

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

April 27, 2000

Chairman Eileen Sieger called the meeting to order at 7:32 p.m.

Roll Call was answered by Sieger, Marquette Eilerts, Bob Unruh, Elora Robinson, Glen Unrau, and Dean Fincham. Herb Bartel, Terry Eberhard, and Eldon Pankratz were absent. Zoning Administrator David Brazil was also present. Sieger established there was a quorum.

Sieger announced that Item 5, an application for Amelia Vinduska, has been continued to the May meeting, at the request of the applicant. Sieger noted this application actually has two parts, a rezone from agricultural to rural residential, and also a variance, although it is not on the agenda as such.

Sieger asked for corrections to the minutes of the March 23, 2000, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Sieger had two corrections: the first on the middle of page eight to attribute to Bartel saying he wished to make the distinction between this property and the property across the road which was not approved; and on page 11 second sentence of off agenda items, to use "work study" instead of special meeting. Unruh had three concerns: the first on page five the sixth line from the top, it was decided to put quotes around Tajchman's statement followed by (Statement by applicant not accurate in regard to legal description of property.); take the word "not" out of a statement by Sharp on page three, 17 lines from the top; and take the word "her" out of a statement by Bartel on page three, nine lines from the bottom. It was decided to leave the statement by Bartel as printed. Fincham made a motion to approve the minutes with four corrections, and Eilerts seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Item 4: Continuation of an application for Brad and Patricia Putter for a rezone from rural residential to suburban residential, which was continued from the February meeting. Putter was present to speak about the application, and gave members copies of a map and diagram of his plans. Sieger asked if

members were clear on the requested application, and said it is for the 6.3 acres shown on the map. Brazil said he received a letter from Improvement District #2 concerning this application. Sieger asked Putter if the trailers and other buildings on the property were there when he purchased the land, and he said yes. Putter explained he changed his application since the February meeting, from a request for village one to suburban residential. Sieger told members they may find regulations regarding suburban residential on page 28. Putter said set backs will comply with suburban residential on all sides of the property. Brazil asked Putter if he has had the property surveyed to know where the dividing line will be. No, not until I have approval and then I will proceed, Putter said. Putter explained he is trying to put two different residences on this property. Even if you are dividing the property into only two lots, it needs to be platted, Brazil told Putter. I will require the property to be platted for a construction permit, Brazil said. So you recommend a requirement that it be platted be part of the request for recommendation for approval?, Sieger asked Brazil. Yes, Brazil said. A plat shows where water lines are going to go, etc., Brazil explained. Suburban residential can be as small as one acre?, Unruh asked, and was told yes. So you are suggesting two building sites and not five or six?, Unruh asked. Yes, Putter said. Sieger and Eilerts asked Putter about his plans for the property. I am already in the developing stage of selling, Putter said. I want to finish the platting before selling, he added. It is probably more valuable as a building site if the trailer was not there, Fincham said. Unruh asked Putter if he planned to remove the trailer. No, it is a rental, now, Putter said. Once it is rezoned, down the road if someone else owns the property and asked to re-plat, it will just be an administrative decision, Brazil reminded members. Sieger asked if there were any further questions. Members viewed a zoning map of the area. The straight lines on the map are single family dwelling, Putter said. Eilerts read from the letter from the improvement district that the sewer main will need to be extended to these lots. Part of the proposed plans by Reiss and Goodness is to extend the sewer to this area, Putter said. Sieger asked if there were any further questions. Sieger noted that no one from the public was present at the meeting, so there must not be anyone present who wished to speak about this application. Sieger closed the public hearing for this application.

Item 4: Putter's application continues. Sieger opened the floor for discussion. If we do recommend approval, we should include something about the plat being required, Sieger said. Is drainage an issue?, Eilerts asked. One thing I would be concerned about is if someone wanted to put a single-wide in, Fincham said. They can't do it, Sieger and Brazil explained. The one there is grandfathered-in, but no new single-wides will be allowed in, they said. It is in an area that would be suitable for development, which would be a plus, Eilerts said. Members questioned the status of a possible development by the Kruse family, but no one knew. So, if that does not happen, will they not expand the sewer to this property?, Eilerts asked. I don't believe that is how they explained it, and their letter does not say that, Putter said. How long could it be until the sewer system is available to it?, Sieger asked. It could be a while, Eilerts said. What about a septic, or a lagoon?, Unruh asked. We would have to grant a variance for a lagoon, Brazil said. Would it work to put a lateral field out there?, Unruh asked. You could put a lateral field there, but I think the public sewer system is the way to go, Brazil said. Are you allowed to put in your own septic system, if you are already in the improvement district?, Sieger asked. State statute is 400 feet, and legally if the property is outside this you can do it, but I think we should address it now, Brazil said. This is close to a water shed and the lake, Brazil added. The EPA said in order for us to get the grant everybody had to hook up, Fincham said. Water was optional, but not sewer, Fincham added. I think what the letter means is no problem hooking up, but the property owner is responsible to run the lines, Fincham said. Suburban residential is suppose to have the public infrastructure, Brazil said. How much line will they have to run?, Unruh asked. They are probably just outside of 400 feet, Brazil said. They will have to run a water line, too, Fincham said. The water line they will tap into should run along Airport Road, Fincham said. So whoever purchases the property would need to know where the water lines are, Sieger said. There are reasons why you want this platted ahead of time, so you will know where water lines, etc., are, Brazil explained. If somebody buys this and continues to live there as it is, they would not have to make changes, would they?, Sieger asked. Sure, they could live there as it is, now, Brazil said. I don't know that we need to be concerned with all this, except that the plat be required, although I do think the property would be shown off best if the homes faced west, Unruh said. Unruh made a motion to recommend

approval of this application, subject to the property being platted. Eilerts wished to add that it be contingent on any new development hooking up to the public water and sewer system provided through Improvement District #2. Fincham seconded the motion as amended. In favor: 6; Opposed: 0; Motion carried.

Sieger explained the procedure to Putter. So all I need to do is plat it?, Putter asked. You're not going to develop the property?, Unruh asked. No, Putter said. Sieger asked if there were any further questions. Brazil suggested Putter have the property platted in time for when the county commission receives the minutes of this meeting, the second Monday of May. Putter will give Brazil the plat to include with the minutes.

Item 6: Consideration of proposals from consultants for the county's comprehensive plan update. Members viewed a proposal from Bucher, Willis and Ratliff of Kansas City, Mo. This proposal stresses agriculture and future land use. This firm says they have experience in working for counties with a reservoir, which requires different issues be addressed and includes some unique situations. They have been in business since 1960. They also talk about protecting water sources and lakes. Their time table is six to eight months. Brazil said he believes their fee is between \$20,000 and \$30,000. Brazil added this firm stresses creating a dialog between the county, cities and the public. Fincham told Brazil some property was purchased north of Marion County Lake, north of the low water bridge, where some cattle pens have been installed. Fincham asked if there is a concern about water pollution from this. Brazil said it depends on the volume of animal waste involved. Brazil said 1,000 head of cattle, or more, would be a concern. Fincham said there are not that many cattle involved, but he asked Brazil to check it out. Sieger said Bucher, Willis and Ratliff gave the best presentation to the county commission, in her opinion. I do like their time table, she added. They should have the resources to get the job done, Eilerts said. The next firm that members viewed was Foster and Associates from Wichita. Most of the time their presentation was negative, and they were trying to discredit the other consultants, Sieger said. Brazil commented that this firm had the least expensive price tag. I believe Hillsboro used them and that officials were frustrated with them, Eilerts said. This firm questioned why our county decided to use Butler County's zoning as an example. Their time table is eight months. I guess if I had

to choose, I wouldn't choose this company, Sieger said. And I second that, Brazil said. Me, too, Eilerts said. The next firm members viewed was Strauss and Associates out of Lawrence. Eric (Strauss) is a professor at KU, and also does consultant work, Brazil said. This firm has recently worked with communities in our county. Their price is \$33,000, firm, Sieger said. Out of all the proposals submitted, his is probably the most in depth, Brazil said. Money will be a concern, Sieger said. Sieger explained about the money the county has to give back concerning Parkside Homes in Hillsboro, which will cause some budget concerns. He has the cost divided by each task, Sieger said. Would they only have a public hearing after they complete the plan, or what?, Unrau asked. It doesn't say anything about meeting with the community, he added. Comparing the northeast part of the county to the southwest, there is such a difference in population, and my concern is that everybody get the best possible deal and that's why to have input from the communities is important, although by no means will you please everybody, Unrau said. I wonder what they would say about having some public hearings early on?, Unrau asked. Otherwise, they impress me, he added. And he also stated we can't just revise the old plan, we need to write a new one, Sieger said. All the consultants would agree with that, Brazil said. Eilerts questioned revising the zoning regulations. Sieger explained plans do not include that at this time, although we may wish to change some things in the future. Updating the comprehensive plan will help address updating the regulations in the future, Brazil said. We need to establish possible designated areas for development, Eilerts said. That would be in the comprehensive plan, not the regulations, Sieger said. So, it's all related, Eilerts said. The next firm members viewed was Austin Miller from Wichita, represented as Yearout Associates, a division of this company. Their time table is 18 to 24 months, Sieger said. My recommendation on any of these is that the county do not pay the full amount until the project is complete, Sieger said. Sieger said Yearout mentioned there are possible grants available for projects like this, but whether the commission is planning on going this route I don't know, she said. Probably regardless of who we go with, we will explore grant possibilities, Brazil said. If grant money is available, why not?, Fincham said. He added that although it was not thought to be possible to get grant funding for the county lake's improvement district, some citizens were able to get it through by being persistent. If the decision

is made to go ahead with the comprehensive plan, we may be able to get in on a grant this year, but it would be close, Brazil said. In regard to Yearout, I noticed there are six or seven projects in progress right now, so he has several irons in the fire, Sieger said. I would be happy to work with three of the four consultants, Brazil said. Eric would like to do it because he has done Hillsboro's and Marion's plans, Brazil said. Is that a positive, or a negative?, Unruh asked. He does have more experience working with cities, Brazil said. Members suggested checking with some counties that have had plans done. The City of Marion submitted a letter recommending Eric Strauss. Sieger asked if there are any further questions, and if members have discussed this enough? What are we going to get in the end?, Unruh asked. Look at your old comprehensive plan to get an idea, Sieger suggested. Unruh asked Brazil if he may have a copy of the old comprehensive plan. Brazil said he will send all members a copy tomorrow. Does everybody have non point source pollution management?, Brazil asked members. Sieger said she needs an updated notebook. Who will make the final decision?, Robinson asked. The county commission will, Sieger said. They just asked us for some input, Sieger explained. You could make a recommendation, Brazil said. Would you prefer to call me within the next 10 days and make a recommendation, or do you want to vote as a whole?, Brazil asked members. Unruh discussed including housing issues, and gave McPherson County as an example, where they explored the need and availability of housing. Unruh suggested the plan include promoting good, wholesome housing and making housing available. Brazil said Unruh was right about it being important to include the public and public interests when compiling the plan. We may see it swing back to people wanting to go from rural residential to agricultural because they see their taxes going up, Brazil said. From the time I started to now, I have seen a change in perception, Brazil said. Members had a lengthy discussion involving the 40 acre requirement. Eilerts asked if members wish to make a recommendation for one or two of the consultants. Eilerts said she votes for Bucher, first, and Strauss, second. Because Strauss has worked more with cities, Eilerts said. Fincham voted for Bucher. Unruh said he had no opinion. Unruh said he votes for one of those two. Unruh said he is concerned about a conflict of interest with Strauss, otherwise he would prefer Strauss. Robinson voted for Bucher, saying she likes their time line. Sieger said one concern is how much they will do and how much we will be responsible for. Sieger reminded

members the next meeting is May 25, 2000, and said there are 11 applications on the agenda. Unruh suggested moving the time of the meeting up to 7 p.m. Brazil reported that several notebooks have been compiled with past meeting information, to use as a reference. Fincham made a motion to adjourn the meeting and Robinson seconded the motion. In favor: 6; Opposed: 0; Motion carried and the meeting adjourned at 9:52 p.m.

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Eileen Sieger
Eileen Sieger,
Chairman