

Memorandum: Comments on Horizon 2020 Environmental Chapter

To: City of Lawrence Planning Commission, Scott McCullough, Amy Brown, and Dan Warner

From: City of Lawrence Sustainability Advisory Board

Date: May 21, 2010

At its core, long range land-use planning is about increasing quality of life, diversity of choice, and economic activity occurring within a community. The relationship between the built and natural environments evolves as a result of these activities. Because of the importance of the relationship between the built and natural environments, the Sustainability Advisory Board of the City of Lawrence strongly supports the inclusion of an Environmental Chapter to Horizon 2020. Consideration for environmental goods and services have likely appeared in every long-range plan written by the City and Douglas County planning departments; however, including a chapter identifying our communities' environmental values and incorporating them in the planning process is wholly appropriate.

On the whole, SAB commends staff for the scope and substance of the chapter. The diverse, yet related categories identified in the draft chapter are the most logical subject divisions. No major categories were omitted. The summaries of issues in each category did a good job justifying to readers why we, as a community, ought to consider these subjects in our long term land-use planning. The goals and attendant strategies provide a good foundation for policy-making.

Recognizing the aspirational role this draft chapter will play in the continued development of Lawrence and Douglas County, SAB would like to submit the following as the most important sentence in the document: "Code regulations shall be developed to achieve the policies discussed in this chapter." Where Horizon 2020 describes current and forecasted socioeconomic conditions, identifies goals, and provides the framework for growth, the Development Code of the City of Lawrence codifies specific action—it is where the rubber meets the road. Identifying and vetting the policies included in an analogous document, refining the agenda of the Planning Commission and Planning Staff with respect to the Environmental Chapter, laying groundwork with interested stakeholders, and institutionalizing the values identified in the planning process will be the most important actions.

Synergies with the Sustainability Advisory Board's Agenda

The SAB has always been a vocal supporter for increased waste reduction and recycling efforts by the City and community. With the introduction of Deffenbaugh's service to the community, the solid waste landscape is changing. Most of the strategies identified in the Environmental Chapter rely on encouraging people's behavior; at \$5 per month for single stream recycling, the SAB suspects the rate of participation in recycling might

increase. For the last year, the SAB has recommended the City evaluate the benefits and drawbacks to implementing a unit-based fee structure for the collection of solid waste. We have suggested that when citizens pay the marginal cost of collection rather than a flat, monthly fee, they might increase their waste reduction and recycling efforts to limit the amount of money they spend on solid waste disposal. Currently, the SAB is looking forward to participating in study sessions with the City Commission and Solid Waste Division staff on the proposal. Regardless of the policies the Planning Commission and Staff consider for waste management, there will certainly be synergies between our efforts.

The SAB made the original recommendation to the City Commission to establish a Climate Protection Task Force. After one year of work, the Task Force followed up with a variety of recommendations in seven categories, many of which are similar to the draft goals and policies in the Environmental Chapter. Recently, the City and County followed through with the first recommendation—to hire a full time staff position to coordinate sustainability efforts. With respect to land use and transportation planning, the SAB had recommended a greater emphasis be placed on increasing urban density, bicycle and pedestrian facilities, and transit service. There was an expectation that the work currently being done by Planning Department staff would serve as the initial effort to account for a broader scope of factors in making land use decisions. The SAB would like to see a greater emphasis placed on these topics in the chapter and is continuously available and willing to provide support in furthering the efforts of Planning Staff.

Content and Word Choice

SAB would like to offer the following minor suggestions with respect to content and word choice:

1. Page 16-4 “Development proposals will be reviewed for general conformance with the goals and policies in this chapter to promote sustainable development.”

Without providing metrics for sustainable development and setting targets for the level of conformity to the goals and policies identified in the Environmental Chapter, (here or in the ordinances that will follow) reviewing proposals for conformity seems inconsequential.

2. Page 16-5 In the Air Quality Management section, the accumulation of greenhouse gases in the atmosphere above pre-industrial levels is identified as a concern. Arguably, changes in the hydrologic cycle could be the most significant effects we experience as a result of climate change given our location between two diverse moisture regimes and between two rivers. Identifying fluctuations not only in rainfall but the schedule of severe flooding might be appropriate in the Summary of Issues Section for Water Resources and Management.

3. Page 16-6 Policies often use the verbs “develop”, “encourage”, and “educate”. For many of the policies outlined in this chapter, these will certainly be the appropriate verbs

to use—especially with respect to issues that might raise questions about extent of authority, the 5th Amendment, and private property rights. However, if the Planning Commission and staff are sincerely interested in promulgating ordinances and policies that will bring the City and County closer to the goals identified in the document, it will be advantageous for the Planning Commission and staff to strategically position themselves with the verbs used in the policies. For instance, Policy 1.2 a. reads:

“Develop stream setback regulations for both the City of Lawrence and Douglas County in order to reduce erosion, preserve riparian areas, mitigate flood hazards, and ensure water quality.”

A policy of developing regulations is without question the important first step, but with no language concerning implementation, the policy is unnecessarily diluted at formation. This comment is applicable to many of the policies identified. In contrast, Policy 1.7 b: “Develop strong erosion and sediment control policies on construction sites that include consistent and effective enforcement to improve stormwater quality” on page 16-8 is a great example of including implementation in the policy.

4. Page 16-7 Policy 1.3 b. and Policy 1.4 a.; and Policy 1.3 c. and Policy 1.4 c. are redundant. Protecting wetlands is the means to the end in Policy 1.3, but is the end itself in 1.4.

5. Page 16-15 Policy 2.3 a. “Partner with the Kansas Biological Survey...and map the remaining native prairie remnants within Douglas County.” The SAB believes KBS has already completed this work. If so, maintaining the data set should be set as a policy.

6. Page 16-16 Policy 2.6 “Preserve existing open space and create new open space areas...” The SAB recommends that open space areas and greenways be defined, as there was some discussion among the board about whether they are *maintained and publicly accessible* or simply *undeveloped*. If the definition is space that is undeveloped, “creating new open space” might be interpreted as demolition of existing structures!

7. Page 16-16 Policy 2.6 a. “To maintain a balance between natural and built environments...” staff will be asked to define the balance to be maintained at some point—it might as well come from the SAB. How will we collectively define the balance between the natural and built environments and develop consensus around that definition?

8. Page 16-16 Policy 2.6 b. “Determine in advance of development proposals what areas are suitable for development...” What criteria would this be based on and could it cause 5th Amendment issues?

9. Page 16-20 This text is a suggestion for the second paragraph: “*Elevated levels of greenhouse gases, such as carbon dioxide, methane, nitrous oxide, and fluorinated gases, are air pollutants that can disrupt the thermal equilibrium of the atmosphere. The Climate Protection Plan: Climate Protection Task Force Report to the Lawrence City Commission*

provides recommendations for the reduction of greenhouse gas emissions in Lawrence, as well as *reducing the probability that significant deviations from the climatic norm will occur.*”

10. Page 16-20 1) b. Suggest changing “Excessive” to “Elevated levels of...”

11. Page 16-21 Policy 3.3: “Reduce emissions of non-vehicular air toxics as listed by the EPA...” recommend changing “toxics” to “toxins.”

12. Page 16-24 Policy 4.1 While the primary goal and policy is written in general terms, only one kind of natural resource operation—quarries and sand/gravel operations—is identified in the sub-policies. This might be interpreted as singling out one marketable resource. Are there other resources that might be appropriate to include in this section?

13. Page 16-25 “...reduce, reuse and recycle the *majority* of the waste that is produced in Douglas County.”

Should this be read as a suggestion to set a goal of a 51% diversion rate from the current aggregate disposal stream (landfill, recycling, and composting)? That would be in line with the SAB’s past goal.

14. Page 16-27 Defining sustainability in the traditional way does little to institutionalize its intention; without strictly defining what sustainability is (in addition to what it does), it is unlikely to ever serve as a basis for decision-making. It is easy to identify aspects of our civilization that are not sustainable, but more difficult to identify those that are. This is our task. It is beyond the scope of this document perhaps, but, identifying metrics for success on the loosely defined spectrum of sustainable to non-sustainable, and justifying the importance of those metrics, will be necessary before anything that looks like public buy-in will occur.

15. Page 16-30 Policy 6.7 The SAB recommends working with the Lawrence Fruit Tree Project in producing food on public land for public consumption. Issues that have been identified as roadblocks are: removing the prohibition on picking food on public land, needing a prohibition on climbing trees on public land, and requiring fruit-bearing trees to be far enough off of public paths to minimize maintenance and clean up.

We would like to thank you for the opportunity to provide input on this important addition to our community’s long-range planning and look forward to continuing to work with you in the future.