

MARION COUNTY PLANNING COMMISSION

AUGUST MEETING, AUGUST 27, 1992

Record of Proceedings

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

Roll call was answered by Clark Wiebe, Marlin Janzen, Dorman Becker, Dean Fincham, Eileen Sieger, Terril Eberhard, Lewis Unruh, and Sherwin Ammeter. W.M. Pierce was absent due to illness. Also present were Herb Bartel, Secretary, David Yearout, Consultant, Commissioners Linda Peterson, Leon Suderman, and Charles DeForest, David Kostecki, Hydrologist/Meteorologist, Matt Newhouse, Marion County Record, and Steve Wilton, Hillsboro Star-Journal.

The minutes of the July 23, 1992 meeting were submitted. There were no additions or deletions. Lewis Unruh moved to accept the minutes as read. Terril Eberhard seconded the motion. All were in favor, motion carried. Minutes of the July 23, 1992 meeting were approved as read.

Chairman Ammeter introduced Donald Kostecki, Division of Water Resources, National Flood Insurance Program. Mr. Kostecki asked the Commission what items they would like for him to address. He stated that Marion County is not in the National Flood Insurance Program. He understood that the Commission wanted to meet with him as they prepare the proposed county-wide zoning ordinances. He explained that if the county zoning is not adopted, the county could still join the National Flood Insurance Program by adopting resolutions to regulate those areas that have been identified as flood hazard areas. This would in effect be zoning of those areas only. Mr. DeForest

stated that the county had adopted a resolution to proceed with flood insurance three years ago. Mr. Kostecki said that they did, but that they never submitted an application to participate in the program. This consists of an application form, two resolutions, (1) recognition of the flood hazard, (2) stating the intention of the governing body of the community to participate, and also adoption of a Flood Plain Ordinance resolution. This has not been done yet.

Participation of a community in the National Flood Insurance Program is usually intended to make flood insurance available to those people who happen to reside in flood hazard areas. Flood insurance is not available until a community adopts this resolution. FEMA either approves or rejects the ordinance/resolution. The state has a statute requiring that prior to adoption, an ordinance/resolution must be approved by the Chief Engineer of his office. No such ordinance/resolution has been submitted to the state or FEMA. He noted that all counties are eligible to participate in the Flood Insurance Program.

Mr. DeForest asked if the proposed zoning ordinances were written to satisfy the state and federal government and thus would suffice as this last document. Mr. Kostecki indicated that the language in Article 12 of the proposed regulations is adequate for state and federal approval. Mr. Kostecki indicated that Marion County doesn't have a flood insurance study and rate map to show what is floodway and floodway fringe or requirements for development.

Mr. Kostecki indicated that if Marion Count adopted an ordinance accepted by FEMA it would be converted directly to a regular program participant which would do two things:

1. re-name the existing Flood Hazard Boundary Map as a Flood Insurance Rate (FIRM) Map
2. make the amount of flood insurance available that which is available under the regular program. The regular program rate is greater than the emergency program which only allows \$35,000 maximum. The regular phase allows up to \$150,000 of coverage. There is also a higher amount in comparison for commercial properties.

Mr. Kostecki also discussed Federal Regulations Basement Exceptions. This allows exceptions to flood proofing residential basements. At the present time such an exception is granted community wide. Saline County is the only county that has basement exceptions. FEMA is the only entity that can grant this exception. State regulations regarding basements states that if a community has been granted a basement exception by FEMA the regulations that the community adopts have to be approved by the Chief Engineer. This will be accepted if the FEMA standards have been met. The criteria for basement exceptions are:

1. soil type
2. warning time for flood hazard
3. evacuation routes

Mr. Kostecki stated that the requirements that a community must meet in order to be satisfactorily participating in the program go beyond the passing

of an ordinance. These requirements and how NFIP works in reference to federal rules and regulations as well as the state statutes that list what is required to have a state permit or approval within a flood hazard area are included in information in a packet that he brought. The packet also includes handouts and visual examples of the types of things that can be approved.

Mr. Kostecki explained that if a property is in a flood hazard area and the community does not participate, it will not get flood disaster assistance to rebuild in the flood hazard area. They would have to rebuild in accordance to the standards that are acceptable under NFIP and they probably wouldn't do that unless the community required it. Thus the reason for flood insurance programs. Also lending institutions require flood insurance in flood plain areas. Herb Bartel thanked Mr. Kostecki for sharing his information with the Planning Commission.

Chairman Ammeter reported that he had received correspondence from Doyle Creek and Whitewater river Watersheds asking that the Commission develop breach impact area maps. Mr. Yearout indicated that the watershed districts have to provide the zoning administrator with maps delineating where those breach areas are. This allows the county a check and balance system. If there is a residence below the dam, the watershed must upgrade the dam or buy the residence. Zoning would provide for not permitting such building. He suggests a blanket statement that puts the burden on the watershed districts



to provide that information. The Planning Commission cannot enforce and it is not even applicable unless the watershed districts get them the information. Also, according to the State Emergency Preparedness Office, the county must have an evacuation plan regarding structures in breach areas. So the county is involved too. Sherwin Ammeter asked if there was any reason the Commission shouldn't do as the districts ask. Mr. Bartel indicated there was not, but it really should be done overall. Eileen Sieger asked if there could be an article added to regulations that would accommodate any and all watershed districts that are formed or existing within the county that have structures that they want to protect (structures being defined as dams). Mr. Kostecki stated that his division inspects the watershed dams. If one is found to have a residence below it in a breach area, then the district is required to upgrade the dam or buy the property. Language addressing this in the regulations will prevent this from happening in the future. Mr. Yearout indicated he could have such language prepared before the public hearings.

Chairman Ammeter opened discussion on procedures for the public hearings. He suggested that he open with a statement about what the Commission is trying to accomplish with the regulations. Procedure was discussed as follows:

1. Chairman to have an opening statement and call the hearing to order
2. Chairman to read, for the record, the legal notice
3. Mr. Yearout will give a presentation on what the plan is proposing.

The maps will be there and he will talk about them. He will walk-through the regulations, article by article, and give a brief overview

of what the articles do and what they talk about. The public needs to hear what the intent of the regulations are. There will be no questions taken during this walk-through.

4. Chairman to open the hearing to the public for questions only after explaining some rules of decorum.
  - a. all questions will be addressed to the Chair
  - b. time limit of 3 to 5 minutes per speaker
  - c. come to microphone, give name and address, or if representing a group identify the group
  - d. Chair will gavel down and remind speaker of relevant subject or time limits if needed
  - e. if wishing to echo someone else's comments, they don't need to be repeated, just say " I agree with \_\_\_\_\_ " and sit down
  - f. written comments can be accepted as well as oral
  - g. if anyone gets out of hand the Board will call a recess, no unruly behavior will be allowed
  - h. name calling, etc, excessive applauding will be gaveled by the Chair. This is a legal proceeding and will close if it is not being productive.
  - i. speaking for a second time will be permitted only after everyone who wishes has spoken once

At the close of this session of hearing the Chair can simply state that no action will be taken by the Commission at this time and recess the public hearing until the 24th.

Eileen Sieger asked if when a speaker is finished if it would be appropriate for the Chair to ask the Board if they had any questions of the speaker.

Mr. Becker indicated that time could be a problem.

It was expressed by the Board that the City Planning Commissions within the county may object to the county zoning up to the city limits. Mr. Yearout said there is provision by law provided for this situation. Within certain boundaries the law requires a new set of regulations for joint zoning with the county. All the cities within the county will receive a copy of the proposed rules and regulations as a courtesy, even though it is required. By law, written notice is required to be given to the cities 20 days before any hearings, Mr. Yearout said.

Eileen Sieger asked about the types of questions that come up at hearings. Mr. Yearout said most of the questions or remarks will be complaints about zoning in general and questions about acreage requirements. He suggested that the Commission members answer as many questions as they could and refer others to him or Mr. Bartel. Mr. Yearout indicated that he will not respond to questions unless referred by the Commission. Questions should be directed to the Chair and he will respond to them as directed to him through the Chair.

Charles DeForest asked about the status of the landfill situation and reminded the Commission that a petition about the landfill had been received by the County. Eileen Sieger suggested that it could be stated in the opening statement that a petition in favor of zoning prompted this action.

Mr. Yearout said that the Chairman could also make reference in the opening statement that part of what prompted this action (zoning) was the changes in the state laws, not only in the flood plain area but in regard to mobile homes too.

Mr. DeForest asked if the Commission was going to have another meeting after the hearings. Mr. Yearout said the Commission could take a vote to adopt the regulations and submit them to the County Commission with a recommendation to act on them or they could schedule another meeting to consider some of the opinions given at the hearings.

It was the consensus of the Commission that an outline for procedures for the public hearings be prepared and used by Chairman Ammeter at the public hearings. Also that the time for the next meeting will be determined after the public hearing on September 24th.

The County Commissioners indicated that they were talking with Dickenson County Commission about solid waste planning.



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There were no off-agenda items.

A motion for adjournment was made by Eileen Sieger, seconded by Dean Fincham.

All were in favor, motion carried. Meeting was adjourned.