

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, July 12, 2021
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Dr. Tom Taul, Chair
Diane Hoobler, Vice-Chair
John Wienck
Nathan Larson
Joe Gelroth

Members Absent: None

Staff Present: Amanda Smeller – Director (Zoom), Bob Isaac – Planner and Lisa Daily -
Administrative Assistant

Others Present: Michael Morton, Robyn James, Richard Dodd, Bob Mertz and Mary
Mertz

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the June 14, 2021 meeting were presented and approved. The Report of Fees for the month of June (\$3,310.00) were presented and approved.

Diane Hoobler moved to approve the consent agenda. John Wienck seconded. Carried 5-0.

GENERAL AGENDA

Diane Hoobler moved to table discussion of whether to continue with Zoom and YouTube meeting availability, to the next Riley County Planning Board/Board of Zoning Appeals meeting. John Wienck seconded. Carried 5-0

John Wienck moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Board of Zoning Appeals. Joe Gelroth seconded. Carried 5-0.

BOARD OF ZONING APPEALS

Mertz – Variance

Chairman Taul opened the public hearing at the request Robert D. & Mary T. Mertz, petitioners and owners, for a variance authorization to permit the restoration and re-purposing of a historical agricultural accessory structure, establishing the lowest floor of which 2.4 feet below the required elevation of one (1) foot above base flood elevation (990.5 ft.) in Section 31, Township 9 South, Range 8 East in Manhattan Township.

Bob Isaac stated the applicants wish to restore and re-purpose a historical agricultural accessory structure, establishing the lowest floor of which 2.4 feet below the required elevation of one (1) foot above base flood elevation. He described the background, location and physical characteristics of the subject property.

Mr. Isaac stated the applicants wish to convert an old 680 square foot agricultural structure into a personal recreational building. He said the applicants stated that, since the building is on the Kansas Historical Registry, along with the house, they might share the historic significance a couple of times a year as part of a historic tour down the Native Stone Scenic Byway.

Mr. Isaac explained the entire 10.54 acre tract is located within the 1% annual chance floodplain, as of the March 2015 Flood Insurance Rate Maps. He explained that an elevation certificate needed to be completed and submitted to determine what was needed to put in a new floor in the building. Mr. Isaac stated that staff determined that a floodplain variance was needed.

Staff recommended approval of the request for a variance to permit the restoration and re-purposing of a historical agricultural accessory structure, the lowest floor of which being constructed 2.4 feet below the required elevation of one (1) foot above base flood elevation (990.5 ft.).

John Wienck stated that today a house wouldn't be allowed to be built without being elevated.

Mr. Isaac explained accessory structures are different because they can be wet flood-proofed. He explained that the applicants must be careful not to alter the subject building too much, as it can change its status and lose its status on the State Historical Registry.

Bob Mertz asked that the photo of the building be displayed again. He explained that the bottom of the door, which is considerably higher than the foundation, is where the floor was originally located.

Nathan Larson asked if a wooden floor would be installed.

Bob Mertz explained the building is part of his family legacy and was used as a granary when he was growing up. He explained when they looked into the historical aspect of the building, they found out it was used as a school house for three years. Mr. Mertz said when they were preserving the roof they found a smoke chimney in the wall.

Mr. Mertz explained to Nathan Larson they have been through several floods and after the 1993 flood, they took out the floor in the house and replaced it with concrete so they could clean up future flood damage with a hose.

Chairman Taul opened the public hearing.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Joe Gelroth seconded. Carried 5-0.

Diane Hoobler moved to approve the request for a variance authorization to permit the restoration and re-purposing of a historical agricultural accessory structure, establishing the lowest floor of which 2.4 feet below the required elevation of one (1) foot above base flood elevation (990.5 ft.). John Wienck seconded. Carried 5-0.

James-Dodd: Variances

Chairman Taul opened the public hearings to consider the request of Robyn James, petitioner and Richard H. & Yvonne M. Dodd Trust, owners, for a variance to reduce the required front yard setback along Deibler Place from 25 feet to 13 feet; a variance to reduce the required front yard setback along Rannells Road from the required 25 feet to 24 feet; and a variance to reduce the side yard setback along the east property line from the required 7.5 feet to 3.6 feet; all in Section 17, Township 10 South, Range 8 East; Manhattan Township.

Bob Isaac presented the request stating the applicant is requesting three separate variances for various setbacks pertaining to the residential home on the same lot. He explained each variance request is separate and should be decided upon independent of one other.

Mr. Isaac explained the applicant wishes to construct an addition on the rear of the home (a sun room), and line it up with the west elevation of the home; however, it was discovered that the home did not meet the required 25-foot front yard building setback. He said Lot 6 is a corner lot that abuts Deibler Place and Rannells Road, thus making the lot have two separate front yard setback requirements. He stated that although the home is considered a “legal nonconforming” structure, the zoning regulations prohibit construction/remodeling/etc. of a nonconforming structure that would *increase the degree* of nonconformity. It was determined a variance would need to be approved to allow the sun room addition to be constructed.

Mr. Isaac stated when the surveyors concluded their work, they discovered that not only did the home extend into the front yard setback along Deibler Place, it also extended into the front yard setback along Rannells Road and into the side yard setback along the east property line. Planning staff recommended to the applicant to request a variance for each of the aforementioned setbacks to bring the lot into compliance.

Staff recommended approval of the request for a variance to reduce the required front yard setback along Deibler Place from 25 feet to 13 feet; a variance to reduce the required front yard setback along Rannells Road from the required 25 feet to 24 feet; and a variance to reduce the side yard setback along the east property line from the required 7.5 feet to 3.6 feet.

Chairman Taul opened the public hearing.

There were no proponents or opponents.

Joe Gelroth moved to close the public hearing. John Wienck seconded. Carried 5-0.

Diane Hoobler moved to approve the request for a variance to reduce the required front yard setback along Deibler Place from 25 feet to 13 feet. John Wienck seconded. Carried 5-0.

Diane Hoobler moved to approve the request for a variance to reduce the required front yard setback along Rannells Road from 25 feet to 24 feet. Joe Wienck seconded. Carried 5-0.

John Wienck moved to approve the request for a variance to reduce the side yard setback along the east property line from the required 7.5 feet to 3.6 feet. Nathan Larson seconded. Carried 5-0.

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

Nathan Larson seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Bluestem Electric Cooperative, Inc. – Special Use Authorization

Chairman Taul opened the public hearing to consider the request of Bluestem Electric Cooperative, Inc., petitioner and Bryce & Amy Larson Trust, owners, for a **Special Use Authorization** to allow for the construction and operation of a 750-KW commercial solar farm for a tract of land in Bala Township, Section 13, Township 8 South, Range 4 East, in Riley County, Kansas.

Bob Isaac presented the request stating the applicant is requesting a special use authorization for the construction and operation of a 750-KW commercial solar farm. He said according to the applicant, Bluestem has plans to install the solar farm in Riley County for the benefit of the Bluestem members. Mr. Isaac said the subject site is approximately 7.7 acres of a 71.13-acre parent tract, owned by Mr. and Mrs. Bryce Larson.

Mr. Isaac explained Bluestem has a 1-MW diesel peaking generator located at the Leonardville Substation, which sits on the northwest corner of Highway 24 and Highway 82 junction. He said Bluestem plans to move this generator to a different substation once the solar farm is online and generating. Mr. Isaac stated all power produced by the solar farm will be distributed directly to the members of Bluestem served by the Leonardville and Clay Center Substations. The applicant asserted that none of the power generated by the solar farm will be leaving the area served by these substations and that a majority of the solar power generated will be consumed by Bluestem members who reside in Riley County.

Mr. Isaac explained the solar energy conversion system will consist of several single axis sun tracking solar panels that follow the sun over the course of a day, moving from east to west. He said these are light-absorbing modules that produce little or no glare.

Mr. Isaac said the 750-kW solar farm located in Riley County will consist of 2,600 tier one solar modules. These are light-absorbing modules that produce little or no glare.

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners. Staff recommendation is based on the following findings:

- Once the solar farm is online and generating power, it will replace the current 1-MW diesel peaking generator located at the Leonardville Substation;
- None of the power generated by the solar farm will be leaving the area served by these substations and that a majority of the solar power generated will be consumed by Bluestem members who reside in Riley County; and
- There are no anticipated negative impacts on public facilities and/or services.

Staff recommended that the requested Special Use be approved with the following conditions:

1. All drives and parking areas shall consist of and continue to be maintained with all-weather surfacing, such as crushed stone or gravel.
2. No portion of the site shall be used for the storage of equipment, vehicles, materials or supplies except during construction.
3. Prior to commencing operations, a Decommissioning/Site Reclamation Plan, along with an instrument of financial surety in the amount of \$50,000-\$250,000, shall be submitted to and approved by the Riley County Board of Zoning Appeals.

Joe Gelroth asked about how many homes would be served by the 750-KW solar farm. He also asked if there are any other solar farms located in Riley County.

Mr. Isaac replied as far as commercial, this is the first solar farm to be located within Riley County.

Chairman Taul asked if the applicant wanted to speak.

Mike Morton, General Manager for Bluestem Electric Cooperative, stated he is excited to join in with 12 other cooperatives in Kansas that are installing solar farms. He said Bluestem is also installing a solar farm in Pottawatomie County.

Mr. Morton said 750-KW solar farm will serve approximately 700 to 800 homes. He said it all depends on usage per home. He said it will serve a lot of the homes coming off the Leonardville substation, plus some homes coming off the Clay Center substation. He said the original plan was to put a 1-MW system in Riley County; however, they have to review the load year round. He said they can't generate more electricity than what the field will put out onto the lines, otherwise it tries to push it back through the substation and back up onto the grid. He stated they are not allowed to push it back to the grid and that is why it is 100% used by the members of the cooperative.

Mr. Morton said they are excited about the opportunity and hopes it will help keep rates stable. He said they are entering into a time of inflation and interest rates will increase. He said the existing diesel generator will be moved to another substation to be used for peaking. Mr. Morton said the generators are used during the summer time when the power supplier indicates it a peak day, they can control their dollars which are eventually passed onto our members. He said when they look at these projects it is not for Bluestem's pocket but the pockets of the members.

John Wienck asked how the power from the grid gets to the substation.

Mr. Morton said they will build an overhead line. He said they looked into locating the lines underground but the terrain would not allow it.

Diane Hoobler asked how many panels will be this solar farm.

Mr. Morton said around 2,600 panels.

Nathan Larson asked how well the solar panels work on cloudy days.

Mr. Morton said not very well when it is cold and cloudy. He said the solar panels are designed to help control the peak during the summer months of June, July, August and September. He explained the generator runs only during the peak days during the summer. The solar farm will run year around at a reasonable price to the members.

Diane Hoobler asked if Bluestem has future plans for more solar farms.

Mr. Morton said at this time, just the two solar farms, because they are limited by their power contracts on how much they can put into place. He said these will bring Bluestem to about 300-KW, which is almost maximum.

Nathan Larson asked when will the solar farm be up and running.

Mr. Morton said hopefully by April 2022.

Chairman Taul opened the public hearing.

There were no proponents or opponents.

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

John Wienck moved to forward a recommendation of approval to the Board of Commissioners of Riley County for a Special Use Authorization to allow for the construction and operation of a 750-KW commercial solar farm in Zone "AG" (Agricultural District). Joe Gelroth seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on August 2, 2021, at 9:20 am, in the County Commission Chambers.

Annual Review of the Comprehensive Plan

Chairman Taul asked for a motion from the Planning Board members to take from the table the discussion item "Review or reconsider the Comprehensive Plan or any part thereof and propose amendments, extensions or additions to the same and conduct the annual review."

Diane Hoobler moved to remove the request from the table. Joe Gelroth seconded. Carried 5-0.

Mr. Isaac stated if the Board had completed its review and was satisfied with how the Plan is working, Chairman Taul could, on behalf of the Riley County Planning Board, sign the prepared memo to the Board of County Commissioners, notifying them that the Planning Board has completed their statutory obligated annual review the Comprehensive Plan.

Chairman Taul stated if no one had any recommendations for changes to the Plan he would ask for a motion to forward a recommendation to the Board of County Commissioners that no changes are necessary for the comprehensive plan.

John Wienck moved and Joe Gelroth seconded. Carried 5-0

Diane Hoobler moved that the Riley County Planning Board had conducted the annual review of the Comprehensive Plan and for Chairman Taul to sign the memo on behalf of the Riley County Planning Board and forward it to the Board of County Commissioners. Joe Gelroth seconded. Carried 5-0.

Nathan Larson moved to adjourn. John Wienck seconded. Carried 5-0.

The meeting was adjourned at 8:38 P.M.