

MARION COUNTY PLANNING COMMISSION

APRIL MEETING, APRIL 23, 1992

Record of Proceedings

The meeting was called to order by Chairman Sherwin Ammeter at 7:30 PM.

The first item of business was to have a moment of silence in memory of Charles Penner.

Roll call was answered by the following Planning Commission members:

W.M. Pierce, Marion, Terry Eberhardt, Peabody, Eileen Sieger, Marion, Dorman Becker, Durham, Clark Wiebe, Hillsboro, Dean Fincham, Marion, Lewis Unruh, Peabody, Marlin Janzen, Hillsboro, and Sherwin Ammeter, Florence, Let the record show that all Planning Commission members were present. County Commissioners Leon Suderman, Linda Peterson, and Charles DeForest and County Appraiser Max Hayen were also present. Secretary Herb Bartel was present and Consultant David Yearout was late but was present. Visitors in attendance were Steve Wilton, Hillsboro Star Journal, Matt Newhouse, Marion County Record, Wilbert Bartel, Hillsboro, Wilbert Bartel Sr., Hillsboro, and Elmer Wiens, Hillsboro.

Herb Bartel introduced himself to the Commission and guests giving some of his history.

Chairman Ammeter sited the need to decide lot sizes for agricultural districts to be specified in the ordinance pertaining primarily for single family uses and to decide what the Commission wants specified in the way of uses in those districts. Marion county is primarily agricultural but is diversified. He feels the ordinances need to be broad in order to support agriculture as it is in Marion County.

Chairman Ammeter submitted the minutes of the February 27, 1992 Planning Commission meeting for approval. Eileen Sieger indicated that the word "these" in paragraph 14 should be more specific. A motion was made to approve the February 23, 1992 minutes with the above mentioned change. There was a second and the motion passed unanimously.

Herb Bartel directed the meeting until Mr. Yearout's arrival.

Discussion was held regarding lot sizes. Reference Page 25, Section 2-104, #1. Discussion centered on what was rural residential and agricultural and the fact that more districts would make administration more difficult. There was reference to "A" Agricultural Districts of this section with a minimum of 40 acres more or less being strictly agricultural. Secretary Bartel pointed out that more restrictions require more districts. The broader the regulation is the less cumbersome the initial regulations will have to be. Eileen Sieger discussed making the minimum for agricultural use smaller so that when smaller tracts were sold it would not require a zoning change. Secretary Bartel stated that as the regulation is written, application must be made for a zoning change on parceling of less than 40 acres more or less. Mr. Yearout arrived and explained that 40 acres and above is primarily agricultural and that building a home would be allowed. Less than 40 acres more or less is the breakpoint for more residential use, but it still could be farmed. Even though the smaller tracts are subject to zoning regulations, all agricultural activity is still exempt. Discussion was presented with reference to rural residential with a minimum size needed to go along with the county sanitary code. "RR", Rural

Residential requires a minimum lot area of 10 acres. Single Family Residential requires compliance with the county sanitary code.

Chairman Ammeter asked the Commission for their recommendations on the regulations for hearing purposes. Discussion continued with reference to 20 acres for rural residential with agricultural use permitted. Concern was discussed regarding estates that would possibly be divided into smaller parcels. Appraisal maps could be used to identify these parcels with the use as it is now and classify them according to their present use. Grandfathering pre-existing owners, allowing them a first time residence was discussed. Undivided interests maintaining their integrity in a tract with reference to multiple housing, access roads, and selling out and zoning changes required before or after the fact were also discussed.

Secretary Bartel opened discussion on uses within agricultural districts. These uses are often very broad. Reference was made to Page 24, Section 2-102 and Pages 89 & 90, listing accessory uses also allowed in agricultural districts by right. Item G on Page 90 regarding home occupations might need to have the language expanded to pick up those kinds of useage, though the intent is not to restrict home occupations. Home occupations should be secondary and incidental to the primary usage which is agriculture. The landowner should have a right to appeal to allow to continue home occupations without having to re-zone. In regard to expansion, the Commission discussed permits for new agricultural buildings with no fee. Changes in the conditional use language could be done rather than re-zoning.

Conditional uses were addressed with mention about clarification. Page 82, Section 20-103 was referenced. Questions were asked regarding when is it no longer agricultural and when it becomes commercial usage.

David Yearout stated that before the regulations were ready to go to hearings, the Commission needs to define lot sizes and use as permitted in each of the districts. Chairman Ammeter asked for and received a consensus for the 40 acres more or less, with the intent to mean a 1/4 of a 1/4, for agricultural use to go to public hearing with reference to Page 25, Section 2-104, #1. Commission agreed that minimum acre districts are to agree with the Marion County Sanitary Code. Commission agreed that 10 acres is the break-point between suburban and rural districts. Referencing Page 27, Section 3-105, paragraph 6, Rural Residential is listed as a 10 acre lot area. Referencing Page 29, Section 4-106, paragraph 6, Suburban Residential is listed as 1 acre or conforming with the sanitary code.

David Yearout indicated that before going to public hearing he would revise the regulations as per Commission wishes. A general map and parcel records could be prepared with information from the County Appraiser to present to landowners at a public hearing to explain their zoning districts.

Commissioner DeForest asked if there was a need to have flood plane maps. Mr. Yearout indicated that Marion County does have flood plane maps and that their dates need to be included in the regulations.

In preparation for the May 28, 1992 meeting, the Commission needs to be thinking about a date for the public hearing. Mr. Yearout indicated that for the May 28, 1992 Planning Commission meeting he will have the revised document with all of the blanks filled in and try to get a computer print-out and maps prepared. If all is in order at that time the Commission can then set a date for a public hearing and set a publication date. Mr. Yearout will also have the public notice ready for approval to be published in all three county papers. Agenda Item #5 was declared complete.

Regarding Agenda Item #6, there were no off-agenda items. Mr. Yearout again expressed his sympathies to the Commission and friends of Charles Penner. He stated it had been a pleasure working with him.

Chairman Ammeter asked for a motion for adjournment. Dean Fincham motioned to adjourn the meeting, Dorman Becker seconded, vote was unanimous. Meeting adjourned.