

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDINGS

November 16, 2000

Chairman Eileen Sieger called the meeting to order at 7:33 p.m. and determined there was a quorum.

Roll Call was answered by Sieger, Marquette Eilerts, Herb Bartel, Dean Fincham and Elora Robinson. Glen Unrau, Eldon Pankratz, Bob Unruh and Terry Eberhard were absent. Zoning Administrator David Brazil was present.

Sieger asked if anyone had any questions about the agenda, or had anything for Off Agenda Items. Sieger said members may wish to discuss Resolution Number 00-01.

Sieger asked for corrections to the Record of Proceedings of the October 26, 2000, meeting of the Marion County Planning Commission/Board of Zoning Appeals. There were no corrections. Fincham made a motion to approve the Record of Proceedings as written and Robinson seconded the motion. In favor: 5; Opposed: 0; Motion carried.

Item 4: An application for Palmer and Lucille Base requesting a rezone from agricultural to rural residential for approximately 12 acres in Logan Township. This application was published in the October 25, 2000, issue of the Hillsboro Star Journal. Palmer and Lucille Base were present, along with Thad Thayer and family. Palmer Base explained they applied for a rezone so Richard Thayer may purchase the land and build a new home. Richard Thayer's family lost their home and several family members in a recent fire on this property. Thad Thayer, Richard's son, and his family, live down the road from this property. Sieger suggested having the property surveyed at some point before the sale. She explained a survey is not necessary for this meeting. Bartel said they need to clearly describe Metes and Bounds. You need to make the determination whether or not to survey the property, Bartel told Base and Thayer. Base asked Bartel, will they mark it off permanently? They will use re-enforcing bar and steel corner markers, Bartel explained. Base asked Bartel how they mark it, and Bartel explained. So I could add a hedge post by it, so it

won't get run over?, Base asked. Yes, Bartel said. A Metes and Bounds description is not as good on the county record as a survey, Bartel said. Sieger asked if the dimensions are square. Base showed the property on a map. Sieger asked where crops are and where the driveway is. Sieger asked about a waterway, if it was going with the ag land or the rural residential? You own this entire quarter?, Sieger asked and Base said yes. Sieger explained that a rezone stays with the property, and said maybe the waterway needs to stay with the ag land. The well lies on the other side, so there may need to be an easement, Brazil said. Members and Base discussed boundaries, and debated about square lines. Sieger explained that boundaries can be straight, but farm boundaries can remain the same. Thayer looked at the map and joined the discussion about boundaries. The well is on the other side of the creek, with a long water line to the house. It's about 300 to 500 feet from the yard to the well, Base said. Sieger asked about rural water. It's within three-quarters of a mile, Base said. Sieger asked about the septic system. There is a new lateral line, Base said. Where will the home be placed?, Sieger asked. The same place as the old home, Base said. Do we have to decide where the well is, tonight?, Thayer asked. You may have to get an easement, Bartel said. So we have to decide, tonight?, Base asked. Not as far as I'm concerned, Bartel replied. You can do it when you draw the deed up, Eilerts said. Sieger explained the property could change owners and she recommended it stay with the property. Sieger explained this board makes a recommendation to the county commission. At some point there has to be a description for the deed, Bartel said. Brazil said the well would be included in a straight across border. Brazil showed Base this on a map. Bartel suggested checking out CRP rules. They put it on the land, and it's on the land until the contract is over, Bartel said. Sieger asked if there is an easement, and ownership changes, does it stay with the property? What kind of time frame do we have here?, Eilerts asked. They would have to go to January if they come back, Eilerts said. They'd like to start building, Base said. They didn't want to wait this long, he added. The entire piece does not have to be rural residential, Bartel said. So, if an easement for the well is sufficient, and if later the Thayers buy it, that would be okay, Bartel said. If we want it included in the property, then that's our recommendation, and there's some work to do with Natural Resources as to what the rules are, Bartel said. That's a national program, and it's not likely they'll

change the rules just because some property changes hands, Bartel said. The description is for the county commission's final action, so if we indicate in our record where they intend boundaries, that's sufficient, Bartel said. I think my dad was willing to go with a boundary that follows the creek, Thayer said. And then work out the well later, Sieger said. An acre between the trees and the waterway should go with the farm yard, Bartel said. Brazil asked Bartel what he meant, and Bartel clarified that the waterway goes with the field and the rest with the farm yard. Sieger asked if there was any further information or questions? Sieger explained the procedure, and Brazil explained the time frame. Two letters of no objection were entered into the record. Sieger closed the public hearing.

Sieger opened discussion for this application. As I know this property, it has been rented for a number of years to the Thayers and this really all came up because the house burned down, Bartel said. The Thayers rented the old home, so Dave couldn't give them a permit to replace the structure that burned, Bartel added. So, I think we're really just setting the record straight, and I encourage the conveyance of it to the Thayers, Bartel said. We need to give reference to the proposed boundaries, Bartel said. Boundaries are west by the county road and south by Bison Road, and bordered on the north by the south edge of the waterway and on the east by the unnamed drainage line and it's the southwest corner of the southwest quarter of section 16, Bartel said. And approximately 12 acres, Fincham added. Probably closer to 11, Brazil said. And there should be an easement for the hand-dug well, Bartel said. It has a well house over it, Brazil said. How deep is it?, Sieger asked. Around 20 feet, Base said. Bartel made a motion to recommend approving this application to the board of county commissioners, with the description, and condition there be an easement for the water supply. Fincham seconded the motion. In favor: 5; Opposed: 0; Motion carried.

Sieger explained this will go to the county commissioners. Brazil explained the time line. And the resolution of the county commission needs to have a description, so you need to work on a description now because what I stated is not good enough, Bartel explained.

Members viewed Resolution Number 00-01. County Commissioners will take action on it a week from Monday, as there is no county commission meeting this coming Monday, members were told. Sieger

told members their next meeting is January 25, 2001. Sieger asked Brazil about the Christmas Dinner for county employees, and Brazil said all he knows is it's on December 11. Invitations have not gone out, Sieger said. Sieger reminded members that terms are up the end of this year. I assume the commissioners remember this, Sieger said. I'll check with them, Brazil said. Customarily, Sieger said, at the January meeting members review the By Laws and elect a chair for the year. Brazil said he will have a short report on construction permits issued during the past year. All applications get lumped into one number series, and we've had 100 so far this year, Brazil said. The quarry request may come in January, Sieger said. There is still time to get on that agenda, Brazil said. Eilerts asked what quarry request Sieger was talking about. Sieger explained they are doing testing in the northwest corner of the county to see if there is harder rock in the area for use in highway construction. Hamm Quarries is the company doing the exploring, Sieger said. The county commission is concerned with road use, as they may need to upgrade the roads in the area if this happens, Sieger said. Five to seven other neighbors along that road may come out, Brazil said. Brazil said members should put this discussion on hold until an application is submitted. Sieger reminded members of the extensive discussion which took place concerning the Martin-Marietta Aggregates expansion request. It could kind of parallel, Brazil said. Fincham made a motion to adjourn and Robinson seconded the motion.

In favor: 5; Opposed: 0; Motion carried and the meeting adjourned at 8:40 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

Eileen Sieger
Eileen Sieger, Chairman