

# MARION COUNTY PLANNING COMMISSION/MARION COUNTY COMMISSION

## OPEN WORK SESSION

September 22, 2005

Chairman Eileen Sieger opened the work session with introductions. Those in attendance were: Sieger, Bob Maxwell, Marquette Eilerts, Glen Unrau, Mary Avery, Ervin Ediger, Willis Ensz, David Mueller, Dan Holub, Randy Dallke and Jim Kaup.

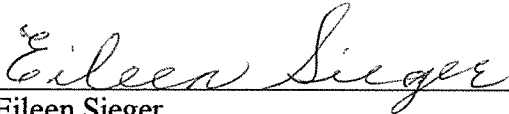
Kaup explained he has a long history of working with Marion County, going back to the early 1990's when the landfill was a hot topic and he represented the county in a lawsuit with MSW (a waste management company). Kaup said he is a solo practitioner attorney, and the last two years has served as chairman of the Shawnee County Planning Commission. He said he did not draft Marion County's regs, but knows the guy who did and knows the regs pretty well. He said it seems the wish is to open it up more for residences in ag zoned districts. He said if there were an agreement for changes, someone would be given the task of making the changes in writing. Then, we would proceed to the public hearing and then to the county commission for final approval of the changes, he said. Kaup put together a couple ideas in July, which the county commission has been receptive to. Planning commission members have received copies of this proposal. I understand it is generally accepted as a concept to allow for smaller lots for residences in ag zones, Kaup said. Brazil explained they tried to combine the ideas that were being heard. He said work is still being done on possible changes from the July draft. Brazil said there are new and existing home sites. The new home sites would continue to be brought to the planning commission. The existing home sites would come to Brazil to handle, administratively. Brazil said there might have been a change in use, where someone has been farming around an old home site, but that would still be considered an existing home site. To allow areas of urban influence without public wastewater, neighboring cities would need to grant approval for such development. Some cities may want development, while others may not, Brazil said. Kaup said just because a city okay's it, doesn't mean the planning commission has to okay it. This is just part of the process, he said. Avery asked about the areas of urban influence, and Brazil explained the cities determined the area of urban influence around their city. The City of Marion included Marion County Park and Lake in their area of urban influence. This gives the cities a stronger voice in such changes of use. Brazil suggested we build off what we have up to now. Maxwell asked about annexation, and Sieger said they could do that if it's contiguous. When the new comprehensive plan came into play, it came right up to the city limits and that was a sore spot, so this should help ease a lot of those tensions, Avery said. I think this is a nice compromise and a nice step forward, she said. Kaup said his proposal includes two self-imposed restrictions. First, try to avoid anything that conflicts with the comprehensive plan. Second, to not create a new zoning district, because if you create a new zoning district then you have to come here and go through the zoning process, but you can achieve the same amendment and save tax payers money without creating a new district, he said. Once it's adopted as a text amendment, anyone that has Suburban Residential property has that zone classification and has that zone use just by

adopting the text amendment, he explained. Brazil explained about Rural Secondary roads, and if a property is not on a RS road, the road and bridge department may make an assessment and a fee will be applied. Sieger asked Kaup if he knows of other counties that have applied such a road fee. Butler County, six to eight years ago, had a similar version of a flat amount, so this is a little more thoughtful, Kaup said. You get into urban areas and impact fees are fairly common, Kaup said. People need to realize the electric cost, Sieger said. It's a \$200 flat fee for RECA to assess what needs to be done to put a line in, she said. The home has to go up, first, with a permanent foundation within a certain amount of time, she said. Is that in place, now?, Ediger asked and Sieger said yes. I know of two new sites where they put sheds up, first, and they have electricity, Ediger said. Is it RECA?, Sieger asked and Ediger said yes. They are being pretty strict about that, any more, Holub said. Road assessment would include base, drainage, bridges, etc. Would the county commission have that in the form of a resolution?, Sieger asked. It could be part of the subdivision regs or part of some due process policy, Kaup said. We need to be unified and consistent with all applications, Sieger said. So, this would be taken totally out of our court, Sieger said. It would be the sole responsibility of the road and bridge department and the county commission, Kaup said. I'd like to keep it together, zoning-wise, so someone doesn't find out about it, later, Holub said. Something like our factors, Brazil said. It's not an ultimatum, but it's something that needs to be considered, Brazil said. We need to be included to cover changes in staff and board members, Eilerts said. The applicant needs to understand that just because they apply, it doesn't mean they have final approval, Avery said. Kaup explained it could be an ag zone district text amendment to Article 2. If you have land within one mile of city limits (incorporated cities) and if as of a certain date your property is located in a section of land where 50 percent, or more, is zoned ag and if the section has as least 16 parcels of land you can develop property for single family living purposes, as long as it meets the minimum lot area size, Kaup said. He said he proposed 10 acres. You can also throw in lot width, lot depth, lot ratio, road access, etc., he said. Currently, you would have to buy 40 acres, Kaup said. Brazil suggested going with three and five acres, not 10 acres. There is an upper limit of how many you can have, Kaup said. There is an issue of maximum density, he said. The proposed function of the section determines how many, he said. for every section wide, no more than one per 40 acres, he said. How many sections in Marion County would qualify?, Sieger asked. Why go just a mile?, Ensz asked. The comprehensive plan tries to encourage development within proximity of communities, Kaup said. Kaup drew an example on a dry erase board. What if a small acreage was left?, Sieger asked. It would be wasteland, Kaup said. Once upon a time, there was about one house per 40 acres, and the land can sustain that kind of density, Kaup said. In a lot of respects, 10 acres is a lousy amount, he said. Sieger reminded everyone that most times the farm boundaries remain the same. For the most part, people have left it and allowed the farmer to maintain it, or sometimes there is a lease, Brazil said. When addressing the regs, you can involve a separation distance between houses, Kaup said. There really is 100 ways of doing this and a 100 variables, Kaup said. LESA wouldn't exist, or you wouldn't have to abide by it, Maxwell said. We'd still keep LESA, it's in the plan, Sieger said. There are 12 incorporated cities, Brazil said. If you fall within one mile, you have more options than if you'd fall within 10 miles, Brazil said. It's just a number, Kaup said. What we're talking about is an exception that allows for more

development, Kaup said. You are encouraging folks that want to build on ag land to go in next to cities, he said. The more you carve up the land, the less chance there is that anyone will ever come in and put in a subdivision, Kaup said. The pattern has already been established, somewhat anyway, more so in a section of land that has 16 parcels compared to a section that has three parcels, Kaup said. What I see is the potential for one city to want this and for another city not to want it, Brazil said. I'd urge you not to get blocked into a number here, because maybe this is something that needs to go to a public hearing, Kaup said. Avery asked, and Kaup said that inter-local agreements were discussed in the past, here, but it didn't go very far. I think you should anticipate a city that is thoughtful about the future and wants to grow, might not be for this, Kaup said. Holub said he thinks the only place this example would work is around Goessel. Holub said it wouldn't work around Marion, Lost Springs, Lincolnville, Tampa, or Durham. Not even Goessel works, as 14 is the most parcels we've got, Holub said. So, if 16 parcels won't work, you change the number, Kaup said. Dallke questioned 16 homes per section. It was pointed out that you have to be clear if you are talking about homes, or parcels. How many dwelling units per section, Kaup said. It doesn't matter how many parcels as long as you keep the density the same, Kaup said. Lot width and depth needs to come into play along with roads, which will eliminate a lot of parcels, Kaup said. And that's the way it should be, he added. There has to be some logic of how and why rules apply, he said. I would be cautious about cities being able to opt out of county regs, which is different than allowing them to opt in, Kaup said. In the southwest part of the county, sections there have a dozen owners because of inherited land from families, Ediger said. Why not include building on abandoned homesteads?, Avery asked. For a new home site, Avery suggested no acreage requirement to build on an abandoned homestead. That would get your small acreages and you still preserve ag land and you would not have a land grab, Avery said. You could do it with one mile, plus, Avery said. You can build on small acreages with a lot split on an existing home site, Kaup said. I think everyone is in agreement that using existing home sites is the way to go, Brazil said. I'm still not sure if I want to go from five acres, to three acres, Sieger said. There is no consensus among realtors, some want 10 acres, some want one acre, Maxwell said. Some people have no idea about living next to an ag operation, Sieger said. We do have an ag disclaimer they sign, Holub said. A lot of people want a certain spot to build into the side of a hill, with a walkout basement, Dallke said. Sieger asked Unrau to talk about the Goessel area. Things to consider are roads, bus routes, rural water, etc. Former residence sites are the ones to target, Mueller said. Personally, I think Jim's proposal goes a long way, Mueller said. You could set a date and allow building on less than 40 acres on legal non-conforming lots, created before 1992 zoning, Kaup said. How far around towns, one mile, or more?, Dallke asked. That's why I'd like to see a work session with the mayors, Avery said. Small acreage seems to be the main issue, Dallke said. And, how you handle the person that wants the hill is another issue, Dallke said. You can't start making exceptions for individual people, Avery said. I like the five acres, Dallke said. You don't have to take a big gulp; you can take small bites, Kaup said. I want to do a little thinking and talk with David about nonconforming lots, Kaup said. None of us know how many nonconforming lots there are out there, Kaup said. How many steps require a public hearing?, Eilerts asked and Kaup said all. Since I've been here, this commission has really, really tried to work with everyone, Avery said. The number of times we've turned someone down in the

four years I've been here, you can count on one hand, she said. We're all volunteers and we've all worked very hard to find a way to address the concerns of the public and to allow businesses to come forth, Avery said. I think like Mary said, we need to talk to the mayors, next, Maxwell said. Holub suggested making it one mile out from the city's growth area. I think we need to come up with a plan that everyone can live with for quite a while, Avery said. So, the next step is meeting with the mayors?, Sieger asked and everyone agreed. Kaup suggested he and Brazil prepare a short, clear concept. Avery suggested also having sheets of info presented of what is already available to them that is already in place and approved. I think they have to have all the information in an understandable form, Avery said. Sieger pointed out that the planning commission has not had a chance to come to a consensus about Kaup's proposal. But, we can still talk about it with the mayors, Avery said. Also, this should be an open meeting that the public would be notified about and they could come and listen, but not comment, Sieger said. Sieger said this should probably not be scheduled after a regular meeting. Brazil said he will work on clearing up the proposal from Kaup, so it is understood that you do not need 40 acres to do a lot split if it is an existing or former home site. Brazil said he would also clear up the issue of nonconforming lots from before 1992. It was decided Brazil would explore a possible work session with the mayors for October 20, 2005. This work session ended at 11:27 p.m.

MARION COUNTY PLANNING COMMISSION



Eileen Sieger,  
Chairman