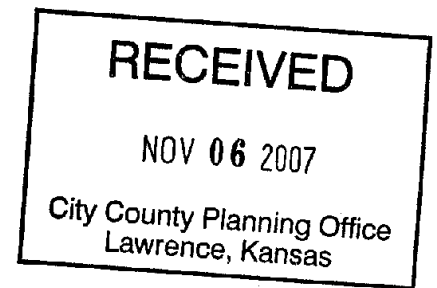


RONALD SCHNEIDER
ATTORNEY AT LAW
900 MASSACHUSETTS, SUITE 600
LAWRENCE, KANSAS 66044
OFFICE: (785) 841-2040
FAX: (785) 856-0243



November 6, 2007

Scott McCullough
Director of Planning
Lawrence-Douglas County Metropolitan Planning Department
City Hall
Lawrence, Kansas 66044

HAND DELIVERED

RE: Proposed Annexation and Changes
of Zones Concerning the Lawrence
Airport Business Park

Dear Mr. McCullough:

Oh behalf of my client, Citizens for Responsible Planning, I request **ALL** information and records regarding the proposed costs or financial assistance which the applicant is seeking from the City of Lawrence, Douglas County, and the State of Kansas in this process.

In addition, I request **ALL** information and records regarding the development costs and expenses which the applicant expects to provide on this proposed project.

Based upon previous disclosures, it has been revealed that the applicant has had extensive communications with your planning staff and other City employees concerning public funding, tax abatements, tax credits, and related subjects. These communications have apparently occurred well before public notice of the proposed project was ever published. It appears that City employees or representatives have participated in private meetings with the developer, property owner, and other entities concerning extensive issues related to funding and taxes on this project. These proposals and discussions have not been provided to my client or other interested members of the community. This information and identification of the persons who participated in these discussions and meetings is essential for proper and legitimate public consideration. Please provide, in detail, the following: 1) The date and location of all meetings between City employees and the applicant or its representatives; 2) A thorough explanation of the subjects discussed at all meetings; 3) Identification of all employees and staff who participated in these meetings or discussions regarding public funding, assistance, or tax issues; 4) Requests or proposals made by the applicant regarding all financial issues; 5) Proposals and offers concerning any financial issues

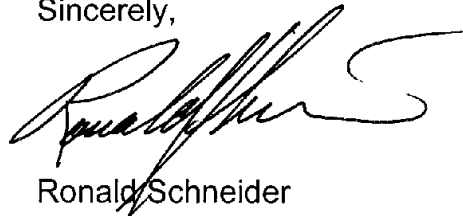
Page 2
November 6, 2007

associated with the City of Lawrence, Douglas County, and the State of Kansas; and 6) Copies of all communications and records (including e-mails) which are **NOT** included in the zoning file exchanged between any City employee, the applicant, or any other entity regarding financial issues associated with this project.

Please confirm when this information will be directed to my office. Since time is of the essence, I will be happy to pick up the information from your office when available.

If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Schneider", with a stylized flourish at the end.

Ronald Schneider

RS:cw

cc: David Corliss, City Manager
Sue Hack, Mayor and City Commission

Dear Planning Commission,

I am writing in reference to the application for annexation and rezoning of the land near the Lawrence Airport for the Airport Business Park. I have lived just north of this area for over thirty years, drive through regularly and consider myself a part of the community although I live in southern Jefferson County. This proposed development could have a profound impact on southern Jefferson County. I also work and shop in Lawrence.

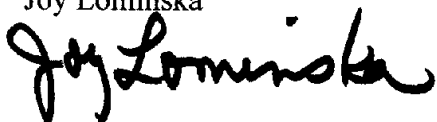
I object to the annexation and rezoning for three primary reasons: infrastructure cost, aggravation of flooding, and loss of prime farmland.

In a time of tight budgets and cuts to programs, it does not seem reasonable to encourage a project that will cost the city potentially millions of dollars in infrastructure, including sewer and water. It would make more sense to redevelop the Farmland Industries site or more fully develop underused business areas in town, such as the former Tanger Mall and many other business sites in North Lawrence. These sites already have water and sewer access.

We are all aware of the flood problems of North Lawrence. Paving over 140 acres (or potentially 900 acres) with parking lots and large expanses of roof can only aggravate the problem for everyone already living in North Lawrence. No flood protection can make up for the loss of absorption of rain by the light sandy soil of the proposed development. Levees and pumps fail (as well as costing a lot of money), and when they fail, millions of dollars of homes and industry will be damaged.

My family raises crops (vegetables) for a significant portion of our income. The demand for our crops has expanded tremendously in recent years as people demand fresh food that has not traveled thousands of miles. It seems shortsighted to pave over some of the best farmland in Kansas, and maybe the world, when Lawrence may well need that land to feed its population in the near future. Let's develop land that is already spoiled for agriculture (like the Farmland Industries site) or that is less valuable for growing food for people.

Respectfully,
Joy Lominska



RECEIVED

SEP 18 2007

City County Planning Office
Lawrence, Kansas



Lawrence Association of Neighborhoods

Neighborhoods Working Together

September 4, 2007

**Lawrence Douglas County Metropolitan Planning Commission
P.O. Box 708
Lawrence, KS 66044**

Re: Pine Family Farms Development Project

Commissioners,

The Lawrence Association of Neighborhoods (LAN) wants to express its concern over the lack of information and failure to involve the public about the proposed 140-acre Lawrence Airport Business Park.

LAN supports the North Lawrence Improvement Association (NLIA) and the residents of North Lawrence in their concerns over the storm water runoff problems that will be generated by this development. North Lawrence currently suffers from inadequate infrastructure to handle normal storm water runoff. The proposed development will significantly worsen the existing problem. In the August 31, 2007, letter from the developer, the taxpayers are asked to provide the infrastructure to manage this runoff. LAN believes that the costs and engineering issues related the development of this infrastructure require extensive additional study before the Planning Commission is able to make an informed decision regarding this proposal.

LAN also supports the Citizens for Responsible Planning (CRP) representing Grant Township, residents of North Lawrence and of Lawrence, in its opposition to the Lawrence Airport Business Park. The need for additional retail development is questionable given the large surplus of vacant retail space that currently exists in the district. The projected employment figures are unsubstantiated and demand further study prior to any action by the Planning Commission. It is unclear why the City would want to participate in the development of new industrial and business parks, in and around a flood plain, when ample industrial space already exists elsewhere in the community outside of the flood plain.

LAN is concerned that the public has not been given sufficient time or information on the proposed Lawrence Airport Business Park to provide meaningful input on the project. LAN believes that this development proposal should be tabled until more studies can be completed.

Sincerely,

**Gwen Klingenberg
Lawrence Association of Neighborhoods - President**

Dear Planning Commissioners,

I understand that you will soon be making recommendations on the annexation the Pine farmland property into the City of Lawrence for the purpose of development. I have attended several meetings to try to learn about the issues and what is at stake here. At the 9/17 meeting with Jes Santaularia and Roger Pine, it struck me that both men stated that “others” had slated this prime farmland for development and that they were just going along with with plans that had been set in motion 15-20 years ago by “politicians”, as Mr. Santaularia called them. Fifteen to twenty years ago, someone thought the Tanger mall was a viable idea. Today more recently built retail and office space along North Second Street remains empty.

I do not think that it is too late to revisit plans for industrialization of this area. We have other options that we did not have several years ago, notably the Farmland Industries site, which already has significant infrastructure in place. The Pine site would also likely be in competition with Gardner Intermodal, as even the developer admits. I believe it would be a shame to sacrifice some of the most productive soil in our area for this ill-advised project. Costs to the City of Lawrence have not yet been finalized, but drainage issues alone are projected to be in the millions of dollars, and as we know, there are multiple other drainage projects already in the city awaiting funding.

Surely, plans discussed 15-20 years ago can and should be reevaluated. I am hoping that the present planning commission is able to look at this with fresh eyes, and give some consideration to the value of preserving excellent farmland and greenspace.

Sincerely, Sally McGee 9/24/2007

From: Burgess, Anne L [mailto:aburgess@ku.edu]
Sent: Tuesday, September 04, 2007 2:32 PM
To: Denny Brown
Subject: proposed north lawrence development

Dear commissioner,

I would like to add my opinion on the proposed development by Mr. Santalauria in North Lawrence near the airport.

As a resident who lives several miles north of Lawrence, I am saddened every day when I drive past the two developments on North Second Street which now lie virtually empty.

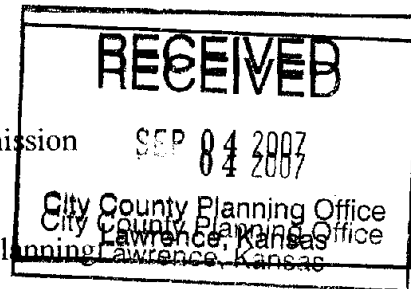
One of those developments took away a beautiful green view of the levy (north of Lyon). The other took away a huge space by the turnpike. Both of them are reminders that development, especially commercial development, needs to be scrutinized very carefully before proceeding.

In my mind, there's no need for more commercial development in North Lawrence until the two mentioned above are full and thriving.

Sincerely,
Anne Burgess
18641 Stairstep Road
Lawrence, Ks.

For: Grant Eichhorn, Chair, Metropolitan Planning Commission
City Hall, 6 E. 6th Street, Lawrence, Kansas 66044

From: Nancy Thellman, Chair, Citizens for Responsible Planning
CC: Chet Fitch, Lisa Pool, Jes Santaularia



August 30, 2007
Dear Mr. Eichhorn,

I write to express serious concern about the "public" process thus far with the Airport Business Park plan.

As you know, annexation and re-zoning requests for this project are on your September 24/26 agenda. Mr. Santaularia's one and only offer for a public meeting with Grant Township and North Lawrence is September 17—just one week in advance of your members' vote.

While I am grateful, finally, for the chance to hear Mr. Santaularia's presentation, the timing of his neighborhood meeting is problematic in that it severely curtails public response. It also precludes Planning Staff from submitting comments or concerns raised at the neighborhood meeting since their formal departmental reports will have been submitted days before.

Holding the first and only public meeting one week prior to a critical Planning Commission meeting is not only bad public relations on the part of the developer but it is reckless, inviting speculation that the project calendar has been manipulated to preclude proper public process. The city Planning Staff is on record strongly advising the developer to meet with Grant Township in early August! (Plan Review Comments from the desk of Lisa Pool, July 18, 2007, item 23.)

Months have gone by since this proposal was made public by a Journal World article (June 23, 2007). Since that date many formal project presentations have been made in other venues. Why is it now, at the last hour, Mr. Santaularia finds the time to post a mailing to thousands of households in North Lawrence and Grant Township, inviting them to a venue that holds one hundred people at best, just seven days before the crucial decision-making Planning Commission meeting suggesting in his letter that he will share "timely" information?

What is proposed is not timely. The Airport Business Park plan should be deferred until this situation is made right. But that request made on August 30, 2007 by the president of the Grant Township Board, Mr. Chet Fitch, was summarily denied.

I expect my concern to be made part of the public record. Thank you for your consideration.

Sincerely,

Nancy Thellman

(Sept 17 mtg announced attached)

August 31st 2007

Dear Neighbors,

Having recently completed our initial engineering and market studies on the Lawrence Airport Business Park development we are excited about sharing our story with you. We are anxious to begin the process of having the plan reviewed by the city, county and other interested parties. We would like to take this opportunity to provide accurate information and hopefully correct misperceptions about the project.

My name is Jes Santaularia and I am the managing member for the Lawrence Airport Business Park proposed development. I have maintained a residence in Lawrence and have lived in this wonderful community for more than 37 years. I attended the University of Kansas and have raised my family here. I care deeply about the future of Lawrence and I am certain this development will have a beneficial long lasting impact on our community.

I have developed a variety of real estate projects in numerous states across the country. These projects include: master planned residential communities, luxury condominiums, office/warehouse buildings, retail developments, self storage facilities and industrial parks. I am aware that there has been much discussion about the proposed development, and am pleased to see so much interest in our proposal. I would like to take the opportunity to share details and offer thoughts on why we are excited about this plan for our community.

I know there are many questions about the plan, and I have addressed some of those in the enclosed letter. There are likely to be other questions that we are not able to address in this short informational piece. We look forward to communicating this with you and timely information to the residents of North Lawrence and Grant Township.

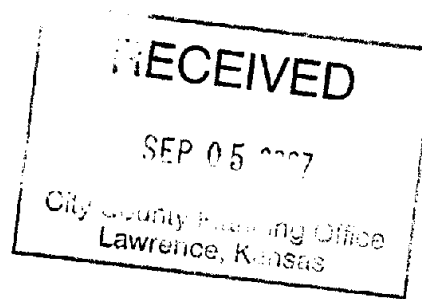
We have scheduled a meeting for those of you who would like to gather information and ask questions in an informal setting, prior to the Planning Commission hearing in late September. The informal meeting will be at Grant School on September 17th 2007 at 7:00pm. City staff and the development team will be present. In the future you will also be able to check our website at www.LawrenceAirportPark.com for information and updates.

Regards,

Jes Santaularia

Diversified Concepts

Chet Fitch
Trustee, Grant Township
2073 E. 1550 Rd.
Lawrence, KS 66044
(785) 749-3840



September 5, 2007

Lawrence, Douglas County Planning Commissioners
C/o Lawrence, Douglas County Planning Dept.
6 E. 6th
Lawrence, KS 66044

Dear Madams / Sirs:

This letter is in reference to the proposed Lawrence Airport Business Park.

The Grant Township Board has tried for some time to coordinate a meeting with the developer (Diversified Concepts) of the Lawrence Airport Business Park and the Community in this area. Two meetings were previously set with the developer; one for July 11 and one for August 1. Both were subsequently cancelled by the developer. Even though the developer did not make the July 11 meeting, the Planning Staff was kind enough to come and answer questions. It was our hope that when a meeting was scheduled with the developer that there would be enough time before the hearing that any comments arising from the meeting would be available to you. Currently there is a meeting scheduled with the developer for September 17. It is my understanding that this will not allow enough time for the Planning Staff to include comments arising from the meeting. Our pleas to the developer to move the meeting up or to request a deferral fell upon deaf ears.

We are quite disappointed that the developer was unwilling to schedule an open meeting with the community with enough lead time to provide meaningful community feedback to the planning process.

After the September 17 meeting (hopefully this meeting will come to fruition) we will have further written comments.

Sincerely,

Chet Fitch
Trustee, Grant Township

From: grant eichhorn [mailto:grant@eichus.com]

Sent: Wednesday, September 05, 2007 5:45 PM

To: 'Anthony Santaularia - Diversified Concepts, LLC'; nthellman@hughes.net

Cc: ChetandDeanna@aol.com; Lisa Pool; jes@dconcepts.biz; Brad Finkeldei; Chuck Blaser; Lawson, Dennis; Greg Moore; Jeff Chaney; Joe Harkins; Lisa Harris; Rick Hird; Sadie Robb; Tom Jennings

Subject: RE: Lawrence Airport Business Park

Dear all- While I appreciate the sentiment and being copied in correspondence- I have to forward this on to other planning commissioners as well. I do not believe this will cause any great ripples in the ocean. To be clear, I have not received any other correspondence concerning this matter from any of the above copied individuals. If I was to receive something please send a copy to staff as well as all of our commission. I see a reference to a meeting on the 17th- If you are wishing discussion I believe our rules prohibit such I also do not have a time or addresses to be invited to. I am sincerely glad that the inference to the planning process has been beneficial. (At least I read it that way.) Thank you and we look forward to a great discussion- on all points.

J. Grant Eichhorn

PS- Lisa, please include this in our correspondence but given the amount of time available you do not have to print it for each commissioner. Thanks

Rueschhoff Security / Eichus Building Services
3727 W. 6th Street
Lawrence, KS 66049

From: Anthony Santaularia - Diversified Concepts, LLC [mailto:anthony@dconcepts.biz]

Sent: Wednesday, September 05, 2007 2:54 PM

To: nthellman@hughes.net

Cc: ChetandDeanna@aol.com; 'Lisa Pool'; jes@dconcepts.biz

Subject: Lawrence Airport Business Park

September 5, 2007

TO: Grant Eichhorn, Chair Metropolitan Planning Commission,
Nancy Thellman, Chair Citizens for Responsible Planning

CC: Chet Fitch, Lisa Pool

Thank you for copying me on your note to Mr. Eichorn. I would like to take this opportunity to address some of your statements and hopefully clarify some misconceptions.

The process for any zoning and annexation request in the city of Lawrence starts with an applicant submitting a request to the planning department. The various departments of the city review and respond to the application, and the applicant typically meets with staff after receipt of those comments. An application is often revised following that meeting, and once the application is considered "final," a public hearing is scheduled before the Lawrence Douglas County Metropolitan Planning Commission. We did make our original submittal in June, but have only recently completed the revisions that were requested by staff. As a result, our application is scheduled to be on the planning commission agenda later this month.

As we have been revising and improving our application over the course of the last few months, we have tried to schedule meetings with various groups and individuals regarding our plans for the Lawrence Airport Business Park. Though we have been able to meet with many of the neighboring farm families, representatives of the North Lawrence Improvement Association, the Lawrence Chamber of Commerce, and others, we realize we have not been able to visit with everyone who has an interest in this project. None of these meetings have been a "formal" presentation, but rather a sharing of our overall concept, listening to any voiced concerns, and an exchange of ideas.

We have been looking forward to scheduling the neighborhood meeting, but did not want to commit to a date until we knew that the plan we had submitted would be the one actually considered by the planning commission. I hope that you would agree that having as much specificity as we can provide will allow us to have a more productive dialogue. We

plan to share our plan with you and your neighbors and give you an opportunity to address questions to us, our technical team, and members of the city staff that will be present.

We remain hopeful that the Lawrence Airport Business Park will provide an opportunity for the community to come together to support what we believe will be an outstanding project. We look forward to seeing you on the 17th and if you have any direct concerns or questions in advance of the meeting that you know you would like answered please feel free to email, mail or call at anytime.

Respectfully yours.

Jes Santaularia

Enclosures: Printable Copy



September 5, 2007

TO: Grant Eichhorn, Chair Metropolitan Planning Commission,
Nancy Thellman, Chair Citizens for Responsible Planning

CC: Chet Fitch, Lisa Pool

Thank you for copying me on your note to Mr. Eichorn. I would like to take this opportunity to address some of your statements and hopefully clarify some misconceptions.

The process for any zoning and annexation request in the city of Lawrence starts with an applicant submitting a request to the planning department. The various departments of the city review and respond to the application, and the applicant typically meets with staff after receipt of those comments. An application is often revised following that meeting, and once the application is considered "final," a public hearing is scheduled before the Lawrence Douglas County Metropolitan Planning Commission. We did make our original submittal in June, but have only recently completed the revisions that were requested by staff. As a result, our application is scheduled to be on the planning commission agenda later this month.

As we have been revising and improving our application over the course of the last few months, we have tried to schedule meetings with various groups and individuals regarding our plans for the Lawrence Airport Business Park. Though we have been able to meet with many of the neighboring farm families, representatives of the North Lawrence Improvement Association, the Lawrence Chamber of Commerce, and others, we realize we have not been able to visit with everyone who has an interest in this project. None of these meetings have been a "formal" presentation, but rather a sharing of our overall concept, listening to any voiced concerns, and an exchange of ideas.

We have been looking forward to scheduling the neighborhood meeting, but did not want to commit to a date until we knew that the plan we had submitted would be the one actually considered by the planning commission. I hope that you would agree that having as much specificity as we can provide will allow us to have a more productive dialogue. We plan to share our plan with you and your neighbors and give you an opportunity to address questions to us, our technical team, and members of the city staff that will be present.

We remain hopeful that the Lawrence Airport Business Park will provide an opportunity for the community to come together to support what we believe will be an outstanding project. We look forward to seeing you on the 17th and if you have any direct concerns or questions in advance of the meeting that you know you would like answered please feel free to email, mail or call at anytime.

Respectfully yours.

Jes Santaularia

REAL ESTATE MANAGEMENT * DEVELOPMENT SERVICES * BUSINESS MANAGEMENT * CONSULTING

P.O. BOX 1753 * LAWRENCE, KS 66044 * PHONE: 785.749.0000 * FAX: 785.749.7222 * WWW.DCONCEPTS.BIZ

From: Nancy Thellman [mailto:nthellman@hughes.net]
Sent: Thursday, September 06, 2007 8:28 AM
To: Anthony Santaularia - Diversified Concepts, LLC
Cc: ChetandDeanna@aol.com; Lisa Pool
Subject: Re: Lawrence Airport Business Park

Jes and Anthony,

I appreciate your rapid response to my letter but I find your explanation disingenuous. That you would find time to speak to so many groups ("neighboring farm families, representatives of the North Lawrence Improvement Association, the Lawrence Chamber of Commerce, and others") yet not find time to meet with Grant Township is problematic--especially when the Planning Department's own notes suggest strongly that you do. We would have gladly participated in hearing your "overall concept," sharing "voiced concerns," and having an "exchange of ideas" and, in fact, scheduled two such opportunities with you, both of which were cancelled by you.

The truth is, whether your plans were final or not, you saw fit to share them in their imperfect state many times over--privately and publicly--for many months, but never with our neighborhood which is impacted by your proposal in many ways. You offered to talk privately with our Grant Township Trustee, Chet Fitch, but that is not an appropriate venue. Holding a private meeting with an elected neighborhood leader does not constitute a neighborhood meeting--at least not in Grant Township. You must know that kind of exclusionary approach to information sharing only sets up distrust. The very best thing you and the Pine family could have done from the beginning would have been to be forthcoming with both North Lawrence and Grant Township. Maybe you could have garnered our excitement, trust, and support which you now want. As it is, you have little support and a lot of distrust.

Now my greatest concern in all this is for your partners, the Pine family. Roger and Sue are now in a situation (maybe of their own choosing) where their actions are in complete contradiction to who they are--one an elected public official who should respect transparent public process, and the other, a former planning commissioner who should know what proper public process looks like. Though they do not live in the area any more, they must know their former neighbors and constituents expect better. Simply put, their reputations are in the balance now.

I plan to attend the September 17 meeting and will be very interested to hear your presentation in its final form, apparently. I look forward to meeting you then.

Nancy Thellman

On Sep 5, 2007, at 2:54 PM, Anthony Santaularia - Diversified Concepts, LLC wrote:

September 5, 2007

TO: Grant Eichhorn, Chair Metropolitan Planning Commission,
Nancy Thellman, Chair Citizens for Responsible Planning

CC: Chet Fitch, Lisa Pool

Thank you for copying me on your note to Mr. Eichorn. I would like to take this opportunity to address some of your statements and hopefully clarify some misconceptions.

The process for any zoning and annexation request in the city of Lawrence starts with an applicant submitting a request to the planning department. The various departments of the city review and respond to the application, and the applicant typically meets with staff after receipt of those comments. An application is often revised following that meeting, and once the application is considered "final," a public hearing is scheduled before the Lawrence Douglas County Metropolitan Planning Commission. We did make our original submittal in June, but have only recently completed the revisions that were requested by staff. As a result, our application is scheduled to be on the planning commission agenda later this month.

As we have been revising and improving our application over the course of the last few months, we have tried to schedule meetings with various groups and individuals regarding our plans for the Lawrence Airport Business Park. Though we have been able to meet with many of the neighboring farm families, representatives of the North Lawrence Improvement Association, the Lawrence Chamber of Commerce, and others, we realize we have not been able to visit with everyone who has an interest in this project. None of these meetings have been a "formal" presentation, but rather a sharing of our overall concept, listening to any voiced concerns, and an exchange of ideas.

We have been looking forward to scheduling the neighborhood meeting, but did not want to commit to a date until we knew that the plan we had submitted would be the one actually considered by the planning commission. I hope that you would agree that having as much specificity as we can provide will allow us to have a more productive dialogue. We plan to share our plan with you and your neighbors and give you an opportunity to address questions to us, our technical team, and members of the city staff that will be present.

We remain hopeful that the Lawrence Airport Business Park will provide an opportunity for the community to come together to support what we believe will be an outstanding project. We look forward to seeing you on the 17th and if you have any direct concerns or questions in advance of the meeting that you know you would like answered please feel free to email, mail or call at anytime.

Respectfully yours.

Jes Santaularia

Enclosures: Printable Copy

September 9, 2007

Planning Office
Chairman of the Planning Commission
Grant Eichhorn

Mr. Eichhorn,

I am a citizen living in northeast Douglas County. I have followed the evolving details of the Airport Business Park Proposal. I have the following objections to this proposal.

- ⇒ Diversified Concepts repeatedly resisted meeting with citizens of Douglas County. Finally, upon the requirement of the City of Lawrence, Diversified Concepts set a date for a public meeting for Monday, September 17. This date is too late for citizens to incorporate whatever information they gather from this September 17 meeting into their formal written comments to the Planning Commission. This in effect means public comments drawn from this meeting can not be included in the considerations of city staff as they make their written report to the Planning Commission. Diversified Concepts refused any change in date to accommodate the interests of neighboring citizens. This lack of transparency by Diversified Concepts is unacceptable. I believe this is a public due process issue.
- ⇒ Placing this business park on and around the flood plains of North Lawrence will result in significant flooding and drainage costs to the City of Lawrence.
- ⇒ This business park is a mixture of retail, commercial and industrial businesses. With a vacancy rate around 40% for retail and commercial businesses in North Lawrence, this business proposal will only add to vacancies in the area.
- ⇒ Across the nation, two airports closed down each month due to encroaching development. This proposed development threatens the survivability of our airport.
- ⇒ The City of Lawrence costs for sewer, water, storm water drainage and road improvements are unknown as of this date.

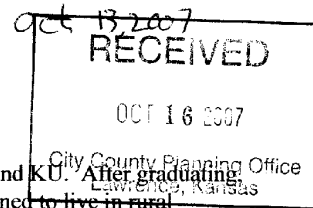
I ask the Planning Commission to delay any discussion and decision about the Airport Business Park proposal until the citizens of Douglas County have a reasonable period of time to hear from Diversified Concepts and understand the costs to the City of Lawrence so they can register their comments in a fair and reasonable manner to the Planning Commission.

I request my letter be placed in the public comment file. Thank you for your consideration of these comments.

Sincerely,

Jerry Jost
2002 East 1600 Road
Lawrence, Kansas 66044
(785) 865-2555
jjost@myvine.com

To the Douglas County Planning Commission:



My name is Bob Lominska. I came to Lawrence in 1966 to attend KU. After graduating my wife and I served in the Peace Corps for two years and returned to live in rural Lawrence. We bought a farm in southern Jefferson County in 1976. I farmed on the side while I taught school for 31 years. In 2005 I took early retirement from teaching to focus on farming and local food production. (I am also an investor in Central Soyfoods.) We have been selling produce from our farm at the Downtown Lawrence Farmers' Market almost since its inception. I am a founding member of Rolling Prairie Farmers' Alliance, which is a subscription vegetable service marketing vegetable in Lawrence and Kansas City. We also sell some produce to restaurants and grocery stores. I took the time to write all this so you understand that I have a lot of experience growing and selling produce in this area and have a good understanding of the rewards and challenges of farming for a portion of my livelihood.

Given this background, I consider it to be incredibly short sighted to destroy prime farmland on the outskirts of a major population center by putting an industrial park around the Lawrence Airport. As time goes on, and fuel becomes scarce the long distance transportation of produce is going to become more difficult and expensive. We need to preserve this excellent farmland for the growing of real food for the people of this region.

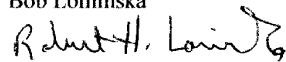
Proximity to consumers give value to this land, proximity to labor, adds more value still. It is some of the best soil on the Planet. At this time, coming off of a dry summer, the fact that there is abundant water available for irrigation makes this an exceptional location for growing high value produce.

I understand that making a living growing commodity crops such as corn and soybeans is difficult. Farmers have had to "Get big or get out." Small businesses are often more innovative and creative than large ones. The same seems to be true of farms. Most of the innovation in US agriculture is taking place on small farms. If large landholders are wanting to sell, they should consider selling to people who want to farm on a smaller scale and can meet some of the demand for local produce that exists in Lawrence and Kansas City. Once this land is built on and paved over, this will not be an option.

I urge you to save this prime farmland to meet the needs of future generations and to put your efforts into developing the old Farmland Industry site into an industrial park. That site is suited for little else and is a much better choice.

Sincerely,

Bob Lominska



1954 Union Rd.
Lawrence, KS 66044

Please add this to the file of public
comment re. The North Lawrence Industrial park.

Citizens for Responsible Planning
Position Paper: Lawrence Airport Business Park
October 14, 2007

RECEIVED

OCT 16 2007

City County Planning Office
Lawrence, Kansas

Citizens for Responsible Planning, a local grassroots organization with members representing Grant Township, North Lawrence, and city residents asks the Lawrence and Douglas County Metropolitan Planning Commission to consider these concerns when deliberating annexation and rezoning requests for the proposed 144 acre Airport Business Park:

1. WE NEED FARSIGHTED PLANNING
2. HORIZON 2020 AND THE "INEVITABILITY" FACTOR
3. THE HIGH PRICE OF FLOODPLAIN DEVELOPMENT
4. OTHER INDUSTRIAL SITE OPTIONS
5. LIGHT INDUSTRY: RISKY BUSINESS
6. LOSS OF PRIME AGRICULTURAL LAND

1. WE NEED FARSIGHTED PLANNING

The Lawrence Airport Business Park, a joint project of Pine Family Farms and Diversified Concepts, LLC is the result of at least two years' preparation by the landowner and developer, now partners. Encouraged by the Lawrence-Douglas County Economic Development Board's pledge to bring 1,000 acres of industrial ground online in the next five to six years, Diversified Concepts announced its intention to develop an industrial park/employment center on 900 acres of agricultural land north of Lawrence, promising 10,000 new employees over 25 years. Light industry, heavy-transportation and trucking industry, distribution centers, aviation industry and warehousing were the aim of this future light industrial "lifestyle center."¹ However, on September 13, 2007, Diversified Concepts announced it would no longer pursue the 900 acre plan because it could, for the moment, find no willing partners for the full scale plan. The developer's immediate attention remains on the first 144 acres of the Pine's nearly 350 acre farm.

Since learning about this ambitious proposal in the local newspaper, significant community opposition has arisen. Residents of Grant Township and North Lawrence have had a steep learning curve as they've quickly sought to understand the impact of such a development on both neighborhoods and the broader community. Too easily labeled a "not in my backyard" opposition, the members of Citizens for Responsible Planning remind the Planning Commission and City Commission that any private development requiring generous city funds causes it to land squarely in the back yard of every tax paying citizen. The future of the Airport Business Park depends entirely on city funds.

¹ Lawrence Journal World, June 23, 2007

For present purposes the Planning Commission is limited to considering the annexing and re-zoning requests for the Airport Business Park, No. 1. However, Horizon 2020 makes it clear that part of the city's responsibility in maintaining its industrial inventory includes evaluating "infrastructure service delivery and phasing plans."² Meaning, not only this first phase but future phases must be part of the Commissioners' deliberations—especially as they impact the type, amount, and especially cost of the infrastructure the city will be committed to provide now and in the future. The City Planning Department's own Plan Review Comments reflect this concern as well: "As several of the improvements identified within this concept are not within the current CIP [Capital Improvement Plan] I believe there should be some overall discussion/agreement on the funding of the required projects for all Phases as part of the current Planning process."³ The Airport Business Park has far reaching implications beyond Phase No. 1 carrying the city into future costs unknown.

Therefore, Citizens for Responsible Planning asks the Planning Commission to take the long view when considering this first industrial project. It would be naïve at best, and disingenuous at worst, to treat the Airport Business Park, No. 1 as anything less than what it is: the city's first step toward what the North Lawrence Drainage Study calls the "full build out scenario" of the North Lawrence watershed.

2. HORIZON 2020 AND THE "INEVITABILITY" FACTOR

Identified for industrial zoning by Horizon 2020 because it is flat and lies in close proximity to various transportation modes, the land around the Lawrence Municipal Airport is not so simply defined. There are also good reasons contained within Horizon 2020 to rethink and retract this industrial designation. In Chapter 3, under the heading, "Key Features of the Plan":

- *The plan recommends the protection and preservation of extensive floodplains and riparian ways throughout the planning area. These resources often are a constraint to urban development.

- *The plan promotes the maintenance of a strong and clear distinction between the urban and rural characters of Lawrence-Douglas County.

- *The plan encourages the conservation of sensitive natural and environmental features and discourages development where two or more features exist in combination or would result in costly public improvement projects."⁴

And, were all the planets in the heavens to align, and the County, City, and Planning Commissioners to agree on the Revised Chapter 7 of Horizon 2020, they would find even stronger language to question the advisability of naming the Lawrence Airport a future industrial site:

² Horizon 2020, Chapter 7, Policy 3.4, p. 118

³ Plan Review Comments, Public Utilities Department, July 18, 2007

⁴ Horizon 2020, Chapter 3, Key Features of the Plan, page 22

“6. Encourage industrial and employment-related development to locate on sites that are not considered prime agricultural farmland for cultivation or ranching.

8. Consider floodplain, wetlands, and drainageways. Avoid intensive industrial and employment-related development in flood prone areas. Encourage the retention of such areas for natural stormwater management and open spaces that can be used to buffer and/or connect adjacent development.

10. Review criteria should be designed in a weighed manner so that extraordinary costs or expenses to develop parcels are identified and used in the evaluation process for determining the eligibility of parcels for industrial land use and development.”⁵

Horizon 2020, though not “despositive”—as Commissioners are often reminded—is important to the discussion of the Airport Business Park because it contains the guiding principles for comprehensive planning for our future. On the one hand it makes industrialization around the airport seem “inevitable” by the historical placement of one dot on a map. On the other hand, Horizon 2020 makes that same dot ill-advised because in contradiction to good, comprehensive planning, industrializing land around the airport would mean developing the very kind of land Horizon 2020 warns against: flood plain and flood prone; full of sensitive natural and environmental features; arguably the best prime agricultural soil in the region; and subject to extreme cost if development is attempted.

Only 10 months ago the Planning Commission voiced reluctance to industrialize this particular area. Minutes from the Planning Commission’s November 10, 2006 meeting reflect a conversation laden with concerns about drainage problems, lack of money for infrastructure investment, politically sensitive K.U. Endowment land, and the risks inherent in building on low lying land surrounded by rivers, creeks and aging levees.⁶ Further making the point Commissioner Harkins, in reference to the airport discussion, indicated, “we need to be careful not to make mistakes that were made in New Orleans where the system was built on dikes and pumps.”⁷ The end result of that discussion was the Commission’s recommendation to change the future land use map in this way: “Reduce the future industrial in North Lawrence and retain areas in agriculture.”⁸

Political winds have changed in Lawrence, and some faces around the Planning Commission table have changed as well. But in the ten months gone by the flood plain, shortage of public funds, sensitive environmental issues, and risks inherent in the airport site remain the same. This development should not move forward based on the

⁵ Horizon 2020, Revised Chapter 7, policy 2.1: Utilize Locational Criteria for All Industrial and Employment-related Development

⁶ Lawrence and Douglas County Metropolitan Planning Commission Minutes, November 10, 2006

⁷ Ibid.

⁸ Ibid.

landowner's belief that such development is "inevitable."⁹ Lawrence's own comprehensive planning document and Lawrence's own planners are not so clear on the matter.

3. THE HIGH PRICE OF FLOODPLAIN DEVELOPMENT

"Floods are 'acts of God.' But flood losses are largely acts of man."

Gilbert F. White, Geographer, 1942

Sometimes we are victims of our own audacity. The specter of large-scale development on flood prone and floodplain land north of Lawrence has the look of New Orleans in miniature. Gilbert F. White, considered the "father of floodplain management" voiced his land use concern many years ago as advances in engineering made building on the floodplain more and more palatable for developers. White argued that dams, levees, and other flood protections actually increase flood losses by spurring new development in the floodplain, incurring catastrophic losses when man-made flood protections fail. This floodplain development came to be known as the "levee effect".¹⁰ The Airport Business Park is the first step toward floodplain development on the North Lawrence watershed—a floodplain already relying on aging levees, dams, pumping stations and waterways. If the recommendation to raise Highway 24/40 as a levee is carried out, the floodplain development north of Lawrence will actually accomplish the most dangerous development scenario of all: building in a bowl.

At the time of this writing the cost of the Airport Business Park to the city (and ultimately the taxpayer) is unknown. Diversified Concepts expects the city to pay for all infrastructure leading up to the project. Much of these costs represent projects meant to protect North Lawrence residents from the natural consequences of development on the floodplain. Landplan Engineering outlines what Diversified Concepts expects the city to provide: at least 5,000 feet of iron pipe for water, 4,900 feet of pipe for a temporary pump station, off-site storm sewer improvements, and 1,300 feet of roadway improvements to Highway 24/40 and 7th Street, along with annexation issues surrounding parcels of land not controlled by the developer.¹¹

At first reading this laundry list of infrastructure expenses seems ordinary. But one item on the list is phenomenally important: "off-site storm sewer improvements." Anyone who knows North Lawrence knows that storm water and sewer improvements represent anything but an ordinary challenge. So significant are the problems of storm water and flooding for North Lawrence that the City of Lawrence commissioned a \$280,000 engineering study to determine what must be done to resolve current drainage problems, and then what must be done to prevent future drainage problems in the event of

⁹ Sen. Roger Pine, Lawrence Journal World, June 23, 2007

¹⁰ "New Orleans: A Perilous Future", National Geographic, August 2007, p 43

¹¹ Phil Struble, Landplan Engineering correspondence to Dave Corliss, City Manager, August 2, 2007

development on the northern watershed. The North Lawrence Drainage Study, published in 2005 is the result.

The North Lawrence Drainage Study (NLDS) estimates the cost of fixing existing stormwater drainage problems in the interior of North Lawrence at \$16 million. That figure represents money the city must spend to correct ongoing drainage issues in North Lawrence before new development commences north of North Lawrence.¹² Some of these capital improvements are included in the CIP but none are funded except for the 2nd Street Maple Grove Pumping Station. As industrial development presses outward onto the northern watershed, the NLDS outlines exterior projects with an estimated price tag of \$25 million to prevent development-related flooding in North Lawrence.¹³ The most substantial of these projects is the elevation of Highway 24/40 to serve as a levee, a project identified as “key” to the whole drainage plan¹⁴ and the \$11 million force pump to force the gathered water toward the river.¹⁵

To its credit, the North Lawrence Drainage Study is farsighted, looking to what extensive development of the watershed means for drainage issues and subsequent future costs: “The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100 year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

“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 a significant improvement of the hydraulic structures which carry flow under the roads.”¹⁶

Purchasing land for ponding, raising roads, improving hydraulic structures to move water over and around the raised roads, and even the provision of emergency services including a new fire station all represent significant future expenditures not yet addressed but certainly worth noting. It is also important to note the NLDS makes the disclaimer that all costs are only estimates and do not represent actual construction costs of the projects outlined. Add two years of inflation to that disclaimer and the actual costs for stormwater mitigation will easily exceed the estimated \$41 million total—possibly even eclipsing the \$54 million the developer believes this project will make for the city over 20 years.¹⁷

And there is another hidden cost concern: According to ECO² policy, “the Commission will be guided by a principle known as ‘net equity’ which says that the same amount of public funding invested in a new business park that is not recouped over time

¹² North Lawrence Drainage Study, Page 5

¹³ Ibid, page 4

¹⁴ Ibid, page 2

¹⁵ Ibid, page 4

¹⁶ Ibid, page 8

¹⁷ Jes Santaularia, Lawrence Airport Business Park Background Paper, page 6

will be invested in open space preservation.”¹⁸ So, if the development is unsuccessful, not only would the city bear the cost of building and maintaining infrastructure, according to ECO² the city would also have to spend money for open space preservation to make amends for its first failed investment. This represents the potential for a doubly bad investment for city and taxpayers alike.

While the Diversified Concepts development team may want to publicly minimize the floodplain risks this development poses, planners must take seriously the financial implications of taking the first step into full build out scenario. The City of Lawrence already finds itself in lean times where maintenance of current city infrastructure is a challenge, public service programs are frequently on the chopping block, and life-enhancing projects such as a new library are on hold for lack of funds. Is it wise planning to commit our city and its taxpayers to pay for a speculative project on a risky site in hopes of a future return that likely will not equal the cost of the infrastructure investment? No.

4. OTHER INDUSTRIAL SITE OPTIONS

Along with the land around the Lawrence Airport, other sites are also identified by the city as well suited for industry. These include sites on the south side of Lawrence: The Santa Fe Railroad Corridor, the remaining acreage at East Hills Business Park, and the old Farmland Industries site. These sites go a very long way toward fulfilling the Economic Development Board’s desire for 1,000 more industrial acres.

- ALL of these southern sites are in close proximity to K-10 highway.
- ALL of these southern sites are in close proximity to the east Lawrence industrial corridor.
- All of these southern sites are close to rail transportation.
- ALL of these southern sites have city infrastructure in place or fairly easily made so.
- ALL of these southern sites are currently surrounded by commercial and industrial development and redevelopment.
- ALL of these southern sites take advantage of the new Wakarusa Water Reclamation Facility.
- NONE of these southern sites have floodplain drainage problems to the extent of the airport site.
- NONE of these southern sites have the distinction of being “prime” agricultural river basin land, rated I-1, the best kind of topsoil in the world.

Here, it is especially important to note that the largest lot at the Airport Business Park will be 20 acres; the next largest, 12 acres; the rest three to five acres respectively. In no way does the Airport Business Park meet the Chamber of Commerce Economic Development goal to add large industrial lots of 100+ acres to Lawrence’s industrial inventory. If the Chamber of Commerce is serious about its goal to acquire 1,000 acres of

¹⁸ Kansas Land Trust Stewardship Notes, Summer 2007

new, large industrial sites with special emphasis on 100+ acre sites,¹⁹ then their goal is far better met by the aforementioned southern sites. These sites represent less infrastructure cost to the taxpayer, less flood risk to property and public, and they meet the Chamber's desire for large industrial sites in close proximity to highway and rail.

5. LIGHT INDUSTRY: RISKY BUSINESS

The Airport Business Park project presupposes the advisability of building a light industrial center in Lawrence at this time. But the Kansas City based real estate investing firm of Grubb & Ellis/Winbury Group raises serious concern whether it's wise for any new investor to step into the light industrial fray at this point when close by are two major inter-modal competitors well under way. Gardner, Kansas will by 2010 complete its mass-transit road and railway inter-modal super center. And another inter-modal development near Kansas City's International Airport—the KCI Inter-modal Business Centre—is “anticipated to become a nearly 1,000 acre powerhouse in light industry including air cargo, air freight, light industry, and distribution centers.”²⁰

The Grubb & Ellis report continues, “Given the pending development of logistics parks with inter-modal capabilities by both CenterPoint Properties and BNSF, there will be some risk associated with going head to head with these developments.”²¹ Grubb & Ellis gives us fair warning about the risk to investors of stepping into this highly competitive light industrial market. This raises the question: Can a 144 acre business park divided into 18 small lots compete with two major inter-modal mass transit, rail, and air freight facilities both within one hour's drive? The Lawrence satellite branch of Grubb & Ellis (which represents the landowner) says yes. The Kansas City home office says doubtful.

Another question is worth asking: When Lawrence has so few dollars to invest in economic development, should light industry, warehousing, and light manufacturing be what our city invests in? According to the Kansas Department of Labor, jobs in the light industry/manufacturing sector are shrinking across the nation as more manufacturing jobs are outsourced overseas. Lawrence's manufacturing sector shrunk from 12% to 8% from 1996 to 2002.²² And in a city where the decision was made years ago to invest in high wage jobs, warehousing, which provides little property tax revenue, few jobs, little to no job growth, little to no upward mobility, and low wages is a questionable investment at best. In 2002, the average wage for truck transportation and warehousing employees was

¹⁹ Laverne Squier, President, Lawrence Chamber of Commerce, Lawrence Journal World, June 23, 2007

²⁰ Industrial Market Trends, Grubb & Ellis Research, Second Quarter, 2007

²¹ Ibid.

²² Kansas Department of Labor Statistics, 2002 report

just over \$30,000.²³ What does that mean in Lawrence? An annual gross income of \$30,000 is barely enough for a family of four to qualify for a Habitat house.²⁴

But if city leaders are determined to invest in warehousing and heavy transit industry many such sites are already available such as the Davol, E & E, and Serological buildings on the south side. In North Lawrence a new, 65,000 square foot speculative structure sits largely empty. The three year old Maple Grove Industrial Park on Highway 59 North sits largely empty. Drivers entering the northern Gateway of Lawrence can see many light industrial and commercial buildings sitting vacant. Why not redevelop and infill these sites—a key principle of Horizon 2020—before venturing out onto prime agricultural land?

It is also the intention of the Airport Business Park to open a 60,000 square foot commercial retail center to service employees and North Lawrence shoppers. But Lawrence's own Inventory of Retail Space shows that 41% of North Lawrence's commercial retail buildings are vacant.²⁵ And though that number sounds high, a visual inspection of storefronts from Elm Street Midland Bend on Highway 59 N proves it out. "For Lease" and "For Sale" signs nearly equal signs advertising stores open for business. To be sure, there is debate whether Lawrence's retail space is overbuilt. But let there be no debate about the surplus of retail space in North Lawrence. Though there are pockets of promising redevelopment, empty storefronts, empty Morton buildings, empty strip malls, and empty offices are readily and easily seen from the road. With so much retail space sitting empty in North Lawrence it cannot be wise for the city to invest in a project which promises even more.

6. LOSS OF PRIME AGRICULTURAL LAND:

All farm land is not equal. Some is best for grazing animals; some is best for cultivating crops. The farm land of Pine Family Farms is cultivatable land of the highest order: "Judson silt loam" which is the very best kind of soil. According to the USDA county soil survey, "Judson" is less than one-tenth of its soil group, the "Eudora-Kimo association," which, overall, comprises only 7 percent of Douglas County.²⁶ It is deep soil, easily tilled, well drained, has an ideal pH, high fertility and high available water capacity. Stated clearly, the farm land that will be lost to speculative warehousing is rated "Capability 1-1." There is no higher topsoil rating and once it is gone we cannot get it back.

²³ Ibid.

²⁴ Habitat for Humanity Income Guidelines

²⁵ City of Lawrence, Inventory of Retail Space, 2007

²⁶ U.S. Department of Agriculture, Soil Conservation Service, Douglas County Soil Survey

Over the years, tens of thousands of Douglas County agricultural acres have been given over to development, sometimes at a rate as high as 4,000 acres per year.²⁷ Large suburban subdivisions, commercial retail centers, light and heavy industry now sit where true green space, pastures and cropland once existed. ECO², a consortium of development proponents and environmental experts was commissioned to assure some balance between two concerns: the need for nature, and the need for economic growth. In order to fairly assess which land is best left green and which land is best converted for industry the ECO² Commission established weights to be given various factors associated with the land in question. Factors given the most weight are: “proximity to transportation, total acreage, average slope, extraordinary costs, and existing plans for the area.”²⁸

Let’s talk about “extraordinary costs.” One way to look at “extraordinary costs” is the most obvious—the dollar sign affixed to stormwater mitigation projects for which this development proudly boasts it will be the catalyst. But there is another “extraordinary cost” associated with this project which is not calculable in terms of money. It is the social cost felt by our community when one of the last remaining rural fingers of Lawrence is turned over from agriculture to the warehousing and heavy transit industry. Lawrence has a great agricultural heritage which it stands to lose in the name of economic development.

Almost a 1,000 acres of the very best agricultural land in Douglas County is now at risk for development--starting with this first 144 acres. In decades past, when these green acres were identified as suitable for industrialization, there were few thoughts of preservation because there was no energy crisis, there were no hints of changing weather patterns with more and more frequent devastating floods, there was no 9/11 with local Homeland Security concerns and its directive for regional sustainability, there was no destabilization of the world’s food production chain, there were seemingly no worries. But times have changed. Common sense dictates we must think pro-actively about our future, taking wise steps toward economic viability alongside wise steps toward actual viability in a rapidly changing world. To intentionally reduce our best soil which could profitably produce local food in favor of subsidizing an industrial venture that is risky at best, is not only short sighted but might be viewed by future generations as blind.

Development in and of itself is not bad. But development that replaces the industry for which this soil is supremely suited—agriculture—with large flat roofs and acres of impervious surfaces directly upstream of an already flood prone community is foolish, especially when other more adequate sites exist, and when other local farmers would like a chance to buy and progressively farm those acres to help meet Lawrence’s growing demand for locally grown food. At some point our leaders must look far enough into the future to see that our remaining prime agricultural land is one of Douglas County’s most precious commodities—not something to be traded for a future of warehouses and strip malls. To push forward such ordinary development at a Gateway to

²⁷ Douglas County Preservation Alliance Newsletter, County Conservation, 1998

²⁸ Kansas Land Trust, Stewardship Notes, Summer 2007

our community overlooks the opportunity to display Lawrence's extraordinary agricultural heritage and beauty. Surely one Gateway to Lawrence should be truly green.

IN CONCLUSION

A common business dictum says you have to spend money to make money. And when money is scarce, making money becomes an urgent task. That is where Lawrence finds itself today—in lean economic times with a strong urge to build. Because economic development dollars are scarce, how we spend them, and where we spend them, becomes ever more important. The City of Lawrence cannot now afford a misadventure in development at the Lawrence Airport Business Park. Our leaders take a terrible risk if they invest large sums of taxpayer money on this speculative industrial development that may very well cost more to actualize than it will ever earn in return. Citizens watch how their tax dollars are spent. Mayor Sue Hack acknowledges this when she says about Lawrence residents, “They want to know we are planning for the future with care and concern for tax dollars.”²⁹

If we have to spend money to make money, let's spend it wisely on land where infrastructure already exists, where flood risks are low, and where industrialization is already part of the landscape. Citizens for Responsible Planning recognizes the Planning Commission has a difficult job deciphering the pros and cons of this significant project. Our hope is for a thorough, transparent public dialogue on this land use issue that seeks primary consideration of the public good now and far into the future. That, in our minds, would lead to a rejection of the Diversified Concepts request to annex and re-zone 144 acres of Pine Family Farms for the Airport Business Park, No. 1.

Respectfully submitted by Citizens for Responsible Planning, Steering Committee:

Nancy Thellman
Ted Boyle
Ron Schneider
Barbara Clark
Mary Ann Stewart
Lane Williams
Jim Smith
Jerry Jost
Bob Lominska
Michael Almon
Carey Maynard-Moody
Rich Bireta

²⁹ Mayor Sue Hack, quotation under “Support from our Mayors and County Chair,” Transportation 2030 flyer, September, 2007



Committee to Protect Prime Farmland From Sprawl

P.O. Box 1512 Lawrence, KS 66044

RECEIVED

OCT 16 2007

15 October 2007

City County Planning Office
Lawrence, Kansas

Lawrence-Douglas County Planning Commission
Lawrence City Hall
6th & Massachusetts Street
Lawrence, KS 66044

re: October 2007 agenda items: A-06-05-07, Z-06-09-07, Z-06-10-07, Z-06-11-07, PP-06-06-07

Chairman Eichhorn and Commissioners:

Seven years ago, The Committee to Protect Prime Farmland From Sprawl was one of the principle groups opposing Douglas County Development, Inc in their plans to expand the hilly part of the East Hills Business Park out into the prime agricultural bottomland east of East 1750 Road.

As you may recall, that proposal ended in a form of stalemate. The land was annexed and rezoned to IG, but American Eagle Corp. pulled out due to the controversy about development in the flood plain and on prime agricultural land. DCDI has yet to attract a client for the site.

But the stalemate was precipitated by a larger issue, the absence of clear policies and plans to govern the location of future industrial development in areas of the County that all parties could agree were appropriate. As a result, DCDI and the Chamber of Commerce conceded to defer their push for large lot industrial acreage in the County, and they agreed to negotiate with the opposition groups about devising such policies. From this grew the ECO² initiative, the ECO² Commission, and ultimately the ECO² Plan.

As you know, the ECO² Plan was completed in early 2007, and to date there have been presentations to both the City and County Commissions. However at this stage, this so called "plan" is merely a study, because it has not been adopted by either Commission, nor incorporated into our Comprehensive Plan. Additionally, implementation of it's generalized guidelines are entirely dependent on funding by either the Douglas County Economic Development Board, or by contributions by land developers or others.

The ECO² Study investigated eleven "mock project areas" for features appropriate for large lot industrial use and/or ecological preservation. Of these hypothetical areas, one was generally in the vicinity of the Lawrence Airport. We must be clear that the ECO² Study did not earmark any sites for industrial development, but only compiled a set of criteria against which industrial sites might be evaluated.

The most glaring omission of the ECO² Study is that the criteria of "Agricultural Lands" is reserved for the Open Space Preservation Program only, and not applied as a negative factor for siting industrial development. The very issue of prime agricultural land preservation which prompted the creation of the ECO² Study is of no concern when evaluating industrial sites. This supposed policy guide for our twenty five year industrial plan omitted any component to protect prime agricultural land.

So now, with industrial development proposed in the North Bottoms on top of the exact same prime agricultural soils as are in the East Bottoms, the developer is using the ECO² Study as their justification to fill and pave over these prime soils. The Planning Commission is ill advised to accept this claim.

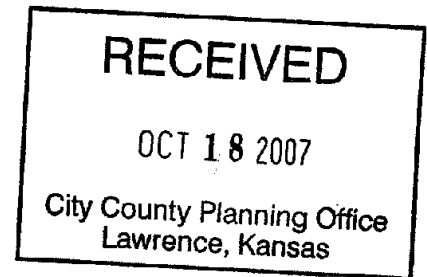
The Committee to Protect Prime Farmland From Sprawl is opposed to the annexation, plat, and rezoning of the 145 acre Airport Business Park #1 proposal. The appropriate land use of these soils is flood plain and prime farmland. Our future food security depends on their continued productivity.

Sincerely,

Michael Almon



Chestnut Charlie's
P.O. Box 1166, Lawrence, KS 66044
785-841-8505, nuts2sell@aol.com
www.chestnutcharlie.com,



October 18, 2007

Lawrence and Douglas County
Metropolitan Planning Commission
Attn: Paul Patterson
City Hall, 6 E. 6th Street
Lawrence, KS 66044

Re: Pine Family Farms annexation/rezoning request (so-called Airport Industrial Park)
Comments for Planning Commission consideration, Oct.24, 2007 meeting

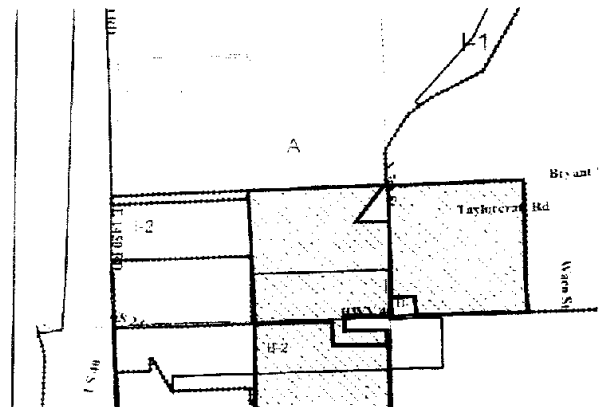
Planning Commission members:

We don't ask much from our city and county planners. We just want to be left alone to continue our lawful agricultural project in our agricultural zone without being harmed or placed in danger.

Who we are:

My wife and I own the 20-acre tree plantation just north and west of the proposed development and fronting on US 24/59. Specifically: N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of 18-12-20 E, 19.527 acres, m/l, (see drawing). Our crop is tree nuts, our focus is chestnuts.

Although the applicants and city planning staff dismiss our area as "vacant" farmland, actually our fixed capital improvements are more substantial than buildings. We have established over 1,500 orchard nut trees (both productive and pre-productive). Valuation is difficult because equivalents of our established chestnut trees cannot be



purchased or replaced for any amount of money this side of the Mississippi. To make a wild guess, \$350/tree x 1500 nut trees equals \$525,000 in rooted production equipment. We also have many hundreds of windbreak/shelterbelt trees and shrubs necessary for organic certification, an irrigation well, and machinery and processing sheds. Each year we expect this fixed capital value to grow instead of depreciate.

Although entirely private, we have received support and assistance from the Center for Agroforestry of the University of Missouri and from the Pecan Experiment Station of Kansas State University. We are collecting performance and hardiness data in a program for selecting superior trees. The next generation of Kansas-hardy nut trees may come from our selections growing at our site.

Our orchard has 13 years of investment and is only now beginning to be productive. In coming decades, based on other growers experiences, we expect an annual harvest of at least 1000 pounds, or \$4,000 worth of chestnuts per acre (about 7-8 times as much as corn, at today's prices). We do not expect repayment of our investment for years to come but the project should remain productive, without costly inputs, for 50-100 years.

But our efforts could all be wiped out by the effect of local area development on soil moisture and drainage.

The source of our concern: Phytophthora (root rot) and relation to drainage

Phytophthora root rot is an incurable and fatal disease of chestnut trees. It is a fungus that occurs in wet soils. One species of Phytophthora is responsible for potato blight, cause of the historical Irish potato famine. Roger Pine once told me that he lost his own potato crop to the potato blight one rainy year. This isn't surprising. Phytophthora occurs in soils that remain wet for long periods of time. Once the fungus arrives, it is impossible to eradicate.

Chestnuts require well-drained soils—perched water tables are bad. The Eudora-Kimo soil association is generally thought to be well-drained although level. However, the Kimo component contains a silty-clay which can get swampy—you find it in ponding areas, such as immediately north of my farm in front of my neighbor's residence. These areas are marginal.

In a nutshell, our concern is that by adding impermeable surfaces, compacted fill, rooftops, parking lots, etc., the development will burden adjacent and nearby farmland, including our own, with increased storm water. This will increase the risk of loss to our orchard from Phytophthora. Since Roger Pine has experienced this disease with potatoes, we already know that our soils are susceptible to this disease fungus.

Some further information you may not know which is relevant to our concerns:

First, our land lies downhill from the Pines in elevation. The Pine farm elevation appears to be mostly about 828 to 830 feet, while our property runs from a high of 828 down to 822, which is just about the same elevation of the base of the historic Teepees which bear the "high water" mark of the 1951 flood.

Second, the project plans to take fill soil from the northwest corner, the part closest to our orchard and that will become an expansion of Maple Grove, East Branch for water retention—meaning more water standing closer to our orchard.

Third, the key element of the North Lawrence Watershed Drainage Study, Executive Summary, Part II A provides for:

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

This calls for the highway to become a dam to back up more water closer to our orchard, again.

Fourth, our water table is very shallow, normally 10-13 feet, which is marginal for tree crops. From my own test holes and from our irrigation well performance, I know from personal experience that the underlying soil is coarse sand. Sand is very porous for underground water movement.

Fifth, the natural drainage of the western portion of our orchard property is already cut off by the existing US 24/59 roadbed—there is no way for us to discharge surface water from about 3/5 of our property—no place for rain but down into the soil.

A change of zoning should not harm nearby properties:

Prior to authorizing a large zoning change the city and county governments should ensure that existing property and businesses will not be harmed.

Furthermore, the burden of persuasion should be upon the developer to ensure that no harm will come to neighboring property.

We are not absolutely certain that this development will increase wet soil conditions that cause harm our trees and capital investment. We are not feeling safe, either. I doubt that anyone has the expertise in the City to say. The planning staff has not addressed this concern in any way.

On the other hand, we are certain that development will have a substantial impact on flooding and soil moisture, that it will become a substantial burden on all neighboring properties, and that it will mean an increased risk for us.

The “tipping point”, or how will you handle the next rezoning request?

If this rezoning request is to be granted, we have difficulty seeing by what criteria you can say “no” to industrial uses on any other property along the 24/59 highway. For example, could you deny county industrial zoning to our 20 acres, or either of our neighbors, seeing them situated across the street from long-time retail industrial or warehouse uses, and in the shadow of Maple Grove Industrial Park and Pine’s proposed development. Is the generosity of the Planning Commission going to suddenly cease after the Pine family gets theirs approved?

This is first time that a large viable farm north of the Turnpike will have become an industrial real estate speculation. This application will, if successful, spawn a succession of similar applications for farm parcels on Hwy 24/59, and possibly across 24/40 as well. What criteria will you use? Where will it stop?

The Jayhawk Motel syndrome

We have made the observation that every new business in the floodplain is built upon substantial fill, often several feet above grade. Obviously, this is to reduce flood risk to the new investment. Just as obviously, this increases flood risk to surrounding properties.

I have mentioned this to the City storm water engineer, Mr. Bond, and asked him what the technical term for this problem was. He had no name, no term for what I described. So I call it the "Jayhawk Motel syndrome."

If you will drive down North 2nd to North 3rd street, as I do on my way to the orchard, you will observe the Jayhawk Motel. To the left is the failed gas station, now Dangermond Liquor store, sitting upon about 6 feet of fill topped with asphalt. The Sonic Drive-In across the street is also sitting several feet high. That old motel, sitting on the natural ground level (standard acceptable practice at the time built), must now absorb the rainfall that runs off the elevated parking lots and roofs of these neighboring businesses. Further, the Tangier Mall, the Presto gas station, the Burger King, all these add up to acres and acres of impermeable pavement draining out to the now raised North 3rd street with its inadequate gutters and storm sewers --small wonder the poor Jayhawk Motel suffers frequent floods.

For this point, assume that we have 20 acres and our neighbor has 20 acres, and our neighbor builds a warehouse on fill with surrounding pavement. When it rains 8 inches in one night, as it has done, then our property will have to absorb 16 inches of precipitation. It is not acceptable. But it is what we do in North Lawrence.

If the City is to spread out north of the Turnpike in the same fashion as it has done on North 3rd Street, allowing every new business to create a new flooding problem for every old business--the Jayhawk Motel syndrome--we want no part of it.

We recommend that the storm drainage problems of the area be studied more thoroughly by staff before opening the area north of the Turnpike up to further development, and that the proposed rezoning and annexation be denied at this time.

The North Lawrence Drainage Study is deficient in many respects. The staff recommendation that this proposed development is consistent with the Study is a gross oversimplification of the issues and concerns.

It will be prohibitively expensive to protect North Lawrence from unnecessary flooding from extreme or persistent rainfall. We have no confidence that the City has the financial ability to protect us from the adverse consequences of development north of the Turnpike.

For all the reasons above, until we fully understand the effects of this development on the neighborhood, we recommend the Planning Commission disapprove this application in its entirety.

Yours truly,



Charles NovoGradac



Mailing Address PINES International, Inc., PO Box 1107, Lawrence KS 66044-8107
Street Address PINES International, Inc., 1992 East 1400 Road, Lawrence KS 66044-9303
Phone 785-841-6016 *Orders* 800-697-4637 *Fax* 785-841-1252 *Website* www.wheatgrass.com

October 15, 2007

Planning Commission
City Commission
County Commission
c/o City Hall
6 East 6th
Lawrence, KS 66044

Dear Commissioners,

I am President of Pines International and the Wilderness Community Education Foundation. These two organizations own about 1,600 acres north and northwest of the proposed business park. We share common goals with the University of Kansas Field Station and Ecological Reserves, which represents an additional 1,800 acres.

I should mention that Pines International has absolutely no connection with the Pine Family Farms or their related development activities. Pines International is committed to improving the soil and to a kind of sustainable agriculture that was once commonly practiced by responsible farmers in our valley.

My comments below represent my own thoughts and feelings; however, I suspect that many of our 25 employees and many of our one hundred local stockholders would agree with me. I am opposed to this development for at least nine reasons:

1. This proposal would break a long-standing covenant

Besides Pines International, the WCEF and the Ecological Reserves, many individuals and families also own property near the proposed business park. Most these properties overlook the prime farmland that is the proposed location for this development.

Because this land is so productive and important for food production and because it is prone to flooding, previous long-range planning documents have said this land should "never to be developed." All of us purchased our properties based on the belief that future Planning Commissions, City Commissions and County Commissions would be honorable people and not violate the promises made by previous elected and appointed officials.

We could never imagine that future officials would consider developing the extremely fertile farmland in the valley below our properties. It was that scenic vista that caused many of us to pay premium prices for our land. Now several hundred people are concerned that our properties will lose value and that we will lose our magnificent views. It seems totally un-American that hundreds of people will lose their quality of life just so a select few can benefit financially, especially when there are so many other more suitable locations for this kind of development.

2. This proposal represents fiscal irresponsibility

Much has already been said about the fiscal irresponsibility of development in the bottoms, especially near a major creek that is prone to flood. Even given the optimistic projections currently being made by the developers, we know that the costs of draining storm water runoff from all those roofs, roads and parking lots will be significantly greater than building on higher ground.

The taxpayers will be paying for flood control measures that we would not have to pay for on a more appropriate site. Further, as I will discuss later in this letter, no one is taking into account the massive rains from “super storms” that are predicted by nearly every climatologist. There are no preparations being made for these storms. There are no cost projections for what the taxpayers may have to ultimately pay to protect against these almost certain possibilities.

But my concerns go beyond the increased taxes to subsidize additional flood control measures at this location. My concerns also go beyond the obvious loss of our scenic views and property values.

3. This proposal demonstrates ignorance and a lack of foresight.

For those who do not know our area or the people involved, it must appear absurd that our community would consider building on bottomland along a frequently-flooding creek. They would find it even more absurd that we are considering building on our most productive farmland. The most uneducated farmer from the most isolated place on Earth would never be so foolish to build on his best soil.

4. This proposal is based on cheap fuel, and cheap fuel is rapidly coming to an end.

Increased fuel prices will dramatically change the economic landscape. Rapid increases in fuel costs are already making many locally-produced products less expensive. Those of you who shop at the Farmer’s Market know that locally-grown food costs much less than food imported from California and Mexico. We are already seeing an explosion of commercial gardens and orchards, and this trend will continue as the cost of shipped-in food increases. We will soon see locally-owned processing plants that will preserve summer produce to supply our community with food during the winter months at a fraction of the cost of shipped in food.

The days of air-lifting produce from Chili and California and importing cheap goods from China and Mexico and selling them at a competitive price are rapidly coming to an end. Up until recently, these imports have cost less because of cheap labor; however, lower labor cost will soon be offset by increased costs of shipping. It won't take too many more oil price increases before the costs of almost all imports will be more than locally produced foods and materials.

Our leaders need to wake up to these new economic realities. We need to look forward and not base present decisions on past realities. For example, efforts by local officials and developers to attract more commuters to our community and to build additional highways for them will become increasingly irrelevant due to the new reality of increased fuel costs.

Further, efforts to attract distribution warehouses for NAFTA will be as short lived as the factory outlet shopping centers that were all the rage by the City and County officials only a few years ago. In the years ahead, the desired increase in our community's employment base will not come from big box warehouses that sort goods coming down the pike on NAFTA highways. It will not come from industries that ship materials out of Lawrence. New jobs will be created by an increase in local enterprise, which will produce our own food, fuel and goods at a fraction the cost of shipped in materials.

5. This proposal threatens the safety and economic future of our community.

If you do not believe that fuel prices are going to continue to rise rapidly and if you do not believe that rapidly increasing fuel prices are going to dramatically change the economic landscape, you may want to look again at the economic forecasts. You owe it to the future of this community to look very carefully at these trends. Your wise decision to deny this business park and to keep the door closed to development of the bottoms is critical to the positive economic future of our community.

Given the effects of rapidly increasing fuel prices, we must recognize that a major component for the future success of our community will be our food-producing resources. Our best soils are the world-renowned soils north of the City in the Kaw bottoms. Protecting such soils is as important to homeland security as any other preparation. In terms of both quantity and quality, there are no soils anywhere in our region that can match the soils of the Kaw bottoms.

If you open the door to development of the bottoms, the bottoms will soon be filled with Tanger Malls, failed business parks and other boondoggles that were based on the belief that cheap fuel would last forever. As the cost of shipping goods and materials increases from the inevitable and dramatic increases in the price of oil, it would be a tragedy if the Kaw bottoms were filled with mostly-vacant warehouses, unused roads and nearly empty parking lots and were not available for essential food production.

When the price of fuel becomes so high that only homegrown food is affordable, it would be a tragedy if all we had left for food production were poor soils on high ground, which should have been the location for this business park in the first place.

6. This proposal fails to address the predicted floods brought on by global warming.

It is bad enough that costs of flood control had to be added to this project when there are so many places to build that would not require these costs. What is worse is the planners are basing their flood control costs on historical models, which are no longer relevant. Their plans fail to address the changes in our weather that are predicted by nearly every climate scientist. Other communities across the United States are taking steps to address these very real issues. Why should we in Lawrence/Douglas County do any less?

Future “super storms” are now an accepted reality. These hurricanes will be larger than anything in recorded history. Right now Category 5 are the strongest storms. Up until recently, very few storms have been that big. Meteorologists are now talking about Category 6 “super storms,” whose remnants will reach Lawrence and dump several feet of rain on our community in only a few hours.

After the first flood of this kind, the taxpayers will be forced to decide whether to abandon the buildings in the flood plain or raise taxes and spend vast sums on higher levees and larger pumping stations.

7. This proposal fails to address the predicted extreme droughts brought on by global warming.

Once the door is opened to development, the entire Kaw bottoms near Lawrence will eventually be lost. During years of extreme drought, the only land with a viable water table for irrigation will be the Kaw bottoms, but if the doors are opened to development, the bottoms may be covered with parking lots, roads and buildings at a time when we really need quality farmland that can be irrigated. Those who try to grow crops to provide reasonably priced food for our community will lament that water is too distant and fuel costs too high to pump water from the bottoms upslope for irrigation. Further these upland soils will produce a fraction of the yield that used to come from the bottoms, and the foods will have a lower nutritional content.

8. This proposal fails to answer the question of why other sites are not being explored.

| Except as a way for the few to benefit at the expense of the many, and as a way to increase taxes to pay for elaborate pumping stations, higher levees and other storm water infrastructure, this proposed business park is a very bad idea. There is plenty of land that is too poor for cultivation on higher ground. There are plenty of places to build a business park without destroying some of the world’s best farmland. Building on high

ground costs less and protects our most valuable soils for the future needs of our community.

9. Those supporting this proposal will be leaving a terrible legacy for themselves.

Are quick profits for the few really worth causing all the rest of us to have to pay higher taxes to cover the costs of dealing with both anticipated and unanticipated runoff from roofs, roads and parking lots?

Are quick profits for the few really worth forcing future commissioners to discuss the foolishness of your decision when they have to address upgrading pumping stations and levees to deal with super storms?

Are quick profits for the few really worth the legacy of being known as one of those who started the process of destroying the most productive soil in the region?

Are quick profits for the few really worth your violating the covenants made by previous officials for more than 100 years?

Are quick profits for the few at the expense of present and future citizens really worth your support of this project?

Do you really want historians to associate your name with this very bad idea?

I hope you will make a responsible decision and deny this request.

Sincerely,

A handwritten signature in cursive script that reads "Ron Seibold". The ink is dark and the signature is fluid, with the first and last names clearly legible.

Ron Seibold
President

From: Laurie Ward [mailto:ltward@sunflower.com]
Sent: Thursday, October 18, 2007 10:25 PM
To: Denny Brown
Subject: October 24, 2007 L-DCMPC Meeting

38 Winona Ave.
Lawrence, KS 66046

October 18, 2007

Lawrence-Douglas County Metropolitan Planning Commission
City Hall
6 E 6th St.
Lawrence, KS 66044

Dear Planning Commissioners:

I write to request that you deny the rezoning requests for land at E 1500 Road and US Highway 24/40--Items 16B, 16C, 16D for your October 24, 2007, meeting.

Among the reasons for my request are:

* We live in a rapidly changing world, yet rely on past regulations to determine future living patterns. In the next few decades, with rising energy prices and effects of climate change, Douglas Countians (and people everywhere) will almost certainly need to grow and produce more food locally.

Planning documents could benefit from amendments to regard land as three-dimensional, not just two-dimensional: Soil should be taken into consideration as well as surface trends. The soil of the proposed Santaularia/Pine Family/Landplan industrial development is rated among the best agricultural land in the country.

The introduction to Chapter Seven of Horizon 2020 states, "Of particular interest to the community is the attraction of industries and employment-related uses that are based in biosciences, ***agricultural and natural resources***, technology, and communications." Planning for farming and food production jobs to feed the people of Lawrence and Douglas County makes sense.

* As a society, transportation patterns are certain to be altered not only by higher prices but depleted resources, which in turn will affect the prices of trucked goods. This likely will lead to less consumption and more local manufacturing. For the first time in recent history, living habits will not resemble those of the present, rendering certain current industrial park activities irrelevant.

In the requests to you, the applicant made the statement that "No detrimental effect will occur with the approval of this rezoning," but staff noted, "Denial would maintain high quality agricultural land and open space"--the most basic and lasting gift we can leave for future generations.

Sincerely yours,

Laurie Ward

Douglas County Planning Commission

Re: Airport Industrial Park
Comments for the October 24, 2007 meeting

Dear Sirs:

Lawrence and Douglas County are not alone in grappling with sprawl and agricultural land use. Many communities and States are recognizing that prime agricultural land is a resource to save, not pave.

In response, they have developed a variety of methods to use to preserve farmland. A quick internet search for “preserving agricultural land” will provide you with plenty of information on how Portland, Chicago, Louisville, other cities and many states address the issue. Zoning is a primary tool, which is already in effect in the proposed area. Other tools include farmland protection ordinances, purchase of development rights, transfer of development rights, and agricultural trusts. See for example:
http://cepm.louisville.edu/Pubs_WPapers/practiceguides/PG16.pdf

The planning documents that Douglas County has developed do not distinguish between open space, green space, and prime ag land. The fact is, not every open and green space is good for agriculture. And not all agricultural land is equal. I am suggesting that the planning commission take a more sophisticated, nuanced approach when they are looking for a good space for an industrial park and show vision for the future of food.

The sad irony is that we are just breaking into a new era of agricultural possibilities which Lawrence is well suited to exploit. The increasing market-share for organic foods, the renewed enthusiasm for “local” produce and farmers markets across the nation, the increasing costs of fuel, trucking, and anhydrous ammonia fertilizer (tied to increasing oil and natural gas), the reduced supplies of water in the west, and a host of other factors including poisoning scares with imported foods and the likelihood of a federal guest worker program, all tend to make market gardening locally more competitive. At the same time, biofuel, which is driving corn to record high prices, has made good farmland more in demand, and there is more to come. Consider also carbon sequestration credits for no-till farming or permaculture. Where all these competing trends point is to more and more money in Kansas agriculture. That means good farm land is a thing not to be wasted.

The funds that the city and county will have to use on extra flood control and roads in the proposed development area can be focused on cleaning up our “brown” fields or developing a north-south corridor road east of Lawrence. Let us focus our limited resources on doing one thing right instead of spreading out and doing nothing well.

Rumor is that this development is already a “done deal” with our newly elected city commissioners and that the planning commission has no objections. Perhaps, but I choose to hope that there is still time to think about the options before putting in asphalt, the final crop.

Deborah Milks
945 Ohio, Lawrence, KS 66044

To City of Lawrence Annexation board

RECEIVED

OCT 22 2007

10/22/07

Our home is situated directly inside the proposed annexation site for the industrial park being proposed by the planning committee. With this in mind we feel there is a direct impact on our lives as property owners & as neighbors to the proposed development.

The Proposed North development that is currently being considered by the city of Lawrence may need more clarification of costs to all the taxpayers in the city of Lawrence. How much is the developer going to be asked by the city for utility improvements, road improvements & infrastructure upgrades? When will the taxpayers know the cost of annexation, hopefully before the city council votes on this annexation? It is well known that the 144 + acres lie within the maple grove drainage district and a portion is in the 100 yr flood zone. However all drainage is to be diverted to the mud creek drainage channel. This will take extensive engineering resources. Who will pay for this expensive water diversion? Additionally can the city guarantee that the diverted water won't back up into the North Lawrence Channel as it does not with moderate rain fall. Is this really a good location for an industrial park considering the costs & risk the city will be asked to incur just to make the site a feasible location?

As home owners for almost 20 years in the effected area we have experienced the benefits of an agriculture community as those we call are neighbors. Seeing this area change to an industrial park would be a shame but that in itself is not enough to oppose the change of zoning & loss of superior farm land.

The loss of property value of our home which will occur as we become surrounded by industrial building that can be built as close as 15' to our property.

The city planners & Landplan engineering have stated publicly that no owners of property would be affected by this development. The rezoning by itself will have negative impact on the value of our property. At this late date neither the developer nor the owners have made contact with us on a resolution to our loss of value to our property. This is disingenuous at the least.

The type of soil in the proposed site is river bottom "silty loam", by its very nature is very permeable and will allow any pollutants to reach ground water quite easily. As an industrial park chances for ground water pollution will increase dramatically as diesel fuel will be stored on site as well as chemicals and bi-products from manufacturing process can easily reach the water table. The contamination will affect wells for irrigation, drinking water, private use.

Traffic will be severely affected on Highway 24, 59 & north Seventh Street with the advent of long trailer haulers entering & exiting the highway & surface street access points. The roadway infrastructure in the area is totally substandard and may take the State of Kansas many years to bring into standard compliance. Much of the right away will be taken for road improvement and will diminish the size & scope of the developer's intent.

The inevitable increase in scope of the project will transform a once quiet pastoral area into an area to avoid because of traffic congestion & industrial sprawl.

So the city must decide with all the natural obstacles of flood plain issues, public opposition, North Lawrence existing drainage storm drainage issues & the cost associated

with this site both realized & unrealized is it worth it. Just because the area is designated in Horizon 2020 as zoned light industrial does not mean it is economically feasible. A quick money making land deal for a few should not be subsidized by the city especially when the natural obstacles create cost to the taxpayers that far out weigh the benefits for the whole.

Sincerely,
Bruce & Nancy McKee
1821 E. 1500 rd.
Lawrence, Ks

A handwritten signature in black ink, appearing to be a stylized 'B' and 'M' combined, representing Bruce & Nancy McKee.

League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

October 21, 2007

Grant Eichhorn, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: 16A,B,C,D, & E: ANNEXATION, REZONING, AND PRELIMINARY PLAT FOR
AIRPORT BUSINESS PARK NO.1, E 1500 ROAD AND US HIGHWAY 24/40

Dear Chairman Eichhorn and Planning Commissioners:

Our position on land use of the LWV L-DC that we have had since 1973 clearly supports the avoidance of building on hazardous sites such as floodplains and especially supports the preservation of prime agricultural land. For these reasons and others listed below we ask that you deny the annexation, rezoning and preliminary plat for the Airport Business Park No. 1.

Although much of the subject property at this time is not technically in the federal regulatory floodplain, this is in a dangerous area to develop. The reason for this is because a floodplain will inevitably flood, regardless of the degree of protection; and this is true of almost all of the North Lawrence area. (Please see the enclosed map, which is for a 100 year flood showing areas that would be inundated should the levee be breached. This is a screen print of the original map.) This development can predictably precipitate further development of those areas around it which would be more severely affected.

Because of the extremely high cost of the supporting infrastructure and needed stormwater management that the public is expected to provide for this proposal, development here would create the need for further development to recover the public investment costs, leading to development that is even more subject to flooding. This development would begin the hazardous, costly development of the natural North Lawrence floodplain, which up to now has been carefully protected.

In addition, almost the entire North Lawrence floodplain area is prime farmland. This soil has been described by our Regional Soil Scientist for the Natural Resources Conservation Service as the "best in the world." Agricultural land use has been determined to be one of the most cost-effective a county can have. Agricultural land requires far less in costs to the county than the county gains from it in taxes. Farmland also provides many environmental benefits, whereas in terms of the environment, industrial land use can be very problematic and costly.

Beyond these reasons for asking for denial for this proposal, there are many more.

1. The Kansas River levee has only temporary certification for its safety.
2. If the 26-acre floodplain area becomes permanently ponded, such as for a barrow pit, it will be a hazard to the airport because of the birds and wildlife it would attract.
3. The issue of who pays for the required improvements is pending. If this involves

public costs, then the issue of cost v.s. benefits becomes crucial. Because of the environmental effects and losses that this development will create, these environmental costs must also be factored into any calculations. Under any circumstances, this information should be known before any development requiring public investment receives a recommendation for approval or disapproval. This issue becomes particularly significant because of the high costs of stormwater management identified in the North Lawrence Drainage Study and the street and highway improvements that would be needed as a result of this project. Warehousing, proposed for this development, uses comparatively much more space (and roofing over) than it returns in employment benefits and property taxes than do other industrial and business land uses.

4. The Staff analysis should be more accurate.

- (a) Horizon 2020 currently is neutral on the issue of developing North Lawrence in that location (except for the neighborhood business site), although it mentions repeatedly the importance of preserving floodplains from development.
- (b) The area plans that might support this project have not been made official—the North of North Street Plan, and the North Lawrence Drainage Study have not been adopted officially. The Draft Chapter 7 of Horizon 2020 has not been adopted and officially published.
- (c) The proposal by the developer to condition the conventional IL zoning to eliminate certain uses is not a process supported by State law or by our Land Development Code. In order to accomplish this, a text amendment to the IL District would be needed and the developer would then have to apply for rezoning to the new district, or ask for a PD Overlay District in addition to the IL District. The PD Overlay District would then allow conditioning the zoning. The Staff Report should explain this process.

These are some of the reasons that we ask you to deny this proposal for the Airport Business Park.

Thank you for your consideration.

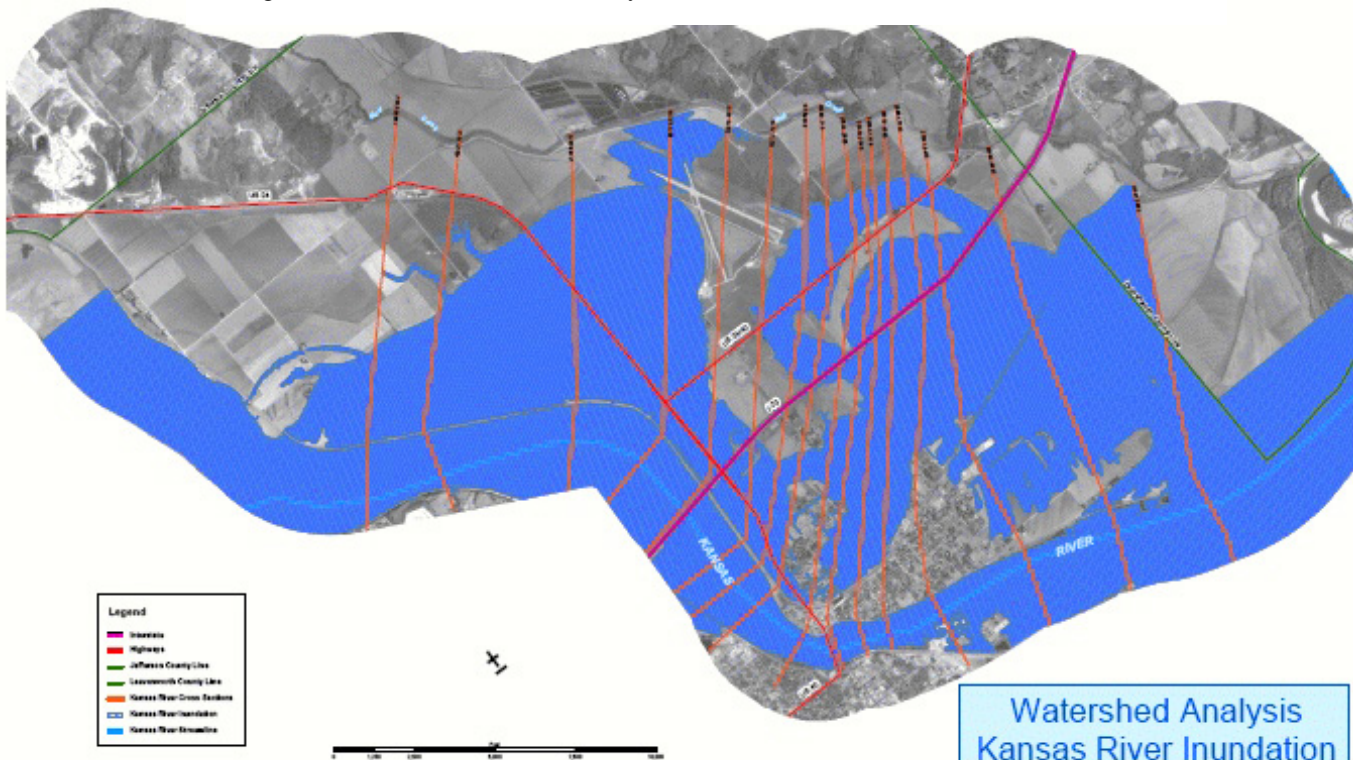
Sincerely yours,

Paula Schumacher
President

Carrie Lindsey
Land Use Committee

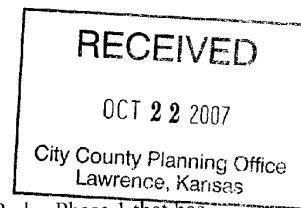
Attachment

NOTE: This is a screen print of the original map from the North Lawrence Drainage Study showing the areas of inundation in a 100-year flood if the levee is breached.



10/21/07

Dear Lawrence-Douglas County Planning Commission,



I am writing to express my opposition to the Airport Development Park - Phase I that has been proposed to the City of Lawrence. There are three areas of concern that I would like to address that outweigh the benefit of this proposal to the community.

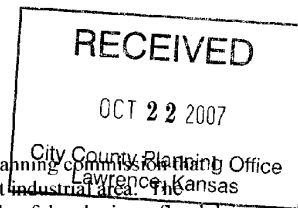
1. The bottom land of the Kansas River is purported to be some of the most fertile in the country, if not the world. That would make it a unique natural resource and not one to casually squander by putting it out of production, especially in this time of diminishing natural resources, continued population growth and questionable world markets. Paving it over for warehouses and parking lots seems very shortsighted and fool hearty.
2. The second concern is in regard to its location in the flood plain. River bottom land IS flood plain land. Even though the developers claim and the Planning Commission apparently concurs that this development will not increase flooding potential in the area one would have to have their head buried in the sand to accept that analysis. Over and over again there are examples of man's hubris in his belief that he can control his environment with engineering ingenuity. The ravages of Katrina, of course, are an obvious example but the flooding of the Kaw in 1993 happened right here of where we speak.
3. And of course the third thing is the money. This developer claims to being open and transparent in his presentation to the community. If that were so how come he is unable to tell us, the lowly taxpayer, how much this project is going to cost us? He is able to tell us how much revenue for the city it will produce. How is able to come up with that number and not how much it will cost? Of course he KNOWS the costs, any decent business man figures that out from the get go, before get go even. He obviously is not telling us because he doesn't HAVE to and he doesn't WANT to. Who knows? Leave it up to the city and they may even ante up more than he would of asked for. So much for transparency. He talks the talk alright. What I find most offensive about this proposal is that again the developer expects, in fact feels downright entitled to, the taxpayer paying for this project. It's business as usual. And why not? We as citizens allow them to get away with this time and again because of their threats to move on down the road. Well, I for one am ready to call their bluff. I am tired of being the chump. Aren't you?

Sincerely,

Carol Schmitt
2031 E 1250 Rd.
Lawrence, KS 66044
785-842-7004

10/21/07

To: Lawrence-Douglas County Planning Commissioners



These are some thoughts and points I would like to share with the planning commission. I think need to be considered while making decisions about the airport industrial area. The exorbitant cost to taxpayers for this kind of development and the folly of developing a floodplain should be enough to direct efforts to areas that already have the infrastructure that will be required. Please don't overlook the value of the existing use of this land.

1. Productive farmland is a finite and irreplaceable natural resource. America has been losing its farmland too fast and studies show that the best agricultural soils are being developed fastest. Fertile soils take thousands of years to develop and no one has figured out how to replace them once they're lost.
2. The U.S. food and farming system contributes nearly \$1 trillion to the national economy--more than 13% of the GDP. The rapidly increasing world population and climate changes make saving our farmland a prudent investment for any community including Douglas County.
3. Agricultural land supplies cultural and ecological importance as well. Besides the social heritage, it provides scenic views, open space and community character. Environmental benefits include wildlife habitat, clean air and water, flood control, ground-water recharge and carbon sequestration.
4. Saving farmland is an investment in community infrastructure. Development imposes direct costs to communities, as well as indirect costs associated with the loss of rural lands and open space. Privately owned and managed agricultural land generates more in local tax revenues than it costs in services.
5. Examining local budgets in Cost of Community Services (COCS) studies show that nationwide farm, forest and open lands more than pay for the municipal services they require, while taxes on residential uses consistently fail to cover costs. Related studies measuring the effect of all types of development on municipal tax bill find that tax bills generally go up as communities become more developed. Even those with the most taxable commercial and industrial properties have higher-than-average taxes.
6. Converting productive agricultural land to developed uses creates negative economic and environmental impacts.

Eileen Larson
2043 E.1250 Road
Lawrence, KS 66044
785-843-3648
egl52@sunflower.com

PRICE T. BANKS

ATTORNEY AT LAW
P.O. Box 442341
901 KENTUCKY STREET
SUITE 206
LAWRENCE, KANSAS 66044
785/842-7900
FAX 785/841-2296

RECEIVED

OCT 19 2007

City County Planning Office
Lawrence, Kansas

October 19, 2007

Lawrence Douglas County Planning Commission
PO Box 708
Lawrence, Kansas 66044

Re: Agenda Items A-06-05-07, PP-06-07-07, Z-06-09-07, Z-06-10-07, and
Z-06-11-07

Dear Commissioners:

I am writing on behalf of the Douglas County Kaw Drainage District to provide preliminary comments regarding the above-described agenda items.

The Directors of the Drainage District have reviewed preliminary plans, as they relate to the drainage issues. Primary concerns are as follows:

1. As stake-holders with substantial investment in the drainage facilities in the area, the district is concerned about the public costs of the development, and future ramifications to the drainage district of necessary drainage and stream flow improvements.
2. If the property is developed as proposed, it is imperative that internal storm drainage is designed so that there is not adverse impact on the function of the Maple Grove Drainage Channel.
3. The district wishes to be integrally involved in the planning of the project and all it's phases as they relate to drainage.

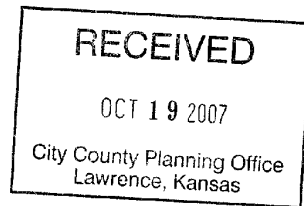
Should you have questions regarding these comments, we will be pleased to discuss them with you.

Sincerely,



Price T. Banks, Counsel

Douglas County Kaw Drainage District



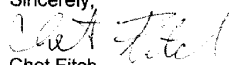
Chet Fitch
Trustee, Grant Township
2073 E. 1550 Rd.
Lawrence, KS 66044
(785) 749-3840

October 17, 2007

Lawrence, Douglas County Planning Commissioners
C/o Lawrence, Douglas County Planning Dept.
6 E. 6th
Lawrence, KS 66044

Dear Madams / Sirs:

The Grant Township Board would like to go on record as opposing the proposed Lawrence Airport Industrial Park. Perhaps the most troubling topic (among others), is the potential for increased flooding in the township. However, Nancy Thellman, Chairperson of CRP, has authored a very thorough position paper which we would like to defer to, in the hope of avoiding repetitiveness.

Sincerely,

Chet Fitch
Trustee, Grant Township



JEFFERSON COUNTY RURAL WATER DISTRICT # 13

1951 Wellman Road
Lawrence, KS 66044

(785) 842-1502
FAX: (785) 842-6315

October 22, 2007



J. Grant Eichhorn, Chairman
Scott McCullough, Director of Planning
Lawrence and Douglas County Metropolitan
Planning Commission
Planning Department
City Hall
Lawrence, KS 66044
HAND DELIVERED

RE: Request for Annexation and
Change of Zone for the Proposed
Lawrence Airport Business Park

Dear Chairman Eichhorn and Mr. McCullough:

The Board of Directors of the Rural Water District #13 is concerned about the proposed annexation and application for rezoning referenced above. To date, this Board has not received any direct information or communication regarding this project from the applicant, the City of Lawrence, or Douglas County.

The Board encourages the Planning Department and City of Lawrence to closely evaluate any potential harm to the District's water supply which is derived from the aquifer below the proposed industrial park. The District's wells are located just East of the airport. The Board is concerned that the construction process may contaminate and adversely impact this aquifer, as well as cause potential long term harm associated with industrial/commercial activities in the proposed industrial park.

Your thorough consideration and study of these issues are important to more than 1300 Benefit Units composed of families, small businesses, and farms, and all of the residents of McClouth.

In addition, K.S.A. 12-527 provides conditions and procedures for compensation to water districts for its facilities and property which may be annexed by the City. There have been no communications regarding this subject, and the District trusts that the City is aware of its responsibilities as required by law.

Page 2
October 22, 2007

Please contact the Board if you have any questions or comments.

Board of Directors for
Rural Water District #13
Jefferson County, Kansas

By: Bruce McKee
Dennis Horstman
East Van Meter
Ronald Schneider
Mel Williams
Jim Woods
George Pogge

Lawrence Douglas County Planning Commission

22 October 2007

I am writing to oppose the Pine/Santularia Development in North Lawrence. Although I believe property owners have the right to do with their property what they want as long as that activity doesn't adversely effect others. This project impacts the city budget and its population in an adverse way.

My concern is with the "leap frog" development that requires city services to catch up to development that is beyond existing service. Instead of a logical and reasonable expansion of services this project expects the city to pay for extending services out to this development site. I don't think this is justified.

Consider the extensive and exceptional property closer in that provides all the space and access to highways and railways that Santularia needs for success. Plus city services already exist there. The Tangeir Outlet Mall site is just one of those sites that comes to mind. There are other locations along 59 Highway on the east and west side that might be more economical for the city and serve this project better.

I commend the efforts to bring better and diverse jobs to our area, I cannot support a plan that begs the city to take this kind of risk when there are other properties closer in that need to be better utilized.

Thank you for you attention to this matter.

David Thiel
1644 New Hampshire

LAW OFFICES
BARBER EMERSON, L.C.

1211 MASSACHUSETTS STREET
POST OFFICE BOX 667
LAWRENCE, KANSAS 66044
(785) 843-6600
FACSIMILE (785) 843-8405

JOHN A. EMERSON
BYRON E. SPRINGER
RICHARD L. ZINN
CALVIN J. KARLIN
JANE M. ELDREDGE
MARK A. ANDERSEN*
CHERYL L. TRENHOLM*
TERENCE E. LEIBOLD*
TERRENCE J. CAMPBELL*

*ADMITTED IN KANSAS AND MISSOURI

MATTHEW D. RICHARDS*
LINDA K. GUTIERREZ
MATTHEW S. GOUGH*
CATHERINE C. THEISEN
KRISTOPHER S. AMOS

RICHARD A. BARBER
(1911-1998)

GLEE S. SMITH, JR.
OF COUNSEL

October 22, 2007

Matthew S. Gough
E-Mail: mgough@barberemerson.com

VIA FACSIMILE AND E-MAIL

Mr. Grant Eichhorn, Chair
Lawrence-Douglas County Metropolitan Planning Commission
P.O. Box 708
Lawrence, Kansas 66044

Re: Diversified Concepts, LLC
Items 16A, 16B, 16C, 16D and 16E on the October 24, 2007
Planning Commission Agenda

Dear Chairperson Eichhorn:

We represent Diversified Concepts, LLC ("Diversified") the lead developers of the Lawrence Airport Business Park (the "Park"). We believe it is necessary to respond to some of the legal issues raised by the Citizens for Responsible Planning (the "CRP") in their position paper (the "CRP Position"). Preliminarily, we note that the annexation request described in Item 16A will connect the Lawrence Municipal Airport, which was an island annexation, with the "mainland" City boundary, in accordance with the City's Administrative Annexation Policy.¹

1. CONFORMANCE WITH HORIZON 2020.

The CRP position regarding lack of conformance with the Comprehensive Plan is erroneous. The CRP alleges the proposed Park fails to conform to three "key features" of Horizon 2020 in that it:

- (1) Does not protect and preserve flood plains;
- (2) Does not promote the maintenance of a strong and clear distinction between the urban and rural characters of Lawrence-Douglas County; and

¹See City of Lawrence Administrative Policy AP-74, section 2.4.

(3) Fails to conserve sensitive natural and environmental features.²

These arguments ignore the facts applicable to this development. First, as shown on the Preliminary Plat for Airport Business Park No. 1, development will not occur within the 100-year flood plain boundary. Second, there are already numerous structures and facilities in the vicinity of the Park, including “. . . the Lawrence Municipal Airport to the north and east, a mix of commercial uses to the west, rural residential and agricultural uses to the east, and Interstate 70 to the south,”³ and consequently the Park will not further confuse the boundary between rural Douglas County and the City of Lawrence (in fact, the annexation request will effectively connect the Lawrence Municipal Airport to the rest of the City). Third, if the unimproved farmland within the Park is considered “environmentally sensitive”, then each undeveloped parcel in the County (regardless of whether such parcel is in the UGA) would likewise be environmentally sensitive--a result that would have serious implications for any future development, regardless of size or type.⁴ The subject property has been consistently planned for industrialization since 2000.⁵

2. URBAN GROWTH AREA.

The CRP's position paper ignores the fact that the Airport Business Park is in Service Areas 2 and 4 of the Urban Growth Area (“UGA”) and that some of the “Key Features” of Horizon 2020, Chapter 3 with which the Park complies are:

- The Plan promotes development in the UGA through an adopted annexation policy which anticipates well-planned development of fringe areas.

²CRP Position page 2 and footnote 4: Horizon 2020 p. 3-1, 3-2.

³PC Staff Report dated October 24, 2007 for Item No. 16B, available at <http://www.lawrenceplanning.org/documents/Airport-Rezone-IL.pdf>.

⁴Furthermore, the CRP Position's references to the proposed revisions to Chapter 7 of Horizon 2020 are irrelevant legally, because the revisions were duly rejected by the Board of County Commissioners.

⁵See Revised Chapter 7 of Horizon 2020 as approved by the Lawrence City Commission; Draft of North of North Street Area Plan dated November 2000.

- The Plan defines the urbanizing areas of the county and directs development to these areas.

3. INFRASTRUCTURE COSTS.

The CRP argues that the City's undetermined infrastructure costs should form the basis of a Planning Commission decision to recommend denial of the Park.⁶ In support of that argument, the CRP cites Policy 3.4 in Chapter 7 of Horizon 2020, which states:

Policy 3.4: Maintain an Inventory of Industrial Land

Maintain an appropriate supply of industrially zoned land so that site choices are available and infrastructure expansion can occur in an efficient and orderly manner. Annually evaluate current and approved planned land uses and land availability. The evaluation should consider, but not be limited to: approved planned development not yet constructed, compatibility with existing nearby development, parcel size and infrastructure service delivery and phasing plans.

(Emphasis added.) By quoting the underlined text only, the CRP ignores the policy "to maintain an inventory of industrial land." Furthermore, financial issues are discussed and resolved by the elected governing body.⁷

The CRP also ignores two of the principal strategies for industrial use which are: (1) "Increase the community's involvement in economic development in order to secure a job growth goal of 20,000 new jobs in Douglas County by the year 2020"; and (2) "Work with

⁶CRP Position, page 2 and footnote 2 ("... not only this phase but future phases must be part of the Commissioners' deliberations—especially as they impact the type, amount, and especially cost of the infrastructure the city will be committed to provide now and in the future."). The CRP Position also quotes from the Plan Review Comments, Public Utilities Department (CRP Position footnote 3). Such concerns are not germane to a rezoning request.

⁷"The issue of who pays is not a land-use issue. The Planning Commission's role traditionally has not been to get involved in the issue of whether the city at-large pays or a particular development pays." *City's planning staff backs park*, Lawrence Journal-World, October 16, 2007, quoting City Manager David Corliss, available at: http://www2.ljworld.com/news/2007/oct/16/citys_planning_staff_backs_park.

developers and industrialists to make available sites, improvements and annexations which best respond to market demands while meeting community objectives for the type and quality of development".⁸

The oft-quoted Grubb & Ellis|The Winbury Group stated in its Mid-year 2007 Market Trends Report⁹ that the industrial vacancy rate is a "tight" 3.18 percent. "Limited options for expansion caused a number of [industrial] businesses to either locate outside of Lawrence, or put their plans on hold."¹⁰ Contrary to the CRP's argument, large lot industrially zoned land is in short supply.

With the adoption of the ECO² Report, the City and County Commissions recognized the need for at least 1,000 acres of newly designated industrial land for the benefit of the entire community. The large lots necessary to meet the demand cannot be accommodated with commercial in-fill development. The extension of sanitary and storm sewers to the Park is contemplated in the latest draft of the North of North Street Area Plan.¹¹

4. ALTERNATIVE SITES.

The CRP advocates the use of alternative industrial site options in lieu of permitting industrial development around the Lawrence Municipal Airport.¹² Alternative sites are not before the Planning Commission at this time. The only site being reviewed is the subject site. The development of alternative sites, in addition to the Airport Business Park, would be favored by the goals stated in Horizon 2020. New employers would then have choices of location depending upon the employers' particular needs and desires.

5. PUBLIC IMPROVEMENTS.

⁸Horizon 2020, Chapter 7, p. 7-1.

⁹Available online at <http://www.winbury.com/PDF/Q32007LawrenceMarket.pdf>.

¹⁰*Id.*

¹¹"With the planned expansion of the airport, N 7th St may serve as a major corridor for the conveyance of services, such as sewer, from the city to the airport." Draft of the North of North Street Area Plan, p. 25.

¹²CRP Position, page 6.

Eichhorn, Chairman Grant

October 22, 2007

Page 5

The nature and costs of any storm water, sanitary sewer, water or street concerns will be resolved with the applicant's public improvement plans which must be approved prior to a final plat being recorded. The allocation of costs is not a land use matter, but a matter for the City Commission to determine. *Please see* memo from City Manager, Dave Corliss, dated October 16, 2007.

A drainage letter has been approved by the City's Stormwater Engineer. The letter states that the Airport Business Park No. 1 Preliminary Plat follows the recommendations outlined in the North Lawrence Drainage Study.¹³

6. COMPETITION.

The CRP is pessimistic about the Park's ability to compete with various inter-modal facilities that are being constructed in northeast Kansas.¹⁴ This is a red herring. The CRP's disapproval of light industrial development, such as the American Eagle Outfitters, Inc. warehousing and distribution centers in Ottawa, Franklin County, Kansas, is revealing. American Eagle now employs over 625 individuals--all of which are new jobs since year 2001. Perhaps the CRP will inquire with the City of Ottawa, Kansas about whether that city's investment in those facilities have been worthwhile.

We encourage you to follow the Kansas statutes, the City of Lawrence Development Code, and the advice of your professional staff in your deliberations about the annexation, zoning and preliminary plat that are before you for the Airport Business Park. We believe that you will conclude that these are appropriate requests that should be recommended for approval to the City Commission and that the Lawrence Airport Business Park will provide the entire community with new opportunities for economic development.

¹³PC Staff Report dated October 24, 2007 for Item No. 16E, available at <http://www.lawrenceplanning.org/documents/Airport-Pre-Plat.pdf>.

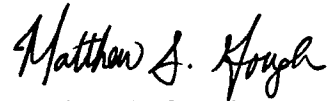
¹⁴CRP Position, page 7.

Eichhorn, Chairman Grant

October 22, 2007

Page 6

Sincerely,

A handwritten signature in black ink, reading "Matthew S. Gough". The signature is written in a cursive, flowing style with a large initial 'M'.

Matthew S. Gough
of Barber Emerson, L.C.

MSG:klb

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

July 23, 2007

Lawrence Douglas County Metropolitan Planning Commission
P.O. Box 708
Lawrence, KS 66044

Re: Pine Family Farms Development Project

The North Lawrence Improvement Association and the residents of North Lawrence are concerned about storm water run-off from the proposed development north of the turnpike on the Pine Family Farms property. Phase one of the development is to be approximately one hundred acres, with the full development to encompass 900 acres. The NLIA and the residents of North Lawrence do not want any of the storm water runoff from this development to flow into North Lawrence.

The pump at North 2nd Street backs up after a 2"-3" rain creating flooding at 3rd and North Street covering the road. North Lawrence does not have storm water infrastructure north of the railroad tracks and east of North 3rd Street. All of the runoff in that area drains east to 5th & Maple and the Lyon Park area.

The storm water study that was completed by HNTB in early 2006, recommends that a large pump be installed at the intersection of Highways 24-40-59. The NLIA and the residents of North Lawrence request that the proposed Pine Family Farms development be denied approval until that pump is installed.

Sincerely,



Ted Boyle, President
North Lawrence Improvement Association

CC: Lawrence City Commission
City of Lawrence Planning Dept
David Corliss, City Manager
Douglas County Commission

RONALD SCHNEIDER
ATTORNEY AT LAW
900 MASSACHUSETTS, SUITE 600
LAWRENCE, KANSAS 66044
OFFICE: (785) 841-2040
FAX: (785) 856-0243



October 22, 2007

J. Grant Eichhorn, Chairman
Lawrence and Douglas County Metropolitan
Planning Commission
Planning Department
City Hall
Lawrence, KS 66044
HAND DELIVERED

RE: Request for Annexation and
Changes of Zones known as the Airport
Business Park

Dear Chairman Eichhorn:

I represent an association of a large number of local residents who have identified themselves as Citizens for Responsible Planning. Nancy Thellman has previously submitted a letter to the Commission and planning staff outlining the opposition of this organization to the above referenced request for annexation and changes of zones.

As legal counsel for this organization, I request that the hearings scheduled for October 24, 2007 be continued for the following reasons:

1. As of this date, the costs to the City for the proposed annexation and zoning changes have not been determined, or even estimated. The staff's report is unable to address these issues without this fundamental information. This information should be clearly and thoroughly set forth in a detailed plan for annexation and the rezoning request.
2. The applicants have failed to identify the costs which they expect the City, community, and State to assume, and have failed to confirm what costs they will provide to this project.
3. The traffic, intersection, and road issues appear to be unresolved between the various governmental authorities. We have no idea what road and highway plans are required at this time, and the huge costs that will, no doubt, be associated with these projects.

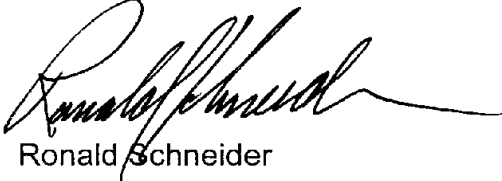
4. It appears that the planning staff did not analyze the retail and commercial report prepared by the applicant in comparison to the recently released Retail Market Report for the metropolitan area. This new Retail Market Report addresses issues directly affecting the proposed project which the applicant relies upon in its application. This information should be more thoroughly assessed as part of planning staff's report to the Commission.

5. I question whether all notice and procedural requirements for annexation and change of zone have been met. Further, I question if the City can even consider a change of zone to this property until the annexation is first completed, pursuant to K.S.A. 12-519, et. seq.

This information and procedural issues are fundamental and should be addressed prior to the public hearing. Objective decisions on the application cannot be made by the Commission until **ALL** of the important and relevant factors are available for public consideration and comment to the Commission.

As counsel for Citizens for Responsible Planning, I respectfully request a continuance until the public and private costs associated with this project are confirmed, that all relevant factors are adequately addressed by the planning staff, and that all procedural requirements have been met as required by law.

Sincerely,



Ronald Schneider

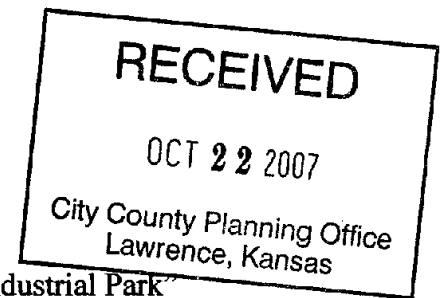
RS:cw

To: Lawrence-Douglas County Planning Commissioners

C/O: Denny Brown, PC Secretary.

Date: October 22, 2007

Re: Public Comment on the proposed annexation of 144 A "Airport Industrial Park"



Dear Planning Commissioners,

Please vote to REJECT the proposal for the annexation and rezoning of the 144 A proposed as the "Airport Industrial Park". Insufficient information is available to make such a far-reaching and irreversible decision that affects all future generations.

As a nearby landowner, my residence and agricultural property (11 A at 1480 N. 1700 Rd.) and farm business (Pinwheel Farm) would be seriously adversely affected in many ways by the proposed annexation, rezoning and changes in land use. My long-range plan, established in 1996 and documented in the file pertaining to the rezoning of our property in 1996, is to live on and work this farm, raising sheep, poultry and vegetables, until I die. I realistically expect to live another 40 or 50 years, based on my families' longevity. Your decision will affect the rest of my life, and that of my descendants.

Furthermore, my experience living in this neighborhood shows that this annexation will have direct negative impacts on the entire North Lawrence area, as well as all of Lawrence.

A) FLOODING ISSUES. Please examine the photos of extensive flooding (in the fall event, approximately 10 A under water along Maple Grove Tributary south of I-70, including approximately 3 A of my own property) taken during three different (note the foliage on the trees) significant rainfall events, two in 1998 or 1999, and one in 2007. These events were all AFTER the N. 2nd St. pump station was placed in service. That this occurred not once but twice within a year or two makes it hard to consider this a "100-year" event—it would seem to be at least a 50-year event. The cover map shows the approximate locations and directions of various shots, as well as colloquial names for various features.

In a flood situation like this, my north pasture, along with much of the 3 A pasture I'm currently leasing south of the Juvenile Detention Center is, in effect, being forcibly taken from me temporarily and used as a default storm water detention pond for all properties in the Maple Grove watershed that allow storm water to run off into Maple Grove. Other businesses must not be allowed to take my property for their own use in this manner!

Increasingly higher average water tables and increasing frequency of flooding of my north pasture are likely to result if any new development in the Maple Grove watershed is allowed to create run-off into Maple Grove.

This could result, over time, in a wetland ecology developing in my north pasture. This could result in increased populations of a snail which serves as a host for a deadly parasite in sheep, the liver fluke. If my pasture became infested with this fluke, I would be deprived of my use of my property for its zoned, historical and intended use, as I could no longer graze sheep there. Diagnosis and treatment for infested sheep is expensive. There is no feasible way of treating the

pasture to eradicate snails or flukes once the ecology shifts to encourage their proliferation.

My own farm development plan minimizes and even reduces run-off from my property to Maple Grove. I have 2.3 A enrolled in the USDA Riparian Protection Program of the Conservation Reserve Program. This land is planted with native grasses, trees and shrubs to form a “filter strip” slowing the flow of surface water off of my land, and encouraging slow infiltration into the soil. I’ve converted about 6 A from cultivated row crops to permanent pasture and cover crops. I strive to keep impermeable improvements to a bare minimum, and will have rainwater catchment and reuse systems for any new improvements.

B) GROUNDWATER ISSUES. My residence and farm business depend on a small shallow well for all water, including household, livestock watering, and post-harvest handling of vegetables. This well has been excellent in both quality and quantity of water. Its exact location and depth are unknown, since it was installed in the mid-1950s. Nearby recent wells are about 20' deep.

Any changes in stormwater management could easily have adverse effects on my well. If water is held in detention ponds at developments with extensive impermeable surfaces (i.e. parking lots), such as the proposed Airport Industrial Park, it may be contaminated by fuel, oil, antifreeze, lawn care chemicals, and other contaminants before it filters into the ground to become my drinking water and the water I use to wash my vegetables for sale.

Alternatively, if stormwater is channeled rapidly off of large areas of land without being allowed to filter into the groundwater, the groundwater level in the area south of I-70 could drop enough to partially or entirely cut off the water supply to wells in the area.

Despite my specific request, City staff have been unable to provide any specific data about groundwater flow in the area proposed for annexation relative to the numerous household and agricultural wells between I-70 and North Street. This information must be obtained and carefully evaluated before placing existing wells at risk. If necessary, monitoring wells should be drilled and monitored over time to collect sufficient data.

My understanding is that if household wells became unuseable due to contamination or lack of supply, Douglas County residents along E. 1500 Rd. and N. 1700 Rd. might have no choice but to apply for annexation of their properties. Such “voluntary” annexation would subject these people, many of them elderly and on fixed incomes, to paying for installation of city services. Some of these people could be forced out of their homes by the considerable expense. If they manage to make those improvements, they would then be faced with significant increases in monthly bills for services they currently provide for themselves at low cost. Also, it’s likely that a tax benefit district—yet another expense for people on limited budgets--would be created to help fund the public infrastructure needed to supply these homes with City sewer and water service.

C) POSSIBILITY OF ANNEXATION OF NEIGHBORING LANDOWNERS: If City sewer and water services were laid down E 1500 Rd., it’s likely that some landowners along that road would ask to annex into the city to have services—in fact, as mentioned above, this could be required if someone’s septic system or well malfunctioned. It seems unlikely that random non-contiguous homes would be annexed, thus, it seems most likely that at some point an effort

would be made to annex all homes along the entire street.

Furthermore, there is an approximately 20 A parcel of land immediately north of my property that, according to the grapevine, has for several years been more or less earmarked by its owner(s) for eventual annexation residential development.

This would leave my property entirely surrounded by city property. While City staff repeatedly tell me that they have no current policy of forcible annexation of rural properties that become surrounded by the City, they also make it clear that the City has the right to do so at any time.

If my property were annexed, my understanding is that I could continue to use my septic system and well as long as they functioned properly. Then, instead of being allowed to repair or replace them, I would be forced to connect to City services. However, City staff is unable to tell me whether I would be forced to pay the resulting frontage and construction costs. About 10 years ago, we had the house in front of us (509 North St.) annexed and connected to City services. The costs for this ran around \$15,000 then. At that time, we inquired about the feasibility of connecting my existing home to the city sewer if such a situation would ever arise. Because the depth of my basement, and the shallow level of the existing City sewer line on North Street, we would need to install a lift station/sewage pump in order to connect to the sewer. This would rely on electricity, creating a potentially devastating flooding hazard should electrical service fail due to storm damage, etc. Costs of hooking up to City services some years in the future could easily run \$20,000, \$30,000 or even more.

My religious convictions prompt me to continually work to reduce my reliance on public services. Forcing me to give up my private septic system and well would be a violation of my First Amendment right to the free practice of my religion.

D) REGULATORY DIFFERENCES. Drawing an analogy from our agricultural heritage, annexing this prime farm ground prior to a commitment from the City for the funds to build the infrastructure essential for the first phase of this proposed development to be built is “putting the cart before the horse.” If the land is annexed, and then for any reason the development is not able to proceed, the landowners would be left with significant impediments to carrying out their existing farming business. Annexation should not ever be considered until all necessary City and other funding is committed, and firm commitments are obtained from occupants for the development.

I have spoken with several City staff over the past few months, and have been unable to get clear answers about how City codes could negatively affect a farming business such as mine or the Pines’. While the basic operations of planting and harvesting might be unaffected, many seemingly minor impediments might arise in trying to develop and operate a full-scale agricultural business under City regulations. The City needs to make sure they are providing ALL potentially affected landowners with full disclosure of the potential outcomes of annexation.

In my own case, if I were required to “voluntarily” annex due to failure of my septic system or well, or forcibly annexed by the City, my ability to carry on and to develop my farm business according to my established business plans would be severely limited. Lacking a thorough

understanding of all the current codes, and without the cooperation of City staff to provide such information, it is difficult for me to predict all the effects, but they may include things such as:

- Not being allowed to use electric fencing for my livestock;
- Having to comply with stricter City sign ordinances;
- Not being allowed to operate a retail business, i.e., farm stand, when State law requires that raw milk be sold only at the farm where it is produced (my long-term business plan includes an ultra-small sheep dairy, based on a pilot milking/marketing project conducted for several years);
- Any “grandfathering” of my right to keep animals would end when title to my land transferred out of my name, meaning that improvements for animal agriculture (such as a small dairy operation, stable, or chicken house) could not serve as collateral for financing to expand my business; also this could prevent the sale or transfer of my real estate and/or business to pass it on to future generations as a working farm;
- Not have building code exemptions for ag use buildings, thus being required to build to inappropriate standards and to employ architects, licensed builders, etc., making future expansion of my farm business prohibitively expensive;
- Not being allowed to have more than 3 unrelated adults sharing the residence, limiting my ability to exchange labor for housing through programs like WWOOF;
- Being subject to shut-off of water and therefore forced vacation of residence should I fail to comply with City regulations, i.e., more than 3 unrelated adults living together.

Additionally, I’ve been told that if City neighbors ever complained about my livestock facilities (barn, etc.) that I could be required to tear down my barn even if it had been constructed in compliance with applicable County codes and setbacks and was there before the neighbors.

E) FOOD SECURITY ISSUES. Good farm land is being developed at an alarming rate, and fuel prices are increasing at an alarming rate. As agricultural land near cities is taken out of production, the people living in those cities increasingly rely on remote food sources, which in turn rely on cheap, abundant transportation. This puts Lawrence’s entire population at risk of having its food supplies cut off by any number of possible events: transportation strike, cut-off of oil supplies, terrorism, or simply economics.

North Lawrence soil is legendary. The subject farm ground is known to be some of the very best agricultural land in the world—not just in the area. My farm has proven for nearly 10 years that this land, due to its unique combination of soil structure and hydrology, can produce excellent and profitable vegetable crops without the use of fossil fuels and without irrigation. As global warming increases and new production methods such as high tunnel cold frames are developed, this land could produce 3 or even 4 crops of high-value vegetables per year using non-polluting organic methods.

The City of Lawrence should make every possible effort to preserve the best land in the surrounding area for food production. The subject property is especially critical for the City’s long-term food security because of its proximity to existing residential areas; food produced on this land could be accessible to people without the use of fossil fuels in the event of a severe fuel shortage. If additional industrial developments are truly needed, they should be sited on land that

is not suited to intensive food production.

F) TRAFFIC ISSUES. If the proposed development were, in fact, successful in providing the promised number of jobs, these people would need to get to work. Likely many of them would live on the south side of the river. With hundreds of additional cars crossing the river, probably at peak traffic hours, intense congestion would be created. New bridges are extremely expensive.

The bridges are already a vulnerable link between two parts of the city. Any disaster befalling these bridges would be significantly worse in direct proportion to the number of people relying on them to get to work and to necessary services.

Many other significant and expensive improvements to roads would be needed for the proposed development to feasibly support the number of workers it is supposed to serve.

G) BUDGET ISSUES. The City of Lawrence has faced serious budget problems this year, leading the City Commission to consider drastic cuts to essential services including the public transportation system, the public library, and the swimming pool. Many existing roads are in extremely poor condition. If the city cannot afford to provide such basic services to its citizens, it would be irresponsible for the City to commit to millions of dollars of additional infrastructure that would primarily benefit the developers. The City should not invest in new infrastructure until it can properly maintain what it already has.

Before additional land in North Lawrence is annexed, the City needs to commit to funding the necessary improvements. This is a matter that taxpayers should be able to vote on, since it could significantly increase their taxes.

It is especially important that the City prioritize its spending to provide services to people of all ages and abilities: children, elderly people, people with disabilities, people who are economically disadvantaged. Developers should shoulder the full costs of all improvements necessary for them to make their profits, rather than asking taxpayers to subsidize their profit-making enterprises.

E) FEMA FALLACIES: FEMA flood maps showing drainage in the “North of North Street” area simply do not reflect reality. While it appears that the floodway comes down Maple Grove to the north end of my property and then flows east to Clark’s Pond and on east, in fact, E 1500 Rd. would act as a dike preventing water from flowing east until the it had risen approximately 10' above the banks of Maple Grove Tributary. Most of North 3rd/North 2nd would be flooded 2-3' deep before water actually followed FEMA’s floodway. I believe the map in Attachment “A” was obtained from the City Stormwater Engineer around the time of the annexation of Bismark Gardens (North St. east of E. 1500/N. 7th St).

It is irresponsible to base such a far-reaching and irreversible decision as annexation on obviously flawed data/data analysis. New, exact data on the existing elevations on the subject property and the entire watershed should be obtained and carefully analyzed based on actual floodwater flow, especially considering that the elevations of the subject property are constantly changing due to the nature of recent farming operations which strip off topsoil along with the sod.

F) HISTORICAL USE AND ZONING DECISIONS: My home was purchased in 1994. At that time, it had been on the market for over a year because it required a commercial loan (two houses on one parcel) and no one thought it was a worthwhile investment, although it was basically two houses for the price of one. This demonstrates that even that recently, North Lawrence wasn't seen as a prime development area. After we purchased the adjacent farm ground in 1995, we had it rezoned from "Light Industrial" to "Agricultural" in 1996. All public comment concerning our rezoning request was favorable, after we addressed a false rumor. One County Commissioner commented that this was the kind of rezoning application they liked to see.

It is telling that virtually none of the existing land south of I-70 along E. 1500 Rd., which has been zoned I-1 and I-2 since the late 1960s, has been developed industrially. Real demand for industrial land use in this location would mean it would have already have occurred in the areas presently zoned for such use...after the industrial space along N. 2nd /N. 3rd was all occupied.

My intended use of my land for the next 50 years is consistent with its existing zoning AND with its historical use. My right to pursue my long-term development plans for my land should not be in any way threatened or compromised by another property owner seeking to change his zoning and land use for short-term profit at the City's (i.e., taxpayers') expense.

IN SUMMARY, I hope that the Planning Commissioners will recognize that the highest and best use of this particular 144 A of land is for it, and the rest of the river bottom lands north of the river, to remain in productive agriculture as a future "salad bowl" and "breadbasket" for the City of Lawrence, and to play their essential part in buffering stormwater runoff and recharging groundwater. Annexation of any land is an irreversible step that should not be taken without a very clear demonstration of the need. In this case annexation is clearly not supportable.

Thank you for standing up for the long-term needs of our community's citizens.

Sincerely,

Natalya Lowther
1480 N. 1700 Rd.
P.O. Box 1561
Lawrence, KS 66044
785-979-6786



Attachment "B"

There is a roughly 3' culvert
under water here (drive way
across Maple Grove Tributary)



Florida along Maple Grove -
Summer event



Spencer's Pasture
looking west from Old Grove - point "A"

Attachment "C"



3" of rain!



looking north from point "B"
Summer street

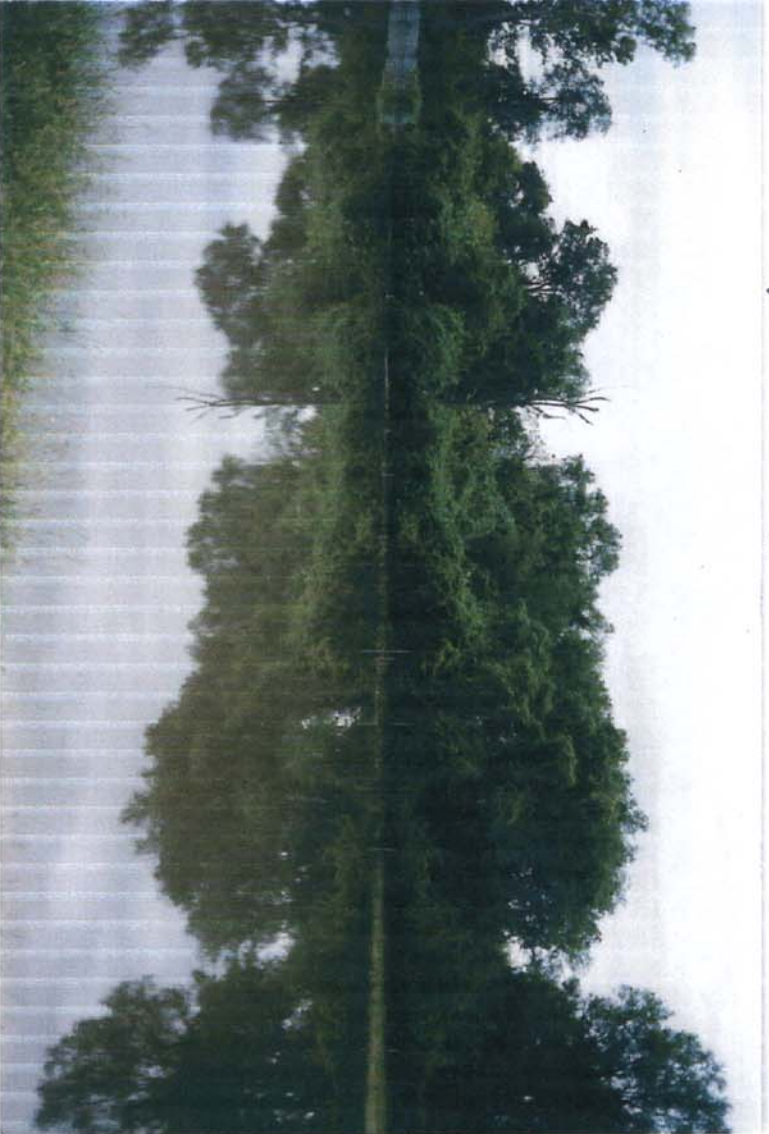
Attachment "8"



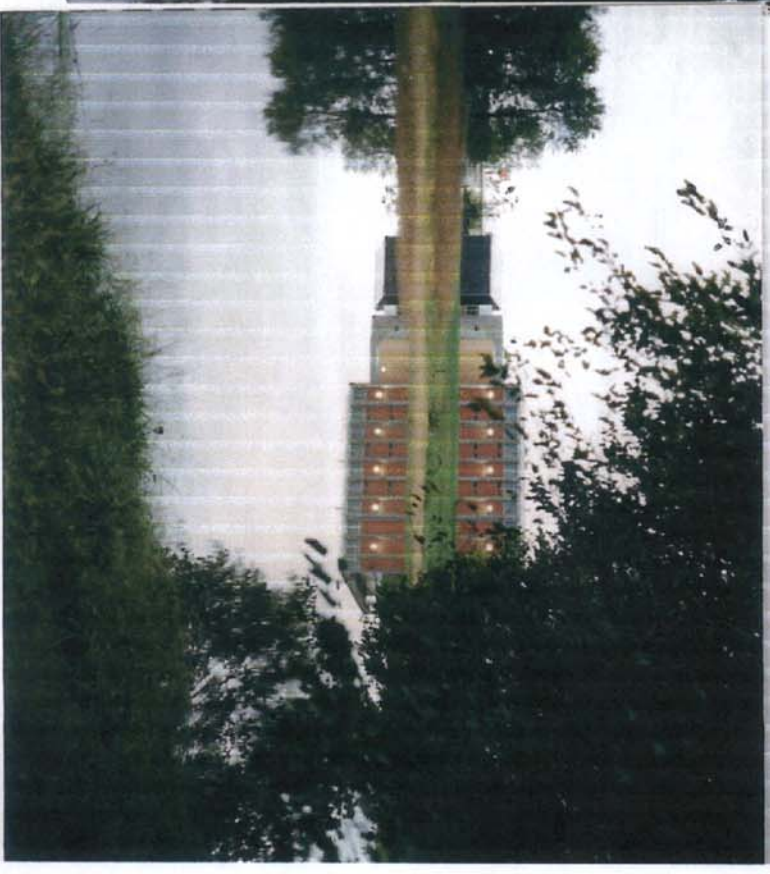
Looking north from point "A". Later in the day
~~Spring~~ Summer flooding receded.

Attachment "E"

white vertical lines are 3' tall
posts - pole one is nearly
↓ submerged here



Juvenile Detention
↓ Center



Flooding on Spencer's Pasture -
looking west from Old house
(point of "A").
Fall event

Attachment "F"

Bismale Run



Flooding along Maple Grove -
looking north from point "B"
Fall event



Flooding in CRP and
Black's Pond - looking
N-NW from point "C"
Fall event

Attachment "5"



Flooding in Dean Elliott's soy bean field -
looking east from point "D".
Fall flooding event

Attachment "H"



May 2007 went - looking north from point "A"

May 2007 event



Top of 3' culvert barely out of water
Spencer's pasture



Bad print - Pink flag marks actual
water level under tall grass.
Looking west from point "A"