

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS

RECORD OF PROCEEDS

NOVEMBER 19, 1998

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

Roll Call was answered by; Sieger, Marquetta Eilerts, Dean Fincham, Clark Wiebe, Terry Eberhard, Don Fruechting and Jo Helmer. Eldon Pankratz and Bob Unruh were absent. Herb Bartel and Karen Hurt were also in attendance.

Sieger asked for additions to off agenda items, and there were none.

Sieger asked for corrections to the minutes of the October 22, 1998 meeting. There were no corrections, and Eilerts made a motion to accept the minutes as approved and Eberhard seconded the motion. In favor: 7; Opposed: 0. Motion carried.

Item 4 - Continued application for Delbert Mellott for a variance pending to allow an accessory building, a patio, and a lagoon, on a minimum acre site. This application was originally a re-zone request from agricultural to rural residential, but was changed to a variance. Because of this change, the application was re-published in the Peabody Gazette Bulletin. Real estate agent Bob Marshall presented members with a diagram of the property in question. This land would stay zoned agriculture, but would allow another building, patio and lagoon, Sieger asked Bartel. Yes, because the farmstead is not at this time under any consideration for transfer, Bartel replied. Presently, there is just a house on this two acres, which is part of an 80 acre tract. Marshall explained the applicant originally included 10 acres in their request, because they thought they had to, in order for approval. Bartel said the residence needs a lagoon to solve the problem with the current septic system. Wiebe questioned that the two acres will transfer to another owner, but will remain zoned agriculture. Yes, Bartel replied. Wiebe questioned if the land stays agricultural that the new owner will accept this as alright. Yes, Bartel replied. Wiebe questioned if the new owners understand that in the future no more administrative permits will be issued for this property. Yes, Bartel replied. It must be re-zoned with the farmstead, in the future, Bartel said. Marshall said if the surrounding agricultural land became available for sale, the new owner may be interested in purchasing it, but if it was re-zoned it would require re-zoning, again. Whether this happens, or not, at least it allows for some options, Sieger said. It is never easy when you have two homes on an original farmstead, Bartel said. The other home is currently occupied by Northview Developmental Agency. Marshall reviewed the application for Wiebe, who was absent from the October meeting. Sieger questioned the set back issue for new construction on the property. Bartel said if a

special set back is desired, it should be specified. Sieger asked Marshall if the approximate placement of construction is known at this time. No, Marshall replied. Bartel said set backs are 75 feet on the front and 50 feet from any other property line. North and west boundaries of this property are hedge rows. Ernie Gray, who plans to purchase the property, said 50-foot and 75-foot set backs will be acceptable. Sieger explained this is a variance request, which does not go before the county commission for final approval. Members decided to go ahead and act on this item, before proceeding to Item 5. Sieger reminded members that when they act on a variance, they are acting as the Board of Zoning Appeals. Sieger asked if there were any further questions, and there were none. Sieger closed the public hearing at this point. Sieger asked for a motion. Wiebe made a motion to approve the application, to include a patio (deck), an accessory building described as a shop, and a lagoon, for this application before the Board of Zoning Appeals. Eberhard seconded the motion. In favor: 7; Opposed: 0. Motion carried. Bartel explained that permits are needed for construction and for a lagoon.

Item 5 - Application for Steve and Shelly Schale for a rezone pending from agricultural to rural residential, which was published in the October 22, 1998 issue of the Peabody Gazette Bulletin. This property is located in Liberty Township, and Steve Schale grew up two miles north and a mile south from where he now hopes to build a home. Schale told members the road is already rocked by the county, rural water and electricity are available. Schale said he is used to the country life, does not want a hog farm, and he goes to church just up the road from this property. The total property includes about 50 acres, owned by Les Suderman. It is not an old home site, it is 10 acres of CRP that Schale wishes to purchase. Bartel reminded members that 80 acres to the west of this property is where an application represented by Delores Dalke was zoned as an 18-acre rural home site. Bartel showed members the site on a zoning map. Bartel said everything is pretty much cleared off the land in question. Remember they were getting ready to auction the property with existing zoning, Bartel said to members. It was eligible for two housing units, but they wanted to sell the majority as agricultural land, so with that change we did not change the density, Bartel explained. Anyway, there was not enough land left for two more, only enough land was left for one more, Bartel added. Schale said he proposes building a home up on a hill. Eberhard asked Schale if he has a contract on the property, yet. No, Schale replied. Schale's father said a price and everything has been agreed on, but they have not proceeded until zoning is approved. Eilerts asked Bartel for his recommendation. I can't recommend it, Bartel said. We have a piece of ground, but we can't just split this for people who are part of the community, Bartel said. We did the other one because we did not change the density, Bartel said. The CRP on the land has been renewed, and the boundary follows the CRP. Eberhard commented that it is kind of an odd boundary line. We have to remember that we are talking

about land use, Wiebe said. Wiebe spoke of right to farm laws in Iowa, and said he believes such decisions are going to affect everybody. Indiscriminately scattering of rural residences is what is going to put the pressure on the farmer, Wiebe said. We have got to look at the land, and what it is best suited for, he added. Wiebe said members need an updated comprehensive plan to refer to. We have a chance to protect these acres, and as hard as it may be, we need to stick to our guns, Wiebe said. Property does change hands, and we have to keep in mind that it is for the land, Sieger said. We can't consider personalities, Sieger added. Helmer agreed that members need to do a better job of planning. Sieger said members have discussed updating the plan before, but she is not sure who's job it is to review the material. Eberhard said he does not believe people in Marion County understand zoning. They do not realize they have a voice, Eberhard said. Sieger asked for any further questions. Schale's father said his son can afford 10 acres, but ^{not} 40 acres. There were no other comments, and Sieger closed the public hearing at this time. Sieger asked members to check their notebooks for script copies, and let Karen know if they did not have this material. Since this site never had a home site, the solutions are pretty slim, Eilerts commented. Wiebe made a motion to deny the application on the grounds that zoning and uses of nearby agriculture would increase the density; such use could affect agriculture operations of nearby property and have an affect in the future for property surrounding the tract; and on the recommendation of our professional staff. Eberhard seconded the motion. In favor: 7; Opposed: 0. Motion carried.

Helmer asked about the comprehensive plan and Sieger said it is out of date. Wiebe said it is hard to deny something to people you have known for 20 or 30 years. Sometimes people can't see the whole picture, until down the road, Wiebe said. Wiebe asked that members make a request to the county commission to update the comprehensive plan. Eberhard asked who would update the plan, adding he would not feel comfortable with a local person handling it. Wiebe said members need to put a formal request to the county commission. Wiebe made a motion to request the county fund an update of the plan. Wiebe's motion was seconded by all members, with a unanimous consent. Sieger reminded members to review By-Laws for the January 28, 1999 meeting. There will not be a meeting in December. Election of chairman will also be on the January agenda. Sieger said "commission/board" should be added to the By-Laws, in both the text and the title. Sieger said members will consider all changes at the January meeting. One point, Sieger said, is that the chairman is to grant members an abstention, although she has allowed members to abstain at their own will. Sieger explained that abstentions go with the majority, so they really do not count. Sieger reminded members that those with terms expiring should let their county commissioner know of their plans to renew, or not. Wiebe said he will not be seeking re-appointment. Fruechting asked if meetings will remain on the same day, as he has other commitments the same day each month. Eberhard has not made a decision, yet. On the

matter of meeting space, Bartel said he would like members to think about the fact that the City of Marion has purchased the depot, and plans are to renovate it. Bartel said members could have a much better meeting place there. Bartel said he feels we lose a lot when we go upstairs to the courtroom. Bartel said recording equipment would need to be set up in the depot, for such meetings. Wiebe said seating should be in a horseshoe-shape for discussion purposes. Sieger reminded members there will be a change in a staff person at the first of the year, as Bartel is retiring from the county. Fruechting made a motion to adjourn the meeting, and Eberhard seconded the motion. In favor: 7; Opposed: 0. Motion carried and meeting adjourned at 8:55 p.m.

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Eileen Sieger,
Chairman