

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, APRIL 6, 2016

4:00 p.m.

- Proclamation for "Child Abuse Prevention Month" (Diana Frederick)
- Presentation of Champion for Child Abuse and Neglect Prevention Award (Diana Frederick)
- Proclamation for "National Public Health Week" April 4-10, 2016. (Dan Partridge)

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
 - (b) Consent approval of bituminous frictional seal contract Project No. 2016-05 (Keith Browning);
 - (c) Consider approval of Chip Seal contract with Vance Brothers, Inc., Project No. 2016-1 Chip Sealing various County roads (Keith Browning); and
 - (d) Consider approval of contract for Dust Palliative supply and application (Keith Browning)

REGULAR AGENDA

- (2) 2015 Lawrence-Douglas County Health Department Annual Report (Dan Partridge)
- (3) **TA-15-00571:** Consider a Text Amendment to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems. Initiated by County Commission on 10/21/15. (Sandra Day is the Planner.)
- (4) (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - Board of Construction Codes Appeals (1) position 12/15
 - Heritage Conservation Council (2) positions 05/16
 - Community Corrections Board (2) positions 01/16 and 05/16
 - Planning Commission (2) positions 05/16
 - (c) Public Comment
 - (d) Miscellaneous
- (5) Adjourn

MONDAY, APRIL 11, 2016

9:00 a.m. – Lecompton Election Canvass

WEDNESDAY, APRIL 13, 2016

WEDNESDAY, APRIL 20, 2016

WEDNESDAY, APRIL 27, 2016

-Proclamation declaring May as "Bike Month" – Ashley Myers

WEDNESDAY, JUNE 8 - light

WEDNESDAY, JUNE 15 - light

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.



Office of the County Commission

PROCLAMATION

Child Abuse Prevention Month

April 2016

Douglas County, Kansas

- Whereas: Children are key to the county's future success, prosperity and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and
- Whereas: Children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and
- Whereas: Child abuse and neglect can be prevented by supporting and strengthening families in Douglas County, Kansas through the 5 Protective Factors: 1. Nurturing and Attachment, 2. Knowledge of Child/Youth Development, 3. Parental Resilience, 4. Social Connections and 5. Concrete Supports for Parents; and
- Whereas: We must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and
- Whereas: By providing safe, stable and nurturing relationships for our children, free of violence, bullying, abuse and neglect, we can ensure that the county's children will grow to their full potential as the next generation of leaders, helping to secure the future of this county, state and nation;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Douglas County, Kansas, do hereby proclaim April 2016 as

"Child Abuse Prevention Month."

ADOPTED this 6th day of April, 2016.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Jim Flory, Chairman

Mike Gaughan, Vice-Chair

Nancy Thellman, Member



Office of the County Commission

PROCLAMATION

Public Health Week

April 4-10, 2016

Douglas County, Kansas

- WHEREAS: Good health and quality of life for everyone in Douglas County is an important goal for our community; and
- WHEREAS: The role of public health is to protect promote and restore the public's health; and
- WHEREAS: The health of our community depends on many factors – such as individual health behaviors, education, jobs, quality of health care and the environment; and
- WHEREAS: National Public Health Week provides the focused opportunity for the public to learn about our communities public health concerns and success stories; and
- WHEREAS: Action by community leaders to implement policy changes that promote the community health plan goals of healthy eating, active living, reduced poverty, improved access to health care and mental health care will make our community a healthier place to live for current and future generations.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Douglas County, Kansas, hereby proclaim the week of April 4-10, 2016 as

“PUBLIC HEALTH WEEK”

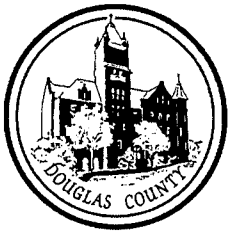
ADOPTED this 6th day of April, 2016.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Jim Flory, Chairman

Mike Gaughan, Vice-Chair

Nancy Thellman, Member



DOUGLAS COUNTY PUBLIC WORKS

3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglascountyks.org
www.douglascountyks.org

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/County Engineer *KAB*

Date : March 29, 2016

Re : Consent Agenda approval of Bituminous Frictional Seal contract
Project No. 2016-05

We opened bids March 4 for sealing 2.02 miles of rural subdivision roads with a bituminous frictional seal. We received the following two bids (see attached bid tabulation):

Bidder	Total Bid
Vance Brothers, Inc.	\$44,000.86
Circle C Paving	\$45,309.88
<i>Engineer's Estimate</i>	<i>\$46,606.60</i>

The "bituminous frictional seal" is a type of slurry seal that is typically used for lower volume, lower speed roads. Loose aggregate, or "chips", are not applied and rolled into the bituminous material, as in chip seals. Rather, a finer aggregate is incorporated into the bitumen and applied in one process. We plan to use this for 2.02 miles of rural subdivision roads.

Road & Bridge Fund includes \$1,312,500 for road maintenance projects, and the CIP includes \$500,000 for annual contract maintenance projects.

We also request you authorize me to approve change orders totaling up to 5% of the contract amount. This allows for any quantity changes due to conditions at the time of the work.

Action Required: Consent Agenda approval of a contract with Vance Brothers, Inc. in the low-bid amount of \$44,000.86 for Project No. 2016-05, bituminous frictional seal of various rural subdivision roads, and authorization for the Public Works Director to approve change orders up to 5% of the contract amount.

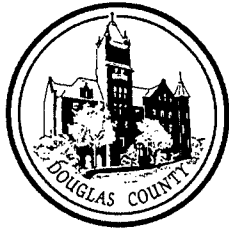
DOUGLAS COUNTY PUBLIC WORKS
PROJECT 2016-05/BID NO. 16-F-0008
DESCRIPTION: BITUMINOUS FRICTIONAL SEALING (ONYX)
BID TABULATION
March 4, 2016

				ENGINEER'S ESTIMATE		VANCE BROS		CIRCLE C PAVING & CONSTRUCTION, INC.			
ITEM #	DESCRIPTION	UNIT	APPROX QUANTITY	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT
1	Bituminous Frictional Sealing	S.Y.	30,082	\$1.30	\$39,106.60	\$1.23	\$37,000.86	\$1.34	\$40,309.88		
2	Traffic Control	L.S.	1	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00		
3	Mobilization	L.S.	1	\$5,000.00	\$5,000.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00		
TOTAL BID -					\$46,606.60		\$44,000.86		\$45,309.88		

Keith A. Browning, PE, Director of Public Works

Date

Jamie Shew, Douglas County Clerk



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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/County Engineer *KAB*

Date : March 29, 2016

Re : Consent Agenda approval of Chip Seal contract with Vance Brothers, Inc.
Project No. 2016-1 Chip Sealing various County roads

We opened bids March 4 for chip sealing 42.3 miles of roads including 2.6 miles within the City of Lecompton. We received the following two bids (see attached bid tabulation):

Bidder	Total Bid
Vance Brothers, Inc.	\$948,042.72
APAC-Kansas	\$980,879.27
<i>Engineer's Estimate</i>	<i>\$1,390,739.60</i>

We will use CM-L lightweight aggregate on Douglas County roads. The City of Lecompton requested to use CM-K crushed limestone aggregate, and they will be responsible for the cost of sealing their roads.

Road & Bridge Fund includes \$1,312,500 for road maintenance projects, and the CIP includes \$500,000 for annual contract maintenance projects.

We also request you authorize me to approve change orders totaling up to 5% of the contract amount. This allows for any quantity changes due to conditions at the time of the work.

Action Required: Consent Agenda approval of a contract with Vance Brothers, Inc. in the low-bid amount of \$948,042.72 for Project No. 2016-1, chip sealing various county roads and City of Lecompton roads, and authorization for the Public Works Director to approve change orders up to 5% of the contract amount.

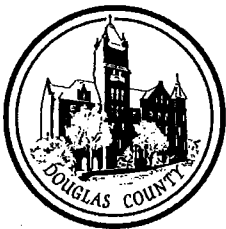
DOUGLAS COUNTY PUBLIC WORKS
PROJECT 2016-01/BID NO. 16-F-0004
DESCRIPTION: ASPHALT SEALING
BID TABULATION
March 4, 2016

				ENGINEER'S ESTIMATE		VANCE BROS		APAC - KS			
ITEM #	DESCRIPTION	UNIT	APPROX QUANTITY	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT
1	Lightweight Aggregate (CM-L-2)	C.Y.	4,936	\$65.00	\$320,840.00	\$47.60	\$234,953.60	\$47.60	\$234,953.60		
2	Lightweight Aggregate (CM-L-0)	C.Y.	596	\$45.00	\$26,820.00	\$39.61	\$23,607.56	\$39.61	\$23,607.56		
3	Cover Material (CM-K)	C.Y.	460	\$28.00	\$12,880.00	\$35.10	\$16,146.00	\$28.35	\$13,041.00		
4	Emulsified Asphalt (CRS-1HP)	TON	1,106.5	\$700.00	\$774,550.00	\$402.00	\$444,813.00	\$385.65	\$426,721.73		
5	Cutback Asphalt (MC-30) for Prime	TON	8.8	\$1,100.00	\$9,680.00	\$510.00	\$4,488.00	\$710.95	\$6,256.36		
6	Marafi MPV500 Fabric	S.Y.	13,031	\$1.60	\$20,849.60	\$1.60	\$20,849.60	\$3.11	\$40,526.41		
7	Manipulation	STA.	2,252.0	\$60.00	\$135,120.00	\$52.48	\$118,184.96	\$78.15	\$175,993.80		
8	Traffic Control	L.S.	1	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$16,637.63	\$16,637.63		
9	Traffic Control (E1000 RD)	L.S.	1	\$0.00	\$0.00	\$5,000.00	\$5,000.00	\$2,282.64	\$2,282.64		
10	Mobilization	L.S.	1	\$50,000.00	\$50,000.00	\$40,000.00	\$40,000.00	\$40,858.54	\$40,858.54		
TOTAL BID -					\$1,390,739.60		\$948,042.72		\$980,879.27		

Keith A. Browning, PE, Director of Public Works

Date

Jamie Shew, Douglas County Clerk



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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/County Engineer
Laura Glass, Administrative Services Manager LG

Date : April 1, 2016

Re : Consent Agenda approval of contract for Dust Palliative supply and application

Bids for the supply and application of dust palliative material were opened March 30, 2016. We solicited bids for both 38% Calcium Chloride solution and 32% Magnesium Chloride solution. Only one supplier submitted a bid.

Company	Item	Quantity	Unit Price	Total Price
Scotwood Industries	38% CaCl	175,000 Gal	\$1.455	\$254,625
Scotwood Industries	32% MgCl	175,000 Gal	\$0.940	\$164,500

This year's bid unit price from Scotwood Industries is four cents higher than last year's price, which was \$0.90/gallon. The low-bid price should allow us to meet the target application rate of 0.45 gallons/square yard.

In addition to the dust palliative material, we will hire a water truck to pre-wet all locations. This cost is included in the \$1.40/linear foot user fee.

Action Required: Consent Agenda approval to accept the low bid and award the contract for supply and application of 32% magnesium chloride solution for the user fee dust palliative program to Scotwood Industries, Inc. at a unit cost of \$0.940 per gallon.

DUST PALLIATIVE

Project No. 2016-04

Bid No. 16-F-0006

Opening Date: Wednesday, March 30, 2016 @ 3:00 P M.

<u>VENDOR</u>	<u>PRODUCT</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
Scotwood Industries	38% Calcium Chloride	Gal.	175,000	\$1.4550	\$ 254,625.00
Scotwood Industries	32% Magnesium Chloride	Gal.	175,000	\$0.9400	\$ 164,500.00
	38% Calcium Chloride	Gal.	175,000		
	32% Magnesium Chloride	Gal.	175,000		
	38% Calcium Chloride	Gal.	175,000		
	32% Magnesium Chloride	Gal.	175,000		
	38% Calcium Chloride	Gal.	175,000		
	32% Magnesium Chloride	Gal.	175,000		
	38% Calcium Chloride	Gal.	175,000		
	32% Magnesium Chloride	Gal.	175,000		
	38% Calcium Chloride	Gal.	175,000		
	32% Magnesium Chloride	Gal.	175,000		

Laura Glass for
Director of Public Works: Keith A. Browning

Heather Dill for
County Clerk: Jamie Shew

Date:

DOUGLAS COUNTY, KANSAS

FY 2016

SPECIFICATIONS AND CONTRACT DOCUMENTS

FOR

DUST PALLIATIVE

38% Calcium Chloride OR 32% Magnesium Chloride

BID NO. 16-F-0005

**DOUGLAS COUNTY DEPARTMENT OF PUBLIC WORKS
DUST PALLIATIVE
BID #16-F-0005**

NOTICE TO BIDDERS

Notice is hereby given that sealed bids for the purchase of approximately 175,000 gallons of 38% Calcium Chloride solution or 32% Magnesium Chloride solution by the Douglas County Department of Public Works will be received in the Office of the Douglas County Clerk, 1100 Massachusetts, Lawrence, Kansas 66044 until 3:00 P.M., Wednesday, March 30, 2016 and then publicly opened in the presence of the County Clerk.

Bids must be submitted on forms obtainable at the Office of the Director of Public Works/County Engineer, 3755 E 25th Street, Lawrence, Kansas, or Demand Star on the Internet at www.demandstar.com. Specifications and bid requirements are included in these documents. The bids shall be submitted in sealed envelopes, addressed to the Office of the County Clerk, Courthouse, 1100 Massachusetts, Lawrence, Kansas, upon which is clearly written or printed "Dust Palliative Bid", and the name and address of the bidder. Any bids received after the closing time will be returned unopened. Faxed bids will not be accepted.

The awarded bidder shall agree to offer the prices and the terms and conditions offered herein to other government agencies who wish to participate in a cooperative purchase program with Douglas County. Other agencies will be responsible for entering into separate agreements with the Contractor and for all payments thereunder.

The Douglas County Board of Commissioners reserves the right to reject any or all bids or waive technicalities and to purchase the product that in the opinion of the Board is best suited to the work for which it is intended.

DOUGLAS COUNTY PUBLIC WORKS

Keith A. Browning, P.E.
Director of Public Works
DATED: 03/09/2016

Publication Dates: Saturday, March 12, 2016
Thursday, March 17, 2016

cc: Lawrence Journal World
Board of County Commissioners
County Clerk
County Administrator
Public Works Operations
Purchasing Department

DOUGLAS COUNTY DEPARTMENT OF PUBLIC WORKS
BID #16-F-0005
INFORMATION FOR BIDDERS
CALCIUM CHLORIDE/ MAGNESIUM CHLORIDE
DUST PALLIATIVE BID

1. It is the intent of Douglas County to purchase 38% Calcium Chloride or 32% Magnesium Chloride for a Dust Palliative to be applied at various locations, lengths and widths in Douglas County, Kansas.
2. Bids must be submitted on forms provided by the Douglas County Public Works Department, 3755 E 25th Street, Lawrence, Kansas or Demand Star on the Internet at www.demandstar.com. Specifications and bid requirements are included in these documents. This document must be left intact and will be the only form accepted as a bid by the Board of County Commissioners.
3. Bidders shall show unit prices and total all extensions. In the event any discrepancy occurs between the unit price and the extended total bid, the unit price shall apply.
4. Bids shall be signed and submitted in sealed envelopes, addressed to the Office of the County Clerk, Courthouse, 1100 Massachusetts, Lawrence, Kansas, upon which is clearly written or printed "**Dust Palliative Bid**" and the name and address of the bidder. Any bids received after the closing time will be returned unopened. Bids shall be received before 3:00 P.M., Wednesday, March 30, 2016 and then publicly opened in the presence of the Douglas County Clerk.
5. The Douglas County Board of Commissioners reserves the right to reject any or all bids or waive technicalities and to purchase the product which in the opinion of the Board is best suited to the work for which it is intended.
6. Application of material is to be made in metered trucks, recently calibrated, with pressurized spray bars capable of applying material at consistent rates and various widths from 12 to 24 feet in one pass. The rate of application shall be controlled by ground speed, capable of applying the solution at consistent rates and various speeds.
7. Material specifications: Calcium Chloride (38% concentration) shall meet the specifications shown in Section 1702 of the 2015 KDOT Standard Specifications for State Road and Bridge Construction. Type L (liquid) with a minimum concentration of 38% is required. Calcium Chloride furnished under this specification will be accepted upon receipt and approval of a Type D certification as described in Division 2600 of the Standard Specifications. The concentration or percentage of CaCl in the material supplied shall be included on the certification provided by the producer. Magnesium Chloride (32% concentration) will be accepted upon receipt and approval of a Type D certification as described in Section 2600 of the Standard Specifications. The concentration or percentage of MgCl in the material supplied shall be included on the certification provided by the producer.

8. It is intended that all locations will be treated in two applications. The first application will be applied at 0.3 gallons/square yard. After all locations receive the initial treatment a second application may be applied to all previously treated areas at an estimated rate of between 0.1 and 0.2 gallons per square yard. Douglas County will determine the actual rate of the second application and the estimated quantity required to complete this application once the first application is completed. The quantity shown on the schedule of prices reflects an estimated rate of 0.45 gallons per square yard.
9. Douglas County may make changes in the work required to be performed by the contractor under this contract by making additions thereto, or by omitting work therefrom, without invalidating the contract. No adjustment in unit prices will be allowed, provided the net monetary value of such additive and subtractive changes in quantities of such items of work shall not increase or decrease the original contract amount by more than twenty-five percent (25%).
10. The contractor shall complete this work in an expeditious manner on the dates chosen by Douglas County. A minimum of 8,000 gallons shall be applied daily if weather permits.
11. The bid amount shown shall include any anticipated demurrage and/or fuel surcharge. The amount paid by Douglas County will include the number of gallons delivered and placed at the accepted unit bid price.
12. Failure to comply with one or all of the above stated requirements will be considered sufficient grounds for rejection of the bid.

**DOUGLAS COUNTY, KANSAS
STANDARD TERMS AND CONDITIONS
BID #16-F-0005**

1. SCOPE: The following terms and conditions shall prevail unless otherwise modified by Douglas County within this bid document. Douglas County reserves the right to accept or reject any or all bids received.
2. DEFINITIONS AS USED HEREIN:
 - a. The term "bid request" means a solicitation of a formal sealed bid.
 - b. The term "bid" means the price offered by the bidder.
 - c. The term "bidder" means the offer or vendor.
 - d. The term "County" means Douglas County, Kansas.
 - e. The term "Board of County Commissioners or "BoCC" means the governing body of Douglas County, Kansas.
3. COMPLETING BID: Bids must be submitted only on the forms (or reproductions thereof) provided in this document or by Demand Star on the Internet at demandstar.com. All information must be legible. Any and all corrections and/or erasures must be initialed. Each bid sheet must be signed by the authorized bidder and required information must be provided.
4. CONFIDENTIALITY OF BID INFORMATION: Each bid must be sealed and submitted in an envelope clearly marked "DUST PALLIATIVE BID" to provide confidentiality of the bid information prior to the bid opening. Supporting documents and/or descriptive literature may be submitted with the bid. Do not indicate bid prices on literature.

All bids and supporting bid documents become public information after the bid opening and are available for public inspection by the general public in accordance with the Kansas Open Records Act.
5. ACCURACY OF BID: Each bid is publicly opened in the presence of the Douglas County Clerk. It is necessary that any and all information presented is accurate and/or will be that by which the bidder will complete the contract. If there is a discrepancy between the unit price and extended total, the unit price will prevail.
6. SUBMISSION OF BID: Bids are to be sealed and submitted to the Douglas County Clerk's Office, Douglas County Courthouse, 1100 Massachusetts, Lawrence, Kansas 66044, prior to 3:00 P.M., Wednesday, March 30, 2016.
7. ADDENDA: All changes in connection with this bid will be issued in the form of a written addendum. Signed acknowledgment of receipt of each addendum must be submitted with the bid.

**DOUGLAS COUNTY, KANSAS
STANDARD TERMS AND CONDITIONS
BID #16-F-0005**

8. **LATE BIDS, CHANGES OR WITHDRAWALS:** Bids received after the deadline designated in this bid document shall not be considered and shall be returned unopened.

Bids may be changed or withdrawn prior to the bid opening. All such transaction must be submitted in writing and received by the County Clerk's Office prior to the bid deadline. Changes or withdrawals may be made after the bid deadline only with the approval of the Board of County Commissioners. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the County of fair competition shall be permitted.

9. **BIDS BINDING:** All bids submitted shall be binding upon the bidder if accepted by the County within fifteen (15) calendar days after the bid opening.

10. **METHOD OF AWARD AND NOTIFICATION:** Bids will be evaluated and the award made to the lowest and best, responsive and responsible bidder(s) whose bid conforms to the specifications and whose bid is considered to be the best value in the opinion of the County.

The County reserves the right to accept or reject any or all bids and any part of a bid and to waive informalities, technical defects, and minor irregularities in bids received. The signed bid shall be considered an offer on the part of the bidder; such offer shall be deemed accepted upon issuance by the County of a Purchase Order or other contractual document.

11. **TAX EXEMPT:** The County and its agencies are exempt from State and local sales taxes by K.S.A. 1985 Supp. 79-3606 as amended. Situs of all transactions under the order(s) that shall be derived from this request shall be deemed to have been accomplished within the State of Kansas.
12. **SAFETY:** All practices, materials, supplies and equipment shall comply with the Federal Occupational Safety and Health Act, as well as any pertinent Federal, state and/or local safety or environmental codes.
13. **DISCLAIMER OF LIABILITY:** The County, or any of its agencies, will not hold harmless or indemnify any bidder for any liability whatsoever.
14. **HOLD HARMLESS:** The contractor agrees to protect, defend, indemnify and hold the Board of County Commissioners, its officers, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of this agreement and/or the performance hereof. Without limiting the generality of the foregoing, and all such claims, etc., relating to personal injury,

**DOUGLAS COUNTY, KANSAS
STANDARD TERMS AND CONDITIONS
BID #16-F-0005**

infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal or property right, or actual or allege violation of any applicable statute, ordinance, administrative order, rule or regulation, or decree of any court, shall be included in the indemnity hereunder. The contractor further agrees to investigate, handle, respond to, provide defense for and defend any such claims, etc., at his/her sole expense and agrees to bear all other costs and expenses related thereto, even if such claim is groundless, false or fraudulent.

15. LAW GOVERNING: All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Kansas.
16. ANTI-DISCRIMINATION CLAUSE: No bidder on this request shall in any way, directly or indirectly, discriminate against any person because of age, race, color, handicap, sex, national origin, or religious creed.

DOUGLAS COUNTY DEPARTMENT OF PUBLIC WORKS

BID #16-F-0005

SCHEDULE OF PRICES
FOR
CALCIUM CHLORIDE/MAGNESIUM CHLORIDE

Bid of Scotwood Industries, Inc., to supply Calcium Chloride or Magnesium Chloride to the Douglas County Public Works Department. Material is to be applied by the successful bidder at various locations within the county on dates determined by Douglas County. Bids must be received in the Office of the Douglas County Clerk by 3:00 p.m., Wednesday, March 30, 2016.

<u>ITEM</u>	<u>QUANTITY*</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
38% Calcium Chloride Solution	175,000 gallons	\$ <u>1.455</u>	\$ <u>254,625.00</u> \$ 254,624.00
32% Magnesium Chloride Solution	175,000 gallons	\$ <u>0.940</u>	\$ <u>164,500.00</u>

*Based on 4000 gallon minimum loads.

Demurrage, after first two hours:
\$ 85.00

BY Jim Wilson Jim Wilson, Vice President

Fuel Surcharge \$ n/a

SUPPLIER: Scotwood Industries, Inc.

DATE: March 28, 2016

RECOMMENDED FOR APPROVAL:

Keith A. Browning

Keith A. Browning, P.E.
Director of Public Works

ACCEPTED:

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, KANSAS

James E. Flory, Chairman

Mike Gaughan, Member

Nancy Thellman, Member

ATTEST:

Date

County Clerk

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
3/21/16

**ITEM NO. 8 TEXT AMENDMENT TO ZONING REGULATIONS; WIND ENERGY
CONVERSION SYSTEMS (SLD)**

TA-15-00571: Consider a Text Amendment to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems. *Initiated by County Commission on 10/21/15.*

RECOMMENDATION: Staff recommends that the Planning Commission forward the proposed amendment, TA-15-00571, amending Sections 303, 319 and 321 of Chapter 12, Douglas County Zoning Regulations to establish *Wind Energy Conversion Systems* as a Conditional use with associated standards to the County Commission with a recommendation for approval.

Reason for Request: The County Commission initiated a text amendment at their October 21, 2015 meeting to add *Wind Energy Conversion Systems* to the Development County Zoning Regulations.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Michael Almon, resident, expressed interest in topic.

ATTACHMENTS

Attachment A – Draft Language

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 measurements 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 moratorium will expire on July 31, 2015 (HR 15-12-5).

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.

The County Zoning Regulations do not specifically address *Wind Energy Conversion Systems*. This text amendment includes a two tiered system for the regulation of wind towers/turbines. This system would include applications for small personal wind turbines for residential or small commercial use separate 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.

OVERVIEW OF PROPOSED AMENDMENT

The following is a listing of the proposed code sections to be changed:

1. Section 12-303 Definitions.
2. Section 12-319 Supplemental Use Regulations
3. Section 12-321 Supplemental Height, Area & Bulk Requirements

This draft was prepared with input from County Counsel, the Director of Zoning & Codes and the Sustainability Coordinator. The portions of the Code being revised are attached to this staff report.

CRITERIA FOR REVIEW AND DECISION-MAKING

The County Zoning Regulations do not offer guidance for the review of proposed code amendments. This report models the criteria outlined in the City Code which provides the following review factors:

1) Whether the proposed text amendment corrects an error or inconsistency in the Code or meets the challenge of a changing condition;

The purpose of this proposed text amendment is to provide a clear definition for an emerging use within the community that was not contemplated in the County Zoning Regulations. Lacking any clear land use regulations, the standards for communication towers have been use previously to evaluate wind energy related applications. This methodology did not account for special considerations related to the specific land use.

The growth of renewable energy as an industry and as a land use is not currently or adequately addressed in the current regulations. A distinction between commercial operations for the purpose of collecting, storing and transmitting energy vs. small individual applications such as found at a residence, farm or individual commercial business is needed in the code to reasonably facilitate changing technology. The proposed text amendment addresses a changing condition.

2) Whether the proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Code (Sec. 12-302)

Wind, as a natural resource, is appropriately included in *Horizon 2020 Chapter 16 – Environment*. However, this chapter does not specifically address wind as commodity or described natural resource. The Plan speaks broadly to the following strategies:

- Identify and protect important environmental features in a manner that also:
 - o Accommodates planned urban and rural growth,
 - o Discourages urban sprawl,
 - o Provides for efficient transportation systems,
 - o Partners with economic development activities,
 - o Considers private property rights,
 - o Allows adequate open space for preservation and recreation,
 - o Establishes a contiguous network of open space, and
 - o Creates a sustainable community.
- Consider the impact upon environmental and natural resources in planning and development efforts.
- Establish effective incentives and regulations that promote sustainable and efficient management of environmental resources.
- Develop educational programs to foster community awareness of and support for the protection and enhancement of natural areas, efficient use of natural resources and appropriate waste management.
- Encourage environmental policies and programs to secure the community's future economic, ecological, animal, plant and human health.

The proposed text amendment is intended to be considered under the umbrella of these strategies.

Conclusion

The *Wind Energy Conversion System* land uses and standards being proposed are in response to the increased interest in sustainability and wind energy as a local resource. These standards will provide clarity in the Code and insure compatibility with nearby land uses.

12-303 DEFINITIONS

12-303-1.95 WIND ENERGY CONVERSION SYSTEMS.

- a. Small Wind Energy Conversion System (SWECS). Small wind turbines for personal or small commercial use described as:
 - 1) Wind Turbine – a device or structure used to convert energy from the wind into electric power. May also be known as windmill or wind pump; devices used to power or run machinery or for pumping ground water.
 - 2) Maximum capacity to produce up to 50 kW of electrical power, for consumption on site and not for transfer or sale to a third party.
- b. Large Wind Energy Conversion System (CWECS). A single wind turbine or system, collection or group of large wind turbines, combined with transmission lines and energy conversion uses that collect, transmit and store electrical energy for use in a larger electrical network exclusive of individual use. Also known as Commercial Wind Energy Conversion System Project;
- c. Prescribed Burning. The controlled application of fire to naturally occurring or naturalized vegetative fuels under specified environmental (weather) conditions in accordance with a written prescription that is designed to confine the fire to a predetermined area and to accomplish planned land management objectives.
- d. Power Purchase Agreement (PPA). A contract between two parties, one of which generates electricity (the seller) and one which purchases electricity (the buyer).
- e. Road agreement for maintenance. An agreement executed between the applicant and governing body, having jurisdiction over said roads, identifying the responsibilities, cost, upkeep, fees for maintenance of a specific route used for the construction, operation, and decommissioning of a wind energy conversion system.
- f. Extraordinary Events. Any of the following with respect to an approved Large Wind Energy Conversion System: Tower collapse, Turbine failure, Thrown/broken blade or hub, Collector/feeder line failure, Injured worker or citizen, Kills of threatened or endangered species, or Discovery of an unexpectedly large number of dead birds of any variety on site.

- a. **12-319-4.36 Large Wind Energy Conversion System (Commercial Wind Energy Conversion Systems). Purpose of Regulations.** It is the purpose of this section to provide details related to any application for a Commercial Wind Energy Conversion System (CWECS) Project; create a process to permit the development of a CWECS; provide a basis for public discussion and informed comment on the CWECS; and identify significant environmental, social, and economic effects related to the CWECS.
- b. **Intent of Regulations.** It is the intent of this section to address major issues associated with the project; however, issues not listed may be deemed significant and issues may emerge as significant during the course of review.

These regulations are not intended to restrict installation of small wind energy conversion systems authorized and governed by section *[insert section reference for Building Code of County Code here]* of the County Code. Small Wind Energy Conversion Systems (SWECS) are expressly exempt from the Conditional Use Permit process.

These requirements specify the maps, information surveys, and studies that must be submitted as part of the Conditional Use Permit (CUP) application. If approved, one CUP will be issued for the entirety of real property included within the perimeter of the proposed CWECS Project. In the event the application includes multiple properties, the applicant shall provide written evidence of land owner consent for any parcel contained within the CUP application.

At the time of application for a Conditional Use Permit the applicant shall be required to make surrounding property owners aware of a potential development application. In addition to notifying property owners within 1,000 feet of the CWECS project per section 12-324, the applicant must provide written notice to all owners of record of unincorporated property located within one mile radius of the proposed request. The applicant shall submit a certificate of mailing for the notice required by this section, and a list of notified property owners at the time of the application. The notice shall be sent by regular mail and shall include a brief description of the project, proposed construction date, date the application will be submitted to the planning office, the person with contact information (phone, address) designated by the applicant to respond to questions concerning the proposed application and the following statement:

This letter is being sent to the owners of nearby property for the purpose of informing the property owners and other interested parties about the proposed CWECS project described further in this letter. This letter does not grant the recipient and/or property owner any additional legal rights to challenge the proposed development, instead, it is being provided solely to advise property owner(s) of the pending development. For further information, contact the applicant's designated representative or the Lawrence-Douglas County Planning Office at 785-832-3150.

- c. **Location Criteria.** The purpose of this section is to identify appropriate location criteria for siting wind turbines. Wind turbines shall be subject to section 12-328 of the County Zoning Regulations and are prohibited from location within any federally designated floodway [F-W Overlay District].
- d. **Conditions Required for Approval.** In addition to the findings of fact listed in section 12-319-1.02 the additional considerations shall be evaluated.
- 1) The applicant shall demonstrate its ability to strictly conform to all applicable performance standards detailed in these Regulations as well as applicable State and Federal law and regulations.

2) Key Issues. Key issues relating to CWECS include, but are not limited to:

- | | |
|---|--|
| a) Visual Impact | h) Aviation/FAA |
| b) Noise Impact | i) Reception Interference |
| c) Wildlife Habitat/ Native Flora and Fauna/ "Heritage Habitat Areas" [Maps being processed by others as part of County Grant]. | j) Cultural Heritage |
| d) Bird migration/strike | k) Maintenance of the Rural Character |
| e) Endangered or Threatened Species | l) Cumulative Impact |
| f) Water Quality and Soil Erosion | m) Company experience, reputation, and financial ability |
| g) Infrastructure, including roads and bridges for construction access | n) Removal/Reclamation |
| | o) Bond agreement |
| | p) Specific requirements for building and construction |

e. **Application Requirements.** As part of the CUP application, the applicant shall submit a CWECS Development Plan. Each application for a CWECS shall include the following documentation.

1) **Site plan per section 20-319A-4.**

2) **Contents of the CWECS Site Plan.**

- a) Name of the project.
- b) Name / address of land owner and land developer;
- c) Narrative describing phases of construction (if applicable).
- d) Concept plan showing the general location of turbines, electric collector and feeder lines, electrical equipment, substations, maintenance roads, and other associated facilities to be located on the subject property; equipment storage buildings or exterior storage areas.
- e) Extent of area of subject property to be disturbed or cleared for access, construction, operation and maintenance.
- f) Boundaries of the 100-year floodplain as identified on the Federal Insurance Administration's "Flood Hazard Boundary Maps" of Douglas County, Kansas; and,
- g) The location of any underground pipelines and other utility easements.
- h) Provision of the following notes on the plan that state:
 - i. *Decommissioned equipment shall be removed from the site and the foundations shall be removed to a depth of four (4) feet below the ground surface.*
 - ii. *The CWECS and its associated facilities shall not be operated so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law.*
 - iii. *During site clearance and construction, silt fences and other temporary erosion controls shall be installed and left in place until new native vegetation covers the bare ground around the turbines.*

iv. *This CUP shall not be transferred from one party to a different person or entity without approval of the Board of County Commissioners. Applicant shall notify the Board of County Commissioners and the Director of Zoning and Codes, in writing, of a transfer from one party to another. All CUP transferees shall be required to meet the same conditions as the original Applicant. The transferee shall also meet the surety bond/escrow requirement to ensure the CWECS is decommissioned and removed to CUP specifications at the end of the project's useful lifespan or in case of abandonment. The Commission may, in its discretion, provide for conditions that allow bank financing of a VWECS project, including a mortgage or lien on project assets, but any transfer or assignment of an interest in the CUP will remain subject to prior approval of the Board of County commissioners.*

- 3) **Supplemental information.** All detailed technical information that supports the proposal should be included in appendices.
- a) **Vicinity Map.** Two (2) maps showing project location and vicinity within Douglas County.
 - b) **Demonstration of Qualifications** to include the following information:
 - i. Name and address of the developer, and
 - ii. Statement from the developer providing relevant information regarding:
 - a. Qualifications and experience in commercial wind energy development; Environmental management history of the company;
 - b. Financial information regarding the applicant's ability to construct, operate, and maintain the CWECS; and
 - c. Financial information regarding applicant's ability to meet the decommissioning escrow-bond requirements. (Note to Applicant: K.S.A. 45-221, Section 33 generally exempts financial information submitted by contractors in qualification statements from being open to the public.)
 - c) **Relevant background information** on the project, including a general overview of the project location, timeframe and project life, phases of development, and possibilities for future expansion.
 - d) **Map of residential** uses and structures within 1000' of the site boundary [for each individual wind turbine included in the application];
 - e) **Environmental guidelines and industry codes** of practice that will be followed if approved.
 - f) An **inventory of existing wildlife**, endangered and threatened species, wetlands, flora, fauna and geoconservation areas and other biologically sensitive areas within the site.
 - g) **Soil Erosion, Sediment Control, and Storm Water Runoff.** Applicant shall develop a Soil Erosion, Sediment Control, and Storm Water Runoff Plan, per the approval of the County Public Works Director or his designee.
 - h) **Archeological reconnaissance survey** within the site that will be impacted by the construction or operation of the CWECS. The survey shall be provided to the State Historic Preservation Office (SHPO) to determine if cultural resources are present. Any unrecorded cultural resources that are found shall be evaluated for integrity and potential listing on the National Register of Historic Places. Undocumented resources that are eligible for listing on the National Register of Historic Places shall be avoided. All archaeological investigations shall meet the SHPO standards and guidelines.

- i) A **transportation route plan** to be used for construction shall be coordinated with the Douglas County Department of Public Works. Execution of a road agreement, approved by the Department of Public Works, prior to issuance of a building permit for construction. Dust control plan to be implemented during construction phase and for regular maintenance as needed.
 - j) A plan detailing all **off-site construction improvements** needed for the project including, but not limited to, the following:
 - i. Requirements for new transportation infrastructure and/or upgraded, realigned, or new roads.
 - ii. Proposed agreement for road maintenance requirements as applicable for the development and continued operation of the CWECS.
 - iii. Changes to electrical substations.
 - iv. Changes to existing power transmission systems, including any upgrades to existing transmission lines.
 - v. Requirements for the realignment of other utilities affected by the project.
 - k) A plan detailing the **Mitigation Measures** used to demonstrate reasonable efforts to address the following:
 - i. Fire Safety: Show how the towers and equipment are protected from fire within the site and from fire originating from outside the site such as with prescribed burning and non-prescribed burning (natural or accidental).
 - ii. High angle rescue.
 - iii. Extraordinary Event response plan: Within 48 hours of the occurrence of an Extraordinary Event, the Applicant shall notify the Director of Zoning and Codes. In the event of extraordinary avian mortality, the Applicant shall, within 30 days of the occurrence, submit a report to the Director of Zoning and Codes, to the Kansas Department of Parks and Wildlife, and to the U.S. Fish and Wildlife Service describing the cause of the occurrences and the steps taken to avoid future occurrences.
 - iv. Noise impact.
- 4) **Operation and Maintenance Plan.** Operation and maintenance requirements (including frequency of maintenance activities) for the turbines and transmission lines. Width of transmission line easements required, and any restrictions necessary on land use, development, and access within said easement.
- f. **Design Standards.** The following design standards are applicable to Commercial Wind Energy Conversion Systems Projects (CWECS) and are not intended to be applicable to SWECS. The following design standards may be modified by the governing body (County Commission) following a public hearing held by the Planning Commission. It is the applicant's burden to demonstrate that the public health, safety, welfare, will be preserved and maintained if the standards are modified.
- 1) **Setback.** Additional or reduced setback requirements may be imposed as conditions to the project, depending on the circumstances.
 - a. The setback of tower from adjacent property lines not within the CUP. Interior setbacks of properties within the CUP may be reduced.
 - b. Setback shall be equal to height of tower plus length of blade 110%.
 - c. No turbine shall be located closer than 1500 feet to a residential structure.

- 2) **Lowest point.** The rotor blades shall be at least 100 feet above ground level at the base of the tower.
- 3) **Lighting.** All turbines and accessory facilities shall be sited to minimize adverse visual effect on the environment. Structures for wind turbines shall not be lighted except to assure human safety as required by the Federal Aviation Administration (FAA).
- 4) **Structure.** Structures for wind turbines shall be self-supporting tubular towers painted a neutral color such as a white or pale gray. A lattice structure shall be prohibited.
- 5) **Logos.** Logos or advertisements are prohibited on these structures.
- 6) **Identification Number.** Each structure for wind turbine shall be marked with a visible identification number located no higher than fifteen (15) feet above ground level.
- 7) **Turbine Access Roads. Access roads** shall be shown on the site plan and shall require approval of the County Public Works Director or his designee.
 - a. Access roads shall be low profile roads so farming equipment can cross them.
 - b. Where an access road is to cross a stream or drainage way, it shall be designed and constructed per the approval of the County Public Works Director or his designee and comply with applicable FEMA and Kansas Department of Agriculture — Division of Water Resources regulations pertaining to building a structure in a flood zone.

g. Decommissioning/Restoration/Abandonment Plan.

- 1) Applicant shall submit a Decommissioning Plan describing the manner in which the CWECS will be dismantled and removed from the site at the end of its useful life.
 - (a) All aboveground components of the CWECS shall be removed.
 - (b) Foundations shall be removed to four (4) feet below ground level. Remainder of foundation may be left intact.
 - (c) Access roads shall be removed unless specified by the property owner that they are intended to remain.
 - (d) Land shall be restored to pre-permit conditions, using either productive top soil or re-seeded in native grasses.
 - (e) Applicant shall submit documentation showing financial capability to carry out the decommissioning and restoration requirements.
 - (f) When a completed CWECS project does not produce any electric energy for a period of one (1) year, and there is no demonstrated plan to restore the equipment to operating condition, the Director of Zoning and Codes may notify the landowner and/or holder of the CUP that the CWECS project is deemed abandoned.
 - (g) If the landowner or holder of the CUP for the CWECS project does not cause the project to resume production of electricity within one (1) year from the date of the notice referenced above, the landowner and the CUP holder shall be jointly responsible to commence and shall complete abatement of the CWECS project as set forth in the Douglas County Zoning Regulations. The Board of County Commissioners may require Applicant (Holder of the CUP) to decommission any commercial abandoned turbine, even if other turbines in the project are active.
 - (h) At the end of the CWECS's useful life, or if CWECS is abandoned, the site shall be restored in accordance with the requirements of this condition within eighteen (18) months.

h. Bond Agreement.

1) Bond Requirement:

- a) Applicant shall obtain a surety bond naming Douglas County, Kansas, as payee in a form acceptable to the Board of County Commissioners. Applicant shall maintain said bond through the lifespan of the CWECS. Bondholder shall provide the County annual notification of bond status. Bondholder shall provide the County 30-days written notice of any cancellation thereof.
- b) In the event the Applicant or CUP holder is in non-compliance or default due to non-payment, the County shall have the right to call said bond and use it for decommissioning purposes. Should there be any remaining balance; the County shall have the right to withhold refund payment until the decommissioning process is completed to the County's satisfaction.

2) Liability on Termination or Expiration:

- a) In the event of termination of this CUP for any reason, the CUP holder shall remain liable to the County for any expense incurred by the County that is above and beyond what is covered by the surety bond, escrow account, and/or insurance policy.
- b) The CUP holder shall remain liable to the County for any unspent funds, the expenditure or use of the funds in a manner or for a purpose not authorized by this agreement and/or damages as a result of any breach of this agreement by the CUP holder.
- c) The County shall have the right, at any time prior or subsequent to any remedies, including seeking injunctive or other equitable relief, to enforce the provisions of this agreement and/or recover funds, which are unspent, expended or used in an unauthorized manner, or for an unauthorized purpose and/or damages sustained by the County as a result of any breach of this agreement by the CUP holder.

- 3) Non-Liability: Nothing in this agreement or otherwise shall impose any liability or duty whatsoever on Douglas County or any of its agencies, including, but not limited to, any liability for taxes, wages, or any other employee benefits for any person or entity. Contractors, suppliers, or consultants accepting and relying on documents, materials, and other information from the Applicant or CUP holder will do so on their own responsibility and at their risk.

12-321 SUPPLEMENTAL HEIGHT, AREA & BULK REQUIREMENTS

12-321-3. MODIFICATION OF HEIGHT REGULATIONS

12-321-3.01. Except in an Airport Hazard District, the height regulations as prescribed in this Resolution shall not apply to:

- a. Belfries
- b. Chimneys
- c. Church spires
- d. Conveyors
- e. Cooling towers
- f. Elevator bulkheads
- g. Fire towers
- h. Flag poles
- i. Grain elevators
- j. Monuments
- k. Ornamental towers and spires
- l. Radio and television antennas
- m. Silos
- n. Smoke stacks
- o. Stage towers or scenery lofts
- p. Tanks
- q. Water towers and standpipes
- r. **Wind turbines when in conjunction with a residential or individual commercial use**
- s. **Wind turbines when operated as part of an approved Conditional Use Permit**

HOME RULE RESOLUTION NO. HR-15-12-4

A HOME RULE RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS EXTENDING A TEMPORARY
MORATORIUM ON LARGE WIND ENERGY CONVERSION SYSTEMS

WHEREAS, on December 11, 2013, the Board of County Commissioners of Douglas County, Kansas ("Board") adopted Home Rule Resolution No. 13-12-5, placing a temporary moratorium on Large Wind Energy Conversion Systems, and

WHEREAS, on April 23, 2014, the Board adopted Home Rule Resolution No. 14-13, extending the temporary moratorium through September 30, 2014, and

WHEREAS, on September 17, 2014, the Board adopted Home Rule Resolution No. 14-9-2, extending the temporary moratorium through March 31, 2015, and

WHEREAS, on March 4, 2015, the Board adopted Home Rule Resolution No. 15-3-2, extending the temporary moratorium through December 31, 2015, and

WHEREAS, the Board and applicable Douglas County officials, agencies, departments, boards, and commissions require additional time to review the Zoning Regulations, receive public input, hold public hearings, and make recommendations for amendments to the Zoning Regulations to address adverse effects that wind farms may create.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, SITTING IN REGULAR SESSION, DOES HEREBY RESOLVE AS FOLLOWS:

The temporary moratorium adopted in Home Rule Resolution No. 13-12-5 and extended by Home Rule Resolutions 14-13, 14-9-2 and 15-3-2 is hereby extended through and including July 31, 2016. This Resolution is effective from and after its adoption and publication one time in the official County newspaper.

ADOPTED the 2nd day of December, 2015.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Jim Flory, Chair

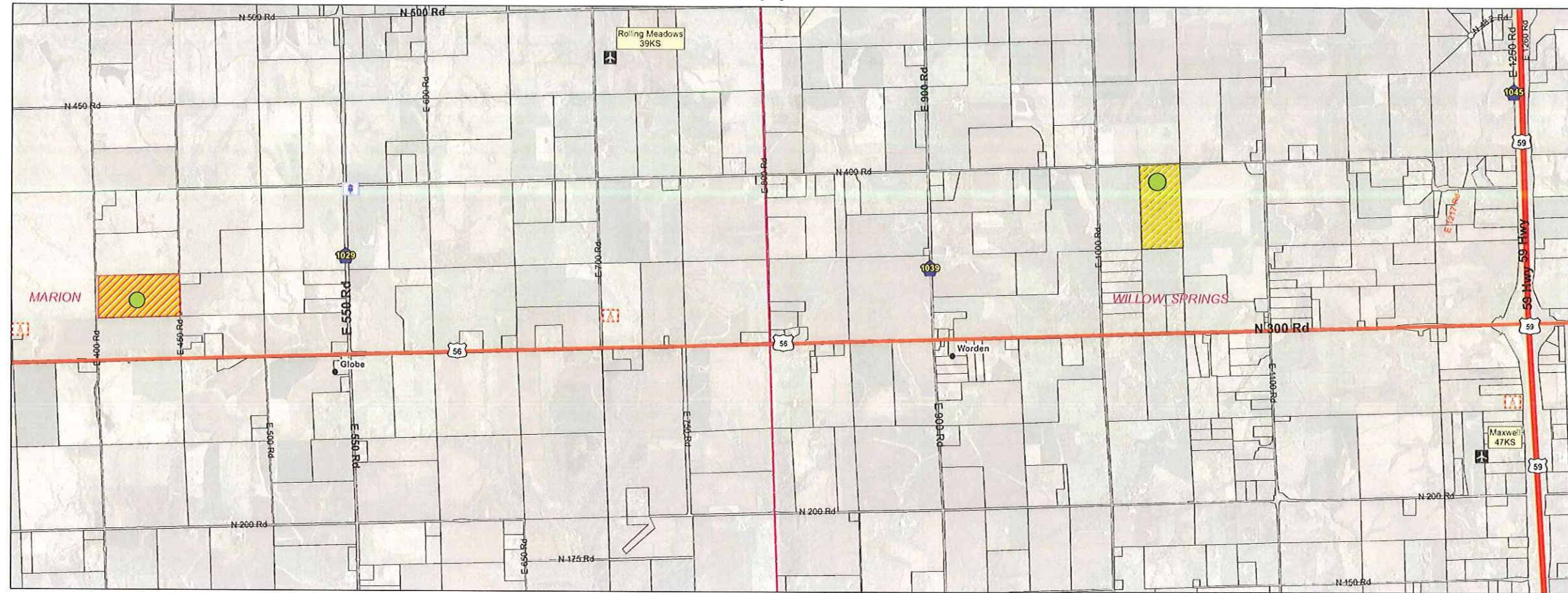
ATTEST:

Mike Gaughan, Member

Jameson D. Shew, County Clerk

Nancy Thellman, Member

Met Tower Applications



Legend

Towers

TYPE

- COMMUNICATION
- TV
- WATER

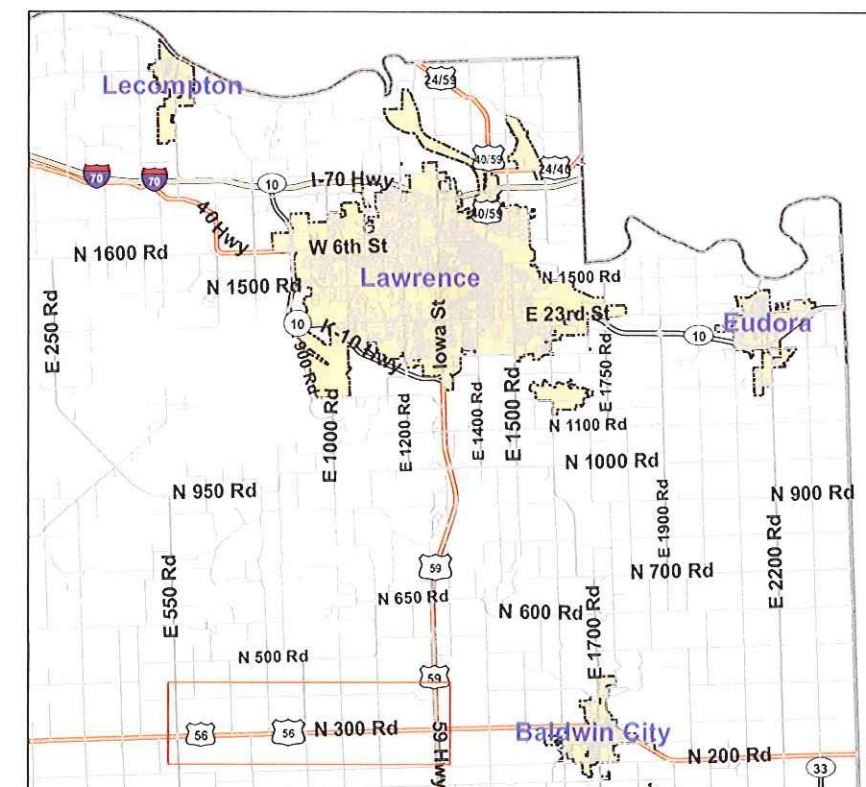
County Airports / Helipads

Entity

- Private
- Public
- City Limits - Douglas County
- township
- County Limits
- Water Bodies
- Townsites

APPLICATIONS

- CUP- 13-00480; N 400 RD & E 1000 RD
- CUP- 14-00002; E 400 RD & N 300 RD



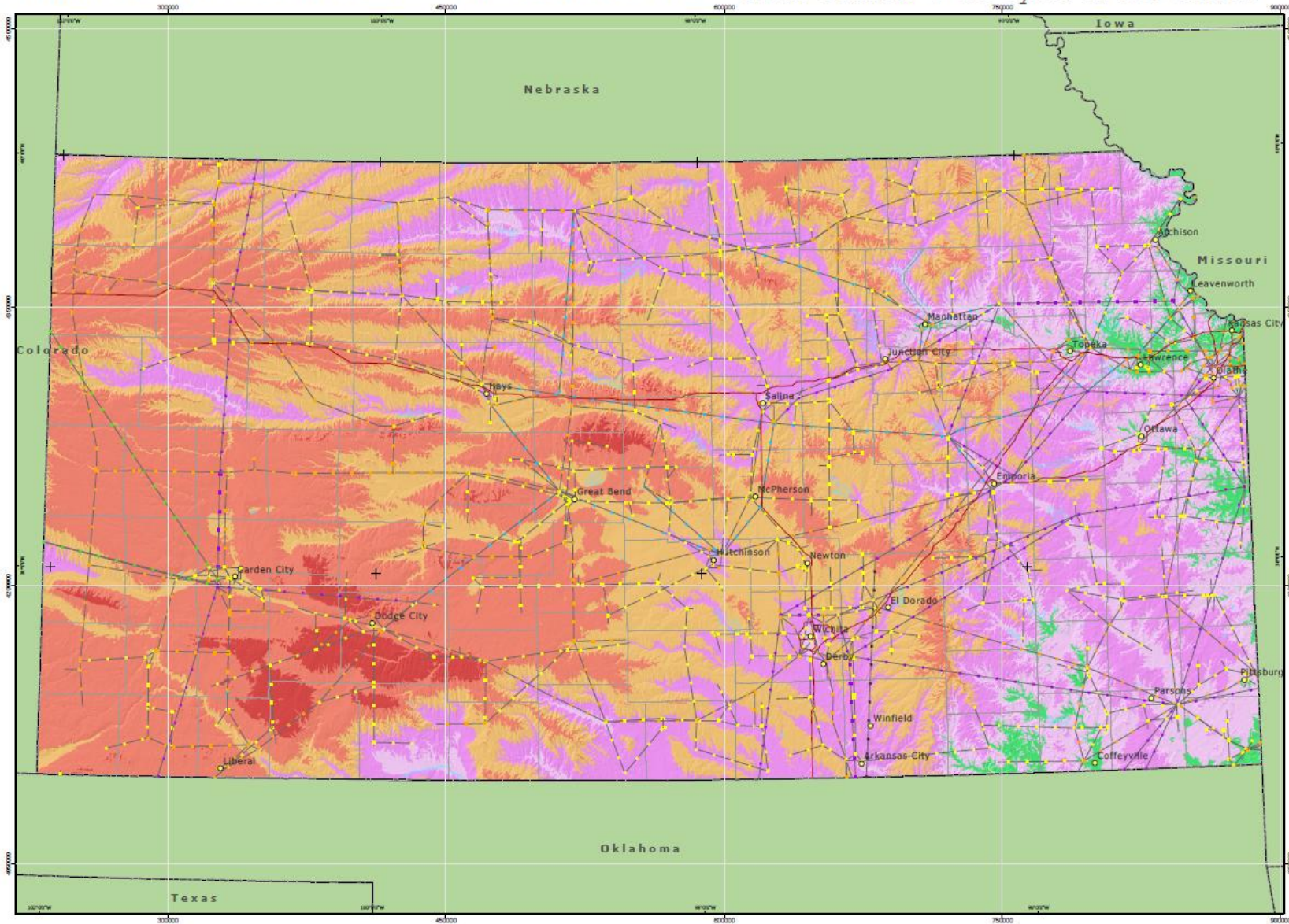
Wind Energy Study Session

Presented
to the
Douglas County
Board of
Commissioners

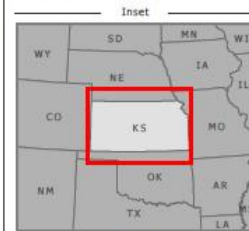
February 5, 2014



WIND RESOURCE OF KANSAS *Mean Annual Wind Speed at 100 Meters*



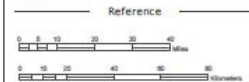
MESOMAP



Legend

Mean Speed at 100 m	
mph	m/s
< 12.3	< 5.5
12.3 - 13.4	5.5 - 6.0
13.4 - 14.5	6.0 - 6.5
14.5 - 15.7	6.5 - 7.0
15.7 - 16.8	7.0 - 7.5
16.8 - 17.9	7.5 - 8.0
17.9 - 19.0	8.0 - 8.5
19.0 - 20.1	8.5 - 9.0
20.1 - 21.3	9.0 - 9.5
> 21.3	> 9.5

- City
- Interstate Highway
- State Boundary
- County Boundary
- Water Body
- Transmission Lines
 - Category
 - Under 100 kV
 - 100 kV-161 kV
 - 230 kV-287 kV
 - 345 kV
 - 500 kV
 - 735 kV+
 - Step-Up



Wind Data Resolution: 200 m
 Coordinate System: UTM 14N
 Datum: NAD83

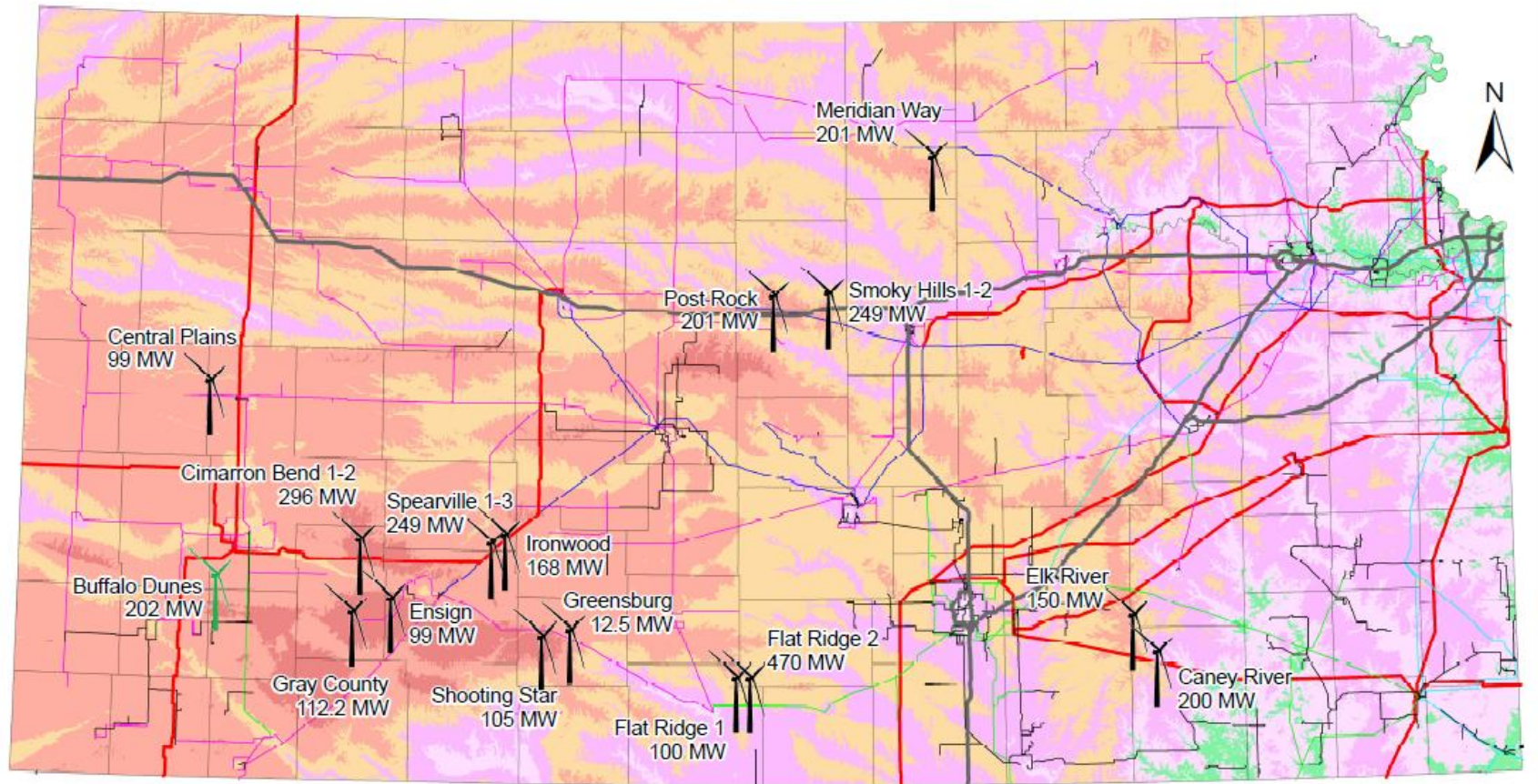
Disclaimer
 This map was created by AWS Truewind using the Mesomap system and historical weather data. Although it is believed to represent an accurate overall picture of the wind energy resource, estimates at any location should be confirmed by measurement.

The generalized transmission line information was obtained by AWS Truewind from the Global Energy Decisions Velocity Suite. AWS does not warrant the accuracy of the transmission line information. Source Date: July, 2008

Originator
 Date: 9/15/08
 Department/Originator: Modeling/MPS
 File Path: Kansas_SPD100m.mxd
 Map Class: FINAL, Confidential
 Client: NREL

AWS Truewind
 463 West 42nd St. Albany, New York 12245
 518.213.0444 | www.awstruewind.com

Kansas Wind Resources 2,712 MW Total



Windmills.mxd



Existing



Under Construction

Transmission Lines

345 KV	138 KV
230 KV	115 KV
161 KV	69 KV

Roads

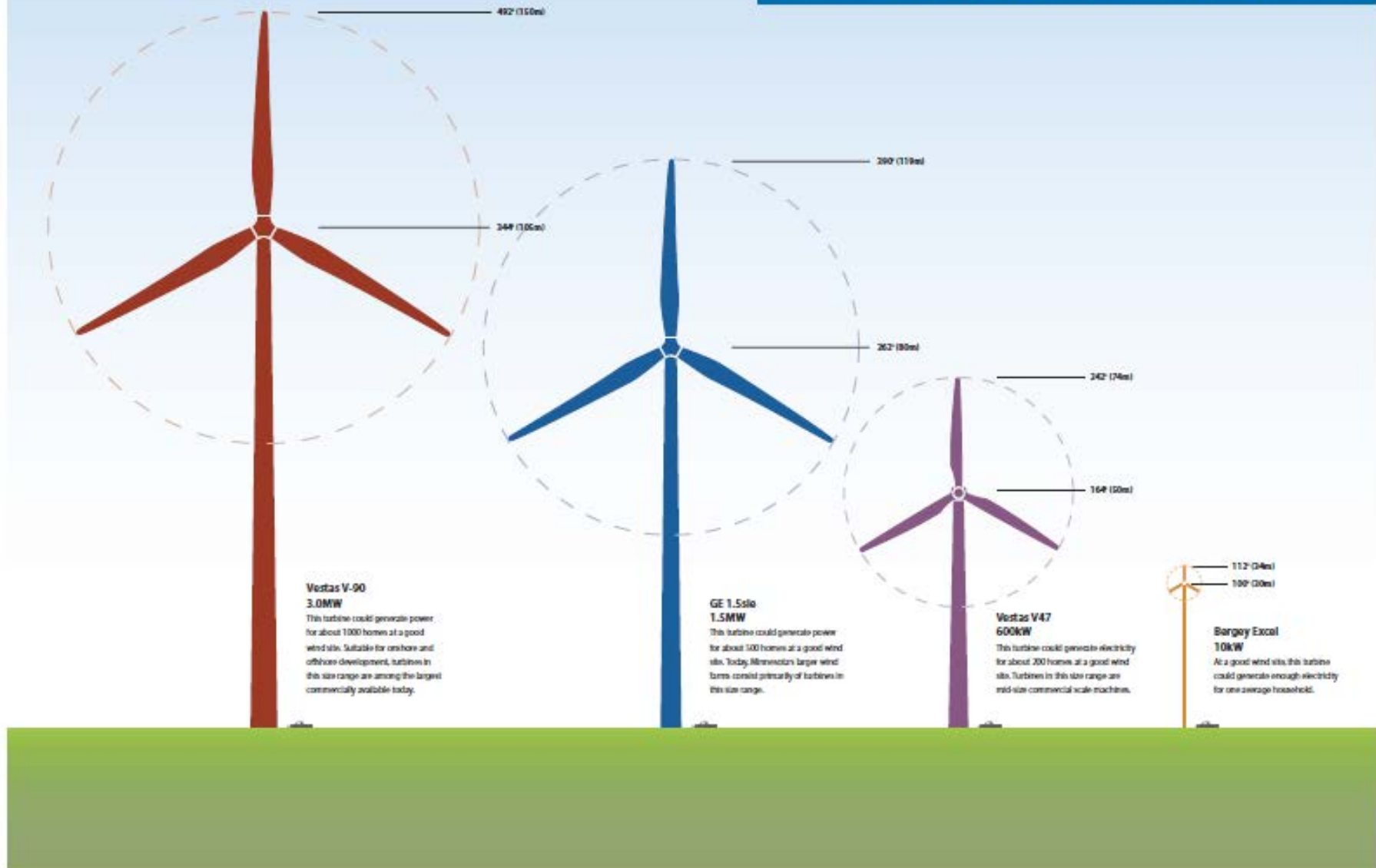
Interstate

Wind Speed at 100 m

4.0 - 5.5	7.5 - 8
5.5 - 6	8.0 - 8.5
6.0 - 6.5	8.5 - 9
6.5 - 7	9.0 - 9.5
7.0 - 7.5	9.5 - 12

Wind speed at 100 meters data layer was created by AWS Truewind using the MesoMap system and historical weather data. July 2008

THE SCALE OF WIND POWER



Kansas Wind Energy Statistics:

- **Installed Wind Capacity:** 2,712 megawatts (MW).
State Rank: Kansas ranks 9th for total MW installed.
- **Number of Wind Turbines:** 1,592 turbines.
- **Wind Projects Online:** 23 wind projects.
- **Percentage of Kansas' electricity provided by wind in 2012:** 11.4 percent. *State Rank:* Kansas ranks 6th for percentage of electricity coming from wind energy.
- **Equivalent number of homes Kansas wind farms now power:** over 840,000 average American homes.

Economic Benefits of Wind Energy in Kansas:

- **Total direct and indirect jobs supported in 2012:** 4001-5000. *State Rank:* Kansas ranks 5th for number of wind-related jobs.
- **Capital investment:** over \$5 billion dollars .
- **Annual land lease payments:** over \$7,900,000.
- **Number of manufacturing facilities in Kansas:** 7 facilities.

Environmental Benefits of Wind Energy in Kansas:

- The **water consumption savings** from wind projects in Kansas total more than 2 billion gallons of water per year.
- The wind power installed in Kansas will **avoid over 5.6 metric tons of carbon dioxide** emissions annually, the equivalent of taking over 990,000 cars off the road.

Wind Energy Potential Impacts:

- Sound and visual impacts
- Wildlife and habitat
- Infrastructure and roads
- Aviation/FAA
- Soil erosion and water quality
- Public health and safety
- Land use and property values
- Public infrastructure
- Etc.

ITEM NO. 8 TEXT AMENDMENT TO ZONING REGULATIONS; WIND ENERGY CONVERSION SYSTEMS (SLD)

TA-15-00571: Consider a Text Amendment to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems. *Initiated by County Commission on 10/21/15.*

STAFF PRESENTATION

Ms. Sandra Day presented the item.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner von Achen asked about the key issue conditions required for approval.

Ms. Day said staff would tell a perspective applicant that they need to address these key issues and provide some kind of response to it.

ACTION TAKEN

Motioned by Commissioner von Achen, seconded by Commissioner Kelly, to approve Text Amendment, TA-15-00571, to the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas* to add Wind Energy Conversion Systems, and forwarding to the Board of County Commissioners for approval.

Approved 8-0.