

MARION COUNTY PLANNING COMMISSION

RECORD OF PROCEEDINGS
MARCH 26, 1998

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

This meeting was held in District Court.

Roll Call was answered by Clark Wiebe, Eldon Pankratz, Dean Fincham, Jo Helmer, Eileen Sieger, Terry Eberhard, Bob Unruh, and Marquette Eilerts. Don Fruechting was absent. Herb Bartel was also absent.

Eileen Sieger asked if there were any off agenda items to be added. There were none.

Eileen Sieger asked if there were any corrections or additions to the minutes of the February 26, 1998 meeting. There were none. Bob Unruh moved that the minutes of February 26 be approved as presented. Terry seconds. **In Favor: 8, Opposed: 0. Motion carries.**

Item #4 - Tabled application for Gary Becker, rezone from AG to RR and variance pending from 10 acres to 7.9. Notice was published in the Peabody Gazette on January 22, 1998. Mr. Gary Becker spoke on this application. Applicant wants to sell his place to be able to buy his parents farm. Property is located to the west of Burns, one mile west. Total acreage of this tract is 51 acres. There is a house, barn and chicken house on this property. The barn is 150 ft. to the west of the house. The house is located 30 ft. from the property line. The property has been on the market since fall. The property has its own well and septic tank. The house is approximately 60 years old. Bob Unruh asked if there was any rural water district. Applicant stated no. Eileen stated that the setbacks for rural residential zoning is 50 ft. and the house is only approximately 30 ft. from the boundary line. Clark asked about other residents between the Applicant and the City of Burns. Applicant stated that there is one resident on the south side of the road, and it is his brother. Eileen asked if there was any way that they could rezone 10 acres. Applicant stated that all 51 acres are for sale and if they could, they would sell it as AG land. There is some crop land and the Applicant stated that he does farm. Eileen asked if there were any surrounding property owners present. There were none. Eileen closed the public hearing portion of the meeting.

Item #5 - Application for Eldon Schmidt, rezone from AG to RR. As of 8:00 p.m., the Applicant was not present. The Commission will return to this item at a later time.

Item #6 - Application for Martin Marietta Aggregates, conditional use permit for rock quarry/gravel excavating. Notice was published in the Peabody Gazette on February 26, 1998. Mr. Bill Gahan, Vice President/General Manager of Martin Marietta spoke on this application. Applicant stated that Martin Marietta is the second largest producer of rock and employs 15 people full time year round with benefits. The Applicant stated that they are not asking for the right to operate a landfill, this is strictly for a quarry. The Applicant stated that they want the permit to cover the full 240 acres next to their existing quarry. The property is in native grassland. The nearest home is 2,000 ft. away. Applicant talked about the reclamation process. The topsoil is removed and kept separate. Dean asked about the elevation. Applicant stated it's about 15 ft. Clark asked about drainage. The Applicant stated that drainage goes into the last pit and is left as a pond. Eileen asked if the drainage carries rock sediment into the creek. Applicant stated that K.D.H.E. must approve a permit before any water is discharged. Water is sampled by K.D.H.E. Dean asked if any topsoil has been sold. Applicant stated no. Applicant clarified this statement, Rocky Hett, owner of property that Martin Marietta is operating on, has sold and given away some topsoil. Eileen asked, if there are reserves on 106 acres, why is the Applicant asking for a conditional use permit on the full 240 acres. Applicant stated that they could quarry the other acreage at a later date. Applicant stated that they have approximately 7-10 years reserves on the current quarry. Dean asked why the existing quarry's in this county haven't been reclaimed. Applicant stated that Martin Marietta has been doing business here since 1992 and until 1995 there were no reclamation laws in the state of Kansas. Martin Marietta must file bonds, generally \$500.00 per acre, and they are held by the county and are not returned until the property is reclaimed. Eileen asked how many acres has Martin Marietta reclaimed since 1995. Applicant stated that he does not have a number. Eileen asked if Martin Marietta would be willing to sign an operating agreement with the county. Applicant stated no. The property owner who does not receive satisfaction can always take the matter to court. An operating agreement would mean that the county commission/planning commission would make decisions on negligence, not the court. Bob Unruh discussed the generated revenue for the county in regards to the quarry. Jo Helmer asked about the roads. Eileen asked if there were any surrounding property owners present. Mr. Rocky Hett spoke on this application. He is the current owner of the property that Martin Marietta is now operating and is in support of this

quarry. Mr. Bruce Schroeder spoke, he owns property on the east side of this property. He addressed Mr. Gahan about the boundaries on the residential area around the quarry. Mr. Schroeder spoke and stated his concerns as his residence will be 200 ft. off the road, well has already been drilled. Mr. Schroeder has already moved the proposed home sight to a secondary location when he found out about Martin Marietta wanting more property to quarry. Colleen Hajek asked about the conditional use permit staying with the business. It was explained that the permit stays with the property. Gordon Groening spoke on this application and stated his concerns, he lives less than one mile from the existing quarry. He extended his appreciation to the Planning Commission. Jo Helmer asked Mr. Gahan if Martin Marietta had been approached by B.F.I. Mr. Gahan stated that they had been approached, however, they told B.F.I. that decision on landfills must be made at the local level.

KLINE Jerry ~~Klein~~ and John DeLeon spoke, they both work for Martin Marietta. Harry Bennett spoke on this application regarding his concerns on security of the quarry and he wanted to know if a hydrological study has been done. Mark Hajek also spoke on this application regarding the conditional use permit. A letter was received from the Marlys J. Hollar, Trustee of the George Hauser Trust stating objections. Letter was read by Eileen Sieger. Rocky Hett made a comment on the security of the quarry. Public hearing portion of meeting was left open. Eileen gave Herb's suggestions on this application in his absence. Herb wanted to be sure that the Commission asked questions on reclamation, water runoff, possible set out of a riparian area, transferring of permits from existing quarry to the new property. Herb also feels that a conditional use permit of this complexity could possibly be enhanced by an operating agreement between the county and Martin Marietta.

Bob Unruh moves that we table this application to the April meeting. Jo Helmer seconds. **In favor: 8, Opposed: 0. Motion carries.**

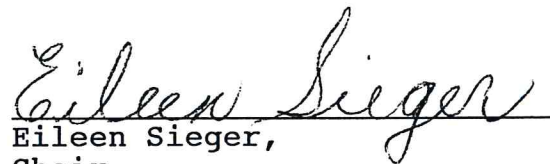
Item #5 - Application for Eldon Schmidt, rezone from AG to RR. The Applicant was not present. Eldon Pankratz moves that we continue this request to the May meeting, due to the full agenda in April. Marquette Eilerts seconds. **In favor: 8, Opposed: 0. Motion carries.**

Item #4 - Tabled application for Gary Becker, rezone from AG to RR and variance pending from 10 acres to 7.9. Eileen stated that Herb Bartel's recommendation is for 10 acres. The setbacks are a concern on this property. The Applicant is willing to sell all 51 acres. Bob Unruh moves that we approve the application to rezone from AG to RR, and that the 10 acres be rectangular in

shape. Eldon seconds. Marquette amends the motion to be, should the entire 51 acres be sold in it's entirety, the Applicant is to reapply for a rezone from RR to AG. Dean seconds. In favor of the amendment to the motion: 8, opposed: 0, motion carries. On original motion as amended. In favor: 8, opposed: 0, motion carries.

Terry moves to adjourn the meeting. Eldon seconds. In favor: 8, Opposed: 0. Motion carries.

PLANNING & ZONING COMMISSION


Eileen Sieger,
Chair