

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

January 26, 2006

Chairman Eileen Sieger called the meeting to order at 7:31 p.m., with a quorum present. Sieger reminded members there is still one vacancy on their board from District One.

Roll Call was answered by Sieger, Bob Maxwell, Glen Unrau, Ervin Ediger, Willis Ensz, Marquette Eilerts and David Mueller. Mary Avery was absent. Zoning Administrator David Brazil was present.

Sieger asked if anyone had any questions about the agenda, but there were none. Sieger told members that all members with terms that were up for renewal have been reappointed, and she is glad to have returning people on the board.

Sieger asked for corrections, or additions, to the Record of Proceedings of the November 17, 2005, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Sieger had a correction on page five where "is" should have been "it," and on page six where Brazil said, "he is done." Sieger asked that Brazil's statement be clarified that he was referring to addressing his off agenda items at the meeting. There were no other corrections. Eilerts made a motion to approve the Record of Proceedings with two corrections, and Ediger seconded the motion. In favor: 7; Opposed: 0; Motion carried.

Item 4: Election of Chairperson and Vice Chairperson. Sieger told members if anyone wants to take over chairman, she is willing. Maxwell asked Sieger if she is willing to continue as chairman. Sieger said she is glad to have someone else do it, or if no one wants to be chairman, she is glad to continue. Maxwell made a motion to elect Sieger chairman. Sieger asked if there were any other nominations. Mueller made a motion that nominations cease and that members cast a unanimous ballot for Sieger. Ensz seconded the motion. In favor: 7; Opposed: 0; Motion carried. Sieger asked members to now address the position of Vice Chairman. Mueller made a motion to nominate Maxwell as Vice Chairman. Maxwell said he would like to decline, because he is still new to the board. Sieger reminded members that the by laws require having members with the greatest duration of continued membership time on the Board of Zoning Appeals, and currently Maxwell is the newest member and is currently only an alternate for the Board of Zoning Appeals. Mueller said in light of that information, he withdraws his nomination. Maxwell made a motion nominating Mueller as Vice Chairman. Ediger made a motion that nominations cease and that members cast a unanimous ballot for Mueller. Eilerts seconded the motion.

In favor: 6; Opposed: 0; Abstained: 1; Motion carried. Mueller abstained from voting.

Item 5: Appoint Board of Zoning Appeals. Sieger reminded members of the by laws, referring to the third paragraph. Seven members on the planning commission serve on the Board of Zoning Appeals, and two alternate members may also be appointed to the Board

of Zoning Appeals. Sieger explained there are currently only eight members, so there is only one alternate at this time. She explained the alternate could be appointed if there is not a quorum. So, according to the by laws, Maxwell would still be the alternate, Sieger told members. Mueller made a motion to configure the Board of Zoning Appeals with all members, with Maxwell as the alternate. Ensz seconded the motion.

In favor: 7; Opposed: 0; Motion carried.

Maxwell asked if the October 2005 Record of Proceedings have been corrected and approved. Sieger said yes, and explained that a corrected copy was just needed for her signature.

Item 6: An application for Joseph Stanford, requesting a variance from required 10 acres to three acres, for property located in East Branch Township. Members are acting as the Board of Zoning Appeals for this application. Maxwell asked if it is all right for him to comment as a member of the public for this application. Sieger said yes, as he will not vote on this application. This application was published in the January 4, 2006, issues of the *Hillsboro Free Press and Free Press Extra*. Gerry Stanford was present to speak for his father, Joseph, about this application. This property is located at the corner of 80th and Jade. Stanford said he owns approximately a little over six acres and his father bought the adjacent property, which is approximately a little over 13 acres. It originally was a 20-acre tract. They want to split off 10 acres of ag land and keep it with Gerry Stanford's property and his son wants to purchase three acres, which is the original homestead. So, there would be a total of 17 acres for Gerry Stanford and the three-acre homestead. It would be better to farm if it was combined with his property, Stanford told members. There is ag ground between the two residences, Brazil said. The ground is zoned rural residential, he said. So, those property lines were there in 1992, Brazil said. They are just flip flopping property, he explained. The conditions aren't changing, he added. There is no intent of construction?, Mueller asked and Stanford said no. We want to keep the property with the family, Stanford said. Sieger asked if when they reconfigured the boundary lines if the set backs are still okay. It shouldn't be any problem, Stanford said. Corey Stanford was present with his dad, Gerry. Corey's family was recently in an auto accident on U.S. 50, when they were rear-ended by a semi near Walton. The homestead is grass, Corey Stanford said. Sieger asked if the property had been surveyed, and Brazil said no. Is it necessary at some point?, Sieger asked. We should be able to demonstrate we can meet our separation distances, Brazil said. We will have it surveyed, Gerry Stanford said. We will need it when we buy the house, Corey Stanford said. Sieger explained that this is really within the family, but it may not always be several years in the future, and changes stay with the property. And it's for the owner's protection, even though it's your own family, it's a good policy, Sieger told them. Sieger reminded members to be sure to include that the set backs are okay, as Brazil recommended. Eilerts asked if the survey should be submitted as part of the record. That would work well, Brazil said. Sieger reminded members they are acting as the Board of Zoning Appeals, as this is a variance request. Sieger explained this is a final action by the Board of Zoning Appeals, as it does not go on to the county commission for final approval, and this is according to state statute. Sieger asked if anyone from the public wished to speak about

this application. Sieger asked if there was any other questions, or information. Sieger closed the public hearing for this application and opened the floor for discussion.

It's pretty straight forward, Eilerts said. It's a turn about on acreage, Sieger said. We raised the idea of the set backs, so we want to be sure that's included, Sieger said. Mueller made a motion to approve an acreage variance for Joseph Stanford, of no more than seven acres with three conditions: first that the remaining Rural Residential Zone District acreage must be adjoined to the adjacent like zone district acreage and may not be subdivided for the purpose of a third and separate residential site, as the applicant intended; second that all required separation distances be observed; and third, when completed, a copy of the survey be supplied to the planning commission office. Unrau seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Item 7: An application for Diepenbrock Farms, requesting a lot split for five acres for property located in Lost Springs Township. Members are acting as the planning commission for this application. This application was published in the January 4, 2006, issues of the *Hillsboro Free Press and Free Press Extra*. Realtor Becky Nuss was present to speak about the application. She said the property has been surveyed. Sieger asked if there are existing structures on the five acres, and Nuss said yes. Sieger asked Brazil if he now has everything he needs for this application, and Brazil said yes. Sieger asked about the highly rated LESA (Land Evaluation and Site Assessment System) score. If this were virgin ground, it would have made it into the highly rated for farmland preservation category, Brazil said. This might be the highest rated one, yet, Sieger said. Sieger explained that Brazil and members have been using the LESA rating, but it's not required to be used on existing home sites. We are trying to get our arms around the system, Brazil explained. If there was not a home site here, he probably would not be splitting it off, Nuss said. Sieger asked if anyone from the public wished to speak about this application. Ediger asked if the water and wastewater were all in compliance. They will put in a lagoon and there is a well but it has not been tested, Nuss said. Chances are they will be drilling a new one, if need be, she added. Sieger asked if someone is currently occupying the home. Nuss said the home has been vacant for two years, but is in good shape. Sieger asked if there was anything else, and Nuss said no. Sieger closed the public hearing for this application and opened the floor for discussion.

Sieger asked and Brazil said this application is pretty well cut and dried. I think all conditions have been met, Brazil said. Sieger asked and was told this property is on a gravel road. It's gravel from the north, to the property, Nuss said. It's a nice looking site, all squared up and everything, Maxwell said. Mueller said it looks like a clean application with no problems. Mueller made a motion to approve a short form lot split for Gary Diepenbrock of five acres in the "A" Agricultural Zone District as presented by the applicant, with two conditions: first that the short form lot split plat and the agricultural disclaimer be recorded by the Register of Deeds with the deed transfer; and second that certification of such actions be filed in the office of the planning commission. Maxwell seconded the motion. In favor: 7; Opposed: 0; Motion carried.

Item 8: An application for Robert Yunghans, requesting a lot split for 16 acres, for property located in East Branch Township. Members are acting as the planning commission for this application. This application was published in the January 4, 2006, issues of the *Hillsboro Free Press and Free Press Extra*. Yunghans was present and said he wants to build a house on this property and in order to get a loan he needs the land to be free and clear. Sieger asked and Yunghans said this is 16 acres coming out of 80 acres. Brazil explained that Yunghans presently owns over 40 acres and a construction permit has been issued for the house because he has the acreage. I consider this an existing home site, and even if you consider it a virgin site, it still meets the conditions, Brazil said. A construction permit was issued for this property on December 19, 2005. Yunghans asked about his address on the permit saying "Marion" and it should say "Peabody." It's the right house number, but we will change it to Peabody, Brazil said. Sieger asked if anyone from the public wished to speak about this application. Sieger asked if there was any other information, and Yunghans said no. Maxwell asked and Brazil said this property would have a lagoon. Eilerts asked if the well on the property is still good. There's no well there, Yunghans said. We traded with Charles Unruh, so now we're three and a half miles north and there was a well on that property, Yunghans said. Maxwell said the owner has to work with all the utility companies, etc. Brazil said yes, and they can't build on any easements. Sieger asked if there were any other issues. Eilerts made a motion to approve a short form lot split of 16 acres for Robert Yunghans, application number ZPO5.102, in the "A" Agricultural Zone District, as presented by the applicant, with two conditions: first, require that the short form lot split plat and the agricultural disclaimer be recorded by the Register of Deeds with the deed transfer; and second, require certification of such actions be filed in the office of the planning commission. Eilerts said the application met the conditions for approval. Unrau seconded the motion. In favor: 7; Opposed: 0; Motion carried.

Item 9: An application for Neil Hett, requesting a variance from mobile home definition requirement and from width requirement of modular home to less than 22 feet, for property located in Catlin Township. Members are acting as the Board of Zoning Appeals for this application. This application was published in the January 4, 2006, issues of the *Hillsboro Free Press and Free Press Extra*. Hett was present to speak about his application. He told members he would like to get a mobile home variance for an office for his business. He said he got the mobile home for free; he just had to move it to his property. He said he needs an office building, as business has been good, but he is not sure how big the business is going to get. He would like to see where the business goes in the next couple of years, before building an office. He said he has had lots of requests to be open during the week, so he will need to hire some help. He may want a small shop for his skid loader to be stored in, and to change the oil, etc. He just wants a temporary okay for it, not long term, he said. I realize it's a trailer house, Hett said. No one is living in it, it's just a place to get out of the elements, he explained. I could paint it, and it could show an example of how others could fix up mobile homes, he told members. I'm just basically asking for temporary use for three years for an office unit, until I see how the business is going to go, Hett said. My business is in an ag area, he said. I don't think it will bother any other property owners, he added. More and more people from out of the county are requesting I be open during the week, but I'm on the road, Hett said. Most of

them drive by and see it (the business), he said. It's kind of hard to hire somebody when they don't have anywhere to go, he said. It's hard to work out of your vehicle, he added. This way, I could have a computer, fax, phone, he said. It would be nice to be able to sit down and discuss customer's plans, Hett said. Ensz asked if he would have electricity and Hett said yes. It would be nice to have sewer and water, but I don't want to do that at this point, he said. Eilerts said she is looking back at the minutes (from Hett's previous application) and it's a lot of the same questions. Brazil said when Hett came to request a CUP (Conditional Use Permit), we didn't talk about the type of structure. Mueller asked about the age of the mobile home. I think it's a 60's model, Hett said. The people who had it, had it inspected, Hett said. I think it's a 1966, Hett said. That comes into part of our struggle, Mueller said. It's 1976 (the oldest allowed for such a structure), so that's 10 years before that. We talked about a structure, and I remember it being in the development plan, Brazil said. Mueller asked if Hett has looked at other portable buildings. Hett said the cost is between \$1,700 and \$6,000. I'd rather wait and put that money in a permanent office, Hett said. Sieger asked if the mobile home has aluminum wiring, and Hett said he does not know. Ensz asked if no sewer or water would be a health issue. He has an out building out there, Brazil said. If you want to provide for the public, I can work with you on portable pots, Brazil told Hett. I just figure why put in a line, if you're not sure that's where you want it, Hett said. If you have someone hired, you may need a restroom, Sieger said. As I recall, your house is pretty close, Mueller said. 150 yards, Hett replied. Sieger asked if the house is too far to use as an office. It needs to be at the site, Hett said. During winter months, I've even sold some, Hett said. Sieger asked, and Hett said he is outside working most of the time, when he is home. Ensz asked about a fence. I want to make some gates, Hett said. If I hire someone, and there is more traffic flow, I'm going to put some gates in, Hett said. So, basically, we have the age and width as two different variances, Sieger reminded members. Sieger asked if anyone from the public wished to speak about this application. Maxwell spoke as a member of the public. The applicant put the board in a compromising position, Maxwell said. Based on prior activity, the integrity of the board is at stake if this is approved, Maxwell said. I can't see any wisdom with proceeding with it, he said. I understand the man's position, and what he's asking for, Maxwell said. I think it's admirable of Mr. Hett to be building a new business and think it would be great for our community, Nuss said. There's no electric or water and no intention of hooking it up?, Mueller asked. I do intend to hook up electricity, Hett said. Are there other questions?, Sieger asked. The only way to let it through is it's temporary, Ediger said. Three years temporary?, Eilerts asked. I'm going to ask him if he'll cut it down to two years, Ediger said. How about one year?, Eilerts asked. The commissioners have asked us to be more flexible, yet they spent \$41,000 to put the regs in place, Ediger said. In one year, if I do advertise like I'm planning to do and business increases, it would be profitable to do more business, Hett said. Sieger closed the public hearing for this application and opened the floor for discussion.

Sieger reminded members there are two variance requests. Shall we address them one at a time?, she asked members. The first one has to do with age, she said. Sieger said she researched other similar cases from past applications and said other such units were denied. They were for residences, but were to be temporary, too, she said. So, that is an

issue, she said. If you circumvent the age, the people who were denied are going to remember, I'm sure, she said. I don't really want to identify them by name, but it is public record, so we could, she said. One thing different is this is for an office, not a residence, Mueller said. The reason they put in those standards, was it for wiring?, Mueller asked. It was for the entire construction, Brazil said. I don't have a copy of those building codes, Brazil said. It's the National Home and Safety Standards Act that states nothing prior to 1976, Brazil said. I don't believe it to be a single point issue, but I couldn't itemize that for you, Brazil said. We're pleased the business is doing well, Sieger said. We're glad to see businesses start up and thrive out in the county, obviously, we granted a CUP for this business, she said. I think we all feel supportive of his business, she said. I realize his need for some sort of office out there, she said. I think it might be nice to have the application before it was placed on the property, Sieger said. It puts us in a compromising position, Eilerts said. We have to follow the regs put in place by the county commission and passed by resolution, so they are not the planning commission's regs, Sieger said. Sieger asked members if they wish to look at the variance requests one at a time, and they said yes. In regard to the temporary variance from width and a temporary structure, I think his plan is excellent, Mueller said. So, do you want to make a determination with just that issue?, Sieger asked. It's still denied, Ediger said. Could he buy and resell a temporary building?, Mueller asked. Ensz asked if he could have a temporary building on skids, and Brazil said yes. The width requirement applies only to the manufactured and mobile home category, Brazil said. You'd still have to okay set backs, he added. Temporary is not taxed, Maxwell said. Sieger read a statement from a previous meeting. It was a home, and I understand the difference, but it said requests come in about one time a week to put a trailer in the county, and if the trailer is older than 1976 it is prohibited, Sieger said. I'm bothered by the whole thing, Ediger said. It's foolish to deny, but to be consistent we have to, Ediger said. I don't think we can go on one and not the other, Ensz said. If we grant the variance for width as temporary use and deny the other, he could trade in for a newer one, Sieger said. Eilerts asked if Hett had discussed with Brazil the option to trade. We have approved a temporary variance several times in the past and it was not an issue then, Brazil said. I really don't know if this will do much for the applicant, or not, but I think they could be considered separately, Brazil said. Mueller made a motion to approve a temporary variance for Neil Hett of two years from Section 15-102 of the Marion County Regulations to allow for the construction of a manufactured home of less than 22 feet in width for a structure to be used only for office space as part of the existing Conditional Use Permit in the "A" Agricultural Zone District. Sieger asked about adding something about electricity, but Mueller said it is not an issue. Ediger seconded the motion. In favor: 6; Opposed: 0; Motion carried.

The age issue is the second issue. Sieger referred members to page 18 of the mobile home definitions. Sieger read it for the record and referred to the National Home Construction and Safety Standards Act of 1976. Originally, it was designed as a year-round dwelling, Unrau said. It's not going to be used for that, he said. It was designed to be used as a dwelling, but that doesn't necessarily mean what it is used as, Sieger said. So, it still applies even if it's used as something other than a dwelling, Unrau said. I think it would open it up to people who have been denied, Sieger said. I guess you can say it's a different use, but it's still a safety issue, she said. This isn't a recommendation, so keep

that in mind, Sieger reminded members. Members reviewed the five conditions necessary to grant a variance. Sieger read the five conditions out loud. Ensz made a motion to deny approval of a variance from Section 21-110 of the Marion County Zoning Regulations to allow for the construction/relocation of a mobile home, as defined. Unrau seconded the motion. Mueller asked if the mobile home could be inspected, and Brazil said he is not sure but there still is the problem of the age. In favor: 5; Opposed: 1; Motion carried. Maxwell said Hett could go get a newer one. Or, he can buy one on skids, Ediger said. Or he could build a stick-built out building with normal construction and there would not be a timeframe relative to that structure, Brazil said.

Item 10: Consider zoning and subdivision regulation changes from the public hearing. There was one letter submitted since the public hearing. No other letters were submitted. Sieger said she would read the letter and then close the public hearing. Sieger read the letter into the record. The letter was addressed to the planning commission and the Board of Zoning Appeals. Sieger said the letter should not have been addressed to the Board of Zoning Appeals, but to the planning commission, only. The letter was dated January 23, 2006, and was from the Marion County Commission. If someone else wants to comment, it's okay, Brazil said. Sieger asked if anyone from the public wished to speak. Sieger closed the public hearing for the proposed zoning regulation changes and changes to the subdivision regulations. We considered input from the public last week, and several letters were read into the record last week, Sieger said. Sieger suggested members look at it by parts. Brazil said for Article 1, he doesn't think the definitions were commented on by the public. Brazil said for Article 4, suburban residential, there were no comments. And, there were no comments on the typos that needed to be corrected, he added. Most of what I've heard, and from the county commission's letter, are about Articles 2 and 6, Brazil said. And they can be considered together, Mueller said. They work together, but are separate changes, Brazil said. Of three changes, two could be made tonight, Brazil said. The third is the density issue, which does relate to the comprehensive plan, Brazil said. I highly recommend keeping the regs and comprehensive plan synced up, or they are challengeable, Brazil said. I think it would be easiest to take care of Article 1 and the typos, first, Brazil said. Mueller made a motion to approve the changes in the regulations for Article 1, Article 4 and the typo errors, as presented. Article 1 changes involve the guesthouse and servant quarters and Article 4 involves suburban residential. We can take action to recommend approval of those?, Sieger asked. I don't have a problem with that, Brazil said, and members agreed. Maxwell seconded the motion. In favor: 7; Opposed: 0; Motion carried.

Now look at Article 2, Sieger asked members. Sieger reminded members that Marion and Hillsboro do not want their urban density issue messed with at all. Yes, only Goessel, Brazil said. Do you feel you have heard there is an overwhelming sentiment for these changes?, Sieger asked members. No, Maxwell said. I think it needs to be overwhelming, not one or two people, the majority rules, Sieger said. Maybe we haven't heard enough from either side, but I just don't feel I've heard enough to make these changes, she said. Where are 16 sites per section permissible?, Maxwell asked. Members reviewed Article 2, #7. It's like an overlay district, Brazil said. Laying out an area and changing the density for that area, Brazil said. Brazil referred to the August 15, 2005 letter from the

county commission. Jim Kaup was looking at doing this within the comprehensive plan, Brazil said. At that time they did not intend to change the comprehensive plan, Sieger said. They have not checked with him, but we are pretty sure these would not mesh with the comprehensive plan, Sieger said. If we change to 16 per section in the regs, it would be wise to change it in the comprehensive plan, Brazil said. Maxwell asked about 16 per section. It may work by Goessel, but that doesn't necessarily mean it would work countywide, Mueller said. Any city wanting to have their density changed, could, Brazil said. Some will see it as preventing growth, he added. Since there are other property changes, shall we do anything with this?, Sieger asked. Yes, I think we should make a recommendation, Mueller said. Going down to three acres is a big change, Sieger said. I disagree with the comment that people buying 40 acres and not keeping it up, Sieger said. There is a large market for three or five-acre home sites, Mueller said. They think they have to buy 40, and they don't, Ediger said. But, most places in the county you would, because there is not an improved road, Mueller said. Sometimes three just doesn't fit a lagoon, Sieger said. Then it wouldn't be approved, Mueller said. Three acres would be a lot split?, Sieger asked and Brazil said yes. I don't see any major problems with three acres, myself, Maxwell said. I don't think there's going to be any land rush, he added. I'd like to see three acres be five acres, Ensz said. When we first looked at this, I liked having smaller acreages, because as the commission pointed out it encourages people to use existing home sites, Mueller said. Like Mr. Hett said last week, he could still farm two acres, Maxwell said. There's a three-acre deal about a half-mile from me, Ediger said. At the corner of 190th and Falcon, he said. I live on Falcon, he added. There's been nothing but problems with him, Ediger said. He has sewer problems, Ediger said. It's too close for a lagoon, he said. Three acres really crowds it, Ediger said. He wants to add onto a shed, and can't, Ediger said. It's on a sandy, gravel road, so I don't know how she keeps house, he added. Maxwell said Brazil could look at the location and say it won't work if there's not enough room for a lagoon. Then that's going to make David the bad guy, Sieger said. We have fenced off three acres (on her property), and I don't see anywhere, where we could put a lagoon, Sieger said. It's hard to put it on a small acreage, not to say it can't work, Sieger said. If they can afford to buy three acres, then they can afford to buy five acres, Ensz said. It can work, but it's just a matter of how much engineering we have to do to make it work, Brazil said. They've got to realize they have to meet set backs, Sieger said. Our set backs with the ag district work well with wastewater, Brazil said. If we're going to three acres, I would ask that in the subdivision regs we add another line to address this, Brazil said. We have addressed the flood zone, and there has to be room to accommodate wastewater, Brazil said. If we leave it at five, you don't think that would be necessary?, Mueller asked and Brazil said no. What about the road set up?, Sieger asked. If it's not on gravel, there's a road assessment, she said. You would review your conditions under lot split and then they would work with road and bridge, and road and bridge would assign the fee, Brazil said. I think the proposal is excellent as it's written, Mueller said. I think it addresses a lot of issues, although I realize there's some concern on some individual points, he said. Mueller made a motion to recommend for changes to be made to Article 2, "A" Agricultural District Regulations, Section 2-102, #5, #6, and #7, which is the Growth Area that extends one mile out from Goessel, and Article 6, Lot Splits. Unrau seconded the motion. Mueller designated it is a one-mile area around Goessel after Brazil suggested he amend his motion to include it the

distance. Unrau agreed to the amended motion after Sieger asked him if he approved the change in the motion. In favor: 4; Opposed: 3; Motion carried.

Sieger explained this recommendation would go on to the county commission. Sieger asked Brazil to explain to the county commission what options they have. There is a 14-day protest period to wait before the county commission can act on this, starting today, Brazil said. They can act favorably, or unfavorably, or send it back; they have three choices, Sieger said. Lot splits for new homes at five-acre minimum, for existing farmsteads three acres, if either is on unimproved roads they are assessed a fee, Mueller said. The other change is the growth area around Goessel applies to Goessel because Marion and Hillsboro didn't want it, and that's the proposal, Mueller said. Maxwell said he visited with most of the real estate agents in the county, and asked them about lot sizes and if they are getting requests for small lots. It all varies like at public meetings, if we had 10 comments, we had 10 different ideas, he said. There is no consensus, anywhere, Maxwell said. Sieger said at all the public hearings; only one real estate person spoke. Sieger asked members if they want to address the letter from the county commission. Members wanted time to review the letter, as they just received copies at the meeting, tonight. I don't feel comfortable about the 16 per section, Maxwell said. Sieger asked if members want it on the agenda for next month's meeting. We've actually addressed most of this, tonight, Mueller said. We could give a response to B, and that we're opposed to making that change because it's a major philosophical change and it would require changing the comprehensive plan, Mueller said. That's my response and I'd be willing to make it a motion, Mueller said. Mueller made a motion that the planning commission supports the current process of net density of one per 40, and Maxwell seconded the motion. In favor: 7; Opposed: 0; Motion carried. And, it doesn't mean you have to buy 40, Maxwell said.

Mueller said he agrees with C, at this point. Where do you draw the line?, Sieger asked. What do you do with the little piece that's left?, she asked. . The remainder of the lot would have to be addressed, Brazil said. I'd like to see some follow up on C, Mueller said. Any lot that existed previous to zoning, that's less than 40, Brazil explained. Eilerts asked about an inventory of grand fathered properties. To me, it depends if it's 38 or 39, or 11, Sieger said. This is a non-conforming compliant, Brazil said. Zoned ag, they don't conform to 40 acres, but they existed prior to zoning, he said. I think they are referring to lots without a house, he said. I think we need to postpone this, Sieger said. I'd like to see some follow up, Mueller said. There's already an assuming non-conforming compliance in a lot of these properties and from what I hear they want to put it in the regs, Brazil said. Let's talk about A and C in February, Sieger said. Are you leaving the discussion open on the proposed changes?, Brazil asked. This is our recommendation, Mueller said.

Item 11: Review planning commission by laws, comprehensive plan, and regulations. Sieger asked members to be sure they have a current copy of the by laws. She said the current copy should be dated April 28, 2005. We can address the by laws other times during the year, Sieger said. This is just an annual review, she added. Maxwell said he would like to see more definition for temporary use of a residence. Sieger said members

are required to review the comprehensive plan, annually, although they have been reviewing it all year, along with the regs.

Item 12: Rex Savage, off agenda. Savage presented members with a sample of a proposed wind energy lease. He told members the county has created an overlay district and have put together a set of regs that will largely work, if we get this kicked up. He said a recent wind energy project went to Spearville, because they took the time and money to lease up a block of acreage and get things in place. My belief, and the belief of the developers is, if we're ever to have a chance to be successful, we're going to have to step out and get leases in place, Savage said. Savage said he plans to pursue wind energy through K.C. Development, he and his wife Carolyn's company. Savage talked about the timeline for a Conditional Use Permit (CUP). He said it costs hundreds of thousands of bucks, and he can't do it alone. I do have people willing to join the project, Savage said concerning financial backers. It may take two years after obtaining the CUP to get the turbines up and running, he said. Savage said he has talked with Brazil and they feel there is adequate latitude in the regs to address this. Savage is thinking of a primary term of three years, with an extension of three years. My proposal to David was, would it be reasonable to match the CUP to the lease, Savage told members. People who are putting up the bucks can know we have this in place, he said. Is there something that makes you extra nervous, or is this something that makes sense to you?, Savage asked members. I realize you don't have a proposal in front of you, he added. You do have room to adjust requirements here, if you're comfortable with it, Brazil told members. I think it's a benefit to get the project started, Brazil said. You would get a preliminary engineering study, and it would give you at least an excellent idea what's going in, and any changes could be brought back before any concrete is poured, Savage said. I have one group willing to work with me, he said. The money is not in my bank, yet, he added. Another group stands ready to take off with development, he said. By the time I get everything ready, they may have already gone another direction, but as of tonight that's where we're at, Savage said. So, you want to know if the group feels comfortable working in that way, Sieger said. I will have an advantage if I know my CUP doesn't expire in two years, Savage said. I have time to get up and going, he added. They'd like to know if we get it approved, that we have the period of time needed to get up and running, he said of the investors. A three-year primary term, with a three-year extension, Savage said. I modeled this after an oil and gas lease, he told members. I have re-written this with legal opinion, he said. It's taken from about 40 pages of legal wording on an oil lease, he said. When asked, Savage said there is 80 megawatts of space available in the line, without upgrading. There has been some talk of upgrading the line, he added. You want five rotor diameters with major wind flow, parallel to prevailing winds, and two rotor diameters perpendicular to prevailing winds, Savage said. They have cut the number of turbines in half, he told members. They have a 70 to 80 meter cell height, he said. I'm looking for a comfort level that this isn't a wild idea, Savage said. Sieger asked and Brazil said he thinks in some form he would recommend allowing for more time. Because of the scope of the project, I think it's a good idea, Mueller said. I have not talked to our attorney, Brazil said. If I take on investors, there needs to be a guarantee that we have time to complete the project, Savage said. I want to have the maximum opportunity to play the game to win, he added. I'm trying to arrive at something relatively simple to keep track of, Savage said. Savage said

he estimates they will be leasing between 15, 000 and 20,000 acres. We will stay away from areas that don't want it, he said. Would this be workable?, Sieger asked members. Members agreed that yes, it would be workable, as long as it meets the regs and statutes. Savage thanked members and said he will now approach the coop and go see if he can gather money and start getting leases.

Item 13: Annual reports. Sieger reminded members that there has been a vacancy in District One for over two years. Brazil reported his department expended 90 percent of the budget, and was 492 percent over budget in the planning consultant line item. We processed one more application this year, including construction applications, Brazil reported. Members reviewed charts, one showing that over all, two percent of the applications were denied and four percent were modified. We've taken in a lot less money this year, as \$75 applications have gone down, and the cost is \$25 for applications for lot splits. Brazil reported that only 39 percent of the publication line item was spent. It's obvious that variance applications have gone down, he told members. There is no need to increase fees, he added. Sieger asked if there is a mileage line item in the budget? Yes, the same amount for 2006, Brazil said. We used 68 percent of it in 2005, he said. Looking at LESA, Brazil said, I think it's a positive addition to our plan. I have had several calls about the LESA system, he told members. I think we should continue to pay attention to this, especially when processing new home sites, he said. We may want to adjust the points in the future, if it continues to always come out for approval, he said. Which was something our attorney suggested, after working with this a while, he added. Members told Brazil about three culvert driveway approaches that have been installed four and a quarter miles south of Hillsboro. Brazil said he would check it out. In the budget, in both environmental and in planning and zoning, we have built in a fulltime position, Brazil said. I hope to get to hire a fulltime person as a secretary, he said. The money was approved, but approval for the position hasn't gone through, yet, he told members. I'd intend to send them out in the field, too, Brazil explained. Sieger reminded members the next meeting is February 23, 2005. There is one lot split and other items on the agenda for that meeting. Unrau made a motion to adjourn and Ensz seconded the motion. In favor: 7; Opposed: 0; Motion carried and the meeting adjourned at 10:52 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS



Eileen Sieger,
Chairman