

## MINUTES

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

Monday, September 12, 2016  
7:30 pm

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

Members Present: Lorn Clement, Jr., Chair  
Dr. Tom Taul, Vice-Chair  
Diane Hoobler  
John Wienck  
John Osarczuk

Members Absent: None

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

Others Present: Dave Carlson, Lori Rogge and Rich Llewelyn

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#### **OPEN PUBLIC COMMENTS**

None

#### **CONSENT AGENDA**

The minutes of the August 8, 2016 meeting were presented and approved. The Report of Fees the month of August (\$3,979.00) were presented and approved. The Final Development Plan for Hope Ranch was approved and signed.

Tom Taul moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and, due to the lack of agenda items for the Board of Zoning Appeals, moved to reconvene as the Riley County Planning Board. John Wienck seconded. Carried 5-0.

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

Chairman Clement asked the Board Members to declare any ex parte contact they may have had regarding this item and to declare any conflict of interest or communications they've had that could influence their ability to be impartial.

All Board members confirmed no ex parte contact.

#### **Llewelyn – Residential Use Designator – Extraneous Farmstead**

Chairman Clement opened the public hearing at the request of Richard Llewelyn, petitioner and V. Wesley Llewelyn, owner, to receive a Residential Use Designator - Extraneous Farmstead in Jackson Township, Section 36, Township 8 South, Range 4 East, in Riley County, Kansas.

Bob Isaac presented the request. Mr. Isaac described the background, location and physical characteristics of the proposed tract.

Mr. Isaac referred the Board members to the site plan which illustrated the existing and proposed property lines, existing structures and tree line. Mr. Isaac then reviewed the criteria for approving a Residential Use Designator Lot for an Extraneous Farmstead. He said typically the request involves a much smaller developed portion of the parent tract. Mr. Isaac stated that this particular situation demonstrates how topography, soil, floodplain and road network can affect the placement and layout of a farmstead resulting in varying shapes and sizes of a home and/or yard portion of a farmstead. He explained that, in this case, the home/yard is 23.5 acres, which by the Riley County Subdivision Regulations requirements doesn't require platting. Staff recommended, due to the size of the subject site and the way the tract is naturally buffered and separated from surrounding farm ground, that the Planning Board waive the requirement for the site to be platted. Mr. Isaac stated that although the 23-acre tract will remain unplatted, criteria #5 still applies; requiring that the tract may not be further subdivided unless approved through the standard platting and zoning process.

Staff recommended that the Board approve the request to receive a Residential Use Designator– Extraneous Farmstead, waiving the requirement to plat the subject property, as it has been determined that it meets the minimum requirements of the Riley County Zoning Regulations.

John Wienck asked that it be noted that this request is for Bala Township, not Jackson Township as indicated earlier.

Rich Llewelyn, the Applicant stated he lives in Manhattan and grew up at this site. He said his step-brother had been living in the house for the last eight (8) years since their dad moved into town. Mr. Llewelyn said his step-brother has moved and his dad would like to sell the house and some land, but keep the remainder of the property to farm.

There were no other proponents or opponents.

Diane Hoobler moved to close the public hearing. John Wienck seconded. Carried 5-0.

Tom Taul moved to approve the Residential Use Designator – Extraneous Farmstead and waive the requirement to plat for reasons listed in the staff report.

Diane Hoobler seconded. Motion carried 5-0.

### **Carlson – Rezoning**

Chairman Clement opened the public hearing at the request of Dave Carlson, petitioner, and Dave & Joy-Lynn Carlson, owners, to rezone a tract of land from “C-4” (Highway Business), “SF-1” (Single Family Residential) and “AG” (Agricultural District) to “C-PUD” (Commercial Planned Unit Development) in Jackson Township, Sections 9 & 10, Township 7 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site consists of two unplatted tracts; approximately 52 acres and 6.85 acres, respectively. Mr. Isaac said that both tracts were rezoned to their current zoning designations during the 1974 Countywide Zoning Conversion Process. He stated the “SF-1” (Single Family Residential) zoning designation was affiliated with a multi-

lot residential subdivision (Crestview Hills Addition), platted in January 1963 and vacated March 1966. Mr. Isaac said the western portion along K-77 Highway was zoned “C-4” (Highway Business), most likely to accommodate an existing and abandoned gas/service station.

Mr. Isaac stated the applicant wished to take advantage of the natural features of the site and establish a private Outdoor Adventure School, including camping, a primitive village, cabins, RV slips (limited – no dump stations) and a blacksmith shop. He said the applicant also wished to construct a single family residence in order for his family to reside on-site and to effectively manage the operation. Mr. Isaac stated the applicant wished to also refurbish the abandoned gas station structure and incorporate it into the development plan as the gift shop/storage building.

Mr. Isaac reviewed the list of permitted uses, permitted structures and notes for the planned unit development.

Staff recommended approval of the request to rezone the proposed property, as it has been determined that it meets the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code.

John Osarczuk asked how far the Fancy Creek Rifle Range is from this site.

John Wienck replied two (2) miles.

John Osarczuk asked the Applicant if noise is a problem from the rifle range.

Dave Carlson, the Applicant stated it can be heard off in the distance, but there is a large land mass and the trees buffer a lot of the noise. Mr. Carlson said they teach outdoor skills, ranging from making fire by rubbing sticks together to modern camping and water purification. He stated they teach all ages.

Mr. Carlson said when they purchased this property, it was their intent to build permanent structures. He said primitive events around the country are held in state parks. Mr. Carlson said there really aren't any full time primitive villages where people can go and see an exact replica of these types of structures. He said cabins will be built with different forms of construction methods. Mr. Carlson stated that there will not be any long term camping.

John Osarczuk asked the Applicant if he foresees historical rendezvous or rallies on site.

Dave Carlson replied that he really doesn't think so as those type of venues are reenactments of historical time periods. He said they teach from a standpoint of survival skills along with a historical environment.

John Osarczuk asked the Applicant, so you don't expect large gatherings.

Dave Carlson said currently he doesn't expect to have a group of more than twenty to thirty people at a time. He stated they will never have hundreds of people.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Tom Taul seconded. Carried 5-0.

Diane Hoobler asked if there was somewhere in the regulations that specifies the maximum number of days the campers are allowed to stay so the property doesn't become a commune.

Bob Isaac replied it would difficult to enforce and asked the Board how staff would know how long someone has been there.

Monty Wedel said the sanitary system (lagoon) was designed to accommodate this specific facility. He asked Mr. Isaac if the zoning regulations referenced short term for RV Parks.

Bob Isaac stated that they did not. He said the regulations deal more with the development of the site such as adequate services, slips are all-weather surfaces, and access roads.

Monty Wedel stated this is a primitive facility and they will not be hooking up to water and sewer.

Dave Carlson said the RV slots are for convenience to accommodate older people and those that actually live and travel in their RVs.

Diane Hoobler said the RV parking is another revenue avenue for the facility.

Dave Carlson stated those attending pay a fee for the class, not for camping. He stated that is included in the class fee.

Diane Hoobler asked Mr. Carlson if he intended to have random campers come off the road and stay at your facility.

Dave Carlson replied no. He also stated that the gift shop located near the highway will only be open when a class is being conducted.

Diane Hoobler stated that she misunderstood and thought that RV and cottages would be for rent on a full time basis.

Dave Carlson said the cabins will be for rent, but reservations would have to be made. He stated as far as the RVs, there is a dump station facility located two (2) miles away at the state park.

John Wienck asked about the agricultural buffer.

Bob Isaac replied the regulations allow for the use of an adequate existing vegetative buffer. He said if there are no trees, no berm or flat land, distance would be needed. He stated there are several trees and a rock wall on the south property line to adequately buffer from any agricultural activity occurring on the adjoining tract.

Diane Hoobler moved to recommend approval to rezone from C-4” (Highway Business), “SF-1” (Single Family Residential) and “AG” (Agricultural District) to “C-PUD” (Commercial Planned Unit Development) for reasons listed in the staff report and the list of permitted uses, structures and notes. John Wienck seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request to rezone the property on October 3, 2016, at 10:15 am, in the County Commission Chambers.

### **Update on Zoning and Subdivision Regulations re-write**

Monty Wedel stated Elizabeth Garvin is continuing to work on the evaluation so there isn't much to report at this time.

### **Update on Big Blue Floodplain Management Plan**

Monty Wedel stated he just received the draft and has forwarded it Diane Hoobler, who is on the advisory group, for review.

### **Update on Fort Riley Joint Land Use Study**

Monty Wedel stated three (3) interviews have been conducted. He said the top firm has been selected and references are being contacted.

### **Update on Corridor Overlay Districts**

Bob Isaac said City and County staff have met and have come up with modifications, however, a meeting needs to be scheduled for review and approval.

### **State of Kansas Agritourism Task Force**

Monty Wedel said there are agritourism operators in the northeast part of the state, particularly Johnson, Miami and Shawnee Counties, that are not happy with their current zoning situations for a variety of reasons. He said these operators have gone to their legislators. One of those operators is from Shawnee County, is a state representative and sued Shawnee County over a zoning matter. He is on this task force. Mr. Wedel said the Johnson County operator of a winery was upset with the process and the conditional use was only approved for a four (4) year term. Their state senator is directing the task force. Mr. Wedel said basically this task force was created so operators can go through the state to get what they want.

Mr. Wedel said he attended a subcommittee meeting and the Kansas Livestock Association attorney, who is part of the task force. The attorney was not enamored with the idea of the agricultural exemption. His basic claim is that if you are agricultural and you want to do agritourism to support your agricultural operation you should be considered agricultural and therefore exempt. Mr. Wedel said the attorney and the legislators are not proposing any legislation to modify the agricultural exemption language in the zoning statutes for fear of what might happen. He said the attorney admitted that the definition of agritourism in the Agritourism Act is much broader than traditional agricultural. Mr. Wedel said the current proposal is to have the Director of Wildlife, Parks and Tourism send out some sort of advisory that if you have a registration from the state as an agritourism operator that should be considered prima facie evidence that the agritourism operation is agricultural and therefore exempt from zoning.

Monty Wedel said he is not going to agree with that and neither will the Riley County Counselor or the Board of Commissioners. He has suggested education or come up with best practices which was on the Task Force agenda but wasn't really discussed. Mr. Wedel said Riley County would be willing to cooperate with the Task Force to put together a guidebook for local zoning officials.

**Public Building Commission**

Monty Wedel informed the board that the Public Building Commission was dissolved by the Board of Commissioners of Riley County on August 22, 2016.

John Wienck moved to adjourn. Tom Taul seconded. Carried 5-0.

The meeting was adjourned at 8:42 P.M.