

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

May 24, 2007

Chairman David Mueller called the meeting to order at 7:32 p.m., with a quorum present.

Roll Call was answered by Mueller, Mary Avery, Kent Becker, Glen Unrau, Ervin Ediger, Willis Ensz and Jeff Bina. Bob Maxwell and Marquette Eilerts were absent. Zoning Administrator Bobbi Strait was also present.

Mueller asked for additions or corrections to the Record of Proceedings for the March 22, 2007, meeting of the Marion County Planning Commission/Board of Zoning Appeals. There were no additions or corrections. Unrau made a motion to approve the Record of Proceedings as written and Ediger seconded the motion.

In favor: 7; Opposed: 0; Motion carried.

Item 4: An application by Strassburg Baptist Church to obtain a permit to expand a legal non-conforming use for a church. Mueller reminded members they are acting as the planning commission for this application for a recommendation to the county commission. This application was published in the May 2, 2007, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Mueller asked members if anyone had a conflict of interest for this application, and no one did. Jim Bernhardt was present to speak about this application. He explained the church needs to expand the existing facility because they are out of room, and they have acquired some additional acreage. Strait said she did not have a staff report for this application, but they are a legal non-conforming use and they are allowed to continue as they are. Strait explained they need to add a fellowship hall because they need handicap access for their church. Strait explained they cannot expand a non-conforming use and still be legal without a Conditional Use Permit (CUP). Strait said she has received no negative comments from surrounding landowners about this application. They are doing it to stay compliant with the ADA (American Disability Act) and they need more room to meet the set backs, Strait said. This is not a lot split and they did not split the property, they just shifted the boundary line, Strait explained. Mueller asked about the wastewater system and Bernhardt said there is currently a lagoon. I guess we will need to double the size, and everyone is okay with expanding it, Bernhardt said. You may need an overflow lagoon rather than expanding the existing one, Strait said. Mueller asked if anyone had any questions about this application. Bernhardt

asked why they are a non-conforming use. In order to have a church in an ag district, you need a CUP, Strait said. But, you were grandfathered-in, so it was legal at the time the regulations were put in place, Strait said. But, in order to expand you needed to get it Okayed, Strait said. Mueller asked if anyone had any other questions. Mueller asked if anyone from the public wished to speak. Mueller asked Bernhardt if he had any more information, or questions. Bernhardt said it is easier to build another structure than to bring the existing church up to ADA code. Mueller closed the public hearing for this application and asked members to begin deliberating.

Mueller asked members for comments. I don't see any reason not to, Ediger said. Avery asked which way the church will expand, and Strait showed her using a photo of the property. Becker made a motion to recommend to the county commission that application number ZP07-007 be approved for Strassburg Baptist Church to expand a legal non-conforming use for a church. Ensz seconded the motion.

In favor: 7; Opposed: 0; Motion carried.

Mueller asked Strait to explain the timeline for the application. Strait said in 14 days she will present it to the county commission, as there is a waiting period per state statute. Strait said on June 11, at 9:40 a.m., she will present it to the county commission. Strait said Bernhardt, and others from the church, are welcome to come on June 11, if they want. But, there is not a need for you to be here, she added. If the county commission has questions, I can get with you, Strait told Bernhardt. You can get the permit after the commission's approves the application, Strait said.

Mueller said there were items in the member's packets that could be discussed in off agenda. Members asked about the status of a junkyard near Peabody and the additional conditions concerning auto fluids, fencing, and a survey, that the county commission added to that application. Strait said she has not seen a survey, yet. Members discussed reasonable timelines and the need for properties to be surveyed. Another recent junkyard application that was approved has been published and the paperwork has been signed by the state. Strait said U.S. Cellular will be on the July meeting agenda for a CUP and a variance for a cell tower south of Florence. Strait said the name of the company has changed. Avery asked if members have to act on the tower by Peabody, again, and Strait said no. Strait said she has issued a permit for the tower by Peabody and they can begin construction. On other note, Strait explained that she typically waives fees for county employees for sanitation permits, as a courtesy to county employees, Strait said. Is this an issue you have concerns with?, Strait asked members. That is probably more an issue for the county commission, Mueller said. It just came up, Strait said. If they change that in the future, maybe it should be written down some where, Avery said. In Seward County it only came up twice, Strait said. You're using taxpayer money to pay these people so they can turn around and pay it back in, Strait said. Ediger asked where the other cell tower goes.

There is one by Peabody, Strait said. The one on the July agenda will be south of Florence, Strait added. Mueller asked if there were any other off agenda items. Mueller compiled a contact sheet for members. Mueller welcomed county commissioners Bob Hein and Randy Dallke. Mueller reminded members there is no June meeting. Mueller said the next meeting is on July 26, 2007, at 7:30 p.m., and there is one application for the agenda at this time. Mueller asked if there were any other items before he adjourned the regular meeting. Becker made a motion to adjourn the regular meeting and Bina seconded the motion. In favor: 7; Opposed: 0; Motion carried. The regular meeting adjourned at 8:04 p.m.

Members began a work session with the county commission. Strait updated members on where things are at this point. Strait said lot sizes were discussed and David Yearout suggested a one time lot split. Cluster housing and platting was also discussed. No matter what it is, the existing property can be split off one time, Strait said. I think we need to regroup and see where we are at, Dallke said. It's been a while, he added. We have an individual in Peabody who has 40 acres and wants to play with 20 acres, Dallke said. He would like to get as many houses there as possible, Dallke said. If we go with Suburban Residential he could go with one acre lots, if it had public water and sewer, Dallke said. The sewer runs by the property, but Peabody would probably want to annex it if they provide sewer and water, Dallke said. Would you want to see it plotted in one, or two acre lots?, Dallke asked. Becker asked about using a lagoon. The state is no longer permitting non-municipal sewer systems, so he is going to have to go with septic tanks, Strait said. This gives some opportunity for something to happen, Dallke said. He has a buyer wanting to do it real quick like, Dallke said. We've always encouraged cooperation between the county and the cities, Mueller said. A cluster has to be done right and it makes sense to come under the city's guidelines and get services from the city, Mueller said. There would have to be a joint meeting between the planning commission, the county commission and the City of Peabody, Strait said. It should be decided in a way that all issues are addressed, including drainage, Mueller said. Bobbi and I discussed the types of soil that would need to be determined, Dallke said. This person has a heart that wants to keep people in our county, Dallke said. He'll have to plot it, and do it right, Dallke said. There is only a two-inch water line going through there now, so it may not have the capability to do what he wants to do, Dallke said. Bina asked if he plans on regulating the type of houses, and Dallke said yes. That is a civil matter, Strait said. There are only three landowners in the section, Dallke said. If it's platted, it doesn't count in the density, Strait said. Through the regs we try to encourage group development around cities, Mueller said. If the small cities that have zoning had an extra territorial zone around their cities, that might be something to approach the city planning commissions about and there could be a resolution of the county commission and city commission to sign, to have joint interest, Strait said. In the past we've always contacted the cities,

Mueller said. Do they show up?, Strait asked. They have sent a letter, Mueller said. Strait reviewed different zones. Rural Residential requires 10 acres, as this was set at 10 when ag was 40 acres, Strait said. Ag is three or five acres, and Suburban Residential is one acre, Strait said. There is no reason to do a Rural Residential any more, if you can have a house on five acres, Strait said. Suburban Residential does not mean the same in thing in the appraiser's office, Strait said. Their ag and residential are different, Strait said. Ours is a zone and their's is a use, she explained. It is almost two standards, one for us and one for them, Dallke said. They could not find a way to correlate the codes with our zones in Seward County, Strait said. If we can get things generally in one language, I think that would be a goal to accomplish, Dallke said. Dallke asked Strait to compile a letter of where things are at. Bina asked and Strait and Dallke explained the property by Peabody would have to be rezoned and platted, so he would have to go through this process. It takes a lot more time to plan, Unrau said. What about the one or two acres around it?, Unrau asked. There is one down the road from us and they have two horses on three acres and there never was grass and today they have left, Unrau said. It's in bankruptcy, and it's a real blemish, Unrau added. On the east side of Goessel a family is developing there, Unrau said. The only concern is pavement and gutter in Goessel, Unrau said. It will be part of the city limits, Unrau said. There was a drainage problem but the surveyors have gone to work and it's all draining away, which helps the city, too, Unrau said. It will more than pay for itself when you get heavy rains, Mueller said. Unrau asked that building codes continue to be considered. Strait pointed out that Greensburg had no building codes and now they do not want fly by night outfits helping rebuild. They are getting all that set up and adopted before they allow the first building to go up, Strait said. The opportunity is there, Unrau said about the property by Peabody. The opportunity will be there 10 years from now, too, so let's do it right, Unrau said. Strait asked if that property is on the Harvey County Rural Water District, and Dallke said yes. I think it's a good idea, but I would like a letter so we are all on the same page, Unrau said. Mueller said it would probably be October or November before they could start. Strait said she plans to get with Yearout in October so she will not get his first bill until after the first of the year. Dallke asked if there were any other items in the county to discuss. Commissioner Dan Holub arrived at this point. Strait said she is certified as a building inspector and she has offered that to people. Like at a house that had some storm damage for insurance to pay, Strait said. This is a service and is part of my recertification, Strait said. We need to protect the public with a licensing program, Strait said. I think licensing is very important, Avery said. I would like a standard set, Holub said. From the contractor's point of view, they like operating on the same playing field, Strait said. Mueller reviewed for Holub, and said members will look at things again this fall and Strait will write a summary of items. Mueller asked if there was anything else. Mueller thanked the commissioners for coming. The work session ended at 8:45 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

David Mueller

David Mueller,
Chairman

Margo Yates

Margo Yates,
Secretary