

## COMMISSIONERS RECORD 5, DOUGLAS COUNTY

Term, 19

day of

19

Lockwood Co., Inc. Reorder No. 185428-12-78

Another problem arises because the area downstream in Mud Creek is zoned residential. We find it less than satisfactory to direct wastewater discharges into these areas. Additionally, this raises the requirement of disinfection which increases operational cost and difficulty."

15. With respect to the issues mentioned in finding 13 above, the issues which are most directly concerned with determining whether the annexation will "hinder or prevent the proper growth and development of the area" are:

- A. Drainage problems.
- B. Traffic safety.
- C. Impact on the corridor.
- D. Removing 274.5 acres of prime agricultural land from production.

The Board has been advised by counsel that the other issues mentioned in finding 13 are not strictly within our jurisdiction to determine as they do not have relevance to the question before us, which is:

Will this particular annexation hinder or prevent proper growth and development of the area?

While not considering those remaining issues in making our determinations, the Board would urge extremely careful consideration of the potential costs in the proper development and use of the area, and a careful estimate of which costs will be borne by the developers and which costs will necessitate the expenditure of public funds.

16. With respect to issues A and B mentioned in finding 14 above, the Board has also been advised by counsel that these issues are not within our jurisdiction to decide. Other regulatory bodies can address the potential water pollution problem and the developers will have to address the construction problem as well as the potential for flooding. The Board has been advised by counsel that the location of the industrial park in between two flood levees is a factor which might be considered in weighing the issue of removing prime agricultural land from production.

17. For the purposes of making its determination, the Board incorporates by reference the attached copy of the Wilson & Company 1970 study of drainage conditions, and the attached copy of the minutes of the Lawrence City Commission meeting of January 4, 1983, which resulted in the passage of Resolution Number 4642.

#### DETERMINATIONS

Pursuant to K.S.A. 12-520c, The Board of County Commissioners of Douglas County, Kansas, after consideration of all the information before it, determines that, as now proposed, the annexation of the proposed lands by the City of Lawrence will hinder or prevent proper growth and development of the area. In reaching this determination, the Board considered the following factors:

1. Drainage problems. The magnitude of the drainage problems is much greater than first thought when the Board began examining the annexation issue. While the developers are confident that 100 percent detention of runoff can be accomplished, there is sufficient information before the Board to question whether additional measures for control of surface waters will be necessary. The great concern of the Board is that there is really no margin for error in this matter. It is a fact, conceded by virtually every party to these proceedings, that there is a presently existing drainage problem in North Lawrence which affects North Lawrence and the corridor area. There is frequent flooding of streets and adjacent commercial and industrial buildings. The most recent in depth professional evaluation is the 1970 study of Wilson & Company. At that time, over twelve years ago, the estimated costs of solving the problems of local runoff were from \$133,000 to \$481,000. Since that time, additional commercial activities have been located in the area and improvements to the Lawrence Municipal Airport have resulted in additional runoff to be handled by an inadequate system. Thus, if development of the 274.5 acre industrial park contributes any runoff, a serious problem will be further aggravated, and if the proposed detention of water fails during periods of extreme runoff conditions, the result could be catastrophic for the corridor area. The potential costs of measures necessary for the protection of the corridor area are really not known at this time. Also unknown is who is to absorb the costs. If the Douglas County Kaw Drainage District were to elect to construct the necessary improvements to the system, it would require a vote in the district and assessment of costs to landowners. It does not appear likely that the district would construct the improvements on its own. Then the question becomes to what extent the City of Lawrence and/or Douglas County would be able and willing to share in the costs, particularly if studies were to determine that those costs would be substantially increased because of the annexation of the industrial park. The Board also feels that if the industrial park area is annexed, there would be pressures to rezone and develop areas in the corridor. This would create an additional dilemma in that in view of the existing drainage problems, such growth and development in the corridor should be prevented and any growth or development which would occur would result in even more surface waters to be controlled. The Board feels that the drainage issue, standing alone, is sufficient to find and determine that the proper growth and development of the area, particularly the corridor, would be hindered or prevented.

2. Traffic safety. Also of great importance are considerations of traffic safety. The Board is very concerned with the fact that access to the west tract will have to involve a railroad crossing at a crossing point that has the reputation of being one of the most dangerous crossings in Douglas County. Though this particular factor may not go to the issue of whether the annexation will hinder or prevent proper growth and development of surrounding areas, the Board urges greater study of this problem if there is further pursuit of this area as an industrial park. The Board believes that the potential for increased traffic volume on Highway 24/59 and the proposed railroad crossing of Highway 24/59 is so serious that proper growth and development of the corridor area could be hindered or prevented. No figures