

## MINUTES

### RILEY COUNTY PLANNING BOARD

**Monday, February 8, 2010  
7:30 pm**

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

Members Present: Jon Larson, Chair  
Lorn Clement  
Tom Taul  
Diane Hoobler  
Julie Henton

Members Absent:

Staff Present: Monty Wedel - Director, Bob Isaac – Planner; Lisa Ruthstrom –  
Administrative Assistant

Others Present: Richard Jahnke, Russell Simons, Karla Simons, Roger Stevens, Nancy  
Lee, Anne Smith, Tom Orazem, Lea Westervelt, Darrell Westervelt and  
Vinton Visser

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### **OPEN PUBLIC COMMENTS**

None.

### **CONSENT AGENDA**

The minutes of the January 11, 2010 meeting were presented and approved. The Report of Fees for the month of January (\$540.00) were presented and approved.

### **Riley County Area Transportation Agency – Special Use Authorization**

Jon Larson opened the public hearing at the request of the Riley County Area Transportation Agency, petitioner and Board of Commissioners of Riley County, KS, owner, for a Special Use Authorization to permit the construction and operation of an Area Transportation Agency bus transit facility (offices, maintenance and storage).

Bob Isaac presented the staff report. Mr. Isaac indicated the location of the subject site is at the County Shops site, at the southwest corner of the intersection of Tuttle Creek Boulevard and Marlatt Avenue and is slightly less than three acres in size. Mr. Isaac explained that the Kansas Department of Transportation received 30 million dollars through the American Recovery and Reinvestment Act, specifically to fund various transit projects across the State of Kansas. Mr.

Isaac stated that in 2009, Riley County ATA applied for a \$2 million grant in the ARRA funding in order to build this transit facility. Mr. Isaac explained that as part of the grant requirements, the Federal Transit Administration or FTA suggested that an appropriate location be chosen with the appropriate zoning designation. He explained that the Board of County Commissioners chose the shop site as the ideal location. Mr. Isaac stated that the subject site is situated at the southeastern corner of the County Shops and Facilities parcel and overlays two underlying zoning districts: "G-1" (General Agricultural) and "D-3" (Heavy Industrial), as permitted by the Riley County Zoning Regulations.

Mr. Isaac explained that, as part of this project, Marlatt Avenue will be paved to a point just south of the southeast corner of the shop site and a new ingress/egress will be added to serve the bus transit facility. He stated that the total area of the project, including parking, is approximately three acres in size. He said that the 11, 250 square foot bus facility will include a storage area, a maintenance area, a wash bay, offices, a conference room and restroom facilities.

Mr. Isaac explained that the parking area surrounding the facility will also be paved in order to minimize fugitive dust and wear and tear on the vehicles. Mr. Isaac stated that the facility will be served by the County central sewer system and Rural Water District #1.

Mr. Isaac explained that due to the proposed location on the site, there was an initial concern regarding the potential increase of stormwater drainage due to the increase of impervious area on the site. Mr. Isaac informed the Board that the Applicant submitted a small drainage study, completed by Schwab-Eaton and checked by the County Engineer, Leon Hobson. Mr. Isaac stated that, although the study found that post-development storm water drainage would increase by approximately 10-12%, Mr. Hobson affirmed that the amount was relative and the overall increase would be minimal. Mr. Isaac stated the County Engineer, in the attached memo, indicated that specifics dealing with the stormwater drainage would be addressed in the design phase of the project. Mr. Hobson stated that if it is determined there is a greater increase of runoff than anticipated; the County will install a rerouting system, a detention pond or some sort of facilities to insure the properties downstream will not be affected.

Mr. Isaac stated the request was reviewed with the 2003 Manhattan Urban Area Comprehensive Plan. He said that according to the Future Land Use Map, the subject site is located within the northwest planning area and is projected for public, semi-public, agricultural and rural residential uses. Mr. Isaac stated that the proposed use is in conformance with that plan. Mr. Isaac stated that the request was reviewed by the Manhattan-Riley County Health Department, Riley County Conversation District, Riley County Emergency Management and the County Engineer and there were no concerns. Staff recommended that the Board forward a recommendation of approval of the request to the Riley County Board of Commissioners for a special use permit to allow for the construction and operation of an Area Transportation Agency bus transit facility (offices, maintenance and storage) for the following reasons:

1. The proposed zoning and existing uses of the subject property are compatible with those of surrounding properties;
2. The subject site is located in an area that has existing industrial type uses;
3. Surrounding development should not be negatively impacted by the request;

4. It has been determined that the request meets the requirements of the Riley County Zoning Regulations and the Riley County Sanitary Code; and
5. The request conforms to the 2003 Manhattan Urban Area Comprehensive Plan.

Lorn Clement questioned the storm water calculations and the formula used, the assumptions made are 85% of the C value and Q equal CIA. Mr. Clement asked has there been any consideration of porous pavement for this project or storing water under the pavement instead of assuming old technology and approaches.

Bob Isaac stated he spoke with the County Engineer and none of those topics were discussed.

Lorn Clement stated the last time we (the Board) were here we talked wind turbines and this (shop site) being a model of sustainability - this is ancient technology for storm water management instead of looking ahead and saying, "why can't the shops in this particular area with a lot of pavement be a model for a much better way to do storm water management?" Mr. Clement stated instead of hypothetically suggesting there is going to be a detention basin, which is still twenty years old in terms of thinking storm water, he suggested this ought to be reconsidered with the idea that the county should be setting a standard for better ways of doing things; not old ways of doing things in terms of storm water as well as energy and solar and so forth.

Mr. Clement stated there will be big increases in run-off here with this much pavement. Mr. Clement stated that he didn't think it is appropriate to conclude there wouldn't be any impact. Mr. Clement stated that landscape architects studies and civil engineer studies show, in terms of conceiving parking lots and big areas of pavement, storm water is stored underneath the pavement so that retention or detention basins don't have to be built at the edge of the property. Mr. Clement stated these methods have been pretty well studied and constructed. Mr. Clement indicated that the cost of the technology may be a little bit more in the short term but it reduces the impacts in the long term and sets a good standard to do things. Mr. Clement stated that he was not really comfortable with the engineer study and the assumption there is not going to be any significant increase in runoff.

Jon Larson stated that the matter would be discussed further.

Lorn Clement stated that perhaps there are some answers to those concerns.

Jon Larson stated this will be discussed further.

Diane Hoobler requested the lights be dimmed and asked if that was a pond located south of Bowman Drive.

Bob Isaac affirmed.

Diane Hoobler asked if those people built that pond.

Bob Isaac stated that he believes Roger Stevens built that pond.

Roger Stevens stated that one pond was built and the other was there when he purchased the property. Mr. Stevens stated that both ponds in that drainage system receive water.

Diane Hoobler asked if one pond was further south.

Roger Stevens pointed out the location of the ponds on the map.

Diane Hoobler stated she had concerns about the runoff also. She stated that if people have built ponds for aesthetics or drainage management, whatever it is, how will the request impact neighboring properties if a stormwater drainage system reduces or stops water from replenishing the ponds?

Bob Isaac stated that again part of the control here is either going to be those types of facilities or rerouting of something to minimize the impact. Mr. Isaac stated the increase does not necessarily mean it is going to cut it off completely.

Diane Hoobler stated if you put a retention pond up there it will pretty much cut it off.

Bob Isaac indicated it depends on how it is designed.

Jon Larson asked if there were any questions for Mr. Isaac at this time.

There were none.

Jon Larson thanked Bob Isaac. Mr. Larson asked if there was someone here from ATA that wanted to make any comments.

Anne Smith, Director of ATA Bus, thanked Bob for all his hard work and that he had been very helpful. Ms. Smith also thanked Leon Hobson and Rod Meredith for their assistance. Ms. Smith informed the Board that when dealing with Federal Transit Administration (FTA) money, they do have very stringent requirements with regard to drainage and runoff that will go above and beyond what we are even talking about here. Ms. Smith stated that she is still not fully aware of all the rules and that the Kansas Department of Transportation (KDOT) will be involved very much in this whole process. She stated that KDOT will be working with ATA to make sure all the requirements FTA are met. She stated that when we're talking about this, we also have the federal government that will be inspecting and looking at everything too. Ms. Smith stated that she is looking forward to the opportunity to work with them and proceed with the design process. Ms. Smith stated the paperwork regarding the grant for the project has been sent to Washington D.C. and that ATA is waiting for the final word on when we might be able to begin working on the project. Ms. Smith thanked the Board for their consideration.

Jon Larson asked if there any proponents.

There were none.

Jon Larson asked if there any opponents.

There were none.

Roger Stevens said he was neutral and pointed to the map where it indicated Fawn Acres Subdivision. Mr. Stevens indicated that he lives on Bowman Drive and owns approximately 60 acres of drainage from the shop sites. Mr. Stevens stated when Fawn Acres was proposed, witnessed the developer state to the Planning Board that the drainage basin would not be disturbed. Mr. Stevens pointed to map, indicating the small pond located just south of the intersection of Fawn Circle and Bowman Drive. Mr. Stevens stated prior to this disruption, this pond used to go almost to Bowman Drive. He said that there has been a considerable amount of siltation/wash that has come down from there. Mr. Stevens stated that his concern was the enforcement and the concern of water coming down more, I don't know if you are going to do any thing with enforcement you have to dredge my pond and stabilize that stream so it doesn't drop, draw more in rain time but it's a great deal of concern when there is just 10% more water coming down there.

Mr. Stevens stated if the volume of water, the drainage, the erosion that has occurred in the past, because of agreements and statements made in front of this Board were not followed, will agreements and assurances be followed once this is developed?

Mr. Stevens stated that the County was responsible for the testing of his ponds and wells. He stated that although there have been increases of sodium levels in the ponds, but not to the detriment of his fish population. Mr. Stevens noted that there was no mention of traffic studies and asked how many buses and vehicles would be going in an out of the facility.

Jon Larson asked the applicant if she had any comments about this.

Anne Smith said they were required by the FTA to make some estimates about traffic counts and they submitted a memo from Leon Hobson regarding traffic and he did not anticipate the project would adversely affect the usage of the road. She stated that Mr. Hobson thought it was a very positive step that we would be paving the 1000 feet of Marlatt Avenue. Ms. Smith explained that ATA is estimating with the fixed route vehicles in operation and that the majority of traffic on that stretch of Marlatt will come at the beginning and end of the service day, with eventually about 200 vehicle trips per day.

Roger Stevens asked what percentage increase in traffic was that.

Anne Smith said she didn't have that information immediately available, but she could forward Mr. Hobson's memo to Mr. Stevens.

Jon Larson asked if was anyone else that wanted to add any additional information to what has been presented.

Bob Isaac stated the facility included a wash bay and maintenance bay, so there may be some concerns that something might get washed out and not be treated. Mr. Isaac stated that

wastewater will be handled by a central sewer system and all wastewater will be taken off site. Mr. Isaac also stated this is a federal project and will be subject to stringent requirements as far as construction and operation of the facility.

Roger Stevens asked if the sewage line is active now.

Bob Isaac stated it is a central system and is active.

Rogers Stevens asked if the shops are hooked up now.

Bob Isaac stated affirmed.

Jon Larson asked for a motion to close the public hearing.

Tom Taul moved to close the public hearing.

Lorn Clement seconded.

Jon Larson asked if there any discussion. Motion carried 5-0.

Jon Larson asked the Board if they had any comments.

Lorn Clement stated that the storm water management practices that are proposed here needed to be discussed. Mr. Clement stated he had no problems with the project in terms of serving the public need, but the design in pavement and handling the run-off which might not be a good model for the county.

Jon Larson asked Lorn Clement to elaborate as he is not familiar with what they do with this.

Lorn Clement stated he didn't see anything in the report about porous pavements or storing water in a new way. He stated that the detention basin is an old way of handling storm water when it's collected, conducted and disposed off the site or held on the site in the detention basin that may be big enough to carry a 100 year storm in theory, but then goes over the edge and drains off. He continued that it takes a lot of room to build a detention basin versus reconceiving the project and thinking about storage under the parking lot, which is happening on college campuses and other places around the United States now, with engineers working with landscape architects to design a porous pavement, allow the infiltration of water right in place as oppose to draining it off. Mr. Clement said the whole theory is storm water management is turned upside down from twenty years ago and thought now is to not collect it, conduct it and dispose of it, but to hold it on site and allow it to infiltrate in place and be treated in the process. He said that it may cost more money in the short term to build a more complex structure and have a lot of rock underneath parking lots that actually allows more water to filter down through as oppose to a very hard packed base that just drains it off. He said that if anything, it assures that you don't have the flooding over of a structure during a really big storm and it does protect the adjacent properties and it sets a really good precedent for how to really properly treat storm water on the site instead of an older method of "just get rid of it". Mr. Clement concluded that with all the

attention on the shops for wind power, solar energy and all the energy conservation business that is being promoted it would be very consistent logically to suggest that storm water could be treated in a more progressive manner also. He stated that it may be a symbolic gesture and more expensive, but there is actually a tangible result to protect the down stream properties very clearly. He stated that there has been a failure, apparently, in past decisions to protect adjacent property from this exact location and we were concerned about those two years ago or whenever that decision was made.

Roger Stevens stated it was five years ago.

Lorn Clement stated he is concerned about this issue of the neighbors being protected as we make decisions so he was not really comfortable with the way the project was conceived, although he was not against the purpose, just the matter of design and looking at current methods.

Diane Hoobler stated she very much agrees with Lorn. Mrs. Hoobler indicated her concern was the amount of storm water run-off from the site. Mrs. Hoobler stated that the parking lot is going to be paved and that won't soak in.

Diane Hoobler addressed Mr. Stevens and surmised that if he had livestock in his ponds that he didn't want a bunch of salt coming down and contaminating them. Mrs. Hoobler indicated she likes what Lorn is proposing.

Lorn Clement stated he is thinking about a conditional approval of some kind. Mr. Clement stated he does not know how it really works but he did not want to stop the project, but have the design occur right now as opposed to thinking we will just put that off until we really have to address it.

Tom Taul stated he feels the neighbors to the south have been about pushed to their limits. Mr. Taul indicated that every time we have a discussion (with the development of the County Shops site) we hear something new will happen. He said the county shop area seems like it always has an impact to the neighbors to the south and we started out on the project, I can remember when we had that discussions of what the government's going to take care of and "we're not going to infringe". Mr. Taul stated that he doesn't have a lot of faith in assurances that just because it is a federal project the federal government is going to take care of us. He said that just because they are in charge and might have some good ideas, doesn't give me much reassurance. Mr. Taul stated that he wasn't real familiar with a lot of the new technology as Lorn has elaborated on, but knows information is available. He also stated that it was repeatedly stressed from public works they want the County Shops site to become a model of new green systems, thus, the new storm water technologies would fall right into place.

Lorn Clement stated that he had two colleagues in landscape architecture that do these kinds of projects for schools and other places and best manage practices storm water bmps for Johnson County and other schools right here in Manhattan. He stated that Lee Scaplin is one of his colleagues who is into "green roofs" but is also into storm water stuff and Tim Cain is doing urban bmps based on history and restoration work and been doing it for along time. He stated

that is just in landscape architecture and the civil engineers over in biological agricultural engineering are doing a lot of stuff like this; better ways to handle storm water from an agricultural perspective, so there is a lot of knowledge in the university to do this a better way.

Tom Taul stated he does not think it is the intent of the Board by any means, like Lorn said, to not allow the project to go forward. He said that they just prefer little better design. Mr. Taul stated that he would like some assurances for the neighbors to the south. He said that it's been a progression that we talked last month about the wind generators and the noise level and how that was going to affect the people; here we got run-off and I know we have had several discussions about run-off before and it just kind of adds up and you have to draw a line somewhere and enough is enough.

Lorn Clement stated there is a cumulative impact on these kinds of decisions that just gets pushed off which he doesn't think is right.

Tom Taul asked Bob or Monty how we (the Board) could proceed to not hinder the project and address some of the concerns.

Monty Wedel stated one thought would be to recommend to the Board of County Commissioners, since they are making the final decision, that the Planning Board could list certain concerns that must be addressed before this is approved. Mr. Wedel suggested that the Board list them and staff recommends approval only if those concerns can be addressed sufficiently. Mr. Wedel stated we will see if we can get those addressed and get it approved.

Lorn Clement stated there are grants available from KDHE for doing this kind of study and this kind of work. He said that Dennis Day is a retired colleague of his in landscape architecture and this is his forte and he has done studies for east Manhattan on storm water in the Blue Valley area.

Monty Wedel explained that this is a topic that warrants additional conversations and study because it is not something that is really in the fore front of thinking at this point in time. Mr. Wedel explained that it is going to take a new way of thinking.

Lorn Clement indicated it is happening in terms of the buildings out there right now.

Monty Wedel agreed.

Tom Taul asked if the County Commission approved the wind generators.

Bob Isaac affirmed.

Jon Larson asked if there was any further discussion or would take a motion.

Lorn Clement stated he did not come prepared tonight to suggest how to do these studies. Mr. Clement indicated he was not sure if the Board should table the item. Mr. Clement stated he did not really want to stop it in its tracks. Mr. Clement stated he would like to see the design

addressed in a way that looks at storm water very, very carefully and didn't know quite how to recommend.

Diane Hoobler asked how "tabling" the request would affect the federal funding.

Anne Smith stated she would have to contact KDOT and ask them because the FTA wanted our process to be well underway, as the paperwork has been sent to Washington. Ms. Smith stated she has a little bit of concern about tabling it but that is the choice of the Board. Ms. Smith stated that the grant has not been officially awarded yet so she does not want to raise any red flags which would jeopardize the project.

Diane Hoobler stated that the Board doesn't want to jeopardize the project either, but she would really like to see us get it right in doing it.

Jon Larson asked how long it would be before the County Commission hear the request.

Bob Isaac stated the February 25, 2010.

Jon Larson indicated that the February 25<sup>th</sup> would be in two weeks. Mr. Larson stated if the Board recommended approval of the petition with the stipulation that the stormwater drainage concerns be investigated then would it would be the commissioners that make the final decision.

Lorn Clement indicated he would recommend that whoever is running this project in the county explore this idea of porous pavements. Mr. Clement asked if it would be Rod Meredith following up and calling for some assistance.

Monty Wedel indicated it would be Leon Hobson, County Engineer.

Lorn Clement stated he would recommend that he call for some assistance here to get some ideas on the cost differential of doing the project with porous pavement and trying to retain the water under the parking areas and not having to build a detention basin.

Bob Isaac asked who to call.

Lorn Clement indicated Dennis Day.

Monty Wedel stated this is a different kind of project because it is a federal grant and we don't just want to trust the federal government to get it right but the design phase is where we are putting all the stipulations. Mr. Wedel stated the design has not taken place yet because we do not want to spend a lot of tax dollars and ATA does not have the funds.

Lorn Clement asked if the Board would approve this on the condition that these kind of studies are done in the design process, to not have to build a detention basin, but to treat the water, store the water under this parking structures, parking pavements, to use current, new technology for the site work in addition to the buildings to be consistent with the whole theme project.

Monty Wedel stated that should be the recommendation.

Diane Hoobler asked if storing water underground would raise the water table down around those ponds.

Lorn Clement stated it would maintain the status quo a lot more than just sheet draining it off. Mr. Clement stated it is less of a change to the hydrological system because it mimics the reality that is already there by letting the water go through and being stored there instead of going off the site very quickly.

Diane Hoobler stated that she wondered if that was enough to put in about the water drainage.

Lorn Clement stated if the treatment occurs properly from that wash basin and there really are no contaminants that go off the site, then that should handle it by using the storm system, however, the volume that is going to sheet drain off of the pavement will be significant and if there are piles of salt and other things here contributing to problems down stream, we should not be making the situation worse on the edge of this site.

Mr. Clement stated that he believes this kind of thinking is going to change in the next ten years for these engineers in doing consulting at this very preliminary stage and instead of seeing Q equals CIA where the value 85 for pavements, their going to say we should really bump that up or drop it down to 50. He said that to assume we are going to do porous pavements as opposed to solid concrete and drain it off... Mr. Clement interrupted and stated that he didn't want to stop this project and it is very important for the community to have this service, and suggested that the Board move to approve this request on the condition that a very serious study be done for porous pavement in the design process and not to require a detention basin, but use in a better way to be truly a good model of sustainable storm water management for Riley County, as we are trying to do with the wind energy, intelligent buildings and so forth and so on.

Diane Hoobler seconded.

Tom Taul indicated that in the last paragraph of Leon's memo, it stated that the detention structure will be constructed with county funds and will be designed in conjunction with the design and construction of the ATA Bus facility. Mr. Taul said that the County is aware they have to address the overall drainage, not just the ATA Bus, but everything else. Mr. Taul pointed out that the installation of the detention facility will be done with county funds and indicates the minimum construction will provide no increase in the regular run-off from this facility and any future changes to the remainder drainage basin. Mr. Taul stated that he thinks as long as we stress to do a study of newer technology that is all we can do.

Diane Hoobler asked that since county funds are being used, could the county apply for those grants?

Lorn Clement stated there are state grants available to do this.

Jon Larson asked if there were any other questions or comments. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on February 25, 2010 at 10:20 AM.

**SIMONS – (PLAT & REZONE)**

Jon Larson opened the public hearing at the request of Russell M. Simons, petitioner and Russell M. and Karla S. Simons, owners, to rezone a tract of land from “G-1” (General Agricultural) to “A-5” (Single Family Residential) and plat the tract into two (2) residential lots.

Bob Isaac presented the request. Mr. Isaac stated the subject site is approximately 1,500 feet north of the intersection of Falcon Road and Madison Road, on the west side of Falcon Road.

Mr. Isaac stated the unplatted tract has been developed since about 2003 with a single family residence. Mr. Isaac stated there is a dry creek that transverses the property and drains south through a culvert under Falcon Road. Mr. Isaac stated that the Applicant currently accesses the property by a private driveway that crosses the aforementioned dry creek via a “low-water crossing”. Mr. Isaac stated there are a mix of businesses and residences along Falcon Road as well as a mix of zoning designations including G-1 (General Agriculture), C-4 (Highway Business) and A-5 (Single Family Residential). Mr. Isaac indicated the proposed development seeks to minimize entrances onto Falcon Road, as it is currently designated as a minor traffic way. Mr. Isaac stated the Applicant wishes to utilize the same ingress/egress, splitting an existing driveway to serve both lots. Mr. Isaac stated that the request was reviewed with the 2009 Vision 2025 Riley County Comprehensive Plan, specifically the Development Guidance System and found to be in conformance. Mr. Isaac also stated that the request was reviewed by the Health Department, County Engineer, Ft. Riley, and Riley County Conservation District, with no objections.

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

- The proposed zoning and existing uses of the subject property are compatible with those of surrounding properties;
- The rezoning generally conform to the 2009 Vision 2025 Riley County Comprehensive Plan;
- The property is consistent with Riley County Zoning Regulations and Sanitary Code.

Staff also recommended approval of the Final Plat of Simons Subdivision, as it was found to be in compliance with the Riley County Zoning and Subdivision Regulations and Sanitary Code.

The Board had no questions for Mr. Isaac.

The Board asked the Applicant if he had any comments.

The Applicant had no additional comments.

Jon Larson asked if there were any proponents or opponents.

Ralph Wahl stated he wanted to address the joint driveway and asked how far it would extend before county would consider it a public road. Mr. Wahl stated he is representing Madison Township.

Bob Isaac stated that it will not be a private road; only the entrance, at the west r.o.w. line of Falcon Road, is shared. Mr. Isaac stated the property line divides the driveway and will separate off immediately.

Julie Henton moved to close the public hearing. Tom Taul seconded.

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

Tom Taul seconded. Motion carried 5-0.

Lorn Clement moved to approve the Final Plat of the Simons Subdivision.

Diane Hoobler seconded. Motion carried 5-0.

Mr. Isaac announced that the Board of County Commissioners will hear the request on February 25, 2010 at 10:30 AM.

### **Amend Section 20 – Board of Zoning Appeals**

Jon Larson opened the public hearing.

Bob Isaac presented the amendment request. Mr. Isaac explained the necessity of the specific changes listed in proposed amendment. Mr. Isaac stated Riley County Zonings Regulations require a maximum height of 150 feet for non-commercial Wind Energy Conversion Systems (WECS). Mr. Isaac explained that the industry standard seems to be around 200 feet. Mr. Isaac stated the regulations do not allow for flexibility regarding height requirements of wind energy conversion systems and no provisions for the Board of Zoning Appeals to allow a variance. Mr. Isaac stated rather than change the maximum height requirement for a non-commercial Wind Energy Conversion Systems (WECS); it was proposed to amend Section 20–Board of Zoning Appeals, of the Riley County Zoning Regulations, giving the Board of Zoning Appeals the authority to increase the maximum height of non-commercial WECS by no more than 33%.

Mr. Isaac informed the Board of a separate change in the proposed amendment. Mr. Isaac proposed that item *f. To reduce the size of a tract permitted to be rezoned to Zone A-3; except in no case shall the size of such tract be less than one acre*, be eliminated from Section 20 – Board

of Zoning Appeals because it was found to be inconsistent since the minimum lot size for the “A-3” (Single Family Residential) zoning district is 6500 square feet.

Jon Larson asked if there were any proponents or opponents.

Lorn Clement moved to close the public hearing.

Julie Henton seconded.

Lorn Clement moved to forward a recommendation of approval to the Board of County Commissioners.

Tom Taul seconded. Motion carried 5-0.

Mr. Isaac announced that the Manhattan Urban Area Planning Board will hear the request on February 18, 2010 at 7:00 PM and the Board of County Commissioners will hear the request on March 1, 2010 at 10:15 AM.

### **BOARD OF ZONING APPEALS**

Monty Wedel announced that the Board of County Commissioners officially designated the Riley County Planning Board as the Board of Zoning Appeals. Mr. Wedel stated that the Planning Board meeting schedule for March 8, 2010 will be a training session on how to conduct future meetings. Mr. Wedel indicated that new by-laws will need to be adopted during that meeting.

The meeting was adjourned at 9:17 PM.