

For Mayor Amyx  
Vice Mayor Aron Cromwell  
Commissioner Rob Chestnut  
Commissioner Mike Dever  
Commissioner Lance Johnson

December 13, 2010

Dear Commissioners,

Based on the finding last week of the Douglas County Commission you are now considering a request for annexation of Venture's 51 acre parcel located on Farmer's Turnpike. Though it was by a 2 to 1 vote, all three commissioners agreed in the end that if you determine you must annex this land, then our hope is that you will consider the request with a lighter zoning than IG—perhaps IL or IPB. This would better fit the rural infrastructure you're hoping to use and would also be more in keeping with the rural residential neighborhood which surrounds it. I can safely speak for the county commission to say it is our hope you will consider this question of zoning carefully as your deliberations proceed.

That said, let me preface my further remarks by saying what follows represents my own thoughts on the subject of the county's finding, Resolution 10-29, and not those of my fellow commissioners, Jim Flory or Mike Gaughan, both of whom I respect. Since you will probably not have the benefit of detailed minutes from our meeting of Dec. 8 when the finding was made, I thought it important to explain my lone vote in opposition.

First, please remember that I have generally supported projects in the county and city that create or have the potential to create a diversified tax base and new jobs. Every bioscience campus and corridor initiative has had my support. I supported our efforts to locate a wind turbine manufacturer on the industrially zoned 87 acres east of East Hills Business Park and spoke in support of that project at the company's actual site selection visit. I supported the acquisition by the city of the Farmland Industries property and gladly voted for its annexation into the city. Most recently I supported the location of Berry Plastic's new rural-type development on Farmer's Turnpike in unincorporated Douglas County and alongside it, the rural conference center, "The Woods." Maybe of most note, please remember that I did nothing to hamper extending city infrastructure to Lawrence's Municipal Airport as it was identified as a way to expand aviation-related industry on the airport's 40-50 acres of developable land. In general, then, my record is one of reasonable support for new industry. That being said, I did not support the finding that brings this annexation request to you now. Here are my reasons:

1. While the property is appropriately identified as future industrial on the Farmer's Turnpike Sector Plan, nowhere in the plan is it stated that the property must be annexed into the city to become industrial. In fact, there are clear statements referencing Horizon 2020 where annexation policy recommends contiguous annexation concurrent with extension of city-type infrastructure. In the absence of

that, there is the expectation, at least, for a firm plan for city services (phasing, cost analysis, and funding). What we have with this request is an “interim infrastructure plan” for a “rural-type development,” for an unknown end user or users. The Planning Department’s comments include the remark that this interim plan is probably not sufficient for a site with multiple users nor is it consistent with the comprehensive plan’s recommendation for annexation of areas which are needed to complete sewer or water line extensions for a closed (looped) system. If this is to be a rural-type development with rural infrastructure, then it is a development the County can reasonably oversee at some zoning level supportable by rural infrastructure until such time that the city can more closely follow the comprehensive plan’s annexation recommendations. If the fear is that county regulations would create a sub-standard development, one need only look at the progression of the Berry Plastics project to see that the county can produce a high quality, city-ready development when circumstances dictate. Our codes and regulations, like yours, are not static. They can be strengthened to make such assurances true.

2. The sector plan and comprehensive plan emphasize the importance of considering entire watersheds as development plans proceed—not to stop development but to give a fuller picture of cost and impact as development carefully proceeds. We have correspondence and public statement from the Kaw Valley Drainage District that development in the northwest corner of the community has already created flooding problems for landowners in the district. Earlier this year the city and county held a joint meeting where the drainage district requested to participate with us in a watershed study. We have not acted on that request due to budgetary constraints but, given their on-record complaint and correspondence, I suggest that pursuing a joint watershed study as a part of our comprehensive planning for this important corridor is not only advisable but necessary. Though this one 51 acre parcel may not carry with it significant flooding impact, the cumulative effect of numerous piecemeal developments—annexed or not--without real watershed study early on may invite unnecessary problems to development in the future.
3. As a county commissioner, it is my particular obligation to consider the welfare of the townships for which the only government representation is the elected county commission. I happen to agree with Lecompton Township residents who are concerned that this proposed island annexation does not take into consideration the negative impact on the township of lost tax revenues and uncompensated costs for wear and tear on township roads and rural services that will follow industrial development. While this proposed 51 acre annexation involves a relatively small parcel, add this to the already annexed 155 acre island and future industrial parcels that will no doubt follow on and the township will indeed be negatively impacted—bearing the burden of multiple city developments without the benefit of consideration for rural concerns.

4. The point was made at one of the county meetings that no annexation request has ever been turned down by the county commission—that opposition to this annexation sets a dangerous precedent. East Hills Business Park was held up as a perfect example of why island annexation is not only a good tool but necessary for the proper industrial development of our community. I do understand that East Hills is an excellent example of an island annexation success story. However, this 51 acre parcel is no East Hills Business Park. To make such a comparison is, in my mind, a stretch. Were the city considering the entire Farmer's Turnpike corridor in an annexation proposal—or at least a large portion of it---then it would be a fair comparison. Such is not the case here. In voting favorably on this annexation request I see a precedent set again that annexation into the city may now be presumed without any reasonable expectation of the provision for appropriate city services. What was supposed to be a rare exception will now be the rule. I'm not convinced that's the kind of timely, orderly, quality growth we all are hoping for in this uniquely important corridor.

In recent times we have all worked well together with some sense of a unified front to increase the likelihood of successful industrial development over time in our community. I can assure you that the county remains a good partner in this goal. For me, though, this annexation request—though well intentioned—is premature.

Thanks so much for your consideration.

Respectfully submitted,

Nancy Thellman,  
Chair, Douglas County Commission

cc Dave Corliss  
Craig Weinaug  
Commissioner Mike Gaughan  
Commissioner Jim Flory

# **Douglas County Kaw Drainage District**

901 KENTUCKY STREET  
SUITE 206  
LAWRENCE, KANSAS 66044  
785/842-7900  
FAX 785/841-2296

December 7, 2010

Lawrence City Commission  
PO box 708  
Lawrence, Kansas 66044

Re: Annexation of approximately 51.13 acres located at the southwest corner of N 1800 Road (Farmer's Turnpike) and E 1000 Road (Queens Road Extended).

Honorable Mayor and Members of the City Commission:

The purpose of this communication is to again express concerns regarding the above-mentioned annexation and the intense development that will result. The Douglas County Kaw Drainage District is alarmed that development within the Baldwin Creek Watershed continues to be approved by both the City of Lawrence and Douglas County and seems to be continuing unchecked. Each year, downstream property owners face increasing flooding and are concerned about property damage and loss of cropland.

The District has a mission to tackle drainage issues that impact landowners and farmers, however, before we can devote resources to projects we need to identify those issues. Toward that end we believe it is imperative that the Baldwin Creek Area Drainage Study be conducted prior to the approval of any additional land development schemes in the Baldwin Creek basin. As we previously indicated, the District is willing to participate in that study.

We strongly recommend that the city of Lawrence defer action on the proposed annexation and on any other intense land development activity in the basin until the study is completed and can reveal the consequences of the urbanization of the area.

Sincerely,

Price T. Banks, Attorney and Counselor