

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, May 9, 2011
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: None

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

Others Present: Jeff and Ria Jones, Charles Ray and Beth Dugan

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the April 11, 2011 meeting were presented and approved. The Report of Fees for the month of April 2011 (\$950.00) were presented and approved.

RILEY COUNTY BOARD OF ZONING APPEALS

No agenda items.

Lorn Clement moved to adjourn as the Riley County Board of Zoning Appeals and convene as the Riley County Planning Board. Diane Hoobler seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Jones – (Plat & Rezone)

Jon Larson opened the public hearing at the request of Jeff and Ria Jones, petitioners and Jeffrey H. Jones, owner, to rezone Lots 15, 16, 17, 25 and 26 of Hi-View Subdivision from "A-3" (Single Family Residential) to "A-5" (Single Family Residential) and to replat Lots 15, 16, 17, 25 & 26 of Hi-View Subdivision into one (1) residential lot.

Bob Isaac presented the request. Mr. Isaac stated that the general location of the property, which was platted in 1973. Mr. Isaac stated that the majority of the Hi-View Subdivision is zoned A-3 (Single Family Residential), with the exception of a parcel situated directly north of the subject property that was rezoned in 1995 to A-4 (Single Family Residential). Mr. Isaac explained that the Applicant wishes to rezone to a district that allows horses. Mr. Isaac stated the subject property has direct access to Senn Road; a paved, county road and that no new entrances are proposed with this request. Mr. Isaac stated the request was found to be in conformance with the Vision 2025 Comprehensive Plan. Mr. Isaac said the request was reviewed by the Health Department, County Engineer, and County Conservation District and there were no concerns.

Mr. Isaac reported that Planning & Development received phone calls from some people that were notified of the request expressing concerns regarding the potential incompatibility of certain uses allowed by the proposed zoning with the existing zoning of surrounding properties, particularly, the keeping of horses. Mr. Isaac said the combined acreage of the platted lots would be over eight acres. Mr. Isaac informed the Board that the Applicant currently is housing two horses on the property, which is not allowed by the current zoning designation.

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners to rezone the proposed property based on the following:

- Existing residential development for several years; and
- The site has existing ingress/egress onto a county road, with no additional impact to existing traffic patterns expected.

Staff also recommended approval of the request to replat the proposed property, as it has been determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met.

Lorn Clement asked what are the possible sanctions for being in violation of the zoning code.

Mr. Isaac said the existing zoning regulations provide for up to \$500.00 per day fine if not remedied. Monty Wedel said we never take action to take someone to court if they are pursuing violation abatement.

Tom Taul asked what the minimum acreage is for Zone A-5.

Mr. Isaac replied two acres.

Diane Hoobler asked how many horses the applicant plans to have.

Mr. Isaac stated that the proposed zoning designation allows one (1) stock animal per acre.

Chairman Larson asked the Applicant if they had anything to add.

Jeff Jones said when he originally bought the house he thought everything had been taken care of. When he returned from overseas in March and applied for a building permit, he found out that horses were not allowed.

Diane Hoobler moved to close the public hearing. Lorn Clement seconded. Carried 5-0.

Lorn Clement moved that the Board forward a recommendation of approval to the Board of County Commissioners, to rezone a tract of land from “A-3” (Single Family Residential) to “A-5” (Single Family Residential) for reasons listed in the staff report.

Julie Henton seconded. Carried 5-0.

Lorn Clement moved to approve the Final Plat of the Hi-View Subdivision, Unit 3.

Tom Taul seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Thursday, May 26, 2011 at 10:20 AM.

Dugan – (Plat & Rezone)

Jon Larson opened the public hearing at the request of Charles Ray and Elizabeth A. Dugan, petitioners and owners, to rezone a tract of land from “G-1” (General Agricultural) to "A-5" (Single Family Residential) and to plat said tract into one (1) residential lot.

Bob Isaac presented the request. Mr. Isaac described the general location of the property. Mr. Isaac said the petitioner bought 80 acres of farm ground that included a house and some outbuildings. He explained that the petitioner stated that he does not need the home or outbuildings. Mr. Isaac said the request falls under the auspices of an extraneous farmstead.

Mr. Isaac explained that the site is zoned “G-1” (General Agricultural) as are all the properties surrounding the site. He said the house is centered on the lot and is not in danger becoming a nonconforming structure due to minimum yard setbacks shown on the plat.

Staff recommended that the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners to rezone the proposed property based on the following:

- Existing residential development for several years;
- The site has existing ingress/egress onto a county road, with no additional impact to existing traffic patterns;
- Generally conforms to the objective of the “extraneous farmstead” language found in Chapter 14: Action Plan (6), of the Vision 2025 Comprehensive Plan, which strongly encourages the continued use of these sites by developing regulations that facilitate the process as much as possible;
- Continued use of an existing residential structure will sustain the tax value of the property; and
- Platting and rezoning the property will allow the farmstead (home, barn, outbuildings) to continue to be used for residential purposes, while allowing the surrounding cropland/pastures to stay in agricultural production.

Staff also recommended approval of the request to plat the proposed property, as it has been determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met.

Diane Hoobler moved to close the public hearing. Lorn Clement seconded. Carried 5-0.

Lorn Clement moved that the Board forward a recommendation of approval to the Board of County Commissioners, to rezone a tract of land from “G-1” (General Agricultural) to “A-5” (Single Family Residential) for reasons listed in the staff report.

Tom Taul seconded. Carried 5-0.

Lorn Clement moved to approve the Final Plat of the Country Road Addition.

Diane Hoobler seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Thursday, May 26, 2011 at 10:35 AM.

Review Draft Regulation Amendments to Implement Vision 2025

Monty Wedel started the work session with the Table of Allowed Uses. He suggested reviewing each use, its definition and the use-specific standards. (NOTE: Additions or modifications to the language are shown in gray; omitted language is struck out.)

AGRICULTURE

Agriculture

- Mr. Wedel said “agriculture”, as previously defined, will be a permitted use in both the General Agricultural District (AG) and the Residential Use Designator Lots. He said an example of the designator lot is extraneous farmsteads. Mr. Wedel stated the petition presented tonight for an extraneous farmstead would be a designator lot. Mr. Wedel said the Applicant would need to plat, but would not need to rezone the property. He said there will be no use specific standards with agriculture use.

Hobby Farm

- Add (w/o a residence) to the Table of Allowed Uses.
- Use Specific Standards:
 - Added (w/o a residence) to heading
- Minimum ~~Lot~~ Parcel Area and Setbacks:
 - The minimum ~~lot area~~ parcel size for a hobby farm shall be three (3) acres. ~~At least one acre of lot area shall be required for each livestock animal, horse, or similar animal, and a maximum of 20 poultry per acre shall be permitted.~~ Stock animals, such as horses, cows, pigs, sheep, goats or similar animals, shall be limited to one (1) animal per acre. Poultry shall be limited to twenty (20) animals

per acre. Farm animals shall be housed at least 200 feet from ~~any adjacent residential lot or use~~ a residence on adjoining property.

- Waste:
 - To avoid the risk of odors, stored manure shall be ~~covered and confined~~ managed to prevent its spread onto abutting properties.
 - ~~Stored manure shall be limited to a maximum of three (3) cubic feet per acre of hobby farm.~~

AGRICULTURE SUPPORT USES

Agricultural research facility – no changes were made.

Confined Animal Feeding Operation Small (CAFO) – no changes were made.

Confined Animal Feeding Operation Large (CAFO) – no changes were made.

Agritourism

- Use Specific Standards:
- Minimum ~~Lot~~ Parcel Size
 - ~~The minimum lot area of the property on which the use is located~~ parcel shall be three (3) acres.

Farm machinery repair – no changes were made.

Small-scale business – no changes were made.

Agricultural roadside stand

- Use Specific Standards:
 - ~~Sales shall be limited to products grown or raised by the owner of the lot or parcel upon which the stand is located or products grown or raised by the owner(s) of land adjoining the lot or parcel upon which the stand is located.~~ Sales shall be limited to locally grown products.

Julie Henton moved to adjourn. Diane Hoobler seconded.

The meeting was adjourned at 9:35 P.M.