

AGENDA

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, April 14, 2014
7:30 p.m.

Commission Meeting Room
Courthouse Plaza East

(Procedure: Open joint meeting of the Riley County Planning Board/Board of Zoning Appeals.)

I. OPEN PUBLIC COMMENTS

II. CONSENT AGENDA

1. Consider the minutes of the March 10, 2014 meeting.
2. Consider the Report of Fees for the month of March 2014.

(Procedure: Adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and reconvene as the Riley County Board of Zoning Appeals.)

III. GENERAL AGENDA- RILEY COUNTY BOARD OF ZONING APPEALS

1. Public Hearing to consider the request of Manhattan Township, petitioner and owner, for a **Variance** authorization allowing the top of the bottom floor of the Manhattan Township Maintenance & Storage Shop (and proposed 20x40 addition) .89 feet (10.7 inches) below the required elevation of one (1) foot above base flood elevation.
2. Public Hearing to consider the request of the American Cancer Society, petitioner and Jay & Vonda Copeland, owners, for a **Conditional Use Authorization** to permit a Type – III Special Event in the "AG" (Agricultural District) zoning designation.
3. Public Hearing to consider the request of Stan Cook, petitioner and Deam & Cook L C, owner, for a **Variance** authorization to permit construction of a detached agricultural accessory structure 3.1 feet below the required elevation of one (1) foot above base flood elevation (1021.6 ft.).

(Procedure: Adjourn as the Riley County Board of Zoning Appeals and reconvene as the Riley County Planning Board.)

IV. GENERAL AGENDA- RILEY COUNTY PLANNING BOARD

1. Update Big Blue Floodplain Management Plan
2. Work Session – Agricultural Exemptions

(Procedure: Adjourn the Riley County Planning Board meeting.)

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, March 10, 2014
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

Members Present: Lorn Clement, Chairman
Dr. Tom Taul, Vice-Chair
Diane Hoobler
John Wienck

Members Absent: Julie Henton

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

Others Present: Lindsey Ford, Maya Talmon and Devin Rudicel

OPEN PUBLIC COMMENTS

None.

CONSENT AGENDA

The minutes of the February 13, 2014 meeting were presented and approved. The Report of Fees for the month of February (\$1,532.00) was presented and approved.

Tom Taul moved to adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and, due to the lack of agenda items for the Board of Zoning Appeals, moved to reconvene as the Riley County Planning Board.

John Wienck seconded. Carried 5-0

RILEY COUNTY PLANNING BOARD

Amend Section 7 – D Zones Regulations of the Riley County Zoning Regulations

Lorn Clement opened the public hearing to amend Section 7 – D Zones Regulations of the Riley County Zoning Regulations.

Bob Isaac presented the request and stated that due to a recent rezoning along Highway K-18, from AG (Agricultural District) to D-1 (Industrial Park), it was discovered that there wasn't adequate language in the regulations regarding screening for outdoor storage. He said that although outdoor storage is permitted, there is confusion over whether or not it is considered an accessory use. Mr. Isaac explained that the new language requires screening from view on all sides to a minimum of six feet in height or to the height of the materials or equipment being stored, whichever is greater. He said it also makes clear that the storage area has to be accessory to a building on the same lot for which it is providing storage or storage yard must be listed as a

permitted use. Mr. Isaac explained further that the Use Limitations in D-1 also applies to the D-2 (Light Industrial) zoning district, which lists storage yard as a permitted use.

Lorn Clement asked if there has been any feedback from people that might be affected by these changes.

Mr. Isaac said there has not been any feedback other than the comments from the Manhattan Urban Area Planning Board.

Lorn Clement said the six foot height does not make any difference when the road is at a higher elevation. He also mentioned the Schilling site off of McDowell Creek Road, which has high piles of asphalt that can't be screened.

Monty Wedel explained that this portion of the regulations applies to the light industrial districts, which would not have the type of storage typically found in the heavy industrial zoning district.

Staff recommended approval of the proposed amendments as published and shown in the staff report.

John Wienck moved to close the public hearing.

Diane Hoobler seconded. Motion carried 4-0.

Tom Taul mentioned that the public was not given a chance to comment.

Lorn Clement reopened the public hearing.

Devin Rudicel asked if changes would be retroactive.

Bob Isaac explained any outdoor storage that exists prior to the adoption of the amendments will be grandfathered.

John Wienck moved to close the public hearing.

Diane Hoobler seconded. Motion carried 4-0.

Diane Hoobler moved to forward a recommendation of approval of the proposed amendments to Section 7 – D Zones of the Riley County Zoning Regulations to the Board of County Commissioners.

Tom Taul seconded. Motion carried 4-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on March 17, 2014, at 9:00 am, in the County Commission Chambers.

Annual Comprehensive Plan Update

The annual review of the Comprehensive Plan was conducted with a review of Chapters 4 through 16. There were no changes proposed to be made to the Plan, however, the Board agreed that the regulations should be amended to waive the agricultural buffer requirement if a site is located within a designated growth area. Staff noted this would require an amendment to the zoning regulations, not an amendment to the Plan.

Bob Isaac will draft a memo to the Board of County Commissioners and Chairman Clement will sign on behalf of the Board.

Manhattan Urban Area Plan Update

Manhattan Area 2035 QR cards were handed out to the Board. Monty Wedel asked the Board members to review the website which provides background information, reports and the progress of the update.

Big Blue Floodplain Management Plan Update

Monty Wedel said the project advisory working group will conduct its first meeting on March 11, 2014. He said this project has a Corps of Engineers grant. The Corps of Engineers from Kansas City is involved and the grant provides a facilitator.

Mr. Wedel said each county and city has selected three members to be on the advisory group. Representing Riley County will be Bernard Irvine, Kevin Newkirk, CK Processing and Rod Moyer. He said Rich Wartell with Manhattan Broadcasting will also be on the advisory group.

John Wienck moved to adjourned.

Diane Hoobler seconded. Carried 4-0.

The meeting was adjourned at 8:35 P.M.



**RILEY COUNTY
PLANNING & DEVELOPMENT**

REPORT OF FEES

March 2014

<u>DATE</u>	<u>NAME</u>	<u>AMOUNT</u>
03-04-2014	Burton, Environmental Site Evaluation	\$ 100.00
03-04-2014	Copy fee	.25
03-05-2014	Woodworth, Environmental Site Evaluation	100.00
03-05-2014	Bob's Plumbing, 2 – Water Screening Reports	32.00
03-05-2014	McMahan, Water Screening Report	10.00
03-06-2014	Gilbert, Building Permit #14-0019 & Lagoon Permit	450.00
03-06-2014	Minneman, Environmental Site Evaluation	100.00
03-10-2014	Lyons, Reinspection of Environmental Site Evaluation	50.00
03-11-2014	Huston, copy fee	5.00
03-12-2014	S&S Contracting, Building Permit #14-0020 & 14-0021	200.00
03-13-2014	Soash, Water Screening Report	10.00
03-18-2014	Anderson, copy fee	5.00
03-19-2014	Wood, Water Screening Report	10.00
03-20-2014	Cercone, Profile Test	150.00
03-24-2014	Poole, Building Permit #14-0023 & Lagoon permit	450.00
03-24-2014	Appletech Construction, Building Permit #14-0022	150.00
03-24-2014	Tim's Backhoe, Repair Permit	75.00
03-24-2014	McCollough, Water Screening Report	10.00
03-26-2014	Minneman, Environmental Site Evaluation Re-inspection	50.00
03-26-2014	Domingo, Building Permit #14-0025	150.00
03-26-2014	L & L Trenching, Repair Permit	75.00
03-27-2014	S&S Contracting, Repair Permit	75.00
03-27-2014	Blackford, Water Screening Report	14.00
03-27-2014	Reid Plumbing, Repair Permit	75.00
03-28-2014	Andrews, Environmental Site Evaluation	100.00
03-31-2014	Mitchell, Building Permit #14-0026	150.00
03-31-2014	McDermott, Repair Permit	75.00
03-31-2014	Holle, Profile Hole	150.00

TOTAL

\$2,821.25

DEPOSITS MADE:

03-07-2014	\$ 792.25
03-14-2014	265.00
03-21-2014	165.00
03-28-2014	1224.00
03-31-2014	225.00
04-01-2014	150.00
TOTAL	\$2,821.25

Application for Permit to Build

04/07/2014

Permit #	App Date	Ownr	Type of Bldg	Use of Bldg	Const Cost	Amnt Paid	Property Address	City & Zp
14-0019	03/06/2014	Gilbert, Tyson & Genine	House (site built)	Residential dwelling	\$210,000.00	\$150.00	10064 Jerusalem Rd	Randolph (66554)
14-0021	03/12/2014	Shannon, Patrick & Stephanie	Garage (attached)	Attached garage	\$20,000.00	\$50.00	4320 Deep Creek Rd	Manhattan (66502)
14-0020	03/12/2014	Shannon, Patrick & Stephanie	Addition (residential)	Bedrooms	\$120,000.00	\$150.00	4320 Deep Creek Rd	Manhattan (66502)
14-0022	03/21/2014	Frakes, Kelly	Storage (residential)	Garage/Shop	\$42,600.00	\$150.00	2399 McDowell Creek Spur	Manhattan (66502)
14-0023	03/24/2014	Poole, David & Katherine	House (site built)	Residential dwelling	\$580,000.00	\$150.00	6011 Tuttle Cove Rd	Manhattan (66503)
14-0024	03/25/2014	Wells Landing	Garage (detached)	Storage for lawn mower etc.	\$35,000.00	\$150.00	1412 Penrose Pl	Manhattan (66503)
14-0025	03/26/2014	Domingo, Reynald & Elayne	Garage (attached)	Carport	\$500.00	\$150.00	2625 Brookhollow Ct	Manhattan (66503)
14-0026	03/31/2014	David & Susan Mitchell	Storage (ag related)	Vehicles	\$4,970.00	\$150.00	1443 Wildcat Creek Rd	Manhattan (66503)



PLANNING & DEVELOPMENT

STAFF REPORT

Variance

PETITION: (#14-05) Variance

APPLICANT: Manhattan Township
1316 Collins Ln
Manhattan, KS 66502

PROPERTY OWNER: Manhattan Township
1316 Collins Ln
Manhattan, KS 66502

TYPE OF REQUEST: A variance allowing the top of bottom floor of the Manhattan Township Maintenance & Storage Shop (and proposed 20x40 addition) .89 feet (10.7 inches) below the required elevation of one (1) foot above base flood elevation.

SIZE OF TRACT: The subject site is approximately 1.88 acres.

LOCATION: Generally located approximately 250 feet west of S. Manhattan Avenue, on the north side of Collins Lane; Section 19, Township 10 South, Range 8 East; Manhattan Township.



BACKGROUND: The site was zoned “SF-3” (Single Family Residential) (Pet. #19) during the 1974 zoning conversion process. A Conditional Use was approved for the site in March 1986 (Pet. #86-06) to allow for the maintenance shop and Rural Fire District 1 Station #16. The site was subsequently platted in November 1997 as Lot 2 of Hunters Island Community Club Addition. The applicant wishes to construct a 20 x 40 lean-to on the rear side of the existing maintenance shop building (see Figure 1) in order to store heavy trucks and large machinery.



Figure 1

DESCRIPTION:

Physical site characteristics: The site, in its entirety, is located within the 1% annual chance floodplain. The variance would allow the top of bottom floor of the Manhattan Township Maintenance & Storage Shop (and proposed 20x40 addition) to be .89 feet (10.7 inches) below the required elevation of one (1) foot above base flood elevation.

General character of the area: The character of the area is a mix of older, suburban residential dwellings and cropland.

STAFF EVALUATION OF VARIANCE CRITERIA:

- a. The variance request arises from conditions which are unique to the property in question and which are not ordinarily found in the same zone or district and that such conditions are not created by an action of the owner or applicant.**

The portion of subject property on which the applicant intends on placing the aforementioned structure lies within the designated 1% annual chance floodplain, which overlays the “AG” (Agricultural) zoning district. The floodplain regulations require that the lowest floor elevation of all structures be at least one (1) foot above base flood elevation. This standard is not a normal requirement of the “AG” zoning district, therefore creating a unique condition to the property. Furthermore, there are no other locations on the property not within the floodplain that could be considered suitable for such a structure.

- b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

The Applicant has stated that the proposed building will meet or exceed the requirements for wet-flood-proofing, as per the requirements set forth in the Riley County Floodplain Regulations. Adjacent property owners should not be adversely affected by the granting of a variance.

- c. The strict application of the provisions of the zoning regulations from which the variance is requested will constitute unnecessary hardship upon the property owner or applicant.**

Given that the entire property is located within in the 1% annual chance floodplain, literal enforcement of the regulations would not allow the property owner to construct said accessory structure on the subject property, unreasonably forcing the Applicant to build elsewhere. The proposed expansion of the existing shop building for the aforementioned use does not seem unreasonable, especially considering the applicant’s ability to utilize wet-floodproofing techniques. If forced to locate an accessory structure elsewhere, it could be considered an unnecessary hardship upon the property owner.

- d. The variance requested will not adversely affect the public health, safety and welfare.**

The proposed structure is subject to the Riley County Floodplain regulations. Non habitable structures used for storage are permitted to utilize the wet-floodproofing methods. Granting a variance should not adversely affect the public health, safety and welfare.

- e. The granting of the variance will not be opposed to the general spirit and intent of the regulations.**

According to the Riley County Floodplain Regulations, Section 9.84, the granting of the requested variance would be consistent with the adopted criteria for variance approval.

STAFF RECOMMENDATIONS: Staff recommends that the requested variance be approved.

ATTACHMENTS:

- Vicinity/site map
- Surrounding zoning map
- Floodplain map
- Zoning map

Prepared by: Bob Isaac, Planner
April 7, 2014



VICINITY AND SITE

Manhattan Township

Variance #14-05

Allowing the top of the bottom floor and proposed addition 0.89 feet below the required elevation of one (1) foot above base flood elevation.

19-10-8

Legend

-  1000' Buffer
-  Site





SITE AND SURROUNDING AREA

Manhattan Township

Variance #14-05

Allowing the top of the bottom floor and proposed addition 0.89 feet below the required elevation of one (1) foot above base flood elevation.

19-10-8



SURROUNDING ZONING

Manhattan Township

Variance #14-05

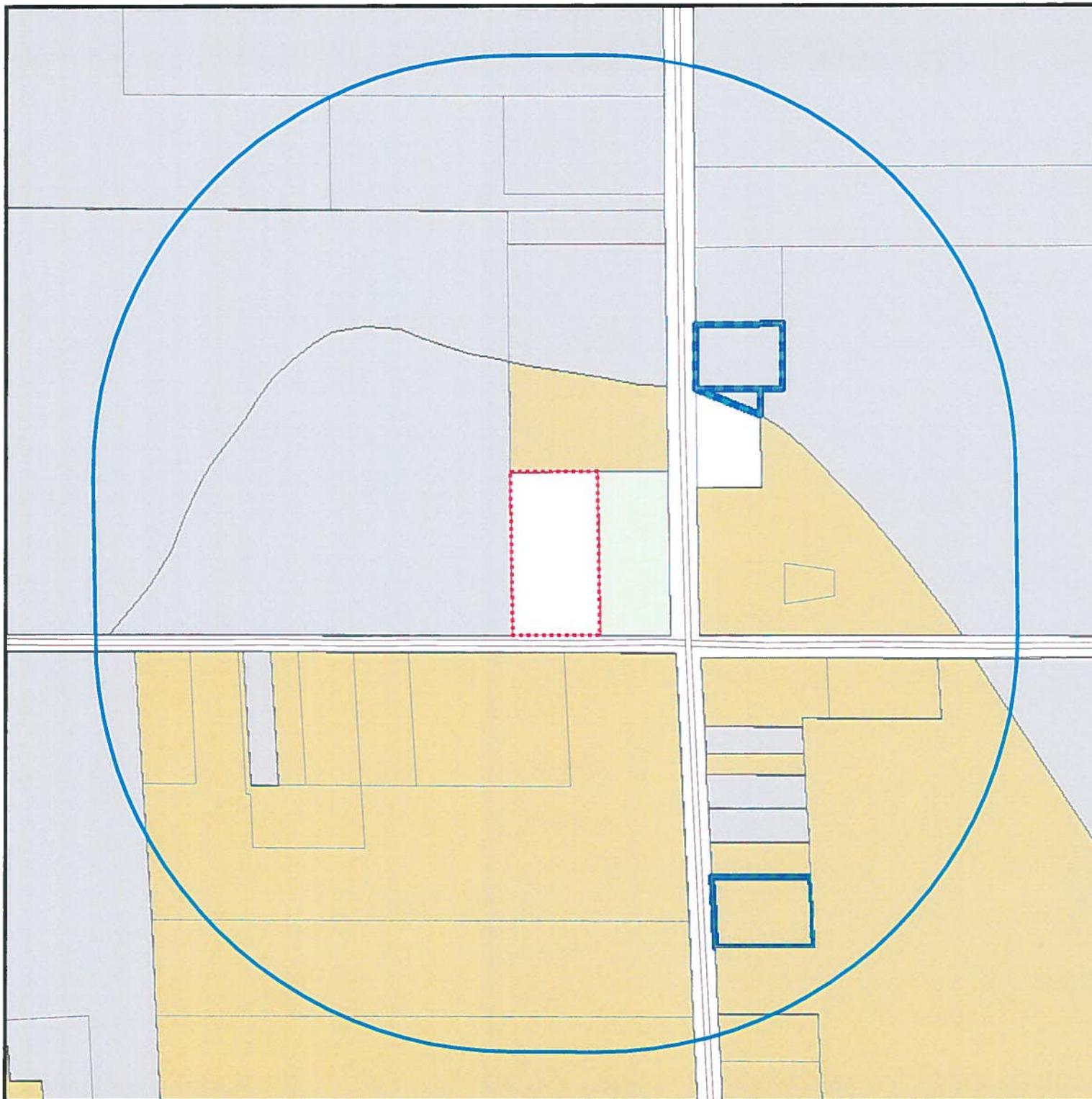
Allowing the top of the bottom floor and proposed addition 0.89 feet below the required elevation of one (1) foot above base flood elevation.

19-10-8

Legend

- 1000' Buffer
- Site

- | | |
|----------------------|---|
| SF-1 Single Family | AG Agricultural |
| SF-2 Single Family | N-1 Noise Hazard |
| SF-3 Single Family | PUD Planned Unit Dev |
| SF-4 Single Family | U University |
| SF-5 Single Family | City Boundaries |
| B-1 Two Family | Fort Riley |
| B-2 Multiple Family | |
| B-3 Mobile Home Park | |
| C-1 Neighborhood Bus | |
| C-2 Shopping Dist | Special Zoning:
Conditional Use
Designator Lot
Special Use
Variance |
| C-3 General Business | |
| C-4 Highway Business | |
| D-1 Industrial Park | |
| D-2 Light Industrial | |
| D-3 Heavy Industrial | |
| D-4 Business Park | |





FLOODPLAIN TOPEKA SHINER HABITAT

Manhattan Township

Variance #14-05

Allowing the top of the bottom floor
and proposed addition 0.89 feet
below the required elevation of one
(1) foot above base flood elevation.

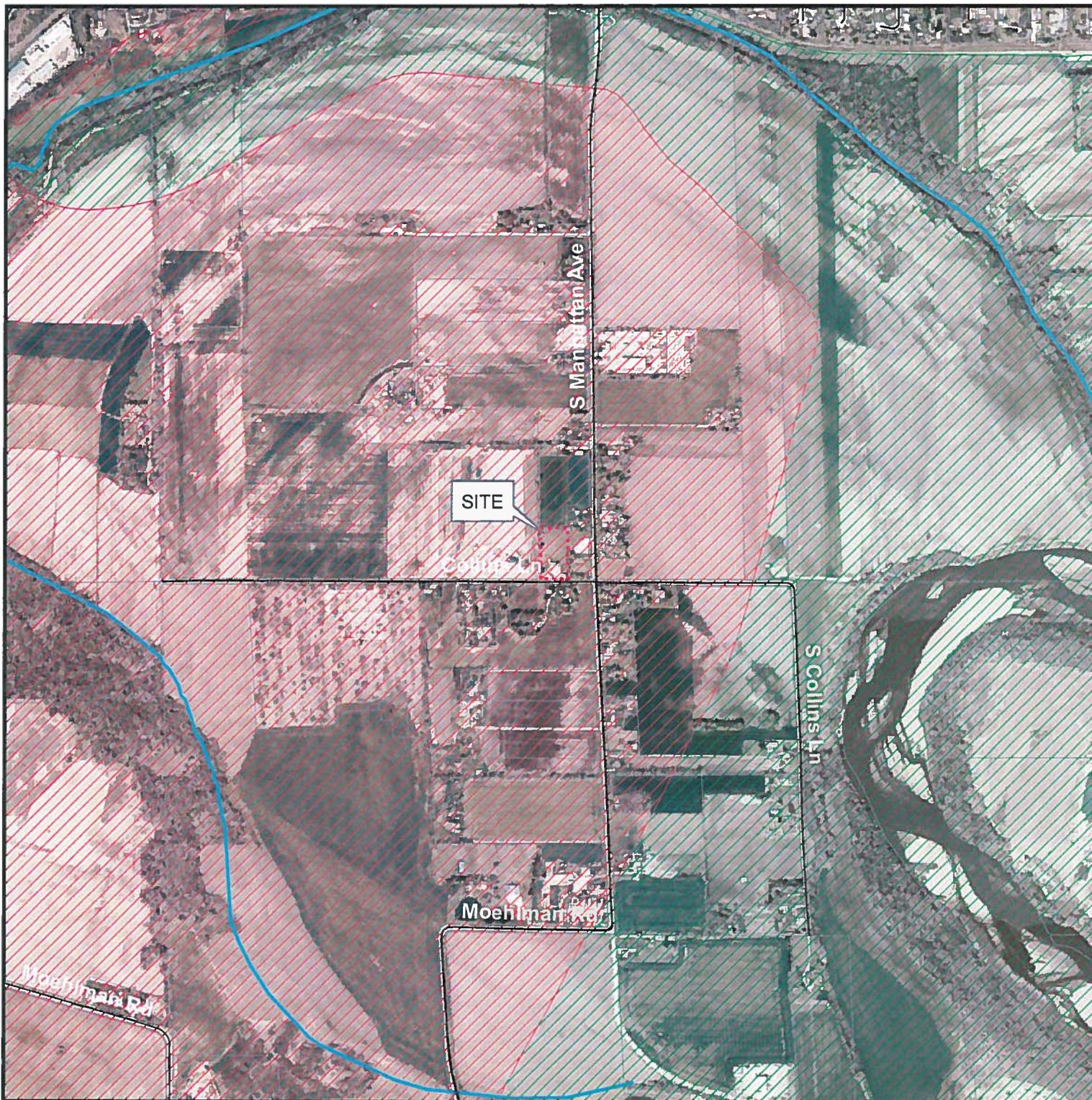
19-10-8

Legend

 Topeka Shiner Habitat

Floodplain

-  1% Annual Chance Flood (Unnumbered)
-  1% Annual Chance Flood (Numbered)
-  Floodway
-  1% Annual Chance Flood (1'-3' Depth)
-  .2% Annual Chance Flood



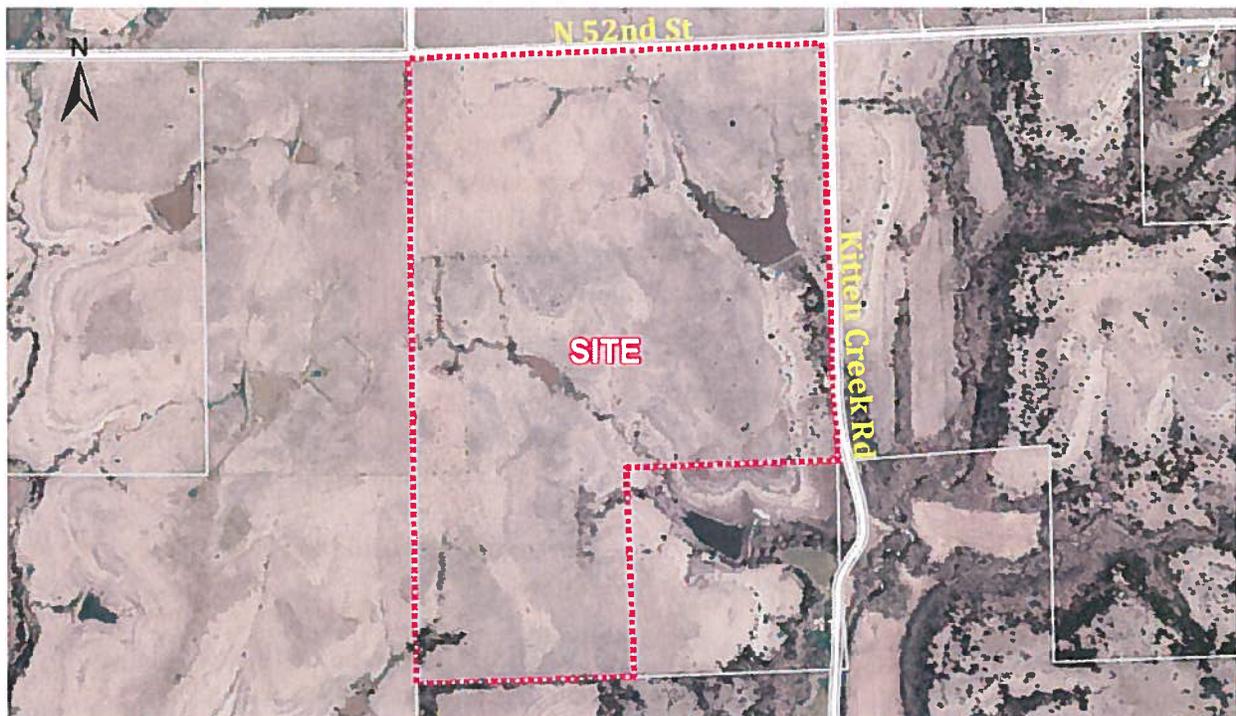


PLANNING & DEVELOPMENT

STAFF REPORT

Conditional Use

- PETITION:** (#14-06) Conditional Use – Type III Special Event
- APPLICANT:** American Cancer Society
1315 SW Arrowhead Rd
Topeka, KS 66604
- PROPERTY OWNER:** Jay and Vonda Copeland
P O Box 128
Riley, KS 66531
- REQUEST:** A conditional use authorization to permit a Type - III Special Event in the "AG" (Agricultural District).
- SIZE OF TRACT:** The subject site is approximately 200 acres.
- LOCATION:** Generally located approximately 600 feet west of Kitten Creek Road, on the south side of N. 52nd Street; Section 24, Township 9 South, Range 6 East; Wildcat Township.
-



BACKGROUND: The proposed Type-III Special Event is for the 5th Annual Cattle Baron's Ball, a charitable auction, fund-raising event officially sponsored by the American Cancer Society. The event is scheduled for the evening of Saturday, August 23, 2014 from 6:00PM - 12:00 AM, with an estimated attendance of 400 guests, is open to the public. The event will include catered food, an open bar, live music and live, silent & bid board auction. Temporary structures will be constructed on-site, which includes tents, staging and some temporary fencing, along with tables and chairs. The event will be using Cat Cans portable sanitation units, as approved by the Riley County Environmental Health Specialist. Off-street parking will be provided on-site, along with an arranged "park & ride" system via motor coach from Manhattan. Documentation has been submitted demonstrating to permitting alcohol to be served during the event (Kansas Department of Revenue-Alcoholic Beverage Control Division).

DESCRIPTION:

Physical site characteristics: The specific location of the event consists of an approximate 9-acre area of pasture/grassland.

General character of the area: The general character of the area is a mix of sparse rural/suburban residential development and open grasslands/pasture.

ZONING:

Zoning History: The subject site is currently zoned "AG" (Agricultural District). There are no conditional uses, special uses or variances associated with the site.

COMMENTS AND CONCERNS:

ENVIRONMENTAL HEALTH: Environmental Health staff has reviewed the request and found it is in compliance with the Riley County Sanitary Code. These standards include proper food and beverage safety, the provision of an adequate potable water supply and adequate provisions for the disposal of solid waste and wastewater. The organizer must provide a minimum of two (2) sanitary facilities, regardless of the number of participants in the event. If the organizer anticipates more than two hundred (200) participants, a sanitary facility shall be provided for each additional one hundred (100) participants. If the Riley County Environmental Health Specialist finds that additional facilities are necessary to ensure public health, the organizer shall provide the recommended number or shall restrict participants to the number that corresponds to the sanitary facilities available.

COUNTY ENGINEER: The County Engineer has reviewed the request and stated that W. 76th Avenue and N. 52nd Street appear to be the best routes to access this location; both routes are sufficient to handle the increase in traffic as a result of this one-time event.

RILEY COUNTY FIRE DISTRICT NO. 1: The Director of Riley County Emergency Management has reviewed the request and had no objections.

RILEY COUNTY EMERGENCY MEDICAL SERVICES: The Director of Riley County Emergency Medical Services reviewed the request and had no concerns.

LAW ENFORCEMENT CENTER: The Assistant Director of the Law Enforcement Center has reviewed the request and had no concerns.

STAFF RECOMMENDATIONS: Staff recommends the requested Conditional Use be approved with the following conditions:

1. This conditional use authorization shall serve as the Special Event Permit for a Type-III event and shall apply to the entire site, as shown on the submitted site plan.
2. The permit shall apply exclusively to the proposed 4th Annual Cattle Baron's Ball scheduled for August 23, 2014; or in the event of inclement weather, the special event shall be rescheduled for September 13, 2014. The permit shall not be transferrable if the event is otherwise rescheduled or relocated.
3. This authorization shall allow for one week prior to the event for set-up and one week following the event for disassembly and clean up.
4. The permit shall only be valid for the duration of the event on the dates mentioned, from 6:00 pm to 12:00 am.
5. This conditional use authorization shall expire at the conclusion of the event.
6. All requirements of the Riley County Health Department and other health authorities shall be met. These standards include proper food and beverage safety, the provision of an adequate potable water supply and adequate provisions for the disposal of solid waste and wastewater. The organizer must provide a minimum of two (2) sanitary facilities, regardless of the number of participants in the event. If the organizer anticipates more than two hundred (200) participants, a sanitary facility shall be provided for each additional one hundred (100) participants. If the Riley County Environmental Health Specialist finds that additional facilities are necessary to ensure public health, the organizer shall provide the recommended number or shall restrict participants to the number that corresponds to the sanitary facilities available.
7. Adequate parking areas (including handicap parking) shall be located within the vicinity of the event. Parking shall be provided on the same property as the event to the fullest extent possible. Public rights-of-way shall be kept open and traversable (i.e. provides two-way flow of emergency vehicles), with no interference with public travel during the duration of the special event. Parking may not overlap onto adjoining property without advance written consent of the affected landowner.
8. The event organizer shall provide for the ability of emergency services to respond to emergency situations, including police, fire and emergency medical response needs.
9. All proposed lighting sources shall be aimed or shielded so the direct illumination is confined to the property on which the use is located. The operation of searchlights or similar lighting sources is prohibited.
10. One freestanding or wall-mounted on-site sign, not exceeding six square feet in area and six feet in height, is permitted. Sign text and graphics, which relate only to the approved short-term temporary use, shall be removed immediately upon cessation of the event. Off-premise signage, on private property and which describes the location of the use, shall be allowed subject to compliance with all applicable provisions of **Section 15 – Signs and Exterior Lights** and the written approval of the property owner.
11. Any required local or state permits or licenses, etc., shall be obtained before the special event permit is issued.
12. The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations.
13. A legible copy of the permit shall be posted on the site for the duration of the event.
14. Designated personnel from Riley County Police Department, Riley County Fire District No. 1, Riley County Emergency Medical Service, Riley County Health Department and/or Riley

County Planning & Development shall be authorized to inspect the special event premises for compliance with the provisions of Section 22B of the Riley County Zoning Regulations and the conditions of the issued permit.

ATTACHMENTS:

- Vicinity/site map
- Surrounding site area map
- Zoning map
- Site plan

Prepared by: Bob Isaac, Planner
April 8, 2014



VICINITY AND SITE

American Cancer Society

166240000003000

Conditional Use #14-06

Permit a Type-III
Special Event in AG

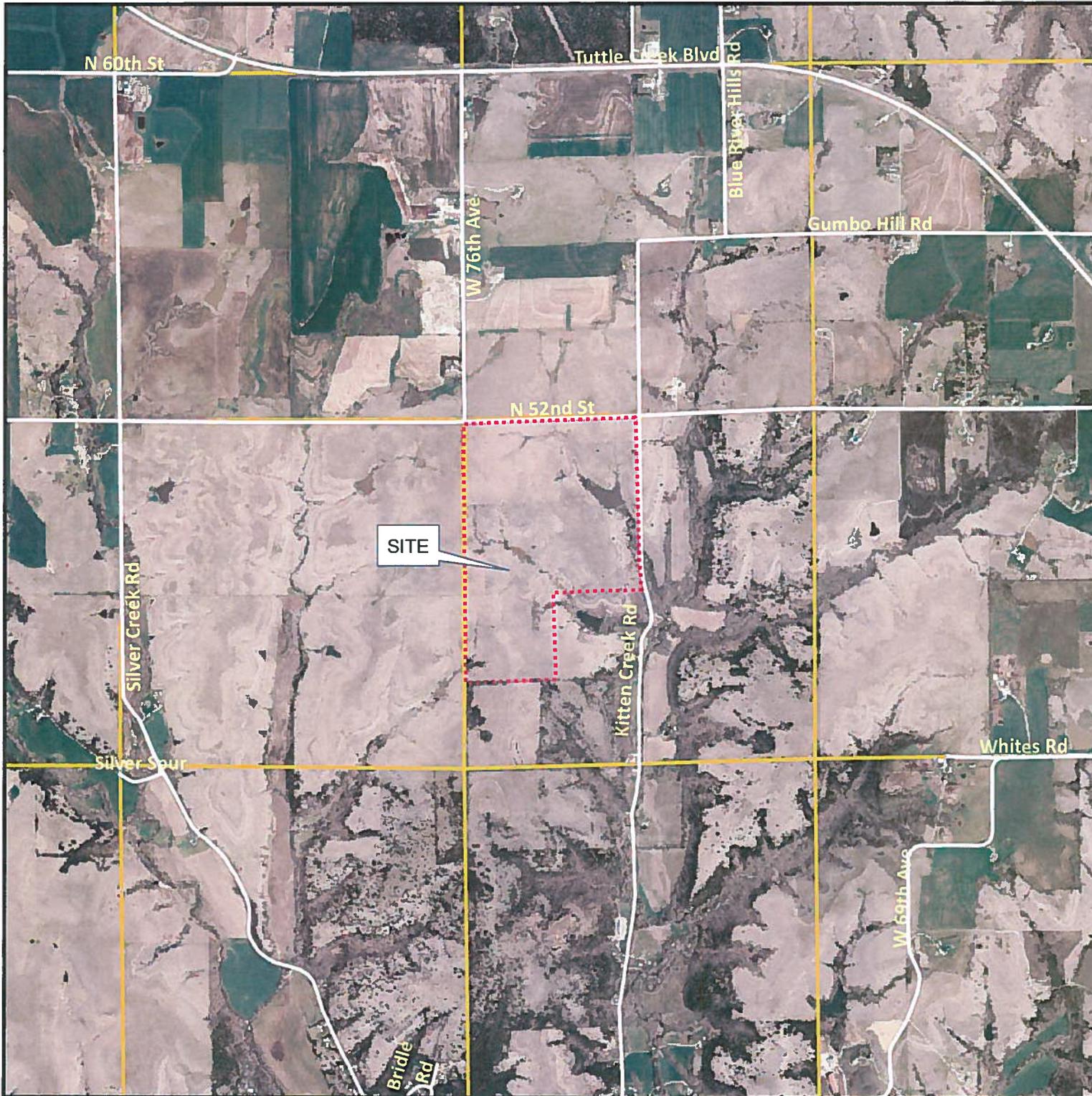
24-9-6

Legend

 1000' Buffer

 Site





SITE AND SURROUNDING AREA

American Cancer Society

166240000003000

Conditional Use #14-06

Permit a Type-III
Special Event in AG

24-9-6



SURROUNDING ZONING

American Cancer Society

166240000003000

Conditional Use #14-06

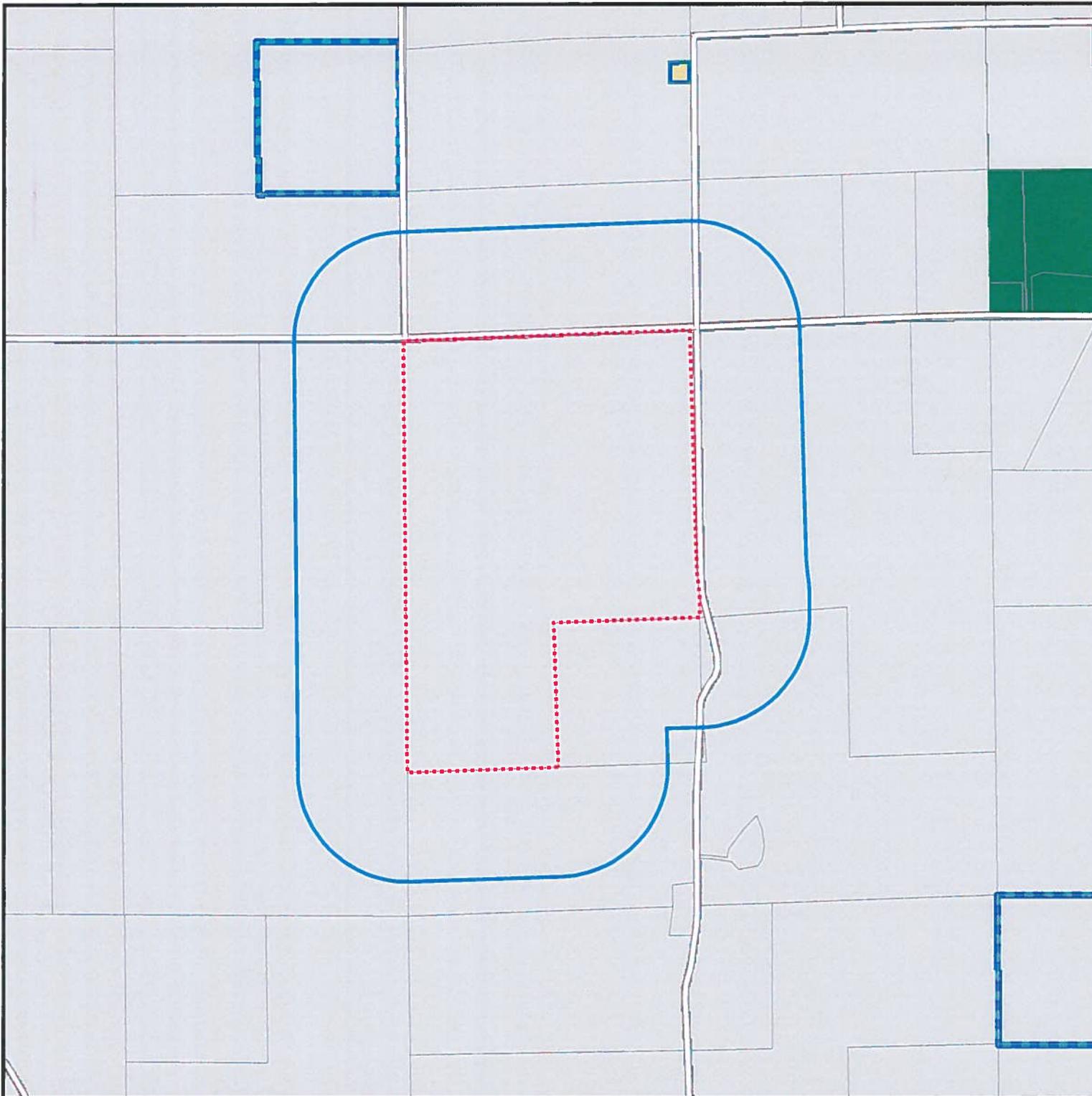
Permit a Type-III
Special Event in AG

24-9-6

Legend

-  1000' Buffer
-  Site

- | | |
|--|---|
|  SF-1 Single Family |  AG Agricultural |
|  SF-2 Single Family |  N-1 Noise Hazard |
|  SF-3 Single Family |  PUD Planned Unit Dev |
|  SF-4 Single Family |  U University |
|  SF-5 Single Family |  City Boundaries |
|  B-1 Two Family |  Fort Riley |
|  B-2 Multiple Family | |
|  B-3 Mobile Home Park | |
|  C-1 Neighborhood Bus | |
|  C-2 Shopping Dist |  Special Zoning:
Conditional Use
Designator Lot
Special Use
Variance |
|  C-3 General Business | |
|  C-4 Highway Business | |
|  D-1 Industrial Park | |
|  D-2 Light Industrial | |
|  D-3 Heavy Industrial | |
|  D-4 Business Park | |





THE OFFICIAL SPONSOR OF BIRTHDAYS.®



Riley County Planning & Development
110 Courthouse Plaza
Manhattan, KS 66502

Riley County Planning Board,

Attached is our application for conditional use of property located in the southwest quadrant of the North 52nd Street and Kitten Creek Road intersection in Riley County, Kansas, owned by Jay and Vonda Copeland. A letter of permission to use this location is included. Additionally you will find the supporting documents that verify American Cancer Society's 501 (c)(3) status as a tax exempt charitable organization.

The proposed fundraising event, Cattle Baron's Ball, is being planned for the location in the application. The event date is Saturday, August 23, 2014 from 6pm until 12am. This is the 5th annual event and history supports our estimated attendance to be 400 guests. Dinner, drinks, live band and live, silent and bid board auctions will entertain guests throughout the evening along with additional entertainment components.

The layout of the event will include temporary structures of tents. Details of the event layout are included as supporting documents to the application.

Upon approval of the event by the Riley County Planning Board, a Kansas Department of Revenue Alcoholic Beverage Control temporary permit application and agreement will be submitted for the event.

In order to promote safety, a park and ride bus will be offered from a Manhattan location to the event site and back. In the event of over-consumption, use of the park and ride system will be mandatory. Emergency and security personnel will be on site as volunteers or if necessary as contracted.

If you have any questions upon review of the application, please contact me.

Respectfully Submitted,

Hope James
Specialist, Distinguished Events
American Cancer Society

Cattle Baron's Ball Schedule of Events

- 5: 45 p.m. First Park & Ride Bus Leaves for Copeland Ranch
- 6:00 p.m. VIP Pre-Party
Hors d'oeuvres
Preview Live Auction Items
Silent Auction Opens
- 7:00 p.m. Cattle Baron's Ball 2014 Begins
All Food Stations and Bars Open
Games Open
Bid Board Open
- 8:00 p.m. Food Stations Close
Presentation
- 9:00 p.m. Live Auction Begins
Bars Close
Silent Auction Closes
- 9:30 p.m. Entertainment Begins
Bars Re-Open
- 10:15 p.m. Bid Board Closes
- 12:00 p.m. Conclusion of 5th Annual Cattle Baron's Ball
Last Park & Ride Bus Leaves Copeland Ranch

Performance Standards

1. **Noise:** Amplification of live band, live auction and speakers will be maintained to a reasonable level to keep noise within the perimeters of the event location.
2. **Parking:** Adequate parking is available and will be contained on property. General Admission, VIP and handicap parking will be offered. Layout, attendants and directional flow requests will be implemented according to Riley County Planning & Development requirements.
3. **Location:** The event location is an open meadow pasture with a barb-wire fence perimeter. The event will take place in the northwest corner of the tract of land. This area is not a heavily congested or high traffic area. With two entrances onto the property, this should keep traffic flow at an appropriate level and will not impede the public right-of-way.
4. **Health and Sanitation:** The event utilizes licensed caterers to prep and serve food for food safety. Event utilizes Cat Cats of Manhattan will provide a portable toilet trailer for sanitation, along with additional outhouses as deemed necessary, to include but not limited to a handicap accessible stall. (Understanding prescription for 4 stalls for 400 persons.) Hand sanitation and pump water stations for hand cleaning are also provided.
5. **Emergency Services:** Emergency services will be notified of event date and location. Location is easily accessible to all emergency personnel. Emergency personnel will be arranged for on-site at event as deemed necessary by RCPD and Riley County Board of Zoning Appeals.
6. **Lighting:** Flood lights shall be aimed so as not to illuminate beyond event site property. Searchlights will not be used, but flood lights in parking area are planned for safety of guests as they walk modestly uneven grass covered ground.
7. **Signage:** Only small company sponsorship banners and thematic sponsor recognition signs will be used on site during the event. Off-premise signage will follow compliance under provisions of Section 15-Signs and Exterior Lights and with written approval of property owner(s).

Criteria to be Considered for Issuance of a Permit

1. The zoning classification for the land proposed for the event is agricultural.
2. The population density of this particular area is small. There should be no detrimental effect to neighbors by the proposed event.
3. North 52nd Street is the public access road along the event site. The road is a gravel county road and is in good quality. We anticipate most of our event guests will travel on Highway 24 and turn on to West 76th Avenue, also a gravel county road, and then on to North 52nd Street. Additionally, a park and ride amenity will be available for guests, allowing them to park at a designated location in Manhattan and ride a bus to the event site, reducing the number of vehicles traveling the roads and parking on site. We fully believe, as Riley County maintains these roadways, that they are in excellent shape and quite capable of handling the number of patrons expected at our event.
4. Water will be available at the event location in the form of bottled drinking water and contained water in portable hand washing stations placed throughout for sanitation along with the contained portable toilet trailer
5. Sanitary facilities will be located outside event tents and portable hand washing stations will be located throughout event location. All dirty water will properly be contained.
6. The event location is located within 15 miles of emergency services (fire, police and medical) base headquarters in Manhattan. Roadways and site are easily accessible by all emergency services.
7. The nature of the proposed event is an upscale gala fundraiser with a western theme. This is an exclusive adult event. Tickets are available to the public, but due to the starting general admission ticket price of \$125 each, the typical patron will be of upper middle class. The VIP ticket price is \$195 each. The typical patron at this level will be executive status. The theme, amenities and tone of the event is to present a classy, but fun western themed outdoor event with a live band and silent, live and bid board auctions. Food caterers are well established restaurateurs from the Manhattan area.
8. Alcoholic liquor and cereal malt beverages will be served at this event. As the American Cancer Society is a 501(c)(3) tax exempt organization hosting a fundraising event, a charitable auction request for permit will be submitted to the Kansas Department of Revenue Alcoholic Beverage Control. All attendees will be 21 years old or older and no minors should be in attendance. As a concern for safety a park and ride amenity will be available for event guests, transporting them to and from the event site from a location in Manhattan. Taxi numbers will be available for transport of indulgent guests.
9. Based on past Kansas August's, we anticipate heat and will attempt to keep the tents comfortable with the use of PortaCool equipment rented from Waters Party & Wedding along with fans situated to move air through tents. Riley County EMS will be notified in advance of event, as a back-up in case of heat related emergency. Keep in mind the hours

of the event are in the evening, from 6pm until 12:00am, so the hottest time of the day will have passed before event hours which should reduce heat related incidents. In the event of a torrential rain and/or forecasted likelihood of rainy weather, a rain date of September 13, 2014 has been selected. In the event of an unforeseen storm or man-made emergency, we have emergency plans for evacuation protocol. (See attached forms)

10. Temporary structures will be construed on-site including tents, staging and temporary fencing, along with tables and chairs. This construction will be done by Waters Party & Wedding and all attempts will be made to meet fire codes where applicable.
11. This will be the 5th year of the Manhattan Cattle Baron's Ball. Year one was held at the Kansas State University Alumni Center. Year two was held at Foote Ranch, just south of I-70 off highway 177. Year three was held at Moyer Ranch, south of Lower McDowell Creek Road. Year four was held at Pope Ranch, north of highway 24 off of Blue River Hills Road. The Cattle Baron's Ball is a successful fundraiser bringing in an average net profit of \$85,000 for the American Cancer Society. The event has been held under tents in open pasture for the past three years with much success and popularity. The event is modeled after the Cattle Baron's Ball in Dallas, Texas that was first held in 1974 with the cast from the television series "Dallas" present.
12. I can think of no other conditions which might detrimentally affect the public health, safety or welfare of any persons attending this event.



PLANNING & DEVELOPMENT

STAFF REPORT

Variance

PETITION: (#14-07) Variance

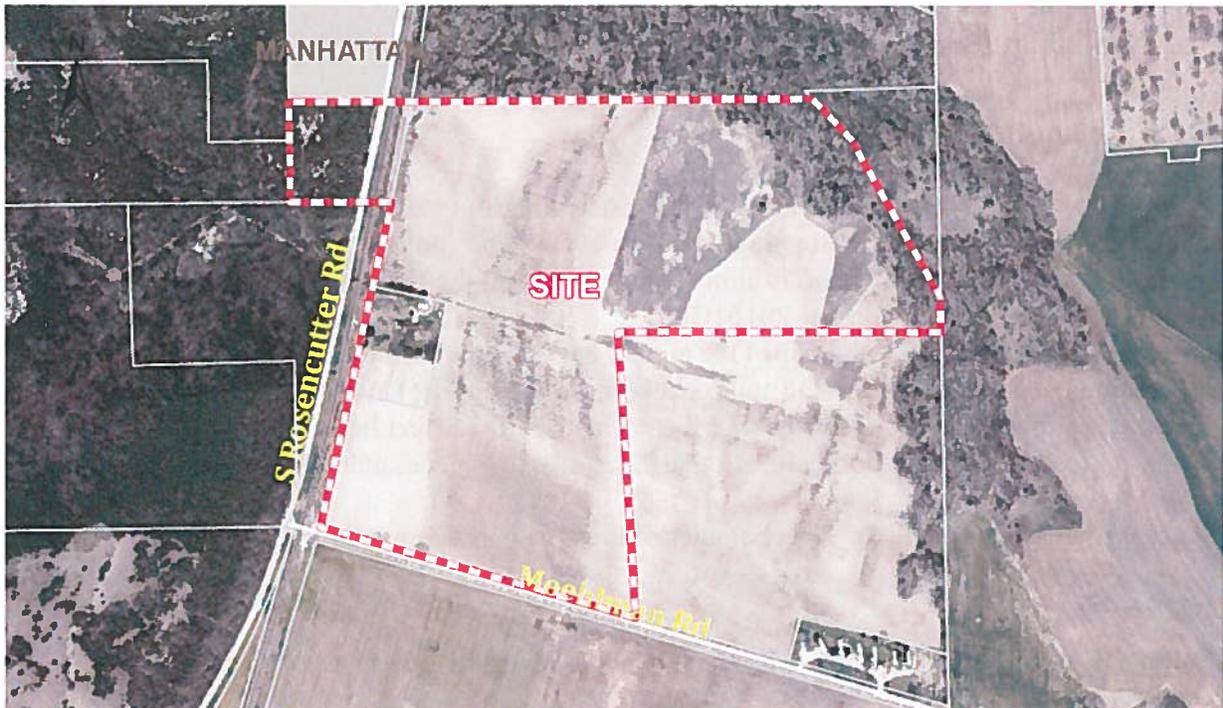
APPLICANT: Stan Cook
2450 S. Rosencutter Rd
Manhattan, KS 66502

PROPERTY OWNER: Deam & Cook L C
2450 S. Rosencutter Rd
Manhattan, KS 66502

TYPE OF REQUEST: A variance to permit the construction of a detached agricultural accessory structure 3.1 feet below the required elevation of one (1) foot above base flood elevation (1021.6 ft.).

SIZE OF TRACT: The subject site is approximately 79 acres.

LOCATION: Generally located approximately 1065 feet north of Moehlman Road, on the east side of S. Rosencutter Road; Section 25, Township 10 South, Range 7 East; Manhattan Township.



BACKGROUND: The applicant owns a farmstead situated on two contiguous tracts of unplatted land, under the same ownership. The applicant wishes to construct and locate an agricultural accessory structure (barn) to store farm equipment and supplies near the existing residence (see Figure 1).



Figure 1

DESCRIPTION:

Physical site characteristics: The farmstead consists of a limestone home built in 1860 (remodeled in 1986) and a small garage, built in 1955. The subject site is situated just west of the old Kansas River channel and is almost entirely within the floodplain. More specifically, according to FIRM panel number 20161C0363E (November 2003), the chosen location for the building is within an “A” flood zone (1% annual base flood). Although the original elevation of the building pad is 1014.1 feet, the applicant plans on using fill material to elevate the lowest floor of the proposed structure to 1018.5 feet. This is still 3.1 feet below the required elevation of one (1) foot above base flood elevation (1021.6 ft.), thus necessitating variance approval.

General character of the area: The character of the area is predominantly agricultural.

ZONING:

Zoning History: The subject site has been zoned agricultural since at least 1974 (zoning conversion process).

STAFF EVALUATION OF VARIANCE CRITERIA:

- a. **The variance request arises from conditions which are unique to the property in question and which are not ordinarily found in the same zone or district and that such conditions are not created by an action of the owner or applicant.**

The portion of subject property on which the applicant intends on placing the aforementioned structure lies within the designated 1% annual chance floodplain, which overlays the "AG" (Agricultural) zoning district. The floodplain regulations require that the lowest floor elevation of all structures be at least one (1) foot above base flood elevation. This standard is not a normal requirement of the "AG" zoning district, therefore creating a unique condition to the property. Furthermore, there are no other locations on the property not within the floodplain that could be considered suitable for such a structure. Since the predominant land use of the property is agricultural (crops), there is an expectation that farm machinery, implement sheds, barns, etc. are necessary at that location. With the entire site (east of S. Rosencutter Road) is within the designated 1% annual chance floodplain, the applicant has no option but to build within said floodplain.

- b. **The granting of the variance will not adversely affect the rights of adjacent property owners or residents.**

The Applicant has stated that the proposed building will meet or exceed the requirements for wet-flood-proofing, as per the requirements set forth in the Riley County Floodplain Regulations. Adjacent property owners should not be adversely affected by the granting of a variance.

- c. **The strict application of the provisions of the zoning regulations from which the variance is requested will constitute unnecessary hardship upon the property owner or applicant.**

Given that the entire property is located within in the 1% annual chance floodplain, literal enforcement of the regulations would not allow the property owner to construct said accessory structure in the exact location indicated on the subject property, unreasonably forcing the Applicant to build elsewhere. However, the location is within reasonable proximity of and logically placed in relation to other structures on the farmstead. Forcing the applicant to build elsewhere, especially in light of the ability to utilize wet-floodproofing techniques, could be considered an unnecessary hardship upon the property owner.

- d. **The variance requested will not adversely affect the public health, safety and welfare.**

The proposed structure is subject to the Riley County Floodplain regulations. Non habitable structures used for storage are permitted to utilize the wet-floodproofing methods. Granting a variance should not adversely affect the public health, safety and welfare.

- e. **The granting of the variance will not be opposed to the general spirit and intent of the regulations.**

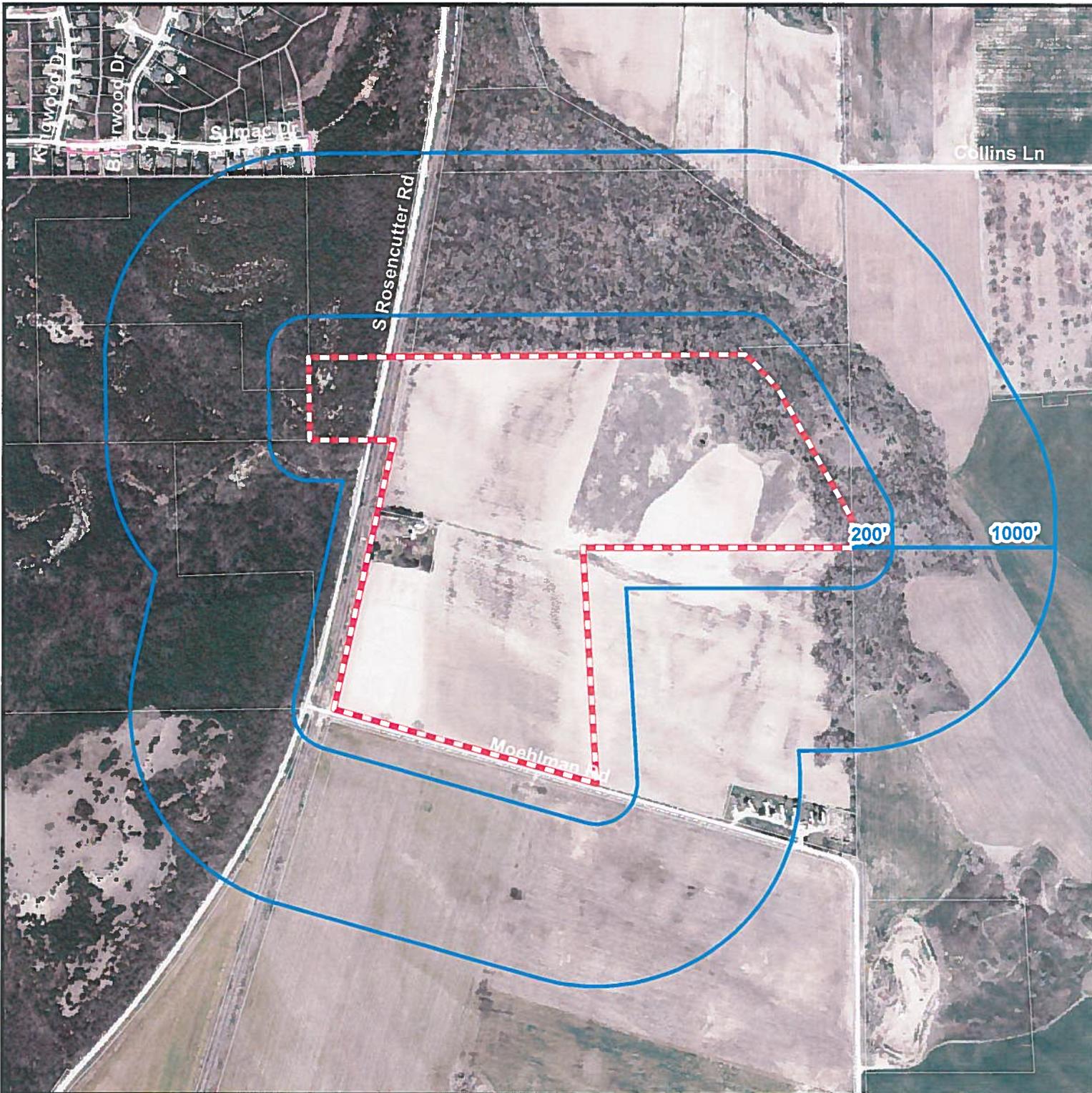
According to the Riley County Floodplain Regulations, Section 9.84, the granting of the requested variance would be consistent with the adopted criteria for variance approval.

STAFF RECOMMENDATIONS: Staff recommends that the requested variance be approved.

ATTACHMENTS:

- Vicinity/site map
- Site & Surrounding Area map
- Floodplain map
- Zoning map

Prepared by: Bob Isaac, Planner
April 7, 2014



VICINITY AND SITE

Cook

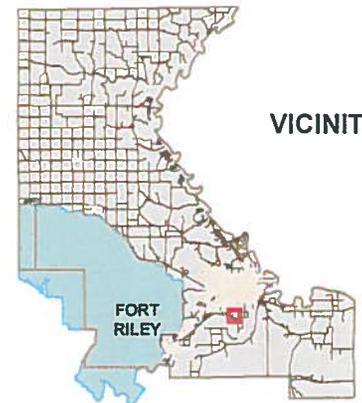
Variance #14-07

Construction of a detached ag accessory structure 3.1 ft below the required elevation of 1 ft above base flood elevation (1021.6 ft).

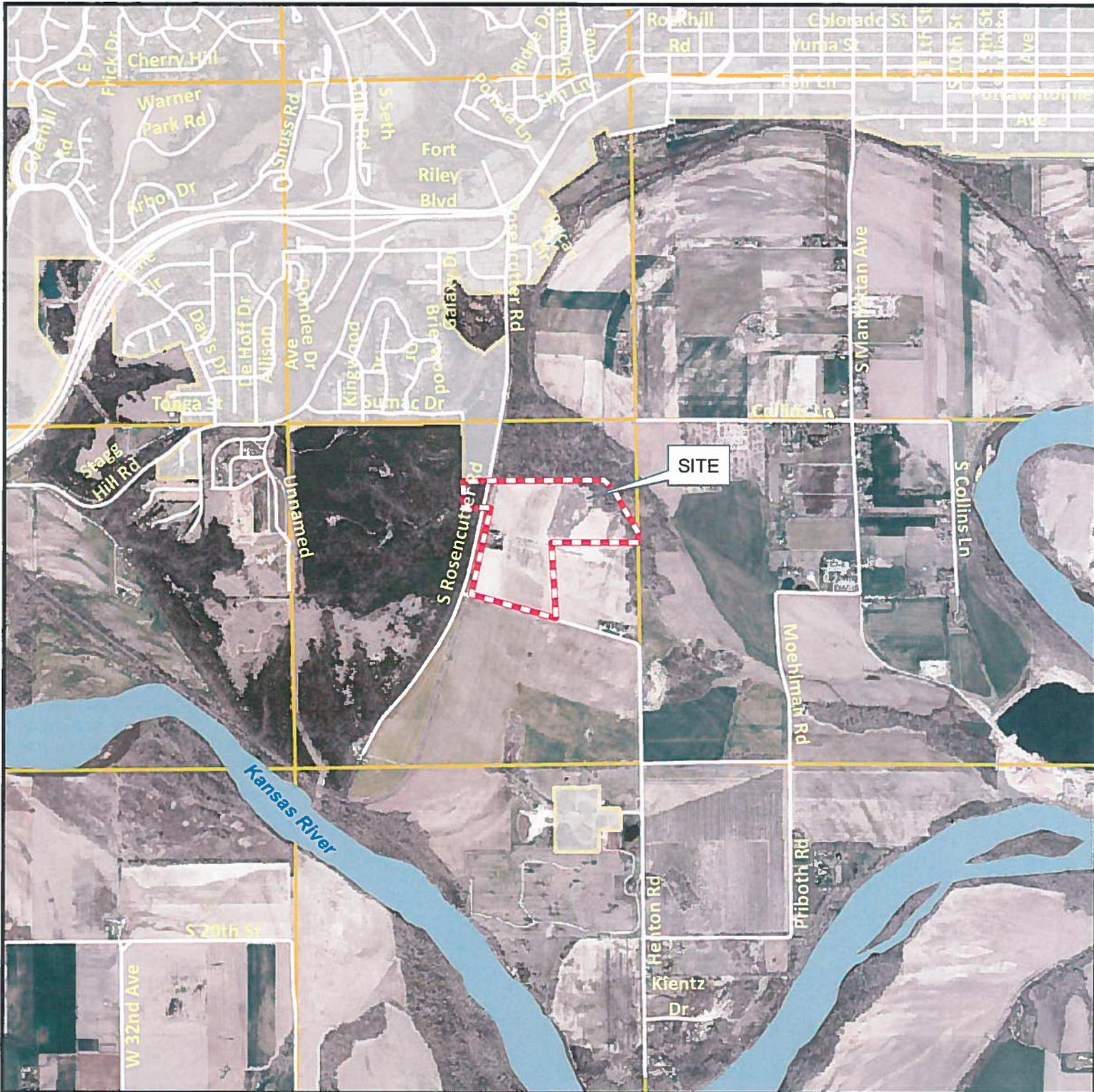
25-10-7

Legend

-  Buffer
-  Site



VICINITY



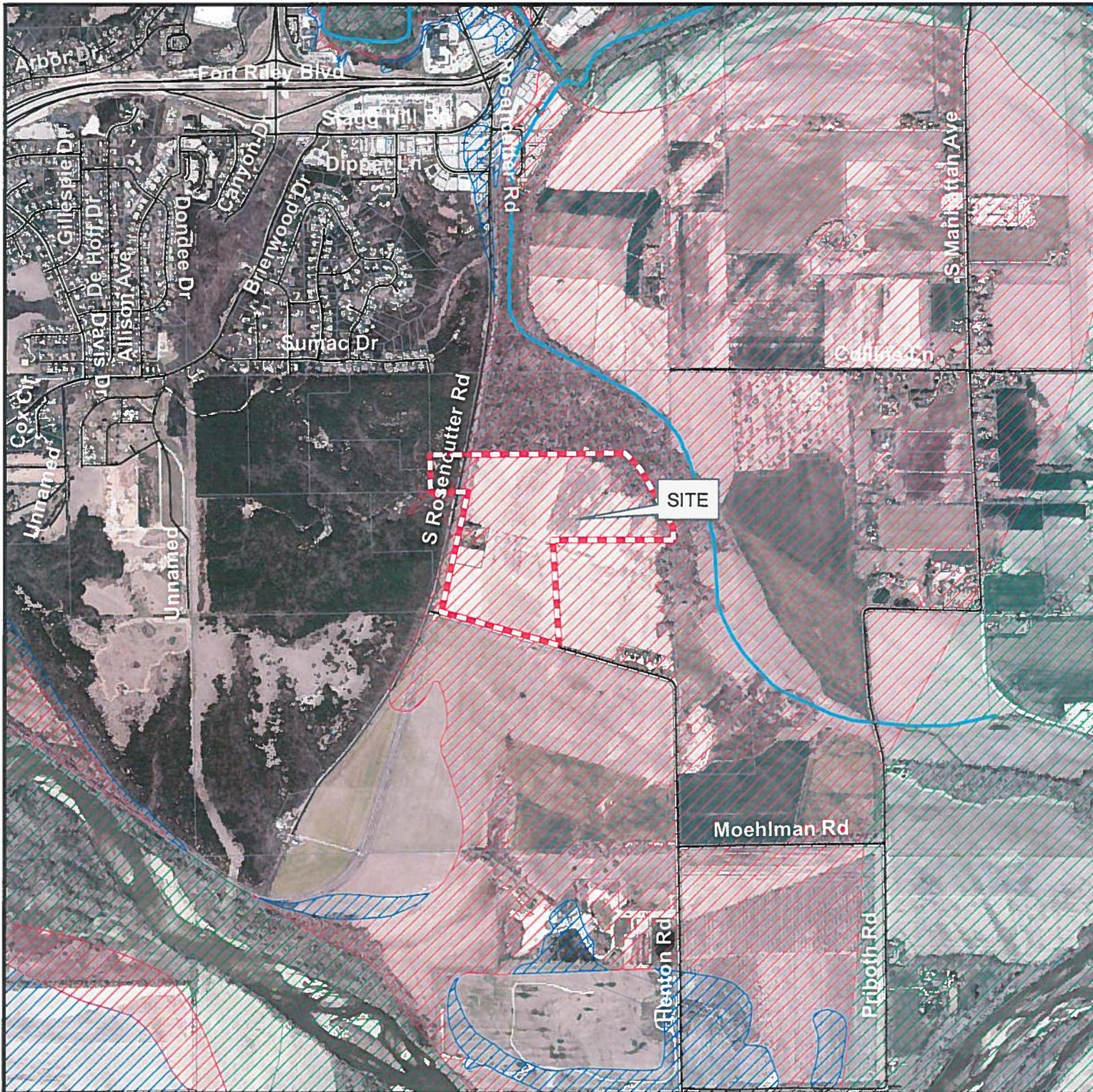
SITE AND SURROUNDING AREA

Cook

Variance #14-07

Construction of a detached ag accessory structure 3.1 ft below the required elevation of 1 ft above base flood elevation (1021.6 ft).

25-10-7



FLOODPLAIN

TOPEKA SHINER HABITAT

Cook

Variance #14-07

Construction of a detached ag accessory structure 3.1 ft below the required elevation of 1 ft above base flood elevation (1021.6 ft).

25-10-7

Legend

 Topeka Shiner Habitat

Floodplain

-  1% Annual Chance Flood (Unnumbered)
-  1% Annual Chance Flood (Numbered)
-  Floodway
-  1% Annual Chance Flood (1'-3' Depth)
-  .2% Annual Chance Flood



SURROUNDING ZONING

Cook

Variance #14-07

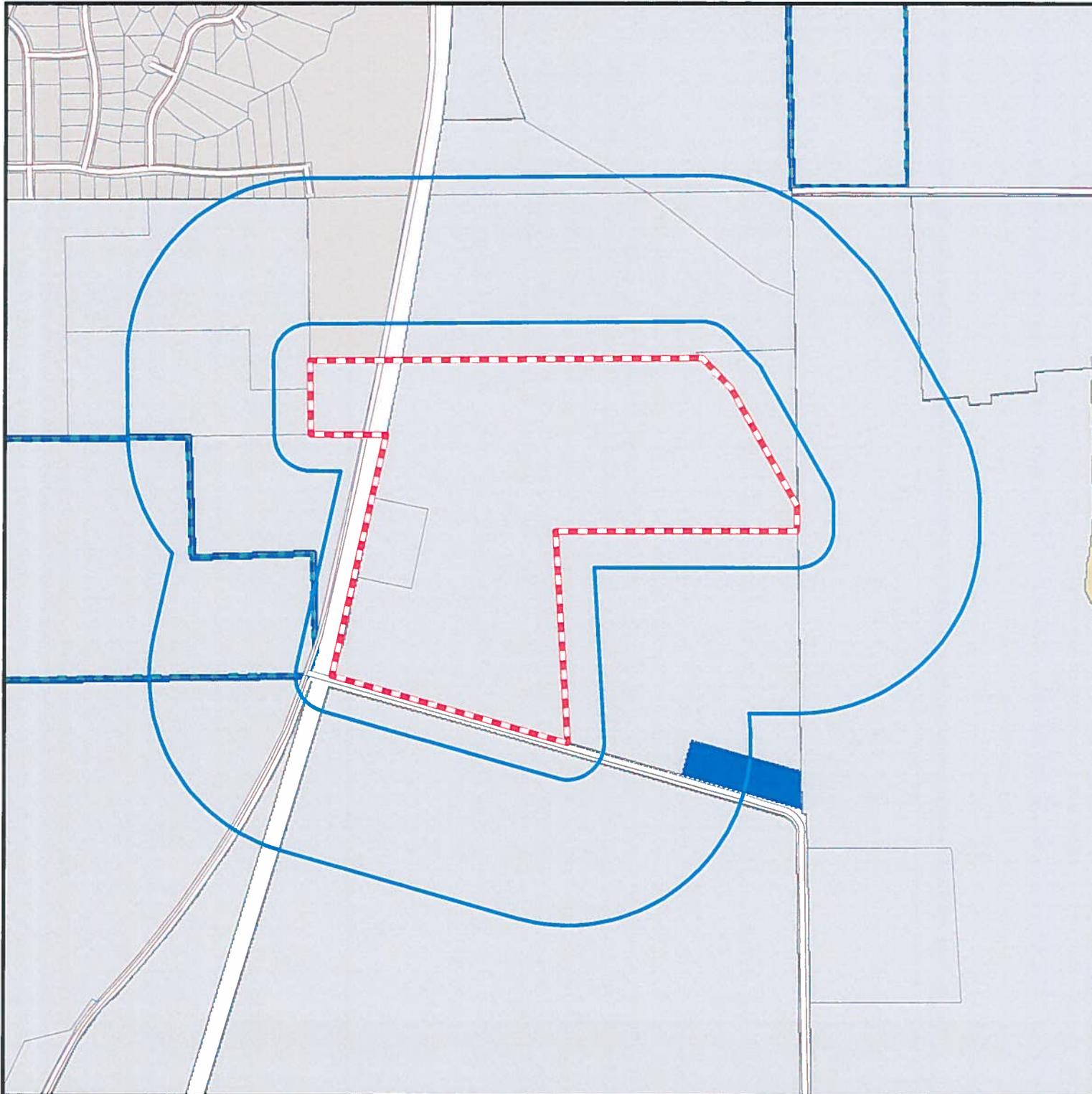
Construction of a detached ag accessory structure 3.1 ft below the required elevation of 1 ft above base flood elevation (1021.6 ft).

25-10-7

Legend

-  Buffer
-  Site

- | | |
|--|---|
|  SF-1 Single Family |  AG Agricultural |
|  SF-2 Single Family |  N-1 Noise Hazard |
|  SF-3 Single Family |  PUD Planned Unit Dev |
|  SF-4 Single Family |  U University |
|  SF-5 Single Family |  City Boundaries |
|  B-1 Two Family |  Fort Riley |
|  B-2 Multiple Family |  Special Zoning: Conditional Use |
|  B-3 Mobile Home Park |  Designator Lot |
|  C-1 Neighborhood Bus |  Special Use |
|  C-2 Shopping Dist |  Variance |
|  C-3 General Business | |
|  C-4 Highway Business | |
|  D-1 Industrial Park | |
|  D-2 Light Industrial | |
|  D-3 Heavy Industrial | |
|  D-4 Business Park | |





MEMO

<input type="checkbox"/>	PLEASE COMMENT
<input type="checkbox"/>	PLEASE REPLY
<input type="checkbox"/>	URGENT
<input checked="" type="checkbox"/>	FOR REVIEW

DATE 4/7/14

TO:
Riley County Planning Board

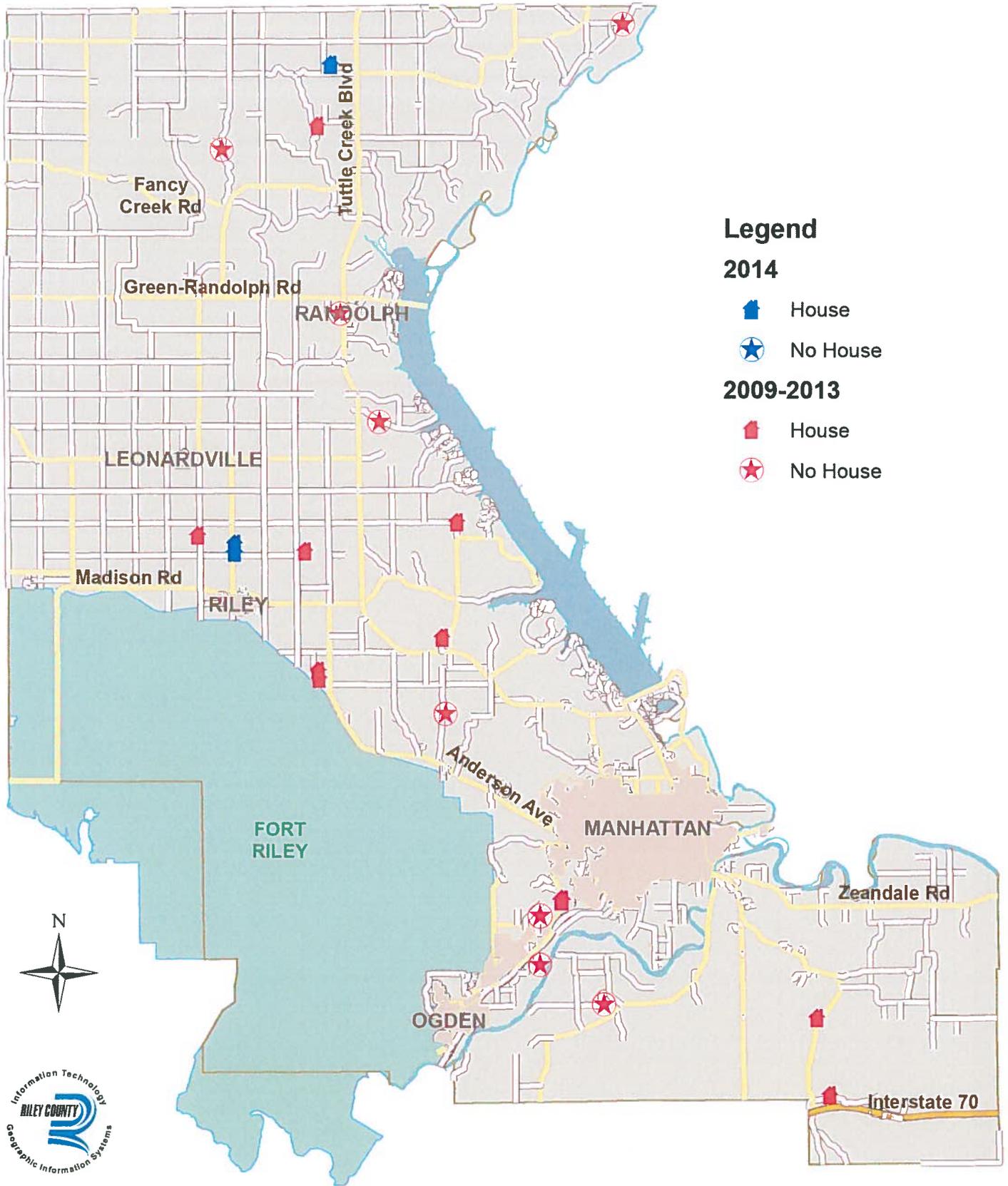
FROM:
Monty R. Wedel, AICP
Planning & Development
110 Courthouse Plaza
Manhattan, Kansas 66502
mwedel@rileycountyks.gov

Phone: (785)537-6332
Fax: (785) 537-6331

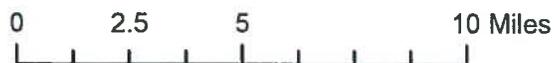
SUBJECT: Ag Exemptions

MESSAGE: We have recently received three applications for agricultural exemptions that have raised questions about our process. Therefore, we have decided to conduct a work session with the Planning Board to review these three applications and obtain guidance from the Board regarding the application process. Along with the three applications for 2014, we are also enclosing information to see how recent ag exemption activity compares to previous years. I am looking forward to having this discussion at our next meeting. Thanks, Monty

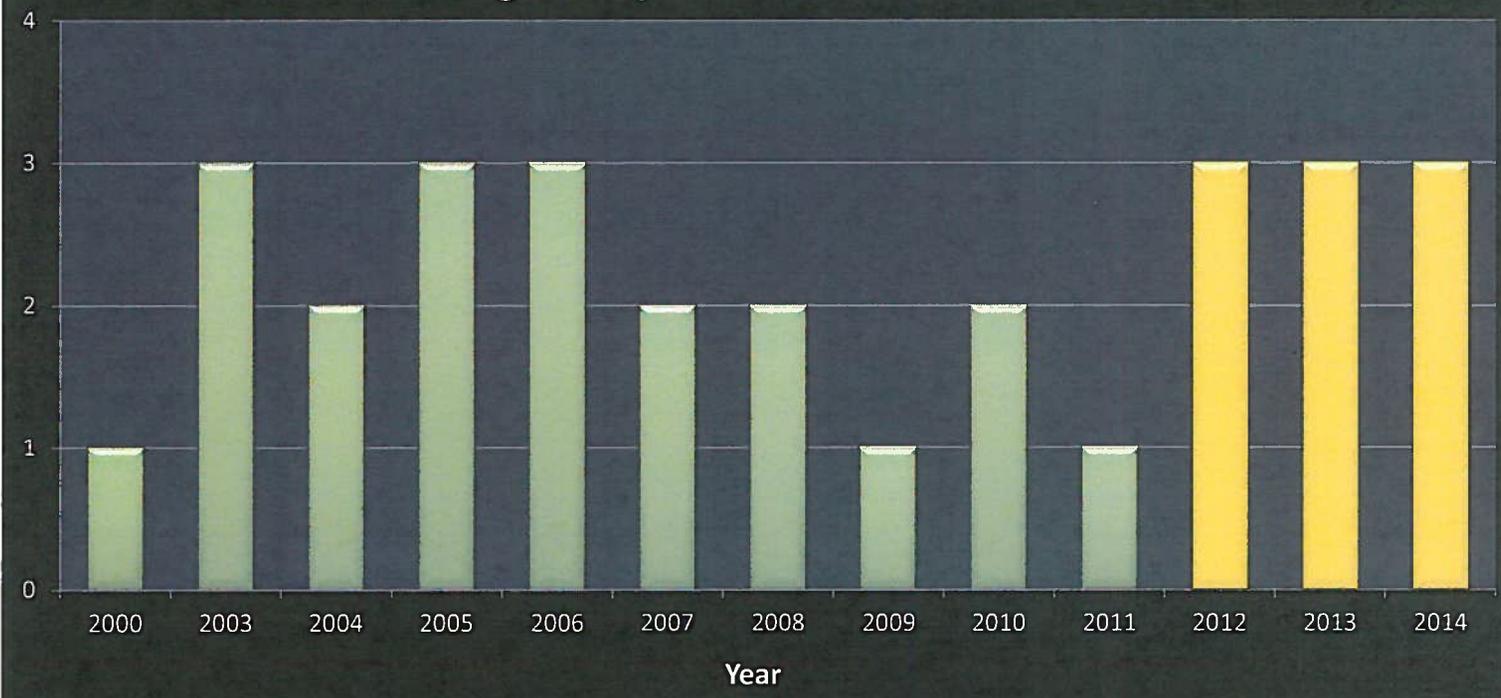
AG Exemptions



April 7, 2014



Ag Exemption for a residence





Application for Agricultural Exemption for a Residence, with or without Subdivision

APPLICANT INFORMATION

Name: Dominic Cercone Daytime Phone: (913) 475-6766
Mailing Address: Po Box 93 City, State, & Zip: Randolph KS 66554
Email Address: dgcercone@yahoo.com

LOCATION DESCRIPTION

Please attach a copy of the most current deed that describes the tract upon which the proposed residence will be located. If a tract is being subdivided to accommodate the proposed residence, attach a copy of the most current deed that describes the parent tract and a legal description of the proposed tract.

#14-01

STAFF USE ONLY S-T-R 9-6-96 Appraiser Parcel ID# 032-09-0-00-00-004.000

DESCRIPTION OF TRACT:

Without Subdivision:

Tract: Size: _____ acres Existing Use: - legal description to be
Proposed Use: submitted later

With Subdivision:

Parent Tract: Size: _____ acres Existing Use: _____
Proposed Use: _____
Proposed Tract: Size: _____ acres Existing Use: _____
Proposed Use: _____

DESCRIPTION OF AGRICULTURAL OPERATION

What is the status of your agricultural operation? Existing [X] Planned []

(NOTE: If your operation is planned, please complete this form as per your planned operation)

How much land do you own or lease for agricultural production?

Approx 1300 acres

How much of the operation is over 5 miles from the proposed residence?

_____ acres

How many acres are in agricultural production on the tract for the residence?

0 acres

1850 total w/pasture

Describe how the proposed residence is necessary to support your agricultural operation: This tract
will support Swamp Ag Inc. by giving closer access
to certain Farms they maintain. (See attached letter)
and maps

To demonstrate that you have a significant agricultural operation to justify the construction of a residence, you must attach one of the following documents:

- A Schedule F, Profit or Loss from Farming from the Internal Revenue Service for the preceding year;
- An approved business plan;
- An approved loan document; or
- Similar documentation demonstrating the applicant's significant investment in the agricultural operation.

In order to qualify for an agricultural exemption, the applicant must be "engaged in agriculture". Please respond to the following statements to assist in determining whether or not you are "engaged in agriculture". (check all that apply)

- I inspect the agricultural operation periodically and furnish at least half the direct cost of the operation.
- I regularly and frequently make or take an important part in management decisions substantially contributing to or affecting the success of the agricultural operation.
- I perform physical work which substantially contributes to the agricultural operation.
- I perform other functions that substantially contribute to the agricultural operation as follows:

I operate machinery and other equipment that
is used in Fertilizer/spray applications. I am also
involved in construction projects on the Farm site.

LIVESTOCK OWNED BY APPLICANT		
Type	Number of Head	Purpose (e.g. income, recreational, 4-H project, etc.)

AGRICULTURAL PRODUCTS PRODUCED AND SOLD OR EXCHANGED FOR GOODS AND SERVICES			
Item	Quantity (last year)	Acres (if applicable)	Purpose (e.g. income, gardening, 4-H project, etc.)

Farm Equipment Owned: _____

Are you enrolled in Federal or State agricultural programs? If so, please list:

Are you a member of any agricultural organizations? If so, please list:

I have a commercial pesticide applicator license issued in Kansas.

Is this tract used for any activity other than agricultural? Yes No

If yes, please explain: _____

APPLICANT ACKNOWLEDGEMENT & SIGNATURE

I, the Applicant named above, do hereby affirm all the information contained in this application is true and correct. I verify the purpose of the proposed residence is to support an agricultural operation. I acknowledge I have been informed of the requirements of this agricultural exemption and understand if the use of the residence is no longer necessary to support an agricultural operation, additional approvals may be required.

Dominiu Cevone
Applicant Signature

2/3/14
Date

CHECKLIST OF ATTACHMENTS

- Deed and/or legal description of tract(s)
- IRS Schedule F, approved business plan, approved loan document or other similar supporting documentation

NOTE: Please attach any other materials, letters, or background information that you feel may assist staff in making a determination regarding this request.

February 3, 2014

Monty Wedel
Director of Planning and Development
110 Courthouse Plaza
Manhattan, KS 66502

Dear Mr. Wedel,

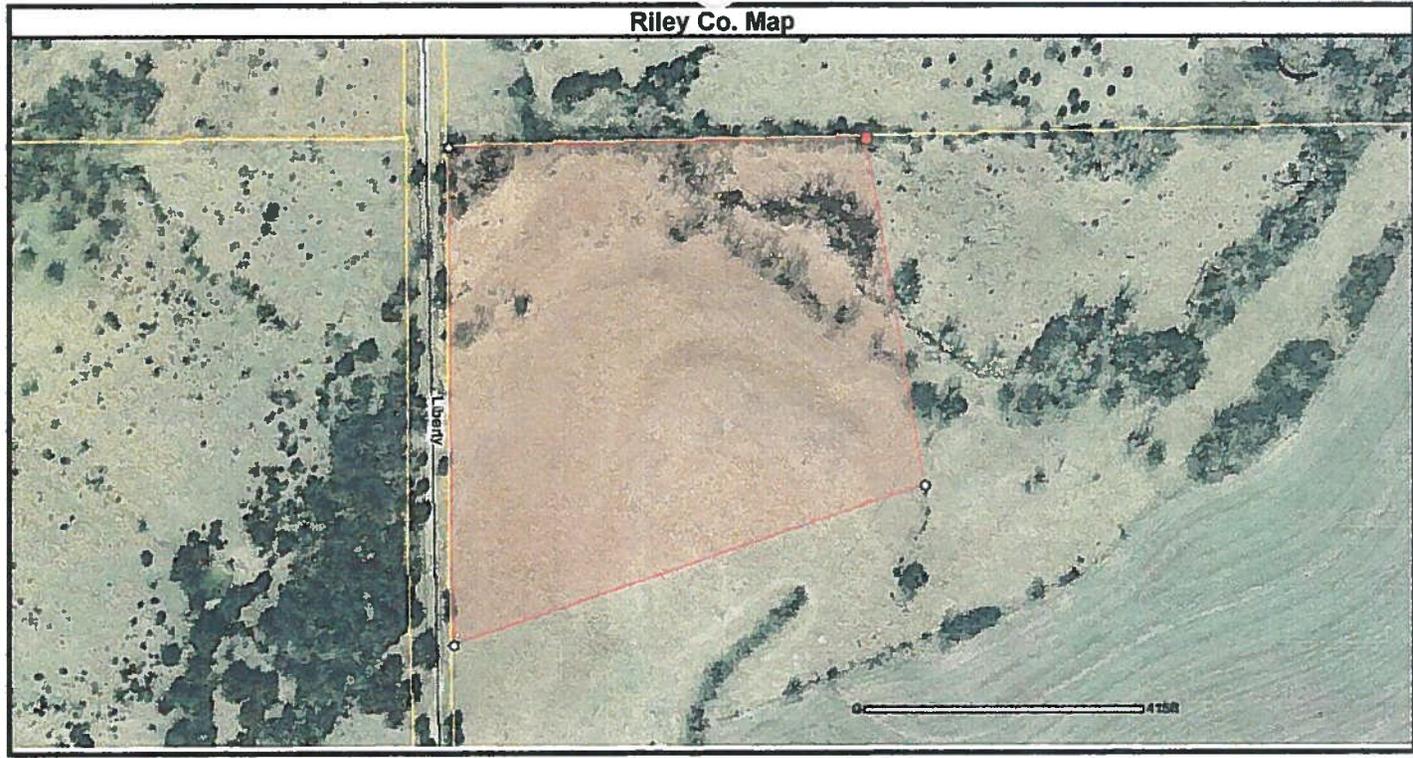
We are currently in the process of trying to obtain a building permit to build a single family residence without a subdivision in northern Riley County. I work for my brother-in-law and father-in-law at the family farm, Sump Ag Inc. My family is currently living in a small rental house in Randolph. The following are reasons we are looking to build close to the farm operation and on the specified tract of land:

- 1) To provide closer proximity to the agricultural operation. This will be necessary for long work days and any operational emergencies that may arise, especially during the approximate 10 months of farming, fertilizing and spraying.
- 2) To establish permanent housing for my family. Our current rental residence is neither large enough nor close enough to the farm to accommodate our growing family. And, as stated above, for long work days I would like my family close and be able to allow my children to grow up on the family farm. Along with this, my mother-in-law watches our daughter (and will watch our son) during the week while my wife works.
- 3) To reside in Riley County. We plan to build a home as close to the family farm as possible. We would prefer our location to be in Riley County and have our children attend USD 384. However, if this is not possible, we will need to look at surrounding counties for building options.
- 4) To preserve tradition. The tract we are looking to build on is my wife's grandmother's original home site and has been in the family for over 100 years. This farm carries significant sentimental value for her and the rest of the family.
- 5) To support Sump Ag Inc.'s current business and future growth. This site will provide closer access to other farms that are operated and maintained by Sump Ag Inc. and other cropland that the business has contracts with to fertilize and spray.
- 6) To accommodate and encourage family involvement. Although my wife works full time, she will also assist in certain farm operations during busy times after her normal work hours. This will also be the case as our children get to the age where they can help on the farm.

We are aware that Riley County has certain restrictions put in place to preserve agriculture and we highly respect those guidelines. We feel that our proposed residence will support agriculture and not hinder it as the building site is relatively small and will not consume broke ground. Thank for your time and consideration.

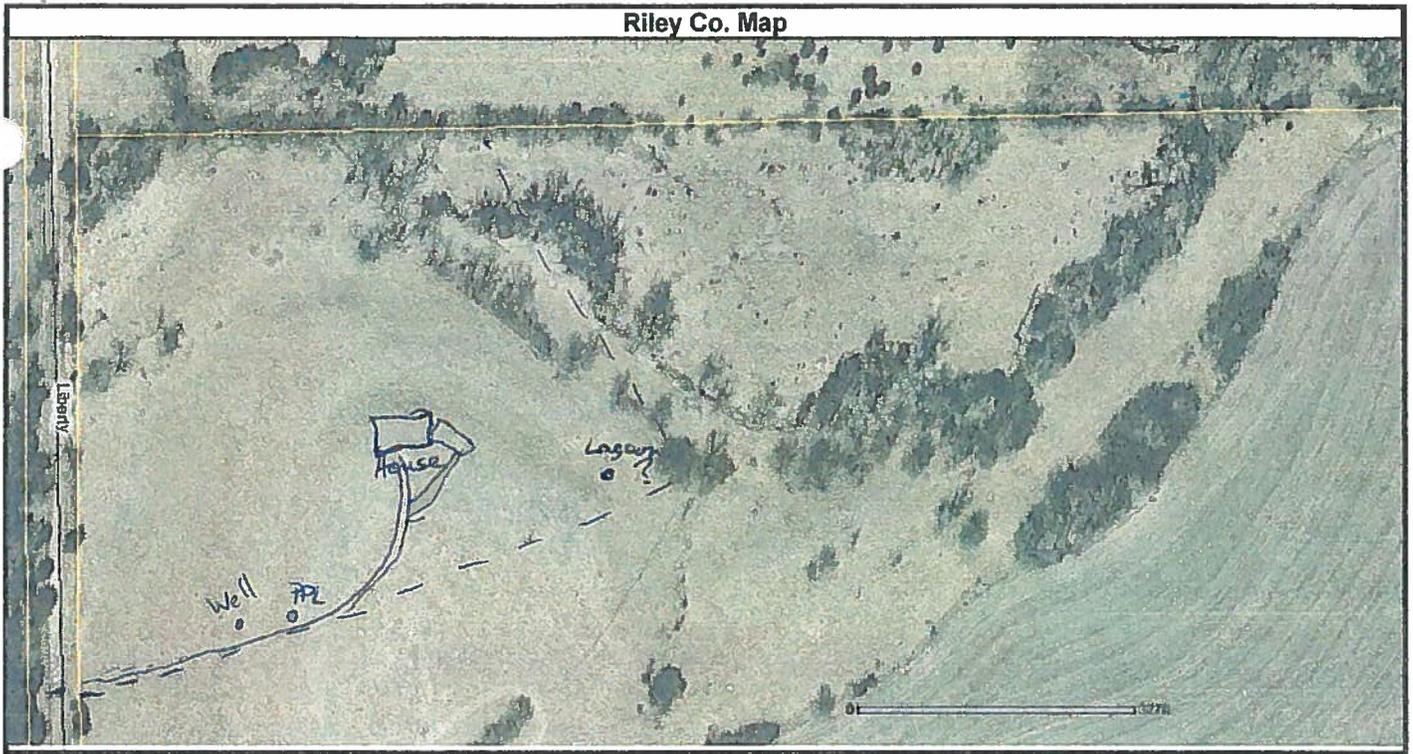
Sincerely,

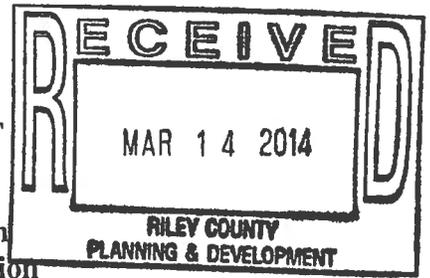

Dominic Cercone



9.61 Acres

Riley Co. Map





Application for Agricultural Exemption
 for a Residence, with or without Subdivision

785-485-2950 Home
 785-770-2071 Jennifer Cell
 785-410-3276 lance cell

APPLICANT INFORMATION

Name: Lance & Jennifer Helle Daytime Phone: 785-410-3276 lance cell
 Mailing Address: 107 S. Main City, State, & Zip: Riley, KS 66531
 Email Address: jcn2627@twinvally.net

LOCATION DESCRIPTION

Please attach a copy of the most current deed that describes the tract upon which the proposed residence will be located. If a tract is being subdivided to accommodate the proposed residence, attach a copy of the most current deed that describes the parent tract and a legal description of the proposed tract.

#1402

STAFF USE ONLY S-T-R 25-8-5 Appraiser Parcel ID# 081-127-25-0-00-00-004.00
 (new PID will be created post 5/2014)

DESCRIPTION OF TRACT:

Without Subdivision:

Tract: Size: 29 acres Existing Use: Homestead & pasture
 Proposed Use: Homestead and pasture, as it is currently used

→ **With Subdivision:**

Parent Tract: Size: 160 acres Existing Use: Agricultural
 Proposed Use: Agricultural
 Proposed Tract: Size: 29 acres Existing Use: Homestead & Pasture
 Proposed Use: Homestead and pasture

DESCRIPTION OF AGRICULTURAL OPERATION

What is the status of your agricultural operation? Existing Planned
 (NOTE: If your operation is planned, please complete this form as per your planned operation)

How much land do you own or lease for agricultural production? 29 acres
 How much of the operation is over 5 miles from the proposed residence? 0 acres
 How many acres are in agricultural production on the tract for the residence? 25 acres

Describe how the proposed residence is necessary to support your agricultural operation: We Currently live in town, with cattle on proposed residence that we need to check on twice daily and more often during calving season. Building a house on site would allow a more direct access to the cattle.

To demonstrate that you have a significant agricultural operation to justify the construction of a residence, you must attach one of the following documents:

- A Schedule F, Profit or Loss from Farming from the Internal Revenue Service for the preceding year;
- An approved business plan;
- An approved loan document; or
- Similar documentation demonstrating the applicant's significant investment in the agricultural operation.

In order to qualify for an agricultural exemption, the applicant must be "engaged in agriculture". Please respond to the following statements to assist in determining whether or not you are "engaged in agriculture". (check all that apply)

- I inspect the agricultural operation periodically and furnish at least half the direct cost of the operation.
- I regularly and frequently make or take an important part in management decisions substantially contributing to or affecting the success of the agricultural operation.
- I perform physical work which substantially contributes to the agricultural operation.
- I perform other functions that substantially contribute to the agricultural operation as follows:

maintain fencing, feed cattle twice daily, grind feed when necessary, maintain homestead property, such as mowing, driveway grading

LIVESTOCK OWNED BY APPLICANT		
Type	Number of Head	Purpose (e.g. income, recreational, 4-H project, etc.)
Cattle	3	consumption

AGRICULTURAL PRODUCTS PRODUCED AND SOLD OR EXCHANGED FOR GOODS AND SERVICES			
Item	Quantity (last year)	Acres (if applicable)	Purpose (e.g. income, gardening, 4-H project, etc.)

Farm Equipment Owned: John Deere 2840 tractor, grinder, hayrack,
8 ft pull type disk

Are you enrolled in Federal or State agricultural programs? If so, please list:

No

Are you a member of any agricultural organizations? If so, please list:

No

Is this tract used for any activity other than agricultural? Yes No

If yes, please explain: _____

APPLICANT ACKNOWLEDGEMENT & SIGNATURE

I, the Applicant named above, do hereby affirm all the information contained in this application is true and correct. I verify the purpose of the proposed residence is to support an agricultural operation. I acknowledge I have been informed of the requirements of this agricultural exemption and understand if the use of the residence is no longer necessary to support an agricultural operation, additional approvals may be required.

Lance Holle
Applicant Signature

3/14/14
Date

CHECKLIST OF ATTACHMENTS

- Deed and/or legal description of tract(s)
- IRS Schedule F, approved business plan, approved loan document or other similar supporting documentation

NOTE: Please attach any other materials, letters, or background information that you feel may assist staff in making a determination regarding this request.

Kansas Secured Title - Manhattan LLC
303 S. Seth Child Rd
Manhattan, KS 66502



Debra J. Register
Register of Deeds
Riley County, Kansas
Book: 857 Page: 8616
Receipt #: 182108 Total Fees: \$12.00
Pages Recorded: 2
Date Recorded: 01/15/2014 3:06:09 PM

Book: 857 Page: 8616



Riley County Scanning Label

MA8048

QUIT CLAIM DEED

Marlene R. Jenkins, a single person,

convey and quitclaim(s) to

Jennifer R. Holle and Lance Holle

as joint tenants with the right of survivorship and not as tenants in common

all the following REAL ESTATE in the County of , and the State of Kansas, to-wit:

The land referred to in this Deed is described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

No Real Estate Validation Questionnaire per KSA 1993 Supp. 79-1437e as amended (3)

Dated this 19 day of November, 2013.

Marlene R. Jenkins
Marlene R. Jenkins

Entered in Transfer Record in my office, this 16th
day of Jan. A.D. 20 14
Rich Vargo
County Clerk



STATE OF KANSAS, COUNTY:

The foregoing instrument executed was acknowledged before me this 19th day of November, 2013, by Marlene R. Jenkins, a single person.

Claudia Ingwersen
Notary Public



CLAUDIA INGWERSEN
Notary Public - State of Kansas
My Appt. Exp.

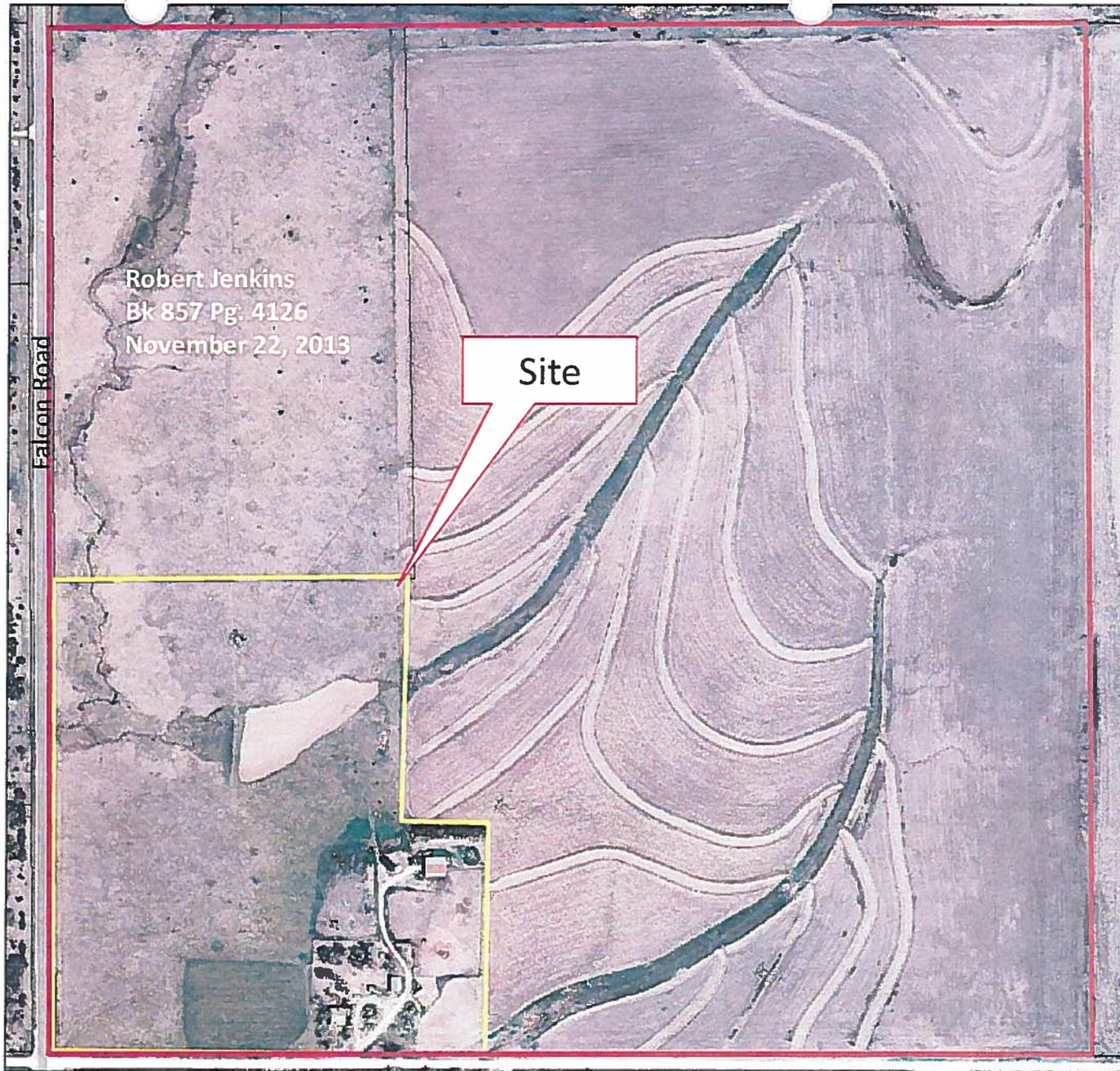
My appointment expires: 4-1-2014

EXHIBIT "A"

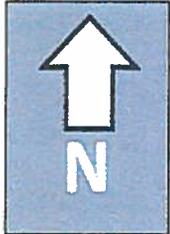
The land referred to in this Deed is described as follows:

A tract of land in the Southwest Quarter of Section 25, Township 08 South, Range 05 East of the Sixth Principal Meridian, Riley County, Kansas described as follows:

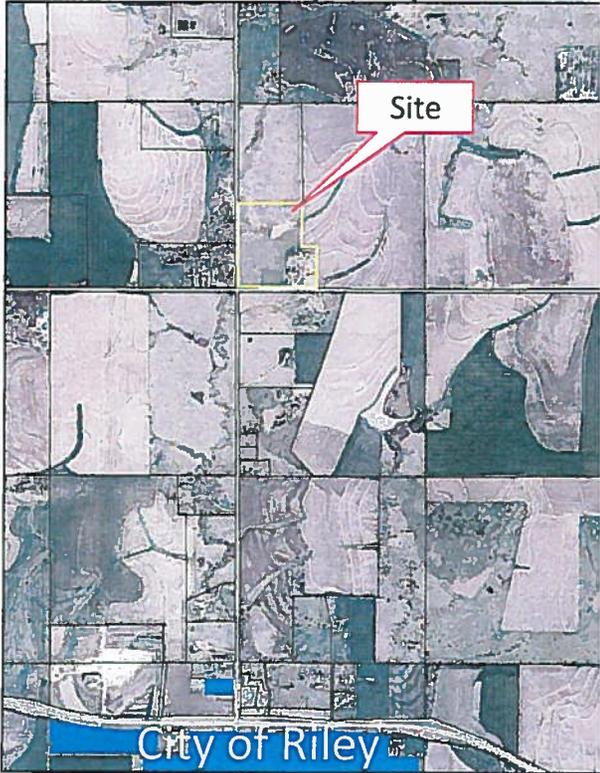
Beginning at the Southwest Corner of the Southwest Quarter of said Section 25, being Corner 1, marked by a stainless steel survey marker; thence N 00°13'33" E 1249.99 feet along the West line of the Southwest Quarter of said Section 25 to Corner 2, marked by a 1/2" rebar; thence S 89°46'27" E 905.23 feet to Corner 3, marked by a 1/2" rebar; thence S 00°18'58" E 651.37 feet to Corner 4, marked by a 1/2" rebar; thence S 89°11'02" E 207.27 feet to Corner 5, marked by a 1/2" rebar; thence S 01°54'57" W 606.94 feet to the South Line of the Southwest Quarter of said Section 25, and Corner 6, marked by a 1/2" rebar; thence N 89°14'43" W 1100.80 feet to the point of beginning.



Lance Holle
Ag Exemption
March 17, 2014



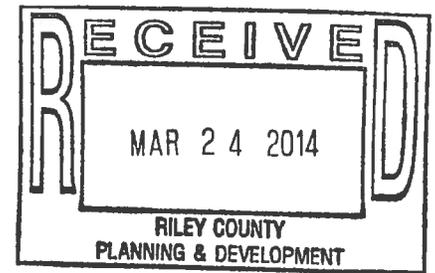
Vicinity Map



* Parent tract outlined in red

My wife's mother owned the parent tract of land until the first of the year 2014 in which it was divided and my wife and brother in law were each given equal portions of property. My wife and I would like to build a house on our portion which consists of the original homestead. We currently have cattle that we raise for consumption and see a benefit of moving from town to the homestead and building a new house as the existing one was non livable so we tore it down. My father Randy Holle farms the ground that Marlene Jenkins still owns and I help with that operation and keep some equipment on that property. ~~that~~ ~~needs~~ ~~would~~ My mother in law will be living with us so she can keep an eye on her operation as well. Besides the homestead our land consists of pasture that we run our cattle on during the summer, and a dry lot that we feed cattle thru the winter.

Lance and Jennifer Holle
107 S. Main St.
Riley, KS 66531
March 23, 2014



Proposed building site address:
12280 Homestead Rd.
Riley, KS 66531
29 acres total (25 pasture and 4 homestead outbuildings)

We are requesting an agricultural exemption for a residence at the above proposed address. This homestead has been in Jennifer's family for almost 50 years. The house had become unlivable over the past 10 years and overcome with rodents. It was also brought to our attention that kids were being "dared" to go into the abandoned house. This posed as a very big liability as the house had become structurally unsafe. We made the decision in October 2013 to level the house since we were in the process of planning for a future house on that site.

In January of 2014 the parent tract of 160 acres was subdivided between Lance and Jennifer, Marlene Jenkins (Jennifer's mom), and Robert Jenkins (Jennifer's brother). Prior to the subdivision, we had cattle on the property utilizing both the cattle lot on the homestead and the pasture. We currently have 2 cows and a calf that will be raised for consumption. Our future plans include growing our herd to 10 cows. Due to the limited acreage for pasture, this is the maximum number of head it will hold.

We plan to breed 5 cows for fall calves and 5 cows for spring calves. Out of the off-spring, we plan to butcher 2 for consumption and sell the remaining 8 for income. When we put cows on summer pasture, the dry lot will be planted to corn and harvested for feed for weaned calves to help get the ready to sell. The stalks will be left in the lot for the cows to graze in the winter. With this, they will be fed hay bailed off the water-ways of the existing parent tract.

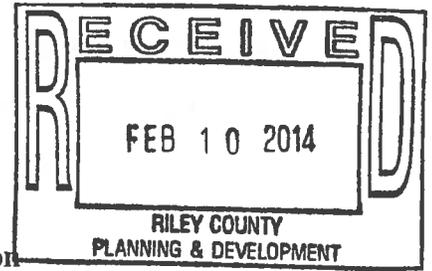
The remaining 100 acres of tillable farm ground in the current parent tract is written to be willed to Jennifer Holle and Robert Jenkins. We will farm our portion.

We own the following farm equipment:

- John Deere 2840 tractor with front-end loader (used to feed large hay bales and run grinder)
- Letz Mill grinder (used to grind feed for calves)
- 14ft hayrack
- 8ft pull-type disk
- 16ft stock trailer
- 16ft car trailer
- 2 row lister
- 6x10 utility trailer
- 60 gallon sprayer

*Per call to Jennifer Holle on 3/24/14,
applicant does intend to file farm
income tax return next year and
subsequent years. Also, Lance is helping
farm neighboring 100 acre remainder.*

We feel between what we are currently raising and with our future plans this would justify keeping the homestead as an agricultural operation.



Application for Agricultural Exemption
 for a Residence, with or without Subdivision

APPLICANT INFORMATION

Name: Robert W. Jenkins Daytime Phone: 785 632 1783
 Mailing Address: 316 Highland Pointe Dr City, State, & Zip: Manhattan Ks 66503
 Email Address: rjenkins@cti ks.com

LOCATION DESCRIPTION

Please attach a copy of the most current deed that describes the tract upon which the proposed residence will be located. If a tract is being subdivided to accommodate the proposed residence, attach a copy of the most current deed that describes the parent tract and a legal description of the proposed tract.

#1403

STAFF USE ONLY S-T-R 25-8-5 Appraiser Parcel ID# 127-25-0-00-00-004010

DESCRIPTION OF TRACT:

Without Subdivision:

Tract: Size: 28.96 acres Existing Use: pasture
 Proposed Use: see attached

With Subdivision:

Parent Tract: Size: _____ acres Existing Use: _____
 Proposed Use: _____
 Proposed Tract: Size: _____ acres Existing Use: _____
 Proposed Use: _____

DESCRIPTION OF AGRICULTURAL OPERATION

What is the status of your agricultural operation? Existing Planned
 (NOTE: If your operation is planned, please complete this form as per your planned operation)

How much land do you own or lease for agricultural production? 28.96 acres
 How much of the operation is over 5 miles from the proposed residence? 0 acres
 How many acres are in agricultural production on the tract for the residence? 28.96 acres

Describe how the proposed residence is necessary to support your agricultural operation: I can be a better steward of the land and for the cattle operation,

To demonstrate that you have a significant agricultural operation to justify the construction of a residence, you must attach one of the following documents:

- A Schedule F, Profit or Loss from Farming from the Internal Revenue Service for the preceding year;
- An approved business plan;
- An approved loan document; or
- Similar documentation demonstrating the applicant's significant investment in the agricultural operation.

In order to qualify for an agricultural exemption, the applicant must be "engaged in agriculture". Please respond to the following statements to assist in determining whether or not you are "engaged in agriculture". (check all that apply)

- I inspect the agricultural operation periodically and furnish at least half the direct cost of the operation.
- I regularly and frequently make or take an important part in management decisions substantially contributing to or affecting the success of the agricultural operation.
- I perform physical work which substantially contributes to the agricultural operation.
- I perform other functions that substantially contribute to the agricultural operation as follows:
fix fence, spray for weeds,

LIVESTOCK OWNED BY APPLICANT		
Type	Number of Head	Purpose (e.g. income, recreational, 4-H project, etc.)
<u>cattle</u>	<u>0</u>	<u>income</u>

AGRICULTURAL PRODUCTS PRODUCED AND SOLD OR EXCHANGED FOR GOODS AND SERVICES			
Item	Quantity (last year)	Acres (if applicable)	Purpose (e.g. income, gardening, 4-H project, etc.)
<u>baled hay</u>		<u>15</u>	<u>cattle feed & income</u>

Farm Equipment Owned: two tractors and the required equipment for use in our operation

Are you enrolled in Federal or State agricultural programs? If so, please list:

no

Are you a member of any agricultural organizations? If so, please list:

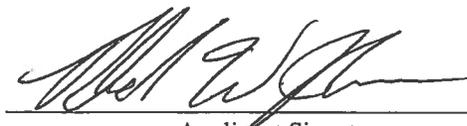
no

Is this tract used for any activity other than agricultural? Yes No

If yes, please explain: ~~the~~ one of the first things being done is rebuilding the pond for livestock use and stocking it for fishing use

APPLICANT ACKNOWLEDGEMENT & SIGNATURE

I, the Applicant named above, do hereby affirm all the information contained in this application is true and correct. I verify the purpose of the proposed residence is to support an agricultural operation. I acknowledge I have been informed of the requirements of this agricultural exemption and understand if the use of the residence is no longer necessary to support an agricultural operation, additional approvals may be required.


Applicant Signature

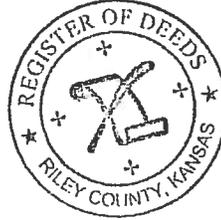
2-6-2014
Date

CHECKLIST OF ATTACHMENTS

- Deed and/or legal description of tract(s)
 IRS Schedule F, approved business plan, approved loan document or other similar supporting documentation

NOTE: Please attach any other materials, letters, or background information that you feel may assist staff in making a determination regarding this request.

Kansas Secured Title - Manhattan LLC
303 S. Seth Child Rd
Manhattan, KS 66502



Debra J. Register
Register of Deeds
Riley County, Kansas
Book: 857 Page: 4126
Receipt #: 181189 Total Fees: \$12.00
Pages Recorded: 2
Date Recorded: 11/22/2013 4:35:09 PM

Book: 857 Page: 4126


Riley County Scanning Label

Entered in Transfer Record in my office, this 25th
day of Nov. A.D. 2013
Rich Vargo
County Clerk

MA8047

QUIT CLAIM DEED



Marlene R. Jenkins, a single person,

convey and quitclaim(s) to

Robert W. Jenkins and Julie A. Jenkins

as joint tenants with the right of survivorship and not as tenants in common

all the following REAL ESTATE in the County of RILEY, and the State of Kansas, to-wit:

The land referred to in this Deed is described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

No Real Estate Validation Questionnaire per KSA 1993 Supp. 79-1437e as amended (3)

Dated this 19 day of November, 2013.

Marlene R. Jenkins
Marlene R. Jenkins

STATE OF KANSAS, RILEY COUNTY:

The foregoing instrument executed was acknowledged before me this 19th day of November, 2013, by Marlene R. Jenkins, a single person.

Claudia Ingwersen
Notary Public

My appointment expires: 4-1-2014



CLAUDIA INGWERSEN
Notary Public - State of Kansas
My Appt. Exp.

EXHIBIT "A"

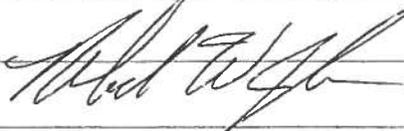
The land referred to in this Deed is described as follows:

A tract of land in the Southwest Quarter of Section 25, Township 08 South, Range 05 East of the Sixth Principal Meridian, Riley County, Kansas described as follows:

Beginning at the Northwest Corner of the Southwest Quarter of said Section 25, being Corner 7, marked by a 3/8" rebar; thence S 89°12'53" E 892.03 feet along the North Line of the Southwest Quarter of said Section 25 to Corner 8, marked by a 1/2" rebar; thence S 00°18'58" E 1399.66 feet to Corner 3, marked by a 1/2" rebar; thence N 89°46'27" W 905.23 feet to the West line of the Southwest Quarter of said Section 25 and Corner 2, marked by a 1/2" rebar; thence N 00°13'33" E 1408.31 feet to the point of beginning.

I have been ^{directly} involved in production ag all of my life with the exception of the last seven years. My wife & I have recently purchased 30 acres with the intent of getting back into production ag. With this purchase we have the option to purchase the adjoining 52 acres of broke farm ground which will further expand our operation. Except for the last seven years I have filed a schedule ~~E~~F tax form all of my adult life.

Since we are starting with an empty pasture first order of business will be to install pens & shelter for livestock. At first we will start with about 5 400-500 lb calves which we will background until they are 700-800 lb. About 15-20 acres will be used for baled hay for cattle, any excess will be sold.

Robert Jenkins




Objective:

- 1.) A farm is the best place for kids to grow up.
- 2.) Grow a farming operation that can be self sufficient.

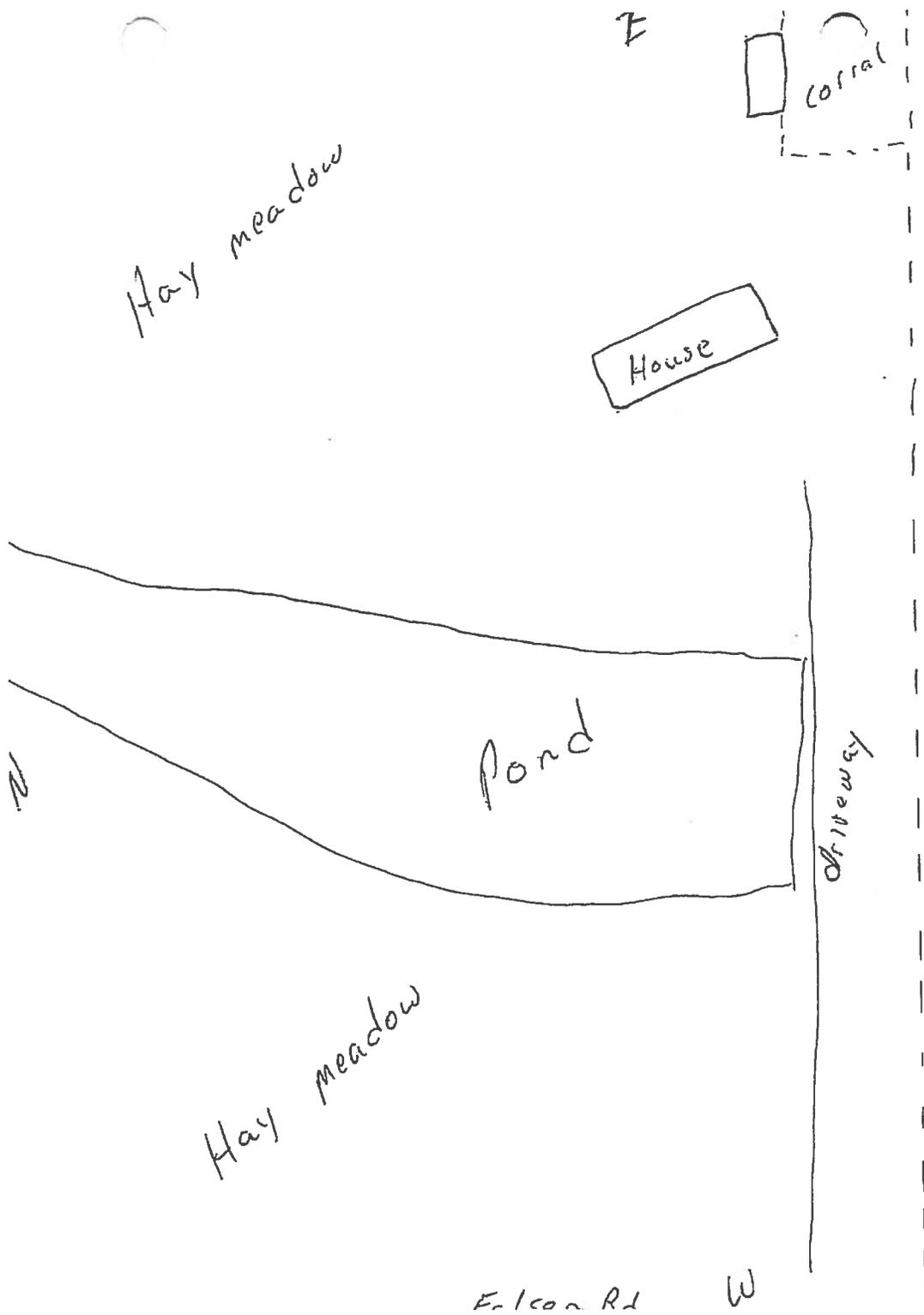
Since there are no facilities on the property the first objective will be to establish the main corral and shelter building. Because we want the farm to be self supporting, we will be starting off small scale with one or two calves and some chickens. Within five years we want to be up to six to eight calves. Our operation will purchase 400 pound calves and background them to about 800 pounds. About 15 acres will be used for pasture grazing. There are two parcels on the east and west side of the pond which will be put up for hay. Any excess hay will be sold. We have a neighbor set up for putting up the hay meadows on a shares basis.

Sometime in the future we have the option to buy another 50 acres of broke farm ground that adjoins our current property on the east side. I also have an option on several hundred acres of farm and pasture ground very close to our farm. I realize that I have been away from direct production ag for several years. However, growing up on a farm and spending most of the time from when I was about 12 to my mid-thirties with my own operation, along with my dad, I feel that it is time for me to get back to the farm.

We will be filing Schedule F Taxes for the farm, even though it is not going to be a large scale operation. We will still fall under the guidelines of that tax filing with the federal government.

Sincerely,

Robert W. Jenkins



cattle pasture

S

CERTIFICATE OF SURVEY

NOTES:

No easements, restrictions reservations, setbacks, or other matter of record, if any, affecting the Title of this property are shown, as per agreement with the landowner.

Road Right-of-Way for Falcon Road was found in District Court Case No. 8987 dated August 15, 1936, Right-of-Way for Homestead Road was found on County Appraiser Map No. 127, dated January 1, 1989.

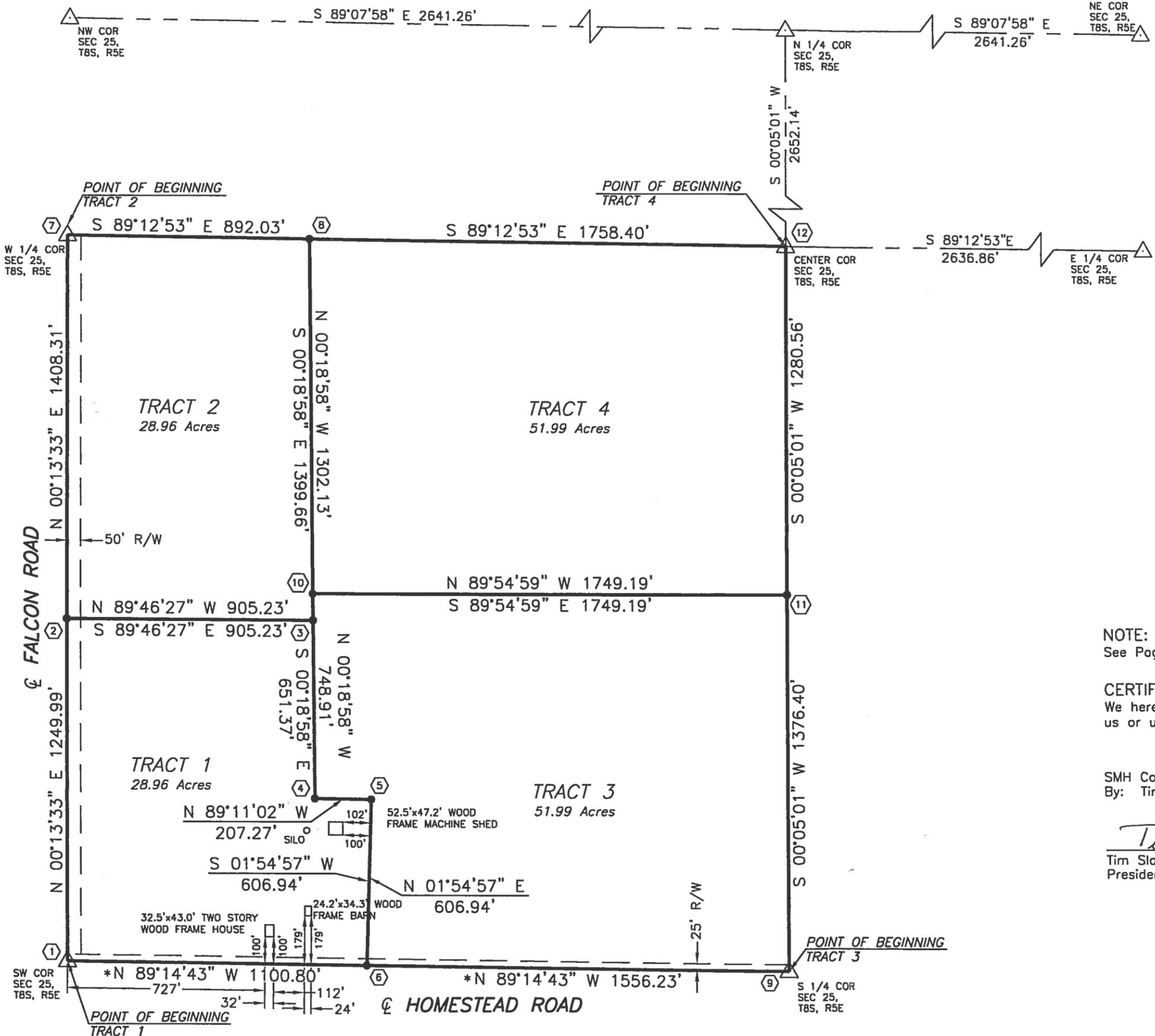
No gaps or overlaps exist.

There are no lines of possession that affect this survey.

There are no existing buildings on the subject property, except as shown.

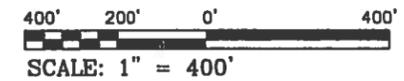
All dimensions shown are surveyed.

Parent Tract is recorded in Book 818, Page 5634, Register of Deeds Office Riley County, Kansas.



LEGEND

- - 1/2"x24" Rebar w/LS66 Cop Set
- - Corner Number
- △ - Section Corner
- * - Assumed Bearing



NOTE:

See Page 2 for Descriptions and Section Corner Ties.

CERTIFICATION:

We hereby certify the tract of land as shown on this drawing was surveyed by us or under our direct supervision during the month of September, 2013.

SMH Consultants
By: Tim Sloan

Tim Sloan
Tim Sloan, P.S.
President



4201B Anderson Avenue, Suite 2, Manhattan, Kansas 66503
(785) 776-0541 • FAX 776-9760 • Email: tim@smhconsultants.com
Project #1309MN1231 DD #91