

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

January 22, 2004

Chairman Eileen Sieger call the meeting to order at 7:30 p.m., and explained to members, and those present, that Margo Yates is ill and will be writing the Record of Proceedings from the recorded tapes. Sieger said Zoning Administrator David Brazil gave members current copies of member terms and expiration dates. Roll Call was answered by Sieger, Ervin Ediger, Willis Ensz, David Mueller, Glen Unrau, and Mary Avery. Bob Unruh and Marquetta Eilerts were absent. Brazil is present.

Sieger asked for corrections or additions to the Record of Proceedings for the November 20, 2003, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Sieger had one correction on page two, for the correct spelling of aquafer. There were no other corrections or additions. Mueller made a motion to accept the Record of Proceedings with one correction, and Avery seconded the motion.

In favor: 6; Opposed: 0; Motion carried.

Election of officers for 2004 was the next item of business. Sieger reminded members the planning commission appoints members to the Board of Zoning Appeals. Sieger opened the floor for nominations for chair and vice chair. Unrau made a motion to close nominations and cast a unanimous ballot to keep Sieger as chair and Unruh as vice chair, and Ensz seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Members reviewed membership terms. Currently all members serve on the Board of Zoning Appeals, except for Ensz. One position remains open on the commission. Motion made by Mueller to reappoint Unruh and Sieger to the Board of Zoning Appeals and also appoint Ensz to the Board of Zoning Appeals, and Avery seconded the motion.

In favor: 6; Opposed: 0; Motion carried.

Members agreed to move item 5, set zoning regulations update work session, to off agenda items. Sieger asked Brazil if he has other off agenda items, and he also has annual reports to give.

Item 6: An application for Kenneth Gehrer, requesting a rezone from agricultural to rural residential, for property located in Centre South Township. Brazil reported the applicant, as well as staff, request this application be continued to next month, due to confusion in notice to adjacent landowners. Mueller made a motion to continue this application to the February 26, 2004, meeting, and Ediger seconded the motion.

In favor: 6; Opposed: 0; Motion carried.

Item 7: An application for Jonas Giesbrecht, requesting a rezone from agricultural to rural residential, for property located in Liberty Township. This application was published in the December 31, 2003, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Giesbrecht was present to speak about the

application. Members are acting as the planning commission for this application. Giesbrecht owns 80 acres total, and is requesting a rezone for 28 acres, with a home and outbuildings on the 28 acres. Sieger asked Brazil to please highlight properties on maps included in member's information packets. Giesbrecht explained the reason his request is for 28 acres, is because if he cuts it back to 10 acres, there would be no water access to the rest of the pasture, and also for road access. So, the water access is at the buildings, there's no pond, or anything?, Mueller asked and Giesbrecht said yes. Sieger asked if there is fencing around the pasture area, and Giesbrecht said yes, it comes up to the buildings. Is the width requirement met here, David?, Sieger asked. Yes, 330, Brazil said. If it were to be 10 acres, with the buildings, how far back would it make the rectangle go?, Sieger asked. Approximately 1200 feet back, Brazil said, which would be 11.2 acres. If a tract of this nature, say 10 acres of rural residential with buildings, and the rest, would it remain agriculture?, Mueller asked Brazil. Really, the big issue for me is once you get to 20 acres, you set it up so that a second house could be built back behind because you only need 10 acres for each rural residential, Brazil said. So, what needs to be pondered is if you don't rezone that, it stays agriculture and because it's less than 40 acres it wouldn't be developed on, so essentially it would stay pasture, he added. In our files we have done an application where we've rezoned larger than 20 acres and put the stipulation that only one house was to be on that partial, he said. The problem with that is, it is almost impossible to track, Brazil said. That would not be a pattern I would recommend us get into because down the road 10 to 15 years, with the regulations changing, staff might see that 28 acres and issue a construction permit for a second house, he said. So, there are pros and cons in both directions, Brazil added. The little two-acre tract is the church we granted a conditional use permit on recently, with the school, and the tract we're talking about actually does a dogleg and follows a creek and flood area, Brazil explained. What I recommended is we keep the quarter sections together, and he owns the property on the other side, so it would be easy to combine, Brazil said. If you only rezone the 11.2 acres, you are probably going to put the remaining acreage in a position that it will never be built on, Brazil said. It could be used to put horses on, or something like that, he added. Or, the 28 acres, where it's possible to attach the condition for one house, but I don't know if you can always track it, Brazil told members. Does splitting that tract into say 11 and 17 acres, then it would remain agriculture, isn't there a minimum of 40 acres on agriculture?, Mueller asked. Yes, say 12 acres of this was rural residential, the 16 acres left over wouldn't be able to be developed on, because it would still be zoned ag, Brazil said. But there's not a problem with ag acreage being under 40 acres?, Mueller asked. Except for construction, Brazil said. For use, not a problem, Brazil added. Maybe the middle ground is to rezone less than 20, maybe 19 acres, so that a majority of the property could be developed on in the future, Brazil suggested. And, just a little bit of the dogleg would be the part that is kind of out there in no man's land, Brazil said. Is there quite a bit of drainage?, Sieger asked. Is it a pretty big drainage?, Sieger asked. Is it all natural ditches?, she asked. It's an eight-foot drop from the buildings to the road and there is 1800 acres that drain through that pasture, Giesbrecht said. That may be a good question to bring up because this section right through here may all be flood hazard zone, anyway, and we typically don't build in that, Brazil said. Do we have a clue as a flood map that may tell us some of that?, Sieger asked. That's something I can pull, Brazil said. You're talking about 300 to 400 feet through there, Brazil said. It does not

bother the buildings, at all, Giesbrecht said. You're intent is to sell the pasture for agriculture purposes?, Mueller asked and Giesbrecht said yes. Sieger asked, and Giesbrecht said he has owned this property since 1969. Can you remember how the flow was at the highest levels?, Sieger asked. It was clear across the pasture, Giesbrecht said. Any other questions?, Sieger asked. Is someone currently living in the home?, Sieger asked and Giesbrecht said he lives there, now. And you are on a gravel road, Sieger said. And we have rural water, Giesbrecht said. Brazil said the wastewater is now compliant, with the addition of a new fence. Any other questions?, Sieger asked. Sieger asked if Giesbrecht has any other information. Just keep in mind I need access to water, he said. Members explained ownership could remain together, but no development could occur on the back pasture. Giesbrecht said that would be acceptable. Sieger asked if anyone from the public wished to speak about this application. Anything further?, Sieger asked. Sieger closed the public hearing for this application and opened the floor for discussion.

I think the applicant has a good plan for dividing the property, Mueller said. There's a natural boundary there, which makes sense, he said. My main question was, would he be able to sell that as one piece with two different zoning, and it does still continue to fall into his plan for that property, and I think it's a good use for that property, Mueller said. Mueller made a motion to approve a recommendation to rezone 11.2 acres from agricultural zone district to rural residential zone district for this application. Ensz seconded the motion. In favor: 6; Opposed: 0; Motion carried. Sieger explained to Giesbrecht that this application will now go to the county commission for final approval, and Brazil explained the time line.

Item 8: An application for Robert and Christina Delk, requesting a rezone from agricultural to rural residential for property located in Catlin Township. This application was published in the December 31, 2003, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Members are acting as the planning commission for this application. Robert Delk was present to speak about the application. This is part of an 80-acre tract that he wishes to sell off, Delk explained. Delk showed members photos of the property. It's basically a prairie hay field with established buildings, he said. Delk gave members some measurements and a map of his request. Delk farms the surrounding farm ground. Delk's in-laws are the potential buyers for the property, and they are living on the property at this time. Delk gave members measurements from the fence line, or trees. There is nothing set in concrete as to how you want to square it off, we're open to whatever you want, Delk told members. Delk showed members where the home is located on the map. Delk figured on 20 to 21 acres, but did not square it off. He said if members prefer to square it off, that is fine. You followed the natural boundaries?, Mueller asked and Delk said yes. Delk would work out a deal and continue to farm around his in-law's property. Avery asked about the wastewater. It's a septic tank, now, Delk said. It had an open line and it needs to be updated, Brazil said. At this point I can't say whether or not one system would be better than another, Brazil said. Sieger asked about the volume of water that comes through the property. I can't say it ever gets out of the edge of the trees, Delk said. And you can drive through just about anywhere through the trees, like on a four-wheeler, it's not washed out, or anything, he added. Sieger asked about other options for the acreage. Would there be an option like we

talked about before, where only part of it would be rezoned?, Sieger asked. Delk drew out another option for members to see. Delk and members discussed various options. Sieger reminded everyone that decisions need to be made with consideration for the future when neighbors may no longer be family members. Sieger asked if anyone from the public wished to speak about this application. Sieger asked if there were any further questions, or information. Delk said there is really no place for a lagoon, so a new septic system will be needed. Normally, you have a choice of systems, and the only thing that limits that is the type of soil that is there, Brazil said. Without doing a test hole, and looking...., Brazil said. Delk showed members where the septic tank is currently located. Delk said there is a three-foot drop off nearby, which may limit possibilities. Sieger asked about the age of the septic tank, and Delk said the house is over 50 years old and he has owned it since 1991 and has not done any work to it. Brazil explained the line was probably left open due to running gray water through the system, which was very common at the time. The state has since required both gray and black water to be contained in a closed system, Brazil added. I know what's on top, but until you dig that test hole for the lateral field down five, it's really tough to say what all you're going to get into, Brazil said. Normally, what's done is if they recommend this for approval, then we ask for an application to update that, and it doesn't have to be done overnight, but we want to be working on getting a new system put in, Brazil said. That's something that's actually independent of planning and zoning, but they kind of mirror each other and work hand in hand, Brazil said. We often have made that recommendation that the wastewater be compliant, Sieger said. Is there anything else?, Sieger asked. Sieger closed the public hearing for this application and opened the floor for discussion.

Members viewed photos of the property and the septic system. We kind of have some similar issues, in some ways, as far as the acreage amounts, Sieger said. We need to address that, and keep in mind precedents, too, to some extent, she added. Although every situation is a little different, it's not just identical, Sieger said. They are very similar in the overall picture, but yet in other ways they are different, Mueller said. I'm not real fond of two classifications on one property, of that small size, he said. On the other application it was fairly easy to divide in a straight line, he said. This one is a little more difficult to come up with that margin between 10 and 19, and it's so close, just being an acre, or two over, he said. The other difference is, my understanding is there is no other rural residential in this area, is that correct?, he asked. Sieger said yes. The density, obviously, is not an issue here, where the other one was in close proximity to Hillsboro, he said. That's a good point, Sieger said. The section itself does not contain a rural residential, and didn't want that to be misleading, there are some others in the township that are other rural residential, and even relatively close, but in that particular section there is not, Brazil said. Because there is the flexibility to make the adjustments, I think in the long run 19 acres gives them the amount of acreage they want, Brazil said. And, you get into the 'can we track it category,' or the 'you've got two different zones on the same parcel category,' he said. I'd rather see it at a 19, under one zone, Brazil said. There would be two acres that couldn't be developed on, Brazil said. Members discussed that in most areas of the county where you have a gravel road, the middle of the road is the property line, which could increase the acres in this case. Delk said that could add another 25 feet in two directions. Another issue, too, is this jog in boundary that is

proposed, Sieger said. Avery asked for clarification in property lines on the map members were given. Delk showed Avery. For every construction application, I pull a deed and I add it to the file, but that's something I do that I cannot guarantee someone else would do, so if you're strictly relying on the zoning map that's something that could be missed if you're talking about as small as an acre difference, Brazil said. It would be nice to have that all sync up, he added. You can add the condition that it's intended for one residence, only, Brazil said. The two places that I think you have negatives, one is in the tracking down the road, and the other is the precedent you set by every time you rezone another parcel and say okay it's over that but we're only going to allow for one house, then you're making it that much easier to do it the next time, and then you get to the place where we're doing that on all of them, Brazil said. If you don't put that qualification on there, they could sell a 10-acre parcel for development of a new house, Brazil said. Some of this is crystal ball, and looking how it's going to play out, but essentially you're talking about a separate zone, Brazil said. And, this would be designated rural residential, and rural residential is 10 acres, so it could be split, Brazil said. We likely could end up with still having our rural residential 10, in fact I think that should be a category that would still remain, but we very possibly could add this other, Sieger said. My suspicion is that we're either going to see ag rural residential and a rural residential, too, at five acres, or rural residential and the five acre parcel become a sub category of agriculture, Brazil said. If we just looked at this at 10, what would be the difference between the 10, or the 19?, Sieger asked. I know they're talking about wanting to sell off more than that, but could we just look at maybe a 10 acre configuration as far as what we actually approve a rezone on, and the rest, if they want to sell it with that, they could, right?, Sieger asked. With the difference being they would only be able to develop on the 10, rather than on the 19, Brazil said. That, essentially, would be the only difference, Sieger. I don't know if their intent is at this point to build anything out further, Sieger said, but 10 gives you quite a bit of space. Even all the way down to a lean-to for the horses, really, Brazil said. If it's on the rural residential designation, not a problem, one page construction application and you're off and running, but if it's in the area that didn't get rezoned and isn't 40 acres, then you just can't construct anything there, beyond replacing fence, Brazil said. I wasn't planning on putting anything in the field, the only thing I wanted to do was add two rooms to the house, the buyer said. I guess I was just looking at that possibility, similar to what we have looked at before, where he could purchase additional acreages, but there would only be a set amount of acreage, say 10 to 19, that would be allowable for construction, of any sort, Sieger said. The barn's right there beside the pasture field, so I don't need to build anything in the pasture field, the buyer said. But, that does allow options that ought to accommodate most people's plans, Sieger said. So, here's another option, if we looked at less acreage, how to configure it, Sieger said. I do have to remind you, that although we can ask you for information, we really cannot allow you to make comments at this point, Sieger explained to the applicants. They did talk about another way to maybe get more acres, Sieger said. Not more, but more to add on to this area, Sieger said. If we would rezone a square in here, including some of the croplands, he wouldn't necessarily have to sell that, would he?, a member asked. It would have to be sold, now he could still farm it and they could work out an agreement, but in terms of what's on the deed, yes it would have to be sold, Brazil said. I guess we need to make a determination here, either try to go down to the 10, or try

my father's ground, and I moved onto my ground, Klenda explained. Sieger asked Klenda to draw the 10 acres on a map with a highlighter. So, you say there is a hay shed by your house?, Sieger asked. It's west of my house, Klenda said. And, that's the only building there is?, Sieger asked. Right, Klenda said. I wanting to build a garage on my house, now, but I need to be in compliance, Klenda said. So, you're planning to continue living there, it's not that you're wanting try to sell, Sieger said. No, I want to buy that other ground back, again, if possible, Klenda said. I didn't want to sell it, he added. Except for meeting the 330 feet, the well was actually permitted by me, the wastewater was permitted by me, and they're still in working order, fences are still good, it meets the regulations, and it's on a good gravel road, Brazil said. Other questions?, Sieger asked. Really the rural residential zone is associated with the agricultural zone, and there's a lot of the uses in terms of keeping animals and anything you think of as agriculture, but there's a limit, Brazil said. Really where the zoning regs draw the line, it puts it in the administrator's hands to make the judgment, Brazil said. It's one of the few areas that the zoning regs allow the administrator to make a judgment like that, and really what I think it comes down to is common sense, you know to have one or two cows on your 10 acres is not an issue, it's related to agriculture, that's not a problem, Brazil said. Now, if we were to try to put 100 head on 10 acres, we'd have to make adjustments, he said. I do have a feedlot on that ground, too, Klenda said. On that 10 acres?, Sieger asked and Klenda said yes. This has been something that really hasn't been an issue, because you know when you're over stretching the land for the number of animals, it becomes pretty obvious pretty quick, and I've never had any complaints on it, Brazil said. The flip side is we have so many rural residential properties tied to agricultural operations, that you've got feeding going on, on 10 acres, but there's that access to the other acreage, Brazil said. So, it's related to agriculture, and a lot of the same uses can go on, as long it doesn't get to the place where it becomes a nuisance, he said. And, 100 head on 10 acres, if it was only 10 acres and nothing else supporting it, it would become a problem in a fairly short period of time, he said. Now, you can squeeze 100 head into a pretty small corral, but over time you couldn't maintain them, he said. Yes, you're changing the zone from ag to rural residential, but really it's the acreage that it comes back to, Brazil said. Is he in violation if he feeds dry lot?, Ediger asked. As long as it's not a nuisance to the neighbors, it's related and it's not a problem, and maybe I needed to exaggerate more, you know on the number of head, Brazil said. There's a link between the two types of zones and the uses, and it can't become a nuisance, and that really relies on my judgment, Brazil said. Now, nobody lives forever, so the next guy that comes along, it will be up to his judgment, he said. Erosion is a problem where that feedlot has been, Klenda said. Any further information?, Sieger asked. Do you have any other comments?, Sieger asked Klenda. Do we need to talk about the variance withdrawal?, Sieger asked. I would probably just go ahead and pursue the rezone, and then when you get to the variance, do it then, Brazil said. Sieger closed the public hearing for this application.

Sieger opened the floor for discussion and determination for the rezone issue. I think it's a clear case, there's no unusual dimensions like the previous applications, other than the couple of inches being off, and that's been addressed, but there is the 10 acres there, Mueller said. I'm ready to move forward with a motion to recommend approving a

rezone for 10 from agricultural to rural residential for the application by Stephen Klenda, Mueller said. Unrau seconded the motion. In favor: 6; Opposed: 0; Motion carried. Then let's look at the variance that had been requested, but now does not need to be addressed, Sieger said. So, technically Mr. Klenda since you have stated that the variance is no longer needed, that you do have the correct dimensions there to make the minimums, that you would just withdraw your request for the variance, Sieger said. So, is that your desire, then, to officially withdraw the request for the variance?, Sieger asked and Klenda said yes. I withdraw the request for the variance, Klenda said. So, we will not need to act on that, Sieger said. Sieger and Brazil explained the timeline to Klenda.

Does anyone have any comments on the comprehensive plan?, Sieger asked. We will routinely look at it every year, but I do want you to know we don't have to wait until January, Sieger said. If there is something that comes along as this comprehensive plan has been put into place that you think we need to look at, or discuss, or make a recommendation to the county commissioners, or anything, at any time you are welcome to do that, she said. We will continue to have it on the agenda every January, but we don't have to wait until then if something comes up, she said. I know it's fresh and new, and hasn't been completely totally tested, but there might be something, or someone may make statements to you that makes you question some certain part of it, she said. Does anybody have anything to bring up about that at this point?, Sieger asked. A draft of zoning regulations are being worked on by the consultant. The consultant tentatively held Thursday the 19th open, so what I would suggest to you is you set up a work session for the night of February 19th, Brazil said. That would be just one week ahead of our regular meeting. That would be totally a work planning session, and it would be open to the public, but it wouldn't be like a public hearing, it would be our own work session, Sieger said. Plans are to have a draft copy before that date, right?, Sieger asked. He thinks he can have the rough draft done the end of the first week of February, or the early part of the second week, Brazil said. I originally thought you might end up doing more than one work session, he said. In our contract, we only getting to use him once, so you could do a work session on your own and then schedule a second one with him, after you've had time to work on it as a group, Brazil said. Or, you could bring him in the first time, he said. Members agreed it would be good to have him here for the first session. Is he going to do as I suggested, and either bold or highlight the changes?, Sieger asked. Because some of these are not going to change, right?, Sieger asked. You had suggested that, and I passed it on to him, but it may be difficult to bold it and then change it back, Brazil said. He could certainly have a supplemental packet with all the changes, Avery suggested. Anyway, some way would be nice, Sieger said. The changes packet is a great idea, Brazil said. Because if it's all blended together, it's going to take us a lot longer, Sieger said. And here you're looking at a week, or maybe 12 days, to get a chance to read through that, if we do the 19th work session, Brazil said. I'll talk to him tomorrow about having the changes separate, Brazil said. Sieger asked members if they want to have the first work session with the consultant. Avery asked the cost if they need him to come back, again. Brazil said it would be under \$1,000, but he's not sure the exact amount. My though was having him at the first meeting, he could help explain things, Mueller said. The first time through is going to be the long one, Mueller said. If you have changes later we could submit them, Brazil said. Members agreed to have the consultant come on Feb.

19, for a work session. Brazil will send members copies to review, as soon as possible. Members discussed meeting earlier than usual for the work session, and possibly providing supper. Members decided on 5:30 p.m. for the time. Sieger asked if anyone had any questions, or concerns, about the bylaws. Sieger said she was trying to look up something on attendance. Members reviewed the attendance wording in the bylaws. It keeps you honest, Unrau said. I like that in there, he added. We really need to know if you can't come, Sieger said. And having a vacancy makes it even harder, sometimes, she added. So, is there anything we want to adjust in the bylaws?, Sieger asked.

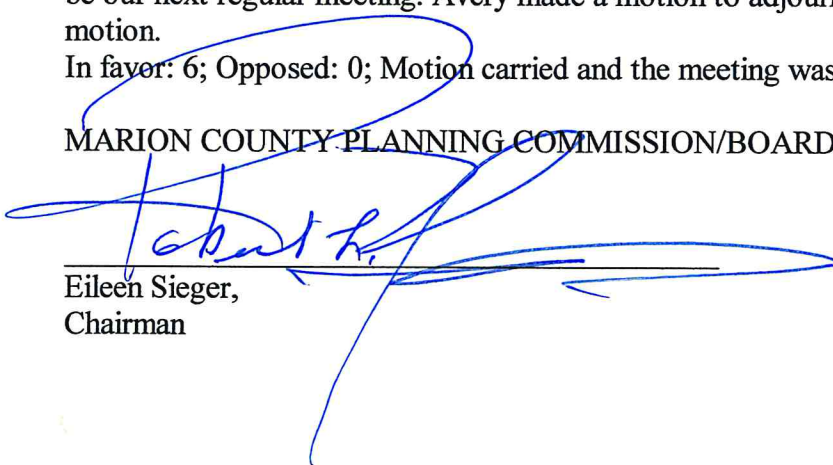
I wouldn't recommend any changes to the comp plan or the zoning regs at this point until we've completed the process, Brazil said. It's been my goal all along that the comprehensive plan is added to every year, and really one of the things to look at is adding inventories, and those can be a wide-array, he said. The best example that I have, that I have actually started pulling information on it, is all the hazardous waste producers we have in this county, he said. I'm needing that information for another project, so it's handy, but I think next year we can start adding some inventories, if we want to do updates of timelines, updates of the dates that are in the comprehensive plan, it's not too hard to do an amendment every year, he said. I just hope we don't leave this one on the shelf for 30 years, he said. Right, we need to make keep it updated, Sieger said. So, I guess what it is I'm asking is maybe to ponder what kind of inventories would be a benefit for the comprehensive plan, so that that thing grows, Brazil said. And during the year if you think of something we can make mention of it, and maybe even start working on putting it together for down the road, we can make changes at any time, it doesn't have to be at the end of the year, he said. Members reviewed application and income reports for 2003. On the activity report, the first page you want to note we had a total of 95 applications this year, three of those applications are carry-overs into 2004, Brazil said. Numbers have gone down a little this year, but not drastically, he said. In 2002, 112 applications, total, he said. We're processing, as the planning commission, about the same number of applications, he said. I felt and noticed the decline in applications this year, but it wasn't in my opinion drastic, and it's probably a result of us updating our comprehensive plan and looking toward the new zoning regs, he said. There may have been a handful of applications that didn't come in, he added. On the second page, the activity result, we I started with this, we had 100 percent approval, and I thought that was a little odd that we didn't have any that we denied, so I went a little further to see if there were any applications withdrawn and how many applications did we modify?, Brazil asked. What it came down to was 36 percent of the applications that we reviewed, we modified, he said. Which indicates to me that we're doing more to compromise, and indicates to me we're doing more to plan, he said. Instead of just a yes, or no, we're finding that middle ground, he said. So, I don't think in not denying something, there's an issue there, it just means we're finding solutions, he said. What I said to David was, that I think another reason for the way this has gone is, that in most cases if he can he works with the applicant to educate them and try to work something out before they make an application, Sieger said. Now, I know some of them just come in and he maybe doesn't get to meet with them, she added. But, I think with David working with them, they modify, too, what they're thinking, so I think that helps a big bunch, she said. Most applications that are headache applications are ones that I see the day it was due, and I

don't know where they got the application, Brazil said. It's a big advantage to have a week, or two, to work with the applicant, he said. Mr. Giesbrecht was a good example of that, he said. Then, the last one, a little under half of our applications we issue agricultural exemptions on, Brazil said. So, what that means is an exemption from the fee, not the process, for construction, he added. Sieger thanked Brazil for the reports. Then, on the income report, in relationship to the number of applications, we've seen our income go down \$110, Brazil said. I base my judgment every year on whether or not we need to raise our application fees on this number, he said. I feel like the application fees are really in place to cover the cost of notices and legal publications, he said. And, they are still doing that, he added. I budget \$2,200 every year, for that, Brazil said. It may not be too much longer before we have to raise our fees, but at this point it is paying for itself, he said. Was there anything else you wanted to bring up?, Sieger asked Brazil. When we get a little bit farther down the road and are closer to putting the new zoning regs in place, I'd like you to ponder the possibility of recommending a moratorium to the county commission and holding all planning applications for 30 days, is my suggestion, Brazil said. That would be rezones, variances, conditional uses, and construction applications, he said. I think the transition will be easier and there will less problems in people trying to use pieces from both sets of regulations, and if you create that distance between the two, I don't think those will arise, he said. Now, one of the cons of doing that is if somebody is in a hurry to get their house built, they're going to be pretty frustrated if they can't build for 30 days, he said. But, planning a house construction is a long process, and 30 days should be okay, Avery said. It's not that I want to pick on contractors, but we talked about in 2003 about making penalties a little stronger for not making applications, and including contractors in those penalties, Brazil said. We'll wait and see what the consultant is recommending, but at this point, I want it to be substantial enough that we have the contractor's attention, he said. He has a moral and a legal responsibility, Avery said. I've given some thought to that, as we've had a couple of issues where the owner truly was not aware, and how can we address that, and I'm wondering if each year we can address groups to educate people. I think we are some what responsible to let people know that, and how can we go about it, and I think that's by beginning to target some groups that have regular meetings, Avery said. You have spoken to some groups, haven't you?, Sieger asked Brazil. I usually speak to two or three groups a year, he said. They usually have the subject they want me to speak about, he added. We've done signage, and hopefully we'll update that signage, we're in the paper, we do notices in the paper, regularly, Brazil said. Maybe we need to be creative and brainstorm as to what we can do, he said. I don't think a lot of people intentionally want to violate our rules and regulations, but it's just ignorance, especially if you only do it once in your lifetime, Avery said. But, building contractors, they're doing it every day and they have a responsibility to know, she added. I agree we need to get the word out, but ignorance of the law is no excuse, Sieger said. But, we have a responsibility as the planning commission, to inform, Avery said. I probably, personally, need to take on a more positive attitude about getting the word out, Brazil said. Sometimes you wonder how after 13 years of planning and zoning, how could someone not know, Brazil said. Let's be creative, what can we do?, Brazil asked. There are two signs missing as you come into the county on the county lines, Sieger said. One on 150 and one on K-15 from the north, she said. That's one thing I want to see go back up, Sieger said. I guess those

little signs are expensive, she said. I plan on building signs into my budget this June, Brazil said. Another way, why can't we add a sheet to the tax info that goes out every year to the homeowners, Avery said. It could make suggestions, like make sure when you make changes to the footprint of your home, that you are aware, etc., she said. It would just be the cost of one sheet of paper, Avery said. I'll ask if that's a possibility, Brazil said. I'll try to shift gears and look for solutions, Brazil said. I will also see if it's possible to get a copy of the flood zone maps put in this room, he added. I normally do see the maps, but it would be nice to have access, he said. The other option would be to photocopy the map, he said. It wouldn't be tough to add flood info to our applications, if everyone is supportive of that, I don't have a problem doing that, Brazil said. Members were asked to think about the moratorium. Anything further?, Sieger asked. Sieger showed members an article Mueller brought from the Kansas Recycling Newsletter. It talks about the transfer station, and the reuse room and all the things that may be recycled, she said. This is a really good publication that is printed quarterly out of Sedgwick County, she said. I think the reuse room preserved my mental health this last year, it was the highlight, Brazil said. Sieger also showed members a newspaper article on property previously out by the Cottonwood River south of Marion, which was withdrawn, concerning putting cabins on the property. Well, that property has been donated to the Boy Scouts, for camping, Sieger said. That was an article Marquette had found, she said. Then, tentatively plan on Feb. 19 for a work session, and Feb. 26 would be our next regular meeting. Avery made a motion to adjourn, and Ediger seconded the motion.

In favor: 6; Opposed: 0; Motion carried and the meeting was adjourned at 10:20 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS



Eileen Sieger,
Chairman