



PLANNING COMMISSION MEETING
February 25 & 27, 2019
Meeting Action Summary

February 25, 2019 – 6:30 p.m.

Commissioners present: Ashworth, Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Crick, Ewert, Kobe, M. Miller

GENERAL BUSINESS
PLANNING COMMISSION ACTION SUMMARY

Receive and amend or approve the action summary (minutes) from the Planning Commission meeting of January 23, 2019.

Motioned by Commissioner Sands, seconded by Commissioner Sinclair, to approve the January 23, 2019 Planning Commission action summary minutes.

Motion carried 10-0. Commissioners Ashworth, Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

COMMITTEE REPORTS

No reports to receive from committees.

COMMUNICATIONS/ EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Receive written communications from staff, Planning Commissioners, or other commissioners.
- Ex parte:
Commissioner Willey said she spoke with Kim Bellemere of the Grassland Heritage Foundation, Jennifer Delisle with the Kansas Biological Survey, and Sasha Banks with the Kansas Permaculture Institute.
- No abstentions.

GENERAL PUBLIC COMMENT

No general public comment.

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ITEM NO. 1 COMPREHENSIVE PLAN 2040

Continue discussion regarding the Comprehensive Plan 2040 for unincorporated Douglas County and the city of Lawrence. Topic discussion will include Natural Resources.

STAFF PRESENTATION

Jeff Crick presented the item.

PUBLIC HEARING

Danielle Davey, Lawrence Board of Realtors, objected the community benefit in Chapter 2. She encouraged more input from the community.

Helen Alexander expressed concern for prairies being preserved and maintained. She felt it was wise to use native plants and landscaping.

Courtney Masterson expressed concern for protection of natural resources and valuable farmland. She supported the development of regulations that conserve sensitive lands to protect water, soil, and wildlife.

Dawn Buehler, Kansas Riverkeeper and Friends of the Kaw, spoke about river water quality and the importance of protecting the drinking water source. She asked that rivers, streams, and wetlands be protected with a vegetative stream setback. She requested that open spaces and sensitive lands be protected. She asked that the community benefit provisions be maintained. She also felt that native plants should be incorporated into public spaces. She asked Planning Commission to consider partnering with other counties to protect water sources in the entire area.

Sasha Banks expressed concern for air, water, and soil quality. She wanted to encourage the reduction of chemicals and pesticides being used on plants which get into the water supply. She also expressed concern about saltwater injection and fracking. She said she would like to see more natural native plants.

Karin Pagel Meiners expressed concern regarding saltwater injection wells and abandoned oil wells contaminating water sources. She wondered if wells were being plugged properly.

Larry Barts wondered how to determine what his land use was.

McCullough suggested Larry Barts make an appointment with staff to look at his property.

Jennifer Moody supported the protection of prairie and sensitive land.

Michael Almon, Sustainability Action Network, discussed the ecological crisis with the planet. He felt the environment chapter should take on much more strength and significance than it currently does. He felt it should be Chapter 2 instead of 6. He said the plan was a local way to address a global issue. He said the name of the chapter should be changed from Natural Resources to Food Production & Eco System Services.

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Thad Holcombe, Lawrence Ecology Teams United for Sustainability (LETUS), said the language of 'natural resource' should be removed because it continues the idea of it being a commodity. He felt Chapter 6 should be moved to Chapter 2.

Teresa Wilke said she would like to see the Sustainability Advisory Board recommendations regarding energy efficiency incorporated into *Plan 2040*. She said the Board of County Commissioners just passed a rural on open planning and having spaces connected and she felt *Plan 2040* should reference that.

Pennie von Achen expressed concern about much of the substance of the plan being removed. She wondered how Planning Commission would defend land use decisions when there would only be ambiguous ideas in *Plan 2040*. She felt the plan should be strengthened, not abbreviated. She urged Planning Commission to revisit the language of *Horizon 2020* Environment Chapter and incorporate that into *Plan 2040*. She felt advice from an ecological professional should be enlisted to see if actions should be included in the plan because Chapter 6 required specific expertise.

Shirley Braunlier supported the protection of prairies and wildlife.

Cathy Diggins, Heritage Conservation Council, supported the protection of natural and cultural resources of Douglas County.

Kris Hicks expressed concern about animals being able to travel through areas out of harms way.

Peggy Robinson supported comments made by others.

Jasmin Moore, Lawrence-Douglas County Sustainability Director, said last Wednesday the County Commission received a presentation from the Sustainability office regarding an open space conversation. She said the Commission directed staff to develop a charter that would develop the scope of work to figure out what a parks and open space plan could look like for Douglas County. She said it was in the very beginning stages of a long process.

COMMISSION DISCUSSION

Commissioner Willey asked what qualified as an advisory board.

Crick said groups currently active and meeting with some kind of City or County appointee.

McCullough said throughout the document advisory boards were established by one of the two governing bodies to advise them on decisions regarding land use and policies of the comprehensive plan, for the most part.

Commissioner Willey said Heritage Conservation Council and Food Policy Council would meet that threshold.

Crick said Heritage Conservation Council was listed under Chapter 7, Historic Resources, and Food Policy Council was listed for 7.E., Food System Development.

Commissioner Willey recommended listing Heritage Conservation Council and Food Policy Council as contributors to Chapter 6.

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Commissioner Willey said she liked the Friends of the Kaw suggested language for the definition of watershed in the sidebar on page 56, Chapter 6:

'Watersheds consist of surface waters such as rivers, streams, lakes and wetlands, as well as all of the groundwater under the soil. A watershed is more than a drainage area in and around our communities, it provides drinking water for people and wildlife, diverse native landscapes, wildlife habitat, nourishes our gardens, produces energy and is the basic foundation for life. Protection of our natural resources and our watershed is essential to maintain the health of all living things.'

Commissioner Ashworth liked the list of water bodies to help understand what a watershed includes.

Commissioner Sands asked if there was specific legal protection for watersheds.

McCullough said he was not sure. He said there were programs established in some watersheds to help protect them but he did not know about specific legal protections.

Commissioner Willey suggested adding a sidebar to define geologic floodplain in Chapter 6:

'It encompasses the relatively flat area of ground adjacent to a river or stream stretching from the active channel to the outer edges of the valley. Floodplains are formed mainly of sediments deposited by moving water. For discussion of flooding, this document will refer to the FEMA map delineating FEMA floodplain and FEMA floodways which will not always co-occur with the geologic floodplain.'

Commissioner Willey suggested incorporating language provided by the Biological Survey for the definition of sensitive lands on page 57:

Sensitive lands are places that have unique environmental attributes worthy of retention or special care. They are critical to the maintenance of ecosystem services and healthy plant and wildlife populations. Protection of sensitive lands reduces vulnerability to natural hazards and enhances quality of life.

These include:

- Rare Plant and Animal Habitats*
- Floodway and Floodplain*
- High Quality Agricultural Soils*
- Native Prairies*
- Native Woodlands*
- Urban Tree Canopy*
- Wetlands & Stream Corridors*
- Stream Corridors*
- Steep Slopes*

Commissioner Paden wondered about habitats of rare plants and animals versus endangered species habitats.

McCullough asked what source to use to determine habitat of rare plants and animals.

Commissioner Paden said probably the Biological Survey.

McCullough said it would need to be explored and translated into the Code. He said it would need to be defined or shown on a map.

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Jennifer Delisle, Kansas Biological Survey, she said rare was a little more encompassing. She said the native prairie and native woodland would be the habitat for rare plants and animals. She said rivers and streams also needed to be considered as habitat for rare aquatic species.

Commissioner Butler asked what was considered rare and where would those be found.

Delisle said the Biological Survey maintains a list of rare species in Kansas. She said it was a working document and was maintained on a website.

McCullough said protecting sensitive lands provides protection of wildlife habitats. He said it was a balance between the development community and all interests.

Commissioner Willey suggested adding a definition for Ecosystem Services to the sidebar in Chapter 6:

Ecosystem services are the set of known and unknown beneficial outcomes of healthy functioning biological systems.

They may include:

- Flood Control*
- Erosion Control*
- Water Purification*
- Pollination*
- Refuge for Beneficial Insects*
- Carbon Sequestration*
- Nutrient Cycling*
- Food Production*

Commissioner Willey suggested language changes on page 58 to the definition of indoor air quality: *Many people associate air quality with emissions that are outside of buildings. However, indoor air quality can be equally as important. Air quality has a profound effect on the environment and human health.*

Indoor Air Quality includes:

- Control of airborne pollutants, such as secondhand smoke, radon, paint fumes, etc.*
- Introducing and distributing outdoor air adequately*
- Proper temperature and relative humidity*

Commissioner Willey suggested language changes to the sidebar topic of *What are High-Quality Agricultural Soils?*:

High Quality Agricultural Soils are locations that have been graded as being the best land for agricultural production. This includes 2 classes:

Class 1: Soils in this class are best suited for cultivated crops, pasture, range, woodland, and wildlife. They are deep, generally well drained, easily worked, and less prone to erosion. In Douglas County, soils of this class occur only in the geologic floodplain along larger drainages.

Class 2: They require careful management to prevent deterioration or to improve air and water relations when cultivated. The limitations are few, and the necessary management is easy to apply. The soils may be used for cultivated crops, pasture, range, woodland, or wildlife food and cover. These occur within the geologic floodplain of rivers and streams of all sizes in the county, and on level uplands where windblown silt is a major component.

Commissioner Sands inquired about the order of the chapters.

Crick said it was a carryover from *Horizon 2020* and that it did not imply priority.

Commissioner Butler did not see a reason to reorder the chapters. She said she appreciated the comments about the order of the chapters but that Planning Commission was not saying it was not important by not moving it forward in the document.

Commissioner Willey said she was happy with the current order of the chapters but she agreed with reframing the thought process.

Commissioner Struckhoff appreciated that the chapter order did not indicate priority.

Commissioner Carttar supporting moving Chapter 6 to Chapter 2.

Commissioner Struckhoff said Chapter 6, Natural Resources, does lay out framework under which the following chapters could be understood. He said it would make sense to move it forward in the document.

Commissioner Willey said in terms of importance she was comfortable with the chapter being in either space. She supported leaving the chapter called Natural Resources.

Commissioner Sinclair said natural resources was woven through the entire document. He said it was an important issue but not necessary to move it forward. He said it was a matter of perspective.

Commissioner Carttar said it was a matter of logical sequence and creating context by putting it first.

Commissioner Willey said she was cautious about reformatting the document. She said she was inclined to leave the chapter where it was because they don't want to send the message that the last chapter is the least important.

Commissioner Paden liked the title of Environment and Natural Resources for Chapter 6.

Other Planning Commissioners agreed by nodding their heads.

Commissioner Carttar said it made sense to delay the possible reordering of chapters until the end, but not necessarily by priority.

Planning Commission discussed the vision statement. They agreed to accept it as is.

Commissioner Willey suggested changes to the Goals section on page 56, Chapter 6:
~~'From recreation to drinking sources, Water plays a vital role in both our natural and built environments. Managing water resources ensures that water quantity and quality ~~is~~ are maintained for a from drinking sources, and for ecological and recreational purposes. It also is vital to help limit and mitigate flooding in areas throughout our community.'~~

Commissioner Willey proposed language changes on page 56, Chapter 6. Planning Commission agreed on the following changes:

1. *'Manage ~~all~~ water resources to ~~protect~~ ensure continued natural habitats, ecosystem services ~~mitigate hazards, and ensure water quality.~~'*
- 1.4 *'Develop stream corridor buffers ~~to preserve and enhance natural water features.~~'*
- 1.6 *'Encourage minimal and appropriate use of fertilizer, pesticides, and other chemicals ~~to reduce stormwater pollutants, maintaining water quality through watershed protection measures.~~'*
- 1.11 *'Promote voluntary water usage reductions ~~and encourage site design best management practices.~~'*
- 1.12 *'Encourage site design best management practices.'*

Commissioner Willey proposed the following change on page 57, Chapter 6:
'Land resources, such as woodlands, prairies and soils, provide wildlife habitats and ~~open-space ecosystem services.~~ Preserving and maintaining these resources provides both economic and quality of life benefits.'

Commissioner Willey suggested swapping 2.1 and 2.4 on page 57.

McCullough suggested the following change on page 58. Planning Commission agreed.
2.7 *'Protect high-quality agricultural soils, as ~~defined~~ identified in each Specific Land Use Plan, as the community develops to urban densities.'*

Commissioner Willey suggested the following language change on page 58, Chapter 6.
2.8 *'Protect ~~high-quality agricultural soils in rural areas that exist in significant,~~ contiguous amounts of agricultural land in rural areas for continued productive ~~use in the future use.~~'*
2.9 *'Promote agricultural practices that mitigate erosion and preserve and enhance soil fertility for future productivity.'*
2.9-2.10 *'Protect native ecosystems by addressing invasive species, with ~~priority~~ preference given to non-chemical methods.'*
Planning Commission discussed adding the following to page 58, Chapter 6:
2.11 *'Develop programs to preserve and promote open spaces throughout Douglas County.'*

Commissioner Carttar proposed the following language change on page 58, Chapter 6:
'Air pollution has a profound impact on the environment. ~~and~~ It leads to water and soil contamination, ~~impacts~~ community health ~~impacts~~, and contributes to adding greenhouse gases to the environment.'

Commissioner Willey read language suggested by the Kansas Riverkeeper for page 59, Chapter 6:
4. *'Properly manage natural resources to ensure sustainability, marketability, ~~and~~ environmental ~~quality~~ protection, and value for the community.'*

Commissioner Willey proposed adding additional language to page 59, Chapter 6:
4.4 *'Work to move sand dredging out of the Kansas River and into the floodplain to protect riparian habitat and reduce upstream erosion of banks and destabilization of infrastructure.'*
4.5 *'Exceed state standards for reclaiming extraction operations.'*

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

Motioned by Commissioner Carpenter, seconded by Commissioner Sands, to recess until 6:30pm on February 27, 2019.

Motion carried 10-0. Commissioners Ashworth, Butler, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor of the motion.

Recess at 10:54pm until 6:30pm on February 27, 2019

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Reconvene February 27, 2019 – 6:30 p.m.

Commissioners present: Ashworth, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, Willey

Staff present: McCullough, Crick, Ewert, Larkin, M. Miller, Mortensen, Pepper, Weik

BEGIN PUBLIC HEARING (FEBRUARY 27, 2019):

EX PARTE / ABSTENTIONS / DEFERRAL REQUEST

- Ex parte:

Commissioner Willey said she had a brief conversation with Pennie von Achen regarding the comprehensive plan and a conversation with Tonya Voigt, County Zoning & Codes, regarding Item 8.

Commissioner Carttar said he received an email from his sister-in-law, a neighbor of Item 5, expressing opposition to the item. He said he would disclose the details during the discussion of the item.

Commissioner Struckhoff said he spoke with City Commissioner Stuart Boley about his position on non-owner occupied short-term rentals. He asked staff to respond to Commissioner Boley's concerns.

Scott McCullough said as staff prepared information and staff report templates for short-term rentals it was important to highlight the transient nature of the use. He said people who occupy the homes on a temporary basis are transient, much like a hotel or bed and breakfast use. He said that was built into the program with every short-term rental being transient in nature and should not be an element used against an application coming forward since they all share that element. He said City Commissioner Boley expressed concern about how staff presented that to the Planning Commission with a paragraph in the staff report talking about the transient nature and how it should not necessarily be held against an application. He said some could interpret that language to tilt the scale toward short-term rentals. He said a Special Use Permit request considers all criteria. He encouraged Planning Commission to consider testimony from the public and analyze issues whether they are unique to a Special Use Permit for any given area. He said there are unique neighborhoods and they need to be reviewed in the context of the neighborhood. He said things such as traffic, street design, scope and scale of the house need to be fully discussed in order to help the governing body as items move forward.

- No abstentions.

GENERAL PUBLIC COMMENT

No general public comment.

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ITEM NO. 3 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 1500 RHODE ISLAND ST (BJP)

SUP-18-00571: Consider a Special Use Permit for a non-owner occupied short-term rental, located at 1500 Rhode Island St in RS5 (Single-Dwelling Residential) Zoning District. Submitted by Jones Group LLC, property owner of record.

STAFF PRESENTATION

Becky Pepper presented the item.

APPLICANT PRESENTATION

Barbara Jones was present for questions.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Willey asked if the Special Use Permit was for the main dwelling or detached dwelling.

Pepper said the property contained a single-family residence. She said the detached dwelling was the main structure.

Commissioner Sands said with guidance from the City Commission would staff's assessment of the golden criteria be included for short-term rentals.

McCullough said the staff report would not change much. He said staff's intent was not to tip the scale to the industry. He said neighborhoods would have valid issues that should not be discounted just because the program was adopted. He said many of the short-term rentals would be fairly similar in context. He said staff was looking for homes and areas where the context may be atypical, such as a large house or too many short-term rentals in a neighborhood. He said there wasn't criteria for that but it could be an evolution of the discussion.

Commissioner Carpenter asked for the long-term rental licensing map to be shown on the overhead. He said the character of the neighborhood should be discussed.

McCullough said over time Planning Commission may need to create a portfolio of typical short-term rental Special Use Permits. He said short-term rental Special Use Permits were a new use and unique. He said it was similar to a Home Occupation or Bed and Breakfast in terms of its impact from a zoning perspective.

Commissioner Carpenter said short-term rentals were making some properties more attractive to purchase and convert because of the increase in generated income. He felt that would put more pressure on housing stock in neighborhoods. He said 1500 Rhode Island was one of the most kept houses on the block. He appreciated seeing the positive reviews from past users and the occupancy restrictions listed by the applicant on Airbnb.

Commissioner Struckhoff appreciated the reviews and information provided by the applicant. He wondered about properties being used for short-term rental and complaints on Airbnb.

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McCullough said it would have to be submitted to enforcement staff as a complaint. He said there were multiple platforms that facilitate the short-term rental use, such as Airbnb. He said testimony could be considered but the Code was not seeking that information.

Commissioner Struckhoff said 1500 Rhode Island was one of the best kept houses on the block but the appearance of a house does not necessarily mean it was suitable every time for short-term rental. He said he was inclined to support the Special Use Permit. He liked the idea of using a map to track where the non-owner occupied short-term rental Special Use Permits were located. He asked staff to encourage applicants to submit additional information, such as Airbnb reviews, with their application.

Wiley said short-term rentals already exist but their impact on the community was unknown. She said the only way to learn about the impact to the community is to know where the short-term rentals are located and monitor them. She felt issuing Special Use Permits was the first step in that process. She said she understood the City Commission comments about not giving too much weight to the industry but it was what would further the gain of information about what impact they have. She said there were concerns about them harming hotel uses and affordable housing but that impact would not be known until data could be put toward it. She said she would vote in favor of this Special Use Permit.

Carpenter said it would be helpful for applicants to provide reviews from the platforms they advertise on.

ACTION TAKEN

Motioned by Commissioner Sands, seconded by Commissioner Carttar, to approve the Special Use Permit, SUP-18-00571, for a non-owner occupied *Short Term Rental* use located at 1500 Rhode Island Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned RS5 (Single-Dwelling Residential) District, which allows a maximum number of 3 unrelated occupants per dwelling unit.
2. Per Section 20-901 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied *Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is 2 spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is 2.
3. Per Section 20-554(3)(iii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
4. Per Section 6-13A04(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-

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term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use permit application.

Unanimously approved 9-0. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

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ITEM NO. 4 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 1321 NEW HAMPSHIRE ST (KEW)

SUP-18-00611: Consider a Special Use Permit for a non-owner occupied short-term rental, located at 1321 New Hampshire St in RS5 (Single-Dwelling Residential) Zoning District. Submitted by Kern Inc on behalf of Rayna Burkhart, property owner of record.

STAFF PRESENTATION

Katherine Weik presented the item.

APPLICANT PRESENTATION

Rayna Burkhart said she inherited the property and was working to restore the home. She said she appreciated having the rental income to work on repairing it. She said she was currently living with her mother and she intended to move into 1321 New Hampshire after her mother passes away. She said Airbnb has a badge called a 'super host' and a rating system. She said she had a 4.9 rating and was a 'super host' on the Airbnb site. She said her neighbors supported her using the house as a short-term rental.

PUBLIC HEARING

Courtney Shipley said she had no concerns with 1321 New Hampshire but wondered how the number of unrelated people would be enforced.

COMMISSION DISCUSSION

McCullough said it was a challenge. He said staff had some abilities through comments, testimonies, and evidence from neighbors, as well as website information. He said it starts with a complaint, then grows into an evidence gathering phase, then contact with the Special Use Permit holder, and then pursuing compliance. He said occupancy limits were in place today.

Commissioner Willey wondered if it was possible to require as a condition for applicants to list on the advertising site, such as Airbnb, the occupancy level.

McCullough said it may be a technical challenge to include that on all platform websites. He said it was not currently required but it could be explored.

Commissioner Sands said he liked the idea of occupancy level requirements being listed as part of platform website advertisements.

McCullough said the applicant is required to sign off on the rental license that they understand the City Code related to occupancy.

Commissioner Sands said it would be valuable to have one combined map with non-owner occupied and owner occupied short-term rentals.

Crick said staff was working on a map.

ACTION TAKEN

Motioned by Commissioner Sinclair, seconded by Commissioner Paden, to approve the Special Use Permit, SUP-18-00611, for a non-owner occupied *Short Term Rental* use located at 1321 New

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Hampshire Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned RS5 (Single-Dwelling Residential) District. The zoning district in this area is single-family residential; therefore, a maximum of 3 unrelated occupants are permitted per dwelling unit.
2. Per Section 20-601 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied *Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is four spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is limited to four.
3. Per Section 20-554(3)(iii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
4. Per Section 6-1304(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use application.

Unanimously approved 9-0. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

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ITEM NO. 5 SPECIAL USE PERMIT FOR SHORT TERM RENTAL; 630 INDIANA ST (LRM)

SUP-18-00625: Consider a Special Use Permit for a non-owner occupied short-term rental, located at 630 Indiana St in RS5 (Single-Dwelling Residential) Zoning District. Submitted by Charles and Leda Sedlock, property owners of record.

STAFF PRESENTATION

Luke Mortensen presented the item.

Commissioner Carttar shared ex parte communications. He said he received an email from his sister-in-law, Mary Frances Ellis, today. He read it out loud:

"To the Metropolitan Planning Commission,

I am writing today in response to a letter I received regarding the special use permit for a non-owner occupied short-term rental property located at 630 Indiana St. in an RS5 Zoning District. I live across the street (633 Indiana) from the above referenced home. My husband, Paul Carttar, and I have a strong objection to this type of non-owner occupied short term rental property. It is a direct contradiction to the single dwelling residential neighborhood we thought we moved into a year ago.

In the past year there have been 2 disturbing incidents related to this property:

- 1. My daughter was awakened by gunshots outside of our house at 1 am in the morning about 9 months ago. When we woke, a police car was in front of our house investigating the gunfire. The police officer told us that someone had shot and hit the car belonging to the renters at the airbnb across the street. The shot went through the front door and out the other side.*
- 2. My husband and I were sitting in our family room a month ago when we heard someone rattling our doorknob trying to get into our house. My husband opened the door to see a confused man. He didn't remember the address of his airbnb but knew the door was unlocked so he was trying random doors to see if any would open. This was particularly disturbing as it was fairly late in the evening and we were obviously startled by this frightening intrusion.*

I have spoken to other neighbors on our block just doors away from the property in question who say they did not receive the notification I did but who are not in favor of this type of non-owner occupied short term rental in a single family residential neighborhood.

This type of housing has a destabilizing influence in a neighborhood and reduces the friendships you make with your neighbors. For these reasons we are opposed to non-owner occupied short term rentals."

APPLICANT PRESENTATION

Charlie Sedlock said he and his wife previously lived at 630 Indiana Street and they loved the neighborhood. He said he was a 'super host' on Airbnb with a 5-star rating. He encouraged Planning Commission to look at the ratings and reviews. He said most of his guests were Kansas University alumni visiting Lawrence. He said most of the guests only drive one vehicle to the site. He felt the appearance and character of the property fit into the neighborhood. He said regarding the gun shot last year during March Madness the police investigated it (police report L18019646) and they determined it was a random shot from a passerby and would have happened regardless of the short-term rental use. He said he was very concerned about the gun shot but that it had no correlation to the use of his property. He said a number of the neighbors had provided him with positive feedback so he was unaware of any other issues. He recalled Mary Frances Ellis and Paul Carttar inquiring

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about possibly renting 630 Indiana Street over the holidays. He said he was not competing with a hotel because it was a different kind of guest who wants to experience Lawrence.

Commissioner Carpenter asked if the property had been used as a long-term rental.

Sedlock said yes. He said it was a long-term rental since the late 1990's but had recently become tougher to rent. He said renters were more interested in living in newer complexes with amenities such as covered parking, swimming pool, etc.

Commissioner Carpenter asked when the property was switched to short-term rental.

Sedlock said about a year ago.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Carttar asked the applicant if the neighbors could be provided with his contact information.

Sedlock said he would be more than happy to share his contact information with the neighbors.

Commissioner Ashworth expressed concern about the number of short-term rentals possibly taking away affordable housing stock.

McCullough said it was a small enough scale today not to impact the housing stock. He said there were many articles that highlight that exact issue and impact in other cities. He said even in those cities where it causes an impact it was very hard to say it can't be done. He said most cities were taking the route of regulating it. He said the conventional wisdom was to regulate them, know where they are, understand the impacts, and react accordingly.

Commissioner Willey said this could be a response to the competition from the influx of large luxury multi-family complexes.

Commissioner Carttar wondered about the threshold at which it was appropriate to decline a Special Use Permit short-term rental. He wondered about the revocation of the permit.

McCullough said when a Special Use Permit is revoked it is because they are not complying with conditions or the Code in some way. He said if they remain in compliance with the Code then the benefits of the permit should remain.

Commissioner Willey said there was not currently a threshold to the number of short-term rentals in a neighborhood and that would be part of the ongoing discussion. She asked if Planning Commission had concerns about the unique parking situation.

Commissioner Sands said it was already non-conforming. He had concerns about the parking but felt it could not prohibit approval of the Special Use Permit since it was by no fault of the owner.

ACTION TAKEN

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Motioned by Commissioner Weaver, seconded by Commissioner Struckhoff, to approve the Special Use Permit, SUP-18-00625, for a non-owner occupied *Short Term Rental* use located at 630 Indiana Street and forwarding the request to the City Commission with a recommendation of approval, subject to the following conditions:

1. Per Section 20-554(3)(i) of the Land Development Code, all properties containing a *Short-Term Rental* Use shall comply with the occupancy limits of the zoning district in which the property is located. The subject property is zoned RS5 (Single-Dwelling Residential) District. The zoning district in this area is single-family residential; therefore, a maximum of 3 unrelated occupants are permitted per dwelling unit.
2. Per Section 20-601 of the Land Development Code, the maximum number of available guest rooms associated with the non-owner occupied *Short-Term Rental* use may not exceed the number of off-street vehicle parking spaces available on the property. The off-street parking available for the subject property is zero spaces; therefore, the maximum number of guest rooms that may be rented on a short-term basis is limited to two.
3. Per Section 20-554(3)(iii), the dwelling unit and site shall remain residential in appearance and characteristics. Internal or external changes that will make the dwelling unit and site appear less residential in character or function are prohibited. Examples of such prohibited alterations include, but are not limited to: construction of parking lots, paving of required setbacks, or the addition of commercial-like exterior lighting.
4. Per Section 6-13A04(a) of the City Code, a short-term rental license is required to be obtained annually from the Planning and Development Services Department. If the short-term rental license lapses for a period more than 12 consecutive months, the special use permit will be assumed to be abandoned. Reinstatement of the use will require review and approval of a new special use application.

Commissioner Struckhoff not sure whether an arbitrary parking limit of two was good.

Commissioner Sands said as Planning Commission develops additional criteria for short-term rentals police calls for service would be good information to have.

Commissioner Willey said there were many factors that may go into a police call for service.

Commissioner Carttar said he would support examining the prospect for amending the Code to allow for some sort of renewable permit in the future.

Unanimously approved 9-0. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

McCullough recapped Planning Commission discussion regarding short-term rental suggestions; revise application to seek voluntary information on platform user comments, include a snapshot of rental map in packet information, explore requiring occupancy limits on the software platform as

either a Special Use Permit condition or Code requirement for the entire program, require contact information be shared with neighbors, and time limits on Special Use Permits.

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**ITEM NO. 6 REZONING .15 ACRES FROM CS TO RS5; 1912 MASSACHUSETTS ST
(BJP)**

Z-18-00496: Consider rezoning approximately .15 acres from CS (Commercial Strip) District to RS5 (Single-Dwelling Residential) District, located at 1912 Massachusetts Street. Submitted by BLC Properties LLC, on behalf of Leslie Dunham and Martin Camino, property owners of record.

Item No. 6 was deferred prior to the meeting.

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**ITEM NO. 7 CONDITIONAL USE PERMIT FOR BIG SPRINGS QUARRY; 2 N 1700 RD
(MKM)**

CUP-18-00570: Consider an amended Conditional Use Permit to reduce the amount of the performance/reclamation bond required for Big Springs Quarry, located at 2 N 1700 Rd, Lecompton. Submitted by Submitted by Mid-States Ventures LLC, for Mid-States Ventures LLC, Nancy J Hughes, James R Meek, Thomas R Meek, and Bonnie M Nichols, Trustee, property owners of record. *Deferred by Planning Commission on 1/23/19.*

STAFF PRESENTATION

Mary Miller presented the item.

APPLICANT PRESENTATION

Rich Eckert, Mid-States Ventures, was present for questioning. He requested to reduce the performance bond amount to \$3,000. He said reclamation costs continue to decrease because of efficiency in the process. He said the machinery was better now than it used to be.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Willey said she appreciated receiving the bid information. She said she was comfortable with the \$5,000 per acre performance bond amount.

Eckert said he would like to see the amount applied to all businesses going forward.

Commissioner Carpenter said he was inclined to give great deference to the county estimates. He said the amount was taking into consideration the worst case scenario. He was comfortable with the \$5,000 per acre amount.

Commissioner Weaver said he was happy to see it would be going back to native grasses. He expressed concern about getting the native grasses established. He asked the applicant if he would use nurse crops.

Eckert said yes.

ACTION TAKEN

Motioned by Commissioner Carttar, seconded by Commissioner Paden, to approve the Conditional Use Permit, CUP-18-00570, to reduce the amount of the performance/reclamation bond required for Big Springs Quarry, located at 2 N 1700 Rd, Lecompton, and forwarding to the Board of County Commissioners with a recommendation for approval of a reduction of the performance bond amount noted in Condition 10(b) and (c) in the Restrictions and Conditions of use from \$40,000 per acre to \$5,000 per acre based on the findings of fact in the staff report and memo, subject to the following revised restrictions/conditions of use:

- 1) Setbacks
 - Purple Phase (former phase 6)
 - 400 foot setback along the south perimeter

- 260 foot setback along County Route 442
- Triangular area in the southeast corner a corner of which is 1,800 feet north of the south property line along the setback line of County Road 442 / E. 50 Road and another corner of which is 1,100 feet west of the right-of-the way of County Road 442/E. 50 road along the south setback line.

Green Phase (*former Phase 4*):

- 100 foot setback to the north and 700 foot setback to the south sides
- 100 foot setback on the east side

Pink Phase

- 100 foot along north property line

Blue Phase

- 100 foot along east property line

Orange Phase

- 100 foot along east property line

All Phases—

- 100 foot setback from the property line along the east side of the private haul road.
- 100 foot setback from the property line along E. 50 Road and E. 100 Road
- 500 foot residential setback (residences existing at the time of CUP approval)

2) Operation Restrictions

- a. Methods shall be adopted to minimize dust in stage area as well as along the haul roads.
- b. Quarry hours of operation shall be restricted to:
 - i. sale and removal of rock: 6 a.m. – 6 p.m., Monday- Friday; 7 a.m. – 12:00 p.m. Saturday
 - ii. Production and extraction: 6 a.m. – 10 p.m., Monday – Thursday; 6 a.m. – 6:00 p.m., Friday
 - iii. Blasting: 1 p.m. – 5 p.m., Monday – Friday
 - iv. No quarry operations shall take place on holidays observed by the State of Kansas: (New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the day immediately following Thanksgiving Day, and Christmas Day.

Activities occurring after these hours: In the event of an emergency or other situation that requires quarrying, or sell of product after these hours, the request must be provided to the Board of County Commissioners prior to the after hours activity commencing.

- c. No more than 40 acres may be open, mined and extracted from at any one time on the quarry site, exclusive of the plant site. No more than 10 acres shall be open, mined and extracted from in a subsequent phase until reclamation is complete on the previous phase.

3) Fencing

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The entire site shall be fenced with a five-strand barbed wire fence. Fencing shall be maintained by the operator. A security gate and fence shall be placed/maintained at the entrance to the quarrying site across the main haul road. The fence shall be signed periodically (minimum of 500 feet intervals) stating: "Mid-States Materials No Trespassing"

- 4) Berms
 - a. All setbacks along roadways shall contain berms to screen operations. Berms are to be 6 to 8 feet high (8 feet maximum), built at a 3 to 1 slope and vegetated.
 - b. Topsoil removed from each phase will be used to construct the berms. Berms shall be constructed as quarrying progresses in each phase.
- 5) Blasting
 - a. Blasting shall be set only in sequential delays; no single delay to be over 150 lbs. of explosives.
 - b. No fly-rock shall leave the property.
 - c. Prior to each blast, the operator shall contact adjoining neighbors who request individual notice of each blast. A signaling system, siren, horn, or other signaling system, shall be used to alert people in the neighboring vicinity before each blast takes place.
 - d. No explosives will be set in the ground overnight unguarded.
- 6) Monitoring Blasting
 - a. Operator shall contact with independent seismology firm to monitor blasts at the commencement of quarrying operations, at each residence within ½ mile of the blast site to assure that the blast design will not be harmful to any structures or wells and that all associated vibrations are below currently recognized safety levels. A report on the monitoring of initial blasting shall be made available to owners of the residences and such report shall include a full frequency analysis of vibrations.
 - b. After the initial blasting, operator shall contract for a continuous monitoring program commencing with the start of continuous regular blasting by an independent seismology firm at stations chosen by the seismology firm. A monthly report, which analyzes the impacts of daily blasting, will be available at operator's offices for inspection. Residents may request positioning of the seismograph to measure the impact at their property; provided, however, the applicant shall not be required to conduct tests in excess of those it determines, based on professional advice of its independent seismology firm, will provide adequate seismic readings at resident's properties. Any resident desiring to appeal the decision of the applicant concerning this condition may appeal it to the Douglas County Public Works Director who may order seismic tests at such locations as it deems appropriate under the circumstances at the expense of the operator.
 - c. The operator shall comply with the NFPA 495 Kansas Explosive Materials Code regulations regulated by the Office of the State Fire Marshall.
- 7) Air and Water Quality

The quarry operator shall adhere to air quality standards of KDHE, not to exceed 20% of opacity more than 1 time in a one year period as observed by KDHE observers over a 5 minute period.

8) Other Regulatory Restrictions

All applicable regulations of EPA, KDHE, and Kansas Department of Agriculture, and other applicable agencies shall be adhered to and subsequent revisions to these regulations shall apply.

9) Noise and Light Pollution

Vehicles used in plant operation (extraction & production) after 6:00 PM shall be equipped with manufactured lighting in addition to a back-up audible signal alarm.

Permanent outdoor lighting in the quarry, including the plant area, mining area, and haul roads, shall be shielded and directed down with a solid screen to prevent light pollution beyond the site boundaries.

10) Reclamation Bond

Mid-States shall be responsible for reclamation of all quarried land.

- (a) A performance bond in the amount of \$100,000.00 with sufficient sureties shall be secured to cover reclamation activities for the plant site as designated on Phase I and shall be filed with the Douglas County Clerk's Office prior to the commencing of any site preparation activities or any other work being done pursuant to the CUP. This performance bond shall remain in place for the entire life of the permit and shall not be subject to release until the plant site has been fully reclaimed and certification thereof shall have been made by the Douglas County Commission.
- (b) In addition to the bond required under paragraph (a) above, a performance bond in the amount of **\$50,000.00** ~~\$400,000.00~~ with sufficient sureties shall be secured for the first site excavated for extraction purposes in Phase I other than at the plant site and shall be filed with the Douglas County Clerk's office prior to the commencing of any excavation (including the stripping of top soil) other than at the designated plant site. This bond shall be for an excavation area no larger than 10 acres open at one time and shall remain in place until certified by the Douglas County Commission that reclamation has been completed at the site for which it was obtained.
- (c) For each additional 10 acre site excavated for extraction purposes in any phase of the quarry operations during the term of the CUP, a performance bond in the amount of **\$50,000.00** ~~\$400,000.00~~ with sufficient sureties for additional excavation for extraction purposes shall be secured and shall be filed with the Douglas County Clerk's office prior to the commencing of any such additional excavation (including the stripping of top soil). These bonds shall each be for areas no larger than 10 acres open at one time per excavation and shall remain in place until certified by the Douglas County Commission that reclamation has been completed at each site.
- (d) Each of the bonds described above also shall carry provisions which provide additional coverage for any other quarry operations that are carried on at the quarry site during the pendency of the bond until release of the bonds.

- 11) Insurance
The operator shall carry liability insurance in the amount of \$1,000,000.00. Certificates of insurance shall be submitted to the Zoning and Codes Department on an annual basis.
- 12) Operation Report and Plan
 - a. Prior to the issuance of the CUP permit and every 5 years thereafter, the operator shall submit a detailed report and plan of quarrying operations to the Planning Office.
 - b. The plan shall show the phases of quarrying; location of stockpile area; estimated volume of material being extracted; and a detailed monitoring and management plan for the areas undergoing reclamation.
- 13) Reclamation and Review
 - a. The quarry shall utilize sequential reclamation. With the exception of the first cut in a phase, overburden within a cut shall be placed in the previous cut thereby removing the need to stockpile large amounts of overburden.
 - b. Detailed reclamation plans shall be submitted for each phase of the reclamation process for review and recommendation by the Planning staff and approval by the County Commission. The Detailed Reclamation Plan shall be submitted and approved prior to opening of a quarry phase.
 - c. The detailed reclamation plans would include a site plan showing elevations, cross-sections, and the proposed plan for revegetation of the area.
 - d. The property shall be reclaimed to a state that is compatible with the surrounding area with regard to slopes, and plant and animal life supported by the established ecosystem.
 - e. Terraced areas shall be shaped to blend with the existing, adjoining contours. The land must be graded to final contours as shown on the approved reclamation plan, top-soil, which had been used to construct the berms of each quarry phase shall be removed as areas are reclaimed and the topsoil shall be spread over the land area and seeding of appropriate native plants must occur. It is not necessary for vegetation to be established before moving fully to the next phase.
- 14) Studies/Surveys Required Prior to Opening New Phase
 - a. Pre-Blast Survey. A pre-blast survey (by an independent seismology firm or structural engineer approved by the applicant and the owners of existing structures within one-half mile of the quarry site) shall be offered to the property owners and conducted, if the property owners request, prior to operating in each phase.

(Notice shall be mailed, by certified mail, to all property owners within one-half mile of the phase to be quarried, at least 1 month prior to the beginning of that phase, indicating that a new phase is about to be quarried and letting the property owner know about the pre-blast survey.)
 - b. Hydrologic Study
The quantity/quality of water in the wells within one-half mile of each quarry phase shall be documented prior to the commencement of quarrying operations in that phase. A

study shall be done, at the operator's expense, for all wells within ½ mile of each phase (with property owner consent). Notice shall be provided to all property owners within one-half mile of the phase boundary as noted in Condition 13a.

This study is intended to provide an inventory of area residential and stock wells and determine their capacities and current volumes/levels of operation; and to determine the impact of quarrying, per phase, based on the depth of mining proposed. If mining is proposed at a depth lower than 1042 or the local water table, the County Engineer may require a hydrologic study to analyze the impact on area wells.

c. Drainage Study

Prior to work progressing in each phase of the quarrying operation, a detailed grading plan showing site runoff and its relationship to the adjoining properties shall be submitted to the Planning Office for review and approval prior to work progressing in each phase.

15) Site Access and Road Restrictions

- a. Except for vehicles traveling to and from the site on 45th Street in Shawnee County, the principal access to the site for transport truck traffic and hauling of rock shall be restricted to the use of U.S. Highway 40 from the direct haul route north of the proposed quarry. (The haul road is currently in place and the intersection with Highway 40 was designed in accordance with KDOT requirements.)

Any other haul route options must first be approved by the Douglas County Commission.

- b. Except for local deliveries of rock from the quarry site, Route 442 shall not be used by transport trucks to travel to and from the east. The operator shall post signs and adopt appropriate restrictions on the quarry site, including restrictions on sale of rock where necessary, to ensure strict compliance with this restriction by all transport trucks.

In the event the Board of County Commissioners determines, after due notice and hearing, that such restrictions have proven ineffective in prohibiting transport trucks which originate from or travel to the quarry site from using Route 442 east of the quarry entrance in violation of this restriction, the Board may order such improvements to Route 442 as it deems necessary, including, but not limited to, appropriate shouldering, surfacing, and signing, and assess such costs to the applicant which shall be paid in a timely manner. In the alternative, the Board may order the operator to cease operation or order such steps as the Board deems necessary under this CUP.

- c. No township roads shall be used as access to the quarry.
- d. Restrictions which shall be posted at the entrance to the plant, regarding vehicles hauling from the site are to include:
- no flatbed trucks without sides or tailgates;
 - tailgates shall be in place and in an upright position; and
 - all trucks leaving the site must be covered by a tied-down tarp.
- e. Operator is responsible for spillage and cleanup of aggregate within one mile of the plant site, which includes the intersection of the access road to the north and U.S. Highway 40.

The failure by the applicant to clean up spilled aggregate of such roads within a reasonable period of time shall be grounds for action under Section XVII, Inspection/Violation/Revocation.

- f. The operator will not allow trucks to exceed State of Kansas legal weight limits or legally posted weight limits since different truck configurations have different legal weight limits.
- g. Weight limitations shall be posted on appropriate roads adjacent to the quarry.
- h. Access points across township roads between phases of operation require prior review and authorization from the Douglas County Public Works Director. Access is restricted to one point of crossing per phase as shown on the operation plan. Road crossings between the phases of the site shall be maintained by operator at all times.
- i. During the term of this Conditional Use Permit, the applicant shall not request the vacation of any township roads in the vicinity of the site.

16) Transfer of Operator

Because the operator's track record is an important consideration, a change in the quarry operator shall require the conditional use permit to come back to the Planning Commission for review and to the County Commission for reapproval.

17) Sanitary Landfill

The property shall not be used or requested for use as a sanitary landfill within the life of this conditional use permit.

18) Shop Facility

Repair and maintenance activities shall be limited to service of vehicles and equipment in use at this specific quarry location.

19) Inspection/Violation/Revocation

The Douglas County Commission, or the appointed representative(s) thereof, shall have the right, without advance notice, to enter the premises and inspect any aspect of the quarry operation for compliance with the conditions of this permit. Upon entering the premises, the County shall first request an escort by the applicant's representatives.

Further, the Douglas County Commission, or the appointed representative(s) thereof, shall be authorized to:

- a. Order the stoppage of any operation occurring without a permit or in violation of the terms of this permit.
- b. Order the operator or its agents and employees to adopt such remedial measures as are necessary to comply with the terms of this CUP. In such cases, the operator shall be given no more than ninety (90) days to rectify any condition of noncompliance.
- c. Order the immediate suspension of operations if, after due notice and an opportunity to be heard before the County Commission, it is determined by the Board of County Commissioners that the permitted operation is causing, or can reasonably be expected to

cause, a significant, imminent danger or threat to the health, safety or welfare of the public or to the environmental quality of the surrounding area.

- d. In cases such as those described in Paragraph (C) that do not pose an imminent threat to the public health, safety and welfare, the operator shall be given no more than 90 days to rectify the condition. If the condition has not been rectified, the County Commission, after due notice and hearing, may order the suspension of operations and suspend or revoke part or all of the CUP.
 - e. If the operator or the agents or employees thereof, fail to comply with a lawful order under this section, or violate any of the restrictions of use enumerated for this permit, the County Commission, after due notice and an opportunity for a hearing, may suspend or revoke part or all of the CUP.
- 20) The timeframe for completion of any phase is dependent on the market demand; however, the operator agrees to continuously quarry Phase 6 (within the limits of the CUP restrictions) so that Phase 6 will be completed as soon as possible.

Unanimously approved 9-0. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

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ITEM NO. 8 TEXT AMENDMENT TO SUBDIVISION REGULATIONS; RESIDENTIAL PARCELS (MKM)

TA-18-00251: Consider a Text Amendment to the Subdivision Regulations revising the frontage and width requirements for Residential Development Parcels which front on, and take access from, a principal arterial to allow the creation of two Residential Development Parcels with a minimum of 1,320 ft of frontage; provided they share an access point on the roadway. *Initiated by Planning Commission on 5/23/18. Deferred by Planning Commission on 9/26/18 & 1/23/19.*

STAFF PRESENTATION

Mary Miller presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Willey said Tonya Voigt, Douglas County Planning & Zoning Coordinator, recommended tabling this until work on the County Zoning Code was complete to determine if the amendment was necessary.

Commissioner Carpenter wondered about the frequency of requests.

Miller said one applicant was waiting on the text amendment to see if they should apply for a variance.

ACTION TAKEN

Motioned by Commissioner Struckhoff, seconded by Commissioner Carpenter, to table text amendment, TA-18-00251, to the Subdivision Regulations.

Unanimously approved 9-0. Commissioners Ashworth, Carpenter, Carttar, Paden, Sands, Sinclair, Struckhoff, Weaver, and Willey voted in favor.

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ITEM NO. 2 COMPREHENSIVE PLAN 2040

Continue discussion regarding the Comprehensive Plan 2040 for unincorporated Douglas County and the city of Lawrence. Topic discussion will include Natural Resources.

COMMISSION DISCUSSION

Planning Commission continued discussion regarding Chapter 6, Natural Resources.

Planning Commission continued their discussion regarding adding additional language to page 59, Chapter 6:

4.4 *'Work to move sand dredging out of the Kansas River and into the floodplain to protect riparian habitat and reduce upstream erosion of banks and destabilization of infrastructure.'*

4.5 *'Exceed state standards for reclaiming extraction operations.'*

Commissioner Ashworth suggested the following changes on page 59, Chapter 6:

5.1 *'Manage solid waste by emphasizing reducing, reusing, and recycling across all industries, households, and institutions.'*

5.3 *'Encourage ~~recycling~~ composting, donations, and other efforts throughout Douglas County to reduce the amount of ~~material and~~ food deposited in landfills.'*

Commissioner Paden suggested adding the following to page 58, Chapter 6:

2.12 *'Encourage the use of native plantings.'*

Commissioner Ashworth suggested the following change to page 59, Chapter 6:

*'Many of the factors that impact the natural environment in Douglas County are created by urban settings and climate change. Efforts to improve the **urban environment** can serve to protect and sustain our **environment and** natural resources.'*

Commissioner Ashworth suggested the following change to page 60, Chapter 6:

6.1 *'Adopt a climate change adaptation **and mitigation** plan incorporating potential climate change scenarios and identifying specific actions to reduce **greenhouse gas** risk and exposure from hazards.'*

Commissioner Carttar suggested the following language on page 60, Chapter 6:

6.4 *'Develop a sustainable, **interconnected** multi-modal transportation system.'*

Planning Commission discussed the following changes on page 60, Chapter 6:

6.5 *'Promote sustainable building practices by leading and promoting green building standards and practices, and by creating incentives **and reducing barriers** to improve opportunities for distributed generation of renewable energy sources.'*

6.6 *'Promote responsible use and conservation of energy and natural resources ~~by enhancing current building codes to~~ for increasing energy efficiency of new construction and significant remodels.'*

Commissioner Willey suggested splitting 6.8 on page 60 into two parts:

6.8 *'Develop strategies for energy conservation **in existing buildings and adaptive reuse of existing structures**.'*

6.9 *'Develop strategies for the adaptive reuse of existing structures.'*

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MISCELLANEOUS NEW OR OLD BUSINESS

Consideration of any other business to come before the Commission.

ADJOURN 10:00pm