

MARION COUNTY PLANNING COMMISSION

MARCH 25, 1993

RECORD OF PROCEEDINGS

Herb Bartel, as Planning Commission Secretary, called the meeting to order at 7:36 PM on March 25, 1993. There was a quorum present. As Chairman Ammeter was out of town, and Vice Chairman Pierce absent, Mr. Bartel asked the Commission to appoint an Acting Chairman for this meeting. Marlin Janzen moved to appoint Eileen Sieger as Acting Chairman. Nomination was seconded by Lewis Unruh, vote was unanimous in favor. Motion passed.

Acting Chairman Sieger asked for roll call. Present were Eileen Sieger, Dean Fincham, Lewis Unruh, Dorman Becker, and Marlin Janzen. Absent were Sherwin Ammeter, W.M. Pierce, Terril Eberhard, and Clark Wiebe. Also in attendance was Secretary Herb Bartel, Matt Newhouse, Marion County Record, and David Yearout, Planning Consultant.

Chairman Sieger asked for discussion or correction on the minutes of the February 25, 1993 meeting. There were no corrections. Lewis Unruh moved to approve the February 25, 1993 minutes as presented. Dean Fincham seconded. All in favor, no opposed. Motion carried. Minutes approved.

Agenda Item 4: Rezoning and Variance, Clinton/Shirley Solomon, PT NE 1/4, 4-21-4: Chairman Sieger asked Mr. Bartel for an introduction to this item. Mr. Bartel indicated that the necessary publications were done and that the case had been introduced in the February 25, 1993 meeting. Clinton and Shirley Solomon were not at the February meeting because they didn't realize they should be. The case was continued by the Commission until they had a chance to talk to the Solomons. They were present at this meeting. Mr. Bartel reviewed the parcel and the request for re-zoning. The Solomons want to purchase an additional 3 acres to add to their present homesite. The application for variance is due to the fact that there is not 10 acres to the property now and there still will not be with the additional 3 acres. The size of the property will be approximately 6 acres total.

Chairman Sieger asked if the new acreage adjoins the property the Solomons own now. Mr. Solomon explained the reason for wanting to purchase additional land. Mr. Solomon there would be no additional buildings or changes on the new land. The present owner can't farm the land due to the location of some trees and it is not maintained. They could keep it up and also enlarge the size of their property.

Chairman Sieger asked if there were any further question or comments. Chairman Sieger asked about access to the new property and asked the Solomons to clarify the location of

the new property on a map. This was done. Lewis Unruh asked about the location of the trees. Marlin Janzen asked if the Solomons had any plans to crop the land. Mr. Solomon replied there were no plans to farm the land at this time. There was not enough land to farm. Any crops they might plant in the future would be for their own use. Chairman Sieger asked if the Solomons farmed. They replied they did not, he was retired. Marlin Janzen asked if the existing property was zoned RR (Rural Residential). Mr. Bartel replied that it was RR as part of the original zoning.

Chairman Sieger asked for comments from the audience. There were none. Mr. Solomon said he understood there were no protests to their application at the February 25, 1993 meeting.

Chairman Sieger asked the Planning Commission if they were ready to take action on this application. Mr. Bartel pointed out that if the additional 3 acres had been there when the original property was grandfathered in, the whole parcel would have been zoned RR. He recommended approval of this application. Lewis Unruh moved that the Planning Commission accept this application for rezoning and variance and recommend to the County Commission that it be granted. Dorman Becker seconded the motion. There was no further discussion. Vote was 5 in favor, 0 opposed. Motion passed. The Solomons then asked when they could expect their

application to go before the Commissioners. Mr. Bartel explained that there was a time provision to let the public give a written protest. Their application would probably go before the Commissioners on April 12, 1993.

Agenda Item 5, Rezoning and Conditional Use, Rudolph Newfield, SE 1/4, 4-21-4. Mr. Bartel explained that Mr. Newfield was absent from the hearing due to a Dr. appointment. Mr. Newfield had provided some general information as the Planning Commission had requested. Mr. Newfield had indicated that he would like a decision for or against soon as he needs to re-locate his business. Mr. Bartel explained the reason for copied material instead of originals. Mr. Newfield had prepared the information himself. Submitted were topographical maps and soil surveys showing soil types on the property. The soil is generally shallow clay soils. No specific area of use is identified. Mr. Newfield has not submitted anything from Martin Marietta regarding the existing gravel lease and the release of the area to be used to store salvage. Mr. Fincham remarked that by looking at the maps it looked as if only about 20 acres on the north end of the area that was not being quarried was suitable for salvage storage purposes. Chairman Sieger asked if the Planning Commission could hear from the audience without Mr. Newfield being present. Mr. Bartel explained that they could because this was a continued case. Chairman Sieger asked if anyone in the audience had any comments.

Gerald Kline, Martin Marietta, asked if the Commission would assign a specific location for the salvage area if approval is given. Mr. Bartel explained that responsibility is with the applicant. Chairman Sieger pointed out that when zoning went into effect, the quarrying operation was not grandfathered in due to no operation at the site. She asked if Martin Marietta might re-file to re-open quarrying operations. Mr. Kline replied that they have already applied.

Discussion on the rock business followed. Dorman Becker asked how long the Martin Marietta lease ran on the property. Mr. Kline replied he thought about 2 more years.

Chairman Sieger gave the opinion that restricting the salvage operation to certain areas was not a workable plan. She questioned how this would go along with any future quarrying. Dean Fincham asked if Mr. Newfield was buying this property or if he was going to lease it. Chairman Sieger replied he was planning on purchasing the property. Marlin Janzen asked if he could set up the salvage yard with Martin Marietta's lease still in effect. Mr. Bartel indicated it would depend on the terms of the lease. The new landowner would need to go to Martin Marietta, the lease holder, and work out an agreement. David Yearout explained the only way to restrict operations to a certain area is when the permit is issued the Planning Commission would have to define and specify an area

to be used only for salvage. Mr. Bartel indicated that the Planning Commission had asked the applicant to specify an area to be used for salvage and that he had not done this to date. Mr. Yearout stated the Planning Commission has the prerogative to place limitation if the applicant does not do so. Chairman Sieger questioned the applicant's willingness to confine his operations. Dorman Becker said he understood he would. Lewis Unruh indicated Mr. Newfield had commented at the February hearing that he did not want to be restricted to a certain area.

Mr. Bartel indicated that the issue as the application stands is for 160 acres of Industrial zoning with an application for Conditional Use for salvage area that is not specified for a smaller area. That in considering this application, the Planning Commission needs to consider several points.

For a 160 acres of Industrial zoning there needs to be paved access, preferably state access. Also water and sewer availability needs to be considered for an Industrial site of this size. At present this property is not served by any public water or sewer. A further concern in Industrial zoning if the land is suited for industrial use. Due to the topographical changes in this land it does not lend itself to industrial development. In his opinion the best use of this land would be to complete the gravel excavation. The Planning Commission and County as a whole has presented a general land use plan with consideration as to where

industrial areas are and what access's and services are available to them. In his opinion, this sight would not qualify for industrial use. Chairman Sieger stated she did not feel this site suitable for use as the application states.

Paul Loewen and Mrs. Raymond Zook were present in the audience and asked to address the Planning Commission. Mr. Loewen stated the Zooks had purchased 80 acres northwest of this property. Martin Marietta and Mrs. Allen have assigned a 100 foot easement for access to their property that needs to be acknowledged and addressed before anything further is done. Chairman Sieger inquired as to how long their access has been like this. Mrs. Zook replied that they bought the property in November of 1992 and that they and Eloise Jost use the easement for access to their properties as there is no other access available.

Chairman Sieger asked if the Planning Commission wished to take action on this application or if they wanted to continue this item. Lewis Unruh asked if Mr. Newfield could re-apply if his present application is not recommended. Mr. Bartel replied that once an application is denied there is a 1 year waiting period. Lewis Unruh inquired as to whether the Light Industrial classification includes salvage operations. Mr. Yearout replied it did not. He also explained the reason the regulations are written as they are. Industrial zoning

classification open it up for a long list of uses. He pointed out that the Planning Commission had before it actually two applications and that they could act on them separately.

Chairman Sieger asked if the Planning Commission was ready to act on the re-zoning application. Marlin Janzen commented that when Martin Marietta comes back with a Conditional Use application for quarrying at this site, there could be a conflict. Marlin Janzen moved to recommend to the County Commissioners that this parcel not be re-zoned for Industrial use. Dean Fincham seconded. There was no discussion. Vote was 5 in favor, 0 opposed. Motion carried.

Chairman Sieger asked if the Planning Commission wanted to act on the Conditional Use portion of the application. Mr. Bartel and Mr. Yearout offered that discussion at the next meeting, with Martin Marietta applying for Conditional Use, might shed some light on the issue and the area to be used. Chairman Sieger pointed out the need to consider the adjoining landowners' opinion. They did not seem to be in favor of this proposed use of the site. Did the Planning Commission wish to act or continue this item? Dorman Becker moved to continue this Conditional Use application. Dean Fincham seconded. Lewis Unruh indicated this would give the applicant more time to respond as requested by the Planning Commission. Vote was 5 in favor, 0 opposed. Motion carried.



This application will be continued to the April meeting.

The public hearing closed at 8:18 PM. The Planning Commission proceeded in a work session format.

Item 6, Sanitary Code Re-write, was addressed. Discussion followed with a review of the draft of the Sanitary Code. A copy will be mailed to KDHE for their review. It will then be circulated to the public.

Item 6, Off Agenda Items, was then opened up. Mr. Bartel presented a letter from the City of Goessel requesting a change of zoning from Agriculture to Commercial on a strip of land for purposes of erecting advertising signs. The opinion of the Planning Commission is even if their application is granted they might still have a problem getting permission from the state to erect signs.

Dean Fincham moved to adjourn the meeting. Dorman Becker seconded, vote was 5 in favor, 0 opposed, motion carried. Meeting adjourned at 9:30 PM.