

MINUTES

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

**Monday, September 12, 2022
7:30 pm**

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

- Members Present: Diane Hoobler, Chair
John Wienck, Vice-Chair
Nathan Larson
Rita Cassida
- Members Absent: Joe Gelroth
- Staff Present: Amanda Webb – Director, Bob Isaac – Planner, Lisa Daily -
Administrative Assistant
- Others Present: Melissa Wahl, J. Pat Murphy, Tod Bunting, Jay & Vonda Copeland, Bruce
McMillan, Rebecca Pishney, Douglas Pishney, Dean & Alex Peterson,
Steve & Dawn Sinn, Misty Williams, Eric Peck, Lea Westervelt, Darrell
Westervelt, Colin Kingston, Garric Baker, Dennis Tegtmeier, Vinton
Visser, Justin Visser, Lance Visser and Mike Winter.
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OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the August 8, 2022 meeting and the Report of Fees for the month of August (\$4,288.00) was presented.

John Wienck moved to approve the consent agenda as presented. Rita Cassida seconded. Carried 4-0.

John Wienck 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.

Nathan Larson seconded. Carried 4-0.

RILEY COUNTY BOARD OF ZONING APPEALS

Servicemember Agricultural Vocation Education Corp, The SAVE Farm – Conditional Use

Chairman Hoobler opened the public hearing at the request of Servicemember Agricultural Vocation Education Corp, The SAVE Farm, petitioner, and owner, for a conditional use authorization to allow a private vocational school in the “AG” (Agricultural District) zoning district for a tract of land in Wildcat Township, Section 16, Township 9 South, Range 6 East.

Bob Isaac presented the request stating the subject site consists of a 7.6-acre portion of a larger unplatted 158-acre parent tract, located in the southeast portion of said parent tract. He said the applicant wishes to establish a private not-for-profit vocational school.

Mr. Isaac stated the SAVE program is intended to allow the maintenance of farming as an occupation and retain family farms for the betterment of the population at large. He said the site has been zoned "AG" (Agricultural District) since at least 1974. Mr. Isaac reviewed the site plan with the Board stating that it serves to illustrate the pre- and post-development phases of the project and the intent of the applicant to develop, or redevelop, the tract in an area that is not already tilled or dedicated to agricultural production.

Mr. Isaac said the site abuts and has existing access to North 52nd Street and the existing buildings are slated for removal. He then reviewed the proposed site plan. Mr. Isaac stated the many of the proposed structures and uses will be for agricultural purposes; therefore, will be exempt from the zoning regulations and the decision of the Board. He reiterated that although the site plan shows the entirety of the proposed layout, the decision for the conditional use is for the classroom and the administration buildings. He said it is proposed that the existing driveways will be utilized to provide better circulation of the site.

The site plan proposes various small livestock enclosures and the following structures:

1. 28 x 60 Classroom
2. 28 x 68 Admin building with kitchen
3. 50 x 100 Greenhouse
4. 50 x 60 Shop building
5. 60 x 100 Machine shed
6. 40 x 60 Hay shed
7. 12 x 36 Laboratory and
8. Grain bin gazebo

He said the majority of the parent tract consists of a mix of hayed areas and native grass.

Staff recommended the requested Conditional Use be approved with the following conditions:

1. If it is determined that an entrance pipe is needed, a pipe shall be sized in accordance with Riley County Standards for Road Design in Platted Subdivisions. In no case shall the pipe be less than 15 inches in diameter.
2. Property owner(s) is/are required to maintain all publicly granted drainage easements. Natural or non-natural structures or vegetative barriers (including but not limited to trees, shrubbery, berms, fences and walls) are prohibited within publicly granted or publicly dedicated drainage easements.
3. All drives and parking areas shall consist of all-weather surfacing and be resurfaced and maintained on a regular schedule or as needed.
4. The site and all uses thereon shall be in compliance with the Riley County Sanitary Code.
5. Areas will remain in a natural state, except for areas of improvement, all disturbed areas, due to improvements, will be seeded.

6. Buildings and structures shall comply with State of Kansas minimum building and life safety codes per the 2006 IBC and the 2000 NFPA 101. Maximum permitted occupancy shall be posted.
7. All proposed lighting shall have directional control or appropriate cut-offs to minimize spillage and light trespass.
8. Existing riparian areas and native tree stands shall remain intact as much as possible to act as an audio and visual buffer to surrounding properties. All areas, unless improved, will remain agricultural.
9. All signs shall be subject to Section 6.12 - Signs of the Riley County Land Development Regulations.

Chairman Hoobler opened the public hearing and asked if the applicant wanted to speak.

Tod Bunting stated he is a founding member and current CEO of SAVE Farm. He said Board members were present; Melissa Wahl founding member and farm manager, Eric Peck founding member and one of the instructors, Pat Murphy founding member and engineer and Bruce McMillan, Board member.

Mr. Bunting said the Mr. McMillan would provide the details and he made clarifying comments. He said they are transitioning farm for veterans, families, and other beginning farmers. He stated they operate from mainly two grants from the USDA: beginning farmer and rancher grant and agricultural veteran grant. He stated they have received sufficient support from John Deere Foundation.

Mr. Bunting explained the current program is 20 weeks long, with a typical class size of around 10-15 students. He said they will reach at least 100 farmers a year, but it will be mostly with the beekeeping training which a lot is done virtually and the farm tours that they take all over northeast Kansas. He said they hope to graduate 30 students a year through the 20-week program. He said the strategic plan is being updated and there are no plans to house students on the property.

Mr. Bunting stated they make an extra effort to accommodate everyone, particularly those with physical challenges, thus everything built up until now is ADA compliant. He said they have an honor orchard where they grow hazelnuts and blackberries. He said the blackberries were done on a trellis system so it can be easily maintained by someone with limited mobility. He said they will have a kitchen in the administration building, but not commercial grade and will not provide meals. He said normal operations will be standard business hours with the occasional exception for harvest or other specialized farm activities.

Mr. Bunting stated the two classrooms were donated from Flint Hills Christian School. He said a veteran company out of Iowa, Hitched Wholesale, came and moved them to the site. He said they will put them in place to meet all the county requirements, slabs, piers, bolted down and a significant face lift. He said they intend to foam insulate underneath and provided proper skirting.

Bruce McMillan stated he is an architect and military veteran. He stated he has worked through the application process for the board review. He said the site plan should convey all the

components, all buildings are well within the setbacks, and final configuration was based off slope and drainage. He said traffic generation will be on two gravel paved drives which meet at 90-degree intersections, with N. 52nd Street with no blind spots. He said traffic would be minimal and the site would be served by rural water and an onsite septic system.

John Wienck asked if the classrooms that will be used were the ones donated.

Mr. Bunting replied yes.

Chairman Hoobler asked if there were any proponents for the request.

Mike Winter asked if they are going to improve the roads because there are two one-lane bridges and who is going to pay for it.

Chairman Hoobler asked Mr. Winter where he lives in relation to the subject property.

Mr. Winter replied he lives on Walnut Creek Road about two miles from the subject site and drives down 52nd Street. He said the students from SAVE Farm fly down the road going 60 mph. He asked who will be teaching the students and if they will be educated on farming. He said he wanted to know if the ground had been probed for sewer and will there be a lagoon or laterals. He asked if the road and bridges will be widened.

Chair Hoobler asked if there were any other opponents.

Vinton Visser said he is not an opponent of SAVE Farm and wish their mission and success of it. He stated he has an issue with the location and the condition of the roads. He said there are four miles of gravel to the east and basically a one lane road. He mentioned the dust and there are major issues with Silver Creek Road as far as safety. Mr. Visser stated the previous property owner was killed in an accident on Silver Creek Road. He wanted to know why this location was chosen. He also wanted to know if the property is tax exempt.

Alex Peterson stated she lives in Wamego and that she and her husband own land off N. 52nd Street. She stated SAVE Farm purchased the land on three sides of their five acres. She stated they purchased their five acres over 30 years ago to enjoy its peaceful surroundings. She said they have been negatively impacted by traffic and dust with a rezoning that was approved where they currently live. She asked the Board to consider her experience with rezoning and to take this into account when making their decision.

Misty Williams stated she lives on Silver Creek Road and had just found about the proposed school. She said she has moved back to help with her family farm. She stated she has young boys that are learning how to drive. She stated vehicles travel fast down that road and eventually will hit one of her kids. She stated she followed a grayish colored truck that was traveling approximately 65 mph that turned into the entrance of the SAVE Farm. She said this is supposed to be a quiet, serene country road. She stated the traffic is crazy.

Dawn Sinn stated she lives at 9721 N 52nd Street which is directly across the road. She said the 318 acres which SAVE Farm purchased is no longer on the tax roll and N. 52nd Street doesn't get good maintenance. Mrs. Sinn stated there are still washouts along the road from the 2018 Labor Day flooding and have never been repaired. She said dust is an issue.

John Wienck asked for clarification on who maintains N. 52nd Street as he thought it was a county road.

Mrs. Sinn confirmed it is a township road.

Jay Copeland said SAVE Farm has done a good job and he lives directly across the road. He said within 200 yards of his driveway and their driveway the road goes straight downhill into the creek. He said you cannot see a car coming up from the west until they are on top of you. Mr. Copeland said if you add 15-20 more cars coming in and out, someone will get killed there. He said he was concerned because a school bus goes through there. He also pointed out that there is a lot of bicycle traffic and that is very dangerous with the dust.

Mr. Copeland said SAVE Farm recently put in terraces which look really nice; however, he said one of the terraces comes right out to the road and, with no ditch to drain it, and if we get a large rain, the water will go directly to Dawn and Steve Sinn's driveway and house.

Dennis Tegtmeier stated he lives less than a quarter mile west of the subject site. He said if you go west, there is a hill that goes straight down to a one-lane bridge. He said both bridges are dangerous and those belong to the County. He stated his family no longer walks on the road because it is no longer safe. Mr. Tegtmeier stated to the Board by approving this request, you are ruining a lot of safe neighborhoods and we live out there for a reason.

Mr. Tegtmeier stated he lives 300 yards from the subject property and was not aware there was a meeting this evening until his neighbor told him. He said the whole neighborhood deserves an apology.

Chairman Hoobler asked if he received a letter.

Mr. Tegtmeier said he got nothing.

John Wienck asked if he was within 1,000 feet.

Mr. Tegtmeier replied no and proclaimed to whoever came up with the 1,000-foot rule, it's a bunch of bull. He said the location is horrible and someone must die before we change something.

Vinton Visser said he agreed with Mr. Tegtmeier and everyone along the road should have been notified. He mentioned noise from Ft. Riley.

Tod Bunting stated they take the safety concerns seriously and they have only had five students in the last year. He said at this time they do not have anyone at the farm that has a gray truck. He said this is the land that our founders found and were willing to sell to us and was available. Mr. Bunting said this location has been a school for three to four years now. Now that we identified with the County that these are classrooms, we were required to go through this process. He said they want to be good neighbors and get along with them.

John Wienck asked over the 20 weeks of school there will be 10-15 students and your current situation, is it a come and go type of thing?

Mr. Bunting replied they slowed down a lot during COVID, but the program is now approved to receive the GI Bill which becomes effective in January. He said typically, in the past, the class size has been three to five students. He said they expect the class size to increase to 12 in January with two to three staff at any one time. He said they normally do not start class until 8:30 or 9:00 a.m. and are done between 3:00 and 4:00 p.m., no evenings unless there is a farming need and no weekends.

Bruce McMillan stated this is permitted conditional use within the district; the application has addressed all the conditions that were requested within the document. He said all notifications were provided to those individuals within the allowed notification area. SAVE Farm has met all the requirements before you this evening.

John Wienck moved to close the public hearing. Rita Cassida seconded.

Chairman Hoobler said she needed to recuse herself from the rest of hearing. She stated she has been involved with the SAVE Farm for 10-15 years. She said they have visited their farm twice a year prior to the Covid pandemic.

Vice-Chair Wienck took over as Chair and called for a vote on closing the public hearing. Motion carried 3-0.

Nathan Larson moved to approve the request for a Conditional Use Authorization to allow a private vocational school in the “AG” (Agricultural District) zoning district. Rita Cassida seconded. Carried 3-0.

Chairman Hoobler rejoined the meeting.

John Wienck moved to adjourn the Board of Zoning Appeals meeting and reconvene as the Riley County Planning Board. Rita Cassida seconded. Carried 4-0.

RILEY COUNTY PLANNING BOARD

Pishney – Residential Use Designator – Extraneous Farmstead & Plat

Chairman Hoobler opened the public hearing at the request of Douglas W. & Rebecca S. Pishney Trust, petitioners and owners, to receive a Residential Use Designator – Extraneous Farmstead for an unplatted tract of land and plat said tract of land into a single lot in Swede Creek Township, Section 5, Township 6 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site consists of a .81-acre, unplatted tract developed with a single-family residence (constructed in approximately 1976, remodeled in 1996), and a 1.89-acre portion of a contiguous, undeveloped and unplatted tract of land. He said the applicant wishes to assemble some additional acreage surrounding the homestead, plat it into a single lot and sell it off from the existing farm.

Staff recommended that the Board approve the request to receive a Residential Use Designator– Extraneous Farmstead, as it has been determined that it meets the minimum requirements of the Riley County Land Development Regulations.

Staff also recommended that the Planning Board approve the Concurrent Plat of Pishney Addition, as it has been determined that all requirements of the Riley County Land Development Regulations and Sanitary Code have been met.

Chairman Hoobler opened the public hearing.

Doug Pishney stated they have purchased a home in town and have a buyer for this house.

There were no proponents or opponents.

Rita Cassida moved to close the public hearing. John Wienck seconded. Carried 4-0.

John Wienck moved to approve the request for a Residential Use Designator – Extraneous Farmstead, as it was determined it met the minimum requirements of the Riley County Land Development Regulations. Nathan Larson seconded. Carried 4-0.

John Wienck moved to approve the concurrent Plat of Pishney Addition as it was determined it met the minimum requirements of the Riley County Land Development Regulations and Sanitary Code.

Rita Cassida seconded. Carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the plat portion of the request on September 22, at 10:20 am, in the County Commission Chambers.

Nathan Larson moved to adjourn. John Wienck seconded. Carried 4-0.

The meeting was adjourned at 9:04 P.M.