

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Amended Agenda

WEDNESDAY, FEBRUARY 11, 2009

5:30 p.m.-Executive Session for the purpose of consultation with County Counselor on matters, which would be deemed, privileged under the attorney-client relationship. The justification is to maintain attorney client privilege on a matter involving Douglas County.

6:35 p.m. (Commission Chamber)

-Convene

-Consider approval of the minutes for January 21, January 26 and January 28, 2009.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval resolution for cereal malt beverage license for The Clinton Store (Clerk's office);
- (c) Consider approval of Notice to Township Board to sell Cereal Malt Beverages at Clinton Marina, Inc.; and Clinton Marina Grille (Clerk's Office); and
- (d) Consider approval of letter jointly signed by Douglas County and City of Lawrence to EPA, supporting the KDHE recommendation that Douglas County should not be part of the Kansas City non attainment region (Richard Ziesenis)

REGULAR AGENDA

- (2) Consider approval of Joint City Ordinance No. 8364/County Resolution, for Text Amendment **TA-10-17-08**, amendments to Section 20-804, 20-805, 20-807 and 20-815 of the joint Subdivision Regulations revising standards for Build Out Plans. Initiated by the County Commission on 10/29/08. (PC Item 5; approved 7-0 on 12/15/08) (Mary Miller is the Planner.)
- (3) Consider approval of **CUP-11-08-08**: a Conditional Use Permit for a water treatment facility modification for Rural Water District #3, located at 1239 E 300 Road, Berryton. Submitted by Bartlett & West, for Douglas County Rural Water District #3, property owner of record. (PC Item 1; approved 8-0 on 1/26/09) (Sandy Day is the Planner.)
- (4) Consider recommended amendments to ECO2 plan (Larry McElwain)
- (5) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment
- (6) Adjourn

MONDAY, FEBRUARY 16, 2009

WEDNESDAY, FEBRUARY 18, 2009

-No Commission Meeting

MONDAY, FEBRUARY 23, 2009

WEDNESDAY, FEBRUARY 25, 2009

-Discuss Lawrence Freenet Rural Broadband initiative (Josh Montgomery)

MONDAY, MARCH 2, 2009

-No Commission Meeting

WEDNESDAY, MARCH 4, 2009

- Consider approving CPA-2004-02, a Comprehensive Plan Amendment to *Horizon 2020*, Chapter 7: Industrial and Employment Related Land Use and consider adopting on first reading, Joint City Ordinance No. 8283/County Resolution for Comprehensive Plan Amendment (CPA-2004-02) to *Horizon 2020*, Chapter 7. (PC Item 11; approved 7-2 on 5/21/08) (Amy Brown is the Planner)

MONDAY, MARCH 9, 2009

WEDNESDAY, MARCH 11, 2009

7:30-9:00 a.m. – Joint Planning Commission and County Commission meeting on proposed zoning regulations (meet in County Commission Chamber)

MONDAY, MARCH 16, 2009

WEDNESDAY, MARCH 18, 2009

MONDAY, MARCH 23, 2009

WEDNESDAY, MARCH 25, 2009

MONDAY, MARCH 30, 2009

Note: *The Douglas County Commission meets regularly on Mondays at 8:30 A.M. and Wednesdays at 6:35 P.M. at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*

RESOLUTION _____

WHEREAS, on the 11th Day of February, 2009, the same being a regular session of the Board of County Commissioners of the County of Douglas, the application of Clinton Store for a cereal malt beverage license came up for considerations by the above board and

WHEREAS, the Board does find that said Clinton Store is qualified under the law to sell cereal malt beverages not for consumption on the premises located **598 N 1190 Rd, Lawrence, Kansas**

WHEREAS, the Board further finds that due and legal notice has been given the Clinton Township Board and that ten days has expired from the giving of said notice and that no written objection has been filed by the Clinton Township Board protesting the granting of a cereal malt beverage license.

NOW THEREFORE, BE IT RESOLVED that the applicant, **The Clinton Store** granted a license to sell cereal malt beverage not for consumption on the premises located at **598 N 1190 Rd, Lawrence, Kansas**

BE IT FURTHER RESOLVED, that Jameson Shew, County Clerk of Douglas County, Kansas be directed to issue said license.

Chairman

Member

Member

ATTEST:

Jameson Shew, Douglas County Clerk

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIME

RETAIL

Fee \$75.00

NO.

DEALER'S 2009 LICENSE

TO ALL WHOM IT MAY CONCERN:

License is hereby granted to: **THE CLINTON STORE**

**TO SELL CEREAL MALT BEVERAGES AT RETAIL IN ORIGINAL AND UNOPENED
CONTAINERS AND NOT FOR CONSUMPTION ON PREMISES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on premises)

**598 N 1190 Rd, LAWRENCE, KS. Application therefore on file in the office of the County Clerk of Douglas County,
having been approved by the governing body of said County, as provided by Laws of Kansas and the regulations of the
board of County Commissioners.**

**This License will expire 12:00 midnight December 31, 2009 unless sooner revoked, is not transferable, nor will any
refund be allowed thereon.**

Done by the Board of County Commissioners of Douglas County, Kansas

This 11th Day of February 2009

(Seal)

Attest: _____

County Clerk

Chairman

1(c)

NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, CLINTON TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **Clinton Marina, Inc.** to sell Cereal Malt Beverages at retail for consumption off the premises: **1329 E 800 Road.**

The Township Board may within (10) days file an advisory recommendation as to the granting of such a license and such advisory recommendation shall be considered by the Board of County Commissioners before such license is issued KSA 41-2702.

Done by the Board of County Commissioners this 11th day of February, 2009

CHAIRMAN

COUNTY CLERK

(SEAL)

The board of county commissions in any county shall not issue a license without giving the clerk of the township board in the township where the applicant desires to locate, written notice by registered mail, of the filing of the application.

(This form prepared by the Attorney General's Office)
(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

_____, Douglas COUNTY, KANSAS _____,

TO THE GOVERNING BODY OF THE CITY OF _____, KANSAS

or

THE BOARD OF COUNTY COMMISSIONERS OF Douglas COUNTY, KANSAS

On behalf of the Clinton Marina

corporation whose principal place of business is 1329 E 800 Rd, Lawrence, KS

_____ and under authority of the resolution of the Board of Directors of said corporation, I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statement under oath:

1. The proposed licensee is Clinton Marina corporation with principal place of business at 1329 E. 800 Rd. The resident agent is Megan Hiebert with offices at Same. Said corporation was incorporated on _____.

2. The following is the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their positions and addresses, ages, dates of birth, places of birth, methods of acquiring United States citizenship - if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

Megan S Hiebert, President DOB 03/05/1967 Wichita, KS

3. The premises for which the license is desired are located at Above

(a) The legal description of the premises is 7-13-19 Clinton Township

(b) The street number is 1329 E 800 Rd

(c) The building is described as Marina

(d) The corporate business under the license will be conducted in the name of the corporation or in the following name:

Clinton Marina, Inc.

4. The name(s) and address(es) of the owner or owners of the premises upon which the place of business is located is/are Land: State of Kansas

Building: Clinton Marina

5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true:

- (a) None of them has within the last two years from this date been convicted of
- (1) A felony
 - (2) A crime involving moral turpitude
 - (3) Drunkenness
 - (4) Driving a motor vehicle while under the influence of intoxicating liquor
 - (5) Violation of any state or federal intoxicating liquor law
- If any of the above have been convicted of any of the above, specified offenses, the details are set out hereinafter.
- (b) No manager, officer or director or any stockholder owning in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which:
- (1) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
 - (2) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.

6. The place of business will be conducted by the following manager or agent:

Name Megan Hiebert

Address 1329 E 800 Rd, Lawrence

Residence 1711 E 1000 Rd, Lawrence

Length of residence within this city or county in which the application is being made 31 years

Method of obtaining U.S. citizenship together with date of naturalization if such is the method _____

Date and place of birth DOB 03/05/1967 Wichita, KS

I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter.

7. This application is for a license to retail cereal malt beverage for consumption on the premises (). For a license to retail cereal malt beverages in original and unopened containers and not by consumption on the premises ().

A license fee of \$ 75 is enclosed herewith.

Rvd 10/2003

I, Megan Hiebert, President

(Name and position with corporation)

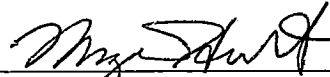
on behalf of the above-named applicant, hereby agree to comply with all laws of the State of Kansas, and all rules and regulations prescribed, and hereafter to be prescribed by you, relating to the sale and distribution of cereal malt beverages, and do hereby agree to purchase all cereal malt beverages from a wholesaler, licensed and bonded under the laws of the State of Kansas, do hereby further consent to the immediate revocation of the cereal malt beverage license issued pursuant to this application by the proper officials for the violation of any such laws, rules or regulations.

(Corporate Seal)

Clinton Marina, Inc

(Corporation)

By



(Signature and position of individual making application on behalf of corporation)

Attest:



(Secretary of Corporation)

STATE OF KANSAS, COUNTY OF Douglas, ss.

I, Megan Hiebert, President, of the

(Signature and official position)

Clinton Marina, do

(Name of corporation)

solemnly swear that I have read the contents of this application, and that all information and answers herein contained are complete and true. So help me God.

(Signature and official position)

SUBSCRIBED AND SWORN TO before me this _____ day of _____,

(Character of official administering oath)

My commission expires on the _____ day of _____,

APPLICATION APPROVED this _____ day of _____,

By _____

(Official position)

of _____, Kansas

(City or county)

Recorded in Volume _____, at page _____

NOTE: A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE APPLICATION FEE REQUIRED BY K.S.A. 2001 SUPP. 41-2702(e), MUST BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BUREAU, KANSAS DEPARTMENT OF REVENUE.

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NOTICE TO THE TOWNSHIP BOARD

STATE OF KANSAS DOUGLAS COUNTY, ss

TO THE TOWNSHIP CLERK, CLINTON TOWNSHIP

This is to notify the members of your Township Board that application has been filed with the Douglas County Commission for **Clinton Marina Grille** to sell Cereal Malt Beverages at retail for consumption on the premises: **1329 E 800 Road**.

The Township Board may within (10) days file an advisory recommendation as to the granting of such a license and such advisory recommendation shall be considered by the Board of County Commissioners before such license is issued KSA 41-2702.

Done by the Board of County Commissioners this **11th day of February, 2009**

CHAIRMAN

COUNTY CLERK

(SEAL)

The board of county commissions in any county shall not issue a license without giving the clerk of the township board in the township where the applicant desires to locate, written notice by registered mail, of the filing of the application.

(This form prepared by the Attorney General's Office)
(Corporate Application Form)

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES

_____, Douglas COUNTY, KANSAS _____,

TO THE GOVERNING BODY OF THE CITY OF _____, KANSAS

or

THE BOARD OF COUNTY COMMISSIONERS OF Douglas COUNTY, KANSAS

On behalf of the Clinton Marina Grille

corporation whose principal place of business is 1329 E 800 Rd Lawrence, KS

_____ and under authority of the resolution of the Board of Directors of said corporation, I hereby apply for a license to retail cereal malt beverages in conformity with the laws of the State of Kansas and the rules and regulations prescribed and hereafter to be prescribed by you relating to the sale or distribution of cereal malt beverages on behalf of said corporation; for the purpose of securing such license, I make the following statement under oath:

1. The proposed licensee is Clinton Marina corporation with principal place of business at 1329 E 800 Rd. The resident agent is Megan Hiebert with offices at Same. Said corporation was incorporated on _____.

2. The following is the full and complete list of officers, directors, stockholders owning in the aggregate more than 25 percent of corporate stock, and managers of said corporation together with their positions and addresses, ages, dates of birth, places of birth, methods of acquiring United States citizenship - if acquired by naturalization, date and place of naturalization, and the length of residence in the State of Kansas.

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(a) The legal description of the premises is 7-13-19 Clinton Township

(b) The street number is 1329 E 800 Rd Lawrence, KS

(c) The building is described as Marina

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Clinton Marina, Inc.

4. The name(s) and address(es) of the owner or owners of the premises upon which the place of business is located is/are Land: State of Kansas

Building: Clinton Marina

5. I hereby certify with regard to each of the persons named in number 2 above the following statements are true:

- (a) None of them has within the last two years from this date been convicted of
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 - (2) A crime involving moral turpitude
 - (3) Drunkenness
 - (4) Driving a motor vehicle while under the influence of intoxicating liquor
 - (5) Violation of any state or federal intoxicating liquor law
- If any of the above have been convicted of any of the above, specified offenses, the details are set out hereinafter.
- (b) No manager, officer or director or any stockholder owning in the aggregate more than 25% of the stock of the corporation has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock of a corporation which:
- (1) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or
 - (2) has been convicted of a violation of The Drinking Establishment Act or the Cereal Malt Beverage Laws of the State.

6. The place of business will be conducted by the following manager or agent:

Name Megan Hiebert

Address 1329 E 800 Rd Lawrence

Residence 1711 E 1000 Rd Lawrence

Length of residence within this city or county in which the application is being made 31 years

Method of obtaining U.S. citizenship together with date of naturalization if such is the method _____

Date and place of birth Wichita, KS

I hereby certify that with regard to this above-named manager the statement contained in number 5 above is in every respect true. If not, the details are set out hereinafter.

7. This application is for a license to retail cereal malt beverage for consumption on the premises (). For a license to retail cereal malt beverages in original and unopened containers and not by consumption on the premises ().

A license fee of \$125 is enclosed herewith.

Rvd 10/2003

I, Megan Hiebert, President

(Name and position with corporation)

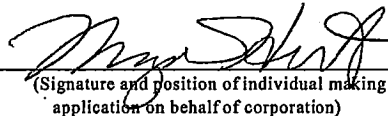
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(Corporate Seal)

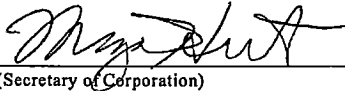
Clinton Marina, Inc.

(Corporation)

By


(Signature and position of individual making application on behalf of corporation)

Attest:


(Secretary of Corporation)

STATE OF KANSAS, COUNTY OF Douglas, ss.

I, Megan Hiebert, President

(Signature and official position)

, of the

Clinton Marina, Inc.

(Name of corporation)

, do

solemnly swear that I have read the contents of this application, and that all information and answers herein contained are complete and true. So help me God.

(Signature and official position)

SUBSCRIBED AND SWORN TO before me this _____ day of _____,

(Character of official administering oath)

My commission expires on the _____ day of _____,

APPLICATION APPROVED this _____ day of _____,

By _____
(Official position)

of _____, Kansas
(City or county)

Recorded in Volume _____, at page _____

NOTE: A PHOTOCOPY OF THE COMPLETED FORM, TOGETHER WITH THE APPLICATION FEE REQUIRED BY K.S.A. 2001 SUPP. 41-2702(e), MUST BE SUBMITTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BUREAU, KANSAS DEPARTMENT OF REVENUE.

February 3, 2009

Mr. Roderick Bremby
Secretary of Health and Environment
Kansas Department of Health and Environment
Curtis Office Building
Suite 540
1000 SW Jackson Street
Topeka, Kansas 66612

RE: EPA's consideration of ozone non-attainment designations that might include Lawrence and Douglas County, Kansas.

Dear Secretary Bremby:

The City of Lawrence and Douglas County have become aware that the Kansas Department of Health and Environment (KDHE) Bureau of Air Quality has recommended to the U.S. Environmental Protection Agency (EPA) that Douglas County should not be a part of the Kansas City non-attainment region.

Our staff has studied the eleven factors used by the EPA for determining a modification of an air quality boundary. The City of Lawrence and Douglas County agree with the KDHE recommendation that Douglas County is not a significant contributor to Kansas City's air quality problem. We agree with KDHE that it would be inappropriate at this time to include the City of Lawrence and Douglas County in any possible 8-hour ozone non-attainment area within the Kansas City regional area primarily for the following reasons:

1. Documented Ozone Monitoring: Ozone monitoring at the City of Lawrence Airport, located north of Lawrence, between 2004 through 2006, documented that our ozone levels were below the EPA limit of 75 parts per billion (ppb). The air quality monitor was removed in 2006 because of State budget issues.
2. Power Plant Equipment Upgrade: The Westar Energy Center, located north of Lawrence, is in the process of upgrading their air pollution control equipment which will significantly reduce nitrogen oxide and subsequent ozone levels. The Westar Energy Center is the only major point-source facility in Douglas County.
3. Documented Wind Directions: Wind direction data from the City of Lawrence Municipal Airport, located north of Lawrence, documents that the vast majority of wind direction within Douglas County is blowing from south to north. Only a minimal amount of wind was documented blowing towards the Kansas City Region from Douglas County in 2008.

As a community, we are mindful of the need to be proactive in addressing air quality issues. We consider it appropriate to take responsible actions through voluntary

Secretary Roderick Bremby
February 3, 2009
Page 2 of 2

measures. In fact, public and private sector entities within the community have already voluntarily implemented the following measures:

1. School Bus emission reduction: The Lawrence USD 497 School District has voluntarily equipped their 90 school bus diesel-powered fleet with emission reducing equipment.
2. Maximums set on idling: The City of Lawrence has implemented an anti-idling policy that covers all City owned vehicles.
3. Planned coordination/enhancement of publicly operated transit systems: The University of Kansas and the City of Lawrence Transit system are actively working to create an enhanced, more efficient bus system which would promote increased ridership and decrease air pollutants from private passenger vehicles. As part of a November 2008 sales tax ballot question, the City committed to exploring the use of alternative fuels for the transit system.
4. Zarco 66 Earth Friendly Fuels: Zarco 66 fuel station, located at 2005 Iowa street, Lawrence, Kansas, has received a Green Energy Gateway award for making the first earth-friendly fuel station in the country a reality. The fuel station sells E-85 and ethanol blended gasoline and Bio-diesel fuel blends.

At the request of the Douglas County Commission, a Lawrence-Douglas County Air Quality Advisory Committee was formed in 2000 to help approach this issue from a preventive-maintenance perspective. The committee continues to work today to ensure compliance with the EPA's air quality rules and regulations.

We respectfully request that you continue to support Douglas County and the City of Lawrence's position that Douglas County not be included in any 8-hour ozone non-attainment designation area within the Kansas City region.

Respectfully,

Charles Jones, Chair
Douglas County Commission



Michael Dever, Mayor
City of Lawrence

c: Tom Gross, KDHE
John Askew, EPA
Lawrence-Douglas County Health Board

ORDINANCE NO. 8364

RESOLUTION NO. _____

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING THE SUBDIVISION REGULATIONS FOR LAWRENCE AND THE UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS, DECEMBER 19, 2006 EDITION, AS PREVIOUSLY AMENDED BY ADOPTING AND INCORPORATING BY REFERENCE "SUBDIVISION REGULATIONS FOR LAWRENCE & UNINCORPORATED AREAS OF DOUGLAS COUNTY, KANSAS, TA-10-17-08 REVISED STANDARDS FOR BUILD OUT PLANS, JANUARY 6, 2009 TEXT AMENDMENTS" PREPARED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE AND REPEALING THE EXISTING SECTIONS,

WHEREAS, by Resolution No. 06-41 and Ordinance No. 8064, respectively, the Board of County Commissioners of Douglas County, Kansas (the "Board") and the Lawrence City Commission (the "City") adopted joint subdivision regulations (the "Subdivision Regulations"), to be applicable to land within the City of Lawrence and land in the unincorporated areas of Douglas County, Kansas, which Subdivision Regulations replace subdivision regulations previously adopted by Resolution No. 72-25 and Ordinance No. 4337, as amended; and

WHEREAS, after due and lawful notice and hearing, the Lawrence-Douglas County Metropolitan Planning Commission, on December 15, 2008 (TA-10-17-08) recommended that sections of the "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas, County, December 19, 2006 Edition" be amended and restated; and

WHEREAS, the Board approved text amendment TA-10-17-08 on December 22, 2008; and

WHEREAS, the City approved text amendment TA-10-17-08 on January 6, 2009; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, and further pursuant to K.S.A. 12-749, K.S.A. 12-751, K.S.A. 12-3009, K.S.A. 12-3301, the Home Rule Authority of the County as granted by K.S.A. 19-101a, and the Home Rule Authority of the City as granted by Article 12, § 5 of the Constitution of Kansas, the Board and the City are authorized to adopt and amend, by resolution and ordinance, respectively, and by incorporation by reference, planning and zoning laws and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS AND

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

Section I. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

SECTION II. The Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas, hereby find that the statutory provisions for the text amendments to the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, December 19, 2006 Edition, as previously amended, to incorporate TA-10-17-08, as recommended by the Lawrence-Douglas County Metropolitan Planning Commission and as presented to the Governing Body of the City and to the Board at their respective meetings, have been fully complied with and said text amendments are hereby adopted.

SECTION III. The "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, TA-10-17-08 Revised Standards for Build Out Plans, January 6, 2009 Text Amendments" approved by Section II above, prepared compiled, published and promulgated by the Lawrence-Douglas County Metropolitan Planning Office is hereby adopted and incorporated by reference as if fully set forth herein, and shall be known as the "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, TA-10-17-08 Revised Standards for Build Out Plans, January 6, 2009 Text Amendments," amending the Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, December 19, 2006 Edition, as previously amended. One copy of said text amendments shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 8364 and Resolution 09-_____" and to which shall be attached a copy of this joint resolution and ordinance, and filed with each of the County Clerk and City Clerk, to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, TA-10-17-08 Revised Standards for Build Out Plans January 6, 2009 Text Amendments" marked as may be deemed expedient.

SECTION IV. The amendments to the Subdivision Regulations made by this joint resolution and ordinance shall be included as a supplement to the Code of the City of Lawrence, Kansas 2009, Edition, as codified in Chapter 20, Article 8 of the Development Code of the City of Lawrence, Kansas, and as codified in Chapter 11, Article 1 of the Douglas County Code. For purposes of numbering sections in the Douglas County Code, the first two digits of each section shall be changed from 20 to 11 and the third digit (the first digit following the hyphen) shall be changed from 8 to 1. For instance, Section 20-801 shall be numbered Section 11-101 in the Douglas County Code.

SECTION V. If any section, clause, sentence, or phrase of this joint resolution and ordinance or the regulations adopted hereby is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this joint resolution and ordinance or the regulations adopted hereby, as the case may be.

SECTION VI. The existing sections of the "Subdivision Regulations for Lawrence and the unincorporated areas of Douglas, County, December 19, 2006 Edition", and all heretofore adopted amendments thereto, referenced in the "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, TA-10-17-08 Revised

Standards for Build Out Plans, January 6, 2009 Text Amendments" are hereby specifically repealed and replaced by the "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, TA-10-17-08 Revised Standards for Build Out Plans, 2009 Text Amendments," adopted hereby.

SECTION VII. This joint resolution and ordinance shall be in full force and effect from and after its adoption by the Governing Bodies of the City of Lawrence and Douglas County, Kansas and publication as provided by law.

Passed by the governing body of the City of Lawrence, Kansas this ____ day of February, 2009.

APPROVED:

Michael Dever, Mayor

ATTEST:

Frank S. Reeb, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
Director of Legal Services

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day of February, 2009.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

Charles Jones, Chair

Nancy Thellman, Commissioner

Jim Flory, Commissioner

ATTEST:

Jameson D. Shew, County Clerk

NOTICE TO PUBLISHER

Publish one time and return one Proof of Publication to the City Clerk and one to the City Director of Legal Services, and one to the County Clerk.

**PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item**

PC Staff Report
01/26/08

ITEM NO. 1: CONDITIONAL USE PERMIT FOR RWD #3; 1239 E 300 ROAD (SLD)

CUP-11-08-08: Consider a Conditional Use Permit for a water treatment facility modification for Rural Water District #3, located at 1239 E 300 Road, Berryton. Submitted by Bartlett & West, for Douglas County Rural Water District #3, property owner of record.

STAFF RECOMMENDATION: Staff recommends approval of a Conditional Use Permit for a water treatment facility modification for Rural Water District #3 located at 1239 E 300 Road and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions:

1. Applicant shall provide a revised site plan with the following changes:
 - a. Note the type of surface of driveway.
 - b. Dimension width of driveway.
 - c. Identify any lights with details of the fixture, mounting height and shielding if any.
 - d. Provide a note to indicate the number of off-street parking provided.
 - e. Show accessible parking stall.

Reason for Request: Applicant's response: *"The existing concrete pre-sedimentation basin is currently not covered. The proposed structure would limit debris currently getting into the treatment process at this location and limit mixing action created by the wind."*

KEY POINTS

- The facility currently exists. The proposed CUP is to allow for documentation of current conditions and to accommodate proposed improvements to the facility.

GOLDEN FACTORS TO CONSIDER

ZONING AND USES OF PROPERTY NEARBY

- A (Agricultural) District; existing agricultural properties and scattered rural residences.

CHARACTER OF THE AREA

- Agricultural area of western Douglas County

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

- Existing zoning is suitable. Use is allowed within the A District subject to approval of a CUP.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- CUP approval by Board of County Commissioners
- CUP-02-03-79; approved by the Planning Commission on 3/29/79; Approved by BOCC on 4/18/79.
- CUP-9-4-96; revisions to facility; CUP number assigned for tracking – processed as site plan [SP-02-03-96].
- SP-02-03-96; additional storage buildings added to site. Approved by BOCC on 09/30/96.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- Telephone calls from area residents inquiring about details of the application and confirming that the property is not being redeveloped for another purpose.

GENERAL INFORMATION

Current Zoning and Land Use A (Agricultural); existing water treatment facility.

Site Summary

Subject Property: 22.05 acres
Proposed Buildings: construction of 64' by 80' building enclosure of existing sedimentation basin

I. ZONING AND USES OF PROPERTY NEARBY

Staff Finding – The property is located approximately 2.7 miles east of the western Douglas County line on the west side of Clinton Lake. The subject property and the surrounding area are zoned for agricultural use. Agriculture and rural residences are the predominate land uses in the area.

II. CHARACTER OF THE AREA

Staff Finding – This is a rural area with agricultural land uses and rural residences. The surrounding property includes a variety of parcel sizes from 5 to over 100 acres.

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

Applicant's response:

"The property is already used for the treatment of water. This new structure would only enhance this process."

Staff Finding – A Conditional Use Permit (CUP) does not change the base, underlying zoning. The suitability of the property for a utility purpose will not be altered. The 22.5 acre property is developed with various structures for the purpose of collecting and treating water for distribution to other rural water districts. This property is suitable for the uses permitted in the A zoning district.

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

Staff Finding –County Zoning Regulations were adopted in 1966; this property has been zoned "A (Agricultural)" since that adoption. The property is currently developed with multiple buildings for the purpose of water treatment. The original approval for development was granted in 1979. The facility was upgraded in 1996.

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

Applicant's Response:

"This property currently has treatment structures on it. Adding this new facility will not add any additional detrimental impacts to nearby properties."

Section 19-01 of the County Zoning Regulations recognize that *"certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district...when found to be in the interest of the public health, safety, morals and general welfare of the community may be permitted, except as otherwise specified in any district from which they are prohibited."* The proposed use falls under *Use 10. Public Utilities* listed in Section 19-4 Conditional Uses Enumerated, of the *Zoning Regulations* for the unincorporated areas of Douglas County.

The proposed request will not alter the base zoning district. This CUP documents the existing conditions of the site and the proposed improvements.

Staff Finding – The removal of restrictions will not detrimentally affect nearby property.

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

Applicant's Response:

"This additional facility will allow for higher quality of water treatment at this facility without adding any additional impacts to individual landowners."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property. Approval of the request is intended to allow for improvements to the utility and increase the quality of the product ultimately made available to the general public through water distribution. The proposed improvement seeks to add a shelter to the existing sedimentation pond. A new function of the facility is not being added.

Staff Finding – The approval of the CUP would allow the utility to improve the quality of water treated.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response: None provided by applicant.

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits. Chapter 10 addresses Community Facilities including educational facilities, municipal buildings and facilities, and utilities. The Plan notes that most of the rural water districts rely on raw water resources through contracts with Lawrence. This particular facility obtains raw water directly from Clinton Lake and treats the water for distribution.

The Plan identifies a key strategy (page 10-10) as the following:

"Plans should emphasize utility improvements and extensions that provide the highest level of service within existing service areas, particularly public water and wastewater treatment and collection. Costs which are associated with the accelerating timing of the extensions of utilities into new development areas should ultimately be borne by the developments requiring these facilities."

Staff Finding – *Horizon 2020* does not directly address the issuance of CUPs but Chapter 10, Community Facilities states in Policy 1.1 b. "*Maintain or upgrade existing facilities and services where necessary to serve existing development.*" This proposed request is consistent with the policy statement.

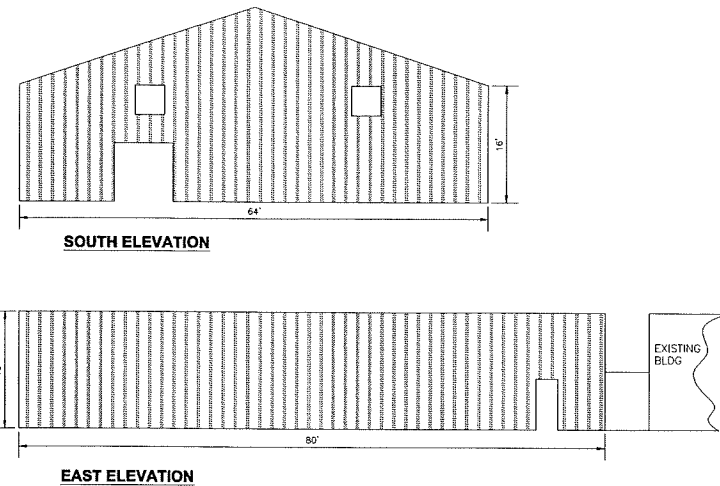
STAFF REVIEW

The subject property is not located within any identified Urban Growth Area. The application focuses on the proposed improvement, the addition of a building to shelter the existing sedimentation basin. The site plan shows that the building will be located approximately 40' inside the property line. The minimum side yard setback is 10'. Screening was not identified as needed by any review agency or property owner that called inquiring about the project. No additional landscape is required. Several minor site plan elements are not included on the document. Staff recommends that as a condition of approval, the site plan be revised to show the additional detail as noted in Section 19A-4 of the County Zoning Regulations.

Conclusion

The proposed CUP as conditioned complies with the County Zoning Regulations and the land use recommendation of *Horizon 2020*.

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PROPOSED BUILDING

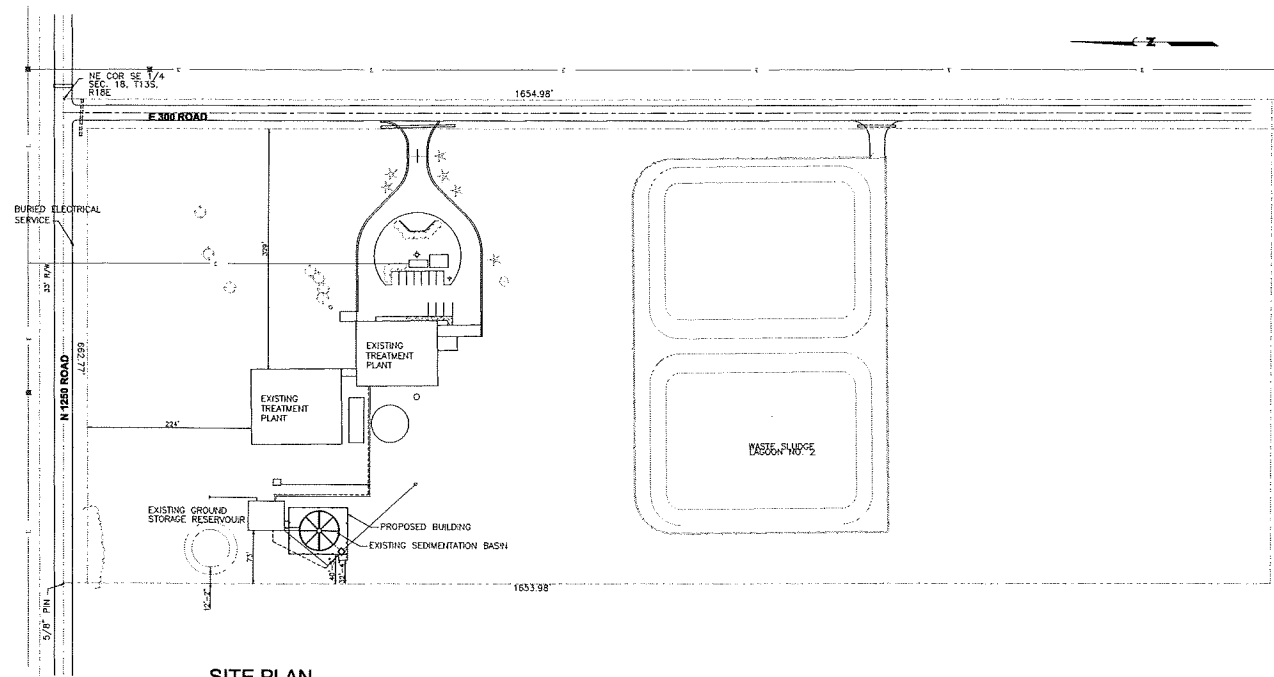
SCALE: 1" = 10'



LOCATION MAP

PARCEL DESCRIPTION

A TRACT OF LAND IN THE SOUTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 13 SOUTH RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SAID SOUTHEAST ONE-QUARTER; THENCE SOUTH ON THE EAST LINE OF SAID SOUTHEAST ONE-QUARTER ON AN AZIMUTH OF 179 DEGREES 37 MINUTES 53 SECONDS, A DISTANCE OF 1,654.98 FEET TO A STANDARD CORPS OF ENGINEERS MONUMENT, WHICH IS THE NORTHEAST CORNER OF TRACT 534, CLINTON LAKE, KANSAS; THENCE ON AN AZIMUTH OF 269 DEGREES 34 MINUTES 02 SECONDS, A DISTANCE OF 663.03 FEET TO A STANDARD CORPS OF ENGINEERS MONUMENT AT THE NORTHWEST CORNER OF SAID TRACT 534; THENCE ON AN AZIMUTH OF 359 DEGREES 38 MINUTES 26 SECONDS, A DISTANCE OF 1,653.98 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST ONE-QUARTER, WHICH IS THE NORTHWEST CORNER OF THE EAST ONE-HALF OF SAID SOUTHEAST ONE-QUARTER; THENCE ON AN AZIMUTH OF 89 DEGREES 28 MINUTES 52 SECONDS, A DISTANCE OF 662.77 FEET ON THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING.



SITE PLAN

SCALE: 1" = 100'

#	DATE	DESCRIPTION	BY

DESIGNED BY: JAR
 DRAWN BY: JRB
 CHECKED BY: JAR
 PROJECT ENGR: Y XXXXXX



1900 SW EXECUTIVE DRIVE - TOPEKA KS 66618-3880
 PHONE 785.292.8828 - FAX 785.293.8735
 WWW.BARTLETTWEST.COM

**TRI-DISTRICT WATER
TREATMENT FACILITIES**

SITE PLAN

PROJ NO: 3802.000	DRAWING NO: 1
CONST PROJ: ---	SHEET NO: 1 of 1
SCALE: AS NOTED	DATE: OCT, 2008

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ITEM NO. 1 CONDITIONAL USE PERMIT FOR RWD #3; 1239 E 300 ROAD (SLD)

CUP-11-08-08: Consider a Conditional Use Permit for a water treatment facility modification for Rural Water District #3, located at 1239 E 300 Road, Berryton. Submitted by Bartlett & West, for Douglas County Rural Water District #3, property owner of record.

STAFF PRESENTATION

Ms. Sandra Day presented the item.

APPLICANT PRESENTATION

Mr. John Ruckman, Bartlett & West, was present for questions.

Public Hearing

No public comment.

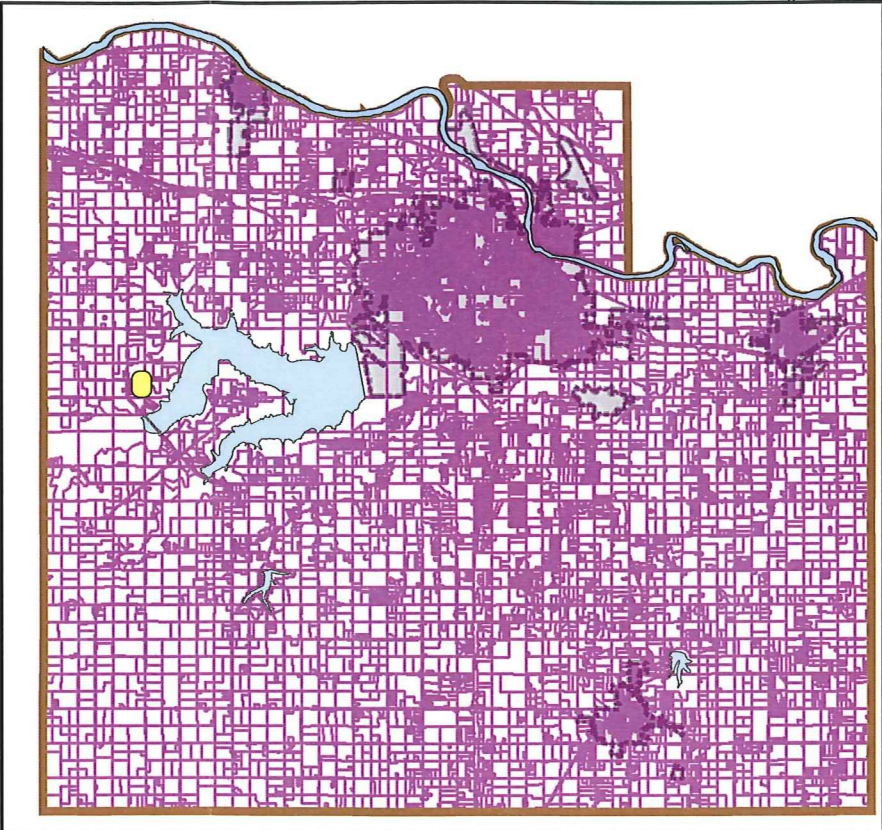
ACTION TAKEN

Motioned by Commissioner Moore, seconded by Commissioner Carter, to approve a Conditional Use Permit for a water treatment facility modification for Rural Water District #3 located at 1239 E 300 Road and forwarding of it to the County Commission with a recommendation for approval, based upon the findings of fact presented in the body of the staff report subject to the following conditions:

1. Applicant shall provide a revised site plan with the following changes:
 - a. Note the type of surface of driveway.
 - b. Dimension width of driveway.
 - c. Identify any lights with details of the fixture, mounting height and shielding if any.
 - d. Provide a note to indicate the number of off-street parking provided.
 - e. Show accessible parking stall.

Unanimously approved 8-0, with Commissioner Rasmussen not present for the vote.

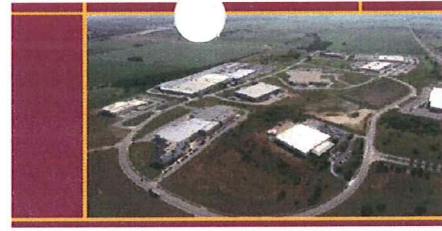
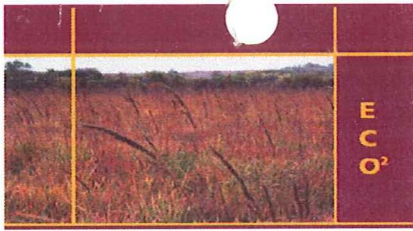
CUP-11-08-08



CUP-11-08-08

CUP-11-08-08	S_Fld_Haz_Ln
2008counts	Ln_Typ
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st_rd	1 PCT ANNUAL CHANCE FLOOD HAZARD
CLASS	FLOODWAY
rural	ORTHOS.GIS_OWNER.ORTHO2006
street	RGB
ownshp09	Red: Band_1
S_Wtr_Ln	Green: Band_2
	Blue: Band_3

This map was produced by Douglas County GIS.
 It is for reference only and is not intended for conveyances, nor is it a legal survey. February 6, 2009



INDUSTRIAL AND OPEN SPACE PLAN
2110 HARPER
LAWRENCE KS 66046

ECO² Commission

Larry McElwain – Chairman

Robert Rhoton – Vice-Chairman

Roger Boyd

Rex Buchanan

Bruce Liese

John Pendleton

Trudy Rice

Joyce Wolf

October 6, 2008

Lawrence City Commission
c/o City Hall
City Manager's Office
Lawrence, KS 66044

Douglas County Commission
c/o Douglas County Courthouse
1100 Massachusetts St.
Lawrence, KS 66044

Dear City and County Commissioners,

Attached you will find some changes (denoted in red ink) that the Eco² Commission would like to suggest be adopted into the Eco² Plan for Douglas County. These changes have come about after work that has been done in evaluating sites for both Open Space and Industrial Development. We think that these changes are needed to in some cases bolster the Plan, and in others, make it clearer and easier to evaluate the Plan and selected sites.

We know that there will be a process to discuss and adopt these changes. We will look forward to meeting with your Commission either jointly or individually to discuss the changes and their rationale.

Thank you.

Sincerely,

Larry K. McElwain, Chairman

Established
2003

ECO² = The exponential benefits of economic development + ecological preservation

Appendix F By-Laws

Article I. Name. The name of this organization, as established by Resolution 04-22 of Douglas County, Kansas, and by Resolution 6553 of the City of Lawrence, shall be the ECO² Commission. The term “Commission” in the following sections shall mean the ECO² Commission. The name ECO² is derived from the Commission’s dual goals of ecological stewardship and economic development in Douglas County. The term “Governing Bodies” in the following sections shall mean the Board of County Commissioners and the City Commission.

Article II. Purpose

Section 1. Bylaws. The purpose of these bylaws is to establish rules for the internal organization and operation of the Commission.

Section 2. Commission. The Governing Bodies, having determined that economic health and quality of life go hand in hand, have directed that the Commission shall have the dual purpose of advancing economic-development opportunities and sound ecological stewardship in the form of preservation and management of, and access to, open space in Douglas County. The Commission shall report to and advise the Governing Bodies on matters relating to its dual goals of 1) preservation, access, and management of open space, and 2) acquisition of land, facilities, and other supports to expand economic development in Douglas County, including developing incentives and financing of both purposes. The function, powers, and duties of the Commission are as authorized by the joint resolution establishing the Commission. Actions of the Commission are advisory only and subject to approval by the appropriate Governing Bodies. The Governing Bodies will adopt general policies and priorities, with the advice of the Commission. The Commission, however, adopts its own rules and policies for procedure, consistent with its powers.

Section 3. Guiding Principles. The Commission shall be guided by the following three principles: 1) participation of landowners shall be voluntary; the Commission shall not recommend the involuntary taking of private property; and no funds generated through ECO² may be used for condemnation of property; 2) to the extent possible, the Commission shall emphasize partnerships with developers, land trusts, and other parties positioned to advance the dual goals of economic development and open-space preservation; and 3) the Commission shall pursue the dual goals of economic development and open-space preservation without favoring either.

Article III. Organization

Section 1. Members. The Commission shall be comprised of eight (8) members, each of whom will reside within the geographic boundary of Douglas County and none of whom shall hold either a salaried position or elective office with either city government or county government. Membership on the Commission shall be voluntary, and no member shall receive payment for service on the Commission. The Mayor of the City and the Chair of the County Commission shall jointly appoint the members to the Commission. In each case, appointments shall be made with the consent of a majority of each respective body. The appointments shall consist of the following: three members

representing economic development interests, three members representing open-space interests, and two members representing agricultural interests.

Section 2. Terms. Each member of the Commission shall be appointed to serve a term of **two** years. No individual shall be reappointed if the individual has served **three** full consecutive terms. For purposes of determining eligibility for reappointment, the unexpired term of more than two years of an individual appointed to fill the unexpired term shall count as a full term. In addition, an initial term of more than two years shall count as a full term, but an initial term of two years shall not count as a full term.

Section 3. Officers. The officers of the Commission shall be a chairperson, a vice-chairperson, and a secretary. The officers shall be elected by the Commission at its regular meeting in June of each year. The term of office shall be one (1) year. No person may serve more than two (2) consecutive terms in a single office. The chairperson shall preside at all regular and special meetings of the Commission unless the chairperson designates someone to preside in his/her stead.

The chairperson shall determine and appoint all committees with the advice and consent of the Commission. The chairperson shall fix and determine times and places of meetings. The chairperson shall have such usual powers of supervision and management as pertain to the office of chairperson.

The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting. The vice-chairperson shall chair meetings of the Committee of the Whole. The Committee of the Whole consists of a committee formed by all the members of the Commission who are present at a meeting of the Commission. The Committee of the Whole may hold study sessions and discuss business. The secretary shall keep, or direct to be kept, a record of the proceedings of the meetings of the Commission. The secretary shall maintain and preserve the records of the Commission, conduct correspondence of the Commission, and, in the absence of the chairperson and vice-chairperson, preside at meetings of the Commission.

Article IV. Meetings

Section 1. Meeting Schedule. The Commission shall hold regular meetings at least once each month at such time and place as established by the chairperson. Special meetings may be called by the chairperson and shall be called by the chairperson if requested by at least six (6) members of the commission. Notice of meetings shall be provided by the chairperson to each member not less than five (5) business days prior to the meeting.

Section 2. Conduct of Meetings. The quorum required for the transaction of business at all regular meetings of the Commission shall consist of six (6) members of the Commission. An affirmative vote of at least six (6) members of the Commission shall be required to recommend project funding or take other significant action. The quorum for study sessions and meetings of the Committee of the Whole is five (5) members. Robert's Rules of Order (Revised) shall be the authority for the Commission in matters of procedure not specified above, except insofar as modified by these by-laws and the rules and procedures adopted by the Commission.

Section 3. Open Meetings and Open Records. All meetings of the Commission shall be held in compliance with the Kansas Open Meetings Act and all its records shall be subject to the Kansas Open Records Act.

Article V. Public hearings

Section 1. The Commission shall take no final action on any recommendation that involves funding greater than \$5,000 unless a public hearing has been held on that matter. The general nature of the proposed action shall be made public at least twenty (20) business days prior to the public hearing.

Section 2. The Chairperson may establish time limits for speakers and other rules of conduct for public hearings, with the advice and consent of the Commission.

Article VI. Consultation. Where appropriate or required by law, the Commission shall consult with other governing authorities, including, but not limited to, the Lawrence/Douglas County Metropolitan Planning Commission, the Lawrence/Douglas County Metropolitan Planning Office, and the Lawrence Parks and Recreation Department.

Article VII. Code of Conduct

Section 1. Conflict of Interest. No members shall vote on an issue, or participate in discussions, in which he or she has a conflict of interest. A Commissioner has a conflict of interest if the Commissioner or immediate family member has a material interest in any property or business that could be directly affected by a land use decision under discussion by the Commission, or if there is any other conflict of interest as set out by City, County, or State law, or if there is the appearance of a conflict of interest so defined.

Section 2. Ex parte communications. Private communications to individuals or groups of the Commission that are not subject to public review are ex parte communications. The rules regarding ex parte communications relate only to those items that require recommendations for action by the Commission. The ex parte restriction shall apply to all significant decisions by the Commission, including recommendations that will affect specific parties' land use rights. For any item that meets this definition, members shall not engage in ex parte communications. Members who receive information in violation of this rule shall disclose the communication to the Commission at the next regular meeting. Members shall make all reasonable efforts to terminate ex parte communications. Communications are not in violation of the ex parte restriction if they do not pertain to specific sites or properties, and/or if they involve general planning, procedural, or policy issues. The ex parte restriction shall not preclude any member of the Commission from requesting additional information from any source to assist in deliberations. However, requests for information from anyone other than staff of the Governing Bodies shall be made in writing and a copy of the request and the response will be made part of the public record for that item.

Section 3. Attendance. Any member who is absent from three (3) consecutive regular meetings shall have such absence reported by the Chairperson to the Governing Bodies.

Section 4. Removal of Members. The Commission may remove a member for just cause by a vote of six (6) members of the Commission. Just cause includes any act prejudicial to the conduct of the affairs of the Commission or the purposes for which it was formed, or if the member shall have changed his or her status so as to be ineligible for membership. Members who accrue absences beyond a total of six (6) in any calendar year should consider relinquishing their appointment. The Commission may recommend new and replacement members to the Governing Bodies and consult with the Governing Bodies concerning membership.

Article VIII. Amendments

Section 1. These bylaws shall not become effective until approved by the Governing Bodies. Amendments to these bylaws may be recommended by six (6) members of the Commission at any regular meeting, provided members have been notified twenty (20) business days in advance of the proposed amendment. Any member of the Commission may initiate an amendment. Amendments must be approved by the Governing Bodies.

ECO² PLAN
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I. Executive Summary

The Douglas County and City of Lawrence Commissions established the ECO² Commission by joint resolution to advise the city and the county regarding:

- preservation, access, and management of open space
- acquisition of land, facilities, and other supports to expand job opportunities in Douglas County, Kansas

The name ECO² was selected to represent the exponential benefits to the community of investing in both economic development and ecological stewardship.

The joint resolution instructed the ECO² Commission to be guided by the following:

- Both open space and industrial/business park development should be pursued concurrently and without favoring one over the other.
- Landowner participation will be voluntary.
- Partnerships with developers, land trusts, and other entities will be emphasized.

The ECO² Commission developed a long term plan for the identification, evaluation, and selection of land for the advancement of industrial/business parks and open space preservation. The commission convened work groups to complete the plan components. The work groups included diverse representation and were pivotal in the consensus building necessary to complete the plan and insure its success.

The ECO² Commission constructed a formula for evaluating land proposed for the advancement of industrial/business parks and land proposed for open space preservation. The formulas include required criteria, which must be met for site consideration, and preferred criteria on which a site is rated. The preferred criteria may be weighted differently at times to accommodate changing circumstances and priorities. The formulas were tested to assess their effectiveness in evaluating and prioritizing potential sites that might be proposed for industrial/business parks or open space **development**. (See Appendix B, C & D)

The ECO² Commission will periodically evaluate the required and preferred criteria and the formula for weighting these factors to determine their continued effectiveness in identifying and selecting sites proposed for industrial business park **development** and open space preservations as circumstances and priorities may change.

The ECO² Commission developed a process for implementing industrial/business park and open space proposals. The process assumes that proposals originate with ECO² or a similar entity with the expectation that a similar process, with adjustments, could be used for privately initiated proposals. The implementation process provides for early assessment of the compatibility of industrial/business park and open space proposals.

The implementation process includes the concept of net equity of public funds invested to assure that advancement of industrial/business parks and open space preservation proceed without favoring one over the other.

The ECO² Commission developed educational and outreach strategies so that the people of Douglas County would be informed about the ECO² initiative and its projected benefits. These strategies will continue in some form over the life time of the plan.

The commission identified options that could be employed by the Douglas County Commission and/or the incorporated city commissions in funding economic development and open space preservation projects that met with their approval.

Finally, the commission developed bylaws for the future operation of the ECO² Commission.

II. Background

The completion of a long term plan for the industrial/business development and open space preservation essential to Douglas County's sustainable economic vitality and quality of life is the culmination of a pioneering effort initiated in 2000. The Lawrence Chamber of Commerce convened a committee which was eventually called the ECO² committee, to develop consensus on future economic development and open space land requirements in Douglas County. The membership included citizens representing business development interests, open space advocacy, and local government. Many considered the achievement of consensus between the groups challenging.

In December 2002, however, the ECO² Committee unanimously recommended that the Douglas County Commission establish an official ECO² Commission to create more detailed plans for **both** industrial/business park development and open space preservation and to generate public support for the plan. Shortly thereafter, the ECO² Commission was established through a joint resolution.

Since it was established in 2003, the ECO² Commission has developed a long term plan and tools for identifying, evaluating, and selecting land for the advancement of industrial/business parks and open space preservation, and for building the consensus fundamental to its success. The work groups, convened to complete the components of the plan, were key to the completion of the plan and its future success. The completed plan involved hundreds of hours of volunteer assistance from numerous citizens of diverse expertise and interests and the continuation of a collaborative process initiated six years ago.

The completion of a long term plan for the advancement of industrial/business parks and open space preservation is a tribute to the people of Douglas County who tenaciously sought consensus on industrial/business park development and open space preservation. The completed plan is testimony to what is possible when we forge a common vision

grounded in shared caring and enriched by respect and understanding of differences.

The ECO² Commission is pleased to present the completed plan to the people of Douglas County and looks forward to working together with existing partners as well as additional partnerships in the future.

III. Industrial/Business Park Program

A. Introduction

This ECO² work group recognized that the acquisition and development of industrial/business parks is essential to the future economic vitality of Douglas County. To attract new industries and encourage the expansion of existing businesses, communities must have business sites available with accessible infrastructure in place. These new businesses and the jobs they create add to the tax base and provide revenue to support high-quality public services.

In recent years, the public sector has led in developing industrial/business parks because it requires a large, long-term financial commitment and aggressive marketing to realize a return on the investment. Most private investors are not prepared to make this commitment alone but might be interested in investing in a public-led project.

Businesses looking to expand or locate to a industrial/business park often demand that infrastructure is in place or planned in advance. The public sector often pays for these costs at the outset in order to benefit the community through the creation of new jobs and diversification of the tax base.

Historically, in Douglas County, absorption of the land in a large industrial/business park has taken much longer than absorption of land in a residential or commercial development. A public entity is often in a better position to hold this land or to create an option to purchase it. It can also lead marketing efforts and, thus, fill the sites more rapidly.

Identifying industrial/business sites in advance of other development is beneficial for several reasons. The selection of industrial/business sites prior to other, possibly incompatible, types of development represents sound land-use planning. It allows adjoining landowners to predict the future options for their land and to plan accordingly. Locating industrial/business parks near major transportation routes and current or projected utilities or other infrastructure can save public funds in the future, provide for public safety, avoid sprawl, and promote efficient urban development.

When industrial/business sites are identified well in advance, regional planning of infrastructure extensions and other enhancements can also be projected on a reliable schedule. The future capacity demands for that infrastructure can also be determined saving the costs for later upgrades.

Providing landowners with a fair and reasonable return on their property at today's market value also saves on the public revenue that would be required if the land were purchased at a later date when land costs have escalated because the site is closer to other development.

Developing more than one industrial/business-park location in the county increases the likelihood that prospective businesses will find a location that meets their needs. It is important to offer a variety of industrial/business sites. This enhances the communities potential for successful marketing of the various sites.

The ECO² Industrial/Business Park Work Group was formed by the ECO² Commission consistent with the joint city and county resolution concerning the identification and establishment of future industrial/business parks in Douglas County. The resolution encouraged "discussions between the governing bodies and representatives of Leocompton, Eudora and Baldwin City, the ECO² group, business/industrial leaders and other interested parties in the identification of these business/industrial-park locations." Lawrence/Douglas County planning staff was instructed to "begin the process of the identification of at least 1,000 acres consisting of three or more 200 to 300 acre sites for future business/industrial parks in the Lawrence/Douglas County area." "One 80 to 100 acre site for a future business park" was also recommended. This work group includes representatives from the recommended groups and has undertaken the task described. Members worked on a volunteer basis.

The ECO² Commission recognized that the work group could fulfill the directive in Horizon 2020, Chapter 12 (2003 update), Policy 6: "The City and County Commissions shall, within the next few years, identify 1,000 acres of land to be designated for industrial expansion over the next 25 years," by developing objective criteria for evaluation.

Tasks completed by the work group included examining a variety of documents, maps, and recommendations that provided information relevant to industrial/business sites in Douglas County. Creating and recommending a formula for identifying and comparing possible industrial/business park sites based on the work group's research. Evaluating potential industrial/business-park sites in Douglas County based on the process using the established formula.

B. Overview of Resources Examined to Establish Criteria and Evaluate Sites

The work group used the following resources to guide the establishment of the criteria, and recommends the ECO² Commission periodically analyze and review data pertinent to assessing the appropriateness of the required and preferred selection factors and their weightings. New data should be used as it becomes available.

1. Supply and demand for industrial/business sites :

- a. Current inventory of industrial/business sites
- b. Economic development and real estate information
- c. Industrial/business and real estate site selection requirements
- d. Data showing acreage requested by prospective industries for the previous four years

2. Lawrence/Douglas County planning staff recommendations for future industrial/business areas (generalized maps):

- a. Horizon 2020 industrial/business land projections
- b. Adopted Cities Urban Growth Areas (UGA)
- c. Sites that were more than 40 acres
- d. Less than 3 percent average slope based on topographic maps and surveys
- e. Located outside the 100-year flood plain
- f. Sites showing only two-three primary landowners

3. Current activity relevant to future industrial/business parks:

- a. Existing industrial/business parks that might offer possible expansion
- b. Industrial/business sites currently being developed
- c. Infrastructure and future growth plans (sewer, water, UGA, and transportation)

4. Big 12 Community Survey regarding open space and business land development best practices

5. ECO² Open Space Program Component

C. Selection and Ranking Process

All sites that are proposed for industrial/business parks in Douglas County will be evaluated based on specific selection criteria. Each site should first be reviewed for:

- Transportation access to interstate, U.S. or state highway or railway.
- Sites larger than 100 useable acres located outside the 100-year floodplain.
- Average slope of useable acres is less than 8 percent (using in preferred order: 1) physical surveys, 2) topographic maps, e.g. USGS maps.
- Intent of landowners to voluntarily participate.

If these criteria are met, each site will receive a point value according to the selection factors outlined in the evaluation matrix.

2. Explanation of selection criteria: Each factor is given a point value from 1 to 5, with 5 as the highest rank. All point values will be reviewed periodically and adjusted to address changes in transportation planning, infrastructure development, topography, market considerations, and other factors relevant to appropriate siting of industrial business parks.

a. **Transportation** via **divided** state, **divided** U.S., or interstate highways is essential for the movement of products to and from an industrial/business park. Locations closer than three miles to highways promote efficient movement of employees and goods, protect public safety, and create less congestion on local roads and streets. Point values are assigned according to proximity and type of highway.

b. **Total acreage of 100 acres or more** allows for clustering industrial/business facilities to share the costs of infrastructure and off-site improvements. Larger acreages are preferred **or acreages that are adjacent to current industrial sites.**

c. **Topographic slope** of the site affects its usability and the cost of preparing the site for large structures required for most business activities. Slopes that are too flat, requiring additional fill, or too steep, requiring the additional expense of earth-moving, are less desirable than the ideal slope of 3-4 percent.

d. **Extraordinary costs** are those that are well over the normal costs for providing municipal services (to be determined by elected bodies, municipal departments and consultants) or other infrastructure to an industrial/business site. These costs may be caused by the shape of the site, adjoining land uses, off-site transportation, or fire-protection needs. They would include costs for turn lanes, traffic signals, special storm-water requirements, and water-storage/fire-protection facilities. Also, each proposed site should be examined to determine if other developments or individuals will assume part of the costs of infrastructure for labor, utilities, roads, etc. As these costs change, the site rankings should be adjusted.

e. **Existing local or regional land use plans** often include land set aside for business use. Because these sites are already determined to be preferable by county and/or local planning staff, they are given point values according to the time frame in which development is projected to occur. These plans include the Horizon 2020 Comprehensive Plan, area or nodal plans, the current and projected Urban Growth Areas, future infrastructure (water, wastewater, and storm water) and transportation (vehicles, pedestrian, bicycles, air, rail, transit) plans, and area development plans (services, transportation, population, environmental, cultural, social, economic, etc.). A site is ranked “existing” if it is within at least one of these plans.

f. **The number of owners of parcels for a proposed site** affects the probability of acquiring the land for industrial/business development. Larger numbers of separate parcels and owners make it more difficult to acquire all of the parcels to form an area large enough to meet the 100 to 300 acre size required for an industrial/business park.

D. Proposed Formula for Selection of Sites

Table A.	
Point Values for Ranking Potential Industrial/Business Sites	
<u>Transportation proximity</u>	<u>Total acreage</u>
5- Access to divided highway or main rail line less than 1 mile	5- 300 or more acres
4- Access to divided highway or main rail line 1 to 3 miles	4- 200 to 299 acres
3- Access to two lane highway less than 1 miles	3- 100 to 199 acres
2- Access to two lane highway 1 to 3.0 miles	
<u>Average slope of site using USGS & city maps</u>	<u>Extraordinary costs</u>
5- 3 percent to 4.99 percent	5- less than \$2 million
4- 2 percent to 2.99 percent or 5 percent to 5.99 percent	4- \$2 to \$4.9 million
3- 1 percent to 1.99 percent or 6 percent to 6.99 percent	3- \$5 to \$6.9 million
2- 7 percent to 7.99 percent	2- \$7 to \$9.9 million
	1- \$10 to \$14.9 million
<u>Existing local or regional plans</u>	<u>Number of owners</u>
5- in at least one local plan	5- fewer than 3 owners
4 adjacent to existing plan	4- 3-4 owners
3- planned within 5 years	3- 5-6 owners
2- planned within 6 to 10 years	2- 7-9 owners
1- planned within 11 to 25 years	1- 10-12 owners

D. Proposed formula for selection of sites

Some factors, such as access to transportation, are more essential to an industrial/business park than other factors, such as the number of landowners who would need to agree to sell their property to create a single site that meets the required acreage. To accommodate these differences, the point values for each of the preferred selection factors are weighted (see below) to reflect the relative importance of these factors in making a final determination of sites that qualify for ECO² support. The percent of relative importance for each preferred factor is as follows:

- 25 percent Transportation proximity
- 17 percent Total acreage
- 17 percent Average slope
- 17 percent Extraordinary costs
- 17 percent Existing plans
- 7 percent Number of owners
- 100%

E. Testing the Model

The work group tested the model to determine its effectiveness in evaluating and prioritizing a variety of mock project areas that conceivably might be proposed for industrial/business parks. The model was tested to assess its efficacy in prioritizing project areas based on the preferred factors and the formula for assigning weights to those factors determined to be appropriate for current market circumstances. The work group found the model effective in its ability to establish priorities for industrial/business parks project areas. The ECO² Commission will regularly review and modify the required and preferred selection factors and their ranking to evaluate their continued effectiveness in selecting and evaluating industrial/business park sites.

IV. ECO² Open Space Preservation Program

A. Introduction

The ECO² Open Space Preservation Program recognizes that open space enhances quality of life; contributes to a sense of place, history, and community; and supports the health and economic well being of all Douglas County residents, both urban and rural.

The ECO² Open Space Preservation Program recognizes that outside the incorporated communities Douglas County is primarily a rural and agricultural county. Except for the comparatively small areas of non-farm residential uses, most of Douglas County is “open space” in the form of farmland and undeveloped land.

The ECO² Open Space Preservation Program offers landowners the opportunity to preserve the rural character of their land. The program identifies eligible lands and provides funds to the landowner to preserve special types of land that are valued in their undeveloped state. The eligible lands will be referred to as “open lands.” Examples of open lands include native prairie and woodlands, wetlands, riparian areas adjacent to streams and creeks, and other areas especially valuable as wildlife habitat. Other special areas and soils in the direct path of growth may be more valuable left in their present agricultural use or other open space use than if altered through development. It is for the preservation of these special lands within the open space of Douglas County that the ECO² program, referred to as the “Open Space Preservation Program,” has been created.

The location of Douglas County in the northeast corner of the state means that several geological and climatic conditions have contributed to its interesting physical features. Glaciation has contributed to an abundance of rich soils. Differential erosion for thousands of years has created a varied terrain of hills and valleys and deposits of rich soils. Within the floodplains of the Kansas River and the Wakarusa River, the soil is very rich. These soils are classified by USDA as “prime” and are important to our agricultural economy.

The eastern edge of Kansas is part of the transition zone between the eastern forest and the tallgrass prairie. Douglas County is a mixture of both. This region receives more rainfall than counties farther west, resulting in more perennial rivers and streams and a reliable water supply for a growing population. Protecting the quality of our water is an important purpose of the Open Space Preservation Program. Trees, shrubs, and understory vegetation act as a natural filter, cleaning water of pollutants, preventing erosion, protecting habitat for fish and other aquatic organisms, and providing a high-quality habitat for wildlife. The shelter and food that these and other natural communities provide enable birds and other wildlife to thrive here. Two federally protected plants species occur in the small patches of native prairie in the county. Tallgrass prairies in eastern Kansas support the world’s largest populations of Mead’s milkweed (*Asclepias meadii*) and significant numbers of western prairie fringed orchid

(*Platanthera praeclara*). Our community can take pride in its efforts to protect these species and, through an Open Space Preservation Program, offer landowners compensation for keeping their prairies in a natural state.

The potential for recreation, population growth, and healthy economic activity is high. The residents of this county face the difficult dilemma of maintaining a vigorous economy, welcoming a rapidly growing population, and at the same time protecting the beauty of prairies, forests, wildlife habitat, and agriculture that are the defining features of our county.

Agriculture has been the dominant activity in Douglas County since the first European-American settlers began arriving more than 150 years ago. Many of those early farms continue to produce today. Many businesses in our communities serve agricultural activities and would fail if the rural areas are converted to suburbia or if farms are severely fragmented by highways. Our county is also ideally suited for sustainable agriculture. An open space preservation program that offers agricultural producers the option of selling a conservation easement will allow some of these producers to continue farming or sell their farms to beginning (farmers) agricultural producers for a reasonable price, a choice that they have not had before. The entire community benefits by retaining our strong agricultural heritage of family farms and ranches.

The Open Space Preservation Program also helps preserve the county's history by protecting the sites of Quantrill's Raid and other Civil War battles, country schools, the Santa Fe Trail, the camp sites of native peoples, and limestone rock fences. By providing an incentive to set these areas aside for ourselves and for tourists, this program can honor those who have inhabited this place long before we came.

Recreation through hiking, biking, and walking will be enjoyed in designated open space that is acquired through this program. Public access to selected nature areas is also an important element of a high quality of life.

Several economic benefits result from land conservation through community programs such as the one proposed here. The American Farmland Trust has completed many "Cost of Community Services Studies" (CCSS). It reports that farmland contributes more revenue to the community in taxes than it costs in services and infrastructure. Land conservation also boosts tourism and attracts new businesses. Protecting low-lying areas can control flood damage and decrease the cost of storm-drainage facilities. In short, preserving open spaces pays off for communities economically as well as environmentally.

When we preserve open space, we not only bring benefits to our current residents but also ensure that future generations will experience a place that retains many of the features we value. Our most distinctive natural, historical, and agricultural areas can remain for our grandchildren and their children to experience. We can avoid the disappearance of our best agricultural and natural landscapes by offering alternatives to development for those lands.

B. Definitions

1. **Open Space.** Open space is that part of Douglas County that has not been developed.
2. **Open Land.** Land that is open space and is eligible for the Open Space Preservation Program.

C. Voluntary Participation. Landowner participation will be voluntary. No land will be secured without the consent of the landowner. Landowners willing to participate will have the option of selling or donating either a conservation easement on or fee ownership to their land for the Open Space Preservation Program.

D. Categories of Open Lands. Lands that are eligible for inclusion in the Open Space Preservation Program are:

1. **Trails.** Lands suited for recreational hiking, biking, and walking trails (forms of passive recreation) that are:
 - a. Along naturally occurring river and forested corridors, especially those that connect Lawrence, Lecompton, Eudora, and Baldwin City
 - b. Contiguous to existing or planned trails
 - c. Connectors between Clinton Reservoir, Douglas County State Lake, Lone Star Lake, the Wakarusa River, and the Kansas River
 - d. Connecting neighborhoods, schools, and businesses
 - e. Other suitable areas.
2. **Natural resources.** Land that has ecological significance, including:
 - a. **Native prairie.** These lands are remnants of the native landscape that occupied about 93 percent of Douglas County prior to settlement. Native prairies are remnants that have not been plowed, although today most are used as hay meadows. They are both historically significant and biologically diverse, usually containing more than 200 species of native plants. Because few prairies of any size remain in Douglas County, parcels of at least five acres may be considered for inclusion in the Open Space Preservation Program. Sites with documented populations of Mead's milkweed or western prairie fringed orchid will be given special consideration.

b. **Mature forest.** These lands are part of the six percent of Douglas County that was forested before European-American settlement. Remaining areas are both historically significant and biologically diverse with a rich understory of woodland plants and wildflowers. Because they must be of sufficient size to attract animal species, parcels of at least ten acres in size may be considered in the Open Space Preservation Program.

c. **Wetlands.** These lands are biologically diverse sites that experience frequent or permanent inundation. Wetlands are defined by the presence of special soils and usually occur in floodplains or other low features in the landscape. Drained and cultivated for their rich soils, these sites today are among the rarest natural resources in eastern Kansas. Because even very small areas can provide important habitat for a variety of waterfowl and shorebirds, parcels of at least one acre in size may be considered for inclusion in the Open Space Preservation Program.

d. **Riparian lands** (adjacent to streams, rivers, and lakes). Often called riparian areas, these are linear features or corridors at least 100 feet wide. They may comprise a forested or grassland band adjacent to the stream or water body. Because even very small areas can provide important habitat for a variety of wildlife, parcels of at least one acre in size may be considered for inclusion in the Open Space Preservation Program.

e. **Habitat for protected species.** These lands are habitat for any listed species on a state or federal protection list, or lands where such species are likely to occur. Because even very small areas (one acre) may play an important role in the success of the species in question, parcels of any size may be considered for inclusion in the Open Space Preservation Program.

3. **Agricultural lands.** These lands are an important part of our cultural history and play a significant economic role in our county. Areas to be eligible for inclusion in the Open Space Preservation Program should be prime agricultural lands (as defined below) or lands located in the floodplain. Parcels of at least ten acres in size may be considered for inclusion in this program.

Prime Agricultural Land Definition:

Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. It has a combination of soil properties, growing season and moisture supply needed to produce sustained high yields of crops

in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland will consist of Class I or II soils as defined by the USDA. Its soils are permeable to water and air, are not excessively eroded or saturated with water for extended periods of time, and it either does not flood during the growing season or is protected from flooding.

Users of this definition will need to understand that prime farmland has many factors besides the soil classification to determine if the property can be classified as prime farmland. Other considerations:

- Slope- generally should not exceed 4-5%
- Land Use- generally will be cropland production.
- Drainage- generally will be well drained and does not have saturation issues.
- Erosion- generally has little to no erosion and if erosion exists is well managed.
- Flooding- generally does not flood or is protected from flooding.
- Production Capability- generally has a proven track record of production well above the Douglas County averages.

4. Scenic lands. These lands provide beautiful views of the natural landscape. Parcels of at least ten acres in size may be considered for inclusion in the Open Space Preservation Program.

5. Historic sites. Historic sites may be those sites listed on the local, state, or national registers of historic places or unlisted sites with significant historical attributes, such as Santa Fe Trail ruts. Because even small sites may offer important historical features, parcels of at least one acre in size may be considered for inclusion in the Open Space Preservation Program

6. Lands Promoting Integration. These lands are important because they serve as enhancements of or linkages between significant parcels of land. They may help connect trails or provide additional green space adjacent to other protected private or public property. Examples of protected private or public lands to be integrated include trails, schools, residential areas, industrial/business parks, or (other) areas of open space. These lands may also be appropriate for restoration of native habitat. Because sites may play important roles in integrating other parcels with one another, parcels of any size may be considered for inclusion in the Open Space Preservation Program.

E. Open Space Preservation Program Goals

Goal 1. Work cooperatively with the following local governments: Baldwin City, Eudora, Lecompton, Lawrence, and Douglas County to ensure conservation consistent with the communities' comprehensive plans and park plans.

Objective 1.1. Establish conservation partnerships with public entities to preserve open space.

Objective 1.2. Preserve land between and around cities for open space to help maintain community identity. For example, prioritize preservation of sites with pleasing vistas and geographic features bordering each of the four cities.

Goal 2. Establish conservation partnerships with landowners, professionals, and private organizations to preserve open space.

Goal 3. Inform and educate the Douglas County public including those persons who work with land (including real estate, appraisal, and tax professionals) regarding the benefits and values of open space preservation.

Objective 3.1. Organize, publicize, and conduct a series of workshops to inform the general public and professionals regarding conservation options and the benefits of preservation of open space.

Objective 3.2. Educate the Douglas County public and professionals on the benefits of preservation of open space through community outreach and marketing.

Goal 4. Determine and evaluate public opinion regarding the open space preservation program's goals and priorities for preservation.

Goal 5. Protect open lands countywide over the long term.

Objective 5.1. Seek to secure and preserve open lands through an organized publicly supported open-space preservation program.

Objective 5.2. Protect lands of sufficient size to be viable over the long term to avoid acquiring small isolated pockets of land with minimal conservation value or high access and stewardship costs.

Objective 5.3. Protect the quality of public water resources.

F. Conservation tools mechanisms and use of funds for achieving goals:

- 1. Easements.** Accepting easements as a primary means of preserving open space from willing landowners. Easements offer the most benefit for each dollar invested, since the land remains private property, stays on the tax

rolls, and reduces property management costs as the land continues to be maintained by the property owner.

2. **Easement Partnerships.** Creating partnerships when easement acquisitions are appropriate. Partnerships will be created with, but not limited to, the Kansas Land Trust, City of Baldwin City, City of Eudora, City of Lawrence, City of Lecompton, Douglas County, area universities, the Kansas Department of Transportation, area utility companies, local school districts, neighboring counties, other governmental agencies, and private organizations and companies when easements are appropriate.
3. **Ownership.** Acquiring fee ownership of land in those instances where public ownership is warranted and the landowner is willing to sell.
4. **Ownership Partnerships.** Establishing partnerships for coordinating and maintaining land held by the Open-space Preservation Program.

G. Acquisition. The Board will consider whether the level of compensation requested by the landowner for the preservation of the lands is appropriate.

1. **Purchase Price.** A landowner may offer to sell the conservation easement or fee simple title for full fair market value or under a bargain sale arrangement.
2. **Matching Funds.** A conservation partner may offer to provide matching funds for the purchase of the conservation easement on or the fee simple title to the open lands.
3. **Donation.** A landowner may offer to donate the conservation easement on or the fee simple title to the open lands.

H. Evaluating Open Space Lands. The proposal will be processed on its own merits after review of the property and its conservation values (refer to Appendix D).

1. **Consistency.** A proposal must be consistent with the vision of ECO² and benefit the citizens of Baldwin City, Eudora, Lawrence, Lecompton, and the unincorporated areas of Douglas County. The proposal will be reviewed for consistency with the communities' comprehensive plans and park plans.
2. **Required Selection Factors.** The following factors will be used to select and prioritize proposals for open lands. A proposal must satisfy the primary selection criteria.
 - a. Intent of landowners to voluntarily participate; strong landowner commitment to perpetuating conservation values.

- b. The land or conservation easement can be acquired with reasonable effort and cost in relation to its value.
- c. Must be eligible land under one of the open land categories.
- d. Proposal promotes the overall goals and objectives of the ECO² Open Space Preservation Program.

3. Preferred Selection Factors. Secondary selection criteria will be considered to rank proposals.

- a. Water quality protection (e.g., wetlands, public water assessment areas)
- b. Multiple conservation values
- c. Floodplain
- d. Proximate to intact natural areas/protected lands, recreational parks
- e. High risk of urban development
- f. High risk of rural development
- g. Accessibility to public
- h. Proposal with matching funds, partner funding, bargain sale, or includes donation
- i. Size of tract
- j. High-quality natural areas

I. Testing the Model

The work group tested the model to determine its effectiveness in evaluating and prioritizing a variety of sites that could conceivably be proposed for open space preservation. The model was tested to determine its efficacy in distinguishing and prioritizing sites based on the preferred factors and the formula of assigning weights to those factors considered appropriate to current circumstances. The work group found the model effective in its ability to establish priorities for open space preservation site selection. The ECO² Commission will regularly review and modify the required selection factors and their weightings to evaluate their continued effectiveness in appropriately identifying, prioritizing and selection of open space preservation sites (refer to Appendix D).

V. Implementation

A. Introduction

The ECO² Implementation Work Group developed a uniform process for implementing industrial/business park and open space proposals, the process assumes that proposals originate with the ECO² Commission, or a similar entity, with the expectation that a similar process, with appropriate adjustments, could be used for privately initiated projects.

B. Implementation Process

The implementation process is designed to be sensitive to the roles of the Douglas County and incorporated city commissions and the people of Douglas County.

Proposals are initiated through ECO² Open Space and Industrial/Business Park Groups that are comprised of a broad representation of stakeholders appointed by the ECO² Commission. The committees identify projects for consideration using the required and preferred factors identified in the models of identifying and evaluating lands under consideration for industrial/business parks or preservation. Provisions are also made for the public discussions essential to maintaining public oversight and input as well as for the private discussions essential to prudent business transactions.

Provisions are made for the early identification of the compatibility between industrial/business and open space proposals with one another.

The final authority over the proposals is decided by the Douglas County and incorporated city commissions after ample opportunity for public input.

The implementation work group depicted the implementation process in a flowchart to facilitate understanding.

C. Concept of Net Equity in Funding

The concept of net equity was adopted as a funding strategy to assure that the investment of public funds in industrial/business parks and open space preservation was equal and that both economic development and ecological stewardship would be advanced without favoring one over the other, as directed by the Douglas County and City of Lawrence Commissions.

The implementation work group determined that an industrial/business park, based on East Hills Business Park, requires an investment of approximately \$20 million, about 75 percent of which is recovered over time as the park is inhabited. The net public expenditure, then, for the average industrial/business park, is

projected to be \$5 million. The net equity concept provides that for every \$20 million invested in an industrial/business park, an investment of \$5 million will be invested in open space, assuring equity in funding and the pursuit of both goals without favoring one over the other.

Net equity assumes that the net investment of public funds is equal for industrial/business parks development and open space preservation. An industrial/business park requires a substantial up front investment, an estimated 75 percent of which is recovered as the park is inhabited.

VI. ECO² Public Education and Outreach Program

A. Introduction

An informed and knowledgeable public is crucial to the success of the ECO² plan for equally promoting economic development and ecological stewardship with the investment of public funds. It helps ensure increased support for the program, as local citizens gain a broader understanding of the benefits of the plan to the future success of our community. A central goal since the inception has been to provide opportunities for public input and to engage all interested persons.

B. ECO² Plan Development Phase

Effort has been expended throughout the five-year development phase of the ECO² concept and plan to ensure that all residents including those living in incorporated and unincorporated areas of Douglas County have had opportunities to provide input and receive information about the ECO² concept and participate in the planning process. This is reflected in the following opportunities, both past and future, for public involvement during the development, adoption, and implementation phases of the process.

Since the inception of the ECO² concept in 2000, there has been opportunity for public input into the concept and plan. These opportunities included:

1. **2000:** The original ECO² group began meeting under the umbrella of the Lawrence Chamber of Commerce. Meetings were open and covered by the media. Drafts of the ECO² initiative, as presented by this group, were provided to key stakeholders. Five community forums were held throughout the county to receive input. These included meetings in Baldwin, Lecompton, and Eudora. More than 200 individuals participated in these forums.
2. **2003:** The original ECO² group delivered an annual report and a draft plan initially to the Douglas County Commission and subsequently to the Lawrence City Commission at a regularly scheduled public meeting. Public input was provided by stakeholder groups and individuals.
 - a. The ECO² Commission established in 2003 consisting of eight community members, began meeting monthly and organizing work groups to develop a draft version of the ECO² plan. Each work group included broad community representation. A targeted effort was made to include representation from all communities in Douglas County during all phases of the process.

- b. Multiple opportunities for public involvement were provided during this time.
- i. A planning retreat was held with more than thirty-five individuals participating.
 - ii. The open space work group included more than thirty individuals assisting in the process through a series of nineteen meetings.
 - iii. The industrial/business space work group included more than twenty individuals assisting in the process through a series of twelve meetings.
 - iv. The bylaws work group included six interested individuals assisting in the process through a series of three meetings.
 - v. The implementation work group included more than 45 individuals assisting in the process through a series of ten meetings.
 - vi. The public education and outreach work group included more than 15 individuals assisting in the process through a series of five meetings.
 - vii. A study session was held with the Douglas County and Lawrence City Commissions.
 - viii. Three annual progress reports and invitations to provide future directions were delivered to the Douglas County and Lawrence City Commissions each year at a regularly scheduled public meeting.
 - ix. Media representatives covered many aspects of this plan-development phase. In the five years there were more than 200 mentions of ECO² in local media.

3. 2007: Plan Adopted

C. ECO² Plan Adoption Phase Public Education and Outreach

Recognizing that **implementation** of the ECO² Plan requires an understanding and acceptance of the concept by the general public, the following tools will be used to inform the public on an ongoing basis about the ECO² plan and its importance to Douglas County.

D. Tools

- a. Web access
- b. Promotional brochures
- c. Public information meetings—in all communities
- d. Speakers Bureau
- e. Draft plan summary

The above tools were selected to support the guiding principles of:

- Forming partnerships with organizations and or individuals who might have an interest in this initiative.
- Using educational materials and strategies to inform the public of the process and products.
- Reaching out to diverse audiences.
- Organizing ways to share information and receive input on a continuing basis.

E. Continued Public Education and Outreach:

Recognizing that successful implementation of the ECO² Plan relies on building a strong base of public understanding and support, the following actions should be planned on an ongoing basis.

1. Yearly review of the plan by the ECO² Commission or its representative group.
2. At least every five years the plan should be updated through a process that includes an opportunity for public input.
3. The plan should be available online at a web address to be available at all times and should include examples of successful ECO² projects.

F. Conclusion

The ECO² plan reflects opportunities for public involvement throughout the process in a variety of ways. It has been the intent in the past, present, and future to have an engaged community involved in the process and to prepare a plan that reflects the diverse interests and characteristics of our community.

VII. ECO² Funding Mechanism Review

A. Introduction

ECO² must have funding sources available to carry on the initiatives that have been set forth. These funding sources will likely be from diverse sources. The concept of net equity was adopted as a funding strategy that honored the directive that the ECO² Commission pursues its dual purpose of economic development and open space preservation without favoring one goal over the other.

Below are a number of sources that may be combined and used to reach the common goals of the program.

B. Potential Funding Mechanisms

1. **Excise tax.** An excise tax is a tax on items such as alcohol or tobacco.
2. **General Obligation Bonds.** Cities have statutory and home rule powers to issue debt for public infrastructure and facilities. Cities have enacted charter ordinances allowing for the issuance of debt for economic development purposes and open space purposes throughout the nation.
3. **Grants/Gifts.** Grants are monies donated to specific projects from governmental offices, foundations, and charitable organization.
4. **Hotel tax.** A hotel tax is a tax on the use of hotel rooms by visitors to Douglas County.
5. **Industrial Revenue Bonds.** Industrial revenue bonds (IRBs) are conduit financing whereby the municipality issues debt that a private entity uses for acquisition, construction, and personal property for certain qualifying industries. The debt is not backed by the municipality or their taxpayers; instead, the debt is backed only by the revenue from the industry or property.
6. **Mortgage registration tax.** A mortgage registration tax is a fee collected for any commercial or residential real estate on which a mortgage is placed.
7. **Partnerships.** These partnerships could be a combination of public and private financing. They could also include bank financing. A combination of many of the above-mentioned options could be used for these partnerships.
8. **Real Estate Property Tax.** Increased property taxes of all real estate in Douglas County.

9. Sales Tax. Counties are given the right to ask voters to approve a sales tax increase to be pledged for a number of purposes. Any new sales tax requests would be in addition to any existing taxes levied by Douglas County and/or City of Lawrence.

10. Special Assessment Benefit Districts. Cities utilize special assessment benefit districts to finance and install public improvements: for example, streets and sanitary sewers. Benefit districts include property that benefits from certain improvements, with assessments placed on the property to pay off the debt that financed the improvement.

11. Tax Increment Financing. Tax increment financing is used to publicly finance needed public improvements and enhanced infrastructure in a defined area. The cost of improvements to the area is repaid by the contributions of future tax revenues by each participating taxing unit that levies taxes against the particular property.