

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, JUNE 1, 2011

6:35 p.m.

-Convene

-Consider approval of the minutes of May 30, April 6, April 20 and May 4, 2011.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders; and
- (b) Consideration of Extension of lease of Valleyview Building with United Way of Douglas County (Erika Dvorski and Craig Weinaug);
- (c) Consider approval of resolutions granting Cereal Malt Beverage license for Clinton Marina Parking Lot Special Event (Clerk's Office);
- (d) Consider approval of Midwest Mayhem Triathlon to be held July 17, 2011 (Craig Weinaug); and
- (e) Consider approval of a resolution establishing an alternate methodology for disposal of certain Douglas County property (Michael Kelly)

REGULAR AGENDA

- (2) Consider approval of 1) a resolution providing for the establishment of the Douglas County Heritage Conservation Council; prescribing the purpose, composition, powers, and duties of the Heritage Conservation Council; and 2) Consider appointment of members to the Heritage Conservation Council (Collin Bielser)
- (3) Public hearing to consider creating a community improvement district in the vicinity of Yankee Tank Dam, to contribute to financing the costs of rehabilitating Yankee Tank Dam to bring the structure into compliance with state and federal safety regulations (Craig Weinaug)
- (4) Consider approval of a Temporary Use Permit for Black Jack Battlefield and Nature Park Events at 163 E 2000 Rd, Baldwin City (Keith Dabney)
- (5) Consider approval of a temporary Use Permit for USA Cycling Cyclocross Event located at 1014 N 1800 Rd (Keith Dabney)
- (6) Consider approval of a resolution amending a Planning and Zoning Classification from "A" Agricultural District to "B-2" General Business District for Lot 1 Rockwall Farms Addition. (Keith Dabney)
- (7) Consider approval of a resolution amending a Planning and Zoning Classification from "A-1" suburban Home District to "I-1" Limited Industrial District. (Keith Dabney)
- (8) Continue discussion from the May 11, 2011 meeting, to consider approving Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan and adopt joint Ordinance No. 8591/Resolution for Comprehensive Plan Amendment (CPA-6-5-09) amending Horizon 2020 - Chapter 14 to include the Northeast Sector Plan. (PC Item 4; approved 5-4 on 9/20/10) (Dan Warner is the Planner)
- (9) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments:
 - Bicycle Advisory Commission**
 - Board of Zoning Appeals 10/2011 (2 positions-current not eligible for reappointment)**
 - Douglas County Emergency Management Board (07/01/11)**
 - Grant Township Trustee**
 - Heritage Conservation Council**
 - Lawrence-Douglas County Metropolitan Planning Commission 05/31/11 (2 positions)**

- (c) Miscellaneous
- (d) Public Comment

(10) Adjourn

WEDNESDAY, JUNE 8, 2011

12:00-1:30 p.m.-Lunch meeting with LMH Trustee and Administration at LMH Hospital, Conference Room D North. (More than one Commission may attend. No County Business will be considered.)

6:35 p.m.

-Proclamation celebrating June 13-17, 2011 as "Dad's Days." (Jenn Preston)

-Z-3-10-11: Consider a request to rezone approximately 32 acres from I-2 (Light Industrial) to A (Agricultural), located at 670 N 1800 Rd. Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. (PC Item 1; approved 9-0 on 5/23/11) Mary Miller is the Planner.

-Z-3-7-11: Consider a request to rezone approximately 6 acres from A (Agricultural) and B2 (General Business) to B2 (General Business), located at 751 Hwy 40. Submitted by Kathleen Baker Wolfe, property owner of record. (PC Item 4; approved 9-0 on 5/23/11) Mary Miller is the Planner.

-CUP-10-6-10: Consider a Conditional Use Permit for Kaw Valley Eudora Sand Facility, located at 2102 N 1500 Road, NE of SW Cor. SW ¼ S32-T12S-R21E, on approximately 196.58 acres. Submitted by Landplan Engineering, P.A., for Kaw Valley Companies, Inc., contract purchaser, for James and Ronda Bigger and Wellsville Bank, property owners of record. Sandra Day is the Planner.

WEDNESDAY, JUNE 15, 2011

WEDNESDAY, JUNE 22, 2011-light or no meeting

WEDNESDAY, JUNE 29, 2011

Note: The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.

LEASE AGREEMENT

This Lease Agreement (this “**Agreement**”) is entered into effective September 10, 2011 (the “**Effective Date**”), by and between Douglas County, Kansas (“**County**”) and United Way of Douglas County, Inc. (“**United Way**”).

RECITALS

WHEREAS, the County owns property located at 2518 Ridge Court, legally described as:

Lot A, Block Seven (7), Southridge Addition No. 3, an Addition to the City of Lawrence, Douglas County, Kansas,

(the “**Lot**”);

WHEREAS, County has constructed a building structure, parking and other improvements on the west portion of the Lot, which was formerly known as Valley View Nursing Home but is now generally known as the United Way Center for Human Services (excluding the vacant excess land east of the surface parking lot on the east side of the building and west of Cedarwood Ave., the “**Center**”);

WHEREAS, by Lease Agreement dated September 10, 1996, the County leased the Center to the United Way for a term of 15 years, which lease expires according to its terms on September 9, 2011;

WHEREAS, the County desires to continue to lease the Center to the United Way such that the Center is used and maintained in a manner that continues to serve and promote the general public health and welfare; and

WHEREAS, the United Way is a service organization with not for profit status and desires to continue to lease the Center solely for the purposes and uses that are in concert with and conform with those described in K.S.A. 79-201 or K.S.A. 79-201a, and amendments thereto.

TERMS AND AGREEMENT

NOW THEREFORE, for and in consideration of the mutual covenants set forth herein, County and United Way extend the September 10, 1996 Lease Agreement according to the following terms and conditions:

1. Term. This Agreement is for a term commencing September 10, 2011 and expiring at 11:59 p.m. December 31, 2026 (the “**Term**”).
2. Payments for Reserve Fund. County will not charge and United Way shall not be obligated to make regular rental payments, but United Way shall make the following payments to County to maintain a reserve fund for the Center:

During the first 36 months of the Term, United Way need not make any regular payments under this Section. Commencing October 1, 2014 and continuing on the first day of each subsequent month during the Term, United Way shall make monthly payments to County as necessary to obtain and maintain a reserve fund of approximately \$150,000. County shall determine and provide United Way with written notice of the precise amount of these payments, but only after consultation and negotiation in good faith with United Way. County and United Way shall review and revise these payments in a similar manner, as appropriate, every 36 months during the remainder of the Term. The purpose of the reserve fund is to provide funds for major repairs and sustaining the Center without using County general fund money.

3. Permitted Use. United Way, all subtenants, and all other permissive users, shall use the Center solely and exclusively for charitable, benevolent, educational, scientific, literary, state, county, or municipal purposes, in accordance with the purposes set for in K.S.A. 79-201 or K.S.A. 79-201a, and amendments thereto.

4. Sublease Permitted; Assignment Prohibited. United Way may sublease portions of the Center to other not for profit or governmental entities, provided that (i) all such occupiers of the Center enter into a written sublease with United Way, the form and substance of which has been previously approved by the County (Exhibit A attached); (ii) no subtenant may use the Center in a manner not expressly permitted under Section 3; (iii) each sublease shall be subject and subordinate to this Agreement, including but not limited to County's right under Subsection 5.a to terminate this Agreement before the expiration of the Term; (iv) nothing in any such sublease shall be deemed to amend or modify any of the terms contained in this Agreement or release United Way from its primary liability for the payment of money and the performance of each and all of the covenants, duties or obligations under this Agreement; and (v) United Way shall not enter into a sublease that extends beyond the Term of this Agreement. Notwithstanding the provisions of this Section permitting United Way to sublease portions of the Center, United Way shall not assign, mortgage or encumber this Agreement or its interest in the Center created under this Agreement without County's prior written consent, which consent may be withheld or conditioned in County's sole discretion.

5. Discretionary Termination. Although the initial Term of this Agreement expires December 31, 2026, County may discretionarily terminate this Agreement before then in order to use the Center for County or other public purposes by 180 days prior written notice to United Way. If such termination occurs, County shall reimburse United Way for a proportionate share of leasehold improvements that (i) United Way can document it made and paid for after the Effective Date, and (ii) have an effective life extending to or beyond date of the early termination. The proportionate share of reimbursement shall be the unamortized value of the leasehold improvements, determined based upon the amount of leasehold improvements United Way can document it made after the Effective Date, the age of the leasehold improvement, and the remaining useful life of the leasehold improvement (but not to extend beyond the number of years remaining in the Term). For example, if United Way pays \$100,000 in leasehold improvements on December 31, 2016, those leasehold improvements have an estimated useful life of 20 years, and County terminates this Agreement effective December 31, 2021 (so the early termination would have deprived United Way from enjoyment of 5 of the anticipated 10 years of the leasehold improvement), County would reimburse United Way \$50,000 -- \$100,000 x 5 (years cut short) /10 (years of enjoyment of leasehold improvement but for the early termination).

6. Insurance.

a. County shall keep the Center insured against loss by fire, vandalism, and malicious mischief in such amounts and according to such terms as County generally insures its other buildings.

b. United Way shall place and maintain at all times during the Term, and at United Way's expense, a public liability insurance policy with limits of at least \$500,000 (or such amount as complies with the then-applicable Kansas Tort Claims Act) for injury or death to any number of persons injured or killed, or property damage sustained from any occurrence at the Center. Such policies shall name County as an additional insured and shall be written by insurance companies authorized to do business in the State of Kansas. Certificates of such insurance shall be deposited with County and maintained during the Term. Each policy of insurance required by this Subsection shall contain or have applicable thereto an undertaking by

the insurer thereunder that such policy shall not be cancelled or have its coverage materially altered without at least 30 days' prior written notice to County, and United Way shall furnish to County, with respect to any expiring policy, reasonable evidence of the replacement or extension of such policy and of the payment of the premium with respect thereto. In case United Way shall, at any time, fail, neglect or refuse to keep liability insurance in force, as hereinabove provided, then County may, at its election, procure or renew such insurance, and any amounts paid therefor by the County shall be immediately due from United Way to County.

7. Indemnity. United Way agrees to indemnify and hold County harmless from any injury, expense, damages, or claims whether due to (i) damage to the Center, (ii) injuries to the person or property of any other person whatsoever, or (iii) administrative or criminal action by a governmental authority, where such injury, expense, damages, or claims are the result of the negligence or misconduct of United Way or any of its subtenants or their respective agents, servants, or employees, or invitees.

8. Maintenance and Repairs. County shall be responsible for the payment of all reasonable costs associated with major repairs, maintenance or replacement to the major building systems of the Center, including but not limited to the heating systems, air cooling systems, elevator, roof and parking lot. Major repairs, maintenance or replacement shall be those items which cost \$2,000.00 or more. United Way shall be responsible for the payment of all reasonable costs associated with routine and everyday maintenance of the Center, including but not limited to painting, seasonal HVAC maintenance, miscellaneous repairs and upkeep, custodial services, lawn care, snow removal, other repairs and maintenance associated with normal usage, and repairs to major systems of heating, air cooling, elevator, roof and parking lot which cost less than \$2,000.00.

9. Notice of Defects. United Way shall, upon the discovery of any substantial defect in or injury to the Center, or any need of other substantial repairs, promptly report the same to County in writing; however, County shall be under no duty to remedy such defects or make such repairs unless otherwise expressly required to do so by this Agreement.

10. Fire or Other Casualty.

a. If the building structure or any other portion of the Center shall be destroyed or damaged by fire or other casualty, County shall promptly and with diligence, at County's own expense, cause such damage to be repaired unless, within 60 days after said occurrence, County gives United Way written notice that it has elected not to repair the Center, in which event the Agreement shall be considered a discretionary termination by County pursuant to Section 5 of this Agreement. In the event that only a portion of the Center is destroyed and rendered untenable as a result of fire or other casualty, and County determines not to repair the damage, United Way, at its option, may agree to this Agreement with respect to the portion of the Center that remains tenantable, in which event this Agreement shall be deemed terminated only with respect to the portion of the Center rendered untenable and County's reimbursement obligations under Section 5 of this Agreement shall apply only to the percentage of the Center that remains untenable, determined on the basis of usable square footage after and before the casualty.

b. County shall not be liable for any inconvenience or annoyance to United Way, its subtenants, or any injury to the business of United Way or its subtenants that result in any way from damage from fire or other casualty or the repair thereof. United Way understands that County will not carry insurance of any kind on United Way's furniture, furnishings, trade fixtures, equipment, or other personal property, and that County shall not be obligated to replace or repair any damage thereto.

11. Inspections. Upon prior notice to United Way, County shall have the right to enter the Center for the purpose of examining and caring for the same or to make necessary repairs or additions, provided that in the event of an emergency, no prior notice shall be necessary.

12. Utilities. All applications and connections for necessary utility services on the Center shall be made in the name of United Way or its subtenants. United Way shall be solely liable for utility charges as they may become due, including, but not limited to, sewer, water, gas, electricity, and telephone services.

13. Occupancy Council. The Center is governed ultimately by the Board of Directors of the United Way. United Way, however, shall continue its advisory committee, called the Occupancy Council, to meet on a regular basis, as established by the Occupancy Council or as needed, to discuss building issues and make recommendations to the United Way Board of Directors regarding operation of the Center. The Occupancy Council shall be made up of individuals chosen by the United Way from person's representative of the communities served (i.e. subtenants) and one member at large from the community. The duties and responsibilities of the Occupancy Council may include, but are not limited to:

- a. Establishing and enforcing guidelines for use of the Center that insure that it is used only for those purposes set forth in Section 3;
- b. Recommending and approving repairs and renovations;
- c. Addressing and resolving any conflicts between County and United Way; and
- d. Coordinating personnel, equipment and resources.

14. Fiscal Duties. United Way shall have responsibility for those fiscal duties related to subleasing or licensing the Center to other entities or organizations.

- a. United Way shall establish a separate bank account(s) and bookkeeping sufficient to evidence all receipts and debits related to use of or renovations to the Center, collection of rents from subtenants, and payment of operating expenses. Such accounts and books shall be open to County and shall be subject to audit at the request and expense of the County.
- b. United Way shall provide quarterly financial reports to the Occupancy Council.
- c. United Way shall provide an annual financial report to County.

15. Alterations, and Improvements and Removal of Fixtures and Equipment. United Way shall not make any material or structural alterations, additions, or modifications in or to the Center without the written consent of County. In the event United Way shall desire to make any alterations, additions, or modifications in or to the Center, United Way shall submit the plans and specifications therefor to County, and County shall approve or disapprove of such plans and specifications, which approval shall not unreasonably be withheld, delayed, or conditioned. All alterations, additions, and modifications which shall be made by United Way of, in, or to the Center shall become the property of County and shall remain upon and be surrendered with the Center as a part thereof at the termination of this Agreement. United Way may, nevertheless, remove at or prior to the termination of this Agreement any furniture or equipment which is installed its sole expense, provided that all damage to the Center caused by such installation or removal shall be repaired by United Way.

16. Mechanic's and Other Liens.

a. United Way shall not suffer or permit any mechanic's or other liens to be filed against the Center, or any part thereof, or against United Way's leasehold estate therein, or against the Center and any other improvements by reason of any work, labor, services or materials done for, or supplied, or claimed to have been done for, or supplied to, United Way or anyone holding the Center or any part thereof through or under United Way.

b. United Way and County understand and agree that any improvements or alterations to be made by United Way to the Center are for the convenience of United Way and not for or because of any benefit to County or the Center and that United Way is not acting as an agent of County in connection with any such improvements.

c. Notwithstanding the foregoing provisions of this Section to the contrary, if United Way so elects, United Way may contest any such lien, charge or order for the payment of money and so long as United Way pays any attorney fees or other expenses incurred by County in connection with the lien and effectively stays any sale with respect thereto, United Way shall not be deemed to be in default under the provisions of this Section.

17. Termination. This Agreement may be immediately terminated by either party in the event any of the following occur;

a. Property tax is assessed against the Center.

b. United Way ceases to exist.

c. Zoning, building permits, or occupancy permits for the intended use or renovations of the Center are not obtained or are revoked.

18. United Way Default. Each of the following events shall constitute a default or material breach of this Agreement on the part of the United Way (an "**Event of Default**");

a. If United Way shall voluntarily file a petition or be subject to any involuntary action in bankruptcy or insolvency or for reorganization under any bankruptcy act, or shall voluntarily take advantage of any such act by answer or otherwise, or shall make an assignment for the benefit of creditors;

b. If United Way shall fail to make any payments due to County as scheduled and set forth in accordance with the terms of this Agreement;

c. If United Way shall fail to perform or comply with the terms of this Agreement, and if the nonperformance shall continue for a period of 30 days following written notice by County of such failure;

d. If United Way or any of its subtenants undertakes or engages in any activity or uses that fall outside the scope of those uses permitted in Section 3;

e. If United Way vacates or abandons the Center.

19. Remedies Upon Default by United Way. Upon an Event of Default by the United Way, County shall have the option to do any one or more of the following, in addition to and not in limitation of any other remedy permitted by law or by this Agreement:

a. Terminate this Agreement by giving United Way 30 days written notice and if the Event of Default is not cured within such 30 day period, United Way shall immediately surrender the Center to County, but if United Way shall fail so to do, County may, without further notice and without prejudice to any other remedy County may have for possession or arrearage in rent, enter upon the Center and expel or remove United Way and its personal property, without being liable to prosecution or any claim for damages therefor; and United Way agrees to indemnify County for all loss and damage which County may suffer by reason of such termination, whether through inability to relet the Center on satisfactory terms despite the County's best effort, or through decreases in rent, or otherwise;

b. County may elect, but is not obligated, to store or remove any personal property left by United Way or its subtenants following an Event of Default; and

c. In the event of an Event of Default or threatened Event of Default by United Way, County shall have the right of injunction to restrain United Way, or any of its subtenants, and may invoke any remedy allowed by law or in equity, as if the other specific remedies of indemnity or reimbursement were not provided for in this Agreement.

20. Remedies Upon Default by County. In the event County shall fail to perform or comply with the terms of this Agreement, and if the nonperformance shall continue for a period of 30 days following written notice by United Way of such failure, United Way shall have the right to invoke any remedy allowed by law or in equity.

21. No Waiver. The failure of the County to insist on strict performance of any of the terms and conditions of this Agreement on a specific instance shall be deemed a waiver of the rights or remedies that the County might have regarding that specific instance only, and shall not in any way be deemed a waiver of any subsequent breach or default in the same or any other term or condition.

22. Notices. All notices, demands or other writing in this Agreement provided to be given or otherwise made or sent, by either party to the other, shall be deemed to have been fully given, made, or sent when made in writing and deposited in the United States mail, registered and postage prepaid, and addressed as follows:

County: County Administrator's Office
Attn: County Administrator
1100 Massachusetts St.
Lawrence, Kansas 66044

United Way: United Way of Douglas County, Inc.
Attn: President/CEO
2518 Ridge Court, #200
Lawrence, Kansas 66046

The above addresses for notification may be changed by giving written notice by the party making the changes, as provided above.

23. Modification. Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

24. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Kansas, and exclusive jurisdiction and venue for any action arising out of it shall reside in the Kansas district court located in Douglas County, Kansas.

25. Refining Legal Description for Center. The parties understand that the Center (as defined in the Recitals) does not include the entire Lot (also as defined in the Recitals) because the Center does not include the vacant excess land east of the parking lot on the east side of the only building that is currently located on the Lot. The parties further understand that the County may determine it appropriate to use the excess land for some other purpose, either as a County function or by deeding or leasing such excess land to a third party. County agrees to consult with United Way in good faith and seek United Way's input concerning the proposed or possible uses of the excess land, but United Way shall not have the power or authority to veto any such proposed or possible use. United Way agrees to execute and deliver an amendment to this Agreement, providing a specific legal description for the Center (which consists of the land and improvements subject to this Agreement) and a specific legal description for the excess land (which consists of land not subject to this Agreement), as County determines necessary to facilitate usage of the excess land for such other purposes.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed at Lawrence, Kansas, on the date below indicated.

COUNTY:

Board of County Commissioners of
Douglas County, Kansas

Jim Flory, Chair

Approved by the Board of County Commissioners on: _____, 2011

Attest:

Jameson D. Shew, County Clerk

United Way of Douglas County, Inc.

Peter Luckey, President

Approved by its Board of Directors on: _____, 2011

Exhibit A

AGENCY OCCUPANCY AGREEMENT

This agreement is made this ____ day of _____, _____ by and between United Way of Douglas County, Inc., a Kansas non-profit corporation, hereinafter called "United Way", and _____, hereinafter called "Agency".

United Way, in consideration of the payments herein provided, and of the covenants, agreements and conditions herein contained on the part of Agency to be kept and performed, leases to Agency the following described premises (hereinafter referred to as the "Premises"), in the City of Lawrence, Douglas County, Kansas:

Approximately _____ square feet in the United Way Center for Human Services (hereinafter referred to as "Building"), as more specifically described on Sublease Exhibit "A" attached hereto, on the following terms and conditions:

ARTICLE 1 - TERM

A. Rental Term. United Way shall lease the Premises to the Agency, _____ square feet within the Premises for an initial term of _____ commencing _____, _____ and ending _____, _____.

B. Rental Payment. Agency's rent under this Agreement will be an assessment representing Agency's total office square footage multiplied by the square footage rental amount. The square footage rental amount is the amount that the Agency will pay per square foot per month for the space rented by the Agency. The Square Footage Rental Amount shall be determined by United Way on an annual basis and Agency will be notified of the Square Footage Rental Amount for the succeeding year not less than 60 days prior to the end of the current year. The initial rental assessment shall be \$ _____ per square foot, aggregating \$ _____ per month until further notice from United Way and shall be payable to United Way on or before the first day of each calendar month.

C. The term of this lease is at all times subject to the paramount right of Douglas County to discretionarily terminate its lease with United Way and with lessees from United Way pursuant to paragraphs 5 and 17 of the lease agreement dated September 10, 2011 between Douglas County, Kansas and United Way of Douglas County, Inc.

D. Agency understands that the United Way has a leasehold interest in the Building pursuant to a Lease Agreement by which Douglas county leased the Building to the United Way (the "Master Lease") and that the Master Lease permits the United Way to sublease portions of the Building to not for profit and governmental entities for limited uses identified therein. Agency further understands that the Master Lease permits Douglas County to discretionarily terminate it before expiration of its term under certain circumstances. This lease is and shall at all times be subject and subordinate to the Master Lease. Nothing in this lease shall be deemed to amend or modify any of the terms contained in the Master Lease and the rights herein granted to the Agency shall be strictly limited so as not to exceed the rights of the United Way under the Master Lease.

E. All payments shall be made to United Way of Douglas County, Inc. at 2518 Ridge Court RM 200, Lawrence, KS 66046 or at such other place as may from time to time be designated by United Way.

ARTICLE 2 - USE OF LEASED BUILDING AND PARKING AREA

A. Agency shall use and occupy the Premises for its general offices and related uses. Agency shall not use or occupy the Premises for any other purpose or business without the prior written consent of the United Way. Agency shall at all times use and occupy the Premises in furtherance of non-profit charitable, benevolent, educational, scientific, literary, state, county, or municipal purposes that are in concert with and conform with those described in K.S.A. 79-201 or K.S.A. 79-201a, and amendments thereto, and consistent with the purposes, goals, and appropriate objectives of United Way. In addition to all other remedies provided to United Way under this agreement, Agency shall pay before they become delinquent all real estate taxes and assessments levied against the Premises in the event that Agency's use of the Premises renders such Premises subject to property taxation.

B. The Premises shall only be used for a use permitted by the lease agreement between Douglas County, Kansas and the United Way of Douglas County, Inc. dated September 10, 2011, which is by this reference made a part hereof as though fully set forth herein and as it may hereafter be amended from time to time in the manner provided by law. It is understood and agreed that the Board of Douglas County Commissioners of Douglas County, Kansas shall have the right to enforce these restrictions on use.

C. Agency shall observe and comply with all governmental laws, statutes, and ordinances, and shall abide by all rules and regulations of the Building and parking areas imposed by United Way and communicated in writing to Agency, as initially set forth by Occupancy Handbook attached hereto and by this reference made a part hereof. Such regulations shall be imposed for the cleanliness, good appearance, proper maintenance, good order and reasonable use of the Premises and the Building as may be necessary for the proper enjoyment of the Premises and the Building. Such rules and regulations may be changed from time to time by United Way on reasonable notice to Agency following consultation with Occupancy Council.

D. Agency shall be provided non-exclusive use of parking areas as designated, from time to time, by United Way in consultation with the Occupancy Council. United Way agrees to use its best continuous efforts to provide adequate parking for agency use of the Premises.

ARTICLE 3 - REMODELING

A. Agency may paint, place partitions and fixtures and make improvements and other alterations in the interior of the Premises at its own expense; provided however, that prior to commencing any such work, Agency shall first obtain the written consent of the United Way to the proposed work, which consent shall not be unreasonably withheld. United Way may require that said work be done under its direction but at the expense of the Agency, and United Way may, as a condition to consenting to such work, require that Agency give security that the Premises shall be completed, free and clear of liens and in a manner satisfactory to United Way.

B. If United Way grants such consent, at least thirty (30) days before the commencement of any work or delivery of materials to the Premises or Building, Agency shall furnish United Way plans and

specifications, necessary approvals and permits, and names and addresses of all contractors and subcontractors. Agency shall perform or cause such work to be performed in a manner not to interfere with or impair the use and enjoyment of any other portion of the Building by United Way and other occupants, and if reasonably required by United Way, do or cause such work to be done after business hours and on weekends and holidays.

C. All such improvements, alterations, additions, or installations shall comply with all insurance requirements and with all laws, ordinances, rules and regulations of all governmental authorities and shall be constructed in good and workmanlike manner, and only high quality materials shall be used. If Agency desires signal, communication, alarm, or other utility or service connection installed or changed, the same shall be made at the expense of the Agency, with approval and under direction of United Way.

D. Agency hereby covenants and agrees not to place or cause any lien or liens on or against the Premises, the Building and Building Site for any work or improvements done or authorized by Agency, and Agency does hereby agree to hold harmless, indemnify, and defend United Way from and against any such lien or liens created by act or authorization of Agency for such work or improvements.

E. The cost of any special services by United Way, which are not contemplated by this agreement or the exhibits hereto and which are requested by the Agency, shall be borne by Agency, except as United Way may agree in writing.

ARTICLE 4 - TAKING POSSESSION

The taking of possession of the Premises by Agency shall conclusively establish that the Premises were, at such time, in satisfactory condition, order, and repair, except defects and workmanship not apparent by visual inspection and except for such specific items as Agency may notify United Way prior to the date of possession.

ARTICLE 5 - ASSIGNMENT BY AGENCY

A. Agency agrees that it shall not assign or lease, in whole or part, any portion of the Premises without the prior written consent of United Way. United Way may consider among other things, in considering whether to grant its consent, whether such assignment or letting is to another non-profit agency who can afford the rent and whose purposes are consistent with those of United Way and whose use of the Premises is permitted by the lease agreement between the Board of Douglas County Commissioners of Douglas County, Kansas and the United Way of Douglas County, Inc.

B. Any assignee or lessee must agree in writing to abide by all of the terms of this agreement. Consent to an assignment by United Way or any future assignments that United Way may consent to shall not relieve the Agency herein from any of its obligations assumed under this Agreement. Any assignment by operation of law shall be subject to the same conditions and restrictions as an assignment by the Agency. Any assignment or lease not made in conformity with the foregoing shall be voided at the option of United Way.

C. United Way may assign all or part of its interest in the building, the Premises, or this Agreement, at any time or times without consent of Agency, provided such transfer or assignment is subject to this Agreement.

ARTICLE 6 - ACCESS TO PREMISES

United Way, its employees, and agents shall have the right to enter the Premises at all reasonable times as follows:

- A. for the purpose of making inspections, repairs, and such alterations to and replacements of the heating, plumbing, air conditioning, ventilating, and other utility systems as United Way may deem necessary or desirable to keep the Building in reasonable condition;
- B. to exhibit the Premises to prospective occupants of the Premises during any reasonable time within the last one (1) year of the initial term or any extended term of this Agreement;
- C. for any purposes whatsoever relating to the safety, protection, or preservation of the Premises or the Building. If representative of Agency shall not be present to open and permit entry into the Premises at any time when such entry by United Way is necessary or permitted hereunder, United Way may enter, by means of a master key (or forcibly in the case of emergency) without liability to Agency and without such entry constituting and eviction of Agency or termination of the Agreement; and
- D. to allow the United Way, its employees, contractors and agents, to install and maintain services for other occupants of the Building.

The Building shall be open to the public and general services shall be provided for Agency, its employees and invitees, on business days (Monday through Friday) from 8:00 a.m. to 5:00 p.m. Access to the Premises and limited access to the Building shall be available to the Agency at all times. United Way reserves the right to change the Building hours to reasonably accommodate the needs of all occupants of the Building, but no change shall be made without prior consultation with the Occupancy Council.

ARTICLE 7 - BUILDING SERVICES

- A. United Way shall provide the following services for the Building:
 - (1) heating, ventilation and air conditioning (HVAC), in accordance with the building standards. Agency agrees to cooperate fully with United Way to abide by all the regulations and requirements which United Way may reasonably prescribe for the proper functioning and protection of HVAC systems;
 - (2) normal and customary water and sewer, janitorial service, security, grounds maintenance and maintenance in the Premises;
 - (3) cleaning, maintenance and service of all public areas in the building;
 - (4) elevator service during regular business days and hours.

The cost of any special services, including but not limited to, more extensive cleaning or extraordinary electrical requirements, and any desired communications services shall be borne by Agency.

- B. United Way shall promptly remove any snow and ice from all sidewalks and parking lot included within the Building Site contiguous to the Building and any other pedestrian walks or driveways included within the Building site.

C. United Way shall make available to the Premises electrical energy. If Agency shall require additional electrical energy, all costs and expenses in connection therewith, including, but not limited to, necessary installation shall be paid by Agency. United Way shall pay for electrical service ordinary and customary to Agency's use of the Premises for office purposes. Agency shall pay for all extraordinary electrical energy metered and consumed in its space.

D. No interruption in, or temporary stoppage of, any of the aforementioned services caused by repairs, renewals improvements, alterations, strikes, lockouts, labor controversies, accidents, inability to obtain fuel or supplies, or other causes beyond the reasonable control of the United Way shall be deemed an eviction or disturbance of Agency's use and possession of the Premises or render United Way liable for damages, by abatement of rent or otherwise, or relieve Agency of any obligation herein set forth, Agency hereby releasing all claims against United Way for damages for such interruption or stoppage of and said services so caused.

ARTICLE 8 - REPAIRS

A. United Way shall make all repairs necessary to maintain the plumbing, air conditioning and electrical systems, windows, floors, floor coverings and all other items which constitute a part of the Premises and are installed or furnished by United Way, except for repairs of Agency's trade fixtures and property and installation which Agency is obligated to make or which were performed by United Way at Agency's request such as Agency's work; provided, however, that United Way shall not be obligated for any such repairs until the expiration of a reasonable period of time after written notice from Agency that such repair is needed is delivered to the person or persons designated by United Way. Except as provided in Article 10 on Waiver of Claims, United Way shall in no event be obligated under this Article to repair any damage caused by any act, omission, or negligence of Agency or its employees, agents, invitees, licensees, sublessors, or contractors. Except as provided in Article 12 on Damage or Destruction, there shall be no allowance to Agency for diminution of value arising from the making of any repairs to the Premises or to the Building.

B. Agency shall, at its sole cost and expense, repair and replace all damage or injury to the Premises and to the Building, and to fixtures and equipment caused by Agency, its employees, its licensees and invitees, which repairs and replacements shall be in quality and class equal to the original work or installations; and suppliers approved in writing by United Way, and Agency shall comply with all requirements of Article 3 on Remodeling in the performance of the work. If Agency fails to make such repairs or replacements within a reasonable time after notice from United Way, same may be made by United Way, and such expense shall be collectible and paid by Agency within fifteen (15) days after rendition of a bill hereof.

C. United Way shall not be liable by reason of any injury to or interference with Agency's business arising from the making of any reasonable repairs, alterations, additions, or improvements in or to the Premises or the Building or to any appurtenances or equipment therein. There shall be no abatement of payments because of such repairs, alterations, additions, or improvements, except as noted in Article 12 on Damage or Destruction hereof.

ARTICLE 9 - SURRENDER OF PREMISES

At the termination of the Agreement, by lapse of time or otherwise, Agency shall surrender the Premises to United Way, together with all alterations, additions, and improvements thereto, in broom clean condition and in good order and repair except for ordinary wear and tear and damage for which Agency is not obligated to make repairs under this Agreement. If not then in default, Agency shall have the right at such termination to remove any equipment, furniture, trade fixtures, or other personal

property placed in the Premises by Agency, provided that Agency promptly repair any damage to the Premises caused by such removal. Agency shall have no right to remove any equipment, furniture, trade fixtures or other personal property placed in the Premises by or at the expense of United Way. Agency shall surrender the Premises to United Way at the end of the term hereof, without notice of any kind, and Agency waives all right to any such notice as may be provided under any laws now or hereafter in effect in Kansas.

ARTICLE 10 - WAIVER OF CLAIMS

A. Agency agrees that United Way, its agents, employees, directors, and officers shall not be liable to Agency, and Agency waives all claims for injury to persons or damage to property sustained by Agency or any other person occurring in or about the Building or the Parking Area or the Premises, resulting directly or indirectly from any existing or future condition, defect, matter, or thing in the Premises, the Parking Area, the Building or any part thereof, or from equipment or appurtenances becoming out of repair or from any occurrence or act or omission of any Agency or occupant of the Building. This Sub-article shall apply especially, but not exclusively, to damage caused as aforesaid or by the flooding of basements or other subsurface areas or by refrigeration devices, sprinkling devices, air conditioning apparatus, water, snow, frost, steam, excessive heat or cold, falling plaster, broken glass, sewage gas, odors, noise, or the bursting or leaking of pipes or plumbing fixtures, and shall apply equally whether the damage results from the act or omission of other occupants in the Building and whether such damage be caused by or results from anything or circumstance whether of a like or wholly different nature. Nothing in this Sub-article or Sub-article B, however, shall absolve United Way of any liability primarily due to any gross negligence of United Way, its agents, employees, directors or officers, or for any liability of United Way which would be included within any of the insured risks covered by insurance policies, the cost of which are included within Building Operating Expenses.

B. If any damage to the Premises or the Parking Area or the Building or any part thereof results from any act or omission of Agency, its agents, employees while in the performance of duties for Agency, or invitees, United Way may, at its option, repair such damage, and Agency shall, upon demand from United Way, reimburse United Way forthwith for all costs of making such repairs, except repairs resulting from ordinary wear and tear. All property in the Building or on the Premises belonging to Agency, its agents, employees, or invitees or to any occupant of the Leased Premises, except as specifically provided in Sub-article A above, shall be at the risk of Agency or such other person only, and United Way shall not be liable for damage thereto or theft, misappropriation or loss thereof except that primarily caused by negligence of United Way.

ARTICLE 11 - INDEMNIFICATIONS

A. Agency shall indemnify, hold harmless, and defend United Way from and against any and all costs, expenses (including reasonable attorney fees), liabilities, losses, damages, suits, actions, fines, penalties, claims, or demands of any kind and asserted by or on behalf of any person (other than United Way) or governmental authority arising out of or in any way connected with Agency's use

(1) any failure by Agency to perform any of the agreements, terms, covenants, or conditions of this lease required to be performed by Agency;

(2) any failure by Agency to comply with any statutes, ordinances, regulations, or orders of any governmental authority; or

(3) any accident, death, or personal injury or damage to or loss or theft of property which shall occur in the Premises, except as the same may be caused primarily by the negligence of United Way, its agents, employees, directors or officers, or for any liability of United Way which would be included with any of the insured risks covered by insurance policies, the costs of which are included within Building Operating Expenses.

B. Agency shall maintain in full force throughout the term of this Agreement, at its cost, one or more policies of public liability and property damage insurance as applied to the Premises in favor of Agency against liability for injury to persons and/or property and death in limits of liability of not less than \$500,000 for injury or death or property damage arising from any one accident. Each such policy shall be issued by an insurance company duly authorized to write such insurance in Kansas

Agency shall deliver to United Way at least (20) days prior to the time such insurance that is required to be carried by Agency and thereafter at least (30) days prior to the expiration of any such policy either the original of each such policy or a certificate thereof validly stamped by the issuing insurance carrier to evidence payment of all premiums due thereon, and, in the event of Agency's failure to obtain or maintain such insurance, United Way shall have the right, but shall not be obligated, to procure such insurance, and all amounts so paid therefore by United Way, with interest thereon, shall be payable by Agency to United Way.

C. Agency shall have the right to contest, by appropriate proceedings, legal or otherwise, any statute, ordinance, regulation, or order of any governmental authority, provided United Way shall not be subjected to any damage, fine, penalty, or forfeiture or that the same shall not constitute a default on the part of United Way under any mortgage on or affecting the Building Site or Building and Agency shall not be deemed to be in default under this Agreement while so contesting in good faith.

ARTICLE 12 - DAMAGE OR DESTRUCTION

A. Building serving the Premises or any part of the foregoing (hereinafter called "damaged property") shall be wholly or partially damaged by fire or other casualty, Agency shall give prompt notice thereof to United Way, and United Way shall, on receiving such notice, at its sole expense, commence promptly and proceed with reasonable diligence to repair the damaged property and restore it to a condition at least equal to the condition of the same prior to such damage, and all payments with respect to that part of the Premises rendered unusable shall be abated from the date of such damage until its full repair and restoration, United Way shall be entitled to receive any and all such insurance proceeds payable with respect to such damage, and shall use all such insurance proceeds to so repair and restore the damaged property. Agency agrees to so repair and replace, at its expense, its own furniture, furnishings and equipment, and any additions, alterations, or installations provided by Agency at its expense not required to be covered by Building Insurance.

B. In the event that 40% or more of the rentable floor area of the Building is damaged or destroyed by fire or other casualty, either party may, at its option, exercisable by written notice delivered to the other within sixty (60) days after the casualty date, terminate this lease as of such date, and all payments shall be prorated and adjusted as of such date.

ARTICLE 13 - PRIORITY AND SUBORDINATION

United Way or owner reserves the right to place easements, liens and encumbrances on the Premises superior in lien and effect to the Agreement. This Agreement, at the option of the United Way, shall be subject and subordinate to any easements, liens and encumbrances now or hereafter

imposed by United Way upon demand such instruments subordinating this Agreement to any such easement, lien or encumbrance as shall be required by United Way.

ARTICLE 14 - ESTOPPEL CERTIFICATE

Agency shall, at any time and from time to time, within thirty (30) days following written request from United Way, execute, acknowledge, and deliver to United Way a written statement certifying that this Agreement is in full force and effect and is unmodified (or, if modified, stating the nature of such modification), certifying the date to which the rent provided hereunder has been paid, and certifying that there are not, to Agency's knowledge, any uncured defaults on the part of United Way hereunder, or specifying such defaults, if any are claimed. Any such statement may be relied upon by any prospective purchaser, occupant, or mortgagee of all or any part of the Building or Building Site. Agency failure to deliver such statement within said thirty (30) day period shall be conclusive upon Agency that this Agreement is in full force and effect and unmodified, and that there are no uncured defaults in United Way's performance hereunder.

ARTICLE 15 - DEFAULT

A. The occurrence of any of the following shall constitute a default and breach of the agreement by Agency:

- (1) The abandonment of the Premises or a substantial part thereof by Agency;
- (2) A failure by Agency to pay within ten (10) days when due any payment required to be made by Agency hereunder, or any monies due and owing or loaned pursuant to the provisions of Sub-article C of Article 17 on remedies;
- (3) A failure by Agency to observe and perform any other provision or covenant of the Agreement to be observed or performed by Agency, where such failure continues for thirty (30) days after written notice thereof from United Way to Agency, provided, however, that, if the nature of the default is such that the same cannot reasonably be cured within such thirty (30) day period, Agency shall both be deemed to be in default, if Agency shall, within such period, commence such cure and thereafter diligently prosecute the same to completion.

B. United Way shall not be deemed to be in default in the performance of any obligation required to be performed by United Way hereunder unless and until it has failed to perform such obligation (i) if of an emergency nature, immediately after receipt of actual notice; (ii) if it involves general building services, within a reasonable time; or (iii) in other cases, within thirty (30) days after receipt of written notice thereof from Agency unless United Way shall commence such performance within thirty (30) days and thereafter diligently prosecute the same to completion.

ARTICLE 16 - HOLDING OVER

If Agency shall retain possession of the Premises after the expiration of the term of this Agreement, by reason of lapse of time or otherwise, Agency shall be held to be an occupant from month to month for the same rental and otherwise upon the same terms and conditions of this Agreement, provided that the provisions of this Article do not waive United Way's rights of re-entry or any other rights of United Way hereunder, including rights to any damages of United Way sustained by reason of Agency's unlawful retention or possession of the premises.

ARTICLE 17 – REMEDIES

In the event of any default or breach of this Agreement by Agency, as set forth in Sub-article A of Article 15 on Default, United Way, at its option, may (i) terminate this Agreement by giving written notice of termination to Agency, or (ii) terminate Agency's right to possession of the Premises without terminating this Agreement, by giving notice to Agency. United Way may, at its option, exercise one or more of the remedies hereinafter provided in this Article or as otherwise provided or allowed under law, all of such remedies being cumulative and not exclusive:

A. United Way may take possession of the Premises and, notwithstanding such termination the liability of Agency for all payments shall not be extinguished for the balance of the term. Upon and after retaking possession, United Way shall make diligent effort to re-let the Premises, or any part thereof, for the account of Agency. In the event of such re-letting, United Way shall receive and collect the rent from and shall first apply such rent against the expenses United Way may have incurred in recovering possession of and re-letting the Premises, including commissions and placing the Premises in good order and condition, altering or repairing the same, and then shall apply the balance of such payment against the payments due hereunder for the full term. Agency shall not be liable for any property damage or injury occurring while United Way is in possession of the Premises, unless such damage is caused by the act of omission of Agency.

B. United Way and Agency agree that, should Agency at any time omit to do any of the things required to be done by Agency under this Agreement, then, in addition to any other right or remedy of United Way, in such event, United Way, after reasonable notice to Agency and a reasonable time for the Agency to cure the same, may do the same or cause the same to be done, and the reasonable amount of any monies expended by United Way in connection therewith shall be deemed loaned by United Way to Agency, which Agency hereby covenants and agrees to pay immediately upon demand, non-payment of which shall constitute a default under this Agreement.

C. Agency agrees that, in the event Agency fails to make any payment when due, United Way shall be entitled to collect interest at the rate of twelve percent (12%) per year from the due date until paid.

ARTICLE 18 - WAIVER

The failure or delay of the part of either party to enforce or exercise, at any time, any of the provisions, rights, or remedies in this Agreement shall in no way be construed to be a waiver thereof, nor in any way to affect the validity of this Agreement or any part thereof, or the right of the party to thereafter enforce each and every such provision, right or remedy. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. The receipt by United Way of a payment at a time when the payment is in default under this Agreement and the time to cure such default has expired shall not be construed as a waiver of such default, unless such payment is accepted without reservation by United Way. The receipt by United Way of a lesser amount than the payment due shall not be construed to be other than a payment on account then due, nor shall any statement on Agency's check or any letter accompanying Agency's check be deemed an accord and satisfaction, and United Way may accept such payment without prejudice to its right to recover the balance of payment due or to pursue any other remedies provided in this Agreement. No act or thing done by United Way or its agents or employees during the term of this Agreement shall be deemed an acceptance or a surrender of the Premises, and no agreement to accept such surrender shall be valid unless in writing and signed by United Way.

ARTICLE 19 - QUIET ENJOYMENT

United Way covenants that it has full authority to execute this Agreement on the terms and conditions herein contained, and, if and as long as Agency makes the payments provided hereunder and observes and performs all the covenants, conditions, and provisions on Agency's part to be observed and performed hereunder, Agency shall and may peaceably and quietly have, hold, and enjoy the Premises and full and unobstructed access thereto for the entire term hereof and any and all extensions for the initial term.

ARTICLE 20 - UNAVOIDABLE DELAY

In the event that either party shall be delayed or hindered in or prevented from, the performance of any work, service, or other acts required under this Agreement to be performed by the party and such delay or hindrance is due to strikes, lockouts, acts of God, governmental restrictions, enemy acts, civil commotion, unavoidable fire or other casualty, or other causes of a like nature beyond the control of the party so delayed or hindered, then performance of such work, service, or other act shall be excused for the period of such delay and the period for performance of such work, service, or other act shall be extended for a period equivalent to the period of such delay. No claim for such excused delay shall be valid unless the party claiming the same shall give written notice of the cause of the claimed delay to the other party within (10) days after the occurrence of such event giving rise to such claim. In no event shall such delay constitute a termination of this Agreement, or any extension hereof. The provisions of this article shall not operate to excuse Agency from the prompt remittance of payments due hereunder.

ARTICLE 21 - USE OF COMMON FACILITIES

- A. Agency shall have rights of ingress and egress to and from the Premises to adjoining public streets and the right to use in common with all others entitled to use the same all public entrances, lobbies, hallways, stairways, corridors and elevators.
- B. Agency shall have non-exclusive rights to use the Common Facilities provided at the discretion of United Way for the use of all occupants of the building, which may from time to time include a lunchroom/cafeteria, storage area, meeting rooms, restrooms and workrooms. The use of these Common Facilities shall be subject to and controlled by reasonable rules and regulations adopted by United Way in consultation with the Occupancy Council, which shall apply uniformly to all occupants of the building. By way of clarification only and not by way of limitation, such rules and regulations may make distinctions in use based upon square footage area occupied by the various agencies in the Building and may provide uniform user fees to cover costs for the use of Common Facilities only if they are in addition to the basic costs of providing the area for the Common Facilities.

ARTICLE 22 - GOVERNING LAW

The respective rights and obligations provided in this Agreement shall bind and inure to the benefit of the parties hereto, jointly and severally, their legal representatives, heir's successors, and assigns, subject to the limitations of Article 5 on Assignment by Agency.

ARTICLE 23 - SUCCESSORS AND ASSIGNS

The respective right and obligations provided in this Agreement shall bind and inure to the benefit of the parties hereto, jointly and severally, their legal representatives, heir's successors, and assigns, subject to the limitations of Article 5 on Assignment by Agency.

ARTICEL 24 - MISCELLANEOUS

A. Separability. United Way and Agency intend and believe that each provision in the Agreement conforms with all applicable local, state, and federal laws and judicial decisions. However, if any provision or provisions, or if any portion of any provision or provisions in this Agreement is found by a court of law to be in violation of any local, state or federal ordinance, statute or law, administrative decision or judicial decision, or public policy, and, if such court should declare such portion, provision, or provisions of this Agreement to be illegal, invalid, unlawful, void, or unenforceable as written, then it is the intent of both United Way and Agency that such portion, provision or provisions shall be given force to the fullest possible extent that they are legal, valid, and enforceable that the remainder of this Agreement shall be construed as if such illegal, invalid, unlawful, void or unenforceable portion, provision or provisions were not contained therein, and that the rights, obligations, and interest of United Way and Agency under the remainder of this Agreement shall continue in full force and effect.

B. Captions. Captions, titles, and table of contents of this Agreement are for convenience and reference only and are in no way to be construed as defining, limiting, or modifying the scope of intent of the various provisions of this Agreement.

C. Notices. All notices or demands upon United Way or the Agency desired or required to be given under any of the provisions hereof shall be in writing. Any notices or demands from United Way to the Agency shall be deemed to have been duly and sufficiently given if a copy thereof has been mailed by United States certified mail in an envelope properly stamped and addressed to the Agency as follows:

or at such other address as Agency may theretofore have furnished by written notice to United Way; and any notices or demands from the Agency to United Way shall be deemed to have been duly and sufficiently given if mailed by United States certified mail in an envelope properly stamped and addressed to United Way as follows:

United Way of Douglas County
2518 Ridge Court Room 200
Lawrence, KS 66046

or at such other address as United Way may theretofore have furnished to Agency by written notice.

D. Word Usage. As used in this Agreement, the word "person" shall mean and include, where appropriate, an individual, corporation, partnership, joint venture, or other entity; the plural may be substituted for the singular and the singular for the plural, where appropriate; and words of any gender shall include any other gender.

E. Execution. This Agreement may be executed in counterparts, and each of such fully executed counterparts shall be deemed an original, and it shall not be necessary, in making proof of this Agreement, to produce or account for more than one such counterpart.

F. Entire Agreement. This Agreement contains all the agreements, conditions, understandings, representations, and warranties made between the parties hereto with respect to the subject matter

IN WITNESS WHEREOF, hereto have executed this Agreement
as of the date first above written.

By: _____

Its: _____

signature

1(c)

RESOLUTION _____

WHEREAS, on the **1st of June, 2011**, the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of **Clinton Marina Parking Lot Special Event** for a cereal malt beverage license came up for considerations by the above board and

WHEREAS, the Board does find that said **Clinton Marina Parking Lot Special Event** is qualified under the law to sell cereal malt beverages for consumption on the premises located **1329 E 800 Rd, Lawrence, Kansas on June 18th, 2011 only**.

WHEREAS, the Board further finds that due and legal notice has been given the **Clinton Township Board** and that ten days has expired from the giving of said notice and that no written objection has been filed by the **Clinton Township Board** protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, Clinton Marina granted a license to sell cereal malt beverage for consumption on the premises located at **1329 E 800 Rd, Lawrence, Kansas on June 18th, 2011 only**.

BE IT FURTHER RESOLVED, that Jameson Shew, County Clerk of Douglas County, Kansas be directed to issue said license.

Chairman

Member

Member

ATTEST:

Jameson Shew, Douglas County Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIME

RETAIL

Fee \$125.00

NO.

DEALER'S 2011

SPECIAL LICENSE

TO ALL WHOM IT MAY CONCERN:

License is hereby granted to: **CLINTON MARINA PARKING LOT SPECIAL EVENT**

**TO SELL CEREAL MALT BEVERAGES AT RETAIL IN ORIGINAL AND UNOPENED
CONTAINERS AND FOR CONSUMPTION ON PREMISES**

(State if for consumption on the premises or for sale in original and unopened containers and not for consumption on premises)

**1329 E 800 Road, LAWRENCE, KS Application therefore on file in the office of the County Clerk of Douglas County,
having been approved by the governing body of said County, as provided by Laws of Kansas and the regulations of the
board of County Commissioners.**

**This License will expire: 12:00 midnight June 18th, 2011 unless sooner revoked, is not transferable, nor will any refund
be allowed thereon.**

Done by the Board of County Commissioners of Douglas County, Kansas

This 1st Day of June 2011

Attest: _____
County Clerk

Chairman

Memo

To: County Commissioners
From: G. Craig Weinaug, County Administrator
Date: 3/23/2011
Re: Consent Approval for Midwest Mayhem Triathlon

Attached please find letter from Bill Marshall asking for approval for the Midwest Mayhem Triathlon to be held on July 17th, 2011.

The request and proposed route has been reviewed and Okayed by the Sheriff's Office and by the Public Works Director. I recommend that you approve this event as requested.



Douglas County Commissioners
C/O Craig Weinaug

RE: 6th Annual Midwest Mayhem Triathlon, July 17th, 2011

Dear Commissioners,

The Midwest Mayhem Triathlon L.L.C. would like to request permission for the use of Lone Star Lake and Marina. The use of the Lake and Marina will be for the 6th Annual Midwest Mayhem Triathlon. This would be the 6th year that the Midwest Mayhem Triathlon has been hosted at Lone Star Lake. We would like to request full closure of the Marina from Saturday, July 16th, 2011 starting at 8:00 A.M. until Sunday, July 17th, 2011 at 1:00 P.M.

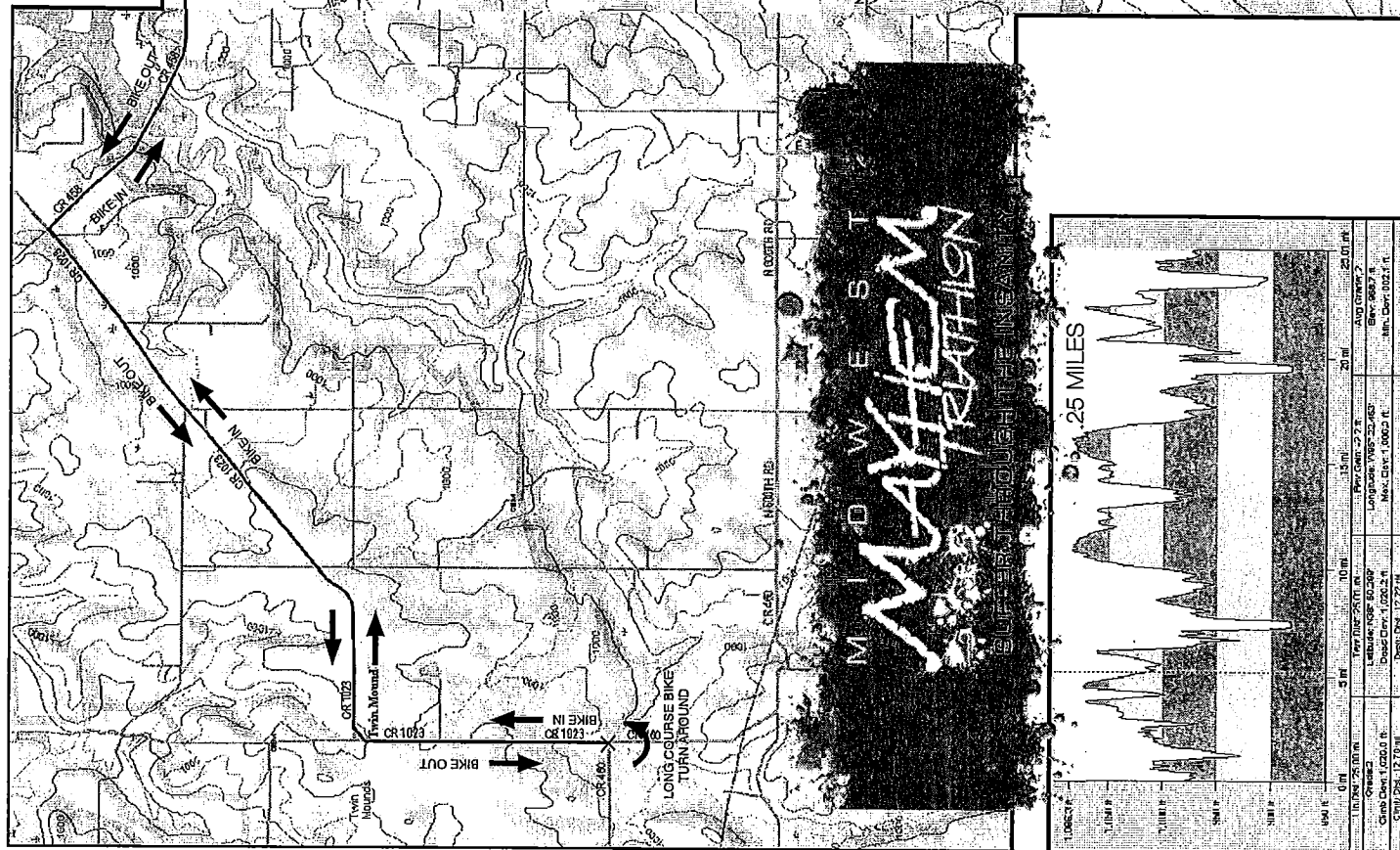
We will provide the proper signage to be posted at Lone Star Lake prior to the event to ensure that the general public is aware of the closure. This signage has been very affective in previous years. We have spoke with Under Sheriff Steve Hornberger about the details of the event for 2011 and the Douglas County Sheriff's Office is on board to work with this event again. Steve will confirm the exact number of officers for the County Commissioners. All event maps and details can be found at www.midwestmayhemtriathlon.com Feel free to contact me any time. Thank you for your time and consideration.

Sincerely,

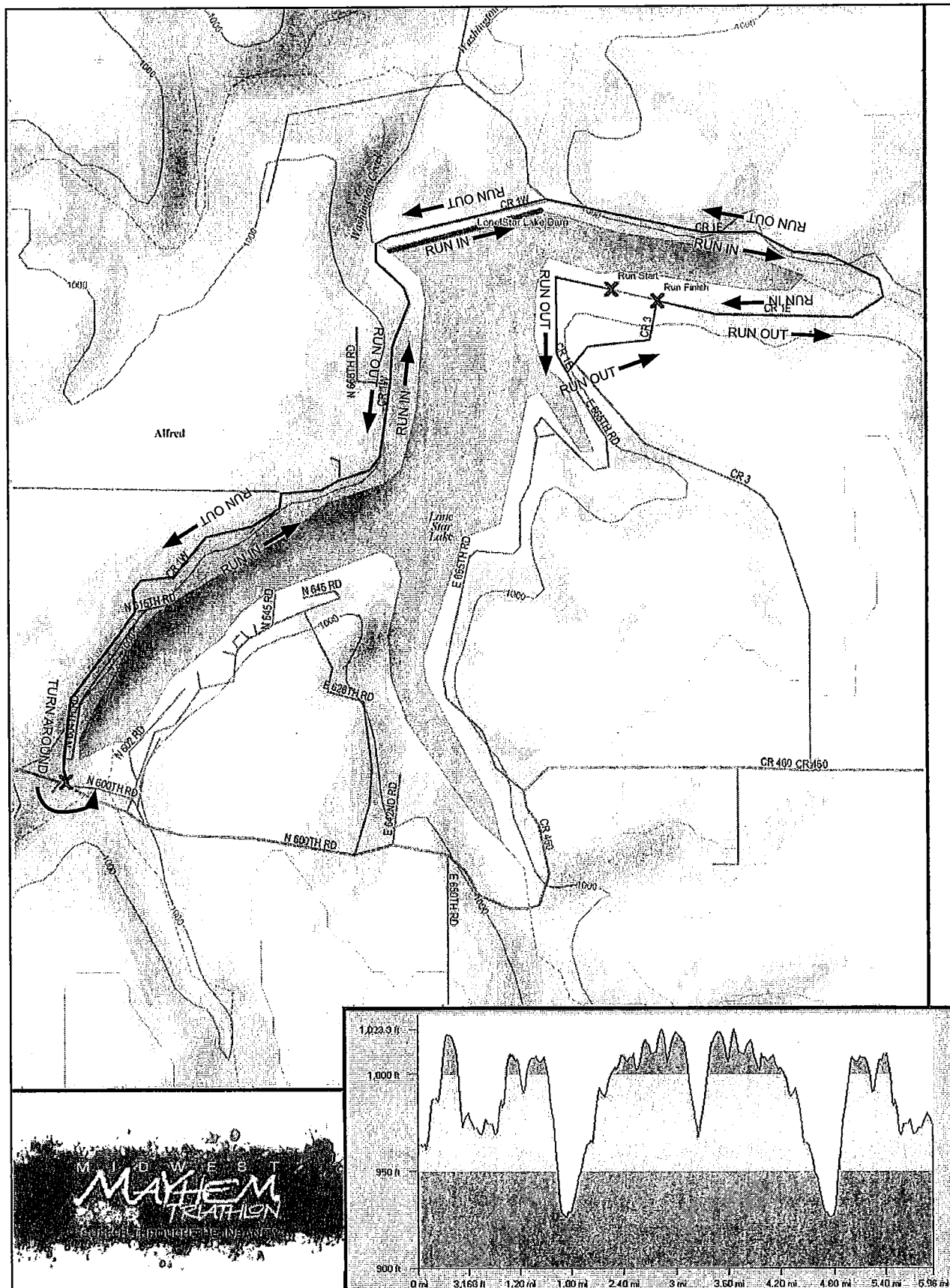
Bill Marshall
Race Director
Midwest Mayhem Triathlon
bill@thewi2.com
(913) 638-2166



SWIM: 1.5 KILOMETERS • BIKE: 40 KILOMETERS • RUN: 5.96 MILES
WWW.MIDWESTMAYHEMTRIATHLON.COM



TRIATHLON LONG COURSE RUN MAP



SWIM: 1.5 KILOMETERS • BIKE: 40 KILOMETERS • RUN: 5.96 MILES

WWW.MIDWESTMAYHEMTRIATHLON.COM • COURSES SUBJECT TO CHANGE WITHOUT NOTICE

AD - Weinaug, Craig

From: PW - Browning, Keith
Sent: Wednesday, March 23, 2011 8:14 AM
To: AD - Weinaug, Craig
Cc: PW - Perkins, Mike
Subject: RE: 2011 Midwest Mayhem Triathlon

Craig,

We don't see any conflicts with the proposed routes.

Keith

*Keith A. Browning, P.E.
Douglas County Public Works Director/County Engineer
1242 Massachusetts
Lawrence, KS 66044
785-832-5293
browning@douglas-county.com*

From: BILL MARSHALL [<mailto:bill@thewi2.com>]
Sent: Tuesday, March 22, 2011 6:45 PM
To: AD - Weinaug, Craig
Cc: PW - Browning, Keith
Subject: Re: 2011 Midwest Mayhem Triathlon

Thanks Craig. Please keep me in the loop as you always do. I've already spoken with Steve Hornberger and we're well on our way with the Sheriff's Department payment/approval. Thanks for your help.

*Please note my new e-mail address is bill@thewi2.com

Bill Marshall
7400 Beverly
Overland Park, KS 66204
(913) 638-2166
bill@thewi2.com

On 3/18/11 10:26 AM, "Craig Weinaug" <Weinaug@douglas-county.com> wrote:

Bill:

I have been waiting for the public works department to evaluate the winter damage on the roads which is done before we decide which roads get overlayed, or chipsealed over the summer. We normally do this evaluation after we are reasonably confident that the snowstorm/freeze thaw cycles are finished for

3/23/2011

the season.

Once we have that information we should be able to approve or revise your route to avoid conflicts.

Craig

-----Original Message-----

From: BILL MARSHALL [<mailto:bill@thewi2.com>]

Sent: Wednesday, March 09, 2011 10:41 AM

To: SH ext - Hornberger, Steve; AD - Weinaug, Craig

Subject: 2011 Midwest Mayhem Triathlon

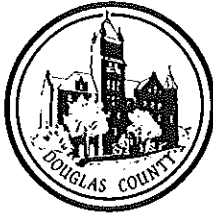
Steve,

Thanks for the call today; your time is greatly appreciated. Per our conversation I would like to start moving forward with the details for the event (see attached). The actual details of arrival times, departure times, officers locations etc. are the same as last year. Same would apply to the payment process. I would like to request an on duty officer as security at Lone Star the night before beginning at dark until we arrive on race day at 4:00 A.M. In years past we've had to deal with vandalism and getting some of our equipment out of the lake. I feel it's very important to start doing this along with adding a light tower to assist with the security. Please get me a bid for that one officer and I will include it on the check that is written to you. Craig, when you get a moment can you send me the letter of approval for the race? Thanks and I look forward to working with you again. Take care.

*Please note my new e-mail address is bill@thewi2.com

Bill Marshall
7400 Beverly
Overland Park, KS 66204
(913) 638-2166
bill@thewi2.com

This_email_has_been_scanned_by_the_MessageLabs_Email_Security_System.



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

TO : Board of County Commissioners

FROM : Keith A. Browning, P.E., Director of Public Works *KB*
Michael D. Kelly, L.S., County Surveyor *MDK*

DATE : May 27, 2011

RE : Disposal of excess property; Resolution

You will recall we discussed in early March a piece of county-owned property, located immediately south of Lone Star, currently utilized for the purpose of housing a road grader in a garage situated near the north end of the parcel. A large portion of the parcel is of little practical use to the county due to steep terrain.

We have been approached by abutting property owners, John R. and Kathryn S. Wilson, who enquired about purchasing the parcel. See attached aerial with property lines.

Mr. and Mrs. Wilson have a lavender farm and are exploring the future division of the farm from their homesite in order to sell it upon their retirement... they intend to continue living in their current home. If they had access across the county-owned parcel then they could sell the farm knowing their current residential access wouldn't be required by the future owner of the farm.

We have examined our current and future use of the property as well as the possible widening of Route 1039 in an effort to determine what portion of the property we'd be willing to sell. It has been determined a parcel containing 2.691 acres would be appropriate for disposal.

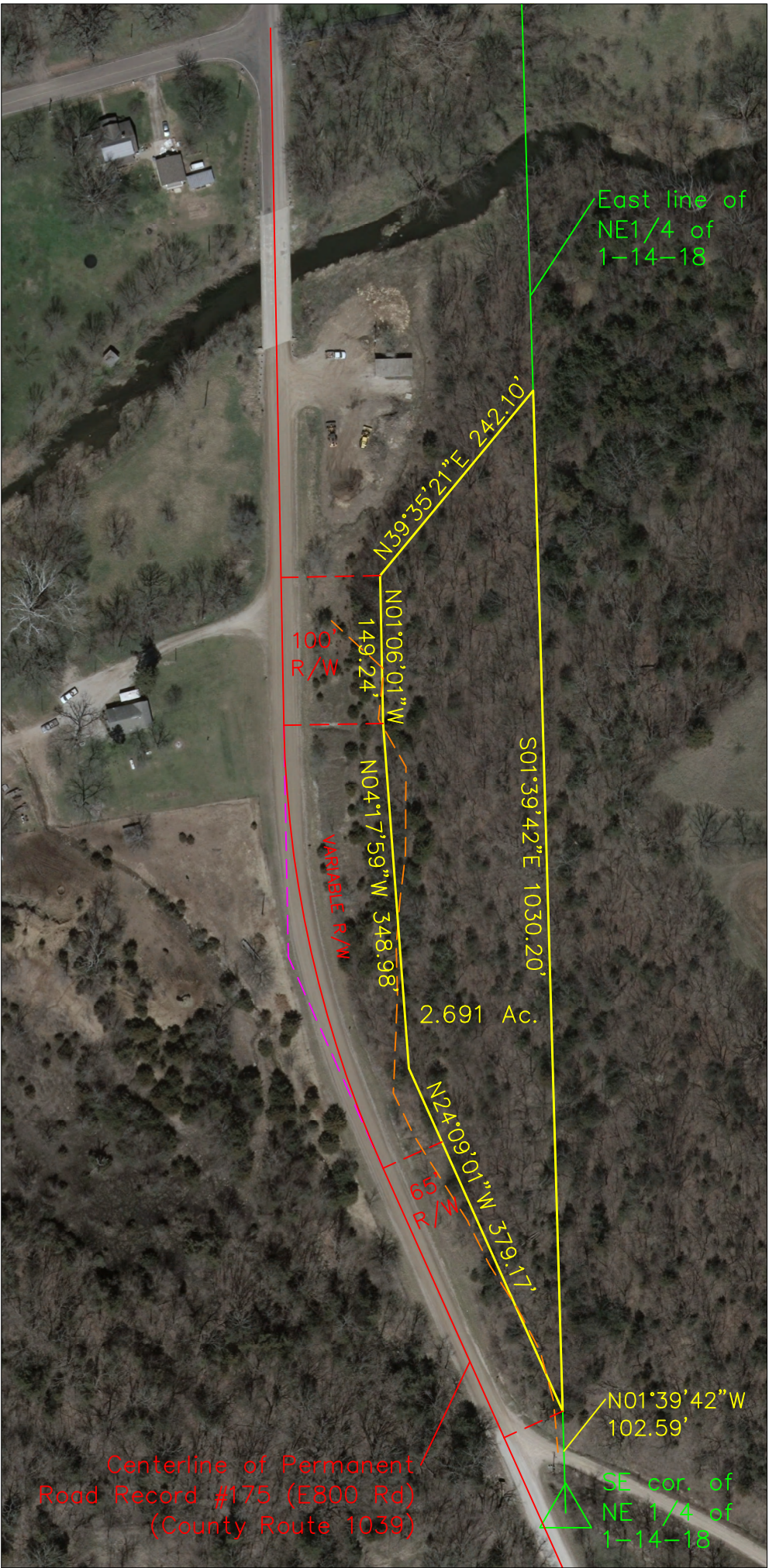
In addition, we have consulted with the county counselor about the process for disposal of excess property. Please see the attached Resolution prepared for that purpose. Recent consultations with County Appraisal staff confirm a value per acre of \$1,500 is an approximate estimated value for the land.

ACTION REQUIRED: Consent agenda approval of the resolution directing notice of a public hearing to be held on June 15, 2011 be published.

PLAT OF DESCRIPTION

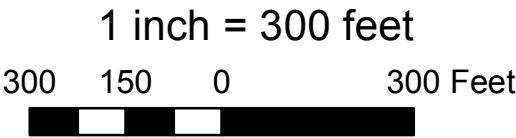
A tract of land in the Northeast Quarter of Section 1, Township 14 South, Range 18 East of the Sixth Principal Meridian described as:

Commencing at the southeast corner of said Northeast Quarter; thence North 1 degree 39 minutes 42 seconds West along the east line of said Northeast Quarter a distance of 102.59 feet to the Point of Beginning; thence North 24 degrees 9 minutes 1 second West a distance of 379.17 feet; thence North 4 degrees 17 minutes 59 seconds West a distance of 348.98 feet; thence North 1 degree 6 minutes 1 second West a distance of 149.24 feet; thence North 39 degrees 35 minutes 21 seconds East a distance of 242.10 feet to the northwest corner of a tract of land described at Book 1067 Page 3434 at the Douglas County Register of Deeds and the east line of said Northeast Quarter; thence South 1 degree 39 minutes 42 seconds East along said east line a distance of 1030.20 feet to the Point of Beginning, containing 2.691 acres, more or less.



SCALE 1"=150'

Lone Star Storage Shed Site



RESOLUTION NO. ____

**A Resolution of the Board of County Commissioners of Douglas County,
Kansas, Adopted Pursuant to K.S.A. 19-211(b), Establishing an Alternate
Methodology For Disposal of Certain Douglas County Property**

WHEREAS, K.S.A. 19-211(b) provides that the Board of County Commissioners of Douglas County, Kansas (hereinafter the "Board") may, in lieu of the following procedures established in K.S.A. 19-211(a) for the disposal of property, adopt a Resolution to establish an alternate methodology for disposal of property.

WHEREAS, Douglas County, Kansas, by and through the Board, owns certain real estate, legally described as:

A tract of land in the Northeast Quarter (NE $\frac{1}{4}$) of Section 1, Township 14 South, Range 18 East of the Sixth Principal Meridian described as:

Commencing at the southeast corner of said Northeast Quarter (NE $\frac{1}{4}$); thence North 1 degree 39 minutes 42 seconds West along the east line of said Northeast Quarter (NE $\frac{1}{4}$) a distance of 102.59 feet to the Point of Beginning of the land to be described; thence North 24 degrees 9 minutes 1 second West a distance of 379.17 feet; thence North 4 degrees 17 minutes 59 seconds West a distance of 348.98 feet; thence North 1 degree 6 minutes 1 second West a distance of 149.24 feet; thence North 39 degrees 35 minutes 21 seconds East a distance of 242.10 feet to the northwest corner of a tract of land described on Page 3434 of Book 1067 at the Douglas County Register of Deeds and the east line of said Northeast Quarter (NE $\frac{1}{4}$); thence South 1 degree 39 minutes 42 seconds East along said east line a distance of 1030.20 feet to the Point of Beginning, containing 2.691 acres, more or less.

(the "Real Estate").

WHEREAS, the Board desires to consider permanently disposing of the Real Estate by conveying fee title to John R. Wilson and Kathryn S. Wilson (the "Purchaser") in exchange for the payment of \$4,036.50 (\$1,500 per acre).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION THIS 1st DAY OF JUNE 2011 AND INTENDING TO EXERCISE ITS POWERS PURSUANT TO K.S.A. 19-211(b), DOES HEREBY RESOLVE AS FOLLOWS:

1. Methodology for Disposal of Specific Property. The Board adopts the following methodology with respect to its potential disposal of the Real Estate:
 - a. The property proposed to be disposed of is the Real Estate described above in the Recitals.
 - b. The proposed method of disposal of the Real Estate involves a quit-claim deed to the Purchaser, in exchange for payment of \$4,036.50 (\$1,500 per acre).
 - c. Public comment and public participation in the disposition of the Real Estate shall be permitted and will be received and considered at a public hearing and allow public

participation to be held during the regularly scheduled Board of County Commission meeting on June 15, 2011, commencing at 6:35 p.m.

- d. After conclusion of the public hearing, the Board will make a determination whether to take formal action to enter into a contract to sell and convey fee title to some or all of the Real Estate to the Purchaser, considering such matters as the Board determines relevant including, but not limited to, the sales price and the reservation of land for future road right of way.
 - e. The Board's decision to dispose of the Real Estate must be made unanimously by all three members of the Board.
 - f. The County Administrator shall cause a Notice of Public Hearing and Public Participation to be published one time in the official County newspaper no less than 7 days before the date of the public hearing, in accordance with the form provided in Exhibit A.
2. Effective Date. This Resolution shall take effect and be in force from and after its adoption.

IN WITNESS WHEREOF, the foregoing Resolution was adopted this 1st day of June 2011.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

ATTEST:

Jim Flory, Chair

Nancy Thellman, Commissioner

Jameson D. Shew, County Clerk

Mike Gaughan, Commissioner

Douglas County Resolution No.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, PROVIDING FOR THE ESTABLISHMENT OF THE DOUGLAS COUNTY HERITAGE CONSERVATION COUNCIL; PRESCRIBING THE PURPOSE, COMPOSITION, POWERS, AND DUTIES OF THE HERITAGE CONSERVATION COUNCIL.

Whereas, The Commissioners of Douglas County believe it is important to conserve the natural and cultural heritage resources of the County;

Whereas, The Commissioners of Douglas County believe conserving the natural and cultural heritage of the County will benefit future generations and enhance economic development benefits of tourism, local agriculture, and other endeavors based on such conservation efforts; and

Whereas, the Commissioners of Douglas County have allocated funds to be utilized in order to accomplish this vision;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Douglas County, Kansas:

SECTION 1. Establishment of Council; Name

The County Commission hereby establishes the Douglas County Heritage Conservation Council; hereinafter referred to as the Council.

SECTION 2. Purpose

The purpose of the Council is to ensure the conservation of Douglas County's natural and cultural resources. Toward this end, the Council will administer the Douglas County Natural and Cultural Heritage Grant Program, monitor the ongoing inventory of natural and cultural heritage resources, pursue the designation of Douglas County as a Certified Local Government, adopt its own operational procedures, and carry out any other tasks assigned by the Douglas County Commission.

SECTION 3. Composition

The Council shall consist of 7 members who are Douglas County residents, and who demonstrate an interest in historic preservation and conservation of the County's natural and cultural heritage. Efforts should be made to balance the representation of all communities and unincorporated areas in the County. All members will be appointed and approved by the Douglas County Commission. Three members shall be a diversity of preservation-related professionals, as recognized by the relevant standards of their respective profession, such as architect, architectural historian, archeologist, historian, landscape architect, and planner. The remaining 4 members shall be a diversity of either professionals or lay persons with interest in fields closely

related to agriculture, tourism, unique and significant lands, ecology, geography, natural science, economic development, history, or environment. At least one preservation professional shall be on any subcommittee of the Council.

SECTION 4. Terms

The term of office of the members of the Council shall be for 3) years, excepting the first Council which shall consist of 2 members serving for one year, 2 members serving for 2 years, and 3 members serving for 3 years. A member may not serve more than 2 full consecutive terms. Vacancies shall be filled for the unexpired term only.

SECTION 5. Officers

Officers shall consist of a Chair and Vice-Chair elected by the members of the Council who shall each serve a term of one year and shall be eligible for re-election; but no member shall serve as Chair for more than 2 consecutive years. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both are absent, a Temporary Chair shall be elected by those present.

SECTION 6. Meetings

(A) A quorum shall consist of a majority of the members. Decisions or actions of the Council shall be made using the consensus decision making rule, or by a majority vote if consensus cannot be reached. Meetings shall be held at the discretion of the Council at, with at least two of the meetings the beginning of each calendar year; additional meetings shall be on the call of the Chair. No member of the Council shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member. No member of the Council may vote by proxy. Final decisions regarding property will be made by the County Commission. The Chair, and in his or her absence the Acting Chair, may request the attendance of witnesses.

(B) All meetings of the Heritage Conservation Council shall be open to the public. The Council shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Council and shall be a public record.

SECTION 7. Powers & Duties

(A) All of the powers and duties enumerated herein are subject to the approval, denial, or modification by the County Commission. Further, all funds necessary to carry out the purpose of this document shall be approved and appropriated only by the County Commission.

(B) In addition to other responsibilities specified in this document, the Council may:

(1) Adopt its own procedural regulations, subject to the laws of the State of Kansas and Douglas County;

(2) Conduct an ongoing inventory of natural and cultural heritage resources, including but not limited to historically and architecturally significant properties and lands,



JAMIE SHEW
DOUGLAS COUNTY CLERK

1100 Massachusetts
Lawrence, KS 66044

Phone: 785-832-5267

Fax: 785-832-5192

Carrie F. Moore
Chief Deputy Clerk

Benjamin Lampe
Deputy Clerk-Elections

CERTIFICATE OF SUFFICIENCY SIGNATURES OF PETITION

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

I, the undersigned, County Clerk of Douglas County, Kansas, do hereby certify that the Petition titled "Petition to Create Community Improvement District for Yankee Tank Dam in Douglas County, Kansas" filed with the Board of County Commissioners, requesting that the Board of County Commissioners create a community improvement district for rehabilitation of Yankee Tank Dam pursuant to K.S.A. 12-6a26 *et seq.*, has been signed by (i) owners of more than 55% or more of the land area within the proposed district; and (ii) owners collectively owning more than 55% by assessed value of land area within the proposed district.

WITNESS my hand and seal as of April 4, 2011.

DOUGLAS COUNTY, KANSAS

By 
JAMESON D. SHEW, County Clerk

Alvamar

TO THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

RECEIVED
DOUGLAS COUNTY CLERK
LAWRENCE, KANSAS

2011 APR -4 A 10:44

PETITION TO CREATE COMMUNITY IMPROVEMENT DISTRICT
[YANKEE TANK DAM]

The undersigned do hereby petition the Board of County Commissioners (the "Board") of Douglas County, Kansas (the "County") for the creation of a community improvement district pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"). In support of said Petition, the undersigned state and agree to the following:

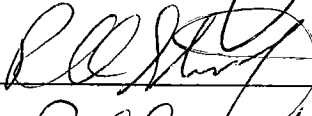
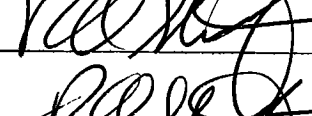
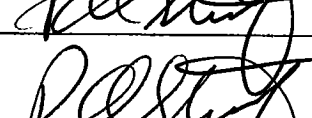
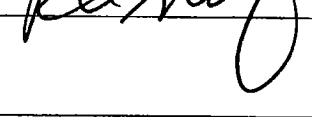
1. The undersigned are the owners of more than (i) 55% of the land area within the proposed community improvement district (the "District") and (ii) 55% of the assessed value of the land area within the proposed District.
2. The real property to be included within the boundaries of the proposed District and assessed for a portion of the costs of the proposed project (the "Project") is described on **Exhibit A** attached hereto. A map of the proposed district is attached hereto as **Exhibit B**.
3. The general nature of the proposed Project is rehabilitation of Yankee Tank Dam, as follows:

Rehabilitation of Yankee Tank Dam (Wakarusa Watershed Joint District No. 35, site 24) to bring the dam structure into compliance with state and federal dam safety regulations. Yankee Tank dam will extend flood control benefits to the downstream properties for another 100 years. Additional incidental benefits include wildlife habitat enhancement, aquatic plants and fisheries improvements, local recreational restoration, and community esthetic value re-creation through a restored permanent pool, and improved water quality.

4. The cost of the Project, including acquisition of land and easements, is estimated at \$1,988,600, with not to exceed \$180,000 to be paid by the proposed District and the remaining amounts to be paid from a consortium of other public and private entities such as, but not limited to, the City of Lawrence, Kansas, Douglas County, Kansas, Wakarusa Watershed Joint District No. 35, the Kansas Department of Transportation, Kansas Conservation Commission, and the Natural Resources Conservation Service, an agency of the United States Department of Agriculture.
5. The proposed method of financing the proposed District's share of the Project is through issuance of Douglas County, Kansas full faith and credit bonds, to be paid by special assessments imposed against the property within the proposed District pursuant to K.S.A. 12-6a30, but only if the Project is constructed. No community improvement district sales tax shall be imposed pursuant to K.S.A. 12-6a31.
6. The proposed method of assessment of the proposed District's portion of the cost of the Project is by shares, with the total number of shares being 38 and each separate parcel of land being allocated the number of shares assigned to it as set forth in **Exhibit A**. In the event that any initial parcel of land is later subdivided, the unpaid assessment on that parcel shall be prorated to the new subparcels on the basis of land area. In the event that any unplatted parcel is platted, the assessment otherwise attributable to any land coming within streets or other public property shall be spread among the new platted lots on the basis of land area.

7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

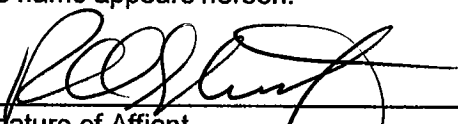
IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
Alvamar, Inc.		Tract No. 1	1/10/11
Alvamar, Inc.		Tract No. 2	1/10/11
Alvamar, Inc.		Tract No. 3	1/10/11
Alvamar, Inc.		Tract No. 16	1/10/11
Alvamar, Inc.		Tract No. 17	1/10/11
Alvamar, Inc.		Tract No. 18	1/10/11

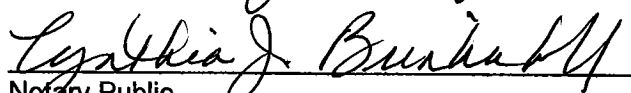
AFFIDAVIT AND VERIFICATION OF CIRCULATOR

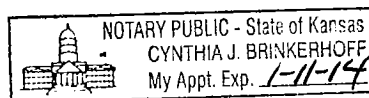
STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

I, Dick Stuntz, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon.


Signature of Affiant
Printed Name: Dick Stuntz
Address: 1809 Crossgate Drive
Lawrence KS 66047

Subscribed and sworn to before me this 14th day of January 2010. 2011


Notary Public
My appointment expires: 1-11-14



(signature page continued)

[illegible]

AFFIDAVIT AND VERIFICATION OF CIRCULATOR

STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

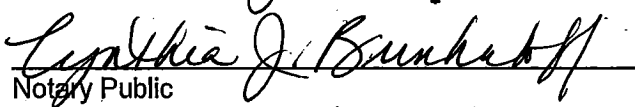
I, Dick Stuntz, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon.


Signature of Affiant

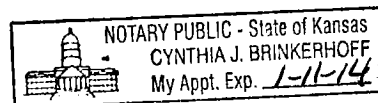
Printed Name: Dick Stuntz

Address: 1809 Crossgate Dr.
Lawrence, KS 66047

Subscribed and sworn to before me this 11th day of January 2010. 2011


Notary Public

My appointment expires: 1-11-14



7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

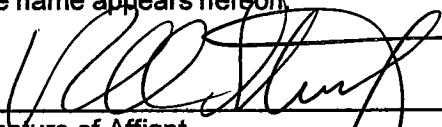
IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
DAN BLOMSTEN		5-13-19 BEG AT POINT S89°26'46"OS"W	
DAN BLOMSTEN		5-13-19 BEG AT POINT S89°26'46"OS"W	
LOTS #9 & #10	W EXHIBIT B		

AFFIDAVIT AND VERIFICATION OF CIRCULATOR

STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

I, Dick Stuntz, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon.


Signature of Affiant

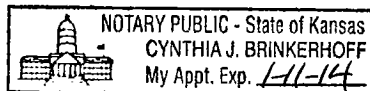
Printed Name: Dick Stuntz

Address: 1809 Crossgate Dr.
Lawrence KS 66047

Subscribed and sworn to before me this 29th day of December, 2010.


Notary Public

My appointment expires: 1-11-14



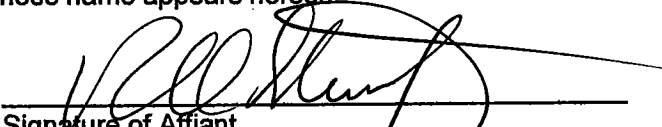
(signature page continued)

2-16-11

AFFIDAVIT AND VERIFICATION OF CIRCULATOR

STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

I, Dick Stuntz, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon


Signature of Affiant

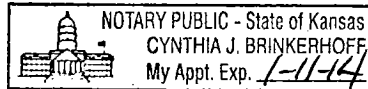
Printed Name: Dick Stuntz

Address: 1809 Crossgate Dr.
Lawrence KS 66047

Subscribed and sworn to before me this 16th day of February ~~2010~~ 2011


Notary Public

My appointment expires: 1-11-14



7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

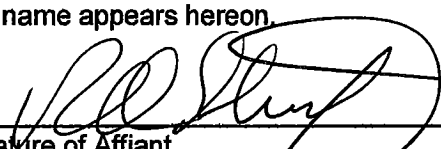
IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
Belvedere, LC Michael K. Herrman	<i>Michael K. Herrman</i>	Tract No. 4	12-15-10

AFFIDAVIT AND VERIFICATION OF CIRCULATOR

STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

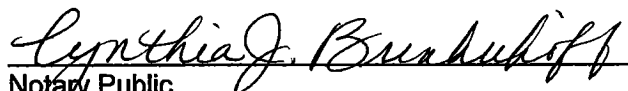
I, Dick Stuntz, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon.

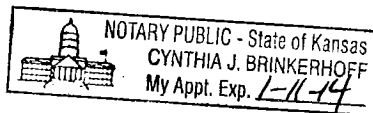

Signature of Affiant

Printed Name: Dick Stuntz

Address: 1809 Crossgate Dr.
Lawrence, KS 66047

Subscribed and sworn to before me this 15th day of December 2010.


Notary Public
My appointment expires: 1-11-14



Paley

TO THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

PETITION TO CREATE COMMUNITY IMPROVEMENT DISTRICT
[YANKEE TANK DAM]

The undersigned do hereby petition the Board of County Commissioners (the "Board") of Douglas County, Kansas (the "County") for the creation of a community improvement district pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"). In support of said Petition, the undersigned state and agree to the following:

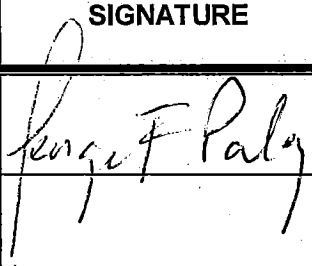
1. The undersigned are the owners of more than (i) 55% of the land area within the proposed community improvement district (the "District") and (ii) 55% of the assessed value of the land area within the proposed District.
2. The real property to be included within the boundaries of the proposed District and assessed for a portion of the costs of the proposed project (the "Project") is described on **Exhibit A** attached hereto. A map of the proposed district is attached hereto as **Exhibit B**.
3. The general nature of the proposed Project is rehabilitation of Yankee Tank Dam, as follows:

Rehabilitation of Yankee Tank Dam (Wakarusa Watershed Joint District No. 35, site 24) to bring the dam structure into compliance with state and federal dam safety regulations. Yankee Tank dam will extend flood control benefits to the downstream properties for another 100 years. Additional incidental benefits include wildlife habitat enhancement, aquatic plants and fisheries improvements, local recreational restoration, and community esthetic value re-creation through a restored permanent pool, and improved water quality.

4. The cost of the Project, including acquisition of land and easements, is estimated at \$1,988,600, with not to exceed \$180,000 to be paid by the proposed District and the remaining amounts to be paid from a consortium of other public and private entities such as, but not limited to, the City of Lawrence, Kansas, Douglas County, Kansas, Wakarusa Watershed Joint District No. 35, the Kansas Department of Transportation, Kansas Conservation Commission, and the Natural Resources Conservation Service, an agency of the United States Department of Agriculture.
5. The proposed method of financing the proposed District's share of the Project is through issuance of Douglas County, Kansas full faith and credit bonds, to be paid by special assessments imposed against the property within the proposed District pursuant to K.S.A. 12-6a30, but only if the Project is constructed. No community improvement district sales tax shall be imposed pursuant to K.S.A. 12-6a31.
6. The proposed method of assessment of the proposed District's portion of the cost of the Project is by shares, with the total number of shares being 38 and each separate parcel of land being allocated the number of shares assigned to it as set forth in **Exhibit A**. In the event that any initial parcel of land is later subdivided, the unpaid assessment on that parcel shall be prorated to the new subparcels on the basis of land area. In the event that any unplatted parcel is platted, the assessment otherwise attributable to any land coming within streets or other public property shall be spread among the new platted lots on the basis of land area.

7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

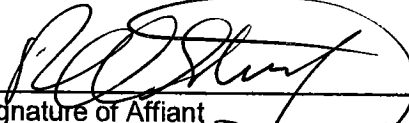
IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
GEORGE F PALEY		13	2/3/11

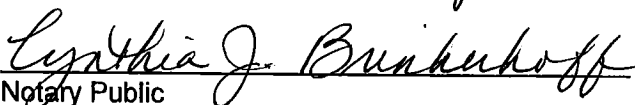
AFFIDAVIT AND VERIFICATION OF CIRCULATOR

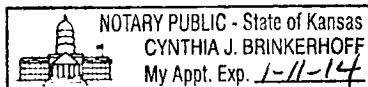
STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

I, Richard Stuntz, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon.


Signature of Affiant
Printed Name: Richard A. Stuntz
Address: 2104 Greenbrier
Lawrence, KS 66047

Subscribed and sworn to before me this 14th day of February 2010. 2011


Notary Public
My appointment expires: 1-11-14



7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

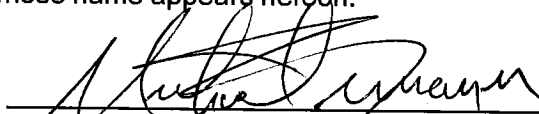
IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
Amy Sand	Amy J Sand	1720 Lake Alvarado Dr.	12-21-10
Rian Sand	Rian Sand	1720 Lake Alvarado Dr.	12-21-10
Vicki Germann, Trustee	Vicki L. Germann, Trustee	1718 Lake Alvarado Dr.	12/21/10
Michael C. Germann Trustee	Michael C. Germann, Trustee	1718 Lake Alvarado Dr.	12-21-10

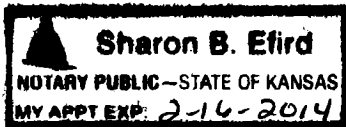
AFFIDAVIT AND VERIFICATION OF CIRCULATOR

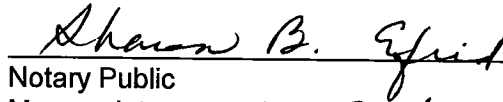
STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

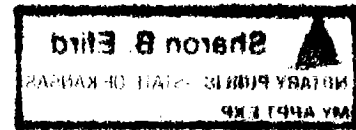
I, Michael C. Germann, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon.


Signature of Affiant
Printed Name: Michael C. Germann
Address: 1718 Lake Alvarado Dr.
Lawrence, KS 66047

Subscribed and sworn to before me this 21st day of March 2010. 2011




Notary Public
My appointment expires: 2-16-2014



Seufferling

TO THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

PETITION TO CREATE COMMUNITY IMPROVEMENT DISTRICT
[YANKEE TANK DAM]

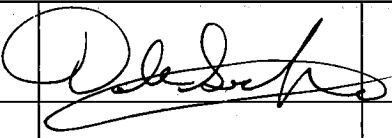
The undersigned do hereby petition the Board of County Commissioners (the "Board") of Douglas County, Kansas (the "County") for the creation of a community improvement district pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"). In support of said Petition, the undersigned state and agree to the following:

1. The undersigned are the owners of more than (i) 55% of the land area within the proposed community improvement district (the "District") and (ii) 55% of the assessed value of the land area within the proposed District.
2. The real property to be included within the boundaries of the proposed District and assessed for a portion of the costs of the proposed project (the "Project") is described on **Exhibit A** attached hereto. A map of the proposed district is attached hereto as **Exhibit B**.
3. The general nature of the proposed Project is rehabilitation of Yankee Tank Dam, as follows:

Rehabilitation of Yankee Tank Dam (Wakarusa Watershed Joint District No. 35, site 24) to bring the dam structure into compliance with state and federal dam safety regulations. Yankee Tank dam will extend flood control benefits to the downstream properties for another 100 years. Additional incidental benefits include wildlife habitat enhancement, aquatic plants and fisheries improvements, local recreational restoration, and community esthetic value re-creation through a restored permanent pool, and improved water quality.
4. The cost of the Project, including acquisition of land and easements, is estimated at \$1,988,600, with not to exceed \$180,000 to be paid by the proposed District and the remaining amounts to be paid from a consortium of other public and private entities such as, but not limited to, the City of Lawrence, Kansas, Douglas County, Kansas, Wakarusa Watershed Joint District No. 35, the Kansas Department of Transportation, Kansas Conservation Commission, and the Natural Resources Conservation Service, an agency of the United States Department of Agriculture.
5. The proposed method of financing the proposed District's share of the Project is through issuance of Douglas County, Kansas full faith and credit bonds, to be paid by special assessments imposed against the property within the proposed District pursuant to K.S.A. 12-6a30, but only if the Project is constructed. No community improvement district sales tax shall be imposed pursuant to K.S.A. 12-6a31.
6. The proposed method of assessment of the proposed District's portion of the cost of the Project is by shares, with the total number of shares being 38 and each separate parcel of land being allocated the number of shares assigned to it as set forth in **Exhibit A**. In the event that any initial parcel of land is later subdivided, the unpaid assessment on that parcel shall be prorated to the new subparcels on the basis of land area. In the event that any unplatted parcel is platted, the assessment otherwise attributable to any land coming within streets or other public property shall be spread among the new platted lots on the basis of land area.

7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
Dale Seuferling		5	1-14-11

PETITION TO CREATE COMMUNITY IMPROVEMENT DISTRICT

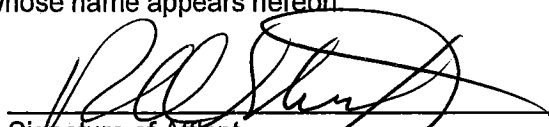
[YANKEE TANK DAM]
(signature page continued)

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE

AFFIDAVIT AND VERIFICATION OF CIRCULATOR

STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

I, Dick Stuntz, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon.


Signature of Affiant

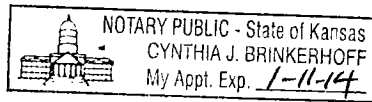
Printed Name: Dick Stuntz

Address: 1809 Crossgate Dr
Lawrence KS 66047

Subscribed and sworn to before me this 14th day of January 2010. 2011


Notary Public

My appointment expires: 1-11-14



**TO THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS**

**PETITION TO CREATE COMMUNITY IMPROVEMENT DISTRICT
[YANKEE TANK DAM]**

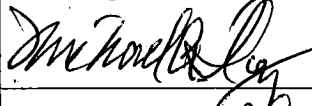
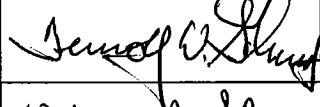
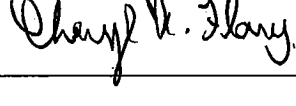
The undersigned do hereby petition the Board of County Commissioners (the "Board") of Douglas County, Kansas (the "County") for the creation of a community improvement district pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"). In support of said Petition, the undersigned state and agree to the following:

1. The undersigned are the owners of more than (i) 55% of the land area within the proposed community improvement district (the "District") and (ii) 55% of the assessed value of the land area within the proposed District.
2. The real property to be included within the boundaries of the proposed District and assessed for a portion of the costs of the proposed project (the "Project") is described on ***Exhibit A*** attached hereto. A map of the proposed district is attached hereto as ***Exhibit B***.
3. The general nature of the proposed Project is rehabilitation of Yankee Tank Dam, as follows:

Rehabilitation of Yankee Tank Dam (Wakarusa Watershed Joint District No. 35, site 24) to bring the dam structure into compliance with state and federal dam safety regulations. Yankee Tank dam will extend flood control benefits to the downstream properties for another 100 years. Additional incidental benefits include wildlife habitat enhancement, aquatic plants and fisheries improvements, local recreational restoration, and community esthetic value re-creation through a restored permanent pool, and improved water quality.
4. The cost of the Project, including acquisition of land and easements, is estimated at \$1,988,600, with not to exceed \$180,000 to be paid by the proposed District and the remaining amounts to be paid from a consortium of other public and private entities such as, but not limited to, the City of Lawrence, Kansas, Douglas County, Kansas, Wakarusa Watershed Joint District No. 35, the Kansas Department of Transportation, Kansas Conservation Commission, and the Natural Resources Conservation Service, an agency of the United States Department of Agriculture.
5. The proposed method of financing the proposed District's share of the Project is through issuance of Douglas County, Kansas full faith and credit bonds, to be paid by special assessments imposed against the property within the proposed District pursuant to K.S.A. 12-6a30, but only if the Project is constructed. No community improvement district sales tax shall be imposed pursuant to K.S.A. 12-6a31.
6. The proposed method of assessment of the proposed District's portion of the cost of the Project is by shares, with the total number of shares being 38 and each separate parcel of land being allocated the number of shares assigned to it as set forth in ***Exhibit A***. In the event that any initial parcel of land is later subdivided, the unpaid assessment on that parcel shall be prorated to the new subparcels on the basis of land area. In the event that any unplatted parcel is platted, the assessment otherwise attributable to any land coming within streets or other public property shall be spread among the new platted lots on the basis of land area.

7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
Don Brown on behalf of North Tank, L.C.		LOT 11, THE RESERVE	12-20-10
MICHAEL A. FLORY		SITE # 11 - LONG LEGAL WEST SIDE	12-21-10
Timothy Schmitt		1712 Lake Alvarado Dr. Lawrence, KS	12/22/10
Cheryl A. Flory		site # 11 - Long Legal West side	12-22-10

7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
RODNEY LAING	<i>Rodney Laing</i>	1835 FOXFIRE DR.	3/4/11
JANNAH LAING	<i>Jannah Laing</i>	1835 FOXFIRE DR.	3/4/11
RLCC, INC.	<i>Rod Laing, President</i>	1836 FOXFIRE	3/4/11
RLCC, INC.	<i>Rod Laing, President</i>	1831 FOXFIRE	3/4/11

**TO THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS**

**PETITION TO CREATE COMMUNITY IMPROVEMENT DISTRICT
[YANKEE TANK DAM]**

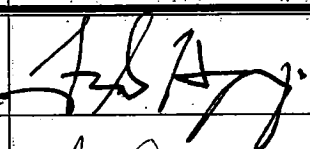
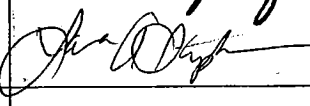
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1. The undersigned are the owners of more than (i) 55% of the land area within the proposed community improvement district (the "District") and (ii) 55% of the assessed value of the land area within the proposed District.
2. The real property to be included within the boundaries of the proposed District and assessed for a portion of the costs of the proposed project (the "Project") is described on ***Exhibit A*** attached hereto. A map of the proposed district is attached hereto as ***Exhibit B***.
3. The general nature of the proposed Project is rehabilitation of Yankee Tank Dam, as follows:

Rehabilitation of Yankee Tank Dam (Wakarusa Watershed Joint District No. 35, site 24) to bring the dam structure into compliance with state and federal dam safety regulations. Yankee Tank dam will extend flood control benefits to the downstream properties for another 100 years. Additional incidental benefits include wildlife habitat enhancement, aquatic plants and fisheries improvements, local recreational restoration, and community esthetic value re-creation through a restored permanent pool, and improved water quality.
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5. The proposed method of financing the proposed District's share of the Project is through issuance of Douglas County, Kansas full faith and credit bonds, to be paid by special assessments imposed against the property within the proposed District pursuant to K.S.A. 12-6a30, but only if the Project is constructed. No community improvement district sales tax shall be imposed pursuant to K.S.A. 12-6a31.
6. The proposed method of assessment of the proposed District's portion of the cost of the Project is by shares, with the total number of shares being 38 and each separate parcel of land being allocated the number of shares assigned to it as set forth in ***Exhibit A***. In the event that any initial parcel of land is later subdivided, the unpaid assessment on that parcel shall be prorated to the new subparcels on the basis of land area. In the event that any unplatted parcel is platted, the assessment otherwise attributable to any land coming within streets or other public property shall be spread among the new platted lots on the basis of land area.

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8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in **Exhibit A** shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
Francis G. Henriquez, II, Trustee		Lake Estates Subdivision, No 6, Blk 1, Lot 1	Dec 21, 2010
Laura A. Stephenson, Trustee		Lake Estates Subdivision, No 6, Blk 1, Lot 1	Dec 21 2010

7. Names of signers of this Petition may not be withdrawn after the earlier of (i) the date the Board commences consideration of this Petition or (ii) 7 days after the filing of this Petition with the Douglas County Clerk.
8. The undersigned consent to any assessments to the extent described in this Petition without regard to the benefits conferred by the Project.
9. This Petition shall be null and void after the Board has determined not to create the District or after a period of two years from the date of the first signature on this Petition, whichever occurs first.
10. All similar petitions which have been signed by the owners of the land described in *Exhibit A* shall be incorporated by reference and, together with this Petition, shall be construed as one document which represents and is to be read as one complete Petition to be presented to the Board.

IN WITNESS WHEREOF, the undersigned have executed our name(s) on the respective dates shown below:

PRINTED NAME	SIGNATURE	PROPERTY ADDRESS OR LEGAL or Tract No. (see Exhibits)	DATE
Michael H. Beers		8	12-27-10

AFFIDAVIT AND VERIFICATION OF CIRCULATOR

STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

I, Michael C. McGrew, being duly sworn upon oath, depose and say that: I am the circulator of this Petition; my residence is as set forth below; and I have personally witnessed the signing of this Petition by each person whose name appears hereon.

[Signature]
Signature of Affiant

Printed Name: Michael C. McGrew

Address: 1727 Lake Avenue Drive
Lawrence, KS 66047

Subscribed and sworn to before me this 14 day of March 2010.

[Signature]
Notary Public

My appointment expires:

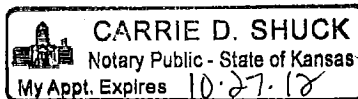


EXHIBIT A

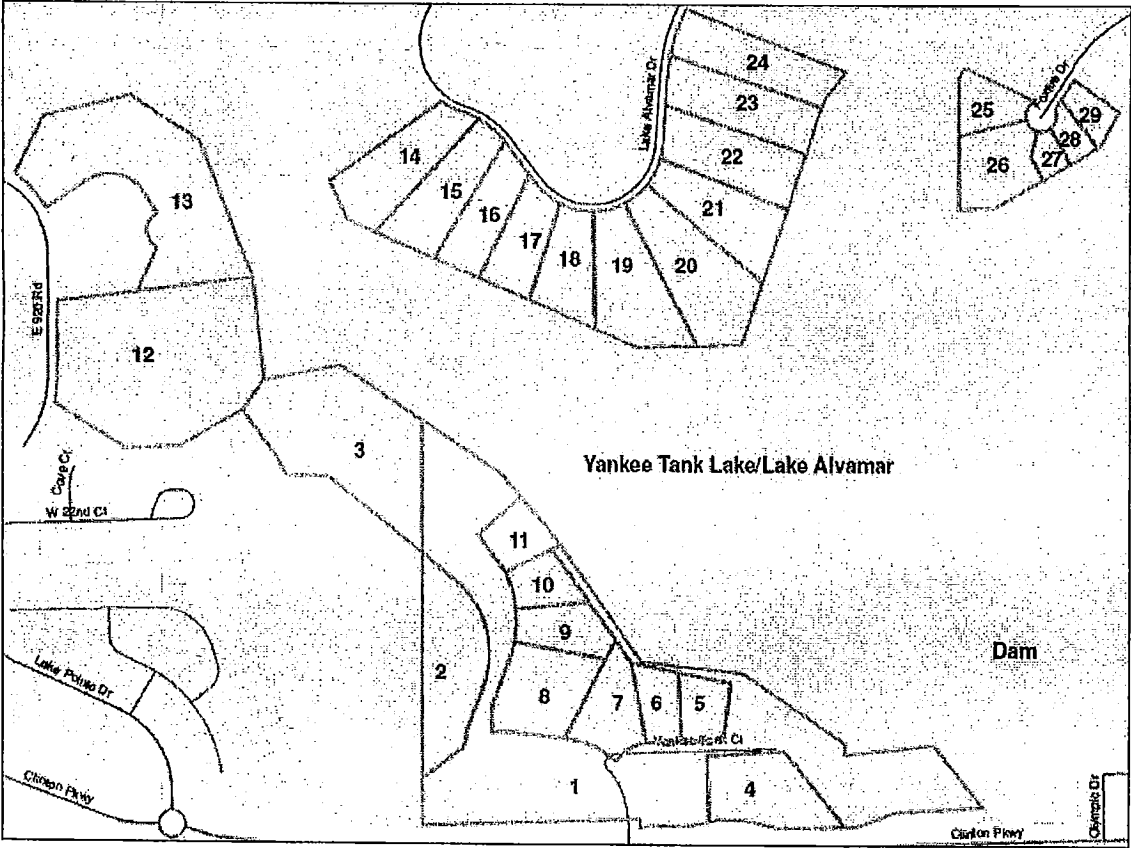
Property Within Proposed
Yankee Tank Community Improvement District

Tract #	Owner	Legal	Assessed Value	Shares
1	ALVAMAR INC	ATTN STUNTZ RICHARD		
		5-13-19 SE QR THAT PORTION OF 400356B03 ANNEXED ORD 7550 985/5185 DESC: COM SW CR SD QR N00DEG12'37"W 235.75 FT ALONG W LN SD QR TO PT BEG TH ALONG W LN SD QR 179.4 FT TH N52DEG33'09"E 242.1 FT TH N08DEG11'38"E 85.6 FT TH N20DEG43'33"E 178.9 FT TH N16DEG24'35"W 460.3 FT TH N51DEG32'41"W 158.8 FT TO A PT ON W LN SD QR TH N00DEG12'37"W 505.2 FT TH S68DEG36'24"E 369.1 FT TH S41DEG31'01"E 118.4 FT TH S48DEG31'19"W 221.1 FT TH S37DEG17'34"E 177.1 FT TH S15DEG45'12"E 148.1 FT TH S02DEG13'59"W 124.9 FT TH S20DEG32'25"W 234.1 FT TH SLY 130.9 FT TH S88DEG12'11"E 176.7 FT TH S82DEG43'19"E 104.8 FT TH S64DEG29'00"E 197.3 FT TH N62DEG11'28"E 114.2 FT TH N87DEG55'33"E 279.2 FT TH N07DEG19'07"E 222 FT TH N78DEG44'32"W 398.8 FT TH N35DEG57'51"W 534 FT TH N64DEG30'13"E 37 FT TH S35DEG41'38"E 548.1 FT TH S84DEG02'14"E 388.9 FT TH S55DEG63'48"E 480.5 FT TH S01DEG50'40"E 46.7 FT TH N83DEG05'46"E 345.7 FT TH S38DEG43'08"E 308.2 FT TH S86DEG47'33"W 334.7 FT TH S88DEG32'12"W 159 FT TH S88DEG16'39"W 51 FT TH N39DEG24'05"W 385.9 FT TH S86DEG05'46"W 299.7 FT TH S01DEG60'40"E 259.3 FT TH S79DEG52'29"W 71	7,180.00	7.9
2	ALVAMAR INC	ATTN STUNTZ RICHARD		
		5-13-19 SE QR THAT PORTION OF 400356B03 ANNEXED ORD 7550 985/5185 DESC: COM SW CR SD QR N00DEG12'37"W 415.15 FT ALONG W LN SD QR TO PT BEG TH N52DEG33'09"E 242.1 FT TH N08DEG11'38"E 85.6 FT TH N20DEG43'33"E 178.9 FT TH N15DEG24'35"W 460.3 FT TH N51DEG32'41"W 158.8 FT TO PT ON E LN SD QR TH S00DEG12'37"E 870.8 FT TO PT BEG 3.6A (DIV 2005 400356B03)	1,380.00	1.5
3	ALVAMAR INC	ATTN STUNTZ RICHARD		
		5-13-19 SW QR THAT PORTION OF 400355KB ANNEXED IN ORD 7550 985/5185 DESC: COM SE CR SD QR N00DEG12'37"W 1285.23 FT ALONG LN SD QR TO PT BEG TH CONT ALONG SD E LN 505.2 FT TH N56DEG38'24"W 380.8 FT TH S78DEG21'47"W 300.5 FT TH S35DEG54'53"W 140 FT TH S36DEG02'25"E 260.30 FT TH S88DEG57'13"E 160.7 FT TH S51DEG32'41"E 486.6 FT TO PT BEG 6.3A (DIV 2005 400355KB)	5,745.00	2.6
4	BELVEDERE LC	ATTN HERRMAN MICHAEL		
5	K U ENDOWMENT ASSN	ATTN SOUKUP MONTE		
6	BRAND JOHN W JR	HOFFMAN WILLIAM E		
		HERRMAN ADD BLK 1 LT 1 A SUBDIVISION OF 5-13-19 COM AT SE COR SEC 5 5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 1640.17 FT & N 0DEG13'55"W 424.92 FT FROM SE COR SE 1/4 TH S89DEG43'30"W 113.8 FT TH WLY ON 185 FOOT RADIUS CURVE TO LEFT ARC LENGTH 25 FT TH N08DEG36"W 315.82 FT TH S78DEG56'32"E 189.53 FT TH S 0DEG18'30"E 266.9 FT TO PT BEG 1.081A	31,620.00 1,800.00 720.00	1 1 1
7	BILLINGS ROBERT G	ATTN BILLINGS BEVERLY		
		5-13-19 BEG AT PT WHICH IS S89DEG46'05"W ALONG S LINE 1778.89 FT & N 0DEG13'55"W 423.13 FT FROM SE COR SE 1/4 TH SWLY ON 185 FOOT RADIUS CURVE TO LEFT WITH 114.28 FOOT CHORD BEARINGS83DEG59'28"W ARC LENGTH 116.18 FT TH S48DEG00'05"W 27.27 FT TH NWLY ON 310 FOOT RADIUS CURVE TO LEFT WITH 194.04 FOOT CHORD BEARING N62DEG41'W ARC LENGTH 197.38 FT TH N80DEG55'19"W 25 FT TH N29DEG01'57"E 433.64 FT TH S34DEG09'51"E 110 FT TH S08DEG38'E 315.62 FT TO PT BEG 1.816A	690.00	1

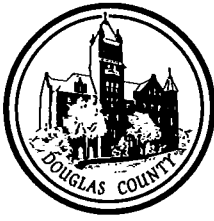
8	BEERS MICHAEL A TRUSTEE		5-13-19 COM AT SE COR SEC 5 THS89DEG46'05"W ALONG S LINE SD SEC 2377.49 FT TH N 0DEG13'55"W 483.27 FT FOR PT BEG:TH N 0DEG13'55"W 68.01 FT TH ON CURVETO RIGHT RADIUS 165 FT ARC DISTANCE 85 FT TH N22DEG20'25"E 157.74 FT TH ON CURVE TO LEFT RADIUS OF 435 FT ARC DISTANCE 76.49 FT TH S77DEG44'05"E 362.22 FT TH S29DEG01'57"W 348.91 FT TH N80DEG55'19"W 104.88 FT TH ON CURVE TO LEFT RADIUS 1455FT ARC DISTANCE 178.8 FT TO BEG 2.61A	28,915.00	1
9	JAM PROPERTIES LLC	ATTN BLOMGREN DANIEL M	5-13-19 BEG AT PT WHICH IS S88DEG46'05"W	1,010.00	1
10	JAM PROPERTIES LLC	ATTN BLOMGREN DANIEL M	5-13-19 BEG AT PT WHICH IS S88DEG46'05"W	385.00	1
11	FLORY MICHAEL A & CHERYL A TRUSTEES		5-13-19 TR OF LAND IN SE QR DESC AS:BEG AT PT WHICH IS S88DEG09'20"W ALONG S LINE 2306.97 FT & N01DEG50'40"W 1098.52 FT FROM SE COR SE QR TH NLY ON 425 FOOT RADIUS CURVE TO LEFT WITH 176.38 FOOT CHORD BEARING N37DEG17'34"W ARC LENGTH 177.67FT TH N49DEG31'19"E 223.6 FT TH S41DEG31'01"E 188.09 FT TH S35DEG41'38"E 51.23 FT TH S64DEG40'58"W 240.92 FT TO PT BEG 1.077A	790.00	1
12	HENRIQUEZ FRANCOIS G II & STEPHENSON LAURA A TRUSTEES		LAKE ESTATES SUB NO 6 BLK 1 LT 1	85,105.00	1
13	PALEY GEORGE F TRUSTEE		LAKE ESTATES SUB NO 3 LT 7, LESS 3.609A D	8,525.00	1
14	GADZIA JOSEPH E		THE RESERVE AT ALVAMAR BLK 1 LT 21 A	83,375.00	1
✓ 15	STEVEN'S THEODORE J	STEVEN'S KATHLEEN H	THE RESERVE AT ALVAMAR BLK 1 LT 20 A	26,385.00	1
✓ 16	ALVAMAR INC	ATTN STUNTZ RICHARD	THE RESERVE AT ALVAMAR BLK 1 LT 19 A	19,335.00	1
✓ 17	ALVAMAR INC	ATTN STUNTZ RICHARD	THE RESERVE AT ALVAMAR BLK 1 LT 18 A	21,480.00	1
✓ 18	ALVAMAR INC	ATTN STUNTZ RICHARD	THE RESERVE AT ALVAMAR BLK 1 LT 17 A	23,035.00	1
19	SAND RIAN	SAND AMY J	THE RESERVE AT ALVAMAR BLK 1 LT 16 A	101,450.00	1
20	GERMANN MICHAEL C & VICKI L TRUSTEES		THE RESERVE AT ALVAMAR BLK 1 LT 15 A	152,220.00	1
21	KLISH DARREN	KLISH LAURA	THE RESERVE AT ALVAMAR BLK 1 LT 14 A	24,135.00	1
22	PATEL SANDIP	PATEL DIPAK & PATEL ASHISH	THE RESERVE AT ALVAMAR BLK 1 LT 13 A	24,405.00	1
23	SCHMIDT TIMOTHY W	SCHMIDT KIMBERLY J	THE RESERVE AT ALVAMAR BLK 1 LT 12 A	130,845.00	1
24	NORTH TANK LC	ATTN BROWN DOUG	THE RESERVE AT ALVAMAR BLK 1 LT 11 A	26,630.00	1
25	RLCC INC	ATTN LAING RODNEY D	FOXFIRE ADD NO 5 BLK 2 LT 16 A	10,550.00	1
26	LAING RODNEY D	LAING JANNAH K	FOXFIRE ADD NO 5 BLK 2 LT 17A A	132,410.00	1
27	RLCC INC	ATTN LAING RODNEY D	FOXFIRE ADD NO 5 BLK 2 LT 18A A	9,720.00	1
28	GIBSON HARRY	GIBSON BECKY	FOXFIRE ADD NO 5 BLK 2 LT 19 A	110,865.00	1
28	VAUGHN DAVID A	VAUGHN LAURA M	FOXFIRE ADD NO 5 BLK 2 LT 20 A	106,930.00	1
			TOTAL	1,176,425.00	38

EXHIBIT B

Yankee Tank Community Improvement District



D8-24-10



DOUGLAS COUNTY ZONING & CODES

2108 W. 27th Street, Suite I
Lawrence, KS 66047
(785) 331-1343 Fax (785) 331-1347

Keith R. Dabney
Director

MEMORANDUM

TO : Douglas County Board of County Commissioners
Craig Weinaug, Douglas County Administrator

FROM: Keith R. Dabney, Director, Zoning & Codes Department

DATE : May 18, 2011

RE : Temporary Business Use Permit – Black Jack Battlefield and Nature Park Events – 163 E 2000 Road, Baldwin City, Kansas 66006

The Black Jack Battlefield Trust, Inc. is planning a series of events for 2011 for the 155th Anniversary of John Brown's Battle at Black Jack, Dawn of the Civil War for the following dates:

- June 3th, Friday – 1856 Lamplight Camp Tour
- June 4th, Saturday - John Brown's Battle of Black Jack – Commemoration of the 155th Anniversary
- August 13 & 14 – Tours of Black Jack Battlefield in conjunction with "Civil War on the Western Frontier" activities held in Lawrence, Kansas.
- October 15 & 16 – Maple Leaf Festival – Guided tours in conjunction with the Baldwin City Maple Leaf Festival.

Black Jack Battlefield and Nature Park is located 3 miles east of Baldwin City, Kansas and ¼ mile South of Highway 56 at 163 E 200 Road, Baldwin City, Kansas. The proposed hours of operation will be from 9:00 A.M. to 7:00 P.M., for June 4, 2011.

Civil War reenactments, live period music, historic artifacts, tours, food, vendors/crafters, and performances will be held at the Black Jack Battlefield Park, 163 E 2000 Road, Baldwin City, Kansas for the 155th Anniversary of the first battle of the American Civil War. It is anticipated the parking area designated is sufficient and no parking is contemplated on county roads. Dust control will be provided by Douglas County Public Works.

The following have been notified with regard to this request: Douglas County Sheriff's Department, Douglas County Health Department, Palmyra Township, Douglas County Public Works and adjoining property owners within 1,000 feet and property owners within 1 mile of the main entrance.

BUSINESS PLAN
Black Jack Battlefield Trust
P.O. Box 44
Baldwin City, KS 66006

Name of Event: *Battle of Black Jack - Dawn of the Civil War*

Date: June 4, 2011

Purpose of Event: To commemorate the 155th anniversary of John Brown's Battle at Black Jack on June 2, 1856.

Mission: To promote understanding of the historical significance of this site as it relates to the period of Kansas/Missouri history known as *Bleeding Kansas*, and to interpret the events that occurred here as the prelude to our national tragedy, the Civil War.

Goal: To generate support for the preservation of the site and to raise funds to provide for the maintenance and upkeep of the Battlefield, the Robert Hall Pearson Farmstead, and the Nature Park.

Public Events: The Black Jack Battlefield and Nature Park will be open to the public from 9am to 7pm. During that time there will be three film quality battle reenactments, scheduled at 11am, 2:30pm, and 5:00pm. The reenactments are choreographed by Kansas City's Emmy Award winning historic documentary company, Wide Awake Films.

In between these major events there will be tours of the Nature Park and the Santa Fe Trails cabin (off site.) On stage w be Michael Halleran, James Country Mercantile, an antique gun demonstration, musician, Allen McFarland, and living historians, Clarina Nichols and August Bondi.

Off-Stage demonstrators include:

Wet Plate Photography	Wendael Decker
Blacksmith	Kate Dineen
Basketmaker	Robbie Wisdom
Spinner	Aubrey Linter
Sutler	Missouri River Outfitters
Fort Scott Sultery	
Artist	GP Davis
Broom Maker	
Banjo Maker	

Various Tables and Booths:

- Freedom's Frontier National Heritage Area
- Santa Fe Trail Historical Society
- John Brown Museum
- Lone Jack Museum
- Black Jack Battlefield Trust

Sons of Union Veterans of the Civil War
Sons of Confederate Veterans of the Civil War
Genealogists
Franklin County Historical Society

Misc.: Violinist on the battlefield
Children's Storyteller in the farmhouse
Reenactors Campsite

Events not open to the public: Reenactors Encampment. Reenactors will be arriving on Friday afternoon, June 4th, to set up their camp. The campsite will be south of the maple grove, along the east side of Captain's Creek. They will camp overnight, preparing their rations over campfires.

Reenactors Campfire Supper: Saturday evening, June 4th, 7:00 pm barbeque dinner for battle participants

Parking: There will be no parking allowed along E2000Rd. Signage and volunteer parking attendants will direct all vehicles to the south gated entrance to the Black Jack Park. This will be the only vehicular entrance into and exit from the site. Attendants will assist/direct parking in the pasture area. Handicapped parking will be located as close as possible to the activity area, with the drop off area adjacent to the high activity area.

Traffic Controls: There will be a minimum of six volunteers at any given time to direct traffic into and out of the park site. The first point of traffic control will be at the Robert Hall Pearson Park, the second will be at the south entrance gate.

Security: Security will be provided by four off-duty police officers.

Facilities: Five port-a-potties (one handicapped) will be located in plain view from the pasture parking area and the high activity area. Two hand washing stations will be available. The water supply is from the hand dug well located near the Robert Hall Pearson Farmhouse. Getting the water out of the well requires pumping it by hand. A new experience for many!

Bottled water will be available for sale by the Black Jack Battlefield Trust and by the various food vendors. Water from Baldwin City will be provided for the horses.

Food: Three food vendors will be onsite through out the day activities:

Barbeque – Cooks Barbeque
Mexican – Paydro and Lena's Concessions
Kansas Kettle Corn

The attached drawing shows the location of each activity listed above.

Estimated Attendance: One thousand people are expected over the course of the day with approximately 400 people at any given time.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/12/2011

PRODUCER BALDWIN INSURANCE SERVICES P O BOX 4 BALDWIN CITY KS 66006-0004 Phone: 785-594-6822 Fax: 785-594-7088		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.		
INSURED BLACK JACK BATTLEFIELD BATTLE OF BLACK JACK NATURE PARK PO BOX 44 BALDWIN CITY KS 66006-0044	INSURERS AFFORDING COVERAGE		NAIC #	
	INSURER A: USF INSURANCE COMPANY			
	INSURER B:			
	INSURER C:			
	INSURER D:			
		INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
		GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC	LGBGL80363R1	04/28/2011	04/28/2012	EACH OCCURRENCE	\$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
						MED EXP (Any one person)	\$ 5,000
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 1,000,000
						PRODUCTS - COMP/OP AGG	\$
		AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN EA ACC	\$
						AUTO ONLY: AGG	\$
		EXCESS / UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
							\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below OTHER				WC STATU-TORY LIMITS	OTH-ER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

HISTORICAL SOCIETY

CERTIFICATE HOLDER

DOUGLAS COUNTY CODES
ENFORCEMENT DEPT

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

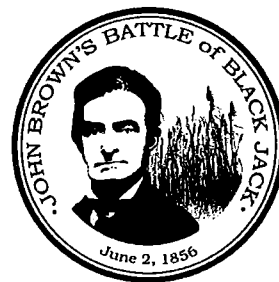
AUTHORIZED REPRESENTATIVE

BLACK JACK BATTLEFIELD & NATURE PARK

3 miles east of Baldwin City, KS on Hwy 56 – turn south on 2000 road
163 E 2000 Road, Wellsville, KS 66092
785.883.2106

www.blackjackbattlefield.org info@blackjackbattlefield.org

CALENDAR OF EVENTS 2011



April 2nd, Saturday - Civil War Trust Park Day

LOCATION: Black Jack Battlefield & Nature Park

TIME: 9:00 a.m.

COST: Free

Help with "Spring clean -up" at various areas of the site.

Come when you can, leave when you must.

Bring your own gloves. No food or drink will be available.

Meet at the Robert Hall Pearson farmstead home.

May 7th, Saturday - Opening Day with John Brown

LOCATION: Black Jack Battlefield & Nature Park

TIME: 1:00 p.m.

COST: Free

Visit us opening day as the tour season kicks off when John Brown gives a guided tour of the battlefield.

Learn the history behind John Brown, the Battle of Black Jack, Bleeding Kansas, and the role that the Santa Fe Trail played in what some argue is the first battle of the American Civil War.

1 p.m. tours on Saturdays and Sundays continue until October 16th.

June 2nd, Thursday - Dawn at Black Jack Battlefield

LOCATION: Black Jack Battlefield & Nature Park

TIME: 5:00 a.m. - arrive by 4:45 a.m.

COST: Free

Walk the Black Jack Battlefield at the exact day and time of the battle, 155 years later.

The guided tour will begin at the Robert Hall Pearson farmstead home.

June 2nd, Thursday - John Brown, Martyr or Madman? - Reader's Theater

LOCATION: Lumberyard Arts Center, 718 High Street, Baldwin City, KS

TIME: 7 – 9:00 p.m.

COST: Free

Refreshments provided

7-7:30 p.m.. St. Lukes AME Church Choir will perform negro spirituals.

Hear the choir from St. Lukes AME Church in Lawrence sing the songs that helped keep hope alive in America's enslaved people.

Stay for the Reader's Theater to follow.

TIME: 7:30 – 9 p.m. Reader's Theater

In commemoration of the 150th anniversary of the start of the Civil War and the recognition of events that occurred in Kansas and Missouri during this period in history by using reader's theater script prepared by the Kansas Humanities Council reflecting both the Kansas and Missouri perspectives. These voices from history provide insight into how 19th century Americans struggled with determining the future of our nation and defining the meaning of freedom.

**BLACK JACK BATTLEFIELD
& NATURE PARK
CALENDAR OF EVENTS 2011
PAGE 2**

June 3rd, Friday – 1856 Lamplight Camp Tour

LOCATION: Black Jack Battlefield & Nature Park

TIME: 8:00 - 9:00 p.m.

COST: \$15 per person

Walk with a guide by lamplight through a professionally reenacted camp straight out of 1856! Take in the sights and sounds of what it would have actually been like to be in Henry Clay Pate's camp the night before the Battle of Black Jack broke out! Meet significant people of the time.

Reservations are required!

Make your reservation by emailing events@blackjackbattlefield.org

or by calling: 785-883-2106

Space is limited! No walk-ons will be permitted.

June 4th, Saturday - John Brown's Battle at Black Jack... dawn of the Civil War

LOCATION: Black Jack Battlefield & Nature Park

TIME: Gate opens at 9:00 a.m. - closes at 7:00 p.m.

COST: Adults \$8 / children 3-12 yrs. \$1

A commemoration of the 155th Anniversary of the Battle of Black Jack.

Three professional reenactments: 11:00 a.m., 2:30 p.m., and 5:30 p.m..

live period music * historic artifacts * first-person historic presenters * children's activities

nature park walks * vendors/crafters/sutlers * period demonstrations * food & drink

August 13th & 14th Sat. & Sun. - John Brown returns to Black Jack Battlefield

LOCATION: Black Jack Battlefield & Nature Park

TIME: 1:00 p.m.

COST: Free

Follow along with John Brown as he takes you on a guided tour of the Black Jack Battlefield.

Event is in conjunction with the Lawrence Civil War on the Western Frontier activities.

October 15 & 16th, Sat. & Sun. - Maple Leaf Festival Tours at Black Jack Battlefield

LOCATION: Black Jack Battlefield & Nature Park

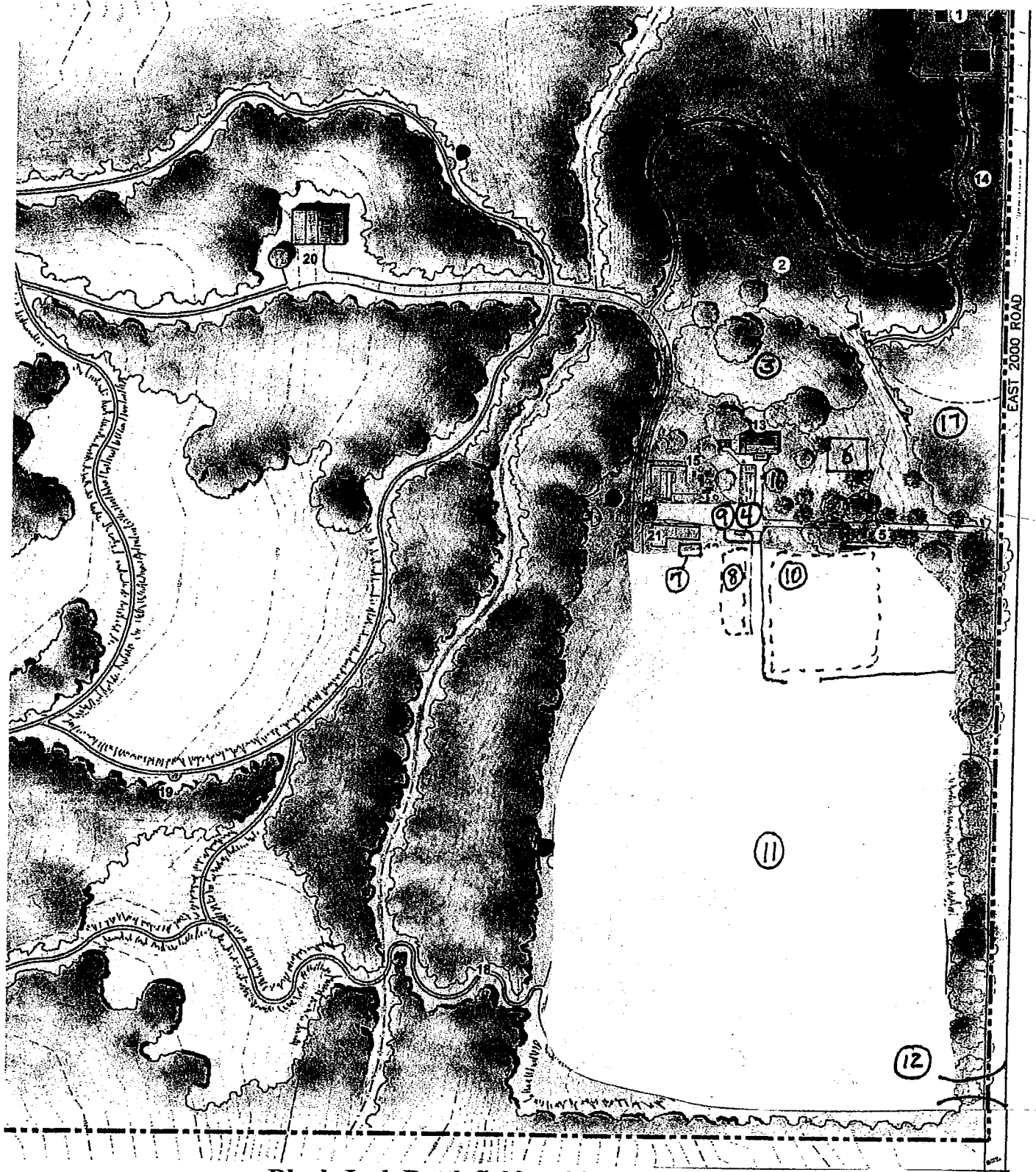
TIME: 11:00 a.m., 1:00 p.m., and 3:00 p.m.

COST: Free

This is our last guided tour weekend for the 2011 season.

You may still visit us 365 days/year from dawn till dusk for self guided tours.

In conjunction with the Baldwin City, Kansas Maple Leaf Festival.



Black Jack Battlefield and Nature Park



- | | | |
|-----------------------------|-------------------------|------------------------------|
| 1. Robert Hall Pearson Park | 8. handicapped parking | 15. barn ruins |
| 2. reenactment area | 9. handicapped drop-off | 16. well with pump |
| 3. viewing area | 10. food vendors | 17. reenactors campsite |
| 4. demonstration tents | 11. pasture parking | 18. nature trail |
| 5. driveway (not entrance) | 12. south entrance | 19. prairie restoration area |
| 6. tent with stage | 13. farmhouse | 20. old barn and silo |
| 7. restroom facilities | 14. maple grove | 21. old outbuildings |

Douglas County, Kansas

APPLICATION FOR A TEMPORARY BUSINESS USE

(To be filled in by applicant)

Applicant: Black Jack Battlefield Trust, Inc. Address: 163 E 2000 Road, Wellsville, KS 66092

Telephone: 785/842-5030 Contact: Carol Von Tersch Email: tersch@sunflower.com

Legal Description of Site: Section 12 Township 15 Range 20

PLATE 700533B; PIN # 201-12-0-00-00-015.01-0; 39.24 ACRES; SECTION 12, TOWNSHIP 15, RANGE 20; E 1/2 S 1/2 NE 1/4, LESS BEGINNING AT THE NORTHEAST CORNER S 1/2 NE 1/4; THENCE WEST ON NORTH LINE S 1/2 NE 1/4 114 FEET THENCE SOUTH PARALLEL WITH EAST LINE SAID NE 1/4 104 FEET THENCE EAST PARALLEL WITH NORTH LINE S 1/2 NE 1/4 114 FEET TO SECTION LINE THENCE NORTH ON SECTION LINE 104 FEET TO POINT OF BEGINNING. D 268/357 (DIV 2001 700533)

Owner of Property: Black Jack Battlefield Trust, Inc. Address: 163 E 2000 Road, Wellsville, KS 66092

Telephone No.: 785/842-5030

Existing Zoning: "A" Agricultural Proposed Temporary Business Use: 155th Anniversary of Battle of Black Jack.

Explain: 2011 Black Jack Battlefield and Nature Park – John Brown's Battle of Black Jack, 155th Anniversary

Site Plan of tract must be submitted with application (see attached sheet)

(To be filled in by Douglas County)

Application received in Zoning Office: _____
Month Day Year

Fee Paid waived Cash _____ Check _____ Application No. _____
(\$100.00)

Date of Notice mailed to Owners/Occupants of properties: _____

Date of Hearing Douglas County Commissioners: _____
Month Day Year Time

Douglas County Commissioners Action: Approved _____ Disapproved _____

Conditions:

1. Bottle water required as drinking water source. – Lawrence-Douglas County Health Department
2. Ten portable chemical toilets, one being handicapped. Hand sanitizers available at the chemical toilet sites. – Lawrence-Douglas County Health Department
3. Proof of Event Insurance provided to Douglas County Zoning and Codes Department.
4. If alcohol is sold, vendor shall provide to the Zoning and Codes Department, copy of liquor license.
5. Any food vendor shall provide copy of license from Kansas Department of Agriculture.

Chairman, Douglas County Commission

Date



DOUGLAS COUNTY ZONING & CODES

2108 W. 27th Street, Suite I
Lawrence, KS 66047
(785) 331-1343 Fax (785) 331-1347

Keith R. Dabney
Director

MEMORANDUM

TO : Douglas County Board of County Commissioners
Craig Weinaug, Douglas County Administrator

FROM: Keith R. Dabney, Director, Zoning & Codes Department

DATE : May 19, 2011

RE : Temporary Business Use Permit – Property Location 1014 N 1800 RD, Lawrence, KS
USA Cycling Cyclocross Events

Mr. Bill Anderson is requesting a Temporary Business Use Permit for the use of property located at 1014 N 1800 Road, to host USA Cycling Cyclocross racing events and free clinics. The events consist of four (4) days of race events and nine (9) days of free clinics for the dates as follows:

<u>Date of Events</u>	<u>Event Descriptions</u>
June 9, 2011	Grass Track Clinic
June 16, 2011	Grass Track Clinic
July 14, 2011	Grass Track Clinic
July 21, 2011	Grass Track Clinic
July 23, 24, 2011	Kansas Track Championship
September 8, 2011	Cyclocross Clinic
September 15, 2011	Cyclocross Clinic
September 22, 2011	Cyclocross Clinic
September 29, 2011	Ladies Free State Cyclocross Clinic # 1
October 15, 2011	Ladies Free State Cyclocross Clinic # 2

Racing events will take place between mid-morning and mid-afternoon, with no evening events. All events will be held entirely on the property with all parking on-site. No alcoholic beverages will be served at the Events. Event participants and spectators will provide their own food and beverages.

The applicant anticipates attendance as follows:

- Race Events – Between 40 – 150 participants and equal number of spectators.
- Clinic Events – Between 5 – 20 participants and no spectators.

The following have been notified with regard to this request, Douglas County Sheriff's Department, Douglas County Health Department, Wakarusa Township, adjoining property owners within 1,000 feet and property owners within one mile of the entrance.

TEMPORARY BUSINESS USE PLAN

(2011 Grass Track and Cyclocross Bicycle Racing and Free Clinics)

Bill Anderson (the “**Applicant**”) hereby submits the following Temporary Business Use Plan (the “**Plan**”) in connection with the use of certain property in Douglas County, Kansas described below for the occasional purpose of hosting USA Cycling grass track, cyclocross racing events, and free clinics (collectively the “**Events**”).

1. **Property Description.** The Events will be held on property owned by DSJ Corporation (the “**Owner**”) in Douglas County, Kansas (the “**Property**”), legally described as follows:

Beginning at a point on the South line of the Southwest Quarter of Section 16, Township 12 South, Range 19 East of the 6th Principal Meridian, being 12.15 chains West of the Southeast corner of said Quarter Section, thence North 01 39' West 35.50 chains, thence West 26.90 chains to a point on the West line of said Quarter Section, thence South 35.50 chains, more or less, to the Southwest corner of said Quarter Section, thence East 27.85 chains, more or less, to the point of beginning, in Douglas County, Kansas.

2. **Events Summary.** The Events consist of four (4) days of race events and nine (9) days of free clinics, as follows:

<u>Date of Event</u>	<u>Event Description</u>
June 9, 2011	Grass Track Clinic
June 16, 2011	Grass Track Clinic
July 14, 2011	Grass Track Clinic
July 21, 2011	Grass Track Clinic
July 23, 2011	Kansas Track Championships
September 8, 2011	Cyclocross Clinic
September 15, 2011	Cyclocross Clinic
September 22, 2011	Cyclocross Clinic
September 29, 2011	Cyclocross Clinic
October 15, 2011	Ladies Free State Cyclocross Race #1
October 16, 2011	Ladies Free State Cyclocross Race #2

Dates and times subject to change or cancelation due to weather.

Racing events will take place between mid-morning and mid-afternoon, with no night events. A loudspeaker may be use to announce start times. Clinic events are informal in nature that occur for several hours in the afternoon. No loudspeakers will be used.

3. **Event Promoters and Sponsors.**

a. **Race Events:**

- i. July 23 and 24, 2011: Sponsors: Anderson Rental; Localcycling.com; Vittoria Tires; Volker Bicycles. Promoters: USA Cycling.
- ii. October 15 and 16, 2011: Sponsors: Ladies Free State. Promoters: Ladies Free State Racing Team

b. **Free Clinics:** Bill Anderson and Michelle Jensen, sponsors.

4. **Anticipated Attendance.** The Applicant anticipates attendance as follows:

- a. **Race Events:** Between 40 and 150 participants, and an equal number of spectators.
- b. **Clinic Events:** Between 5 and 20 participants, and no spectators.

5. **Traffic, Parking, and Road Conditions.** The Events will be held entirely on the Property, with no anticipated need for additional traffic regulation. Parking will occur entirely on-site.

6. **Public Health Concerns.** Racing events require an entry fee, paid to USA Cycling. Such fees cover costs to provide portable restrooms and trash cans. Event participants and spectators are required to provide their own food and drinks.

7. **Illumination.** All Events will occur during daylight hours, and no nighttime illumination is required.

8. **Security.** The Events will not require the presence of security guards, although USA Cycling does provide event officials to conduct the racing events.

9. **Fire Safety.** The Events will be held entirely outdoors, and no additional fire safety precautions are necessary.

10. **Insurance.** USA Cycling, as event promoter and governing body of cyclocross, provides liability insurance for the Events.

11. **Alcohol.** No alcoholic beverages will be served at the Events.

This Application is submitted, together with an application fee of \$100.00, on the date below written.

APPLICANT:


BILL ANDERSON

Name

4/28/2011

Date

**USA CYCLING CYCLOCROSS RACING EVENTS
TEMPORARY BUSINESS USE SITE PLAN
SITUS: 1014 N 1800 ROAD, LAWRENCE KS 66049**





Douglas County, Kansas

APPLICATION FOR A TEMPORARY BUSINESS USE

(To be filled in by applicant)

Applicant: Bill Anderson

Address: 1312 W. 6th
Lawrence, Kansas 66044

Telephone: 785-843-2044

Sponsor or other persons with financial interest in the proposed activity:

Please see attached

Legal Description of Site: Section 16 Township 12 Range 19 (May attach legal description)
-see attached

Owner of Property: DSJ Corporation Address: P.O. Box 628, Lawrence, KS 66044

Telephone No.: 842-4454

Existing Zoning: A Proposed Temporary Business Use: cyclocross bicycle races and clinics

Explain: USA Cycling cyclocross racing or Free clinics on the dates described on
the attached supplement.

Site Plan of tract must be submitted with application (see attached sheet)

(To Be Completed by Douglas County Zoning)

Application received in Zoning Office: 5/12/2011 12 2011
Month Day Year

Fee Paid 100.00 Cash Check ✓ Application No.
(\$100.00)

Date of Notice mailed to Owners/Occupants of properties: 5/18/2011

Date of Hearing Douglas County Commissioners: June 1, 2011 6:35
Month - Day - Year Time

Douglas County Commissioners Action: Approved Disapproved

Conditions:

Chairman, Douglas County Commission

Date



DOUGLAS COUNTY ZONING & CODES

2108 W. 27th Street, Suite I
Lawrence, KS 66047
(785) 331-1343 Fax (785) 331-1347

Keith R. Dabney
Director

NOTICE OF PUBLIC HEARING

TO: Property owners within 1,000 feet and property owners within 1 mile of the entrance to property owned by DSJ Corporation 1014 N 1800 Road, Lawrence, Kansas

FROM: Keith R. Dabney, Director, Douglas County Zoning & Codes Dept.

DATE : May 18, 2011

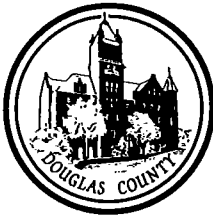
RE : Temporary Business Permit – USA Cycling Cyclocross - Events for 2011

Mr. Bill Anderson is requesting a Temporary Business Use Permit for the use of property located at 1014 N 1800 Road, to host USA Cycling Cyclocross racing events and free clinics. The events consist of four (4) days of race events and nine (9) days of free clinics for the dates as follows:

<u>Date of Events</u>	<u>Event Description</u>
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September 8, 2011	Cyclocross Clinic
September 15, 2011	Cyclocross Clinic
September 22, 2011	Cyclocross Clinic
September 29, 2011	Ladies Free State Cyclocross Clinic # 1
October 15, 2011	Ladies Free State Cyclocross Clinic # 2

The Douglas County Commission hearing on this application will be Wednesday June 1, 2011, 6:35 P.M., Douglas County Courthouse, 2nd floor, 1100 Massachusetts Street, Lawrence, Kansas.

Should you have any questions on this matter prior to the hearing, please contact me at the Douglas County Zoning & Codes Department at (785) 331-3143.



DOUGLAS COUNTY ZONING & CODES

2108 W. 27th Street, Suite I
Lawrence, KS 66047
(785) 331-1343 Fax (785) 331-1347

Keith R. Dabney
Director

MEMORANDUM

TO : Douglas County Board of County Commissioners
Craig Weinaug, Douglas County Administrator

FROM: Keith R. Dabney, Director, Zoning & Codes Department

DATE: May 13, 2011

RE: Resolution Amending a Planning and Zoning Classification from "A"
Agricultural District to "B-2" General Business District

Please find attached a resolution amending a Planning and Zoning Classification from "A" Agricultural District to "B-2" Limited Business District. The aforementioned rezoning will be for Lot 1 Rockwall Farms Addition, which was approved by the Douglas County Board of County Commissioners on September 23, 2009. Rockwall Farms has now met all the conditions of approval.

RESOLUTION NO. _____

A RESOLUTION RELATING TO AND AMENDING A REGULATED
PLANNING AND ZONING CLASSIFICATION WITHIN THE
UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS.

WHEREAS, the Lawrence-Douglas County Planning Commission, created under the authority of K.S.A. 12-716 through K.S.A. 12-721, after holding a public hearing as required by Section 12-324-3 of the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas," has recommended that the Board of County Commissioners change a certain zoning classification, the nature and description of such change being fully set forth below;

WHEREAS, on September 23, 2009, the Board of County Commissioners found that, for the purpose of promoting and protecting values throughout Douglas County, Kansas, or for any one or more such purposes, the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas" should be amended as recommended by the Lawrence-Douglas County Planning Commission by changing the zoning classification set forth below; and

WHEREAS, as required by the Board the applicant has filed a plat of the property in question with the Douglas County Register of Deeds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that pursuant to the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas," the following change in zoning classification shall be made: The zoning classification is changed from "A" (Agricultural District) to "B-2" (General Business District) for the property described on a recorded subdivision plat as follows:

Lot 1 Rockwall Farms Addition

This resolution shall take effect and be in full force from and after its adoption by the Board of County Commissioners and published once in the official County newspaper.

ADOPTED this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Jim Flory, Chairman

ATTEST:

Mike Gaughan, Member

County Clerk

Nancy Thellman, Member



DOUGLAS COUNTY ZONING & CODES

2108 W. 27th Street, Suite I
Lawrence, KS 66047
(785) 331-1343 Fax (785) 331-1347

Keith R. Dabney
Director

MEMORANDUM

TO : Douglas County Board of County Commissioners
Craig Weinaug, Douglas County Administrator

FROM: Keith R. Dabney, Director, Zoning & Codes Department

DATE: May 23, 2011

RE: Resolution Amending a Planning and Zoning Classification from "A-1" Suburban Home District to "I-1" Limited Industrial District

Please find attached a resolution amending a Planning and Zoning Classification from "A-1" Suburban Home District to "I-1" Limited Industrial District. The aforementioned rezoning will be for Vinland Airzone 2nd Plat, Lot 1, Block 1, which was approved by the Douglas County Board of County Commissioners on April 13, 2011.

RESOLUTION NO. _____

A RESOLUTION RELATING TO AND AMENDING A REGULATED
PLANNING AND ZONING CLASSIFICATION WITHIN THE
UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS.

WHEREAS, the Lawrence-Douglas County Planning Commission, created under the authority of K.S.A. 12-716 through K.S.A. 12-721, after holding a public hearing as required by Section 12-324-3 of the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas," has recommended that the Board of County Commissioners change a certain zoning classification, the nature and description of such change being fully set forth below;

WHEREAS, on April 13, 2011, the Board of County Commissioners found that, for the purpose of promoting and protecting values throughout Douglas County, Kansas, or for any one or more such purposes, the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas" should be amended as recommended by the Lawrence-Douglas County Planning Commission by changing the zoning classification set forth below; and

WHEREAS, as required by the Board the applicant has filed a plat of the property in question with the Douglas County Register of Deeds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, that pursuant to the "Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas," the following change in zoning classification shall be made: The zoning classification is changed from "A" (Agricultural District) to "I-1" (Limited Industrial District) for the property described on a recorded subdivision plat as follows:

VINLAND AIRZONE 2nd Plat Lot 1, Block 1

This resolution shall take effect and be in full force from and after its adoption by the Board of County Commissioners and published once in the official County newspaper.

ADOPTED this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Jim Flory, Chairman

ATTEST:

Mike Gaughan, Member

County Clerk

Nancy Thellman, Member



Date: 1/27/2003
To: Mike Wildgen
From: Chad Voigt
cc: Chuck Soules
Re: Potential scope and cost of an updated North Lawrence drainage study

A drainage study of North Lawrence has been proposed by the Lawrence - Douglas County Planning Commission to address repeated concerns from residents. Public comments have been received relating to proposed developments, long-range plans, floodplain regulations and revisions to FEMA maps. This memo provides background and a potential scope for study.

Background

North Lawrence drainage has been studied several times in the past. Studies typically recommend large-scale capital improvements to reduce flooding of existing properties. The current citywide capital improvements plan lists five projects in North Lawrence. The cost-benefit ratio of these projects prevents them from consideration in the foreseeable future.

North Lawrence has typically been a very challenging area to provide City stormwater services. Operation of public stormwater facilities requires high levels of maintenance and time. Development proposals are difficult to review and implement. Floodplain administration is costly, time consuming and cumbersome. If another drainage study is authorized, it should focus strongly on potential development impacts, and land use planning.

The levee system is widely perceived as a permanent solution and a license to develop more ground; however there is growing criticism of the level of protection actually achieved. Eventually the public will bear the cost of flood recovery, so policies and plans should bear in mind this perspective from the days of levee building...

"[North Lawrence was] completely inundated by the 1951 flood. The Federal levee system in conjunction with upstream reservoir control will protect these areas from a [similar flood.] Nevertheless, there will still remain a flood hazard which deserves consideration by the planners, officials and citizenry of Lawrence ...sooner or later a larger flood can and probably will occur. [This flood] would overtop the levee system and would inundate approximately the same area as did the 1951 flood." –Corp of Engineers, April 1969

Previous drainage studies and policies

Following is a partial list of previous work in North Lawrence:

1. Corp of Engineers, *Flood Plain Information, Kansas and Wakarusa Rivers, Lawrence Kansas*, April 1969: Summarized flood conditions for use by local officials.

2. Wilson & Company, *Internal Drainage Study, North Lawrence Flood Protection Unit*, June 1970: Proposed alternate projects for local flood control. Pump station project eventually completed in 1995.
3. City Ordinance, July 1973, storm sewer development policy: "The City will not participate in storm drainage improvements in floodplains."
4. FEMA, *Flood Insurance Study, Douglas County, Kansas*, 1981: Flood Insurance Rate Maps issued.
5. City Code Article 9A, Floodplain Management, 1981: Initial City floodplain regulations.
6. Burns & McDonnell, *Lawrence, Kansas, Stormwater Management Master Plan*, 1981: Citywide mapping and study.
7. Burns & McDonnell, *Lawrence, Kansas, Stormwater Management Master Plan*, 1996: Recommended \$6,978,000 in North Lawrence drainage improvements.
8. City Administrative Policy, *Maintenance of Storm Drainage Systems*, June 1998: Identified priorities for ditch and culvert maintenance.
9. City Ordinance 7100, Construction Standards and Grading Requirements for Floodplain Fill, July 1999: Limits fill to avoid adverse impacts to adjacent properties.
10. FEMA, *Flood Insurance Study, Douglas County, Kansas*, November 2001: Flood Insurance Rate Maps updated.
11. Revisions to City Code Article 9A, Floodplain Management, January 2003
12. Drainage studies for proposed development (several)

Identifying the problem: North Lawrence challenges

North Lawrence is completely contained within the Kansas River floodplain. The area is at risk of catastrophic flooding from the Kansas River and from Mud Creek. The statewide levee and reservoir system reduced this flood risk and is expected to remain effective for 50 to 100 years.

North Lawrence is also threatened by frequent flooding of the Maple Grove Tributary, which reaches into Jefferson County. The City constructed the \$1.1 million North Lawrence Pump Station in 1995 to reduce the frequency and depth of flooding. The Maple Grove Tributary and the system of City operated ditches, pipes and pumps throughout North Lawrence are collectively referred to as the "internal drainage system" because discharges must be pumped through the levee.

Most North Lawrence roads and ditches were in place before annexation. The drainage system is often ineffective because many properties are located in low-lying ancient riverbeds. Most roadside ditches have steep sides and many existing culverts are sloped backwards. This system requires a much higher level of maintenance than conventional improved street systems. In several locations, frequent road flooding cannot be corrected.

The permeability of silt loam soils provides some relief from these flooding problems. Many residents accept standing water because the ground will absorb the problem within a few hours. However there is an increased impact when development occurs on these soils. Impervious surfaces built on upland soil will increase runoff by 80% while the same surface built on silt loam

will increase runoff by 200%. Sharp increases in runoff quickly upset the balance in the makeshift drainage system, leading to longer and more frequent flooding of roads and homes.

Subdivision regulations intended for citywide use have been far less successful in North Lawrence developments. Wider streets, curbs and enclosed storm sewers only aggravate existing problems by increasing impervious surface and blocking drainage paths. Alternate standards have been used with limited success.

Douglas County Flood Insurance Rate Maps were issued by FEMA in 1981 and again in 2001. These maps are intended as a guide for flood protection of new development; however as many North Lawrence residents recently learned, the 2001 maps show a higher flood elevation than the 1981 maps. This trend is likely to continue. The FEMA floodplain program targets short-term goals while unintentionally supporting development in flood-prone areas.

Potential scope of an updated study

North Lawrence drainage has been studied multiple times in the past. To be meaningful, an updated study must combine comprehensive engineering with land use factors to provide a guide for system maintenance, capital improvements and development planning.

First, the study should identify **existing and potential land use** within the 9,100-acre area of North Lawrence and the Maple Grove watershed. This includes significant areas outside of the City, so other jurisdictions (County, Township, Drainage District) should be considered partners in the study. The study should review current zoning and land use plans and should consider the content of the water and wastewater master plans currently being completed by the Department of Utilities. Additionally, the study should evaluate the suitability and impact of industrial corridor development options along Highway 24.

Second, the study should produce an overall plan of the optimum **internal drainage system** that serves existing properties and potential development:

- small system improvements to make the area more livable for existing residents
- large system improvements to raise the level of service to practical standards
- areas that should be excluded from development to prevent harm
- properties that should be purchased for stormwater storage
- system changes necessary to account for new developments
- revised development standards suited to the topography and soil types

Third, the study should establish the **area of inundation** resulting from storms of greater magnitude than those used in the levee design and in FEMA studies. The hydraulic model used for FEMA mapping should be modified to reflect levee failure and multiple storm events. The area of inundation would be used as a basis for finish floor elevations in all new development and for evacuation planning. This approach would be consistent with recent revisions to City floodplain regulations.

Potential cost of an updated study

The scope described above would be on a scale similar to the *1996 Stormwater Management Master Plan*. It should be anticipated that this study would take six months to complete and would cost between \$150,000 and \$225,000.

A RESOLUTION ADOPTING AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO THE NORTHEAST SECTOR PLAN.

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas, for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving and protecting property values throughout Lawrence and Douglas County, are authorized by K.S.A. 12-741 *et seq.* to provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted an official comprehensive plan for the coordination of development in accordance with the present and future needs and to conserve the natural resources of the City and County, ensure efficient expenditure of public funds and promote the health, safety, convenience, prosperity and general welfare of the citizens of Lawrence and Douglas County; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held public hearings on July 26, 2010 and September 20, 2010 for the proposed amendments to Horizon 2020, the Comprehensive Plan, contained in Planning Staff Report CPA 6-5-09, to adopt and approve the Northeast Sector Plan and amend Chapter 14 – Specific Plans to add the Northeast Sector Plan, after notice by publication in the official city and county newspaper.

BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, to adopt the Northeast Sector Plan and amend the Chapter 14 - Specific Plans to add the Northeast Sector Plan.

SECTION THREE: The amendment to *Horizon 2020*, Chapter 14 – Specific Plans, Specific Plans reads as follows:

Specific Plans

- **6th and SLT Nodal Plan**
Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
Adoption Date: November 11, 2003 by Lawrence City Commission
Review Date: 2009
- **6th and Wakarusa Area Plan**
Location: The intersection of 6th Street and Wakarusa Drive
Adoption Date: December 2, 2003 by Lawrence City Commission
Review Date: 2009
- **HOP District Plan**

Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.

Adoption Date: May 10, 2005 by Lawrence City Commission

Review Date: 2010

- **Burroughs Creek Corridor Plan**

Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.

Adoption Date: February 14, 2006 by Lawrence City Commission

Review Date: 2011

- **East Lawrence Neighborhood Revitalization Plan**

Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.

Adoption Date: November 21, 2000 by Lawrence City Commission

Review Date: 2010

- **Revised Southern Development Plan**

Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).

Adoption Date: December 18, 2007 by Lawrence City Commission

January 7, 2008 by the Douglas County Board of Commissioners

Review Date: 2017

- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

Adoption Date: January 8, 2008 by Lawrence City Commission

January 28, 2008 by the Douglas County Board of Commissioners

REVISED

June 14, 2008 by Lawrence City Commission

July 24, 2008 by Douglas County Board of Commissioners

REVISED

October 7, 2008 by Lawrence City Commission

November 10, 2008 by Douglas County Board of Commissioners

Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission

March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

- **K-10 & Farmer's Turnpike Plan**

Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.

Adoption Date: December 9, 2008 by Lawrence City Commission

January 7, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **Lawrence SmartCode Infill Plan**

Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.

Adoption Date: January 27, 2009 by Lawrence City Commission

February 23, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **West of K-10 Plan**

Location: Generally located north and south of Highway 40 and west of K-10 Highway.

It does contain some land east of K-10 Highway

Adoption Date: June 9, 2009 by Lawrence City Commission

May 6, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **Northeast Sector Plan**

Location: Generally located north and east of Lawrence and north of the Kansas River to the Douglas County line.

SECTION FOUR: The Northeast Sector Plan attached as Exhibit 1 shall be incorporated as part of Horizon 2020 the Comprehensive Plan of the City of Lawrence and Unincorporated Douglas County.

SECTION FIVE: This resolution together with a certified copy of the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners, as appropriate.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 20th day of September, 2010.

Charles P. Blasen
Chair
Lawrence-Douglas County Metropolitan
Planning Commission

Absent
Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission

Scott McCullough
Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

Northeast Sector Plan

Lawrence-Douglas County Planning and Development Services

**Lawrence-Douglas County Planning Commission – 09/20/10
Douglas County Board of County Commissioners –
Lawrence City Commission –**

I hereby certify that this is a true and correct copy of the comprehensive plan or part of the plan; that the Lawrence-Douglas County Metropolitan Planning Commission adopted said comprehensive plan or part of the plan on September 20, 2010.

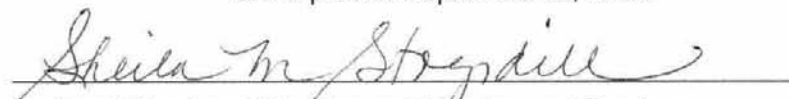

Assistant Director of Planning and Development Services.

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Section 1: Introduction

1.1 Purpose

The purpose of the *Northeast Sector Plan* is to outline specific land use goals, policies and recommendations for the planning area shown on Map 1-1, while being consistent with the overall adopted comprehensive plan for the community. Portions of the planning area are adjacent to the city of Lawrence and because of their proximity to the city and highways, they are likely to be areas of rural and urban development pressure. However, this plan recognizes that this area is unique in its development potential and the community may benefit most by limited development.

The plan outlines future land uses for the planning area to be used as a guide for rural and urban development. This plan does not annex property nor does it rezone property upon adoption. These types of proposals are typically requested by the property owners and/or developers that have a stake in such property and wish to develop within Douglas County and within the city of Lawrence.

The plan should fit like a puzzle piece into the larger context of the surrounding street, utility, and land use network of the entire community. Logical connections between the planning area and adjacent neighborhoods are a key factor in the development of the plan. The recommendations contained within this plan are intended to guide the area's future growth patterns.

It is expected that development in the planning area will occur within the span of decades as the market demands and as urban services are able to be provided. It is anticipated that rural and agricultural uses will continue to be present and maintained as the planning area urbanizes. Because of the long timeframe of the plan, it should be reviewed on a regular basis.

1.2 Description of Planning Area

The *Northeast Sector Plan* planning area is located north of the city of Lawrence (see Map 1-1) and within Grant Township, in northeastern Douglas County, Kansas. The planning area contains approximately 10,640 gross acres and encompasses Grant Township north of the Kansas River.

The planning area boundaries are: E 1700 Road on the east, N 2100 Road on the north, the riverfront park on the west, and the Lawrence city limits and the Kansas River on the south. See Map 1-1. The planning area encompasses the Lawrence Urban Growth Area (UGA) in northeast Douglas County, as currently identified in *Horizon 2020*. A majority of the planning area is located in Service Area 4 which is the outer most service area in *Horizon 2020*. For Service Area 4 *Horizon 2020* states: "The land uses north of US-24/40 shall be primarily non-residential uses such as industrial, warehouse and office" and "Urban development in Service Area 4 north of the Kansas River shall not occur until after an extensive drainage study for the area north of the Kansas River has been completed." The North Lawrence Drainage Study was completed in 2005.

A portion of the planning area, south of Highway 24/40 is located in Service Area 2. *Horizon 2020* states: "Until these areas, are served by the extension of municipal services, residential urban densities of development or non-residential urban development will not be permitted. Divisions of land for rural residential development shall be permitted only when the following criteria exist: access to paved roads, conformance with minimum road frontage requirements, and availability of rural water meters. Development shall not be permitted on steep slopes (15% or greater), regulatory floodplains or other environmentally sensitive areas, and state or federally designated historic sites or landmarks. The pattern and lot layout of rural residential developments shall provide, through early planning, dedications or reservations for the logical extension of public roads and infrastructure" and "Development of these areas to urban densities should be allowed only after coordination with the phasing of municipal services and public infrastructure improvements to serve these new urban densities."

As mentioned earlier, the entire planning area is within the Lawrence UGA. The UGA was expanded to the Douglas County line in this area in 2004. This action was largely in response to concerns that the Douglas County Subdivision Regulations did not regulate rural residential growth, i.e., the 5 and 10 acre exemptions allowed the creation of residential lots without platting. The UGA was expanded into this area to help regulate rural residential growth.

The subdivision regulations for Douglas County were amended and adopted in 2007 and put in place standards to regulate rural residential growth. These standards regulate rural residential growth in the Rural Area, as well as the UGA. Since there are now standards for the division of property in the Rural Area, one of the reasons for expanding the UGA to the county line in this area is no longer necessary.



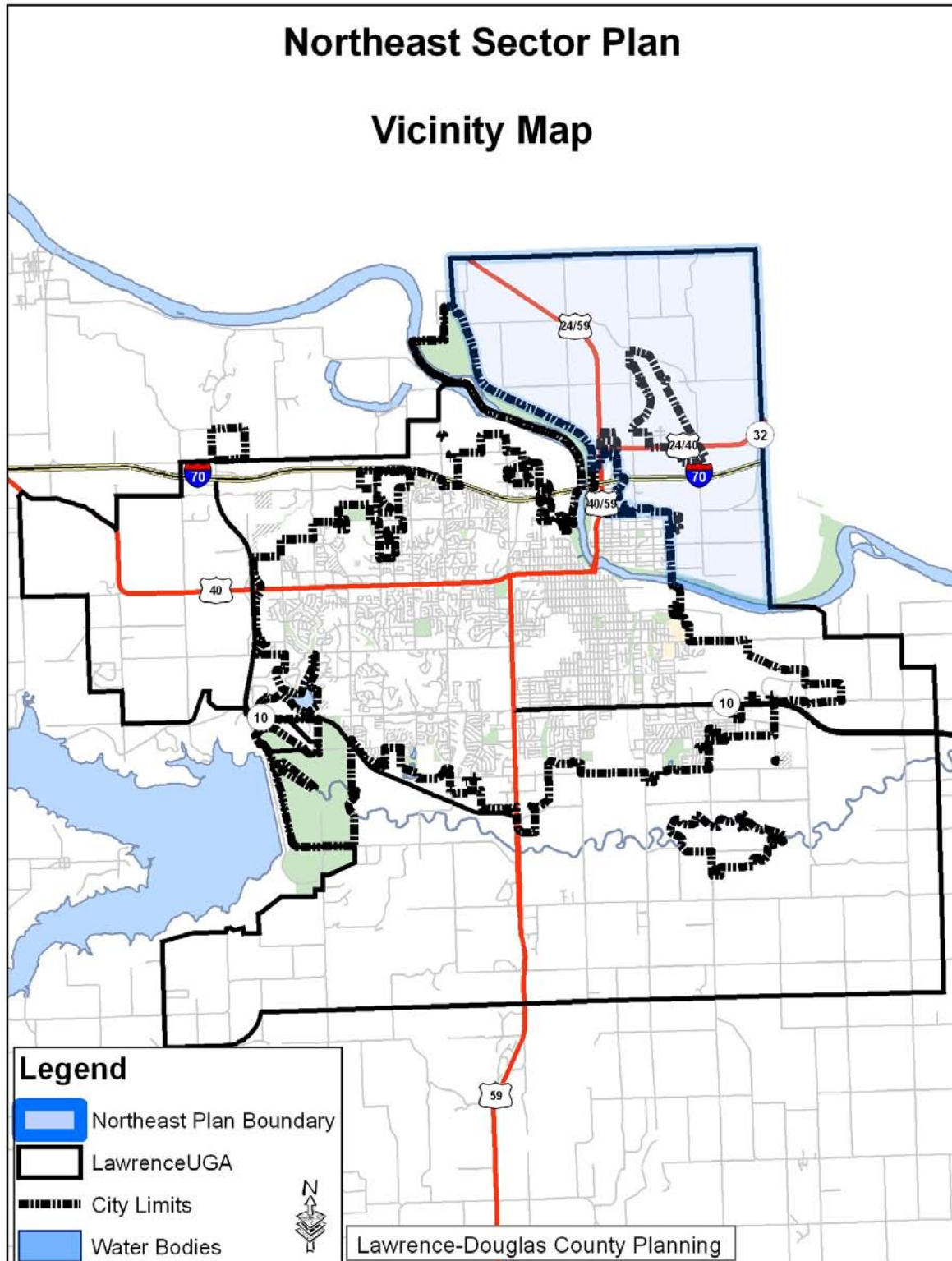
The dominant character of the area is rural in nature although there are a variety of uses within the planning area. The main rural uses in the flat, lower parts of the planning area are agriculture row crop, livestock production, and pastureland uses.

Rural residential uses are found in the higher northern parts of the planning area. Rural uses dominate those portions of Jefferson County that are north of the planning area and also those parts of Leavenworth County east of the planning area. The KU Field Station is located in the northeast corner of the planning area and also within Jefferson and Leavenworth counties.

I-70 and a toll plaza, along with Highways 24/40/59 are major elements within the area. Industrial and commercial uses are located along Highway 24/59 and Highway 24/40. The Lawrence Municipal Airport is another major element within the planning area. The airport is annexed into the city, but is an island not contiguous with the corporate boundary of Lawrence. The Kansas River is generally west and south of the planning area. Urban uses within Lawrence are generally south of the planning area.

The planning area boundaries and parcel composition are illustrated in Map 1-2.

Map 1.1 – Vicinity Map



Northeast Sector Plan



1.3 Policy Framework

Horizon 2020 serves as the overall planning guide and policy document for this plan. In addition to *Horizon 2020*, guiding policy is also obtained in other adopted physical element plans. Together, these plans provide the general “umbrella” policies under which this plan is developed. Listed, these plans are:

- *Horizon 2020*, the Comprehensive Plan for Lawrence and Unincorporated Douglas County. Lawrence-Douglas County Metropolitan Planning Office. 1998 as amended.
- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- *Lawrence-Douglas County Bicycle Plan*, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- *Lawrence Parks & Recreation Department A Comprehensive Master Plan*. Leon Younger & PROS. 2000.
- *City of Lawrence, Kansas Water Master Plan*. Black & Veatch. December 2003.
- *City of Lawrence, Kansas Wastewater Master Plan*. Black & Veatch. December 2003.
- *2008-2013 Capital Improvement Plan*. City of Lawrence. June 26, 2007.
- *North Lawrence Drainage Study*. 2005

Section 2 - Existing Conditions

The inventory and analysis of existing conditions in this plan are intended to serve as a resource and background for the recommendations included in Section 3 of this plan.

2.1 Land Uses

2.1.1 Existing Land Uses

There are currently a variety of land uses within the planning area. The planning area has approximately 10,116 acres of land dedicated to uses other than public rights-of-way. The source information for the existing land use summary and map are based on the County Appraisers' land use code and updated by planning staff.

Agricultural uses, in the form of row crops, livestock production, pasturelands, and farms are the dominant land uses and encompass approximately 7,330 acres of land, which accounts for 72% of the planning area. There are farms of varying sizes (less than 5 acres up to hundreds of acres) within the planning area. Production includes row crops, local market production and animal production. Farms are owner operated or leased to larger operations. The City leases land around the airport for agriculture use.

The second largest land use category is parks/rec/open space use with approximately 956 acres. The parks/rec/open space use category includes the KU Field Station properties in the northeast portion of the planning area.

The third largest land use category is transport/communication/utility. This land use category includes the Lawrence Municipal Airport.

The next largest category is single family residential use. This category includes property with one dwelling unit located on it. The *Douglas County Zoning Regulations* define a dwelling as, "Any building or portion thereof designed or used for residential purposes. This shall include structures designed as underground structures but shall not include trailers or mobile homes". The single-family residential use is seen within the planning area primarily in the rural form – typically a house on 1 to 10 acres (although some larger single family properties in the area range between 10 – 40 acres).

The remaining land is designated a variety of uses ranging from industrial/warehouse/distribution to public/institutional uses. These uses are located primarily along Highway 24/59. The existing land uses are shown on Map 2-1 and the planning area breakdown is described in Table 2-1.

TABLE 2-1: EXISTING LAND USE SUMMARY

Land use	Acres	Percent
Agricultural	7,330	72%
Single Family Residential	550	5%
Vacant Residential	232	2%
Residential - Other	72	1%
Commercial	186	2%
Industrial/Warehouse/Distribution	125	1%
Public/Institutional	110	1%
Parks/Rec/Open Space	956	10%
Transport/Communication/Utility	555	6%
TOTAL	10,116	100%

2.1.1 Historic Resources

Currently, there is one structure listed on the National Register of Historic Places within the planning area. The Vermilya Boener House is located at the northwest corner of N 1900 Rd. and E 1400 Rd and was listed in 1992.

Northeast Sector Plan



2.2 Zoning Patterns

The planning area encompasses approximately 10,640 acres of land including public rights-of-ways. Approximately 520 acres are located within the city of Lawrence and the rest is located within the unincorporated area of Douglas County. The majority of the planning area that is located within unincorporated Douglas County is zoned A (Agriculture District). This is mainly used for row crops, pasture land and farm purposes. Industrial zoning is found in the planning area with specific areas zoned I-1, I-2, I-3 and I-4 Districts. There is also some B-2 (General Business District) zoning along Hwy. 24/40. See Map 2-2.

The main portion of the planning area located within the city of Lawrence is the Lawrence Municipal Airport, which is zoned IG (General Industrial). The Maple Grove Cemetery is also within the city of Lawrence and is zoned OS (Open Space District). Both of these properties are islands that are not contiguous to the corporate limits of Lawrence. See Map 2-2.

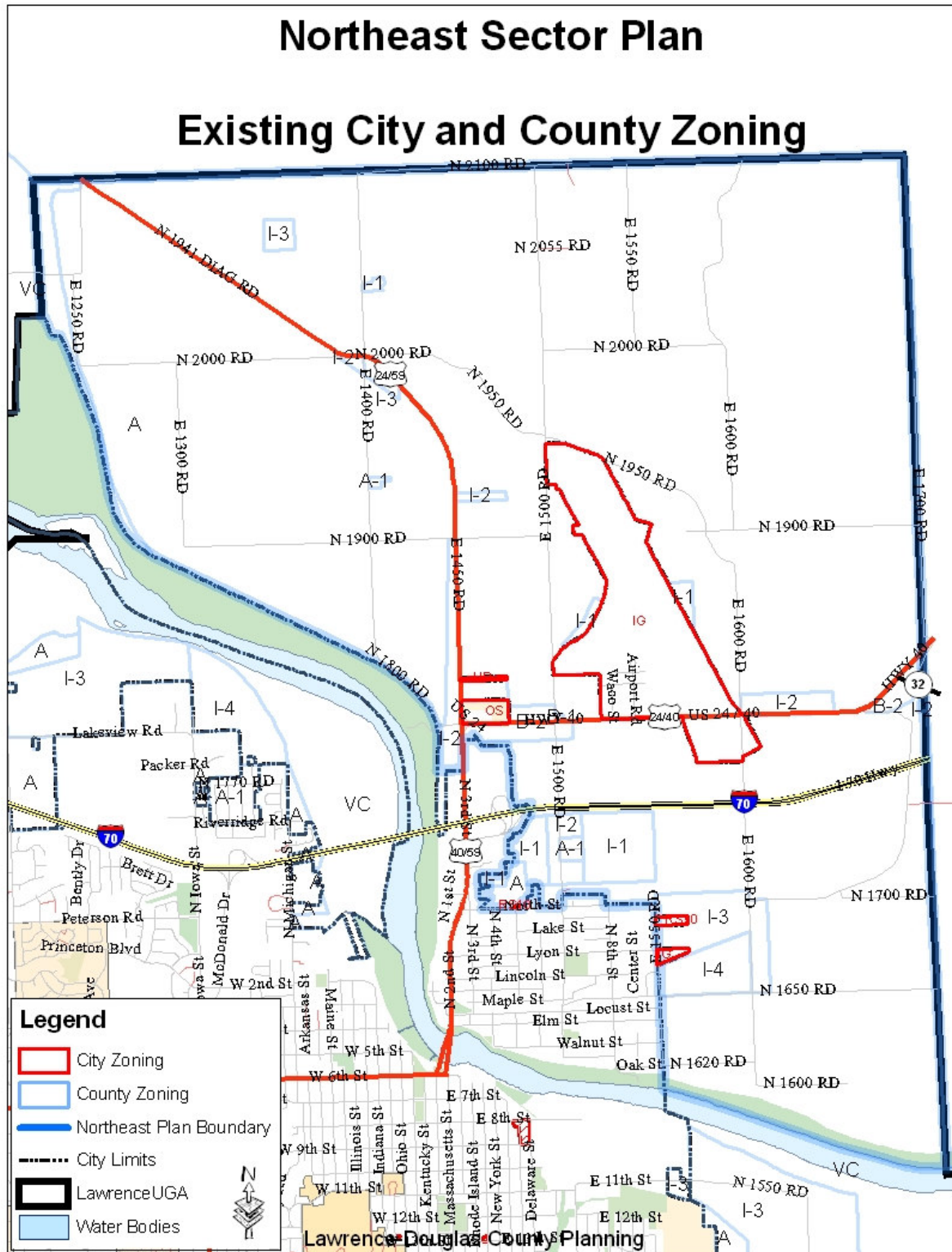
Table 2-2 County Zoning Classifications

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
A-1	Suburban Homes	Very Low-Density Residential
I-1	Limited Industrial	Industrial
I-2	Light Industrial	Industrial
I-3	Heavy Industrial	Industrial
I-4	Heavy Industrial	Industrial
VC	Valley Channel	N/A

Table 2-3 City Zoning Classifications

City Zoning	District Name	Comprehensive Plan Designation
RS20	Single-Dwelling Residential (20,000 sq. feet per dwelling unit)	Low-Density Residential
IG	General Industrial	Warehouse and Distribution or Industrial
OS	Open Space	N/A

Map 2.2 – Existing Zoning



2.3 Infrastructure

2.3.1 Water and Wastewater Infrastructure

A summary of the existing water utilities is shown on Map 2-3 and wastewater utilities (sanitary sewer) is shown on Map 2-4. Municipal water and wastewater is provided to the majority of those properties that are within the current city limits. Properties that are within the planning area, but outside the city limits, are served by Jefferson County Rural Water District #13, or private wells, and private septic systems.

The city of Lawrence sanitary sewer infrastructure does not extend outside the current city limits. The City, however, recently approved extending water and sewer infrastructure to serve the municipal airport. The flat topography of the area poses a challenge to providing urban wastewater infrastructure to the planning area. The flatness of the area makes it difficult to gravity flow wastewater and thus drives up the the relative cost of providing those services.

A portion of the planning area will be included in the City's Wastewater Master Plan update, underway in 2010. That update will provide a better idea of the actual cost of extending wastewater infrastructure. It is important to note that prior to any wastewater infrustruture extensions to the planning area, impacts to the downstream wastewater system will also have to be evaluated. Improvements to that system may also be part of the cost to extend infrastructure to the area.

2.3.2 Stormwater Infrastructure

A summary of the existing stormwater utilities, channels, and natural streams are shown on Map 2-4. The majority of the stormwater is handled by open channels and streams. The stormwater drains to the south, by way of the tributaries, to the Kansas River.

2.3.3 Gas Infrastructure

The planning area includes three natural gas lines. One pipeline owned by Southern Star Gas enters the planning area from the north and crosses to the east through the center of the planning area. A second Southern Star Gas pipeline enters the planning area in the southeast corner, proceeds northeast and exits the planning area near Highway 24/40 and Highway 32. Another pipeline is owned by Williams Natural Gas and it enters the planning area on the west center portion and crosses northeast through the planning area. See Map 2-5.

2.3.4 Electric Infrastructure

Westar serves the planning area. Large electric transmission lines also traverse the planning area. See Map 2-5.

2.3.5 Drainage Districts

The Douglas County KAW Drainage District is the only drainage district in the planning area, but it does not cover the entire planning area. See Map 2-6.

Northeast Sector Plan



Northeast Sector Plan



Northeast Sector Plan



Northeast Sector Plan



2.3.5 Transportation

2.3.5.1 Road and Streets

The majority of the roads in the planning area are rural township roads, most of which are gravel. Grant Township maintains the majority of the roads in Grant Township. However, Douglas County has maintenance responsibility over Douglas County Route 9 (E 1500 Rd from city limits north to Highway 24/40) and Wellman Road north of Midland Junction to the Jefferson County line. KDOT has responsibility over Highways 24/59 and 24/40.

Douglas County has adopted access management standards that spell out minimum frontage and access standards for rural roads based upon road classifications.

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-7. The classification system can be described as a hierarchy from the lowest order, (local roads and streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local roads and streets, to major thoroughfares (arterial streets) that carry traffic across the entire city and county. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths.



T2030 was adopted in 2008 and is updated at least every 5 years. This area should be fully studied during the next update to address the future street network.

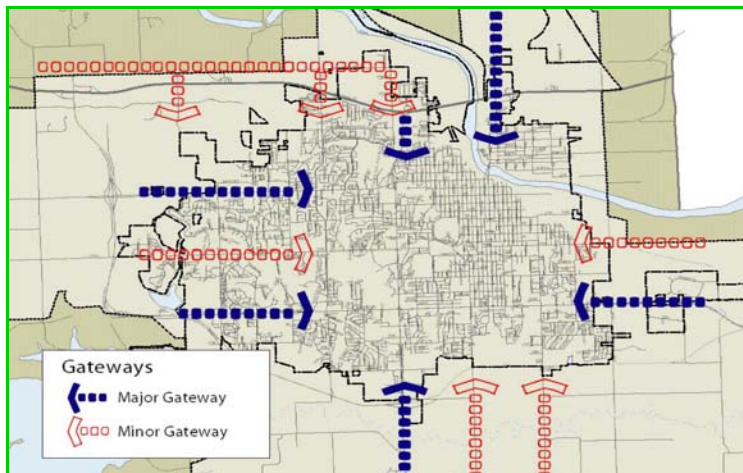
2.3.5.2 Gateways

Chapter 2 of T2030 discusses and identifies minor and major gateway into and out of Lawrence. T2030 states, "Gateways are locations on transportation corridors that define the entrances to cities. These provide visitors with a first impression of the city and often indicate the transition from rural to urban land uses. As such, cities desire to make these locations as attractive and informative as possible. As noted in T2030 in Figure 2.4, there are several roadways that represent gateways into the city of Lawrence or into smaller communities within the region that should be reviewed for aesthetic and informational enhancements when they are improved."

T2030 identifies Highway 24/59 as a major gateway into Lawrence based on the corporate boundaries shown in Figure 2.4 of T2030.

T2030 Figure 2.4

Lawrence Gateways



2.3.5.3 Rail

There are also rail lines that weave through the planning area. All lines are currently active and make a number of trips through the area over the course of a typical day. These rail lines pose issues at the various crossings in the area. See Map 2-7 and Map 3-1 for the location of the rail lines.

2.3.5.4 Transit



Lawrence has a public transportation system (The T) which operates throughout the city. This system allows people to travel to other areas of the city without relying on a personal automobile. There are currently no transit routes that travel into the planning area. However, paratransit service is available to all of Douglas County. Paratransit service is a demand response service available to seniors and people with disabilities.

2.3.5.5 Bicycle Facilities

Lawrence and Douglas County have a joint bicycle plan for the community, the *Lawrence-Douglas County Bicycle Plan*. This plan identifies existing and future bicycle routes, lanes, and multi-use paths. A bicycle route is a network of streets to enable direct, convenient and safe access for bicyclists. A bicycle lane is a separate space designated with striping, signage or pavement markings for exclusive use by bicycles within a street. A multi-use path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

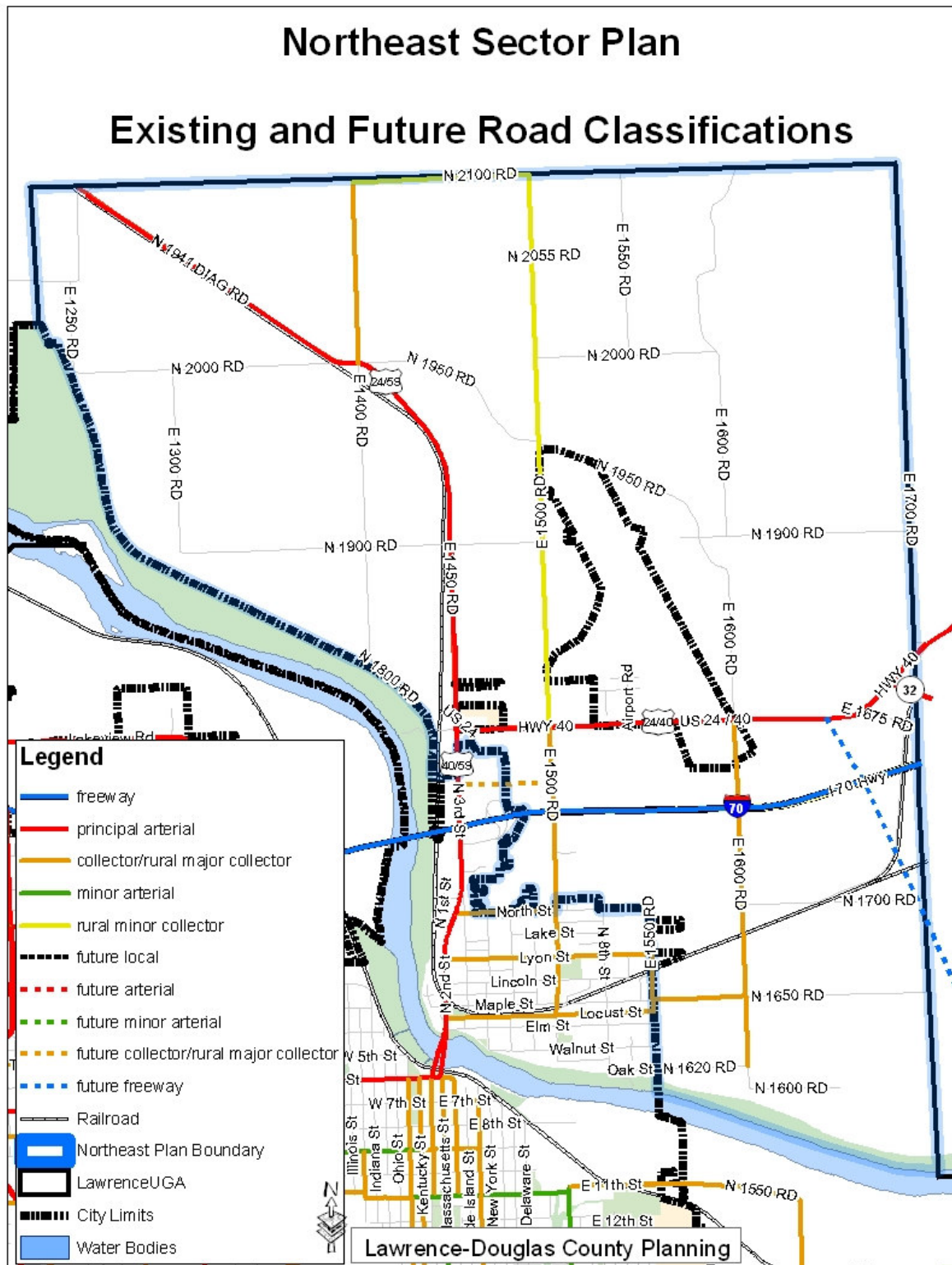


Map 2-8 identifies existing and future bicycle facilities that include:

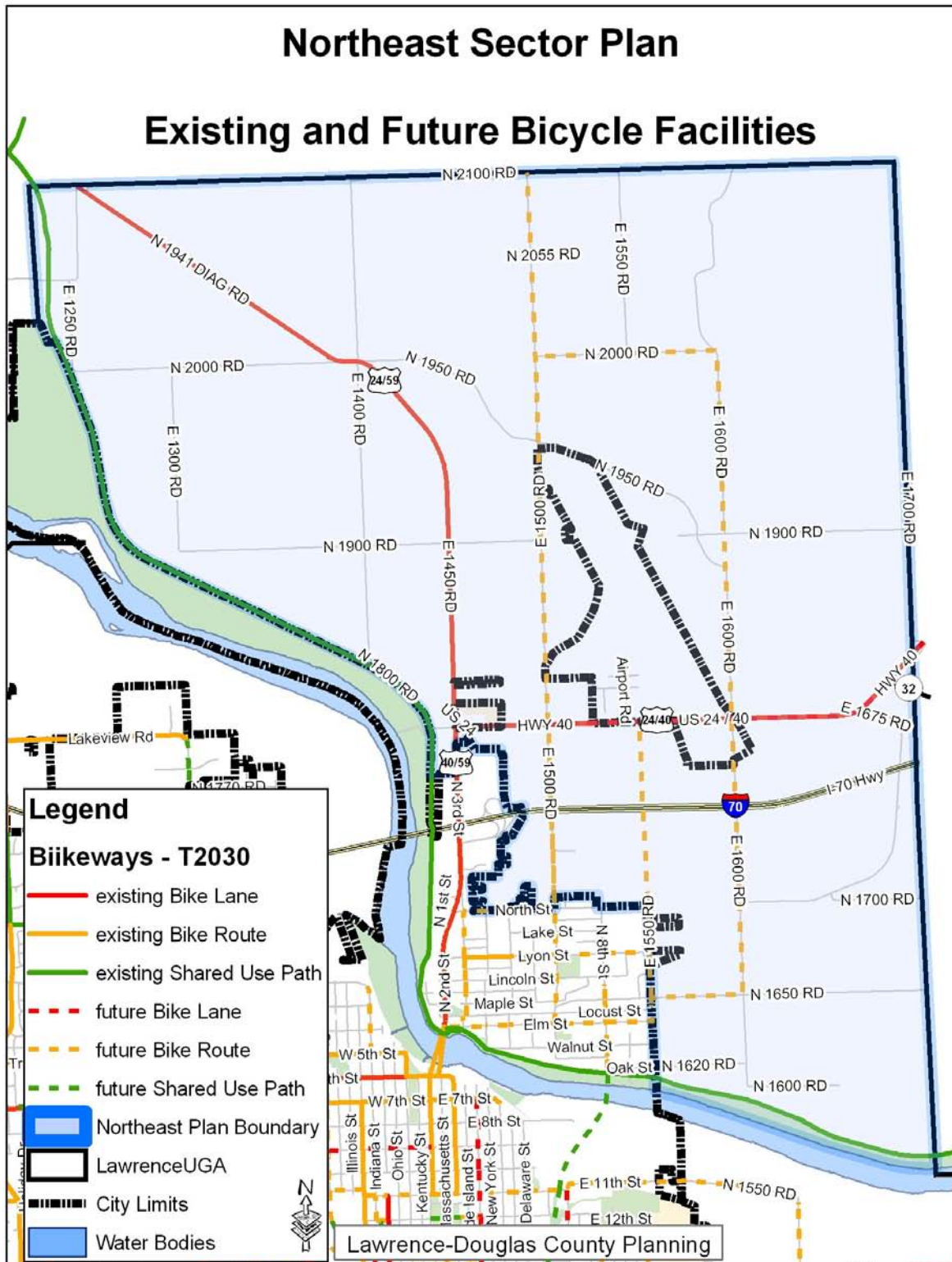
- o An existing multi-use path along the north side of the Kansas River Levee.
- o A future bike lane identified along Highway 24/40.
- o A future bike route is identified along E 1600 Road, via N 1650 Road east from Lawrence, north to N 2000 Road.

- o A future bike route is identified along E 1500 Road from Lawrence north to the county line.
- o Another future bike route is identified along E 1550 Road from Lawrence to Highway 24/40.
- o A future bike route identified along North Street in Lawrence.

Map 2-7 – Existing and Future Road Classifications



Map 2-8 – Existing and Future Bicycle Facilities



2.4 Environmental Conditions

The planning area is made up of several drainage basins which drain to the Kansas River. There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. These are areas around Mud Creek and its tributaries, Maple Grove Creek, and the Kansas River. See Map 2-9. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Developing in the floodplain is allowed both in the city and in the county based on the corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

Mud Creek and its tributaries flow through portions of the planning area. The Kansas River is immediately outside of the west and south parts of the planning area.

The North Lawrence Drainage Study was commissioned by the City in 2005 to develop a stormwater plan for the North Lawrence watershed. Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with existing stormwater issues and future ones that will be created with development.

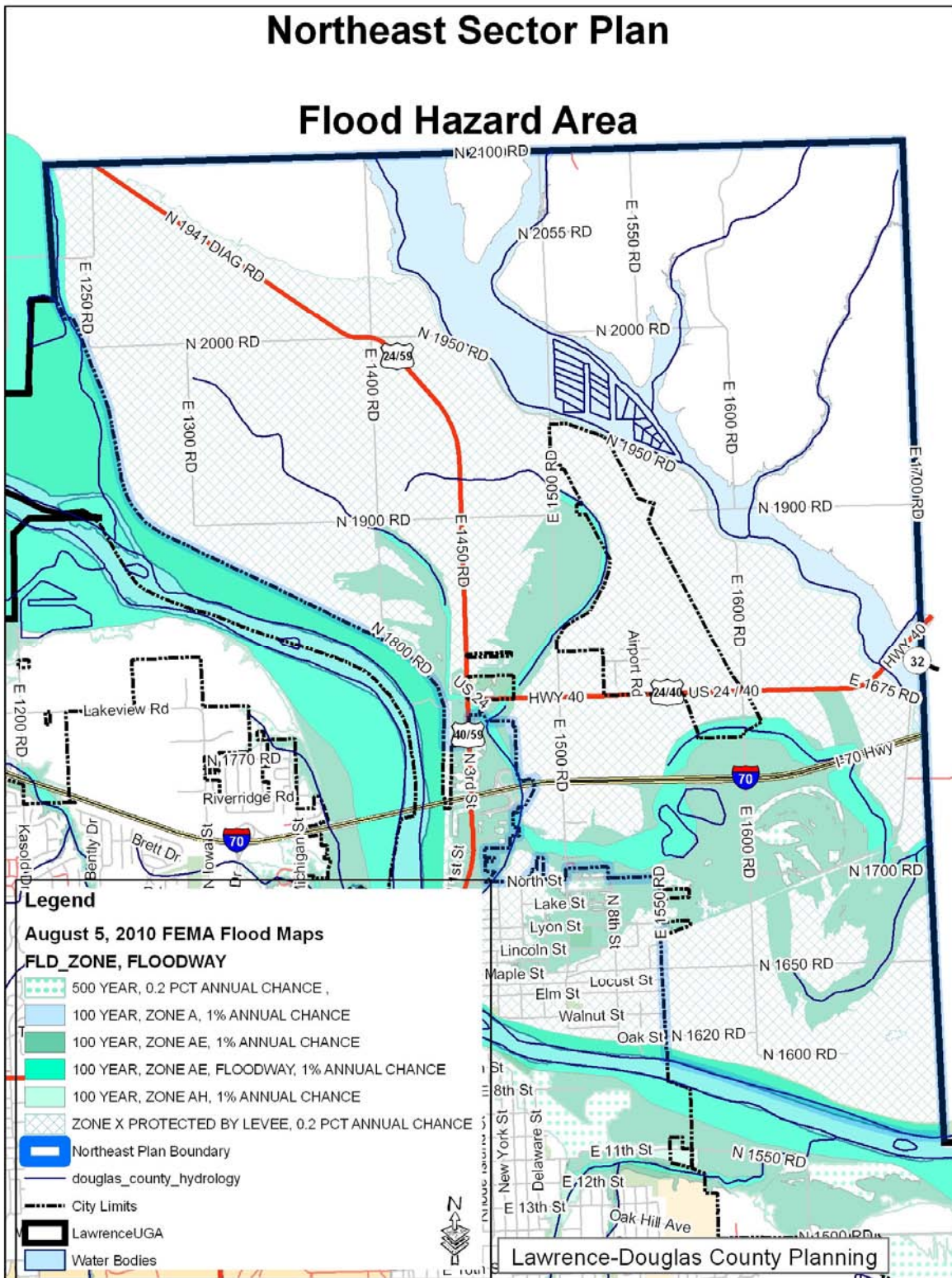
The majority of the land coverage within the planning area is agricultural land used for crop and animal production. The planning area also contains areas of prairie, grazing land and reserved areas of land that are a part of the KU Field Station. There are some water bodies and woodlands are also present in the northwest and northeast parts of the planning area. See Map 2-10 for a land coverage summary.

There is a range of topography within the planning area. The high points are along the northern and northeastern portions of the planning area north of the airport and Highway 24/59. The low points are essentially the rest of the planning area. This area is notable for the fact that it is so flat. As such, it is this area that has portions encumbered by floodplain. See

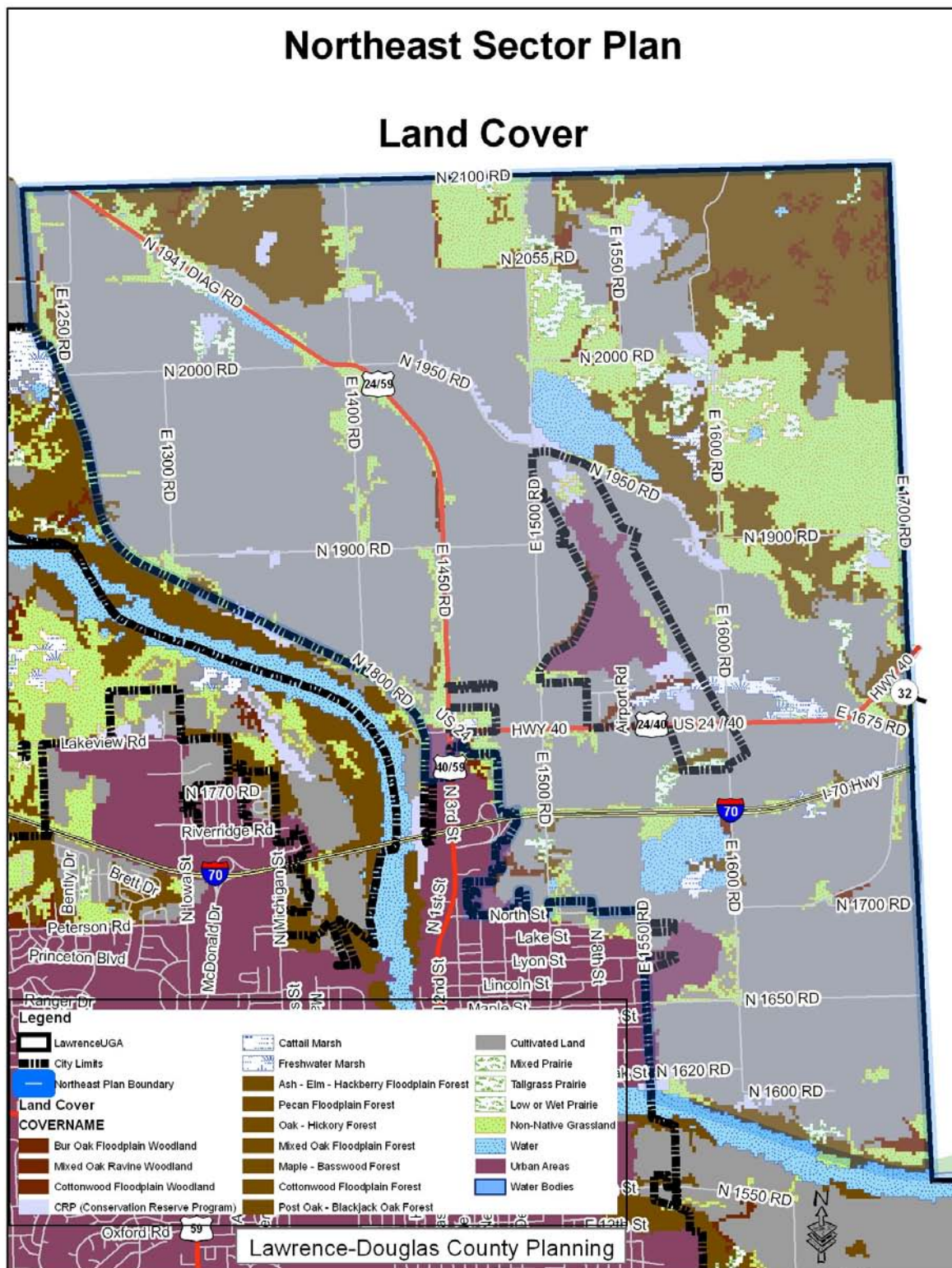
Map 2-11 and Map 2-12. Detailed topographic surveys will be required as individual properties are developed.

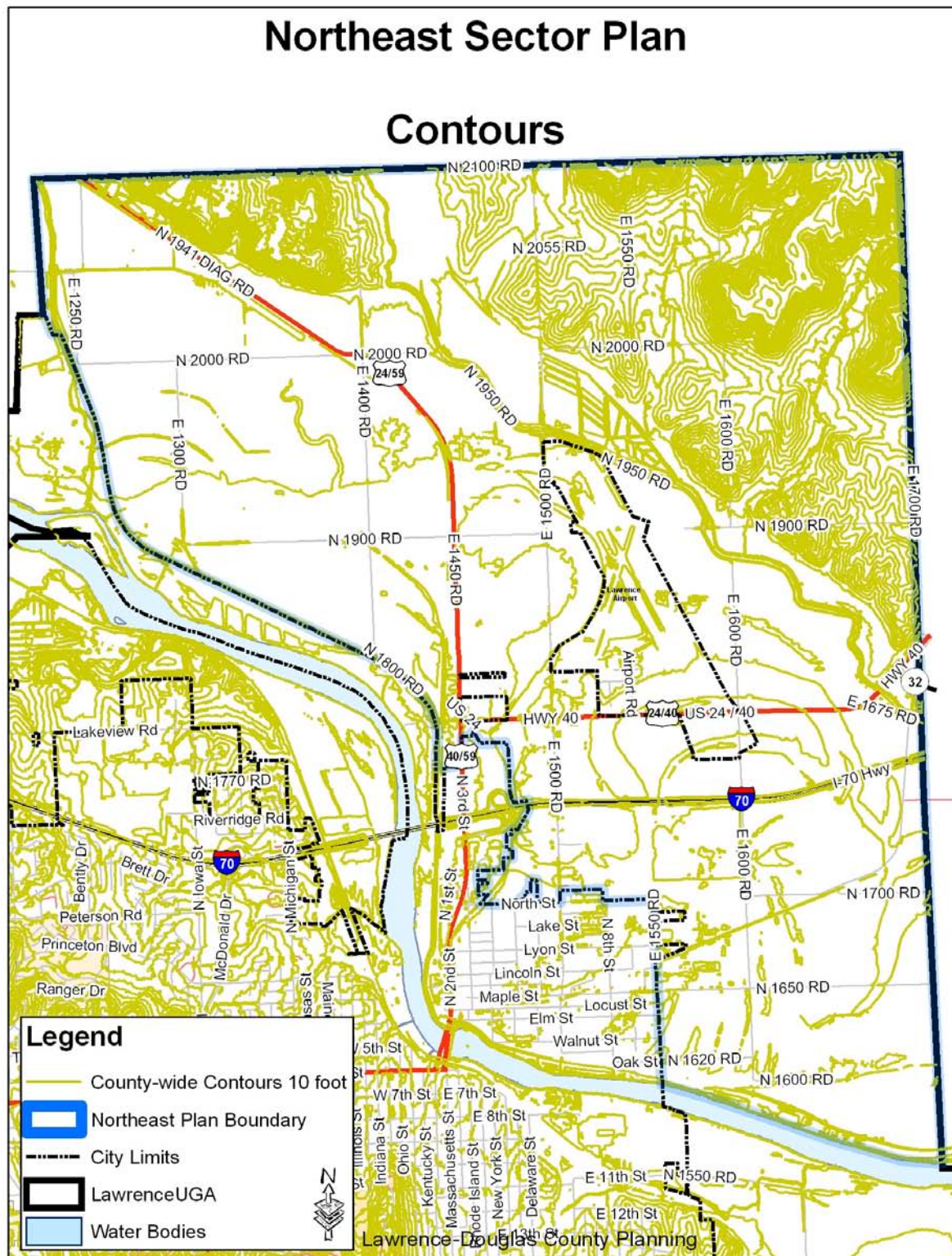
The planning area also contains Class I and II soils as determined by the Natural Resources Conservation Service, a division of the United States Department of Agriculture. These soils are considered to be high quality agricultural land. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states *"The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community. High-quality agricultural land is generally defined as available land that has good soil quality and produces high yields of crops. Within Douglas County these are capability class (non-irrigated) I and II, as identified by the National Resources Conservation Service."* These soils are highly permeable and assist in stormwater management. See Map 2-13.

Map 2-9 – Regulatory Flood Hazard Area and Streams

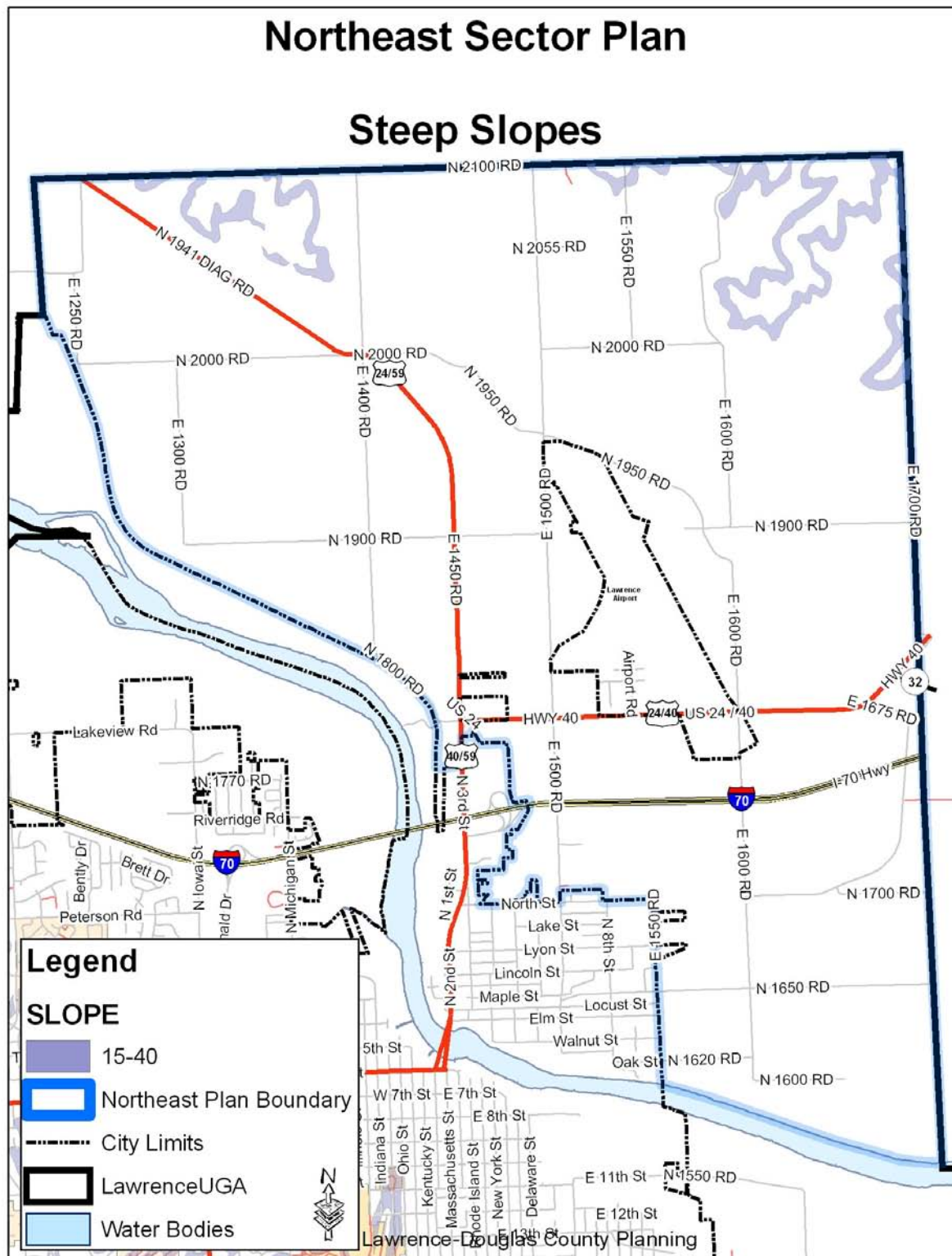


Map 2-10 – Land Cover





Map 2-12 – Steep Slopes



Northeast Sector Plan



2.5 Community Facilities

Community facilities are services provided either by government or non-government agencies for the benefit of, and use by, the community. Within the planning area there are a few community facilities. Grant Township owns and maintains a community building east of the airport on E 1600 Rd. That building is also currently being used by Prairie Moon Waldorf School, a private kindergarten and grade school. The Township also maintains a facility near Midland Junction where it stores and services equipment needed for road maintenance. KDOT also has a maintenance facility in the planning area at the northeast corner of Highway 24/40 and Highway 24/59.

Kansas University maintains the Kansas University Field Station (KUFS) in the northeast corner of the planning area. The KSR was established in 1947 and is the biological field station of Kansas University. Numerous research and teaching activities take place at the KUFS. Much of the KUFS is also located in neighboring Jefferson and Leavenworth counties and is not accessible to the public. However, the KUFS also maintains ecological reserves in the planning area that are accessible to the public. For example, the Fitch Natural History Reservation and McColl Nature Reserve, located in the very northeast corner of the planning area, have 4 miles of self-guided nature trails within Douglas County that allow users to explore forest, grassland, stream, wetland, and pond areas.

The planning area is located within the Lawrence Public School District (USD 497). The students in the planning area attend Woodlawn Elementary for elementary school; Central Junior High for junior high; and Free State High for high school. Students in the area can also attend the aforementioned private Prairie Moon Waldorf School for kindergarten and grade school.

Most of the community facilities including urban public services, schools, fire/medical, law enforcement, developed parks, etc., are located to the south of the planning area within the city of Lawrence. See Map 2-14

The rural portions of the planning area are served by Lawrence-Douglas County Fire & Medical through an agreement with Grant Township. The Lawrence-Douglas County Health Department ~~is~~ also serves the planning area.

Law enforcement is shared between the City of Lawrence Police Department and the Douglas County Sheriff's Department, depending on whether the property is within the city or in the county. Both are located in the Law Enforcement Center in downtown Lawrence.

The city-owned Lawrence Municipal Airport is located in the planning area north of Highway 24/40 and east of E 1500 Road. The city has owned and operated the airport at this site since 1929. The airport is a general aviation facility that is an all weather facility for business and recreation flyers. A portion of the airport is dedicated to aviation-related employment activities and the city is actively marketing the airport for new businesses while recently approving water and sewer extensions to serve the airport.

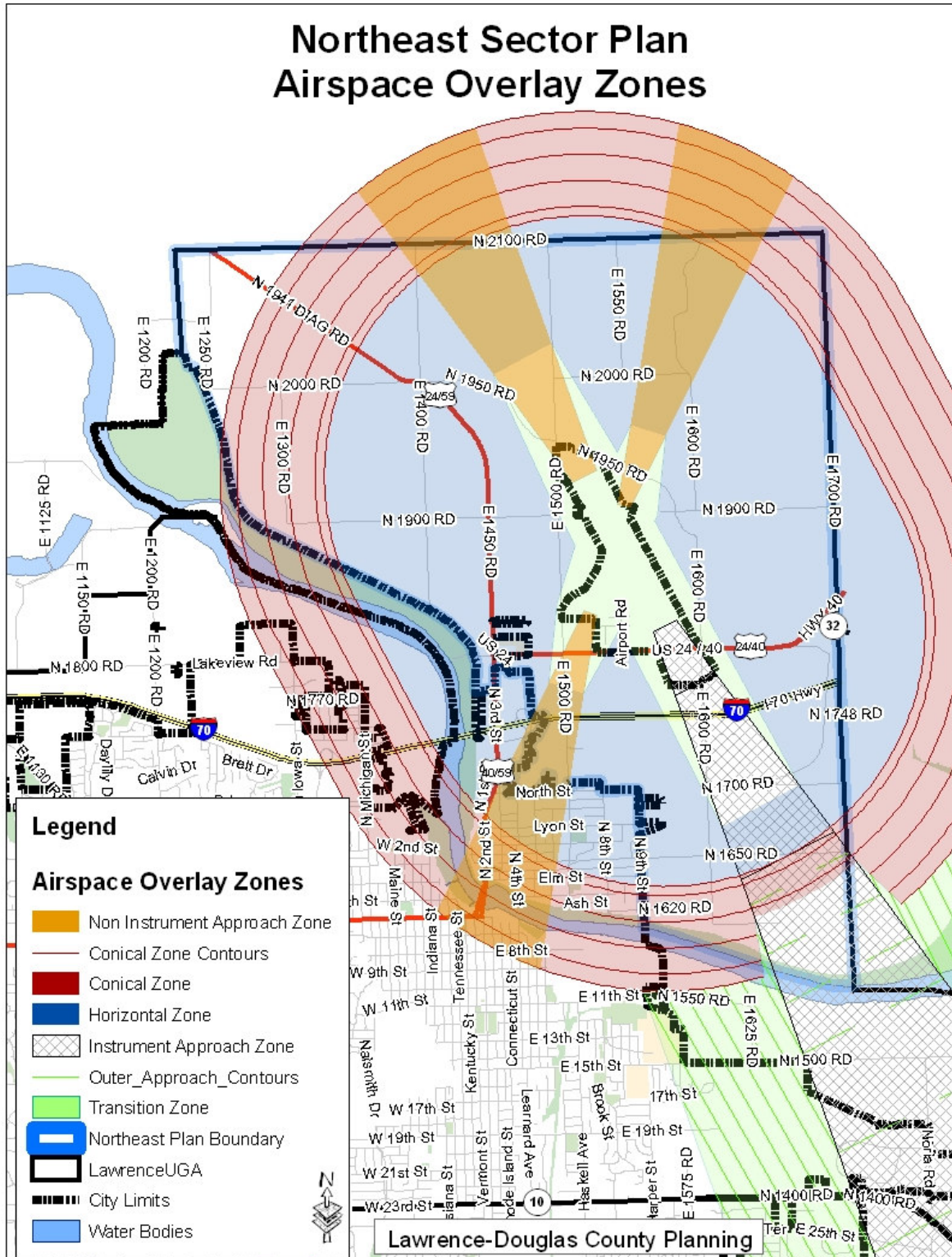
The Federal Aviation Administration (FAA) regulates certain aspects of the operation of the airport and the activity around the airport. There are restrictions in place that manage structure heights around the airport to help maintain the integrity of runway approaches. See Map 2-15. The FAA also mandates a 10,000 foot Wildlife Mitigation Buffer around the runway and taxiway improvements at the airport. The buffer extends 10,000 feet beyond the runway

and taxiways. The buffer is meant to keep water bodies and other wildlife attractants to a minimum. Proposed developments within the 10,000 foot buffer require FAA review. See Map 2-16.

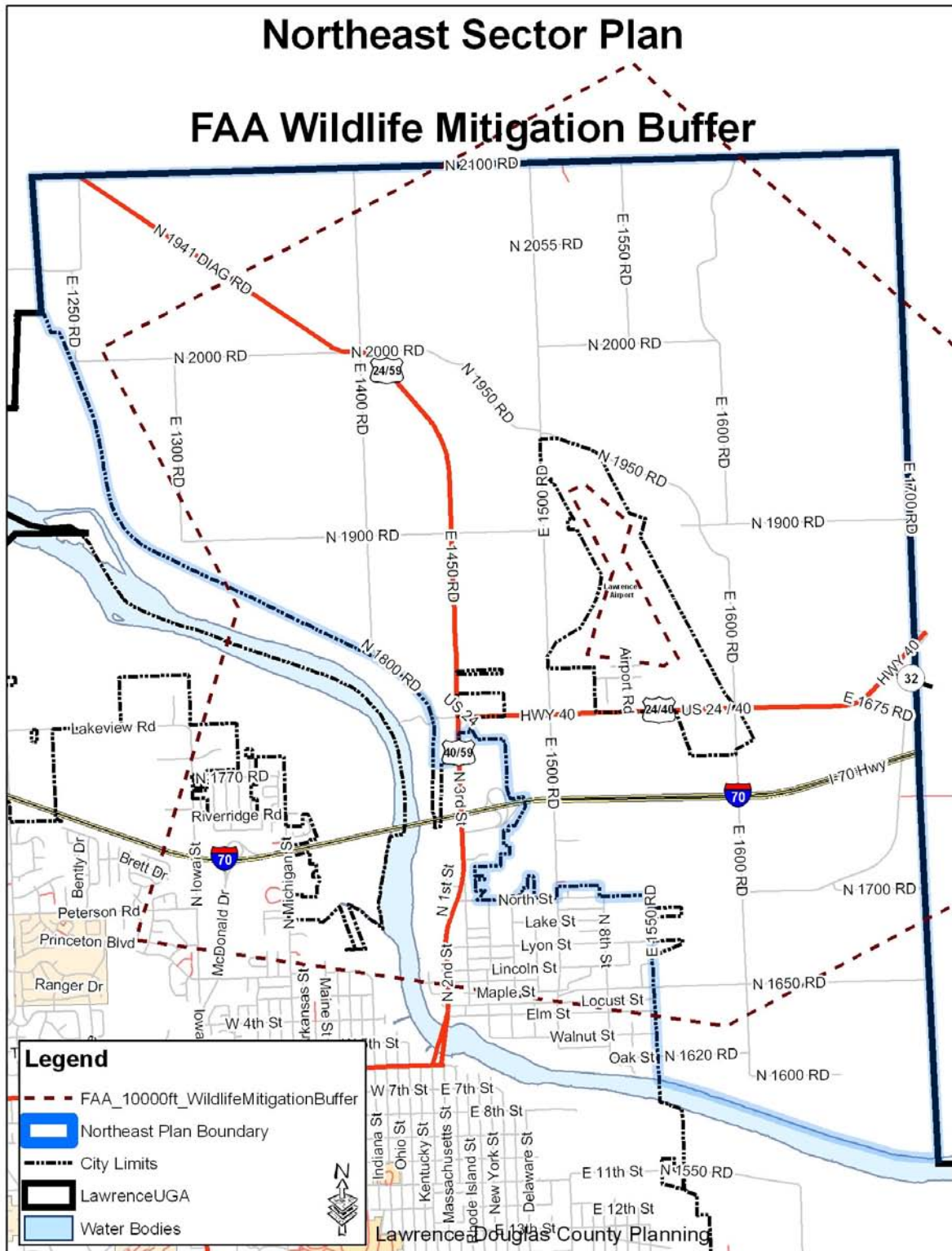
Northeast Sector Plan



Map 2-15 – Airspace Overlay Zones



Map 2-16 – FAA Wildlife Mitigation Buffer



Section 3 – Recommendations

The Northeast Sector Plan planning area is anticipated to develop with a range of uses and intensities that extend from agriculture to industrial uses. The more intensive industrial and commercial use areas are recommended where they are in close proximity to US 24/40 Highway and the airport. Agriculture uses are located in the majority of the planning area which is not anticipated to urbanize within the foreseeable future.

Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the area's unique challenges to development, including:

- o Costly stormwater infrastructure needs as urbanization occurs
- o Significant amounts of regulatory floodplain
- o Significant amounts of Class 1 and 2 soils
- o FAA Regulations and Lawrence Municipal Airport Protection Zones

Yet the planning area also benefits from the Lawrence Municipal Airport, nearby urban services, and access to I-70.

This plan recognizes the interconnectedness of these unique elements and proposes only limited urban development in the planning area.

3.1 Goals and Policies

Goals are broad statements of ideal future conditions that are desired by the community. Policies are guiding principles that provide direction for decisions to be made regarding the planning area in order to meet the goals. These policies are in addition to the policies in *Horizon 2020* and are only applicable to the property within the *Northeast Sector Plan* planning area.

3.1.1 Land Use

Goal: Establish future land uses appropriate for the following unique characteristics of the area:

The interaction of urban and rural lifestyles and development patterns

Multi-modal transportation system

- o **Airport**
- o **Highway 24/40/59**
- o **Interstate 70**
- o **Railroad**

Predominate agriculture use with existing industrial and commercial uses along the highways

Relatively flat terrain

Floodplain/stormwater challenges

KU Field Station and ecological reserves

Kansas River/Levee

3.1.1.1 Policies

3.1.1.1.a General

1. Establish an urban growth area boundary that considers the costs of urban development and that recognizes that the majority of the planning area will not develop in an urban manner during the time horizon of this plan.
2. Recognize that infrastructure challenges will limit urban growth in the planning area. Stormwater management costs identified by the North Lawrence Drainage Study are significant for urban development. The lack of slope of part of the planning area presents challenges for urban wastewater infrastructure and management.
3. Consider allowing alternate development standards for urbanized development that promote sustainable development– swales, no curb and gutter, pervious surfaces, etc. – that will limit the downstream impact of development.
4. Annex property in an orderly manner as urbanization of new development occurs. Further, consider annexing existing county industrial developments as utility issues in the area are better understood and as properties redevelop.

3.1.1.1.b Agriculture Use

1. Encourage continued agriculture use for the majority of the planning area, especially in areas with Class I and II soils and in the regulatory floodplain areas.
2. Encourage incentives/partnerships that assist the ongoing agriculture uses in the area.
3. Recognize that the impacts of farming – truck traffic, noises, etc. – are necessary and are not nuisances in the community.
4. Identify and create programs that promote continued agriculture use by supporting existing and new agriculture ventures.

3.1.1.1.c Industrial/Employment Use

1. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
2. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.
3. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate the Midland Junction area as a future industrial/employment area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas. Adoption of Nodal Plan is encouraged prior to urbanizing and/or providing urban services to this site.
4. Support continued development of the Airport property for aviation-related businesses.
5. Require compatible land uses within FAA guidelines related to runway protection zones and wildlife mitigation.

3.1.1.1.d Commercial Use

1. Per Horizon 2020 Chapter 6 – Commercial Land Use, designate the intersection of E 1500 Rd. and Highway 24/40 as a future Neighborhood Commercial Center.
2. Allow future commercial uses, in addition to industrial/employment uses, at Midland Junction to provide a greater mix of uses to support highway travelers after Nodal Plan is adopted. Consider improvements to Highway 24/59 that address the safety of the curves as part of a future Nodal Plan.

3.1.1.1.e Residential Use

1. Rural residential (rural estate) uses are permitted in portions of the planning area and are encouraged if supporting agriculture uses.
2. Very low density residential uses are encouraged for the non-regulatory floodplain area between the North Lawrence neighborhood and I-70.

3.1.1.1.f Open Space

1. Protect the existing and future Kansas University Field Station and protect it from future development projects with tools such as appropriate buffers and land uses that will minimize the impact of neighboring development.
2. Encourage continued use of the Kansas River levee as an open space amenity.

3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary by limiting it to those areas of Grant Township feasible for urban-type development through the analysis of this Sector Plan and the analysis of future water and wastewater master plans.

3.1.2 Environmental Resources

Goal: Consider the unique environmental resources of the area when reviewing development applications. Environmental resources include:

Class I and II soils

Flat terrain

Floodplain

Groundwater/Wells

KU Field Station and ecological reserves

Kansas River/Levee

Sand, gravel, topsoil, etc.

3.1.2.1 Policies

3.1.2.1.a Class I and II Soils

1. Recognize Class I and II soils as valuable to this portion of Douglas County for its permeability (positive attribute for stormwater and flooding) and crop production capabilities.
2. Encourage the preservation of high quality agriculture land (Class I and II soils) through conservation programs, private/public partnerships, and other funding mechanisms.
3. Encourage private agriculture easements that will preserve high quality agriculture land in perpetuity.

3.1.2.1.b Floodplain

1. The City and County should consider developing and implementing higher regulatory standards that promote no adverse impact in regulatory flood hazard areas as shown on the Flood Insurance Rate Maps for Douglas County and within the Floodplain Overlay District for the City of Lawrence.
2. Development should not be allowed within the regulatory floodway.
3. Promote the natural and beneficial functions of the floodplain.
4. Encourage natural stormwater management.
5. Crop and animal agriculture uses are appropriate in the regulatory floodplain.

3.1.2.1.c Groundwater

1. Promote land management choices that limit the potential for negative groundwater impacts.
2. Minimize pollutants percolating into groundwater systems to help ensure the quality of the area's groundwater systems.
3. Provide educational opportunities regarding natural stormwater management features, Best Management Practices (BMPs) for stormwater structures and pollutant discharge, erosion and sediment control, and water quality.

3.1.2.1.d Kansas University Field Station

1. Encourage future development that is compatible with the Kansas University Field Station. Buffers and other methods may be necessary to mitigate the impacts of the built environment of future development projects in close proximity to the Field Station.
2. Promote the research and educational aspects of the Kansas University Field Station.

3.1.2.1.e Recreation

1. Maximize recreation opportunities by developing trails that connect to focal points in the area and to the larger interconnected Lawrence and Douglas County network, including the Kansas River levee trail.

3.1.2.1.f Sand, gravel, topsoil, etc.

1. Support the extraction of natural resources such as sand, gravel, topsoil, etc. if compatible with existing land uses, especially the Lawrence Municipal Airport and Kansas University Field Station, and if infrastructure can support the process of extraction.

3.1.3 Economic Development

Goal: Promote economic development opportunities that take advantage of the unique characteristics of the area, which include:

A multi-modal transportation system

- o **Airport**
- o **Highways 24/40/59**
- o **Interstate 70**
- o **Railroad**

Class I and II soils

Relatively flat terrain

Existing industrial and commercial businesses along the highways

KU Endowment land

3.1.3.1 Policies

3.1.3.1.a Airport

1. Support aviation-based development at the airport, and the necessary road and utility infrastructure, as an economic development generator for Lawrence and Douglas County.

3.1.3.1.b Industrial/Employment

1. Support goals and policies of Horizon 2020 Chapter 7 – Industrial & Employment Related Land Use and recognize that certain areas identified in Chapter 7 in the planning area are valuable to the goal of creating jobs for Douglas County.

3.1.3.1.c Agriculture Economy

1. Encourage public/private partnerships and programs to establish and support a sustainable local food program.
2. Establish incentives as part of a local food program that foster farm to table relationships.
3. Support the ag community by creating partnerships and programs that further economic development of an agricultural nature.
4. Per Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use, designate and support the areas southwest of the Airport and north of I-70 as a future industrial area. Soil conserving agri-industry businesses that will protect the quality of existing high-quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in these areas.
5. Designate and support industrial/employment uses north of Highway 24/40 and west of the airport.

3.1.3.1.d KU

1. Create partnerships with KU that help build the agricultural, research, aviation, and industrial businesses of the area.

3.1.4 Infrastructure

Goal: Improve existing services for the area and recognize the infrastructure challenges posed by the unique characteristics of the area when considering development applications. The unique characteristics include:

Relatively flat terrain

Floodplain/stormwater challenges

Township roads

3.1.4.1 Policies

3.1.4.1.a Existing Services

1. Develop partnerships between Douglas County, Grant Township and the City of Lawrence for appropriate road maintenance programs in the planning area as development occurs.
2. When conditions warrant, the City should consider locating a fire station near the airport to improve emergency service for the airport, the North Lawrence neighborhood, and the remainder of Grant Township.
3. Heavy truck traffic from commercial and industrial development should use highways or improved roads for travel through the area.

3.1.4.1.b Floodplain/Stormwater/Flat terrain

1. Consider implementing alternate sustainable development standards to help reduce the cost of stormwater improvements needed for existing and future development.
2. The flat terrain in some parts of the planning area hinders storm drainage. Stormwater improvements identified in the North Lawrence Drainage Study should be constructed as development occurs in the area.
3. Implement appropriate stormwater management practices throughout the planning area.
4. Flat terrain poses cost challenges to providing sanitary sewer to the area. Consider alternative sewer solutions when prudent.

3.1.5 Transportation

Goal: Continue developing a multi-modal transportation system that supports the designated land uses of the area.

3.1.5.1 Policies

3.1.5.1.a Safety

1. Work with KDOT to improve the Midland Junction Highway 24/59 curves to make the route safer for travelers.
2. Consider improvements to Highway 24/40 that facilitate easier turning movements onto and off of the highway – in particular at E 1500 Rd./N 7th Street and at the airport entrance.
3. Encourage on-going discussion with the railroad companies regarding rail crossing safety.

3.1.5.1.b Trails/Pathways

1. Develop a trail/bikeway system for the planning area that considers connecting to open space and recreation areas.
2. Include the planning area in the county-wide bikeway system map.
3. Identify and build pathways throughout the planning area.

3.2 Land Use

This section outlines the recommended land uses for the planning area. The future land use maps (Map 3-1) and land use descriptions are explained on the subsequent pages. The map is an illustration to help visually identify the recommended land uses in the Northeast Sector Plan planning area. The land use descriptions are more detailed information regarding the different land use categories. The official definitions and the permitted uses within each zoning district are outlined in the use tables that are located in the Zoning Regulations for the Unincorporated Territory of Douglas County and the *Land Development Code* for the City of Lawrence. The map and text descriptions must be used in conjunction with one another in order to obtain the complete recommendation for each particular area. The map is not intended to provide a scaleable map for determining specific land use/zoning boundaries within this area.

This plan encompasses a large area that for the most part is not intended to urbanize, and as such, a large area is designated Agriculture on the future land use map. There are a number of properties in the planning area that have existing county zoning designations other than Agricultural zoning. Some of those properties are shown on the future land use map to have a different future land use through possible future urbanization. There are also properties that have county industrial and business zoning, and that are currently developed, that are shown on the future land use map as industrial or commercial, reflecting their existing developed use.

There are other properties that have County industrial or business zoning, but that are not presently developed and that are outside the anticipated urbanization area of this plan, that are shown as Agriculture on the future land use map. It is important to note that this plan does not take away those properties' rights to develop under the current county zoning regulations. Properties with zoning other than Agricultural that seek to develop for a permitted use may do so without oversight of the future land use map of this plan as long as they receive the appropriate approvals to do so.

3.2.1 Land Use Descriptions

3.2.1.1 Agriculture

The Agriculture classification is intended for those parts of the planning area not anticipated to urbanize over the course of the planning horizon. The primary existing use of this classification is agriculture uses such as row crops, livestock production, and pastureland. Secondary uses include residential and other uses allowed in zoning districts. The intent of the Agriculture classification is to allow for existing and future agriculture activities along with rural residential uses and other uses permitted by the Zoning Regulations of Douglas County. Existing uses that are not agriculture or residential, and that have the appropriate existing zoning for the use, are not affected because this policy classification is not changing the zoning on the property. The Agriculture classification contains regulatory flood hazard areas. Development on properties containing flood hazard area must comply with the flood plain regulations of Douglas County.

Density: Per Douglas County Zoning Regulations

Intensity: Very low

Zoning Districts: Douglas County - A (Agriculture District), "A-1" (Suburban Homes District)

Primary Uses: Agriculture, commercial greenhouse, commercial riding stable, grain storage structures, single-family dwellings, churches, schools, parks and open space and utilities.

3.2.1.2 Very Low-Density Residential

The intent of the Very Low-Density Residential classification is to allow for large lot, single-dwelling type uses. The very low-density classification is expected to urbanize within the city of Lawrence.

Density: 1 or fewer dwelling units per acre

Intensity: Very low

Zoning Districts: Lawrence – RS40 (Single-Dwelling Residential), PD (Planned Development Overlay)

Primary Uses: Detached dwellings, cluster dwellings, manufactured home residential-design, zero lot line dwellings, group home, public and civic uses

3.2.1.3 Neighborhood Commercial Center

A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level. This commercial center is intended to serve the surrounding employment center area in addition to the commuters using Highway 24/40. *Horizon 2020*, Chapter 6 – Commercial Land Use offers more specific language regarding Neighborhood Commercial Centers. The Neighborhood Commercial Center classification is intended to urbanize around Highway 24/40 and E 1500 Rd. Other areas designated are rural and are not anticipated to urbanize.

Intensity: Medium-High

Zoning Districts: Douglas County – B-1 (Neighborhood Business District) and B-2 (General Business District); Lawrence – MU (Mixed Use), CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), PD (Planned Development Overlay)

Primary Uses: non-ground floor dwellings, civic and public uses, eating and drinking establishments, general office, retail sales and services, hotels, motels, gas and fuel sales, car wash

3.2.1.4 Industrial

The intent of the Industrial category is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also classified as industrial. Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils. The industrial category is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, soil-conserving agribusinesses

3.2.1.5 Airport

The intent of the Airport category is to designate the existing City-owned Lawrence Municipal Airport land and allow for aviation-related development.

Intensity: Medium-High

Zoning District: Lawrence – IG (General Industrial District)

Primary Uses: Aviation-related uses

3.2.1.6 Public/Institutional

The intent of the Public/Institutional Use is to allow for public, civic, and utility uses.

Intensity: Variable

Zoning Districts: Douglas County – A (Agriculture District); Lawrence – GPI (General Public and Institutional)

Primary Uses: Cultural center/library, school, utilities, recreational facilities, utility services

3.2.1.7 Kansas University Field Station

The intent of the KU Field Station Use is to classify the existing Kansas University property.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District)

Primary Uses: crop agricultural, cultural center, teaching, active recreation, passive recreation, nature preserve, research

3.2.1.8 Open Space

The intent of the Open Space classification is to provide future opportunities for public and private recreational facilities and natural area preservation. This category primarily includes regulatory floodway areas as well as regulatory floodplain areas that are not in the Agriculture Land Use classification.

Intensity: Low

Zoning Districts: Douglas County – A (Agriculture District), V-C (Valley Channel District); Lawrence – GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve),

Primary Uses: crop agricultural, cultural center, schools, active recreation, passive recreation, nature preserve, entertainment and spectator sports, participant sports and recreation outdoor, private recreation

3.2.1.9 Future Industrial/Employment

This classification recognizes the Midland Junction area as a future employment center. Although the area may or may not urbanize and support a larger employment base and possibly expanded commercial uses, this likely won't happen for at least 30 years (Per Horizon 2020 Chapter 7 Industrial and Employment Related Land Use).

A Nodal Plan will be required prior to the area substantially developing. A Nodal Plan will provide a detailed land use examination of the Midland Junction intersection. The Nodal Plan should determine future land use, including a consideration for some commercial land use. In addition to future land use, among the other issues the Nodal Plan should examine are: traffic safety issues with Highway 24/59, stormwater, and Class I and II soils.

Northeast Sector Plan



3.3 Implementation

1. Amend *Horizon 2020* Chapter 6 - Commercial Land Use designate the Neighborhood Commercial Center at the intersection of E 1500 Road and US Highway 24/40 to the southern portion of the intersection of E 1500 Road and US Highway 24/40.
2. Reevaluate and update the Lawrence Urban Growth Area (UGA) in *Horizon 2020*.
3. Include the planning area in the future wastewater and water master plan updates.
4. Include the planning area in future long-range transportation plan updates.
5. Reassess the planning area in a Bikeway Map update to include connecting the open space areas to the greater trail network.
6. Consider implementing regulations that promote no adverse impact for floodplain management.

Memorandum

City of Lawrence – Douglas County Planning & Development Services

To: Douglas County Board of County Commissioners

From: Dan Warner, AICP, Long Range Planner

Date: For May 11, 2011 County Commission Meeting

RE: CPA-6-5-09: Consider Comprehensive Plan Amendment to Horizon 2020 Chapter 14 to include the Northeast Sector Plan.

The Douglas County Board of County Commissioners and the Lawrence City Commission held a joint study session on the Northeast Sector Plan on March 8, 2011. In the discussion of the plan a few issues were raised. This memo addresses those issues, as well as discusses the key issue for the Northeast Sector Plan.

Joint Study Session Issues

1. Is the Plan Growth Area being used for the City's wastewater master plan update?
Yes, the Plan Growth Area from Map 3-1 Future Land Use is the boundary being used for the study area in the wastewater master plan update.
2. Why not classify the existing Douglas County industrial zoned property south of I-70 as a future employment area instead of the Plan's Very Low Density Residential classification?

Horizon 2020 Chapter 7 designates a future employment center for the area at land south of the airport and north of I-70. This plan used that assumption when classifying the area north of I-70 as a future employment center.

The area south of I-70 has not developed in an industrial manner despite the existing county industrial zoning. The development of the area is predominately agriculture, very low density residential and rural residential. City services are expected to be delivered to the area south of I-70 in the future. The Very Low Density Residential classification will direct development in a manner more in character with the existing development of the area (larger lot residential).

Main Issue of the Plan

The most discussed element of the plan is how to classify the future land use of the property south of the airport and north of I-70. The Planning Commission considered this question during their deliberations and discussed three options during their meeting on September 20, 2010. The Commission chose Option 1 which deleted the proposed Soil Conserving Agri-Industry future land use category from the plan and designated the property south of the airport as Industrial, with language added to this category that encourages soil conserving agri-industry businesses to locate in areas with Class I and II soils. The Planning Commission desired the flexibility provided by the language, which also aligns with the language contained in Chapter 7.

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
7/26/10

ITEM NO. 4: CPA-6-5-09 (DDW)

CPA-6-5-09 Amend Horizon 2020, Chapter 14 list of specific plans, to include the Northeast Sector Plan.

STAFF RECOMMENDATION: Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Northeast Sector Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

STAFF RECOMMENDATION: If appropriate, approve and sign Planning Commission Resolution 7-5-10.

SUMMARY

This comprehensive plan amendment (CPA) to *Horizon 2020*, Chapter 14, list of specific plans, to add the reference to the Northeast Sector Plan was initiated by the Planning Commission on June 24, 2009. This CPA will approve the plan and add to Horizon 2020, Chapter 14 the title of the plan, a description of the approximate planning area boundaries, approval dates, and the future review date.

BACKGROUND

Grant Township requested that a planning effort be undertaken for the area. The area has seen increased development pressure, most recently with a proposal for an industrial park south of Hwy. 24/40 and north of Interstate 70. The city owned Lawrence Municipal Airport is also within the planning area.

STAFF REVIEW

The Northeast Sector Plan is a sector plan for the Grant Township area north of Lawrence to the Douglas County line, containing approximately 10,640 acres. Most of the planning area is part of unincorporated Douglas County, but some of the property is within the corporate boundaries of Lawrence. This plan will help guide the county and city when making future land use decisions within the planning area. The plan will also help the public to visualize how the area may develop in the future.

The Northeast Sector Plan process kicked off with a public meeting on September 17, 2009. Property owners and other stakeholders were invited to attend the meeting. The participants in the kick-off meeting were asked to provide their input on the area's strengths, weaknesses, opportunities and threats. They also participated in a visioning exercise. Approximately 100 people attended the kick-off meeting.

The second public meeting was held on October 8, 2009. Participants were asked to review and prioritize the results of the kick-off meeting. Approximately 80 people attended the second public meeting. The third public meeting for the plan was held on November 5, 2009. Approximately 80 people attended the meeting and were asked to provide feedback on draft goals and policies and also participate in a future land use exercise.

The first draft of the plan was released on March 12, 2010. The first draft was presented in a public meeting on April 7, 2010. Approximately 60 people attended the meeting. A second draft of the plan was released on May 5, 2010.

The second draft was presented to the Lawrence-Douglas County Planning Commission at their mid-month meeting on May 12, 2010. The second draft was also presented to the Planning Commission for review and comment during their regular meeting on May 24, 2010. The Planning Commission took public comment and provided comments to staff.

Staff produced a third draft of the plan based on Planning Commission comments. The third draft is presented for Planning Commission review. Staff also produced a questions and answers document as a result of some of the questions asked at the May 24th Planning Commission meeting. The questions and answers are attached at the end of this staff report.

All property owners in the area, along with additional stakeholders, were invited to participate in the planning process. Public meetings were well attended. Written comments were received on early documents and also on the plan drafts.

The draft plan includes three sections; the introduction, existing conditions, and recommendations. The introduction sections states the purpose of the plan, a description of the planning area and a list of the policy framework. The existing conditions section describes the existing land uses, zoning patterns, infrastructure, environmental conditions, and community facilities within the planning area. The recommendations section includes goals and policies that were derived from public meeting input. The recommendations section also includes a future land use map with written descriptions of the future land use classifications. Finally, the recommendations sections includes implementation actions.

Included at the end of this staff report is the proposed amendment to Chapter 14 – list of specific plans. This amendment is intended to add the reference to the *Northeast Sector Plan* to the list of specific plans. Staff reviewed this amendment based upon the comprehensive plan amendment review criteria listed below which are identified in Chapter 17, Implementation, of *Horizon 2020*.

COMPREHENSIVE PLAN AMENDMENT REVIEW

A. Does the proposed amendment result from changed circumstances or unforeseen conditions not understood or addressed at the time the Plan was adopted?

The proposed amendment is a result of the changing circumstances that have occurred since the comprehensive plan was first written. At the time *Horizon 2020* was written, there was no Chapter 14, Specific Plans, or anywhere that approved ancillary land use plans were referenced.

This is a new plan that provides more clarity regarding the recommended future land use designations of the area and policies in the plan, the specific plans are recommended to be adopted as a part of the comprehensive plan. The plan is listed with a description of the approximate planning area boundaries, approval dates, and the future review date.

B. Does the proposed amendment advance a clear public purpose and is it consistent with the long-range goals and policies of the plan?

The proposed amendment is an advancement of a clear public purpose and is consistent with the long-range planning goals and policies of the community. The proposed amendment helps further the goals and policies by guiding development in the planning area while staying consistent with the overall intent of *Horizon 2020* and the goals and policies relating to residential land use, commercial land use, transportation, economic development, parks and recreation, and the various other components of the comprehensive plan. The amendment helps to provide a framework for future development and is more specific regarding policies for the planning area.

C. Is the proposed amendment a result of a clear change in public policy?

As rural areas around the fringe of Lawrence receive development pressure, there is a need to plan new areas for potential urban development. The planning process needs to occur before growth and redevelopment take place and clear guidance needs to be incorporated into the comprehensive plan which supports the community's goals. Chapter 14, Specific Plans, was a clear change to the comprehensive plan and to keep it up to date, the newly adopted land use plans need to be referenced to establish clear direction for the planning areas.

PROFESSIONAL STAFF RECOMMENDATION

Staff recommends approval of this comprehensive plan amendment to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Northeast Sector Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and recommends forwarding this comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval.

Northeast Sector Plan

Questions and Answers

What is the purpose of this Sector Plan?

- This Sector Plan is a document that sets policy for the future development of the planning area. The plan will be one of the tools used by the Board of County Commissioners, City Commission, and Planning Commission when reviewing development proposals. The Plan establishes owner and developer expectations for the future highest and best use of property taking into account the likelihood of City services being provided to the area; the historical growth pattern; the topographical elements (storm drainage); and other natural and manmade opportunities and constraints of the area (transportation, soils, etc.).

Does this plan rezone property or otherwise change the approved existing uses for property within the planning area?

- No, the plan does not rezone any property, nor does it annex any property. The approved existing uses for property will not change when this plan is adopted. The plan establishes reasonable expectations for appropriate future zoning and annexation of property.

Does this plan remove any current/existing development rights?

- No, properties will enjoy all of the rights currently available under the existing zoning.

How could incentives work in the preservation of Class 1 & 2 soils?

- There are programs available, such as Transfer of Development Rights, that have been successful in high growth regions; however, for many reasons such a program may not be successful in Douglas County. Most incentives will likely take the form of private or public/private programs that aim to hold the land in perpetuity. Examples include:
 - Conservation easements – may provide tax advantages to owners.
 - ECO² recommendations – if funded, soil preservation could be one of the types of land to preserve as a tradeoff to industrial development.
 - There may be opportunities for public/private programs yet to be established.

Does this plan institute new rules for farming in the area?

- No. This Sector Plan does not set forth any policy to encourage changes in farming practice.

Does this plan create new rules for farming on Class 1 and 2 soils?

- No. This Sector Plan does not set forth any policy to encourage changes in farming practice.

What is the status of the Airport Master Plan update?

- The City has made an application to the Federal Aviation Administration for the plan update, but Congress has not authorized funding. The anticipated start date is September, 2010 with completion in 9-12 months. It is not anticipated that the airport boundaries will significantly change.

Is a new soil conserving agri-industry zoning district necessary to implement the plan?

- Staff does not feel a new zoning district is necessary as soil conserving agri-industry businesses can be accommodated by both the County's Zoning Regulations and also by the City's Land Development Code. The plan is a guide and this concept is derived from Horizon 2020 – Chapter 7 which says: "Soil conserving agri-industry businesses that will protect the quality of existing high-quality agriculture land either through agriculture use or preservation for future agriculture use should be encouraged to locate" in those areas with high quality agriculture land, but does not mandate such. Determinations of whether a development project complies with the plan will be up to the appropriate governing body.

What is soil conserving agri-industry?

- Soil conserving agri-industry is a future land use category for new development that is explained in 3.2.1.4 of the Northeast Sector Plan :

3.2.1.4 Soil Conserving Agri-Industry

The intent of the Soil Conserving Agri-Industry category is to allow for soil conserving agriculture-related businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.

Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture. The Soil Conserving Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.

Intensity: Medium-High

Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Soil-conserving agri-businesses

- All four words of "Soil Conserving Agri-Industry" need to be used together when discussing this land use classification. For example, a meat packing plant is an agriculturally-related industrial use, but it does not conserve soil. A crop research business that has a couple of buildings and is growing crops for research on the majority of the property would be considered a soil conserving agri-business.

How does stormwater around the airport currently drain?

- Staff will present a graphic at the July Planning Commission meeting.

Insert Northeast Sector Plan (*Horizon 2020* Page 14-3)

Specific Plans

- **6th and SLT Nodal Plan**

Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)

Adoption Date: November 11, 2003 by Lawrence City Commission

Review Date: 2009

- **6th and Wakarusa Area Plan**

Location: The intersection of 6th Street and Wakarusa Drive

Adoption Date: December 2, 2003 by Lawrence City Commission

Review Date: 2009

- **HOP District Plan**

Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.

Adoption Date: May 10, 2005 by Lawrence City Commission

Review Date: 2010

- **Burroughs Creek Corridor Plan**

Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.

Adoption Date: February 14, 2006 by Lawrence City Commission

Review Date: 2011

- **East Lawrence Neighborhood Revitalization Plan**

Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.

Adoption Date: November 21, 2000 by Lawrence City Commission

Review Date: 2010

- **Revised Southern Development Plan**

Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).

Adoption Date: December 18, 2007 by Lawrence City Commission

January 7, 2008 by the Douglas County Board of Commissioners

Review Date: 2017

- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

Adoption Date: January 8, 2008 by Lawrence City Commission
January 28, 2008 by the Douglas County Board of Commissioners

Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission
March 31, 2008 by Douglas County Board of Commissioners

Review Date: 2013

- **K-10 & Farmer's Turnpike Plan**

Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.

Adoption Date: December 9, 2008 by Lawrence City Commission
January 7, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **Lawrence SmartCode Infill Plan**

Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.

Adoption Date: January 27, 2009 by Lawrence City Commission
February 23, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **West of K-10 Plan**

Location: Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway

Adoption Date: June 9, 2009 by Lawrence City Commission
May 6, 2009 by Douglas County Board of Commissioners

Review Date: 2019

- **Northeast Sector Plan**

Location: Generally located north and east of Lawrence and the Kansas River to the Douglas County line.

Memorandum

City of Lawrence – Douglas County Planning & Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Dan Warner, AICP, Long Range Planner

Date: For September 20, 2010 Regular PC Meeting

RE: Northeast Sector Plan – Options for the Soil Conserving Agri-Industry Category

The Planning Commission took public comment and discussed the Northeast Sector Plan at their regular meeting on July 26, 2010. The Commission directed Planning Staff to develop options for the Soil Conserving Agri-Industry future land use category.

The following two options are presented for consideration by the Planning Commission:

Option #1

Delete the Soil Conserving Agri-Industry category and change the area south of Highway 24/40 designated as such to the Industrial category. Add language to the Industrial category encouraging soil conserving agri-industry businesses to locate in areas with Class I and II soils. This reflects more directly the policies of Chapter 7 in *Horizon 2020*.

~~3.2.1.4 Soil Conserving Agri-Industry~~

~~The intent of the Soil Conserving Agri-Industry Use category is to allow for soil conserving agriculture-related industrial uses businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation. Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.~~

~~Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture. The Agri-Industry Use may or may not urbanize. This use is~~

~~identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.~~

~~Intensity: Medium-High~~

~~Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)~~

~~Primary Uses: Soil-conserving agri-businesses~~

3.2.1.8⁴ Industrial

The intent of the Industrial [Use category](#) is to allow for moderate to high-impact uses including large scale or specialized industrial uses that utilize Highway 24/40 and I-70 for materials transportation. This category includes existing industrial developments in the area. This category also includes land at the airport dedicated to aviation related development. Land west of the airport and north of Highway 24/40 [and south of Highway 24/40](#) is also [designated classified](#) as industrial. [Soil conserving agri-industry businesses that will protect the quality of existing high quality agricultural land either through agricultural use or preservation for future agricultural use should be encouraged to locate in areas with Class I and II soils.](#) The industrial ~~use~~ [classification category](#) is expected to urbanize.

Intensity: Medium-High

Zoning Districts: Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology, [soil-conserving agri-businesses](#)

Option #2

Retain the Soil Conserving Agri-Industry category. Add language to the description that creates a specific ratio to protect Class 1 and 2 soils when developing in that category.

3.2.1.4 [Soil Conserving](#) Agri-Industry

The intent of the [Soil Conserving](#) Agri-Industry [Use category](#) is to allow for [soil conserving](#) agriculture-related industrial uses [but permit other, more conventional industrial uses, as long as a high percentage of a development's Class I and II soils land area is protected.](#) ~~businesses that conserve and use the Class 1 and 2 Soils in the area and that take advantage of Highway 24/40 and I-70 for materials transportation.~~

[Soil conserving agri-industry business is a term with its basis found in Horizon 2020 Chapter 7 – Industrial and Employment-Related Land Use. This Plan seeks to better describe the intent of this classification. The distinction](#)

between the Soil Conserving Agri-Industry classification and Industrial/Employment classifications is the component of protecting and/or using existing high-quality agricultural land either through agricultural use or preservation for future agricultural use.

Protection of the soils through agriculture use or preservation can be implemented in different ways and the community should be open to creative ways that development projects could utilize this classification. ~~Projects that could meet the value of this classification include, but are not limited to, the following: crop research, local food production, or small amounts of conventional industrial with large percentages of the soil protected or used for agriculture.~~ Projects must set aside, protect, or use a minimum of 50% of the Class I and II soils on the property being developed for agriculture use. This protection must take the form of a conservation easement or some other legal instrument mandating perpetual protection. The Soil Conserving Agri-Industry Use may or may not urbanize. This use is identified south of Highway 24/40 and also should be included at Midland Junction when a nodal plan is developed for that area.

Intensity: Medium-High

Zoning Districts: Douglas County – I-1 (Limited Industrial District) and I-2 Light Industrial District; Lawrence – IBP (Industrial and Business Park District) IL (Limited Industrial District), IG (General Industrial District), PD (Planned Development Overlay)

Primary Uses: Soil-conserving agri-businesses, aviation-related uses, utility facilities, building maintenance services, fleet storage, business support services, construction sales and service, industrial facilities, wholesale, distribution, and storage, research services, manufacturing and production limited and technology

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan. *Deferred by Planning Commission on 7/26/10.*

STAFF PRESENTATION

Mr. Dan Warner presented the item.

Commissioner Harris asked if in Option 2 the name of the category would be Agri-Industry but would permit other kinds of industrial uses.

Mr. Warner said that was correct, it clarified that industrial uses were appropriate but mandates setting aside 50% of the soil in perpetual protection.

Commissioner Harris asked Mr. Matt Bond what the area would look like if it was 50% farming and 50% industrial. She asked if the industrial sites would have to be built up to meet other codes.

Mr. Matt Bond, City Stormwater Engineer, said it would be based on where it falls on the FEMA floodplain map. He showed area floodplain maps on the overhead.

Commissioner Harris asked if more conventional industry, not agri-industry, are built in that area and the land next to it is saved would it affect the quality of the land that is trying to be protected.

Mr. Bond said as far as additional runoff, yes. He said impervious surface creates more runoff downstream.

Commissioner Rasmussen inquired about the language in the definition of Industrial that says '*Land west of the airport and north of Highway 24/40 and south of Highway 24/40 is also....*' He wondered if the word 'and' should be 'or' instead.

Mr. Warner said the language describes two areas so he suggested adding a comma:
'*Land west of the airport and north of Highway 24/40, and south of Highway 24/40 is also....*'

Commissioner Rasmussen asked if it would be possible to just reference the map instead of having a written description.

Mr. Warner said that was possible.

Mr. McCullough said they have typically tried to include a narrative in the map. Option 1 is depicting a change in land use classification for the area south of 24/40. The narrative talks about the existing industrial developments and also the undeveloped land. He said it was a matter of wordsmithing or referencing a map.

Commissioner Blaser asked that public comments be kept to the options proposed tonight.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, said he was amazed at the patience and calm determination of the people who have lived and farmed the area for generations. He said he has attended all the meetings outside of Planning Commission and has left some of those meetings with the sense that farmers can't be trusted or are somehow incompetent when it comes to making sure the land is well cared for. He thanked staff for providing Option 1 and that a large number of people are in favor of proceeding with at this level. He said after a decade of basic zero job growth in Douglas County that every opportunity to move forward in job creation was needed. He did not believe that using Option 1 would jeopardize that opportunity.

He said Option 1 most closely represents what was originally passed in Horizon 2020. He asked that Planning Commission support Option 1.

Mr. Roger Pine, Pine Family Investments, was pleased and felt encouraged after working on this for a year and a half. He said he was in favor of Option 1 and felt it gave land owners options to have choices in how they use the land. He showed a map of land owners who supported Option 1. He said the green areas on the map were equal to 5,000 acres of the 7,000 acres that staff identified as agricultural land.

Commissioner Rasmussen asked Mr. Pine to clarify the green areas on his map.

Mr. Pine said the green areas of the map identify agricultural land that owners are in support of Option 1.

Mr. Matt Eichman, Midwest Concrete Materials, said he was one of the land owners on the map that Mr. Pine showed in favor of Option 1. He said Option 1 still includes language specific to class 1 and 2 soils. He said at the last meeting he went into detail about other resources being important. He requested an amendment to take out specific language of class 1 and 2 soils and add language that protects all natural resources in the area.

Mr. Charles Novogradac, Chestnut Charlie's, owns land on other side of Maple Grove. He said he did not sign the letter Mr. Pine mentioned in favor of Option 1. He was concerned about drainage. He said drainage follows from capability of the soils. He said at an earlier meeting he tried to explain that the soaking up capability of capability 1 lands is much greater than capability 2 lands. He said since 1995 when he started planting his tree crop, all the absorbing capability of the soil in that drainage district was being sucked up by other development. He said when he started his tree crop the FEMA floodplain did not touch his land but the most recent map has the FEMA touching his land. He was concerned the incremental development of the area and felt that industrial development may conflict with his ability to grow crops.

Ms. Barbara Clark, owns 47 acres in Grant Township, said the dynamics of the water issues in the area was changing at a rapid clip. She said Citizens for Responsible Planning was still in favor of the original 3rd draft proposal as presented at the July meeting. She said she could not support Option 1 because flooding concerns for the area were high. She said any impervious surface on those soils would exacerbate flooding issues already affecting the North Lawrence community. She showed a map on the overhead of planned growth areas. She said the total acres of capability class 1 and 2 soils in the planned growth area was 93.56%. She said that was a staggering figure of contiguous class 1 and 2 soils. She was not in favor of dropping out language regarding the preservation of class 1 and 2 soils.

Commissioner Singleton asked which language Ms. Clark preferred.

Ms. Clark said she preferred the language in the original 3rd draft as presented.

Commissioner Singleton asked what her concerns were with the 2nd draft.

Ms. Clark said her greatest concern was clarification of just what that might be. It would come down to this body deciding whether they were compatible uses.

Commissioner Dominguez asked if there was a percentage she was willing to compromise with.

Ms. Clark said that was difficult without having an actual application to look at. She thought the soil conserving agri-industry language was stronger and a much better language rather than trying to look at a percentage.

Commissioner Liese said it seemed that one of the biggest controversies was what an agri-industry was. He asked what Ms. Clark would consider an agri-industry business.

Ms. Clark said it would have to be all four words, soil conserving agri-industry. She said the seed research being done on a lease basis on that land is a soil conserving agri-industry. She said the Endowment has also initiated a native medicinal plant area.

Commissioner Dominguez asked staff to confirm the numbers Ms. Clark came up with for class 1 and 2 soils.

Mr. McCullough said staff has not studied them in that way.

Mr. Ted Boyle, President of North Lawrence Improvement Association, said he was representing approximately 2,500 North Lawrence residents. He expressed concern about class 1 and 2 soils and storm drainage. He felt they went hand in hand. He said as a result of the 1993 flood the City built a big pump on North 2nd Street in 1995. He said that pump today is small, overwhelmed, and over capacity. He said the residents of North Lawrence were not worried about the river flooding, but rather a 1-2" rainstorm in a short time creating a lot of storm water runoff. He said North Lawrence has endured stormwater flooding for 15 years and was concerned about more runoff due to development.

Mr. Frank Male said he owns two businesses in North Lawrence as well as three industrial properties and three single-family homes with basements in North Lawrence. He said he was deeply invested in North Lawrence. He said drainage was a prime consideration. He said as part of the City's drainage study in 2005 two pumps will be installed at 5th & Maple Street and he felt that would be a tremendous help to North Lawrence. He liked Option 1. He said the area was a good transportation hub.

Commissioner Liese asked Mr. Male if he had seen any basement flooding.

Mr. Male said no.

Commissioner Dominguez inquired about benefit of his property value.

Mr. Male felt Option 1 benefited the entire community. He said his true interest was economic development.

Mr. Bill Woods said he was a professor in the Geography Department and Courtesy Professor in the Anthropology Department at KU. He said his research specialty was human influences on soils through time. He said soils were really a nonrenewable and finite resource and they are the most important resource. He said they were being called upon to produce ever more as populations rise and that they are increasingly under pressures throughout the world and are degrading. He felt that every effort must be made to adversely impact highly productive soils and put them into other uses. Almost always these alternate, less productive sites exist for whatever alternate uses are proposed. He was highly dismayed by what he has seen during his 40 years of working with agricultural soils in this hemisphere and felt the US should lead in efforts to protect productive soils. He said generally, an alternative use has a finite lifetime of a few years or at most decades and then is done. Soils have been destroyed in the meantime and the site from an agricultural standpoint is worthless. He said as stewards for future generations they need to think beyond this time scale and look to the future. Productive soils, with proper treatment, have proved to be resilient for hundreds, if not thousands of years. He urged the Commission to do everything in their power to aid in the effort to protect these fertile soils.

Ms. Sue Pine said the hardest vote she ever made while serving on Planning Commission was to expand the Urban Growth Area. She said Douglas County needed a tax base to support the community and to do that they needed to expand the urban growth area to the Douglas county line. She said she was not sorry for her decision. She said this area was important to the community. She felt they needed to allow the entire area to develop. She said soils were great but that climate and irrigation were contributing factors to the quality of those soils.

Mr. Jim Congrove said he signed the letter in support of Option 1. He provided data compiled by the Sustainable Agriculture Specialist at K-State. The study focused on 51,518 acres of class 1 cropland between

Manhattan and Kansas City that could support local food production. He said climate was the limiting factor, not soil, as far as local food production. He said class 1 was not necessarily the best for some crops like melons.

Mr. Pat Ross said he owns 450 acres within the Northeast Sector Plan. He felt Option 1 gave direction to staff and the Commission that was easy to understand and directly reflects the policies of Chapter 7 and Horizon 2020. He felt it eliminated the controversial grey area of what fits in the soil conserving agri-industry category. He also felt it allowed staff and Commissioners to be proactive not reactive.

Commissioner Harris asked about his comment regarding eliminating confusion about soil conserving.

Mr. Ross felt the way it was presented in Option 1 was easier to understand that it would be encouraged but not demanded.

Ms. Crystal Hammerschmidt said Lawrence has a wonderful community of young growers and she was in favor of soil conservation for food production.

Mr. Ken Holladay said he grew up in North Lawrence. He owns farm land and wants to be able to do with it what he wants and not be confined even though agricultural was the current use.

Mr. Jerry Jost, resident of Grant Township, wondered why the area wasn't already developed since it has all the assets of transportation, airport, railroad, etc. He felt it hadn't already been developed due to flooding. He said there were better places to invest limited public resources for industrial development. He supported the original 3rd draft of the plan.

Ms. Debbie Milks, Chestnut Charlie's, said their business was not a hobby, it was 15 years worth of investment. She said if soil was covered by parking or development she would be down out of business. She supports the original 3rd draft.

COMMISSION DISCUSSION

Commissioner Blaser said that Ms. Gwen Klingenberg requested item 6 be deferred.

Motioned by Commissioner Harris, seconded by Commissioner Finkeldei, to defer item 6 to the next Planning Commission meeting.

Motion carried 9-0. Student Commissioner Davis voted in the affirmative.

Commissioner Finkeldei said he didn't hear support for Option 2. He agreed that class 1 and 2 soils were important and should be protected but there were competing concerns. He felt that Option 1 was consistent with what was approved in Chapter 7. He said draft 3 expanded that language greatly and he does not support draft 3. He said he supported Option 1.

Commissioner Liese asked for input on stormwater and flooding.

Mr. Bond said everything (water) off of E 1500 Road goes to the east. He said everything (water) on the west side of E 1500 Road ends up in Maple Grove Drainage the way it is now.

Commissioner Finkeldei asked if a development plan could include improvements to mitigate.

Mr. Bond said some of it could be kicked east by putting in a culvert pipe under 7th Street based off of the ridgeline and then upsize the pumps at the 2nd Street pump station.

Commissioner Burger asked staff to comment about Ms. Pine's comments about water rights for irrigation.

Mr. McCullough said he did not have any information about water rights on irrigation and said that was the first time they had heard that issue.

Commissioner Harris asked Mr. Bond about the improvements he just mentioned and how much they would cost and if it could be funded by a developer.

Mr. Bond said the cost would be determined by the size of the pump. He said as far as a small drainage culvert it would probably be \$50,000-\$100,000.

Commissioner Rasmussen asked how many acres in the entire Northeast Sector area were class 1 and 2 soils.

Mr. Warner said he did not have that information right at hand.

Commissioner Carter said it was easy to get emotional and think they are overdoing things as far as growth goes but he didn't think it was a choice of drowning or not drowning Chestnut Charlie's or other businesses out there. He said the site planning process would address issues of flooding. He said even if they choose Option 1 they are not committing to send the infrastructure out there to develop it they are just allowing it to be an option for the future.

Commissioner Harris responded to Commissioner Liese's question about stormwater. She said if the area that's agri-business is developed more intensely than talked about before, not only would they be adding more impervious surface but they would be taking away the soil that retains water so well. She said that Mr. Bond mentioned earlier that there would be a problem if a stormwater detention area was built because it would attract water fowl. She said the vision she has for the area would be very limited buildings and a lot of land saved. She did not think Option 1 did that and had way too much leeway for development of the area and that there would be a potential for problems with stormwater because of that. She said she could not support Option 1. She said she would support the original language but did not think it was perfect.

Commissioner Singleton said she would not support Option 1 and preferred draft 3. She felt they needed to look past traditional job growth and encourage preserving the soil to be used for innovative green types of industry. She felt this would be a win-win for future generations as well as for the economy. She said they needed to change the way they look at growth. She did not think the language in Option 1 was the best for future generations.

Commissioner Liese inquired about language under Option 1: *'Add language to the Industrial category encouraging soil conserving agri-industry businesses to locate in areas with class 1 and 2 soils.'* He wondered what the 'encouraging' part meant.

Commissioner Finkeldei said the language in Option 1 was almost word for word from Chapter 7. He said they don't know exactly what 'soil conserving agri-industry' meant except that they want to encourage it.

Commissioner Rasmussen said the Northeast Sector Plan encompasses a very large area of 10,640 acres and considers a number of potential uses in that area. All of the discussions have focused on less than 200 acres out of the 10,000 acres. He said the reality is that the 200 acres is best suited for industrial use. It's bounded by highways, close to airport and railroad. He said Option 1 makes the most sense from a Planning perspective and he would support it.

Commissioner Dominguez agreed with Commissioner Rasmussen's comments. He said he is pro-business. He said Sector Plans change lives. He said he would support the original language.

Commissioner Blaser said they are not asking anyone to change their lives if they don't want to. He said he would support Option 1 because it gives options to the landowner.

Commissioner Finkeldei said just because he would vote against it doesn't mean the land would go away and doesn't mean he don't care about class 1 and 2 soils. He said 200 acres was the total area but once building starts there would be setbacks, stormwater, etc so it would actually only be built on a small fraction of the 200 acres.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve the Northeast Sector Plan (CPA-6-5-09) with the addition of Option 1 as set forth in the staff memo for item 4.

Motion carried 5-4, with Commissioners Burger, Dominguez, Harris, and Singleton voting in opposition. Commissioners Blaser, Carter, Finkeldei, Liese, and Rasmussen voted in favor of the motion. Student Commissioner Davis abstained.

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to approve and authorize the Planning Commission Chair to sign PC Resolution (PC-7-5-10).

Motion carried 5-4, with Commissioners Burger, Dominguez, Harris, and Singleton voting in opposition. Commissioners Blaser, Carter, Finkeldei, Liese, and Rasmussen voted in favor of the motion. Student Commissioner Davis abstained.

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT; H2020 CHP 14; NORTHEAST SECTOR PLAN (DDW)

CPA-6-5-09: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Northeast Sector Plan.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

PUBLIC HEARING

Mr. Hank Booth, Lawrence Chamber of Commerce, ask that this item be deferred. He said there are two commissioners absent who have been in on these meetings from the beginning and their expertise should be heard. He also stated there are two new commissioners who just joined the Planning Commission. He felt that the Airport Master Plan should be completed first. He said people in the agri-industry have concerns about future use. He said the Douglas County budget is still being worked on and land preservation is important. He said even with 500 acres designated for something in the industrial or business component, set aside for some sort of future compromise, would still leave approximately 95% of type 1 and 2 soils undisturbed.

Mr. Roger Pine, Pine Family Investment, owns 340 acres in Grant Township. About half of that land is being designated as soil conserving agri-industry. He said the staff report states that the definition of soil conserving agri-industry says all four words need to be used together when discussing this land use. He said staff gives the example of a meat packing plant as not being acceptable and a crop research business as being acceptable. He said Grant Township has a research facility, Pioneer International, that does not own the building or property they are on. He said they do not do any research on adjoining land around the facility. They lease research sites annually according to their needs. He felt this was not a good example of a soil conserving agri-industry because it did not meet the criteria. He said he could not think of anything that would work in this area related to agriculture other than traditional farming. He was concerned about having 170 acres designated to something that cannot be used in a way other than what is currently being done. He discussed concerns about drainage issues. He felt that if 65 acres south of Hwy 40 were designated Industrial drainage issues would be addressed. He said he expressed his opinions to Mr. Matt Bond, City Stormwater Engineer. He said farmers eventually have to retire and selling land is their 401K. He said his property is most ideal for development because of access to transportation. He felt this was an opportunity for economic development for the community. He said in preparation for the Airport Master Plan the City is forming a steering committee and a new consultant may mean more changes at the airport. He said there have been talks about acquiring adjacent property.

Commissioner Carter asked Mr. Pine if he spoke with Mr. Bond about the drainage study and that if what Mr. Pine found was not reflected in the study.

Mr. Pine said he discovered that the water would not go to North Lawrence, it would drain to the east.

Commissioner Singleton asked where Mr. Pine thought drainage should be if not to the east.

Mr. Pine felt there should be infrastructure in place to get the water to Mud Creek instead of meandering through private property.

Mr. Lew Phillips said his family owns 250 acres of farmland in the Midland Junction area. He felt the proposed limitations on development would add to the perception of Douglas County being business unfriendly. He felt that Douglas County needs more Industrial tax base. Nowhere else in Douglas County is it possible to offer the transportation advantages that could be developed in the northeast sector. He said he would support having the item deferred for further review.

Mr. Ken Reiling said he owns 60 acres at the east end. He felt that the Airport Master Plan data should be included. He said that soil conserving agri-industry is extremely narrow, vague, and confusing when used to define a land use classification. He asked staff to draft a list of potential agri-industries which may be attracted to the infrastructure of Grant Township. He asked if a tractor supply store or a seed processing plant would be allowed in this designation. He would like to see more long range plans for police and fire protection. He also felt there should be complete separation of bicycles and vehicles for the general public safety.

Ms. Dorothy Congrove said she owns 235 acres in Grant Township. She felt that very little of the property owners opinions have been incorporated into Northeast Sector Plan. She felt the definition of soil conserving agri-industry was too restrictive. She said she was not advocating development without standards. She said the soil conserving agri-industry designated area is closest to the city. She asked that the plan be deferred.

Mr. Bart Hall said he farms Kansas River Bottom land and also a soil scientist by training. He said he does not take any Federal farm program subsidy for which he is eligible. He said he rejects the premise that farming is something that is done with land while waiting for a higher use to come along. He said that 1/10 - 2/10 of 1% of all the soil in the world is the quality that is in the Kansas River Valley. Agriculture is the highest and best use and when that land is removed from agriculture it is removed from agricultural forever, there is no replacement.

Commissioner Dominguez asked what kind of scientist Mr. Hall was.

Mr. Hall said he was a soil chemist by training.

Commissioner Liese asked what kind of farming he did.

Mr. Hall said he has a mixture of wheat, beans, alfalfa, and assorted horticultural crops.

Commissioner Liese asked Mr. Hall to repeat his statistics and his source.

Mr. Hall said the Eudora type soils are probably about 1/10 - 2/10 of 1% of all the soils in the world that are of that caliber and information regarding it can be found in numerous soil rating science text books.

Mr. Ron Schneider said he has lived in Grant Township for 23 years and owns about 40 acres. He said he was speaking for himself, not speaking on behalf of any clients. He said the community has a responsibility to step up to save the unique land for agriculture. He agreed with the previous speaker that the best and highest use of this land that is so rare is agricultural purpose. He said it was similar to the National Park Service. He felt that land owners should be compensated in some way. He questioned the definition of soil conserving agri-industry and felt it needed to be broadened and made more general. He said the future designation of Midland Junction Designation makes no sense. He said it is a dangerous intersection and would require massive infrastructure changes.

Commissioner Singleton said she lives in a residential neighborhood in Old West Lawrence and is clearly limited by what she can do with her land. She said she knows she cannot put a gas station there and it is not her 401K. She inquired about agricultural zoning being different.

Mr. Schneider gave the analogy of someone who has a vacant lot and they are told they cannot build on it but that a lot with a house on it has far more value than a vacant lot. He said he would like every farmer to keep their land as farmland but he does not think that would be fair.

Commissioner Hird asked what changes he would recommend to the sector plan.

Mr. Schneider said Midland Junction is a dangerous intersection and massive infrastructure will need to be addressed. He would like the definition of soil conserving agri-industry needs to be worked on further.

Mr. Ted Boyle, North Lawrence Improvement Association, was concerned about storm drainage. He said everything that happens north of North Lawrence directly affects North Lawrence. He said the pumps are overwhelmed and that it will take extensive infrastructure to make the water go east.

Ms. Barbara Clark, Citizens for Responsible Planning (CRP), said she sent a letter with attachments that had good examples of Best Practices that other communities are using. The Comprehensive Plan, Airport Master Plan, T2030, Wastewater Management, Flood Zoning Mapping are not a static system. They are dynamic and always moving. She said there is already an Airport Plan in existence but is being updated. She did not necessarily think that was a legitimate stop-stick to the approval of the Northeast Sector Plan. She said CRP has discussed the interconnectedness of the deep fertile soils in North Lawrence and floodwater mitigation. Class 1 soils in that area, specifically Rossville silt loam, has 80" before it meets any restrictive layer, which means it has the capacity to absorb water. She said Long Range Planning is comprehensive. Many areas of the county are identified for industrial development. She said there are areas already where there is the need for environmental mitigation and great opportunity for infill development. She felt there were transportation limitations because Grant Township has railroads but not active rail spurs. She hoped they would not put the brakes on this process and suggested an accelerated study session with groups such as American Farmland Trust and other communities.

Commissioner Liese asked Ms. Clark to give a brief description of Citizens for Responsible Planning.

Ms. Clark said Citizens for Responsible Planning came about on June 23, 2007 when a group of residents in the Grant Township area learned about an industrial development plan in the area that the Lawrence Journal World reported was to be a 900 acre industrial park.

Commissioner Liese asked how many people Ms. Clark was representing.

Ms. Clark said the Citizens for Responsible Planning mailing list contains about 400 people.

Mr. Michael Almon, Sustainability Action Network, showed legal information on the overhead projector. He said the landowners in the northeast area are concerned with regulations that this body and the governing body might impose that limit their options on the use of their land. He wanted to point out that it was a red herring because everyone who is a land owner within a zoning category has some limits on how they use their land. He said there is an established Supreme Court precedent that regulatory takings are primarily for the public health and safety and that's where the community needs come in. They determine and establish that reasonable public policy is fully justified for the protection of the population in Lawrence from flooding through floodplain preservation, for assuring the solvency of City and County infrastructure budgets, and justified for securing the communities ability to feed themselves as peak oil increasingly drives up food prices and limits food imports. He said the Commission is on firm legal footing when adopting plans with specific provisions for regulatory takings that protect the common health and safety. He urged them to include these in the Northeast Sector Plan. Land owners can still farm their property. They can use their property viably and economically, it's just that they should not be given value added. He urged the Commission to incorporate the following into the Northeast Sector Plan:

1. Promulgate public policies and codes that recognize numerous U.S. Supreme Court case decisions which say reasonable, uniformly applied land use regulations do not constitute legal takings. Some of the rulings include:
 - No one may claim damages due to police regulation designed to secure the common welfare, especially in the area of health and safety regulations. The distinguishing characteristic between eminent domain and police regulation is that the former involves the taking of property because of its need for the public use, while the latter involves the regulation of such property to prevent the use thereof in a manner that is detrimental to the public interest. (Nichols' The Law of Eminent Domain Sec. 1.42; J. Sackman, 3d rev. ed 1973)
 - Land use controls constitute takings, the Court stated, if they do not "substantially advance legitimate governmental interests", or if they deny a property owner "economically viable use of his land". (Agins v. City of Tiburon)

- When the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good, that is, to leave his property economically idle, he has suffered a taking. (Lucas v. South Carolina Coastal Council, 112 S. Ct 2886, 2895-1992)
 - These and considerably more may be found at:
<http://caselaw.lp.findlaw.com/data/constitution/amendment05/16.html#f236>
2. Adopt a zoning category of “exclusive agricultural use” for rural properties, with a gradient of development limitations keyed to the USDA soil classification levels. This would not be a requirement, merely a zoning category that a landowner may request for their land.
http://www2.co.multnomah.or.us/Community_Services/LUT-Planning/urban/zonordin/efu/efu.html
 3. Adopt code provisions for the Transfer of Development Rights (TDR) or Capability I and Capability II prime soils specifically. Using such a program, lands containing these soils are so designated, and owners of such farmland can sell the development rights to a publicly managed fund, thus continuing to farm while realizing a financial gain. Land developers who plan to urbanize other second tier farmland would pay to buy the development rights, the proceeds going into the publicly managed fund. http://www.greenvalleyinstitute.org/landuse_innovativezoning.htm

Commissioner Liese asked Mr. Almon to give a brief background of the Sustainability Action Network.

Mr. Almon said the Sustainability Action Network is non-profit Kansas group locally based in Lawrence. They have been in existence for approximately two years with a focus on any aspect of local or regional ecologically sustainability. He said he is the Secretary of Board of Directors and that there are 25 active members and a newsletter that goes out to approximately 425 people.

Mr. Matt Eichman, Midwest Concrete Materials, own 420 acres within the Northeast Sector Plan. He said soil was not the only natural resource and that sand is also a natural resource. He felt the plan was narrow sided and only addresses agriculture and does not allow for any other use of natural resources that could be used for the benefit of the county. He said currently many aggregates are trucked in from Topeka. He requested the item be tabled to allow for other sustainable resources can be researched.

Commissioner Carter asked if Midwest Concrete was based in Lawrence and if the recent sand plant they proposed would have been taxed at an industrial rate.

Mr. Eichman said the office is based out of Manhattan and recently expanded in to Lawrence. Taxes would be under the industrial classification.

Commissioner Dominguez inquired about his argument for resources.

Mr. Eichman said there needs to be a balance of resources. He said sand was just as limited as class 1 and 2 soils.

Commissioner Liese said Mr. Eichman mentioned a sand/gravel extraction project that was stopped. He said sand occurs in river bottoms and asked if Mr. Eichman said where the soil is located.

Mr. Eichman said the 420 acres that Midwest Concrete owns is cornered by Midland Junction.

Commissioner Liese asked what soils it is located on.

Mr. Eichman said it has class 1 and 2 soils going through it but not its entirety.

Commissioner Liese asked what percentage of land that he owns is class 1 or class 2.

Mr. Eichman said his best guess would be about 25%.

Commissioner Liese asked Mr. Eichman to explain sand extraction from class 1 soils.

Mr. Eichman he said they are not together and that the soil is over the top. They remove the soil and sell it to farmers and/or developers. He said the soil is not destroyed, it is relocated to other sites. He said the sand is then extracted and a pond is left. It is common for a community to then turn the site into a public use area such as a park or fishing lake.

Commissioner Liese asked if extracting the sand and gravel and selling the soil was in the best interest of the community versus importing the sand from elsewhere.

Mr. Eichman said it is a good thing for a few reasons; he said there is a growing concern of carbon footprint. Once resources are trucked in there is quite a bit of carbon footprint. A community needs materials to build streets, foundations for houses, etc, and sand is as basic as it gets for a construction component. He said he would argue that sand is every bit as needed as feeding people. He said there is an increased tax for industrial over agriculture use.

Commissioner Liese said Mr. Hall claims that 1/10 - 2/10 of 1% of all the soil in the world is the quality that is in the Kansas River Valley. He asked Mr. Eichman how much sand is available in the world.

Mr. Eichman said he had no way of answering that. He said Kansas has 13 distinct geographical areas. He said for different types of soil there is also different types of sand.

Commissioner Harris asked if knew how much sand in the county is located under soils other than high quality soils.

Mr. Eichman said sand generally is not outside of river valleys.

Commissioner Harris asked if there are other areas along the Kansas River that have sand not under top quality soils.

Mr. Eichman said that there probably are but he didn't know how much. He said that the depth of the alluvium is not uniform.

Commissioner Harris said that Planning Commission was told in a study session that when high class soils are moved from their locations the quality of the soil is not the same.

Mr. Eichman said he did not know the answer to that and it was not his area of expertise.

Mr. Rich Bireta, Grant Township Trustee, said the board voted unanimously to approve the plan. He said all of Grant Township is covered by the Northeast Sector Plan. He thanked staff for their work on a complex issue.

Mr. Pat Ross said the notice letter he received was postmarked July 22, 2010. He asked that the item be deferred since he did not have enough time to review it. He wanted to comment on an earlier comment by Barbara Clark who said there were no active rail spurs in North Lawrence. He said he knew of at least 5 active rail spurs in the North Lawrence/Grant Township area. He felt the plan as presented was too restricted. He said the transportation corridors can support development and jobs.

Commissioner Dominguez asked how many acres Mr. Ross owns.

Mr. Ross said he and different family members own 450 acres in Grant Township.

Commissioner Liese asked if a rail spur is a place where a train can stop and make deliveries.

Mr. Ross said yes.

Ms. Beth Johnson, Lawrence Chamber of Commerce, said Union Pacific is always looking for more spurs. Rail, airway, and highway are important to industrial development. Nowhere else in Douglas County are there all three. She asked for a better definition of soil conserving agri-industry.

Commissioner Carter asked if there have been any inquiries for industrial in that area.

Ms. Johnson said the airport has and the fact that the airport now has water/sewer makes it more marketable.

Commissioner Carter asked Ms. Johnson if she saw Commissioner Rasmussen's comments regarding the plan.

Ms. Johnson said no.

Commissioner Liese said he was struck by staff's presentation where Mr. Warner showed the development of Lawrence and North Lawrence in 10 year segments. He asked Ms. Johnson if she could explain why there would be more development now suddenly if they did eliminate agri-industry.

Ms. Johnson said the City has extended sewer and water to the airport so that changes the perception of what can be done in that area. She said the City has indicated by putting those services there that they want to see growth in that area.

Commissioner Liese wondered how much effort has been put in to development along North 2nd Street.

Ms. Johnson said most of those are retail and she works with Industrial or Office. She said the City has a Retail Task Force to work on those types of issues.

Commissioner Dominguez asked what kind of business could be at the airport.

Ms. Johnson said she sees it for testing/research or prototyping type businesses that can take advantage of the small airport size.

Mr. Frank Male, Lawrence Landscape, supported deferring the item. He felt that not a lot of changes were made to the plan. He did not feel like public comments were being heard. He said the term highest and best use had to do with maximizing the existing transportation network and there are three state highways, an interstate, a railway, and an airport in that area. It doesn't get anymore intense than that. Also when talking about highest and best use Utilities comes into play; electricity, water, natural gas, and sewer, which are available at the site. Another thing to consider is the population and how far the population center is from the workforce and neighbors. He discussed the constraints of a site such as noise, the airport, I-70, and the railroad. Anything other than farming and industrial development would be severely limited. He said the world would not come to an end if 10% of the area was allowed to be developed for business purposes. It is a prime area for industrial development because there isn't anywhere else for it to go. He asked that this be tabled until the Airport Master Plan was complete. He asked staff to come up with a better description of soil conserving agri-industry.

COMMISSION DISCUSSION

Commissioner Harris asked staff to respond to the questions about drainage related to the soil conserving agri-industry.

Mr. McCullough said the City Stormwater Engineer provided a graphic that was displayed on the overhead. One of the issues is that it is relatively flat out there so it has created its own drainage network at this point. If development is allowed in the area drainage patterns and impacts could be changed. He said the dots on the map represent where all the water in each water shed comes down to. He said the proposed 2007 development plan took the water more directly to the east.

Commissioner Harris asked if that is planned in the North Lawrence Drainage Study.

Mr. McCullough said he would have to review the study more.

Commissioner Finkeldei asked if there have been any discussions with the County Commission about \$5,000 being spent on Heritage.

Mr. McCullough said he has not been part of those conversations.

Commissioner Harris inquired about who was on the stakeholder list.

Mr. Warner said all the property owners in the area and others who have signed up on the list serve.

Commissioner Harris asked if those folks received notification via email.

Mr. Warner said he believed he mailed letters out on or about July 6th and then a list serve message on or about July 12th. He said notice has gone out several times.

Commissioner Hird said there are type 1 and 2 soils all through the area so he wondered why agri-industry wasn't designated to other areas such as Midland Junction.

Mr. McCullough said in some regard staff is coming at it fresh in designating the area southwest of the airport as industrial uses. This discussion has occurred with the Chapter 7 update several years ago. Staff begins sector planning with adopted policies as assumptions. So staff assumed when working on the Northeast Sector Plan that Midland Junction and this area (pointed to map) would align with Chapter 7. Those policies would be brought forth and become the base maps for the policies of the Northeast Sector Plan. Toward the end of the Chapter 7 update there was a term proposed and ultimately adopted, soil conserving agri-industry. That concept was brought forward to the Northeast Sector Plan. He said from staffs perspective it is not simply the soil classification being looked at. Staff is trying to be realistic in laying out the expectation for the public, development community, Planning Commission, and governing bodies, about where and how staff sees services being put forth in this area of the community, and it's a real challenge. Even if you strip out the soil conserving agri-industry or class 1 or 2 soils it is still left with significant flooding issues and challenges. Even without intervention it is not historically developed because of those reasons. He said in staffs opinion Chapter 7 policies and concepts is how they got to this location.

Commissioner Hird said if the goal is to preserve soils then the protected area could be wherever there is class 1 or 2 soils.

Mr. McCullough said its root is industry. In some ways the soil conserving agri-industry is still industrial designated property. It has been a challenge to define it and ultimately up to the governing bodies to determine what it means. He suggested possibly looking at percentages preserved and look at some more conventional industry. He said for all the other class 1 and 2 soils that are shown as agriculture it is mainly because it is not expected for services to be brought there and developed.

Commissioner Hird asked if staff has developed a list of businesses that would meet the definition.

Mr. McCullough said staff has not but the plan language talks about projects being creative in their seeking to meet the soil conserving agri-industry classification.

Commissioner Harris asked if it was important for those industries to be ag-related regarding the production on their soil or was it really most important for the open space around industries to be conserved for agricultural use.

Mr. McCullough said it was difficult to answer that because it is difficult to say which one gets more weight. Staff's answer is that the term includes four words that all need to work together. He said there was still opportunity to do some conventional industry perhaps with a good ratio preserved.

Commissioner Liese asked if he was suggesting a compromise.

Mr. McCullough said staff started pretty general with Chapter 7 and it contains language that says certain sites in the community contain high quality ag-land and those sites should be encouraged to develop as soil conserving agri-industry businesses. In the Northeast Sector Plan it has been better developed to designating it to a land use category. Staff has proposed one way to get at that value and there may be other ways such as a more objective intent.

Commissioner Finkeldei suggested focusing on language that encourages businesses to locate, rather than regulate. He said the current definition is too narrow and he suggested looking into a more general definition of soil conserving agri-industry to encourage it in the entire area rather than designating a particular area. He liked the idea of a creative approach. He said he liked the language in the plan that says *'Protection of soils through agricultural use or preservation can be implemented in different ways and the community should be open to creative ways that develop projects that can utilize this classification.* He suggested crossing the rest of the paragraph out. He agreed with the earlier speaker, Ron Schneider, who said that there should be compensation or assistance for land owners. He said there should be systems set up to do that.

Mr. McCullough said Chapter 7 does not have a category of soil conserving agri-industry but the Sector Plan does.

Commissioner Carter expressed concern about unintended consequences. He said that it would be helpful at the next meeting for the City Stormwater Engineer, Matt Bond, to be present. He agreed with keeping the language general and incentives for land owners.

Commissioner Dominguez said he did not think it was a good idea to set a precedence of compensating land owners.

Commissioner Finkeldei said his thoughts on incentives was for the entire area to permanently protect a valuable resource. He felt their four possibilities for the area were agriculture (no industrial), which is contradictory to Chapter 7; soil conserving agri-industry; industrial but encourages soil conserving; or flat industrial with or without soil conserving. He did not feel the first and last option were appropriate. He was in favor of industrial but encourages soil conserving.

Commissioner Harris asked Commissioner Finkeldei what if 80 acres were proposed for industrial development and a developer could not think of a way to preserve that land.

Commissioner Finkeldei said the plan says to encourage soil conserving in the area. It would need to comply with Horizon 2020. If soil conserving was in there and a project came in that was 80 acres the plan could be changed. Trying to define what a soil conserving agri-business is will always come up with something creative. He felt they should allow people to be creative unless they want to go all the way to a zoning category type chart.

Commissioner Singleton thanked staff for their work. She said the class 1 and 2 soils map on page 2-24 shows the airport having gotten the portion of class 1 and 2 soils that she would be willing to give up. She felt they needed to protect the land that is left. She said the airport is not completely developed and there is more space out there for more development to occur. She did not feel the item should be deferred because certain Commissioners were absent or new Commissioners were present. She said fresh perspectives represent more closely to the views of the public and are valuable. She said she understands farmers wanting to use their land as their 401k.

Commissioner Harris thanked staff for their hard work and agreed with Commissioner Singleton. She said the things she was thinking about in the plan were soil conservation as primary, stormwater storage, fiscal responsibility for infrastructure development, opportunities for industrial development, and sand along the river in Douglas County. She said the soil conserving agri-area was not come to lightly in developing the plan. It was a compromise that attempts to preserve the existing soil but also allows some low impact/low footprint industry near the airport. She said if she had to lean one way or the other she would lean toward agri use in that area rather than industry. She said she does see some value in allowing some industry in that area if it conserves soil as well. She agreed with providing incentives for preserving soil. She appreciated that the Grant Township Trustees considered the plan and voted unanimously in favor of it.

Commissioner Hird thanked the members of the public who came out to speak this evening. He said he was not sure he was willing to go backwards on Chapter 7 in Horizon 2020. He agreed with Commissioner Finkeldei's earlier statements about providing incentives. He asked how much land at the airport was available for industrial development.

Mr. McCullough said somewhere between 30-60, aviation based industry.

Commissioner Hird expressed concern about Commissioner Rasmussen not being present and felt they would benefit from having his input. He said he would like to know more about whether the Airport Master Plan is essential to considering this sector plan and what the implications are of the Airport Master Plan. He would also like more thought put into incentives to have soil conserving industry in this area.

Mr. McCullough said there was a question at the last meeting about the Airport Master Plan and he said he spoke with staff that support the advisory board and they do not believe there will be any boundary changes. There may be some implications but shouldn't impact the major concepts of the Northeast Sector Plan.

Commissioner Dominguez agreed with Commissioner Singleton's comments about their responsibility to the environment. He felt if they start compromising on that area then where does it stop. He did not feel they should compensate owners. He felt they should move the plan forward.

Commissioner Burger thanked staff for a very detailed packet of information. She said the charts and maps were very helpful. She thanked the community for sharing their viewpoints. She liked the idea of incentives and keeping the door open to creativity. She was in favor of being more conservative in their approach because once the land is gone that's it.

Commissioner Liese said they would put the community at risk by compromising a precious resource that won't come back if it goes away. He was not in favor of development on class 1 and 2 soils. He said he was unsure of how he would vote. He thanked Commissioner Singleton for saying the new Commissioners don't have a deficit and provide a fresh perspective. He said he read Commissioner Rasmussen's letter and did not feel as though his perspective was absent from the meeting tonight.

Commissioner Hird said they are unanimously concerned about the conservation of class 1 and 2 soils. He did not think that tabling this would give that up. Nobody knows what a soil conserving agri-industry means and he would like the ability to better define it.

Commissioner Harris said in the packet on page 69 there is a good definition of what soil conserving agri-industry is.

Commissioner Hird said that is not in the plan, it is staffs interpretation of it. He would prefer there was something in the plan that addressed what that definition was.

Commissioner Liese said he did not find the definition of soil conserving agri-industry to be that confusing.

Commissioner Hird said he did not want their enthusiasm for protecting class 1 and 2 soils to overshadow the realities of it, because trucking in lots of sand from another county would be an environmental disaster. He did not want to be too rigid on this that they lose sight of the fact that there will be circumstances where industrial development, such as a sandpit, makes sense for the community.

Commissioner Liese said one of the greenest ways to move things is by train and there are a number of spurs available in the area so sand could be moved via train. He said the image of digging up class 1 and 2 soils in order to get sand did not excite him.

Commissioner Carter said they did not know how much of class 1 and 2 soils are represented in soil conserving agri-industry. He felt they needed to drive the economy.

Commissioner Harris wanted to clarify why the area is being designated the way it is. She said one reason was to try and preserve the soil. She asked if another reason was stormwater issues and that if they do not develop it too intensely there will be fewer problems with stormwater in the area.

Mr. McCullough said the cumulative effect of development in Grant Township will exasperate already existing stormwater issues.

ACTION TAKEN

Motioned by Commissioner Dominguez, seconded by Commissioner Harris, to approve the Northeast Sector Plan (CPA-6-5-09).

Commissioner Finkeldei said he would vote against the motion for reasons he stated earlier. He said if the motion fails he would like to make a motion to send it back to staff for a more general definition.

Commissioner Carter said he would vote against the motion and did not see a rush to send it through when it could be improved.

Commissioner Harris said she would support the motion because the definition strikes the right balance between being general and providing some specifics to help grasp what is meant by soil conserving agri-industry.

Commissioner Liese said he would also support the motion.

Commissioner Hird said he would vote against the motion because of the same reasons Commissioner Finkeldei stated earlier. He said he was not opposed to protecting class 1 and 2 soils but did not want to create language that would eliminate the opportunity for industrial uses that might be beneficial to the community. He said he would support a deferral to allow staff time to work on the definition and perhaps broaden the language to protect more areas of class 1 and 2 soils.

Motion failed 4-4, with Commissioners Dominguez, Harris, Liese, and Singleton voting in favor.
Commissioners Burger, Carter, Finkeldei, and Hird voted in opposition.

Motioned by Commissioner Finkeldei, seconded by Commissioner Carter, to defer the Northeast Sector Plan (CPA-6-5-09) and direct staff to generalize the definition of soil conserving agri-business, to be heard at a future Planning Commission meeting.

Commissioner Harris said she would not support the motion because she felt they will see the same arguments as tonight if the description is generalized more.

Motioned failed 4-4, with Commissioners Dominguez, Harris, Liese, and Singleton voting in opposition.
Commissioners Burger, Carter, Finkeldei, and Hird voted in favor.

Motioned by Commissioner Carter, seconded by Commissioner Finkeldei, to defer the Northeast Sector Plan (CPA-6-5-09) to a future Planning Commission meeting.

Commissioner Singleton said she would change her vote and let it go back to staff.

Commissioner Harris said she would not vote in favor of the motion.

Commissioner Dominguez said he would vote in opposition of the motion.

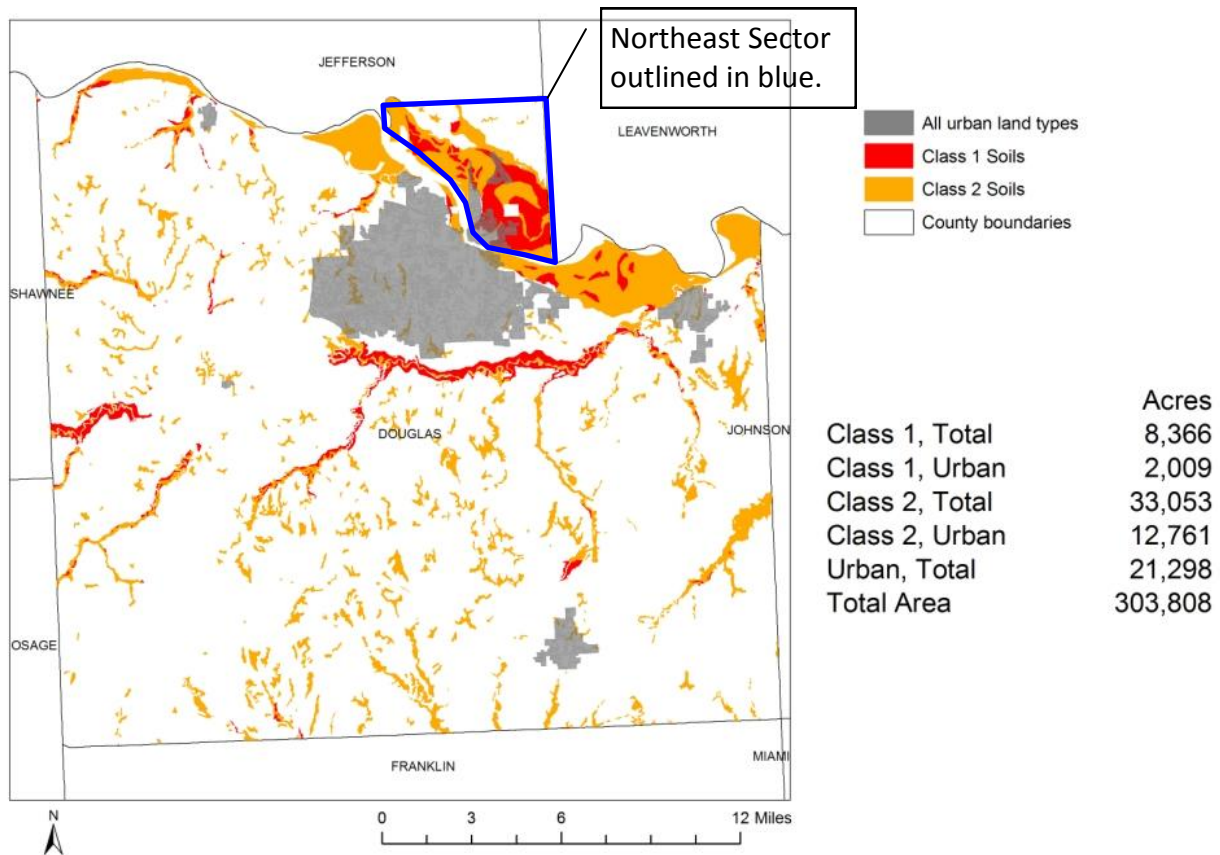
Motion carried 4-3-1, with Commissioner Burger abstaining. Commissioners Dominguez, Harris, Liese, voted in opposition. Commissioners Carter, Finkeldei, Hird, and Singleton voted in favor.

Dear Lawrence City Commission,

Citizens for Responsible Planning has been actively engaged in the planning process for the Northeast Sector Plan. We appreciate the intensive efforts to build community input into this planning process. We believe there are some core strengths to this plan and wish to emphasize these fundamental policy guidelines.

Historically the Northeast Sector has been shaped by the repeated flooding of this river valley. This movement of water has deposited some of the finest soils and created some of the best agricultural land in Kansas and concentrated this rich natural asset in the Northeast Sector. Horizon 2020, Chapter 7 Industrial and Employment Related Land Use states “The preservation of high-quality agricultural land, which has been recognized as a finite resource that is important to the regional economy, is of important value to the community.” This unique feature is illustrated in the following map.

Class 1 and 2 Soils, plus all Urban land types



Situated close to Lawrence, this sector naturally faces development pressure. Surprisingly, and for understandable good reasons, this area has experienced limited development. As the draft Northeast Sector Plan states in Section 3 – Recommendations (page 3-1):

“Compared to other areas of the fringe area of Lawrence, this area is not anticipated to be significantly urbanized.

Due to the unique challenges to development, including:

- Costly stormwater infrastructure needs as urbanization occurs
- Significant amounts of regulatory floodplain
- Significant amounts of Class 1 and 2 soils
- FAA Regulations and Lawrence Municipal Airport Protection Zones”

Critical to future land use planning is flooding and stormwater management in the Northeast Sector. This is of paramount importance to the residents of North Lawrence and Grant Township, area businesses, transportation, and the airport. Wisely, Lawrence commissioned the North Lawrence Drainage Study in 2005. As stated in the draft Northeast Sector Plan (page 2-16):

“Tens of millions of dollars of cost were identified to accomplish the recommendations of the study for dealing with the existing stormwater issues and future ones that will be created with development.”

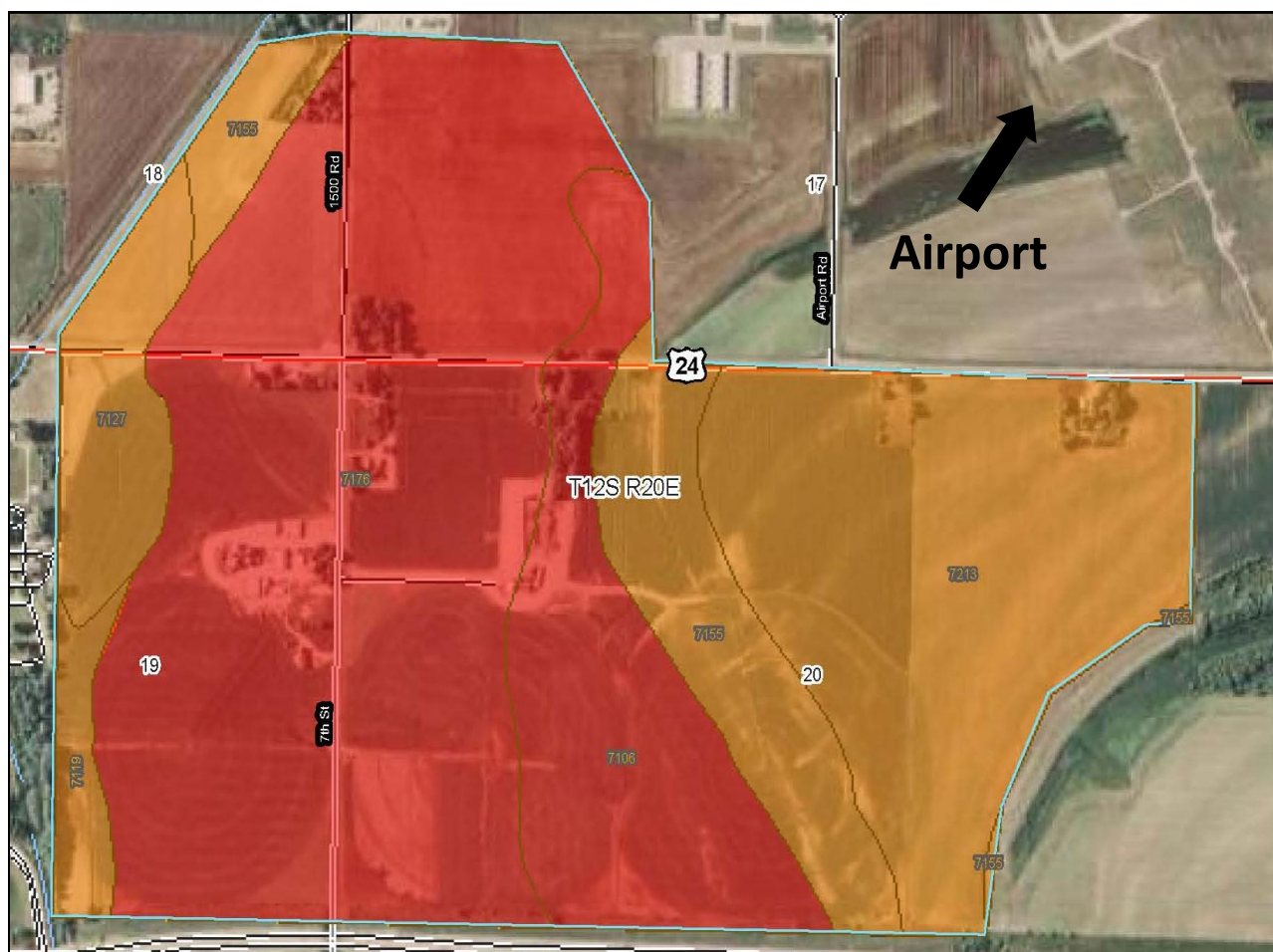
In response to these development limitations, Horizon 2020 states that development shall not be permitted in “regulatory floodplains or other environmentally sensitive areas.”

These flooding and stormwater limitations are intertwined with the unique soils of the Northeast Sector. As the draft Northeast Sector Plan (page 2-17) states “these soils are highly permeable and assist in stormwater management.” These unpaved soils act as a sponge absorbing water, mitigating stormwater damages, and recharging our valuable groundwater aquifers. These soils in their undeveloped state form our community’s greatest and most cost effective stormwater mitigation device.

Citizens for Responsible Planning wishes to emphasize the implementation of the long-view recommendations in Section 3.3 (page 3-14):

- Reduce the Lawrence Urban Growth Area to the area identified in Map 3-1 (page 3-13) to minimize stormwater mitigation costs, conserve prime farm land, preserve area farms, and protect the rural heritage surrounding Lawrence for both local residents and visitors.
- Implement regulations that promote no adverse impact for floodplain management.

The early planning process for the Northeast Sector Plan involved broad and respectful community participation contributing to early drafts of this Sector Plan. The Lawrence Planning Commission approved a recently revised draft (the first of three options presented) Northeast Sector Plan by a contested 5-4 vote. We believe this last draft option does not adequately respond to the earlier community input and creates troubling contradictions between the recommendations to protect Class 1 and 2 soils and the concluding Map 3-1 Future Land Use (page 3-13). Please note the industrial section south and west of the airport and the following USDA/NRCS map of the same area which identifies this area as the heaviest contiguous concentration of Class 1 and 2 soils. The red shaded area is Class 1 soils and the yellow shaded area is Class 2 soils.



We recommend that Industrial Section 3.2.1.4 (pages 3-10, 11) conform to the third draft of this plan and identify the above area as a “soil conserving agri-industry” category of land use. We believe this land use would conform to the stated goals within the plan and best represent the community planning process.

In conclusion, Citizens for Responsible Planning has consistently recognized private property rights as a critical factor in land use determinations. Weighting these rights must be accomplished in an equitable manner. We believe the third draft of this Sector Plan best balances the private property rights of the diverse interests of both farmland owners and homeowners within our community.

Thank you for your consideration of these recommendations.

Sincerely,

Jerry Jost
Barbara Clark
Ted Boyle
Chet Fitch
Deborah A. Milks
Charles K. NovoGradac
Lane Williams
Scott Allegrucci
Michael Almon
Deborah Altus
David Baird
Bruce Barlow
Kris Barlow
Kelly Barth
Leo Beier
Sheryl Beier
Pat Benabe
Sandy Beverly
Marilyn Brune
Judy Burch
Jan Butin
Kathryn Compton
Cole Cottin
Linda Cottin
Courtney Crouch
Janet Dehnert
Joseph M. Douglas, MD
Victoria B. Douglas
Donna Eades
Jill C. Elmers

Hilda Enoch
Jim Fischer
Marcia Fisher
Madeline Finch
Deanna Fitch
Bob Gent
Margot Gray
Crystal Hammerschmidt
Susan Harper
Bob Harper
Kim Heck
Lauretta Hendricks-Backus
Doug Hitt
Shirley Hitt
Maryam Hjersted
Lisa Grossman
Hugh Janney
Pat Kehde
Joshua Kendall
Kevin Kennedy
David Lambertson
Sacie Lambertson
Eileen Larson
Cheryl B. Lester
Jim Lewis
Bob Lominska
Jake Lowen
Janet Majure
Carey Maynard-Moody
Sally McGee

Lori McMinn
Dan McMinn
Lowen Millspaugh
Rick Mitchell
Nancy O'Connor
Ellen Paulsen
Dan Phelps
Kevin Prather
Wayne Propst
Daniel Poull
Vanessa Sanburn
Carol Schmitt
Ronald Schneider
P. Simran Sethi
Margaret Shirk
Frank Shopen
Jim Smith
Jerry Sipe
Mary Ann Stewart
Dan Parker-Timms
Denise Parker-Timms
Pat Petrovits
Julie Trowbridge-Alford
Sarah Trowbridge-Alford
Jordan Wade
Maurice R. Woolsoncroft
Jim Yonally
Nancy Yonally
Rita York

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

RECEIVED

DEC 09 2010

City County Planning Office
Lawrence, Kansas

December 9, 2010

Dear City Commissioners:

The North Lawrence Improvement Association has been working with Citizens for Responsible Planning and Grant Township residents on the drafting of the NE Sector Plan. NLIA appreciates the work the Planning Department has devoted to this project in the last year. The NLIA, CRP and the Planning Department were all in consensus until the next to last time the plan came before the Planning Commission. At that meeting the Commission asked for a definition of agricultural related industry as it was never defined in the document. At the end of that meeting Planning Director Scott McCullough made his assessment of why slow development or no development has occurred in North Lawrence and the Grant Township. A copy of his statement is attached. The NLIA agrees with this statement.

When the NE Sector Plan was next on the agenda of the Planning Commission, there were two more options that were not publicly discussed and the option (#3) that all of the stake holders worked on for over a year and supported was not discussed.

The NE Sector Plan is a very important planning project, but the NLIA feels there are enough choices for industrial development in and around Lawrence without allowing that type of development to occur in the area covered by the NE Sector Plan. If industrial development is allowed in this area the storm water flooding problems in North Lawrence and the Grant Township will be exacerbated. I have attached a storm water survey that the City conducted in June 2004. About 100 residents responded to the survey regarding the storm water flooding issues that occurred on their property.

The NLIA also believes that Type 1 & II soils that make up a significant portion of the NE Sector Plan area should be protected from development. These soils are not only an invaluable resource for agriculture, but serve as a natural storm water resource. If this land is allowed to be covered with asphalt, concrete and rooftops, the storm water from this land will be flowing into North Lawrence. The pump on North 2nd is at it's maximum and the planned upgrade of the pump at 5th & Maple is designed to only take care of the current existing storm water problem in North Lawrence. We have been waiting fifteen plus years for the upgrade of this pump.

North Lawrence did not have storm water problems until residential housing development was allowed and 100 plus new homes were built. Much of the vacant property that existed in North Lawrence that served as a natural runoff turned into concrete and rooftops. These homes were built in a flood plain or flood prone area. The City and the developers assured us that this development would not adversely affect our neighborhood with flooding. The NLIA disagreed with that assessment.

The Grant Township is also a flood plain/flood prone area. The NLIA is in full agreement with Citizens for Responsible Planning and want to see Option 3 restored to the NE Sector Plan.

Sincerely,



Ted Boyle, President
North Lawrence Improvement Association

CC: David Corliss, Lawrence City Manager
Scott McCullough, Planning Department

noted. Recurring concerns related specifically to development patterns, current stormwater management practices and future construction impacts, as well as a desire to limit new development. With those comments came concerns about enforcement of stormwater management controls with new development and construction. The concerns were both in terms of fears of too great of restrictions and desires for stringent development controls.

Survey questions and responses:

How often in the past 10 years have you had a problem with stormwater on your property?

[32] – 0 times

<u>Address</u>	<u>Frequency</u>
1567 Hwy 40	Yes
1728 E. 1500 Road	Twice really bad, but every time with a heavy rain
1804 E. 1600 Road	15
1480 N. 1700 Road	Too many to count
1662 N. 1700 Road	3 or 4
792 N. 2 nd	Several
645 N. 3 rd	Frequently
1001 N. 3 rd	1993 & 1997
624 N. 5 th	1
725 N. 5 th	8
649 N. 6 th	Every time it rains
625 N. 7 th	Every time it rains
227 N. 8 th	1
625 N. 8 th	2-3 times over the last two years
769 Ash	5
600 Center	When it rains
310 Elm	20
411 Elm	Every time it rains
761 Grant	When it rains more than 1 day
711 Maple	2
819 Maple	Every time it rains
321 Maiden Lane	2
403 Lincoln	4
624 Lincoln	During heavy rains
641 Lincoln	Continual erosion; habitual standing water
628 Locust	Ongoing
788 Locust	Every time it rains
806 Locust	Continuous
818 Locust	Yearly
836 Locust	10
520 Lyon	2
835 Lyon	20
711 North Street	Often
732 North Street	Every time it rains

501 Perry	Every 1" or more
517 Perry	2
304 Pleasant	Too many to count
786 Walnut	Every time it rains

What types of problems have you had?	Never	Sometimes	Often
Erosion	[37]	[20]	[5]
Home or business flooded	[45]	[10]	[4]
Over flowing ditches/culverts	[22]	[23]	[26]
Standing water outside	[22]	[28]	[30]
Street or driveway access flooded	[32]	[24]	[21]

Other:

- 1480 N. 1700 Road – pasture flooded/electric fences out of service
- 1567 Hwy 40 – Farm fields due to inadequate landscaping and car accidents in Hwy 24/40 due to flooding
- 1662 N. 1700 Road – Water runs across road into our field
- 1735 E. 1500 Road – Front ditch plugged
- 411 Elm Street – Alley always floods
- 625 Lake Street – Up the street the water stands
- 628 Locust – Curb water does not flow off, drainage easement not graded properly
- 800 Walnut – Water does not pass through culvert under drive
- 818 Locust – Storm runoff from several nearby properties, mainly from the east of our property
- 827 Maple – some ditches do not drain
- Ditches and culvert need to be cleaned
- Fields with standing water
- I have noticed the (train) underpass flooded on 2nd Street
- Mainly standing water in culverts
- Mosquitoes
- Mosquitoes due to standing water (health hazard)
- Mosquitoes heavy/standing water
- No curbs on streets
- Problem corrected with cleaning ditches and culverts
- Water backing up in basement
- Water crosses road and erodes ditches that we mow; I've seen 6" – 8" of water pooled at Roanoke and 7th Street.

What do you see as major storm water problems in your area? (Check all that apply)

- [61] Poor drainage
- [37] Excessive run-off from streets
- [35] Loss of property values
- [31] Flooding
- [13] Trash removal/odors
- [12] Loss of property through erosion
- [8] Poor water quality
- [7] Loss of natural habitat
- [4] Unsafe stream/stream bank conditions

Other:

- 1662 N. 1700 Road – Road contour to keep water from running into our field
- 1804 E. 1600 Road – Runoff from airport
- 800 Walnut – Redo the ditch created in my yard, which was not done properly anyway; also do something about the property across the street

NORTH LAWRENCE IMPROVEMENT ASSOCIATION

LAWRENCE, KANSAS

Commissioners, I guess there's one thing I'd like to leave you with while we go to work on these comments is -- we've put this in the context of what are the planning efforts city/county wide. The reason we start with our cartoon of annexation is that there's a reason that this area hasn't developed substantially over the decades and those reasons have to do with the costs of development and public infrastructure and the storm drainage and those sorts of things. I think as planners we need to start thinking, or continue to think, about where are we going to put our limited resources in relation to development costs. We have / you all have planned a substantial amount of industrial employment center activity along with other areas of high density residential and commercial nodes and the like -- Farmland Industries is one area, Farmer's Turnpike is another area, 6th Street and SLT is an area. There's room for all those things and areas of low growth/low development and so as we talk more about the utilities master plan and come back with this plan for your review and consideration I think we need to think of it in terms of the county as a region and not just -- it's easy to get into Grant Township and say "why aren't we pro-development here"? "Why are we restrictive"? and those kind of things. We're trying to let the history and the land talk to us on this one and say "there are reasons for this today; what do we reasonably anticipate"? We talk about expectations for the residents -- is it fair to put out a plan for pro-growth if we're not as a city going to put any infrastructure in that area. We've got to talk about those things and come to some reasonable conclusions I think. We'll get to work on your comments and come back with those things in mind as well.

Transcript of Scott McCullough's closing statement from Planning Commission Meeting of May 24, 2010, concerning Northeast Sector Plan.

Dan Warner

From: Bobbie Walthall
Sent: Monday, December 13, 2010 5:06 PM
To: Jonathan Douglass
Subject: FW: Northeast Sector Plan

From: pssethi@gmail.com on behalf of P. Simran Sethi [SMTP:SIMRAN@KU.EDU]
Sent: Monday, December 13, 2010 5:05:28 PM
To: Aron Cromwell; Bobbie Walthall; Lance Johnson; Michael Dever; Mike Amyx; Rob Chestnut
Cc: Lieberman, Alice; Matt Lehrman; Sarah Smarsh; Jordan Tucker; Tom McDonald; Margit Hall; Rick Martin; Lillian Siebert
Subject: Northeast Sector Plan
Auto forwarded by a Rule

Mayor Amyx and esteemed Commissioners,

Last month's Kansas Drought Report (from the Kansas Water Office) indicates, "The range of precipitation and warmer than normal temperatures has expanded the area of abnormally dry and moderate drought conditions in the latest Drought Monitor. The western third of the state is mostly in moderate drought conditions and an area of abnormally dry conditions has developed in the Southeastern division. The percentage of the state in abnormally dry to moderate drought conditions has increased from 31.6 % at the beginning of November to the current 47.3 % on November 30."

We believe that this data further emphasizes the need to protect the Capability Class I and II soils in our region. Cycles of drought and flooding are intensifying. Our fertile, deep alluvial soils have a greater capacity to absorb water and present a unique opportunity to develop a strong agricultural base in Douglas County. Although industrial development offers viable short-term opportunities, impervious surfaces placed over our Class I and II soils intensifies flooding to adjacent properties and will adversely impact both residential and agricultural neighbors.

Development in the area should reflect the most efficient use of resources and reap the greatest benefit to our community. Agriculture can better sustain periods of flooding that heavy industry devastated by floods cannot. We urge you to consider this capacity as you review the Comprehensive Plan Amendment, CPA-6-5-09, to Horizon 2020 (Chapter 14) and seek to adopt an option that supports soil preservation and protection on contiguous tracts of land.

Thank you for your attention,

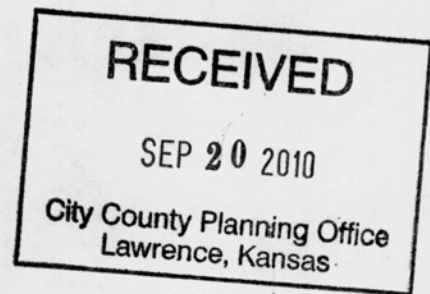
Simran Sethi
Matt Lehrman, SmartStar Lawrence Program Analyst, Westar Energy
Alice Lieberman, Distinguished Professor of Social Welfare, KU
Tom McDonald, Associate Dean & Professor, School of Social Welfare, KU
Sarah Smarsh, Assistant Professor of English, Washburn University
Jordan Tucker, Graduate Student, KU
Rick Martin, Executive Chef, Free State Brewing Company
Richard Heckler
Lily Siebert, Education Outreach Assistant, The Community Mercantile

Courtney Crouch, Produce Buyer, The Community Mercantile
Margit Hall, Owner and Farmer, Prairie Star Farms

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Simran Sethi
Associate Professor, Journalism
University of Kansas
E-mail: simran@ku.edu
Twitter: @simransethi
Web: www.simransethi.com
FB: www.facebook.com/laprofaKU

September 10, 2010



To: Members of the Lawrence Douglas County Planning Commission

As owners of a large percentage of the commercial agriculture acreage represented in the Northeast Sector Plan we strongly support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the September 20, 2010 Planning Commission meeting. These are the key reasons for our support.

- This language reflects almost directly the previously approved policies in Chapter 7 of Horizon 2020. All of our long-range plans for our farms and family homes were based on those policies.
- We have worked the land and soils in this area for decades. Understanding the production capabilities, vulnerabilities, climate, erosion, water retention and production limitations has allowed us to maximize yields of tillable acreage for generations. It is how we make our living and is part of our lives.
- With proximity to major highways, rail and air transportation, this area serves the needs of Lawrence and all of northeast Kansas. We should not compromise access to industrial and commercial use in this critical transportation hub by placing severe limits on potential development nearby.
- The relatively undefined concept of soil conserving agri-industry opens the possibility that current agri-industry uses such as livestock feeding operations, turf and sod production, agricultural field stations and test plots could be jeopardized in the future.
- The proposed commercial use of land in no way conflicts with our ability to grow crops for our community or increase production to support local demands.

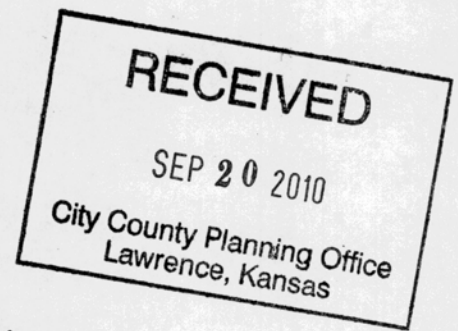
As landowners and citizens directly affected by this decision, we ask that the Lawrence/Douglas County Planning Commission approve option #1 as recommended by its Planning staff.

We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely, *Leary Brothers Farms Inc.*
Grant Township Property Owners

39 Acres

September 10, 2010



To: Members of the Lawrence Douglas County Planning Commission

As owners of a large percentage of the commercial agriculture acreage represented in the Northeast Sector Plan we strongly support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the September 20, 2010 Planning Commission meeting. These are the key reasons for our support.

- This language reflects almost directly the previously approved policies in Chapter 7 of Horizon 2020. All of our long-range plans for our farms and family homes were based on those policies.
- We have worked the land and soils in this area for decades. Understanding the production capabilities, vulnerabilities, climate, erosion, water retention and production limitations has allowed us to maximize yields of tillable acreage for generations. It is how we make our living and is part of our lives.
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Sincerely,

Grant Township Property Owners

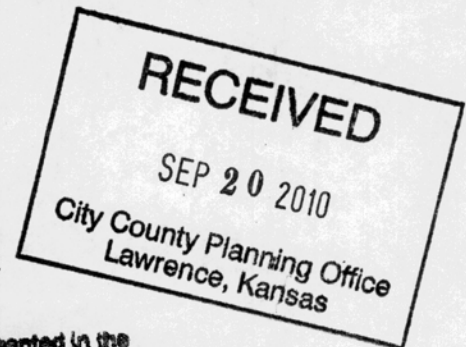
Emil W. Heck, Jr.
Bette L. Heck

150 acres

FROM : NUNEMAKER-ROSS INC.

PHONE NO. : 842 4360

Sep. 16 2010 01:14PM P2



September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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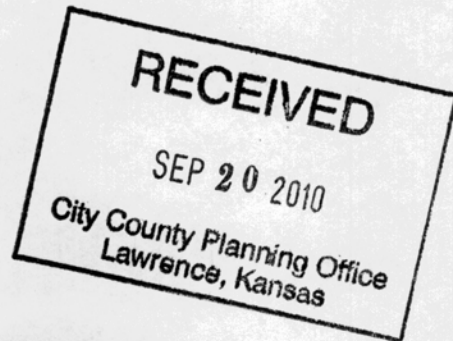
Grant Township Property Owners

Lawrence Farms LLC

A handwritten signature in dark ink, appearing to read "David L. Hylleberg".

324A.

September 15, 2010



To: Members of the Lawrence Douglas County Planning Commission

We are Grant Township property owners, and we are in favor of the letter dated September 10, 2010, in support of option #1 of the NE Sector plan.

A handwritten signature in cursive script that reads "Gary L. Black".

Gary L. Black

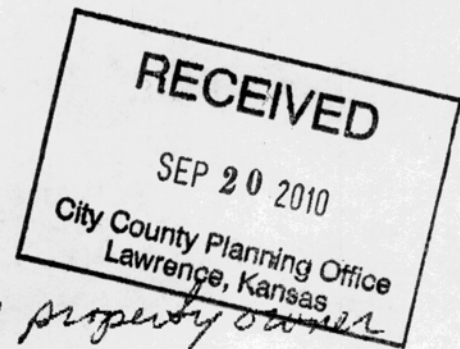
A handwritten signature in cursive script that reads "Larry D. Black".

Larry D. Black

17 acres owned in Grant Township

Sept 15, 2010

TO: Planning Commissions



I am a Grant Township property owner
and I am in favor of the letter dated Sept.
10, 2010, in support of option #1 of the
NE Sector plan.

Respectfully yours,

Larry Heck

Owner of approx 40 acres
in Grant Township

Address: 47 Hickory Ridge
Cicero, IN.
46034

Grant township letter

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

I am a Grant Township property owner, and I am in favor of the letter dated September 10, 2010, in support of option #1 of the NE Sector plan.

Jane McCabe Jane McCabe

Acres owned in Grant Township aprox 35

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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Sincerely,

Grant Township Property Owners

*Care E. Bauer**Julian V. Bauer**owners, 153 acres in Grant Township**9-16-2010*

September 10, 2010

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

To: **Members of the Lawrence Douglas County Planning Commission**

As owners of a large percentage of the commercial agriculture acreage represented in the Northeast Sector Plan we strongly support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the September 20, 2010 Planning Commission meeting. These are the key reasons for our support.

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Sincerely,

Grant Township Property Owners

Clifford Harding

51 A

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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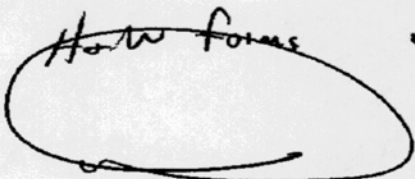
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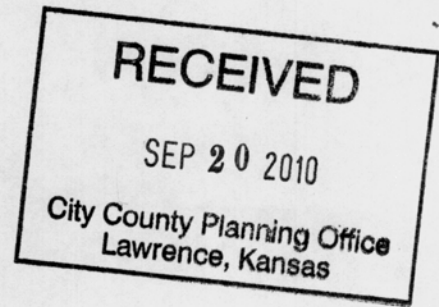
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Sincerely,

Grant Township Property Owners

How far 420 A. m.





September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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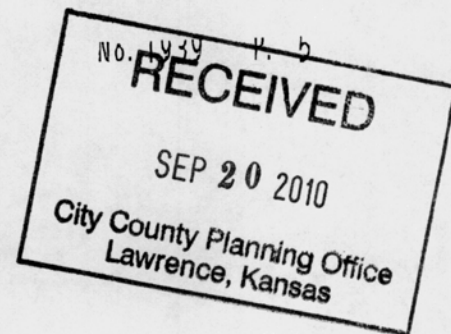
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Sincerely,

Grant Township Property Owners

Pine Family Investments
Roger & Sue Pine
Brian & Kathy Pine

Roger Pine 349 acres
Sue Pine
Kathleen R. Pine



September 10, 2010

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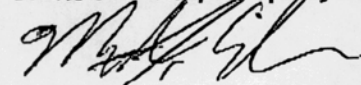
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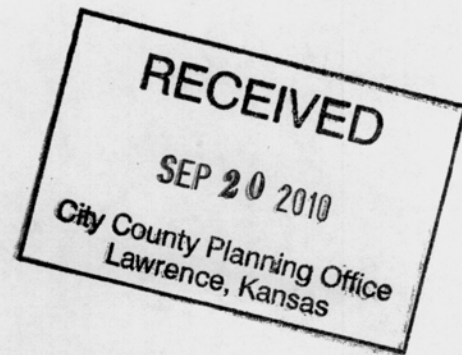
Sincerely,

Grant Township Property Owners



Matthew J. Eichman

420 acres



September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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Sincerely,

Grant Township Property Owners

500+ Acres

Roger Kitzmiller - owner
Ralph Kitzmiller owner

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

September 19, 2010

Mr. Charles Blaser, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4: COMPREHENSIVE PLAN AMENDMENT FOR NORTHEAST SECTOR
PLAN.

Dear Chairman Blaser and Planning Commissioners:

We would like to present some comments on the new recommendations for inclusion in the
Northeast Sector Plan: a choice between the Options #1 and #2.

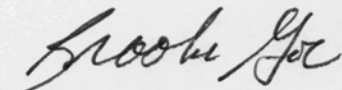
The important question addressed here is how to preserve the Class I and II Soils as a goal, but at
the same time accommodate some industrial development. After reviewing these options we
believe that the consequences of adopting either of these options at this stage would not achieve
the desired outcome.

We have attached our analysis of some of the problems involved in attempting to accommodate
both the preservation of these irreplaceable soils and at the same time accommodate industrial
development.

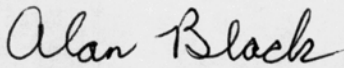
We suggest that before you incorporate either of these options into the Northeast Sector Plan that
you review our discussion and consider this particular issue further.

Thank you for your consideration.

Sincerely yours,



Brooke Goc
President



Alan Black, Chairman
Land Use Committee

RECEIVED

SEP 20 2010

City County Planning Office
Lawrence, Kansas

ATTACHMENT

PROBLEMS WITH SUGGESTED OPTIONS FOR PRESERVING CLASS I & II SOILS IN INDUSTRIAL AREAS

Option #1: The recommendation to incorporate into the *Northeast Sector Plan* suggested by staff for preserving Class I and II Soils in industrially designated areas is to “encourage” Agri-Industrial use in these areas.

Problem: With only “encouragement” there is no way to guarantee that Agri-Industrial uses will go into such areas. It seems to us that this would *not* be an effective method for saving these valuable soils. This is not recommended as a requirement nor is there recommended any incentive to do it. To be effective, there should be both a requirement and an incentive incorporated into the Land Development Code.

Option #2: The recommended suggestion here is to require a portion of an industrial development on Class I and/or II Soil to be set aside and permanently preserved for agricultural use. The suggested amount is half of the original tract. If this recommendation of Option #2 is incorporated into the Land Development Code and the Douglas County Zoning Regulations, the Agri-Industrial use would be a permitted use within the Industrial category.

Problems:

1. Implementation: There should be some mechanism for separating out the undesirable industrial permitted uses from the benign ones. Although there is one permitted use added—Agri-Industrial—there is no distinction in terms of the many choices for permitted uses available under the “Industrial” category in Option #2. Not all of these other industrial uses included here are equal in intensity and in possible negative effects on the set-aside farmland. There is a need to be able to select or condition uses, or to be able to do both.

- (a) One method used recently has been to allow conditioning of conventional zoning to eliminate all permitted uses other than agricultural-business uses. It could be applied to Agri-Industrial permitted uses in the Industrial category.
- (b) Another method would be to require a Planned Development.
- (c) A third method would be to establish all industrial uses in Class I and II soils as Special Uses with the ability to establish strict environmental controls through the Conditional or Special Use Permits.
- (d) A fourth method could be to create a new zoning district for Class I and II soils and then control uses individually under the Section 20-501 Use Regulations.

2. The size and configuration of the original tracts and their set-aside parcels is critical in preserving the set-aside land for its agricultural usefulness.

- (a) If half of the land of a single tract is set-aside for preserving Class I and II soils each parcel from the tract should be contiguous so that it is not preserved in separate small pieces. Set-backs and required open spaces between buildings or other normal “open space” requirements would not preserve sufficiently large tracts for usable agricultural land.
- (b) The original acreage of the industrial tract would determine how useful a set-aside parcel would be. For example, the parcels set-aside from small industrial tracts—under one acre—would generally be less agriculturally useful. You need to know what is considered economically and practically feasible to preserve.

3. Protecting the set-aside farmland area from pollution and runoff from the developed industrial parcel would have to be a condition placed on any industrial development adjacent to preserved farmland—an additional development expense and difficult to enforce.

4. An additional problem is that almost the entire Class I and II Soils are also subject to flooding.
Added problems and hazards of developing in the floodplain:

- (a) The cost/benefit to the city and county of industrial development in the floodplain is apt to be negative. Why?
 - (1) Both the flat North Lawrence area and the floodplain have a very high water table and minimal slope. This causes major engineering problems with sewerage and added costs of providing and maintaining it. Sewerage would likely need lift stations and because of the high water table, sump pumps would likely be necessary. A major public cost.
 - (2) Floodplain development requires high capital investment. Needed flood protection or raising building levels, generally with added soil, makes development cost higher than average.
 - (3) Raising soil levels adjacent to farmland can change the drainage patterns to the disadvantage of the farmland, marginalizing it and reducing its productivity.
- (b) Hazards are created with floodplain development because of the proximity of the airport. Raising soil levels may create ponds that attract waterfowl and other wildlife if fill dirt comes from the same floodplain area. This effect is due in part to the high water table.

5. Problems of jurisdiction.

- (a) If a development is not annexed and provided public utilities, it will likely be substandard; public benefit will likely be negative.
- (b) If a development is provided utilities and public services but not annexed, costs to the city will not be publicly compensated through taxes, resulting in lack of public benefit to city.
- (c) If development is annexed and provided public services, costs may still exceed public benefits in taxes because of above listed problems.

6. Cost implications: Farming is one of the land uses in the county that costs the county much less than the county regains from it in taxes. When the League made its study on county development, one of our sources was the Farmland Trust. The Trust found that for every dollar returned in taxes from open space and farmland, expenditures to counties averaged about \$0.50. On the other hand, for every dollar returned to the county in taxes from rural residential use, the county expenditures for this use were higher, up to \$1.50 per household. That was in 1999. The disparity now is likely more.

CITIZENS FOR RESPONSIBLE PLANNING

September 18, 2010

Dear Commissioners Blaser, Harris, Finkeldei, Carter, Burger, Hird, Dominguez, Rasmussen, Singleton, and Liese,

Citizens for Responsible Planning (CRP) remains in support of the 3rd Draft of the Northeast Sector Plan as presented at the Planning Commission meeting on July 21, 2010. This draft document skillfully and fairly represents public input from the beginning of the public document planning sessions that began in the Fall of 2009.

One of our primary concerns remains flooding and stormwater run-off associated with development and urbanization in the Northeast Sector. The "Option #1" alternative being presented clearly states, "The industrial category is expected to urbanize. " This statement is in direct conflict with the desires expressed through the public process. It will also increase the probability of catastrophic flooding within the area and the North Lawrence residential community. Urbanization within the Northeast Sector will force implementation of the costly North Lawrence Drainage Study recommendations. CRP would request that should any development proposal come forward it be reviewed through a cost-benefit analysis whenever public dollars are being used for infrastructure extension.

It is impossible to segregate the area's unique challenges to development. As stated on **Pg. 3-1 under Recommendations these unique challenges include:**

- o **Costly stormwater infrastructure needs as urbanization occurs**
- o **Significant amounts of regulatory floodplain**
- o **Significant amounts of Class I and II soils**
- o **FAA Regulations and Lawrence Municipal Airport Protection Zones**

The current draft states on: **Page 3-13 3.3 Implementation , Item 6. "Consider implementing regulations that promote no adverse impact for floodplain management."** CRP supports this statement of an **Implementation recommendation**. It is recognized that flooding is the number one natural disaster in the United States (FEMA). To identify flood hazards, the risks they pose to people and property, and the regulatory boundaries of floodplains, the Federal Emergency Management Agency (FEMA) develops flood hazard maps, officially known as Flood Insurance Rate Maps (FIRMs). **The Flood Hazard Area map shown on page 2-18 should be updated to reflect the new LiDAR - DFIRM County map dated August 5, 2010.**

http://www.douglas-county.com/depts/zc/docs/pdf/floodplainmap_080510.pdf

The map seen in the above link replaces the flood hazard map that dates back to November 7, 2001. Drainage patterns have changed dramatically due to land use, surface erosion, and other natural forces. As a result, the likelihood of riverine flooding in some areas has increased significantly. Moreover, the technology used to estimate risk has been much improved. Up-to-date maps will much more accurately represent the risk of flooding; they are an important tool in the effort to protect lives and properties in Douglas County. This statement is taken from the National Initiative for Flood Map Modernization.

This August 5, 2010 DFIRM Map indicates areas to be in the 1% chance floodplain or 100 year floodplain that are indicated on the Future Land Use Map Draft Pg. 3-12 for both Industrial and Soil-Conserving Agri-Industry. The new 100 year floodplain designations for these areas should require further detailed study prior to determining future land use possibilities within the Northeast Sector Plan.

Thank you for considering CRP's comments and requests.

As always, with great respect.

Citizens for Responsible Planning Steering Committee

September 10, 2010

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Sincerely,

Grant Township Property Owners

Attachment to Grant Township Property Owners Letter

Trusted Management
By Carolyn Phillips 252 acres

Vogelland
By Nancy Vogel $\approx$ 170 acres

Kenneth R. Halladay MD. 40 acres

Kenneth D. Reiling 60+ acres

~~Michael Halley~~
Halley Farms $\approx$ 130 acres

Dorothy L. Congore Trust 138 acres
by Dorothy Congore

Gantz Land L.C.
by Neil Gantz, Mark Gantz 145 acres

Irene Vogel Trust
DOUGLAS COUNTY BANK TRUST
By: Jimmie Dair SAVANTO

John Vogel Trust
Douglas County Bank, TRUST
By: Jimmie Dair SAVANTO

510 ACRES

September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

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Sincerely,

Grant Township Property Owners

Mary P. Ross

Patrick D. Ross

Herb E. Winkler

Debra A. Kierstead

Pauline M. Tunemaker

457 acres

10520 Inverness Ct
Fishers, IN 46037
September 13, 2010

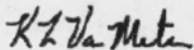
Lawrence-Douglas County Metropolitan Planning Commission
6 East 6th Street
Lawrence, KS 66044

Dear Planning Commission:

As the owner of 54 acres on the NW corner of the Midland Junction in Grant Township, I support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the upcoming September 20, 2010 Planning Commission Meeting.

I appreciate the opportunity to express my opinion. If you have any questions or would like to discuss this issue further, please contact me at 317-450-6242. Additionally, you may speak with my father, Earl Van Meter, who manages my property. He can be reached at 785-749-5956.

Sincerely,



Karen Van Meter

Cc: Earl Van Meter
621 Country Club Terrace
Lawrence, KS 66049

September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

As owners of a large percentage of the commercial agriculture acreage represented in the Northeast Sector Plan we strongly support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the September 20, 2010 Planning Commission meeting. These are the key reasons for our support.

- This language reflects almost directly the previously approved policies in Chapter 7 of Horizon 2020. All of our long-range plans for our farms and family homes were based on those policies.
- We have worked the land and soils in this area for decades. Understanding the production capabilities, vulnerabilities, climate, erosion, water retention and production limitations has allowed us to maximize yields of tillable acreage for generations. It is how we make our living and is part of our lives.
- With proximity to major highways, rail and air transportation, this area serves the needs of Lawrence and all of northeast Kansas. We should not compromise access to industrial and commercial use in this critical transportation hub by placing severe limits on potential development nearby.
- The relatively undefined concept of soil conserving agri-industry opens the possibility that current agri-industry uses such as livestock feeding operations, turf and sod production, agricultural field stations and test plots could be jeopardized in the future.
- The proposed commercial use of land in no way conflicts with our ability to grow crops for our community or increase production to support local demands.

As landowners and citizens directly affected by this decision, we ask that the Lawrence/Douglas County Planning Commission approve option #1 as recommended by its Planning staff.

We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely,

Grant Township Property Owners

John Schenck (132 Acres)

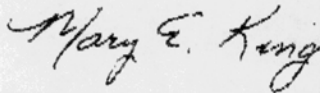
BILL & MARY KING
2231 GARFIELD
GREAT BEND, KS 67530

Tel. #620 793 6168
Fax # 620 793 8473
Cell # 620 791 7150
E-mail bking6@cox.net

September 12, 2010

Members of the Lawrence Douglas County Planning Commission:

I am a Grant Township property owner, and I am in favor of the letter dated September 10, 2010, in support of option #1 of the NE Sector plan. I own 170 acres in Grant Township.



Mary E King

September 10, 2010

To: Members of the Lawrence Douglas County Planning Commission

As owners of a large percentage of the commercial agriculture acreage represented in the Northeast Sector Plan we strongly support Option #1 as presented in the memorandum from Dan Warner AICP, Long Range Planner, which will be considered at the September 20, 2010 Planning Commission meeting. These are the key reasons for our support.

- 1 This language reflects almost directly the previously approved policies in Chapter 7 of Horizon 2020. All of our long-range plans for our farms and family homes were based on those policies.
- 2 We have worked the land and soils in this area for decades. Understanding the production capabilities, vulnerabilities, climate, erosion, water retention and production limitations has allowed us to maximize yields of tillable acreage for generations. It is how we make our living and is part of our lives.
- 3 With proximity to major highways, rail and air transportation, this area serves the needs of Lawrence and all of northeast Kansas. We should not compromise access to industrial and commercial use in this critical transportation hub by placing severe limits on potential development nearby.
- 4 The relatively undefined concept of soil conserving agri-industry opens the possibility that current agri-industry uses such as livestock feeding operations, turf and sod production, agricultural field stations and test plots could be jeopardized in the future.
- 5 The proposed commercial use of land in no way conflicts with our ability to grow crops for our community or increase production to support local demands.

As landowners and citizens directly affected by this decision, we ask that the Lawrence/Douglas County Planning Commission approve option #1 as recommended by its Planning staff.

We will be present for the September 20 meeting and look forward to answering any questions you may have concerning our position on this issue.

Sincerely,

Grant Township Property Owners

Don & Westheffer
Wanda L. Westheffer
306 acres in Grant townships

From: Barbara Clark, Maggie's Farm [mailto:maggiesfarm@sbcglobal.net]

Sent: Wednesday, July 21, 2010 3:11 PM

To: Chuck Blaser; Lisa Harris; Brad Finkeldei; Hugh Carter; Lara Adams Burger; Richard Hird; Charlie Dominguez; Stan Rasmussen; Kenzie Singleton; Bruce Liese

Cc: Dan Warner; Scott McCullough; Sheila Stogsdill

Subject: Fw: Possible "Best Practices" Examples

Dear Commissioners,

I am forwarding three very recent documents to you that may act as "best practices" guides. I believe at the last meeting on May 24th when the Northeast Sector Plan was discussed there was a statement that there should be communities that are engaged in the same issues we are here in Douglas County. I hope these will assist as we move forward.

Two are from Pennsylvania and one from Washington State.

The first link: http://www.tpl.org/content_documents/OkanoganValley_WhitePaper_LowRez.pdf

Agricultural Land Preservation and Land Conservation in Okanogan County: Challenges, Opportunities, and Recommendations for Moving Forward, January 2010.

This document addresses the need for "common ground" between divergent interests. From my perspective the process the planning staff undertook and skillfully facilitated for the Northeast Sector Plan fits within the recommendations of this white paper. While there are variances in the players involved in this county in Washington State, the critical natural resource at risk is high quality agricultural land. This document, if for no other value, clearly shows that the discussions and difficulties Douglas County is facing are common to many other communities in our nation.

The second link: <http://www.shrewsburytownship.org/Codorus%20Comprehensive%20Plan%20DRAFT.pdf>

Codorus Township Comprehensive Plan Update Draft, March 2010

This very recent Comprehensive Plan Draft has a strong focus on agricultural soils preservation, tools to achieve agricultural preservation, and valuation systems for implementation. On page 11, a lengthy discussion of soils begins and the various land use capabilities appropriate to various soil types. Page 38 begins a discussion of this county's preservation work.

The third link: http://www.ycpc.org/County_Long_Range_Pages/comp_plan.html

After opening this link, scroll down the page to the list of documents. Click on the first document: *York County Agricultural Land Protection Plan*

This planning document looks at agricultural land protection tools. One of the most important being good long-range comprehensive planning. There are other zoning and incentive tools referenced in this planning document. Soils play a very significant role in land use planning in this document and other township plans I've looked at from the York County Planning Department.

Thank you all for taking the time to review these documents. I know you are called upon by many groups to read volumes of text. Your time and dedication to our community is greatly appreciated.

Best,

Barbara Clark

Maggie's Farm

www.maggiesfarm-ks.com

CITIZENS FOR RESPONSIBLE PLANNING

July 21, 2010

Dear Commissioners Blaser, Harris, Finkeldei, Carter, Burger, Hird, Dominguez, Rasmussen, Singleton, and Liese,

Citizens for Responsible Planning (CRP) would like to express their gratitude for the diligence shown by the Planning Department Staff in their skillful and inclusive facilitation of the Northeast Sector Plan Draft development. From the initial "kick-off" meeting in the Fall of 2009 public attendance and public input has been carefully recorded and used to direct language currently represented in the 3rd draft of this document.

It is also our expressed opinion that the Q and A paper has been invaluable in clarifying and giving further elaboration on questions and concerns that were voiced at the May 24th Planning Commission meeting.

CRP recommends the following new language additions (**identified in black bold type**) to the 3rd draft.

Pg. 3-1 - Due to the *area's* unique challenges to development, including:

CRP's two overarching concerns for the Northeast Sector Plan have consistently been stormwater mitigation and the preservation of the largest contiguous tract of Capability Class 1 and 2 soils in Douglas County.

Pg. 3-1 - The plan recognizes ***the interconnectedness of*** these unique elements and proposes only limited development in the planning area.

The addition of "***the interconnectedness of***" gives recognition of how these deep, fertile soils are the best mitigation source for recurring stormwater issues facing this area. These soil's natural absorptive sponge capabilities offer both from a cost basis and highest and best land use perspective the greatest mitigation option available. These two concerns are best addressed in tandem.

Pg. 3-2 - 3.1.1.1.g Lawrence Urban Growth Area (UGA)

1. Consider adjusting Lawrence's Urban Growth Area boundary ***by limiting it*** to those areas of Grant Township feasible for the urban-type development through the analysis of the Sector Plan and the analysis of future water and wastewater master plans.

CRP supports the Plan Growth Area as defined by the Future Land Use map presented on pg. 3-14 of this draft.

In addition, we would like to use a transcribed reference from the May 24th Planning Commission meeting to further support CRP's thoughts on the limiting of the UGA.

"Commissioners, I guess there's one thing I'd like to leave you with while we go to work on these comments is --we've put this in the context of what are the planning efforts city/county wide. The reason we start with our cartoon of annexation is that there's a reason that this area hasn't developed substantially over the decades and those reasons have to do with the costs of development and public infrastructure and the storm drainage and those sorts of things. I think as planners we need to start thinking, or continue to think, about where are we going to put our limited resources in relation to development costs. We have / you all have planned a substantial amount of industrial employment center activity along with other areas of high density residential and commercial nodes and the like - Farmland Industries is one area, Farmers' Turnpike is another area, 6th Street and SLT is an area. There's room for all those things and areas of low

growth / low development and so as we talk more about the utilities master plan and come back with this plan for your review and consideration I think we need to think of it in terms of the county as a region and not just - It's easy to get into Grant Township and say, 'why aren't we pro-development here?' Why are we restrictive?' ...and those kind of things. We're trying to let the history and the land talk to us on this one and say, "there are reasons for this today; what do we reasonably anticipate?' We talk about expectations for the residents...is it fair to put out a plan for pro-growth if we're not as a city going to put any infrastructure in that area. We've got to talk about those things and come to some reasonable conclusions I think. We'll get to work on your comments and come back with those things in mind as well."

Scott McCullough, Lawrence/Metropolitan Planning Director - May 24, 2010

CRP agrees with Scott McCullough that good long-range, comprehensive land-use planning should consider the most effective allocation of limited public resources for the costly infrastructure necessary for industrial employment centers and high density residential areas. Our community already has identified these public investments for other areas. There are historically validated reasons why Grant Township has experienced limited development in significant part due to flooding and storm water drainage. Sustaining agricultural land uses within Grant Township complements best economic land use with storm water mitigation. We hope that you concur in your thoughts and actions.

CRP has consistently pressed for incentive mechanisms to aid in farmland preservation. Some "Best Practices" documents have been sent to you under separate cover. At this time we would like to suggest some other references that may aid in finding appropriate tools for Douglas County to incorporate into their practices. The first would be a link to the American Farmland Trust toolbox. This link is: http://www.farmlandinfo.org/documents/27761/fp_toolbox_02-2008.pdf

This fact sheet will give you a brief description of many of the planning and incentive tools available for farmland protection.

A second link is to the American Planning Association's Policy Guide on Agricultural Land Preservation. This link is:

<http://www.planning.org/policy/guides/adopted/agricultural.htm>

This is a frequently cited reference and in CRP's opinion reflects many of the planning guides set forth in the Northeast Sector Plan Draft.

As always, CRP is aware of the many factors that come to bear on your decisions. Our continued efforts have been to present reasonable, authoritative data to assist in your deliberations.

With great respect and appreciation for your tireless efforts on behalf of our community,

Citizens for Responsible Planning Steering Committee

Barbara Clark

Jerry Jost

Lane Williams

Ellen Paulsen

Lori McMinn

Chet and Deanna Fitch

cc: Dan Warner, Scott McCullough, Sheila Stogsdill

From: Nuts2sell@aol.com [mailto:Nuts2sell@aol.com]
Sent: Friday, July 23, 2010 12:01 AM
To: Dan Warner
Subject: Comment to Planning Commission, Northeast Sector Plan

July 22, 2010

Re: Draft Northeast Sector Plan

Dear Planning Commissioners:

Although we will be out-of-town for the next meeting on the Northeast Sector Plan, my wife and I wish to encourage your continued work on this and, in particular, your attention to storm drainage challenges and soils. As most of you know, we have a tree farm in the area and have made comments in the past.

In the past few days we have driven North 3rd street and watched as at least 6 feet of clay fill has been trucked in and compacted for the pad and parking lot of the new Dollar Store. It is a impressive, but typical, fill for North Lawrence. We have remarked how each development in the flood plain incrementally degrades the drainage for their neighbors who had previously built at the natural grade.

In the ten years since the last FEMA floodplain map was adopted, degradation of the Maple Grove drainage has now resulted in a new FEMA map with a greatly increased 100-year floodplain area. The new regulatory floodplain covers much more of our neighbors' lands and, for the first time, includes part of our orchard. The map reflects the cumulative effect of development over the past decade. Ironically, floodplain regulations encourage or require building on fill, which is invariably less permeable than the natural soil. New development is built on ever higher fill. Whoever is lower, whoever built before, is burdened with the runoff.

In North Lawrence the better agricultural soils are sponges of storm water. The higher Capability 1 soils are better sponges than the lower Capability 2 soils; loss of Capability 1 soils to development will impact area drainage more severely, although it is the lower soils that will flood more quickly.

We are encouraged by the fact that the Northeast Sector Plan articulates that drainage and agricultural soils are important planning considerations for the City of Lawrence. For us, as interested farmer landowners, drainage and prime soil preservation are paramount considerations for this particular area. We encourage your continued efforts to incorporate a reasonable reference respecting the best agricultural soils into the Northeast Sector Plan.

We appreciate your thoughtful efforts throughout this process.

Charles NovoGradac

Deborah Milks

Chestnut Charlie's

Organic Tree Crops

P.O. Box 1166

Lawrence, KS 66044

www.chestnutcharlie.com

nuts2sell@aol.com

Dan Warner

From: Scott McCullough
Sent: Wednesday, July 14, 2010 4:17 PM
To: 'Rasmussen, Stanley L NWK'
Cc: Dan Warner; Denny Ewert
Subject: RE: Northeast Sector Plan

Dan – for PC packet and file.

Scott McCullough, *Director* - smccullough@ci.lawrence.ks.us
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3154 | fax (785) 832-3160

From: Rasmussen, Stanley L NWK [mailto:Stanley.L.Rasmussen@usace.army.mil]
Sent: Wednesday, July 14, 2010 4:12 PM
To: Scott McCullough
Subject: Northeast Sector Plan

Scott,

After reviewing the 12 July 2010 draft of the Northeast Sector Plan, I am particularly concerned with the Soil Conserving Agri-Industry boundary designated on the Future Land Use Map 3-1 (see page 3-14). Specifically, the proposed boundary appears to be better suited for industrial development than to soil-preservation activities.

This area is bounded on the north and the east by the airport (as well as on the north by U.S. Highway 24/40), to the south by Interstate-70, and is essentially bounded on the west by US Highway 40/59.

In my opinion, an area such as this, with immediate access to multiple highways, the interstate, the airport, as well as close proximity to rail access, and an area which is essentially devoid of residential property, is naturally suited to industrial development as opposed to soil preservation. By looking at the soil classification map 2-13 (on page 2-24), better areas for soil conserving agri-industry can be readily identified. For example, while the draft designated area contains a mix of soil types, there are areas south of I-70 and north of the Kansas River that contain large swaths of Class I soil types, that are adjacent to existing industrial land, and that appear to be much better suited to soil conserving agri-industry activities.

I suggest that the Soil Conserving Agri-Industry classification be eliminated from the Future Land Use Map 3-1 (on page 3-14) and that this area be designated as Industrial. Second, I suggest that the last sentence in Section 3.2.1.4 be deleted (this is the sentence which reads: This use is identified south of highway 24/40...when a nodal plan is developed for that area). Alternatively, it may be appropriate to discuss the merits of designating the general area in the southeast portion of this Sector Plan as an area where soil-conserving agri-industry may be encouraged.

Please share my comments with my fellow Planning Commissioners, Planning Department staff, and other interested parties.

Stanley L. Rasmussen, Planning Commissioner

Dan Warner

From: Kelly Barth [ludditekel@earthlink.net]
Sent: Wednesday, May 26, 2010 3:47 PM
To: Dan Warner
Subject: Northeast Sector Plan

Dear Dan,

I wanted to take a moment to thank you for your lucid and strong articulation of the reasoning behind the Northeast Sector Plan at Monday's meeting.

Though I certainly realize the county can't please everyone with its documents, I want to express my concerns about the following:

- * Potential flooding of the area and the expense and logistical nightmare created by implementation of the North Lawrence Drainage study recommendations that would be needed to accommodate large-scale develop in the area.

- * Potential damage to irreplaceable Class 1 and 2 soils that have developed over millennia and represent one of Douglas County's most valuable cultural, environmental, and commercial assets.

I also appreciate the document's recognition that the development of aviation-related industry sited at the airport itself is an entirely appropriate development use for the area given the above two concerns.

Thanks for all your good work!

Best,

Kelly Barth

Dan Warner

From: Barbara Clark, Maggie's Farm [maggiesfarm@sbcglobal.net]
Sent: Wednesday, May 26, 2010 8:59 PM
To: Stan Rasmussen; Lisa Harris; Chuck Blaser; Brad Finkeldei; Richard Hird; Jeff Chaney; Kenzie Singleton; Greg Moore; Charlie Dominguez; Hugh Carter
Cc: Scott McCullough; Dan Warner; Sheila Stogsdill
Subject: Fw: Land Capability Classes
Attachments: class 2.pdf; class 1 and 2.jpg; class 1 and 2.pdf; class 1.jpg; class 1.pdf; class 2.jpg

Dear Commissioners Moore, Finkeldei, Harris, Blaser, Rasmussen, Hird, Chaney, Singleton, Carter, and Dominguez,

I'm forwarding information you requested at the Planning Commission meeting on Monday evening.

My intention has always been to submit objective, current data from authoritative sources concerning the soils in Douglas County. The majority of what I am forwarding to you in this document came from Cleveland Watts, State Agronomist with the USDA/NRCS out of the Salina offices. Mr. Watts has always been extremely helpful and generous with his time in assisting me with the generation of maps designating location and acreage of Capability Class 1 and 2 Soils in Douglas County. I am forwarding the actual communication received from Mr. Watts for your review.

On Tuesday of this week I called Mr. Watts to once again ask for his assistance in generating a map that will show Capability Class 1 and 2 Soils within the State of Kansas. I believe this was a question Commissioner Rasmussen posed. Mr. Watts told me he would have this data for me within 30 days. They are currently short staffed because of vacation schedules. So, my hope is that this time frame will be agreeable. I will forward this new information at the earliest possible date.

Under separate email I will forward the maps that show Capability Class 1 and 2 Soils within the county that are urbanized. This map and the corresponding acreage updates were created for me by DeAnn Presley, Associate Professor Environmental Soil Science/Soil and Water Management at Kansas State University - Agronomy Department. Professor Presley utilized a combination of GIS layers with Web Soil Survey data to create these maps and data tables.

Thank you for reviewing these documents. I would be glad to answer any questions, or secure answers from Mr. Watts or Professor Presley for any clarification you may want.

Respectfully,
Barbara Clark
Citizens for Responsible Planning

Maggie's Farm
www.maggiesfarm-ks.com

----- Forwarded Message -----

From: "Watts, Cleveland - Salina, KS" <cleveland.watts@ks.usda.gov>
To: maggiesfarm@sbcglobal.net
Cc: "Sabata, Larry - Topeka, KS" <Larry.Sabata@ks.usda.gov>
Sent: Thu, June 5, 2008 1:26:11 PM
Subject: Land Capability Classes

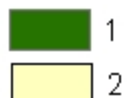
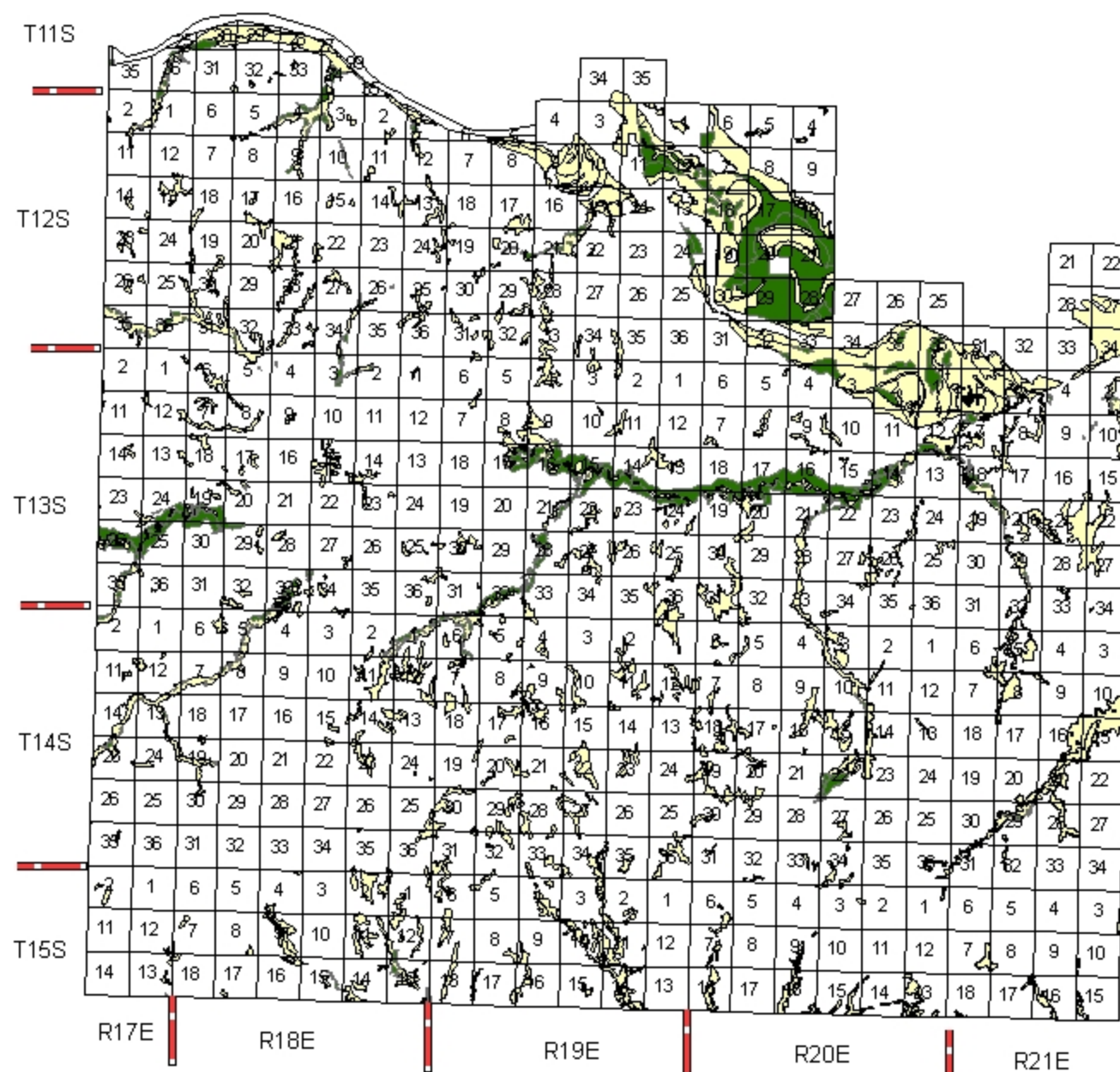
Mrs Clark

Larry Sabata submitted to me the request that you had made to him in regards to developing land capability interpretation map for Douglas county for class 1 and 2 land.

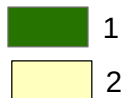
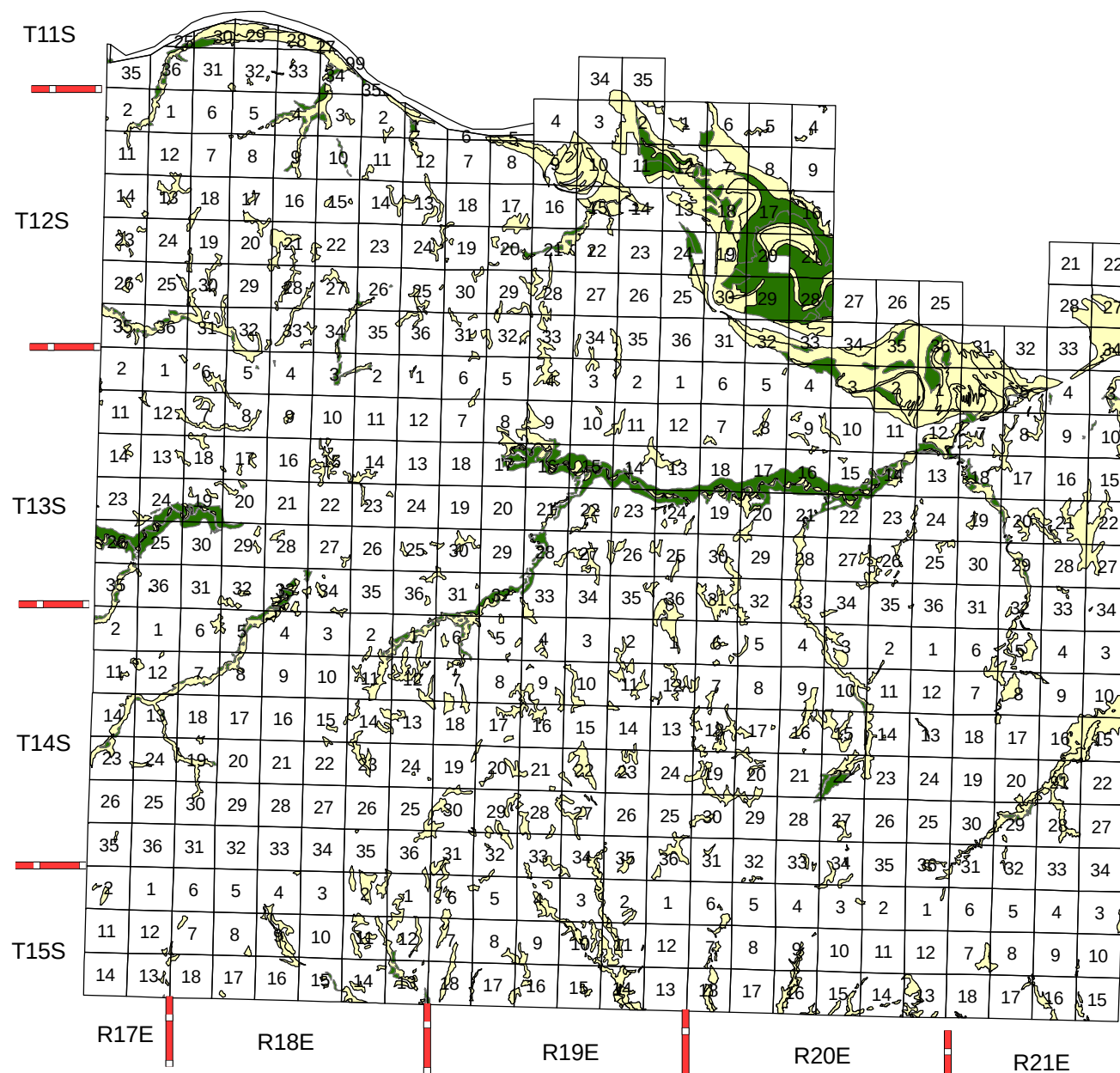
Attached is 6 maps related to this request. I developed maps for capability class 1 and 2 and also, with capability classes 1 and 2 combined. Each class is in a .jpeg and .pdf format.

If this information is not what you need, please feel free to give me a call at 785-823-4558.

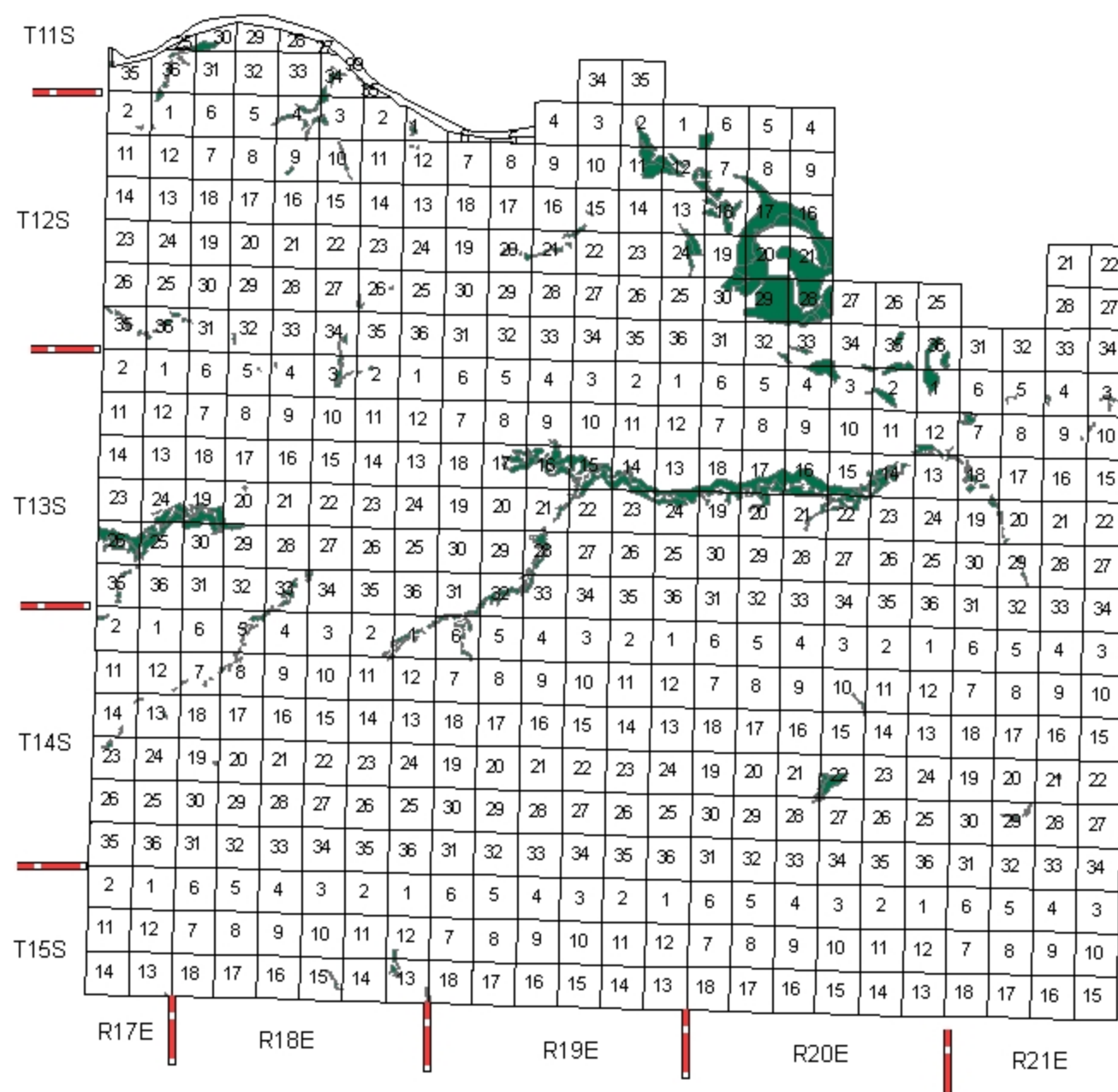
Land Capability Class 1 and 2 in Douglas County, Kansas



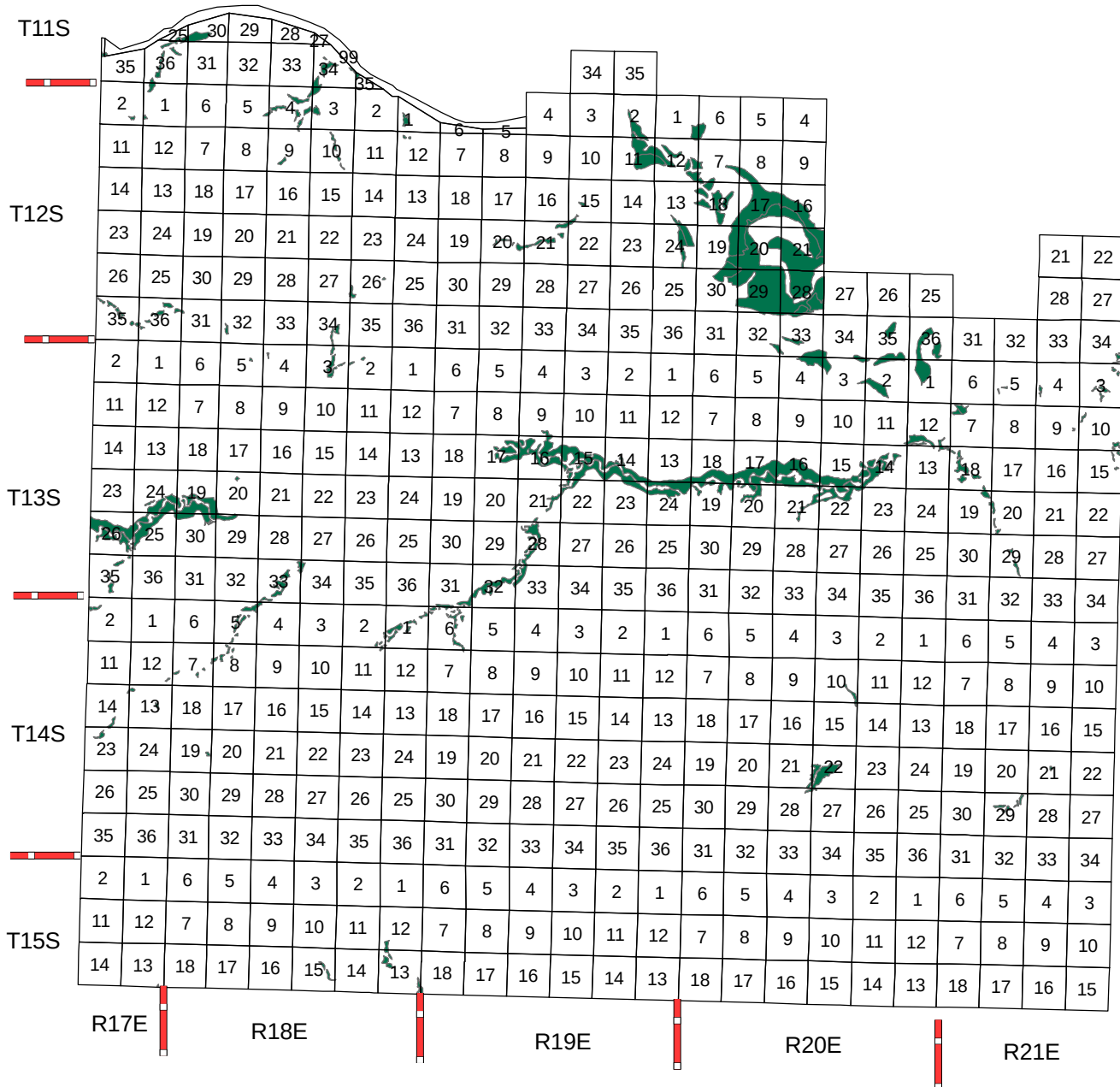
Land Capability Class 1 and 2 in Douglas County, Kansas



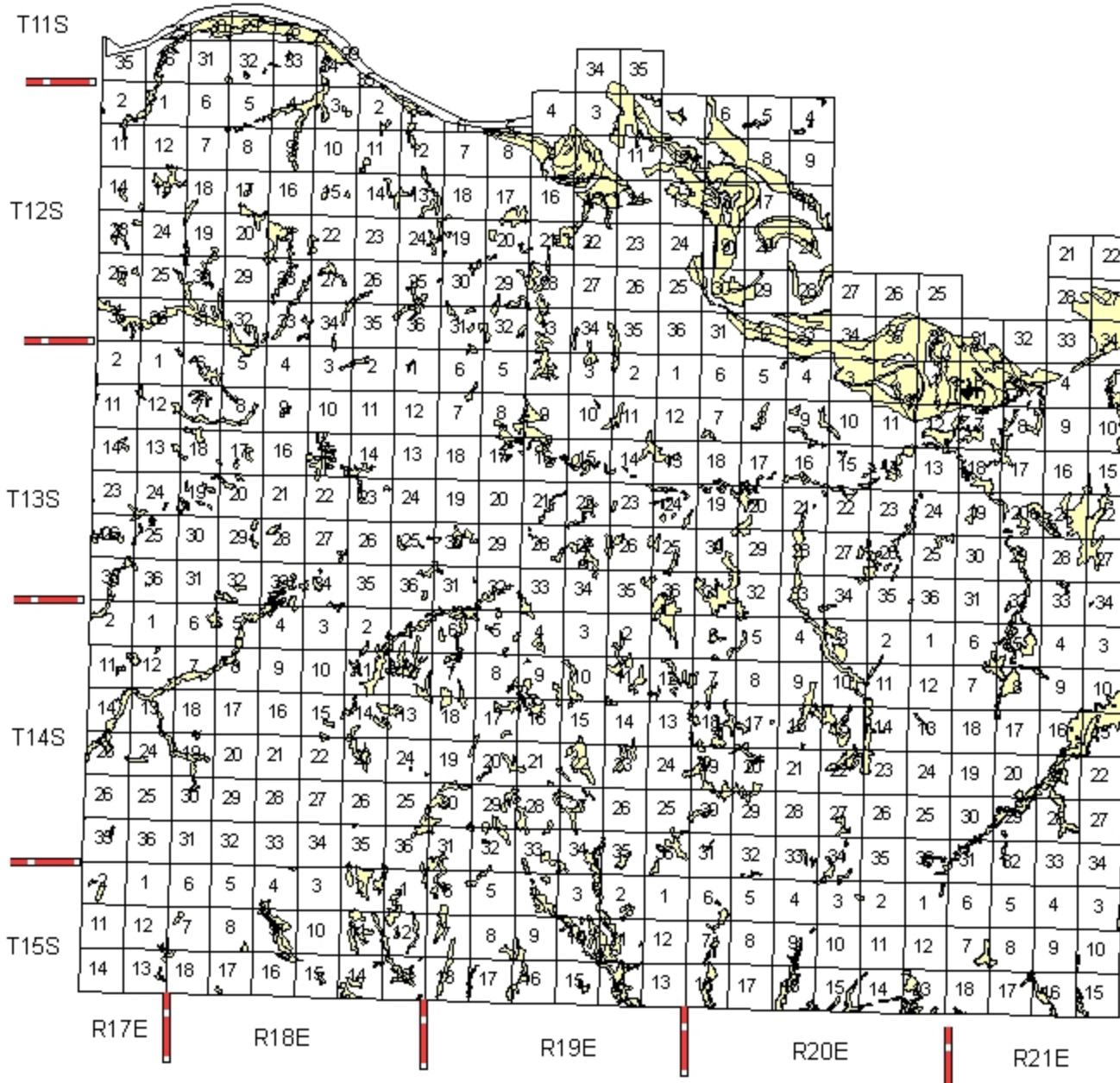
Land Capability Class 1 in Douglas County, Kansas



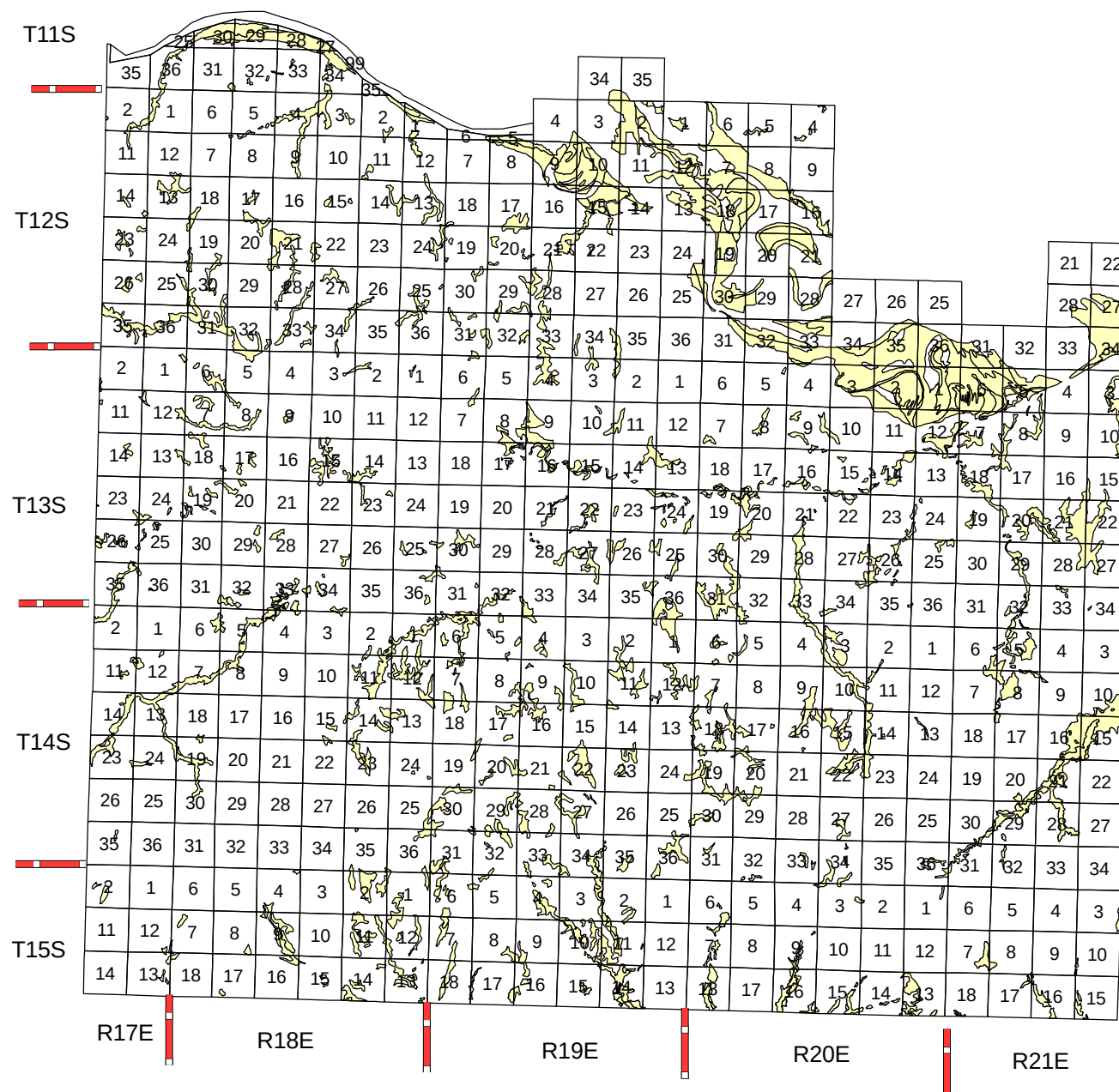
Land Capability Class 1 in Douglas County, Kansas



Land Capability Class 2 in Douglas County, Kansas



Land Capability Class 2 in Douglas County, Kansas



Dan Warner

From: Barbara Clark, Maggie's Farm [maggiesfarm@sbcglobal.net]
Sent: Wednesday, May 26, 2010 9:47 PM
To: Stan Rasmussen; Lisa Harris; Chuck Blaser; Hugh Carter; Greg Moore; Charlie Dominguez; Brad Finkeldei; Jeff Chaney; Kenzie Singleton; Richard Hird
Cc: Scott McCullough; Dan Warner; Sheila Stogsdill
Subject: Fw: Urbanized Capability Class 1 and 2 Soils Douglas County
Attachments: class_1_and_2_acres.xls; class_1_2_urban.jpg

Dear Commissioners,

Attached are the documents created by DeAnn Presley, KSU Agronomy Department. These files show the urbanized percentages and acres of Capability Class 1 and 2 Soils in Douglas County. I also believe these documents are included in early public comments associated with the Northeast Sector Plan. I might add this data is based on a 2005 dataset. So, any urbanization of Capability Class 1 and 2 Soils after that date would not be reflected in these percentages or acres calculations.

As always, I will be happy to answer any questions you may have or obtain further information for you.

With many thanks.
Barbara Clark

I have included contact information for DeAnn Presley

DeAnn Presley

Extension Specialist/Assistant Professor

Environmental Soil Science/Soil and Water Management

Kansas State University

Agronomy Department

2014 Throckmorton Hall

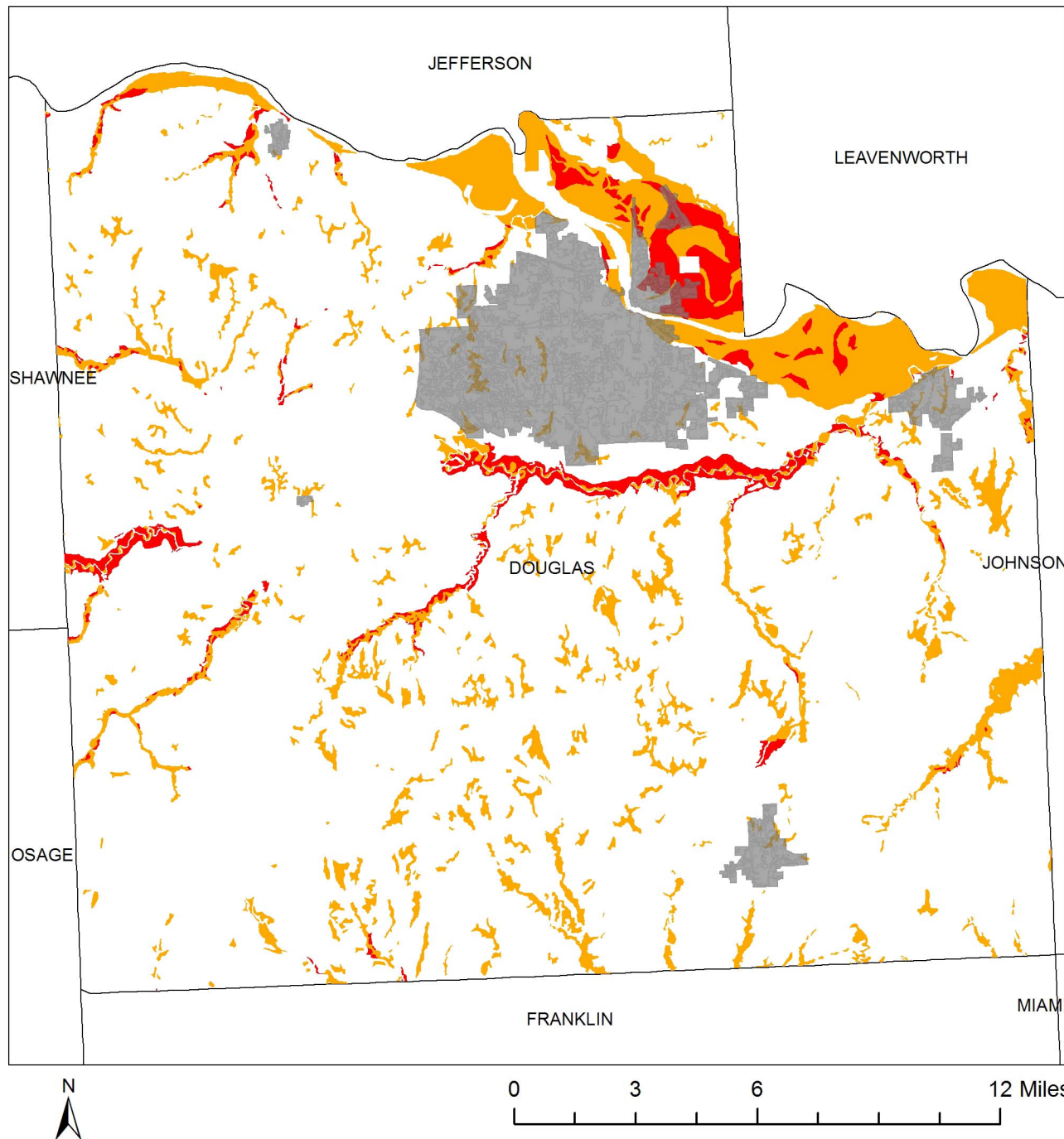
Manhattan , KS 66506

785-532-1218 (office)

785-313-4193 (cell)

deann@ksu.edu

Class 1 and 2 Soils, plus all Urban land types



- All urban land types
- Class 1 Soils
- Class 2 Soils
- County boundaries

	Acres
Class 1, Total	8,366
Class 1, Urban	2,009
Class 2, Total	33,053
Class 2, Urban	12,761
Urban, Total	21,298
Total Area	303,808

county	total county size in acres	total urban acres in county	acres of class 1	% class 1	acres of developed class 1	% of class 1 that is developed	acres of class 2	% class 2	acres of developed class 2	% of class 2 that is developed
Wyandotte	99700		1437	1.4			19972	20.0		
Wabaunsee	511827		842	0.2			48457	9.5		
Shawnee	355488		29518	8.3			57063	16.1		
Riley	398400		15878	4.0			66084	16.6		
Pott	551366		18305	3.3			119415	21.7		
Johnson	307066		3148	1.0			41199	13.4		
Jefferson	356429		2806	0.8			49349	13.8		
Leavenworth	300300		3460	1.2			60112	20.0		
Douglas	303808	21298	8370	2.8	2009	24.0	33053	10.9	12761	38.6
Geary	258611		13187	5.1			39329	15.2		
Jackson	420953		2779	0.7			89739	21.3		

Dan and Scott,

I'm forwarding two links to planning documents from communities that are currently addressing some of the same issues we are with the Northeast Sector Plan.

The first link: http://www.tpl.org/content_documents/OkanoganValley_WhitePaper_LowRez.pdf

Agricultural Land Reservation and Land Conservation in Okanogan County: Challenges, Opportunities, and Recommendations for Moving Forward, January 2010.

This document addresses the need for "common ground" between divergent interests. I think much of what you did through the use of inclusive, public process to begin the formation of concepts and language in the draft of the Northeast Sector Plan fits within the recommendations of this white paper. While there are variances in the players involved in this county in Washington State, the critical natural resource at risk is high quality agricultural land. This document, if for no other value, clearly shows that the discussions and difficulties Douglas County is facing are common to many other communities in our nation.

The second link: http://www.ycpc.org/County_Long_Range_Pages/comp_plan.html

After opening this link, scroll down the page to the list of documents. Click on the first document: *York County Agricultural Land Protection Plan*

This planning document looks at agricultural land protection tools. One of the most important being good long-range comprehensive planning. This is exactly what I heard you speak to at the last meeting of the Planning Commission. There are other zoning and incentive tools referenced in this planning document. Soils play a very significant role in land use planning in this document and other township plans I've looked at from the York County Planning Department.

Thank you both for reviewing these two documents. I know you are constantly called upon to read volumes of data. I would appreciate hearing your thoughts on what might be applicable for Douglas County from these two texts.

Best,
Barbara Clark

-Hello, I am Jim Congrove. Thank you for giving me some time to explain our position on proposed restrictions on use of Class I and II soils in the Northeast Sector plan. My wife and I own three tracts of land within the boundaries of the plan. One tract is located just Southeast of Midland within the plan growth area and is predominately Class II soils, another tract is located southwest of Midland, and is predominately Class I soils and then a tract where we live is just off Highway 24 on the Leavenworth-Douglas County on the hills overlooking the river valley.

In reviewing the draft Northeast Sector plan, a great deal of emphasis is placed on prohibiting or discouraging any industrial development on Class I and II soils. Please refer to map 3-13. The purple shaded area is designated as Soil conserving – Agri-Industry. Based on the definition of this designation on pages 3-10 and 3-11 I believe the result will be no business or industry. Much of this discussion is based on a concern that the potential for local food production could be greatly impaired if any Class I or II soils were allowed to be developed. While we strongly support the efforts to promote more local food that can be marketed at Farmer's Markets, grocery stores, restaurants or any other outlet, I am going to argue that there is sufficient land for local food production and also allow landowner's freedom to exercise their property rights if opportunities arise. If this plan is approved as drafted, we believe that our property rights and land values could be impaired.

Class I and II soils have similar physical properties. They both have potential for high productivity of crops and have less than 1% slope. The main difference in these two soil classes is that Class I has better permeability. Reference is made to map 2-22. The class 1 & 2 soils are cross-hatched. Please note there are some areas not cross-hatched. One area just north of the Kansas River along the eastern side of the plan and another area northwest of teepee junction along the river levee are class 3 because they are too sandy to be considered Class 1 or 2.

While studying at K-State I took several soils courses while obtaining my Bachelor's and Master's degrees in Agronomy. However, most of my remarks will be based on my experience growing various crops on these soils.

I believe too much emphasis has been placed on the Class I and II soils in the sector plan as being the only major soil resource for the production of local foods. First of all, we should be thinking more about regional food policies. For example there are more than 50,000 acres of Class I soils in the Kansas River valley between Manhattan and Kansas City. Back in the 30's and 40's about 6,000 acres of potatoes were grown in the Kansas River Valley and were marketed under a regional brand of Kaw Valley potatoes. Because of weather, storage and marketing problems, acreage gradually decreased and potatoes ceased to be a commercial enterprise in the valley after the 51 flood. We moved to this area in 1973 and had an opportunity to farm in partnership with the Pine family for 18 years. In 1974 we ventured into the potato business by growing about 40 acres. Over the 18 years the acreage had increased to around 300 acres which were marketed to chip companies in Topeka and Kansas City. Our market window was only about 3 weeks in July. As I recall we didn't look at soils maps to see what class of soils we would plant potatoes on. Today as I look at the map to see where the class I and II soils are located, I realize we planted at least half of the acreage on class III sandy soils located in Grant Township and Kansas River Valley land near Linwood in Leavenworth County. During wet years these class III

sandy fields could be harvested when fields of Class I were too wet. Being able to harvest during wet periods was essential to keep the factories supplied. I hope this points out there are other acres in the area that need to be included for potential to produce locally grown food. In fact many of the fruit and vegetable crops that can be grown for a local food program are better adapted to the sandier soils that are not included in Class I and II.

As mentioned earlier our home is located on the hills overlooking the river valley. The hillsides are designated class IV based on a majority of the soils having a slope of more than 4-6%. In addition the soil is sandy. Even on these soils we have areas that are excellent for growing any of the vegetable and fruit crops adapted to this climate. We are growing over 30 fruit and vegetable crops this year. When we purchased this farm in 1984, we learned from some oldtimers in the area that previous owners of the land had produced cantalope and watermelons commercially on this Class IV land. This is another example of land that should be included as potential for local food production. In fact I believe most of the current producers who participate in the local Farmers Market grow their crops on land outside the Kansas River Valley.

Another example of productive soils are the Class III and IV soils in Doniphan County, Kansas which is about 60 miles north. Here again, I believe that should be considered regional. These are soils that have that classification because of slopes greater than 2%. Other than the slope they have similar characteristics as Class I soils. According to information published by Kansas Agricultural Statistics the average corn yield in Doniphan County for the last five years on 82,000 acres was 164 bushels per acre while soybeans averaged 51 bushels per acre on 66,000 acres. The yield information from Kansas Ag Statistics is published on a county basis and therefore I was not able to obtain yields specifically for Class I and II soils in the Kansas River valley. Based on my work in the area as a crop insurance adjuster and from knowledge as a landowner, the yields from 148,000 acres* of these Class III and IV soils in Doniphan County compare very favorably with the Class I and II soils in the Kansas River Valley. I just want to emphasize there is much potential for all types of food production from soils in the region in addition to Class I and II.

I contend the limiting factor for vegetable and fruit production is climatic conditions not soil resources. Some climatic conditions which are limiting factors when compared to other areas include late spring freezes, early fall frosts, hot dry winds in summer and the possibility of excessive precipitation. Using my garden as an example, we have only harvested a few crops such as lettuce, spinach, asparagus and radishes so far this year.

Another example of potential food production is from areas not suitable for cultivation such as the area on our property where I have a forest improvement project on land classified as Class V. It is Class V as it is subject to periodic flooding along a stream. Over the past seven years I have removed undesirable trees and planted over 800 walnut trees. This is an example of potential local food production on soils that cannot be cultivated or developed. There are many acres along streams in Douglas County that could be utilized in this manner.

Dan Warner

From: Davis, Cynthia [tripoddog@ku.edu]
Sent: Tuesday, May 25, 2010 11:29 AM
To: Dan Warner
Subject: Good morning, RE: 936 N. 3rd Street

Hello,

I am an owner of 936 N. 3rd Street. I am deeply concerned with regard to the suggested plan to convert this property into "open space." I strongly fear if such a plan is adopted, this would likely decrease the value of the land, because any buyer would know that to obtain a building permit on the land, they would have to get approval for something contrary to the plan.

Thank you,
Cynthia Puckett-Davis

Dan Warner

From: Lisa Grossman [lgrossman@earthlink.net]
Sent: Thursday, May 27, 2010 10:06 AM
To: Dan Warner
Subject: Northeast Sector plan comments

Dear Mr. Warner,

I'm deeply concerned about the future of Douglas County's Northeast Sector. I know you're already well aware of the rich soils present there, so vital for current and future agricultural economy. I know you're aware of the flooding issues, and associated difficulties installing sewer and water infrastructure, as well as the importance of the Lawrence Municipal Airport and the need for open spaces surrounding it.

Please set your sights on long-term planning that values the future of sustainable food production for this county and region. Every day you see agriculture moving toward smaller, healthier, and more profitable production and I believe this land in Douglas County could be the center of such industry. This town is ripe for green industry job development, and we truly don't need more of the same kinds of big box business parks that render the priceless soils useless and benefit a very small segment of society.

Thanks so much for your consideration.

Lisa Grossman,
Lawrence, KS

Dan Warner

From: Samantha Snyder [snyder.samantha@rocketmail.com]
Sent: Friday, May 28, 2010 10:28 AM
To: Dan Warner
Subject: Northeast Sector Plan

Dear Mr. Warner,

I am writing today as a member of Citizens for Responsible Planning regarding the Northeast sector plan. I am highly concerned about the preservation of this space for agricultural needs. It is clearly highly valuable agricultural land, and should be put to it's best use for our local food economy.

Please support development of the aviation related industry at the Lawrence Municipal Airport PROPER and not over the incredibly valuable resource of Class 1 and 2 soils.

Thank you,

Samantha Snyder,
Lawrence

Dan Warner

From: Steven Stemmerman [sstemmer@usd497.org]
Sent: Thursday, May 27, 2010 12:19 PM
To: Dan Warner
Subject: The Northeast Sector Plan Draft

The Northeast Sector Plan Draft

I feel the concerns put forth by the Citizens for Responsible Planning are quite valid and deserving of much consideration. It's becoming ever more apparent the the loss of prime farm land near a municipality is a loss to that municipality. The owners of such land shouldn't be faced with the paving over of the land in which they've worked in order to provide for their retirement. Personally, I would support tax wise the city buying the land and leasing it out for food production, or other means that would preserve this resource.

Steve Stemmerman
315 Maiden Lane
Lawrence, Kansas
66044

Dan Warner

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Sent: Thursday, May 27, 2010 12:19 PM
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Steve Stemmerman
315 Maiden Lane
Lawrence, Kansas
66044

The primary concerns put forward by CRP for the past three years since our initial opposition to the Airport Industrial Park are:

- * Concerns associated with flooding if development takes place without costly implementation of the North Lawrence Drainage Study recommendations.
- * Preservation of Capability Class 1 and 2 Soils for current and future agricultural needs of our community.
- * Recognition that development of aviation related industry should be focused at the Lawrence Municipal Airport proper. This should be the primary industry/economic development focus for the Northeast Sector.

Dan Warner

From: Laurie Ward [ltward@sunflower.com]
Sent: Monday, May 24, 2010 5:33 PM
To: Dan Warner
Subject: NE Sector Plan

Dear Mr. Warner,

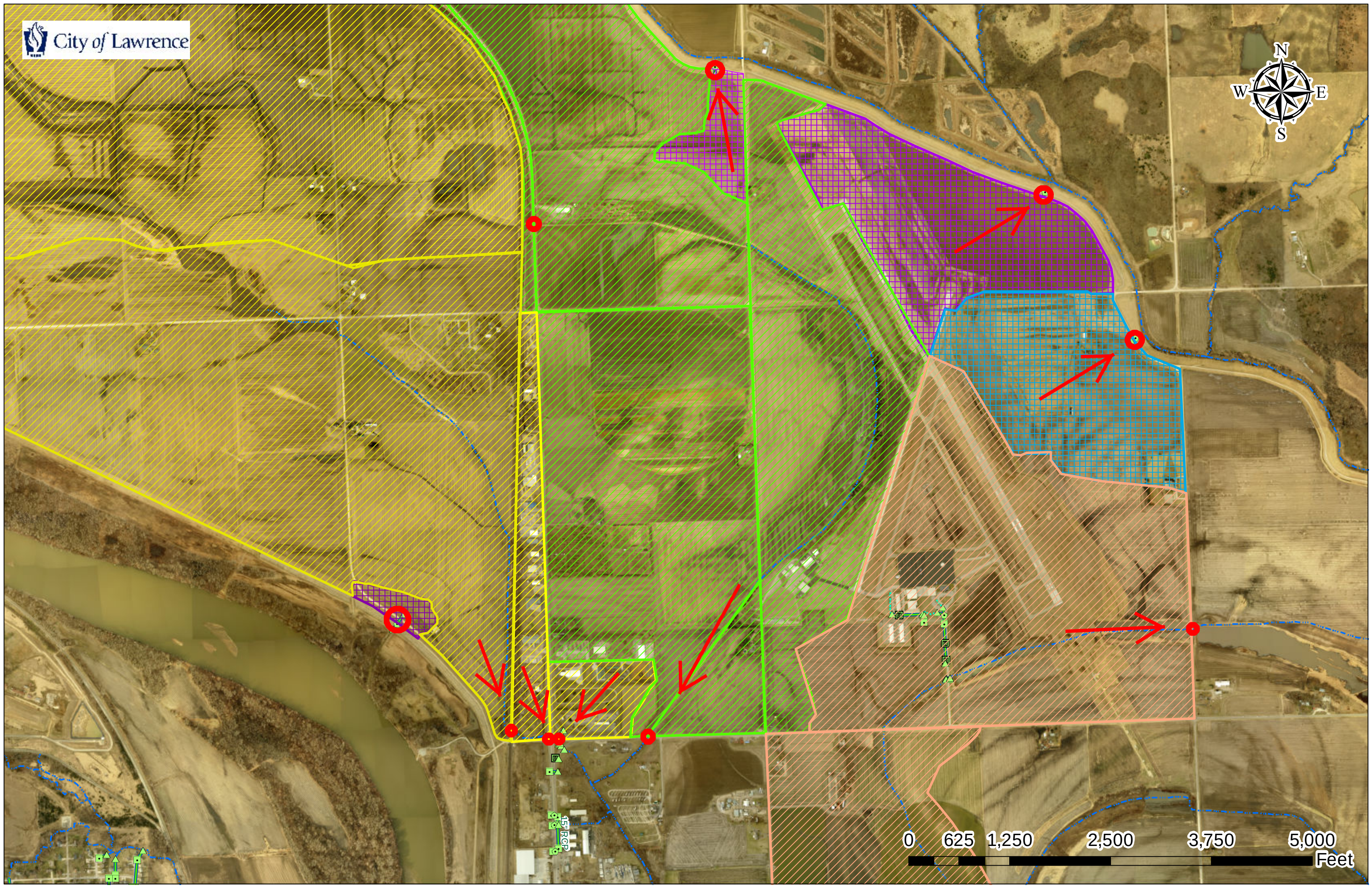
I appreciate the process of involving the Grant Township neighborhood and am supportive of the Northeast Sector Plan currently under consideration by the Planning Commission.

In 2009, I wrote two successful grants to establish the Okanis Garden at the Prairie Moon Waldorf School. Located squarely in Capability Class I soils, this market garden--a part of the local food system for Lawrence and the surrounding areas--selling produce to area grocery stores, restaurants, and through an Okanis Garden Community Supported Agriculture (CSA). The garden's productivity, due to the high quality soils, is tremendous. The grant created an agriculture job in the form of a garden manager. Future plans call for more gardening and gardening/education jobs.

Thank you for your part in helping Lawrence and Douglas County plan for best and land-use, taking into consideration the excellent Class 1 and 2 soils, and guiding towards preserving and expanding agricultural use in this part of the Kansas River Valley.

Prairie Moon enthusiastically welcomes its new neighbor to the north on 1600 Road: the University of Kansas Native Medicinal Plant Research Program--a perfect example of appropriate activity in the area.

Laurie Ward
38 Winona Ave.
Lawrence, KS 66046



0 625 1,250 2,500 3,750 5,000 Feet

EXECUTIVE SUMMARY

I. Introduction

The City of Lawrence has embarked on a program to develop a stormwater management plan for the North Lawrence watershed. This program is based on a recognized need to upgrade existing facilities to modern design standards and to provide coordinated facilities in developing areas. The economic well being of the City depends on its ability to attract and retain business and industry, as well as residents to live in the City. Part of the City's ability to attract businesses and residents depends on its ability to provide adequate services such as drinking water, sewers, transportation and stormwater management. With the ever expanding urban area and associated increases in impervious surfaces such as parking lots, the frequency with which drainage issues occur appears to be increasing. This has caused the City to focus its attention on the need to provide adequate stormwater management policies and infrastructure in all areas within the watershed. The North Lawrence Drainage Study is one important step in this process.

The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area. More detailed descriptions of the two focus areas can be found later in the report.

II. Recommendations

A. Overall Watershed

Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

A cost summary with regard to these Watershed Analysis recommendations is shown in the table on the next page.

Watershed Recommendations Cost Summary

Description	Quantity	Unit Cost	Project Costs
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Remove Maple Grove East culvert	Lump Sum		\$22,000
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Trib. B, E. 1700 Rd., Roadway	4250 ft	\$290/ft	
Trib. B, E. 1650 Rd., 100' Bridge	5000 sq-ft	\$75/sq-ft	\$703,000
Trib. B, E. 1650 Rd., Roadway	1130 ft	\$290/ft	
Total			\$24,802,000

Note: All costs are concept level estimates only. Actual costs may vary significantly.

* Required capacity at ultimate build-out

B. Internal System

Analyses for the Internal Drainage System provided areas of concern throughout the City operated drainage network. The excess peak flow was used to represent the degree to which a conduit is undersized for the ultimate build-out condition. Each investigated lateral flowing into the main stem of a system and each main stem conduit were ranked by excess peak flow. This led to the following priority listing of recommended improvements.

Prioritization of Internal Systems

Link Name	Excess Peak Flow (cfs)	Total Estimated Cost of Improvements (dollars)
S1-1	315	\$9,163,000
S6-1	168	\$3,994,000
S9-1	133	\$1,132,000
S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
S5-1	10	\$56,000
S10-1	6	\$106,000
S1L4-1	1	\$7,000
S1L6-1	0	\$0
S11-1	0	\$0
S3-1	0	\$0
S2-1	0	\$0
S12-1	0	\$0
Total		\$16,206,000

The flows calculated in the analysis of the internal system assume that the cutoff north of 24/40 Highway, as recommended by the Watershed Analysis, is in place. However, the costs in the table for the Internal System Analysis are independent of the costs for the Watershed Analysis improvement recommendations. By adding the total costs from each of the two summary tables, the estimated cost of all recommendations is approximately \$41 million.

As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
- Past development of flood-prone areas
- A shallow, flat and interrupted watershed drainage network

Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).

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Trib. B, E. 1650 Rd., Roadway	1130 ft	\$290/ft	
Total			\$24,802,000

Note: All costs are concept level estimates only. Actual costs may vary significantly.

* Required capacity at ultimate build-out

B. Internal System

Analyses for the Internal Drainage System provided areas of concern throughout the City operated drainage network. The excess peak flow was used to represent the degree to which a conduit is undersized for the ultimate build-out condition. Each investigated lateral flowing into the main stem of a system and each main stem conduit were ranked by excess peak flow. This led to the following priority listing of recommended improvements.

Prioritization of Internal Systems

Link Name	Excess Peak Flow (cfs)	Total Estimated Cost of Improvements (dollars)
S1-1	315	\$9,163,000
S6-1	168	\$3,994,000
S9-1	133	\$1,132,000
S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
S5-1	10	\$56,000
S10-1	6	\$106,000
S1L4-1	1	\$7,000
S1L6-1	0	\$0
S11-1	0	\$0
S3-1	0	\$0
S2-1	0	\$0
S12-1	0	\$0
Total		\$16,206,000

The flows calculated in the analysis of the internal system assume that the cutoff north of 24/40 Highway, as recommended by the Watershed Analysis, is in place. However, the costs in the table for the Internal System Analysis are independent of the costs for the Watershed Analysis improvement recommendations. By adding the total costs from each of the two summary tables, the estimated cost of all recommendations is approximately \$41 million.

As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
- Past development of flood-prone areas
- A shallow, flat and interrupted watershed drainage network

Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).

EXECUTIVE SUMMARY

I. Introduction

The City of Lawrence has embarked on a program to develop a stormwater management plan for the North Lawrence watershed. This program is based on a recognized need to upgrade existing facilities to modern design standards and to provide coordinated facilities in developing areas. The economic well being of the City depends on its ability to attract and retain business and industry, as well as residents to live in the City. Part of the City's ability to attract businesses and residents depends on its ability to provide adequate services such as drinking water, sewers, transportation and stormwater management. With the ever expanding urban area and associated increases in impervious surfaces such as parking lots, the frequency with which drainage issues occur appears to be increasing. This has caused the City to focus its attention on the need to provide adequate stormwater management policies and infrastructure in all areas within the watershed. The North Lawrence Drainage Study is one important step in this process.

The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area. More detailed descriptions of the two focus areas can be found later in the report.

II. Recommendations

A. Overall Watershed

Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

A cost summary with regard to these Watershed Analysis recommendations is shown in the table on the next page.

Watershed Recommendations Cost Summary

Description	Quantity	Unit Cost	Project Costs
Raise road west of 24/40 intersection	370 ft	\$290/ft	\$110,000
Remove 2 existing 24/40 culverts	Lump Sum		\$75,000
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Trib. A, 24/40 Hwy., Roadway	870 ft	\$290/ft	
Trib. A, E. 1600 Rd., 60' Bridge	3000 sq-ft	\$75/sq-ft	\$477,000
Trib. A, E. 1600 Rd., Roadway	870 ft	\$290/ft	
Trib. B, E. 1700 Rd., 140' Bridge	7000 sq-ft	\$75/sq-ft	\$1,758,000
Trib. B, E. 1700 Rd., Roadway	4250 ft	\$290/ft	
Trib. B, E. 1650 Rd., 100' Bridge	5000 sq-ft	\$75/sq-ft	\$703,000
Trib. B, E. 1650 Rd., Roadway	1130 ft	\$290/ft	
Total			\$24,802,000

Note: All costs are concept level estimates only. Actual costs may vary significantly.

* Required capacity at ultimate build-out

B. Internal System

Analyses for the Internal Drainage System provided areas of concern throughout the City operated drainage network. The excess peak flow was used to represent the degree to which a conduit is undersized for the ultimate build-out condition. Each investigated lateral flowing into the main stem of a system and each main stem conduit were ranked by excess peak flow. This led to the following priority listing of recommended improvements.

Prioritization of Internal Systems

Link Name	Excess Peak Flow (cfs)	Total Estimated Cost of Improvements (dollars)
S1-1	315	\$9,163,000
S6-1	168	\$3,994,000
S9-1	133	\$1,132,000
S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
S5-1	10	\$56,000
S10-1	6	\$106,000
S1L4-1	1	\$7,000
S1L6-1	0	\$0
S11-1	0	\$0
S3-1	0	\$0
S2-1	0	\$0
S12-1	0	\$0
Total		\$16,206,000

The flows calculated in the analysis of the internal system assume that the cutoff north of 24/40 Highway, as recommended by the Watershed Analysis, is in place. However, the costs in the table for the Internal System Analysis are independent of the costs for the Watershed Analysis improvement recommendations. By adding the total costs from each of the two summary tables, the estimated cost of all recommendations is approximately \$41 million.

As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
- Past development of flood-prone areas
- A shallow, flat and interrupted watershed drainage network

Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).

EXECUTIVE SUMMARY

I. Introduction

The City of Lawrence has embarked on a program to develop a stormwater management plan for the North Lawrence watershed. This program is based on a recognized need to upgrade existing facilities to modern design standards and to provide coordinated facilities in developing areas. The economic well being of the City depends on its ability to attract and retain business and industry, as well as residents to live in the City. Part of the City's ability to attract businesses and residents depends on its ability to provide adequate services such as drinking water, sewers, transportation and stormwater management. With the ever expanding urban area and associated increases in impervious surfaces such as parking lots, the frequency with which drainage issues occur appears to be increasing. This has caused the City to focus its attention on the need to provide adequate stormwater management policies and infrastructure in all areas within the watershed. The North Lawrence Drainage Study is one important step in this process.

The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area. More detailed descriptions of the two focus areas can be found later in the report.

II. Recommendations

A. Overall Watershed

Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

A cost summary with regard to these Watershed Analysis recommendations is shown in the table on the next page.

Watershed Recommendations Cost Summary

Description	Quantity	Unit Cost	Project Costs
Raise road west of 24/40 intersection	370 ft	\$290/ft	\$110,000
Remove 2 existing 24/40 culverts	Lump Sum		\$75,000
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Maple Grove East, E. 1500 Rd., Roadway	3600 ft	\$290/ft	
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Maple Grove East, E. 1900 Rd., Roadway	3900 ft	\$290/ft	
Maple Grove East, E. 1500 Rd., 120' Bridge	6000 sq-ft	\$75/sq-ft	\$711,000
Maple Grove East, E. 1500 Rd., Roadway	900 ft	\$290/ft	
Trib. A, 24/40 Hwy., 2-11'x7' RCB	60 ft	\$8/ft/sq-ft	\$326,000
Trib. A, 24/40 Hwy., Roadway	870 ft	\$290/ft	
Trib. A, E. 1600 Rd., 60' Bridge	3000 sq-ft	\$75/sq-ft	\$477,000
Trib. A, E. 1600 Rd., Roadway	870 ft	\$290/ft	
Trib. B, E. 1700 Rd., 140' Bridge	7000 sq-ft	\$75/sq-ft	\$1,758,000
Trib. B, E. 1700 Rd., Roadway	4250 ft	\$290/ft	
Trib. B, E. 1650 Rd., 100' Bridge	5000 sq-ft	\$75/sq-ft	\$703,000
Trib. B, E. 1650 Rd., Roadway	1130 ft	\$290/ft	
Total			\$24,802,000

Note: All costs are concept level estimates only. Actual costs may vary significantly.

* Required capacity at ultimate build-out

B. Internal System

Analyses for the Internal Drainage System provided areas of concern throughout the City operated drainage network. The excess peak flow was used to represent the degree to which a conduit is undersized for the ultimate build-out condition. Each investigated lateral flowing into the main stem of a system and each main stem conduit were ranked by excess peak flow. This led to the following priority listing of recommended improvements.

Prioritization of Internal Systems

Link Name	Excess Peak Flow (cfs)	Total Estimated Cost of Improvements (dollars)
S1-1	315	\$9,163,000
S6-1	168	\$3,994,000
S9-1	133	\$1,132,000
S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
S5-1	10	\$56,000
S10-1	6	\$106,000
S1L4-1	1	\$7,000
S1L6-1	0	\$0
S11-1	0	\$0
S3-1	0	\$0
S2-1	0	\$0
S12-1	0	\$0
Total		\$16,206,000

The flows calculated in the analysis of the internal system assume that the cutoff north of 24/40 Highway, as recommended by the Watershed Analysis, is in place. However, the costs in the table for the Internal System Analysis are independent of the costs for the Watershed Analysis improvement recommendations. By adding the total costs from each of the two summary tables, the estimated cost of all recommendations is approximately \$41 million.

As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
- Past development of flood-prone areas
- A shallow, flat and interrupted watershed drainage network

Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).

EXECUTIVE SUMMARY

I. Introduction

The City of Lawrence has embarked on a program to develop a stormwater management plan for the North Lawrence watershed. This program is based on a recognized need to upgrade existing facilities to modern design standards and to provide coordinated facilities in developing areas. The economic well being of the City depends on its ability to attract and retain business and industry, as well as residents to live in the City. Part of the City's ability to attract businesses and residents depends on its ability to provide adequate services such as drinking water, sewers, transportation and stormwater management. With the ever expanding urban area and associated increases in impervious surfaces such as parking lots, the frequency with which drainage issues occur appears to be increasing. This has caused the City to focus its attention on the need to provide adequate stormwater management policies and infrastructure in all areas within the watershed. The North Lawrence Drainage Study is one important step in this process.

The North Lawrence Drainage Study was divided into two main focus areas. The Internal System consists of the City operated ditches, pipes, and pumps within the existing City boundaries. The overall watershed analysis modeled the less developed drainage aspects of the North Lawrence Drainage Area. More detailed descriptions of the two focus areas can be found later in the report.

II. Recommendations

A. Overall Watershed

Several alternatives were investigated in the overall North Lawrence Drainage Study watershed to reduce flood elevations, lessen impacts on the "Internal Drainage System" facilities, provide drainage in the event of high flows on the Kansas River, and assess the effects of development in the floodplain. The investigations led to the four major recommendations below. The first bullet item is the key to reducing the burden on the Internal System from areas beyond the existing city limits.

- Drainage from north of 24/40 Highway should be cutoff by the highway embankment and the water should be pumped over the levee at a point just east of the 24/40 intersection to reduce the burden on the 2nd Street Pump Station
- Future development in the watershed should maintain the current conveyance levels in the 100-year floodplain – development should not reduce the capacity for floodplain storage
- The City should purchase parcels of land as necessary for use as dedicated ponding areas
- Major roads and hydraulic structures should be improved to meet the current APWA criteria with regard to overtopping during the 100-year event, in order to provide adequate emergency services to the area

A cost summary with regard to these Watershed Analysis recommendations is shown in the table on the next page.

Watershed Recommendations Cost Summary

Description	Quantity	Unit Cost	Project Costs
Raise road west of 24/40 intersection	370 ft	\$290/ft	\$110,000
Remove 2 existing 24/40 culverts	Lump Sum		\$75,000
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Remove Maple Grove East culvert	Lump Sum		\$22,000
Property containing ponding easement	Full Parcels	Total Value	\$942,000
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Total		\$16,206,000

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Main Channel, E. 1400 Rd., 140' Bridge	7000 sq-ft	\$75/sq-ft	\$786,000
Main Channel, E. 1400 Rd., Roadway	900 ft	\$290/ft	
Main Channel, E. 1900 Rd., 140' Bridge	7000 sq-ft	\$75/sq-ft	\$1,221,000
Main Channel, E. 1900 Rd., Roadway	2400 ft	\$290/ft	
Maple Grove East, E. 1500 Rd., 100' Bridge	5000 sq-ft	\$75/sq-ft	\$1,419,000
Maple Grove East, E. 1500 Rd., Roadway	3600 ft	\$290/ft	
Maple Grove East, E. 1900 Rd., 120' Bridge	6000 sq-ft	\$75/sq-ft	\$1,581,000
Maple Grove East, E. 1900 Rd., Roadway	3900 ft	\$290/ft	
Maple Grove East, E. 1500 Rd., 120' Bridge	6000 sq-ft	\$75/sq-ft	\$711,000
Maple Grove East, E. 1500 Rd., Roadway	900 ft	\$290/ft	
Trib. A, 24/40 Hwy., 2-11'x7' RCB	60 ft	\$8/ft/sq-ft	\$326,000
Trib. A, 24/40 Hwy., Roadway	870 ft	\$290/ft	
Trib. A, E. 1600 Rd., 60' Bridge	3000 sq-ft	\$75/sq-ft	\$477,000
Trib. A, E. 1600 Rd., Roadway	870 ft	\$290/ft	
Trib. B, E. 1700 Rd., 140' Bridge	7000 sq-ft	\$75/sq-ft	\$1,758,000
Trib. B, E. 1700 Rd., Roadway	4250 ft	\$290/ft	
Trib. B, E. 1650 Rd., 100' Bridge	5000 sq-ft	\$75/sq-ft	\$703,000
Trib. B, E. 1650 Rd., Roadway	1130 ft	\$290/ft	
Total			\$24,802,000

Note: All costs are concept level estimates only. Actual costs may vary significantly.

* Required capacity at ultimate build-out

B. Internal System

Analyses for the Internal Drainage System provided areas of concern throughout the City operated drainage network. The excess peak flow was used to represent the degree to which a conduit is undersized for the ultimate build-out condition. Each investigated lateral flowing into the main stem of a system and each main stem conduit were ranked by excess peak flow. This led to the following priority listing of recommended improvements.

Prioritization of Internal Systems

Link Name	Excess Peak Flow (cfs)	Total Estimated Cost of Improvements (dollars)
S1-1	315	\$9,163,000
S6-1	168	\$3,994,000
S9-1	133	\$1,132,000
S1L1-1	96	\$333,000
S1L5-1	85	\$235,000
S1L7-1	85	\$59,000
S1L3-1	56	\$187,000
S6L3-1	56	\$195,000
S6L3-7D	New pipes	\$181,000
S4-1	43	\$60,000
S6L2-1	37	\$5,000
S4L4-1	35	\$53,000
S4L2-1	27	\$36,000
S9L1-1	21	\$7,000
S1L2-1	20	\$240,000
S8-1	17	\$115,000
S10L2-1	13	\$4,000
S7-1	13	\$38,000
S5-1	10	\$56,000
S10-1	6	\$106,000
S1L4-1	1	\$7,000
S1L6-1	0	\$0
S11-1	0	\$0
S3-1	0	\$0
S2-1	0	\$0
S12-1	0	\$0
Total		\$16,206,000

The flows calculated in the analysis of the internal system assume that the cutoff north of 24/40 Highway, as recommended by the Watershed Analysis, is in place. However, the costs in the table for the Internal System Analysis are independent of the costs for the Watershed Analysis improvement recommendations. By adding the total costs from each of the two summary tables, the estimated cost of all recommendations is approximately \$41 million.

As with the overall watershed, a viable option within the internal system is land purchase. In areas that naturally drain to a low point, it is often advantageous to preserve the ponding area by purchasing the parcel of land. Those costs are included in several of the system costs in the table.

III. Background

A. Watershed Description

The North Lawrence watershed is estimated to be 9,100 acres generally bordered by the Kansas River levee on the south and the Mud Creek levee on the east. Most of the drainage contributes to the Maple Grove system, which either conveys water south to the City or east eventually to Mud Creek. A few areas near the levee, to the northwest and southeast, drain directly to the Kansas River, while a thin strip of land along part of the northeastern portion of the watershed flows directly to Mud Creek. Refer to the North Lawrence Drainage Study map in Section I of the main report for an overview of the project area.

The Kansas River floodplain completely encompasses North Lawrence. The natural silt loam soils are highly permeable. However, increased development is replacing those soils with nearly impermeable clay material in certain areas. In addition, extremely mild slopes across the landform cause frequent ponding and roadway overtopping. Historically, North Lawrence has been an agricultural community with low density residential development. Pockets of commercial and industrial development now appear in areas of the watershed. While parts of North Lawrence will likely remain agricultural, the projected future land use in other areas will add more and more impervious surfaces.

B. Purpose

The Lawrence-Douglas County Planning Commission proposed this study to address repeated flooding concerns from residents of the North Lawrence area. Flooding problems occur in a number of areas within the North Lawrence watershed. The major causes are as follows:

- Development that has significantly increased runoff from design storm events
- Undersized drainage system components such as culverts, drainage channels, underground pipe systems and inlets
- Siltation within the storm drainage system
- Past development of flood-prone areas
- A shallow, flat and interrupted watershed drainage network

Public comments relating to current drainage issues, proposed developments, long-range plans, and floodplain regulations are at the root of this study. The purpose of this study is

to identify areas with flooding problems, analyze the major elements of the storm drainage system with respect to long-term land use, and recommend needed improvements to correct or prevent systems from flooding. By doing this, proposed developments and long-range plans will be influenced. At the same time, regulations can be conceptualized to avoid potential pitfalls.

C. Scope of Project

The North Lawrence Drainage Study has several major components which work toward the generation of system requirements for stormwater conveyance and infrastructure in the ultimate buildout scenario. The following major tasks were included in the study:

- Integration of the public involvement program that gathered and used information from residents, business owners and property owners when considering alternatives or upgrades within the watershed
- Estimation of the ultimate land use for the watershed
- Survey and general inspection of the drainage system
- Development of a digital database that shows the existing components of the City's drainage system
- Evaluation of the internal drainage system for the ultimate buildout scenario and recommendation of improvements
- Evaluation of the watershed drainage system for the ultimate buildout scenario and recommendation of improvements
- Completion of an analysis of Kansas River flooding resulting from levee overtopping

Along with the recommended improvements, the magnitude of the costs required to implement them were assessed. It should be noted though, that detailed design of the projects recommended in this report is required to produce proper construction documents and accurate cost estimates for system components.

The main body of the project report is divided up into seven sections. Summaries of the various sections are detailed below. For a detailed description of the methods or results of each section, refer to the main report.

IV. Public Involvement

The North Lawrence Drainage Study public involvement program was designed to establish meaningful and useful dialogue between stakeholders, businesses, residents in the area and the study team. A series of outreach efforts were conducted to catalogue and assess the public's concerns. Members of the project team provided an overview of study activities and public input to the Lawrence Planning Commission.

V. Ultimate Land Use for Watershed

To accomplish the goals of the North Lawrence Drainage Study, the ultimate land use condition had to be determined for the study area. The future land uses within the watershed will help determine where to focus the stormwater system improvements and provide better insight into heading off potential development problems. The project team

conferred with the Public Works Department, the Planning Office, and the Utilities Department of Lawrence. Information was gathered with regard to current zoning, potential developments and long-range plans and was used to produce an ultimate watershed land use guide.

While the information gathered was used to create the Ultimate Build-Out map, it was not intended to dictate specific policies with regard to land use in the North Lawrence Drainage Area. However, certain policies could be inferred from the findings of this study. For instance, lot splits currently require a hydraulic study to determine impacts. Due to the extensive hydraulic studies detailed in this report, it would not be necessary for developers to conduct individual studies, as long as the general recommendations of this study are followed (i.e. conveyance needs to be maintained within the floodplain).

VI. Data Collection

Several field visits were made to the study area to observe drainage patterns, take photographs and verify structure sizes and orientations. A significant portion of the North Lawrence watershed was surveyed for this project. This information was used in the development of computer models of the watershed. Information from the field survey forms was entered into GIS. The basis for the evaluation of the North Lawrence watershed is the digital base maps developed by the City. These maps also show land features with a 2-foot contour interval. The base maps include topographical drainage information such as open channels, bridges, culverts, manholes, inlets, and enclosed drainage systems. They also include houses, transportation and above ground utility locations. Field surveys were completed as part of this study to update and verify any existing information on size, location, and slope of the conveyance structures. Survey data on the conveyance system and watershed characteristics were combined with the City database to create a comprehensive database of the most up-to-date information.

VII. Internal Drainage System Analysis

The system of City operated ditches, pipes, and pumps throughout North Lawrence are collectively referred to as the “internal drainage system” in this report. This system collects the drainage from about 1.8 square miles and largely conveys it through gravity and pressure pipe to the Kansas River. The intent of the internal drainage system analysis portion of the North Lawrence Drainage Study was to investigate necessary improvements to the existing infrastructure system for a 10-year frequency event, assuming the land uses specified by the Buildout Scenario Map. The performance of the Maple Street Pump Station (529 Maple Street) and the 2nd Street Pump Station (732 N. 2nd Street) were closely considered in the overall evaluation.

Results of the hydrologic and hydraulic analyses for the set of 12 systems representing the existing stormwater infrastructure within North Lawrence identified many surcharge locations for the ultimate buildout condition.

Recommendations were determined for each conduit or channel in a system based on the analysis of the entire system. It should be noted that improvements are to generally be made in a downstream to upstream manner within the system, as there is no advantage trying to deliver more flow to a downstream component that cannot convey the existing flow. Overall costs for each system upgrade were estimated; however, for the purposes

of prioritizing public improvements on a smaller scale, excess peak flow was determined for each main stem and each lateral draining to the main stem of the system.

VIII. Watershed Analysis

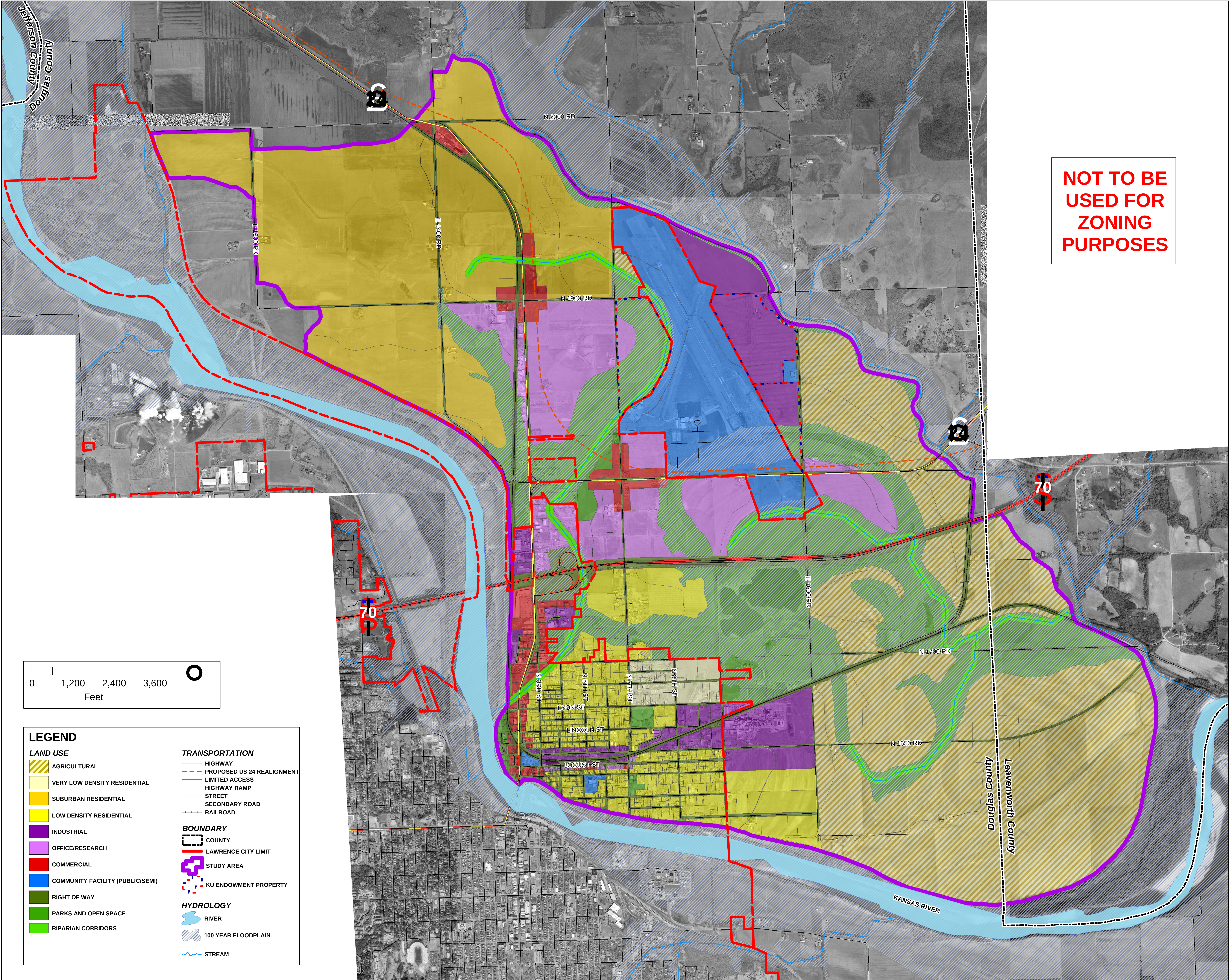
There were three main goals for this portion of the study: to reduce the demand on the 2nd Street Pump Station, to expel floodwater from the basin during times of high water on the Kansas River, and to investigate the effects of development in the floodplain. It is recommended that the drainage from the area north of 24/40 Highway be cut off and the water pumped over the levee. The recommendation for reducing the burden on the 2nd Street Pump Station appraises the 10-year event in conjunction with the design criteria of the internal drainage system, however the 100-year event is investigated as well.

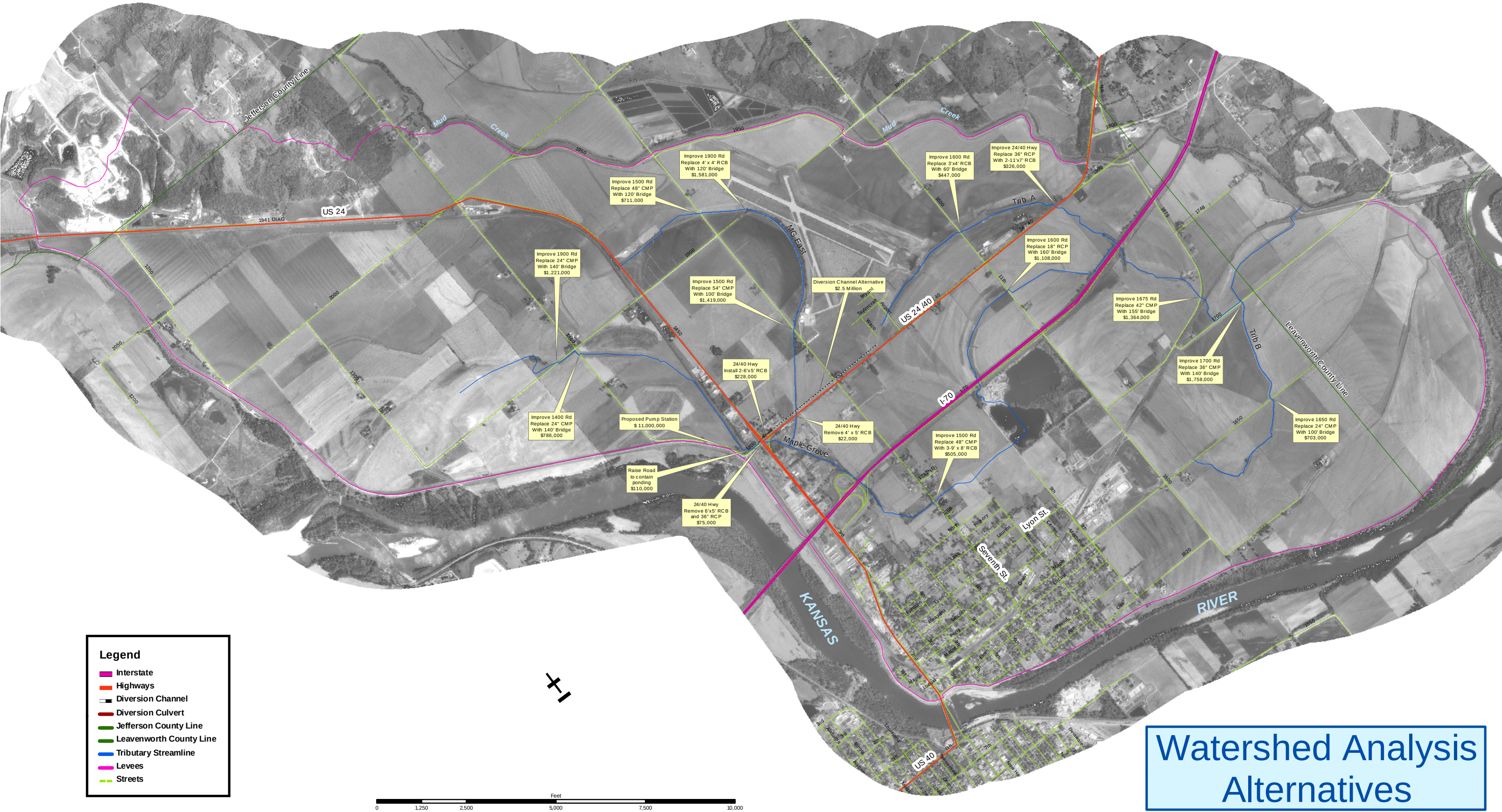
The recommendation for future development in the watershed is to maintain the current conveyance levels in the 100-year floodplain. This will mean allowing no development in these areas that would reduce the capacity for floodplain storage, and may require the purchase of small parcels of land to set aside exclusively for ponding.

As the area develops, it will become necessary to provide emergency services to the homes and businesses that populate the area. This will require the improvement of the major roads in the area and significant improvement of the hydraulic structures which carry flow under the roads. With a more dense urban population, the roads should be raised to meet the current APWA criteria with regard to overtopping during the 100-year event. This will result in some significant increases in required flow capacity over the existing hydraulic structures.

IX. Kansas River Floodplain Analysis

The existing conditions FEMA hydraulic model was revised to assess the amount of flooding that would occur in the North Lawrence area in the event of a breach of the Kansas River levee system. A “most likely” breach location was determined for the purpose of this analysis. For the levee breach condition, a 100-year Kansas River event would result in flood levels 0 to 7 feet deep in the North Lawrence Watershed (refer to the exhibit titled Watershed Analysis – Kansas River Inundation in Section VII).





Watershed Analysis
Alternatives