

MARION COUNTY PLANNING COMMISSION

OCTOBER 28, 1993

Record of Proceedings

Item 1: Chairman Ammeter called the meeting to order at 7:32 PM.

Item 2: Roll call was answered by W.M. Pierce, Dorman Becker, Sherwin Ammeter, Dean Fincham, Eileen Sieger, Terril Eberhard, and Clark Wiebe. Also present were Herb Bartel, Secretary; Deana Olsen, Recording Secretary; David Yearout, Consultant; Don Chisolm, KDHE; and Chris Groening, observer.

Item 3: After discussion, the Commission agreed to postpone acting on the August minutes until later in the meeting.

Item 4: Cemetery Subdivision Plat - (Ramona) Fike's Addition to Lewis Cemetery, SW 1/4, 2-17-3: Chairman Ammeter introduced this item and Herb Bartel explained that this is a subdivision plat from land that is donated for the cemetery at Ramona. He pointed out that the cemetery is an important project for the town and that this was perhaps one of the most important community facilities.

He explained that the reason this item comes to the Commission is that when it was prepared, slots were included for the Planning Commission Chairman and Secretary. This creates a need for a formal review. The plat is a 220 ft x 429 ft addition to the west side of the existing cemetery.

Chairman Ammeter asked if it was fenced. Answer: Yes. He then asked if it needed an approval or a recommendation.

Mr. Bartel said it needed a motion accepting Fike's addition to Ramona Cemetery and the signatures of the Planning Commission Chairman and Secretary. The County Commissioners have already acted on this item.

Eileen Sieger asked about the surrounding area.

Mr. Bartel indicated that the whole plat is cemetery, surrounded by a field.

Chairman Ammeter indicated there was a new entrance and that a hedge had been removed. He then asked for a motion from the Commission.

Dorman Becker moved that the plat be accepted, W.M. Pierce seconded, no discussion. Vote was 7 yes, 0 no. Motion carried and plat signed.

Item 5: Sanitary Codes - Comments from State: Don Chisolm, KDHE, Salina, introduced himself as working with the Environmental Protection Program and Sanitary Codes. He stated that the code review was actually done by Bob Hipple and Richard Harper, Bureau of Water. Mr. Bartel had asked him to attend and go through the comments and give any needed explanation. He indicated that the goal in developing the codes is to make them as readable as possible for the man on the street.

All items in the KDHE Comments were reviewed and changed or modified as

recommended with the exception of the following:

2-102-3: "Issuance of Permit or License": The Review Comments recommended to set a period of days. Mr. Yearout deleted the reading "reasonable period of time" and changed it to indicate that the Administrator would begin working on an application within 10 working days of receipt or application and either issue or deny a permit within 20 working days. He indicated that 20 working days is much the same time period as 30 days as recommended by the state and may avoid some problem with weekends and holidays.

4-102: "Applicability": Mr. Yearout pointed out that the statute presently reads 10 acres. Discussion on types of disposal systems. Mr. Bartel pointed out that AG was free to choose any type of system as long as it worked.

Mr. Yearout indicated he had taken out the last sentence and replaced it with "the provisions of this article shall apply to all premises containing less than 40 acres under one ownership and located in the unincorporated areas of Marion County, Ks". He also has made reference to the definition of AG and added an Item F - any dwelling unit.

4-107-1a: "Minimum Lot Size": The review comments recommend changing size to 3 acres to allow for enough separation of wells and sanitation systems. Mr. Bartel considered that if the standard is raised from 1 acre to 3 acres, SR should also be amended comparably. He pointed out the need for the Sanitary code and the Zoning Regulations to be the

same on this matter. Mr. Chiscim indicated the state recommendation was pretty standard. Mr. Bartel pointed out that code requires connection to a public waste water system when within 400 ft., which acts as a safeguard. The Commission asked to come back to this item later.

4-107-4: "Privies": Mr. Yearout indicated on C he had added "proper maintenance". He has also added "all privies shall be a sealed and self-contained unit and shall be regularly pumped by a sanitary services provider licensed in accordance with Section 4-109 herein. Under E - Location, Item 1 he changed it to read "to 300 feet from any existing or proposed water well".

5-109: "Variances": Mr. Yearout pointed out that in some counties variances can be made by the Sanitarian on site in the field. This makes it difficult for the Administrator. He indicated he has added "it is the declaration of the Marion County Board of Health that the Marion County Board of Zoning Appeals is hereby designated and shall serve as the Hearing Officer" as specified in Section 4-110, Variances, and has inserted "the Marion County Board of Zoning Appeals acting as the Hearing Officer" in Section 5-109.

Discussion then moved to the Harper comments. Mr. Yearout indicated he has not yet incorporated these into the document. Discussion was held and changes will be made as recommended with the exception of the following:

Mr. Chisholm recommended adopting KAR Article 30 in the document instead of KDHE Bulletin 4-1, Table 2, siting the benefits of keeping the document current as changes are made. Mr. Wiebe asked if the Commission could get copies of Article 30. Answer: Yes. Mr. Yearout indicated he would delete references to KDHE Bulletin 4-1, Table 2 and refer to KAR Article 30.

5-109: RE: Water Well Construction: Mr. Chisholm indicated this was not yet addressed in Article 30. Mr. Yearout indicated the Commission has the authority to grant variances if they are within those standards established in the code. Variances for conditions not in compliance with Article 30 must be directed to and considered by KDHE.

Eileen Sieger asked if the people who put in water wells have to comply with Article 30. Mr. Bartel replied that they have to be licensed and they also have to send a report to the state on each well drilled.

4-107-1a: Minimum Lot Size: Discussion returned to this item regarding minimum lot size. Mr. Bartel indicated it states in the code that if a location is 400 feet from a public sewer, they have to connect. The Commission opted to leave the item at 1 acre siting the 400 foot rule and the fact that the zoning maps only have 1 acre zoning where there is an existing use. Owners would have to come to the Board to change zoning before they could build on a 1 acre site.

Mr. Bartel asked Mr. Chisolm about the procedure for getting the code approved. Mr. Chisholm indicated that once the final draft was

finished there would be a final review by KDHE. It will be sent to Secretary Harder along with a letter to recommend. It will then be returned to Marion County for the Public Hearing process.

Mr. Onisnoim was asked about Article 30 in reference to Sanitary Services Administrative Regulations. He said they were not yet in place but that Marion County would be alright for now in that they have protections within the code as it is written. Amendments could be made at a later time.

Mr. Bartel repeated that there would have to be three publications before the County Commission, acting as the Hearing Board, can hold a public hearing. Mr. Yearout indicated he would make the necessary revisions and set the process in motion.

Item 6: Off Agenda Items: November meeting date. The November meeting will be held on November 18, 1993 due to the holidays. There is one item for consideration that has been published for November 18, 1993.

Item 3: Clark Wiebe moved to approve the August 26, 1993 minutes. W.M. Pierce seconded, vote was 7 yes, 0 no, motion carried.

Eileen Sieger inquired about the signs stating Marion County was zoned. Mr. Bartel said the county was working on them.

Item 7: Adjournment. Dean Fincham moved to adjourn, Terril Eberhard seconded, 7 yes, 0 no, motion carried. Meeting adjourned at 9:30 PM.