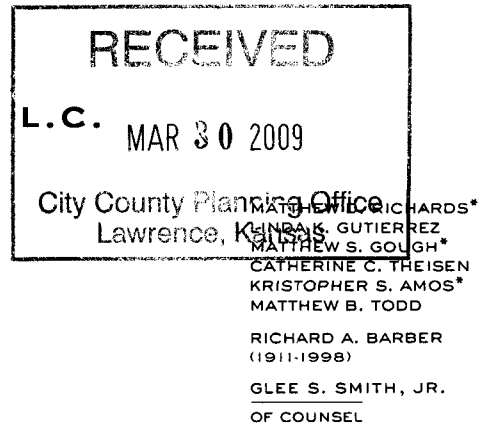


LAW OFFICES
BARBER EMERSON, L.C.
1211 MASSACHUSETTS STREET
POST OFFICE BOX 667
LAWRENCE, KANSAS 66044
(785) 843-6600
FACSIMILE (785) 843-8405

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 S. Gough
Email: mgough@barberemerson.com



March 30, 2009

Mr. Scott McCullough, Director
Planning and Development Services
City Hall, P.O. Box 708
6 East 6th Street
Lawrence, Kansas 66044

Via Hand Delivery

Re: *Requested Text Amendment to Horizon 2020*

Dear Scott:

We are writing on behalf of Rockwall Farms, L.C., the applicant requesting to rezone approximately 58.99 acres from A to B-2 (Item No. Z-11-19-08) in Douglas County. In the most recent staff report dated as of March 25, 2009, the Planning Staff suggested that a text amendment to Horizon 2020, related to recreational uses in the Rural Area, may be necessary. As a result of our recent discussions, and in response to your suggestions and requests, the applicant proposes that Horizon 2020 be amended as follows:

Chapter Four-Growth Management, p. 4-4:

RURAL AREA

The Rural Area is the land that lies outside the designated Urban Growth Areas of the incorporated cities. Lands in the Rural Area are not planned to develop or to support urban densities of development during the planning period. Rural development shall be subject to the overall policies, recommendations and standards of the Comprehensive Plan. There are a few locations, however, in the Rural Area which may be expected to receive some level of urban development consistent with the Plan. These include commercial areas to serve county residents and, potentially, to provide (i) conference and recreation facilities at Clinton Lake, and (ii) conference, recreation, or tourism facilities that benefit from or integrate with the rural setting, at such other locations that substantially satisfy the following criteria: (a) direct access to an improved arterial roadway; (b) rural or public water supply available; and (c) designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods. Otherwise, urban uses are not planned within the Rural Area.

McCullough, Scott

March 30, 2009

Page 2

Chapter Six-Commercial Land Use, p. 6-23, last paragraph:

Commercial activities related to conference, recreational, or tourism uses associated with Clinton Lake, Lone Star Lake, ~~or~~ Douglas County Lake, or other Rural Areas that satisfy the criteria for growth management in Chapter Four, shall be exempt from the locational criteria applied to new commercial areas or expansions of existing commercial areas. A commercial area serving the recreational needs (boat rental, bait shop, lodging, etc.) of persons using the county's lake facilities may be located at an entrance point to a lake.

The proposed text amendments may be necessary, because although Horizon 2020 acknowledges that there are a few locations in the Rural Area that may be expected to receive some level of development (see p. 4-4), the plan provides only one example of such development, namely around the County lakes. The applicant's proposed uses related to The Woods project are similar to the recreational uses associated with the County lakes—fishing, camping, retreats, cabins, and other tourism and recreation activities that benefit from or integrate with the rural setting. The proposed text amendments are designed to permit similar recreational activities in the Rural Area, but only when the proposed facility substantially satisfies the three criteria described above.

The proposed amendment is a result of unforeseen conditions not understood or addressed at the time Horizon 2020 was adopted. The concept of rural-related tourism, such as a retreat that includes convention and meeting space, dining facilities, cabins, a wedding chapel, a lodge, or a clubhouse, which are intended to preserve natural resources and the rural environment, was not specifically addressed or contemplated in Horizon 2020. However, because rural-related tourism activities are similar in many respects to lake activities and recreation, the proposed text amendments are an extension of the plan's rationale regarding recreational development in the Rural Area.

The proposed amendments advance several clear public purposes and are consistent with the long-range goals and policies of Horizon 2020. First, the proposed text amendments will preserve, protect and utilize natural and environmental features as focal points for new recreational development, and will preserve natural areas and open spaces in Rural Areas, consistent with the policies of Chapter Nine of Horizon 2020. See pp. 9-2, 9-6. Second, the addition of new rural recreational facilities will promote tourism in Douglas County, which is an objective in Horizon 2020, as stated in Chapter Twelve, Priority 5.4, p. 12-6. Third, rural-related tourism facilities like The Woods are consistent with the first and second Goals of Economic Development – to create new jobs and to increase the tax base. See Horizon 2020, p. 12-1. For example, The Woods, when fully developed, will add new jobs and payroll in Douglas County and include a capital investment of up to \$10,000,000.

McCullough, Scott

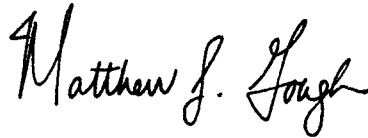
March 30, 2009

Page 3

The recent emphasis on the preservation of natural resources and the rural environment, as evidenced by the recently approved amendments to Chapter Seven of Horizon 2020, is the result of a clear change in public policy. This change of public policy is also evidenced by the recent draft Environmental Chapter of the long-range plan.

Thank you for the opportunity to submit these proposed text amendments to support tourism and recreation in the Rural Area. If you have any questions about anything in this application, please contact me at your earliest convenience. As we discussed, please schedule the applicant's rezoning request and proposed text amendments for the May 2009 Planning Commission meeting.

Very truly yours,

A handwritten signature in black ink that reads "Matthew S. Gough". The signature is written in a cursive, flowing style.

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

MSG:jsm

cc: Rockwall Farms, L.C.
Paul Werner