

**ITEM NO. 4      COMPREHENSIVE PLAN AMENDMENT; H2020; CHP 16; ENVIRONMENT  
(AAM/MKM)**

**CPA-2008-7:** Consider adoption of the Comprehensive Plan Amendment to Horizon 2020 to include Chapter 16 – Environment.

**STAFF PRESENTATION**

Ms. Amy Miller presented the item.

Commissioner Harris inquired about comments from others who suggesting changes to the plan and whether staff agreed with those suggestions or not.

Ms. A. Miller said she had a lengthy discussion with the League of Women Voters regarding the agricultural soils and the League has included that comment in previous correspondence to the Planning Commission. She said it was the feeling of the Comprehensive Plans Committee that it still should be restricted to the class 1 and 2 soils. She said she has not gone through the rest of the comments point by point. She said some of the comments were redundant and had been submitted with previous correspondence.

Commissioner Harris inquired about the agricultural and related development comment.

Ms. A. Miller said that it would greatly change and limit the intent of that strategy.

Commissioner Harris asked staff to comment on the letter from Ms. Joyce Wolf.

Ms. A. Miller said the Comprehensive Plans Committee changed their mind twice on the term groundwater and went back to the term subsurface water. She said the Committee had information from the Kansas Biological Survey and also discussed a couple other references during meetings and went back to the term subsurface water. She said as far as the other comments, adding timber to resource management was a conscience decision by the Committee.

Commissioner Harris asked for staff's comments on Ms. Wolf's recommendation of adding the following sentence at the end of the water quality paragraph:

*a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*

Ms. A. Miller said she did not necessarily see a problem with adding that sentence.

Commissioner Harris asked for staff's thoughts on Ms. Wolf's comment about adding mercury to the list of pollutants sometimes present in the air.

Ms. Mary Miller said that could be looked into. She said staff took the information from the Environmental Protection Agency. She said staff could research it.

Commissioner Rasmussen asked if Policy 2.7(a) '*The protection of High Quality Agricultural Land ~~should~~ shall be used as a key assumption in the sector planning process.*' would mean it gives high quality agricultural land a priority over other considerations.

Ms. Miller said it adds it as one of the assumptions.

Commissioner Finkeldei asked if Chapter 7 says the importance of economic development shall be used as a key assumption in sector planning or if this is a unique provision.

Mr. McCullough said no, he did not know that it was listed anywhere else. He said this was a new chapter and new policy for consideration. He said the consideration was the protection of the land shall be used as a key assumption.

Ms. A. Miller said Chapter 14 Specific Plans was added after Chapter 7 was revised.

## **PUBLIC HEARING**

Ms. Barbara Clark said the only thing that might possibly be an addition was to add a quantitative mechanism and take inventory to keep track of diminishing class 1 and 2 soils in Douglas County.

Ms. Beth Johnson, Chamber of Commerce, felt that economic development should be considered in other chapters, not just Chapter 7.

## **COMMISSION DISCUSSION**

Commissioner Hird said he met with Ms. Clark to talk about conservation/preservation of high quality soils. He referred to Policy 2.7 where the phrase *'as a key assumption in the sector planning process'* is used. He inquired about the meaning of 'key assumption' and if that meant it was more important than others.

Mr. McCullough said it is a key assumption but one of many to find ways to protect and preserve that land and use it for its quality.

Commissioner Hird thought it was odd to use the phrase for this policy but not others.

Mr. McCullough said it was probably relevant to what was being done with the Northeast Sector Plan. He said it hasn't historically been a strongly worded assumption to protect high quality agricultural land.

Commissioner Hird felt it pits one valid environmental issue against others.

Commissioner Rasmussen suggested striking the words *'used as a key assumption'* and replaced with the word *'considered'*:

Policy 2.7(a) *'The protection of High Quality Agricultural Land ~~should~~ shall be **considered** ~~used as a key assumption~~ in the sector planning process.'*

Commissioner Hird said he would agree with the language change suggested by Commissioner Rasmussen.

Commissioner Harris said the word *'consider'* had a different spirit.

Mr. McCullough said there was a great deal of discussion with the sub-committee about the degree of importance to give high quality ag-land on several occasions.

Commissioner Rasmussen disagreed that the committee as a whole thought that it should have a priority. He stated that the items the committee was split on would be brought to the full Planning Commission.

Commissioner Liese said it would make more sense for it to say *'...High Quality Agricultural Land should or shall be protected in the sector planning process.'*

Commissioner Hird said he would have a hard time with that because it is a directive with no options.

Commissioner Singleton said the sub-committee looked at every policy to determine if it should be a 'shall' or 'should' statement.

Commissioner Rasmussen felt it was a huge change to Horizon 2020 and there was not agreement with the committee to the 'shall' and 'should' statements. He pointed out that there were 95 mandatory statements in the policies and only 40 voluntary ones. He said there was a cost associated with many of the 'shall'

statements. He felt most of the 'shall' statements should be changed to 'should' statements and leave it to the County and City Commission to decide the 'shall' statements.

Commissioner Singleton said she argued pretty hard in the committee about the 'shall' statements because she wanted to send the strongest document as possible to the County and City Commissioners to protect the environment. She felt the policies were important to the community.

Commissioner Dominguez said the argument was not about cost, it was going to be if they believe in the 'shall' and 'should' statements.

Commissioner Singleton said City and County Commissioners will go through each statement.

Commissioner Harris said it was Planning Commissions job to go through the statements. She said when looking at the goals of the chapter if a statement was important she felt it should be a 'shall' statement and if it was optional then she thought it should be 'should' statement.

Commissioner Rasmussen said the committee did not come to consensus.

Commissioner Dominguez suggested sending it back to the committee. He did not think County or City Commission should have to go through all the statements.

Ms. A. Miller said one of the last things the sub-committee did was go through and specifically look at 'should' and 'shall' statements. Any statements the committee could not be agree upon each of the four committee members was polled on. She said a lot of the items only had three votes.

Commissioner Finkeldei said he respects what the committee did but does not necessarily agree with them. He said if it is sent back to the committee then they need to be provided direction.

Commissioner Rasmussen said he thought the statements should be 'shall' statements instead of 'should' statements so that the elected governing bodies could determine which ones were a priority.

Commissioner Harris said she thought a majority of the committee was comfortable with the language.

Mr. McCullough said staff thought they had a process that got to the point of the committee as a whole.

Commissioner Burger asked what the County and City Commission was expecting Planning Commission to provide them.

Mr. McCullough said the governing bodies are used to 'should' and 'shall' statements in chapters.

Commissioner Liese asked Commissioner Rasmussen if he would vote in favor of passing this tonight given he was the dissenting vote on the committee.

Commissioner Rasmussen said probably. He said he was not a dissenting vote on the plan. He thought they should not be using 'shall' statements and instead use the wording that the city and county should consider. He said this was a very strong document and he was proud of the work the committee did. He thought they needed to strongly consider what they were saying. He said there were a lot of dollars and resources being committed in the wording. He said it would affect every development project going forward.

## **ACTION TAKEN**

Motioned by Commissioner Liese, seconded by Commissioner Dominguez, to approve this comprehensive plan amendment adding Chapter 16: Environment to Horizon 2020 and recommend forwarding to the Lawrence City Commission and the Douglas County Board of County Commissioners with the following changes:

- Change to roman numerals for Class I and II soils.

- Include Ms. Joyce Wolf's suggestion on page 16-5 of the document under "Summary of Issues"  
1) Water quality: The following sentence should be added at the end of the paragraph: *a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*

Commissioner Hird inquired about page 16-17 Policy 2.2 b.b.1 that says 'shall' and b.b.2 & 3 says 'adopt.'

Ms. A. Miller said the action statements were the same as 'shall' statements.

Commissioner Harris suggested adding two additional changes to the motion; to add Ms. Barbara Clark's comment about tracking soils and to have staff consider adding mercury to the Air Quality section as a pollutant if appropriate.

Commissioner Liese amended the motion, seconded by Commissioner Harris, to approve this comprehensive plan amendment adding Chapter 16: Environment to Horizon 2020 and recommend forwarding to the Lawrence City Commission and the Douglas County Board of County Commissioners with the following four changes:

- Change to roman numerals for Class I and II soils.
- Include Ms. Joyce Wolf's suggestion on page 16-5 of the document under "Summary of Issues"  
1) Water quality: The following sentence should be added at the end of the paragraph: *a. Minimizing soil erosion helps protect water supply reservoirs from premature siltation, thereby protecting water quantity as well.*
- Include Ms. Joyce Wolf's suggestion on Policy 2.7 Encourage the protection of High Quality Agricultural Land in Douglas County for current and future agricultural use.  
d. Inventory Capability Class I and II soils acreage. Track loss of these soils to urbanization
- Consider adding mercury to the Air Quality section as a pollutant, if appropriate.

Motion carried 8-1-1, with Commissioner Finkeldei voting in opposition. Commissioner Carter abstained.

Motioned by Commissioner Hird, seconded by Commissioner Harris, to approve and sign Planning Commission Resolution 8-6-10.

Approved 8-1-1, with Commissioner Finkeldei voting in opposition and Commissioner Carter abstaining.