

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Public comment will be taken for each regular agenda item as each item is discussed. Individuals will be limited to one comment per agenda item. Individuals are asked to come to the microphone, sign in, and state their name. Speakers are asked to sign in so that the spelling of names is correct in the minutes of the meeting. Speakers should address all comments/questions to the Commission.

WEDNESDAY, OCTOBER 9, 2019

4:00 p.m. WORK SESSION

-Presentation on Comprehensive Plan Amendment, CPA-18-00395, Plan 2040: A -Comprehensive Plan for Unincorporated Douglas County & the City of Lawrence. (Scott McCullough, Planning & Development Services Director and Jeff Crick, Planning Manager)

Please see the following link for the Work Session backup material:

<https://www.douglascountyks.org/public-meetings/commission-board/2019/10/09/commission-board-meeting-wed-october-9-2019-400-pm-and>

5:30 p.m. BUSINESS MEETING

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Review and consider approval of an Amended Memorandum of Understanding between the Kansas Department of Corrections Division of Juvenile Services and Douglas County Kansas for the Youth Advocacy Program. (Pam Weigand)
- (c) Consider approval of the minutes for July 17, August 14, August 21 and September 25, 2019; and
- (e) Consider approval of accounts payable.

REGULAR AGENDA

- (2) Consider appeals from Planning Director's Administrative approval of CSR-19-00349 and CSR-19-00350; Certificates of Survey for approximately 40 acres located in the southeast corner of the intersection of N. 725 Road and E. 475 Road. Submitted by All Points Surveying for Steven M. Hornberger and Cynthia A. Hornberger Trustees, property owners of record. Administratively approved on August 19, 2019. Mary Miller is the Planner.
- (3) Consider appeals from Planning Director's Administrative approval of CSR-19-00373 and CSR-19-00374; Amended Certificates of Survey for land previously included within certificate of survey, CSR-18-00469. Approximately 50.32 acres located within the southwest corner of the intersection of N. 1200 Road and E. 2000 Road. Submitted by All Points Surveying for Barb R. Hermreck and Mary M. Williams, trustees of the Norbert M. Grosdidier revocable living trust, property owners of record. Administratively approved on August 30, 2019. Mary Miller is the Planner.
- (4) General Public Comment
General Public Comment will be at the end of each meeting with a limit of one comment per person and keep their comments brief. Individuals may not give unused time to other speakers. As a general practice, the Commission will not discuss/debate these items, nor will the Commission make decisions on items presented during this time, rather they will refer the items to staff for follow up, if necessary.
- (5) Committee Reports
- (6) Commissioner and/or Administrator Miscellaneous

WEDNESDAY, OCTOBER 16, 2019

-Plan 2040 -tentatively

Consider approving a Comprehensive Plan Amendment, CPA-18-00395, Plan 2040: A Comprehensive Plan for Unincorporated Douglas County & the City of Lawrence. Adopt on first reading, joint Ordinance No. 9699/County Resolution, for a Comprehensive Plan Amendment (CPA-18-00395) Plan 2040: A Comprehensive Plan for Unincorporated Douglas County & the City of Lawrence. Jeff Crick, Planning Manager.

WEDNESDAY, OCTOBER 23, 2019

-No Work Session

Business Meeting:

-Proclamation for Domestic Violence Awareness Month (Will Averill)

-Volunteer Recognition for Emergency Management

WEDNESDAY, OCTOBER 30, 2019 – cancelled

WEDNESDAY, NOVEMBER 6, 2019

WEDNESDAY, NOVEMBER 13, 2019

WEDNESDAY, NOVEMBER 20, 2019

WEDNESDAY, NOVEMBER 27, 2019

WEDNESDAY, DECEMBER 4, 2019 – light agenda

***Note:** The Douglas County Commission meets regularly on Wednesdays at 5:30 p.m., and at 4:00 p.m. for Work Sessions as needed. Meetings are held at the Douglas County Courthouse (2nd Floor) at 1100 Massachusetts Street, Lawrence, KS 66044. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



MEMORANDUM

TO: Board of County Commissioners, Douglas County
Sarah Plinsky, County Administrator

FROM: Pam Weigand, Criminal Justice Services Director

SUBJECT: Review and Approve an Amended Memorandum of Understanding between the Kansas Department of Corrections Division of Juvenile Services and Douglas County Kansas.

DATE: October 1, 2019

Douglas County entered into a memorandum of understanding on September 21, 2016 with the Youth Advocate Program, Inc. (YAP) to provide Douglas County with an alternative to out-of-home placement for moderate and high risk youthful offenders, and for re-entry of youthful offenders from state correctional facilities. The cost of YAP services are paid for with KDOC-JS funds that are front loaded to Douglas County.

As you may remember the BOCC executed an amended agreement in July extending the agreement until the end of September. The Kansas Department of Corrections Division of Juvenile Services (KDOC-JS) is asking counties to sign a revised amendment that ends on December 31st to ensure that reimbursements for YAP services continue to occur until a new contract is finalized. KDOC-JS has put the services provided out for bid and hope to have a new contract for these services by January 2020.

Paula Rapp from Criminal Justice Services will be available at the Commission meeting to answer questions. Thank you for your consideration.

AMENDMENT to Memorandum of Understanding
KANSAS DEPARTMENT OF CORRECTIONS – JUVENILE SERVICES and
Douglas County Criminal Justice Services

This AMENDMENT NO. 5 made and entered into as of this ____ day of _____, 2019, by and between the DEPARTMENT of Corrections of the State of Kansas, Division of Juvenile Services (hereinafter called the “KDOC-JS”) and Douglas County Criminal Justice Services (hereinafter called “County”);

WHEREAS, the DEPARTMENT desires to extend the term of this Memorandum of Understanding; and

WHEREAS, the County is willing to continue providing YAP under the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the foregoing and of the mutual promises contained in the Memorandum of Understanding, it is mutually agreed as follows:

1. To extend the term of the term of Amendment No. 3 for continuation of YAP from June 30, 2019 to December 31, 2019, or until such time as the DEPARTMENT and County enter into a new contract for YAP, whichever occurs first.

All other terms and conditions of the Contract executed November 28th, 2016, and the Amendment executed on July 28, 2017 shall remain in full force and effect except as specifically amended herein.

IN WITNESS WHEREOF, the parties have caused this contract to be executed on the day and year first above mentioned.

Kansas Department of Corrections

Douglas County Criminal Justice Services

By: _____

By: _____

Hope Cooper
Deputy Secretary of Juvenile
And Adult Community-based Services

Michelle Derusseau
BOCC Chair

Date: _____

Date: _____

July 17, 2019

Derusseau called the Regular Session to order at 5:30 p.m. on Wednesday, July 17, 2019 with all Commissioners present.

CONSENT AGENDA 07-17-19

Kelly moved approval of the following Consent Agenda:

- ▶ Minutes of June 12, 2019; and
- ▶ Accounts payable in the amount of \$4,006,194.03 to be paid on 07/18/19.

Motion was seconded by Thellman and carried 3-0.

PLANNING 07-17-19

The Board considered CUP-19-00219, a Conditional Use Permit (CUP) for a Boat Storage and Mini-Storage facility, located on approximately 28.68 acres at 1803 E 1200 Road. The application was submitted by Anthony Fanello, property owner of record. Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff, presented the item.

Miller discussed the “golden factors” as setup in the Findings of Fact. There was a valid protest petition certified with the County Clerk requiring a unanimous vote for approval. Miller addressed public concerns that the property is located in the Urban Growth Area (UGA) and has direct access to a paved collector road or higher. The property owner will provide secured fencing and lighting with no glare. Miller stated additional conditions can be added regarding lighting and screening, if needed. However, there are existing trees along the north and west side of the property that should provide adequate screening from residences to the north and northwest. She received confirmation from Westar there would be no impact on electrical utilities for the area. The Zoning and Codes office did not have concerns regarding drainage on the site. The Planning Commission voted 5-5 to forward the item to the Board of County Commissioners with a recommendation for approval and voted 5-5 for a motion recommending denial. Therefore, there is no recommendation from Planning Commission.

Staff recommends approval of the CUP-19-00219, based on the proposed findings of fact:

- I. **Zoning and land uses of surrounding properties.** Zoning in the area is split, with agricultural zoning west of E. 1200 Road and industrial zoning to the east. Two nearby residential properties which were annexed into the City of Lawrence were assigned single dwelling residential zoning until development is proposed. The floodplain overlay district cuts through the area north/south along the west border of the subject property. The area is primarily agricultural in nature, with small rural residential parcels located along N. 1800 Road/County Route 438. The proposed use would be compatible with the industrial and agricultural uses and zoning. The facility could have a visual impact and should be oriented and designed to minimize any negative impacts on nearby residential land uses.
- II. **Character of the area.** The area contains a mix of urban and rural uses with the dividing line being generally E.1200 Road. Industrial zoning and land uses are located to the east of E.1200 Road, with some residential uses along N.1800 Road/County Route 438 and agricultural and residential uses are located primarily to the west of E.1200 Road. Higher classification roadways access this area with N.1800 Road/County Route 438 providing a connection through the area from east to west and E. 1150 Road and E.1200 Road, south of N.1800 Road, providing north/south access.
- III. **Suitability of subject property for the uses to which it has been restricted.** The subject property is well suited to agricultural use and has been used for agriculture. The property owner originally inquired about dividing the land and building another residence, but this did not comply with the recommendations in the approved long-range plan, which will be discussed in Section VII of this report. Boat Storage and Mini- or Self-Storage uses are permitted in the A District when approved with a conditional use permit. The property, with its access to the higher classification road system, is suitable for the proposed storage use.
- IV. **Length of time subject property has remained vacant as zoned.** This property is not vacant. The Douglas County Appraisers records note that the residence was built in 1900.
- V. **Extent to which removal of restrictions will detrimentally affect nearby property.** The standards for the mini-storage use provided in the Zoning Regulations are intended to facilitate the operation of the facility and to minimize the impact on nearby properties. The proposed facility is compliant with these standards and should not detrimentally affect nearby properties. The visual impact of the exterior boat and RV storage will be reduced with the existing and proposed landscaping.
- 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.** As the facility is compliant with the standards established in the Zoning Regulations for a Mini- or Self-Storage use and is compatible with the character of the area, little benefit would be gained from the denial of the application. The hardship for the applicant would be the need to pursue another, perhaps a more intrusive use, permitted in the 'Office/Research' land use category recommended in the K-10 and Farmer's Turnpike Plan or to submit an application for an amendment to the plan to revise the land use

recommendations.

VII. Conformance with the comprehensive plan. The conditional use permit is in conformance with the recommendations in the Comprehensive Plan, including the specific future land use recommendations in the adopted area plan.

VIII. Professional staff recommendation. Staff recommends approval of the conditional use permit subject to the condition that an annexation agreement and consent to annex be executed and submitted to the Planning Office. This will facilitate annexation when infrastructure has been extended to the area and annexation is desired and determined to be appropriate.

And, subject to the following conditions:

- 1) The applicant shall provide an executed annexation agreement, including consent to annexation, to the Planning Office prior to the release of the conditional use site plan to the Zoning and Codes Office for processing of building permits.
- 2) The access point on E.1200 Road will be revised, if necessary, to meet Wakarusa Township requirements and a revised plan reflecting these changes will be provided to the Planning Office prior to the release of the plan to the Zoning and Codes Office.

Derusseau said staff commented that they looked at the suitability of property for uses in the "A" District and said the property was well suited for residential and ag uses, but yet the applicant was told they couldn't go that direction. Miller responded the property is not well suited for an additional residence.

Derusseau noted that everything around it is going to be low, medium or high density residences going forward with the exception of the east side of the road. According to the map, the people living on the south side of 1800 Road are zoned for heavy industrial, and the people to the north are setup for office and research. Derusseau asked if Miller anticipates everyone leaving in the next 20 years and the property will then be targeted for industrial development. Miller said people could leave. When property gets annexed into the City it is usually development driven. Many times developers purchase property or buy landowners out. It's possible some industrial proposals could go through and the residences remain. She feels that is why it important not to approve additional residential properties. Miller stated E 1200 Road is the dividing line based on what is there currently with industrial zoning on the east and agricultural zoning on the west. The long-term plan determined the zoning by the natural barriers, by having residential housing on one side of the natural green space and industrial on the other.

Kelly said the policy for the Farmer's Turnpike Plan specifically says no outdoor storage. He asked Miller how she reconciled that with her recommendation. Miller responded that when this property is annexed into

the City it will be a simple matter to remove the boat storage as it is not a permanent facility.

Kelly asked why we wouldn't start with annexation into the City first especially when we already have island annexed parcels in the area. The K-10 Farmer's Turnpike Plan is designed for "as the UGA expands". Kelly said if annexation is development driven then this seems to be a development that would require annexation. Miller said annexation is considered when a development needs services. This proposal would not require any services yet, and the City is not ready to extend services and be financially responsible. They want the development to pay for it itself. Miller said the City is taking a slow look at annexation. They want to develop within the City limits.

Derusseau stated the land split request could have been allowed. These maps are guidelines and there is no formal ordinance or resolution that prevented the applicant requesting to amend this or gone ahead with a Certificate of Survey. Miller said the applicant could have gone ahead with a Certificate of Survey but the Planning Office would have denied the request, and she assumed the County Commission would have denied it also.

Thellman said the new Comprehensive Plan is not adopted yet, but it's been four years in the making. We are all fairly well aware of the direction it is trying to take us and it is important to acknowledge this parcel is a Tier 3 parcel, which means the City doesn't anticipate developing/annexing into the City boundaries in the lifetime of the new Plan 2040. Thellman added we are in an awkward moment transitioning from an old Sector Plan to a new plan and with a different way of thinking about this area.

Miller said if you want to develop in Tier 2 you need to annex. In Tier 3 you will not expect to develop with urban services because the City does not intend to annex you. She said the Long Range Plan 2040 still maintains this area plan.

Thellman stated with that new plan, a lot of the intention is to revisit some of these sector plans. Miller stated she is not aware that was part of the conversation but anyone can ask to initiate a change to a plan, either the applicant or the County Commission.

Kelly asked if moving slowly on services includes roads. Miller stated, yes, if a developer came in with an annexation request northwest of town, the developer is primarily required to develop the roads themselves.

Kelly asked who would be responsible for the wear and tear on 1200 Road to access this facility, since traffic would not take access off Farmer's Turnpike. Miller responded the township would be responsible. She stated a township official visited the site to make sure vehicles could turn into the property without damaging the road.

Thellman stated she watched the video of the Planning Commission meeting regarding this item and this project was described as a good interim project because in the future it could be mini-storage units, and the open boat storage could be converted to warehousing, which would be appropriate for office research designation. As an interim use, it would not be the highest use for that category but it could be turned to an appropriate, acceptable use. But, the “residential office” designation use would also be an appropriate option for the office research. Miller said she was not sure if that was an allowed use.

Lance Adams, Architect, stated two partners with multiple businesses in Douglas County purchased property with the hope of dividing the property to each build a home. The City was adamant that they could not add another residence to the property. They reevaluated to find another use for the property. Mini-storage would be allowed with a Conditional Use Permit under industrial research, per Horizon 2020. This property is right on the edge of the Farmer’s Turnpike/K-10 development corridor. The buildings are light for the site. The trees being requested will almost be as tall as the buildings. Adams said the real issue with this discussion is, “Do we, as the City and County, want to support Horizon 2020 or do we want to support Horizon 2040?” He said if the City and County cannot come to grips whether this should be industrial then the Farmer’s Turnpike/K-10 Corridor needs to be removed from the Horizon 2020 and 2040 plans. According to the Planning Commission vote of 5-5, they were unsure what to do. It is the County’s opportunity to make a decision. He said this is not about boat storage; it’s about what the property designation should be.

Thellman stated that designation came from a Sector Plan that was adopted in 2011. The 2020 Plan was adopted in 1998 and it’s a plan that has been added to.

Adams stated the property owners need a decision. They have been dealing with this for a while. They have wasted time and money.

Anthony Fanello, property owner, stated he has owned the property since October. It has been quite a process to figure out what can be done with the property. He would like to have a decision on what direction to go.

Thellman asked if the County could find a way to go back to the residential option would they be interested to have more of an agricultural future.

Fanello stated when they initially bought the property, the plan was to split it to build two residences. In the meantime, they have made other living arrangements and invested their time and money into this project. However, if that were an option, he would be willing to give some feedback.

Derusseau opened the item for public comment.

Larry Bartz, 1819 E 1200 Road, stated this property is in the floodplain. If this were to be built in the City limits, it would be required to have retention ponds, but the County doesn't require that. He feels taking out terraces, flattening the ground and eliminating brome will cause runoff. He said the plan for Farmer's Turnpike requires all industrial development to be on the Turnpike, not on another road. He also stated concerns about traffic. He asked that the Board deny the application.

Derusseau asked Bartz if he or his family were ever informed that his property was going to be rezoned to Office/Research land use on the Sector Plan. Bartz replied, "no." His property was split off his mother's property in 1993 and he was not aware if she had been notified.

Miller stated the Long-Range Planning Committee holds advertised public meetings before plans go to the Planning and County Commissions for approval.

Derusseau asked if property owners are notified once a decision is made to change the future land use of a property. Would the Realtor know when they sold the property that the future land use would be different than what it currently is? Miller responded, yes, if the realtor did their background search as they should. Realtors normally check current zoning, if there is floodplain and any future land use plans.

Thellman said she was a new Commissioner when all of this happened as a result of the City's attempt to island annex land along Farmer's Turnpike. The neighborhood organized a campaign against the attempt to annex. There was litigation up to the Supreme Court where the annexation was rejected, and then went to a lower court. The neighborhood won. That brought about a compromised Sector Plan. Things have changed since the Sector Plan was created. The thought process behind the drive to identify industrial land has shifted to a new view on economical development, with an awakening of the value of agricultural land. Thellman said that area is a tight-knit residential farming community that doesn't take land value for granted.

Evert Shockley, 1215 N 1800 Road, stated he lives 850 feet from the proposed site and in a well-established neighborhood. The K-Mart Distribution Center brought lots of traffic. He is concerned about increased traffic, the road is not designed for heavy traffic, drainage concerns, and the cost to the township for road maintenance.

Derusseau asked Shockley if he was notified his property was targeted for future industrial use. Shockley responded, "no."

Lyric Bartz, 1819 E 1200 Road, stated she built her house in 1993 and was not notified of the proposed change in zoning. If she had known, she would not have built in that location. She said the 2040 Plan recognizes growth, but this business would only supply maybe two jobs. And, she was concerned that the facility is proposed to route all traffic onto a 20 ft. township road.

Bartz said it is not possible to turn within the radius and stay in her lane with her horse trailer. She also stated concerns about the drainage systems, flooding and supports the County maintaining its rural character.

Derusseau closed the public comment.

Thellman stated the K-10/Farmer's Turnpike Plan (3.1.2.3) offers a "Residential Office" land use. She added if a boat storage proposal could be considered an interim option for future development, so could a residential use with an office. Thellman said there might have been a creative way to work with the client in the very beginning of this process to provide the residential use. It seems to make a lot of sense for the land and this neighborhood. Thellman said she is disappointed especially knowing we are in between plans. One is adopted and the official guideline and the other is very close. She said though it is unofficial, it is still very much a part of our conscious to preserve the rural nature of our community as much as possible and still be reasonable when it comes to economic development without superseding the value of the character of the rural area. Thellman said there is one thing she keeps going back to, citing Page 19 of the K-10/Farmer's Turnpike Plan. "The plan outlines future land uses for the planning area to be used as a guide for urban development only after annexation into the City of Lawrence occurs." Thellman said it's a guide to future development only after annexation into the City. Thellman said she knows the wisdom of preserving the thought of what the future zoning might be. But we are holding an entire area, homeowners and new buyers captive to something the City doesn't even foresee doing in the Plan 2040. She added even in Tier 3 annexation is not envisioned.

Miller stated it's a guide for development that would occur after annexation.

Thellman said the question is "Is that guide regulatory or law; is it what has to be or is it a strong suggestion?"

Miller responded for a while the Comprehensive Plan was viewed as a guidebook, until the Commissions voted it was not a guidebook. Staff was to go by what it says until something requires an amendment. Miller said it is possible to change the plan, it's just not possible for planning staff to vary in interpretation. The most straight forward way to make changes would be to amend the plan.

Thellman said as a Commission it's important to recognize we may be at a pivot point in terms of this particular Sector Plan and need to look at this agricultural valley with different eyes as it's becoming an increasing important site for agritourism, for very productive farming and new types of business and agricultural research.

Kelly stated for many years the Planning Commission was told that the Comprehensive Plan is a dynamic document that is always changing. He said he was disappointed to hear it is considered "code" because that is not

what he had been told. He agreed with Commissioner Thellman, we are at an interesting point. He said if this is in Tier 3 and Plan 2040 passes, doing a transition use at this time doesn't make a whole lot of sense. Kelly said he feels for the property owners but he believes they do have some options. The County Commission or the applicant can initiate a change to the Comprehensive Plan or do a Certificate of Survey. He said there are a number of ways we can look at this property differently. Kelly said we are changing the way we are looking at development. He said he struggles with changing the zoning of this property without annexation, which is what this plan is for, as listed in the second paragraph of the purpose of the plan. He feels changing the zoning is premature. He doesn't see the current plan supporting it, nor the policy coming forward supporting it. There are other ways to get to land uses the applicant may be able to use. Kelly added this seems out of context for our long-term plans.

Thellman said even with the Plan 2040 coming forward, she would still find the boat storage a negative development for this particular area and would vote against it. She said she does know the area, the value of the rural character of the area, and how important it is for our future in Douglas County. She agreed with Commissioner Kelly there are ways to be helpful on the previous residential proposal. Thellman said she wishes the Commission knew about the situation early on. There has not been the kind of conversation between City and County that could have saved time and money.

Derusseau said she did not plan to support the request. She had concerns about how this could be presented as suitable for the area and that is why we are looking at a CUP. She said the two-mile stretch from E 1200 Road and E 1000 Road is either open space or some sort of residential land use. Derusseau stated she does not see how this fits in. She was disappointed to hear the applicant's original request was denied. She feels those type of decisions need to come before the Commission.

Options included:

- The Board could vote to initiate a plan amendment and give staff direction on what the Board wants staff to look at;
- The Board could recommend a Certificate of Survey and make a finding that the Planning Director made an error in his interpretation and determine in the Findings of Fact that the process was not compliant and then revise within the standards to move forward with a residential office.

Kelly asked what Residential Office use is in the County use tables. Miller said there cannot be a residential office use today as we don't have a CUP that offers that. You can make a building with the intent for it to become a residential office. This route might be quicker.

At 7:05 p.m., the Board took at 5-minute recess.

At 7:10 p.m., the Board returned to regular session.

Sarah Plinsky, Interim County Administrator, advised that based on discussion during the open meeting, the Findings of Fact to deny the application could be summarized as follows:

1. The development is premature at this time.
2. It is out of character.
3. The Long-Range and/or Sector Plans need to be updated to reflect current understanding; and
4. The suitability of the site.

Thellman moved to deny the application based on the four Findings of Fact as outlined by Sarah Plinsky, Interim County Administrator. Motion was seconded by Kelly and carried 3-0.

It was the Consensus of the Board for staff to work with the applicant on what options are available and give them enough time to think about how they want to proceed. Kelly added he doesn't want the Board to get ahead of themselves in redesigning Sector Plans before they look at Plan 2040 because some of the decisions made there may influence some of the Sector Plans. He would like to have staff come back before the Board at that time to discuss the impact.

BUDGET 07-17-19

The Board continued discussion on the 2020 Budget. Items discussed included:

- Lawrence-Douglas County Fire and Medical (LDCFM) training tower. The full cost presented by the City of Lawrence included over 8.5 acres, which belong to the City. The Training Center makes up 40% of the property. There was a question on whether the County should be responsible for more than 40% of the costs, which is approximately \$11,980. Also questioned whether the County would be charged for trees at the park.
- It was the consensus to put the entire proposed amount of \$307,000 in the CIP to proceed with setting the mill levy. However, it was not a guarantee the County would approve the full project costs. The County would continue negotiations with LDCFM.
- It was the consensus of the Board that they would consider a 0.379 mill levy increase.
- No action was taken on the budget.
- It was the consensus of the Board for staff to publish the Budget Hearing date as August 14, 2019, which is the last date the Commission can lower the mill levy.
- The Tower Project will come back to the County Commission for approval at a later date.
- The Board directed staff to informally communicate with the City budget staff what is included in the recommended budget for 2020 for all City/County projects and arrangements.

EXECUTIVE SESSION 07-17-19

Derusseau moved to recess into executive session to discuss personnel matters of nonelected personnel in order to protect the privacy of the individual(s) involved. The Board will convene the open meeting in this room at 8:00 p.m. (25 minutes). Motion was seconded by Thellman and carried 3-0. Attendees included: Commissioners Derusseau, Thellman and Kelly.

At 8:00 p.m., Derusseau extended the executive session for an additional 5 minutes, to return at 8:35 p.m.

The Board returned to regular session at 8:35 p.m. No action was taken.

GENERAL PUBLIC COMMENT 07-17-19 - None.

APPOINTMENTS 07-17-19 – None.

Thellman moved to appoint Jenny T. Muller to the Heritage Conservation Council for a three-year term to expire 05/31/2022.

COMMITTEE REPORTS 07-17-19

- Upcoming attendance for Board members included pie judging at the Douglas County Fair on August 2 at 9:30 a.m.; and judges luncheon on August 23 at noon.

COMMISSIONERS AND/OR ADMINISTRATIVE MISCELLANEOUS 07-17-19 **Schedule Items**

- Kansas Historic Sites Board of Review Meeting: August 3, 2019 at 9:00 AM in the Kansas Museum of History – Museum Classrooms (6425 SW 6th Ave., Topeka, KS)
- Lawrence-Douglas County Health Board Meeting: August 19, 2019 at 5:00 PM at the Community Health Facility (200 Maine Street)
- 44th Annual KAC Conference: November 12-14, 2019 in Wichita/Sedgwick County

Information Items

- The Lawrence-Douglas County Health Board met July 15. (The minutes are included in the agenda backup)
- The Kansas Historic Sites Board of Review met on August 3 (The minutes are included in the agenda backup)
- The Kansas Association of Counties (KAC) is asking for the completion of the Certificate of Voting Delegate for one voting delegate, along with a first and second delegate for the 44th Annual KAC Conference. These certifications must be filed no later than October 25, 2019. A brochure with complete information about the annual conference has been distributed and registration is open.
- May 28, 2019 Tornado Recovery Update: Douglas County Public Works is winding down operations for picking up woody debris for residences. To

date, over 9,000 cubic yards of woody debris has been picked up to be chipped by the contractor. Construction and demolition (C&D) debris pickup is ongoing. To date, over 488 tons of C&D debris has been picked up and staff estimates that over 1,000 tons will be collected through July 24, the last day for pickup. Staff is working to get the message out to the community that C&D debris in the right-of-way can be picked up, but it excludes concrete foundations. On July 23, Douglas County staff will host a meeting of other public sector entities that were involved in the response and recovery; and the Kansas Department of Emergency Management (KDEM) will prepare for our meetings with the Federal Emergency Management Agency (FEMA). This meeting will be preliminary and exploratory. After the meeting with KDEM, staff anticipates hearing from FEMA in the next 60 days. There may be delays because of the number of disasters and events in our FEMA area. The agriculture sub-committee and the financial assistance sub-committee are discussing what proposals could be developed and submitted to the Community Foundation. The Community Foundation has indicated that funds will be granted to agencies not individuals. As those proposals are developed and submitted for consideration, staff will keep the Commission updated. 2-1-1 is still receiving calls for assistance from impacted citizens. The largest areas of need are tree removal and clean up from large properties. Areas near residences have largely been cleaned up, but there is significant damage to trees along streams, windbreaks, and outlying trees. The sub-groups are going to brainstorm some opportunities or proposals to assist with that need, if possible. The next meeting is scheduled for August 13 at 2:00 p.m. in EOC-A.

Derusseau adjourned the meeting at 8:23 p.m.

Michelle Derusseau, Chair

Patrick Kelly, Vice-Chair

ATTEST:

Jamie Shew, County Clerk

Nancy Thellman, Member

August 14, 2019

Derusseau called the Regular Session to order at 5:30 p.m. on Wednesday, August 14, 2019 with all Commissioners present.

CONSENT AGENDA 08-14-19

Kelly moved approval of the following Consent Agenda:

- ▶ Commission Order No. 19-041 on file in the office of the County Clerk;
- ▶ The following County Resolutions: Resolution No. 19-17 Disaster Resolution for August 1, 2019 flood event; Resolution No. 19-18 Disaster Termination Resolution for the April 28, 2019 flood; Resolution No. 19-19 Disaster Termination Resolution for the May 28, 2019 Tornado; and Resolution No. 19-20 Disaster Continuance Resolution for the August 1, 2019 flood;
- ▶ Resolution No. 19-21 granting a cereal malt beverage license to White Tail Run Winery located at 2327 N 400 Road, Edgerton, KS;
- ▶ Resolution No. 19-22 initiating the process to consider rescinding the “minimum maintenance” designation for a portion of N100 Road and requesting a recommendation from the Planning Commission.
- ▶ Resolution No. 19-23 authorizing the levy of an annual tax for the Special Building Fund and specifying the purposes for the tax:
- ▶ Contract with Turner Construction for Construction Manager at Risk services of the expansion of the Douglas County Correctional Facility;
- ▶ Adoption of Home Rule Resolution No. HR-19-8-1 of the Board of County Commissioners amending the Construction Codes of Douglas County, Kansas, September 19, 2012 Edition, as codified at Chapter 13 of the Douglas County Code, pertaining to one-story detached accessory structures;
- ▶ Authorized the purchase of two SAN storage units with a three-year service agreement from CDWG for a price of \$81,990 utilizing the Register of Deeds technology fund; and
- ▶ Accounts payable in the amount of \$330,977.11 to be paid on 08/15/19; and \$715,930.62 paid on 08/07/19.

Motion was seconded by Thellman and carried 3-0.

Pulled from the agenda:

MINUTES 08-14-19

The item to consider the approval of the minutes from the June 5, June 19, June 26 and July 31, 2019 meetings was deferred to the next agenda.

2020 BUDGET HEARING 08-14-19

Sarah Plinsky, Interim County Administrator, stated that the public hearing is the last public process in adopting the 2020 Budget. She noted that during the finalizing of the budget process, it was determined that the funding for the Senior Resource Center (SRC) included some funding that had been intended to be a one-time only funding for 2019 in the amount of \$25,000. This reduces the 2020 SRC Budget allocation by \$25,000 and that money was moved to the non-appropriated fund balance. The change does not impact what was published or the public hearing requirements. Also outstanding, this budget included authority to complete the training tower project with Lawrence Douglas County Fire and Medical (LDCFM) but the item has not been approved in the CIP. Staff would like direction on when the Commission would like to discuss completion of this project. Cammy Owens, Budget Director, was also available for questions.

Kelly moved to open a public hearing to receive public comment on the 2020 Budget and consider approval of a County Resolution expressing the property taxation policy of the Douglas County Commission with respect to financing the annual budget for 2020. Motion was seconded by Thellman and carried 3-0.

Joanna Harader, Justice Matters, stated she supported the Douglas County Commissions' decision to put funding toward the Drug Court and hopes that other money set aside to address the overcrowding at the jail can also be used creatively in conjunction with suggestions from District Attorney Charles Branson, and studies being considered by the Criminal Justice Coordinating Council.

Derusseau closed the public hearing.

Commissioners Derusseau, Thellman and Kelly expressed their appreciation for this year's budget process where the agencies and Commissioners sat in round table style together to discuss budget concerns. It was a consensus this year's process was a brilliant change.

Thellman moved to approve the 2020 Budget and Resolution No. 19-24 expressing the property taxation policy of the Douglas County Commission with respect to financing the annual budget for 2020. Motion was seconded by Kelly and carried 3-0.

2018 AUDIT AND FINANCIAL STATEMENT 08-14-19

Tara J. Laughlin, AGH, made a presentation to the Board on the 2018 Audit and Financial Statement. It was the opinion from the audit everything was comparable to the 2017 audit year. No changes were recommended from an

accounting perspective. The opinion was a modified opinion, known as a “clean” opinion and reflects books and records of the County.

Derusseau opened the item for public comment. No comment was received.

Kelly moved to accept the 2018 Audit and Financial Statement as presented. Motion was seconded by Derusseau and carried 3-0.

LAWRENCE-DOUGLAS COUNTY FIRE AND MEDICAL 08-14-19

Tom Fagan, Division Chief of Lawrence-Douglas County Fire and Medical (LDCFM), conducted a presentation to the Board on the annual compliance for the LDCFM Agency Accreditation.

Three areas discussed that the continuous performance model covered included: total response time, response time from the alarm, and response including travel time.

No action was taken.

LAWRENCE-DOUGLAS COUNTY HOUSING AUTHORITY 08-14-19

Jill Jolicoeur, Assistant to the County Administrator, asked the Board to consider an amended lease extension with the Lawrence-Douglas County Housing Authority. In order to access \$200,000 in additional state and federal funding for the mental health supportive housing project to install solar panels and built-in furniture, HUD requires the 30-year lease be amended to a 99-year lease.

Derusseau opened the item for public comment. No comment was received.

Thellman moved to approve an amended lease agreement with the Lawrence-Douglas County Housing Authority extending the lease agreement for mental health supportive housing from 30 years to 99 years.

Motion was seconded by Kelly and carried 3-0.

ZONING & CODES/CERTIFICATES OF SURVEYS 08-14-19

Tonya Voigt, Co-Director of Zoning & Codes, conducted a presentation to the Board of County Commissioners regarding a dramatic rise in Certificates of Survey (COS) applications received for Rural Douglas County. Staff has received an increasing number of concerns from nearby neighbors regarding the amount of working farmland being removed from production, the number of lots being created and the impacts on local roads. Because Certificates of Surveys are administratively approved, neighboring property owners are unaware of changes until the development has been approved.

At this time the only option for concerned property owner to voice a concern is to request an appeal to the Commission when the COS application has been approved. The language in the Subdivision Regulations is vague and doesn't outline a clear appeal process or the factors to consider when

appealing. Staff has been working on draft revised Zoning Regulations for the Board to review which propose to add zoning districts to identify agricultural versus residential land uses.

In light of the dramatic increase in recent development applications and the subsequent concerns from neighboring landowners, Staff asked the Board to consider a moratorium on Certificates of Survey until the proposed Zoning Regulations have been discussed or adopted, and to work on an appeal process for Certificates of Survey to give neighbors a chance to have input and voice concerns. The ideal outcome would be a set of regulations that support the Comprehensive Plan and protect natural and agricultural land characteristics in our rural area.

Staff will schedule a Work Session for September 18 for discussion and direction regarding draft Zoning Regulations.

Derusseau opened the item for public comment.

Karen Willey, Planning Commissioner, rural land owner, rural fire fighter, said she was speaking for herself. She has been involved in working on the Comprehensive Plan. She said where we want the most development, as Comprehensive Plan spells out, is the infill development first, then within the City of Lawrence, then within the UGA and then outside of the UGA, though the processes we have in place make that difficult. Currently the easiest development available is in the rural areas and we can't handle that kind of growth with the services we provide. She said as a rural fire fighter we can't deal with that growth. The current process is not appropriate for the intense development pressure we are seeing in these areas. Willey said she supports the work Douglas County staff is doing. There is a huge need to relook at this. We are very outdated and there is a lack of public process for Certificates of Survey. She feels the Planning Commission knows less than they should about this. There is no opportunity for the rural voice other than the developer or the applicant. She feels we desperately need to look at long-term goals for development in the County

Rick Hird, 856 E 1150 Road, said he feels he has a sense of the flavor for the rural community. He said it is a terribly difficult job balancing the interests of landowners being able to use their land as they see fit and controlling sprawl outside the UGA. There is a problem with the way these goals and policies are translated into the process. He called this a "disconnect" we need to solve. He also feels the rural land owner should have an opportunity to voice concerns about a site plan approval. He feels there is a lack of opportunity to participate in the process. He encouraged a brief moratorium on COS approvals.

Charlie Thomas, 673 E 475 Road, stated there is a new development down the road from where lives and he found out about it though gossip, not through a formal method of notification. He feels it is important to look at the character or sensibility of county living. There are regulations for historic

west Lawrence and he would like to see those same types of proposals for county living. Thomas said we have something unique and special and we shouldn't let developers come in and buy up land just for development.

Leigh Boyd, Douglas County resident, stated she feels living on country is being threatened. She enjoys the friendliness of having neighbors but not too many. She said the property next to her is being split into five lots by a realtor that is not local. She thought only one home could be built on 20 acres and was shocked to find out that is not the case.

Derusseau closed public comment.

Kelly stated the map showing the number of Certificates of Surveys is alarming. He is disappointed that we have a Comprehensive Plan to preserve the rural character but it's doing the exact opposite. He feels we need to have a larger conversation about how the Comprehensive Plan is implemented and how policy is addressed by the Planning Commission and Planning Staff. Kelly stated he is very supportive of a moratorium and he wants to give the public plenty of time to weigh in on the changes. He feels we need to have a conversation with how the County publicizing things.

Thellman said some people feel like there is an empty space in the rural area so we need to fill it. But we have made a concerted effort in Douglas County to say there is a value to the empty agricultural rural space. It is valuable in terms of farming, environment, habitat and a rural community that wants to be rural. There is a strong sentiment that people here want rural Douglas County to be rural. They want farms and open spaces. Thellman said we need to correct this. Our plans need to reflect this. Thellman stated she supports a moratorium. In the meantime, we need to get an appeal process for those pending certificates. She stated she knows there will be some push back but there is a need to balance private property rights with County policies. She also looks forward to bringing the Certificate approval process back to the County Commission.

Derusseau thanked staff for bringing this information to the Commissions' attention. She found the number of certificates shocking. She agrees that we have a 2020 Plan and a 2040 Plan and no process to back it up. She asked "who was looking out for the County," and feels this would never happen in the City of Lawrence. Derusseau said we need to take a step back and look at the process and ways to support our goals. She is supportive of the moratorium.

There was discussion that legal council is reviewing language for a moratorium; and to determine if staff can voluntarily inform property owners when an application is received and share the appeal process until the text amendments have been changed. It will be a minimum of 16 weeks before staff will have a draft set of text amendments.

It was the consensus of the Board that staff present a moratorium for consideration on next week's agenda.

1006 NEW HAMPSHIRE CONTRACT 08-14-19

The Board considered additional project costs for the 1006 New Hampshire Project. Pam Weigand, Director of Criminal Justice, presented the item. Additional costs were provided in a spreadsheet for a total cost of \$204,105 broken down as follows: \$116,562 for furniture for Phase 2; \$52,049 for Secure Door Access, \$1,912 file system, \$6,482 for signage, \$12,500 data/network wiring, \$4,600 plan review fee, \$1,000 Metal detector and \$9,000 cameras.

Derusseau opened the item for public comment. No comment was received.

Kelly moved to approve the collective cost of \$204,105 for the 1006 New Hampshire project and allow the Interim County Administrator to approve change orders up to 10% of this cost. Motion was seconded by Thellman and carried 3-0.

COUNTY ADMINISTRATOR POSITION 08-14-19

The Board of County Commissioners discussed their thoughts on hiring the position of County Administrator.

Kelly said the Commission needed to define what they are after with the position and whether there is someone internally that could fill the position or whether there needed to be a discussion on whether a search is necessary.

Thellman commented that past County Administrator Craig Weinaug had stated prior to his retirement that there would be a search process. However, Thellman said the County has a person in our midst, Interim County Administrator Sarah Plinsky, who has served in the capacity of Administrator since Weinaug's retirement, taking the County through natural disasters and complicated initiatives with criminal justice, the behavioral health project and many other moving parts. She stated she does not feel a strong need to follow tradition with a search. The things our community needs is senior leadership and knowledge and she feels Plinsky fills those needs.

Derusseau agreed. What she is looking for is institutional knowledge, relationships and an investment in the community. She stated the position of County Administrator is a big job and has to have a professional relationship with the community and every official in the County. Derusseau stated we are not going to find someone that meets the needs of our community more than Sarah Plinsky.

Derusseau opened the item for public comment.

Pam Weigand, Director of Criminal Justice Department, stated she has been with Douglas County for 27 years. She feels when you have talent in front of us and we don't need to look farther. Weigand stated she supports the retention of Sarah Plinsky in the position of County Administrator.

Karen Willey, Planning Commissioner, stated she supports Sarah Plinsky as County Administrator. She feels the Board needs to weigh the time and energy needed for a search and how long it would take to get a new person up to speed. She stated Plinsky is held in such high esteem so to do a search is unnecessary.

Cammy Owens, Budget Director, commented she was speaking professionally and personally that Sarah Plinsky is one of the most effective, efficient bosses she has had. She said Plinsky has been working her tail off the past nine months as Interim County Administrator and patiently waiting for a decision. She agrees the right person for the position is Sarah Plinsky.

It was the consensus of the Board to provide public comment on the August 21 County Commission agenda to give the public a chance to make comment on hiring the position for County Administrator.

APPOINTMENTS 08-14-19– None.

GENERAL PUBLIC COMMENT 08-14-19 – None.

COMMITTEE REPORTS 08-14-19

- Kelly stated he attended the two Housing Committee meetings that focused on funding availability and discussed how to deal with federal tax credits.
- Jill Jolicoeur, Assistant to the County Administrator, gave a brief update on the status of The Shelter. Thellman stated she wanted the public to understand that the County did fully fund the emergency funding request for \$148,000 made by The Shelter.

COMMISSIONERS AND/OR ADMINISTRATIVE MISCELLANEOUS 08-14-19

Scheduled Items:

Two or more Commissioners may be in attendance to the following:

- CJCC Presentation about the Law Enforcement Contact Study: Monday, August 19 from 11:30 AM – 12:30 PM in the Lawrence Public Library Auditorium (707 Vermont St.).
- Swearing In and Reception for Mark Simpson as District Judge for the 7th Judicial District: Friday, August 23 at 3:30 PM in the Division II Courtroom of the Douglas County District Court (111 E. 11th St.).
- Lawrence Schools Foundation Community Education Breakfast: Friday, September 20 from 7:30 AM – 9:00 AM at the Lawrence DoubleTree by Hilton (200 McDonald Dr.).

Information Items:

- The Senior Resource Center Board Minutes for May and June where included in the agenda packet.
- The Douglas County Appraisal Newsletter for July, included in the agenda packet, discussed market land time trend study, residential time trend study, a depreciation study, and commercial property surveys.

- The Long Term Recovery Committee met on August 13. The Disaster resolution related to the April 2019 flooding and the May 28, 2019 tornado expired on July 12. This defines the disaster period, but public funds spent on the event after that date are eligible for reimbursement. The flooding event on August 1 did not meet state thresholds for disaster response or individual assistance. We have issued a local disaster resolution. The Financial Assistance sub-committee plans to meet this week to determine what processes will be used to distribute funds. That group includes Douglas County Community Foundation as well as other entities. They will report back to the committee next Tuesday, August 20.

Open Board Appointments

- Douglas County Food Policy Council (Local food system/Ag Producer) - (2) positions open;
- JAAA Advisory Council - (1) position open;
- JAAA Board of Directors - (1) position open;
- Lawrence-Douglas County Advocacy Council on Aging - (10) open positions;
- Joint Economic Development Council – (2) positions open; and
- Public Building Commission – (1) position open.

Derusseau adjourned the meeting at 8:05 p.m.

Michelle Derusseau, Chair

Patrick Kelly, Vice-Chair

ATTEST:

Jamie Shew, County Clerk

Nancy Thellman, Member

August 21, 2019

Derusseau called the Regular Session to order at 5:30 p.m. on Wednesday, August 21, 2019 with all Commissioners present.

WORK SESSION 08-21-19

The Board held a work session to discuss the City of Eudora Urban Growth Area (UGA).

Attendees included: Commissioners Derusseau, Thellman and Kelly; Barack Matite, Eudora City Manager; Dave Knopick, City of Eudora Planning Consultant; Sarah Plinsky, Interim County Administrator; Mary Miller, Lawrence-Douglas County Metropolitan Planning Staff; and Tonya Voigt, Co-Director of Zoning and Codes.

Matite asked the County Commission to consider a letter of request to recognize the revised designed Eudora Urban Growth Area for the purposes of applying the Douglas County Subdivision Regulations specific to the UGA. Matite presented a draft map with a proposed Tier 1, 2 and 3 system for development areas. Tier 1 would serve as a community within the city limits or surrounding city limits. Tier 2 would be property adjacent to the City limits, and Tier 3 would be land beyond the growth scope. The hope was that the design would be incorporated into the Horizon 2040 plan for the County. Tier 2 would require signing an annexation agreement or required immediate annexation. Tier 3 would be developed to rural standards with a 20-acre minimum or larger.

Discussion included:

- The Comprehensive Plan has not been adopted yet. The City of Eudora is working from a plan that has not been formalized. This proposed design would be a big assumption.
- The County is working on subdivision regulations for next year and a new flood study to identify issues with flooding.
- Under the current regulations, because Tier 1, 2 and 3 have not been approved, the entire UGA would be under the same regulations as Lawrence and Douglas County. Cluster developments would be allowed in both Tier 2 and 3 until new regulations have been set.
- One thing the County wants to prevent in the UGA is flooding. There are three watersheds in the UGA with old floodplain maps. We have

a request with the State to have a new map model. We don't want to put buildings in areas that shouldn't be developed.

- The City of Eudora wants to put development closer to their city, and use city utilities. The City of Eudora wants to send a clear message to land developers not to expect city utilities outside the Tier 2 area.
- The City of Eudora would prefer clustered areas for utility extension as opposed to houses on 5-acre lots in the unincorporated area. It's more difficult to string utilities to many areas. They prefer to be as rural as possible.
- It was suggested that Eudora Tier 3 be called The Urban Reserve instead. This area would not be expected to grow until Tiers 1 and 2 are exhausted.
- Saving prime farmland is a great value to the County. More than that, planned infrastructure saves the County money as opposed to scattering houses on small parcels across the County.
- City of Eudora plans to tweak the UGA map and define lines and terminology to match the Comprehensive Plan and return to the Board of County Commissioners in the future with an interlocal agreement for consideration.

RECESS 08-21-19

At 5:03 p.m., the Board recessed until the 5:30 p.m. Business Meeting.

RECONVENE 08-21-19

The Board reconvened at 5:30 p.m. for the regular Business Meeting.

CONSENT AGENDA 08-21-19

Kelly moved approval of the following Consent Agenda:

- ▶ Commission Order No. 19-041 on file in the office of the County Clerk;
- ▶ Accepted the low bid and approved a contract with Piping Contractors of Kansas in the amount of \$188,890 for a chiller replacement in the Judicial and Law Enforcement Center and authorized the Interim County Administrator to approve change orders up to 5% of that amount;
- ▶ Minutes from June 5, June 19, June 26 and July 31, 2019; (as deferred from the August 14 meeting); and budget hearing minutes for June 27, July 1, July 3 and July 8, and August 12, 2019 canvass; and
- ▶ Accounts payable in the amount of \$825,040.44 to be paid on 08/22/19.

Motion was seconded by Thellman and carried 3-0.

Pulled from the agenda:

PUBLIC WORKS

The item to consider awarding a contract in the low bid amount of \$537,915.15 to King's Construction Co., Inc. for construction of Project No. 2019-12, improvements to E 1750 Road north of Route 12 was deferred.

PLANNING 08-21-19

The Board considered CUP-19-00282, a Conditional Use Permit for the Hunter's Crossing Event Center, located on approximately 80 acres northeast

of the intersection of E. 1500 and N. 900 Roads. The application was submitted by Eugene George (aka Walter E. George), property owner of record. Mary Miller, Lawrence-Douglas County Planning Staff, presented the item.

The property is located within the Urban Growth Area (UGA) of the City of Lawrence. The proposal use meets the definition of an Agritourism use, except it exceeds the occupancy limit of 200 guests, which would allow it to commence through registration with the County as an Agritourism use. Therefore, a Conditional Use Permit is required. The applicant proposes a 7,920 square foot event center near the pond on the north side of the property, and estimates the maximum occupancy of the structure at 375 persons and has proposed an approximate 40,000 square foot gravel parking area with 100 parking spaces and an approximately 23,000 square foot grassed overflow parking area. The facility is planned to host weddings, receptions, conferences, and other similar uses.

Staff recommends approval of CUP.19-00282, a Conditional Use Permit for Hunters Crossing Event Center, based on the following Findings of Fact:

- I. **Zoning and uses of surrounding properties.** The area is primarily zoned for agricultural uses with a platted subdivision to the northeast zoned A-1 (Suburban Home Residential) District. Much of the area has been divided into small parcels or lots for residential development; however, some of these parcels have not yet been developed and are currently in agricultural use. Agriculture and rural residential are the primary land uses in the area. The proposed use, with proper site design and conditions of use, should be compatible with the surrounding zoning and land uses.
- II. **Character of the area.** The area has been heavily divided for rural residential development. Rural residential and agriculture are predominate land uses. Higher classification roadways are located in the area with N. 1000 Road providing access to Highway 59 to the west. The proposed use, with proper site design and appropriately conditioned should be compatible with the character of the area.
- III. **Suitability of subject property for the uses to which it has been restricted.** The subject property is well suited to agricultural use and is currently being used as a hayfield. The property, with its access to the higher classification road system, is also suitable for the proposed event center. The event center would function as an agritourism use, allowing a commercial use on agricultural land to generate additional income.
- IV. **Length of time subject property has remained vacant as zoned.**
The property has never been developed and has been used for agriculture purposes since the adoption of the Zoning Regulations in 1966.

- V. **Extent to which removal of restrictions will detrimentally affect nearby property.** Conditions and restrictions of use applied with this conditional use permit as well as the overall design of the building and the type of lighting proposed should minimize negative impacts from the event center on nearby properties and land uses.
- 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.** Approval of the application would allow the development of an agritourism use on the subject property while maintaining the agricultural use. Denial of the application would not benefit the health, safety, or welfare of the public as the conditions applied to the conditional use permit and the site design should minimize any negative impacts.
- VII. **Conformance with the Comprehensive Plan.** The conditional use permit is in conformance with the recommendations in the comprehensive plan regarding the protection of high quality agricultural lands.
- VIII. **Professional staff recommendation.** Staff recommends approval of the proposed conditional use, an event center/Recreation Facility and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings and subject to the conditions noted in the staff report.

And subject to the following revised conditions:

- ~~1) The applicant shall provide an executed annexation agreement, including consent to annexation, to the Planning Office prior to the release of the conditional use site plan to the Zoning and Codes Office for processing of building permits.~~
- 2) The following conditions and restrictions of use apply to this event center, and shall be noted on the plan:
 - a. Occupancy may not exceed 375 attendees/occupants.
 - b. Hours of operation shall be limited to:
Sunday through Thursday: 8:00 AM to 10:00 PM
Friday and Saturday: 8:00 AM to 12:00 Midnight
- 3) Alcohol, when included with an event, shall be provided by caterers and serving shall cease at 10:00 PM, Sunday through Thursday, and at 10:30 PM, Friday and Saturday.
- 4) Outdoor amplified music, when included with an event, shall cease at 9:00 PM **and is limited to no more than 2 hours.**
- 5) The conditional use is limited to the building and the outdoor area to the northeast of the building.
- 6) Outdoor lighting shall consist of 3000K LED lights in the parking/access drive area and recessed lighting in the building overhang, in addition to one security light.

- 7) Outdoor lighting shall be on only when the facility is in use, with the exception of the security light.
- 8) There will be no overnight use such as camping or other overnight lodging.
- 9) Fireworks are not permitted with events.
- 10) Outdoor music festivals are not permitted with this conditional use permit.**
- 11) The access drive to E. 1500 Road shall be moved to the south of the tree line.**

Thellman stated there are a lot of parcels owned around this property with no houses. She asked if those property owners were notified. Miller responded the landowners within 1000 feet of the proposed site were notified 20 days prior to the Planning Commission meeting.

Eugene George, applicant, stated he is a third generation dairy farmer on this property.

Brittney George, daughter of applicant, stated the family farm would no longer support dairy farming so the family came up with the event center proposal. B. George said are not many venue options in Douglas County that will accommodate 300 plus people. She feels insulation is the key to not disturbing the neighbors. The average wedding size is 120-135 people, so the center wouldn't be hosting 375 people every weekend. She stated she feels the asphalt road should withstand the increase in traffic and family plans to reconstruct the exiting 4-acre pond.

Thellman commented that the Planning Commission raised concerns about the condition of the pond. It seems to be the center piece for the event center, but the Planning Commission didn't press the issue of who would be fixing the pond issues. E. George stated he plans to have someone drain the pond, clean it out and put in a plastic tub. He was told by a contractor that raising the tube would stop the leak and raise the water level a foot.

Laura George, applicant, stated the pond is in bad shape and the family plans to repair it if the event center received approval. Otherwise, they will get rid of it.

Thellman asked that because the pond is such an important draw, is it the intention of the applicant get the pond back in a healthy condition and then move forward with the center. E. George stated he will have to get bids first, however there is no way to clean the entire pond out.

Thellman asked if the applicant has had an engineer that is experienced in ponds give a bid and if the bids are too much would that end the plans for the center. E. George stated the pond is the key and it might be cheaper to build a new pond on his 80 acres.

Derusseau stated concerns about the outdoor events creating too much noise. She asked if the applicant planned to have events outside until closing hours. E. George stated the wedding would be outside, but the food and DJ music would be inside the event center with a two-hour time limit on the music.

Derusseau asked about the cut-off time for serving alcohol. E. George stated there was a mistake on the application. He planned to cut off alcohol an hour before the event end.

Kelly asked if there would be music used for events outside other than weddings. B. George stated yes there would such as celebrations of life, cocktail parties before weddings, etc.

Thellman stated she has a concern that if the event center doesn't work out, the landowner may decide to split the property into more lots. That can be solved doing a Set-Aside Agreement on the land the applicant is farming to keep it undeveloped.

Derusseau opened the item for public comment.

Erin Callahan-Halpin, 981 E 1549 Road, stated she is opposed for the CUP. Her property meets up with the development on two sides. If she had known about the proposed center, she would not have bought her lot. Callahan said she is concerned about sound traveling and is considering moving.

Patrick Halpin, 981 E 1549 Road, stated his concern is that the property in question is outside the UGA and said a seven-day a week business could open the door to more commercial business in the area, which is not why he moved to the country.

Sean Franklin, 980 E 1531 Road, said he did not receive notification about the CUP. There is nothing in the covenants and restrictions he signed about the event center. He is concerned about the amount of traffic on N1500 Road and the noise the center will generate.

Paul Ohlert, 962 E 1531 Road, stated concerns that the event center will affect this property value. He lives on a private road and is concerned about the cost of maintenance for wear and tear caused by additional traffic coming to and from the event center at no cost to the applicant.

Virginia Eddy, 1525 N 900 Road, said she was never notified about the CUP. She questioned why she did not receive a letter. She also had concerns about cars, loud music, people noise and the applicant's ability to maintain the grounds properly.

Grant Ellis, 1525 N 900 Road, stated he feels having a party center in his backyard will impact his property value. He said only the event center will profit from its existence. This is bringing the city into the rural area.

Miller responded to the inquiries about the notification process by stating the Planning Office provides letters to properties within a 1,000 feet of the applicant's property boundaries.

Greg Dick, Douglas County resident, stated he owns two lots in Hunter's Crossing and would not have purchased them if he had known about the proposed event center. He said many of his neighbors feel the same. He also has concerns about noise and traffic.

Taylor Ezell, 977 E 1512 Road, said she is a new property owner in Hunter's Crossing. She is worried about noise as her property backs up to the event center. She feels this center affects a lot of people and she is discouraged because she thought this would be her forever home and now she has to contend with this.

David Sparkes, Douglas County resident, said he owns lot 8 in Hunter's Crossing and was just outside the 1,000 feet notification area. He said lot owners will have to pay to maintain the private road and vehicles have already damaged the road. He agrees with the others that spoke about noise concerns. He said he bought his property because he thought it was a quiet area.

Derusseau asked who would maintain the event center and be responsible for supervising and closing the events. E. George stated someone from his family will be at the center during the entire event.

Derusseau also asked E. George if he will be responsible at closing time to make sure people don't loiter in the parking lot and that they leave the property. E. George responded, yes.

Derusseau asked if the entrance would be gated. E. George said he would probably put a gate in.

Thellman stated she was disappointed the notification rule missed a lot of neighbors. She is not surprised that the neighbors were surprised. She understands that no one wants to see change, but this is a big change. This was a big enough agritourism use that the County's original planner said this proposal does not fit Tier 1 or 2 agritourism, so it was sent for a CUP process. If approved, it might be one of the biggest event centers around. There are a lot of variables in this proposal and things we don't know yet, like whether the pond can be fixed within the applicant's budget, or whether to fill it in and build a new pond and move the event center to a new site. Thellman asked if it is financially feasible for the applicant to go back to a Tier 2 size of 200 people or less.

E. George responded he has not calculated numbers. He was comparing his site to the Stoney Point event center.

Kelly asked E. George if he visited with his neighbors about any concerns they might have about him putting in an event center. E. George responded he did tell some of his neighbors but they were not within the 1,000 foot notification area.

Kelly said in his experience with CUPs, the applicant usually speaks with neighbors about concerns and conditions to create a neighborly environment. But as he's heard today some of the neighbors did not have notice. He asked E. George if he would like more time to talk with his neighbors, or if he still wants to push forward with this CUP. E. George said he doesn't want to upset his neighbors. He came up with the Event Center idea in March when the family started searching for venues for his daughter's wedding. The concern with noise would probably be the same with 200 people or 350. He said he feels if the building is well insulated, the noise shouldn't be a big deal. He has backed the outside music down to two hours, and he is willing to move the driveway to control the dust. He said he willing to work with the neighbors.

E. George asked what the process is if he decides to move the event center to a new location on the 80 acre property. Mary Miller responded moving the center a few feet may be done with a site plan change, but any significant move would require an amended CUP.

Kelly asked what the process would be if E. George and his family wanted to work with his neighbors to determine a scope for this project. Miller responded the County Commission can defer the item to work with his neighbors and report back to Planning Staff who would draft a new set of conditions for the Board to consider. And if they cannot work it out with the neighbors, the applicant can come back before the Board for a determination.

Derusseau closed public comment.

Thellman asked staff engineer Chad Voigt if this is a significant pond repair.

Chad Voigt, County Engineer, replied, yes it is significant. He said the pond serves eight acres with 30-acre/feet of water with the potential to have 70-acre/feet of water when it fills up. It was constructed between 1966-1976. A lot of dams were constructed 50 years ago and a lot of them need work with pipe and spillway replacements. Because some need total reconstruction, some dams are being removed because of cost. This dam was permitted by the state, the only agencies with jurisdiction over the dam. The law that governed this dam was in place until 2013 when legislation rewrote the law. This is one of 2500 dams in the state that has no one reviewing it. It is now unregulated which mean the owner now has immense liability. If the dam fails, there is no agency with oversight. Voigt said working on this dam is very important. Replacing the pipe is necessary and he suggested getting an engineer involved for documentation, especially if the law were to change, to prove the changes were done to standard equal to what would be done prior to the law change. Also, if the lots to the southeast in the Certificate of

Survey have houses on them that changes the classification of the dam, making it fall back under state jurisdiction. The owner could be caught in a trap from being unregulated back to being regulated. The owner would have to prove repairs were done to engineering standards. Voigt projected the repair cost to be \$80,000-\$100,000.

E. George stated after hearing this information, he would like more time and requested a deferral.

It was a consensus the Commissioners agreed and suggested the applicant meet with his neighbors to discuss how to keep the project rural in nature.

Kelly moved to defer **CUP-19-00282**, a Conditional Use Permit for the Hunter's Crossing Event Center, a recreational facility on approximately 80 acres northeast of the intersection of E 1500 and N 900 Roads, with time for the applicant to meet with neighbors, get dam information and communicate back with planning staff to bring back before the Commission with the same or new conditions and more information about the pond. Motion was seconded by Derusseau and carried 3-0.

RECESS 08-21-19

At 7:08 p.m., the Board to a recess.

RECOVENE 08-21-19

The Board returned to regular session at 7:15 p.m.

ZONING & CODES/MORATORIUM 08-21-19

The Board considered the approval of a moratorium on rural Certificates of Surveys outside the Urban Growth Area (UGA). Tonya Voigt, co-director of Zoning and Codes, presented the item.

Voigt explained that at the last County Commission meeting on August 7, 2019, staff identified and discussed the dramatic increase in the number of development applications processed in 2018 in relationship to subdividing land outside the UGA. Those numbers highlighted the existing gap between how the current Zoning Regulations and Subdivision Regulations are implemented, and how that process doesn't line up with the future goals of the Douglas County Comprehensive Plan. The Zoning and Codes Department has received a number of concerns from nearby landowners about the amount of working farmland being removed from production, the protection of those property owners who have invested in the County property they reside on, the how subdividing affects the rural area, the number of lots being created and the impacts on local roads. Because Certificates of Survey are administratively approved, neighboring property owners are often unaware of the changes until after the development parcels have been created and approved. At this time the only option for a concerned property owner to voice concern is to request an appeal to the County Commission when a Certificate of Survey application is submitted. The language is vague in the Subdivision Regulations and doesn't outline a

clear appeal process or factors the Board can consider when an appeal is received. Voigt read off the current appeal process and identified a list of Certificate of Survey applications received and where they are located within the County.

Discussion included the following:

- Staff to pursue modifying the subdivision regulations, do a text amendment change, and identify the factors for an appeal. Determine clear factors for the Board to be able to make a determination. That process would go before the Planning Commission taking 16-18 weeks.
- We are in the process of bringing draft Zoning Regulations to the public for review. A Work Session will be scheduled with the County Commission in the next few weeks.
- Recently there have been new housing additions that flooded that are in the 500 year flood plan and a person had to be rescued. Staff also wants to work on accurate floodplain maps. Funding is available at the state level to help with a remodel which is another reason to invest in a temporary moratorium before considering further subdividing parcels outside the UGA.
- There is concern that without a moratorium, there will be a rush of Certificate of Survey applications received during the text amendment change process.
- Currently there have been 16 Certificates of Surveys processed for 2019 not counting 10 applications pending.
- Staff discussed the current administrative process for a Certificate of Survey before it is signed off by the Planning Director.
- Staff proposed three temporary draft moratorium options:
 - 1) A draft resolution providing for a moratorium on the processing of all applications, whether they have been submitted, reviewed, or administratively approved;
 - 2) A draft resolution providing for a moratorium on the processing of applications received after August 21, 2019; and
 - 3) A draft resolution providing for a moratorium on the processing of any application that has not received formal and final approval by the Planning Director as of August 21, 2019.

As directed at the August 14, 2019 Commission meeting, staff prepared a Temporary Moratorium for consideration on Certificates of Surveys for a six month period. This would give staff time to review the Zoning and Subdivision Regulations and receive public input and make recommendations to Planning Commission and the Board of County Commissioners for permanent changes to Certificates of Surveys, which would include neighbor notification to those outside of the Urban Growth Area.

Derousseau opened the item for public comment.

Steve Sublett, 1119 E 1382 Road, stated he has been involved with subdivisions since 1982. He agrees there should be a moratorium. In his opinion, a piece of land for a house should be determined by the amount of

land needed to support a septic tank. The County should determine land needs for development by process of growth rather than someone jumping out and building a subdivision.

Cindy Hornberger, 535 Samantha Avenue, stated she has an amended Certificate of Survey pending. Hornberger is dividing her property for family. They are not developers. She said was told by Planning staff she was eligible to divide her property into five lots, though she only needed three lots: one for her family, her sister and her son. Hornberger said she understands her neighbors concerns about rural development and she is currently in the process of amending her COS to reflect family use only, three lots. She asked the Board to allow the amended COS to go through and not be subject to a moratorium.

Stan Tiemeyer, 1731 E. 975 Road, said he has been working on a Certificate of Survey for six months and asked that the moratorium not hold up his project.

Bobbi Flory, Homeowners Association, said she doesn't understand why there was a spike in Certificates of Surveys in 2018, but it may be people building coming off the recession from 2007. She feels rural and agricultural development in the unincorporated area should be based on Horizon 2020, not Horizon 2040 because the public hasn't had a chance to weigh in on it yet. She does not feel there is an emergency situation that would constitute a moratorium.

Lindsey McCay, 1961 N 1200 Road, said she feels badly for the two families with pending Certificate of Surveys (COS), but she does feel this is an emergency situation. Her property is adjacent to some of the COSs pending. She does not agree with taking prime agricultural land out of service for subdivisions. If these Certificates are approved, she will literally be looking out her window at a housing development. She asked that the Board consider a moratorium for at least the unincorporated area outside the UGA.

Dean Grob, 3210 Mesa Way, stated he is a civil engineer and has been a part of the Certificate of Survey growth in the UGA. He feels very few have involved prime soil or floodplain area. He feels the moratorium as written would affect Certificates of Surveys in and outside the UGA.

Myles Schachter, 888 E 1180 Road, stated he has been a Planning Commissioner and was hesitant to approve rural subdivisions. He believes subdivisions should be inside the UGA to preserve farmland. He said rural subdivisions do not pay for themselves, though they do help the water districts. To provide services, for example fire response and school buses, infrastructure costs are upside down. He feels the moratorium is justified. The County needs to evaluate what needs to be done.

Lee Boyd, 738 E 500th Road, suggested the County require 20 acres for one house, 40-acres for two houses. He strongly supports the moratorium. He added that once building has started, you can't go back.

Charlie Thomas, Douglas County resident, said the County has a tone that should not be disregarded during the planning stage. He feels development is about land use and communication. The County needs to look at those impacted by what happens around us. Once a development goes in, farmland is gone. He supports the moratorium for option 2.

Marshall McGinnis, 4524 Harvard Road, stated he understands the needs for regulations and planning. He said it is difficult to find land in the unincorporated area then there is a litany of regulations that you have to meet in order to build a house on it. He has already submitted an application for a Certificate of Survey. A moratorium would cut off his opportunity to build a house. He feels there are already regulations in place to address the COSs that are being approved that are not consistent with the Comprehensive Plan.

Cheryl Thomas, 673 E 475 Road, was under the impression building in the unincorporated area required 20 acres, but recently found that was not the case. She has concerns about how an increase in traffic would affect the safety on the narrow roads. Building would affect the wildlife and her right to a quiet, rural lifestyle. She supports requiring subdivisions to be developed in the UGA and an option 1 moratorium.

Derusseau closed the public hearing.

Thellman asked for clarification that a moratorium would not prevent a person from building one house on one lot. It would prevent people from doing multiple splits. Voigt stated that is correct as long as the property was grandfathered in and can meet the current regulations for road frontage.

Derusseau asked if the moratorium can pertain to property outside the UGA only. John Bullock, County Counselor, the moratorium can be drafted to include both the UGA and property outside the UGA, or either/or.

Voigt said she would like the option to bring a request before the Commissioners for guidance when there is a safety issue, even if the development meets the current regulations. Derusseau said not that she wants to create more regulations, but when we are talking about flooding and remodeling the floodplain maps and these safety concerns, this may be a separate issue we need to look at. Voigt said staff will be discussing this with the Commission in the near future.

Derusseau stated any moratorium chosen will be temporary for six months and we need to find a process that supports Horizon 2020. She said she is leaning to Option 2, outside the UGA.

Kelly stated it has been interpreted we are concerned there is massive development going on in the unincorporated areas and everyone wants to subdivide lots into subdivisions. There are many out there that do want to divide property for reasonable reasons. But, that highlights the question

“what are reasonable reasons?” Kelly stated we don’t have regulations for that. He feels it is appropriate to have a moratorium until we figure that out. There are lots of things to think about. He is concerned the community is getting less input and it’s reasonable to provide a moratorium for the neighbors to understand, visit with their neighbors and come to a resolution that allows a property to be divided. If not, then there are regulations in place. Kelly said he is supportive of the option 2 moratorium, for the parcels outside the UGA.

Thellman said with Option 2, those already in the process would be allowed to continue their Certificates of Survey process with the possibility of appeal. Neighbors will be notified and the public process will be more known.

Voigt stated she consulted with the County Counselor about voluntary notification. Creating a more transparent notification process is legal. Staff also agreed with the proposed moratorium Option 2.

Thellman added it is important to understand this is not about preserving prime farmland and rural character. It is the cost of unregulated, unmanaged growth. There is a greater cost to the County by scattering housing throughout the County and then adding utilities, such as better services, better roads and better utilities. But when you do lose something, you can’t get it back. There is also a burden on townships to take care of these unintended consequences. This changes the financial picture of rural countryside, such as flooding events.

Kelly moved to approve to issue a temporary moratorium on the receiving or processing of any application filed after August 21, 2019 for a Certificate of Survey within Douglas County outside the Urban Growth Area. Motion was seconded by Thellman and carried 3-0.

HIRING OF THE COUNTY ADMINISTRATOR POSITION 08-21-19

The Board continued discussion on the hiring of the County Administrator position.

Kelly read an extensive list of expectations he had for the next County Administrator which included serving under the supervision of the Board of County Commissioners and to supervise the day-to-day activities and operations of the County. The Board will set the agenda, goals, ideas and vision for the County and it is the County Administrator who coordinates the activities to reach those goals. Kelly stated he feels this person needs to have a Master’s Degree in Public Administration and 2-3 years of job experience preferably in county government. Kelly added this is a huge job.

Thellman said she appreciated the broad overview by Commissioner Kelly. She called out the importance of County Government which is different than the City of Lawrence. She would like to see a sense of rural appreciation, people and rural land. Thellman also mentioned experience in departmental leadership, someone who doesn’t just understand planning, but someone

interested in planning, and proactive in updating regulations. Collaboration is everything. Thellman said she would also value someone with knowledge of criminal justice and reform, behavioral health and social service safety nets, and has competence in budget skills to continue the County's clean audits and high rankings in finance.

Derusseau stated her candidate would need to have institutional knowledge, and understanding of where we've been and foresight for the future. But the most important quality is establishing relationships. The position of County Administrator is completely different than being a city manager. The County Administrator works with County Commissioners, nine Townships with three elected officials each (27 elected officials); there are important relationships with four cities (20 elected officials), five elected department heads, the Kansas 7th Judicial System and legislative elected officials, County department heads, numerous boards, organizations and community partners, and all the fire chiefs including volunteers. It is important the County has someone the community trusts; must have integrity, experience, intelligence, common sense, and understanding; and they must be approachable and flexible.

Derusseau opened the item for public comment.

Jim Flory, past County Commissioner, stated he was on the committee that hired the first ever Assistant County Administrator. He said the process was highly competitive and Sarah Plinsky was the top candidate. The committee wanted someone who could learn and grow under Craig Weinaug and be a candidate when he retired. Flory said Derusseau hit the nail on the head by saying the most important quality is establishing relationships. The County Administrator serves at the pleasure of the Commission, but does work with many people, as Commissioner Derusseau listed. Being able to establish good relationship and work well, he said Sarah Plinsky has all those qualities right here in Douglas County and with stakeholders. Flory said he disagrees that a nationwide search is necessary. He feels what the County is owed is someone "top notch" and he strongly urged the County Commission to select Sarah Plinsky as the next County Administrator.

Bonnie Lowe, The Chamber, said all of the words and descriptions she heard to describe a County Administrator if looked up in the dictionary would say "see Sarah Plinsky." Lowe said she has worked with Plinsky for the last several years as her position as President of The Chamber. She finds Plinsky to be thoughtful, intelligent, has great communications skills and a professional. She appreciated working with Plinsky on the budget and said the words "collaborative, relationship and trust" stand out for her. Lowe said the business community, the City and this County are hungry to have a strong collaborative relationship again and we have the right people in place to do that and we all look forward to dropping the "interim" from Plinsky's title.

Shannon Oury: Executive Director of Housing Authority, stated she can speak specifically to Plinsky's ability to not only participate in collaboration,

but lead it. As a member of the Behavioral Health (BH) Coalition, Oury said the process they have made was only due to Plinsky's ability step in and keep that process going. She would be concerned to see a change in leadership with the BH process. It was Plinsky's leadership skills working with members of a very diverse group that is creating a world class unique project for Kansas and the nation. Oury said she can speak to Plinsky's integrity and it's been a pleasure to work with her. She said she has the greatest respect for Plinsky and the County couldn't do better. Oury said she would hate to see Douglas County lose the time needed on the BH project to do a search when your candidate is sitting in this room.

Kurt von Achen, County resident, said he came to support Sarah Plinsky for Douglas County Administrator. He told the County Commission he does not support a search. He said Plinsky's institutional knowledge is important, but it's more important that the County Administrator buy into the community and Sarah has certainly done that. She has his full support.

Steve Hornberger, Willow Township Clerk, stated he has worked with Plinsky for 10 years on some complicated personnel issues. Two important qualities he feels Plinsky has are her ability to think outside the box and most important common sense, two things he feels you don't always find in leaders and people. He is supportive of Sarah Plinsky as County Administrator.

Derusseau closed public comment.

After further discussion, it was the consensus of the Board that Sarah Plinsky has all the essential outstanding qualities essential for the position of County Administrator.

Kelly moved to direct the County Counselor to seek to negotiate a contract of employment with Sarah Plinsky for the position of County Administrator, draft an agreement for the Board to discuss in executive session, and then finalize in open session. Motion was seconded by Thellman and carried 3-0.

APPOINTMENTS 08-21-19 -None.

GENERAL PUBLIC COMMENT 08-21-19 - None.

COMMITTEE REPORTS 08-21-19

COMMISSIONERS AND/OR ADMINISTRATIVE MISCELLANEOUS 08-21-19

- The Commission will attend a luncheon meeting with the Judges on Friday, August 23 at noon.

Derusseau adjourned the meeting at 9:41 p.m.

Michelle Derusseau, Chair

Patrick Kelly, Vice-Chair

ATTEST:

Jamie Shew, County Clerk

Nancy Thellman, Member

DRAFT

September 25, 2019

Derusseau called the Regular Session to order at 5:30 p.m. on Wednesday, September 25, 2019 with all Commissioners present.

CONSENT AGENDA 09-25-19

Kelly moved approval of the following Consent Agenda:

- ▶ Authorized the Public Works Director to sign an hourly-rate agreement with a not-to-exceed cost of \$44,648.00 with BG Consults, to provide engineering services for Project 2017-53, Replacement of Bridge 0900-1043;
- ▶ Authorized the Douglas County Chair to execute the Second Addendum to the Landfill between the City of Lawrence, Douglas County and N.R. Hamm Quarry for a tipping fee of \$30.98 per ton for disposal of the City's solid waste effective January 1, 2019; and
- ▶ Accounts payable in the amount of \$935,551.21 to be paid on 09/26/19; and payroll in the amounts of \$960.00 paid on 08/09/19, \$1,063,613.98 paid on 09/13/19, and \$1,026,613.01 to be paid on 09/27/19.

Motion was seconded by Thellman and carried 3-0.

BEHAVIORAL HEALTH RESOURCES 09-25-19

Mallory Meek, K-State Research and Extension; and Nicole Rials, Director of Urgent Care Programs Bert Nash; conducted a presentation on Behavioral Health Services for Douglas County Farmers through a partnership with the Extension office and Bert Nash.

Highlights included:

- Farming is a struggle. Farmers are concerned with policy, weather, trade, natural disasters, commodity prices, regulations, operating and labor costs, and new technology.
- These stress factors can often bring about anxiety, depression, relationship struggles, suicidal thoughts, isolation, sickness, irritability, and opioid and alcohol use.
- Resources created include: news articles to bring awareness; a website with national, statewide and local resources; identified Bert Nash providers to help with farm stress; flyers distributed to local agricultural businesses; and implementing farm stress help during regular agriculture education programming.

PUBLIC WORKS 09-25-19

The Board considered authorizing the Public Works Director to approve Change Order No. 1 to Project 2019-06 to revise specified hot mix asphalt materials, lower the unit costs therefor, and extend the project length approximately 1.5 miles, thereby increasing the contract amount to \$1,748,449.00. Keith Browning, Public Works Director, presented the item.

The Board recently approved a contract with Hamm, Inc. to patch and overlay Route 2019 from N 2050 Road in Lecompton to Route 438, Farmer's Turnpike, and on Route 438 from Route 1029 to the existing pavement widening at the Berry Plastics facility. Staff requested a "value engineering" proposal from Hamm to extend the pavement work east to the existing pavement widening at the K-10 (SLT) intersection, which is an additional 1.5 miles.

Staff recommends issuing a change order to accept Hamm's value engineering proposal (approximately \$484,555) and extend the work east to the K-10 (SLT) intersection utilizing proposed materials by Hamm. The cost of the work exceeding the \$1,350,780 budgeted in Road & Bridge Fund 201 can be paid from the CIP contingency funds.

Derousseau opened the item for public comment. No comment was received.

Thellman moved to authorize the Public Works Director to approve Change Order No. 1 to Project 2019-06 to revise specified hot mix asphalt materials, lower the unit costs therefor, and extend the project length approximately 1.5 miles, thereby increasing the contract amount to \$1,748,449.00. Motion was seconded by Kelly and a carried 3-0.

LAWRENCE-DOUGLAS COUNTY FIRE & MEDICAL (LDCFM) 09-25-19

The Board discussed the LDCFM Training Tower replacement project and funding request from the City of Lawrence.

Sarah Plinsky, County Administrator, continued discussion on the Douglas County portion of the Training Tower, which remains unresolved from the 2020 Douglas County approved budget. The 2019 County Budget allocated \$179,480 for the project and an additional \$128,200 has been requested for a total County contribution of \$307,690. The original total project cost as determined by the City of Lawrence was \$1.2 million for an 8.62-acre lot, with a City/County 60/40% split.

There was discussion from the Commissioners that they did not feel the County should be responsible for paying for improvements to the entire 8.62-acre site, such as additional platting, sidewalks, landscaping and a City park. The tower site is only 3.42 acres. The Board agreed it looks like a great facility and an important improvement. The Commissioners just wanted to make sure they are only paying for the County portion of the improvements.

Shaun Coffey, Fire Chief, provided background information on how the cost of the project increased. The City contracted with a zoning and planning contractor to redesign the entire block and that area had never been platted. The platting required a building permit, street tree plan and sidewalks as any new project in the City of Lawrence requires. The fence was not a requirement but added as a safety precaution. Coffey stated the tower is also available for all township fire departments.

Derusseau opened the item for public comment. No comment was received.

After further discussion, it was the consensus that the Board agreed to a total funding amount of \$266,337.15 of the City's requested \$307,000 coming from the General Fund, for the Training Tower replacement located at 1941 Haskell Avenue, which is \$86,857.15 over the original estimate.

APPOINTMENTS 09-25-19– None.

GENERAL PUBLIC COMMENT 09-25-19- None.

COMMITTEE REPORTS 09-25-19

COMMISSIONERS AND/OR ADMINISTRATIVE MISCELLANEOUS 09-25-19
Schedule Items

- Faith Leaders Breakfast: October 16 at 8:30 AM at Flory Meeting Hall on the Douglas County Fairgrounds (2120 Harper Street)
- Groundbreaking Celebration of the Treatment and Recovery Campus of Douglas County: October 30 at 12:00 PM at 1000 W. Second Street (north of the Community Health Facility)
-

Information Items

- Bert Nash Governing Board meeting minutes for August and agenda for the September 24 meeting are included in the agenda packet.

Open Board Appointments

- Douglas County Food Policy Council (Local food system/Ag Producer) - (2) positions open
- JAAA Advisory Council - (1) position open
- JAAA Board of Directors - (1) position open
- Lawrence-Douglas County Advocacy Council on Aging - (10) open positions
- Joint Economic Development Council – (2) positions open
- Public Building Commission – (1) position open

Derusseau adjourned the meeting at 6:28 p.m.

Michelle Derusseau, Chair

Patrick Kelly, Vice-Chair

ATTEST:

Jamie Shew, County Clerk

Nancy Thellman, Member

DRAFT

Memorandum

City of Lawrence

Planning & Development Services

TO: Board of County Commissioners

FROM: Mary Miller, Planning Staff

Date: October 1, 2019

RE: Appeals from Planning Director's Administrative Approval of the following:
CSR-19-00349 Hornberger (north)
CSR-19-00350 Hornberger (south)
CSR-19-00373 Amended Grosdidier (north)
CSR-19-00374 Amended Grosdidier (south)

BACKGROUND:

The Board of County Commissioners voted to place a 6-month moratorium on rural certificates of survey (for properties outside the urban growth area) at their August 21, 2019 meeting. A text amendment revising the zoning regulations which may impact land divisions in the A (Agricultural) Zoning District is in process and staff expects to have draft language for the Board of County Commissioners to consider in a few months. The moratorium will provide time for the development of the revised regulations with the expectation that they will slow residential land divisions outside of the urban growth area.

At the August meeting, the Board of County Commissioners also directed staff to mail notice of the provisions in Section 11-107(i) of the Subdivision Regulations [20-807(i), City Code] regarding the process to appeal the Planning Director's decision on certificates of survey to all property owners within ¼ mile of the pending rural certificates of survey.

The notice was mailed out and two notices of appeals were received for the Hornberger certificates of survey and two notices of appeals were received for the Grosdidier amended certificates of survey. The Planning Director mailed notice of the appeals along with the date of the Board of County Commissioner's meeting at which the appeals will be considered as required by the Subdivision Regulations.

While the appellant has the burden of establishing by clear and convincing evidence that the Planning Director's decision was incorrect, Section 11-107(i)(3) of the Subdivision Regulations [Section 20-807(i)(3), City Code], this memo provides information regarding the certificate of survey review process.

NOTICE

Section 11-102(d)(4)(ii) of the Subdivision Regulations [Section 20-802(d)(4)(ii), City Code] contains the notice requirements for certificates of survey. Cluster Development certificates of survey within the urban growth area are required to provide notice to nearby property owners (within ¼ mile). This section notes: "

Mailed notice is not required for divisions located outside of the urban growth area."

It is planning staff's opinion that this notice is intended to provide an avenue for the applicant to appeal the planning director's determination on their rural certificate of survey and to provide an avenue for both the applicant and nearby property owners to appeal the Planning Director's determination on the Cluster Development certificates of survey (within the urban growth area).

CERTIFICATES OF SURVEY

Section 11-101(a)(2), of the Subdivision Regulations [20-801(a)(2), City Code], notes that the subdivision regulations are designed, intended and should be administered to ensure that in the city and in the unincorporated area of Douglas County is in accordance with the comprehensive plan, any adopted watershed/sub-basin plans, sector or neighborhood plans, covering the subject subdivision, the applicable zoning regulations enacted to implement those plans, and the Lawrence/Douglas County MPO Transportation Plan.

Section 11-106(a) of the Subdivision Regulations [20-806(a), City Code], provides the following information specifically regarding residential development in the rural portion of the county:

"Horizon 2020, the Comprehensive Land Use Plan, strongly encourages that residential development be located in the Lawrence Urban Growth Area or within the Urban Growth Areas of the other incorporated cities in the County. Horizon 2020 also recognizes the need for suitable residential development in the Rural Areas of Douglas County."

The Subdivision Regulations provide two separate means of land division in order to accommodate these different types of residential developments.

Land within the urban growth area may be divided into parcels of 3 acres each, with 40% of the total site being set-aside for future development, following annexation. Greater density can be achieved due to the fact that the road frontage requirement is for the certificate of survey as a whole, rather than each residential development parcel. The residential development parcels are to be clustered and take access from a shared drive in a cross access easement.

The subdivision regulations limit residential development outside the urban growth area by requiring each residential development parcel to have the required frontage along the adjacent roadway and permitting only two residential development parcels per certificate of survey except for properties which are bounded on two sides by local roads and these are permitted 3 residential development parcels.

The following chart illustrates how the Subdivision Regulations permit greater residential development in the urban growth area than the rural area for a hypothetical property:

40 acres with 300 ft frontage on a local road				
Urban Growth Area				
	Future Development Area (40%)	Immediate Development Area (60%)	Frontage Required (250 feet per certificate of survey)	Number of RDPs* possible
	16 acres –no development until annexed	24 acres	Adequate	8
Rural Area				
			Frontage Required (250 feet per RDP*)	Number of RDPs* possible
			300=1 RDP*	1

* Residential Development Parcels

The purpose statement for Section 11-104 of the Subdivision Regulations [20-804, City Code] *Cluster Development in the Urban Growth Areas* notes that the regulations are intended to provide for residential development with forethought and design considerations to identify the future urban density residential development of the land parcel to create urban blocks and connective street networks in accordance with the Design Standards in the Subdivision Regulations.

"These regulations will result in Residential Development Parcels that retain their rural character for the immediate future, but will also allow for more efficient transition to Urban Density development as subsequent circumstances dictate."
(Section 11-104(a) Subdivision Regulations, [20-804(a), City Code])

The Subdivision Regulations note that residential land divisions within the urban growth area will maintain the rural character when divided as outlined in the regulations. Given the lower density permitted with the certificates of surveys outside the urban growth area, it is reasonable to assume they also retain their rural character.

The Subdivision Regulations and the Zoning Regulations are tools that were adopted by the governing bodies to implement the provisions of the comprehensive plan. The review of all certificates of survey submitted since the adoption of the *Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, KS* on December 19, 2006 have been based on compliance of the surveys with the provisions of the Subdivision Regulations, which include compliance with the Zoning Regulations.

In our opinion, the Planning Director did not make an error in his administrative determination on the certificates of survey, implementing the provisions of the Subdivision Regulations. Changing conditions may require a revision of the regulations to achieve the type or degree of development that the county finds suitable.

If the Board of County Commissioners find that development has progressed to the point that the provisions of the Subdivision Regulations are no longer adequate to maintain the rural character of unincorporated Douglas County and the amount of overall development needs to be slowed, the Subdivision Regulations should be revised.

ATTACHMENT A
COMPARISON OF LAND DIVISIONS POSSIBLE UNDER THE SUBDIVISION REGULATIONS
WITHIN AND OUTSIDE THE UGA

Hornberger Certificates of Survey: 40 acres				
Urban Growth Area (May be divided into 2 certificates of survey, 20 acres each)				
	Future Development Area (40%)	Immediate Development Area (60%)	Frontage Required 250 feet per certificate of survey	Number of RDPs* possible: (minimum 3 acres)
	16 acres	24 acres	1,318.56 feet 1,322.92 feet	8 RDPS* possible
Rural Area (May be divided into 2 certificates of survey, 20 acres each) 2 RDPs* max, except 3 RDPs* possible on corners of 2 local roads				
			Frontage Required 250 feet per RDP*	Number of RDPs*: (minimum 3 acres)
CSR-19-00349, corner			661.46 feet 1,318.56 feet	3 (1 proposed)
CSR-19-00350, south			661.46 feet	2 (2 proposed)
Total RDPs*				5 RDPS* possible, 3 proposed

* Residential Development Parcels

Grosdidier Amended Certificates of Survey: 50 acres				
Urban Growth Area (May be divided into 2 certificates of survey, each a minimum of 20 acres)				
	Future Development Area (40%)	Immediate Development Area (60%)	Frontage (250 feet per certificate of survey)	No. of RDPs possible (Minimum 3 acres)
	20 acres	30 acres	1198.08 feet	10 RDPS possible
Rural Area (May be divided into 2 certificates of survey, minimum of 20 acres each) 2 RDPs* maximum for each certificate of survey				
			Frontage (250 feet per RDP*)	Number of RDPs* possible: (Minimum 3 acres)
CSR-19-00373, north			599.04 feet	2
CSR-19-00374, south			599.04 feet	2
Total RDPs*				4 RDPS*
Recorded Certificate of Survey being amended				2 RDPs* 32 acres and 18 acres

* Residential Development Parcels

Certificate of Survey: Summary Information				
Date survey prepared: June 14, 2019				
Original Tract Area: 40 acres				
Parent Parcel Area: 20.02 acres				
Number of Residential Development Parcels (RDP): 1				
Adjacent Road(s) and Classification: N. 750 Road, classified as a local road in the DG County Access Management Map, is adjacent to the north boundary of the parent parcel and E. 475 Road, also classified as a local road, is adjacent to the west boundary.				
Minimum R-O-W required: 70 feet required for a local road, with 35 feet of right-of-way on each side of road centerline		R-O-W provided: The certificate of survey shows 35 feet of right-of-way for both N. 750 Road and E. 475 Road; however, the amount on the subject side of the centerline varies from 18.95 feet to 22.16 feet due to the fact that the road is not centered within the right-of-way.		
	Frontage	Width	Depth	Area
RDP 1 if access on N. 725 Road	1,318.56 feet	1,318.56 feet	660.76 feet	20.02 acres
RDP 1 if access on E. 475 Road	661.46 feet	661.46 feet	1318.56 feet	
Required	250 feet	225 feet	250 feet	3 acres w Rural Water 5 acres w Well Water

C. ADMINISTRATIVE REVIEW CRITERIA

A 20.02 acre parent parcel is being created from a 40 acre original tract in the southeast corner of the intersection of N. 725 and E. 475 Roads. Approximately 20 acres of land remaining in the southern portion of the property is the subject of another certificate of survey, CSR-19-00350. These certificates of survey were submitted together and are being processed concurrently.

The original tract is shown in Figure 2, outlined in black. The property that is the subject of this certificate of survey is labeled in red and the property that is the subject of CSR-19-00350 is labeled in blue.

The residential development parcel is compliant with the Douglas County Zoning Regulations and is eligible for a building permit for one principal residential structure and accessory structures.

The proposed land division meets the following criteria listed in Section 11-106(d)(2) of the Subdivision Regulations [20-806(d)(2), City Code]:

- Area and Dimensional Standards

The Zoning Regulations require a minimum area of 3 acres when the property fronts on, and takes access to, a local road. The residential development parcel exceeds this area requirement. As illustrated in the summary information, the residential development parcel is compliant with the dimensional standards required in the Zoning Regulations.

- Building Envelope for Environmentally Sensitive Lands

There are environmentally sensitive lands, as defined in the Subdivision Regulations, on the original tract in the form of a stream corridor and stands of mature trees. (Figure 3) Section 20-815 of the Subdivision Regulations defines 'Stand of Mature Trees' as:

"An area of ½ acre (21,780 sq ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" Caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program, City/County GS aeriels; and field surveys.)"

The subject property contains stands of mature trees. The Subdivision Regulations require that building envelopes be shown on the certificate of survey when environmentally sensitive lands are present. The building envelopes exclude the required setbacks and the environmentally sensitive lands that have been identified for protection; thereby defining the buildable area. To allow adequate space for a septic system, the residential development parcels need a



Figure 2. Property within the certificate of survey with original tract outlined in bold and residential development parcels outlined generally; those in the subject certificate of survey are shown in red; those that are the subject of CSR-19-00350, in blue.



Figure 3. Environmentally sensitive lands present on the original tract include stands of mature trees and stream corridor. (Approximate parent parcel boundary shown in white, subject parent parcel marked with star)

minimum of 3 acres outside of the area designed for protection of environmentally sensitive lands if water is provided by a rural water district and a minimum of 5 acres outside the protected area if well water is used. Figure 4 shows the area excluded from the building envelope for the protection of environmentally sensitive lands.



Figure 4. Subject parent parcel/residential development parcel with the general area containing environmentally sensitive lands identified for protection outlined in green.

Staff visited the site on July 31st and determined that the trees near the N. 725 Road right-of-way were not 25 feet in height and did not meet the definition of a stand of mature trees. Fringe trees along the west side of the wooded area were smaller deciduous trees and evergreens and also did not meet the definition of stands of mature trees. The boundary of the environmentally sensitive lands that have been identified for protection are shown generally in Figure 4. These areas are excluded from the building envelope on the certificate of survey. The protected area is shown on the certificate of survey with dimensions.

The residential development parcel has more than 5 acres outside the protected area; therefore, they have the option of using either rural or well water. The rural water district confirmed that a water meters is available for the residential development parcel should they choose to use rural water.

- Development Access

The residential development parcel is a corner parcel with frontage on both N. 725 and E. 475 Roads and access could be taken from either road. The location of the access points will be determined by the township with the processing of the access permits.

- County Health Code Requirements

The Zoning Regulations require a minimum area of 3 acres outside of the floodplain for a septic system when water is provided by a rural water district and 5 acres outside of the floodplain when well water is used. The residential development parcel has over 5 acres outside of the floodplain.

- Grouping Divisions

The certificate of survey utilizes the northern portion of the original tract and another certificate of survey is being processed concurrently for the southern portion. The entire original tract is being divided with these certificates of survey and no future divisions will be possible unless the subject certificate of survey is amended to create additional residential development parcels.

- Minimum Frontage and Entrance Spacing Requirements

The frontage being provided for the residential development parcel is compliant with the requirements in the Douglas County Access Management Standards. Marion Township will determine the entrance location with the processing of the driveway permit for the parcel.

D. CONFORMANCE WITH COMPREHENSIVE PLAN

Horizon 2020 Chapter 4, Growth Management and Chapter 5, Residential Land Use Goals. Specific goals in these chapters that apply are:

- **(Growth Management) Goal 2: Conserve the Rural Character of Douglas County. Policy 2.2 Rural Residential Development.** (page 4-7) *Non-farm residential development is recommended to be directed to urban areas; large lot, suburban development directed to the UGAs; and smaller lot, higher-density residential development directed to the municipalities.*
- **(Residential Land Use) Goal 2: Criteria for Rural Residential Development within the Unincorporated Areas – beyond the designated Urban Growth Areas.** (page 5-13) *Development of land for urban density residential purposes is discouraged in the unincorporated rural area in so far as such division would conflict with or inhibit agricultural use of the land.*

This land division is in general conformance with the comprehensive plan as it will not result in residential development that is large lot suburban development or higher density small lot development.

E. CONFORMANCE WITH ADOPTED MAJOR THOROUGHFARES MAP

No new roads are required for this development. The residential development parcels will have access to existing full-maintenance local roads.

F. ADMINISTRATIVE DETERMINATION

The certificate of survey meets the requirements of the Subdivision Regulations and is administratively approved subject to the condition that dimensions be added to the survey to define the boundary of the building envelope.

G. FINAL STEPS

At their August 21, 2019 meeting, the Board of County Commissioners voted to place a 6 month moratorium on certificates of survey outside the urban growth area and directed staff to mail notice of the appeal provisions in Section 11-107(i) of the Subdivision Regulations [20-807(i), City Code] for the pending certificates of survey. The letters will be mailed out to all property owners within 1/4 mile of the subject property and a copy will be provided to the applicant.

This certificate of survey will be held in the Planning Office to allow time for the filing of an appeal by the applicant or property owners within the required notification area. When the appeal period has passed, staff will schedule a meeting with the Board of County Commissions if an appeal has been received. If no appeal has been received, the applicant shall provide the Planning Office with one copy of the revised certificate of survey signed by the property owners, the surveyor, and the County Surveyor along with the \$32 recording fee. Staff will confirm that all taxes and special assessments due and payable have been paid and will take the certificate of survey to the Register of Deeds for recording. A copy of the recorded survey will be provided to the applicant when recording is complete.

GENERAL NOTES:

- 1) THIS CERTIFICATE OF SURVEY WAS NOT PREPARED FOR THE PURPOSE OF THE PLATTING OF LAND. NO FURTHER DIVISIONS OF THE PARCELS CREATED BY THIS SURVEY SHALL OCCUR UNTIL THE PROPERTY IS SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE SUBDIVISION REGULATIONS OF DOUGLAS COUNTY OR THE CITY INTO WHICH IT IS ANNEXED OR UNTIL AN AMENDED CERTIFICATE OF SURVEY IS APROVED AND RECORDED WITH THE REGISTER OF DEEDS.
- 2) THE PROPOSED DIVISION MEETS THE CRITERIA OF SECTION 11-106, (PROPERTY DIVISIONS IN THE RURAL AREA) OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.
- 3) THE RESIDENTIAL DEVELOPMENT PARCELS SHOWN ARE ELIGIBLE FOR CERTIFICATE OF SURVEY APPROVAL, (DIVISION) THIS TIME AND MAY NOT BE FURTHER DIVIDED PURSUANT TO SECTION 11-106, UNLESS THE CERTIFICATE OF SURVEY IS AMENDED PURSUANT TO SECTION 11-107(H) OF THE SUBDIVISION REGULATIONS.
- 4) THE RESIDENTIAL DEVELOPMENT PARCELS SHOWN ON THIS CERTIFICATE OF SURVEY SHALL BE CONSIDERED PARCELS, BUT SHALL NOT BE CONSIDERED LOTS AS DEFINED BY THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY. WHEN THE DOUGLAS COUNTY HEALTH DEPARTMENT REQUIREMENTS FOR THE WATER SUPPLY, AND WASTEWATER MANAGEMENT LISTED IN THE RESIDENTIAL DEVELOPMENT PARCEL NOTES HAVE BEEN MET, THE RESIDENTIAL DEVELOPMENT PARCELS SHALL BE ELIGIBLE FOR A BUILDING PERMIT FOR ONE SINGLE-FAMILY DWELLING AND PERMITTED ACCESSORY USES, BUILDINGS AND STRUCTURES. USE FOR ANY OTHER PURPOSE (OTHER THAN AGRICULTURAL USE), CONSTRUCTION OF MORE THAN ONE SINGLE-FAMILY DWELLING, OR FURTHER DIVISION OF THE RESIDENTIAL DEVELOPMENT PARCEL SHALL BE PROHIBITED.
- 5) THERE IS NO FEMA DESIGNATED FLOODPLAIN ON THE RESIDENTIAL DEVELOPMENT PARCELS.
- 6) SUBJECT PROPERTY IS ZONED A-AGRICULTURAL.
- 7) DEVELOPMENT ON THE RESIDENTIAL DEVELOPMENT PARCELS SHALL COMPLY WITH THE DOUGLAS COUNTY ZONING CODES, CHAPTER XII OF THE COUNTY CODE.
- 8) DEVELOPMENT ON THE RESIDENTIAL DEVELOPMENT PARCELS SHALL COMPLY WITH DOUGLAS COUNTY PUBLIC ROAD ACCESS MANAGEMENT STANDARDS, CHAPTER IX, ARTICLE 5 OF THE COUNTY CODE.
- 9) THE BUILDING ENVELOPE DESIGNATED ON THE CERTIFICATE OF SURVEY EXCLUDES REQUIRED BUILDING SETBACKS AND AREAS CONTAINING FEATURES IDENTIFIED AS ENVIRONMENTALLY SENSITIVE LANDS BY SECTION 11-110 OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.

DEDICATION:

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF, STEVEN M. HORNBERGER, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2019.

STEVEN M. HORNBERGER, A TRUSTEE OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013

DEDICATION:

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF, CYNTHIA A. HORNBERGER, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2019.

CYNTHIA A. HORNBERGER, A TRUSTEE OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT ALL CORNERS WERE SET OR FOUND AND COMPLIES WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THIS SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS. THIS SURVEY WAS COMPLETED ON JUNE 14TH, 2019.

STEVEN D. WILLIAMS P.S. 1391
P.O. BOX 4444
LAWRENCE, KANSAS 66046
(785) 832-2121

ORIGINAL TRACT:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 18 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS. (BOOK 1167 PAGES 5269-5270)

PARENT PARCEL:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 01°59'34" WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 660.76 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 01°59'34" WEST, 660.76 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 88°09'10" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 1318.56 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 01°56'14" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 661.46 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE NORTH 88°07'20" EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 1319.20 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 20.02 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS, SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY AND EASEMENTS OF RECORD.

RESIDENTIAL DEVELOPMENT PARCEL NO. 1:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 01°59'34" WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 660.76 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 01°59'34" WEST, 660.76 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 88°09'10" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 1318.56 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 01°56'14" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 661.46 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE NORTH 88°07'20" EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 1319.20 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 20.02 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS, SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY AND EASEMENTS OF RECORD.

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME STEVEN M. HORNBERGER, A TRUSTEE OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013 KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME ON BEHALF OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME CYNTHIA A. HORNBERGER, A TRUSTEE OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013 KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME ON BEHALF OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005:

KEVIN R. SONTAG, P.S. 1640 DATE _____
DOUGLAS COUNTY SURVEYOR

ENDORSEMENTS:

APPROVED BY THE DOUGLAS COUNTY PLANNING DIRECTOR
THIS _____ DAY OF _____, 2019, AS A
CERTIFICATE OF SURVEY UNDER THE SUBDIVISION
REGULATIONS OF THE CITY OF LAWRENCE AND THE
UNINCORPORATED AREAS OF DOUGLAS COUNTY.

SCOTT MCCULLOUGH - PLANNING DIRECTOR
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE

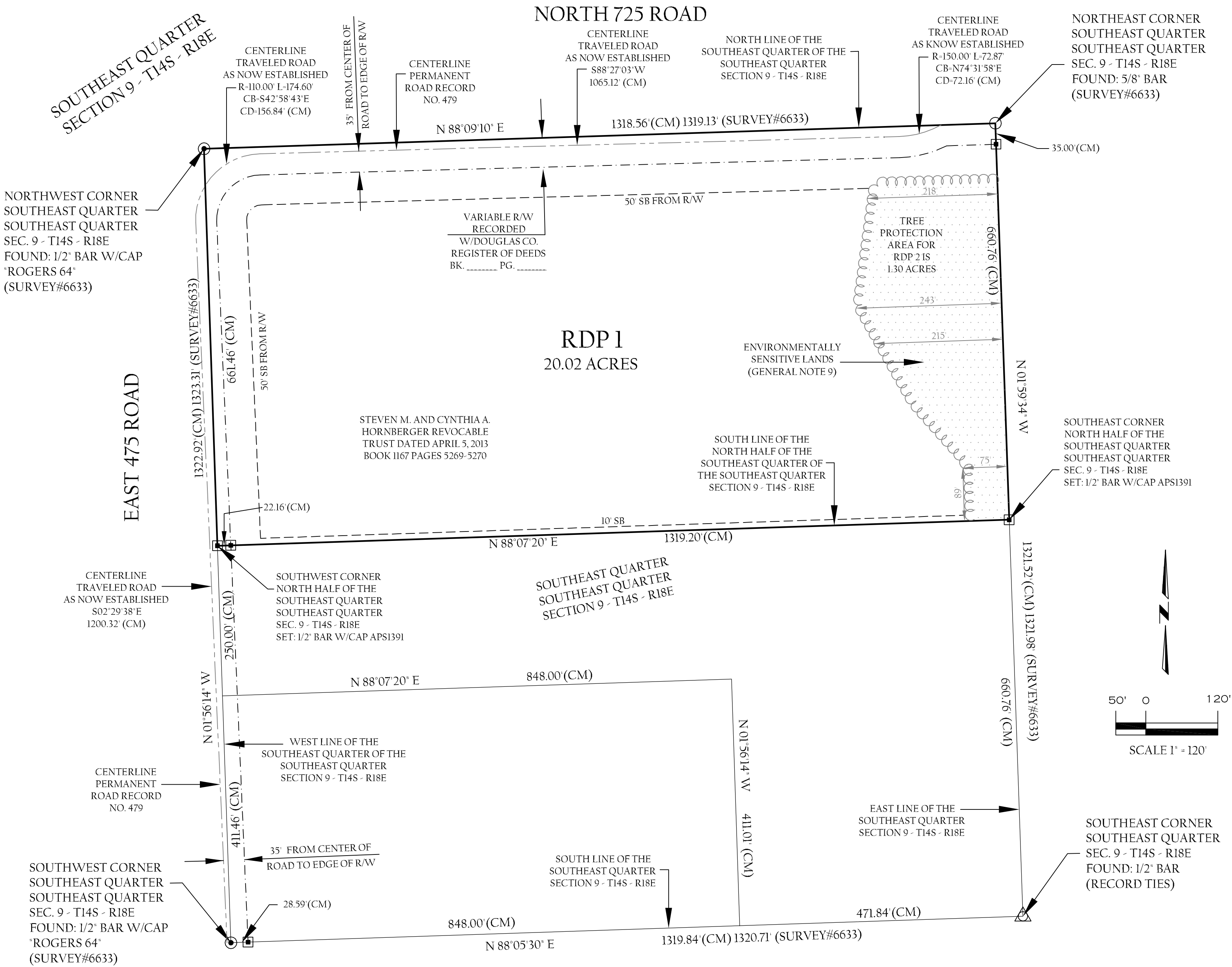
FILING RECORD:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD
IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON
THIS _____ DAY OF _____, 2019, AND IS DULY RECORDED
AT _____ AM/PM, IN PLAT BOOK _____, PAGE _____.

REGISTER OF DEEDS
KAY PESNELL

CERTIFICATE OF SURVEY - S.E. 1/4 SECTION 9 - T14S - R18E
OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS



REFERENCED SURVEYS:

SURVEY#6633 PERFORMED BY FRED G. ROGERS, LS 64 IN OCTOBER OF 2003 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.
SURVEY#8556 PERFORMED BY STEPHAN C. TUFTS, LS 1252 IN OCTOBER OF 2017 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.
SURVEY#2970 PERFORMED BY L.D.RICE, COUNTY SURVEYOR IN MAY OF 1968 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.

BASIS OF BEARINGS:

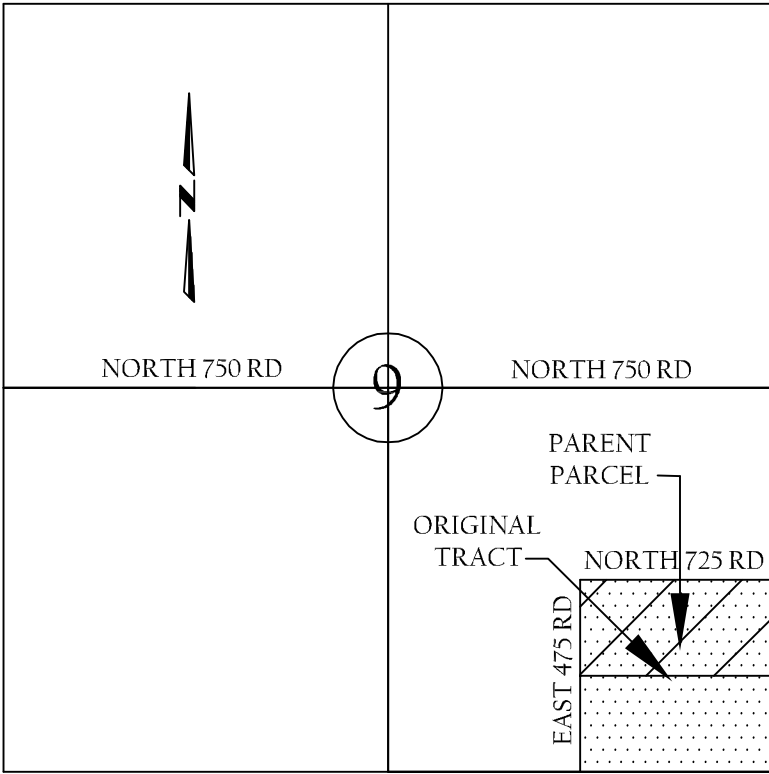
KANSAS STATE PLANE NAD83, NORTH ZONE.

RESIDENTIAL DEVELOPMENT PARCEL NO. 1 NOTES:

- 1) THE RESIDENTIAL DEVELOPMENT PARCEL CREATED BY THIS CERTIFICATE OF SURVEY SHALL NOT BE ELIGIBLE FOR A BUILDING PERMIT UNTIL ONE OF THE FOLLOWING ARE ATTAINED:
A.) RURAL WATER DISTRICT NO. 5 ISSUES A WATER METER AND DOCUMENTATION THAT A WATER METER HAS BEEN PURCHASED BY THE OWNER IS PRESENTED TO THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT AND THE DOUGLAS COUNTY ZONING OFFICE OR,
B.) THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT ISSUES A PERMIT FOR A WELL AND A COPY OF THIS PERMIT IS PROVIDED TO THE DOUGLAS COUNTY ZONING OFFICE. (PLEASE NOTE THAT WELL WATER IS NOT AVAILABLE IN ALL PARTS OF THE COUNTY. IF WELL WATER IS NOT AVAILABLE, PLEASE CONTACT THE DOUGLAS COUNTY HEALTH DEPARTMENT FOR THE REQUIREMENTS FOR CISTERNS WITHIN THE COUNTY.)
C.) ANY RESIDENTIAL DEVELOPMENT PARCEL THAT HAVE LESS THAN 5 ACRES OUTSIDE THE TREE PROTECTED AREAS, AS SHOWN ON THE SURVEY, MUST USE RURAL WATER. IF MORE THAN 5 ACRES, RURAL WATER AND WELL WATER ARE BOTH OPTIONS, IF AVAILABLE.
- 2) RESIDENTIAL DEVELOPMENT PARCEL WASTEWATER DISPOSAL WILL BE PROVIDED BY AN ON-SITE SEWAGE MANAGEMENT SYSTEM APPROVED BY THE DIRECTOR OF THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT OR A CONNECTION TO A WASTEWATER DISPOSAL SYSTEM APPROVED BY THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT. A PRELIMINARY SITE EVALUATION FOR EACH SEPTIC SYSTEM IS REQUIRED PRIOR TO A BUILDING PERMIT BEING ISSUED. THE SEPTIC PERMIT MUST BE APPROVED AND PURCHASED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. ON-SITE SEWAGE MANAGEMENT SYSTEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS ON INDIVIDUAL ON-SITE SEWAGE MANAGEMENT SYSTEM - LATERAL FIELDS AND OTHER SEWAGE DISPOSAL SYSTEMS OF THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS, COUNTY SANITATION CODE, UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS, DOUGLAS COUNTY RESOLUTION 08-44, AS AMENDED.

LEGEND:

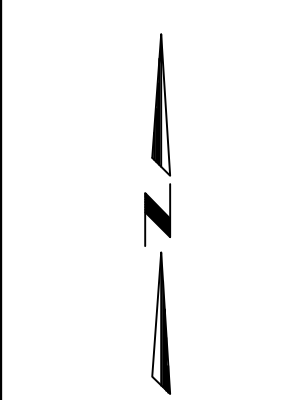
- ▲ SECTION CORNER
○ FOUND: 5/8" BAR (ORIGIN UNKNOWN)
● FOUND: 1/2" BAR W/CAP 'ROGERS 64'
■ SET: 1/2" X 24" BAR W/CAP 'APS 1391'
(SB) BUILDING SETACK
(CM) CALCULATED FROM MEASUREMENTS



VICINITY MAP

SECTION 9 - T14S - R18E (NOT TO SCALE)

ALL POINTS SURVEYING, LLP
PROFESSIONAL LAND SURVEYING SERVICES
P.O. BOX 4444 - LAWRENCE, KANSAS - 66046 - TEL. (785) 832-2121 - FAX (785) 832-2122



SCALE
1" = 120'

ORDERED BY:
S. HORNBERGER

JOB #:
19-048

DATE:
6-14-19

DRAWN BY:
SEL

CHECKED BY:
SDW

A. SUMMARY

CSR-19-00350: Certificate of survey for a division of property in the rural area of the county located in the southeast corner of the intersection of N. 725 and E. 475 Roads. The 40 acre original tract and the 20.02 acre parent parcel are located within the Southeast Quarter of Section 9, Township 14 South, Range 18 East. Two residential development parcels will be created with this certificate of survey submitted by All Points Surveying, LLP for Steven M. Hornberger and Cynthia A. Hornberger Trustees, property owners of record.

B. GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; *Agriculture*

Surrounding Zoning and Land Use: A (Agricultural) District in all directions; *Agriculture, Residential Detached Dwellings,* and wooded stream corridors.

(Figure 1)



Figure 1. Zoning and land use/development in the area. Original tract is outlined. Parcel lines shown in blue.

Certificate of Survey: Summary Information				
Date survey prepared: June 14, 2019				
Original Tract Area: 40 acres				
Parent Parcel Area: 20.02 acres				
Number of Residential Development Parcels (RDP): 2				
Adjacent Road(s) and Classification: E. 475 Road, classified as a local road in the Douglas County Access Management Map, is adjacent to the west boundary.				
Minimum R-O-W required: 70 feet required for a local road, with 35 feet of right-of-way on each side of road centerline		R-O-W provided: The certificate of survey shows 35 feet of right-of-way for E. 475 Road; however, the amount on the subject side of the centerline varies from 22.16 feet to 24.59 feet due to the fact that the road is not centered within the right-of-way.		
	Frontage	Width	Depth	Area
RDP 1	250.00 feet	250.00 feet	1319.20 feet	12.02 acres
RDP 2	411.46 feet	411.46 feet	848.00 feet	8.00 acres
Required	250 feet	225 feet	250 feet	3 acres w Rural Water 5 acres w Well Water

C. ADMINISTRATIVE REVIEW CRITERIA

A 20.02 acre parent parcel is being created from the southern portion of a 40 acre original tract in the southeast corner of the intersection of N. 725 and E. 475 Roads. Approximately 20 acres of land in the northern portion of the property is the subject of another certificate of survey, CSR-19-00349. These certificates of survey were submitted together and are being processed concurrently.

Figure 2 shows the original tract outlined in black. The property that is the subject of this certificate of survey is labeled in blue and the property that is the subject of CSR-19-00349 is labeled in red.

The residential development parcels are compliant with the Douglas County Zoning Regulations and are eligible for building permits for one principal residential structure and accessory structures.

The proposed land division meets the following criteria listed in Section 11-106(d)(2) of the Subdivision Regulations [20-806(d)(2), City Code]:

- Area and Dimensional Standards

The Zoning Regulations require a minimum area of 3 acres when the property fronts on, and takes access to, a local road. The residential development parcels exceed this area requirement. As

illustrated in the summary information, the residential development parcels are compliant with the dimensional standards required in the Zoning Regulations.

- Development Access

The residential development parcels both have the required frontage on, and will take access from, E. 475 Road. The location of the access points will be determined by the township with the processing of the access permits.

- Building Envelope for Environmentally Sensitive Lands

There are environmentally sensitive lands, as defined in the Subdivision Regulations, on the original tract in the form of a stream corridor and stands of mature trees; therefore, building envelopes are provided on the survey. These areas are identified in Figure 3. Section 20-815 of the Subdivision Regulations defines 'Stand of Mature Trees' as:

"An area of ½ acre (21,780 square feet) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" Caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program, City/County GIS aerials; and field surveys.)

The subject property contains environmentally sensitive lands in the form of stands of mature trees and a stream corridor. When environmentally sensitive lands are present, building envelopes are required on the survey. The building envelopes exclude the required setbacks and the environmentally sensitive lands that have been identified for protection; thereby defining the buildable area. The residential development parcels must have a minimum of 3 acres outside of the area designed for protection of environmentally sensitive lands if water is provided by a rural water district and a minimum of 5 acres outside the protected area if well water is used. Figure 4 shows the area excluded from the building envelope for the protection of environmentally sensitive lands.

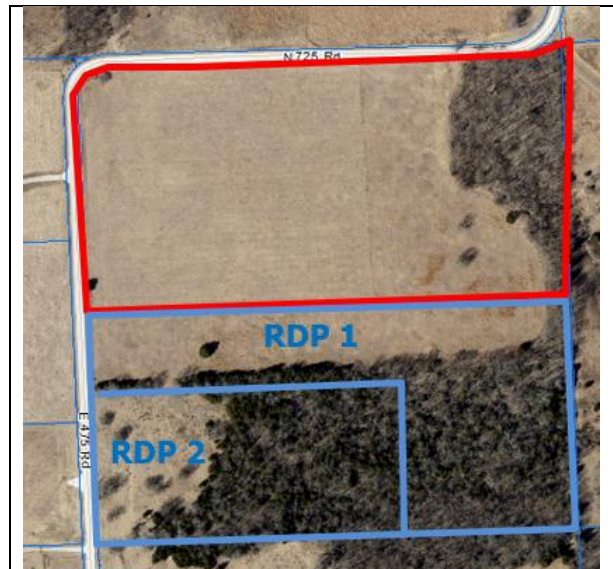


Figure 2. Property within the subject certificate of outlined, generally, in blue; land within the concurrent certificate of survey, CSR-19-00349, outlined in red.



Figure 3. Environmentally sensitive lands present on the original tract include stands of mature trees and stream corridor. (Approximate parent parcel boundary shown in white, subject parent parcel marked with star)

GENERAL NOTES:

- THIS CERTIFICATE OF SURVEY WAS NOT PREPARED FOR THE PURPOSE OF THE PLATTING OF LAND. NO FURTHER DIVISIONS OF THE PARCELS CREATED BY THIS SURVEY SHALL OCCUR UNTIL THE PROPERTY IS SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE SUBDIVISION REGULATIONS OF DOUGLAS COUNTY OR THE CITY INTO WHICH IT IS ANNEXED OR UNTIL AN AMENDED CERTIFICATE OF SURVEY IS APPROVED AND RECORDED WITH THE REGISTER OF DEEDS.
- THE PROPOSED DIVISION MEETS THE CRITERIA OF SECTION 11-106, (PROPERTY DIVISIONS IN THE RURAL AREA) OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.
- THE RESIDENTIAL DEVELOPMENT PARCELS SHOWN ARE ELIGIBLE FOR CERTIFICATE OF SURVEY APPROVAL, (DIVISION) THIS TIME AND MAY NOT BE FURTHER DIVIDED PURSUANT TO SECTION 11-106, UNLESS THE CERTIFICATE OF SURVEY IS AMENDED PURSUANT TO SECTION 11-107(H) OF THE SUBDIVISION REGULATIONS.
- THE RESIDENTIAL DEVELOPMENT PARCELS SHOWN ON THIS CERTIFICATE OF SURVEY SHALL BE CONSIDERED PARCELS, BUT SHALL NOT BE CONSIDERED LOTS AS DEFINED BY THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY. WHEN THE DOUGLAS COUNTY HEALTH DEPARTMENT REQUIREMENTS FOR THE WATER SUPPLY, AND WASTEWATER MANAGEMENT LISTED IN THE RESIDENTIAL DEVELOPMENT PARCEL NOTES HAVE BEEN MET, THE RESIDENTIAL DEVELOPMENT PARCELS SHALL BE ELIGIBLE FOR A BUILDING PERMIT FOR ONE SINGLE-FAMILY DWELLING AND PERMITTED ACCESSORY USES, BUILDINGS AND STRUCTURES. USE FOR ANY OTHER PURPOSE (OTHER THAN AGRICULTURAL USE), CONSTRUCTION OF MORE THAN ONE SINGLE-FAMILY DWELLING, OR FURTHER DIVISION OF THE RESIDENTIAL DEVELOPMENT PARCEL SHALL BE PROHIBITED.
- THERE IS NO FEMA DESIGNATED FLOODPLAIN ON THE RESIDENTIAL DEVELOPMENT PARCELS.
- SUBJECT PROPERTY IS ZONED A-AGRICULTURAL.
- DEVELOPMENT ON THE RESIDENTIAL DEVELOPMENT PARCELS SHALL COMPLY WITH THE DOUGLAS COUNTY ZONING CODES, CHAPTER XII OF THE COUNTY CODE.
- DEVELOPMENT ON THE RESIDENTIAL DEVELOPMENT PARCELS SHALL COMPLY WITH DOUGLAS COUNTY PUBLIC ROAD ACCESS MANAGEMENT STANDARDS, CHAPTER IX, ARTICLE 5 OF THE COUNTY CODE.
- THE BUILDING ENVELOPE DESIGNATED ON THE CERTIFICATE OF SURVEY EXCLUDES REQUIRED BUILDING SETBACKS AND AREAS CONTAINING FEATURES IDENTIFIED AS ENVIRONMENTALLY SENSITIVE LANDS BY SECTION 11-110 OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.

RESIDENTIAL DEVELOPMENT PARCEL NO. 1& 2 NOTES:

- THE RESIDENTIAL DEVELOPMENT PARCELS CREATED BY THIS CERTIFICATE OF SURVEY SHALL NOT BE ELIGIBLE FOR BUILDING PERMITS UNTIL ONE OF THE FOLLOWING ARE ATTAINED:
 - RURAL WATER DISTRICT NO. 5 ISSUES A WATER METER AND DOCUMENTATION THAT A WATER METER HAS BEEN PURCHASED BY THE OWNER IS PRESENTED TO THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT AND THE DOUGLAS COUNTY ZONING OFFICE OR,
 - THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT ISSUES A PERMIT FOR A WELL AND A COPY OF THIS PERMIT IS PROVIDED TO THE DOUGLAS COUNTY ZONING OFFICE. (PLEASE NOTE THAT WELL WATER IS NOT AVAILABLE IN ALL PARTS OF THE COUNTY. IF WELL WATER IS NOT AVAILABLE, PLEASE CONTACT THE DOUGLAS COUNTY HEALTH DEPARTMENT FOR THE REQUIREMENTS FOR CISTERNS WITHIN THE COUNTY.)
 - ANY RESIDENTIAL DEVELOPMENT PARCEL THAT HAVE LESS THAN 5 ACRES OUTSIDE THE TREE PROTECTED AREAS, AS SHOWN ON THE SURVEY, MUST USE RURAL WATER. IF MORE THAN 5 ACRES, RURAL WATER AND WELL WATER ARE BOTH OPTIONS, IF AVAILABLE.
- RESIDENTIAL DEVELOPMENT PARCEL WASTEWATER DISPOSAL WILL BE PROVIDED BY AN ON-SITE SEWAGE MANAGEMENT SYSTEM APPROVED BY THE DIRECTOR OF THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT OR A CONNECTION TO A WASTEWATER DISPOSAL SYSTEM APPROVED BY THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT. A PRELIMINARY SITE EVALUATION FOR EACH SEPTIC SYSTEM IS REQUIRED PRIOR TO A BUILDING PERMIT BEING ISSUED. THE SEPTIC PERMIT MUST BE APPROVED AND PURCHASED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. ON-SITE SEWAGE MANAGEMENT SYSTEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS ON INDIVIDUAL ON-SITE SEWAGE MANAGEMENT SYSTEM - LATERAL FIELDS AND OTHER SEWAGE DISPOSAL SYSTEMS OF THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS, COUNTY SANITATION CODE, UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS', DOUGLAS COUNTY RESOLUTION 08-44, AS AMENDED.

DEDICATION:

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF, STEVEN M. HORNBERGER, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2019.

STEVEN M. HORNBERGER, A TRUSTEE OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013

DEDICATION:

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF, CYNTHIA A. HORNBERGER, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2019.

CYNTHIA A. HORNBERGER, A TRUSTEE OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT ALL CORNERS WERE SET OR FOUND AND COMPLIES WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THIS SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS. THIS SURVEY WAS COMPLETED ON JUNE 14TH, 2019.

STEVEN D. WILLIAMS P.S. 1391
P.O. BOX 4444
LAWRENCE, KANSAS 66046
(785) 832-2121

ORIGINAL TRACT:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 18 EAST OF THE 6TH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS. (BOOK 1167 PAGES 5269-5270)

PARENT PARCEL:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 01°59'34" WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 660.76 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 88°07'20" WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 1319.20 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 01°56'14" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 661.46 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE NORTH 88°05'30" EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 1319.84 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 20.02 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS, SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY AND EASEMENTS OF RECORD.

RESIDENTIAL DEVELOPMENT PARCEL NO. 1:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 01°59'34" WEST ALONG THE EAST LINE OF SAID QUARTER SECTION, 660.76 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 88°07'20" WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 1319.20 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE SOUTH 01°56'14" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 250.00 FEET; THENCE NORTH 88°07'20" EAST, 848.00 FEET; THENCE SOUTH 01°56'14" EAST, 411.01 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTH 88°05'30" EAST ALONG SAID SOUTH LINE, 471.84 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 12.02 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS, SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY AND EASEMENTS OF RECORD.

RESIDENTIAL DEVELOPMENT PARCEL NO. 2:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 14 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 88°05'30" WEST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 471.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 88°05'30" WEST, 848.00 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION; THENCE NORTH 01°56'14" WEST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID QUARTER SECTION, 411.46 FEET; THENCE NORTH 88°07'20" EAST, 848.00 FEET; THENCE SOUTH 01°56'14" EAST, 411.46 FEET TO THE POINT OF BEGINNING. THE ABOVE CONTAINS 8.00 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS, SUBJECT TO PUBLIC ROAD RIGHT-OF-WAY AND EASEMENTS OF RECORD.

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME STEVEN M. HORNBERGER, A TRUSTEE OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013 KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME ON BEHALF OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME CYNTHIA A. HORNBERGER, A TRUSTEE OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013 KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME ON BEHALF OF THE STEVEN M. AND CYNTHIA A. HORNBERGER REVOCABLE TRUST DATED APRIL 5, 2013.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

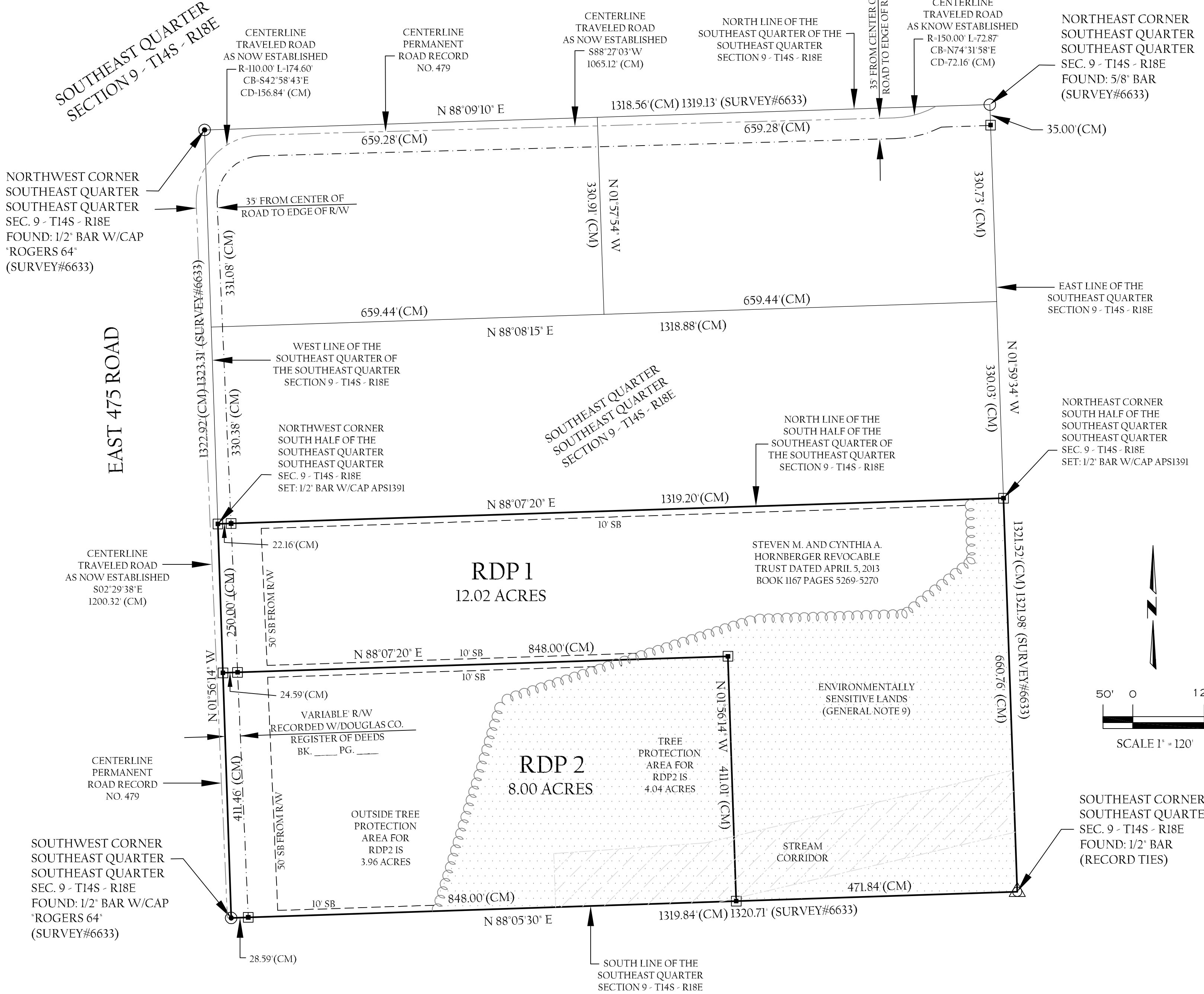
MY COMMISSION EXPIRES _____

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005:

KEVIN R. SONTAG, P.S. 1640
DOUGLAS COUNTY SURVEYOR

DATE

CERTIFICATE OF SURVEY - S.E. 1/4 SECTION 9 - T14S - R18E
OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS
NORTH 725 ROAD



ENDORSEMENTS:

APPROVED BY THE DOUGLAS COUNTY PLANNING DIRECTOR
THIS _____ DAY OF _____, 2019, AS A
CERTIFICATE OF SURVEY UNDER THE SUBDIVISION
REGULATIONS OF THE CITY OF LAWRENCE AND THE
UNINCORPORATED AREAS OF DOUGLAS COUNTY.

SCOTT MCCULLOUGH - PLANNING DIRECTOR
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE

FILING RECORD:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD
IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON
THIS _____ DAY OF _____, 2019, AND IS DULY RECORDED
AT _____ AM/PM, IN PLAT BOOK _____, PAGE _____.

REGISTER OF DEEDS
KAY PESNELL

REFERENCED SURVEYS:

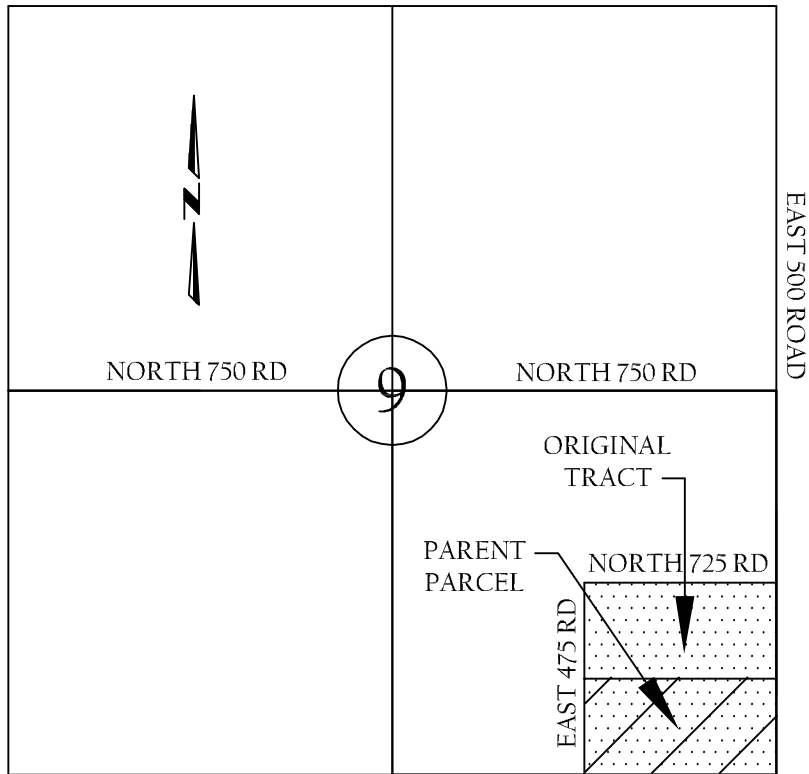
SURVEY#6633 PERFORMED BY FRED G. ROGERS, LS 64 IN OCTOBER OF 2003
AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.
SURVEY#8556 PERFORMED BY STEPHAN C. TUFT, LS 1252 IN OCTOBER OF
2017 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.
SURVEY#2970 PERFORMED BY L.D. RICE, COUNTY SURVEYOR IN MAY OF 1998
AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.

BASIS OF BEARINGS:

KANSAS STATE PLANE NAD83, NORTH ZONE.

LEGEND:

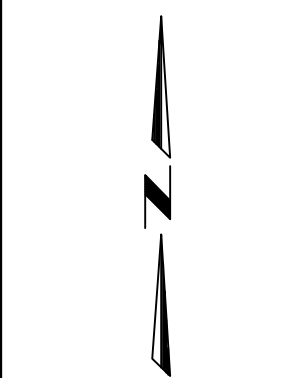
- SECTION CORNER
- FOUND: 5/8" BAR (ORIGIN UNKNOWN)
- FOUND: 1/2" BAR W/CAP 'ROGERS 64'
- SET: 1/2" X 24" BAR W/CAP 'APS 1391'
- (SB) BUILDING SETBACK
- (CM) CALCULATED FROM MEASUREMENTS



VICINITY MAP

SECTION 9 - T14S - R18E (NOT TO SCALE)

ALL POINTS SURVEYING, LLP
PROFESSIONAL LAND SURVEYING SERVICES
P.O. BOX 4444 - LAWRENCE, KANSAS - 66046 - TEL. (785) 832-2121 - FAX (785) 832-2122



SCALE
1" = 120'

ORDERED BY:
S. HORNBERGER

JOB #:
19-048

DATE:
6-14-19

DRAWN BY:
SEL

CHECKED BY:
SDW

Staff visited the site on July 31st and determined that the fringe trees along the west side of the wooded area were smaller deciduous trees and evergreens that did not meet the definition of stands of mature trees. The boundary of the environmentally sensitive lands that have been identified for protection are shown generally in Figure 4. These areas are excluded from the building envelope on the certificate of survey. The certificate of survey should be revised with dimensions that define the boundary of the building envelope for clarity.



Figure 4. Subject parent parcel with the general area containing environmentally sensitive lands identified for protection outlined in green.

Residential Development Parcel 1 has over 5 acres outside the protected area; therefore, they have the option of using either rural or well water. Residential Development Parcel 2 has less than 5 acres, but more than 3 acres outside the protected area; therefore, this residential development parcel does not have the option to utilize well water but must use rural water. The rural water district confirmed that water meters are available for the residential development parcels within this certificate of survey.

- County Health Code Requirements

The Zoning Regulations require a minimum area of 3 acres outside of the floodplain for a septic system when water is provided by a rural water district and 5 acres outside of the floodplain when well water is used. Each residential development parcel has over 5 acres outside of the floodplain. However, the minimum area available for a septic system is reduced for Residential Development Parcel 2 due to the amount of protected environmentally sensitive lands. Even though this parcel has over 5 acres outside the floodplain, it will be required to utilize rural water due to the limitation on the available area for the septic system.

- Grouping Divisions

The certificate of survey utilizes the southern portion of the original tract and another certificate of survey is being processed concurrently for the northern portion. The entire original tract is being divided with these certificates of survey and no future divisions will be possible.

- Minimum Frontage and Entrance Spacing Requirements

The frontage being provided for the residential development parcels is compliant with the requirements in the Douglas County access management standards. Marion Township will determine the entrance location with the processing of driveway permits for the parcels.

D. CONFORMANCE WITH COMPREHENSIVE PLAN

Horizon 2020 Chapter 4, Growth Management and Chapter 5, Residential Land Use Goals. Specific goals in these chapters that apply are:

- ***(Growth Management) Goal 2: Conserve the Rural Character of Douglas County. Policy 2.2 Rural Residential Development. (page 4-7) Non-farm residential development is recommended to be directed to urban areas; large lot, suburban development directed to the UGAs; and smaller lot, higher-density residential development directed to the municipalities.***

- ***(Residential Land Use) Goal 2: Criteria for Rural Residential Development within the Unincorporated Areas – beyond the designated Urban Growth Areas. (page 5-13)***
Development of land for urban density residential purposes is discouraged in the unincorporated rural area in so far as such division would conflict with or inhibit agricultural use of the land.

This land division is in general conformance with the comprehensive plan as it will not result in residential development that is large lot suburban development or higher density small lot development.

E. CONFORMANCE WITH ADOPTED MAJOR THOROUGHFARES MAP

No new roads are required for this development. The residential development parcels will have access to an existing full-maintenance local road.

F. ADMINISTRATIVE DETERMINATION

The Certificate of Survey meets the requirements of the Subdivision Regulations and is administratively approved subject to the condition that dimensions defining the general boundary of the building envelope be added to the survey.

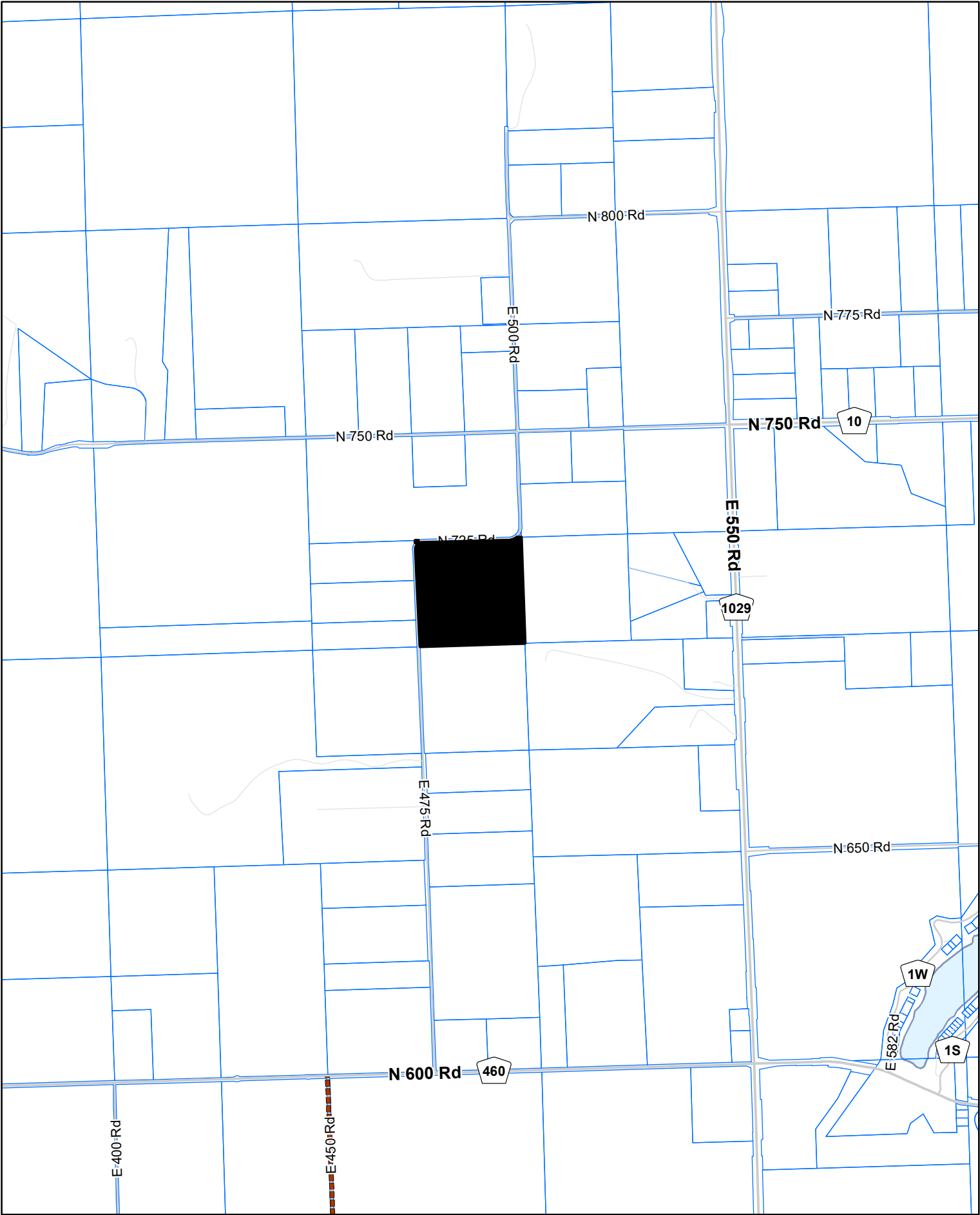
G. FINAL STEPS

The applicant shall provide the Planning Office with one copy of the revised certificate of survey signed by the property owners, the surveyor, and the County Surveyor along with the \$32 recording fee. Staff will confirm that all taxes and special assessments due and payable have been paid and will take the certificate of survey to the Register of Deeds for recording. A copy of the recorded survey will be provided to the applicant when recording is complete.

LOCATION MAP

DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 10/3/2019



Mary Miller

From: Lee Boyd <leeboyd@att.net>
Sent: Monday, September 9, 2019 10:15 AM
To: Mary Miller; Lee Boyd
Subject: Appeal of Certificate of Survey

Re: CSR-19-00349 and CSR-19-00350

Dear Mary Miller,

I wish to appeal the subdivision of the property located at the southeast corner of the intersection of N 750 and E 475 Roads in Douglas County, within the SE Quarter of Section 9, Township 14 S, Range 18 E.

Sincerely,

Lee Boyd, PhD.
738 E 500th Road
Lawrence, KS 66047
785-748-0020
leeboyd@att.net

October 1, 2019

Douglas County Commission
1100 Massachusetts Street
Lawrence, KS 66044

Re: CSR-19-00349 and CSR-19-00350

Dear Douglas County Commissioners,

I wish to appeal the subdivision of the property located at the southeast corner of the intersection of N 750 and E 475 Roads in Douglas County, within the SE Quarter of Section 9, Township 14 S, Range 18 E (CSR-19-349/350).

I can't support subdividing land into plots of less than 20 acres in unincorporated areas of Douglas County. The 20-acre minimum is congruent with intentions stated by the County in 2002 and 2006, and that everyone in my neighborhood thought had been implemented in 2008. It is also congruent with the Horizon 2040 plan. Once the land is subdivided into smaller parcels, that damage is irrevocable.

Subdivision of land into plots smaller than 20 acres destroys the rural character of the area and strains infrastructure such as roads and culverts. It puts an additional burden on services provided by the fire and water departments and the township maintenance crew. It creates light pollution and diminishes uninterrupted wildlife habitat. Half of the residents along this road own horses, cattle, or goats. In spite of our best efforts at fence maintenance, livestock occasionally escape (utility companies leave gates open, storms take down fences). Increasing the proportion of residents on small plots results in more traffic that may not be savvy about livestock, hazarding both humans and animals alike.

I have heard that prior to the moratorium, the Planning Office was telling property buyers outside the UGA that if they ever intended to subdivide, to do it now while it was still possible. If true, this is deplorable. And in this particular case, I believe that the Planning Director's decision is incorrect in at least 2 respects.

First, the Certificate of Survey (either 349 or 350) contains the following language in Section D.
CONFORMANCE WITH COMPREHENSIVE PLAN

"Horizon 2020 Chapter 4, Growth Management and Chapter 5, Residential Land Use Goals. Specific goals in these chapters that apply are:

- ***(Growth Management) Goal 2: Conserve the Rural Character of Douglas County. Policy 2.2 Rural Residential Development. (page 4-7) Non-farm residential development is recommended to be directed to urban areas; large lot, suburban development directed to the UGAs; and smaller lot, higher-density residential development directed to the municipalities.***
- ***(Residential Land Use) Goal 2: Criteria for Rural Residential Development within the Unincorporated Areas – beyond the designated Urban Growth Areas. (page 5-13) Development of land for urban density residential purposes is discouraged in the unincorporated rural area in so far as such division would conflict with or inhibit agricultural use of the land."***

From the Planning Director: *"This land division is in general conformance with the comprehensive plan as it will not result in residential development that is large lot suburban development or higher density small lot development."*

It is my contention that 8- and 12- acre parcels are precisely large suburban lots.

Second, the Planning Director has excluded the western edge of the environmentally sensitive lands, stating on page 4 that “*Staff visited the site on July 31st and determined that the fringe trees along the west side of the wooded area were smaller deciduous trees and evergreens that did not meet the definition of stands of mature trees.*” Then lines were drawn on Figure 4 excluding these areas. I subsequently visited the site on September 22. I walked a transect, which is a standard ecological method, indicated by a yellow line shown on a modified Figure 4 (page 3 of this letter). I stayed in the excluded zone, approximately 3 trees in from the edge of the woods, measuring the diameter of every tree on the transect. As stated on the Certificate of Survey: Section 20-815 of the Subdivision Regulations defines ‘Stand of Mature Trees’ as: “An area of ½ acre (21,780 square feet) or more located on the ‘development land area’ or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8” Caliper, in an amount adequate to form a continuous or nearly continuous canopy.” I found that 14 (45%) of the trees on my transect had a diameter greater than 8 inches. Many trees were taller than 25 feet. Please see photos on page 3 of this letter. In addition, I found 2 semi-permanent streams, shown in blue on modified Figure 4 (page 3), and depicted in photos on page 4. I marked where these streams crossed my transect but did not follow them to their destination. From my findings, I do not believe the RDP 2 has three acres outside the environmentally sensitive lands necessary for rural water or a septic system.

At the August 21, 2019 meeting, Cindy Hornberger told the Board of County Commissioners that she had been looking for property that could be subdivided into at least 3 parcels. But previously, on June 15, Cindy had told me (and at least one other person independently) that they intended to build just 2 houses on 40 acres. This turned out not to be true: I subsequently learned that the survey was for 5 plots, now reduced to 3. This does not sit well with me.

The clincher is that the 40-acre tract to the south of Hornberger’s property was also for sale and they could have easily bought this contiguous property if they needed a third building site. I am uncertain as to whether that property is still available; the For Sale sign is still up but the listing has disappeared from the web site.

In conclusion, to put this in a stark light: currently, Cheryl and Charlie Thomas are my nearest neighbors along N 725/E 475 Road. After all the houses that are in progress or planned are built, the Thomases will become my 6th nearest neighbor. I looked for six years before I found my property. I have lived here 11 years and paid property taxes diligently. I do not want to live next to a housing development. I believe my rights as a long-term resident take priority over those of persons newly moving into the area. I am not arguing against their right to put two houses on 40 acres; only against their right to build a third.

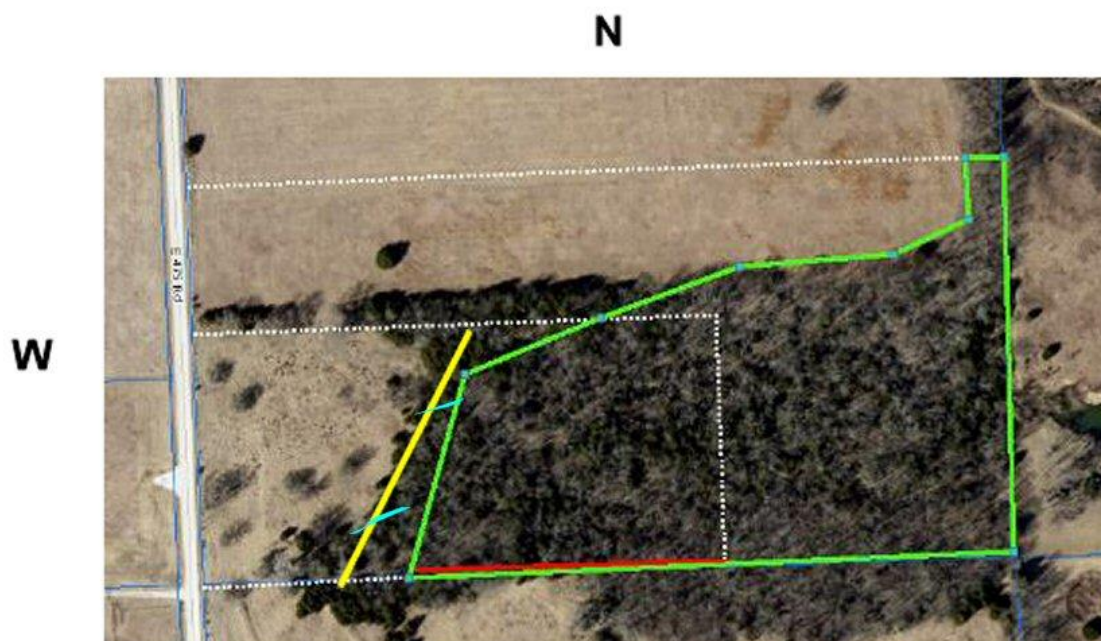
Sincerely,



Lee Boyd, PhD.
738 E 500th Road
Lawrence, KS 66047
785-748-0020
leeboyd@att.net

modified Figure 4 from CSR-19-00350

Yellow line is the approximate path of my tree transect. Blue lines are streams.



Examples of large trees (note that they are near the forest edge and so in the excluded area)



North stream



W

South stream



W

Mary Miller

From: Richard May <rmay01@sbcglobal.net>
Sent: Monday, September 9, 2019 2:11 PM
To: Mary Miller

I wish to appeal the zoning for land purchased just west of our property at 526 N. 711th Rd, Lawrence Thanks Richard and Delayne M. May 785-979-7248

Testimony August 21, 2019 by Cindy Hornberger

Good Evening,

My name is Cindy Hornberger and I am here with my husband Steve Hornberger. We temporarily reside at 535 Samantha Avenue, and previously lived the past 22 years at 1134 North 900 Road. We are speaking as one of the “pending” certificates of survey, to provide information as you decide the status of those applications under the new proposal for a moratorium.

We want you to know, first and foremost, we are not developers, we are a family. We want to share our story to highlight the fact some of the existing survey applications are not about rural development but rather about continuing life in a rural setting.

Steve and I are lifelong Douglas County residents. Steve’s family has four generations of owning rural land and/or farming in Douglas County. Steve’s father and Steve were Douglas County employees, and our son is a Captain for the Lawrence Douglas County Fire and Medical Service. Steve’s dad served on the Fair Board, Steve served on RWD#5 and I served on the Douglas County Visiting Nurses Association.

We find ourselves very surprised to be at the center of this controversy and only learned about last week’s meeting when we called our surveyor last Friday. Several persons involved in our survey process have suggested we attend this meeting and I would share a few facts, some new observations, and our request.

A Few Facts

In 2018 I visited with Judy Stone at Douglas County Zoning and Codes. I and my sister wanted to know if she could purchase part of our existing 42 acres of land to build a future home. I also was interested to see if we could give land to our younger son to build his home in the future. We learned we could not do either as our land did not meet current guidelines for establishing new residential development units (RDUs).

After much thought, we put our home up for sale in October 2018 with the plan to buy future land where this dream could be realized. On April 9, 2019 we sold our property and took a few weeks to rest and re-group. On May 1 Steve and I went again to Zoning and Codes to clarify what the requirements were for purchasing land that could be divided into 3 parcels. We met Tonya Voight and she shared current requirements and also the timeline for proposed regulations in 2020.

Simultaneously we were made aware of a 40-acre property that had enough road frontage to meet Zoning and Codes requirements. We walked the land the next day, fell in love with it and made an offer one day later. This land is only 3 miles from Steve’s father’s farm and in the area Steve’s family homesteaded and lived for generations. Our closing was set for May 17. To once again confirm what we had heard on May 1, we scheduled a second meeting on May 14 with Tonya that was attended by Mary Miller, City/County Planner, prior to the land sale closing. At that meeting, Mary shared we could divide the south 20-acre parcel into 2 RDUs and the north 20-acre parcel into 3 RDUs, as it was the corner of 2 local roads with sufficient road frontage. Without another thought, we contacted our surveyor on May 15 to schedule an initial meeting and planned to survey the property into 5 parcels as suggested.

The surveyor stated he could meet with us in 2 to 3 weeks. Steve met with him on June 5 to outline how the land would be divided and the survey timeline was explained. He said it could take 30 to 60 days. From that date, we have now waited 77 days. We want to be very clear at this point, we divided our land into 5 parcels because we could, not because we were interested in selling more than 8 acres to my sister. Our plan was, and

still is, to build our home and in 3 or so years, my sister wishes to build her home. No other plans are in place and our only idea was to have one additional property available if our son wanted to live nearby in the future. The property is approximately 50% timber and 50% pasture. We intend to maintain the agricultural land in brome hay.

Fast forward to last Friday. Once we learned of the discussion, we listened to the audiotape of last week's meeting and heard two of our neighbors indicate they would appeal our survey. We also heard the commissioners requesting notification of neighbors to address the issue of pending certificates of surveys with the option of subsequent appeal. One of my neighbors volunteered to contact everyone within ¼ mile of our property.

Since then we have talked to Zoning and Codes several times about our dilemma. We discussed our ideas to defuse our particular situation given the fact we had no intention of creating a "subdivision" and were comfortable condensing our parcels from 5 to 3, as had always been our plan. We have in fact, voluntarily directed our surveyor to do so and he has submitted our amendment to Mary Miller.

We also called one of the neighbors who spoke last week and requested a meeting with them and the second neighbor who spoke. She could not attend as she had a previous commitment. We met for coffee and explained our situation and our intentions to reduce our RDUs. I believe many of my future neighbors are here today and I am grateful for the opportunity to share this information with them.

Some New Observations

I understand why those who live near our land became upset. Learning bits and pieces of information yielded misunderstandings and conflict. While I had met many of them on the road over the past few months and shared information, their questions were not asked and therefore not answered. We are now trying to clarify with others our intentions. And we have voluntarily reduced our parcels to accurately reflect our desires as a family and to confirm to others our intentions. At all times we worked carefully with city and county zoning requirements.

Our Request

We respect and appreciate the need for transparency in rural development. We understand the concerns regarding rural development and have requested to amend our certificate of survey accordingly. It is our understanding that our original certificate of survey had been approved but the staff report and action letter had not been sent. The amendment will take a few days to review. We request our amended certificate of survey be allowed to complete the process and not be subject to the proposed moratorium.

Respectfully,

Steve and Cindy Hornberger

Testimony October 9, 2019 by Cindy Hornberger

Good Evening,

My name is Cindy Hornberger and I am here with my husband Steve Hornberger. We temporarily reside at 535 Samantha Avenue, and previously have lived the past 22 years at 1134 North 900 Road. We are here to provide our response to the two appeals of our approved certificate of survey. This is our second testimony regarding our survey, and we provided our original August 21, 2019 testimony in tonight's meeting packet for your review.

As we previously shared, Steve and I are lifelong Douglas County residents. Steve's family has four generations of owning rural land and/or farming in Douglas County. We have been rural land owners since 1996. We continue to persevere through this process and would again share some facts, new observations and our request.

A Few Facts

We want you to know, first and foremost, we are not developers, we are a family.

In 2018 I visited with Judy Stone at Douglas County Zoning and Codes. I and my sister wanted to know if she could purchase part of our existing 42 acres of land to build a future home. I also was interested to see if we could give land to our younger son to build his home in the future. We learned we could not do either as our land did not meet current guidelines for establishing new residential development units (RDUs).

After much thought, we put our home up for sale in October 2018 with the plan to buy future land where this dream could be realized. On April 9, 2019 we sold our property and took a few weeks to rest and re-group. On May 1 Steve and I went again to Zoning and Codes to clarify what the requirements were for purchasing land that could be divided into 3 parcels. We met Tonya Voight and she shared current requirements and the timeline for proposed regulations in 2020.

Simultaneously we were made aware of a 40-acre property that had enough road frontage to meet Zoning and Codes' requirements. We walked the land the next day, fell in love with it and made an offer one day later. This land is only 3 miles from Steve's father's farm and in the area Steve's family homesteaded and lived for generations. Our closing was set for May 17. To once again confirm what we had heard on May 1, we scheduled a second meeting on May 14 with Tonya that was attended by Mary Miller, City/County Planner, prior to the land sale closing. At that meeting, Mary shared we could divide the south 20-acre parcel into 2 RDUs and the north 20-acre parcel into 3 RDUs, as it was the corner of 2 local roads with sufficient road frontage. Without another thought, we contacted our surveyor on May 15 to schedule an initial meeting and planned to survey the property into 5 parcels as suggested.

The surveyor stated he could meet with us in 2 to 3 weeks. Steve met with him on June 5 to outline how the land would be divided and the survey timeline was explained. He said it could take 30 to 60 days. From that date, we have now waited 147 days, nearly 5 months. We want to be very clear at this point, we divided our land into 5 parcels because we could, not because we were interested in selling more than 8 acres to my sister. Our plan was, and still is, to build our home and in 3 or so years, my sister wishes to build her home. Not shared previously is the fact my sister and her husband have already sold their home in preparation for purchasing the 8 acres. No other plans are in place and our only idea was to have one additional property available if our son wanted to live nearby in the future.

Upon learning of the neighbors' concerns regarding 5 RDUs, we voluntarily reduced the surveyed parcels from 5 to 3 to accurately reflect our plans. We acknowledge we forgave future flexibility by doing so. But it was important to us to be good neighbors. For those here who do not know, we intend to maintain the agricultural land in brome hay.

On August 21 we attended the commission meeting with the resultant outcome being our survey would be allowed to complete the approval process and not be subject to the moratorium. Upon approval in late August, the appeal notification was sent to 11 property owners within ¼ mile of our property. Two property owners filed a notice of appeal. We are here six weeks later providing testimony a second time.

Observations

We understand why those who live near our land became upset. Learning bits and pieces of information yielded misunderstandings and conflict. While I had met many of our future neighbors on the road over the past few months and shared information, many of their questions were not asked and therefore not answered. I had visited with Dr. Boyd briefly but have not yet met Mr. May. Based upon what we did learn about our neighbors' concerns since August, we have voluntarily reduced our parcels to accurately reflect our desires as a family and to confirm to others our intentions. At all times we relied on city and county zoning requirements prior to committing significant resources of our family and my sister's family.

Our Request

We respect and appreciate the need for transparency in rural development. We wish to be good neighbors and amended our certificate of survey. We relied on current laws and took extraordinary steps to comply with city and county regulations. Therefore, we request our certificate of survey approval be allowed to stand so our family can fulfill its plan to be good rural citizens. Thank you.

Respectfully,

Steve and Cindy Hornberger

A. SUMMARY

CSR-19-00373 and CSR-19-00374: Amended certificate of surveys for land previously included within certificate of survey, CSR-18-00469. The property is located in the southwest corner of the intersection of N. 1200 Road and E. 2000 Road in the rural area of the county. The approximately 50.32 acre original tract located within the Northeast Quarter of Section 24, Township 13 South, Range 20 East was divided in 2018 into two residential development parcels (RDPs) with CSR-18-00469. The subject amended certificates of survey divide the parent parcel into four residential development parcels. As the two certificates of survey are amending property included within one previously approved and recorded certificate of survey they are being reviewed concurrently and are both included in this staff report. Per Code, the entire area within the original certificate of survey must be included in an amendment; therefore, the two certificates of survey are being processed as a joint application to insure the entire area within the original survey is included in the amendment. Submitted by All Point Surveying for Barb R. Hermreck and Mary M. Williams, trustees of the Norbert M. Grosdidier revocable living trust; property owners of record.

B. GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; *Agriculture*.

Surrounding Zoning and Land Use:

In all directions: A (Agricultural) District, with VC (Valley Channel) District and F-F (Floodway Fringe) Overlay District to the east and west and F-W (Floodway) Overlay District to the northeast; *Agriculture* and *Residential Detached Dwellings* in all directions, woodland and stream corridors to the west and east, and a private airstrip to the south

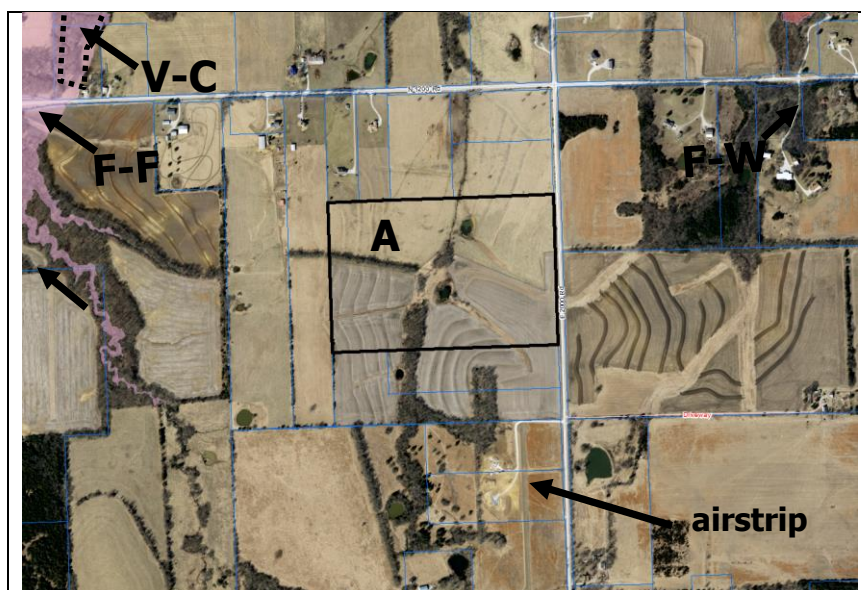


Figure 1. Zoning and land use/development in the area. Parent parcel outlined.

Certificate of Survey CSR-19-00373 (north): Summary Information				
Date survey prepared: July 3, 2019				
Original Tract Area: approximately 50.32 acres				
Parent Parcel Area: 25.16 acres				
Number of Residential Development Parcels (RDP): 2				
Adjacent Road(s) and Classification: E. 2000 Road, classified as a local road in the DG County Access Management Map				
Minimum R-O-W required: 70 feet required for a Local Road, with 35 feet of right-of-way on each side of road centerline		R-O-W provided: The Certificate of Survey shows that 35 foot of right-of-way is provided on the subject property side of the centerline for E. 2000 Road.		
	Frontage	Width	Depth	Area
RDP 1	299.52 feet	299.52 feet	1,833.39 feet	12.58 acres
RDP 2	299.52 feet	299.52 feet	1,834.20 feet	12.58 acres
Required Local Road	250 feet	225 feet	250 feet	3 acres w rural water 5 acres w well water

Certificate of Survey CSR-19-00374 (south): Summary Information				
Date survey prepared: July 3, 2019				
Original Tract Area: approximately 50.32 acres				
Parent Parcel Area: 25.16 acres				
Number of Residential Development Parcels (RDP): 2				
Adjacent Road(s) and Classification: E. 2000 Road, classified as a local road in the DG County Access Management Map				
Minimum R-O-W required: 70 feet required for a Local Road, with 35 feet of right-of-way on each side of road centerline		R-O-W provided: The Certificate of Survey shows that 35 foot of right-of-way is provided on the subject property side of the centerline for E. 2000 Road.		
	Frontage	Width	Depth	Area
RDP 1	299.52 feet	299.52 feet	1,834.20 feet	12.58 acres
RDP 2	299.52 feet	299.52 feet	1,834.61 feet	12.58 acres
Required Local Road	250 feet	225 feet	250 feet	3 acres w rural water 5 acres w well water

C. ADMINISTRATIVE REVIEW CRITERIA

The property is not within the urban growth area of any city; therefore, these survey was submitted in conformance with the Parent Parcel/Original Tract requirements in Section 11-106 et seq. of the Subdivision Regulations (Section 20-806 et. seq. of the City Code) and the amendment provisions contained in Section 11-107(h) of the Subdivision Regulations (Section 20-807(h) of the City Code).

The subject property was divided through a certification of survey, CSR-18-00469, in 2018 creating two residential development parcels of 18.34 and 31.98 acres. This certificate of survey was recorded with the Register of Deeds on November 9, 2018 in Book 19, Page 387. Section 11-107(h) of the Subdivision Regulations (Section 20-807(h), City Code) note that an approved certificate of survey may be amended for a parent parcel created in accordance with specific criteria. The criteria are listed below with staff's discussion following in *italics*.

The certificate of survey shall:

1. Include the entire land area of the original certificate of survey and be signed by all the current owners of land within the area of the original certificate of survey.

The County Counselor determined that the submittal of two amended certificates of survey for the entire area within the original certificate of survey would meet this requirement. These two certificates of survey are being processed together to ensure that, if approved, they are recorded together making sure the entire area of the original certificate of survey is amended.

2. Be submitted in the same form as an original certificate of survey and meet the requirements in Section 20-807(d) through (g);

The amended certificate of surveys are in the same form as the original and meet the requirements in Section 20-807(d) through (g) which are: Section d, application; Section e, requirements and materials to be included; Section f, criteria for review; and Section g, review and action by the Planning Director.

3. Be eligible for the same appeals procedure identified in Section 20-807(i) as the original certificate of survey.

The amended certificates of survey are eligible for the same appeals process. While notification is not required for certificates of survey outside the urban growth area, at their August 21, 2019 meeting establishing a moratorium on certificates of survey outside the urban growth area the Board of County Commissioners directed staff to mail courtesy notices to property owners within ¼ mile of the properties within the pending certificates of survey notifying them of the appeal provisions. Notification letters will be mailed for these certificates of survey.

4. Comply with the Subdivision Regulations in effect at the time the amended certificate of survey application is submitted for review;

The amended certificates of survey have been reviewed with the subdivision regulations and the result of this review noted in the body of the staff report. Both certificates comply with the subdivision regulations.

5. For each amended certificate of survey, the creation of new residential development parcels in addition to those created originally shall only be permitted if an additional residential

development parcel is permitted according to Sections 20-804 and 20-806 and/or by the County's Access Management Standards.

The parent parcel contains approximately 50.32 acres. A 20 acre parent parcel can be divided into 2 residential development parcels provided the dimensional standards of the zoning district and the frontage required by the access management standards are met. The summary tables in the preceding section illustrate that the amended certificates of survey comply with these standards.

The adjacent property south of the parent parcel has an approved conditional use permit, CUP-16-00489, for a private airstrip. The northern point of the airstrip was determined from coordinates provided by the FAA with the review of that conditional use permit. Houses and other structures built near a private airstrip that encroach into one of the imaginary zones can require that the airstrip be relocated or reconfigured or could result in the loss of the airstrip use. The property owner elected to show the approach zone on the certificate of survey so that construction does not encroach into the approach zone and interfere with the use of the airstrip.

The approach zone is an imaginary zone located at the end of each runway zone. It is the width of the runway's primary surface, in this case 250 feet, at the edge of the runway and extends outward and upward (at a rate of 1 foot vertical rise to every 20 feet horizontal) for 1,250 feet where it would be a width of 2,000 feet. The certificate of survey shows the approach zone where it crosses this property and notes the height restrictions within the zone.

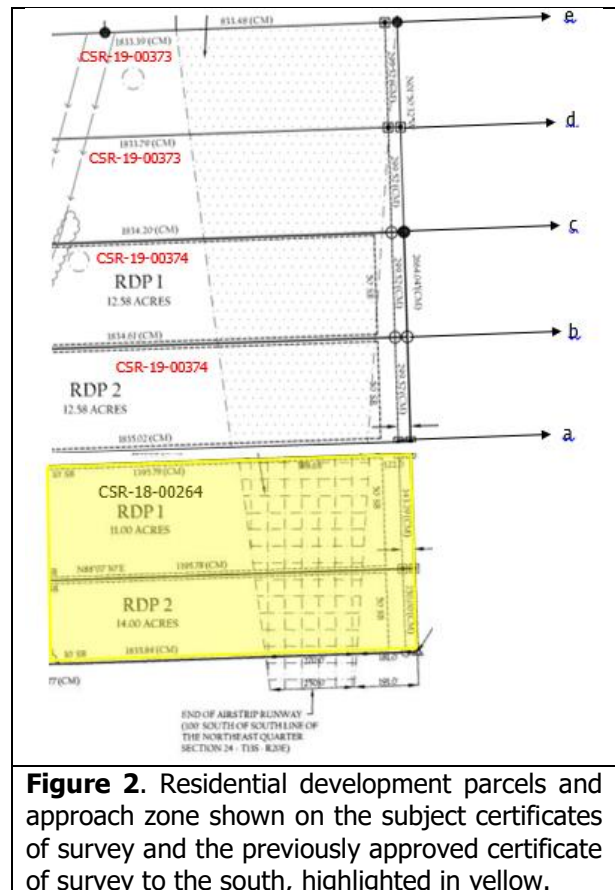


Figure 2. Residential development parcels and approach zone shown on the subject certificates of survey and the previously approved certificate of survey to the south, highlighted in yellow.

All the land within the original tract has been divided through certificates of survey. The runway is approximately 100 feet south of southern property line of the original tract which is RDP 2 within the certificate of survey for this portion of the property, CSR-18-00261. The certificate of survey for the adjacent property to the north, CSR-19-00374, notes that the southern boundary of RDP 2 is 593.29 feet from the southern property line of the original tract, which is the section line. (Figure 2)

The maximum height permitted in the A District is 35 feet. The structures which are listed in Section 12-321 of the Zoning Regulations as being exempt from this maximum height limitation (chimneys, flag poles, radio and television antennas, etc.) must comply with the height restrictions of the approach zone, which are listed for each residential development parcel in the following table:

Table 1. Maximum height at property lines based on distance from airstrip.
(Dimensions are provided in feet unless noted otherwise.)

Point	Distance from South line of NE Quarter of Section 24	Distance from Airstrip (Distance + 100 feet)	Maximum Height Distance/20 feet
a	593.29	693.29	34.66
b	892.81	992.81	49.64
c	1,192.33	1,293.33	64.66
d	1,491.85	1,591.85	79.59
e	1,791.37	1,891.37	94.57

The maximum building height of 35 feet can be achieved throughout all four residential development parcels created with these certificates of survey with the exception of the southern 6.71 feet of RDP 2, CSR-19-00374, (Point a in Table 10 where the maximum height is limited to 34.6 feet. Structures which are exempt from the building height limitation must comply with the limitations of the approach zone to avoid interference with the airstrip.

Each residential development parcel shown on the subject certificates of survey, CSR-19-00373 and CSR-19-00374, is compliant with the Douglas County Zoning Regulations and is eligible for building permits for one principal residential structure and accessory structures. The residential development parcels are of adequate area to utilize either rural water or well water as their water source.

The proposed land division meets the following criteria listed in Section 11-106(d) (2) of the Subdivision Regulations [20-806(d)(2), City Code]:

- Area and Dimensional Standards

The Zoning Regulations require a minimum area of 3 acres when the property fronts on, and takes access to, a local road. As illustrated in the summary information, the residential development parcels are compliant with the dimensional standards for the A Zoning District.

- Development Access

Both residential development parcels have frontage on, and will take access to E. 2000 Road. As shown in the summary information on page 2, adequate frontage is provided for both residential development parcels. Driveway permits must be obtained from Eudora Township prior to installation of access drives.

- Building Envelope for Environmentally Sensitive Lands

Environmentally sensitive lands are present on the property in the form of stands of mature trees and jurisdictional wetlands; therefore, building envelopes are shown on the certificate of survey to exclude the environmentally sensitive lands and the required building setbacks.

- County Health Code Requirements

The Douglas County Sanitary Code requires a minimum area of 3 acres outside of the floodplain for a septic system when water is provided by a rural water district and 5 acres outside of the floodplain when well water is used. Both residential development parcels have adequate area to allow the use of a septic system with either well or rural water.

- Grouping Divisions

The entire original tract was divided through the certificate of survey process. These certificates of survey are amending a previously approved certificate of survey. No further divisions are possible.

- Minimum Frontage and Entrance Spacing Requirements

The frontage being provided for the residential development parcels is compliant with the requirements in the Access Management Standards.

D. CONFORMANCE WITH COMPREHENSIVE PLAN

Horizon 2020 Chapter 4, Growth Management and Chapter 5, Residential Land Use Goals. Specific goals in these chapters that apply are:

- ***(Growth Management) Goal 2: Conserve the Rural Character of Douglas County. Policy 2.2 Rural Residential Development. (page 4-7) Non-farm residential development is recommended to be directed to urban areas; large lot, suburban development directed to the UGAs; and smaller lot, higher-density residential development directed to the municipalities.***
- ***(Residential Land Use) Goal 2: Criteria for Rural Residential Development within the Unincorporated Areas – beyond the designated Urban Growth Areas. (page 5-13) Development of land for urban density residential purposes is discouraged in the unincorporated rural area in so far as such division would conflict with or inhibit agricultural use of the land.***

This land division is in general conformance with the comprehensive plan as it will not result in residential development that is large lot suburban development or higher density small lot development.

E. CONFORMANCE WITH ADOPTED MAJOR THOROUGHFARES MAP

No new roads are required for this development. The residential development parcels will each have access to existing full-maintenance roads.

F. ADMINISTRATIVE DETERMINATION

The certificates of survey meet the requirements of the Subdivision Regulations and are administratively approved.

G. FINAL STEPS

At their August 21, 2019 meeting, the Board of County Commissioners voted to place a 6 month moratorium on certificates of survey outside the urban growth area and directed staff to mail notice of the appeal provisions in Section 11-107(i) of the Subdivision Regulations [20-807(i), City Code] for the pending certificates of survey. The letters will be mailed out to all property owners within ¼ mile of the subject property and a copy will be provided to the applicant.

The Certificates of Survey will be held in the Planning Office to allow time for the filing of an appeal by the applicant or property owners within the required notification area. When the appeal period has passed, staff will schedule a meeting with the Board of County Commissions if an appeal has been received. If no appeal has been received, the applicant shall provide the planning office with one copy of the revised certificate of survey signed by the property owners, the surveyor, and the County Surveyor along with the \$32 recording fee. Staff will confirm that all taxes and special assessments due and payable have been paid and will take the certificate of survey to the Register of Deeds for recording. A copy of the recorded survey will be provided to the applicant when recording is complete.

GENERAL NOTES:

- THIS CERTIFICATE OF SURVEY WAS NOT PREPARED FOR THE PURPOSE OF THE PLATTING OF LAND. NO FURTHER DIVISIONS OF THE PARCELS CREATED BY THIS SURVEY SHALL OCCUR UNTIL THE PROPERTY IS SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE SUBDIVISION REGULATIONS OF DOUGLAS COUNTY OR THE CITY INTO WHICH IT IS ANNEXED OR UNTIL AN AMENDED CERTIFICATE OF SURVEY IS APPROVED AND RECORDED WITH THE REGISTER OF DEEDS.
- THE PROPOSED DIVISION MEETS THE CRITERIA OF SECTION 11-106, (PROPERTY DIVISIONS IN THE RURAL AREA) OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.
- THE RESIDENTIAL DEVELOPMENT PARCELS SHOWN ARE ELIGIBLE FOR CERTIFICATE OF SURVEY APPROVAL (DIVISION) THIS TIME AND MAY NOT BE FURTHER DIVIDED PURSUANT TO SECTION 11-106, UNLESS THE CERTIFICATE OF SURVEY IS AMENDED PURSUANT TO SECTION 11-107(H) OF THE SUBDIVISION REGULATIONS.
- THE RESIDENTIAL DEVELOPMENT PARCELS SHOWN ON THIS CERTIFICATE OF SURVEY SHALL BE CONSIDERED PARCELS, BUT SHALL NOT BE CONSIDERED LOTS AS DEFINED BY THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY. WHEN THE DOUGLAS COUNTY HEALTH DEPARTMENT REQUIREMENTS FOR THE WATER SUPPLY, AND WASTEWATER MANAGEMENT LISTED IN THE RESIDENTIAL DEVELOPMENT PARCEL NOTES HAVE BEEN MET, THE RESIDENTIAL DEVELOPMENT PARCELS SHALL BE ELIGIBLE FOR A BUILDING PERMIT FOR ONE SINGLE-FAMILY DWELLING AND PERMITTED ACCESSORY USES, BUILDINGS AND STRUCTURES. USE FOR ANY OTHER PURPOSE (OTHER THAN AGRICULTURAL USE), CONSTRUCTION OF MORE THAN ONE SINGLE-FAMILY DWELLING, OR FURTHER DIVISION OF THE RESIDENTIAL DEVELOPMENT PARCELS SHALL BE PROHIBITED.
- THERE IS NO FEMA DESIGNATED FLOODPLAIN ON THE RESIDENTIAL DEVELOPMENT PARCELS.
- SUBJECT PROPERTY IS ZONED A-AGRICULTURAL.
- DEVELOPMENT ON THE RESIDENTIAL DEVELOPMENT PARCELS SHALL COMPLY WITH THE DOUGLAS COUNTY ZONING CODES, CHAPTER XII OF THE COUNTY CODE.
- DEVELOPMENT ON THE RESIDENTIAL DEVELOPMENT PARCELS SHALL COMPLY WITH DOUGLAS COUNTY PUBLIC ROAD ACCESS MANAGEMENT STANDARDS, CHAPTER IX, ARTICLE 5 OF THE COUNTY CODE.
- THE BUILDING ENVELOPE DESIGNATED ON THE CERTIFICATE OF SURVEY EXCLUDES REQUIRED BUILDING SETBACKS AND AREAS CONTAINING FEATURES IDENTIFIED AS ENVIRONMENTALLY SENSITIVE LANDS BY SECTION 11-110 OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.
- THE RUNWAY APPROACH ZONE IS MAINTAINED FOR A MINIMUM OF 20:1 GLIDE SLOPE. THE APPROACH SLOPE BEGINS AT RUNWAY END (TURF RUNWAY) AND SLOPES UPWARDS AT AN ANGLE OF 20° (HORIZONTAL) TO 1° (VERTICAL).
 - * THE SOUTH LINE OF RDP1 IS 1491.85' FROM THE SOUTH LINE OF THE NE 1/4 OF SECTION 24-T13S-R20E.
 - * THE SOUTH LINE OF RDP2 IS 1192.33' FROM THE SOUTH LINE OF THE NE 1/4 OF SECTION 24-T13S-R20E.

RESIDENTIAL DEVELOPMENT PARCEL NO.1 & 2 NOTES:

- THE RESIDENTIAL DEVELOPMENT PARCELS CREATED BY THIS CERTIFICATE OF SURVEY SHALL NOT BE ELIGIBLE FOR BUILDING PERMITS UNTIL ONE OF THE FOLLOWING ARE ATTAINED:
 - A.) RURAL WATER DISTRICT NO. 4 ISSUES A WATER METER AND DOCUMENTATION THAT A WATER METER HAS BEEN PURCHASED BY THE OWNER IS PRESENTED TO THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT AND THE DOUGLAS COUNTY ZONING OFFICE OR,
 - B.) THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT ISSUES A PERMIT FOR A WELL AND A COPY OF THIS PERMIT IS PROVIDED TO THE DOUGLAS COUNTY ZONING OFFICE. (PLEASE NOTE THAT WELL WATER IS NOT AVAILABLE IN ALL PARTS OF THE COUNTY. IF WELL WATER IS NOT AVAILABLE, PLEASE CONTACT THE DOUGLAS COUNTY HEALTH DEPARTMENT FOR THE REQUIREMENTS FOR CISTERNS WITHIN THE COUNTY).
- RESIDENTIAL DEVELOPMENT PARCELS WASTEWATER DISPOSAL WILL BE PROVIDED BY AN ON-SITE SEWAGE MANAGEMENT SYSTEM APPROVED BY THE DIRECTOR OF THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT OR A CONNECTION TO A WASTEWATER DISPOSAL SYSTEM APPROVED BY THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT. A PRELIMINARY SITE EVALUATION FOR EACH SEPTIC SYSTEM IS REQUIRED PRIOR TO A BUILDING PERMIT BEING ISSUED. THE SEPTIC PERMIT MUST BE APPROVED AND PURCHASED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. ON-SITE SEWAGE MANAGEMENT SYSTEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS ON INDIVIDUAL ON-SITE SEWAGE MANAGEMENT SYSTEM - LATERAL FIELDS AND OTHER SEWAGE DISPOSAL SYSTEMS OF THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS, COUNTY SANITATION CODE, UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS', DOUGLAS COUNTY RESOLUTION 08-44, AS AMENDED.

ENDORSEMENTS:

APPROVED BY THE DOUGLAS COUNTY PLANNING DIRECTOR THIS _____ DAY OF _____, 2019, AS A CERTIFICATE OF SURVEY UNDER SECTION 11-106 OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND THE UNINCORPORATED AREAS OF DOUGLAS COUNTY.

SCOTT MCCULLOUGH - PLANNING DIRECTOR
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE

FILING RECORD:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS _____ DAY OF _____, 2019, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____, PAGE _____.

REGISTER OF DEEDS
KAY PESNELL

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005:

KEVIN R. SONTAG, P.S. 1640
DOUGLAS COUNTY SURVEYOR

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT ALL CORNERS WERE SET OR FOUND AND COMPLIES WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THIS SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS. THIS SURVEY WAS COMPLETED ON JULY 3RD, 2019.

STEVEN D. WILLIAMS P.S. 1391
P.O. BOX 4444
LAWRENCE, KANSAS 66046
(785) 832-2121

ORIGINAL TRACT: (PLAT BOOK 19 PAGE 387)

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 872.68 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1080.07 FEET; THENCE SOUTH 88 DEGREES 07 MINUTES 30 SECONDS WEST, A DISTANCE OF 1835.03 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 1192.09 FEET; THENCE NORTH 87 DEGREES 56 MINUTES 17 SECONDS EAST, A DISTANCE OF 1833.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,192,015 SQUARE FEET OR 50.321 ACRES, MORE OR LESS.

PARENT PARCEL:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 872.68 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 599.04 FEET; THENCE SOUTH 88 DEGREES 01 MINUTES 54 SECONDS WEST, A DISTANCE OF 1834.20 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 596.04 FEET; THENCE NORTH 87 DEGREES 56 MINUTES 17 SECONDS EAST, A DISTANCE OF 1833.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,096,750 SQUARE FEET OR 25.16 ACRES, MORE OR LESS.

RESIDENTIAL DEVELOPMENT PARCEL NO. 1:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 872.68 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 299.52 FEET; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST, A DISTANCE OF 1833.79 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 298.02 FEET; THENCE NORTH 87 DEGREES 56 MINUTES 17 SECONDS EAST, A DISTANCE OF 1833.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 547,813 SQUARE FEET OR 12.58 ACRES, MORE OR LESS.

RESIDENTIAL DEVELOPMENT PARCEL NO. 2:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1172.20 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 299.52 FEET; THENCE SOUTH 88 DEGREES 01 MINUTES 54 SECONDS WEST, A DISTANCE OF 1834.20 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 298.02 FEET; THENCE NORTH 87 DEGREES 59 MINUTES 05 SECONDS EAST, A DISTANCE OF 1833.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 547,937 SQUARE FEET OR 12.58 ACRES, MORE OR LESS.

REFERENCED SURVEYS:

SURVEY #8825 PERFORMED BY JIM STICKLER, PS830 IN SEPTEMBER OF 2018 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.

SURVEY #8823 PERFORMED BY JIM STICKLER, PS830 IN SEPTEMBER OF 2018 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.

SURVEY #8544 PERFORMED BY STEVEN D. WILLIAMS, PS1391 IN MAY OF 2018 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.

SURVEYOR NOTES:

BASIS OF BEARINGS: KANSAS STATE PLANE NAD 83, NORTH ZONE

DEDICATION:

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF,
MARY WILLIAMS, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2019.

MARY WILLIAMS, A TRUSTEE OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998

DEDICATION:

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF,
BARB HERMIRECK, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2019.

BARB HERMIRECK, A TRUSTEE OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME MARY WILLIAMS, A TRUSTEE OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998, KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME ON BEHALF OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

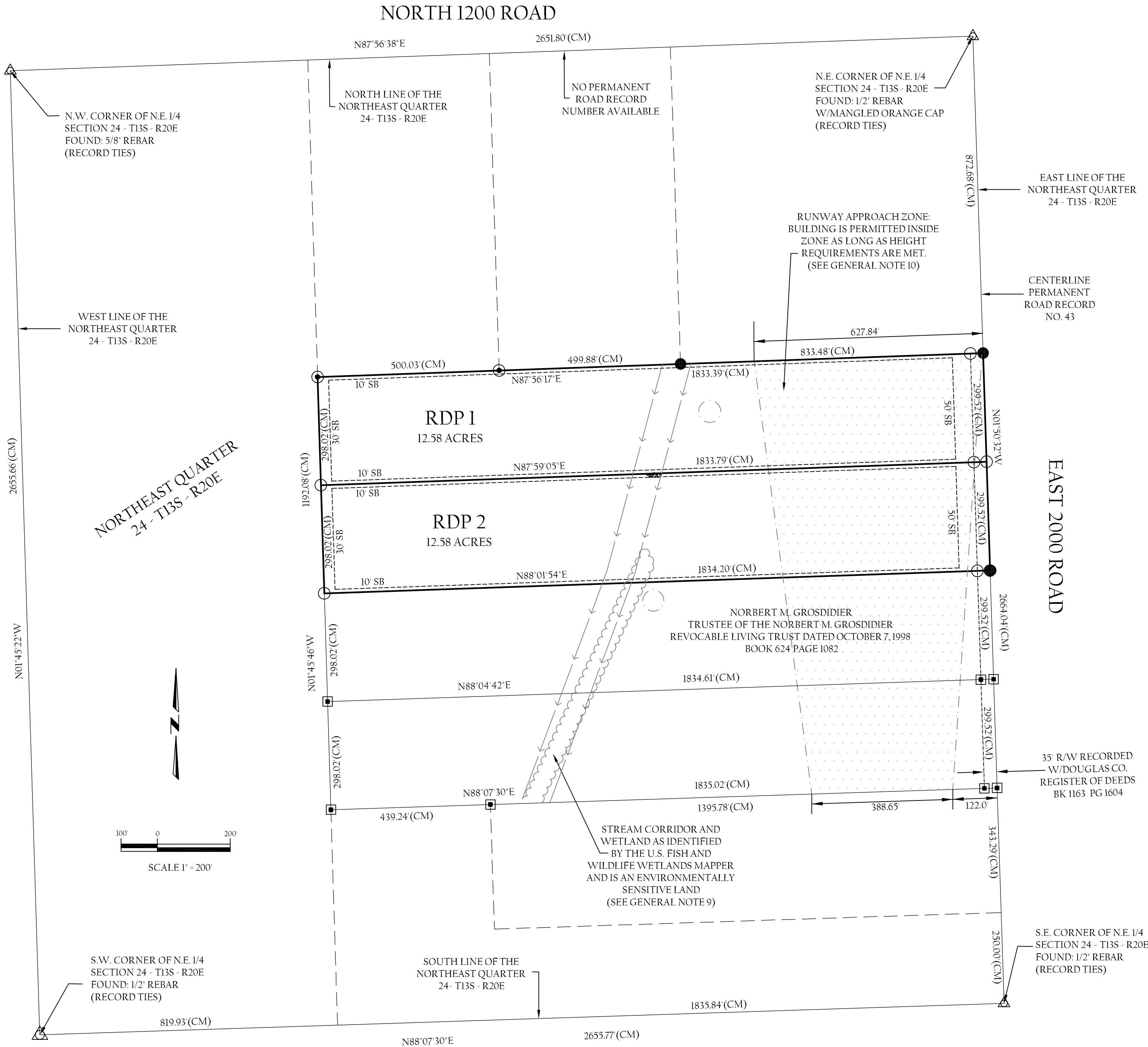
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME BARB HERMIRECK, A TRUSTEE OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998, KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME ON BEHALF OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

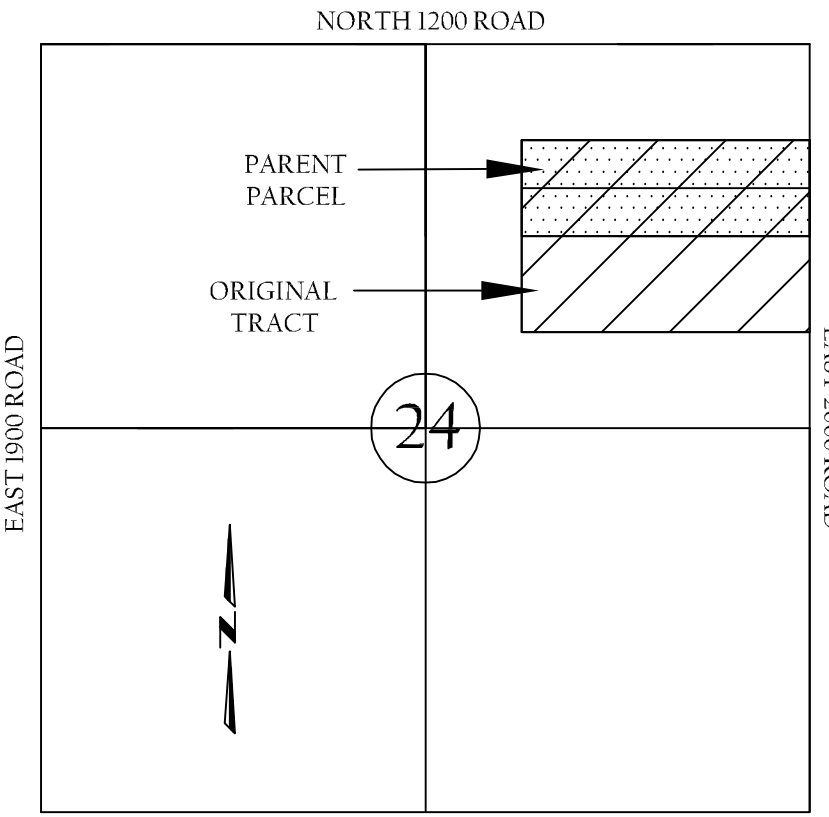
MY COMMISSION EXPIRES

AMENDED CERTIFICATE OF SURVEY - N.E.1/4 SECTION 24 - T13S - R20E OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS
AMENDING THE NORTHERN 25.16 ACRES OF THE CERTIFICATE OF SURVEY RECORDED IN PLAT BOOK 19, PAGE 387



LEGEND:

- SECTION CORNER
- SET: 1/2" X 24" BAR W/CAP 'APSI391'
- FOUND: 1/2" BAR W/CAP 'APSI391'
- FOUND: 1/2" BAR W/CAP 'ROGERS 64'
- FOUND: 1/2" REBAR W/CAP 'PS830'
- SETBACK
- (CM) CALCULATED MEASUREMENT



ALL POINTS SURVEYING, LLP
PROFESSIONAL LAND SURVEYING SERVICES
P.O. BOX 4444 - LAWRENCE, KANSAS - 66046 - TEL. (785) 832-2121 - FAX (785) 832-2122

SCALE
1" = 200'

ORDERED BY:
MARY WILLIAMS

JOB #:
19-062

DATE:
7-3-19

DRAWN BY:
SEL

CHECKED BY:
SDW

A. SUMMARY

CSR-19-00373 and CSR-19-00374: Amended certificate of surveys for land previously included within certificate of survey, CSR-18-00469. The property is located in the southwest corner of the intersection of N. 1200 Road and E. 2000 Road in the rural area of the county. The approximately 50.32 acre original tract located within the Northeast Quarter of Section 24, Township 13 South, Range 20 East was divided in 2018 into two residential development parcels (RDPs) with CSR-18-00469. The subject amended certificates of survey divide the parent parcel into four residential development parcels. As the two certificates of survey are amending property included within one previously approved and recorded certificate of survey they are being reviewed concurrently and are both included in this staff report. Per Code, the entire area within the original certificate of survey must be included in an amendment; therefore, the two certificates of survey are being processed as a joint application to insure the entire area within the original survey is included in the amendment. Submitted by All Point Surveying for Barb R. Hermreck and Mary M. Williams, trustees of the Norbert M. Grosdidier revocable living trust; property owners of record.

B. GENERAL INFORMATION

Current Zoning and Land Use:

A (Agricultural) District; *Agriculture*.

Surrounding Zoning and Land Use:

In all directions: A (Agricultural) District, with VC (Valley Channel) District and F-F (Floodway Fringe) Overlay District to the east and west and F-W (Floodway) Overlay District to the northeast; *Agriculture* and *Residential Detached Dwellings* in all directions, woodland and stream corridors to the west and east, and a private airstrip to the south

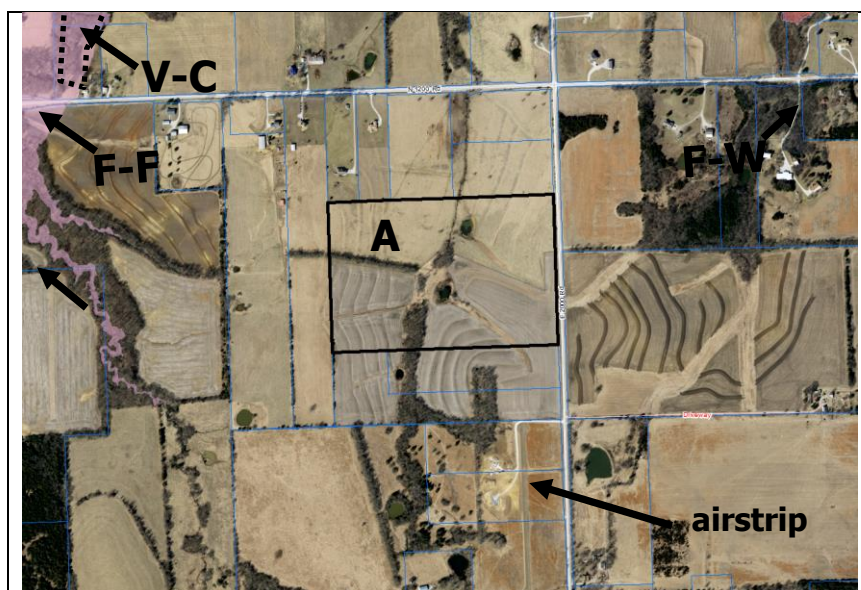


Figure 1. Zoning and land use/development in the area. Parent parcel outlined.

Certificate of Survey CSR-19-00373 (north): Summary Information				
Date survey prepared: July 3, 2019				
Original Tract Area: approximately 50.32 acres				
Parent Parcel Area: 25.16 acres				
Number of Residential Development Parcels (RDP): 2				
Adjacent Road(s) and Classification: E. 2000 Road, classified as a local road in the DG County Access Management Map				
Minimum R-O-W required: 70 feet required for a Local Road, with 35 feet of right-of-way on each side of road centerline		R-O-W provided: The Certificate of Survey shows that 35 foot of right-of-way is provided on the subject property side of the centerline for E. 2000 Road.		
	Frontage	Width	Depth	Area
RDP 1	299.52 feet	299.52 feet	1,833.39 feet	12.58 acres
RDP 2	299.52 feet	299.52 feet	1,834.20 feet	12.58 acres
Required Local Road	250 feet	225 feet	250 feet	3 acres w rural water 5 acres w well water

Certificate of Survey CSR-19-00374 (south): Summary Information				
Date survey prepared: July 3, 2019				
Original Tract Area: approximately 50.32 acres				
Parent Parcel Area: 25.16 acres				
Number of Residential Development Parcels (RDP): 2				
Adjacent Road(s) and Classification: E. 2000 Road, classified as a local road in the DG County Access Management Map				
Minimum R-O-W required: 70 feet required for a Local Road, with 35 feet of right-of-way on each side of road centerline		R-O-W provided: The Certificate of Survey shows that 35 foot of right-of-way is provided on the subject property side of the centerline for E. 2000 Road.		
	Frontage	Width	Depth	Area
RDP 1	299.52 feet	299.52 feet	1,834.20 feet	12.58 acres
RDP 2	299.52 feet	299.52 feet	1,834.61 feet	12.58 acres
Required Local Road	250 feet	225 feet	250 feet	3 acres w rural water 5 acres w well water

C. ADMINISTRATIVE REVIEW CRITERIA

The property is not within the urban growth area of any city; therefore, these survey was submitted in conformance with the Parent Parcel/Original Tract requirements in Section 11-106 et seq. of the Subdivision Regulations (Section 20-806 et. seq. of the City Code) and the amendment provisions contained in Section 11-107(h) of the Subdivision Regulations (Section 20-807(h) of the City Code).

The subject property was divided through a certification of survey, CSR-18-00469, in 2018 creating two residential development parcels of 18.34 and 31.98 acres. This certificate of survey was recorded with the Register of Deeds on November 9, 2018 in Book 19, Page 387. Section 11-107(h) of the Subdivision Regulations (Section 20-807(h), City Code) note that an approved certificate of survey may be amended for a parent parcel created in accordance with specific criteria. The criteria are listed below with staff's discussion following in *italics*.

The certificate of survey shall:

1. Include the entire land area of the original certificate of survey and be signed by all the current owners of land within the area of the original certificate of survey.

The County Counselor determined that the submittal of two amended certificates of survey for the entire area within the original certificate of survey would meet this requirement. These two certificates of survey are being processed together to ensure that, if approved, they are recorded together making sure the entire area of the original certificate of survey is amended.

2. Be submitted in the same form as an original certificate of survey and meet the requirements in Section 20-807(d) through (g);

The amended certificate of surveys are in the same form as the original and meet the requirements in Section 20-807(d) through (g) which are: Section d, application; Section e, requirements and materials to be included; Section f, criteria for review; and Section g, review and action by the Planning Director.

3. Be eligible for the same appeals procedure identified in Section 20-807(i) as the original certificate of survey.

The amended certificates of survey are eligible for the same appeals process. While notification is not required for certificates of survey outside the urban growth area, at their August 21, 2019 meeting establishing a moratorium on certificates of survey outside the urban growth area the Board of County Commissioners directed staff to mail courtesy notices to property owners within ¼ mile of the properties within the pending certificates of survey notifying them of the appeal provisions. Notification letters will be mailed for these certificates of survey.

4. Comply with the Subdivision Regulations in effect at the time the amended certificate of survey application is submitted for review;

The amended certificates of survey have been reviewed with the subdivision regulations and the result of this review noted in the body of the staff report. Both certificates comply with the subdivision regulations.

5. For each amended certificate of survey, the creation of new residential development parcels in addition to those created originally shall only be permitted if an additional residential

development parcel is permitted according to Sections 20-804 and 20-806 and/or by the County's Access Management Standards.

The parent parcel contains approximately 50.32 acres. A 20 acre parent parcel can be divided into 2 residential development parcels provided the dimensional standards of the zoning district and the frontage required by the access management standards are met. The summary tables in the preceding section illustrate that the amended certificates of survey comply with these standards.

The adjacent property south of the parent parcel has an approved conditional use permit, CUP-16-00489, for a private airstrip. The northern point of the airstrip was determined from coordinates provided by the FAA with the review of that conditional use permit. Houses and other structures built near a private airstrip that encroach into one of the imaginary zones can require that the airstrip be relocated or reconfigured or could result in the loss of the airstrip use. The property owner elected to show the approach zone on the certificate of survey so that construction does not encroach into the approach zone and interfere with the use of the airstrip.

The approach zone is an imaginary zone located at the end of each runway zone. It is the width of the runway's primary surface, in this case 250 feet, at the edge of the runway and extends outward and upward (at a rate of 1 foot vertical rise to every 20 feet horizontal) for 1,250 feet where it would be a width of 2,000 feet. The certificate of survey shows the approach zone where it crosses this property and notes the height restrictions within the zone.

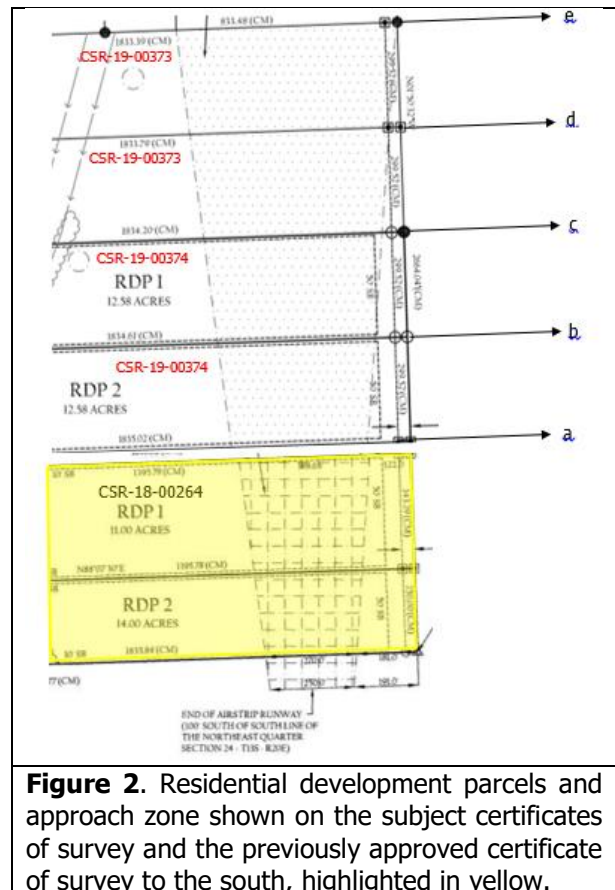


Figure 2. Residential development parcels and approach zone shown on the subject certificates of survey and the previously approved certificate of survey to the south, highlighted in yellow.

All the land within the original tract has been divided through certificates of survey. The runway is approximately 100 feet south of southern property line of the original tract which is RDP 2 within the certificate of survey for this portion of the property, CSR-18-00261. The certificate of survey for the adjacent property to the north, CSR-19-00374, notes that the southern boundary of RDP 2 is 593.29 feet from the southern property line of the original tract, which is the section line. (Figure 2)

The maximum height permitted in the A District is 35 feet. The structures which are listed in Section 12-321 of the Zoning Regulations as being exempt from this maximum height limitation (chimneys, flag poles, radio and television antennas, etc.) must comply with the height restrictions of the approach zone, which are listed for each residential development parcel in the following table:

Table 1. Maximum height at property lines based on distance from airstrip.
(Dimensions are provided in feet unless noted otherwise.)

Point	Distance from South line of NE Quarter of Section 24	Distance from Airstrip (Distance + 100 feet)	Maximum Height Distance/20 feet
a	593.29	693.29	34.66
b	892.81	992.81	49.64
c	1,192.33	1,293.33	64.66
d	1,491.85	1,591.85	79.59
e	1,791.37	1,891.37	94.57

The maximum building height of 35 feet can be achieved throughout all four residential development parcels created with these certificates of survey with the exception of the southern 6.71 feet of RDP 2, CSR-19-00374, (Point a in Table 10 where the maximum height is limited to 34.6 feet. Structures which are exempt from the building height limitation must comply with the limitations of the approach zone to avoid interference with the airstrip.

Each residential development parcel shown on the subject certificates of survey, CSR-19-00373 and CSR-19-00374, is compliant with the Douglas County Zoning Regulations and is eligible for building permits for one principal residential structure and accessory structures. The residential development parcels are of adequate area to utilize either rural water or well water as their water source.

The proposed land division meets the following criteria listed in Section 11-106(d) (2) of the Subdivision Regulations [20-806(d)(2), City Code]:

- Area and Dimensional Standards

The Zoning Regulations require a minimum area of 3 acres when the property fronts on, and takes access to, a local road. As illustrated in the summary information, the residential development parcels are compliant with the dimensional standards for the A Zoning District.

- Development Access

Both residential development parcels have frontage on, and will take access to E. 2000 Road. As shown in the summary information on page 2, adequate frontage is provided for both residential development parcels. Driveway permits must be obtained from Eudora Township prior to installation of access drives.

- Building Envelope for Environmentally Sensitive Lands

Environmentally sensitive lands are present on the property in the form of stands of mature trees and jurisdictional wetlands; therefore, building envelopes are shown on the certificate of survey to exclude the environmentally sensitive lands and the required building setbacks.

- County Health Code Requirements

The Douglas County Sanitary Code requires a minimum area of 3 acres outside of the floodplain for a septic system when water is provided by a rural water district and 5 acres outside of the floodplain when well water is used. Both residential development parcels have adequate area to allow the use of a septic system with either well or rural water.

- Grouping Divisions

The entire original tract was divided through the certificate of survey process. These certificates of survey are amending a previously approved certificate of survey. No further divisions are possible.

- Minimum Frontage and Entrance Spacing Requirements

The frontage being provided for the residential development parcels is compliant with the requirements in the Access Management Standards.

D. CONFORMANCE WITH COMPREHENSIVE PLAN

Horizon 2020 Chapter 4, Growth Management and Chapter 5, Residential Land Use Goals. Specific goals in these chapters that apply are:

- ***(Growth Management) Goal 2: Conserve the Rural Character of Douglas County. Policy 2.2 Rural Residential Development. (page 4-7) Non-farm residential development is recommended to be directed to urban areas; large lot, suburban development directed to the UGAs; and smaller lot, higher-density residential development directed to the municipalities.***
- ***(Residential Land Use) Goal 2: Criteria for Rural Residential Development within the Unincorporated Areas – beyond the designated Urban Growth Areas. (page 5-13) Development of land for urban density residential purposes is discouraged in the unincorporated rural area in so far as such division would conflict with or inhibit agricultural use of the land.***

This land division is in general conformance with the comprehensive plan as it will not result in residential development that is large lot suburban development or higher density small lot development.

E. CONFORMANCE WITH ADOPTED MAJOR THOROUGHFARES MAP

No new roads are required for this development. The residential development parcels will each have access to existing full-maintenance roads.

F. ADMINISTRATIVE DETERMINATION

The certificates of survey meet the requirements of the Subdivision Regulations and are administratively approved.

G. FINAL STEPS

At their August 21, 2019 meeting, the Board of County Commissioners voted to place a 6 month moratorium on certificates of survey outside the urban growth area and directed staff to mail notice of the appeal provisions in Section 11-107(i) of the Subdivision Regulations [20-807(i), City Code] for the pending certificates of survey. The letters will be mailed out to all property owners within ¼ mile of the subject property and a copy will be provided to the applicant.

The Certificates of Survey will be held in the Planning Office to allow time for the filing of an appeal by the applicant or property owners within the required notification area. When the appeal period has passed, staff will schedule a meeting with the Board of County Commissions if an appeal has been received. If no appeal has been received, the applicant shall provide the planning office with one copy of the revised certificate of survey signed by the property owners, the surveyor, and the County Surveyor along with the \$32 recording fee. Staff will confirm that all taxes and special assessments due and payable have been paid and will take the certificate of survey to the Register of Deeds for recording. A copy of the recorded survey will be provided to the applicant when recording is complete.

GENERAL NOTES:

- THIS CERTIFICATE OF SURVEY WAS NOT PREPARED FOR THE PURPOSE OF THE PLATTING OF LAND. NO FURTHER DIVISIONS OF THE PARCELS CREATED BY THIS SURVEY SHALL OCCUR UNTIL THE PROPERTY IS SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE SUBDIVISION REGULATIONS OF DOUGLAS COUNTY OR THE CITY INTO WHICH IT IS ANNEXED OR UNTIL AN AMENDED CERTIFICATE OF SURVEY IS APPROVED AND RECORDED WITH THE REGISTER OF DEEDS.
- THE PROPOSED DIVISION MEETS THE CRITERIA OF SECTION 11-106, (PROPERTY DIVISIONS IN THE RURAL AREA) OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.
- THE RESIDENTIAL DEVELOPMENT PARCELS SHOWN ARE ELIGIBLE FOR CERTIFICATE OF SURVEY APPROVAL (DIVISION) THIS TIME AND MAY NOT BE FURTHER DIVIDED PURSUANT TO SECTION 11-106, UNLESS THE CERTIFICATE OF SURVEY IS AMENDED PURSUANT TO SECTION 11-107(H) OF THE SUBDIVISION REGULATIONS.
- THE RESIDENTIAL DEVELOPMENT PARCELS SHOWN ON THIS CERTIFICATE OF SURVEY SHALL BE CONSIDERED PARCELS, BUT SHALL NOT BE CONSIDERED LOTS AS DEFINED BY THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY. WHEN THE DOUGLAS COUNTY HEALTH DEPARTMENT REQUIREMENTS FOR THE WATER SUPPLY, AND WASTEWATER MANAGEMENT LISTED IN THE RESIDENTIAL DEVELOPMENT PARCEL NOTES HAVE BEEN MET, THE RESIDENTIAL DEVELOPMENT PARCELS SHALL BE ELIGIBLE FOR A BUILDING PERMIT FOR ONE SINGLE-FAMILY DWELLING AND PERMITTED ACCESSORY USES, BUILDINGS AND STRUCTURES. USE FOR ANY OTHER PURPOSE (OTHER THAN AGRICULTURAL USE), CONSTRUCTION OF MORE THAN ONE SINGLE-FAMILY DWELLING, OR FURTHER DIVISION OF THE RESIDENTIAL DEVELOPMENT PARCELS SHALL BE PROHIBITED.
- THERE IS NO FEMA DESIGNATED FLOODPLAIN ON THE RESIDENTIAL DEVELOPMENT PARCELS.
- SUBJECT PROPERTY IS ZONED A-AGRICULTURAL.
- DEVELOPMENT ON THE RESIDENTIAL DEVELOPMENT PARCELS SHALL COMPLY WITH THE DOUGLAS COUNTY ZONING CODES, CHAPTER XII OF THE COUNTY CODE.
- DEVELOPMENT ON THE RESIDENTIAL DEVELOPMENT PARCELS SHALL COMPLY WITH DOUGLAS COUNTY PUBLIC ROAD ACCESS MANAGEMENT STANDARDS, CHAPTER IX, ARTICLE 5 OF THE COUNTY CODE.
- THE BUILDING ENVELOPE DESIGNATED ON THE CERTIFICATE OF SURVEY EXCLUDES REQUIRED BUILDING SETBACKS AND AREAS CONTAINING FEATURES IDENTIFIED AS ENVIRONMENTALLY SENSITIVE LANDS BY SECTION 11-110 OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY.
- THE RUNWAY APPROACH ZONE IS MAINTAINED FOR A MINIMUM OF 20:1 GLIDE SLOPE. THE APPROACH SLOPE BEGINS AT RUNWAY END (TURF RUNWAY) AND SLOPES UPWARDS AT AN ANGLE OF 20° (HORIZONTAL) TO 1° (VERTICAL).
 - * THE SOUTH LINE OF RDP1 IS 892.81' FROM THE SOUTH LINE OF THE NE 1/4 OF SECTION 24-T13S-R20E.
 - * THE SOUTH LINE OF RDP2 IS 593.29' FROM THE SOUTH LINE OF THE NE 1/4 OF SECTION 24-T13S-R20E.

RESIDENTIAL DEVELOPMENT PARCEL NO. 1 & 2 NOTES:

- THE RESIDENTIAL DEVELOPMENT PARCELS CREATED BY THIS CERTIFICATE OF SURVEY SHALL NOT BE ELIGIBLE FOR BUILDING PERMITS UNTIL ONE OF THE FOLLOWING ARE ATTAINED:
 - A.) RURAL WATER DISTRICT NO. 4 ISSUES A WATER METER AND DOCUMENTATION THAT A WATER METER HAS BEEN PURCHASED BY THE OWNER IS PRESENTED TO THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT AND THE DOUGLAS COUNTY ZONING OFFICE OR,
 - B.) THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT ISSUES A PERMIT FOR A WELL AND A COPY OF THIS PERMIT IS PROVIDED TO THE DOUGLAS COUNTY ZONING OFFICE. (PLEASE NOTE THAT WELL WATER IS NOT AVAILABLE IN ALL PARTS OF THE COUNTY. IF WELL WATER IS NOT AVAILABLE, PLEASE CONTACT THE DOUGLAS COUNTY HEALTH DEPARTMENT FOR THE REQUIREMENTS FOR CISTERNS WITHIN THE COUNTY.)
- RESIDENTIAL DEVELOPMENT PARCELS' WASTEWATER DISPOSAL WILL BE PROVIDED BY AN ON-SITE SEWAGE MANAGEMENT SYSTEM APPROVED BY THE DIRECTOR OF THE LAWRENCE-DOUGLAS COUNTY HEALTH DEPARTMENT OR A CONNECTION TO A WASTEWATER DISPOSAL SYSTEM APPROVED BY THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT. A PRELIMINARY SITE EVALUATION FOR EACH SEPTIC SYSTEM IS REQUIRED PRIOR TO A BUILDING PERMIT BEING ISSUED. THE SEPTIC PERMIT MUST BE APPROVED AND PURCHASED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. ON-SITE SEWAGE MANAGEMENT SYSTEMS SHALL BE CONSTRUCTED IN ACCORDANCE WITH "STANDARDS ON INDIVIDUAL ON-SITE SEWAGE MANAGEMENT SYSTEM" - LATERAL FIELDS AND OTHER SEWAGE DISPOSAL SYSTEMS OF THE UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS, COUNTY SANITATION CODE, UNINCORPORATED TERRITORY OF DOUGLAS COUNTY, KANSAS', DOUGLAS COUNTY RESOLUTION 08-44, AS AMENDED.

ENDORSEMENTS:

APPROVED BY THE DOUGLAS COUNTY PLANNING DIRECTOR THIS _____ DAY OF _____, 2019, AS A CERTIFICATE OF SURVEY UNDER SECTION 11-106 OF THE SUBDIVISION REGULATIONS FOR LAWRENCE AND THE UNINCORPORATED AREAS OF DOUGLAS COUNTY.

SCOTT MCCULLOUGH - PLANNING DIRECTOR
LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE

FILING RECORD:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS _____ DAY OF _____, 2019, AND IS DULY RECORDED AT _____ AM/PM, IN PLAT BOOK _____, PAGE _____.

REGISTER OF DEEDS
KAY PESNELL

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005:

KEVIN R. SONTAG, P.S. 1640
DOUGLAS COUNTY SURVEYOR

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT ALL CORNERS WERE SET OR FOUND AND COMPLIES WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THIS SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS. THIS SURVEY WAS COMPLETED ON JULY 3RD, 2019.

STEVEN D. WILLIAMS P.S. 1391
P.O. BOX 4444
LAWRENCE, KANSAS 66046
(785) 832-2121

ORIGINAL TRACT: (PLAT BOOK 19 PAGE 387)

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 872.68 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1080.07 FEET; THENCE SOUTH 88 DEGREES 07 MINUTES 30 SECONDS WEST, A DISTANCE OF 1835.03 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 1192.09 FEET; THENCE NORTH 87 DEGREES 56 MINUTES 17 SECONDS EAST, A DISTANCE OF 1833.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,192,015 SQUARE FEET OR 50.321 ACRES, MORE OR LESS.

PARENT PARCEL:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1471.72 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 599.04 FEET; THENCE SOUTH 88 DEGREES 07 MINUTES 30 SECONDS WEST, A DISTANCE OF 1835.02 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 596.04 FEET; THENCE NORTH 88 DEGREES 01 MINUTES 54 SECONDS EAST, A DISTANCE OF 1834.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,096,246 SQUARE FEET OF 25.16 ACRES, MORE OR LESS.

RESIDENTIAL DEVELOPMENT PARCEL NO. 1:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1471.72 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 299.52 FEET; THENCE SOUTH 88 DEGREES 04 MINUTES 42 SECONDS WEST, A DISTANCE OF 1834.61 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 298.02 FEET; THENCE NORTH 88 DEGREES 01 MINUTE 54 SECONDS EAST, A DISTANCE OF 1834.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 548,061 SQUARE FEET OR 12.58 ACRES, MORE OR LESS.

RESIDENTIAL DEVELOPMENT PARCEL NO. 2:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 1711.24 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED HEREIN; THENCE CONTINUING SOUTH 01 DEGREE 50 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 24, A DISTANCE OF 299.52 FEET; THENCE SOUTH 88 DEGREES 07 MINUTES 30 SECONDS WEST, A DISTANCE OF 1835.02 FEET; THENCE NORTH 01 DEGREE 45 MINUTES 46 SECONDS WEST, A DISTANCE OF 298.02 FEET; THENCE NORTH 88 DEGREES 04 MINUTES 42 SECONDS EAST, A DISTANCE OF 1834.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 548,185 SQUARE FEET OR 12.58 ACRES, MORE OR LESS.

REFERENCED SURVEYS:

SURVEY #8825 PERFORMED BY JIM STICKLER, PS830 IN SEPTEMBER OF 2018 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.

SURVEY #8823 PERFORMED BY JIM STICKLER, PS830 IN SEPTEMBER OF 2018 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.

SURVEY #8544 PERFORMED BY STEVEN D. WILLIAMS, PS1391 IN MAY OF 2018 AND RECORDED AT THE DOUGLAS COUNTY PUBLIC WORKS DEPARTMENT.

SURVEYOR NOTES:

BASIS OF BEARINGS: KANSAS STATE PLANE NAD 83, NORTH ZONE

DEDICATION:

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF,
MARY WILLIAMS, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2019.

MARY WILLIAMS, A TRUSTEE OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998

DEDICATION:

THE UNDERSIGNED PROPRIETOR(S) OF THE ABOVE DESCRIBED PARCEL OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING CERTIFICATE OF SURVEY, IN DOUGLAS COUNTY, KANSAS.

IN TESTIMONY WHEREOF,
BARB HERMIRECK, HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS _____ DAY OF _____, 2019.

BARB HERMIRECK, A TRUSTEE OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME MARY WILLIAMS, A TRUSTEE OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998, KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME ON BEHALF OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF DOUGLAS -SS

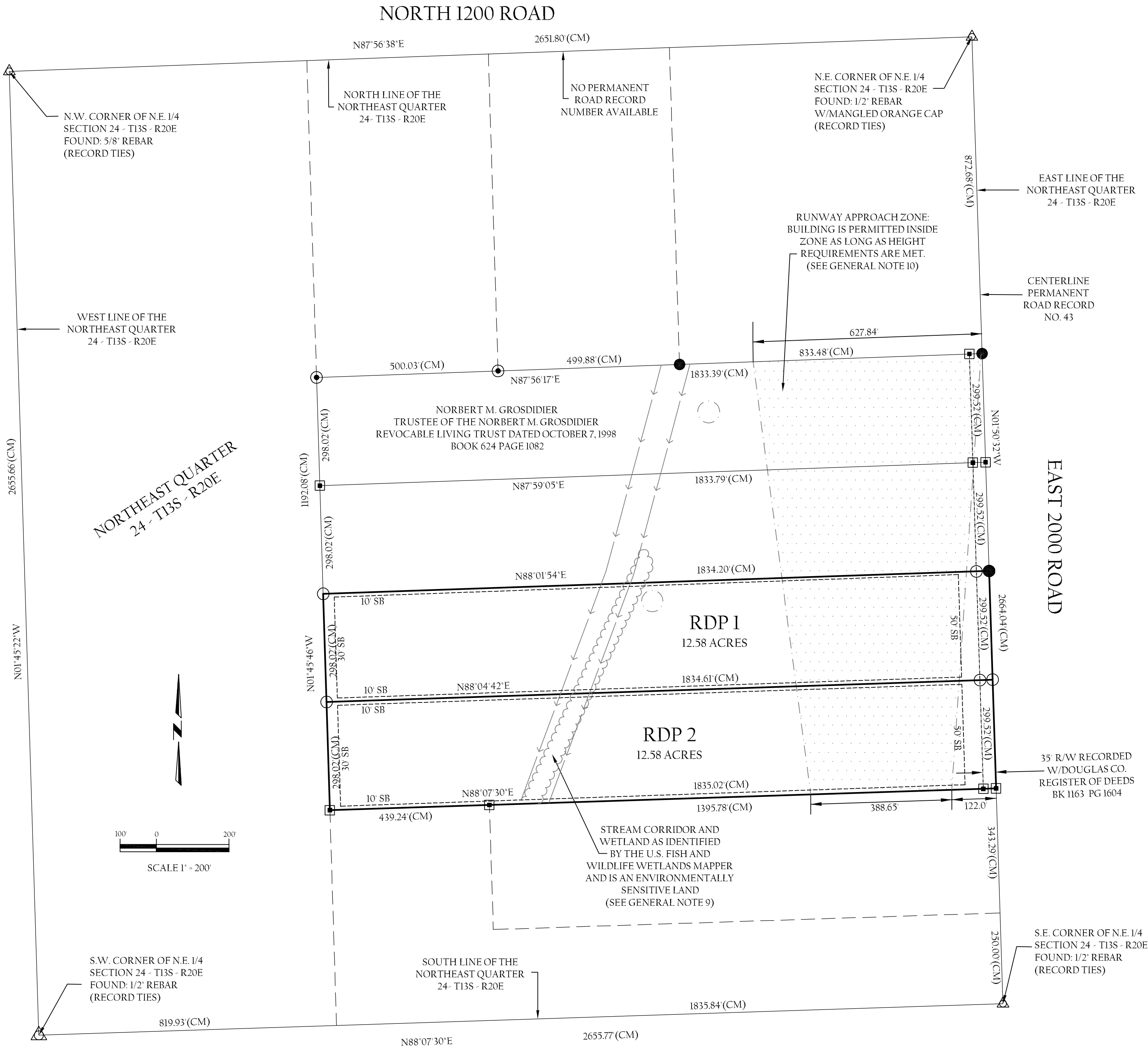
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CAME BARB HERMIRECK, A TRUSTEE OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998, KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME ON BEHALF OF THE NORBERT M. GROSIDIER REVOCABLE LIVING TRUST, DATED OCTOBER 7, 1998.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

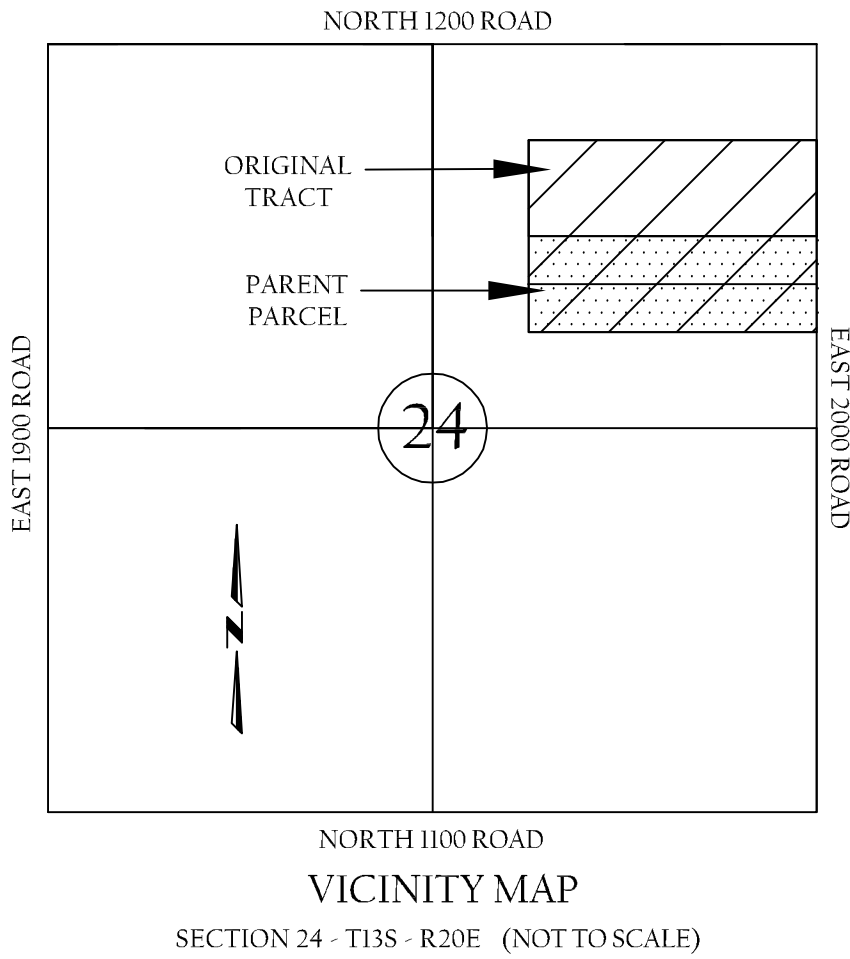
MY COMMISSION EXPIRES

AMENDED CERTIFICATE OF SURVEY - N.E.1/4 SECTION 24 - T13S - R20E OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS
AMENDING THE NORTHERN 25.16 ACRES OF THE CERTIFICATE OF SURVEY RECORDED IN PLAT BOOK 19, PAGE 387



LEGEND:

- SECTION CORNER
- SET: 1/2" X 24" BAR W/CAP 'APS1391'
- FOUND: 1/2" BAR W/CAP 'APS1391'
- FOUND: 1/2" BAR W/CAP 'ROGERS 64'
- FOUND: 1/2" REBAR W/CAP 'PS830'
- SETBACK
- (CM) CALCULATED MEASUREMENT



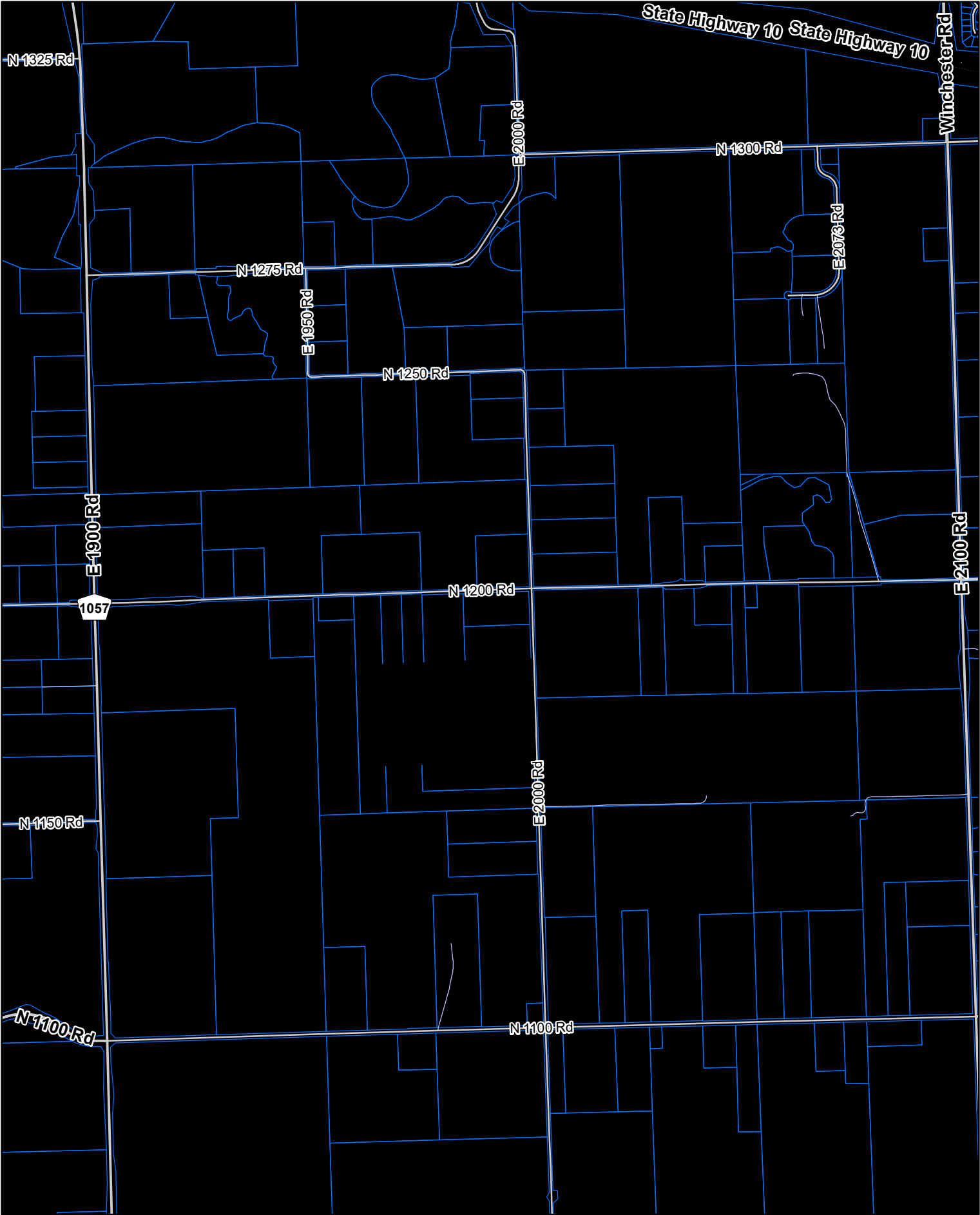
ALL POINTS SURVEYING, LLP
PROFESSIONAL LAND SURVEYING SERVICES
P.O. BOX 4444 - LAWRENCE, KANSAS - 66046 - TEL. (785) 832-2121 - FAX (785) 832-2122

SCALE 1" = 200'
ORDERED BY: MARY WILLIAMS
JOB #: 19-062
DATE: 7-3-19
DRAWN BY: SEL
CHECKED BY: SDW

LOCATION MAP

DISCLAIMER NOTICE
The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 10/3/2019



Mary Miller

From: Clint Golay <cgolay@berrytractor.com>
Sent: Monday, September 9, 2019 3:53 PM
To: Mary Miller
Subject: Re: appeal from Grosdidier certificate of survey

I would like to appeal to keep this from allow 7 total dwellings in this area to keep the rural atmosphere

Sent from my iPhone

On Sep 9, 2019, at 3:29 PM, Mary Miller <mmiller@lawrenceks.org> wrote:

Clint,
I made a note in the Grosdidier files that you wanted to appeal. Could you email that request to me as well?

I will be mailing a notification letter with the date/location of the County Commission meeting. At the meeting the appellants can provide information regarding the certificates of survey to show that the Planning Director made an error in approving the certificates of survey. It would be helpful to the commission if you would send them information regarding the basis for your email prior to the meeting, it would provide some background. You can email that to Robin Crabtree, the County Administrator's administrative assistant at rcrabtree@douglascountyks.org or you can send it to me and I'll forward it on.

Please let me know if you have any questions.

Thanks,

Mary

Mary K Miller, AICP City/County Planner II –
mmiller@lawrenceks.org
City of Lawrence, Planning & Development Services
1 Riverfront Plaza, Ste 320 **NEW LOCATION**
Lawrence, KS 66044
Direct (785) 832-3147
Office (785) 832-7700 | Fax (785) 832-3110
www.lawrenceks.org/pds

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: <http://lawrenceks.org/pds/survey/satisfaction>

Mary Miller

From: Clint Golay <cgolay@berrytractor.com>
Sent: Wednesday, October 2, 2019 9:14 PM
To: Mary Miller
Cc: Lindsey McCaig
Subject: Certificate of Survey Numbers: CSR-19-00373 and CSR-19-00374 OCT 9th

Mary,

I'm emailing this to you in regards to the parcels that are listed in the subject line. I'm appealing that the parcels that are trying to be divided again into four separate plots be returned to the original two tracts. I believe one track was 20 acres and the other 30 acres. Please feel free to correct the acreage if not correct. The reason for this is to try and keep as much rural feel as possible. Placing 4 units, not including all the houses that are already established remove the rural feel and place a urban or small cul-de-sac feel to this area. By changing this back to two larger tracks will help keep some of the rural feel in the setting and would allow the land owner still collect the financial gain that they desire. Please feel free to contact me at anytime if you need any additional information or have questions in regards to I'm trying to convey. Thanks for your time and look forward to hearing from you soon.

Regards,

Clint Golay

Sent from my iPhone

> On Sep 23, 2019, at 12:53 PM, Mary Miller <mmiller@lawrenceks.org> wrote:
>
> Certificate of Survey Numbers: CSR-19-00373 and CSR-19-00374

Mary Miller

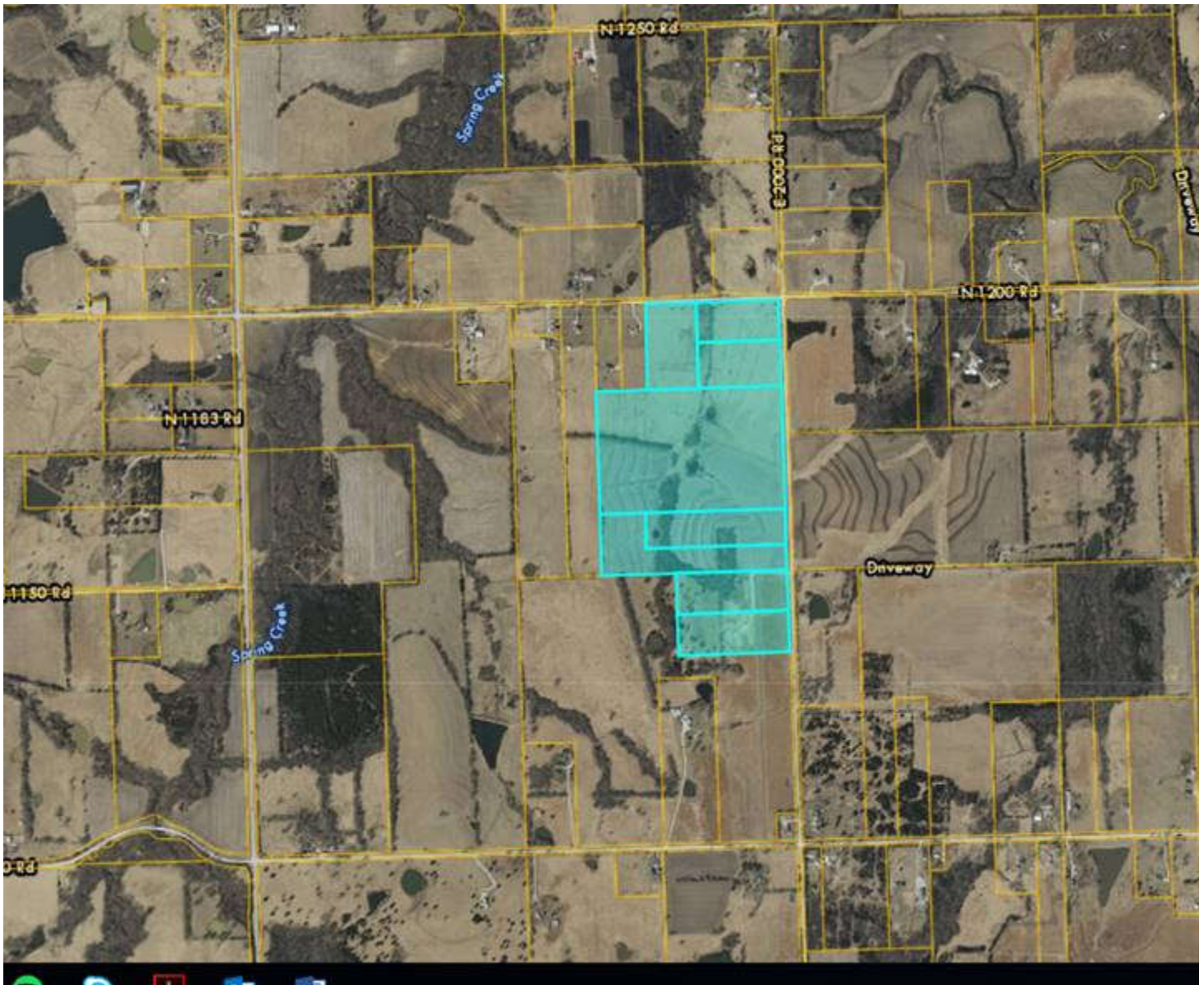
From: Lindsey McCaig <lmccaig@live.com>
Sent: Wednesday, August 21, 2019 12:37 PM
To: Mary Miller
Cc: tvoigt@douglascountyks.org
Subject: Re: Appeal for Grodsidier Certificate of Survey

Follow Up Flag: Follow up
Due By: Wednesday, August 21, 2019 4:00 PM
Flag Status: Flagged

Mary,

Please consider this my notification of appeal on all Certificate of Surveys or any other land division approvals for the Norbert Grodsidier Trustee land that lies on E 2000 Rd between N 1200 Rd and N 1100 Rd, as highlighted below. It is my belief that these land divisions were improperly and unlawfully approved and do not comply with the Regulations Governing Land Divisions in the City of Lawrence and the Unincorporated Areas of Douglas County, Kansas.

Lindsey McCaig
1961 N 1200 Rd
Eudora, KS 66025



From: tvoigt@douglascountyks.org <tvoigt@douglascountyks.org>

Sent: Friday, August 16, 2019 4:50 PM

To: lmccaig@live.com <lmccaig@live.com>

Cc: mmiller@lawrenceks.org <mmiller@lawrenceks.org>

Subject: Appeal for Grodsidier Certificate of Survey

Lindsey,

I'm forwarding your appeal request to Mary Miller.

Lindsey McCaig lives at 1961 N 1200 Rd and is a neighbor to the pending Grodsidier lot on N 1200/E 2000 Rd. Mary, can you please reach out to her to aid her in the next step?

Her phone # 785-393-1458

Tonya Voigt, CFM
Zoning Director



Mary Miller

From: Lindsey McCaig <lmccaig@live.com>
Sent: Tuesday, September 3, 2019 8:19 AM
To: Mary Miller
Cc: tvoigt@douglascountyks.org; Scott McCullough
Subject: Re: Appeal for Grodsidier Certificate of Survey

Mary,

Thank you for your response. As noted in my original email, I wish to appeal all of the Certificate of Surveys or any other land division approvals for the Norbert Grosdidier Trustee land that lies on E 2000 Rd between N 1200 Rd and N 1100 Rd. As such, I am requesting any further construction or excavation on said properties cease and desist until this matter has been properly addressed.

Additionally, please provide a detailed explanation as to how this conforms with Horizon 2020 as referenced in your attached document. In total, these Certificate of Surveys will create 11 lots. With the exception of the wooded area, all of this land was in agricultural use for either row crops or grazing of cattle.

D. CONFORMANCE WITH COMPREHENSIVE PLAN

Horizon 2020 Chapter 4, Growth Management and Chapter 5, Residential Land Use Goals. Specific goals in these chapters that apply are:

- (Growth Management) Goal 2: Conserve the Rural Character of Douglas County. Policy 2.2 Rural Residential Development. (page 4-7) Non-farm residential development is recommended to be directed to urban areas; large lot, suburban development directed to the UGAs; and smaller lot, higher-density residential development directed to the municipalities.
- (Residential Land Use) Goal 2: Criteria for Rural Residential Development within the Unincorporated Areas – beyond the designated Urban Growth Areas. (page 5-13) Development of land for urban density residential purposes is discouraged in the unincorporated rural area in so far as such division would conflict with or inhibit agricultural use of the land.

Lindsey

Sent from my iPhone

On Sep 3, 2019, at 7:27 AM, Mary Miller <mmiller@lawrenceks.org> wrote:

Lindsey,
I've received notice of your wish to appeal.

The amended Grodsidier certificates of survey were approved Friday and notice was mailed to all property owners within ¼ mile of the subject property. The staff report for the amended certificates of survey is attached. I've also attached the information regarding the appeal process which is provided in the Subdivision Regulations.

We'll wait the required time frame (10 days) as noted in the letter and will then schedule the appeal for consideration by the Board of County Commissioners. Notice of the meeting will be mailed to all property owners within ¼ mile of the subject property at least 20 days prior to the Commission meeting.

The Zoning and Codes Office issues building permits for property in the unincorporated portion of the County. They should be able to provide information regarding the excavation and building activity on this property. (785-331-1343)

Thank you,
Mary

Mary K Miller, AICP City/County Planner II –
mmiller@lawrenceks.org
City of Lawrence, Planning & Development Services
1 Riverfront Plaza, Ste 320 **NEW LOCATION**
Lawrence, KS 66044
Direct (785) 832-3147
Office (785) 832-7700 | Fax (785) 832-3110
www.lawrenceks.org/pds

"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey: <http://lawrenceks.org/pds/survey/satisfaction>

From: tvoigt@douglascountyks.org <tvoigt@douglascountyks.org>
Sent: Friday, August 30, 2019 3:06 PM
To: Scott McCullough <smccullough@lawrenceks.org>; Mary Miller <mmiller@lawrenceks.org>
Subject: FW: Appeal for Grodsidier Certificate of Survey

From: Lindsey McCaig <lmccaig@live.com>
Sent: Friday, August 30, 2019 2:57 PM
To: mmiller@lawrenceks.org; smccullough@lawrenceks.org
Cc: ZO - Voigt, Tonya <tvoigt@douglascountyks.org>; County Commissioner - Kelly, Patrick <pkelly@douglascountyks.org>; County Commissioner - Thellman, Nancy <nthellman@douglascountyks.org>; County Commissioner - Derusseau, Michelle <mderusseau@douglascountyks.org>
Subject: Re: Appeal for Grodsidier Certificate of Survey

This message came from outside of the douglascountyks.org domain - please follow best security practices and use extreme caution before opening attachments or links.

Please confirm that you are in receipt of my notice that I wish to appeal all Certificate of Surveys referenced below. It was just brought to my attention that excavation was started today on one of these lots. Please advise on how I formally request that no further excavation or construction take place until this matter has been resolved.

I would also like to request a timely response from the Planning Department with a detailed explanation as to how these Certificate of Surveys comply with Horizon 2020 and the associated SubRegs.

Lindsey McCaig

On Aug 21, 2019, at 12:37 PM, Lindsey McCaig <lmccaig@live.com> wrote:

Mary,

Please consider this my notification of appeal on all Certificate of Surveys or any other land division approvals for the Norbert Grotsdidier Trustee land that lies on E 2000 Rd between N 1200 Rd and N 1100 Rd, as highlighted below. It is my belief that these land divisions were improperly and unlawfully approved and do not comply with the Regulations Governing Land Divisions in the City of Lawrence and the Unincorporated Areas of Douglas County, Kansas.

Lindsey McCaig
1961 N 1200 Rd
Eudora, KS 66025

<image.png>

From: tvoigt@douglascountyks.org <tvoigt@douglascountyks.org>
Sent: Friday, August 16, 2019 4:50 PM
To: lmccaig@live.com <lmccaig@live.com>
Cc: mmiller@lawrenceks.org <mmiller@lawrenceks.org>
Subject: Appeal for Grotsdidier Certificate of Survey

Lindsey,

I'm forwarding your appeal request to Mary Miller.

Lindsey McCaig lives at 1961 N 1200 Rd and is a neighbor to the pending Grotsdidier lot on N 1200/E 2000 Rd. Mary, can you please reach out to her to aid her in the next step?

Her phone # 785-393-1458

Tonya Voigt, CFM
Zoning Director
785-331-1325
tvoigt@douglascountyks.org

<image003.jpg>

<csr-19-00373_amended_grotsdidier_staff report.pdf>

<certificate of survey appeal process.pdf>

Oct. 3, 2019

I am writing to urge the County Commissioners to overturn the issuance of Certificates of Survey CR- 19-00373 and CSR- 19-00374. In totality, in the last three years, the land at the Southwest corner of N 1200 Rd and E 2000 Rd has had 11 Certificates of Survey administratively approved, nine of those in the last year. While these Certificates of Survey may meet the road frontage and acreage requirements, they are not in accordance with the Comprehensive Plan^B and therefore do not meet the requirements of the County's Subdivision Regulations^A.

County Subdivision Regulations state that they *"are designed, intended and should be administered to: Ensure that in the City and in the Unincorporated Area of Douglas County is in accordance with the Comprehensive Plan"*. Additionally, Horizon 2020 states *"Rural development shall be subject to the overall policies, recommendations and standards of the Comprehensive Plan."*

Horizon 2020 repeatedly states that subdivisions of land be directed to the Urban Growth Area to preserve and protect agricultural land uses and maintain rural character in unincorporated Douglas County. The land in question was in use for row crops and cattle grazing up until the other parcels were sold. Below I have outlined my concerns and provided documentation for discrepancies related to Horizon 2020.

- Subdivisions be directed to the Urban Growth Area ¹
- Preserve and protect agricultural land uses ²
- Maintain rural character in unincorporated Douglas County ³
- Access to hard surface roads ⁴
- Road safety- ill maintained dirt road with low visibility and increased traffic at high speeds
- Additional costs for infrastructure maintenance and providing services will exceed the additional revenue that will be brought in
- Costs of capital improvements should be shared by the developer ⁵
- Increased flooding caused by increased run-off from developing these properties- flooding already occurs and overtakes N 1250 Rd
- Increased stress on a school district that is already at capacity

Lindsey McCaig
1961 N. 1200 Rd
Eudora, KS 66025

SUBDIVISION REGULATIONS

for Lawrence and the Unincorporated Areas of Douglas County, KS

20-801 General

a. Purpose and Intent

1. The purpose of the Subdivision Regulations of this Article is to ensure that the division of land, which, in many instances, is an initial step in Urbanization, will serve the public interest and general welfare. Since the allocation and arrangement of Parcels of land for both private uses and public uses helps to influence the health, safety, economy, livability, and amenities of an area, these regulations are intended to:
 - i. Provide for the harmonious and orderly development of land within the City and the Unincorporated Area of Douglas County by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related Easements, light and air, and other public needs;
 - ii. Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and
 - iii. Provide for the conservation and protection of human and natural resources.

2. The Subdivision Regulations of this Article are designed, intended and should be administered to:

- i. **Ensure that in the City and in the Unincorporated Area of Douglas County is in accordance with the Comprehensive Plan;** any adopted watershed/sub-basin plans, sector or Neighborhood Plans covering the subject Subdivision; the applicable Zoning Regulations enacted to implement those plans; and the Lawrence/Douglas County MPO Transportation Plan;
- vi. Ensure that the cost of Improvements, which benefit primarily the Tract of land being developed, be borne primarily by the Owners or Developers of the subject Tract, and **that the cost of Improvements that provide benefits to the subject Tract and the community as a whole be shared by the Developer and the community;**

Section 20- 807

Certificate of Survey Administrative Review Procedures

(f) Criteria for Review

An application for a division requiring an approved Certificate of Survey shall be approved if, and only if, it meets all of the following criteria:

- a. The proposed division meets the requirements for a division of land under Sections 20-804 or 20-806, as applicable;
- b. The Certificate of Survey meets all of the requirements of Section 20-807;
- c. The proposed Residential Development Parcels and all other aspects of the proposed Certificate of Survey conform with the current Comprehensive Plan of Lawrence and Douglas County or, where applicable, the Comprehensive Plan of another city in Douglas County;

B

Horizon 2020

GROWTH MANAGEMENT

4-4

RURAL AREA

The Rural Area is the land that lies outside the designated Urban Growth Areas of the incorporated cities. Lands in the Rural Area are not planned to develop or to support urban densities of development during the planning period. **Rural development shall be subject to the overall**

- policies, recommendations and standards of the Comprehensive Plan.** There are a few locations, however, in the Rural Area which may be expected to receive some significant level of urban development consistent with the Plan, these include commercial areas to serve county residents and, potentially, to provide (i) conference and recreation facilities at Clinton Lake, and (ii) conference, recreation, or tourism facilities that benefit from or integrate with the rural setting, at
- 4 **such other locations that substantially satisfy the following criteria: (a) direct access to an improved arterial roadway; (b) public water supply available; (c) separated from existing conference, recreation, or tourism facilities by at least 3 miles or other appropriate distance as determined by the Board of County Commissioners; and (d) designed to preserve and/or integrate natural resources and the rural environment through appropriate land use, site design, buffering, or other methods.**
- 1 **Otherwise, urban uses are not planned within the Rural Area.**

Map 4-2 depicts the criteria for development that are to be used in the land use assessment of requests for rural residential land divisions within the unincorporated areas of the County that lie beyond the Urban Growth Areas of the incorporated cities in the County. The land use assessment criteria presented on this map include both land use attributes and functional road classifications.

- 4 **Criteria to be used for review of land divisions for rural residential uses shall include:** minimum acreage requirements; access to rural water or a publicly treated water source; **access to hard surfaced roads;** compliance with minimum road frontage and entrance spacing requirements; and the presence of developable area that is unencumbered by: regulatory floodway, hydric soils, steep slopes (greater than 15%), or historic landmarks or features. The information shown on this map shall be used in the determination of when a specific parcel or tract of land meets the criteria established by the Subdivision Regulations for land divisions for rural residential purposes.

4-9

1, 2, 3 **GOAL 2: Conserve the Rural Character of Douglas County**

The pattern of rural residential development should be to cluster residences to minimize impacts on the rural character of Douglas County and to protect existing agricultural and natural uses in those areas beyond the UGA of Lawrence, and the other incorporated cities of Eudora, Baldwin City and Lecompton.

1 **Policy 2.2: Rural Residential Development**

Non-farm residential development should be directed to urban areas. Rural residential development should be encouraged to locate within the Urban Growth Areas; and

smaller lot, urban density residential development should be directed to the municipalities.

Residential Land Use

5-6

UNINCORPORATED DOUGLAS COUNTY

Douglas County plans to continue to receive new non-farm rural residential development in the future. New growth is anticipated to include a range of residential development options, including limited divisions for rural residential purposes. All development shall be designed for safe access to roads and with building areas that are defined to avoid encroachment in to environmentally or geographically sensitive lands, FEMA designated floodplains, or sites of historic landmarks or other historic features. Locations appropriate for each of these developments are described below.

☐ *Rural Area*

1, 2, 3 The Rural Area covers the vast majority of unincorporated Douglas County. It includes all areas outside the UGA's of Douglas County cities. The minimum residential parcel size in the Rural Area is based on the minimum lot frontage required for the road classification the parcel abuts or takes access from but in no case shall it be less than three (3) acres. The Rural Area encompasses Douglas County farms, ranches, agricultural uses, and natural and environmentally sensitive areas. The basic zoning district standards in the Rural Area shall be designed to permit non-farm residential development in a manner that is consistent with conservation of the rural character and pattern of land use in Douglas County.

1, 2, 3 Residential subdivisions in unincorporated Douglas County are discouraged in the Rural Area. An individual on-site sewage management system may be constructed upon any parcel, tract, or lot which is three acres or greater when a public water supply is provided, and the on-site wastewater management system site is entirely outside the regulatory floodplain.

1, 4 **Rural subdivisions should be directed to the designated UGA of incorporated cities and should not be scattered throughout the Rural Area. Criteria which could support the location of a subdivision within the UGA areas would be: the presence & access to a paved road,** availability of rural water meters, and the significant existence of other rural residential subdivisions or groupings of dwellings. The developable portion of the residential parcels or lots shall not include: steep slopes (15% or greater), FEMA designated regulatory floodways, other environmentally sensitive features, or sites of historic landmarks or historic features. When land appropriate for rural residential uses is proposed for residential development adjacent to the UGAs of incorporated cities, the development shall be designed, and parcel divisions created, in anticipation of annexation by the city so that the parcels created can be further subdivided into lots that fit the urban development pattern of the annexing city, thereby minimizing disruption of the urban development pattern and reduction in the total acreage removed from agricultural uses.

1, 2 Agricultural uses should continue to be the predominant land use within the areas of the county beyond the designated urban growth/service areas (rural area). Uses permitted in the rural area should continue to be limited to those which are compatible with agricultural production and uses. Uses which allow farmers to sell directly to the consumer, such as seasonal farm stands and pick- your-own farm operations, provide flexibility and incentives to retain agricultural land in production. **Residential**

- 2 development should be limited in these areas so that new development does not unnecessarily remove productive land from agricultural use.

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GOAL 2: Criteria for Rural Residential Development within the Unincorporated Areas - beyond the designated Urban Growth Areas.

The Rural Area is defined as that area beyond the designated UGA's for which city services cannot easily be extended over a given period of time, and which are unrelated to any capital improvement project(s) or service delivery plan(s).

Policy 2.1: Consider Land Use Relationships

- 2 d. Continue to support and recognize the importance of preserving the agricultural use of land in unincorporated areas of Douglas County.
- 2 e. Encourage the clustering of new residential lots to consolidate utility and public services and to conserve large, contiguous acreage for agricultural purposes.

Policy 2.2: Protect Areas Planned for Agricultural Uses

- 2 Discourage development of land for urban density residential purposes in the unincorporated rural area beyond the designated UGA's in so far as such division would conflict with or inhibit agricultural use of the land.

Policy 2.3: Limit Premature Development of Unincorporated Douglas County

- 1 Encourage non-farm residential development to locate within the UGA's.