

MARION COUNTY PLANNING COMMISSION
AUGUST 25, 1974
RECORD OF PROCEEDINGS

Item 1. Chairwoman Sieger called the meeting to order at 7:30 p.m.

Item 2. Roll Call was answered by Clark Wiebe, Marlin Janzen, Dean Fincham, W. M. Pierce, Terry Eberhard, Sherwin Ammeter, Eileen Sieger, with Dorman Becker coming in shortly after roll. Herb Bartel was also present.

Item 3. Chairwoman Sieger asked if there were any corrections or additions in the July 28, 1974 minutes. Bud Pierce moved that the minutes be approved as stated. Dean Fincham seconded. Favor 8. Opposed 0. Motion carried.

Chairwoman Sieger brought up the topic if the chairperson should vote in all decisions or only in case of a tie vote. The members decided that Eileen represented an area of the county so she should have a vote on all matters.

Herb Bartel brought up the matter about the county roads being named and rural residences having addresses. The county commissioners would like a member of the planning commission to be included in the group. Clark moved to table this issue until September. Dean seconded. No further discussion on this topic. Favor 8. Opposed 0. Motion carried.

Item 4. David and Nina Carr. Chairwoman Sieger asked if there would be a protest since there was only a 15 day publication period instead of 20 days. There was none. Herb Bartel stated that this application was published in the Hillsboro Star Journal, August 10, 1994. A rezone and variance on Ft. N/W 1/4, N/W 1/4, Section 33, Township 19S, Range 3E. Herb pointed on the zoning map and clarified the location of the property for the members. The property consists of 6.85 acres. It is accessible from the Canada road. Rural water is available. Eileen asked Mr. Carr to explain his application. Mr. Carr intends to build a three bedroom home with a basement and a septic tank. He intends to clear the barn off and trim the trees to make the yard presentable. He is going to hook up to rural water. Eileen clarified that the zoning change is from agriculture to rural residential. The variance is from 10 acres to 6.85 acres. Dorman Becker asked if any of the buildings were salvageable. Mr. Carr informed him that they were not.

Item 5. Sanitary code for the M. A. Ratzloff property. The applicant was not present. Herb Stated that the applicants want a lagoon without the 10 acres

needed. The Ratzloffs had the parcel before the zoning regulations were in effect. The members of the commission need to authorize Herb to grant a permit. This property is a nonconforming parcel and all set backs requirements are being met. It was grandfathered in with a lagoon on this tract of under 10 acres.

Item 6. Earl Winter addressed the members. He is a local contractor. He had questions on the regulations. He wanted to know who gives the O.K. before he builds on a site.

Herb stated that he does.

Winter questioned, when he builds on a property and the stakes marking the site are off who is responsible.

Herb said the property owners are responsible. They would have to apply for a variance to comply with the setbacks.

Winter questioned if an uncovered porch or a deck would be considered part of the structure.

Dorman Becker thought it should be part of the structure.

Winter wanted to know who takes responsibility for the ordinance.

Bud Pierce stated that the county attorney needs to follow through for the land owner.

Dean Fincham and Terry Eberhard both agreed that a porch or deck should be considered a part of the structure.

Herb stated that it is if it is attached to the house. The members all agreed that the commission needed to make a decision on this matter. Clark Wiebe suggested they check the regulations on zoning laws. The members commented that there were none pertaining to shrubs or landscaping.

Bud Pierce felt that a deck is a structure and should follow setbacks.

Winter wanted it also clarified that in Wildins Addition the setbacks should be 10 feet and not 6 feet as stated in the additions plan. Eileen suggested that the members should decide on this issue at a later date.

Item 7. The continuation of West Winds. Rezone from A-1 to SR and part two which is A-1 to R-1.

Chairwoman Sieger turned the discussion over to DeLair LaDuke and Merle Schlehuber. They are the representatives for West Wind Ltd. LaDuke and Schlehuber reviewed the history of West Winds. They stated that they have researched other counties and cities who have worked together to bring the people closer to the city. They felt that they (West Wind) had very little encouragement from Hillsboro. The

city made it financially unfeasible due to the regulations they had to deal with. Schlehuber stated that the controversy is getting too heavy. He suggested they give it a rest and for a little time to pass. Schlehuber and LaDuke stated that they wanted to withdraw the application for subdivision at this time. Herb stated that the plat plan is on file but was not present at the last meeting. Merle Schlehuber wanted to withdraw the A-1 to R-1 (20,000 sq. ft.) application but leave intact the A-1 to SR (1.5 acre) application. Schlehuber and LaDuke requested of the board for a well permit, a building permit, and a zoning permit for the 1.5 acre tract in the S/W corner of the property. They want to dig a test well and build a home to be lived in immediately. They stated that the county has the authority to decide on this without effecting the city of Hillsboro. They want to leave the balance of the ground zoned agriculture. Shclehuber stated that rural water is maxed out and is having a hard time servicing what they have now. Maybe rural water will expand in the future. Marlin Janzen questioned if the lot size is big enough for septic tanks and wells. 1 acre is the minimum.

Chairwoman Sieger stated that all West Wind would need is a building permit. Herb stated that

Hillsboros position on subdivision regulations allow one split. The second split would take on subdivision regulations.

Stan Martin was introduced by LaDuke and Schlehuber. He works with the planning and zoning organization for Abilene. He explained how the city of Abilene and the county of ^{Dickinson} Dickison have worked together to make a situation much like West Winds work.

Chairwoman Sieger then stated that public discussion was closed.

Eileen stated that the property of West Wind is grandfathered in as agriculture. Herb clarified that one house is allowed with a building permit without a zoning change. Clark Wiebe stated that he could not see any grounds for denial. Terry Eberhard agreed. Bud Pierce and Dean Fincham could see no problem with it. Marlin Janzen quoted article four on SR from the regulations.

After more discussion on water, sewer, and any future difficulties, Dorman Becker made the motion to grant the 1.5 acre application with septic and well that West Wind is pursuing.

Terry Eberhard seconded.

Clark Wiebe amended the motion to included the criteria of conformance with the character of the surrounding neighborhood, conformance with the uses

of a nearby parcel, and also suitable for the proposed development. Sherwin Ammeter seconded the motion. Motion on the amendment: Favor 8. Opposed 0.

Previous motion now as amended: Favor 8. Opposed 0.
Motion carried.

Rezoning on the one parcel is recommended.

- Item 5. The lagoon on a 6 acre tract for M. A. Ratzloff. Clark Wiebe moved to make a recommendation to grant this permit. Marlin Janzen seconded. Favor 8. Opposed 0. Motion carried.

- Item 4. David Carr: Sherwin Ammeter moved to make a motion to grant a rezone from agriculture to RR. Bud Pierce seconded. Sherwin Ammeter withdrew his previous motion. Ammeter moved to make a motion to grant a rezone from A-1 to RR for the reason the proposed development would not be contrary to public health and the development would not be contrary to the general spirit of the intent of the land development ordinance. Favor 8. Opposed 0. Bud Pierce made the motion to grant the variance from 10 acres to 6.85 acres. Dorman Becker seconded Favor 8. Opposed 0. Motion carried.
Dean Fincham made the motion to adjourn. Terry

Eberhard seconded. Favor 8. Opposed 0. Motion carried. 9:55 p.m.

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