

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

**Monday, January 14, 2013
7:30 pm**

**Courthouse Plaza East
Commission Meeting Room
115 North 4th Street**

Members Present: Lorn Clement, Chairman
Dr. Tom Taul, Vice-Chair
Diane Hoobler
Julie Henton
John Wienck

Members Absent: None

Staff Present: Monty Wedel – Director, Bob Isaac – Planner, Lisa Daily –
Administrative Assistant

Others Present: Kelly Briggs and Neal Horton

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the November 19, 2012 meeting were presented and approved as amended. The Report of Fees for the month of November 2012 (\$925.25) and December 2012 (\$1,316.25) were presented and approved.

Diane Hoobler moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Riley County Board of Zoning Appeals.

Julie Henton seconded. Carried 5-0

RILEY COUNTY BOARD OF ZONING APPEALS

Tarkio – Conditional Use

Lorn Clement opened the public hearing at the request of Tarkio CD Disposal LLC, petitioner and Bayer Construction Co., Inc., owner, for a conditional use in Zeandale Township, Section 33, Township 10 South, Range 9 East, in Riley County, Kansas, to permit the operation of a Construction and Demolition (C & D) Landfill in the “AG” (Agricultural District) zoning district.

Bob Isaac presented the staff report. Mr. Isaac described the background, location and physical characteristics of the subject property. Mr. Isaac then reviewed the site plan for the proposed operation. Mr. Isaac referenced the list of conditions within the staff report emphasizing condition #6, in which Riley County Planning and Development will have authority to enforce

the reclamation plan if KHDE is not making sufficient progress. Staff recommended approval of the request.

Chairman Clement asked the Board if there were any other questions for Mr. Isaac. There were none.

Chairman Clement asked the Applicant if he would like to speak.

Neal Horton stated that if the conditional use is approved, the ownership of the land will transfer from Bayer Construction Co., Inc., to Tarkio CD Disposal LLC. He stated the existing landfill located further northwest is expected to be completely filled sometime this year. Mr. Horton said the plan will be to move the existing operation to the new site without interruption of service.

Diane Hoobler asked if trucks hauling debris are required to have tarps.

Neal Horton said all Tarkio trucks are required to have tarps.

Kelly Briggs stated it is a state law.

Diane Hoobler stated she lives in the area of the existing and proposed landfill. She said Bayer Construction has always been wonderful to work with and the people are very considerate of the general public. Mrs. Hoobler stated Bayer Construction does a good job of reclaiming the properties.

Chairman Clement stated that he would entertain a motion to close the public hearing.

Tom Taul moved to close the public hearing.

John Wienck seconded. Carried 5-0.

Tom Taul moved to approve Conditional Use Petition #13-01 with the conditions recommended and for reasons stated in the staff report.

1. This conditional use authorization shall apply to the entire ±29.9-acre tract of land, as legally described herein.
2. Normal hours of operation shall be from 8:00 AM to 5:00 PM Monday through Friday, and 8:00 AM to 12:00 PM Saturday. Closed on Sundays. Occasionally, special projects or circumstances may require utilization of the landfill beyond normal hours of operation.
3. Establish and implement an operations plan that includes procedures for screening unacceptable waste materials, as defined by K.S.A. 65-3402(u).
4. Obtain the required operating permits from the Kansas Department of Health & Environment (KDHE) and other pertinent regulatory agencies to operate a construction and demolition landfill, and submit copies of such permits to the Riley County Planning & Development Department.

5. Prior to commencing landfill operations, a Reclamation Plan shall be submitted to and approved by the Riley County Board of Zoning Appeals.
6. Once the operations have ceased, as determined by the Director of Planning & Development, the subject site shall be reclaimed as per the submitted and approved Reclamation Plan and as per the Kansas Department of Health & Environment Construction and Demolition Landfill Requirements. In the event it is determined that KDHE is not making sufficient progress enforcing such reclamation, the Director of Planning & Development may require reclamation of the site in conformance to the submitted and approved Reclamation plan.
7. At the completion of such reclamation, the applicant shall notify Riley County Planning & Development and a determination shall be made by the Zoning Enforcement Officer that the landfill has been successfully reclaimed in its entirety.
8. Signage, as shown on the site plan, must meet the minimum requirements of Section 15 of the Riley County Zoning Regulations.
9. No exterior lighting shall be installed on the subject site for the duration of the operation.

Diane Hoobler seconded. Carried 5-0.

John Wienck moved to adjourn as the Board of Zoning Appeals and reconvene as the Riley County Planning Board.

Diane Hoobler seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Election of Officers

By unanimous vote the Board agreed to keep Lorn Clement as the Chairman and Tom Taul as Vice-Chair for 2013.

Annual Report

John Wienck stated that his last name was spelled incorrectly on page 3.

Bob Isaac reviewed page 7 of the Annual Report (Residential Building Permits issued in 2012). He stated that of the total, nine (9) residential building permits were issued prior to the adoption of the Vision 2025 Regulation amendments and 10 permits were issued after. He stated that of those 10, one (1) was for an agricultural residence, two (2) were located within the designated growth area, two (2) were located in platted areas and the remaining five (5) were lots of record.

Discussion – Development proposal by Frank and Mary Siegle

Monty Wedel stated the Siegle's had contacted Planning and Development about building a non-agricultural residence in the Agricultural District. Mr. Wedel said this was the toughest scenario to date since the adoption of the Vision 2025 regulation amendments. He said staff is not recommending any changes the Plan or the regulations, but felt this was a good scenario to review to see if the amendments are working correctly. Mr. Wedel stated staff felt it worked really well.

Annual Comprehensive Plan review reminder

Bob Isaac stated the review of the Comprehensive Plan will be conducted during the February meeting.

Eureka Valley~K-18 Corridor Plan

Monty Wedel presented a slide show used at the previous open houses held in Ogden and Manhattan. He reviewed the goals and objectives of the plan as follows:

- Land Use
- Regional Airport – protect the long term viability
- Street Connectivity
- Parks and Open Space
- Environmental Assets
- Public Facilities & Services - municipal level facilities and services, including water and sewer infrastructure and fire protection.

Mr. Wedel said the next steps are to conduct a joint city/county work session and hold public hearings.

Signature on Application for Zoning Regulation Amendment

Bob Isaac stated that many questions have arisen concerning whether or not a non-agricultural residence in the agricultural district could be rebuilt (if damaged beyond 50%) or completely replaced. Mr. Isaac submitted to the Board a draft Notice of Public Hearing for their review, showing the proposed text amendments to Section 18 – Nonconformities. He stated that if the Board was comfortable with the language of the proposed amendment, we can move forward with publication.

Tom Taul moved that Chairman Lorn Clement sign the petition application on behalf of the Board.

John Wienck seconded. Carried 5-0.

OTHER BUSINESS

Monty Wedel reported that the Capstone violation has been abated.

Diane Hoobler moved to adjourned.

John Wienck seconded. Carried 5-0.

The meeting was adjourned at 8:47 P.M.