



**Board of Riley County
Commissioners
Regular Meeting
Agenda
August 29, 2024**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 1 – John Ford, Chair](#)

[District 2 – Greg McKinley, Vice Chair](#)

[District 3 – Kathryn Focke, Member](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

1. Public Comments

Commission Comments

2. Commission Comments

Business Meeting

3. Conservation District Appropriation Approval
4. Sign Riley County Employee Action Form(s)

Review Minutes

5. Board of Riley County Commissioners - Regular Meeting - Aug 26, 2024 8:30 AM

Review Tentative Agenda

6. Tentative Agenda

Press Conference Topics

7. Discuss Press Conference

9:00 AM

Clancy Holeman, Counselor/Director of Administrative Services

8. Administrative Work Session

9:20 AM

Bob Isaac, Planner

9. Rezone an unplatted tract of land from SF-2 (Single Family Residential) to PUD (Planned Unit Development) to allow a landscaping business and single family residence.

9:40 AM

Bob Isaac, Planner

10. Amend Section 5.2 Use Specific Standards; Section 5.3 Accessory Buildings, Structures and Uses; and Section 4.19 Planned Unit Development (PUD) of the Riley County Land Development Regulations.

9:55 AM **Evan McMillan, Assistant County Engineer**

11. KWO Application - Water Meters

10:05 AM **Cory Meyer, IT/GIS Director and Elizabeth Ward, Human Resources Director**

12. Digital Emergency Contact Card Proposal

10:30 AM **Elizabeth Ward, Human Resources Director**

13. Executive session to discuss a personnel matter involving non-elected personnel

Adjournment

Announcements

Riley County Offices will be closed Monday, September 2nd due to the observance of the Labor Day holiday.

The Board of County Commissioners will not be in session on Monday, September 2nd.

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.



COUNTY CLERK & ELECTIONS
Agreement

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Brittany Phillips, Budget & Finance Officer

MEETING: August 29, 2024

SUBJECT: Conservation District Appropriation Approval

PRESENTER: Brittany Phillips, Budget & Finance Officer

BACKGROUND

During budget development, we receive budget appropriation requests from outside entities. One of the requests we received was from the Conservation District.

DISCUSSION

The Conservation District requires a county budget certification be signed.

FISCAL IMPACT

Budget appropriation of \$55,136.

RECOMMENDATION(S)

It is my recommendation that the commissioners make a motion to approve the county budget certification to the Conservation District.

POSSIBLE MOTION(S)

Move to approve

Move to deny

Move to modify

Move to table

No action required.

The Board agreed by consensus to

Enclosures:

- Budget Certification Form (PDF)

County Budget Certification to Conservation District

In accordance with the provisions of K.S.A. 2-1907b (Conservation District Law), the commissioners of Riley County, Kansas hereby certify that a budget of \$55,136 has been approved for the Riley County Conservation District for calendar year 2025.

\$ 55,136 from the county's general fund and/or

\$ 0 from a special mill levy and/or

\$ 0 from other county funds (type of other funds: n/a) for a total conservation district allocation of \$ 55,136.00 in calendar year 2025.

Adopted by the county governing body on the _____ day of _____, 2024.

Signed: _____, County Clerk

Conservation District Budget Certification to Division of Conservation

(Complete this section after conservation district adopts final budget)

In accordance with the provisions of K.S.A. 2-1907c (Conservation District Law), the Riley County Conservation District's Board of Supervisors hereby certifies that the commissioners of Riley County, Kansas, have approved an allocation of \$ 55,136 for district operations in calendar year 2025. A 2025 budget of \$ 168,490 total expenditures has been adopted by the conservation district Board of Supervisors on the 11th day of April, 2024.

Signed: _____, District Manager

Following adoption of the district's final budget by the Board of Supervisors, upload this completed form in CSIMS under "County & District Certifications" by September 1, 2024. Do not combine the upload with any other forms.





COUNTY CLERK & ELECTIONS
Personnel

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Elizabeth Ward, Human Resources Director

MEETING: August 29, 2024

SUBJECT: Sign Riley County Employee Action Form(s)

PRESENTER: Elizabeth Ward, Human Resources Director

Enclosures:

- 2024-08 Election BKarten EAF (DOCX)
- 2024-08 Election NWells EAF (DOCX)
- 2024-08 Election MGraham EAF (DOCX)
- 2024-08 Appraiser MBroughman EAF (DOCX)
- 2024-08 HD LPreston EAF (DOCX)
- 2024-08 Parks RNelson EAF (DOCX)

RILEY COUNTY EMPLOYEE ACTION FORM

Company Code: 166733

Full Legal Name: Bryan Karten**Status Change Date:** 08/21/2024**Status Change:** New Hire**Date of Hire:** 08/21/2024**Seniority:** 0 Year(s), 0 Month(s)**Position:** Election Day Worker**Position Type:** As Needed**Pay Range:** Election**Pay Type:** Stipend**Base Rate:** By Position**Annualized Pay:** \$0.00**Funds Codes:** 1-General/19-Election**Supervisor:** Susan Boller**Department Head:** Richard Vargo

BoCC Chair _____

Date: _____

BoCC Member _____

Date: _____

BoCC Member _____

Date: _____

Attachment: 2024-08 Election BKarten EAF (15003 : Employee Action Form (Green Sheet))

RILEY COUNTY EMPLOYEE ACTION FORM

Company Code: 166733

Full Legal Name: Nathaniel Wells**Status Change Date:** 08/21/2024**Status Change:** New Hire**Date of Hire:** 08/21/2024**Seniority:** 0 Year(s), 0 Month(s)**Position:** Election Day Worker**Position Type:** As Needed**Pay Range:** Election**Pay Type:** Stipend**Base Rate:** By Position**Annualized Pay:** \$0.00**Funds Codes:** 1-General/19-Election**Supervisor:** Susan Boller**Department Head:** Richard Vargo

BoCC Chair _____

Date: _____

BoCC Member _____

Date: _____

BoCC Member _____

Date: _____

Attachment: 2024-08 Election NWells EAF (15003 : Employee Action Form (Green Sheet))

RILEY COUNTY EMPLOYEE ACTION FORM

Company Code: 166733

Full Legal Name: Mike Graham**Status Change Date:** 08/21/2024**Status Change:** New Hire**Date of Hire:** 08/21/2024**Seniority:** 0 Year(s), 0 Month(s)**Position:** Election Day Worker**Position Type:** As Needed**Pay Range:** Election**Pay Type:** Stipend**Base Rate:** By Position**Annualized Pay:** \$0.00**Funds Codes:** 1-General/19-Election**Supervisor:** Susan Boller**Department Head:** Richard Vargo

BoCC Chair _____

Date: _____

BoCC Member _____

Date: _____

BoCC Member _____

Date: _____

Attachment: 2024-08 Election MGraham EAF (15003 : Employee Action Form (Green Sheet))

RILEY COUNTY EMPLOYEE ACTION FORM

Company Code: 166733

Full Legal Name: Mariah Broughman**Status Change Date:** 08/23/2024**Status Change:** New Hire**Date of Hire:** 09/16/2024**Seniority:** 0 Year(s), 0 Month(s)**Position:** Residential Appraiser I**Position Type:** Reg Full-Time**Pay Range:** Range 6**Pay Type:** Hourly**Base Rate:** \$20.74**Annualized Pay:** \$43,139.20**Funds Codes:** 1-General/22-Appraiser**Supervisor:** Danny Williams**Department Head:** Anna Burson

BoCC Chair _____

Date: _____

BoCC Member _____

Date: _____

BoCC Member _____

Date: _____

Attachment: 2024-08 Appraiser MBroughman EAF (15003 : Employee Action Form (Green Sheet))

RILEY COUNTY EMPLOYEE ACTION FORM

Company Code: 166733

Full Legal Name: Lydia Preston**Status Change Date:** 08/23/2024**Status Change:** Resignation**Date of Hire:** 08/19/2024**Seniority:** 0 Year(s), 0 Month(s)**Position:** Intern/Volunteer**Position Type:** TASND**Pay Range:** TASND**Pay Type:** Hourly**Base Rate:** 0.00**Annualized Pay:** \$0.00**Funds Codes:** 30- Health Department/400- Health Department General**Supervisor:** Breva Spencer**Department Head:** Julie Gibbs

BoCC Chair _____

Date: _____

BoCC Member _____

Date: _____

BoCC Member _____

Date: _____

Attachment: 2024-08 HD LPreston EAF (15003 : Employee Action Form (Green Sheet))

RILEY COUNTY EMPLOYEE ACTION FORM

Company Code: 166733

Full Legal Name: Ryker Nelson**Status Change Date:** 07/31/2024**Status Change:** Rehire**Date of Rehire:** 08/29/2024**Seniority:** 0 Year(s), 0 Month(s)**Position:** Seasonal – Parks**Position Type:** Seasonal**Pay Range:** Seasonal**Pay Type:** Hourly**Base Rate:** \$15.07**Annualized Pay:** \$15,070.00**Funds Codes:** 1 – County General, 40 – Public Works, 81 – Parks**Supervisor:** David Willis**Department Head:** John Ellermann

BoCC Chair _____

Date: _____

BoCC Member _____

Date: _____

BoCC Member _____

Date: _____

Attachment: 2024-08 Parks RNelson EAF (15003 : Employee Action Form (Green Sheet))



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
September 05, 2024**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 1 – John Ford, Chair](#)

[District 2 – Greg McKinley, Vice Chair](#)

[District 3 – Kathryn Focke, Member](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

Commission Comments

Business Meeting

1. Approve payroll/accounts payables (when completed)

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Elizabeth Ward, Human Resources Director

2. Human Resources update

9:15 AM

Michael Boller, Noxious Weed Director

3. Staff update

10:00 AM

Amanda Webb, Planning/Special Projects Director

4. Staff update

10:15 AM

Clancy Holeman, Counselor/Director of Administrative Services

5. Administrative Work Session

10:30 AM

Jason Hilgers, Interim Manhattan City Manager

6. General update City of Manhattan

Adjournment

Attachment: 09-05-24 tentative agenda (14231 : Tentative Agenda)

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.

Attachment: 09-05-24 tentative agenda (14231 : Tentative Agenda)



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
September 09, 2024**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 1 – John Ford, Chair](#)

[District 2 – Greg McKinley, Vice Chair](#)

[District 3 – Kathryn Focke, Member](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

Commission Comments

Business Meeting

1. Discuss Good Morning Manhattan

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Rich Vargo, County Clerk

2. Year to date budget and expenditure reports

9:15 AM

Michael Rezkella, Pawnee Mental Health Services Director

3. Pawnee Mental Health Services update

9:30 AM

Press Conference

4. LEPP Grant - Amanda Webb (1-2 minutes)

9:55 AM

Anna Burson, Appraiser

5. Staff update

10:10 AM

John Ellermann, Public Works Director/County Engineer

6. Project update

10:25 AM

Amanda Webb, Planning/Special Projects Director

7. Letter of Support for Creekside at Fall Color Farms – Kansas Tourism Attraction & Development Grant

Attachment: 09-09-24 tentative agenda (14231 : Tentative Agenda)

10:40 AM **Clancy Holeman, Counselor/Director of Administrative Services**

8. Administrative Work Session

11:00 AM **Katharine Hensler, Museum Director**

9. Staff update

10. Out of State Travel Request

Adjournment

Announcements

Riley County Planning Board/Board of Zoning Appeals meeting will be held tonight at 7:30 p.m. in the Commission Chambers, Courthouse Plaza East Building, 115 N. 4th Street.

A commissioner will be on In Focus live at 9:05 a.m. Tuesday, September 10, 2024 (KF).

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.



PLANNING & DEVELOPMENT
Public Hearing

Amanda Webb
Planning/Special Projects
Director
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-537-6332

COMMISSION AGENDA REPORT

FROM: Bob Isaac

MEETING: August 29, 2024

SUBJECT: Rezone an unplatted tract of land from SF-2 (Single Family Residential) to PUD (Planned Unit Development) to allow a landscaping business and single family residence.

PRESENTER: Bob Isaac

BACKGROUND

See staff report.

DISCUSSION

See staff report.

FISCAL IMPACT

None is anticipated

ALTERNATIVES

- . Approve the measure
- . Deny the measure
- . Modify or develop alternatives if other concerns or factors arise
- . Schedule work session to discuss issue further

RECOMMENDATION(S)

On August 12, 2024, the Riley County Planning Board forwarded a recommendation to the Board of Commissioners of Riley County to approve the request to rezone an unplatted tract of

land from SF-2 (Single Family Residential) to PUD (Planned Unit Development), as it was found to be in general conformance with the Vision 2025 Comprehensive Plan.

Staff also recommends the Board of County Commissioners accept the recommendation of Riley County Planning Board and approve the request to rezone the subject property, as it has been determined that it meets the requirements of the Riley County Zoning Regulations, the Riley County Sanitary Code and is in general conformance with the Vision 2025 Comprehensive Plan.

POSSIBLE MOTION(S)

ACTION NEEDED FOR REZONING:

- . **Move** to sign Resolution 082924-_____ approving the request to rezone an unplatted tract of land from SF-2 (Single Family Residential) to PUD (Planned Unit Development).
- . **Move** to sign Resolution 082924-_____ denying the request to rezone an unplatted tract of land from SF-2 (Single Family Residential) to PUD (Planned Unit Development).
- . **Move** to table the request to rezone the described property to a specific date, indicating the reasons for tabling.

ATTACHMENT(S):

- Staff report
- Maps
- Excerpt of Planning Board minutes

Enclosures:

- Staff Report BOCC (PDF)
- Maps(PDF)
- 2024-07-30 Done Right Preliminary Development Plan (PDF)
- 2024-07-30 Done Right Final Development Plan (PDF)
- LESA_Factor_Brock completed (PDF)
- Resolution Approved - Brock (PDF)
- Resolution Denied - Brock (PDF)
- Minutes - RCPB Excerpt (DOCX)



PLANNING & DEVELOPMENT

STAFF REPORT

Planned Unit Development

PETITION:	#24-033
APPLICANT:	Justin Brock 6621 Tuttle Creek Blvd. Manhattan, KS 66503
PROPERTY OWNER(S):	Justin A. & Mary E. Brock 6621 Tuttle Creek Blvd. Manhattan, KS 66503
REQUEST:	Rezone an unplatted tract of land from SF-2 (Single Family Residential) to PUD (Planned Unit Development) to allow a landscaping business and single family residence.
SIZE OF TRACT:	The subject site is approximately .96 acres.
LOCATION:	Generally located approximately 180 feet northwest of the intersection of W. 59th Avenue and Tuttle Creek Boulevard, on the south side of Tuttle Creek Boulevard; Section 18, Township 9 South, Range 7 East; Wildcat Township.
JURISDICTION:	This application is subject to the requirements of the Riley County Land Development Regulations.



BACKGROUND: Following rezoning approval in August 1976 (see zoning history), a building permit was issued for a single family residence. In September 1976, a building permit was issued for a garage. In March 2005, a building permit was issued for the current residence, replacing the former home. The applicant is seeking approval of a zoning designation that would allow the addition of a low-key landscaping business on the same tract as his single family residence.

DESCRIPTION:

Physical site characteristics: The site is developed with a single family dwelling and a detached garage. The boundaries of the property are lined with mature trees, with the exception of the south property line.

General character of the area: The general character of the area is a mix of pasture and very low-density single family residential development.

SUITABILITY OF ZONING:

Zoning History: The property was zoned agricultural during the 1974 countywide zoning conversion process. The property was rezoned to A-1(Single Family Residential) in August of 1976 (#76-28). The name of the zoning district was renamed SF-1(Single Family Residential) in May of 2012. The name of the zoning district was again renamed to SF-2 (Single Family Residential) in January of 2022. A Conditional Use was approved in 1989 (Pet.#89-07) for a craft shop.

Current Zoning: The subject property is currently zoned SF-2 (Single Family Residential). There are no variances, special uses or other conditional uses associated with the site.

Proposed zoning: The proposed zoning is PUD (Planned Unit Development).

SURROUNDING ZONING/LAND USE		
	ADJACENT ZONING	LAND USE
NORTH	AG (Agricultural District)	pasture
SOUTH	SF-3 (Single Family Residential)	residential
EAST	SF-1(Single Family Residential) and AG (Agricultural District)	Residential activities
WEST	AG (Agricultural District)	pasture

DETAILS OF DEVELOPMENT PLAN:

Permitted Uses:

1. Single-Family Residential, including:
Site Built Home
Manufactured Home, Residential Design
2. Operation of small landscaping business to include:
Office
Shop (garage)
Storage
3. Amateur Radio Service & Antenna (per Section 9.1 of the Riley County Land

Development Regulations (RCLDR)

4. Special Events - Type I (per Section 5.7 of the RCLDR)
5. Planting nursery stock
6. Greenhouse, Non-commercial (per Section 9.1 of the RCLDR)
7. Home Occupations (per Section 5.5 of the RCLDR)
8. Outdoor Storage, Accessory (per Section 9.1 of the RCLDR)
9. Residential Livestock - permitted as accessory use and in accordance with Section 5.3.D of RCLDR except that limit the maximum number of chickens shall be 24 chicks (not more than 12 weeks old) and 14 hens. Roosters and stock animals shall be prohibited.
10. Solar Energy Conversion System, Non-Commercial (per Section 5.2 of the RCLDR)

Permitted Structures:

1. One Single Family Dwelling
2. Accessory Structures as follows:
 - One multi-door garage for residential and business use
 - One shed for storage (See Future Shed and Greenhouse Information)
 - One Greenhouse (See Future Shed and Greenhouse Information)

Future Shed and Greenhouse Information:

Maximum Size: 28' x 32'

Use: Residential garden and business equipment, tools, and storage

Existing Garage Note:

The existing garage is to be partitioned in such a way that 25% of the area is to be used for residential purpose only, and the remaining 75% of the area is to be mixed use for residential purpose and storage of business equipment, vehicles, tools, and material.

Use Limitations:

1. On-site retail business sales are prohibited
2. Height of stored business materials and equipment shall not exceed height of screening
3. Mobile and Manufactured homes are prohibited.

Schedule for Improvements:

1. Landscape screening and open space (2024-2025)
2. Outdoor storage area (2024)
3. Future Shed or Greenhouse (2025-2028)

General Notes:

1. There is no proposed change to the topography contours on this site.
2. Existing driveway to remain.
3. The use, approximate size, and location of all existing structures are shown hereon.
4. Prominent topographic and existing natural features and drainage courses are shown hereon.
5. Existing site drainage is indicated hereon by drainage arrows.
6. There is no proposed change to the flow of storm drainage from this site.
7. There are no public or common areas as a part of this PUD.
8. There are no areas on this site proposed to be dedicated for public use.
9. The location and size of any existing sanitary sewer or stormwater drainage system, if any, are shown hereon.
10. There are no proposed sanitary sewer or stormwater drainage systems for this site.
11. Site shall remain in compliance with the Riley County Sanitary Code.
12. There are no existing or proposed signs for this site.

13. Existing landscape and screening to remain or be improved in location. New proposed landscape and screening locations are shown hereon.
14. There is no proposed phasing for this site.
15. Areas proposed to be restricted as to the use of land, buildings, and structures, if any, is shown hereon.
16. Areas of this property not otherwise labeled are open space and/or residential landscaping.
17. This property is subject to a Grant of Right of Way to The Kansas Power and Light Company as recorded in Book 277 Page 569.

POTENTIAL IMPACT:

Public facilities and services:

Streets and bridges: The subject site has existing access to Tuttle Creek Boulevard, a paved, two lane state highway (principal arterial), maintained by the Kansas Department of Transportation. No new or existing bridges are included with this request. No new entrances are being proposed with this request.

Water and sewer: The subject site is served by an on-site septic/lateral system and water well.

Fire: Riley County Fire District #1 will serve the site. The Tuttle Creek Fire Station (Station #12), located at 4120 Hwy 13, will serve as the primary responder to the site. The subject site is located within five (5) road miles of a fire station.

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

Effect on nearby property:

With the specific use limitations noted on the Preliminary Development Plan, restricting the type and intensity of commercial portion of the development, it is not anticipated that the proposed rezoning will have an unreasonable adverse impact on nearby property.

CONFORMANCE TO THE LAND USE PLAN:

The request was reviewed with the 2009 Vision 2025 Riley County Comprehensive Plan, specifically the Development Guidance System (Chapter 12). The analysis is as follows:

Conformance to the 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.

Goal for Commercial:

To allow sufficient areas efficiently distributed throughout the county and adequate opportunity for commercial development.

Objective C1: Encourage the development of comparative retail businesses in existing commercial areas within the cities in the County.

Policies:

C1.2 The commercial zoning of land for all types of businesses outside the cities will be carefully controlled to prevent the total dispersion of shopping facilities.

Objective C2: Allow for clustered and coordinated commercial development outside of the cities.

Policies:

C2.1 Planned commercial areas shall be provided for large lot users (i.e. lumberyards, farm implement dealers, auto dealers, discount stores, supermarkets). These uses should always be directed to the cities first. However, if suitable tracts and/or locations are not available within the cities, areas should be made available adjacent to or in close proximity to the cities.

Future Land Use Map

According to the Future Land Use Map North (Figure 11.2) found in the Plan, the subject property is not located within a designated growth area.

The Land Evaluation/Site Assessment (LESA) Score

According to the final score of the LESA analysis, the subject property achieved 4101 points (Moderate for Development). No bonus points were factored into the analysis.

Hardship on the landowner

On the submitted application, the applicant expressed that if the rezoning request were to be denied, his family will face the financial and time burden of renting/purchasing another property to run their business from and the need to maintain it. The applicants stated that a separate location would reduce the time he is able to spend with his wife and young daughter. He stated that he uses his home office for the business; a separate location would reduce the efficiency of the business operation.

Staff analysis: Although the Future Land Use map (central) of the Plan does not project the area for commercial use, the request to rezone the subject property to a planned and coordinated zoning designation is consistent with goals and objectives of the Plan. The size of the subject site, along with the constraints of an on-site septic/lateral system, a well for potable water and an irrigation well, will limit the intensity of the proposed commercial activity on the site.

RILEY COUNTY ZONING REGULATIONS:

Agricultural Buffer: N/A

Riparian Buffer: N/A

COMMENTS AND CONCERNS:

ENVIRONMENTAL HEALTH: The Riley County Environmental Health Specialist has reviewed the request and reported the proposed site plan is in compliance with the Riley County Sanitary Code. He said the future shed foundation must be setback 20 feet from the existing lateral field; if the shed is used to store fertilizer or other landscaping chemicals, the irrigation well will need to be abandoned and plugged.

COUNTY ENGINEER: The County Engineer has reviewed the request and reported Public Works has no issues with this PUD. He said the Stormwater Drainage and Traffic Study are not required by Riley County. He said the applicant will need to contact KDOT for permission with the change of use (existing entrance).

EMERGENCY MANAGEMENT: Riley County Emergency Management has reviewed the request and reported that RCFD #1 sees no issues with this PUD.

TOWNSHIP TRUSTEE: The Wildcat Township Trustee was sent a Development Review Memo; no response has been received by this office.

KANSAS DEPARTMENT OF TRANSPORTATION (KDOT): The Area Engineer of KDOT has reviewed the request and reported KDOT's understanding is that the property is being improved to have a business that the landowner is storing landscape materials and equipment to conduct landscaping at other business and landowner properties. He also stated that KDOT's understanding is that the landowner is not requesting a change of their existing access nor requesting an additional access. He said if these understandings change, KDOT should be notified.

RILEY COUNTY PLANNING BOARD:

On August 12, 2024, the Riley County Planning Board heard the request and unanimously forwarded a recommendation of approval of the request, based on reasons listed in the staff report.

STAFF RECOMMENDATIONS:

Staff recommended the Planning Board forward a recommendation to the Board of Commissioners of Riley County to approve the request to rezone the subject property based on the following:

- The request is in general conformance with the goals and objectives of the Vision 2025 Comprehensive Plan;

Staff recommends that the Board of County Commissioners accept the recommendation of Riley County Planning Board and approve the request to rezone the subject property, as it has been determined that it meets the requirements of the Riley County Zoning Regulations, the Riley County Sanitary Code and is in general conformance with the Vision 2025 Comprehensive Plan.

POSSIBLE MOTION(S)

ACTION NEEDED FOR REZONING:

- A. **Move** to approve the request to rezone the subject property from SF-2 (Single Family Residential) to PUD (Planned Unit Development).
- B. **Move** to deny the request to rezone the subject property from SF-2 (Single Family Residential) to PUD (Planned Unit Development).
- C. **Move** to table the request to rezone the described property to a specific date, indicating the reasons for tabling.

REASONS TO CONSIDER WHEN DECIDING A REZONING PETITION:

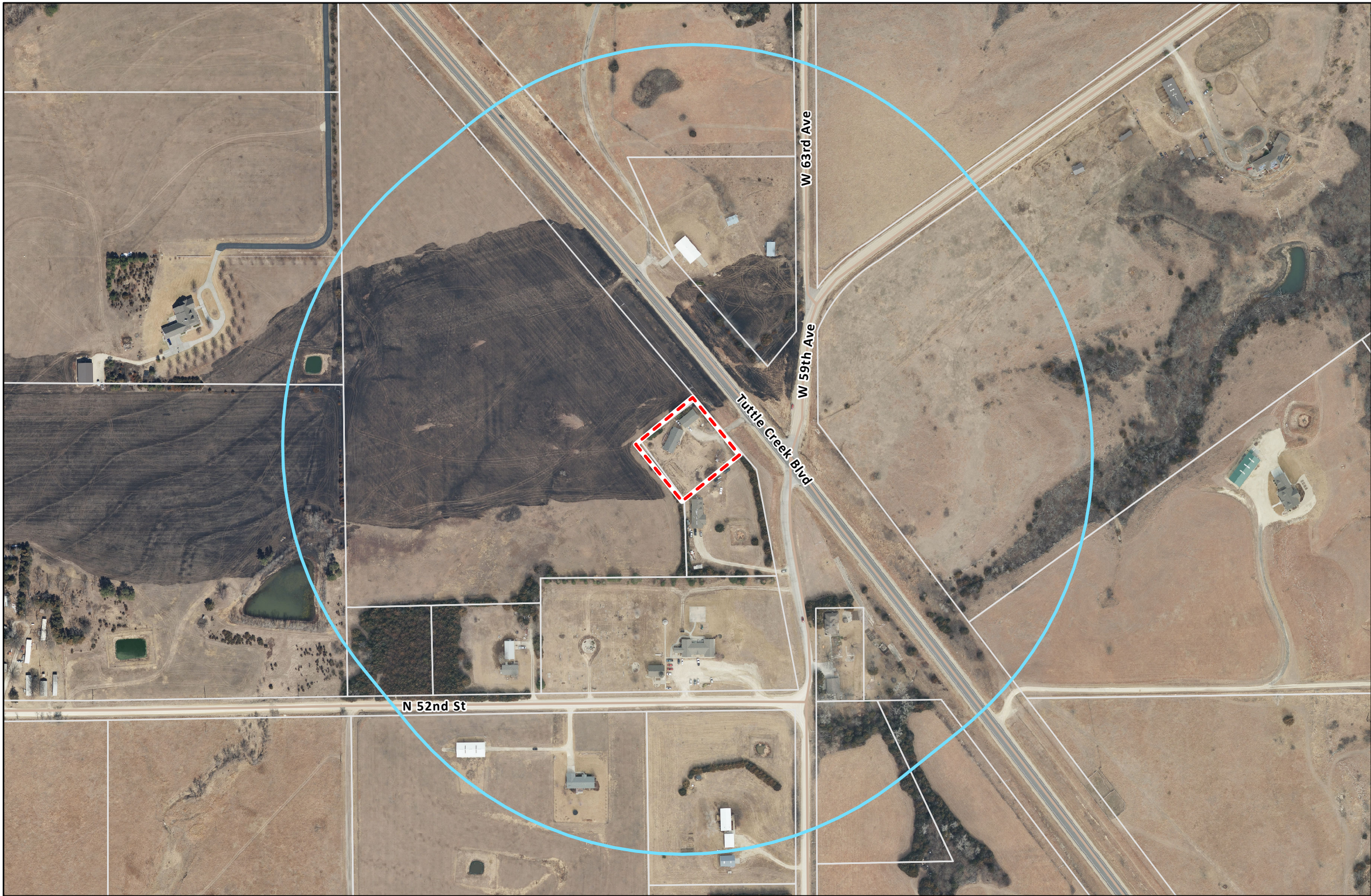
- ☐ Is the rezoning compatible with the character of the neighborhood?
- ☐ Is the rezoning compatible with the zoning and uses of properties nearby?

- ❑ Is the subject property not suitable for the uses allowed by the current zoning?
- ❑ Will the removal of the current restrictions by rezoning detrimentally affect nearby property?
- ❑ Has the subject property remained vacant as zoned for a substantial time period?
- ❑ Is the gain to the public health, safety and welfare by denying rezoning not as great as the hardship imposed upon the individual landowner?
- ❑ Is the rezoning consistent with the recommendations of permanent or professional staff?
- ❑ Does the rezoning conform to the adopted comprehensive plan?
- ❑ Will the rezoning detrimentally affect the conservation of the natural resources of the County?
- ❑ Will the rezoning result in the efficient expenditure of public funds?
- ❑ Will the rezoning promote the health, safety, convenience, prosperity and general welfare of the inhabitants of the County?

ATTACHMENTS:

- Vicinity/site map
- Surrounding zoning map
- Fire Stations map
- Floodplain map
- Fort Riley noise contour map
- Preliminary Development Plan
- Final Development Plan
- LESA

Prepared by: Bob Isaac
August 21, 2024



9.b

VICINITY AND SITE

Brock

#24-033
Rezone

SF-2 to PUD

18-9-7

 1000' Buffer
 Site



Attachment: Maps (15004 : Brock - Rezone)



SURROUNDING ZONING

Brock

#24-033
Rezone

SF-2 to PUD

18-9-7

 1000' Buffer

 Site

-  AG Agricultural
-  AG-R AG/Residential
-  C-1 General Business
-  C-2 Highway Business
-  Fort Riley
-  I-1 Light Industrial
-  I-2 Heavy Industrial
-  MF Multi-Family
-  MHP Manufactured Home Park
-  PUD Planned Unit Development
-  SF-1 Single Family
-  SF-2 Single Family
-  SF-3 Single Family
-  TF Two-Family
-  U University
-  Special Zoning

Attachment: Maps (15004 : Brock - Rezone)





FIRE STATIONS

Brock

#24-033
Rezone

SF-2 to PUD

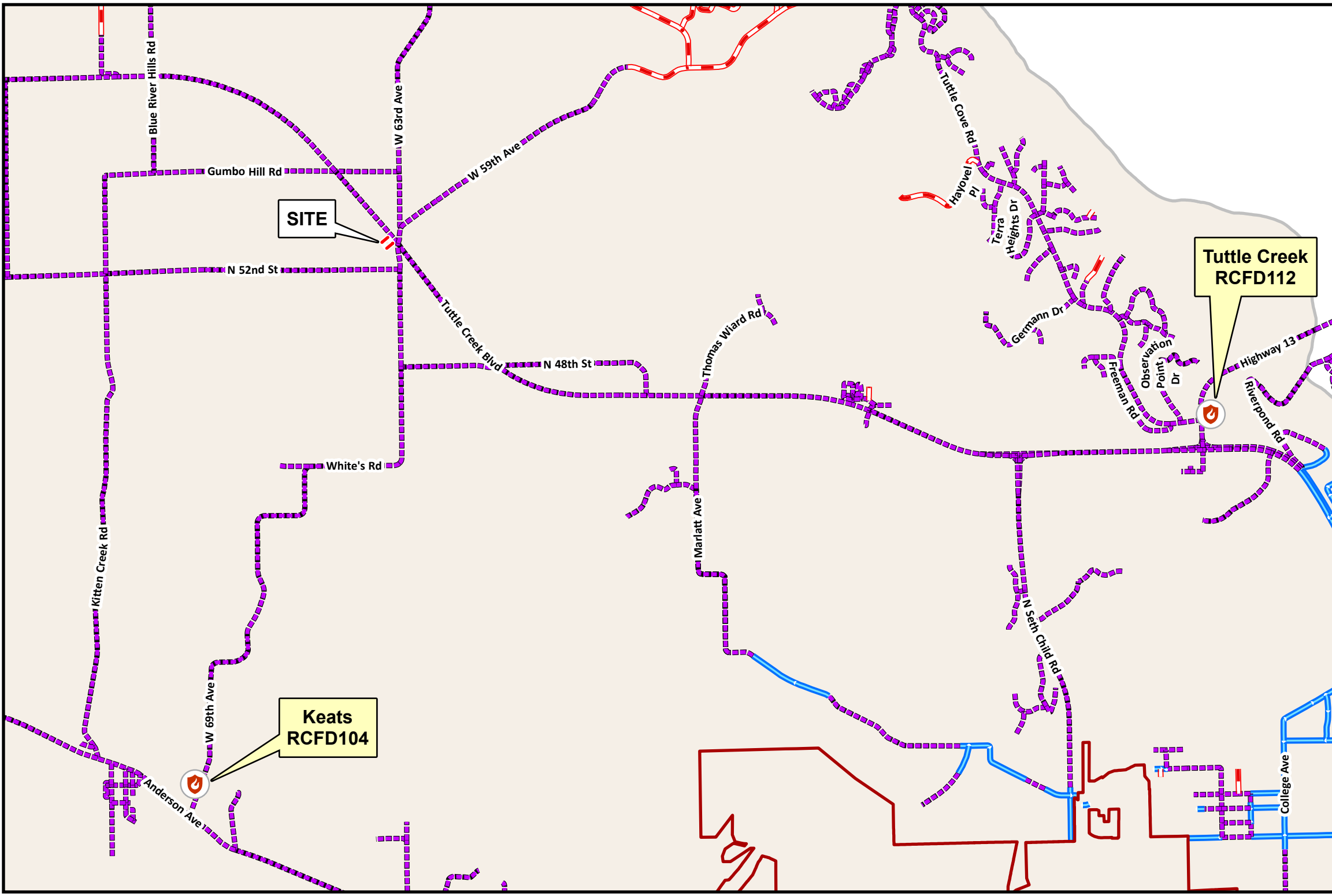
18-9-7

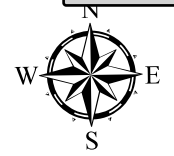
 Fire Stations

ISO Rating

-  5 (within 1000' of a hydrant)
-  6 (within 5 road miles of 6 fire station)
- 10 (outside 5 road miles)
-  OR road is not paved/gravel

Attachment: Maps (15004 : Brock - Rezone)





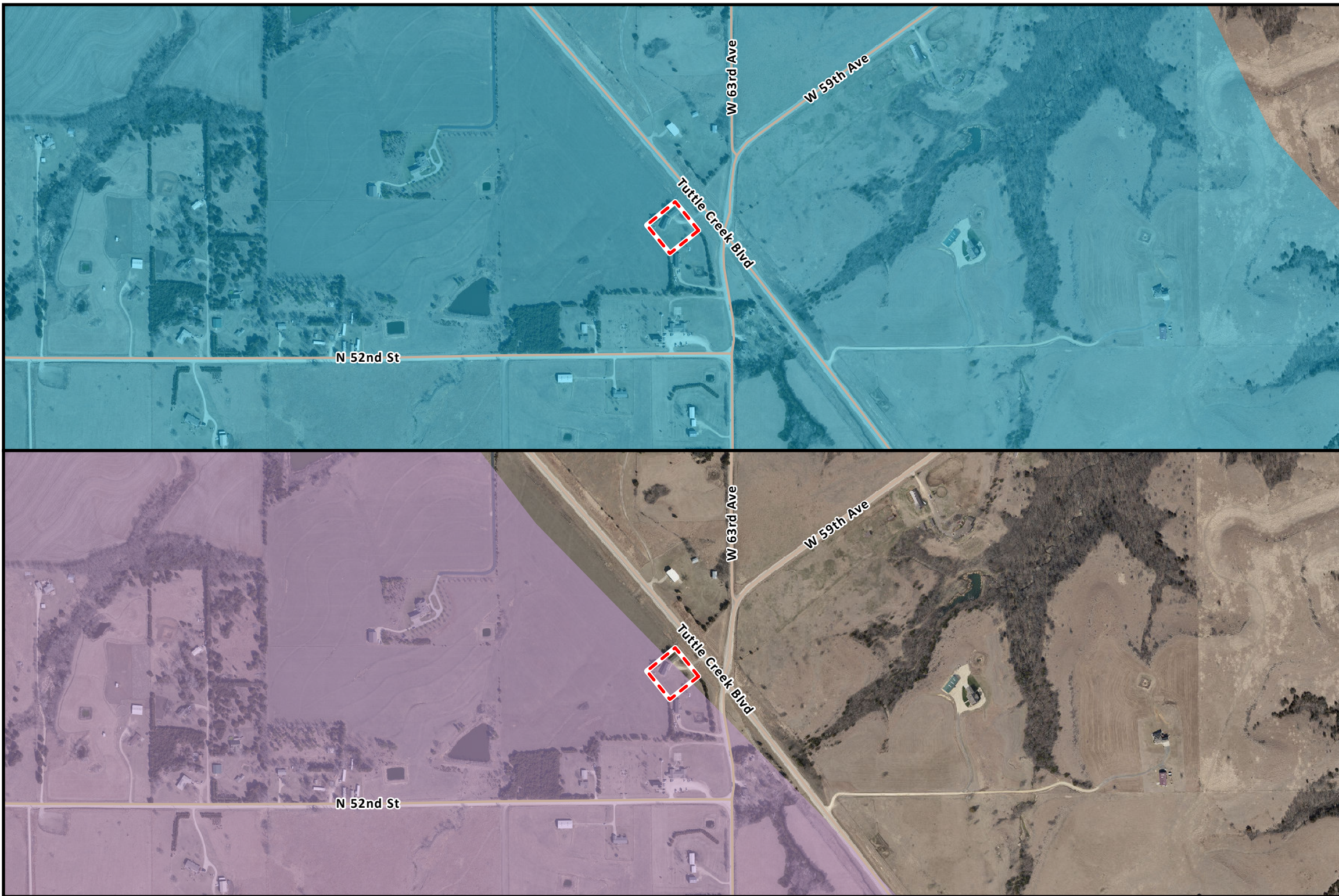
FORT RILEY NOISE CONTOURS AVERAGE AND PEAK

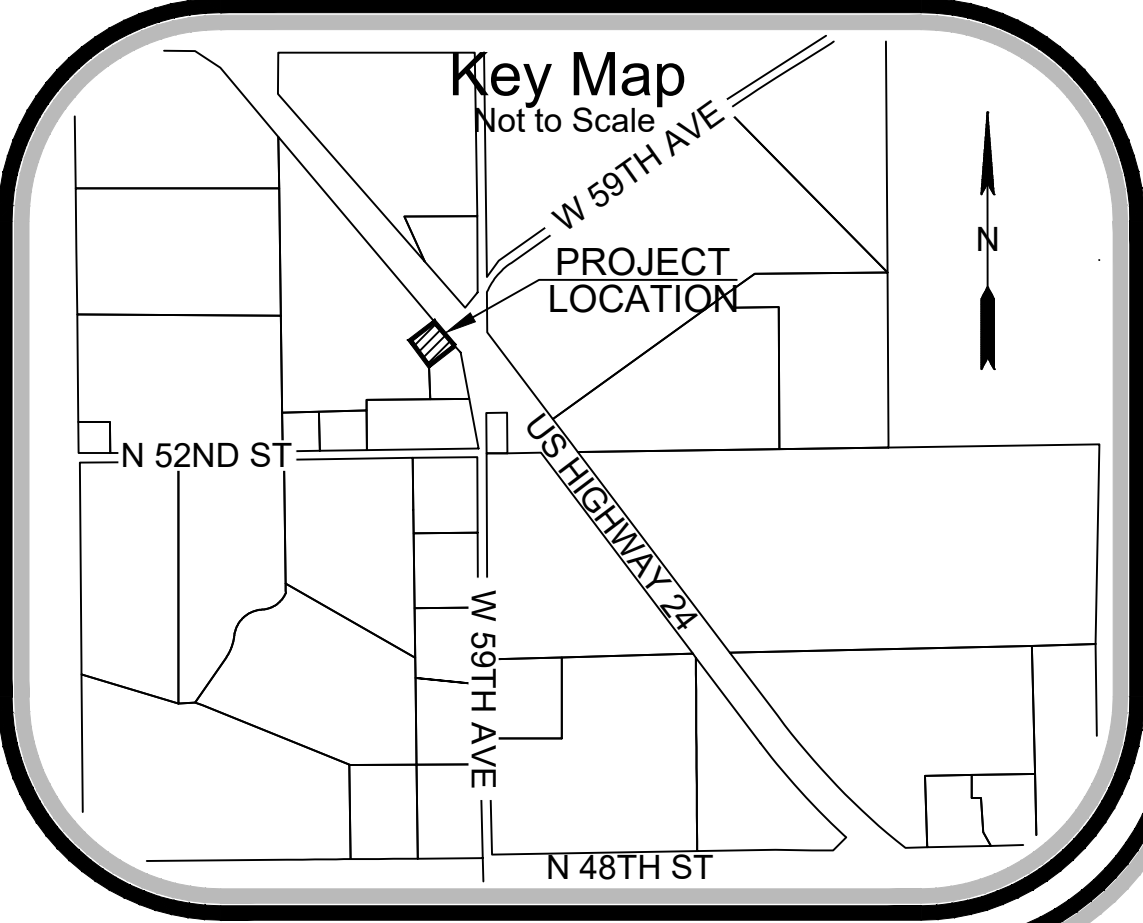
Brock
#24-033
Rezone
SF-2 to PUD
18-9-7

 Site

- ## Legend
- ### Average Noise Levels
-  CDNL 57 (LUPZ)
 -  CDNL 62 (Zone II)
 -  CDNL 70 (Zone III)
- ### Peak Noise Levels Large Caliber
-  Large Caliber 115
 -  Large Caliber 130

Attachment: Maps (15004 : Brock - Rezone)





SURVEY NOTES

- 1) Bearings used on this survey are based on Kansas Regional Coordinate System Zone 8 (Manhattan)
- 2) Fieldwork on this survey was completed June 21, 2024.

PERMITTED USES

- 1. Single-Family Residential, including:
 - Site Built Home
 - Manufactured Home, Residential Design
- 2. Operation of small landscaping business to include:
 - Office
 - Shop (garage)
 - Storage
- 3. Amateur Radio Service & Antenna (per Section 9.1 of the Riley County Land Development Regulations (RCLDR))
- 4. Special Events - Type I (per Section 5.7 of the RCLDR)
- 5. Planting nursery stock
- 6. Greenhouse, Non-commercial (per Section 9.1 of the RCLDR)
- 7. Home Occupations (per Section 5.5 of the RCLDR)
- 8. Outdoor Storage, Accessory (per Section 9.1 of the RCLDR)
- 9. Residential Livestock - permitted as accessory use and in accordance with Section 5.3.D of RCLDR except that limit the maximum number of chickens shall be 24 chicks (not more than 12 weeks old) and 14 hens. Roosters and stock animals shall be prohibited.
- 10. Solar Energy Conversion System, Non-Commercial (per Section 5.2 of the RCLDR)

PERMITTED STRUCTURES

- 1. One Single Family Dwelling
- 2. Accessory Structures as follows:
 - One multi-door garage for residential and business use
 - One shed for storage (See Future Shed and Greenhouse Information)
 - One Greenhouse (See Future Shed and Greenhouse Information)

USE LIMITATIONS

- 1. On-site retail business sales are prohibited
- 2. Height of stored business materials and equipment shall not exceed height of screening
- 3. Mobile and Manufactured homes are prohibited.

SCHEDULE OF IMPROVEMENTS

- 1. Landscape screening and open space (2024-2025)
- 2. Outdoor storage area (2024)
- 3. Future Shed or Greenhouse (2025-2028)

FUTURE SHED AND GREENHOUSE INFORMATION

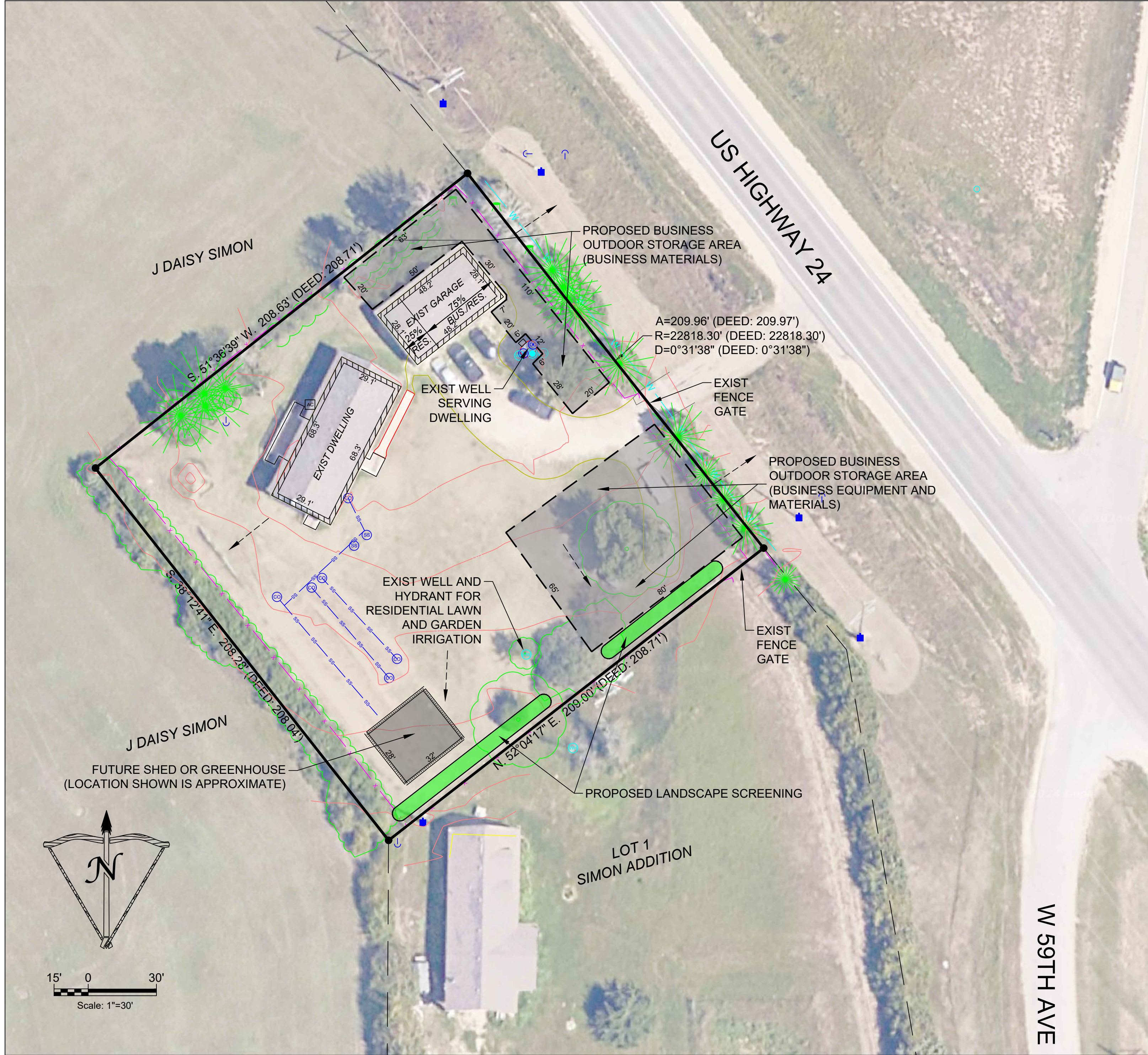
Maximum Size: 28' x 32'
Use: Residential garden and business equipment, tools, and storage

EXISTING GARAGE NOTE

The existing garage is to be partitioned in such a way that 25% of the area is to be used for residential purpose only, and the remaining 75% of the area is to be mixed use for residential purpose and storage of business equipment, vehicles, tools, and material.

GENERAL NOTES

- 1. There is no proposed change to the topography contours on this site.
- 2. Existing driveway to remain.
- 3. The use, approximate size, and location of all existing structures is shown hereon.
- 4. Prominent topographic and existing natural features and drainage courses are shown hereon.
- 5. Existing site drainage is indicated hereon by drainage arrows.
- 6. There is no proposed change to the flow of storm drainage from this site.
- 7. There are no public or common areas as a part of this PUD.
- 8. There are no areas on this site proposed to be dedicated for public use.
- 9. The location and size of any existing sanitary sewer or stormwater drainage system, if any, are shown hereon.
- 10. There are no proposed sanitary sewer or stormwater drainage systems for this site.
- 11. Site shall remain in compliance with the Riley County Sanitary Code.
- 12. There are no existing or proposed signs for this site.
- 13. Existing landscape and screening to remain or be improved in location. New proposed landscape and screening locations are shown hereon.
- 14. There is no proposed phasing for this site.
- 15. Areas proposed to be restricted as to the use of land, buildings, and structures, if any, is shown hereon.
- 16. Areas of this property not otherwise labeled are open space and/or residential landscaping.
- 17. This property is subject to a Grant of Right of Way to The Kansas Power and Light Company as recorded in Book 277 Page 569.



BUILDING ALLOCATION

Designation	Square Feet	% of Total
Dwelling	1,987	59.5
Garage	1,354	40.5
Totals:	3,341	100.0%

PARCEL COVERAGE

Designation	Square Feet	% of Total
Building	3,341	7.7
Landscape/Open	31,335	71.8
Outdoor Storage	8,957	20.5
Totals:	43,633	100.0%

FORT RILEY NOTICE OF POTENTIAL NOISE IMPACTS

This addition is subject to the Notice of Potential Noise Impacts from Fort Riley, Kansas Military Installation and Recommended Noise Attenuation Building Methods recorded on August 17, 2020 in Bk. 881 Pg. 7017

SCREENING

Screening along areas designated for the landscaping business storage, as shown, shall consist of either man-made and/or landscape elements that provide adequate visual screening. Screening shall be a minimum of six (6) feet in height and residential in character.

ZONING INFORMATION

Current: SF-2 (Single Family Residential)
Proposed: PUD (Planned Unit Development)

FLOOD NOTE

This property lies within FEMA Flood Zone X as shown on FIRM Map Number 20161C0250G, effective 3/16/2015.

BUILDING SETBACK REQUIREMENTS

Front Yard: 25 feet *
Side Yard: 10 feet
Rear Yard: 15 feet
*All new structures shall be subject to the setback requirements of Section 6.6.D of the Riley County Development Regulations

ANTICIPATED TRAFFIC

Approximately three departures and returns of work vehicle(s) per day.

UTILITY NOTE

The property is currently being served by an on-site water well and is utilizing an existing on-site septic tank and lateral field sanitary sewer system. There are no changes proposed to the existing utility or service.

BENCHMARK INFORMATION

USCGS Benchmark - KEATS Standard Tablet Stamped "KEATS 1947"
NAVD88 Elevation = 1373.4

OWNER INFORMATION

Justin A. Brock and Mary E. Brock
6621 Tuttle Creek Blvd.
Manhattan, KS 66503

LEGAL DESCRIPTION (Bk. 896 Pg. 5172)

A TRACT OF LAND IN THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION EIGHTEEN (18), TOWNSHIP NINE (9) SOUTH, RANGE SEVEN (7) EAST OF THE 6th P.M., IN RILEY COUNTY, KANSAS, SPECIFICALLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF KANSAS STATE HIGHWAY 177, SAID POINT BEING 100 FEET LEFT OF STATION 601+57.78; SAID POINT BEING S. 30°28'44" E. 2264.94 FEET FROM THE NORTHWEST CORNER OF THE E1/2 OF THE SE1/4 OF SAID SECTION 18; THENCE FROM THE ABOVE DESCRIBED POINT OF BEGINNING, WHICH HAS A TANGENT BEARING OF N. 38°54'58" W., ON A CURVE TO THE LEFT, ON A RIGHT-OF-WAY LINE RADIUS OF 22818.30 FEET, A CENTRAL ANGLE OF 0°31'38" AND AN ARC OF 209.97 FEET; THENCE ON A RADIAL BEARING OF S. 50°33'24" W. 208.71 FEET; THENCE S. 39°10'47" E. 208.04 FEET; THENCE ON A RADIAL BEARING OF N. 51°05'02" E. 208.71 FEET TO THE POINT OF BEGINNING

EXISTING FEATURE LEGEND

●	Found 1/2" Rebar	1109	Existing Contours	SS	Sanitary Sewer Line
○	Bench Mark	WV	Water Valve		Building
E	Electrical Box	WH	Water Hydrant	x x x	Fence
⌵	Stump	PP	Power Pole	~~~~~	Edge of Timber
WM	Water Meter	DM	Dead Man	~~~~~	Row of Trees
SS	Sanitary Sewer Manhole	LP	Light Pole	~~~~~	Deciduous Tree
T	Telephone Pedestal	ACU	Air Conditioning Unit	~~~~~	Conifer Tree
G	Gate	WM	Water Manhole	~~~~~	Bush
MW	Monitoring Well	SSC	Sanitary Sewer Cleanout	~~~~~	
		DA	Drainage Arrow		

PRELIMINARY DEVELOPMENT PLAN

DONE RIGHT
LANDSCAPE
SOLUTIONS

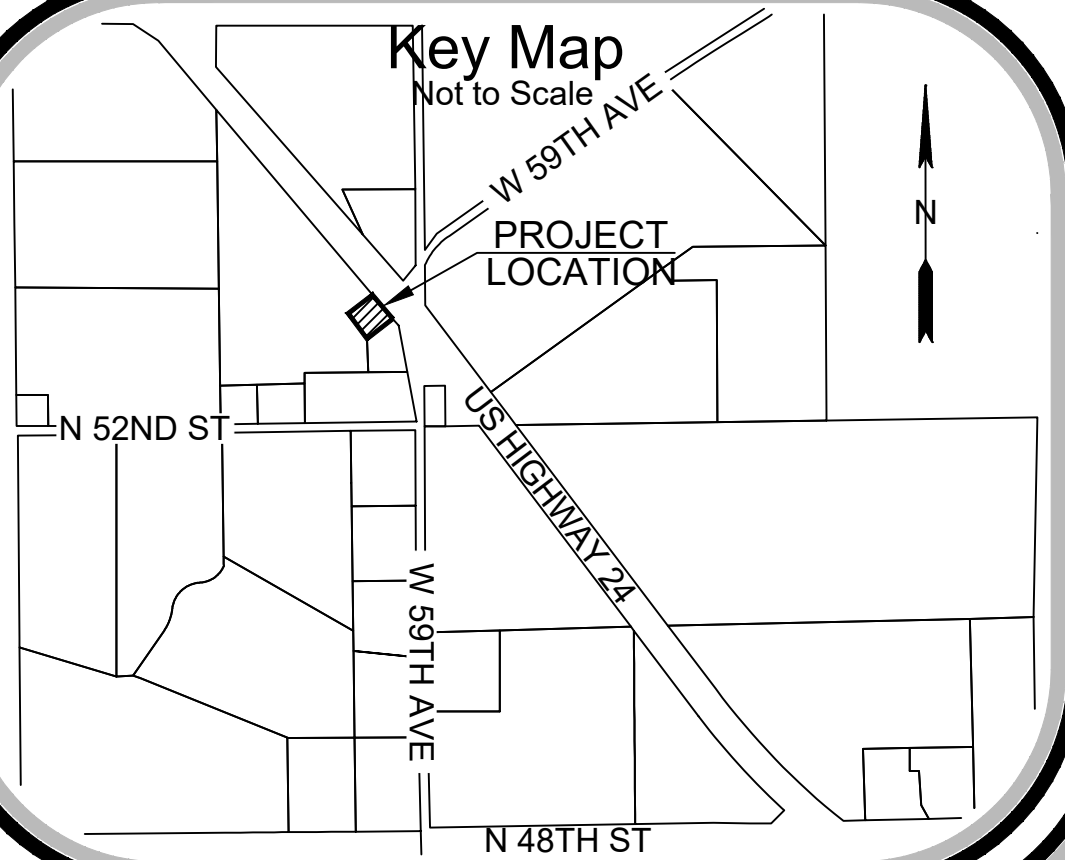
SECTION 18, T9S, R7E, RILEY COUNTY, KANSAS

Prepared By:
BG CONSULTANTS
ENGINEERS • ARCHITECTS • SURVEYORS

4806 Vue du Lac Place, Manhattan, KS 66503
T: 1.785.537.7448 | Web: www.bgcons.com
Manhattan | Lawrence | Emporia

July 30, 2024

24-1215

**SURVEY NOTES**

- Bearings used on this survey are based on Kansas Regional Coordinate System Zone 8 (Manhattan)
- Fieldwork on this survey was completed June 21, 2024.

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Maximum Size: 28' x 32'
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- This property is subject to a Grant of Right of Way to The Kansas Power and Light Company as recorded in Book 277 Page 569.

CERTIFICATE OF THE COUNTY COMMISSION

STATE OF KANSAS)
COUNTY OF RILEY) SS:

Approved this _____ day of _____, 2024

Chairperson

Commissioner

Commissioner

Attest: County Clerk

LEGAL DESCRIPTION (Bk. 896 Pg. 5172)

A TRACT OF LAND IN THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION EIGHTEEN (18), TOWNSHIP NINE (9) SOUTH, RANGE SEVEN (7) EAST OF THE 6th P.M., IN RILEY COUNTY, KANSAS, SPECIFICALLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF KANSAS STATE HIGHWAY 177, SAID POINT BEING 100 FEET LEFT OF STATION 601+57.78; SAID POINT BEING S. 30°28'44" E. 2264.94 FEET FROM THE NORTHWEST CORNER OF THE E1/2 OF THE SE1/4 OF SAID SECTION 18; THENCE FROM THE ABOVE DESCRIBED POINT OF BEGINNING, WHICH HAS A TANGENT BEARING OF N. 38°54'58" W., ON A CURVE TO THE LEFT, ON A RIGHT-OF-WAY LINE RADIUS OF 22818.30 FEET, A CENTRAL ANGLE OF 0°31'38" AND AN ARC OF 209.97 FEET; THENCE ON A RADIAL BEARING OF S. 50°33'24" W. 208.71 FEET; THENCE S. 39°10'47" E. 208.04 FEET; THENCE ON A RADIAL BEARING OF N. 51°05'02" E. 208.71 FEET TO THE POINT OF BEGINNING

APPROVAL OF PLANNING AND DEVELOPMENT

STATE OF KANSAS)
COUNTY OF RILEY) SS:

Planning and Development Director

**OWNER'S CERTIFICATE**

STATE OF KANSAS)
COUNTY OF RILEY) SS:

This is to certify that the undersigned is/are the owner(s) of record hereon described on this plan, and that said owner(s) has/have caused the same to be intended for the uses and purposes as indicated hereon, and does hereby acknowledge and adopt the same under style and title indicated. Further that said owner(s) or corporation(s) and their successors and assigns do agree to be bound by all the terms and conditions of this development plan.

Given under my hand at _____, Kansas this _____ day of _____ A.D., 2024

Justin A. Brock

Mary E. Brock

ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF RILEY) SS:

BE IT REMEMBERED, that on this _____ day of _____, 2024, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **Justin A. Brock and Mary E. Brock**, who are personally known to me to be the same person(s) who executed the foregoing Owner's Certificate, and duly acknowledged the 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: _____

PARCEL COVERAGE

Designation	Square Feet	% of Total
Building	3,341	7.7
Landscape/Open	31,335	71.8
Outdoor Storage	8,957	20.5
Totals:	43,633	100.0%

BUILDING ALLOCATION

Designation	Square Feet	% of Total
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Garage	1,354	40.5
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OWNER INFORMATION

Justin A. Brock and Mary E. Brock
6621 Tuttle Creek Blvd.
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UTILITY NOTE

The property is currently being served by an on-site water well and is utilizing an existing on-site septic tank and lateral field sanitary sewer system. There are no changes proposed to the existing utility or service.

BENCHMARK INFORMATION

USCGS Benchmark - KEATS Standard Tablet Stamped "KEATS 1947"
NAVD88 Elevation = 1373.4

EXISTING FEATURE LEGEND

● Found 1/2" Rebar	1109 Existing Contours	SS Sanitary Sewer Line
⊙ Bench Mark	Water Valve	Building
[E] Electrical Box	Water Hydrant	Fence
⊙ Stump	Power Pole	Edge of Timber
⊙ Water Meter	Dead Man	Row of Trees
SS Sanitary Sewer Manhole	Light Pole	Deciduous Tree
[T] Telephone Pedestal	Air Conditioning Unit	Conifer Tree
Gate	Water Manhole	Bush
⊙ Monitoring Well	Sanitary Sewer Cleanout	
--- Drainage Arrow		

SURVEYORS CERTIFICATE

I, the undersigned, do hereby certify that I am a Registered Professional Land Surveyor in the State of Kansas with experience and proficiency in Land Surveying; and that the heretofore described property was surveyed by me, or under my supervision; and that Regulations of the Riley County, Kansas, have been complied with in the preparation of this PUD.

Given under my hand and seal at Manhattan, Kansas
this _____ day of _____ A.D., 2024

BG Consultants, Inc.
4806 Vue du Lac Place
Manhattan, Kansas 66503
785-537-7448

Brian J. Westberg, PS 1708

FINAL DEVELOPMENT PLAN

DONE RIGHT LANDSCAPE SOLUTIONS

SECTION 18, T9S, R7E, RILEY COUNTY, KANSAS

Prepared By:

BG CONSULTANTS
ENGINEERS • ARCHITECTS • SURVEYORS

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Manhattan | Lawrence | Emporia

July 29, 2024

24-1215

FACTOR 1

CHARACTER OF THE NEIGHBORHOOD
(Surrounding Area within 1/4 Mile)

Agricultural Character Test

• Percent of Cropland/Grassland	Points	Score
☐ More than 95%	0	
☒ 80% to 95%	80	80
☐ 60% to 79.99%	165	
☐ Less than 60%	250	
TOTAL		80
• Overall Housing Density		
☐ Greater than 160 acres/residence	0	
☐ 80 to 160 acres/residence	65	
☐ 40 to 79.99 acres/residence	130	
☒ 20 to 39.99 acres/residence	195	195
☐ Less than 20 acres/residence	250	
TOTAL		195
• Number of Non-Farm Residences		
☐ 0	0	
☐ 1	50	
☐ 2	100	
☐ 3	150	
☐ 4	200	
☒ 5 or more	250	250
TOTAL		250
• Number of Tracts Less Than 20 acres		
☐ 0	0	
☐ 1	50	
☐ 2	100	
☐ 3	150	
☐ 4	200	
☒ 5 or more	250	250
TOTAL		250
GRAND TOTAL		775

SCALE	
	Points
Strongly Agricultural	0
	50
Moderately-Strong Agricultural	100
	150
Moderately Agricultural	200
	250
Moderately-Mild Agricultural	300
	350
Mildly Agricultural	400
	450
Mildly Non-Agricultural	500
	550
Mildly Non-Ag Residential	600
	650
Moderately-Mild Non-Ag Res.	700
	750
Moderately Non-Ag Res.	800
	850
Moderately-Strong Non-Ag Res.	900
	950
Strongly Non-Ag Residential	1000

Rural Character Test

- Development conforms to rural character guidelines

	Bonus	
	Points	Score
☐ Conforms to guidelines	500	
☒ Does not conform to guidelines	0	0
TOTAL		

TOTAL POINTS AVAILABLE:
(Not Including Bonus Points)

1000 Points

FACTOR 2

THE ZONING AND USES OF NEARBY PROPERTY (Surrounding Area within 1 Mile)

Compatible Zoning Test

Perimeter Component

- Percent of Perimeter Adjacent to Similar Zoning

	Points	Score
☐ No Adjacency	0	
☐ 1% - 9.99%	50	
☐ 10% - 24.99%	100	
☒ 25% - 50%	200	200
☐ Over 50%	250	
TOTAL		200

Proximity Component

- Number of Acres of Similar Zoning Within Certain Distances

Acres	Points	Within 1000'	Between 1000' and ½ mile	Between ½ mile and 1 mile
0	0			
.1-2	10			
2.1-5	20			
5.1-10	30			
10.1-15	40			
Over 15	50	50	50	50
Weighting		2.5	1.5	1
SUBTOTAL		125	75	50
TOTAL				250

Compatible Land Use Test

Perimeter Component

- Percent of Perimeter Adjacent to Similar Land Use

	Points	Score
☐ No Adjacency	0	
☐ 1% - 9.99%	50	
☐ 10% - 24.99%	100	
☒ 25% - 50%	200	200
☐ Over 50%	250	
TOTAL		200

Proximity Component

- Number of Acres of Similar Land Use Within Certain Distances

Acres	Points	Within 1000'	Between 1000' and ½ mile	Between ½ mile and 1 mile
0	0			
.1-2	10			
2.1-5	20			
5.1-10	30	30		
10.1-15	40			
Over 15	50		50	50
Weighting		2.5	1.5	1
SUBTOTAL		75	75	50
TOTAL				200

TOTAL POINTS AVAILABLE:

1000 Points

Attachment: LESA_Factor_Brock completed (15004 : Brock - Rezone)

FACTOR 3

THE SUITABILITY OF THE PROPERTY FOR THE USES ALLOWED UNDER THE CURRENT ZONING

Crop Capability Test

LAND CAPABILITY CLASS	RELATIVE VALUE (RV)	NUMBER OF ACRES IN SITE	PRODUCT OF RV & NO. OF ACRES
1	0		
2	25		
3	50	0.99	49.5
4	75	0.01	0.75
5	150		
6	225		
7	300		
8	375		
TOTALS		1	50.25

Product of RV & Acres / Number of
Acres in Site = Average Site Value

Average Site Value **50**

Rangeland Productivity Test

TOTAL DRY WEIGHT PRODUCTION - NORMAL YEAR (lbs)	RELATIVE VALUE (RV)	NUMBER OF ACRES IN SITE	PRODUCT OF RV & NO. OF ACRES
8500+	0		
7500-8499	50		
6500-7499	100		
5500-6499	150		
4500-5499	225		
3500-4499	300	0.99	297
2500-3499	375	0.01	3.75
TOTALS		1	300.75

Product of RV & Acres / Number of
Acres in Site = Average Site Value

Average Site Value **301**

Site Suitability Test

- Attributes Reducing Agricultural Site Suitability

Size of site (in acres)

- ☒ 0-3
☐ 3.1-5
☐ 5.1-10
☐ Over 10

Points	Score
125	125
90	
45	
0	
TOTAL	125

Isolation of site from other agricultural land

(Site must be < than 10 acres; isolation may be created by ownership or physical features, e.g. riparian areas, roads, topography, etc.)

- ☒ Isolated
☐ Not Isolated

Points	Score
125	125
0	
TOTAL	125

TOTAL POINTS AVAILABLE:

1000 Points

FACTOR 4

Agricultural Conflict Test

- Proximity of Residence to Confined Animal Feeding Operation (CAFO)

	Points	Score
☒ More than 1 mile from CAFO	250	250
☐ Between 1 mile and 1/4 mile	0	
☐ Within 1/4 mile	-250	
TOTAL		250

- Proximity of Site to Other Agricultural Activities

DISTANCE	POINTS	Permanently Preserved Land	Cropping Operation	Grassland Tract (>20 acres, no home)
Over 1000'	125	125	125	
500 - 999'	100			
250 - 499'	75			
50 - 249'	50			
Less than 50'	0			0
SUBTOTALS		125	125	0
TOTAL				250

DISTANCE	POINTS	Livestock Enclosure (No
Over 2000'	125	
1000 - 1999'	100	100
500 - 999'	75	
100 - 499'	50	
Less than 100'	0	
TOTAL		100

Non-Agricultural Conflict Test

- Proximity of Site to Fort Riley Noise Zones

	Points	Score
☐ Outside of Noise Zone II and LUPZ	250	
☒ Within LUPZ	125	125
☐ Within Noise Zone II	0	
TOTAL		125

ADDITIONAL POSITIVE/NEGATIVE POINTS FOR MITIGATIVE/DETRIMENTAL IMPACTS

- Effect of Rezoning on Valuation of Adjoining Property*

	Points	Score
☐ Evidence that rezoning will increase value of adjoining property	250	
☐ Evidence that rezoning will not devalue adjoining property	125	
☒ No evidence that rezoning will/will not devalue adjoining property	0	0
☐ Evidence that rezoning will devalue adjoining property	-250	
TOTAL		0

* Evidence must be from a professional source

TOTAL POINTS AVAILABLE:

1000 Points

Attachment: LESA_Factor_Brock completed (15004 : Brock - Rezone)

FACTOR 5

Public Health Test

• Availability of and Connection to Public Sanitary Sewer System

	Points	Score
☐ Available at site	200	
☐ Within 400'	175	
☐ 400' - .24 mile	150	
☐ .25 - .49 mile	100	
☐ .5 miles - .99 mile	50	
☒ More than 1 mile	0	0
TOTAL		0

• Availability of and Connection to Public Water Systems

	Points	Score
☒ Available at site	200	200
☐ Within 400'	175	
☐ 400' - .24 mile	150	
☐ .25 - .49 mile	100	
☐ .5 miles - .99 mile	50	
☐ More than 1 mile	0	
TOTAL		200

BONUS POINTS

	Points	Score
• Development will result in the creation/extension of new/additional public sewer system	500	0
• Development will result in the creation/extension of new/additional public water system	150	0

Public Safety Test

• Public Protection Classification (Fire Insurance Rating)

	Points	Score
☐ Within ISO Class 5	200	
☒ Within ISO Class 6	100	100
☐ Within ISO Class 10	0	
TOTAL		100

• Location of building site relative to floodplain

	Points	Score
☒ Not in the floodplain	200	200
☐ Within 0.2% annual chance floodplain	0	
☐ Within 1% annual chance floodplain	-200	
TOTAL		200

• Access to building site relative to floodplain

	Points	Score
☒ Not in the floodplain	200	200
☐ Within 0.2% annual chance floodplain	0	
☐ Within 1% annual chance floodplain	-200	
TOTAL		200

• Expected Impact of Proposed Development on Existing Road*

	Points	Score
☒ Current Road Adequate, No Changes Required	150	150
☐ Minor Improvements Needed	0	
☐ Major Improvements Needed	-150	
☐ Additional Off-Site Improvements Needed**	-150	
TOTAL		150

* Determination of anticipated traffic impacts from traffic study using assumed trip generation models. Minor/major improvements determined by County Engineer based on evaluation of degree of surface alterations required to meet the impact. Maximum points given for improvements funded by developer.

** Additional off-site improvements include addition of turning lanes, improvement of drainage structures and similar improvements that are not re-surfacing improvements. If alteration of surface and additional off-site improvements are needed, both point totals shall apply. No points subtracted for improvements funded by developer.

TOTAL POINTS AVAILABLE:

1150 Points

Attachment: LESA_Factor_Brock completed (15004 : Brock - Rezone)

FACTOR 6

Transportation Test

• Adequacy of the Access Road Surface

	Points	Score
☒ Paved	150	150
☐ Gravel w/ 24' roadbed	100	
☐ Gravel w/ 22' roadbed	50	
☐ Gravel w/ 20' roadbed	0	
☐ Gravel w/ 18' or less roadbed	-50	
☐ Unimproved	-100	
☐ Trail or Undeveloped	-150	
TOTAL		150

• Distance from site to Paved Road

	Points	Score
☒ Direct access onto paved road	150	150
☐ Within .25 mi	100	
☐ .25 to .49 mi	50	
☐ .50 to .99 mi	0	
☐ 1-3 miles	-50	
☐ Over 3 miles	-100	
TOTAL		150

• Distance from site to a Major Collector (or higher rated classification) or Frontage Rd

	Points	Score
☒ Direct access	150	150
☐ Within .5 mi	100	
☐ .51 to .99 mi	50	
☐ 1 to 2.9 mi	0	
☐ 3-5 miles	-50	
☐ Over 5 miles	-100	
TOTAL		150

Efficient Development Test

• Distance from a City*

	Points	Score
☐ Contiguous to City Limit	200	
☐ Within .25 mile of City Limit	150	
☐ .26 to .5 mile from City Limit	100	
☐ .51 to 1 mile from City Limit	50	
☐ 1.1 to 3 miles from City Limit	0	
☒ Beyond 3 miles from City Limit	-50	-50
TOTAL		-50

* Any Incorporated City within Riley County

• Distance from Nearest Public School*

	Points	Score
☐ Within 1 mile	200	
☐ 1.1 mile - 2 miles	100	
☐ 2.1 miles - 3 miles	0	
☒ Beyond 3 miles	-100	-100
TOTAL		-100

* Distance to Either Elementary or Secondary School
Using the Shortest Travel Distance Via Improved Roads

TOTAL POINTS AVAILABLE:

850

Attachment: LESA_Factor_Brock completed (15004 : Brock - Rezone)

FACTOR 7

CONFORMANCE TO THE COMPREHENSIVE PLAN

Future Land Use Map Test

• Conformance of the Proposal to the Future Land Use Map

- ☐ Within a Designated Growth Area (DGA)
- ☐ Within ¼ mile of DGA
- ☐ Between ¼ and ½ mile of DGA
- ☒ Over ½ mile from DGA

Points	Score
1000	
500	
250	
0	0
TOTAL	0

TOTAL POINTS AVAILABLE:

1000 Points

SUMMARY SCORESHEET

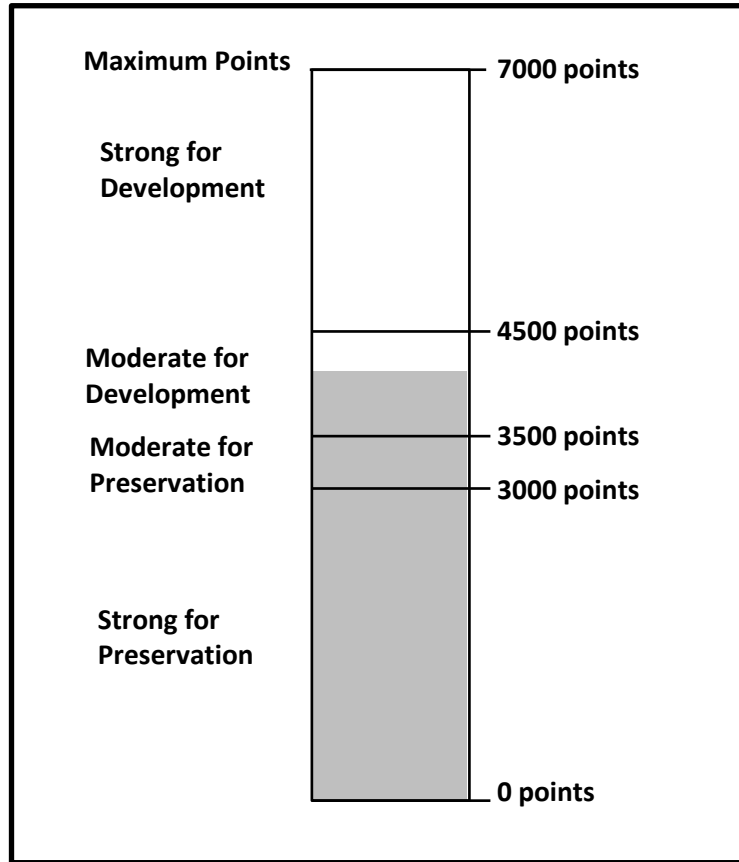
Factor	Score
1 <u>Agricultural Character Test</u>	
Percent of Cropland/Grassland	80
Overall Housing Density	195
Number of Non-Farm Residences	250
Number of Tracts Less Than 20 acres	250
2 <u>Compatible Zoning Test</u>	
Perimeter Component	200
Proximity Component	250
<u>Compatible Land Use Test</u>	
Perimeter Component	200
Proximity Component	200
3 <u>Crop Capability Test</u>	50
<u>Rangeland Productivity Test</u>	301
<u>Site Suitability Test</u>	
Site Size	125
Site Isolation	125
4 <u>Agricultural Conflict Test</u>	
Proximity to CAFO	250
Proximity to Other Ag Activities	250
Proximity to Livestock Enclosures	100
<u>Non-Agricultural Conflict Test</u>	
Proximity to Fort Riley Noise Zones	125
5 <u>Public Health Test</u>	
Availability of Sewer	0
Availability of Water	200
<u>Public Safety Test</u>	
Fire Protection Rating	100
Site to Floodplain	200
Access in Floodplain	200
6 <u>Transportation Test</u>	
Adequacy of Road Surface	150
Distance to Paved Road	150
Distance to Trafficways	150
Impact on Existing Road	150
<u>Efficient Development Test</u>	
Distance to City Limits	-50
Distance to Schools	-100
7 <u>Future Land Use Map Test</u>	0
SUBTOTAL	4101
ADDITIONAL POSITIVE/NEGATIVE POINTS	
1 <u>Rural Character Test</u>	
4 <u>Additional +/- Points</u>	
Effect on Valuation	0
5 <u>New/Additional Public Sewer System</u>	0
<u>New/Additional Public Water System</u>	0

SUBTOTAL: 0

GRAND TOTAL: 4101

Final Score:
4101

Final Scoring Chart



Attachment: LESA_Factor_Brock completed (15004 : Brock - Rezone)

RESOLUTION NO. 082924-**RESOLUTION AMENDING THE ZONING MAP OF RILEY COUNTY
CONCERNING THE USE OF CERTAIN REAL ESTATE
LOCATED IN WILDCAT TOWNSHIP**

WHEREAS, pursuant to the provision of Section 3.9 of the Riley County Land Development Regulations, Justin Brock, petitioner, and Justin A. and Mary E. Brock, owners, have requested that the classification of the below described Riley County real property, be changed from Zone SF-2 (Single Family Residential) to Zone PUD (Planned Unit Development); and

WHEREAS, the Riley County Planning Board, after appropriate notice conducted a public hearing on August 12, 2024; and

WHEREAS, the Riley County Planning Board has submitted its recommendation and report to the Board of Commissioners of Riley County, Kansas, recommending of the application; and

WHEREAS, More than 14 days have elapsed since the conclusion of the public hearing on the application and no valid protest against the proposal signed and acknowledged by owners of 20% or more of the property proposed to be rezoned or 20% of the total area which is located within 1,000 feet of the boundaries of the property proposed to be rezoned has been filed has been filed with the County Clerk of Riley County, Kansas, and all information presented has been carefully considered by the Board of Commissioners of Riley County, Kansas.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COUNTY COMMISSIONERS OF RILEY COUNTY, KANSAS:**

Section 1. That the facts set forth in the Planner's staff report and the recommendation of the Riley County Planning Board filed in the office of the Planning and Development Department have been received and considered by the Board of Commissioners of Riley County, Kansas and have been determined to be the controlling facts concerning the application.

Section 2. The request was found to be consistent with one or more of the following criteria as set forth in Golden v. City of Overland Park, 224 K. 591, 584 P.2d 130:

- a. The rezoning is compatible with the character of the neighborhood.
- b. The rezoning is compatible with the zoning and uses of properties nearby.
- c. The subject property is not suitable for the uses allowed by the current zoning.

- d. Removal of the current restrictions by rezoning will not detrimentally affect nearby property.
- e. The subject property has remained vacant as zoned for a substantial time period.
- f. The gain to the public health, safety and welfare by denying rezoning is not as great as the hardship imposed upon the individual landowner.
- g. The rezoning is consistent with the recommendations of permanent or professional staff.
- h. The rezoning conforms to the adopted comprehensive plan.
- i. The rezoning will not detrimentally affect the conservation of the natural resources of the County.
- j. The rezoning will result in the efficient expenditure of public funds.
- k. The rezoning will promote the health, safety, convenience, prosperity and general welfare of the inhabitants of the County.
- l. The rezoning is consistent with the recommendation of the Planning Board.

The zoning classification of the following described real estate in Riley County, Kansas:

A tract of land in the East Half (E1/2) of the Southeast Quarter (SE1/4) of Section Eighteen (18), Township Nine (9) South, Range Seven (7) East of the 6th P.M., in Riley County, Kansas, specifically described as follows:

Beginning at a point on the southwest right-of-way line of Kansas State Highway 177, said point being 100 feet left of Station 601+57.78; said point being S. 30°28'44" E. 2264.94 feet from the Northwest Corner of the E1/2 of the SE1/4 of said Section 18; Thence from the above described Point of Beginning, which has a tangent bearing of N. 38°54'58" W., on a curve to the left, on a right-of-way line radius of 22818.30 feet, a central angle of 0°31'38" and an arc of 209.97 feet; Thence on a radial bearing of S. 50°33'24" W. 208.71 feet; Thence S. 39°10'47" E. 208.04 feet; Thence on a radial bearing of N. 51°05'02" E. 208.71 feet to the Point Of Beginning.

is hereby changed from Zone SF-2 (Single Family Residential) to Zone PUD (Planned Unit Development), and that the Riley County Official Zoning Map shall be changed to reflect the amendment, that the original resolution incorporating the said official map by reference is hereby amended and that said official map be reincorporated by reference as amended.

This resolution shall take effect and be in force from and after its publication in the official county newspaper.

GRANTED this 29th day of August, 2024

BOARD OF COMMISSIONERS
OF RILEY COUNTY, KANSAS

John Ford, Chair

Greg McKinley, Vice Chair

Kathryn Focke, Member

ATTEST:

Rich Vargo, Riley County Clerk

Attachment: Resolution Approved - Brock (15004 : Brock - Rezone)

RESOLUTION NO. 082924-
RESOLUTION DENYING CHANGING THE ZONING MAP OF RILEY COUNTY
CONCERNING THE USE OF CERTAIN REAL ESTATE
LOCATED IN WILDCAT TOWNSHIP

WHEREAS, pursuant to the provision of Article 3 of the Riley County Land Development Regulations, Kansas, Justin Brock, petitioner, and Justin A. and Mary E. Brock owners, have requested that the classification of the below described Riley County real property be changed from Zone SF-2 (Single Family Residential) to Zone PUD (Planned Unit Development); and

WHEREAS, the Riley County Planning Board, after appropriate notice conducted a public hearing on August 12, 2024; and

WHEREAS, the Riley County Planning Board has submitted its recommendation and report to the Board of Commissioners of Riley County, Kansas, recommending of the application; and

WHEREAS, More than 14 days have elapsed since the conclusion of the public hearing on the application, and no valid protest against the proposal signed and acknowledged by owners of 20% or more of the property proposed to be rezoned or 20% of the total area which is located within 1,000 feet of the boundaries of the property proposed to be rezoned has been filed with the County Clerk of Riley County, Kansas, and all information presented has been carefully considered by the Board of Commissioners of Riley County, Kansas.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF RILEY COUNTY, KANSAS:

Section 1. That the facts set forth in the Planner's staff report and the recommendation of the Riley County Planning Board filed in the office of the Planning and Development Department have been reviewed and considered by the Board of Commissioners of Riley County, Kansas and have been determined to be the controlling facts concerning the application.

Section 2. The request was found to be inconsistent with one or more of the following criteria set forth in Golden v. City of Overland Park, 224 K. 591, 584 P.2d 130:

- a. The rezoning is compatible with the character of the neighborhood.
- b. The rezoning is compatible with the zoning and uses of properties nearby.
- c. The subject property is not suitable for the uses allowed by the current zoning.
- d. Removal of the current restrictions by rezoning will not detrimentally affect nearby property.
- e. The subject property has remained vacant as zoned for a substantial time period.

- f. The gain to the public health, safety and welfare by denying rezoning is not as great as the hardship imposed upon the individual landowner.
- g. The rezoning is consistent with the recommendations of permanent or professional staff.
- h. The rezoning conforms to the adopted comprehensive plan.
- i. The rezoning will not detrimentally affect the conservation of the natural resources of the County.
- j. The rezoning will result in the efficient expenditure of public funds.
- k. The rezoning will promote the health, safety, convenience, prosperity and general welfare of the inhabitants of the County.
- l. The rezoning is consistent with the recommendation of the Planning Board.

Section 3. Using the above criteria, it was determined that the request be DENIED for the following reasons:

- a. The rezoning is incompatible with the character of the neighborhood.
- b. The rezoning is incompatible with the zoning and uses of properties nearby.

The zoning classification of the following described real estate in Riley County, Kansas:

A tract of land in the East Half (E1/2) of the Southeast Quarter (SE1/4) of Section Eighteen (18), Township Nine (9) South, Range Seven (7) East of the 6th P.M., in Riley County, Kansas, specifically described as follows:

Beginning at a point on the southwest right-of-way line of Kansas State Highway 177, said point being 100 feet left of Station 601+57.78; said point being S. 30°28'44" E. 2264.94 feet from the Northwest Corner of the E1/2 of the SE1/4 of said Section 18; Thence from the above described Point of Beginning, which has a tangent bearing of N. 38°54'58" W., on a curve to the left, on a right-of-way line radius of 22818.30 feet, a central angle of 0°31'38" and an arc of 209.97 feet; Thence on a radial bearing of S. 50°33'24" W. 208.71 feet; Thence S. 39°10'47" E. 208.04 feet; Thence on a radial bearing of N. 51°05'02" E. 208.71 feet to the Point Of Beginning.

was NOT changed from Zone SF-2 (Single Family Residential) to Zone PUD (Planned Unit Development).

DENIED this 29th day of August, 2024

BOARD OF COMMISSIONERS
OF RILEY COUNTY, KANSAS

John Ford, Chair

Greg McKinley, Vice Chair

Kathryn Focke, Member

ATTEST:

Rich Vargo, Riley County Clerk

Attachment: Resolution Denied - Brock (15004 : Brock - Rezone)

EXCERPT OF MINUTES

RILEY COUNTY PLANNING BOARD

August 12, 2024

Page 1

Brock – Rezone

Chairman Wienck opened the public hearing at the request of Justin Brock, petitioner, and Justin A. & Mary E. Brock, owners, to rezone an unplatted tract of land from SF-2 (Single Family Residential) to PUD (Planned Unit Development), to allow a landscaping business and a single family residence for a tract of land located in Wildcat Township, Section 18, Township 9 South, Range 7 East, in Riley County, Kansas.

Bob Isaac presented the request, explaining the details of the preliminary and final development plans to combine the existing homesite with a small landscaping business. Mr. Isaac stated that since the applicant wished to run the preliminary and final development plans concurrently, there were no changes between the two plans, as both plans were included in their staff reports for review. Mr. Isaac stated that a Development Review Memo was completed and returned by KDOT; they had no concerns and did not require changing the status of the entrance. Mr. Isaac explained the use limitations of the proposed development plans prohibited retail sales, which would eliminate the potential of increased traffic at the site. Mr. Isaac explained that the property was subject to several setback requirements, including the setback from the on-site sanitary sewer system; the setback from a principal arterial (Tuttle Creek Boulevard); and the setback from both on-site water wells. Mr. Isaac stated that the site was small and, paired with the setbacks, would limit the growth of the landscaping business at that location.

Staff recommended the Planning Board forward a recommendation of approval of the request to the Board of County Commissioners to rezone the subject property from SF-2 (Single Family Residential) to PUD (Planning Unit Development), as it has been determined that it is in general conformance with the comprehensive plan and meets the requirements of the Riley County Land Development Regulations and Riley County Sanitary Code.

Board member Peck asked Mr. Isaac if he could describe the difference between a small, medium and large landscaping business.

Mr. Isaac stated the regulations do not provide a standard of measurement between them, nor does the proposed development plan.

Board member Peck cautioned staff from using a nondefinitive word to describe something as it could be interpreted as “defining” rather than “describing”.

Chairman Wienck opened the public hearing and asked if the applicant wanted to speak.

Justin Brock, applicant, introduced himself and his wife and thanked the Board for hearing the petition.

There were no opponents or proponents.

Board member Peck moved to close the public hearing. Vice-Chair Gelroth seconded. Carried 5-0.

Attachment: Minutes - RCPB Excerpt (15004 : Brock - Rezone)

Board member Peck moved to forward a recommendation of approval of the request to the Board of County Commissioners to rezone the subject property from SF-2 (Single Family Residential) to PUD (Planned Unit Development). Vice-Chair Gelroth seconded. Carried 5-0.

Mr. Isaac announced that the Board of County Commissioners would hear the request on August 29, 2024 at 9:20 am, in the County Commission Chambers.



PLANNING & DEVELOPMENT
Public Hearing

Amanda Webb
Planning/Special Projects
Director
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-537-6332

RESOLUTION

FROM: Bob Isaac, Planner

MEETING: August 29, 2024

SUBJECT: Amend Section 5.2 Use Specific Standards; Section 5.3 Accessory Buildings, Structures and Uses; and Section 4.19 Planned Unit Development (PUD) of the Riley County Land Development Regulations.

PRESENTER: Bob Isaac, Planner

BACKGROUND

On December 6, 2021, the Board of County Commissioners adopted the Land Development Regulations for Riley County, Kansas. The document became effective on January 1, 2022. However, soon after the effective date, it was discovered some adjustments were needed. The Land Development Regulations were amended on May 5, 2022 and again on May 23, 2024. Following the discovery of other needed adjustments to the document by staff, the Riley County Planning Board requested certain amendments to the Riley County Land Development Regulations.

The proposed amendments were brought before the Riley County Planning Board on June 10, 2024 and the Manhattan Urban Area Planning Board June 27, 2024 for discussion and review. Their comments and suggestions have been incorporated into the proposed modifications. Below are the aforementioned amendments as published July 17, 2024, in the Notice of Public Hearing, along with staff analysis.

The Board of County Commissioners heard staff's presentation of the proposed amendments on August 22, 2024 and tabled the item to August 29, 2024 to allow additional review time.

DISCUSSION

See staff report.

FISCAL IMPACT

None is anticipated

ALTERNATIVES

- . Approve the measure
- . Deny the measure
- . Modify or develop alternatives if other concerns or factors arise
- . Schedule work session to discuss issue further

RECOMMENDATION(S)

On August 8, 2024, the Manhattan Urban Area Planning Board heard the request and unanimously forwarded a recommendation to the Board of County Commissioners to approve the amendments, as written in the staff report.

On August 12, 2024, the Riley County Planning Board heard the request and unanimously forwarded a recommendation to the Board of County Commissioners to approve the amendments, as written in the staff report.

STAFF RECOMMENDATIONS: Staff recommends that the Board of County Commissioners approve the proposed amendments to the Riley County Land Development Regulations, as recommended by the Planning Boards.

POSSIBLE MOTION(S)

A. Motion to approve Resolution 082924-_____ approving the request to amend Section 5.2 Use Specific Standards; Section 5.3 Accessory Buildings, Structures and Uses; and Section 4.19 Planned Unit Development (PUD) of the Riley County Land Development Regulations.

Or

B. Motion to sign Resolution 082924-_____ denying the request to amend Section 5.2 Use Specific Standards; Section 5.3 Accessory Buildings, Structures and Uses; and Section 4.19 Planned Unit Development (PUD) of the Riley County Land Development Regulations.

ATTACHMENT(S):

- Staff report
- Excerpt of Planning Board minutes

Enclosures:

- Staff Report LDR Amend part II BOCC (PDF)
- Excerpt of MUAPB minutes (PDF)
- Excerpt of RCPB minutes (PDF)

- Resolution Approved - LDR Amendments (PDF)
- Resolution Denied - LDR Amendments (PDF)



PLANNING & DEVELOPMENT

STAFF REPORT

Regulation Amendment

PETITION:	#24-032
APPLICANT:	Riley County Planning Board 110 Courthouse Plaza Manhattan, KS 66502
REQUEST:	Amend Section 5.2 Use Specific Standards; Section 5.3 Accessory Buildings, Structures and Uses; and Section 4.19 Planned Unit Development (PUD) of the Riley County Land Development Regulations.

PUBLIC NOTICE EXCERPT: (Additions are italicized and deletions are struck through)

RILEY COUNTY LAND DEVELOPMENT REGULATIONS:

BACKGROUND:

On December 6, 2021, the Board of County Commissioners adopted the Land Development Regulations for Riley County, Kansas. The document became effective on January 1, 2022. However, soon after the effective date, it was discovered some adjustments were needed. The Land Development Regulations were amended on May 5, 2022 and again on May 23, 2024. Following the discovery of other needed adjustments to the document by staff, the Riley County Planning Board requested certain amendments to the Riley County Land Development Regulations. The proposed amendments were brought before the Riley County Planning Board on June 10, 2024 and the Manhattan Urban Area Planning Board June 27, 2024 for discussion and review. Their comments and suggestions have been incorporated into the proposed modifications. Below are the aforementioned amendments as published July 17, 2024, in the Notice of Public Hearing, along with staff analysis.

SECTION 5.3 ACCESSORY BUILDINGS, STRUCTURES AND USES

C. Density Requirements

4. Except for commercial and industrial zoning districts, *a the maximum number of permitted three (3) detached accessory structures shall be as follows: permitted*
 - a. Three (3) for lots or tracts less than five (5) acres;
 - b. Four (4) for lots or tracts five (5) acres to 19.99 acres; and
 - c. Five (5) for lots or tracts 20 acres and larger.

Staff analysis: Although accessory structures used solely for agricultural purposes and those used solely for the housing of livestock or horses are not included in the total number of permitted accessory buildings or the calculation of the maximum cumulative square footage, there was a concern that limiting property owners with larger tracts to only three accessory structures was too restrictive. The intent of universally limiting all tracts to only three accessory structures may have been for consistency in addressing clutter or lot coverage, regardless of tract or lot size.

Staff believes that one approach, as noted above, would be to continue the three accessory building limit for lots or tracts less than five acres; allow a total of four accessory buildings for tracts between 5 and 19.99 acres; and allow a total of five accessory buildings for tracts 20 acres and larger. This change only effects the maximum number of accessory structures per lot or tract but does not change the maximum cumulative square footage calculation for the property.

SECTION 4.19 PLANNED UNIT DEVELOPMENT (PUD)

G. F. Standards and Criteria

1. General

The following standards and criteria shall be used by the Planning Board and BOCC in determining approval or denial of a Planned Unit Development district. A proposed Planned Unit Development district, which, if determined to be inconsistent with these standards and criteria, shall not be approved. All Planned Unit Development districts shall be consistent with the following:

- a. The application for a Planned Unit Development shall be filed by the owner(s) of record of all land to be occupied by that district;
- b. The Planned Unit Development shall be in general conformity with the Comprehensive Plan;
- c. The Planned Unit Development will not have a substantially adverse effect on the neighboring area;
- d. The Planned Unit Development provides benefits and amenities that warrant any modification of these regulations that would otherwise apply to the area;
- e. The Planned Unit Development provides design features and benefits that warrant any proposed modification of existing standards relating to public improvements, easements, rights-of-way and service utilities;
- f. Common open space and other common use facilities shall be consistent with the planned function and located within the Planned Unit Development so as to be convenient, readily accessible and visually attractive to all of the intended common users;
- g. The Planned Unit Development contains provisions relating to the location, size, ownership and ongoing maintenance of any lots, easements or rights-of-way for public streets and utilities, common open spaces and facilities, parking areas, and private drives/streets;
- h. Common use recreational facilities such as playgrounds and swimming pools shall be of a size adequate to serve the population for which they are intended;
- i. The Planned Unit Development provides for the location and arrangement of structures and other improvements, such as parking areas, lighting, landscaping, compatible with the surrounding land use;
- j. The Planned Unit Development provides a time schedule for the completion of the development as a whole or in stages;
- k. Off street parking and loading areas shall be provided for all uses within the Planned Unit Development in accordance with the requirements of these regulations; and
- l. When a non-residential Planned Unit Development abuts an existing residential use or an area zoned for residential use, screening shall be provided to assure year-round privacy to the residential use and greater setback requirements shall be provided in accordance with Section 6.8 – Landscaping and Screening.

2. Density Requirements

- a. Minimum Lot Area: No minimum lot area except the development shall meet all requirements of the Riley County Sanitary Code.
- b. Maximum Lot Coverage: The ground area occupied by principal and accessory structures on each lot shall not exceed 50% of the total lot area.

3. Setback Requirements

Setbacks shall be equivalent to those listed for the commercial and industrial districts, except where a parcel abuts an interstate, freeway/expressway (non-interstate), principal arterial, minor arterial or major collector, the required setback shall be as specified in Section 6.6 – Streets, Driveways, and Pedestrian Circulation.

4. Use Limitations

- a. Uses not specifically listed on the Final Development Plan shall not be permitted except by amendment of such plan. *Structures and uses determined to be agricultural, as defined herein, shall be exempt from this requirement.*
- b. ~~Structures not specifically listed on the Final Development Plan shall not be permitted except by amendment of such plan.~~

~~F. G. Amending a Final Development Plan~~

The Department shall not issue a building permit for any development that is not in conformance with the Final Development Plan; however, a Final Development Plan may be amended *as per the requirements of this section.* ~~except that the total building square footage of the Final Development Plan may be increased by a maximum of 1%.~~

1. *In the event a Final Development Plan is proposed to be amended, staff shall review the amended Final Development Plan for conformity to the originally approved Final Development Plan. The amended Final Development Plan shall be deemed to be in substantial conformance with the originally approved Final Development Plan if the amended Final Development Plan:*
 - a. *Does not vary the proposed gross residential density by more than 5% nor involve a reduction in the area set aside for common open space;*
 - b. *Does not increase the floor area proposed for non-residential use by more than 10%;*
 - c. *Does not increase the total ground area covered by buildings by more than 5% nor increase the heights of buildings by more than 5%, and*
 - d. *Retains the visual and spatial qualities of the original approved Final Development Plan.*
2. *Such amended Final Development Plan shall be submitted to the department drawn in waterproof black ink on a 24x36 inch, 0.004 inch mylar Cronoflex engineering photographic film, at the same scale as the original Final Development Plan. Such amended Final Development Plan shall include items listed in Section 4.19.D.8 of these regulations and include signature certificates for the owner(s) notary, and Director of Planning & Development. Such amended Final Development Plan shall show the changes from the original Final Development Plan and demonstrate substantial conformance with the originally approved Final Development Plan, as noted above.*
3. Any proposed changes beyond ~~these~~ the limits listed above, including any additional uses, structures, platting or replatting, boundary line adjustments or lot splits, shall require ~~an amendment to the Planned Unit Development district that follows formal approval of an~~

amended ~~Preliminary Development Plan and Final Development Plan~~. *Amending a Final Development Plan shall follow an amendment to the Planned Unit Development district that follows the same public hearing process as provided in Section 4.19.H below; however, amending a final development plan shall not be considered a rezoning nor subject to a protest petition. the original rezoning to Planned Unit Development district. This process shall include an amended Preliminary Development Plan and Final Development Plan.*

H. Procedures

The following steps are involved in the procedure for amending a Final Development Plan:

1. Pre-Application Conference

A formal pre-application conference is required per Section 3.4 – Pre-Application Conference.

2. Submission of Application

Applications for amending a Final Development Plan may be processed concurrently with applications for platting. All required documents and fees for both processes shall be submitted simultaneously.

3. Final Development Plan

The amended Final Development Plan shall meet the criteria listed for a Final Development Plan in Section 4.19.D.8.

4. Staff Review and Recommendation

Staff shall review the application and make a recommendation pursuant to Section 3.3 – General.

5. Public Notice Requirements

The Notice of Public Hearing shall be published in a manner and within the timeframe prescribed by state law and as required in Section 3.5 – Public Hearing Notice.

6. Planning Board Public Hearing

The Planning Board shall review the amended Final Development Plan, with respect to the applicable standards and criteria herein for a Final Development Plan and shall conduct a public hearing. The Planning Board shall recommend to the BOCC the amended Final Development Plan be approved, approved with revisions, or denied. The Planning Board may also table the request to the next regularly scheduled Planning Board meeting, citing reasons for such tabling.

7. BOCC Public Hearing and Decision.

- a. The BOCC is not required to hold a public hearing to consider the application based upon the recommendation by the Planning Board and shall approve, approve with revisions, table, or deny the proposed amended final development plan; however, if such final development plan contains changes from the originally approved final development plan which are determined by the BOCC to be not in the public interest, it shall not be approved by the BOCC and the owner shall be requested to meet with the BOCC to discuss remedies for the changes therein. If the owner does not agree to the remedies suggested by the BOCC or otherwise declines to revise the proposed amended Final Development Plan as submitted, the BOCC may, within 45 days of the original submission of the proposed amended Final Development Plan, deny approval of the plan and return it to the owner with a written statement setting forth the reasons why one or more changes are not in the public interest.*

- b. *In the case of approval by the BOCC, a resolution shall be passed acknowledging such approval of the amended Final Development Plan.*
- c. *Following the denial of an amended Final Development Plan by the BOCC, the owner may choose to revise the plan in accordance with the recommendations of the BOCC and resubmit it for approval or may, within 45 days of receipt of notice of denial, choose to appeal the decision of the BOCC to the district court.*
- d. *After approval of an amended Final Development Plan, the owner shall forthwith record, with the Register of Deeds, any associated plat and any covenants, easements, rights-of-way, bylaws, or other documents that are a part of the amended Final Development Plan.*

I. Amendment of Preliminary and Final Development Plans

Following a review of a proposed amended Final Development Plan, the Director shall have the authority to determine if proposed changes to a Final Development Plan are substantial and will require an amendment to the Planned Unit Development district that follows the same public hearing process as the original rezoning to Planned Unit Development district, including an amended Preliminary Development Plan and Final Development Plan. This process is not considered a rezoning; however, such process is subject to a protest petition. If a protest petition against the request is filed in accordance with Kansas statutes, the request shall not be approved except by at least a $\frac{3}{4}$ vote of all members of the BOCC.

J. Serial Amendments

A series of amendments that, cumulatively, exceed the threshold for “substantial conformance” to the originally approved final development plan (Section 4.19.G) shall require formal approval of such amendments and be subject to the procedure outlined in Section 4.19.H.

Staff analysis: Since the adoption of the Riley County Land Development Regulations (LDR) in January 2022, there have been a handful of property owners needing to amend their final development plan associated with their Planned Unit Development zoning designation. The LDR includes a process for amending a final development plan (p. 4-37) and is as follows:

“The Department shall not issue a building permit for any development that is not in conformance with the Final Development Plan except that the total building square footage of the Final Development Plan may be increased by a maximum of 1%. Any proposed changes beyond these limits shall require an amendment to the Planned Unit Development district that follows the same public hearing process as the original rezoning to Planned Unit Development district. This process shall include an amended Preliminary Development Plan and Final Development Plan.”

However, staff discovered the above process to be unclear in its application and left property owners and other staff confused. Staff believes that it’s too restrictive and inflexible, forcing property owners with the PUD zoning designation to start completely over, using the “same public hearing process as the original rezoning”, for what could be considered a minor change. This also created confusion as to whether or not such amendment would be subject to a protest petition like a rezoning. If not and substantial changes to the final development plan were being proposed, *should* a protest petition be allowed?

Staff is recommending a three-tiered approach. The “first tier” would be utilized when only minor changes to a final development plan are being proposed. The proposed amended final development plan would be reviewed administratively (staff) for “substantial conformance” to

the originally approved Final Development Plan. If the proposed changes are beyond the provided criteria for “substantial conformance”, the “second tier” of the amendment process would be utilized, which follows the public hearing process provided **H. Procedures** above, which is similar to the process of the original Final Development Plan. It is made clear that this “tier” of the amendment process is not considered a rezoning nor subject to a protest petition.

Following staff review of a proposed amended final development plan, the Director shall have the authority to determine if the changes are substantial enough to require the same hearing process as the original rezoning to Planned Unit Development district, including an amended Preliminary Development Plan and Final Development Plan (third tier). Although this process is not considered a rezoning, such process will be subject to a protest petition.

As a matter of “housekeeping”, staff recommends (as shown) a slight re-ordering of the section, moving Standards and Criteria before Amending a Final Development Plan.

SECTION 5.2 USE-SPECIFIC STANDARDS

J. Commercial Storage and Distribution of Anhydrous Ammonia or Propane

1. ~~Setback~~ ~~Such uses~~ *Commercial storage and distribution facilities for anhydrous ammonia shall be subject to the setback distance requirements of the Kansas Fertilizer Law Article 4. Commercial Fertilizers, Article 10. Anhydrous Ammonia, Kansas Administrative Regulations, 4-10-4c. Permanent Storage Facility Design And Permanent Storage Container Location, which requires the nearest edge of the nearest permanent storage container shall be located at the following distances:*
 - a. *At least 50 feet from the edge of any property not owned or leased by the permanent storage facility;*
 - b. *At least 50 feet from a well or other point of diversion used as a source of drinking water;*
 - c. *At least 50 feet from storage locations of flammables or explosives;*
 - d. *At least 1,000 feet from the area accessible to the public of any public assembly area, as defined in K.A.R. 4-10-1; and*
 - e. *Not on or less than 100 feet from the surface of a public roadway.*

Such storage and distribution facilities also shall not be located within 1,000 feet of any residential district boundary, church, school, or other place of public assembly.

The Kansas Department of Agriculture - Pesticide and Fertilizer Program shall confirm such setbacks are met prior to the installation of any proposed commercial anhydrous ammonia storage and/or distribution facilities.

2. *Commercial storage and distribution facilities for propane shall be subject to the setback requirements found in Chapter 61- Liquified Petroleum Gases of the International Fire Code (IFC). The Riley County Rural Fire Chief shall confirm such setbacks are met prior to the installation of any proposed commercial propane storage and/or distribution facilities.*

Staff analysis: Jerod Wanklyn visited with staff about the imminent construction of a new traffic circle at the intersection of Tuttle Creek Boulevard and Seth Child Road (KDOT). He said he was informed that although the actual location of the traffic circle is preliminary at this time, he will most likely need to relocate the existing 30,000 gallon commercial propane distribution tank currently located at the southeast corner of that intersection. Staff

checked the LDR for zoning compliance and if there were any applicable use-specific standards. Staff discovered that there was only one use-specific standard that applied to both commercial storage and distribution of anhydrous ammonia and commercial storage and distribution of propane; almost a “one size fits all” approach. Through discussions with Mr. Wanklyn and Riley County Deputy Fire Chief Antonio Padilla, it was learned that anhydrous ammonia and propane are not the same thing and the regulations should acknowledge this and be regulated differently. Mr. Padilla stated that the International Fire Code has established setback requirements for commercial storage and distribution of propane while the Kansas Department of Agriculture and Kansas Fertilizer Law have established setback requirements for commercial storage and distribution of anhydrous ammonia. Thus, staff recommends the amendments as proposed above.

MANHATTAN URBAN AREA PLANNING BOARD:

On August 8, 2024, the Manhattan Urban Area Planning Board heard the request and unanimously forwarded a recommendation to the Board of County Commissioners to approve the amendments, as written in the staff report.

RILEY COUNTY PLANNING BOARD:

On August 12, 2024, the Riley County Planning Board heard the request and unanimously forwarded a recommendation to the Board of County Commissioners to approve the amendments, as written in the staff report.

STAFF RECOMMENDATIONS: Staff recommends that the Board of County Commissioners approve the proposed amendments to the Riley County Land Development Regulations, as recommended by the Planning Boards.

POSSIBLE MOTION(S)

ACTION NEEDED:

A. Motion to approve Resolution 082224-_____ approving the request to amend Section 5.2 Use Specific Standards; Section 5.3 Accessory Buildings, Structures and Uses; and Section 4.19 Planned Unit Development (PUD) of the Riley County Land Development Regulations.

Or

B. Motion to sign Resolution 082224-_____ denying the request to amend Section 5.2 Use Specific Standards; Section 5.3 Accessory Buildings, Structures and Uses; and Section 4.19 Planned Unit Development (PUD) of the Riley County Land Development Regulations.

Prepared by: Bob Isaac, Planner
August 19, 2024

EXCERPT OF MINUTES MANHATTAN URBAN AREA PLANNING BOARD

August 8, 2024

Page 1

- 3.1 A **PUBLIC HEARING** to consider text **AMENDMENTS to the Riley County Land Development Regulations**. (*applicant: Riley County Planning Board, file no. RCF-24-037*)

Mr. Isaac stated that staff brought the proposed amendments to the Riley County Land Development Regulations before the Manhattan Urban Area Planning Board and the Riley County Planning Board for discussion on June 27th and July 8th, respectively.

He said those amendments and the reasons for them were listed in the staff report and were essentially left unchanged since those discussions, with one exception. He said at the June 27th Manhattan Urban Area Planning Board meeting, Board member Ebert expressed that the amendments to the PUD regulations lacked a clause or language for “serial amendments”, which would allow applicants to repeatedly amend their Final Development Plans with little or no review. He said he mentioned that the City of Manhattan has such a clause in the Manhattan Development Code and confirmed it with Assistant Community Development Director John Adam. Mr. Isaac stated that staff responded by including language to address potential “serial amendments”.

Mr. Isaac stated there were no other changes and recommended that the Planning Board forward a recommendation of approval to the Board of County Commissioners of the proposed amendments to the Riley County Land Development Regulations as listed in the staff report.

Mr. Isaac announced that the Riley County Planning Board would hear the request on Monday August 12th at 7:30 pm in the Board of County Commissioners chambers and the Board of County Commissioners would hear the request on August 22nd at 10:35 in the Board of County Commissioners chambers.

Myron Calhoun, 2001 Dunbar, stated that he and his wife have lived there since 1972 and believed the amendments for accessory structures, for tracts of land between five and twenty acres, are unreasonable. He described several agricultural outbuildings on his property and expressed concern the regulations would not allow for the number of accessory structures on his property as currently written.

Mr. Isaac responded by reminding the Board that the regulations state that structures used solely for agricultural purposes, as well as structures used to house livestock, are not counted in the maximum number of accessory structures allowed per lot or tract. He stated agricultural structures are exempt from the regulations.

Ken Ebert moved to forward a recommendation of approval of the request to the Board of County Commissioners of the proposed amendments to the Riley County Land Development Regulations as listed in the staff report.

Brad Buser seconded the motion.

Motion passed 5-0.

Mr. Isaac reminded the Planning Board that the he Riley County Planning Board will hear the request on Monday August 12th at 7:30 pm in the Board of County Commissioners chambers and the Board of County Commissioners will hear the request on August 22nd at 10:35 in the Board of County Commissioners chambers.

EXCERPT OF MINUTES

RILEY COUNTY PLANNING BOARD

August 12, 2024

Page 1

Riley County Land Development Regulation Amendments

Chairman Wienck opened the public hearing at the request of the Riley County Planning Board to amend Section 5.2 Use Specific Standards; Section 5.3 Accessory Buildings, Structures and Uses; and Section 4.19 Planned Unit Development (PUD) of the Riley County Land Development Regulations.

Bob Isaac presented the request stating staff brought the proposed amendments of the Riley County Land Development Regulations before the Manhattan Urban Area Planning Board and the Riley County Planning Board for discussion on June 27th and July 8th, respectively.

He said those amendments and the reasons for them were listed in the staff report and were essentially left unchanged since those discussions, with the following exception:

Mr. Isaac explained that at the June 27th Manhattan Urban Area Planning Board meeting, Board member Ebert expressed that the amendments to the PUD regulations lacked a clause or language for “serial amendments”, which could allow applicants to repeatedly amend their Final Development Plans with little or no review, based on the criteria for “substantial conformance”. Mr. Isaac said Ebert mentioned the City of Manhattan has such a clause in the Manhattan Development Code and confirmed it with Assistant Director of Community Development John Adam. Mr. Isaac stated that, following the meeting, county planning staff concluded that the existing language, as written, could prevent “serial” amendments, but it could be left to interpretation; thus, staff included specific language as how to directly address potential “serial amendments”.

Mr. Isaac stated there were no other changes.

Mr. Isaac stated that at the August 8th Manhattan Urban Area Planning Board, a public hearing was held and the Planning Board unanimously forwarded a recommendation to the Board of County Commissioners to approve the aforementioned amendments to the Riley County Land Development Regulations.

Staff recommended that the Riley County Planning Board forward a recommendation of approval to the Board of County Commissioners to adopt the proposed amendments, as written in the staff report.

Mr. Isaac announced that the Board of County Commissioners would hear the request on August 22, 2024 at 10:35 am, in the County Commission Chambers.

Board member Platt moved to forward a recommendation of approval to the Board of County Commissioners of Riley County of the proposed amendments to the Riley County Land Development Regulations as published. Vice-Chair Gelroth seconded. Carried 5-0.

Board member Peck moved to adjourn. Board member Platt seconded. Carried 5-0.

RESOLUTION NO. 082924 ____**RESOLUTION AMENDING THE RILEY COUNTY LAND DEVELOPMENT REGULATIONS IN RILEY COUNTY, KANSAS**

WHEREAS, pursuant to the provision of Section 3.8 of the Riley County Land Development Regulations, Riley County Planning Board has made application that an amendment be made to the Riley County Land Development Regulations, to provide for more efficient and equitable administration; and

WHEREAS, the Riley County Planning Board, after duly publishing notice of public hearing on said application, did on August 12, 2024, conduct a public hearing on said application; and

WHEREAS, the Manhattan Urban Area Planning Board, after duly publishing notice of public hearing on said application, did on August 8, 2024, conduct a public hearing on said application; and

WHEREAS, the Riley County Planning Board, has submitted their recommendation and report to the Board of Commissioners of Riley County, Kansas, recommending of the application; and

WHEREAS, the Manhattan Urban Area Planning Board, has submitted their recommendation and report to the Board of Commissioners of Riley County, Kansas, recommending of the application.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF RILEY COUNTY, KANSAS, that the recommendations of the Riley County Planning Board and Manhattan Urban Area Planning Board be accepted and that the Riley County Land Development Regulations are hereby amended as follows:

(additions are italicized and deletions are struck through)

SECTION 5.3 ACCESSORY BUILDINGS, STRUCTURES AND USES**C. Density Requirements**

4. Except for commercial and industrial zoning districts, *a the maximum number of permitted three (3) detached accessory structures shall be as follows: permitted*
 - a. Three (3) for lots or tracts less than five (5) acres;
 - b. Four (4) for lots or tracts five (5) acres to 19.99 acres; and
 - c. Five (5) for lots or tracts 20 acres and larger.

SECTION 4.19 PLANNED UNIT DEVELOPMENT (PUD)

G. F. Standards and Criteria

1. General

The following standards and criteria shall be used by the Planning Board and BOCC in determining approval or denial of a Planned Unit Development district. A proposed Planned Unit Development district, which, if determined to be inconsistent with these standards and criteria, shall not be approved. All Planned Unit Development districts shall be consistent with the following:

- a. The application for a Planned Unit Development shall be filed by the owner(s) of record of all land to be occupied by that district;
- b. The Planned Unit Development shall be in general conformity with the Comprehensive Plan;
- c. The Planned Unit Development will not have a substantially adverse effect on the neighboring area;
- d. The Planned Unit Development provides benefits and amenities that warrant any modification of these regulations that would otherwise apply to the area;
- e. The Planned Unit Development provides design features and benefits that warrant any proposed modification of existing standards relating to public improvements, easements, rights-of-way and service utilities;
- f. Common open space and other common use facilities shall be consistent with the planned function and located within the Planned Unit Development so as to be convenient, readily accessible and visually attractive to all of the intended common users;
- g. The Planned Unit Development contains provisions relating to the location, size, ownership and ongoing maintenance of any lots, easements or rights-of-way for public streets and utilities, common open spaces and facilities, parking areas, and private drives/streets;
- h. Common use recreational facilities such as playgrounds and swimming pools shall be of a size adequate to serve the population for which they are intended;
- i. The Planned Unit Development provides for the location and arrangement of structures and other improvements, such as parking areas, lighting, landscaping, compatible with the surrounding land use;
- j. The Planned Unit Development provides a time schedule for the completion of the development as a whole or in stages;
- k. Off street parking and loading areas shall be provided for all uses within the Planned Unit Development in accordance with the requirements of these regulations; and
- l. When a non-residential Planned Unit Development abuts an existing residential use or an area zoned for residential use, screening shall be provided to assure year-round privacy to the residential use and greater setback requirements shall be provided in accordance with Section 6.8 – Landscaping and Screening.

2. Density Requirements

- a. Minimum Lot Area: No minimum lot area except the development shall meet all requirements of the Riley County Sanitary Code.

- b. Maximum Lot Coverage: The ground area occupied by principal and accessory structures on each lot shall not exceed 50% of the total lot area.

3. Setback Requirements

Setbacks shall be equivalent to those listed for the commercial and industrial districts, except where a parcel abuts an interstate, freeway/expressway (non-interstate), principal arterial, minor arterial or major collector, the required setback shall be as specified in Section 6.6 – Streets, Driveways, and Pedestrian Circulation.

4. Use Limitations

- a. Uses not specifically listed on the Final Development Plan shall not be permitted except by amendment of such plan. *Structures and uses determined to be agricultural, as defined herein, shall be exempt from this requirement.*
- ~~b. Structures not specifically listed on the Final Development Plan shall not be permitted except by amendment of such plan.~~

~~F. G. Amending a Final Development Plan~~

The Department shall not issue a building permit for any development that is not in conformance with the Final Development Plan; however, a Final Development Plan may be amended *as per the requirements of this section.* ~~except that the total building square footage of the Final Development Plan may be increased by a maximum of 1%.~~

1. *In the event a Final Development Plan is proposed to be amended, staff shall review the amended Final Development Plan for conformity to the originally approved Final Development Plan. The amended Final Development Plan shall be deemed to be in substantial conformance with the originally approved Final Development Plan if the amended Final Development Plan:*
 - a. *Does not vary the proposed gross residential density by more than 5% nor involve a reduction in the area set aside for common open space;*
 - b. *Does not increase the floor area proposed for non-residential use by more than 10%;*
 - c. *Does not increase the total ground area covered by buildings by more than 5% nor increase the heights of buildings by more than 5%, and*
 - d. *Retains the visual and spatial qualities of the original approved Final Development Plan.*
2. *Such amended Final Development Plan shall be submitted to the department drawn in waterproof black ink on a 24x36 inch, 0.004 inch mylar Cronoflex engineering photographic film, at the same scale as the original Final Development Plan. Such amended Final Development Plan shall include items listed in Section 4.19.D.8 of these regulations and include signature certificates for the owner(s) notary, and Director of Planning & Development. Such amended Final Development Plan shall show the changes from the original Final Development Plan and demonstrate substantial conformance with the originally approved Final Development Plan, as noted above.*
3. *Any proposed changes beyond these the limits listed above, including any additional uses, structures, platting or replatting, boundary line adjustments or lot splits, shall require an amendment to the Planned Unit Development district that follows formal approval of an amended Preliminary Development Plan and Final Development Plan. Amending a Final*

Development Plan shall follow an amendment to the Planned Unit Development district that follows the same public hearing process as provided in Section 4.19.H below; however, amending a final development plan shall not be considered a rezoning nor subject to a protest petition. the original rezoning to Planned Unit Development district. This process shall include an amended Preliminary Development Plan and Final Development Plan.

H. Procedures

The following steps are involved in the procedure for amending a Final Development Plan:

1. Pre-Application Conference

A formal pre-application conference is required per Section 3.4 – Pre-Application Conference.

2. Submission of Application

Applications for amending a Final Development Plan may be processed concurrently with applications for platting. All required documents and fees for both processes shall be submitted simultaneously.

3. Final Development Plan

The amended Final Development Plan shall meet the criteria listed for a Final Development Plan in Section 4.19.D.8.

4. Staff Review and Recommendation

Staff shall review the application and make a recommendation pursuant to Section 3.3 – General.

5. Public Notice Requirements

The Notice of Public Hearing shall be published in a manner and within the timeframe prescribed by state law and as required in Section 3.5 – Public Hearing Notice.

6. Planning Board Public Hearing

The Planning Board shall review the amended Final Development Plan, with respect to the applicable standards and criteria herein for a Final Development Plan and shall conduct a public hearing. The Planning Board shall recommend to the BOCC the amended Final Development Plan be approved, approved with revisions, or denied. The Planning Board may also table the request to the next regularly scheduled Planning Board meeting, citing reasons for such tabling.

7. BOCC Public Hearing and Decision.

- a. The BOCC is not required to hold a public hearing to consider the application based upon the recommendation by the Planning Board and shall approve, approve with revisions, table, or deny the proposed amended final development plan; however, if such final development plan contains changes from the originally approved final development plan which are determined by the BOCC to be not in the public interest, it shall not be approved by the BOCC and the owner shall be requested to meet with the BOCC to discuss remedies for the changes therein. If the owner does not agree to the remedies suggested by the BOCC or otherwise declines to revise the proposed amended Final Development Plan as submitted, the BOCC may, within 45 days of the original submission of the proposed amended Final Development Plan, deny approval*

- of the plan and return it to the owner with a written statement setting forth the reasons why one or more changes are not in the public interest.*
- b. In the case of approval by the BOCC, a resolution shall be passed acknowledging such approval of the amended Final Development Plan.*
 - c. Following the denial of an amended Final Development Plan by the BOCC, the owner may choose to revise the plan in accordance with the recommendations of the BOCC and resubmit it for approval or may, within 45 days of receipt of notice of denial, choose to appeal the decision of the BOCC to the district court.*
 - d. After approval of an amended Final Development Plan, the owner shall forthwith record, with the Register of Deeds, any associated plat and any covenants, easements, rights-of-way, bylaws, or other documents that are a part of the amended Final Development Plan.*

I. Amendment of Preliminary and Final Development Plans

Following a review of a proposed amended Final Development Plan, the Director shall have the authority to determine if proposed changes to a Final Development Plan are substantial and will require an amendment to the Planned Unit Development district that follows the same public hearing process as the original rezoning to Planned Unit Development district, including an amended Preliminary Development Plan and Final Development Plan. This process is not considered a rezoning; however, such process is subject to a protest petition. If a protest petition against the request is filed in accordance with Kansas statutes, the request shall not be approved except by at least a $\frac{3}{4}$ vote of all members of the BOCC.

J. Serial Amendments

A series of amendments that, cumulatively, exceed the threshold for “substantial conformance” to the originally approved final development plan (Section 4.19.G) shall require formal approval of such amendments and be subject to the procedure outlined in Section 4.19.H.

SECTION 5.2 USE-SPECIFIC STANDARDS

J. Commercial Storage and Distribution of Anhydrous Ammonia or Propane

- 1. ~~Setback~~ ~~Such uses~~ Commercial storage and distribution facilities for anhydrous ammonia shall be subject to the setback distance requirements of the Kansas Fertilizer Law Article 4. Commercial Fertilizers, Article 10. Anhydrous Ammonia, Kansas Administrative Regulations, 4-10-4c. Permanent Storage Facility Design And Permanent Storage Container Location, which requires the nearest edge of the nearest permanent storage container shall be located at the following distances:*
 - a. At least 50 feet from the edge of any property not owned or leased by the permanent storage facility;*
 - b. At least 50 feet from a well or other point of diversion used as a source of drinking water;*
 - c. At least 50 feet from storage locations of flammables or explosives;*
 - d. At least 1,000 feet from the area accessible to the public of any public assembly area, as defined in K.A.R. 4-10-1; and*

e. Not on or less than 100 feet from the surface of a public roadway.

Such storage and distribution facilities also shall not be located within 1,000 feet of any residential district boundary, church, school, or other place of public assembly.

The Kansas Department of Agriculture - Pesticide and Fertilizer Program shall confirm such setbacks are met prior to the installation of any proposed commercial anhydrous ammonia storage and/or distribution facilities.

Commercial storage and distribution facilities for propane shall be subject to the setback requirements found in Chapter 61- Liquefied Petroleum Gases of the International Fire Code (IFC). The Riley County Rural Fire Chief shall confirm such setbacks are met prior to the installation of any proposed commercial propane storage and/or distribution facilities.

It is hereby ordered that the Riley County Land Development Regulations be changed to reflect the amendment and that the original resolution incorporating the said official regulations be reference be amended and that said official regulations be re-incorporated by reference as amended.

This resolution shall take effect and be in force from and after its publication in the official county newspaper.

Adopted this 29th day of August, 2024

BOARD OF COMMISSIONERS
OF RILEY COUNTY, KANSAS

John Ford, Chair

Greg McKinley, Vice Chair

Kathryn Focke, Member

ATTEST:

Rich Vargo, Riley County Clerk

RESOLUTION NO. 082924 ____**RESOLUTION DENYING THE REQUEST TO AMEND THE RILEY COUNTY LAND DEVELOPMENT REGULATIONS IN RILEY COUNTY, KANSAS**

WHEREAS, pursuant to the provision of Section 3.8 of the Riley County Land Development Regulations, Riley County Planning Board has made application that an amendment be made to the Riley County Land Development Regulations, to provide for more efficient and equitable administration; and

WHEREAS, the Riley County Planning Board, after duly publishing notice of public hearing on said application, did on August 12, 2024, conduct a public hearing on said application; and

WHEREAS, the Manhattan Urban Area Planning Board, after duly publishing notice of public hearing on said application, did on August 8, 2024, conduct a public hearing on said application; and

WHEREAS, the Riley County Planning Board, has submitted their recommendation and report to the Board of Commissioners of Riley County, Kansas, recommending of the application; and

WHEREAS, the Manhattan Urban Area Planning Board, has submitted their recommendation and report to the Board of Commissioners of Riley County, Kansas, recommending of the application.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF RILEY COUNTY, KANSAS, that the recommendations of the Riley County Planning Board and Manhattan Urban Area Planning Board be considered and that the Riley County Land Development Regulations are hereby NOT amended as follows:

(additions are italicized and deletions are struck through)

SECTION 5.3 ACCESSORY BUILDINGS, STRUCTURES AND USES**C. Density Requirements**

4. Except for commercial and industrial zoning districts, *a the maximum number of permitted three (3) detached accessory structures shall be as follows: permitted*
 - a. Three (3) for lots or tracts less than five (5) acres;
 - b. Four (4) for lots or tracts five (5) acres to 19.99 acres; and
 - c. Five (5) for lots or tracts 20 acres and larger.

SECTION 4.19 PLANNED UNIT DEVELOPMENT (PUD)

G. F. Standards and Criteria

1. General

The following standards and criteria shall be used by the Planning Board and BOCC in determining approval or denial of a Planned Unit Development district. A proposed Planned Unit Development district, which, if determined to be inconsistent with these standards and criteria, shall not be approved. All Planned Unit Development districts shall be consistent with the following:

- a. The application for a Planned Unit Development shall be filed by the owner(s) of record of all land to be occupied by that district;
- b. The Planned Unit Development shall be in general conformity with the Comprehensive Plan;
- c. The Planned Unit Development will not have a substantially adverse effect on the neighboring area;
- d. The Planned Unit Development provides benefits and amenities that warrant any modification of these regulations that would otherwise apply to the area;
- e. The Planned Unit Development provides design features and benefits that warrant any proposed modification of existing standards relating to public improvements, easements, rights-of-way and service utilities;
- f. Common open space and other common use facilities shall be consistent with the planned function and located within the Planned Unit Development so as to be convenient, readily accessible and visually attractive to all of the intended common users;
- g. The Planned Unit Development contains provisions relating to the location, size, ownership and ongoing maintenance of any lots, easements or rights-of-way for public streets and utilities, common open spaces and facilities, parking areas, and private drives/streets;
- h. Common use recreational facilities such as playgrounds and swimming pools shall be of a size adequate to serve the population for which they are intended;
- i. The Planned Unit Development provides for the location and arrangement of structures and other improvements, such as parking areas, lighting, landscaping, compatible with the surrounding land use;
- j. The Planned Unit Development provides a time schedule for the completion of the development as a whole or in stages;
- k. Off street parking and loading areas shall be provided for all uses within the Planned Unit Development in accordance with the requirements of these regulations; and
- l. When a non-residential Planned Unit Development abuts an existing residential use or an area zoned for residential use, screening shall be provided to assure year-round privacy to the residential use and greater setback requirements shall be provided in accordance with Section 6.8 – Landscaping and Screening.

2. Density Requirements

- a. Minimum Lot Area: No minimum lot area except the development shall meet all requirements of the Riley County Sanitary Code.

- b. Maximum Lot Coverage: The ground area occupied by principal and accessory structures on each lot shall not exceed 50% of the total lot area.

3. Setback Requirements

Setbacks shall be equivalent to those listed for the commercial and industrial districts, except where a parcel abuts an interstate, freeway/expressway (non-interstate), principal arterial, minor arterial or major collector, the required setback shall be as specified in Section 6.6 – Streets, Driveways, and Pedestrian Circulation.

4. Use Limitations

- a. Uses not specifically listed on the Final Development Plan shall not be permitted except by amendment of such plan. *Structures and uses determined to be agricultural, as defined herein, shall be exempt from this requirement.*
- ~~b. Structures not specifically listed on the Final Development Plan shall not be permitted except by amendment of such plan.~~

~~F. G. Amending a Final Development Plan~~

The Department shall not issue a building permit for any development that is not in conformance with the Final Development Plan; however, a Final Development Plan may be amended *as per the requirements of this section.* ~~except that the total building square footage of the Final Development Plan may be increased by a maximum of 1%.~~

1. *In the event a Final Development Plan is proposed to be amended, staff shall review the amended Final Development Plan for conformity to the originally approved Final Development Plan. The amended Final Development Plan shall be deemed to be in substantial conformance with the originally approved Final Development Plan if the amended Final Development Plan:*
 - a. *Does not vary the proposed gross residential density by more than 5% nor involve a reduction in the area set aside for common open space;*
 - b. *Does not increase the floor area proposed for non-residential use by more than 10%;*
 - c. *Does not increase the total ground area covered by buildings by more than 5% nor increase the heights of buildings by more than 5%, and*
 - d. *Retains the visual and spatial qualities of the original approved Final Development Plan.*
2. *Such amended Final Development Plan shall be submitted to the department drawn in waterproof black ink on a 24x36 inch, 0.004 inch mylar Cronoflex engineering photographic film, at the same scale as the original Final Development Plan. Such amended Final Development Plan shall include items listed in Section 4.19.D.8 of these regulations and include signature certificates for the owner(s) notary, and Director of Planning & Development. Such amended Final Development Plan shall show the changes from the original Final Development Plan and demonstrate substantial conformance with the originally approved Final Development Plan, as noted above.*
3. ~~Any proposed changes beyond these the limits listed above, including any additional uses, structures, platting or replatting, boundary line adjustments or lot splits, shall require an amendment to the Planned Unit Development district that follows formal approval of an amended Preliminary Development Plan and Final Development Plan. Amending a Final~~

Development Plan shall follow an amendment to the Planned Unit Development district that follows the same public hearing process as provided in Section 4.19.H below; however, amending a final development plan shall not be considered a rezoning nor subject to a protest petition. the original rezoning to Planned Unit Development district. This process shall include an amended Preliminary Development Plan and Final Development Plan.

H. Procedures

The following steps are involved in the procedure for amending a Final Development Plan:

1. Pre-Application Conference

A formal pre-application conference is required per Section 3.4 – Pre-Application Conference.

2. Submission of Application

Applications for amending a Final Development Plan may be processed concurrently with applications for platting. All required documents and fees for both processes shall be submitted simultaneously.

3. Final Development Plan

The amended Final Development Plan shall meet the criteria listed for a Final Development Plan in Section 4.19.D.8.

4. Staff Review and Recommendation

Staff shall review the application and make a recommendation pursuant to Section 3.3 – General.

5. Public Notice Requirements

The Notice of Public Hearing shall be published in a manner and within the timeframe prescribed by state law and as required in Section 3.5 – Public Hearing Notice.

6. Planning Board Public Hearing

The Planning Board shall review the amended Final Development Plan, with respect to the applicable standards and criteria herein for a Final Development Plan and shall conduct a public hearing. The Planning Board shall recommend to the BOCC the amended Final Development Plan be approved, approved with revisions, or denied. The Planning Board may also table the request to the next regularly scheduled Planning Board meeting, citing reasons for such tabling.

7. BOCC Public Hearing and Decision.

- a. The BOCC is not required to hold a public hearing to consider the application based upon the recommendation by the Planning Board and shall approve, approve with revisions, table, or deny the proposed amended final development plan; however, if such final development plan contains changes from the originally approved final development plan which are determined by the BOCC to be not in the public interest, it shall not be approved by the BOCC and the owner shall be requested to meet with the BOCC to discuss remedies for the changes therein. If the owner does not agree to the remedies suggested by the BOCC or otherwise declines to revise the proposed amended Final Development Plan as submitted, the BOCC may, within 45 days of the original submission of the proposed amended Final Development Plan, deny approval*

- of the plan and return it to the owner with a written statement setting forth the reasons why one or more changes are not in the public interest.*
- b. In the case of approval by the BOCC, a resolution shall be passed acknowledging such approval of the amended Final Development Plan.*
 - c. Following the denial of an amended Final Development Plan by the BOCC, the owner may choose to revise the plan in accordance with the recommendations of the BOCC and resubmit it for approval or may, within 45 days of receipt of notice of denial, choose to appeal the decision of the BOCC to the district court.*
 - d. After approval of an amended Final Development Plan, the owner shall forthwith record, with the Register of Deeds, any associated plat and any covenants, easements, rights-of-way, bylaws, or other documents that are a part of the amended Final Development Plan.*

I. Amendment of Preliminary and Final Development Plans

Following a review of a proposed amended Final Development Plan, the Director shall have the authority to determine if proposed changes to a Final Development Plan are substantial and will require an amendment to the Planned Unit Development district that follows the same public hearing process as the original rezoning to Planned Unit Development district, including an amended Preliminary Development Plan and Final Development Plan. This process is not considered a rezoning; however, such process is subject to a protest petition. If a protest petition against the request is filed in accordance with Kansas statutes, the request shall not be approved except by at least a $\frac{3}{4}$ vote of all members of the BOCC.

J. Serial Amendments

A series of amendments that, cumulatively, exceed the threshold for “substantial conformance” to the originally approved final development plan (Section 4.19.G) shall require formal approval of such amendments and be subject to the procedure outlined in Section 4.19.H.

SECTION 5.2 USE-SPECIFIC STANDARDS

J. Commercial Storage and Distribution of Anhydrous Ammonia or Propane

- 1. ~~Setback—Such uses~~ Commercial storage and distribution facilities for anhydrous ammonia shall be subject to the setback distance requirements of the Kansas Fertilizer Law Article 4. Commercial Fertilizers, Article 10. Anhydrous Ammonia, Kansas Administrative Regulations, 4-10-4c. Permanent Storage Facility Design And Permanent Storage Container Location, which requires the nearest edge of the nearest permanent storage container shall be located at the following distances:*
 - a. At least 50 feet from the edge of any property not owned or leased by the permanent storage facility;*
 - b. At least 50 feet from a well or other point of diversion used as a source of drinking water;*
 - c. At least 50 feet from storage locations of flammables or explosives;*
 - d. At least 1,000 feet from the area accessible to the public of any public assembly area, as defined in K.A.R. 4-10-1; and*

e. Not on or less than 100 feet from the surface of a public roadway.

Such storage and distribution facilities also shall not be located within 1,000 feet of any residential district boundary, church, school, or other place of public assembly.

The Kansas Department of Agriculture - Pesticide and Fertilizer Program shall confirm such setbacks are met prior to the installation of any proposed commercial anhydrous ammonia storage and/or distribution facilities.

2. *Commercial storage and distribution facilities for propane shall be subject to the setback requirements found in Chapter 61- Liquefied Petroleum Gases of the International Fire Code (IFC). The Riley County Rural Fire Chief shall confirm such setbacks are met prior to the installation of any proposed commercial propane storage and/or distribution facilities.*

It is hereby ordered that the Riley County Land Development Regulations not be changed to reflect the proposed amendment.

Denied this 29th day of August, 2024

BOARD OF COMMISSIONERS
OF RILEY COUNTY, KANSAS

John Ford, Chair

Greg McKinley, Vice Chair

Kathryn Focke, Member

ATTEST:

Rich Vargo, Riley County Clerk



PUBLIC WORKS
Grant

John Ellermann
Public Works
Director/County Engineer
6215 Tuttle Creek Blvd
Manhattan, KS 66503
Phone: 785-537-6330

COMMISSION AGENDA REPORT

FROM: Andrea Rose, Administrative Assistant II.

MEETING: August 29, 2024

SUBJECT: KWO Application - Water Meters

PRESENTER: Evan McMillan, Assistant Public Works Director

BACKGROUND

Currently the County's water metering system in Hunter's Island, Moehlman Bottoms, Konza Valley, and University Park are becoming dated and nearing the end of their useful life. As the meters are nearing replacement, we are proposing to replace the dated meter system with a cellular read meter system.

There are currently 318 meters combined in these benefit districts, the cost to replace with manual read meters is estimated at \$90.00 per meter and cellular read meters are \$141.20 per meter with an annual subscription cost of \$3750.00. Replacing the current meters with cellular meters comes at a total cost of \$181,127.38, which includes 10% contingencies. Due to reduced labor required for meter reads and service shut offs, it is expected the new system will result in savings of approximately \$16,000.00 per year, combined for all districts. Other benefits of cellular read meters to the county include: allowing for faster outage detection and restoration of service, providing customers with more accurate water data, more accurate billing, improved water conservation measures, and remote meter reading.

DISCUSSION

Kansas Water Office has opened applications of HB 2302 Water Projects Fund Grant. This grant funding is for construction, repair, maintenance or replacement of water-related infrastructures and any related construction costs. This grant, if awarded, will provide funding for Advanced Metering Infrastructure in Hunter's Island, Moehlman Bottoms, Konza Valley, and University Park Benefit Districts. Any costs in excess of the grant funding, if awarded, will be handled

through a loan from the State Revolving Fund, local bank, or funded through the benefit district capital funds directly.

FISCAL IMPACT

It is possible additional funding would need to be pursued as mentioned in the "Discussion" section pending the amount awarded through the KWO grant. If the project is not funded in full, staff will discuss potential alternatives for the project with Commission prior to moving forward with acceptance of funding.

Alternatives

1. Approve the measure
2. Deny the measure
3. Modify or develop alternatives if other concerns or factors arise
4. Schedule work sessions to discuss issue further

RECOMMENDATION(S)

Staff recommends the Board approve and support applying for grant funding to replace current meters with cellular read meters.

POSSIBLE MOTION(S)

Move to approve

Move to deny

Move to modify

Move to table

Enclosures:

- KWO Application - Water Meters (PDF)

Applicant Details

This application is for the Water Projects Grant Fund.

Primary Point of Contact Information: Please enter the details of the person who KWO should contact in case of any questions. This person will receive system automated email communications and is the owner of the application.

* First Name	* Last Name
Evan	McMillan
* Contact Email	* Contact Phone
emcmillan@rileycountyks.gov	(316) 708-3238
* Municipality or Special District	
Riley County Public Works	
* Mailing Street	* Mailing Zipcode
6215 Tuttle Creek Blvd	66503
* Mailing State	* Mailing City
Kansas	Manhattan

Secondary Point of Contact (Optional)

If you (the primary contact) are NOT a direct employee of the Municipality or Special District that you are applying for, then you MUST include contact's details for a representative at the Municipality or Special District.

First Name	Last Name
Contact Email	Contact Phone

* Who is completing this application?

☒ Municipality

☐ Special District related to Water

* Does this project help address a public health concern that the applicant is currently facing?

☐ Yes

☒ No

* Are there any socioeconomic factors related to the applicant's need for the grant?

☐ Yes

☒ No

* Number of full-time residents of Applicant

Save for later

Previous

Next

- ✓ Welcome
- Applicant Details
- Applicant Details
- Submission of Appl n
- Success

Applicant Details

This application is for the Water Projects Grant Fund.

* Is Applicant applying for payment of an outstanding loan?

- ☐ Yes
☒ No

* Project Title

* Amount of Funding Requested ⓘ

Riley County Benefit District Water Meter Replacement

180000

* Please categorize the type of water-infrastructure project.

Drinking Water ▼

* Does this project support regionalization, meaning integration or coordination of physical, economic, informational, or personnel structure of water projects?

- ☒ Yes
☐ No

* Please explain how the project supports regionalization.

Integration of a smart meter system will allow for all water system usage to be monitored through one software, and reduce hours spent reading meters by the County and outside contractors.

* Does the applicant have a completed feasibility study?

- ☒ Yes
☐ No

*

Upload Files Or drop files

Feasibility Report.pdf

* Are permits required?

- ☐ Yes
☒ No

Project Plan and Objectives

A comprehensive description of the water infrastructure project for which funds are being requested, including a project timeline and sufficient professional documentation of cost estimates. Include a one paragraph summary of the project and the tables found in the attached template.

Download Template

*

Upload Files Or drop files

Scope of Work and Deliverables.pdf

Budget Upload

*

Upload Files Or drop files

Project Budget.pdf

Signed Affidavit

*

Upload Files Or drop files

Signed Affidavit.pdf

Maps, photos, and/or drawings (if applicable)

Upload Files Or drop files

Steps

11.a

- ✓ Welcome
- ✓ Applicant Details
- Applicant Details**
- Submission of Application
- Success

Attachment: KWO Application - Water Meters (15000 : Water Projects Grant Fund-KWO Application-Water meters)

FEASIBILITY REPORT

BENEFIT DISTRICT CELLULAR WATER METERS

RILEY COUNTY PUBLIC WORKS

August 2024

1. **Applicant:** Riley County Public Works
Riley County, Kansas
2. **Map of Area:** See Attached Project Location Maps, Figures 5-8.
3. **Date of Review:** September 2024
4. **Description of System and Proposal:**

Riley County Public Works manages the water service systems for four water benefit districts located in Riley County: Hunter's Island, Moehlman Bottoms, Konza Valley, and University Park. These districts serve 318 units/meters. There are currently 294 manually read meters in use in Konza Valley Water Benefit District, Hunter's Island Benefit District, and University Park Benefit District, and 24 radio read meters in use in Moehlman Bottoms Benefit District. The current meters are nearing the end of their expected life and will soon need replacement. Updating water meters to a smart system has been a desire over the past few years and the County has been unable to do so due to a lack of available funding of some of the benefit districts directly. With the KWO Grant funding available, the County finds it an opportune time to pursue the funding and, if awarded, upgrade our current system with state-of-the-art metering technologies. The installation of cellular read meters will allow for faster outage detection and restoration of services, provide customers with more accurate water usage data, improve billing efficiency, improve water conservation efficiency, and allow for remote meter reading.

The increased efficiency and convenience of the smart system and accompanying savings will provide opportunity for other system improvements without the need for large rate increases. At this time, water bills in the benefit districts range from 45-83% higher than that of the City of Manhattan, Kansas.

5. **Alternatives Considered:**

Additional options considered for funding of this project to supplement any additional costs not covered through the KWO grant include applying for the SRF loan with the potential of 30% loan forgiveness, a separate bank loan, or fully funding the project with the district funds where available. For comparison, this study considers both 100% funding through the KWO grant, as well as 50% of project costs to be covered through the KWO grant with alternative funding sources to cover remaining costs. It should be noted that two of the four districts, Moehlman Bottoms and Hunter's Island, will not have the available funds to take on the project without additional funding sources, therefore this option was not included in this study. A breakdown showing the districts operating cash available throughout life of the loans are shown below in Figures 1 - 4. The graphs below include annual rate increases ranging from 1.0-3.5%, with meters being replaced in 2025 and again in 2035.

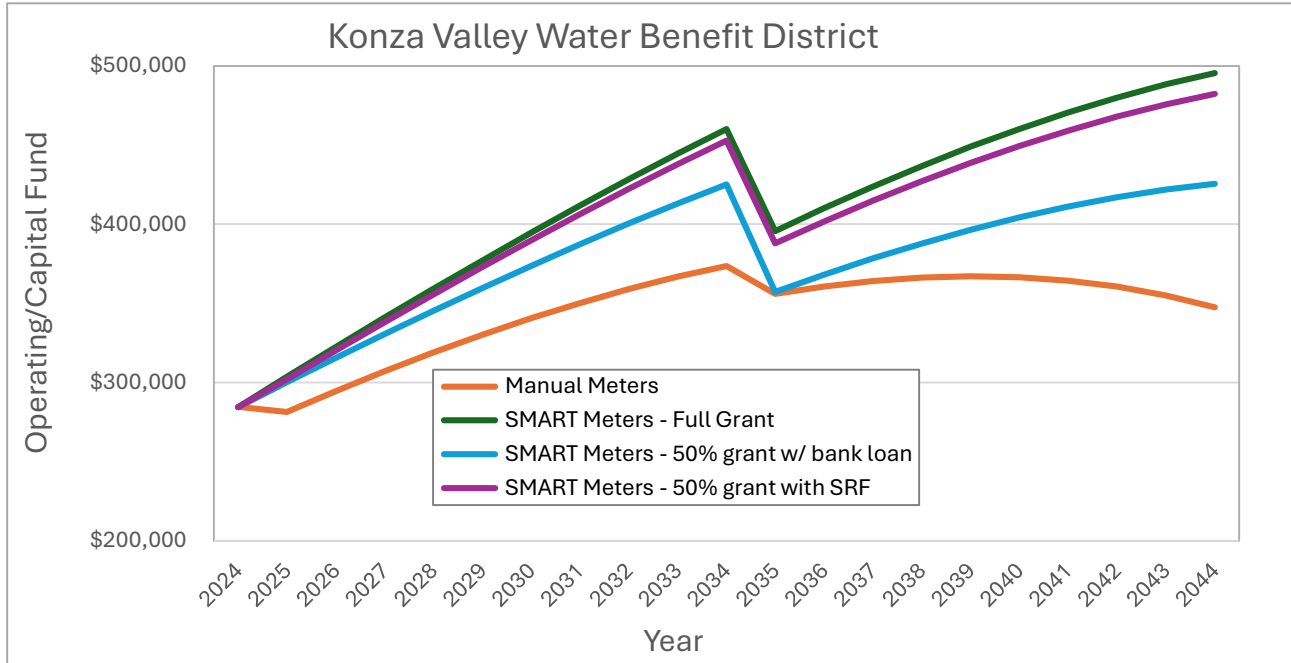


Figure 1: Konza Valley Water Benefit District Cash Available, Assuming 3.0% Annual Rate Increase.

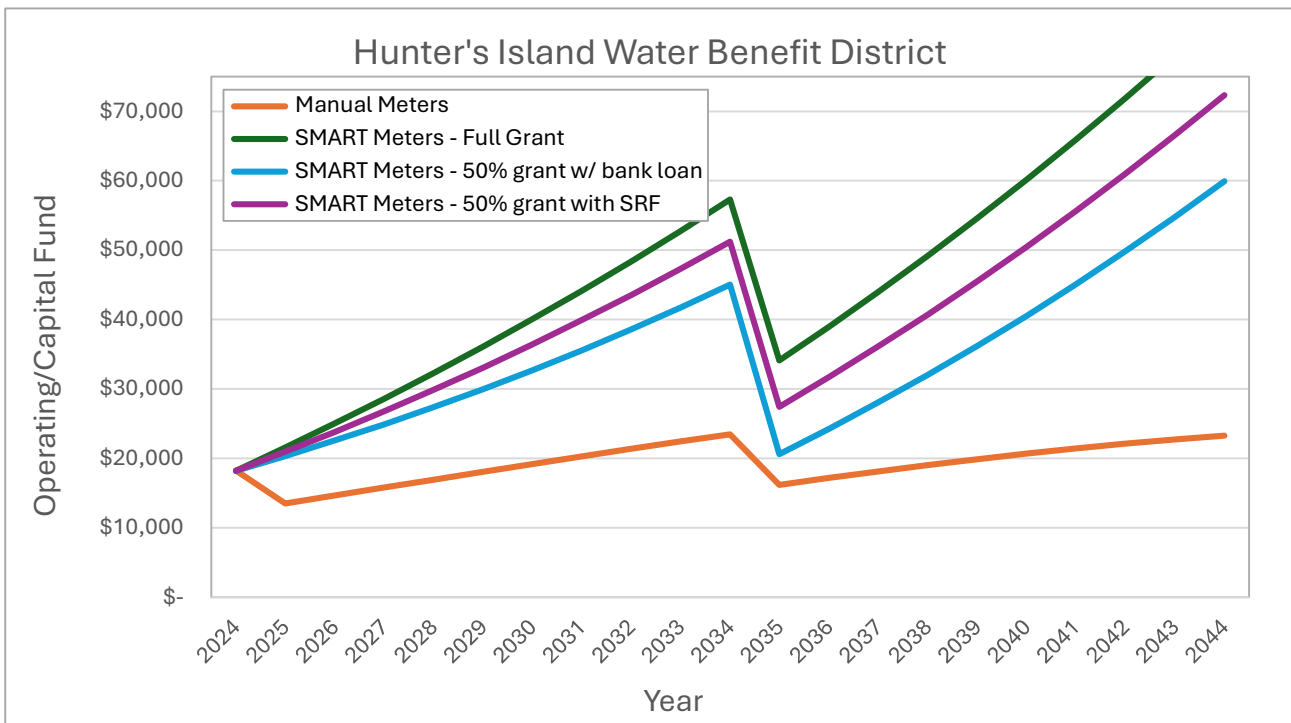


Figure 2: Hunter's Island Water Benefit District Cash Available, Assuming 3.5% Annual Rate Increase.

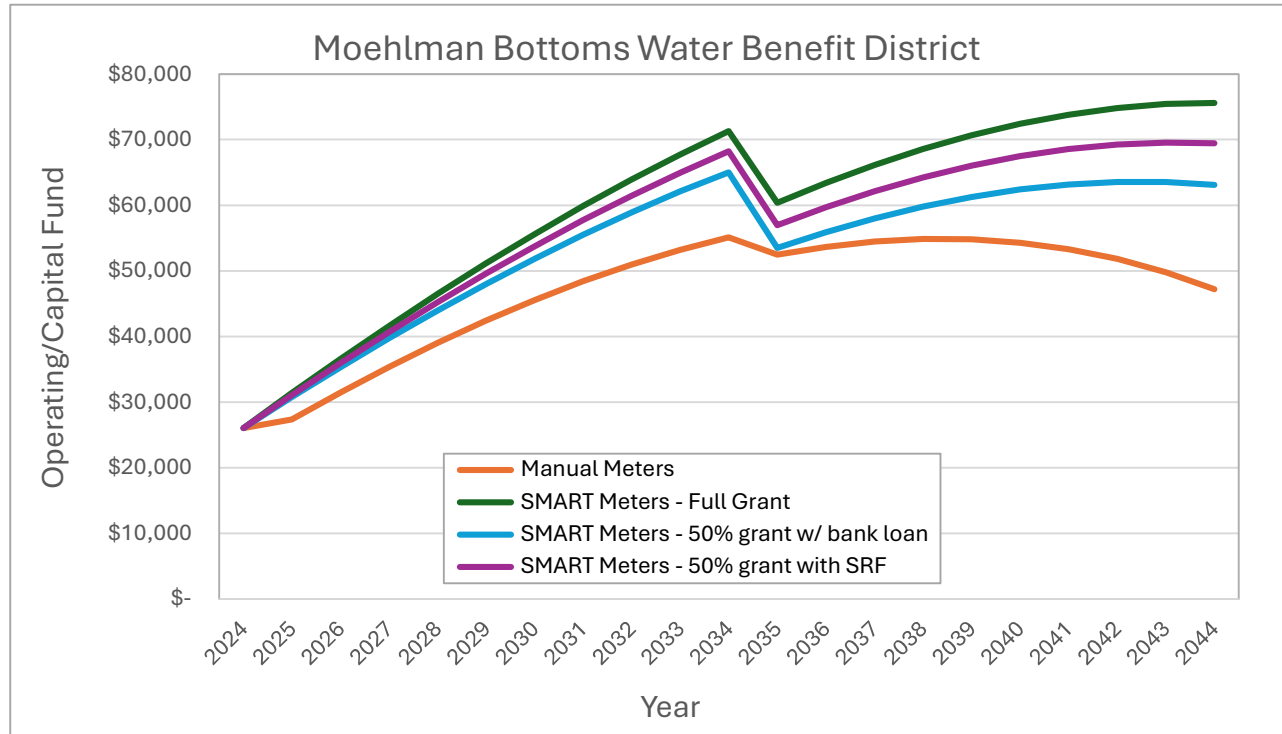


Figure 3: Moehlman Bottoms Water Benefit District Cash Available, Assuming 2.0% Annual Rate Increase.

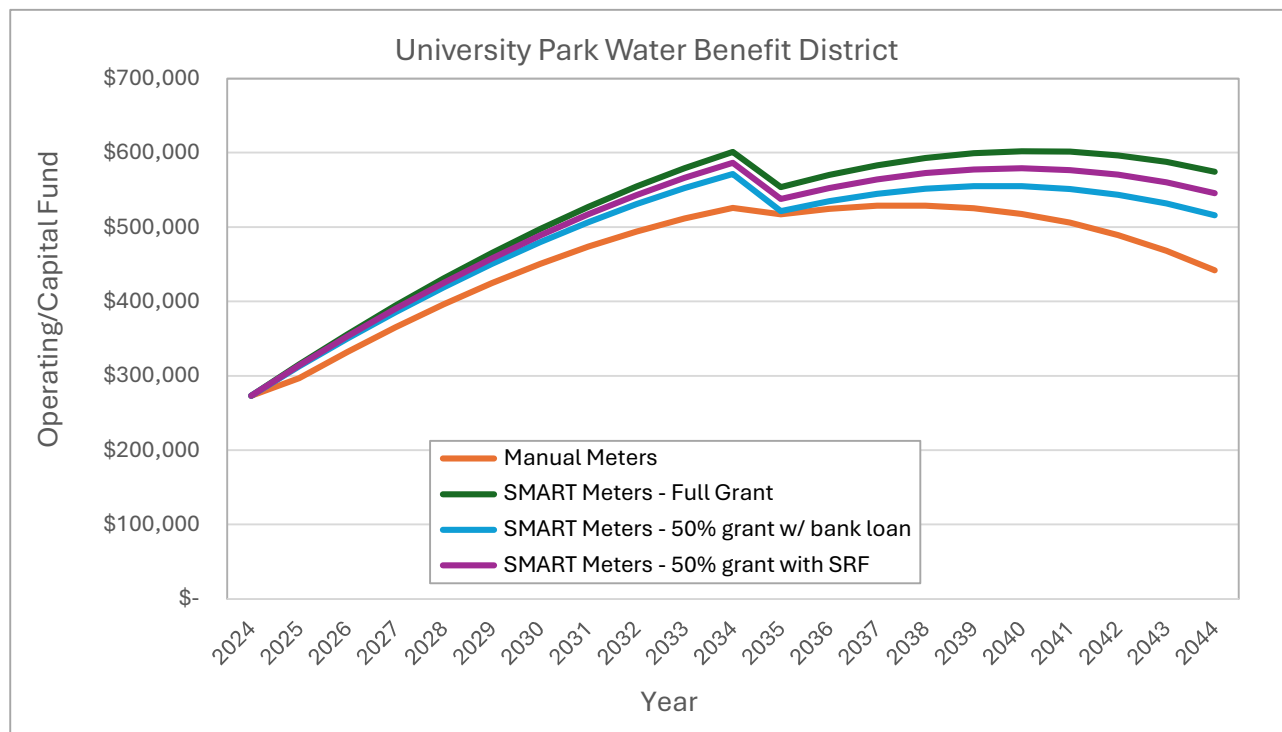


Figure 4: University Park Water Benefit District Cash Available, Assuming 1.0% Annual Rate Increase.

6. Environmental Considerations:

This project will include replacing all existing residential distribution meters with cellular meter infrastructure within the same location of current public rights-of-way and previously procured easements. As a result, the County does not anticipate any excavation or other ground-disturbing work, resulting in no concern for impact to nearby wetlands, surface waters in the project areas, or risk of spreading noxious weeds or invasive species.

The project consists of meter upgrades within already developed areas, and therefore would not affect any potential archeological sites or impact sensitive species or their habitats. Implementing the smart meter system will allow for early detection of leaks, resulting in more efficient water use, leak detection, and overall, more conservative water service costs due to reduced labor over the life of the meters.

7. Cost Estimate:

See attached Preliminary Cost Estimate.

8. Project Scope:

This project is straightforward in its implementation as it would be bid for a contractor to remove the old meters and replace them with the new cellular meters and any additional hardware required. Software will be acquired by the County and a yearly subscription to the software will be required. The contractor shall be knowledgeable on the implementation and operation of cellular read meter systems, including any additional infrastructure required. Training in the use of the software will be covered by the software provider upon initial installation and continued through the annual subscription costs.

9. Operation, Maintenance, and Replacement:

The operation and maintenance duties associated with the proposed improvements will be significantly reduced, as water usage monitoring and service shut off can be handled remotely. Replacement will be similar to that of the existing metering infrastructure which typically lasts approximately 10-15 years, at which point the meters will need to be re-evaluated and considered for replacement/refurbishment. These improvements shall generally be completed under a single construction contract. Installation of all infrastructure in the smart-meter system will be included in the work, including but not limited to the water meter, cellular endpoints or equivalent two-way communication devices, and composite meter box lids.

10. Conclusion:

It is recommended that the County improve the water metering in these districts. This approach will result in long-term cost savings due to the decrease in time spent manually reading each meter. Cellular metering will also allow for improved water conservation measures, as mentioned in each District's Water Conservation Plan, providing advanced notice of possible leaks through the use of software that will alert the County of abnormal flow rates. Additionally, updating the system to cellular read meters will allow customers to monitor their consumption by allowing them access to almost real-time data that will be made available to them.

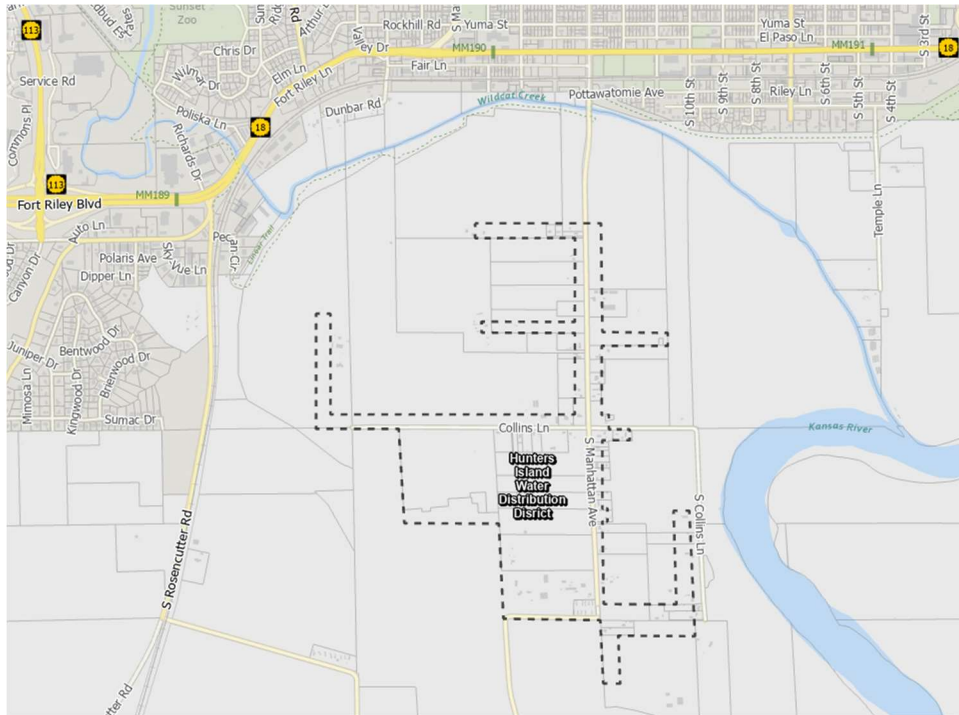


Figure 5: Hunter's Island Water

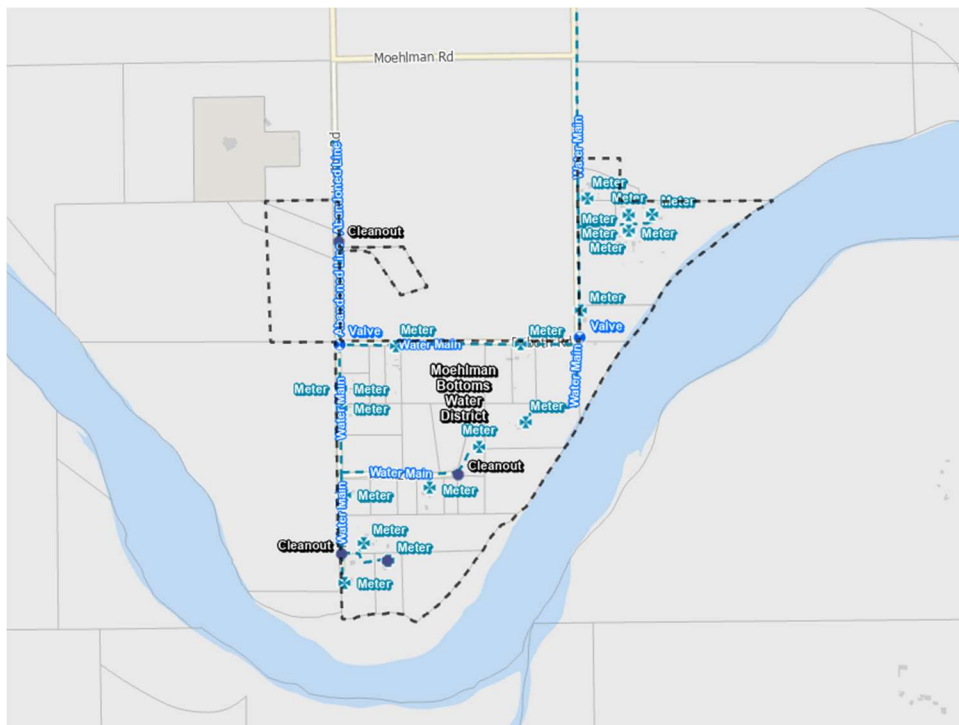


Figure 6: Moehlman Bottoms Water

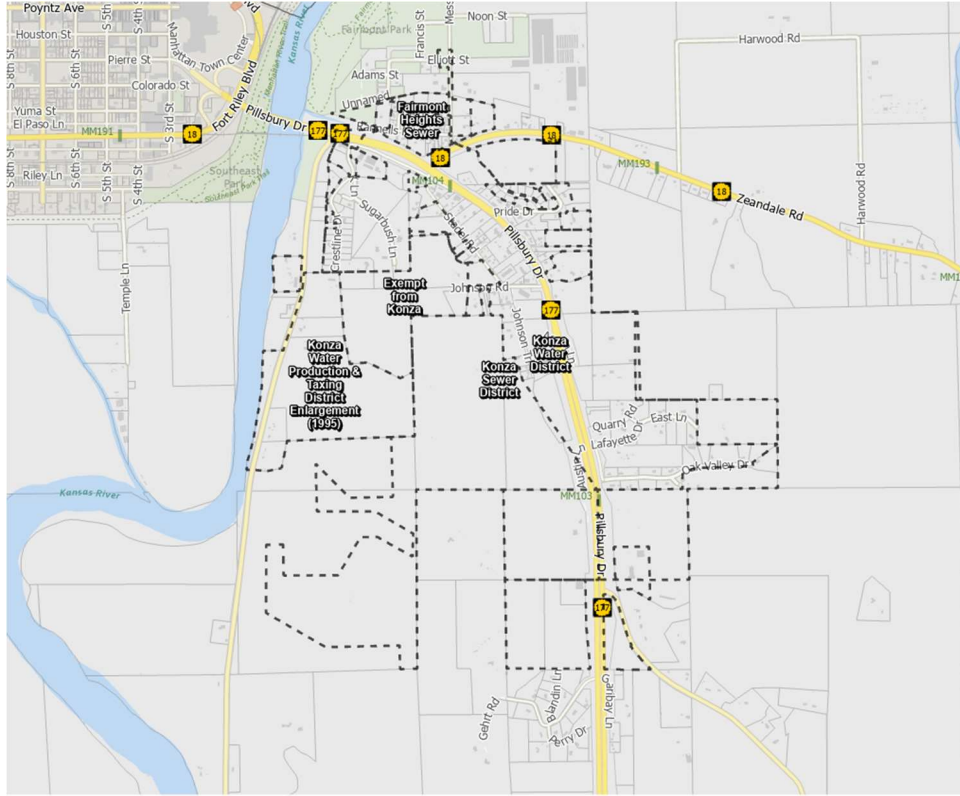


Figure 7: Konza Water



Figure 8: University Park Water

Budget (Engineer's Opinion of Probable Cost)
Riley County Public Works
Benefit District Cellular Meter Replacement
Aug-24

Item No.	Item Description	Quantity	Unit	Unit Price	Total
Hunter's Island					
1	Orion Cellular Endpoint with Twist Tight Connector	47	Each	\$ 144.00	\$ 6,768.00
2	5/8" x 1/2" M25 Water Meter with USG HRE-LCD Register and Twist Tight Connector	45	Each	\$ 141.20	\$ 6,354.00
3	1-1/2" S.S. E-Series Water Meter USG with Twist Tight Connector	1	Each	\$ 643.14	\$ 643.14
4	2" S.S. E-Series Water Meter USG with Twist Tight Connector	1	Each	\$ 866.53	\$ 866.53
5	DFW 12" Composite Meter Box Lid with AMR Hole	44	Each	\$ 28.50	\$ 1,254.00
6	DFW 18" Composite Meter Box Lid with AMR Hole	3	Each	\$ 76.50	\$ 229.50
7	Installation	1	LS	\$ 5,172.96	\$ 5,172.96
8	Software/Training	1	LS	\$ 3,176.92	\$ 3,176.92
Subtotal					\$ 24,465.04
Konza					
1	Orion Cellular Endpoint with Twist Tight Connector	134	Each	\$ 144.00	\$ 19,296.00
2	5/8" x 1/2" M25 Water Meter with USG HRE-LCD Register and Twist Tight Connector	134	Each	\$ 141.20	\$ 18,920.80
3	DFW 12" Composite Meter Box Lid with AMR Hole	21	Each	\$ 28.50	\$ 598.50
4	DFW 15" Composite Meter Box Lid with AMR Hole	106	Each	\$ 38.75	\$ 4,107.50
5	DFW 18" Composite Meter Box Lid with AMR Hole	7	Each	\$ 76.50	\$ 535.50
6	Installation	1	LS	\$ 14,748.43	\$ 14,748.43
7	Software/Training	1	LS	\$ 9,057.59	\$ 9,057.59
Subtotal					\$ 67,264.32
Moehlman Bottoms					
1	Orion Cellular Endpoint with Twist Tight Connector	24	Each	\$ 144.00	\$ 3,456.00
2	5/8" x 1/2" M25 Water Meter with USG HRE-LCD Register and Twist Tight Connector	24	Each	\$ 141.20	\$ 3,388.80
3	DFW 12" Composite Meter Box Lid with AMR Hole	20	Each	\$ 28.50	\$ 570.00
4	DFW 18" Composite Meter Box Lid with AMR Hole	4	Each	\$ 76.50	\$ 306.00
5	Installation	1	LS	\$ 2,641.51	\$ 2,641.51
6	Software/Training	1	LS	\$ 1,622.26	\$ 1,622.26
Subtotal					\$ 11,984.56
University Park					
1	Orion Cellular Endpoint with Twist Tight Connector	113	Each	\$ 144.00	\$ 16,272.00
2	5/8" x 1/2" M25 Water Meter with USG HRE-LCD Register and Twist Tight Connector	113	Each	\$ 141.20	\$ 15,955.60
3	DFW 18" Composite Meter Box Lid with AMR Hole	113	Each	\$ 76.50	\$ 8,644.50
4	Installation	1	LS	\$ 12,437.11	\$ 12,437.11
5	Software/Training	1	LS	\$ 7,638.12	\$ 7,638.12
Subtotal					\$ 60,947.32
Construction & Software Cost					\$ 164,661.25
Contingency (10%)					\$ 16,466.13
Total Project Cost					\$ 181,127.38

Attachment: KWO Application - Water Meters (15000 : Water Projects Grant Fund-KWO Application-Water meters)

PROJECT SUMMARY

The Konza, University Park, Moehlman Bottoms, and Hunter's Island Water Benefit Districts, located in Riley County, will replace / upgrade its water distribution customer metering system to Advance Metering Infrastructure by purchasing software and installing 318 Advanced Meter Readers and associated hardware and software. The project aims to reduce water loss within the distribution system and increase water use efficiency and customer awareness. This project will work towards meeting the goals established in the Riley County Water Conservation Plan as established by Riley County Public Works. Each meter on the distribution system will be located, GPS pinned for GIS, replaced, and brought online into the new AMI system. Riley County will also install the needed AMI software at the RCPW office and ensure a seamless transition into the new system and existing billing and management software with support and training.

SCOPE OF WORK

Item No.	Qty	Work Item Description
1.	318	Orion Cellular Endpoint with Twist Tight Connector
2.	316	5/8" x 1/2" M25 Water Meter with USG HRE-LCD Register and Twist Tight Connector
3.	1	1-1/2" S.S. E-Series Water Meter USG with Twist Tight Connector
4.	1	2" S.S. E-Series Water Meter USG with Twist Tight Connector
5.	85	DFW 12" Composite Meter Box Lid with AMR Hole (20)
6.	106	DFW 15" Composite Meter Box Lid with AMR Hole (106)
7.	127	DFW 18" Composite Meter Box Lid with AMR Hole
8.	1	Beacon Hosted Software- Includes Engagement Fee, Billing Integration, IR Communication Tool, First Year Fees and (2) Days On-Site Training

DELIVERABLES

Item No.	Deliverable Description	Date Due
1.	Project Completion Schedule (By Contractor)	Project Letting
2.	System Transition and Software Training	After Installation
3.		
4.		

PROJECT SCHEDULE

Project Letting:	<i>At notice of Selection (June 2025 assumed)</i>
Select Successful Bidder:	<i>July 2025</i>
Delivery/Installation:	<i>August 2025</i>
Software Training and Completion:	<i>November 2025</i>

AFFIDAVIT IN SUPPORT OF GRANT APPLICATION

Title of Project: Riley County Benefit District Water Meter Replacement

I, Evan McMillan, being duly sworn, state the following:

1. I am submitting this sworn statement in support of the attached water projects grant application: Riley County Benefit District Water Meter Replacement. The project will be located in 4 special districts located in Riley County.
2. All statements in this affidavit are based upon my personal knowledge and are true to the best of my knowledge.
3. I am aware of the property to which the completion of this project will require entry and/or access. I have acquired a legal right to enter and/or access all such property.
4. I am aware of all local, state, and federal permits that will be required in order to complete this project. I have acquired/applied for all such local, state, and federal permits.

Print Name: Evan McMillan

Signature: *E. McMillan*

Subscribed and sworn to before me this 22nd day of August, 2024.



Julie A. Winter
Julie A. Winter
Notary Public

My Appointment Expires: 9-5-27

Attachment: KWO Application - Water Meters (15000 : Water Projects Grant Fund-KWO Application-Water meters)



COUNTY CLERK & ELECTIONS
Policy

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Cory Meyer, IT/GIS Director

MEETING: August 29, 2024

SUBJECT: Digital Emergency Contact Card Proposal

PRESENTER: Elizabeth Ward, Human Resources Director

BACKGROUND

Several times a year, IT creates, prints and laminates emergency contact cards listing the phone numbers of department heads and other emergency contacts. These cards are distributed to department heads, commissioners, the District courts, the City Manager and RCPD for use in case of a closure or other non-planned event.

DISCUSSION

The physical cards have limited number of slots available, so when a new position is hired, there is no space to add that person without taking someone else off. Furthermore, each time we have a personnel change, the cards are inaccurate until another one can be created.

According to IT, the cards take 4 hours of staff time each time they are created, as well as time to distribute them. There is of course some cost to the physical printing and laminating as well.

Therefore IT has created a link for this simple spreadsheet which is mobile phone enabled and can be saved on the device for easy access. It could also be printed if someone needed a hard copy. We have provided a screen shot of the spreadsheet for your consideration.

FISCAL IMPACT

The fiscal impact would include the staff time which would be gained by making this process digital, as well as saving on the cost of printing and laminating.

RECOMMENDATION(S)

Recommendation is for the Commissioners to approve the use of a digital emergency contact card and no longer create and print the physical wallet-style card.

POSSIBLE MOTION(S)

Move to approve the use of a digital emergency contact card and no longer create and print the physical wallet-style card.

Move to deny

Move to modify

Move to table

No action required.

The Board agreed by consensus to

Enclosures:

- 2024 Digital Contact Card proposal (DOCX)

Name	Home #	Work #	Cell #
Focke, K		565-6213	██████
Ford, J		565-6214	██████
McKinley, G		537-6357	██████
Adams, D		565-6591	██████
Bannister (Judge)		537-6373	██████
Boller, M		539-3202	██████
Burson, A		537-6310 x5012	████████
Ellermann, J		537-6330	████████
Fike, G		537-6350	██████
Gibbs, J		776-4779 x7639	██████
Harrison, L		537-6339	██████
Heger, S	██████	537-6323	██████
Hensler, K		565-6490	████████
Holeman, C		565-6845	██████
Lewis, M		565-6810	████████
Manges, A		565-6414	██████
McMillan, E		537-6330 x7946	████████
Meyer, C		537-6307	██████
Oliver, K		537-6363	██████
Parker, B		565-6844	██████
Phillips, B		537-6359	██████
Stukey, R		537-6333	████████
Uccello, V		565-6205	██████
Vargo, R	██████	537-6300	██████
Ward, E		537-6303	████████
Webb, A		537-6332	████████
Wilkerson, B	██████	565-6823	██████
Hilgers, J (CITY)		587-2402	██████
Peete, Brian(RCPD)		473-2300	██████