

**MARION COUNTY PLANNING COMMISSION**

**RECORD OF PROCEEDINGS**

**FEBRUARY 27, 1997**

Chairman Sieger called the meeting to order at 7:30 p.m.

Roll Call was answered by Dean Fincham, Don Fruechting, Terry Eberhard, Marquette Eilerts, Jo Helmer, Clark Wiebe, Marlin Janzen and Eileen Sieger. Herb Bartel was in attendance. Dorman Becker was out ill.

Eileen asked if there were any corrections or additions to the minutes of the January 23, 1997 meeting. There were no changes. Terry moves to approve the minutes of January 23, 1997. Dean seconds. **In favor: 8, Opposed: 0, Motion carries.**

Item #4 - **Sharon Hiebert** - application for rezone from Ag to RR. Application was duly published in the Hillsboro Star Journal on Wednesday, February 5, 1997. Applicant stated that she wants to end up with four to five houses on 10 acres or more each. Rural Water will not be able to service this property for two years. Applicant stated that there are 72 total acres and that she wants the entire parcel rezoned. Eileen asked Applicant what the property is in now. Applicant stated that it is in crop land cultivation with two homesteads out of the 80. Eileen asked if the roads on both sides were paved. Applicant stated that only one is paved, the east/west road. Marquette asked the Applicant where the houses will be located on the property. Applicant stated that the houses would be located in a culdesac over to the west. Clark asked if there was a plot plan. Applicant stated that there was a sketch available. Clark stated that the Commission has not approved any rezones previously without specific perimeters being set in the applications. Eileen stated that we usually have boundaries. The Applicant stated that her goal is to have a nice development, a subdivision in the country. Clark asked about the engineering on the grade of the tract. Clark mentioned that four or five new homes could possibly create a drainage problem. Clark stated that the surface drainage would be off lawns, houses and out buildings. Terry stated that the Applicant would need to check on road easements, etc. to run water and gas lines. Clark stated that the drainage goes to the N.E. corner. Marquette asked the Applicant how the heavy rains has affected the property. Applicant stated that she is not aware of any problems. Don asked if the other residences are farmsteads. Herb stated that they are rural residences, original farmsteads. Terry stated that the Applicant is wanting to start a development out in the country. Terry asked the Applicant why there was a two year wait for the water to be available. Applicant stated there was a problem with the water pressure. Clark stated that the county does not have any subdivision regulations. Clark also stated that the Commission would require



boundaries of the acreage of each lot.

Eileen asked if there were any surrounding property owners to speak on this application. There were approximately eight people present to speak on regarding this application. Cynthia Goerzen spoke. There was a petition signed and sent to each Commission member. **(NOTE: Petition is attached to the minutes and part of this record.)** Ms. Goerzen stated that Monty & Linda Frey would be most affected by this rezone. The Frey's are concerned about flooding, or the possibility of the pond would going dry. **(NOTE: Mr. Monty Frey called and stated his concerns. It was read by Eileen Sieger. The concerns are attached to the minutes and part of this record.)** Ms. Goerzen also stated that some of the residences are worried about their well water being affected. Traffic is also a concern to the surrounding property owners. They do not believe that agricultural ground should be broken up for rural residences. Ms. Goerzen asked the Commission if they had any information on a farm that was going into the area. Eileen stated that she received a call from Mr. Johnny Burkholtz stating that he plans to start up a 1,000 head hog farm. Eileen stated that he has to get permits from K.D.H.E., not the Planning Commission. Applicant stated that she plans to develop all 72 acres with about 5 homes with varying acreage. Terry stated that they cannot cut off the water from that pond without permission, the natural drainage is by Kansas water laws. Eileen asked if there were any further comments. Public hearing portion of the hearing was closed by Eileen.

Item #5 - **A.H. Dalke** - application for rezone from AG to RR. Application was duly published in the Hillsboro Star Journal on Wednesday, February 5, 1997. Delores Dalke spoke on behalf of the Dalke estate. Applicant passed out aerial map of the property. Applicant stated that there is 80 acres total, and they would like to rezone 22 acres to RR, and put the ten acres up for auction for financial reasons. Applicant stated that the farmstead has not been lived in for 15 or 20 years. Applicant stated that the surveyor will determine exact acreage of the parcel. Remaining acreage is crop land. Clark asked if it would be possible to take the north ten (10) acres and have the remaining property be zoned agricultural. Applicant stated that it would be fine. It was discussed that if 22 acres were rezoned, it would be possible to put two (2) homes on that property. Marlin asked applicant about the road. Applicant stated it is gravel. Applicant stated that rural water is in the process of updating, everyone that has property in this area will be given a chance to get on the rural water. Property has well water now. Eileen asked if there were any surrounding property owners present. Mr. Robert Loewn spoke on this application. He lives directly across the road from this property. He stated that he would like to see the Dalke's family buy this property. Public hearing portion of the hearing was closed by Eileen.

Item #6 - **Peabody School District** - Application for conditional use. Application was duly published in the Hillsboro Star



Journal on Wednesday, February 5, 1997, property is owned by Martin Nellans. Mr. Dennis Versch, Superintendent of Schools, spoke on this application. Applicant stated he wanted to raze the building which is located in the city limits of Peabody and put the debris in the west tract (application was made based on the east tract) KDOT berm and cover it up, compact it, and put it back into farm land. Applicant stated that there is no asbestos in the building and the debris would consist mainly of brick and mortar, most of the wood has been taken out, the lockers have been removed from the building, and all the iron has been salvaged and the wood flooring in the old gym has been taken out and reused. Applicant stated that K.D.H.E. feels that the west tract would be better to use for the debris. Clark asked if the west tract was a drain area. Applicant stated no. Applicant stated that the debris would have been put in the Marion County Landfill, however, it is now closed. Jo Helmer asked if a liner would be put in. Applicant stated no. Clark asked if there was seepage. Applicant stated no. Eileen asked how deep the debris would be buried. Applicant stated the berm is ten to twelve feet deep and that's how deep it would be. Clark asked about the asbestos inspection. Applicant stated that the inspection is complete and was handled by a firm out of Salina, Max Bishop. Eileen asked Applicant if K.D.H.E. has approved this plan. Applicant stated that he must get approval from the Planning Commission before K.D.H.E. will approve this plan. Eileen asked if there were guidelines from K.D.H.E. that will be followed. Applicant stated yes and that all rules and regulations will be followed. Marquette asked how long the applicant would be responsible for the debris. Applicant stated, one year, then there is a 30 year responsibility that states it must be maintained and kept up. Eileen asked who signs for the responsibility. Applicant stated that the property owner, Mr. Martin Nellans would sign, property owner has disclosure responsibility. Applicant stated that the disclosure clause is ready to go. Eileen asked if this was drawn up by an attorney. Applicant stated no. Jo Helmer asked if anyone else would be able to use this site. Applicant stated no and that it would be safeguarded. Herb stated that if the commission recommends this application, would make the Planning Commission hard pressed, if the next person wishes to use this site for demolition also. Herb stated that the current landowner could return with another customer. Eileen asked the Applicant what other alternatives are available. Applicant stated that there are no other alternatives. Terry stated that he will abstain from voting on this application due to potential conflict of interest. Terry asked about the amount of wood. Applicant stated there was some wood. Terry also stated that one or two of the neighbors contacted him with their concerns; if the Commission allows this, it would be just like opening up a landfill and they were also concerned about the ground water. Terry stated that the Applicant does have another option, the Harvey County Landfill. Applicant stated that it would cost between \$10,000 to \$20,000 to use the landfill. Eileen asked if there were any surrounding property owners to speak on this application. There were none. Herb asked the Applicant if he had asked the City of Peabody to

annex this piece. Applicant stated yes, that it was in the works. Herb recommended that this application should be tabled. Eileen closed the public portion of the meeting. Clark moves that this application be tabled, in hopes that the City of Peabody will annex, until the next regularly scheduled meeting on March 27, 1997. Marlin seconds. **In favor: 7, opposed: 0.** Motion carries. Terry abstains.

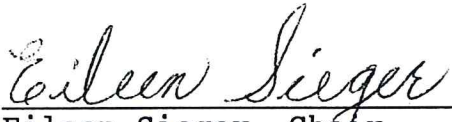
Item #4 - **Sharon Hiebert** - application for rezone from Ag to RR. Clark asked Applicant if this property was still for sale in its entirety. Applicant stated yes. Clark stated that there are no plot boundaries on this property and there are drainage concerns. Terry agrees with Clark. Terry moves that we table this application for three (3) months, until the May meeting, to let the Applicant get further information, plot boundaries, plans for sewage, roads and easements. Dean seconds. **In favor: 8, opposed: 0.** Motion carries.

Item #5 - **A.H. Dalke** - application for rezone from AG to RR. Marlin asked Herb about rezoning the north 10 acres. Herb recommended that 10 acres be rezoned not 22 acres. Clark agreed with Herb that it needs to be the north 10 acres of the 22 acres. Terry moves that we recommend the rezone from AG to RR on the north 10 acres of the 22 acre tract as it's consistent with other actions and policies. Applicant was told to provide the Commission with a description of the property, metes and bounds. Don seconds. **In favor: 8, opposed: 0.** Motion carries.

Item #7 - **Off Agenda Items:** Eileen reminded everyone that there is no meeting in June and in December. Eileen mentioned regulation changes, and told members to note any changes.

Dean made a motion to adjourn the meeting. Terry seconds. **In favor: 8, opposed: 0.** Motion carries.

PLANNING & ZONING COMMISSION

  
\_\_\_\_\_  
Eileen Sieger, Chair