

MARION COUNTY PLANNING COMMISSION  
FINAL PUBLIC HEARING FOR COMPREHENSIVE PLAN  
November 8, 2001

Members in attendance were Eileen Sieger, Herb Bartel and Ervin Ediger. Zoning Administrator David Brazil was also present.

It was determined a quorum is not necessary, as members are not taking any action at this meeting. Sieger called the meeting to order at 7:03 p.m. It was announced that a Record of Proceedings would be kept for this meeting. Sieger said this meeting is for the purpose of making a record and hearing any comments from the public. The public will also have one week to submit any written comments. The planning commission will then look at the comments and take action to approve the plan as is, or make changes, Sieger explained, before sending it on to the county commission for final approval. Sieger explained the planning commission has a regularly scheduled meeting one-week from tonight. She said this has been a long process, with public meetings, group discussions, and working with the consultant. She said members have spent many hours going over the comprehensive plan and making changes. Sieger also explained this final public meeting was delayed due to a misprint in the publication notice. So, this meeting was delayed in order to allow for proper publication notice, to follow proper procedure. Sieger asked if anyone had anything to add, or any questions? Sieger turned the meeting over to Scott A. Michie, of Bucher, Willis and Ratliff.

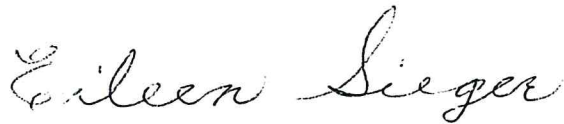
Michie told everyone this is your plan. He said he has appreciated David Brazil's leadership on this project. He said those present may wish to engage in discussion, but no action will be taken at this meeting. He spent a few minutes going over different parts of the plan. He showed those present some of the maps, and said they are available to view. He showed one of the main maps, explaining that areas of urban influence had been identified around the cities in the county. Major drain basins were also identified. Michie explained a comprehensive plan is required by the state to be kept up to date and current for all counties with zoning. He said a number of goals and objectives and action steps were involved in this process. He said such issues as land use and environmental concerns were taken into consideration. He said this plan will give your county planning commission guidance as they deal with issues. Michie said there is some demographic analysis information used in the plan, and also some details about Kansas' water plan, including protection of water quality and the basin that drains into Marion Reservoir. You are the start of a major waterway that goes all the way to Arkansas, Michie said. Other issues addressed included buffer filter strips for field runoff, and standards to follow for land evaluation to determine the value of soil for ag land and assessment of sites, he said. Which is one more tool for planning commission members to use, he explained. The plan is a combination of several things, Michie said. An appendix includes such items as a cluster development concept, financial options, and environmental statutes. Michie said one part of the plan calls for the county to put into place subdivision regulations. He said there is a recommendation in the plan about city/county joint reviews of areas surrounding cities. He said the plan calls for joint meetings with the county planning commission and city planning commissions. It's not calling for the cities to have control

of zoning out in the county, but it is calling for joint meetings with cities, Michie explained. There's also some recommendations in the regulations for county building codes and administration, and about combining policies and standards, he said. We looked at the current needs and at the long term needs, he said. We looked down the road and at environmental standards, which will affect children and grandchildren, Michie said. Sieger said a copy of the plan has been available for a number of weeks for public review. Kevin Ensminger, Mayor of Peabody, said he thinks the cities should have final authority with plans around the cities. Steve Garrett, City Administrator for Hillsboro, said he concurs with Ensminger. Dennis Nichols, City Administrator for Marion, said he also agrees. Sieger asked Ensminger if he objects to the cities and county planning commission working together? He said he thinks that is fine, he just wants the final decision. My planning commission in Hillsboro has two members outside the city limits, as per statute, Garrett said. The joint meeting is a good idea, but on the final say I prefer the cities to have more authority, Ensminger said. We had several discussions on this issue and everything really ends up being the call of the county commission, not the planning commission, Bartel said. So, in our discussions we asked basically how the county wished for us to proceed, if this was going to be on the cities or not, but keep in mind the final call is the county commission's, Bartel said. To my knowledge there is one city in the State of Kansas that has true control and that is Augusta, where they have up to a mile and a half, Michie said. Sedgwick County has a joint city/county/regional plan, he said. But the final say goes back to where the land lies in the city or county, Michie explained. Chanute discussed it and decided not to go that route and Goodland's another one, he said. But, Augusta is the only city with true such control, he added. At one time there were cities in Marion County with control, and it was taken away, Nichols said. It was not taken away, Bartel said. When the county adopted zoning, the county had responsibility to zoning within the jurisdiction, Bartel said. It's strictly a matter of Kansas Law, he added. Can anyone give me a reason why this can't be done?, Ensminger asked. Does anyone have a problem with this?, he added. The argument is if I own property in the county outside the city and the city council has a say over my county, but I can't vote for the council, and that's the basic rub, Michie said. Even with drainage issues folks have a problem with it, he said. For example, Marion is not a box, it's based on where Marion can grow, so I feel confident the county will keep that interest in mind, he said. It also talks about encouraging annexation, he said. At least this is an annexation friendly plan, where in Missouri they have to go through lots of hoops to annex, Michie said. This is an opportunity, rather than do it piecemeal, parcel by parcel, he said. Rather than making decisions about making zoning changes, we are more concerned about preventing zoning changes around our cities, such as hog farms, Ensminger said. KDHE regulations protect the plopping down of such operations right next to homes, Michie said. Cities do have an interest in the area around cities, and it affects the cities the most, Garrett said. I don't think the city would do something that would adversely affect the surrounding area, Garrett said. I still have not heard an argument why it can't be done, and give us a mile or so outside the city limits, Ensminger said. County Commissioner Leroy Wetta spoke of Andover where the plans became fragmented and put the cities into a potential conflict, and it needs to stay consistent. I raise the question that possibly one of the reasons for maintaining the area of the county is the county still has a responsibility to maintain the area and without any say in which way it's going, Brazil said. County Commissioner Bob

Hein questioned that after tonight's meeting it goes to the county commission? Sieger explained the intent is to leave it open for one more week and then it comes before the planning commission for possible action. And then it comes to us, and if we want to make changes we can?, Hein asked and Sieger said yes. This is the only public hearing you have to have, tonight, Michie said. I do want to commend you for your work on this, Ensminger said. I think you're astute in agreeing with it, as it's pro rural and pro growth, Michie said. Also, it's a requirement that it is reviewed annually by the planning commission, so it's a document that can be changed, although 1972 was the last time it was totally redone, Sieger said. There may be other factors you may want to table and hold until it comes up for review, Michie said. It's my hope that we continue addressing the plan in terms of inventories and keep it fresh and not on the shelf, Brazil said. This is the first initiation of a joint city/county plan as to jurisdiction for areas around cities, so I would surely hope Kevin, that in those instances we could look at it and work out a solution, Sieger said. For both the city and county, she added. We need to work together in this area, she added. Most applications that come in those areas are around the county lake, Brazil said. Marion and Hillsboro subdivision regulations are going to be fairly similar and I hope we can work together and mirror one another, so we can avoid a lot of headaches, he added. There have not been actual regulations for the county for subdivisions, so this I think will be a good step to have, like David said, Sieger agreed. Just a comment, too, there are some other things that exist in the county such as places around the reservoir and conservation districts and we'll review this annually which that hasn't been done since '72, Sieger said. Please help us get the word out about the one-week comment period, Sieger said. Jess Richmond, of Marion, asked why there's so much talk about environmental concerns, yet the county sprays herbicide all over. County Commissioner Howard Collett answered Richmond, saying he believes such herbicides used are suppose to be short-lived so it's not suppose to harm anything besides what's intended. And you're worried about a mud hole, Richmond said. That mud hole actually breaks the seal, which may break through to the water supply, Bartel said. We're concerned about disturbing vegetation, which is a natural barrier, which prevents the mud hole from going straight to the water, he added. Sieger asked Michie if there is anything else? Michie said no. Anyone else?, Sieger asked. Zoning regulations are based on the comprehensive plan, right?, Collett asked. In theory, Sieger and Bartel replied. So, why should the plan cover the sorts of things that cover society and social issues if it doesn't give us a basis for regulations?, Collett asked. The plan isn't the sole direct literal link, Michie said. Some cities go into great length about housing and I recall it being discussed and there is some discussion on housing on page 56, but it doesn't get into manufactured housing, where as cities get into more of that, he said. Typically, county plans don't get into that and try to carve up every parcel and what should go where, but what it does say is certain developments should go within certain areas, Michie said. The plan gives the county a policy to go by for certain developments, he said. I thought the plan was suppose to give the county a certain direction to go and I didn't really see that, Collett said. Michie pointed out examples and gave page numbers for such things as urban development and coordination with cities. I guess what I'm trying to point out is it has a tenuous connection, but not a very close connection, Collett said. That's a fair statement, Michie agreed. What did we spend to update the plan?, Collett asked. If regulations are not based directly on the plan, but what it really boils down to is what we do and the laws

we enforce, then I guess it's a statement of our intentions, Collett said. What it says is if I walk into David Brazil's office asking about a mobile home park out in the county, what David is going to tell me is we encourage mobile home parks in cities not in the county and it gives the county authority to say no to a mobile home park out in the county and it's pro city and encourages development in cities, Michie said. If you're just making decisions and holding hearings based on who's a squeaky wheel, instead of based on regulations, you've got the wrong idea, he added. Sieger reminded everyone the public comment period will remain open for one week. It was announced that one week from tonight, on November 15, 2001, at 7:30 p.m., in the county commission room at Marion County Courthouse, the planning commission will meet to review the plan and take possible action to send it on to the county commission for final approval. Sieger said this will be addressed probably toward the end of the agenda. Sieger thanked everyone for coming and reminded everyone that any other comments will need to be submitted in writing. Meeting adjourned at 8:06 p.m.

MARION COUNTY PLANNING COMMISSION



---

Eileen Sieger,  
Chairman