

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Amended Agenda

WEDNESDAY, OCTOBER 12, 2011

4:00 p.m.

- Proclamation for declaring October 22, 2011 as "Indigenous Food Day" in Douglas County (Brett Ramey)
- Executive Session Executive Session for the purpose of consultation with County Counselor on matters, which would be deemed, privileged under the attorney-client relationship. The justification is to maintain attorney client privilege on a matter involving Douglas County.
- Consider approval of the minutes of September 21, 2011

CONSENT AGENDA

- (1)(a) Consider approval of Commission Orders;
- (b) Consider acquisition to print and mail tax statements (Jackie Waggoner)
- (c) Consider adopting joint Ordinance No. 8670 and County resolution regarding the Comprehensive Plan Amendment, CPA-10-8-10 to Horizon 2020, Chapter 14 – Specific Plans, Southeast Area Plan approved on October 5, 2011. (Michelle Leininger is the Planner)
- (d) Review and approve FY2011 Year End Outcome Report (Deborah Ferguson)
- (e) Acknowledgement of fee reports for July and August 2011 (Clerk's Office)

REGULAR AGENDA

- (2) Request for funding to help implement an electronic health record for Heartland Community Health Center (Jon Stewart)
- (3) Consider agreement with Kansas Department of Social and Rehabilitative Services and the City of Lawrence to keep the Lawrence SRS office open as deferred from the October 5, 2011 meeting. (Craig Weinaug)
- (4) Other Business
 - (a) Consider approval of Accounts Payable (if necessary)
 - (b) Appointments:
 - Building Code Board of Appeals - vacancy**
 - Douglas County Advocacy Council on Aging – vacancy**
 - Douglas County Community Corrections Advisory Board - 12/2011**
 - Douglas County Senior Services, Inc. Board of Directors - 12/2011**
 - Jayhawk Area Agency on Aging Tri-County Advisory Council - vacancy**
 - Fire/EMS District No. 1 - 12/2011**
 - (c) Public Comment
 - (d) Miscellaneous

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6:35 p.m.

- (5) Consider approving Comprehensive Plan Amendment, **CPA-3-1-11**, to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan and adopt joint Ordinance No. 8667/Resolution for Comprehensive Plan Amendment (CPA-3-1-11) amending Horizon 2020 - Chapter 14 to include the Inverness Park District Plan. (PC Item 8; approved 7-1 on 7/270/11) (Dan Warner is the Planner)
- (6) Adjourn

WEDNESDAY, OCTOBER 19, 2011

- Consider approval to contract with Pictometry for oblique aerial flights (Steve Miles)
- Consider a Conditional Use Permit, **CUP-12-8-10**, for the Fraternal Order of Police shooting range, located at 768 E. 661 Diagonal Road. Submitted by Dan Affalter, for Fraternal Order of Police, property owner of record. *Deferred by Planning Commission on 4/25/11. (PC Item 2; approved 8-0-1 on 9/26/11)(Mary Miller is the Planner)*

WEDNESDAY, OCTOBER 26, 2011 (4:00 p.m. meeting only)

- Announcement of Take Charge Challenge Results (presentation by Eileen Horn, no backup)
- Presentation of Tri-County Food System Report (Douglas County Food Policy Council members)

WEDNESDAY, NOVEMBER 2, 2011

WEDNESDAY, NOVEMBER 9, 2011

WEDNESDAY, NOVEMBER 16, 2011

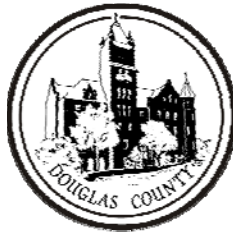
WEDNESDAY, NOVEMBER 23, 2011

WEDNESDAY, NOVEMBER 30, 2011

4:00 p.m.

- Recognize Agamani Sen, P.E., Chief Design Engineer, for receiving the George C. Askew award from the Kansas Certified Public Manager program (Keith Browning)

***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.*



Office of the County Commission
PROCLAMATION
For Douglas County, Kansas

- WHEREAS:** Food embodies the relationships between humans, plants and animals of Mother Earth and serves an indispensable social, cultural, and nutritional function for humankind; and,
- WHEREAS:** Douglas County and the surrounding environs continue to be a source of nutritious local foods- both wild and cultivated; and
- WHEREAS:** The communities within Douglas County support a thriving farmer's market, a wide variety of local and regional farmers and food producers, and acknowledge their contributions to the physical and economic health of our communities; and
- WHEREAS:** The United Nation Food and Agriculture Organization (FAO) indicate that over one billion people in the world are going hungry, over 80% of whom are food producers and the majority of which live on the territories of Indigenous Peoples; and
- WHEREAS:** Douglas County is home to Haskell Indian Nations University and is attended by Indigenous Peoples of the forty-eight contiguous states of the U.S. and Alaska - each with their own unique food traditions; and
- WHEREAS:** One of the greatest gifts the Indigenous Peoples of the Americas offered to those who arrived on their shores 500 years ago was food.

NOW, THEREFORE, the Board of County Commissioners of Douglas County, Kansas, hereby proclaims Saturday, October 22, 2011 as

INDIGENOUS FOOD DAY

In Douglas County, Kansas and recognizes the Haskell Indigenous Food Festival as Douglas County's contribution to the first ever National Food Day activities.

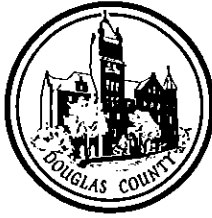
ADOPTED this 12th day of October, 2011.

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

Jim Flory, Chairman

Mike Gaughan, Vice-Chair

Nancy Thellman, Member




DOUGLAS COUNTY ADMINISTRATIVE SERVICES

Division of Purchasing

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

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

FROM: Jackie Waggoner, Purchasing Director 
Division of Purchasing

SUBJECT: Consider Acquisition to Print and Mail Tax Statements

DATE: October 6, 2011

Each year the Douglas County Treasurer's Office distributes approximately 90,000 tax statements and tax information sheets. The process requires a company who can print and merge data to the statements. Not all printing companies have this capability.

For the past three years we used a company, Mail Services, which provides online statement preview and editing functionalities. This ability has proven to be time saving for staff, and creates efficiencies for the Treasurer's Office. I have contacted other companies that can print and merge data, but none offers this online option.

Mail Services has experience working with the XML file produced by Manatron (contractor for new tax system) to print the tax statements. The reconciliation of data from the old system with the new system proved more difficult than anticipated, and it is the Treasurer's preference to retain the same supplier to ensure we don't have any issue with the tax statements.

Mail Services has submitted a quote for printing of statements (including information sheet) and envelopes, folding and inserting, online preview and editing, and postage. Their cost of \$.551 each equates to \$49,590 based on an estimated volume of 90,000. If postal rates increase, our pricing will reflect the new rate. We are recommending that the Board provide the County Administrator with the authority to approve change orders up to 10% (\$4,959) of the total cost to accommodate any rate or volume increases.

Next year we intend to solicit bids for online printing services for the County and plan to include the tax statements in our solicitation. It is staff's preference to contract with Mail Services for the 2012 tax statements. This action would require the Board to waive our formal bidding process. Paula Gilchrist and I will be available at the commission meeting to answer any questions you may have.

SUGGESTED MOTION: The Board of County Commissioners waives the formal bidding process, authorizes a contract with Mail Services in an estimated amount of \$49,590, and authorizes the County Administrator to approve change orders up to 10% of that amount.

ORDINANCE NO. 8670

RESOLUTION NO. ____

A JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF DOUGLAS COUNTY, KANSAS, AMENDING *HORIZON 2020*, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, BY ADOPTING THE “SOUTHEAST AREA PLAN, AUGUST 2011 EDITION” AND BY INCORPORATING THE SAME INTO *HORIZON 2020* BY REFERENCE.

WHEREAS the City of Lawrence, Kansas, and Douglas County, Kansas, in order to promote the public health, safety, morals, comfort, and general welfare and to conserve and protect property values in the City and the County, are authorized by K.S.A. 12-747 to prepare, adopt, amend, extend, and execute a comprehensive land use plan;

WHEREAS the City of Lawrence, Kansas, and Douglas County, Kansas, in order to coordinate the development of land in accordance with the present and future needs of the City and the County, to conserve the natural resources of the City and the County, to ensure the efficient expenditure of public funds in the City and the County, and to promote the health, safety, convenience, prosperity, and the general welfare of the residents of the City and the County, have, in accordance with K.S.A. 12-747, adopted *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County;

WHEREAS, after giving notice by publication in the official City and County newspaper, the Lawrence-Douglas County Metropolitan Planning Commission conducted a public hearing on August 24, 2011, regarding a proposed amendment of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, as set forth in Planning Staff Report, CPA-10-8-10, revising and updating the “Southeast Area Plan”;

WHEREAS, at its August 24, 2011, public hearing, the Lawrence-Douglas County Metropolitan Planning Commission considered the report and recommendation of City Staff, CPA-10-8-10, received public comment, weighed the evidence adduced at the public hearing, and, through the adoption of Resolution No. PCR-8-3-11, approved the “Southeast Area Plan, August 2011 Edition,” amending “Chapter Fourteen – Specific Plans” of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and recommended that the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, approve the same; and

WHEREAS, copies of Resolution No. PCR-8-3-11, together with certified copies of “Southeast Area Plan, August 2011 Edition”, the proposed amendment to *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the August 24, 2011, public hearing have been transmitted to the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, for their consideration.

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 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if repeated verbatim.

SECTION 2. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747, governing the amendment of comprehensive plans, have been fully met regarding the consideration, approval, and adoption of the “Southeast Area Plan, August 2011 Edition, amending “Chapter Fourteen – Specific Plans of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County.

SECTION 3. The Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, do hereby approve the recommendation of the Lawrence-Douglas County Metropolitan Planning Commission as memorialized at Resolution No. PRC-8-3-11, do hereby amend “Chapter Fourteen – Specific Plans” of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, by adopting the “Southeast Area Plan, August 2011 Edition,” and by incorporating that document into “Chapter Fourteen – Specific Plans” of *Horizon 2020*, The Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, by reference.

SECTION 4. The “Southeast Area Plan, August 2011 Edition,” as approved by Section 3 *supra*, is hereby adopted and incorporated herein by reference as if set forth in full. One copy of said “Southeast Area Plan, August 2011 Edition” shall be marked or stamped as “Official Copy as Adopted by Joint Ordinance No. 8670 and Resolution No. ____” and shall be filed, together with a copy of this joint ordinance, with the City Clerk. The City Clerk shall make the “Official Copy as Adopted by Joint Ordinance No. 8542 and Resolution No. ____” open to the public and available for inspection at all reasonable office hours. One additional copy of the “Official Copy as Adopted by Joint Ordinance No. 8670 and Resolution No. ____” shall, at the cost of the City of Lawrence, Kansas, be made available to the Lawrence-Douglas County Metropolitan Planning Office of the City of Lawrence, Kansas.

SECTION 5. The “Southeast Area Plan, August 2011 Edition” adopted by this joint ordinance and resolution replaces the existing Southeast Area Plan, and amendments thereto, it being the intent of the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, that the “Southeast Area Plan, August 2011 Edition” repeal the existing Southeast Area Plan, and amendments thereto.

SECTION 6. If any section, clause, sentence, or phrase of this joint ordinance and resolution 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 ordinance.

SECTION 7. This joint ordinance and resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence, Kansas, and Douglas County, Kansas, and publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of September, 2011.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni R. Wheeler
Director of the Legal Department

Publish one time and return one Proof of Publication to the City Clerk and one to the Director of the Legal Department.

ADOPTED by the Board of County Commissioners of Douglas County, Kansas, this ____ day of September, 2011.

Jim Flory
Chair

Mike Gaughan
Commissioner

Nancy Thellman
Commissioner

ATTEST:

Jameson D. Shew, County Clerk

Robert W. Fairchild, Chief Judge

Sally D. Pokorny, Judge

Kay Huff, Judge

Michael J. Malone, Judge

Paula B. Martin, Judge

Peggy C. Kittel, Judge

James T. George, Pro Tem Judge

DOUGLAS COUNTY DISTRICT COURT
Seventh Judicial District
Judicial Center, 111 E. 11th St., Unit #3
Lawrence, Kansas 66044-2966



Linda Koester-Vogelsang
Court Administrator, 785-832-5264

Douglas A. Hamilton
Clerk of the District Court, 785-832-5333

Michelle Roberts
Chief Court Services Officer, 785-832-5218

Deborah Ferguson
Community Corrections Director, 785-832-5220

Katy Nitcher
Court Trustee, 785-832-5315

Heather Krase-Minnick
Citizen Review Board Director, 785-832-5219

TO: The Douglas County Commission
FROM: Deborah L. Ferguson, Director *DLF*
REF: FY 2011 Quarterly Year End Outcome Report
DATE: October 6, 2011

Attached you will find the FY2011 Quarterly Year End Outcome Report for your review and signature. This report is required by KDOC and provides an update on the progress of our goals and objectives that were reported in our FY 2011 Comprehensive Plan. This is the final report due to KDOC for FY 2011.

Thank You

Deborah L. Ferguson, Director

CC: File

Kansas Department of Corrections

Community Corrections Services



Community Corrections Comprehensive Plan Fiscal Year 2011 Quarterly and Year End Outcome Report Format

Monitoring and evaluation of local agency and risk reduction initiatives with the purpose of determining success, and implementing changes where necessary, is a key component of successful implementation and sustainability. Utilizing research based processes to examine programs and methods proven to be effective (evidence based practices), and evaluation of the degree to which the plan is being implemented as it was intended, are required processes for local initiatives. In the Comprehensive Plan Grant Application, each funded agency explicitly agreed to provide complete and accurate data to the Kansas Department of Corrections (KDOC) regarding the initiative. On a quarterly basis, awardees are required to submit a document describing the progress of the local initiatives.

The Community Corrections Comprehensive Plan Quarterly and Year End Outcome Reports represent updates on the progress of each agency toward stated goals and objectives. These reports will provide agency directors, local stakeholders, and KDOC with information that can help improve efficiency, improve services, assist in effectively allocating resources, and assist in strengthening agency risk reduction practices.

Components of the Quarterly and Year End Outcome Reports

Community Corrections Agency

- State the name of the agency providing the quarterly report.

Process Goals

- This section should include those goals and objectives that address the planning and implementation of agency initiatives (e.g., policy development, staff training, securing space, developing partnerships/MOUs, etc.).
- State the implementation goal and objectives as listed in the monitoring and evaluation section of the Community Corrections Comprehensive Plan Grant Application.
- Discuss progress toward meeting each objective by providing data to indicate the degree to which the objective is being met.
- Discuss the activities that have occurred to move the agency toward meeting the stated objective.
- Discuss any challenges that have been encountered in working toward meeting the stated objectives.
- Discuss any modifications that the agency will be making to practice as a result of the information presented on progress toward meeting objectives.
- Copy and paste the reporting format as many times as necessary to accommodate the number of goals and objectives that the agency is working toward.

Outcome Goals

- This section should include those goals and objectives that allow the evaluation of the impact of the initiative (e.g. revocation rate, LSI-R, intervention specific data, etc.).
- State the outcome goals and objectives as listed in the monitoring and evaluation section of the Community Corrections Comprehensive Plan Grant Application.
- Discuss progress toward meeting each objective by providing data to indicate the degree to which the objective is being met.
- Discuss the activities that have occurred to move the agency toward meeting the stated objective.
- Discuss any challenges that have been encountered in working toward meeting the stated objectives.
- Discuss any modifications that the agency will be making to practice as a result of the information presented on progress toward meeting objectives.
- Copy and paste the reporting format as many times as necessary to accommodate the number of goals and objectives that the agency is working toward.

Due Dates for the Quarterly Outcome and Year End Reports

Report Period	Due On Or Before	Signatory Approval Requirement
1 st Quarter: July 1– September 30	October 30	No
2 nd Quarter: October 1– December 31	January 30	No
3 rd Quarter: January 1– March 31	April 30	No
Year End Report: July 1– June 30	October 1	Yes

Signatory Approval

Signatory approval is not required for the 1st, 2nd, or 3rd Quarterly Outcome Report; however, the information documented in these reports should be shared with the local Advisory Board. The Year End Outcome Report does require full signatory approval; please see the attached signatory approval pages.

Report Submission

The Community Corrections Comprehensive Plan Quarterly and Year End Outcome Reports are due by 5:00pm on the dates outlined above. Please send an electronic copy of each report and a scanned signatory approval document (if required) to your Program Consultant. If the agency is unable to scan the signatory approval document, please send an electronic copy of the report and a hardcopy of the signatory approval pages to:

Kansas Department of Corrections
Community Corrections Division
900 SW Jackson St, 4th Floor
Topeka, KS 66612

**Kansas Department of Corrections
Community Corrections Comprehensive Plan
Quarterly and Year End Outcome Report Format**

Community Corrections Agency: Douglas County Community Corrections

***Fiscal Year 2011
Report Period***

<u>X</u> 1 st Quarter	July 1 st - September 30 th
<u>X</u> 2 nd Quarter	October 1 st - December 31 st
<u>X</u> 3 rd Quarter	January 1 st - March 31 st
<u>X</u> Year End	July 1 st - June 30 th

Process Goals

Goal #1: Begin re-facilitating cognitive groups by December 31, 2010.

Objective #1: Train the two RRI officers and an Adult ISP Officer in the Thinking for a Change facilitator curriculum offered by KDOC.

Target Date: December 31, 2010; Modified to June 30, 2011

Progress: All three ISOs attended the Thinking for a Change facilitator training and are certified facilitators.

Discussion /Current Activities: This objective has been met and therefore, there are no current activities.

Challenges: The greatest challenge was waiting for the Thinking for a Change training to be offered by KDOC in close proximity to our agency and coordinating the three staff schedules since the training was four days.

Modifications: There are no modifications to the objective as the goal has been met.

Objective #2: To convert from the Crossroads cognitive skills groups to the Thinking for a Change cognitive skills groups by November 30, 2010 and begin enrollment for the first session by December 31, 2010.

Target Date: December 31, 2010; Modified to June 30, 2011

Progress: Our agency's objective was to begin facilitating the cognitive skills classes utilizing the Thinking for a Change curriculum. After further evaluation of the curriculum our agency made an administrative decision to continue with the Crossroads curriculum and all three ISOs are certified facilitators. The start date for the cognitive skills classes utilizing the Crossroads curriculum has been moved to FY2012.

Discussion /Current Activities: Our agency discussed and compared the two curriculums and decided to continue with Crossroads. Saline County Community Corrections utilizes the Crossroads curriculum and we were advised by their agency that they too initially experienced challenges but made progress since the initiation of their classes. Our agency attempted to schedule a day and time to visit Saline County Community Corrections and observe one of their cognitive skills groups, however, schedules could not be coordinated between the three facilitators. After weighing the pros/cons between both curriculums our agency made the decision to proceed with Crossroads. In addition, Crossroads now allows for fewer participants and the classes can now be held in our agency rather than off-site.

Challenges: One of the challenges was determining which curriculum our agency would utilize and considering the pros and cons of each format. Since there are three facilitators, another challenge was coordinating schedules to travel to Salina to observe a cognitive skills class. In addition, August 2010 – February 2011 administration contributed a great deal of time with the KDOC financial audit and therefore, was not available to assist staff with proceeding with the classes. In May 2011 the Chief Executive Probation Officer (CEPO) retired and our agency hired an ISO II in June 2011. Changes in personnel, learning new responsibilities, limited time and staff were all contributing factors in resuming the groups by December 31, 2010 with a modification date of June 30, 2011.

Modifications: Our agency modified our target date from December 31, 2010 to June 30, 2011 but will be resuming the cognitive skills classes in FY2012.

Objective #3: Develop enrollment form/spreadsheet.

Target Date: December 31, 2010

Progress: The enrollment form and spreadsheet for the Crossroads cognitive skills classes were completed prior to beginning the first class in 2009.

Discussion /Current Activities: Although the enrollment form and spreadsheet have been developed, should we need to make changes prior to resuming our next class we will do so at that time.

Challenges: There are no challenges at this time.

Modifications: There are no modifications to the enrollment form and spreadsheet at this time.

Goal #2: Train all staff to assist in overall offender success by June 30, 2011.

Objective #1: Train all staff (except RRI ISOs certified to facilitate) to utilize cognitive-behavioral techniques, as offered and available by KDOC.

Target Date: June 30, 2011

Progress: This goal has been met as all staff has successfully completed the cognitive-behavioral techniques training offered by KDOC.

Discussion /Current Activities: Our agency has implemented quality assurance to ensure staff is utilizing the skills taught during training in their daily interaction with offenders. This includes file audits, observing ISO/offender interaction during office visits, and utilizing a feedback form.

Challenges: There are no challenges at this time.

Modifications: There are no modifications at this time.

Objective #2: All staff will have received the Case Management training as offered and available by KDOC by June 30, 2011.

Target Date: June 30, 2011; Modified to December 31, 2011

Progress: All ISOs except for one have received Case Management training offered by KDOC.

Discussion /Current Activities: The remaining ISO anticipated attending the two-day Case Management training offered by KDOC on April 14, 2011. However, this was not accomplished.

Challenges: The challenge for the remaining ISO is coordinating his schedule with the training time offered by KDOC. The ISO supervises high risk offenders along with overseeing our SCRAM program and his schedule was very demanding until we were able to decrease his caseload. Now that his caseload is at a reasonable number and SCRAM is manageable, the ISO is expected to enroll in and successfully complete the two-day Case Management training when it is next offered in close proximity to our agency, hopefully in FY 2012.

Modifications: Our target date was modified to December 31, 2011.

Goal #3: Advance our Quality Assurance component to include auditing office visits between ISOs and the offenders by June 30, 2011.

Objective #1: Supervisors will develop a Quality Assurance audit.

Target Date: June 30, 2011

Progress: The Deputy Director (now Director as of June 1, 2011) attended the Coaching for Quality training offered by KDOC on October 14, 2010 and a Feedback Summary form for agency utilization was provided. During FY 2011, the Director observed several ISO/offender office visits to ensure staff were utilizing advanced communication motivational skills and cognitive skills during their interaction with offenders.

Discussion /Current Activities: Our agency has initiated quality assurance to ensure staff is utilizing the skills taught during training in their daily interaction with offenders. In addition to the Director, the ISO II that was hired and began on June 6, 2011 will also be observing office visits between the ISOs and offenders to ensure they are utilizing the skills learned in training with their interaction with offenders. Although random,

observation is done on an inconsistent basis due to time limitations. The Feedback Summary Form provided during the Coaching for Quality training offered by KDOC is utilized during quality assurance. The quality assurance piece is also included in staff yearly evaluations and six month progress reports.

Challenges: The previous challenge was the time required to develop a quality assurance tool. However, once KDOC provided the Feedback Summary form, it reduced the implementation time. In addition, August 2010 – February 2011 administration spent a considerable time with the KDOC financial audit. In May 2011 the Chief Executive Probation Officer (CEPO) retired and our agency hired an ISO II in June 2011. Changes in personnel, learning new responsibilities, limited time and staff were all contributing factors in not consistently observing contacts between ISOs/offenders. Lastly, coordinating schedules with ISOs was also a contributing factor.

Modifications: There are no modifications at this time as the Quality Assurance audit has been completed.

Goal #4: Develop and implement the incentives/rewards program by December 31, 2010.

Objective #1: Continue to solicit and/or purchase incentives.

Target Date: October 1, 2010; Modified to June 30, 2011

Progress: Our agency received a few tangible incentives/rewards prior to the end of FY 2010. We applied for and were awarded \$32,000 in unexpended funds in late December 2010. Part of the \$32,000 was to purchase \$1000 in incentives/rewards. In January 2011, we completed a list of incentives/rewards to purchase from different merchants and began making purchases in March 2011 ending in June 2011. The policy and procedure has been completed.

Discussion /Current Activities: The reward money from unexpended funds helped our agency proceed with developing the program and all purchases were made prior to June 30, 2011.

Challenges: The previous challenge was the lack of time and staff to solicit incentives/rewards. The Community Corrections intern/part-time Court Services secretary that was overseeing this project accepted a new position in July 2010 after receiving her degree in May 2010. Our agency hired a volunteer who initially was to contribute time toward this project; however, when the previous intern/secretary resigned, the volunteer was hired as the part-time secretary. In addition, the volunteer supervises a caseload. Therefore, her time was limited toward this project. Our agency also went through personnel changes with the previous Chief Executive Probation Officer (CEPO) retiring May 31, 2011. This created additional responsibilities for the current Director to include hiring an ISO II that began June 6, 2011. We also did not have the resources available to purchase incentives/rewards until we were awarded unexpended funds.

Modifications: We met our objective by purchasing incentives prior to June 30, 2011.

Objective #2: Develop policy/procedures.

Target Date: October 1, 2010

Progress: This goal has been met as the policy/procedure for the incentives/rewards program was developed prior to the previous intern's resignation.

Discussion /Current Activities: There are no current activities.

Challenges: There are no challenges at this time.

Modifications: There are no modifications at this time.

Objective #3: Begin utilizing tangible incentives.

Target Date: December 31, 2010; Modified to June 30, 2011

Progress: Our agency was unable to utilize incentives until we were able to purchase an adequate amount to begin our program. Our agency received a few tangible incentives/rewards prior to the end of FY 2010. We applied for and were awarded \$32,000 in unexpended funds in late December 2010. Part of the \$32,000 was to purchase \$1000 in incentives/rewards. In January 2011, we completed a list of incentives/rewards to purchase from different merchants and began making purchases in March 2011 ending in June 2011.

Discussion /Current Activities: All incentives have been purchased and the policy/procedure has been completed. In addition, our agency developed an incentives referral log and referral form. The program was implemented as we moved forward in FY 2012.

Challenges: The greatest challenges were the time involved to solicit donations with limited staff and lacking funding to purchase incentives until our agency was awarded unexpended funds.

Modifications: There is no modification at this time.

Outcome Goals

Goal #1: Increase the percentage of probationers successfully completing Community Corrections supervision.

Objective #1: Reduce the rate of offender revocation by 30%.

Target Date: June 30, 2011

Progress: Our agency obtained probation termination data from the KDOC database Court Case Sentencing Activity Report. During FY 2011 (7/1/10 – 6/30/11) our agency had a total of 128 offenders that were terminated from probation. The breakdown of termination is as follows:

<u>Total Offenders Closed</u>	128
Successful	83
Revoked Condition	23
Revoked New Felony	11
Revoked Misdemeanor	2
Unsuccessful Closed by Court	5
Unsuccessful Remanded	2
Death	2

Based on the above data the revocation rate is not favorable. Out of 128 offenders, 83 (65%) were successful and 36 (28%) were revoked. Not only did we not meet our revocation rate of 30% we also did not meet the State revocation rate of 20%. We believe the number of revocations has increased because of the rise in caseloads, primarily the number of high risk offenders entering our program via Court referrals, from jail, treatment, etc. In addition, although an offender may be in our targeted population by statute, we have noticed that some offenders assigned are not suitable for our program to include presumptive prison cases. Of course, we realize that we have no control over the court system and therefore, do the best we can with the resources available to us and utilizing skills learned in trainings offered by KDOC. Although referrals from the Court to our program are rising, it is clear that our agency will need to make adjustments and to continue to seek positive ways to decrease the revocation rate and increase successful terminations.

During FY 2010 our agency received 187 offender referrals to include Court assignments and courtesy transfer referrals. Out of the 187 offenders, 19 were not assigned to our program. During FY 2011 our agency received 225 offender referrals to include Court assignments and courtesy transfer referrals. Out of the 225 offenders, 33 were not assigned to our program, and 6 remain pending as we moved forward in FY 2012. In comparison our agency had a total of 168 assignments in FY 2010 and 192 assignments in FY 2011. This is an increase of 24 offenders.

In regard to the incentives/rewards program, cognitive skills classes and a mentoring program that we anticipated implementing in FY 2011, limited time continued to be a factor as mentioned throughout this report. Once all program components are in place we anticipate our revocation/success rate will improve.

Discussion / Current Activities: Our agency had two ISOs that supervised only the high risk offenders and during the middle of FY 2011 our agency seen a steady increase in the high risk offender caseloads. This was due to new assignments from the Court, acceptance of high risk courtesy cases, and offenders that were once inactive were now active (i.e. release from treatment, jail, etc.). To compensate for the increase, our agency established a rollover ISO that would have the majority of low risk offenders but also would accept some high risk offenders until the high risk caseloads became manageable. However, our agency continued to see a rise in offender assignments to our program, especially the high risk offenders. Therefore, an administrative decision was made to

have all ISOs, except one, supervise two caseloads, high risk and low risk. The remaining ISO supervises high risk offenders only and oversees our SCRAM program. Our objective was that caseloads would become more manageable and in addition it would benefit the offender for not having to change ISOs when a LSIR reassessment is completed (i.e. high risk to low risk or vice versa).

During the majority of FY 2011 we had five ISOs who supervised a full caseload. The Chief Executive Probation Officer (CEPO) and Deputy Director each had a partial caseload, supervising no more than five offenders at any given time. In addition, the CEPO also supervised all interstate compact cases. However, this changed in April 2011 as the CEPO was approaching retirement and cases were redistributed. In addition, we had to increase the volunteer's caseload, which we originally anticipated no more than five offenders but now supervises 10 – 15 offenders at any given time. We did not replace the CEPO's position but hired an ISO II, who began June 6, 2011.

Although there was work within our agency on the cognitive skills program, incentives/rewards program and the mentoring program limited time was a factor. In addition, our agency spent August 2010 to February 2011 in a financial audit facilitated by KDOC which took away from offender supervision/staff in addition to program implementation.

On-going training in evidence based practices will still be an integral part of our program. Lastly, per policy and procedures, all recommended revocations will require staffing prior to recommending revocation. Our agency will continue to measure progress through quarterly reports.

Challenges: The greatest challenge in reducing the revocation rate by 30% was obtaining and maintaining stability within our agency which would allow for development and implementation of our programs. We believe changes in personnel, learning new responsibilities, limited time and staff all contributed to our agency not reaching our goal. August 2010 – February 2011 administration contributed a great deal of time with the KDOC financial audit and therefore lessened the quality time needed to spend on developing and implementing our programs. In May 2011 the Chief Executive Probation Officer (CEPO) retired and our agency hired an ISO II in June 2011. Lastly, we had an employee on extended medical leave which added additional responsibilities to other staff. We were hopeful that once the mentoring program, incentives/rewards program were up and running, and resuming the cognitive skills classes that this would contribute to our agency reducing the revocation rate by 30%.

Modifications: As we move forward in FY 2012 our agency reduced our targeted revocation rate to 20% and successful termination rate to 75%, both State goals.

Goal #2: Increase offenders' positive associations for offenders assigned to the RRI medium and high risk caseload.

Objective #1: Develop a mentoring program by December 31, 2010.

Target Date: December 31, 2010; Modified to June 30, 2011

Progress: We have made progress toward completing our mentoring program and are close to being completed. The mentoring manual including policy and procedure has been completed and will be reviewed as time permits.

Discussion / Current Activities: The ISO II began on June 6, 2011 and has reviewed the mentoring program. The next phase will be accepting applications for interviews.

Challenges: As previously mentioned throughout this report, the main challenge has been the time and effort involved in developing a structured and solid mentoring program.

Modifications: Our agency modified our target date on several occasions due to the time involved in developing a structured program. The mentoring program continues to be a goal in FY 2012.

Objective #2: Identify one (1) positive mentor (familial or peer) for 80% of offenders assigned to the RRI medium and high risk caseload by December 31, 2010.

Target Date: December 31, 2010; Modified to June 30, 2011

Progress: No progress has been made since our last Quarterly Report. We were hoping that the mentoring program would be completely implemented by June 30, 2011 but this did not occur.

Discussion / Current Activities: Although we have not implemented this phase of our RRI program, currently the RRI officers identify positive mentors throughout interviews/contacts with the offender but not on a consistent or formal basis.

Challenges: As previously mentioned throughout the Year End Report, our main challenge has been the time and effort involved in developing all programs, including a structured mentoring program.

Modifications: We had to modify our target date on several occasions due to the time involved in developing a structured program. The mentoring program will continue to be a goal for our agency in FY 2012.

Prior to discussing Goal #3, we believe it is important to explain the LSI-R assessment tool so that the Advisory Board Sub-Committee and others that review our Quarterly Report have a better understanding of the numbers and percentages in the charts. In addition, the Advisory Board Sub-Committee likes to have a description and explanation of the LSI-R as a refresher when reviewing the report.

The LSI-R is a broad based actuarial risk/need assessment instrument used to classify offenders according to their risk for criminal conduct and need for treatment. The instrument consists of 54 items, separated into 10 domains that contain both static or historical (non-changing, i.e. criminal history) and dynamic, or changeable (i.e. employment) factors. Although the static risk factors generally cannot be changed, they are still predictive of re-offending. The dynamic risk factors are changeable and provide direction for focusing on interventions or change process.

The LSI-R is completed in a way of a semi-structured interview with the offender and review of relevant file information such as official records or collateral contacts. Items on the LSI-R are scored using a Yes/No format (Yes indicates the risk factor is present and No indicates the risk factor is absent). A rating system is also used for some of the items. Items on the LSI-R are

summed to yield a Total Score with greater scores reflective of a higher risk to re-offend and need for treatment.

Although there are 10 domains, our targeted domains in the next section are leisure/recreation; family/marital; and, companions. We believe that all three domains are similar in many ways.

Goal #3: Improve the dosage of targeted interventions.

Objective #1: Reduce the leisure/recreation LSI-R domain.

Target Date: June 30, 2011

Progress: Although we have not implemented all components of our program, based on the challenges our agency was presented with during FY 2011 we believe we are still making progress.

Our agency obtained the following data from the LSI-R Performance report:

Fiscal Year 2011 (7/1/2011 – 6/30/2011)

Leisure/Recreation Domain

Total of 98 Offenders that had two or more LSI-R assessments completed

Offenders	Decreased	Increased	Unchanged
Total Offenders (Not Revoked/Revoked)	22 (22%)	23 (23%)	53 (54%)
Not Revoked	19 (26%)	11 (15%)	43 (59%)
Revoked	3 (12%)	12 (48%)	10 (40%)

In the above table our goal over time is to see more offenders decreasing their scores in the leisure/recreation domain rather than increasing. Although as a whole there is only a 1% difference between the “total offenders” that decreased and increased their scores 54% remained unchanged. Many offenders in the unchanged column are offenders that are in total compliance but there are also a few that could be high risk and scores are not changing. Comparing the “not revoked” offenders to the “revoked” offenders, the data is favorable as more offenders are decreasing their scores.

Discussion / Current Activities: We believe that helping an offender structure their time is important because the more idle time an offender has, the more they are subjecting themselves to negative activity. Currently, offenders are involved with developing a structured Case Plan, which they use as a map to help them stay focused and on track with their activities. ISOs also encourage offenders to be involved in positive activities within the community. Surveillance has been helpful during the evening hours, monitoring the offender’s activities and companions.

Challenges: Although all components of our RRI program are close to being completed including the mentoring program, incentives/rewards program, and resuming the

cognitive skills classes, the challenge has been finding time to thoroughly work on developing all aspects of our RRI program.

Modifications: There are no modifications at this time.

Objective #2: Reduce the family/marital LSI-R domain.

Target Date: June 30, 2011

Progress: Although we have not implemented all components of our program, based on the challenges our agency was presented with during FY 2011 we remain optimistic.

Our agency obtained the following data from the LSI-R Performance report:

Fiscal Year 2011 (7/1/2011 – 6/30/2011)

Family/Marital

Total of 98 Offenders that had two or more LSI-R assessments completed

Offenders	Decreased	Increased	Unchanged
Total Offenders (Not Revoked/Revoked)	18 (18%)	23 (23%)	57 (58%)
Not Revoked	15 (21%)	15 (21%)	43 (59%)
Revoked	3 (12%)	8 (32%)	14 (56%)

In the above table our goal over time is to see more offenders decreasing their scores in the family/marital domain rather than increasing. Again, many offenders in the unchanged column are offenders that are in total compliance but there are also a few that could be high risk and scores are not changing.

Discussion / Current Activities: We believe that in addition to an offender participating in structured intervention programs, having positive family and/or marital support is imperative to an offender's success. Should an offender not have family and/or marital support, this would be a great opportunity to have the mentoring program in place. We have developed our mentoring manual to include policy/procedure and once it has been reviewed and approved we will begin accepting applications for the mentoring program.

Challenges: Although all components of our RRI program are close to being completed including the mentoring program, incentives/rewards program, and resuming the cognitive skills classes, the challenge has been finding time to thoroughly work on developing all aspects of our RRI program.

Modifications: There are no modifications at this time.

Objective #3: Reduce the companions LSI-R domain.

Target Date: June 30, 2011

Progress: Although we have not implemented all components of our program, based on the challenges our agency was presented with during FY 2011 we believe we are making progress.

Our agency obtained the following data from the LSI-R Performance reports:

Fiscal Year 2011 (7/1/2011 – 6/30/2011)

Companions

Total of 98 Offenders that had two or more LSI-R assessments completed

Offenders	Decreased	Increased	Unchanged
Total Offenders (Not Revoked/Revoked)	33 (34%)	24 (24%)	41 (42%)
Not Revoked	30 (41%)	14 (19%)	29 (40%)
Revoked	3 (12%)	10 (40%)	12 (48%)

Our goal over time is to see the scores in the decreased column higher than the scores in the increased column. More offenders should be decreasing their scores rather than increasing. We also would like to see the scores in the unchanged column remain steady, but low as some of these offenders are high risk offenders that are not making progress. However, we have to keep in mind that there are some offenders on Level IV supervision (reduced supervision) that may not have many changes to their scores because they are in total compliance.

Discussion / Current Activities: The companion domain is similar to the other domains previously mentioned. Many offenders have no positive influences (family, friends, mentors, etc.) in their lives which result in offenders seeking and associating with negative and/or crime ridden individuals. It is difficult for offenders to change their associations when negative influences and a negative living environment have been a part of their life on a consistent basis. We believe that involving offenders in positive extra-curricular activities and interventions where they can meet positive individuals is vital to their success. This continues to be reinforced to the offender. Surveillance has been helpful during the evening hours, monitoring the offender's activities and companions. As we proceed in FY 2012 the cognitive skills classes will resume and the mentoring program is close to being completed. Both programs along with incentives for offenders will increase the offender chances of being successful.

Challenges: Although some offenders have positive companions in their lives, many offenders do not. Therefore, it is important that we implement the mentoring program as soon as possible. Time continues to be a challenge.

Modifications: There are no modifications at this time.

**Heartland Community Health Center
Proposal for Funding from The Douglas County Commission**

Summary of Request

Heartland Community Health Center has served the medically underserved in Lawrence, Douglas County, Kansas since 2004. Because HCHC and other safety net health care providers combined fall well short of meeting the needs of the community, HCHC is bidding to become a federally-funded Community Health Center so as to more ably meet the needs of local residents and serve as a driver of local economic development. Because of its demographic data storage capacity and improvements in efficiency and quality control, an important step toward becoming a Community Health Center involves the implementation of an Electronic Health Record and an Integrated Practice Management system. HCHC has secured all other support for the \$78,000 project. HCHC seeks \$22,000 in one-time support from the Douglas County Commission for the implementation of this software system.

Secured Funds

Software selection support, purchase and licensing:	\$32,386
Hardware upgrade:	18,320
Hardware installation support:	5,145

Requested Funds

Software implementation and training for staff:	\$22,300
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Organizational History

In 1999, a young physician transitioned out of a successful private practice in southern California to move with his wife to the Midwest in order to live near family in Lawrence. Before moving to the heartland, he imagined serving the underserved through a venture that he envisioned would be called Heartland Medical Outreach. Seeking support for his passion, he pursued partnerships in the venture through a letter he sent to dozens of organizations expressing his interest in serving the medically underserved. The lone response came from the entrepreneurially minded pastor of Heartland Community Church. The coincidence of names suggested something special was happening.

Within a matter of months, Sunday school classrooms in the church basement served double-duty as exam rooms, and a makeshift all-volunteer staff treated four patients at no charge on the first day. The enthusiastic ‘staff’ forged ahead with only a vague understanding of the population it wanted to serve and the magnitude of the need. Because the need was great, word spread among the underserved population about free medical care so the clinic grew, and in time it threatened to overwhelm the tiny church.

In 2004, following an outpouring of support and donations from several local churches and the community at-large, the clinic became a bona fide nonprofit 501(c)3 and moved to its current home in downtown Lawrence in the Riverfront Plaza. The current facility includes about 8,000 square feet of well-appointed space with room to expand. Out of this location, the organization has been quietly serving the needs of local residents since.

As the enthusiasm of the start-up venture began to wane and the reality and enormity of the challenge set in, the Board of Directors in 2008 began to set its sites on a new plan for business. Without a significant change, the organization did not seem to be on a trajectory to sufficiently or sustainably help meet the enormous needs in Lawrence and Douglas County, such as access to care and staggering health disparities. Without a dramatic change, HCHC and companion clinic Health Care Access *combined* don't meet half of the identified need in Lawrence and Douglas County.

After exhaustive research into other models for delivery of care to the underserved and after visits to clinics in places across the state and as far away as Chicago, the HCHC Board of Directors committed to pursue the Community Health Center model. Community Health Centers receive significant financial resources along with specialized clinical support and technical assistance through the Health Resources and Services Administration. With the federal resources available through this program, HCHC's plan for expansion includes growth from about 5,000 patient visits annually to 12,000 visits in the first year as a Community Health Center. A Community Health Center will serve as a significant economic driver for the local economy by providing professional and entry level jobs and through the purchase of local goods and services.

Although many of the names and faces at HCHC have changed along the way, the mission remains to transform the health and lives of those in need. Although the organization has served diligently but quietly so far, it stands poised now to make a real splash.

The Community Health Center Model

Because Douglas County is the second-largest county in Kansas without a Community Health Center, federal status will bring in desperately needed resources through a large annual grant and cost-based Medicaid and Medicare reimbursements, buttressing the current infrastructure and creating sustainable growth through increased revenue. Perhaps most importantly, the resources of a Community Health Center can serve to shift the focus from simply treatment of sickness, toward primary prevention and to a culture of health and wellness. HCHC stands to serve approximately 20,000-25,000 individuals annually after receiving federal status.

As a federal program that originated in the 1960s and one that has enjoyed tremendous bipartisan support, Community Health Centers serve as a model of not just medical care for the poor, but as a powerful model for high quality, cost-effective care for everyone. The American Academy of Family Physicians' Robert Graham Center found the total cost of care for Community Health Center patients to be 41% lower annually than the total cost of similar care for individuals served by other primary care providers. The White House Office of Management and Budget ranked CHCs as one of the top 10 most effective government programs. All of this while serving a population requiring more complex care.

Nationwide, the CHCs save communities millions of dollars each year in lower costs and through reduced hospitalization and emergency room usage while stimulating the

economy. These dynamics hold true in Kansas. CHCs deliver high quality, cost-effective care and have long made major contributions to the state’s public health and economic foundation.

Although HCHC has submitted a New Access Point application as part of the most recent Community Health Center program expansion under the Affordable Care Act, changes in funding appear to have made an award appear to be less certain. HCHC is currently preparing a Community Health Center Look-Alike application as an interim step. Should HCHC become a “Look- Alike”, the financial challenges become more significant and dependence on local funding becomes even more crucial, because Look-Alikes do not receive the large annual grant that fully funded Community Health Centers receive. However, they receive all other benefits of Community Health Center status.

The need for HCHC’s services

The concentration of poverty is higher in Lawrence and Douglas County than that of the State and nationally. In the Census tracts surrounding Heartland Community Health Center, 40.5% of individuals subsist below 200 percent of the Federal Poverty Level (FPL). Comparatively, in Douglas County, 30.4% of individuals live below 200 percent FPL, and in Kansas, 26.4% of individuals live below 200 percent FPL.

Access barriers have led to declining health indicators among HCHC’s target population. The following table describes Douglas County’s health disparities in comparison to the rest of Kansas.

Health Disparity	Target Population Data Douglas County	Comparison Data Kansas (unless otherwise indicated)
Diabetes Mortality Rate	23.8	23.3 (U.S.)
Essential Hypertension and Hypertensive Renal	7.7	5.8
Alzheimer’s	27.4	25.2
Breast Cancer Incidence Rate (female)	138.7	122.3
Estimate of Binge Drinkers (youth)	18.8%	15.6%
Rate of Cancer Incident	459.0	451.7
<i>Source(s): KDHE KIC Birth, Death, and Cancer Incidence Tables 2006/2007; CDC BRFSS 2007; Annie E Casey Foundation CLIKS 2007; rates per 100,000.</i>		

The documented health disparities among the poor and uninsured in the service area correlate to the limited access the target population has to affordable health care services. Increased access to affordable and accessible health care is a major need for Lawrence and Douglas County residents.

HCHC community collaboration

A Bert Nash Community Mental Health Center clinical social worker is contracted to

work along-side HCHC's primary care providers in order to provide integrated, holistic health care to every patient who walks through HCHC's door. An office visit at HCHC includes a visit with a behavioral health specialist right on the clinic floor in the exam room. While this model has proven wildly successful in improving outcomes and increasing patient and provider satisfaction, it exists on a scale that must grow in order to more fully meet the need.

Along with Bert Nash, Douglas County Dental Clinic, Lawrence-Douglas County Health Department, Lawrence Memorial Hospital, the Kansas Association for the Medically Underserved and the Kansas Department of Health and Environment are all supportive of this strategy to pursue Community Health Center status. All have pledged to actively work together to share in the resources and responsibilities of a Community Health Center and each have written public letters of support for the endeavor of pursuing Community Health Center status. With Community Health Center status, Heartland Community Health Center will be poised to serve as a catalyst to bring together local agencies and more.

In the city of Lawrence, only one other primary medical care provider offers a sliding fee scale. Although companion clinic Health Care Access serves a similar size of the underserved population in Lawrence, the organization is committed to serving only the uninsured. Even though the two organizations collaborate closely, the two combined fall well short of meeting the entire need. HCA and HCHC work closely together to stretch resources for the uninsured, but HCHC is also committed to serving the Medicaid, Medicare and underinsured populations. Because of the low reimbursements many private practices have stopped accepting these patients. With Community Health Center status, HCHC will be able to generate revenue through enhanced reimbursements available through the program and provide increased care for these underserved patients.

The importance of an Electronic Health Record

A major step toward achieving the ambitious goals of the strategic plan at HCHC involves implementing an Electronic Health Record. Because of the health outcomes reporting requirements that being a federally funded Community Health Center requires, an EHR is key to HCHC becoming and remaining a Community Health Center.

By leveraging the support of foundations and donors, HCHC has obtained the necessary upgraded hardware, rigorously evaluated and selected the right software package and secured important technical expertise to facilitate the process. HCHC has obtained the funding to purchase and license the software. The only missing ingredient at this point is the funding to support the implementation and training of HCHC staff. ***Because of its connection to a strategic plan to grow the provision of health care dramatically, this proposal, if funded, serves as a key step toward quantum leap forward for health care in Douglas County.***

EHR software will increase HCHC's accuracy, quality, efficiency and communication. It will track patient data in real-time and improve patient care by eliminating redundancies

and automatically notifying medical providers about relevant issues in a patient's health. For example, automated reminders can be programmed to flag targeted patients, such as women over age 40 who have yet to receive their annual pap smear and mammogram.

An EHR system is needed to aid in HCHC's pursuit of serving a greater percentage of the underserved population. Data collection and health improvements among the target population allowed through an EHR system will better position HCHC to become a federally funded Community Health Center and to stimulate the local economy.

This proposal requests \$22,300 to pay for the implementation of a selected EHR system. HCHC is willing and well positioned to step into a significant gap and meet an enormous need in Lawrence, KS. This proposal, if funded, provides a key step in filling this gap.

Memorandum

City of Lawrence

Douglas County

Planning & Development Services

TO: Lawrence-Douglas County Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Director of Planning and Development Services

Date: For August 22, 2011 Planning Commission Meeting

RE: Inverness Park District Plan – Approval Clarification

The Planning Commission approved the Inverness Park District Plan at the July 27, 2011 meeting.

The Commission sought to ensure that more public process would be involved with the future development of the three properties along Clinton Parkway. Therefore, the Commission included in the approval of the plan that the three properties along Clinton Parkway must develop as Planned Development Overlay Districts (PD), which requires that a preliminary development plan be reviewed by the Planning Commission and City Commission. The PD district contains requirements to ensure compliance with *Horizon 2020* such as preserving 20% open space, flexibility in parking, and the ability to require other appropriate site elements.

However, potential issues arise from applying the PD district as the only option to the three properties on Clinton Parkway. Those issues include the requirement that a PD have at least 20% of the site as Common Open Space. There are certain elements that are required for the open space preservation. Those required elements include the establishment of a mandatory-membership homeowner's association to own and maintain the open space, or transfer of the land to a conservation trust or some other conservation-oriented entity, or dedication of the land to the City. These methods of preserving open space may not be appropriate for the anticipated development along Clinton Parkway. They are most appropriate for single-dwelling cluster developments.

There is another option for a public process in the development of these properties. That option is to rezone the properties with the condition that the site plan, which is normally administratively approved, be approved by the City Commission. Staff does not normally encourage the practice of conditional zoning, but it may be appropriate in this circumstance given the intent of the Planning Commission. Conditional zoning can also set a framework for development, such as limiting Remington Square to 1-bedroom, 2-story structure types.

Staff wants to ensure the intent of the Planning Commission is reflected in the plan. Is the intent to require properties to develop only with Planned Development Overlay Districts and all of their required elements, or is the intent that a public process be followed when the properties are developed and that options to reach that goal, including conditional zoning, be included in the plan?

Staff Recommendation

Clarify which of the two options below the PC intended to apply the three properties along Clinton Parkway.

- Option #1:** A Planned Development District Overlay is required to develop the properties along Clinton Parkway.

- Option #2:** A public process for site planning the properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required.

Memorandum

City of Lawrence

Legal Services Department

TO: Scott McCullough, Director of Planning And Development Services
Toni Ramirez Wheeler, Director of Legal Services

From: John Jay Miller, Staff Attorney

Date: April 14, 2009

RE: Discussion on Conditioning Conventional Zoning

At the February 24, 2009 meeting of the City Commission of Lawrence, Kansas, staff was directed to present information on conditioning conventional zoning to the Lawrence Douglas County Metropolitan Planning Commission. The League of Women Voters of Douglas-County raised the issue of conditional zoning at the City Commission meeting and their letter is attached for your review. For this discussion, conventional zoning means a rezoning request not a request for a special use permit, planned development or site plan. Provided is an overview of the authority to place conditions on conventional zoning and direction for the Planning Commission when considering conditional zoning.

Development Code Provisions

The Development Code of the City of Lawrence, Kansas is written to allow the conditioning of conventional zoning. Section 20-1301, General, of the Development Review Procedures, allows the approval of zoning map amendments with conditions or modifications. The code language in subsection (i), Action by Review Bodies, states:

(i) Action by Review Bodies

(1) Review bodies may take any action that is consistent with:

- (i) the regulations of this Article;
- (ii) the City's adopted Development Policy;
- (iii) any by-laws that may apply to the review body; and
- (iv) the notice that was given.

(2) The review body's action may include recommending approval of the application, recommending approval with modifications or conditions, or recommending disapproval of the application.

(3) The review body may recommend conditions, modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or Zoning District than indicated in the application, reduce the impact of the development, or reduce the amount of land area included in the application.

(4) The review body may recommend that the application be approved conditionally upon the execution of a development agreement acceptable to the Director of Legal Services and/or compliance with the Access Management Standards and Commercial Design Policies and Standards adopted by the City Commission from time to time.

(5) Review bodies may not recommend a greater Density of development; a more intensive use or a more intensive Zoning District than was indicated in the public notice.

(6) Review bodies are not required to recommend approval of the maximum

Density or intensity of use allowed.

The code language in subsection (j), Action by Decision-Making Bodies, states:

(j) Action by Decision-Making Bodies

(1) Decision-making bodies may take any action that is consistent with:

- (i) the regulations of this Article;
- (ii) the City's adopted development policy;
- (iii) any by-laws that may apply to the decision-making body; and
- (iv) the notice that was given.

(2) The decision-making body's action may include approving the application, approving the application with modifications or conditions, or denying the application. A denial of application may be accompanied with a remand to the review body, if any, for further consideration.

(3) The decision-making body may impose conditions on the application or allow modifications or amendments if the effect of the condition, modification or amendment is to allow a less intensive use or Zoning District than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.

(4) The decision-making body may approve the application upon the condition that the applicant executes a development agreement acceptable to the Director of Legal Services and/or compliance with the Access Management Standards and Commercial Design Policies and Standards adopted by the City Commission from time to time.

(5) Decision-making bodies may not approve a greater Density of development; a more intensive use or a more intensive Zoning District than was specified in the public notice.

(6) Decision-making bodies are not required to approve the maximum Density or intensity of use allowed.

The code language in subsection (m), Conditions of Approval, states:

(m) Conditions of Approval

When the procedures of this Article allow review bodies to recommend or decision making bodies to approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development. When conditions are imposed, an application will not be deemed approved until the applicant has complied with all of the conditions.

In addition, Section 20-1303 on Zoning Map Amendments states:

(e) Planning Commission's Review/Recommendation

The Planning Commission shall hold a public hearing on the proposed zoning map amendment, review the proposed amendment in accordance with the review and decision-making criteria of Subsection (g) of this Section and recommend that the City Commission approve, approve with modifications, or deny the proposed amendment. The Planning Commission is also authorized to forward the proposed amendment to the City Commission with no recommendation.

(f) City Commission Decision

After receiving the Planning Commission's recommendation, the City Commission shall take one of the following actions on the proposed zoning map amendment:

- (1) approve, approve with conditions or modifications, or deny;

Historical Background on the Enactment of the Development Code Pertaining to Conditional Zoning

The City Commission discussed the issue of conditional zoning when considering approval of the Development Code. Stephen P. Chinn, a land use attorney with the firm of Stinson Morrison Hecker LLP, advised the City on the code and presented to the City Commission that he had not worked with a code in the past fifteen years that

did not specifically authorize governing bodies to condition the approval of rezoning with reasonable conditions. With Mr. Chinn's assistance, the code was written to allow the conditioning of conventional zoning. An excerpt of the minutes from the March 28, 2006 City Commission agenda is attached for your review.

Kansas Case Law on Conditional Zoning

There does not appear to be any Kansas case law on the specific issue of conditioning conventional zoning. However, the Kansas Supreme Court took up the issue of conditional zoning in a special use permit situation in the 1994 case of *Water Dist. No. 1 of Johnson County v. City Council of City of Kansas City*, 255 Kan. 183, 871 P.2d 1256 (Kan. Apr 15, 1994). In *Water District No.1*, the court upheld the conditions on the special use permit as reasonable.

Most recently, the Kansas Supreme Court in the case of *Manley v. City of Shawnee*, 287 Kan. 63, 75-76, 194 P.3d 1 (2008) reaffirmed their standard of review on the reasonableness of zoning body decisions and stated that "[w]hen reviewing a decision on zoning, special use permits, and conditional use permits, we are guided by principles set forth in *McPherson Landfill, Inc. v. Board of Shawnee County Comm'rs*, 274 Kan. 303, 304-05, 49 P.3d 522 (2002) (quoting *Combined Investment Co. v. Board of Butler County Comm'rs*, 227 Kan. 17, 28, 605 P.2d 533 [1980]):

- (1) The local zoning authority, and not the court, has the right to prescribe, change or refuse to change, zoning.
- (2) The district court's power is limited to determining
 - (a) the lawfulness of the action taken, and
 - (b) the reasonableness of such action.
- (3) There is a presumption that the zoning authority acted reasonably.
- (4) The landowner has the burden of proving unreasonableness by a preponderance of the evidence.
- (5) A court may not substitute its judgment for that of the administrative body, and should not declare the action unreasonable unless clearly compelled to do so by the evidence.
- (6) Action is unreasonable when it is so arbitrary that it can be said it was taken without regard to the benefit or harm involved to the community at large, including all interested parties, and was so wide of the mark that its unreasonableness lies outside the realm of fair debate.
- (7) Whether action is reasonable or not is a question of law, to be determined upon the basis of the facts which were presented to the zoning authority.
- (8) An appellate court must make the same review of the zoning authority's action as did the district court."

Treatise on Conditional Zoning

In McQuillin: The Law of Municipal Corporations, 8 McQuillin Mun. Corp. § 25.93.10 (3rd ed.) the concept of conditional zoning is discussed. An excerpt of their explanation of conditional zoning states:

"Conditional zoning is the granting of a zoning change which is subject to agreed upon specific conditions which limit permitted uses in the zoned district. Specifically, conditional zoning occurs when a governmental body, without committing its own authority, secures a given property owner's agreement to limit the use of his or her property to a particular use or to subject his or her tract to certain restrictions as a precondition to any rezoning. Because it permits a given local authority greater flexibility in balancing conflicting needs, the practice of conditional use zoning can be exceedingly valuable. Conditional zoning anticipates that when the rezoning of certain property within the general zoning framework would constitute an unacceptably drastic change, such a rezoning could still be accomplished through the addition of certain conditions or use limitations.

Although sometimes condemned as illegal spot zoning, and as involving surrender of governmental authority to determine proper land use, the court will look to the reasonableness of the conditions and of

the zoning change and will sustain the ordinance if found neither arbitrary nor capricious and where a reasonable relationship to the public welfare is found to exist. An increasing number of courts have either expressly held or strongly indicated support for conditional zoning. These courts, which comprise a growing trend, have concluded, among other things, that zoning legislation provides ample authority for the practice; the use under the practice of carefully tailored restraints advanced, rather than injured, the interests of adjacent landowners, and the practice is an appropriate means of harmonizing private interests in land thus benefiting the public interest.”

Planning Commission Considerations

If the Planning Commission receives a request from staff, the applicant, the public, or initiates on its own placing conditions on a conventional rezoning request, then the Development Code gives the Planning Commission and then the City Commission the authority to establish reasonable land use conditions on conventional zoning requests. The Planning Commission when considering conditioning conventional zoning must apply the same review criteria they would for any rezoning application and make a recommendation to the City Commission on the rezoning request.

Ultimately, the governing body's decision on the rezoning request must be lawful and reasonable. The issue of lawfulness is whether the city followed statutory requirements and its own codes and procedures. As noted above the Development Code is written to allow conditional zoning and the Planning Commission can condition conventional zoning in conformity with the code.

For the issue of reasonableness in making the rezoning decision, the Planning Commission must at least consider the review and decision making criteria in Section 20-1303(g). The criteria are based on the eight suggested factors described in *Golden v. City of Overland Park*, 224 Kan. 591, 584 P.2d 130 (1978). The review criteria are not exclusive of other appropriate factors. These criteria go to the reasonableness of the rezoning recommendation of the Planning Commission. Any conditions placed on a conventional rezoning request would have to be reasonable and based on the review criteria of the Development Code and the evidence and testimony presented at the hearing.

Conclusion

The Development Code is written to give the Planning and City Commission the authority to place reasonable land use conditions on a conventional zoning request. If a rezoning were legally challenged, staff's opinion is that as long as the procedures are followed and the land use conditions are reasonable then we can make a strong argument to the court that the City had the legal authority to condition the zoning.

The discussion of conditioning conventional zoning only applies to City of Lawrence, Kansas rezoning requests and hearings and not rezoning requests for Douglas County.

A RESOLUTION ADOPTING AMENDMENTS TO HORIZON 2020, THE COMPREHENSIVE PLAN FOR THE CITY OF LAWRENCE AND UNINCORPORATED DOUGLAS COUNTY, KANSAS PERTAINING TO THE INVERNESS PARK DISTRICT PLAN.

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas, for the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving and protecting property values throughout Lawrence and Douglas County, are authorized by K.S.A. 12-741 *et seq.* to provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted an official comprehensive plan for the coordination of development in accordance with the present and future needs and to conserve the natural resources of the City and County, ensure efficient expenditure of public funds and promote the health, safety, convenience, prosperity and general welfare of the citizens of Lawrence and Douglas County; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission held public hearings on May 25, 2011 and July 27, 2011 for the proposed amendments to Horizon 2020, the Comprehensive Plan, contained in Planning Staff Report CPA 3-1-11, to adopt and approve the Inverness Park District Plan and amend Chapter 14 – Specific Plans to add the Inverness Park District Plan, after notice by publication in the official city and county newspaper.

BE IT RESOLVED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION ONE: The above stated recitals are by reference incorporated herein, and shall be as effective as if repeated verbatim.

SECTION TWO: Pursuant to K.S.A. 12-747, the Lawrence-Douglas County Metropolitan Planning Commission adopts and recommends for approval the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, to adopt the Inverness Park District Plan and amend the Chapter 14 - Specific Plans to add the Inverness Park District Plan.

SECTION THREE: The amendment to *Horizon 2020*, Chapter 14 – Specific Plans, Specific Plans reads as follows:

Specific Plans

• **6th and SLT Nodal Plan**

Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)

Adoption Date: November 11, 2003 by Lawrence City Commission

Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.

Adoption Date: May 10, 2005 by Lawrence City Commission

Review Date: 2010

- **Burroughs Creek Corridor Plan**

Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.

Adoption Date: February 14, 2006 by Lawrence City Commission

Review Date: 2011

- **East Lawrence Neighborhood Revitalization Plan**

Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.

Adoption Date: November 21, 2000 by Lawrence City Commission

Review Date: 2010

- **Revised Southern Development Plan**

Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).

Adoption Date: December 18, 2007 by Lawrence City Commission

January 7, 2008 by the Douglas County Board of Commissioners

Review Date: 2017

- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).

Adoption Date: January 8, 2008 by Lawrence City Commission

January 28, 2008 by the Douglas County Board of Commissioners

REVISED

June 14, 2008 by Lawrence City Commission

July 24, 2008 by Douglas County Board of Commissioners

REVISED

October 7, 2008 by Lawrence City Commission

November 10, 2008 by Douglas County Board of Commissioners

Review Date: 2018

- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.

Adoption Date: March 11, 2008 by Lawrence City Commission

- **Lawrence SmartCode Infill Plan**
Location: General areas are: 19th St. and Haskell Ave., 23rd St. and Louisiana St.
Adoption Date: January 27, 2009 by Lawrence City Commission
February 23, 2009 by Douglas County Board of Commissioners
Review Date: 2019
- **West of K-10 Plan**
Location: Generally located north and south of Highway 40 and west of K-10 Highway.
It does contain some land east of K-10 Highway
Adoption Date: June 9, 2009 by Lawrence City Commission
May 6, 2009 by Douglas County Board of Commissioners
Review Date: 2019
- **Oread Neighborhood Plan**
Location: Generally located between W. 9th Street and W. 17th Street and between the
KU campus and Massachusetts Street.
Adoption Date: September 28, 2010 by Lawrence City Commission
Review Date: 2020
- **Inverness Park District Plan**
Location: Generally located south of Clinton Parkway, between Inverness Park Drive
and Crossgate Drive, south to the South Lawrence Trafficway.

SECTION FOUR: The Inverness Park District Plan attached as Exhibit 1 shall be incorporated as part of Horizon 2020 the Comprehensive Plan of the City of Lawrence and Unincorporated Douglas County.

SECTION FIVE: This resolution together with a certified copy of the amendments to Horizon 2020, the Comprehensive Plan for the City of Lawrence and Unincorporated Douglas County, and a written summary of the public hearing shall be submitted to the City Commission and the Board of County Commissioners, as appropriate.

Adopted by the Lawrence-Douglas County Metropolitan Planning Commission on this, the 27th day of July, 2011.



Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Vice-Chair
Lawrence-Douglas County Metropolitan
Planning Commission



Scott McCullough, Secretary
Lawrence-Douglas County Metropolitan
Planning Commission

Inverness Park District Plan

Lawrence-Douglas County Planning and Development Services

Lawrence-Douglas County Planning Commission – 07/27/11

Lawrence City Commission –

Douglas County Board of County Commissioners –

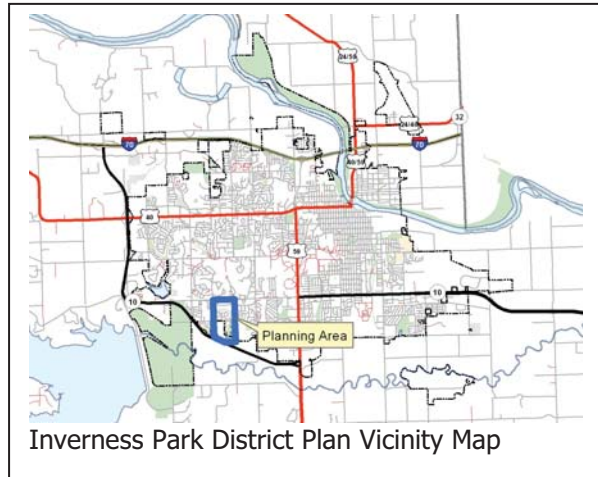
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I. Introduction and Purpose

Location

The Inverness Park planning area is located south of Clinton Parkway between Inverness and Crossgate Drives south to K-10 Highway.



Setting

The area is primarily urban in nature with most of the planning area within the city of Lawrence, but there is a rural residence and undeveloped county farm land in the southern portion of the planning area. Clinton Parkway, a principle arterial roadway, is the northern boundary of the planning area. There are public and private schools west and north of the planning area and park land in the southeastern portion of the planning area.

Background

The Inverness Park area began developing when an annexation request for 163.46 acres was approved in 1999. The development application for the area included multiple rezoning requests. Large tracts were platted along Clinton Parkway and zoned RO-1B to accommodate a mix of multi-family and office uses for the most intensive part of the development of the 163 acres. The area south of W. 24th Place, but north of the open space/drainage area was designated as the transition area to the lower density, detached residential home lots to the south. The area south of W. 24th Place was zoned PRD-2 with a maximum density of 12 dwelling units per acre. W. 24th Place was designed to provide access to all lots in the area with restrictions prohibiting access to Clinton Parkway as well as access limitations placed on Inverness Drive and Crossgate Drive.

The preliminary plat for the entire 163 acres was approved in October 1999 and later revised in February 2001. The revisions reduced the lot size of the single-family area and created more lots than the original approval. The large lot configuration along Clinton Parkway and W. 24th Place did not change. The preliminary plat served as the master plan for the development of the site. It provided the basic boundary of the various zoning districts planned for the 163 acres.

Much of the original land use discussion focused on the need to provide adequate public facilities such as improved streets and other infrastructure as well as the land use pattern and transition of land

uses throughout the entire acreage included in the Inverness Park Addition.

Multiple land use decisions made since 1999 have resulted in a land use pattern that has deviated from the original 163-acre plan with more apartments being developed than originally planned.

Purpose

The purpose of the Inverness Park District Plan is to plan for the urban development of the remaining undeveloped property within the planning area. Concerns have been raised by residents in the area about the proliferation of multi-family uses and the impact they are having on the area. This Plan will primarily act as the City's official land use guide for development of the remaining undeveloped land in the Inverness Park District Plan planning area. Development on the property in the unincorporated area is not anticipated until annexed into the city.

Relation to Other Plans

This Plan constitutes an amendment to *Horizon 2020*. The Plan deviates from some elements of *Horizon 2020*. Additional policy guidance has foundation in the following plans:

- *Transportation 2030*, Lawrence/Douglas County Long Range Transportation Plan. Lawrence/ Douglas County Metropolitan Planning Office and Parsons Brinkerhoff. March 26, 2008.
- Lawrence-Douglas County Bicycle Plan, Lawrence/Douglas County Metropolitan Planning Office. May 2004.
- City of Lawrence, Kansas Water Master Plan. Black & Veatch. December 2003.
- City of Lawrence, Kansas Wastewater Master Plan. Black & Veatch. December 2003.

Process

The Lawrence City Commission initiated the Inverness Park District Plan on November 9, 2010. A kick-off meeting for the Inverness Park District Plan was held on February 3, 2011. Stakeholders were asked to provide their thoughts on the Strengths, Weaknesses, Opportunities, and Threats (SWOT exercise) for the planning area and participate in a small group future land use exercise. The 2nd public meeting for the plan was held on March 3, 2011. Those that attended the meeting reviewed the SWOT exercise results and the draft goals and policies and were also asked to provide comments on future land use options. The group also heard a presentation from developers interested in the Inverness and Clinton Parkway corner. Planning Staff developed the 1st draft of the Plan with input from property owners within the planning area and other stakeholders.

The 1st draft of the Plan was reviewed by the Lawrence-Douglas County Planning Commission at their meeting on May 25, 2011. The Commission took public comment and provided direction to staff. The

2nd draft of the Plan was released on July 5, 2011. The Planning Commission approved the plan at their meeting on July 27, 2011.

II. Existing Conditions

A. Current Land Use

The planning area consists of approximately 303 acres of land. The primary land use in the planning area is residential, with single family, duplex and multi-family uses having been developed in the past decade. The majority of the planning area is urbanized and within Lawrence, but there are approximately 70 acres which is located within unincorporated Douglas County south of 27th Street that contains a rural residential and agriculture use. Existing and future parks are also uses within the planning area. See Map 2-1.

Undeveloped Property

The Inverness Park District Plan is focusing on providing future land use guidance for the remaining undeveloped property within the planning area. Those properties are described below (each is numbered and labeled on Map 2-1 and Map 2-1a):

No. 1: The southeast corner of Clinton Parkway and Inverness Drive is an approximately 11 acre parcel currently zoned RSO (previously zoned RO-1B). The property lies at the signalized intersection of Clinton Parkway and Inverness Drive. The access management policy in place along Clinton Parkway (described in Section V) prohibits direct access to Clinton Parkway for this property. Access to Inverness Drive is also restricted by plat, meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Inverness Drive.

Issues:

- This is a larger parcel capable of accommodating neighborhood scale commercial and multi-family residential.
- Landscape buffer to buffer the higher intensity uses from the residential neighborhood to the west.
- Neighbor interest in park vs. feasibility of development potential due to location.

No. 2: The Remington Square property contains approximately 5 acres (out of a total of 15 acres) that is undeveloped and east of the existing apartments. The existing use of the property is multi-family residential. The property is zoned RM15 (originally zoned RO-1B – RSO and rezoned to RM15), and contains 40 1-bedroom units, which represents the maximum density permitted on the entire 15 acres parcel. The property owner has expressed an interest in rezoning the property to allow a higher density so that he can develop the remaining 5 acres with multi-family structures. The property contains regulatory flood hazard area along the eastern edge that will limit development.

Issues:

- The property is at maximum density, yet it is 1 bedroom development. More intensity is possible through renovation to add more bedrooms.
- Owner plans to maintain 1 bedroom development.

No. 3: The property on the southwest corner of Clinton Parkway and Crossgate Drive is approximately 3 acres and is zoned RSO (previously zoned RO-1B). This property has regulatory flood hazard area along the west property line. Access management along Clinton Parkway and plat restrictions along Crossgate Drive meaning this property would take access from W. 24th Place. There is an existing round-a-bout at W. 24th Place and Crossgate Drive.

Issues:

- The Lawrence-Douglas County Planning Commission supported commercial zoning for a Walgreens at this location in 2008.

No. 4: The property on the southwest corner of Crossgate Drive and W. 24th Place is approximately 1 acre and is also zoned RSO. Access is restricted along Crossgate Drive by plat meaning this property would take access from W. 24th Place. This property also has regulatory flood hazard area along the west property line.

Issues:

- 1 acre size of property is challenging for development.

No. 5: There are two properties south of W. 27th Street that are within unincorporated Douglas County. The two parcels total approximately 70 acres. One parcel is a rural residential use and the other is an agriculture use. A large portion of the property contains regulatory flood hazard area, which will impact the developable area of the properties. This property has low density urban development to the north, west and east. The property is close to schools and parks, which makes it desirable for future urban low density development.

No. 6: Finally, there is another property within unincorporated Douglas County that is immediately south of the Pat Dawson Billings Nature Area that contains approximately 22 acres. This property is entirely encumbered by regulatory flood hazard area.

B. Current Zoning

The City of Lawrence *Land Development Code* and the Douglas County *Zoning Regulations* are intended to implement the goals and policies in *Horizon 2020* in a manner that protects the health, safety, and general welfare of the citizens. The *Land Development Code* and the Douglas County *Zoning Regulations* establish zoning regulations for each land use category which development must follow.

The planning area is primarily located in the city and partially within the county. Map 2-2 shows the current zoning designations and Tables 2-1 and 2-2 below describe the map designations.

Table 2-1

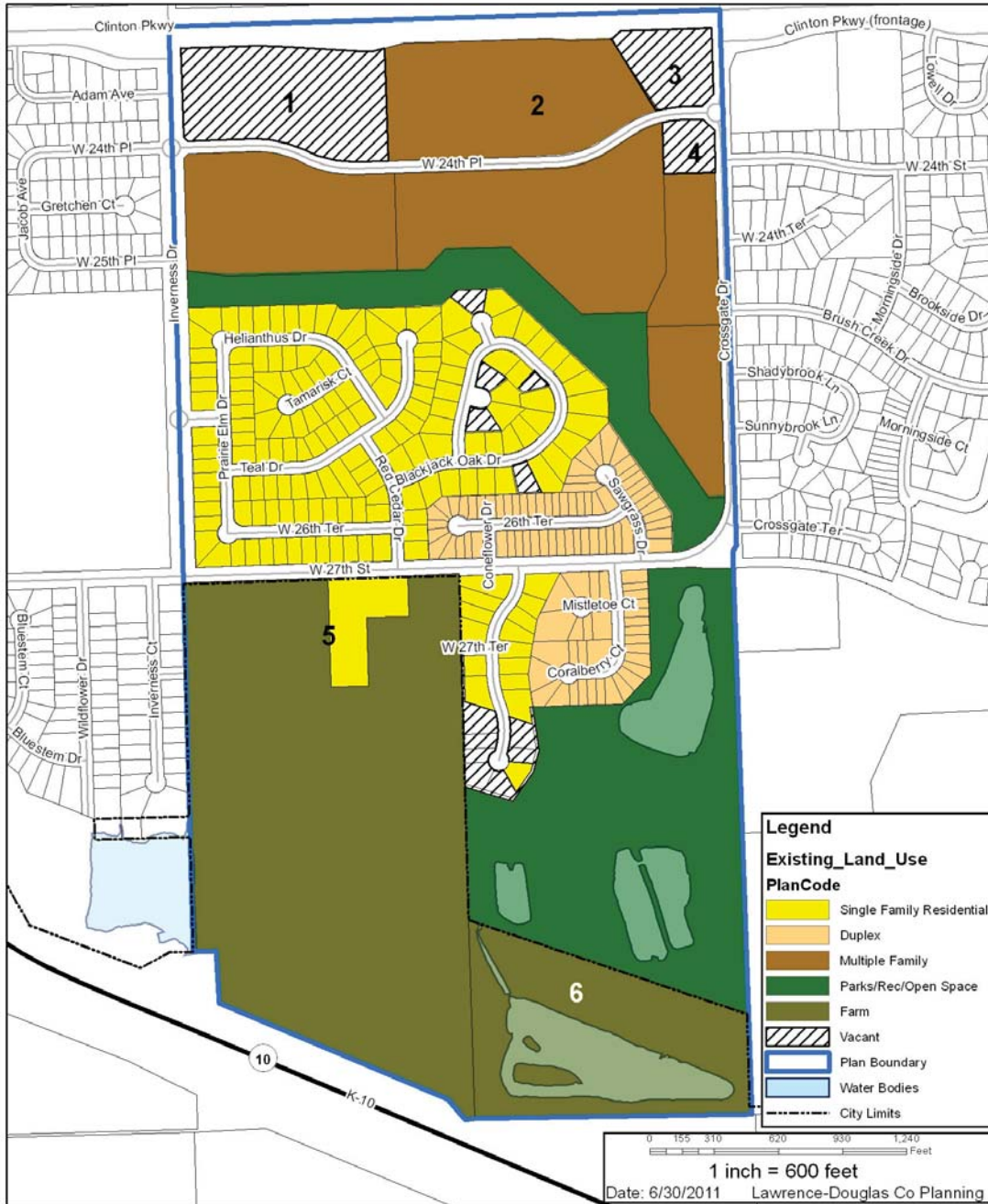
City Zoning	District Name	Comprehensive Plan Designation
RS7	Single-Dwelling Residential (7,000 sq. feet per dwelling unit)	Low-Density Residential
RSO	Single-Dwelling Residential-Office (2,500 sq. feet per dwelling unit)	Low or Medium-Density Residential
RM12D	Multi-Dwelling Residential (12 dwelling units per acre)	Medium-Density Residential
RM15	Multi-Dwelling Residential 15 dwelling units per acre	Medium-Density Residential
PRD	Planned Residential Development	N/A
OS	Open Space	N/A

Table 2-2

County Zoning	District Name	Comprehensive Plan Designation
A	Agricultural	Agriculture
VC	Valley Channel	N/A

Map 2-1 Existing Land Use

**Inverness Park District Plan
Existing Land Use**



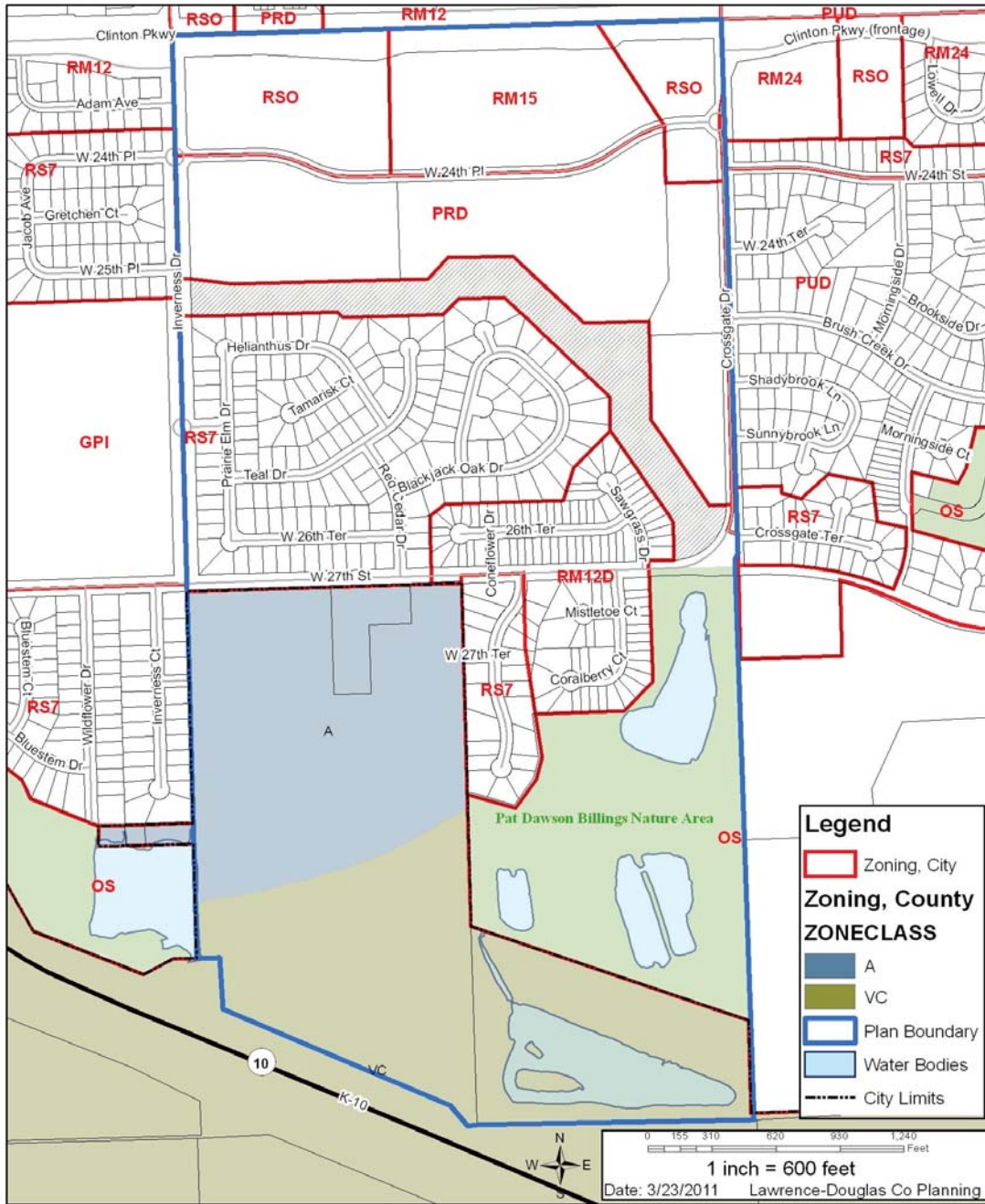
Map 2-1a Aerial

Inverness Park District Plan
Aerial



Map 2-2 Existing Zoning

**Inverness Park District Plan
Existing Zoning**



C. Flood Hazard Area

There is Federal Emergency Management Agency (FEMA) designated floodplain and floodway located within the planning area. See Map 2-3. The floodplain is any land area susceptible to being inundated by flood waters from any source. The floodway is 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 a designated height. Developing in the floodplain is allowed both in the city and in the county based on corresponding regulations. No development is allowed in the floodway except for flood control structures, road improvements, easements and rights-of-way, or structures for bridging the floodway.

D. Parks and Recreational Facilities

There are currently existing parks or park properties located in the planning area. The Pat Dawson Billings Nature Area is located south of 27th Street in the southeastern portion of the planning area. A future linear park is located south of the Legends at KU and The Grove properties, which are south of W. 24th Place. See Map 2-4.

E. Transportation

Transportation 2030 (T2030) is the comprehensive, long-range transportation plan for the metropolitan area. T2030 designates streets according to their functional classification or their primary purpose. These functional classifications are shown on Map 2-5. The classification system can be described as a hierarchy from the lowest order, (local streets) that serve to provide direct access to adjacent property, to (collector streets) that carry traffic from local streets, to major thoroughfares (arterial streets) that carry traffic across the entire city. Freeways and expressways are the highest order of streets and are designed with limited access to provide the highest degree of mobility to serve large traffic volumes with long trip lengths. Clinton Parkway is designated as a principle arterial. Inverness Drive, Crossgate Drive and W 27th Street are designated as collectors. The remaining streets within the planning area are local streets.

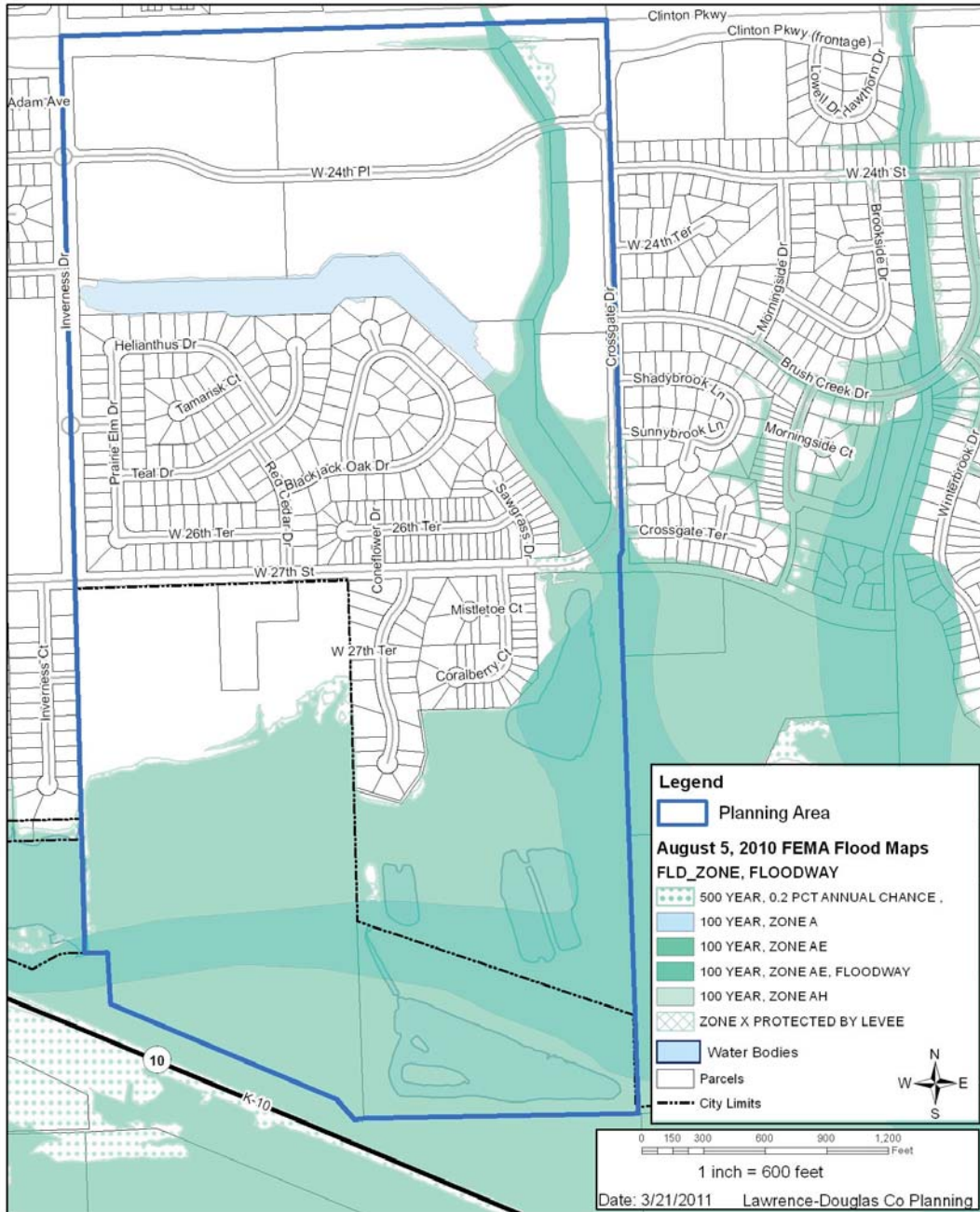
There currently are transit routes that travel to or through the planning area.

The planning area includes existing and future bike routes, lanes, and recreational paths identified by T2030 and these are shown on Map 2-6. Bike lanes are a separate space designated with striping, signage or pavement markings for exclusive use by bicycles with a street or road. Bike routes are a network of streets to enable direct, convenient, and safe access for bicyclists. A recreational path is a separate path adjacent to and independent of the street and is intended solely for non-motorized travel.

Different types of bicycle facilities are linked to a certain street classification. Recreational Paths are part of Arterials, Bike Lanes are part of Collectors, and Bike Routes are also part of Collectors. Clinton Parkway, Inverness Drive, and W. 27th Street are designated as shared use paths. Crossgate Drive is designated as a bike route.

Map 2-3 Flood Hazard Area

**Inverness Park District Plan
Flood Hazard Area**



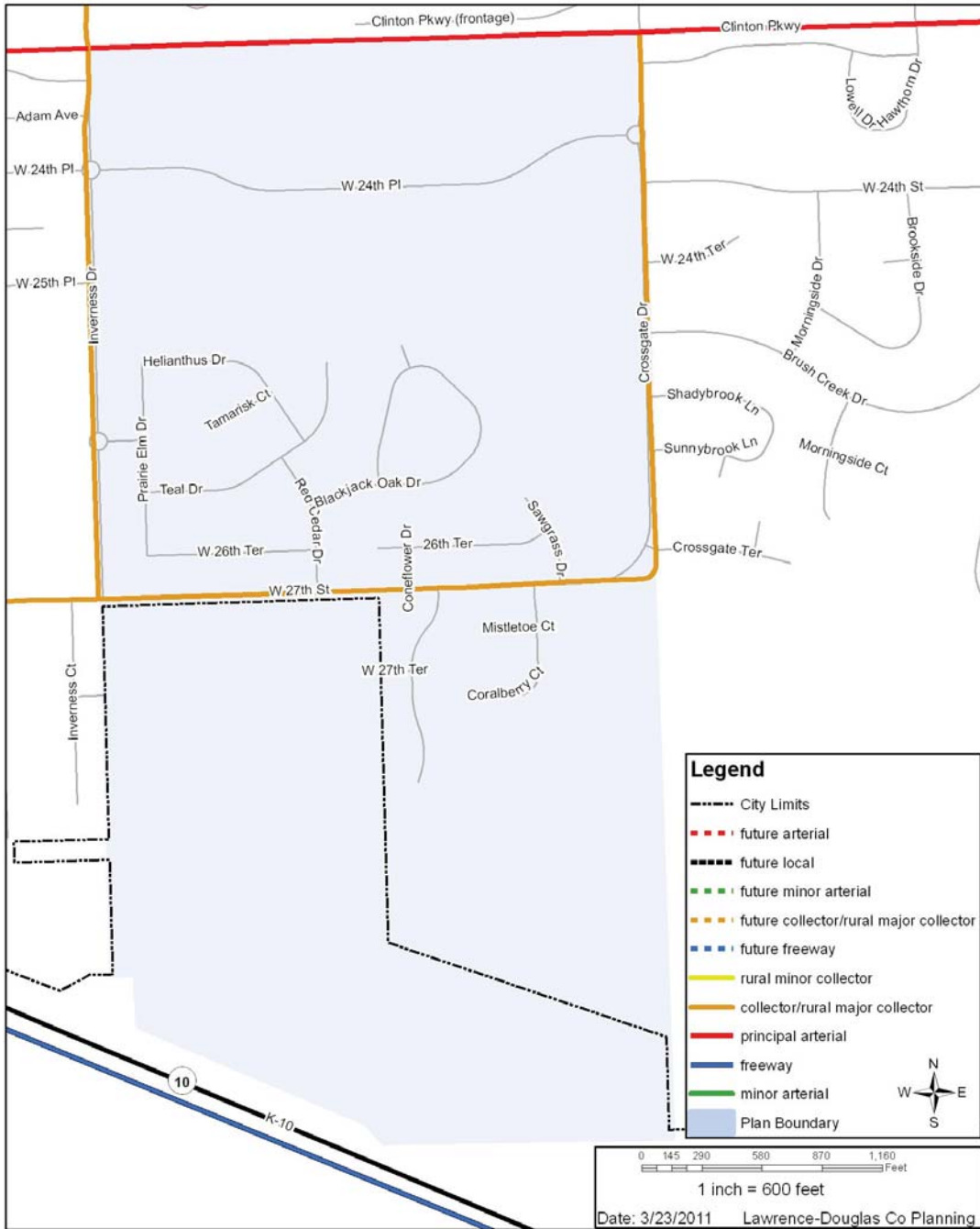
Map 2-4 Parks and Recreation Facilities

**Inverness Park District Plan
Existing and Future Parks and Recreation Facilities**



Map 2-5 Future Thoroughfares

**Inverness Park District Plan
Future Thoroughfares**



Map 2-6 Bicycle Facilities

**Inverness Park District Plan
Bicycle Facilities**



F. Schools

School Districts

The planning area is located entirely within the Lawrence USD 497 school district.

School Locations

Public schools Sunflower Elementary and Southwest Jr. High are located just west of the planning area across Inverness Drive. Private schools are also located near the planning area. Bishop Seabury is located north of the planning area across Clinton Parkway and Raintree Montessori School is located west of the planning area along Clinton Parkway.

III. Goals and Guiding Principles

The following policy statements in Sections III - V are for the development of the remaining undeveloped property in the Inverness Park District Plan planning area.

Revisions to the goals and policies that were released at the 2nd public meeting on March 3, 2011 are shown with strikethroughs for deleted language and underlines for new language.

Goals

Encourage nonresidential land uses at the Inverness and Crossgate corners of Clinton Parkway that are compatible with the residential uses in the planning area.

Develop a strong park/trail system.

Develop single-family residential uses south of 27th Street at densities compatible with adjacent densities.

Protect the regulatory flood hazard areas from development.

Policies

Allow for neighborhood-level commercial, office, civic, institutional and recreation activities on the Inverness and Crossgate corners of Clinton Parkway.

Encourage mixed use development (i.e. residential and non-residential uses) along Clinton Parkway.

Limit additional multi-family uses in the Planning Area.

Develop single-family residential uses south of 27th Street.

Encourage a creative mixture of development in the area south of 27th Street that includes small lots, but also large lots that can use the regulatory flood hazard areas as an amenity that is protected from development.

Ensure that adequate public facilities are available prior to developing the remaining undeveloped property within the planning area.

Develop a pedestrian trail on the future park land south of the Legends at KU and The Grove developments.

Maintain the integrity of Clinton Parkway as an access restricted thoroughfare.

Redevelopment of any existing properties should maintain their land use designations as reflected on Map 2-1.

IV. Future Land Use

The Inverness Park District Plan Future Land Use Section illustrates conceptual guides for future development of the remaining undeveloped properties within the planning area that embody the vision and goals presented in Section III. The future land use map in this Section is conceptual and should not be used to determine precise zoning boundaries. The following land uses, zoning districts, and densities are the “maximum recommended” and assume that less intensive land uses, zoning districts, or densities are appropriate.

Future Land Use Categories

Residential – Low Density

The intent of the low-density residential use is to allow for single-dwelling, duplex, and attached dwellings but emphasis is placed on residential type uses. Development in this area should be compatible with single-family character, which could include such uses as churches, small-scale daycares and institutional uses.

Primary Uses: Detached dwellings, attached dwellings, group home, public and civic uses

Zoning Districts: RS10 (Single-Dwelling Residential), RS7 (Single-Dwelling Residential), RS5 (Single-Dwelling Residential), PD (Planned Development Overlay)

Density: 6 or fewer dwelling units/acre

Residential – High Density

The intent of the high-density residential category is to allow for compact residential development. These developments are primarily located at the intersection of two major roads or adjacent to commercial or employment uses. In this District Plan, only the area located adjacent to the east of what is currently named Remington Square Apartments is designated for this land use. Residential development in the High Density Residential category is limited to 1-bedroom 2-story apartments. That is a similar use to the existing Remington Square property.

A public process for site planning this property, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement is in place due to the property’s unique situation of its location on a major thoroughfare, its location in a developed area, and the public interest in the potential infill development of the remaining portion of the property. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

Primary Uses: 1-bedroom, 2 story multi-dwelling structures

Zoning Districts: RM24 (Multi-Dwelling Residential) and PD (Planned Development Overlay) District

Density: 16+ dwelling units/acre, not to exceed 24 dwelling units per acre

Residential Office

The intent of the residential/office use is to accommodate mixed use development of administrative and professional offices with medium density residential. This category can serve as a buffer between higher intensity uses and major roads to lower intensity/density land uses.

Primary Uses: office, detached dwellings, duplex dwellings

Zoning Districts: RSO (Single Dwelling Residential-Office)

Density/Intensity: 7-15 dwelling units/acre/medium

Commercial – Neighborhood Center

The intent of the commercial use is to allow for retail and service uses. A Neighborhood Commercial Center provides for the sale of goods and services at the neighborhood level and may include mixed use structures to accommodate commercial and residential uses in one location.

Multi-family residential uses are not appropriate for this category. The planning area contains a number of existing multi-family residential uses. Additional multi-family uses in areas designated as Neighborhood Commercial are not suitable for the area.

The property on the Inverness corner is approximately 11 acres and could support a commercial strip center or one large anchor with a smaller center. This intensification would lead to more activity, traffic, noise, and light while providing the benefit of additional commercial services within walking distance for residents in the area. For comparison purposes, the neighborhood commercial centers around Lawrence with similar land areas include the Hy-Vee center at Kasold Drive and Clinton Parkway (13.6 acres), the Orchards center at Bob Billings Parkway and Kasold Drive (9 acres), the Hy-Vee center at Monterey Way and 6th Street (12 acres), and the center at Bob Billings Parkway and Wakarusa Drive (8 acres).

Particular attention should be paid to properly designing a large-scale development on the Inverness corner to fit into the context of a developed residential area. Preserving open space to help mitigate the size and scale of the development should be a priority. In addition, 4-sided architecture will be critical here because the property has road frontage on 3 sides (including Clinton Parkway) and is surrounded by a developed residential area. Providing easy pedestrian connections into the development from the residential areas and from the multi-use pathway on Clinton Parkway is also important. New commercial development will have to comply with the Commercial Design Standards. Further, a review of the use table at the time of rezoning may be appropriate to analyze uses that limit impacts from traffic, noise, etc.

The property on the Crossgate corner is approximately 3 acres and could be developed with retail uses. This smaller property should have less impact with regards to traffic, noise, and light compared with the Inverness corner, while still providing commercial services within a walkable distance for neighborhood

residents. New commercial development should provide pedestrian connects, will need to include 4-sided architecture and comply with the Commercial Design Standards.

A public process for site planning these properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required. This requirement applies to these properties because of their location on Clinton Parkway, the fact they are within a developed neighborhood, and because there is public interest in the potential infill development of these properties. A public process for site planning will permit the governing body the ability to require the development to exceed certain Development Code minimums such as open space, landscaping, building design, etc.

Primary Uses: eating and drinking establishments, general office, retail sales and services, fuel sales, car wash, civic and public uses, medical facilities

Zoning Districts: CN1 (Inner Neighborhood Commercial District), CN2 (Neighborhood Commercial Center District), CO (Office Commercial) District and PD (Planned Development Overlay) District

Intensity: medium-high

Open Space

The intent of the open space use is to provide space for opportunities for public and private recreational facilities and natural area preservation. This category primarily includes the regulatory flood hazard areas within the planning area.

Primary Uses: Park and open space

Zoning Districts: GPI (General Public and Institutional District), OS (Open Space), UR (Urban Reserve)

Intensity: light

Buffer

This designation is provided on the property that is on the southeast corner of Inverness Drive and Clinton Parkway. It is to provide a landscape buffer for the low density residential uses that are west of the property across Inverness Drive. This area should be designed in a way to provide an effective buffer from the light and noise impacts associated with the commercial development on the Inverness corner. Compliance with the buffer will be required with site plan/development plan approval.

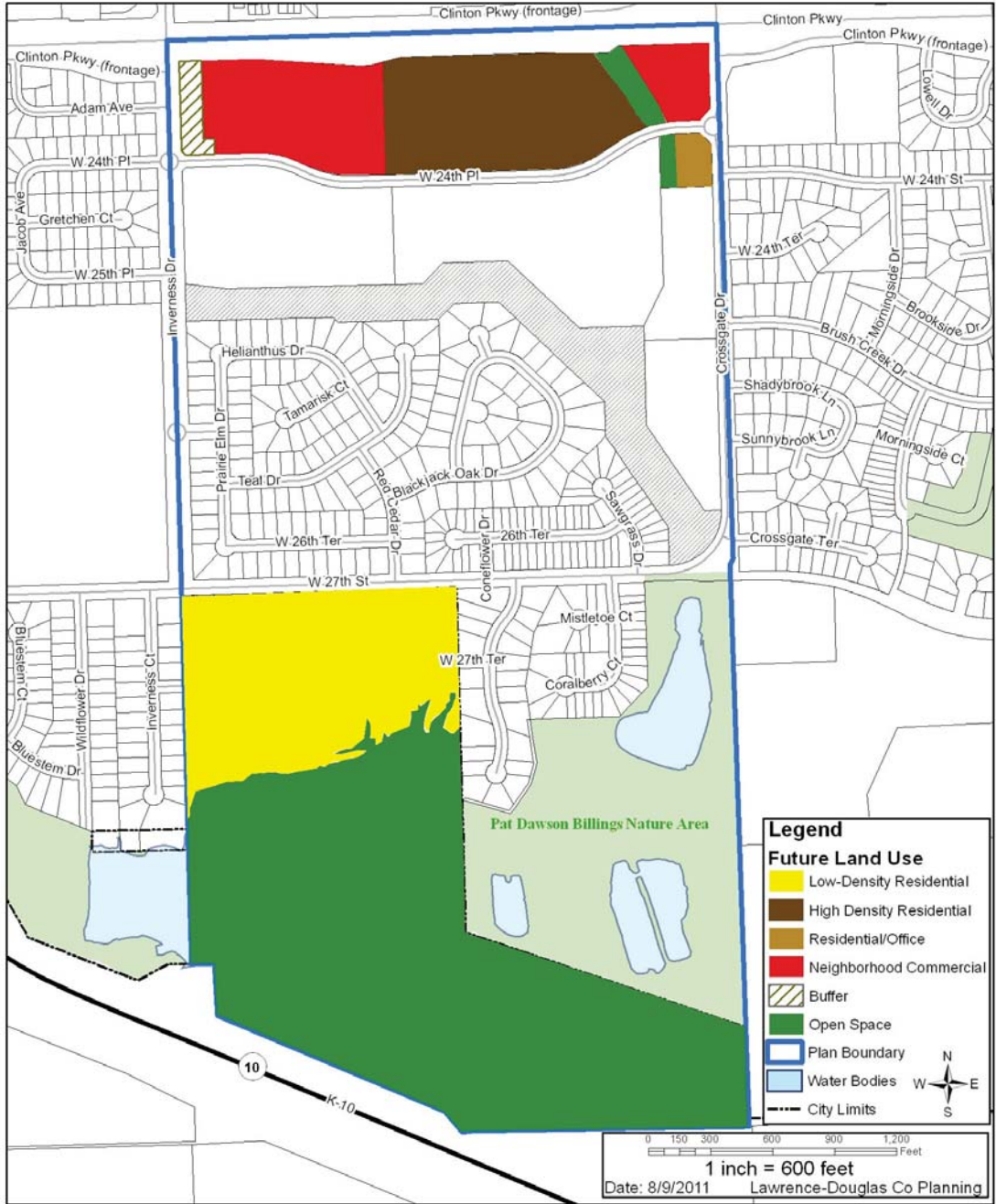
Primary Uses: Open Space/Landscaping

Zoning Districts: Same as the entire property is zoned

Intensity: light

Map 4-1 – Future Land Use

**Inverness Park District Plan
Future Land Use**



V. Clinton Parkway

Access Management

The City of Lawrence and the Board of County Commissioners of Douglas County approved a Resolution in October of 1970 concerning access management along Clinton Parkway. The Resolution said this about Clinton Parkway:

RESOLUTION NO. 3727

WHEREAS, the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, recognize that the area within the boundaries of the City of Lawrence and within the growth pattern of the City is one urbanizing area, and

WHEREAS, it is the mutual desire and express intention of the abovenamed governing bodies that the aforementioned area should develop in an orderly manner that will provide a safe, efficient, convenient, and comfortable living environment for residents of said area and

WHEREAS, both bodies realize the importance of the proposed Clinton Reservoir to the economy and general welfare of Lawrence and Douglas County, and

WHEREAS, it is expressly understood and agreed that Clinton Parkway (that portion of 23rd Street west of Iowa Street to the proposed Jayhawk Park) will be the main access to Clinton Reservoir for residents and visitors to the community, and

WHEREAS, preliminary engineering plans have been prepared, showing limited access for Clinton Parkway at approximately every quarter mile along said roadway;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS:

That it is the mutual desire and intention of the Governing Body of the City of Lawrence, Kansas, and the Board of Commissioners of Douglas County, Kansas, that Clinton Parkway shall be a limited access road with no direct access except for intersecting collector roads and streets.

PASSED AND APPROVED this 6th day of October, 1970, by the Governing Body of the City of Lawrence.

THE CITY OF LAWRENCE, KANSAS

by Donald E. Metzler
Donald E. Metzler, Mayor

ATTEST:

Vera Mercer
Vera Mercer, City Clerk

PASSED AND APPROVED this 9th day of October, 1970, by the Governing Body of Douglas County, Kansas.

THE BOARD OF COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Travis E. Glass
Travis E. Glass, Chairman

Arthur E. Heck
Arthur E. Heck

Raymond Ice
Raymond Ice

ATTEST:

Delbert Mathias
Delbert Mathias, County Clerk

Clinton Parkway ultimately was constructed with limited access in a manner agreed to by the governing bodies with no direct access except at collector street intersections. Any action to seek relief from this access management decision will require appropriate governing body approval.

The result of the access management put in place has created a highly functioning roadway. This Plan does not support additional access to Clinton Parkway that will degrade the functionality of Clinton Parkway.

However, if the property at the southeast corner of Inverness Drive and Clinton Parkway is designated for commercial uses, consideration may be given to providing some limited access to Clinton Parkway. This could help to limit the impact to Inverness Drive that could result from the traffic generated by the property that would have to use Inverness Drive (and the round-a-bout) to get to W. 24th Place in order to access the property. Any consideration for limited access should only be given after a careful and detailed study of a land use proposed. The impact to the traffic signal synchronization along Clinton Parkway should also be part of that study.

VI. Implementation

The purpose of this section is to provide actions that should happen as this Plan is adopted and urban development starts to occur in the planning area. Each implementation action is assigned a group or groups ultimately responsible for completing or approving the action.

- Amend Horizon 2020 Chapter 14, Specific Plans, to include the Inverness Park District Plan by reference.
Who: Planning Commission, City Commission, County Commission
- Amend Horizon 2020 Chapter 6, Commercial, to designate the southeast corner of Inverness Drive and Clinton Parkway and the southwest corner of Crossgate Drive and Clinton Parkway as Neighborhood Commercial Centers.
Who: Planning Commission, City Commission, County Commission

ORDINANCE NO. 8667**RESOLUTION NO. _____**

JOINT ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AND RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS AMENDING THE COMPREHENSIVE LAND USE PLAN "*HORIZON 2020*" PERTAINING TO THE INVERNESS PARK DISTRICT PLAN; AMENDING CHAPTER FOURTEEN, SPECIFIC PLANS TO ADD THE INVERNESS PARK DISTRICT PLAN; AND ADOPTING AND INCORPORATING BY REFERENCE "THE INVERNESS PARK DISTRICT PLAN, JULY 2011 EDITION" PREPARED BY THE LAWRENCE-DOUGLAS COUNTY METROPOLITAN PLANNING OFFICE

WHEREAS, pursuant to K.S.A. 12-747, a comprehensive plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds; and

WHEREAS, the City Commission of Lawrence, Kansas and the Board of County Commissioners of Douglas County, Kansas have adopted a comprehensive land use plan labeled "*Horizon 2020*"; and

WHEREAS, the Lawrence-Douglas County Metropolitan Planning Commission on July 27, 2011, by Resolution No. PCR-7-2-11, adopted and recommended the adoption of the "Inverness Park District Plan" and an amendment to Chapter 14 to add the Inverness Park District Plan, in "*Horizon 2020*," contained in planning staff report CPA-3-1-11; and

WHEREAS, a certified copy of the Chapter 14 – Specific Plans amendment and the "Inverness Park District Plan" contained in planning staff report CPA-3-1-11 and adopted by the Planning Commission in Resolution No. PCR-7-2-11 on July 27, 2011, together with the written summaries of the public hearings thereon held by the Lawrence-Douglas County Metropolitan Planning Commission on May 25, 2011 and July 27, 2011, have been submitted to the Governing Body; and

WHEREAS, pursuant to the provisions of K.S.A. Chapter 12, Article 7, K.S.A. 12-3009 to and including 12-3012, K.S.A. 12-3301 *et seq.*, 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 1. The above recitals are incorporated by reference as if fully set forth herein and shall be as effective as if repeated verbatim.

Section 2. The Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas hereby find that the provisions of K.S.A. 12-743 and K.S.A. 12-747 concerning the amendment of comprehensive plans have been fully complied with in consideration, approval, adoption of and amendment to "*Horizon 2020*".

Section 3. Pursuant to K.S.A. 12-747, the Governing Bodies of Douglas County, Kansas and the City of Lawrence, Kansas do hereby amend "*Horizon 2020*" by approving the recommendation of the Planning Commission and adopting the amendment to Chapter 14 – Specific Plans to add the Inverness Park District Plan and adopting and incorporating by reference "The Inverness Park District Plan, July 2011 Edition" as contained in planning staff report CPA-3-1-11 and adopted by the Planning Commission on July 27, 2011.

Section 4. Chapter 14 – Specific Plans in "*Horizon 2020*", is hereby amended to read as follows:

Specific Plans

- **6th and SLT Nodal Plan**

Location: The intersection of 6th Street (US Highway 40) and the SLT (South Lawrence Trafficway)
Adoption Date: November 11, 2003 by Lawrence City Commission
Review Date: 2009
- **6th and Wakarusa Area Plan**

Location: The intersection of 6th Street and Wakarusa Drive
Adoption Date: December 2, 2003 by Lawrence City Commission
Review Date: 2009
- **HOP District Plan**

Location: Bordered by W. 5th St. on the north, California St. on the west, W. 7th St. on the south and Alabama St. on the east.
Adoption Date: May 10, 2005 by Lawrence City Commission
Review Date: 2010
- **Burroughs Creek Corridor Plan**

Location: Area around the former BNSF railroad corridor between E. 9th St. and E 31st St.
Adoption Date: February 14, 2006 by Lawrence City Commission
Review Date: 2011
- **East Lawrence Neighborhood Revitalization Plan**

Location: Bordered by the Kansas River on the North; Rhode Island Street from the Kansas River to E. 9th Street, New Hampshire Street from E. 9th Street to approximately E. 11th Street, Massachusetts Street from approximately E. 11th Street to E. 15th Street on the west; E. 15th Street on the south; BNSF railroad on the east.
Adoption Date: November 21, 2000 by Lawrence City Commission
Review Date: 2010
- **Revised Southern Development Plan**

Location: Bounded roughly to the north by W. 31st Street and the properties north of W. 31st Street between Ousdahl Road and Louisiana Street; to the west by E. 1150 Road extended(Kasold Drive); to the south by the north side of the Wakarusa River; and to the east by E. 1500 Road (Haskell Avenue).
Adoption Date: December 18, 2007 by Lawrence City Commission
January 7, 2008 by the Douglas County Board of Commissioners
Review Date: 2017
- **Southeast Area Plan**

Location: Bounded roughly to the north by E. 23rd Street/K-10 Highway; to the west by O'Connell Road; to the south by the northern boundary of the FEMA designated floodplain for the Wakarusa River; and to the east by E. 1750 Road (Noria Road).
Adoption Date: January 8, 2008 by Lawrence City Commission
January 28, 2008 by the Douglas County Board of Commissioners
REVISED
June 14, 2008 by Lawrence City Commission
July 24, 2008 by Douglas County Board of Commissioners
Review Date: 2018
- **Farmland Industries Redevelopment Plan**

Location: The former Farmland Industries property is located east of Lawrence along K-10 Highway and just west of the East Hills Business Park. It is approximately one half mile south of the Kansas River.
Adoption Date: March 11, 2008 by Lawrence City Commission
March 31, 2008 by Douglas County Board of Commissioners
Review Date: 2013

- **K-10 & Farmer's Turnpike Plan**
Location: Generally located around the intersection of I-70 and K-10 and to the east approximately four miles.
Adoption Date: December 9, 2008 by Lawrence City Commission
January 7, 2009 by Douglas County Board of Commissioners
Review Date: 2019

- **West of K-10 Plan**
Location: Generally located north and south of Highway 40 and west of K-10 Highway. It does contain some land east of K-10 Highway.
Adoption Date: June 9, 2009 by Lawrence City Commission
May 6, 2009 by Douglas County Board of Commissioners
Review Date: 2019

- **Oread Neighborhood Plan**
Location: Generally located between W. 9th Street and W. 17th Street and between the KU campus and Massachusetts Street.
Adoption Date: September 28, 2010 by Lawrence City Commission
Review Date: 2010

- **Inverness Park District Plan**
Location: Generally located south of Clinton Parkway, between Inverness and Crossgate Drives and north of K-10 Highway.

Section 5. That "The Inverness Park District Plan, July 2011 Edition" approved by Section 3 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 incorporated into *Horizon 2020* and known as the "The Inverness Park District Plan, July 2011 Edition". One copy of said plan shall be marked or stamped as "Official Copy as Adopted by Ordinance No. 8667 and Resolution 11-____" 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 business hours. The police department, municipal judge, and all administrative offices of the City charged with enforcement of this ordinance shall be supplied, at the cost of the City, such number of official copies of such "The Inverness Park District Plan, July 2011 Edition" marked as may be deemed expedient.

Section 6. Severability. If any section, clause, sentence, or phrase of this joint ordinance or resolution 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 ordinance or resolution.

Section 7. This Joint Ordinance and Resolution shall be in full force and effect upon its adoption by the Governing Bodies of the City of Lawrence, Kansas and Douglas County, Kansas and publication as provided by law.

Passed by the Governing Body of the City of Lawrence, Kansas this ____ day of _____, 20__.

APPROVED:

Aron E. Cromwell, Mayor

ATTEST:

Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Toni Ramirez Wheeler
Director of Legal Department

Adopted by the Board of County Commissioners of Douglas County, Kansas, this ____ day of _____
, 2011.

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

Jim Flory
Chair

Mike Gaughan
Commissioner

Nancy Thellman
Commissioner

ATTEST:

Jameson D. Shew, County Clerk

ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP14; INVERNESS PARK DISTRICT PLAN (DDW)

CPA-3-1-11: Clarify approval of Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan. (PC Item 8; approved 7-1 on 7/27/11)

STAFF PRESENTATION

Mr. Dan Warner reviewed the plan that was approved by Planning Commission in August. The approval included a change that the properties along Clinton Parkway be required to utilize Planned Development Overlay Districts when seeking a rezoning. He asked Planning Commission to clarify which of the two options they intended to apply to the three properties along Clinton Parkway:

Option 1: A Planned Development Overlay District is required to develop the properties along Clinton Parkway.

Option 2: A public process for site planning the properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required.

PUBLIC HEARING

Mr. Matt Gough, Barber Emerson, said when the applicants considered the specific requirements associated with the PD Overlay it became apparent that it would not be a good fit. He said at the last Planning Commission meeting they discussed the need to have a governing body review the site plan because of the nature of the area. He said Option 2 would allow for either a PD Overlay or a stipulation that it be a public review, which would be the applicant's preference. He said they would not be using the PD Overlay to increase density.

Ms. Marci Francisco, League of Women Voters, expressed concern about there not being any regulations, suggestions, or recommendations for Planning Commission and City Commission to deal with conditions on zoning. The League felt that would be helpful. She said the League felt that these properties would be very appropriate for the Overlay District because of the stream that divides two properties, the flood hazard area, and the future Parks & Recreation facility to the south. She said it would be an appropriate place to identify a trail along the stream that could connect the park area and an appropriate opportunity for use of open space. She suggested the wording 'homeowners association' be replaced with 'owners association' for maintenance of jointly shared property.

COMMISSION DISCUSSION

Commissioner Burger asked if the 20% allowance for the set aside was for each individual parcel or if the parcels would become a congregate unit that would have a 20% requirement.

Mr. McCullough said it could be accomplished in different ways, depending on what type of project. He said for example, with a commercial development like Hy-Vee that, with a single use on one platted lot the open space may be contained on that lot. He stated an apartment complex could be on one lot with several buildings associated with it and the open space would be identified on the site plan. He said subdividing property for cluster housing projects would contain individual lots with a tract of open space that would be held in common with the owners association, and that there were enforcement methods for dealing with maintenance of open space. He said most apartment complexes were owned by one corporate entity so any issues would be dealt with through the management group at the complex.

Commissioner Finkeldei inquired about the provision regarding Planned Development Overlay District and if it had to be a homeowners association.

Mr. McCullough said it could also be held in land trust, conservation trust, or deeded to the city. He stated staff was seeking clarification on the intent of last month's discussion about site planning and the public

process that allows that. He said there were other ways to get the same outcome and same values of sensitive land, maintenance, and open space.

Commissioner Liese said the letter from League of Women Voters dated August 15 referenced not including Option 2 in the Inverness Park District Plan. He asked Ms. Francisco if that was the intent. He also inquired about the multiple motions Planning Commission could make this evening.

Mr. McCullough said there were options with the plan.

Ms. Francisco said there was a follow up letter from the League of Women Voters expressing concern about Option 2 for Remington Square Apartments because they could be sold off at some point as condominiums.

Commissioner Hird said conditioning would allow the opportunity to be heard at the City Commission level where the League of Women Voters and other public members could provide input.

Ms. Francisco said at that point it would be a specific site plan and there would not be the same requirements for the 20% set aside and the homeowners association. She said the League of Women Voters thought there was a request for an increased zoning.

Commissioner Burger asked if the applicant for the residential area had an opposition to the 20%.

Mr. McCullough said they did not talk specifically about that. He said the Code had other requirements for recreational open space for apartment buildings as well, 50 square foot per unit required. He said he did not know if the Planned Development Overlay District gave greater authority to require trails. He said given the circumstances surrounding Remington Square there would be some authority to encourage trail development through the public process of site planning. He said in his opinion, seeking a Planned Development District does not give the city any greater authority to seek exactions on property.

Commissioner Finkeldei said he was leaning toward Option 2. He said the language was being put in the Southeast Area Plan and Option 2 would include some sort of public process, Planned Development Overlay or rezoning with conditions.

ACTION TAKEN

Motioned by Commissioner Finkeldei, seconded by Commissioner Culver, to clarify with Option 2:

Option 2: A public process for site planning the properties, such as rezoning with a Planned Development Overlay or rezoning with conditions that require site plan approval from the City Commission, is required.

Commissioner Singleton said her intent last month was to insure a public process with site planning. She said her recollection was that it was unclear that the complications about the Planned Development Overlay District were not something they were aware of and with further investigation it does not work well in the area they put it in. She said she would support Option 2.

Commissioner Burger said she was concerned that going with Option 2 would allow for Planned Overlay or rezoning with conditions. She did not like the idea of conditional zoning. She said if the PD overlay was not the appropriate tool that was fine but she was not comfortable with Option 2 as written. She was also concerned with the automatic 20% with the PD. She said she would be very favorable to only applying that to residential. She preferred Option 1. She inquired about the specifics of trails and green space being initiated by the public.

Mr. McCullough said Option 2 would not prevent Planning Commission from recommending conditions at rezoning or recommending a PD Overlay to City Commission once they see a request. He said it would broaden options about what the plan would support.

Commissioner Liese expressed concern about Option 2 and was not sure it was needed. He said he was leaning toward Option 1 and would vote against the motion.

Commissioner Finkeldei said Option 1 would make it very difficult to develop the commercial parcels. He said if the motion failed he would not support Option 1.

Mr. McCullough said staff felt the plan should be flexible enough to address any development proposals.

Commissioner Blaser asked if Option 2 would be a better option for lot one.

Mr. McCullough said it was designated commercial in the plan and PD may not be the most appropriate on commercial property.

Commissioner Burger inquired about the fourth parcel to the south.

Mr. McCullough said it was not applied to that parcel last month.

Commissioner Blaser said he would vote in favor of the motion for Option 2 because it was a broader statement of what could happen.

Commissioner Culver said the intention was to provide a public process for review. He felt Option 2 would make more sense.

Commissioner Britton asked if this was a public hearing item last month.

Mr. McCullough said yes.

Commissioner Britton asked if Option 1 would stand if they didn't take action.

Mr. McCullough said it was unique to bring back a Planning Commission decision for clarification. Staff wanted clarification on the intent. He said staff did not disagree that it could be appropriate for Remington Square but wanted flexibility for the future.

Commissioner Britton expressed concern about the process and that it sounded like asking the first question all over again as a non-public hearing item. He said he was leaning toward voting against Option 2 because it would preserve the decision made last month by Planning Commission.

Commissioner Hird said he came to the meeting convinced he would vote for Option 1. He said Option 2 does not lock in the PD but would preserve it and was appropriate for Remington Square but not the other parcels. He also liked that it would provide for a public process and would go to the governing body. He said this strip of land was a gateway into the city and the appearance was important so he liked the idea of having the most flexibility. He thought conditional zoning was a tool that could effectively be used on occasion. He said Option 2 appeared to be more favorable in terms of flexibility. He was hesitant about the idea of one owners association because it would give the entity shelter from their civic responsibilities. He said he would support Option 2 but thought a PD was still on the table for part or all the properties.

Commissioner Burger asked who would decide whether it would be a Planned Development Overlay or rezoning with conditions.

Mr. McCullough said Planning Commission would make a recommendation to City Commission.

Commissioner Burger asked if Planning Commission would see it either way.

Mr. McCullough said yes. He said once it was zoned and if conditions were placed they may or may not see it after that.

Commissioner Burger asked if staff and the applicant would work together to determine the best tool.

Mr. McCullough said yes, staff would make a recommendation to Planning Commission.

Commissioner Liese asked Ms. Francisco why having more options was a bad thing.

Ms. Francisco said the League of Women Voter letter was specifically directed at Remington Square. She said they were concerned about development at a higher density. She said this now would include the Overlay District which was a good thing. She said the concern was that the applicant would decide what they want to do and the community would have to object. She said conditional zoning needed to be incorporated in the Development Code. She was concerned about the language in Option 2 and that it was very amorphous. She said there was not a public process for site planning, there was a public process for reviewing site plans.

Commissioner Belt asked if the League preferred a more proactive approach as opposed to a reactive plan.

Ms. Francisco said the applicant specifically requested an increase in zoning for Remington Square and the League was responding with an equally specific proposal that they felt was much better for the lot. She felt conditional zoning needed to be incorporated in the Development Code so developers would know the rules.

Commissioner Hird asked if the conditions were stated on the site plan.

Mr. McCullough said based on some comments from the League about a year ago, staff revised the mapping techniques to include a layer of conditional zoning.

Ms. Francisco said the change was not to the site plan but rather a change to the zoning.

Commissioner Britton asked if the League of Women Voters issue was related specifically to Remington Square.

Ms. Francisco said the League thought the PD Overlay would be a better option to increase the density and would give the public the opportunity for planning. She felt they should change the requirements for homeowners association.

Motion carried 5-4, with Commissioners Belt, Britton, Burger, and Liese voting in opposition. Commissioners Blaser, Culver, Finkeldei, Hird, Singleton voted in favor of the motion.

PC Minutes 7/27/11

ITEM NO. 8 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP14; INVERNESS PARK DISTRICT PLAN (DDW)

CPA-3-1-11: Consider Comprehensive Plan Amendment to Horizon 2020 – Chapter 14 to include the Inverness Park District Plan.

STAFF PRESENTATION

Mr. Dan Warner presented the item.

PUBLIC HEARING

Mr. Matt Gough, attorney from Barber Emerson representing Remington Square and Hy-Vee, recommended adopting the plan as written. He said the existing apartments were 2-story.

COMMISSION DISCUSSION

Commissioner Finkeldei said he was intrigued by the League of Women Voters letter regarding the Planned Development (PD) overlay.

Mr. McCullough said the PD amendments that the Planning Commission recommended increasing density was now part of the Development Code. He said if PD was mandated it would give the Planning Commission the authority to look at landscaping, open space, quality, and character issues of the development. He said it was not staffs intent to allow PD that would increase density and he did not believe that was what the applicant was looking for. He said the PD would give the governing bodies a little more control over the design layout and aesthetics. He said if they include PD overlay they would want to put language in there about not giving any more density than what the land use designation was in the plan.

Commissioner Finkeldei thanked staff for their work and felt they were able to solve the most difficult issues. He felt the limitations in the plan would help address the density concerns by the neighbors. He said he liked the commercial on the two corners and was excited for what that might do for the area. He said he would support the plan.

Mr. McCullough said incorporating the PD overlay with the land use designation was a tool or method that had been employed in contentious areas of the city. He said the League of Women Voters proposal was something that staff would accept for this plan as well. He said there were two ways to look at it; RM15 with the current PD code language would allow an increase above the RM15 density; or go to RM24 and note in the plan that the density should not be increased with the PD overlay code standards.

Commissioner Finkeldei asked Mr. Gough to comment on that.

Mr. Gough said Remington Square had not had the opportunity to evaluate a PD overlay as an option to RM24 with limitation for 2-story single bedroom units. He said the PD overlay would not result in the same number of units, it would be a lesser number of units than what the RM24 would be building, exactly what was presently built. He said at this time it was not an option that Remington Square wanted to pursue. He said he did not have an objection to including the PD overlay as an option for those who wished to use it, but at this time Remington Square was more in favor of the originally drafted RM24 single bedroom idea. He said Hy-Vee was not requesting a PD overlay.

ACTION TAKEN

Motioned by Commissioner Burger, seconded by Commissioner Singleton, to approve the comprehensive plan amendment (CPA-3-1-11) to *Horizon 2020* by amending Chapter 14 – list of specific plans to add the Inverness Park District Plan description and also approving the plan for the City of Lawrence and unincorporated Douglas County and forwarding the comprehensive plan amendment to the Lawrence City Commission and the Douglas County Board of County Commissioners with a recommendation for approval, revising the staff proposed restriction for Remington Square property that structures be limited to one-story,

and instead permit them to be two stories and with the additional requirement that any rezoning requests include a Planned Development (PD) overlay.

Commissioner Finkeldei said he was not sure parcels 4 and 5 should require a PD overlay.

Mr. McCullough said staff would probably agree with that.

Commissioner Burger amended the motion to only include parcels 1, 2, and 3.

Commissioner Singleton seconded the amended motion.

Commissioner Belt wanted to hear a compelling reason to move from RM15 to RM24.

Commissioner Hird asked if switching to RM24, with a limitation noted, would not increase the density, it would simply allow the additional five acres to the east to be built upon.

Mr. McCullough said it would bump up the density from what was there now. He said it maxed out its current density allowed by zoning. He said it had been a sticking point with the neighborhood that they did not want to see that 4-5 acres developed with any more apartments. He said the argument that staff tried to articulate was that the developer chose to develop this portion with a little bit of risk taking that they would gain some other density to get the other portion developed. He said they did not develop to the intensity they could have under RM15. He said staff's recommendation was to allow them to recapture some of that intensity that they did not use when it was originally site planned.

Commissioner Hird said he would probably support the motion. He said the appearance of what fronts onto Clinton Parkway was essential to the community and a PD overlay on those three parcels would be appropriate. He said with regard to Remington Square, since the builder did leave some of the density on the table, he did not have a problem with the land being built out as long as it was consistent with the existing structures.

Commissioner Culver said he would also support the RM24 with PD overlay on the three parcels. He said he supported infill development of that land to match what was currently there.

Commissioner Liese said he would also support the RM24 with PD overlay. He said he wished the neighbors who emailed the Commission had been present this evening because he wanted them to understand what decision was made and how much thought went into trying to address everyone's concerns.

Motion carried 7-1, with Commissioner Belt voting in opposition.

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

August 18, 2011

RECEIVED

AUG 18 2011

City County Planning Office
Lawrence, Kansas

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

**RE: Staff Report for ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP14;
INVERNESS PARK DISTRICT PLAN (DDW); CPA-3-1-11: Clarify approval.**

Dear Chairman Hird and Planning Commissioners:

Regarding the Staff Report in reply to our letter of August 15, which is included in the current packet on the Inverness Park District Plan, we believe that there is some misunderstanding of the important points that we were expressing, or trying to express, in this letter.

In order to clarify this letter of August 15, we are including an outline of the points that we were attempting to make. We hope this clarifies our suggestions.

We thank you for your patience and understanding.

Sincerely yours,

Alan Black

Alan Black, Chairman
Land Use Committee

Attachment

ATTACHMENT

SUMMARY OF LWV-L/DC THOUGHTS ON THE STAFF RECOMMENDATIONS TO CHANGE THE INVERNESS PARK DISTRICT PLAN FOR REMINGTON SQUARE.

August 18, 2011

Our Reasons for Objection to Staff recommended changes to the Inverness Pk Plan to include Option #2:

Option #2, apparently would allow the developer, having maxed the density of the RM15 District, to choose his development method—a PD or conditioned conventional zoning. The second option to develop under a conditioned conventional district of RM24 would limit the density and building type. We objected to Option #2 in our letter dated August 15, which is included in the Staff Report. Staff sent a rebuttal to our August 15 objections and in it gave arguments for the legal validity of conditioning conventional zoning.

Our letter did not question the legal validity of conditioning conventional zoning per se. Rather, we pointed out the unsolved problems with the process: its arbitrary nature, unpredictability, and the need for securing the future of the development outcomes. In other words, the need for incorporating the practice of conditioning conventional zoning in a formal way into the Land Development Code.

A. Staff (and presumably the developer) objected to the PD because it requires creating a mandatory membership in a homeowners association. Our letter pointed out that with both situations, property maintenance would be mandatory if there are multiple owners.

1. A mandatory-membership homeowner's association to own and maintain the open space applies for both options—Option#1 and Option#2. Why?
 - a. If there are multiple owners with common property or ground, State law requires provision for maintenance of common ownership in both land and property through State apartment and condominium law in both PDs and conventional zoning.
 - b. If there is no multiple ownership of common property or land, the owner has maintenance responsibility.
2. If there is land subdivision with individuals owning multiple tracts, the Subdivision Regulations govern. We assume that currently the Remington Square Apartments land is one 15-acre lot under one ownership. If not, it is in violation of the Subdivision Regulations, and this is a whole new situation.

- B. Rezoning to RM24 requires conditioning of conventional zoning in order to control the development.
1. Our objections to current methods for conditioning of conventional zoning:
 - a. No formal regulations govern it. The two other methods of zoning for conditioning uses and sites are Special Use Permits and Planned Developments. Provisions and procedures for conditioning are written into these two articles.
 - b. There is no consistent method for insuring that the conditions applied to a specific tract will be permanent or that changes will be subject to public review.
 - 1) Plans are presented as Site Plans and are not legally recorded in the same way as Final Development Plans.

- 2) The legal cases cited in the Staff Report; i.e., McQuillin: *The Law of Municipal Corporations*, 8 McQuillin Mun. Corp. § 25.93.10 (3rd ed.) mention the need for a development agreement with the developer. Development agreements may not be permanent unless they run with the land or at least are always legally recorded with the rezoning ordinance for the conditioned land.
 - c. There is a need for distinguishing the conditioned conventional districts from non-conditioned conventional districts on the Zoning District Map. Is it being done now?
2. Remedies for the problems listed above include two suggestions.
 - a. Provide an ordinance specifically permitting conditioning of conventional districts, outlining what can be conditioned, the process, public input, methods of insuring compliance and recordation to guarantee permanence.
 - b. Require a distinguishing notation on the Zoning District Map for conditioned conventional districts so that prospective buyers are aware that the zoning on the site has conditions on it.
- C. To repeat: the purpose of our letter to you of August 15, 2011, and this letter is to (1) request that you do not include Option #2 in the Inverness Park District Plan for Remington Square Apartments and (2) as described above, remedy the uncertainties of conditioning conventional zoning districts by incorporating the process formally into the Land Development Code.

LWV-L/DC Land Use Committee

League of Women Voters of Lawrence-Douglas County
P.O. Box 1072, Lawrence, Kansas 66044

RECEIVED

AUG 15 2011

City County Planning Office
Lawrence, Kansas

August 15, 2011

Mr. Richard Hird, Chairman
Members
Lawrence-Douglas County Metropolitan Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM NO. 4 COMPREHENSIVE PLAN AMENDMENT TO H2020 - CHP14; INVERNESS PARK DISTRICT
PLAN (DDW); CPA-3-1-11: Clarify approval

Dear Chairman Hird and Planning Commissioners:

For the properties fronting on Clinton Parkway the planning staff is recommending a change different from what was approved by the Planning Commission on the Inverness Park District Plan at your July, 2011 meeting. We are writing this letter to register our objection to Option # 2, the second option recommended in the Staff Memo. This Option #2 provides that of “rezoning with conditions that require site plan approval from the City Commission...” This would mean that the second option would be to rezone the Remington Square 15-acre tract to RM24 with conditions.

The specific objection mentioned in the Staff Memo to the use of the Planned Development Overlay District, the option adopted by the Planning Commission last July, is to the “establishment of a mandatory-membership homeowner’s association to own and maintain the open space...”

The PD Overlay District was intended to be used with any of our conventional zoning districts, not just single family or cluster development. The staff (or developer’s) objection to using the PD Overlay District in Inverness Park is based on the development requiring a formal owner’s maintenance agreement. Actually, such an agreement, regardless of how the land is used, depends on how the buildings and land surrounding each building is owned. If the total tract is a single lot and owned by a single entity—the developer or property owner—and will continue to be, there isn’t a problem, since the owner of the land is responsible for its maintenance. In the case of the subdivision of apartments as condominiums, which would involve the buildings or parts of buildings and any other commonly-owned land by multiple owners, State law governs with 2010 HB 2472 - a bill enacting the Kansas Uniform Common Interest Owners Bill of Rights Act and previous legislation governing apartment ownership and condominiums.

Even in conventional zoning districts, Kansas State law requires maintenance agreements where there is property ownership by separate multiple owners, under provisions such as that listed above. If the land, or any portion of it, is subdivided and sold to separate owners, the land must be legally subdivided according to our Subdivision Regulations. Therefore, any problems with or objections to creating a maintenance agreement would apply to both circumstances: to a conventional apartment development or to a planned development. Therefore, we do not believe that this is a valid argument against utilizing a Planned Development Overlay District.

We object to regulating the development of the Remington Square Apartments by rezoning the property to RM24 that has been conditioned to essentially function in the same way that the PD Overlay District would. We object for the following reasons.

1. A conventional district, especially in the case of this property fronting on Clinton Parkway, in order to be conditioned, must be modified beyond the existing provisions of the Land Development Code and essentially treated like planned developments. One important

difference in the case of a conditioned conventional district is that the Site Plan will not be legally recorded unless it is made a provision of the zoning ordinance recorded for that specific development. Recordation of the Final Development Plan in a Planned Development is routine, and is a protection for the neighborhood and investors.

2. Conditioning of conventional zoning is not sanctioned by any existing ordinance; therefore it is essentially arbitrary, and establishes a precedence and unpredictability to those not familiar with Lawrence development practices. In order for these conditioned conventional districts to be distinguished from other conventional districts, they should (and we hope are) being given special notation on the Zoning District Map.

Regarding the need for increased density in Remington Square, the PD Overlay District has been changed by Ordinance 8641 which allows density values to be recalculated on the basis of number of bedrooms in an apartment. The PD Overlay District also allows a 25% increase in density if approved by the City Commission. Therefore, by utilizing the PD Overlay District with the existing RM15 zoning for the Remington Square Apartments, there should be no problem in developing the remaining vacant 4-acre tract as one-bedroom apartments.

We suggest that if this practice of conditioning conventional zoning is to be continued, that it be given official verification by modifying the Land Development Code to specifically allow it, including the requirement for a special notation on the Lawrence Zoning District Map.

We hope that you will seriously consider our concerns and suggestions and not change your recommendations for the Inverness Park District Plan that you adopted this past July. In other words, please do not include Option #2 in the Inverness Park District Plan.

Thank you.

Sincerely yours,



Milton Scott
Vice President



Alan Black, Chairman
Land Use Committee

COOPERATION AGREEMENT

THIS COOPERATION AGREEMENT (this "Agreement") is made this ___ day of _____, 2011, by and among the Secretary of Social and Rehabilitation Services for the State of Kansas, for and in the name of the Department of Rehabilitation Services and the State of Kansas (hereinafter referred to as "Secretary"), the City of Lawrence, Kansas (hereinafter referred to as "City"), and the Board of County Commissioners of Douglas, Kansas (hereinafter referred to as "County").

RECITALS

WHEREAS, in an effort to reduce expenses and meet his budget for the State of Kansas Fiscal Year 2012, the Secretary has announced his plans to close the Lawrence SRS Office (hereinafter the "Lawrence Office"), currently located at 1900 and 1901 Delaware, Lawrence, Kansas.

WHEREAS, the City and County believe that closure of the Lawrence Office will have a far-reaching negative impact upon the City, County, State, and their residents and, as a result, seek to avoid closure of the Lawrence Office.

WHEREAS, the Secretary has agreed to keep the Lawrence Office open under the terms and conditions contained in this Agreement.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained, the parties agree as follows:

TERMS OF AGREEMENT

1. Purpose. The parties enter into this Agreement to cooperate with each other, with the City and County providing the Secretary with temporary funding assistance that would keep the Lawrence Office open while providing substantially the same level of service out of the Lawrence Office.

2. Agreement of the City. The City agrees as follows:

a. The City agrees to provide temporary funding assistance to the Secretary the sum of \$225,000, in 10 payments of \$22,500. All payments shall be sent to 915 SW Harrison St., 6th Floor, Topeka, KS 66612-1354, or such other address as the Secretary may provide in the future.

b. The City agrees to make the foregoing funding assistance payments on February 1, 2012 and the first day of every other month (April 2012, June 2012, August 2012, October 2012, December 2012, February 2013, April 2013, June 2013, and August 2013) until the last payment is made on August 1, 2013; provided, however, that if any payment date is on a weekend, holiday, or

other date that the State offices are not generally open for business, the City agrees to make payment on the next succeeding business day.

3. Agreement of the County. The County agrees to provide temporary funding assistance to the Secretary the sum of \$225,000, in 10 payments of \$22,500, payable on the same dates and at the same location as provided in Section 2.

4. Agreement of the Secretary. SRS agrees as follows:

a. The Secretary agrees not to close the Lawrence Office and to operate it at substantially the same level as current service through September 2013; provided, however, that if the City or County fail to comply with the temporary funding assistance provided for in Section 2 and Section 3, the Secretary shall have no continuing obligation to keep the Lawrence Office open through such date.

b. The Secretary agrees that if, during the term of this Agreement, the Kansas Legislature acts in a way to alleviate the need for local funding to keep the Lawrence Office open, the County and City are immediately released from any further temporary funding obligations.

c. The Secretary agrees that he prefers to keep the Lawrence Office open and operating at substantially the same level as current service from and after its fiscal year beginning July 1, 2013, without expecting further funding from the City or County (other than the temporary funding assistance payment provided for in Section 2 and Section 3 that is due August 1, 2013). The Secretary agrees that, in fiscal years beginning July 1, 2013 and thereafter, the Secretary will make a good faith effort to obtain adequate appropriations and expend said appropriations for that purpose.

5. Approval and Authorization. Each of the persons signing this Agreement warrants and represents that he or she is duly authorized to execute and deliver this Agreement on behalf of the party for whom he or she is signing.

6. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties and their respective representatives, successors and assigns.

7. Counterparts. This Agreement may be executed in counterparts, all of which shall collectively consist of a single contract.

8. Applicable Law. This Agreement shall be governed and interpreted in accordance with the laws of the State of Kansas.

9. Effective Date. This Agreement shall take effect upon the date fully executed by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the dates stated below and made effective as of the Effective Date.

CITY:

CITY OF LAWRENCE, KANSAS

By: _____
Aron Cromwell, Mayor

Date: _____

ATTEST:

Jonathan Douglass, City Clerk

COUNTY:

BOARD OF COUNTY
COMMISSIONERS OF DOUGLAS
COUNTY, KANSAS

By: _____
Jim Flory, Chair

Date: _____

ATTEST:

Jameson D. Shew, County Clerk

SECRETARY:

Kansas Department of Social and
Rehabilitation Services

By: _____
Robert Siedlecki, Secretary

Date: _____