

MARION COUNTY PLANNING COMMISSION

RECORD OF PROCEEDINGS

MAY 22, 1997

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

Roll Call was answered by Marquette Eilerts, Jo Helmer, Dorman Becker, Terry Eberhard, Clark Wiebe, Eldon Pankratz and Eileen Sieger. Herb Bartel was in attendance. Also in attendance was Commissioner Bob Hein, and Peter Rombold. Don Fruechting and Dean Fincham were absent.

Eileen announced that Item #5 - continuation of application for Ms. Sharon Hiebert rezone will be continued one last time until the July 24, 1997 meeting, due to a written request from the Applicant.

Eileen asked if there were any corrections or additions to the minutes of the April 24, 1997 meeting. Eileen stated that there were name spelling errors. (Gerry Harris & Kim Kline). Dorman moves to approve the minutes of April 24, 1997 with the noted corrections. Jo seconds. **In favor: 7, Opposed: 0, Motion carries.**

Item #4 - Changes to the Regulations: Eileen introduced Mr. Peter Rombold, attorney for the County on solid waste issues. Peter has been advising the Planning Commission on proposed changes to the Regulations. Eileen stated that the notice of public hearing for proposed amendments to the Zoning Regulations was duly published in the Hillsboro Star Journal on April 30, 1997. Peter Rombold asked the members if there were any questions on the proposed changes. Peter Rombold stated that the definitions have been updated to bring them into line with the what the solid waste act provides. This also gives the zoning commission more information on solid waste issues. Hazardous waste disposal facilities and hazardous waste processing facilities have been removed from the definitions. Peter Rombold stated that the scope of the written notice requirement has been expanded and the certified mail requirement was deleted. It has been made clear that a development plan is a condition of a conditional use permit. Environmental impact statements are required for certain specified uses as listed. Eileen asked Peter if the State of Kansas requires certified mail for written notice requirement, Peter answered no. Peter suggested that an Affidavit form be retained in the file that would prove that the mailing was done. Eileen asked if there were any questions and opened the public portion of the meeting. Mr. Harry Bennett spoke. Harry Bennett asked if at the point of application, there will be a list, environmental impact statement, that will have to be submitted with the application for the members to consider at

the time they are considering the application. Harry also asked whether this is clearly stated in the amendment so that the applicant can understand what is required. Peter Rombold stated yes, there will be a format for environmental impact that the Administrator should hand out. Peter Rombold is to get with Herb Bartel on this. Eileen closed the public portion of the meeting after asking if there were any other comments or questions. There were none. Clark moves that we adopt the recommended amendments to the Regulations and that our recommendation be forwarded to the County Commissioners. Terry seconds. **In favor: 7, Opposed: 0, Motion carries.**

Item #6 - Continuation of application for **Dale & Becky Nuss**, rezone from AG to RR, on Tract B. Duly published in the Hillsboro Star Journal on 4/2/97. Dale Nuss spoke on this application. Applicant read a statement (attached and made part of this record). This letter states that this application has been withdrawn. There was various discussion among members regarding the letter read by Mr. Dale Nuss.

Item #7 - Application for **Jonas & Keith Giesbrecht**, rezone from AG to RR, variance also pending from 10 acres to 3.8 acres. Mr. Keith Giesbrecht spoke on this application. Eileen stated that this was duly published in the Hillsboro Star Journal on April 30, 1997. Applicant stated that the 3.8 acres is the original homestead. A double wide mobile home is on this property. Applicant stated that he has moved from this property. Terry asked about the 4.2 acres to the East. Applicant stated that it is CRP. Applicant stated that this property is on rural water. Eileen asked if they had a septic system. Applicant answered that he has a lagoon. Clark asked if the Applicant was planning on selling this. Applicant answered yes. Jo asked about the acre requirement for a lagoon. Herb stated that 10 acres minimum is required per the Sanitary Code. Jonas Giesbrecht stated that he did not understand why 10 acres is required when 3.8 acres takes care of the lagoon now. Herb explained that it is going to be sold, a significant change in use from what was rural, to what may become very urban. Herb stated that urban takes over and dominates the rural, the rural does not regain territory, when it is lost to urban, it is lost forever. This is part of what the 10 acre requirement is about. Eileen asked if there were any other questions. Don Fruechting stated that the house was put on before zoning went into effect, however, the deed was done after zoning. Jonas Giesbrecht stated that because the house was put on this property before zoning, he feels that the Commission should give them the rezone and variance. Eileen asked for Herb's recommendation. Herb stated he recommends that a 10 acre sight be rezoned rural residential. Herb stated that he **only** recommends 10 acre sights now. Eileen closed the public portion of the hearing.

Marquetta moves that we recommend the zone change from AG to RR with 10 acres (without the variance). Terry Seconds. **In favor: 4, Opposed: 3, Motion carries.**

Jo moves that we approve the variance from 10 acres to 3.8 acres as this was a home sight and it meets the requirements of the Sanitary Code. Motion died for lack of a second.

Eileen stated that there is no meeting in June, the next meeting is July 24, 1997.

Item #8 - Off Agenda Items - Clark asked if the conditions on a conditional use permit previously issued gets follow-up, or is it only by complaint. Herb answered it is by complaint. Clark asked about the required lights on the Heartland Wireless Tower. It was stated Heartland Wireless is in the process of filing for a variance.

Dorman made a motion to adjourn the meeting. Terry seconds. In favor: 7, opposed: 0. Motion carries.

PLANNING & ZONING COMMISSION


Eileen Sieger, Chair