

**MARION COUNTY PLANNING COMMISSION**

**RECORD OF PROCEEDINGS**

**FEBRUARY 22, 1996**

Before calling the meeting to order, Chairman Sieger introduced the new Planning & Zoning Secretary, Karen Hurt. Karen passed out Current Zoning Regulations incorporated by Resolution 92-32 to members present. All old copies of Regulations to be recycled. All members were asked by Chairman Sieger to identify themselves as they speak for the benefit of Karen.

- Item 1: Chairman Sieger called the meeting to order at 7:30 p.m.
- Item 2: Roll call was answered by Eileen Sieger, Terry Eberhard, Sherwin Ammeter, Marlin Janzen, Dorman Becker, Dean Fincham and Bud Pierce. Clark Wiebe and Don Fruechting were absent. Herb Bartel was also in attendance.
- Item 3: Chairman Sieger stated there are two additions to the Agenda. 1. Selection of a Chair and Vice Chair for the Planning Commission. 2. Discussion to set a date for the public hearing for BFI Conditional Use Application.

Chair Selection: Chairman Sieger stated that three (3) terms were expired, County Commissioner reappointed the three members having terms expired in 1995. Planning Commission members remain the same. Nominations were opened for the Chair. Eileen Sieger was asked and stated that she does not have a problem with being Chair for another year. Terry nominated to re-elect Eileen as Chair and Clark as Vice Chair, Dorman seconded, Sherwin moves that the nominations cease, Bud seconded. Favor: 7, Opposed: 0. Motion is carried. Chairman called for a vote for nominations, Favor: 6, Opposed: 0, (Eileen Seiger abstained from voting). Motion is carried.

Eileen Seiger called for discussion of November 30, 1995 minutes. Eileen stated that page 3, paragraph 7 need clarification on "stated", should have read "state", page 4, paragraph 7, needed clarification, the next meeting referred to was the four county regional solid waste meeting, paragraph 9, needs clarification, wasn't sure the term "burning" was said, possibly should read "incineration". With these changes, Dorman moves that the minutes of November 30, 1995 be approved, Dean seconds, Favor: 7, Opposed: 0. Motion is carried.

Item 4: Previously Tabled application for Dale & Sandy Clemmer, variance. Eileen asked members to refer to October and/or November minutes. In November, the rezoning was recommended, variance was tabled. Re-filing fee was waived, variance was published again January 31, 1996 in Marion Record for variance from 10 acres to 5 acres. No applicant present.

Item 5: Application for Robert M. Studer, rezone. The rezone was published on January 31, 1996 in Marion Record. Applicant called to say they could not be present. Eileen Sieger stated the application could not be addressed at this time. Bud moved to table this application until the March meeting because the applicant is not here to present their proposal for consideration, Marlin seconds. Favor: 7, Opposed: 0. Motion is carried.

Item 6: Hansen application for rezone and variance. Eileen stated this was tabled in August, 1995 and moved to continue to September meeting to collect more information and measurements for setbacks. In September, it was moved to recommend to deny that application because it didn't meet the size and character of the zoning regulations, it was also mentioned for the owners to re-submit for a larger tract of land, and that it would be considered. Eileen stated this was duly published January 31, 1996, it is in Summit township. Public hearing portion was opened. Lyle Lepke spoke on behalf of the Hansen family. He passed out a new brochure. Lyle stated that buyers of property (Mike & Sandy Thompson) have been living on the property since last August. The buyers attended the meeting. Lyle stated Property is 5 miles East of Peabody and 3 1/2 miles South. Road is blacktop. Pictures were shown with improvements on the property. Estimates of feet of survey, 427 feet road frontage, along the blacktop, 510 feet deep. Home is setback 68 feet from road rightaway, 100 feet from center road, setback of garage, south boundary 88 feet. The buyers intend to put a lagoon on the property north of the hedgerow as sewage is now going into a ditch. There was various discussion on surrounding property owners and other small acreages. Herb Bartel was asked if the 5 acres was ample for the lagoon the buyers are proposing. Herb stated lagoon size in sanitary code needs to be consistent with the district size in zoning code per request of the State. Herb also stated that the lagoon would work on 5 acres. Lyle Lepke stated that the 50

foot setback from line for lagoon is no problem. Lagoon time frame was discussed. Lyle Lepke requested that the \$75.00 application fee be waived. Herb Bartel stated that Planning & Zoning is acting also on a variance on the lagoon, which is a matter not previously heard. Eileen Sieger closed the public hearing section.

Item 7: John Craft application for rezone and variance. Eileen Sieger stated item was duly published January 31, 1996. Rezone from AG to RR, acreage 8.1. John Craft stated purchased 48.2 acres, applied for a lagoon permit and building permit for the 48.2 acres. For resale purposes he would like the variance of 8.1 acres. John Craft would like to move a house onto the 8.1 acres. The 40 remaining acres will be sold who will continue renting to the farmer that is farming it. John Craft wants the old homestead and relocated house to be sold as a residence. John Craft presented pictures. Dorman asked the setbacks from the sides of the property to the building. John Craft said this information is listed on the zoning application and is well within the 50 foot setback requirement. John Craft stated there will be some loss of farming acreage, approx. 1/2 of 8 acres is currently being farmed. Eileen Sieger asked if he had started putting in any foundation. John Craft stated that the basement is in place, driveway is in and lagoon is built, all done under the building permit issued for the 48 acres. Eileen Sieger asked about existing residences close to the property and what was the age of the house he was living in. John Craft stated it was structurely sound and constructed approx. 1906. Sherwin asked whether land was surveyed, John Craft stated he went by the deed. Eileen Sieger asked if there was any interested surrounding property owners. Ted Nickol stated he would like to comment. Ted Nickol stated he has resided in section 21 since 1961 and it was a vacant farmstead since that time. Ted Nickol has no problem with John Craft putting the house there on the present basis he has applied for, as far as leaving it zoned AG. He also stated that this is good farm ground, all acres are farmed except the driveway and the farmstead itself. Ted Nickol stated because it is good farm ground, it should stay zoned AG. Ted Nickol is concerned about flooding. This is flood hazard area. The creek is flooded 1/8 mile wide in a wet Spring. John Craft stated that driveway was built up to allow standard run off. Herb Bartel stated county's position on flood area. Herb also stated that the if it was rezoned, the remaining 40 acres would be entitled to a permit

administratively in the future. Ted Nickol stated he objects to rezone of 8.1 acres. Eileen asked if there were any further questions from Commission Members, or comments from John Craft. John Craft asked if rezone would be recommended if he requested 10 acres, leaving 38 acres and therefore not able to be built on without further action from this Commission. John Craft asked if he reapplies for 10 acres, does it require another application and another filing fee. Herb Bartel stated that because we are making it larger, he would want to publish it again. It would be published as a change from AG to RR. It was stated that if Planning & Zoning recommended the rezone and denied the variance, building permit could not be issued administratively. Eileen Sieger closed public portion of John Craft application.

Eileen Sieger stated that we need to go back to Item 4 - Clemmer application and asked if this can be tabled as applicants are not present. Herb Bartel stated that the applicant was disappointed in Herb Bartel because there was no January meeting and does not want to be the one to suggest tabling. Herb Bartel stated that Clemmer changed from the 2 acres to 5 acres. Eileen Sieger suggested that we could go ahead and make the recommendation. Sherwin asked if the 5 acres would give them room for the lagoon with the variance. Marlin asked if the 5 acres satisfies the setbacks as far as lagoon and buildings. Herb Bartel stated that they have a septic system and not a lagoon. It was asked whether the Commission gave them an assurance that 5 acres would be acceptable? Herb Bartel stated that the only assurance was that the zoning from AG to RR would be recommended favorably and there were no guarantees on the variance. Bud moves that the variance be granted from 10 acres to 5 acres for the Dale & Sandy Clemmer application, for the reason that it is a nice home, needs a good family in it, and if the occasion should arise that their present sewer system failed, there is enough ground that a lagoon or stabilization pond could be constructed on the property. Dorman seconds, Favor: 6, Opposed: 1.

Herb Bartel stated we need to talk about the March meeting due to complications with BFI. Eileen Sieger stated that BFI picked up a conditional use application. Herb Bartel recommended that for the meeting that the application is heard for the BFI conditional use, that it be a one item agenda and that we have a moderator. The reason for the moderator is that Herb Bartel sits on

the regional planning group that is working on solid waste and the Chairman does also. Herb Bartel stated that every one that speaks at the meeting will go through the moderator, not the commissioner, all questions go through the moderator. Herb Bartel requests a special meeting for April 11, 1996. He also recommends a special place for meeting, City Building or Senior Center. Eileen Sieger stated it is extremely important that every member attend. Eileen Sieger stated that there is no charge to the County for the moderator, it is through the Extension Office, Kathy Goodin is coordinating. Eileen Sieger stated that people could sign up at the Extension Office to be on the agenda to speak. Eileen Sieger stated that it will be announced at the meeting that no decision will be made that night. Herb Bartel recommended that we let people know that there will be a one agenda item meeting in April. Eileen stated that all members should keep an open mind and look through regulations on conditional use.

Eileen Sieger called for discussion on the Hansen application. Request for rezone from AG to RR, variance from 10 acres to 5, and variance for the lagoon. Herb Bartel stated that the lagoon is a stand alone item. Recommending variance should be contingent upon them putting in the lagoon. Terry moves to recommend the rezone from AG to RR, the variance from 10 acres to 5 acres and a variance for the lagoon on 5 acres for the following reasons; because of the character of the neighborhood, these changes will not affect anyone else. The sewer situation will be changed. The applicants have done everything to try to comply with the Planning & Zoning Commission.

Sherwin seconds. Sherwin asked whether a time limit should be set to put in the lagoon. Herb Bartel stated we are past the point of time limits, it needs to be put in immediately.

Eileen Sieger stated that the motion stands as is. Favor: 7, Opposed: 0. Motion carries.

Eileen called for any further discussion on the Craft application. Bud stated his concern was whether the home sight would flood.

Sherwin moves to recommend that John Craft be granted change from AG to RR, but the variance of 8.1 acres be

denied for the reason that this would keep the rest of the land from being built on administratively. It was stated that the applicant needs 10 acres. Herb Bartel stated we will need to re-publish. Applicant will not need to refile and will not need to pay another fee. Terry seconds. Favor: 7, Opposed: 0. Motion carries.

Eileen Sieger stated for members to mark their calendar for April 11 and that the next meeting is March 28, 1996.

Dean makes a motion to adjourn. Bud seconds. Favor: 7, Opposed: 0. Meeting is adjourned.

PLANNING & ZONING COMMISSION

  
Eileen Sieger, Chair

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Clark Wiebe, Vice Chair

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Herb Bartel, Administrator

Approved with change on page 3 from "living" to "moving"