

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

November 18, 2004

Chairman Eileen Sieger called the meeting to order at 7:33 p.m., with a quorum present for both the planning commission and Board of Zoning Appeals.

Roll Call was answered by Sieger, Ervin Ediger, Willis Ensz, David Mueller, Glen Unrau and Mary Avery. Marquetta Eilerts and Bob Maxwell were absent. Zoning Administrator David Brazil was present.

Sieger asked for additions to the agenda, or off agenda items. There were none.

Sieger asked for corrections, or additions, to the Record of Proceedings of the October 28, 2004, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Sieger stated for the record, the reason she voted against the motion for a rezone was not because she is against the rezone, but she did want to see the covenant attached. She said this is not a correction, just a clarification. Mueller made a motion to approve the Record of Proceedings as written, and Ediger seconded the motion.

In favor: 5; Opposed: 0; Abstained: 1; Motion carried. Avery abstained.

Item 4: An application for Edward and Wilfreda Burnett, requesting a variance from side yard setbacks of 10 feet to six feet, front yard setback of 30 feet to 15 feet, and back yard setback of 20 feet to four feet. This application was published in the October 27, 2004, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Members are acting as the Board of Zoning Appeals for this application. Edward Burnett was present to speak about his application. He introduced his wife, in the audience. He explained they have requested the setback variances so they may place a modular home on a concrete foundation at Marion County Park and Lake. The lot is 50 feet wide, so this limits options for floor plans. They requested similar setbacks before, in 2000, but were unable to build a two-story structure due to his wife now needing handicap accessibility, Burnett told members. The lot slopes east to west, and from south to north. There is a three and a half foot slope from the front of the house to the back of the house. There is more sloping as you go back, the slope increases. There is a water well they can keep with a 15-foot setback, but if members go with a 20-foot setback the well would be under the house, so they would have to abandon it. They received the okay for six feet on the side and eight feet in the rear, in 2000. There would not be a structure closer than it is now, when you consider where the driveways are located, Burnett said. Homes along Lakeshore Drive, the majority are from no setback to 10 feet, Burnett said. The rear of this property borders Rock Road. The lot to the north has had a similar variance granted to the property owner, Burnett said. Sieger asked about dirt work plans. Would you level it or raise it up?, she asked. Burnett showed on a diagram his plans for terracing and explained he will need a taller stem wall, but also will need it level as much as possible. Sieger asked and Burnett said Rock Road is behind and slopes from the south

to the north. I have to put a retaining wall in, and that would allow room for a single car garage, Burnett said. Mueller asked about the garage, as the plans did not show a garage. Burnett explained he has been trying to contact the adjacent property owner, in hopes of purchasing some additional land, but the owner will not respond. So, you are trying to get setbacks in place for a single car garage, even though this is not part of the request?, Sieger asked. Sieger asked about proper procedure. Normally, if a variance is not used within a year, it becomes invalid, Brazil said. You could also put a time period on it, Brazil added. Sieger said the plans do not show how the garage would sit. Burnett showed members on the diagram. And, it would not be attached?, Sieger asked and Burnett said no. Sieger asked and Burnett showed where access would be. So, you would be coming in from the side, not the back?, Mueller asked and Burnett said yes. Sieger asked about the well house. It's already been dismantled, Burnett said. I would put in a submersible pump, and I wouldn't have to worry about freeze protection, Burnett said if he keeps the well. So, you would just use it for your yard?, Sieger asked and Burnett said yes. Sieger asked about the sewer. It would have to be relocated, Burnett said. I've already talked to Dan (Crumrine) about moving it to the north, Burnett said. We'd put it closer to where the plumbing comes out of the house, he said. The electricity is already relocated, he said. And, the shed is gone, he added. Sieger asked about trees. I have cut down 11 trees, Burnett said. I would like to keep one tree, if possible, he added. It's a large tree?, Sieger asked and Burnett said yes. Burnett showed members a picture of what the house will look like. It will be built to code, he said. Sieger asked about plugging the well. For new wells we take into consideration any potential source of contamination, Brazil said. We locate wells 50 feet away, he said. I consider a residence to be a potential contamination source, Brazil said. Any distance you can get between the house and a water well, would help, he said. If it were me, I'd recommend plugging the well with the house being so close to it, Brazil said. Are there any other questions?, Sieger asked. Is there any other information?, she asked. Does anyone from the public wish to speak?, Sieger asked. Robert Smalley said he owns the lot to the north of this property. We're still trying to see how we're going to get our house on the lot, he said. There's a big difference between now and 50 years ago, Smalley said. We have to work together, he added. I was not aware about the wells, Smalley said. I would think using it just to water the lawn wouldn't be a big deal, he said. The 50 feet is for when we put a new well in, Brazil said. The fact that the well may be used for the lawn, there may be someone on that aquifer that may use it for more than their lawn, Brazil said. As a neighbor, I don't have any objections, Smalley said. We're in the process of moving the grinder pump, Crumrine said. We're waiting until everything is done before finishing, he said. You don't see any problems with relocating the grinder pump?, Sieger asked. No, the water is okay, but we need to move the grinder pump, but no problems, Crumrine said. If it's impractical to keep the well, that's okay, but I'd like to keep it, if possible, Burnett said. Sieger closed the public hearing for this application and opened the floor for discussion.

Brazil told members the variance that was previously approved was down to six feet on the side, down to 20 feet on the front and down to 10 feet on the back. Burnett questioned if it was approved for eight feet in the back. The next-door neighbor has a garage just about six feet from the property line, and a couple more properties down we considered setbacks on it when a property owner wanted to build a two car garage, so there is quite a

variety in here, Brazil said. Sieger asked about the side. I have no problem with the side, Mueller said. We're still operating on previous setbacks, as the new regs are not yet in place, Sieger said. Sieger asked about the front. If you do go less than 20, I would suggest adding a statement that they keep it in line with the adjacent neighbor, Brazil said. Then, it would be 10 feet, Burnett said. A 20-foot setback would pretty well close off options for the well and garage, Mueller said. Sieger asked about the back. It's not ideal to only have four feet, but there are a lot of situations out there that are not ideal, Sieger said. Sieger asked about the back access. The drive does come in from the side, Sieger said. I think the thing in the past we've been concerned about is access for emergency vehicles, Avery said. There's enough for them to get down the drive on the asphalt, but turning around is impossible, Brazil said. You might consider lining it up with the neighbor's, Brazil said. Is theirs about six feet?, Sieger asked and Brazil said yes. I have a picture of that and it's less than that, Burnett said. Are those pictures we already saw?, Sieger asked and Burnett said no. Burnett showed members pictures of the back and explained he drew a line down his fence line. Comments regarding the setbacks?, Sieger asked. I was out there Wednesday, and walked across the lot, Ediger said. First of all, I don't envy the fellow that's going to back the house into the lot, and of course it's going to be crowded, but all of them are crowded, he said. I don't oppose what he wants to do, Ediger said. Sieger said she remembers one home that caused problems as it went across other properties to get in place. One other issue is with the well, Mueller said. Would it help to have a concrete slab, or a cap?, Mueller asked. I'm just going off articles I've read and research on household chemicals and risk of having wells right next to houses, Brazil said. Sieger asked if any of the wells are used for drinking water. The only ones I know of are used strictly for watering yards, Crumrine said. This isn't anything abnormal on these small lots, Brazil said. If it was a new well, we'd site it, he added. We talked about bringing it in line with the other homes, Avery said. The back setback concerns me, she said. It concerned me on the other applications, she added. Once there's a building there,...but this is nothing new, she said. So, if you're thinking about moving this forward, you could have more of a setback in back, Avery said. There may be some room in there, Brazil said. There's the overhang and the tree to consider, Mueller said. So, suggesting to maybe be in line with the neighbor's would cause the need to republish, Avery said. There's a street on the east side, Sieger said. That's Rock and it's very narrow, Ediger said. Mueller asked the distance from the neighbor's garage. I had it at six, but it could be five, or four, Brazil said. Mueller asked if the water meter or a tree are an issue. If we'd go with a six-foot setback instead of four feet, that would still leave 23 feet for a garage, Mueller said. If they would bring it a little more in line, Mueller added. I can make it work, Burnett said. Did anyone have any problem with the side, or the front?, Sieger asked. No problem, members agreed. Sieger asked if members should continue the pattern. I think once we have zoning we need to try to move toward improvement and the water well concerns me, too, because if I were down stream I'd want someone to protect my water and water is going to be a big concern in the future, Avery said. Mueller made a motion to approve a front yard variance of no more than 15 feet, resulting in a setback of 15 feet, a side yard variance of no more than four feet, resulting in a setback of six feet on the side, and a rear yard variance of no more than 14 feet, resulting in a setback of six feet. Ensz seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Burnett asked about the roof overhang. The regulations say that your project is not to project 24 inches into a required yard setback, so my interpretation is your setback needs to include everything, because we are already past the required setback, Brazil said. Under a normal condition is one thing, but we're past the required setback, Brazil said. Sieger explained this does not have to go to the county commission, as it's a final action. I'll be able to issue you a construction permit as soon as this is published, Brazil told Burnett.

Item 5: An application for Sliding K Ranch/Valentine Klenda, requesting a Conditional Use Permit (CUP) for a commercial feedlot, located in Clark Township. This application was published in the October 27, 2004, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Members are acting as the planning commission for this application. Klenda explained he lives right on a creek, and 30 some years ago his dad set up a corral right on the creek and now KDHE (Kansas Department of Health and Environment) says it has to be moved, so KDHE has put together a plan which includes approximately 449 animal units. We'll be running the same livestock we have now, but KDHE has told us to move, Klenda said. Our zoning regs have a definition of a commercial feedlot, Brazil said and he read the statute. You count cattle, swine, sheep and horses, but not chickens, Brazil said. If you have over 1,000 head, it is considered commercial, Brazil said. KDHE now has regs that have a grading scale, he explained. Cattle under 700 head are a half point, and over are a full point, Brazil said. You are counting a baby pig the same as a cow, Klenda said. It's not me, it's the regs, Brazil said. Your maximum livestock is 600 head?, Mueller asked and Klenda said yes. And hogs vary, Klenda added. That's what KDHE put on the permit, Klenda said. Brazil read the KDHE permit. We don't have that many chickens, now, but she wants to expand, Klenda said. Have you always just fed your own animals?, Sieger asked and Klenda said yes. Could you explain about the creek and how much you had to shift things, Sieger asked Klenda. The cattle pens are the first priority to get moved, Klenda said. Klenda showed members on an aerial photo where the pens are situated. Cattle pens will be moved east of the creek, Klenda said. Klenda showed on a map what property he owns and where the pens are located. Mueller asked where the cattle would be located and where the hogs would be located. Have you had a lagoon to handle waste?, Sieger asked. For cattle it'd just be a grassed over strip, and a cement pit for the nursery, which KDHE said is adequate, Klenda said. The finishing pigs are just on a dry dirt lot, Klenda said. So, basically what KDHE has designed and laid out here is what you're planning to do?, Sieger asked and Klenda said yes. And this meets with their approval?, Sieger asked and Klenda said yes. I have spoken with KDHE and regardless of what we do the permit will be issued, Brazil said. He's complying with all state regs, and if we weren't over 1,000 head we wouldn't even need to be here, Brazil said. With the east lot they actually increased the distance between the nearest residence, which is a benefit, Brazil said. So, the distance is complying with KDHE?, Sieger asked and Brazil said yes. Since it's not all together, is it two locations?, Mueller asked. A 40-acre strip plus a 40-acre strip, making an "L", Brazil said. Brazil showed it on a map. Brazil had Klenda show it on a map for members. Does everyone understand how this is being proposed?, Sieger asked and all members said they understood. Mueller asked about the cattle portion and Klenda said six pens. One other note KDHE will be issuing a permit up to 1,220 head of

livestock, Brazil said. They will permit under animal units, but that would be the number of animals, Brazil explained. It's 999 animals, vs. 1,220 animals, so there's relatively little difference, Brazil said. He's asked to go up to 1,500 for future expansion, Brazil said. Sieger showed members a copy of the statue. Are there any other questions?, Sieger asked. Is there any other information?, Sieger asked. Does anyone from the public wish to speak about this application?, Sieger asked. Joe Tajchman is a neighbor to the west and asked why change from agriculture zoning for a commercial feedlot? Sieger explained it is not a zoning change that is requested, the land will stay zoned agriculture, and the request is for a CUP. Are there any limits to the number of livestock with this, compared to regular zoning?, Tajchman asked. Sieger explained if it's over 1,000 it falls into a commercial feedlot category, and yes, they would be limited. Is he planning to custom feed, or just his own livestock?, Tajchman asked. Just our own livestock, Klenda said. That would not change the total number, Unrau said. Through KDHE and the process someone could feed out someone else's livestock?, Sieger asked. I don't know the answer to that, Brazil said. KDHE also makes the separation distance go to a half mile from the residence, Brazil said. Henry Keil, also lives nearby, and asked how many head of cattle can be there if he gets rid of the hogs? It can be any combination, Brazil said. They're all considered the same within the state statute, Brazil said. That brings up a question, Mueller said. What takes precedence, the state, or the county?, Mueller asked. Neither one can be violated, Brazil said. Why are they allowed to expand and not stay with existing numbers?, Keil asked. If they want to do that, they can apply to do that, Sieger said. Grants are tax payer's money and why should tax payer's money be used to expand?, Keil asked. This will be an improvement to the stream segment by moving this, it should be an improved water way, Brazil said. The more you put in there, the more pollution there's going to be and it doesn't seem fair if we're going to help pay for this, we should have some say, too, Keil said. Our property value is going to go down, he said. I own two residences within a quarter mile, Keil said. John West also lives nearby and asked if it exceeds 1,000 head, is it not in violation of KDHE? He's going to receive his permit from KDHE for 1,220 animals, Brazil said. If he receives his KDHE permit and we deny this, he could go up to 999 and still be in the normal ag conditions, Brazil said. Ensz asked what happens if the CUP ceases to be used for six months. It drops off and goes back to the original use, Brazil said. It is considered a commercial permit?, West asked. It's a commercial feedlot, yes, Brazil said. What contracts are in place?, West asked. I'm not saying he will, but what if he brings in cattle from who knows where?, West said. If we approve this application as is, up to 1,500 animals, it could be his animals, or someone else's animals, unless there was a restriction put on the CUP, which is a normal occurrence, Brazil said. What type of regulations are in place to keep an eye on Mr. Klenda's operation, to see where animals are coming from, to prevent diseases?, West asked. Unless as an administrator I was specifically going out there to check on it as a condition, I wouldn't, Brazil said. Where are the animals going to come from and what control keeps animals from being diseased?, West asked. Lots of cattle are bought out of state, so that happens a lot, Sieger said. Today on the radio they were talking about mad cow disease, West said. I think you're focusing on volume, Brazil said. My concern is solely on health conditions, West said. Is the reason there are grants available because of water run off and environmental concerns?, West asked. It's to protect ground water and surface water, and failing wastewater systems, livestock lagoons and surface strips, Brazil

said. Larry Bina, another neighbor, asked how Klenda will contain them, what kind of pens will be used? They have proven the grass strips don't work, and we had to go in and replace grass strips, Bina said. I disagree grass strips don't work, Brazil said. You're talking about sizing, Brazil said. So, you're going to have so many feet for so many head of cattle before it reaches the creek, Bina said. We plan on using sucker rods, Klenda said. Avery asked what sucker rods are. Solid metal rods used in oil fields that are discarded, Klenda said. Phyllis Keil, Henry's wife, said she has air pollution concerns and wonders what can be done. Why put it right up where the south wind will blow?, she asked. Why should we pay taxes for grants and have our property devalued, and down the road where our property is devalued, and only undesirables will buy property and they will cause more drugs and problems and they will cause the need for more sheriff patrols, she said. I don't know why we have to take it, she said. They can put this on Scully land, she said. Why should we be responsible for what they do?, she asked. It should improve the wastewater, Brazil said. There's a fence to the west of the Keil's, so the south wind will not blow to them, Klenda said. It will be higher, which will dry it out and make the smell better, Klenda added. Could you lower it down?, Henry Keil asked. I tried to put it there, but Mr. Tajchman would not sign for KDHE, Klenda said. I don't blame him, Keil said. We have to stay so far away from the creek and we don't have a lot of acreage to work with, Klenda said. We don't own enough grass, he added. So, I dry lot about 80 cows through the summer, Klenda said. So, that won't have a finishing smell to it, Klenda added. Melissa Stuchlik said they share the creek and appreciate cleaning it up. If they decide to have all hogs, I'm concerned because I smell them a lot, she said. How do I know you're not going to end up with 1,000 head of hogs?, she asked. And, how is the wastewater being managed?, she asked. All the contaminates were over 50 percent in a 50 foot span, Brazil said. So. There is a divider?, Stuchlik asked. You can't have 1,000 head of cattle alone, which you're quite welcome to do, and not do hogs?, Stuchlik asked. Unless it's specific on the local level, even if we disapprove this application, KDHE will permit him up to 1,220 animals and he could operate up to 999 animals under our existing regs before I would have to take any action, Brazil said. You mentioned you possibly would do a check as an administrator?, Stuchlik asked Brazil. The planning commission could assign me to annually review it or if there are complaints, Brazil said. We have a confidential complaint system, when it's a nuisance or non-compliant with a zoning issue, Brazil said. Stuchlik asked and Brazil said, I wouldn't be checking the run off from the lot, I would be checking the number of head. We have our own separate set of factors we consider, Sieger said. We're not like the pollution control, no matter how much I agree with it, she said. We have to look at the regs, Sieger said. We try not to consider people involved as personal, it's not based on what people are involved, she said. If the stream is very anaerobic and I investigate and find it was, I would report to KDHE and they would come in, Brazil said. Stuchlik asked what happens to the CUP if the property is sold. Once a CUP is in place, it transfers with the property, Brazil said. It drops off once it is not in use for six months, he added. This doesn't set a precedent for our area because there are no zoning changes?, Stuchlik asked. Marsha Bina said with the stink comes the flies and it's already bad and will only get worse, so how can we control it? The only thing I can think of, if it's going to be a drier lot situation that should help, Sieger said. Larry Bina asked what the plan is for flies in the springtime? One thing I brought up in my letter is the kids are bitten by flies, and is there anything that can be

required for the operation to do something about it?, West asked. Henry has livestock, too, Klenda said. I agree, it's not all you, West said. But, it's going to get worse than it is and I'm concerned about health issues as flies carry germs and they bite my children, West said. I have 19 cows with baby calves and you can't tell me that compares, Keil said. Sieger asked what members wish to do about letters received about this application. Mueller said to read the letters from people not here at the meeting. Sieger read a letter from Eugene and Judy Stika, which was received on November 16, 2004, and is in opposition to the commercial feedlot. Ediger asked where Stika's property is located on a map. Ediger asked the people present from the public where everyone's property is located on a map. Ediger marked on a map where everyone lives. Ediger said he went by this property a few days ago. Another letter was received November 16, 2004, from Mark Bechtel, saying he and his sister and brother own 80 acres to the east and oppose this facility. Tajchman said he is not opposed to having livestock, as it's their livelihood. He's concerned about the waste and manure being spread near his home. Or, are they going to inject the hog manure into the ground?, Tajchman asked. The liquid manure from the hogs we try to use as a fertilizer, Klenda said. The boys probably spread it too close to his house, Klenda added. Is there any way to lower the feedlot?, Keil asked. The water table is too high for KDHE to allow us to put a lagoon in, Klenda said. How would you like to have this in front of your home?, Keil asked members. Chris Stuchlik, husband of Melissa, said he doesn't want to see a lagoon, as there will be more mosquitoes. This isn't a personal vendetta, West said. My concerns are based solely on my children and health issues, he said. I'm not trying to stop your livelihood, he said. Is there anything else?, Sieger asked. Klenda said no. Sieger asked everyone else if there were any other questions and there were none. Sieger closed the public hearing for this application and opened the floor for discussion. Sieger explained the public may stay, but cannot discuss.

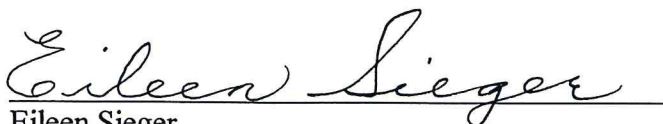
This is a tough decision for everybody, Mueller said. I feel for Val, because he has to do something, Mueller said. This is going to make improvements, he added. Also, I feel for the people who have spoken tonight, he said. Living near a feedlot is hard to accept, he added. Most options have been explained tonight, Mueller said. I don't have any answers, I'm just expressing my frustration, he said. I think there's a lot of concern coming over the confusion in the numbers, Brazil said. I think the term commercial feedlot somehow has a resonance to it, Sieger said. It's expansion vs. relocation and I think everyone would be comfortable with relocation, I think it's expansion that's the main concern, Mueller said. I want to change my staff recommendation from 1,550 to 1,220, the same as KDHE, Brazil said. There's also concern with all hogs or all cattle, so we could limit that, Mueller said. By changing to 1,220, does this still fall under commercial feedlot?, Avery asked and Brazil said yes. Separation distances from a residence are met from KDHE's standpoint, Sieger said. And, in our zoning there's no place that specifies the distance, is there?, Sieger asked and Brazil said no. Has KDHE had the distance separation for quite a few years, or do you know?, Sieger asked. I'm not sure when it changed, last, Brazil said. It's been in the last decade that they've gone to animal units, Brazil said. As far as I know this is the first request for a commercial feedlot, Sieger said. I think we will be having more because there are quite a few relocating, Mueller said. Whether it's expansion, or not, he's got to move away from the creek and that's got to be an improvement, Ediger said. Ediger said he has a feedlot three quarters of a mile west of

where he lives, across the section. This is a little closer than I am, but that fellow runs big numbers, more than you're talking about here, Ediger said. His pens are up away from the creek, he said. It's not bothering us, he added. I got another one closer, northeast of me, and I don't get that smell, either, Ediger said. I was there on an icy, mushy day, and it's not going to look any worse than that day and it wasn't bad, Ediger said. Now, if someone wants to build across the way, that may be an issue, he added. But, people have to know what's in place, Sieger said. They need to improve this situation and this is a way they can do it, Ediger said. I don't think it's going to bother the Keil's, Ediger said. I'm trying to compare it to my situation because they have a lot more cattle and they don't bother us, Ediger said. I see this as an improvement, so let's not saddle these people with any more than KDHE is, Ediger said. Sieger referred members to the 11-CUP factors to consider. The 1,320 feet is KDHE?, Sieger asked and Brazil said yes. Ediger showed where neighbors are on a map. I know it rains, but I would think this location would make it less of a mud pit, Sieger said. The filter strips will help, too, she said. They use filter strips for fertilizer, too, she added. You might think about if there are any requirements that would go along with a recommendation, Sieger told members. The whole acreage is about 80,? Sieger asked. Just a little over, Klenda said. The relocation would all contain itself on 40 acres, Sieger said. It's close to the next 40, Mueller said. The 40 acres is a part of two 40's?, Unrau asked and Mueller said yes. So, it wouldn't apply to the whole 80, it would be only on approximately 40 acres?, Sieger asked and Brazil said yes. Any ideas?, Sieger asked members. Why are we limited to 40 acres?, Ediger asked. When we have done CUP's, commonly we have limited it to a certain amount of acreage, Sieger said. Both pens could be in 40 acres, if we drew a rectangle, Brazil said. It would fit in there, Klenda said. Would that work for you if it were only within 40 acres?, Sieger asked Klenda. If just for the pens, but not spreading manure, Klenda said. Just the pens, Sieger said. That would be for both cattle and hogs?, Avery asked and Sieger said yes. Ediger asked how it would fit and Brazil showed him on a map. It's taking a big chunk of the 80, Ediger said. You could do the 80, Brazil said. What difference would that make to Mr. Klenda, as he owns it all?, Ediger asked. It just means he'd have to stay in that area, Sieger said. It's not all used, Mueller said. Either make two different spots, or the whole 80, Ediger said. Because you don't' think 40 would take it all in?, Sieger asked. Klenda explained the locations. He needs more than 40, Ediger said. Like David said, KDHE has already done their permit process, so this will be moving, Sieger said. Do any of you feel this is totally not a workable plan, or are there other stipulations you'd like to see if it is recommended?, Sieger asked. Avery asked if KDHE uses a meets and bounds method and Brazil said no. Members reviewed a diagram from KDHE. As far as the issue of bringing in livestock from someone else, I guess I can't see the difference, Sieger said. How would you recommend handling the description of what the 40 acres is?, Avery asked. We can agree to a general area, Brazil said. Maybe say in the NW1/4 as presented in the development plan and as presented by KDHE, Brazil said. Didn't we decide 40's not enough?, Sieger asked. N1/2 of the NW1/4, Ediger said. Ediger made a motion to approve a recommendation for a Conditional Use Permit for a commercial feedlot facility as presented in the development plan on section 2 of township 18, NW1/4 section 2 Clark Township, N1/2 NW1/4 section 2, and include in the recommendation to limit maximum occupancy to no more than 1,220 head of livestock on site at any one time, and that all required state and federal

permits be obtained and maintained, and that the operation maintain a separation distance of 1,320 feet from any existing residence. Unrau seconded the motion. Should there be a limit on the number of hogs and cattle to match KDHE?, Mueller asked. They have specified it, Sieger said. Mueller offered an amendment to limit the facility to a maximum of 620 hogs and 600 cattle. Avery seconded the amendment. First members voted on the amendment. In favor: 6; Opposed: 0; Motion for the amendment carried. Now members voted on the motion as amended. In favor: 6; Opposed: 0; Motion carried as amended. Brazil explained the timeline to Klenda. If the county commission approves it and once it's published, I can issue you a construction permit, Brazil told Klenda. So, it will be close to Christmas before I'll get a permit, Klenda said. I take it back, because as long as you're operating under 1,000 head, it's normal agriculture, Brazil said. You're now operating under normal ag conditions, it's when you get to 1,000 you need to be signed off on, Brazil explained. You still need a permit to construct, but as long as you're not up to 1,000 head you don't need to wait, Sieger said. So, if I never get up to 1,000 head, can I have my fifty bucks back?, Klenda asked. We've already spent that on publications and notifications, Sieger said. More than that, Brazil added. Brazil and Sieger told the neighbors they appreciated their participation and civil actions.

Off agenda items. Brazil reminded members to turn in mileage by December 20, 2004, in order to get paid out of this year's budget. He brought mileage log sheets for members. Sieger reminded members they may turn in mileage to meetings and viewing property sites, but the maximum per member is \$100 for the year. Brazil reported that new zoning regs have been approved and will be in place by December 6, 2004. Brazil said he hopes to have this information on the website prior to that date. So, this is the last meeting we are operating with the old zoning regs, Sieger said. Sieger reminded members the next meeting is scheduled for January 27, 2005. Brazil explained the comprehensive plan is already on the website. If your term's up, this is the last meeting, right?, Avery asked. What is the date, January 1?, Mueller asked and Brazil said yes. Sieger showed members the term sheet, and said at the end of 2004 three-year terms will end for Avery, Mueller and Ensz. Willis was appointed in the middle of a term, Sieger said. So, you three need to decide your plans and talk with your commissioner, Sieger said. I'll visit with your commissioners and I'm going to recommend you all be re-appointed, Brazil said. Let David know your plans, Sieger said. And, we do still have the one vacancy in Bob Hein's district, Sieger reminded everyone. Part of that term remains, as there is one year left in the vacancy, Sieger said. In January we routinely look at our by laws and comprehensive plan, Sieger reminded members. Is there anything else?, Sieger asked. Mueller made a motion to adjourn and Ediger seconded the motion. In favor: 6; Opposed: 0; Motion carried and the meeting adjourned at 10:27 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS



Eileen Sieger,
Chairman