s) is up to the city and county with KDOT input regarding safety issues;
6. It will cost somebody (the developer or the taxpayers) a bunch of money to make it safe, considering the intersection at TeePee junction is busy and the crossing to the west going into the riverside park is notoriously dangerous;
7. Crossing south of the intersection requires crossing only one highway but would require condemning/buying some of the KOA campground;
8. Crossing north of the intersection seems highly unlikely because the line would have to cross 2 highways, including a potentially raised US 24 (per the N. Lawrence drainage study), and traverse floodplain; and
9. Crossing in either location will clog vehicle traffic because switch trains can take forever to cross.

See everyone Monday.

Lane



March 13, 2012

To: Lawrence-Douglas County Planning Commission

Re: Northeast Sector Plan

Dear Commission Members:

The Lawrence Chamber of Commerce has participated in nearly every public forum and hearing on the Northeast Sector Plan for the past three years and agree that it is time to move forward.

We stand with many of the landowners in Grant Township in maintaining that long-range planning requires consideration be given to the amount of industrial acreage indicated in the long-range plan. Three significant elements are present in this area: It is a unique transportation hub in Lawrence, Douglas County and Northeast Kansas with Interstate 70, four other major highways, the Lawrence Municipal Airport and Union Pacific Railroad all available for movement of goods and services; it contains Class 1 and 2 tillable soils and major farming operations which already have produced significant scientific discovery in production agriculture. Those major producers have indicated a willingness to share access to their soils for smaller garden operations for local consumption; and it lies close to the Kansas City Metro area and directly in the center of the Ag Corridor from Manhattan, Kansas to Columbia, Missouri. This is an area of future agricultural research and production that will be important for generations to come as we learn better ways to feed our own nation and share that knowledge throughout the world.

We also understand that considerable work still needs to be done to protect the interests of those who live and work in North Lawrence. Flooding problems and river shoreline issues must be addressed before any kind of major industrial district might be considered, but the issues listed above should be noted when future consideration is given for development, particularly for agricultural-industrial uses. The judicious use of limited acreage with carefully planned water retention should be open for consideration.

Thanks to the Planning Staff, especially Dan Warner for long hours spent working with many people with many different opinions over the past three years.

Hank Booth
Interim President/CEO

Lawrence Chamber of Commerce, 646 Vermont Street, Suite 200, Lawrence, KS 66044

From: Rich Bireta [mailto:rbireta@us.ibm.com]
Sent: Monday, April 09, 2012 11:07 PM
To: Dan Warner
Subject: NE Sector Plan - Three Options

Dan,

Nice, comprehensive job on the "three options" memo. Grant Township Board of Trustee will not take a position as to which to select but urge selection of one of the options and passage of the entire NE Sector Plan which is a solid piece of planning work.

~Rich

Rich Bireta,
Grant Township Trustee

CHESTNUT CHARLIE'S

**Charles NovoGradac
Box 1166
Lawrence, KS 66044
785 841-8505
www.chestnutcharlie.com**



April 13, 2012

Lawrence and Douglas County
Planning Commission
Lawrence, KS 66044
(by email)

Re: Comments to Planning Commission on Northeast Sector Plan

Dear Planning Commissioners and Staff:

As landowners in the Northeast Sector Planning area, we disagree with the proposals to designate more farmland for industrial uses. We support the alternatives that call for respecting Capability 1 and 2 farm soils.

We are owners/operators of a tree farm and also an industrial warehouse close to the farm land southeast of the municipal airport. In addition to the exacerbation of storm water and flooding due to incremental development, on which we have previously commented, we would like to illustrate an additional point.

Proximity to the highways and the rail corridor has been touted as being ideal for industry and employment. But these highways and railroads have been in place for over 50 years while development attempts have had mixed and disappointing results. Compared to the prosperous farm soils that have been farmed continuously and successfully for many decades, many of the developed properties are now failed businesses. Much acreage remains vacant, and some properties are blighted.

To illustrate, the following snapshots illustrate some of the many vacancies and under-utilized industrial and commercial properties along US24/40/59 from within one mile north and south of TeePee Junction. All are close also to the I70 (KTA) exit. All of the following photos were taken within the last two weeks.



Former Kaw Metals,
SW corner, TeePee Junction



South of Kaw Metals



Northwest corner, TeePee Junction, 10 acres



1841 E. 1450 Road, out of business, for rent,
now owned by the authors



formerly Schmidt Lumber, vacant, for sale



Kaw Valley Supply, closed , half still vacant



Refurniche consignment store
out-of-business



Bulldog Tow, business liquidation, land and
building for sale

The above properties on this page are within one mile north of TeePee Junction on US 24/59, and back up to the railroad. One or two may even have rail sidings.



Formerly Midwest Surplus, now vacant



Websters manufactured homes, closed, for sale



Warehouse & office north of I-70, east side



Commercial building with long term vacancies



Former lumber yard, south of former Tanger Outlet Mall



Former Tanger Mall, largely vacant

The number and extent of vacancies in this area suggests a problem which is not addressed by the draft Northeast Sector Plan. There is too much developed industrial/commercial land which is vacant and underutilized in the area. The worst of it we can fairly characterize as blight.

The farms in the area have exceptional soils. The land is consistently planted and apparently prosperous. Our City and County master plan should not encourage development of virgin farm land while so many acres already spoiled for farming remain vacant and under-utilized.

For each of the properties which were developed from farmland, the natural drainage into permeable soil has been compromised by landfill and impervious surfaces. In none of the vacant industrial properties we have surveyed for this letter has there been any drainage mitigation. The burden of additional storm water falls on neighboring and downstream landowners. To add further to this problem would not be wise and responsible planning.

We submit that the Planning Commission should adopt the option recommended by the Citizens for Responsible Planning. Do not add industrial land outside of the properties already so zoned. Remove the industrial “snowflakes” from the area southeast of the airport.

Respectfully submitted

/s/

Charles NovoGradac and Deborah Milks

From: Barbara Clark, Maggie's Farm [mailto:maggiesfarm@sbcglobal.net]
Sent: Thursday, April 19, 2012 4:03 PM
To: Dan Warner
Subject: Northeast Sector Plan and value of Capability Class I and II Soils

Hi Dan, Could I ask you to forward this email to the Planning Commissioners for Monday's meeting re: Northeast Sector. Could I also ask that you check my link to the USGS Study...I'm a Luddite when it comes to computer work.

Many thanks.
Barbara

Dear Planning Commissioners,

I would like to forward to you a link to a recent (2/1/2012) U.S. Geological Survey study, *Irrigation Causing Declines in the High Plains Aquifer* by Stanton and Lubeck.

"Groundwater withdrawals for crop irrigation have increased to over 16 million acre-feet per year in the High Plains Aquifer, according to a recent U.S. Geological Survey study.

The USGS study shows that recharge, or the amount of water entering the aquifer, is less than the amount of groundwater being withdrawn, causing groundwater losses in this already diminished natural resource. Crop irrigation is the largest use of groundwater in the aquifer, and, over the past 60 years, has caused severe water-level declines of up to 100 feet in some areas. The new USGS findings address concerns about the long-term sustainability of the aquifer.

The High Plains Aquifer underlies nearly 175,000 square miles in parts of eight states - Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming - and is a major source of groundwater irrigation in the region. The High Plains region supplies approximately one-fourth of the nation's agricultural production." (USGS - Stanton and Lubeck, *Irrigation Causing Declines in the High Plains Aquifer*, 2/1/2012).

The outcome of this study places an even higher value on preservation of the Capability Class I and II soils in the Northeast Sector. The soils in the Northeast Sector are not dependent on a rapidly depleting aquifer. Rather, the ground water levels of the soils in the Kansas River Valley give us a far greater availability and sustainability for agricultural irrigation needs for the future. These soils will play an important role for the agricultural needs of our county, if not our greater region.

To close with a quote from one of the authors of this study, "Because groundwater losses are greater than recharge, water levels in many parts of the aquifer are currently declining. Such information can inform groundwater management decisions made by state and local agencies." (USGS - *ibid*)

We as a community should also let this study inform us to the value of our high-quality agricultural land and the importance of their preservation for future generations.

Click [here](#) for the Executive Summary of the article and a link to the entire document.

With thanks.
Respectfully,
Barbara Clark

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

Maggie's Farm
www.maggiesfarm-ks.com
"wear more wool"



Citizens for Responsible Planning
April 23, 2012

Richard Hird, Chair
Lawrence-Douglas County Metropolitan Planning Commission

Dear Chairman Hird,

Citizens for Responsible Planning, an informal network of interested citizens, support citizen engagement in the planning process for the Northeast Sector Plan. We appreciate the past efforts to build community input into this planning process.

Historically the Northeast Sector has been shaped by the repeated flooding of this river valley. This movement of water has deposited some of the finest soils and created some of the best agricultural land in Kansas. This rich natural asset in the Northeast Sector creates the largest contiguous acres of Capability Class I and II Soils in Douglas County. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states “The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community.”

Of the 303,808 acres in Douglas County, only 8,370 acres have Class I soils and by 2009 24% of those acres have been developed. There are 33,053 acres of Class II soils in our county and 38% has already been developed. (Please refer to the attached Exhibits A and B.) Citizens for Responsible Planning recommends directing industrial development to other areas already designated for industrial that do not have the high concentration of Class I and II soils. Attached with this letter is a comparison of all eleven sites identified on Map 7-2 - Potential Location for Future Industrial and Employment Related Land Use in Chapter 7 of Horizon 2020. (Please refer to Exhibits C and D.) The table in Exhibit D demonstrates the many options available to our community for future industrial sites that do not present the extreme challenges or contain comparable content of contiguous acres of Capability Class I and II Soils.

The December 12, 2011 staff memo identified approximately 1,426 acres of future industrial areas in recent sector plans. This acreage total far exceeds the Horizon 2020 goal of 1,000 acres. This suggests we have an overabundance of other sites within the county for industrial development. These areas come without the costly and failure susceptible infrastructure required for the development on flood prone land. Most significantly these other sites do not carry the risk of catastrophic flooding to the some 3000 downstream residents of North Lawrence.

We would also like to present some important contextual information for your consideration using maps referenced within the Northeast Sector Plan. It is our feeling that graphically placing the proposed industrial area on these attached maps gives clear context to the challenges facing development in this area.

Map 2-9	Regulatory Flood Hazard Area and Streams - Flood Hazard Area pg. 2-18, Exhibit E
Map 2-13	Class I and II Soils pg. 2-22, Exhibit F

We have placed comment boxes on each of these mapping tools. We believe these restrictive conditions would impact development in this proposed industrial area. We would also request that the recommendations within the North Lawrence Drainage Study be considered before creating new industrial areas.

The perennial local storm water problems within the levy, compounded by the likelihood of river flooding and the consequent closing of the floodgates (such as in 1993), and the almost level drainage gradients throughout the area, demand extraordinary engineering solutions. Development on farmland near the drainage ways reduces the natural buffering and increases the risk of property loss from flooding. The high cost of engineered drainage, including the construction costs and maintenance in perpetuity, makes the farmland within the natural floodplain a comparatively costly area to develop.

Proposed new industrial areas within the Northeast Section have included a 300-acre option and a 125-acre industrial development option. Exhibits G and H illustrate the high concentration of Class I and II soils in the proposed industrial areas southwest of the airport.

In addition to the above concerns; perhaps the most important consideration is the impact of increased risk of flooding to public safety.

Therefore, Citizens for Responsible Planning recommend that there be no industrial or commercial areas south and west of the airport. We also recommend that the industrial "snowflakes" be removed from this location adjacent to the airport as well as at Midland Junction.

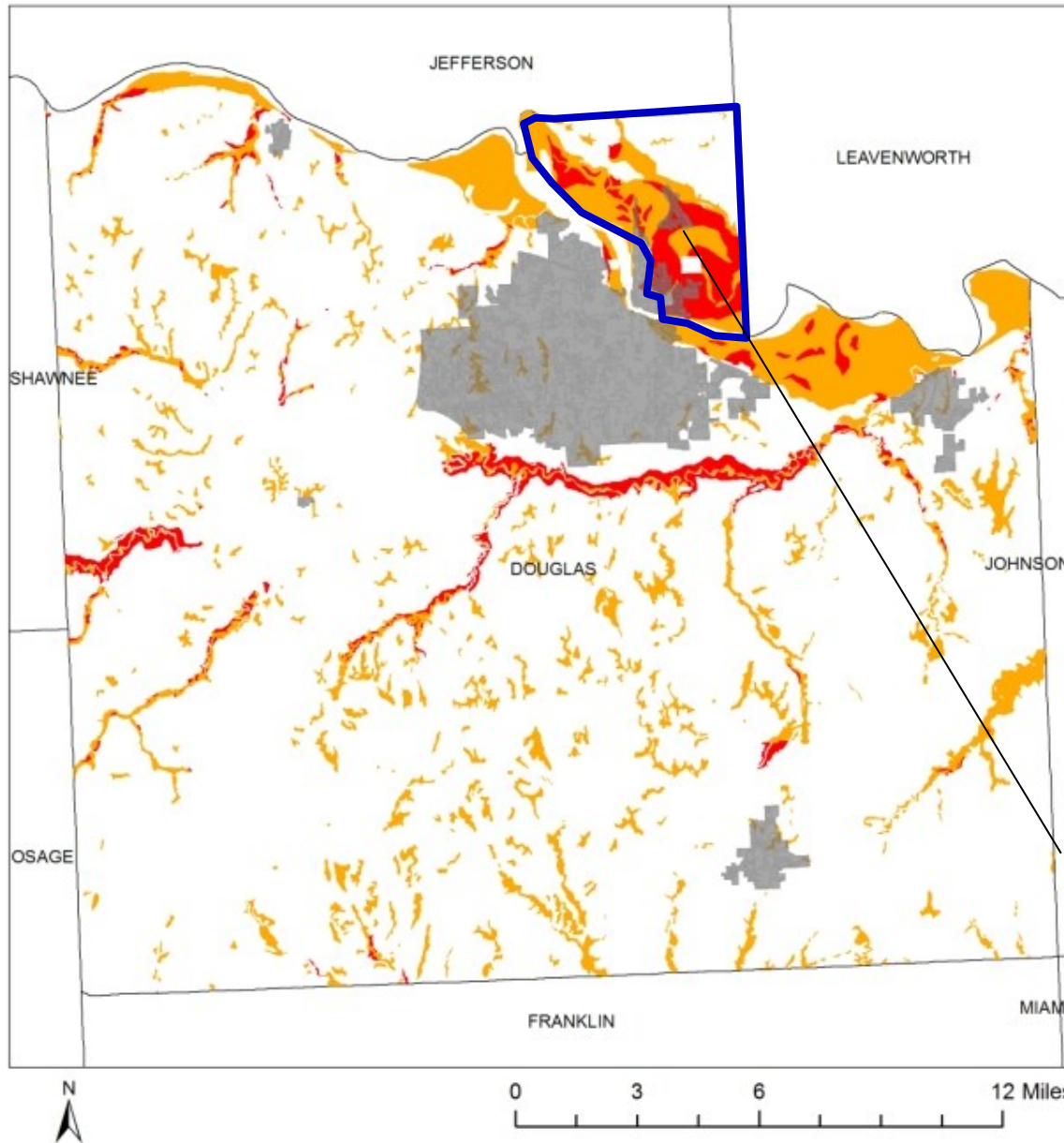
Respectfully Submitted,

Jerry Jost
Ted Boyle
Barbara Clark
Deb Milks
Charlie NovoGradac
Lane Williams
Deborah Altus
David Baird
Kelly Barth
Kim Bellemere
Thomas Birt
Lynne C. Bodle
Marilyn Brune
David Buress
William H. Busby
Lynn Byczynski
Alison Cain

Clark Coan
Joe Douglas
Vicki Douglas
Hilda Enoch
Marcia Fisher
Chet Fitch
Deanna Fitch
Bob Gent
Lisa Grossman
Marcel Harmon
Kim Heck
Jason Hering
Carol Huettner
Sacie Lambertson
David F. Lambertson
Eileen Larson

Alice Lieberman
Bob Lominiska
Jake Lowen
Janet Majure
Julia Manglitz
Sally McGee
Dan McMinn
Daniel Nagengast
Daniel Poull
Joseph Ramagli
Simran Sethi
Frank Shopen
James Smith
Mary Ann Stewart
Susanne Stover
Linda Zohner

Class 1 and 2 Soils, plus all Urban land types

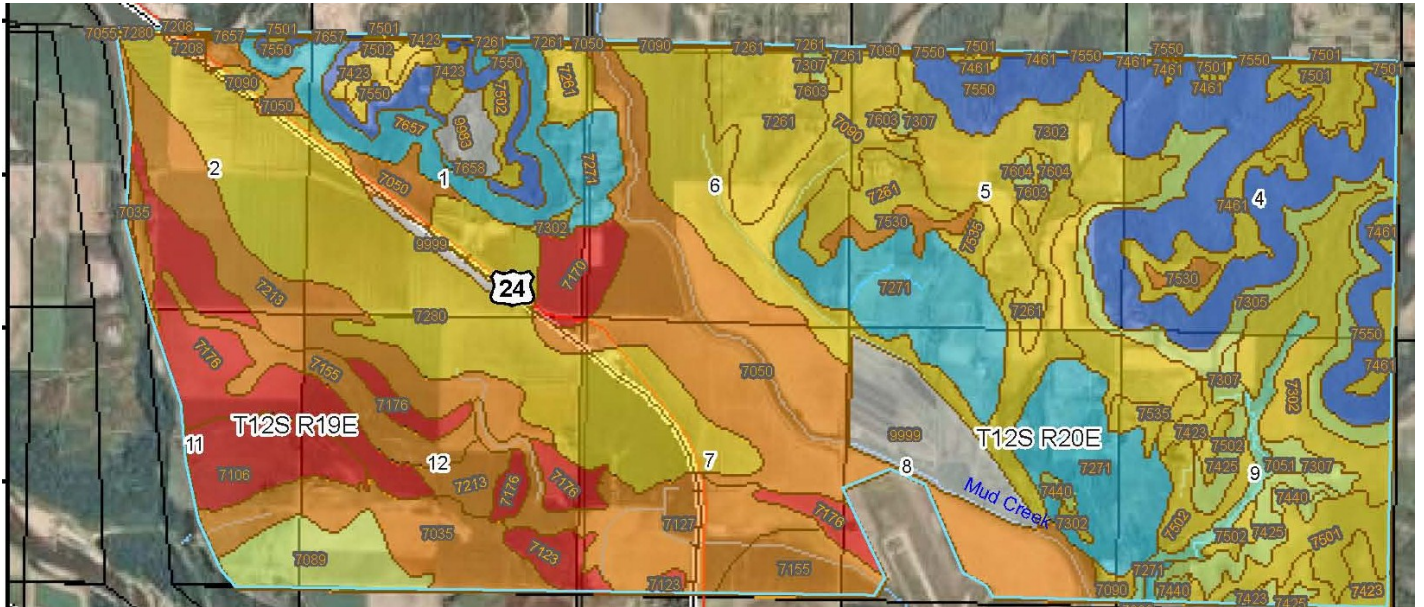


	Acres
Class 1, Total	8,366
Class 1, Urban	2,009
Class 2, Total	33,053
Class 2, Urban	12,761
Urban, Total	21,298
Total Area	303,808













The Northeast Sector is outlined with a blue boundary. As you can see, the NE Sector has an extremely high concentration of Class I and II soils compared to the rest of the county. Approximately 27.4% (2,708 acres) is Class I soils and 28.7% (2,842 acres) is Class II soils. This translates as approximately 56% of the land has Class I or Class II soils with fertility created by historical flooding and siltation.

NE Sector Soil Capability Classes

USDA NRCS Soil Survey



MAP LEGEND

- | | | |
|---|---|-------------|
| Area of Interest (AOI) |  | Local Roads |
|  | Area of Interest (AOI) | |
| Soils | | |
|  | Soil Map Units | |
| Soil Ratings | | |
|  | Capability Class - I | |
|  | Capability Class - II | |
|  | Capability Class - III | |
|  | Capability Class - IV | |
|  | Capability Class - V | |
|  | Capability Class - VI | |
|  | Capability Class - VII | |
|  | Capability Class - VIII | |
|  | Not rated or not available | |

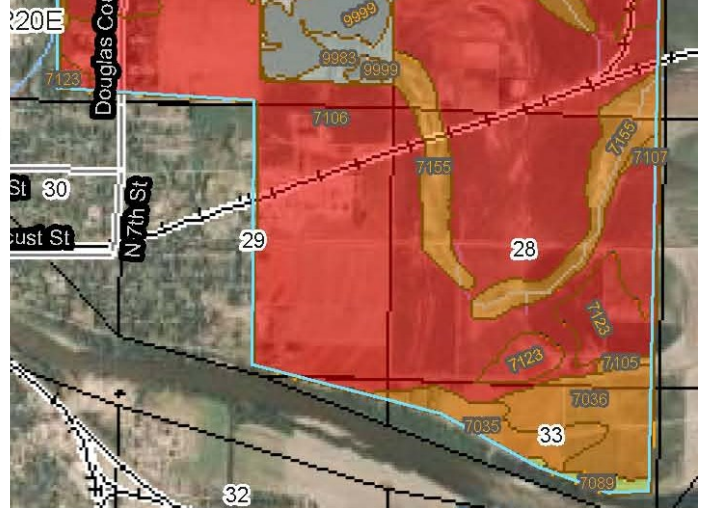


Exhibit C

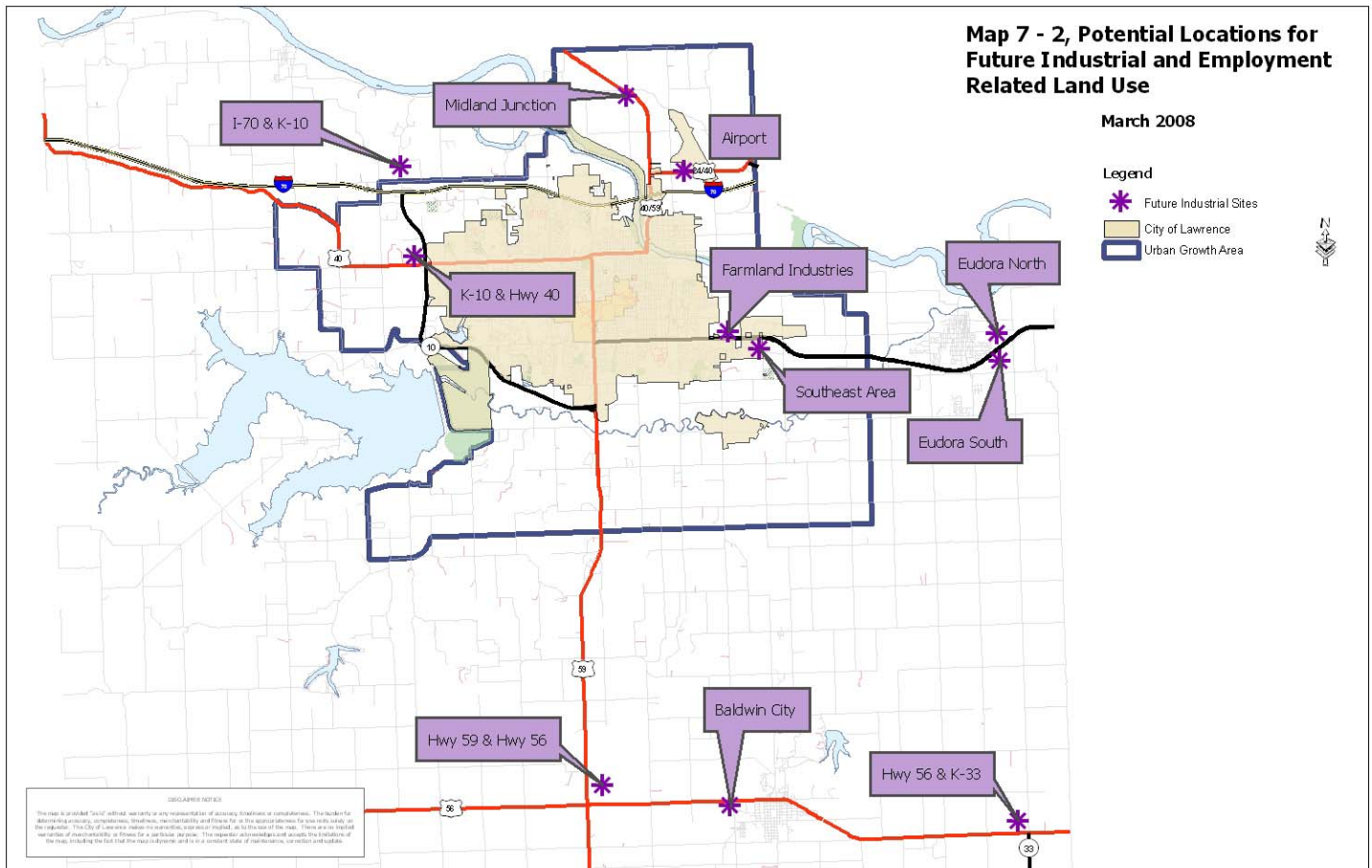
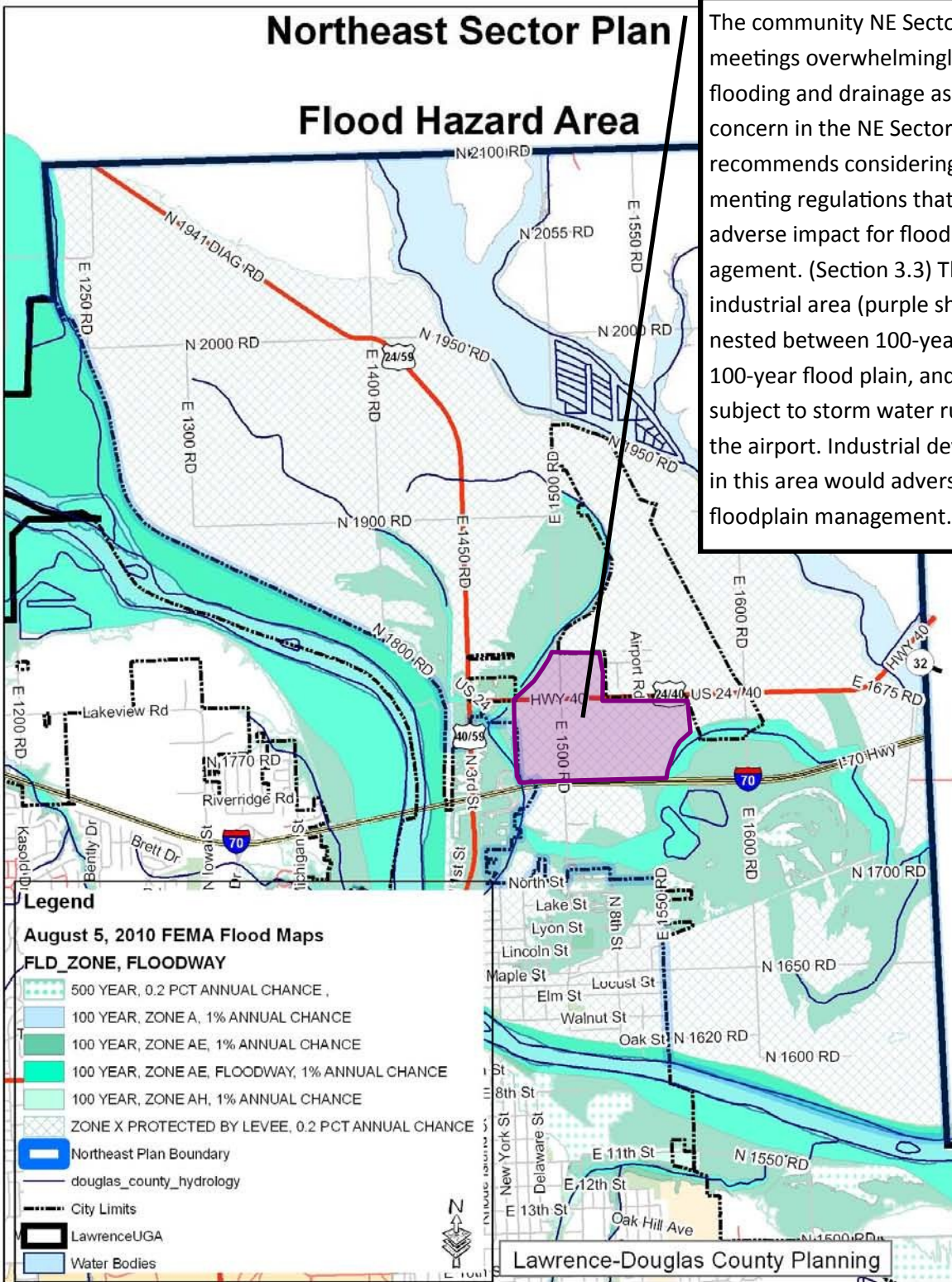


Exhibit D

Approximate Acreages Containing Class I and II Soils in the Potential Industrial Development Sites According to Horizon 2020					
Potential Industrial Development Sites According to Horizon 2020 (Pages 7-4 through 7-8)	Acres (Approximate)	Class I Soils (Approximate Acres)	Class II Soils (Approximate Acres)	Total Class I and II Soils (Approximate Acres)	% Soils that are Class I and II
Farmland Industries	509	12	7	19	3.7%
Southeast Area	173	0	21	21	12.1%
Airport	374	217	157	374	100.0%
I-70 and K-10	607	0	42	42	6.9%
K-10 and Highway 40	386	0	28	28	7.3%
Eudora North and Eudora South	845	8	4	12	1.4%
Baldwin City	648	0	0	0	0.0%
Highway 56 and Highway 59	656	0	36	36	5.5%
Midland Junction	652	69	214	283	43.4%
Highway 56 and K-33	719	0	0	0	0.0%
Total Acres (Approximate)	5569				



Map 2-13 – Class I and II Soils

The community NE Sector planning meetings ranked Class I and II soils as the greatest asset in the NE Sector. The plan encourages the preservation of such high quality soils. (Section 3.1.2.1) The purple shaded area converted to an Industrial land use is predominately composed of Class I and II soils. It is also recognized that these soils are highly absorptive and greatly assist in storm water mitigation. (Page 2-17)

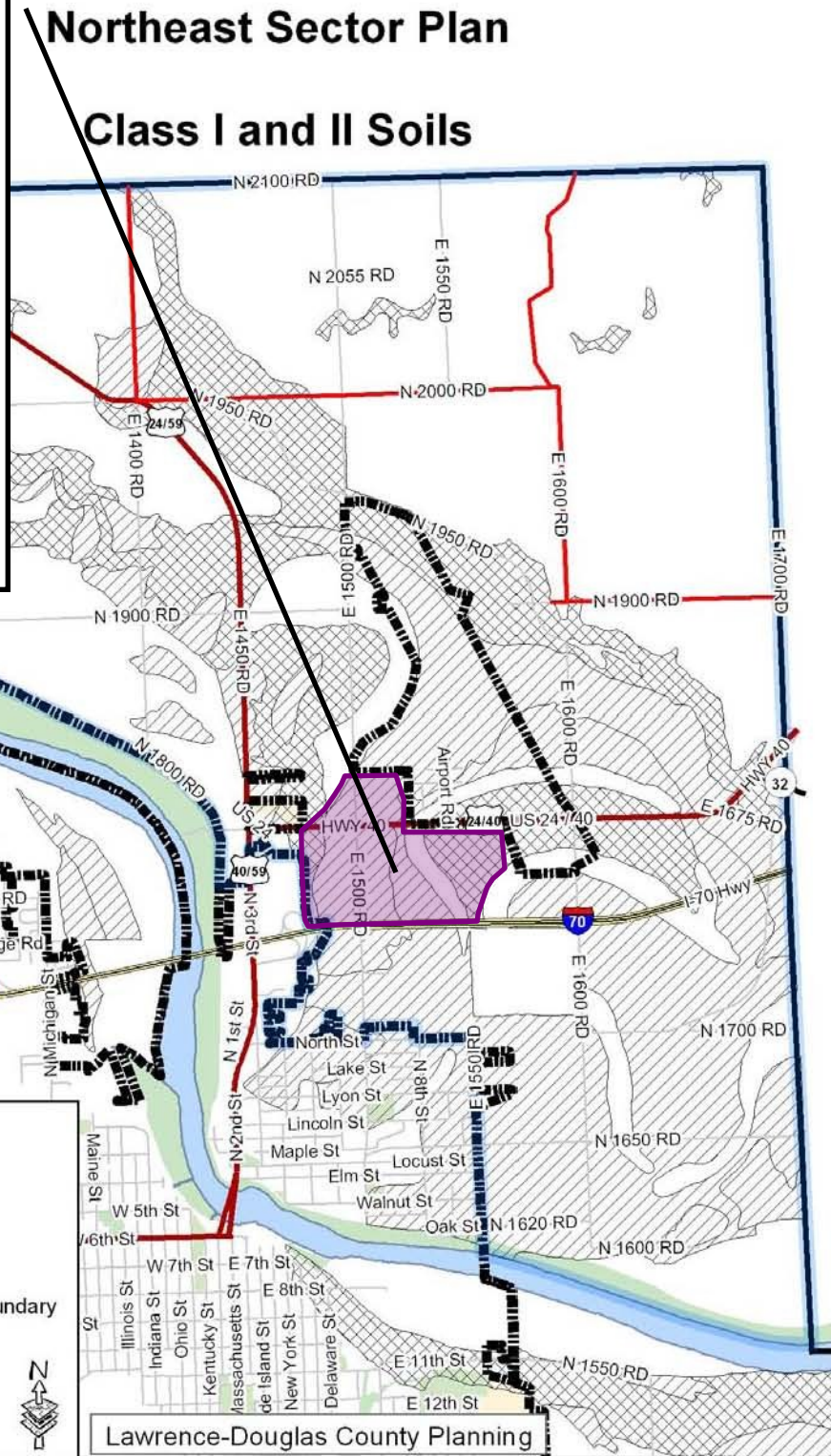
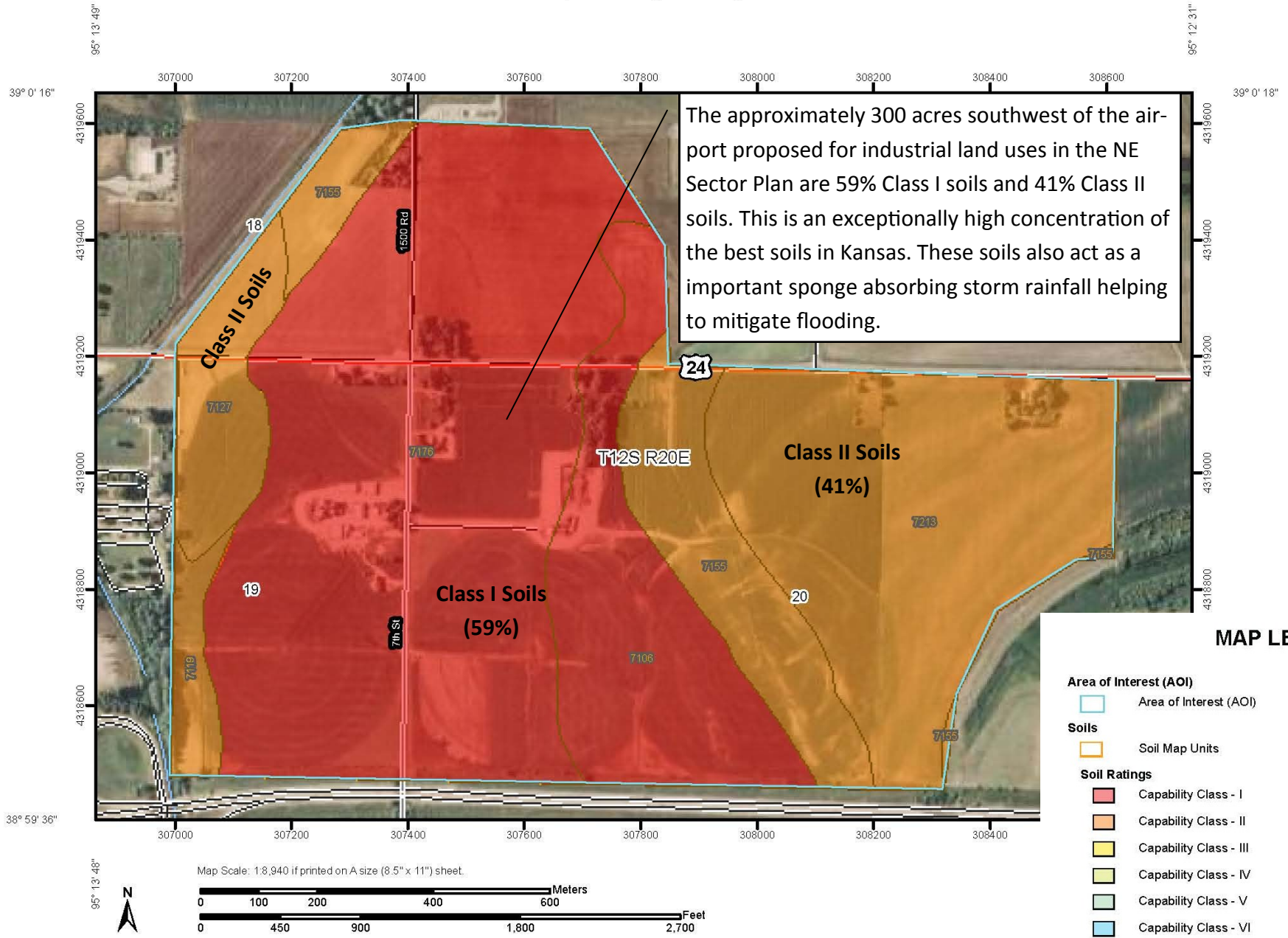


Exhibit G

Nonirrigated Capability Class—Douglas County, Kansas
(1500 Road Hwy 24 Soil Class)

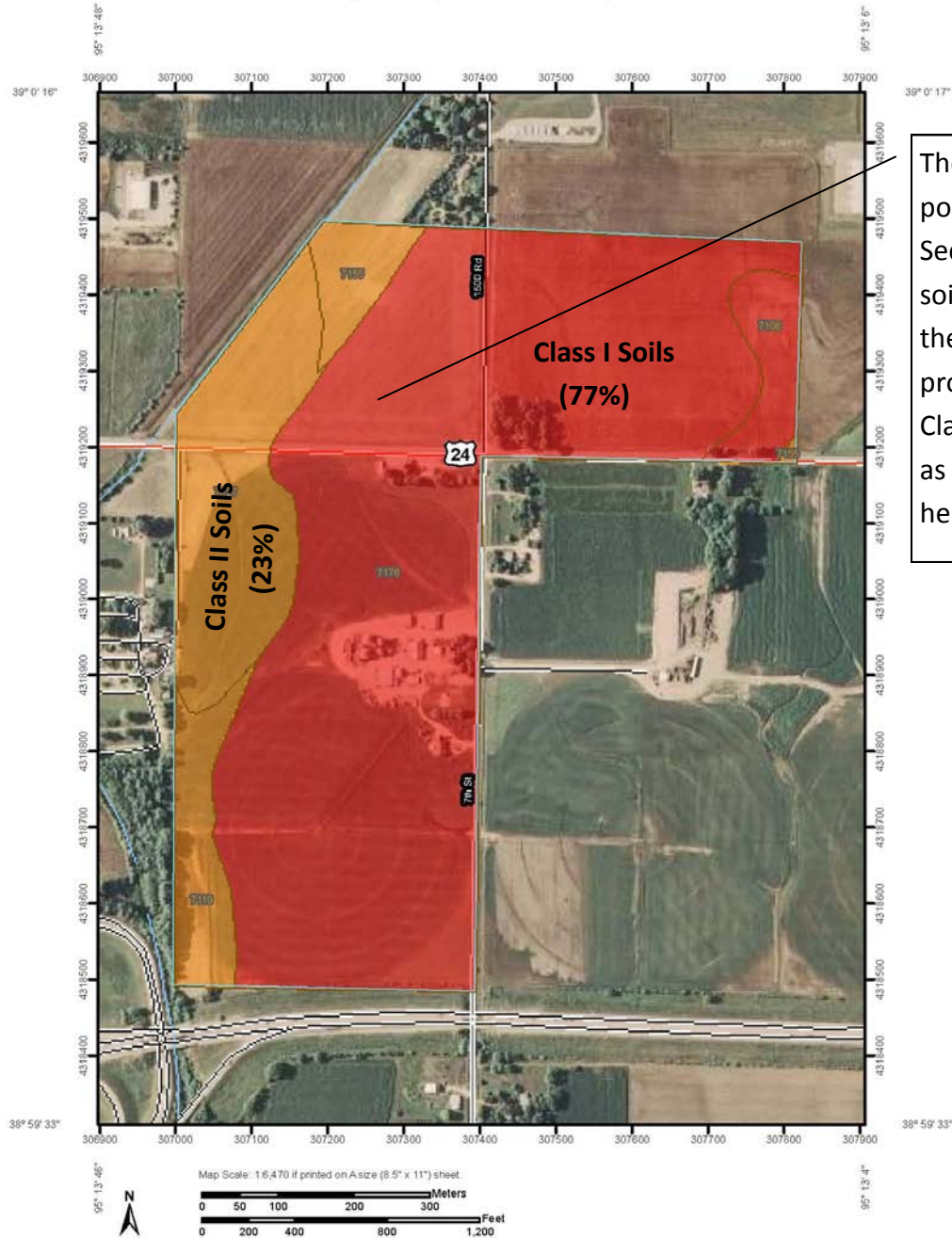


MAP LEGEND

- Area of Interest (AOI)**
 - Area of Interest (AOI)
- Soils**
 - Soil Map Units
- Soil Ratings**
 - Capability Class - I
 - Capability Class - II
 - Capability Class - III
 - Capability Class - IV
 - Capability Class - V
 - Capability Class - VI
 - Capability Class - VII
 - Capability Class - VIII
 - Not rated or not available

Exhibit H

Nonirrigated Capability Class—Douglas County, Kansas
(NE Sector Proposed Industrial Soil Classes)



The approximately 125 acres southwest of the airport proposed for industrial land uses in the NE Sector Plan are 77% Class I soils and 23% Class II soils. This is an exceptionally high concentration of the best soils in Kansas. This parcel represents approximately 3.5% of the Class I soils and 1% of the Class II soils in the NE Sector. These soils also act as an important sponge absorbing storm rainfall helping to mitigate flooding.

ITEM NO. 4 NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Reconsider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Approved by Planning Commission 5-4 on 9/20/10. Referred to Planning Commission by the Board of County Commission and City Commission for consideration of specific issues. Deferred by Planning Commission on 1/23/12.*

STAFF REPORT

Mr. Dan Warner presented the item.

PUBLIC HEARING

Ms. Barbara Clark, Citizens for Responsible Planning, said they were in favor of option 3. She stated there were numerous other choices available for industrial development in the county, far better suited than development in the northeast sector. She expressed concern for public safety, risk of loss of life and personal property, infrastructure cost and maintenance, and the misuse of the term multi-modal. She displayed maps on the overhead and discussed class I and II soils in the northeast sector. She discussed the U.S. Geological Survey about the high plains aquifer that she included in her communications. She said the high plains aquifer was composed of 175,000 square miles of soils that represent 25% of agricultural production for the nation and it was in extreme peril as far as sustainability goes. She said it pointed to the value of the northeast sector soils which have a river for an irrigation source.

Mr. Jerry Jost showed flooding pictures on the overhead. He discussed public safety and felt it was necessary to have emergency services throughout the northeast sector. He said a lot of the roads were low and had overflow. He said in order to prepare the area for industrial development there would need to be five miles of road improvements. He expressed concern for the consequences, in terms of cost and public safety.

Mr. Charles NovoGradac spoke in favor of option 3. He felt the best use for this agricultural soil was the industry of agriculture.

Mr. Ted Boyle, North Lawrence Improvement Association, was in favor of option 3. He said there was already close to 300 acres of undeveloped industrially zoned property in North Lawrence. He said an additional 125 acres would contribute to the stormwater problem that North Lawrence suffers from. He said the pump in North Lawrence could not handle anymore water. He expressed concern about the excess cost of infrastructure. He thanked Planning Commission for their time and effort.

Mr. John Naramore said he represented residents on E. 1250 Road. He provided his credentials. He provided justification to remove both snowflakes from the Grant Township area using wording from the chairs of the umbrella group from which the snowflakes were born.

Mr. Michael Almon, Sustainability Action Network, initiated the peak oil plan for Lawrence. Mr. Almon read the following letter:

"Because of energy depletion, the economic development model for the 21st Century differs from that of the 20th Century. The exponential growth rate of the 20th Century was highly dependent on abundant, cheap petroleum. But everyone monitoring global energy flows, including the Pentagon, the Geological Society of America, the Congressional Research Service, Shell Oil, the International Energy Agency, and many more, has acknowledge that the supply of conventional oil from all major oil fields can no longer meet the growing global demand for oil. What remains is the difficult and expensive oil. That is the essence of peak oil. The record petroleum price of \$147 per barrel in 2008 triggered a temporary drop in demand and prices. But as emerging economies demand more oil, recent prices have reached \$110 per barrel, and oil-derived products such as pavement, plastics, and fuels are costing more. Most troubling, however, is that agricultural energy accounts for 17% of total U.S. energy use, about half being petroleum, for fuel, hydraulics, pesticides, fertilizers, processing and transport. By now I imagine the Commissioners have read the Lawrence peak oil plan entitled "Solutions to Peak Oil Vulnerabilities", from which this data is sourced. Planning for energy depletion in the

21st Century is critical, the impact on our ability to feed ourselves being paramount. Already we are seeing two major trends in agriculture prompted by rising energy prices – local and regional food, and organic food – both with considerably lower energy profiles. As noted in the Staff report for the N. E. Sector Plan, the top solution in the peak oil plan for local food vulnerability is to “Redraw the City’s Urban Growth Area boundaries to preserve high quality soils for agricultural uses”. Omitted was the rest of the statement, “Encourage brownfield and infill development as alternatives to nonagricultural development of high quality soils”. The key here is location. Located in the N. E. Sector are Capability I & II soils with inherent fertility that needs minimum energy inputs. Given future energy cost inflation, it would be insanity to urbanize this world class treasure. Industry should be located elsewhere. Furthermore, it is a 20th Century anachronism that “flat terrain promotes industrial uses” as staff said. Industry was historically located in bottom land simply because it was served by rail which required no more than 3% grade. Whereas today, most freight trucks can handle up to 7-8% grade and navigate hillier sites in Lawrence. A more compelling case can be made for flat terrain being used agriculturally, because the bottom land is where the best silty loam soils have accumulated, and the water table is more accessible. Another fallacy that persists is that the N. E. Sector is served by multi-modal transportation. The space constraints of the Lawrence Municipal Airport prevent it ever developing on par with the New Century AirCenter or Forbes Field. And Union Pacific has rail sidings only at the bankrupt Schmidt Lumber and at Midland Junction, 1 and 2 miles north west. Potential new sidings are just one more of the unaccounted infrastructure costs to urbanize this farmland. Finally, it is unfair that a handful of landowners in the valley insist that the larger community upzone and appreciate the value of their land, simply because they want to maximize their asking price. They have no legal basis for such demands, because numerous U.S. Supreme Court decisions have said that reasonable, uniformly applied land use regulations designed to secure the common welfare do not constitute legal takings. The Court narrowly defined taking: “When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking.” For these few landowners, the agricultural status quo has not stripped the value of their land, so if they sell it at agricultural valuation they are not suffering a taking. But were the larger community to devise a plan by which these few landowners could apply for upzoning, they would be the last to admit that such would constitute a “giving”. If our community feels compelled to assist these landowners, it would be more constructive to create a “Local Farm Link” program similar to the Pennsylvania Dept. of Agriculture program that links young prospective farmers with retiring farmers who want to sell their land. Likewise, Lawrence should adopt Transfer of Development Rights (TDR) for Capability I and II prime soils specifically. In such a program, lands containing these soils are so designated, and farm owners can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund. Therefore, the Sustainability Action Network requests that the version of the N. E. Sector plan that you adopt be the one designating zero acres for additional industrial/commercial uses.”

Mr. Lane Williams advocated for option 3. He said it was misleading to propose rail access was achievable without significant and prohibitive cost. He said information from the Kansas Department of Transportation indicated it would require approval by Union Pacific railway.

Ms. Julia Mangutz asked Planning Commission to consider and approve option 3.

Ms. Natalya Lowther, Pinwheel Farm, said her property was rezoned from industrial to agricultural in 1997. She supported no new industrial.

Ms. Nancy Thellman said she was speaking on behalf of Mr. Ron Seibold, owner of Pines International, a soil conserving agri-industry wheat grass health supplement manufacturer. She said he wanted the snowflake removed from over his business. She said they could not afford to piecemeal develop that area parcel by parcel.

COMMISSION DISCUSSION

Commissioner Belt inquired about removing the snowflakes.

Mr. McCullough said they could make that revision to the plan and follow up to remove the snowflake from Chapter 7 of Horizon 2020. He said option 3 did not have either snowflake.

Commissioner Britton said he was impressed with everyone respecting the process. He thanked the public for their presence. He said he heard the community express three main concerns. The first concern was a safety issue with water and how the land would react to rain. He said the second concern was that this was a conservation issue and that class I and II soils were valuable and important. The third concern he heard was that there were plenty of industrial opportunities in Douglas County. He said he also heard concerns that it was not really a multimodal district. He did not feel the bar had been met that was necessary to go down the path of industrial for the northeast sector. He said he would support option 3.

Commissioner von Achen said there were compelling arguments on both sides. She said the northeast sector might be a good location for industry but not a good land use for industry. She felt they needed to look at the land and the history of the land. She said she supported option 3. She thanked the public for their persistence.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Burger, to approve the Northeast Sector Plan with option 3.

Commissioner Finkeldei thanked the public for their input. He said there had always been drainage issues in North Lawrence and that there was uniform agreement among many folks that the drainage issues in North Lawrence should be worked on. He said a pump station was in the works to be built. He said if Planning Commission could waive a magic wand to install a pump station they would have done it years ago. He felt they needed to be able to fund the drainage study and one way to do that was to have proposals for North Lawrence that participate in that. He disagreed that there was enough industrial in Lawrence. He said there was a big difference between a planned industrial area and industrial zoning. He said the 1,500 acres were planned for industrial at some point in the future, not zoned for industrial. He said the Inverness Park District Plan was passed by City Commission but they denied the rezoning application that was supported by the plan and now they were amending the plan. He said the way the Northeast Sector Plan started was by amending Chapter 7 to include the snowflakes. Then they directed staff to create a sector plan consistent with the snowflakes. He said they had been working on the plan for three years to implement the snowflakes but now before the plan was even adopted they were going to take out the snowflakes that were put in in 2007. He said they would have to amend Chapter 7. He said it seemed the northeast sector was either a large area to support the infrastructure necessary for industrial growth or it was option 3 with no future industrial at all. He said marking the area purple on the map was not going to change flooding or drainage issues in North Lawrence. He said that was not what would change the flooding issues in North Lawrence. He said the question becomes when a project is built in the future if it would hurt or help the issue. He said some projects could improve flooding with such things as a pump or raising 24/40. He said those decisions could be made with a zoning application. He believed having purple on the map may create a situation where some entity could come along with money and invest in North Lawrence to solve drainage issues. He said he would oppose a zoning application for a 10 acre warehouse with concrete around it because it would cause problems for North Lawrence. He said having purple on the map does not say he would support a 10 acre warehouse, but it does say he supports a project that could solve the problems. He said he would vote against the motion. He said he would support option 1 and support the plan he voted for two years ago, as well as the snowflakes he voted for six years ago. He said the color on the map would not cause negative impacts, it was the zoning application that comes later that could either improve or hurt those impacts. He said he would oppose 125 acres because he did not think it was big enough to solve the problem. He said he would support 300 acres.

Commissioner Blaser said what had changed was the audience. He said the first two times they heard the item there was a full crowd of farmers and large land owners wanting their land to be their 401K. He agreed with Commissioner Finkeldei that zoning was what would change the land. He said he used to have the firm belief that they had to have industry in Lawrence to survive. He said they were not going to solve the North Lawrence issues with small parcels. He said he would support option 3.

Commissioner Culver said originally when they looked at this with 300+ acres it made more sense but as he has learned more from the community it made less sense. He felt there were potential ramifications for public safety, class I and II soils, and he also agreed that agriculture was industry in some ways. He said it was hard for him to say they did not need industry but he felt with this plan the detriments outweighed the potential positives. He said on a lighter note he wished they could relocate the airport. He said it was hard to weigh all the different competing values. He thanked the public for sticking with the process. He said he would support option 3.

Commissioner Belt agreed with Commissioner Culver. He felt this location was a poor choice. He was concerned about the economic risk in terms of infrastructure and how much it would cost the community. He said he would like to consider agriculture not only as economic development but as an economic driver for the county. He said he would support option 3.

Commissioner Liese said the color purple on the map was harmless by itself but had the potential for opening the floodgates.

Commissioner Hird said he would probably vote against the motion. He said his original position was to support the plan that had 300 acres of industrial development. He felt removing the industrial snowflakes created a conflict with Chapter 7 that they had not even addressed. He felt that if industrial was put there it should be a larger area and master planned. He said there could not be 10 acres of development with warehouses and concrete. He thought they were creative enough that there was a way to have an industrial designation for the area and still support class I and II soils. He felt they could encourage soil conserving agribusinesses to develop there and have the best of both worlds. He said his concern with option 3 was that it lessened the incentive to deal with the flooding issues in North Lawrence. He said the only way to solve flooding issues in North Lawrence was for someone to come in and spend the money to deal with the problem. He did not like the fact that option 3 removed the neighborhood commercial center. He felt that North Lawrence needed more commercial to support the residents there. He stated option 3 removed the snowflake at Midland Junction and they had not had any discussions about what it meant to take the snowflake off that location. He thanked neighbors for their participation in the process.

Motion carried 7-2, with Commissioners Finkeldei and Hird voting in opposition.