

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, DECEMBER 8, 2010

4:00 p.m.

-Consider approval of the minutes of September 29, October 20 and November 8, 2010.

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider approval of a four-party agreement with KDOT, the City of Lawrence, and the Lawrence/Douglas County MPO to undertake a transportation plan for the US-40/K-10 interchange area from E 800 Road to George Williams Way. (Keith Browning);
- (c) Consider approval of Agreement for County Treatment of Noxious Weeds on KDOT Right-of-way (Keith Browning);
- (d) Consider acquisition of a trailer for Public Works (Jackie Waggoner);
- (e) Consider purchase to improve technology in Division IV courtroom (Jackie Waggoner);
- (f) Authorize staff to negotiate and finalize agreement for cellular services (Jackie Waggoner)

REGULAR AGENDA

- (2) Discussion of 2011 CIP (Pam Madl & Keith Browning)-No backup
- (3) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments
 - (c) Miscellaneous
 - (d) Public Comment

RECESS UNTIL 6:35 P.M.

-6:35 p.m. - Reconvene

CONSENT AGENDA

- (4) Consider Adoption of Resolution making the statutory finding that the City of Lawrence's annexation of property (A-9-3-10) will not hinder or prevent the proper growth or development of the area or of any other incorporated city in the county.(Evan Ice)- Backup to follow

REGULAR AGENDA

- (5) Consider **PP-9-9-10**: Consider a Preliminary Plat for Rockwall Farms Addition, a 2 lot subdivision by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. (PC Item 3; approved 7-0 on 11/15/10)(Mary Miller is the Planner)
- (6) **TA-06-12-08**: Consider approving Text Amendments to Section 20-810 of the Subdivision Regulations [County Code Section 11-110] to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved, Section 20-812 [County Code Section 11-112] to revise the required contents of a plat to include environmentally sensitive lands provisions, and Section 20-815 [County Code Section 11-115] to provide definitions of terms related to environmentally sensitive lands. *Initiated by County Commission on 6/23/08.* (PC Item 2; approved 8-0 on 10/25/10)(Mary Miller is the Planner)
- (7) Adjourn

WEDNESDAY, DECEMBER 15, 2010

WEDNESDAY, DECEMBER 22, 2010

WEDNESDAY, DECEMBER 29, 2010

WEDNESDAY, JANUARY 5, 2011

-CPA-3-1-10: Consider Comprehensive Plan Amendment to Horizon 2020 for an update to Chapter 8 – Transportation. *Initiated by Planning Commission on 2/22/10. (PC Item 3; approved 9-0 on 9/20/10) Todd Girdler is the Planner.*

MONDAY, JANUARY 10, 2011

9:00 a.m.

-Swearing in of Commission Gaughan

WEDNESDAY, JANUARY 12, 2011

-No Commission Meeting

Note: *The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.*



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

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

MEMORANDUM

To : Board of County Commissioners

From : Keith A. Browning, P.E., Director of Public Works/County Engineer *KAB*

Date : November 30, 2010

Re : Consent Agenda approval of four-party agreement with KDOT
US-40 & K-10 Interchange Area Transportation Plan

You will recall KDOT is working with Douglas County, the City of Lawrence, and the Lawrence/Douglas County MPO on a transportation plan for the US-40 (6th Street)/K-10 interchange area. The plan will "serve as a framework for potential highway enhancements, identification and preservation of right-of-way that may be necessary to accommodate projected enhancements, access management objectives for the highway and for the inter-facing local network, and effective inter-connectivity of the local street/road network with the highway." The study area includes the US-40 corridor from E 800 Road to George Williams Way, a length of 1.5 miles. The width of the corridor is approximately one-half mile either side of the highway's centerline.

A four-party agreement outlining responsibilities for the study is attached for BOCC consideration. Under terms of the agreement, KDOT will let a contract with a consulting engineering firm to perform the study. KDOT is responsible for 67% of the engineering contract amount, up to \$67,000, and each of the other three parties is responsible for 11% of the contract, up to \$11,000 each. Each local party is responsible for transmitting \$11,000 to KDOT within 50 days after the agreement is fully executed. KDOT will refund any overpayments by the other three parties.

Assuming BOCC approval, Douglas County's cost will be paid from Road & Bridge Fund 201, Professional Services line item.

Action Required: Consent Agenda approval of a four-party agreement with KDOT to undertake a transportation plan for the US-40/K-10 interchange area. The BOCC Chair should sign four (4) original signature pages for the agreement. KDOT will return one fully executed original copy of the agreement.



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

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

MEMORANDUM

To : Board of Commissioners

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

Date : December 2, 2010

Re : Consent Agenda Approval of Agreement for County Treatment of Noxious Weeds on KDOT Right-of-Way

Attached is a proposed agreement between Douglas County and KDOT for the treatment of noxious weeds on state road rights-of-way in 2011. Under terms of the agreement, Douglas County treats noxious weeds and invoices KDOT for the wholesale cost of chemicals, plus labor and equipment hourly costs as shown in the agreement.

This department treated noxious weeds on state rights-of-way during 2010 under a similar agreement. We took into account treatment of noxious weeds on state rights-of-way during preparation and approval of the 2011 Noxious Weed budget within the General Fund.

Action Required: Consent Agenda approval of agreement with KDOT for the treatment of noxious weeds on state rights-of-way in 2011. The BOCC chair should sign the agreement.

KANSAS DEPARTMENT OF TRANSPORTATION BUREAU OF CONSTRUCTION AND MAINTENANCE

COUNTY AGREEMENT TO TREAT NOXIOUS WEEDS

This agreement made and entered into this 1st day of January, 20 11, by and between the

Board of County Commissioners of Douglas County, hereinafter referred to as County, and the Kansas Secretary of Transportation, hereinafter referred to as Secretary. The Kansas Department of Transportation hereinafter is referred to as KDOT.

WHEREAS, The Kansas Legislature has declared certain weeds to be Noxious Weeds (see Kansas Noxious Weed Law), and

WHEREAS, The County desires to treat noxious weed infested areas on State Highway Rights-of-Way within said County and the KDOT desires to retain the County to spray and treat such areas, and

WHEREAS, The Secretary and County agree to enter into a performance agreement, where in the County shall treat all noxious weeds on State Highway rights-of-way in the County. A condition of the fulfillment of the agreement requires that treatment by the County will provide a satisfactory control of the noxious weeds. Satisfactory performance is defined as preventing the production of viable seed and/or destroying the plant's ability to reproduce by vegetative means.

NOW, THEREFORE, in consideration of the premises, the parties hereto agree as follows:

1. The county will notify the KDOT District Engineer or the authorized representative, prior to each treatment on highway right-of-way, of the scheduled time and location of such treatment.
2. The County spraying operation may include a dye in the chemical mixture to allow easy identification of areas treated.
3. A representative of the KDOT shall make periodic field inspections to check treated areas. A field log and record will be maintained by the KDOT indicating dates treated and inspected, location and size of areas, type of noxious weeds, apparent affect of treatment and other pertinent comments. Approval by the KDOT representative shall be required before the County will be paid for treatment.
4. **Schedule of Cost:** The County shall provide all chemicals (includes herbicides, surfactants and drift control materials as required), dye, labor and equipment to treat noxious weeds. Chemicals and dye are to be provided at the County's cost. Labor and equipment costs are as follows:

LABOR COST	COST	*EQUIPMENT RENTAL TYPE AND SIZE
<u>\$27.30</u> /hr. operator	<u>\$27.80</u> /hr.	<u>1 ton Pickup w/300 gallon spray tank</u>
<u>\$25.40</u> /hr. operator	<u>\$27.80</u> /hr.	<u>1 ton Pickup w/300 gallon spray tank</u>

*Spraying equipment will have cab mounted flashing (or rotating) safety lights

5. **Billing and Payment:** The County shall submit to the KDOT District Engineer an itemized bill for wholesale cost of chemicals and dye furnished, plus actual cost of treating noxious weeds based on equipment rental and labor costs for areas of satisfactory performance. Upon receipt of proper billing and final approval, payment for treating noxious weeds will be made to the County by the KDOT.
6. **Record of Work:** The County representative doing the work shall:
 - Record size, location and type of noxious weed areas treated.
 - Record amount and kind of chemicals applied on each area.
 - Record dates chemicals were applied.
 - Maintain Report of Noxious Weed Treatment DOT FORM NO. 322-A, which shall be submitted to the KDOT within 1 to 2 weeks after treatment.
 - Maintain records until all claims are paid, but in no case less than the three year statutory time.
 - Make all records available for KDOT audit, when so requested by KDOT.

7. Chemicals, approved for use on highway right-of-way are listed below.

<u>CHEMICAL</u>	<u>TRADE NAME</u>	<u>RATE OF APPLICATION (metric)</u>
2, 4-D (amine or ester) (a)	numerous	1 to 2 lb. Equiv./acre (1.1 to 2.2 kg/ha)
Glyphosate (b)	numerous	1 1/2 lb. Equiv./acre (1.7 kg/ha)
MSMA	numerous	3 to 5 lb. Equiv./acre (3.8 to 5.6 kg/ha)
Sulfometuron (c)	Oust	3 to 6 ounces/acre (.21 to .42 kg/ha)
Picloram	Tordon	rate depends upon weed species
Chlorsulfuron	Telar	1/2 to 1 oz./acre (0.035 to 0.070 kg/ha)
Imazapyr	Arsenal/Habitat	1/4 lb. Active/acre (0.28 kg/ha)
Metsulfuron Methyl	Escort	rate depends upon weed species
Triclopyr (d)	Garlon	1/4 to 1/2 lb./acre (0.28 to 0.56 kg/ha)
Fluizafop P butyl + Fenoxiprop	Fusion	7 to 9 fl. oz. per acre (83.8 to 107.75 ml/ha)
Imazapic (e)	Plateau	rate depends upon weed species
Quinclorac (f)	Paramount/Drive	rate depends upon weed species and desirable grass species
Sulfosulfuron (g)	Outrider	rate depends upon desirable grass species
Aminopyralid (h)	Milestone	rate depends upon weed species

- (a) May be used alone or in combination with other herbicides
- (b) (Round-up)
- (c) Spot treatment only
- (d) Sericea lespedeza
- (e) Do not use where cool season grasses are the desired species
- (f) Fall bindweed control
- (g) Do not use for more than 3 consecutive seasons
- (h) Musk, bull and Canada thistle

There may be other trade names for the herbicides listed.

- 8. Chemicals shall be mixed and applied as recommended by the manufacturer and in accordance with approved methods contained in the "Official Regulations" issued by the Kansas Department of Agriculture.
- 9. The County agrees to provide this service in a workmanlike manner, to be in strict conformance with the instructions for handling and applying noxious weed chemicals and to be responsible for any negligent acts or omissions that may occur in the performance thereof.
- 10. This agreement shall terminate December 31st of this year, except records shall be maintained in accordance with Section Six above. Termination may be sooner by a ten day written notice from either party to the other. It is agreed further that this contract can be renewed for three consecutive years at the option of the Secretary upon a 30-day written notice to the contractor prior to December 31st of the current year. The contractor and the Secretary agree that all terms of the renewal will remain the same unless either party determines that the price of the chemicals should be re-negotiated.

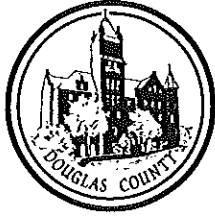
This agreement is officially adopted by the Board of County Commissioners and recorded in the official records of the proceedings of said Board.

In witness whereof the parties have caused this Agreement to be executed by their duly authorized officers or representatives.

SECRETARY OF TRANSPORTATION

THE BOARD OF COUNTY COMMISSIONERS

BY _____ BY _____
 District Engineer Title:



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5286 Fax (785) 838-2480
www.douglas-county.com

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

FROM: Jackie Waggoner, Purchasing Director *JW*
Division of Purchasing

SUBJECT: Consider Acquisition of a Trailer for Public Works

DATE: December 2, 2010

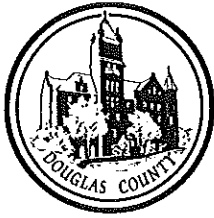
Public Works has funds allocated to replace their 1980 Hyster lowboy trailer. This trailer is used to move heavy equipment and oversized loads (e.g. concrete, culvert). We intend to sell the equipment through our online auction.

The manufacturer, Trail King, was the brand awarded on the HGAC (Houston-Galveston Area Council) co-op contract. We have access to the HGAC contracts through an inter-local agreement with MARC (Mid America Regional Council). As we explore co-op contracts, we try to consider our options to ensure we are getting the best pricing that meets our equipment needs. The HGAC quote provided is \$74,987.

During our review the local authorized dealer of Trail King, Berry Tractor and Equipment, said that Trail King had recently been awarded a contract with the State of South Dakota and was willing to extend this pricing to Douglas County. Under this awarded contract the specifications exceeded our requirements with eleven additional items/functions. The State of South Dakota's awarded contract was for \$71,156. The State had received one other bid for this equipment in the amount of \$77,265.

As you can see, by approving the extended pricing from the State contract we would save \$3,831. Mike Perkins and I will be available at the meeting to discuss this purchase.

RECOMMENDATION: The Board of County Commissioners waives our formal bidding process and approves the extended pricing from the State of South Dakota. The local authorized dealer, Berry Tractor and Equipment Co., will execute the agreement in the amount of \$71,156.



DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5286 Fax (785) 838-2480
www.douglas-county.com

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

FROM: Jackie Waggoner, Purchasing Director *JW*
Division of Purchasing

SUBJECT: Consider Purchase to Improve Technology in Division IV Courtroom

DATE: December 2, 2010

The District Court has allocated funds to improve technology in Division IV Courtroom.

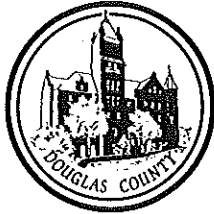
Back in 2007 we explored different technology options, and found courtrooms to be a perfect match for the capabilities found in the Pointmaker Video Makers. This allows evidence that need to be viewed by the judge, jury, witnesses, lawyers, and sometimes public. It is important for everyone involved to have clarity about what portion of diagrams, pictures, or documents being discussed are important. The Pointmaker makes it easy to achieve clarity with evidence presentations. With this technology, you can:

- Focus attention to evidentiary details.
- Provide control to the judge as to whether the evidence is admissible.
- Allow attorneys to precisely make points for the entire room to plainly see through multiple devices (VCR, DVD, document camera, software).
- Enable witnesses or attorneys to make annotations and/or point over video and computer evidence.

This equipment has been installed in Division I, Pro Tem, and Division VI courtrooms. It has been the court's intent to phase this technology in each courtroom as funds become available. Mission Electronics is the awarded State contractor for this equipment. Following review of the equipment needs for the courtroom, our quote with the State pricing is \$48,751.85. Funds are available in equipment reserve for this acquisition. Our Purchasing Policy requires commission approval for purchases greater than \$20,000, but allows the Board to waive our formal bidding process when we access a State/Cooperative contract.

Linda Koester-Vogelsang, Court Administrator, and I will be available at the commissioner meeting to discuss this purchase.

RECOMMENDATION: The Board of County Commissioners waive the formal bidding process and authorize staff to access the State contract with Mission Electronics Inc. in the amount of \$48,751.85 for technology improvements in Division IV courtroom.




DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

1100 Massachusetts Street
Lawrence, KS 66044-3064
(785) 832-5286 Fax (785) 838-2480
www.douglas-county.com

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

FROM: Jackie Waggoner, Purchasing Director 
Julie Clouse, Management Information Analyst

SUBJECT: Authorize Staff to Negotiate & Finalize Agreement for Cellular Services

DATE: December 2, 2010

A number of years ago the County became centralized with cellular services (voice and data). Our contract is with AT&T under the State/WSCA (Western State Contract Alliance) agreement. Below identifies the three plans we currently have:

- 1) A regional pooled plan which includes 23,300 minutes, 5,000 mobile-mobile minutes, 100 text messages, \$0.69/minute roam rate, voicemail, call waiting, caller ID, message waiting indicator, and three way calling.
- 2) A nationwide pooled plan which includes 30,000 minutes, unlimited mobile-mobile, unlimited nights and weekends, 100 text messages, voicemail, call forwarding conditional and immediate, call hold, call waiting, caller ID, message waiting indicator, and three way calling. This plan has a limit of 50 devices.
- 3) Unlimited data plan (110 devices and 40 data cards)

Recently we solicited an RFI (Request for Information) based on existing cooperative contracts. One requirement was the co-op contract had to have been established through a competitive bidding process. Verizon, AT&T, and T-Mobile responded to our request. In considering our options, both voice and data coverage were major factors. Based on the coverage submitted, we narrowed our selection to AT&T and Verizon. Verizon's contract was established under the GSA (General Services Administration) Federal contract which is negotiated and not competitively bid. Also, Verizon did not offer plans that were adequate to our current usage.

Looking at the plans AT&T offered and comparing them to our current expense we would have substantial cost savings. Our current monthly average for all plans is \$8,564 (includes upgrade/overages, etc.), and the new plan would allow all devices to be on a nationwide plan with an estimated cost of \$5,463. This equates to a monthly savings of \$3,101 or \$37,212 annually, excluding any text messaging options we select.

SUGGESTED MOTION: The Board of County Commissioners authorizes staff to negotiate a contract with AT&T, and assign authority to the Assistant County Administrator to finalize the agreement.

2011 MISCELLANEOUS PROJECTS

YS Control Panel	35	\$300,000		\$300,000					
Contingency	1	\$550,000	\$200,000	\$750,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
TOTALS		\$850,000	\$200,000	\$1,050,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000

2011 ROAD PROJECTS

Project	FW Project #	CIP Proj. #	Cost Sharing	Expense Begin Year	Constr. Yr.	Dg. Co. Cost	Balance Payable as of 1/1/11	Funds in Reserve	2011 BUDGET	Total Available	Projected 2012	Projected 2013	Projected 2014	Projected 2015	Projected 2016	NOTES
Annual Contract Pavement Maintenance Projects		22				\$500,000	\$500,000	\$2,967	\$500,000	\$502,967	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	
Annual Rock Road Stabilization Program		2				\$60,000	\$60,000	\$54,638	\$60,000	\$114,638	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	New program, annual materials & equipment rental cost to stabilize 3 miles of rock roads @ \$20,000/mile
Rte 438/Route 1029 to K-10 (western section) [significant reconstruction, 8' paved shldr]	2007-13 - 23C-2387-01	3		2008	2009	\$2,000,000	\$16,976	\$16,976	\$0	\$16,976						Need final grading and seeding. Will complete August 2010, estimate 2 more pay estimates
31st Street Study		66		2009	2009	\$206,600	\$3,804	\$3,804	\$0	\$3,804						Complete May 2010
Rte 1023/458 from Rte 442 to Rte 1 (final contract amount \$2,375,155.60 paid 11/18/10)	2010-12	72		2010	2010	\$3,175,000	\$799,598	\$799,598	\$0	\$799,598						ASRA - #2 priority, overlay and paved shoulders, bid opening 5/4/10
Rte 442 from Lawrence. CL to Wakanusa River bridge		73		2011	2011	\$1,637,000	\$1,637,000	\$1,637,000	\$0	\$1,637,000						Revised scope to pavement reconstruction plus paved shoulders
31st Street (N1300), west side of E1400 to east side of E1500		87		2011	2011	\$575,000	\$575,000	\$575,000	\$0	\$575,000						2" overlay, significant patching, cold plastic pavement markings
Rte 6 @ N1150/E550 reconstruct horizontal curve		48	HRRR	2010	2012	\$123,050	\$123,050	\$123,050	\$0	\$123,050						HRRR Funding approved
Rte 1055 from US 58 North to Route 12 (N 400 Rd)		59	Baldwin	2010	2012	\$1,300,000	\$1,300,000	\$1,300,000	\$0	\$1,300,000						Share cost 50/50 with Baldwin City
Rte 442 from E1 to E230		88		2011	2012	\$4,000,000	\$4,000,000	\$4,000,000	\$0	\$4,000,000						Reconstruct 24' road, 6' paved shoulders, 10" asphalt, new horizontal curves, reconstruct 75% of length
Rte 458 from Bannings Corner to US-59		89		2012	2013	\$1,750,000	\$1,750,000	\$750,000	\$1,000,000	\$1,750,000						3" overlay, 6' paved shoulders, 8' ditches
Rte 1055/Rte 458 to Vinland [reconst. 700ft curve, 8' paved shldr, replace PCB bridges/culverts]		44		2011	2015	\$4,412,000	\$4,412,000	\$1,103,000	\$0	\$1,103,000	\$1,103,000	\$1,103,000	\$1,103,000			Major upgrade
Rte 458 from Rte 1 to N1160	23 C-6243-01	75		2012	2015	\$1,800,000	\$1,800,000	\$105,872	\$349,958	\$455,830	\$1,344,170					Major upgrade, reconstruct curves, add paved shoulders, culvert replacement, included in 5yr plan for fedl funds
Rte 1055 from Vinland to Rte 12		90		2013	2016	\$6,450,000	\$6,450,000	\$0	\$0	\$0	\$587,830	\$2,337,000	\$2,437,000	\$1,088,170		Adjust vertical alignment, 8' paved shldr, replace bridges/culverts
TOTALS								\$10,471,905	\$1,909,958	\$12,381,863	\$3,595,000	\$4,000,000	\$4,100,000	\$1,648,170	\$560,000	

HRRR = High Risk Rural Roads

PROJECTS DELETED FROM 2010 CIP BUT MAY BE ADDED IN LATER YEARS:

Rte 1061/N1200 to K-10 [reconst. to city arterial]	40	Eudora
Rte 1061 Interchange @ K10	42	

2011 BRIDGE PROJECTS

Project	Fw Project #	CIP Proj. #	Expense Begin Year	Constr. Yr.	Dg. Co. Cost	Balance Payable as of	Funds In Reserve	2011 BUDGET	Total Available	Projected 2012	Projected 2013	Projected 2014	Projected 2015	Projected 2016	NOTES
Annual Bridge Repair/Replacement		13					\$0	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	
Bridge 0657-1950		76	2009	2010	\$160,000	\$160,000	\$158,450	\$1,550	\$160,000						Bridge const only; DCPW to do grading
Culvert 0950-07.00		7	2010	2011	\$5,000	\$5,000	\$5,000	\$0	\$5,000						Materials only pipe culvert lining
Culvert 0950-07.92		10	2010	2011	\$10,300	\$10,300	\$10,300	\$0	\$10,300						Materials only pipe culvert lining
Culvert 0950-0574		12	2010	2011	\$16,200	\$16,200	\$16,200	\$0	\$16,200						Materials only pipe culvert lining
Culvert 0950-05.45		17	2010	2011	\$95,000	\$95,000	\$95,000	\$0	\$95,000						Materials only pipe culvert lining
Culvert 0950-07.60		19	2010	2011	\$2,200	\$2,200	\$2,200	\$0	\$2,200						Materials only pipe culvert lining
Culvert 1009-04.23		23	2010	2011	\$8,500	\$8,500	\$8,500	\$0	\$8,500						Materials only pipe culvert lining
Bridge 1625-0800		14	2010	2011	\$40,000	\$40,000	\$40,000	\$0	\$40,000						Materials only
Bridge 1665-0800		15	2010	2011	\$90,000	\$90,000	\$90,000	\$0	\$90,000						Materials only; 3-sided structure plus crane, ROW, utilities
Bridge 0400-09.19		16	2010	2011	\$90,000	\$90,000	\$90,000	\$0	\$90,000						Materials only; 3-sided structure plus crane, ROW, utilities
Culvert 0126-0000		91	2011	2011	\$30,000	\$30,000	\$30,000	\$0	\$30,000						Materials only; RCB plus crane, ROW, utilities
Bridge 1589-04.50 replacement		54	2010	2011	\$285,354	\$285,354	\$285,354	\$0	\$285,354						
Bridge 1300-1900 replacement	23 C-4123-01	52	2009	2012	\$700,000	\$643,452	\$643,452	\$0	\$643,452						On KDOT 5 year plan.
Bridge 0067-0900		9	2010	2012	\$100,000	\$100,000	\$100,000	\$0	\$100,000						Materials only; 3-sided structure plus crane, ROW, utilities
Bridge 1700-0167 replacement		58	2011	2012	\$170,000	\$170,000	\$170,000	\$0	\$170,000						Materials only; 3-sided structure plus crane, ROW, utilities
Bridge 1267-1200		24	2011	2012	\$200,000	\$200,000	\$200,000	\$0	\$200,000						
Bridge 1100-1240 replacement		56	2011	2012	\$330,000	\$330,000	\$330,000	\$0	\$330,000						
Bridge 1000-1332		92	2012	2012	\$150,000	\$150,000	\$150,000	\$0	\$150,000						Deck repair - silica fume overlay
Bridge 1500-1624		25	2011	2013	\$577,000	\$577,000	\$302,708	\$267,292	\$577,000						
Bridge 0964-1000 replacement		53	2011	2013	\$631,200	\$631,200	\$100,000	\$531,200	\$631,200						
Bridge 0958-0900		26	2012	2014	\$230,000	\$230,000	\$0	\$230,000	\$230,000						
Bridge 1000-1639 (on Rte 458) replacement		55	2012	2014	\$1,750,000	#####	\$1,550,000	\$200,000	\$1,750,000						
Bridge 0874-0795		83	2013	2014	\$150,000	\$150,000	\$0	\$150,000	\$150,000						Deck replacement
Bridge 0900-1088		28	2013	2015	\$310,000	\$310,000	\$0	\$310,000	\$310,000						
Bridge 0836-1050		29	2014	2016	\$230,000	\$230,000	\$0	\$0	\$0	\$230,000					
Bridge 0800-1081		33	2015	2017	\$175,000	\$175,000	\$0	\$0	\$0	\$175,000					
TOTALS							\$4,385,164	\$1,890,042	\$6,275,206	\$605,000	\$200,000	\$200,000	\$200,000	\$200,000	

Project	CIP#
Contingency	1
Annual Rock Road Stabilization Program	2
Rte 438/Route 1029 to K-10 (western section): [significant reconstruction; 8' paved shldr]	3
Rte. 438 (Kasold) Bridge over KTA: PROJECT COMPLETE - waiting on KDOT bill	4
Bridge 01.00-01.79	5
Bridge 20.10-01.00 - Completed	6
Culvert 09.50-07.00	7
Bridge 00.78-05.5 - Completed	8
Bridge 00.67-09.00	9
Culvert 09.50-07.92	10
Rte. 1057 from 442 to K-10: resurface	11
Culvert 09.50-05.74	12
Annual Bridge Repair/Replacement	13
Bridge 16.25-08.00	14
Bridge 16.65-08.00	15
Bridge 04.00-09.19	16
Culvert 09.50-05.45	17
Bridge 06.97-01.00: replacement [on DgCo's 5 yr plan]	18
Culvert 09.50-07.60	19
Bridge 05.83-24.00: replacement [on JoCo's 5 yr plan, assumes 12.37% cost share]	20
Bridge 09.03-09.03: truss replacement	21
Annual Contract Pavement Maintenance Projects	22
Culvert 10.08-04.23	23
Bridge 12.67-12.00	24
Bridge 15.00-16.24	25
Bridge 09.58-09.00	26
Extension of E1326 Rd/US 59 Project	27
Bridge 09.00-10.88	28
Bridge 08.36-10.50	29
Southeast Lawrence Sewer District #1	30
Southeast Lawrence Sewer District #2	31
Southeast Lawrence Sewer District #3	32
Bridge 08.00-10.81	33
Bridge 05.07-17.00.- Included in CIP Proj. #90	34
YS Control Panel	35
Rte 1055 (6th St. Baldwin) from Indiana to south city limit [reconst to city collector]	38
Rte-1055 @ 875N [improve curve] Included in CIP Proj. #44	39
Rte-1061/HH200 to K-10 [reconst to city arterial]- Deleted at this time.	40
Rte-1061 Interchange @ K10- Deleted at this time.	42
Rte 1055/Rte 458 to Vinland [reconst. 700N curve, 8' paved shldr, replace RCB bridges/culverts]	44
Relocated 31st from Lo to Haskell: paved shldr	45
Route 6 @ N1150/E550: reconstruct horizontal curve	48
Bridge 13.00-19.00: replacement	52
Bridge 09.64-10.00: replacement	53
Bridge 15.89-04.50: replacement	54
Bridge 10.00-16.38 (on Rte 458): replacement	55
Bridge 11.00-12.40: replacement	56
Bridge 12.65-23.87: replacement - Completed	57
Bridge 17.00-01.67: replacement	58
Rte 1055 from US 56 North to Route 12 (N 400 Rd)	59
Courthouse Restoration	64
Fairgrounds CIP	65
31st Street Study	66
Bridge 14.90-21.90	68
Bridge 09.96-23.00	69
Bridge 00.50-20.50	70
Rte 1023/458 from Rte 442 to Rte 1	72
Rte 442 from Lawrence C/L to Wokorusa River bridge	73
Rte 458 from US59 to E1500	74
Rte 458 from Rt 1 to N1160	75
Bridge 06.57-19.50	76
Bridge 08.00-21.22 - Completed	78
Bridge 13.26-02.50 AND 15.55-02.50 - Completed	79
Bridge 10.92-03.46 & Bridge 09.64-04.82	82
Bridge 08.74-07.95	83
Rte 1055 Chiplock Surfacing	85
Rte 1055 Overlay	86

RESOLUTION NO. 10 - _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY FINDING THAT THE ANNEXATION OF SPECIFIED PROPERTY WILL NOT HINDER OR PREVENT THE PROPER GROWTH AND DEVELOPMENT OF THE AREA OR ANY OTHER INCORPORATED CITY WITHIN DOUGLAS COUNTY, KANSAS

WHEREAS, on November 9, 2010, the City Commission of Lawrence, Kansas (hereinafter the "City Commission"), pursuant to K.S.A. 12-520c, adopted Resolution No. 6910 (hereinafter the "City Resolution") requesting that the Board of County Commissioners of Douglas County, Kansas (hereinafter the "Board") find and determine that the annexation of the following described property into the City of Lawrence (hereinafter the "City") will not hinder or prevent the proper grown and development of the area or that of any other incorporated city located within Douglas County (hereinafter the "County");

A tract of land located in the Northeast Quarter (NE¼) of Section Twenty (20), Township Twelve South (T12S), Range Nineteen East (R19E) of the 6th P.M., Douglas County, Kansas, more particularly described as follows: Beginning at the Northeast corner of the Northeast Quarter (NE¼); thence South 0°04'49" West a distance of 820.62 feet, said point being on the East line of the Northeast Quarter (NE¼) and the Northerly right-of-way of the Kansas Turnpike; thence North 89°01'11" West a distance of 1,011.18 feet, said point being on the Northerly right-of-way of the Kansas Turnpike and the beginning of a radial curve to the left having a delta angle of 12°15'51", a radius of 7,789.49 feet and a chord bearing South 84°50'53" West a distance of 1,664.17 feet and an arc length of 1,667.34 feet, said point being on the Northerly right-of-way of the Kansas turnpike and on the West line of the Northeast Quarter (NE¼); thence North 0°13'10" West a distance of 951.56 feet, said point being the Northwest corner of the Northeast Quarter (NE¼); thence North 89°58'27" East a distance of 2,673.27 feet to the point of beginning, containing 51.13 acres more or less, less road right-of-way and easements of record granted to Douglas County and the Kansas Turnpike Authority,

(hereinafter the "Property").

WHEREAS, the City Clerk of the City certified and delivered the City Resolution to the Board on November 10, 2010.

WHEREAS, on November 17, 2010, the Board met in regular session to consider the City Resolution, but the members of the Board were not ready to make a decision on the City Resolution on November 17, 2010 and continued the hearing to its next regularly scheduled meeting on December 1, 2010.

WHEREAS, each and every person desiring to provide oral testimony and provide information to the Board on November 17, 2010 and December 1, 2010 were permitted to do so.

NOW THEREFORE, the Board of County Commissioners of Douglas County, Kansas, sitting in regular session this 8th day of December, 2010, does hereby resolve as follows:

1. After consideration of all the letters, emails, reports, plans and other written documents presented to the Board and all statements and presentations of all interested parties, the Board makes the following findings:

a. On December 9, 2008 and January 7, 2009, the City Commission and the Board, respectively, adopted the K-10 & Farmer's Turnpike Plan (hereinafter, the "Sector Plan"), which was thereafter published in accordance with law and, thereupon, became a part of *Horizon 2020*, the City and County jointly adopted comprehensive plan.

b. On September 21, 2010, the City Commission received a request from the owner of the Property, asking that the City annex the Property pursuant to K.S.A. 12-520c and, in accordance with City policy, the City Commission referred the request to the Lawrence/Douglas County Planning Commission for consideration and to make a recommendation upon the request.

c. In its Staff Report, prepared in advance of the October 27, 2010 Lawrence/Douglas County Planning Commission meeting, Planning Staff concluded that the Property is appropriate for industrial uses and that such use is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and recommended that the Board find that the annexation of the Property will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County.

d. On October 27, 2010, the Lawrence/Douglas County Planning Commission, on an 8-0 vote and after receiving public comment, concluded that the annexation is compatible with *Horizon 2020* and the *K-10 and Farmer's Turnpike Plan* and that the Property was appropriate for industrial uses, and recommended that the Board find that the annexation of the Property will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within the County, and further recommended that the City annex the Property.

e. On November 9, 2010, the City Commission, after receiving public comment, adopted, and on November 10, 2010, the City Clerk delivered to the Board, the City Resolution, requesting the Board to find and determine that the annexation of the Property will not hinder or prevent the proper growth and development of the area or any other incorporated city located within the County.

f. The letters, emails, reports, plans and other written documents presented to the Board and all statements and presentations of all interested parties received by the Board during its November 17, 2010 and December 1, 2010 meetings, in the aggregate, constitute sufficient information about the matter to enable the Board to adopt this Resolution.

g. The Board makes its determination on the City Resolution in a quasi-judicial manner, based upon the facts and the law as they are, and not based upon speculation.

h. The City and County are experiencing a shortage of available industrial space with convenient access to the Kansas Turnpike/I-70, which shortage is causing potential new industrial businesses to locate in other communities, thereby preventing the County from realizing increases in its tax base and employment population. Because the proposed use of the Property is industrial, the City's annexation of the Property will provide additional available sites from which new and expanding businesses may choose, which may further economic growth and job creation in the City and County.

i. The Property is within the Urban Growth Area of the City of Lawrence, as defined in *Horizon 2020*, and more than three miles from the nearest boundary of the City of Lecompton.

j. The Property has excellent access to state and federal highways, specifically the Kansas Turnpike/I-70, K-10, U.S. 24, U.S. 40, U.S. 56, and U.S. 59, and is located on an arterial road (N 1800 Rd/County Route 438/Farmer's Turnpike), is within one mile of the terminus of the freeway that extends north beyond the terminus of K-10 (E850 Rd.), which is very near an interchange of the Kansas Turnpike/I-70 and, as a result, is positively situated for industrial use.

k. The Development Code of the City, which will govern development if the Property is annexed, provides greater protection to the landowners and others adjacent to and near the Property than the County Zoning Regulations. For instance, the Development Code of the City provides more comprehensive regulation of items such as storm water drainage, lighting, noise, landscaping, and building setbacks.

l. The owner of the Property cannot reasonably identify the specific industrial uses of the Property, as such uses will be dictated by the demands of future businesses that purchase or lease all or some portion of the Property, but the potential future uses of the Property may ultimately include uses permitted within the industrial zoning classifications and the Development Code of the City.

m. The Sector Plan identifies the future land use of the Property as industrial. Although the City Commission, sitting in a legislative capacity, could decline to annex the Property, the Board concludes that the Sector Plan is important to the Board's decision, sitting in a quasi-judicial capacity, for establishing the proper growth and development of the area. If the Sector Plan is to be disregarded in determining the proper growth and development of the area, then long range planning is of very little use.

n. The Board has considered industrial use as the proposed use of the Property and concludes it is consistent with the Sector Plan and the planned growth of the area.

2. The Board finds and determines that the annexation of the Property by the City will not hinder or prevent the proper growth and development of the area, or that

of any other incorporated city located within the county, all as provided by K.S.A. 12-520c.

3. This is a regular Resolution of the Board and is effective upon its adoption.

This Board of County Commissioners of Douglas County, Kansas adopts this Resolution on the 8th day of December, 2010.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS:

[dissenting]

Nancy Thellman, Chair

Jim Flory, Member

Mike Gaughan, Member

ATTEST:

Jameson D. Shew, County Clerk

**PLANNING COMMISSION REPORT
REGULAR AGENDA --NON-PUBLIC HEARING ITEM:**

PC Staff Report
11/15/2010

**ITEM NO. 3: PRELIMINARY PLAT; ROCKWALL FARMS ADDITION; 156.15 ACRES;
N 1800 RD & E 700 RD ~~AND VARIANCE REQUEST FROM
TEMPORARY SET ASIDE AGREEMENT REQUIRED IN SECTION 20-
810(J)(1)~~ (MKM)**

PP-9-9-10 Consider a Preliminary Plat for Rockwall Farms Addition, a 2 lot subdivision containing approximately 156.15 acres, located near the intersection of N 1800 and E 700 Roads. Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat of the Rockwall Farms Addition and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval:

1. Per Section 20-811(e)(3)(ii) of the Subdivision Regulations, evidence shall be submitted to the Planning Office showing that the applicable Fire Department has approved the proposed water supply system as being adequate to support firefighting needs prior to the recording of the final plat.
2. Per Section 20-811(d)(4), the final plat may not be recorded until the subdivider has presented evidence that the proposed method of sewage disposal has been approved by the Douglas County Health Department.
3. Temporary set-aside agreements for Lots 1 and 2 shall be executed and recorded prior to the recordation of the final plat. The Book and Page Numbers for the agreements shall be noted on the face of the final plat.
4. The County Engineer shall provide written certification that all public improvements have been completed or one of the means for ensuring completion noted in Section 20-811(h)(2) has been provided prior to recording of the final plat.
5. Off-site drainage easements shall be recorded by separate instrument with Book and Page Number noted on the final plat.
6. The rezoning resolution to the I-2 District (Lot 2) must be approved by the Board of County Commissioners prior to the recording of the final plat.
7. The plat shall be revised with the following changes:
 - a. Note 10 revised to read: "An access easement providing off-site public access to N 1800 Road shall be dedicated by separate instrument and the Book and Page Number noted on the final plat."
 - b. If an off-site sewage management system is proposed for Lot 2, Note 11 should be revised to read: "Easements containing any off-site sewage

management system and its connection to the platted lot(s) shall be dedicated by separate instrument. The Book and Page Number of the recorded easement shall be noted on the face of the final plat.”

- c. N 1800 Road shall be labeled.
- d. The distances from the 80 ft wide Access Easement to the south property line of Lot 2 shall be dimensioned on the east and west side of the easement and the overall length of the easement shall be noted.
- e. Location map shall be updated to clearly include both lots.
- f. If the Board of County Commissioners votes to participate in the financing of the off-site street/infrastructure improvements necessary for this development, the preliminary plat shall include a note to that effect.

Attachments:

Attachment A	Concept development plan for Lots 1 and 2
Attachment B	Traffic Impact Study Addendum with recommendations
Attachment C	County Public Work’s comments on drainage study

Applicant’s Reason for Request: Subdivision requirement prior to obtaining a building permit for development in the I-2 and B-2 Zoning Districts.

KEY POINTS

- Conditional zoning to the B-2 District was approved by the Board of County Commissioners at their September 23, 2009 meeting for Lot 1. The rezoning resolution shall be published following the recording of the final plat.
- Zoning to the I-2 District was recommended for approval by the Planning Commission at their October 25, 2010 meeting. This rezoning will be considered by the Board of County Commissioners at their November 10, 2010 meeting. The approval of the final plat will be dependent upon the approval of the rezoning.
- The applicant indicated that they would submit a Temporary Set Aside Agreement; therefore, the variance noted in the agenda is not necessary.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County, effective Jan 1, 2007.
- Section 20-813 (Section 12-113 of the County Code) states that building permits in the unincorporated area of the county may be issued only for platted lots, vested land divisions or Residential Development Parcels.
- Section 20-810(j)(1) (Section 12-110(j)(1) of the County Code) requires the execution of a temporary set aside agreement or conservation easement for environmentally sensitive areas.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Board of County Commissioners’ acceptance of easements as shown on the preliminary plat.
- Easements dedicated by separate instruments for off-site access to N 1800 Road, off-site sewage management system (if used), and off-site drainage easements.
- A Temporary Set-Aside Agreement must be executed and recorded with the Register of Deeds.
- Final Plat submitted to Planning Office for administrative approval and recordation at the Douglas County Register of Deeds.

- Publication of rezoning resolutions to rezone Lot 2 to the I-2 Zoning District and Lot 1 to B-2 Zoning District with conditions.
- Approval of site plans by the Board of County Commissioners.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- None

Site Summary

Gross Area: 156.150 acres
Number of Lots: 2

GENERAL INFORMATION

Current Zoning and Land Use: A (County-Agricultural) District [rezoning to B-2 (General Business) District with conditions pending for Lot 1 and rezoning to the I-2 (Light Industrial) District on the BoCC Nov. 10, 2010 agenda for Lot 2.]; woodland and agricultural uses

Surrounding Zoning and Land Use: A (County-Agricultural) District in all directions; woodland and agricultural uses with scattered rural residences; rural residential subdivision development located to the southeast.

STAFF REVIEW

The subject property consists of approximately 156 acres and is located north of N 1800 Road to the east and west of E 700 Road, which has recently been vacated in this area. This plat is preparatory to development of a corporate retreat on Lot 1 and a warehouse facility with limited printing operations on Lot 2. Rezoning to the B-2 District with conditions has been approved for Lot 1; however, the rezoning resolution will not be published until after the final plat has been recorded with the Register of Deeds. Rezoning of Lot 2 to the I-2 District was considered by the Lawrence-Douglas County Metropolitan Planning Commission and the Lecompton Planning Commission at the October 25, 2010 Planning Commission meeting. The Lawrence-Douglas County Planning Metropolitan Planning Commission voted 8 to 0 to recommend approval and the Lecompton Planning Commission voted 5 to 0 to recommend approval of the rezoning request. This item will be considered by the Douglas Board of County Commissioners at their November 10, 2010 meeting and an update on the County Commission's action will be provided prior to the November 15th Planning Commission meeting.

Resource Conservation

Section 20-810(j) of the Subdivision Regulations requires that non-residential subdivisions in the unincorporated area of the county be designed in a way that protects and conserves the natural resources and environmentally sensitive areas through the filing of a Temporary Set Aside Agreement or the filing of a permanent Conservation Easement with the Register of Deeds. This section lists stands of mature trees and individually significant trees as natural areas and environmentally sensitive areas. Stands of mature trees are located on both Lots 1 and 2 (Figure 1) and a temporary set aside agreement has been developed for Lot 1 with a previous preliminary plat. A temporary set aside agreement shall be provided for Lot 2. These agreements must be executed and filed before the final plat is recorded.

Zoning and Land Use of Subject Property

Rezoning requests have been submitted for the subject property. A rezoning request [Z-11-19-08] was approved by the Board of County Commissioners for the property being platted as Lot 1 at their September 23, 2009 meeting to rezone the property from the A (Agricultural) District to the B-2 (General Business) District with conditions. The conditions require that the property be platted before the rezoning resolution is published and that the site plan provide specific information on the required buffer area. In addition, the permitted uses within the B-2 District have been limited to the following uses:

- a. Any use permitted in the "R-1" Single-Family Residential District.
- b. Hospital or clinic for large or small animals, such as cattle, horses, dogs, cats, birds and the like, provided that such hospital or clinic and any treatment rooms, cages, pens or kennels be maintained within a completely enclosed building with soundproof walls and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls and located on a sewer.
- c. Outdoor advertising structure, or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of 30 square feet in area shall be attached flat against a wall of the building, and in no case shall any sign or display attached to a building project above the roofline. The permitted 30 square feet of sign area for projecting or free-standing signs may be in one sign or the aggregate area of several signs.
- d. Personal service uses including barber shops, beauty parlors, photographic or artists' studios, restaurants, (but not drive-in restaurants), taverns, and other personal service uses of a similar character.
- e. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.
- f. Amusement place, skating rink, swimming pool or dance hall in a completely enclosed building, auditorium or theater, except open-air drive-in theaters.
- g. Bowling alleys and billiard parlors.
- h. Hotels, motels, or motor hotels.
- i. Outdoor advertising structure or sign and any sign or display in excess of 100 square feet in area shall be attached flat against a wall or building. See Section 6-2(17) for height and location of sign requirements.
- j. Accessory buildings and uses.

The applicant proposes to develop a corporate retreat in this location which will include meeting rooms, ball room, restaurant, tavern, and a motel with cabins.

A rezoning request to the I-2 District was recommended unanimously for approval at a joint Lecompton/Lawrence-Douglas County Commission meeting on October 25, 2010. The applicant proposes to develop a large warehouse facility and a limited printing operation to accommodate the expansion needs of Berry Plastics. A concept plan for the two properties was included with the rezoning request and is included with this report as Attachment A.

Zoning and Land Use of Surrounding Area:

The surrounding area is zoned A (Agricultural) and is used primarily for agricultural uses, woodland, and rural residences.

Streets and Access

The property lies north of N 1800 Road, which is commonly referred to as 'Farmer's Turnpike'. Access to Lot 1 will be taken from the previous access point for E 700 Road and Access to Lot 2 will be taken from an access easement on the property to the west to insure adequate separation of access points on a principal arterial. The County Access Management Standards require that drives on a principal arterial be separated by 1320 ft (Section 9-501 of the County Code). The access points on the preliminary plat, measured center to center are 1320 ft apart.

N 1800 Road was recently improved and additional improvements have been recommended with the Traffic Impact Study for this proposal. These improvements are noted in the addendum to the study, which is included with this report as Attachment B and are listed below:

- 1) Installation of an intersection warning sign near the intersection of N 1800 Road and E 758 Road as the sight distance at this intersection is adequate for the posted speed limit, but not for the observed speed traveled.
- 2) Extension of the existing right-turn/deceleration lane into the access point for Lot 2 by 25 ft to accommodate truck traffic.
- 3) Addition of an eastbound left-turn lane into Lot 2 for vehicles accessing the site from the west to remove turning vehicles from the lane of travel.

Utilities and Infrastructure

The property is served by Rural Water District No. 6. The Water District indicated that they cannot meet the flow requirement for fire protection. Per Section 20-811(e) of the Subdivision Regulations, dry hydrants must be installed adjacent to a pond or other water storage device with sufficient capacity, and in an appropriate location, to support firefighting needs as determined by the applicable Fire Department for properties without adequate water pressure for fire hydrants. The Lecompton Township Fire Department is the applicable fire department for this property and the Lawrence Fire/Medical Department is a partner as the applicant indicated they intend to request that Lawrence provide first response to any fire calls. The Lecompton Fire Chief and the Lawrence Fire Marshall both indicated concerns with the use of the pond for a water supply for fire protection. Concerns were raised with the suspended particulate matter which could impede flow through the pumps and also with the possibility that an inadequate supply of water might be available. The applicant has agreed to provide enclosed, underground water storage to meet the necessary requirements.

The applicant is considering various means of sewage management and will either utilize an on-site method such as a septic system or an off-site lagoon. An easement would need to be dedicated for the off-site lagoon location if a lagoon is to be utilized. The Kansas Department of Health and Environment would approve the location of the lagoon and would also issue the permit. The plat indicates that no building permits may be issued until a permit for the on-site or off-site sewage management system has been issued to insure that an adequate sewage management system is available to serve the development.

Easements and Rights-of-way

An off-site easement is necessary to provide for access for Lot 2 onto N 1800 Road to maintain the appropriate driveway spacing per the County Access Management Standards. An easement is shown on the preliminary plat which will be dedicated by separate instrument and the Book and Page Number will be noted on the face of the final plat. An access easement between the

two lots is being dedicated with this preliminary plat. The distance of the access easement to the south property line along the west and east property lines should be noted on the plat to clarify its location and the overall length of the access easement should be noted. N 1800 Road has adequate right-of-way and no additional right-of-way is required. The right-of-way for E 700 Road has been vacated and there will be no public road into the property. Primary access for Lot 1 will be from the east entrance and primary access for Lot 2 will be from the west entrance. An access easement is being provided linking these two access points as the applicant indicated that limited access may be provided for Lot 1 from the west entrance in the case of large events at the corporate retreat and secondary access for Lot 2 may occur on the eastern access point.

The applicant submitted a drainage study which was reviewed by the County Public Works Department. The Director of Public Works provided a letter with their comments which is included with this report as Attachment C. The Director recommended that additional detention be provided for Basin 3 to eliminate or minimize off-site drainage and stated that off-site detention areas should be included in a permanent easement to insure they would continue to function as planned regardless of ownership. The applicant agreed to the requirements and indicated they would provide a revised drainage study addressing the comments.

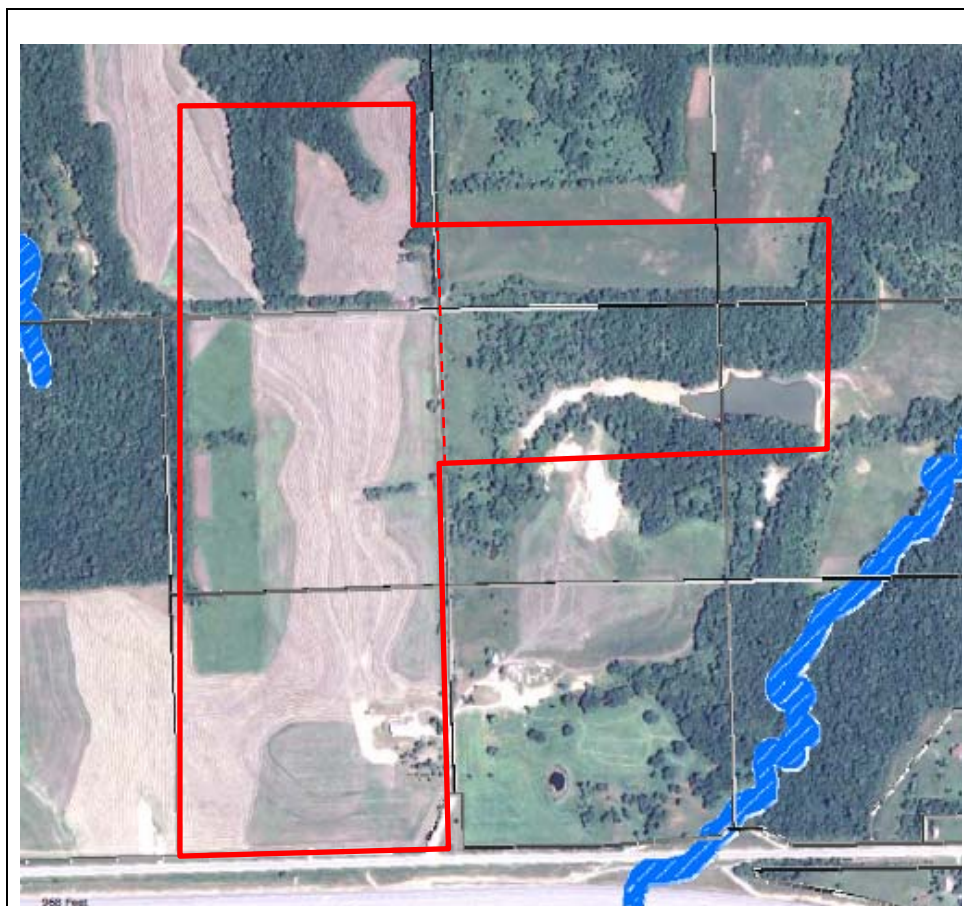


Figure 1. Environmentally Sensitive Areas (Stands of Mature Trees) on Lot 1 and 2 (approximate lot areas outlined in red). Approximately 7 acres of tree cover was calculated from the City Baseline Map using NAIP canopy imagery.

Conformance

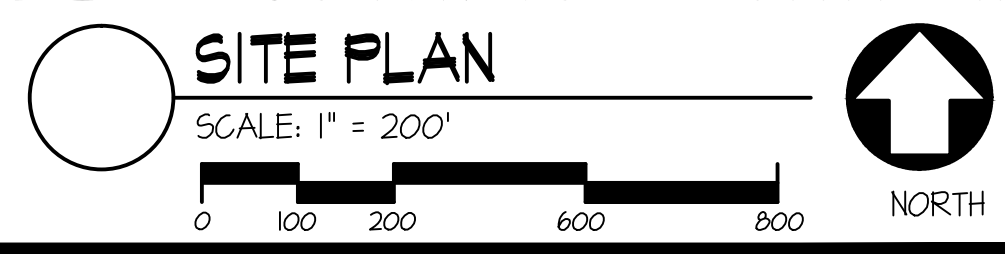
The Comprehensive Plan was recently amended to recommend locations for rural conference, tourism and recreational facilities as these uses are considered suitable for certain areas in the unincorporated portions of the county. A text amendment to the Zoning Regulations was approved to permit conditional zoning. The B-2 rezoning for Lot 1 was conditioned to restrict the permitted uses to those associated with a conference center, rural tourism or recreational facility. The proposed use for Lot 2, warehousing with a limited printing facility, are permitted uses in the I-2 District. The rezoning has been recommended for approval by the Planning Commission and the Board of County Commissioners will take action on the rezoning request at their November 10, 2010 meeting.

The proposed uses are permitted in the districts and the plat, as conditioned, conforms with the Subdivision Regulations and the recommendations and locational criteria of the Comprehensive Plan.



**A CONCEPT SITE PLAN FOR
BERRY PLASTICS &
THE WOODS
AT ROCKWALL FARMS**

PROJECT # 210-610
SEPTEMBER 30, 2010
RELEASE: DATE:



J:\Projects\210-610\210-610_SitePlan\210-610_SitePlan.dwg, Layer: 0, 9/30/2010 3:16:26 PM, Administrator: DWG TO PDF.pc3, AECI (d:\local\AECI\2400\AECI\2400.dwg), 12/12

**Addendum #1
To
Traffic Impact Study**

for

**Proposed Berry Plastics
Development**

(DG 438 Rd., 1-3/4 miles w/o K-10 Hwy)

Douglas County, Kansas

Prepared
for
Paul Werner Architects



Mehrdad Givechi, P.E., P.T.O.E.

October 2010

This memorandum is prepared as an Addendum to the original TIS report dated 9/30/2010, in order to address Douglas County Public Works Department's concerns on the following issues:

- Recheck the number of employees and recalculate the number of trips generated by the proposed development site accordingly, using vehicle occupancy rate of 1.2 persons/vehicle (as listed in the ITE Trip Generation Manual for Land Use Code 140 - Manufacturing). Compare the new trip numbers with the one calculated in the original TIS report and select the larger of the two for analysis purposes. Using the new results, reassess the need for a dedicated eastbound left-turn lane on DG-CO 438 at the entrance to the development site; and
- Provide additional information on the performance characteristics of heavy trucks serving the development site and reassess the need for acceleration lanes (in both directions) at the entrance to the development site.

Trip Generation Recalculation and Reassessment

According to the information provided to the City Planning Department, the number of employees for this development will likely be as follows:

- 150 employees across three shifts for the printing department.
- 55 employees across three shifts for the warehouse department with day shift slightly greater than either of the other two shifts.
- 12 marketing and sample room personnel during day shift.

Assuming 40% of warehouse and printing employees work during the day shift, total number of day shift employees will be 94 persons. Using vehicle occupancy rate of 1.2 persons/vehicle, this translates into **78 inbound trips** to the site during the morning peak-hour of a typical weekday.

Using trip distribution patterns illustrated in Figure 4 of the original TIS report results in the following site generated ***inbound trips*** for ***employee*** component of the development during morning peak-hour of a typical weekday:

- 23 vehicles enter the site from west; and
- 55 vehicles enter the site from east.

Although, these trip numbers represent an increase of 44% to what were estimated in the original TIS report, the results of analysis indicate that volume requirements still not met for provision of a dedicated eastbound left-turn lane on DG-CO 438 at the entrance to this development site. However, because the operating speed of the traffic along DG-CO 438 is 65 mph, it is a good practice to provide this lane.

Truck Performance Characteristics

Based on the information provided by the applicant:

- Typically, most heavy trucks serving the site will have engines with 400 – 450 horsepower; and
- Typically, 16,000 lbs of material will be loaded on these trucks (e.g. 27 lb/box X 24 boxes/skid X 24 skids/truck).

Using this information and an empty truck weight of 16,000 – 20,000 lbs, results in a weight/power ratio of approximately 70 – 90 lb/hp. In the original TIS report, analysis was based on typical heavy trucks with weight/power ratio of 200 lb/hp. Reassessing the truck performance characteristics reveals much better operating conditions for the trucks to/from the site resulting in a much less speed differential between trucks entering the main flow of traffic and the cars on the main road. Therefore, provision of acceleration lanes on DG-CO 438 (in order to facilitate trucks entering the main flow of traffic to reach operating speeds along the main road) is not recommended at this time.

Summary & Recommendations

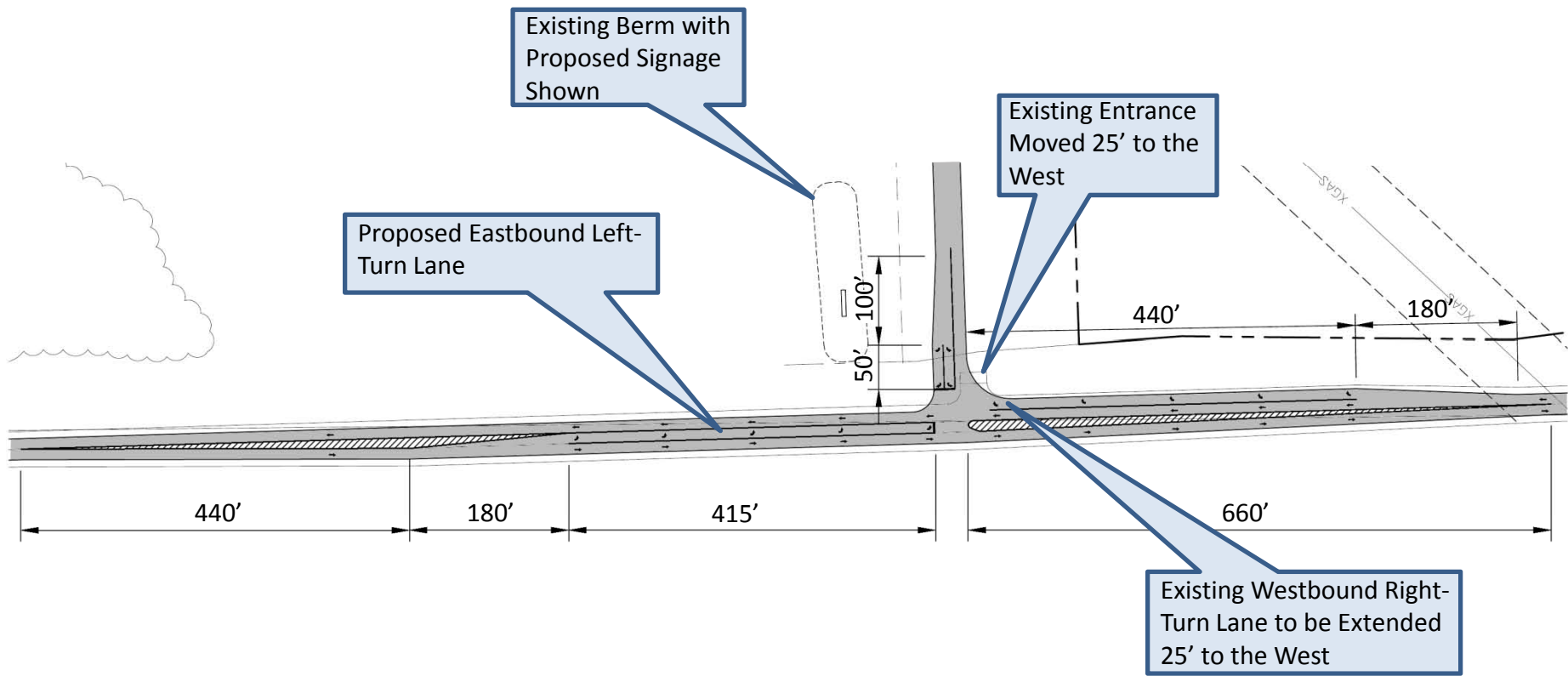
The reassessment of trip generation numbers and truck performance characteristics, as requested by Douglas County Public Works Department's staff, indicate that all items listed in the "Summary & Recommendations" section of the original TIS report dated 9/30/2010 are still valid with the following exceptions:

- Item 1 remains the same with no change;
- Item 2 remains the same with an added note that the extension of the existing westbound right-turn lane be made by relocating the proposed site access drive westward by 25' (See attached sketch for details);
- Items 3 and 4 remain the same with the exception that they are now recommended improvements and are no longer desirable suggestions (See attached sketch for details);
- Item 5 is omitted from the list. This means that no acceleration lane on DG-CO 438 is required as a result of this development; and
- Item 6 remains the same.



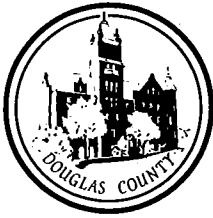
Traffic Improvements

Berry Plastics Site
Douglas County, KS



Conceptual Off-Site Improvements for Farmer's Turnpike (N. 1800 Road)

Berry Plastics Site
Douglas County, KS



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

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

November 9, 2010

Mary Miller, AICP
Current Planner
City of Lawrence
Planning & Development Services
P.O. Box 708
Lawrence, KS 66044

Re: Drainage Report – Rockwall Farms Addition, Lot 2 (Berry Plastics)

Dear Ms. Miller:

Douglas County Public Works has reviewed the referenced drainage report, and we have the following comments:

1. The pond detaining runoff from Onsite Area C and Basin 1A is located on Lot 1, Rockwall Farms Addition, while the Berry Plastics facility is to be located on Lot 2, Rockwall Farms Addition. A permanent easement or other mechanism is needed to ensure the detention pond continues to function as planned regardless of Lot 1 ownership.
2. The drainage report shows no detention of runoff from Basin 3. While the increased runoff from Basin 3 due to the proposed development is minimal with minimal or no anticipated adverse downstream impacts, it is desirable to provide some detention to ensure no runoff increase. During our meeting on November 8, 2010, the developer agreed to provide some detention in the upper portion of Basin 3 in the unplatted portion of Rockwall Farms property. Similar to the detention pond in Lot 1, this detention facility will require an easement or other mechanism to ensure it continues to function as planned.
3. The FEMA floodplain shown on the drainage map does not appear to be the current, August 5, 2010 version.

This department has no other concerns with the drainage report's methodologies or conclusions.

Please contact me if you require further information.

Very truly yours,

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

KAB:rgf

Memorandum
City of Lawrence
Planning & Development Services

TO: Lawrence-Douglas County Metropolitan Planning Commission
Lecompton Planning Commission

FROM: Mary Miller, Planner

CC: Scott McCullough, Planning and Development Services Director

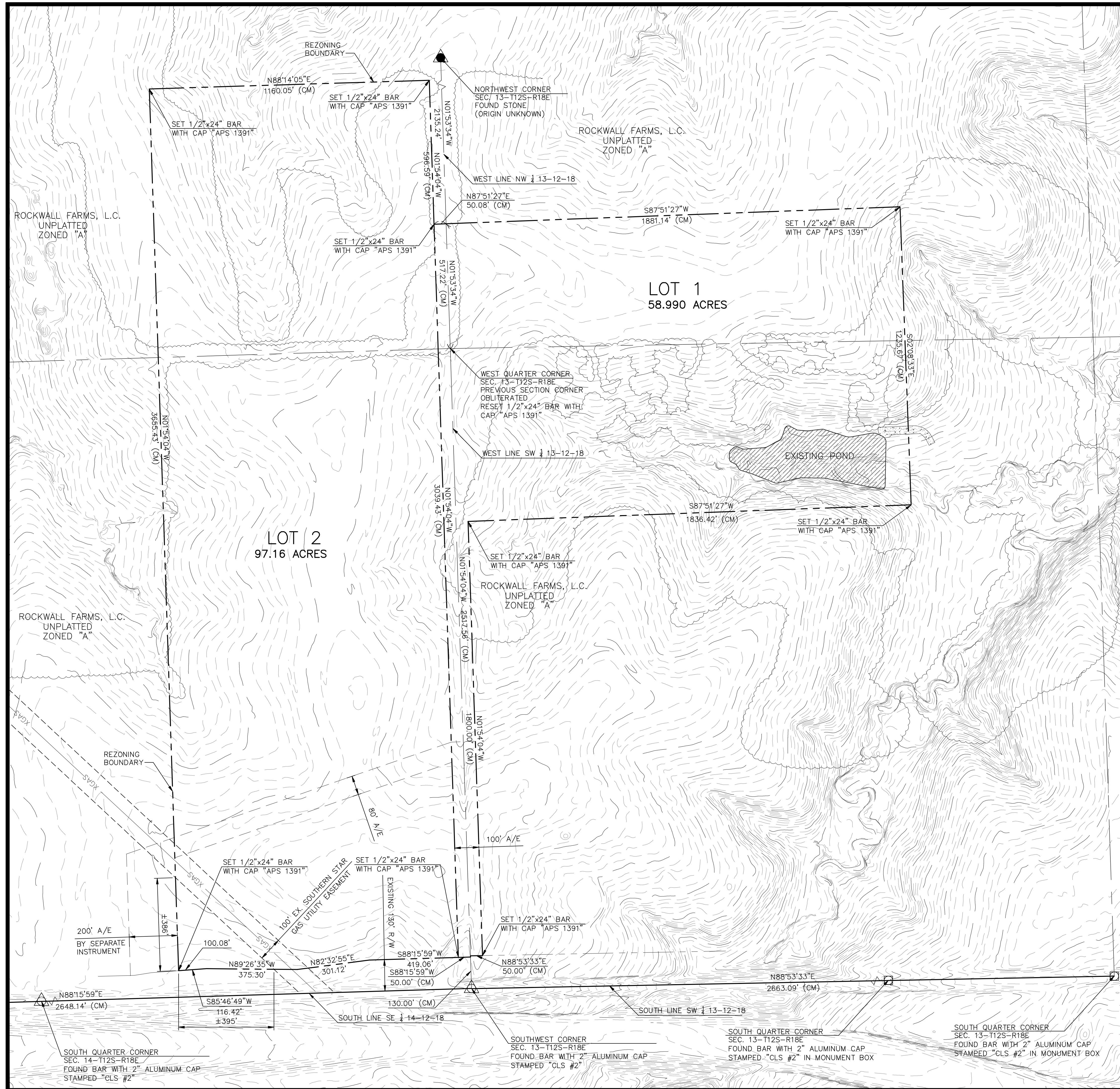
Date: November 15, 2010

RE: Item 3, November 15, 2010 Agenda: Rockwall Farms Addition
Preliminary Plat, PP-9-9-10

Board of County Commissioners' action on I-2 Rezoning for Lot 2 of Proposed Plat

On October 25th, the Lawrence-Douglas County Metropolitan and Lecompton Planning Commissions voted unanimously to forward the rezoning request for Lot 1 of the proposed Rockwall Farms Addition from the A (Agricultural) to the I-2 (Light Industrial) District [Z-9-14-10] to the Board of County Commissioners with a recommendation for approval.

The Board of County Commissioners considered this rezoning request at their November 10, 2010 meeting and voted unanimously to approve the rezoning. The Commissioners signed Zoning Resolution No. 10-28 at the meeting and the zoning will be in effect following publication in the Lawrence Journal World.



Legal Description

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 13 AND THE EAST HALF OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 18 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, KANSAS, NOW DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 13, SAID POINT BEING 130.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 13 AND ALSO ON THE NORTH RIGHT OF WAY LINE OF DOUGLAS COUNTY ROUTE 438; THENCE SOUTH 88° 15' 59" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 419.06 FEET; THENCE SOUTH 82° 32' 55" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 301.12 FEET; THENCE NORTH 89° 26' 35" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 375.30 FEET; THENCE SOUTH 85° 46' 49" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 116.42 FEET; THENCE NORTH 01° 54' 04" WEST, 3655.43 FEET; THENCE NORTH 88° 14' 05" EAST, 1160.05 FEET; THENCE SOUTH 01° 54' 04" EAST, 596.59 FEET; THENCE NORTH 87° 51' 27" EAST, 50.08 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 13; THENCE NORTH 87° 51' 27" EAST, 1881.14 FEET; THENCE SOUTH 02° 08' 33" EAST, 1235.67 FEET; THENCE SOUTH 87° 51' 27" WEST, 1836.42 FEET; THENCE SOUTH 01° 54' 04" EAST, 1800.00 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF DOUGLAS COUNTY ROUTE 438; THENCE SOUTH 88° 53' 33" WEST ALONG SAID NORTH RIGHT OF WAY LINE, 50.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 13; THENCE SOUTH 01° 54' 04" EAST ALONG SAID WEST LINE, 5.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 156.150 ACRES, MORE OR LESS, ALL IN DOUGLAS COUNTY, KANSAS.

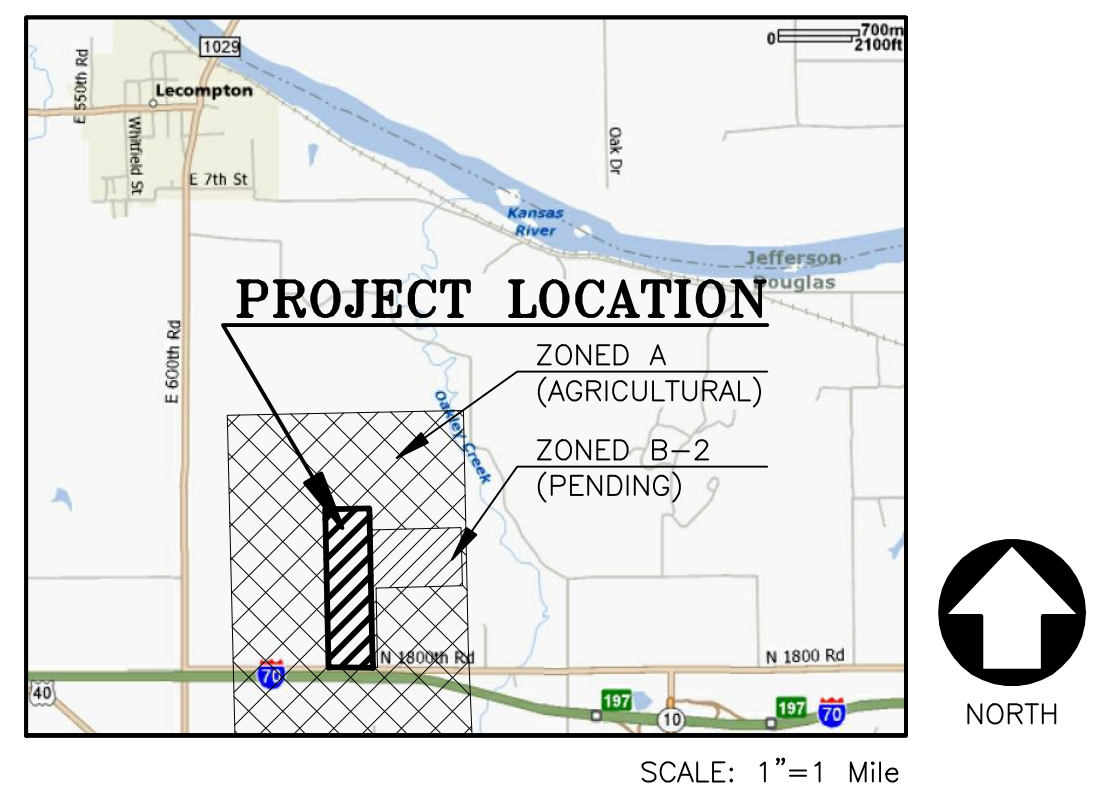
General Notes

- OWNER/DEVELOPER: Rockwall Farms L.C., 643 Massachusetts Street, Suite 300, Lawrence, Kansas 66044
- LANDPLANNER: Paul Werner Architects LLC, 123 West 8th Street, Suite B2 Lawrence, Kansas 66044 - Plat prepared August 2009
- SURVEYOR: Allpoints Survey Co. P.O. Box 4444 - Lawrence, Kansas - 66046
- Topography obtained from County maps and boundary information from County Section records and survey performed by Allpoints Survey Co, 2009
- Existing Land Use: Agricultural
- Zoning: Existing "A" - Agricultural; Proposed "I-2" (Lot 2), Pending "B-2 with conditions" (Lot 1)
- Typical Soil Types: Silt Clay Loam
- This property is not located within the 100 year flood plane per FEMA Maps #20045C0020C and #20045C0008C. Effective date: August 5th, 2010.
- A permit for the on-site or off-site sewage management system must be obtained from the Douglas County Health Office before building permits may be obtained for each lot. Sewage management systems shall be constructed in accordance with "Standards on Individual on-Site Sewage Management System - Lateral Fields and Other Sewage Disposal Systems for the Unincorporated Territory of Douglas County, Kansas" County Sanitary Code, Resolution 97-48, as amended and must be approved by the County Health Officer
- An access easement for lots 1 and 2 shall be dedicated by separate instrument, with book and page noted on the final plat.
- An easement containing the off-site sewage management system for Lot 1 and its connection to the platted lot shall be dedicated by separate instrument, with book and page noted on the final plat.
- In the event that a lagoon is used for sanitary waste management, the system shall be designed to allow for future connection to a public sewer system and a copy of the Kansas Department of Health and Environment approval documentation shall be provided to the Planning Office. In addition, the easement shall note the appropriate entity for maintenance of a lagoon.

Site Summary

EXISTING GROSS AREA:	156.150 acres
RIGHTS-OF-WAY AREA:	0.000 acres
NET AREA:	156.150 acres
PROPOSED GROSS AREA:	156.150 acres
RIGHTS-OF-WAY AREA:	0.000 acres
EASEMENT AREA:	5.466 acres
NET AREA:	150.684 acres
BLOCK 1:	
TOTAL ACRES:	156.150 acres
TOTAL NUMBER LOTS:	2 lots

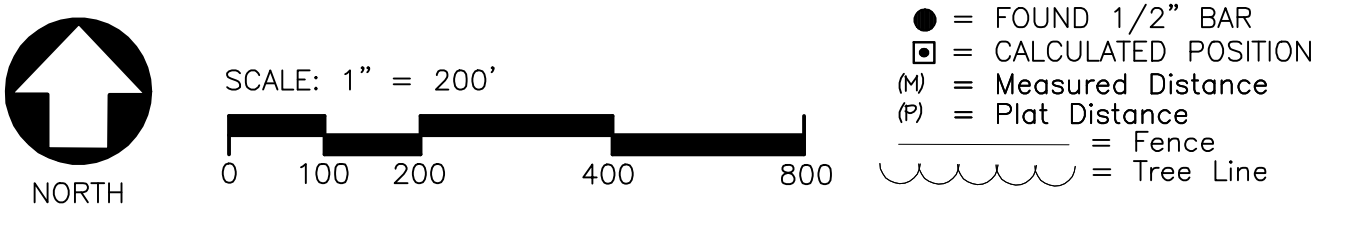
Location Map



Benchmarks

- A 5/8" BAR LOCATED AT THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 12 SOUTH, RANGE 18 EAST.

ELEVATION = 1039.25



ROCKWALL FARMS ADDITION
 A PRELIMINARY PLAT FOR AN ADDITION IN DOUGLAS COUNTY, KANSAS
 E 1/2, SEC. 14-T12S-R18E

RELEASE:

1.0	9.13.10	FIRST SUBMITTAL
1.1	9.28.10	SECOND SUBMITTAL
1.2	10.5.10	THIRD SUBMITTAL
1.3	10.11.10	FOURTH SUBMITTAL
1.4	11.2.10	FIFTH SUBMITTAL

ITEM NO. 3 PRELIMINARY PLAT; ROCKWALL FARMS ADDITION; 156.15 ACRES; N 1800 RD & E 700 RD (MKM)

PP-9-9-10: Consider a Preliminary Plat for Rockwall Farms Addition, a 2 lot subdivision containing approximately 156.15 acres, located near the intersection of N 1800 and E 700 Roads. Submitted by Paul Werner Architects, for Rockwall Farms L.C., property owner of record. *Joint meeting with Lecompton Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Lecompton Commissioner Elsie Middleton asked if the Lecompton Fire Department was satisfied with the fire arrangement.

Ms. Miller said yes.

Commissioner Harris asked if Lecompton would respond to fires instead of Lawrence.

Ms. Miller said they would both respond as automatic aid.

APPLICANT PRESENTATION

Mr. Paul Werner, Paul Werner Architects, suggested condition 5 be reworded to *'Off-site drainage easements **or other mechanism acceptable to the County Engineer and County Counselor shall be recorded by separate instrument with Book and Page Number noted on the final plat.**'*

He requested condition 6 be removed since the zoning was already done. He also said everyone has agreed to the fire system.

Commissioner Finkeldei said he thought the idea of using lagoon was a good idea and he wondered why that was not being used.

Mr. Werner said he thought it was still a good idea but they were asked to put in an in-ground tank, similar to the system Berry Plastics has in the City.

Commissioner Harris asked staff to respond to condition 5 being reworded.

Mr. McCullough said he wanted to respond to Commissioner Finkeldei's question regarding the fire system. He said there were technical reasons why the Fire Department did not want to use the lagoon. He said the Fire Department was concerned about silt and sediment getting in the equipment and the reliability of a system like that. He said they were also concerned about the icing up of the surface water body and pipes distributing the water from the pond to the sprinkler system. He said they had practical concerns when a viable alternative existed. He said regarding condition 5, the Code requires easements and staff would accept a revision.

Mr. Werner said that would work.

Commissioner Finkeldei asked if staff was fine with condition 6 being removed.

Mr. McCullough said yes.

PUBLIC HEARING

No public comment

Action taken by Lecompton Planning Commission

Motioned by Lecompton Commissioner Middleton, seconded by Lecompton Commissioner Leigh Ann Woody, to approve the Preliminary Plat of Rockwall Farms Addition, with the suggested amendments listed below.

Unanimously approved 4-0 by Lecompton Planning Commission.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Harris, to approve the Preliminary Plat (PP-9-9-10) of Rockwall Farms Addition and forwarding it to the Board of County Commissioners for consideration of dedication of easements and rights-of-way subject to the following conditions of approval. Deleted text is shown as ~~struck through~~ and additional text shown in **bold**.

1. Per Section 20-811(e)(3)(ii) of the Subdivision Regulations, evidence shall be submitted to the Planning Office showing that the applicable Fire Department has approved the proposed water supply system as being adequate to support firefighting needs prior to the recording of the final plat.
2. Per Section 20-811(d)(4), the final plat may not be recorded until the subdivider has presented evidence that the proposed method of sewage disposal has been approved by the Douglas County Health Department.
3. Temporary set-aside agreements for Lots 1 and 2 shall be executed and recorded prior to the recordation of the final plat. The Book and Page Numbers for the agreements shall be noted on the face of the final plat.
4. The County Engineer shall provide written certification that all public improvements have been completed or one of the means for ensuring completion noted in Section 20-811(h)(2) has been provided prior to recording of the final plat.
5. Off-site drainage easements **or other mechanism acceptable to the County Engineer and County Counselor** shall be recorded by separate instrument with Book and Page Number noted on the final plat.
- ~~6. The rezoning resolution to the 1-2 District (Lot 2) must be approved by the Board of County Commissioners prior to the recording of the final plat.~~
7. The plat shall be revised with the following changes:
 - a. Note 10 revised to read: "An access easement providing off-site public access to N 1800 Road shall be dedicated by separate instrument and the Book and Page Number noted on the final plat."
 - b. If an off-site sewage management system is proposed for Lot 2, Note 11 should be revised to read: "Easements containing any off-site sewage management system and its connection to the platted lot(s) shall be dedicated by separate instrument. The Book and Page Number of the recorded easement shall be noted on the face of the final plat."
 - c. N 1800 Road shall be labeled.
 - d. The distances from the 80 ft wide Access Easement to the south property line of Lot 2 shall be dimensioned on the east and west side of the easement and the overall length of the easement shall be noted.
 - e. Location map shall be updated to clearly include both lots.
 - f. If the Board of County Commissioners votes to participate in the financing of the off-site street/infrastructure improvements necessary for this development, the preliminary plat shall include a note to that effect.

Unanimously approved 7-0. Student Commissioner Davis voted in favor.

PLANNING COMMISSION REPORT
Regular Agenda -- Public Hearing Item

PC Staff Report
10/25/2010

**ITEM NO. 2: TEXT AMENDMENT TO SUBDIVISION REGULATIONS;
ENVIRONMENTALLY SENSITIVE AREAS (MKM)**

TA-06-12-08: Reconsider approving Text Amendments to Section 20-810 of the Subdivision Regulations [County Code Section 11-110] to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved, Section 20-812 [County Code Section 11-112] to revise the required contents of a plat to include environmentally sensitive lands provisions, and Section 20-815 [County Code Section 11-115] to provide definitions of terms related to environmentally sensitive lands. *Initiated by County Commission on 6/23/08. Previous draft approved by Planning Commission on 8/25/08.*

RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation for approval of the proposed amendment, [TA-06-12-08] clarifying the types of natural resources and environmentally sensitive areas that are to be protected, along with revisions to other sections of the Code to provide consistency, to the Board of County Commissioners and the City Commission.

Reason for Request: To maintain consistency with the recently revised City Development Code and to resolve issues which have been identified through the processing of Certificates of Surveys and plats in the unincorporated portions of the County. These issues include difficulty in identifying the types of Environmentally Sensitive Lands which require protection, and determining the amount of land which is required to be protected if environmentally sensitive lands are present.

RELEVANT GOLDEN FACTOR:

- Conformance with the Comprehensive Land Use Plan is the relevant factor that applies to this request. Amending regulatory tools, one of which is this amendment to the Subdivision Regulations, is an implementation step in Chapter 13 of *Horizon 2020*, the City/County Comprehensive Land Use Plan.

PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

No public comment was received.

Attachment: TA-12-27-07 Text Amendment to the City Development Code regarding protection standards for environmentally sensitive lands.

OVERVIEW OF REVISIONS PROPOSED

Section 20-810(i) [County Code Section 11-110(i)]

- Features which are considered natural resources or environmentally sensitive areas within the City of Lawrence and in the unincorporated portions of the County are currently listed in the Subdivision Regulations in Sections 20-810(i) and 20-810(j),

respectively [County Code Sections 11-110(i) and 11-110(j)]. This amendment proposes to combine these Sections as the environmentally sensitive lands to be protected are the same whether located in the City or in the unincorporated portions of the County. One of the purposes of protection of environmentally sensitive lands within the Urban Growth Area is to allow it to be protected following annexation into the City. Utilizing one set of definitions of features will allow one baseline map to be created for the City and unincorporated portions of the County and will allow protection of the environmentally sensitive lands to extend beyond annexation.

- Language is being added to provide objective criteria for the determination of environmentally sensitive lands.
- A maximum limit is set for the *required* protection of environmentally sensitive lands.
- The protection measures for plats and certificates of survey were revised to include requirements in other sections of the Code and were put in list form for clarity.

Section 20-812 [County Code Section 11-112]

- This section is being revised to include the provisions for protection of environmentally sensitive lands for platted property in both the City and the unincorporated portions of the County.

Section 20-815 [County Code Section 11-115]

- Currently, some of the features which make up environmentally sensitive lands are defined only in the City Development Code. This section is being revised to include these definitions as they apply to both the City of Lawrence and the unincorporated portions of the County.

General

Code citations which reference 20-810(j) will be changed to 20-810(i) throughout the Regulations in the City Code. Code citations which reference 11-110(j) throughout the County Code will be changed to 11-110(i).

Baseline Map

A new mapping layer is being developed with these text amendments (TA-12-27-07 and TA-06-12-08) to identify potentially environmentally sensitive lands. This is the map which is referred to in this document as the Baseline Map. Regulatory Floodway, Regulatory Floodway Fringe, Stream Corridors, Stands of Mature Trees and Listed Historical Properties will be identified on the map. It will be necessary to contact the State Historical Society for information on Archaeological sites and the Army Corps of Engineers for information on Jurisdictional Wetlands as maps for these are not currently available.

HOW TO READ THE AMENDED TEXT

The changes being proposed with this text amendment are shown below as follows: new text is identified by ***bold, italic typeface*** and deleted text is identified by ~~strickthrough~~. Please note, only the portions of the sections which are being modified are shown below.

20-810 Subdivision Design Standards

(County Code Section 11-110)

***(i) Resource Preservation – City of Lawrence
Protection of Environmentally Sensitive Lands***

(1) Definition of Environmentally Sensitive Lands

~~Residential Developments and non-residential~~ ***Certificates of Survey land divisions and platted*** Subdivisions shall be designed to ~~preserve~~ ***protect environmentally sensitive lands which contain*** natural resources and environmentally sensitive areas such as ~~streams, wetlands, prominent natural geographic features, and stands of mature trees.~~ ***Environmentally sensitive lands are listed below in a priority order for protection:***

- i. Regulatory floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the GIS Baseline Environmentally Sensitive Lands Map;***
- ii. Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;***
- iii. Jurisdictional wetlands, as determined by the Army Corps of Engineers;***
- iv. Stream corridors as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;***
- v. Stands of mature trees, as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map; and***
- vi. Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map.***

(2) Determination of environmentally sensitive lands.

The presence of environmentally sensitive lands shall be determined from an examination of the site and the following resources:

- i. FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;***
- ii. US Fish and Wildlife Service National Wetland Inventory Maps;***
- iii. GIS Baseline Environmentally Sensitive Lands Map.***
- iv. Kansas State Historical Society Archeological and Historic Resources Inventory; and.***
- v. Other resources which may be appropriate.***

(3) ~~Resource Preservation~~ Protection Standards for Environmentally Sensitive Lands. – City of Lawrence

~~See Section 20-1101(c)(2)(iii)(b), which requires that development of lands containing more than 5% defined sensitive lands can be developed only through a Cluster Development or a Planned Development. Section 1101(c)(3) requires that certain sensitive lands be dedicated, included in private open~~

~~space or otherwise preserved through development design. Note also that Section 1101(c)(4) may limit the achievable density of developments containing specified sensitive lands.~~

- ~~i. **Section 20-1101(d)(2)(i) of the Development Code limits the required protection of environmentally sensitive lands to a maximum protection area of 20% of the total land area.**~~
- ~~ii. **Section 20-1101(d)(2)(ii)(b) requires that when platting, environmentally sensitive lands to be protected shall be placed within tracts or easements and information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures, shall be included on the preliminary and final plat.**~~
- ~~iii. **Section 20-1101(e) contains information on density bonuses which may be possible when environmentally sensitive lands are protected in greater amounts than required.**~~
- ~~iv. **Section 20-1101(d)(2)(ii)(a) requires that a Sensitive Areas Site Plan be submitted prior to, or concurrent with, all subdivision applications for properties containing environmentally sensitive lands. The requirements of a Sensitive Areas Site Plan are found in Section 20-1101(f).**~~

~~(2)Subdivisions shall be designed to preserve archaeological and historical sites. See Section 20-1101(c)(2)(iii)b, which requires that development of lands containing more than 5% defined lands, which include archaeological and historic sites, can be developed only through a Cluster Development or a Planned Development. Section 20-1101(c)(3) requires that certain archaeological and historic lands be included in private open space or otherwise preserved through development design. Note also that Section 20-1101(c)(4) may limit the achievable density of developments containing archaeological and historic sites.~~

~~(4) **Resource Conservation Protection Standards for Environmentally Sensitive Lands. – Unincorporated Area of the County**~~

~~Residential Developments and non-residential Subdivisions in the unincorporated area of the County shall be designed in a way that protects and conserves the natural resources and environmentally sensitive areas: through the filing of a Temporary Set Aside Agreement or the filing of a permanent Conservation Easement, with the Register of Deeds. These natural areas and environmentally sensitive areas shall include Floodways, based on the FEMA's one-hundred year storm; Floodplains, based on the FEMA's one-hundred year storm; jurisdictional wetlands; stream corridors; prominent natural geographic features with rocky outcroppings; and, stands of mature trees or individually significant mature trees.~~

- ~~i. **Per Sections 20-804(c)(2)(ii) and 20-805(c)(2)(ii) [County Code Sections 11-104(c)(2)(ii) and 11-105(c)(2)(ii)], Certificates of Survey land divisions within the UGA shall protect environmentally sensitive lands** through the filing of a Temporary Set~~

- Aside Agreement or a permanent Conservation Easement with the Register of Deeds.
- ii. ***Per Section 20-806(d)(2)(vii) [County Code Section 11-106(d)(2)(vii)] Certificates of Survey outside the UGA for properties which contain environmentally sensitive lands shall designate building envelopes which exclude the protected environmentally sensitive lands.***
 - iii. All plats which include environmentally sensitive lands shall protect them through ***one of the following methods:***
 - a. The filing of a Temporary Set Aside Agreement or permanent Conservation Easement with the Register of Deeds.
 - b. ***Placement of the environmentally sensitive lands within tracts or easements. Information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures shall be included on the preliminary and final plat.***
 - iv. ***Protection of environmentally sensitive lands is encouraged to the maximum amount possible, but required protection is limited to 40% of the site included in the Certificate of Survey and 20% of the total site for platted properties.***

J Soils and Soil Testing – City of Lawrence

K

20-812 Contents of Plats

(County Code Section 11-112)

(a) **Preliminary Plat** *(no change)*

(1) Materials to be Included *(no change)*

(2) Existing Conditions

The Preliminary Plat shall also show the following existing conditions:

- (i) Location of any area designated as Floodplain or Regulatory Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the Regulatory Flood.
- (ii) Location of any area zoned "Floodplain", location and direction of flow of all water courses; and Base Flood Elevation at water course entrances to and exits from the proposed Subdivision;
- (iii) Location of section lines, private or public Streets, Alleys, Easements, and city boundaries within and immediately adjacent to the proposed Subdivision;
- (iv) **Natural features and environmentally sensitive lands within the unincorporated portions of the County:**
 - (a) Location of natural features such as rock outcroppings, unique topographic features, lakes, individually significant mature trees, ***and water bodies***, and insofar as can reasonably be shown, natural features to be removed;
 - (v) ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites~~

- (b) *Location of features which are listed in Section 20-810(i) [County Code Section 11-110(i)] as environmentally sensitive lands.*
- (c) *The plat shall delineate the environmentally sensitive lands which are to be protected and provide for protection in one of the following ways: note that they will be protected with a temporary set aside agreement or permanent conservation easement which will be recorded prior to the final plat; or place the protected areas within tracts or easements and note the ownership, maintenance responsibility and protection measures on the plat.*
- (d) *Designation of a building envelope which excludes the environmentally sensitive lands.*

(v) Natural features and environmentally sensitive lands within the City:

- (a) Location of natural features such as rock outcroppings, unique topographic features, lakes, ~~individually significant mature trees,~~ **and water bodies**, and insofar as can reasonably be shown, natural features to be removed;
- (b) *Location of environmentally sensitive lands including those which were identified on a Sensitive Areas Site Plan for protection and those which will be altered with the development.*
- (c) *Article 11 of the Development Code requires that a Sensitive Area Site Plan be submitted with, or prior to, any development proposal for lands containing environmentally sensitive lands. The Sensitive Area Site Plan is to be incorporated into the plats and other plans.*
- (d) *Protected Environmentally Sensitive Lands are to be located within a tract or easement.*
- (e) *Information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.*

(b) Final Plats

(1) **Format** (*no change*)

(2) **Material to be Included**

The Final Plat shall show:

- (i) Name under which the Subdivision is to be recorded;
- (ii) Descriptive information, which shall:

- (a) State the name of the proposed Subdivision;
 - (b) Show date of preparation, north arrow and graphic scale;
 - (c) Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision. A replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject replat is tied to at least one of these corner monuments;
 - (d) Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;
 - (e) Easements, showing width and general purpose;
 - (f) Sites proposed for Dedication as drainageway, park, school, or other public purposes;
- (iii) In addition, the following information is required which is similarly required on the Preliminary Plat:
- (a) Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;
 - (b) Boundaries of ~~significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological sites on the property proposed for subdivision~~ ***protected environmentally sensitive lands as shown on the preliminary plat.***
 - (c) **For properties within the City, the environmentally sensitive lands shall be located within a tract or easement and the plat shall contain information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.**
 - (d) **For properties within the unincorporated portions of the County, the plat shall include a building envelope which excludes the environmentally sensitive lands and one of the following: a note that a Temporary Set Aside Agreement or permanent Conservation Easement which contains use restrictions and maintenance and protection measures has been recorded for the environmentally sensitive lands and the Book and Page Number for the recorded Temporary Set Aside Agreement or permanent Conservation Easement; or the protected environmentally sensitive lands shall be placed within easements or tracts and the plat shall note the ownership, maintenance responsibility and protection measures of the protected lands.**
 - (e) Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,
 - (f) Block and Lot numbers and dimensions of Blocks and Lots.

- (iv) Accurate dimensions for all lines, angles, and curves used to describe boundaries, Streets. Easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle;
- (v) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and the comparable provisions adopted by resolution in Douglas County, the following:
 - (a) The total area of each Lot located in the designated Floodplain;
 - (b) The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 or the applicable County Floodplain regulations.
- (vi) For any Lot including or adjacent to a lot including **environmentally sensitive lands** (~~See Section 20-1101(e)(iii)~~) as defined in Section 20-810(i) **[County Code Section 11-110(i)]** designation of a Building Envelope within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;

The following definitions shall be added to Section 20-815(b) [County Code Section 11-115(b)]:

20-815 Interpretations, Rules of Construction and Definitions

(11-115 County Code)

(b) Definitions

Easement, Conservation:

A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. 58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of ~~this Development Code~~ **these regulations.**

Building Envelope:

The buildable area of a Lot or a Residential Development Parcel defined by the minimum required setbacks of the applicable Zoning Regulations and lands identified in **to be protected per** Section 20-810(~~j~~) **(i)[County Code Section 11-110(i)]**

Caliper: The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4 inch Caliper size, and as measured at 12 inches above the ground for larger sizes.

Jurisdictional Wetland:

Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).

Floodway Fringe or Regulatory Floodway Fringe:

The area outside the Floodway Encroachment Lines, but still subject to inundation by the Regulatory Flood.

Stand of Mature Trees:

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

Stream Corridor:

A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.

ITEM NO. 2 TEXT AMENDMENT TO SUBDIVISION REGULATIONS; ENVIRONMENTALLY SENSITIVE AREAS (MKM)

TA-06-12-08: Reconsider approving Text Amendments to Section 20-810 of the Subdivision Regulations [County Code Section 11-110] to clarify the natural resources and environmentally sensitive areas that are to be protected or preserved, Section 20-812 [County Code Section 11-112] to revise the required contents of a plat to include environmentally sensitive lands provisions, and Section 20-815 [County Code Section 11-115] to provide definitions of terms related to environmentally sensitive lands. *Initiated by County Commission on 6/23/08. Previous draft approved by Planning Commission on 8/25/08.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Commissioner Rasmussen inquired about the definition of mature stand of trees and wondered if the 8" caliper should be diameter at breast height.

An area of ½ acre **(21,780 sq ft)** or more **located on the 'development land area', per Section 20-1101(d)(2)(ii) or on other contiguous residentially zoned properties** ~~covered by densely wooded growth of mature~~ **containing** trees having a minimum height of **that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP, National Agricultural Imaging Program; City/County GIS aerials; and field surveys.)**

Ms. Miller said she checked with the City Horticultural Manager because it was a common term in the Development Code and also looked on an arborist website where they refer to diameter at breast height instead of caliper. She said they classify caliper as the instrument used to measure it. She said she could include the height in the definition.

Commissioner Rasmussen said in his experience with tree measurements there needs to be a reference point to where the measurement is taken and typically it's diameter at breast height. He said if this Text Amendment was approved he would recommend the definition be modified. He also asked if the triggering requirement for a sensitive area site plan was 500' square feet of environmentally sensitive land on a parcel of property. He thought that seemed too small.

Ms. Miller said that was in the original Development Code. She said in the first drafts of the Text Amendment it was recommended that any sensitive lands and the discussion was to go back to that original trigger of 500' square feet. She said a stand of mature trees was not considered a stand of mature trees unless it was a certain size. If it was only a 500' square feet area of trees it would not meet the definition of a stand of mature trees. A clump of trees would not put it into the requirement to do a sensitive area site plan, unless there were trees off site that would bring it to that threshold.

Commissioner Hird inquired if a tract of 501' square feet of mature trees and the contiguous tract had several acres would it meet the definition of a stand of mature trees. He asked if the 20% preservation would apply to that 501' square feet.

Ms. Miller said they would have to protect a maximum of 20% of the site but only if there was 500' square foot of trees. The 20% was the maximum required to protect if completely covered with trees.

PUBLIC HEARING

No public comment.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Singleton, to approve the proposed amendment, [TA-06-12-08] clarifying the types of natural resources and environmentally sensitive areas that are to be protected, along with revisions to other sections of the Code to provide consistency, and forward to the Board of County Commissioners and the City Commission, with the inclusion of Commissioner Rasmussen's comments about the definition of mature stand of trees that the caliper be correlated to diameter at breast height or some other measurement location on the tree.

Unanimously approved 8-0. Student Commissioner Davis voted in the affirmative.

ORDINANCE NO. 8317

RESOLUTION NO. 10-_____

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, DECEMBER 7, 2010 EDITION," 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 October 25, 2010 (TA-06-12-08) recommended that Sections 20-810, 20-812, and 20-815 (numbered 11-110, 11-812, and 11-115 of the Douglas County Code) 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-06-12-08 on December 8, 2010 and

WHEREAS, the City approved text amendment TA-06-12-08 on December 7, 2010 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-06-12-08, 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, December 7, 2010 Edition" 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, December 7, 2010 Edition," 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. 8317 and Resolution 10-_____" 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, December 7, 2010 Edition," 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 20-810 shall be numbered Section 11-110 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, which sections are identified in the "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, December 7, 2010 Edition" " are hereby specifically repealed and replaced by the corresponding sections of the "Subdivision Regulations for Lawrence and the Unincorporated Areas of Douglas County, Kansas, December 7, 2010 Edition" 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 _____, 2010.

APPROVED:

Mike Amyx, Mayor

ATTEST:

Jonathan M. Douglass, 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, _____ 2010.

BOARD OF COUNTY COMMISSIONERS OF
DOUGLAS COUNTY, KANSAS

Nancy Thellman, Chair

Jim Flory, Commissioner

Mike Gaughn, Commissioner

ATTEST:

Jameson D. Shew, County Clerk

NOTICE TO PUBLISHER

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

**SUBDIVISION REGULATIONS FOR LAWRENCE & UNINCORPORATED AREAS
OF DOUGLAS COUNTY, KANSAS, DECEMBER 7, 2010 EDITION**

**Amending Sections
20-810, 20-812, and 20-815**

OF THE CODE OF THE CITY OF LAWRENCE, KANSAS

and

**Amending Sections
11-110, 11-112, and 11-115**

OF THE CODE OF DOUGLAS COUNTY, KANSAS

Incorporated By Reference Pursuant to K.S.A. 12-3009, *et seq.* K.S.A. 12-3301 *et seq.* and
the Home Rule Authority of the City and the County

Approved by the Governing Body of the City of Lawrence, Kansas on
December 7, 2010

Approved by the Governing Body of Douglas County, Kansas on
December 8, 2010.

Ordinance No. 8317

First Reading: _____
Second Reading: _____
Date of Publication: _____

Resolution No. 10-_____

First Reading: _____
Date of Publication: _____

20-810. Subdivision Design Standards

(a) General

(1) **Applicability**

All [Subdivisions](#) shall comply with the Design and Improvement Standards of this Section and 20-810(j).

(2) **Design of Lots**

(i) [Lots](#) shall be laid-out and designed to comply with all applicable zoning district regulations. The size, width, depth, shape, and orientation of each [Lot](#) in a [Subdivision](#) shall also take into consideration [Topography](#) (steepness of slope and gradient), physical features, type of use contemplated and effect on adjacent [Lots](#).

(ii) [Lots](#) for commercial and industrial use shall be of size and arrangement to allow for off-[Street/Road](#) parking and loading facilities.

(iii) Double-[Frontage](#) and reverse-[Frontage Lots](#) shall be avoided except where they are necessary to provide for the separation of residential [Development](#) from Collector and [Arterial Street/Roads](#) or to overcome or take advantage of specific disadvantages of steep [Topography](#) and orientation. A planting screen [Easement](#) of a minimum 20 feet, with or without a berm, shall be provided along the portion of the [Lots](#) abutting such an [Arterial Street/Road](#) if required by the [Planning Commission](#).

(iv) Corner [Lots](#) shall be a minimum of 20 % wider than interior [Lots](#) to allow for appropriate building setbacks and sufficient yard space.

(v) Any [Lot](#) that is not rectangular or that has a single dimension of less than 55 feet shall show the [Building Envelope](#) permitted under the current Zoning District regulations; a note to such [Building Envelope](#) filed on a separate document in the Planning Department shall identify the applicable Zoning District and the date of the Zoning provisions on which the preparer has relied in designating the [Building Envelope](#).

(vi) Lawrence Residential lots shall not be created where the width at the street right-of-way line is less than 75% of the depth of the lot except where the established neighborhood pattern would support a lesser percentage or the lot front onto a cul-de-sac.

(3) **Plans for Resubdivision**

Whenever an area is divided into [Lots](#) with a lot area of one acre or greater, and there is a possibility that such [Lots](#) may eventually be re-subdivided into smaller [Lots](#), consideration shall be given to the [Street](#), and [Lot](#) arrangement of the original [Subdivision](#) so that additional [Streets](#) can be opened later to permit a logical arrangement of smaller Lots. Provision of [Easements](#) for the future opening and extension of such [Streets](#) and for gravity sewerage and storm water drainage shall, upon recommendation of the [Planning Commission](#) and approval of the [Governing Body](#), be made a condition of [Plat](#) approval.

(b) Frontage and Access

All **Lots** shall have **Frontage** on a public **Street** except that:

- (1) **Private Streets** may only be approved as part of a Planned **Developments** and are not allowed in the unincorporated area of the County; and,
- (2) **Joint-Use Driveways** in Lawrence with a minimum paved width of 24 feet may be approved as part of the **Subdivision** approval process for campus-like commercial or industrial **Developments** (e.g., shopping centers, industrial/business parks), if there is a city approved easement of record ensuring perpetual access to the **Joint-Use Driveway** by all **Lots** with **Street Frontage** and providing for the perpetual ownership, continuance and maintenance of the **Joint-Use Driveway**. **Joint-Use Driveway** approaches serving residential uses may only be approved with the filing of an instrument for joint maintenance of the driveway approach area and only when individual driveways are separately maintained beyond the **Street** right-of-way line. **Joint-Use Driveways** are not permitted in the unincorporated area of the County.
- (3) **Joint-Use Driveway** shall not be considered as parking or loading space or as an aisle for access to individual parking spaces in computing conformance with the parking requirements of the Zoning Ordinance.
- (4) An alley may provide the primary vehicular access to one or more **Lots** in a subdivision, provided that each such **Lot** shall have **Street Frontage** on a **Public Street**. Alley access is particularly appropriate where the **Street Frontage** for the **Lot** is on a **Collector Street**.
- (5) Joint use access points may be approved within Lawrence or the unincorporated area of the County when located wholly within the dedicated public street right-of-way or public road easement.

(c) Blocks

(1) General

The lengths, widths, and shapes of **Blocks** shall be determined with due regard to:

- (i) Limitations and opportunities of **Topography** and other physical features such as utilities, floodplains, wetlands and natural storm drainage patterns;
- (ii) Provision of building sites adequate for the special needs of the type of use contemplated and adequate storm drainage from each lot, such as provisions of swales between lots;
- (iii) Zoning requirements as to **Lot** sizes and dimensions; and
- (iv) Need for convenient access, circulation, and control of **Street** traffic for safety.

(2) Length

- (i) **City of Lawrence**

Block length for **Local Streets** within the City of Lawrence shall not exceed 800 feet in length (centerline to centerline of **Streets**) unless the **Subdivider** demonstrates to the satisfaction of the Decision-Making Body that:

- a. There are pedestrian connections at intervals of 700 feet or less, replacing the connection that would exist as a sidewalk along the Street; and
- b. The proposed **Block** must be greater than 800 feet in length because physical conditions preclude a **Block** length of less than 800 feet. Such conditions may include, but are not be limited to, **Topography** or the existence of natural resource areas such as wetlands, **Floodplains**, wildlife habitat areas, steep slopes or woodlands.

(ii) **Rural Area [Reserved]**

(3) **Width**

A residential **Block** shall have sufficient width to allow for two tiers of **Lots** of appropriate depth unless it adjoins a limited-access **Street, Collector Street, Arterial Street**, railroad or other nonresidential use, in which case it may have a single tier of **Lots** that exceed the minimum lot width required in the zoning district.

(4) **Shape**

Blocks may be irregular in shape, provided their design meets the requirements of **Lot** standards, traffic flow and control considerations and any adopted watershed/sub-basin plans, sector or neighborhood Plan.

(d) Streets

(1) **General**

- (i) **Local Streets** within the City of Lawrence **should** be less than 1,320 feet in length. **Local Streets** exceeding 800 feet in length shall include traffic calming devices, shown in an adopted City of Lawrence Traffic Calming Policy document, at intervals not exceeding 400 feet.
- (ii) All **Streets** within **Subdivisions** shall be laid-out, arranged and designed in accordance with any adopted watershed/sub-basin plans, sector or neighborhood Plan or, in the absence of such a plan, with all applicable **Street Layout and Design** standards of this Article.
- (iii) **Arterial** and **Collector Streets** shall be laid-out, arranged and designed in accordance with any adopted Major **Thoroughfares** Plan or corridor plan.
- (iv) **Subdivisions** shall provide a logical **Street** layout in relation to topographical conditions, public convenience, safety and the proposed use of the land to be served by such **Streets**.
- (v) At time of **Preliminary Plat** approval, the full right-of-way for all boundary line and full maintenance roads shall be annexed to the City.

(2) **Connections**

- (i) Every subdivision shall provide for at least one street connection to each adjacent subdivision or future adjacent subdivision. Any existing or Platted **Street** that terminates at the boundary line of a proposed **Subdivision** shall be

continued into the subject Subdivision in such a manner as to provide **Street** connections to adjoining lands and **Streets** within the subject **Subdivision** or, in the case of a local Street, may be terminated in a cul-de-sac.

- (ii) **Streets** shall provide for **Street** connections to adjacent undeveloped land in accordance with the adopted Major Thoroughfares Plan.
- (iii) No new **Subdivision** shall be approved in which more than 35 residential **Lots** or potential residential dwelling units, or more than 25,000 square feet of nonresidential space will have access to the public road system via a single outlet to the arterial and collector Street system as shown on the adopted Major Thoroughfares Plan.

(3) Intersecting Streets

- (i) **Local Streets** generally should not intersect **Arterial Streets**. The Planning Commission, with the advice of the City Engineer, may approve a new connection of a Local Street to an Arterial Street where it finds that such connection is part of the best traffic solution for the new subdivision and where the Subdivider will add turn lanes or other improvements recommended by the City Engineer to the Arterial Street to minimize the impact of the connection on the functioning of the Arterial Street.
- (ii) **Local Streets** intersecting opposite sides of another Local or **Collector Street** when offset shall be offset 300 feet or more.
- (iii) **Streets** shall intersect as nearly as possible at right angles.
- (iv) Not more than two **Streets** shall intersect at any one point.
- (v) Residential connector **Streets** shall be designed within neighborhoods to connect to these neighborhoods' service areas. These residential connector Streets shall have sidewalks on both sides.

(4) Cross-Sections

(i) City of Lawrence

All platted **Subdivisions** lying within the City of Lawrence shall comply with the following cross-section standards:

Street Type	Right-of-Way	Roadway			Sidewalks (See §20-811(c))
	Min. Width (feet)	Min. Width (feet) [1]	Paving	Curb and Gutter	
[1] Measured from back of curb to back of curb. [2] Includes limited access routes.					
Principal Arterial	150	*	Required	Required	Both Sides
Minor Arterial (3 lane)	100	40	Required	Required	Both Sides
Collector	80**	36	Required	Required	Both Sides

Street Type [1] Measured from back of curb to back of curb. [2] Includes limited access routes.	Right-of-Way	Roadway			Sidewalks (See §20-811(c))
	Min. Width (feet)	Min. Width (feet) [1]	Paving	Curb and Gutter	
Local or Residential Collector	60	30	Required	Required	Both Sides
Local	60	27	Required	Required	Both Sides
Limited Local	50	22	Required	Required	Both Sides
Cul-de-sac ***	60**	22	Required	Required	Both Sides

* As directed by the City [Engineer](#)

** Additional r-o-w may be necessary at [Intersections](#)

***Paved bulb with 50' radius is required

(ii) **Rural Area**

All residential Developments and nonresidential [Subdivisions](#) within the [Rural Area](#) shall comply with the following minimum cross-section standards:

Street Type [1] Measured from back of curb to back of curb. [2] Includes limited access routes.	Right-of-Way	Roadway				Sidewalks
	Min. Width (feet)*	Min. Width (feet) [1]	Traveled Way Paving	Min. Shoulder Width	Shoulder Paving	
Principal Arterial (w/ median)	150 [2]	**	Required	**	Required	See Section 20-811(c)
Principal Arterial (w/o median)	120	40	Required	8	Required	
Minor Arterial	100	36	Required	6	Required	
MAJOR Collector	80	32	Not Required	4	***	
MINOR Collector	70	28	Not Required	2	***	
Local	70	24	Not Required	2	***	

* Right-of-way shall be sufficient to include top of ditch back slopes; may be variable

** Shall meet latest AASHTO geometric tabular design standards or tabular standards, whichever is greater.

***Shoulder surface type shall match traveled way surface type, unless otherwise approved by the County Engineer.

(5) **Grades**

The finished grade for all **Streets** shall be at or above the **Base Flood Elevation**. The grades of **Streets** shall comply with the following standards:

Street Type	Maximum Grade (%)	Minimum Grade (%)
Arterials (Principal and Minor):		
City or Urban Growth Area	5	1.0
Rural Area	5	1.0
Collector (Major or Minor)	9	1.0
Marginal Access	10	1.0
Local	10	1.0

Note: The City or County **Engineer**, as applicable, shall be authorized to approve minor deviations for short distances from these grade standards when it is determined that compliance with these standards is impracticable.

(6) **Radii of Curvature**

The minimum radius of curvature of the centerline of **Arterial** and **Collector Street** shall be as follows:

Design Speed (MPH)*	Minimum Curvature Radius (feet)*	Minimum Tangent Length (feet)*
20	125	75
25	205	100
30	300	150
35	420	200
40	565	250
45	730	250
50	930	250
55	1,200	250

* The information in this Table assumes a 4% super-elevation.

(7) **Cul-de-sacs**

- (i) **Cul-de-sac** lengths shall not exceed 10 times the required minimum **Lot Width** of the base zoning district or 1,000 feet (1320 feet if rural), whichever is less. A **Cul-de-sac**'s length shall be measured from the center point of the **Cul-de-sac** bulb or turn-around to the centerline of the right-of-way of the nearest intersecting **Through Street**.
- (ii) Maximum **Cul-de-sac** length may be increased by up to 25% above the maximum allowed by Section 20-810(7)(i) during the **Subdivision** approval

process if the Decision-Making Body determines that the proposal meets all of the following criteria:

- a. It is impracticable to connect the **Street** to another **Street** or to provide a second means of access that would avoid the **Cul-de-sac** or allow the **Cul-de-sac** to meet the **Cul-de-sac** length limit because:
 1. The area is separated from other parts of the **Subdivision** or a possible **Street** connection by **Floodplains**, wetlands, steep slopes greater than 10% or other natural resource areas, making it impracticable to provide the area a second means of access that would avoid the **Cul-de-sac** or allow the **Cul-de-sac** to comply with the maximum **Cul-de-sac** length limit (e.g., by providing a loop **Street** into the area instead of the **Cul-de-sac**, or extending the **Cul-de-sac** to connect to another **Street**), and
 2. Other properties adjoining the area have already been subdivided or developed in a manner that precludes connecting the **Cul-de-sac** to an existing or proposed **Street**, or the area is so separated from adjoining properties providing potential access by **Floodplains**, wetlands, steep slopes or other natural resource areas thereby making it impracticable to extend or connect the **Cul-de-sac** to the adjoining properties; and
 - b. Use of Cluster Housing provisions of this Development Code would not reasonably allow compliance with the **Cul-de-sac** length limit of Section 20-810(d)(7) and realization of at least 75% of the maximum **Lot** density allowed by the site's base zoning; and
 - c. The degree of increase in allowable **Cul-de-sac** length is the minimum necessary to allow the above findings.
 - d. The **Subdivider** bears the burden of demonstrating that all criteria have been met.
- (iii) All **Cul-de-sacs** shall have a minimum right-of-way radius of 60 feet.
- (iv) In **Subdivisions** with **Cul-de-sacs**, **Easements** may be required to ensure that the water supply system is looped.
- (v) If a **Cul-de-sac** is longer than 600 feet, the subdivision shall include Pedestrian Right-of-Way Easements at the terminus of the **Cul-de-sac** to provide pedestrian connections to and from the **Cul-de-sac**, in accordance with 20-810(f)(4)(iii).
- (vi) **Streets** longer than one **Lot** that terminate at the property boundaries of undeveloped land shall provide an improved temporary **Turn-around**.

(8) Half-Streets

- (i) Whenever right-of-way for ½ of a **Street** has been dedicated to bring that **Street** to then-current standards, regardless of whether that half of the **Street** has been improved, and a subdivision of land adjoining the other half of the **Street** is proposed, the remainder of the **right-of-way** shall be dedicated and improved by the **Subdivider**.

- (ii) New **Half-Streets** are prohibited, except when the Decision-Making Body determines that a **Half-Street** is the only means of accommodating reasonable **Development** of the proposed **Subdivision** and adequate assurances in accordance with Section 20-811(h)(2) are provided that the remaining portion of the **Half-Street** will be dedicated and improved.
- (iii) **Lots** abutting on **Half-Street** that take sole access from that public right-of-way shall be designated as non-buildable (on the **Plat**) until the remainder of the **Street** is dedicated and improved. No building permits shall be issued for **Lots** with access only to a **Half-Street** until the entire remainder of the **Street** right-of-way between the two nearest intersecting Streets and passing in front of the subject lot(s) is dedicated and improved.

(9) Private Streets and Roads

- (i) **Private Roads** are prohibited in the **Unincorporated Area** of Douglas County, except for those that were approved prior to December 15, 1998.
- (ii) New Private Streets in the City are permitted only in Planned Developments approved by the Planning Commission and City Commission.
- (iii) Before Douglas County will consider a request to assume maintenance of any existing **Private Street**, by **Dedication** or otherwise, the **Street** or **Road** must be brought into compliance with all applicable **Road** and right-of-way standards.

(10) Alleys

- (i) **Alleys** shall be provided in commercial and industrial districts, except that the **Governing Body** may waive this requirement where other definite or assured provisions are made for service access, off-**Street** loading and unloading and parking spaces consistent with and adequate for the uses proposed.
- (ii) **Alleys** shall have a minimum right-of-way width of 20 feet.
- (iii) **Alleys** shall comply with the construction standards of the city and/or county, as provided in these regulations.
- (iv) Intersecting **Alleys** shall be prohibited except when no feasible alternative exists. When **Alley Intersections** are unavoidable, a turning radius shall be provided to permit safe vehicular movement.
- (v) **Dead-End Alleys** shall be prohibited. When such **Alleys** are necessary to serve dock areas, they shall be designed with adequate turn-around facilities.

(e) Street Names and Lot and Block Numbering

- (1) **Street** names shall be proposed by the **Subdivider**, reviewed by the Public Works Department, and approved by the City Commission. The approval of **Street** names shall be within the legislative discretion of City Commission, subject to the following standards:
 - (i) Compass directions shall not be used as part of **Street** names;

- (ii) The identifiers "Street", "Avenue", "Court, "Terrace," And "Place" shall be used only in accordance with the respective definitions of those terms;
- (iii) Streets that run in an east – west direction shall be named as numbered Streets;
- (2) Existing Street names shall be used where the Street to be named is, or would be, a logical extension of an existing Street even though separated by undeveloped land, natural physical barriers or man-made obstructions;
- (3) Where a proposed Street is shown on an adopted Major Thoroughfares Plan and such plan indicates a name for that Street, that name shall be used; and
- (4) Lot numbers shall be assigned by starting in the northeast corner of each Block and proceeding in a counterclockwise direction. When a Street separates a group of Lots, a new Block shall be identified, and the Lots within the new Block shall be numbered as herein specified.

(f) Easements

(1) Permanent Utility Easements

Permanent utility Easements shall be provided where necessary to accommodate utilities that will serve the Subdivision. Permanent utility Easements shall be provided where necessary to allow for utility service in and through the proposed subdivision. Where such an Easement is necessary, it shall be centered on rear or side Lot Lines, as applicable, and shall be at least 30 feet and 10 feet wide respectively, except that Easements for Street lighting purposes only need not exceed 10 feet in width.

(2) Temporary Utility Easements

Temporary utility Easements shall be provided where necessary to accommodate the installation of utilities that will serve the Subdivision. Temporary utility Easements shall be centered on rear or side Lot Lines and shall be at least 30 feet and 25 feet wide respectively. The temporary utility Easement shall expire after the initial installation of the required utilities. After the expiration of a temporary utility Easement, the permanent utility Easement will govern.

(3) Drainage Easements

Drainage Easements for water courses, drainage Swales or streams which traverse a Subdivision may be required. Drainage Easements shall be exclusively for that use and separate from the Dedication of other utility Easements. Upon the request of the Planning Commission, the City or County Engineer, as applicable, shall make recommendation to the Planning Commission regarding the desired width of the Drainage Easement. Such study and report shall be based on the 100-Year Flood depth (if known), or the Regulatory Flood Elevation when provided by the Federal Insurance Administration.

(4) Pedestrian Right-of-Way Easements

- (i) It is the goal of the City to ensure that the pedestrian circulation system within the City and within the Urban Growth Area forms a complete and effective network that includes, but is not limited, to sidewalks along Streets. In particular, it is the goal of the City to ensure that people have

efficient and relatively direct pedestrian access between their places of residence and:

- a. Nearby elementary schools;
 - b. Nearby parks and recreation facilities;
 - c. Other public facilities, such as libraries and community centers;
 - d. Adjoining neighborhoods or subdivisions, regardless of whether there are direct Street connections between the neighborhoods and/or subdivisions;
 - e. Any nearby shopping or service centers;
 - f. The nearest Arterial or Collector Street with a bus route; and,
 - g. Any nearby access point to a trail or greenway system.
- (ii) In furtherance of that purpose, Pedestrian Right-of-Way Easements shall be required when Block lengths for Local Streets exceed 800 feet in length. Such Easements shall extend entirely across the width of the Block at approximately the midpoint of the Block. Pedestrian Right-of-Way Easements shall have a minimum width of 12 feet. The Planning Commission may waive this requirement where, due to topography or physical barriers, the Pedestrian Right-of-Way would not form a logical part of the larger pedestrian circulation system.
- (iii) Also in furtherance of that purpose, additional Pedestrian Right-of-Way Easements should be required within the City and Urban Growth Area to provide pedestrian connections from a Subdivision to schools, parks, shopping, employment or other nearby uses and to link pedestrian routes in adjacent Subdivisions or neighborhoods, including a pedestrian connection at the terminus of each cul-de-sac. Pedestrian-Way Easements shall have a minimum width of 12 feet.
- (iv) The responsibility for paving the pedestrian way shall be the developers, and these pedestrian ways shall be constructed concurrent with the paving of the most adjacent Roadway, unless otherwise provided by the [Planning Director](#) in acting on the final plat. The responsibility for maintenance of the pedestrian way shall be that of adjacent property owners or the homeowners association for the subdivision.
- (v) Variances from these standards may be granted by the Governing Body when considering the [Preliminary Plat](#) according to the standards of 20-813(f).

(g) Parks, Open Space Schools and Other Public Facilities

The Planning Commission shall encourage or require the donation, reservation, or Dedication of sites for parks, open space, schools and other public facilities in accordance with the *Comprehensive Plan for Parks and Recreation* in the amount of 5% of the total land area of a residential subdivision plus \$600 per lot for each single family dwelling Lot.

(h) Land In Floodplain Overlay Districts

Land within a Floodplain Overlay District shall be subject to the Flood Protection Standards of Article 12 and to the comparable provisions adopted by the Board of County Commissioners for the Unincorporated Area of Douglas County.

(i) Resource Preservation — City of Lawrence — Protection of Environmentally Sensitive Lands

(1) Definition of Environmentally Sensitive Lands

Certificates of Survey land divisions and platted subdivisions shall be designed to protect environmentally sensitive lands which contain preserve natural resources and environmentally sensitive areas, such as streams, wetlands, prominent natural geographic features, and stands of mature trees. Environmentally sensitive lands are listed below in a priority order for protection:

- i. Regulatory floodway, designated on the FEMA Flood Insurance Rate Map for Douglas County and identified on the GIS Baseline Environmentally Sensitive Lands Map;**
- ii. Regulatory floodway fringe, designated on the FEMA Flood Insurance Rate Map for Douglas County based on the 100 year storm and identified on the GIS Baseline Environmentally Sensitive Lands Map;**
- iii. Jurisdictional wetlands, as determined by the Army Corps of Engineers;**
- iv. Stream corridors as defined in these regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map;**
- v. Stands of mature trees, as defined in these Regulations and identified on the GIS Baseline Environmentally Sensitive Lands Map; and**
- vi. Archaeological or historic sites listed on local, state, or federal registers and identified on the GIS Baseline Environmentally Sensitive Lands Map.**

(2) Determination of environmentally sensitive lands.

The presence of environmentally sensitive lands shall be determined from an examination of the site and the following resources:

- i. FEMA Flood Insurance Rate Map for Douglas County, most current adopted map;**
- ii. US Fish and Wildlife Service National Wetland Inventory Maps;**
- iii. GIS Baseline Environmentally Sensitive Lands Map.**
- iv. Kansas State Historical Society Archeological and Historic Resources Inventory; and.**
- v. Other resources which may be appropriate.**

(3) Protection Standards for Environmentally Sensitive Lands – City of Lawrence

~~See Section 20-1101(c) (2)(iii) b., which requires that development of lands containing more than 5% defined sensitive lands can be developed only~~

~~through a Cluster Development or a Planned Development. Section 1101(c) (3) requires that certain sensitive lands be dedicated, included in private open space or otherwise preserved through development design. Note also that Section 1101(c)(4) may limit the achievable density of developments containing specified sensitive lands.~~

- i. Section 20-1101(d)(2)(i) of the Development Code limits the required protection of environmentally sensitive lands to a maximum protection area of 20% of the total land area of residentially zoned property.**
- ii. Section 20-1101(d)(2)(ii)(b) requires that when platting, environmentally sensitive lands to be protected shall be placed within tracts or easements and information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures, shall be included on the preliminary and final plat.**
- iii. Section 20-1101(e) contains information on density bonuses which may be possible when environmentally sensitive lands are protected in greater amounts than required.**
- iv. Section 20-1101(d)(2)(ii)(a) requires that a Sensitive Areas Site Plan be submitted prior to, or concurrent with, all subdivision applications for properties containing environmentally sensitive lands. The requirements of a Sensitive Areas Site Plan are found in Section 20-1101(f).**

~~(2)..Subdivisions shall be designed to preserve archaeological and historical sites. See Section 20-1101(c)(2)(iii)b, which requires that development of lands containing more than 5% defined lands, which include archaeological and historic sites, can be developed only through a Cluster Development or a Planned Development. Section 20-1101(c)(3) requires that certain archaeological and historic lands be included in private open space or otherwise preserved through development design. Note also that Section 20-1101(c)(4) may limit the achievable density of developments containing archaeological and historic sites.~~

(4) ~~(j).~~Resource Conservation Protection Standards for Environmentally Sensitive Lands – Unincorporated Area of the County

- i. (1)..Residential Developments and non-residential Subdivisions in the unincorporated area of the County shall be designed in a way that protects and conserves the natural resources and environmentally sensitive areas *Per Sections 20-804(c)(2)(ii) and 20-805(c)(2)(ii) [County Code Sections 11-104(c)(2)(ii) and 11-105(c)(2)(ii)], Certificates of Survey land divisions within the UGA shall protect environmentally sensitive lands* through the filing of a Temporary Set Aside Agreement or a permanent Conservation Easement with the Register of Deeds. These natural areas and environmentally sensitive areas shall include Floodways, based on the FEMA's one-hundred year storm; Floodplains, based on the FEMA's one-hundred year storm; jurisdictional wetlands; stream corridors; prominent natural geographic features with rocky outcroppings; and, stands of mature trees or individually significant mature trees.**

- ii. Per Section 20-806(d)(2)(vii) [County Code Section 11-106(d)(2)(vii)] Certificates of Survey outside the UGA for properties which contain environmentally sensitive lands shall designate building envelopes which exclude the protected environmentally sensitive lands.
- iii. All plats which include environmentally sensitive lands shall protect them through one of the following methods:
 - a. The filing of a Temporary Set Aside Agreement or permanent Conservation Easement with the Register of Deeds.
 - b. Placement of the environmentally sensitive lands within tracts or easements. Information regarding ownership and maintenance responsibility of the tract or easement, as well as protection measures shall be included on the preliminary and final plat.
- iv. Protection of environmentally sensitive lands is encouraged to the maximum amount possible, but required protection is limited to 40% of the site included in the Certificate of Survey and 20% of the total site for platted properties.

~~(2)...Residential Developments and non-residential Subdivisions shall be designed to protect and conserve archaeological and historical sites through the filing of a Temporary Set Aside Agreement or the filing of a permanent [Conservation Easement](#), with the Register of Deeds.~~

(j) ~~(k)~~ Soils and Soil Testing – City of Lawrence

Soils shall be identified based on the Soil Conservation Survey soils categories and characteristics. Soils test shall be obtained to verify sub-surface soil characteristics for rocky or unstable soil types, when requested by the City Engineer, for areas proposed to be dedicated for City of Lawrence public rights-of-way and public easements.

20-812. Contents of Plats

(a) Preliminary Plat

The Preliminary Plat shall be drawn to a scale where all features presented are readable.

(1) Materials to be Included

The Preliminary Plat shall:

- (i) State the name of the proposed Subdivision;
- (ii) List names and addresses of the Subdivider, the land planner or Subdivision designer (if any) and the licensed land Surveyor;
- (iii) Show date of preparation, north arrow and graphic scale;
- (iv) Identify the Plat as a Preliminary Plat;
- (v) Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the

Subdivision. A replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject replat is tied to at least one of these corner monuments;

- (vi) Include location, description and elevation of all benchmarks established or source used for vertical control. There must be at least one established vertical control point as the basis for the topographic survey included with the application;
- (vii) Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;
- (viii) Show topography (contour interval not greater than 2 (feet) of the site. Topography shall be consistent with City of Lawrence and/or Douglas County aerial topography. Where land disturbance, grading or development has occurred on a site or within 100 feet of the subject site since the date the City of Lawrence and/or Douglas County, whichever is applicable, obtained aerial topography, an actual field survey shall be required;
- (ix) Show on the face of the Plat or on a separate sheet, a general location of the proposed Subdivision. The general location map shall be drawn to an appropriate scale and shall show the relationship of the proposed Subdivision to the following:
 - a. The nearest Intersection of public Streets;
 - b. If not in the City, any state highway located within one-half mile of the property;
 - c. If in the City, any public school or park located within one-quarter mile of the property. If in the County, any public school located within one mile of the property;
 - d. If in the Urban Growth Area, the nearest City Limits, and the nearest boundary of the Urban Growth Area;
 - e. The zoning of the property and any other Zoning Districts located within one-quarter mile (if in the City or within the Urban Growth Area) or within one-half mile (if in the Rural Area).

(2) **Existing Conditions**

The Preliminary Plat shall also show the following existing conditions:

- (i) Location of any area designated as Floodplain or Regulatory Floodplain, location and direction of the flow of existing water courses; and the surface elevation of the Regulatory Flood.
- (ii) Location of any area zoned "Floodplain", location and direction of flow of all water courses; and Base Flood Elevation at water course entrances to and exits from the proposed Subdivision;

(iii) Location of section lines, private or public Streets, Alleys, Easements, and city boundaries within and immediately adjacent to the proposed Subdivision;

(iv) Natural features and environmentally sensitive lands within the unincorporated portions of the County:

a. Location of natural features such as rock outcroppings, unique topographic features, lakes, ~~individually significant mature trees,~~ **and water bodies** and insofar as can reasonably be shown, natural features to be removed;

b. ~~Boundaries of significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;~~ **Location of features which are listed in Section 20-810(i) [County Code Section 11-110(i)] as environmentally sensitive lands.**

c. **The plat shall delineate the environmentally sensitive lands which are to be protected and provide for protection in one of the following ways: note that they will be protected with a temporary set aside agreement or permanent conservation easement which will be recorded prior to the final plat; or place the protected areas within tracts or easements and note the ownership, maintenance responsibility and protection measures on the plat.**

d. **Designation of a building envelope which excludes the environmentally sensitive lands.**

(v) ~~Boundaries of significant stands of mature trees, jurisdictional wetlands, historic sites and Archaeological Sites on the property proposed for subdivision.~~ Natural features and environmentally sensitive lands within the City:

a. **Location of natural features such as rock outcroppings, unique topographic features, lakes, ~~individually significant mature trees,~~ and water bodies, and insofar as can reasonably be shown, natural features to be removed;**

b. **Location of environmentally sensitive lands including those which were identified on a Sensitive Areas Site Plan for protection and those which will be altered with the development.**

c. **Article 11 of the Development Code requires that a Sensitive Area Site Plan be submitted with, or prior to, any development proposal for lands containing environmentally sensitive lands. The Sensitive Area Site Plan is to be incorporated into the plats and other plans.**

d. **Protected Environmentally Sensitive Lands are to be located within a tract or easement.**

e. **Information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.**

- (vi) Existing use of the property, including the location of all existing buildings, indicating those that will be removed and those that will remain on the property after the Final Plat is recorded;
- (vii) Horizontal location and vertical elevation (if available) of existing sanitary sewers, storm water sewers, and culverts within and adjacent to the proposed Subdivision, and the location of existing water mains, underground wiring, pipelines, and gas lines;
- (viii) Zoning of all land within and adjacent to the tract;
- (ix) Location, description and elevation of all bench marks established or source used for vertical control;
- (x) Types of soil, with the soil types generally indicated on the Preliminary Plat or a supplemental sheet; and,
- (xi) For a Subdivision that will rely on the use of [On-Site Sewage Management Systems](#), a summary of available information on the subsurface Water Table, including the depth of the Water Table at the highest, lowest and typical locations within the Subdivision.

(3) **Streets; Sites**

The Preliminary Plat shall further show the following:

- (i) Proposed Streets (including location, width, names, approximate grades), and their relation to Platted Streets or to proposed Streets as shown on any Watershed/Sub-basin Plan, sector or Neighborhood Plan of adjacent property.
- (ii) Easements, showing width and general purpose;
- (iii) Blocks and Lots, showing approximate dimensions and proposed Block and Lot numbers;
- (iv) Sites designated for other than single-family use by the adopted comprehensive or appropriately adopted Watershed/Sub-basin Plan, Sector or Neighborhood Plan. (Such plan shall be referenced on the face of the Plat);
- (v) Sites proposed for Dedication as drainageway, park, school, or other public purposes;
- (vi) Sites proposed by the Applicant for land uses not in conformance with adopted comprehensive or neighborhood plans accompanied by a note on the face of the Plat stating that approval of the Preliminary Plat does not certify approval of these proposed land uses.

(vii) If requested by Planning Staff, the [Building Envelope](#) for proposed Lots.

(4) **Supplemental Data**

The following supplementary data and information shall be submitted with the Preliminary Plat or be included thereon:

- (i) A table, shown on the face of the Plat, including this data:
 - a. Gross acreage of the Subdivision;
 - b. Acreage within each Zoning District;
 - c. Acreage to be dedicated for Streets or roads, if any;
 - d. Acreage to be dedicated for public uses other than roads, if any;
 - e. Total number of building Lots;
 - f. Maximum, minimum, and average Lot size; and
 - g. Phasing schedule if proposing phasing of final platting.
- (ii) A statement on the face of the Plat, stating the method to be used for financing Public Improvements in the Subdivision and providing references to statutes, covenants or other sources for further information on the details of such financing. Such statement shall contain a heading in at least 24-point type saying "Provision and Financing of Roads, Sewer, Water and Other Public Services." The rest of the statement shall be set out in at least 12-point type. At a minimum such statement shall indicate:
 - a. Whether the Subdivision will have public Streets and roads, Private Streets and roads or a combination thereof;
 - b. Whether the Subdivision will provide connections to a Public Water source (naming the source);
 - c. Whether the Subdivision will provide connections to a public system for wastewater treatment (naming the system) or will rely on [On-Site Sewage Management Systems](#) or other on-site wastewater treatment systems;
 - d. Whether purchasers of Lots in the Subdivision will be subject to special assessments or other costs or fees specific to the Subdivision to pay for the capital costs of Streets, roads, water lines and treatment, and/or wastewater lines and treatment; and
 - e. Whether the provision of improved roads, water service and/or wastewater service will depend in any way on a vote, petition or other collective action of property Owners in the Subdivision.
- (iii) A separate narrative, explaining in detail the general nature and type of Public Improvements proposed for the Subdivision, and the manner by

which the Subdivider intends to provide for their installation, as for example, by Public Improvement Petition, actual construction, escrow deposit, or performance bond. If other than by Public Improvement Petition, the approximate time for completion of such Improvements should be indicated.

(5) **Stormwater Drainage – City of Lawrence**

(i) **Supplemental Data**

The Preliminary Plat shall contain data, information and supplemental maps of surrounding property in sufficient detail regarding storm water drainage issues, as determined by the Staff of the Planning Department or the Planning Commission. The Staff of the Planning Department or the Planning Commission may request additional data, information and supplemental maps from the Applicant regarding storm water drainage, as appropriate.

(ii) **Minimum Floor Elevations**

(b) Final Plat

(1) **Format**

The Final Plat shall be prepared by a licensed Land Surveyor with black ink on permanent reproducible material meeting the current standards provided by the Register of Deeds. All drawings and signatures of certification shall be in waterproof ink. The overall sheet size shall be 24 inches by 36 inches. The scale shall be one inch equals 100 feet or less.

(2) **Material to be Included**

The Final Plat shall show:

- (i) Name under which the Subdivision is to be recorded;
- (ii) Descriptive information, which shall:
 - a. State the name of the proposed Subdivision;
 - b. Show date of preparation, north arrow and graphic scale;
 - c. Give a legal description of the proposed Subdivision complete with section, township, range, principal meridian, county, and acreage. Show the location of the nearest section and/or quarter-section corner on the Plat, with a description tying it to the point of beginning for the Subdivision. A replat shall not be required to be referenced to a section and/or quarter-section corner, provided the original Plat for the subject replat is tied to at least one of these corner monuments;
 - d. Show names of adjoining Subdivisions or, in the case of unplatted land, the names of the Owner or Owners of adjoining property;
 - e. Easements, showing width and general purpose;

- f. Sites proposed for Dedication as drainageway, park, school, or other public purposes;
- (iii) In addition, the following information is required which is similarly required on the Preliminary Plat:
- a. Location of any area zoned Floodplain or within a Floodplain Overlay District zoning district;
 - b. Boundaries of ~~significant stands of mature trees, Jurisdictional Wetlands, historic sites and Archaeological Sites on the property proposed for subdivision;~~ **protected environmentally sensitive lands as shown on the preliminary plat.**
 - c. **For properties within the City, the environmentally sensitive lands shall be located within a tract or easement and the plat shall contain information regarding ownership and maintenance of the tract or easement as well as the protection measures for the environmentally sensitive lands.**
 - d. **For properties within the unincorporated portions of the County, the plat shall include a building envelope which excludes the environmentally sensitive lands and one of the following: a note that a Temporary Set Aside Agreement or permanent Conservation Easement which contains use restrictions and maintenance and protection measures has been recorded for the environmentally sensitive lands and the Book and Page Number for the recorded Temporary Set Aside Agreement or permanent Conservation Easement; or the protected environmentally sensitive lands shall be placed within easements or tracts and the plat shall note the ownership, maintenance responsibility and protection measures of the protected lands.**
 - e. Proposed Streets (including location and proposed names), and their relation to Platted Streets or to proposed Streets as shown on any adopted general Development plan of adjacent property; and,
 - f. Block and Lot numbers and dimensions of Blocks and Lots.
- (iv) Accurate dimensions for all lines, angles, and curves used to describe boundaries, Streets. Easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle;
- (v) For land located in a Floodplain, as defined and regulated under Chapter 20, Article 12 of the City Code and the comparable provisions adopted by resolution in Douglas County, the following:
- a. The total area of each Lot located in the designated Floodplain;

- b. The Minimum Building Elevation and Minimum Elevation of Building Opening, as determined from Chapter 20, Article 12 or the applicable County Floodplain regulations.
- (vi) For any Lot including or adjacent to a lot including **environmentally sensitive lands (see Section 20-1101(c)(iii)), as defined in Section 20-810(i) [County Code Section 11-110(i)]** designation of a **Building Envelope** within which a building may be built after compliance with all applicable setback, floodplain and sensitive land standards;
- (vii) The dated signature and seal of the licensed Land Surveyor responsible for the survey and THE Final Plat shall contain a note stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys";
- (viii) Acknowledged certifications on the face of the Plat as listed below (may be combined where appropriate):
 - a. A certificate signed by all parties having any record, title or interest of record in the land subdivided, showing their consent to the preparation and recording of the Plat;
 - b. A certificate, signed by the Owner or Owners, dedicating all parcels of land which are intended for public use;
- (ix) The endorsement of the Planning Commission as evidenced by the signature of its Chairperson;
- (x) Acceptance of Dedication by the appropriate Governing Body, as indicated by the signature of the Chairperson of the Board of County Commissioners, the Mayor or another Person authorized to sign on behalf of either;
- (xi) As a separate document, a certificate that all taxes and special assessments due and payable have been paid. In the case of unpaid special assessments, a proposed redistribution of such unpaid special assessments which meets the county or city's requirements and is acceptable to the County or City Clerk and County or City's Public Works Director.
- (xii) A note shall be placed on the Final Plat indicating that additional information concerning drainage and structural elevations are placed on the Preliminary Plat, if such requirement has been placed on the Preliminary Plat.
- (xiii) A line shall be provided on the plat for the review date and signature of the County Surveyor beneath a note stating: "Reviewed in compliance with K.S.A. 58-2005".

20-815. Interpretations, Rules of Construction and Definitions

(c) Interpretation and Rules of Construction

- (1) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (2) The provisions of these regulations are not intended to abrogate any [Easement](#), covenant, or other private agreement; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such [Easement](#), covenant, or other private agreement, the requirements of these regulations shall govern.
- (3) A [Subdivision](#) of land which was not lawful at the time of the adoption of these regulations shall not become or be made lawful solely by reason of adoption of these regulations.
- (4) The provisions of these regulations are cumulative and are additional limitations upon all other laws and ordinances heretofore passed or which may be passed hereafter governing any subject matter in the provisions of these regulations.

(d) Definitions

- (1) Words used in this Article have the standard dictionary definition unless they are defined in this section. Words defined in this section shall have the specific meaning assigned, unless the context expressly indicates another meaning.
- (2) Words or terms that are specifically defined in the Subdivision Regulations are distinguished by being in Title Case and in [Blue Text](#) in the original code document.

Term	Definition
Abut	To physically touch or border upon; or to share a common property line.
Acceleration Lane	An added Roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.
Access Control	Access Control is the limitation of public access rights to and from properties Abutting Streets or highways. Access Control is used on Arterial Streets and higher functional classes of Streets to preserve traffic service levels and safety.
Access Easement	An easement created for the purpose of providing vehicular or pedestrian access to a property
Adequate Assurances	A written and executed agreement or contract supplemented by one of the means of ensuring completion of public improvements set forth in Section 20-811(h)(2).
Agency	For floodplain management purposes, means the Federal Emergency Management Agency (FEMA).
Agricultural Purposes	A purpose that is directly related to the agricultural activity on the land which shall include: (a) the cultivation and tillage of the soil; (b) dairying; (c) the production, cultivation, growing or harvesting of any agricultural or horticultural commodity; (d) the raising or training of livestock, bees, fur-bearing animals, or poultry; or (e) any practices performed by a farmer or on a farm, incident to or in connection with such farming operations. The term "agriculture purpose" does not mean the processing for sale or handling for sale a commodity or product grown or produced by a person other than the farmer or the farmer's employees. In all cases, an agricultural purpose does not include a structure used as a residential dwelling or an On-Site Sewage Management System.
Alley	A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the rear or side of properties otherwise Abutting a Street and which may be used for public utility purposes.
Appeal	For floodplain management purposes, means a request for the review of the Floodplain Administrator's interpretation of any provision of the Flood Protection Standards or a request for a variance.
Applicant	A Person submitting an application for approval.
Areas of Special Flood Hazard	Is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year.
Base Flood	A flood having a 1% chance of being equaled or exceeded in any given year. See "Regulatory Flood".
Base Flood Elevation	Water surface elevation of the base flood as determined by the Flood Insurance Study or by an approved Hydrologic and Hydraulic Study, whichever is higher.
Basement	Any area of the structure having its floor sub-grade (below ground level) on all sides.
Benchmark	Surveying mark made in some object which is permanently fixed in the ground, showing the height of that point in relation to

Term	Definition
	National Geodetic Vertical Datum (NGVD) and City or County Datum.
Block	A parcel of land entirely surrounded by public Streets, highways, railroad rights-of-way, public walks, parks or green strips, or drainage Channels or a combination thereof.
Bore Hole or Soil Boring	Soil test(s) conducted by drilling or auguring a hole through the native soil and logging the descriptions of the soil stratification, characteristics, moisture content, presence of Groundwater, and other relevant observations in accordance with the Unified Soil Classification System, USDA's Soil Textural Triangle, or other professional soil description system as approved by the applicable local health department.
Boulevard	A tree-line roadway or a multi-lane street with a landscaped median.
Boundary Line Adjustment	A change in the boundary between adjoining lands that does not create an additional building site and that, when completed, will result in tracts of land or Lots that comply with the Lot design standards of Section 20-801(a)(2) and with the Zoning District regulations that apply to the subject property.
Boundary Line Street (or Road)	A Street or road that forms a part of the boundary line of a City.
Build Out Plan	A future subdivision layout that has been planned and designed to the urban street and block level based on existing topography and the design standards in the subdivision regulations of the city associated with the Urban Growth Area. The build out plan shall identify an internal street network that has connectivity to existing and planned collector and/or arterial streets, including blocks for future urban development, and the general location of utility and drainage easements.
Buildable Lot	A lot for which a building permit can be obtained. Property that is designated as a "Tract" of land is not a buildable lot.
Building, Principal	A building in which is conducted the Principal Use of the building site on which the building is situated. In A-1 (Suburban Home Residential) and R-1 (Single-Family Residential), or in any residential District in Lawrence, any Dwelling shall be deemed to be the Principal Building on the lot, parcel or division on which the Dwelling is located.
Building Envelope	The buildable area of a Lot or a Residential Development Parcel defined by the minimum required setbacks of the applicable Zoning Regulations and excluding lands to be protected per Section 20-810(i) [County Code Section 11-110(i)] identified in Section 20-810(j).
Caliper	The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at 6 inches above the ground for trees up to and including 4 inch Caliper size, and as measured at 12 inches above the ground for larger sizes.
Catch Basin	An inlet designed to intercept and redirect surface waters.

Term	Definition
Certificate of Survey	A legal instrument approved pursuant to Section 20-807; this is a narrowly used term and this instrument shall not be considered a "Plat" or a "Subdivision" as defined herein.
Channel	A watercourse with a definite bed and banks which confine and conduct the normal continuous or intermittent flow of water.
Channelization	(1) The straightening and deepening of Channels and/or the surfacing thereof to permit water to move rapidly and/or directly; (2) A traffic control device which forces vehicles into certain traffic flows or turning movements.
Circle	A Street naming suffix designating a Street with a single common Ingress and Egress (Cul-de-sac). The "Circle" suffix is used as a part of a Street name when the Cul-de-sac is a logical extension or continuation of a Street e.g., 14th Circle.
City Engineer	The person designated by the City Manager as the City Engineer. If no person has been so designated, then this term shall refer to the head of the City Public Works Department. If no person has been designated to fill either such position, then this term shall refer to the head of the department or operating unit primarily responsible for the maintenance of City Streets.
Cluster Subdivision	A form of Development for single-family detached dwelling residential Subdivisions that permits a reduction in Lot area and bulk requirements, provided that there is no increase in the number of Lots that would be permitted under a conventional Subdivision and the resultant land area is devoted to open space. The clustering design technique concentrates buildings in specific areas on the site to allow the remaining land to be set aside for recreation, meaningful Common Open Space and preservation of environmentally and geographically sensitive areas or historical features.
Comprehensive Plan	The Comprehensive Plan for the city or county, officially approved or adopted to provide long-range Development policies, and which may include, among other things, the plan for land use, land Subdivision, circulation, and Community facilities.
Community	Any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.
Conservation Easement	See "Easement, Conservation"
County's Access Management Standards	Access and minimum frontage standards in the Douglas County Code, Chapter IX, Article 5.
County Engineer	The person designated by the County Administrator or Board of County Commissioners as the County Engineer. If no person has been so designated, then this term shall refer to the head of the County Public Works Department. If no person has been designated to fill either such position, then this term shall refer to the head of the department or operating unit primarily responsible for the maintenance of County roads and infrastructure.

Term	Definition
County's Rock Road Standard	Standards as delineated in Chapter IX, Section 203 of the Douglas County Code.
Court	A Street naming suffix designating a Street with a single common Ingress and Egress (Cul-de-sac). The "Court" suffix is used as a part of a Street name when the Cul-de-sac emanates from a Street at a near right angle, e.g., 14th Court.
Cross Access Easement	See "Easement, Cross Access"
Crosswalk	A strip of land dedicated for public use which is established across a Block for the purpose of providing pedestrian access to adjacent areas.
Cul-de-sac	A Street that has one outlet and is permanently terminated by a vehicle turn-around at the other end. This is a sub-category of Streets with a single outlet.
Culvert	A drain, ditch or conduit not incorporated in a closed system, which carries drainage water under a Driveway, Roadway, railroad, pedestrian walk or public way.
Curb Cut	The opening along the curb line at which point vehicles may enter or leave a Roadway.
Curb Return	The connecting link between the Street curb and the ramp (Driveway) curb.
Datum, City	A reference point from which heights or depths are calculated within the City of Lawrence. All reference marks using City Datum shall also denote NGVD elevation.
Deceleration Lane	An added Roadway lane that permits cars to slow down and leave the main vehicle stream.
Dedication	Gift or donation of property by the Owner to a governmental unit. The transfer is conveyed by a Plat or a written separate instrument. The act of dedicating is completed with a formal acceptance by the Governing Body.
Design Standards, Subdivision	All requirements and regulations relating to design and layout of Subdivisions contained in Section 20-810.
Detention Pond	A storage facility for the temporary storage of stormwater runoff. The stormwater may be released to downstream facilities at a designed rate of flow.
Developer	The legal or beneficial Owner or Owners of a Lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other Person having enforceable proprietary interests in the land.
Development	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
Double Frontage Lot	A Lot with two opposite Lot Lines Abutting upon Streets which are substantially parallel.
Douglas County Zoning & Codes Director	The director of the Douglas County Zoning and Codes Department or such Person's designee with primary responsibility for enforcement and administration of the Zoning and Building

Term	Definition
	Code Regulations of Douglas County.
Drainage System	Pipe, Waterways natural features and man-made Improvements designed to carry drainage.
Drive	A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure. Also referred to as a driveway.
Driveway	A privately owned means of providing direct vehicle access to Streets.
Driveway Apron or Driveway Approach	A paved area between the sidewalk and the street curb used by the property owner for vehicular access.
Driveway, Joint-Use	A privately owned Driveway that provides access to 2 or more Lots in a commercial or industrial Development, such as in a shopping center (with out Lots) or a business or industrial park.
Dwelling	A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or Mobile Home.
Easement	A grant of one or more of the property rights by the property Owner to and/or for the use by the public, a corporation or another Person or entity.
Easement, Avigational	An air rights Easement which protects air lanes around airports.
Easement, Conservation	A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open-space values of real property, assuring its availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property. In case of any conflict between this definition and K.S.A. 58-3810, as it may be amended from time to time, the amended statute shall control and shall be used in the construction and interpretation of this Development Code. these regulations.
Easement, Cross Access	An easement between two or more adjacent parcels creating rights to utilize a service drive providing vehicular Access among those parcels so the driver need not enter the public Street system, except at a limited access point. When established as part of a Cluster Development in Lawrence's UGA, the service drive constructed within the Cross Access Easement shall be constructed, at a minimum, to meet the County's rock road standard, and the minimum width of traveled-way plus shoulder shall be 20 feet.
Easement, Drainage	An Easement required for the installation of stormwater sewers or Waterways and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.
Easement, Private	A right-of-way granted for limited use of land for a private purpose.
Effective Date	December 31, 2006, the date Joint Ordinance No. 8064/ Resolution No. 06-41 took effect.
Egress	An exit.

Term	Definition
"Eligible Community" or "Participating Community"	A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).
Encroachment	Any obstruction in a delineated Floodway, right-of-way, Easement, building setback or adjacent land.
Encumber	To place a legal claim or restriction upon a tract or parcel of land.
Engineer	A professional Engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.
Exception	Permission to depart from or request relief from the design standards. Exceptions often refer to standards such as: length of cul-de-sac, location and type of improvements, or landscaping requirements. They are dictated by the circumstances related to the specific application that makes the design requirements for which the exception is requested unnecessary or unreasonable.
Existing Construction	Structures for which the <i>"start of construction"</i> commenced before the effective date of the FIRM (March 2, 1981); <i>"existing construction"</i> may also be referred to as <i>"existing structures"</i> .
Existing Mobile Home Park	A mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
Final Plat	A map of a land Subdivision prepared in a form suitable for filing of record with necessary affidavits, Dedications, restrictions, and acceptances, and with complete bearings and dimensions of all lines defining Lots and Blocks, Streets, Alleys, public areas and other dimensions of land.
Fire Hydrant	An outdoor water supply outlet with wrench-actuated valve and a connection for a fire hose.
Flag Lot	<u>City meaning:</u> A lot not fronting or abutting a public right-of-way except for a narrow strip of land providing access to the lot from the public right-of-way. <u>County Meaning:</u> A lot or a Residential Development Parcel that has a minimum lot or Residential Development Parcel width of less than 90% of the minimum lot or Residential Development Parcel's required frontage at the road right-of-way or road easement line.
"Flood" or "Flooding"	Means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural

Term	Definition
	body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).
Flood Insurance Rate Map (FIRM)	An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
Flood Insurance Study (FIS)	An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
Floodplain	The land area inundated by a flood of a given magnitude as determined by the Flood Insurance Study or Governing Body based on an approved Hydrologic and Hydraulic Study.
Floodplain or Floodplain District	That area designated by the Governing Body as susceptible to Flooding including but not limited to the Regulatory Floodplain designated by the Federal Insurance Administrator.
Floodplain Management	The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
Floodplain Management Regulations	Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
Floodproofing	Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.
"Floodway" or "Regulatory Floodway"	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
Floodway Encroachment Lines	The lines marking the limits of floodways on Federal, State and local floodplain maps.
Floodway Fringe or Regulatory Floodway Fringe:	The area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.
Force Main	A sanitary sewer line through which waste water is pumped rather than carried by gravity flow.
Freeboard	A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.
Frontage Road	A "Street, Marginal Access. located in front of the properties that

Term	Definition
	it abuts.
Frontage	The boundary of a Lot or Residential Development Parcel that Abuts a Street or a Road.
Full Maintenance Road	A road in the Unincorporated Area of the County that receives maintenance on a regular basis in accordance with its road classification and traffic counts.
Governing Body	The respective City Commission or City Council within the incorporated limits of the City of Lawrence, Baldwin City, Eudora, or Lecompton and the Board of County Commissioners within the Unincorporated Area of Douglas County.
Grading	The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associated with an agricultural operation. For grading in FEMA designated floodplains the definition in the Floodplain Management Regulations shall take precedence.
Groundwater	Any subsurface water in the zone of saturation, including but not limited to spring water, perched Water Tables, seasonal Water Tables and aquifers.
Half-Street	A Street bordering one or more property lines of a Subdivision tract to which the Subdivider has allocated only a portion of the required Street Width.
Hard Surfaced Road	A properly constructed and maintained road surface with asphaltic concrete, Portland cement concrete or with chip sealed aggregate base.
Highest Adjacent Grade	The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
Historic Landmark	Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on the Register of Historic Kansas Places; or (d) individually listed the Lawrence Register of Historic Places.
Home Owners Association	A Community association, other than a condominium association, which is organized in a Development in which individual Owners share common interests in open space or facilities. The Home Owners Association usually holds title to Reserves, manages and maintains the common property, and enforces certain covenants and restrictions. Condominium associations differ from Home Owners Associations in that condominium associations do not have title to the common property.
Hydrologic and Hydraulic Study	An engineering study that is done in accordance with the Lawrence Development Code 20-1204 (c).

Term	Definition
Improvements	All facilities constructed or erected by a Subdivider to permit and facilitate the use of Lots and Blocks for residential, institutional, business or manufacturing purpose. Improvements shall include all facilities listed in Section 20-810(j).
Infrastructure	Facilities and services needed to sustain manufacturing, residential, commercial and all other land uses or activities under the control of a governmental agency. Infrastructure includes water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.
Ingress	An entrance.
Intersection	Where two or more Streets cross at-grade.
Jurisdictional Wetland	Wetlands which are regulated by Section 404 of the Clean Water Act and are under the regulatory jurisdiction of the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA).
Land Combination	The combination of a vested division of land in the unincorporated area with additional acreage to increase the overall acreage of an individual residential parcel. A Land Combination does not increase the number of building permits a parcel of land has a vested right to receive.
Land Disturbance	Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.
Land Surveyor	One who is licensed by the State of Kansas as a land surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.
Lot	A designated parcel or area of land established by Plat or Subdivision to be used, transferred, developed or built upon as a unit.
Lot Depth	The distance between the midpoint of the front Lot Line and the mid-point of the rear Lot Line.
Lot Line, "or Residential Development Parcel Line"	The perimeter of a Lot or a Residential Development Parcel.
Lot Width, "or Residential Development Parcel Width"	The distance between the side Lot Lines of a Lot, or the side lines of a Residential Development Parcel at the required front Setback Line.
Lot, Frontage "or Residential Development Parcel Frontage"	That portion of the Lot or a Residential Development Parcel which lies between the side Lot Lines and is adjacent to the Street or Road serving the Lot or the Residential Development Parcel.
Lot of Record	A legally created Lot recorded at the Register of Deeds as part of a plat or subdivision.
Lowest Floor	The lowest floor of the lowest enclosed area, including a Basement; an unfinished or flood-resistant enclosure, usable solely for parking of vehicles, Building access, or storage, in an

Term	Definition
	area other than a Basement area, is not considered a Building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of the Flood Protection Standards.
Major Thoroughfares Map(s)	A plan adopted by the Planning Commission and the Governing Body(ies) identifying and classifying the major Streets and roads in the community. The Major Thoroughfares Plan in effect on the date of adoption of this Article is incorporated in "Transportation 2020, the Lawrence/Douglas County Long Range Transportation Plan", but it may be amended or superseded from time to time.
Market Value	An estimate of what is fair, economic, just and equitable value under normal local market conditions.
Mean Sea Level	For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.
Metes And Bounds	A method of describing the boundaries of land by directions and distances from a known point of reference.
Minimum Elevation of Building Opening	The minimum elevation above sea level at which a building located in the floodplain may have a door, window, or other opening.
Minor Subdivision	See "Subdivision, Minor"
Mobile Home	A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "mobile home" does not include a "recreational vehicle."
Mobile Home Subdivision or Park	A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.
Minimum Elevation for Building	The finished floor elevation of the lowest floor.
Neighborhood Development Plan	See "Sector Plan"
New Construction	For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM (March 2, 1981) and includes any subsequent improvements to such structures; for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
Off-Site Improvements	Improvements located on property outside the perimeter of the Subdivision that are determined by the Planning Commission to be necessary because of the proposed Subdivision, e.g., construction of Streets, signalization of Intersections, drainage Channels, extension of public utilities, etc.
On-site Sewage Management System	An individual Sewage disposal system involving a water tight receptacle that receives the discharge of Sewage from a building and is designed and constructed to permit settling of solids from

Term	Definition
	this liquid, digestion of the organic matter (sludge), and discharge of the liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial FIRMS, at regular intervals. On-Site Sewage Management Systems are used for domestic wastes when a sanitary sewer line is not available to carry the wastes to a wastewater treatment plant. Approval of a site for use of a On-site sewage management system involves establishing a minimum Lot area to provide for the system's operation, determining that the soil has an acceptable Percolation rate and ensuring separation of the system from Groundwater.
On-Site	Located within the perimeter of the property that is subject to an application for Subdivision or a Residential Development Parcel approval.
Open Space, Common	Land within or related to a Development, not individually owned or dedicated for use, which is designed and intended for the common use or enjoyment of the residents of the Development and may include such complementary Structures and Improvements as are necessary and appropriate. Common Open Space is Platted as a reserve and is owned and maintained by a Home Owners Association.
Original Townsite Area	The original Townsite of the City of Lawrence, as shown on the "Original Townsite Map" available for public inspection from the Planning Director,
Outlet, Single	A single connection between the Street or road system in a particular Subdivision or other development and the Street system shown on the Major Thoroughfare Map; a cul-de-sac is a sub-category of Streets with single outlets, but a loop road or more complex system within a development may also have access to the Street system through a Single Outlet.
Overlay District	A special zoning district that has been "overlaid" on a base zoning classification to alter some or all the base district zoning regulations.
Owner	Any Person or Persons, Firm or Firms, corporation or corporations, or any other legal entity having legal title to land being subdivided under these regulations. Also any legal entity having legal title to land for which a building permit application is made.
Package Plant	A prefabricated or pre-built wastewater treatment plant.
Parcel	A contiguous area of land under the same ownership. This is an inclusive term that includes Lot, Residential Development Parcel and other terms. Unlike "Lot," the term "Parcel" or "Residential Development Parcel" does not mean a division of land created through a plat or Subdivision process.
Parent Parcel	The recorded and legally defined parcel of land from which one or two further divisions can be made for the purpose of conveying a Residentially Development Parcel within the unincorporated area of the County, outside the Lawrence Urban Growth Area or other Cities' Urban Growth Areas, to an individual.

Term	Definition
Parkway	A Street that includes a landscaped median. A parkway may run in any direction.
Participating Community	Also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.
Peak Hour Traffic	The largest number of vehicles passing over a designated section of a Street during the busiest one-hour period during a 24-hour period.
Pedestrian Right-of-Way Easement	A strip of land dedicated for public use which is Reserved across a Block for the purpose of providing pedestrian access to adjacent areas.
Pedestrian Way	A public walk dedicated entirely through a block, from street to street, or providing access to a school, park, recreation area, or shopping center.
Percolation Test	A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.
Percolation	Downward flow or infiltration of water through the pores or spaces of rock or soil.
Person	Any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.
Petition, Public Improvement	A legal instrument which serves as the basis for initiation of a public improvement project by the Governing Body. A Public Improvement Petition is frequently used during the Platting process to guarantee the construction of certain Improvements that are required as conditions of Plat approval, such as Street paving, sidewalks, water and sewer lines, and stormwater and drainage Improvements.
Planning Area	The area considered in the development of a comprehensive plan for cities in Douglas County.
Planning Commission	The Lawrence/Douglas County Metropolitan Planning Commission.
Planning Director	The Lawrence/Douglas County Metropolitan Planning Director.
Plat	A Subdivision as it is represented as a formal document by drawing and writing and which is presented to the Planning Commission for review and approval in accordance with these Subdivision Regulations and to the Governing Body for the acceptance of Easements and Dedications.
Platting Binder	A report issued by a title insurance company setting forth the conditions to be met for certain property to be Platted, e.g., Easements filed for record, mortgages, fee title Owners, etc.
Potable Water	Water suitable for drinking or cooking purposes.
Preliminary Plat	A map of proposed land Subdivision showing the character and proposed layout of the tract in sufficient detail to indicate its' suitability for the proposed Subdivision.
Principal Building	See 'Building, Principal'.
Principal Use	The primary purpose, for which land or a Structure is utilized, based in part on the amount of Floor Area devoted to each

Term	Definition
	identifiable use. The main use of the land or Structures as distinguished from a secondary or Accessory Use.
Principally Above Ground	At least 51% of the actual cash value of the structure, less land value, is above ground.
Private Drive	A use Platted for a Reserve in order to provide access to Lots from either a public or Private Street system. A Reserve for Private Drive purposes is the means to access Lots within a comprehensive group Development for townhouses or apartment units or for commercial complexes and office park Developments. A new Private Drive may be established under this Article only in a Planned Development.
Public Improvements	All public facilities constructed or erected by a Subdivider within a Subdivision to permit and facilitate the use of Lots or Blocks for a principal residential, business or manufacturing purposes.
Public Utility Facilities	Telephone, electric and cable television lines, poles, equipment and Structures; water lines, holding towers or gas pipes, mains, valves or Structures; sewer pipes, valves or Structures; Pumping Stations; telephone exchanges and repeater stations; and all other facilities, equipment and Structures necessary for conducting a service by a government or a public utility.
Public Water Supply	A system for delivery to the public of piped water for human consumption that has at least 10 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. This term includes any source, treatment, storage, or distribution facilities used in connection with the system.
Publicly Treated Water	Water supplied for domestic purposes by a municipality or by a Rural Water District and approved by the Kansas State Department of Health.
Pumping Station	A pumping facility that transports waste water between two gravity flow sewer lines. A Pumping Station is used when topographic conditions do not allow a continuous gravity flow system.
Raw Sewage	Untreated domestic or commercial wastewater.
Recreational Vehicle	A vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently able to be towed by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
Regulatory Flood	The Flood determined by the Federal Insurance Administration as having a 1% chance of being equaled or exceeded in any given year.
Regulatory Flood Elevation	The elevation at which the Regulatory Flood is determined to occur.
Regulatory Floodplain	Land included within the Regulatory Floodway and Floodway

Term	Definition
	Fringe areas as determined by the Federal Insurance Administration.
Replat	Same as "Resubdivision".
Reserve	An area of property within a Subdivision which is Platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities and drainage, Floodway, Private Street, etc. Typically, future Ownership and maintenance responsibilities for a Reserve is set forth by a Restrictive Covenant which provides that a Home Owners or Lot Owners association will hold title to the Reserve and therefore be responsible for the Reserve's maintenance. The Restrictive Covenant may provide for Ownership and maintenance to be tied to the Ownership of an adjacent Lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a Reserve platted for possible future sales to a public body for a public facility].
Residential Development Parcel	A parcel created by the division of a Parent Parcel for the purpose of construction of one single-family residential dwelling unit and permitted accessory uses, buildings and structures.
Restrictive Covenant	A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including Home Owners association agreements. The Restrictive Covenant usually runs with the land.
Resubdivision	The further Subdivision of a tract of land which has previously been lawfully subdivided and for which a Plat of such prior Subdivision has been duly recorded.
Road or Roads	Same as "Street" or "Streets".
Road, Stub	A short section of public Road or Road Easement dedicated to provide future access to an adjacent unplatted tract of property.
Roadway	The paved or improved area of a Street right-of-way, exclusive of sidewalks, Driveways, or related uses.
Rural Area	All of the Unincorporated Area of Douglas County lying outside of an Urban Growth Area.
Sanitary Sewers	Pipes that carry only domestic, industrial or commercial Sewage and into which storm, surface and ground waters are not intentionally admitted.
Sector Plans	Plans that encompass one or more sections of land with the purpose being to use geographic and demographic information to develop a detailed land use vision of future development or redevelopment of a study area.
Setback Line (Front) or Building Line	A line nearest the front of and across a Lot or parcel of land establishing the minimum open space to be provided between the front line of a building or Structure and the line of the fronting Street right-of-way.
Setback Line	That line that is the required minimum distance from the Street right-of-way line or any other Lot Line that establishes the area within which the principal Structure must be erected or placed.
Sewage Lagoon	A shallow, artificial pond where sunlight, bacterial action and oxygen interact to restore waste water to a reasonable state of

Term	Definition
	purity.
Sewage	The total of organic waste and waste water generated by residential, industrial and commercial establishments.
Sewerage	All effluent carried by sewers whether it is sanitary Sewage, industrial waste or storm water runoff; (2) The entire system of Sewage collection, treatment and disposal.
Slope	Degree of deviation of a surface from the horizontal; measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run), and the second is the vertical distance (rise), as two to one. A two to one slope is a 50% slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90° slope being vertical (maximum) and 45° being a 1:1 or 100% slope.
Staff	The technical and professional Staff of the Lawrence/Douglas County Metropolitan Area Planning Director.
Stand of Mature Trees	An area of ½ acre (21,780 sq ft) or more located on the 'development land area' or on other contiguous properties containing trees that are 25 feet or more in height, or are greater than 8" caliper, in an amount adequate to form a continuous or nearly continuous canopy. (Canopy may be determined from resources such as, but not limited to, NAIP: National Agricultural Imaging Program; City/County GIS aerials; and field surveys.
Start of Construction	Includes substantial-improvements, and means the date the Building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of Streets and/or walkways, excavation for a Basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.
State Coordinating Agency	The Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.
Stormwater Detention	Any storm drainage technique that retards or detains runoff, such

Term	Definition
	as a detention or retention basin.
Stream Corridor	A strip of land 100 feet wide, of which the centerline shall be the centerline of a stream that is not an ephemeral stream: a stream where flow occurs for only a short time after extreme storms and does not have a well-defined channel, similar to a drainage way.
Street or Streets	Any vehicular way(s) which: (1) is an existing state, county or municipal Roadway; or (2) is shown upon a Plat approved pursuant to law; or (3) is approved by other official action. The Street right-of-way is all land located between the Street lines, whether improved or unimproved.
Street Width	The amount of Street right-of-way Abutting a Lot's property lines.
Street, Arterial	Arterial Streets are the highest level of Street classification, generally providing for longer distance trips with relatively high traffic volumes and high speeds for the context. Principal arterials permit traffic flow through the urban area and between major destinations. Minor arterials collect and distribute traffic from principal arterials and expressway to Streets of lower classification, and, in some cases, allow traffic to directly access destinations.
Street, Collector	A collector Street provides for land access and traffic circulation within and between residential neighborhoods and commercial and industrial areas. They distribute traffic movements from these areas to the arterial Streets. Collectors do not typically accommodate long through trips and are not continuous for long distances.
Street, Cul-de-sac	A Street having only one outlet and being permanently terminated by a vehicle Turnaround at the other end.
Street, Dead-End	A Street having only one outlet and which does not benefit from a Turnaround at its end.
Street, Expressway	Any divided Street or highway with no access from Abutting property and which has either separated or at-grade access from other public Streets and highways.
Street, Freeway	Any divided Street or highway with complete Access Control and grade separated interchanges with all other public Streets and highways.
Street, Limited Local	A Local Street providing access to not more than eight Abutting single-family residential Lots.
Street, Local	Local Streets provide direct access to adjacent land uses. Direct access from a local Street to an arterial Street should be discouraged.
Street, Marginal Access	A Street that is generally parallel and adjacent to an Arterial Street or other limited-access Street and that is designated to provide direct access to adjacent property. Marginal Access Streets are commonly known as "Frontage Roads".
Street, Private	A Street that is not dedicated for public use. Not permitted in the unincorporated area of the County and only permitted within Planned Developments in the City of Lawrence.
Street, Residential	Same as "Local Street".

Term	Definition
Street, Residential Collector (or Residential Connector)	Residential collector is a special category of collector street characterized by lower speeds & the residential nature of land uses along the corridor. Bicycle & pedestrian facilities are strongly recommended for residential collectors. Various traffic-calming treatments may be used to reduce travel speeds. Residential collector streets with adjacent residential land uses should be limited to two lanes. These streets can serve as a connector street between local streets and the thoroughfare system.
Structure	For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a mobile home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.
Street, Stub	A short section of Street right-of-way Platted to provide future access to an adjacent unplatted tract of property.
Subdivider	The Owner, or any other Person, FIRM or corporation, authorized by the Owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing and platting land.
Subdivision (Plat)	The division of a Lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building Development, including Resubdivision, but not including a "Certificate of Survey" Administrative Procedure as is separately defined.
Subdivision, Major	A Subdivision that includes 5 or more lots. [See section 20-809].
Subdivision, Minor	A Subdivision that satisfies one of the criteria set forth in section 20-808.
Subdivision Regulations	For the City of Lawrence, Article 8 in Chapter 20 of the City Code, as adopted and amended from time to time by Ordinance adopted by the City Commission. For Douglas County, Chapter 11 in the County Code, as adopted and amended from time to time by Resolution adopted by the Board of County Commissioners.
Substantial- Damage	Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.
Substantial-Improvement	Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial-damage", regardless of the actual repair work

Term	Definition
	performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
Surveyor	A professional Land Surveyor licensed by the State of Kansas.
Swale	A shallow ditch lined with grass or other vegetation for the purpose of carrying stormwater from one location to another and filtering sediments and other pollutants from stormwater runoff.
Temporary Set Aside Agreement	An agreement relating to land located within the Urban Growth Area that contains the resources identified in Section 20-810(j) that, as reasonably practicable, requires the retention of the environmental, geographical, or historical characteristics of the land and prohibits any use or activity that will significantly impair, interfere with, or destroy these characteristics. A Temporary Set Aside Agreement shall: (i) be between the Owner of the land and the County and City, (ii) provide that the County has regulatory authority under the agreement until the land is annexed into the City and, thereafter, the City acquires regulatory authority, (iii) provide that the agreement expires 2 years after the date of annexation unless further action is taken by the City and the Owner, and (iv) be approved by the County Counselor, the City Manager, or their designees.
Terracing	An erosion control method that uses small hills and contours on the land surface to control Flooding and runoff.
Topography	The configuration of a surface area showing National Geodetic Vertical Datum (NGVD).
Tract	A non-buildable, platted parcel reserved for open space, storm drainage easement purposes or an otherwise specific and restricted use.
Traffic Calming Device	Physical traffic control or intervention measures designed to reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized Street users.
Turn-around	An area at the closed end of a Street with a single common Ingress and Egress within which vehicles may reverse their direction.
Unnecessary Hardship	The condition resulting from application of these regulations when viewing the property in its environment that is so unreasonable as to become an arbitrary and capricious interference with the basic right of private property ownership, or convincing proof exists that it is impossible to use the property for a conforming use, or sufficient factors exist to constitute a hardship that would in effect deprive the owner of their property without compensation. Mere financial loss or the loss of a potential financial advantage does not constitute unnecessary hardship.

Term	Definition
Unincorporated Area	That portion of Douglas County lying outside any incorporated municipality.
Urban	An area generally characterized by medium and higher density residential development (i.e., 3 or more dwelling units per acre), commercial development, and industrial development, as well as the availability of public services required for that development, specifically a municipal water and sewer, an extensive network of streets, public transit and other such services (such as municipal fire protection or senior services). Development not providing such services may be considered non-urban or rural.
Urban Density	A residential density that resembles the built and developed density of the city for which an Urban Growth Area was projected and adopted. [See definition of "Urban".]
Urban Growth Area – Lawrence	That area designated as the Lawrence Urban Growth Area (UGA) on the most recent (adopted) version of the Comprehensive Plan. The Comprehensive Plan, Horizon 2020, distinguishes four service areas within the UGA based on the city's adopted Wastewater Master Plan and projected ability to provide sanitary sewer service to those areas. Solely for the purpose of interpretation of the exemption section of these regulations, a property shall be considered to be located within the Urban Growth Area of Lawrence (UGA) if 100% of the tract or Ownership parcel as shown on the 1998 Property Ownership Map, Douglas County (which was prepared by York Publications in 1998) is within the UGA boundary shown on Figure 9 in HORIZON 2020. An Ownership tract or parcel having less than 100% of its land area within the UGA as shown on Figure 9 shall not be construed to be within the Urban Growth Area of Lawrence.
Urban Growth Area – [other cities in the County]	The area defined by a city's master plan as land that will be annexed into the city within the land use planning period to accommodate the future growth and development of neighborhoods, businesses and industries by the extension of city infrastructure and services.
Variance	Permission to depart from the Design Standards of the regulations when the application of a specific standard is so unreasonable that it would prevent the logical subdivision of the property.
Waiver	Permission to depart from the requirements of an ordinance or Resolution with respect to the submission of required documents. <u>Note:</u> The terms "'waiver" and "exception" are often used interchangeably, however there are differences. Refer to 'Exception' for it meaning.
Water Surface Elevation	The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.
Water Table	The upper surface of Groundwater, or that level below which the soil is seasonally saturated with water.

Term	Definition
Waterway	Any natural or artificial stream, river, creek, ditch, Channel, canal, conduit, Culvert, drain, Waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite Channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or Flood water.
Wetlands	Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
Woodlands	Natural hardwood forests, whether or not actively forested.
Zone A	Special flood hazard areas inundated by 100-year flood where no base flood elevations have been determined.
Zone AE	Special flood hazard areas inundated by 100-year flood where base flood elevations have been determined.
Zone AH	Special flood hazard areas inundated by 100-year flood with flood depths of 1 to 3 feet (usually areas of ponding), where base flood elevations have been determined.
Zone AO	Special flood hazard areas inundated by 100-year flood with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain), where average depths have been determined. For areas of alluvial fan flooding velocities have also been determined.
Zoning Regulations	The rest of Chapter 20 of the City Code or the current Zoning Regulations in effect in Douglas County, as adopted from time to time by resolution of the Board of County Commissioners.