

BUCHANAN COUNTY ZONING MEETING
Tuesday, February 18, 2014
7:00 PM Assembly Room

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

Chad Beatty, Zoning Administrator was present along with the following (6) board members: Kris Wilgenbusch, Marlene Brown, Jan Short, Karen Connell, Jim Grover, and Dave Pech. John Ryherd, Tom Doyle, and John Slattery were all absent.

Public guests included: (3), Denny Wilson, Louis A. Johnson, and Michael J. Abbott.

As interim Chairman, Mr. Pech then welcomed the commission's newest member Karen Connell to the board.

Mr. Pech then had Mr. Beatty direct the commission through item number one (1) of the agenda, which was the election of officers at the first meeting of 2014.

1st Item on the Agenda was to elect the 2014 Chairman and 2014 Vice Chairman. Mr. Beatty then opened the meeting for nominations. A motion was made by Marlene Brown to nominate Dave Pech as chairman. The motion was seconded by Karen Connell.

Marlene Brown made a motion to cease nomination. The motion was seconded by Kris Wilgenbusch.

The motion was carried with a vote of 6 to 0.

Dave Pech made a motion to nominate John Slattery as Vice Chairman. The motion was seconded by Jan Short.

Jim Grover then made a motion to cease nominations. The motion to cease nominations was seconded by Kris Wilgenbusch.

The motion was carried with a (6 – 0) to zero vote. No further discussion.

Dave 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.

2nd Item on the Agenda was the approval of the minutes from the previous (November) meeting. Kris Wilgenbusch made a motion to approve the minutes with one correction in paragraph number 10 on page number 2. "Mrs. Stephenson instead of Mr. Stephenson". The motion, including the correction, was seconded by Karen Connell. The motion was carried with a vote of 6 to 0 with no further discussion.

3rd Item on the Agenda was Raymond Cantonwine of rural Independence wishes to rezone approximately 2 acres from "A-1" Agricultural to "R-2" Residential to allow an existing mobile home to remain on the property and come into compliance with the Buchanan County Zoning Ordinance. The property is located 3.5 miles southwest of Independence in Section # 11 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 north accessing the proposed area. Mr. Beatty explained the reason for the rezoning application and that this trailer had been on site for quite some time (2006) and with this rezoning would get the property into compliance. Mr. Beatty also explained that the proposed change included a new septic system for the property and how this application came to be. The trailer dwelling will be for immediate family members (daughter and son-in-law) who plan to assist with Mr. Cantonwine's health. Mr. Beatty added he had only taken one call about the application and it was with the farmer to the West who had inquired about an easement agreement process for the driveway to the West of the trailer. Mr. Beatty explained that easements are a civil matter and directed the farmer to get an attorney and discuss with the applicant.

Mr. Pech then opened the meeting comments and questions.

Mr. Abbott acknowledged the concern of the farmer and stated that an agreement had already been discussed.

Mr. Abbott stated he is the son-in-law of Mr. Cantonwine and that Ray's health has become a concern with a desire for him and his wife to stay on the premises to assist as needed. Mr. Abbott added that the existing farm house's living quarters has been reduced to three rooms due to his finances not being able to afford the high heat costs. The balance of the house is not currently in use.

It was asked of Mr. Abbott of who lives in the trailer currently. Mr. Abbott confirmed that no one is currently but, he and his wife would if the zoning request was adopted.

Mrs. Connell then asked about the septic system and if the system would accommodate both dwellings?

Mr. Abbott stated yes and Mr. Beatty added that his department regulated that as well and was the reason in which the zoning compliance issue was found.

Mr. Beatty also added that the applicant wanted to assure he was going through the correct process to gain compliance both zoning wise and sanitation wise.

Mr. Pech then explained to Mr. Abbott concerning the restriction that the county can place on a particular request.

Kris Wilgenbusch made a motion to approve the request with the restriction of only two (2) dwellings being allowed on the property. Marlene Brown seconded that motion including the restriction. The motion carried with a vote of 6 to 0.

4th Item on the Agenda was Louis Johnson of rural Jesup wishes to rezone approximately 2.5 acres from "A-1" Agricultural to "R-2" Residential to subdivide the area into four (4) lots for recreational and residential uses. The property is located less than a ½ mile south of Littleton along the north bank of the Wapsipinicon River in Section #10 of Perry 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 north private lane which accessed the proposed area. Mr. Beatty explained the reason for the rezoning application and that a potential camper may be used on the empty lot. Mr. Beatty explained that during the research of organizing the application it was discovered that a FEMA buyout in the area had occurred. This FEMA buyout states that no permanent structures may be constructed in the area which accepted the buyout. The existing three cabins did not accept the buyout offer and may remain. Any improvement would need to be authorized by the IDNR. Mr. Beatty reminded the board that both FEMA and the IDNR regulate flood plain construction permits within Buchanan County. Mr. Beatty stated that the applicant is aware of these agreements as well.

Mr. Johnson added that three cabins are within the proposed plat, not two. Mr. Beatty noted that.

Mr. Pech then opened the meeting for comment.

Mr. Johnson explained that the reason for rezoning was his age and the wish of the cabin owners to own the land under their cabin. Mr. Johnson has concern that if the owners wanted to drop and leave the cabin, taxes, rehabilitation, and insurance would all be his burden.

Mr. Johnson stated that all cabins have separate septic systems and private wells.

Mr. Johnson assured to Mr. Beatty that the camper would only be on site 2 to 4 weekends a year and not become a permanent placement for the camper. Mr. Johnson confirmed that restrooms from the area cabins are used as well and internal storage of waste water would be disposed of offsite.

Much discussion was had over the FEMA Floodplain and to the properties within proximity to the Wapsipinicon River. Mr. Beatty again reminded the commission of the agreement of no permanent construction may be placed in the area without authorization of the IDNR.

Discussion then continued over the proposed survey. Mr. Pech inquired if the preliminary plat would need to be reviewed tonight as well. Mr. Beatty confirmed yes, two different motions would be needed. Mr. Pech stated that in the past this was often done in two meetings. Mr. Beatty shared he thought the last application was done this way as well. Mr. Beatty added that all of the requested check list items were in place and he had worked closely with the surveyor and Denny Wilson, the applicant's attorney, to expedite the process.

Mr. Beatty added that the R-2 district was selected as the request change matches the adjacent and adjoining area of Littleton as this area is all "R-2".

Karen Connell then made a motion to approve the rezoning request. The motion was seconded by Jan Short. The rezoning request was approved with a 6 – 0 vote.

Discussion continued about the preliminary plat including the easement areas and the private lane in relationship to the lots.

Mr. Pech confirmed that the checklist items were all in place, Mr. Beatty confirmed.

Minor discussion was held about the access easements to the River. Mr. Johnson stated he will have an agreement to regulate this.

Mr. Beatty requested that before recording the plat, a site visit to confirm property pins in relationship to setbacks should be confirmed by the zoning administrator. Mr. Beatty stated that on the previous site visit, snow had made that assessment difficult. Mr. Beatty shared that the site visit would also confirm no variances are needed, while saving the applicant another meeting and \$150 in the process. Mr. Johnson and Mr. Wilson agreed.

Kris Wilgenbusch made a motion to approve the preliminary plat. Karen Connell seconded the motion.

The motion was approved with a vote of 6 to 0.

5th Item on the Agenda was Randy Bast of rural Jesup wishes to rezone approximately 2 acres from "A-1" Agricultural to "R-3" Residential to allow the construction of a single family dwelling. The property is located 1.25 miles West on Littleton on the North side of 175th Street in Section # 8 of Perry Township.

Mr. Beatty announced that the applicant called prior to the meeting and could not attend due to a family emergency.

Mr. Pech moved forward with the meeting to discuss to see if the commission could decide with the applicant's absence.

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 north private lane which accessed the proposed area. Mr. Beatty explained the reason for the rezoning application and that a buyer of the parcel would construct a house in the future. Mr. Beatty explained that during the application process buildable soils were discussed but, these were within the floodplain and county could not authorize the construction of a structure in those areas.

Much discussion continued about the adjacent dwellings, farmstead to the SE and the CSR of the Soils.

With that, Kris Wilgenbusch made a motion to table the request until the March 4th meeting when the applicant can be in attendance. The motion was seconded by Jan Short.

The motion carried with a vote of 6 to 0.

6th Item on the agenda was adjournment. James Grover made a motion to adjourn the meeting. Marlene Brown seconded the motion. The motion carried with a vote of (6 – 0).

The meeting was concluded at 7:48 PM.
Chad Beatty, Zoning Administrator ~ 2/21/14

BUCHANAN COUNTY ZONING MEETING

Tuesday, March 4, 2014

7:00 PM Assembly Room

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

Chad Beatty, Zoning Administrator was present along with the following (6) board members: Kris Wilgenbusch, Jan Short, Tom Doyle, Karen Connell, Jim Grover, and Dave Pech. John Ryherd, Marlene Brown, and John Slattery were all absent.

Public guests included: (4), Randy Bast, Mr. and Mrs. Loren Staton, and Assistant County Attorney Michael Hudson.

Dave Pech then welcomed and addressed those in attendance with a similar 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 the approval of the minutes from the previous (February) meeting. Karen Connell made a motion to approve the minutes. The motion was seconded by Jan Short. The motion was carried with a vote of 6 to 0 with no further discussion.

2nd Item on the agenda was Randy Bast of rural Jesup wishes to rezone approximately 2 acres from "A-1" Agricultural to "R-3" Residential to allow the construction of a single family dwelling. The property is located 1.25 miles West of Littleton on the North side of 175th Street in Section # 8 of Perry Township.

Mr. Beatty reminded the commission this item was tabled from last month due to the applicant not being able to attend the meeting and then read aloud the request details and location and asked the commission to review their zoning packets and also presented an aerial map of the area and video from the south county paved road overlooking the proposed area. Mr. Beatty explained the reason for the rezoning application and that the applicant purchased the property

in late 2013 from Mr. Sparky Duroe. Mr. Beatty noted that this 16 acre +/- parcel contains several acres of floodplain, is a lineal line of dwellings and if rezoned this property would potentially be transferred to his daughter to construct a dwelling. Mr. Beatty also explained that the proposed change included the only portion of the property that was not in the floodplain. Mr. Beatty explained that a county hunting preserve is located to the North but, is more than the required 200 yards or 600' from the proposed application.

Mr. Pech then opened the meeting comments and questions.

Mr. Pech noted in the meeting before preserving the good soils was a concern for him.

Mr. Bast acknowledged the location being crop land but, noted is a small portion of the parcel and the majority of the farm parcel is poor low laying ground similar to wetlands and could maybe grow cockle burs.

Mr. Bast continued to explain that either his daughter or he may build on this property in the future. The balance will be used to hopefully construct an accessory structure and store some of his agricultural business related items and noted that he currently lives in the town of Jesup.

Mr. Pech inquired about what type of business Mr. Bast performs.

Mr. Bast replied he does some farm tiling and would store some Ag related items at this location.

Mr. Beatty confirmed that Mr. Bast has some minimal tile on the property currently and has communicated his intentions.

Mrs. Connell then commented that she felt the small area of crop land would be difficult to farm with the current trend of large machinery.

Mr. Pech expressed that the County's Comprehensive plan states that conserving the county's soil and Ag land is the number one priority for the county.

Mr. Pech added that this application's portion of this parcel has some of the best soils in the county and to remember farming is just not corn and beans, vineyards, pasture etc. is also farming.

Mrs. Connell added that the topographic map shows this area is low.

Mr. Beatty agreed the area was lower than the 175th Street elevation and much was in the floodplain but, the application area was not.

Mr. Pech expressed that the commission uses the soil CSR maps supplied by the county and pointed out that 79 CSR was 100% of the proposed site.

Mr. Beatty agreed.

Mr. Doyle expressed his disagreement with Mr. Pech and stated he felt the soil map may be inaccurate. Mr. Doyle continued that he has visited this area of the county many times and feels West of Littleton is quite sandy.

Mr. Pech questioned Mr. Beatty about the soil maps and when this aerial was taken.

Mr. Beatty confirmed that these maps are the same we use with each rezoning request and comes from a layer of our GIS software which the latest flyover was in July of 2011.

Mr. Pech again reminded the commission is evaluating the area of the application not the entire 16 acre parcel and that the application area was row crops as per this aerial.

Mr. Bast confirmed the parcel had about 4 to 5 acres of row crops this past year as well.

Mrs. Connell again voiced her concern on the small area to farm and expressed she has no issues with this application.

Mrs. Short added to assure that Board of Supervisors were aware of the soils and CSR.

Mr. Pech stated that the minutes should express that.

Karen Connell made a motion to approve the request. Tom Doyle seconded the motion. The motion carried with a vote of 4 to 2 with Mr. Pech and Mrs. Wilgenbusch voting against the motion. There was no further discussion.

3rd Item on the Agenda was Loren Staton of rural Walker wishes to rezone approximately .25 acres +/- from "A-1" Agricultural to "A-2" Agricultural to establish a private family cemetery. The property is located 1 ½ miles Northwest of Troy Mills in Section #24 of Cono Township.

Mr. Beatty then stated he had received one office visit regarding the rezoning request from Mr. Kenneth Wright about the exact location of the request. Mr. Beatty stated after confirmation, Mr. Wright requested a copy of the minutes of the meeting. 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 portion of the dwelling and explained the long private lane which accessed the proposed area. Mr. Beatty noted that Buchanan County owns to the North and the East of the proposal and Dan Cohen was notified with no input. Mr. Beatty also noted that since this was a unique application he invited the assistant county attorney Michael Hudson to attend. Mr. Beatty also noted that if the request was granted the applicant would also need to apply to the Board of Adjustment to request relief of the minimum 20 acre requirement in the Buchanan County Zoning Ordinance.

Mr. Beatty then read aloud the following statement about the Iowa law in regard to private burial:

Where can bodies be buried in Iowa?

Most bodies are buried in established cemeteries, but burial on private property is possible in Iowa. Before conducting a home burial or establishing a family cemetery, check with the county or town clerk for any local zoning laws you must follow. If you bury a body on private land, you should draw a map of the property showing the burial ground and file it with the property deed so the location will be clear to others in the future.

Mr. Beatty stated with that said, this is why the applicants are in front of you tonight.

Mr. Pech then opened the item for discussion by saying in 30 years or so he had never seen an application quite like this and began to allow comments and questions by those in attendance.

Mr. Beatty stated to his knowledge that in the last cemetery application was in the late 80's by White Funeral Home and Mt. Hope Cemetery south of Independence on Hwy. 150 and that was for expansion to the West.

Mr. Staton then explained to the board that he and his family always wanted to be buried on the property but, hadn't completed the correct steps to do so. Mr. Staton continued to share the number of children and foster children the couple had. Mr. Staton explained the location of the proposal had never been farmed and the age of the trees proved that.

Mr. Staton continued to explain that he currently takes care of a cemetery roughly 2 miles away and the family has intentions of adopting similar policy and procedure of that cemetery for the family. Mr. Staton continued to share that he envisions a family type trust to oversee the property.

The question was asked of who owned the vineyard. Mr. Staton and Mr. Beatty confirmed it was the Statons.

Mr. Hudson then added that even though a cemetery was a principle use in "A-2" district he had many concerns arise with the idea. Mr. Hudson wanted the commission to know that the State of Iowa does not require a body to be buried in a casket which could cause some environmental health concerns.

Mr. Hudson continued to add that commonly the county has appointed township trustees who manage the area cemeteries and the Staton family would also have to comply with regulations from Iowa Code Chapter 566A with misdemeanor fines possible and not certain whose job it would be to regulate this.

Mr. Pech stated that since no real applicants have approached the county in the past maybe it is due to our zoning ordinance prompting this with the 20 acre minimum to deter these types of cemeteries from forming.

Mr. Grover added that a smaller cemetery is near Rowley but, is in poor condition with very little maintenance.

Mrs. Connell expressed her concern on future maintenance of the monuments and head stones and stated the area should be taken care of out of respect for those buried and their families.

Mrs. Connell also stated that she was in favor of a more established public cemetery for those who do research on their families the family members are easier to find.

Mr. Staton added that he and his wife take care of the cemetery not too far from there house and the cemetery plans to expand and the family would use similar planning.

The question was posed on how many plots were planned.

Mr. Staton said that if 4' x 8' plots were used 340 could fit on the parcel but, they do not plan for that many.

Mr. Doyle questioned the application and felt the county residents before us didn't intend for this type of cemetery.

Mr. Pech agreed and stated that the ordinance 20 acre requirement sort of points that out.

More discussion continued about head stones, pioneer cemeteries, and farming over unmarked graves.

Mr. Beatty continued to remind the commission "if" the request was granted that he would also require the applicant to apply for a variance from the Board of Adjustment before they could move forward.

Mr. Grover added he liked the idea but, was concerned on up keep like the Rowley cemetery.

Mr. Doyle stated he still didn't feel right about the idea.

Tom Doyle made a motion to DENY the rezoning request. The motion was seconded by Kris Wilgenbusch. The rezoning request was denied with a 5 – 1 vote. James Grover voted against the motion.

4th Item on the agenda was the discussion of the Zoning Seminar Brochure.

Mr. Beatty stated that he would be attending and noted that if others plan to attend mileage is currently in the budget but, not sure on the fees.

Mr. Beatty added that a couple inquiries were made by the Board of Adjustment members but, nothing certain.

Mr. Pech added that he had attended one in the past but, it had been several years ago.

Kris Wilgenbusch added that her concern with the April date in Cedar Rapids would be close to the planting season.

Mr. Pech added that maybe considering Decorah on April 7th.

Mr. Beatty continued to state that even if this year doesn't work, maybe next year will and he will communicate the opportunities available.

Mr. Doyle and Mrs. Connell both stated that they would consider it.

Mr. Beatty stated he would communicate with Cindy and the BOS to discuss payment of fees and mileage for the members and report back before next month.

No action was taken on the agenda item # 4 at this time.

5th Item on the agenda was adjournment. Kris Wilgenbusch made a motion to adjourn the meeting. Jan Short seconded the motion. The motion carried with a vote of (6 – 0).

The meeting was concluded at 7:56 PM.

Chad Beatty, Zoning Administrator ~ 3/7/14

BUCHANAN COUNTY ZONING MEETING

Tuesday, April 1, 2014

7:00 PM Assembly Room

At 7:00 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, John Ryherd, Tom Doyle, Karen Connell, Jim Grover, and Dave Pech. John Slattery was absent.

Public guests included: (9) Allen R. Zasadny, Craig Albert, Judy Albert, Merle Hershberger, Ken Cole, Kathy Cole, Emily Clark, Adam Clark, and Phyllis Clark

Dave Pech then welcomed and addressed those in attendance with a similar 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 the approval of the minutes from the previous (March) meeting. Karen Connell made a motion to approve the minutes. The motion was seconded by Jan Short. The motion was carried with a vote of 8 to 0 with no further discussion.

2nd Item on the agenda is Phyllis Clark of rural Brandon wishes to rezone approximately 4.5 acres from "A-1" Agricultural to "R-3" Residential to allow the construction of a single family dwelling. The property is located 3 miles East of Brandon in Section # 31 of Homer Township.

Mr. Beatty then read aloud a few of the request details and location and asked the commission to review their zoning packets and also presented an aerial map of the area and video from the Hamilton Avenue overlooking the proposed area. Mr. Beatty explained the reason for the rezoning application and the relationship in proximity to a small hog nursery to the north, an area rock quarry to the west, and another residence to the South. Mr. Beatty noted that 4 acre request has been primarily out of production for an extended period of time and this request

would give the applicants some flexibility on the location of a new dwelling and allow for sanitary setbacks for the two dwellings. Mr. Beatty added that Lans Flickenger confirmed that Phyllis Clark is the authorized Power of Attorney (POA) of the property.

Karen Connell asked if the request was 4 acres or 4.5 acres. Mr. Beatty stated that the math of the requested dimensions equals 4.5 acres.

Mr. Pech then opened the meeting comments and questions.

Mr. Pech then continued to confirm if the request was to replace a dwelling or add another dwelling.

Mrs. Clark added it was to add another dwelling.

Mr. Pech continued to add that in the "R-3" district, animals are limited by the county ordinance.

Mrs. Clark confirmed that they do not have any livestock.

Mr. Beatty then explained that the number of animals allowed depends on the number of acres in relationship to the size of the animals on site. Mr. Beatty continued by offering the applicants a copy of the ordinance if the request is granted.

Adam Clark continued to explain how they tried to apply for the area that was existing sod and farmstead while not requesting tillable acres.

Mr. Pech then asked if this request would be split in two (2) lots.

The applicants confirmed, yes, that was their intention.

Mr. Beatty then explained how if desired, the existing farmstead could be severed without rezoning due to being constructed prior to 1974, when the ordinance was adopted.

Mr. Pech then asked if a plat would be needed for two (2) lots.

Mr. Beatty answered it would not be needed, our ordinance states three (3) lots or more to be defined as a subdivision and the platting process.

Mrs. Connell then asked where the new house would be built?

Adam Clark confirmed that it would most likely be south of the existing house.

Mrs. Connell then confirmed that the intention was to make a uniform lot to the south. The Clark's agreed.

Mr. Pech then added that the ordinance restricts this request to two (2) dwellings since the one dwelling is already in existence.

Mr. Doyle then added to be aware of proposed lot lines in relationship to the houses.

Mr. Pech agreed to be in compliance with setbacks if and when the two (2) lots were established.

Mr. Beatty added that in this case, the side yard setback would be 25' and commonly most call when the excavator or contractor stakes out the foundation of the proposed dwelling.

John Ryherd made a motion to approve the request. Marlene Brown seconded the motion. The motion carried with a vote of 8 to 0. There was no further discussion.

3rd Item on the Agenda is Merle Hershberger of rural Jesup wishes to rezone approximately 4 acres from "A-1" Agricultural and "R-3" Residential to "C-M" Commercial- Manufacturing to construct a shop for his Ag tiling business. The property is located less than one mile South of Jesup in Section #6 of Westburg Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets, which included a floodplain map, soil map, and also presented an aerial map of the area and video from the newly established driveway off of Benson Shady Grove Avenue. Mr. Beatty noted that a portion of this area (Parcel M & Parcel N) was recently rezoned "R-3" by the Steinbron family prior to the sale of some of the family farm in July 2012. Mr. Beatty explained that this application does lie in a lineal line of residential from the Birdnow Dealership on 220th Street to the Steinbron storage building which was recently rezoned to Commercial. Mr. Beatty added that an Industrial rezoning for an Agricultural Business use is also in the area as well.

Merle explained about the area that he currently owns and the Chad Coffin owns the South lot and is aware of Merle's intentions. Merle also shared that he is aware of the floodplain in the area and he plans to follow those elevation requirements. Merle continued to explain he has been in contact with the neighbors on both sides and is not sure when they will build the new shop but, was here to plan accordingly.

Mrs. Connell then referenced the location of the building and Mr. Hershberger stated it will most likely be off the road a ways and be considerate of the North property line.

Mr. Pech asked what the building would exactly be used for?

Mr. Hershberger explained that he has been in the Ag tiling business for about 30 years and his current buildings are included with his dwelling just south of 220th Street in Jesup. Merle explained that the company has grown into several corporations and includes several owners which have prompted the desire to move the business away from his dwelling.

Mr. Beatty then clarified if Merle had purchased the entire Steinbron Farm.

Merle stated yes, everything East of Wooster Road except the two (2) lots, Parcel M and Parcel N. He owns the 106 acres which is East of Wooster Road which is one road West of Benson Shady Grove Avenue. There is an 80 acre parcel West of Wooster that he does not own.

Mr. Pech explained the ability to place restrictions on rezoning requests, especially for industrial or commercial.

Mrs. Connell then asked Merle to clarify if heavy equipment would be transported in and out or if this proposed building would be primarily storage?

Merle clarified that the way his business works more often than not, equipment goes out in the spring and does not return to the shop daily. Some pickup traffic will occur daily but, not heavy equipment.

Mr. Pech added this relocation would be less traffic for the City of Jesup.

Merle added that when 220th Street was resurfaced the driveway was narrowed making entrance and exit more difficult at his current location.

Mr. Beatty added that the current business location is near Jesup Land, another similar business, which is near several residences. Mr. Beatty noted that to his knowledge, the zoning department has not received any nuisance complaints for either business.

Mr. Pech then clarified that Merle owns the North Parcel which was previously rezoned "R-3".

Merle stated yes and that Chad Coffin owns the South Parcel to the South.

Mr. Beatty added that in the past his department had received calls considering erecting an accessory on the parcel but, no confirmed plans have been proposed.

Mrs. Connell then asked if Merle had spoken to the area property owners concerning his plans.

Merle stated he had.

Conversation continued about traffic in the area and the proximity to the interstate.

Kris Wilgenbusch made a motion to approve the rezoning request with a restriction to be limited to the use of an Ag Tiling Business. The motion was seconded by Karen Connell. The rezoning request was approved with the restricted use of an Ag Tiling Business with an 8 – 0 vote.

Mr. Pech again explained the restriction process and that the agreement will be finalized by the Board of Supervisors.

4th Item on the agenda is Allen Zasadny of rural Independence wishes to amend the Woodland Estates Final Plat recorded in 1995 to assist with some family financial planning. With this proposed change, three (3) Lots and an established Exhibit are proposed to become four (4) uniform lots. The property is located four miles Northwest of Quasqueton in Section # 30 of Liberty Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets, which included a floodplain map, soil map, and also presented an aerial map of the area and video from the driveway which accesses the Chad and Lisa Stelter property. Mr. Beatty noted that the original subdivision was never rezoned to "R-3" because the area consists of "buildable soils" within the county. A current plat and a proposed plat were both included and explained. Mr. Beatty explained that this application includes lots #6, #7, #8, and Exhibit C. Mr. Beatty added that the area is heavily forest and timber and is adjacent to the Wapsipinicon River.

Mr. Pech then asked about the request to confirm that only the interior lines were proposed as being changed. Mr. Pech continued that no perimeter lines, name, or other major details of the existing subdivision.

Mr. Beatty confirmed yes, that was the case.

Mrs. Connell asked about the lot originally being an "L" shape.

Mr. Beatty then explained that originally the Zasadny family purchased lots #6, #7, #8, #9 and Exhibit C.

Mr. Zasadny then explained the reason for the replat request and the location of his dwelling in relationship to his plat and his desire to be able to sell uniform lots to his children in the future.

Mr. Beatty continued to explain how the family owns the adjacent area and how this house currently sits on the original lots #5, #6, and Exhibit C.

Mr. Pech inquired about the lot numbers on the proposed or amended plat.

Mr. Beatty continued to explain that he did not require lot numbers for the application because if the amendment is approved, some research and communication will have to occur between the zoning office and the assessors' office to assure the lot numbers and the 911 addresses are workable before recording the proposed lot changes.

Mr. Pech then confirmed with Mr. Zasadny that the existing house would be in the proposed SE lot.

Mr. Beatty continued to explain that the 2 dashed lines and one solid line was the lane which accessed Mr. Zasadny's existing house.

Mr. Beatty confirmed the list of platting requirements were not necessary for this lot line change and cleans up where the house is located. No name change, no land use change, or no perimeter change was being requested for the subdivision thus, the authorization and recording of the proposed changes should be in compliance.

Marlene Brown asked about Mr. Zasadny's plans to within his accessory structure and if we should discuss this tonight as well.

Mr. Zasadny confirmed he was a gun smith and works on several small projects by himself and would use an accessory structure for that and personal storage as well.

Mr. Beatty stated he will discuss a home occupation or business permit with Mr. Zasadny in the near future and stated the annual fee is currently \$25. Mr. Beatty continued to state that he would recommend this since Mr. Zasadny is not creating daily traffic and is the only (1) employee of the operation.

Mrs. Brown continued to explain that even though the current neighbors don't mind the small business, maybe a future neighbor might and the permit would protect him.

Mr. Zasadny agreed.

Marlene Brown made a motion to approve the "amended re-platting" request. Jim Grover seconded the motion. The motion carried with a vote of 8 to 0. There was no further discussion.

5th Item on the agenda is Ken and Kathy Cole of rural Independence wish to rezone approximately 5 ¾ acres from "C-M" Commercial-Manufacturing and "I" Industrial to "R-3" Residential to sell a portion of the property for the construction of a new dwelling. The property is located approximately a ¼ mile Northwest of Independence in Section # 33 of Washington Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets, which soil map, and also presented an aerial map of the area and video from the driveway which accesses the property from the west or Golf Course Blvd. Mr. Beatty explained the landmarks in relationship to the current "C-M" and "I" zoning districts Mr. Beatty noted that most know this location as the "old" Ag FS building and a subdivision to the east had recently been subdivided by the Sweeney's. Mr. Beatty continued to explain that while attending some meetings for the City of Independence comprehensive plan project, many expect this area to become residential in the future. More residential is to the north along with a small cake business.

Mr. Pech confirmed the relationship of this application to the current City Limits.

Mrs. Connell referenced a question in regard the newly constructed Ressler house and asked if the couple resided there yet.

Mrs. Cole continued to state that they have had some individuals approach them about the property and wanted to get the area rezoned prior to moving forward.

Mrs. Cole then explained how they intend to sell roughly 2 acres at this time which is the area that is currently trees and close to the same size in the "C-M" district.

Mr. Pech then explained that this request is for 5.75 acres.

Mrs. Cole then explained that they currently use the property for personal use but, when speaking with Chad he felt it would be a good idea to rezone all of it to residential.

Mrs. Cole continued to explain that at this time, they only plan to sell 2 acres to the North.

Mr. Pech then asked if any use of the property was defined as "Industrial"?

Mrs. Cole stated no and that was not used for that type of use for several years but, they do use some of the buildings on site for personal storage.

Mr. Cole added that the east building closest to Sweeney's is in rough shape and they are not sure if they will demolish it or refurbish it. Mr. Cole added that no storage currently is in this building.

Mr. Pech asked if all of the tanks have been removed.

Mr. Cole confirmed yes.

Mrs. Connell then asked if plans included keeping the building closest to Golf Course Blvd.

The Coles stated as of now, yes.

Mrs. Connell then asked if the Coles plan to construct a dwelling on the southern portion.

Mrs. Cole stated as of now, no.

Mr. Cole stated that if a flood occurs at their current residence, they would live in the SW building temporarily but, current plans are to just use it for storage.

Mrs. Cole stated that there is no intention to rent or have anyone else live in it; it would just be for their personal use.

Mrs. Brown then asked if proper clean up had been done and if soil tests had been completed?

Mrs. Cole stated yes and that a well test had been completed.

Mrs. Wilgenbusch then confirmed that the current sale pending is in the "C-M" district area.

Mrs. Cole confirmed yes.

Mr. Pech then stated that most likely this area will soon be in the city and the county will not have to regulate it.

Mr. Pech continued to ask if this was rezoned, would it be needed to be reviewed by the City of Independence.

Mr. Beatty stated no, the rezoning would not but, if this turned into a subdivision, it would per the subdivision status.

Mr. Pech acknowledged that is why the Sweeney's were reviewed by the City.

Mr. Beatty agreed.

Mr. Beatty then explained an example of Cole's receiving a great offer to sell 3 lots after the rezoning occurred which would then be defined as a subdivision per the county ordinance. The proposed plat would then need to be reviewed by both the County and the City of Independence before recording.

Mr. Cole then asked about the Sweeney subdivision.

Mr. Beatty explained that the two North lots are "R-1" and are 1 acre with a shared well and is how that was authorized by the county and city.

Jan Short made a motion to approve the request. Kris Wilgenbusch seconded the motion. The motion carried with a vote of (8 – 0). Mr. Pech added this is the first time that he has ruled on a request that went from Commercial Manufacturing and Industrial back to residential and is an appropriate change for the location. No further discussion.

6th Item on the agenda was adjournment. Jim Grover 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 7:54 PM.
Chad Beatty, Zoning Administrator ~ 4/21/14

BUCHANAN COUNTY ZONING MEETING

Tuesday, May 6, 2014

7:00 PM Assembly Room

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

Chad Beatty, Zoning Administrator was present along with the following (6) board members: Kris Wilgenbusch, Marlene Brown, John Slattery, Tom Doyle, Karen Connell, and Jim Grover. Jan Short, John Ryherd, & Dave Pech were absent.

Public guests included: (8) Keith Rottinghause, Lee Rottinghause, Dennis Crawford, Frank Weber (East Central Iowa, REC), Josh Weber, Buchanan County Attorney Michael Hudson, Tom Weber, and Marge Weber.

John Slattery then welcomed and addressed those in attendance with a similar statement:

WELCOME:

WE ARE THE BUCHANAN COUNTY ZONING COMMISSION, I AM John Slattery 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 is the approval of the minutes from the previous (April) meeting. Karen Connell made a motion to approve the minutes. The motion was seconded by Jim Grover. The motion was carried with a vote of 6 to 0 with no further discussion.

2nd Item on the agenda is Thomas R. & Marjorie A. Weber of rural Jesup wish to rezone approximately 3 acres from "A-1" Agricultural to "R-3" Residential to allow the construction of a single family dwelling. The property is located at the corner of 275th Street and Dugan Avenue and is approximately 5 miles North of Brandon in Section # 33 of Westburg Township.

Mr. Beatty then discussed the request details and location and asked the commission to review their zoning packets and also presented an aerial map of the area and video from 275th Street overlooking the proposed area. Mr. Beatty explained the reason for the rezoning application, the quality soils in the area, the relationship in proximity to the family farm, a small family cabinet shop, the highly traveled county paved road, the buildable soils near the manure pit to the South, and the other residences in the area. Mr. Beatty explained that the dwelling in the application could be built without rezoning as Josh is an immediate family member, but the applicants desire to have a second mortgage which requires a separate parcel. Mr. Beatty noted that three (3) acre request includes the ROW to the center of 275th Street and Dugan Avenue.

Mr. Slattery then opened the meeting for comments.

Tom Weber added that although buildable soils on the farm were to the south, the manure pit, cattle sheds, and relationship for kids and family made more sense to build to the north.

Karen Connell then confirmed whose house would be constructed there, where the driveway was proposed, and how far back the house would set from the corner.

Josh Weber then spoke about the distance back from the road that he desired.

Tom Weber then clarified that him and his wife (Marge) farm and milk cows while this wife (Marge) helps Josh with the cabinet shop and added this would help with some family planning if something would happen to him.

Mr. Slattery then asked about the application being for 3 acres and not 2 acres.

Mr. Beatty added that the application came in 360' x 360' which includes to the center of Dugan and 275th Street which adds square footage when the application is located on a corner.

Mr. Beatty also added that through this process Josh and him have discussed the small cabinet shop in reference to our ordinance. Mr. Beatty stated that moving forward an annual business permit or rezoning may occur. Mr. Beatty assured the proper permitting would be on file as the process moves into the future.

Tom Doyle added that he has concerns about the 81 CSR and the 91 CSR but, being in the family and the situation he felt the commission should consider helping them.

Kris Wilgenbusch added that she had similar concerns about the quality of soils. While she commended the applicants for going through the proper channels, the CSR of the soils are too good to take out of production according to the county's comprehensive plan.

Tom Weber rebutted that the location does include a sand hill.

Kris Wilgenbusch stated she didn't argue that but, had to assess the area according to the county supplied soil map.

Mr. Beatty added that he had not received any calls for or against the application from any area owners but, did take a phone call from Chairman Dave Pech. Mr. Pech voiced his concern on the quality of soils and high CSR in the area.

Karen Connell asked about the visual waterway in the area.

Tom Weber then explained how the culvert run off affects the area.

Karen Connell then asked about the house elevation in reference to the pavement and gravel.

Josh Weber added that they would plan to build up the area prior final grading of the construction.

Mr. Beatty added he would estimate that there is 4' to 4.5' of fall from the road to the Ag fields.

Karen Connell made a motion to approve the request. James Grover seconded the motion. The motion carried with a vote of 4 to 2. Kris Wilgenbusch and John Slattery voted NO on the motion. There was no further discussion.

3rd Item on the Agenda is Keith and Lee Rottinghouse of rural Independence wish to rezone approximately a .25 acre from "A-1" Agricultural to "I" Industrial to install a 12,000 Gallon NH₃ / Anhydrous Ammonia cylinder. The property is located on Henley Avenue and is approximately 2 miles SW of Independence in Section # 18 of Sumner Township.

Mr. Beatty then discussed the request details and location and then asked the commission to review their zoning packets, which included aerial map of the proposed area, soil map, presented a video from the established driveway off of Henley Avenue, and spoke of the setbacks required by the State. Mr. Beatty noted that Jeff, a representative from the State's Department of Agricultural stated that this application is the first (1st) private cylinder application within Buchanan County. Mr. Beatty added as per his site visit the proposed cylinder would be 410' from the NW dwelling and 490' to the NE dwelling. The proposed cylinder would be 62' from the West property line and is within compliance of any current zoning setback requirement within the county. Mr. Beatty added that if this moved forward, the Department of Agricultural annually inspects these cylinders throughout the State. Mr. Beatty stated that there is not regulation on the cylinder location in respect to another accessory structure but, it is recommended that the applicant discuss with their insurance agent prior to final installation of the cylinder.

John Slattery then opened the meeting for comments.

Keith Rottinghouse then added the motivation is to have the cylinder on site to deter from hauling numerous smaller tanks during the AG season and they would be using a professional plumbing company from Fort Dodge to install the cylinder.

John Slattery then asked how the product would be transferred to apply to the fields.

Keith Rottinghouse added that the proper plumbing and transfer station is established at the cylinder location.

John Slattery then asked if smaller “nurse” tanks would still be used.

Keith Rottinghouse agreed.

Karen Connell then asked if NH₃ goes up or down.

Keith Rottinghouse confirmed it goes down.

Karen Connell then asked how far the product would float if a leak occurred.

Consensus from the applicant and the board was it depended on how much the wind was blowing.

Karen Connell expressed concern about the dwelling to the NW and the children who live there. Connell continued to ask about the safety precautions of the plumbing and cylinder.

Karen Connell stated that she had concern that the applicants do not live on site and what would occur if a leak happened.

Keith Rottinghouse continued to explain that the State of Iowa regulates the valves, the safety features in case of leak.

Karen Connell continued to explain that the location is about 4/10th of a mile to the landing strip 36 and if a leak occurred it could potentially affect the landing procedures of some planes.

Keith Rottinghouse stated he does not know all of the scientific facts to answer those questions but, is aware the State of Iowa regulates all NH₃ cylinders and they are meeting all the requirements of the State.

Lee Rottinghouse added about the use of padlocks in the offseason and break away couplers which automatically seal if they happened to break.

Karen Connell then asked about how much would be in the cylinder in the offseason.

Keith Rottinghouse then added that commonly the cylinder will be empty besides when they are using it but, if a price break would present itself in the winter, they may fill it prior to spring. Keith added that generally there is very little stored in the cylinder on a regular basis.

Dennis Crawford, a neighboring farmer, stated that Innovative Ag has a safety plan with the City of Independence and he feels the applicants should have a safety plan with the Buchanan County Supervisors.

Dennis continued to state that safety is his largest concern and feels that if a company is required to have a safety plan in town, the applicant should have one in the county / country on what to be done, who to call, etc.

Keith Rottinghouse added that their family has had a cylinder installed in Blackhawk County for over 35 years and they have a list of emergency contact information near the tank.

Karen Connell then asked who would be aware of a leak.

Keith Rottinghouse then explained that Luke Weston who lives in the NW dwelling works for them and monitors the location.

John Slattery then added that with any Commercial or Industrial rezoning the commission can recommend with a restriction to include a safety plan.

More discussion continued about a potential safety plan and the details.

Mr. Beatty stated that he anticipated Rick Wulfekuhle had something to reference.

Mr. Beatty then prompted Keith Rottinghouse to discuss what is posted at their Blackhawk County site.

Keith Rottinghouse then explained how the emergency contact numbers were all listed within close proximity of the cylinder.

Tom Doyle then asked if a concrete surround was needed for this structure.

Keith Rottinghouse stated no, they did not need one.

Tom Doyle asked how this could be installed without one when farmers need spill basins for fuel tanks.

Keith Rottinghouse explained the plumbing and the footing structure.

John Slattery added that Anhydrous Ammonia is a liquid that turns to gas and a catch basin would not be applicable.

Tom Doyle explained that there is a liquid within the product for a certain time period and realizes it evaporates but, would still be concerned of no catch basin under the tank / cylinder.

Dennis Crawford stated that the tank was not the concern but, the valves and the plumbing portion of the system.

Kris Wilgenbusch then asked if any area owners were concerned.

Keith Rottinghouse and Mr. Beatty both stated that they have not received any phone calls.

Kris Wilgenbusch raised concern on the liability that the cylinder may cause for the owner.

Keith Rottinghouse stated that both the insurance agent and his adjuster had no issues with the plan.

Discussion continued about locking the area, lights in the area, and potential theft of the product.

Karen Connell asked about Luke Weston being able to see the structure from his residence.

Mr. Beatty stated from his driveway he could.

Karen Connell continued to mention her concern on drift of the product in the air with kids in the area and the airport as well.

James Grove made a motion to approve the rezoning request with a restriction to add a safety plan for the area in case of an accident. The motion with the restriction was seconded by Marlene Brown. The rezoning request was approved with the restriction to add a safety plan with a 5 – 1 vote. Tom Doyle voted NO on the motion to approve the recommendation.

Discussion continued about the applicants having one cylinder on site and the need to apply to add other cylinders in the future along with the time frame of the public hearing. Mr. Beatty stated that he would email tonight's meeting results to the supervisor's and Cindy in the morning but, their agenda load will determine the actual hearing date and time.

4th Item on the agenda is to review the proposed Chapter 54 * Wind Turbine Ordinance. The proposed ordinance would assist with regulating Wind Energy Conversion Systems within Buchanan County and require any commercial or non-commercial applications to apply for rezoning from "A-1" Agricultural to "A-2" Agricultural.

Mr. Beatty introduced the potential ordinance by stating that the Board of Supervisors had approached him about drafting a Wind Turbine Ordinance about 18 months ago to assure we had some regulations in place prior to a wind farm being proposed within the county. Mr. Beatty continued by stating he used some extra time over the winter to review area ordinances and proposed a draft several weeks back to the county attorney. Mr. Beatty also added that he had attended a meeting in Fayette County about 5 week ago concerning an application near the north county line.

Mr. Beatty continued that after the meeting in Fayette he amended the proposal of how the wind turbine ordinance would be. Mr. Beatty continued to state that most counties have the Wind Turbines apply for a special use permit and are reviewed by the Board of Adjustment.

Mr. Beatty continued to state while at the Fayette meeting only 2 Board of Adjustment members were in attendance and one attended remotely on the phone and only 3 people total were hearing the application of the proposed wind turbines.

Mr. Beatty added that is the reason for proposing the applicants to rezone versus being tagged as a special use and reviewed by the Board of Adjustment. Mr. Beatty continued to explain the involvement of day to day activities of the Board of Supervisors and felt the rezoning of the area

from "A-1" to "A-2" being reviewed by the (9) member zoning commission and the (3) Board of Supervisors was best fit for Buchanan County.

Mr. Beatty continued to explain he felt more comfortable if (12) individuals reviewed the proposed turbines versus (5).

Mr. Beatty stated that Buchanan County has about a half dozen (6) private wind turbines in the county currently.

Mr. Beatty addressed the question of how were these current turbines constructed with no rezoning.

Mr. Beatty stated:

A) Buchanan County does not currently require building permits

B) The current turbines would fall under AG Exemption as they are all on Agricultural use locations

Mr. Hudson (assistant county attorney) then explained Ag Exemption to the zoning commission and how county and local building codes cannot be enforced with farmers as they can use their land as they see fit.

Mr. Hudson and Mr. Slattery then discussed the definition of a commercial Wind Turbine versus a non-commercial Wind Turbine and how it was in relationship to the KWs generated.

Mr. Beatty then added that this ordinance version is close to Grundy County's ordinance and Mr. Beatty added that non-commercial turbines can sell the KWs to an energy company if they desire.

Mr. Beatty then explained a scenario of a rural client wanting to construct a wind turbine versus a farmer.

Mr. Slattery asked what would be done with the ½ dozen already in existence.

Mr. Hudson stated that they would technically be "grandfathered in".

Mr. Beatty stated that he would take an inventory of them and they would be treated just like a dwellings and structures which were constructed prior to 1974.

Kris Wilgenbusch added that she felt on Page 6 the Manchester Airport should be added and not just the Independence and Oelwein Municipal Airports.

Karen Connell added the concern in all directions should be of significance and she believed the airport had a 5 mile buffer zone of structures with a certain height.

Karen Connell added that legislation is being proposed about cell tower construction and the addition of the second runway in Independence and the instrument approaches makes this topic very important.

Marlene Brown added that she has a relative who is a pilot and it has been commented that the Independence and Buchanan County area “is a nightmare for aircraft and pilots”.

Karen Connell agreed.

Karen Connell stated that it is just not the area in front of or behind the runways but, the entire area. Connell continued to state that both Spencer and Charles City has had issues with Wind Turbines and reminded the commission that Gladbrook area had a few and now has too many to count.

Mr. Slattery asked Connell about the 5 mile radius ordinance.

Connell stated she has plans of taking more information to the Board of Supervisors.

Mr. Beatty added that the FAA does review these applications as well and to his knowledge the Fayette County application is currently on hold due to the location in reference to the Oelwein Airport.

Karen Connell stated that the FAA used to contact airports for feedback but, now each airport has to review the website for applications daily to input any feedback. Cell towers to the East have been erected with little to no input of the City or the Airport according to Connell.

Mr. Slattery then asked what was needed from the commission.

Mr. Beatty then added a recommendation with any changes is preferred for the supervisors to then have (3) readings to adopt the ordinance.

Mr. Hudson added that the Board of Supervisors have the option to wave the 2nd and 3rd readings.

Karen Connell added that the red strobe lights, although are good for migrating birds, are also important for aircraft as those bright lights penetrate the fog.

Karen Connell stated that she felt this was a good start to get something in place and reviewing this every few years would be a good idea.

Mr. Beatty agreed and continued to explain that this is a safety regulation ordinance, not a TIF or marketing tool for Wind Turbines. Mr. Beatty wanted to assure the reason for this ordinance as his office has taken several calls about this topic.

Mr. Connell added she felt Grundy County did not have a large airport and other counties should be contacted for input.

Mr. Beatty and Mr. Hudson explained several other counties have been reviewed and are very similar and Mr. Hudson stated provisions from each county have been considered and added as needed.

Mr. Doyle asked if the size is considered as he has been approached by these companies and the footings are 40' x 40' in size.

Mr. Beatty then explained about the Table X in reference to the size of the Turbines and the decommissioning plan and removal of the footing to a certain depth if needed.

Discussion and explanation continued from Mr. Hudson about the decommissioning agreement between the Wind Turbine companies and the Board of Supervisors.

Mr. Beatty added that he would not be surprised if the Fayette County application didn't go through if that company proposed some turbines within Buchanan County sooner than later.

Discussion continued between Mr. Doyle and Mr. Weber about a sampling tower or meteorological tower and the definition in the ordinance.

Mr. Beatty then explained the Fayette county proposed location is east of the Ethanol Plant.

Mr. Beatty also shared that there were no positive comments at the Fayette County meeting and this was motivated by the aerial application of chemicals and seed corn growers in the area. The airplane applicators expressed past experience of poor communication with the wind turbine companies and the time frame when the blades are shut down.

Karen Connell agreed with the concern and the speed in which the applicators fly can affect both the farmers and the chemical companies.

Tom Doyle wanted to express his concern about the wind turbine companies and the refusal to work with owners and their requests for preferred locations.

Mr. Beatty and Mr. Hudson stated that easement agreements would be recorded between land owners and the wind turbine companies to assure those involved are protected.

Karen Connell made a motion to recommend the ordinance. Kris Wilgenbusch seconded the motion. The motion carried with a vote of (6 – 0).

Mr. Beatty stated he would forward the page 6 suggestions or changes to Mr. Hudson.

5th Item on the agenda was adjournment. Tom Doyle made a motion to adjourn the meeting. Kris Wilgenbusch seconded the motion. The motion carried with a vote of (6 – 0).

The meeting was concluded at 7:56 PM.
Chad Beatty, Zoning Administrator ~ 5/28/14

BUCHANAN COUNTY ZONING MEETING

Tuesday, June 10, 2014

5:00 PM Senior Center

At 5:00 Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (5) board members: Dave Pech, Karen Connell, Jim Grover, Jan Short & John Ryherd. Kris Wilgenbusch, Marlene Brown, John Slattery, Tom Doyle, were absent.

Public guests included: (8) Richard W. Booth, Erma R. Booth, Betty Breitsprecher, Jacob Breitsprecher, Molly Fischels, Marian Schmitz, Ray Schmitz, and Greg Fletcher.

Dave Pech then welcomed and addressed those in attendance with a similar 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 is the approval of the minutes from the previous (May) meeting. Karen Connell made a motion to approve the minutes. The motion was seconded by Jim Grover. The motion was carried with a vote of 5 to 0 with no further discussion.

2nd Item on the Agenda was Ray and Marian Schmitz of rural Independence wish to rezone approximately 3 acres from "A-1" Agricultural to "R-3" Residential to allow the construction of an accessory building and use a portion of that building as a single family dwelling for their grandson. The property is located approximately one (1) mile west of Independence on the east side of Henley Avenue in Section # 6 of Sumner Township.

Mr. Beatty then discussed the request details and location and asked the commission to review their zoning packets and also presented an aerial map of the area. Mr. Beatty explained the reason for the rezoning application, the quality soils in the area, the relationship in proximity to the family dwelling to the North, a small area of trees, the county paved road, and the other residences and farming operations in the area. Mr. Beatty explained that the accessory building in the application could be built without rezoning but, once the use changes to residential; rezoning is needed according to the Buchanan County Ordinance. Mr. Beatty explained this

would also allow the applicants to obtain a separate mortgage which most financial institutions require a separate parcel to comply. Mr. Beatty noted that the three (3) acre request includes the ROW to the center of Henley Avenue and noted that he received one call from Richard Booth concerning his existing hog operation and how the potential odor can effect or motivate complaints in the future. Mr. Beatty shared an aerial photo of the distances from the existing hog building to locations across the proposed area.

Mr. Pech then opened the meeting for comments.

Mr. Schmitz then explained that the request would be for his grandson Jacob to build an accessory building and use a portion of it for a dwelling.

Mr. Ryherd asked the question of how large the proposed building would be. Jacob Breitsprecher and Mr. Beatty confirmed the application stated 60' x 120'.

Mr. Pech confirmed about whom currently owns the property.

Betty Breitsprecher then explained that the acreage was being purchased on contract from the Schmitz's. Betty continued to explain that she and her husband reside in the brick house on the corner and the proposed area is to the South of their existing dwelling.

Mrs. Connell shared that she didn't see anything wrong with the application and felt that often times crops in this field didn't produce the best.

Mr. Pech continued to voice how the soils are some of the best in the state and county and that even if the field is small, a vineyard, or an orchard is considered farming.

Betty Breitsprecher disagreed.

Richard Booth then commented for Booth Farms, LLC about his long tenure in the neighborhood since 1976 and how he had concern of someone else moving in close proximity to his hog setup and forming a complaint. Mr. Booth continued that nuisance lawsuits are more common every day.

Mr. Booth continued to voice that a portion of his monthly and annual income is from the rent of his hog finisher.

Mr. Booth commented his wants his neighbors to know he is not against the building but, is concerned if someone from town moves in and then has issues with the odor or even the noise of a corn dryer.

Mr. Booth then continued to ask what if the building/dwelling is sold in a few years and some from out of the area moves in, a potential for more complaints.

Mr. Booth continued to state that he feels the same setback distances should be used for a dwelling as the DNR uses for a hog confinement unit. After discussion between Pech, Beatty, and Booth the size of the existing Booth confinement was confirmed to be 500 head of hogs.

Mr. Beatty and Mr. Pech shared that 1250 head of hogs or 500 animal units is regulated by the DNR but, the 500 head units of hogs are not.

Betty Breitsprecher stated that large units are currently being constructed south on Henley Avenue which may cause more odor than Mr. Booths.

Mr. Beatty confirmed that two (2) 2500 head units are under construction currently south of the proposed application.

Mr. Booth reminded the zoning board that not too long ago, to the North on Frost Avenue, a confinement application was denied because an area family complained about potential odor.

Mr. Booth also wanted to speak for Dennis Crawford, an area farmer who could not be in attendance. Mr. Booth continued to explain that Mr. Crawford owns an open feed lot for cattle and on wet, humid days the odor can be evident.

After discussion, it was concluded that Mr. Crawford feeds 30 to 50 head of cattle and the location is not a confinement and not regulated.

Mr. Pech stated he appreciated Mr. Booth's input and understands his concern.

Mr. Beatty then asked Jacob Breitsprecher how many years he lived with his parents at the corner location.

Jacob Breitsprecher stated 23 years and is used to the potential odor as he grew up with it.

Mrs. Connell stated that most years the area was wet.

Mr. Pech shared the concern if the area is wet, can a septic system function in the area.

Jan Short commented that the area sounded more like "marsh" ground.

Mr. Beatty confirmed that with proper sizing and or the use of an alternative system, the sewer should not be a concern.

Karen Connell made a motion to approve the request. Jan Short seconded the motion. The motion carried with a vote of 4 to 1. Dave Pech voted NO on the motion. Discussion continued from Mr. Pech about the quality of soils being removed from production. Jan Short wanted to assure the Board of Supervisors was made aware of the quality soils in the area. Mr. Pech stated that the packet and minutes should highlight that.

3rd Item on the agenda was adjournment. John Ryherd made a motion to adjourn the meeting. Jim Grover seconded the motion. The motion carried with a vote of (5 – 0).

The meeting was concluded at 5:58 PM.

Chad Beatty, Zoning Administrator ~ 7/1/14

BUCHANAN COUNTY ZONING MEETING

Tuesday, August 5, 2014

7:00 PM Courthouse Assembly Room

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

Chad Beatty, Zoning Administrator was present along with the following (6) board members: Dave Pech, John Slattery, Marlene Brown, Jim Grover, Jan Short & John Ryherd. (3) Kris Wilgenbusch, Karen Connell, Jim Grover, were absent.

Public guests included: (1) Ora Miller

Dave Pech then welcomed and addressed those in attendance with a similar 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 the approval of the minutes from the previous (June) meeting. Jan Short made a motion to approve the minutes. The motion was seconded by John Ryherd. The motion was carried with a vote of 6 to 0 with no further discussion.

2nd Item on the Agenda was Old Order Amish of rural Hazleton wish to rezone approximately 1.25 acres from "A-1" Agricultural to "R-1" Residential to allow the construction of a NEW private school. The property is located at 1694 150th Street and is approximately (5) miles southwest of Hazleton in Section # 31 of Hazleton Township. This parcel will then become into compliance with the Buchanan County Zoning Ordinance.

Mr. Beatty then discussed the request details and location and asked the commission to review their zoning packets and also presented an aerial map and video of the area. Mr. Beatty explained the reason for the rezoning application, the soils in the area, and the building's relationship within the Amish community, a small area of trees to the South, the existing

updated outhouses/privies, the county road, the well, and the long established educational use of the parcel. Mr. Beatty explained that the existing building was about 10' from the ROW line and the new building is now 40' from the ROW line. Mr. Beatty explained that he did authorize them to continue moving forward with construction as long as they applied for zoning compliance. Rezoning is needed according to the Buchanan County Ordinance for the existing use and Mr. Beatty feels now is the time to update our county Zoning Map for this parcel. Mr. Beatty explained this would also allow the applicants to obtain compliance for the Land Use as well as Setback compliance.

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

Mr. Slattery opened the meeting with the question of what the water source is for the sight.

Mr. Beatty and Mr. Miller explained that the parcel has had a sandpoint well for an extended number of years.

Mr. Beatty explained that the well is located near the fence line and north of the existing school.

Mr. Beatty continued to explain that the school will keep the updated privy for solids and liquid human waste but, the new septic system will treat the hand sink wastewater as required by the State of Iowa.

Mr. Beatty explained that a small tank from Swales Precast and 1 longer line or 2 shorter lines will treat the amount of wastewater from the proposed hand sink.

Mr. Slattery and Mr. Beatty then discussed the use of the existing outhouses.

Mr. Beatty confirmed as long as the units / privies were in compliance they can act as a holding tank and continue to be used.

Mr. Beatty explained that "dirt hole" outhouses are no longer in compliance with state regulations and his department updates many of these through Time of Transfer inspections.

Mr. Pech then asked about the relationship of the school with Jesup or Wapsie Valley.

Mr. Beatty then confirmed that if this school was affiliated with a school district, it would be the Oelwein School District.

Mr. Doyle then asked why the community did not take advantage of the Oelwein District.

Mr. Miller stated that the community wanted to keep this school private and use the Amish teachers available.

Mr. Doyle added that about 2 to 3 miles to the West, a newly constructed school is available within the Jesup School District.

Mr. Slattery then asked if all the schools are in compliance within the district.

Mr. Beatty stated since his hire he has been working with this community to update septic systems, wells, business permits and zonings as he is in the area and has the adequate time.

John Slattery made a motion to approve the request. John Ryherd seconded the motion. The motion carried with a vote of 6 to 0 with no further discussion.

3rd 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 6 – 0.

The meeting was concluded at 7:11 PM.

Chad Beatty, Zoning Administrator ~ 8/29/14

BUCHANAN COUNTY ZONING MEETING
Tuesday, October 7, 2014
7:00 PM Buchanan County Senior Center

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

Chad Beatty, Zoning Administrator was present along with the following (7) board members: Dave Pech, John Slattery, Marlene Brown, Tom Doyle, Jan Short & John Ryherd, and Karen Connell. (2) Kris Wilgenbusch and Jim Grover were absent.

Public guests included: (4) Clint Bell, Denny Bell, Steve Alsop, and George Aldrich.

Dave Pech then welcomed and addressed those in attendance with a similar 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 the approval of the minutes from the previous (August) meeting. It was found that meeting minutes were not included in the zoning packets. The zoning administrator apologized for the missing paper work and recommended that approving the minutes be tabled until the next meeting. Karen Connell made a motion to table the minutes and the motion was seconded by Jan Short. The motion was then unanimously approved with a vote of 7 to 0 with no further discussion.

2nd Item on the Agenda was Gary and Kathy Hersom of rural Jesup wish to rezone approximately four (4) acres from "A-1" Agricultural to "R- 3" Residential to allow the construction of a single family dwelling which will also possess a small business permitted under an annual business permit. The property is located ¼ mile east of the city limits of Jesup in Section # 32 of Perry Township.

Mr. Beatty then discussed the request details and location and asked the commission to review their zoning packets and also presented an aerial map of the area. No video was presented due to the location of the meeting. Mr. Beatty explained the reason for the rezoning application, the soils in the area, the parcel's proximity to the Jesup city limits, a small area of trees and drainage creek to the West which is included in the floodplain in the area, and rock quarry to the South. Mr. Beatty explained that the applicant has a small tiling business and an interior design business as well. Mr. Beatty stated he felt the zoning to residential with an annual business permit was the best fit for the area rather than rezoning to commercial or commercial manufacturing to accommodate their small businesses. Mr. Beatty explained this area was also included in the comprehensive plan future land use map and expected this to become Jesup city limits at some point in the future. Mr. Beatty shared the map with the commission. Mr. Beatty also noted that a real estate transaction was pending the rezoning.

Mr. Slattery and Mr. Beatty discussed the distance in relationship to the Jesup city limits.

Mr. Pech opened the meeting for comments.

Mr. Bell explained how he runs a small tiling business and this wife is an interior designer. He is out growing his current location and is looking for an acreage in or around the city of Jesup that would accommodate both his and his wife's businesses along with the potential to have his children in 4-H. Mr. Bell also included that since he is the assistant fire chief for Jesup he is restricted how far he can live from the Fire station.

Mr. Bell continued to explain that he grew up in 4-H and wants his children to experience the same thing.

Karen Connell inquired about the tiling business.

Denny Bell then clarified that Clint runs a floor tiling business, not an Ag tiling business. The commission board appreciated the clarification.

Dave Pech added that the "R-3" district had restriction on the number of animals per acre. Mr. Pech wanted Mr. Bell to be aware of the restriction in case the number of animals for his 4-H projects was more than were allowed in the new district.

Mr. Bell stated he was aware.

4-H discussion continued.

Karen Connell inquired about the drainage ditch to the West. Discussion continued about elevations of the new structures and the dry run creek.

Mr. Beatty explained the floodplain process and how the process works within his department, the DNR, FEMA, and the use of an engineer similar to Crawford Engineering when the floodplain is on a property.

Mr. Pech noted that this sounded like an excellent place for his plans but, was unfortunate it was some of the better soils in the county.

Mr. Pech and Mr. Beatty then continued to discuss the lineal line of residential to the West.

John Ryherd made a motion to approve the request. Karen Connell seconded the motion. The motion carried with a vote of 7 to 0. During discussion later in the meeting Dave Pech wanted it noted that the Board of Supervisors should consider this rezoning to be limited to only one(1) dwelling even though the application is for (4) four acres. Mr. Pech also noted that Clide - Flayd soil type should be corrected to Clyde – Floyd. Mr. Beatty acknowledged the spelling and would correct note as needed.

3rd Item on the Agenda was George Aldrich of rural Brandon wishes to rezone approximately four (4) acres from “I” Industrial to “C” Commercial and include a photography studio as a “Principal Permitted Use” within the Commercial Zoning District to comply with the Iowa Department of Transportation for a billboard / sign application. The property is located one (1) mile north of Brandon in Section # 22 of Jefferson Township. The property was previously rezoned from “A-1” to “I” Industrial in November of 1985.

Mr. Beatty then discussed the request details and location and asked the commission to review their zoning packets and also presented an aerial map of the area. No video was presented due to the location of the meeting. Mr. Beatty explained the reason for the rezoning application, the existing “I” zoning classification from 1985, the difficulty the applicant has had with the (DOT) Department of Transportation, the parcel’s proximity to Brandon and Interstate 380, the photography studio on site with the existing signage. Mr. Beatty explained that the applicant has a small photography studio on site along with an agricultural storage and maintenance facility. Mr. Beatty stated he felt the current zoning district pertains to both the use and the signage application the applicant is looking for but, the DOT does not. Mr. Beatty explained this has been discussed several times in person and in email but, this change is being requested to allow the applicant to move forward with their billboard signage plans for Interstate 380 viewing.

Mr. Beatty continued to explain that a photography studio is not currently listed as a principal permitted use in our commercial district and even though Art Galleries, Art Supply Shops, and Camera Shops are, those descriptions are not good enough for the DOT.

Mr. Aldrich added that the area was a barrow pit for the construction of Interstate 380.

Mr. Alsop then spoke and explained the process from when they started and where they are now.

Mr. Alsop explained that the permitting process is commonly more challenging at the state level thus the reason they are here.

Mr. Alsop also added that the State of Iowa has motivation to reduce the amount of signs constructed next to or adjacent to federal highways due to federal funds distributed on an annual basis. Mr. Alsop continued that the application review is very methodical.

Mr. Alsop continued to explain that even with Chad's assistance and several letters he has written because the photography studio is not listed or spelled out exactly in the commercial district, the DOT will not permit the proposed signage from his company.

Mr. Alsop stated that the DOT is requiring that our ordinance add a Photography Studio as a PRINCIPAL PERMITTED USE and be rezoned from Industrial to Commercial.

Mr. Alsop stated that the DOT will not read between the lines as the use has to be a line item within our ordinance.

Mr. Beatty stated that one of his letters he sent stated an Allowable Use and not a Principal Permitted use and this may have thrown a red flag during the process but, is not sure.

Mr. Pech clarified that the sign is allowed in the current district, along with commercial, and commercial – manufacturing.

Mr. Pech and Mr. Beatty discussed about the 1985 rezoning and how there was no restriction but, the meeting minutes shared with the DOT expressed the use intention at that time.

Mr. Slattery and Mr. Pech then moved forward with an idea of how we should have two motions to clear this up.

Mr. Alsop explained how he prefers the process to be.

Mrs. Connell then confirmed who was installing the billboard and if the DOT was installing the billboard. It was clarified that Mr. Aldrich owns the property and Mr. Alsop's company is proposing the signage / billboard.

Mr. Beatty agreed this should be two (2) different motions.

Mr. Pech recommended that the commission add the principal permitted use first.

Marlene Brown made a motion to recommend the addition of a photography studio as a principal permitted use within the commercial zoning district. John Slattery seconded the motion. The motion carried with a vote of 7 – 0.

Karen Connell made the motion to rezone the parcel from Industrial to Commercial. Jan Short seconded the motion. The motion carried with a vote of 7 – 0.

Further discussion included:

Mr. Beatty added that the day of the BOS meeting Cindy will draft the changes as requested and the county and applicant can both sign it to forward to the DOT if needed.

Karen Connell then asked about the * on the map and if that was the location of the potential sign. Mr. Beatty stated no, that was just the parcel of land in question. Mr. Alsop added that the sign will be closer to the overpass and they may apply for two (2) signs.

4th Item on the Agenda was to discuss Zoning member appointments, terms, and applications with the Board of Supervisors.

Mr. Beatty had included a list of effective term dates and explained that the Board of Supervisors appoints members and not his office. Mr. Beatty wanted everyone aware that Marlene Brown, Jim Grover, and John Slattery all have their terms expire on December 31st, 2014. Mr. Beatty shared that Mr. Grover has communicated that he will not be reapplying.

Mr. Pech thanked Mr. Beatty for sharing the list of term dates as he had never seen one these before.

Discussion continued about gender equity, and Mr. Beatty stated for the commission members to discuss their interest with the BOS or Auditors office if they wanted and application.

Mr. Pech cleared up that the terms were for five (5) years, not two (2). Mr. Beatty agreed.

5th Item on the agenda was adjournment. Tom Doyle 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 7:37 PM.
Chad Beatty, Zoning Administrator ~ 11/7/14

BUCHANAN COUNTY ZONING MEETING

Tuesday, December 2, 2014

7:00 PM Buchanan County Courthouse Assembly Room

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

Chad Beatty, Zoning Administrator was present along with the following (6) board members: John Slattery, Kris Wilgenbusch, Marlene Brown, Jan Short, Tom Doyle, and Karen Connell. (3) Dave Pech, John Ryherd, and Jim Grover were absent.

Public guests included: (5) Terry Price, LeMyra Price, Troy Schafer, Dawn Schafer, Shawn Corkery who arrived late to the meeting.

John Slattery then welcomed and addressed those in attendance with a similar statement:

WELCOME:

WE ARE THE BUCHANAN COUNTY ZONING COMMISSION, I AM JOHN SLATTERY 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 the approval of the minutes from the August meeting. Jan Short made a motion to approve the minutes and the motion was seconded by Marlene Brown. The motion was then unanimously approved with a vote of 6 to 0 with no further discussion.

2nd Item on the Agenda was the approval of the minutes from the October meeting. Karen Connell made a motion to approve the minutes and the motion was seconded by Kris Wilgenbusch. The motion was unanimously approved with a vote of 6 to 0 with no further discussion.

3rd Item on the Agenda was Terry Price of rural Rowley wishes to rezone approximately 4.78 acres from “R-3” Residential and “C-M” Commercial - Manufacturing to “R-1” Residential and “I” Industrial to allow two (2) dwellings to be located on two (2) acres and the 2.78 acre(s) balance to be used for the area salvage yard expansion. The property is located 2 miles west of the city limits of Rowley in Section # 4 of Homer Township.

Mr. Beatty then discussed the request details and location and asked the commission to review their zoning packets and also presented an aerial map of the area. Video was presented from the residential driveway adjoining Hwy. 150 South. Mr. Beatty explained the reason for the rezoning application, the existing zoning classifications in the area, the current zoning classifications of the application parcel, and the plans for Mr. Schafer’s expansion. Mr. Beatty stated he felt the current zoning commission should consider the restrictions he listed in the zoning packet and explained in the video presentation how the current 8’ tall fences are not tall enough in his opinion. Mr. Beatty stated he has not received any phone calls or emails with complaints concerning the application.

Mr. Slattery opened the meeting for comments:

Mr. Price explained that him and his father currently own and live in the two dwellings. Mr. Price shared that he plans to continue to own and lease the land to the west to Mr. Schafer.

Mr. Slattery inquired about access.

Mr. Price, Mr. Schafer, and Mr. Beatty confirmed a driveway already exists from the current salvage area accessing the south parcel.

Mrs. Connell inquired about the blue metal building to the south, who owned it, and if this was going to be used?

Mr. Price explained his father owns it and the use would not change.

Mr. Slattery commented he agreed with Mr. Beatty’s recommendations on the fence height and wanted to share a comment from Sheriff Davis when the Olsen Salvage yard expansion was applied for several years ago. “The best place for salvage yard expansion is right next to a salvage yard.” Mr. Slattery added he will never forget that comment and continued to state that this application seemed like the best place for the expansion and feels it is better to have 4 or 5 throughout the county than multiple. Mr. Slattery also reminded the commission that salvage yards are needed within the county.

Mrs. Connell inquired about the property values within the area and how would the property owner’s be affected if this expansion was adopted.

Mr. Beatty stated he had not received any calls concerning the change and 10 or 12 adjoining property owners were notified of the request and added that the value question could be answered by the assessor.

Mr. Beatty added that Mr. Pech did call, reviewed the application, and agreed with the recommended restrictions within the application packet.

Mr. Beatty continued to explain that if you look at the existing zonings in the area, that many years ago the county supervisors elected to rezone several parcels in this area to industrial, commercial, and commercial manufacturing. At that time, if some of these dwellings were attached to or had an office for the business within the dwelling; these are considered an allowable use. Mr. Beatty continued to state that several of these rezonings in the past did not have restrictions placed on them, thus the current difficulty requiring clean up or fences built to hide some of the issues.

Mr. Slattery concurred with the statement and enticed the commission for a motion.

Marlene Brown then made a motion to recommend the rezoning with the restrictions noted by the zoning administrator in the application packet which included: 1) The applicant will construct a 12' high fence on the East and South property lines of the salvage yard expansion within six (6) months 2) Order and record a professional survey to amend the south property line to assure the south dwelling complies with setbacks in the "R-1" Residential District, and 3) Restrict the applicant to allow the "I" district rezoning request to only be used for a salvage yard. Jan Short seconded the motion. The motion carried with a vote of 6 – 0.

4th Item on the Agenda was to approve a new meeting time and location for zoning commission meetings. Due to security concerns, after hour courthouse access to the public is no longer recommended or preferred.

Mr. Beatty explained the concerns, the security changes that have occurred at the courthouse and the options of times and facilities which may be available to host the meetings.

Much discussion continued about the ability of gathering a quorum, getting people to serve on the commission in the future, and nights of the week which do and don't work.

Karen Connell made a motion to host the meetings at 7:00 PM on Tuesday evenings at the Public Health Building. Kris Wilgenbusch seconded that motion. The motion was unanimously approved with a 6 to 0 vote. Mr. Beatty noted that if the facility was scheduled for use and created a conflict with the set time, the zoning department would communicate the time and date change as needed. The commission concurred with Mr. Beatty's statement.

5th Item on the agenda was adjournment. Kris Wilgenbusch made a motion to adjourn the meeting. Jan Short seconded the motion. The motion carried with a vote of 6 – 0.

Mr. Beatty spoke in length after the meeting with Shawn Corkery who had arrived late. Mr. Beatty explained the plans for the change, what was recommended and confirmed that he would be notified of the Board of Supervisor's hearing held in two to four weeks. Mr. Corkery noted that he appreciated Mr. Beatty's time.

The meeting was concluded at 7:39 PM.
Chad Beatty, Zoning Administrator ~ 12/11/14