

MINUTES

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

**Monday, September 12, 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: John Briggs and James Bean

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the August 8, 2011 meeting were presented and approved. The Report of Fees for the month of August 2011 (\$850.00) were presented and approved. The Final Development Plan of Lot 3, Page Addition (*Katzenmeier*) was accepted and approved.

Diane Hoobler moved to adjourn as the joint meeting of the Riley County Planning Board/Board of Zoning Appeals as there were no agenda items for the Board of Zoning Appeals and convene as the Riley County Planning Board. Lorn Clement seconded. Carried 5-0.

RILEY COUNTY PLANNING BOARD

Briggs – (Replat)

Jon Larson opened the public hearing at the request of John M. Briggs, petitioner and owner to replat Lots 22 and 23 of Lakewood Subdivision into a single tract in Grant Township, Section 23, Township 9 South, Range 7 East in Riley County, Kansas.

Bob Isaac presented the request. Mr. Isaac stated the subject site was platted as Lots 22 and 23 of the Lakewood Subdivision in February 1972, and later zoned “A-1” (Single Family Residential) as part of the 1974 Zoning Conversion Process. Mr. Isaac said the subject property has been developed for several years with a single family dwelling in a residential area. Mr. Isaac explained that due to the character of the existing and surrounding development, it was not anticipated that replatting the subject property would cause conflicts. Mr. Isaac stated that the

request was found to be consistent with the Riley County Zoning and Subdivision Regulations and Riley County Sanitary Code. Staff recommended approval of the request.

Chairman Larson asked the Applicant if he would like to speak or make any comments.

John Briggs stated that Lot 23 is not a buildable lot due to being only one (1) acre in size and is heavily wooded. Mr. Briggs said he would like to eventually clear the lot for future relocation of his lateral field.

Julie Henton moved to close the Public Hearing. Diane Hoobler seconded. Carried 5-0.

Lorn Clement moved to approve the Final Plat of Lakewood Subdivision, Unit Three, as it has been determined that it meets the requirements of the Riley County Subdivision Regulations and for reasons listed in the staff report.

Tom Taul seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on Monday, September 19, 2011 at at 9:15 AM.

Review Draft Regulation Amendments to Implement Vision 2025

Monty Wedel started the work session by reviewing the Notice of Public Hearing and new definitions requested by the Riley County Counselor, Clancy Holeman.

The only change requested was to the definition of “Bank” in which Board Member, Diane Hoobler, stated her interpretation it describes a dike or a dam. Monty Wedel said Staff would review and revise the definition.

Table of Allowed Uses:

PUBLIC AND INSTITUTIONAL USES

Communications

- Communication Facility
 - Application Requirements - #8 do not capitalize Least Visually Obtrusive and State of the Art – underline
 - 10. a. ~~Good~~ Engineering Practices – do not capitalize

Mr. Wedel referred to page 10, “Rezoning of AG zoned land shall only be completed using the Riley County Development Guidance System, adopted herein by reference.” He handed out copies of the Development Guidance System (DGS) and reviewed item “B. Authority”, which states, “Modifications to this document may only be completed administratively following approval by the Riley County Planning Board and the Riley County Board of Commissioners.” Mr. Wedel explained that the procedure for amending the document will include placing proposed amendments or modifications on the Planning Board agenda for approval. A recommendation of approval from the Planning Board would then be presented to the Board of County Commissioners for approval. Mr. Wedel stated this is a stand alone document and will not required public hearing process to make amendments or modifications.

Section 21C – Development Standards which is a new section to the regulations was reviewed. Mr. Wedel reviewed the Riparian Buffer Zones. Tom Taul and Jon Larson both questioned why cutting down trees in the buffer zones would not be allowed. Mr. Wedel reviewed the prohibited activities.

Monty Wedel suggested meeting with the Forest Service, John Strickler and a few others to determine how to balance the issue of cutting down trees and possible variance options. Lorn Clement recommended Tim Cain as he works with stream restoration.

Mr. Wedel then reviewed agricultural buffer zones. He handed out copies of a document prepared by Leon Brown, Landscape Architect with Schwab-Eaton. Mr. Wedel said these standards would apply to all new non-ag residential or commercial lots, except for extraneous farmsteads and reconversion lots.

The first requirement would be for a site plan to be prepared by a professional landscape architect or qualified landscape designer.

Several Board members expressed concerns about the cost of this type of service.

Mr. Wedel said landscape companies have designers that do this type of work normally do not charge a fee.

Mr. Wedel explained that the next requirement is a setback and buffer. Mr. Wedel said that larger setbacks are more effective at reducing noise. He stated the first step would be requiring a certain setback and if the setback could not be met, a buffer would be required. He explained that the buffer could be a vegetated buffer or a combination of a fence and vegetation.

Mr. Wedel explained that research has shown setback distances up to 200 feet, but asked the Board what distance they felt would be appropriate.

Mr. Isaac showed two (2) examples of properties and what the buildable area would be for 200, 100 and 50 feet. Mr. Wedel explained that for smaller tracts, the 200-foot setback would leave little if any buildable area.

Chairman Larson stated that he felt the setback is more realistic than a buffer.

Mr. Wedel asked the Board if they agreed with the setback and if so how much.

Diane Hoobler said 100 feet.

Chairman Larson and Lorn Clement also agreed on 100 feet.

All Board Members affirmed 100 feet with no buffer.

Mr. Wedel asked the Board if they want the flexibility to reduce the setback if the property owner installs a vegetated buffer with or without a fence.

Chairman Larson said due to terrain you have to allow for flexibility.

Mr. Wedel asked how close the property owner should be allowed to build based on the buffer or wall they design.

Lorn Clement said 50 feet.

Mr. Wedel said staff discussed 50 feet being the closest to build only with a buffer that meets the requirements.

Mr. Wedel asked the Board what kind of buffer they desired.

Lorn Clement stated a good Ag Extension agent should be consulted because of their experience.

Mr. Wedel asked for recommendations.

Mr. Clement suggested Gus Van Der Hoeven. Mr. Wedel said he would try to set up an appointment with Mr. Van Der Hoeven.

Monty Wedel reviewed the Wildfire Buffer, which requires a minimum 10-foot strip of mowed cool season grass between the property line and the buffer zone. He said staff foresees a problem that if the 10 feet is required before the actual vegetated buffer or fence, you can not expect the property owner to maintain it. He said it would help distance the vegetated buffer from agricultural overspray.

Chairman Larson stated he does not feel the 10-foot strip should have to be mowed. He said that although it would be a good wildfire protection, the homeowner would need to be responsible to make sure overhang of trees never crossed the property line. He stated it is a big factor with trees along fence lines. He said both property owners should be responsible for keeping the fence rows clear.

Monty Wedel said one standard that could be listed is the first row of vegetation should not be planted any closer than the maximum width of maturity of the planted species.

Bob Isaac said that consideration needs to be given that the intent of a buffer is to reduce or minimize urban/rural conflicts. He said for example, a property owner constructs a vegetated buffer and overspray from a neighboring farmer destroys sensitive and expensive plantings, resulting in issues we are trying to avoid.

After further discussion the minimum 10-foot strip between the property line and buffer zone was eliminated.

Mr. Wedel discussed the minimum width of the buffer of vegetated plantings. He said Leon Brown, Landscape Architect at Schwab-Eaton suggested letting the designer show how the buffer will meet the standards. Mr. Wedel said that staff determined a minimum width (at maturity) should be specified.

Chairman Larson said the design has to be approved so a minimum width requirement does not need to be specified.

Mr. Wedel asked if accessory structures should be allowed in the buffer. He said staff discussed this and felt that the vegetative growth would not be grown up to the accessory structure creating gaps in the buffer.

After some discussion it was agreed that accessory structures will not be allowed in the buffer.

Julie Henton asked Mr. Wedel if the wildfire buffer section was being deleted. He affirmed.

Monty Wedel asked if everyone agreed that a fence alone is not an acceptable buffer.

Chairman Larson said some of the cities in the east have residential areas right up against highways separated by concrete walls for sound barrier.

Mr. Wedel said there are communities that have subdivisions next to agricultural land with concrete walls and asked do we want have these concrete fortresses in the rural area.

Mr. Wedel expressed that there has to be some type of vegetation along with a fence. The Board affirmed.

Bob Isaac asked the Board, along with the site plan, how much time should be allowed to complete the buffer.

Diane Hoobler agreed that a timeline needs to be specified on the site plan.

Chairman Larson stated at least one year due to winter and summer seasons to start the buffer.

Mr. Wedel returned to the Notice of Public Hearing and reviewed:

- Section 22 – Special Uses
- Riley County Subdivision Regulations – deleting the definition of agricultural uses and making it consistent with Riley County Zoning Regulations.
- Section 6 – Procedure for Plat Approval – eliminate short form plat and if subdividing five (5) or fewer lots, a preliminary and final plat can be concurrently as is done with the Manhattan Urban Area Planning Board.

Chairman Larson asked that the language on page 43 under “Maintenance” be clarified. He said the last sentence, “Dead or dying plants shall be replaced with materials of equal size and similar variety within three months, weather permitting”, can be read that if you have a 40-foot tree that dies, you have to replace it with a 40-foot tree.

Mr. Wedel said staff will review.

Julie Henton moved to adjourn. Diane Hoobler seconded.

The meeting was adjourned at 9:33 P.M.