

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, SEPTEMBER 5, 2018

4:00 p.m.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider authorization to proceed with ADA accessible fishing dock at Lone Star Lake (Keith Browning);
- (c) Consider approval of a road location of N 2050 Road by County resolution (Kevin Sontag); and
- (d) Consider approval to purchase equipment for Public Works (Doug Stephens)

REGULAR AGENDA

- (2) Consider engaging in a contract with Northeastern University for a Law Enforcement Contact Study. (Robert Bieniecki)

- (3) Jail population update. (Sheriff McGovern)

- (4) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- (c) Board of Zoning Appeals (1) positions 10/17
- (d) Building Code of Appeals Board (2) positions 12/16
- (e) Community Corrections Advisory Board (1) position open (edu); (1) 08/31/18
- (f) Fire District No. 2 (2) positions
- (g) JAAA Advisory Council (2) position
- (h) JAAA Board of Directors (1) position
- (i) Joint Economic Development Council (2) positions
- (j) Lawrence-Douglas County Advocacy Council on Aging (2) open positions
- (k) MPO Bicycle Advisory Committee (1) position
- (l) Mental Health Board (1) position 04/18
- (m) Property Crimes Compensation Board (1) position
- (n) Senior Resource Center (1) position 12/31/18
- (c) Public Comment
- (d) Miscellaneous

RECESS

RECONVENE

6:00 p.m.

- (6) Proclamation for "First Responder Appreciation Week"

- (7) Extension request for a Conditional Use Permit, CUP-15-00613, for Calcio Village, an Athletic Field complex for youth soccer on approximately 80 acres, located at the intersection of E 1750 Rd & N 1300 Rd. Submitted by Calcio Village on behalf of John Pendleton for Lorita H Pendleton, Trustee, property owner of record. (Approved by the Board of County Commissioners on 2/10/16) Mary Miller is the Planner.

- (8) **CUP-18-00239**: Consider a Conditional Use Permit for Wakarusa Boat & RV Storage LLC, located at E 550 Rd & N 1190 Rd. Submitted by Jason Fike on behalf of Sharon Anderson, property owner of record. Becky Pepper is the Planner.

- (9) Adjourn

WEDNESDAY, SEPTEMBER 12, 2018 – 4 p.m. only

4:00 p.m.

- Tobacco 21 featuring youth from the Boys & Girls Club of Lawrence
- Approve an amended Community Partner Agreement for FY 2018 with DCCCA to provide psychiatry services.(Jill Jolicoeur)

WEDNESDAY, SEPTEMBER 19, 2018 – No 6 p.m. meeting

-3:00-3:30 p.m. – Informal gathering

-3:30-5:30 p.m. – City/County/School District meeting. Location: Flory Building, Douglas County Fairgrounds,

WEDESDAY, SEPTEMBER 26, 2018

-Proclamation for “National 4-H Week” – Kaitlyn Peine

WEDNESDAY, OCTOBER 3, 2018- 4 p.m. only

WEDNESDAY, OCTOBER 10, 2018

6:00 p.m.

CUP-18-00299: Consider a Conditional Use Permit for Big Springs Quarry, approximately 1,049 acres located at 2 N 1700 Rd. and parcels to the north, east, and south. Submitted by Mid-States Ventures LLC, for Mid-States Ventures LLC, Nancy J Hughes, James R Meek, Thomas R Meek, and Bonnie M Nichols, Trustee, property owners of record. Mary Miller is the Planner.

WEDNESDAY, OCTOBER 17, 2018

Extension request for a Conditional Use Permit, CUP-17-00215, for a new 190 ft self-supporting wireless telecommunications facility (tower), located at 2138 N 1000 Rd. Submitted by MW Towers LLC for F. Dwane Richardson & Valerie Richardson, property owners of record. (Approved by the Board of County Commissioners on 8/16/17) Sandra Day is the Planner.

FRIDAY, OCTOBER 19, 2018

-12:00-2:00 p.m. - The Lawrence – Douglas County Planning Commission annual orientation with City and County Commissioners in attendance.

WEDNESDAY, OCTOBER 24, 2018

WEDNESDAY, OCTOBER 31, 2018

WEDNESDAY, NOVEMBER 7, 2018

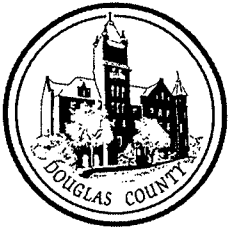
WEDNESDAY, NOVEMBER 7, 2018

WEDNESDAY, NOVEMBER14, 2018

THURSDAY, NOVEMBER 15, 2018

-9:00 a.m. – Election Canvass

***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 PUBLIC WORKS

3755 E. 25th Street
Lawrence, KS 66046
(785) 832-5293 Fax (785) 842-1201
dgcpubw@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 : August 21, 2018

Re : Authorization to proceed with ADA accessible fishing dock at Lone Star Lake

Douglas County was awarded a \$40,000 grant from the Kansas Department of Wildlife, Parks and Tourism (KDWPT) to construct an ADA accessible boardwalk and fishing dock on the north shore of the east cove at Lone Star Lake. The grant is available through the Community Fisheries Assistance Program (CFAP) in which we participate. These grant funds are available to reimburse Douglas County for expenses associated with the project.

We anticipate completing the construction work using department forces. There will be out of pocket costs for materials and the dock itself. We also plan to utilize a consultant for final engineering design of the ADA parking area, walkway, and dock anchorage. It is hoped to add in the future an ADA accessible kayak launch facility to be accessed by the same walkway as for the fishing dock. The engineering design will include the walkway and dock anchorage to also accommodate this future facility.

We currently estimate total out-of-pocket costs for materials and engineering services will be \$105,061(see attached estimate). The grant will reimburse \$40,000 of these costs. We propose the remaining cost to be paid from the alcohol tax/recreation fund. Some material costs such as concrete and reinforcing steel can be paid from our Road & Bridge Fund 201, which will reduce the amount needed from the recreation fund.

Most construction work will occur in 2019, although we may be able to start some of the work on the walkway and parking area later this year.

Action Required: Authorization to proceed with engineering and construction of an ADA accessible parking area, walkway, and fishing dock at Lone Star Lake.

DOUGLAS COUNTY PUBLIC WORKS
 ADA FISHING PLATFORM AT LONE STAR LAKE
 PROJECT #2018-41
 21-Aug-18

MATERIALS ESTIMATE

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL	REMARKS
1	Concrete for Boadwalk	C.Y.	26	\$125.00	\$3,250.00	County
2	Re-Steel for Boardwalk	Lbs.	2600	\$0.75	\$1,950.00	County
3	Railing for Boardwalk & Landing	L.F.	145	\$144.00	\$20,880.00	By Others
4	Concrete for Anchorage Platform/landing	C.Y.	18	\$125.00	\$2,250.00	County
5	Re-Steel for anchorage platform/landing	Lbs.	1800	\$0.75	\$1,350.00	County
6	Fishing Pier	L.S.	1	\$40,000.00	\$40,000.00	By Others
7	Paving for ADA parking	Ton	150	\$47.00	\$7,050.00	County
8	Striping - ADA parking areas	L.S.	1	\$300.00	\$300.00	By Others
9	Final Desgin	L.S.	1	\$18,480.00	\$18,480.00	By Others
					<u>\$95,510.00</u>	
Contingency (10%)					<u>\$9,551.00</u>	
TOTAL					<u>\$105,061.00</u>	

Notes:	County: Work performed by Dg. Co. and materials purchased from normal	By Others:	\$79,660.00
	Operating funds if sufficient funds exist near years end.	County:	<u>\$15,850.00</u>
			<u>\$95,510.00</u>
		Contingency (10%)	<u>\$9,551.00</u>
			<u>\$105,061.00</u>



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
Kevin R. Sontag, P.S., County Surveyor

DATE : August 24, 2018

RE : Road Relocation: N 2050 Road between 700E and E 950 Road

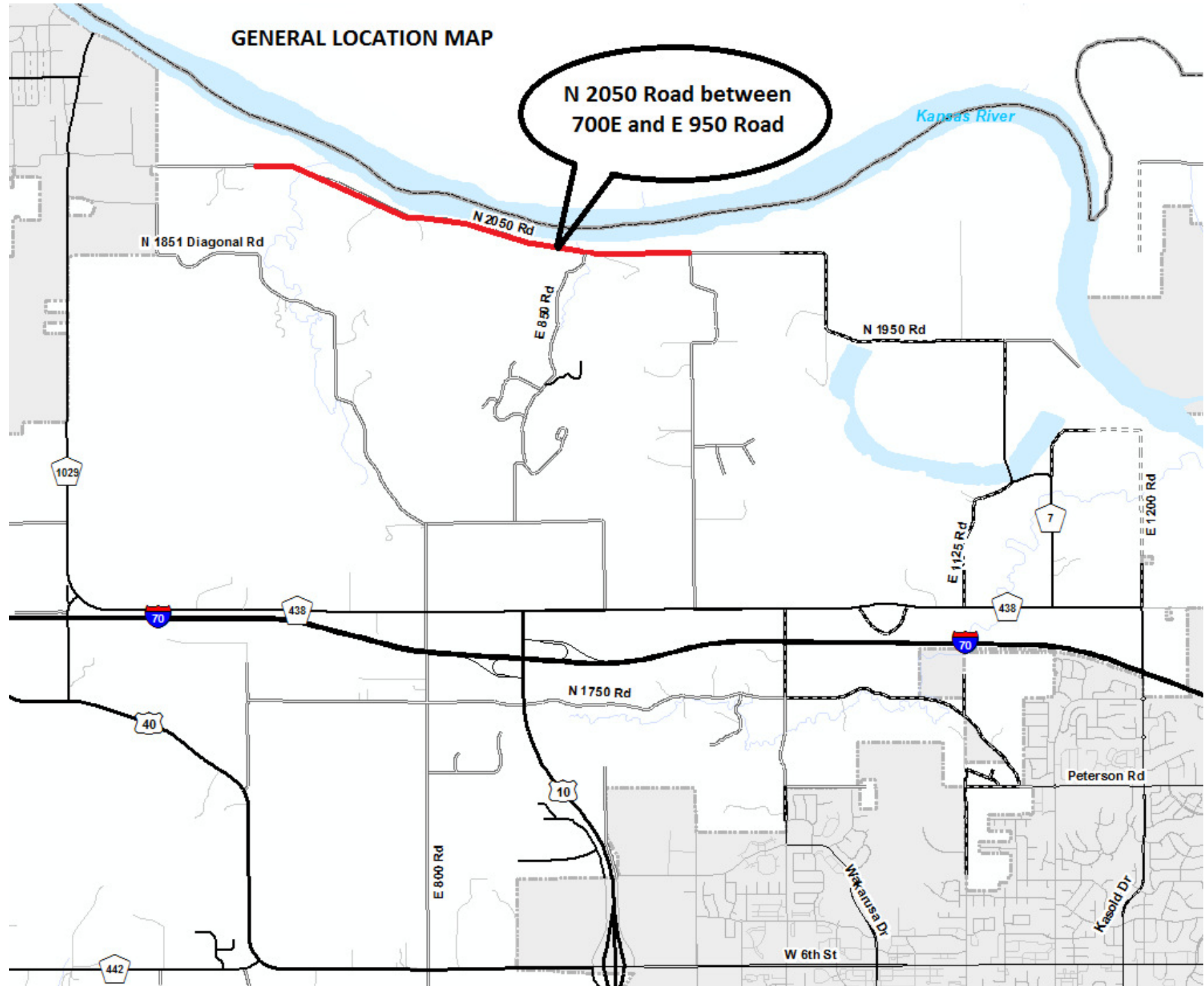
A portion of N 2050 Road, also known as the Scenic River Road, is traveled in a location different than originally described when established in the 1880s. For over 50 years, this portion of the road has existed, been open to public travel, and been maintained in its current location that differs from the original road survey.

This issue was identified during the process to design, construct, and purchase additional right-of-way easement for two culvert replacement projects along N 2050 Road. Amending the road records to reflect the road's actual location will not only be a benefit to these projects but will eliminate any future confusion of a road not existing within its described right-of-way.

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

Action Required: Consider and approve the proposed relocation of N 2050 Road utilizing the attached resolution.

GENERAL LOCATION MAP



RESOLUTION NO. _____

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

WHEREAS, on or about July 1st, 1885, 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. 18A, a portion of which is now also known as N2050 Road, said portion generally located between 700E and E950 Road; and

WHEREAS, on or about July 14th, 1886, after viewing, surveying, laying out, and assessing damages, all in accordance with applicable law, the Board established public road right of way, designated as Permanent Road Record No. 457, lying along or near the line of Permanent Road Record No. 18A generally located between 700E and E950 Road (Road No. 18A and Road No. 457 together 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 surveys of the Public Road; and

WHEREAS, Douglas County has built two bridges on the Public Road, one in 1939 and the other in 1964, that slightly altered the traveled way of the Public Road; and

WHEREAS, the County can find no permanent road records relating to the current location of the Public Road, but which has been constructed and open for public use in its current location for more than 50 years and has, thereafter, been continuously traveled, improved, and maintained as a 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:

RESOLUTION NO. _____

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

WHEREAS, on or about July 1st, 1885, 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. 18A, a portion of which is now also known as N2050 Road, said portion generally located between 700E and E950 Road; and

WHEREAS, on or about July 14th, 1886, after viewing, surveying, laying out, and assessing damages, all in accordance with applicable law, the Board established public road right of way, designated as Permanent Road Record No. 457, lying along or near the line of Permanent Road Record No. 18A generally located between 700E and E950 Road (Road No. 18A and Road No. 457 together 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 surveys of the Public Road; and

WHEREAS, Douglas County has built two bridges on the Public Road, one in 1939 and the other in 1964, that slightly altered the traveled way of the Public Road; and

WHEREAS, the County can find no permanent road records relating to the current location of the Public Road, but which has been constructed and open for public use in its current location for more than 50 years and has, thereafter, been continuously traveled, improved, and maintained as a 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. Location of Public Road. The Board finds that the actual location of the Public Road is as follows:

New centerline of Permanent Road Record No. 18A/457, more particularly described as:

Beginning at the northeast corner of the Northwest Quarter of Section 8, Township 12 South, Range 19 East of the Sixth Principal Meridian, Douglas County, Kansas; Thence South 88 degrees 21 minutes 23 seconds West (assumed bearing) along the north line of the Northwest Quarter of said Section 8 a distance of 2596.36 feet, more or less, said point being North 88 degrees 21 minutes 23 seconds East, 55.69 feet from the northwest corner of the Northwest Quarter of said Section 8; Thence South 59 degrees 29 minutes 33 seconds West a distance of 63.49 feet; Thence South 67 degrees 22 minutes 42 seconds West a distance of 31.05 feet; Thence South 89 degrees 15 minutes 10 seconds West a distance of 34.43 feet; Thence North 73 degrees 47 minutes 28 seconds West a distance of 292.92 feet; Thence North 85 degrees 06 minutes 21 seconds West a distance of 43.31 feet; Thence South 81 degrees 10 minutes 47 seconds West a distance of 147.94 feet; Thence North 87 degrees 41 minutes 29 seconds West a distance of 78.86 feet; Thence North 77 degrees 50 minutes 34 seconds West a distance of 546.85 feet; Thence North 82 degrees 48 minutes 06 seconds West a distance of 670.65 feet; Thence North 80 degrees 21 minutes 21 seconds West a distance of 271.16 feet; Thence North 81 degrees 22 minutes 21 seconds West a distance of 117.21 feet; Thence along a tangent curve to the right having a radius of 1100.00 feet, a chord bearing North 74 degrees 35 minutes 50 seconds West, a chord length of 259.54 feet and an arc length of 260.14 feet; Thence North 67 degrees 49 minutes 20 seconds West a distance of 122.23 feet; Thence North 70 degrees 43 minutes 05 seconds West a distance of 379.04 feet; Thence North 78 degrees 45 minutes 22 seconds West a distance of 274.98 feet; Thence North 76 degrees 46 minutes 12 seconds West a distance of 1136.20 feet; Thence North 81 degrees 36 minutes 06 seconds West a distance of 314.88 feet; Thence North 87 degrees 45 minutes 02 seconds West a distance of 495.67 feet; Thence South 88 degrees 26 minutes 32 seconds West a distance of 233.05 feet; Thence South 88 degrees 58 minutes 40 seconds West a distance of 126.54 feet; Thence along a tangent curve to the right having a radius of 800.00 feet, a chord bearing North 80 degrees 59 minutes 09 seconds West, a chord length of 278.84 feet and an arc length of 280.27 feet; Thence North 70 degrees 56 minutes 58 seconds West a distance of 73.06 feet; Thence along a tangent curve to the right having a radius of 600.00 feet, a chord bearing North 69 degrees 24 minutes 23 seconds West, a chord distance of 32.31 feet and an arc length of 32.31 feet; Thence North 67 degrees 51 minutes 49 seconds West a distance of 296.37 feet; Thence North 65 degrees 34 minutes 40 seconds West a distance of 525.55 feet; Thence North 66 degrees 29 minutes 55 seconds West a distance of 942.38 feet; Thence North 66 degrees 02 minutes 27 seconds West a distance of 398.47 feet; Thence North 70 degrees 35 minutes 12 seconds West a distance of 228.15 feet; Thence North 74 degrees 09 minutes 17

seconds West a distance of 641.47 feet; Thence North 71 degrees 04 minutes 41 seconds West a distance of 194.96 feet; Thence North 67 degrees 04 minutes 35 seconds West a distance of 215.03 feet; Thence North 72 degrees 50 minutes 25 seconds West a distance of 172.72 feet; Thence North 77 degrees 45 minutes 55 seconds West a distance of 242.57 feet; Thence North 82 degrees 09 minutes 35 seconds West a distance of 120.93 feet; Thence South 88 degrees 34 seconds 07 seconds West a distance of 934.15 feet; Thence South 83 degrees 52 minutes 15 seconds West, 120.82 feet, more or less, to the northwest corner of the Southwest Quarter of Section 1, Township 12 South, Range 18 East of the Sixth Principal Meridian, Douglas County, Kansas, and the point of termination.

2. Adoption of Road Survey. The Board adopts the attached Road Survey (Exhibit A), dated August 24th, 2018 and prepared by the County Surveyor, as the amended Road Survey for the portion of the Public 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 field 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 _____, 20____.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

Nancy Thellman, Chair

ATTEST:

Michelle Derusseau, Vice-Chair

Jameson D. Shew, County Clerk

Mike Gaughan, Member

1. Location of Public Road. The Board finds that the actual location of the Public Road is as follows:

New centerline of Permanent Road Record No. 18A/457, more particularly described as:

Beginning at the northeast corner of the Northwest Quarter of Section 8, Township 12 South, Range 19 East of the Sixth Principal Meridian, Douglas County, Kansas; Thence South 88 degrees 21 minutes 23 seconds West (assumed bearing) along the north line of the Northwest Quarter of said Section 8 a distance of 2596.36 feet, more or less, said point being North 88 degrees 21 minutes 23 seconds East, 55.69 feet from the northwest corner of the Northwest Quarter of said Section 8; Thence South 59 degrees 29 minutes 33 seconds West a distance of 63.49 feet; Thence South 67 degrees 22 minutes 42 seconds West a distance of 31.05 feet; Thence South 89 degrees 15 minutes 10 seconds West a distance of 34.43 feet; Thence North 73 degrees 47 minutes 28 seconds West a distance of 292.92 feet; Thence North 85 degrees 06 minutes 21 seconds West a distance of 43.31 feet; Thence South 81 degrees 10 minutes 47 seconds West a distance of 147.94 feet; Thence North 87 degrees 41 minutes 29 seconds West a distance of 78.86 feet; Thence North 77 degrees 50 minutes 34 seconds West a distance of 546.85 feet; Thence North 82 degrees 48 minutes 06 seconds West a distance of 670.65 feet; Thence North 80 degrees 21 minutes 21 seconds West a distance of 271.16 feet; Thence North 81 degrees 22 minutes 21 seconds West a distance of 117.21 feet; Thence along a tangent curve to the right having a radius of 1100.00 feet, a chord bearing North 74 degrees 35 minutes 50 seconds West, a chord length of 259.54 feet and an arc length of 260.14 feet; Thence North 67 degrees 49 minutes 20 seconds West a distance of 122.23 feet; Thence North 70 degrees 43 minutes 05 seconds West a distance of 379.04 feet; Thence North 78 degrees 45 minutes 22 seconds West a distance of 274.98 feet; Thence North 76 degrees 46 minutes 12 seconds West a distance of 1136.20 feet; Thence North 81 degrees 36 minutes 06 seconds West a distance of 314.88 feet; Thence North 87 degrees 45 minutes 02 seconds West a distance of 495.67 feet; Thence South 88 degrees 26 minutes 32 seconds West a distance of 233.05 feet; Thence South 88 degrees 58 minutes 40 seconds West a distance of 126.54 feet; Thence along a tangent curve to the right having a radius of 800.00 feet, a chord bearing North 80 degrees 59 minutes 09 seconds West, a chord length of 278.84 feet and an arc length of 280.27 feet; Thence North 70 degrees 56 minutes 58 seconds West a distance of 73.06 feet; Thence along a tangent curve to the right having a radius of 600.00 feet, a chord bearing North 69 degrees 24 minutes 23 seconds West, a chord distance of 32.31 feet and an arc length of 32.31 feet; Thence North 67 degrees 51 minutes 49 seconds West a distance of 296.37 feet; Thence North 65 degrees 34 minutes 40 seconds West a distance of 525.55 feet; Thence North 66 degrees 29 minutes 55 seconds West a distance of 942.38 feet; Thence North 66 degrees 02 minutes 27 seconds West a distance of 398.47 feet; Thence North 70 degrees 35 minutes 12 seconds West a distance of 228.15 feet; Thence North 74 degrees 09 minutes 17

seconds West a distance of 641.47 feet; Thence North 71 degrees 04 minutes 41 seconds West a distance of 194.96 feet; Thence North 67 degrees 04 minutes 35 seconds West a distance of 215.03 feet; Thence North 72 degrees 50 minutes 25 seconds West a distance of 172.72 feet; Thence North 77 degrees 45 minutes 55 seconds West a distance of 242.57 feet; Thence North 82 degrees 09 minutes 35 seconds West a distance of 120.93 feet; Thence South 88 degrees 34 seconds 07 seconds West a distance of 934.15 feet; Thence South 83 degrees 52 minutes 15 seconds West, 120.82 feet, more or less, to the northwest corner of the Southwest Quarter of Section 1, Township 12 South, Range 18 East of the Sixth Principal Meridian, Douglas County, Kansas, and the point of termination.

2. Adoption of Road Survey. The Board adopts the attached Road Survey (Exhibit A), dated August 24th, 2018 and prepared by the County Surveyor, as the amended Road Survey for the portion of the Public 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 field 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 _____, 20____.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

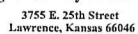
Nancy Thellman, Chair

ATTEST:

Michelle Derusseau, Vice-Chair

Jameson D. Shew, County Clerk

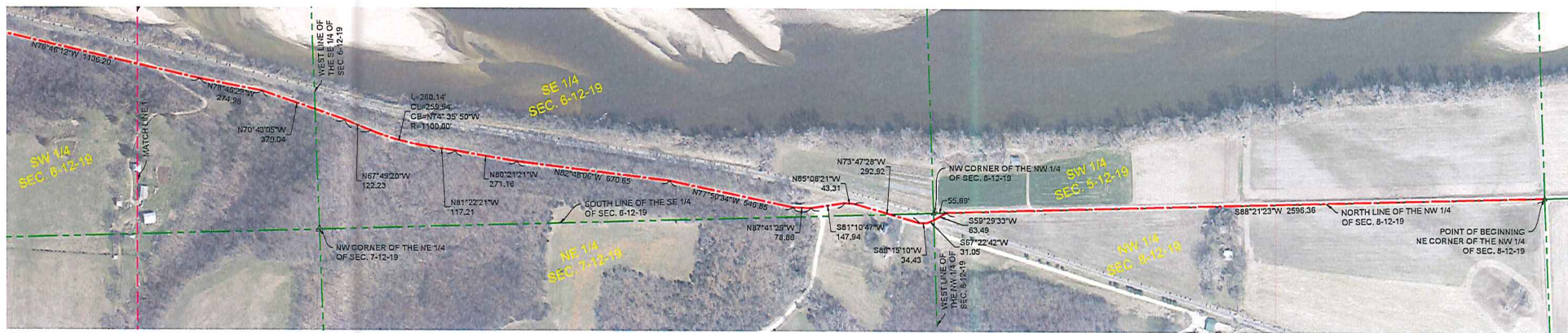
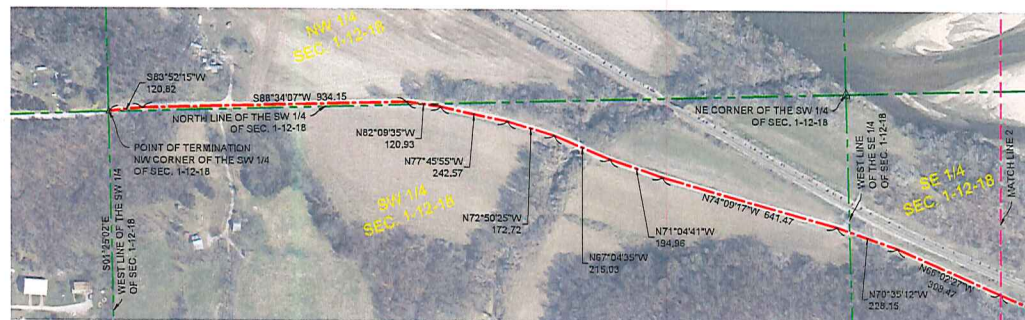
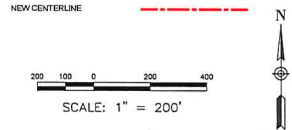
Mike Gaughan, Member



I hereby certify that this plat accurately depicts the current location of Permanent Road Record Nos. 18A and 457.



SECTION LINE





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

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

FROM: Jackie Waggoner, Purchasing Director
Division of Purchasing

SUBJECT: Consider Recommendation to Purchase Equipment for Public Works

DATE: August 30, 2018

Public Works has funds allocated in their Equipment Reserve to purchase one semi-tractor truck and one tandem axle dump truck. The two replacements will be sold in our online auction.

Public Works uses dump trucks daily in the maintenance of county roads, and bridges, as well as, performing snow and ice control in winter months. This truck will replace a 2008 International model with 166,000 miles and equipped with a dump bed, plow, spreader. The new truck will be equipped the same.

The semi-tractor truck to be replaced is a 2006 International model with 117,000 miles. This truck is used to haul heavy equipment and various materials to projects throughout the county. Public Works has two semi-tractors in their fleet but the one being replaced is showing its age and beginning to experience mechanical problems with potential costly repairs.

Both Mack trucks are available on the MODOT (Missouri Department of Transportation) contract with Westfall O'Dell Truck Sales. Special equipment (dump bed, spreader and snow plow) is available through a cooperative contract with the City of Kansas City, MO with American Equipment. The truck and equipment will all be purchased through Westfall with a pass through cost on the equipment.

For many years the county had purchased International dump trucks until a few years ago when staff started experiencing problems with this model. At that time staff evaluated four models with contracts and found the Mack dump truck was significantly better than the other models. The recommendation for Mack preventative service (oil change, filters, etc.) is every 12,000 miles versus other models that are 3,000 miles. This equates to considerable cost savings over the life of the truck.

RECOMMENDATION: The Board of County Commissioners authorizes staff to access the MODOT and the City of Kansas City contracts with Westfall GMC for the following purchase of two trucks:

2019 Mack GR64BT Semi-Tractor	\$116,282.91
Mack Engine Protection Plan	\$ 4,494.00
Mack Exhaust After treatment System	\$ 979.00
Special Equipment (American)	<u>\$ 13,722.00</u>
Total Cost	\$135,477.91

2019 Mack GR64B Tandem Dump Truck	\$104,008.64
Mack Engine Protection Plan	\$ 4,494.00
Mack Exhaust After treatment System	\$ 979.00
Special Equipment (American)	<u>\$ 84,754.00</u>
Total Cost	\$194,235.64
 Combined Total Cost	 \$329,713.55



DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5328 Fax (785) 832-5148
cweinaug@douglscountyks.org

G. Craig Weinaug
County Administrator

MEMO TO: Board of County Commissioners

FROM: Robert Bieniecki, Criminal Justice Coordinator

SUBJECT: Law Enforcement Contact Study

DATE: September 5th, 2018

Over the past two years, the Criminal Justice Coordinating Council (CJCC) has invested time researching the topic of disproportionate minority contact in Douglas County's criminal justice system. As a result, the CJCC has recommended that a study be conducted to determine the level of disproportionate minority contact.

After reviewing possibilities of who could conduct such a study, the CJCC has recommended a team from Northeastern University. The team consists of Dr. Jack McDevitt and Dr. Amy Farrell from Northeastern University in Boston, MA and Dr. Janice Iwama from American University in Washington, D.C.

The team will provide technical assistance to all of the law enforcement agencies in Douglas County to develop and implement a program for documenting traffic and pedestrian stops. They will also analyze the data to determine if any disproportionalities exist and provide related recommendations.

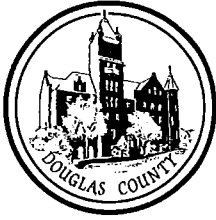
The study is expected to take two years to complete. Upon completion, Douglas County Law Enforcement agencies will have a data collection and analysis program in place for ongoing use.

Douglas County would be the lead agency for this project. The total cost of the project is \$175,000. The Cities of Lawrence, Eudora, Baldwin and the University of Kansas have committed to participating in the study. An inter-local agreement for shared cost is currently being reviewed by legal counsel and will be forwarded upon completion. The proposed cost share is; Douglas County - \$84,016.50, City of Lawrence - \$84,016.50, City of Eudora - \$2,883, City of Baldwin - \$2,269 and the University of Kansas - \$1,815.

Please find the contract and applicable related documents attached.

Staff recommendation:

"Consider a motion to approve executing a contract with Northeastern University to provide consulting services to Douglas County to study Law Enforcement contact and create a data collection program for ongoing data collection and analysis."



DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5328 Fax (785) 832-5148
cweinaug@douglascountryks.org

G. Craig Weinaug
County Administrator

August 8, 2018

Northeastern University
C/O Dr. Jack McDevitt
420J Renaissance Park
Boston, MA 02115

Reference: Douglas County, Kansas Law Enforcement Contact Study

To whom it may concern,

Thank you for your interest to provide consulting and technical assistance to Douglas County, Kansas for a Law Enforcement Contact Study. We appreciate the time and effort that Dr. Jack McDevitt has contributed to drafting the contract and scope of work.

It is our intention to contract with your team which includes; Dr. Jack McDevitt, Dr. Amy Farrell and Dr. Janice Iwama for the proposed agreed amount of \$175,000 over two years. Although the contract is currently being finalized, we anticipate an execution date of September 1st, 2018.

We look forward to working with Northeastern University and Dr. Jack McDevitt's team.

Sincerely,

G. Craig Weinaug
County Administrator
Douglas County, Kansas



DOUGLAS COUNTY ADMINISTRATOR

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5328 Fax (785) 832-5148
cweinaug@douglascountyks.org

G. Craig Weinaug
County Administrator

August 8, 2018

Northeastern University
C/O Dr. Jack McDevitt
420J Renaissance Park
Boston, MA 02115

Reference: Douglas County, Kansas Law Enforcement Contact Study Budget Considerations

To whom it may concern,

As we are in the final stages of executing a contract with Northeastern University for a Law Enforcement Contact Study, here are our budget considerations.

The contract amount is \$175,000 over a two year time frame. The payment schedule to Northeastern University is as follows with the anticipated contract execution date of September 1, 2018:

Payment #1 - \$25,000 due on September 30th, 2018
Payment #2 - \$50,000 due on February 28th, 2019
Payment #3 - \$50,000 due on August 31st, 2019
Payment #3 - \$50,000 due on August 31st, 2020

In the budget plan submitted by Dr. McDevitt, indirect costs are listed at \$28,960 or 20%. Please be advised that Douglas County will not pay any more than 20% for indirect costs related to this project. Please find a draft of the budget attached.

Again, we look forward to working with Northeastern University and Dr. Jack McDevitt's team.

Sincerely,

G. Craig Weinaug
County Administrator

	Year 1												Year 2											
	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12	Month 13	Month 14	Month 15	Month 16	Month 17	Month 18	Month 19	Month 20	Month 21	Month 22	Month 23	Month 24
Phase I: Planning																								
Identify participating agencies and brief leadership																								
Identify existing data collection possibilities in participating agencies																								
Identify data elements to be collected																								
Decide on analytic approach																								
Develop training for officers																								
Audit Process																								
Develop Community Participation Process																								
Phase II: Data Collection																								
Review Data Collection Process																								
Pilot Data Review																								
Identify Preliminary Patterns and Trends																								
Phase III: Analysis																								
Using External Benchmarks																								
Using Internal Benchmarks																								
Phase IV: Deliverables																								
Quarterly Reports																								
Annual Reports																								
LE Data Collection and Analysis Program																								
Comprehensive Final Project Report																								

* 2nd Annual report by January 31st, 2020

*Comprehensive Final Report by March 31st, 2020

SERVICES CONTRACT

This Agreement is entered into effective the 5st day of September, 2018, by and between the BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS ("County"), and Northeastern University ("Contractor").

RECITALS

WHEREAS, the County desires to contract with Contractor to provide criminal justice consulting services to the County as described herein;

WHEREAS, the Contractor wishes to provide such criminal justice consulting services to the County on the terms and conditions contained herein.

TERMS AND CONDITIONS

NOW THEREFORE, it is agreed as follows:

1. **Services Provided.** County hereby engages Contractor to provide the criminal justice consulting services set forth in Attachment A ("Services"), and Contractor agrees to provide such Services.

2. **Compensation.** As compensation for providing the Services, the County shall pay Contractor \$175,000 for the Term of this Agreement in accordance with payment plan in Attachment B and budget shown in Attachment C. It shall be a condition precedent to payment of any invoice from Contractor that Contractor is in compliance with, and not in breach or default of, all terms, covenants and conditions of this Contract. If damages are sustained by County as a result of breach or default by Contractor, in addition to any other legal remedies that may be available, County may withhold payment to Contractor until such time as the exact amount of damages due County from Contractor may be determined. Contractor is not an agent of the County and the County is not liable for any obligation incurred by Contractor.

3. **Term of Contract.** This Contract shall commence upon execution and terminate on September 4th, 2020. The contract may be extended at the option of the County for two three (3) month terms on the same terms and conditions herein, provided that the compensation to Contractor for Services performed during any extended Term will not exceed \$7,291.67 per month. Any such extension must be in writing.

4. **Termination.** Either party has the right to terminate this Agreement upon thirty (30) calendar days' written notice to the other party. County will pay Contractor for fees earned through the date of termination.

5. **Confidentiality.** Contractor will not, directly or indirectly, divulge, furnish, make accessible, or permit the disclosure to anyone (other than persons employed or designated by the County) any confidential information including any non-public knowledge, lists, or information acquired by Contractor.

6. **Indemnification.** Contractor must pay County for any loss sustained by the County

that is caused by Contractor's negligence, intentional misconduct, or breach of this agreement. "Loss" means an amount or amounts that the County is legally responsible for or pays in any form. For example, a loss includes a judgment, settlement, fine, damages, injunctive relief, staff compensation, and expenses (including without limitation attorney and expert witness fees) for responding to or defending against an inquiry, investigation, claim for a loss, lawsuit, or other claim or proceeding.

7. **Notices.** All notices required by this Contract shall be in writing sent to the following:

County:
Craig Weinaug
Office of the County Administrator
1100 Massachusetts Street
Lawrence, KS 66044
Phone: (785) 832-5268
weinaug@douglas-county.com

Contractor:
Dr. Jack McDevitt
Northeastern University
420J Renaissance Park
Boston, MA 02115
Phone: (617) 373-3482
jmcdevitt@neu.edu

8. **Notices.** All notices are effective (a) when delivered in person, (b) upon confirmation of receipt when transmitted by electronic mail, or (c) on the next business day if transmitted by overnight courier (with confirmation of delivery).

9. **Independent Contractor Status.** For all purposes, including but not limited to income tax withholding, payroll taxes, unemployment compensation, employment law, workers compensation, and all other purposes, the parties agree that Contractor is an independent contractor of the County and no person with which Contractor contracts or hires to provide the Services shall, under any circumstance, be considered an employee of the County. Contractor shall be solely responsible for the means, manner, and method of providing the Services. Contractor shall be responsible for all matters related to federal and state payroll and withholding taxes, workers compensation insurance, salaries, fringe benefits, and all other matters of those with which it contracts or hires to provide the Services, and shall require such persons to agree in writing to all terms of this Agreement.

10. **Default.** In the event Contractor fails to provide the Services in compliance with this Agreement and any such default is not cured within 10 days after County has provided Contractor with notice of such default, County shall have the option to terminate this Agreement, with the effective date of such termination being 5 days after the expiration of the cure period. County will pay Contractor for fees earned through the date of termination, subject to any

permissible offset for damages or other losses sustained by County as a result of Contractor's breach of this Agreement.

11. **Douglas County Contractual Provisions Attachment.** The provisions found in the Douglas County Contractual Provisions Attachment D (Revised April-2006), which is attached hereto, are hereby incorporated into this Contract and made a part hereof.

12. **Miscellaneous.** This Agreement shall be binding upon the parties hereto and their successors in interest. This Agreement may not be assigned without the advance written approval of the other party to this Agreement. Failure to insist upon strict compliance with any provision hereof shall not be deemed a waiver of such provision or any other provisions hereof. This Agreement may not be modified except by an agreement in writing, executed by the parties hereto. This Agreement shall be governed in all respects, including validity, interpretation and effect by the laws of the State of Kansas. Nothing with this Agreement shall serve to create any duty to or rights in third parties. This Agreement constitutes the entire understanding between the parties and supersedes all prior negotiations and understandings, whether written or oral.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the day and year first written above.

COUNTY: Board of County Commissioners of
Douglas County, Kansas

ATTEST:

By: _____
Nancy Thellman, Chair

Jameson D. Shew, County Clerk

CONTRACTOR: Northeastern University

By: _____
Dr. Jack McDevitt

Attachment A

SCOPE OF SERVICES

Douglas County Law Enforcement Contact Study

Northeastern University (“Contractor”) will provide consulting services to the Douglas County Criminal Justice Coordinating Council (the “CJCC”), and other stakeholders of the Douglas County Criminal Justice System, which include Douglas County, Kansas, the Douglas County Sheriff’s Office, the City of Lawrence Police, the University of Kansas Police, the Eudora Police, and the Baldwin Police Departments (collectively, the “Stakeholders”). Dr. Jack McDevitt and Dr. Amy Farrell from Northeastern University in Boston, MA and Dr. Janice Iwama from American University in Washington, D.C. will perform the services to be delivered by Contractor. The CJCC will be the lead agency directing Contractor’s work, and Contractor will provide all deliverables to the CJCC, which will share the deliverables with the Stakeholders.

The Contractor will provide technical assistance to the CJCC to develop and implement a program for documenting traffic and pedestrian stops. The Contractor will analyze the data to determine if any disproportionalities exist and provide related recommendations. The Contractor will also assist the CJCC with formulating solutions and assist in developing any necessary procedures and processes related to disproportionate minority contact.

Below is a description of the scope of services that will be conducted by the Contractor and attached documents which include information on timeline (Attachment E) and the budget proposed for the project (Attachment C).

A. Phase I: Planning

1. Brief leadership

The Contractor will assist the Sheriff and Chiefs to determine the following:

- a project team with representation from each agency to assist with leadership of the project
- the expected impact on workload by officers from their agency
- the analytic approach that would be used to determine if racial and ethnic disparities exist
- the time period for data collection before sufficient information is available to perform a reliable analysis
- how accessible the data will be to other groups who might want to conduct their own analysis

- what managerial options exist for managers if disparities are identified

2. Identify existing data collection possibilities in participating agencies

It is expected that the participating agencies will identify a liaison(s) to assist the Contractor with identifying data collection possibilities. The Contractor will work with each agency to identify the best method of data collection that will acquire the information desired at the lowest cost and least disruption to agency.

3. Identify data elements to be collected

Other law enforcement agencies across the country have collected data on traffic and pedestrian stops. The decision to collect each item of information represents a balance between increased workload on the officers completing any data collection protocol and the amount of information necessary to conduct a rigorous analysis. The Contractor will provide the project team a summary of what has been collected by other agencies and how it has been used in various reports for consideration in this project. The Contractor shall also provide recommendations to the project team regarding the appropriate types of data to be collected and the correlating methods, procedures and processes for collecting the data.

4. Decide on an analytic approach

Analysis of traffic and pedestrian stop data has included many different approaches to determine if racial and ethnic disparities exist. Previous research has included, census data, driving population estimates, traffic accident data, observations, and stops made after dark compared to stops made in daylight. Additionally, research studies have analyzed data using both bivariate and a multivariate methods. A summary of the strengths and weaknesses for each method will be prepared and presented to the project team for their consideration and to determine which approach might best answer their questions. The Contractor shall make a recommendation on the appropriate analytical approach applicable to be considered in Douglas County.

5. Develop training for officers

In order for the data to be collected in an accurate and consistent manner, officers from the participating agencies need to be trained on how to complete the data collection instrument. This training needs to define each data element and provide descriptions in an accessible format to all who will utilize the system. This training is best if it can be interactive where officers can discuss their questions as well as any concerns they may have about how this information might be used. In addition, supervisors need to be trained on how best to assure that the data is timely and accurate. Finally, attention

needs to be paid on how to help supervisors address inevitable concerns from their officers and eventually how they might discuss disparities, if any are uncovered, with officers in a way that allows the officer to change previous behavior. The Contractor shall provide recommendations on the approach in Douglas County and assist the Stakeholders with training when needed.

6. Audit process

To assure that the data being collected are of the highest quality, an ongoing auditing process is essential. This process should look at consistency in the number of stops that are taking place over time as well as a process for spot checking data elements to assure they are being accurately recorded. This process needs to initially examine the collected data to make sure officers are collecting information in a consistent manner. This process can identify inconsistent patterns based on information being recorded by officers who may have misunderstood how to complete some elements of the data collection system. The Contractor shall recommend criteria and the appropriate intervals for the audit process.

7. Develop community participation process

The success of the project will depend on the ongoing communication with the project team, the CJCC, the Stakeholders, and the community. The Contractor shall recommend a process and the interval for regular meetings and ongoing communication so that all stakeholders are kept informed of any developments.

An additional issue that should be considered is whether the full project would benefit by a pre/post citizen survey. A survey could gauge the current level of trust that community members have in their respective police departments. Furthermore, at some point after implementation of the project a second community survey could be conducted to determine if community trust in their police department has changed. The Contractor shall make a recommendation to the CJCC on whether a pre/post survey should be used for the project.

B. Phase II: Data Collection

1. Review data collection\process

The first task in the second phase will be to finalize the data collection process and protocols that will be used to collect the information needed to determine if any disproportionalities exist through field test(s) of the research instruments for the collection of traffic and pedestrian stop data. These instruments will serve to inform the final survey instrument used in this project. The Contractor shall make a

recommendation on the appropriate instruments and practical tools for organizational management in Douglas County.

2. Initial data collection review

The purpose of the pilot data would be to test the data collection instrument to determine whether any changes need to be made to the design due to inaccuracies from missing information, duplicate information, and/or measurement error. The Contractor will evaluate the pilot data collected during the first six months of the project and recommend any modifications.

3. Identify preliminary patterns and trends

The systematic collection and analysis of data on police stops has the potential to illuminate patterns in law enforcement that are often unrecognized by officers and police managers in their day-to-day activities. The Contractor shall alert the CJCC and project team of any such patterns or trends observed and make appropriate recommendations.

4. The Contractor shall ensure that all data collection and analysis be based on statistically valid analysis and testing not anecdotal comments.

C. Phase III: Analysis

1. Using external benchmarks

Identifying appropriate benchmarks is a critical part of the data collection and analysis endeavor. Benchmarking refers to comparisons of the characteristics of the people police stopped to a base violator population. Numerous criminological studies have suggested in the past that when using external benchmarks having multiple benchmarks is often the most appropriate strategy. The Contractor will recommend which of the following benchmarks are appropriate for the CJCC and this study:

- *Modified Population Estimate.* Although unadjusted population data from the U.S. Census are unlikely to produce a useful benchmark for comparison to the driving population, residential population data can be modified to capture information about the racial demographics more likely to reflect the driving population. One common method is to adjust the census data to only include the driving age population. This can be done by eliminating residents who are too young to drive and adjusting the overall rate for elderly drivers, who tend to drive less than younger drivers. While this estimate can only measure residential drivers, it can be a more accurate measure for certain

communities (e.g., small residential communities) than others and is useful in exploring pedestrian stops.

- *Driving Population Estimate (DPE)*. The DPE is another option as one benchmark against which police traffic stop data may be compared to determine disparities. The DPE begins with the assumption that cities and towns close to a particular city contribute more people to the driving population of the target city. Other factors besides distance, however, influence travel. Research on transportation has long shown that the economic draw of a city can mediate the effect of spatial separation. People will drive further if attractive features such as shopping, employment or entertainment exist in the target city. For example, the DPE model assumes that if distances were equal a driver is more likely to go to a city with some economic draw (e.g., shopping, employment, or entertainment) than a city without such draws. Fundamentally, the DPE seeks to measure the factors that both push drivers out of surrounding communities and draw drivers into target cities from surrounding communities.
- *Observational Surveys*. Observational surveying refers to a process in which trained staff systematically record information on drivers and passengers in the most heavily traveled roads in a jurisdiction. This method is much more time and resource intensive than other external benchmarking procedures and can only be conducted with a sample of all local police agencies.
- *Traffic Crash Data*. Another potentially useful comparison point is the proportion of accidents involving drivers of particular groups. This information may provide a rough representative estimate of the driving population according to previous studies on racial disparities in traffic stops.

2. Using Internal Benchmarks

As opposed to external benchmarking, internal benchmarking refers to comparisons of traffic and pedestrian stop activity amongst similarly situated law enforcement personnel, that is, officers in the same unit working in the same area during the same time of day. This allows us to identify whether some officers are more likely to stop minority residents, drivers, or vehicles with minority passengers than other officers like him or her. The Contractor will recommend which of the following benchmarks are appropriate for the CJCC and this study:

- *Calculation of stops, searches, search outcomes, citations, and other post-stop actions*. Analyze whether patterns exist in police practices around *decisions* to stop residents, search vehicles, the outcomes or productivity of these searches, and officers' actions following the stops (e.g., whether a citation is issued).

- *Analysis of agency level traffic and pedestrian stop practices.* Develop an analytic template for agencies to use to make traffic and pedestrian stop data analysis a part of their normal management practices.

All analyses will include bivariate and multivariate analytic approaches. The bivariate analyses will identify significant associations between the race and ethnicity of persons stopped and other factors such as location of stop, time of day, and reason for stop. In addition we will employ a multivariate approach to determine significant associations while controlling for alternative explanations such as the level of deployment, the crime in an area and the offense of the person stopped. Particular attention will be paid to the sample size. For these analyses to be statistically reliable there needs to be sufficient number of cases for each group under review. A power analysis will determine the exact population necessary but one analysis will compare non-white persons stopped to white persons stopped, additional analyses will be done for each sub-group of interest to the coordinating committee.

Deliverables

A. Project Timeline (Attachment E)

Items listed in the project timeline in attachment E are considered deliverables. Both the County and Contractor shall be diligent in following the project timeline. If a deviation is necessary or a discrepancy noted, changes shall be agreed upon in writing by both parties.

B. Quarterly Reports

The Contractor shall provide the CJCC and agency Police Chiefs with quarterly reports that describe progress of the project made over the past quarter and cumulative progress to date. These reports will change in character over the course of the project. Initially these reports will document the successes and challenges in obtaining buy-in from all interested parties and developing agreement on the data elements to be collected and the data collection process. It is expected that the second quarterly report will describe the development of a training program for officers as well as an auditing process to assure data quality and a process for ongoing community input. Subsequent reports will describe the agreed upon analytic approach and the initial and final analyses. Each quarterly report shall report be delivered to the CJCC the first week of the subsequent quarter.

C. Annual Reports

The Contractor will work with the project team to prepare an annual report upon completion of the first year of data collection and analysis. It is anticipated that annual

reports will describe the purpose and origin of the project, the methods used, an analysis of traffic and pedestrian stops as well as searches, and post-stop actions, and recommendations. The Contractor shall ensure this first report can be used as a template for ongoing annual reports.

Following the completion of the annual report, the Contractor will recommend strategies for dissemination and assist in the dissemination when necessary.

D. Law Enforcement Data Collection and Analysis Program

Upon project completion, the Contractor shall ensure the CJCC and the Stakeholders have an operating program to document and analyze traffic and pedestrian stops for evidence of racial bias.

E. Comprehensive final project report

Upon project completion, the Contractor shall provide the CJCC with a comprehensive final report. At the minimum, this report shall document results, recommendations, observations, statistics, program development, policies/ procedures and any other relevant information related to the project. The report shall also include an Executive Summary.

Contractor agrees that the following items identified in this Scope of Work require the review and prior approval from the Douglas County Administrator, the Lawrence City Manager and any other chief administrator of cities or departments funding any portion of the Project:

1. The community engagement process;
2. Any press releases or statements issued by the Contractor, the CJCC, or the County concerning any portion of the Project;
3. The Final Report; and
4. Prior written authorization shall be obtained by the Contractor or any member of the project team before the Project, is cited, referenced, written about, or discussed in any publication, journal, seminar or other commercial or academic endeavor.

Attachment B

Douglas County, Kansas Law Enforcement Contact Study Project

Contractor- Northeastern University

Project Cost is \$175,000

Length of consulting services is 2 years
September 5th, 2018 through September 4th, 2020

Payment plan to Northeastern University:

Payment #1 - \$25,000 due on September 30th, 2018

Payment #2 - \$50,000 due on February 28th, 2019

Payment #3 - \$50,000 due on August 31st, 2019

Payment #3 - \$50,000 due on August 31st, 2020

Attachment C**Kansas Technical Assistance and Analysis Project*****Budget Plan***

	Year 1	Year 2	Total
<u>Personnel</u>			
Jack McDevitt	\$ 12,000.00	\$ 12,000.00	\$ 24,000.00
Amy Farrell	\$ 12,000.00	\$ 12,000.00	\$ 24,000.00
Janice Iwama	\$ 12,000.00	\$ 12,000.00	\$ 24,000.00
PhD student	\$ 28,000.00	\$ 28,000.00	\$ 56,000.00
<u>Operations</u>			
Travel	\$ 8,400.00	\$ 8,400.00	\$ 16,800.00
Two researchers will meet with CJCC and other stakeholders in-person six each year (approx. \$1,400 per visit)			
			\$ 144,800.00
Indirect Costs (20%)			\$ 28,960.00
			\$ 173,760.00

DOUGLAS COUNTY CONTRACTUAL PROVISIONS ATTACHMENT

Important: This Attachment contains contract provisions to attach to or incorporate of any contract entered into by Douglas County or any of its agencies, offices, or departments (unless the contract is prepared by Douglas County and the terms hereof are already included). If it is attached to a separate contract, then that contract shall be altered to contain the following provision:

"The Provisions found in Douglas County Contractual Provisions Attachment (Revised April-2006), which is attached hereto, are hereby incorporated in this contract and made a part hereof."

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof:

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. As used herein, the term "Douglas County" shall refer to Douglas County and any of its agencies, offices, and departments entering into the contract.
2. **Agreement With Kansas Law:** All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the County Administrator, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, Douglas County may terminate this agreement at the end of its current fiscal year. Douglas County agrees to give written notice of termination to vendor/contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Vendor/contractor shall have the right, at the end of such fiscal year, to take possession of any unpaid equipment provided Douglas County under the contract. Douglas County will pay to the vendor/contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by Douglas County, title to any such unpaid equipment shall revert to vendor/contractor at the end of Douglas County's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to Douglas County or the vendor/contractor.
4. **Disclaimer Of Liability:** Douglas County shall not hold harmless or indemnify any vendor/contractor beyond that liability under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
5. **Anti-Discrimination Clause:** The vendor/contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the vendor/contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by Douglas County; (f) if it is determined that the vendor/contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by Douglas County.

Parties to this contract understand that the provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a vendor/contractor who employs fewer than four employees during the term of such contract or whose contracts with Douglas County cumulatively total \$5,000 or less during the fiscal year of Douglas County.

6. **Arbitration, Payment Due, Interest, Warranties:** Notwithstanding any language to the contrary, no interpretation shall be allowed to find Douglas County has agreed to binding arbitration, or the payment of damages or penalties upon the occurrence of a contingency. Payment from Douglas County to vendor/contractor shall not be due sooner than 30 days after the delivery of an invoice from vendor/contractor to Douglas County. Further, Douglas County does not agree to pay attorney fees or late payment charges beyond those available under K.S.A. 16-201, and no provision will be given effect which attempts to exclude, modify, disclaim or otherwise attempt to limit implied warranties of merchantability and fitness for a particular purpose.
7. **Representative's Authority To Contract:** By signing this contract, the representative of the vendor/contractor hereby represents that such person is duly authorized by the vendor/contractor to execute this contract on behalf of the vendor/contractor and that the vendor/contractor agrees to be bound by the provisions thereof.
8. **Responsibility For Taxes:** Douglas County shall not be responsible for, nor indemnify vendor/contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.

DOUGLAS COUNTY SHERIFF'S OFFICE

244 INMATES IN CUSTODY ON AUGUST 2, 2018: 76 PRE-TRIAL, 104 SENTENCED, 64 BOTH

(Note: Most Inmates have Multiple Charges, Most Serious Selected for Category)

Murder and Attempted Murder – 14 (8 Pre-Trial)
Rape – 4 (3 Pre-Trial)
Indecent Liberties or Sexual Exploitation of a Child – 5 (4 Pre-Trial)
Aggravated Arson / Arson – 1 (0 Pre-Trial)
Aggravated Assault / Battery – 23 (8 Pre-Trial)
Aggravated Assault / Battery on a Law Enforcement Officer – 5 (4 Pre-Trial)
Aggravated Robbery / Robbery – 8 (7 Pre-Trial)
Aggravated Burglary – 6 (3 Pre-Trial)
Assault, Battery, and Domestic Battery – 19 (3 Pre-Trial)
Assault / Battery on a Law Enforcement Officer – 7 (1 Pre-Trial)
Burglary – 13 (5 Pre-Trial)
Felony Theft – 10 (4 Pre-Trial)
Criminal Possession of a Weapon – 7 (1 Pre-Trial)
Criminal Threat – 13 (4 Pre-Trial)
Distribution or Possession of Opiates and Heroin (15/19) – 34 (12 Pre-Trial)
Violate Protection from Order – 3 (0 Pre-Trial)
Lewd and Lascivious Acts – 2 (1 Pre-Trial)

2nd DUI – 10 (2 Pre-Trial)
3rd DUI – 8 (0 Pre-Trial)
4th DUI – 2 (1 Pre-Trial)

Out of County Warrant or Hold – 3 (1 Pre-Trial)

Criminal Damage – 2 (1 Pre-Trial)
Criminal Trespass – 3 (0 Pre-Trial)
Misdemeanor Other – 8 (0 Pre-Trial)
Misdemeanor Theft – 15 (2 Pre-Trial)
Misdemeanor Traffic – 19 (1 Pre-Trial)

Legend (FTA – Failure to Appear, PV – Probation Violation, Both – Pre-Trial and Sentenced; If Duplicate Charges are Listed, They Represent Multiple Charges of the Same Offense)

Criminal Damage – 2 (1 Pre-Trial)

1. 71 Days, **Pre-Trial**: Criminal damage to property; Without consent value \$1000 to \$25,000
2. 92 Days, Sentenced: Remand (Criminal Damage to Property, Criminal Damage to Property, Criminal Damage to Property, Criminal Damage to Property, Criminal Damage to Property, Criminal Damage to Property, Criminal Damage to Property, Criminal Damage to Property), Remand (Theft), Remand (Bicycle Lamps-Reflectors-Required, Pedestrian Under the Influence In Roadway, Theft, Interference w/Duties of a Police Officer), Remand (Interference w/Duties of a Police

Officer, Criminal Damage to Property), FTA (Giving a false alarm; Notify emergency services knowing not), Disorderly Conduct, FTA (Criminal Damage to Property - Graffiti), FTA (Disorderly Conduct)

Criminal Trespass – 3 (0 Pre-Trial)

1. 100 Days, Sentenced: Criminal Trespassing
2. 9 Days, Both: FTA (Criminal trespass; Remain in defiance of order by owner), PV (Criminal damage to property; Without consent value <\$1000, Interference with LEO; obstruct/resist/oppose misdemeanor), PV (Criminal trespass; Remain in defiance of order by owner, Criminal trespass; Remain in defiance of order by owner, Criminal trespass; Remain in defiance of order by owner, Criminal damage to property; Without consent value <\$1000)
3. 1 Day, Sentenced: FTA (Criminal Trespass), PV (Consumption/Possession in Public; CMB), PV (Criminal Trespass), FTA (Disorderly Conduct)

Misdemeanor Other – 8 (0 Pre-Trial)

1. 26 Days, Sentenced: FTA (Escape from Custody)
2. 5 Days, Sentenced: Municipal/County violation, Disorderly conduct; Brawling or fighting
3. 118 Days, Sentenced: Remand (Escape from Custody), Remand (Theft), Remand (Theft)
4. 188 Days, Sentenced: PV (Escape from custody; While being held for a misdemeanor, Interference w/LEO; Misdemeanor obstruction/resist/oppose), PV (Theft), Remand (Driving While Suspended/Revoked/Cancelled, Duty to Give Information and Render Aid, Duty upon Striking Unattended Vehicle or Property)
5. 8 Days, Sentenced: Remand (Use/possess w/intent to use drug paraphernalia into human body, Interference w/LEO; Misdemeanor obstruction/resist/oppose, Driving while suspended; 1st conviction)
6. 57 Days, Sentenced: Remand (Municipal Court Appeal), Remand (Municipal Court Appeal), Remand (Municipal Court Appeal), Remand (Municipal Court Appeal), Remand (Municipal Court Appeal)
7. 86 Days, Sentenced: FTA (Disorderly Conduct), FTA (Operating Under the Influence, No Valid DL/Expired DL), Possession of certain stimulants, Operate a motor vehicle without a valid license, Municipal/County violation; Other offense
8. 0 Days, Sentenced: Municipal/County violation; Other offense (Aggressive Animal at Large, Aggressive Animal at Large, Aggressive Animal at Large, Damage to Private Property; Animal, Damage to Private Property; Animal)

Misdemeanor Theft – 15 (2 Pre-Trial)

1. 38 Days, Sentenced: FTA (Theft, Theft)
2. 326 Days, **Pre-Trial**: FTA (Interference w/Duties of a Police Officer), Theft of property or services; Value less than \$1,500, Criminal trespass, Arrest by LEO; Warrant arrest (OOC - Shawnee Co.), Arrest by LEO; Warrant arrest (OOC - Shawnee Co.)
3. 41 Days, **Pre-Trial**: Theft of property/services, Interference with LEO; Falsely report a crime intending to obstruct, Theft of property or services, Arrest by LEO; Warrant arrest (US Marshall)
4. 22 Days, Sentenced: Municipal/County violation; Other offense (Theft)
5. 34 Days, Sentenced: PV (Theft of property or services; Value less than \$1500, Criminal use of a financial card, Theft of property or services, Possession of depressant)
6. 6 Days, Sentenced: FTA (Theft), PV (Driving While Suspended/Revoked/Cancelled, No Insurance), FTA (Driving While Suspended/Revoked/Cancelled, Tag Not Issued to Vehicle)

7. 14 Days, Sentenced: PV (Theft), FTA (Theft, Possession of Drug Paraphernalia)
8. 3 Days, Sentenced: FTA (Theft)
9. 481 Days, Sentenced: Remand (Theft of property or services; Value less than \$1000, Theft of property or services; Value less than \$1000)
10. 1 Day, Sentenced: FTA (Theft)
11. 33 Days, Both: FTA (Theft of property or services; Value less than \$1500, Criminal use of a financial card, Criminal use of a financial card, Criminal use of a financial card), PV (Theft of property or services, Criminal use of a financial card,), PV (Criminal damage to property, Interference with LEO; Falsely report a crime intending to obstruct, Criminal trespass), FTA (Duty to Give Information and Render Aid, L/S Accident Involving Property Damage, Duty to Give Information and Render Aid)
12. 4 Days, Both: FTA (Theft), FTA (Theft of property or services; <\$1500 w/2 or more conv w/in 5 yrs, Theft of property or services; <\$1500 w/2 or more conv w/in 5 yrs, Theft of property or services; <\$1500 w/2 or more conv w/in 5 yrs, Theft of property or services; <\$1500 w/2 or more conv w/in 5 yrs), FTA (Possession of Stolen Property, Possession of Drug Paraphernalia), FTA (Theft)
13. 10 Days, Sentenced: PV (Theft)
14. 6 Days, Both: FTA (Theft of property or services; <\$1500 w/2 or more conv w/in 5 yrs, Possession of marijuana), FTA (Theft), FTA (Theft)
15. 27 Days, Sentenced: PV (Theft), Remand (Criminal Trespass), Remand (ATTEMPTED THEFT)

Misdemeanor Traffic – 19 (1 Pre-Trial)

1. 30 Days, Sentenced: Municipal/County violation; Other offense (Criminal Trespass), Municipal/County violation; Other offense (Driving While Suspended 3rd or Subsequent Offense), Tag Not Issued to Vehicle, Seat Belt Violation, Interference w/Duties of a Police Officer, No Insurance (2nd Offense)
2. 30 Days, Sentenced: PV (Driving under the influence of drugs/alcohol; 1st conviction, Improper driving on laned roadway, Failure to wear seatbelt, Driving while suspended; 1st conviction), PV (Possession of depressant, Possession of depressant)
3. 195 Days, Sentenced: FTA (Driving While Suspended (3rd or Subsequent Offense), Tag Not Issued to Vehicle, No Insurance), FTA (Seat Belt Violation, No Insurance, Driving While Suspended/Revoked/Cancelled), FTA (No Insurance, Driving While Suspended/Revoked/Cancelled, Inattentive Driving), FTA (Violate protection order; Abuse order, Violate protection order; Abuse order), FTA (Possession of opiate, opium, narcotic or certain stimulant, Use/possess w/intent to use drug paraphernalia into human body, Violate protection order; Abuse order), FTA (Driving While Suspended (3rd or Subsequent Offense), Tag Not Issued to Vehicle, No Insurance), Criminal threat, Stalking; After served a protection order prohibiting contact, Violation of protection order; Protection from abuse
4. 30 Days, **Pre-Trial**: Municipal/County violation; Other offense (Driving While Suspended (3rd or Subsequent Offense), No Insurance (2nd Offense), Seat Belt Violation)
5. 34 Days, Sentenced: FTA (Violating Flashing Red Traffic Signal, Driving While Suspended (3rd or Subsequent Offense), Interference w/Duties of a Police Officer), FTA (Driving While Suspended (3rd or Subsequent Offense), FTA (Theft)
6. 47 Days, Sentenced: Remand (Operate a motor vehicle without a valid license), Remand (Driving while a habitual violator, Vehicles; Liability insurance coverage required)
7. 21 Days, Sentenced: Municipal/County violation; Other offense (Driving While Suspended (3rd or Subsequent Offense), Defective Tag Light), PV (OOC - Johnson Co.)
8. 77 Days, Sentenced: FTA (Driving While Suspended/Revoked/Cancelled, No Insurance), FTA (Posted No Turn at Intersection, No Valid DL/Expired DL, No Insurance), FTA (No Valid DL/Expired DL, No Insurance), FTA (Theft; Intent to Permanently Deprive), FTA (No Valid DL/Expired DL, No Insurance)

9. 28 Days, Sentenced: PV (No Insurance), FTA (Damaged Windshield, Side, Rear Window), FTA (Obstructed Windshield), PV (Removing Contents of Refuse Container), FTA (Obstructed Windshield, No Insurance)
10. 38 Days, Sentenced: FTA (Driving While Suspended (3rd or Subsequent Offense), No Insurance), Remand (Violating Steady Red Light, Transporting Open Container, Refusal to Submit to Preliminary Breath Test, No Insurance (2nd Offense)), Remand (Seat Belt Violation, Driving While Suspended (3rd or Subsequent Offense)), Remand (Stop Sign Violation, Failure to Yield to Emergency Vehicle, Driving While Suspended (3rd or Subsequent Offense)), Driving While Suspended/Revoked/Canceled, FTA (Habitual Violator Operating Vehicle, Driving While Suspended/Revoked/Cancelled)
11. 118 Days, Sentenced: PV (Violating Steady Red Light, Refusal to Submit to Preliminary Breath Test, Operating Under the Influence)
12. 1 Day, Sentenced: Municipal/County violation; Other offense (Operating Under the Influence, Possession of Marijuana/THC, Expired Tag, No Insurance, Transporting Open Container)
13. 6 Days, Sentenced: Municipal/County violation; Other offense (Driving While Suspended (3rd or Subsequent Offense), No Insurance, Stop Sign Violation, Habitual Violator Operating Vehicle, Expired Tag)
14. 0 Days, Sentenced: Municipal/County violation; Other offense (Operating Under the Influence, Improper Turn or Approach (left turn lane))
15. 21 Days, Sentenced: PV (Driving While Suspended/Revoked/Cancelled, Seat Belt Violation), Remand (Stop Sign Violation, Driving While Suspended/Revoked/Cancelled, No Insurance), Remand (Speeding, Driving While Suspended (3rd or Subsequent Offense))
16. 12 Days, Sentenced: PV (Driving While Suspended (2nd Offense), Expired Tag, No Insurance), FTA (Driving While Suspended (2nd Offense)), PV (KDOC)
17. 15 Days, Sentenced: PV (Attempt to Elude, Avoiding Traffic Control Device, Stop Sign Violation)
18. 44 Days, Sentenced: Municipal/County violation; Other offense (Stop Sign Violation, Operating Under the Influence, Driving While Suspended/Revoked/Cancelled)
19. 19 Days, Sentenced: PV (Flee or attempt to elude; motor vehicle accident or damage, Interference with LEO; Obstruct felony warrant service or execution, Failure to stop at accident; 1st offense in a year damage <\$1000)

DOUGLAS COUNTY SHERIFF'S OFFICE

244 PERSONS IN CUSTODY ON August 2, 2018

(Note: Most inmates have multiple charges. The most serious was selected for category assignment.)

GROUP DESCRIPTION	INMATE TOTAL	WHITE	WHITE RESIDENT	BLACK	BLACK RESIDENT	ASIAN	ASIAN RESIDENT	NATIVE AMERICAN	NATIVE AMERICAN RESIDENT	PRE-TRIAL ONLY	SENTENCED	BOTH
Murder and Attempted Murder	14	6	5	8	2	0	0	0	0	8	3	3
Rape	4	2	2	2	1	0	0	0	0	3	0	1
Indecent Liberties or Sexual Exploitation of a Child	5	5	3	0	0	0	0	0	0	4	0	1
Aggravated Arson/Arson	1	1	1	0	0	0	0	0	0	0	0	1
Aggravated Assault/Battery	23	14	12	7	3	0	0	2	2	8	7	8
Aggravated Assault/Battery on Law Enforcement	5	4	3	1	1	0	0	0	0	4	1	0
Aggravated Robbery	8	2	1	6	4	0	0	0	0	7	0	1
Aggravated Burglary	6	3	1	3	3	0	0	0	0	3	1	2
Assault, Battery, and Domestic Battery	19	15	12	4	3	0	0	0	0	3	11	5
Assault/Battery on Law Enforcement Officer	7	3	3	3	3	0	0	1	1	1	2	4
Burglary	13	11	7	2	1	0	0	0	0	5	3	5
Felony Theft	10	6	4	4	2	0	0	0	0	4	1	5
Criminal Possession Weapons	7	6	5	1	1	0	0	0	0	1	0	6
Criminal Threat	13	8	7	4	3	0	0	1	1	4	8	1
Distribute Opiates and Heroin	15	12	7	3	3	0	0	0	0	6	2	7
Possession Opiates and Heroin	19	15	11	4	2	0	0	0	0	6	7	6
Violate Offender Registry	0	0	0	0	0	0	0	0	0	0	0	0
Violate Protection Order	3	2	2	1	1	0	0	0	0	0	2	1
Lewd and Lascivious Acts	2	1	1	1	1	0	0	0	0	1	1	0
2nd DUI	10	9	7	1	1	0	0	0	0	2	8	0
3rd DUI	8	7	5	1	0	0	0	0	0	0	6	2
4th DUI	2	1	0	0	0	0	0	1	1	1	1	0
Out of County Warrant	3	2	0	1	1	0	0	0	0	1	1	1
Criminal Damage	2	1	1	1	1	0	0	0	0	1	1	0
Criminal Trespass	3	3	3	0	0	0	0	0	0	0	2	1
Misdemeanor Other	8	8	8	0	0	0	0	0	0	0	8	0
Misdemeanor Theft	15	13	8	1	1	0	0	1	1	2	10	3
Misdemeanor Traffic	19	13	8	5	4	1	1	0	0	1	18	0
Column Totals:	244	173	127	64	42	1	1	6	6	76	104	64
% Persons in Custody:		70.9%	52.0%	26.2%	17.2%	0.4%	0.4%	2.5%	2.5%	31.1%	42.6%	26.2%
Douglas County Demographics:			83.80%		4.60%		2.70%		4.90%			



Office of the County Commission
PROCLAMATION
First Responders Appreciation Week
Douglas County, Kansas

WHEREAS, there is no day in recent history more terrifying than September 11, 2001 and no day in recent history that better exemplifies the dangers faced and sacrifices made by first responders. September 11, 2001 was a day which changed our nation forever; it was a day in which over 400 fire and medical and law enforcement personnel made the ultimate sacrifice.

WHEREAS, there are men and women in our community who on a daily basis risk their lives for the lives of others; selfless men and women who run towards danger as we run for safety.

WHEREAS, they do their job well and without any fanfare which makes it easy for us to forget the dangers and we take them for granted. The anniversary of 9/11 should serve as a reminder of the risks these men and women take every day for our community and an appropriate time to acknowledge their hard work and dedication.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS, do hereby proclaim the week of September 9-15, 2018 as "First Responder Appreciation Week" in Douglas County and call upon all citizens, government agencies, public and private institutions, businesses and schools to take a moment to show their appreciation for the men and women of the Baldwin City Fire and Police Department, Clarion Springs EMS, Clinton Township Fire, Douglas County Sheriff's Office, Eudora Fire and Police Department, Eudora Township Fire, Kansas Highway Patrol, KU Public Safety Office, Kanwaka Township Fire, Lawrence-Douglas County Fire Medical, Lawrence Police Department, Lecompton Fire/EMS, Palmyra Township Fire, Wakarusa Township Fire and Willow Springs Township Fire Department, as well as, Douglas County Emergency Communications operators who provide the key link between the citizen in an emergency situation and the first responders.

ADOPTED this 5th day of September 2018.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Nancy Thellman, Chairman

Michelle Derusseau, Vice-Chair

Mike Gaughan, Member

Memorandum

City of Lawrence-Douglas County

Planning & Development Services

TO: Board of County Commissioners

CC: Craig Weinaug, County Administrator

FROM: Mary Miller, Planner

Date: August 30, 2018

RE: Applicant's request for a one-year extension to the approval of **CUP-15-00613**: Conditional Use Permit for Calcio Village Youth Soccer, an *Athletic Field* complex, located at the intersection of E. 1750 Road and N. 1300 Road.

ATTACHMENTS:

A: Applicant's request for extension.

B: Applicant's summary of work and project status

C: Approved CUP plans.

BACKGROUND

At their February 10, 2016 meeting, the Board of County Commissioners voted unanimously to approve the Conditional Use Permit (CUP) for Calcio Village Youth Soccer, *Athletic Field*, subject to the conditions of approval. The conditions of approval were met and the plans were released to the Zoning and Codes Office for processing of building permits on April 7, 2016.

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

The Commission voted at their March 8, 2017 meeting to approve the one-year extension of the CUP approval to February 10, 2018.

REQUEST FOR EXTENSION:

The applicant indicates in their request for an extension that they had mistakenly understood their extension to be good for two years, running until February 10, 2019. Due to this misunderstanding, they did not submit their request for an extension prior to the expiration date. The applicant indicates that they have been consistently working toward completion of this project and provided the information in Attachment B showing the work that they have been doing on this project.

STAFF REVIEW:

An approval time-frame limits the time available for a building permit to be obtained for a project. This shortens the time between the approval and the construction or implementation of the CUP use. If a building permit hasn't been obtained within that time frame, an extension can be requested. Notice of the extension request is mailed to property owners within 1,000 feet to keep them informed of the status of the project and to notify them of the Board of County Commissioners meeting in case they would like to attend or provide communications on the project.

An extension request allows for the re-evaluation of an approved project with the Zoning Regulations (in case there have been changes in the regulations that would now prohibit the use or require additional conditions) and with the surrounding area (in case there have been changes that would require revisions to the proposed use, or that may affect the compatibility of the proposed use with the area.) These are the principal factors to consider with an extension request.

A. Code Changes:

There have been no changes in the Zoning Regulations that would affect the soccer complex. The CUP remains compliant with the standards of the Zoning Regulations.

B. Changes in the surrounding area:

A conditional use permit, CUP-16-00069, for a borrow pit and landfill, *Mining and Excavation and Landfill*, was approved on May 11, 2016 for the property west of the subject property, across E. 1750 Road. These CUP plans were stamped as 'approved' and released to Zoning and Codes for processing of permits on March 30, 2017. The soccer facility should have no negative impact on this use.

C. Concerns raised with original application.

Traffic on N. 1300 Road. One condition of the CUP is that soccer training or games could not occur until N. 1300 Road and E. 1750 Road (Noria Road) were improved to pre-SLT conditions. The County Engineer noted that E. 1750 Road has been reconstructed and repaired, and is adequate for Calcio Village use. The township repaired N. 1300 Road following the construction of the SLT; however, it is not suitable for higher volume traffic. The Traffic Impact Study indicated an increase of approximately 50 vehicles a day with this phase of the project, which the engineer noted would be acceptable on N. 1300 Road.

The applicant noted at the Board of County Commissioners meeting that they would encourage their members and patrons to utilize routes other than N. 1300 Road. The facility can be accessed from Lawrence, to the west, by using E. 25th Street to Noria Road (E. 1750 Road) and from Eudora, to the east, by using County Route 442 / N. 1400 Road to Noria Road (E. 1750 Road). A review of traffic concerns would be needed before phase 2 of the project, expansion to the east of the creek, could occur. At that time, the applicant will be required to provide a traffic impact study to the County Engineer for review.

Well levels. The area is not currently served by a Rural Water District. Property owners in the area were concerned that heavy water usage at the site would lower the levels

of their wells. A condition was applied to the CUP that well water could not be used for irrigation, but could be used for restrooms and other domestic purposes. A representative from the Kansas Division of Water Resources noted that they would require a permit for any pond built for irrigation purposes. Permits are required to prevent a new well, or water usage, from creating a problem with existing wells. A contact from the Kansas Department of Agriculture Division of Water Resources indicated that the proposed well at the soccer facility of approximately 4,300 gallons of water a month is not expected to have any impact on domestic wells in the area.

The soccer facility, with the conditions applied in the CUP, remains compatible with the existing land uses in the area.

The applicant indicated that the lapse in approval was the result of a misunderstanding on his part. He's provided information, provided with this memo as Attachment B, showing that work on the project has been ongoing, as he was not aware of the expiration date. The extension is necessary because some of the preliminary steps for the project have taken longer than he had expected.

As the proposed facility remains in compliance with County Zoning Regulations and would still be compatible with uses in the surrounding area, with the conditions applied with the CUP, approval of the extension request is recommended by staff.

RECOMMENDATION:

Based on the factors listed in this memo, staff recommends approval of a one-year extension to the approval for Conditional Use Permit, CUP-15-00613, for Calcio Village, an *Athletic Field* use at the intersection of E. 1750 and N. 1300 Roads. The approval would remain valid until February 10, 2019 at which point the approval would become null and void unless a written request for an extension was provided prior to that time.



07/20/18

Mary Miller
City Of Lawrence
785.832.3147 mmiller@lawrenceks.org

Mary,

Please let this letter be a formal request to extend our deadline for permitting the construction of our soccer park as outlined in our CUP approved 2/10/16. We are asking that the extension be granted through February 2019, 1 year from the date of the previous addendum. As we discussed it was our misunderstanding that the last extension had lapsed. We had the impression it was a 2 year extension that would have carried us to February 2019. Additionally we have yet to file a building permit since we are still finalizing the plans for our structure and the first phases of construction are focused on site prep and grading for the field construction. Most of the issues which have caused our delays have been resolved and it is our plan be under construction within 90 days. We've obtained all of our permits including the stormwater (EPA) certificate and our full engineering plans should be in the hands of the county for our floodplain permit. While it has been a challenge, this project is active and moving forward. Please let me know if there is any other information I can provide to help facilitate this request. Thank you for your assistance.

Cheers!

Joe

Joe Comparato
Calcio Village, LLC
785.218.2578
joecomparato@gmail.com

Things have definitely been moving forward with the project and with this extension can move quickly on breaking ground. At this point our plan is to begin with field construction as a first phase for the balance of 2018 and look to complete the project by summer 2019. This project has presented it challenges yet we have achieved several milestones since we first got approval...

- Designs and plans - All of our final engineering plans are complete, this includes all of the grading, site prep and field construction plans. We are still refining the designs on the building and hope to complete that early in 2019 and start construction later that spring.
- Permits and approvals. Most of our permits and approvals are complete including the storm water runoff permit we acquired late in 2017 (attached). Currently our plans are with the country seeking the floodplain permit which once approved will give us the ability to start moving dirt and preparing the site. Our next step in early 2019 would be to apply for the building permits once we've completed the final plans for the building and accompanying facilities
- Financing, Contracts and LOI's - We are currently performing the final diligence package for our construction loan and we have procured signed use agreements with the anchor tenants and letters of intent from our corporate sponsor partners.

Bureau of Water
Technical Services
1000 SW Jackson St., Suite 420
Topeka, KS 66612-1367



Phone: 785-296-5517
Fax: 785-296-4257
Chris.Seeds@ks.gov
www.kdheks.gov/water/

Susan Mosier, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

Re: Authorization to Discharge Construction Stormwater Runoff
Kansas Water Pollution Control General Permit No. S-MCST-1703-1

Dear Permittee:

Enclosed is the authorization to discharge stormwater runoff under the referenced construction stormwater general permit at the construction site described therein. Please retain a copy of the authorization at the project site or at the records address identified on the Notice of Intent (NOI) form.

A new construction stormwater general permit was issued effective August 1, 2017 which includes significant changes in stormwater management requirements. Permittees whose projects are authorized to discharge stormwater from construction activities after August 1, 2017 must meet the requirements of the new General Permit. Because this authorization to discharge obligates the permittee to meet permit requirements, we ask that you review the new permit carefully. Additional information, instructions and forms relating to the new general permit are available on the KDHE Stormwater Website at www.kdheks.gov/stormwater. Paper copies are also available by written request.

A \$60 annual permit fee will be due each year for the duration of the project. In accordance with K.A.R. 28-16-56(b)(5) the general permit fee must be paid annually to maintain coverage under the construction stormwater general NPDES permit. You will receive an invoice approximately 30 days prior to the anniversary date (month) your permit was authorized. **When submitting the annual permit fee, please reference the state permit number and include the invoice so we can apply it to the appropriate permit.** Checks for the annual fees should be made payable to KDHE. In order to ensure that the appropriate person is notified of the annual permit fee, please notify KDHE of any change in address or contact information.

Once the construction has been completed and final stabilization has been achieved, please submit a Notice of Termination (NOT). After KDHE has received the NOT, permit coverage is terminated and the annual general permit fee is no longer required.

For projects with multiple phases, only those phases included on the NOI addressed by this authorization will be covered. Additional phases will need to have an NOI submitted and authorized.

If you have any questions regarding the enclosed authorization to discharge, or coverage under the general permit, please contact Larry Hook at (785) 296-5549 or by email at: stormwater@kdheks.gov or Larry.Hook@ks.gov.

Enclosure: Authorized NOI



NOTICE OF INTENT (NOI)

For Authorization to Discharge Stormwater Runoff from Construction Activities
In accordance with the Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System (NPDES)

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under the Kansas Water Pollution Control general permit, or KDHE issued successor permits, issued for stormwater runoff from construction activities in the State of Kansas. Becoming a permittee obligates the discharger to comply with the terms and conditions of the general permit. **Completion of this NOI does not provide automatic coverage under the general permit. Coverage is provided and discharge permitted when the Kansas Department of Health and Environment (KDHE) authorizes the discharge of stormwater runoff from the construction activities identified on the NOI and supporting documentation. A signed and dated copy of the first page of the NOI indicating the Authorization will be provided to the owner or operator, or all three pages for Conditional Authorizations. Upon authorization of the construction activity discharge, a Kansas permit number and a Federal permit number will be assigned to the construction project. A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed (see listing on Page 3 of this NOI). KDHE will notify owners or operators whose Notice of Intent (NOI) and supporting documentation for Authorization of stormwater runoff associated with construction activities are incomplete, deficient, or denied.**

Please Print or Type.

I. OWNER OR OPERATOR ADDRESS, BILLING, CONTACT & RECORDS LOCATION INFORMATION

A. Owner or Operator's Name: Joe Camparato
Company Name: CALCIO VILLAGE, LLC.
Owner or Operator's Phone: 785-218-2578
Mailing Address: PO Box 1030
City: LAWRENCE State: KS Zip: 66044
E-mail Address (optional): _____

B. Billing Contact Name: Same as Owner
Billing Contact Phone: _____
Billing Address (if different): _____
City: _____ State: _____ Zip: _____
E-mail Address (optional): _____

C. Contact Name: Same as owner
Company Name: _____
Contact Phone: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
E-mail Address (optional): _____

D. Address where records will be kept (if not on-site):
Records Address: _____
City: _____ State: _____ Zip: _____

II. SITE INFORMATION, Type of Request: ☒ New Permit Authorization ☐ Modification of Existing Permit Authorization

A. Project Name: CALCIO VILLAGE
Site Address: EAST OF THE INTERSECTION OF N 1300 RD. & E 1750 RD.
City: LAWRENCE State: KS Zip: 66046
(Nearest City to Project) County: DOUGLAS

B. LEGAL SITE DESCRIPTION:
_____ QTR of _____ QTR of NE QTR Section: 15
Township: 13 South; Range: 20 ☒ E ☐ W
Latitude: 38° 55' 34", Longitude: - 95° 10' 29"
Deg. Min. Sec. Deg. Min. Sec.

For Official Use Only:

Received RECEIVED OCT 19 2017 BUREAU OF WATER	Amount Paid: <u>60.00</u>	<u>Larry O. Hook</u> Reviewer Authorized: ☒ ☐ Y; ☐ N Is Authorization Conditional? ☐ Y; ☒ N (if yes, see page 3 of NOI for conditions)
	Date: <u>2017-10-19</u>	
	Initials: <u>CAS</u>	
	Check No.: <u>1026</u>	
Authorized by: <u>Susan K Mosier</u> Secretary, Kansas Department of Health and Environment	<u>2017-11-14</u> Date	
KS Permit No.: <u>S-KS31-0412</u>	Federal Permit No.: <u>KSR113258</u>	

Send completed 3 page NOI form with original signature and all appropriate submittals (see page 3 of NOI) to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

Note: A copy of the permit can be obtained at: www.kdheks.gov/stormwater or by submitting a written request to KDHE.

KDHE Contact Information:
Phone: (785) 296-5545
E-mail: kdhe.stormwater@ks.gov

** Revise Note #13 on Sheet 1 to require stabilization of soil stockpiles with mulch (in addition to any seeding).*

C. EXISTING CONDITIONS/USES

- 1) Is any part of the project located on Indian Country land? ☐ Y; ☒ N
If yes: Contact EPA regarding discharging stormwater runoff from industrial activities on Indian Country land.
- 2) If stormwater runoff drains to or through a Municipal Separate Storm Sewer System (MS4): MS4 Name: N/A
- 3) Name of the first receiving water, stream, or lake: WAKARUSA RIVER, River Basin: KANSAS - LOWER REPUBLICAN
- 4) Are contaminated soils present on the site or is there groundwater contamination located within the site boundary? ☐ Y; ☒ N
If yes: On separate paper describe in detail the locations and concentrations of the contaminants.
- 5) Are there any contaminated soils that will be disturbed or any contaminated groundwater that will be pumped by the proposed construction activity? ☐ Y; ☒ N
If yes: On separate paper describe the special procedures and erosion and sediment control measures to be implemented to eliminate or minimize the potential to discharge the soil and/or groundwater contaminants.
- 6) Are there any surface water intakes for public drinking water supplies located within ½ mile of the site discharge points? ☐ Y; ☒ N
- 7) Are there any known historical or archeological sites present within the site boundary or any historic structures located within 1000 feet of the project site? ☐ Y; ☒ N
Note: Include documentation of project-specific coordination with the Kansas Historical Society in making this determination.
- 8) Is any threatened or endangered species habitat located within the site boundary or in the receiving water body? ☐ Y; ☒ N
Note: Include documentation of project-specific coordination with the Kansas Department of Wildlife, Parks & Tourism in making this determination.
- 9) Will the project impact the line or grade of a stream or does it include dredge or fill of a potential jurisdictional water body or wetlands? ☐ Y; ☒ N
If yes: Include documentation of project-specific coordination with the US Army Corps of Engineers and/or the Kansas Department of Agriculture, Division of Water Resources in making this determination.
- 10) Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding National Resource Waters located within ½ mile of the facility boundary? ☐ Y; ☒ N
If yes: List the names of all such areas and waters: _____

D. PROJECT DESCRIPTION

- 1) Project Description: Construction of soccer fields, club house, site grading, driveway around site, parking areas, storm sewer system, detention pond, irrigation system, and septic field.
- 2) Does this NOI include all proposed soil disturbing activities associated with the entire common plan of development? ☒ Y; ☐ N
If no: Explain what development areas of the site are not included in this NOI and provide contact information, if available, for the party or parties that own or have operational control of these areas:

- 3) Anticipated project Start Date: December 2017, and Completion Date: September 2018
- 4) Estimated total area to be disturbed: 34.2 Acres Total area of the site: 39.8 Acres
- 5) Do you plan to disturb ten or more acres that are within a common drainage area? ☒ Y; ☐ N
If yes: Will a sedimentation basin be installed in that drainage area? (Attach design calculations for each sedimentation basin.) ☒ Y; ☐ N
If a sediment basin is not feasible, on a separate sheet describe similarly effective erosion and sediment control measures to be implemented in lieu of a sedimentation basin.

E. Maps

Include an area map showing the outline of the construction site and the topographic features of the area at least one mile beyond the project site.

F. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES

- 1) Provide a summary of the sequence of major soil disturbing activities including installation of the corresponding stormwater management and pollution control features.
- 2) Provide one or more site plans covering the anticipated soil disturbing activities showing the limits of disturbance, the existing and proposed elevation contours, the types and locations of erosion/sediment control measures and stormwater management/pollution control features during each phase of construction and the locations where stormwater runoff leaves the construction site.

- 3) Provide a description of the best management practices to be utilized to control erosion and the discharge of sediment and other pollutants in stormwater runoff throughout construction and the design calculations for each sediment basin including total drainage area and storage capacity below the elevation of the mass volume flow outlet device.
- 4) Provide the name and License or Certification Number of the engineer, geologist, architect, landscape architect, or Certified Professional in Erosion and Sediment Control (CPESC) under which the construction stormwater pollution prevention plan has been developed.

CASEY COLBERN

Name

22351

License or Certification Number

CIVIL ENGINEER

Profession or Field (Engineer, Architect, etc.)

III. ANNUAL FEE

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An invoice for the annual permit fee will be sent to the contact person requesting a permit until such time as the permittee submits a Notice of Termination (NOT).

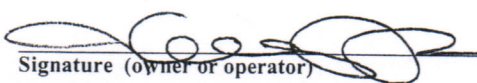
Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

IV. OWNER OR OPERATOR CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan (SWP2 Plan) will be or has been developed for the construction site described in this NOI and supporting documentation. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activities is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit, and paying the annual fee.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.


Signature (owner or operator)10.7.17
Date

Name and Official Title (Please print or type. Form with original signature must be sent to KDHE.)

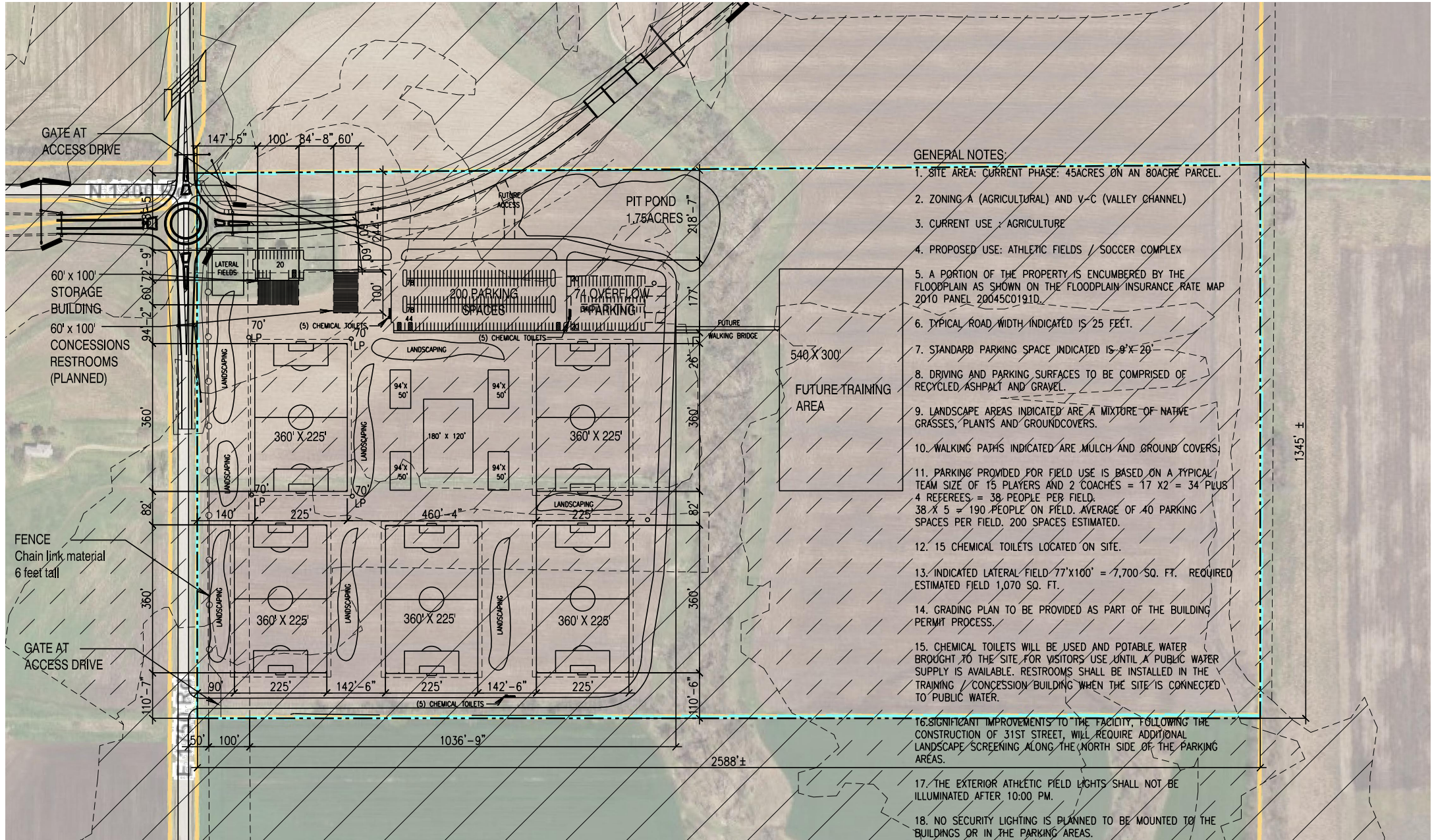
Conditions of Authorization - For Official Use Only:

When indicated, Conditions of Authorization are as follows:

--

A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with an original authorized signature;
- The annual permit fee for the first year; (\$60.)
- An area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary;
- Sequence of major soil disturbing activities including installation of stormwater management and pollution control features;
- A detailed site plan/plans showing the limits of disturbance, existing and proposed contours, erosion and sediment control features, locations where stormwater runoff leaves the construction site;
- A narrative summary of the additional erosion and sediment control and other best management practices that will be utilized to prevent or reduce contamination of stormwater runoff from the construction activities;
- Total drainage area, storage capacity and design calculations for each sedimentation basin; and
- Copies of letters or e-mails documenting coordination with appropriate local, state or federal agencies.



LEGAL DISCRIPTION:
15-13-20 N 1/2 NE 1/4 WW 35

- CUP-15-00613:
1. The Conditional Use shall be adminstratively reviewed every 5 years.
 2. The Soccer facility shall not be open for training or games until the township roads(N1300 road and E1750 Road) have been repaired to pre-SLT Conditions.
 3. The Planning office shall provide mailed notice to all property owners within 1000ft of the subject property when a siteplan requiring County Commission approval is submitted.
 4. The athletic field lights will utilize shields/visors, that have been approved by the planning office, for glare reduction.
 5. A site plan for the vegetated noise buffer on the East side of the property shall be submitted to the Planning Office for County Commission approval. The bufferyard landscaping shall be installed a minimum of 2 years before the development of Phase 2, the areo East of the stream.
 6. Wells on the property may be used only for the limited pupose of the facility. No well on the property may be used for irrigation purposes.

C15.003.01

Jambars
Futbol Club
inc.

P.O. BOX 1030
Lawrence Ks, 66044

Calcio Village
N1300 Rd & E1750 Rd
Lawrence,
Kansas

Approved and Released



Case No. CUP-15-00613
Approval Date: 2/10/16
Release Date: 4/06/16
Planner: MKM
1 of 1 Sheets
Asst./Director:

City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES



700 Massachusetts
Suite 202
Lawrence KS, 66044

Rel. Date: 3-9-16

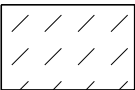
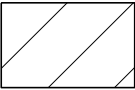
S100
SITEPLAN
CONDITIONAL USE
PERMIT



VICINITY MAP

SCALE: NTS

SITE PLAN
SCALE: 1" = 300'

-  .2 PERCENT CHANCE ANNUAL FLOODING
-  ZONE A - 2 PERCENT CHANCE ANNUAL FLOODING
-  ZONE X - NOT IN FLOOD PLAIN



AD - Crabtree, Robin

From: County Commissioner - Thellman, Nancy
Sent: Thursday, August 30, 2018 6:43 PM
To: AD - Crabtree, Robin
Subject: Fwd: Extension Request for CUP-15-00613

Robin,

This came in for all commissioners and other folks as well—should probably be added to the packet. Thanks!
Nancy

Sent from my iPad

Begin forwarded message:

From: karen heeb <klheeb@yahoo.com>
Date: August 30, 2018 at 3:23:30 PM CDT
To: "mgaughan@douglascountyks.org"
<mgaughan@douglascountyks.org>, "nthellman@douglascountyks.org"
<nthellman@douglascountyks.org>, "mderusseau@douglascountyks.org"
<mderusseau@douglascountyks.org>
Cc: Diana Hird <ksgrulla@sbcglobal.net>, Bernice and Bill Vervynk
<bernieverv@sbcglobal.net>, Carolyn Braden <cgraden81@yahoo.com>, Fish
<larry.fish@att.net>, Steve Braden <spbraden@sbcglobal.net>, "phil@showproaudio.com"
<phil@showproaudio.com>, Karen Heeb <klheeb@yahoo.com>, Wakarusa Township
<wtroaddept@gmail.com>, Keith Browning <browning@douglas-county.com>
Subject: Extension Request for CUP-15-00613
Reply-To: karen heeb <klheeb@yahoo.com>

Commissioners:

We have continuing concerns about the traffic flow that will be a result of the Callico Village soccer complex.

N 1300 Road was just recently chipped and sealed which is wonderful. However, it presents a mixed blessing as traffic speed has increased. There are two 35 MPH signs posted, one at each end of the road--E1600 and at E1700, which are basically ignored, and then there are two signs posted 30 MPH within about 200 feet or so beyond with a sign that says HILL BLOCKS VIEW. We believe the 35 MPH should be removed and the 30 MPH put in their place with HILLS BLOCK VIEW. The 30 MPH signs are more or less hidden behind one bridge sign at the west end, and after seeing the first sign of 35 MPH, ignored at the east end. Three neighbors along this area have nearly been broadsided coming out of their driveways--barely escaped a serious accident--too much speed by those using N1300 in this area and obstructed views by the hilly road.

One observation--E1600 or O'Connell Road has a speed limit of 35 MPH. It is straight, no hills, and a clear view to enter the round-abouts. Surely the speed limit on N1300 Road should be less than O'Connell Road. We would like to work with you all on solving this speed problem.

The plan for the N1300 Avenue which is to be developed to the north of N1300 Road will certainly be helpful with traffic flow. However, it appears it will be some time before that will happen.

We plan to attend the meeting on September 5th with some other concerns.

Thank you for your attention to and consideration of this matter.

Karen Heeb
1685 N 1300 Road
for the Southside Neighbors on N1300 Road
Lawrence, KS 66046

PLANNING COMMISSION REPORT
Regular Agenda –Public Hearing Item

PC Staff Report
07/25/2018

**ITEM NO. 2 CONDITIONAL USE PERMIT FOR WAKARUSA BOAT & RV STORAGE;
E. 550 RD & N. 1190 RD (BJP)**

CUP-18-00239: Consider a Conditional Use Permit for Wakarusa Boat & RV Storage LLC, located at E. 550 Rd & N. 1190 Rd. Submitted by Jason Fike on behalf of Sharon Anderson, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for a boat and RV storage at E. 550 Road and N. 1190 Road, subject to the following conditions:

1. The applicant will provide a revised site plan to include the following changes:
 - a. Remove open storage from the required front and rear yard setbacks.
 - b. Relocate the street trees so that they are on the street side of the fence.
 - c. Add the following note, "The CUP shall be administratively reviewed every 5 years by the Douglas County Zoning and Codes Department".
 - d. Add the following note, "Douglas County Public Works entrance permit required prior to work in public road right-of-way."
 - e. Add the following note, "The site may only be used for the storage of boats and recreational vehicles. No other types of storage is permitted."
 - f. Add the following note, "Owners or operators of any project who engage in construction activities which will disturb one (1) or more acres must have authorization to discharge stormwater under the Stormwater Runoff from Construction Activities General Permit S-MCST-1703-1 with KDHE.
 - g. Add the following note, "A sign permit is required by Zoning & Codes per 12-306-2.18 prior to sign placement."

Reason for Request:

Applicant's Response: *"Seeking CUP to create a boat and RV storage facility on property."*

ATTACHMENTS

- A. Conditional Use Permit Site Plan

KEY POINTS

- Section 12-319.4.11 of the County Zoning Regulations for the Unincorporated Territory of Douglas County lists *Boat Storage* as a use which may be approved as a Conditional Use. The regulations do not specifically mention the storage of recreational vehicles (RVs). The Planning Director and Director of Zoning and Codes determined that the storage of RVs would be similar to the storage of boats, and made the interpretation that the enumerated use in Section 12-319-4.23 of the Zoning Regulations of *Boat Storage* would include the storage of other recreational vehicles such as trailers, campers, pop-up tents, etc.
- The term "RV storage" includes the storage of trailers, campers, and other recreational vehicles.

ASSOCIATED CASES

- No active cases

OTHER ACTION REQUIRED

- Approval of the Conditional Use Permit by the Board of County Commissioners.

- Release of the Conditional Use Permit Plan by the Lawrence-Douglas County Planning Office to the Douglas County Zoning and Codes Office.
- Issuance of the permit for the Conditional Use by the Zoning and Codes Department following application and determination that all conditions have been met.
- Submittal of building plans by the property owner for approval and issuance of building permit from the Douglas County Zoning and Codes Department prior to development.

PUBLIC COMMUNICATION

- Staff received comments from two property owners within the unincorporated town of Clinton regarding the following concerns: increased traffic and roadway safety; the possibility of creating a hardship for other boat storage facilities; lack of aesthetics; loss of agriculture land.

GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; agriculture land

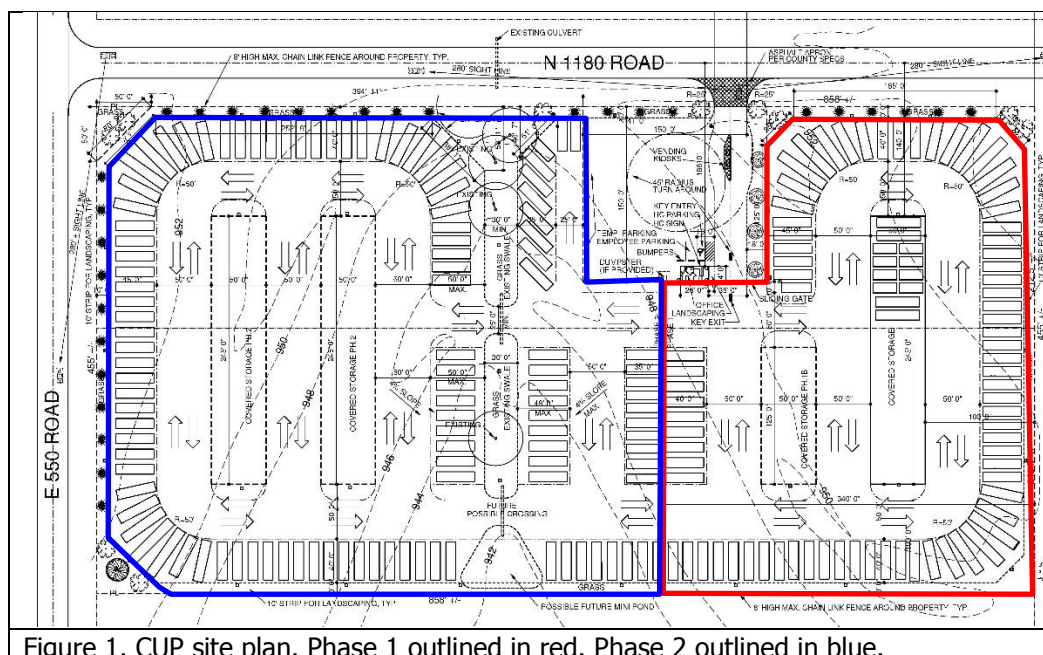
Surrounding land use:

A (Agriculture) District in all directions; agriculture land, rural residences, and the unincorporated town of Clinton to the northeast.

Summary of Request

The Conditional Use Permit is requested to accommodate a boat and recreational vehicles (RVs) storage facility on the subject property which will include open and covered storage. The proposed use is permitted in the unincorporated portion of the county when approved as a Conditional Use by the Board of County Commissioners.

The proposed storage facility would be developed in two phases. The first phase would include development of the east portion of the property with uncovered boat and RV parking, two coverage parking structures, and a 364 square foot office building. The second phase would entail developing the west portion of the property with additional uncovered boat and RV parking and two additional covered parking structures. (Figure 1)



I. ZONING AND USES OF PROPERTY NEARBY

The subject property is located at the southeast corner of E. 550 Road and N. 1190 Road, on a peninsula surrounded by Clinton Lake. The unincorporated town of Clinton is located to the east of the subject property. Agricultural zoning and related land uses surround the subject property.



Figure 2. Zoning in the area. Subject property outlined in blue.

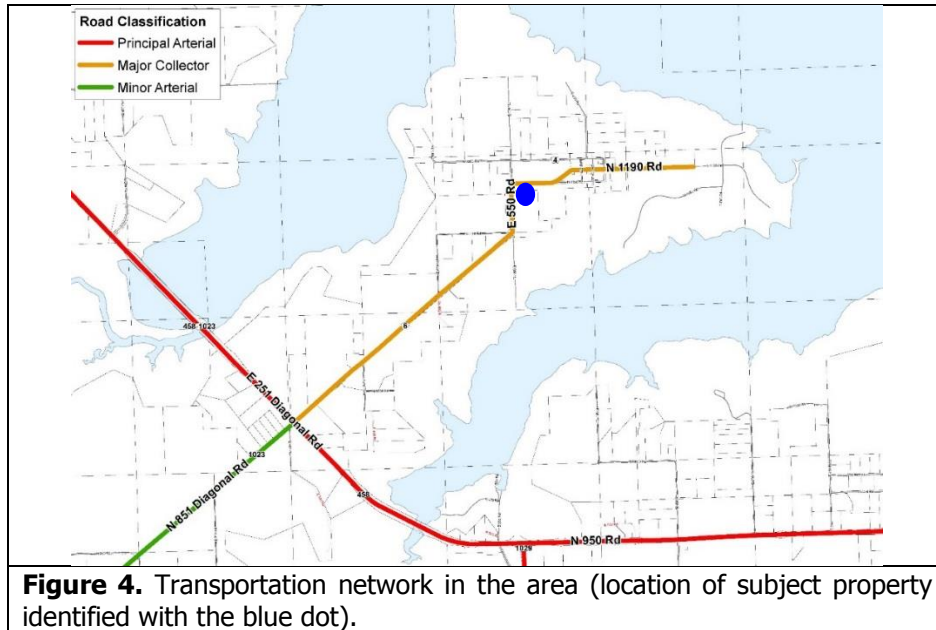


Figure 3. Land use/development in the area. Subject property outlined in blue.

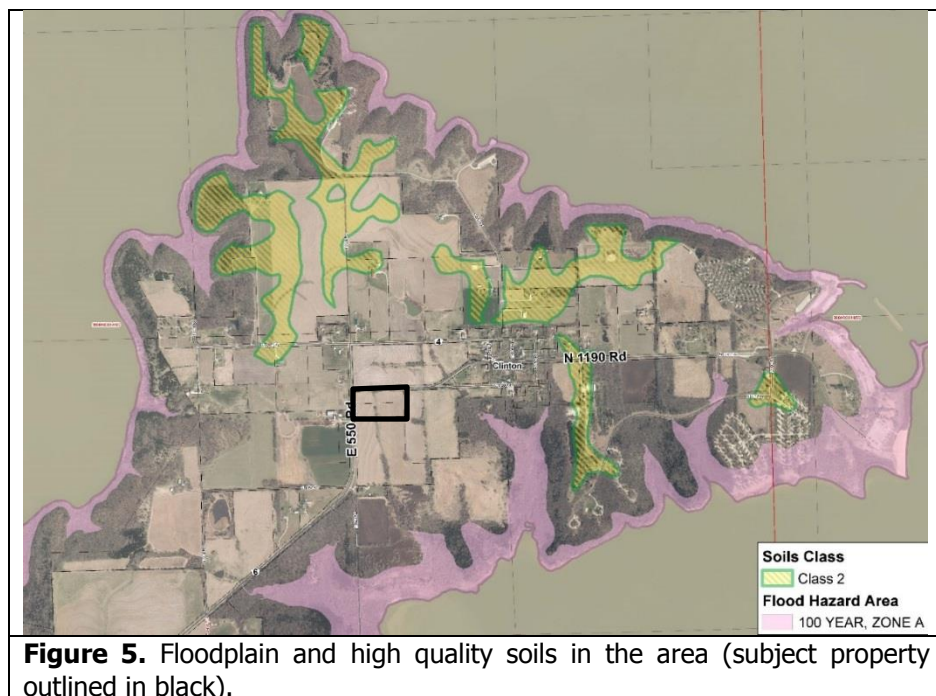
Staff Finding – Nearby properties are zoned agricultural and contain agricultural and residential land uses.

II. CHARACTER OF THE AREA

The subject property is approximately 10 acres and is located at the southeast corner of E. 550 Road and N. 1190 Road, which are classified as Major Collectors in the Douglas County Access Management Map. (Figure 4)



The subject property is located in an agricultural area with rural residences and areas of wooded open space. The unincorporated town of Clinton is located to the east. The subject property is located on a peninsula that is surrounded by Clinton Lake. According to the FEMA Floodplain map, the property is not within the regulatory floodplain or flood hazard area; however, floodplain associated with Clinton Lake is located along the edges of the peninsula. Natural features in the area include Clinton Lake, woodlands, floodplain, and high quality agricultural soils. (Figure 5)



Staff Finding – The area is rural in nature, with rural residences, woodlands, floodplain, agricultural lands, the unincorporated town of Clinton, and Clinton Lake being predominate features.

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

Applicant's Response: *"The property is highly suitable for a boat and RV storage facility. The property is located near Clinton Lake and is an ideal location for marine and RV equipment storage. An architect has also found the land to be suitable for development according to the Douglas County regulations."*

The subject property is zoned A (Agricultural) District. A Conditional Use Permit does not change the underlying zoning and as such, the suitability of the property for agricultural uses will not be altered. 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 to 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 subject property is located adjacent to, and will take access from N. 1190 Road, which is classified as a Major Collector in the Douglas County Access Management Map. The property is also located near Clinton Lake. The proposed request does not alter the base zoning request. The proposed use, *Boat Storage*, is a permitted use in the A (Agricultural), B-1 (Neighborhood Business), and I-1 (Limited Industrial) Districts subject to approval of a Conditional Use Permit. The property is well suited for uses which are permitted in the A District, as well as the proposed *Boat Storage* use.

Staff Finding –The property is suitable for the uses which are permitted within the A (Agricultural) District. The property is also well suited for a *Boat Storage* use.

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

Staff Finding – County Zoning Regulations were adopted in 1966; this property has been zoned A (Agricultural) District since that adoption. Aerial photography indicate that the property has been vacant since at least 1937.

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

Applicant's Response: *"The removal of current restrictions will not negatively affect the area or neighboring community. The property will be free and clear of trash and debris. Any security lighting will be directed away from any neighbors. All development of land, fencing, buildings and boundaries will strictly adhere to Douglas County regulations."*

Approval of the request will not alter the base zoning district as A (Agricultural) District. 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 falls under Section 12-319-4.23 *Boat Storage* of the County Zoning Regulations for the Unincorporated Territory of Douglas County. The *Boat Storage* use is not expressly prohibited in the A District. This district does allow “accessory open or enclosed storage of farm materials, products, or equipment.”

One impact may include increased traffic; however, given the nature of the use, increased traffic will be seasonal with peak months and weekends. Individuals storing their boats and/or RVs will most likely access the site between late May and early September. Further, the frequency of trips generated during those months is not anticipated to be high. According to *the ITE Trip Generation Manual, 10th Edition*, the peak traffic generated with a mini-storage facility on a Saturday is 16.29 trips all day per 100 storage units and 3.7 trips in the highest peak hour per 100 storage units. The manual does not provide specific information related to the *Boat Storage* use; however, given that they are similar uses, the information is provided for context. There will also be long periods of the year when the boats and RVs are stored and access to and from the site will be minimal.

Another potential impact is inadequate property maintenance. Examples of this could include the storage of items other than boats and RVs, allowing boats and RVs to deteriorate, and allowing the property to become overgrown. The Conditional Use Permit (CUP) process provides an enforceable tool to address the use and the continued maintenance of the property. Staff recommends that the CUP be re-evaluated by the County Commission every 5 years.

Staff Finding – The proposed use is compatible with the surrounding area and will not detrimentally affect nearby properties.

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

Applicant’s Response: *“Individual boat and RV owners need more storage facilities to house their equipment. City and county policies for residential boat and RV parking are becoming increasingly more restrictive. There is a shortage of storage and parking areas for surrounding communities and I believe this facility would benefit the community by creating additional storage areas.”*

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

Approval of this request would allow the property to be developed with a *Boat Storage* use. Denial of the request would benefit the general welfare and safety if there were negative impacts associated with the proposed use; however, negative impacts are expected to be minimal.

Staff Finding – In staff’s opinion, the approval of this request will result in a compatible project that will not harm 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 associated with the proposed use.

The subject property is not located within an identified urban growth area. The comprehensive plan recommends that agricultural uses continue to be the predominant land use within the areas of the county beyond the designated urban growth areas. Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses.

Staff Finding – The comprehensive plan recommends that uses in the rural area be limited to those compatible with agricultural uses and that the design should be consistent with the rural character. A Conditional Use Permit can be used to allow specific non-residential uses subject to approval of a site plan. This tool allows proportional development in harmony with the surrounding area. As recommended by *Horizon 2020*, the proposed request is consistent with the comprehensive plan.

STAFF REVIEW

This use is subject to a specific design standard (Section 12-319-4.23). The design standard addresses the location and screening requirements of open storage. The proposed development includes open and enclosed storage areas. Per the standard, "open storage must meet the minimum yard requirements of the district in which it is located and must be screened by a view reducing wall, fence or landscaping material from adjacent public roads and residentially zoned property." A review of compliance with this standard is provided below.

LOCATION

The setback requirements are provided in Section 12-318 and Section 12-305-1.01 of the Zoning Regulations. The required setbacks for the subject property are as follows:

- Front (west)** = 140 feet (40 feet plus 100 feet)*
- Side (north) = 50 feet (40 feet plus 10 feet)*
- Side (south) = 10 feet
- Rear (east) = 30 feet

*The west and north sides of the property are adjacent to roadways classified as Major Collectors in the Douglas County Access Management Map. Section 12-305-1.01 establishes a base setback line of 40 feet from the roadway centerline for this type of street. From the baseline setback the required front and side yard setbacks (Section 12-318) are then added to create the total setback requirement. For example, the front setback is 40 feet from the centerline of E. 550 Road, plus 100 feet from that point, for a total setback of 140 feet measured from the road centerline.

**Section 12-303.188 of the Zoning Regulations provides a definition for the front yard. That standard states, "On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension." Given this definition, the west side of the property is considered the front even though access to the property will be provided via E. 1190 Road.

As mentioned above, the design standard related to the *Boat Storage* use prohibits open storage in the minimum yard setbacks. The proposed site plan provided with the Conditional Use Permit shows open storage in the front and rear setback, as shown in Figure 6. Staff identified this requirement late in the review process and the applicant was unable to revise the site plan to remove the open storage from the setbacks prior to the posting of the staff report. However, staff did address the design standard with the applicant and they indicated that they are amenable to removing the open storage from the setback and providing a plan that is compliant with the *Boat Storage* design standard. Staff recommends that a condition of approval be that the site plan is revised to remove the open storage from the setbacks.

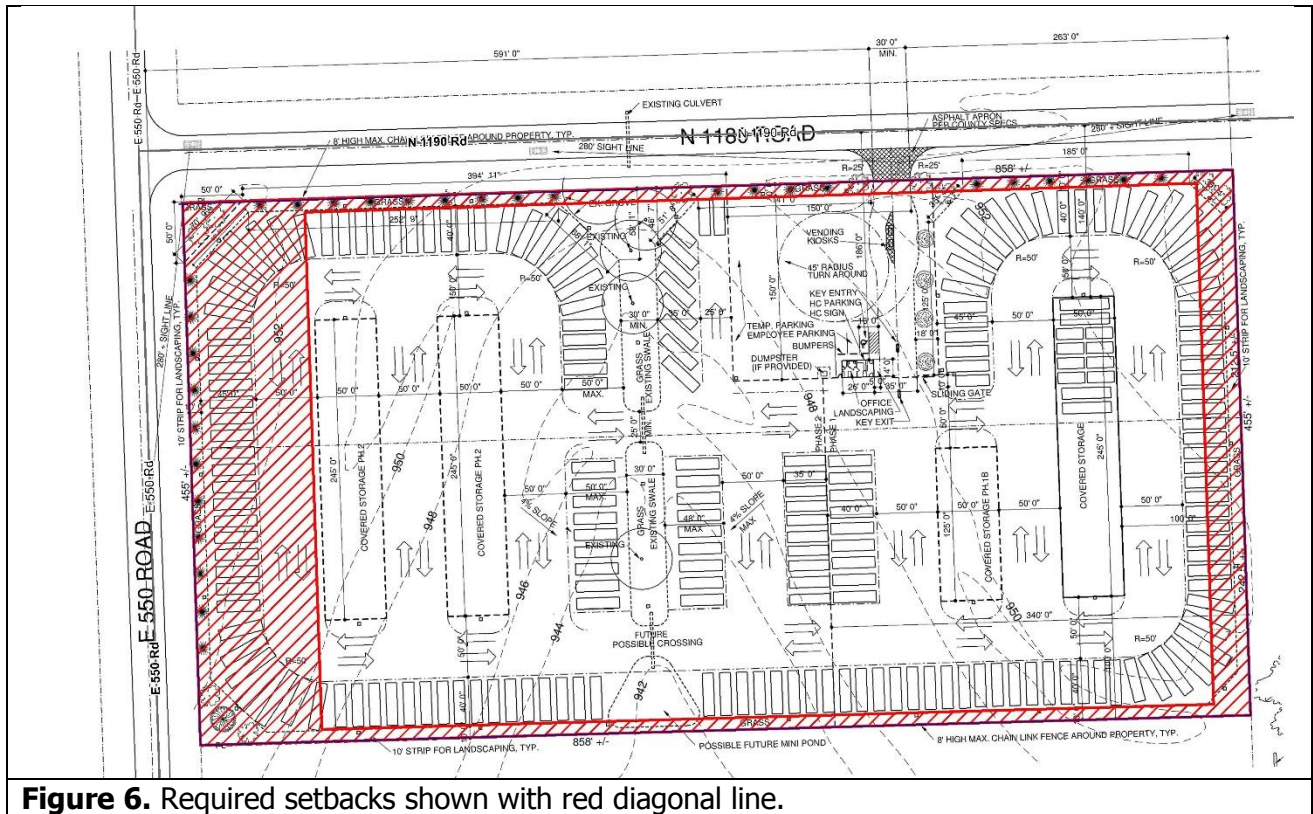


Figure 6. Required setbacks shown with red diagonal line.

SCREENING

Per the design standard, the use must be screened by a view reducing wall, fence or landscaping material from adjacent public roads and residentially zoned property. The site plan shows the addition of street trees along E. 550 Road and N. 1180 Road. The plan also shows an 8 foot tall chain link fence surrounding the property, located along the property lines. The proposed street trees are shown to be located on the inside of the fence. Staff recommends that the site plan be revised to show the street trees planted on the outside of the fence, between the roadway and the fence.

Limits and Conditions:

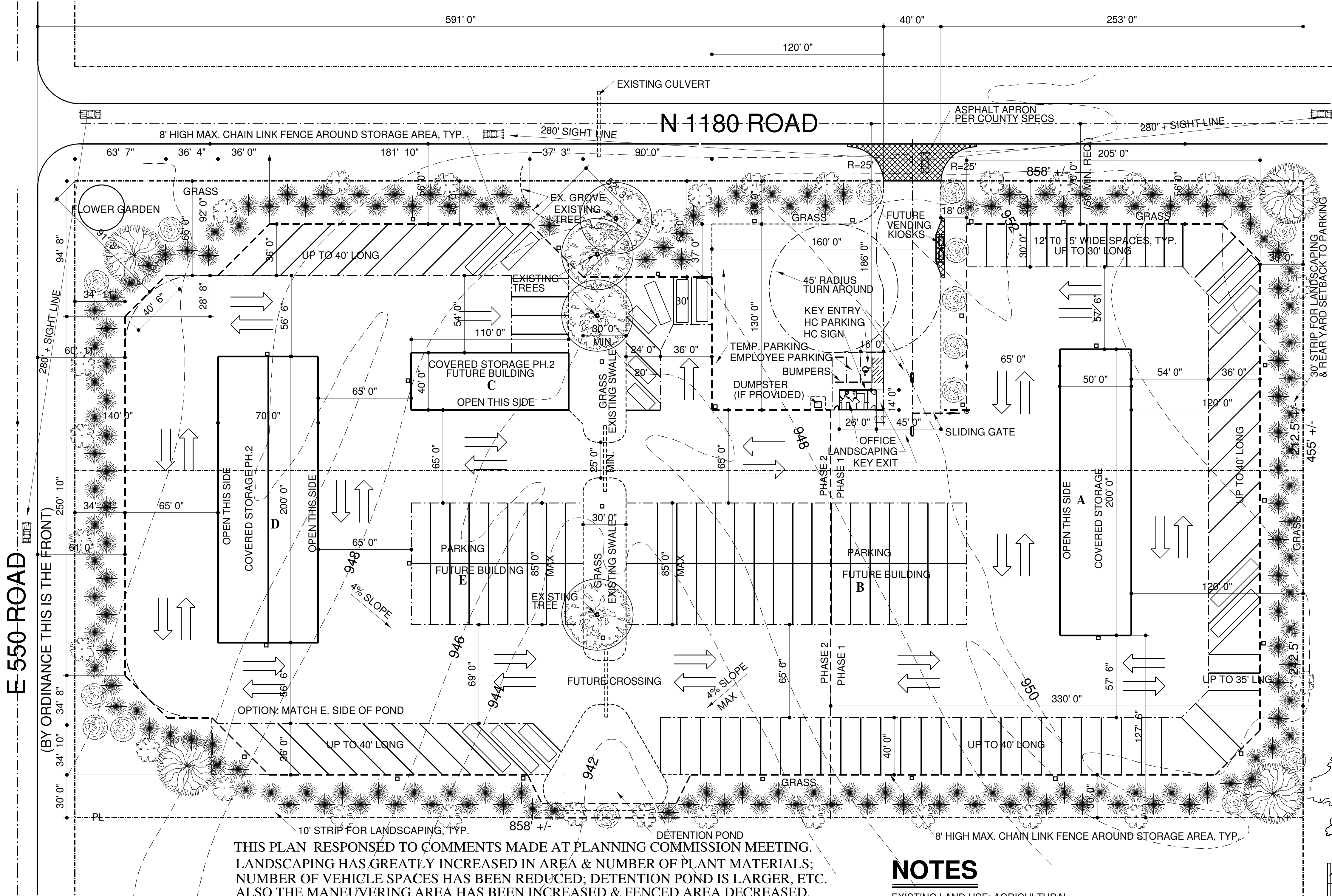
Five year administrative reviews are recommended to provide regular opportunities to assess changes in operation. This condition will be noted on the plan as a condition of approval.

Conclusion

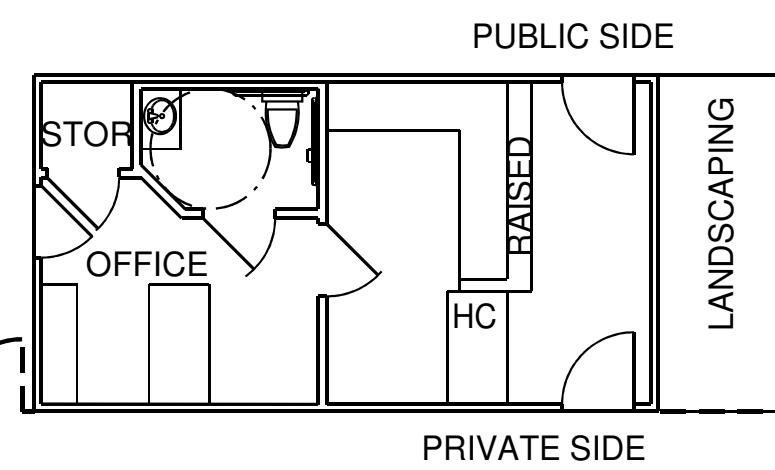
Approval of a Conditional Use Permit can be tailored to address specific issues such as intensity or frequency of use, include time limitations, and provide screening requirements. This Conditional Use Permit will allow development of a boat and RV storage facility that would include open and enclosed storage.

Staff recommends approval of the Conditional Use Permit for a boat and RV storage at E. 550 Road and N. 1180 Road, as conditioned.





SITE PLAN
1" = 40' 0"
INCREASED LANDSCAPE VERSION



OFFICE PLAN
1/8" = 1' 0"
364 SF

THIS PLAN RESPONDED TO COMMENTS MADE AT PLANNING COMMISSION MEETING. LANDSCAPING HAS GREATLY INCREASED IN AREA & NUMBER OF PLANT MATERIALS; NUMBER OF VEHICLE SPACES HAS BEEN REDUCED; DETENTION POND IS LARGER, ETC. ALSO THE MANEUVERING AREA HAS BEEN INCREASED & FENCED AREA DECREASED. DRAWING BY ROY BROWNE, GRADUATE OF W. JR HIGH, LAWRENCE HIGH & KU.

LEGAL DESCRIPTION

Tract 1:
The South 5 acres of and contiguous to the North 5 Acres of: Beginning at the Southwest corner of the Northeast Quarter of Section 22, Township 13, Range 18, Douglas County, Kansas; thence North 1660 feet; thence East 898 feet; thence South 1300 feet; thence East 356 feet; thence South 356 feet, more or less to the South line of said Quarter Section; thence West 1254 feet, more or less to the place of beginning, as shown in Book 1075, Page 751.
AND
Tract 2:
The North 5 Acres of: Commencing at the Southwest corner of the Northeast Quarter of Section 22, Township 13, Range 18, Douglas County, Kansas; thence North 1660 feet; thence East 89 feet; thence South 1300 feet; thence East 356 feet; thence South 356 feet, more or less to the South line of said Quarter Section; thence West 1254 feet, more or less to the place of beginning, as shown in Book 1075, Page 752.

ADAAG

The site plan for a public or governmental building(s) and facility(ies) has been designed to comply with the provisions of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities, appendix A to 28 CFR part 36.

NOTES

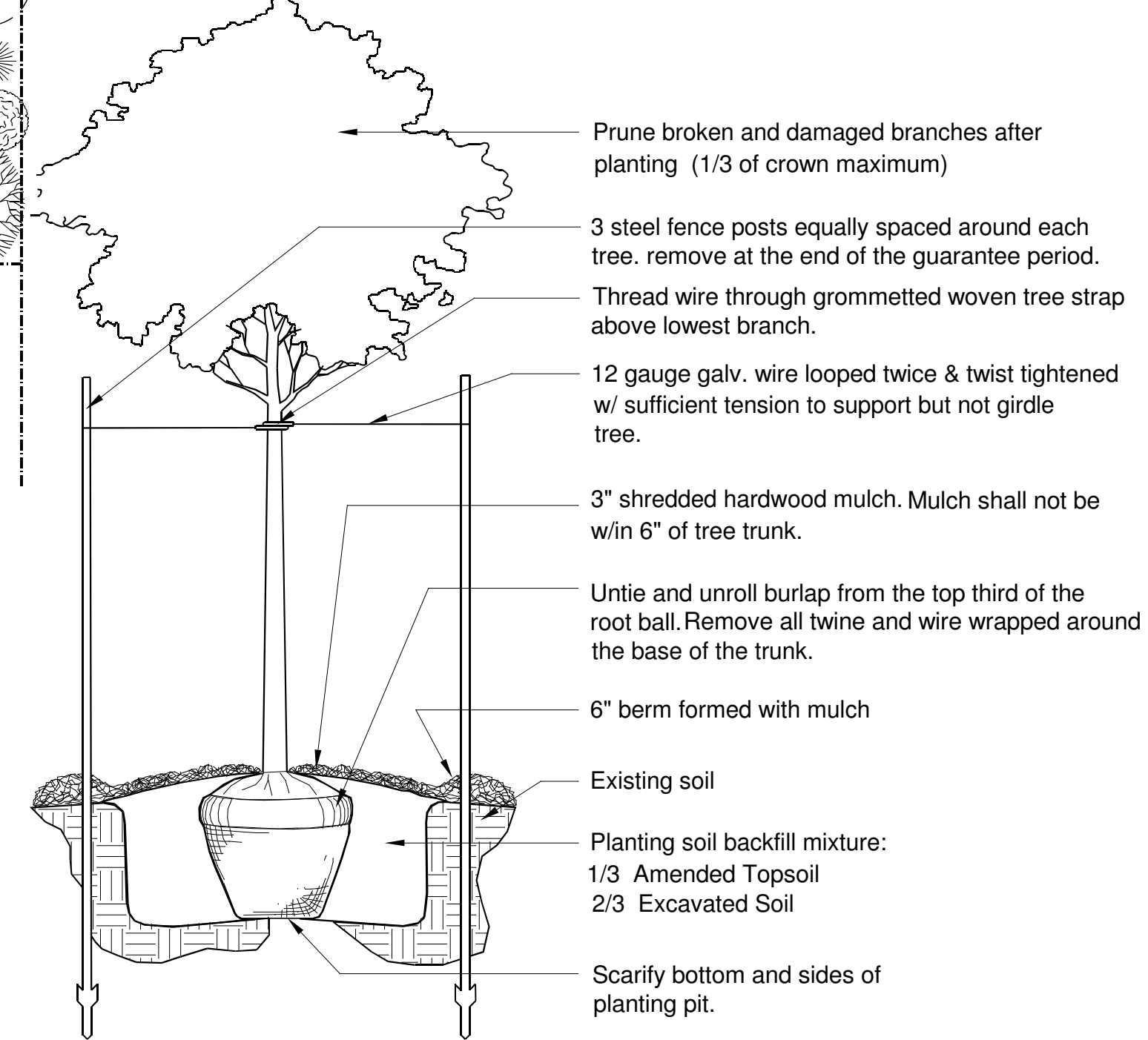
EXISTING LAND USE: AGRICULTURAL
PROPOSED USE: BOAT & RV STORAGE
FRONT (WEST) SETBACK: 140' FROM CL OF ROAD REQUIRED PROVIDED
SIDE SETBACK: 10' FROM PL REQUIRED.
ON NORTH: 30' LANDSCAPED BELT TO PARKING PROVIDED;
ON NORTH: 112' TO BUILDING PROVIDED.
ON SOUTH: 30' LANDSCAPED BELT TO PARKING PROVIDED;
ON NORTH: 122' TO BUILDING PROVIDED.
REAR (EAST) SETBACK: 30' FROM PL REQUIRED.
30' LANDSCAPED BELT TO PARKING PROVIDED;
ON NORTH: 120' TO BUILDING PROVIDED.
IF DUMPSTER IS PROVIDED, IT MUST BE SCREENED.
ALL SURFACES NOT IN LANDSCAPED AREAS TO BE SEEDED FOR GRASS.
LANDSCAPE PLAN IS CONCEPTUAL IN NATURE & SUBJECT TO MODIFICATIONS TO MAINTAIN BEAUTY WITH SECURITY.
EXACT LIGHTING FIXTURES TO BE DETERMINED BY LIGHTING CONSULTANT/SUPPLIER
FOR SECURITY & TO FOLLOW COUNTY REGULATIONS.
LIGHTING FIXTURES TO BE LED AND WHERE POSSIBLE TO BE PLACED ON GABLE ENDS OF BUILDINGS
LIGHT FIXTURE PRELIMINARY LOCATION SHOWN THUS:
OFFICE TO BE SERVED BY 1500 GALLON HOLDING TANK.
LINES INDICATED THUS:
ARE FOR USE WITH THIS PLAN TO INDICATE SEPARATION OF PARKING AREAS FROM DRIVING LANES.
ALSO INDICATING TURNAROUND AREA BY NORTH ENTRANCE.
TWO WAY TRAFFIC, EXCEPT AS NOTED.

LANDSCAPE KEY

TREES Symbol	Species	Min. Size
	Eastern Red Cedar (ERC) <i>Juniperus Virginiana</i>	4-6' ht
	Sargent Crabapple (SFC) <i>Malus Sargentii</i>	1 1/2' Ø
	Amur Maple (AM) <i>Acer Ginnala</i>	2' Ø
	Eastern Redbud (RB) <i>Cercis Canadensis</i>	1 1/2' Ø

GENERAL LANDSCAPE NOTES

- Existing underground (u/g), overhead (o.h.) utilities and drainage structures have been plotted from available information and therefore, their locations must be considered approximate only. It is the responsibility of the individual contractors to verify existence and location of all utilities before starting any work.
- Prior to commencement of work, the contractor shall give 48 hours advance notice to all those companies/utilities which have facilities in the near vicinity of the construction to be performed.
- Contractor shall verify all landscape material quantities and shall report any discrepancies immediately to the Owner's Representative.
- Contractor shall stake plant locations in the field and have approval by Owner's Representative before proceeding with installation.
- No substitutions for variety or cultivar shall be accepted without first obtaining written approval from Owner's Representative. Plants shall match those installed in phase one on south side of the property as much as possible.
- All plant material shall be of excellent quality, free of disease and infestation, and true to type, variety, size specified, and form per American Nursery Association Standards.
- All trees and shrubs shall be laid out in a uniform and consistent pattern, following the landscape plan accurately.
- All shrub beds in lawn areas shall be edged as shown in the planting details.
- All plants shall receive 3" minimum of shredded hardwood mulch as detailed, unless otherwise noted. In landscape beds, mulch shall be a consistent 3" depth throughout. For trees planted in turf areas, a 3" ring of mulch shall be formed into a saucer in a minimum ring twice the diameter of the rootball from the trunk. Elevation of top of mulch shall be 1/2" below any adjacent pavement.
- Contractor shall thoroughly water in each plant immediately following installation.
- Contractor shall be responsible for calculating all areas of sod and seed and the amounts of each needed for optimum coverage.
- Contractor shall spread one inch of cotton burr compost material over entire landscape bed area and till into existing topsoil to a depth of at least 6" prior to planting plants.
- Contractor shall install Turf-type tall fescue sod consisting of 90% fescue blend and 10% bluegrass in all areas disturbed during construction not otherwise designated as another material.
- Proposed trees shall not be placed over existing or proposed utility service lines. It is the contractor's responsibility to understand utility locations and have them marked during tree planting operations. If utility is damaged during planting, contractor is responsible for notifying the general contractor and owner of utility and paying for repair of the damaged utility.
- Landscaping shall be hand watered or watered by an automated irrigation system at least until established, then watered as needed beyond establishment to supplement rainfall as needed. If an automated irrigation system is installed, it will be designed and installed by the landscape contractor and approved prior to installation by owner and Douglas County, Kansas.



- NOTES:
- On evergreen trees, attach guying collar at approx. 2/3 height of tree on trees that are 6 ft. height and over.
 - Top of rootball shall match original ground level as grown in the nursery. Overplow from nursery shall be removed to expose root collar.
 - Do not fertilize the first growing season.
 - Use tree stakes only in open areas, do not use in parking lot islands where space is limited.

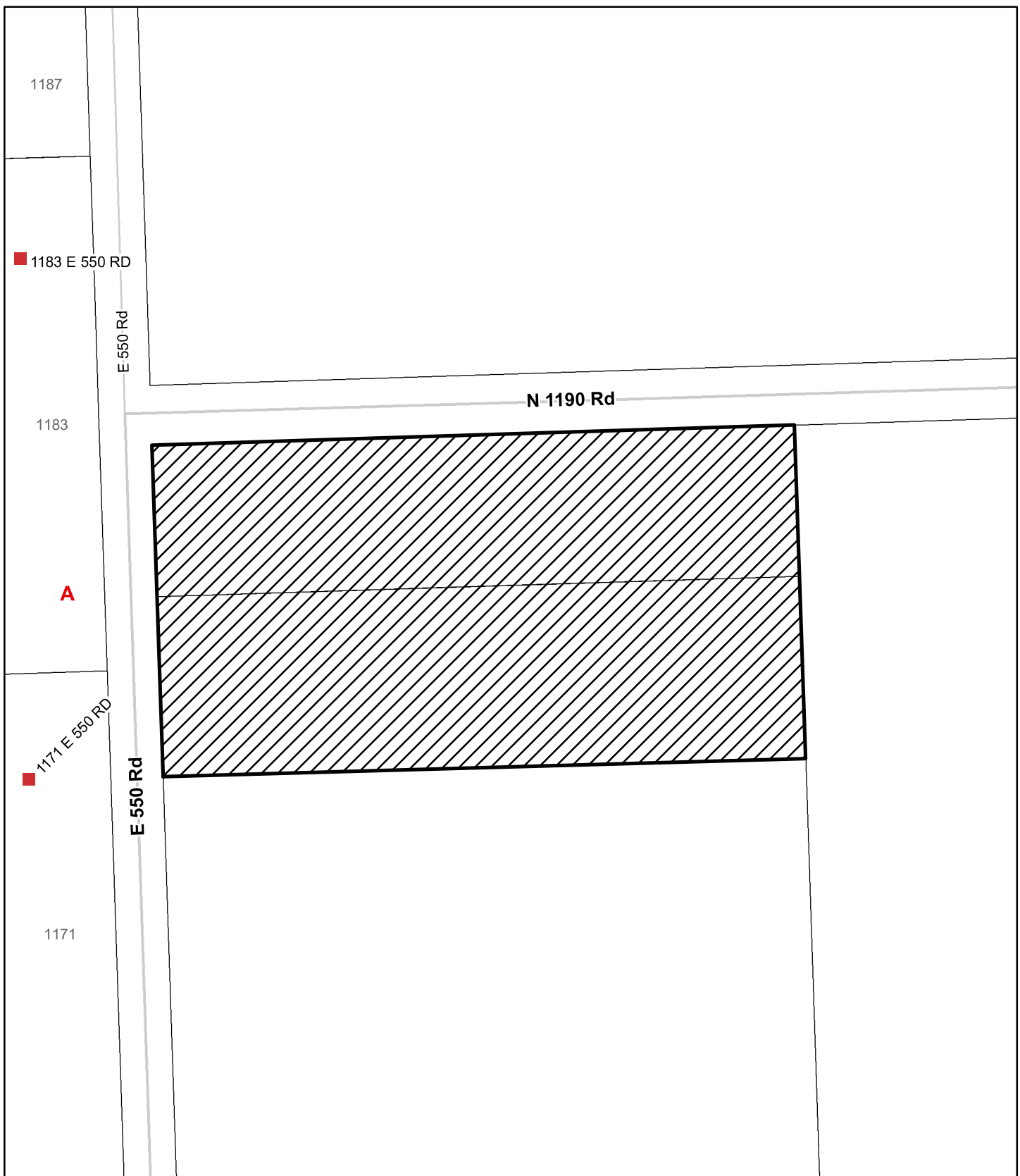
Base 5/12/18
Sch 5/19/18
Pr 7/11/18
Rev 8/22/18
D/P
Rev
Rev

CONDITIONAL USE PERMIT APPLICATION DRAWING FOR:
WAKARUSA BOAT & STORAGE
SW CORNER OF E 550 Rd & N 1190/1180 Rd
NEAR CLINTON, KANSAS

THE ARCHITECTS
ARCHITECTURE, PLANNING, ENGINEERING
ROY E. BROWNE, ARCHITECT & ASSOCIATES
24 OAK HILL CLUSTER/INDEPENDENCE, MO/64057

(816) 228-1111 Roy@ArchitectsKC.com

SP-1



**CUP-18-00239: Consider a Conditional Use Permit for
Wakarusa Boat & RV Storage LLC, located at
E 550 Rd & N 1190 Rd.**



ITEM NO. 2 CONDITIONAL USE PERMIT FOR WAKARUSA BOAT & RV STORAGE; E 550 RD & N 1190 RD (BJP)

CUP-18-00239: Consider a Conditional Use Permit for Wakarusa Boat & RV Storage LLC, located at E 550 Rd & N 1190 Rd. Submitted by Jason Fike on behalf of Sharon Anderson, property owner of record.

STAFF PRESENTATION

Ms. Becky Pepper presented the item.

APPLICANT PRESENTATION

Mr. Jason Fike, Wakarusa Boat & RV Storage LLC, said the facility would be a family business that he and his wife would run. He said if the Conditional Use Permit was approved he and his wife would move closer to the area and would not be absentee owners. He said he would maintain the property as best as possible and add value to the community. He said the location was perfectly suited for boat and RV storage due to its proximity to Clinton Lake and would boost the local economy. He said there would be covered and uncovered storage and the facility would be surrounded by a security fence. He said access to the facility would be through an electric gate only accessible via a code. He stated landscaping would provide screening. He said there would be an onsite office to handle day-to-day operation and a website as well. He stated there was a huge shortage for storage in the area.

PUBLIC COMMENT

Ms. Winona Deiter, 608 1190 Rd, said she was opposed to the boat storage facility. She said there was already a boat storage facility up the road and that a new boat storage would take away business from the existing boat storage. She expressed concern about the impact to wildlife, increased traffic, and blight. She felt boat storage should be closer to the water to be of better service to the people that want to camp and take boats out on the lake. She expressed concern about people coming and going all the time. She said the residents who live in the area would be impacted.

Mr. Greg Shanklin, 1187 E 596 Rd, said the facility would allow for the potential of 142 class II RV's, which would be big and unattractive. He said the large site would allow for a few hundred RV's. He said RV's belonged in an industrial district not a small neighborhood community. He said RV's that cannot be parked in peoples driveways should not be parked in his neighborhood.

Mr. Jim Baldwin, 1171 E 550 Rd, expressed concern about public safety and the location of the access driveway. He also expressed concern about the narrowness of the roads and large RV's and boats navigating it. He was concerned about erosion and water runoff without a holding pond. He said he did not want a view of RV's from his front porch.

Mr. Steven Thomas expressed concern about the layout of the storage units. He said his house would be on the south side and there wasn't any screening. He asked Planning Commission to consider adding screening to the south side of the site.

Ms. Marilyn Colgan expressed concern about traffic safety on the narrow roads and the location of the entrance. She said there were a lot of bicyclists on the road. She said Clinton was a cul-de-sac with one way in and one way out so increased traffic would be a burden to the community.

Mr. Jared Paslay, 603 N 1190 Rd, did not feel there was a need for increased boat storage in the area. He did not feel this would contribute to the community or add value of any kind. He expressed concern about increased traffic. He asked Planning Commission to defer to discuss further.

Mr. John Hall, 462 N 851 Diagonal Rd, expressed concern about traffic safety and said the area was already an extremely well trafficked area without a storage facility. He said recreational bicyclists frequently ride in the area.

APPLICANT CLOSING COMMENTS

Mr. Fike said he spoke with the son of the woman who runs the current boat storage in the area and he said they were always full. Mr. Fike said he would charge double which would mean he wouldn't be taking business away from the other business. He said Clinton Storage, across the lake, was full and that Eudora had storage with no availability. He stated DeSoto and Lawrence storage facilities were also full. He felt there was a need for additional storage. He said wildlife was a fact of development. He said traffic could be an issue but that County Public Works had looked at the 40' wide entrance. He said he would add security cameras but that recreational vehicle and boat owners were not common thieves. He said regarding erosion, he would have to pull a stormwater pollution prevention permit. He said he would not be paving the site, it would be road based rock so rain water would soak in. He said there would be a holding pond for water runoff. He said he would put trees on the south side to shield that side. He felt the storage facility would increase business at the Clinton Store.

COMMISSION DISCUSSION

Commissioner Paden inquired about the current policy for RV & boat storage in town.

Mr. McCullough said staff were drafting regulations as part of the property maintenance code. He said staff hoped to take that to the City Commission in September. He said it would not come to Planning Commission. He said the draft standards would allow some RV's and boats on a property with some different locational and setback standards. He said the idea was to reduce and mitigate impacts to neighbors.

Commissioner Struckhoff asked about setbacks.

Mr. Fike said his architect was revising the plan to address additional trees and setbacks.

Commissioner Butler asked if the rectangles on the site plan represented spaces for RV's.

Mr. Fike said yes, the spaces would be 12' wide. He said the plan was more of a pictorial representation.

Commissioner Butler inquired about the neighbors comment that there was the potential for 142 RV's on the site.

Mr. Fike said he had not figured an exact number of how many RV's the site could hold.

Commissioner Butler inquired about Mr. Fike's earlier comment that there was a shortage of coverage storage.

Mr. Fike said he had called every boat storage facility in the surrounding area and none had covered storage available. He said there was some availability at Lake Perry.

Commissioner Sinclair asked about the current land use of the site.

Mr. Fike said the current land use was agriculture. He said the property owner lived in California.

Commissioner Carpenter said the staff report said the land had been vacant.

Commissioner Pepper said the vacant reference was indicating that there were no structures developed on the property.

Commissioner Kelly asked staff about the Golden Factors for demand of whatever the development is.

Mr. McCullough said the factors were not exclusive so Planning Commission could introduce other factors as they saw fit. He said it was in an urbanized area and there was presumably a demand for the type of use in the area. He said it was a factor that could be considered. He said the revised Comprehensive Plan would introduce

the issue of need for certain uses. He said land use issues have to do more with compatibility, design, size, scope, scale, context of neighborhood, location to the lake and people it would serve.

Commissioner Sinclair asked about any other non-residential or non-agricultural uses in the area.

Ms. Pepper said predominately the area was agricultural and rural residential. She said the town of Clinton to the east had businesses. She stated closer to the lake there were more recreational facilities.

Commissioner Carttar inquired about a traffic impact study.

Ms. Pepper said a traffic impact study was not required. She said she reached out to the City Traffic Engineer to ask about trip generations. She said the most compatible use was mini-warehouse storage.

Mr. McCullough said the staff conclusion was that it would not burden the area in terms of traffic. He said they often hear traffic concerns but roads and streets are built to handle traffic.

Commissioner Carpenter wondered about the financial burden of improvements to the roadways.

Mr. McCullough said it would be the development generating the use.

Commissioner Carpenter asked if it had been reviewed by the County Stormwater Engineer.

Ms. Pepper said yes, she believed so. She said the drainage issue was not something she was made aware of prior to this meeting.

Commissioner Sands said the project would be taking away agricultural land and was in contrast to the values of Planning Commission. He said it was not exactly in line with the Comprehensive Plan. He said the traffic would impact the area. He said he would not support the Conditional Use Permit. He stated it was not in line with the neighborhood.

Commissioner Butler felt it was not fair to comment on traffic and drainage when Planning Commission did not have the facts in front of them. She said her only issue was the size of the development. She asked the applicant if the size was something he was willing to reconsider.

Mr. Fike said he was willing to reduce the size. He said initially he was only developing 3 acres and then expand if there was a need. He said the storage facility across the lake was 28 acres.

Commissioner Paden asked if Mr. Fike used his boat at Clinton Lake.

Mr. Fike said he had been to Perry Lake once but usually boats at Clinton Lake.

Commissioner Kelly said he drove out to the property today and that the character of the area was almost entirely farming. He said the intersection seemed to be a main crossroad in Clinton Township. He said there was nothing to break the line of sight for quite some distance. He said he was struggling with the character of the area. He said he did not discount the demand but his hesitation on approving the Conditional Use Permit was the character of the area. He said a storage facility would really stand out in the area and would be noticed for some distance.

Commissioner Carpenter shared Commissioner Kelly's concern. He said the idea might have merit and fill a need in the area but the location was a problem. He felt it would completely change the character of the area.

Commissioner Struckhoff shared the same concerns regarding the character of the area. He said the idea of storage in the area was a good idea. He appreciated the applicant being flexible to change the plans. He said

he would like to see more information about stormwater issues. He expressed concern about the proposed scope of the project at that site. He said he would have a hard time supporting it.

Commissioner Weaver inquired about moving the covered storage.

Mr. Fike said he could only move the building 40' to the left. He said the ground gradually drains to the natural swale area. He said he drew up plans for a retaining pond to keep water off the neighboring property.

Ms. Pepper said the 140' setback on the west property line was the setback. She said open storage had to be treated like covered storage and could not be moved.

ACTION TAKEN

Motioned by Commissioner Kelly, seconded by Commissioner Sands, to recommend denial of the Conditional Use Permit, CUP-18-00239, and forward to the Board of County Commissioners.

Commissioner Carttar asked what the applicants options would be if the proposal was denied.

Mr. McCullough said Planning Commission makes a recommendation to the Board of County Commissioners. He said the County Commission had the option to return it to Planning Commission for further development with the applicant.

Motion carried 7-2. Commissioners Butler and Paden voted against the motion. Commissioners Carpenter, Carttar, Kelly, Sands, Sinclair, Struckhoff, and Weaver voted in favor of denial.

[Loren Baldwin letterhead]

July __, 2018

City of Lawrence
Douglas County Planning & Development Services
6 East 6th St. P.O. Box 708 Lawrence, KS 66044



Attention: Ms. Becky Pepper, Planner II
bpepper@lawrenceks.org

RE: CUP-18-00239: Consider a Conditional Use Permit for Wakarusa Boat & RV Storage LLC,
located at E. 550 Rd. & N. 1190 Rd.

Dear Sir or Madam:

This letter is to present the opposition of the undersigned and the signatories to the attached petition to the above referenced Conditional Use Permit for an industrial warehouse in the farming community of Clinton, Kansas. As set out below, it is the community's view that the proposed conditional industrial use (moving, storage and transfer) is neither compatible with surrounding uses nor one that is suitable for the property in question. Please consider the following:

1. In the simplest terms, a boat and recreational vehicle storage facility is inherently incompatible with the use and character of a residential farming community, such as Clinton. A boat and RV storage facility is an industrial use where a large area of farmland is paved over for long-term storage of rows and rows of large, unattractive, aluminum-clad, wheeled boxes whose constant ingress and egress to the site will frequently obstruct existing residential, farming and lake access traffic. On the other hand, farming and residential use is both peaceful and productive in its natural beauty, with a strong sense of community among the residents as a result. A warehouse facility of this kind, owned by an absentee LLC, is no more "compatible" with a farming community than a race track or high-rise office building would be or, conversely, than a small farmstead would be in the midst of the vast sea of warehouses, shipping containers and 18-wheelers that form Los Angeles' industrial "Inland Empire." [or Kansas City's warehouse district??] The image that brings to mind demonstrates the stark contrast posed by this CUP application.
2. The intersection of E. 550th Road and N. 1190 Road is the literal and figurative gateway to Clinton. Virtually all residential and recreational lake use traffic flows through this intersection. As you approach, you see primarily cropland, a beautiful farmhouse, and several horses grazing in the field at the intersection. It needs to be maintained in the rural character of its current aesthetic form, as well as to keep the traffic flow at a smooth and peaceful pace.

3. The intersection is already stressed by the summer traffic flow from recreational users. In the period between Memorial Day and July 4th 2018, there were three separate accidents where speeding vehicles veered off N. 1190 Road between the intersection in question and East 596th Road. To introduce the behemoth recreational vehicles and boats constantly pulling in and out of the site will obstruct traffic, increase congestion and test the patience of other drivers, resulting in more speeding cars and more accidents, all in an area where young children ride their bicycles and play.
4. The owners of the facility are both absentee and solely focused on the lake's recreational market – not the Clinton community. They will not care at all about anything but rents and operating costs. Yes; they may plant landscape screens initially to the minimum degree required by their permit. We can be absolutely certain that the screens will be both inadequate and not maintained beyond the first season.
5. The facility is unnecessary in market terms. Other similar facilities in closest proximity to the Clinton boat ramps and RV communities are reported to be no more than [__%] occupied. Building another facility of this kind may attract users because of its location, but it will only be a substitute for the existing facilities and is not needed to satisfy pent up demand. Market demand does not justify this facility.
6. The facility will disrupt the good watershed stewardship practices that have been introduced at this property. [PROVIDE DETAILS]
7. The property in question is perfectly suitable for the current use to which it is restricted. It is productive farmland, having been improved with appropriate watershed infrastructure and used consistently over the years as such. It has not been held vacant except in connection with the current sale. Moreover, surrounding properties are dependent on this infrastructure being maintained.
8. We also believe that the site plan submitted for this CUP is insufficient and disingenuous in that it only shows use of one half of the land area as a first phase, counting on the initial approval to, in effect, “grandfather” phase two. To demonstrate the full impact of this incompatible use on our community, the site plan should show what is also contemplated by phase two, which will double the size of pavement, covered storage, vehicles, traffic and, simply put, overall ugliness.

We urge you to vote against this Conditional Use Permit.

Respectfully yours,



Loren Baldwin

Outline:

1. Incompatibility
 - a. Traffic
 - b. Gateway
 - c. Aesthetic/community
 - d. Absentee owner
2. unsuitable
 - a. Environmental/watershed stewardship
 - b. traffic

12-319-1. CONDITIONAL USES AND CONDITIONAL USE PERMITS 12-319-1.01.

Recognizing 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, certain conditional uses listed in section 12-319-4 below, 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.

12-319-1.02. Before the establishment of, or before any changes in a conditional use, the application shall be filed with the Planning Commission requesting such establishment or change. The Planning Commission shall hold a public hearing as provided for in section 12-324, and shall review such plans and statements and shall, after a careful study thereof, and the effect that such buildings, structures, or uses will have upon the surrounding territory, submit a recommendation with findings of fact to the Board of County Commissioners within thirty days following said hearing, which shall include, but not be limited to, the following criteria: a. Zoning and Uses of Properties Nearby; b. Character of the Area; c. Suitability of Subject Property for the Uses to Which It has been Restricted d. Length of Time Subject Property has Remained Vacant as Zoned; e. Extent to Which Removal of Restrictions will detrimentally affect Nearby Property; f. 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; g. Conformance with the Comprehensive Plan; and, h. Professional Staff recommendation.

Following receipt of the Planning Commission's recommendation and Findings of Fact, the Board of County Commissioners may within the specifications herein provided, permit such buildings, structures, or uses, with or without conditions, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities

will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood valued.

12-319-1.05. Regardless of whether or not the Planning Commission approves or disapproves a Conditional Use Permit, if a protest petition against such amendment is filed in the office of the County Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owners of record of 20% or more of any real property proposed for a Conditional Use Permit or by the owners of record of 20% or more of the total area required to be notified by this act of the proposed Conditional Use Permit for a specific property, excluding streets and public ways, the Conditional Use Permit shall not be approved except by at least a 3/4 vote of all the members of the Board of County Commissioners.

CUP-18-00239: Consider a Conditional Use Permit for Wakarusa Boat & RV Storage LLC, located at E. 550 Rd. & N. 1190 Rd.

Name	Signature	Address	Phone
------	-----------	---------	-------

Beneé Grey	Beneé Grey	1191 E 596 Rd	785-393-3129
Janice Paslay	J. Paslay	1183 E 550 Rd	785-766-1657
Terri Baldwin	Terri Baldwin	1171 E 550 Rd	785-766-9395
David Grey	David W Grey	1191 E 596 Rd	785-312-1245
Ronald Lape	Ronald Lape	554 N 1200 Rd	755-748-6665
Rodney E	Helen Eidsen	1148 E 550 Rd	785-840-8878
Joshua + Ashley Urban		1092 E 500 Rd.	785 764-6691
Jimmy Balch		1171 E 550 Rd	785 766 9201
Frank Bailey		603W 1190 Rd	785-766-4604
Dawn Kello		560 N 1200 Rd	816-213-7370
Debra Kello		560 N 1200 Rd	816-564-4282
Charles L Hodges		462 N 851 Diag Rd	785-748-0985
Margaret A. Hodges		462 N 851 Diag Rd	785-748-0985
Alana Hamilton		1187 E. 596th Rd	917.733.9660
Jeff Hamilton		1187 E. 596th Rd.	973-615-2381

PETITION IN OPPOSITION TO:

CUP-18-00239: Consider a Conditional Use Permit for Wakarusa Boat & RV Storage LLC,
located at E. 550 Rd. & N. 1190 Rd.

The undersigned oppose the above referenced CUP in all respects:

Name	Signature	Address	Phone
Jim Hillesheim	Jim Hillesheim	1151 E 500 Rd	785-917-0579
Carlana Haney	Carlana Haney	609 N. 1180 Rd	785-760-1099
Bernard Haney	Bernard Haney	609 N 1180 Rd	785-766-0869
NANCY M HODGES	Nancy M Hodges	1152 E 612 RD	785-331-7045
Lynn Carver	Lynn Carver	1045 E 351st Diag Rd	(913) 406-9853
Marilyn Stone	Marilyn Stone	1183 E 550 Rd	785-766-4592
Marijn Massa	Marijn Massa	1193 E 596 Rd.	785-550-9392
Ronald Horn	Ronald Horn		785-760-2310
ERMA WARD	Erma Ward	1610 N 1200 Rd ^{Hoogmoet, KS}	785-748-0854
Angele Morrison	Angele Morrison	626 N 1190	816-716-3119
Ron Morrison	Ron Morrison	626 N 1190	785-764-5358
Amy Smith	Amy Smith	1660 N 1190 Rd	785-393-4942
Joshua Urban	Joshua Urban	1092 E 500 Rd	785-764-6669
Donald Baldwin	Donald Baldwin	602 W 1180 Rd	785-766-7358
Conan Huffman	Conan Huffman	1193 E 596 Rd.	785-550-0059
Justin Sanford	Justin Sanford	526 N. 851st Diag Rd, Lawrence, KS	785-748-0983
William Cedar	William Cedar	224 N 1190 Rd	785-0070

Becky Pepper

From: Win Dei <wad2147@yahoo.com>
Sent: Monday, July 23, 2018 5:34 PM
To: Becky Pepper
Subject: the proposed building of a boat and camper storage.

Follow Up Flag: Follow up
Flag Status: Flagged

I could go on a lot of rants of why this should not be allowed; and a few of the main ones is there already is one right up the road and it has been of good service for many years, her husband has passed and this is a second income for her, we don't need the extra boat storage and we definitely don't need it on the corner coming into Clinton... It will cause for major distraction and disruption in the traffic....

This is a small community that flows within an agricultural community and it needs to be treated as such. Most of us have been in this community 30+ years and Shirley Harrell and her husband have had the storage facility for as many years as I can remember and I don't think we need 2.... and we don't need to take away her little extra income that she may make from it...

I already see plenty of byte in this little town coming home I do not necessarily want to see any more this close to home...

From: County Commissioner - Thellman, Nancy
To: nsjanderson@startmail.com
Subject: Fwd: Sept 5 Hearing
Date: Friday, August 31, 2018 11:48:28 AM
Attachments: [S. Signature.png](#)

This is a note from an applicant—should be included in the packet. Thanks!
Nancy

Sent from my iPad

Begin forwarded message:

From: "The Andersons" <nsjanderson@startmail.com>
Date: August 23, 2018 at 3:02:20 PM CDT
To: nthellman@douglascountysks.org
Subject: Sept 5 Hearing

August 23, 2018

Dear Commissioner Thellman,

Regarding the upcoming Sept. 5 hearing and request for a conditional use permit by Wakarusa Boat & RV Storage, LLC (Cup-18-00239) to be located at the southeast corner of N1180 and E550 roads, as the property owner I submit the following:

- 1) The location proposed is ideally suited for the provision of boat/RV storage. It is on the corner leading directly into the entrance of the Bloomington Beach recreational area on Clinton Lake that specifically caters to boat and RV usage.
- 2) The addition of a small business providing direct support for consumers visiting Bloomington Beach will, by its very existence, provide support to existing and future small businesses supporting the Bloomington Beach facility.
- 3) The traffic pattern in and out of Bloomington Beach would not be impacted by the project, as it would be situated on the road already being used to conduct traffic in and out of the recreational area.

In my opinion, it is possible that resistance to the proposed use is being raised by a neighbor who, in the past has tendered two offers for the property. About 7 years ago, an offer well below market value was tendered for the north 10 acres. The offer was made by means of a message left on my telephone. I returned the call, leaving a message to discuss the offer. I never heard back. When the full 37 acres was listed for sale two years ago, the neighbor tendered an offer too far below market value to accept.

Located a short distance east on the road to Bloomington beach is The Clinton Store. I believe a close relative of the neighbor owns the The Clinton Store. It therefore seems odd that a business such as the one being proposed would be contested as the project being proposed would most certainly enhance customer flow to the store.

Those residents resisting a storage facility should also consider the possible enterprises that could be operated on the property that do not require a conditional use permit. A hog farm with its attendant noises and aromas would be one example.

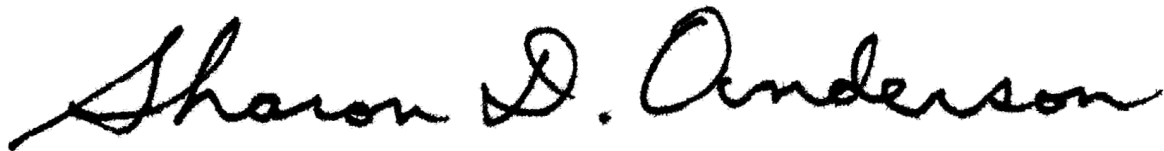
Regardless of the source or purpose of resistance to the project, the logic and suitability of the project is perfectly sound by any reasonable measure.

I urge you to consider approval of this use permit. It will be an obvious enhancement for The Clinton Store thus making it a positive influence on local economic health while occupying a small footprint plus facilitating individuals and families seeking recreation at Clinton Lake.

Thank you for your consideration.



Sharon Anderson
nsjanderson@startmail.com



AD - Crabtree, Robin

From: County Commissioner - Thellman, Nancy
Sent: Thursday, August 30, 2018 6:41 PM
To: AD - Crabtree, Robin
Subject: Fwd: Proposed Wakarusa RV storage business

Robin,
This came in for all of us—should probably be added to the packet. Thanks!
Nancy

Sent from my iPad

Begin forwarded message:

From: Steve Crane <s.crane2012@gmail.com>
Date: August 30, 2018 at 6:58:42 AM CDT
To: mgaughan@douglascountyks.org, nthellman@douglascountyks.org, Michelle Derusseau <mderusseau@douglas-county.com>
Cc: Marilyn Colgan <marilyncolgan@gmail.com>, Greg Shanklin <shanklin53@gmail.com>
Subject: Proposed Wakarusa RV storage business

Dear commissioners,

I write in opposition to the proposed Wakarusa RV storage business in our small town of Clinton. I understand the planning commission voted no by a resounding margin. There are a significant number of serious issues beyond just the aesthetics.

SAFETY

1. The roadway is a narrow road without a shoulder. The proposed driveway sits only a short distance from a curve coming out of the town of Clinton.
2. Apparently a traffic count was conducted Tues thru Thurs in the last couple weeks. Such a traffic count is highly deceptive. Traffic flow to the beach, Army Corp of Engineers campgrounds is virtually non existent Tues thru Thurs. The majority of heavy traffic takes place Friday through Sunday. Any count done Tues thru Thurs would be highly deceptive.
3. RV's with towed trailers or boats being stored here can reach a length of 65 feet. Typical RV's are 40 plus feet alone. Such long vehicles need significant room to execute a turn. The narrow road would require an eastbound RV or truck pulling a boat to swing into the oncoming traffic lane in order to make a turn into the proposed business. We have a farm field entry point on the north side of the road nearly opposite the proposed business entry. I'm very well aware of the dangers involved pulling out onto the road. Westbound traffic also has a hill and a curve that limit sight distance.
4. Fire. Clinton Township Fire is already stretched to take responsibility for part of Marion Township. There is no ability to fill the single tanker the fire department has anywhere in Clinton. Water lines into Clinton are too small to provide water to fight a fire. The tanker truck is limited to 2,000 gallons and would have to drive 6-7 miles to the water treatment plant to obtain water.
RV's and boats contain diesel fuel, gasoline and propane. The current proposal has space for 150+ RV's and boats. Typical large RV's can hold 150 gallons of fuel and 20 gallons of propane.

The proposed 150 RV's and boats combined would hold thousands of gallons of highly combustible fuels. Should an accident happen a fire could be catastrophic. This entire area is home to pack rat colonies who can easily chew into boats and RV's and could trigger a fire in one of the units. If that happens, it would be impossible to control.

AESTHETICS

1. Such a commercial venture simply doesn't fit the community. A large parking lot of RV's and boats would truly look out of place.
2. Proposed trees would take years to grow. Necessary water for the proposed trees early start would have to be trucked in. It is not possible at this time to get a water meter on the property. Who's going to provide tanker truck service to provide water the first few years?
3. The proposed plans appear to have an office space. One assumes a bathroom would be included. RWD 3 is not permitting any new water meters at this time. A new pipeline is proposed sometime next year to provide service to the Army Corp of Engineers property. It is unknown if access to that new pipeline will be possible.

EROSION, POLLUTION

1. The proposed property is terraced to prevent erosion. The removal of those terraces would cause significant erosion to the property and have significant potential for damage to surrounding property.
2. Potential contamination of the area from leaking fuel, disposal of black water and grey water tanks that take place in an unmanned facility like this are possible. If nobody is there to monitor an RV being stored, owners may dump any remaining contents before storing their RV's. They cannot leave anything in those tanks over the winter.
3. Light pollution. Obviously such an enterprise must provide adequate lighting to permit boat and RV owners access to their equipment at night. Security would also demand some lighting.

FAIRNESS

While those who would store boats in the proposed facility would do so in part due to the proximity to the lake, the primary reason that RVs and boats would be stored in this location is because the owners do not want them in their own yards, or are prohibited by their homeowners association rules or local ordinances from storing in their own neighborhoods. Large RVs and boats will be the most likely vehicles to be stored in this location for these reasons. Thus, the most unsightly, largest vehicles would be stored in our pastoral, agrarian community because the owners could not, or do not want to, store them in their own communities.

I urge your No vote when this proposal comes before the Commission, Wednesday September 5th at 6:00 PM.

Sincerely
Steven E Crane
484 N 1050 Rd
Lawrence KS, 66047
Cell: 785-221-6558

AD - Crabtree, Robin

From: County Commissioner - Derusseau, Michelle
Sent: Wednesday, September 5, 2018 1:50 PM
To: AD - Crabtree, Robin
Subject: Fw: Proposed Wakarusa RV and Boat Storage Proposal

Sorry, still trying to get caught up. I don't think anyone else was copied on this.

Michelle Derusseau
Douglas County Commissioner, 3rd District
785-764-3619

From: rachel.helman@aol.com <rachel.helman@aol.com>
Sent: Tuesday, August 28, 2018 5:31 PM
To: County Commissioner - Derusseau, Michelle
Subject: Proposed Wakarusa RV and Boat Storage Proposal

To County Commissioner Michelle Derusseau,
I can not attend the Proposed Wakarusa RV and Boat Storage meeting tonight 8/28/18 due to work obligations but I would like to give my reasons for opposing this Storage of Boats and RV's.

First of all it is something that will bring in people we do not know which could cause crime into our community, it will be an eyesore to all of us that have to see it and especially to those that live across or next to it, we have a nice quite town and this could attract the wrong type of people.

Thank you for your time,
Rachel Helman
536 N 851 Diagonal Rd,
Lawrence, KS 66047

AD - Crabtree, Robin

From: County Commissioner - Derusseau, Michelle
Sent: Wednesday, September 5, 2018 1:53 PM
To: AD - Crabtree, Robin
Subject: Fw: Proposed Wakarusa RV and Boat Storage Proposal.

I thought I had sent this to you before I left but I didn't see it in the packet and didn't see it in my outbox. Sorry.

Michelle Derusseau
Douglas County Commissioner, 3rd District
785-764-3619

From: Kathleen Himmer <kathleen.himmer@gmail.com>
Sent: Monday, August 20, 2018 5:34 PM
To: County Commissioner - Derusseau, Michelle
Subject: Proposed Wakarusa RV and Boat Storage Proposal.

Dear Michelle,

I live in Clinton Township near the proposed site for this terrible idea. This place would cause noise and light pollution, havoc to wildlife, greatly increase the traffic, add trash accumulation, and be a huge eyesore. I bought a house here and have been a resident for nearly 25 years. If I didn't mind this type of business I'd have stayed in the city. All in all, a junky idea.

Thank you, Kathleen Himmer 606 N 1200 Rd, 66047

AD - Crabtree, Robin

From: County Commissioner - Derusseau, Michelle
Sent: Wednesday, September 5, 2018 1:54 PM
To: AD - Crabtree, Robin
Subject: Fw: RV & Boat Storage

My bad.

Michelle Derusseau
Douglas County Commissioner, 3rd District
785-764-3619

From: Lieber, Joe <JHLieber@bsbna.com>
Sent: Thursday, August 16, 2018 3:29 PM
To: County Commissioner - Derusseau, Michelle
Cc: Lieber, Julianna K.
Subject: RV & Boat Storage

Michelle,

While personally I don't want a RV and boat storage facility located at E550 rd. and N1180 rd., but I do not believe it fits with the existing surrounding properties and possesses a traffic hazard.

While I understand property owners should be able to develop there property for their own benefit, I am worried that the current road design will not support this proposed business. The current road is a two lane NO shoulder 55 MPH county highway and the prospect of slow moving vehicles with semi-turning radiuses accessing the facility at during the same time as the roads peak use (Lake Traffic). It is obvious that the road will need to be upgraded to a four lane road with shoulders or a two lane road with a deacceleration and acceleration lane eastbound and a left turn lane westbound would absolutely be necessary including adding adequate shoulders.

As a taxpayer, if this business is allowed to operate, I would be very upset to pay for a road upgrade and maintenance that will only benefits this one business.

Joe Lieber, PE
Vice President - Engineering
BlueScope Buildings, NA
816.968.3474 (Office)
816.769.7763 (Cell)

NOTICE - This message and any attached files may contain information that is confidential, legally privileged or proprietary. It is intended only for use by the intended recipient. If you are not the intended recipient or the person responsible for delivering the message to the intended recipient, be advised that you have received this message in error. Any dissemination, copying, use or re-transmission of this message or attachment, or the disclosure of any information therein, is strictly forbidden. BlueScope Steel Limited does not represent or guarantee that this message or attachment is free of errors, virus or interference.

AD - Crabtree, Robin

From: County Commissioner - Derusseau, Michelle
Sent: Wednesday, September 5, 2018 1:49 PM
To: AD - Crabtree, Robin
Subject: Fw: Wakarusa RV and Boat Storage Proposal

This came in last night. Should probably be included. Thanks.

Michelle Derusseau
Douglas County Commissioner, 3rd District
785-764-3619

From: Carolyn Anderson <c_ander@yahoo.com>
Sent: Tuesday, September 4, 2018 6:02 PM
To: County Commissioner - Derusseau, Michelle
Subject: Wakarusa RV and Boat Storage Proposal

To Whom It May Concern:

My wife and I live at Clinton Lake. We purchased our home about thirteen years ago. The area is very busy with traffic during the summer as there are many areas for camping and recreational vehicles. The camp ground workers and warden with the addition of Douglas County patrol the area and do their best to keep everything in check. I don't believe that all camp sites or R V sites are completely filled to capacity a good portion of the time. Storage of boats and other recreational vehicles during off season could easily be found at Shirley Harrel's right on highway 458. Another large concern that we have is for the wild life in the area. We see deer, turkeys and even fox in that field. We feel the loss of habitat would be shameful and not necessary considering the availability of existing facilities and other storage spaces.

Sincerely,
Werner and Carolyn Anderson
624 N.1190 Rd.
Lawrence, Ks.

AD - Crabtree, Robin

From: County Commissioner - Derusseau, Michelle
Sent: Wednesday, September 5, 2018 1:51 PM
To: AD - Crabtree, Robin
Subject: Fw: Proposed Wakarusa RV and Boat Storage

Another one...

Michelle Derusseau
Douglas County Commissioner, 3rd District
785-764-3619

From: Richard Barr <hoxieboy555@gmail.com>
Sent: Tuesday, August 28, 2018 11:58 AM
To: County Commissioner - Derusseau, Michelle
Subject: Proposed Wakarusa RV and Boat Storage

Commissioner, I have been given a copy of the proposal for the RV and Boat Storage facility at E550 and N1180 Rd. near Clinton.

I am writing to voice my objection to this development.

As you know the town of Clinton is a small community that is serviced by a single roadway, County Rd 6 (or N851 Diagonal). This proposed change in use from agriculture to a commercial storage facility will increase the traffic on that single access road dramatically. Many of the campers that utilize the Corp of Engineers campgrounds in the area come from outside the Douglas County area, so the storage would not alleviate the use of the road by visitors camping in the sites. But it would increase access to the area by those that choose to store their RVs and boats that are towed in and out of the area.

The development indicates three rather large covered storage buildings as well as dozens of individual storage sites. Generally, with the numbers of structures and mobile structures, there would be concern for adequate separation between the individual units and adequate infrastructure to protect the buildings and mobile structures from conflagration should a fire occur and in any one of them. It appears they are situated fairly close to each other. If memory serves, I believe a separation of a minimum of 10 feet is indicated, but I would leave that to those officials reviewing the site plan.

It is a shame that the agriculture land so far from the population center of our county may be converted to a storage facility that spans a significant piece of property at the entrance to Clinton.

While the property is currently for sale, I do not believe that the proposed developer has invested any money directly to the purchase of the property. So I believe any money spent was in speculation and should not be an argument for approving the proposal.

If the Commission determines that this is a valid proposal and permits its completion, I would ask that the property fronting E 550 and N 1180 roads be screened from view by utilizing a privacy fence in lieu of or addition to the proposed 8 foot chain link fence.

Your attention to this is greatly appreciated.

Respectfully,

--

Rich Barr
1224 E 600 Rd.
Lawrence, KS

From: [County Commissioner - Derusseau, Michelle](#)
To: [AD - Crabtree, Robin](#)
Subject: Fwd: No to proposed storage and rv in Clinton
Date: Wednesday, September 5, 2018 3:17:45 PM

This just came in.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: phil gallagher <philandcarie@yahoo.com>
Date: 9/5/18 3:14 PM (GMT-06:00)
To: "County Commissioner - Gaughan, Mike" <mgaughan@douglascountyks.org>, "County Commissioner - Derusseau, Michelle" <mderusseau@douglascountyks.org>, "County Commissioner - Thellman, Nancy" <nthellman@douglascountyks.org>
Subject: No to proposed storage and rv in Clinton

Dear Commissioner,

Clinton is a quiet county town that we fell in love with and finally decided to move to four years ago. We enjoy biking and walking our three dogs everyday on the roads in the area as well as meeting the people who visit the neighboring Bloomington Park. We are writing to you to express our concern of the proposed boat and rv storage business at the corner of E 550 Rd & N 1190 Rd, less than ½ mile from our home.

The proposed business will bring a greater number of very large trucks and rv's to the area. Will a wider road with turning lanes need to be constructed? And if so, who will pay for this? Until then, what about clogged roads causing delays getting emergency vehicles to the residence and visitors in the area (there is only one road in and out of the "peninsula")? Will Clinton need to get a larger fire truck to service this business? Who will pay for this? What about gas and noise pollution from the big vehicles as well as light pollution needed at the property 24/7? And does this business really fit the community? We also have concerns with an absent business owner.

We truly hope you vote no on the Wakarusa Boat & RV Storage LLC requests build in Clinton. It is not in the best interest of Clinton.

Sincerely,

Carie and Philip Gallagher

516 N 1200 Road

Lawrence, KS 66047