

MARION COUNTY PLANNING COMMISSION

RECORD OF PROCEEDINGS

SEPTEMBER 24, 1998

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

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

Sieger asked for corrections to the minutes of the August 27, 1998 meeting. Sieger had two corrections: on page four, Item 6, "Bartel said the four acres was zoned rural residential in 1992" (not 1982); and on page six, Item 8, "He said land usage is going to change and you can try to prevent it, or you can do it in a correct manner" (not manor). There were no other corrections to the minutes. Fincham made a motion to approve the minutes with two corrections, and Eilerts seconded the motion. In favor: 8; Opposed: 0. Motion carried.

Item 4 - Application for Harold and Judith Shields, for a rezone pending from agricultural to rural residential in Center South Township, which was published in the August 27, 1998 issue of the Peabody Gazette Bulletin. Sieger stated she is related to Judy, so she will not vote on this application. Lyle Leppke represented Shields, who were both present. Leppke said Shields wish to sell 18.7 acres, which was surveyed by James Brosemer. Leppke said the south boundary is 256 highway; the west boundary is a partially closed dead end road; the north boundary is the Cottonwood River; and the east boundary was surveyed as a natural fence line. There is a house, a barn and two sheds on the property, which is on rural water. Leppke said a new sewer line, or lateral system, was recently installed for the septic tank. Leppke said set backs are all adequate. He said Shields own a total of 198 1/2 acres. Sieger asked for comments from the public, and Alvin and Barbara Kroupa expressed concern about development and taxes. Leppke said the use will remain the same, as a home and a residence, but a zone change is needed in order to sell less than 40 acres. There were no further comments from the public, or Leppke.

Item 5 - Application for Alvin Wiens, for a rezone pending from agricultural to rural residential in Risley Township, which was published in the August, 1998 issue of the Peabody Gazette Bulletin. Leppke represented Wiens, who was not present. Leppke said Alvin celebrated his 89th or 90th birthday recently. This property is located east of Hillsboro on U.S. 56, a mile and a half east of Alco, on the south side of the road. There is 80 acres of farm ground. Leppke said Wiens wishes to sell the

farmstead, but wants to keep the land, which has not yet been surveyed. Leppke guessed about 15 acres is involved, and showed the area outlined on a photograph. There is a lagoon sewer and well water. Leppke said wishes are not to have a 50' set back from the lagoon, because the boundary would need to be moved into the field, in order to comply. Leppke said for the sake of maintaining the lagoon, they are not going to argue about the 50' set back, but they wish not to have it. Sieger asked Bartel the rule and Bartel said 50' from either a right-of-way or property line. Bartel said he does not have a problem as long as the lagoon is not on a road right-of-way. There is no private sewer system that is forever, Bartel said, and sometimes you have to find a new site. A lagoon has a life on it, just like a car, Bartel said. Sieger asked Leppke if he has a buyer yet, and he said no. Wiens wants to sell the least amount of agricultural land as possible. Sieger asked for comments from the public, and there were none. Bartel said let the record show he received a notice of this zone change, because he owns property to the east of Wiens.

Item 6 - Application for Williams Communications/Glen Unrau, for a Conditional Use Permit (CUP) pending for a fiber optic system, which was published in the August 20, 1998 issue of the Peabody Gazette Bulletin. There were two publications, first for the CUP, and second for the property located in West Branch Township. Dan Gray, of Williams Communications, represented his company. Gray explained his company is in the process of laying fiber optic cable, with regeneration every 37 miles. The area involved is 100' x 275' with a 75' set back in front. Sieger asked if the cable is underground, and Gray said yes it is. Gray showed photographs of regeneration stations, which have 6' high chain-link fence, with gravel inside. Construction fiber material is used to control weeds, Gray said, and little traffic is involved as crews check the station about every two weeks. Gates are kept locked and there is no water or sewer, Gray said. Sieger asked what is inside the building, and Gray said electric equipment which sends signals full strength. People selling the land to Williams, also own surrounding land on all three sides, Bartel said. Sieger asked if a tower is involved, and Gray said no. Sieger asked if noise is involved, and Gray said no. The 42" deep cable is plowed in, Gray said. Sieger asked for public comment, but there was none. Sieger asked for any further comment, but there was none. Gray said the cable begins in Kansas City and ends in Denver, as his company networks across the United States.

Item 7 - Application for Justin Youk, for a rezone pending from agricultural to rural residential in Center South Township, which was published in the August 27, 1998 issue of the Peabody Gazette Bulletin. Youk was present to represent Brad Putter, who was also present. Youk explained that Putter is interested in purchasing land from him. Unruh said he will abstain from

voting, because of a conflict of interest, as Youk is an old friend of his. Fincham said he will abstain from voting, because he is the Marion City Airport Manager. Putter currently lives in Florence, but his children will be attending Marion schools. Application is for 14 acres, which is native grass, now. May lose two acres for the driveway and house. The proposed driveway would enter from Airport Road, an approximate distance of 1700' from airport property. A creek is the property line on the north. There would be 325' from the west boundary to the house site. Youk owns 80 acres and wants to sell 14 acres. Rural water runs nearby. Putter plans to construct a house and a small outbuilding. Sieger asked for public comment. Mayor Max Hayden spoke for the City of Marion. Hayden said city officials are concerned that the air space is not violated in any manner. He said the city has no zoning control in this manner, and the location Putter has chosen seems to be a sufficient distance away, taking into consideration the slope of the land, and any possible T.V. antennas or tall trees, etc. Hayden said 18 aircraft are currently based at the airport, so as long as Putter does not mind planes flying over his home, and as long as he understands there is going to be some noise, because there is quite a bit of activity at the airport. Hayden said the home may be hard to sell in the future, and you have to consider expansion in the future to upgrade the facility to handle business aircraft. There are some rules in place for a clear zone, Hayden said. Youk said even if the runway ran through his property, the proposed home site would still be approximately 425' to the west of the runway. Bartel asked Hayden if the city intends to annex the airport. Hayden said the city has a right to zone air space around the airport, but yet are presently at the mercy of the planning commission board for this decision. Hayden said the city prefers not to see it happen, although Putter will not be violating any air space, so there really is no grounds to object. Bartel said, should the city annex the property, the county would have to make available to the city the land use regulation rights. It seems to me, more and more, Bartel said, that we don't want to be an arbitrator for the city for land use around the airport. There were two calls from Cardie Oil, Inc. First, to ask about the application, and second, after they had a conversation with their insurance people, wanting it in the record that they are opposed to this application because of propane tanks which were moved out to this location to be in a safe place. Propane as a vapor finds the lowest ground and can be a dangerous explosive, Bartel said, so Cardie Oil, Inc., wants me to put their concerns in the file. Not because the propane industry is unsafe, Bartel added. Putter said he has experienced a propane explosion first-hand, and was burned extensively, so he is aware of what propane can do. Hayden said for the city to annex the airport property, is desirable for various reasons. He said if the airport had two more aircraft, the city would meet requirements for funding, and possible plans are to build another hanger. Sieger asked for further comments, and there were none.

Item 4 - Application for Harold and Judith Shields for a rezone pending from agricultural to rural residential. Sieger repeated that she will not express any opinion in this discussion and will abstain from voting on this application. Bartel recommended approval. Pankratz made a motion to recommend approval of this application, because it was laid out in a practical way and takes the least amount of agricultural land. Unruh seconded the motion. In favor: 7; Opposed: 0; Abstained: 1. Motion carried.

Item 5 - Application for Alvin Wiens for a rezone pending from agricultural to rural residential. Wiebe said he was notified of this application, as he lives a little over a mile away, but he does not see it as a conflict, and no one else disagreed. Wiebe asked Leppke if the property was rented for a number of years. Leppke said it was rented for about 10 months and has not been rented for about five months. Helmer asked Bartel if the lagoon set back was an issue, and Bartel said it was not. Bartel recommends approval for the application. Unruh asked if a waiver of right-of-way is needed in the record, but Bartel said metes and bounds must be identified, anyway, for final approval. Leppke said if recommended for approval here, he will contact the family to have the land surveyed. There was no further comment. Eilerts made a motion to recommend approval for the Wiens application to rezone from agricultural to rural residential an estimated 15 acres, based on proposed property lines, with an attachment Notice of Agricultural Operations. Helmer seconded the motion. In favor: 8; Opposed: 0. Motion carried. Pankratz said to include the Notice of Agricultural Operations on the Shields application approval, also.

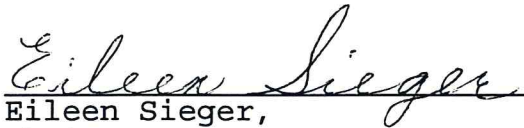
Item 6 - A two-part application for Williams Communications/Glen Unrau, for a CUP for the station, with a variance in a side set back from 50' to 30' Bartel said, and Williams' representative agreed. Calling it a pretty benign application, Wiebe made a motion to recommend approval of a CUP for the fiber optic station, and Unruh seconded the motion. In favor: 8; Opposed: 0. Motion carried. Pankratz made a motion to approve a side variance from 50' to approximately 30', and Eberhard seconded the motion. In favor: 8; Opposed: 0. Motion carried.

Item 7 - Application for Justin Youk for a rezone pending from agricultural to rural residential on approximately 14 acres. Wiebe said he would like to table it, to give the City of Marion a chance to proceed with their plans, since there is a greater public use involved. Eberhard said there probably are liability issues involved. If an annexation happens, then the county commission could give up the land use issue to the city, Bartel said. Then, they could get their building permit from the city, he said. We know the city is planning this, and zoning is something for the future, Eberhard said. Putter questioned if his application does not proceed any annexation action. Time is on our side here, and we should do a little planning and get our

ducks in a row, Wiebe said. Whether another 30 days will be beneficial, or not, I don't know, but it can't hurt and should not cause any problem for Youk or Putter, Wiebe said. Wiebe asked for specific input from the City of Marion. Eberhard made a motion to table this application until the October 22, 1998 meeting, to enable the city more time to give details of their plans, and Pankratz seconded the motion. In favor: 6; Opposed: 0; Abstained: 2. Motion carried.

Fincham made a motion to adjourn the meeting and Pankratz seconded the motion. In favor: 8; Opposed: 0. Motion carried, and meeting was adjourned at 9:40 p.m.

MARION COUNTY PLANNING COMMISSION



Eileen Sieger,
Chair