

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** David L Corliss, City Manager

**FROM:** Mary Miller, Planner

**CC:** Diane Stoddard, Assistant City Manager  
Cynthia Wagner, Assistant City Manager

**Date:** For July 20, 2010 City Commission meeting

**RE:** TA-12-27-07: Text Amendment for Protection of Environmentally Sensitive Lands with Density Bonus Incentive

A text amendment to clarify the standards and process for the protection of environmentally sensitive lands was initiated by the Planning Commission on October 22, 2007. The following chart outlines the development of this amendment:

Commission	Date	Date and Action
Planning Commission	10/22/07	Initiated text amendment
Planning Commission	5/21/08	Provided draft language to Commission for review. No action requested.
Planning Commission	6/23/08	Commission considered revised language and public comment. Deferred to July.
Planning Commission	7/23/08	Commission voted 7-1-1 to forward the amendment to the City Commission with recommendation for approval.
Planning Commission	9/24/08	Staff proposed revisions to other sections of the Code to to maintain consistency with draft language. PC voted 7-0 to forward the text amendment including the revisions to the other articles in the Code to City Commission with recommendation for approval.
City Commission	2/10/09	Voted 4 to 1 to return amendment to Planning Commission to revise per the comments in the minutes of this meeting.
Planning Commission	3/25/09	Returned to PC with update on comments received from the City Commission. No action taken.
Planning Commission	5/18/09	Revised language returned to

		commission for consideration. Tabled the item for 2 months to allow Staff time to prepare revised language with narrowed scope and prepare an update on the proposed changes. Update will be received in July, with no action.
Planning Commission	7/22/09	Staff provided update on revisions to Commission. No action taken.
Planning Commission	9/21/09	Returned revised draft language addressing the City Commission's concerns. Voted 8 to 1 to defer item to November meeting. Directed staff to look into different incentive options.
Planning Commission	11/18/09	Staff provided a report on possible incentives. Informational meeting, no action requested.
Planning Commission	2/22/10	Discussed incentive options and provided staff direction. No action taken.
Planning Commission	4/26/10	Voted to initiate amendments to Development Code and Comprehensive Plan to allow incentive program. PC directed staff to incorporate the incentives into the draft language and bring back for action.
Planning Commission	6/23/10	Voted 7-0-1 to forward the text amendment with incentive language to City Commission with recommendation for approval with minor revisions.

#### **CHANGES PROPOSED IN EARLIER DRAFTS OF THE AMENDMENT:**

The original amendment provided more specific definitions to aid in the determination of environmentally sensitive lands and widened the scope of the original language with the following:

- Revised the features that are considered 'environmentally sensitive lands' to include native prairie remnants and steep slopes.
- Developed a priority ranking scheme of features and set protection requirements for different ranking.
- Protection standards were expanded to apply to all zoning districts, not only the residential.
- Expanded development options for properties with environmentally sensitive lands (previously only planned developments or cluster housing projects were possible).
- Clarified the review process and required content for sensitive area site plans.
- Provided penalties or restoration requirements for development activity that was not in compliance with the protection standards.

- Added appeals and modification provisions for cases where the standards could not be met.
- As a side product a GIS map layer was established to identify where environmentally sensitive lands were found. When the text amendment is adopted this layer will be finalized and placed on the City's interactive map.

#### **CHANGES PROPOSED IN THE CURRENT DRAFT OF THE AMENDMENT:**

The amendment was revised and reduced in scope based on comments received at the City Commission's February 10, 2009 meeting. Protection standards in the revised draft remain applicable only to residential zoning districts and the following items have been removed:

- priority ranking scheme,
- penalties or restoration requirements for noncompliant development activity, and
- appeals and modification provisions.
- Native prairie remnants and steep slopes have been removed from the list of environmentally sensitive lands requiring protection (but are included in the list for incentives.)

The current draft amendment proposes the following changes to the Code language:

1. Features that are considered 'environmentally sensitive lands' revised by
  - a. Renaming 'Floodways' to 'Regulatory Floodway' in consistency with FEMA terminology,
  - b. Renaming 'Floodplains outside the Floodway, based on 100 year storm' to 'Regulatory Floodway Fringe' in consistency with FEMA terminology,
  - c. Removing 'Prominent Geographic Features with Rocky Outcroppings' and 'Individually Significant Mature Trees' from the list (based on difficulty with identifying these features).
2. Increased the development options to include site planning and platting in addition to Planned Development and Cluster Housing Projects.
3. Added Density Bonus Incentives for protection of environmentally sensitive lands in greater amounts than required by Code. The incentive applies to all environmentally sensitive lands listed, with the exception of Regulatory floodway, and also applies to steep slopes (greater than 25%) and native prairie remnants.
4. Clarify the review process and required content for sensitive area site plans.
5. The GIS mapping layer identifying environmentally sensitive lands is still included as a side product. When the text amendment is adopted, this information will be added to the City's interactive map.

#### **RECOMMENDATION**

The Planning Commission voted 7-0-1 to forward the draft language, with density bonus incentives, to the City Commission with a recommendation for approval.