

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

January 27, 2005

Chairman Eileen Sieger called the meeting to order at 7:33 p.m., with a quorum present for both the planning commission and Board of Zoning Appeals.

Sieger asked if there were any questions about the agenda. Mueller suggested moving Item 5 to the end of the agenda. Sieger asked if anyone objected, and no one did. Members agreed to move Item 5 to the end of the agenda.

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

Item 3: Election of chairperson and vice chairperson. Sieger explained that chair and vice chair are elected on an annual basis. Sieger added there is still one vacancy on the planning commission. Sieger reminded members they also need to determine which seven members will serve on the Board of Zoning Appeals. Mueller made a motion to nominate Sieger for chairperson. Avery made a motion to cast an unanimous ballot, and Maxwell seconded the motion. Sieger abstained from voting.

In favor: 6; Opposed: 0; Abstained: 1; Motion carried.

Maxwell nominated Mueller for vice chairperson. Sieger moved the nominations cease, and Avery seconded the motion. Mueller abstained from voting.

In favor: 6; Opposed: 0; Abstained: 1; Motion carried for nominations to cease.

Members voted on Mueller for vice chairperson. Mueller again abstained from voting.

In favor: 6; Opposed: 0; Abstained: 1; Motion carried.

Item 4: Election/appointment of expired term Board of Zoning Appeals members.

Mueller made a motion that all current members, other than Eilerts, be appointed to the Board of Zoning Appeals. Ediger seconded the motion.

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

Sieger explained the following members will serve on the Board of Zoning Appeals: Ediger, Ensz, Maxwell, Sieger, Mueller, Avery and Unrau.

Item 6: Sieger asked for corrections, or additions, to the Record of Proceedings of the November 18, 2004, meeting of the Marion County Planning Commission/Board of Zoning Appeals. Ediger had a correction on page six, where "slicker" rods should read "sucker" rods. Mueller made a motion to approve the Record of Proceedings with the correction, and Ensz seconded the motion.

In favor: 6; Opposed: 0; Abstained: 1. Motion carried. Maxwell abstained, as he was not present at the meeting.

Sieger complimented Brazil on the job on the comprehensive plan. Members each have nice, new notebooks with the information. Brazil said the consultant deserves the credit. Sieger explained the meeting will operate a little different with the new regulations in place.

Item 7: An application for Amanda Wedel and Wendell Wedel, requesting a short form lot split for five acres. This property is located in Logan Township. Sieger explained this is the first lot split request to come before members. She said that staff could actually handle lot splits, but members had decided, at least for now, to have such requests brought to the planning commission for review. This application was published in the January 5, 2005, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Brazil told members this is really a simple procedure, and referred them to Article 6 of the subdivision regs, or his staff report for this application. Brazil explained that this list of factors is used as a checklist, and if the application meets the criteria it is okay to put in place. Brazil said when you get to the Land Evaluation and Site Assessment System (LESA); there is some judgment involved. Brazil explained there are three categories, including high ag protection, moderate, and low. He said LESA applies to new home sites. Brazil explained the two applications on the agenda requesting short form lot splits are for existing home sites, so LESA would not apply, but he included the information so members can get a feel for it. Sieger asked Wendell Wedel to explain his application. Wedel told members he has had the property surveyed and all the setbacks are okay. He said the property involves a little over five acres. Wedel said they had the property rented out, but his mother has had to go to a retirement home and according to the state the property needs to be sold, if they can get the zoning approved. Sieger went down the list of conditions. Maxwell asked, and Wedel said if the lane is included it puts it a little over five acres. Brazil explained there is some flexibility for the acreage. The minimum is five acres, Sieger said, and Brazil said yes. Who will own the lane?, Ediger asked. The new owner, Brazil said. So, field access is somewhere else?, Ediger asked. We are acting as the planning commission on this, but lot splits do not go on to the county commission, Sieger explained. Remember, this is not a rezone, it stays ag, Sieger said. If the front is 100 feet, it can go 300 feet back, Brazil said. The minimum width is 100 feet, Brazil said. Even for a new lot, or new residence, it would be okay, Maxwell said, commenting on the LESA. Brazil explained how he figures LESA and soil types. Are we technically holding a public hearing?, Sieger asked and Brazil said no. I still think public comment is good, and publishing it in the newspaper is good, but we're just in the review process, Brazil said. I feel like it's something more than one person should decide, Brazil said. Sieger asked Wedel if he wished to say anything else, and he did not. Sieger asked if anyone from the public wished to speak, or if there was any other discussion, and there was not.

Mueller made a motion to approve a short form lot split of five acres in the "A" Agricultural Zone District, for Amanda Wedel and Nadine Davis, as present by the applicant, and to require that the short form lot split plat and the agricultural disclaimer be recorded by the Register of Deeds with the deed transfer, and that certification of such actions be filed in the office of the planning commission. Ensz seconded the motion. In favor: 7; Opposed: 0; Motion carried.

Item 8: An application for Tim Summervill, requesting a variance from required 40 acres to 38 acres, and a short form lot split for five acres, for property located in Centre South Township. This application has two parts. The first part involves a variance, and members are acting as the Board of Zoning Appeals. The second part involves the lot split of five acres. This application was published in the January 5, 2005, issues of the *Marion County Record, Hillsboro Star Journal and Peabody Gazette Bulletin*. Summervill explained he had 40 acres, to begin with, but because of the expansion of U.S. 77 this fall, he lost 1.55 acres. They took it, basically, I didn't sell, Summervill said. I want to keep it as straight as possible, and keep as much farm ground as possible, he said. There are three outbuildings, he said. Sieger asked and was told the buildings are a garage, an old shed and another little building. Sieger asked if there was anything else Summervill wished to add, and he said no. Sieger asked if anyone from the public wished to speak. Roger Hoffman asked about the use after any possible sale of the property. It will remain zoned ag, Brazil said.

Sieger asked members to first address the variance request as the Board of Zoning Appeals. He really did not create this situation, himself, Sieger said. The application clearly meets all five requirements, and the reduction of acreage is not his fault, Mueller said. Mueller made a motion to approve an acreage variance from 40 to approximately 38 acres, for the NE1/4 15-20-4, and Maxwell seconded the motion.

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

Sieger reminded everyone that a variance is a final action and does not go to the county commission.

Members now addressed the lot split request. On this one, the land evaluation was not rated high, but the overall score puts you in a moderate category, Brazil said. Maxwell asked and was told the property involves 6.15 acres. Maxwell asked if they took some off the north side, and Summervill said yes, due to new corner requirements. Ediger asked if Summervill has to re-fence the north side. It's a brome field, there was no existing fence, so I thought I'd let the new owner decide, Summervill said. Are there any other questions?, Sieger asked. Does anyone from the public wish to comment?, she asked.

Mueller said the applicant did a fine job of presenting the material, and again this application meets all the conditions. Mueller made a motion to approve a short form lot split of six acres in the "A" Agricultural Zone District as present by Tim Summervill, and to require that the short form lot split plat and the agricultural disclaimer be recorded by the Register of Deeds with the deed transfer, and that such actions be filed in the office of the planning commission, for property in the NE1/4 15-20-4. Maxwell seconded the motion. In favor: 7; Opposed: 0; Motion carried.

Item 9: An application for Leslie Wedel, requesting a variance from required 40 acres to 34 acres, and from required side yard setback of 50 feet to 30 feet, for property located in West Branch Township. This application was published in the January 5, 2005, issues of the *Marion County Record, Hillsboro Star Journal and Peabody Gazette Bulletin*. Sieger asked members to please remember to state if you've had any communication with

anyone about a particular application, because this really is something we probably need to state. Wedel explained his family has had this farm ground for 33 years. It originally was his great-grandparent's property, then it was divided into three, 33-acre parcels. Wedel said the house was built in 1954. He said they want to leave the land ag, but wish to add a shop. He said he farms over 1,500 acres of ground in other locations, but wants a shop by his house. He explained he bought the house first, and the balance of land, later, and that is why there are a lot of deeds involved. It is a total of 34.8 acres. He needs a variance for 34 acres. He wants to put a shed south of the house. He does not want to take out existing oak trees, so needs the variance. The home and ground around it are zoned rural residential, but since they don't meet the 40 acres, it's kind of limited, Brazil said. Sieger asked and was told there are actually three deeds. I could put the shop on the rural residential property, but I don't want to remove the oak trees, Wedel explained. How long have you had the 34 acres?, Sieger asked. About six years, Wedel said. Sieger asked if Wedel owns the land around the 34 acres, and he said no. Does anyone from the public wish to speak on any part of this application?, Sieger asked. Is there any other information?, Sieger asked and Wedel said no. Maxwell asked if anything has been started as far as construction, and Wedel said no, I've moved some dirt, that's all. Sieger closed the public hearing for this application and opened the floor for discussion.

Sieger asked members to talk about the variance first, for the acreage. I want to compliment the applicant on trying to save the trees, as this is to the advantage of the property, Mueller said. Maxwell asked what kind of shed it will be and was told a pole barn. Maxwell asked if it will be permanent, or temporary, and Brazil said permanent. Mueller asked if Wedel had visited with his neighbor. I asked him if he'd do the concrete work, and he's never complained, Wedel said. Sieger asked about any precedents. We have approved a variance on 40 for a structure with ag purposes, not a residence, Brazil said. Ediger made a motion to approve an acreage variance of no more than six acres, and approve a side yard setback variance of no more than 20 feet, for Leslie Wedel, on the SW1/4 5-21-1. Avery seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Item 10: An application for Arlie Schroeder, requesting a variance from required 22 foot wide manufactured home to 16 feet wide, and a variance from foundation requirement, for property located in West Branch Township. Members are acting as the Board of Zoning Appeals for this application. This application was published in the January 5, 2005, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. Sieger asked Schroeder the reason for the request. The home we selected is not that wide, and it takes less set up time, Schroeder said. What would it sit on?, Sieger asked and Schroeder said concrete pads. My son is going to join the farming operation and wants this for his living quarters, Schroeder explained. The property involves 120 acres. Before we approved a similar application as a second residence, but not as a primary residence, Brazil said. Maxwell asked if there had been an application on this property, before, and Brazil said no. Daniel Huehl, of Mid-Kansas Homes, in Salina, showed members a photo of the 16x80 home. He told the specs of the home. He wants to make this a permanent home, and we have several rock and cement board options for skirting, Huehl said. It is 1,280 square feet, so I think it meets your square footage requirement, but it is 16 feet wide, Huehl said. It has central air and central heat, he

added. It meets your requirements on length, he said. Ensz asked and Huehl said the home has front and rear door exits. It is only maybe 18 inches off the ground, Huehl said. Schroeder showed members an aerial photo of the property. Ediger asked how the home would be attached to the ground. We put down a pad and bore anchors in the ground that meets code and that's how it's fastened, Huehl said. It meets wind code, and load, and all that, he said. He's the one who installed my mobile home and I'll certainly vouch for the work he's done, Mueller said. I caught full force south wind and the home never moved, Mueller said. Sieger asked if plans are for the home to be permanent. J.D. Schroeder, the son, said he plans to live there until something changes with the family, which could be 20 or 30 years. Sieger asked what other width of homes the company handles, and is this the smallest? No, we have 10 and 12-foot wide models, which are used for temporary offices, and we just did eight school classrooms for Salina, and they were all 20 feet wide, Huehl said. Sieger closed the public hearing for this application and opened the floor for discussion.

Avery questioned the foundation recommendation. We need to stay with the pattern of not varying from the permanent structure, Brazil said. Do you think the way this particular home is constructed changes anything, compared to some of the other types of homes?, Sieger asked. It sounds like 20-30 years down the road it may remain a residence, Brazil said. That's why it's tied down and not going anywhere, Mueller said. The concrete board is a great idea, he added. The cinder block doesn't do anything as far as stability, Mueller said. Last time we didn't get into all this, Avery said. We said this is what the requirements are, and this is how it needs to be, she said. I think we talked about the structure, but they did ask for options for skirting, Mueller said. With our comprehensive plan requirements updated, building codes is something I'll be working on in 2005, Brazil said. Banks have stopped making loans on mobile homes without a foundation, Huehl said. I have seen block or concrete foundations, and the exterior sits down on it and they tie down to it, Maxwell said. So, you feel that adds some stability?, Sieger asked. Yes, but it still goes back to the appearance thing, Maxwell said. Ediger said this is approximately 80 feet long, so how many piers go down each side? Every eight feet, Huehl said. Farmers are all getting gray hair and I like to see the second generation ready to step in there, Ediger said. Would concrete, or block wall be a burden?, Mueller said. It's more of a maintenance thing, than for support, Huehl said. It's a closure type of thing, he said. I'd have no problem going with a concrete type skirting, Schroeder said. Sieger reminded members there are two variance requests. Mueller made a motion to approve a variance from Section 21-110 of the Marion County Zoning Regulations to allow for the construction of a 16 foot manufactured home in an "A" Agricultural Zone District for Arlie Schroeder, and recommend it be used only as a secondary residence only for the purpose of housing an agricultural operation partner, and have cement board skirting, for the SE1/4 27-21-1. Ediger seconded the motion. In favor: 5; Opposed: 1; Motion carried.

Sieger explained this is a final action and does not go to the county commission. Brazil said as soon as he gets a construction application, it should not take long to get a permit.

Item 11: An application for Dennis Schmidt, requesting a variance from required side yard setback of 50 feet to 30 feet, for property in West Branch Township. This

application was published in the January 5, 2005, issues of the *Marion County Record, Hillsboro Star Journal and Peabody Gazette Bulletin*. Members are acting as the Board of Zoning Appeals for this application. Schmidt wishes to add to an existing shop. He wants to add 30 feet to the north side, but not come clear to the front, he explained. The existing shop is a 60x150 Butler steel building. He wants to add 30x112 to the existing structure that would be another Butler steel building with a concrete floor. He needs the variance for setback requirements. Maxwell asked if the building runs east and west and Schmidt said yes. The neighbor has no problem with it being 30 feet to the property line. The type of zones are different, but this is right across the street from the variance application just applied for earlier tonight, but that one was ag while this is rural residential, Brazil said. Sieger asked what the building is used for, and Schmidt said for a shop and equipment storage. Mueller asked and Schmidt said he uses Richardson Construction out of Hutchinson. Sieger asked if anyone from the public wished to speak, or if there was any other information, and Schmidt said no. Sieger closed the public hearing for this application and opened the floor for discussion.

This seems like a clear-cut case to me, Mueller said. The applicant has talked to his neighbor, the building matches the existing structure, and it meets the five conditions. Mueller made a motion to approve a side yard setback variance of no more than 20 feet for Dennis Schmidt, for property located at the SE1/4 6-21-1. Maxwell seconded the motion. In favor: 6; Opposed: 0; Motion carried.

Item 12: An application for Ida Maples, requesting a variance from required side yard setback of eight feet to four feet on the east side of Lot 4, Schlotthauer Subdivision. Members are acting as the Board of Zoning Appeals for this application. This application was published in the January 5, 2005, issues of the *Marion County Record, Hillsboro Star Journal and Peabody Gazette Bulletin*. Ida Maples was unable to make the meeting, but Richard Sardou came to represent her. He is signed on as the authorized agent. He explained she wants to fill in the "L" on the backside of her property, for two reasons. It will be easier access to the back of the house, and she wants to add a sleeping porch for her grandkids, Sardou said. Ensz asked about the well. We're going to use half the wall for the foundation, Sardou said. Is it a well, or a cistern?, Maxwell asked, and Sardou said it is a well. How deep?, Ediger asked and Sardou said he is not sure. It is a non-functioning well, Sardou said. I recommend you consult with the conservation office, as occasionally there is money available for plugging, Brazil said. Would it be an enclosed porch?, Maxwell asked. It would be screened-in, Sardou said. Will it interfere with any other utilities?, Mueller asked and Sardou said no. Sieger asked if anyone from the public wished to speak. Dan Crumrine, from the Improvement District, said his only concern is the grinder pump. He said the pump is fine, but the lines from the pump to the house will be under the porch. It's their responsibility from the grinder pump to the house, Crumrine said. Mueller asked if there would be access. Yes, it's a screw-down floor, Sardou said. The top deck is 12 inches, with one step, Sardou said. Bill Kaempfe said they could put a new cleanout outside the porch, so they don't need access. They can do that, but they can take the boards off and do the same thing, Crumrine said. My concern is if the line would break, as the line is down three feet, Crumrine said. You could dig it out with a shovel, but you couldn't get equipment in to do it, Crumrine said. Sieger asked if there were any

other questions. I do live in the notification area, but I don't think this is a conflict, Avery said. Sieger closed the public hearing for this application and opened the floor for discussion.

We did change our setbacks from 10 to eight feet, Brazil reminded members. If it would not be in line with the house, I would not have recommended it, Brazil said. Sieger asked about plugging the well. I always like to see a well plugged if it is within 50 feet of a residence, but that is not always possible, Brazil said. Sieger asked about the old well construction. If it floods, it contaminates the well, Brazil said. One reason we received funding for out there is it did flood and it did contaminate the water, Eilerts said. The back portion of the property is pasture, Brazil said. Sieger asked about the grinder pump. As long as the owner is aware, Mueller said. Ediger made a motion to approve a side yard variance of no more than four feet for Ida Maples, at #5 Back Bay Court, Marion County Lake, for the addition of a porch, and that proper closure of the well must be legally done. Ensz seconded the motion. In favor: 6; Opposed: 0; Motion carried. Sieger explained this is a final action.

Item 13: An application for William Kaempfe, requesting a variance from required back yard setback of 50 feet to 37 feet, for Lots 19 and 20, Echo Lane Subdivision. Members are acting as the Board of Zoning Appeals for this application. This application was published in the January 5, 2005, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. This request is for construction of an addition to the residence, involving the kitchen, living room and second family room. Kaempfe introduced his wife, Vicki. The backside of this property is pasture, and there is a shed at the back of the property. You have two lots?, Sieger asked and Kaempfe said yes. We dug into an old foundation, he said. We dug it all out, he added. And, we poured a retaining wall to straighten it up, so it's a good time to add on, Kaempfe said. So, construction has already started, and some of the framing is up, Maxwell said and Kaempfe said yes. Kaempfe showed members several photos and an aerial photo of work he has done over the years, himself, as he had his own construction company for seven years. The primary concern is the setback requirement, Sieger said. Sieger asked if anyone from the public wished to speak. Crumrine said he has no problem with this application. Is there any other information?, Sieger asked and Kaempfe said no. Sieger closed the public hearing for this application and opened the floor for discussion.

Sieger asked members to only look at the back yard variance. Maxwell said he was concerned when he saw the property, as the construction had started. If they could have met the setbacks, I would have gone ahead and issued a construction permit, Brazil said. Avery questioned what the new regs say about construction that has already started. The application fee doubles, Brazil said. Mueller made a motion to approve a back yard variance of no more than 13 feet for William Kaempfe, for Lots 19 and 20, Echo Lane Subdivision. Avery seconded the motion. In favor: 6; Opposed: 0; Motion carried. I'll issue the permit tomorrow, Brazil said.

Item 14: An application for Neil Hett, requesting a Conditional Use Permit (CUP) for landscape materials storage and retail sales for property located in Catlin Township.

Members are acting as the planning commission for this application. This application was published in the January 5, 2005, issues of the *Marion County Record*, *Hillsboro Star Journal* and *Peabody Gazette Bulletin*. This property includes 20 acres. Sieger asked if the property is currently zoned ag? It's compliant, but non-conforming, Brazil said. Hett explained he is moving this business to his home. Sieger asked and Hett said the majority of the material is stone. Sieger asked and Hett said he plans to put up a building, eventually. Maybe just a portable building for an office, at this point, Hett said. Sieger asked if all the material will be stored outside, and Hett said yes. Sieger asked and Hett said he drives a truck and hauls the material himself. Maxwell asked about a nearby creek, and Brazil showed the location on a diagram. Mueller pointed out where the flood zone could be. There is some area through here that will be filled with floodwater at some point, Brazil said. Sieger asked and Brazil showed members where the home sits on the diagram. Sieger asked and Hett said he is aware of the flood zone. Sieger asked Hett if he will have material in the flood zone and he said no. Sieger asked Hett if he could make it work if he was restricted to an area out of the flood zone. Brazil said a survey is needed to identify the flood zone location, which would be required for any structure to be built. Brazil told members he just received notice that the county has been moved out of the emergency category for flood zones to a regular phase, so this will reduce people's insurance rates any where from \$13,500 to \$150,000. Maxwell asked Hett if he has already started his operation. I have started moving materials in, and I had to put it somewhere, Hett said. Avery asked Hett if he has talked to his neighbor. Hett said he has talked to one neighbor, and there was no problem. Sieger asked if Hett was planning on using some kind of fencing, and he said he could. What kind?, Sieger asked. A screened fence?, she asked and Hett said no. Maxwell said he is concerned about trucks coming and going, as the property is located on kind of a drop off. Maxwell showed Hett on a diagram what he means and how it would be better to use one road for trucks so the other traffic has a better view. That's not a bad idea, because people drive too fast along there, Avery said. Mueller asked Brazil about his recommendation for a six foot screened fence, and if that is a requirement? If it was a home business, all material would have to be in an enclosed structure, Brazil said. It's on a well-traveled road, so this would protect the public from itself as well as protect his investment, Brazil said. Is appearance part of it?, Mueller asked. Part of it, Brazil said. The appearance of the material is almost like an advertisement, Mueller said. Sieger asked about signage. We talked about an identification sign, and that can be allowed, Brazil said. Maxwell asked Hett if he is aware of lighting regulations for signs, and Hett said no. Well, now you are, Maxwell said. Brazil read the sign regulations conditions. That's a pet peeve of mine, Maxwell said. Some other districts have allowed for illumination, Ensz said. With florescent, Brazil said. When you have a loaded truck, are you at 80,000 pounds?, Brazil asked. Most generally, Hett said. Mueller asked about the fence issue. If I need to put a fence around it, that's fine, Hett said. Mueller pointed out that where the business was located before no one lived there, and now someone will live there. Was the road where it was located before, traveled as much as this road?, Avery asked and Hett said yes. It was previously located on Marion's airport road. As far as security, I think that's something he needs to determine, but as far as an appearance issue maybe, but I'm not sure that's our responsibility to say what kind of fence, Avery said. Probably not, but maybe whether it's see through, or not, Sieger said. Sieger asked about the rock spreading out,



over time, and the appearance of it. Hett showed members on a diagram where the rock will be kept in bins. Sometimes the screened fence can look worse than when they try to hide the material, Maxwell said. You can do natural screening, Brazil said. Is there anything else?, Sieger asked. I just don't want a tall fence that will block the view, because I'm hoping it will help sell it, Hett said. Ensz suggested a lower fence on one end. Most businesses I've driven by are open, Mueller said. I don't see it as an appearance problem, he said. If it were a salvage yard, it would be, he added. The appearance is up to his discretion, Maxwell said. Sieger closed the public hearing for this application and opened the floor for discussion.

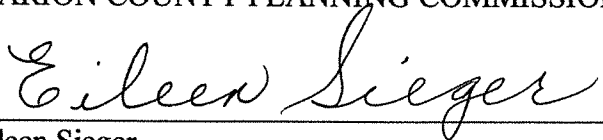
Maxwell asked Brazil about the screened fence. Is there such a thing that if he doesn't keep it neat, is there anything you can do to monitor that?, Maxwell asked Brazil. Could we review the permit after a year?, Brazil asked. Members were not sure if this is legal. What about an attachment of non-landscaping material being screened off and out of site, and that be a condition?, Mueller asked. Sieger asked if they could limit it to eight to 10 acres? We've often done that before, which I think his plan is anyway, and we need to be sure it's out of the flood hazard zone, she said. My first concern was the safety about trucks coming in and out, Maxwell said. Avery asked about limiting access. There needs to be some way in and out, Maxwell said. Sieger asked if one could be the entrance, and the other the exit. Avery asked about trucks coming or going with oncoming traffic. Mueller suggested recommending all shipping traffic use 120<sup>th</sup> Street for access. Mueller asked about the sign and that staff had recommended no more than a 16 square foot sign. I think that's a 4x4, Mueller said. Brazil looked up sign regulations. Mueller asked if others use a 4x8, or is that under the old regs? We did do 32 square feet before, and we could go up to that, Brazil said. Mueller asked about illuminating the sign. We could make it a condition of the CUP, as long as it's not a safety hazard, he said. Mueller made a motion to approve a recommendation for a Conditional Use Permit for Neil Hett on the NW1/4 9-21-3, on 10 acres or less, for landscape materials storage and retail sales as presented in the development plan, and include in the recommendation that all structures, material storage and material sales will occur outside of the Special Flood Hazard Zone A, and that non-landscape materials be enclosed and secured outside public view, and recommend all shipping traffic use access on 120<sup>th</sup> Street. Maxwell seconded the motion. In favor: 7; Opposed: 0; Motion carried.

Sieger explained this recommendation goes to the planning commission. Brazil explained the second week of next month the county commission gets the minutes, and considers it. Brazil said it will be on the third Tuesday of February, because of President's Day, when they approve or disapprove the recommendation.

Item 15: Review of annual directors report. Brazil presented the 2004 income report, and explained it. I look at the bottom line and compare it to the legal publication cost to see if we need to increase, Brazil said. I expect as we do more lot splits the numbers should be coming down, because we shouldn't have to be publishing as many applications, Brazil said. Brazil presented the 2004 application activity report, including application results and ag exemptions. He also reported on environmental and health application activity for the year. I would have thought that our applications would have been down this year, but it looks like it stayed pretty much the same, Brazil said.

Item 5: Annual review of comprehensive plan, zoning regulations and commission by laws. Sieger reminded members this material is reviewed every January. We just got the comprehensive plan, she said. The comprehensive plan was approved in the summer of 2003. The zoning regs were completed in December 2004. We really can't evaluate how well the plan works until we've lived with it a while, as tonight is the first time we've used it, Avery said. I would request we look at building codes this year, Brazil said. Tonight we had a comment about adding a map of the county lake to the plan, Brazil said. If there's anything else you can think of to look at and work on during the course of the year, let me know, Brazil told members. The by laws is something else, so if you see anything please be sure to make suggestions if you see a need, as we review these annually, too, Sieger told members. As to changes in the zoning regs, I'd like to see us operate under them for one year before we think about changes, Brazil said. We would have to hold hearings for changes in the comprehensive plan and the zoning regs have to go with the comprehensive plan, Sieger said. They have to fit together, Brazil said. Avery asked if there is a way to rotate Board of Zoning Appeals members? That is a good idea, Sieger said. Eilerts suggested rotating the list of members. My suggestion would be the seven senior members, Mueller said. Because when you're first on it's good to sit through it, Mueller said. Because if you do it on a fixed setting you are going to have some new members, Mueller said. We probably still need to take official action to appoint those, Sieger said. Can we have a motion to revisit that motion?, Mueller asked. For this year, you mean?, Sieger asked. Maxwell said he would be the new member. It's not necessarily fair to make Bob sit out, Mueller said. Let's think about it, Mueller said. I'll check on the possibility of changing the by laws, Brazil said. Sieger read the by laws relating to the Board of Zoning Appeals. We have staggered three-year terms, so that's another point, Sieger said. It will be a matter to consider, she said. Sieger reminded members the next meeting is scheduled for February 24, 2005. Maxwell asked and Brazil said the county would be switching to the Free Press as the official newspaper. Maxwell pointed out in the new regs on page two, Articles nine and 10 in the table of contents, and on pages 47 and 49, where corrections are needed. On page 47, it reads "IP-1" and on page 49 it reads "IP-2" but on page 93, line seven, it reads "IP-1" but then reads "I-2" no "P" and it needs to be kept consistent. Eilerts made a motion to adjourn and Avery seconded the motion. In favor: 7; Opposed: 0; Motion carried and the meeting adjourned at 11:00 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS



Eileen Sieger,  
Chairman