

Minutes of the Marion County Zoning Commission Meeting
November 17, 2020

The Marion County Zoning Commission met on at November 17, 2020 at 5:00p.m. met via Teams virtual meeting in accordance with Marion County's Disaster Declaration and pursuant to Iowa Code 21.8, This meeting will be held electronically as valid concerns exist that an in-person meeting would be impossible or impractical in seeking to adhere to Governor Reynolds State of Public Health Disaster Emergency Proclamation related to COVID-19 Community Spread Mitigation.

Members present were Alan Terpstra, Sandy Agan, Larry De Zwarte and Paul and Debra Monsma.

The minutes from the October 20, 2020 meeting were reviewed. Terpstra pointed out a date correction that needed to be made. Terpstra called for a motion to approve minutes; motion was made by Agan with corrections and a second by De Zwarte. All in favor; minutes approved.

Terpstra explained the agenda item before the commission tonight was a proposed amendment to the 28E agreement between the City of Pella and Marion County.

Terpstra asked Poffenbarger to give a background on the 28E agreement and explain what led to the proposed amendment. Poffenbarger explained the original 28E agreement between Marion County and the City of Pella went into effect July 1, 2003. An amendment was made 8/2011; this amendment was made to adjust lot sizes in A-1 zones and add A-R; Ag Residential to coincide with the changes made to Marion County's zoning ordinance.

Poffenbarger explains the most recent updates were proposal compiled from the Marion County Engineer, Marion County Zoning, Marion County Environmental Health and the Marion County Attorney. The proposed changes were sent to the City of Pella August 2019. The City of Pella adopted the proposed changes November 2, 2020.

The original 28E agreement had Sub area A which was under the complete control of the City of Pella. Subarea B is land division control by the City of Pella and zoning control by Marion County. Sub area B is the most problematic since Marion County and Pella do not have the same land division requirements or zoning requirements such as setbacks. There have been a few petitions over the years where the differences have caused great conflict. Sub area C is joint land division control and Marion County zoning control.

Poffenbarger goes on to explain some of the changes and the reasons behind the changes. Poffenbarger explained most of the changes stem from finding flaws in the original or amended 28E.

The County Engineer proposed better review of driveways within Pella zoning control since the roads are still under Marion County control. Review of the driveways is important. The new language for driveways is as follows: City shall permit driveways under applicable design requirements within the one-mile extraterritorial area, County retains authority to review for location and drainage prior to the City's permit authorization.

Code enforcement required better definition. Code enforcement is now defined: To allow County to exercise authority and enforcement regarding nuisances within the one-mile extraterritorial area.

Define how parcels split by the imaginary one-mile line will be handled. "Parcels or subdivisions partially within the extraterritorial area shall be considered entirely within the extraterritorial area. Under its own discretion the City may defer and rescind control of these parcels or subdivision to the County.

Poffenbarger explained the biggest concern from Zoning has been Subarea B and the differences in the ordinance.

After meetings between the City of Pella and Marion County it was determined for ease of enforcement of the codes and to simply regulations for the property owners minimizing the 28E area is in the best interest of all. At this time Pella has agreed focusing on the one mile immediately outside the incorporated City of Pella will better serve the property owners. In the proposed one-mile Pella will have complete control both zoning and land division. Everything outside the one-mile area will now be under the total control of Marion County.

Instead of the current open-ended agreement the 28E agreement will be reviewed every five years or concurrently with updates to the City of Pella's Comprehensive Plan and any potential annexations.

Poffenbarger presented the proposed zoning map showing the one-mile area, the parcels that intersect the one mile and the two-mile area. Poffenbarger explained that the parcels coming back under Marion County Zoning will revert to the zoning classification they were prior to 2003. Other than Hunter's Ridge which is zoned R-1; Single Family Residential and Ver Ploeg's storage units zoned C-2; Commercial the area is zoned A-1; Agricultural.

Poffenbarger explained there should be two separate action items. A vote on the 28E amendment and a vote on the amended zoning map and Chapter 55 and Chapter 56 text amendment.

Terpstra called for a motion on the 28E amendment. De Zwarte made a motion to approve the 28E amendment as presented and Agan seconded the motion. A roll call vote was taken.

Terpstra	aye
Agan	aye
De Zwarte	aye

Terpstra called for a vote on the Zoning map amendment and text amendment. De Zwarte made a motion to approve the amended zoning map and text amendment to Chapter 55 and Chapter 56. Agan seconded the motion. A roll call vote was taken.

Terpstra	aye
Agan	aye
De Zwarte	aye

Both recommendations will be forwarded the Marion County Board of Supervisors for review.

Terpstra called for a motion to adjourn. Agan made the motion and De Zwarte seconded the motion to adjourn, all ayes.

Minutes by Melissa Poffenbarger