

BUCHANAN COUNTY ZONING MEETING
Tuesday, February 5, 2013
7:00 PM Assembly Room

At 7:00 2012 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (8) board members: Kris Wilgenbusch, Marlene Brown, Jan Short, Tom Doyle, and Jim Grover, Dave Pech, John Ryherd, and Aaron Cook. John Slattery was absent.

Public guests included: (2), Dustin Osvald and Betty Osvald

Mr. Pech then read aloud the following statement:

WELCOME:

WE ARE THE BUCHANAN COUNTY ZONING COMMISSION, I AM DAVE PECH AND WILL BE DIRECTING THE MEETING THIS EVENING. PLEASE UNDERSTAND THAT THIS ZONING COMMISSION IS ONLY A RECOMMENDING BODY FOR THE BOARD OF SUPERVISORS AND TONIGHT'S DECISION IS NOT FINAL. THE BOARD OF SUPERVISORS WILL MAKE THE FINAL DECISION AT A LATER DATE. WHEN THE PUBLIC HEARING IS SET, THE SAME ADJOINING PROPERTY OWNERS WILL BE NOTIFIED AS WELL. PUBLIC HEARINGS ARE COMMONLY ON MONDAYS BETWEEN 9AM AND 10AM TWO TO FOUR WEEKS FOLLOWING THE ZONING COMMISSION MEETING.

1st Item on the Agenda was to elect the 2013 Chairman and 2013 Vice Chairman. Mr. Beatty then explained the process of the nominations and how they should be handled. Mr. Beatty then opened the meeting for nominations. A motion was made by Marlene Brown to leave the Chairman (Dave Pech) and Vice Chairman (John Slattery) as was in 2012. The motion was seconded by Jan Short. John Ryherd then made a motion to cease nominations. The motion to cease nominations was seconded by Jan Short. All board members were in favor of both motions with votes of (8 – 0). No further discussion.

2nd Item on the Agenda was the approval of the minutes from the previous meeting. Jim Grover made a motion to approve the minutes and Kris Wilgenbusch seconded that motion. The motion was carried with a vote of 8 to 0 with no further discussion.

3rd Item on the Agenda was Betty Osvald of rural Independence wishes to rezone 2 acres from “A-1” Agricultural to “R-3” Residential to allow the construction of a single family dwelling. The property is located at 2337 200th Street between Independence and Winthrop in Section # 20 of Byron Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets and also presented an aerial map of the area and video from the south accessing the proposed area from 200th Street. Mr. Beatty explained the reason for the rezoning application and that this dwelling could be constructed without rezoning the parcel according to our ordinance but, the applicant's financial institution prefers to have the new dwelling on a separate parcel than the farm. Mr. Beatty also explained that the proposed dwelling will be for an immediate family member (grandson) and a person who works on the premises.

Mr. Pech then opened the meeting comments and questions.

Mr. Pech then asked about the second dwelling and how far away the hog facility was away from the dwellings.

Mr. Beatty stated that if using the aerial for comparison, he would estimate 500 to 600 feet from the hog building to the grove of trees.

Mr. Pech then asked who owned the hog facility to the West.

Mr. Osvald stated that he was the owner.

Mr. Osvald agreed with Mr. Beatty that the hog building was 600' plus from the grove of trees.

Mr. Beatty then reviewed the maps supplied and explained that the “dashed” 235' x 380' area was the application area. The second map is the soil map that is outlined in a black sharpie and consists of 60% Soil 171B for 81 CSR and 40% Soil 471 for 86 CSR.

Mr. Beatty explained that all adjoining property owners had been notified. The zoning department only received one phone call from Marjorie Deke and she stated that she was not against the rezoning but, wanted to confirm what was being proposed and where on the property in relationship to the Deke property which is east of the applied parcel.

Mr. Beatty then stated that as a Sanitarian he had made a sight visit and that a septic system could be installed on the proposed area and that sharing of the existing well had also been discussed.

Mr. Beatty then opened question to Dustin Osvald to explain his farming operation in relationship to the farm.

Mr. Osvald then explained his hog operation, the alarms associated with it, his cow-calf operation and the demands involved.

Dustin commented that he had looked at buying in town but, felt it would not work with his farming demands.

Mr. Pech then asked about whom was currently living in the second dwelling.

Mrs. Osvald explained that it was her son and her grandson Dustin and that she resides in the large farm dwelling.

Mrs. Osvald then explained that the farm had been in the family since 1957 and that this would allow Dustin to continue this farming operation.

Dustin then added that he currently owns 120 acres along Nathan Bethel.

Mr. Beatty then added that Dustin and him had discussed that taking crop land out of production may not be the best idea and felt that this pasture location would be the best option.

Mr. Cook added that the established wind break was an asset to the proposed area as well.

Mr. Cook made a motion to approve the request. Marlene Brown seconded that motion. The motion carried with a vote of 8 to 0.

Further discussion included Mrs. Osvald thanking the zoning commission and she also noted that Dustin is the family's fourth generation farmer and that she really wants to keep it that way.

4th Item on the agenda was adjournment. John Ryherd made a motion to adjourn the meeting. Jan Short seconded the motion. The motion carried with a vote of (8 – 0).

The meeting was concluded at 7:12 PM.

Chad Beatty, Zoning Administrator ~ 2/6/12

BUCHANAN COUNTY ZONING MEETING
Tuesday, April 2, 2013
7:00 PM Assembly Room

At 7:00 2012 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (7) board members: Marlene Brown, Jan Short, Jim Grover, Dave Pech, John Slattery, John Ryherd, and Aaron Cook. Tom Doyle and Kris Wilgenbusch were absent.

Public guests included: (7), Mark Grove from East Central IA Coop, Lee Pries of Paul Niemann Construction, Donald Beehner, Margaret Beehner, Ron Abbas of Paul Niemann Construction, Earl Steinbron, and Tina Steinbron.

Mr. Pech then read aloud the following statement:

WEICOME:

WE ARE THE BUCHANAN COUNTY ZONING COMMISSION, I AM DAVE PECH AND WILL BE DIRECTING THE MEETING THIS EVENING. PLEASE UNDERSTAND THAT THIS ZONING COMMISSION IS ONLY A RECOMMENDING BODY FOR THE BOARD OF SUPERVISORS AND TONIGHT'S DECISION IS NOT FINAL. THE BOARD OF SUPERVISORS WILL MAKE THE FINAL DECISION AT A LATER DATE. WHEN THE PUBLIC HEARING IS SET, THE SAME ADJOINING PROPERTY OWNERS WILL BE NOTIFIED AS WELL. PUBLIC HEARINGS ARE COMMONLY ON MONDAYS BETWEEN 9AM AND 10AM TWO TO FOUR WEEKS FOLLOWING THE ZONING COMMISSION MEETING.

1st item on the Agenda: Approval of the minutes from the previous meeting. Aaron Cook made a motion to approve the minutes and Marlene Brown seconded that motion. The motion was carried with a vote of 7 to 0 with no further discussion.

2nd Item on the Agenda: Donald and Margaret Beehner in conjunction with East Central Iowa Coop of rural Jesup wishes to rezone approximately 10 acres from "A-1" Agricultural to "I" Industrial to allow future expansion of the existing Fertilizer and Grain operation. The property is located at 2326 Benson Shady Grove Avenue and 1 mile South of Jesup in Section # 7 of Westburg Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets and also presented an aerial map of the area and video from the NW corner accessing the proposed area from the West. Mr. Beatty explained that this rezoning application included a potential real estate transfer from the current owners (Beehner) to East Central Iowa Coop. Mr. Beatty explained the reason for the rezoning application is for potential future growth of East Central Iowa Coop and that the original 6 acre parcel was rezoned in the year 2000. Mr. Beatty also explained

that the proposed parcel is included in the potential commercial or industrial district of the county's comprehensive plan which was developed in 2006.

Mr. Pech then opened the meeting comments and questions.

Mark Grove, of East Central Iowa Coop then presented some information to the board stating that the request is for mostly future expansion. Mark Grove stated that currently the site does not have any storage for grain. Grove said the first part of the expansion is to construct a 92' bin on the south side of the facility and part of the first phase and ECIC has plans to construct two to three other bins on the existing 6 acre site in the future but, beyond these plans, space is limited. Grove continued to state that the proposed 10 acre area was for equipment storage and that the 10 to 12 year demand shows a need for an additional 1.5 million bushels of grain storage space. Grove concluded by saying that farmers are not getting smaller or slower and this is a way for his company to try and keep up with the growing demands of the agricultural industry.

Aaron Cook then asked if ECIC planned to expand the fertilizer part of the company.

Mr. Grove stated that growth would first be for grain demand, second would be fertilizer and chemical, with potential liquid storage as well. Mr. Grove explained that the vision is to grow West to East first, then North to South to form an "upside" down L parcel.

John Slattery then asked Mr. Beehner about his current land and the access to this proposed parcel.

Mr. Beehner explained that he owned property over to Carroll Avenue and he accessed this area from there. Mr. Beehner confirmed that he owns about a mile to the East.

Mr. Slattery then asked about the property to the South.

Mr. Beehner stated he did not own the 4 to 5 acres to the South but, alluded to a real estate transfer of the property to Birdnow Chevrolet.

Mr. Beehner then stated he has no need for access from the coop or the West side of his property.

John Slattery then confirmed that the request was up to 10 acres?

Mr. Beatty confirmed that was the request on the application.

Mr. Pech then asked Mr. Grove to confirm that the first phase of the project is intended to be on the original 6 acre parcel.

Mr. Grove agreed and stated that ECIC plans to break ground within the next month.

Mr. Grove stated that if the board is interested, this project will be a \$1.5 million investment.

John Slattery made a motion to approve the request as requested.

Mr. Pech then asked if a restriction was desired in the motion explained the restriction definition and process to Mr. Grove.

Mr. Beatty stated that the 2000 rezoning restriction was stated as the following: to allow the location of a farm agronomy center with office, scales, fertilizer, chemical storage, and distribution.

Mr. Slattery stated to amend his motion to include the restriction as stated in 2000 along with adding grain in “black in white” to the restriction.

Mr. Grove agreed with the recommended restriction details.

Mr. Pech then mentioned that it may be a good idea to discuss with the board of supervisors to amend the 2000 restriction to include grain in “black in white” in the restriction versus just an agronomy center.

Mr. Beatty acknowledged “gray” concern of farm agronomy center and said he would discuss with the Board of Supervisors and believed if the Board felt necessary it could be done in a public hearing with the Board of Supervisors and no additional zoning commission meeting should be needed.

Jim Grover seconded the motion.

Mr. Pech then opened the meeting for any other further public comment.

Mr. Earl Steinbron then stated that he was in attendance to confirm the plans of what the expansion plans were.

Mr. Steinbron continued by saying that ECIC has been good neighbors and he and his wife support the progress.

Mr. Pech voiced his concern if ECIC really needed 10 acres and proposed if they could expand with just 5 acres.

Mr. Beehner and Mr. Grove addressed the concern of the lay of the land and the desire for Mr. Beehner to square of his parcel of land.

Mr. Pech then asked if the area that is not expanded in the near term would be farmed.

Mr. Grove answered that the plans were to either farm it or to plant some type of grasses in the unused area.

Mr. Pech then requested a vote on the motion.

The motion carried with a vote of (7 – 0).

3rd Item on the Agenda: Maud Bentley of rural Independence wishes to rezone approximately 2 acres from “A-1” Agricultural to “I” Industrial to construct a scale and establish a stockpile area for the aggregate products while the expansion of the existing quarry to the North occurs. The property is located at 2642 Coots Blvd. and is located 5 miles Southeast of Independence in Section 25 of Sumner Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets and also presented an aerial map of the area and video from the southwest of the requested area on a private lane accessing the proposed area. Mr. Beatty explained the reason for the rezoning application and that this area would be taken out of production with the proposed stockpiling thus, the reason for the request. Mr. Beatty also explained that a 60 acre area to the West of the existing quarry had been rezoned in 1975 by Archie Miller but, since the rezoning 3 or 4 dwellings had been constructed in the area. Access to this existing quarry had always been from the South off Coots Blvd. according to the Zoning Administrator’s knowledge. Mr. Beatty also explained that the land is owned by a corporation, leased by Niemann Construction but, Maud Bentley is an authorized partner in the land ownership. Mr. Beatty explained that the zonings in the area are marked on an aerial map and confirmed that in 1975, “A-2” was a district with quarries as an allowable use thus the reason the area is listed as “A-2” and not, “I” Industrial.

Mr. Pech then opened the meeting for comments and questions.

Mr. Ron Abbas then explained the intentions of Niemann Quarries in regard to the application.

Mr. Abbas explained the process of how the black dirt would be stripped off the property, used a berm and/or stockpile it. Mr. Abbas then explained that the existing stockpile to the North would be used for a base in the area.

Mrs. Brown asked if the quarry was currently in operation.

Mr. Abbas stated that it was and has been.

Mr. Abbas also explained that the Bentley family have been committed “naturalists” thus the reason for expanding in the direction they are proposing.

Mr. Abbas explained that this request would help the stockpile to be moved and their equipment could mine deeper in the existing quarry rather expand into the trees and timber area.

Mr. Pech then asked if the Bentley’s owned the parcels to the West.

Mr. Beatty and Mr. Abbas confirmed that they did not.

Mr. Pech then raised the question that rock and/or limestone must be evident to the West.

Both Mr. Abbas and Mr. Pries stated that they had no knowledge to confirm that.

Mr. Abbas then asked if the 1975 rezoning excluded those dwellings from the zoning district as they were built.

Mr. Beatty explained since this area was zoned "A-2", the county ordinance has between 15 and 20 buildable soils which allows dwellings in these two districts without rezoning residential he assumes this is the reason why these dwellings were allowed in the area at that time.

Mr. Pries then confirmed which areas the Bentley family owns and that Jon Kremer owns to the East of the proposed area.

Mr. Pech and Mr. Abbas then confirmed that the Bentley's own the land and that Niemann Construction leases the area for the use of the quarry and that the agreement had been in place over 30 years.

Mr. Beatty stated that the original agreement started with Joe and Dorothy Bentley.

Jim Grover made a motion to approve the request with a restriction to expand the existing quarrying operation as requested for stockpiling and the construction of a scale. John Ryherd seconded that motion. The motion was carried with a vote of 7 to 0 with no further discussion.

Mr. Beatty confirmed that the restriction would be worded to reflect the application: area to be used to construct a scale and establish a stockpile area for the aggregate products while the expansion of the existing quarry to the North occurs.

If future mining in the requested area is desired, the company would need to reapply.

The representatives from Niemann Construction agreed.

Mr. Pech then suggested that the application on the first request should state the owner Don Beehner in conjunction with East Central Iowa Coop on the paperwork.

Mr. Beatty noted the suggestion and confirmed he would amend the paperwork to reflect the suggestion prior to the public hearing.

4th Item on the agenda was adjournment. Aaron Cook made a motion to adjourn the meeting. Jim Grover seconded the motion. The motion carried with a vote of (7 – 0).

The meeting was concluded at 7:29 PM.

Chad Beatty, Zoning Administrator ~ 4/15/13

BUCHANAN COUNTY ZONING MEETING
Tuesday, May 7, 2013
7:00 PM Assembly Room

At 7:00 2012 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (7) board members: Marlene Brown, Jan Short, Jim Grover, Dave Pech, John Slattery, John Ryherd, and Aaron Cook. Tom Doyle and Kris Wilgenbusch were absent.

Public guests included: (2), Steve Fleming and Lance Fleming

1st item on the Agenda: Approval of the minutes from the previous meeting.

Mr. Slattery asked to confirm about the restriction being in “black and white”.

Mr. Beatty stated he wanted to assure that the Board of Supervisors understood the request so that there was no “gray” area in the restriction. The previous rezoning in 2000 stated the land use to be a farm agronomy center but, no clear mention of grain storage even though that type of activity is conducted at the location and will be in the future. Mr. Beatty stated he understood that a coop usually deals with grain but, wanted this on record in the minutes to properly describe the future growth anticipated by the Coop.

Mr. Slattery stated he understood and wanted to just add the word grain to the rezoning restriction.

Mr. Beatty stated this explanation will do that and he will document the request.

Mr. Pech then asked if both April requests were supported by the Board of Supervisors.

Mr. Beatty confirmed that both requests were unanimously approved.

Jim Grover made a motion to approve the minutes and Jan Short seconded that motion. The motion was carried with a vote of 7 to 0.

The applicants for the 2nd Item on the agenda called and were running late so Mr. Pech delayed the 1st Item on the agenda and moved forward to cover the 3rd Item on the Agenda.

3rd Item on the Agenda: Review and Recommend the Proposed Zoning Compliance Site Plan Application and the Department Procedures Associated.

Mr. Beatty, the zoning administrator then explained the request details and requested that the zoning commission make a motion in support of adopting the zoning compliance site plan application. Mr. Beatty explained that he felt the county has done a good job of monitoring land use within the county (residential, commercial, industrial, etc.) but, hasn't been the best at monitoring zoning setback compliance to date. Mr. Beatty explained that the adoption of this site plan application would allow his department to be more "proactive" than "reactive" in regard to the construction of structures within the county's jurisdiction.

Mr. Beatty then explained that if implemented in July of 2013, the first year or so his department would need to be flexible regulating this since the county will be going from no building applications of any kind to this proposal.

Mr. Beatty explained that he researched other county's application process, attended other zoning meetings throughout Eastern Iowa, and used what his assistant and he felt necessary to assess and authorize site plans.

Mr. Beatty noted to look through the packet of materials including: the application, site plan map, and procedure for the office.

Mr. Beatty also explained Ag Exemption and how the Iowa law overrides any local county or city code.

Mr. Pech then asked if this would be in addition to the rezoning requests for his office.

Mr. Beatty stated yes, that would be the case and explained how his department would handle applications for inquiries.

Mr. Pech then asked, non- agricultural?

Mr. Beatty stated yes.

John Slattery then had a question in regard to Program Activities Roman Numeral #8 (VIII): Resource Activities #2 and #3.

John asked that this statement would be requiring a survey for applicants and in the past aerial maps have been used to make decisions.

Mr. Beatty then explained that the county had 2002, 2009, and 2011 fly over aerial software. Mr. Beatty continued to explain that depending on the angle of the photo from the plane and how the legal description is input in the GIS software it cannot be as accurate as desired and may be skewed.

Mr. Beatty continued with explaining that several existing buildings split the property line when reviewing aerial photos. This procedure would take the liability away from the county by an engineer and/or surveyor being hired by the owner to confirm property pin locations.

Mr. Beatty stated that this proposed procedure would be used instead of authorizing applications from an aerial GIS photo.

Mr. Slattery then asked if a survey or property line confirmation would be in place prior to the applicant coming in front of the zoning commission.

Mr. Beatty stated yes, and continued to explain that Mr. Beatty is requesting the supervisors allow him to authorize these site plan applications on a daily basis within his department and the only time these site plan applications would come in front of the zoning commission would be during an employment transition, or an "extended" 30 day vacation or illness.

Mr. Beatty then confirmed that these three reasons are the only reason the zoning commission would be involved otherwise the zoning administrator would add this to his daily workload.

Mr. Pech then asked if this is an item the commission needed to vote on or just needed to be aware of.

Mr. Beatty stated he was looking for a recommendation by the zoning commission for the support of the adoption of the site plan application.

The Board of Supervisors would then need to authorize prior to the actual implementation.

Mr. Beatty then added that Cindy Gosse, the County Auditor preferred this proposal in May in case of the Board of Supervisors workload was full in June.

Mr. Pech then asked if the county attorney will or has been taking a look at the materials.

Mr. Beatty stated that yes; he has and will share his proposed plans with the County Attorney's office. As of now, no red flags have been communicated.

Mr. Beatty stated that his zoning workload has been transitioned to Mr. Hudson, the new assistant county attorney and he will be given these documents to review as well.

Mr. Beatty stated that he has been working with Mr. Hudson on other variance, nuisance, and condemnation issues within the county currently.

Mr. Pech suggested the felt this would be a good thing for the county.

Mr. Beatty then explained how his department often receives calls during the week if the county has building permits and although the answer is commonly no, the county does monitor and regulate zoning districts and structure setbacks within each district.

Mr. Beatty stated he does not foresee building code enforcement from his department at this time as the department does not have the resources to enforce such but, this proposal would help regulate zoning.

Mr. Slattery then asked if there is a separate application for well and septic permits.

Mr. Beatty stated yes and that these were available at his office or on the website. This proposed application would also be available in the same locations.

Other discussion included the proposed \$100 fee in relation to other area counties and the other fees that the zoning department currently has.

Marlene Brown made a motion to approve the request as requested. Jan Short seconded the motion and the motion carried with a vote of (7-0).

The applicants for Item #2 then arrived so Mr. Pech then stated the following:

Welcome:

WE ARE THE BUCHANAN COUNTY ZONING COMMISSION, I AM DAVE PECH AND WILL BE DIRECTING THE MEETING THIS EVENING. PLEASE UNDERSTAND THAT THIS ZONING COMMISSION IS ONLY A RECOMMENDING BODY FOR THE BOARD OF SUPERVISORS AND TONIGHT'S DECISION IS NOT FINAL. THE BOARD OF SUPERVISORS WILL MAKE THE FINAL DECISION AT A LATER DATE. WHEN THE PUBLIC HEARING IS SET, THE SAME ADJOINING PROPERTY OWNERS WILL BE NOTIFIED AS WELL. PUBLIC HEARINGS ARE COMMONLY ON MONDAYS BETWEEN 9AM AND 10AM TWO TO FOUR WEEKS FOLLOWING THE ZONING COMMISSION MEETING.

2nd Item on the Agenda: Steve and Marsha Fleming in conjunction Steve and Marsha Fleming in conjunction with Lance Fleming of rural Lamont wish to rezone approximately 4.1 +/- acres from "A-1" Agricultural to "R-3" Residential to allow the construction of a single family dwelling. The property is located at 3296 120th Street and is 1 mile Northeast of Lamont in Section # 14 of Madison Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets and also presented an aerial map of the area and video from the Northwest driveway accessing the proposed area. Mr. Beatty also added that this request is actually the second location that Lance was proposing. Mr. Beatty and Mr. Lance Fleming had worked together often this past several weeks looking at scenarios on where he could construct a home on the family farm. Floodplain, hunting preserve setbacks, and CSR ratings have all had an impact on Lance's proposal and plans, thus moving away from Washington Avenue. A 2002 ordinance restricts any structures being built within 200 yards or 600' of any hunting area in Buchanan County. Mr. Beatty noted that this proposed location was an existing dwelling until 2002 or so and was demolished at that time. The original 911 address was 3296 120th Street. Mr. Beatty stated that this was similar to the Dustin Osvald rezoning where Mr. Fleming could build without rezoning but, the financial institution would prefer a separate parcel for the proposed new dwelling.

Mr. Pech then opened the meeting for comments and questions.

Lance Fleming then explained the process in which he analyzed the 9 acre Washington Avenue location with floodplain issues and the hunting preserve and how he came to request this 120th Avenue location.

Lance also explained how this location is the best option of not taking good soils out of production as this area already had a buried farm site under it and does not produce like the balance of the farm.

Mr. Pech then asked how the request ended up with 4.1 acres because in the "R-3" residential district the minimum is 2 acres thus 2 dwellings could be constructed on 4.1 acres.

Lance then explained that he and Chad used the old aerial map of the past farmstead to come up with the 4.1 acres.

Lance added that he plans to have Crawford survey a square off and it will most likely be closer to 3 or 3.5 acres.

Mr. Pech then confirmed that this requested legal may not match the final parcel.

Lance agreed.

Mr. Beatty then explained how he used his GIS software and compared 2002 fly over to 2009 and 2011 and matched the measurement to the evidence of demolition in 2002.

Mr. Pech then explained that minimum is 2 acres but, if the commission recommended 4.1 acres that in theory, 2 dwellings could be constructed at this location.

Mr. Slattery then asked the question if the Flemings would be against a restriction of only one dwelling.

Lance Fleming stated no and he had no plans of any other dwellings at this location.

Mr. Pech then stated he may not but, if the property was sold the buyer may have other intentions in the future.

Lance Fleming acknowledged the concern.

Discussion continued between Steve, Lance, and the board about the survey being less than 4 acres.

Mr. Slattery suggested that it may be better to make a motion with a restriction of only one dwelling and keep the 4.1 acres to assure the survey was able to be made correctly.

Mr. Beatty agreed.

Mr. Slattery then made a motion to approve the request of up to 4.1 acres with the restriction of only one dwelling on the parcel. John Ryherd seconded the motion. The motion was carried with a vote of 7 to 0.

Discussion continued between Mr. Pech, Lance Fleming, and Mr. Beatty in regard to communication of the final legal description.

Mr. Beatty requested that when Crawford Engineering was completed with the survey to have Lance share a copy with the zoning department.

Lance Agreed.

4th Item on the agenda was adjournment. Marlene Brown made a motion to adjourn the meeting. Jan Short seconded the motion. The motion carried with a vote of (7 – 0).

The meeting was concluded at 7:27 PM.

Chad Beatty, Zoning Administrator ~ 5/21/13

BUCHANAN COUNTY ZONING MEETING
Tuesday, July 2, 2013
7:00 PM Assembly Room

At 7:00 2013 Vice-Chairman Slattery called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (8) board members: Marlene Brown, Jan Short, Jim Grover, John Slattery, John Ryherd, Aaron Cook, Tom Doyle, and Kris Wilgenbusch. Dave Pech was absent.

Public guests included: (6) Jenny Yoder-Bell, Brian Bell, Jennifer Schweitzer, John Bell, Merideth Miller, and Randy Reed representing Bruening Rock Products, Inc.

Mr. Slattery welcomed the guests and explained the role of the zoning commission. Mr. Slattery confirmed an additional meeting to authorize the rezoning request will be held by the Board of Supervisors within the next 2 to 3 weeks. Mr. Beatty agreed and stated that all persons notified of this meeting would be notified of the next meeting.

Mr. Slattery then reminded the guests to sign in and requested that before speaking to please state their name to assure accuracy in the meeting's minutes.

1st item on the Agenda: Approval of the minutes from the previous meeting.

Aaron Cook made a motion to approve the minutes and Marlene Brown seconded that motion. The motion was carried with a vote of 8 to 0.

2nd Item on the Agenda:

John Bell of rural Independence wishes to rezone approximately 2.05 +/- acres from "A-1" Agricultural to "R-1" Residential to sever 1 acre +/- and allow the construction of a second single family dwelling on the property. The property is located at 2102 220th Street and is 1/2 mile east of Independence in Section # 2 of Sumner Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets and also presented an aerial map of the area and video from East of the proposed area on a private lane owned by Meredith Miller. Mr. Beatty also added that this request is located within an existing lineal line of residential dwellings with a trailer court and R-1 subdivision within a ½ mile to the North and East. Mr. Beatty noted that this proposed location may need to have easement access from Meredith Miller to access the property from the East or use the existing Reidy-Bell driveway to the West. Mr. Beatty stated that this area was noted as a residential growth area in the 2006 comprehensive plan completed by the county and also showed video of the well that the Bell family would need to share if this request was rezoned to "R-1" residential.

Mr. Slattery then opened the meeting for comments and questions.

Mr. John Bell commented that Mr. Beatty explained the request how he would present their desired plans.

Marlene Brown asked about the "L" shaped proposed area.

Mr. Beatty explained that the parcel is currently approximately 2.05 acres with the right of way and this "L" shaped parcel was a balance of the area behind Mr. Reidy's parcel which was severed in the past. This "L" shaped parcel would allow both John and Brian to obtain 1 acre each which is required within the "R-1" Residential district.

Brian Bell then commented that he and his wife (Jenny) were the ones who plan to build behind his father. Brian continued to explain that this is where he grew up and they had plans to start a family.

Mr. Reed from Bruening Rock Products, Inc. explained about blasting and mining in the area and those vibrations can and may occur. Randy explained that his company has plans of quarrying close to the Bell West property line and wanted the applicants to be aware that his company continues to get closer each day.

Randy commented that he was confident that John is aware but, wanted it noted in the minutes.

Mr. Beatty then asked Randy about the State regulation which may control how close mining can occur to the property line.

Mr. Reed confirmed that there are certain regulations in regard to how close mining can occur to the property line.

Mr. Reed also commented that the South property line near Meredith Miller; the quarry is as close as they can go. There is room for the berm and a driveway area between the berm and the fence line / property line.

Mr. Reed stated that he cannot confirm the exact footage for sure but, noted that his company is aware of the regulations.

Mr. Reed added he wanted the applicants to be aware of the noise, dust, and vibrations that occur in the area.

The applicants, Brian Bell, confirmed they were aware of the potential nuisance concerns and noted that the proposed dwelling site would be constructed as far East on the property as possible thus, creating as much distance from the quarry as possible.

Mr. Beatty then added about the several unique features of this location including the close proximity to the City of Independence, the multiple residential dwellings in the area, and again mentioned the potential easement which may be needed from the private lane owned by Meredith Miller or the use of the existing West (Reidy / Bell) driveway.

Mr. Beatty explained that the easement was more of a civil matter and that the two owners and an attorney could draft an agreement.

Mr. Beatty then confirmed with the commission about the lane location he was referencing but, also stated that the new proposed parcel could be accessed from the Reidy / Bell driveway as mention earlier.

John Ryherd made a motion to approve the request. Jan Short seconded the motion. The motion carried with a vote of (8 – 0).

3rd Item on the agenda was adjournment. Aaron Cook made a motion to adjourn the meeting. Jim Grover seconded the motion. The motion carried with a vote of (8 – 0).

The meeting was concluded at 7:12 PM.
Chad Beatty, Zoning Administrator ~ 7/11/13

BUCHANAN COUNTY ZONING MEETING
Tuesday, September 3, 2013
7:00 PM Assembly Room

At 7:00 2013 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (8) board members: Dave Pech, Jan Short, Jim Grover, John Slattery, John Ryherd, Aaron Cook, Tom Doyle, and Kris Wilgenbusch. Marlene Brown was absent.

Public guests included: (4) Jim Latwesen with Innovative Ag Services and his two (2) sons, and Andrew Machacek

Mr. Pech welcomed the guests and explained the role of the zoning commission. Mr. Pech confirmed an additional meeting to authorize the rezoning request will be held by the Board of Supervisors within the next 2 to 3 weeks and announced those in attendance of tonight's meeting would be notified of the supervisors' meeting.

Mr. Pech then reminded the guests to sign in and requested that before speaking to please state their name to assure accuracy in the meeting's minutes.

1st item on the Agenda: Approval of the minutes from the previous meeting.

Jim Grover made a motion to approve the minutes and Aaron Cook seconded that motion. The motion was carried with a vote of 8 to 0.

2nd Item on the Agenda:

1. Innovative Ag Service of rural Winthrop wishes to rezone approximately 9.56 +/- acres from "A-1" Agricultural to "I" Industrial to install another NH 3 (Anhydrous Ammonia) storage tank and to obtain compliance of the existing facility with the county's zoning regulations. The property is located at 2443 Vincent Avenue and is 6 miles Southeast of Winthrop in Section # 16 of Middlefield Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets and also presented an aerial map of the area, including the 1986 "Industrial" area, soils, floodplain, and video from within the proposed area and from Vincent Avenue of the land owned by Innovative Ag Services. Mr. Beatty also added that this request was initiated by Innovative Ag Services who had inquired on installing another NP3 storage tank on their property. Through some research it was discovered that only one of the two parcels were zoned correctly. This rezoning would get both parcels into compliance and allow the company to expand as desired. Mr. Beatty noted that the NP3 tank proposed location would be in compliance with the county setback requirements (10') but, may need to have an easement agreement with the land owner to the West to be in compliance with the State of Iowa setback

regulations (50'). Mr. Beatty stated that this area was noted as an established viable agricultural business but, was not sure why only 8 acres +/- was rezoned in 1986.

Mr. Pech then opened the meeting for comments and questions.

Jim Latwesen from Innovative Ag Services then spoke and announced that the company is currently working with the landowner to the West (Dennis Lindsay) to potentially purchase a parcel 30' by the entire length of the Innovative Ag's property to eliminate the option of an easement agreement to comply with the State of Iowa. With this purchase, Innovative Ag will own the needed setback area and then rent the land back to Mr. Lindsay to continuing farming it. Mr. Latwesen continued to explain that the company will only actually need 25' for the proposed NH3 location but, felt more comfortable with the 30' to assure no placement issues arise. Jim Latwesen continued to explain that both parcels are both under Buchanan County "Industrial" taxation but, he and others within the company do not know why only one parcel was rezoned in 1986. Jim then explained this Industrial rezoning will also assist with any future expansion as the South portion of the property is currently tilled and sweet corn is planted there each year.

Mr. Beatty then added that originally Innovative Ag Services was working with the State of Iowa for two options which was a potential easement agreement or a registered lease with the West land owner.

Mr. Latwesen confirmed that was correct but, stated that the owner has chosen option number three (3) and to sell 30' of the property to Innovative Ag Services.

Mr. Pech confirmed the location of the newly proposed tank.

Mr. Latwesen explained the new tank would be West of the two (2) existing tanks.

Mr. Latwesen continued to explain that the current tanks are 51' from the current property line. The placement of the new tank would be in compliance with the 10' setback of the county but, not the State requirement. This then prompted the inquiry with the West property owner.

Mr. Slattery then asked the size and details of the existing tanks.

Mr. Latwesen confirmed that the two (2) current tanks are 18,000 gallons and the new one will be a 75,000 gallon tank.

Mr. Slattery asked if they propose keeping the two (2) existing tanks.

Mr. Lawesen confirmed that they would be keeping them.

Mr. Machacek stated he was in attendance to confirm what was developing and recognized this would just clean things up.

Mr. Pech then explained the process and description of the placement of a restriction on a rezoning.

Mr. Slattery then made a motion to approve the request with a restriction to operate as an Ag Services Company.

After discussion from Mr. Beatty it was determined to amend the motion to include the potential 30' to the West that may be acquired with the Industrial status.

Mr. Latwesen again added that the area purchased will continue to be farmed by Mr. Lindsay.

Mr. Pech stated that the details and wording of this restriction will be reviewed at the Board of Supervisors public hearing.

Mr. Beatty added that later this fall, potentially in October, he plans to work with the County Attorney to update some of the ordinances and this type of setback is one of the proposed changes. Mr. Beatty feels it does not correlate to have a tank similar to this request be a 10' setback for our county when the State requirement is a 50' setback.

John Ryherd seconded Mr. Slattery's amended motion to approve the request with the restriction of an Ag Services Company. The motion carried with a vote of (8 – 0).

3rd Item on the agenda was adjournment. Jan Short made a motion to adjourn the meeting. Kris Wilgenbusch seconded the motion. The motion carried with a vote of (8 – 0).

The meeting was concluded at 7:14 PM.
Chad Beatty, Zoning Administrator ~ 9/16/13

BUCHANAN COUNTY ZONING MEETING
Tuesday, November 12, 2013
7:00 PM Assembly Room

At 7:00 2013 Vice-Chairman Slattery called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (7) board members: Jan Short, Jim Grover, John Slattery, John Ryherd, Aaron Cook, Tom Doyle, and Kris Wilgenbusch. Dave Pech and Marlene Brown were both absent.

Public guests included: (4) Brian Prusator, Garrett Prusator, Jayne Stephenson, and Kirsten Van Alst.

Mr. Slattery welcomed the guests and explained the role of the zoning commission. Mr. Slattery confirmed an additional meeting to authorize the rezoning request will be held by the Board of Supervisors within the next 2 to 3 weeks and announced those in attendance of tonight's meeting would be notified of the supervisors' meeting.

Mr. Slattery then reminded the guests to sign in and requested that before speaking to please state their name to assure accuracy in the meeting's minutes.

1st item on the Agenda: Approval of the minutes from the previous meeting.

Jan Short made a motion to approve the minutes and Jim Grover seconded that motion. The motion was carried with a vote of 7 to 0.

2nd Item on the Agenda:

- 1. Jayne Stephenson wishes to rezone approximately 2 +/- acres from "R - 3" Residential to "R - 2" Residential to construct another dwelling or add an addition to the existing dwelling to allow extended family to live or reside. The existing property was previously rezoned from "A-1" Agricultural to "R - 3" Residential in 1995. The property is located at 3172 Nolen Avenue and is approximately 4 miles Southeast of Rowley in Section # 20 of Cono Township.**

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets and also presented an aerial map of the area, including the soils and the parcel survey to the audience as well. No video was shown at the meeting due to technical difficulties with the zoning department's video equipment. Mr. Beatty also added that this request was initiated by several site visits to assist with a problematic well. After several dwelling expansion inquiries by Mrs. Stephenson and through some research it was discovered that only one dwelling should be on the property when zoned "R-3" Residential. This rezoning to "R-2" would allow this parcel to be in compliance and also allow the extended family to expand as desired. Mr. Beatty

noted that if the existing trailer remained on the property and used for storage it would be in compliance with the county setback requirements for an accessory structure (10') but, would need a variance or be moved if the structure was used for residential purposes in the future. Mr. Beatty stated that this parcel was rezoned in 1995 but, no restrictions were attached to the rezoning at that time.

Mr. Slattery then opened the meeting for comments and questions.

There was some discussion by the board about the location of a new dwelling if constructed in the future.

Mr. Beatty then reviewed how the request came about and informed the board on how an addition with a breezeway and an entirely separate dwelling were both discussed. Mr. Beatty also confirmed that a new well was drilled recently.

Mrs. Stephenson commented that she hadn't decided yet on the plan of how she was going to move forward but, was going through the correct process to assure she did it the right way.

Mr. Beatty then added that the current septic system would need to be analyzed as the changes were made and asked if the plans for the existing accessory structure could be confirmed.

Mr. Beatty added that the existing accessory structure did house the old well in the basement of the structure.

Mrs. Stephenson stated that the structure could become solely storage but, since the structure is over a foundation, she had concern it could be costly.

Mrs. Stephenson stated that best case scenario would be to remove it but, she could not commit to that currently because her finances would not allow to accommodate all of the expansion, a new well, and septic system.

Mrs. Stephenson stated that she could unhook the water and any utilities to become an accessory structure.

Mr. Beatty explained that currently the structure is not in compliance within the "R-3" zoning district as it states the structure needs to be setback 30' from the front property line but, within an "R-2" District an accessory structure could remain in the same location as it is currently 10' from the front property line.

Mr. Beatty confirmed that the structure in its current location could not be used as single family housing without a variance.

Mr. Slattery confirmed which structure we were speaking about.

Mr. Beatty stated the white one as the yellow dwelling is the main structure on the property and the white structure is where the well is located within the basement.
Mr. Slattery then asked about where another structure could be constructed.

Mr. Beatty confirmed that within our ordinance the square footage of a lot could go down to as little as 10,000 square feet with setbacks of 30' Front, 10' Side, and 30' rear.

Mr. Beatty stated that within this requirement the NE or SE corner may be the best option for this parcel.

Mr. Slattery then asked if anyone was living in that structure now and if allowed to stay this would allow three structures on the property.

Mrs. Stephenson stated that there was currently but, if a new structure was built, no one would live there.

Mr. Beatty then confirmed that if this was rezoned and the new addition or dwelling was constructed Mrs. Stephenson would agree the mobile home would be become 100% accessory structure.

Mr. Beatty requested a motion to include addressing the accessory structure to confirm compliance and he would confirm the parcel being in compliance.

Mr. Doyle then asked about the other structures to the North and how they would impact future plans for the new structure.

Mr. Beatty confirmed that any new dwelling in the "R-2" could be 30' off front, 10' off the sides, and 30' off the rear.

Mr. Slattery then voiced his concern on the mobile home being left in front of the 2 newer dwellings. Although it would be in compliance the aesthetics were a concern for him.

Mr. Beatty reviewed the options of the restrictions on the table for a motion as follows:

- (1) Motion with the mobile home staying as an accessory structure only or
- (2) Motion with the direction for the applicant to apply to the board of adjustment to allow family members to live in the existing mobile home with a variance or a
- (3) Motion to remove the mobile home structure totally from the parcel.

Mr. Ryherd then asked if there were setbacks between houses.

Mr. Beatty stated that if "R-2" there was no exact ordinance to address that but, for drainage and other issues it would be recommended at least 10'.

Mr. Ryherd then made a motion to approve the request with a restriction to confirm that the existing mobile home be used as an accessory structure “only” to be in compliance with the zoning ordinance within the “R-2” Zoning District.

Jan Short seconded Mr. Ryherd’s motion to approve the request with the restriction noted above.

Aaron Cook requested that the supervisors discuss the several restriction options and the long term concern of the mobile home. Mr. Cook understands that the commission had concerns tonight as well but, for compliance of the existing structures to remain is a discussion point.

Mr. Cook stated that ultimately this is the supervisors’ decision and wanted them aware of the restriction options as well.

Mr. Slattery agreed.

The motion carried with a vote of (7 – 0).

3rd Item on the agenda was adjournment. Aaron Cook made a motion to adjourn the meeting. Kris Wilgenbusch seconded the motion. The motion carried with a vote of (7 – 0).

The meeting was concluded at 7:18 PM.
Chad Beatty, Zoning Administrator ~ 12/2/13