

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

August 10, 2006

SPECIAL MEETING

Chairman Eileen Sieger called the meeting to order at 7:30 p.m., with all members present, so there was a quorum.

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

Sieger reminded members this is a special meeting, with one agenda item and no other discussion. She said this meeting is for one purpose, only.

Item 3: An application for Justin Whiteman, requesting a Conditional Use Permit (CUP) for recreational vehicle storage shed on property located in Gale Township. Members are acting as the planning commission for this application. This application was published the first time on July 5, 2006. This application was republished, due to error in the first publication. The correct publication was in the July 12, 2006, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. There was no copy of the corrected publication in the file. Members figured out the date of republication. Mueller questioned if there was proof of a corrected publication, and Maxwell said he saw it in the newspaper. Mueller asked if it was publicized as a Board of Zoning Appeals application, or a planning commission application. It was publicized as a Board of Zoning Appeals application the first time, but was correctly publicized as a planning commission application the second time. Sieger pointed out that 105 in the regulations under CUP, states it is the planning commission that addresses a CUP. Sieger apologized and explained the delay in addressing this application. Maxwell said he lives within the notification area for this CUP application, but he is not prejudice or feels he has a conflict of interest, but if anyone has a reason otherwise, he will abstain. Sieger asked if anyone objected, but no one did and Maxwell will participate in this application. Sieger thanked Maxwell for his statement and reminded members that any outside discussion or ex parte communication with anyone concerning an application, should be made known prior to addressing the application. Jess and Jarvis Whiteman, Justin's brothers, and Justin's father Gail Whiteman, were all present to speak about this application. Justin Whiteman was not present. Jess explained the plan is to construct a storage shed for campers, close to Marion Reservoir. It will be a 70x120 building, with individual stalls and locks. Jess showed members the plan

on a large diagram. This property is located near Pawnee and 220th, near Cottonwood Point at Marion Reservoir. Jess showed members where driveways will be located. Jess said the neighbor has the same type of business. Avery asked and was told plans are for just one building, and they will come back if they want to construct more. I understand we would just come back for a building permit?, Jess asked. If we recommend the CUP, and he is proposing it now, it would be okay, Sieger said. Strait said he shows plans for four buildings, and if he expands beyond the four buildings, then he would come back. Avery asked about the publication saying just one shed. If you choose, we could have that as a condition of approval, Strait said. My only concern is, that we are honest with the public, Avery said. Sieger said the application says shed. We also would have some outside storage, Jess said. I think this is great, Avery said. We just want to be sure we do things right, so you don't have any problems and we don't have any problems, Avery said. You could recommend this to the county commission with clarification before issuing a permit for additional buildings, Strait said. And, there may not be any other buildings, Gail said. The stalls will be 139 high and 12x35, Jarvis said. We're thinking about leaving one side open, Jess said. And, every stall will have a dividing wall between each stall, Jarvis said. Sieger asked and Jess said there is 160 total acres. Gail said the space for this business will involve approximately seven acres. Sometimes with a CUP, it would be restricted to part of the property, Sieger said. I know your plan isn't to put one building here and another clear over there, Sieger said. Maxwell asked about a 3.88 piece of acreage, and Jess explained that field is now approximately seven acres. There is an old farmstead up there, Gail said. Maxwell found where the 3.88 acres was mentioned in the information member's received about this application. That was just for my information, Strait said. There will be two driveways?, Sieger asked and Jess said yes. On 220th there is a deep ditch, Jess said. Who is responsible for culverts?, Jess asked. It' my understanding the county will put in certain footage and anything other than that you have to pay, Maxwell said. I think you have to pay for it, Ensz said. They told me years ago they would put one in, Unrau said. Oh, and you need two, Sieger said. I'll talk to them, Jess said. Mueller asked if there will be plenty of room for parking, and Jess said yes. And, you'll met your set backs?, Sieger asked and Strait said yes. One benefit is their campers and their boats will be here, so you know they'll be back and will spend money here, Strait said. Is there anything else?, Sieger asked. There is no one here from the public to speak, Sieger noted, as there was no one besides the Whiteman family present at the meeting. Sieger asked all three Whiteman men if they had any other comment. I assume there were no written comments received?, Sieger asked and Strait said no. Sieger closed the public hearing for this application and opened the floor for discussion.

Sieger explained a CUP is handled as a recommendation from the planning commission and goes on to the county commission for final approval. Sieger reminded members of Article 21 in the regulations concerning a CUP. Sieger read

the regulations. Sieger also reviewed Article 14, in reference to a development plan and the eight criteria listed. Maxwell asked about Article 21, Section 21-107, concerning accessory uses allowed, under Supplementary Use regulations. That's what normally can be allowed without a CUP, Mueller said. I think it's an excellent idea and it's positive for the reservoir and a good use of property, Avery said. How do you want us to handle the additional buildings?, Avery asked Strait. We have to keep trust with the public, Avery added. You approve a CUP for the storage shed with approval for up to three additional buildings, Strait said. In a given time period?, Avery asked. That's up to you, Strait said. Whether the county commission agrees to the time period, I don't know, they could throw it out, Strait said. When it's stated with up to three additional buildings and it goes to the county commission that way, I think that would cover it, Strait said. Shall we state the approximate seven acres, too?, Eilerts asked. We have usually done that rather than just approve it on the entire acreage, Sieger said. Jess asked about attaching a sign to the building. There is a section in the regs on signage and what is allowed, Sieger said. You would just need to check with Bobbi, Sieger told him. I think with a CUP he can attach any kind of sign on the side of his building, Strait said. Are there not some size regulations?, Avery asked. Yes, but we'll get that when he comes in, Strait said. Avery made a motion to recommend for approval the application for Justin Whiteman, requesting a Conditional Use Permit (CUP) for recreational vehicle storage shed on approximately seven acres on the parcel located in the SW corner of the SW1/4 of 14-19-3 in Gale Township, for up to and not to exceed an additional three buildings for a total of four buildings. Ediger seconded the motion. In favor: 8; Opposed: 0; Motion carried.

Jess asked what is next. Strait explained this will go to the county commission and if approved be publicized by resolution and then the building permit may be issued. Jess asked where and what the publication looks like, as he could not find it when he looked in the past. Sieger advised Jess if he has any other questions, to call Strait.

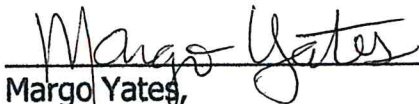
Sieger had an announcement before the meeting adjourns. Sieger said she would like to announce because of an issue at the July 27, 2006 regular meeting and at the county commission meeting, as reported in the newspapers, she is calling a special meeting of the planning commission on August 31, 2006, at 7:30 p.m. in the commission room. Sieger said she would also like to request that information from Strait about building permits that have been issued be mailed out prior to the special meeting, so members may review the material. Mueller requested that members also receive a copy of the regulation changes that the county commission approved at last Monday's meeting. Strait said the change only addresses some clarification on page 30, Item 5 in Article 2 under ag regs, concerning density. The minimum 40 acres conflicts in the regs, and I asked the county commission if they intended to leave it that way and they said no, they had been assured all changes had been made, Strait said. In January we usually

make corrections at that time, Avery said. That was not just a typo, Sieger said. The five acres still have to come out of the 40 acres, until something different changes, Sieger said. And an administrative check list that refers to 40 acres that I could not find in the regs at all, Strait said. Sieger read the regulations not referring to the lot split. You talk about five acres up here and 40 acres down here and you talk about not being trustworthy with publications and this is conflicting, Strait said. We read this in the newspaper and so we are wondering, so maybe it's a good way to sit down and talk about it, Avery said. Maxwell asked if what was being referenced was a draft copy. This is what has already been put in place that did not require any changes to the comprehensive plan, Sieger said. What is questioned is in regard to the comprehensive plan changes that would change the density, but that hasn't happened yet, Sieger said. Maybe we can sort it out on August 31, Sieger said. Eilerts made a motion to adjourn and Ensz seconded the motion.
In favor: 8; Opposed: 0; Motion carried and the meeting adjourned at 8:23 p.m.

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Eileen Sieger,
Chairman



Margo Yates,
Secretary