

# AGENDA

## RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, October 10, 2016  
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 September 12, 2016 meeting.
2. Consider the Report of Fees for the month of September 2016.
3. Fancy Creek Final Development Plan (Dave Carlson)

*(Procedure: Adjourn the joint meeting of the Riley County Planning Board/Board of Zoning Appeals and due to no agenda items for the Board of Zoning Appeals, convene as the Riley County Planning Board.)*

### **III. GENERAL AGENDA - RILEY COUNTY BOARD OF ZONING APPEALS**

1. No agenda items.

### **IV. GENERAL AGENDA - RILEY COUNTY PLANNING BOARD**

*Declaration: At this time the Board Members may declare any conflict of interest or communications they've had that could influence their ability to consider any items on today's agenda impartially.*

1. A Public Hearing to consider the request of William C. Lanigan, petitioner and William & Rebecca Lanigan Trust, owners, to receive a **Residential Use Designator – Reconversion Lot** for a 20-acre unplatted tract of land in Jackson Township, Section 8, Township 7 South, Range 6 East, in Riley County, Kansas. **ACTION NEEDED: Approve/deny a Residential Use Designator – Reconversion Lot.**
2. A Public Hearing to consider the request of Michael D. Hufnagel, petitioner, and Michael D. Hufnagel Trust, Alan Vaughn, Lynnette Vaughn and Mathew Vaughn, owners, to **replat** Lots 12 & 13 of Sky View Ranches Subdivision, all in Manhattan Township, Sections 34, Township 10 South, Range 8 East, in Riley County, Kansas. **ACTION NEEDED: approve/deny Final plat of Sky View Ranches Unit Two.**
3. Zoning and Subdivision Regulations re-write update
4. Big Blue Floodplain Management Plan update
5. Fort Riley Joint Land Use Study update
6. Corridor Overlay Districts update
7. State of Kansas Agritourism Task Force

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

## MINUTES

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

Monday, September 12, 2016  
7:30 pm

Courthouse Plaza East  
Commission Meeting Room  
115 North 4<sup>th</sup> Street

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

Members Absent: None

Staff Present: Monty Wedel – Director and Bob Isaac – Planner

Others Present: Dave Carlson, Lori Rogge and Rich Llewelyn

---

#### **OPEN PUBLIC COMMENTS**

None

#### **CONSENT AGENDA**

The minutes of the August 8, 2016 meeting were presented and approved. The Report of Fees the month of August (\$3,979.00) were presented and approved. The Final Development Plan for Hope Ranch was approved and signed.

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**

Chairman Clement asked the Board Members to declare any ex parte contact they may have had regarding this item and to declare any conflict of interest or communications they've had that could influence their ability to be impartial.

All Board members confirmed no ex parte contact.

#### **Llewelyn – Residential Use Designator – Extraneous Farmstead**

Chairman Clement opened the public hearing at the request of Richard Llewelyn, petitioner and V. Wesley Llewelyn, owner, to receive a Residential Use Designator - Extraneous Farmstead in Jackson Township, Section 36, Township 8 South, Range 4 East, in Riley County, Kansas.

Bob Isaac presented the request. Mr. Isaac described the background, location and physical characteristics of the proposed tract.

Mr. Isaac referred the Board members to the site plan which illustrated the existing and proposed property lines, existing structures and tree line. Mr. Isaac then reviewed the criteria for approving a Residential Use Designator Lot for an Extraneous Farmstead. He said typically the request involves a much smaller developed portion of the parent tract. Mr. Isaac stated that this particular situation demonstrates how topography, soil, floodplain and road network can affect the placement and layout of a farmstead resulting in varying shapes and sizes of a home and/or yard portion of a farmstead. He explained that, in this case, the home/yard is 23.5 acres, which by the Riley County Subdivision Regulations requirements doesn't require platting. Staff recommended, due to the size of the subject site and the way the tract is naturally buffered and separated from surrounding farm ground, that the Planning Board waive the requirement for the site to be platted. Mr. Isaac stated that although the 23-acre tract will remain unplatted, criteria #5 still applies; requiring that the tract may not be further subdivided unless approved through the standard platting and zoning process.

Staff recommended that the Board approve the request to receive a Residential Use Designator– Extraneous Farmstead, waiving the requirement to plat the subject property, as it has been determined that it meets the minimum requirements of the Riley County Zoning Regulations.

John Wienck asked that it be noted that this request is for Bala Township, not Jackson Township as indicated earlier.

Rich Llewelyn, the Applicant stated he lives in Manhattan and grew up at this site. He said his step-brother had been living in the house for the last eight (8) years since their dad moved into town. Mr. Llewelyn said his step-brother has moved and his dad would like to sell the house and some land, but keep the remainder of the property to farm.

There were no other proponents or opponents.

Diane Hoobler moved to close the public hearing. John Wienck seconded. Carried 5-0.

Tom Taul moved to approve the Residential Use Designator – Extraneous Farmstead and waive the requirement to plat for reasons listed in the staff report.

Diane Hoobler seconded. Motion carried 5-0.

### **Carlson – Rezoning**

Chairman Clement opened the public hearing at the request of Dave Carlson, petitioner, and Dave & Joy-Lynn Carlson, owners, to rezone a tract of land from “C-4” (Highway Business), “SF-1” (Single Family Residential) and “AG” (Agricultural District) to “C-PUD” (Commercial Planned Unit Development) in Jackson Township, Sections 9 & 10, Township 7 South, Range 6 East, in Riley County, Kansas.

Bob Isaac presented the request stating the subject site consists of two unplatted tracts; approximately 52 acres and 6.85 acres, respectively. Mr. Isaac said that both tracts were rezoned to their current zoning designations during the 1974 Countywide Zoning Conversion Process. He stated the “SF-1” (Single Family Residential) zoning designation was affiliated with a multi-

lot residential subdivision (Crestview Hills Addition), platted in January 1963 and vacated March 1966. Mr. Isaac said the western portion along K-77 Highway was zoned “C-4” (Highway Business), most likely to accommodate an existing and abandoned gas/service station.

Mr. Isaac stated the applicant wished to take advantage of the natural features of the site and establish a private Outdoor Adventure School, including camping, a primitive village, cabins, RV slips (limited – no dump stations) and a blacksmith shop. He said the applicant also wished to construct a single family residence in order for his family to reside on-site and to effectively manage the operation. Mr. Isaac stated the applicant wished to also refurbish the abandoned gas station structure and incorporate it into the development plan as the gift shop/storage building.

Mr. Isaac reviewed the list of permitted uses, permitted structures and notes for the planned unit development.

Staff recommended approval of the request to rezone the proposed property, as it has been determined that it meets the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code.

John Osarczuk asked how far the Fancy Creek Rifle Range is from this site.

John Wienck replied two (2) miles.

John Osarczuk asked the Applicant if noise is a problem from the rifle range.

Dave Carlson, the Applicant stated it can be heard off in the distance, but there is a large land mass and the trees buffer a lot of the noise. Mr. Carlson said they teach outdoor skills, ranging from making fire by rubbing sticks together to modern camping and water purification. He stated they teach all ages.

Mr. Carlson said when they purchased this property, it was their intent to build permanent structures. He said primitive events around the country are held in state parks. Mr. Carlson said there really aren't any full time primitive villages where people can go and see an exact replica of these types of structures. He said cabins will be built with different forms of construction methods. Mr. Carlson stated that there will not be any long term camping.

John Osarczuk asked the Applicant if he foresees historical rendezvous or rallies on site.

Dave Carlson replied that he really doesn't think so as those type of venues are reenactments of historical time periods. He said they teach from a standpoint of survival skills along with a historical environment.

John Osarczuk asked the Applicant, so you don't expect large gatherings.

Dave Carlson said currently he doesn't expect to have a group of more than twenty to thirty people at a time. He stated they will never have hundreds of people.

There were no proponents or opponents.

John Wienck moved to close the public hearing. Tom Taul seconded. Carried 5-0.

Diane Hoobler asked if there was somewhere in the regulations that specifies the maximum number of days the campers are allowed to stay so the property doesn't become a commune.

Bob Isaac replied it would difficult to enforce and asked the Board how staff would know how long someone has been there.

Monty Wedel said the sanitary system (lagoon) was designed to accommodate this specific facility. He asked Mr. Isaac if the zoning regulations referenced short term for RV Parks.

Bob Isaac stated that they did not. He said the regulations deal more with the development of the site such as adequate services, slips are all-weather surfaces, and access roads.

Monty Wedel stated this is a primitive facility and they will not be hooking up to water and sewer.

Dave Carlson said the RV slots are for convenience to accommodate older people and those that actually live and travel in their RVs.

Diane Hoobler said the RV parking is another revenue avenue for the facility.

Dave Carlson stated those attending pay a fee for the class, not for camping. He stated that is included in the class fee.

Diane Hoobler asked Mr. Carlson if he intended to have random campers come off the road and stay at your facility.

Dave Carlson replied no. He also stated that the gift shop located near the highway will only be open when a class is being conducted.

Diane Hoobler stated that she misunderstood and thought that RV and cottages would be for rent on a full time basis.

Dave Carlson said the cabins will be for rent, but reservations would have to be made. He stated as far as the RVs, there is a dump station facility located two (2) miles away at the state park.

John Wienck asked about the agricultural buffer.

Bob Isaac replied the regulations allow for the use of an adequate existing vegetative buffer. He said if there are no trees, no berm or flat land, distance would be needed. He stated there are several trees and a rock wall on the south property line to adequately buffer from any agricultural activity occurring on the adjoining tract.

Diane Hoobler moved to recommend approval to rezone from C-4” (Highway Business), “SF-1” (Single Family Residential) and “AG” (Agricultural District) to “C-PUD” (Commercial Planned Unit Development) for reasons listed in the staff report and the list of permitted uses, structures and notes. John Wienck seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request to rezone the property on October 3, 2016, at 10:15 am, in the County Commission Chambers.

### **Update on Zoning and Subdivision Regulations re-write**

Monty Wedel stated Elizabeth Garvin is continuing to work on the evaluation so there isn't much to report at this time.

### **Update on Big Blue Floodplain Management Plan**

Monty Wedel stated he just received the draft and has forwarded it Diane Hoobler, who is on the advisory group, for review.

### **Update on Fort Riley Joint Land Use Study**

Monty Wedel stated three (3) interviews have been conducted. He said the top firm has been selected and references are being contacted.

### **Update on Corridor Overlay Districts**

Bob Isaac said City and County staff have met and have come up with modifications, however, a meeting needs to be scheduled for review and approval.

### **State of Kansas Agritourism Task Force**

Monty Wedel said there are agritourism operators in the northeast part of the state, particularly Johnson, Miami and Shawnee Counties, that are not happy with their current zoning situations for a variety of reasons. He said these operators have gone to their legislators. One of those operators is from Shawnee County, is a state representative and sued Shawnee County over a zoning matter. He is on this task force. Mr. Wedel said the Johnson County operator of a winery was upset with the process and the conditional use was only approved for a four (4) year term. Their state senator is directing the task force. Mr. Wedel said basically this task force was created so operators can go through the state to get what they want.

Mr. Wedel said he attended a subcommittee meeting and the Kansas Livestock Association attorney, who is part of the task force. The attorney was not enamored with the idea of the agricultural exemption. His basic claim is that if you are agricultural and you want to do agritourism to support your agricultural operation you should be considered agricultural and therefore exempt. Mr. Wedel said the attorney and the legislators are not proposing any legislation to modify the agricultural exemption language in the zoning statutes for fear of what might happen. He said the attorney admitted that the definition of agritourism in the Agritourism Act is much broader than traditional agricultural. Mr. Wedel said the current proposal is to have the Director of Wildlife, Parks and Tourism send out some sort of advisory that if you have a registration from the state as an agritourism operator that should be considered prima facie evidence that the agritourism operation is agricultural and therefore exempt from zoning.

Monty Wedel said he is not going to agree with that and neither will the Riley County Counselor or the Board of Commissioners. He has suggested education or come up with best practices which was on the Task Force agenda but wasn't really discussed. Mr. Wedel said Riley County would be willing to cooperate with the Task Force to put together a guidebook for local zoning officials.

**Public Building Commission**

Monty Wedel informed the board that the Public Building Commission was dissolved by the Board of Commissioners of Riley County on August 22, 2016.

John Wienck moved to adjourn. Tom Taul seconded. Carried 5-0.

The meeting was adjourned at 8:42 P.M.



**RILEY COUNTY  
PLANNING & DEVELOPMENT**

**REPORT OF FEES**

---

**September 2016**

<u>DATE</u>	<u>NAME</u>	<u>AMOUNT</u>
08-31-2016	Anderson, Copy fee	\$ 1.00
09-02-2016	Vanguard, Building Permit #16-0081	150.00
09-06-2016	Juska, Water Screening Report	10.00
09-06-2016	Zimmer, Water Screening Report	16.00
09-06-2016	Allen, Water Screening Report	8.00
09-07-2016	Lawrence, Profile Site Evaluation	150.00
09-08-2016	Moreland, Water Screening Report	12.00
09-09-2016	Klateske, Profile Site Evaluation	150.00
09-09-2016	Venum, Environmental Site Evaluation	100.00
09-09-2016	Cat Cans, Repair Permit	75.00
09-09-2016	Cat Cans, Repair Permit	75.00
09-12-2016	Hale, Environmental Site Evaluation	100.00
09-12-2016	Erickson, Building Permit #16-0082	150.00
09-14-2016	Moyer, Water Screening Report	10.00
09-14-2016	Bob's Plumbing, Water Screening Reports	32.00
09-14-2016	Lawrence, Lagoon Permit & Building Permit #16-0083	450.00
09-16-2016	Big Lakes, Repair Permit	75.00
09-16-2016	Pottawatomie County, Water Screening Report x 10	100.00
09-20-2016	Broeckelman, Water Screening Report	10.00
09-21-2016	Bob' Plumbing, Water Screening Report	8.00
09-21-2016	Wood, Building Permit #16-0084	150.00
09-21-2016	Broeckelman, Water Screening Report	2.00
09-23-2016	Bob' Plumbing, Water Screening Report	8.00
09-26-2016	Carlson, Repair Permit	75.00
09-26-2016	Motley, Water Screening Report	12.00
09-26-2016	Penner, Water Screening Report	12.00
09-27-2016	Gordon, Water Screening Report	10.00
09-27-2016	Cat Cans, Repair Permit	75.00
09-28-2016	Jueneman, Excavation License	100.00
09-28-2016	Ryan & Sons, Environmental Site Evaluation	100.00
09-29-2016	Shilling, Copy fee	1.00
09-29-2016	Phebus, Replat & Utilities fee	420.00
	<b>TOTAL</b>	<b>\$2,647.00</b>

**DEPOSITS MADE:**

09-09-2016	\$ 747.00
09-16-2016	817.00
09-21-2016	10.00
09-21-2016	2.00
09-23-2016	266.00
09-28-2016	85.00
09-30-2016	720.00

**TOTAL**                      **\$2,647.00**

Permit #	App Date	Ownr	Property Address	City & Zp	Type of Bldg	Use of Bldg	Type of Permission	Inside DGA	Amnt Paid	Const Cost
16-0081	09/01/2016	Steven L and Betty Robinson	3618 Rocky Ford Ave	Manhattan (66503)	Addition (residential)	Enlarging master bedroom & adding bathroom			\$150.00	\$30,000.00
16-0082	09/12/2016	Jeffrey N Powell & Randall D Erickson Trust	2040 W 62nd Ave	Manhattan (66503)	Barn	Storage			\$150.00	\$38,360.00
16-0083	09/14/2016	Kyle Lawrence & Kaisha Schmelzle	6744 Stockdale Park Rd	Manhattan (66503)	House (site built)	Dwelling	AG	N	\$150.00	\$160,000.00
16-0084	09/20/2016	DOUGLAS E & J DENISE WOOD	5214 TUTTLE COVE RD	Manhattan (66503)	Miscellaneous	Deck			\$150.00	\$1,500.00
16-0087	09/26/2016	Jeffry J & Leann J W Altwegg Trust	8730 Country Rd	Riley (66531)	Storage (ag related)	Addn to existing bldg for shop			\$0.00	\$6,000.00
16-0086	09/26/2016	Jeffry J & Leann J W Altwegg Trust	8730 Country Rd	Riley (66531)	Storage (ag related)	House machinery			\$0.00	\$2,000.00
16-0085	09/26/2016	Jeffry J & Leann J W Altwegg Trust	8730 Country Rd	Riley (66531)	Storage (ag related)	House machinery			\$0.00	\$2,700.00
16-0088	09/29/2016	Ronald D & Carol Klataske	4490 McDowell Creek Rd	Manhattan (66502)	House (site built)	Residence	AG	N	\$0.00	\$350,000.00



# PLANNING & DEVELOPMENT

## STAFF REPORT

### Residential Use Designator

---

**PETITION:** (#16-12) Residential Use Designator – Reconversion Lot

**APPLICANT:** William C. Lanigan  
15601 Walnut Creek Rd  
Randolph, KS 66554

**PROPERTY OWNER:** William & Rebecca Lanigan Revocable Trust  
15601 Walnut Creek Rd  
Randolph, KS 66554

**CONTRACT PURCHASER:** Galen M. Fink Trust & Lori J. Fink Trust  
15523 Tuttle Creek Blvd  
Randolph, KS 66554-9120

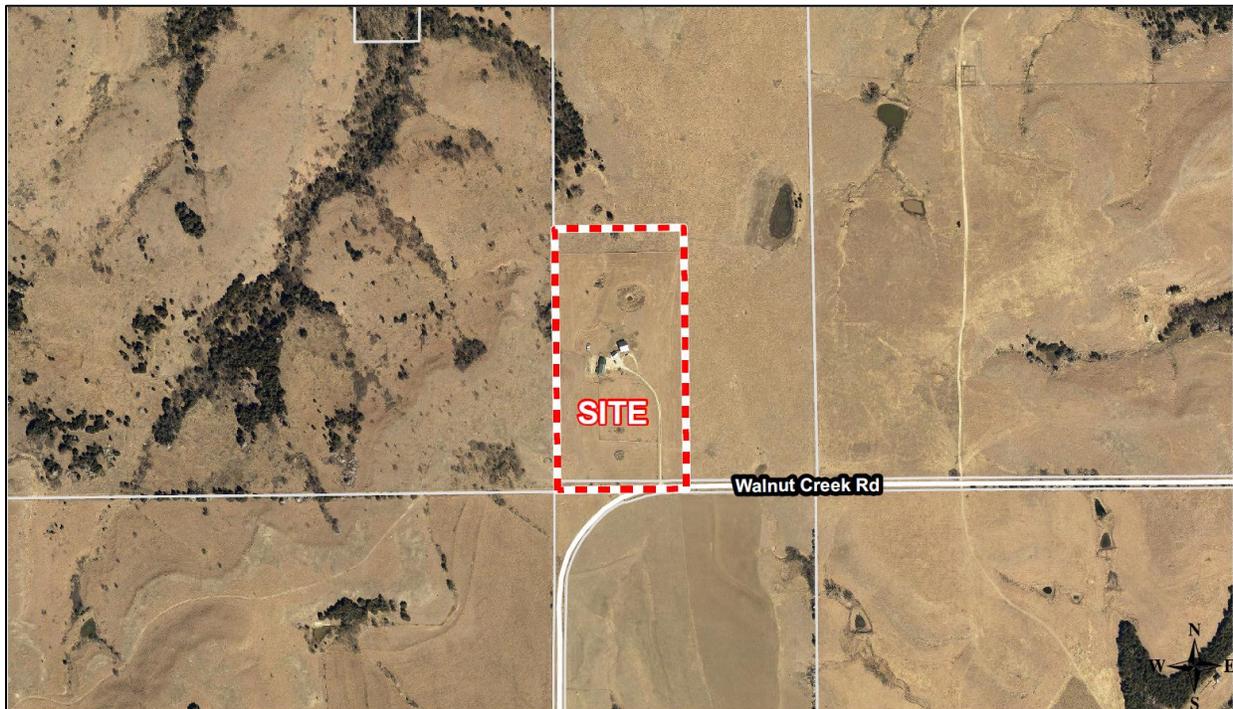
**TYPE OF REQUEST:** Receive a Residential Use Designator - Reconversion Lot for a 20-acre unplatted tract of land.

**SIZE OF TRACT:** The subject site is approximately 20 acres.

**LOCATION:** The request is generally located one (1) mile north of Green-Randolph Road, north of the easterly bend of Walnut Creek Road; Section 8, Township 7 South, Range 6 East; Jackson Township.

**JURISDICTION:** This application is subject to the requirements of the Riley County Subdivision Regulations.

---



**BACKGROUND:** The applicant/property owner has had his homestead and yard fenced from the rest of the parent tract for several years. He is currently leasing the remainder of the parent tract for hay production and is interested in selling that portion to the lessee (see Figure 1).

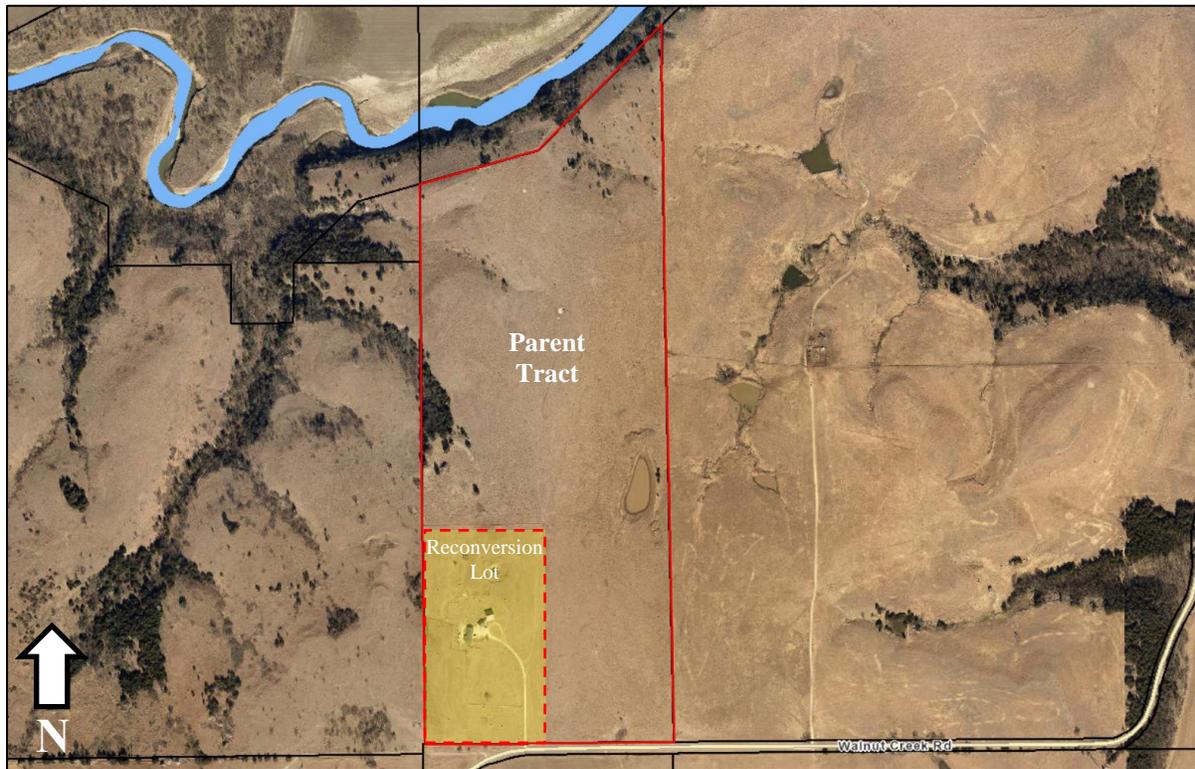


Figure 1.

**DESCRIPTION:**

Physical site characteristics: With the exception of the home, garage and barn, the entire 98-acre parent tract is predominantly pasture, which includes a small pond located on the east portion of the tract.

General character of the area: The general character of the area is extremely rural.

**SUITABILITY OF ZONING:**

Zoning History: The tract is zoned “AG” (Agricultural District) and has been zoned as such since at least 1974. There is not a request to rezone the tract at this time.

SURROUNDING ZONING/LAND USE		
	ADJACENT ZONING	LAND USE
<b>NORTH</b>	“AG” (Agricultural District)	U.S. Army Corps of Engineers
<b>SOUTH</b>	“AG” (Agricultural District)	Hay pasture/open space
<b>EAST</b>	“AG” (Agricultural District)	Hay pasture/open space
<b>WEST</b>	“AG” (Agricultural District)	Pasture/open space

**POTENTIAL IMPACT:**

**Public Facilities and Services:**

Streets and bridges: The subject site is served by Walnut Creek Road, a gravel, two-lane township road. No new entrances are being proposed with this request.

Water and sewer: The subject property is served by an individual wastewater lagoon and a well. Rural water is unavailable in the area.

Fire: Riley County Fire District #1 will serve the site. The nearest county fire station is the Randolph Fire Station (#9), located at 111 S. Front Street, in Randolph. The subject site is located within five road miles of a fire station.

Effect on public facilities and services: It is not anticipated that the proposed residential use designation will have an adverse impact on public facilities and/or services.

**CONFORMANCE TO THE LAND USE PLAN:**

**Goals, Objectives and Policies**

Goal for residential:

*To allow for the development of a diversity of housing types, sizes and price levels to meet the changing needs of all county residents.*

Objective R4: Allow for adequate amounts of single family housing in suitable locations throughout the county.

Policies:

R4.2 Roads serving residential developments should safely accommodate anticipated traffic.

**Future Land Use Map**

According to the Future Land Use Map North (Figure 11.2) found in the Plan, the subject property is located outside of a designated growth area.

**The Land Evaluation/Site Assessment (LESA) Score**

Due to the type and nature of the request, a LESA was not generated.

**Hardship on the landowner**

The Applicant submitted has not indicated a hardship as a reason for the request.

Staff analysis: Due to the character of the existing development and the criteria set forth in the zoning regulations for a Residential Use Designator – Reconversion Lot, it is not anticipated that the request will cause conflicts; thus, the request is consistent with the Plan.

**RILEY COUNTY ZONING REGULATIONS:**

The zoning regulations describe the purpose of a Residential Use Designator – Reconversion Lot. The conditions for approval are as follows:

1. The reconversion lot to be created should be the minimum required to accommodate the existing or future residence and any existing or future outbuildings or to accommodate a site that is logically separated from the remaining tract. Inclusion of existing productive agricultural land should be avoided.
2. The site shall be large enough to meet sanitary code minimum requirements.
3. A residential use designator for a reconversion lot is limited to one per original parent tract.

4. The reconversion lot must be platted and must meet all requirements for a plat, including adequate public road access as specified in the subdivision regulations. The platted lot may not be further subdivided unless approved through the standard platting/rezoning process. The remainder of the tract is not required to be rezoned or platted.
5. An Agricultural Protection Easement (APE), as specified in Section 21A, shall be filed with the plat.

Staff analysis: Typically, the request for a Residential Use Designator – Reconversion Lot involves a much smaller developed portion of the parent tract. In this case, the home and fenced yard portion is 20 acres, which by the Riley County Subdivision Requirements, does not require platting. Thus, due to the size of the subject site and the way the tract is separated from the surrounding farm ground, staff recommends that the Planning Board waive the requirement for the site to be platted.

**STAFF RECOMMENDATIONS:**

Staff recommends that the Board approve the request to receive a Residential Use Designator–Reconversion Lot, waiving the requirement to plat the subject property, as it has been determined that it meets the minimum requirements of the Riley County Zoning Regulations.

**ACTION NEEDED:**

A. Motion to approve the request for a Residential Use Designator as it has been determined that it meets the requirements of the Riley County Zoning Regulations.

OR

B. Motion to deny the request for a Residential Use Designator as it has been determined that it does not meet the requirements of the Riley County Zoning Regulations.

**ATTACHMENTS:**

- Vicinity/site map
- Surrounding zoning map
- Fire Stations map
- Certificate of Survey

**Prepared by:** Bob Isaac, Planner  
September 28, 2016



## VICINITY AND SITE

Lanigan

Residential Use Designator

Reconversion Lot #16-12

8-7-6

### Legend

 1000' Buffer

 Site





## SURROUNDING ZONING

Lanigan

Residential Use Designator

Reconversion Lot #16-12

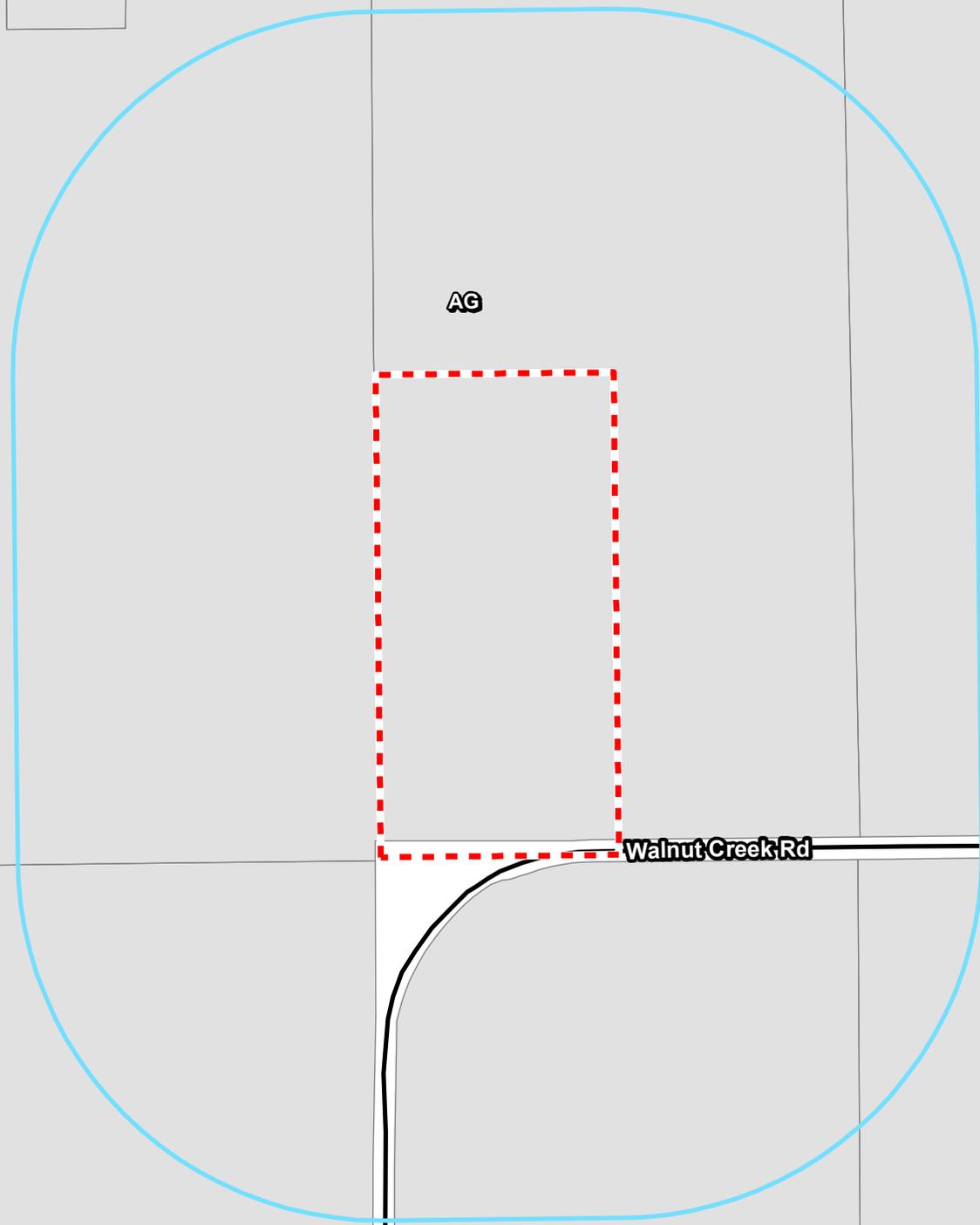
8-7-6

### 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	



AG

Walnut Creek Rd



## FIRE STATIONS

Lanigan

Residential Use Designator

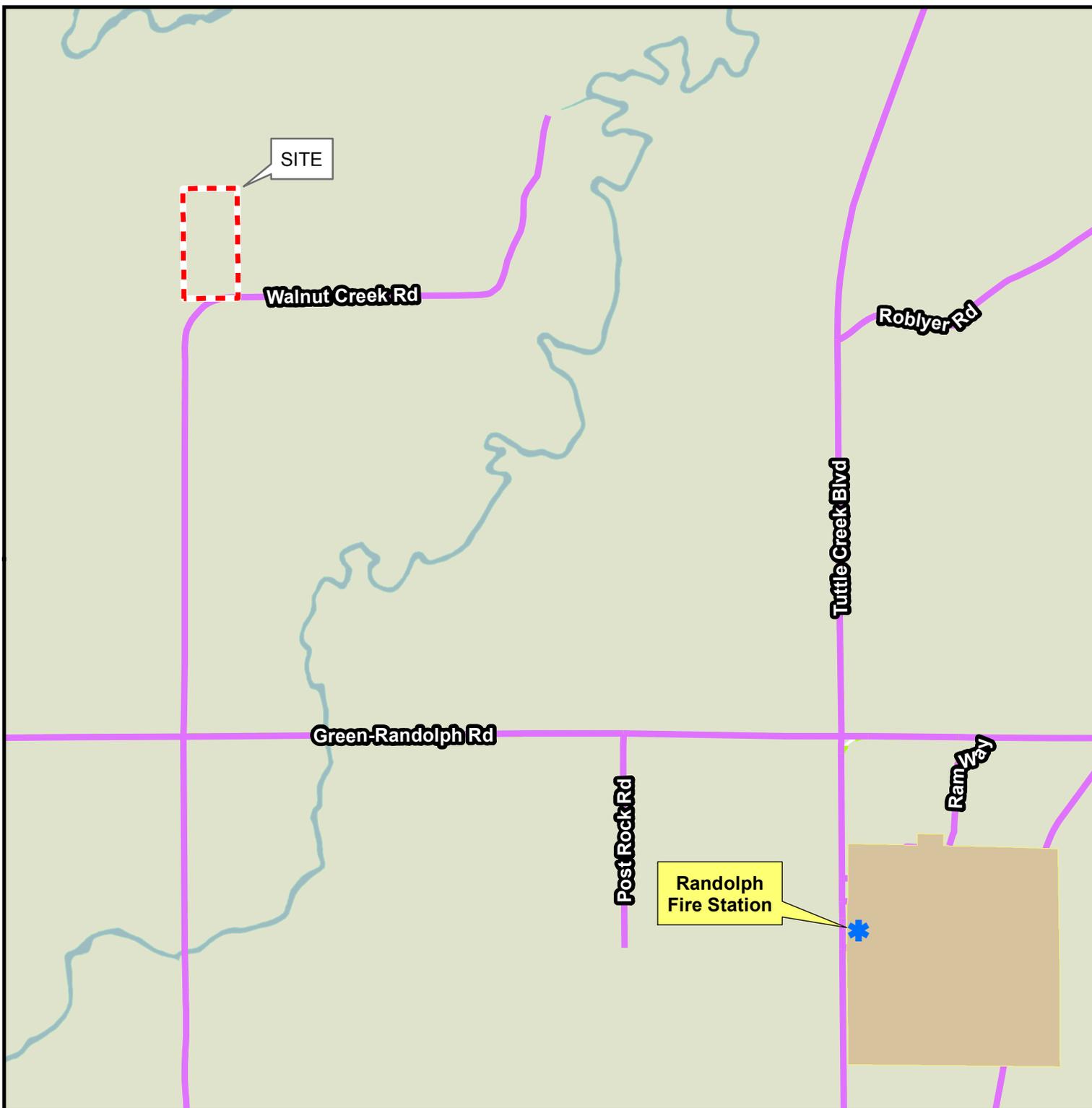
Reconversion Lot #16-12

8-7-6

 Fire Station

 Within 5 Miles  
of a Fire Station

 Not within 5 Miles  
of a Fire Station



# CERTIFICATE OF SURVEY

**DESCRIPTION:**

A tract of land in the West Half of the Southwest Quarter of Section 8, Township 07 South, Range 06 East of the Sixth Principal Meridian, Riley County, Kansas described as follows:

Beginning at the Southwest Corner of the Southwest Quarter of said Section 8, being Corner 1, marked by a 1/2" rebar; thence N 00°06'24" W 1328.21 feet along the West Line of the Southwest Quarter of said Section 8 to Corner 2, marked by a 1/2" rebar; thence N 89°53'39" E 655.98 feet to Corner 3, marked by a 1/2" rebar; thence S 00°06'24" E 1328.21 feet to the South Line of the Southwest Quarter of said Section 8 and Corner 4, marked by a 1/2" rebar; thence S 89°53'39" W 655.98 feet to the point of beginning, containing 20.0 acres.

Subject to easements and restrictions of record.

**LEGEND**

- - 1/2"x24" Rebar w/CLS66 Cap Set
- - 1/2" Rebar Found, Origin: Noted
- △ - Section Corner, NOTE: All section corner monument origins are unknown unless otherwise noted.
- \* - Assumed Bearing
- (S) - Surveyed Dimension
- (CS) - Surveyed Dimension by Schwab Eaton Survey dated May, 2012
- (COE) - Surveyed Dimension by Corps of Engineers Partial Boundary Surveys for Tuttle Creek Reservoir dated July, 1972
- ⬡ - Corner Number

**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 is from the Riley County Appraiser.

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.

Parent Tract is recorded in Book 834, Page 7691, Register of Deeds Office, Riley County, Kansas.

**CERTIFICATION:**

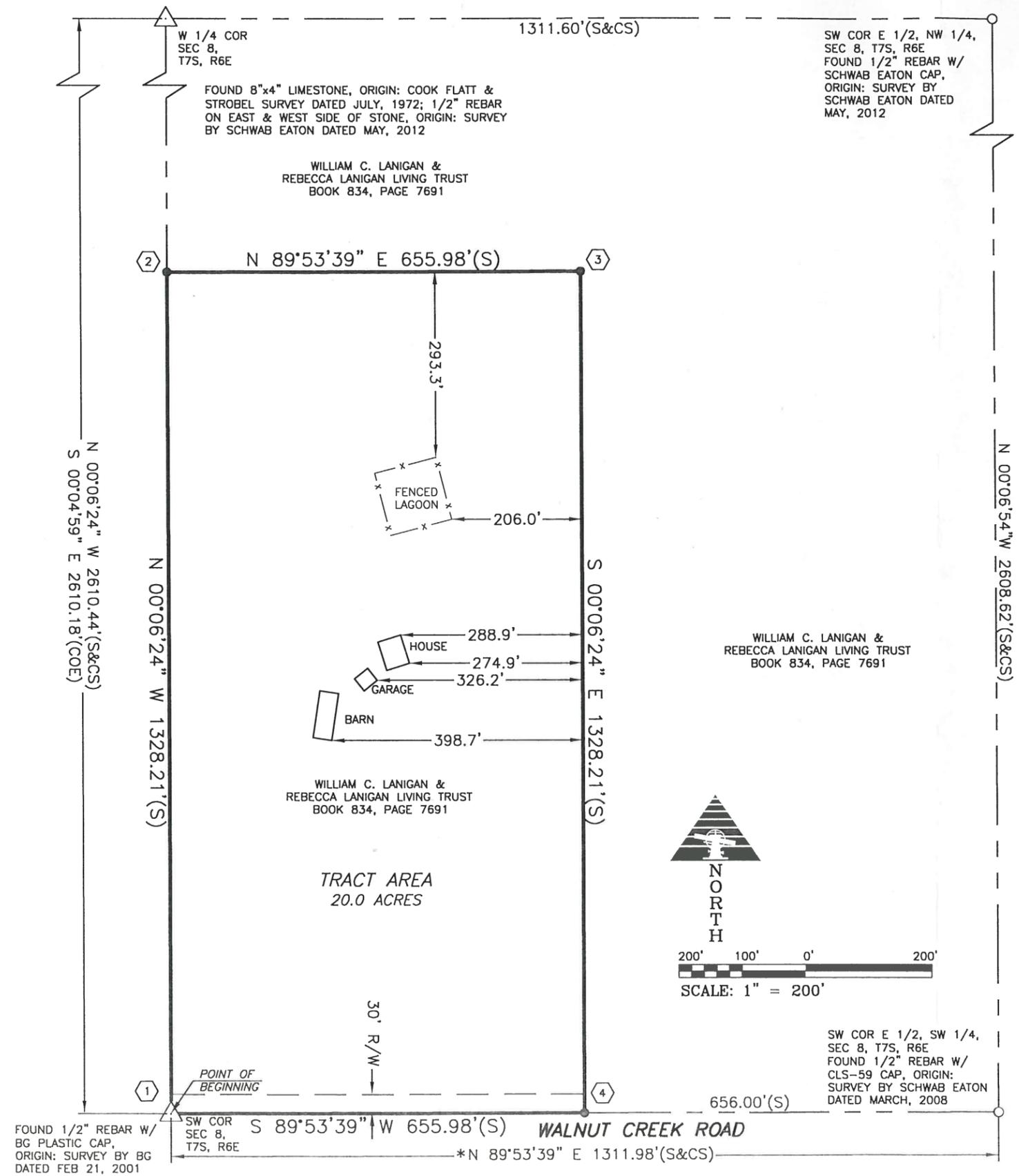
We hereby certify the tract of land as shown on this drawing was surveyed by us or under our direct supervision during the month of August, 2016.

SMH Consultants  
By: Tim Sloan

*Tim Sloan*  
Tim Sloan, P.S.  
President



2017 Vanesta Place, Suite 110 • Manhattan, Kansas 66503  
(785) 776-0541 • FAX 776-9760 • Email: tim@smhconsultants.com  
Project No. 1608MN1158 DD#104





# PLANNING & DEVELOPMENT

## STAFF REPORT

### Replatting

---

**PETITION:** (#16-13) Replat

**APPLICANT:** Michael D. Hufnagel  
5208 Tuttle Cove Rd  
Manhattan, KS 66502

**PROPERTY OWNERS:** Michael D. Hufnagel Trust  
5208 Tuttle Cove Rd  
Manhattan, KS 66502

Alan Vaughn, Lynnette Vaughn and Mathew Vaughn  
1513 Ranch View Cir  
Manhattan, KS 66502

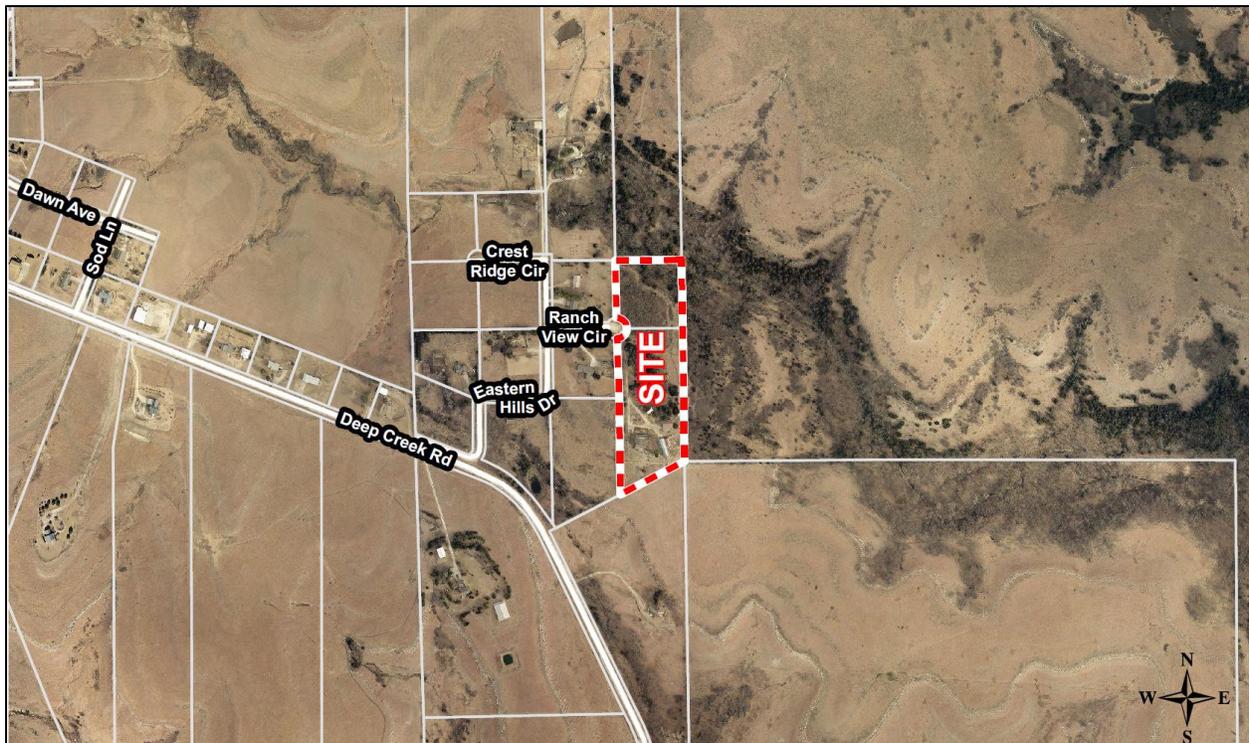
**TYPE OF REQUEST:** Replat Lots 12 and 13 of Sky View Ranches to adjust a common property line and vacate a utility easement along said line.

**SIZE OF TRACT:** The subject site is approximately 8 acres.

**LOCATION:** The request is generally located 380 feet east of Eastern Hills Drive, at the terminus of Ranch View Circle; Section 34, Township 10 South, Range 8 East; Manhattan Township.

**JURISDICTION:** This application is subject to the requirements of the Riley County Subdivision Regulations.

---



**BACKGROUND:** The subject site consists of Lots 12 and 13 of Sky View Ranches, a residential subdivision platted in May 1976 and rezoned from “G-1” (General Agricultural) to “A-4” (Single Family Residential) (#76-12). The property owners wish to realign the common property line between Lots 12 and 13 to transfer that portion of Lot 12 to Lot 13 that is currently being used as the driveway/access for Lot 13 (see Figure 1).

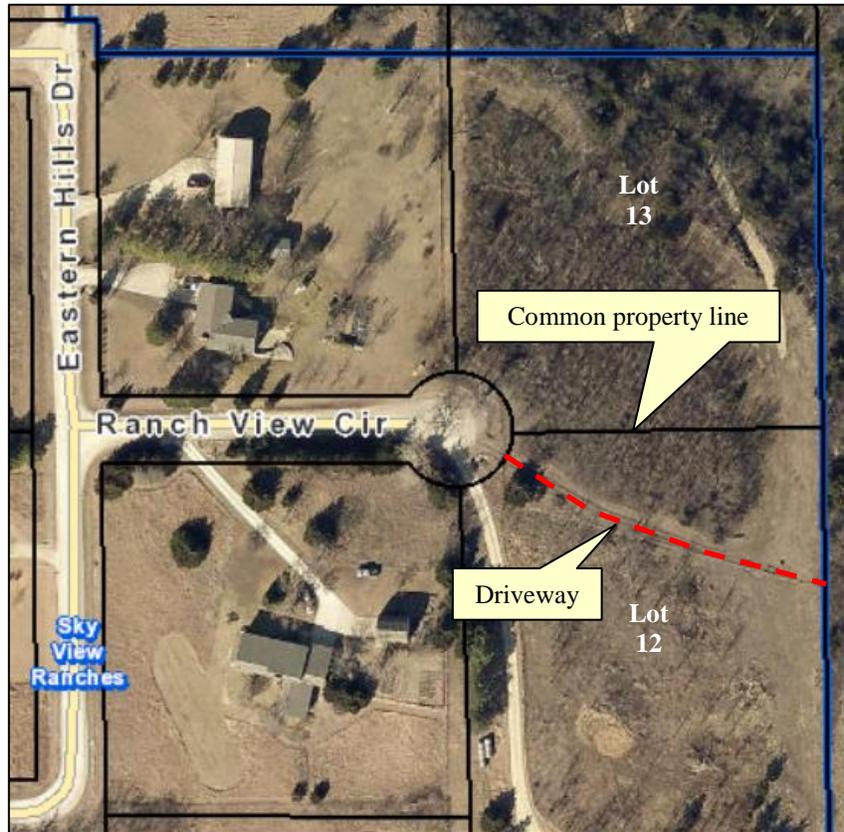


Figure 1.

**DESCRIPTION:**

Physical site characteristics: Lot 12 is developed with a home and various outbuildings, while Lot 13 is vacant.

General character of the area: The general character of the area is predominantly pasture and open range, with very-low density suburban single family residential.

**SUITABILITY OF ZONING:**

Zoning History: As mentioned previously, the subject property was rezoned from “G-1” (General Agricultural) to “A-4” (Single Family Residential) (#76-12). In May 2012, the “A-4” (Single Family Residential) zoning designation was converted to “SF-4” (Single Family Residential).

SURROUNDING ZONING/LAND USE		
	ADJACENT ZONING	LAND USE
<b>NORTH</b>	“AG” (Agricultural District)	Pasture
<b>SOUTH</b>	“SF-4” (Single Family Residential)	Residential
<b>EAST</b>	“AG” (Agricultural District)	Pasture/open space
<b>WEST</b>	“SF-4” (Single Family Residential)	Residential

**POTENTIAL IMPACT:**

**Public Facilities and Services:**

Streets and bridges: Each lot is individually served by Ranch View Circle, a 386-foot, 2-lane gravel cul-de-sac.

Water and sewer: Lot 12 is currently served by rural water and an on-site septic system. Lot 13, although vacant, meets the minimum requirements of the sanitary code.

Fire: Riley County Fire District #1 will serve the site. The nearest County Fire Station is the Konza Valley Fire Station, located at 300 Johnson Road. The subject site is located within five (5) road miles of a fire station.

Effect on public facilities and services: It is not anticipated that the request will have an adverse impact on public services.

**Portion of Plat to be Vacated:**

According to information provided by 1-800-DIG-SAFE (Kansas One Call) and Riley County records, the following utilities were identified as possibly being located in the general vicinity of the subject area:

- ATT Distribution
- Bluestem Electric Coop
- Wabaunsee County RWD #2

Signed Utility Release forms provided by SMH Consultants, were obtained by all persons, entities and/or utility companies, having property rights or interests in the utility easement, as shown on the original plat of Sky View Ranches subdivision, to be vacated by this replat. The Utility Release form affirms that there is no existing use of or future interest in this easement and is shown as such on the proposed replat. There were no objections to vacating the aforementioned utility easement.

**COMMENTS AND CONCERNS:**

ENVIRONMENTAL HEALTH: The Environmental Health staff has reviewed this plat and found it is in compliance with the Riley County Sanitary Code.

TOWNSHIP TRUSTEE: Notice of Review sent to Township Trustee; no response submitted.

**STAFF RECOMMENDATIONS:** Staff recommends approval of the request to replat Lot 12 and Lot 13 of Sky View Ranches subdivision into two (2) lots, as it has been determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met.

**ACTION NEEDED FOR PLAT:**

A. Motion to approve the request to replat the subject property into two (2) lots, as it has been determined that it meets the requirements of the Riley County Subdivision Regulations.

OR

B. Motion to deny the request to replat the subject property into two (2) lots, as it has been determined that it does not meet the requirements of the Riley County Subdivision Regulations.

**ATTACHMENTS:**

- Vicinity/site map
- Surrounding zoning map
- Fire Stations map
- Utility release forms
- Final Plat map

**Prepared by:** Bob Isaac, Planner  
October 3, 2016



## VICINITY AND SITE

Hufnagel

Replat - #16-13

Sky View Ranches Unit Two

34-10-8

### Legend

-  1000' Buffer
-  Site





# SURROUNDING ZONING

Hufnagel

Replat - #16-13

Sky View Ranches Unit Two

34-10-8

## 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:<br>Conditional Use<br>Designator Lot<br>Special Use<br>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    |   |





## FIRE STATIONS

Hufnagel

Replat - #16-13

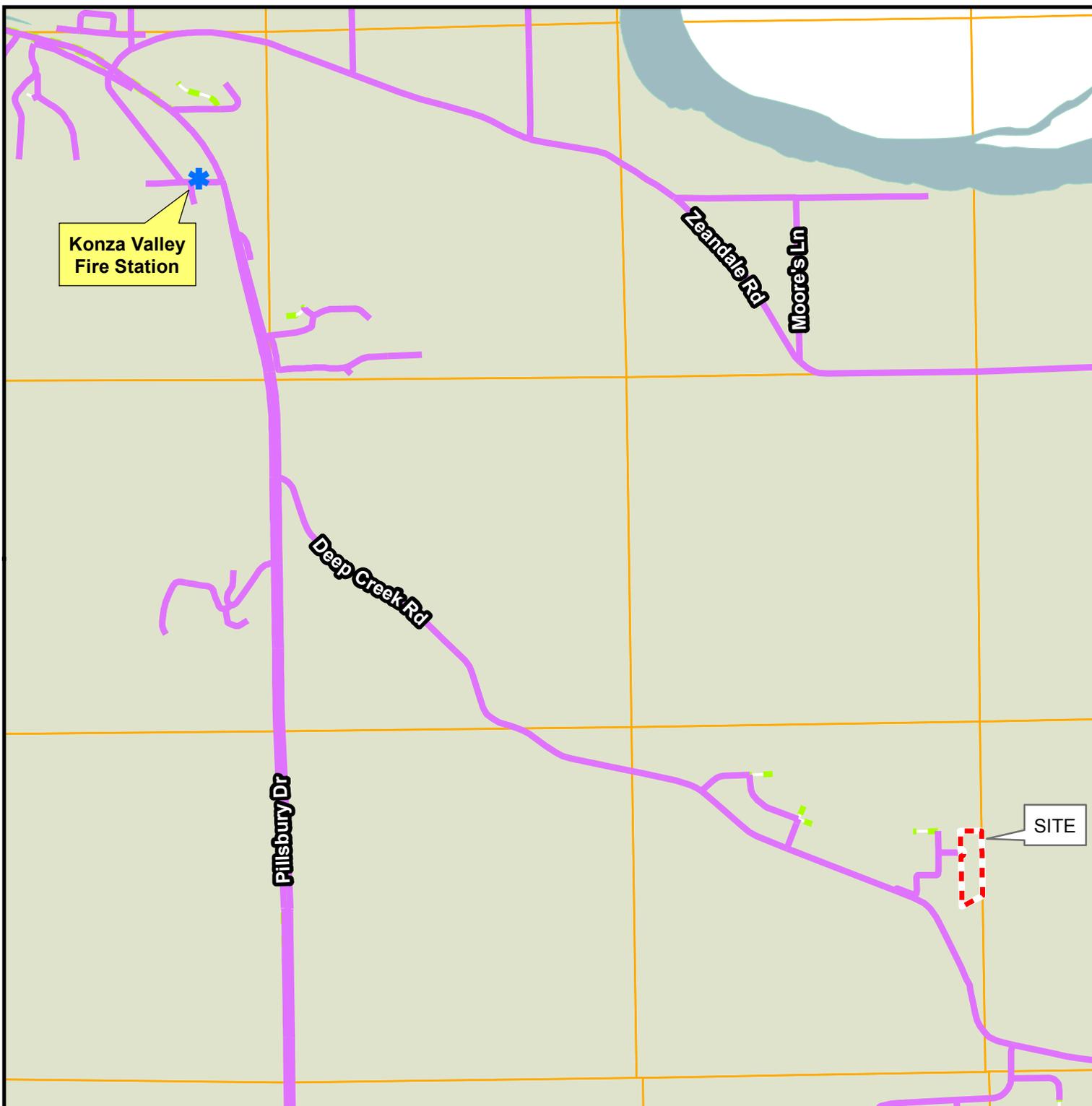
Sky View Ranches Unit Two

34-10-8

 Fire Station

 Within 5 Miles  
of a Fire Station

 Not within 5 Miles  
of a Fire Station



Konza Valley  
Fire Station

Zeandale Rd

Moore's Ln

Deep Creek Rd

Pillsbury Dr

SITE

**UTILITY RELEASE**

Michael Hufnagel, Lot 13, Sky View Ranches

---

Applicant (Sub-divider)

has submitted an application for a Re-Plat an Addition to Riley County to be known as:

Sky View Ranches, Unit Two

---

(Name of Subdivision)

for review and approval by Riley County.

Please review the proposed utility easements shown on the applicable document and sign

below if they meet your approval.

9/23/16

Shawn Easum	OSP-Engineer	AT&T
Name	Title	Utility Company

---

If you have any recommendations or questions concerning these utility easements, please note them on the accompanying applicable document and return to:

Ashley Jaderborg  
SMH Consultants  
2017 Vanesta Place, Suite 110  
Manhattan, Kansas 66503  
ajaderborg@smhconsultants.com

You can also contact our office via phone at 785-776-0541 or by fax at 785-776-9760.

Return by: **September 30<sup>th</sup>, 2016** \_\_\_\_\_ (Date)

Notes:

**UTILITY RELEASE**

Michael Hufnagel, Lot 13, Sky View Ranches

Applicant (Sub-divider)

has submitted an application for a Re-Plat an Addition to Riley County to be known as:

Sky View Ranches, Unit Two

(Name of Subdivision)

for review and approval by Riley County.

Please review the proposed utility easements shown on the applicable document and sign below if they meet your approval.

<u>Tim Diederich</u>	<u>Operation Superintendent</u>	<u>Bluestem Electric</u>
Name	Title	Utility Company

If you have any recommendations or questions concerning these utility easements, please note them on the accompanying applicable document and return to:

Ashley Jaderborg  
SMH Consultants  
2017 Vanesta Place, Suite 110  
Manhattan, Kansas 66503  
ajaderborg@smhconsultants.com

You can also contact our office via phone at 785-776-0541 or by fax at 785-776-9760.

Return by: September 30<sup>th</sup>, 2016 (Date)

Notes:

**UTILITY RELEASE**

Michael Hufnagel, Lot 13, Sky View Ranches

Applicant (Sub-divider)

has submitted an application for a Re-Plat an Addition to Riley County to be known as:

Sky View Ranches, Unit Two

(Name of Subdivision)

for review and approval by Riley County.

Please review the proposed utility easements shown on the applicable document and sign below if they meet your approval.

<u>Nathan Clendenen</u>	<u>Manager</u>	<u>Wabaunsee R.W.O. # 2</u>
Name	Title	Utility Company

If you have any recommendations or questions concerning these utility easements, please note them on the accompanying applicable document and return to:

Ashley Jaderborg  
SMH Consultants  
2017 Vanesta Place, Suite 110  
Manhattan, Kansas 66503  
ajaderborg@smhconsultants.com

You can also contact our office via phone at 785-776-0541 or by fax at 785-776-9760.

Return by: September 30<sup>th</sup>, 2016 (Date)

Notes:

**DESCRIPTION:**

All of Lots 12 and 13, Sky View Ranches, an Addition in Riley County, Kansas. Subject to easements and restrictions of record.

**OWNER'S CERTIFICATE**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

This is to certify that the undersigned are the owners of the land hereon described on this plat, and that said owners have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes herein set forth, and does hereby acknowledge and adopt the same under style and title indicated.

All street rights-of-way as shown on this plat are hereby dedicated to the public. Any easements or licenses as shown on this plat, to locate, construct and maintain or authorize the location, construction and maintenance of poles, wires, conduits, water, gas and sewer pipes or required drainage channels or structures upon the area marked for easements on this plat, are hereby granted to the public.

Given under my hand at \_\_\_\_\_, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Alan Vaughn \_\_\_\_\_ Lynnette Vaughn \_\_\_\_\_  
Notary Public

**NOTARY CERTIFICATE**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2016, before me, the undersigned, a notary public in and for the County and State aforesaid, came

Alan Vaughn and Lynnette Vaughn, husband and wife, and Mathew Vaughn personally known to me to be the same persons who executed the foregoing Owner's Certificate, and duly acknowledged their execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public  
My appointment expires: \_\_\_\_\_

**OWNER'S CERTIFICATE**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

This is to certify that the undersigned are the owners of the land hereon described on this plat, and that said owners have caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes herein set forth, and does hereby acknowledge and adopt the same under style and title indicated.

All street rights-of-way as shown on this plat are hereby dedicated to the public. Any easements or licenses as shown on this plat, to locate, construct and maintain or authorize the location, construction and maintenance of poles, wires, conduits, water, gas and sewer pipes or required drainage channels or structures upon the area marked for easements on this plat, are hereby granted to the public.

Given under my hand at \_\_\_\_\_, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Michael D. Hufnagel Revocable Trust  
Michael D. Hufnagel, Trustee \_\_\_\_\_ Lana J. Hufnagel, Trustee \_\_\_\_\_  
Notary Public

**NOTARY CERTIFICATE**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2016, before me, the undersigned, a notary public in and for the County and State aforesaid, came

Michael D. Hufnagel and Lana J. Hufnagel, as Trustees of the Michael D. Hufnagel Revocable Trust personally known to me to be the same persons who executed the foregoing Owner's Certificate, and duly acknowledged their execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public  
My appointment expires: \_\_\_\_\_

**RILEY COUNTY PLAT REVIEW SURVEYOR SIGNATURE BLOCK**

This plat has been reviewed and approved for filing pursuant to and in compliance with K.S.A. 58-2005 and with the requirements of Riley County Resolution No. 082913-58. No other warranties are extended or implied.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
License Number: \_\_\_\_\_

**APPROVAL OF COUNTY OFFICERS**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

County Engineer \_\_\_\_\_  
County Counselor \_\_\_\_\_  
Environmental Health Specialist \_\_\_\_\_

**CERTIFICATE OF THE COUNTY COMMISSION**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
Board of Commissioners, Riley County, Kansas.

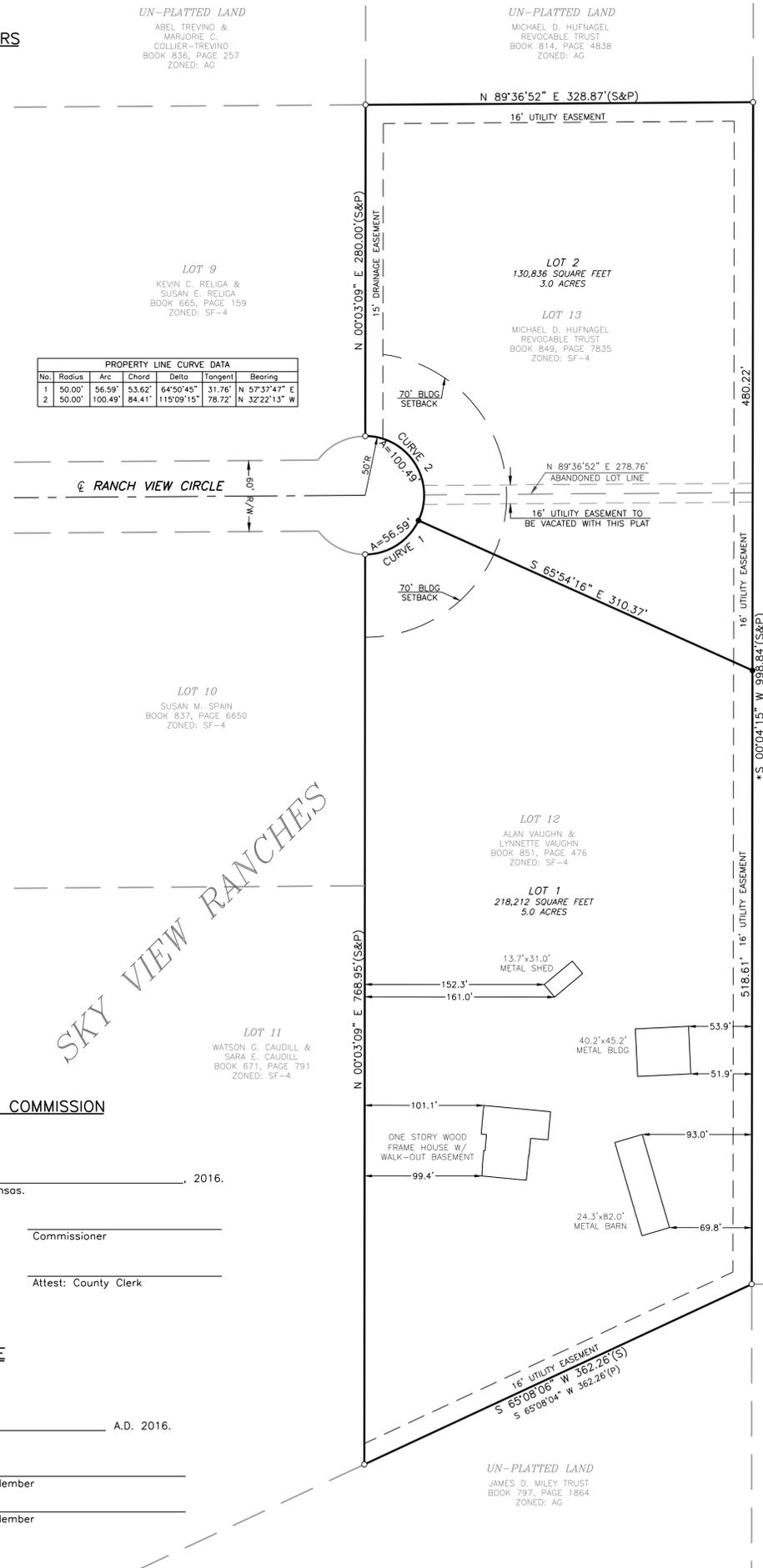
Chairperson \_\_\_\_\_ Commissioner \_\_\_\_\_  
Commissioner \_\_\_\_\_ Attest: County Clerk \_\_\_\_\_

**RILEY COUNTY PLANNING BOARD CERTIFICATE**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

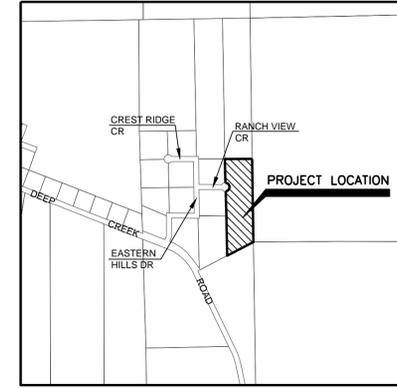
Approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2016.  
Riley County Planning Board.

Chairperson \_\_\_\_\_ Member \_\_\_\_\_  
Member \_\_\_\_\_ Member \_\_\_\_\_  
Member \_\_\_\_\_



**FLOOD INFORMATION NOTE:**  
Flood Insurance Rate Map, Map Number 20161C0369G, identifies this property as situated in Zone X. Zone X is stated as "Areas determined to be outside the 0.2% annual chance floodplain". FIRM effective date: March 16, 2015.

**NOTES:**  
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.  
Subject Tract is recorded in Book 851, Page 476 and in Book 849, Pages 7835-7836, Register of Deeds Office, Riley County, Kansas.  
If an entrance pipe is required, the minimum size shall be calculated in accordance with the Riley County Standards and Specifications. In no case shall the diameter of the pipe be less than 18 inches.



VICINITY MAP (NOT TO SCALE)

**SURVEYOR'S CERTIFICATE**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

I, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of Kansas, with experience and proficiency in land surveying; and that the heretofore described property was surveyed and subdivided by me, or under my supervision, that all subdivision regulations of Riley County, Kansas, have been complied with in the preparation of this plat, and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Given under my hand and seal at Manhattan, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2016.

SMH Consultants  
By: Tim Sloan  
Tim Sloan, P.E.  
President

**CERTIFICATE OF THE REGISTER OF DEEDS**

STATE OF KANSAS) SS  
COUNTY OF RILEY)

This instrument was filed for record on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2016, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and duly recorded in Book \_\_\_\_\_ on Page \_\_\_\_\_.

Register of Deeds \_\_\_\_\_  
Deputy \_\_\_\_\_

UN-PLATTED LAND  
KENNETH L. SEEMATTER & PAULA J. SEEMATTER TRUST  
BOOK 826, PAGE 6200  
ZONED: AG

**LEGEND**

- 1/2"x24" Rebar w/ CL566 Cap Set
- 1/2" Rebar, Found, Origin: Plat of Sky View Ranches
- \* Matched Plat Bearing
- (S) Surveyed Dimension
- (P) Platted Dimension

*Final Plat*  
**SKY VIEW RANCHES**  
**UNIT TWO**  
a Replat of Lots 12 & 13,  
Sky View Ranches, a Subdivision in  
Riley County, Kansas



2017 Vaneste Place, Suite 110 • Manhattan, Kansas 66503  
(785) 776-0541 • FAX 776-9760 • Email: tim@smhconsultants.com  
Project # 1607MN1156 DD #104

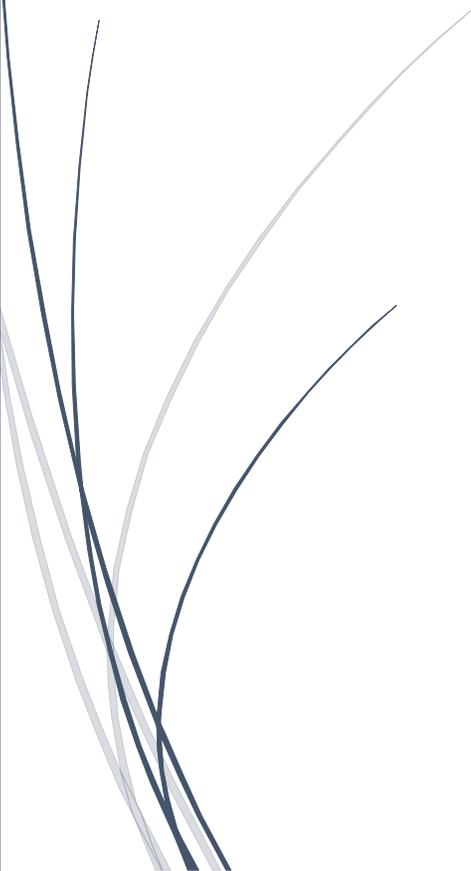
AUGUST 2016



Public Review Draft  
October 2016

# Riley County, Kansas Land Development Regulation Project

## Diagnosis and Annotated Outline



LSL Planning  
Land Works Studio



## Contents

Introduction .....	2
A.    Project Content .....	2
How is This Document Organized?.....	2
A.    Part One: Introduction .....	2
B.    Part Two: Key Themes.....	2
C.    Part Three: Annotated Outline Of Proposed Revisions .....	2
Theme 1: Ensure Consistency with the VISION 2025 Comprehensive Plan .....	3
Theme 2: Update the Zone Districts and Create a Use Table .....	4
A.    Update the Zone Districts.....	4
B.    Update the Organization of Uses .....	8
Theme 3: Identify Baseline Development Standards.....	13
A.    Create a Complete Set of Development Standards With Built-In Flexibility .....	13
B.    Address Key Sustainability and Natural Resource Protection Concerns .....	17
C.    Strengthen Maintenance and Enforcement Provisions .....	17
Theme 4: Enhance the Usability of the Subdivision Regulations.....	18
A.    Create Complete Land Development Regulations.....	18
B.    Connect Subdivision to Planning and Zoning .....	18
C.    Reference the Manhattan Urban Area Subdivision Regulations .....	19
D.    Establish Consistent Access Requirements .....	19
Theme 5: Clean-Up the procedural requirements.....	20
A.    Create a Set of User-Friendly General Provisions.....	20
B.    Identify the Required Steps and Review Criteria for Specific Applications .....	20
C.    Expand Site Planning Tools and Revise the PUD Process.....	24
Theme 6: Update Definitions and Measurements .....	24
Annotated Outline Introduction .....	25
Land Development Regulations Proposed Organization .....	25
Article 1: General Provisions.....	26
A.    Existing Regulations and Recommended Changes .....	26
B.    Overview of this Article in the New Land Development Regulations .....	26
C.    Organization of this Article.....	26
Article 2: Review and Decision-Making Bodies .....	28
A.    Existing Regulations and Recommended Changes .....	28
B.    Overview of this Article in the New Land Development Regulations .....	28
C.    Organization of this Article.....	28
Article 3: Review and Approval Procedures.....	30
A.    Existing Regulations and Recommended Changes .....	30
B.    Overview of this Article in the New Land Development Regulations .....	30
C.    Organization of this Article.....	31
Article 4: Zone Districts .....	34
A.    Existing Regulations and Recommended Changes .....	34

- B. Overview of this Article in the New Land Development Regulations.....34
- C. Organization of this Article.....34
- Article 5: Use Regulations.....37
  - A. Existing Regulations and Recommended Changes .....37
  - B. Overview of this Article in the New Land Development Regulations .....37
  - C. Organization of this Article.....37
- Article 6: Development Standards .....39
  - A. Existing Regulations and Recommended Changes .....39
  - B. Overview of this Article in the New Land Development Regulations .....39
  - C. Organization of this Article.....39
- Article 7: Subdivision Design .....42
  - A. Existing Regulations and Recommended Changes .....42
  - B. Overview of this Article in the New Regulations.....42
  - C. Organization of this Article.....42
- Article 8: Violations, Enforcement, and Penalties .....43
  - A. Existing Regulations and Recommended Changes .....43
  - B. Overview of this Article in the New Land Development Regulations .....44
  - C. Organization of this Article.....44
- Article 9: Definitions .....44
  - A. Existing Regulations and Recommended Changes .....44
  - B. Overview of this Article in the New Land Development Regulations .....45
  - C. Organization of This Section .....45
- Appendices.....46

## PART ONE: INTRODUCTION

---



### INTRODUCTION

---

Riley County (“County”) has established a clear long-term vision and policies to protect and enhance agricultural land, guide future growth, and create development quality in its adopted VISION 2025 Comprehensive Plan. The plan suggests a range of regulatory changes that are needed to realize the County’s vision. This development regulations update project represents both a major opportunity and a primary tool to implement the goals and policies of the plan along with a number of additional plans and policies that the County has adopted since VISION 2025.

The current zoning and subdivision regulations contain a variety of updated and functional provisions side-by-side with inadequate or outmoded sections. The current regulations are packaged in a format that is not user-friendly, and some development issues the County would like to address are not covered in the current regulations at all. The result of missing, vague, and difficult-to-locate provisions is that the development process can be frustrating for County officials and applicants alike.

This land development regulation update project will focus on:

- Raising standards for use and development quality as directed in the plan and identified through participation in the land development regulation update process;
- Incorporating regulatory techniques to protect the environment and natural resources;
- Making the regulations more user-friendly; and
- Consolidating the existing zoning and subdivision regulations into a single set of land development regulations for ease of use and administration.

#### A. Project Content

##### 1. Project Overview

The County is working with LSL Planning of Denver, Colorado, and Land Works Studio of Olathe, Kansas, (LSL Team) to update the existing zoning and subdivision regulations and combine them into an integrated set of land development regulations. We will undertake the project in four phases.

Phase 1: Project Kick-Off. Meet with the County; invite the public to join the process; gather information for the drafting process.

Phase 2: Project Diagnosis and Annotated Outline. Understand how the current regulations work (or do not work); identify and research specific topics that need creative solutions; present a roadmap for the new Riley County Land Development Regulations (LDR).

Phase 3: Draft Regulations. Draft updated and consolidated zoning and subdivision regulations in three parts; gather County and public feedback; revise drafts.

Phase 4: Complete Draft Regulations and Testing. Combine all draft sections of the new LDR and “test” sample projects to determine results; revise draft as necessary; produce final draft.

## **2. Phase 1: Project Initiation and Kick-Off**

The LSL Team kicked off the land development regulations project by reviewing key land use planning and regulatory documents, including:

- VISION 2025,
- Riley County Zoning and Subdivision Regulations with recent and proposed amendments,
- Gateway to Manhattan Plan,
- Eureka Valley K-18 Corridor Plan,
- Flint Hills Joint Land Use Study (JLUS),
- Flint Hills Regional Growth Plan,
- Flint Hills MPO Transportation Improvement Plan (TIP),
- Kansas State University 2025 Campus Master Plan,
- Manhattan Urban Area Comprehensive Plan, and
- Wildcat Creek Floodplain Management Plan.

Team members then met in Riley County and interviewed county staff, elected officials, planning board members, and a variety of other stakeholders, including representatives from:

- City of Manhattan Planning
- Local engineers and surveyors
- Riley County Public Works
- Chamber of Commerce
- Fort Riley
- Title companies
- Environmental organizations
- Township officers
- Flint Hills Area Builders
- Riley County Register of Deeds, Clerk and Appraiser
- Historic preservation community,
- Fire Department
- Rural Water District
- Farm Bureau
- Earthmovers
- Realtors
- Homeowner’s associations

The interviewees gave the LSL Team insight about the strengths and weaknesses of the existing zoning and subdivision regulations from a variety of perspectives.

Based on the information gathered during our time in Riley County and from the documents identified above, we have prepared this Diagnosis and Annotated Outline (“Diagnosis”) report. It contains an analysis of the issues created by current zoning and subdivision regulations and a proposed framework

for the new land development regulations. County staff, the planning boards, local officials, and the general public will review this document. Based on local feedback, the LSL Team will then begin drafting the updated land development regulations.

### **3. Phase 2: Land Development Regulations Draft Revisions**

Following the review and discussion of this Diagnosis, we will draft the new land development regulations in three topic-area packets. Each packet will undergo a two-step review and revision process. The LSL Team will first prepare a preliminary draft for staff review. When we have received the staff's comments, we will prepare a revised draft incorporating those comments for review by the planning boards and the county commission. The public will be invited to participate throughout the process.

Following the drafting phase, the LSL Team will work with planning and development staff to prepare a consolidated final public hearing draft of the new regulations. The draft will incorporate suggested revisions from staff, the planning boards, and the county commission for review through the public hearing process.

## **HOW IS THIS DOCUMENT ORGANIZED?**

---

This document is organized into three main sections as follows:

### **A. Part One: Introduction**

Part One provides an overview of the land development regulations project background, process, and timeline. It also highlights three essential elements of a successful regulatory update.

### **B. Part Two: Key Themes**

Part Two identifies major issues that emerged during the project kick-off in May, 2016, interviews in late 2009 and our own independent analysis of the current zoning and subdivision regulations, VISION 2025, Flint Hills Joint Land Use Study, Flint Hills Regional Growth Plan, and the Manhattan Urban Area Comprehensive Plan.

### **C. Part Three: Annotated Outline Of Proposed Revisions**

Part Three presents a summary by section of the issues and problems in the existing regulations and a section-by-section outline of the proposed revisions to current zoning and subdivision regulations to implement the key themes identified in Part Two as well as provide a comprehensive update of these regulations. The annotated outline provides detail on the form of the new regulations, their structure, and the contents of each section. In addition, general commentary is provided to explain the purpose or rationale behind the organization and substantive changes proposed.



## **PART TWO: KEY THEMES**

---

### **THEME 1: ENSURE CONSISTENCY WITH THE VISION 2025 COMPREHENSIVE PLAN**

---

The regulation of development in any community should be based on clear policy direction implemented through a combination of tools, including general and specific plans, land use regulations, and public investment. In particular, it is important that Riley County's land development regulations reflect the vision



of the VISION 2025 Comprehensive Plan and provide a range of essential regulatory tools necessary to implement that plan. The County and its citizens spent a great deal of time and effort crafting a vision for their community and produced a detailed plan to accomplish that vision. The major goal of this regulatory update is to implement the plan, including the following goals and policies:

1. Preserve and enhance the efficient utilization of rural land for agricultural purposes.
2. Promote development that is compatible with the rural character of Riley County.
3. Ensure development occurs in a manner which is respectful of the county's environment and natural resources.
4. Allow for the development of a diversity of housing types, sizes, and price levels to meet the changing needs of all residents.
5. Allow for clustered and coordinated commercial development outside of the cities.
6. Assure the provision of adequate vehicular access and parking at all commercial and employment centers.
7. Industrial development should be located to minimize negative impact on the environment, incompatibility with adjacent land uses and the public costs of development.
8. Ensure the efficient provision and utilization of public facilities and services.
9. Direct the majority of future residential growth in the unincorporated area of Riley County to the Manhattan Urban Area and the designated growth areas indicated on the future land use map.

The revision of the zoning and subdivision regulations into a unified set of land development regulations provides Riley County with a great opportunity to ensure consistency between these important regulatory tools and the plans they implement. We will work closely with staff and the community to implement key VISION 2025 goals and objectives through the revised and updated land development regulations. The need for plan and regulatory consistency is an overarching theme that will be reflected in all substantive aspects of the regulatory rewrite.

## **THEME 2: UPDATE THE ZONE DISTRICTS AND CREATE A USE TABLE**

Currently, the zoning regulations contain a fairly standard line-up of residential, commercial, and industrial districts along with specialty districts for the airport and KSU property. The regulations provide 20 zone districts (including planned unit development), each with varying levels of use and applicability. According to County Planning and GIS staff, the existing zoning is applied as follows:

<b>Table 1: Existing Zone District Distribution</b>			
<b>Zone District</b>	<b>Number of Parcels</b>	<b>Total Acreage</b>	<b>Percentage of Overall County Acreage</b>
Agriculture (AG)		306,994	96.893%
Single Family 1 (10,000) (SF-1)	1173	1156	0.365%
Single Family 2 (6,500) (SF-2)	916	359	0.113%
Single Family 3 (6,500) (SF-3)	627	579	0.183%
Single Family 4 (2 acres) (SF-4)	205	978	0.309%
Single Family 5 (2 acres) (SF-5)	228	1636	0.516%
Two Family Residential (B-1)	14	19	0.006%
Multiple Family Residential (B-2)	3	79	0.025%
Detached Multiple Family Residential (B-3)	4	14	0.004%
Neighborhood Business (C-1)	0	0	0.000%
Shopping Center (C-2)	0	0	0.000%
General Business (C-3)	10	8	0.003%
Highway Business (C-4)	122	449	0.142%
Industrial Park (D-1)	1	16	0.005%
Light Industrial District (D-2)	24	87	0.027%
Heavy Industrial District (D-3)	30	1968	0.621%
Airport Noise-Hazard District (N-1)	25	216	0.068%
Planned Unit Development (PUD)	136	96	0.030%
University Development (U)	15	2181	0.688%

VISION 2025 and staff both suggest that the County needs to consider adopting a revised line-up of zone districts to better implement the plan. Following our conversations with planning and development staff, and reviewing and visiting a list of examples of problems caused by ineffective use regulations, we also see a definite need to overhaul the current approach to regulating uses as part of the district update.

### **A. Update the Zone Districts**

The purpose of zone districts is to group the development types and sizes that a community wants located in a specific area and to provide instructions about the development of uses and structures that are appropriate to support the comprehensive plan in that district. Zone districts can restrict development to a single use category, such as single-family residential, or encompass a range and mix of uses. While there are typically multiple ways to develop a structure within a single district, the dimensional and development standards are established by district to ensure development within a range of sizes and placements that conform to the community's development plans and relates to the uses and structures already in place.

## 1. Review the Base and Overlay Zone Districts and Link Them More Closely to VISION 2025

Zone districts typically provide the most specific link to a community's plan and development goals. Districts can be drafted with policy statements that support and reinforce the plan, and the plan can also be implemented through the creation of specific districts designed to match the development pattern favored by the community. Riley County currently has a fairly basic line-up of zone districts that allow different sizes and types of development that are not necessarily well-connected to the plan or the community's preferences for development across the different geographic and character areas of the County.

We recommend the following changes and additions to the existing zone district line-up:

- Create purpose statements and policy instructions for each district to establish clear relationships to relevant plans and policies.
- Consider the creation of new districts to accommodate implementation of VISION 2025, including districts for Fort Riley adjacency, K-State, gateway areas, and as necessary, district(s) that provide closer coordination with the City of Manhattan districts in the transition area between the county and the city.
- Consolidate or "retire" some of the current districts to encourage development to take place in the updated district structure. We have provided an initial zone district line-up for discussion in Section 4, below.
- Determine whether a general townsite district or overlay would be useful to preserve and enhance existing unincorporated townsite development patterns in areas such as Bala, Keats and Zeandale.

## 2. Create Zone District Purpose Statements

The job of purpose statements in zoning regulations is to ensure that the role and long-term purpose of each zone district is clearly defined, and where important, differentiated from other districts. The planning policy background that is established as part of the comprehensive plan should be linked to key policy concepts incorporated in the zoning regulations. Most of the County's current zone districts either do not have a purpose statement or have a minimal, fairly generic purpose statement.

Good examples of detailed purpose statements can be found in other regulations. This example from Ft. Collins, Colorado, illustrates a combined purpose statement addressing uses, structures, and location:

**Division 4.18 Community Commercial District (A) Purpose.** The Community Commercial District provides a combination of retail, offices, services, cultural facilities, civic uses and higher density housing. Multi-story buildings are encouraged to provide a mix of residential and nonresidential uses. Offices and dwellings are encouraged to locate above ground-floor retail and services.

This purpose statement from Chandler, Arizona, provides a very specific level of detail about how the community will look at proposed uses and what circumstances might cause the refusal of a use request:

**Neighborhood Commercial, 35-1200 Purpose.** The uses permitted in this district are intended primarily to serve the needs of the surrounding residential neighborhood by providing goods and services that are day-to-day needs generally classed by merchants as "convenience goods and services." Businesses which tend to be a nuisance to the immediately surrounding residential area are excluded even though the goods and services offered might be in the convenience classification

And this purpose statement from Cary, North Carolina, includes a more extensive and detailed list of purposes to define a district that is intended to be used in transitional corridors:

**Section 4.2.2(k) CT: Corridor Transitional District.** The CT district addresses concerns unique to areas when other zoning districts cannot achieve the desired results. This district addresses the needs of specific areas defined in Comprehensive Plan, special plans, or studies. They may be applied for some or all of the following reasons:

(a) To provide buffering and compatible land uses between residential areas and thoroughfares, where the residential character of an area has changed or is changing or may be subject to development pressure;

(b) To facilitate development solutions that will enhance area character, address existing deficiencies and provide benefits to the area and/or community; and

(c) To provide opportunities for consolidation of properties to encourage and permit unified planning and compatibility of uses within the districts and the existing and anticipated development in the surrounding area. They also provide a means to ensure that the land uses permitted by the existing zoning on adjacent properties are not negatively impacted by the uses permitted in CT districts.

We will work with the County to prepare meaningful purpose statements that more clearly link zone districts to important County policy and development instructions.

### **3. Create Corridor Overlay Districts**

The Gateway to Manhattan Plan and the Eureka Valley/K-18 Plan describe the preferred development patterns for the area where K-177 and K-18 West enter Manhattan. The Gateway to Manhattan Plan's goals are balanced between preserving the scenic and natural aspects of the corridor and the improved use of the roadway. The goals include:

- a. Promote an attractive gateway corridor along K-177
- b. Protect scenic views
- c. Conserve natural and environmental resources
- d. Respect the natural and rural character of the wildland-urban interface outside of the urban service area
- e. Provide appropriate levels of service within the urban service area
- f. Promote multi-modal connectivity along the corridor

- g.** Promote development in conformance with the future land use map and future vision for the corridor

The Eureka Valley Plan's goals include a more specific focus on economic development that is also balanced with protecting natural features:

- a.** Establish land uses that leverage economic opportunities provided by the K-18 expressway, Airport and rail access in the Eureka Valley.
- b.** Protect the long term viability of the Manhattan Regional Airport as a transportation and economic asset to the area.
- c.** Develop a roadway network to enhance connectivity, safety and access utilizing the new K-18 alignment.
- d.** Establish an interconnected system of parks, trails and open space areas to create a framework of green infrastructure to provide opportunities for public recreation and enjoyment of the Eureka Valley.
- e.** Preserve environmentally sensitive features including floodways, wetlands, steep slopes and riparian areas.
- f.** Ensure that new growth areas are provided with municipal level facilities and services, including water and sewer infrastructure, and fire protection.
- g.** Coordinate local government efforts to identify and address growth and development issues in the Eureka Valley.
- h.** Enhance the appearance of the Eureka Valley and K-18 Corridor through development standards that balance the Flint Hills character with promoting employment opportunities and commercial and industrial growth.;

The County has prepared and is reviewing the Gateway Corridor Overlay District (GCOD) and the Eureka Valley K-18 Overlay District (EVCOD) that have been designed to implement the two gateway plans. The overlay districts address site design, building design, building materials, landscaping, screening, lighting, pedestrian and bicycle standards, and signage within the corridors. We will work with Riley County to continue the review process and integrate these standards into the Riley County LDR.

#### **4. Create a Fort Riley Adjacency Overlay District**

Fort Riley is a strong and thriving presence in Riley County. The base is an economic generator, a residential community, and, most importantly, an installation that undertakes military operations on a regular basis. Each of these functions create impacts on Riley County, some of which are not immediately apparent to new County residents considering purchasing homes near the base. Both Fort Riley and Riley County are aware of the issues caused by residential adjacency and the goal of a new Fort Riley Adjacency Overlay District will be to identify and address items such as: noise, residential density, use compatibility, and development review and approval.

#### **5. Overhaul the University Development District**

Riley County's other high profile resident, Kansas State University, is also a major contributor to the County's culture and character, serving similar functions of economic generator, residential community, and educational institution with a long-term agricultural mission. And, like Fort Riley, K-State has impacts

on the County's residents both inside its boundaries and out. The updated University Development District will be designed to better reflect the university's stewardship of its land holdings, particularly those scattered away from the main campus. A structure should be created for the County and university to work together in guiding the use and surrounding development of that property over time.

#### **6. Review the Airport District**

Riley County and Manhattan are considering the long-term development of property in and around the airport. As we discuss this development in more detail, we will consider revisions to the current N Zones/Airport District.

#### **7. Determine Whether a New Townsite District is Necessary**

As we review the existing zone districts, we will consider how the new and existing districts implement development and redevelopment around the County's unincorporated townsites – areas that may have more specific and unique development patterns than some of the more dispersed development in the county - and whether a specific district or districts will be necessary to conserve unincorporated townsite development.

#### **8. Consider Additional New Districts, Consolidations, and District Retirement**

As we work through the zone district line-up, we will assess whether current districts should be consolidated or retired (restricted to existing development) and we may also determine that additional new districts are necessary as part of the drafting process.

### **B. Update the Organization of Uses**

#### **1. Create a Consolidated Use Table**

In Riley County, permitted and conditional uses are currently listed in the zoning district regulations in Sections 4 through 11. To take a more comprehensive look at what uses are actually and potentially permitted the County should reorganize the current uses from district-specific lists to a single table (or a table for residential and a separate table for non-residential) with a more easily expanded classification-based system. Once the uses are grouped by category, the County will be able compare similar existing permitted uses across districts, eliminate potential redundancy or overlap in use, identify new uses that should be permitted, and highlight specific uses for additional regulations. This will minimize the need to repeat the same uses within separate district regulations allowing for easy clean-up in the case of a zoning amendment. It also allows readers to easily compare where a particular use is permitted across various districts.

Below is a sample use table from another community:

**Description of classification**

Table 94-45.1 Permitted Uses

Use-Category Subcategory Specific Use-Type	Ag/Residential					Mixed-Use / Non-Residential							Supplemental-Use-Standards
	CON	AR	LDR	MDR	HDR	NC	CC	MU	D	ENT	BUS	I	Note: This reference is to use-specific standards only; other code requirements may apply
Utility													
Utility													
Major-Facilities/Service-Yard		S					S				S	P	94-46(c)
Minor-Facilities/Office		S	S	S	S	S	P	P	P		P	P	94-46(c)
Wireless-Communication-Facility													
Antenna-and-Antenna-Support-Structure		S					S	S	S	S	P	P	
Telecommunications-Tower-and-Facility		S					S				S	S	
Commercial													
Animal-Sales-and-Service													
Pet-Grooming							P	P	P				
Pet-Shop							P	P	P	P			
Kennel		P					P						94-46(d)
Shelter		S					S						

**2. Establish a Standardized System for Interpretation of Uses**

To address new uses that might be proposed for the use table, the County should also establish a specific use interpretation process. By establishing objective review criteria identifying how new uses will be classified, the County will help to inform applicants about how uses will be interpreted into the regulations and provide a way to standardize the review process. This approach will be similar to the classification system included in the AG district but drafted more broadly to address the entire county. A sample approach would look like this:

1. Procedure. Where a particular use type is not specifically listed in the use table, an applicant may request an interpretation of the use table.
  - a. The Planning Director may permit the use type upon finding the standards of this subsection are met. The Planning Director shall give due consideration to the purpose and intent of these regulation concerning the zone district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
  - b. The Planning Director may choose to send a proposed use to the planning board for interpretation where classification options are unclear or where the potential impact of permitted signs must be considered in the interpretation process.
  - c. The Planning Director shall keep a record of use interpretations for annual review with the planning board to determine if amendments to the use table are appropriate.
2. Standards for Approving Unlisted Uses. In order to determine if the proposed use(s) has an impact that is similar in nature, function, and duration to the other use types allowed in a specific zone district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

- a. The types of activity(ies) normally associated with the use;
  - b. Types of equipment used and processing done on the premises, including assembly, manufacturing, warehousing, shipping, and/or distribution;
  - c. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building;
  - d. The existence and number employees, customers and/or residents;
  - e. Parking requirements of the use as compared to surrounding uses, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types;
  - f. Any special public utility requirements for serving the proposed use type, including but not limited to electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities; and
  - g. The impact on adjacent structures, uses, or lands created by the proposed use type, which should not be greater than that of other use types in the zone district.
- 

### **3. Review and Revise Use Allocation**

In addition to creating a consolidated use table, we will work with staff to review the distribution of permitted, conditional, and special uses in each district to make sure they reflect the County's development preferences moving forward. To illustrate a current problem, parking facilities are permitted in A-1 single family residential districts, as well as both public and private schools, but neither are permitted in a B-2 multiple family zone. Sidewalk cafes are permitted in the C-3 General Business District, but not in the C-1 Neighborhood Business District where one might expect to find them. There are a number of similar revisions that need to be made to update the use lists.

As part of this process, we also recommend eliminating the cumulative zoning system embodied in the regulations. Cumulative zoning is the practice of permitting any use allowed in a higher zone district (e.g., residential) to be permitted in a lower zone district (e.g., commercial). For example, the Riley County zoning regulations allow single-family dwellings in the B2 zone and neighborhood commercial uses in the general business district. Cumulative zoning is a carry-over from older, simpler zoning regulations that only really sought to separate industrial uses from residential but allowed a variety of use mixing elsewhere. Use mixing then went out of style and has now come back in style, so permitting residential uses in commercial districts is not necessarily a bad idea. The problem with cumulative zoning, though, tends to be in the structure of the code – uses are rolled from lower-intensity districts to higher intensity districts without sufficient regulatory guidance as to how the residential uses should work in the commercial areas. In practice, the result in Riley County and elsewhere has been the establishment of incompatible uses in unpleasant proximity to one another. We will work with staff to separate uses into appropriate districts and create a purposeful mix of uses in districts where that will be the best approach for development.

---

Finally, as part of the use allocation review we will work with staff to make sure that all uses are reviewed and approved at the appropriate level within the County, ranging from administrative/staff review to legislative/county commission review. One effective way for a community to encourage a preferred development type or use is to make the use permitted as of right or through a very simple, non-discretionary administrative review process. This can be facilitated by establishing consistent use-specific standards, discussed in the next section, for any use that can be standardized and not requiring individual conditions to be established for the use through the review process. This allows the community to limit discretionary review, and potentially slow down the development process, only to those uses with potential negative external impacts that need to be subject to higher-level of discretionary review.

#### 4. Introduce More Specific Use Standards

To provide consistent information to applicants about development requirements and establish basic requirements for uses that require extra attention or specific mitigation, we recommend introducing a broader range of use-specific standards, similar to those standards adopted in the AG district. Use-specific standards can address small issues, such as additional setback requirements in certain districts, or distance requirements in other districts, as well as addressing challenging uses that may require more detailed use-specific regulations and occasionally use-specific review and approval processes.

The benefit of this approach is that it allows the use to be permitted, subject to conformance with the standards, rather than requiring discretionary review. By making more uses permitted, but ensuring compatibility with surrounding areas and mitigating impacts through new objective standards, the development review process can be streamlined and made more predictable. Self-storage facility standards, for example, might include:

---

##### Self-Storage

###### a. Site Layout

- (i) The minimum lot area shall be three acres.
- (ii) If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.

###### b. Operation

- (i) The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage



*Self-storage facility design options*

sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.

(ii) Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

(iii) No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design. Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.

(iv) Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 AM and 10:00 PM.

**c. Parking and Circulation**

(i) Interior parking shall be provided in the form of aiseways adjacent to the storage bays. Aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted.

(ii) The one- or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist, at a minimum, of standard directional signage and painted lane markings with arrows.

(iii) Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.

(iv) All access ways shall be paved with asphalt, concrete, or comparable paving materials.

**d. Building Appearance**

(i) Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.

(ii) With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, the maximum height of a self-service storage facility shall be 20 feet.

(iii) Windows may not exceed 20 percent of any street-facing façade, and shall not be reflective.

**e. Open Storage**

Open storage of recreational vehicles, travel trailers, and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

- (i) The storage shall occur only within a designated area, which shall be clearly delineated;
  - (ii) The size of the storage area shall not exceed 25 percent of the buildable area of the site; and
  - (iii) Outdoor storage areas shall be located to the rear of the principal structure.
- 

### **THEME 3: IDENTIFY BASELINE DEVELOPMENT STANDARDS**

---

In Riley County, many aspects of project design, such as landscaping, screening, commercial building appearance, and natural resource protection, appear to either be left to the property owner's preferences or negotiated through a PUD. Uncertainty is generally not welcome in the development community and this lack of information in the zoning regulations may have an impact on developer's choices about how to develop a project. Application negotiation can also add time and cost to project development. The development standards, those requirements with mandatory applicability across many development types, should be more fully described in order to level the playing field for all applicants, more accurately reflect the County's expectations, and result in projects that are better designed in keeping with the goals of VISION 2025.

#### **A. Create a Complete Set of Development Standards With Built-In Flexibility**

VISION 2025 identifies a range of topics and issues of importance to the County that are not addressed in the existing development standards. Notable among these are natural resource-related concerns such as steep-slope and ridgeline protection, and others such as rural design guidelines. Currently, Riley County's zoning regulations have very limited baseline development standards, including only Section 14: *Minimum Parking and Loading Requirements*, and Section 15: *Signs and Exterior Lighting*. Both of these sections are dated and do not incorporate up-to-date approaches to these issues. Floodplain protection is addressed through a zone district in Section 9.

We will work with the County to create a complete set of basic development standards. The new and updated development standards should address the following aspects of development:

1. Parking and parking lot landscaping;
2. Landscaping, screening, and buffering;
3. Fire buffering;
4. Site layout;
5. Natural resources and environmentally sensitive areas;
6. Parks and open space;
7. Trails and bikeways;

- 8. Rural character;
- 9. Commercial lighting standards; and
- 10. Non-residential building design and massing.

The development standards will be drafted to balance the property owner and County’s needs for objectivity and flexibility:

- Objective, measurable standards that address key elements of building and site design offer specificity that translates into time and money savings for both the County and the developer because the need for lengthy negotiation on those items is removed.
- By incorporating flexibility to address unique sites and circumstances and to encourage innovation and creative design, the objective standards can also be made to work well across many types of sites and developments.

We will provide flexibility through the use of development standard menus and the creation of standards that reflect the different needs of specific character areas in the county. A development standard menu, example provided below this paragraph, gives a developer multiple choices about how to address a specific design requirement on the site. Typically, the applicant is instructed to choose from a specific category of options or asked to select enough weighted options to meet a minimum point requirement. Character area-based standards are regulations that are drafted to address a specific location where the design requirements differ from the general standards. For example, the commercial design standards may be applicable to development along major roadways such as K-177 or in the Manhattan transition area, but may be relaxed for agricultural-related commercial development that is located in primarily agricultural areas. Similarly, ridgeline development may be more context-sensitive in Riley County than in other jurisdictions, applying basic standards such as development located off of the ridgeline and roof colors that blend into the landscape.

Menu of Stormwater Management Technique Options	
Technique	Description/Comments
<b>Impervious Surface Reduction</b>	
Site Design	<ul style="list-style-type: none"> <li>• Site designed to minimize impervious coverage</li> </ul>
Permeable Pavement/ Materials	<ul style="list-style-type: none"> <li>• Use of pervious pavement for hard surfaces such as drives, parking areas, patios, courtyards, playgrounds, sidewalks, and sport courts</li> </ul>
Green Roofs	<ul style="list-style-type: none"> <li>• Vegetated roof on main structure</li> </ul>
Shared Parking	<ul style="list-style-type: none"> <li>• Utilization of maximum permitted shared parking for use</li> </ul>
Joint-Use Driveway	<ul style="list-style-type: none"> <li>• Access provided to more than one structure where total length of joint use driveway is at least 40% shorter than two separate driveways</li> </ul>
<b>Retention/Infiltration/Treatment</b>	

Menu of Stormwater Management Technique Options	
Technique	Description/Comments
Bioretention Basin/Rain Garden/Bioretention Cell	<ul style="list-style-type: none"> <li>An area with amended planting soil and native materials that filter run-off stored within a shallow depression</li> </ul>
Tree Box Filter	<ul style="list-style-type: none"> <li>A concrete vault filled with a bioretention soil mix (BSM), planted with vegetation, and underlain with a subdrain that discharges into existing stormwater drainage.</li> </ul>
Amended Construction Site Soils	<ul style="list-style-type: none"> <li>Incorporating organic matter into disturbed or compacted soil to increase hydrologic function</li> </ul>
Filter Strips/Level Spreaders	<ul style="list-style-type: none"> <li>A band of vegetation planted between a stormwater pollutant source and a downstream receiving water body</li> </ul>
Infiltration Trench	<ul style="list-style-type: none"> <li>An excavated trench back-filled with aggregate or stone to form a subsurface basin</li> </ul>
On-Site Infiltration	<ul style="list-style-type: none"> <li>Site runoff drained to an on-site infiltration system designed to accommodate runoff volume up to and including a 1% storm</li> </ul>
Bioswale	<ul style="list-style-type: none"> <li>Conveyance for rural and suburban roadways</li> </ul>
Enhanced Retention/Wet Pond	<ul style="list-style-type: none"> <li>A permanent pool of water that holds water for release through evapotranspiration and infiltration. May be also be designed to address flood control.</li> </ul>
Parking Lot Curb Cuts	<ul style="list-style-type: none"> <li>18"-wide curb cuts as frequently as possible to permit stormwater flow to a retention/infiltration area</li> </ul>
Reforestation/Replacement of Native Vegetation	<ul style="list-style-type: none"> <li>A minimum of 3 trees per x sq. ft. of lot area or</li> <li>Replacement of at least 60% of existing or proposed non-native vegetation with native or drought-tolerant vegetation.</li> </ul>
Additional Riparian Buffer	<ul style="list-style-type: none"> <li>Provide additional 25 feet of riparian buffer where required</li> </ul>
On-Site Stream or Wetland Restoration	<ul style="list-style-type: none"> <li>As approved by the Department of Conservation</li> </ul>

We will also establish a sliding-scale set of applicability standards that require redevelopment projects to come into compliance with design and development standards based on the nature and scope of the redevelopment work. For example, this applicability table from another community describes the applicability of the development standards to various types of new development and redevelopment:

<b>Table 405.060-1: Applicability of Development Standards</b>				
	<b>Multi-family</b>	<b>Commer- cial</b>	<b>Mixed-Use</b>	<b>Industrial</b>
	<i>Percent compliance with Development Standards</i>			
<b>New Development</b>				
New Development	100%	100%	100%	100%
<b>Existing Development</b>				
External Additions by Assessed Valuation [1]				
Less than 10 percent	n/a	n/a	n/a	n/a
Between 10 and 75 percent	<i>Per Section (a)(2), below</i>			
Greater than 75 percent	100%	100%	100%	100%
Interior Changes	n/a	Off-street parking standards apply		
<b>Nonconformities (Chapter 405.xxx)</b>				
Nonconforming Lots	<i>applicable to structures only, not lots</i>			
Nonconforming Uses	<i>nonconforming uses are not permitted to be altered</i>			
Nonconforming Structures				
Enlargement, Alteration, Movement	100%	100%	100%	100%
Damage or Destruction	100%	100%	100%	100%
Notes	[1] If there is more than one structure on a lot, this is based on the individual structure subject to the addition, not the total for the lot.			

**(a) External Additions**

(2) The development standards in this section shall apply to all external additions as follows:

- (1) External additions that increase the assessed valuation of the existing structure by less than 10 percent, as determined by the most recent county assessed value, shall not be required to comply with these development standards.
- (2) External additions that increase the assessed valuation of the existing structure by more than 10 percent but less than 75 percent, as determined by the most recent county assessed value, shall require a corresponding percent increase in compliance with these development standards or until the site reaches compliance, whichever is less. For standards without specifically measurable requirements, the Director shall determine what compliance is required. The Director’s determination may be appealed to the planning and zoning commission.

- (3) External additions that increase the assessed valuation of an existing structure by 75 percent or greater, as determined by the most recent county assessed value, shall be required to fully comply with these standards.
- 

## B. Address Key Sustainability and Natural Resource Protection Concerns

Riley County has beautiful outdoor spaces that are a critical component of the quality of life in the community. As part of drafting the baseline development standards, we will work with planning and development staff to incorporate rural sustainability and natural resource protection concepts into the new land development regulations, addressing topics such as steep slopes development/erosion control requirements, more detailed stream buffers and protection, critical wildlife areas, and ridgeline protection.



Because this category of development standards must be fairly site-specific and individualized to certain lots, we will draft each section with both specific purpose statements and individual standards. Steep slope standards, for example, may have the following purposes:



- i. Prevent soil erosion and landslides;
- ii. Protect the public by preventing or regulating development in locations with steep slopes;
- iii. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas;
- iv. Encourage only minimal grading that relates to the natural contour of the land and reduce the necessity of retaining walls;
- v. Discourage mass grading of large pads and excessive terracing; and
- vi. Require revegetation and reclamation of slopes disturbed during development.

These purposes would be followed by standards that regulate: development on lots with a certain percentage of slope; retention of natural slope design; limits on grading, filling, and excavation; drainage patterns; revegetation; and road design across steep slopes.

## C. Strengthen Maintenance and Enforcement Provisions

We received a great deal of feedback from staff and community members about the maintenance and enforcement issues the County regularly faces. During our tour of the county, we saw first-hand problems such as the improper use of storage units, residential property turned into auto repair lots, and illegal storage/junk yards, all of which have negative impacts on neighboring property values and the look of the

county as a whole. We will determine and draft appropriate maintenance requirements and enforcement measures that are clearly linked to the County's overall enforcement mechanisms. Through reasonable maintenance standards, Riley County will be able to ensure that projects are maintained to the standards expected at the time of approval and avoid potential eyesores in the county. The maintenance requirements in the new land development regulations can be written to address development and design standards in the regulations as well as any negotiated design elements or other improvements that are conditions of an approval.

---

## **THEME 4: ENHANCE THE USABILITY OF THE SUBDIVISION REGULATIONS**

---

Subdivision regulations are designed to work with zoning regulations to create a complete land development review process. Riley County's current subdivision regulations are fairly short, and staff informs us that they are not very functional. Planning and development staff attempted to draft new subdivision regulations a few years ago, but time constraints prevented successful implementation. A number of problems persist. For example, issues that should be addressed easily through simple regulations, such as the recombination of platted lots, are instead handled through multi-step processes or standards that are inefficient and time-consuming for staff and applicants alike. Enhancements to the existing subdivision procedures and substantive standards and incorporation into a single set of land development regulations can strengthen and improve their usability and relationship to both the zoning regulations and VISION 2025.



### **A. Create Complete Land Development Regulations**

Riley County's subdivision regulations need to be incorporated into the overall land development regulations, tied to the baseline development standard identified in theme four, and updated to provide adequate guidance for the various types of platting and lot splitting. The existing regulations need revisions that include: 1) incorporating a reference to the Riley County Standards for Roadway Design in Platted Subdivisions as well as considering approaches to provide access for rural and remote developments (described in more detail below); 2) providing options for both urban lots and blocks, and rural development patterns that do not rely on traditional lot and block layout; and 3) including standards for cluster or conservation subdivisions.

### **B. Connect Subdivision to Planning and Zoning**

Modern subdivision regulations are more closely tied to the comprehensive plan and zoning regulations than Riley County's current subdivision requirements. We will create a single, unified set of land development regulations that incorporates both zoning and subdivision and allows the overlap of development standards regardless of whether an application is for rezoning or subdivision. This will allow regulations in areas such as natural resource protection (addressing lot location on ridgelines and steep

slopes), design standards (incorporating the rural design guidelines from Chapter 5 of VISION 2025), and parks and open space to be applicable as appropriate. We will also incorporate a set of subdivision regulations that are applicable to subdivision applications only, and integrate the subdivision procedures into the overall procedural article.

### C. Reference the Manhattan Urban Area Subdivision Regulations

Riley County and the City of Manhattan jointly adopted the current Manhattan Urban Area Subdivision Regulations (that are scheduled to be updated soon) for application in specified areas of both the city and county. We will reference these regulations into the new land development regulations without change, maintaining their current applicability.

### D. Establish Consistent Access Requirements

The topography that makes Riley County so attractive can also create major difficulties for residents trying to provide access to their properties. This problem can be exacerbated by a common belief that “county” standards means design requirements that are somehow optional and that can be ignored or worked around, despite the important health and safety requirements that underlie the County’s requirements. As part of the update and integration of the subdivision standards with the zoning regulations, we will work with County staff to accomplish the following:

1. Incorporate, and update as necessary, standards for easements, private roads, and driveways;
2. Establish or clarify access requirements for lots and subdivisions;
3. Identify criteria for the use of alternative access options along with specific design requirements;
4. Reference the Riley County Standards for Roadway Design in Platted Subdivisions into the regulatory requirements;
5. Address issues related to Next Generation 911 and the provision of emergency services to rural areas of the county; and
6. Creating a formalized application and waiver process for access-related issues.



Additionally, we will link some aspects of the access and roadway standards to other development issues in the county, such as establishing design requirements for access that crosses steep slopes or routing access away from flood-prone or riparian areas.

## **THEME 5: CLEAN-UP THE PROCEDURAL REQUIREMENTS**

---

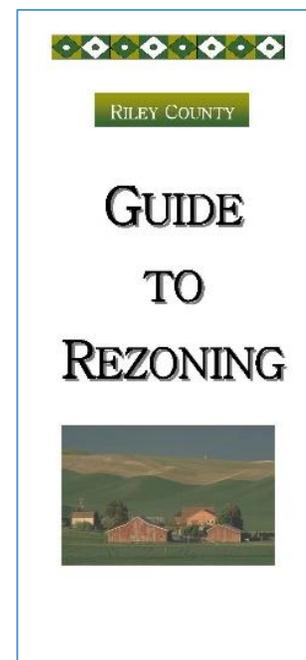
The procedural requirements in the current zoning and subdivision regulations are decidedly minimalist and scattered across the regulations. These provisions can be “cleaned-up” and expanded to provide a much broader range of useful information to applicants who use the regulations. Working through and defining each process will also allow us to explore whether each process is effective and efficient. Efficiency is achieved when the general review framework is not redundant, the procedures and the review standards result in a reasonable degree of certainty, and the procedures for obtaining each type of approval or permit are streamlined to the greatest extent possible, while ensuring that the community’s substantive planning and development goals are used in all decision-making.

### **A. Create a Set of User-Friendly General Provisions**

In any regulatory setting there is typically a great deal of procedural information that is generally applicable across many types of applications. In zoning and subdivision, some of this information is regulated by statute, such as timing for notice, and some is supplied by the staff administering the regulations, such as how many times can an applicant continue an application? It is always helpful to applicants when the regulations provide detailed information about the requirements and expectations of the development review process – this is done through the establishment of a set of general procedural provisions.

This new section of the land development regulations will address some of the issues raised by applicants in the focus group meetings at the beginning of this project, including:

1. Establishing a consistent process for pre-application meetings and application submission requirements, and
2. Identifying a list of required studies (e.g., traffic, environmental, stormwater) along with criteria to identify which projects are required to complete each study.



### **B. Identify the Required Steps and Review Criteria for Specific Applications**

The County uses multiple approval processes for development, including rezoning, conditional uses, planned development, and platting. Each process that is part of the development process should be fully explained and diagrammed in the land development regulations so applicants know both: (1) how their applications will be processed, and (2) what criteria the County will consider in reviewing the development request. Some processes, such as administrative site plan review, may also need to be expanded in applicability to provide the County will a full range of development review options. And processes that are currently inefficient or problematic, such as lot consolidation or the establishment of plat conditions, will be revised to address recurring issues.

An example of conditional use permit approval from another community that identifies the complete review process is provided following this paragraph. This format can be tailored to meet Riley County’s regulatory approach and requirements.

## **B. CONDITIONAL USE PERMIT**

---

### **1. Purpose and Applicability**

---

- a. The City of Warsaw recognizes certain uses that may be appropriate in a specific zoning district, but which may have characteristics that, depending upon the location, design, and manner of operation, may have a greater impact than permitted uses on adjoining properties, businesses, or residences. Such uses require more comprehensive review, including the ability of the City to establish specific conditions for the project in order to mitigate any potential adverse impacts.
- b. All uses listed as “conditional” in Table 405.050-1 shall be required to follow the procedures set forth below.

### **2. Applicability**

---

An application for a conditional use permit may be initiated by the Board of Aldermen, Planning and Zoning Commission, the Director, or requested by a property owner in the City.

### **3. Procedures**

---

#### **a. Pre-Application Meeting**

An applicant for a conditional use permit is required to attend a pre-application meeting according to Section 405.020.B. The schedule for pre-application meetings is available from the City.

#### **b. Application and Notice**

- (1) All applicants shall submit an application in the correct form as authorized in Section 405.020.D. Conditional use permit applications shall be submitted with a site plan pursuant to Section 405.030.F.
- (2) All applicants are required to submit complete applications as identified in Section 405.020.E.
- (3) Posted notice shall be provided before the 15<sup>th</sup> day prior to the Planning and Zoning Commission public hearing according to Section 405.020.F.

### **4. Action by Review and Decision-Making Bodies**

---

A conditional use application is reviewed by the Planning and Zoning Commission and decided-upon by the Board of Aldermen.

**a. Planning and Zoning Commission Review**

The Planning and Zoning Commission shall hold a public hearing and make a recommendation to approve, approve with revisions, postpone, or deny the application for conditional use permit.

**b. Board of Aldermen Review**

The Board of Aldermen shall hold a public meeting to review the application and shall approve, approve with conditions, postpone, or deny the conditional use permit.

**c. Review Criteria**

The conditional use permit application shall comply with all of the criteria in Section 405.020.G.7 as well as the following specific criteria:

- (1) The proposed conditional use is consistent with the Warsaw Comprehensive Plan;
- (2) The proposed conditional use complies with all applicable provisions of the UDC;
- (3) The proposed conditional use will not have a negative impact on the value of surrounding property or the general neighborhood;
- (4) The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with is, and the location of the site with respect to streets giving access to it are such that the condition use will not dominate the immediate neighborhood so as to prevent the development and use of neighborhood property in accordance with the applicable zoning district regulations. In determining whether the conditional use will dominate the immediate neighborhood, consideration shall be given to:
  - (a) The location, nature, and height of buildings, structures, walls, and fences on the site; and
  - (b) The nature and extend of the proposed landscaping and buffering on the site.
- (5) Whether adequate utility, drainage, and other necessary facilities have or will be provided; and
- (6) Whether adequate access roads or entrance and exit drives will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.

## **5. Special Conditions**

---

The Planning and Zoning Commission may stipulate conditions and limitations on the approval of the conditional use permit in the interest of the public welfare and to assure that the intent of this Code is carried out.

### **a. Conditions**

The approval of a conditional use permit may place reasonable stipulations or conditions on the operation, location, arrangement, or construction of a conditional use in order to assure the protection of adjacent properties and uses in the vicinity, and to safeguard the welfare of the citizenry as a whole as it may be affected by the use.

### **b. Time Limits and Expiration**

- (1) All conditional use permits expire upon any transfer of ownership of the property on which the conditional use is located.
- (2) The Planning and Zoning Commission may impose any time limits on the duration of a conditional use permit use that the Commission finds appropriate for the circumstances of the use.

## **6. Extension of Time or Amendment**

---

When a conditional use permit is set to expire due to an imposed time limit and the property owner wishes to continue the use, or when an applicant wishes to amend an approved conditional use permit, a new application for conditional use permit following the procedures established in this section shall be submitted.

## **7. Termination for Failure to Pursue the Conditional Use or Abandonment**

---

All conditional use permits approved prior to the passage of this section and all conditional use permits approved after the effective date of this Code shall automatically terminate if the conditions set out below occur.

- a. Approval of the conditional use permit shall automatically terminate one year after the date of approval of the conditional use permit, unless a building permit or a certificate of occupancy has been granted for the use.
- b. Approval of the conditional use permit shall automatically terminate if the use is abandoned or is discontinued for a period of six months or more.

Extensions of the approval period may be requested at any time prior to termination or within 60 days after termination. When it is determined that no significant changes affecting the conditional use permit have occurred, the Planning and Zoning Commission

may extend the approval. All approvals and extensions shall be valid for one year from the date of action, unless the Planning and Zoning Commission approves a greater or lesser period.

---

### C. Expand Site Planning Tools and Revise the PUD Process

In many communities, site planning is accomplished on an ad hoc basis through negotiation and the use of the Planned Unit Development (PUD) process. Negotiation and use of PUD on a consistent basis has a fairly significant downside in four measurable ways. First, staff and County officials repeatedly negotiate many facets of development that could be standardized for a more efficient, quicker review. Second, developers discount the role of the planning board where the goal is to get to final approval. Third, PUD approval is a two-step process that may involve significant time lag between approvals, during which time the County's policies toward development may change. And fourth, this approach to land regulation creates long-term, future administrative headaches by essentially creating dozens of site-specific mini-zoning codes. Many communities that have pursued this approach are now starting to rein in the PUD approvals and move to a regulatory process that provides more certainty and efficiency

Earlier in this Diagnosis we proposed creating a set of development standards for Riley County that will address a number of site design issues across different types of development. It will be important to expand the administrative site plan review processes to allow the County to effectively administer these standards across all applicable use and development types and applications. We will also suggest new processes that allow for the flexible application and administration of development standards, including a minor modification review process that will allow changes to certain measurable standards to make them more site-appropriate, and an alternative design review process that allows applicants to propose designs that meet the intent but not necessarily the language of the regulations. As we put these standards and processes in place, we will update the current PUD regulations in Section 10 to scale them to those situations where PUD is the best approach, not just the most flexible approach.

## **THEME 6: UPDATE DEFINITIONS AND MEASUREMENTS**

---

As we pull the new land development regulations provisions together, we will systematically update the definitions and add a set of illustrated measurement standards.

## **PART THREE: ANNOTATED OUTLINE OF PROPOSED NEW LAND DEVELOPMENT REGULATIONS**

---

This annotated outline summarizes the major issues and concerns with the existing regulations, identifies the LSL Team’s recommendations for changes, and provides an overview of the proposed structure and content of the new Riley County land development regulations, assuming the modifications and recommendations discussed in the guiding themes are implemented. The purpose of this outline is to allow the public, staff, planning boards, and the county commission an opportunity to examine and comment on the proposed restructuring of the land development regulations without being bogged down in the detailed wording of the regulatory text. Following the review and discussion of this outline, we will then proceed with drafting of the provisions identified by staff, planning boards, and the county commission for the updated land development regulations.

### **ANNOTATED OUTLINE INTRODUCTION**

---

This annotated outline divides the revised land development regulations into a number of new articles and sections in which we organize new regulations and material from the current regulations into a set of logical new sections that group provisions by their function rather than scattered through the regulations. For example, instead of detailed use limitations being located in the individual zone districts, all of the use regulations will be consolidated into a new section under the proposed Article 5: *Use Regulations*, where they will be easy to find. This will greatly increase the usability of the document and reduce the potential for conflicting language and/or redundancies.

### **LAND DEVELOPMENT REGULATIONS PROPOSED ORGANIZATION**

---

The following sections of this report discuss the proposed outline of the updated land development regulations. General commentary is included, where appropriate, to explain the purpose or rationale behind certain sections. It is possible that this structure will be modified as we proceed with detailed drafting of the new provisions – particularly if it becomes clear that some sections need significantly more or less detail. We view this Diagnosis and Annotated Outline as a vehicle for helping define expectations about what is to be accomplished in the updated land development regulations before we begin the more extensive process of restructuring, reformatting, and rewriting.

## ARTICLE 1: GENERAL PROVISIONS

---

### A. Existing Regulations and Recommended Changes

The existing general provisions in Section 1 of the current zoning regulations and Section 1 of the subdivision regulations are somewhat dated and not as inclusive as the general provisions found in more up-to-date regulations. While they provide generally adequate coverage for those items contained in these sections, most sections could be made to work better with updated language and there are missing provisions that would be helpful to the County. We recommend that the new land development regulations include the changes identified in the box to the right.

#### Recommended Changes

- Add a relationship to other regulations section that provides a description of how the land development regulations work in conjunction with other regulations and laws.
- Add a private agreements section that clarifies the relationship between zoning and third-party agreements.
- Add a transitional section that identifies whether the current or updated regulations will apply to projects “in the pipeline”— either being currently reviewed or already approved but unbuilt.

### B. Overview of this Article in the New Land Development Regulations

This article will contain important general provisions that are relevant to the entire set of land development regulations and that identify how the land development regulations fit within the County’s overall regulatory structure. We will also use this article to strengthen the relationship between the subdivision and zoning regulations and identify regulations that are generally applicable to all development.

### C. Organization of this Article

The general provision article is organized into the following sections.

#### 1. Purpose

This section will incorporate and update language from the existing purpose and intent statements in zoning Sections 1.2 and 1.3 and subdivision Section 2.

#### 2. Citation and Title

This section will incorporate existing citation and title language from the existing zoning Section 1.1 and subdivision Section 1.

#### 3. Statutory Authority

This section will incorporate existing statutory authority language from the existing zoning Section 1.3 and subdivision Section 3.

**4. Applicability and Jurisdiction**

This section will clarify who is subject to the land development regulations and will incorporate the provisions of zoning Sections 1.6, 1.9, and 1.11 and subdivision Section 3, 4, and 5. In general, all land within Riley County is subject to the zoning regulations, including public land owned by the county, state, and any other public entities except the federal government that are subject to County regulations. All non-federal land is also subject to the subdivision regulations. This section will also identify the applicability of regulations within the Manhattan Urban Area.

**5. Relationship to VISION 2025**

Pursuant to Diagnosis Theme One: Ensure Consistency with the VISION 2025 Comprehensive Plan, this section will incorporate and build upon the language from the existing zoning Section 1.3 and will include provisions connecting the zoning and subdivision regulations to VISION 2025, and where appropriate to other important plans such as the Manhattan Urban Area Comprehensive Plan, the Flint Hills Joint Land Use Study, and the Flint Hills Regional Growth Plan.

**6. Severability**

This section will incorporate the severability clause from zoning Section 1.9, updated as necessary. We will not need to include the severability clause from subdivision section because the general severability clause will apply to all provisions of the land development regulations.

**7. Relationship to Other Regulations; Conflicting Provisions (NEW)**

This new section will state that the land development regulations are generally intended to complement other regulations associated with affected properties and land uses, including those regulations found in state and federal law. It will also provide that when the requirements of the land development regulations come into conflict with other County regulations, the more restrictive regulations shall apply.

**8. Relationship to Third-Party Private Agreements (NEW)**

This new section will address how conflicts between the land development regulations and private agreements will be handled, and will provide that the County is not responsible for enforcing third-party agreements such as deed restrictions and private covenants.

**9. Transitional Regulations (NEW)**

This new section will establish the method to resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new land development regulations are adopted. We recommend that this new section allow for applications, in general, to be processed under the rules in place at the time a complete application is submitted. The transitional regulations section will also include language stating that violations prior to the enactment of the

revised land development regulations shall remain violations after the effective date of the revised land development regulations.

## ARTICLE 2: REVIEW AND DECISION-MAKING BODIES

---

### A. Existing Regulations and Recommended Changes

The existing regulations provide some limited information about the composition and function of the various review and decision-making bodies in Riley County. This includes information in zoning Section 20 about the role of the Board of Zoning Appeals and information in zoning Section 21 about the role of the Director. The regulations do not provide sufficient (or sometimes any) information about the role of the planning boards, county commission, or zoning enforcement. This could be remedied to make the regulations more informational to the public and to reflect the integrated processes of the land development regulations. We recommend that the new land development regulations include the change identified in the box above.

- The new land development regulations should include a section that describes the roles and responsibilities of the various review and decision-making personnel and bodies.

### B. Overview of this Article in the New Land Development Regulations

This article is geared specifically to the general public and is used to identify all of the participating officials and bodies in the zoning and subdivision process. For Riley County, this article will incorporate and build upon the language found in the existing zoning Sections 20: *Board of Zoning Appeals*, and 21: *Administration and Enforcement*. This article will also reflect any proposed delegations of authority and clarify the role of staff and the Director in the decision-making process where the current regulations are silent regarding preferred practice.

### C. Organization of this Article

The review and decision-making bodies article of the new land development regulations is organized into the following sections.

#### 1. Summary Table of Decision-Making and Review Bodies (NEW)

The summary table below **(from another community)** provides an example of a format that allows applicants and officials to determine quickly the review procedure for each type of application identified in the land development regulations. In order to simplify and reduce the bulk of the regulations, we will include as much information as possible in tables such as this rather than in line item text.

<b>SAMPLE (from another community) Table 1131-1: Summary Table of Review Bodies</b>					
<b>H = Hearing (Public Hearing Required)</b>		<b>D = Decision (Responsible for Final Decision)</b>			
<b>M = Meeting (Public Meeting Required)</b>		<b>A = Appeal (Authority to Hear/Decide Appeals)</b>			
<b>R = Recommendation (Responsible for Review and a Recommendation)</b>					
<b>Procedure</b>	<b>Section</b>	<b>Town Council</b>	<b>Planning Commission</b>	<b>Board of Zoning Appeals (BZA)</b>	<b>Planning Department</b>
Zoning Ordinance Text or Map Amendment	1132.05	H-D	M-R		R
Site Plan Review	1132.06		M-D		R
Conditional Use Review	1132.07		H-D		R
Certificate of Appropriateness	1132.08		M-D		R
Appeals	1132.11			H-A	
Dimensional Variance	1132.09			H-D	R
Nonconforming Use Review	1132.10			H-D	R
Minor Administrative Modification	1132.12				D
Zoning Permit	1132.13				D
Certificate of Occupancy	1132.14				D

**2. Board of County Commissioners (NEW)**

This is a new section in the new land development regulations. While the establishment, number of commission members, and other organizational matters may be provided for in other chapters of the Kansas Statutes, the role the county commission plays in zoning and subdivision decisions will be identified and clarified in this section.

**3. Planning Board (NEW)**

This section will incorporate and build upon the language from the existing zoning Section 21: *Administration and Enforcement*, with changes to more specifically identify the role of the planning board in the various development approvals, including subdivision applications.

**4. Director of Planning and Development (NEW)**

This section will update the provisions of existing zoning Section 21.2, changing “county zoning officer” to Director and identifying the basic responsibilities of the Director.

**5. Other Departments (NEW)**

To the extent necessary for clarification purposes, the role of other departments – such as public works - who are involved in the administration and enforcement of the land development regulations may be included in this section.

**6. Boards and Committees (NEW, Optional)**

To the extent that Riley County has adopted any provisions applicable to all the boards and committees called out in this section, those provisions may be grouped

here. Examples might include general provisions on conduct of meetings, conflicts of interest, or general qualifications for appointive office.

## ARTICLE 3: REVIEW AND APPROVAL PROCEDURES

---

### A. Existing Regulations and Recommended Changes

The review and approval procedures in the existing regulations: (1) are drafted to different levels of specificity, (2) incorporate cross-references to Kansas Statutes that may not be readily available to the general public, (3) are spread throughout the regulations (including zoning Sections 10, 20, 21, 21B, 22, 22A, 22B, and 23 and subdivision Sections 6, and 4) and in some cases are apparently not included in the regulations (e.g., many zone districts identify conditional uses but there does not appear to be a procedure to approve conditional uses).

Overall, the review and approval procedures sections do not provide information about any aspect of the application process prior to the required public meeting or formal review. Moreover, the zoning amendment section is also silent about the review criteria to be applied by the decision-maker. We understand from planning and development staff that the *Golden* factors identified by the Kansas Supreme Court (*Golden v. City of Overland Park*, 584 P.2d 130 (Kan. 1978)) are applied to rezonings, but the current lack of guidance in the regulations may leave applicants in the dark when putting together an application for rezoning.

#### Recommended Changes

- Establish a section of common procedures to clarify requirements that apply across many application types, such as availability of pre-application meeting, required notice, and process for appeal.
- Incorporate the procedures for regulatory text and zoning map amendments from the Kansas Statutes.
- Create a procedure for amending VISION 2025 as necessary.
- Revise the PUD process.
- Identify the conditional use approval process.
- Incorporate the platting process and add new subdivision procedures as necessary.

To fully update these standards, we recommend that the new land development regulations include the changes identified in the box to the right.

### B. Overview of this Article in the New Land Development Regulations

This article will contain all of the land development regulations' review and approval procedures, which are currently located in zoning Section 10: *Planned Unit Developments*, Section 20: *Board of Zoning Appeals*, Section 20: *Administration and Enforcement*, Section 21B: *Site Plan Review* Section 22: *Special Uses*, Section 22A: *Resource Extraction*, Section 22B: *Special Events*, and Section 23: *Amendments*, and subdivision Section 6: *Procedure for Plat Approval*. The first part of this new article, standard procedures, will contain regulations generally applicable to all procedures (e.g., application filing, notice of decision made without hearing, notice of hearing, conduct of hearing, notice of decision made after hearing). We will clarify how and when these procedures are used, and will also work with the County to identify a method to integrate these various review steps into an overall process of internal review that establishes the necessary levels of review and County participants. The second part of this article will identify the specific steps of each type of procedure (e.g., procedure for amendments, procedure for special use

approval, and procedure for site plan approval). We will standardize all procedural descriptions as much as possible to avoid redundancy. Flow charts like the one shown below will be provided to enhance user-friendliness.

### C. Organization of this Article

The review and approval procedures article of the new land development regulations is organized into the following sections.

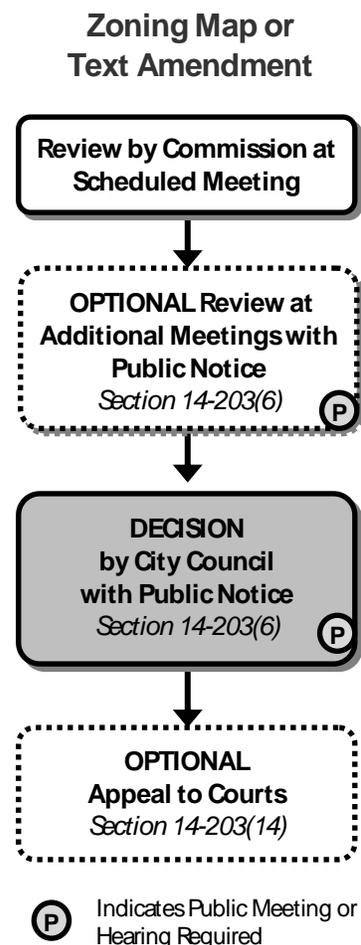
#### 1. Standard Procedures and Requirements (NEW)

This new section will include steps that will be common to all procedures, with instructions as necessary for how the County will handle these steps internally. It will include provisions for:

- a. authority to file applications,
- b. timing and completeness of submittals,
- c. administration (e.g., refund) of fees,
- d. notice requirements (both content and notice of when required), including increasing the rezoning notification area as recommended in VISION 2025,
- e. decision-making procedures and approval criteria, and
- f. appeal provisions.

This section will be followed by sections that address each of the specific development review procedures in turn and indicate any distinct procedures, criteria, or requirements that apply to the specific procedure. Each specific procedure section will be illustrated by a flow chart, such as the one pictured on this page **from another community's zoning code**, to illustrate the required steps and improve the user-friendliness of the land development regulations.

Procedural information for application review will be either clarified or added to the new land development regulations. We typically recommend that specific submittal requirements for each type of development application be identified on application forms that are not included in the land development regulations, but be moved to a user's guide where they may be more readily updated over time.



**2. Land Development Regulation Text Amendment**

This section will incorporate and expand the provisions in existing zoning Section 23: *Amendments* related to regulatory amendments. Currently, the zoning regulations cross-reference the appropriate provisions in the Kansas Statutes. We would keep this cross-reference, but also add the basic steps for amending the text of the land development regulations to give the public an understanding of the procedure without the need to find a copy of the state statutes. We also recommend that text amendments be treated as a separate procedure from zoning map amendments, because the requirements and criteria are typically different from one another.

**3. Zoning Map Amendment (Rezoning)**

This section will incorporate and expand on the provisions in the existing Section 23: *Amendments* in the same manner as described in Section 3: *Land Development Regulation Text Amendment*, above.

**4. Comprehensive Plan Amendment (NEW)**

This is a proposed new section to address the procedure for amending the VISION 2025 Comprehensive Plan.

**5. Planned Unit Development**

This section will incorporate procedures in the existing zoning Section 10: *Planned Unit Development Regulations* and provide a new, streamlined amendment process. The trend nationally is to limit the use of PUDs to major projects that have unique and substantial public benefits, and therefore following the creation of updated development standards we will review the PUD procedure with the County to determine if it needs to be restructured or limited in any way.

**6. Subdivision**

This section will incorporate the existing subdivision section 6: *Procedure for Plat Approval* and adding new procedures for lot consolidation, lot split, plat vacation, boundary line adjustment, along with any additional procedures needed to coordinate with the urban area regulations or as identified by staff during the drafting process. We will also eliminate the short-form subdivision procedure that is not used by the County. The subdivision provisions will be organized into two types: major and minor. Requirements and procedures, including whether review and approval is administrative or legislative, will be revised to scale appropriately for the two types. Additionally, we will work with planning and development staff to identify how platting requirements will integrate with the agricultural district approach identified in VISION 2025.

**7. Site Plan Approval**

This section will carry forward the County's site plan process from Section 21B and make it more broadly applicable to allow review of use-specific standards and development standards as applicable to specific sites.

**8. Minor Amendments and Alternative Design (NEW)**

This section will establish a new process for administrative approval of minor amendments to submitted and approved plans where small changes are needed within a specific, measurable range. For example, a minor amendment may be approved administratively where a 10% change is necessary for a site setback to allow a better development layout, or where a small reduction to parking requirements will allow for a use change. This section will also include a new process for applicants to request approval of alternative site design that meets the intent of the regulations but not necessarily the specific standards.

**9. Special Uses**

This section will carry forward provisions in the existing zoning Section 22: *Special Uses*, which include: Wind Energy Conversion Systems, Commercial and Public Utilities and Facilities.

**10. Conditional Uses**

This section will identify and, if necessary, update the existing conditional use approval process.

**11. Variances and Exceptions**

This section will incorporate the provisions in existing zoning Sections 20.4 through 20.7. We will also propose an exception process for changes to regulations that are more than a minor modification but that do not qualify for the hardship standards of variance review.

**12. Development Permits**

This section will contain procedures related to administrative permits (including building permit, certificate of occupancy, sign permit, floodplain development, and special event permit) currently found in zoning Section 21: *Administration and Enforcement* and Section 22B: *Special Events*.

## ARTICLE 4: ZONE DISTRICTS

---

### A. Existing Regulations and Recommended Changes

We learned from our discussions with planning and development staff and community representatives that many of the existing zoning districts have been in the regulations for a long time and may be obsolete. Some districts are very similar and should be consolidated, while others, such as C-1 and C-2, are not used at all. We have reflected these comments in the proposed revised zone district table, below. The existing regulations do not include purpose statements for most of the various districts, missing an opportunity to tie the zoning regulations to the County's land use policies that are reflected in VISION 2025 and the more recent Gateway and Eureka Valley plans. Additionally, there is no organizing structure to identify the districts that are appropriate for use in various parts of the county. We recommend that the new land development regulations include the changes identified in the box above.

#### Recommended Changes

- Revise the zone districts pursuant to Table 2: Current and Proposed Riley County Zone Districts, below.
- Add purpose statements to all districts.
- Update the uses.
- Create a transitional district structure for use in the Manhattan urban area.

### B. Overview of this Article in the New Land Development Regulations

This article will identify five categories of zone districts: agricultural, residential, commercial, industrial, and other districts. This article will contain purpose statements for each category and district, as well as any district-specific regulations. As part of the update of this section, information on uses permitted in each district will be summarized in a use table with the addition of use-specific standards.

### C. Organization of this Article

The zone districts article is organized into the following sections.

- 1. Official Zoning Map**

This section will incorporate the language from zoning Section 1.5.

- 2. Interpretation of District Boundaries**

This section will incorporate the language from zoning Section 1.5.

- 3. Establishment of Districts and Purpose Statements**

This section will establish the zone districts following the approach of existing zoning Section 1.4.

- 4. District-Specific Regulations**

This section will establish the new zoning districts. For each district, we will provide a purpose statement that provides specific direction for the district and includes a connection to VISION 2025. District-specific regulations—standards that apply to all development in a specific district—will also be included in this section. For example,

the mobile and manufactured home standards will be updated as necessary and consolidated in the MHP district.

We are proposing to revise the lineup of zoning districts to include the districts summarized in the table on the following page. (Note that this list will evolve based on additional input. We would appreciate initial thoughts as to whether this list effectively captures the range of districts necessary. Specific standards, including compatibility with the plan, will be developed during the drafting process.)

<b>Table 2: Current and Proposed Riley County Zone Districts</b>	
<b>Current</b>	<b>Proposed</b>
<b>Agricultural</b>	
AG Agriculture	AG Agriculture
<b>Residential</b>	
SF-1 Single Family (10,000 sf lot)	SF-1 Single Family (2 acre lot) [1]
SF-2 Single Family (6,500 sf lot)	SF-2 Single Family (10,000 sf lot)
SF-3 Single Family (6,500 sf lot)	
SF-4 Single Family (2 acre lot)	SF-3 Single Family (6,500 sf lot) [1]
SF-5 Single Family (2 acre lot)	
B-1 Two Family	MF-1 Multi-Family
B-2 Multiple Family	MF-T Multi-Family Transition (new)
B-3 Detached Multiple Family	MHP Manufactured Home Park
Note: [1] Mobile and manufactured homes will be permitted in MHP only.	
<b>Commercial</b>	
C-1 Neighborhood Business	C-1 General Business
C-2 Shopping Center	
C-3 General Business	
C-4 Highway Business	C-2 Highway Business
<b>Industrial</b>	
D-1 Industrial Park	I-1 Light Industrial
D-2 Light Industrial	
D-3 Heavy Industrial	I-2 Heavy Industrial
D-4 Business Park	Retire—not used
<b>Special</b>	
F Floodplain	F Floodplain
N-1 Airport Noise Hazard	AOD Airport Overlay District (w/ new base zones)
Planned Unit Development (PUD), subcategories residential I, commercial I, agri-business (A), and industrial (I)	Planned Unit Development
U University Development	U University Development
<b>Overlay</b>	
	GCOD Gateway Corridor Overlay
	EVCOD Eureka Valley Corridor Overlay
	FRAOD Fort Riley Adjacency Overlay
	TSOD Townsite Overlay

Table 2: Current and Proposed Riley County Zone Districts	
Current	Proposed

**5. Lot Layout and Dimensional Standards**

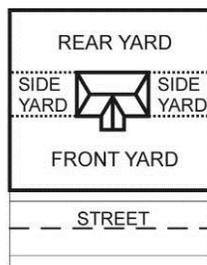
This section will consolidate the dimensional standards (height, setback, etc.) for the various zone districts (at the end of zoning Sections 4, 5, 6, 7, and 9A), and zoning Section 17: *Exceptions for Areas and Heights* in one or more tables. A table format is more compact and, in our experience, is more user-friendly for many code users. In this section, we will also work with planning and development staff to identify dimensional standards appropriate for rural and agricultural areas that reflect varying lots sizes and site dimensions. One approach that we have discussed with staff is the creation of a site disturbance envelope, defining the area in which the primary use takes place that is part of an overall larger lot. The development standards, such as landscaping, buffering, or exterior lighting, will be applicable within the site disturbance envelope only. Disturbance and grading outside the envelope is prohibited.

**6. Measurements and Exceptions (NEW)**

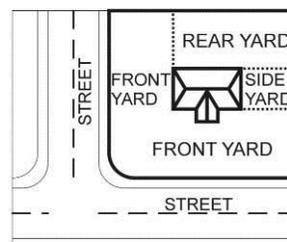
This new section will include text and appropriate illustrations to establish rules of measurement and permitted exceptions. Rules of measurement will be provided for each type of measurement listed in the dimensional standards table. These will include, at a minimum: lot area, lot width, lot depth, lot lines (front, side, and rear), building coverage, total lot coverage, setbacks, and height.

Illustrations will be provided showing how to make certain measurements, such as setbacks on flag lots, pie-shaped lots and lots with no street frontage. We will work with staff throughout the drafting process to develop a list of measurements to be illustrated. Sample illustrations are shown below.

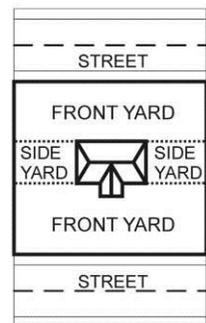
*Sample measurement illustrations from another community.*



INTERIOR LOT



CORNER LOT



DOUBLE FRONTAGE LOT

## ARTICLE 5: USE REGULATIONS

---

### A. Existing Regulations and Recommended Changes

As we learned from the planning and development staff, some of the changes related to uses need to be made in the updated enforcement section, but much of the revised regulations belong in this use article. We recommend that the new land development regulations include the changes identified in the box to the right.

### B. Overview of this Article in the New Land Development Regulations

This new article will consolidate all of the lists of permitted and conditional uses currently found in each district, along with the special uses in existing zoning Section 22, into new use tables. These use tables will illustrate easily and quickly where and how uses are permitted in the county. This article will also include regulations for specific uses (e.g., storage units or hobby farms), conditional uses, special uses, and nonconforming uses. The home occupation regulations will be updated as necessary and also consolidated into this article.

### C. Organization of this Article

The use regulations article of the new land development regulations is organized into the following subsections.

#### 1. Permitted Use Tables (NEW)

This section will include the new use tables identifying all of the principal uses and how they are permitted (e.g., by-right, conditional, special use), in each of the zone districts. The information in the use table will be classified by use type and will easily allow users to see what uses are permitted within a single zone district as well as evaluate what districts allow certain uses.

This section will also include a procedure that allows the Director to determine whether a use will be permitted in a specific district if it is not identified in the use table. The Director's determination will be appealable to the BZA.

#### 2. Use-Specific Regulations (NEW)

In this new section, we will incorporate uniform regulations for specific uses, regardless of the approval process. As an example, in this section we would address mini-warehouses and storage units, religious assembly, inoperable vehicles, auto repair, and short-term rentals. This section will also incorporate the provisions of existing zoning Section 19: *Home Occupations*, and Section 22A: *Resource Extraction*, but we will move the licensing provisions to Section 3. We will work with staff to

#### Recommended Changes

- Create a consolidated use table(s) that allows an easy comparison of uses by district.
- Eliminate the current cumulative zoning and create a specific and separate use list for each district.
- Clean-up classification of uses by-right and conditional uses, incorporating use-specific regulations where necessary.
- Consolidate use-specific, accessory, temporary, and nonconforming use regulations into separate sections.
- Identify an administrative process for interpreting new uses into the regulations.

prepare a list of uses that need specific regulations. We will also move the standards from existing zoning Section 5-B: *Two Family and Multiple Family Residential Districts* here and make updates as instructed by planning staff.

### 3. Special Uses

This section will include the use-specific standards for special review uses currently found in existing zoning Section 22, Wind Energy Conservation Systems, Commercial and Public Utilities and Facilities. The procedures in this section will be moved to Section 3: *Review and Approval Procedures*.

### 4. Conditional Uses (NEW)

In this section we will work with staff to collect any conditional use regulations that exist in the current regulations and suggest new regulations where necessary. Typical conditional uses in other communities might include: child care, some home occupations, outdoor kennels, drive-through facilities, auto repair, or car washes. This section will work in conjunction with the new conditional use approval process suggested in Section 3.

### 5. Accessory Uses

This section will consolidate and update all regulations related to accessory uses for both residential and nonresidential districts. As we review this section, we will clarify provisions that have been problematic for the County, such as:

- Attached and detached accessory dwelling units (apartments) for residential, commercial and industrial uses,
- The definition of subordinate building, and
- Differentiation between appropriate agricultural accessory uses and residential accessory uses.



*Accessory housing*

We propose to use an accessory use table, similar to the proposed permitted use tables, to illustrate where and how accessory uses are permitted. Good examples of accessory uses may also be provided through photographs such as the one to the right.

### 6. Temporary Uses

We will incorporate the County's temporary use regulations in this section and update them as necessary.

## 7. Nonconforming Uses

This section will incorporate the language of existing zoning Section 18: *Nonconformities*.

---

## ARTICLE 6: DEVELOPMENT STANDARDS

---

### A. Existing Regulations and Recommended Changes

As we discussed in the key themes, the County’s existing development standards are insufficient to implement the plan and the use of the PUD process as a substitute for creating development standards typically results in the uneven application of standards. We recommend that the new land development regulations include the changes identified in the box to the right.

#### Recommended Changes

- Clarify essential and supplementary VISION 2025 goals to determine which aspects should be converted into development standards.
- Enhance existing development standards and incorporate new standards in a number of categories.
- Address key sustainability and natural resource protection concerns.
- Address maintenance and enforcement to provide the County with a basis for long-term success with updated development standards.

### B. Overview of this Article in the New Land Development Regulations

This new article will address development standards. It will be applicable primarily to individual, non-agricultural lots, with some concepts such as connectivity and perimeter landscaping applying to larger aspects of project design. This article will incorporate some standards that currently exist, such as parking standards and flood hazard regulations, and we will work with planning and development staff to identify additional topics for inclusion, such as sustainability, connectivity, and natural resource protection requirements. We will include some baseline design and screening standards for non-residential uses, and also incorporate the rural design guidelines from VISION 2025.

### C. Organization of this Article

The development standards article of the new land development regulations will be organized as follows.

#### 1. Natural Resource Protection (NEW)

This new section will carry forward current standards, such as the riparian buffer, and incorporate regulations for development on ridgelines, address wildfire mitigation requirements, and provide excavation grading and erosion control standards. It could also incorporate multiple provisions recommended by VISION 2025 in the Action Plan: 1) carry forward and update the floodplain and floodway regulations as recommended in VISION 2025, 2) include updated stormwater drainage requirements, 3) suggest regulations for steep slopes, 4) and incorporate regulations for both stream bank stabilization and stream modification (including incorporation of or reference to Kansas Division of Water Resources (DWR) and floodplain

requirements as applicable). Riley County staff is currently revising the floodplain standards to be more consistent with Manhattan's floodplain regulations. The updated County regulations will be included in this section when they are complete.

**2. Sustainability Standards (NEW)**

This proposed new section will consolidate existing development standards and add new standards to address sustainability topics as discussed in theme eight. Examples of topics that could be addressed include: energy efficiency, alternative energy generation (wind and solar systems), solar access, and recycling.

**3. Connectivity (NEW)**

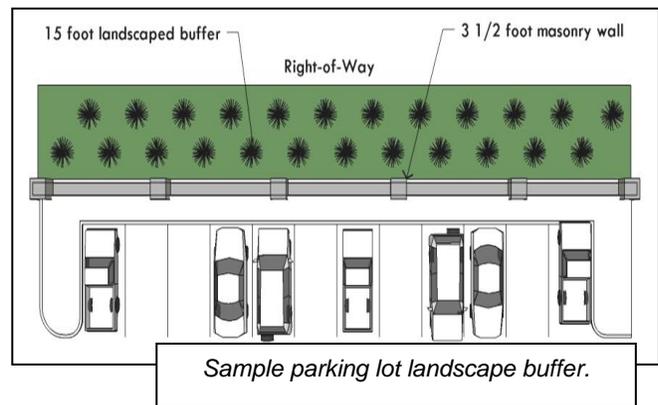
This proposed new section will address connectivity between lots and streets, streets and streets, and overall neighborhood development in the Manhattan urban transition area. It will also include standards for logical street connections throughout the county. We will also examine whether this section will include trail and bikeway standards.

**4. Parking, Loading, and Access Drives**

This section will update and carry forward parking and loading standards, and include standards access drives and internal circulation on rural residential properties.

**5. Landscaping, Buffering, and Screening (NEW)**

This is a proposed new section will contain minimum landscaping provisions primarily addressed to commercial and industrial development. The standards could include a species list appropriate to Riley County that will prevent noxious and invasive species while allowing water tolerant and native species that are appropriate to the Kansas climate. This section will also clearly state that required plantings on commercial and industrial sites be maintained as approved or replaced as necessary. Finally, this section will provide the County with standards for screening non-residential uses (e.g., industrial storage areas) from adjacent uses.



**6. Design Standards**

This section will include standards addressing basic aspects of non-residential building and site design such as site layout, building orientation, building design, and transitions between different development types. It will also incorporate provisions for parking lot design. We will discuss with staff whether to incorporate design standards for mixed-use development, a development category that may be

appropriate in the unincorporated townships or the Manhattan transitional area. Design requirements for accessory structures will also be included in this section. We will explore with staff and the project steering committee the extent to which this section should also include the rural design guidelines from VISION 2025.

Objective standards will be provided wherever possible. In some sections, we will work with planning and development staff to create a menu-based approach that includes a list of options from which applicants can choose their preferred approach (e.g., plant mix). This section will also be linked to the alternative equivalent compliance procedure that will allow applicants to submit alternative designs that still meet the approval criteria to encourage flexibility and innovation.

**7. Parks and Open Space**

This new section will provide a method for the County to require the dedication of land in multi-lot subdivisions for public parks and open space in support of the recommendations of VISION 2025. The new standards will create specific descriptions of what does and what does not qualify as appropriate land for dedication and will establish a fee in-lieu system that can be used when on-site dedication is not feasible or appropriate. The requirement for amounts of public parkland to be dedicated will be based on local calculation that we will work with staff to create.

**8. Fire Suppression (NEW)**

This section will include a range of fire-suppression options for site-design.

**9. Exterior Lighting**

In this section, we will address lighting standards to include straightforward and effective standards that require shielded, downcast lighting that limits light pollution and prohibit flashing or pulsing lights.

**10. Signs**

We will build on the County's recent update to this section and revise the sign regulations to meet recent United States Supreme Court requirements.

## ARTICLE 7: SUBDIVISION DESIGN

---

### A. Existing Regulations and Recommended Changes

The County has been in the process of updating the subdivision regulations for a number of years. The existing subdivision design standards are outdated and insufficient to address many of the development issues that the County faces. These standards need to be almost completely replaced and integrated with the general development standards in Section 6.

### B. Overview of this Article in the New Regulations

In this section, we will carrying-forward a few and update most of the provisions of Section 3: *General Requirements*, Section 4: *Standards of Design*, and we will replace Section 5: *Street Construction and Design* with reference to the Riley County Standards for Roadway Design in Platted Subdivisions prepared by the public works department. We will also work with staff to create “county-appropriate” design standards that are based on rural development patterns. Where design and development standards could be applicable to either subdivision or site planning of an existing platted lot, the standards will be relocated to the development standards section, with a cross-reference here. We will also incorporate a provision that prevents a lot layout that will make compliance with the development standards (e.g., stream setbacks, ridgeline protection) difficult to achieve.

#### Recommended Changes

- Identify all of the necessary subdivision design requirements, including lot layout, water and sewer provision, utilities, and stormwater.
- Specify requirement guarantees and agreements.
- Reference Riley County Standards for Roadway Design in Platted Subdivisions.

### C. Organization of this Article

The subdivision design article will be organized as follows.

#### 1. General Provisions

This section will incorporate and update existing subdivision Section 1: *Purpose, Authority, and Jurisdiction*. We will also identify relevant County standards and specifications manuals, and identify how subdivision applications must comply with other standards in the land development regulations.

#### 2. Layout and Design Generally

This section will include a prohibition on subdividing in natural hazard areas (e.g., open quarries, areas subject to rock slides, floodplain); regulations that require the coordination of adjacent subdivisions from an existing subdivision Section 4, *Standards of Design*; driveway and access standards, and standards for the design of lots for rural areas, some of which will be carried forward from existing Section 4.

**3. Streets**

This section will reference the Riley County Standards for Roadway Design in Platted Subdivisions and any relevant standards from existing Section 4, *Standards of Design*.

**4. Water Supply and Sewage Disposal**

This section will carry-forward the basic regulations found in subdivision Section 3, *General Requirements*, and Section 4, *Standard of Design*, and enhance them as necessary to clearly identify the County’s water and sewer requirements for subdivision design.

**5. Utility Requirements**

This section will incorporate and update the basic utility requirements for new subdivisions from existing subdivision Section 3.

**6. Stormwater Drainage (NEW)**

Many communities incorporate their stormwater drainage regulations into either the subdivision design or development standards of the land development regulations. We will discuss with staff whether this would be a useful addition to the regulations.

**7. Construction and Dedication of Improvements (NEW)**

In this section we will identify the County’s process for the approval of construction and requirements for dedication of improvements. Including this information is helpful to allow applicants to understand the entire subdivision process.

**8. Improvement Guarantees and Subdivision Improvement Agreements (NEW)**

This section will reflect the County’s process for requiring a guarantee for the construction and maintenance of subdivision improvements.

---

**ARTICLE 8: VIOLATIONS, ENFORCEMENT, AND PENALTIES**

---

**A. Existing Regulations and Recommended Changes**

The existing enforcement provisions contain only minimum guidance regarding zoning enforcement and are silent regarding subdivision enforcement. In zoning Section 21.2.d, the County Zoning Officer is granted the authority to: “conduct inspections of buildings, structures, and uses of land to determine compliance with the provisions of these regulations and to order in writing the remedying of any condition found to exist in violation of any provision of these regulations.” And in zoning Section 21.2.e, further granted the authority to “institute appropriate action or proceedings to prevent, restrain, correct, or abate unlawful development, construction, use, or occupancy of buildings, structures, or land.” While both of these provisions can be broadly interpreted, it is generally helpful to both the staff and the public to more explicitly identify methods and options for

Recommended Change
<ul style="list-style-type: none"><li>The new land development regulations should include more detailed provisions about violations, enforcement, and penalties.</li></ul>

enforcement. We recommend that the new land development regulations include the changes identified in the box above.

## **B. Overview of this Article in the New Land Development Regulations**

This updated article will build on the current zoning Section 21: *Administration and Enforcement* as well as incorporating any policy information maintained by the county counselor. We will draft a clear statement of what actions or non-actions constitute a violation of the new land development regulations and provide a detailed listing of the broad range of penalties and remedies available to the County pursuant to Kansas law. We will also discuss further with staff and the county commission the concept of creating a “code court” to address zoning and subdivision violations.

## **C. Organization of this Article**

The violations, enforcement, and penalties article of the new land development regulations is organized into the following subsections.

### **1. Violations**

This section will identify the various types of violations of the new land development regulations.

### **2. Enforcement and Penalties**

This section will identify the County’s options for enforcement and penalties. We anticipate broadening the existing enforcement language to: 1) describe the applicability of the enforcement provisions; 2) describe how enforcement takes place; 3) list potential land development regulation violations; 4) identify remedies and penalties in detail; and 5) specify procedures for enforcement actions.

## **ARTICLE 9: DEFINITIONS**

---

### **A. Existing Regulations and Recommended Changes**

The land use definitions are currently located in Section 2 of the existing zoning regulations and Section 2 of the existing subdivision regulations. The definitions appear to be in keeping with the uses and concepts listed in the existing regulations, and most likely need to be updated as the regulations are updated. As with many codes of this age and years of use, some regulatory provisions have worked their way into the definitions. For example, the definition of “child care” includes an entire regulatory description of the various types of facilities and licensing requirements, and the definition of “collection centers and storage for recyclable materials” describes limits on processing and hazardous materials, requirement that the use be located in a building, and restrictions on hours of operation. These will need to be moved back to the appropriate sections of the new regulations. Some definitions have also been included in the text of the regulations, such as the definitions adopted with the new AG district, that need to be consolidated with the rest of the definitions.

#### **Recommended Changes**

- Review existing definitions to keep, update, or eliminate regulatory provisions.
- Combine all definitions in single section at the end of the land development regulations.
- Incorporate standards for construction and interpretation.

Additionally, with the many new types of regulations we have recommended in this Diagnosis, there will be new definitions to add to this section. We recommend that the new land development regulations include the changes described in the box above.

## **B. Overview of this Article in the New Land Development Regulations**

We propose updating and moving all of the definitions to the last article of the land development regulations. Our experience with codes suggests that readers are more likely to look for defined terms at the end of a document, similar to glossaries found in the back of many technical books.

Clear definitions of important words, phrases, and uses not only make life easier for those who must interpret and administer the regulations, they also make it much easier for the general public who need to know what is permitted and/or required but may not have as complete an understanding of development regulations as staff, public officials, and frequent land development regulation users (e.g., developers, builders, and consultants).

This article will contain three sections, as described briefly below. This article will be based in part on the existing definitions found in the current zoning and subdivision regulations, that we will revise and add to as necessary to ensure that the definitions are comprehensive and do not contain substantive or procedural requirements. We will verify that key definitions conform to federal and Kansas constitutional requirements. We will also verify that definitions of terms related to requirements of federal or state law conform to applicable provisions of those laws.

## **C. Organization of This Section**

The definitions article of the new land development regulations is organized into the following subsections.

### **1. Rules of Construction**

This section will incorporate and build upon language from the existing zoning and subdivision sections 2 and incorporate instructions such as: a hierarchy of precedence (i.e., text controls over illustration), the meaning of common regulatory words (i.e., “may,” “should,” and “shall.”), the ability to delegate (i.e., the Riley County Planning and Zoning Director shall include the director or the director’s designee), and the computation of time under the land development regulations.

### **2. Interpretation**

This section will address methods to resolve general issues that arise in the interpretation of terms related to the land development regulations.

### **3. Definitions**

This section will include definitions related to uses, use categories, and terms that require definition. We will reconcile any conflicting definitions and add terms that are used but not defined in the land development regulations. We will also work with the County to include definitions for “problem” terms, such as principal use, that will help with administration and enforcement of the land development regulations.

## **APPENDICES**

---

The new land development regulations may include appendices of information that are inappropriate to incorporate into the main body of the document. Examples of common appendices include, but are not limited to, lists of approved plant materials, approved screening, types of fences, submittal requirements, fees, and other documents adopted as supplements to the land development regulations.