

Memorandum

City of Lawrence

Planning & Development Services

TO: City of Lawrence Sustainability Advisory Board

FROM: Mary Miller, Planner; Comprehensive Plan Committee Chapter 16

CC: Comprehensive Plan Committee members: Lisa Harris, Chair; Kenzie Singleton, Stan Rasmussen, and Chuck Blaser; Commissioners and Amy Brown, Planner

Date: July 12, 2010

RE: Sustainability Advisory Board's May 21, 2010 comments on the Environmental Chapter of *H2020*, Chapter 16

The committee would like to thank you for your detailed and comprehensive comments. We very much appreciate your input in the drafting of this chapter and hope that your input will be ongoing throughout the implementation of this chapter. Several of your comments resulted in revised language; however, some of the comments were not incorporated. We feel it is important to work with the Sustainability Advisory Board throughout this process and wanted to provide information on the action taken on the comments that you have provided.

One comment which was not included in the memo was that the definition of 'sustainability' be revised in compliance with the UN definition. The definition has been revised as below:

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development integrates the three pillars of environmental protection, economic development, and social development in decision making. It is not the tradeoff between these pillars, but the synergy between them."

RESPONSE TO COMMENTS PROVIDED IN THE SUSTAINABILITY ADVISORY BOARD'S MEMO OF MAY 21, 2010

The SAB's comments are summarized below. Following the comment is the Comprehensive Plan Committee's response.

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

The SAB commented that without metrics for sustainable development and targets for the level of conformity to the goals and policies identified, reviewing proposals for conformity seems inconsequential.

The language on Page 16-4 reinforces the policies and goals of *H2020* and makes them applicable to individual development proposals. Even before specific regulations are written and programs are developed, development proposals will be reviewed for conformance with the goals and policies. As part of the implementation of this chapter, regulations will be developed, which may include metrics and other tools for measuring progress. Stricter conformance is required with regulations than with the comprehensive plan.

- 2) Page 16-5. The memo suggested identifying fluctuations not only in rainfall but also in the schedule of severe flooding in the summary of issues section for water resources and management.

We had mentioned additional storm events in our earlier more extensive draft of the chapter; however, given the debate regarding global warming and its effects it did not seem appropriate to include definitive information in this section. Measuring the greenhouse gases is a more local metric, and would reflect our actions more than measuring rainfall or flooding events which could be attributed to other causes.

- 3) Page 16-6. SAB recommended including implementation language in the goals and policies.

The difference in the language in the two examples that were provided were due to the fact that the stream ordinance would be a 'regulation' and the erosion and stormwater control policies are 'policies'. Different types of compliance and enforcement are possible with a regulation and a policy.

- 4) Commented that the policies for protection of wetlands are redundant in 1.3 and 1.4.

They may be somewhat redundant, but the intent was to clarify that protection of wetlands as a means of improving water quality is important (1.3) but protection is also important for the values that wetlands themselves possess (plant diversity, wildlife habitat) (1.4). 1.3(b) and 1.4(a) are fairly similar, 1.3 b deals with different types of water bodies in relation to protection of water bodies, 1.4(a) deals specifically with wetlands, regardless of their link to maintaining water quality.

- 5) Page 16-15, concerning the partnership with the Kansas Biological Survey about the mapping of native prairie remnants in Douglas County being complete.

Prairies change, native remnant prairies are often discovered and others degrade to the point where they are no longer meet the definition. The mapping of the prairie remnants is an on-going process. The KBS typically maps prairies of 5 acres or more; however, smaller areas may be of interest.

- 6) The following definition of 'open space area' consistent with the definition provided in Chapter 9, Parks, Recreation and Open Space' was added to the glossary in response to this comment.

Provides visual & psychological relief from the built environment; public access via trails & walkways to these areas is important to provide passive recreational opportunities where it is compatible with resource protection & environmental regulations; open space areas may or may not be improved, but can include playfields, trails, greenbelts/greenways, community gardens, farmed areas, buffers between land uses of differing intensities, such as residential & commercial or industrial activity, areas within community or neighborhood parks which are left in their natural state, & other environmentally sensitive areas.¹

- 7) How will the balance between the natural and built environment be defined?
It may be necessary to define the balance to be maintained between the natural and built environments at some point; however, as used in this chapter, the term 'balance' means a harmonious co-existence rather than a term of measurable equality. The SAB will be very helpful in defining this concept further as the chapter is implemented.
- 8) Would determining in advance of development proposals what areas are suitable for development create a 5th Amendment issue?
Long range planning typically identifies areas which are suitable for development at different intensities and which areas have constraints for development, or features which may make it more suitable as open space. This should avoid any 5th Amendment or 'takings' issues.
- 9) The SAB suggested that this language also note that the reduction in greenhouse gas levels will reduce the possibility that significant deviations from the climatic norm will occur.
We agree with the statement that reducing greenhouse gas levels may reduce the probability that significant deviations from the climatic norm will occur, if greenhouse gases are reduced on a global level. We are interested in doing our part, but don't want to give the impression that a reduction in greenhouse gas in Douglas County alone will affect the climate.
- 10) The Comprehensive Plan Committee discussed the use of these terms and felt that 'excessive' was a more appropriate term.
- 11) The memo suggested changing the term 'toxics' to 'toxins'. We utilized many EPA documents for reference and The EPA refers to these air pollutants as 'toxics'.
- 12) The chapter only mentions quarries and sand/gravel operations as marketable natural resources.

¹ From Horizon 2020, Chapter 9: Parks, Recreation, and Open Space

That is a good point. There are several oil and natural gas wells in Douglas County that could be included as well. This policy was changed as below:

Policy 1.1 Identify and properly manage marketable natural resources.

- a. To minimize negative environmental impacts, the City and County should work with applicable state agencies to develop appropriate operation standards for harvesting, collecting, recovery and extraction of marketable natural resources, ~~quarries and other extraction facilities to minimize negative environmental impacts~~ and provide for effective reclamation of land.
- 13) Should the language on page 16-25 include a goal of a 51% diversion rate from the current disposal stream?
As the Comprehensive Plan is a guide, we did not want to limit the amount of waste that we divert from the landfill. Target goals could be set in later policies, and these could change as we progress.
- 14) The SAB recommended developing metrics for measuring success would be necessary. The SAB indicated that this would be within their scope to develop these metrics.
Developing metrics for measuring success in becoming more sustainable will be a useful tool. This would be an action step during the implementation of this chapter.
- 15) The Comprehensive Plan Committee felt that the Fruit Tree Project and other various local food initiatives are included in the general language in the local food policy. There was concern with listing one project specifically, without mentioning other local food initiatives so this language was not included.