

Marion County Planning Commission & Board of Zoning Appeals  
Record of Proceedings  
July 27, 2023

**Members**

**(Present)**

Dwight Flaming  
Tammy Ware  
Brad Gorsuch  
Anita Seacat  
Tracey Roberts  
Chase Gann  
William Kroupa  
Keith Jost  
Michael Woelk

**Members**

**(Absent)**

Derek Belton  
Delbert Lowe

**Staff**

**(Present)**

Sharon Omstead Secretary  
Russ Ewy, Planning Consultant  
Nina Carr, Recording Secretary

1. **Call to Order-** Dwight Flaming, Vice Chair, called the meeting to order at 7:00 p.m. with eight members and three staff present, and three members absent. Tracey Roberts arrived after approval of minutes.
2. **Approval of Minutes-** Gorsuch made a motion to approve the March 23, 2023, Record of Proceedings as presented. Woelk seconded and the motion carried (8-0).
3. **Installation of New Member-** Delbert Lowe absent.
4. **Case No. PC-23-03 Application for Conditional Use Permit, filed by Nathan Forwalder, to establish a Kayaking Rental business at 2607 Jade, Hillsboro, Kansas, located in the Suburban Residential District.** Notice of hearing was published July 5, 2023, and notices to landowners were mailed on July 6, 2023. Forwalder is very familiar with the area and feels this will be an opportunity for both the applicants and Marion County. Kayak rentals will be offered by the hour or all-day rentals. Flaming opened the floor for public comment. Steve Hett is in support of the kayak rental business and feels it would be a good asset for Marion County. Steve and Glenda Schmidt's written comments were provided. (no other public comment) Flaming closed public comment. Omstead presented the staff report. Roberts asked if Forwalder had been in contact with the Corps of Engineers. Forwalder stated he has been in contact with them, and they had no issues with his plans. In the future if all goes well, he would like to offer a bait shop and sell beer. Flaming reminded him at that time he would need to apply for another CUP or an amendment. Gann made the motion to recommend approval of the application with the condition that the CUP be reviewed every 5 years for compliance. Ware seconded, motion carried (9-0). This case will go before the Board of County Commissioners on August 14, 2023 for final determination.
5. **Case No. PC-23-04 Application for a Conditional Use permit, filed by Felix Ramirez, to establish a Short-Term Rental Property at 3 Jerome, Marion, Kansas, located in the Marion County Lake Lot Residential District.** Notice of hearing was published July 5, 2023, and notices to landowners were mailed on July 6, 2023. Ramirez has operated four Airbnb's (membership with the online platform that facilitates short term rentals between the property managers and potential occupants) over the last year and a half. He would like to have a place where others can come stay and enjoy what the lake and Marion has to offer. Flaming opened the floor for public comment. Garth Mock and Chelsea Smith both of Marion County Lake, expressed favor in having another short term rental in the area. They both believe it would be a great asset to the lake. Additional lodging options for events hosted at the lake is needed. Flaming closed public comment. Omstead presented the staff report. Seacat asked Ramirez if he lived at the lake. He stated he did not, but his agent lives in Hillsboro and is close by should any issues arise. Seacat asked if it would be rented out year round, and Ramirez said it would be. Seacat asked if he had a dock. Ramirez said yes and the dock rules would be posted

July 27, 2023

for the occupants. He also intends to promote local businesses and indicate when there is a harmful algae bloom advisory. The Marion County Zoning Regulations address the requirements for short-term rentals. Woelk made a motion to recommend approval of the CUP with the condition that the CUP be reviewed every year for compliance and the property maintain membership with Airbnb. After discussion from the board, Woelk moved to amend his motion by striking 'requirement to maintain membership with Airbnb,' and restated as 'recommend approval of the CUP with the condition that the CUP be reviewed every year for compliance and the property maintain annual registration with the county.' Ware seconded the amendment, motion for amendment carried (9-0). Woelk made the motion as restated, Gorsuch seconded and the motion passed (8-1, Roberts opposing).

**6. Text Amendments to the Marion County Zoning and Subdivision Regulations-** Notice of hearing was published July 5, 2023, and notices to City and Township Officials were mailed on July 6, 2023. The Board discussed proposed text amendments that pertain to City Notification Areas and Notification Signs. A Staff Memo was included in the board packet for review. The City of Hillsboro provided written comments. Representatives from the City of Goessel were present at the meeting. Goessel is in favor of the text amendment but did ask to widen the notification area by one mile, North to 140<sup>th</sup>, South to 100<sup>th</sup> and East to Chisholm. Gann wishes to leave the Gossel notification area the way it was proposed. Gorsuch motioned to amend Goessel area to extend to Chisholm, all other boundaries as presented. Gann seconded, motion carried (8-1). The Board agreed to leave the Hillsboro notification area as proposed. The Board is not prepared to discuss Extraterritorial Jurisdiction and the ancillary agreements that would be necessary for the expanded responsibility at this time. Gann made a motion to recommend approval of the text amendments as presented, along with the changes agreed upon by the Board. Woelk seconded, motion carried (8-1). The text amendment proposal will be presented to the Board of County Commissioners on August 14, 2023 for final determination.

**7. Off agenda items-**

- The Board of County Commissioners signed a moratorium regarding Cryptocurrency Mining. Staff will work on drafting proposed language for regulations regarding the matter.
- Staff suggested the Board consider building language into the regulations that serve as a contingency plan during disasters, such as allowing certain variances during natural disasters.
- FEMA has proposed revised flood maps. The revised maps are currently in an Appeal period. After the Appeal period, the county will have to go through a formal process to adopt the maps.
- CORE Communities would like to do a very short presentation on what they do, with the understanding that as a board, we have no money to give. The Board agreed to allow them time to present at a future meeting.

**8. Adjournment-** Gorsuch made a motion to adjourn, Jost seconded, motion carried (9-0). Meeting adjourned at 9:15 pm.

**PASSED and APPROVED (Date)** September 28<sup>th</sup>, 2023

  
Derek Belton, Chair

ATTEST:   
Sharon Omstead, Secretary