

## MINUTES

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

**Monday, December 11, 2017  
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

Members Absent: John Osarczuk

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

Others Present: Jenny Bormann and Nathan Larson

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#### **OPEN PUBLIC COMMENTS**

None

#### **CONSENT AGENDA**

The minutes of the November 13, 2017 meeting were presented and approved. The Report of Fees for the month of November (\$1,584.00) were presented and approved.

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 4-0.

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

##### **Amend Section 18 – Nonconformities of the Riley County Zoning Regulations**

Chairman Clement opened the public hearing to amend Section 18 – Nonconformities of the Riley County Zoning Regulations.

Bob Isaac presented the background stating that the proposed amendment was triggered by a recent situation involving a church that expanded its facilities without a building permit. He explained that in 2012, churches and places of religious assembly were moved from the list of permitted uses to the list of Conditional Uses in the “AG” (Agricultural District), rendering all such uses legal nonconforming uses. He said the reasons for the amendment were due to concerns of adverse impacts such land uses can create (e.g. traffic, stormwater drainage, etc.) and having no formal review or mitigation measures in place; thus, by requiring conditional use

authorization, such formal review can occur with the intent of allowing such land uses while minimizing negative impacts on the surrounding community.

Mr. Isaac explained since churches are no longer a permitted use, any minor modifications to their facilities would technically force a church to comply with the current regulations (i.e. receive conditional use authorization). He said conditional uses require a site plan and the potential expense of which could exceed the cost of the minor modification to their facility. Staff proposed that a change be made to the regulations allowing religious and educational facilities to make minor modifications/additions to their facilities without acquiring conditional use approval, as long as such changes did not effect a development standard, such as an increase in parking spaces, as required in Section 14 - Minimum Parking and Loading Requirements of the Riley County Zoning Regulations.

Staff recommended that the Planning Board forward a recommendation of approval to the Board of County Commissioners to adopt the proposed amendments as published.

Monty Wedel said staff reviewed the proposed amendment with Land Development Regulations (LDR) consultant, Elizabeth Garvin, and she is supportive. He said she intends to include such minimal changes to structures as part of the development standards and was contemplating this as a permitted situation that would not require a conditional use.

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 4-0.

Diane Hoobler moved to forward a recommendation of approval of the amendment to Section 18 of the Riley County Zoning Regulations to the Board of County Commissioners as published and for the reasons listed in the staff report.

John Wienck seconded. Carried 4-0.

Mr. Isaac announced that the Manhattan Urban Area Planning Board will hear the request on December 18, 2017 at 7:00 pm at City Hall and the Board of County Commissioners will hear the request on January 4, 2018, at 10:30 am, in the County Commission Chambers.

### **Amend Section 13 – Nonconformities of the Riley County Zoning Regulations**

Chairman Clement opened the public hearing to amend Section 13 – Accessory Structures, Buildings & Uses of the Riley County Zoning Regulations.

Bob Isaac presented the background, stating that the proposed amendment was triggered by the Planning and Development Department recently receiving an application for a building permit to construct an accessory building on a tract of land that already exceeded the maximum limitations of both size and number of accessory buildings allowed for the property

Mr. Isaac stated that in September 2015, the Board of County Commissioners approved amendments to Section 13 - Accessory Buildings, Structures and Uses of the zoning regulations. He said prior to these amendments, the method used to calculate the size of any accessory building, for purposes other than agricultural, was based strictly on the size of the house on the property. He explained this method was determined to be unreasonable as it did not provide a

logical nexus between the size of the building and its function. He explained that although the changes made to the zoning regulations introduced a new method of calculating the size of an accessory structure, which is now based on the size of the tract on which it is to be located and the zoning designation of such tract OR the size of the footprint of the principal structure, whichever is greater, critical text regarding accessory structures for the housing of livestock and/or horses was not included.

Mr. Isaac said this text amendment seeks to address this issue by exempting structures used solely for housing livestock and/or horses from the maximum cumulative square footage calculations and from the maximum number of detached accessory structures permitted, provided certain conditions are satisfied. He explained these accessory structures, as described, would not be counted in the overall calculation of accessory structures. Mr. Isaac stated this would apply only to zoning districts that allow stock animals. He said buildings used solely for the housing of livestock or horses shall be exempt provided the following criteria are met:

1. The building shall be constructed in compliance with the Sanitary Code;
2. Unless a waiver is granted by an affected neighbor for any of the following, the building shall not be located within:
  - i. 100 feet of a residential district;
  - ii. 200 feet of a residence on an adjacent property;
  - iii. 50 feet of a property line.

Mr. Isaac said this amendment also proposes to change the maximum number of other detached accessory structures permitted from a total of two (2) to three (3), based on an analysis from the Appraiser's office that demonstrated there is already a considerable number of residential tracts currently that contain at least three accessory buildings. He stated it was thought that restricting the number of accessory structures to a maximum of two may have been unrealistic.

Staff recommended that the Planning Board forward a recommendation of approval to the Board of County Commissioners to adopt the proposed amendments as published.

Chairman Clement asked if there were any proponents or opponents.

Jenny Bormann stated she lives on six acres located off McDowell Creek Road. She said they have a riding arena which already exceeds the regulatory limitations put in place in 2015. Ms. Bormann said she is wanting to add a little barn for the horses, so the kids can have 4-H calves and lambs.

Ms. Bormann said there are several issues and one is the number of structures. She explained that if you have livestock, you can understand the reasons to keep feed and hay in separate buildings, away from gas, tractors and livestock. She said for livestock, potential bio-security issues depending what species. She stated the overall square footage is the other issue, as riding arenas are big. She stated she is voicing her support for the proposed amendments, not just for herself, but for anyone with acreage or that wants to have a hobby farm, 4-H livestock etc.

Tom Taul moved to close the public hearing. John Wienck seconded. Carried 4-0.

Tom Taul moved to forward a recommendation of approval to the Board of County Commissioners of the proposed amendments to Section 18 of the Riley County Zoning Regulations based on the information in the staff report.

John Wienck seconded. Carried 4-0.

Mr. Isaac announced that the Manhattan Urban Area Planning Board will hear the request on December 18, 2017 at 7:00 pm at City Hall and the Board of County Commissioners will hear the request on January 4, 2018, at 10:30 am, in the County Commission Chambers.

### **Riley County Zoning and Subdivision Regulations Rewrite Steering Committee**

Monty Wedel stated the new incoming board member, Nathan Larson is already on the committee representing the Soil Conservation District. He said Mr. Larson could also represent the Riley County Planning Board/Board of Zoning Appeals.

Diane Hoobler moved to appoint Nathan Larson as the representative to the Riley County Zoning and Subdivision Regulations Rewrite Steering Committee to replace outgoing Lorn Clement.

John Wienck seconded. Carried 4-0.

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

Monty Wedel stated staff is trying to finish up Article 3 with Elizabeth Garvin. He explained that once that is completed, staff will review Article 3 with County Counselor, Clancy Holeman and Commissioner, Marvin Rodriguez. He said the first two articles are preliminary public review drafts and are available at: <https://rileycountylr.com/>.

Mr. Wedel said there is a possibility that once Articles 1-5 are ready for public review, to come have a discussion with this Board, the Manhattan Urban Area Planning Board and Board of County Commissioners to make sure everyone is good to this point.

Chairman Clement said he really appreciates all the work Monty Wedel and Bob Isaac have done and Lisa Daily as well. He said, "Especially you Monty. You've done a great job all these years of keeping us on track and answering questions."

Monty Wedel replied it's because of supportive people like you and thank you for you service.

John Wienck moved to adjourn. Diane Hoobler seconded. Carried 4-0.

The meeting was adjourned at 7:53 P.M.