

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, OCTOBER 21, 2015

6:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval of FY15 Year End Outcome Report for Community Corrections (Deborah Wright);
- (c) Consider accessing NJPA Contract for a brush chipper for Public Works (Doug Stephens/Jackie Waggoner);
- (d) Consider vehicles purchases for Public Works utilizing the MACPP Contracts (Doug Stephens/Jackie Waggoner)

REGULAR AGENDA

- (2) Deferred from the 10**CUP-13-00281**: Extension request for Conditional Use Permit approval and a revised site plan for Public Wholesale Water Supply District #25 water treatment plant on approximately 28 acres northeast of the intersection of N 1500 and E 1750 Roads. The CUP was approved by the Board of County Commissioners at their September 23, 2013 meeting. Mary Miller is the Planner.
- (3) Discussion of wind energy zoning next steps (Eileen Horn)
- (4) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- Board of Construction Codes Appeals (1) position**
- (c) Public Comment
- (d) Miscellaneous
- (5) Adjourn

WEDNESDAY, OCTOBER 28 , 2015 (light agenda)

WEDNESDAY, NOVEMBER 4, 2015

WEDNESDAY, NOVEMBER 11, 2015

WEDNESDAY, NOVEMBER 18, 2015

-Consider conveying real estate property to Economic Development Corporation of Lawrence (Craig Weinaug)

WEDNESDAY, NOVEMBER 25, 2015 – Cancelled

Note: The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:00 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.

Robert W. Fairchild, Chief Judge

Sally D. Pokorny, Judge

Kay Huff, Judge

James McCabria, Judge

Paula B. Martin, Judge

Peggy C. Kittel, Judge

James T. George, Pro Tem Judge

DOUGLAS COUNTY DISTRICT COURT

Seventh Judicial District
Judicial Center, 111 E. 11th St.
Lawrence, Kansas 66044-2966



Linda Koester-Vogelsang
Court Administrator, 785-832-5264

Douglas A. Hamilton
Clerk of the District Court, 785-832-5333

Michelle Roberts
Chief Court Services Officer, 785-832-5218

Deborah Wright
Community Corrections Director, 785-832-5342

Katy Nitcher
Court Trustee, 785-832-5315

Heather Krase-Minnick
Citizen Review Board Director, 785-832-5219

TO: County Commission
FROM: Deborah L. Wright, Director *DW*
SUBJECT: FY2015 Community Corrections Year End Outcomes Report
DATE: October 15, 2015

Attached, you will find the FY2015 Community Corrections Year End Outcomes Report for your review. Kansas Department of Corrections (KDOC) requires each agency to meet a 75% offender success rate. Although we had several changes within the agency during FY15, we are pleased that we had a successful year, having a 75.9% success rate. This report requires signatory approval.

Thank You!

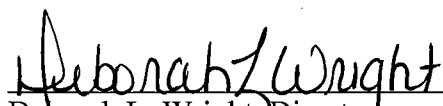
FY 2015 Community Corrections Year End Outcome Report Signatory Approval Form

Agency Name: Douglas County Community Corrections

Agency Director: Deborah L. Wright

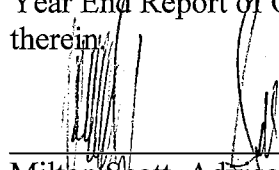
Report Period: July 1, 2014 - June 30, 2015

My signature certifies that I did author this report, and assist in the compilation and analysis of the data cited therein.


Deborah L. Wright, Director

10/13/15
Date

.....
My signature certifies that the Community Corrections Advisory/Governing Board reviewed the Year End Report of Outcomes for Fiscal Year 2015 and agreed with the findings and discussion therein.


Milton Scott, Advisory/Governing Board Chairperson

10/13/15
Date

Address: 1600 Haskell Avenue, Lawrence, Kansas 66044

Phone: (785) 830-2249 Fax: (785) 842-9596 E-Mail: mscott@ldcha.org

.....
My signature certifies that the Board of County Commissioners reviewed the Year End Report of Outcomes for Fiscal Year 2015 and agreed with the findings and discussion therein.

Jim E. Flory, Board Of County Commissioners Chairperson

Date

Address: 1100 Massachusetts, Lawrence, Kansas 66044

Phone: (785) 832-5268 Fax: (785) 832-5148 E-Mail: jflory@douglas-county.com

Kansas Department of Corrections

Community Corrections Services



Kansas Department of Corrections Community Corrections Comprehensive Plan Quarterly and Year End Outcome Report Format

Community Corrections Agency: Douglas County Community Corrections

Fiscal Year 2015

Report Period

<u>X</u> 1 st Quarter	July 1 st - September 30 th
<u>X</u> 2 nd Quarter	October 1 st - December 31 st
<u>X</u> 3 rd Quarter	January 1 st - March 31 st
<u>X</u> Year End	July 1 st - June 30 th

Process Goals

Goal #1: Outcome to help close the gaps identified in Organizational Development and Engaging Ongoing Support in the Natural Communities: Revitalize the agency's mentoring program to help with offender pro-social orientations during FY 2015. In addition to helping close this gap, below are strategies to help our agency achieve at least a 75% success rate.

Strategies to achieve success for Outcome/Gap:

- By July 1st 2014, our agency will be fully staffed with adjusted caseloads so that the mentoring program facilitator can solicit both male/female volunteers;
- By September 1st 2014, collaborate with staff regarding offenders that will be eligible for the program;
- By October 1st 2014, identify volunteer population via interview process;
- By November 1st 2014, review, schedule, and finalize a Mentor Selection Interview process;
- By December 1st 2014, schedule and complete a training for volunteers that include, but are not limited to: training curriculum; conduct of mentors; prohibited behavior; acceptable activities; required activities; and offender incentives;
- By December 30th 2014, have a special staff meeting to discuss matching offenders with suitable mentors and review the referral process; and,
- January 1st 2015, eligible offenders will begin meeting with their mentor.

Progress: Douglas County Community Corrections (DCCC) experienced changes in personnel during FY15, before becoming fully staffed in February 2015. During FY15, DCCC employed a full-time Program Provider, and hired a part-time Program Provider. The full-time Program Provider accepted a federal position and the part-time Program Provider moved into the full-time position. Due to the changes in personnel, revitalizing the mentoring program has been a slow process. In June 2015, DCCC completed interviews for potential mentors. Working on re-implementing the mentoring program will continue in FY16 as mentioned in the FY16 Comprehensive Plan.

Discussion / Current Activities: During June 2015, DCCC worked on scheduling an orientation class for potential mentors. Two were approved.

Challenges: The main challenges during FY15 were the time involved revitalizing the mentoring program and the changes in personnel.

Modifications: DCCC will be working on this program during FY16 as mentioned in the FY16 Comprehensive Plan.

Goal #2: Outcome to help close the gaps identified in Organizational Development and Targeting Interventions: Revitalize the cognitive skills program to assist with offender thinking patterns and utilize the Thinking for a Change (T4C) curriculum during FY 2015. In addition to helping close this gap, below are strategies to help our agency achieve at least a 75% success rate.

Strategies to achieve success for Outcome/Gap:

- By July 1st 2014, review the T4C program with the re-entry program to determine what is working and what is not working; and,
- By July 1st 2014, continue collaboration with the Lawrence, Kansas State Parole Office regarding establishing a partnership to assist both CC/Parole offenders.

Progress: DCCC revitalized the cognitive skills classes during FY15. Our agency previously partnered with the Douglas County Sheriff's Office Re-entry Department and facilitated classes at the United Way building as well as within our agency. We began two classes toward the end of FY14, and both were completed in FY15. We also completed a class in November 2014 and April 2015. The last class that began in May 2015 graduated in FY16. Referral numbers improved during FY15, which contributed to the program's success. As of the end of FY15, we do not have a partnership with the Lawrence, Kansas State Parole office.

Discussion / Current Activities: We began a cognitive class in May 2015 and the participants graduated in July 2015.

Challenges: The cognitive skills classes have previously lacked an adequate number of offender referrals to begin the classes. For those classes that began with an adequate number of offenders, some failed to complete the classes due to entering jail, going AWOL, etc. The referral and completion numbers improved during FY15.

Modifications: Our agency implemented a fee for those offenders with unexcused absences, and effective January 2, 2015 (the beginning of the current class) offenders are assessed a \$25 fee to participate in Thinking for a Change.

Goal #3: Outcome to help better our agency's Measures and Relevant

Processes/Practices: By June 30, 2015, achieve and maintain a supervision success rate of at least 75% or improving such rate by at least 3% each year.

Strategies to achieve success for Outcome/Gap:

- Per policy and procedure, all ISOs are required to obtain supervisory approval for any recommended revocations; and,
- Per policy and procedure, all referrals to community corrections will be monitored by the Director to ensure proper placement in community corrections.

Progress: Our goal was to conclude FY15 with a 75% and above success rate. Considering the many changes that our agency incurred during FY15, we were still able to achieve a 75.9% success rate. Our agency closed 85 offender files and had 27 (24.1%) offenders revoked. Although the Average Daily Population (ADP) increased for our agency during FY15 and we had personnel changes, staff worked really hard to help offenders be successful while utilizing evidence-based practices in offender case management.

Discussion / Current Activities: There are no current activities at this time other than the agency's cognitive skills classes are underway. Once our agency revitalizes the mentoring program both programs will contribute to the success of our agency. ISOs are still required to staff all recommended revocations.

Challenges: There are no challenges at this time.

Modifications: There are no modifications at this time.

Goal #4: Outcome to help close the gap identified in Providing Measurement

Feedback: Director/ISO II will complete random audits to ensure ISOs are upholding evidence based practices. In addition to helping close this gap, below are strategies to help our agency achieve at least a 75% success rate.

Strategies to achieve success for Outcome/Gap:

- Supervisors will randomly select two files per month per ISO for auditing. Audits will include both file/TOADS reviews.
- Director/ISO II will work with KDOC regarding the agency's fidelity piece.

Progress: During FY15 we created a FY15 Quality Assurance calendar and each month staff providing case management were scheduled to be audited on a portion of case management. In addition, ISO monthly reports from the KDOC database were scheduled to be included for review. These reports included caseload report, alpha roster, employment status report, Full Court caseload report, and a Full Court address report. We also have audio recorders for staff to record office visits for easier auditing.

Discussion / Current Activities: Probation Officers attended the Fidelity training offered by KDOC in December 2014. This training provided staff a better idea of fidelity as we implement the agency's quality assurance program. Some quality assurance was completed,

but due to changes within the department quality assurance was not completed according to the Quality Assurance calendar.

Challenges: The main challenges have been the time involved in auditing offender files, running ISO reports, and the changes in personnel. In addition, the Director and ISO II were carrying a higher caseload than what is recommended, to include high risk offenders. This creates problems balancing the supervisory administrative work with offender supervision.

Modifications: There are no modifications at this time other than this will be a focus, with the assistance of KDOC, during FY16.



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5286 Fax (785) 838-2480
www.douglas-county.com

MEMO TO: The Board of County Commissioners
Craig Weinaug, County Administrator

FROM: Jackie Waggoner, Purchasing Director
Division of Purchasing

SUBJECT: Consider Accessing the NJPA Contract to Purchase a Brush Chipper
for Public Works

DATE: October 15, 2015

Public Works has allocated funds to replace their existing 1999 Bandit 200XP brush chipper with approximately 1,093 hours. Staff is beginning to experience multiple mechanical issues.

This equipment is currently used by their park and vegetation department to chip and haul away brush cut from road right of way, culvert replacement projects, and storm damage. The 1999 chipper will be sold through our online auction.

Staff is interested in purchasing a 2015 Model 280XP Brush Bandit brush chipper with a 1 year/2,000 hour full warranty, and a 2 year/2,000 hour warranty on the engine.

The equipment is available through an NJPA (National Joint Power Alliance) contract which is a cooperative contract that can be accessed by political subdivisions. The awarded contractor, Bandit Industries, Inc., is the manufacture and their authorized dealer, K.C. Bobcat, has provided a proposed cost of \$66,727.20.

RECOMMENDATION: The Board of County Commissioners authorizes staff to access the NJPA (National Joint Power Alliance) contract to purchase a brush chipper through K.C. Bobcat in the amount of \$66,727.20.



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MEMO TO: The Board of County Commissioners
Craig Weinaug, County Administrator

FROM: Jackie Waggoner, Purchasing Director
Division of Purchasing

SUBJECT: Consider Recommendations to Purchase Vehicles for Public Works

DATE: October 19, 2015

Public Works has funds allocated in equipment reserve to purchase two trucks and one SUV. All replacements will be sold through our online auction.

The Ford F-150 4x2 will replace an existing 2006 Ford Ranger 4x4 with approximately 119,000 miles. This truck is assigned to the construction inspectors. Their existing truck is experiencing several minor mechanical issues.

The Ford F-150 4x4 will be an addition to the fleet. In the 2016 budget discussion it was approved to add two additional positions. This truck will be driven by the Assistant Operations Division Manager to visit projects located within Douglas County.

Public Works is interested in replacing a 2007 Chevrolet Trailblazer with 91,000 miles currently driven by the Director with a Jeep Cherokee.

The vehicles are available on the MACPP regional cooperative vehicle contracts. The contracts are awarded to all dealerships that respond to our solicitation and meet the requirements, and then it is up to each participating agency to determine which dealership meets their needs at the lowest cost. Shawnee Mission Ford and Landmark Dodge provided the lowest cost for the vehicles from the awarded contracts. The attached purchase orders summarize the vehicle details along with their cost. All vehicles will be 2016 models at 2015 prices.

RECOMMENDATION: The Board of County Commissioners approves accessing the MACPP regional cooperative vehicle contract with Shawnee Mission Ford:

Shawnee Mission Ford; 2 ea F-150	\$ 47,713.00
Landmark Dodge; Jeep Cherokee	\$ 27,836.60
TOTAL COST	\$ 75,549.60

DOUGLAS COUNTY, KANSAS

TERMS & CONDITIONS TO PO NO.

10/19/2015

Vendor Name/Address:

Landmark Dodge

1900 S. Noland Road

Independence, MO 64055

Contact: Larry Wilson (816) 833-2100

Deliver To:

Douglas County Public Works

3755 E. 25th Street

Lawrence, KS 66046

Contact: Doug Stephens/Gary Koehler (785) 331-1330

Bill To:

Douglas County Public Works

3755 E. 25th Street

Lawrence, KS 66046

Contact: Laura Glass (785) 832-5116

Delivery: 90-190 Days

Approved by BOCC 10/21/2015

Fund	Dept	Acct	QTY	DESCRIPTION	UNIT LIST PRICE	UNIT DISCOUNT PRICE	TOTAL PRICE
				Comply with MACPP specifications and contract terms & conditions: Contract # 251-14-6 (renewed 2015)			
			1	2016 Grand Cherokee (item #16)			\$27,253.00
			1	Daytime Running Lights			Included
			1	Floor Mats Rubber/Vinyl - Front & Back			\$120.00
			1	Extra Key			\$235.00
			1	Light - Aux dome interior, header mounted			Included
			1	Service Manual			\$150.00
				Delivery (52.4 miles x 2 = 104.80 miles x .75/mile)			\$78.60
				Exterior: White (PW7) Interior: Black (F7/X9)			
				Warranty: 12 month/12,000 miles Bumper-Bumper; 3 Years/36,000 Miles Full Warranty Excludes Wearout Items; Tire 60,000 (calibrated and prorated); 5 Years/100,000 Miles Drivetrain			
				Tax Exempt KSA 79-3606			
				TOTAL			\$27,836.60

DOUGLAS COUNTY, KANSAS

TERMS & CONDITIONS TO PO NO.

10/19/2015

Vendor Name/Address:

Shawnee Mission Ford

11501 W. Shawnee Mission Pkwy.

Shawnee, KS 66203

Contact: Jay Cooper (913) 248-2287

Deliver To:

Douglas County Public Works

3755 E. 25th Street

Lawrence, KS 66046

Contact: Doug Stephens/Gary Kochler (785) 331-1330

Bill To:

Douglas County Public Works

3755 E. 25th Street

Lawrence, KS 66046

Contact: Laura Glass (785) 832-5116

Delivery: 90-120 Days

Approved by BOCC 10/21/2015

Fund	Dept	Acct	QTY	DESCRIPTION	UNIT LIST PRICE	UNIT DISCOUNT PRICE	TOTAL PRICE
				Comply with MACPP specifications and contract terms & conditions: Contract 251-14-1 (renewed 2015)			
			1	2016 Ford F-150 (item #21)			\$18,522.00
			1	Super Cab 8' Bed (X1C/158)			\$1,961.00
			1	5.0L V-8 (99F)			\$682.00
			1	Rhino Liner			\$465.00
			1	Service Manual			\$175.00
			1	Trailer Tow Package (53A)			\$422.00
			1	Daytime Running Light (942)			\$38.00
			2	Extra Keys (DI) - Lasers Chip		\$100.00	\$200.00
			1	2016 Ford F-150 (item #21)			\$18,522.00
			1	Super Cab 8' Bed 4x4 (X1E/158) 5.0L V-8			\$5,601.00
			1	Rhino Liner			\$465.00
			1	Trailer Tow Package (53A)			\$422.00
			1	Daytime Running Light (942)			\$38.00
			2	Extra Keys (DI) - Laser Chip		\$100.00	\$200.00
			2	Exterior:White (YZ) Interior:Vinyl 40/20/40 AG			
				Warranty: 3 Years/36,000 Miles Bumper-Bumper and 5 Years/60,000 Miles Powertrain			
				Tax Exempt KSA 79-3606			
				TOTAL			\$47,713.00

Memorandum

City of Lawrence-Douglas County

Planning & Development Services

TO: Board of County Commissioners

CC: Craig Weinaug, County Administrator

FROM: Mary Miller, Planner

Date: October 8, 2015

RE: The following items related to **CUP-13-00281**: Conditional Use Permit for a water treatment plant for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd:

- a) One year extension request.
- b) Removal of condition requiring that the property be platted.
- c) Revised site plan.

ATTACHMENTS:

A: Written Request for Extension

B: CUP plan

This request is for the following:

- a) A one-year extension to the approval of the Conditional use,
- b) Removal of the condition that the property be platted prior to release of the Conditional Use Permit plan to Zoning and Codes, and
- c) Approval of the revisions proposed to the site plan.

These items are discussed separately in this memo.

EXTENSION REQUEST

At their September 23, 2013 meeting, the Board of County Commissioners voted unanimously to approve the Conditional Use Permit for the Public Wholesale Water Supply District No. 25 Water Treatment Plant subject to the following conditions:

- 1) The CUP shall comply with the terms, conditions, and limitations specified in the Division of Water Resources permit.
- 2) The property shall be platted prior to release of the Conditional Use Permit plan to Zoning and Codes.
- 3) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. Delineation of a wooded area near the east side of Tract 2 that is 20 ft wide and extends 240 ft north of the south property line, and the addition of the following note: *"The trees and other vegetation in this area will be retained"*

to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."

- b. Note the revision date on the plan.
- c. Show one ADA accessible parking space on the plan. This space shall also be marked and signed on site.

Per Section 12-319-2, if a building permit is not obtained for the site within one year of the Commission's approval of the CUP, the approval becomes null and void unless an extension is requested prior to that date. The applicant submitted a written request for an extension prior to the deadline and the County Commission approved a one-year extension to September 23, 2015.

The applicant submitted a written request for an extension prior to that deadline which is included as Attachment A.

The applicant indicated that through the finalization of the design plans it was determined that the treatment process would need to include lime softening. This required additional indoor facilities, which requires a larger building, as well as a lime silo and lagoons to collect the lime slurry and hold the backwash from the facility. Due to the additional facilities, the site had to be redesigned, and the building permit for the facility could not be obtained within the required time frame.

Planning staff provided mailed notification to all property owners within 1000 ft of the subject property of the extension request and revised site plan. No comments have been received as of the date of this memo.

RECOMMENDATION:

Based on these factors, staff recommends approval of a one-year extension to the approval for CUP-13-00281, Conditional Use Permit for water treatment plant for Public Wholesale Water Supply District No. 25 subject to the conditions approved by the County Commission at their September 23, 2013 meeting, revised as needed based on the Commission's action on the requirement to plat and the revised site plan.

PLATTING

The CUP was processed under the assumption that platting of the property would be required as the water district purchased tracts that were divided from larger properties. Staff has since identified an exception in the Subdivision Regulations (Section 20-801(d)(2)) that exempts platting for a division occurring through the transfer of land for easements for public utilities. As easements do not involve land divisions, this issue was referred to the County Counselor who determined the intent of the language was related to land divisions for public utilities rather than to easements.

As platting is not required under the Subdivision Regulations, staff requests that the Commission remove this condition from the Conditional Use Permit.

Recommendation: Staff recommends that the County Commission remove the condition on the Conditional Use Permit that requires the property to be platted

prior to the Conditional Use Permit plans being released to the Zoning and Codes Office.

REVISED SITE PLAN

As noted above, the site was redesigned due to the need for lime treatment at the facility. The changes being proposed are changes to the site rather than to the Conditional Use. These can be accommodated with a revised site plan and either administrative or County Commission approval. Due to the scope of the changes, the site plan has been placed on the County Commission's agenda for consideration and action.

PARKING

Additional parking is being provided with this site plan. The previous plan provided a general area to accommodate delivery trucks and employee parking. Two employees are anticipated, which would require 1 parking space. The revised plan provides a dedicated parking area on the south side of the building with 12 spaces for employees and visitors to the site. One ADA accessible parking space is shown on the plan, but this should be dimensioned to insure compliance with ADA standards. The visitor parking would be used infrequently and is intended primarily for occasional visits from Board members. No meeting rooms are being provided in the building. The parking is setback 20 ft from the property line per the County Engineer's recommendation to allow space for future improvements to N 1500 Road.

FACILITY EXPANSION

The facility and the water ground storage tank will both be expanded to accommodate the lime treatment. In addition, a 65 ft lime storage silo and 2 settling lagoons for the backwash water will be provided. The lagoons will provide a settling area to remove the lime from the water before it is returned to the river.

The difference in the proposed site plan from that previously approved is shown in the following table. The facility will increase in height to 35 ft and a total area of 6,875 sq ft. The impervious surface coverage will increase from 30,000 sq ft (approximately 2.6% of the total site area) to 48,400 sq ft (approximately 4% of the total site area).

COMPARISON TABLE			
	APPROVED PLAN	REVISION	CHANGE
Treatment Building			
Area	125 ' x 125' 15,625 sq ft	150' x 150' 22,500 sq ft	+ 6,875 sq ft
Height	20 ft	35 ft	+ 15 ft
Parking	1 space	12 parking spaces	+ 12 spaces
Development Area	240' x 125' 30,000 sq ft	220' X 220' 48,400 sq ft	+18,400 sq ft
Water Storage Tank	25' x 100' diameter 106,250 cu ft	35' x 85' diameter 203,205 cu ft	+ 10' in height +96,955 cu ft
Lime Silo	16' X 65' diameter 54,711 cu ft	----	Addition of lime silo
Landscaping	Screening trees	No change	---
Lagoons	0	2	Addition of lagoons

FLOODPLAIN

The property is encumbered with the regulatory floodplain. A Floodplain Development Permit will be required if any fill is placed within the 100 year floodplain. No fill is permitted within the floodway. The floodplain boundary on the plan varies slightly from that on the FEMA maps and should be readjusted to match the FEMA maps.

LANDSCAPING

Evergreen trees are shown along the roadway and the west property line to buffer the facility from the right-of-way. A condition of the original CUP was the delineation of an area 20 ft wide on the east side of the smaller tract (with the lagoons) and extending 240 ft north from the south property line for future screening landscaping. The following note was to be added to the plan: *"The trees and other vegetation in this area will be retained to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."* The revised site plan identifies an area to the east and south side of the east tract where vegetation is to be retained. The following revised note should be added to the plan: *"If the trees and other vegetation in the areas designated for protection on Tract 2 are removed or damaged to the extent they no longer provide screening, native conifers will be planted on 30 ft centers, as needed, to provide screening."*

No change is being proposed to the landscaping and it should remain an effective buffer.

LIGHTING

Lighting will be mounted about 10 ft high on the walls on the west and north sides of the building. The lighting will be pointed downward to illuminate the side of the building. There should be no glare to off-site properties.

OTHER

Approximately one delivery per week is anticipated. The typical delivery truck would be a box truck, although semi-trucks may occasionally be used. The delivery activity should remain compatible with the surrounding area. The facility would be staffed with one or two employees; no increase in employees is expected with the addition of the lime treatment.

SUMMARY

The addition of lime treatment to the facility will require an expansion of the building, both in area and height; a larger water storage tank; and the addition of a lime treatment silo and settling lagoons. The larger facility will remain compatible with the surrounding area.

STAFF RECOMMENDATION

Staff recommends approval of the revised site plan for CUP-13-00281, Public Wholesale Water Supply District No. 25, for expansion of the facility and parking area, as well as addition of lime storage tower and settling lagoons subject to the following conditions of approval:

- 1) Applicant shall provide a revised plan to the Planning Office with the following changes:
 - a. Provision of one ADA accessible parking space in the parking area, this space shall also be marked and signed on site.
 - b. Floodplain boundary lines readjusted to match the FEMA maps.

- c. Addition of the following note: *"A Floodplain Development Permit shall be obtained from the Douglas County Zoning and Codes Office prior to the placement of any fill in the 100 year floodplain. No fill is permitted in the floodway."*
- d. Dimensions added to the access drives.
- e. The following revised note should be added to the plan: *"If the trees and other vegetation in the areas designated for protection on Tract 2 are removed or damaged to the extent they no longer provide screening, native conifers will be planted on 30 ft centers, as needed, to provide screening."*

CUP REVISED CONDITIONS

Deleted wording ~~struckthrough~~, added wording shown in **bold**.

- 1) The CUP shall comply with the terms, conditions, and limitations specified in the Division of Water Resources permit.
- 2) ~~The property shall be platted prior to release of the Conditional Use Permit plan to Zoning and Codes.~~
- 3) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. ~~Delineation of a wooded area near the east side of Tract 2 that is 20 ft wide and extends 240 ft north of the south property line, and the addition of the following note: "The trees and other vegetation in this area will be retained to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."~~
The following revised note should be added to the plan: "If the trees and other vegetation in the areas designated for protection on Tract 2 are removed or damaged to the extent they no longer provide screening, native conifers will be planted on 30 ft centers, as needed, to provide screening."
 - b. ~~Note the revision date on the plan.~~
 - c. **Show one ADA accessible parking space on the plan, with dimensions. This space shall also be marked and signed on site.**
 - d. **Floodplain boundary lines readjusted to match the FEMA maps.**
 - e. **Addition of the following note: "A Floodplain Development Permit shall be obtained from the Douglas County Zoning and Codes Office prior to the placement of any fill in the 100 year floodplain. No fill is permitted in the floodway."**
 - f. **Dimensions added to the access drive.**

1. THIS SURVEY DOES NOT CERTIFY OWNERSHIP.
2. ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
3. THERE ARE NO GAPS OVERLAPS OR KNOWN DISCREPANCIES BETWEEN OWNERSHIP OR POSSESSION, UNLESS SHOWN.
4. THE CLIENT DID NOT PROVIDE A TITLE INSURANCE POLICY. THERE MAY BE EASEMENTS OF RECORD OTHER THAN THOSE SHOWN HEREON.

1. CONCRETE ENTRANCE SURFACING SHOULD BEGIN AT LEAST 2' NORTH OF CHIP SEALED N1500 RD TRAVELWAY. THE AREA BETWEEN N1500 RD TRAVELWAY AND THE CONCRETE ENTRANCE SHOULD BE ASPHALT.
2. GRADING SHALL BE SUCH THAT SURFACE WATER DRAINAGE IS TO THE NORTH/NORTHWEST AWAY FROM N1500 RD.
3. ZONING: VC VALLEY CHANNEL
4. ACRES OUTSIDE THE REGULATORY FLOODPLAIN: TRACT 1, 4.198 Acres, TRACT 2, 5.856 Acres
5. PROPOSED USE: UTILITY
6. PARKING REQUIRED: --
7. PARKING PROVIDED: 12 SPACES

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Eileen Horn
Sustainability Coordinator

TO: Board of County Commissioners
FROM: Eileen Horn, Sustainability Coordinator
CC: Scott McCullough, City-County Planning Director
Sandra Day, City-County Planner
John Bullock, Attorney Stevens & Brand, LLP
DATE: September 22, 2015
RE: Wind Energy Next Steps

Background

In November of 2013, NextEra Energy, a renewable energy development company, submitted an application for a Conditional Use Permit (CUP) to install meteorological towers for wind speed measurement at two locations in southeastern Douglas County. Given the current lack of zoning regulations for large commercial wind development and questions raised by residents in that portion of the County, the Commission decided in December of 2013 to establish a temporary moratorium on Large Wind Energy Conversion Systems (Home Rule Resolution 13-12-5). In February of 2014, the County Commission held a study session on wind energy development and heard from the developers, staff, and regional experts.

Since that initial discussion in early 2014, the Commission has voted several times to extend the temporary moratorium on wind energy conversion systems. The current moratorium is in place through December 2015 (HRR 15-13-2).

Also since that initial discussion, the applicant (NextEra), did not complete the required CUP process thus their application expired. In June of 2015, Jim Sherman (then Director of Zoning and Codes) discovered a meteorological tower close to N 400 and E 1000 that had been installed without a permit. He contacted NextEra and they subsequently removed the meteorological tower. In conversations with NextEra since then, they have indicated to the County Administrator that they do still intend to explore a potential wind energy project in Douglas County, but that their timeline for doing so has been extended.

Next Steps

Recognizing the need to move forward on this topic, staff are requesting that the Commission provide direction on the following key policy questions:

1. SCALE of proposed wind energy systems: Staff suggests a two tier system for regulations on wind towers/turbines. This system would consider small personal wind turbines for residential or small commercial use separately from large commercial wind farms.
 - Small wind turbines for personal or small commercial use could be handled through the building permit process, with design standards developed specifically for these technologies to address potential impacts to neighboring properties – setback, height, appearance, etc.
 - Large commercial wind farm projects could be considered through the existing Conditional Use Permit (CUP) process upon revising the code to accommodate wind towers as a permitted use with potential use standards and/or application requirements. The CUP process could be utilized to address issues associated with wind energy projects such as visual impact, noise, soil erosion, water quality, cultural heritage, infrastructure, etc. A list of these key issues and potential regulatory standards has been compiled by staff (see attachment).
2. EXTENT of regulations: Multiple options exist for defining the extent of the regulations that the Commission would like to pursue. The range of options includes letting the moratorium expire and not creating regulations at all to establishing detailed zoning regulations for wind energy projects.

Staff suggests a middle-of-the-road approach that would task the City-County Planning Office with establishing application requirements for developers pursuing wind energy projects in the County. Any application would follow the standard CUP process, and similar to the process used for quarry applications, the application would require applicants to respond to the key issues related to wind development through studies and plans. This would allow Commissioners discretion as to the many and varied particulars of siting towers (i.e. setbacks from roads, environmental impacts, aesthetics, traffic, etc.), and would put the responsibility on the developer to propose solutions to these potential impacts.

3. LOCATION of proposed wind energy systems: Staff recognizes that there may be parts of the County that are more appropriate for wind energy development than others. Therefore, staff requests Commission direction as to any potential geographic restrictions to include in this process.

Timeline

To ensure adequate time to draft the application requirements and code amendments, staff requests that the Commission consider extending the temporary moratorium on wind energy conversion systems through July of 2016.

Between now and July of 2016, staff proposes the following timeline:

- **November 2015:** Direction provided by the Board of County Commissioners and motion to initiate text amendment.
- **January/February 2016:** Planning Staff deliver text amendment to Planning Commission for public hearing.
- **March/April 2016:** Planning Commission recommendations provided to Board of County Commissioners for action.
- **April/May 2015:** Board of County Commissioners action/adoption of ordinance.
- **July 2016:** repeal of moratorium.

Action:

Extend temporary moratorium through July of 2016 to allow staff, citizens, and Commissioners adequate time to draft and review proposed application requirements and zoning code amendments.

Provide direction to staff and initiate text amendment.