

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: TEXT AMENDMENTS TO CHAPTER 20, ARTICLE 8 DEVELOPMENT CODE (JCR)

ITEM 14: Eliminate Requirement for Conservation Easements and Create a Requirement for Set Aside Agreements and ITEM 13: Changes to Road Surfacing Requirements

Dear Chairman Eichhorn and Planning Commissioners:

How to preserve and protect sensitive lands from misuse and abuse has been a long-standing concern of the LWV L-DC. This issue has been accepted as policy for the City of Lawrence through including the concept of cluster development in the Land Development Code. A subdivider can choose to provide permanently preserved open space, most appropriately that which includes sensitive land, in return for the benefit of creating variably-sized single family lots in a city residential district. Using cluster development within the city allows the gross density of the original tract to remain the same but the net density of the developed lots is greater, allowing the remainder of the tract to absorb the density as open space, in perpetuity. The manner of preserving and maintaining the open space can be done through a choice of measures listed in the Development Code. The point is that the open space is preserved by granting the subdivider a development privilege that he or she would not have had under conventional development.

When the Subdivision Regulations were being written, this concept of granting a privilege for conserving open space and sensitive land was also applied to the minimum tract size required prior to exercising unplatted land division in the UGA. The smaller 20-acre up to 40-acre parcels allowed for Cluster Development were created as a privilege for preserving sensitive land as permanent conservation easements. Somewhere in the writing and rewriting of the regulations this concept of privilege in exchange for conservation got lost, and now there seems to be no restriction on where and for what reason 20-acre Cluster Development parcels can be divided into residential parcels.

The original standard development parcel size which would be divided into residential parcels was chosen as 40 acres because of the need for planning land divisions in the UGA in a way that would allow them, when annexed, to easily fit into the predetermined (one hopes) urban pattern, a procedure more difficult in smaller tract divisions. Therefore, allowing the smaller development parcels was considered a privilege and a means to allow sensitive land to be preserved.

Somehow this concept has disappeared and now there seems to be little, if any, difference between the 20-acre development parcel divisions and the 40-acre parcel divisions. Not only that, but it appears with the addition of the concept of "Set-Asides" that there now is no binding way that sensitive lands can predictably be preserved in perpetuity. We have learned through experience with the 5-acre exemption that land owners will choose the easiest and cheapest manner to develop land. Unfortunately, the 5-acre exemption has been potentially replaced by the 20-acre Cluster Development. Any changes must avoid subverting the original intention of these regulations to plan for future urban development.

We ask the Planning Commission to consider deferring this text amendment so that the projected result of some of these changes can be assessed. For example, the wording of this change can be tested through build out trials, as suggested by one of your staff, which would be useful and informative for all of the regulations involving the UGA Cluster Development and the Large Parcel Property Divisions sections.

At the same time, we suggest that you test these two proposed UGA regulations with build out programs that include the changes to the road surfacing requirements.

Sincerely yours,

Paula Schumacher
President

Carrie Lindsey
Land Use Committee