

March 1, 2002

Dear Marion County Planning Commission,

This letter is a formal request to withdraw both of my applications for rezoning in Marion County. The following explains the reasons for my request to withdraw these applications. First, it was not necessary for me to rezone to begin with. Things will continue on these properties as they have for the past 75 years without a change. The request was originally made when I asked the county planner if I could build an additional cabin on the sites. The county planner's response was that I could not build without first rezoning. Because of this conversation I did apply for a zoning change.

At the planning commission meeting last night I was not able to make a presentation because the public hearing had been closed. I have been to numerous planning commission meetings, and never once have I been denied the right to make a presentation when an item had been tabled and was to be brought up at a later date. This especially disturbed me because a number of commission members have changed since my last presentation. I would ask the planning commissioners, if they were in my shoes, would they have not felt the same way that I did? The meeting went on to approve my cabins for conditional recreation use with restrictions attached. Based on my 30 years of experience, the planning commission was acting beyond their power in attempting to impose these restrictions. I did break my silence and asked one of the commissioners to explain why the restrictions were necessary. The response was that if I were to have two different renters, these restrictions would prevent them from getting into an argument over who pays the water bill. If I am not mistaken, that is my problem.

I withdraw this application because I will have fewer rights with a zoning change than I do today with a nonconforming use status. Since those cabins have been there for a long period of time, and were made nonconforming use by the zoning, I have the right to add on, fix, and do anything necessary to maintain them.

The second rezoning request was for a house and approximately ten acres. The chairman of your committee, in my opinion, took directions to influence and steer others to her opinion. This was especially true with the new members. Although I agree that everyone has the right to an opinion, the chairman is definitely in control of how and what is said at a meeting. An example of this was when the chairman denied me the right to make a presentation.

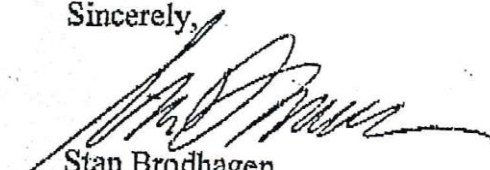
These are several of the reasons that I believe the chairman was out of order. First, she told the committee that because the property is divided in half by a river, we are dealing with two partials rather than one. I cannot see any reason why this would justify denying me the zoning that I was requesting. Also, it makes common sense that the person living in the house would want to own the river and have control of the land on the other side of the river. Second, the chairman made some statement to the effect that I could have sold this house and ten acres to the people that I had sold the adjoining acres to, but I chose not to. Madam chairman, I do not remember you being present during my negotiations. I would have been glad to have sold the buyers of the adjoining property the house and land at a reasonable price, and still would be willing to do so.

I do not deny the fact that I created the nonconforming use on the house and ten acres. It is done all of the time throughout the country. I am sure that this has been done in the past in your county and it will be done in the future. It also is a fact that I called and talked to several people in Marion County about how I felt I was unfairly treated at the first meeting. Just as it has been stated before, everyone is entitled to his or her own opinion. I too am entitled to my opinion and to tell anyone who cares to listen about how I view things. I understand that the actual rules of conduct allow me to talk to anyone, including planning commissioners, outside of the meeting. However, planning commissioners must disclose any conversation that they have with me in regard to a matter that is being heard by the commission. This means that I can complain to anyone who cares to listen. Although I have not read the minutes from the first meeting, I was told that remarks were made after I left the meeting which questioned my integrity and honesty. If this happened, I do not believe it would be appropriate behavior on behalf of the commission.

This should have been a simple rezoning issue. You were not changing the use or increasing the traffic. There would have been no reason to unreasonably deny this type of request. I know that my neighbors had shown up to the first meeting. As I listened to my neighbors, they had some fear that I was going to turn the land into some type of a retreat and have a large number of people on the land. Nothing stops me from having a lot of people out there now. One neighbor mentioned that he runs an irrigation pump that is noisy, and he feared that we might complain about the noise. The zoning change does not affect my ability to complain about the noise. In twenty years I have not complained about his noise. I did not even complain when he dumped old car bodies in the river, covered it with rock, and sat his irrigation pump on it.

Life will go on and I will continue to use my property as I have in the past. I do not plan to bring legal actions against anyone, although you may have left yourselves open for it. Nor will I treat you, if you decide to come into Harvey County and do business, the way I have been treated by you. I will welcome any and all of you.

Sincerely,



Stan Brodhagen

Owner, Cottonwood Valley Development, L.L.C.