

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

April 28, 2005

Chairman Eileen Sieger called the meeting to order at 7:30 p.m., with a quorum present for both the planning commission and the Board of Zoning Appeals.

Roll Call was answered by Sieger, Marquetta Eilerts, Bob Maxwell, Mary Avery, Willis Ensz, Ervin Ediger, David Mueller and Glen Unrau. Zoning Administrator David Brazil was present.

Sieger asked if there were questions about the agenda. Roll Call was added to the agenda, and the Items on the agenda were renumbered. Sieger told members she is not sure if they will go into a discussion about the recent work session with the county commissioners and the public. Maxwell said he has some questions about paperwork Brazil distributed at the work session.

Sieger asked for corrections, or additions, to the Record of Proceedings of the March 24, 2005, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Mueller made a motion to approve the Record of Proceedings as written and Ediger seconded the motion. In favor: 7; Opposed: 0; Abstained: 1; Motion carried. Avery abstained, as she was not present at the March meeting.

Item 4: Consider Board of Zoning Appeals Bylaw changes. Brazil presented an unsigned copy to Sieger, with the change included. Sieger referred members to Section 2 on membership, with reference to method of changing bylaws on the last page, and she read it to members. This change was presented at the last regular meeting and it was in the minutes, so Sieger verified that procedure has been followed correctly. Members reviewed a copy of the change. This change is not a total addition; it is just reworded. Sieger read the change. If there are seven members on the Board of Zoning Appeals, then the other two members will be alternates, and fill in as needed. Brazil consulted an attorney about how to word the change. Brazil explained the history of our Board of Zoning Appeals. Brazil said the attorney said other districts might want to look at this for their own use. Sieger asked if there were any questions, or comments. Ediger asked if only one member can live in the city limits. Sieger explained it is only one member per district. Sieger asked if there were any other comments. Mueller made a motion to make the amendment to the bylaws and Maxwell seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Sieger told Brazil that at some point members would need new copies of the bylaws. Sieger asked if this change is put into place at this meeting?, and Brazil said yes. Sieger reminded members there are still only eight people on the planning commission, so there is only one alternate at this point. Maxwell is the current alternate. Avery made a motion

that members of the Board of Zoning Appeals are all current members, with Maxwell as the alternate, and Ensz seconded the motion. In favor: 8; Opposed: 0; Motion carried. Unrau asked if the alternate should not join in discussions, and Sieger said yes, the alternate should not join in discussions, if the alternate is not needed at that time.

Item 5: An application for Monroe Kreutziger, requesting a short form lot split of five acres, for property located in Gale Township. This application was published in the April 7, 2005, issues of the *Hillsboro Free Press and Free Press Extra*. This property has been surveyed. There is a house, three sheds and a lagoon on the property. Sieger reminded members that Brazil said it meets all requirements for approval. Brazil reviewed the LESA (Land Evaluation and Site Assessment System) score, and reminded members he is just going through the motions, as the LESA score is not required for existing home sites. This property is close to Canada, on a paved road, with rural water, which balances out the score, Brazil told members. Brazil said the county has a new computer software program which will be a great tool to help with this. Mueller asked to be reminded of the side setback requirement, and Brazil said it is 50 feet. Sieger said the lot is rectangular, which is nicer to have. It's a good plan, Mueller said. Sieger asked if anyone from the public wished to speak. Sieger asked Kreutziger if there was any other information. I didn't like having to stay 50 feet from the lagoon to the house, but that's the law, Kreutziger said. If it was on the west, I wouldn't have cared, he added. Sieger asked how old the lagoon is, and Kreutziger said it's three to four years old. Sieger closed the public hearing for this application.

Maxwell asked and was told yes, he participates, as this application comes to the planning commission, so all members are included in the process. Sieger reminded members this all stays agriculture. Sieger also reminded everyone that farm boundaries could stay the same, if both property owners agree. Sieger asked if there was any discussion from members about this application. Ediger made a motion to approve a short form lot split of five acres for Monroe Kreutziger, of 1971 Nighthawk, Marion, in the "A" Agricultural Zone District as presented by the applicant, and require that the short form lot split plat and the agricultural disclaimer be recorded by the Register of Deeds with the deed transfer and that certification of such actions be filed in the Office of the Planning Commission. Mueller seconded the motion.

In favor: 8; Opposed: 0; Motion carried.

Brazil explained the certification for the office file.

Item 6: An application for Clifford Hett, requesting a short form lot split for five acres. This application was published in the April 7, 2005, issues of the *Hillsboro Free Press and Free Press Extra*. Sieger asked Hett if he wished to speak. I'm not in Centre South (Township); I'm in Fairplay, Hett said. Brazil said the legal description was correct and he will check why the township was listed wrong. Even if it was not correctly published, it would be a non-issue, as we are not required to publish for this application, Brazil said. So, do you want to comment?, Sieger asked Hett and he said no. Sieger asked members if they have questions, or comments. Brazil said this is an existing home site. If this were virgin ground, it would be highly rated for farm ground preservation, Brazil said. Brazil said the property is in a flood zone. The five acres is in a flood zone?, Sieger asked. We

could look at the flood zone map, Brazil said. I'm not sure if the house is in the flood zone, Brazil said. You are talking about an existing house, but we have maps if you wish to look, Brazil told members. Maxwell asked about the width of the property. It is 4/10 of a foot longer than the length of the property, which is not a big issue, but I would like to note it is a three to one ratio, Brazil said. How far east of the driveway is the 32 feet?, Ediger asked. If he goes 50 feet from the house, he would have to go into the next section, Sieger explained. Sieger closed the public hearing for this application and opened the floor for discussion.

Brazil looked at the flood zone map and determined it is in the flood zone. So, if this was not an existing home site, it would be an issue, he said. Mueller made a motion to approve a short form lot split of five acres for Clifford and Evelyn Hett, in the "A" Agricultural Zone District as presented by the applicant, with two requirements, one that the short form lot split plat and the agricultural disclaimer be recorded by the Register of Deeds with the deed transfer, and two, that certification of such actions be filed in the Office of the Planning Commission. Avery seconded the motion.

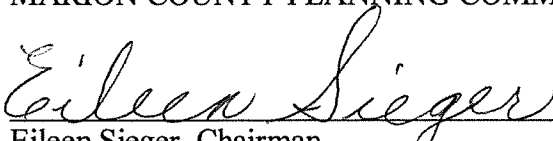
In favor: 8; Opposed: 0; Motion carried.

Off Agenda: Sieger reminded members the next meeting is scheduled for May 26, 2005. Sieger asked Brazil how many agenda items are there, at this point. At least one cell tower, two CUPs (Conditional Use Permits) and two lot splits, but on the same parcel with one owner, Brazil said. Avery asked where the cell tower is being requested, and Brazil said in the Hillsboro area. Sieger suggested members refresh themselves on the tower regulations. Maxwell had two items. He said on publications, or notifications, he misses the icon of the courthouse that the *Marion County Record* would use, as it catches the eye. Do they charge more for that?, he asked. Publications can get quite expensive, up to \$2,200 to \$2,300 per year, at times, Brazil said. We need to budget for it, Brazil added. We're satisfying the legal requirements, but we could also utilize the county website more to get notices out, Brazil said. Maxwell asked if the icon could be added, again. There will probably be an added cost, Brazil said. We need to educate, or inform, people, but I don't have any answer how and that's why I invited people to come and listen, even if they didn't have a reason to come, Maxwell said. Most people get their information at a coffee shop and most times it is not accurate, Sieger said. Sieger told members she remembers one application where people came in after receiving notification of a zoning request in their area, and said they had no idea our county has zoning. It's posted on the highways, too, Eilerts said. Avery asked and Brazil said he has cardboard signs that he sends out that are suppose to be put up at the property making the zoning request. Unrau wondered about asking leaders in the communities to write an article and have a bold heading and print it in the local newspaper. Sieger asked if planning commission meeting articles covered by the *Marion County Record* are also printed in the Hillsboro and Peabody newspapers, too? Maxwell said the county appraiser has information in the newspaper each week. I don't think most people are ignoring zoning on purpose, Avery said. I think it's just a lack of education, she added. We will probably spend a lot less on publications this year, which will free up money for other advertising, Brazil said. We could hold our meetings at different locations in the county, Brazil said. We tried that in our school district, and it didn't seem to make a difference, Avery said. Avery asked

about using the public service channel. Should articles reflect the thinking of the commission, or should they be the kind of articles that would create discussion?, Unrau asked. I don't think it should have any kind of opinion, I think it should just be factual, Sieger said. Are we talking about giving examples?, Unrau asked. The most common ones the people need to know, Avery said. Maxwell asked about the "Farming on the Edge" chart. They use two threshold tests to determine numbers on that, and I haven't seen those threshold tests, Brazil told Maxwell. I can see if I can get a copy of those threshold tests, so we can see how they concluded that, Brazil said. You're talking about threshold tests, so it's changes in numbers, but I'll see if I can get a copy, but American Farmland Trust is pretty reputable, Brazil said. Maxwell asked Brazil about a statement about density, and Brazil said he'd have to go back and re-read it. In the presentation you're designing them backwards, Brazil said. Actually, you pay more for a home in a cluster, Brazil added. Maxwell asked about innovative zoning clusters. If someone wanted four, five-acre lot splits, they would be encouraged to cluster them together, rather than spread them out, Brazil said. Maxwell showed members an example of an advertisement on how to inform people of correct information and a good analogy of how to get good information out to the public. Sieger told members the county commission would probably be scheduling another work session. Avery suggested a timeline to show people how zoning all came about and said that might help clear up some of the misconceptions. She showed members her timeline example that she made. It's important for the county commission to understand we did not try to rush to put the plan into place before the county commission changed members, or out of disrespect, but because we worked with that (previous) county commission to get this in place, Avery said. I think it's important that this has been in the works for a long time and we worked a long time to get it all approved and in place, she added. Avery told her fellow members she considers it a privilege to serve with all of them and she said that David Brazil sets a fine example for us each month, with his professionalism. I think it's important to get a timeline out there so people understand we were trying to take our charge very seriously for the public and we worked on it for five years and needed to get it in place and move on, Avery said. We are also lucky the county commission allowed the financing for us to get this in place, Eilerts said. I think we were trying to work in a responsible manner, Avery said. The public was ready, Brazil said. And some held on to applications and were waiting, Sieger said. And, 911 addressing was a big part of it at the time, Eilerts said. Brazil said he talked to a consultant about getting some information about mobile homes, manufactured homes and modular homes. The whole structure needs to be permanent, he said. I'm still waiting on some information and will bring it to you, Brazil told members. Sieger asked if there are any dates to avoid for the next work session. Sieger reminded members there is no meeting in June. Eilerts made a motion to adjourn, and Ensz seconded the motion.

In favor: 8; Opposed: 0; Motion carried and the meeting adjourned at 9:00 p.m.

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Eileen Sieger, Chairman