

## MINUTES

### RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, November 14, 2011  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

Members Present: Jon Larson, Chairman  
Dr. Tom Taul  
Julie Henton  
Diane Hoobler

Members Absent: Lorn Clement, Vice-Chair

Staff Present: Monty Wedel – Director and Bob Isaac – Planner

Others Present: Bob Atchison and Deborah Caldwell

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#### **OPEN PUBLIC COMMENTS**

None.

#### **CONSENT AGENDA**

The minutes of the October 10, 2011 meeting were presented. Monty Wedel stated that on page 3, “femoral” needs to be corrected to “ephemeral”. Julie Henton noted that on page 3, the language regarding the buffer widths according to stream order (1<sup>st</sup> order bank height less than 3 feet, 2<sup>nd</sup> and 3<sup>rd</sup> order were 50 feet, and 4<sup>th</sup> order was 100 feet) was probably not correct. Monty Wedel confirmed the error and stated this portion should be removed from the minutes. Tom Taul approved the minutes with the noted corrections. The Report of Fees for the month of October 2011 (\$757.00) were presented and approved.

Julie Henton moved to adjourn as the joint meeting of the Riley County Planning Board/Board of Zoning Appeals as there were no agenda items for the Board of Zoning Appeals and convene as the Riley County Planning Board. Diane Hoobler seconded. Carried 4-0.

#### **RILEY COUNTY PLANNING BOARD**

##### **Caldwell – (Replat)**

Jon Larson opened the public hearing at the request of Deborah Caldwell, petitioner, and the Caldwell Family Trust, P N & D D Caldwell Trustee, owners to replat Lots 8 and 9 of Lakewood Subdivision into one (1) lot in Grant Township, Section 23, Township 9 South, Range 7 East, in Riley County Kansas.

Bob Isaac presented the request. Mr. Isaac described the platting/zoning history of the subject property. Mr. Isaac stated the both lots remain undeveloped, are heavily wooded and over grown with vegetation. He said the property line between the two lots will be vacated through the replatting process and there was no utility easement running along said line. Mr. Isaac stated the

Corp of Engineers 1036-foot elevation line transects the eastern portion of both lots. He explained that development below this elevation requires permission from the Corp and any structures would require a variance from the County.

Mr. Isaac said the Applicant intends to eventually build home and the subject property and will be served by rural water and on-site septic system. Mr. Isaac stated replatting the subject lots is consistent with the goals, objectives and policies of the Comprehensive Plan. Staff recommended approval of the request.

Chairman Larson asked the Board if they had any questions.

Chairman Larson asked how many acres are not in the flood area.

Mr. Isaac said that was not calculated, however, he said the total acreage is slightly over two acres.

Chairman Larson asked the Applicant if she would like to speak or make any comments.

Deborah Caldwell stated they are replatting because the septic system is on Lot 8 and their plans to build will mostly be on Lot 8 with the driveway on Lot 9.

Chairman Larson asked if there were any proponents or opponents. There were none.

Tom Taul moved to close the public hearing. Julie Henton seconded. Carried 4-0.

Diane Hoobler moved to approve the Final Plat of Lakewood Subdivision, Unit Four.

Julie Henton seconded. Roll call voting was completed with all Board members affirming. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Monday, November 21, 2011 at 9:15 AM.

### **Review Draft Regulation Amendments to Implement Vision 2025**

Monty Wedel said the title has changed and is no longer a notice of public hearing. He explained that publishing the entire document is very costly and there is no requirement in the statutes to do so. He said staff is working with legal counsel on a shorter notice that will identify the changes in general terms. He said the full document will be available in the office and on the website.

Mr. Wedel said he has reviewed the entire document with the County Commissioners except for the Ag and riparian buffers, which will be done later. He said the Commissioners questioned the size requirement for the Country Estates designator lots. He explained that Country Estate lots are currently proposed as 15 acres or larger, but the Commissioners suggested something smaller, such as ten acres.

Mr. Wedel said, to clarify, the intent is to allow these larger estate tracts where appropriate to provide for larger residential tracts without creating significant blocks of residentially zoned land in the rural area. He said if we already have 20-acre tracts and it's not highly agricultural land, scores well on the LESA, we should allow similar, compatible type tracts. Mr. Wedel said the reason staff is reluctant to go much lower is because there could be issues with unlimited livestock, as these tracts are still zoned agricultural. He said if we keep the size at 15 or 20 acres, approval shall only be granted following an analysis using the Development Guidance System and a determination that the proposal is compatible with surrounding uses. He suggested giving more detail on how it would be determined to be compatible (e.g., there are other 20-acre tracts in the area). Mr. Wedel asked the Board for their thoughts.

Diane Hoobler said her first reaction is nothing smaller.

Mr. Wedel asked if 15 acres is really appropriate.

Bob Isaac said one of the other ideas was there are other people that want larger tracts for horses. He explained that for pasturing and range management purposes, smaller acreages do not work.

Monty Wedel said it has been realized that since it is going to be zoned ag there wouldn't be any limitation on number of animals based on the tract size. He said this needs to be addressed as other residential zones specify a "one animal per acre" requirement.

Mr. Wedel confirmed that the Board is agreeable to changing Country Estate from 15 to 20 acres. Staff will determine more criteria to help provide guidance on approval of this type of request, change the platting requirement and also address livestock minimum acreage applies.

Monty Wedel reviewed the proposed section for riparian buffers.

Tom Taul asked if fescue could be used instead of native grasses as indicated in Table 2: Uses and Activities.

Bob Atchison explained that from a water quality perspective, native species provides so much more depth in rooting and filtering, which is why it is recommended over brome or fescue.

Diane Hoobler asked about clearing of trees because trees really help stabilize the (stream) bank.

Bob Atchison said this ordinance supports your thinking.

Monty Wedel reiterated this would only apply to First Order streams, with less than a 3-foot bank height.

Bob Atchison said because we live in a prairie state, we always have this issue as to where trees belong. He said when you get into small order streams, those are areas you start moving from trees to grass zone transition.

Monty Wedel said after visiting with John Strickler, staff proposed removing the language, "do not require the use of fertilizers, herbicides, pesticides, fences or wall", from Table 2: Uses and Activities. Mr. Wedel explained there are too many situations where you might want to use it.

Bob Atchison said when trees are planted in riparian areas, herbicides are used in the first two to three years to control grass and weeds.

Bob Atchison said in Table 3: Undesirable Trees & Shrubs, two honeysuckles were not included but will need to be added.

Monty Wedel reviewed the proposed section, agricultural buffers. He said the agricultural buffer standard shall apply to all new non-agricultural residential or commercial lots (excluding Extraneous Farmstead and Reconversion Lot residential use designator lots).

Monty Wedel asked the Board how many public discussions are needed. Mr. Wedel stated that one of the Commissioners suggested that holding one meeting in Manhattan and one meeting out in the county would be sufficient.

Chairman Larson said that a meeting to serve the southeast part of the county and a meeting to serve the northwest part of the county should do.

### **Update on Riley County Billboard Moratorium**

Monty Wedel stated the Board is aware of the Highway 24 situation in which there are several billboards. He explained that staff realized there was so much industrial zoning in that area that half a dozen more billboards could be erected. Mr. Wedel explained that billboards are being removed due to the K-18 realignment, however, staff was approached about rezoning a site to industrial so new billboards could be erected. He said a committee has been formed to update the Manhattan Urban Area Comprehensive Plan, specifically, the K-18/Eureka Valley area, and it was realized the City and the County have different signage requirements. Mr. Wedel noted that although the City's regulations have square footage limitations, the county regulations do not. He stated that the City also requires greater spacing between signs than the county.

Mr. Wedel said staff will review other counties regulations as well as the state minimum requirements.

### **2012 RCPB/BZA Meeting Schedule**

Due to a conflict with schedules, the February 13, 2012 meeting will be moved to the third Monday of that month, February 20, 2012. Due to the Veteran's Day holiday, the November meeting will be moved to the third Monday of that month, November 19, 2012.

### **Wildcat Creek Working Group**

Tom Taul shared with the Board that he has been attending the meetings about every three to four weeks. He explained the group has split up into six or seven subcommittees and he has been sitting in on the watershed meetings. He said they want to set up a watershed district but does not think the group understands what all is involved or the consequences of taxes. He explained that a watershed district will also have the power of eminent domain.

Monty Wedel explained the City and the County would have no control over the taxation. He said Clancy Holeman, County Counselor, is to schedule a meeting with the County Commissioners to discuss this issue.

Monty Wedel said he is working with the Development and Freeboard Committee and are proposing a one-year moratorium on any fill or permits of any kind in the Wildcat Creek floodplain.

Diane Hoobler moved to adjourn. Tom Taul seconded.

The meeting was adjourned at 9:01 P.M.