

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, February 13, 2017
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th 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, Bob Isaac – Planner and Lisa Daily -
Administrative Assistant

Others Present: Paul Weidhaas, Mike Kearns, Troy S. Coberly, Gary Hargrave, Larry
Larson, Frank Hagenmaier, Mike Renfro, James and Karla Slaymaker,
Frank C. Lyons, David Miller, Chad Parker and Drew Venum

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the January 9, 2017 meeting were presented and approved. The Report of Fees the month of January (\$3,580.00) 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 Board of Zoning Appeals. Tom Taul seconded.
Carried 5-0.

BOARD OF ZONING APPEALS

Coberly – Variance

Chairman Clement opened the public hearing at the request Troy & Jolee Coberly, petitioners and owners, for a variance authorization to reduce the front yard requirement from 25 feet to nine (9) feet.

Bob Isaac presented the request stating that a building permit for the existing home was issued in April 1967 for Lot 14, pre-dating the 1974 Zoning Conversion Process and was not subject to yard requirements (building setbacks) at the time. He said the property was then zoned “A-1” (Single Family Residential) in 1974, which made the existing house a legal non-conformity. Mr.

Isaac stated that in 1990, Lot 14 and a portion of Lot 15 were replatted as Lot 2 of Blue Bird Hill Subdivision and the 25-ft. front yard building setback was shown on that plat.

Mr. Isaac presented the Certificate of Survey illustrating the lot, existing home, right-of-way line of Terra Heights Road and the 25-foot building setback line. He explained that the closest point of the house to the right-of-way line was 9.3 feet, which was rounded down to nine (9) feet. Mr. Isaac said the Applicant was originally requesting a variance to construct a detached, two-car garage in line with the front elevation of the existing home, but was advised that the variance should also take into account the non-conforming status of the existing home and bring it into compliance with the same action.

Mr. Isaac discussed the topography and the limited options for the garage. He said an on-site inspection was done by planning staff and it was determined that the proposed accessory structure would not extend into the platted right-of-way, would not restrict sight distance, nor interfere with the flow of traffic in the area. Staff recommended approval of the requested variance based on the evaluation of variance criteria listed in the staff report.

Chairman Clement asked if the Applicant wanted to speak.

Troy Coberly stated they purchased the home a year ago and had noticed the current driveway had a 15-20 degree slope. He stated it has difficult getting out of the driveway safely with traffic coming from the south on Terra Heights Road. Mr. Coberly said they explored options of putting the proposed garage on either the south side or the north side and determined there was more flat land to the north. He stated putting the garage in line with the house would be 21 feet from the property line and as far as a safety concern, would give them better visibility.

There were no proponents or opponents.

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

Diane Hoobler moved to approve the request for a variance authorization to reduce the front yard requirement from 25 feet to nine (9) feet.

John Osarczuk seconded. Carried 5-0.

John Wienck moved to adjourn the Board of Zoning Appeals meeting and reconvene as the Riley County Planning Board. Diane Hoobler seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Parker – Residential Use Designator – Extraneous Farmstead

Chairman Clement opened the public hearing at the request of Chad A. Parker and Tana L. Parker, petitioners and owners, to receive a Residential Use Designator - Extraneous Farmstead and plat a 4.11-acre tract of land in Ashland Township, Section 6, Township 11 South, Range 8 East, in Riley County, Kansas.

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

Chairman Clement declared that he and Chad Parker are essentially neighbors but have had no discussions concerning this request. All other Board members confirmed no ex parte contact.

Bob Isaac presented the request stating the subject site is an approximately 4.11-acre portion of an approximately 6.1-acre parent tract. He explained the developed portion of the parent tract is naturally partitioned off from the rest of the tract by Shane Creek and the associated riparian area. Mr. Isaac said the subject site had been developed as a farmstead with a few outbuildings, and a home that was constructed around 1904.

Mr. Isaac said the Applicant wishes to divide out the homestead including the creek from the parent tract, and sell the portion northeast of the creek to his neighbor, Frank Lyons. He said a portion of the property lies within an unnumbered 1% floodplain. Mr. Isaac explained “unnumbered” simply means although it has similar characteristics of the 1% annual chance floodplain, base flood elevations have not yet been determined for an area. He stated fortunately none of the developed portion of the property, including the driveway, lies within the flood area.

Staff recommended approval of the request to receive a Residential Use Designator – Extraneous Farmstead, as it was determined the request met the minimum requirements of the Riley County Zoning Regulations. Staff also recommended that the Board approve the concurrent plat of Parker Family Estate, as it was determined it met all requirements of the Riley County Subdivision Regulations, Zoning Regulations and the Sanitary Code.

Chairman Clement asked if the Applicant wanted to speak. The Applicant had no comment.

Chairman Clement asked if Mr. Lyons if he wanted to speak. Mr. Lyons had no comment.

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

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

Tom Taul moved to approve the Residential Use Designator – Extraneous Farmstead and the concurrent plat of Parker Family Estate for reasons listed in the staff report. John Wienck seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on February 23, 2017, at 10:00 am, in the County Commission Chambers.

Slaymaker – Replat

Chairman Clement opened the public hearing at the request of James Slaymaker, petitioner and Para-Dice Properties LLC, owner, to replat Lot 1, Addition No. 2 to University Park to correct errors on original plat, in Sherman Township, Section 12, Township 8 South, Range 6 East, in Riley County Kansas.

Mr. Isaac presented the request stating the subject property was platted as Lot 1 of Addition No. 2 to University Park, Riley County, Kansas in January 1966. He explained the Applicant wished to acquire a building permit to construct a single family residence and was concerned about the possibility of needing a variance in order to maximize the buildable area of the lot. Mr. Isaac explained that the applicant had the lot surveyed by SMH Consultants. Mr. Isaac stated that Tim Sloan, a surveyor for SMH Consultants, contacted Riley County Planning & Development with concerns that the original plat was in error. Mr. Isaac said it was recommended by Mr. Sloan

that the inaccuracies associated with the lot be corrected. Mr. Isaac stated Riley County legal counsel and Mr. Sloan agreed that the only way to properly correct the plat was to replat the lot. Staff recommended approval of the request to replat Lot 1, Addition No. 2 to University Park, as it had been determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code were met.

Chairman Clement asked if the Applicant wanted to speak. The Applicant had no comment.

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

Diane Hoobler moved to close the public hearing. John Wienck seconded. Carried 3-0.

John Wienck moved to approve the request to replat Lot 1, Addition No. 2 to University Park to correct errors on original plat, for the reasons listed in the staff report.

Diane Hoobler seconded. Motion carried 3-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on February 23, 2017, at 10:10 am, in the County Commission Chambers.

Vennum – Rezoning

Chairman Clement opened the public hearing at the request of Drew Vennum, petitioner, and Drew and Amber Vennum, owners, to rezone two unplatted tracts of land from “AG” (Agricultural District) to “C-PUD” (Commercial Planned Unit Development) Section 26, Township 7 South, Range 6 and Section 35, Township 7 South, Range 6 East, Jackson and Sherman Townships in Riley County, Kansas.

Bob Isaac presented the request stating the subject site consists of two unplatted tracts; approximately 40 ½ acres and 10 ½ acres, respectively. He said that although Riley County Fire District #1 will serve the site, the site, according to GIS mapping, is not located within 5 road miles of a fire station as indicated in the staff report. Mr. Isaac said due to the proposed commercial use of certain structures, a determination would be needed by Pat Collins, Director of Riley County Emergency Management and Riley County Fire Chief if those structures would be subject to the State of Kansas Minimum Building and Life Safety Codes, including the submittal of a code footprint for each structure.

Mr. Isaac stated that parts of the subject site are located within the 1% annual chance floodplain and correspond to the 1140 elevation U.S. Army Corps of Engineers perpetual flowage easement. He said per the recommendation of the Corps, a special note was added to the development plan prohibiting the construction of permanent structures within those areas and written permission would be required from the Corps for other types of structures such as ponds, lateral lines, sewage disposal facilities etc.

Mr. Isaac reviewed the site plan in detail, discussing the topography and general layout of the site. He showed the area for the proposed farm pond/fire reservoir, which would also help with fire fighting capabilities. He also pointed out there are structures proposed for the storage of the ATVs the applicant will be renting to utilize the ORV Park located to the west. Mr. Isaac explained the “shouse” or “lodge” will be utilized initially until the proposed single family residence is built. Mr. Isaac said the “shouse” will then be converted into a “lodge” with

individual suites. Mr. Isaac said the proposed event center will be in a rustic style format similar to a barn. He pointed out the fire loop drive which will surround the event center in order to give Riley County rural fire access to the building. The outside parameter of the property will have designated tent platforms which will eventually become cabins. Mr. Isaac said the cabins will be served by water and sewer connected by a gravity line to a pump station, which will pump to the on-site lagoon.

Mr. Isaac said the applicant is requesting a reduction of the agricultural buffer, as per SECTION 21C – DEVELOPMENT STANDARDS of the Riley County Zoning Regulations, along on the north property line, from 200 feet to 50 feet. Mr. Isaac said that although a natural buffer of trees and other vegetation currently exists along the south property line of the subject site, it was advised that a 50-foot agricultural buffer be established along said property line in order to ensure continued separation between the neighboring operation to the north and any structures meant for human or animal habitation, as proposed on the development plan. Mr. Isaac said staff believed the partial distance buffer, along with a note to retain and maintain the natural vegetation, would serve as the buffer between the proposed home and pasture use. Mr. Isaac stated that the buffer should be shown on the development plan. He stated an Agricultural Protection Easement would also be required to be filed with the Register of Deeds if this were to be approved.

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 was determined it met the requirements of the Riley County Zoning Regulations, the Riley County Sanitary Code and was consistent with the goals and objectives of the Comprehensive Plan.

Diane Hoobler asked how far the proposed house would be from the north property line and shouldn't there be a 200-foot agricultural buffer on the west property line.

Mr. Isaac replied the purpose of an agricultural buffer requirement is for separation between habitable structures for either animal or human habitation and an active agricultural operation. He explained the ORV Park borders the west property line.

John Osarczuk asked if 4-wheelers are allowed to be driven on Secrest Road to the ORV Park entrance.

Bob Isaac said he had visited with Leon Hobson, Director of Riley County Public Works and Mr. Hobson didn't have any issues with it.

John Osarczuk verified that the 4-wheelers would have to go 50 feet on a public road way to get to the ORV Park entrance.

Bob Isaac replied yes.

John Osarczuk said you have people going up Secrest Road to go camping or to a wedding and you got ATVs tearing up the opposite direction, this might be an issue.

John Wienck stated there are certain times of the year when jeep clubs are going down Secrest Road to the trails. He said he would have concerns with an event center and the events that take

place at the trails. Mr. Wienck said the road is going to get used very heavily, more so than what it is capable of.

John Osarczuk stated sometimes there is a convoy heading into the park.

John Wienck said there is pasture on both sides of Secrest Road and certain times of the year, livestock are moved in and out of there.

Chairman Clement asked if the Applicant wanted to speak.

Drew Venum stated his wife is a tenured faculty staff member at K-State in Family Studies and Human Services Department in Human Ecology. He said he has been a chemical engineer, has a Master's Degree in social work, and is currently a stay-at-home dad to their three children and, now, an entrepreneur. Mr. Venum stated his wife is from Wisconsin, where she grew up in the country and that is what they want for their children.

Mr. Venum said the LLC is up and running and they are working with the Small Business Administration, USDA Rural Development and hopefully with the Kansas Department Tourism, on grants and loan programs to make their vision happen. He said they are trying to increase community connections and connect people with nature.

Mr. Venum said they want to have an agricultural hobby farm. He said they think part of connecting people with nature is making sure people understand where food comes from and the different ways to generate food. He said that he wants to show that food just doesn't show up on the shelf at the grocery store.

Mr. Venum said connections between people are the plans to do weddings, obviously. He said there are lots of ways of connecting people with nature and with the ORV park right next door, wasn't a way he really hadn't anticipated before until they found this place. He stated one of their main concerns when purchasing the land was the proximity to the park because they are planning to have a business; planning to have weddings at the site and planning to reside on-site.

Mr. Venum stated one of the first times at the site was Labor Day weekend, which was a pretty darn popular weekend to be outside. He said they were surprised at how little noise could be heard from the ORV Park because of the natural vegetation and topography of the area. He said in his mind, it's more of an asset than it is a concern.

Drew Venum said building community connections means to him to be a good neighbor. He said both he and his wife value that very, very highly. Mr. Venum said you can see in the site plan there are several things that have been taken into consideration in terms of governing noise. He said if it comes to pass to make some agreement with the County to participate in the cost of dust control on Secrest Road, in order to increase its ability to handle traffic, we would be interested and willing to participate in that.

Chairman Clement asked if there were any proponents or opponents.

Mike Renfro stated he owns the property to the south and wanted to know how many events the Applicant was planning to have.

Mr. Venum replied in the neighborhood of thirty (30) per year.

Mr. Renfro said the other question he had was the frequency of camping.

Mr. Vennum replied he would assume that would be seasonal unless there was a diehard that wanted to pay \$100 to camp when it is freezing.

Mr. Renfro asked about RVs.

Mr. Vennum questioned, you mean park and set up their RV?

Mr. Renfro replied yes, renting space.

Mr. Vennum replied other than his father-in-law parking his RV on-site, there would be none.

Mr. Renfro wanted to know if there were any requirements for a storm shelter.

Mr. Vennum said the main lodge building (shouse), the plan right now is to build it with concrete forms so the entire wall structure will be concrete. He said within that will small section, designed more his family will have a concrete ceiling as well. Mr. Vennum said the overall structure, the roof will have weather-proof tie downs.

Mr. Renfro said the reason why he is an opponent is they bought their property for privacy and quiet. He said having a party every week next door is not going to be that. Mr. Renfro stated having 240-plus people was a lot more than having a family out there. He said it will be a negative for them and as far as the noise; it will be a problem. Mr. Renfro stated 65 decibels will be way too loud and it concerns him when someone thinks the ORV Park isn't loud. He stated he also has a concern with the potential for trespassing.

Mike Kearns stated he has 200 acres that run from Gardiner Road east all along the south side of Secrest Road and ends right before the ORV Park. Mr. Kearns stated he is very familiar with the area and has owned his property for twenty years. He said Secrest is a gravel road, with the volume of traffic on a busy weekend at the ORV Park, you can't see if it is dry. Mr. Kearns said he uses a "Gator" or a truck to access his pasture and there are times he can't see in front or behind him due to the dust.

Mr. Kearns stated that on busy weekends at the ORV he will see pickup trucks pulling big trailers with two jeeps on top. He said it will be one after another, after another. Mr. Kearns stated park patrons don't just come from Manhattan, they come from all over, such as Nebraska. He said if a cow were to get out in that dust, someone is going to get killed.

Mr. Kearns said there are a couple of turns on Secrest Road that are fairly sharp and you don't want to be going fast, particularly on gravel. He said there is one culvert area on the road about a quarter mile off Gardiner that if you went off the south side you would be in deep trouble.

Mr. Kearns stated he had three points he was concerned about. He said 240 people at a wedding, four people per car; that would be sixty cars on that road. Mr. Kearns stated he was concerned if alcohol would be served at the wedding event or people drinking at the campground. He explained the road has an unposted 55 mph speed limit and is a gravel, farm, rural road. He stated if you mix alcohol with a rural road there is a potential for some real problems. He stated he would like to see a dust mitigation program be established before this is approved.

Mr. Kearns said he has prosecuted at the County level for years and if you don't have a posted speed limit on a back road like this, it is hard to enforce. He said he would like to see an established speed limit on this road and a posted sign at the beginning of Gardiner Road.

Mr. Kearns said he noticed a decibel level of noise was mentioned in the presentation and a noise curfew at night. He stated the enforcement of that is going to be tricky. Mr. Kearns said it is not a criminal statute but a zoning ordinance. He said he believed Clancy Holeman, County Counselor, would back him up on his belief that the police aren't going to enforce it. Mr. Kearns stated it's not criminal; it's not a misdemeanor; it's not a felony; it's a zoning issue. He said if someone is out there and the noise is unbearable, the remedy is going to be call zoning the next day.

Mr. Kearns stated he does not live out there but these are points he would like the Board to consider. He stated he was very concerned about the safety on Secrest Road if this rezoning was approved.

Drew Venum stated he and his wife were also extremely concerned about safety as they have three small children and plan to have more. He said this will be a school bus route. Mr. Venum said they fully support the cost of installing the signs. He said they have had some discussion about the dust control and Mr. Isaac said that it has not reached a conclusion yet on how that is going to pan out. Mr. Venum said their understanding and expectation was that they will also participate financially in helping to at least pay for some sort of dust mitigation program on Gardiner Road. He stated again we are going to be living there, we want it to be safe for our family, our customers and guests. Mr. Venum said he agrees dust control would needed and they should at least be partially financially responsible.

Mr. Venum said as far as enforcing the noise, it was his understanding weddings in rural locations such as Liquid Arts and Prairiewood have the same 11:00 pm end point on quiet hours. He said talking with other wedding professionals in the area that it is pretty much understood that there is a firm limit. He said we will be living there and have a representative for any events that happen there. Mr. Venum stated he sees himself as the enforcement person to make sure that one: it doesn't get too loud; and two: noise stops when it is supposed to. He said when they were looking for a site, they had been trying do something along these lines and keep in mind something that minimizes impact on surrounding neighbors, which he thought this does to some degree compared to Liquid Arts Winery. He said this was the best property they found to address those concerns. Mr. Venum said if there was anything they could do to help be good neighbors they would absolutely be open to discussion to make sure it happens.

Mike Kearns said in regard to the dust control, he was not going to be a party responsible for paying for it. He stated that he isn't the cause the problem, so if there is going to be some splitting of the cost, it should be between the township or the county and the owners of the property. Mr. Kearns said Dennis Hoard has quite a few acres on the north side of Secrest Road and doesn't see why he or any of us that don't cause additional dust problems should have to bear the brunt of the financing dust control.

Gary Hargrave stated he is the Jackson Township Treasurer and the township maintains Secrest Road. He said for starters, Jackson Township already spends more per lane mile for the tax dollars generated down there than we spend on any other road in the township. He said there is no way the township can do dust control. Mr. Hargrave said he knew Larry Larson, Jackson Township Trustee, had visited with the County and according to a report, the County is not too "in favor" of providing dust control either. Mr. Hargrave said ever since this playground has been open down there (ORV Park), nobody seems to want to take responsibility for it. He said

the township has approached the Corps of Engineers for help on maintaining Secrest Road and the Corps said they can't do that. He said Wildlife and Parks said it's not their problem. Mr. Hargrave asked if it's a park, whose park is it? He said nobody wants to claim it. He stated Jackson Township doesn't have the money. He explained that the township needs to put twenty loads of gravel on it now and it won't be enough. He said that will just be the start of what we need to do this summer just to maintain it for what it is.

Mr. Hargrave said there have been several events at the ORV of which the patrons have never been charged and he said he has heard a rumor there is supposed to be an upcoming regional event. He said when you start renting out stuff to play with at the ORV, the weddings and everything else proposed, you just caused more traffic. Mr. Hargrave said because you then bring all the people out there that don't already have the toys to play with at the ORV Park.

Mr. Hargrave stated as far as the dust control, he is not arguing, it needs it and needs it now. Mr. Hargrave said Secrest Road needs a speed limit now and thirty might be too high; twenty might be closer with the curves on it. Mr. Hargrave said Jackson Township doesn't have the dollars to put the dust control down. He also asked who would the township need to go to in order to find out what the rezoning would do to increase tax dollars; how much tax money would that raise. He asked when the new buildings are built, will Jackson Township see any revenue from the events held there.

John Osarczuk asked if was possible to provide dust control for a 2-mile stretch of road. He asked would running a water truck up and down the road work.

Monty Wedel replied magnesium chloride would need to be applied in the summer and possibly another application in the fall if needed. He said staff could analyze the tax benefit, which is something that hasn't been done before, but we could have more conversations with Leon Hobson. Mr. Wedel said the other possibility is the potential for a transportation development district could be explored. He said generally, this is for commercial enterprises. He said an extra tax is charged to help with transportation issues. He said he wasn't sure if this could be applied to their events.

Diane Hoobler asked who created the ORV Park.

Monty Wedel said the park is on Corps property but the problem is the Corps can't contribute to off-site expenses. He said the dilemma is that the only entity we really have willing to participate in dust control is the developer at this point. He said that it isn't fair to charge the developer solely for that cost when there already is an impact.

Chairman Clement asked can't the Corps charge a park fee.

Paul Weidhaas stated he is a Park Ranger with the Army Corps of Engineers and serves at Tuttle Creek Lake. He said he came to the meeting as a neutral party and said the Corps is neither for nor against this proposal. Mr. Weidhaas explained the ORV area was originally a tank and tract vehicle maneuver area for Fort Riley, sort of an ancillary facility before the Fort expanded back in the 60's. He said it seemed like it would be a good fit once Fort Riley was done with the site to make it a jeep park. Mr. Weidhaas stated the park is 310 acres and there is no charge, although he does get calls asking about fees. He said callers are always very surprised because it seems most off-road vehicle areas charge a substantial charge. Mr. Weidhaas said patrons of the

park are willing to pay that and most are willing to pay \$4 or \$5 to enjoy it for the day. He said the Corps could do that too; the Corps charges at other parks and the money would stay there; it wouldn't go into the U.S. Treasury. Mr. Weidhass said it could be used to improve the area, but could not be used for off-site improvements.

Chairman Clement asked if the fees could be used to help with dust control mediation.

Paul Weidhaas responded I don't know the answer to that but I think it would be an off-site project.

Gary Hargrave said at one time, Russ Briggs and the Corps applied for grants to assist with gravel for the road. He asked who do we contact at the County about what does it takes, what traffic count does it have to be on that road to make it a county road. Mr. Hargrave stated he knew the County took over Wildcat Creek Road.

Bob Isaac said he spoke with Leon Hobson that afternoon about the request and dust control. Mr. Hobson spoke with the Assistant County Engineer and a few other people if the County would be able to participate in the cost sharing of the dust control. Mr. Isaac said there wasn't a whole lot of agreement one way or the other.

Mr. Isaac stated the threshold is 200 vehicles a day for the County to take over. He reiterated the Corps couldn't participate in the funding of the dust control mitigation. Mr. Isaac said if the Developer/Applicant donated at least half, there would be no other entity to pay the other half. He said it would need to be either 100% or none. Mr. Isaac said when he was speaking with Mr. Hobson, he agreed it was dusty and that dust is a problem, but he doesn't foresee it exceeding a level of ultimate concern. Mr. Isaac stated there are no other homes on this property or along the road; the impact on the traffic is the traffic itself.

Mr. Isaac said, as far as the speed limit, he asked Mr. Hobson what the process would be. He explained a petition would have to be submitted to the Board of County Commissioners and they would need to make the decision. He said Commissioners would have to work with the Township and the Township would have to purchase and maintain the signs. Mr. Isaac stated he wasn't sure if it was permitted that the township could get help. He said it wasn't completely ruled out that the developer participate 100% when needed. Mr. Isaac said speaking of dust control, the Township would have to be agreeable to have it applied, because of the work needed to the road prior to having the dust control applied.

Larry Larson stated he is the Trustee for Jackson Township and maintains Secrest Road. He said he has prepared several roads for Riley County when he was employed by them. Mr. Larson said it takes a lot of time and material to get the road ready to put the magnesium chloride down. He said once it is applied, you have to stay off of it because if you scuff the seal and it will fall apart. Mr. Larson said it is costly, but the maintenance after the dust control has been applied is none. Mr. Larson said it will wear out eventually and wash away. Mr. Larson said it would be a costly venture.

Bob Isaac said he asked Mr. Hobson exactly what it would cost for that stretch of the road and he calculated anywhere between \$3,000 to \$5,000 per one treatment.

John Osarzcuk said a two mile stretch.

Bob Isaac replied for that particular road.

Mr. Isaac said the magnesium chloride builds up over time, especially if there is not a lot of rain to wash it off. Mr. Isaac said there will be less and less applications over the years as it pretty much becomes a dust free road; but not 100% dust free.

Chairman Clement stated the Board was getting a pretty good impression of what the issues were out there.

Paul Weidhaas said the Corps has a traffic count meter at the entrance of ORV area. He said they get between 2,000 and 3,000 clicks per month with traffic coming in and going out of the park. Mr. Weidhaas said a car would set it off twice so we are way short of the 200 per day count.

Mr. Weidhaas said the ORV area is a destination park and we have talked about patrons coming from Nebraska and Kansas. He said they have also seen folks from Missouri and Oklahoma as well. Mr. Weidhaas said it really is a draw for a four-state area. He said people tell him it is the best ORV Park in the region. He stated they are seeing a lot more use and visitation is going up every year. Mr. Weidhaas said they are seeing a lot more of what they call Razors; the big, heavy duty UTVs and ATVs, opposed to the small jeep and dune buggies that they used to have or even mountain bikes in the early days. He said that has become more of a thing of the past. Mr. Weidhaas said they are using bigger vehicles, which means louder, noisy vehicles. He said when he patrols that area he usually has ear plugs in because the noise level can be harmful even though there's a noise restriction. He said when you have one hundred vehicles going in a 300-acre area all at once, it will be noisy.

Mike Kearns said the ORV vehicles just don't stay in the ORV Park. He has seen them going up and down Secrest Road. Mr. Kearns said he had never known what type of vehicles used until one went through his fence. He had a meeting with the ORV club and they put up a wonderful bearer so it wouldn't happen again. He said they offered to give him a ride and he didn't know a little vehicle like that could go 50 mph and climb rocks vertically. Mr. Kearns said those things are designed to go up very steep terrain and to go very fast.

Mr. Kearns stated if we get the increase out there, we will see an increase of those type of vehicles on that road. He said there is just no doubt, it's just logic and again we have to come back to the safety on that road. Mr. Kearns asked the Board to give serious thought to how to can protect the people on that road. He said not only those who work on that road with cattle or fence work, but those people who will be using the road also.

Bob Isaac said in regards to safety especially, it is not out of the question that the Board of County Commissioners can be petitioned and the other entities such as the township will have to agree to have dust control and a posted (reduction) of speed happen on Secrest Road. He said as far as this being the most highly maintained road in the township, it's obviously because of the traffic generated by the ORV Park.

Gary Hargrave said Brian McNulty told him that the County Commissioners receive at least \$20,000 dollars of PIK (Payment In Kind) a year from the Corps to be applied for roads accessing lake or Corps property. He asked the Board if they could find out if his township or any other township are receiving any of this or is the County keeping it all.

Chairman Clement said it seemed to him that if this is going to happening there should be some way to compensate with the Corps property generating this kind of traffic.

Chairman Clement stated the Board has the option to table the item.

Diane Hoobler asked Mike Renfro to identify where he lives.

Mike Renfro replied directly south of the subject property.

Bob Isaac visually showed Mrs. Hoobler the house site.

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

John Wienck said there was a lot of questions yet to be asked, from what they have heard, from the participants this evening; people with concerns towards this. He stated he sees the Wildcat Creek problem all over again.

Mr. Wienck said he was on this road several weeks ago to go to the ORV Park. He said as Mr. Kearns had mentioned, there are curves and he was driving sensibly and the curves just snuck up on him. Mr. Wienck felt the item should be tabled because there were too many questions concerning the road, taxing and unanswered questions.

Chairman Clement stated he felt the same.

Tom Taul stated he appreciated the Applicant's willingness to work with the Township and the neighbors. He said he has been on the Board a number of years and the Applicant brought up Prairiewood and Liquid Arts Winery. Mr. Taul said he never supported either of those because of the impact on the neighbors. He said every time he goes by Prairiewood, it just galls him to know how it disrupted all the people that were there initially, for the benefit financially for that one group and then they turn around and talk the County into taking over the road. He stated he is not a big supporter of these things that come into a community and disrupt the lives and activities of all those around there unless the Applicant was willing to foot the bill on all of these concerns. Mr. Taul said that doesn't always happen and he knows the applicant has expressed willingness and is really appreciated, but said he thinks until the Board can get the right information on what can or can't be done, he wouldn't be in support of the application the way it is tonight. He stated he was willing to table the item until they could get some answers, like on a transportation district. He said what limited knowledge he has on tax revenue generated by the project by the time it trickles down to the Township it will be peanuts from what the expenses are. Mr. Taul said anybody that thinks they will get all this revenue from this development is barking in the wind because it doesn't happen.

John Osarczuk said he thought if they were going to ask for more information to quantify the impact of the Corps and the impact of this activity. He said he didn't think it was fair to charge the Applicant with the full problem that is being generated from the ORV site. Mr. Osarczuk stated if the Board is going to put people on that road who are going to a wedding and are not driving down there with a jeep or a 4-wheel drive, then it needs to be a safe road for them to travel on. He said he agreed there needed to be more information, what are the capabilities, who can participate and what are the mitigation options that can be put into place that are cost effective. He said it sounded like to him a lot of the issue is really not the Applicant, but the ORV Park.

Mr. Osarzcuk said he goes to Fancy Creek all the time and he can hear them from the road. He said noise generated from the ORV Park and dust seems like a lot that traffic is going to be off the ORV. He said we really need to separate those two issues to know what the impact is.

Diane Hoobler said she agreed with John Osarzcuk.

John Osarzcuk said he did appreciate the fact the Applicant was willing to look at a piece of property that already had a noise issue if they were going to generate some additional noise. He said it made sense to him that there were some issues and maybe room in there to work. Mr. Osarzcuk said if we are going to have operations like this, he thought the Board would want to encourage this kind of research and this kind of isolation. He stated the Board has been involved in other projects that the Applicant mentioned that had no isolation or no barriers. Mr. Osarzcuk stated this site, at least, has nobody residing within 1,000-feet other than an ORV Park; and maybe they want to encourage folks that are looking to do this to take the time to find an area like this where they can drive some distance and have isolation.

Mrs. Osarzcuk said a lot of questions need to be answered and he would be in favor of tabling the item.

Chairman Clement re-opened the public hearing.

Drew Vennum stated he appreciated the deliberation and the safety concerns. He stated his only request, if the item were to be tabled, is that he be provided with a specific list of questions/concerns so that he can address them.

Monty Wedel agreed with the Applicant and said the Board needed to identify what the concerns were, what information was needed and had to be in the motion. He said the Applicant needed to know exactly what the Board wanted from him and staff needed to know what they needed to do to help the Applicant.

John Osarzcuk stated he wanted to see some type of dust mitigation, the cost of modifying the road, what other options are there for dust control, a mitigation plan and the answer might come back there is no mitigation plan.

Monty Wedel said dust mitigation can be done, but it is done by the County. He said Secret Road doesn't qualify as a county road but dust mitigation can be done, it is a matter of who will pay for it. Mr. Wedel stated it is the funding of the dust mitigation plan that is the issue.

Chairman Clement said it may take some time to find out, but he wants to know if the Corps of Engineers could develop a access fee for the ORV Park that could be funneled back to pay for the dust mitigation.

Monty Wedel stated staff will pursue any and all financing avenues to come up with ideas to pay for the dust mitigation. He said staff will explore any and all options.

Diane Hoobler asked about the speed limit situation and if that was something the Board could do.

Monty Wedel said that would be matter of requesting the County Commissioners reduce the speed limit. He said the Developer could approach them or the Board could put it the recommendation.

John Osarczuk said it sounded like it was already a problem and somebody ought to make the recommendation.

Monty Wedel said the Applicant has agreed to pay for the signs.

Drew Venum said he would be happy to approach the County Commissioners to reduce the speed limit and would appreciate this Board's recommendation.

Chairman Clement asked Paul Weidhaas if the Corps would be willing to make the recommendation. Mr. Weidhaas said he would visit with the Corps of Engineers Counsel.

Monty Wedel asked the Board about the noise concern.

Diane Hoobler said noise was a real big issue with Prairiewood.

Monty Wedel said Prairiewood was a PUD and reminded the Board that it ended up not being a PUD. He said when we were talking about it, this is exactly the same stuff we proposed in that PUD and also in the Liquid Arts Winery PUD. Mr. Wedel said the 65 dBA is the decibel level standard Fort Riley uses. He said we are talking about a noise level that is obnoxious, a problem. Mr. Wedel said just because you *can* hear something, we can't control that. He said just normal conversation is at a 55-65 dBA level.

Monty Wedel said the reason for tabling was the financing of the dust mitigation and the noise, he was not sure what the Board wanted.

Diane Hoobler said she was thinking most of the noise will be within the event center and it will air conditioned. She said the doors will be shut.

John Osarczuk said it is 65 dBA at the property line.

Mike Renfro said that will be extremely loud where he lives. He said that it would be obnoxiously loud.

Monty Wedel gave the Board an example of a noise complaint received. He said they were riding motorcycles on their own property and was not a commercial endeavor. He said staff went to the property line and with a decibel meter and it didn't even register 65 dba.

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

Chairman Clement said he didn't think there was much they could do about the noise.

John Wienck said he agreed with Chairman Clement.

Diane Hoobler said yes.

Chairman Clement said he would support a motion to table the request.

Diane Hoobler moved to table the request to the March 13, 2017, Riley County Planning Board to allow time to gather information on all the expenses of the dust control mitigation plan, who would pay for the dust mitigation plan and reduction of the speed limit on Secrest Road.

John Osarczuk seconded. Motion carried 5-0.

Update on Big Blue Floodplain Management Plan

Monty Wedel stated the Manhattan Urban Area Planning Board and the City of Manhattan have adopted the plan. He said this will be on the March agenda to the adoption of the Plan.

Update on Zoning and Subdivision Regulations re-write

Monty Wedel said staff has been spending a substantial amount of time reviewing the drafts from the consultant such as the use tables, use specific standards and the different zoning districts. He said he his intent was to have Legal Counsel review the draft before making it public hopefully some time March.

Update on Fort Riley Joint Land Use Study

Monty Wedel said the first round of public meetings were held. He said there was some opposition from property owners and the committee was able to get some of them involved in the process. Mr. Wedel said staff is waiting on recommendations at this point and are not doing a Fort Riley Adjacency Overlay District at this time.

State of Kansas Agritourism Task Force

Monty Wedel said there is no update since the last meeting.

Annual Comprehensive Plan Review

Lisa Daily said Bob Isaac will include the Goals and Objectives of the Plan in the next agenda packet.

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

The meeting was adjourned at 10:02 P.M.