



City of Lawrence  
Douglas County  
PLANNING & DEVELOPMENT SERVICES



Horizon 2020 Steering Committee  
City Commission Room  
4:00 – 6:00pm  
July 20, 2015

### **AGENDA**

- 1) Approve June 8, 2015 Meeting Notes**
- 2) Approve July 13, 2015 Meeting Notes**
- 3) Receive Communications from the Public on the Issue Action Report**
- 4) Discussion of July 13<sup>th</sup> Public Meeting Sessions**
- 5) Provide direction to Staff**

**Horizon 2020 Steering Committee  
June 8, 2015  
Meeting Notes**

**Members Present:** Comm. Thellman, Comm. Amyx, Bill Ackerly, John Gascon, Lisa Harris, Clay Britton, Kyra Martinez, Scott Zaremba, Marcel Harmon, Patrick Kelly, Charlie Bryan (ex officio)

**Members Absent:** None.

**Staff Present:** Scott McCullough, Amy Miller, Jeff Crick, Diane Stoddard

**Others Present:** Several members of the public were present.

Commissioner Amyx welcomed everyone.

The meeting notes from the May 11, 2015 meeting were discussed. Motioned by Martinez and seconded by Harris to approve the May 11, 2015 notes. Motion passed 6-0.

(Bill Ackerly, John Gascon, Scott Zaremba and Patrick Kelly joined the meeting during the below item.)

Harris introduced the next item regarding the Mission/Vision statement. The committee agreed to make a few minor changes and let the public consider the language as part of the Issue Action Report as a next step. Motioned by Thellman and seconded by Harris to adopt the draft Vision/Purpose statement with an amendment to change the last bullet point under "Learn" to say "Dedication and access to high quality lifelong learning", the sidebar amended to say "Jobs" instead of "Employment" and the name "Thrive". Motion passed 10-0.

McCullough introduced the next item which was to continue discussing the draft of the Issue Action Report. Motioned by Harris and seconded by Britton to adopt the Issue Action Report as amended. Motion approved 9-0.

(Marcel Harmon left the meeting towards the end of the above item)

The Committee discussed the timeline and decided to hold the public meeting as planned on July 13<sup>th</sup> in the City Commission Room and ask the public to enter into a dialogue with the committee by having the public speak at the podium. The committee decided to hold the meeting through two sessions: Session 1 from 4-6pm and Session 2 from 6:30-8:30pm.

Motioned by Gascon and seconded by Britton to adjourn the meeting. Meeting adjourned (9-0) at 6:00 p.m.

**Horizon 2020 Steering Committee  
July 13, 2015  
Meeting Notes**

**Members Present:** Comm. Thellman, Comm. Amyx, Bill Ackerly, John Gascon, Lisa Harris, Clay Britton, Kyra Martinez, Scott Zarembo, Marcel Harmon, Patrick Kelly, Charlie Bryan (ex officio)

**Members Absent:** None.

**Staff Present:** Scott McCullough, Amy Miller, Jeff Crick

**Others Present:** Several members of the public were present.

Commissioner Amyx welcomed everyone to the listening session regarding the Issue Action Report and gave background on the process to date.

State Senator Mark Buhler spoke about making sure there was consideration for new future industrial parks, making policies as broad as possible and making sure there was a revenue stream for economic development.

Larry McElwain, President and CEO of Lawrence Chamber of Commerce, thanked the committee for allowing them to bring an expert to talk to the committee about the retail market in Lawrence. He stated that they have liked the process so far, and especially that it has not been rushed. They appreciate the efforts to shorten the plan and make it easier to read, but are concerned that the incorporated plans may not be the best way to accomplish that. They would like the incorporated plans to be vetted just as much as the comprehensive plan is.

Brady Pollington, Economic Development Project Manager for the Lawrence Chamber of Commerce and Vice-President for the Economic Development Corporation of Lawrence & Douglas County, stated that he uses the plan in his daily life in that capacity. He focuses on workforce and real estate development, business retention and entrepreneurial startups. Asked that the flexibility of the plan be maintained.

Kirk McClure, stated that he is concerned about the absence of addressing certain issues, such as affordable housing, retail space, preserving downtown space and neighborhood stabilization. He is concerned that the Issue Action Report does not take a position on those issues. He suggested that growth management is a central theme surrounding those issues and is crucial for good land use planning. He defined growth management as keeping the pace of growth in supply the same as the pace of growth with demand and stated that overbuilding hurts the market.

Graham Kreicker, stated that overbuilding new development will destroy older development. 150 years ago, 159 people came here and shared all the water that came through rain. Now we have 90,000 people sharing that same amount of water. The plan should take into consideration water conservation.

Chris Tilden, Directory of Community Health for the Lawrence/Douglas County Health Department, stated that he appreciated all the input meetings that have been held so far. Wanted to encourage the committee to incorporate the Douglas County Community Health Plan by reference.

State Senator Marci Francisco, on behalf of the League of Women Voters, appreciated the strong community vision statement, but suggested that the committee look at alternate wording, submitted in writing for a portion of that statement. She submitted a letter on behalf of the committee that addressed a few other issues.

Gascon asked Francisco what revitalization looked like to her. Francisco stated that it looked like working to re-do existing housing stock through investment. Gascon asked how you balance that with affordable housing. Francisco responded that affordable housing needs to make sure that portions of developments should be affordable, but there should be a mix of housing.

Rich Mender, stated that good planning is more than just focusing on the physical land use, but how we plan for the workforce is important.

Gary Rexroad, stated that there were some issues with Chapter 12 and Economic Development. He noted that the impact that technical education can have on the economics of a community are great. He would the new plan to be amended to incorporate references to the Dwayne Peaslee Technical Education Center and the Lawrence College and Career Center. Also, a revenue stream for economic development needs to be developed. As a local small business owner, the idea that growth controls would be built into the plan is discouraging.

Dennis Brown, President of the Lawrence Preservation Alliance, stated that they are concerned about how preservation will be incorporated into the plan. They agree that an updated preservation plan should be incorporated. They appreciate the relationship between preservation and cultural arts, but there are times they should stand apart. They agree that increased height and density in the core is preferable to sprawl, but think that it needs to be planning driven that looks at the entire downtown area, not just on a lot by lot consideration.

Candice Davis, representing the Lawrence Association of Neighborhoods, stated that the comprehensive plan is a foundation for the community. They support following existing codes that are in place, but should call it planned growth instead of managed growth. She reiterated issues with the existing Chapter 5 – Residential Land Use that were submitted in the written correspondence from the Lawrence Association of Neighborhoods.

Nicki White, Therapy Works, member Board of Directors of the Lawrence Chamber of Commerce and past member of LiveWell Lawrence, stated that safe implementation of the complete streets policy is important, as well as water conservation. She stated that the plan should be amended to incorporate references to the Dwayne Peaslee Technical Education Center and the Lawrence College and Career Center. Also, Chapter 7 should be amended to incorporate business and manufacturing parks in other areas.

Brad Finkledei, former Planning Commissioner member, stated that thinks the issues that have been identified are good and also agrees that issues that are not on the list shouldn't be on the

list. One example is managed growth, and he thinks that it doesn't need to be revisited. He is also the Chair of the Board of Directors of the Lawrence Chamber of Commerce and wishes to have some of the changes in the new strategic plan be incorporated into the new comprehensive plan. He also stated that locations for industrial development need to be looked at.

Kreicker stated that there are 15,400 economic development entities in the United States.

Shannon Oury, Executive Director of the Lawrence Douglas County Housing Authority, stated that she was glad to see issue three in the report and stated how important affordable housing will be to the future of the community.

Brian Dennis, KU Small Business Development Center, wanted to encourage the committee to look at a continuity plan that would look at redevelopment, such as in the event of a disaster.

Kevin O'Malley stated that he moved here 10 years ago to buy a business before the growth rate slowed. He said that we need a dedicated funding stream for economic development. Stated that the plan should be amended to incorporate references to the Dwayne Peaslee Technical Education Center and the Lawrence College and Career Center.

Leslie Soden, Vice Mayor of Lawrence and past co-chair of the Affordable Housing Coalition, thanked the committee for incorporating affordable housing, but wanted to address the lack of cultural opportunities places other than Downtown Lawrence, especially on the west side of town. Stated that Action Step 11.3 was confusing and needed to be re-worded.

Luke Bell, Lawrence Board of Realtors, thanked the committee for their work and spoke regarding Action Step 3.1. He said there is conflicting data today and that the housing market definitely needs to be studied, and affordable housing needs to be defined before any policies can be adopted. He also stated that inclusionary zoning does not work well in a lot of communities and should not be considered. Stated that inclusionary zoning can't be applied to rental units by state statute. He also spoke against increasing building permit fees to provide funding for an affordable housing program.

(Commissioner Thellman arrived during the above speaker)

Dan Dannenberg, spoke about destructive elements of rental units on neighborhoods as a whole. Would like the rental registration program to be transparent and not under the City Commission.

Carol Gilmore, member of the Lawrence Douglas County Food Policy Council, spoke about water conservation and supporting the local food economy.

*(This concluded the first session)*

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*(The second session started)*

Commissioner Amyx and Commissioner Thellman welcomed everyone to the listening session regarding the Issue Action Report and gave background on the process to date.

Dale Nimz stated that there should be an action step for green jobs and industry. Under Issue 12, connectivity is an issue that needs to be addressed, possible through the design guidelines. Need to investigate conservation methods under Issue 13, such as conservation subdivisions in the Urban Growth Area.

Frank Male, Lawrence Landscape, spoke about the continued need for industrial land, capitalizing on the new intermodal facility in the region, and the new plan should reference the Dwayne Peaslee Technical Education Center and the Lawrence College and Career Center.

Earl Schweppe asked when are we going to look beyond 2020? Amyx answered that this is just the beginning of the process, but the action report is the first step in doing just that.

Ward Lyles, Professor of Urban Planning at KU, would like to see more greenhouse gas reductions including a mandate.

Earl Schweppe, stated that we need to pay our workers better so they stay here. Would like to see more attention on science issues.

Dr. Janet Rose, Professor with KU School of Journalism, stated that she and some students had the opportunity to work with staff and committee members as a voice with the vision/mission statement and wanted to thank everyone for the opportunity. In their research, they looked at a lot of peer cities and it refreshed their opinion on the role that Lawrence plays in the Midwest and we should be proud of our community.

McCullough thanked Dr. Rose and her students for their help with the mission/vision statement.

Marci Francisco, speaking for herself, likes the first sentence of the purpose, and is also pleased to hear an emphasis on climate change and sustainability issues.

Earl Schweppe said the group should rename the plan 2020 Plan: Our Vision for the Future.

Jane Bateman, a former Planning Commissioner, believes in positive economic development. She also wishes the plan has a "how can we help attitude", meaning carrots instead of sticks. She wishes the plan would allow flexibility.

**From:** Rick Mitchell [mailto:rickmitchell.lawrence@gmail.com]  
**Sent:** Tuesday, July 14, 2015 3:04 PM  
**To:** Jeff Crick  
**Subject:** Response to the Issue Action Report

Commissioners and Planning Staff,

I have read the Issue Action Report and attended one of the comment meetings on July 13. Earlier, I participated in the Comprehensive Plan Community Survey. I have since reviewed the results of the survey submitted by ETC Institute. Still earlier, I closely observed the creation of the Horizon 2020 Plan and have read it and referred to it when questions have arisen regarding the direction development has taken in the city and county. I regard myself as an interested and involved Lawrence citizen. As a native Lawrencean now in my mid-sixties, I feel I have a perspective informed by several decades of experience actually living in and owning property in Douglas County.

With that said, and with genuine appreciation for the extensive work done by the planners, I submit these general comments.

1. Lawrence has a special role as a progressive force in the state of Kansas and the region. We should commit ourselves to the most forward thinking, imaginative and informed planning in the areas of science and technology, arts and culture, natural resource conservation and usage (I'm thinking especially of water), "green" construction, and sustainable food production. We should be a model for other cities in Kansas by being the first to convert to renewable energy, create a significant and dependable local food hub, and develop a bicycle and pedestrian pathway network that is, in large part, separate from and independent of the streets and highways. We should borrow the best ideas we find from around the world and when we don't find suitable solutions in other places, we should create them ourselves.

2. The Plan addresses issues that would seem to be predictable and it projects a future that would appear to be logical given our history. But, it does not acknowledge that there may well be significant changes that may alter the way we live requiring intensive rethinking of our practices. Such changes include those brought on by climate fluctuations and weather as well as those caused by political decision making. With regard to climate change, we should be proactive by considering our responses to dramatic new conditions.

2a. Of special interest to me are the political changes occurring in Kansas that could affect planning in Lawrence. Of these, the effect on public education (K-12 and higher education) may be the most significant. I see nothing in the comprehensive plan that addresses education or the schools. If Kansas voters continue to support candidates who oppose public education, the way we operate and manage schools could be very different in the near future. School buildings and properties represent a very large investment and a considerable amount of real estate. And the human investment in teachers and staff to serve our children is almost incalculable. Perhaps we should be thinking of how best to organize and utilize those resources if the public school system is altered or even discontinued as we know it.

Rick Mitchell

2804 Tomahawk Dr.  
Lawrence, KS 66049

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**From:** Donald Whiteley [mailto:dwhiteley@sunflower.com]

**Sent:** Tuesday, July 14, 2015 11:25 AM

**To:** Jeff Crick

**Subject:** FW: Committee to discuss Comprehensive Plan update and community needs

Having reached retirement last December, we have found that our priorities have shifted somewhat and since we were unable to make the meetings yesterday, I wanted to take the opportunity to express our views.

1. Future planning and growth remains important to the city, but so does budgeting for this plan that doesn't depend on increases in taxes at a rate higher than the rate of inflation. For whatever cause you create the taxes, if it exceeds the increases in income residents receive in a given year, it is an overall detriment to the city's residents and the community as a whole.
2. It is my feeling that the city has responded too often and too aggressively to the needs and desires of Lawrence residents who pay no or minimal taxes. While I don't want to ignore their needs, it leaves many of us in my position feeling as though this group has a much larger voice in determining where the city is going and the property owners are left with the bills to pay for it.
3. The increase in property values we've experienced in Lawrence over the past couple years, as noted on ours and our neighbor's taxes, leaves the city and county with a windfall of new taxes. The updated values of our homes has caused the taxes they generate to far outstrip inflation, creating an overall decline in our disposable income which adversely affects our lifestyle. At the rate our property is increasing, the city and county should actively engage in pursuing a reduction in taxes that keeps our growing tax burden in proportion to the rate of inflation.
4. I support new projects bringing jobs to the city
5. I remain strongly opposed to building our city upwards. We moved to Lawrence for the quiet, residential lifestyle and community. We did not move here to be penned in by high rises as we were in New York. In 2006 (?), we agreed to pay the city \$6500 along with other neighbors to place a conservation easement on the Orchards Golf Course in our neighborhood that ensures it remains green space. Be assured that any attempt by the city to develop or change the zoning of that space or any other existing greenspace in the city will result in our supporting vigorous pursuit of a lawsuit against the city.
6. I read that streets seem to be the #1 priority of the city's residents, but I want to state our case that it not be. Americans have been spoiled and expect roads as smooth as a baby's posterior. I lived for 4 years in Canada where they spend only a fraction of what Americans spend on roadwork each year. Tremendous savings can be obtained for state and local governments by undertaking only the most necessary improvements. As an example, living close to Bob Billings parkway, I have seen numerous repair projects on both that road and Iowa, work that not only created impediments to the flow of traffic, but work I would consider unnecessary given the existing state of the road. Many Americans don't want to feel a single bump in their roads, but rarely do Americans realize the cost to our governments in maintaining roads to those standards. The work on 23rd last year, at the same time as the closure of 31st, Louisiana, Haskell, Iowa, and Wakarusa was a traffic catastrophe in Lawrence that far outstrips any benefits those projects may bring. If the city succumbs to the demand for more road projects,



far more careful planning is needed to ensure that the impact of those projects will be far less than we experienced last year.

Regards,

Donald & Cindy Whiteley  
1308 Lawrence Ave.  
Lawrence, KS 66049

**From:** [Luke Bell](#)  
**To:** [Jeff Crick](#)  
**Subject:** Written Comments on Comprehensive Plan Issue Action Report  
**Date:** Wednesday, July 15, 2015 10:20:37 AM  
**Attachments:** [7-14-2015 LBOR Memo on Issue Action Report.pdf](#)  
[ATT00001.htm](#)

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Dear Steering Committee Members and Planning Staff -

On behalf of the Lawrence Board of REALTORS® (LBOR), I would like to submit the attached memorandum to supplement our oral comments on the Issue Action Report. We commend the members of the Steering Committee for effectively taking months of public comments and study materials and formulating the 19 concise priority issues found in the Issue Action Report.

We believe that the Steering Committee and the planning staff have done an excellent job in focusing the discussion on those priority issues that will have the greatest impact on affordable housing, economic development, job growth and quality of life in our community.

There is obviously a considerable amount of work to be done by the Steering Committee, Planning Commission, Lawrence City Commission and Douglas County Commission before this update process is completed, but we believe that the Issue Action Report is a great starting point for the continued discussion. Having said that, LBOR would like to provide specific comments and feedback on several of the issues discussed in the Issue Action Report, including Issues #3, #6, #7, #8, #9, #11 and #12.

Thanks again for conducting an open and transparent process and for allowing us to provide oral and written comments!

Luke Bell  
Governmental Affairs Director  
Lawrence Board of REALTORS®  
Cell: (785)633-6649  
[lbell@kansasrealtor.com](mailto:lbell@kansasrealtor.com)



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Governmental Affairs Director  
Lawrence Board of REALTORS®  
Cell: (785)633-6649  
[lbell@kansasrealtor.com](mailto:lbell@kansasrealtor.com)

To: Horizon 2020 Steering Committee

Date: July 14, 2015

Subject: Comments and Feedback on Issue Action Report for Comprehensive Plan Update

Commissioner Amyx, Commissioner Thellman and members of the Horizon 2020 Steering Committee, the Lawrence Board of REALTORS® (LBOR) thanks you for the opportunity to provide some general comments and feedback on the Issue Action Report. In addition to the oral comments provided at yesterday afternoon's meeting, LBOR would like to provide some general written comments and feedback on several additional items.

First, LBOR commends the members of the Steering Committee for effectively taking months of public comments and study materials and formulating the 19 concise priority issues found in the Issue Action Report. We believe that the Steering Committee and the planning staff have done an excellent job in focusing the discussion on those priority issues that will have the greatest impact on affordable housing, economic development, job growth and quality of life in our community.

There is obviously a considerable amount of work to be done by the Steering Committee, Planning Commission, Lawrence City Commission and Douglas County Commission before this update process is completed, but we believe that the Issue Action Report is a great starting point for the continued discussion. Having said that, LBOR would like to provide specific comments and feedback on several of the issues discussed in the Issue Action Report, including Issues #3, #6, #7, #8, #9, #11 and #12.

#### Comments and Feedback on Issue #3 – "Address Quality of Housing for All Incomes"

First, LBOR strongly agrees that the ability of residents to own and rent affordable and quality housing is one of the most important public policy issues facing our community. However, we also believe that this is an extremely complex issue and that there are a wide variety of factors that must be accounted for when attempting to craft potential policy solutions to address the issue of affordable housing.

Accordingly, we strongly agree with the statements expressed in the Steering Committee's Summary Position on page ten of the Issue Action Report. This is a major issue that must be addressed in a "thoughtful and inclusive manner" and the potential policy solutions that are identified to address the problem must be "based on data and all stakeholders should be invited to participate in finding solutions."

**Strong Support for a Comprehensive Housing Study:** Unfortunately, we do not believe that we have sufficient data at this time to determine whether our community's housing stock is adequate and how the relative price and supply of that housing stock relates to our residents' relative incomes and needs. If our community is going to engage in a concentrated effort to increase the supply of affordable housing, then we obviously need to identify the amount and type of housing units that should be provided, where those housing units should be located to meet the greatest demand and the approximate price points of housing units for which there is the most need in our community.

Based on the public comments provided at yesterday afternoon's meeting, there seems to be a dispute over the existing data on this subject and the extent of the affordable housing shortage in our community. In our opinion, the best course of action would be for the City of Lawrence and Douglas County to contract with a qualified, unbiased third party to conduct a comprehensive study of our housing stock, which would analyze the current supply of housing units, what communities are underserved in the current housing market and what potential policy solutions are available to address any priority needs identified by the study.

In our opinion, the city and county should undertake the comprehensive study before either entity appropriates a significant amount of new funding or undertakes any significant new programs to address the issue of affordable housing. This will ensure that we have enough information to make truly informed decisions on this extremely complex issue. As a result, we strongly agree with the proposed Action Step #3.1 found in the Issue Action Report.

**Strong Support for the Study and Development of a Specific Definition of Affordable Housing:** Furthermore, a wide variety of definitions and opinions exist over what is “affordable housing” and how much the average household should be spending on monthly housing costs. Again, if the community is going to make a concerted effort to tackle the problem of affordable housing, then an integral part of identifying potential policy solutions to address the problem should be to specifically define what we mean by “affordable housing.”

Until the community develops a specific definition of what is meant by the term “affordable housing,” how can we possibly decide on potential policy solutions to address the problem? As a result, we also strongly agree with the proposed Action Step #3.2 found in the Issue Action Report.

**Strong Opposition to “Inclusionary Zoning” as a Policy Solution:** Moreover, several individuals and organizations who provided public comments at yesterday afternoon’s meeting took the opportunity to specifically instruct the Steering Committee to identify inclusionary zoning as the preferred policy solution to solve the problem of affordable housing. As stated previously, we have major concerns with the concept of “inclusionary zoning” and believe that it is entirely premature for the Steering Committee to identify inclusionary zoning as a policy solution.

Most importantly, we believe there is strong evidence that the adoption of mandatory inclusionary zoning requirements on new and infill housing developments could actually result in making housing more unaffordable. If this requirement is adopted, multiple studies show that our housing market could actually see a decrease in the supply and an increase in the monthly cost for market rate rental and owner-occupied housing units.

“Inclusionary zoning” is the term that is most commonly used to describe a program that requires the developers of new single-family and multi-family neighborhoods to set aside a certain percentage (generally between 10% and 30%) of any newly-constructed housing units at below market sales prices or rents for households that have household incomes below certain thresholds. The term “inclusionary zoning” itself is not very descriptive and a more accurate description would be to label these programs simply as “price controls” or a “tax” on housing units.

Basic economic theory states that inclusionary zoning requirements act as a tax on new housing construction and development. This is because the economic effects of inclusionary zoning are very similar to those of a tax that is levied directly against new housing construction. As more units are restricted with price controls in the development and required to be sold or rented at a substantial discount to market rates, the foregone revenue from the sale or leasing of the restricted units must be passed on to the housing units that are constructed in the remaining portions of the development. This is not a “costless” requirement as stated by some individuals.

Basically, the developer of the housing units must increase the cost of all of the housing units that will be sold at market rates to compensate for the foregone revenue on the restricted below market rate units. In effect, the consumers who purchase the market rate units in the development will be forced to pay an implicit subsidy or tax to offset the cost to construct the price-controlled units under the mandatory inclusionary zoning program.

As a result, the introduction of an “inclusionary zoning” program from a standpoint of basic economics could lead to an increase in the cost of market rate housing due to the implicit subsidy paid by market rate property owners to subsidize the below market rate housing units. In housing markets with generally higher housing prices and reduced supply of market rate housing (such as Lawrence), this effect may be amplified as developers have more flexibility and price elasticity to pass along the higher housing costs to the purchasers of market rate housing.

According to actual research conducted on this issue, we believe that inclusionary zoning requirements have the potential to lead to a statistically significant increase in the cost of market rate housing units and a reduction in the number of market rate housing units constructed in our community. Numerous studies and examples from other communities with inclusionary zoning requirements support these conclusions.

**Madison, Wisconsin:** In February 2004, the City of Madison, Wisconsin enacted inclusionary zoning requirements. The ordinance required a development with ten or more rental dwelling units to provide no less than 15% of its total number of dwelling units as inclusionary dwelling units when the development “requires a zoning map amendment, subdivision or land division.”

For the purposes of this ordinance, an “inclusionary dwelling unit” was defined as a “dwelling unit for rent to a family with an annual median income at or below sixty percent (60%) of the Area Median Income.” Under the ordinance, the monthly rental price for rental inclusionary dwelling units “shall include rent and utility costs and shall be no more than thirty percent (30%) of the monthly income for the applicable AMI.”

Prior to the enactment of the inclusionary zoning requirements from 2001 to 2003, developers in Madison had constructed 3,257 housing units (of varying types). Following the enactment of the requirements from 2004 to 2006, developers constructed only 1,954 housing units. As a result, there was a 40 percent reduction in the number of housing units constructed in Madison following the enactment of the inclusionary zoning requirements. Please note that the period between 2004 and 2006 was at the peak of the housing boom and prior to the housing market recession (which lasted from roughly 2008 through 2012).

In 2006, the City of Madison issued only 143 permits for market-rate apartment units, which compared to the 660 market-rate apartment unit permits issued in 2003 (a 78 percent reduction). According to one study on the Madison inclusionary zoning requirements, the drastic downturn in new housing construction caused vacancy rates to decline in existing rental units and led to an increase in net rents, thereby achieving the opposite effect of what the city had intended in enacting the requirements. *“How Inclusionary Zoning Backfired on Madison,”* Terrence Wall, Madison Isthmus Weekly, March 15, 2007.

Following a court’s decision that the ordinance violated the state’s rent control prohibitions (discussed later in this memorandum), the City of Madison decided not to renew the inclusionary zoning requirements when they came up for renewal in 2009. The statistics quoted in the study basically prove that the enactment of the inclusionary zoning requirements had the effect of decreasing the supply and affordability of market rate rental units.

**California Study Conducted by San Jose State University Economists:** Another study conducted by economists at San Jose State University found that inclusionary zoning programs in California led to a 20 percent increase in prices for market rate housing units and a seven percent decrease in the number of market rate housing units constructed between 1990 and 2000. The study concluded that although the introduction of inclusionary zoning did lead to an increase in the construction of below market rate housing units, at the same time it resulted in a decrease in the number of market rates constructed and an increase in the cost of market rate units. *“Unintended or Intended Consequences? The Effect of Below-Market Housing Mandates on Housing Markets in California.”* Means and Stringham, Journal of Public Finance and Public Choice, Vol. XXX, 1-3/2012.

**Boston and San Francisco Study Conducted by New York University Economists:** An additional study conducted by economists at New York University (NYU) found that inclusionary zoning requirements in Boston and San Francisco “constrain new development, particularly during periods of regional price appreciation.” Moreover, “there is also strong evidence that implementation of region-wide inclusionary zoning put upward pressure on single-family home prices in the Boston-area suburbs between 1987 and 2008.” *“Silver Bullet or Trojan Horse: The Effects of Inclusionary Zoning on Local Housing Markets in the United States,”* Schuetz, Meitzer and Been, Furman Center, New York University, June 2010.

**Strong Argument that Inclusionary Zoning Requirements Violate Existing State Law:** In addition, there is a very strong argument that existing state law prohibits the application of inclusionary zoning requirements on rental property. Under K.S.A. 12-16,120, no political subdivision of the state (including the City of Lawrence and Douglas County) “shall enact, maintain or enforce any ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property.” Since no Kansas cities or counties have ever enacted inclusionary zoning requirements, this statute has never been tested in court to determine whether it prohibits a city or county from enacting inclusionary zoning requirements.

Having said that, the state of Wisconsin has adopted a rent control prohibition statute that is extremely similar to the Kansas rent control statute. Under Wisconsin statute §66.1015, “no city, village, town or county may regulate the amount of rent or fees charged for the use of a residential dwelling unit.”

After the enactment of the inclusionary zoning ordinance by the City of Madison in 2004, the Apartment Association of South Central Wisconsin filed litigation against the City of Madison alleging that the provision limiting the rental price for inclusionary dwelling units sought to regulate the amount of rent charged for rental units and thus violated the provisions of Wisconsin statute §66.1015.

In the *Apartment Association of South Central Wisconsin v. City of Madison*, 722 N.W.2d 614 (Wis.App. 2006), the Wisconsin Court of Appeals sided with the plaintiffs and invalidated the ordinance as an illegal rent control prohibition under the Wisconsin state statute. In doing so, the court held that “the legislature has expressly withdrawn the power of the City to enact MGO §28.04(25)(e) because this ordinance provision regulates the amount of rent that property owners in the specified circumstances may charge for rental dwelling units.” *Apartment Association of South Central Wisconsin* at 625. Later that year, the Wisconsin Supreme Court declined a petition to review the appellate court’s ruling and the ruling was basically affirmed.

As we have stated previously in this memorandum, no Kansas courts have examined this statute since no Kansas cities or counties have enacted inclusionary zoning requirements at this time. However, we believe that the court opinion from Wisconsin would be highly persuasive authority on this issue and it is probable that a Kansas court would hold that any efforts by the City of Lawrence or Douglas County to place rent controls on rental dwelling units through the enactment of inclusionary zoning requirements would violate the provisions of K.S.A. 12-16,120.

**Strong Support for Considering Policy Options and Programs Based on Data and Stakeholder Input:** Finally, LBOR strongly agrees with the proposed Action Step #3.3 found in the Issue Action Report. The City Commission, County Commission and all relevant stakeholders should engage in a data-driven and thoughtful consideration of all policy options and programs to address the problem of affordable housing.

Although we have expressed our opposition to the adoption of mandatory inclusionary zoning requirements, there are plenty of other potential policy solutions and programs that could address the problem of affordable housing. For example, the City Commission and County Commission could provide density bonuses, waive system development charges and agree to pay for all infrastructure costs for new and infill housing developments that VOLUNTARILY set aside a certain percentage of housing units in the development for affordable housing. If adopted, these incentives could offset the direct costs associated with leasing or selling the restricted units at below market value rates and could incentivize more developers to construct below market rate units.

LBOR is eager to participate in this process and work with other relevant stakeholders to identify data-driven, pragmatic and reasonable policy solutions and programs to address this problem. As a result, we again reiterate our strong support for the proposed Action Step #3.3.

#### Comments and Feedback on Issue #6 – “Create Quality Neighborhoods for All Ages”

Second, LBOR agrees that neighborhoods are “one of the fundamental building blocks of the community.” However, we also believe that this is another extremely complex issue and that the Planning Department should not attempt to draft a “one size fits all” solution to neighborhood design and development in our community.

**Strongly Disagree with “Universal Design” Aspirations:** LBOR disagrees with a statement expressed in the “Horizon 2020 Existing Policy Strength” section on page 13. Specifically, the statement states the following: “As people look more towards their neighborhoods to provide for their daily shopping and activities, focusing on how they can become more universal in their design and their amenities will grow in importance in the coming years.”

This statement seems to express a preference for a “one size fits all” or “universal” design of all neighborhoods in our community. While we agree that all neighborhoods should have access to certain amenities such as adequate transportation infrastructure and access to reasonably close parks and recreation facilities, we disagree that all neighborhoods and developments are alike and that all should be designed in a universal manner.

**Community Should Focus on Creating a Balanced Menu of Neighborhood Options:** Alternatively, we believe that a balanced and healthy housing market in our community depends upon a balanced menu of affordable and quality housing options. Some individuals who desire to move to our community will desire multi-family housing that is close to mass transit, employment opportunities and retail shopping. Other individuals may prefer slightly more compact urban development in a traditional neighborhood setting of single-family homes and duplexes. Meanwhile, other individuals may prefer a slightly more suburban development pattern of living.

No one group of individuals should be allowed to disfavor another individual's housing preference with their own subjective value statements. In order to provide a balanced menu of affordable and quality housing options and attract a wide variety of residents who wish to reside in our community, the Comprehensive Plan should avoid creating a "one size fits all" or "cookie cutter" template for neighborhood and housing development design.

Having said that, the Action Steps found in this section of the Issue Action Report are sufficiently broad to cancel out the "universal design" language found in other parts of the section. LBOR agrees that the proposed Action Steps are reasonable and that neighborhood planning and the development of best practices for neighborhoods should properly be included in the long-term work plan for Area/Sector Plans. However, this agreement comes with the caveat that these "best practices" should not be based on subjective value statements that are not shared equally by all the potential residents of our community.

#### Comments and Feedback on Issue #7 – "Create Employment Opportunities"

Third, LBOR strongly agrees that one of the highest priorities of the Comprehensive Plan is to create economic development and employment opportunities in our community. As we discuss the issue of affordable housing, quality of neighborhoods and quality of life in this community, all of these issues strongly depend on our residents being able to obtain quality employment opportunities.

**Strong Support for Proposed Action Steps to Create Employment Opportunities:** As we plan for the future of our community, an obvious priority is to continue to focus on those activities that will grow our local economy, produce new employment opportunities for our residents and support local government programs and services by growing our local property tax base. Accordingly, we strongly agree with all of the proposed Action Steps contained on pages 14 and 15 of the Issue Action Report.

#### Comments and Feedback on Issue #8 – "Managing the Future Lawrence Growth"

Fourth, LBOR generally agrees that a priority of the Comprehensive Plan should be to manage growth in a way that will ensure that our community grows in a "responsible manner." Having said that, LBOR was very concerned to hear several individuals provide comments at yesterday afternoon's meeting that called for the Steering Committee to place artificial limits on our community's future growth and development.

Most importantly, it is misleading to state that our community does not already engage in the practice of growth management. The Horizon 2020 Comprehensive Plan along with the various Area and Sector Plans adopted by the Planning Commission, City Commission and County Commission actively manage growth by determining land use, analyzing growth trends, planning for infrastructure needs and monitoring development patterns.

These plans have been developed with thoughtful input from elected officials, development professionals, neighborhood representatives and other important stakeholders. LBOR commends our elected officials and planning staff professionals for the diligent work that is done on growth management in our community.

**Growth Management Should Not Be Used to Artificially Limit or Stop Growth:** Having said that, growth management cannot and should not be improperly used as a tool to artificially limit or stop growth as some commenters have suggested. The reality is that our community will continue to grow if we want to continue to make our community an attractive place to get an education, live, shop and work. Rather than trying to use the Comprehensive Plan as a tool to turn new residents and development away, LBOR strongly believes that the Comprehensive Plan should be used to partner with potential new residents, employers and developers to guide growth in a manner that will maximize the economic and social benefits of growth.

## Comments and Feedback on Issue #9 – Plan for the Size & Location of Retail Development

Fifth, LBOR agrees that the Comprehensive Plan and our governing bodies should play a role in planning for the size and location of retail development. Having said that, LBOR was very concerned to hear several individuals provide comments at yesterday afternoon's meeting that called for the Steering Committee to again explicitly place artificial limits on the development of new retail shopping options for our community's residents.

**Lawrence Needs to Increase Our Pull Factor to Increase Our Sales Tax Base:** Fundamentally, we believe that these comments reflect a misunderstanding of how the development of additional retail shopping options can help create additional sales tax revenue growth for our community. Rather than new retail shopping options cannibalizing revenue away from existing retailers in a "zero sum game" as expressed by several individuals, the addition of retail shopping options may actually lead to an increase in total retail sales revenue in our community.

The reason is that sales tax dollars do not exist in a vacuum and we constantly compete with other communities for sales tax revenues. By adding retail shopping options and making our community a destination for shopping with a diverse array of retail shopping choices, we can increase the amount of sales tax revenue that is "pulled" into our community from residents of other communities.

This effect can be measured using a statistic known as the "City Trade Pull Factor" that is prepared for each city in the state and published on an annual basis by the Kansas Department of Revenue. This statistic measures the relative strength of the retail business in each community.

The City Trade Pull Factor (the "pull factor") is computed by dividing the per capita sales tax revenues of a city by the statewide per capita sales tax. A pull factor of 1.00 is an equal balance of trade, which means that a city is capturing a net positive amount of the retail sales that are available in the community. Basically, there is not a net amount of retail dollars that are "leaking" from the community as residents do their shopping elsewhere.

However, the goal on this statistic is for a community to increase their pull factor. The higher that a community can get this number means that the community is pulling in a large amount of retail sales from residents of other communities. This should obviously be the goal of any community as this is essentially "free money."

In 2014, the City of Lawrence had a pull factor of 1.04. While Lawrence at least had a positive pull factor and is not losing a net amount of retail sales to other communities, our pull factor is considerably below the state average of 1.18 for first class cities. In comparison, the City of Lenexa has a retail pull factor of 1.55, which means that it attracts a huge number of retail sales dollars from residents of other communities.

**Providing a Balanced Menu of Retail Shopping Options Increases Our Pull Factor:** In order to increase our pull factor, our community needs to continue to focus on adding retail shopping options that will create a balanced menu of retail shopping options that will appeal to a diverse mix of potential visitors. Some shoppers want to experience a day of shopping in downtown Lawrence, while other shoppers desire the retail shopping options provided by national chain stores in strip centers and big-box retailers.

Again, there is no "one size fits all" retail shopping option that will capture every single available consumer and their corresponding retail sales dollars. By providing a balanced and growing menu of retail shopping options that will appeal to a wide range of consumers, our community can grow our pull factor and increase the amount of retail sales dollars that flow in from residents of other communities.

In this sense, we will grow the total "pie" of retail sales dollars and increase the relative prosperity of all of our community's retailers. This is not a "zero sum game" that creates winners and losers in the local retail market. In contrast, we are growing the whole "pie" and increasing the amount of retail sales that flow into our community.

**Growing Our Sales Tax Base and Increasing Our Pull Factor Takes the Pressure Off Property Taxes:** Most importantly, increasing our pull factor and growing our sales tax base will produce new sales tax revenue for the City of Lawrence and Douglas County. In turn, this will take the pressure off property taxes to fund local government programs and services. Lowering the property tax burden on our community's families and small businesses will in turn lead to increased economic development, job growth and prosperity.



### Comments and Feedback on Issue #11 – “Encourage Infill Development”

Sixth, LBOR generally agrees with the premise of the Issues Action Report that the Comprehensive Plan and our governing bodies should encourage infill development with appropriate incentives. Having said that, LBOR believes that the proposed Action Steps found on page 19 of the Issue Action Report are somewhat vague and confusing and do not adequately describe the steps that will be taken to “encourage infill development.”

In addition, we believe that the issues of affordable housing (Issue #3), quality neighborhoods (Issue #6), growth management (Issue #8), infill development (Issue #11) and increased height and density of development (Issue #12) are all interrelated and cannot be considered in isolation. As a result, our comments on this issue will be very similar to the comments and feedback we have provided in other areas of this memorandum.

**While We Encourage Infill Development, We Should Not Discourage Greenfield Development:** As we expressed in our comments on the issue of quality neighborhoods, there is no “one size fits all” solution to neighborhood and development design. Again, a balanced and healthy housing market in our community depends upon a balanced menu of affordable and quality housing options in a diverse array of neighborhoods and subdivisions.

Some types of developments are well-suited to infill development while others are not. In order to provide this balanced menu of affordable and quality housing options for potential residents, LBOR strongly believes that the Comprehensive Plan should not disfavor one type of housing development over another. Instead, if our community wants to incentivize infill development, then we agree with the Issue Action Report’s statement that the focus should be on incentives rather than prohibitions on greenfield development.

### Comments and Feedback on Issue #12 – “Considering Increasing Height/Density in Appropriate Locations”

Seventh, LBOR agrees that any potential policy solutions to the problem of affordable housing will need to include a thoughtful discussion on the increased height and density of new and infill housing developments. If the community is truly committed to increasing infill development and increasing the supply of affordable housing, then increased height and density are going to need to be among the potential policy solutions.

**Encouraging Infill Development Can Lead to Higher Land Acquisition Costs:** Unfortunately, our community is faced with the problem of higher than average land prices. As we discuss the problem of providing affordable and quality housing options to our community’s residents, we must acknowledge the fact that managing greenfield development and encouraging infill development will place upward pressure on the price of the reduced amount of land that is available for housing development.

Meanwhile, we also must acknowledge that higher land prices do not exist in a vacuum and that the cost to acquire land for greenfield or infill development ultimately gets passed on to the consumer in the form of higher housing costs. As a result, in order to create more affordable housing units, we will be faced with the problem of how to spread these higher land acquisition costs to a greater number of housing units per acre in order to reduce the per-unit cost of developing the land into affordable and quality housing units.

**Increased Density Ultimately Leads to More Affordable Housing:** Ultimately, the simplest method of decreasing the cost of new housing units in a community with relatively high land prices would be to increase the number of housing units that can be constructed per acre. As a result, LBOR supports the proposed Action Step found on page 20 of the Issue Action Report to encourage the Planning Commission to determine appropriate locations in our community for increased height and density and to develop policies to encourage such development.

### Conclusion

In closing, LBOR commends the Steering Committee for the excellent work that has been done up to this point and we look forward to working with our elected officials and other stakeholders to continue to make progress on these very important issues. Thanks again for the opportunity to provide comments and feedback on the items contained in the Issue Action Report.

**From:** [Marcel Harmon](#)  
**To:** [nthellman@douglas-county.com](mailto:nthellman@douglas-county.com); [Mike Amyx](#)  
**Cc:** [Jeff Crick](#); [Amy Miller](#); [Scott McCullough](#)  
**Subject:** Reaction to Interim Report Public Comments  
**Date:** Sunday, 19 July, 2015 9:38:56 PM

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Nancy and Mike,

I should be at the meeting tomorrow, though there is a small chance I may not make it. Below is some of my reaction to the public comments that were made – these are limited to some of the sustainability/resiliency and education related public comments.

Public comments were made with respect to needing more specific definitions for certain terms and concepts. Many of those definition comments were directly or indirectly related to the nine values that we have listed on page 4 of the interim report. Those nine values should probably be defined. And with respect to “sustainability” the definition should probably be coordinated with what the city is already using for a definition - <https://www.lawrenceks.org/sustainability> (Sustainability means making decisions that balance the needs of the environment, economy, and society — for both present and future generations).

Public comments were made with regards to sustainability, resiliency, water conservation, climate change and green jobs (green economy). One could argue that these concepts are touched on in the document and embedded in many of the Issues as we’ve currently worded them, though I’m wondering if we could be more specific in some cases. Some examples:

- In the Purpose of the plan, we state “THRIVE reflects resiliency in an ever-changing world...” While “ever-changing world” includes the impacts of climate change, perhaps something like “changes that are short term and multi-generational in nature” in parenthesis after the word “world” would provide some additional clarification.
- The conservation and preservation bullet point under “Play” on page 5 actually has relevance to all 4 of the categories on this page – too limiting to place it just here.
- Issue 4 – may need to define more specifically what we mean by natural resources and why it’s important to Lawrence/Douglas County to protect those resources.

--[if !supportLists]-->

Lawrence already has a set of sustainability initiatives and a Sustainability Coordinator. Will Eileen Horn review the Interim Report and provide comments relative to sustainability and resiliency?

Should there be a specific resiliency focused study that looks at what strategies we should be employing as a city and county over the next several decades to address the local/regional impacts of climate change? Some of these strategies would no doubt be directly and indirectly related to land use (i.e., changing growing seasons and rainfall patterns, and their impact on local food production; two previous state level studies of Kansas - <http://cier.umd.edu/climateadaptation/Climate%20change--KANSAS.pdf>, <http://cier.umd.edu/climateadaptation/Kansas%20Economic%20Impacts%20of%20Climate%20Change.pdf> ). Maybe this is an action item that goes within Issue 4: Protect Natural Resources. Or maybe this is really a bigger issue for the city/county than the Horizon 2020 update.

Several education related comments were made. Under “Learn” on page 5, suggest drawing from USD #497’s current board goals as well as some of the public comments and revising the second bullet point to the following “Strong network of public and private schools that strive for excellence and equity in education and attracts new, and retains existing, residents, educators and businesses.”

There were several public comments about the importance of the Peaslee Center and the College and Career Center. Speaking to those comments, the third bullet point under “Learn” on page 5 could potentially read “Dedication and access to high-quality lifelong learning (traditional college, career and technical education, post college, etc.).”

Thanks, Marcel

**CLARK H. COAN**

785-842-3458

114 Pawnee Ave. • Lawrence, Kansas 66046

[clarkcoan@yahoo.com](mailto:clarkcoan@yahoo.com)

July 20, 2015

Dear Planner:

Please accept these comments on the Horizon 2020 update, specifically Goal 6 relating to preservation of open space:

1. The language "wherever possible" is used repeated. That should be spelled out more specifically. The guidelines need to be much more specific.
2. The plan should require that an Open Space Plan for Douglas County should be completed (by 2018??) or some date soon.
3. There should be dedicated funding for open space, including funding for purchase of land, conservation easement, and trail corridors. Those funds should help pay for open space projects, and conservation easements.
4. Tax incentive programs should be developed to encourage open space and natural areas funding.
5. Mitigation should be required for projects that negatively affect wetlands and natural areas.

Kansas Biological Survey is currently conducting a re-inventory of natural areas including prairies and woodlands in Douglas County. Those identified by the inventory as high quality should be conserved.

Thank you for paying attention to my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Clark H. Coan". The signature is stylized with a large, looping "C" and "H".

Clark H. Coan

# Memorandum

## City of Lawrence/Douglas County Planning and Development Services

**TO:** Comprehensive Plan/*Horizon 2020* Steering Committee

**FROM:** Jeff Crick, AICP, Planner II

**CC:** Scott McCullough, Director, Planning and Development Services  
Amy Miller, AICP, CFM, Assistant Director, Planning

**Date:** For July 20, 2015 Meeting

**RE:** Future Timeline for Steering Committee Work

With the Issue Action Report's completion, a portion of the Steering Committee's principal role will be completed. However, the Committee's input on the construction of the document, and delineation of key issues, is crucial in ensuring the Comprehensive Plan meets the community's expectations and expressed comments.

With that in mind, altering to a quarterly meeting cycle would permit time to complete work on the document, allowing staff to compile policy options for the Steering Committee's consideration of unresolved issues. This would maximize the Steering Committee's time, and ensure oversight of the document's formation. To help provide form for the upcoming schedule, staff provides the following tentative timeline for the Committee's consideration:

- **July 20, 2015:** Steering Committee consideration of the Issue Action Report
  - **August 2015:** Planning Commission consideration of the Issue Action Report
  - **September/October 2015:** Board of County Commissioners & City Commission consideration of the Issue Action Report
- 
- **Fall 2015:** Format/Readability Discussion
  - **Winter/Spring 2016:** Issues Resolution: e.g. Height/Density in Appropriate Locations, Defining Affordable Housing, etc.
  - **Summer 2016:** Begin Review of the Final Document
  - **Fall 2016:** Planning Commission, County Commission, and City Commission of Final Document