

MARION COUNTY PLANNING COMMISSION

APRIL MEETING, APRIL 29, 1993

Record of Proceedings

Item 1: Chairman Ammeter called the meeting to order at 7:36 PM.

Item 2: Roll call was answered by Dorman Becker, Dean Fincham, W.M. Pierce, Marlin Janzen, Sherwin Ammeter, Lewis Unruh, and Clark Wiebe. Eileen Sieger and Terril Eberhard arrived late.

Item 3: Minutes of the March 29, 1993 meeting were presented. Chairman Ammeter asked for additions or deletions. There were none. Marlin Janzen moved to approve the March 29, 1993 minutes as presented. Dorman Becker seconded. All in favor, 0 opposed, motion passed.

Item 4: Conditional Use to Salvage Yard, Rudolph Newfield, SE 1/4, 4-21-4. Chairman Ammeter introduced Item #4 as a continuance of the official hearing regarding Rudy Newfield's application. He then asked Mr. Newfield for his presentation reminding the Commission that the rezoning has been dealt with and that this meeting is to hear the conditional use portion of the application only. He also reflected that the Commission has asked the application to be defined as a specific area and to clarify any possible conflict with

Martin Marietta, their lease, and any possible quarrying. Mr. Bartel indicated that the issue of access on the west edge of the property has been made a part of the record as well.

Mr. Newfield was present and repeated that he wants to put salvage into the rock quarry. He wants to have access to the whole 160 acres if he buys 160 acres. He and Martin Marietta have reach an agreement that they feel is nobody else's business. He does have a written agreement with Martin Marietta but did not bring it with him. He indicated that he wants to use the property in back, that he intends to be 1000 ft off the road to avoid licensing and fencing requirements. This would be the NW corner of the quarry. At a later date, if Martin Marietta moves out, he might use more of the north end even on the east side. The current agreement with Martin Marietta is for him to use the north corner.

Sherwin Ammeter had a question on the state restriction of 1000 feet.

Mr. Newfield indicated that it is not really a restriction, but it is necessary to have fencing and a license if ones location is within 1000 ft of a road.

Sherwin Ammeter indicated that if approval was granted for the whole 160 acres, to stay 1000 ft from the roads would

leave only 60 or 70 acres in the northwest corner.

Mr. Newfield replied he was not intending to use that much property, but if he pulled a truck into another area and left it for a while he didn't want complaints. He feel that if he buys the whole property he wants the right to use it all. He stated his family doesn't want the business. He pointed out that included in his petition was the possibility of putting a trailer house on the property.

Mr. Ammeter asked if he would need a permit for a trailer house with that kind of acreage.

Mr. Bartel indicated that the uses allowed are those allowed in the AG district. The conditional use, if approved, would have a boundary that could be any part of the quarter. The Planning Commission can make that decision. Mr. Newfield cannot be guaranteed that he can go anywhere in the quarter and have a conditional use that can float anywhere it wants to go. There will be boundary lines. Regarding the trailer, the only way a single wide trailer can come in is as a support residence for agricultural operations. Others go in a trailer park. Double wide trailers are permitted in the AG district with 40 acres.

Mr. Ammeter questioned that the Commission could not recommend for the whole 160 acres but would recommend 60

acres or so.

Mr. Eberhard had a question on the 1000 ft.

Mr. Newfield explained as above.

Mr. Eberhard asked about the road on the east side. Also the matter of staying 1000 ft from both the east and the south roads would take up 100 acres leaving 60 acres in the NW corner.

Mr. Ammeter asked if the Commission had more questions for Mr. Newfield. There were none. He then asked the audience if anyone wanted to speak in support of this conditional use application. There were none. He then asked if anyone wished to speak in opposition of this application. Mrs. Jackie Hett, representing Eula Williams, landowner, took the floor. She stated that Mrs. Williams owned the adjoining quarter and was opposed to this application because of possible pollution.

Mr. Bartel asked Mrs. Hett to indicate how the Williams property adjoins the Allen property.

Mrs. Hett indicated that it joins at the corner.

Mr. Ammeter asked if the Commission was satisfied that they

do not need to know more about the agreement between Mr. Newfield and Martin Marietta.

Mr. Wiebe asked if there is a written agreement, a signed document of any kind.

Mr. Ammeter stated that Mr. Newfield said he had one but it is not with him at this meeting as he considers it private.

Mr. Newfield stated that the agreement with Martin Marietta is private and he feels it is no concern of the Commission.

Mr. Becker asked if there was an oral agreement.

Mr. Newfield indicated that after an oral agreement was reached that there was a letter stating that he would stay up in the corner with his salvage business as long as Martin Marietta is leaseholder. If Martin Marietta would need rock from that ground, he, Mr. Newfield, would move out of their way. The area specified has already been mined and he felt he would stay there.

Mr. Ammeter asked if there was any records regarding drainage information on the property.

Mr. Bartel indicated that topographical and soil maps were submitted.

Mr. Ammeter asked if there were any further questions.

Jeri Klose stated that the while Mrs. Hett indicated that the Williams property joins at the corner of the Allen property, it is across the road and does not butt against the Allen property.

Mrs. Jackie Hett indicated that the Allen land does drain to the Williams property. It is lying northeast of the Allen property.

As there were no more questions or comments on this application, Mr. Ammeter stated that the Commission would table Item 4 to be considered later. The Commission wished to hear Item 5 first and may or may not make a decision tonight.

Item 5: Conditional Use, Martin Marietta, SE 1/4, 4-21-4.

Mr. Ammeter introduced Item 5 and Herb Bartel read the published notice explaining that this notice constitutes official legal notice. Mr. Bartel indicated he had not received any letters of opposition or any other correspondence on this application.

Mr. Ammeter asked Martin Marietta for their presentation. Bill Jahan, with Martin Marietta as General Manager for the State of Kansas, indicated that Martin Marietta wished

basically to continue the use of the existing quarry. They would like to have the ability to go in and crush rock when highway projects come up, Highway 50 specifically. Their lease runs approximately 9 years and they are required to have a conditional use permit to be able to crush rock for the remaining time on the lease.

Mr. Bartel asked the applicant to review for the Commission the submission.

Bill Jahan, Martin Marietta, presented minimum standards for quarries explaining that the list compromised typical things imposed in other areas, guidelines, per se.

Mr. Ammeter asked if these guidelines applied to past operations.

Mr. Jahan indicated they do not stating that it is not financially possible to effect past operations. He suggested to the Commission that they grandfather what has already been disturbed and apply these guidelines to new areas.

Mr. Ammeter asked if anyone wished to speak in favor of this application. None. He then asked for speakers in opposition. None. He asked if the Planning Commission had any further questions.

Mr. Bartel stated that at a previous meeting the issue of access came up and could this affect the gravel operations. Martin Marietta indicated they feel they have sufficient understanding on the location of the salvage yard and are compatible with the location of the salvage yard as relates to the gravel operation and the possibility of conflict.

Mr. Jahan indicated Martin Marietta gave up the easement before Mr. Newfield's interest in the property. They have talked with Mr. Newfield and they have reached an agreement. Mr. Newfield will confine his operation to the northwest corner of the 160 acres. This area is not valuable to Martin Marietta. They are aware of Mr. Newfield's plans.

Mr. Pierce asked how big an area have they agreed that Mr. Newfield can operate on.

Mr. Jahan replied a maximum of 40 acres.

Mr. Wiebe asked if there was any way to define the boundaries on that 40 acres.

Mr. Jahan described it as the northwest corner of the SE 1/4.

Mr. Wiebe asked if there was a document describing the area.

Mr. Jahan said there was a letter between Martin Marietta and Mr. Newfield providing he does purchase the property. The

leasee will be assigned to him and it has been agreed that his operations will be limited to the northwest corner. Also, his operations are not to conflict with Martin Marietta as they have priority.

Mr. Bartel asked about dust and noise from quarrying operations and their effect should Mr. Newfield move a house on the property.

Mr. Jahan replied that a house had never been discussed.

Mr. Unruh inquired as to what would be the access for Mr. Newfield.

Mr. Jahan indicated he would use the present roads. If too much junk accumulated Martin Marietta would try to force Mr. Newfield to use the west road.

Mr. Unruh questioned with other people using the easement and if Mr. Newfield began using it as well could there be a problem. Mr. Newfield does not have the easement. Can he use it even though he owns it.

Mr. Eberhard asked why Mr. Newfield couldn't use the easement if he owned the property.

John DeLeon, Martin Marietta, said Mr. Newfield could

parallel that easement if there was a problem with Martin Marietta.

Paulette Zook remarked that taking the 100 ft easement out would not leave 40 acres.

Mr. Jahan replied that the easement is back to the 40 acres, or in other words, the easement is in addition to the 40 acres.

Paulette Zook questioned the 100 ft as being included in the 40 acres.

Mr. Jahan said it was not and showed aerial photos and explained the easement.

Mr. Ammeter asked if the people with the easement were using it now.

Mr. Jahan said he didn't know how they could use it now.

Paulette Zook indicated that they did use the easement now.

Mr. Ammeter asked if anyone else wished to speak to this application.

Mr. Unruh asked what the current drainage in the area was.

Also, was the topographical map from before the mining.

Mr. Bartel answered that it was.

Mr. Unruh asked what the water does now.

Mr. Jahan indicated that the majority of the runoff comes to the property and probably ends up in one of the pits. One of the pits is filling up.

Mr. Unruh asked about the 40 acres that Mr. Newfield was to use. Which way does it run.

Mr. Jahan indicated that it probably runs south to the pit. He said he had not been out to the property recently.

Gerry Kline, Martin Marietta, indicated that corner some to the east. Most of the water stays south and east.

Mr. Jahan indicated that no water escapes the property. It is blocked off and ends up in the pit.

Mr. Unruh said he didn't know how deep the pits were but runoff would be closer to the ground water.

Mr. Wiebe asked if Martin Marietta had to maintain air and water permits to specific property. If they re-open are

these types of things assigned to the corporation as a whole. Mr. Jahan replied that water permits are assigned to the property and air permits are assigned to a specific piece of equipment.

Mr. Wiebe asked if Martin Marietta had to take samples.

Mr. Jahan indicated they did if they discharge. That has never been done at this location.

Mr. Wiebe indicated he felt the Commission was lacking information to substantiate if water evaporates or filters to the ground water.

Mr. Ammeter asked the Commission if they wished to pursue this matter further.

Mr. Wiebe indicated that the Commission had no more information.

Mr. Ammeter suggested the Commission could table this application until information is presented.

Mr. Bartel suggested the ground water quality could be monitored.

Mr. Jahan said there was a well on the property and that the

county could take samples.

Mr. Bartel indicated any monitoring would be the applicant's responsibility and would need to be presented to the Commission. The County is not going to get into the position of monitoring groundwater or private operations.

Mr. Eberhard asked if both Mr. Newfield and Martin Marietta were operating, and if there should be any ground water pollution, who would take care of it.

Mr. Jahan said responsibility would have to be proved and then the responsible party would have to deal with it. Martin Marietta could have motor oil and diesel fuel, but there should be nothing else hazardous produced by their operation.

Mr. Eberhard asked about the effect if Martin Marietta had changed the natural drainage by their quarrying operation and Mr. Newfield did have some pollution. He expressed a concern over the potential of salvage pollution and indicated neighboring landowners had expressed the same.

Mr. Jahan indicated that the pits at the site would no be made any deeper.

Mr. Ammeter asked if there were any further questions and if

the Commission was ready to take this item under advisement.

Mr. DeLeon asked when they could expect a recommendation. He also asked the Commission if there was anything else they need from him. He wanted them to have access to as much information as possible.

Mr. Bartel suggested that terms of the conditional permit could be to have the ground water monitored each 6 months when in operation.

Mr. Ammeter asked who would do the test, the quarry or the salvage yard.

Mr. Bartel indicated that Mr. Newfield is a separate issue and that the Commission could recommend he get water samples too.

Mr. Ammeter pointed out that while they were separate they were related.

Mr. Eberhard indicated two separate issues. Mr. Newfield and Martin Marietta. If the quarry were to be in operation, that is one situation. If Mr. Newfield begins operation, that could create another situation that could affect the quarry.

Mr. Wiebe suggested that if that happened the burden of responsibility would be on the applicant. Mr. Newfield would

have to monitor samples as the source at that point.

John DeLeon related that if Martin Marietta discharged, their permit required them to take samples of water for PH and total suspended solids. This is if the discharge, or pump water off.

Mr. Wiebe suggested some of the agreed item provided and that water samples been taken and the test results furnished to the County.

John DeLeon said Federal guidelines require a certain PH range and limit of suspended solids if discharging. Martin Marietta sends samples to independent labs and reports the results. This is done only if they discharge.

Mr. Ammeter inquired if the same kind of test could be one on the well.

Mr. DeLeon said they test for suspended solids and not for heavy metals, etc. But that it could be done.

Item 6: Rezoning, Conditional Use, Variance, Eugene Enos, SE 1/4, 8-20-4. Mr. Ammeter introduced Item 6 and Mr. Bartel read the published notice noting the rezoning and variance was for lot size and a mobile home and the conditional use was for a wood products shop. Mr. Bartel also had a letter

from an adjoining property owner to be read after the applicant's presentation.

Mr. Enos, property owner, said his application for rezoning from AG to RR was for the purpose of turning the grist mill into a home. The variance was for turning the elevator into a woodworking shop and to put a trailer on the property for his son to use when he comes back to work on the project. His son lives in western Ks. The structures are sound. The trailer would be for temporary quarters. He wants RR for 10 acre plots so he can put 2 houses on his land. Under AG or RR or Section 105 he states there are no restrictions on what is classified as a dwelling. Article 21 & 22, manufactured home parks and subdivisions, is where the restrictions are stated. Under AG or RR there is nothing about putting a mobile home on the property.

Mr. Bartel indicated he would look at those restrictions.

Mr. Enos stated that the prohibitions on page 98 and 104 states the following things listed are applicable only to these sections. Pages 24 and 26 in AR or RR, only, restrict to a single family dwelling to 40 acres. He has 41. RR requires 10 acres for a dwelling and it is not mentioned as to the type of structure that can be used for a house. His intent is not to put in a mobile home park. This trailer is only temporary. He cannot tell the Commission how long the

restoration will take. The trailer is already on the property but not being lived in. When the trailer was purchased, they were not aware of the regulations.

Mr. Becker asked what kind of mill.

Mr. Enos said he owned the old Erlich grist mill.

Mr. Ammeter questioned two structures mentioned his presentation, an elevator and a mill.

Mr. Enos replied yes, one is concrete and one is wood covered with tin.

Dorman Becker had a question on the location.

Mr. Enos stated the location.

Mr. Ammeter asked if the Commission had any further questions for Mr. Enos. There were none. Mr. Ammeter then asked if anyone wished to speak in favor of this application.

Pat Enos, daughter-in-law, introduced herself to the Commission by explaining that her parents live in Marion County. She related that her family hopes to return to Marion County permanently some day but they will be coming back to help farm. They bought the trailer to live in while helping with their family's farms and restoring the mill.

They are trying to restore an existing building in the county to make the county a better place for kids, families, etc.

Darrell Enos, son, introduced himself and indicated that the mill roof had been replaced in 1985. Everything that has been done was to preserve what was already there. He believes the county is not collecting any taxes on these buildings at the present time because they are uninsurable. The Enos's have put on a roof, covered windows to prevent deterioration. It is financially impossible to restore the mill to a working mill. The State of Ks. will not help. They would like to move back to Marion and thus became more and more interested in restoring the mill - recycling, if you will. The mill has been looked at by an engineer and been found to be structurally sound. They are already involved in a wood business. They wish to preserve something that is already here and also bring a business to Marion County. He then presented plans for restoration and potential building improvements for the Commission to examine.

Mr. Ammeter asked about the dimensions and the location.

Mr. Enos indicated 40 ft by 22 ft and restated location.

Mr. Ammeter asked for any other statements for the application. He also restated that the Enos's are asking for a variance for the old mill.

Mr. Enos asked the Commission for an explanation.

Mr. Bartel said RR has a minimum of 10 acres.

Mr. Enos had a question regarding using floodplain district acres to satisfy the RR requirements.

Mr. Bartel told him he can't count acres from one district to another to provide the required acres.

Mr. Enos said if granted rezoning from AG to RR on the entire 40 acres he would have four 10 acre lots. He can then designate any of these for this homesight.

Mr. Bartel explained that most of Mr. Enos' 40 acres are floodplain zoned. FEMA cannot be changed to other districts. Land is classified by use and the floodplain acres cannot be changed until they are no longer subject to flood.

Mr. Enos asked how they can be classified as AG.

Mr. Bartel answered that the floodplain is not on all of the 40 acres. Marion County did not draw the maps, the Federal Government did. The portion that is not floodplain is AG.

Mr. Enos asked Mr. Bartel if he was referring to the section

in the orange section of the regulations that those acres cannot be counted for individual lots.

Mr. Bartel replied yes, it's the basis for zoning.

Mr. Enos said if you take his floodplain acres out it will wipe him out as far as acres. He cannot find this specifically in the yellow section of the restrictions.

Mr. Bartel explained that in the administration of the Regulations you count for a district the land zoned for that district. To meet the minimum for R1 you count the land zoned for R1. The reason for a variance in this application is that there is not 10 acres. The variance for whatever the lot size is is the variance that needs to be considered. If it ends up being 1 acre, then the variance is from 10 acres to 1 acre. That is what needs to be considered. He stated that he would recommend zoning this property for Residential for the mill with a variance as required for the lot with a Conditional Use for the wood shop. He would not recommend the mobile home. Of the whole application, the only part he would not recommend is the mobile home. He states he gets request about once a week to put an old trailer in the county and he cannot be inconsistent. The prohibitions in the Regulations regarding mobile homes is definite and the definitions of a mobile home is stated as when a trailer is older than 1976 it is prohibited.

Mr. Ammeter asked if the zoning was in effect on December 1, 1992, would it have been grandfathered?

Mr. Eberhard asked if it would have to be occupied or just sitting to be grandfathered.

Mr. Bartel answered occupied.

Mr. Enos asked for page numbers.

Mr. Bartel indicated page 97 for the Prohibitions and page 19 for the definition.

Mr. Enos felt he was not dealing with that part of the Regulation. Article 20 is Supplementary Use Regulations.

Mr. Ammeter asked Mr. Bartel is his only problem with the application was the mobile home.

Mr. Bartel indicated that is was.

Mr. Enos reminded the Commission that he is not asking for a permanent residence.

Mr. Ammeter asked for any other comments.

Mr. Bartel brought a letter from Mrs. Hannah M. Bishop before the Commission. Mrs. Bishop was not able to attend the meeting. Her letter referred to her questions and concerns about the effects this could have on her property. What kind of business, or other business in the future was being considered. How would this affect the traffic, the possibility that her property could be re-zoned and therefore taxes increased.

Mr. Enos inquired about the location of her property.

W.M. Pierce identified it as along the railroad on the east side of the road.

Mr. Enos said that if the road was not fixed, no one was going to be able to travel that road and that he felt her taxes should not be affected. The wood business is the manufacture of custom furniture, not crafts.

Mr. Bartel asked if any other business was planned in the future.

Mr. Enos replied that there was not.

Mr. Ammeter asked for anyone against the application to speak.

John Jordan, landowner, spoke. He indicated the trailer was

fine with him, the woodshop was fine as well. He was opposed to making a house out of the mill as he felt it was too close to his property. He was concerned about the marketability of his house with another residence that close. He said he wished no ill will but was not happy about having neighbors only 78 ft away. He said the mill was only 14 ft from the edge of the property.

Mr. Ammeter thanked Mr. Jordan and asked for any other speakers. There were none. He asked if there were any further questions from the Commission members. No reply.

Mr. Bartel pointed out that a zoning certificate is not required for interior modification on a structure. One can make a residence out of an existing structure as is allowed on AG acres. A residence is an allowed use in the AG district. Mr. Enos can turn the mill into a residence at any time, if he only makes interior changes.

Mr. Enos asked for clarification as to single family dwellings on 40 acres. Does this mean he cannot remove with wooden part of the structure.

Mr. Bartel indicated that as long as he does not change the exterior foundations, he does not need a permit. He can do whatever to the interior.

Mr. Eberhard asked if turning a barn into a dwelling wasn't a way to get around zoning.

Mr. Bartel said if only the inside is changed, it's OK.

Mr. Wiebe said the intent was to not restrict remodeling. As long as no residence already on this tract, the possibility of interior changes exists. Mr. Enos has that option as allowed by the Regulations.

Mr. Ammeter asked for any further questions. He asked when the trailer was moved onto the property.

Darrell Enos indicated January 1993.

Mr. Ammeter stated that was after zoning was in effect.

Mr. Bartel commented that he had enjoyed working with Mr. Enos and restated his recommendation with the exception of the trailer.

Mr. Ammeter offered Mr. Enos opportunity to speak further. He then indicated the Planning Commission would take this application under advisement and will make a decision as soon as possible.

Mr. Enos asked when he could expect a decision.

Mr. Ammeter said it would be addressed after the next application is heard.

Item 7: Conditional Use, Orville Krause, SE 1/4, 8-21-1.

Mr. Ammeter introduced the item. Mr. Bartel read the published notice for conditional use for a storage building for Orville Krause. He then turned the floor to Mr. Krause to make his presentation.

Mr. Krause presented copies of the planned building, explaining it's relationship to Centennial Dr. His property is 3.36 acres between the Co-op tank farm and the north side of Centennial Dr., east of Centennial edition to the City of Goessel. He would like to put up a 36 ft x 120 ft Morton building for purposes of storage for RVs, with a security fence in front. He would also like to put up a 24 ft x 36 ft garage to store antique autos and tractors. the remaining portion of the land would be put to a tree farm. He would like to add a well 250 ft north of the south line and 250 ft east of the west line.

Mr. Ammeter asked for it's location in regard to the Barnstormer.

Mr. Krause said the Barnstormer was on the southeast corner of that section. His property is north of the Cranston

clinic. Dr. Cranston owns ground between the clinic and Centennial Dr. Centennial Dr. divides the area. The Co-op anhydrous storage area is west of K15 and north of Centennial Dr. His 3-1/2 acres are west of the Co-op tanks on the north side of Centennial Dr. Lots 16, 15, 14, and 13 are part of the city limits of Goessel.

Mr. Ammeter stated this property is presently zoned AG and Mr. Krause is asking for a Conditional Use.

Mr. Krause stated that the land was currently in alfalfa as it had been for the last 10 years. He lives in Wichita, but Goessel is his home town.

Mr. Bartel presented a zoning map and identified the Krause land.

Mr. Krause indicated he had developed much of that area. Some of the area, Barnstomer, was annexed for utilities.

Mr. Wiebe asked if the plan had been submitted to the Goessel City Council.

Mr. Krause said it had and that they were happy to see the project. New city officers were being installed so while they did voice an affirmative vote, they did not take any action.

Mr. Ammeter asked for further questions.

Mr. Bartel had suggested to Mr. Krause and the City of Goessel that they should consider annexing this property. Then the city would be in control as to development and no county application would be needed. He found no points of conflict between the applicant and the City of Goessel.

Mr. Becker questioned the Co-op tanks hindering this property getting into the city limits.

Mr. Krause indicated he was a buffer zone between the city and the Co-op storage area. He said he does not like ammonia because of the spillage and drainage, but does not have a problem with this facility as he has heard that due to EPA restrictions Co-op was in the process of consolidating their storage facilities in another area.

Eileen Sieger asked what Co-op was involved. Krause indicated Crossroads. Mrs. Sieger asked if it was a filling location. Krause answered yes.

Mr. Ammeter asked for any further question for Mr. Krause, none. Any in favor or opposition, none. He advised Mr. Krause that the Commission would take his application under advisement and get back to him later. He then declared the public hearing closed.

Item 8: Off Agenda Items. Eileen Sieger asked if there were any plans to put any signs that say zoning is in effect in Marion County.

Mr. Bartel said he had discussed it with Gary Schneiders but he has a backlog on signs. He said such signs were usually placed along state highways at the County line.

Mrs. Sieger asked what would it take to get the state to let us put up the signs.

Mr. Bartel indicated he would try to find out. The Commission made a formal request to have Mr. Bartel check into the matter and get more information.

Mr. Bartel informed the Commission that the bids were due today on the solid waste matter for Marion and Dickensen Counties. Five bids were received and identified. The presentations are made to the regional committees and they make their recommendations to the respective Boards of County Commissioners. They are all bidding on the same request but they can each have a different solution.

Mr. Ammeter said this was a County Commission item with the exception that the solid waste plans get reviewed by the Planning Commission.

Mr. Bartel indicated that the deadline was October 1, 1993 but there was legislation to extend the deadline.

Mr. Ammeter asked if the deadline was to submit a plan of be in compliance.

Mr. Bartel indicated that it was a deadline to comply.

Mr. Ammeter introduced the applications for consideration.

Mr. Wiebe suggested voting in reverse order and vote by polling the Commission as a whole, so many opposed, so many for.

Mr. Ammeter asked for a motion of Item 7.

Mr. Wiebe moved to approve the conditional use for Orville Krause. Mr. Lewis seconded. 8 in favor, 1 abstention. Motion passed.

Mr. Ammeter asked for discussion on Item 6 siting the main point of contention as the trailer house.

Mr. Wiebe stated he felt is important to be consistent.

Mrs. Sieger asked about the 1973 date vs the 1976 date.

Mr. Bartel said 1976 is the date the mobile home code was adopted.

Mrs. Sieger indicated they think it is a 1973 but cannot find proof. Wanted confirmation of what they wanted to do with the trailer.

Mr. Bartel said the trailers were stamped after 1973 and that they wanted to utilize the trailer as a place to stay as they do seasonal remodeling on the mill.

Mr. Janzen asked why they are rezoning to RR.

Mr. Bartel said he recommended they do it because it could affect loans and future application for the property. He indicated that a trailer can be moved in as a construction support building, but that there are guidelines for doing this. He re-stated that he could not be inconsistent. The trailer would be legal if made after 1976, with a Conditional Use. The Enos application is for a Conditional Use for the wood shop in the granary, Rezoning for the mill and it's conversion to a residence with a Variance for acres, and a Conditional Use for the trailer.

Mr. Unruh wished to confirm that the main problem with the trailer is that it is too old.

Mr. Bartel said that 1976 and newer trailers are ok if they are used clearly for farm help with a written verification from the owner or to possibly move to a mobile home park if one can be found that permits an older trailer.

Mr. Wiebe moved to approve the Rezoning from AG to RR with a lot Variance for changing the mill to a residence and a Conditional Use permit for the woodshop. Dean Fincham seconded. 9 for, 0 opposed, motion carried.

Clark Wiebe moved to deny the variance for the trailer. Terry Eberhard seconded, 9 for, 0 opposed, motion carried.

Item #5. Conditional Use for Martin Marietta. Terry Eberhard said he felt the Commission needed to look at some conditions with regard to this application.

Mr. Bartel sited two issues with regard to the Martin Marietta application. One is the discharge and KDHE requirements and the other is the possible groundwater pollution that needs to be monitored.

Mr. Ammeter asked if there was any possible cause for pollution from Martin Marietta.

Mr. Bartel said the diesel fuel and oil could be a cause. The Commission could require tests every 6 months if they

were in operation and every 2 years if they were not. This could be put in the Commission's recommendation.

Mr. Ammeter asked Mr. Bartel if he had any recommendation.

Mr. Bartel recommended monitoring groundwater as mentioned above. The State monitors them if they are discharging.

W.M. Pierce moved to approve Item 5 with the stipulation that the groundwater be monitored every 2 months when they were in operation and every 2 years when they were not and with the other agreed restrictions. Dorman Becker seconded. Opened for discussion. Mrs. Sieger asked if they were already abiding by the agreed restrictions. Yes, they are. Mr. Pierce asked if those restrictions applied to new quarrying. Mr. Bartel indicated those are industry standards and should be considered for new excavation on the Allen sight. Mr. Unruh added to the motion that an initial groundwater test be done at the start to establish a basis. 9 for, 0 opposed. Motion carried.

Item 4. Conditional Use, Rudolph Newfield. Mr. Ammeter open discussion. Mr. Wiebe felt the problem is that no facts have been presented to the Commission, even between Martin Marietta and Newfield. There are no legal documents, the boundaries are ambiguous, the easement is in question. Apparently Martin Marietta has control of the quarter until

their lease is out.

Mr. Becker asked about the length of the lease. Mr. Bartel indicated they had said 9 years this evening. Mr. Pierce asked about the boundaries. Was Mr. Newfield to stay on the NW 1/4 and what about the drainage coming to the pit.

Mr. Bartel stated that prior to excavation the natural drainage is to the east. Mr. Janzen asked if the easement on the west side is recorded or is it just understood. Mr. Bartel said he was not sure.

Mr. Pierce asked if there was water going off the NW 1/4, would Martin Marietta have to test for pollution. Mr. Bartel indicated no because it would not be their operation. Mr. Ammeter asked why Martin Marietta would not be responsible if they are the leaseholder. Mr. Bartel replied they are responsible only in respect to the gravel operation and their own discharge.

Eileen Sieger moved to deny the Conditional Use application for a salvage operation. Clark Wiebe seconded. 9 for, 0 opposed, motion denied.

Mr. Bartel reaffirmed that the Planning Commission meetings are scheduled on the 4th Thursdays and that the next meeting would be May 27, 1993.

Clark Wiebe moved to adjourn. 9 for, 0 against. Motion
Carried. Meeting adjourned at 10:12 PM.