

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, SEPTEMBER 13, 2017

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders; and
- (b) Consider approval of Amendment of Contract for the renovation of the Treasurer Satellite Office (Jackie Waggoner/Paula Gilchrist);
- (c) Take action authorizing the County Administrator to execute Interlocal agreement with City of Baldwin and Baldwin School District to provide incentives for housing in Baldwin City (Glen Rodden/Weinaug);
- (d) Consider approval of road relocation of N 1500 Road: E2300 to 1525N (Michael Kelly);
- (e) Consider County Resolution appointing Kevin R. Sontag to the office of County Surveyor effective September 23, 2017 (Keith Browning); and
- (f) Consider approval of a resolution establishing basic requirements for recording various boundary survey plat documents (Kay Pesnell/Kent Brown).

REGULAR AGENDA

- (2) Presentation by Dr. Margaret Severson and Dr. Jason Matejkowski, University of Kansas School of Social Welfare of Findings from Crisis Assessments Completed in Douglas County June 5 – July 12, 2017.
- (3) Update on the SAMHSA Data Driven Justice Behavioral Health Design Institute and plans for implementing MyResource Connect (Thellman, Houk and Tryanski) –No backup
- (4) (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) **Board of Zoning Appeals (3) position 10/16**
 - (d) **Building Code of Appeals Board (2) positions 12/16**
 - (e) **Community Corrections Advisory Board (1) position resigned**
 - (f) **Heritage Conservation Council (2) positions**
 - (c) Public Comment

RECESS

RECONVENE

6:00 p.m.

- (5) **CUP-17-00316:** Consider a Conditional Use Permit for *Small Scale Industrial Uses*, Richardson Jumpstarters, on approximately 94.8 acres located at 2138 N 1000 Rd. Submitted by Dwane F and Valerie Richardson Trustee, property owners of record. (Mary Miller is the Planner)
- (6) **Adjourn**

MONDAY, SEPTEMBER 18, 2017

4:00-5:30 p.m. – Joint City/County/USD 497 meeting. Location: Baker Wetlands Discovery Center, 1365 N 1250 Road.

WEDNESDAY, SEPTEMBER 20, 2017

– **2:30 p.m.** Work Session - Presentation and discussion of Jail alternative designs. Receipt and discussion of report on alternative jail programs and their impact on jail population. CJCC invited as participant in this meeting

4:00 p.m. Only - Meeting

WEDNESDAY, SEPTEMBER 27, 2017

– **2:30 p.m.** Work Session on expanded residential options for supportive housing in the behavioral health continuum of care including LDCHA, Bert Nash and DCCCA.

4:00 p.m.-815 Vermont Street NRA (Britt-Crum-Cano)

WEDNESDAY, OCTOBER 4, 2017

2:30 p.m. Work Session on various financing mechanisms to fund capital improvements.

4:00 p.m.

-Proclamation for “National 4-H Week”

-Explore Lawrence presentation (Andrea Johnson, Director of Marketing and Michael Davidson, Executive Director)

WEDNESDAY, OCTOBER 11, 2017

2:30 p.m. Work Session – Update on Behavioral Health projects, strategies and partnerships. Work session will be led by Bob Tryanski, but with significant contributions from the five community partners involved: LMH, Bert Nash, Heartland, LDCHA and DCCCA.

WEDNESDAY, OCTOBER 18, 2017

2:30 p.m. Work Session – Discuss oversight of Community Corrections.

WEDNESDAY, OCTOBER 26, 2017

WEDNESDAY, NOVEMBER 1, 2017

2:30 p.m. Work Session – Review material from previous work sessions on the status of various capital projects and various financing mechanisms.

WEDNESDAY, NOVEMBER 8, 2017

WEDNESDAY, NOVEMBER 15, 2017 – light agenda

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



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: Approve Amendment of Contract for the Renovation of the Treasurer
Satellite Office

DATE: September 7, 2017

In March, the Board approved a renovation project for the Treasurer's satellite office with a not-to-exceed limit of \$56,868 (original memo is below for your reference). As a result, of finalizing the requirements and finishes the cost has increased by \$3,124 increasing the project total to \$59,992.

Due to the commission schedule and time needed to process the order and maintain our schedule, Craig Weinaug exercised his authority to approve this increase, subject to confirmation by the county commission at your meeting this Wednesday.

In addition to this increase, I am seeking approval to add a 4% (\$2,399.68) change order authority to be approved administratively for any unforeseen items. This percentage is slightly higher than what was proposed in my email to Craig.

SUGGESTED MOTION: The Board of County Commissioners confirms the County Administrator's approval for the cost increase of \$3,124, and authorizes change order authority administratively up to 4% of \$59,992 (\$2,399.68).



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

FROM: Paula Gilchrist, County Treasurer
Jackie Waggoner, Purchasing Director

SUBJECT: Consider Accessing Cooperative Contract for the Renovation of the Treasurer
Satellite Office

DATE: March 2, 2017

The Treasurer has \$34,500 in the Special Auto Fee Fund to renovate the satellite office located inside the Dillon Store at 6th Street and Lawrence Avenue. The balance (approximately \$22,368) would be paid from the Special Building Fund.

This satellite office was opened in 1993 and the small 9'x12' space is equipped for two employees. Rental for this location has been \$6,000 per year for more than fifteen years and includes utilities (except internet service). Since this office is located within a business that is open later than Monday-Friday; 8 a.m.-5 p.m., hours were extended to Tuesday-Friday; 7a.m -6p.m. to provide convenient hours for the public.

As we explored our options for the renovation, we looked at two cooperative contracts: The Wilson Group who is a general contractor under the NJPA (National Joint Powers Alliance) contract that we have used for other county small remodel projects and DIRT T who offers a sustainable furniture solution under the NPP (National Purchasing Partners) contract. For your consideration, I have provided a not-to-exceed cost summary in the attached table for all expenses related to the remodel project.

Initially we looked at both system and free standing furniture, which both would require customization due to space constraints and obstacles such as a permanent column. In our discussion we were introduced to a sustainable solution, DIRT T. This solution allows furniture and storage to hang off their walls providing significant efficiencies to the work areas. We also would have the ability to incorporate data/power, equipment (monitor) and signage directly into the walls. While the cost of this solution has a higher upfront cost (customized furniture approximately half the cost), staff believes the long term value offsets the added cost. The DIRT T solution has also allowed us to accommodate for ADA requirements, and provides flexibility to make modifications as needs change in the future.

Staff plans to see if any features such as LED lighting or sustainable furniture is eligible to access the Sustainability Fund which may impact the funds allocated in the Special Building Fund. Adam Rains, Deputy Treasurer, and I will be available at the meeting to answer any questions you may have.

RECOMMENDATION: The Board of County Commissioners authorizes staff to access the NJPA and NPP contracts for the remodel of the Treasurer's Satellite Office in a cost not-to-exceed \$56,868.

Treasurer Satellite (Dillon's) Renovation – Cost Summary		
Contractor	Description	Not-to-Exceed Cost
The Wilson Group	Demo built-in furniture, carpet, and lighting. Install new flooring, upgrade lighting to LED, and upgrade electricity to allow adequate power.	\$10,330
Spaces – DIRT	Walls/Furniture	\$43,991
R&R Communications	Network Cabling	\$ 2,000
Luminous Neon		\$ 547
Combined Not-to-Exceed Cost		\$56,868



Memorandum

To: Honorable Board of County Commissioners
From: Ed Courton, Baldwin City Community Development Director
Date: 9/8/2017
Re: Neighborhood Revitalization Program Interlocal Agreement

The City of Baldwin City earlier this year adopted Ordinance 1365 to establish a Neighborhood Revitalization Program (“Program”) in accordance with the State of Kansas Neighborhood Revitalization Act (“Act”) K.S.A. 12-17, 114 et seq.

The Act is an economic tool designed to incentivize property owners to invest and improve their properties. The Act authorizes a jurisdiction to offer tax rebates to eligible property owners. The purpose of the Act is to improve the building inventory of a community by promoting new construction and renovation of existing buildings. The public health, safety and general welfare is improved by rehabilitating existing buildings and constructing new buildings resulting in an improved sense of community and quality-of- life for the residents of Baldwin City.

The Program was adopted by the Baldwin City Council on March 7, 2017. After adoption of the Program, Glenn Rodden, City Administrator and I presented the Program to the Douglas County Commission on April 26, 2017 and answered questions relating to the Program. Later after the meeting, Craig Weinaug directed city staff to go to USD 348 and present to them the Program and come back to the Douglas County Commission with their decision. On August 21, 2017 the USD School Board voted in favor of the Program, as proposed.

The attached Interlocal Agreement is required by the Act to enable local jurisdiction partners to participate in the Program for property tax rebates. Each participating jurisdiction must agree to waive their portion of local property tax, as specified in Ordinance 1365, and more specifically, Parts 6 and 11 of Exhibit “A” which describe eligible properties and the percentage of tax rebate.

On behalf of the City of Baldwin City, we respectfully request the Board of County Commissioners approve the three-party Interlocal Agreement.

Attachments:

- Interlocal Agreement
- Ordinance
- Exhibit “A” of the City of Baldwin City’s NRP

Published in _____ on the _____ day of _____, 201__

ORDINANCE NO. 1365

AN ORDINANCE ADOPTING A NEIGHBORHOOD REVITALIZATION PROGRAM AND DESIGNATING A REVITALIZATION AREA, ALL AS PROVIDED FOR IN K.S.A. 12-17, 114 et seq., NEIGHBORHOOD REVITALIZATION ACT, AND AUTHORIZING THE CITY OF BALDWIN CITY TO ENTER INTO INTERLOCAL AGREEMENT TO PROVIDE FOR THE IMPLEMENTATION OF THE PLAN.

WHEREAS, the City Council of the City of Baldwin City, Kansas, pursuant to the authority provided in K.S.A. 12-17, 114 et seq. wishes to adopt a plan to assist the revitalization of properties situated within the boundary of the city limits of the City of Baldwin City; and

WHEREAS, the City Council of the City of Baldwin City, Kansas, pursuant to public notice did advertise the a public hearing for March 7, 2017, in the local newspaper, Lawrence Journal World for two consecutive weeks and published the public hearing notice on February 6, 2017 and February 13, 2017; and

WHEREAS, the City Council of the City of Baldwin City, Kansas, pursuant to public notice did hold a public hearing on March 7, 2017, to hear and consider public comment on the Neighborhood Revitalization Program.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

SECTION 1. Neighborhood Revitalization Program. That the City Council does hereby adopt the Neighborhood Revitalization Program, attached herein, labeled as Exhibit A and incorporated by reference, as if fully set forth herein.

SECTION 2. Designation of Neighborhood Revitalization Area. That the City Council hereby designates the real property described in Part 1 of the Neighborhood Revitalization Program as the Neighborhood Revitalization area, finds that the following conditions exist within said Area: 1) a predominance of buildings which, by reason of age, history or architecture, are significant and should be restored to productive use, and finds that the rehabilitation, conservation and redevelopment of said area is necessary to protect the health, safety and welfare of the residents of the City of Baldwin City; (2) an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or (3) an area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

SECTION 3. Neighborhood Revitalization Fund. That the City Council does hereby create a Neighborhood Revitalization Fund to finance the redevelopment of the revitalization area and to provide a rebate of property tax increments, as set forth in the revitalization plan.

Exhibit “A”

City of Baldwin City Neighborhood Revitalization Program

Purpose:

This Neighborhood Revitalization Program (“Program”) is intended to promote the rehabilitation, conservation and/or redevelopment of the designated Neighborhood Revitalization Area (“Area”) within the City of Baldwin City in order to protect the public health, safety and welfare of the residents of the city. A tax rebate incentive based on the incremental increase of qualified improvements will be available to property owners in the designated Area.

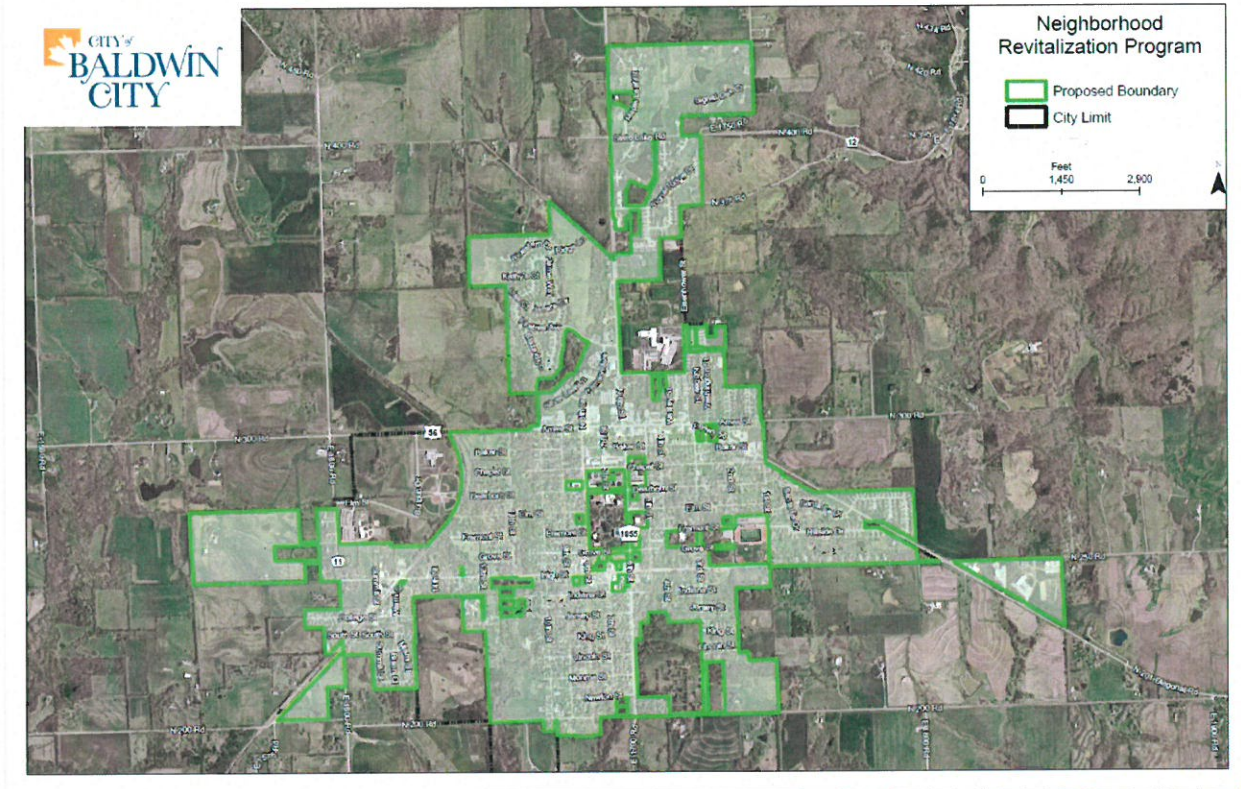
The Governing Body of the City of Baldwin City has determined that the Area described in the Program meets all three conditions described in K.S.A. 12-17, 115 (C)

- A) An area in which there is a predominance of buildings or improvements by which reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life and property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare;
- B) An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of land, property by fire or other causes, or a combination of such factors, substantially impairs or arrests the sound growth of municipality, retards the provisions of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present conditions or use; or
- C) An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significances should be preserved or restored to productive use.

In accordance with KSA, 114 et seq., the City Council conducted a public hearing on February 21, 2017 to consider the Neighborhood Revitalization Program. Accordingly, the City Council designated the entire city limits boundary, as meeting the conditions contained in KSA, 114 et seq. to be designated as a “Neighborhood Revitalization Area”.

PART 1

Legal description of the real estate forming the boundaries of the Area and a map depicting the existing parcels of real estate:



{See attached Ordinances for legal description of existing city limits}

PART 2

Existing appraised and assessed valuation of the real estate within the Neighborhood Revitalization Program Area

Valuation:

The appraised and assessed valuation of each parcel of real estate located within the Area, including land and building (improvements) valued listed separately, is available at the City of Baldwin City Community Development Department or the Douglas County Appraiser's office.

The appraised and assessed valuation as of 2016 (date February 3, 2017) for the 1,729 properties located within the Area is as follows:

	<u>Appraised</u>	<u>Assessed</u>
<i>Land Total:</i>	\$ 47,252,790	\$ 5,334,099
<i>Improvements Total:</i>	\$ 263,221,470	\$ 24,020,868
<i>Total Valuation:</i>	<u>\$ 310,474,260</u>	<u>\$ 29,354,967</u>

PART 3

Names and addresses of owners of record within the Neighborhood Revitalization Program Area

The list of names and addresses of owners of record of real estate within the Area, as set out and included herein, as a document titled Properties and Owners listing for Part 3, dated February 3, 2017 and is available at the City Of Baldwin City Community Development Department or the Douglas County Appraiser's office.

PART 4

Existing zoning classification and district boundaries and existing and proposed land uses within the Neighborhood Revitalization Program Area

Existing Zoning Classification and District:

(Refer to Map 2, Zoning Districts)

Existing Zoning Districts:

The existing zoning districts within the Area are as follows:

RLD Residential Low Density
R-1A Single-Family Dwelling
R-1B Single-Family Residential
R-1C Single-Family Residential
R-2 Two-Family Residential
RP-3 Planned Multi-Family Residential
U University
CP-0 Planned Commercial Office
CP-1 Planned Limited Commercial
CP-2 Planned General Commercial
CP-3 Planned Central Business
CP-4 Planned Highway Service Commercial
IP-1 Planned Light Industrial
Ip-2 Planned Medium Industrial

Existing Land Use:

(Refer to Map 3, Existing Land Use (source: 2008 Comprehensive Plan))

Proposed Land Use:

(Refer to Map 4, Future Land Use (source: 2008 Comprehensive Plan))

PART 5

Proposed improvements for expanding/improving municipal services within the Area

Capital Improvements Plan (CIP):

<u>2017</u>	Street Rehabilitation, Eisenhower 56 Highway Realignment (KDOT) Street Rehabilitation, 9 th Street north of High Street (1/3 Part) Replace 4" water line from High Street & 9 th Street to Depot East Baldwin Sewer Interceptor New Public Works building, Orange Street
<u>2018</u>	Asphalt Paving, North 1 st Street – Signal Oak Street Rehabilitation, 9 th Street north of High Street (1/3 Part) Eisenhower Street Sidewalk Improvement Eisenhower Street Improvement New Police Facility
<u>2019</u>	Community Center City Hall Renovation
<u>2020</u>	Street Rehabilitation, 9 th Street north of High Street (1/3 Part)
<u>2021</u>	<u>No projects yet</u>
<u>2022</u>	<u>No projects yet</u>

PART 6

Properties eligible for tax rebates under the Neighborhood Revitalization Program:

Eligible Properties:

Residential Uses:

- 5-Years at 100% for new construction
- 5-Years at 100% for building improvements over 10% increase on appraised valuation

Commercial Use:

- 5-Years at 100% for new construction
- 5-Years at 100% for building improvements over a 10% increase on appraised valuation

Industrial Uses:

- 5-Years at 100% for new construction
- 5-Years at 100% for building improvements over a 10% increase on appraised valuation

Residential Use with either Affordable Housing or Historic Building designation

- 10-Years at 95% for building improvements.

{Affordable Housing is defined as a minimum of two (2) units or 10% of the total units, whichever is greater}

Residential Use w/Affordable Housing and Historic Building designation:

- 15-Years at 95 % for building improvements (This schedule matches the State Historic Tax Credits)

Detached garages are the only accessory structure eligible in this Program.

Please note: Land valuation is excluded from this Program.

Tax rebates are based on the increase of ad valorem taxes attributable to the appraised value due to the improvements or new construction as of January 1 of the tax year following completion of the improvements. For purposes of this Plan, it is understood that completion refers to the issuance of a Certificate of Occupancy by the City. The Douglas County Appraiser should receive notification of such issuance.

PART 7

Criteria for determination of eligibility:

The following criteria are to be used to determine properties eligible under the Baldwin City Neighborhood Revitalization Program.

- a. A building permit must be issued on or after January 1, 2017 the date of designation of the Neighborhood Revitalization Program “Area” by the City of Baldwin City.
- b. An application for rebate must be filed within sixty (60) days of the issuance of a building permit.
- c. The appraised value of residential property improvement must be increased by at least 10%.
- d. The appraised value of commercial and industrial property improvements must be increased by at least 10%.
- e. The value of land on which an improvement is located shall not be considered in determining the incremental increase in value or in determining whether an improvement is a qualified improvement.
- f. The improvements must be in conformance with the City of Baldwin City’s Comprehensive Land Use Plan and Zoning Regulations in effect at the time the improvements are made.
- g. The new, as well as existing improvements on property, must conform with all other applicable codes, rules, and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
- h. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all taxes and special assessments have been paid.
- i. Only owners of real property are eligible for tax rebates. The rebate shall be by check issued to all of the owners of record as shown on the County tax rolls.
- j. Tax rebates transfer with ownership.

- k. Tax rebates are based on the increase of ad valorem taxes attributable to the appraised value due to the improvements or new construction as of January 1 of the tax year following completion of the improvements. For purposes of this Plan, it is understood that completion refers to the issuance of a Certificate of Occupancy by the City. The Douglas County Appraiser should receive notification of such issuance.
- l. A project must be completed prior to receipt of any tax rebate. Partially completed projects are not eligible to participate in the program.

PART 8

Contents of application for tax rebate

Part 1:

General information

- a. Property owner's name
- b. Property owner's mailing address
- c. Parcel I.D. Number
- d. Building Permit Number
- e. Address of property
- f. Legal description of property
- g. Day phone number
- h. Property use
- i. Proposed improvements
- j. Estimated date of completion
- k. Estimated costs of improvements
- l. Douglas County Appraiser's Statement of Assessed Value
- m. Applicant signature and date

Commencement of Construction

- a. Date of commencement of construction
- b. Estimated date of completion of construction

Part 2:

Status of Construction/Completion

- a. Submission of Certificate of Occupancy

PART 9

Application Procedure

- a. The applicant shall obtain an Application for Property Tax Rebate from the City of Baldwin City.
- b. The applicant shall complete and sign the application and file the original with the City of Baldwin City within sixty (60) days of the issuance of the building permit.
- c. The City of Baldwin City Community Development Department shall verify the existing appraised value with the Douglas County Appraiser's Office.
- d. The City of Baldwin City will return the rebate application to the owner.
- e. The City will notify the Douglas County Appraiser's Office of the project status by submitting a copy of the Certificate of Occupancy when the project is completed.

For any improvement that is 100% completed on or before December 1 following commencement of construction, the City of Baldwin City will then forward the above mentioned document(s) to the Douglas County Appraiser's Office. This step must be completed by December 1 of the year preceding the commencement of the first year of the tax rebate period in order to qualify for the rebate.

- f. The County Appraiser, or such person's designee, shall conduct a visual inspection of the property improvements and shall update and/or verify the Computer Assisted Mass Appraisal System (CAMA) record. The County Appraiser, or such person's designee, shall enter the CAMA value for the first year of the property tax rebate, in order to calculate the increment of change by June 1st.
- g. Upon determination by the Douglas County Appraiser's Office that the improvements meet the valuation test for the rebate and the Clerk's Office has determined the status of the taxes on the property, the City of Baldwin City shall notify the applicant that the application does or does not meet the requirements for a tax rebate program.
- h. Upon the payment of the real estate tax for the subject property for the initial and each succeeding tax year period, extending through the specified rebate period and within a thirty (30) day period following disbursement of tax funds by Douglas County and submittal of a receipt by the applicant to the City of Baldwin City, a tax rebate in accordance to the percentage amount of the tax increment (subject to the degree of participation by the County as specified in the Interlocal Agreement) will be made to the applicant. The tax rebate shall be made from the Neighborhood Revitalization Program Fund established in conjunction with the City of Baldwin City and the other taxing

districts participating in the interlocal agreement. The City of Baldwin City Community Development Department shall make periodic reports on the tax rebate program to the City Council and other taxing districts accordingly.

- i. The City of Baldwin City Community Development Department shall inform the Douglas County Clerk thirty (30) days prior to the expiration of the final rebate period for each property receiving a tax rebate.

PART 10

Standards and Criteria for Review

- a. A building permit must be issued on or after January 1, 2017 the date of designation of the Neighborhood Revitalization Program “Area” by the City.
- b. An application for rebate must be filed within sixty (60) days of the issuance of a building permit.
- c. The appraised value of residential property improvements must be increased by at least 10%.
- d. The appraised value of commercial and industrial property improvements must be increased by at least 10%.
- e. The value of land on which an improvement is located shall not be considered in determining the incremental increase in value or in determining whether an improvement is a qualified improvement.
- f. The improvements must be in conformance with the City of Baldwin City’s Comprehensive Land Use Plan and Zoning Regulations in effect at the time improvements are made.
- g. The new, as well as existing improvements on the property, must conform with all other applicable codes, rules and regulations in effect at the time the improvements are made, and for the length of the rebate or the rebate may be terminated.
- h. Any property that is delinquent in any tax payment or special assessment shall not be eligible for any rebate or future rebate until such time as all taxes and special assessments have been paid.
- i. Properties receiving property tax rebates under the City of Baldwin City Neighborhood Revitalization Program, may also receive other economic development incentives provided by the City upon approval of the City Council.
- j. Only property owners are eligible for tax rebate.
- k. Tax rebates transfer with ownership.

- l. Tax rebates are based on the increase of appraised value due to the improvements or new construction as of January 1 following the year of 100% completion, contingent on final inspection or issuance of certification of occupancy. For purposes of this Plan, it is understood that completion refers to the issuance of a Certificate of Occupancy by the City. The Douglas County Appraiser should receive notification of such issuance. The County Appraiser, or such person's designee, shall conduct a visual inspection of the property improvements and shall update and/or verify the Computer Assisted Mass Appraisal System (CAMA) record. The County Appraiser or such person's designee shall enter the CAMA value for the first year of the property tax rebate, in order to calculate the increment of change, by June 1.
- m. Properties area eligible to receive multiple rebates under the Baldwin City Neighborhood Revitalization Program provided the project(s) completed meet the requirements set forth in the Baldwin City Neighborhood Revitalization Program.
- n. The County and the City in administering the funds shall be guided by the Neighborhood Revitalization Program, policies and procedures established thereafter.

PART 11

Statement specifying program amounts and years of eligibility

Program Period:

The Neighborhood Revitalization Program Fund and Property Tax Rebate Incentive Program shall expire on March 1, 2022, but may be terminated by any participating jurisdiction at any time prior thereto, as far as their participation in the plan, provided however any application for tax rebate submitted prior to termination shall, if approved, be eligible for the full rebate period as provided in Parts 7 and 9 of the plan, and the plan shall constitute in affect only to the extent necessary to accomplish this purpose and all tax rebates shall terminate no later than the tax year specified by the City of Baldwin City.

Rebate Period:

Residential Uses:

- 5-Years at 100% for new construction
- 5-Years at 100% for building improvements over 10% increase on appraised valuation

Commercial Use:

- 5-Years at 100% for new construction
- 5-Years at 100% for building improvements over a 10% increase on appraised valuation

Industrial Uses:

- 5-Years at 100% for new construction
- 5-Years at 100% for building improvements over a 10% increase on appraised valuation

Residential Use with either Affordable Housing or Historic Building designation

- 10-Years at 95% for building improvements.

{Affordable Housing is defined as a minimum of two (2) units or 10% of the total units, whichever is greater}

Residential Use w/Affordable Housing and Historic Building designation:

- 15-Years at 95 % for building improvements (This schedule matches the State Historic Tax Credits)

Please note: Land valuation is excluded from this Program.

The owner of the property at the time the property taxes are paid will be eligible for a property tax rebate on the incremental taxes associated with improvements to the Property (the “tax increment”). The Tax Increment will equal the property tax assessment against the Property for the first year after the improvements are completed (i.e. determined including the value that such improvements add to the assessed value of the Property) reduced by the property tax assessed against the Property for the base year (the year the application is approved) (i.e. determined without the value that the improvements add to the assessed value of the Property). The Tax Increment is established by the calculation of it in the first year of eligibility. The Tax Increment will then remain constant throughout the Term of the rebate program.

PART 12

Additional issues under the Neighborhood Revitalization Program

- a. Failure to build or maintain the property to applicable codes, rules and regulations shall cause the rebate application to be terminated.
- b. Failure to timely pay all property taxes and required assessments shall result in not being eligible for any rebate or future rebate until such time as all taxes and special assessments have been paid. Late fees, fines, surcharges and the like are not eligible for rebate.
- c. The City acknowledges and agrees that the Base Property Value shall be based upon the appraised value of the improvement as determined by the Douglas County Appraiser in the year in which the application is approved. Land value is not included in the base value or increment value.
- d. No credit for partial improvement increases attributable to partial completion of a project will be allowed.
- e. The Program is scheduled to expire or sunset five (5) years after the effective date. All existing approved rebates, prior to the expiration date, will remain in effect for the time period specified in the rebate schedule.
- f. Douglas County shall be entitled to an annual administrative fee equal to 5.0 percent (5.0%) of the increment rebate for each annual application filed by an Owner(s). The administrative fee shall be retained by the County from increment proceeds before making the rebate distribution to the City. The remaining increment rebate shall be distributed to the taxing jurisdiction in accordance with the regular property tax distribution.

PART 13

Douglas County Tax Levy Schedule For the Year of 2016:

<u>Taxing Jurisdictions</u>	<u>Mill Levy</u>	<u>% of Total Levy</u>
City of Baldwin City	43.816	27%
Douglas County	44.092	28%
USD #348	68.669	43%
Palmyra Township	1.407	1%
State of Kansas	1.500	1%
Sub Total:	159.484	100%

Please note: The State of Kansas mill levy is not rebated under this program.

NEIGHBORHOOD REVITALIZATION PROGRAM PROCESS:

The City creates a Neighborhood Revitalization Program by ordinance. This ordinance and other documents, including the Plan and the Interlocal Agreements are filed with the City Clerk

The plan directs the procedures that are to be followed, the legal description of the district, and a spreadsheet listing the parcel identification numbers, ownership, property address and appraised valuation.

Process:

The City forwards the application completed by the property owner and approved by the City to the County Appraiser.

The County Appraiser forwards a copy of the application and a spreadsheet with pertinent information relating to the property including the base value to the County Clerk, Administrative Services and County Treasurer.

After completion of the improvement, the property owner or the City of Baldwin City notifies the County Appraiser that the property should be appraised, as of January 1st of the tax year following completion to determine the property value that should be used to calculate the tax value increment added by the improvements.

The County updates the spreadsheet maintained by the County with the tax value increment for eligible properties and forwards a copy of the spreadsheet to the County Clerk and County Treasurer.

After the tax roll is calculated, the following process is implemented on completed applications. If the property owner is eligible for a rebate, the County calculates the amount of tax to be rebated and the processing fee retained by the county for each property owner, and updates the spreadsheet maintained by the County for use in determining the proper distribution of the rebate.

SECTION 4: This Ordinance shall take effect on its passage and upon its publication as required by law.

Passed by the City Council this 7th day of March, 2017.

Marilyn Pearce

Marilyn Pearce, Mayor



Laura E. Hartman

Laura E. Hartman, City Clerk

(Approved as to Form):

Matthew H. Hoy

Matthew H. Hoy, City Attorney

**NEIGHBORHOOD REVITALIZATION PLAN
INTERLOCAL AGREEMENT**

THIS INTERLOCAL AGREEMENT (Hereinafter the "Agreement") entered into this _____ day of _____, 2017, by and between the City of Baldwin City, Kansas a duly organized municipal corporation ("City") and Douglas County, Kansas ("County") and Unified School District #348 ("USD 348")

WHEREAS, K.S.A. 12-2904 allows public agencies to enter into interlocal agreements to jointly perform certain functions including economic development; and

WHEREAS, K.S.A. 12-17, 114 ct seq. provides a program for neighborhood revitalization and further allows for the use of interlocal agreements between municipalities to develop and establish programs for neighborhood revitalization (the "Program"); and

WHEREAS, the agreement shall be submitted, pursuant to law, to the Attorney General of the State of Kansas for determination whether the agreement is in proper form and compatible with the laws of the State of Kansas; and

WHEREAS, it is the desire and intent of the Parties hereto to provide the maximum economic development incentive by acting jointly as provided for in K.S.A. 12-17, 119.

**NOW THEREFORE IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED
HEREIN, THE PARTIES AGREE AS FOLLOWS:**

1. The Parties do hereby adopt the Program attached hereto as Exhibit A, and incorporated herein by reference. The Parties further agree the Program as adopted will not be amended without approval of the Parties except as may be necessary to comply with applicable state law or regulation.
2. The Parties agree that the City shall administer the Program as adopted by each Party on behalf of the signatory parties. The parties further authorize and direct the City to establish a Program pursuant to K.S.A. 12-17, 118 for the purpose of financing the redevelopment of the revitalization area and to provide rebates to approved owners. The County is authorized to and shall transfer any Tax Increment received by the parties to the Revitalization Fund maintained by the City. The parties further agree that Douglas County shall be entitled to an annual administrative fee equal to 5.0 percent (5.0%) of the incremental rebate for each annual application filed by Owner(s). The administrative fee shall be retained by the County from incremental proceeds before making the rebate distribution to the City. The remaining increment rebate shall be distributed to the taxing jurisdiction in accordance with the regular property tax distribution.
3. The Parties agree the Program will expire five (years) from adoption on March 1, 2022. The Parties further agree that any Party may terminate its participation in the Agreement by providing thirty (30) days advance written notice to all Parties; provided, however, any applications for tax rebate submitted prior to said termination shall, if approved, be considered eligible for the duration of the rebate

period and the terminating Party's authorization as provided herein shall remain in full force and effect during such rebate period.

Financing.

- a. A qualified improvement must meet the requirements set out in the Plan.
- b. The County shall calculate the annual rebate as per the Plan and shall transfer any tax increment rebate amounts received for the Parties to the Neighborhood Revitalization Fund (NRA Fund) a separate fund created and maintained by the City under the authority of K.S.A. 12-17,118 and amendments thereto.
- c. All funds not required to be rebated to Owner(s) or subject to Douglas County administrative fees shall be retained by the County Treasurer and distributed to all participating taxing jurisdictions in their proportionate share based on their tax rate at the time of disbursement.
- d. Within thirty (30) days of distribution of the tax increment from the County, the City will disburse the rebate(s) in the appropriate percentage to each approved property owner(s) in accordance with the Plan.

5. Additional City Responsibilities

- a. The City is responsible for receiving compliance information and documentation for annual rebate from the Owner(s) under the NRA Plan. The City shall have the authority and discretion to approve or reject annual rebate applications based on eligibility standards and review criteria contained in the NRA Plan. The City will forward notice of application approval or rejection to the County for annual rebate by December 1st of each year.
- b. Upon payment of taxes by all the approved Owners, and provided the Owner is in compliance with the NRA Plan, the City shall issue the appropriate rebate to the Owner/Taxpayer within 30 days after the next distribution date by Douglas County as specified in K.S.A. 12-1678a, and amendments thereto and in accordance with the NRA Plan.
- c. Rebates are not given until property taxes are paid in full and not paid under protest.

6. Additional County Responsibilities.

- a. The County Appraiser shall conduct an on-site appraisal as part of the normal valuations following completion of the Improvements and determine the increase in the taxable valuation due to the improvements, as provided in the Plan.

- b. The County Appraiser will notify the City, County Administrative Services and the County Clerk of the valuation.
- c. The County Treasurer will monitor real estate tax delinquencies for Property participating in the Program. The County Treasurer will notify the City if a Property becomes ineligible for the program due to tax or special assessment delinquencies.
- d. Upon the payment of taxes by all approved owner/Taxpayers, and provided the Owner/Taxpayer is in compliance with the NRA Plan, the County will issue a payment for plan to the City at the next statutory distribution date as specified in K.S.A. 12-1678a, and amendments thereto and in accordance with the NRA Plan.

7. The Parties agree the State of Kansas mill levy of 20 mills and the USD 348 capital outlay mill levy of 8 mills are not rebated under this Program.

IN WITNESS WHEREFORE, the Parties have hereunto executed this agreement as of the day and year first above written.

City of Baldwin City, Kansas

Marilyn Pearce, Mayor

ATTEST:

Laura E. Hartman, City Clerk

Approved as to Form:

Douglas County, Kansas

Mike Gaugham, Commissioner

Nancy Thellman, Commissioner

Michele Derusseau, Commissioner

ATTEST:

Jamie Shew, County Clerk

Approved as to Form:

Unified School District #348

Nick Harris, President

ATTEST:

Cory Countryman, Clerk of the Board

Approved as to Form:



DOUGLAS COUNTY PUBLIC WORKS

3755 East 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcopubw@douglas-county.com
www.douglas-county.com

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

MEMORANDUM

TO : Douglas County Commission

FROM: Keith A. Browning, P.E., Director of Public Works/County Engineer
Michael D. Kelly, P.S., County Surveyor

DATE : September 7, 2017

RE : Road Relocation; N1500 Road: E2300 Road to 1525N

A portion of N1500 Road is traveled in a location different than originally described when established in 1906. The original survey for the roadway generally described its north/south portion to be somewhat easterly of where it was constructed.

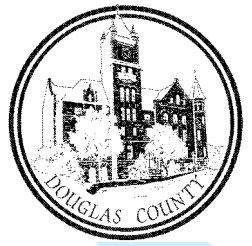
This issue was identified during the process to review/approve a Certificate of Survey prepared for property owned by One Alliance Property Management, LLC, lying in the easterly portion of the Southwest Quarter of Section 34-12-21.

A resolution has been prepared that will relocate the road's official description to the location as traveled.

Action Required: Consider and approve the proposed relocation of N1500 Road utilizing the attached resolution.

Proposed Road Relocation

Location Map



1 inch = 0.5 miles

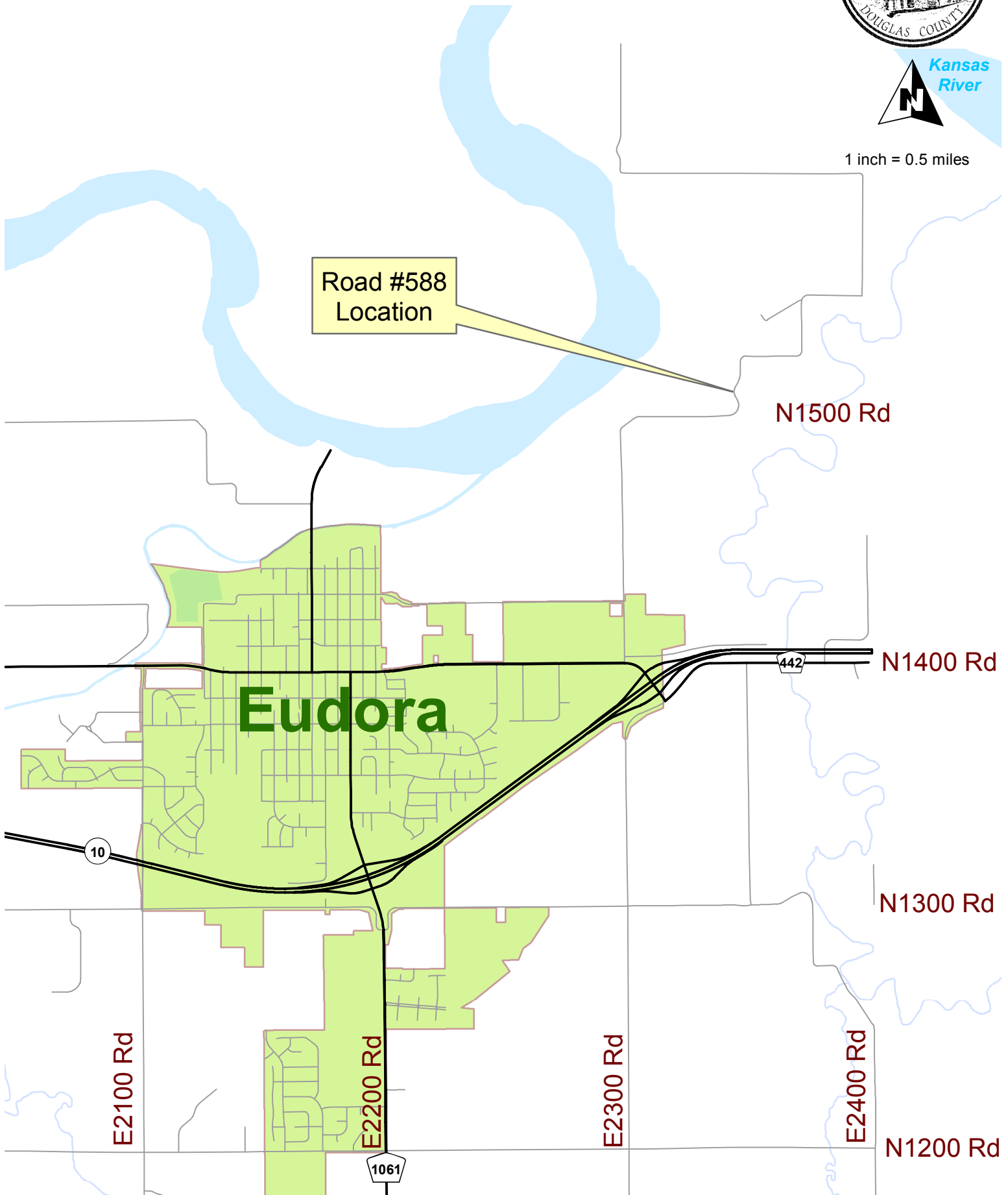


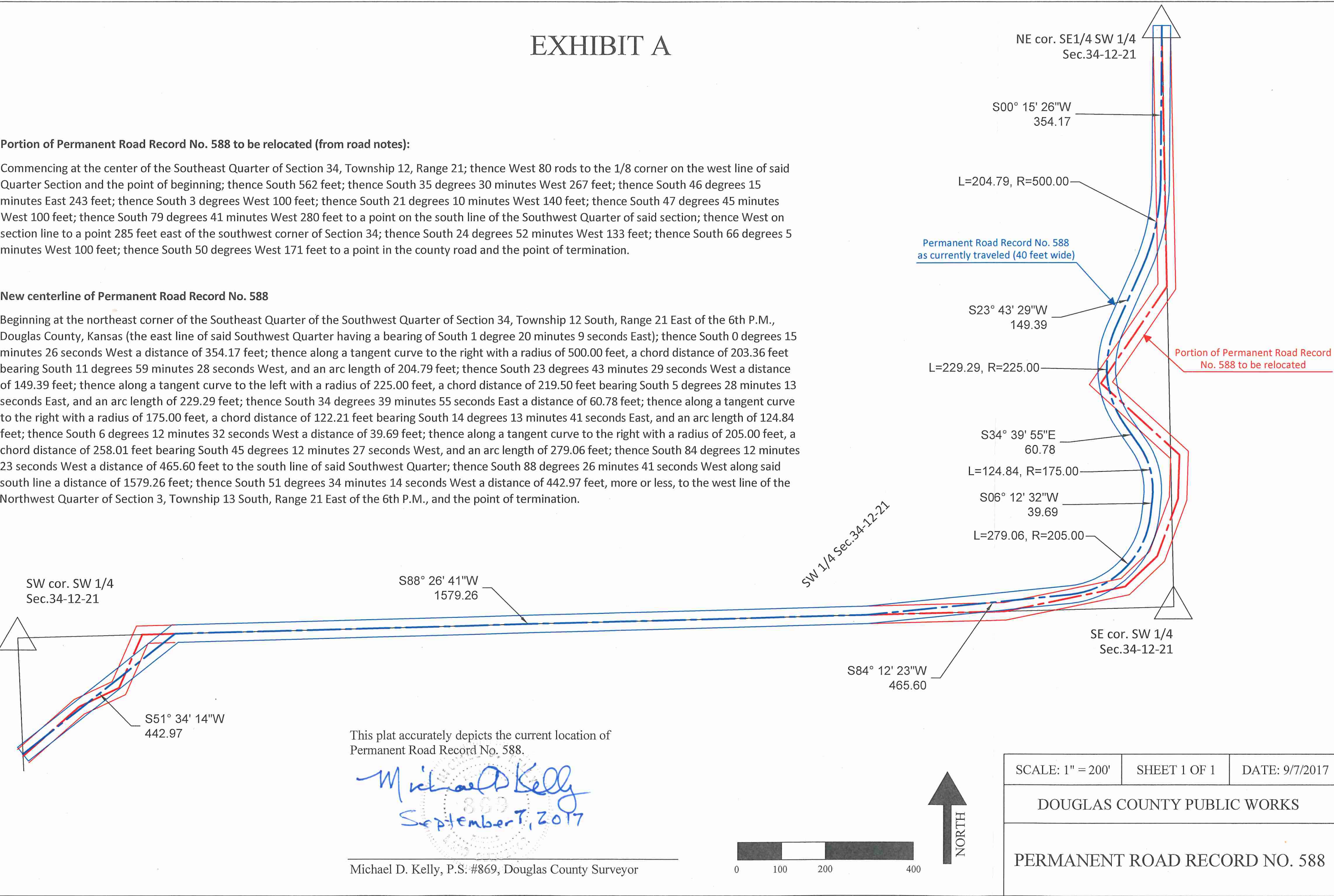
EXHIBIT A

Portion of Permanent Road Record No. 588 to be relocated (from road notes):

Commencing at the center of the Southeast Quarter of Section 34, Township 12, Range 21; thence West 80 rods to the 1/8 corner on the west line of said Quarter Section and the point of beginning; thence South 562 feet; thence South 35 degrees 30 minutes West 267 feet; thence South 46 degrees 15 minutes East 243 feet; thence South 3 degrees West 100 feet; thence South 21 degrees 10 minutes West 140 feet; thence South 47 degrees 45 minutes West 100 feet; thence South 79 degrees 41 minutes West 280 feet to a point on the south line of the Southwest Quarter of said section; thence West on section line to a point 285 feet east of the southwest corner of Section 34; thence South 24 degrees 52 minutes West 133 feet; thence South 66 degrees 5 minutes West 100 feet; thence South 50 degrees West 171 feet to a point in the county road and the point of termination.

New centerline of Permanent Road Record No. 588

Beginning at the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 34, Township 12 South, Range 21 East of the 6th P.M., Douglas County, Kansas (the east line of said Southwest Quarter having a bearing of South 1 degree 20 minutes 9 seconds East); thence South 0 degrees 15 minutes 26 seconds West a distance of 354.17 feet; thence along a tangent curve to the right with a radius of 500.00 feet, a chord distance of 203.36 feet bearing South 11 degrees 59 minutes 28 seconds West, and an arc length of 204.79 feet; thence South 23 degrees 43 minutes 29 seconds West a distance of 149.39 feet; thence along a tangent curve to the left with a radius of 225.00 feet, a chord distance of 219.50 feet bearing South 5 degrees 28 minutes 13 seconds East, and an arc length of 229.29 feet; thence South 34 degrees 39 minutes 55 seconds East a distance of 60.78 feet; thence along a tangent curve to the right with a radius of 175.00 feet, a chord distance of 122.21 feet bearing South 14 degrees 13 minutes 41 seconds East, and an arc length of 124.84 feet; thence South 6 degrees 12 minutes 32 seconds West a distance of 39.69 feet; thence along a tangent curve to the right with a radius of 205.00 feet, a chord distance of 258.01 feet bearing South 45 degrees 12 minutes 27 seconds West, and an arc length of 279.06 feet; thence South 84 degrees 12 minutes 23 seconds West a distance of 465.60 feet to the south line of said Southwest Quarter; thence South 88 degrees 26 minutes 41 seconds West along said south line a distance of 1579.26 feet; thence South 51 degrees 34 minutes 14 seconds West a distance of 442.97 feet, more or less, to the west line of the Northwest Quarter of Section 3, Township 13 South, Range 21 East of the 6th P.M., and the point of termination.



RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS FORMALLY AMENDING DOUGLAS
COUNTY ROAD RECORDS.

WHEREAS, on or about November 11, 1907, after viewing, surveying, laying out, and assessing damages, all in accordance with applicable law, the Board of County Commissioners of Douglas County, Kansas (the "Board") established public road right of way, designated as Permanent Road Record No. 588, a portion of which is now also known as N1500 Road, said portion generally located between E2300 Road and 1525N (hereinafter referred to as the "Public Road"); and

WHEREAS, said portion of the Public Road was constructed and opened for public use shortly after it was laid out and established and has, thereafter, been continuously traveled, improved, and maintained as a public road; and

WHEREAS, pursuant to *Shaffer v. Weech*, 34 Kan. 595; 9 P. 202 (1886), where real facts as to where a road was actually surveyed and located are shown to differ from the map and field notes of the original survey, the map and field notes of the original survey no longer control; and

WHEREAS, recent and more accurate surveys have shown that a portion of the Public Road, as laid out, constructed, opened, and thereafter continuously used, differs from the described location of the Public Road contained in the map and field notes of the original survey of the Public Road; and

WHEREAS, the Board adopts this Resolution to harmonize its permanent road records with the actual location of the Public Road.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AS FOLLOWS:

1. Finding of Difference. The Board finds that its permanent road records relating to the portion of Public Road differ from better and more recent evidence identifying the actual location of the Public Road. The actual location of the Public Road, as determined by better and more recent evidence, is as follows:

a portion of Road #588 in the Southwest Quarter (SW $\frac{1}{4}$) of Section 34, Township 12 South, Range 21 East; and, in the Northwest Quarter (NW $\frac{1}{4}$) of Section 3, Township 13 South, Range 21 East of the Sixth Principal Meridian in Douglas County, Kansas, more particularly described as:

beginning at the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 34, Township 12 South, Range 21 East of the 6th P.M., Douglas County, Kansas (the east line of said Southwest Quarter having a

bearing of South 1 degree 20 minutes 9 seconds East); thence South 0 degrees 15 minutes 26 seconds West a distance of 354.17 feet; thence southwesterly along a tangent curve to the right with a radius of 500.00 feet, a chord distance of 203.36 feet bearing South 11 degrees 59 minutes 28 seconds West, and an arc length of 204.79 feet; thence South 23 degrees 43 minutes 29 seconds West a distance of 149.39 feet; thence southerly along a tangent curve to the left with a radius of 225.00 feet, a chord distance of 219.50 feet bearing South 5 degrees 28 minutes 13 seconds East, and an arc length of 229.29 feet; thence South 34 degrees 39 minutes 55 seconds East a distance of 60.78 feet; thence southwesterly along a tangent curve to the right with a radius of 175.00 feet, a chord distance of 122.21 feet bearing South 14 degrees 13 minutes 41 seconds East, and an arc length of 124.84 feet; thence South 6 degrees 12 minutes 32 seconds West a distance of 39.69 feet; thence westerly along a tangent curve to the right with a radius of 205.00 feet, a chord distance of 258.01 feet bearing South 45 degrees 12 minutes 27 seconds West, and an arc length of 279.06 feet; thence South 84 degrees 12 minutes 23 seconds West a distance of 465.60 feet to the south line of said Southwest Quarter; thence South 88 degrees 26 minutes 41 seconds West along said south line a distance of 1579.26 feet; thence South 51 degrees 34 minutes 14 seconds West a distance of 442.97 feet, more or less, to the west line of the Northwest Quarter of Section 3, Township 13 South, Range 21 East of the 6th P.M., and the point of termination.

2. Adoption of Road Survey. The Board adopts the attached Road Survey, dated September 7, 2017 and prepared by the County Surveyor, as the amended Road Survey for the portion of the Pubic Road described in such amended Road Survey, showing portions of the Public Road as actually laid out, constructed, opened, and, thereafter, continuously traveled, improved, and maintained as a public road.

3. Original Road Records Superseded. This Resolution and the amended Road Survey identified in Section 2 supersede inconsistent provisions shown on the map and filed notes of the original survey of the Public Road; any such inconsistent provisions do not control the location of the Public Road and are not claimed as public road right of way.

4. Recordation with Permanent Road Records. This Resolution and the amended Road Survey identified in Section 2 shall be recorded in the permanent road records of Douglas County, Kansas.

5. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board.

ADOPTED this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chair

ATTEST:

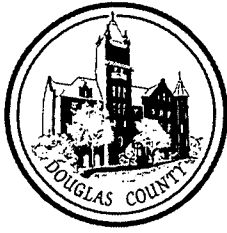
Nancy Thellman, Vice Chair

Jameson D. Shew, County Clerk

Michelle Derusseau, Member

Exhibit A

[Road Survey]



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 : September 7, 2017

Re : Appointment of Kevin Sontag as County Surveyor

K.S.A. 58-2005 requires plats and survey plats be reviewed by the county surveyor before they are recorded. Michael Kelly, County Surveyor, is retiring, and his last day in the office is September 22, 2017. We need to appoint a new County Surveyor.

Kevin Sontag is our current Survey Supervisor. For several years he has assisted Michael in reviewing surveys. He is well known to local surveyors, having worked with them on finding and interpreting road records and section corner documentation, and through survey reviews and required revisions and corrections. He is a licensed land surveyor in Kansas. He is well qualified for this position.

The attached resolution appoints Kevin R. Sontag, P.S. as County Surveyor effective September 23, 2017. Following the appointment, Kevin will take an oath of office administered by the County Clerk.

Action Required: Approve a resolution appointing Kevin R. Sontag, P.S. to the office of County Surveyor, effective September 23, 2017.

RESOLUTION NO. 17-_____

A RESOLUTION APPOINTING THE COUNTY SURVEYOR

WHEREAS, Douglas County is in need of a County Surveyor as of September 23, 2017;
and

WHEREAS, pursuant to K.S.A. 19-1401a the Board of County Commissioners may
appoint a land surveyor to serve as the County Surveyor; and

WHEREAS, Kevin Robert Sontag is a licensed surveyor and is qualified to serve as the
County Surveyor;

NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas,
sitting in regular session this _____ day of _____, 2017, does hereby resolve as
that Kevin Robert Sontag, P.S. is hereby appointed to the office of County Surveyor, effective
September 23, 2017 and shall have any and all duties and powers that come with the position.

ADOPTED, the year and day set forth above.

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

Mike Gaughan, Chair

Nancy Thellman, Member

Michelle Derusseau, Member

ATTEST:

Jameson D. Shew, County Clerk



DOUGLAS COUNTY REGISTER OF DEEDS

1100 Massachusetts Street
P.O. Box 747
Lawrence, KS 66044-0747
(785) 832-5282 Fax (785) 330-2807
www.douglascountyks.org

Kay Pesnell
Registrar

MEMORANDUM

TO : Douglas County Commission

FROM: Kay Pesnell, Register of Deeds
Kent Brown, Deputy Register of Deeds
Michael D. Kelly, P.S., County Surveyor

DATE : September 7, 2017

RE : Consent Agenda; Resolution

The Register of Deeds office routinely records many types of documents ranging from mortgages to deeds to plats. Over the years there has been some confusion regarding the different types of boundary survey plats and their purpose.

In addition, there has been some confusion among land surveyors regarding recording expectations such as required media types (paper vs. mylar), minimum allowed font size, preferred and/or minimum document sizes as well as the costs for recording.

A committee has been discussing these issues and, with the help of counsel, a proposed resolution has been crafted that we hope will eliminate a great deal of the confusion. Care has been given to ensure that the resolution will work in conjunction with applicable statutes. Input has been solicited from local land surveyors as well as those at the City of Lawrence involved with subdivision regulations.

Action Required: Consider enacting a resolution that will set forth basic requirements for recording various boundary survey plat documents.

RESOLUTION NO. 17-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS ADOPTING REQUIREMENTS FOR
RECORDING PLATS AND SURVEYS

WHEREAS, K.S.A. 19-1207 requires the Register of Deeds to accept and record surveys and plats; and,

WHEREAS, pursuant to this authority and duty, the Register of Deeds wishes the Board to adopt rules and regulations to improve the recording and storage of such plats and surveys; and,

WHEREAS, the Board has determined it necessary and desirable to adopt rules and regulations as set forth herein.

NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this _____ day of _____, 2017, does hereby adopt the following rules and requirements for recording plats and surveys at the Douglas County Register of Deeds office:

For Purposes of Recording Plats and Surveys

1. Definition of Plat: Any survey, drawing, or map, as defined by KSA 58-2001, that divides land, combines land, or otherwise creates a new parcel(s) of land.
2. The minimum size for plats to be recorded shall be 11" x 17". The charge for recording plats will be in accordance with the "town plat" rate as set forth in statute K.S.A. 28-115.
3. Definition of Retracement Survey: Any survey, drawing, or map that does not create a new parcel(s) of land or otherwise change the boundary of an existing parcel of land.
4. The minimum size for retracement surveys to be recorded shall be 8 ½" x 14". The charge for recording retracement surveys will be in accordance with the "other instruments of writing" rate as set forth in statute K.S.A 28-115.
5. Text (letters and numbers) shown on plats and retracement surveys must be large enough for clear and legible scanning and microfilming. The minimum cap height shall be 1/10th of an inch.
6. For both plats and retracement surveys, the Register of Deeds office will accept final products on any media that will reproduce a clear image for scanning and microfilming.

ADOPTED, the year and day set forth above.

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

Mike Gaughan, Chair

Nancy Thellman, Member

Michelle Derusseau, Member

ATTEST:

Jameson D. Shew, County Clerk

Information Regarding the Use of this Crisis Tracking Questionnaire

The following questionnaire was designed to inform planning processes for the development of crisis services and to more fully understand the array of services that may be needed to respond to persons with mental illness in the Douglas County community.

This questionnaire should take no longer than 10 minutes to complete. It is to be completed by the primary screener at the end of each crisis episode. A crisis episode refers to any situation that threatens an individual's safety or well-being or the safety of the community and that has resulted in the individual being brought to the attention of a qualified professional (including self-referral) to assess the need for inpatient psychiatric or substance use treatment.

Each item should be answered as completely as possible and according to the directions provided (e.g., "check all that apply," "specify"). Information to complete this checklist can be gleaned from a variety of sources such as, client self-report or medical records. No identifying information (e.g., name, DOB, phone number) should be noted anywhere on this questionnaire.

Any questions regarding the appropriate use of this questionnaire (e.g., with whom and by whom it should be used, where to locate additional copies, where to submit completed questionnaires) should be directed to the contact person at your local agency:

Lawrence Memorial Hospital

Linda Gall, MSN, RN, ACM
Director of Care Coordination
Lawrence Memorial Hospital
linda.gall@lmh.org
(785)-505-2525

Bert Nash Community Mental Health Center

Amy Warren, LSCSW
Director of Adult Services
Bert Nash Community Mental Health Center
awarren@bertnash.org
(785) 830-1780

Crisis Tracking Questionnaire

1. Date assessment **began**: _____ Time assessment **began**: _____ a.m. / p.m.
2. Date assessment **ended**: _____ Time assessment **ended**: _____ a.m. / p.m.
3. Location of assessment: _____
4. Assessment conducted by whom (agency name): _____
5. Client's age group: ☐ <18 years old ☐ 18 – 34 years old ☐ 35 – 59 years old ☐ >59 years old
6. Client's race/ethnicity (check all that apply)?

☐ White	☐ Pacific Islander
☐ Black, African American	☐ Hispanic, Latino
☐ American Indian or Alaskan Native	☐ Other (specify): _____
☐ Asian	
7. Client's sex: ☐ male ☐ female ☐ Other (specify): _____
8. Payer source (check all that apply)?

☐ No insurance	☐ Private insurance
☐ Self	☐ VA
☐ Medicaid	☐ Other: _____
☐ Medicare	
9. Who referred the client to crisis services?

☐ Self	☐ EMS
☐ Law enforcement	☐ Health provider
☐ Family/friend	☐ Headquarters
☐ Mental health provider (specify): _____	
☐ Substance abuse treatment provider (specify): _____	
☐ Other: _____	
10. What is the nature of the crisis (check all that apply)?

☐ Safety concern to self	☐ Physical/medical concerns
☐ Safety concern to others	☐ Psychiatric crisis
☐ Substance-induced crisis	☐ Other: _____

11. If the information is readily available, please provide requested information in the table below on up to the 3 most recent crisis services events, prior to the current episode.

☐ Information not available ☐ Not applicable (i.e., this is client's first crisis episode)

	Date	Referral source (see Q8)	Nature of the crisis (see Q9)	Outcome (see Q17)
1.				
2.				
3.				

12. Is the client currently receiving mental health services? ☐ Yes ☐ No ☐ Not applicable

If yes, where and what services? _____

13. Client currently receiving mental health case management services? ☐ Yes ☐ No ☐ Not applicable

If yes, where? _____

14. Does the person qualify as SMI or SPMI according to KDADS: ☐ SMI ☐ SPMI ☐ Unknown

15. Client currently receiving substance abuse treatment? ☐ Yes ☐ No ☐ Not applicable

If yes, where and what services? _____

16. Client currently receiving substance abuse case management services? ☐ Yes ☐ No ☐ Not applicable

If yes, where? _____

17. What is the client's current living situation?

- | | |
|---|---|
| ☐ House/Apartment with family | ☐ Precariously housed (e.g. received an eviction notice) |
| ☐ House/Apartment with roommate | ☐ Staying with friends |
| ☐ House/Apartment alone | ☐ Homeless at a shelter |
| ☐ Living in temporary housing (e.g. transitional housing, domestic violence shelter) | ☐ Literally homeless (e.g. sleeping in a park) |

18. Where did this person go following this crisis assessment?

- ☐ Inpatient hospitalization/involuntary
- ☐ Inpatient hospitalization/voluntary
- ☐ Inpatient/Social/Medical detox
- ☐ Law enforcement (custody)
- ☐ Other _____

- ☐ Home
- ☐ Crisis bed facility
- ☐ Shelter
- ☐ Friend/acquaintance home
- ☐ Unknown

19. Was the location of this crisis assessment in a hospital emergency department? ☐ Yes ☐ No

If yes, how long did the person remain in the ED prior to discharge (in hours)? _____

20. If not immediately hospitalized, to what community services was the person referred (check all that apply)?

- ☐ Mental health treatment
- ☐ Substance abuse treatment
- ☐ Substance abuse assessment
- ☐ Shelter
- ☐ School services

- ☐ Healthcare services
- ☐ Sobering services
- ☐ Food assistance
- ☐ Other _____

21. What does the client identify as potential barriers to accessing the services to which they were referred (check all)?

- ☐ No insurance/inability to pay
- ☐ Transportation
- ☐ Hours the services are available
- ☐ Physical health barriers

- ☐ Stigma
- ☐ Substance use/intoxication
- ☐ Child care
- ☐ Other _____

22. If inpatient hospitalization was indicated with this client, please indicate whether you believe this outcome could have been avoided were there adequate services available in the community.

- ☐ Yes, inpatient hospitalization could have been avoided had adequate community services been available
- ☐ No, inpatient hospitalization could not have been avoided in this situation

If yes, what services, had they been available, would allow hospitalization to have been avoided? Please check and list all that you believe would be necessary, whether or not they are available.

- ☐ Assertive community treatment
- ☐ Medication drops/deliveries
- ☐ Medication evaluation
- ☐ Access to medication
- ☐ 24-hour crisis services
- ☐ RADAC rapid response
- ☐ Sobering services

- ☐ Mobile response team
- ☐ Intermediate residential care
- ☐ Other _____
- _____
- _____
- _____

A Look at Crisis Assessments Completed in Douglas County June 5 – July 12, 2017

Authored by: Margaret E Severson¹ and Jason Matejkowski²

Submitted August 17, 2017

Introduction

In February 2017, Jill deVries Jolicoeur, Assistant to the County Administrator and Sarah Plinsky, Assistant County Administrator asked for our assistance to support their efforts with a new County health council's study of county-wide responses to behavioral health crises. As we understand the work of this council and of the county administrators, the desire is to see a coordinated and integrated system of mental health efforts in place throughout Douglas County. One segment of these efforts that is under consideration is a crisis center. Important to the ultimate decision about funding the construction and operation of a crisis center is an understanding of the array of services that may be needed within and in conjunction with the center, to respond effectively and appropriately to persons with mental illnesses and substance use disorders. They expressed the intention for the decision making process to be an open and data driven one.

In our early conversations with Ms. deVries Jolicoeur and Ms. Plinsky, the objectives of the desired inquiry were defined as follow:

- (1) Employ survey methods to gather baseline data on crisis assessment calls to assist in projecting and planning for the array of services that may be needed to respond to persons with mental illnesses in the Douglas County community, and
- (2) Utilize the survey data collected to inform the coordination of services offered or contemplated by Lawrence Memorial Hospital (LMH), Bert Nash Behavioral Health Center (BN), and other community services to meet the needs of those in crisis in Douglas County.

After several meetings and over a period of three months, during which our survey drafts were reviewed and revised by Ms. deVries Jolicoeur and Ms. Plinsky, on May 4, 2017 the final draft was forwarded to Amy Warren, LSCSW, Director of Adult Services, Bert Nash Behavioral Health Center (BN) and Linda Gall, MSN, RN, Director of Care Coordination, Lawrence Memorial Hospital (LMH), for their review and input. We met with Ms. Warren and Ms. Gall to review the survey, integrate their revisions, and to determine the logistics of the survey administration and the study period during which the surveys would be completed.

On June 5, 2017 we implemented the survey process at two sites: LMH and BN, the two agencies who respond to the majority of calls for crisis assessments in Douglas County. The first 29 surveys completed in a pilot test revealed several items that required further

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revisions, primarily to provide exhaustive response options. Survey administration continued while those revisions were underway, and once final revisions to the surveys were agreed on and implemented, the data collection period was extended through July 12.

Methods

Given preliminary information provided us by BN and LMH on the estimated average number of crisis contacts each agency has each week, we estimated that a four week data collection period (June 12-July 9) would provide 220-240 completed surveys. We implemented the survey process one week prior, on June 5, to allow for feedback from the persons filling out the survey and for modifications to be made to it, if needed. In fact, some modifications were made, in most part by adding additional choices for multiple answer questions, and by clarifying some terminology. In the end, the surveys collected during the trial period were included in the final sample, thus the full period of survey administration was June 5 – July 12, 2017, yielding a final sample of 205.

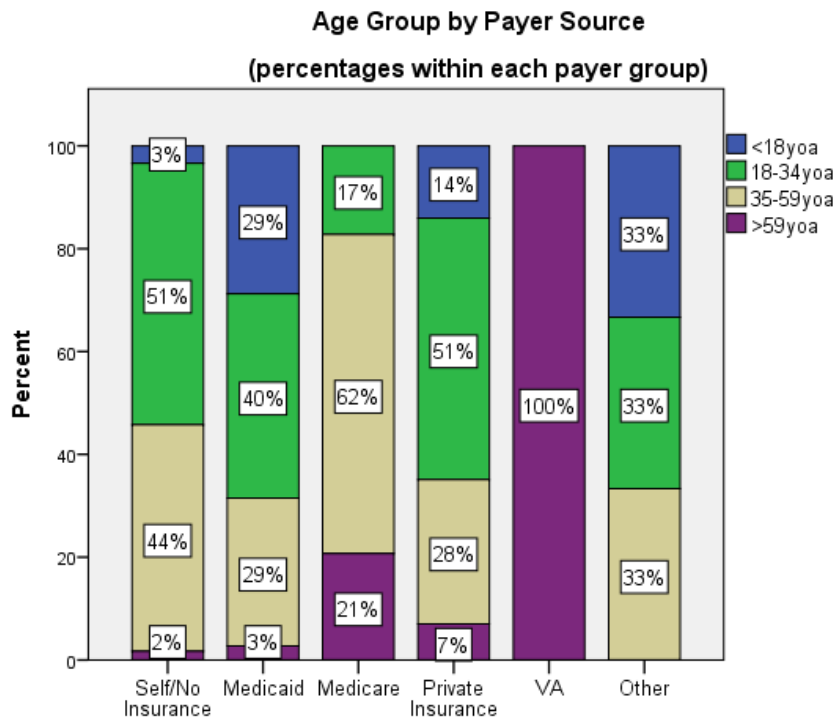
The 22 question survey was designed with total patient confidentiality in mind, thus no identifying information was collected on any person about whom a survey was completed. The person completing the survey either completed the crisis assessment or extracted the relevant and non-identifiable information from the client's record to complete the survey.

Linda Gall and Amy Warren coordinated the survey completion process in their respective agencies, LMH and BN.

Findings

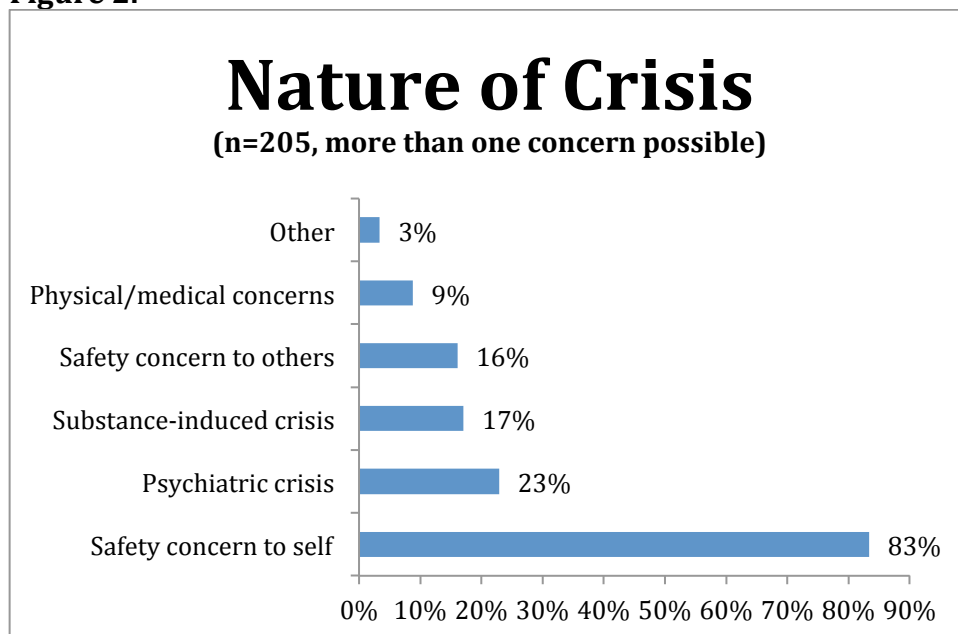
Most of the patients seen were between 18 and 59 years old; slightly more were between 18 and 34 (45%) than between 35 and 59 years old (36%). Those receiving crisis evaluations at either Bert Nash or LMH were overwhelming white (77%), slightly more than half were female (55%), and most had some form of insurance, including Medicaid, Medicare, and private insurance (63%). Among those with no insurance, 51% were between age 18-34 and 44% were between age 35-59. The younger one was, the more likely they were to have Medicaid insurance and persons under age 18 were also more likely to see a BN provider than those in other age groups. Figure 1 presents age groups within each payer source.

Figure 1.



Most persons, 83% of the total sample, were seen because of a “safety concern to self” (Figure 2). The next most common characterizations of the nature of the crisis were a “psychiatric crisis” (23%), substance-induced crisis (17%), and safety concern to others (16%). Many, 40%, were self-referred; 30% were referred by law enforcement and 26% by a family member or friend.

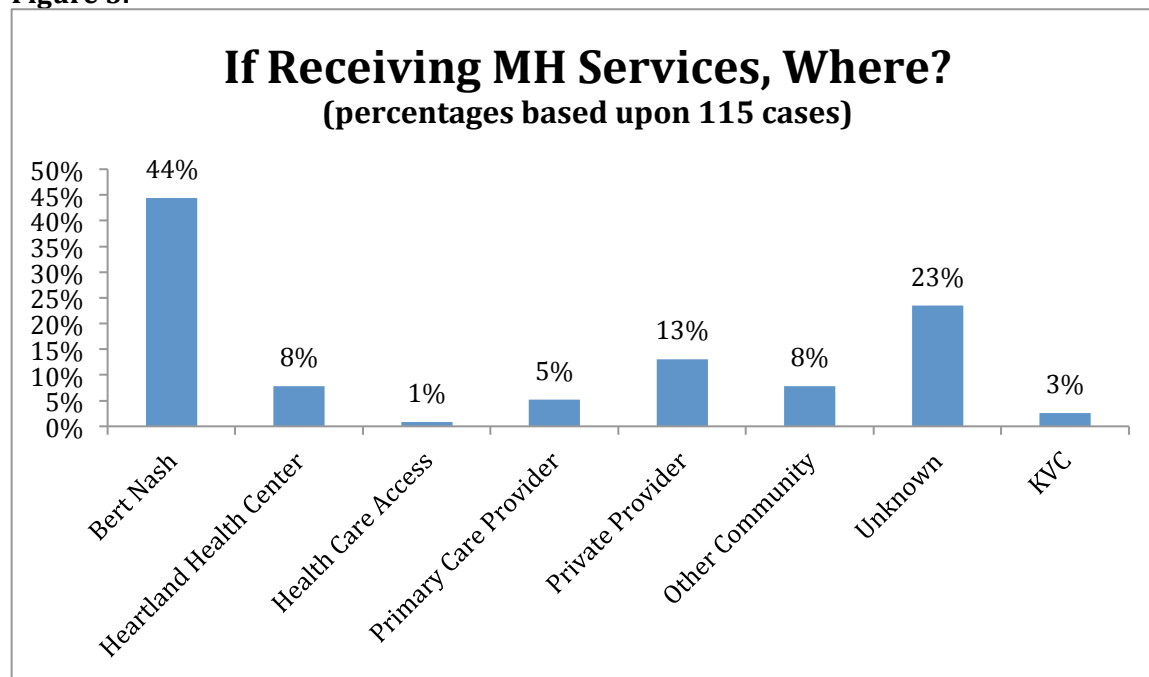
Figure 2.



Most (78%) of the clients/patients seen in the LMH Emergency Dept. or at Bert Nash for a crisis service were seen between 7AM and 11PM, with slightly more having been seen on the 3PM to 11PM shift. Most crisis evaluations were completed in the Emergency Department at LMH (81%), but LMH staff completed only slightly more assessments than did Bert Nash staff (53% and 48%, respectively), who are frequently called to complete assessments at LMH.

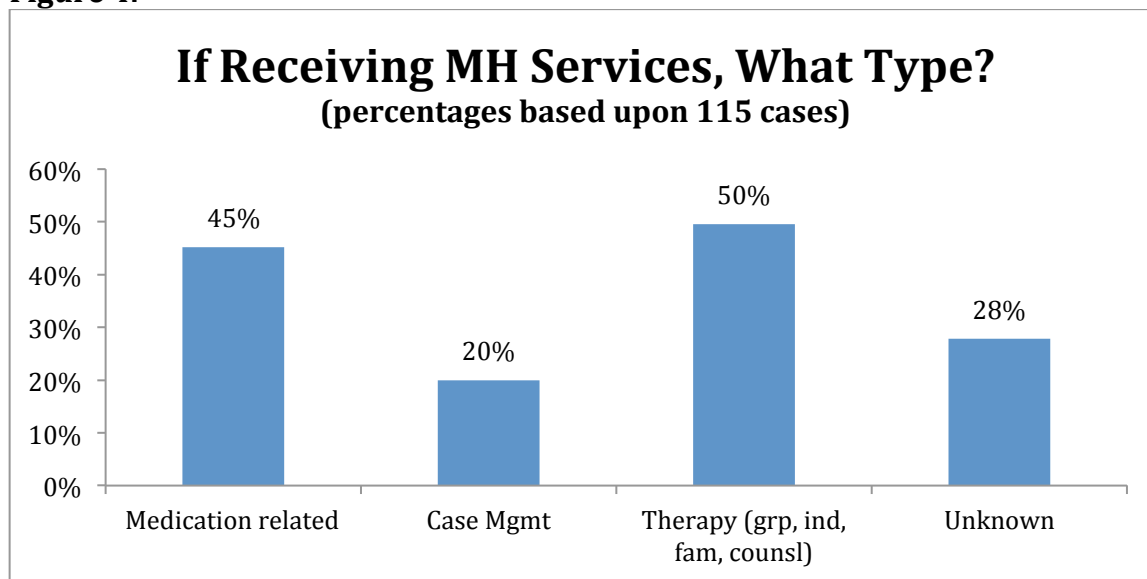
Of the 205 persons receiving assessments, 115 were identified as currently receiving MH services, most at BN (44%). Unknown providers were noted for more than one-fifth of those reported to us as currently receiving mental health services (Figure 3).

Figure 3.



Most of the mental health services received (based on the sample of 115), were therapy (50%) and medication related (45%; Figure 4) and it appears from the 164 total responses that these services were often received concurrently.

Figure 4.



Most of those (77%) seen for a crisis assessment were not receiving mental health case management. This may be related to the strict criteria that must be met in order to be assigned a case manager. Not surprisingly, Bert Nash provided most (2/3) of the case management services, when they were provided at all.

Most (84%) of the persons receiving crisis assessments were not currently receiving substance abuse treatment; nor were they receiving substance abuse case management (86%) (Figure 5; Figure 6).

Figure 5.

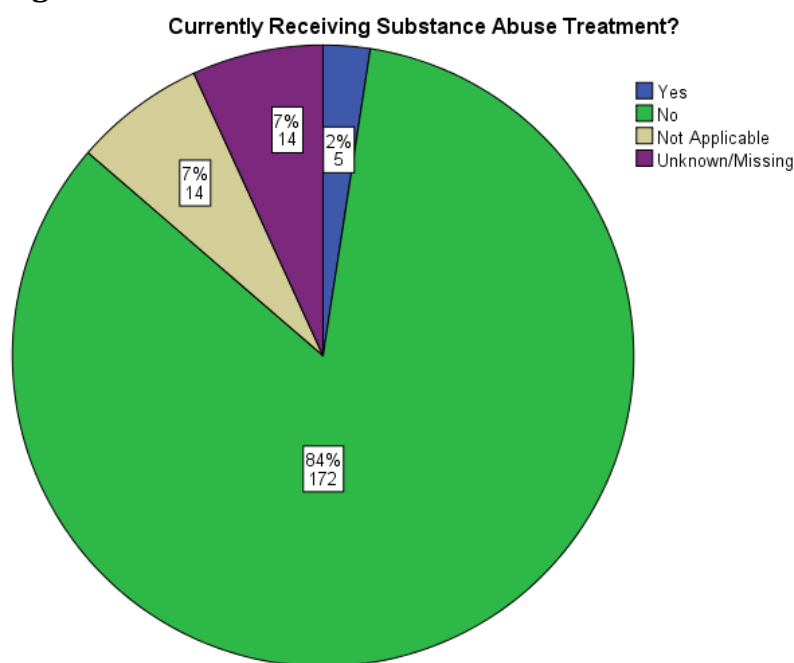
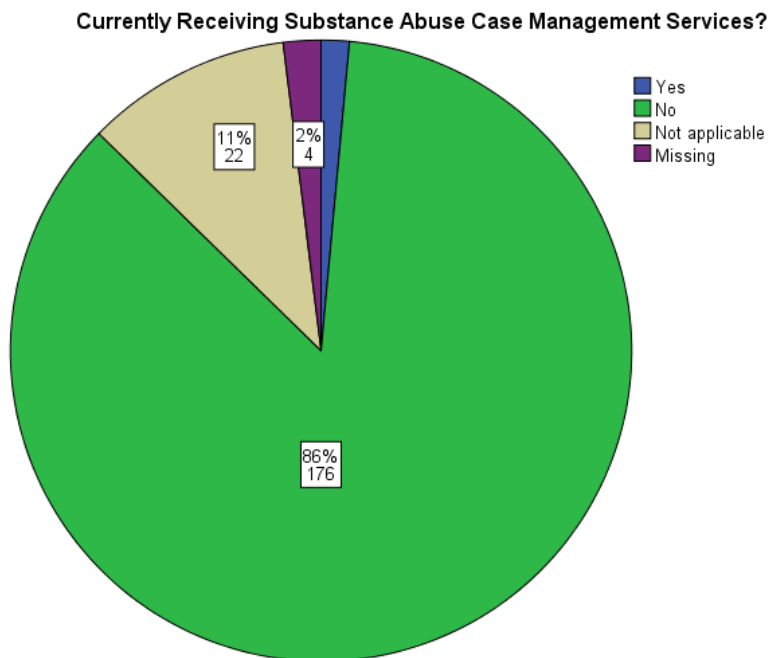
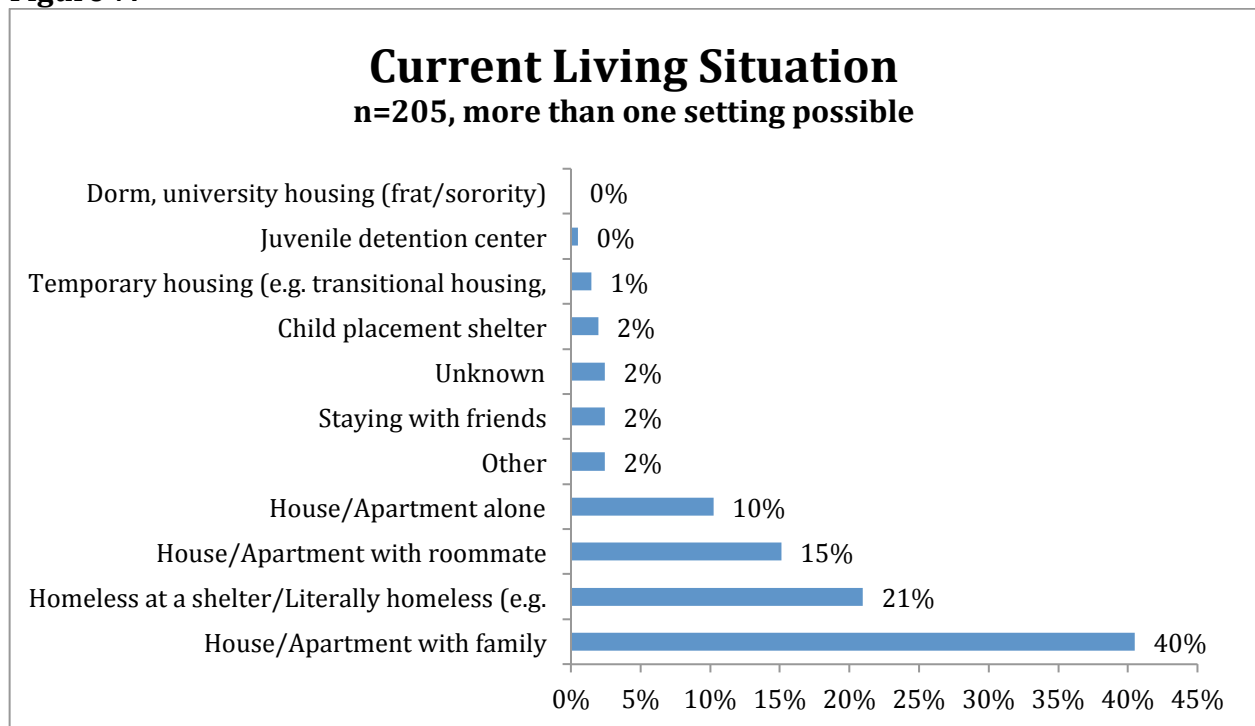


Figure 6.



Forty percent of the 205 persons seen were living with family at the time of the crisis. Defining as homeless those who are sheltered, precariously housed, and literally homeless, 21% were homeless, 15% lived with a roommate, and 10% lived alone (Figure 7)

Figure 7.



The most common destination following crisis assessment was home, though a nearly equal percentage was voluntarily hospitalized, 37% and 35%, respectively. A small percentage of the sample was involuntarily hospitalized (7%; Figure 8). Hospitalization of any type was accompanied by public or private insurance in a majority of cases, though a higher percentage of those hospitalized involuntarily, than voluntarily, had no insurance or private insurance (Figure 9).

Figure 8.

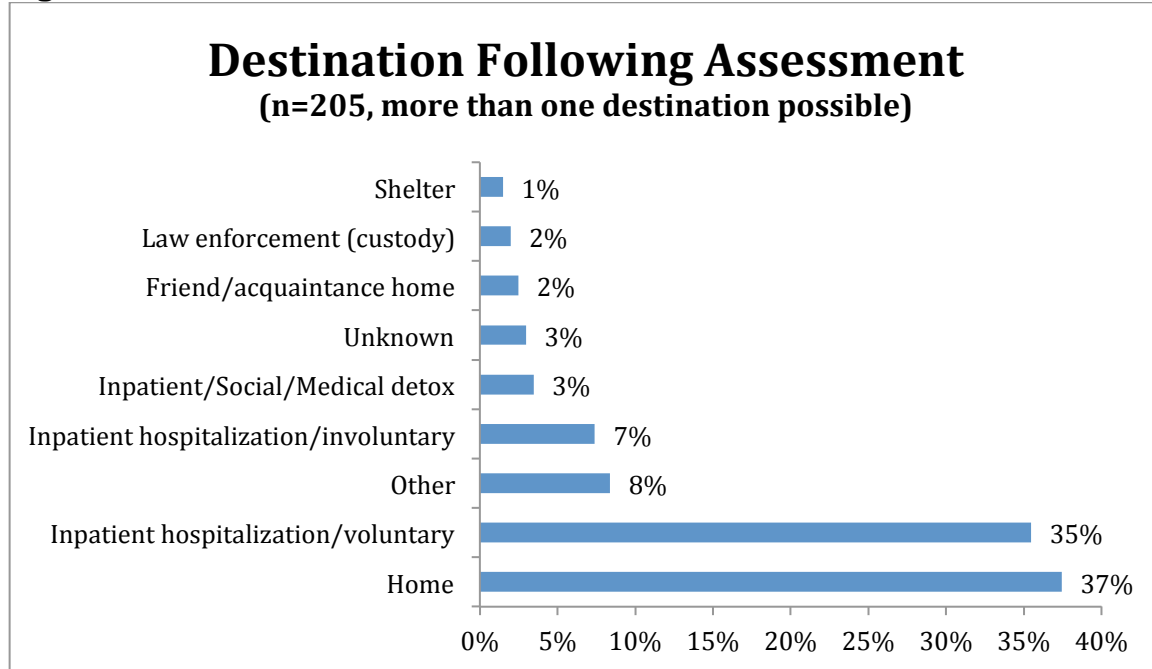
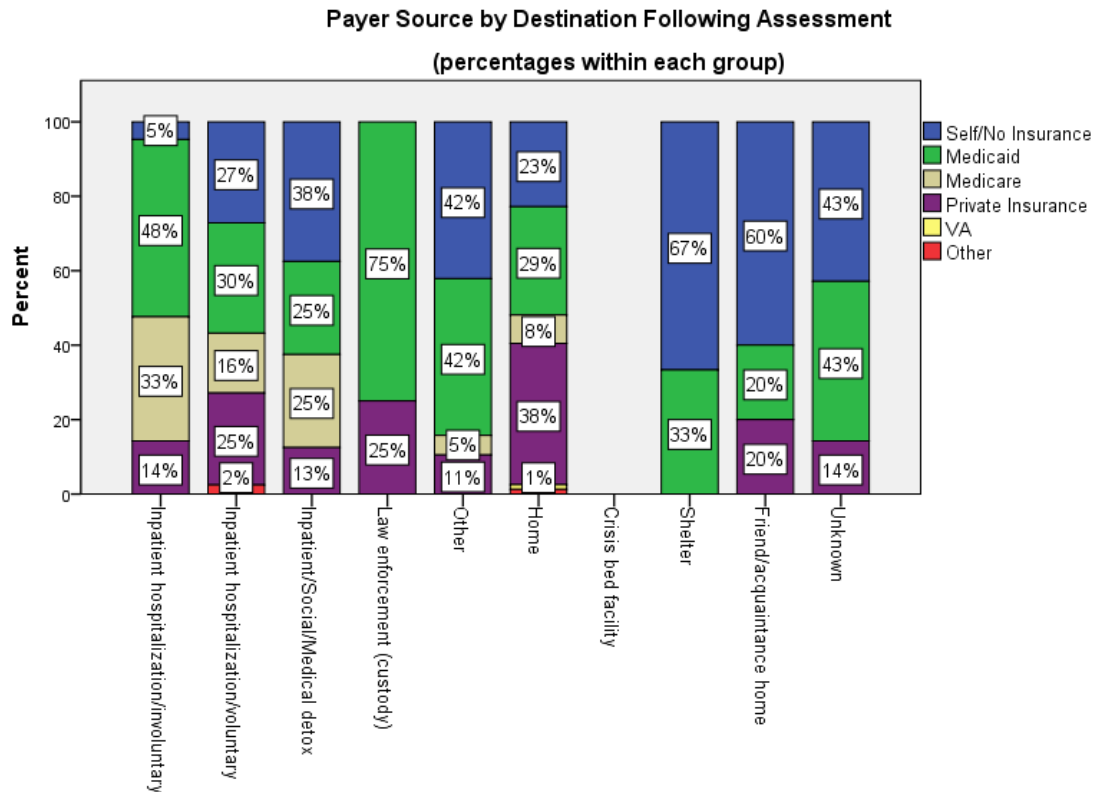
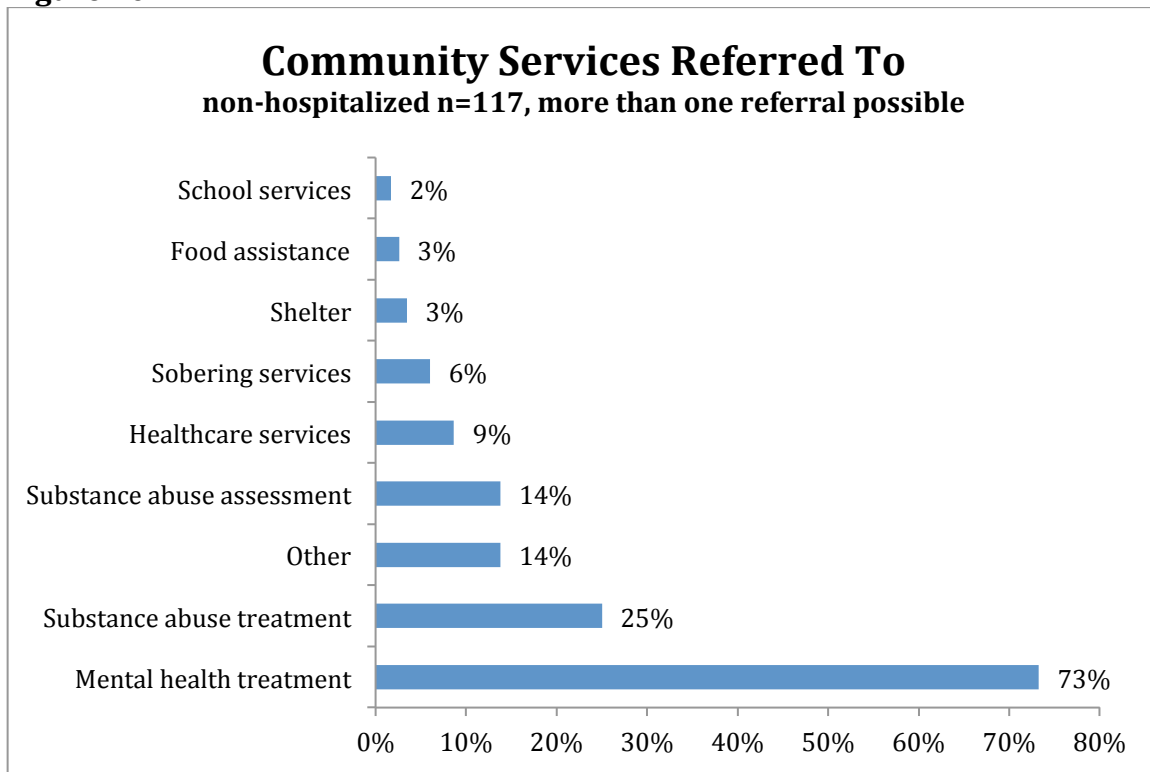


Figure 9.



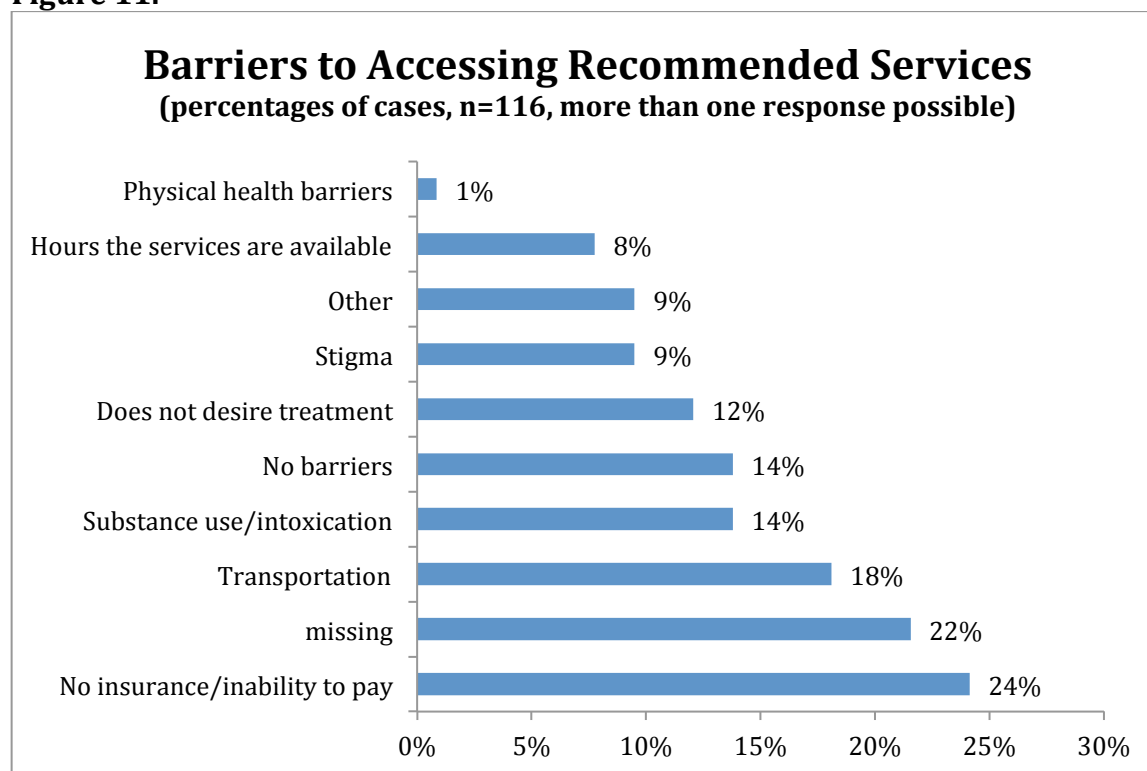
If not hospitalized, most persons seen (73%) for the crisis assessment were referred to mental health treatment. Twenty-five percent were referred to substance abuse treatment and 20% were referred for a substance abuse assessment (14%) or sobering services (6%; Figure 10).

Figure 10.



There was considerable missing information for the query regarding barriers to accessing recommended services (22%). Of the 116 cases on which responses were reported, the most common barriers noted (with multiple responses possible) were not having insurance or otherwise being unable to pay for the service (24%), transportation (18%), and substance use and/or intoxication (14%). It is noteworthy that 14% were identified as having “no barriers” and another 12% were identified as not desiring treatment. Stigma, hours the services are offered, and physical health barriers were also reported (Figure 11).

Figure 11.



While we sought information about trends related to the days of the week that were busiest for completing crisis assessments, Wednesday July 5th was quite busy and likely skewed the results for that day, with nearly a quarter of all crisis contacts being made on Wednesdays. Mondays (17%), Tuesdays (16%), and Thursdays (19%) were comparable. Perhaps the real story here is that weekends are considerably less busy than weekdays, but this may be related to Bert Nash not having emergency screening appointments available on weekends.

We asked respondents to consider if inpatient hospitalization, when indicated, could have been avoided if adequate services were available in the community and if so, to identify those services. Responses to this question were received for 57 of the 86 persons hospitalized, thus these responses should be viewed with caution. The majority (72%) of those responding indicated hospitalization could have been avoided with 24-hour crisis services; 65% suggested a medication evaluation would achieve this outcome, 56% responded “access to medication,” 51% identified “assertive community treatment.” Other responses that occurred less than 25% of the time included RADAC and sobering services, respite beds, mobile response, medication drops, and intermediate residential care.

Discussion

We start this discussion with acknowledgement of the limitations of the survey method and of the data collected. The quest to understand more fully the services available and unavailable in Douglas County was necessarily time limited. Workgroups organized to study the need and functions of a crisis center were already in process. The county’s budget

process was also well underway. Consequently, the five week period of data collection included a one-week pilot test of the survey and an additional four weeks using the final survey instrument. Further, the surveys were completed on consecutive days during that full five week period. Had there been variance in the days, months, and seasons when crisis assessments were completed and the data recorded, the findings may have been different.

Certain questions on the survey instrument asked for time-limited clinical histories for each person seen for a crisis assessment. This information was often not provided on the surveys, perhaps because of the amount of time it would take to generate it or because there was no clinical history to report. Consequently, we do not know much from these data about those persons who might use the emergency room as a principal venue for crisis services.

There are several findings worth noting here – and as others read this report, the significance of additional findings not highlighted here may emerge.

That 85% of those seen were identified as presenting with a “safety concern for self” suggests that there may be work to be done in the Douglas County community to reduce the risk of self-harm. The details of this and the other safety concerns are not known so it cannot be assumed that “safety concern for self” necessarily equates to suicide risk. In fact, in those cases where this and a psychiatric crisis were identified as the primary focus of the crisis assessment, services such as suicide risk reduction efforts, the opportunity for safe housing, access to medications, and the ability to access and the availability of social supports and case management services might be implicated.

Fully two thirds of the sample were either self-referred (40%) or referred by a family member or friend (26%). This is consistent with the suggestion that the crisis center should be created and thought of as a community resource, with some forecasts suggesting that 60% of crisis clients would come from the community and 40% from law enforcement. In this time-limited view of service use, during these five weeks, only 30% of assessments were the result of law enforcement referrals. Even when adding referrals from EMS and the Juvenile Detention Center, still only 37% of referrals were from public safety sources. We think these percentages can be used as support for earlier referral and use projections.

We believe all of the substance-use related data gathered from these crisis assessments should provoke a discussion about the nature of behavioral health in Douglas County, i.e., the importance of focusing on the need for substance use services in a more fully informed way. Seventeen percent of crises had at least a “substance-induced” component yet only 5% of persons seen for a crisis assessment were currently receiving substance abuse treatment (although we note that 7% of responses were missing or unknown).

Sixty of the 205 (29%) persons receiving an assessment had no insurance or were self-paying. These uninsured individuals fell into the 18 – 34 age group, which was the age group most frequently seen for crisis assessment. This indicates that the cost of a substantial portion of services provided by a proposed crisis center will not be fully or even partially recovered from the service recipients or from a third party payer. Combined with

the Medicaid data seen here, with over a third of those seen having identified Medicaid as their primary payer and nearly a third having no insurance at all, it is likely that the offering of crisis services will come at a price to the community at large. In our view, this is the price of upholding the values that further public health and public safety objectives.

In reality, the costs of providing crisis services and of preventing the revolving doors of the mental health, health, and justice systems extend beyond the bricks and mortar that physically define them. Indeed, beyond the barriers of inability to pay and lack of insurance, the data here – even viewed with caution – remind us that the barriers that exist at the front door, exist at the back door as well. Transportation challenges, unmet substance use treatment needs, stigma about mental illness, lack of insight, and the hours-of-service availability are factors that drive people into crises (and emergency departments) and send them back into crises as well.

We sought an understanding about what services, if available, might have resulted in a different outcome than hospitalization. The response rate to this inquiry was very low, and should raise suspicion. In fact, frequently mentioned as needed were crisis services, medication-based interventions, and assertive community treatment (ACT). None of these responses surprise us: they have either been widely discussed in the local media or, in the case of medications, viewed as a central means to stabilization. It may be that the reality of having limited services available to serve those with mental health and substance use needs in Douglas County bounds creative contemplation about what *is* possible if essential whole-health and support services are available.

In our view, stabilization has much to do with the larger environment in which individuals live. A crisis service without a discharge plan that addresses environmental and social supports might be seen as a Band-Aid. For example, the effective use of ACT services with persons who are homeless (21% of those seen here) will be challenging as the prevention of self-injury absent adequate social supports will be difficult to realize. Moreover, if transportation needs, identified as a barrier in 18% of the cases, were specified and reasonable options made available to help a person travel from home to help, how might that prevent and circumvent the need for emergency evaluations? How might housing and positive housing-related social supports (housing was not identified as principal barrier or need despite more than one-fifth of the sample being homeless) do the same? If everyone in need had access to medication evaluations and medication delivery when needed, what would be the impact on the use of emergency services at BN and LMH? These inquiries and their answers go way beyond the scope of the exploration identified here, but are worth considering as the county considers its role in reshaping mental health services and funding priorities.

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
8/23/17

**ITEM NO. 1 CONDITIONAL USE PERMIT FOR RICHARDSON JUMPSTARTERS;
2138 N 1000 RD (MKM)**

CUP-17-00316: Consider a Conditional Use Permit for *Small Scale Industrial Uses*, Richardson Jumpstarters, on approximately 94.8 acres located at 2138 N 1000 Rd. Submitted by Dwane F and Valerie Richardson Trustee, property owners of record. *Joint meeting with Eudora Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a *Small Scale Industrial Use* subject to the following conditions:

1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
2. Provision of a revised CUP plan with the following changes:
 - a. Addition of the following notes:
 - i. *"If any new exterior lighting is proposed, a lighting plan shall be submitted to the Planning Office for review and approval prior to installation."*
 - ii. *"Up to 10,000 sq ft of building is permitted. Additional building area will require approval of the Board of County Commissioners."*
 - iii. *"Business may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65. Parking is required at the rate of one space per two employees."*
 - iv. *"All business activity shall be conducted within the structure with no outdoor storage of materials or product."*
 - v. *"Parking spaces for all employees and loading areas must be provided on the site. No Loading activity or parking is to occur on the adjacent roadway."*
 - vi. *"No shift work/24 hour a day businesses permitted. Business shall operate with defined working hours."*
 - vii. *"The use does not require Federal air quality discharge permits."*
 - viii. *"The addition of a restroom to any of the buildings may require installation of an additional septic system. The Health Department shall be contacted with any building permit application for a restroom."*
 - b. Note the current number of employees.
 - c. Show the parking area boundaries, with dimensions.
 - d. Identify the approximate number of acres to be used for the CUP.

Reason for Request:

Applicant's Response:

"Our manufacturing business is growing but we are not able to purchase or lease in an industrial park."

KEY POINTS

- The property is located within 3 miles of the city limits of Eudora; therefore the Eudora Planning Commission has been provided with the plans and the staff report. The Eudora Planning Commission may provide correspondence on the project or may attend the meeting.

- The business is established on this property and had previously operated with a Type II Home Occupation Permit. As the business has grown it is no longer compliant with the Home Occupation standards.
- In June of 2016, the applicant submitted a request to rezone the property to an Industrial Zoning District which would allow the manufacturing use. In response to comments from staff, based in part on the size of the parcel within the rezoning request and the variety of uses that would be permitted with the industrial zoning, the rezoning application was placed on hold and the applicant requested the initiation of a text amendment to allow small scale industrial uses such as his to be permitted in the A District when approved with a Conditional Use Permit. The text amendment was approved and the applicant submitted this Conditional Use Permit application to bring the manufacturing facility into compliance with the County Code.

OTHER ACTION REQUIRED

- County Commission approval of Conditional Use Permit application.
- Release of Permit for the Conditional Use by the Douglas County Zoning and Codes Office.
- Issuance of building permits prior to development activity.

PUBLIC COMMUNICATION

No public communication was received prior to the printing of this staff report.

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) with F-F (Floodway Fringe) Overlay District; *Agriculture, Rural Residence* and Richardson Jumpstarters production facility and warehouse; *Small-Scale Industrial Use*.

Surrounding land use:
(Figure 1)

A (Agricultural) District in all directions, with F-F (Floodway Fringe) Overlay District to the north, east, and south; *Agriculture* and *Rural Residence*.

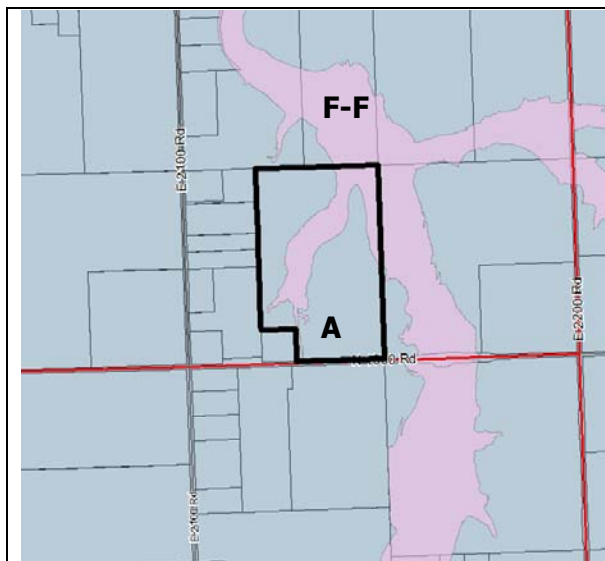


Figure 1a. Zoning in the area. Subject property outlined.

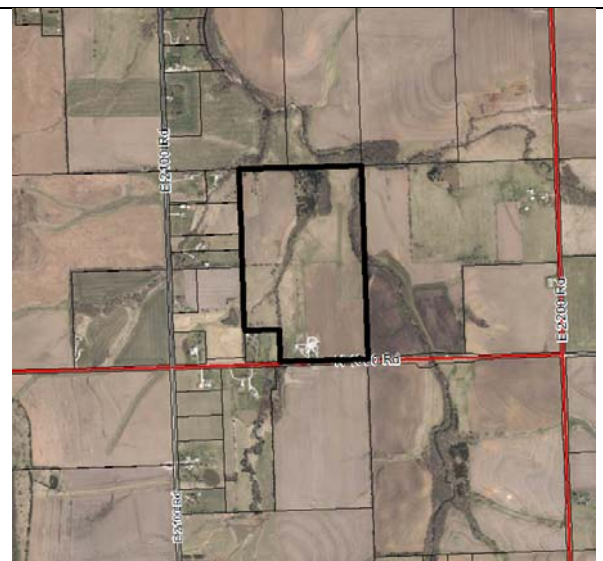


Figure 1b. Land use/development pattern in the area.

Summary of Request

The Conditional Use Permit application was submitted to accommodate the existing manufacturing business on the site and a proposed expansion. Richardson Jumpstarters manufacturers

jumpstarters for batteries. The jumpstarters are manufactured primarily using hand tools and no hazardous materials are utilized in the production. The business also manufactures water hydration carts for use by sports teams. The CUP would not limit the products being manufactured, but the manufacturing use would need to comply with the definition and standards of the *Small Scale Industrial* Conditional Use.

The business had operated as a Type 2 Rural Home Business Occupation but grew to the point that it no longer complied with the Home Occupation standards. The property owner submitted a rezoning application to rezone the property (approximately 95 acres) to an Industrial District so his business could remain on the property. The rezoning of this large area to the Industrial District was not seen as appropriate as it could permit the development of an industrial business park in this area with a variety of other office and commercial uses. Infrastructure to support this amount of industrial use was not available and an industrial park was seen as more appropriate for an urbanized area. Staff suggested that the property owner either:

- a) reduce the area within the industrial rezoning request to include only the current business area and the future expansion area. This would require the platting of the property in addition to rezoning and site planning; or
- b) request the initiation of a text amendment to permit small scale industrial uses as a Conditional Use. It would not be necessary to divide the property, as the CUP plan would delineate the area in which the use was permitted.

The property owner requested the initiation of a text amendment to add *Small Scale Industrial Uses* to the list of uses which are permitted with the approval of a Conditional Use Permit. The Board of County Commissioners approved the text amendment on November 9, 2016 and the resolution was published on December 6, 2016. As the Zoning Regulations have not yet been updated with the new regulations, the published resolution is included with this report as Attachment A.

I. ZONING AND USES OF PROPERTY NEARBY

The subject property is zoned A (Agriculture) and is located in the southern portion of a 94 acre parcel. Properties in the nearby area are also zoned for Agricultural uses. Agriculture is the principal land use in the area with rural residences located primarily along E 2100 Road and N 1000 Road.

Staff Finding –The area is zoned A for agricultural uses. Agriculture and Rural Residences are the principal uses in the area, with the residences being located primarily to the west of the proposed business along the roadways. (Figure 1)

II. CHARACTER OF THE AREA

The area is primarily agricultural, with rural residences located along the road frontages. Floodplain associated with the Little Wakarusa Creek and its tributaries are located throughout the area. The subject property is within 3 miles of the City of Eudora and is a little over a mile south of the city limits. The area is well served by the transportation network with Principal Arterials, E 2200 and N 1000 Roads, running north and south and east/west through the area. (Figure 2)

Staff Finding – The area is rural in nature with agriculture being the principal land use and rural residences located along the roadways. In staff's opinion, the use is compatible with the character of the area given the small scale of the use and the fact that it has operated for years as a Home Occupation. In addition, the traffic generated by the use has direct access to K-10, Hwy 59 and Hwy 56 via Principal Arterials N 1000 and E 2200 Roads.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's Response:

"The suitability of this property is excellent. We are located on a hard surface road with no close neighbors and with good accessibility."

The subject property is zoned A (Agricultural) District. Section 12-306 of the County Zoning Regulations notes "...the purpose of this district is to provide for a full range of agricultural activities, including processing and sale of agricultural products raised on the premises, and at the same time, to offer protection to agricultural land from the depreciating effect of objectionable, hazardous and unsightly uses." The A District is associated with a majority of the unincorporated portion of Douglas County.

Uses allowed in the A District include: farms, truck gardens, orchards, or nurseries for the growing or propagation of plants, trees and shrubs in addition other types of open land uses. It also includes residential detached dwellings, churches, hospitals and clinics for large and small animals, commercial dog kennels, and rural home occupations. In addition, uses enumerated in Section 12-319 which are not listed as permitted uses in the A District, may be permitted when approved as Conditional Uses. The property is well suited for uses which are permitted in the A District and the majority of the property will remain in agricultural production.

The property is also well suited to the existing industrial use. The manufacturing business has been on site as a Home Occupation for many years. A barn was converted to the assembly area and a pole-built metal building is used as a warehouse. A second pole-built metal building is proposed to the east, as shown on the plan, to provide additional warehouse area. The business uses occupy approximately 6.5 acres of the overall 94 acre parcel. Besides having been developed with the structures necessary for the use, the property has direct access to a Principal Arterial Road. (Figure 2)

Staff Finding –The property is suitable for the uses which are permitted within the A (Agricultural) District. Given the existing development of the property and immediate access to the Principal Arterial road network, the property is also well suited for the *Small Scale Industrial* use.

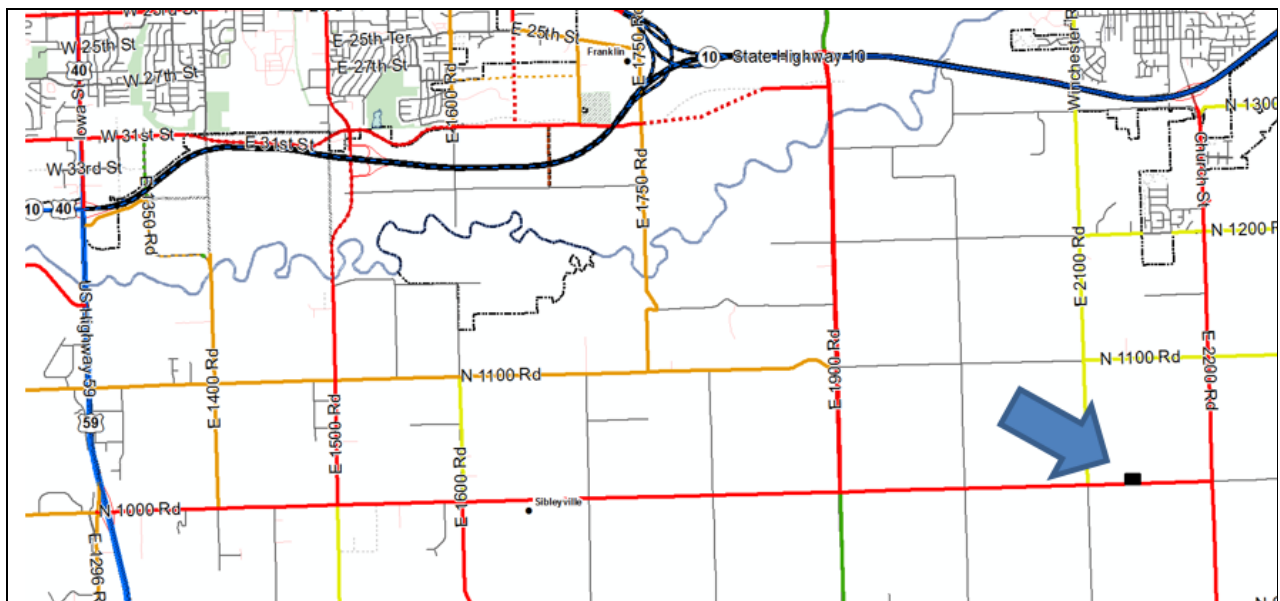


Figure 2. Access to major transportation network. Business location shown with arrow.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding –The property is not vacant but contains a residence, various outbuildings, and the manufacturing business.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

"There would be no detriment to nearby properties."

Section 12-319-1.01 of the County Zoning Regulations recognize that "*certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited.*" The proposed use is included in the Conditional Uses enumerated in Section 12-319-4.37 of the Zoning Regulations for the Unincorporated Territory of Douglas County as a *Small Scale Industrial Use*.

Detrimental effects typically associated with manufacturing facilities include heavy truck traffic and external noise or lighting. The standards for *Small Scale Industrial* uses were developed to mitigate any off-site impacts.

The following is a review of the use for compliance with these standards (standards shown in *italics* and staff's comments in **bold**):

- 1) *Small Scale Industrial uses are permitted as Conditional Uses only on properties that are zoned A (Agricultural) or V-C (Valley Channel).*
The subject property is zoned A.
- 2) *The proposed use shall be located primarily outside of the regulatory floodplain.*
The use is located entirely outside of the floodplain.
- 3) Vegetative cover and wildlife habitat on the site shall be preserved, along with other environmentally sensitive areas to act as buffers and site amenities.
The site is currently in use for Agriculture, manufacturing, and residential uses. The manufacturing and residential use are located near N 1000 Rd, and do not affect the majority of the property.
- 4) The site shall have adequate utilities, infrastructure, and services for the proposed use.
The manufacturing business has been located on the site for several years, but has grown incrementally until it no longer complies with the Home Occupation Standards. The only change being proposed is a new warehouse building, which will not increase the need for utilities or services. The applicant indicated the new warehouse will not be equipped with a restroom.
- 5) The total square footage of all buildings used in the operation and storage shall not exceed 10,000 sq ft unless a larger area is approved by the Board of County Commissioners.
The facility, with the new warehouse, will contain 9,340 sq ft of building area. Any future expansion would require Board of County Commission approval, or relocation. This should be noted on the plan.

- 6) The establishment may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65.
The plan should note the number of employees currently employed.
- 7) All business activity shall be conducted within the structure with no outdoor storage of materials or product.
This should be noted on the plan. No outdoor storage or business activity may occur on the site.
- 8) Parking spaces for all employees and loading areas must be provided on the site. No loading activity or parking is to occur on the adjacent roadway.
Parking is provided on the site and no loading or parking occurs on the adjacent roadway. This note should be added to the plan.
- 9) The use does not require Federal air quality discharge permits.
The applicant indicated that their products: the Jumpstarters and the water hydration carts do not require Federal air quality discharge permits. This standard should be noted on the plan.
- 10) The use shall not generate offensive off-site external effects (such as noise, glare, vibrations, etc.)
The manufacturing is done primarily with hand tools and the activity does not generate noise, glare, or vibrations that are noticeable beyond the enclosed structure. The type of manufacturing and storage is shown in Figures 3 -5.



Figure 3. Interior of the production building. Most manufacturing is done with hand tools.



Figure 4. Production in upstairs portion of production building.



Figure 5. Storage of finished products in production building.

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- 11)** The site shall be located on a full maintenance public road. a) Traffic information shall be provided, as requested by the County Engineer, to insure the suitability of the adjacent roads to handle the anticipated traffic to be generated by the use. b) Improvements to the access point to meet current standards, or roadway improvements needed due to traffic generated by the use, or spacing of access drives, all as identified by the County engineer, shall be required as part of the Conditional Use. c) the property must, at a minimum, meet the Access management Standards for residential properties.

The County Engineer accepted the CUP plans and noted that, in the event N 1000 Road is widened in the future, the number of access points will be reviewed and, if possible, combined.

- 11) Exterior lighting shall be limited. The Conditional Use site plan shall show the location of proposed exterior lighting with the height noted. Lighting spec sheets shall be provided with the plans to illustrate the means taken to eliminate glare. Full cut-off fixtures shall be provided; however, low level lighting (less than 2,600 lumens or 150 watt incandescent bulb) does not require full cut-off fixtures.

The facility uses a standard rural security light and no additional exterior lighting is being proposed at this time. If any new exterior lighting is proposed, it would be necessary to submit a lighting plan to the Planning Office for review and approval prior to installation. A note to this effect should be added to the plan.

- 12) New structures for the use should be of a type that is common to the rural area, rather than industrial, to maintain the rural character of the area.

The existing buildings used for this business are a converted barn and a pole-built metal building. (Figures 6-7) The proposed warehouse will be similar. These buildings are common Agricultural buildings and should maintain the rural character of the area.



Figure 6 Existing warehouse building.



Figure 7. Converted barn used for production area, and storage of product.

- 13) No shift work/24 hour a day businesses permitted. Business shall operate with defined working hours.

The applicant indicated they operated one day-time shift. The plan notes the business hours as 8:00 AM to 5:00 PM.

Utilities

The health department indicated that the existing septic system was appropriate. If a restroom is installed in the new warehouse building, it may be necessary to install a new septic system. The plan should note that the Health Department will be contacted with any building permit for addition of a restroom. Water is provided from Rural Water District No. 4. The Water District did not indicate any concerns with the existing use or the proposed warehouse.

Staff Finding – The project is compliant with the standards for *Small Scale industrial* Conditional Uses. Principal Arterials provide direct access to the site from K10 Highway to the north, Hwy 59 to the west, and Hwy 56 to the south. Given the compliance with the use standards and proximity to the major thoroughfares, no detrimental effects on nearby properties are anticipated from this use.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

Approval of this request would allow the landowner to expand his business beyond that permitted with a Home Occupation permit, but would require compliance with the *Small Scale Industrial Uses* Conditional Use standards and any conditions which are applied to the use. Given the small scale of the business, compliance with the *Small Scale Industrial* use standards, and proximity to the principal arterial, there should be no harm to the community with the approval of this request. Denial of the request would require the property owner to move his business to an industrially zoned district or to rezone his property to an Industrial zoning district. Industrial zoning would permit a range of industrial uses, where a Conditional Use Permit limits the use to that specified in the permit. With the mitigation of negative impacts accomplished with the standards of the conditional use, there would be no gain to the public health, safety, and welfare with the denial of this use.

Staff Finding –The approval of this request will accommodate growth of a local business that is compatible with the area and will not negatively impact the public health, safety or welfare; therefore, denial of the request would provide no benefit to the public health, safety or welfare.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. A Conditional Use Permit provides additional review for uses which may be desirable in an area, but could have negative impacts. This tool allows development to occur in harmony with the surrounding area and to address specific land use concerns.

The following are recommendations and policies in *Horizon 2020* regarding industrial land uses:

- Protect, enhance, and retain existing industrial-related land use areas serving the community. (page 7-2, *Horizon 2020*)
- Continue to address the needs of existing businesses and industries to ensure their retention in the community and to help facilitate expansion plans of those businesses and industries for the future. (page 7-2, *Horizon 2020*)

- Policy 1.4: Provide Opportunities for Limited Industrial and Employment-Related Development in the Unincorporated Areas of Douglas County.

Encourage redevelopment and limited expansion of existing industrial and employment areas where specific criteria (p. 7-5) can be met. (page 7-12, *Horizon 2020*)

Staff Finding –The use proposed with this Conditional Use Permit is compliant with the recommendations in the comprehensive plan.

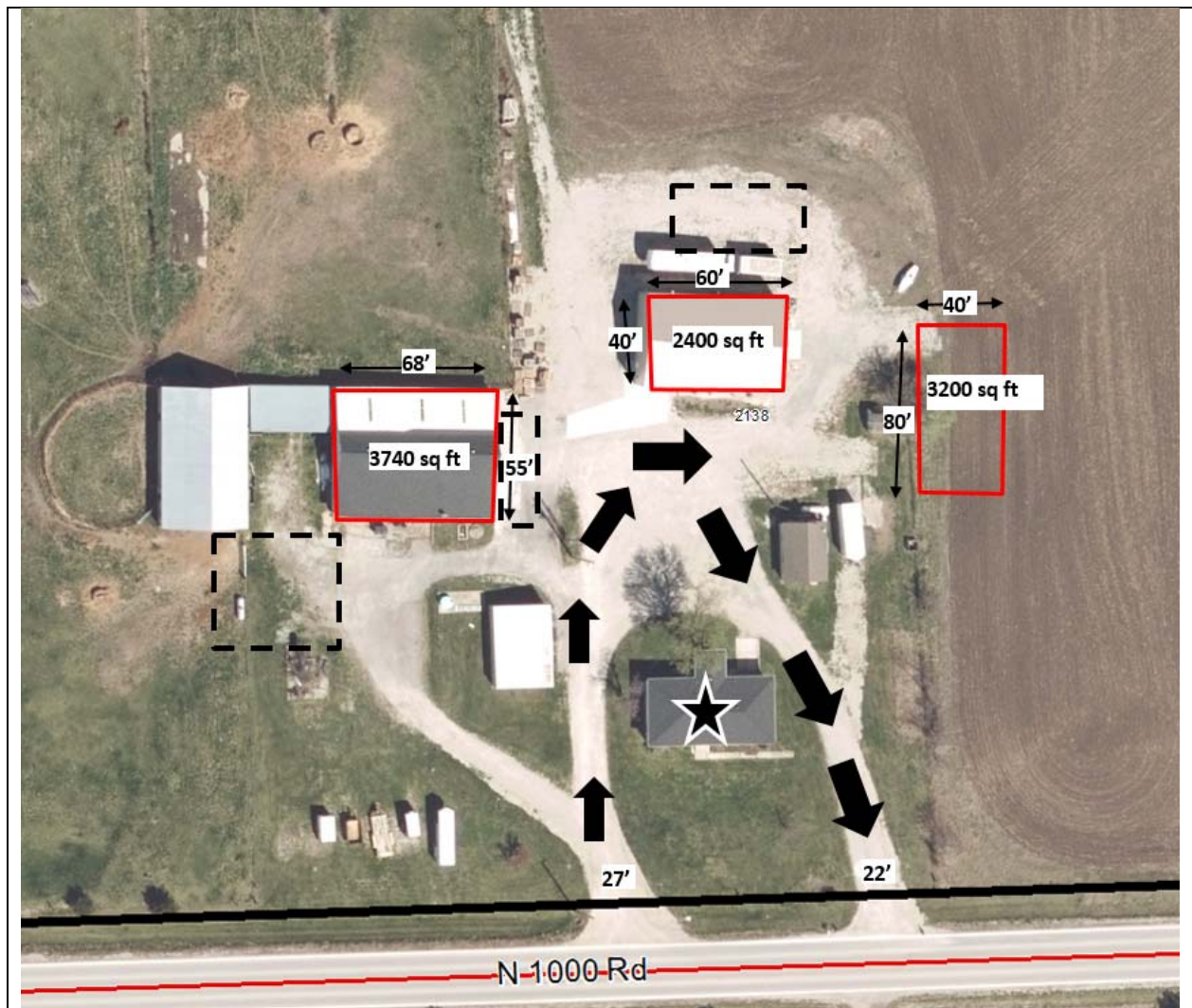


Figure 8. Aerial showing existing development and proposed addition. Truck movements shown with arrows. Residence marked with a star. Buildings outlined in red are used for the business. Dashed rectangles mark parking areas that need to be updated on the plan with dimensions and surfacing information.

CUP PLAN REVIEW

The proposed use fits the definition of a *Small Scale Industrial* Conditional Use as the business is primarily engaged in on-site production or assembly of goods by hand tools and small-scale equipment. As noted earlier in this report, the business complies with the standards for a *Small Scale Industrial* use. Figure 8 contains an aerial of the property with the business buildings identified and the proposed warehouse.

The CUP plan needs to be revised to delineate the boundaries and note the size of the parking areas. The code requires one space per two employees; however, the property owner indicated that none of their employees carpool. The applicant indicated that they currently have 4 employees. The number of employees should be listed on the plan. A parking space must be a minimum of 180 sq ft; typically 10 ft x 18 ft, on an all-weather surfaced area (minimum rock surface).

Conclusion

As noted in this report, the business is an existing manufacturing use which grew to the point that it no longer complied with the Home Occupation standards. The use is compliant with the criteria for Conditional Use Permits, the comprehensive plan, and the use specific standards for *Small Scale Industrial* uses.

RESOLUTION NO. 16-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS ADOPTING TEXT AMENDMENTS TO THE ZONING REGULATIONS FOR THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS.

WHEREAS, the Lawrence-Douglas County Planning Commission, after holding a public hearing on September 26, 2016, following due and lawful notice pursuant to K.S.A. 12-757 and the *Zoning Regulations for the Unincorporated Territory of Douglas County, Kansas*, as codified in Chapter 12, Article 3 of the Douglas County Code and as amended (the "Zoning Regulations"), has recommended that the Board of County Commissioners of Douglas County, Kansas (the "Board") make text amendments to the Zoning Regulations, the nature and description of such change being fully set forth below; and

WHEREAS, on November 9, 2016 the Board found that the Zoning Regulations regarding Conditional Use and Conditional Use Permits should be amended by adopting the text amendments set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AS FOLLOWS:

I. Adoption of Text Amendments. The Board hereby finds that the statutory provisions for the amendment of the Zoning Regulations has been fully complied with and hereby adopts the following text amendments (the "Text Amendments") amending the Zoning Regulations as follows:

A. Adding new subsection 12-319-4.37 to **SUPPLEMENTAL USE REGULATIONS-CONDITIONAL USES-TEMPORARY USES** relating to SMALL SCALE INDUSTRIAL USES as follows:

12-319.4.37 Small Scale Industrial Uses

A small scale industrial use is an industrial use that is of such a scale as to be compatible with nearby land uses, while maintaining the rural character of the area.

a. Small Scale Industrial Uses permitted as Conditional Uses include establishments primarily engaged in on-site production or assembly of goods by hand manufacturing involving the use of hand tools and small-scale equipment. Typical uses include:

- 1) On-site production of goods by hand or artistic endeavor;
- 2) Placement of digital or analog information on a physical or electronic medium;
- 3) Light manufacturing, predominately from previously prepared materials, of finished products or parts, provided the noise, light, smell, or vibration does not extend beyond the site;
- 4) Research of an industrial or biotechnical nature;
- 5) Food Production, such as a bakery or a meat processing facility with no on-site slaughter;
- 6) Moving picture production such as movies, videos, and television; and
- 7) Similar small scale industrial uses which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare that that which is generally associated with light industrial uses of the type specifically permitted.

b. Standards to maintain consistency with the Comprehensive Plan recommendations for Industrial uses and to insure compatibility with nearby land uses and the character of the area are listed below:

- 1) Small Scale Industrial uses are permitted as Conditional Uses only on properties that are zoned A (Agricultural) or V-C (Valley Channel).
- 2) The proposed use shall be located primarily outside of the regulatory floodplain.
- 3) Vegetative cover and wildlife habitat on the site shall be preserved, along with other environmentally sensitive areas to act as buffers and site amenities.
- 4) The site shall have adequate utilities, infrastructure, and services for the proposed use.
- 5) The total square footage of all buildings used in the operation and storage shall not exceed 10,000 sq. ft. unless a larger area is approved by the Board of County Commissioners.
- 6) The establishment may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65.
- 7) All business activity shall be conducted within the structure with no outdoor storage of materials or product.
- 8) Parking spaces for all employees and loading areas must be provided on the site. No loading activity or parking is to occur on the adjacent roadway.
- 9) The use does not require Federal air quality discharge permits.
- 10) The use shall not generate offensive off-site external effects (such as noise, glare, vibrations, etc.).
- 11) The site shall be located on a full maintenance public road.
 - a) Traffic information shall be provided, as requested by the County Engineer, to insure the suitability of the adjacent roads to handle the anticipated traffic to be generated by the use.
 - b) Improvements to the access point to meet current standards, or roadway improvements needed due to traffic generated by the use, or spacing of access drives, all as identified by the County Engineer, shall be required as part of the Conditional Use.
 - c) The property must, at a minimum, meet the Access Management Standards for residential properties.
- 12) Exterior lighting associated with the use shall be limited. The Conditional Use site plan shall show the location of proposed exterior lighting with the height noted. Lighting spec sheets shall be provided with the plans to illustrate the means taken to eliminate glare. Full cut-off fixtures shall be provided; however, low level lighting (less than 2,600 lumens or 150 watt incandescent bulb) does not require full cut-off fixtures.
- 13) New structures for the use should be of a type that is common to the rural area, rather than industrial, to maintain the rural character of the area.
- 14) No shift work/24 hour a day businesses shall be permitted. Business shall operate with defined working hours.

II. Addition to the Zoning Regulations. The Text Amendments made by this Resolution shall be as a supplement to the Zoning Regulations, as codified in Chapter 12, Article 3 of the Douglas County Code.

III. Invalidity. If any section, clause, sentence or phrase of Resolution of the Text Amendments adopted hereby is found to be unconstitutional or is otherwise held invalid by any

court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Resolution or the Text Amendments adopted hereby, as the case may be.

IV. Repeal. The Zoning Regulations heretofore adopted that are in conflict with this Text Amendments are amended, repealed, or replaced, as the case may be, to be consistent with the Text Amendments adopted hereby.

V. Effective Date. This Resolution shall be in full force and effect from and after its adoption by the Board and its publication once in the office County newspaper.

ADOPTED this ____ day of _____, 2016.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

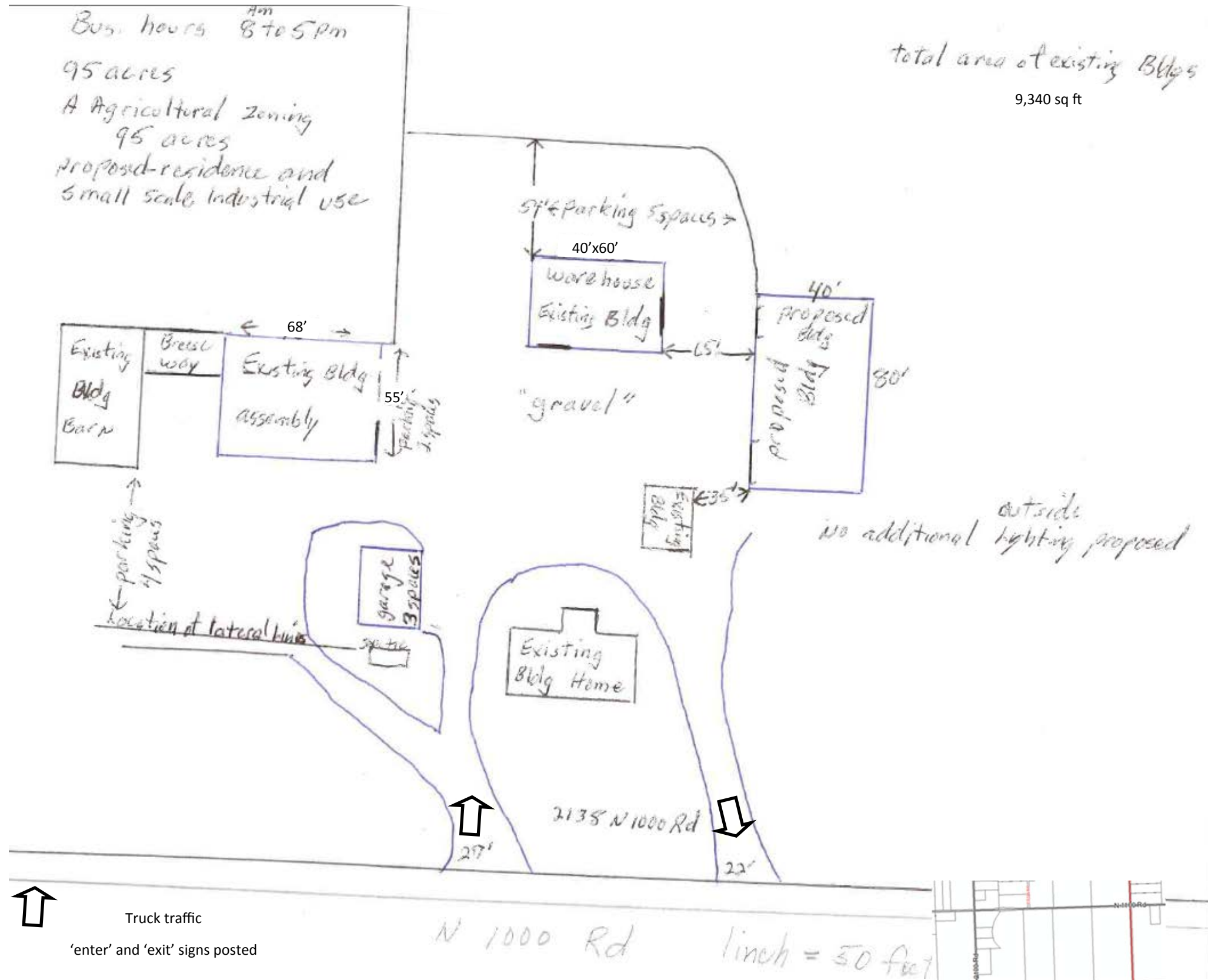
Jim Flory, Chairman

ATTEST:

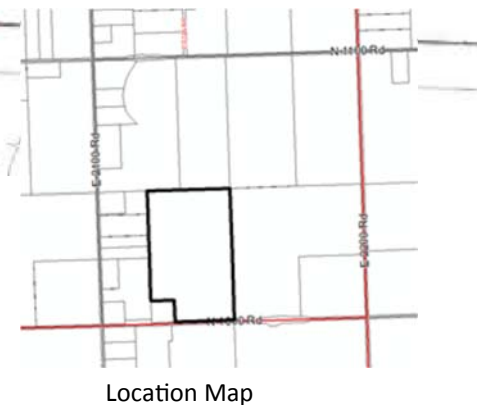
Mike Gaughan, Member

Jameson D. Shew, County Clerk

Nancy Thellman, Member

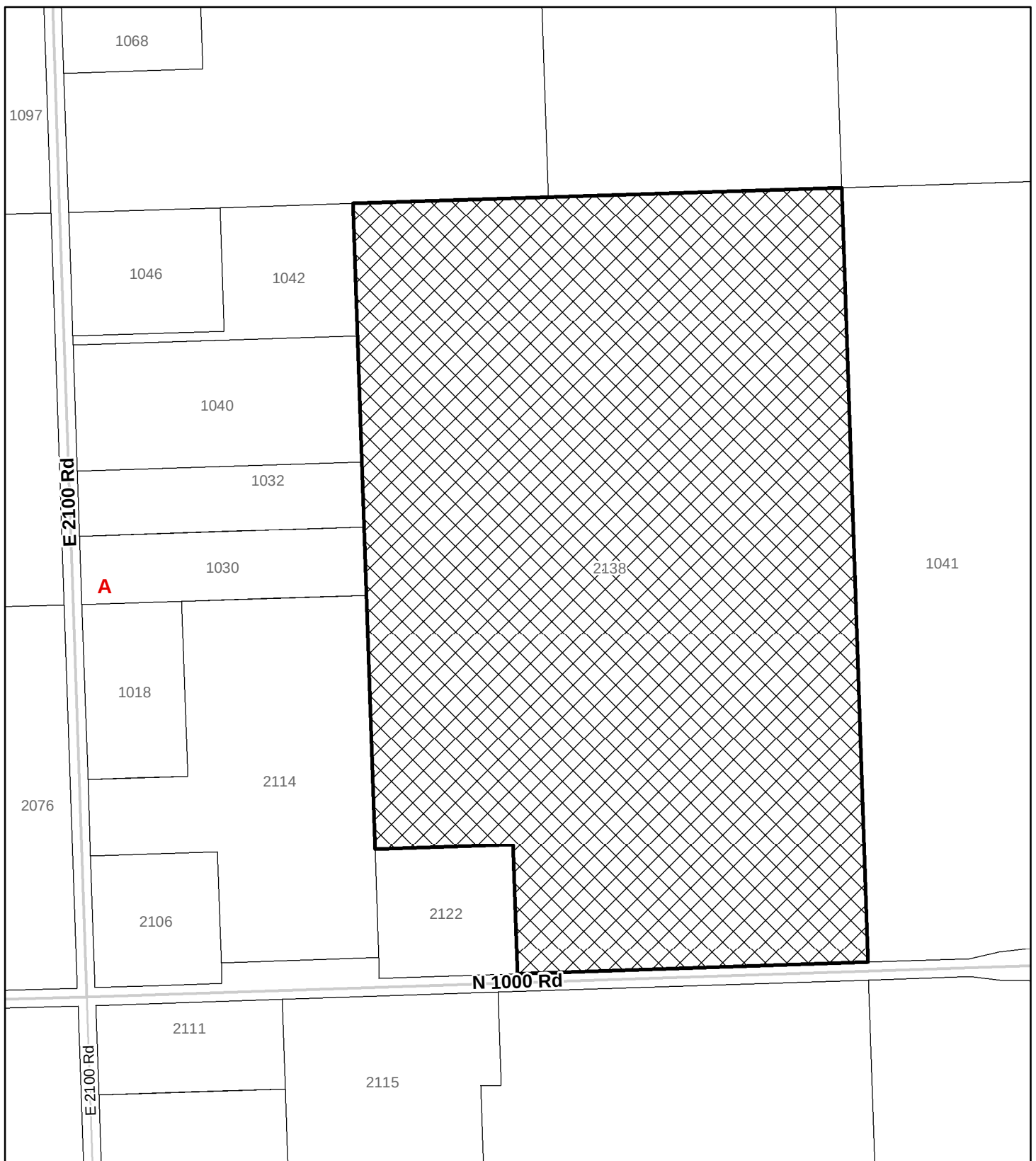


LEGAL DESCRIPTION: 94.99 ACRES; 29-13-21; E 100A OF SW 1/4, LESS 5.01 ACRES D 452/2097 WW35(DIV 1991 200406)



Conditional Use Permit
Richardson Jumpstarters
Small Scale Industrial Use
2138 N 1000 Road





CUP-17-00316: Conditional Use Permit for small scale industrial uses, Richardson Jumpstarters, on approximately 94.8 acres, located at 2138 N 1000 Rd



ITEM NO. 1 CONDITIONAL USE PERMIT FOR RICHARDSON JUMPSTARTERS; 2138 N 1000 RD (MKM)

CUP-17-00316: Consider a Conditional Use Permit for *Small Scale Industrial Uses*, Richardson Jumpstarters, on approximately 94.8 acres located at 2138 N 1000 Rd. Submitted by Dwane F and Valerie Richardson Trustee, property owners of record. *Joint meeting with Eudora Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

APPLICANT PRESENTATION

No applicant present.

PUBLIC HEARING

No public comment.

COMMISSION DISCUSSION

Commissioner Sands asked if this was the same location as the cell tower that Planning Commission approved last month.

Ms. Miller said yes, and that County Commission approved it last week.

Commissioner Willey asked if the recommendations regarding acres and number of employees were fixed or a moving target.

Ms. Miller said it was a known number and would be included in the plan.

Commissioner Sinclair inquired about the 6.5 acres around the buildings.

Ms. Miller said the plan only included the 6.5 acres not the entire 94 acres.

Commissioner Kelly said he remembered when the text amendment came before the Planning Commission and they discussed making use of the industrial land available. He felt the Conditional Use Permit provided that middle step between large scale industrial and home business. He said they should encourage businesses to grow and stay in Lawrence.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Willey, to approve the Conditional Use Permit for a *Small Scale Industrial Use* subject to the following conditions:

1. The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department.
2. Provision of a revised CUP plan with the following changes:
 - a. Addition of the following notes:
 - i. *"If any new exterior lighting is proposed, a lighting plan shall be submitted to the Planning Office for review and approval prior to installation."*
 - ii. *"Up to 10,000 sq ft of building is permitted. Additional building area will require approval of the Board of County Commissioners."*
 - iii. *"Business may employ up to 15 full-time equivalent non-resident employees, as defined in Section 12-303-1.65. Parking is required at the rate of one space per two employees."*

- iv. *"All business activity shall be conducted within the structure with no outdoor storage of materials or product."*
 - v. *"Parking spaces for all employees and loading areas must be provided on the site. No Loading activity or parking is to occur on the adjacent roadway."*
 - vi. *"No shift work/24 hour a day businesses permitted. Business shall operate with defined working hours."*
 - vii. *"The use does not require Federal air quality discharge permits."*
 - viii. *"The addition of a restroom to any of the buildings may require installation of an additional septic system. The Health Department shall be contacted with any building permit application for a restroom."*
- b. Note the current number of employees.
 - c. Show the parking area boundaries, with dimensions.
 - d. Identify the approximate number of acres to be used for the CUP.

Unanimously approved 10-0.