



**Board of Riley County
Commissioners
Regular Meeting
Agenda
December 06, 2021**

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. Sign Riley County Personnel Action Form(s)

Review Minutes

4. Board of Riley County Commissioners - Regular Meeting - Dec 2, 2021 8:30 AM

Review Tentative Agenda

5. Tentative Agenda

Press Conference Topics

6. Discuss Press Conference

9:00 AM

Clancy Holeman, Counselor/Director of Administrative Services

7. Administrative Work Session
8. Pending County Projects County Counselor
9. Executive session to discuss confidential legal advice regarding potential litigation issues

9:30 AM

Press Conference

10. RCPD update - Captain Greg Steere (3-5 minutes)
11. Downtown Manhattan update - Gina Snyder (3-5 minutes)
12. Presentation of plaque to Dr. Tom Taul in recognition of serving 20 years on the RCPB/BOZA - John Ford and Amanda Smeller (3-5 minutes)

9:50 AM

Clancy Holeman, Counselor/Director of Administrative Services

13. Approval of a Resolution Establishing a Rural Economic Development Advisory Board

10:15 AM Shilo Heger, Treasurer

14. Riley County Treasurer 2021 Goals and Accomplishments

10:30 AM Amy Manges, Register of Deeds

15. 2021 Accomplishments and 2022 Goals

10:45 AM Rich Vargo, County Clerk

16. Clerk's Office 2021 Accomplishments and 2022 Goals

11:00 AM Amanda Smeller, Planning/Special Projects Director

17. Consider ADOPTION of the “Riley County Land Development Regulations” (LDR) containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing and repealing, in their entirety, the existing Riley County Zoning Regulations (including Floodplain Regulations), Zoning Map, and Riley County Subdivision Regulations and to also consider ADOPTION of the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

Adjournment

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
Personnel

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

COMMISSION AGENDA REPORT

FROM: Elizabeth Ward, Human Resource Manager

MEETING: December 6, 2021

SUBJECT: Sign Riley County Personnel Action Form(s)

PRESENTER: Elizabeth Ward, Human Resource Manager

Enclosures:

- 2021-11 A Saenger-Parker (green) (PDF)

RILEY COUNTY PERSONNEL ACTION FORM

☒ Add		Fill Request Date: 11/15/2021
☐ Change		Employee #

☐ New Hire	☐ Rehire	☐ Transfer	☒ Promotion	☐ Separation from
☐ Step Change	☐ Status Change	☐ Demotion	☐ Other	County Service

☒ Full Time	☐ Regular	☐ As-Needed	☐ Seasonal
☐ Part Time	☐ Grant Funded	☐ Intern	☐ Temporary

Saenger-Parker	Allana		
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Name: Last First Middle Home Phone

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Address: Street City State Zip

Museum Director	Museum	0001-000017
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Position Title Department Fund

11/18/2021	☒	☐		☒ Yes	☐ No
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Effective Date Exempt Non-Exempt Ending Date For Temporary Is this a budgeted position?

BB	\$	☐ Hour	\$ 2,884.62	☒ Bi-weekly	☐ 40	☐
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Grade/Step Pay Rate Hours Per Workweek

Approvals:

Department:

Personnel:

BOCC

Chairman:

Member:

Member:

Date:



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
December 09, 2021**

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

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Clancy Holeman, Counselor/Director of Administrative Services

2. Administrative Work Session

9:20 AM

Break

9:30 AM

Shilo Heger, Treasurer

3. Monthly Revenue Reports

9:45 AM

Jason Smith, Manhattan Area Chamber of Commerce

4. Economic development update

10:00 AM

Julie Gibbs, Health Department Director

5. Staff update

10:30 AM

Budget and Planning Committee - Tami Robison, Budget and Finance Officer

6. Monthly Cash Flow Reports

10:50 AM

Amanda Smeller, Planning/Special Projects Director

7. Public hearing for a Resolution to adopt the Manhattan Urban Area

Attachment: 12-09-21 tentative agenda (10514 : Tentative Agenda)

Subdivision Regulations

1:15 PM**Executive Sessions to discuss department head evaluations**

8. 1:15 Amanda Smeller, Planning/Special Projects Director
9. 1:45 Shelly Williams, Community Corrections Director
10. 2:15 Michael Boller, Noxious Weed Director
11. 2:45 John Ellermann, Public Works Director/County Engineer

Adjournment

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: 12-09-21 tentative agenda (10514 : Tentative Agenda)



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
December 13, 2021**

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

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Rich Vargo, County Clerk

1. Year to date budget and expenditure reports

9:15 AM

Flint Hills Regional Council Director

2. Flint Hills Regional Council update

9:30 AM

Press Conference

9:55 AM

Tami Robison, Budget and Finance Officer

3. Public hearing for 2021 budget amendment

10:10 AM

John Ellermann, Public Works Director/County Engineer

4. Project update

10:25 AM

Barry Wilkerson, Attorney

5. 2021 Accomplishments and 2022 Goals

10:40 AM

Clancy Holeman, Counselor/Director of Administrative Services

6. Administrative Work Session

Attachment: 12-13-21 tentative agenda (10514 : Tentative Agenda)

11:00 AM Allana Saenger, Interim Museum Director
 7. Riley County Historical Society As Needed and Museum Assistant

11:15 AM Amanda Smeller, Planning/Special Projects Director
 8. CDBG Grant Closeout Forms

12:00 PM County Officials Luncheon

1:15 PM Executive Sessions to discuss department head evaluations
 9. 1:15 Clancy Holeman, Counselor/Director of Administrative Services
 10. 1:45 David Adams, EMS/Ambulance Director
 11. 2:15 Greg McHenry, Appraiser

Adjournment

Announcements

A commissioner will be on In Focus live at 9:05 a.m. Tuesday, December 14, 2021 (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.

Attachment: 12-13-21 tentative agenda (10514 : Tentative Agenda)



**COUNTY
COUNSELOR/ADMINISTRATIVE
SERVICES**
Staff Update

Clancy Holeman
Counselor/Director of
Administrative Services
115 North 4th Street
Manhattan, KS 66502
Phone: 785-565-6844

COMMISSION AGENDA REPORT

FROM: Jana Chingway, Senior Legal Assistant

MEETING: December 6, 2021

SUBJECT: Pending County Projects County Counselor

PRESENTER: Clancy Holeman, Riley County Counselor

Enclosures:

- Final Commission List 12.06.2021 (DOC)

PENDING COUNTY PROJECTS • Beginning November 29, 2021 and through December 2, 2021

Submitted by Clancy Holeman, Riley County Counselor

Changes or additions from previous entries or in the items listed are shown in italics.

NOTE: The below lists are not intended to be a comprehensive list of all “pending” Commission or projects of other County Departments underway. Instead, the below lists represent an ongoing “snapshot” of the current status of selected pending projects which have either consumed significant staff time, or involve county issues of widespread significance. Additional entries show selected project work for individual county departments. The sequence of entries below is not intended to reflect the priority assigned to any work described.

COMMISSION LIST

Countywide Emergency Radio Communications System Upgrade: The upgrade is complete. But now the “program” phase has been completed, additional work from this department will be provided, as necessary, during the “maintenance” and “warranty” periods now underway. Discussion with contract administrator for vendor (L3Harris) scheduled for August 27, 2021. Discussion held with vendor contract administrator. Discussion with EM Director (8-30-21). Working toward final documents of “program” phase. Conversation with EM Director. (9-24-21) Conversation with L3Harris contract administrator, moving this matter toward likely resolution by the BOCC on 9-30-21. (9-24-21) Review appropriately continues among EM, KSU and Emergency Dispatch personnel regarding close out of this phase of the project. (9-24-21) Draw Commission Agenda Report and place on 9-30-21 agenda for BOCC review and approval of contract documents. (9-28-21) Discuss final contract documents for agenda separately with EM Director and L3Harris Contract Administrator. (9-29-21) Obtain BOCC approval of Amendment 1 to Master Service Agreement. (9-30-21)

First Christian Church: Now this property is “listed” as a “historic site,” there are state law restrictions applicable whenever a “project” is undertaken involving potential repair, damage or destruction of the site or its structure. Asbestos removal is likely the next “project.” I will provide any necessary notice of that “project” to the State Preservation Officer. I presented a CAR to the Board 8/12/21 and discussed with the BOCC the primary controlling statute. Legal research 8-24-2021. BOCC decides during open meeting to cancel pending contract offer to remove asbestos from Church for approximately \$18,000. Majority of BOCC states premature to remove asbestos before later decision by BOCC what is planned for Church now it’s “listed.” Gary Rosewicz, Assistant County Engineer, will notify the company offering to remove asbestos of this cancellation. (8-30-21) Confirmed with Gary Rosewicz, he notified company. (9-1-21). I filed petition for judicial review, in Riley County District Court, of state Historic Sites Board of Review designation of the First Christian Church as a historic site. (9-3-21). Contacting attorney for Historic Sites Board of Review. (9-19-21) Discussion with attorney for Historic Sites Board of Review. (9-23-21) Conduct legal research related to pending issues. (9-24-21) Received entry of appearance from Topeka law firm representing defendants. (9-24-21) Received District Court Clerk’s extension of time to file answer to County’s petition for judicial review, at Defendants’ request. Granted as a matter of right by state statute. Deadline for Defendants to answer is extended to October 12, 2021. Legal research. (9-24-21) Advise Public Works on question regarding asbestos removal. (9-26-21) Agree to Defendant’s attorney’s request for additional time to submit record of hearing to Court. (Week of 9-29-2021)

County Jail Inmate Medical Care: Discussions have begun at the staff level, with the assistance of this department, regarding putting a renewal contract in place for this service. As this Board is aware, all medical expenses incurred by prisoners while in custody at the Riley County Law Enforcement Center’s jail are the sole responsibility of Riley County--and not of the City of Manhattan or State of Kansas. Staff discussion scheduled for 8-27-21. Staff discussion rescheduled for 9-22-21. Staff discussion held—research history—recommendation accepted by staff. (9-22-21) Review state of current arrangement. (9-22-21)

KAC Annual Meeting (October 19, 2021): Accepted invitation to participate on panel discussion before the general KAC membership regarding “Dark Store” and Riley County’s experience on the issue. Prepare for panel discussion. (9-29-21) Review and work on presentation of power point for presentation scheduled for 10-18-21. (10-16-21; 10-17-21) Participated in panel discussion during KAC annual meeting. (10-18-21)

County Counselors Association of Kansas: Assist with organization of the semi-annual CLE our statewide professional association will present to its members during the October 19, 2021 KAC annual meeting. Discuss with scheduled CLE presenter local experience on specific state statute related to soil investigation. (9-28-21) Assist with

presentation of CLE to County Counselor's Association of Kansas during KAC annual meeting. Accept award as outgoing CCAK president (effective 1-1-22). Accept "Ed Randels" award for service to CCAK. (10-19-21) Work on scheduling next Board meeting of CCAK—set for Wednesday, 11-10-21)

"Dark Store": Oral argument (1/2 day) scheduled to take place before BOTA August 26, 2021. Discuss with BOTA staff, and relay to City Commissioner Linda Morse info she requested during 8-23-21 Intergovernmental Luncheon about BOTA 8-26-21 hearing time and whether hearing is open to public (8-23-21). Oral argument before BOTA conducted by counsel for both parties (8-26-21). Accept KAC invitation to be part of two-person panel discussion of "Dark Store," to be held during KAC annual meeting, October 18-21, Overland Park; will take place in opening breakout session—first morning of the annual meeting. Call Kim Qualls, KAC Education & Communications Director, about breakout session. Accepted KAC invitation to work with KAC Executive Director on recording of KAC podcast on "Dark Store"; recording scheduled for September 17, 2021. Reschedule "Dark Store" podcast recording for 10-1-21. (9-24-21) Work with County Appraiser Greg McHenry to prepare for KAC podcast this Friday (10-1-21) and KAC Panel Discussion during annual meeting to be held 10-18-21. (9-28-21) Continue preparation for KAC annual meeting and panel discussion of "Dark Store." (Week of 9-29-21) Work with KAC recording podcast on "Dark Store". (10-1-21) Discuss KAC annual meeting (10-18-21) presentation with co-panelist Douglas County Appraiser, and Greg McHenry. (10-4-21) Further discussion with Greg McHenry on Dark Store issues for KAC annual meeting panel presentation. (10-6-21) Final discussion with Greg McHenry on Dark Store issues for KAC annual meeting presentation. (10-7-21) Work with Greg on same subject. (10-10-21) Work with Greg on same subject (10-15-21) Participate in panel discussion on "Dark Store" at KAC annual meeting. (10-18-21) Receive notice from counsel BOTA has denied Riley County's Petition for Reconsideration in Home Depot appeal. (11-18-21)

"Constitutional Protection of County Home Rule": Accepted KAC invitation to present to County Commissioners Association, KAC affiliate member, information on Home Rule, during final day of KAC annual meeting in O.P., October 20th. Accepted KAC invitation to work with KAC Executive Director on recording of KAC podcast on "Constitutional Protection of County Home Rule"; recording scheduled for September 10, 2021. Podcast recorded with KAC 9-10-21. Work on presentation to County Commissioners scheduled for 10-20-21 (10-15-21; 10-16-21; 10-17-21; 10-19-21) Convene presentation by Mike Heim on constitutional protection of county home rule during KAC annual meeting. (10-20-21) Presentation on constitutional protection of county home rule to County Commissioners Association of Kansas, during KAC annual meeting. (10-20-21)

Riley County Annual Legislative Conference: Confirm with BOCC during public meeting 9-9-21 following available dates for annual meeting with county's legislative delegation: November 1, 4 and 18, 2021. (Date of 11-18 removed because it conflicts with county official's luncheon; Date of 11-15 removed because it conflicts with Law Board meeting.) Legislative Conference has been scheduled for Thursday, November 4, 2021. (9-17-21) All delegation members were notified of the date and time of the legislative conference. Work on agenda for legislative conference. (10-14-21; 10-15-21) Present draft agenda for legislative conference to BOCC and obtain approval of final draft. (10-21-21) Work with staff on discussion of revised spreadsheet for use as attachment to conference agenda. (10-27-21) Cancel November 4, 2021 legislative conference and reschedule to December 2, 2021, following individual discussions with BOCC members, members of legislative delegation and county officials participating in presentation. (11-3-21; 11-4-21)

White Canyon Benefit District: White Canyon benefit district's residents' request, made during this date's public commission meeting, asking whether Riley County willing to supplement the cost of the benefit district's proposed private road improvement project. No dollar figure provided by benefit district residents. County staff instructed to provide BOCC at upcoming meeting most recent Riley County Public Works' "estimate" of "northern route" as an option to current benefit district project proposed. (8-30-21)

American Rescue Plan: Discussion with staff about possibly engaging consultant to assist County with federal/state requirements in future use of County's \$14M allocation of ARPA funds. Similar concept to staff's use of consultant with prior CARES funding. Unlike CARES funding, a primary focus of ARPA funding is infrastructure. (8-31-21) Discussions with staff and potential consultant. (9-17-21) Attend and participate in KAC webinar on ARPA and potential Health Department fund uses. (9-24-21) Communicate with consultant on agreed terms of service. (9-26-21) Finalize Professional Services Agreement with Consultant; draw Commission Agenda Report and submit for BOCC review and possible approval 9-30-21. (9-28-21) Obtain BOCC approval of Professional Services Agreement. (9-30-21) Staff meets with Consultant for first time regarding ARPA distribution rules. (9-30-21) Draft letter to congressional office (for discussion by BOCC in public meeting on 10-28-21) in support of S 3011—giving more flexibility to counties nationwide in their use of ARPA funds. (10-27-21)

Riley County Employee Day: Intermittent work on employee day: Discussions with potential lunch ½ hour vendors; discussion with planning committee, with keynote speaker and Elizabeth Ward, H.R. Manager. (9-16-21; 9-17-21) Contact moderator for morning virtual sessions offering potential meeting for Monday, September 27, 2021, with Elizabeth Ward and this office to answer any Employee Day questions. (9-24-21) Meet with prospective food truck vendor at Riley County Health Department. (9-27-21) (Agreements signed with 2 vendors—arrange to meet final vendor Saturday morning for signature of contract.) (10-1-21) Agreement signed Saturday, October 2, 2021 with final of the 3 vendors. Pick up tickets from 2 vendors representing meals served to employees during Employee Day (10-12-21; Third vendor hand-delivers tickets to this office (10-13-21); conduct final ticket count; submit information on ticket count with payment due vendors to Budget and Finance Officer and email each vendor same information. (10-15-21) Review with HR and Training Committee on outcomes from Employee Day. (10-25-21)

Nextgen 911: Meeting as member of Nextgen 911 staff committee to review potential upcoming renumbering/renaming projects. (9-21-21) Communicate with fellow members of staff committee on pending project. (9-23-21) Communicate with fellow members of staff committee on different pending project. (9-24-21)

Human Resources: Finalize contract with East Coast Risk Management and place on 10-4-21 agenda for BOCC review and approval. Company will consolidate current Personnel Policies and Guidelines with separate resolutions amending those policies over the past years. (10-1-21) Contract with East Coast Risk Management approved by BOCC. (10-4-21) Assist HR with personnel issues involving different departments. (11-22; 11:23)

Budget and Planning Committee: Attend meeting 9-28-21.

Department Head Committee: Attend meeting regarding possible “Code of Conduct” required for state grant supporting businesses. (9-29-21) Obtain BOCC approval of “Code of Conduct.”

Indigent Defense Panel: Discuss at staff level potential 2022 contract. (9-21-21) Separate issue: Discuss with county and District Court staff coding of interpreter expense. (9-21-21) Panel member contracts for 2022 were created and emailed to current members. (11-3-21) Notice to Riley County Bar Association of at least one panel vacancy effective January 1, 2022. (11-4-21) Proposed 2022 contracts have been provided to all current panel members. None returned as of 11-23-21.

Rural Economic Development Advisory Board: Discuss with staff. (9-21-21) Staff discussion scheduled for 10-1-21. Circulate among staff working group draft of REDAB resolution—to include changes to resolution proposed by BOCC. (11-24-21)

Federal Rules on Vaccination Mandate: Research applicability/non-applicability of CMS and OSHA vaccination mandates to be published this week. (11-4-21; 11-5-21) Discuss issues with BOCC during administrative time at public meeting. (11-8-21). Research legal issues. (11-10-21) Staff discussion of foregoing issues. (11-10-21) Legal research, attend webinars and discuss with staff possible employee vaccination policy if required by foregoing federal rules. (11-8; 11-12; 11-15; 11-16; 11-17; 11-18) Presented proposed draft vaccination policy to BOCC during public meeting November 22, 2021. BOCC decision is to not adopt. (11-22-21).

National Opioid Litigation Settlement: Successfully register on behalf of Riley County at national website. Will ensure we receive settlement documents when they are available, for review and possible signature. (11-24-21)

DEPARTMENTAL LIST

Riley County Register of Deeds: Provide legal advice. Conversation with ROD (8-2021). Conversation about county termination of contract. (9-22-21) Discussion with other party to contract. I can confirm contract will terminate as required by County. (9-22-21)

Riley County Museum: Provide legal advice. Prepare for BOCC candidate interview Director/Curator position. (11-7-21)

Riley County Human Resources: Provide requested legal advice on multiple issues related to pandemic; zoom meeting on federal contract requirement. Work on separate project involving proposed vendor and personnel policies. (9-22-21). Review legal parameters of “long-COVID” disability as viewed by the Equal Opportunity Commission; information provided by H.R. (9-24-21)

Riley County Public Works: Provide legal advice on project. Review and approve “as to form” KDOT Local Road Safety Plan Agreement. (9-24-21) Answer question on project. (10-21-21) Review and approve as to form Transfer Station scales repair contract. (10-25-21) Review “Force Account Construction Engineering Inspection Services Agreement” for replacement of Bridge over Swede Creek. (11-2-21) Discuss with USDA final documents for Fairmont Heights closing and construction. (11-2-21) Complete review of “Force Account Construction Engineering Inspection Services Agreement” for replacement of Bridge over Swede Creek. (11-7-21)

Riley County Planning & Development: Provide legal advice on 2 projects. Advise P & D Director on development of “Code of Conduct” necessary for grant close-out. (9-29-21) Discuss with P & D and H.R. departments “Code of Conduct” Commission Agenda Report to be presented by P & D 10-7-21. (10-4-21; 10-5-21) Discuss separate regulatory issue with P& D. (10-5-21)

Riley County Emergency Management: Provide legal advice on 1 project.

Riley County Health Department: Provide legal advice on projects. Zoom meeting with Julie Gibbs and Debbie Nuss regarding request from Flint Hills Wellness Coalition to place walk-in cooler/freezer on grounds of Family and Child Resource Center. Draw and submit Commission Agenda Report reflecting request—scheduled for 9-30-21 BOCC meeting. (9-28-21) Obtain BOCC approval of Flint Hills Wellness Coalition agreement in principle, presented at 9-30-21 public meeting, for future license agreement and pouring of concrete as base for outdoor “walk-in cooler/freezer at RCHD’s Family and Child Resource Center. (9-30-21) Finalize and place on BOCC agenda for 10-14-21 license agreement with FHWC. (10-5-21) Present to and obtain approval from BOCC license agreement with FHWC. (10-14-21) Discuss concept of assistance from Envisage Consulting, Inc., for Community Health Improvement Plan. (10-21-21) Review vaccination matter. (10-27-21)

Riley County Information Technology/GIS: Request for estimate (submitted to this office 8-20-21). Discuss technology issue with I.T. interim director. (10-21-21) Prepare for BOCC candidate interview IT/GIS Director.

Riley County Ambulance Service: Will provide legal advice. (8-20-21)

Riley County Fire District No. 1: Work with Budget and Finance Officer on District budget approval. (8-23-21)

Riley County Clerk: Advise on .02 countywide retailers’ sales tax election project (8-24-21). Legal research on project involving sign. (9-20-21) On same issue discussion with Planning and Development staff. (9-21-21) Work with county staff and PIO on separate project involving potential vendor of software. Contact potential vendor. (9-20-21)

Riley County Treasurer: Advise on property tax issue. (10-6-21)

Riley County Community Corrections: Discuss with Director Shelly Williams potential contract with Clay County Sheriff’s Office for testing of Community Corrections’ clients. (10-26-21)

Riley County Public Information Officer: Finalize contract for Archive Social. Will present to BOCC for review and possible approval at public meeting on 11-29.



**COUNTY
COUNSELOR/ADMINISTRATIVE
SERVICES**
Resolution

Clancy Holeman
Counselor/Director of
Administrative Services
115 North 4th Street
Manhattan, KS 66502
Phone: 785-565-6844

RESOLUTION

FROM: Clancy Holeman, Riley County Counselor

MEETING: December 6, 2021

SUBJECT: Approval of a Resolution Establishing a Rural Economic Development Advisory Board

PRESENTER: Clancy Holeman, Amanda Smeller, Director of Planning & Development, Gary Fike, Extension Director

BACKGROUND

Presented for the Board's review and possible approval is a resolution creating a Rural Economic Development Advisory Board.

DISCUSSION

The Board requested this resolution. At a previous public meeting the Board reviewed the draft and suggested a number of changes. Those changes appear "tracked" on the draft before you today.

If you approve of these "tracked changes," they will be "accepted" and a final "clean" version of the resolution will be placed before you in the business meeting portion of an upcoming agenda. If you have further changes beyond those shown today, those changes will be made and "clean" version will be presented to you on an upcoming agenda.

The staff working group made one additional change, shown "tracked". It clarifies that the BOCC retains authority to remove individual members of the advisory board, and is not limited to simply "dissolving" the entire Board.

FISCAL IMPACT

N/A

RECOMMENDATION(S)

Counsel recommends the Board approve the Resolution, accepting all "tracked" changes shown today.

POSSIBLE MOTION(S)

- A. "I move the Board approve the Resolution as presented, accepting all 'tracked' changes.
- B. "I move the Board approve the Resolution, with the following changes... ."
- C. "I move the Board not approve the Resolution."

Enclosures:

- Rural Economic Development Advisory Board revised 11-24-21 (PDF)

RESOLUTION NO. _____

**A RESOLUTION OF RILEY COUNTY, KANSAS ESTABLISHING A RURAL
ECONOMIC DEVELOPMENT ADVISORY BOARD FOR RILEY COUNTY STATING
THE MEMBERSHIP, PURPOSE, FUNCTIONS AND POWERS**

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Riley County, Kansas:

Section 1: A Rural Economic Development Advisory Board (hereinafter “Advisory Board”) is hereby established.

Section 2: The Advisory Board shall consist of nine members and all members shall be residents of Riley County, Kansas, except those staff positions identified in Section 3.

Section 3: The members of the Advisory Board shall be appointed by the Board of County Commissioners and have the following qualifications:

- ~~Five~~One members shall reside in ~~a either~~ Cities of Riley County other than Manhattan, or in the unincorporated area of Riley County
- One member shall be the County Extension Director of the Riley County K-State Research and Extension Office; This member shall not be required to be a resident of Riley County; This member shall not be subject to the term limitations of Section 4.
- One member shall be a staff member of the Riley County K-State Research and Extension Office as appointed by the County Extension Director. This member shall not be required to be a resident of Riley County; This member shall not be subject to the term limitations of Section 4.
- One member shall be a staff member of the Manhattan Area Chamber of Commerce; This member shall not be required to be a resident of Riley County; This member shall not be subject to the term limitations of Section 4.
- ~~Five members shall reside in the unincorporated area of Riley County~~

Section 4: In the sole discretion of the Board of Riley County Commissioners, three members of the Advisory Board shall be appointed for a term of one year; three members of the Advisory Board shall be appointed for a term of two years; and three members of the Advisory Board shall be appointed for a term of three years. Thereafter, all appointments shall be made by the Board of Riley County Commissioners for three-year terms. But members of the Advisory Board who no longer qualify for appointment under Section Three herein, shall vacate their position immediately. In the event of such vacancies, the Board of Riley County Commissioners shall make appointments for the unexpired terms of the member(s) who no longer qualify for appointment under Section Three herein. All members of the Advisory Board shall serve without compensation. In its sole discretion, the Board of Riley County Commissioners may dissolve the Advisory Board at any time, and may also remove members from the Advisory Board at any time.

Section 5: The Rural Economic Development Advisory Board shall meet monthly. A quorum of the Committee is established by a quorum of the Committee in attendance at any monthly meeting. Meetings of the Committee are subject to the requirements of the Kansas

Open Meetings Act and shall be open to the public. Minutes shall be kept of all monthly Committee meetings.

Section 6: The Rural Economic Development Advisory Board shall provide policy recommendations to the Board of County Commissioners but shall not discuss or negotiate any development agreements. Any inquiry to the Advisory Board regarding pending or proposed development agreements shall be referred to the Board of County Commissioners.

Section 7: The Rural Economic Development Advisory Board shall serve in an advisory capacity to the Board of County Commissioners and shall have the following duties:

- (1) Review and provide recommendations to the Board of Riley County Commissioners on Rural Economic Development Strategies and possible Economic Development Incentive Policies;
- (2) Advise the Board of County Commissioners on the attraction and expansion of business, retail, industrial, agricultural and commercial development which is consistent with the County's comprehensive plan;
- (3) Review and provide recommendations to the Board of Riley County Commissioners regarding Economic Development policies, rules, regulations, and other matters relating to the economic development program of Riley County, as directed by the Board of County Commissioners; and
- (4) Collaborate with other governmental agencies, non-profit, and for-profit organizations in the advancement of economic development programs and projects, as directed by the Board of County Commissioners.

Section 8: This Resolution shall take effect and be in full force from and after its adoption by the Board of County Commissioners of Riley County, Kansas.

ADOPTED AND APPROVED on this _____ day of December, 2021.

**BOARD OF COUNTY COMMISSIONERS
OF RILEY COUNTY, KANSAS**

John Ford, Chairman

Greg McKinley, Vice-Chairman

Kathryn G. Focke, Member

ATTEST:

(Seal)

Rich Vargo, Riley County Clerk



COUNTY TREASURER'S OFFICE
Staff Update

Shilo Heger
Treasurer
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-537-6320

STAFF REPORT

FROM: Shilo Heger

MEETING: December 6, 2021

SUBJECT: Riley County Treasurer 2021 Goals and Accomplishments

PRESENTER: Shilo Heger

Enclosures:

- 2021 Treasurer Goals-Accomplishments (DOC)



TREASURER'S OFFICE

Shilo Heger
County Treasurer

110 Courthouse Plaza
Manhattan, Kansas 66502-0100
Phone: 785-537-6321
Fax: 785-537-6321
E-mail: sheger@rileycountyks.gov
Website: www.rileycountyks.gov

Riley County Treasurer 2021 Accomplishments

- It has been another successful year in the Treasurer's office considering the challenges we have faced due to the pandemic.
 - 2020 Current Ad Valorem taxes collected and distributed - \$107,556,021
 - MV Taxes Distributed - \$7,390,594
 - RV Taxes Distributed - \$67,010
 - Commercial - \$264,540
- Through November 2021 we had a total number of 68,814 motor vehicle transactions. This is an increase of 1,278 transactions compared to November 2020. We had 35,616 renewals and 14,441 new registrations. With 8 at the counter they average 400 renewals/month and 263 new registrations/month.
- We remained flat with the number of commercial transactions we processed this year.
- Our office served 3,516 driver's license customers through the month of November.
- We switched to No Wait Inside, which is an appointment based system. One of my goals this year is to work with our Public Information Officer on messaging to promote this service to our customers. It will help us allocate our resources and it will help the public by reducing the amount of time they have to wait in line.
- I am also proud to have been elected as the Treasurer for the National Association of County Collectors, Treasurers, and Finance Officers. I am looking forward to working with leadership of this organization and be able to bring back ideas from other treasurers across the country.



TREASURER'S OFFICE

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County Treasurer

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Manhattan, Kansas 66502-0100
Phone: 785-537-6321
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Riley County Treasurer 2022 Goals

- Continue to provide motor vehicle transactions to the public in an accurate and efficient manner. I would like to look at ways to promote our online, mail, and drop box options to the public. This will allow staff more time to assist customers with transactions that cannot be done remotely.
- Collect and distribute motor vehicle and ad valorem taxes in a timely manner. I am looking at software that may be able to assist with how we enter our tax payments into the system. It will allow us to scan the checks and stubs into a file which will then be uploaded into the tax program and will also generate our deposit to the bank.
- Work with the Budget and Finance Officer and the Public Information Officer on the implementation of the Open Gov platform. This program will give us the ability to provide our financial data the department head and the public in a concise and consistent manner.
- Continue to work with the Kansas County Treasurer Association on legislation that will rework the motor vehicle fees that are retained by the county for performing the motor vehicle work. If this legislation is passed it will reduce the amount the general fund is subsidizing motor vehicle department.



REGISTER OF DEEDS
Staff Update

Amy Manges
Register of Deeds
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-537-6340

STAFF REPORT

FROM: Amy Manges, Register of Deeds

MEETING: December 6, 2021

SUBJECT: 2021 Accomplishments and 2022 Goals

PRESENTER: Amy Manges

Enclosures:

- 2021 Accomplishments (DOCX)
- 2022 Goals (DOCX)

**2021 Accomplishments
Amy M. Manges**

- Transitioned successfully into the Register of Deeds position.
- Selected and trained a new deputy and office staff.
- Implemented new online subscription service.
- Handled increased work volume with reduced staff.
- Continued cross training office staff so that all aspects of recording duties and the daily running of the office are covered at all times.
- Continued indexing and verification of records from 1953 through 1985.
- Tracked revenue loss as a result of mortgage registration fee changes from 2014. Have presented findings at various meetings.

2022 Goals
Amy M. Manges

- Complete required courses to become a certified Register of Deeds.
- Provide continuing education opportunities for the Register of Deeds staff.
- Fill vacant position to bring office up to full staff.
- Implement Property Fraud Alert.
- Continue to index and verify records from 1953 through 1985.
- Track revenue loss as a result of mortgage registration fee changes from 2014.
- Continue to minimize expenses



CLERK'S OFFICE

Rich Vargo, MCC
County Clerk
110 Courthouse Plaza
Manhattan, Kansas 66502-0101
Phone: 785-537-6300
Fax: 785-537-6394
E-mail: rvargo@rileycountyks.gov

To: The Board of County Commissioners

From: Rich Vargo, Riley County Clerk

Subject: 2021 Accomplishments and 2022 Goals for the Riley County Clerks Office

Date: December 6, 2021

2021 Accomplishments:

Real Estate

- Calculate and balance the Riley County Assessed Valuation
- Delivered a balanced tax roll, including intangibles taxes, to the Treasurer to generate tax bills
- Certified 39 budgets to the State and set 80 mil levies for all taxing entities in Riley County and 11 joint levies with other counties
- Participated in many proposed benefit district projects
- Assisted with tax foreclosure sale
- Assisted Township and Cemetery Officers with budgets
- Organized and hosted Red Cross Blood Drives
- Answered phones, accepted mail and packages for the County Office Building during the COVID-19 shutdown.
- Began working on compliances for SB13, in 2021 we assisted townships with Revenue Neutral Rate (RNR) hearing records. Also posted RNR hearing information on the County website.

Budget & Finance and Accounts Payable

- Administered 2021 County Budget Process & 2021 County Budget and CIP processes
- Received the highest qualification available again for the 2020 audit
- Administration of the inmate medical processes through ACH
- Review and update of the auto, equipment and property insurance policy list
- Administered CIP work sessions
- Lead for Riley County CARES and ARPA Act funding for entire county
- Established A/P Clerk as backup for payroll and performing payroll quarterly.
- Worked with Treasurer to implement Positive Pay in A/P processes.
- Received improved bond rating to Aa1 through Moody's Investors Service
- Bond refinance with savings just under \$700,000.
- Budget and Finance Officer serves on KSGFOA Board and GFOA

Human Resources, Payroll

- Administered accounts payable including payroll bi-weekly for all Riley County Departments
- Held benefits meeting for employees
- Conducted Human Resources administration for Riley County
- Successful open enrollment for employees health insurance and benefits
- Continued to manage pandemic related employee leave and issues
- Began process to revise Personnel Policy Manual including Fire District #1
- Improved New Hire Orientation/Policy Acknowledgement process.
- Updating position descriptions
- Countywide staffing and overtime usage consistency
- Record Management Analysis

Elections

- Hired and trained new Election's staff member Keirsten Cragg.
- Implemented stipends for all payment of work for 2021 elections.
- Conducted City/School Primary and General elections amidst COVID-19 and staffing shortages.
- Re-evaluated and modified the Election Night check-in process.
- Elections staff updated job responsibilities to incorporate new procedures and technology advancement.
- Elections staff attended training.
- Cross trained all positions.
- Updated Election Board Manuals and cleaned all equipment.
- Opened new polling place to replace Riley Centre polling place with Riley City Hall polling place in north Riley County

Administrative

- Administered Automated Wildlife and Parks license system
- Improved the website for residents to utilize
- Completed inventory report for Riley County Departments and Commissioners
- Administer processes necessary to conduct Board of County Commission meetings
- Assisted residents with Homestead and Food Sales Tax filings
- Establishment of Public Information Officer

2022 Goals:**Real Estate**

- Deliver a balanced tax roll to the Treasurer's Office to generate tax bills
- Calculate and balanced the 2022 Riley County Assessed valuation
- Certify all budget to the state and set the 2022 mil levies
- Assist Township and Cemetery Officers with budgets
- Assist Townships with FEMA funding
- Assist with Tax Foreclosure Sale
- Host multiple Red Cross Blood Drives
- 2022 will be the first year to mail out the Revenue Neutral Rate (RNR) letters to all real estate taxpayers to comply with SB13. This will require working with our vendor, KOMTEK, to design the form. We expect the letters to require a lot of time answering questions from the taxpayers by phone and in-person.

Budget & Finance and Accounts Payable

- Assist the Board in the ½ cent sales tax projects and financing for roads and bridges
- Conduct an effective budget, audit and CIP process
- Administer end of year encumbrances
- Conduct Budget and Planning Meetings
- Working to implement Open Gov system.
- Continue to develop Account Clerk position
- Develop internal control document for ARPA requirements.
- Complete the reporting and audit process for the CARES Act funding
- Staff development in A/P and Payroll

Human Resources, Payroll

- Continued education for staff and myself by attending educational opportunities in State
- Cross training of Human Resource duties
- Pandemic related leave management
- Enhance training opportunities either in-house or with the HRMN Association for supervisors
- Review Performance Management System/Processes and compliance
- Update Personnel Policies and Procedure, including Fire District #1
- Internal Audit of I-9 record storage

Elections

- Pursue legislation to allow all voters to apply one time to receive ballots for all elections in the State of Kansas by mail
- Work with KCC & EOA and Secretary of State's Office on potential election law changes
- Update all election staff job descriptions to incorporate new procedures and technology advancements.
- Conduct an effective process for the 2022 State Elections
- Attend developmental training
- Update Election Board Manuals
- Continue to replace older iPads and cross train on the software maintenance.



PLANNING & DEVELOPMENT
Public Hearing

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

RESOLUTION

FROM: Amanda Smeller, Director

MEETING: December 6, 2021

SUBJECT: Consider **ADOPTION** of the “Riley County Land Development Regulations” (LDR) containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing and repealing, in their entirety, the existing Riley County Zoning Regulations (including Floodplain Regulations), Zoning Map, and Riley County Subdivision Regulations and to also consider **ADOPTION** of the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

PRESENTER: Amanda Smeller, Director

DISCUSSION

The Land Development Regulation update accomplished the following:

- Cleaned up existing regulatory documents
 - Removed inconsistencies, contradictory language/requirements, redundancies, outdated concepts, and unnecessary steps.
 - Reorganized the structure of the regulations to provide clarity, minimize confusion, and make them easier to navigate.
 - Added new options that provide convenience to properly develop or redevelop property.
- Updated zoning districts
 - Created purpose statements within each zoning district.
 - Provided Corridor Overlay Districts for the Gateway K-177 and Eureka Valley K-18 corridors.
 - Consolidated zoning districts:

- Reduced from five single family residential districts down to three.
- Reduced from four commercial districts down to two.
- Reduced from four industrial districts down to two.
- Revamped the Planned Unit Development district process.
- Retired the N-1 district in favor of an Airport Overlay District.
- Created a consolidated use table
- Added baseline development standards
 - Parking and parking lot landscaping
 - Landscaping, screening, and buffering
 - Fire buffering
 - Site layout
- Enhanced Subdivision regulations
 - Clarified applicability, jurisdiction, and exemptions.
 - Enhanced general standards.
 - Added a new section describing additional studies and standards for improvements.
 - Fortified the procedures of the platting and replatting process.
 - Added lot splits and boundary line adjustments as options.
 - Added signature certificates and notes required on final plats.
 - Referenced the Riley County Standards for Road Design in Platted Subdivisions.
- Overhauled the Floodplain Regulations
 - Reorganized the structure and clarified language to be more user friendly.
 - Added illustrations provided by the State of Kansas.
 - Proposed an increase of the freeboard from one foot above base flood elevation to two feet above base flood elevation.
 - Established the regulatory floodplain, which is comprised of the Special Flood Hazard Area. This area encompasses both the Floodway (FW) and Floodway Fringe (FF) Overlay Districts.
 - Included specific criteria for approving variances for agricultural structures.
- Created driveway standards for new residential development within unincorporated Riley County.

Driveway Standards

The Driveway Standards are new standards that were created and reviewed by Public Works, Emergency Services, and Planning. The intent is to provide safe ingress and egress for driveways and adequate access for emergency responders to protect the health, safety, and welfare of the community. With the exception of agricultural uses which are exempt, all new residential development must meet these new standards.

These regulations are not retroactive and do not apply to existing driveways. These also went through the Riley County Planning Board review and public hearing process and are to be adopted by reference as a separate document.

Short Term Rentals

These are new regulations that will apply to rentals generally referred to as AirBNB or VRBO. Short term rentals are separate and different from Bed and Breakfasts as usually the whole home is rented without an owner/keeper on site. Current County regulations do not include anything on short term rentals. Under the new regulations, a license is required and there are several criteria that must be met to obtain said license, to operate the short term rental, and to maintain the license. The regulations give the County authority to ensure the criteria are met and to rescind the license if there are any violations of said criteria.

Lot of Record

A Lot of Record is defined as: A lot which is a part of a recorded subdivision, or a parcel of land that the Department determines may be built upon without rezoning or other land use action. A lot of record essentially means that a property retains the rights to develop that were legally established by previous regulations ("grandfathered"). In the context of Section 5.6, Nonconformities, a lot of record specifically refers to the ability for property owners to build a "non-agricultural" related home within the Agricultural zoning district without having to rezone or plat the property.

How is a Lot of Record created?

A lot of record is created when the regulations affecting the rights to develop property are changed.

Such changes may include certain criteria such as tract size or a requirement for additional zoning approval (conditional use) or the elimination of a particular land use that was once permitted. Over time, the aforementioned regulations can undergo several changes, creating new lots of record, but with different criteria; thus, a Lot of Record depends on what regulation(s) was/were changed and when the change(s) occurred.

TIMELINE:

Prior to July 15, 1974

Tracts less than 20 acres established by deed are Lots of Record. Tracts 20 acres and larger are simply regarded as agricultural tracts and are not Lots of Record.

July 15, 1974

The entire county was zoned. Zoning Regulations were adopted. The minimum lot size for the Agricultural District was set at one (1) acre for all uses; however, in order to build a house, a Conditional Use was required.

July 10, 1980

The zoning regulations were amended. The minimum lot size to build a "non-agricultural" related home in the Agricultural District was increased from one acre to 20 acres; the requirement for a Conditional Use was deleted. Tracts less than 20 acres established by deed between July 15, 1974 and July 10, 1980 with an approved Conditional Use for a residence are considered Lots of Record. Tracts less than 20 acres without a Conditional Use for residence are not considered Lots of Record.

May 21, 2012

The zoning regulations were amended. The Agricultural District became an “exclusive” AG district. The 20-acre minimum lot size for a “non-agricultural” related residence was eliminated. Correspondingly, “non-agricultural residence” was removed from the list of permitted uses and no longer permitted outright in the Agricultural District. Tracts of land 20 acres and larger, established by deed between July 10, 1980 and May 21, 2012 are considered Lots of Record. Tracts of this size established before July 10, 1980 or after May 21, 2021 are not considered Lots of Record.

What happens when a Lot of Record is divided?

A tract of land generally loses its Lot of Record status if it is divided, with the following exceptions:

- If a tract is split by a political subdivision with the power of eminent domain (the Lot of Record status remains); and/or
- If the tract has a valid Conditional Use for a home (issued between 1974 and 1980) (the Lot of Record status remains).

LDR Recommendations

Please see attached staff report for a full background on each of the work sessions and public hearings as well as the recommendations and discussion that came out of each public hearing. A Landscape Architect provided public comment during the Riley County Planning Board public hearing with many suggestions related to landscaping (among a few other things as addressed in the staff report), which is where many of the recommended changes came from.

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 October 18, 2021, the Riley County Planning Board held a public hearing and unanimously forwarded a recommendation of approval of the request to the Board of County Commissioners, contingent upon the suggested modifications listed in the staff report.

On Monday November 1, 2021, the Manhattan Urban Area Planning Board held a public hearing and unanimously forwarded a recommendation of approval of the request to the Board of County Commissioners, contingent upon the suggested modification(s) listed in the staff report.

Staff recommends that the Board of Commissioners of Riley County adopt the “Riley County

Land Development Regulations” (LDR), containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing and repealing, in their entirety, the existing Riley County Zoning Regulations (including Floodplain Regulations), Zoning Map, and Riley County Subdivision Regulations, with the text changes recommended in the staff report and to also adopt the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

POSSIBLE MOTION(S)

A. Motion to approve Resolution 120621-_____ adopting the “Riley County Land Development Regulations” (LDR), containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing and repealing, in their entirety, the existing Riley County Zoning Regulations (including Floodplain Regulations), Zoning Map, and Riley County Subdivision Regulations, with the text changes recommended in the staff report and also adopt the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

Or

B. Motion to sign Resolution 120621-_____ denying the request to adopt the “Riley County Land Development Regulations” (LDR), containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing and repealing, in their entirety, the existing Riley County Zoning Regulations (including Floodplain Regulations), Zoning Map, and Riley County Subdivision Regulations, and adopt the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

ATTACHMENT(S):

- Staff report
- Excerpt of Planning Board minutes
- Riley County Land Development Regulations
<<https://www.rileycountyks.gov/DocumentCenter/View/20588/Land-Development-Regulations>>
- Driveway Standards
<<https://www.rileycountyks.gov/DocumentCenter/View/20677/Driveway-Standards->>

Enclosures:

- Staff Report (PDF)
- RCPB Minutes 10-18-21 (PDF)
- MUAPB Minutes 11-1-21 (PDF)
- Resolution (PDF)



PLANNING & DEVELOPMENT

STAFF REPORT

Regulation Repeal, Replacement & Adoption

PETITION: #21-0074

APPLICANT: Riley County Planning Board
110 Courthouse Plaza
Manhattan, KS 66502

REQUEST: Consider ADOPTION of the “Riley County Land Development Regulations” (LDR) containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing, in their entirety, the existing Riley County Zoning Regulations (including Floodplain Regulations), Zoning Map, and Riley County Subdivision Regulations and ADOPT the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

BACKGROUND: In order to provide for their administration and enforcement, the Riley County Planning Board is proposing to repeal and replace, in their entirety, the Riley County Zoning Regulations (including Floodplain Regulations) and Riley County Subdivision Regulations. Generally, the proposed changes are as follows:

Cleaned up existing regulatory documents

1. Removed inconsistencies, contradictory language/requirements, redundancies, outdated concepts, unnecessary steps, etc.;
2. Re-organized the structure and format of the regulations to provide clarity, minimize confusion and make them easier to navigate; and
3. Added new options that provide convenience and options to properly develop/redevelop property.

Updated Zoning Districts

1. Created purpose statements for each of the zoning districts;
2. Included Corridor Overlay Districts for the Gateway K-I77 and Eureka Valley/K-18 Corridor; and
3. Proposed consolidation of districts & “retirements”
 - Reduced five single family residential districts down to three
 - Reduced four commercial districts down to two
 - Reduced four industrial districts down to two
 - Revamped the Planned Unit Development district process

- Retired the N-1 district in favor of an Airport Overlay District

Created a consolidated Use Table

1. Removed the individual lists of Permitted Uses, Conditional Uses and Special Uses from each zoning district and created an accurate and convenient consolidated land use table.

Included Baseline Development Standards (new)

1. Parking and parking lot landscaping;
2. Landscaping, screening and buffering;
3. Fire buffering; and
4. Site layout

Enhanced Subdivision Regulations

1. Clarified applicability, jurisdiction and exemptions;
2. Enhanced general standards;
3. Added new section describing additional studies and standards for improvements;
4. Fortified the procedures of the platting and replatting process;
5. Added lot splits and boundary lines adjustments as options;
6. Added signature certificates and notes required on final plats; and
7. Referenced the Riley County Standards for Road Design in Platted Subdivisions

Overhauled the Floodplain Regulations

1. Re-organized structure and clarified language to be more “user friendly”;
2. Added illustrations provided by the State of Kansas;
3. Proposed an increase of the freeboard from one foot above base flood elevation to two feet above base flood elevation;
4. Established the “regulatory floodplain”, which is comprised of the Special Flood Hazard Area. This area encompasses both the Floodway (FW) and Floodway Fringe (FF) Overlay Districts; and
5. Included specific criteria for approving variances for agricultural structures.

Included Photos, diagrams and illustrations

1. For the purposes of providing clarity through visual examples, various photos, diagrams and illustrations were inserted with the text;

Included appendices

1. Appendices were added for:

- The Memorandum of Understanding between Fort Riley, Kansas and Municipalities Adjacent to or Surrounding Fort Riley, Kansas Regarding Communication and Potential Land Use Changes;
- The Manhattan Urban Area Boundary
- The Zoning District Conversion Table
- Airport Overlay District; and
- The Corridor Overlay Districts

WORK SESSIONS:

Riley County Planning Board

The Riley County Planning Board held a work session on September 13, 2021, in order to review the document and offer suggestions. The Board suggested that the following modifications/clarifications be made:

1. Increase the side yard building setback in the large-lot single family residential district (proposed SF-1) from ten (10) feet to fifteen (15) feet.

Collectively, the Board had no further suggestions.

Manhattan Urban Area Planning Board

The Manhattan Urban Area Planning Board held a work session on September 20, 2021, in order to review the document and offer suggestions. The Board suggested that the following modifications/clarifications be made:

1. Board member Ebert referred to Section 4.20 Floodplain Regulations (FW and FF), subparagraph F, paragraph D, last sentence, "Designs for meeting this requirement shall either be by a registered professional engineer or licensed architect." He suggested changing the wording to professional licensed engineer or architect registered in the State of Kansas.
2. Ebert referred to the diagram Page 6-10, the blue arrow labeled "80' from roadbed" should be moved to the edge of the road, not the centerline. (*illustration corrected*)
3. Ebert suggested the term "fire code", should be defined.
4. Ebert referred to Section 6.8 Landscaping and Screening, subparagraph C. Screening, 1. Non-Residential Screening: "a. The screening shall be sufficient to conceal the commercial and/or industrial use from the abutting resident district." He stated that the word "conceal" was impractical and would be too difficult to implement; suggested revising.

Collectively, the Board had no further suggestions.

Board of County Commissioners:

The Board of County Commissioners of Riley County (BOCC) also held a work session on October 4, 2021, in order to review the document and offer suggestions. As with the Planning Boards, staff reviewed the proposed changes to the regulations and described the format of the new document. Staff informed the Board of the work sessions with the Planning Board, including the suggestions provided by each board. The BOCC had no suggestions for changes or modifications.

A follow-up work session was held on November 1, 2021, as staff suspected that more time was needed for the Board to review the document. Director of Planning and Development Amanda

Smeller informed the Board of the Planning Board public hearings and stated that their suggested modifications would be brought before the BOCC, along with each Planning Board's recommendation. Staff informed the Board that each Planning Board was informed that the Floodplain Regulations have already been approved by the State of Kansas (Division of Water Resources) and FEMA.

PUBLIC HEARINGS:

RILEY COUNTY PLANNING BOARD:

On October 18, 2021, the Riley County Planning Board held a public hearing. Planning and Development Director Smeller stated that, as per suggestion by the Board, the side yard setback in the proposed "SF-1" (Single Family Residential) zoning district was changed from 10 feet to 15 feet.

During the hearing, several changes to the document were suggested from the public. The Board evaluated the proposed changes and unanimously forwarded a recommendation of approval of the request to the Board of County Commissioners, contingent upon the following suggested modifications:

Article 4, Section 13, paragraph C.3.d.: Manufactured Home Park Districts states "A drainage study prepared by an engineer licensed in the State of Kansas." Suggestion was made to consider adding "a landscape architect in the State of Kansas" with regard to the surface drainage language of this paragraph.

The Board: Recommended to add "or landscape architect".

Staff: The requirements for a Drainage Impact Study (DIS) are referenced in the Riley County Standards for Road Design in Platted Subdivisions and strictly requires the DIS report "be sealed and signed by a registered Professional Engineer (PE) licensed in the State of Kansas". Planning staff recommends no change to the existing text.

Article 4, Section 22, paragraph 6.f.: Some shrubs are not available in 5 gallon sizes, especially for shrubs that stay short. Suggestion was made that a 2 gallon size (#2 container per ANSI Z60.1 terminology) be used as the smallest size for plants that reach 30" (inch) mature height or less.

The Board: Recommended to change the minimum size to #2 container.

Staff: Planning staff concurs with Planning Board recommendation.

Article 4, Section 22, D.1.b.: Gateway Corridor Overlay District does not define how many building stories are allowed. Suggestion was made to define the number of stories/building height.

The Board: Recommended adding language/hyperlink to underlying zoning district's density requirements.

Staff: Planning staff concurs with Planning Board recommendation and will research the ability of document hyperlink within itself.

Article 4, Section D.1.d.: Consider adding language about bicycle travel with regard to shared-use roadways, bike lanes, and/or shared pedestrian/bicycle paths.

The Board: Recommended not to make any changes for bicycle travel.

Staff: Planning staff concurs with Planning Board recommendation.

Article 5, Section 2, T.2.b. Use-Specific Standards T.2.b.: “An extraction operation shall not be permitted within 300 feet of a residence or 200 feet of a residential district. Suggestion to make both setbacks consistent at 300 feet.

The Board: Recommended to change from 200 feet to 300 feet of a residential district.

Staff: Planning staff concurs with Planning Board recommendation.

Article 6, Section 6.6 E.3.: Streets, Driveways, and Pedestrian Circulation, Visibility at Intersections: The reference standard called “Riley County Standards for Roadway Design in Platted Subdivisions” but, reportedly, is difficult to find. Ms. Brokesh stated there is a standard that appears to meet this description but has a different title and does not talk about sight distances. Suggestion was made to make the document titles the same.

The Board: Recommended to reserve street/road safety analysis to the County Engineer, rather than include AASHTO standards within the Land Development Regulations.

Staff: Sight triangles and AASHTO standards are referenced within the Riley County Standards for Roadway Design in Platted Subdivisions. Planning staff concurs with Planning Board recommendation.

Article 6, Section 7. Parking, Loading, Access Drive, paragraph C. Table 6-4 off-street parking: The concern was presented that if a child care center has, for example, 250 children and 32 staff, the required number of off-street parking appears to be 94 (1 space per 3 occupants). Suggestion was made to lower the number of required parking stalls or implement a maximum amount of parking spaces.

The Board agreed by consensus to have staff review this further.

Staff: As explained by planning staff during the hearing, a considerable amount of research was completed reviewing parking requirements from several jurisdictions throughout the United States. The findings were relatively consistent based on land use; however, staff suggested following the current trend of requiring less parking than historically mandated, with the intent of reducing negative impacts of large impervious areas on the environment, and calculated the required parking spaces accordingly. Staff recommends no change to the text.

Article 6, Section 8, paragraph B.3.c. and B.4.c. Landscaping: The tree size of 1½” caliper conflicts with Article 4, Section 22, paragraph C. b. and d. which says to use 2½” caliper for deciduous trees. It was suggested to use the larger caliper to reduce vandalism. It was suggested to consider #2 container size for plants less than 30 inches at mature height.

The Board recommended changing text that requires 2” caliper for shade trees, 1-1/2” for ornamentals.

Staff: Planning staff concurs with Planning Board recommendation.

Article 6, Section 8, paragraph B.4: A suggestion to add sight distance setback at apex of parking lot islands for mature plant height to be no taller than 30” height from parking lot surface to top of plant within 10’ (feet) from apex of island for the purposes of providing adequate sight visibility when backing out of a stall or maneuvering around a waste dumpster storage area.

The Board recommended to insert language that restricts the height of mature plants to no taller than 30 inches (from parking lot surface to top of plant) within 10 feet of the end(s) of a parking lot island, in order to provide adequate sight visibility when backing out of a

stall or maneuvering around a waste dumpster storage area. Staff: Planning staff concurs with Planning Board recommendation.

MANHATTAN URBAN AREA PLANNING BOARD:

On Monday November 1, 2021, the Manhattan Urban Area Planning Board held a public hearing and unanimously forwarded a recommendation of approval of the request to the Board of County Commissioners, contingent upon the following suggested modification(s):

Article 6, Section 8, Landscaping and Screening, paragraph C. 1. Non-Residential Screening:

- a. The screening shall be sufficient to conceal the commercial and/or industrial use from the abutting resident district.” The Board suggested replacing the word “conceal” with “screen”.

Staff: Planning staff concurs with Planning Board recommendation.

STAFF RECOMMENDATIONS:

Staff recommends that the Board of Commissioners of Riley County ADOPT the “Riley County Land Development Regulations” (LDR), containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing, in their entirety, the existing Riley County Zoning Regulations (including Floodplain Regulations), Zoning Map, and the Riley County Subdivision Regulations, with the following suggested changes:

- Article 4, Section 22, Corridor Overlay Districts (GCOD and EVCOD), paragraph 6.f.: Suggest using 2-gallon size (#2 container per ANSI Z60.1 terminology) as the smallest size for plants that reach 30” (inch) mature height or less.;
- Article 4, Section 22, (GCOD and EVCOD): *Suggest adding language/hyperlink to underlying zoning district’s density requirements.*
- Article 5, Section 2, Use-Specific Standards, T.2.b.: Suggest increasing the separation distance requirement from an extraction operation to a residential district from 200 feet to 300 feet
- Article 6, Section 8, Landscaping, paragraphs B.3.c. and B.4.c. and Article 4, Section 22, Corridor Overlay Districts (GCOD and EVCOD), paragraph C. b. and d.: *Suggest consistent language that requires a minimum 2½” caliper for evergreen trees; 2” caliper for shade trees; and 1½” caliper for ornamentals.*
- Article 6, Section 8, Landscaping and Screening, paragraph B.4. *Suggest inserting language that restricts the height of mature plants to no taller than 30 inches (from parking lot surface to top of plant) within 10 feet of the end(s) of a parking lot island.*
- Article 6, Section 8, Landscaping and Screening, paragraph C. 1. Non-Residential Screening: Suggest replacing the word “conceal” with “screen”.

Staff also recommends that the Board of Commissioners of Riley County ADOPT the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

POSSIBLE MOTION(S)

ACTION NEEDED:

- A. Motion to approve Resolution 111821-_____ adopting the “Riley County Land Development Regulations” (LDR), containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing, in their entirety, the existing Riley County Zoning Regulations

(including Floodplain Regulations), Zoning Map, and Riley County Subdivision Regulations, with the text changes recommended in the staff report and also adopt the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

Or

- B. Motion to sign Resolution 111821-_____ denying the request to adopt the “Riley County Land Development Regulations” (LDR), containing zoning and subdivision regulations, floodplain regulations, and zoning map, replacing, in their entirety, the existing Riley County Zoning Regulations (including Floodplain Regulations), Zoning Map, and Riley County Subdivision Regulations, and adopt the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

ATTACHMENTS:

- Riley County Land Development Regulations (link)
- Driveway Standards in the Unincorporated Area of Riley County, Kansas (link)

Prepared by: Bob Isaac, Planner
November 4, 2021

EXCERPT OF MINUTES RILEY COUNTY PLANNING BOARD

October 18, 2021

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Riley County Land Development Regulations

Amanda Smeller reminded the Board that this is public hearing to adopt the Land Development Regulations and also adopt the Driveway Standards by reference. She referenced the staff report, which summarized the proposed changes as follows:

Cleaned up existing regulatory documents

1. Removed inconsistencies, contradictory language/requirements, redundancies, outdated concepts, unnecessary steps, etc.;
2. Re-organized the structure and format of the regulations to provide clarity, minimize confusion and make them easier to navigate; and
3. Added new options that provide convenience and options to properly develop/redevelop property.

Updated Zoning Districts

1. Created purpose statements for each of the zoning districts;
2. Included Corridor Overlay Districts for the Gateway K-I77 and Eureka Valley/K-18 Corridor; and
3. Proposed consolidation of districts & “retirements”
 - Reduced five single family residential districts down to three
 - Reduced four commercial districts down to two
 - Reduced four industrial districts down to two
 - Revamped the Planned Unit Development district process
 - Retired the N-1 district in favor of an Airport Overlay District

Created a consolidated Use Table

1. Removed the individual lists of Permitted Uses, Conditional Uses and Special Uses from each zoning district and created an accurate and convenient consolidated land use table.

Included Baseline Development Standards (new)

1. Parking and parking lot landscaping;
2. Landscaping, screening and buffering;
3. Fire buffering; and
4. Site layout

Enhanced Subdivision Regulations

1. Clarified applicability, jurisdiction and exemptions;
2. Enhanced general standards;
3. Added new section describing additional studies and standards for improvements;
4. Fortified the procedures of the platting and replatting process;
5. Added lot splits and boundary lines adjustments as options;
6. Added signature certificates and notes required on final plats; and
7. Referenced the Riley County Standards for Road Design in Platted Subdivisions

Overhauled the Floodplain Regulations

1. Re-organized structure and clarified language to be more “user friendly”;
2. Added illustrations provided by the State of Kansas;
3. Proposed an increase of the freeboard from one foot above base flood elevation to two feet above base flood elevation;
4. Established the “regulatory floodplain”, which is comprised of the Special Flood Hazard Area. This area encompasses both the Floodway (FW) and Floodway Fringe (FF) Overlay Districts; and
5. Included specific criteria for approving variances for agricultural structures.

Included Photos, diagrams and illustrations

1. For the purposes of providing clarity through visual examples, various photos, diagrams and illustrations were inserted with the text;

Included appendices

1. Appendices were added for:
 - The Memorandum of Understanding between Fort Riley, Kansas and Municipalities Adjacent to or Surrounding Fort Riley, Kansas Regarding Communication and Potential Land Use Changes;
 - The Manhattan Urban Area Boundary
 - The Zoning District Conversion Table
 - Airport Overlay District; and
 - The Corridor Overlay Districts

Chairman Taul stated he was not at the work session, but several suggestions were made by the other board members. He asked if those suggestions were put into the document.

Ms. Smeller said that, as per suggestion by the Board, the side yard setback in the proposed “SF-1” (Single Family Residential) zoning district was changed from 10 feet to 15 feet.

Bob Isaac explained that under the notes in residential zoning districts, the side yard setback increases one foot for every one foot of building height over 16 feet.

Chairman Taul asked that the Board address the suggestions of Dede Brokesh as follows:

Article 4, Section 13, paragraph C.3.d.: Manufactured Home Park Districts states “A drainage study prepared by an engineer licensed in the State of Kansas.” Please consider adding “a landscape architect in the State of Kansas” with regard to the surface drainage language of this paragraph.

The Board agreed by consensus to add “or landscape architect”.

Article 4, Section 22, paragraph 6.f.: Some shrubs are not available in 5 gallon sizes, especially for shrubs that stay short. She suggested a 2 gallon size (#2 container per ANSI Z60.1 terminology) as the smallest size for plants that reach 30” (inch) mature height or less.

The Board agreed by consensus to change the minimum size to #2 container.

Article 4, Section 22, D.1.b.: Gateway Corridor Overlay District does not define how many building stories are allowed. She suggested defining the number of stories.

Mr. Isaac stated those requirements would be found in the underlying zoning district and maps of the Corridor Overlay Districts can be found in the appendices. He suggested possibly putting in a link.

The Board agreed by consensus to provide a link to that information.

Article 4, Section D.1.d.: Consider adding language about bicycle travel with regard to shared-use roadways, bike lanes, and/or shared pedestrian/bicycle paths.

Mr. Isaac said he believed that details regarding streets/road construction and design are addressed in the Riley County Standards for Roadway Design in Platted Subdivisions, but didn’t think the document included specifics for bicycle traffic. Mr. Isaac stated that most of the road system outside the City limits are not designed for pedestrian/bicycle traffic, although that mode of travel is not illegal.

The Board agreed by consensus not to make any changes for bicycle travel.

Article 5, Section 2, T.2.b. Use-Specific Standards T.2.b.: “An extraction operation shall not be permitted within 300 feet of a residence or 200 feet of a residential district. Ms. Brokesh suggested making both setbacks consistent at 300 feet.

The Board agreed by consensus to change from 200 feet to 300 feet of a residential district.

Article 6, Section 6.6 E.3.: Streets, Driveways, and Pedestrian Circulation, Visibility at Intersections: The reference standard called “Riley County Standards for Roadway Design in Platted Subdivisions” is difficult to find with this title. Ms. Brokesh stated there is a standard that appears to meet this description but has a different title and does not talk about sight distances. She suggested making the document titles the same. Additionally, she recommended to use the AASHTO standards for setting sight triangles to meet or exceed the stopping distances found in Table 3 of the following website:

https://safety.fhwa.dot.gov/local_rural/training/fhwasa1108/ch3.cfm.

Mr. Isaac stated the Riley County Standards for Roadway Design in Platted Subdivisions was created by the Public Works Department. He said we can’t make changes to that document but can make recommendations. Mr. Isaac stated any proposed platted subdivision is reviewed by the County Engineer regarding street/road design and safety.

Diane Hoobler asked if a link could be added.

Mr. Isaac stated staff will look into implementing a link to that document.

The Board agreed by consensus to leave the review of street/road safety up the County Engineer, rather than include AASHTO standards within the Land Development Regulations.

Article 6, Section 7. Parking, Loading, Access Drive, paragraph C. Table 6-4 off-street parking: Ms. Brokesh stated that if a child care center has, for example, 250 children and 32 staff, the required number of off-street parking appears to be 94 (1 space per 3 occupants). She said this amount seems excessive. She suggested looking at this number and numbers of stalls for big box stores to evaluate if that many stalls are necessary. She explained that excess parking with impervious surfaces contribute to downstream flooding.

Mr. Isaac referenced the Gateway and Eureka Valley Corridors. He said if this type of development were to occur, it could eventually be annexed into the city due to the need of municipal services, such as water and sewer. He stated there is always an option for a variance to reduce the amount of required parking.

The Board agreed by consensus to have staff review this further.

Article 6, Section 8, paragraph B.3.c. and B.4.c. Landscaping: The tree size of 1-1/2" caliper conflicts with Article, Section 22, paragraph C. b. and d. which says to use 2-1/2" caliper for deciduous trees. Ms. Brokesh suggested to use the larger caliper to reduce vandalism. She said consider #2 container size for plants less than 30" mature height, and also add sight distance setback at apex of parking lot islands for mature plant height to be no taller than 30" height from parking lot surface to top of plant within 10' (feet) from apex of island. She explained the reason is for adequate sight visibility when backing out of a stall or maneuvering around a waste dumpster storage area.

The Board agreed by consensus to use 2" caliper for shade trees, 1-1/2" for ornamentals, and mature plant height no taller than 30" height from parking lot surface to top of plant within 10' (feet) from apex of island.

Diane Hoobler moved to close the public hearing. Joe Gelroth seconded. Carried 5-0.

Diane Hoobler moved to forward a recommendation to the Board of Commissioners of Riley County to repeal the existing Riley County Subdivision Regulations and Riley County Zoning Regulations, including Floodplain Regulations, in their entirety, and adopt the "Riley County Land Development Regulations" and also adopt the "Driveway Standards in the Unincorporated Area of Riley County, Kansas" by reference, with the aforementioned suggested changes discussed during this public hearing and the last work session.

Joe Gelroth seconded. Carried 5-0.

EXCERPT OF MINUTES

MANHATTAN URBAN AREA PLANNING BOARD

November 1, 2021

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- 3.2. A PUBLIC HEARING to consider **REPEALING** the Riley County Subdivision Regulations and Riley County Zoning Regulations, including Floodplain Regulations, in their entirety, and **REPLACING** said documents with a single consolidated document entitled “Riley County Land Development Regulations” and adopting the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference (file no. RCF-21-066)

Action needed: Conduct a Public Hearing to consider the request and forward a recommendation of approval, approval with modifications, or denial to the Board of Commissioners of Riley County

Amanda Smeller stated staff has held work session with the Riley County Planning Board and two work sessions with the Board of County Commissioners. She said the public hearing for the Riley County Planning Board was held the previous month. The Board recommended approval with suggested changes. She also said the Driveway Standards are a separate document that will be adopted by reference.

Ball asked for a summary of changes from the Riley County Planning Board public hearing.

Ms. Smeller said staff corrected the illustration that was pointed out from the work session with this Board. She said that during the public hearing, it was recommended to increase the side yard setback from 10 feet to 15 feet in the “SF-1” (Single Family Residential) zoning district. She said a member from the public attended the hearing with suggestions regarding the caliper size for trees; correcting some inconsistencies between 1 ½ inches and 2 ½ inches. She said the Board asked staff to review the number of parking spaces required for some of the uses, as it appears it will create very large parking areas.

Ms. Smeller stated the regulations currently have drainage studies prepared by a licensed engineer in the State of Kansas. She said it was recommended to add, “or licensed landscape architect.” She said it was noted that landscape shrubs in five gallon containers are not always available, so the suggestion was to recommend two gallon containers instead. She said it was noted that the Gateway Corridor Overlay regulations didn’t define the number building stories allowed and was asked that they be added. Ms. Smeller explained that each individual underlying zoning district dictates the height or number of stories allowed.

Ms. Smeller said it was recommended to add language about bicycle travel with regards to shared use roadways, with bike lanes or pedestrian bicycle pathways. She stated those types of standards do not exist for county roadways or sidewalks. Ms. Smeller stated it was decided that it was not possible to incorporate that recommendation through this document.

Ms. Smeller said another recommendation was made regarding extraction operations. She said a recommendation was to make the distance from an extraction operation to a residence or residential district be the same – 300 feet.

Burton asked if a residential use designator is being created and shares a single entrance point with a neighboring agricultural use, will there be a requirement for a separate entrance or be held to the driveway standards.

Isaac replied the driveway standards will apply to specific residential use designators and will apply to new development. He said if there is not a house there already and it will share the agricultural driveway, then the driveway standards will apply to the portion of the drive that serves the house.

Ebert asked if the non-residential screening that he mentioned from the work session was addressed.

Isaac said the word “conceal” wasn’t meant to completely block or obscure, but offer a low-level dividing line between the uses.

Ebert said “sufficient to conceal” would make it impossible to screen the use.

Parikh stated semantics matter and suggested using a different word than conceal. He said screening and conceal are not equal or synonymous in their context. He didn’t have a suggestion to replace conceal.

Isaac asked the Board it would be acceptable to replace the word “conceal” with the word “screen”.

Parikh affirmed.

Ball wanted to clarify if the Riley County Land Development Regulations are still under development. He said we are considering to recommend approval on document that has not been finalized. Mr. Ball asked for guidance from the city planning staff.

John Adams, Senior Planner Long Range, said the purpose of public hearings is to take in testimony and make some amendments to the body that ultimately makes the decision. He said if the Board is not comfortable with the level of changes that have been detailed, then he could understand the hesitancy to recommend approval. He said if the Board trusts staff to make the changes that have been recommended, in the case, and carry it forward, then it would be okay to recommend approval.

Ball opened and closed the public hearing.

Parikh moved to forward a recommendation to the Board of Commissioners of Riley County to repeal the existing Riley County Subdivision Regulations and Riley County Zoning Regulations, including Floodplain Regulations, in their entirety, and replace those documents with a single consolidated document entitled “Riley County Land Development Regulations” and also adopt the “Driveway Standards in the unincorporated Area of Riley County, Kansas” by reference.

Burton seconded.

Motion carried 4-0.

RESOLUTION NO. 120621-

A RESOLUTION REPEALING AND REPLACING, IN THEIR ENTIRETY, THE ZONING AND SUBDIVISION REGULATIONS OF RILEY COUNTY, KANSAS, INCLUDING FLOODPLAIN REGULATIONS, AND ADOPTING A SINGLE CONSOLIDATED DOCUMENT ENTITLED “RILEY COUNTY LAND DEVELOPMENT REGULATIONS” AND THE “DRIVEWAY STANDARDS IN THE UNINCORPORATED AREA OF RILEY COUNTY, KANSAS”, BY REFERENCE.

WHEREAS, Riley County, Kansas, is authorized by K.S.A. 12-741, *et seq.*, to adopt, replace, revise, repeal and amend Riley County Zoning and subdivision regulations and to provide for their administration and enforcement; and

WHEREAS, the Riley County Planning Board has developed proposed repealing and replacing of the Zoning and Subdivision Regulations, including Floodplain Regulations; and

WHEREAS, the Manhattan Urban Area Planning Board gave notice of a public hearing by publication in the official county newspaper not less than 20 days prior to the date of that public hearing; fixed the time and place for such hearing and described proposed repealing and replacing of the Riley County Zoning and Subdivision Regulations, including Floodplain Regulations; then held a public hearing November 1, 2021, causing a record of the public hearing to be made; and

WHEREAS, the Manhattan Urban Area Planning Board, by an affirmative vote of a majority of its entire membership on November 1, 2021, recommended repealing and replacing, in their entirety, the Zoning and Subdivision Regulations of Riley County, Kansas, including Floodplain Regulations, and adopting a single consolidated document entitled “Riley County Land Development Regulations” and adopting the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference; and

WHEREAS, the Riley County Planning Board gave notice of a public hearing by publication in the official county newspaper not less than 20 days prior to the date of that public hearing; fixed the time and place for such hearing and described proposed repealing and replacing

of the Riley County Zoning and Subdivision Regulations, including Floodplain Regulations; then held a public hearing October 18, 2021, causing a record of the public hearing to be made; and

WHEREAS, the Riley County Planning Board, by an affirmative vote of a majority of its entire membership on October 18, 2021, recommended repealing and replacing, in their entirety, the Zoning and Subdivision Regulations of Riley County, Kansas, including Floodplain Regulations, and adopting a single consolidated document entitled “Riley County Land Development Regulations” and adopting the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference; and

WHEREAS, the Board of County Commissioners of Riley County, Kansas, has reviewed the aforesaid proposed amendments to Zoning and Subdivision Regulations and the recommendations of the Manhattan Urban Area Planning Board and the Riley County Planning Board, and has determined that it is in the best interests of Riley County to repeal and replace, in their entirety, the Zoning and Subdivision Regulations of Riley County, Kansas, including Floodplain Regulations, and adopt a single consolidated document entitled “Riley County Land Development Regulations” and adopt the “Driveway Standards in the Unincorporated Area of Riley County, Kansas” by reference.

NOW THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of Riley County, Kansas:

Section 1. Documents: That the Riley County Planning Board prepared and compiled a single consolidated document entitled “Riley County Land Development Regulations” and the “Driveway Standards in the Unincorporated Area of Riley County Kansas” for adoption by reference.

Section 2. Adoption: That publication titled “Riley County Land Development Regulations,” as modified from the original “Adoption Draft,” is hereby adopted and incorporated

by reference as if fully set out herein in accordance with the provisions of K.S.A.12-3301, *et seq.*

That publication titled “Driveway Standards in the Unincorporated Area of Riley County, Kansas” is also hereby adopted and incorporated by reference as if fully set out herein in accordance with the provisions of K.S.A.12-3301, *et seq.*

Section 3. Jurisdiction: From the effective date of this resolution, the regulations herein incorporated by reference shall govern land located within the unincorporated territory of Riley County subject to these regulations.

Section 4. Penalties & Civil Enforcement: Pursuant to KS.A. 2011 Supp. 12-761, any violation of any provision of these regulations shall be deemed to be a misdemeanor and punishable by a fine of not to exceed \$500 for each offense or by imprisonment in the county jail for not more than six months, or both, and each day's violation shall constitute a separate offense. The proper county official or any person, the value or use of whose property is or may be affected by such violation, has authority to maintain suits or actions in any court of competent jurisdiction to enforce these regulations and to abate nuisances maintained in violation thereof.

Section 5. Official Copies: Not less than three copies of the Riley County Land Development Regulations and Driveway Standards in the Unincorporated Area of Riley County, Kansas, shall be marked or stamped “official copy” and to which there shall be attached a copy of this resolution. Such official copy shall be filed and maintained in the office of the Riley County Clerk, open for public inspection and available to the public at all reasonable business hours, provided that such official copy may not be removed from the County Office Building. Copies of the official publication shall be furnished without charge to the courts and all administrative agencies charged with enforcement of such publication.

Section 6. Effective Date: This resolution upon publication shall take effect and be in force from and after January 1, 2022.

Section 7. Administrative Amendments: For purposes of providing continued clarity and accuracy, the Riley County Planning and Development Department shall have the authority to make minor text edits, grammatical corrections, and/or illustrative modifications to the “Riley County Land Development Regulations” and/or the “Driveway Standards in the Unincorporated Area of Riley County, Kansas”.

ADOPTED this 6th day of December, 2021

THE BOARD OF COMMISSIONERS
OF RILEY COUNTY, KANSAS

John Ford, Chair

Kathryn G. Focke, Member

Greg McKinley, Member

ATTEST:

(seal)

Rich Vargo, County Clerk

Attachment: Resolution (11326 : Riley County Land Development Regulations)