

MARION COUNTY PLANNING COMMISSION

**RECORD OF PROCEEDINGS
MAY 23, 1996**

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

Roll Call was answered by Clark Wiebe, Marlin Janzen, Dorman Becker, Bud Pierce, Dean Fincham and Eileen Sieger. Herb Bartel was in attendance. Don Fruechting was absent. Sherwin Ammeter arrived late.

Eileen Sieger called for corrections or additions to the minutes of the March 28, 1996. No changes were noted. Bud moves to approve the March 28, 1996 minutes. Dorman seconds. **In favor: 7, Opposed: 0.** Motion carries.

Eileen Sieger called for corrections or additions to the minutes of the April 3, 1996 meeting. Dorman moves to approve the April 3, 1996 minutes. Bud seconds. **In favor: 7, Opposed: 0.** Motion Carries.

Item #4: **John & Carole Harris** application for variance. Address: 1809 Patton Rd., Great Bend, KS. Applicant requesting variance for Lot 30, Lakeshore Drive at the Lake. Eileen stated this application was duly published in the Marion County Record on April 24, 1996. Applicant John Harris stated that lot was purchased approximately 5 years ago and this will not be a permanent residence. Applicant stated that he is concerned with the neighbors view and decided to go with a one level house. Deck will be at ground level. Eileen asked if lot to the side was vacant. Applicant stated there is a house there, but it is vacant. Eileen asked what has been done as far as building. Applicant stated nothing has been done. Applicant driveway enters from Jerome. Eileen asked for further questions or any other information required. Eileen asked if the Commission wanted to act on this application now or wait until later. Commission decided to wait. Public hearing portion of meeting was closed.

Item #5: **Ronald Suderman** application for rezone on three lots. Delores Dalke - Real Estate Center, address: 112 N. Wilson, Hillsboro, speaking on applicants behalf. Eileen stated this was duly published April 24, 1996 in the Marion County Record. Delores stated that there are 240 acres that abut the 13 mile road. Description is N/W 1/2, N 1/2, S/W 1/4, each parcel is 440' x 900'. Delores stated that land is currently in CRP and zoning these properties to rural residential is not unusual for that area. Delores also stated that there is an interested buyer for one parcel and contract is signed subject to zoning approval. Terry asked if there was rural water in that area. Delores stated that rural water district #4 has an easement there. Delores stated that water has not yet been dealt with. Eileen

asked if this property is in the Hillsboro school district. Applicant, Ron Suderman stated that he believed it was in the Hillsboro school district. Applicant stated that the field to the North is in wheat. Eileen asked if there was anyone present to speak regarding this application. There was no response. Terry asked how this application will affect the access to the CRP on the south border. Applicant stated that he has no problems with access. Terry asked if the land was surveyed yet. Applicant stated it was not. Clark asked if there was actual footage or measurements. Delores stated that the parcels are 440' x 990'. Clark asked what the beginning point is. Delores stated that application was completed requesting the W 990' of the N 1/2 of the S/W changed to RR to be divided into three lots each of which would be 440' x 990'. Eileen asked if that was a creek running through and what the size of the creek is. Applicant stated that it is a small stream and that there is a little water, and if there's rain, there's a lot of water. Eileen asked if the area where the creek is located was low. Applicant stated there is some land along the stream that could possible flood the place. Application stated there is suitable land of higher elevation on all three of the parcels. Public hearing portion was closed.

Item #6: **John Craft** application - address: Rt. 2, Hillsboro, application to rezone 10 acres to RR. Applicant to move old farmhouse to 10 acre parcel and resell the property. Eileen stated that application was duly published in the Marion Record on April 24, 1996. Applicant stated that the property has been surveyed, rural water district line runs along the west side of the property. Rural water district has been advised by their engineers not to take on anymore customers. They will be upgrading their line. The well is already drilled, an eight to ten gallon supply of water and there is ample water available. There is a signed contract signed continent upon approval of rezone to RR. Applicant stated for the record in response to conversations with Herb Bartel, that he has purchased land in Gossel for four residences, and is not doing just rural residences. Applicant stated the only item that could be of issue to the County is that there will be about 200 yards of rock that will be required along the west road. It is currently rocked approximately 240 yards and would require extending that gravel another 200, 230 yards. Eileen asked where the 10 acres falls on Myron Schmidt's property. Applicant stated that it is just south of the property owned by Marvin Funk and extends approximately 1,068 feet. Applicant stated that the entire 10 acres except 1.5 acres of bottom ground is in trees and rough pasture and is not being farmed. Eileen asked if any of the 10 acres is being farmed presently. Applicant stated approximately 1.5 acres is being farmed. Eileen asked if the applicant had an interested purchaser. Applicant stated he has several people interested. Eileen asked if the house was structurally sound. Applicant stated there was some damage in one area that will require work, foundation is in bad shape. Mover has looked at the house and he thinks it will move. Applicant stated that there is a 70 to 80% chance that the house will be moved onto

this property. Applicant stated the driveway will go out to the west road. Applicant stated that where the neck of land is, it is wooded and is not being used for anything except the birds and squirrels. Eileen asked about the creek. Applicant stated that there is water part of the year. Eileen asked if the proposed house sight is up high enough. Applicant stated yes. Herb Bartel stated that there is a narrow flood plain designation. Herb stated that flood plain is 100 feet or less. Eileen asked if there was any surrounding property owners present to speak on this application. Public hearing portion was closed.

Item #7: **Rex Siebert** application for conditional use permit. Cellular phone tower. Address: Rt. 1, Marion, KS. Larry Downing to speak on Rex Sieberts behalf. Eileen stated this publication was duly published May 1, 1996 in the Marion County Record. Address: Missouri. Applicant stated that company is known as Western Wireless or Cellular One. Applicant stated that they are proposing to build a 480' guide tower. Survey has been completed. Applicant stated property is in the Wilson Township, Section 3, NE 1/4 of section. Applicant stated that Andrew Corp. is building the tower and that the company has filed for FAA permit requesting orange and white paint with red lights as opposed to the white lights. The company has surveyed and found out that people prefer the red lights. Unless it is high traffic air space, the FAA allows you to use the red lights. Dean Fincham asked what will be used in the daytime as far as lights. Applicant stated that the tower is painted orange and white, no lights during the day. Dean stated that on a cloudy day, when visibility is bad, you need a white strobe light for daytime and a colored light for night. Applicant stated, not according to the the Federal Aviation Administration. Dean stated that when visibility is bad, you cannot see these towers in the daytime. The Applicant will also be building a 10' x 20' precast concrete shelter to house the radio equipment. Clark asked about sharing tower space with competitors. Applicant stated that there are two carriers in the cellular market, wireless communications. The loading of towers is why towers are not shared. Load is too heavy to accommodate more than one carrier. Mr. Lawrence Winkley spoke on this application. Public hearing portion was closed.

Eileen brought up discussion of off agenda items, B.F.I., availability of the moderator, Dr. Bill Eberly. Nothing has been published as of this date. Traditionally there is no June meeting. Karen stated that she has some July dates that Dr. Eberly is available and there is not enough time to publish for June dates. Karen stated that B.F.I. has not formally reapplied. Eileen stated that we need to look at the possibilities. Karen stated that the July dates available for moderator are; July 8, 9, 10, 15, 16, 17, 18 (best date for Kathy Goodin) 22, 23, 24, 25, 1996. Eileen stated that there will be a window of time after the B.F.I. public hearing, for people to present written material, after that time, the Commission would reconvene to make a recommendation. Clark asked if we could have the hearing on the 18th of July and make our recommendation in August at our regular meeting. Eileen wanted to check with Commission members

on their schedules. Bud suggested the 18th of July. Karen stated that Kathy Goodin suggested that we stay away from the end of July because of the Fair. Eileen asked if there were any conflicts with the 18th of July. Clark suggested the 8th of August as a second choice. Karen stated that August availability dates for the moderator are not known at this time. Eileen asked for a second date in July. July 9 was suggested. Herb stated that June 18 should be marked on the calendar, it is the Central Kansas Solid Waste Authority hearing. The hearing will be in Hillsboro at 7:30 p.m. Herb stated that this is a presentation to the public. Eileen stated that this is a hearing for all four counties (Dickinson, Harvey, McPherson & Marion).

Item #4: **John & Carole Harris** application for variance. Clark said we did allow the Crofoot's a variance, but he would like to hear from Dean. Eileen stated that the property was purchased five years ago. Clark asked if we had verification. Herb stated that the applicants have worked with the setbacks and a lot of the old structures do not have the setback that the Harris's are requesting. Dean and Bud stated this would be a nice addition to the county lake and both are in favor of this application. Eileen said that regulations state that five conditions need to be met and that this is a final action by the Planning Commission. Herb stated he does not have a problem with a variance on the setbacks on the 50' lots. Clark stated that this application meets three of the five conditions. Dean moves to approve the variance. Marlin, seconds. Eileen called for further discussion. Dean amends his motion to allow the variance for one story above ground structure. Terry seconds. **In favor of the amendment to the motion: 8, opposed: 0.** Amendment motion carries. **In favor of original motion: 8, opposed: 0.** Original motion carries.

Item #5: **Ronald Suderman** application - Eileen stated that this is the three 10 acre tracts for rezone to RR. Eileen called for discussion. Clark stated that this was on the 13 mile road. Dorman asked about the 40 acres of CRP. Dorman stated that there are three 10 acre plots measuring 440' x 990'. Eileen stated there was a question about water, an easement or pipe. Clark stated for the record that Reno Penner called him at lunch expressing his concern about the water that runs down the 2" line that services him and it is (according to his opinion) not adequate to service any more people. He had checked with the rural water district office and they stated they were not really taking on any additional meters, or diversions. They had already added one unit to the 2" line that Reno Penner is being serviced by. Ronald Suderman interrupted with a question. Eileen stated that the public portion of the hearing was closed. He continued to interrupt. His question was "why wasn't the concern of water of the surrounding landowner brought up in the public portion of the meeting"? Clark stated that this was for information purposes. Eileen stated that we are trying to determine if there is enough information available to make a recommendation. Herb stated that what you can see coming is that the 13 mile road is becoming a 10 acre sight road and as tracts get bigger, you're

going to need more than a survey. Herb also stated that possibly we need to start thinking about subdivision regulations so that they're recorded as plats. Marlin stated that this application is on an improved road and there are similar properties in the area. Terry stated that he feels that the rezone should be tabled for more information on the water availability. Dorman makes a motion that the application be recommended for approval of rezone from AG to RR subject to the availability of suitable water for human consumption. Terry seconds the motion. Eileen asked for further discussion. **In favor: 6, opposed: 2, motion carries.**

Item #6: John Craft application - rezone of 10 acres off of the Myron Schmidt property. Eileen stated that this property is 1 1/4 miles off K 15. Eileen asked if the road was gravel. Herb stated yes, within a couple hundred feet of the entrance. Herb stated it will require gravel of 1/8 of a mile, and stated that part of the gravel will wash away. Dorman stated that possible culvert work will be needed. Clark stated that it is tracts like this one that we should be dead set against, it is in the middle of agricultural land and it is not a suitable use for the land.

Sherwin stated that you are looking at 9 acres of wasteland otherwise, if it doesn't get rezoned. Herb stated that true wasteland will not sport any vegetation, these sights which are not cultivated are not necessarily wasteland. They serve an important function in the system, as far as water, wildlife habitat, and best management practices for land. Herb stated that the regulations address the subdivision of 10 acre tracts. Terry stated that there are opportunists that are finding that they can make money with these 10 acre tracts. Clark stated that the 10 acre tracts should be put in areas where they have a chance to be serviced. Eileen read a portion of page 25 of the regulations. Eileen asked Clark how this application is different from the Ron Suderman application. Clark stated that the Ron Suderman application had some houses in close proximity of it and an all weather road, where this application is in strictly an agricultural area. Eileen asked if anybody was ready to make a motion on this application. Sherwyn made a motion that the John Craft application for rezone be granted as it is consistent with the surrounding area where it is located. Bud seconds. Eileen asked if there was any further discussion. **In favor: 4, Opposed: 4, vote is tied. MOTION FAILS.**

Item #7 - Rex Siebert application. Herb asked about the lights, Dean stated he is concerned about lights. Dean stated that he would approve if they put strobe lights on in the daytime and colored lights at night and were approved by FAA. Clark asked if it was appropriate to ask the Applicant a question. Eileen answered that it was okay to ask, however, we do not reopen the public hearing. Clark asked if there were any other alternative sights in Marion County. Applicant answered that they have looked at leasing numerous sights, but the RF engineers picked this location. Clark asked what the next best sight would be. Applicant answered, over in section 1, which is a 1/2 mile closer

to town, also on the airspace study it made more sense to stay in section 3. Applicant stated that if the County wanted to make a recommendation that a dual lighting systems with strobes for the day be put on the tower, they would be more than happy to do that. Dean made a motion that the application for conditional use, if approved by the F.A.A., and strobe lights on in the day, and red lights at night. Sherwin seconds. **In favor: 6, Opposed: 2, motion carries.**

Terry motions to adjourn, Dean seconds. **In favor: 8, Opposed: 0. Motion carries.**

PLANNING & ZONING COMMISSION


Eileen Sieger, Chair

Minutes approved with change of typographical error on page 2, word continent should read: contingent.