

OPEN WORK SESSION WITH MAYORS

October 20, 2005

All county commissioners were present: Bob Hein, Randy Dallke, and Dan Holub
Planning commission members present: Eileen Sieger, Bob Maxwell, Marquette Eilerts,
Ervin Ediger and Mary Avery; and Zoning Administrator David Brazil
Mayors present: Martin Tice from Marion; Tom Schmidt from Peabody; and Jim
Clemmer from Tampa
Members from the public present: Steve Garrett, Burton Harms, Bill Hein, Jack Regier,
June and Rick Schreve, and Clark Wiebe; all from Hillsboro. James Wiens from Goessel

Hein called the meeting to order at 7:35 p.m. Brazil reviewed the zoning regulations. He explained that for a new house you needed 40 acres, and for about 12 years this was handled by rezoning land from agriculture to rural residential, with a 10-acre minimum. Zoning also allowed a one-acre Suburban Residential (SR) lot in the original regulations. The agriculture district is still 40 acres, but now zoning allows for five acres if certain specifications are met, Brazil explained. Brazil explained rural secondary roads and he explained the Land Evaluation and Site Assessment System (LESA). For half we look at the land evaluation, and the other half we look at the site assessment, he explained. This helps determine if the ground should be kept for ag use in the future, Brazil said. Brazil talked about changes in place since December of last year. He explained areas of urban influence. He said the cities were asked to designate these areas. Hillsboro and Peabody both designated one mile, he said. Marion included the county lake, he added. If there are any changes in zoning, Brazil's department will notify the city concerned and invite them to a planning commission meeting. This gives the cities a very strong voice, as both the city planning commission and the county planning commission's recommendations will go to the county commission. This only involves Marion, Hillsboro and Peabody, because they are the only cities with zoning, Brazil explained. Brazil passed out a handout that addressed the changes from last December. Not in the handout, SR lots may be approved without city water and wastewater, Brazil said. We encourage annexations from the cities, and this is always an option for them, Brazil said. For cities without zoning, we have discussed growth rings or areas, where we would change the net density from one per 40 to 16 per section, Brazil said. We would be looking at it on a section basis, he said. This still would require an approval process, he added. There may be areas that a city plans to expand and other areas that a city may not plan to expand, he said. We are looking at expanding the definition of an existing home site and making it an administrative decision, Brazil said. This allows a reduction to three acres for an existing home site, he added. For a new home site that's not on a rural secondary road, they could be assessed and an impact fee could be applied, he said. For example, \$500 could be the base fee, and they go up to \$3,000 in other counties, he said. We are still brainstorming and want to encourage growth, he said. When you spread development out, it doesn't have the same impact as, say a couple new businesses on Main Street, he said. Garrett said the extra territorial designation is important to Hillsboro. Although, you may encourage annexation, most property owners in Hillsboro do not want it at this time, Garrett said. If something ever would occur that would affect our growth pattern, then at

least we can have a say, he said. It's not that we don't think the county can do it, but, we are very strong for extra territorial designation, Garrett said. I would encourage you to consider this is still on the books, still state law and it's in our best interest, Garrett said. June Schreve asked what voice represents Hillsboro's decision. We try to sync up to a city's requirements, assuming at some point it would become part of the city and would be a good fit, Brazil said. When a county doesn't have zoning, a city can territorial zone out three miles, Brazil said. When a county does have zoning, the county's zoning will supercede the city's zoning, he added. Typically, the counties don't give up zoning to the cities, so the next best step is to look for some common ground and work together, he said. One five acre or 10 acre house could prevent a city from growing in the future, he said. Some cities would welcome two or three more houses on the perimeter of town, so you have to balance it out, Brazil said. Sieger said the subdivision regs mesh well with city zoning. We want to ensure the cities and county work together, Brazil said. We all want positive growth, he said. We all want smart growth, he added. We will probably be asking the cities if they would be willing to allow one-acre lots without municipal water in their areas of urban influence, Brazil said. We will also be asking if they are willing to see the net density change from one per 40 to 16 per section, which equals three-acre lots, Brazil said. Clemmer asked what if someone wants to put up an elevator outside the city limits? Hein asked how far west is it? One mile, Clemmer said. Three quarters of a mile is city limits, Clemmer added. Dallke said he was never invited while he was mayor, so he wanted the mayors input. Sieger said mayors were invited by letter to the comprehensive plan work sessions. Schmidt said this will allow us to go back to our planning commissions for discussion, and then I think we can come back and give you some valuable input. Schmidt said he agrees we want smart growth. Brazil said SR lots with one acre were not noted in the handout. Avery asked if cities have copies of the comprehensive plan. We have not printed many copies, because they can print it off the website, Brazil said. The website is: www.marionco.net and then you go to the planning department and look under regulations, Brazil said. Wiebe asked if there is a separate set of regs for areas of urban influence. No, the same regs, Brazil said. SR one-acre lots still require municipal water, Brazil said. Except in areas of urban influence it will be up to the individual city if they require municipal water, or not, he added. A 20-acre parcel could be split to three acres, Brazil said. As long as you're part of the first 16, June Schreve said. Yes, Brazil agreed. What if it's a section that joins the city limits?, she asked. You would probably rule out incorporated areas, Brazil said. Ideally, I'd like to see lots all laid out first, the houses, plan it all out first; it's a cheaper route, Brazil said. Would the city get to step in and help with maintaining the area?, June Schreve asked. If it's an extra territorial zone, the county is still responsible for maintaining it, Brazil said. I think it's important the county not write a blank check, he added. Garrett said that is an interesting point, and what if there is a similar development in a piecemeal fashion. Subdivision regs will help, but you're still talking about one lot development and that's not going to be nearly as good as a subdivision, Brazil said. We will put together a formal draft, hopefully by the end of the year or the first part of next year, Brazil said. Holub asked about subdivided 40 acre lots, like in Goessel. Anything less than 40 acres prior to 1992, could we handle this differently and address the problems and grandfather those folks in and treat them differently to allow those people some options?, Holub asked. We've got an idea, but we don't want to put an idea in place if a city is not interested,

Brazil said. Maxwell asked everyone present to participate and speak up at planning commission meetings. We meet one time a month and if you have any questions, please ask, Maxwell said. I'd like to encourage everyone here tonight to come see these groups, he said. We've talked, too, about communication being a key and that there's a lot of miscommunication based on inaccurate information on what really does exist, Sieger said. If you want to look at the zoning regs, a copy is available, so you can see what actually is there in the document which is part of county law and we are trying to correct inaccurate information out there, she said. A lot of existing home sites have been rezoned over the years, and used, Brazil said. Now, we're experiencing redevelopment, he said. We are still encouraging the use of old home sites, which I think is a wise use, he said. Sieger asked Brazil to explain the lot split process, which is new since December. When we did rezones from agricultural to rural residential, it was a very formal process, Brazil said. Now, it's a much simpler process, he added. He talked about some of the conditions that need to be met for approval. Lots splits stay ag land, Sieger said. We do not change the zoning, she added. An ag disclaimer on the deed protects the adjacent landowner, Brazil said. There are also ag operation protectors in state statute, Brazil said. Because in areas of urban influence, there's obviously lots of ag operations going on, Sieger said. Wiebe said as a landowner close to the City of Hillsboro, it's probably wise that the Hillsboro city planning commission have some influence, because one five or 10 acre parcel could disrupt future plans. This will limit some of those ranchettes, which also could lower the value of the property, just from my own best interest, Wiebe said. There will be cases when it makes sense to develop one acre, and others when it does not, Brazil said. How much say does a city have in how I want to divide my land?, June Scheeve asked. The easiest way is when the landowner requests it and the city approves it, Brazil said. Extra territorial zoning is addressed in state statute, Garrett said. There's no open-end options, you can only do what is allow you by the state, he said. If this gets adopted, and the city comes to the county and says we want different regs, then what?, Bill Hein asked. It can be done, Brazil said. Some cities without zoning may or may not want to designate areas, Brazil said. Bill Hein asked if different cities could have different rules, and can an individual city come and request a change in rules for them? They could request it, Brazil said. The landowners would be involved, too, Brazil added. Bob Hein thanked the mayors and others for coming. The work session adjourned at 8:35 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS



Eileen Sieger,
Chairman