

MINUTES

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

**Monday, May 10, 2010
7:30 pm**

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

Members Present: Jon Larson, Chair
Lorn Clement
Dr. Tom Taul
Diane Hoobler
Julie Henton

Members Absent: None

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

Others Present: Ron Wilson

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the April 12, 2010 meeting were presented and approved. The Report of Fees for the month of April (\$590.00) were presented and approved.

Lorn Clement moved to close the Board of Zoning Appeals. Julie Henton seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Add Section 22B – Special Events to the Riley County Zoning Regulations

Jon Larson opened the public hearing.

Monty Wedel presented the request. Mr. Wedel explained the necessity for adding a section regarding special events to the regulations. Mr. Wedel stated that last year, staff was made aware of a music festival scheduled on private land and there were no regulations that accommodated such a use. Mr. Wedel explained that the event had already been scheduled and advertised. Mr. Wedel stated staff tried to find other mechanisms to accommodate the event but the Board of Commissioners decided that these types of events should be included within the zoning regulations.

Mr. Wedel explained staff conducted research as to what other jurisdictions in Kansas and around the country were doing to address these types of land uses. Mr. Wedel stated that planning staff met with the emergency responders such as the fire, ambulance and police departments for feedback. Mr. Wedel explained that the format and associated criteria of the proposed regulations, (i.e. Type 1, Type 2 and Type 3 events) were created from that feedback.

Mr. Wedel asked for any public input or feedback and any concerns the Board might have.

Lorn Clement stated he did not find any time line in the regulation for notifying adjacent property owners of Type 2 or Type 3 events prior to an event.

Monty Wedel stated Type 3 will require a conditional use and notification requirements will be covered by statute.

Lorn Clement asked about Type 2, item 6, refers to a mailing but does not have a time frame.

Bob Isaac stated that the notifications have to take place prior to the permit being issued.

Diane Hoobler stated one aspect that has not been thought of is agri-tourism and what impact the proposed regulations would have on that industry. Mrs. Hoobler stated that she invited Ron Wilson to attend the meeting as he is involved in agri-tourism. Mrs. Hoobler asked if the regulations are going to require farmers who conduct agri-tourism events to apply for permits.

Monty Wedel stated the way the regulation is written at this time, agri-tourism events could possibly require a permit.

Ron Wilson stated he owns the Lazy T Ranch. Mr. Wilson explained his concern from an agri-tourism standpoint is all the paperwork and fees associated with the permits would be an obstacle for him and others. Mr. Wilson explained that the State of Kansas is encouraging agri-tourism. Mr. Wilson stated that he and his family chose to become a registered agri-tourism enterprise by completing the required paperwork with the State of Kansas. Mr. Wilson stated he would like to see an exemption for agri-tourism operations registered with the State of Kansas from Type 1 and Type 2 events.

Monty Wedel stated he felt it would be logical to put an exemption in the regulations for registered agri-tourism operations.

Tom Taul asked what questions and oversight are required to be registered with the State of Kansas.

Ron Wilson stated the form ask about insurance, type of activities, and period of time for the events.

Tom Taul stated that a neighbor held a corn maze and pumpkin patch for six weeks. Mr. Taul explained every Saturday and Sunday people parked along the road and left litter. Mr. Taul stated he picked up the litter and that he did not have a say in whether or not this neighbor could hold the event. Mr. Taul explained as a result he did not get along very well with his neighbor. Mr. Taul stated his neighbor could have been registered agri-tourism operation, but the State would have not known how many vehicles the event created, the hours of operation or who was responsible for clean up.

Monty Wedel stated research will need to be conducted on registered agri-tourism and the possibility of adding training requirements for the exemption.

Diane Hoobler moved to close the public hearing. Julie Henton seconded. Motion carried 5-0.

Monty Wedel stated he recommends that Item D. be added to Type 1 that deals with registered agri-tourism events.

Monty Wedel stated the Manhattan Urban Area Planning Board has reviewed the regulations and had concerns with noise. Mr. Wedel stated we need more guidance on what defines disturbing the peace, quiet or comfort of neighboring properties or possibly remove noise from the regulations. Mr. Wedel explained the MUAPB suggested waiving the public hearing requirements on Type 3 events if there are no issues from the health, fire or police departments or concerns from neighbors. Mr. Wedel stated the MUAPB pointed out that it is not clear that Type 1 events are exempt from the Performance Standards. He said that the MUAPB also requested to add requirements for a sign to be posted, advertising the location of the event, to Type 2 and Type 3 events. Mr. Wedel explained this would bring attention to some that have not paid attention to their notices.

Monty Wedel asked if the Board had any other changes that need to be made.

Lorn Clement stated that under Purpose and Intent, Item 3, the language should be changed from “convenience” to “general welfare”.

Lorn Clement moved to forward a recommendation of approval to the Board of County Commissioners, with the following changes: Purpose and Intent, Item 3: “convenience” be changed to “general welfare”; adding Item D. to Type 1 events for registered agri-tourism and suggested modifications to Performance Standards Item 1. Noise.

Diane Hoobler seconded. Roll call voting was completed with all Board members affirming. Carried 5-0.

Mr. Wedel announced that the Board of County Commissioners will hear the request on May 24, 2010 at 9:00 AM.

Amend Section 22A – Resource Extraction

Jon Larson opened the public hearing.

Monty Wedel presented the amendment request. Mr. Wedel explained the necessity of the specific changes listed in the proposed amendment. Staff recommended approval of the request.

Lorn Clement moved to close the public hearing. Tom Taul seconded. Motion carried 5-0.

Lorn Clement moved to forward a recommendation of approval to the Board of County Commissioners.

Tom Taul seconded. Roll call voting was completed with all Board members affirming. Motion carried 5-0.

Mr. Wedel announced that the Manhattan Urban Area Planning Board will hear the request on May 17, 2010 at 7:00 PM and the Board of County Commissioners will hear the request on May 24, 2010 at 10:45 AM.

Vision 2025 Implementation

Monty Wedel explained that \$50,000 was budgeted for Phase 2 of the Development Regulations and had asked Clarion to submit a proposal of what can be done for that amount. Mr. Wedel stated that he asked Clarion to submit a proposal for a complete review and rewrite of the regulations. Mr. Wedel presented both proposals to the Board of Commissioners and, due to the high cost, the Board of Commissioners did not agree to fund the complete review and rewrite process. Mr. Wedel stated he contacted Clarion that \$50,000 is what was budgeted and that the changes needed to implement the 2009 Vision 2025 Comprehensive Plan must be the primary focus. Mr. Wedel explained staff will work on the clean up process of the regulations.

Gateway Plan Update

Monty Wedel stated staff has met with the steering committee. Mr. Wedel stated the entire document is being revised in a similar format as the Manhattan Urban Area Comprehensive Plan and the 2009 Vision 2025 Comprehensive Plan. Public hearings are being considered for July or August.

The meeting was adjourned at 8:45 P.M.