

MARION COUNTY PLANNING COMMISSION

RECORD OF PROCEEDINGS

JANUARY 23, 1997

Chairman Sieger called the meeting to order at 7:30 p.m.

Roll Call was answered by Dorman Becker, Dean Fincham, Don Fruechting, Terry Eberhard, Marquette Eilerts, Jo Helmer and Eileen Sieger. Herb Bartel was in attendance. Clark Wiebe arrived at 8:30 p.m. and was brought up to date.

Eileen passed out membership terms to the members present.

Item #7 - **Walter Unruh** - application for rezone. Applicants sent a letter stating that they want this item removed from the agenda, as the buyer is buying 40 acres or more. Applicants were present and Eileen verified their withdrawal of the application. Item was removed from the agenda.

Eileen asked if there were any other changes to the agenda or any additions to the off agenda items. There were no changes or additions.

Eileen stated that on off agenda items, BFIK application was withdrawn by the applicant.

Eileen asked if there were any corrections or additions to the minutes of the November 21, 1996 meeting. There were no changes. Dorman moves to approve the minutes of November 21, 1996. Dean seconds. **In favor: 7, Opposed: 0, Motion carries.**

Item #4 - **Election of Chair and Vice Chair for 1997.** Eileen opened the floor for any nominations for Chair and Vice Chair. Terry asked if Clark Wiebe has mentioned anything regarding his feelings on remaining Vice Chair. Clark did not. Dorman asked if Eileen Sieger has been Chair for two years. Eileen stated yes. Marquette asked if there was a time limit. There is not. Terry Eberhard stated that Eileen Sieger and Clark Wiebe have done an excellent job and work well with others. Terry moves to cast the ballot for Eileen Sieger as Chair and Clark Wiebe as Vice Chair. Dorman seconds. Eileen called for discussion. Don Fruechting stated that he agreed with Terry Eberhard regarding the job done by Eileen Sieger and Clark Wiebe. **In favor: 7, Opposed: 0. Motion carries.**

Item #5 - **Steven & Deborah Hughbanks** - application for variance from the 10 acres required for a private sewer system, and a variance from the setback requirements. Item was duly published in the Marion County Record, January 1, 1997. Eileen also stated that the newspaper for 1997 is the Hillsboro Star Journal. The Applicants were not present. Herb Bartel stated that this is a

sanitary code matter. Herb stated that this request is an item that comes under the Marion County Sanitary Code, this code regulates private lagoons, septic tanks and set the standards for their construction. The Planning Commission operates as the board of appeals for the sanitary code. Herb stated that this property is located north and west of Lehigh and that it is in Moore township. There was an unusual amount of rain in August and again in November. There was also a change in occupancy. The septic system failed, the new residents felt that they wanted a waste stabilization pond. They do not have sufficient property in which to put in the pond. Herb stated that he had written a letter to the adjourning property owner, Mr. Bill Meier, to see if he wanted to consider a sale of sufficient land to construct a lagoon for the Hughbanks. Herb stated that the Hughbanks have decided not to pursue the additional land purchase. The Hughbanks have approximately two (2) acres. The request that is before the Commission is a mute point. Herb stated that there is one thing, as Administrator of the Sanitary Code, which does not require the approval of the Commission, the code makes provision for alternate waste water systems. Herb stated that he would like to have the Hughbanks put in an evaporating pond for their washing machine and sump water. This would go on their own property. There is encroachment on the adjoining property. This has been discussed with the contractor. This would be on the corner of their lot. This would relieve the liquid, gray water, in their septic system. The surrounding property owner, Mr. Bill Meier spoke. Mr. Meier stated that the house was built fifteen years ago, there was never any trouble like that, it was too wet this fall. Mr. Meier stated that it's not like living in town and the Hughbanks knew about that before they ever bought it, they got what they bought and that's what they should be satisfied with, they should make it work on their own property. Mr. Meier stated that as long as his ground isn't bothered, he does not care where the evaporating pond is dug. Don Fruechting asked about the size of the Hughbanks family. Herb stated there are two children.

Item #6 - **E.P. Klassen** - application for rezone from AG to RR, application was duly published in the Marion County Record on January 1, 1997. Eileen stated that this property is in Lehigh township. Applicant stated that he wants to sell ten (10) acres and that he has a total of 80 acres. The house was built in 1950. Applicant is living in the house now. There is a machine shed, garage, smaller building and hay shed. Eileen Sieger asked about the setbacks. Herb stated that he recommends rezoning on this application. Dorman asked if the Applicant was on Lehigh water district. Applicant stated yes. Terry Eberhard asked if the sewer system was on the ten (10) acres that he wants to sell. Applicant stated that it is. Eileen called for any surrounding property owners, none were present. Herb stated that a notice was sent to the City of Lehigh. The public hearing portion was closed by Eileen Sieger.

Item #8 - **Ernest & Elma Goertz** - application for rezone from AG to RR, located in East Branch Township and was duly published in the Marion County Record on January 1, 1997. Applicant had a large aerial photo of his property. Applicant stated that he has lived on this property for 47 1/2 years and still farms a little. Applicant stated that he has about 11.6 acres to sell and owns 120 total acres. Applicant stated that the water source is rural water Harvey County Dist. No. 1 and that there is a 35 year old septic tank system. Applicant stated that the property consists of approx. 58 acres CRP and 40 acres pasture. Eileen asked if there were any other residences close to this. Applicant stated that 1/2 mile north, 1/2 mile east is where Richard Matz lives and 100 yards south, 1/2 mile west is Arnold Voth. Eileen asked if there were any surrounding property owners present, none were present. The public hearing portion was closed by Eileen Sieger.

Item #6 - **E.P. Klassen rezone**. Eileen asked members if there were any thoughts, ideas, concerns or problems with this application. Terry Eberhard stated that this application meets the criteria to be zoned rural residential, Dorman Becker and Marquette Eilerts agrees with comments made by Terry. Dorman made a motion to recommend that this property be rezoned to rural residential. Marquette Eilerts seconds. **In favor: 7, opposed: 0.** Motion carries.

Item #8 - **Ernest & Elma Goertz rezone**. Eileen opened this application up for discussion. Jo Helmer asked if the 11.6 acres squared the property up. Eileen answered yes. Terry made a motion that we recommend rezoning this property from AG to RR. Dean seconds. **In favor: 7, opposed: 0.** Motion carries. Herb Bartel told the Applicant that he needs to provide a survey of the property.

Off agenda items: Eileen told commission members that Marlin Janzen will continue until someone is appointed in his place.

Eileen mentioned the By-Laws, asking if there were any changes. Eileen stated that she felt that notification of 20 days for a special meeting may be a bit long. Eileen wants all members to go through the By-Laws. Dean stated he felt ten (10) days would be plenty of notice. Eileen stated that in the sample By-Laws sent by David Yearout, a three (3) day notice was noted for special meetings. Jo Helmer asked if there was a circumstance where a three (3) day notice would be necessary. Eileen stated it could possibly be necessary.

Dean Fincham asked what the Planning Commission planned on doing about Heartland Wireless Communications and the fact that they have not yet put up the white strobe lights on their tower. Herb Bartel stated that it was now in the hands of the Marion County Attorney.

Dean made a motion to adjourn the meeting. Terry seconds. In favor: 7, opposed: 0. Motion carries.

PLANNING & ZONING COMMISSION

Eileen Sieger
Eileen Sieger, Chair