

## **AGENDA**

### **RILEY COUNTY BOARD OF ZONING APPEALS**

**Monday, December 21, 2009**  
**1:30 p.m.**

**Riley County Office Building**  
**2<sup>nd</sup> Floor Meeting Room**

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1. Consider the minutes of the October 19, 2009 meeting.
2. Consider the request of G & T LLC, petitioner and owner, for a conditional use authorization, amending Conditional Use #08-26, to permit a multi-phase borrow pit for resource extraction.



# PLANNING & DEVELOPMENT

## STAFF REPORT

### Conditional Use

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**PETITION:** (#09-16) Conditional Use (amending Pet. #08-26)

**APPLICANT:** G & T LLC  
625 S 10th  
Manhattan, KS 66502

**PROPERTY OWNER:** G & T LLC  
625 S 10th  
Manhattan, KS 66502

**REQUEST:** A conditional use authorization, amending Conditional Use #08-26, to permit a multi-phase borrow pit for resource extraction.

**SIZE OF TRACT:** The subject site is approximately 84.59 acres.

**LOCATION:** Generally located approximately 1,150 feet south of Pottawatomie Avenue, on the east side of Temple Lane; Section 19, Township 10 South, Range 8 East; Manhattan Township.

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**BACKGROUND:** In November 2008, the Applicant received a conditional use authorization for the purpose of establishing a 5-phase borrow pit on an 84.6-acre tract (#08-26). Currently, the Applicant wishes to amend the aforementioned conditional use authorization and submit a revised site plan.

**DESCRIPTION:**

Physical site characteristics: The subject site is located between Wildcat Creek and the Kansas River and is entirely within the designated floodway. With the exception of the southern and eastern perimeter, the site is predominantly void of trees, making it ideal for agricultural/crop production. The northernmost portion of the site has been recently utilized for a borrow pit operation under a different owner. The entire site gradually slopes toward the northeast.

General character of the area: Due to being bounded by Wildcat Creek, the Kansas River and Linear Trail (levee), and also being located entirely within the designated floodway, the site has remained predominantly undeveloped. Although the area is within the Manhattan Urban Area, it's unlikely that the area would be urbanized.

**ZONING:**

Current zoning: The property is currently zoned "G-1" (General Agricultural) and has been zoned as such since at least 1974. There are no variances or conditional uses associated with the proposed site.

**STAFF EVALUATION AND COMMENTS:**

Due to the geographical constraints of the area, very few uses are considered suitable (e.g. agricultural, park, open space, resource extraction, etc.). The operation will continue to use Temple Lane, an unimproved township road, as its only vehicular access. Thus far, the Applicant has cooperated with the township in helping maintain the surface of Temple Lane, including the suppression of fugitive dust caused by increased truck traffic.

**RECOMMENDATIONS:** Staff recommends that the requested Conditional Use be approved with the understanding that the following conditions are met:

1. Conditional use shall apply to the entire 84.59-acre tract of land, as legally described herein;
2. The aforementioned tract shall be partitioned into **six (5 6) sections** (~~consisting of various subsections~~), as per the approved site plan, to be mined in separate phases;
3. Prior to commencing operations, a Letter of Credit shall be submitted to Riley County Planning & Development to cover costs associated with any future damages to Temple Lane not remedied by Applicant; **current \$10,000 Letter of Credit on file with Leon Hobson (County Engineer).**
4. Prior to commencing operations on any given section, an individual Reclamation Plan, along with an instrument of financial surety (as per Section 22A - Resource Extraction of the Riley County Zoning Regulations) **with an accompanying legal description outlining specific area to be mined**, shall be submitted to and approved by the Riley County Board of Zoning Appeals;

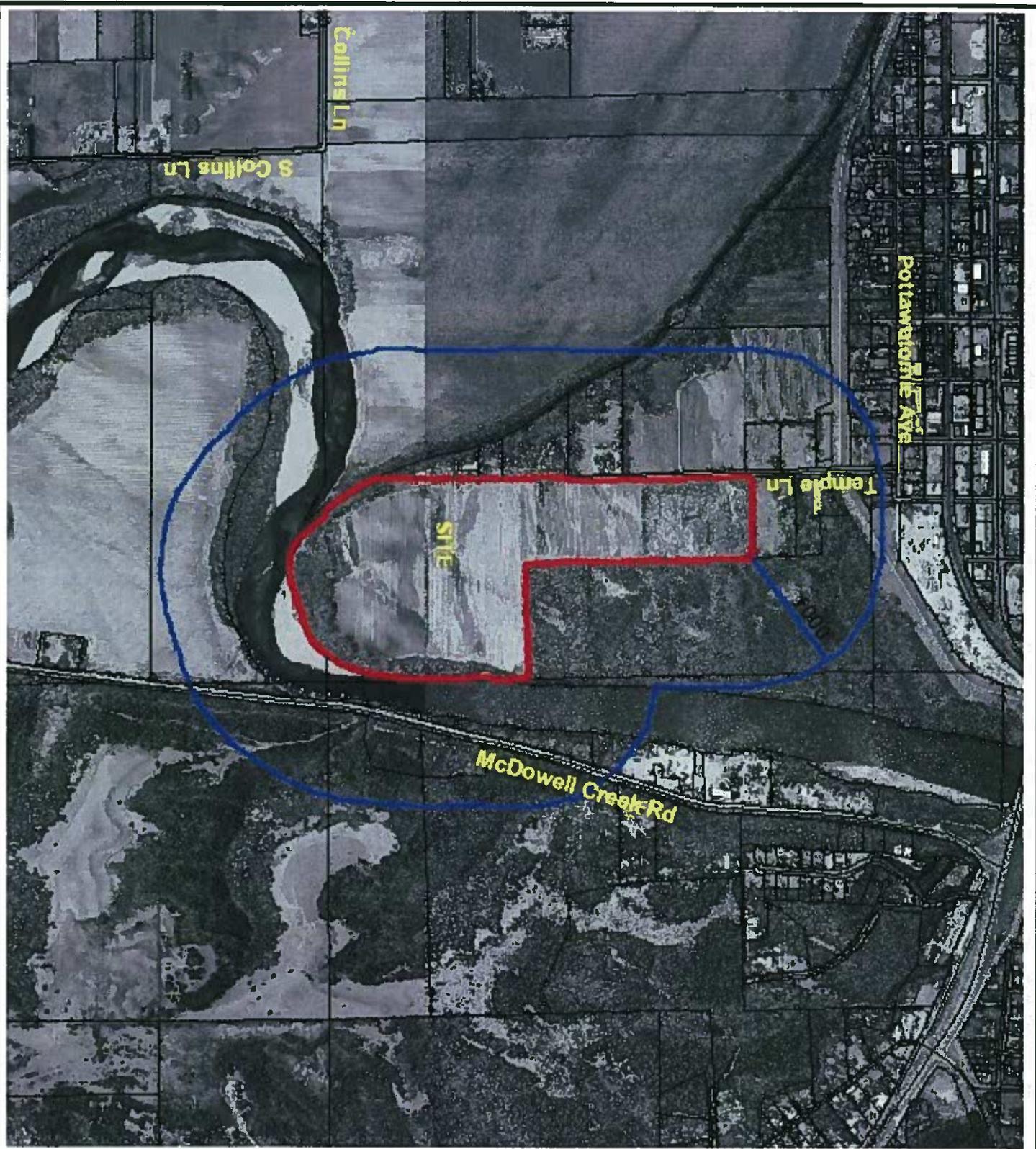
5. ~~Prior to commencing mining operations on any new section, previously mined areas must be reclaimed in accordance with the approved section specific Reclamation Plan and following a determination by the Director of Riley County Planning & Development that the section and/or subsection(s) has been reclaimed in accordance with the approved plan;~~
  - 5a. Any section that is considered active shall be no less than 80% reclaimed, along with a determination of such reclamation by the Zoning Enforcement Officer, before any new section is opened for mining (as per the approved site plan).
  - 5b. Prior to the opening of any new section, an additional Letter of Credit shall be submitted to the Riley County Planning & Development Department, along with a legal description describing the specific section to be mined.
  - 5c. Each section-specific instrument of financial surety for reclamation (Letter of Credit) shall not be released until a determination has been made by the Zoning Enforcement Officer that a mined section has been successfully reclaimed in its entirety.
6. ~~Each section specific instrument of financial surety for reclamation shall be released upon compliance with the applicable Reclamation Plan;~~
7. No more than one section, **plus 20% of a actively mined section**, and associated subsections shall be mined at any given time, ~~except as described in the approved site plan;~~
8. A Fugitive Dust Plan shall be submitted and approved, describing proposed dust control measures for Temple Lane, including the application of water as needed. Alternatives shall be considered and approved by Manhattan Township, such as the application of magnesium chloride, calcium chloride or asphalt paving;
9. Prior to establishing any new entrances onto Temple Lane, an entrance permit shall be obtained from Riley County Planning & Development and approved by Manhattan Township;
10. New entrances shall be clearly delineated and consist of all-weather surfacing;
11. Sections and subsections being mined shall be secured from unauthorized dumping activity by the use of cable/post fencing or barbed wire fencing for at least 50% of the site (100% of the portion of mined section(s) fronting Temple Lane), including entrance; secured entrances to the site;
12. Hours of operation shall be limited to daylight hours; and
13. Prior to commencing operations and in cooperation with surrounding property owners, water wells shall be tested and a copy of the results submitted to the Riley County Planning & Development Department; and
14. Water wells shall be tested on a semi-annual basis (six month intervals) and a copy of the results submitted to the Riley County Planning & Development Department.

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**ATTACHMENTS:**

- Vicinity/site map
- Surrounding zoning map
- Site Plan
- Reclamation Plan

Prepared by: Bob Isaac, Planner  
December 10, 2009



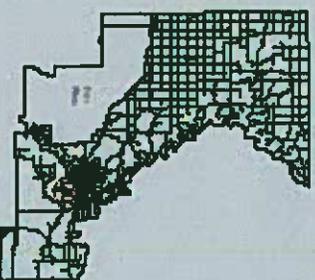
## VICINITY & SITE

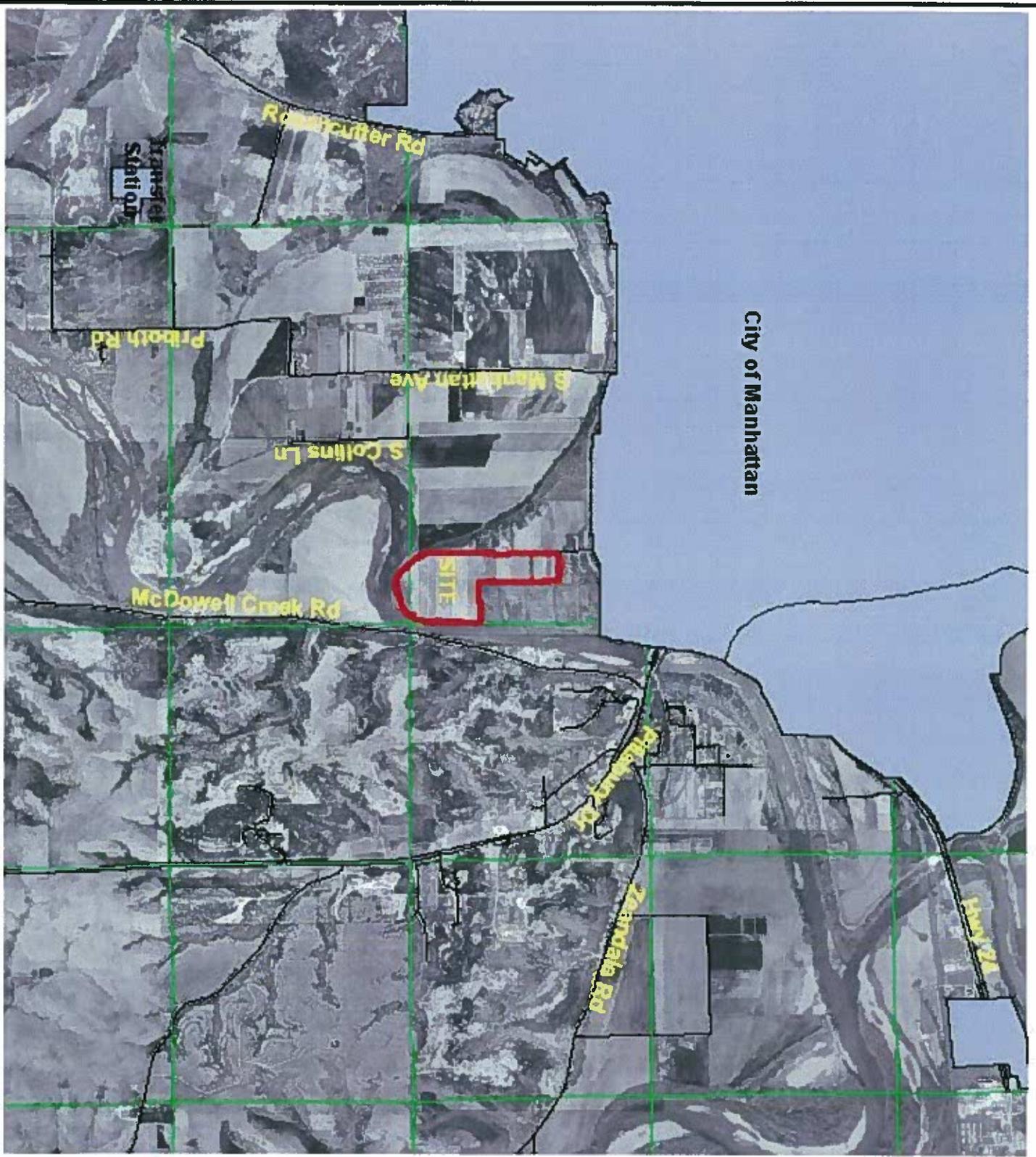
G & T LLC

Petition #09-16

Amend Cond Use #08-26  
By permitting  
multi-use borrow pit  
for resource extraction

19-10-8





City of Manhattan



# SITE AND SURROUNDING AREA

G & T LLC

Petition #09-16

Amand Cond Use #08-26  
By permitting  
multi-use borrow pit  
for resource extraction

19-10-8



Image © 2008 DigitalGlobe  
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Google

38°09'49.73" N 96°33'44.48" W

elev 305 m

Aug 8, 2007

Eye alt 1.42 km

## Reclamation Plan for Wilson Tract

The following reclamation plan is an estimation of the activities to take place on the Wilson Tract on Temple Ln. We feel that we can only estimate length of time that sections will be open, and how they will be reclaimed because these functions will be contingent upon several variables. Items such as need for material to be removed from the section, availability of clean rubble to replace material, and need to open or close a specific section will impact time frames and when the section is replaced to useable ground,

After sufficient material is removed from areas 1 A-B we will fill the area with clean rubble as it becomes available, until such time that we need to progress to the next section. We will have no more than 10 acres open at any one time. Each section will be moved through in numerical order on the following estimated time schedule;

Section 1A	5 years
Section 1B	5 years
Section 2	5 years
Section 3	5 years
Section 4-6	TBD

Upon reclamation of sections with clean fill, area will be covered with 2 foot of dirt, to a level and grade that will allow for proper drainage. They will then either be planted to grass to control the weeds or returned to farm ground depending on the quality of the soil. Areas of excavation only will be reclaimed as farmland. Excavation areas will be mined from a depth of 7 ft to 1 ft with drainage in the southern direction.

### Reclamation plan for sections 1A-B

Section 1A:

Short term will be restored to a driving parking/ area for the temporary staging of equipment used on a daily basis for excavation or reclamation and for materials (clean rubble) that are considered acceptable fill for a borrow pit.

Long term it will be restored to farm ground or natural grass upon the completion and approval of Section 6

Section 1B: will be restored to farm ground.