

MARION COUNTY PLANNING COMMISSION

RECORD OF PROCEEDINGS

OCTOBER 23, 1997

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

Roll Call was answered by, Terry Eberhard, Eileen Sieger, Jo Helmer, Dorman Becker and Eldon Pankratz. Herb Bartel was in attendance. Marquette Eilerts, Dean Fincham and Clark Wiebe were absent. Don Fruechting arrived at 7:40 p.m.

Eileen asked if there were any corrections or additions to the minutes of the September 25, 1997 meeting. There were none. Eldon moves to approve the minutes of September 25, 1997. Jo seconds. **In favor: 5, Opposed: 0, Motion carries.** (Don Fruechting not yet present to vote)

Off Agenda items- Eileen stated that the Lorne Dexter storm shelter will be added as an off agenda item.

Item #4 - Continuation of application for **Kansas Department of Transportation (K.D.O.T.)** - Conditional use permit pending. An environmental impact statement was requested at the August 28, 1997 meeting. K.D.O.T. complied. Eileen stated that each Commission Member should have received the environmental impact statement from K.D.O.T. Mr. Joe Palic spoke on this application. Eileen asked about the towers throughout the state. The Applicant stated that 13 towers will be in this (northern) area, there will be 12 towers in the southern part of Kansas. Mr. Edwin Geer, Mr. Doug Thirkle and Mr. Roger Alexander also spoke on this application. Eileen asked about the tower in Dickinson County. Applicant stated that the tower is 415 ft. with the antenna. Applicant stated that Dickinson county is a hub that will control other towers and that the permit is pending. Terry stated that he has concerns about the number of towers. Applicant stated that only local and public agencies are allowed on this tower. Herb asked what happens if the tower is abandoned. Applicant stated that the right to the property goes back to the original owner and the tower will be removed. Jo asked if Marion County would be willing to purchase the equipment necessary to utilize the tower. Applicant stated that he has not contacted Marion County to ask. Property where tower will be located is 2 1/2 miles west of Aulne. Dorman asked how many acres were purchased. Applicant answered 15 acres. Eileen asked if there were any surrounding property owners. There were none. Eileen closed the public portion of the meeting.

Item #5 - Tabled application for **Roger Bartel** - Rezone pending from RR to AG. Commission now has the requested application to reverse the rezone on the original property. Original

application was for the older home. Newer home to be rezoned from AG to RR.

Item #6 - Application for **Dennis Steiner** - Rezone pending from AG to RR and variance from 10 acres to 5 acres. Duly published on October 1, 1997. Mr. & Mrs. Dennis Steiner spoke on this application. Applicant stated that he wanted to sell 5 acres with the outbuildings. Terry asked how close the shed was to the boundary line. Applicant stated that it was about 30 ft. Applicant asked if he could get enough money for the shed, could he sell that with more acres? Herb explained the two parts to this application. Herb also stated that his recommendation was for 10 acres only and he wanted that stated early. Applicant answered that most people don't want to buy 10 acres. Mr. Edmund Steiner interjected saying that he has had two calls from people only wanting to purchase 1 acre. Eileen stated that the minimum is 10 acres. Applicant stated that the house was built in 1907. ~~Eileen closed the public portion of the meeting.~~ Applicant stated that the buildings are about 30 ft. from the property line. The barn will be a problem with setback on the southwest boundary. Property is vacant now. Property has well water and a septic tank. Applicant stated that he farms the surrounding property. Applicant stated that some buildings can be fixed and some need to be torn down. Eileen asked if there were any surrounding property owners. There were none present. Eileen closed the public portion of the meeting.

Item #7 - Application for **Willard Harms** - Rezone pending from RR to AG. Mr. John Dalke spoke on this application. Duly published in the Hillsboro Star Journal on October 1, 1997. Property is on the SE corner of the section. Terry asked how many acres if this property is squared up. Mr. Dalke answered 13.5 acres. Mr. Willard Harms stated that he only wants to sell 10 acres with the house and barn. Applicant stated that the shed is 70 ft. from the property line. Herb stated that there are three buildings in good shape, the rest need to be torn down. Applicant stated that there are two driveways onto the property. There is a well and a septic tank on this property. Applicant stated that he owns two quarters. Jo Helmer asked about the size of the house. Applicant stated it is a two bedroom house. Applicant stated that there is a proposed buyer. Mr. Dalke stated that the potential buyer is looking into the cost of building a new home on this property using native stone. Don Fruechting asked how the boundaries will be defined, with flags or posts. Applicant stated it will be surveyed, the corners will be marked. Terry stated that it will be determined through real estate, not zoning. Eldon asked where the closest farmstead is to this property. Applicant stated one mile. Eileen asked if there were any surrounding property owners. There were none present. Eileen closed the public portion of the meeting.

Item #4 - Continuation of application for **Kansas Department of Transportation (K.D.O.T.)** - Herb stated that a public entity is the applicant and for that reason, he can recommend it. Long term, we need to establish a policy that the tower be placed on

or near the persons property that will profit from the sale or lease. Dorman moves that the application for K.D.O.T. for a conditional use permit for a tower in the NE corner of the NW/4 of 32-20-3 be approved. Terry amends the motion to state: this approval is acknowledged due to the fact the tower is for public safety for the state, and it is for future use for the public safety for Marion County, also, this tower is to have white strobe lighting for day and red lighting for night, as the other towers in this area are required to have. Eldon seconds Dorman's motion. Jo seconds Terry amendment. **In favor: 6, opposed: 0. Terry's amendment carries. In favor: 6, opposed: 0. Dorman's original motion carries.**

Item #5 - Tabled application for **Roger Bartel** - Eldon moves that we recommend approval for property to be rezoned from RR to AG. Terry seconds. **In favor: 6, opposed: 0. Motion carries.** Jo moves that the property that has the newer home on it be rezoned from AG to RR. Terry seconds. **In favor: 6, opposed: 0. Motion carries.**

Item #6 - Application for **Dennis Steiner** - Don moves that we recommend approval of the rezone on ten acres from AG to RR and that the variance from 10 acres to 5 acres be denied. Eldon seconds. **In favor: 6, opposed: 0. Motion carries.**

Item #7 - Application for **Willard Harms** - Terry stated that he does not have a problem with this application for rezone. Terry moves that we recommend rezone from AG to RR as it appears to meet the guidelines for RR. Dorman seconds. **In favor: 6, opposed: 0. Motion carries.**

Off agenda items - Eileen stated that the November meeting will be on the 20th of November and there will be no meeting in December. Eileen also wanted to remind everyone that Dorman's and Marquette's term expires and at the end of the year, Eileen's term also expires.

Lorne Dexter's permit for a storm shelter was issued as long as there is 50 ft. from the well to the storm shelter.

Terry made a motion to adjourn the meeting. Dorman seconds. **In favor: 6, opposed: 0. Motion carries.**

PLANNING & ZONING COMMISSION


Eileen Sieger, Chair