

BUCHANAN COUNTY ZONING MEETING
Tuesday, February 10, 2015
7:00 PM Public Health Meeting Room

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

Chad Beatty, Zoning Administrator was present along with the following (5) board members: Marlene Brown, Jan Short, Tom Doyle, Karen Connell, and Dave Pech. Kris Wilgenbusch, Jim Frye, John Ryherd, and John Slattery were not in attendance.

Public guests included: (5) Brad Cole, Brenda Corkery, Dave Corkery, Sheila Gerken, Mitch Gerken.

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 2015.

1st Item on the Agenda was to elect the 2015 Chairman and 2015 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 Jan Short.

Karen Connell made a motion to cease nominations. The motion was seconded by Tom Doyle.

Both motions were carried with a vote of 5 to 0.

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

Marlene Brown then made a motion to cease nominations. The motion to cease nominations was seconded by Karen Connell.

Both motions were carried with a five to zero (5 – 0) 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 (December 2014) 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 5 to 0 with no further discussion.

3rd Item on the Agenda was Ken and Kathy Cole of rural Independence wish to rezone 5.79 acres from “R-3” Residential to “R-1” Residential to develop a preliminary plat for a (4 Lot) subdivision. The property is located one quarter mile NW of Independence on Golf Course Blvd. in section #33 of Washington Township. Also known as 1859 Golf Course Blvd.

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, a sketch of the area, and video from the north accessing the proposed area. Mr. Beatty explained that the reason for the rezoning application was that selling the north portion of the property had changed from the original April 2014 plan when this parcel was previously rezoned from “I” Industrial and “C-M” Commercial - Manufacturing to “R-3” residential. The plans now includes the current owners will transfer a lot to their son, retain a lot for themselves, and sell two (2) lots to the North. Mr. Beatty added that their son, Brad was in attendance to represent Ken and Kathy. Mr. Beatty added that this area was a vision of the City of Independence’s comprehensive plan for residential growth. The proposed area is within the 2 mile radius of the City of Independence and will need to be reviewed by the City of Independence as well.

Mr. Pech then opened the meeting comments and questions.

Brad Cole spoke for his parents that were unable to attend the meeting. Brad stated that original plans for the property had changed from storage to selling one lot to the north to now subdividing the parcel. He recognized that he will acquire a lot and maybe the buildings and balance in the future but, that process will be part of his family’s plans.

Mr. Beatty explained that one building had been removed and the property continues to be cleaned up.

Mr. Beatty also wanted to point out that the proposed parcel square footages to obtain 1 acre includes to the center of the 218th Street and Golf Course Blvd.

Mitch and Sheila Gerken, neighbors to the South, then voiced their concern about annexation to the City of Independence and how this land use change may affect their property in that regard.

Mr. Beatty then explained that annexation was a governmental process which would need to be discussed with the City of Independence and / or the Board of Supervisors.

Mr. Pech commented that the zoning commission was to evaluate land use for this application only which doesn’t currently include annexation.

Mr. Beatty agreed.

Mr. Beatty explained to the Gerkens that even though the City of Independence’s residential growth appears to be moving west it doesn’t necessarily mean that the City of Independence will choose to annex their area.

Mr. Beatty continued to explain that city services such as Water and Sewer would need to be considered in any annexation discussions and Mr. Beatty suggested speaking with Doug Cook or the City of Independence manager for further annexation details.

Mr. Beatty added that from his understanding the land owner usually has an opportunity to decline the annexation or at least voice their concern otherwise if they are not in agreement with the plans.

Mr. Beatty then confirmed that Brad understood rezoning from the County takes place first then the preliminary plat would need to be reviewed by both the City of Independence and the County because of the 2 mile radius subdivision ordinance.

Brad Cole acknowledged the process.

Dave Pech added how unique it was that this property had started as industrial and Commercial-Manufacturing was rezoned to "R-3" and is now changing to "R-1".

Karen Connell made a motion to approve the request. Jan Short seconded that motion. The motion carried with a vote of 5 to 0.

4th Item on the Agenda David and Brenda Corkery of rural Rowley wish to rezone 3.5 +/- acres from "A-1" Agricultural to "R-3" Residential to allow the construction of a single family dwelling for their daughter. The property is located 5 miles SW of Rowley and South of 3125 Iowa Avenue in Section #20 of Homer Township.

Mr. Beatty then read aloud the request details, the location and then asked the commission to review their zoning packets and also presented an aerial map of the area and video from the east on Iowa Avenue. Mr. Beatty explained the reason for the rezoning application and that the daughter, son-in-law, and current owners had been in few times to discuss options prior to applying for the rezoning. Mr. Beatty explained that during the research of organizing the application it was determined that buildable soils were located on the family's farmland but, a long access lane would be needed to access the area, thus taking more crop ground out of production. Mr. Beatty explained that the applicants discussed demolition of the existing house which would allow them to build a new dwelling without rezoning but, they are undecided with the plans of the dwelling. Existing buildings plan to be salvaged and one outbuilding is proposed to be severed with the request area. Mr. Beatty explained that the jog in the proposed parcel is to keep the outbuildings 10' off the property lines to deter the need for a variance application.

Mr. Pech opened the meeting for comments.

Brenda Corkery started by explaining how her and her husband recently acquired this property in the fall of 2014 to adjoin their current farm.

Brenda Corkery continued to explain that she felt it was important to plan for at least one in the family to be interested in continuing ownership of the land. Brenda continued to explain that this was a century farm and felt it was important to continue that.

Brenda Corkery explained how she wanted her grandkids to live close by, experience the farm, help, and also have the opportunity to participate in 4-H.

Dave Corkery added he has never known this area under application to be crop farmed and didn't feel this was taking cropland out of production.

Mr. Pech explained that the County's comprehensive plan deters the commission from taking good soil out of potential production.

Brenda Corkery rebutted that this was timber and pasture, not row crops.

Mr. Pech stated that agricultural uses are not just row crop farming but, explained how pasture, hay ground, hog lots, and cattle lots are all Ag uses.

Brenda Corkery added again that she felt it was important to get her family and grandkids back to the area. Brenda continued to state that a house near those existing out buildings was dangerous for young kids especially with today's size of farm equipment.

Mr. Pech stated that a house this far from outbuildings wasn't necessarily safer and added kids can travel or wonder quite a distance.

Mr. Pech added that if they demolished the existing dwelling and built one back, rezoning was not required.

Mr. Beatty agreed.

Brenda Corkery felt that this proposed location was better and again added that they were undecided with the existing dwelling.

Dave Corkery added originally they were going to remodel and possible rent the dwelling but, after assessing the property it may be more than originally estimated.

Mr. Pech inquired about the buildings close to the ditch.

Mr. Beatty stated that they were AG outbuildings and were AG exempt thus, able to be this close to the ROW or ditch line.

Karen Connell asked where Dave and Brenda's dwelling was compared to the request.

Mr. Beatty confirmed to the North.

Karen Connell requested where the creek was in comparison to the applied area.

Mr. Beatty explained on the large aerial photo.

Marlene Brown added she felt the existing house was "unlivable" and that if we forced them to knock it down and rebuild it was "robbing land from Peter to pay Paul."

Mr. Beatty acknowledged that thought process.

Mr. Pech and Mr. Corkery discussed CSR and reports from the ASCS office and how it determined the crop rating for the area.

Mr. Doyle asked how many acres the Corkery's owned in the area.

Corkery, Doyle, Connell, and Pech discussed arials, newly acquired, land and the land owned by trust that adjoined their property.

Mr. Pech stated he understood the request and how the financial institutions require this but, still had a concern about the soil quality.

Marlene Brown made a motion to approve the request. Jan Short seconded the motion.

The motion was approved with a vote of 4 to 1. Mr. Pech was the vote against the approval.

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

The meeting was concluded at 7:39 PM.

Chad Beatty, Zoning Administrator ~ 2/20/15

BUCHANAN COUNTY ZONING MEETING
Tuesday, April 7, 2015
7:00 PM Public Health Meeting Room

At 7:00 Interim 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, John Slattery, Dave Pech, Karen Connell, and Jim Frye. Tom Doyle was not in attendance.

Public guests included: (3) Jack Franck, Tyler Franck, and Gary Peiffer.

Mr. Pech then welcomed recently appointed Jim Frye to the commission.

Dave Pech made a statement similar to the following:

WELCOME:

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

1st Item on the Agenda was the approval of the minutes from the previous (February 2015) 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 was Janet L. Franck Trust of rural Quasqueton wishes to propose the preliminary plat which includes 17 residential lots on 49 acres with the average lot size of 2.89 acres. The property was previously rezoned from "A-1" Agricultural to "R-3" Residential in April of 2006. The property is located one half mile NW of the Quasqueton City limits on Quasqueton Diagonal Blvd. in section #22 and #27 of Liberty Township.

Mr. Beatty then read aloud the request details and location and then asked the commission to review their zoning packets and also presented a preliminary plat of the area and a video from the south accessing the proposed area from Quasqueton Diagonal Blvd. Mr. Beatty explained that the rezoning for this property occurred in April 2006 and the Franck's are now moving forward with the subdivision. The plans now include 17 lots on 49 acres and they will develop lots as the demand presents itself. The owners plan to farm or row crop the area until lots are sold. Mr. Beatty added that their grandson, Tyler plans to build a house on Lot #10 of Block #2. Mr. Beatty added that the subdivision checklist is in compliance besides receiving comments from the City of Quasqueton. Mr. Beatty explained that the City's 2 mile radius ordinance stated that they will comment to the BOS after recommendation from the County's Zoning Commission. The proposed area is within the 2 mile radius of the City of Quasqueton and Tyler has already shared the preliminary plat which will be

reviewed by the City of Quasqueton as well. Mr. Beatty did add that he had received a phone call from Crystal Manson to the South of the proposed area and was concerned on runoff from the new subdivision. Mr. Beatty added that the minutes from the April 2006 rezoning meeting also included drainage concerns about a natural waterway that flows from NW to SE. Mr. Beatty added that he felt once houses are constructed at the proper elevation with appropriate grading, black dirt, and sodding of yards should help with rain water absorption and her concern. Mr. Beatty also stated that the developers could discuss with County Engineer Brian K. items such as prairie grasses, silt fence, and rip rap in front of the culvert which crosses Quasqueton Diagonal Blvd. into Mrs. Manson's property for slowing down the potential large run off. Mr. Beatty stated that it appears the county has already constructed some concrete provisions in front of the North side of the culvert for this purpose. Mr. Beatty also added that two driveway addresses (2618 & 2626) are proposed to correlate the subdivision lot numbers with the counties 911 addressing system.

Mr. Pech asked about having two lot #3's. Mr. Beatty then explained that the plat will have two different entrances which will be 2618 - 3 and 2626 - 3.

Mr. Slattery then asked on the left or Block #1 the lots started with Lot #1 and on the right or Block #2 the lots started with Lot #3.

Mr. Beatty explained that there is a state law for lots being progressive in a subdivision and that Crawford Engineering and he worked with the lots in Block #2 because if the layout went 1, 3, 5, 7 and 2, 4, 6, 8, & 10 the lots would not align and lot progression would skip Lot #9. This way the lots will be progressive left to right and also include #9 by going 3, 5, 7, 9 and 2, 4, 6, 8, 10.

Mr. Slattery then asked Jack if the 1st and 2nd Franck's subdivisions have signs in front of all of the houses.

Mr. Franck confirmed that the 911 signs are just at the road.

Mr. Beatty stated that eventually the signs will be in front of all of the houses like Pint's Addition East of Independence. Mr. Beatty stated that process will begin within the next year.

Tyler Franck added that he had spoken to Chad Staton with the City of Quasqueton and does not envision any issues.

Mr. Pech asked about lots having common water and/or individual septic.

Mr. Beatty confirmed the zoning of "R-3" with lot area of 2 acres allows private wells and septic systems and noted it was on the lower portion of the preliminary plat.

Mr. Franck confirmed that is what they do now and stated it seems to work well.

Tyler Franck added that Crawford Engineering felt that the maximum amount of run off is most likely occurring now with row crop farming and that established yards and foundations would slow it down.

Mr. Slattery then asked if the water ever crossed the road near the culvert.

It was confirmed that water has never crossed the road but, rather enters the culvert and exits across Manson yard/ East ditch and then to the creek near the newly constructed bridge on Quasqueton Diagonal Blvd.

Mr. Beatty added that it appears that the water runs in lineal line with the road in an established waterway.

Karen Connell then asked about the placement of the new houses in proximity to the waterway.

Mr. Franck stated that with the placement of the private road, no houses will end up on or near the current natural waterway.

Tyler added that plans are to establish the 2626 drive for block #2 this year and will then add the 2618 driveway when lot sales demand it.

Mr. Pech then opened the meeting for any additional information or questions.

Kris Wilgenbusch added that her biggest concern was the drainage and that she recommends that the developer looks into the liability they may potentially have in the future.

Mr. Franck acknowledged potential spring run-off concerns when the ground is still frozen.

Tyler Franck added that the private road elevation will act as a newly added terrace and slow the water as well.

Karen Connell added that the area has quite a bit of slope to it but, it goes in different directions.

Tyler Franck added that from Lot # 1 of Block #1 the land mostly flows to the West and added that all of the subdivision really drains in different directions.

Dave Pech asked if some covenants and restrictions were included in the plans.

Mr. Beatty added that Tyler has shared those with his office but, in actuality the county does not regulate covenants and restrictions rather that it is a developer and neighbor to neighbor compliance item but, added the list will be recorded with the final plat.

Mr. Pech asked about the concern of perimeter fencing from the Ag fields if livestock were proposed in the area.

Mr. Pech recommended adding the wording in the restrictive covenants on who is liable for fencing if it is needed in the future.

Tyler Franck added he felt it was added in the covenants to be in compliance with the County Regulations.

Mr. Beatty stated it was #8 in the list of covenants but, stated that the wording of “as per the county’s subdivision ordinance” does not work because the county does not have a subdivision ordinance.

Mrs. Connell added she felt that the developer should add some wording to confirm it was clear for everyone.

Mr. Beatty added if the issue was under discussion, he would send those involved to the Board of Trustees in that particular township to discuss the future fence.

Kris Wilgenbusch asked about the difference on the application stating 46 acres and the preliminary plat having 49 acres.

Mr. Beatty stated it could have been from the addition of the ROW acres or the math used for the April 2006 application compared to exact dimensions and legal description used by the Engineering Firm and Surveyors.

Tyler Franck added that it may have been tillable acres versus overall acres.

Mr. Beatty stated that the 46 acres was most likely from the 2006 application and the county will be using the legal, dimensions, and area from the preliminary plat moving forward.

Mr. Peiffer said he serves on the Troy Mills Fire Department and added he appreciates the added visual 911 address signs in Buchanan County because it is not done that way in Linn County.

John Slattery made a motion to approve the request. Karen Connell seconded that motion. The motion carried with a vote of 8 to 0.

3rd Item on the Agenda was Gary Peiffer of rural Troy Mills wishes to rezone 9.17 acres from "A-1" Agricultural to "I" Industrial to get the existing property and land use into compliance with the existing Buchanan County zoning ordinance. The property is located $\frac{3}{4}$ of a mile NE of Troy Mills and also known as 3370 Troy Mills Blvd. in Section #33 of Newton Township.

Mr. Beatty then read aloud the request details of the location and then asked the commission to review their zoning packets and also presented aerial map of the area and a video from the Northwest driveway off of Troy Mills Blvd. Mr. Beatty explained that the property was discovered to be out of compliance and the reason for the rezoning application. Mr. Beatty explained that the owner's main business is in town and this is used for overflow and storage of his auto recycling business. Mr. Beatty stated that there are not any complaints about this property on file at the county or have there been any calls prior to the meeting and that most of the storage is to the East of the long machine shed and south of the trees planted to the East of the property. Mr. Beatty explained that during the research of 911 address signs this winter, the business and storage use of the property was discovered using new aerial software that the county gets updated about every 3 years. Mr. Beatty explained that a letter was sent and the applicant quickly contacted his office to discuss the option to apply for rezoning.

Mr. Pech opened the discussion by asking Mr. Peiffer what his business consisted of.

Mr. Peiffer added he sells cars, car parts, and restores and recycles cars.

Mr. Peiffer added that the storage to the East is basically used for parts for the cars which he repairs.

Mr. Pech then asked if he was a salvage yard.

Mr. Peiffer stated he has rebuilt cars for about the last 20 years.

Mr. Pech then explained how the state and county has the ability to restrict the use to the business in which the owner is in.

Mr. Pech stated that the exact wording will be confirmed at the public hearing with the Board of Supervisors.

Mr. Beatty added that the restriction will assure that the land use cannot switch to one of the other twenty-five (25) Industrial uses listed in the county ordinance without going through the rezoning process again.

Mr. Peiffer stated he would have no issues with that.

Mr. Slattery then asked about the rezoning that they recently did with Troy Schafer which included a fence. Mr. Slattery continued to confirm if that was State or County restriction.

Mr. Beatty responded that he and the zoning commission recommended that for visual aesthetic purposes for the neighbors to the East and South.

Mr. Beatty continued to explain that the fence for the Schaefer rezoning was recommended to be 12' tall instead of matching the original fence of 8' tall along HWY. 150 South as the cars are stacked above the 8' tall fence at times.

Karen Connell added that the fence was partially requested due to three close dwellings in the area.

Mr. Beatty agreed.

Mr. Slattery added that the long building actually acts as a fence for this location's visual border from the road.

Mr. Pech stated that you would think that if the property owners were concerned that they would be in attendance tonight.

Mr. Beatty stated that once the property non-compliance was found on the aerial that he and Kris researched the complaint file to determine if any issues were ever filed and they did not find any.

Mr. Beatty continued to state that usually complaints from area residents is how his department finds out about "out of compliance" properties and we have not fielded any complaints to his knowledge.

Kris Wilgenbusch stated she drives by this location multiple times a month and stated she would have never guessed that these cars were in the rear of the building.

Mr. Slattery then mentioned that no dwellings are real close to this location.

Mr. Peiffer stated one to the south and one to the NW.

Mr. Pech then asked if Mr. Peiffer does or plans to place any cars near the road for sale.

Mr. Peiffer stated no.

Mr. Pech stated that in years past, some adjacent owners have stated that they did not want 30 cars near the road to sell.

Mr. Beatty added that Mr. Peiffer sells at his town location.

Mr. Peiffer agreed and stated that this location was for storage and to work on rebuilding the cars.

John Ryherd asked if Mr. Peiffer had someone helping him.

Mr. Peiffer said he has 3 or 4 people who work for him.

Mr. Peiffer again stated he had no issue signing a restrictive agreement.

John Ryherd mentioned a motion.

Mr. Pech stated he would vote against any motion without a restriction.

Mr. Pech explained he felt the county needed to restrict this to Mr. Peiffer's business use.

John Ryherd then made a motion to approve the request including "the restriction of doing business as an automobile recycling / rebuilding parts business." John Slattery seconded the motion. The motion was approved with a vote of 8 to 0.

Discussion continued.

Karen Connell then asked if the rezoning restriction continued if the property was sold.

Mr. Beatty stated yes, the rezoning can transfer but, the land use cannot change.

Mr. Pech agreed.

4th Item on the agenda was adjournment. Kris Wilgenbusch made a motion to adjourn the meeting. Marlene Brown seconded the motion. The motion carried with a vote of (8 – 0).

The meeting was concluded at 7:36 PM.

Chad Beatty, Zoning Administrator ~ 4/16/15

BUCHANAN COUNTY ZONING MEETING
Tuesday, June 2, 2015
7:30 PM Public Health Meeting Room

At 7:30 Interim Chairman Pech called the meeting to order.

Chad Beatty, Zoning Administrator was present along with the following (8) board members: Marlene Brown, Jan Short, John Ryherd, John Slattery, Dave Pech, Tom Doyle, Karen Connell, and Jim Frye. Kris Wilgenbusch was not in attendance.

Public guests included: (3) Dean Tournier, Greg Tournier, and James Crawford.

Dave Pech made a statement similar to the following:

WELCOME:

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

1st Item on the Agenda was the approval of the minutes from the previous (April 2015) meeting. Jan Short made a motion to approve the minutes. The motion was seconded by Marlene Brown. The motion was carried with a vote of 8 to 0 with no further discussion.

2nd Item on the Agenda was Dean Tournier of rural Independence wishes to rezone 7.2 acres from "A-1" Agricultural and "I" Industrial to "R-1" Residential and "I" Industrial to expand the existing Industrial use for salvage storage to the East and change one acre to "R-1" for the dwelling on sight and to add the land use restriction to include auto sales for state compliance. The property is located 5 miles NE of Independence in Section #5 of Byron Township and is also known as 1644 Nathen – Bethel Avenue.

Mr. Beatty then explained the process in which the request was filed, explained the information in the packets, and showed a video from the South and North of the property. Mr. Beatty included that Mr. Pech and him had discussed the 1995 and 2005 rezonings and concern of the storage to the East of the creek in the recent months. Mr. Beatty added that the restrictions from the past rezonings are in compliance and there are currently no complaints on file for this property.

Dean Tournier added that this spring the DNR extended their inspections to 5 years instead of 1 year due to their clean inspections.

Karen Connell then asked about the "R-1" request and why this was included.

Mr. Beatty explained with the use around the dwelling 2 acres is not feasible to be in compliance with "A-1" Agricultural otherwise the county could leave this as "A-1" Agricultural. This way "R-1" can

be as little as 1 Acre and the dwelling would be in compliance for any future mortgage or insurance company requirements.

Mr. Beatty added that he felt this was the cleanest way to file the request.

John Slattery then asked what DNR floodplain requirements are included with the property.

Dean Tournier then added that there is to be no storage between east of the berm and west of the creek but, there is no restrictions to the East of the creek and why he started storing items on the East of his property.

Dean continued to explain that this request started due to interest in selling a few used cars to the north of his scale and the State of Iowa requirement for the license. Dean continued to state that it is not there intention to display any vehicles outside the fence but, rather for customers who use their facility.

Dave Pech then confirmed what was being applied for.

Mr. Beatty explained the aerial maps and how a restriction could be discussed with the auto sales and potentially talk about the need for a fence as well.

Mr. Pech then asked about the past wording of the restrictions.

Mr. Beatty stated it was for a salvage yard and included a berm and a fence around the 1995 and 2005 applications.

Karen Connell then asked if this rezoning would transfer if sold. Mr. Beatty and Mr. Pech confirmed that any zoning transfers with the land and if the land use is desired to change in the future, the land owner must apply for that change.

Karen Connell added that she would like to see a fence on the South to continue to the East. Karen feels that the North side is hidden by several trees.

Mr. Beatty stated that from a floodplain standpoint he would recommend that the fence stop at the berm and start again east of the creek otherwise the DNR requirements may be quite difficult to construct a fence in the creek area.

Tom Doyle added that the owner has a fence around the area that counts and let's forget the fence. Mr. Doyle continued to state that the fence and trees in the creek area would be adding problems to the applicant. Mr. Doyle feels the place of business is far better than it has been in years past and doesn't feel the gov't should make it any more difficult for him.

Dean Tournier continued to explain his intention is to only display 2 to 3 vehicles on the property and not become an entire car lot.

Karen Connell added that her comment on the fence was motivated by uniformity of other rezonings.

Mr. Pech stated he feels that is something the supervisors can discuss and decide on.

Mr. Beatty added he had heard a mention of trees and would be in support of that to deter any future nuisance calls or complaints.

Mr. Pech continued to state that he feels the supervisors can discuss the need for a fence or trees.

Mr. Doyle stated that he feels there may be issues with trees in wetlands, fences in the floodplain, and the DNR regulating far too much. Mr. Doyle does not want the applicant to go through all the potential hassle.

Tom Doyle made a motion to approve the request to include auto sales for the 7.2 Acres and add the current business use restriction for the expansion to the East. Karen Connell seconded that motion. The motion carried with a vote of 8 to 0.

3rd Item on the agenda was adjournment. John Slattery made a motion to adjourn the meeting. Jan Short seconded the motion. The motion carried with a vote of (8 – 0) with no further discussion.

The meeting was concluded at 7:46 PM.

Chad Beatty, Zoning Administrator ~ 6/11/15

BUCHANAN COUNTY ZONING MEETING
Tuesday, July 7, 2015
7:00 PM Public Health Meeting Room

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

Chad Beatty, Zoning Administrator was present along with the following (7) board members: Marlene Brown, Jan Short, John Ryherd, John Slattery, Dave Pech, Tom Doyle, and Karen Connell. Kris Wilgenbusch and Jim Frye were not in attendance.

Public guests (34) included: Duane Pleis, Kathy Cole, Ken Cole, Kim Rourke, Troy Rourke, Tom Rourke, Steve Thompson, Benny Ruehs, David Albrecht, Jerry Plaster, Kris Klingaman, M. Bellis, Ryan Bellis, Lois Heineman, Wade Heineman, Randy Robinson, Gary Fink, Gene Wilson, Jerry H., Adam Kaufman, Derek Kaufman, Jerry Van Daele, Russ Meyers, Deb Meyers, Ellen Gaffney, Tammy Erickson, Ron Woods, Collin Woods, John Woods, Christopher Woods, David Ryan, Gary Gissel, Karsen Rumpf, and John Boorman.

A handwritten attendance list will be attached to the minutes.

Dave Pech made a statement similar to the following:

WELCOME:

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

1st Item on the Agenda was the approval of the minutes from the previous (June 2015) meeting. Karen Connell made a motion to approve the minutes. The motion was seconded by Marlene Brown. The motion was carried with a vote of 7 to 0 with no further discussion.

2nd Item on the agenda was Ken and Kathy Cole of rural Independence are requesting the approval of a preliminary plat to subdivide four (4) lots on a property which was rezoned to "R-1" Residential in February of 2015. The property is located one quarter mile NW of Independence on Golf Course Blvd. in section #33 of Washington Township and is also known as 1859 Golf Course Blvd.

Mr. Beatty then explained the process in which the request was filed, explained the information on the proposed preliminary plat. Mr. Beatty reminded the commission that the property was recently rezoned to "R-1" residential in February of 2015. Mr. Beatty included that the State of Iowa subdivision checklist items were all submitted and that both Brian Eddy and Lyle Tekippe were efficient with the subdivision process.

John Slattery made a motion to approve the preliminary plat. John Ryherd seconded that motion. The motion carried with a vote of 7 to 0 with no further discussion.

3rd Item on the Agenda was Thomas and Kimberly Rourke of rural Fairbank in conjunction with Optimum Renewables, LLC wish to rezone 89 +/- acres from “A-1” Agricultural to “A-2” Agricultural to construct three (3) wind turbines for a small wind energy development. The property is located 1 mile SW of Fairbank in Section # 6 and # 7 of Fairbank Township.

Mr. Beatty then explained the application process and how the newly adopted ordinance requires a two-step process, first the parcels for wind turbines need to be rezoned from “A-1” Agricultural to “A-2” Agricultural and then secondly submit an application to be authorized by the Board of Supervisors. Mr. Beatty then shared a colored aerial photo of the area in which the three wind turbines are being proposed and a video of the area.

Mr. Pech then opened the meeting for public comment.

Tom Rourke first spoke and stated he was the applicant and was interested in adding some “green energy” to the area which would also generate tax dollars for the county and schools. Mr. Rourke confirmed that he only envisioned 3 total turbines on his property.

Ryan Bellis then commented about concerns of lowering property values and health related concerns to the area. Mr. Bellis stated that he also has sound concern issues from the turbines.

Wade Heineman then added he has concern on the rezoning of the property. Mr. Heineman expressed that he feels this is more of a commercial rezoning and doesn't feel it fits the area.

Mr. Beatty explained that the ordinance specifies changing the zoning to “A-2” and not “Commercial”. Mr. Beatty added that this could be viewed as harvesting wind.

Mr. Pech then explained that with a rezoning the zoning commission and BOS have the ability to attach restrictions to applications and this may be a great opportunity to do so.

Sue Frost who lives one mile to the South added she has concerns of Bald Eagles and wildlife in the area. Mrs. Frost inquired if the applicant has contacted the US Fish and Wildlife and the DNR to confirm of any wetlands in the area.

Mr. Beatty stated that the Buchanan County Wind Turbine Ordinance specifies the distance from any wildlife preserve, public hunting area, or wetland area. Mr. Beatty communicated that the setback distance from these areas is 200 yards or 600 feet.

Ron Woods stated that less than a mile to the North of the proposed North turbine is the corporate city limits of Fairbank. Mr. Woods continued to express his concern on potential nuisance issues, area property values, and how this will affect the growing community of 1100 residents. Mr. Woods also explained that he owns a subdivision on the south side of Fairbank with sewer and water already installed.

Mr. Woods also questioned why the 2 mile radius to Fairbank wasn't considered.

Mr. Beatty explained that the 2 mile radius law includes residential subdivision reviews and he is not aware of any other structures which need reviewed within the 2miles unless the City of Fairbank has adopted something he is unaware of.

Mr. Pech asked if Mr. Wood's property he mentioned was within the county and what the property was zoned.

Mr. Woods explained that the property he spoke of is zoned "A-1" and is within the city limits of Fairbank. Mr. Woods continued to explain that the City of Fairbank also has zoning.

David Albrecht stated that there are 17 residences within close proximity to the potential project, too close to the city of Fairbank, and the population of 1100 or more residents.

Mr. Albrecht continued to ask questions about the height of the turbines and stated the first thing the applicant asked him was if he owned horses.

The applicants confirmed that the height from the ground to the tip of the blade is 445 feet.

Mr. Albrecht continued to stress his concern on stray current, aerial spraying for farmers, and the no fly times when the blades were rotating.

Mr. Albrecht also was concerned if the FAA had been contacted and the service road which will be needed and takes valuable crop land from production.

Chris Klingaman from nearby Blackhawk County has concern on the turbines and her horse business. Mrs. Klingaman continued to explain that it is known fact that the turbines affect horses and their demeanor.

Russ Meyers voiced he feels this area is just too close to town.

Gene Wilson stated he and his family owns property to the East, West, and North of the proposed area and has concerns on property value declining, was awaiting more answers and a call from the applicant John Boorman and has not received any. Mr. Wilson also added land values will be affected and not for the better.

Jerry Van Daele shared he owns a private 100' tall tower which he has \$300,000 invested in and has nothing but problems with it. Mr. Van Daele asked what type of tax abatement the applicant was asking for? Mr. Van Daele also wanted to know the process and how this ordinance was developed.

Mr. Beatty explained that in 2014 a Wind Turbine Ordinance was developed with assistance from the County Attorney while using several other counties as examples. Those included Cerro Gordo, Story, and Grundy. Mr. Beatty added he felt this process of rezoning and then reviewing the application gives the residents three times to voice their opinion and also gives 12 members to review the application between the commission and the Board of Supervisors rather than just five with the Board of Adjustment.

Wade Heineman added that he wanted the commission to understand a 445' turbine is a dynamic addition to the area and continues to believe this is more of a commercial request in an "A-1" setting. He continued to state that this will affect the area for over 30 year or more with appearance, sound, and sight concerns. Mr. Heineman stated that 100' in the air is far different than 450' in the air.

Dave Pech asked how many acres would be taken out of production for the service road.

The applicants stated it would be about 3 acres.

Discussion on the size of the base of the turbines continued.

Tom Doyle stated he had concern on the size of the turbines, the loss of soil value and explained once you disturb the soil, it is never the same.

Adam Kaufman voiced his concern on health issues and potential side effects from the sound and shadow flicker.

Sue Frost voiced her concern on the land use change to basically benefit the ethanol plant.

Karen Connell stated that maybe there was a better suited location and wondered if other companies would benefit from the reduced energy cost.

Randy Robinson voiced his displeasure of the location of the ethanol plant, the current power poles being erected in the area, the potential shadow flicker created by the turbines, and recommends these turbines need to be constructed further away from the City of Fairbank.

Jan Short asked where the company was based out of.

The applicants confirmed West Des Moines, Iowa.

Litigation concerns were briefly discussed.

Jan Short stated she felt the base would need to be larger than what they explained for the size of the turbines.

Karen Connell asked about the distribution of the power and it was eluded that the City of Fairbank would get little to zero of the power generated by these turbines.

It was explained most of the power would benefit those to the NE of the turbine locations.

Mr. Ruehs voiced concern on the criteria needed to be rezoned and questioned if that had been met.

David Albrecht voiced that he felt the applicants buy support with a check and those close to the turbines only benefit financially while the others do not.

Mr. Bellis voiced he felt Mr. Pech already has his mind made up and wanted to be sure he knew the neighbors will be affected not the commission voting.

Mrs. Heineman stated that this same company has proposed this in Fayette County as well and just feels the proximity to the City of Fairbank and area residents is too close.

Randy Robinson question who helped with the ordinance design and are health concern considered within the restrictions.

Mr. Beatty explained the process, his involvement, the three public hearings, turbine companies, other counties, and the county attorneys' involvement. Mr. Beatty explained he is not a voting member to adopt ordinances but, will give an opinion and would share the ordinance with anyone who is interested. Mr. Beatty recommended anyone who wanted to call his office at 319 334 – 2873 to do so.

Tom Doyle and Dave Pech both raised questions on 91 CSR and had concerns on disturbing the good soils in the area.

Tom Doyle made a motion to DENY the request. Jan Short seconded the motion. The motion carried with a vote of (7 – 0) with no further discussion.

4th Item on the agenda was adjournment. Karen Connell made a motion to adjourn the meeting. John Ryherd seconded the motion. The motion carried with a vote of (7 – 0) with no further discussion.

The meeting was concluded at 8:21 PM.
Chad Beatty, Zoning Administrator ~ 7/21/15