

CHAPTER 9 – FUTURE DEVELOPMENT PLAN

INTRODUCTION

This section of the Plan presents the Future Development Plan for Marion County. It includes both a series of policy statements and directives for future decision-making by the public and private sectors. Typically a Comprehensive Plan will provide a map of areas within the County certain future development project should be encouraged, such as areas near cities or transportation centers. With Marion County's existing zoning regulations utilizing Conditional Use Permits for all non-residential developments, it is unnecessary to depict on a map where future projects should be placed since each application will be judged on its own merits.

The policies within this Plan should be viewed as general statements of action to be used as a general guide for future decisions within the planning area. These statements are based on the understandings and aspirations of the County as of the time of the adoption of this Plan. New developments and other events may occur which will demand alterations to these statements over time.

FUTURE LAND USE PLAN

The Future Land Use Plan is intended to provide a generalized pattern of agricultural and rural residential uses within the planning area. There are limited commercial or industrial land uses identified on the Land Use Map, primarily because most of the commercial and industrial land uses are best located within the incorporated cities where sufficient infrastructure and public service support exists to accommodate the growth and expansion of such uses. It is also because the infrastructure needs for these uses are much more difficult to pre-identify in the rural areas and the placement of these uses should be evaluated on a case-by-case basis through the Zoning and Subdivision Regulations. To the greatest degree possible, the text herein states the principles and policies for each land use category.

AGRICULTURAL LAND USE

The Agricultural Land Use is the dominant land use designation within the unincorporated portion of Marion County. The vast majority of land within the unincorporated portion of the county is agriculturally used and is expected to remain agricultural. These agricultural lands are exempt from county Zoning Regulations and remain exempt from zoning so long as the land is used for agricultural purposes. That is why the definitions portion of the Zoning and Subdivision Regulations attempt to clarify at what point a use of land goes from an agricultural use to a "non-agricultural" use. Marion County does an excellent job of continually evaluating this distinction and should continue to do so into the future.

The planning principles in the Agricultural Land Use designation is to promote continuance of agricultural lands in agricultural uses. The conversion of these lands to non-agricultural uses, especially to residential uses, has a deleterious effect on the agricultural lands and should be discouraged where possible. This is especially true when the new rural residents find the intensive agricultural practices that are normal (i.e. dust, odors, noise, slow-moving vehicles, etc.) to be offensive to their expectations of what living in the rural areas is to be. The Zoning and Subdivision Regulations set a minimum lot size for Agricultural zoning to 40 acres as a means to further enhance agricultural land uses within the County and to provide the County the opportunity to evaluate the conversion of agricultural lands to non-agricultural uses earlier in the rural development process.

It is when land is proposed for non-agricultural uses that the value of county review through local Zoning and Subdivision Regulations becomes most valuable. The evaluation and determination of the viability of those non-agricultural uses, including the appropriateness of the proposed use at that location and at that time, are the primary purposes for the Zoning and Subdivision Regulations.

The conversion to non-agricultural uses may be for residential developments or for commercial or industrial uses. The residential developments should be subject to the Zoning and Subdivision Regulations of the county as defined by those Regulations. As noted previously; it is the isolated, single-lot creation of new residential properties that continues to challenge the County from a regulatory perspective. The present standards accommodate a "lot split" process for most of the isolated sites; however, these are subject to certain standards and requirements that some believe to be too onerous. A more extensive and deep evaluation of what the "intent" and desire concerning these situations is warranted with appropriate adjustments to the Regulations.

The overall desire of the County is to continue to allow new, isolated, residential development that does not burden the overall public services. This has been especially true regarding the creation of lots on "minimum-maintenance" public roads that result in the need to upgrade the road. The existing policy is for the entity creating the upgrade need to pay the costs for that work. However, this always creates challenges to the elected officials who are pressured to make the improvements out of general funds of the County. This is the issue that needs an extensive evaluation of all factors involved, to be followed by development of a clear and precise written policy that will avoid making decisions based upon "whom is asking", rather than consistent policy-based requirements.

As for commercial and industrial uses within the rural areas, these are best considered under the Zoning Regulations as a Conditional Use, where the appropriateness can be viewed on a case-by-case basis. Platting should also be required through the Subdivision Regulations in order to address the appropriate demands from the public infrastructure. The underlying zoning often is "AG" Agricultural; which is fine.

As noted earlier, one of the greatest threats to agricultural activities is the introduction of people to the rural areas that have no connection to agricultural production and who seek a more tranquil lifestyle. The objections to agricultural activities from these people are an endangerment to agricultural activities and new development of such residential properties should be evaluated accordingly. Additionally, commercial and industrial uses should be carefully permitted in the rural areas where very limited support services exist and the extension of services can be very costly. Some non-agricultural uses are appropriate for the rural areas, such as bulk storage of petroleum and agricultural products, quarries, salvage yards, and the like; but these uses must be judiciously located to minimize the impacts associated with those businesses.

RESIDENTIAL LAND USES

The Residential Land Use designation is considered primarily for single family residential uses and is generally confined to the immediate environs surrounding many of the cities within the County, as well as designated areas around the County Lake and adjacent to Marion Reservoir. As previously noted, other residential development patterns within Marion County have been disjointed and very scattered throughout the years and continue to be so. This has resulted in an intermingling of residential and agricultural land uses that present the potential for the problems discussed earlier in this Chapter.

Within the Zoning Regulations, the Zoning Districts for these uses would be the "SR" Suburban Residential District and the "R-1" Single-Family Residential.

The underlying planning principles provide for the provision of housing opportunities that promote a continuation of a high quality of life and the creation of housing developments to promote a healthy living environment in the rural areas without inappropriately encroaching into agricultural areas or threats from other non-agricultural land uses. People who invest in housing within the rural areas of Marion County should be afforded protections from outside impacts that might reduce the value of those investments through a judicious application of appropriate Zoning and Subdivision Regulations, as well as other locally adopted codes and standards. Proposals for housing at a density higher than single-family are not considered appropriate for the rural areas and should be strongly encouraged to locate within the incorporated cities.

COMMERCIAL LAND USES

The County's existing Commercial Land Uses are shown on the Land Use Map and do not comprise a large number of properties within the unincorporated areas. The goals within this plan should not be construed as intending that no commercial development, or only very limited commercial activity should occur within the rural areas of Marion County. To the contrary, many commercial activities are often more appropriately located in the rural areas, such as quarries, landfills, salvage yards, bulk agricultural and petroleum products, and the like. Within the Zoning Regulations, commercial uses would be considered as Conditional Uses.

The underlying planning principles provide for the provision of commercial uses that are appropriate for the location and demands of the individual use. In addition, the desire is to integrate the commercial uses within the community in a manner to provide the greatest amount of accessibility to the general populace with the least amount of development impact. Hence, the intent of the Plan is to encourage the commercial development only at those areas where a combination of transportation services and other supporting public services exist or can be reasonably provided. As such, commercial development should be targeted to the primary road system within the County and in closer proximity to the incorporated cities.

Occasionally, a commercial use is very individualized and becomes a Conditional Use Permit request at a remote and specific location. This is usually because of proprietor wishes to conduct the business at their “home” and the use does not qualify as a “home occupation” under the Zoning Regulations. The present regulatory process to consider these locational uses is deemed appropriate and the process should not change. These have been, and will continue to be, a case-by-case issue decided based on the conditions present in each request.

INDUSTRIAL LAND USES

Industrial Land Uses are treated in the same manner as commercial land uses. Again, these uses are not shown in a “generalized” manner on a standard “Future Land Use Map” due to the fact the zoning regulations do not intend to tie these non-residential uses to any specific area with Marion County. The underlying planning principles provide for the provision of industrial uses the same as for commercial uses and should be located and considered under the same criteria.

MAJOR STREET PLAN

The major streets within the planning area will remain the state and federal highways, and all of the section-line roads. The classification of these roads is already established within the various governmental units responsible for the operation and maintenance of those respective roads. The purpose of making all these roads “major streets” is to assure the County the ability to maintain appropriate setbacks of new construction to protect the future right-of-way needs of those roads for future uses.

OTHER SPECIAL LAND USES

The most significant “other special land use” Marion County has faced is the proposals for construction of the large “Wind Energy Conversion Systems”, commonly known as the “wind farms”. Previously, Marion County invested significant time and resources in establishing a special “overlay” area within the County where it was felt development of these facilities was acceptable, based on the presence of a portion of the Flint Hills geography on the eastern side of the County, the general wind energy maps provided by the State, and the location of adequate electric transmission lines to move the power to the markets.

The creation of some new electric transmission lines and changes to the technology in such systems resulted in the amendment of the Zoning Regulations and Marion County removing the “overlay” approach to location of these facilities and letting the open marketplace and investment decisions of the developers of such systems determine the general acceptable locations, which the County retaining a final acceptance decision through the zoning process with a Conditional Use. This is consistent with all other “non-agricultural” and “non-residential” land use decisions under the Zoning Regulations.

It is felt this was an appropriate regulatory decision of Marion County and the same philosophical policy regarding these facilities should remain without further amendments to the Regulations. The continual changes to the technology, coupled with “policy” changes at the State and Federal level will dictate more regarding the future development of these systems than anything that could be done at the local level; short of a “prohibition” of the development of such facilities, which is not proposed and envisioned at this time.

The same general policies regarding any potential “commercial solar energy systems” or “solar panel farms” should apply as noted for the wind farms above.

As previously stated, some heavy commercial and/or industrial uses, such as quarries, salvage yards, and similar uses, are more appropriately located in rural areas and away from concentrations of people in residential neighborhoods or incorporated cities. These are identified as requiring a Conditional Use Permit to establish under the present Marion County Zoning Regulations and no change to that policy is proposed.

CONCLUSION

The Future Land Use Plan is a reflection of the rural areas of Marion County into the foreseeable future. The pace and priority of when and where new development will occur will be dictated more by the open marketplace and the risks taken by private investors and developers in the coming years. The role of Marion County will remain one of partnership opportunities to assure that new developments occur to the benefit of all affected.

CHAPTER 10 – IMPLEMENTATION

INTRODUCTION

As a policy guide, the Comprehensive Plan has no regulatory authority and, thus, relies on a variety of implementation tools to carry out its intent. The two most recognized tools are Zoning Regulations and Subdivision Regulations. These are often supplemented by other land development related codes and regulations, such as locally adopted Building Codes, Sanitation or Environmental Codes, and other similar local standards.

The Comprehensive Plan will also be implemented on an incremental basis over time as landowners and developers approach Marion County with development proposals and rezoning applications. These proposals and applications should be considered in relation to the goals, objectives and policies articulated within this Plan. If consistent with the plan, the decisions of the County are presumed to be reasonable, but this does not preclude a decision different from the findings of the Plan on a specific development proposal or application.

IMPLEMENTATION OF LAND USE RECOMMENDATIONS

The most effective method of implementing the Future Land Use recommendations within this Plan is through the Zoning and Subdivision Regulations by providing the flexibility to respond to new developments. Marion County has kept its Zoning and Subdivision Regulations very current and, at this time, no specific changes or other amendments are identified beyond those specific questions previously discussed within this plan regarding isolated lot creation and, potentially, commercial solar energy farms.

IMPLEMENTATION OF MAJOR STREET RECOMMENDATIONS

There are no significant change in the overall transportation system considered within the Plan. This Plan has not identified any large number projects that would be addressed by the County in the planning period. As noted earlier, the improvements anticipated to some of the bridges to address flooding and drainage concerns will be incorporated into many transportation projects. While no total costs estimate are given within the Plan, it is expected that the total costs for implementation of all the recommendations will be considerable.

It is not expected that all of the projects would be initiated immediately. The County must establish a prioritization process to identify those projects with immediate needs, and coordinate the projects with the ability of the County to finance those projects within the budgetary limits imposed by statute. This is best handled through the implementation of a Capital Improvement Program (CIP) for the County. A CIP would address capital projects over a five to eight year period, giving priority ratings to the projects based on such things as relative need, availability of financing, benefits to the public, and total cost.

In addition, a Capital Budget would be developed each year for inclusion in the County's budgeting process. The Capital Budget would establish the projects to be initiated each budget year, and the sources of financing to be used. This is essentially being done now, but without the benefit of a priority ranking of projects over a longer planning period.

The County should establish a Capital Improvement Program for all subjects and not just transportation-related projects, as part of its on-going operations. The CIP would allow the Governing Body to address the capital improvement needs over a longer time; adjust the priorities annually based on changes in need or financing; and improve the dialogue between the County and the public on projects to be undertaken each year. With the number of potential projects identified within the Plan, and the realization that many people will have differing views as to their relative importance and need, a CIP is considered the best approach to establishing an annual improvement budget for the County.

IMPLEMENTATION SCHEDULE

The expectation is that the Comprehensive Plan will be adopted by Marion County by the end of 2017. The consideration of amendments to the Zoning and Subdivision Regulations will be considered shortly thereafter as part of an on-going discussion by the Planning Commission and governing body. The completion of these actions by Marion County, following the required public hearings by the Marion County Planning Commission, will provide Marion County with current plans and regulatory tools to carry out the intent of the Plan.

OTHER IMPLEMENTATION CONSIDERATIONS

Another action Marion County should consider in the future is possible revisions to the Sanitation Codes. Lot sizes and forms of acceptable on-site wastewater treatment systems consistent with the changes being evaluated elsewhere in the State warrant such consideration.

The County should also begin consideration of adoption Building Codes. It is not recommended that actual adoption of Building Codes occur at this time, but that the County begin the process to evaluate the steps necessary to do so in the future. Ultimately, Building Code adoption will be a necessary step for the County in order to maintain the rural areas as an attractive area for new development. Without such action, it is anticipated that financing and insurance costs will significantly rise, or may become near impossible to obtain. This is consistent with the trends occurring elsewhere in the country. If serious consideration is given to adoption and enforcement of Building Codes, Marion County should look to create a "county-wide" program for such service and includes full participation of all the incorporated cities within the County, with full cost-sharing for staff and support services associated with such an effort. This is a truly logical approach that would create a uniform standard for the entire county and could serve as a model of real "interlocal cooperation" between the County and cities.

Marion County should also begin consideration of Minimum Housing Standards Codes for the rural area. The purpose of such codes are to set identifiable criteria to be used in evaluating existing housing stock that has fallen into disrepair. This would then provide a mechanism for the County to help assure that properties within the community that are not maintained can be either fixed or removed.

PROCEDURES FOR REVIEW AND UPDATE OF PROGRAMS

State statutes establish that the Comprehensive Plan is to be reviewed annually. Most communities include such a review in the budgeting process normally conducted during the month of June. An annual review does not mean that major modifications must be made to the Plan; only that the Plan is reviewed for consistency with existing programs and policies, as well as conformance with new programs and policies adopted in the previous year.

The Planning Commission should annually review the Comprehensive Plan for its consistency and conformance with the County's programs and policies. In addition, changes in zoning should be reviewed for consistency with the Future Land Use Plan. It is possible that a change in zoning may be made during the year that is felt important and needed within the community, but which may not be consistent with the Plan. The annual review of the Plan is the time to adjust the Plan to accommodate this change.

Given the rate of change within the County's planning area, a comprehensive update to the Plan should be considered no later than ten years from the adoption of this Plan. A comprehensive update may be needed earlier if changes occur more rapidly, or if other activities warrant. However, since the Plan is considered one of the relevant documents to be reviewed when considering a zoning change, it is important that the Plan be kept current.

Finally, the Planning Commission should also include a review of the Zoning and Subdivision Regulations during the annual review of the Comprehensive Plan. Such a review should be to address areas within the Regulations that may need modification, or to consider subjects the Regulations do not currently address. Given the rate of change in our technological abilities and the societal expectations regarding these changes, it is anticipated that issues will develop that are unknown at this time. Therefore, an annual review of the Regulations is necessary.