

AGENDA

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, January 9, 2017
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 November 14, 2016 meeting.
2. Consider the Report of Fees for the November 2016 and December 2016.

III. GENERAL AGENDA - RILEY COUNTY BOARD OF ZONING APPEALS/RILEY COUNTY PLANNING BOARD

1. Election of Officers and appointment of Secretary

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

IV. GENERAL AGENDA - RILEY COUNTY BOARD OF ZONING APPEALS

(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. Public Hearing to consider the request of David & Nancy Parker, petitioners and owners, for a **Zoning Appeal** of the denied request for an agricultural exemption to allow for an additional house on a developed tract of land in the "AG" (Agricultural District) zoning designation. **ACTION NEEDED: Reverse/Affirm the administrative decision or Table the appeal request for specific reasons and to a date certain.**

V. 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. Public Hearing at the request of Ronald K. Brown, petitioner, and Ronald K. & Sharon K. Brown Trust, owners, to receive a **Residential Use Designator – Reconversion Lot and plat** a 3.3-acre tract of land in Zeandale Township, Section 21, Township 10 South, Range 9 East, in Riley County, Kansas. **ACTION NEEDED: Approve/deny a Residential Use Designator – Reconversion Lot and approve/deny Concurrent Plat of Better Than I Deserve Addition.**
2. Zoning and Subdivision Regulations re-write update.
3. Big Blue Floodplain Management Plan update.
4. Fort Riley Joint Land Use Study update.
5. Corridor Overlay Districts update.
6. State of Kansas Agritourism Task Force.

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

MINUTES

RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

Monday, November 14, 2016
7:30 pm

Courthouse Plaza East
Commission Meeting Room
115 North 4th Street

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

Members Absent: John Wienck

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

Others Present: Randall K. Phebus, Cole and Whitney Phebus, Randy Glenn and Marvin
Rodriguez

OPEN PUBLIC COMMENTS

None

CONSENT AGENDA

The minutes of the October 10, 2016 meeting were presented and approved. The Report of Fees the month of October (\$2,450.00) were presented and approved.

Diane Hoobler 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. Tom Taul seconded. Carried 4-0.

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.

Phebus – Plat

Lorn Clement opened the public hearing at the request Cole and Whitney Phebus, petitioners, and Randall K. and Cynthia M. Phebus, owners, to plat a tract of land in Wildcat Township, Section 6, Township 10 South, Range 7 East, in Riley County, Kansas.

Mr. Isaac presented the request stating the Applicant wishes to plat a 9.7-acre tract of land into two (2) lots with the intent to allow construction of an additional house. Mr. Isaac described the background, location and physical characteristics of the proposed tract.

Mr. Isaac stated the subject property is located within the Fort Riley Noise Zone or LUPZ. He explained that since there is not a request to rezone or a requirement for an R-PUD zoning designation, there isn't a mechanism to require a Fort Riley, Kansas Military Impact Real Estate Disclosure form be filed with the Register of Deeds as part of the petition process.

Staff recommended approval of the request to plat the subject site into two (2) lots, as it was determined that all requirements of the Riley County Subdivision Regulations, Zoning Regulations and Sanitary Code have been met.

The Applicant had no comments.

There were no other proponents or opponents.

Diane Hoobler moved to close the public hearing. Tom Taul seconded. Carried 4-0.

Tom Taul moved to approve Petition #16-14 to plat said tract of land into two (2) lots for the reasons listed in the staff report.

John Osarczuk seconded. Motion carried 4-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on November 28, 2016, at 9:00 am, in the County Commission Chambers.

Update on Zoning and Subdivision Regulations re-write

Monty Wedel stated staff is working with the consultant on the Use Table and hope to have a draft available early December.

Update on Big Blue Floodplain Management Plan

Nothing to update from the last meeting.

Update on Fort Riley Joint Land Use Study

Monty Wedel said there will be a meeting early December to meet with the consultant.

Update on Corridor Overlay Districts

Nothing to update from the last meeting.

State of Kansas Agritourism Task Force

Monty Wedel stated a letter has been issued from Secretary of the Kansas Department of Wildlife, Parks and Tourism that State of Kansas Registered Agritourism Operator activities should be exempt from zoning regulations. He said this letter will be given to all registered operators and that Johnson County has already received one.

Mr. Wedel said Clancy Holeman, Riley County Counselor, has responded with a letter to their attorneys stating administrative regulations must be followed and the Secretary of the Kansas Department of Wildlife, Parks and Tourism has no authority to comment on zoning matters.

Mr. Wedel stated the Kansas Association of Counties Annual Conference is being held this week and explained the General Counsel and Director of Legislative Services for the Association, Melissa Wangemann, is aware of the situation. He reported that Ben Wilson, Chair of the Board of County Commissioners is going to present what has happened to the Legislative Committee to discuss whether or not KAC will have a position if legislation is proposed next year.

Diane Hoobler moved to adjourn. Tom Taul seconded. Carried 4-0.

The meeting was adjourned at 7:47 P.M.



**RILEY COUNTY
PLANNING & DEVELOPMENT**

REPORT OF FEES

November 2016

<u>DATE</u>	<u>NAME</u>	<u>AMOUNT</u>
11-01-2016	Schurle, Water Screening Report	\$ 10.00
11-01-2016	Bob's Plumbing, Water Screening Report	8.00
11-02-2016	Bob's Plumbing, Water Screening Report	8.00
11-03-2016	Foster, Water Screening Report	18.00
11-03-2016	Scroggs, Building Permit #16-0098	150.00
11-03-2016	Cat Cans, Repair Permit	75.00
11-04-2016	Mann, Radon Test	5.00
11-04-2016	Paquette, Environmental Site Evaluation	100.00
11-07-2016	McNulty, Water Screening Reports x 4	32.00
11-07-2016	Stallman, Water Screening Report	12.00
11-07-2016	Anderson, Copies	1.50
11-09-2016	Lenz, Water Screening Report	22.00
11-09-2016	Pottawatomie County, Water Screening Reports x 10	100.00
11-10-2016	Verschelden, Water Screening Report	22.00
11-10-2016	Ludwig, Water Screening Report	8.00
11-14-2016	Jones, Percolation Test	300.00
11-14-2016	Ryan & Sons Realtor, Environmental Site Evaluation	100.00
11-14-2016	Thomas, Water Screening Report	8.00
11-14-2016	Brickei, Water Screening Report	10.00
11-14-2016	JACO Inc, Building Permit #16-0099	150.00
11-15-2016	Scardina, Building Permit #16-0100	150.00
11-16-2016	North Crest, Mobile Home Park License	60.00
11-16-2016	Cat Cans, Repair Permit	75.00
11-17-2016	Sunflower Bank, Environmental Site Evaluation	100.00
11-18-2016	Whitney, Building Permit #16-0095	150.00
11-21-2016	Simmons, Water Screening Report	10.00
11-21-2016	Brown, Residential Use Designator, Plat & Utilities	410.00
11-22-2016	Leonard, Repair Permit	75.00
11-22-2016	Parker, Zoning Appeal	200.00
11-22-2016	McNulty, Water Screening Report	16.00
11-28-2016	Orcutt, Environmental Site Evaluation	100.00
11-28-2016	SMH Consultants, Well Permit (Baumgartner)	75.00
11-28-2016	Curtis, Water Screening Report	12.00
11-30-2016	Riverchase, Mobile Home Park License	300.00
	TOTAL	\$2,872.50

DEPOSITS MADE:

11-03-2016	\$ 225.00
11-10-2016	316.50
11-14-2016	22.00
11-17-2016	75.00
11-18-2016	1,036.00
11-23-2016	711.00
11-30-2016	487.00
TOTAL	\$2,872.50



**RILEY COUNTY
PLANNING & DEVELOPMENT**

REPORT OF FEES

December 2016

<u>DATE</u>	<u>NAME</u>	<u>AMOUNT</u>
12-01-2016	O'Callaghan's, Mobile Home Park License	\$ 40.00
12-05-2016	Foster, Water Screening Report	2.00
12-06-2016	McCabe, Water Screening Report	10.00
12-06-2016	Jones, Mobile Home Park License	25.00
12-06-2016	Jones, Mobile Home Park Utility Evaluation	100.00
12-06-2016	Maldonado, Repair Permit	75.00
12-07-2016	Morrand, Building Permit #16-0101	150.00
12-09-2016	BAM Excavation, Private Wastewater Disposal System Installer License	50.00
12-09-2016	Jay White Excavating, Private Wastewater Disposal System Installer License	50.00
12-09-2016	A-1 Rental Inc, Septage Hauler License	50.00
12-09-2016	Cohen, Water Screening Report	20.00
12-09-2016	Venum, Profile/Site Evaluation	150.00
12-12-2016	Marker, Building Permit #16-0102	150.00
12-13-2016	Cat Cans, Repair Permit	75.00
12-13-2016	Engle, Mobile Home Park License	25.00
12-13-2016	Broeckelman, Water Screening Test	8.00
12-13-2016	Wild, Mobile Home Park License	180.00
12-14-2016	Frankfort Porta, Septage Hauler License	50.00
12-14-2016	Verschelden, Water Screening Report	8.00
12-15-2016	Kieffaber, Water Screening Report	12.00
12-19-2016	SMH Consultants, Profile/Site Evaluation	150.00
12-19-2016	Laird, Repair Permit	75.00
12-20-2016	Leonard Backhoe, Private Wastewater Disposal System Installer License	50.00
12-20-2016	Gideon Excavating, Private Wastewater Disposal System Installer License	50.00
12-21-2016	Larson Construction, Excavation License	150.00
12-21-2016	Tim's Backhoe, Private Wastewater Disposal System Installer License	50.00
12-22-2016	Lee Plumbing, Private Wastewater Disposal System Installer License	50.00
12-23-2016	Larson Construction, Private Wastewater Disposal System Installer License	100.00
12-27-2016	Kieffaber, Environmental Site Evaluation	100.00
12-27-2016	Johnson Excavation, Private Wastewater Disposal System Installer License	50.00
12-27-2016	Hartford Sand & Gravel, Excavation License	150.00
12-28-2016	L&L Trenching, Private Wastewater Disposal System Installer License	50.00
12-28-2016	Greg & Theresa LLC, Excavation License	150.00
12-28-2016	Advanced Property Management, Water Screening Report	10.00
12-29-2016	Cat Cans, Private Wastewater Disposal System Installer License & Septage Hauler License	100.00

12-29-2016	Brenner Excavating, Private Wastewater Disposal System Installer License	50.00
12-29-2016	Coberly, Variance	300.00
12-30-2016	Reid Plumbing, Private Wastewater Disposal System Installer License	50.00
12-30-2016	Mid-American Plumbing, Private Wastewater Disposal System Installer License	50.00

TOTAL

\$2,965.00

DEPOSITS MADE:

12-09-2016	\$ 572.00
12-14-2016	75.00
12-21-2016	12.00
12-23-2016	1,246.00
12-30-2016	1,060.00

TOTAL \$2,965.00

Permit #	App Date	Ownr	Property Address	City & Zp	Type of Bldg	Use of Bldg	Type of Permission	Inside DGA	Amnt Paid	Const Cost
16-0097	11/01/2016	Don & Charlotte Olson	17050 Tuttle Creek Blvd	Randolph (66554)	Barn	Pole barn			\$0.00	\$27,000.00
16-0098	11/03/2016	Ken & Cathy Scroggs	3841 W 69th Ave	Manhattan (66503)	Barn	Hay storage			\$150.00	\$16,000.00
16-0095	11/07/2016	Harry Whitney	6545 Gumbo Hill Rd	Manhattan (66503)	Storage (residential)	Lawn mowers & residential storage			\$150.00	\$25,965.00
16-0099	11/14/2016	COPEFT LLC	12535 Madison Rd	Riley (66531)	Addition (residential)	Finishing basement w/4 bedrooms & bathroom			\$150.00	\$5,000.00
16-0100	11/15/2016	Ryan & Kelli Smith	6440 Stockdale Park Rd	Manhattan (66503)	Addition (residential)	Garage w/2nd floor bedroom			\$0.00	\$100,000.00

Permit #	App Date	Ownr	Property Address	City & Zp	Type of Bldg	Use of Bldg	Type of Permission	Inside DGA	Amnt Paid	Const Cost
16-0101	12/07/2016	Terry Jr. & Shari L. Morrand	1903 Sod Ln	Manhattan (66502)	Storage (residential)	Carport			\$150.00	\$2,400.00
16-0102	12/12/2016	Gordon B & Wendy J Garlick	3214 Buffalo Rd	Manhattan (66503)	Addition (residential)	Bed Room, expanding living area			\$150.00	\$60,000.00
16-0103	12/15/2016	Matt & Bronwyn Douglas	1881 Pillsbury Dr	Manhattan (66502)	Miscellaneous	Workout area/home gym			\$150.00	\$3,000.00
16-0104	12/27/2016	County of Riley	12620 Fancy Creek Rd	Randolph (66554)	Miscellaneous	Equipment storage			\$0.00	\$40,000.00



PLANNING & DEVELOPMENT

STAFF REPORT

Appeal

PETITION: (#17-01) Appeal

APPLICANT: David and Nancy Parker
2880 Deep Creek Rd
Manhattan, KS 66502

PROPERTY OWNER: David and Nancy Parker
2880 Deep Creek Rd
Manhattan, KS 66502

REQUEST: Appealing the denied request for an agricultural exemption to allow for an additional house on a developed tract of land.

SIZE OF TRACT: The subject site is approximately 132 acres.

LOCATION: Generally located approximately 1700 feet north of Daniels Drive, on the east side of Pleasant Valley Road; Section 6, Township 11 South, Range 9 East; Zeandale Township.



BACKGROUND: The applicant is appealing the decision denying a request for an agricultural exemption to allow for an additional house on a developed tract of land located in Section 6, Township 11 South, Range 9 East; Zeandale Township (see Figure 1). The property has been zoned “AG” (Agricultural District) since 1974.



Figure 1

FACTS:

- Riley County Planning & Development received a complete Application for Agricultural Exemption for a Residence, with or without a Subdivision on April 26, 2016 (see attached).
- As part of the application submittal, the applicant provided a written explanation of the history of the tract, current and proposed use of the tract, and reasons why a new house was necessary. He also stated that rental income from the existing house is part of their retirement plan.
- Staff (Monty Wedel, Bob Isaac, Steve Higgins and Lisa Daily) and Riley County Planning Board member John Wienck, reviewed the application and ascertained that the new residence will be for the use of the applicant; however, the existing home will be used strictly as a rental with no apparent involvement with the agricultural operation.
- Staff and Mr. Wienck were in unanimous agreement the application should be denied due to the existing non-agricultural home. The application for an agricultural exemption for an additional residence was therefore denied on May 3, 2016 (see attached), based on the following reason(s):
 - o The existing home will remain a non-agricultural residence;
 - o The existing home could be converted or replaced with an agricultural residence;

- It is not the purpose of the agricultural exemption to promote the continued use of a strictly non-agricultural rental property, but to provide only what is needed to support the agricultural operation.
- Staff held a meeting with the applicant on October 31, 2016, to further clarify the applicant’s intentions and to discuss the reasons for denial based on the Riley County Zoning Regulations (see below). Staff suggested the option of separating the existing home from the parent tract and applying for a Residential Use Designator Lot – Extraneous Farmstead. Staff also suggested limiting the tenants of the existing home to those directly involved with the agricultural operation. The applicant stated that he was not interested in either option.
- The applicant filed a petition to appeal the decision denying the request for an agricultural exemption on November 22, 2016.

RILEY COUNTY ZONING REGULATIONS

Section 3 – General Requirements

1. No building or structure shall be erected, moved, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose other than is permitted in the zone in which such building, structure or land is situated. Only agriculture uses, as defined herein, are exempt from this requirement.
3. Every building hereafter erected, enlarged or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot. In applying the area regulations for a building erected, enlarged, structurally altered or moved, land formerly a part of another lot and not in excess of the area requirements for such other lot shall not be counted.

Section 3a – Determination of Agricultural Use Exemption

5. EXEMPTION FOR A RESIDENCE, WITH OR WITHOUT SUBDIVISION

When a residence is proposed to be constructed on an existing agricultural tract or on any tracts to be created by a subdivision of land, the Director must determine a significant agricultural operation exists or is planned which would warrant a residence to support the operation. In making this determination, the following criteria shall be used:

- a. There must be an agriculture use, as defined herein, on the subject property or on adjoining or nearby property owned or leased by the applicant, which in total constitutes a significant agricultural operation. If the land constituting the agricultural operation is greater than five (5) miles from the proposed location of the residence, the applicant must provide an explanation of how the proposed residence is supporting an agricultural purpose despite its remoteness from the agricultural operation.
- b. A significant agricultural operation cannot be defined in precise terms but shall include the following minimum standards:
 - 1) The applicant must have filed a Schedule F, Profit or Loss from Farming, with the Internal Revenue Service for the preceding year. If the applicant is a new agricultural producer and does not have a record of a Schedule F, the applicant must submit an approved business plan, approved loan from a lending institution or similar documentation demonstrating the applicant’s significant investment in the agricultural operation; and

-
- 2) The amount of land in agriculture use which constitutes the entire agricultural operation of the applicant must be at least three (3) acres.
 - c. The applicant must demonstrate they are “engaged in agriculture”. For purposes of granting the exemption, “engaged in agriculture” shall include, but not be limited to, one or more of the following actions:
 - 1) The applicant must inspect the agricultural operation periodically and furnish at least half the direct cost of the operation;
 - 2) The applicant must regularly and frequently make or take an important part in management decisions substantially contributing to or affecting the success of the agricultural operation;
 - 3) The applicant must perform physical work, which substantially contributes to the agricultural operation.
 - d. Other criteria which the Director may use in determining the appropriateness of granting an agricultural use exemption includes but is not limited to:
 - 1) Amount of livestock owned by the applicant;
 - 2) Amount of agricultural equipment owned by the applicant;
 - 3) Amount of agricultural products produced and sold or exchanged for goods and services;
 - 4) Enrollment in federal or state agricultural programs;
 - 5) Membership in agricultural organizations.

6. EXEMPTION FOR ADDITIONAL RESIDENCE

In determining an exemption for an additional residence, for a family member or a farm or ranch worker, on the same tract as the owner or operator’s residence, the Director shall use the same criteria as listed in subsection 5 above. The Director shall determine the occupant of the proposed additional residence is sufficiently “engaged in agriculture” to warrant the exemption.

PLANNING BOARD ACTION NEEDED: The Riley County Zoning Regulations state:

“The Board shall, in accordance with procedural policies established by the Board, hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made in the enforcement of these regulations. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken and may attach appropriate conditions and may issue or direct the issuance of a permit.

Any person, official or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may, within 30 days after such order or determination, bring action in the District Court of the County to determine the reasonableness of any such order or determination.”

POSSIBLE MOTION(S)

ACTION NEEDED:

- A. **Move** to reverse the administrative decision denying the request for an agricultural exemption to allow for an additional house on a developed tract of land AND to have Planning Staff grant said exemption as requested by the applicant.
- B. **Move** to affirm the administrative decision denying the request for an agricultural exemption to allow for an additional house on a developed tract of land for reasons listed in the staff report.
- C. **Move** to table the request to a specific date, indicating the reasons for tabling.

ATTACHMENTS:

- Vicinity/site map
- Zoning map
- Submitted Application for Agricultural Exemption for a Residence, with or without a Subdivision
- Denial letter from Planning Director

Prepared by: Bob Isaac, Planner – Monty Wedel, Director
December 29, 2016



VICINITY AND SITE

Parker

Appeal #17-01

6-11-9

Legend

-  1000' Buffer
-  Site





SURROUNDING ZONING

Parker

Appeal #17-01

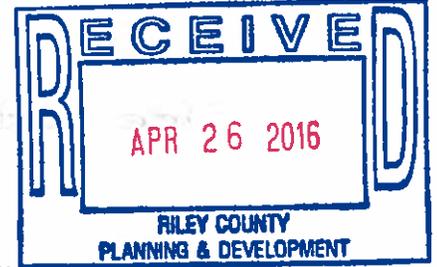
6-11-9

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 | |





#16-05

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

APPLICANT INFORMATION

Name: David Parker Daytime Phone: 580 471 2872
Mailing Address: P.O. Box 65 City, State, & Zip: Lone Wolf, OK 73655
Email Address:

LOCATION DESCRIPTION

Please attach a copy of the most current deed that describes the tract upon which the proposed residence will be located. If a tract is being subdivided to accommodate the proposed residence, attach a copy of the most current deed that describes the parent tract and a legal description of the proposed tract. NW 1/4, 6-11-9

STAFF USE ONLY S-T-R 10-11-9 Appraiser Parcel ID# 283-00-0-00-00-002.000

DESCRIPTION OF TRACT:

Without Subdivision: 132 acres
Tract: Size: 160 acres Existing Use: Agriculture Production
Proposed Use: One home site on non producing area.

With Subdivision:

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

DESCRIPTION OF AGRICULTURAL OPERATION

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

How much land do you own or lease for agricultural production? 370 acres
How much of the operation is over 5 miles from the proposed residence? 160 acres
How many acres are in agricultural production on the tract for the residence? 126 acres

Farm Equipment Owned: Tractor, shredder, sprayer

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

Agricultural Risk Coverage - County Option and
Price Loss Coverage

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

Kansas Livestock Assn.

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

If yes, please explain: Existing residence provides rental income.

APPLICANT ACKNOWLEDGEMENT & SIGNATURE

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

David E. Parker
Applicant Signature

4-17-16
Date

CHECKLIST OF ATTACHMENTS

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

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

Describe how the proposed residence is necessary to support your agricultural operation:

This family farming operation began in 1884 and I am the 5th generation. When my father died, I was living and working out of state, so the farm was leased. The lessee is wanting to slow down and I am moving back home to assume operation of the farm.

Starting in the spring of 2017 I will be leasing haying equipment and providing the labor for the haying operation. The current lessee will continue the marketing of the hay to his established buyers. A small grazing operation is planned for marginal quality land when I have time to repair and build fences.

My mother is 93 years old and will live with us when she can no longer live by herself. The existing residence built in 1870 does not accommodate walkers or wheelchairs. Rental income from the existing residence is part of our retirement plan.



PLANNING & DEVELOPMENT
ENVIRONMENTAL HEALTH

Monty R. Wedel, AICP
Director

110 Courthouse Plaza
Manhattan, Kansas 66502
Phone: 785-537-6332
Fax: 785-537-6331

E-mail: mwedel@rileycountyks.gov
Website: www.rileycountyks.gov/planning

May 3, 2016

David Parker
P.O. Box 65
Lone Wolf, OK 73655

Dear Mr. Parker:

This letter is in response to your application for an agricultural exemption, received in our offices on April 26, 2016, regarding your request to construct an additional residence on an approximately 132-acre tract. The approximate 132-acre tract in question is located in Section 6, Township 11 South, Range 9 East in Riley County, Kansas and is more particularly described in the attached deed and tract map. The application and accompanying documents indicate the new residence is intended for your use, but that the existing home on the tract is strictly used as a rental, with no apparent connection to supporting your agricultural operation.

Since the primary use of the 132-acre tract and the primary purpose of the new residence will be for a person(s) substantially involved with a bona fide agricultural operation, you requested an exemption from the County zoning and subdivision regulation requirements.

Based on the information provided in your application, which indicates that the existing home on the tract is and will remain a non-agricultural residence, we have determined that an exemption is not warranted and is hereby denied. This decision is based upon the fact that the existing home could be converted to or could be replaced with an agricultural residence. It is not the purpose of the agricultural exemption to promote the continued use of a strictly non-agricultural rental property, but to provide only what is needed to support the agricultural operation.

NOTE: You may appeal this denial to the Board of Zoning Appeals if you so desire.

If you have any questions concerning this matter or would like to visit about other options that may be available to you, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Monty R. Wedel". The signature is fluid and cursive, written over a white background.

Monty R. Wedel
Planning & Development Director

Copy: Clancy Holeman, County Counselor
Planning & Development staff
Agricultural Exemptions file

JOINT TENANCY WARRANTY DEED
(Following Kansas Statutory Warranty Form)

This 9 day of December, 2011,

Susan W. Parker, a single person,

of Johnson County, in the State of Kansas

COPY

CONVEYS AND WARRANTS TO:

David D. Parker and Nancy P. Parker, husband and wife,

of Kiowa County, in the State of Oklahoma

as joint tenants with the right of survivorship and not as tenants in common, all the following described real estate, situated in the County of Riley, State of Kansas, to wit:

An undivided one-half interest in and to:

The Northwest Quarter (NW¼) of Section Six (6), Township Eleven (11) South, Range Nine (9) East of the 6th P.M.; AND a tract of land lying in the Northwest Quarter (NW¼) of Section One (1), Township Eleven (11) South, Range Eight (8) East of the 6th P.M., in Riley County, Kansas, more particularly described as follows, to wit: Beginning at a point which marks the intersection of the West line of said Section 1 and the centerline of County Road as set out in Road Book A, Page 116, in the office of the County Engineer of Riley County, Kansas; thence proceed in an easterly direction along the centerline of said County Road to a point which marks the intersection of the centerline of said County Road and the east line of the West 220 feet of the East Half of the Northwest Quarter of said Section 1; thence proceed South along the East line of the West 220 feet of the East Half of the Northwest Quarter of said Section 1 to the center of School Creek; thence proceed in a westerly direction along the center of School Creek to a point marking the intersection of the centerline of School Creek and the West line of said Section 1; thence proceed in a northerly direction along the West line of said Section 1 to the point of beginning. Subject to easements and rights of way of record; *in Riley County, Kansas, LESS 1/2 interest in and to all of the Oil, Gas and Other Minerals in and under and that may be produced therefrom;

for the sum of other valuable considerations and One and no/100 Dollars.

EXCEPT AND SUBJECT TO EXCEPTIONS HEREINBEFORE STATED.

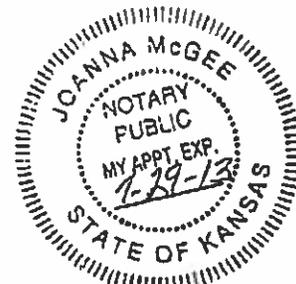
Susan W. Parker
Susan W. Parker

STATE OF Kansas, COUNTY OF Johnson
This instrument was acknowledged before me on December 9, 2011, by Susan W. Parker

Seal

Debra McKeel
Notary Public

My commission expires 7-29-13



COPY

Pillsbury Crossing Rd

David & Nancy Parker
2680 Pleasant Valley Rd
31.6368 acres

Pleasant Valley Rd

School Creek

1%

1%



els Dr

4/27/2016

1%

1%

lsp creek

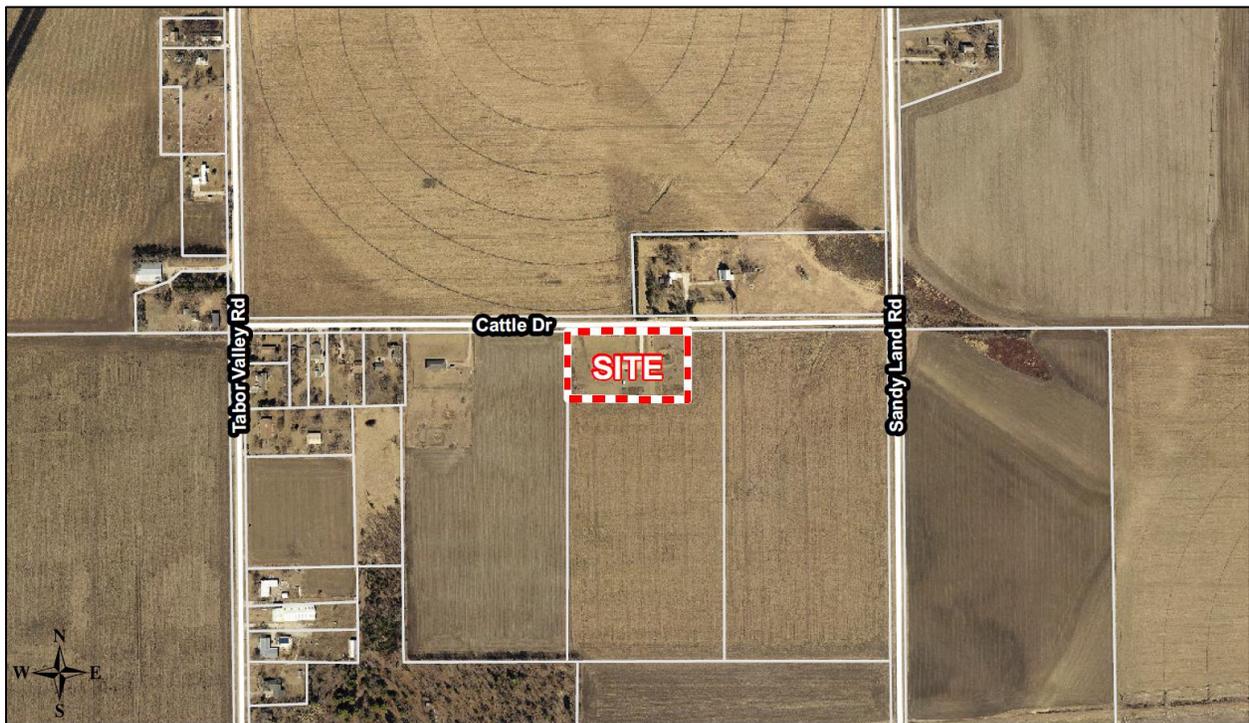


PLANNING & DEVELOPMENT

STAFF REPORT

Platting & Residential Use Designator

- PETITION:** (#17-02) Residential Use Designator - Reconversion Lot
(#17-03) Plat
- APPLICANT:** Ronald K. Brown
5035 Cattle Dr
Manhattan, KS 66502
- PROPERTY OWNER:** Ronald K. & Sharon K. Brown Trust
5035 Cattle Dr
Manhattan, KS 66502
- TYPE OF REQUEST:** Receive a Residential Use Designator – Reconversion Lot and plat a 3.3-acre tract of land.
- SIZE OF TRACT:** The subject site is approximately 3.3 acres.
- LOCATION:** Generally located approximately a ¼ mile east of Tabor Valley Road, on the south side of Cattle Drive; Section 21, Township 10 South, Range 9 East; Zeandale Township.
- JURISDICTION:** This application is subject to the requirements of the Riley County Subdivision Regulations.
-



BACKGROUND: The 20.3-acre subject tract is one of three such tracts subdivided off of a 60-acre parent tract. The 20-acre tract lying west of the subject site was split off and sold January 2007. A building permit was issued on February 2007 for a single family residence constructed on the remaining 40 acres. Soon thereafter, the 20-acre subject site with the home were split off and sold, leaving the remaining 20 acres in agricultural production. The applicant wishes to separate the established homestead/yard from the 20.3-acre subject tract and sell the undeveloped/cropped portion to a neighboring farmer, who happens to be currently leasing that undeveloped portion of the subject tract for crop production (see Figure 1).



Figure 1. Site layout

Physical site characteristics: With the exception of the home and lagoon, the majority of the 20-acre parent tract is predominantly cropland.

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
NORTH	“AG” (Agricultural District)	Residential
SOUTH	“AG” (Agricultural District)	Crops
EAST	“AG” (Agricultural District)	Crops
WEST	“AG” (Agricultural District)	Residential

POTENTIAL IMPACT:

Public Facilities and Services:

Streets and bridges: The subject site is served by Cattle Drive, 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 Wabaunsee Rural Water District #2.

Fire: Riley County Fire District #1 will serve the site. The nearest county fire station is the Zeandale Fire Station (#1), located at 955 Tabor Valley Road, in Zeandale. 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 or associated plat 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 South (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 Residential Use Designator-Reconversion Lot. The conditions for approval are as follows:

1. The site to be divided from the existing agricultural operation should be the minimum required to accommodate the existing residence and any outbuildings or to accommodate a site that is logically separated from the existing agricultural operation. Conversion 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 agricultural tract.
4. The site 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.
5. An Agricultural Protection Easement (APE), as specified in Section 21A, shall be filed with the plat.

Staff analysis: The request is consistent with the above criteria.

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.

COUNTY ENGINEER: The County Engineer has reviewed the request and stated there were no concerns with the request.

STAFF RECOMMENDATIONS:

Staff recommends that the Planning Board approve the request to receive a Residential Use Designator–Reconversion Lot, as it has been determined that it meets the minimum requirements of the Riley County Zoning Regulations. Staff also recommends that the Planning Board approve the concurrent plat of Better Than I Deserve Addition, 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 RESIDENTIAL USE DESIGNATOR:

A. Motion to approve the request to receive a Residential Use Designator-Reconversion Lot, as it has been determined that it meets the minimum requirements of the Riley County Zoning Regulations.

OR

B. Motion to deny the request to receive a Residential Use Designator-Reconversion Lot, as it has been determined that it does not meet the minimum requirements of the Riley County Zoning Regulations.

ACTION NEEDED FOR PLAT:

A. Motion to approve the concurrent plat of Better Than I Deserve Addition, as it has been determined that it meets the requirements of the Riley County Subdivision Regulations.

OR

B. Motion to deny the concurrent plat of Better Than I Deserve Addition, 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
- Preliminary Plat
- Final Plat

Prepared by: Bob Isaac, Planner
December 27, 2016



VICINITY AND SITE

Brown

Residential Use Designator

Reconversion Lot #17-02

**Plat #17-03 Better Than I Deserve
Addition**

21-10-9

Legend

 1000' Buffer

 Site





SF-5

SURROUNDING ZONING

Brown

Residential Use Designator

Reconversion Lot #17-02

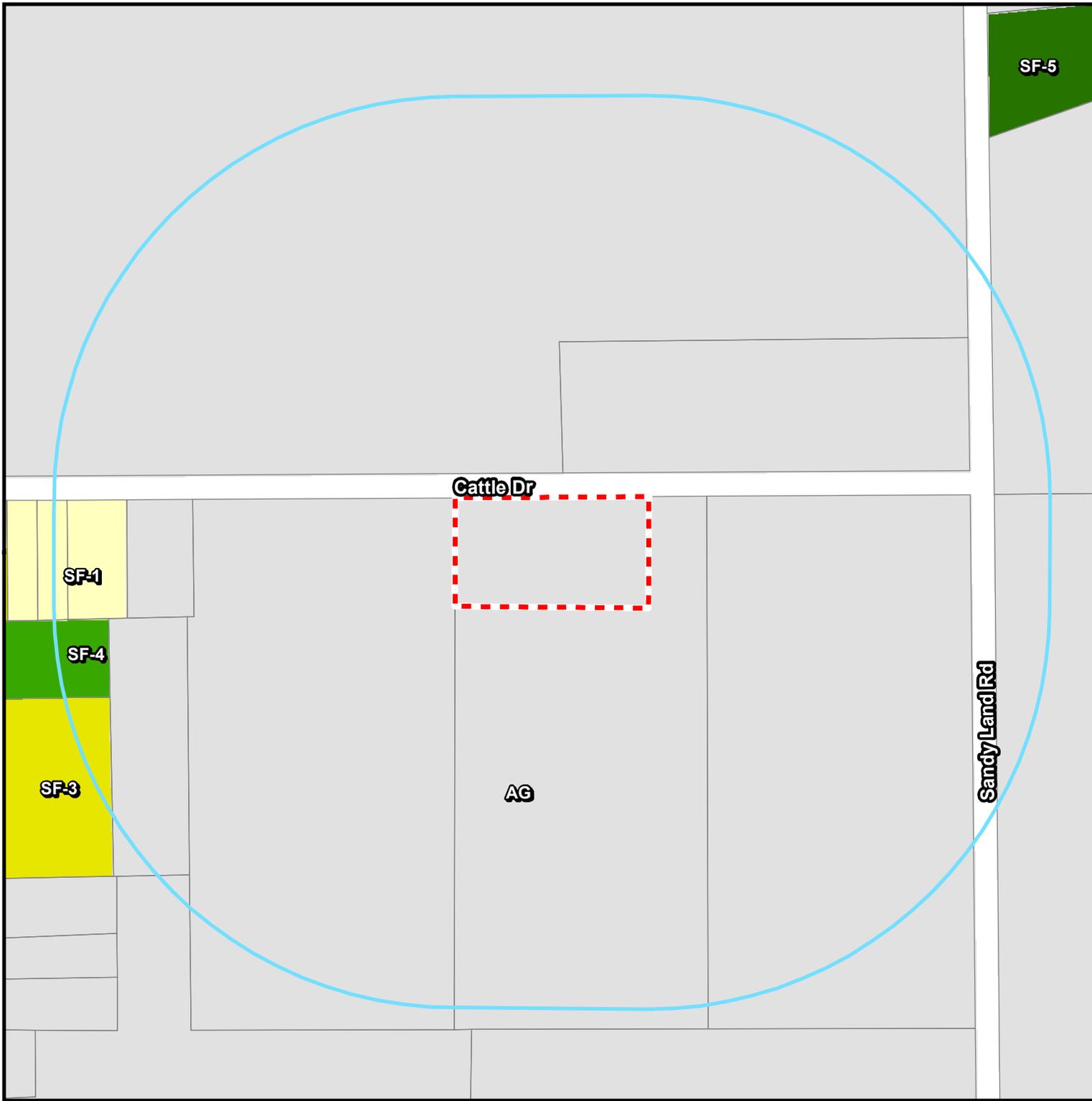
**Plat #17-03 Better Than I Deserve
Addition**

Legend 21-10-9

 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 |  Special Zoning:
Conditional Use
Designator Lot
Special Use
Variance |
|  C-2 Shopping Dist | |
|  C-3 General Business | |
|  C-4 Highway Business | |
|  D-1 Industrial Park | |
|  D-2 Light Industrial | |
|  D-3 Heavy Industrial | |
|  D-4 Business Park | |



Cattle Dr

Sandy Land Rd

SF-1

SF-4

SF-3

AG



FIRE STATIONS

Brown

Residential Use Designator

Reconversion Lot #17-02

Plat #17-03 Better Than I Deserve
Addition

21-10-9

Kaw Rd

N Tabor Valley Rd

Cattle Dr

SITE

Tabor Valley Rd

Sandy Land Rd

Zeandale Rd

Zeandale
Fire Station

E 56th Ave

 Fire Station

 Within 5 Miles
of a Fire Station

 Not within 5 Miles
of a Fire Station

Description:

A tract of land in the North Half of the Southwest Quarter of Section 21, Township 10 South, Range 9 East of the Sixth Principal Meridian, Riley County, Kansas described as follows:

Beginning at a point that is S 89°50'22"E 1322.75' from the Northwest Corner of the Southwest Quarter of said Section 21; thence S 89°50'22"E 483.06 feet along the North Line of the Southwest Quarter of said Section 21; thence S 00°06'32"E 297.59 feet; thence N 89°50'22"W 483.11 feet; thence N 00°05'59"W 297.59 feet to the point of beginning, containing 3.3 acres.

Subject to easements and restrictions of record.

OWNER'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RILEY) SS

This is to certify that the undersigned is/are the owner(s) of the land hereon described on this plat, and that said owner(s) has/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 _____, 2017.

Revocable Intervivos Trust Indenture, Dated August 31, 2010

Ronald K. Brown, Trustees

Sharon K. Brown, Trustees

NOTARY CERTIFICATE

STATE OF KANSAS)
COUNTY OF RILEY) SS

BE IT REMEMBERED, that on this _____ day of _____, A.D. 2017, before me, the undersigned, a notary public in and for the County and State aforesaid, came

Ronald K. Brown and Sharon K. Brown, as Trustees of the Revocable Intervivos Trust Indenture, dated August 31, 2010

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: _____

CERTIFICATE OF THE COUNTY COMMISSION

STATE OF KANSAS)
COUNTY OF RILEY) SS

Approved this _____ day of _____, 2017. Board of Commissioners, Riley County, Kansas.

Chairperson

Commissioner

Commissioner

Attest: County Clerk

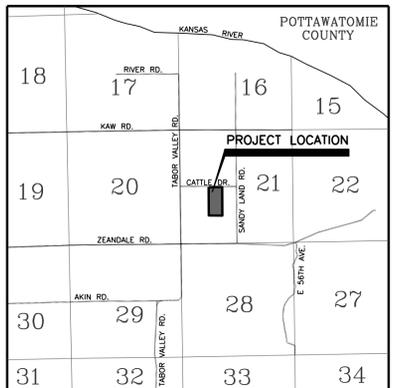
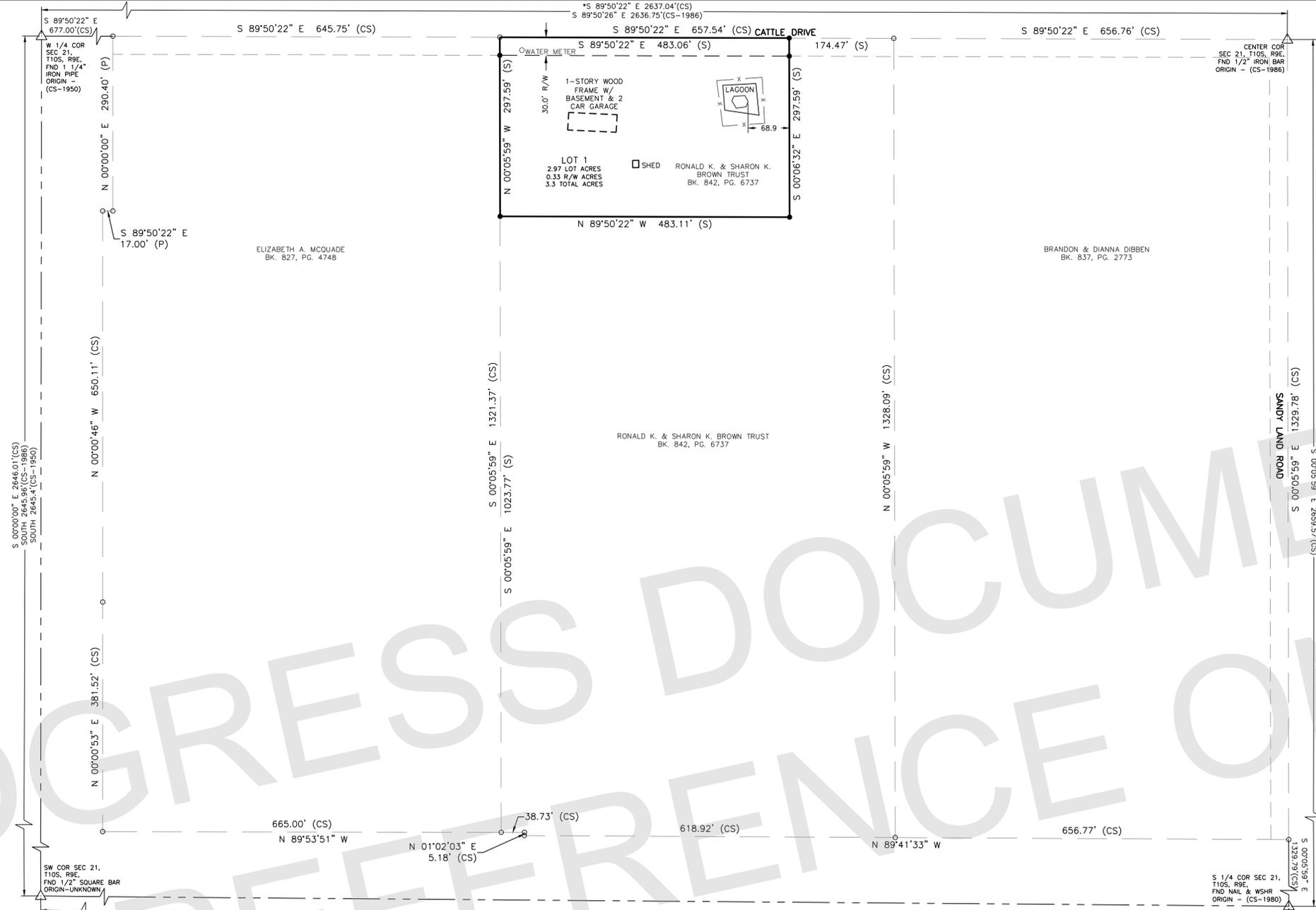
CERTIFICATE OF THE REGISTER OF DEEDS

STATE OF KANSAS)
COUNTY OF RILEY) SS

This instrument was filed for record on the _____ day of _____, A.D. 2017, at _____ o'clock _____ M. and duly recorded in Book _____ on Page _____.

Register of Deeds

Deputy



VICINITY MAP (NOT TO SCALE)

NOTE: 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 15 inches.

All persons, entities and/or utility companies, having property rights or interests in any alley, road/street, easement, access control or other public reservation proposed to be vacated by this plat, have affirmed no existing use or future interest in such alley, road/street, easement, access control or other public reservation, and expressed no objections to such vacation.

Property owner(s) is/are required to maintain all publicly granted drainage easements. Natural or non-natural structures or vegetative barriers (including but not limited to trees, shrubbery, berms, fences and walls) are prohibited within publicly dedicated drainage easements.

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

No gaps or overlaps exist.

Bearings used for this survey were based on the North line of the SW Quarter of Section 21, T10S, R9E, being assumed S 89°50'22" E.

There are no lines of possession that affect this survey.

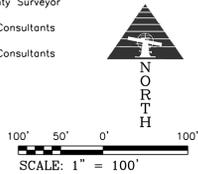
Parent Tract is recorded in Book 842, Page 6737, Register of Deeds Office, Riley County, Kansas.

Zoning: 'AG' (Agricultural District)

FLOOD INFORMATION NOTE: Flood Zone X, an area determined to be outside the 0.2% annual chance floodplain, FEMA FIRM (Flood Insurance Rate Map) Community Panel Number 2016100391G, Effective Date, March 16, 2015.

UTILITY NOTE: Any utility company that locates facilities in any easement shall have the right to prune, remove, eradicate, cut and clear away any trees, limbs, vines and brush on the utility easement now or at any future time and to prune and clear away any trees, limbs, vines and brush on lands adjacent to the utility easement whenever in the utility company's judgment such may interfere with or endanger the construction, operation or maintenance of its facilities, together with the right of ingress to and egress from the utility easement and contiguous land subject to this plat for the purpose of surveying, erecting, constructing, maintaining, inspecting, rebuilding, replacing and with or endangering the construction, operation or maintenance of said facilities.

- LEGEND
O - Monument Found (1/2" Rebar).
Origin - Certificate of Survey by Sloan and Meier dated Jan. 2007
- 1/2"x24" Rebar w/LS66 Cap Set
- Section Corner, NOTE: All section corner monument origins are unknown unless otherwise noted.
- Assumed Bearing
(S) - Surveyed Dimension
(CS) - Surveyed Distance by Sloan Meier Hancock dated January 2007
(CS-1950) - Surveyed Distance by County Surveyor dated September 1950
(CS-1980) - Surveyed Distance by BG Consultants dated August 1980
(CS-1986) - Surveyed Distance by BG Consultants dated March 1986



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.062913-58. No other warranties are extended or implied.

Approved: _____ License Number: _____ Date: _____

RILEY COUNTY PLANNING BOARD CERTIFICATE

STATE OF KANSAS)
COUNTY OF RILEY) SS

Approved this _____ day of _____, A.D. 2017. Riley County Planning Board.

Chairperson

Member

Member

Member

Member

APPROVAL OF COUNTY OFFICERS

STATE OF KANSAS)
COUNTY OF RILEY) SS

County Engineer

County Counselor

Environmental Health Specialist

SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF RILEY) SS

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., 2017.

SMH Consultants
By: Tim Sloan

Tim Sloan, P.S.
President



Final Plat
BETTER THAN I
DESERVE ADDITION
in the SE Quarter of Section 21,
T10S, R9E, Riley County, Kansas



2017 Vonesta Place, Suite 110 • Manhattan, Kansas 66503
(785) 776-0541 • FAX 776-9760 • Email: tim@sloanandmeier.com
Project #1611MN1238 DD #TD554

JANUARY 2017