

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, January 9, 2018

Public Health Meeting Room

Vice Chairperson Brown called the meeting to order at 7:00 PM.

Marlene Brown, Karen Connell, Jim Frye, Mike Robinson, Steven Saathoff, Jan Short, and Bronson Wierck were in attendance along with Matthew Even, Zoning Administrator. John Slattery and Kris Wilgenbusch were excused.

Public guests (10) included: Louis Wendling, Rick Greiner, Rick Wendling, Tom Miller, Walt Miller, Brock Winters, Jim Winters, Mike Wieland, Steve Brown, and Aaron Roberts

Brown made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am Marlene Brown and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the previous meeting.

Brown asked if there were any additions or corrections that needed to be made. Hearing none, Short made a motion to accept the minutes of the last meeting. Frye seconded the motion. With a vote of 6-0, the motion carried.

The second item on the agenda was approval of the request by Donald & Marjorie Pope to rezone approximately 14.4 acres of parcel 05.06.300.002 from "A-1" Agricultural to "R-3" Residential for the construction of a second single-family dwelling after splitting off the original dwelling. The property is located in the NW ¼, SW ¼, Sec 6, T89N, R10W of the 5th P.M., Buchanan County, Iowa. The property is located at 1692 Cunningham Rd, Dunkerton, Iowa.

Even described the location of the rezoning request in relation to Jesup. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property and its relation to the public hunting area. Even informed the Commission that

the Zoning Ordinance prevents any new dwellings within 200 yards of a public hunting area and he pointed out that that was stated incorrectly in the technical report. Even then reviewed the soils of the property and reported that 66 % of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 56. Even then displayed aerial and oblique imagery of the 100-year floodplain on the property. Even presented the technical report for the request and reviewed how this request complies with the policies of the Comprehensive Plan.

Connell arrived at 7:06.

Tom Miller inquired if one dwelling can be on the land since it is already zoned “A-1” Agriculture. Even reviewed the situations in which a single-family dwelling would be allowed according to the Zoning Ordinance. Tom Miller asked for clarification that they could not build a house on that land if it was sold as is right now and what the difference in the zones is. Even confirmed this statement and reviewed the difference between the residential zones. Walt Miller inquired if they could continue to split off two acre parcels and continue to develop more dwellings. Even stated that if there is more than one split, they would have to plat a subdivision.

Walt Miller stated that he owns the road running out to the county road and that he is concerned with who is going to maintain the road if they keep building houses since he is the one who maintains it. Even stated that they are looking at just creating two more dwellings at this point and they would have to rezone again in the future if there is a stipulation added limiting the number of dwellings. Walt Miller asked if there would be any benefit to him rezoning his land to “R-3” that is immediately east of the property in question and Even stated that there is not really any benefit right now. Mr. Miller inquired if the easements that are in place will follow with the sale of the property. Even replied that they would want to consult with an attorney to get a definitive answer on that. Aaron Roberts asked if it is known who is purchasing the property. Even replied that he was not aware of any definitive buyers, but they wanted to have it ready for a future dwelling prior to selling the property.

Connell asked for clarification on the status of the access drive and Tom Miller informed her that it is an un-named private driveway. Connell asked if the owners wanted to build another dwelling and Tom Miller replied that the current owners are moving into town and selling their property, but the potential buyer for the house only wants to buy the area near the house and not the other 35 acres. Connell asked how far the river is from the property and Tom Miller estimated it is 70 feet down to the river. Frye asked for clarification on the location of the floodplain on the property and Even pointed out the location on the oblique imagery.

Brock Winters stated that he was concerned about how the new dwelling’s septic system would affect his well since they would be building next to his dwelling at a higher elevation since they can’t build to the north with the floodplain and public hunting area. Even reviewed the

minimum setbacks and the vertical separation distance required to prevent groundwater contamination. Brock Winters also asked how they were going to get access with it being a private road. Walt Miller stated that everyone currently has an easement for their driveway and that they would have to get an easement for their driveway. Wierck inquired if there was an easement now and Walt Miller replied that there is.

Connell inquired if Mr. & Mrs. Pope own the property all the way to the west fence line along the bean field and Tom Miller replied they did. Robinson asked who owned the land to the west of that and Walt Miller replied that Steve Brown does. Steve Brown commented that he owns a tile line running through that land to the river. Robinson asked if there was an easement on it and Steve Brown replied that he did not know, but it has been there for 30 years. Wierck asked if it was in the vicinity of where they were going to put the house and Steve Brown directed Even to its location on the aerial imagery. The tile main is located within 200 yards of a public hunting area so the dwelling cannot be constructed there. Aaron Roberts inquired if they could have a camper there. Even replied that they could have their own camper there, but they cannot have someone else living there without rezoning. Aaron Roberts asked if they could have cattle back there and Even replied that they could, but no more than one per acre.

Connell stated that there seems to be a lot of questions and if they decided to rezone it to residential, there are concerns with how they would access the land. Connell stated that the easement isn't the Commission's problem, but she just sees it being a problem having a land-locked residential zone where there is no access. Even replied that it is his understanding that you have to be granted access to your land, but you do not have to grant utility easements. Even reiterated that he is not sure on the accuracy of that statement and that further clarification would be required from an attorney. Even asked Walt Miller if he had any objections to granting Mr. & Mrs. Pope another easement for the requested two dwellings and he replied that they have an agreement now where everyone shares the cost of the maintenance of the driveway and that he was mainly concerned they would want to build 12 dwellings out there which would greatly affect the condition of the road.

Even inquired if Brock Winters' main concern was his easement to access his property through the property being sold and he replied that he objects to the whole thing because the road would require more maintenance.

Robinson motioned to deny the request. Saathoff seconded the motion. With a vote of 7-0, the motion carried.

The third item on the agenda was approval of the request by Donald & Marjorie Pope to rezone approximately 21.5 acres of parcel 05.06.300.006 from "A-1" Agricultural to "R-3" Residential for the construction of a single-family dwelling. The property is located in the

SW ¼, SW ¼, Sec 6, T89N, R10W of the 5th P.M., Buchanan County, Iowa. The property is located immediately south of 1692 Cunningham Rd, Dunkerton, Iowa.

Even informed the Commission that this request is located immediately south of the last request. Even described the location of the rezoning request in relation to Jesup. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 51 % of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 56. Even then displayed aerial and oblique imagery of the 100-year floodplain on the property. Even presented the technical report for the request and reviewed how this request complies with the policies of the Comprehensive Plan.

Walt Miller informed the Commission that the area in the floodplain is a gully that runs up through the property and drains the surrounding fields. Frye asked for clarification that the majority of this parcel is out of the floodplain and Even stated that it was. Karen asked if the property owner's had sold their house and Even confirmed the current state of the sale.

Robinson motioned to deny the request. Wierck seconded the motion.

Frye inquired what the basis was for the denial and Robinson replied that there are access problems for both the current owners and potential buyers. Frye asked Walt Miller if this was a problem for him and he replied that they would have to work with an attorney to ensure that all of the property owners have access and help maintain it. Frye replied that that could be a stipulation in the approval of the rezoning. Brock Winters stated his concern that a new dwelling would create snow drifts on the drive he uses to access his property. Connell stated that she just has concerns with access again. Frye asked Even for his thoughts again on being required to grant access to land-locked property and Even reiterated his earlier thoughts. Saathoff asked if there is access, who is required to maintain it and Even replied that that is not within their scope of determination. Frye asked if the CSR provided a problem for the rezoning and Even informed the Commission that these requests were right on the CSR threshold, so they could always split off a two acre parcel that meets the CSR requirement without rezoning and construct a dwelling if they wanted to.

With a vote of 6-1, the motion carried with Frye voting against.

The fourth item on the agenda was approval of the request by Michael Wieland to rezone approximately 20.3 acres from "A-1" Agricultural to "R-2" Residential for the creation of 29 lots for a future subdivision. The property is located in the N ½, SW ¼ and the S ½, NW ¼ of Sec 29 and the NE ¼, SE ¼ and SE ¼, NE ¼ of Sec 30, all in T89N, R9W of the 5th

P.M., Buchanan County, Iowa. The property is located at 1762 Otterville Blvd, Independence, Iowa.

Even described the location of the rezoning request in relation to Independence. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property and reported that 100 % of the area has a CSR less than 55 and it has a combined average weighted CSR of 15. Even then displayed aerial and oblique imagery of the 100-year floodplain on the property and pointed out nearby landmarks and the access road. Even then displayed the preliminary plat and reviewed the lot information for this potential subdivision.

Connell inquired if there have been cabins in that area for several years and Michael Wieland confirmed this. Connell then asked how many cabins there are and Mr. Wieland responded that there are 12 to 15 cabins in that area with three or four of those being newer cabins that have been elevated above the 500 year floodplain. Mr. Wieland stated that one of the main reasons for this request was because many of the cabin owners want to purchase the land that their cabin is on so they can make improvements and so he can clean-up the area and remove some of the unlivable cabins. Connell asked if there were any permanent dwellings down there and Mr. Wieland stated that there is one that is and another five to six cabins that are capable of being permanent dwellings.

Wierck inquired how the septic systems and water would work down there. Mr. Wieland stated that everyone is on their own and there are two or three that have newer systems installed. Frye inquired if there were going to be cabins, trailer houses, or whatever they want and Mr. Wieland replied that he was not going to allow that. Frye responded that at least they could pull them out of there if it flooded and Mr. Wieland replied that he was not going to allow mobile homes, but he did not mind if they had camper trailers. Wierck asked how the present cabins have fared with flooding and if they were up on stilts. Mr. Wieland responded that there are about four of them elevated above the 500-year floodplain and the others are weekend places that they just cleanup after every flood. Even inquired if they were elevated above the 500-year or 100-year floodplain. Mr. Wieland stated that there are two or three above the 500-year floodplain.

Brown confirmed that there are already lots for each of these cabins, they are just not permanent and they are renting the land. Mr. Wieland confirmed this statement and added that previously they rented 150 feet by 150 feet lots. Brown inquired who maintains the access road and Mr. Wieland stated that the cabin owners do and it is his plan to form an association that would handle the maintenance.

Even asked Mr. Wieland if he had found out what the base flood elevation is for this area and Mr. Wieland responded that he did not. Even informed the Commission that Iowa DNR roughly

estimated the base flood elevation to be 912 feet in this area and that average surface elevations approximately range from 906 to 908 feet so most structures would be elevated 5 to 6 feet. Even asked Mr. Wieland if this is what he was expecting. Mr. Wieland stated that most of them would be higher than that so you could pull a car in underneath. Brown asked if it was just the one access road and Mr. Wieland responded that it is, but there is a connected driveway on another individual's land.

Even inquired what the plans were for the access road as far as to elevating it above the 100 year floodplain. Mr. Wieland responded that it would be a lot of gravel and work to do that and he asked if that was a requirement for a new structure. Even responded that that is required by their ordinance for issuing any new permits and the intent is to prevent water rescues during floods. Even stated that that has been a concern in the past for this area and it was asked if there were any evacuation plans in the event of a flood to prevent loss of life. Even also inquired if the chain across the lane is currently locked and if there are plans to put a locked gate up as this is a concern for emergency responders. Mr. Wieland responded that it is not locked and there is not a plan to do so. Frye asked for confirmation that there could not be any new structures given the current status of the drive, but that campers would be allowable and Even confirmed this.

Brown inquired if there were already utilities out there and Mr. Wieland responded that there were. Wierck asked if the services that are running back their now big enough to handle this addition and Mr. Wieland responded it depends with what people do with their lots. Even asked if Mr. Wieland knew what people wanted to do with their land, i.e. do they want to pull in a camper or build structures. Mr. Wieland stated that they want a cabin given the price of the land. Frye asked if the existing cabins are grandfathered in and Even reviewed the floodplain ordinance requirements. Even asked if it was Mr. Wieland's intent to have permanent dwellings and he responded that he would love to have. Frye stated that he did not think the DNR would want the road elevated since it would restrict water flow.

Connell asked how much of a problem would it be given the safety issues with the flooding and how that would change the plans. Robinson stated that he would be interested in what the DNR would have to say. Brown asked Mr. Wieland if he had contacted the DNR and received any input from them and Mr. Wieland stated that he did, but they just directed him to go to their website and that he talked to three or four different people. Mr. Wieland asked if they have to approve it before it comes to the County for final approval. Even reviewed the permit process and how DNR makes their determinations. Frye asked even if they approved it, Environmental Health & Zoning would have to deal with it and Even responded that they would have to issue floodplain development, private sewage disposal systems, and private water well permits.

Connell motioned to approve the request. Saathoff seconded the motion. With a vote of 7-0, the motion carried.

The fifth item on the agenda was adjournment.

Short made the motion to adjourn and Wierck seconded the motion. With a vote of 7-0, the motion carried.

The meeting adjourned at 8:06 PM

Submitted on 1/12/2018 by Matt Even

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, February 6, 2018

Public Health Meeting Room

Vice Chairperson Brown called the meeting to order at 7:13 PM.

Marlene Brown, Karen Connell, Mike Robinson, Steven Saathoff, Jan Short, Bronson Wierck, and Kris Wilgenbusch were in attendance along with Matthew Even, Zoning Administrator. Jim Frye and John Slattery were excused.

Public guests (9) included: Theresa Mueller, Kevin Mueller, Stan Michael, Janet Gericke, Mitchell Gericke, Tiffany Nielsen, Christopher Nielsen, Marjorie Carson Zach, and Monty Bertelli

Brown made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am Marlene Brown and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the January 2018 meeting.

Brown asked if there were any additions or corrections that needed to be made. Hearing none, Connell made a motion to accept the minutes of the last meeting. Short seconded the motion. With a vote of 7-0, the motion carried.

The second item on the agenda was approval of the request by Kevin & Theresa Mueller to rezone approximately 3.0 acres of parcel 14.15.300.001 from “A-1” Agricultural to “A-2” Agricultural for the construction of a single-family dwelling after the demolition of the legal nonconforming single-family dwelling. The property is located in the SW ¼, NW ¼, SW ¼, Sec 15, T87N, R9W of the 5th P.M., Buchanan County, Iowa. The property is located at 3068 Jamestown Ave, Rowley, Iowa.

Even described the location of the rezoning request in relation to Rowley. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image

of the property. Even then reviewed the soils of the property and reported that 100 % of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 83. Even presented the technical report for the request and reviewed how this request complies with the policies of the Comprehensive Plan.

Connell confirmed that there was only going to be one dwelling and it is to be located in the northeast corner of the property. Even confirmed this and asked the Muellers to confirm as well and they did.

Wierck motioned to approve the request. Connell seconded the motion. With a vote of 7-0, the motion carried.

The third item on the agenda was approval of the request by Stanley Michael to rezone approximately 2.1 acres of parcel 15.31.400.007 from “A-1” Agricultural to “A-2” Agricultural for the demolition of existing dwelling and construction of new single-family dwelling. The property is located in the SE ¼, NE ¼, SE ¼, Sec 31, T87N, R8W of the 5th P.M., Buchanan County, Iowa. The property is located at 3369 Nolen Ave, Walker, Iowa.

Even described the location of the rezoning request in relation to Rowley. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 100% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 89. Even presented the technical report for the request and reviewed how this request complies with the policies of the Comprehensive Plan.

Connell inquired if the house would be built in the same location as the existing house and Mr. Michael confirmed this.

Wilgenbusch motioned to approve the request. Robinson seconded the motion. With a vote of 7-0, the motion carried.

The fourth item on the agenda was approval of the request by Carson Family Trust to rezone approximately 5.4 acres of parcel 15.35.100.002 from “A-1” Agricultural to “A-2” Agricultural for the construction of one single-family dwelling with agricultural use. The property is located in the NE ¼, NE ¼, NW ¼, Sec 35, T87N, R8W of the 5th P.M., Buchanan County, Iowa. The property is located at the southwest corner of the intersection of 330th St and Ringold Ave.

Even described the location of the rezoning request in relation to Quasqueton and Walker. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed

an oblique image of the property. Even then reviewed the soils of the property and reported that 96% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 81. Even presented the technical report for the request and reviewed how this request complies with the policies of the Comprehensive Plan.

Wilgenbusch inquired who owns the property and Ms. Carson Zach stated that her family owns the whole 80 acres and informed the Commission that they had previously sold the land on contract and it came back to them. She continued on that this area is enclosed by trees and not easily accessible for farm equipment. Wilgenbusch inquired what they were growing there last and Ms. Carson stated that it was being used for garden crops. Wilgenbusch asked for clarification that even though the property is not being used to produce corn or soy beans, it is still in agricultural production and Ms. Carson Zach confirmed this. Short asked where you access the property and Ms. Carson Zach responded that there are entrances at the northeast corner and the northwest corner.

Short motioned to approve the request. Wierck seconded the motion. With a vote of 6-1, the motion carried with Wilgenbusch voting in opposition.

The fifth item on the agenda was adjournment.

Saathoff made the motion to adjourn and Short seconded the motion. With a vote of 7-0, the motion carried.

The meeting adjourned at 7:29 PM

Submitted on 2/7/2018 by Matt Even

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, April 3, 2018

Public Health Meeting Room

Chairperson Slattery called the meeting to order at 7:13 PM.

Karen Connell, Jim Frye, Mike Robinson, Jan Short, John Slattery, Bronson Wierck, and Kris Wilgenbusch were in attendance along with Matthew Even, Zoning Administrator. Marlene Brown and Steven Saathoff were excused.

Public guests (28) included: Tony Duffy, Tina Kaufman, Todd Kaufman, Cassie Maddigan, Dennis Maddigan, Debra Brase, Dean Brase, Maurice Welsh, Neal Beck, Dolan Bureson, Lisa Lode, Karl Lode, Nikki Matthiesen, Denise Little, Loras Little, Mike Miller, Steve Thompson, Randy Robinson, Benny Ruehs, Amanda Wierck, Rick Matthiesen, Tyler Woods, Rick Woods, Mike Harter, Ron Woods, Lori Bantz, Wes Bantz, Tammy Erickson

Slattery made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am John Slattery and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the February 2018 meeting.

Slattery asked if there were any additions or corrections that needed to be made. Hearing none, Connell made a motion to accept the minutes of the last meeting. Short seconded the motion. With a vote of 7-0, the motion carried.

The second item on the agenda was approval of the request by Carson & Barron Farms Inc to rezone approximately 2.7 acres from “A-1” Agricultural to “R-3” Residential in Section 27 of Homer Twp. for replacing current residential home with new construction.

Description: That part of the NW 1/4 Quarter (NW 1/4) of Sec 27, T87N, R9W of the 5th P.M., Buchanan County Iowa, described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence along the West line of said Northwest Quarter Due North a distance of 595.9 ft to the point of beginning; thence continuing along said West

line Due North a distance of 503.1 ft; thence Due East a distance of 181.2 ft; thence Due South a distance of 210.5 ft; thence Due East a distance of 114.0 ft; thence Due South a distance of 177 .0 ft; thence South 39°01¾' West a distance of 148.8 ft; thence Due West a distance of 201.5 ft to the point of beginning.

Even described the location of the rezoning request in relation to Rowley. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 100 % of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 70. Even presented the technical report for the request and reviewed how this request complies with the policies of the Comprehensive Plan.

Rick Matthiesen was present and was representing Carson & Barron Farms Inc. Connell asked for confirmation that the current house would be demolished and a new dwelling constructed and Matthiesen confirmed this. Slattery inquired if that is where Mr. Barron used to live and Matthiesen confirmed this and stated the house is at the point where it is not worth fixing up.

Frye motioned to approve the request. Wierck seconded the motion. With a vote of 7-0, the motion carried.

The third item on the agenda was approval of the request by Karl & Lisa Lode to rezone approximately 2.0 acres from “A-1” Agricultural to “R-3” Residential in Section 32 of Cono Twp. for the replacement of existing single-family dwelling with new construction. Description: The north 252 ft of the east 346 ft of the SE ¼, SE ¼, Sec 32, T87N, R8W of the 5th P.M., Buchanan County, Iowa.

Even described the location of the rezoning request in relation to Rowley. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 100% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 75. Even presented the technical report for the request and reviewed how this request complies with the policies of the Comprehensive Plan.

Connell asked for confirmation that it is just one dwelling being removed and a new one being constructed on the existing farmstead. Karl Lode confirmed this.

Wilgenbusch motioned to approve the request. Connell seconded the motion. With a vote of 7-0, the motion carried.

The fourth item on the agenda was approval of the request by Dean & Debra Brase to rezone approximately 1.5 acres from “A-1” Agricultural to “C” Commercial in Section 4 of Fairbank Twp. for a Dollar General retail store. Description: All that part of the SW1/4 NW1/4 Sec 4, T90N, R10W, Buchanan County, Iowa; described as follows: Commencing at the northwest corner of SW1/4 NW1/4; thence North 89°32'39" East a distance of 270.01 feet on an assumed bearing on the north line of said SW1/4 NW1/4; thence South 00°05'55" East a distance of 108.26 feet, parallel with the west line of the NW1/4 of said Section 4, to the Point of Beginning; thence South 00°05'55" East a distance of 250.02 feet, parallel with the west line of the NW1/4 of said Section 4; thence South 89°10'27" West a distance of 270.02 feet, to the said west line; thence North 00°05'55" West a distance of 250.02 feet on said west line; thence North 89°10'27" East a distance of 270.02 feet, to the Point of Beginning.

Even described the location of the rezoning request in relation to Fairbank. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 100% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 81. Even then reviewed the planned exterior elevations, site plan, and Site Lighting & Power Plan that was provided by Dollar General. Even informed the Commission that the illumination does go down to 0 more than 50 feet from the west property line and this does not take into account the existing trees. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Dolan Burreson owns the grocery store in Fairbank and presented information on the effect Dollar General stores have on local grocery stores, flower shops, hardware stores, etc. Burreson explained that he also owns the grocery store in Jesup where a Dollar General store opened and now he has lost 20% of his business. He explained that Dollar General carries 80 – 85 % of the same product that he does. Burreson has a huge concern about what this business will do to the grocery store and he does not want to go out of business. Burreson then reviewed some points from the Comprehensive Land Use Plan related to preserving agricultural land. Burreson also reviewed the city turning down the annexation.

Connell asked for confirmation that Burreson’s store does not carry shoes, clothes, etc. and Burreson confirmed this. Connell inquired if there is a need and if this Dollar General would be beneficial to the elderly who can’t make it out of town. Connell asked for feedback from those present and wanted to know their thoughts. Mike Miller replied that he has lived there for a long time and that he remembers what it was like when the grocery store shut down. He doesn’t want to have to drive farther away to get groceries. He only sees Dollar General taking from Fairbank and not giving to Fairbank.

Slattery reviewed the purpose of the Comprehensive Land Use Plan task force that met back in 2005 and reviewed that the task force recognized there are certain corridors that would be good residential areas. Slattery continued that this area is located immediately adjacent to the city of Fairbank and located within an area identified as a potential annexation area. It is also located along a major highway and would serve as a good commercial property. Slattery reviewed that this plan identified that even though some areas have high corn suitability ratings, they still are suitable for development as part of the expansion of a city. Slattery stressed that they need to review the potential use of the land.

Dennis Maddigan stated that he is concerned about the grocery store because new businesses have run other businesses out previously. When Casey's came to town, Pronto closed. He is also concerned due to the proximity of this store to his property as his garage is only ten feet from the property line. He is also concerned because the driveway for the store is adjacent to his driveway. Maddigan also stated that he thinks if the town expanded this direction, they would not want to put in residences right next to a Dollar General store.

Steve Thompson with Jones Haugh Smith and representing Dollar General's interest pointed out that the trees that are currently present will stay there. Dennis Maddigan inquired who is going to take care of those trees. Thompson responded that Dollar General will maintain the trees. Cassie Maddigan stated that they have mowed and maintained those trees for the last 19 years and Dean Brase responded that this was done illegally and if this request does not go through, those trees will probably come out and he will farm it to the fence line. Dennis Maddigan confirmed that he has mowed around the trees because otherwise there would be tall grasses. Brase interjected that this land is in CRP. Maddigan continued that one time they burnt it out and he thought his house was going to burn down so that is why he started mowing it.

Dolan Burreson wanted to review a point he missed earlier regarding Point 7 of Residential Land Use Policy B of the Comprehensive Land Use Plan.

Tony Duffy stated that his biggest concern is if Dollar General will want a road put in the back and he currently lives on a dead-end road now and does not want that traffic in the future.

Randy Robinson stated that he lives in Fairbank, but he also owns property across the road. He informed everyone that Dollar General approached him about purchasing some of his property for his store. He stated that he would not be able to show his face if he did that as it is just not right to put a commercial store next to a residential area and his neighbors have beautiful properties. He also stated that he is concerned about the grocery store going out of business. He continued on that it took them only 20 minutes to decide that he would not sell to Dollar general, but they kept on him for about six months. He also talked about how all of the little towns on the way back from Branson have Dollar General stores, but all of their other businesses now sit

empty. He also expressed concern about who would want to build behind the proposed holding pond in the future. Robinson also expressed concern about all of the traffic problems that this would create with all of the semi-trucks on this road. He continued on to express his concern as to what this would do to his property value. He also stated that they have an industrial park and that is where they belong.

Dolan Burreson followed up to Connell's previous question and stated that he does not think there is a need with how mobile our society has become. Connell inquired if there were any future plans for expanding the residential area at this location. Cassie Maddigan did not think this was an ideal place with the ethanol plant out this direction.

Debra Brase stated that they were approached by a partner of the Fairbank Development Committee and they thought that no one else was approached by Dollar General and that everyone seemed behind this. She stated that they thought this might be an opportunity for Fairbank to expand its services and draw in more families.

Dennis Maddigan stated that something was going to be built there previously and it was his understanding that there would be problems with a driveway there so they didn't build. Steve Thompson stated that it is his understanding that the DOT has approved that driveway location already.

John Slattery stated that this is the first time in all of his years that they are rezoning land adjacent to a city and where the city did not make a decision. He continued on that only one person on the commission is from the Fairbank area and that they are going to make a decision for the City of Fairbank on a decision that should have been made by the city. Tammy Erickson, a Fairbank City Council member, clarified that they only voted to voluntarily annex the property into the city and that the motion died for a lack of a second. Erickson stated that she is personally for new commerce and Fairbank developing and getting bigger, but not at the expense of something they already have. She stated that she inquired if Dollar General had studied who would shop there and that there are indeed people who would be happy to shop there, but there are also people who are opposed to it in this location so the city council wanted to see what the zoning commission thought prior to making a decision. She also stated that there is more competition down the road at the Amish scratch and dent stores.

Mike Harter, Fairbank mayor, confirmed what Erickson had stated. He continued on that a motion was made, but it died for a lack of a second so it was not approved or denied. He also stated that it sounds like they need to talk to the Board of Supervisors as they are the one who makes a final decision. Slattery stated that he would like to table it and have Fairbank make the decision, but then they would be right back at this meeting next month. Harter stated that the Supervisors need to take action so they know what their next step should be.

Wierck stated that he does not think this land should be developed because of the high corn suitability rating, especially when they could go across the street. Wierck motioned to deny the request. Frye seconded the motion. With a vote of 7-0, the motion carried.

The fifth item on the agenda was adjournment.

Wilgenbusch made the motion to adjourn and Short seconded the motion. With a vote of 7-0, the motion carried.

The meeting adjourned at 7:44 PM

Submitted on 4/4/2018 by Matt Even

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, May 1, 2018

Public Health Meeting Room

Chairperson Slattery called the meeting to order at 7:00 PM.

Marlene Brown, Karen Connell, Jim Frye, Mike Robinson, Jan Short, and John Slattery were in attendance along with Matthew Even, Zoning Administrator. Steven Saathoff, Bronson Wierck, and Kris Wilgenbusch were excused.

Public guests (13) included: Kim Brunko, Darrell Brunko, Gary Peiffer, Phil Copenhaver, Bev Copenhaver, Daniel Hoover, Jeanie Bickford, Angel Hoover, David Yerkes, Matt Hoover, Emanuel Raber, Steve Matteson, Raymond Stutzman

Slattery made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am John Slattery and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the April 2018 meeting.

Slattery asked if there were any additions or corrections that needed to be made. Connell made a motion to accept the minutes of the last meeting with the correction that the description of the location of the Brase request being modified to Fairbank. Short seconded the motion. With a vote of 6-0, the motion carried.

The second item on the agenda was approval of the request by Raymond & Lucy Stutzman to rezone approximately 1.4 acres from “A-1” Agricultural to “C” Commercial in Section 31 of Hazleton Twp. for a grocery retail store and wholesale store with attached single-family dwelling. Description: Commencing S82.8703°W 140.456 ft from the northeast corner of NW ¼, NE ¼, Sec 31, T90N, R9W of the 5th P.M., Buchanan County, Iowa, thence S0.7048°E 21.812 ft, S0.7049°E 312.614 ft, N89.7966°W 162.273 ft, N14.7017°W 118.895 ft, N5.8439°W 206.404 ft, N86.3129°E 209.781 ft to the point of beginning.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even informed the Commission that Mr. Stutzman currently completes a yearly business permit for his store and would like to rezone the land as to eliminate the permit. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 28 % of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 54. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Slattery inquired if Mr. Stutzman had any input and he replied that he would just like to not have to take out a yearly permit anymore and get the land rezoned.

Brown motioned to approve the request. Robinson seconded the motion. With a vote of 6-0, the motion carried.

The third item on the agenda was approval of the request by C. Darrell & Kim Brunko to rezone approximately 2.4 acres from “A-1” Agricultural to “A-2” Agricultural in Section 24 of Jefferson Twp. for the construction of a new single-family dwelling on existing farmstead. Description: Commencing N89.0392°E 282.434 ft from the northwest corner of NE ¼, NW ¼, Sec 24, T87N, R10W of the 5th P.M., Buchanan County, Iowa, thence N89.0391°E 375 ft, S 280 ft, S89.0391°W 375 ft, N 280 ft to the point of beginning.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even explained that the two dwellings on the property will be removed and replaced with a new single-family dwelling. Even added that Mr. & Mrs. Brunko farm the 80 acres around them and just need to rezone for a new house. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 100% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 90. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Slattery inquired if Mr. Brunko had any input and he replied that he did not. Slattery asked for confirmation that both of the current dwellings will be removed and Mr. Brunko confirmed this.

Connell motioned to approve the request. Short seconded the motion. With a vote of 6-0, the motion carried.

The fourth item on the agenda was approval of the request by Lucretia Frye to rezone approximately 2.7 acres from “A-1” Agricultural to “A-2” Agricultural in Section 31 of Buffalo Twp. for a single-family dwelling on previous farmstead. Description:

Commencing N89.2405°E 278.857 ft from northwest corner of NW ¼, SE ¼, Sec 31, T90N, R8W of the 5th P.M., Buchanan County, Iowa, thence N89.4142°E 315 ft, S 280 ft, S89.4142°W 315 ft, N 380 ft to the point of beginning.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even informed the Commission that there was previously a dwelling at this location and that the family who is requesting to build the new dwelling also farms the surrounding land. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 98% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 87. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Slattery inquired if anyone had any input and no one responded that they did.

Short motioned to approve the request. Frye seconded the motion. With a vote of 6-0, the motion carried.

The fifth item on the agenda was approval of the request by Gary Peiffer to rezone approximately 2.1 acres from “I” Industrial to “R-3” Residential in Section 33 of Newton Twp. for the correction of the legal description of Zoning Ordinance Amendment 15-A-04 passed on May 4, 2015 to exclude the single-family dwelling that was rezoned “I” Industrial. Description: Commencing at the southwest corner of NW ¼, SW ¼, Sec 33, T87N, R7W of the 5th P.M., Buchanan County, Iowa, thence N2.4977°W 243.332 ft, N88.8164°E 129.811 ft, N53.5208°E 119.105 ft, N88.8164°E 102.274 ft, S2.4977°E 310.974 ft, S88.8164°W 265.859 ft, S87.7643°W 65.000 ft to the point of beginning.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even informed the Commission that the legal description was incorrect on the 2015 rezoning request. The dwelling was supposed to be excluded from the request to rezone the land to “I” Industrial as indicated on the maps provided by the Zoning Administrator, but the legal description did not reflect this. Even then reviewed the soils of the property and reported that 26% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 33. Even presented the technical report for the request and reviewed how this request complies with the policies of the Comprehensive Plan.

Slattery inquired if Mr. Peiffer had anything to add. Mr Peiffer stated that he is not looking at changing anything, just correcting the previous rezoning request. Slattery then asked for comments from anyone present. Slattery stated that the Commission would limit the comments

to only this rezoning request and not what happened years ago. Mrs. Hoover commented that the County said that it could not be redone, but now they are redoing it. Slattery responded that they are redoing it because there was an error that was made and that there cannot be a residence within the industrial zone. Mr. Hoover responded that that means that Mr. Peiffer should move off. Mr. Hoover stated that everything was illegal to start with and that Chad Beatty, the former Zoning Administrator, never brought up the house being included. Mr. Hoover added that there were a lot of promises made, but they were not added as restrictions to the approval of the request. He added that he brought it to the County's attention that the dwelling was not allowed to be there. He reminded the Commission that at the previous hearing, someone mentioned that it did not seem that there were close neighbors nearby. Mr. Hoover stated that he does not appreciate being downed and that he has every right to express his concerns and that is what he is here for. He continued that he is not here to argue, but he does have a right to have an opinion. Slattery stated that he is not denying him his right; he was just asking him to stick to the issue.

Mr. Hoover stated that this request opens everything up and it has been three years since the last request was approved and there is still not an 8 feet high fence. Even stated that he is addressing this issue with Mr. Peiffer and it will be resolved. Mrs. Hoover stated that the fence comes off the ground 4 feet and then the fence is up higher and it is not right. She continued that it was said that nothing could be changed, but now we are changing it because Mr. Hoover brought up that he found out that Mr. Peiffer could not live there and that the only reason why it is being changed is because they figured it out. She continued that the Zoning Commission is opening it up again so they should have the right to put some amendments on the previous request stipulating the things he said. Mr. Slattery stated that he thinks that they are making a big jump there by saying that since we are correcting an error from three years ago that we are opening it up again because he certainly does not interpret it that way at all.

Matt Hoover inquired if the dwelling was talked about at all at the original meeting. Mr. Slattery responded no and Matt Hoover replied that it was rezoned so it should be done and that is it. Mr. Hoover stated that Chad Beatty messed things up and now Even has walked into this mess. Mr. Hoover continued that they have lived there for forty years and worked hard. When he talked to Chad Beatty, he was swept under the rug.

Mr. Hoover stated that Mr. Peiffer runs his business out of Linn County. Mr. Hoover stated that the eight feet fence was supposed to start at the northeast corner of the building, but he went 32 feet down and put the fence up there. Mr. Slattery asked Mr. Peiffer if there was an eight feet fence there and he replied that there was, but he started it a couple feet off of the ground so snow can blow under it and animals can get through it. Mr. Hoover showed the Zoning Commission pictures of the fence. Even stated that the only place we can put restrictions on is the area being rezoned. Mr. Slattery asked for confirmation that the fence starts two feet off the ground and goes up six feet so there is only 6 feet of planks. Mr. Peiffer confirmed this. Mr. Hoover

expressed concern that this fence was only measured to the trees, but now the trees are coming out despite what Mr. Peiffer stated during the previous hearings. Mr. Slattery responded that there were no restrictions placed on the trees.

Mr. Hoover stated that he was also concerned about the taxes. He stated that Mr. Peiffer runs his business through Linn County and Buchanan County does not see any of that tax. He continued that all of Gary's property is taxed as residential. Mr. Hoover stated that he inquired how the taxes work with the Assessor's office in situations like this and they stated that the Zoning Department would turn this information into them to modify the tax district. Mr. Slattery asked for confirmation that Mr. Peiffer's primary residence was in Buchanan County and that he paid property taxes for his property in Buchanan County and Mr. Peiffer confirmed this. Mr. Hoover expressed his concern that there were not enough restrictions placed on the previous rezoning and that once again he was found to be out of compliance and the County is just making everything legal again and doing everything to make him in compliance. Mr. Slattery stated that he sees it as a zoning error and Mr. Hoover responded that someone hired Chad Beatty.

Mrs. Hoover stated that the Zoning Commission still wants to change it, but they were told that it couldn't be changed. She inquired if we could not change it, then why are we changing it. She continued that if we change it now for the property, then why cannot we change it to put stipulations in about the number of cars or whatever was in the minutes. Even replied that the County cannot change the restrictions as any request to change the zoning has to come from the property owner. Even continued that in this case, Mr. Peiffer requested to change the area around his dwelling. Mr. Hoover responded that you are changing a restriction though and Even responded that we are just changing the area around the house, they are not changing anything in the area of Mr. Peiffer's business. Mrs. Hoover commented that you are still changing it and Even replied that they are only changing the area around the house. Mrs. Hoover responded that that would be like them change little pieces of their property. Even responded that they would be able to do that.

Mr. Hoover also expressed concern regarding why the entire pond was not included in this request because down the road Gary could fill the entire pond in and put cars there. Mr. Slattery responded that Mr. Peiffer is the one that gets to pick what area he is choosing. Mrs. Hoover commented that she thought it could not be changed. Mr. Slattery responded that we cannot have a residence in an industrial zone. Mrs. Hoover inquired why it was done if it cannot be done. Mr. Slattery responded that it was an error and he does not know why it was done that way.

Mr. Hoover stated that it was rezoned that way and you got to move off, then that's what should happen as that was a restriction. Mr. Hoover also stated that this could also be used to barter with Mr. Peiffer to put up more fencing and instead, the County is catering to him to make

everything legal. Mr. Hoover expressed his concern that Mr. Peiffer will continue to add cars and that the County has done everything to bring him into compliance. Mr. Hoover stated that he had talked to Ellen Gaffney, former County Supervisor, after the initial hearing about his concerns and she stated that we have to do this because he is out of compliance. Mr. Hoover thought that Chad Beatty would be in the middle, but he was pretty much one sided. Mr. Hoover continued that Chad Beatty sent them a letter telling him that if he did not like what they were doing to go get himself a surveyor and a lawyer. Mr. Hoover expressed concern about his property value decreasing.

Jeanie Bickford asked if it is rezoned to what he wants, how far away does he have to be from the next person, land wise. Mr. Slattery asked for more clarification and Ms. Bickford asked if he could go right on the fence line. Mr. Slattery stated that he could rezone right to the property line. Mr. Hoover stated that it should be put as a restriction that he cannot put more cars in and fill the pond. Mr. Peiffer responded that he would not fill in the pond, why would he when he spent all the money to build the pond. Even reminded everyone that restrictions can only be placed on the property that is being requested to be rezoned. Even continued that you can only have two or less inoperable or unlicensed vehicles on this land being rezoned to residential without being in violation of the Zoning Ordinance. Connell inquired if this is rezoned, can this land be rezoned again and Even responded that it could be rezoned again in the future. Connell expressed her concern regarding the two feet on the bottom of the fence without planks and Mr. Peiffer responded that he is more than willing to add that to the fence.

Mr. Hoover asked about putting a fence up on the south side. Ms. Bickford showed the Zoning Commission the picture of looking at Mr. Peiffer's property from her property. David asked why this error from three years ago is just now be corrected. Mr. Hoover responded that it is because he brought it to their attention. Mr. Hoover stated that the reason why he brought it up is because Gary's wife and kids are not there anymore.

Connell asked why this request is coming back to this committee when this request was approved. Even responded that any change including correcting mistakes must start with approval by the Zoning Commission. Slattery responded that the only area they can put restrictions on is the area included within this rezoning request and this does about Ms. Bickford's property so a fence could be required on the south property line. Mr. Peiffer stated that he would be willing to put up a fence, but he thinks it would be better suited up by his trees. There was discussion on the placement of the fence. Brown stated that the fence would be better suited in the area of the cars instead of the property line to the south because you would end up seeing over the top of the fence with the curvature of the Earth. David responded that the curvature of the Earth does not happen in a couple hundred of feet.

Mrs. Hoover asked if the Commission says no because he is already zoned industrial and they were told that it cannot be changed would that be a reason that the Commission would say no to the request. Even responded that the Commission can rezone it if the property owner requests it. Mrs. Hoover says they were misled then and Mr. Hoover added that he went back and looked and Chad Beatty said that it could not be rezoned back to another industrial. Even responded that he cannot change the use without coming back to the Zoning Commission. Mr. Hoover stated it is in the minutes the other way.

Mr. Hoover inquired if the taxes were going to change and Mr. Slattery responded that the Zoning Commission has nothing to do with that. Mr. Hoover asked if Even has to tell the Assessor's office about the change. Mr. Hoover stated that it is all zoned residential, but he still has his business there so why isn't he paying industrial taxes if it is all zoned industrial. Frye inquired if he is paying industrial taxes for his property and Mr. Hoover responded that he is not. Even stated that the tax rate is based off your primary use so if you have a dwelling on your property, you will be taxed residential. Even continued that zoning is completely different from tax rates. Mr. Hoover stated that the Assessor's office had to have someone else tell them when the use changed. Frye stated that if they are splitting this off then he would be paying commercial property tax. Even responded that it is not being split off, the Commission is just deciding whether or not to rezone these two acres. Mr. Hoover stated that the Commission is splitting it.

Slattery asked Mr. Peiffer where he would agree to put a fence at. Mr. Peiffer demonstrated a fence north of the house along the tree line. He stated that it would not make sense to put the fence to the south because there is a hill and you would still see everything. Ms. Bickford stated that it would not make sense as it would only extend as far as the property currently being rezoned. Mr. Peiffer stated that he would put it back as far as the cars go. David asked why he doesn't put the fence right on the north line of the area being rezoned. Even reminded everyone that the restriction can only be placed on the land currently being rezoned.

Mr. Hoover inquired if Mr. Peiffer would be required to complete a legal survey of the land being rezoned and Even replied that it would not be required. Mr. Hoover inquired why it would not be and Even responded that it is not being split, it will remain one parcel. Mr. Slattery stated that he did not know why you would have to have it when you are not selling it.

Slattery stated that we can only include a fence on the property being rezoned, but he really likes the idea of where Mr. Peiffer would like to put the fence. Mrs. Hoover asked how do we change that and Slattery responded that they cannot. Mrs. Hoover responded that he could bring that up then to include a fence. Frye asked Mr. Peiffer why he does not put the fence up then and get it over with. Mr. Peiffer responded that he volunteered to put it up. Mrs. Hoover responded that

this cannot be enforced so how does this do any good. There was further discussion on the fence location and the current fence to the north.

Connell motioned to approve the request with a restriction that a fence be put on the north boundary of the area being requested. Even asked for clarification that they are requesting him to move his driveway. David stated that he could put a gate in. Mrs. Hoover recommended that this be tabled until the next meeting and have Mr. Peiffer amend his area of rezoning to extend all the way to the east. Slattery stated that that is a pretty good suggestion, but it must come from Mr. Peiffer. Slattery recommended that Mr. Peiffer consider this so that the fence does not cut out his driveway. Mr. Peiffer responded that he is okay tabling it until the next meeting and do a new extended area of rezoning. Connell withdrew her motion.

Connell motioned to table the request until the next meeting so the requestor can modify the area being rezoned to include the land where the potential fence may be. Frye seconded the motion. With a vote of 6-0, the motion carried.

The sixth item on the agenda was adjournment.

Short made the motion to adjourn and Brown seconded the motion. With a vote of 6-0, the motion carried.

The meeting adjourned at 8:05 PM

Submitted on 5/2/2018 by Matt Even

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, June 12, 2018

Public Health Meeting Room

Chairperson Slattery called the meeting to order at 7:00 PM.

Marlene Brown, Karen Connell, Mike Robinson, Steven Saathoff, Jan Short, John Slattery, and Kris Wilgenbusch were in attendance along with Matthew Even, Zoning Administrator. Jim Frye and Bronson Wierck were excused.

Public guests (13) included: Angelene Hoover, Daniel Hoover, Lee Pries, Ron Abbas, Sue Duroe, Albert Duroe, Judy Jacobsen, Marg Hall, Roy Bergman, Dale Schwager, Gary Peiffer, Jeanie Bickford, David Yerkes

Slattery made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am John Slattery and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the May 2018 meeting.

Slattery asked if there were any additions or corrections that needed to be made. Connell made a motion to accept the minutes of the last meeting. Short seconded the motion. With a vote of 7-0, the motion carried.

The second item on the agenda was approval of the request by Paul Niemann Construction Company to rezone approximately 82.4 acres from “A-1” Agricultural to “I” Industrial in Section 6 of Westburg Twp. for the extraction and the processing of limestone.

Description: The east fractional ½ of the NE ¼ and the NE ¼ of the SE ¼ of Section 6, all in T88N, R10W of the 5th P.M. in Buchanan County, Iowa.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even pointed out on the imagery the location of the surrounding homes on Benson Shady Grove as well as the existing quarry to the north. Even

then reviewed the soils of the property and reported that 30 % of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 51. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Even informed those in attendance that he received three complaints regarding the request from people unable to attend as well as one letter of support. Even read the complaints received by email from George and Deloyce Steinbron and Becky Bohling which have been attached to these minutes. Even then reviewed his phone conversation with Roger Hershberger who expressed concerns of allowing a quarry on this property. Mr. Hershberger thought that this proposed area should be annexed into the City of Jesup and developed for housing. This is one of the last places Jesup could develop and retain the ability to gravity flow their sewer lines into their existing sewer main. This would be a lost source of additional tax revenue for the city and county in the long-term. Mr. Hershberger is also concerned about the blasting so close to the existing dwellings along Benson Shady Grove Ave as well as the planned subdivision. He stated that he can always tell at his shop near the existing quarry when they are doing blasting and there is a lot of dust blowing when they are doing a lot of trucking. Mr. Hershberger thinks they should do a stream crossing at the existing quarry and continue on to the north instead of eliminating the possibility of this proposed area from being incorporated into the City of Jesup. This is where the quarry belongs and the fact that it costs more money for them should not be a reason to move somewhere else. Mr. Hershberger also thinks that this land should have been rezoned prior to them purchasing it. Even then read a letter of support received by email from Rex Reinhart which has been attached to these minutes.

Ron Abbas spoke on behalf of Niemann Construction Company. He informed the commission that they are running out of accessible stone at their existing quarry so they would like to rezone the land to the south to move to the other side of the road. Abbas also reported that they are not planning on business or traffic increasing with starting the new quarry. Abbas shared the site plan and their plans for development. Saathoff inquired how much dirt had to be removed to get to the lime rock and Lee Pries responded that the overburden is approximately six to seven feet deep. Connell inquired how far the west property line is from Benson Shady Grove Ave and Abbas responded that it is about a quarter of a mile away.

Brown inquired what the notification process is like when they blast. Abbas responded that they notify neighbors and they setup seismographs at the closest neighbors to monitor the effect. Even reported that he contacted the Iowa Geological Survey to inquire about any possible effects the quarry dewatering operation might have on surrounding wells. The Iowa Geological Survey presented diagrams of surrounding well drawdown simulating the dewatering pump running 24 hours, 365 days a year and the effect was minimal on the City of Jesup wells. This scenario represents the maximum possible effect and it is highly likely that drawdown levels will be much

less as they only dewater a few months every other year and recharge is not taken into account as well. Connell inquired if they ever received complaints when blasting at the existing quarry and Abbas replied that they have not. Slattery inquired how many acres they have in the north quarry and how long they have been there and Abbas replied that there is probably about 60 acres and they have been there for a long time. Abbas continued that they cannot continue to go north as there is a waterway there and they cannot easily go around those.

Brown inquired what they do when they can no longer use the quarry. Abbas replied that they have a reclamation bond on file with the state for that property and that they have to reclaim it to their standards. Everything has to be sloped off and they have to re-vegetate the area. Slattery asked if there were any other questions or concerns. Abbas wanted to address the concern regarding the abandoned quarry at Steinbron's property and he did not think it would be a concern as they have to follow state setbacks from property lines for high walls. Slattery asked if the City of Jesup had any concerns and Abbas responded that he reported on it to the City of Jesup and no one presented any concerns.

Robinson motioned to approve the request. Connell seconded the motion. With a vote of 7-0, the motion carried.

The third item on the agenda was approval of the request by Margaret Hall to rezone approximately 4.8 acres from "A-1" Agricultural to "A-2" Agricultural in Section 9 of Perry Twp. for a campground. Description: Commencing S0.3474°E 796.655 ft from the northwest corner of NE ¼, NW ¼, Sec 9, T89N, R10W of the 5th P.M., Buchanan County, Iowa, thence S79.7016°E 143.532 ft, S29.4697°E 221.338 ft, S10.4459°E 132.262 ft, S76.3885°E 96.5 ft, N31.6251°E 126.002 ft, S6.5650°W 386.514 ft, S0.1372°E 131.045 ft, N89.9578°W 255.224 ft, N13.6245°W 255.579 ft, N13.6249°W 219.713 ft, N62.7332°W 23.659 ft, N0.3483°W 305.937 ft to the point of beginning.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 31% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 28. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Even presented some concerns voiced by the Buchanan County Conservation Department. The area to the northwest is owned by the Buchanan County Conservation Board and is a public hunting area. State law does not limit hunting near campgrounds, just residential structures so there is a concern of people shooting guns in the area of the campground. Another concern was that they would be able to maintain access to their property using this proposed area. Hall

responded that the Conservation Department was supposed to put in their own road off her driveway, but they have not done so yet. Hall also stated that they would not be going down that far with the campers so it should be far enough away. Even informed the Commission that County parks that coexist with public hunting areas are closed October 1 through April 15 during major hunting seasons. Even also reported that staff had concern regarding the lack of a storm shelter in this area and would like to see that included as a condition of approval. Hall expressed concern over building a structure in this area with the floodplain.

Even inquired if Hall was planning on having electricity run out to the campers and she responded that she has talked to MidAmerican Energy about this, but has not done anything yet. She also stated that she would like to put a dump station in in the future and run rural water out to this area. Even inquired if tent camping would be allowed or if it would just be campers. Hall responded that she had not decided that yet. Even expressed concern with the availability of a restroom for individuals camping in tents and Hall responded that she had previously been told that she could not put portable toilets down there. Even asked if Hall was planning on advertising this area more for weekend use or long-term stays during the summer as this affects the determination of the best sewer option. Hall responded that she had not thought about that yet, but she did not want to run sewer to each campsite.

Connell inquired if that is the main channel of the Wapsipinicon River and Hall responded affirmatively. Slattery inquired how many campsites were being considered and Hall replied that they were going to start with six and possibly expand in the future. Hall stated that they know where some of the water wells are and will close them up. Connell inquired if they were going to demolish the two abandoned dwellings and Hall responded that they are waiting for the contractor to take them down.

Connell motioned to approve the request with the condition that the use be limited to camping and proper sanitary facilities provided. There was discussion regarding the conditions of a storm shelter being required and the requirements for sanitary facilities. The Zoning Commission viewed the FEMA safe room and direct connections for sewer to be cost prohibitive and excessive and expressed support for having some form of sanitary sewage disposal and adequate shelter. Short seconded the motion. With a vote of 7-0, the motion carried.

The fourth item on the agenda was approval of the request by Albert Duroe to rezone approximately 2.0 acres from “A-1” Agricultural to “A-2” Agricultural in Section 8 of Perry Twp. for building a home. Description: Commencing N25.9037°W 473.512 ft from the southeast corner of SE ¼, NW ¼, Sec 8, T89N, R10W of the 5th P.M., Buchanan County, Iowa, thence W 304 ft, N 288 ft, E 304 ft, S 288 ft to the point of beginning.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 98% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 68. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Slattery inquired if anyone had any input and no one responded that they did.

Wilgenbusch motioned to approve the request. Robinson seconded the motion. With a vote of 7-0, the motion carried.

The fifth item on the agenda was approval of the request by Gary Peiffer to rezone approximately 4.4 acres from “I” Industrial to “R-3” Residential in Section 33 of Newton Twp. for the correction of the legal description of Zoning Ordinance Amendment 15-A-04 passed on May 4, 2015 to exclude the single-family dwelling that was rezoned “I” Industrial. Description: Commencing at the southwest corner of NW ¼, SW ¼, Sec 33, T87N, R7W of the 5th P.M., Buchanan County, Iowa, thence N2.4977°W 243.332 ft, N88.8164°E 129.811 ft, N53.5208°E 119.105 ft, N88.8164°E 432.496 ft, S2.8269°E 311.020 ft, S88.8164°W 597.868 ft, S87.7643°W 65.000 ft to the point of beginning.

Even reviewed the modified request. The requested area has been expanded to the east to include the entire pond and run south of the tree line. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Peiffer informed the Zoning Commission that he did fix the previous fence and he also added an additional fence along the road. Peiffer also stated that he talked with Jeanie Bickford, his neighbor to the south, and he agreed to installing a six feet high fence along the tree line. Even pointed out that this fence cannot be included as a condition of the rezoning since it is outside of the area being rezoned and both Peiffer and Bickford indicated they understood.

Short motioned to approve the request with the stipulation that the number of dwellings be limited to one. Wilgenbusch seconded the motion. With a vote of 7-0, the motion carried.

The sixth item on the agenda was adjournment.

Connell made the motion to adjourn and Wilgenbusch seconded the motion. With a vote of 7-0, the motion carried.

The meeting adjourned at 7:52 PM

Submitted on 6/21/2018 by Matt Even

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, July 17, 2018

Public Health Meeting Room

Chairperson Slattery called the meeting to order at 7:00 PM.

Marlene Brown, Karen Connell, Jim Frye, Steven Saathoff, Jan Short, John Slattery, and Bronson Wierck were in attendance along with Matthew Even, Zoning Administrator. Mike Robinson and Kris Wilgenbusch were excused.

Public guests (6) included: Jon King, Kevin Bate, Carol Bate, Doug Cook, Chad Beatty, Ben Isaacson

Slattery made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am John Slattery and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the June 2018 meeting.

Slattery asked if there were any additions or corrections that needed to be made. Frye made a motion to accept the minutes of the last meeting. Short seconded the motion. With a vote of 7-0, the motion carried.

The second item on the agenda was approval of the request by TBB Farms LLC to rezone approximately 6.0 acres from “A-1” Agricultural to “R-2” Residential in Section 27 of Washington Twp. for a residential subdivision with lots similar size to those within the City of Independence limits. Description: Center of Wapsie Access Blvd, 140 ft deep lots of parcel 06.27.376.009 and parcel 06.27.376007 going west in between parcel 06.27.376.005 to parcel 06.27.376.002.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property and reported that 100 % of the area has a CSR greater than or equal to 55 and it has a combined

average weighted CSR of 59. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Chad Beatty was present representing his brother, Travis Beatty, who is the owner of TBB Farms LLC. Chad stated that he believes this proposal is in agreement with the County comprehensive plan as this area is on a paved road and prevents further development in more rural areas. Mr. Beatty pointed out that there is actually only three acres of tillable land that would be taken out of production, the rest is public right-of-way. Mr. Beatty confirmed that they are planning on having one shared well and joint septic systems. Mr. Beatty is planning on similar size lots to other subdivisions within the City of Independence such as North Ridge. Mr. Beatty stated that they are planning on building houses ranging from 1,000 to 1,300 square feet on the main level with 3 bedrooms and 1 bathroom with a market value of \$185,000 to \$190,000. One lot would also be left for current and future access to the farm. Mr. Beatty also stated that there are numerous other subdivisions and dwellings northwest of this area along Wapsie Access Blvd.

Connell asked how far the dwellings would be setback from the road and Mr. Beatty replied that he would follow the minimum setbacks as required by the rezoning ordinance for the rear yard and try to keep the dwellings as far back as possible which he estimated to be about 45 feet from public right-of-way. Connell stated that she had some concerns with this development in regards to its location and proximity to the city. She inquired if Mr. Beatty would consider using city services and he responded that he would in the future if they brought services out there. He thinks this area is a unique situation for the county as it would allow them to develop some new homes, but provide an opportunity for new home-owners to live here as the taxes would be much cheaper. Mr. Beatty also stated that the lot being left open for the farm access may be used in the future to create an entrance for a larger subdivision on the farm that would connect up to North Ridge and may be a good opportunity to annex this area into the city and utilize city services.

Mr. Cook with the City of Independence stated that the City would look really close at this plat when approving it as this area may potentially be annexed into the city. Connell stated that she thought this should be taken into consideration now prior to any development. Slattery inquired if they would be granting any easements for the septic systems as the lots are so small and Mr. Beatty confirmed that they would. Connell asked if Mr. Beatty could provide some clarification on the shared well and septic. Mr. Beatty described the layout of the shared well and the distribution network. He then stated that every house would have its own septic tank and then the dwellings would have a shared bed. Mr. Beatty added that the well would be deeded over to the homeowner's association upon creation and they would take over management of the well.

Even informed the Commission that he did receive a phone call from Rusty Horn. Rusty was unable to attend the meeting and wanted to provide his input. Rusty was concerned with the

small lot sizes since the county typically requires one or two acres and he was also concerned with being able to fit a septic system on these small of lots.

Frye motioned to approve the request. Wierck seconded the motion. With a vote of 7-0, the motion carried.

The third item on the agenda was approval of the request by Jon & Candace King to rezone approximately 6.1 acres from “A-1” Agricultural to “R-1” Residential in Section 15 of Hazleton Twp. to subdivide the current property into four lots, with the current house and lot being sold and having three additional lots to be able to build houses on those lots. Description: Parcel B in the NW ¼, SW ¼, Sec 15, T89N, R9W of the 5th P.M., Buchanan County, Iowa as described in Survey and Plat in File No 1994R04032 in the office of the Buchanan County, Iowa Recorder.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 6% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 20. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Slattery inquired if this parcel was currently planted in corn and Mr. King replied that it was. Mr. King informed the Commission that there is currently one existing dwelling on the southern end and that they are planning on adding three more lots. They are planning on installing individual septic systems on each lot and that they plan on either sharing one new well or running rural water to each lot and plugging the existing well. Slattery inquired if access would be from the west and Mr. King responded that that is their plan, but the southernmost proposed lot does have an existing driveway to the east.

Kevin Bate, who owns the land adjacent to the proposed subdivision to the north, expressed his concerns with the proposed subdivision. Mr. Bate is concerned with the possible effect three new lots in this small of an area might have on the water supply for his well. He is also concerned with three new septic systems draining into the ground in such a compact area. Mr. Bate’s final concern was that this new subdivision would take away from the beauty of the entrance to Fontana Park. Mr. Bate continued that when he bought his property three years ago it was their dream to get a place in the country with a little bit of privacy and now with this area getting filled up with houses, it would have been better for them to get a place in town. Slattery responded that Mr. Bate should have bought it all then and Mr. Bate replied that it was not for sale at that time. Slattery stated that he understands why people want to come to the country, but he has a problem with people that come to the country buying two acres, but want to command

20 acres around them. Even inquired if Mr. Bate knew how deep his well was and he replied that he did not. Even stated that there are higher well densities than this in the County and as far as he is aware, residential uses like the one being proposed have not caused any problems, but you really cannot ever say for sure with wells. Even also stated that there are setbacks and depth restrictions in place for septic systems to prevent contamination of drinking water supplies.

Connell motioned to approve the request. Brown seconded the motion. With a vote of 7-0, the motion carried.

The fourth item on the agenda was approval of the request by James & Kathleen Sweeney to rezone approximately 3.1 acres from “A-1” Agricultural to “A-2” Agricultural in Section 26 of Perry Twp. to split the existing single-family dwelling from the farm.

Description: Commencing at the Center of Sec 26, T89N, R10 W of the 5th P.M., Buchanan County, Iowa; thence N2°59'12"W along the east line of the NW ¼ of said Sec 26, a distance of 185.59 ft to the point of beginning; thence continuing N2°59'12"W along said east line, 394.33 ft; thence S88°13'03"W, 354.35 ft; thence S2°44'04"E, 375.26 ft; thence S88°43'33"E, 356.92 ft to the point of beginning.

Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even displayed an oblique image of the property. Even then reviewed the soils of the property and reported that 100% of the area has a CSR greater than or equal to 55 and it has a combined average weighted CSR of 91. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Slattery inquired if anyone had any input and no one responded that they did.

Saathoff motioned to approve the request. Short seconded the motion. With a vote of 7-0, the motion carried.

The fifth item on the agenda was adjournment.

Brown made the motion to adjourn and Connell seconded the motion. With a vote of 7-0, the motion carried.

The meeting adjourned at 7:31 PM

Submitted on 7/23/2018 by Matt Even

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, August 7, 2018

Public Health Meeting Room

Chairperson Slattery called the meeting to order at 7:02 PM.

Marlene Brown, Jim Frye, Mike Robinson, Steven Saathoff, Jan Short, John Slattery, Bronson Wierck, and Kris Wilgenbusch were in attendance along with Matthew Even, Zoning Administrator. Karen Connell was excused.

Public guests (3) included: Louis C. Wendling, Rick Greiner, Mike Wieland

Slattery made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am John Slattery and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the July 2018 meeting.

Slattery asked if there were any additions or corrections that needed to be made. Brown made a motion to accept the minutes of the last meeting. Short seconded the motion. With a vote of 8-0, the motion carried.

The second item on the agenda was approval of preliminary plat for Michael Wieland to subdivide 29 lots on 20.3 acres zoned "A-1" Agricultural for summer cottages. The property is located in the N ½, SW ¼ and the S ½, NW ¼ of Sec 29 and the NE ¼, SE ¼ and SE ¼, NE ¼ of Sec 30, all in T89N, R9W of the 5th P.M., Buchanan County, Iowa. The property is located at 1762 Otterville Blvd, Independence, Iowa.

Even reviewed Wieland's previous rezoning request to rezone the described area to "R-2" Residential. The Zoning Commission voted to approve the request and the Board of supervisors voted to deny the request. Now Wieland is requesting to subdivide the area for seasonal cabins. Even described the location of the rezoning request. Even then showed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property and

reported that 100 % of the area has a CSR less than or equal to 55 and it has a combined average weighted CSR of 15.

Slattery inquired what was located to the east of the requested area where the road splits once you get off Otterville Blvd. Wieland replied that this is a cabin that belongs to Steve Gee and was previously split off from the area he purchased. Slattery stated that when he went to the west down the road to the area of the subdivision, the road was flooded and he could not get through.

Even reviewed the compliance of this request with the zoning ordinance. As the request is being made for seasonal cabins, this meets the definition of summer cottages which are a permitted use within the "A-1" Agricultural district. The lot widths for summer cottages are larger than "R-2" district so there are four lots that need to be expanded upon so they are all 80 ft. All of the lots exceed the 8,000 ft² minimum yard size. Lots 26, 28, 29 all need variances for the requested front yard setbacks as the existing cabins are too close. Slattery inquired how many existing cabins there are in this area and Wieland replied that there are seven or eight existing cabins. Slattery inquired if Wieland owned the cabins and Wieland replied that he does not, they are all owned by other individuals who lease the land. Even also pointed out that some cabins have been demolished since the plat was submitted last December.

Even reviewed some of the general guidelines from the subdivision policy. Even stated that the existing and future private sewage disposal systems and private water wells needs to be included on the final plat. Even also stated that the owner's information and proposed zoning need to be updated and the fire district needs to be included on the plat. Even also reviewed a requirement from the subdivision policy limiting the commission and board from approving any streets that are subject to inundation and flooding. Surveyed points along the streets are required to confirm this information.

Frye inquired what that meant for the road going out to the subdivision and Even replied that he would read that to mean that the road needs to be elevated to prevent inundation during the 100-year flood. Slattery stated that this was his problem last night. There was one bad spot that was flooded, but you could see dry road on the other side. Wieland stated that there is an existing culvert at this point and that it will need a larger one installed to raise the road. Frye asked if the entire road needs to be elevated and Wieland replied that it is just the one spot on the road that goes back there that gets flooded. There was discussion on what happens to the road when we have a larger flood given the road is already flooded and this is just a minor flood. Wieland replied that his request is not going to start anything that is not already happening down there.

Wilgenbusch inquired where the two lots are that were bought out by FEMA after one of the major floods. Wilgenbusch stated that she is concerned that these areas may be located right

between two lots so now both of those lots may be unusable. Wieland stated that Greenley gave him a rough drawing of those locations so he should be able to figure out for sure, but these lots were supposed to be drawn around them.

Slattery asked Wieland if he was in agreement with the modifications that Even has proposed and Wieland responded that he was. Frye inquired if there needed to be any restrictions placed upon the land limiting the use to seasonal cabins and Even replied that there would not have to be because they would not have enough lot space to meet the two acre lot size minimum.

Wilgenbusch stated that she thinks it is a beautiful area and she does not really like the word cottage, but her major concern is the access to the property. Even stated that this was also his major concern as even if the area is primarily used for campers, they might not be able to pull their campers out when flooding using the provided road since it floods so easily. Even inquired if there had been any more thought on gaining access to the road to the west so the owners could evacuate when flooding as this road typically has a higher elevation than the proposed access road. Wieland says he would like to do so, but right now he is just in the preliminary stage.

Wierck motioned to approve the request with the modifications recommended by Even (see attached handout). Saathoff seconded the motion. With a vote of 8-0, the motion carried.

The third item on the agenda was adjournment.

Wilgenbusch made the motion to adjourn and Robinson seconded the motion. With a vote of 8-0, the motion carried.

The meeting adjourned at 7:27 PM

Submitted on 8/16/2018 by Matt Even

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, October 9, 2018

Public Health Meeting Room

Chairperson Slattery called the meeting to order at 7:03 PM.

Karen Connell, Jim Frye, Mike Robinson, Steven Saathoff, John Slattery, Bronson Wierck, and Kris Wilgenbusch were in attendance along with Matthew Even, Zoning Administrator. Marlene Brown and Jan Short was excused.

Public guests (2) included: Kyle Helland, Jon King

Slattery made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am John Slattery and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the August 2018 meeting.

Slattery asked if there were any additions or corrections that needed to be made. Wilgenbusch made a motion to accept the minutes of the last meeting. Wierck seconded the motion. With a vote of 7-0, the motion carried.

The second item on the agenda was approval of preliminary plat for Jon & Candice King to subdivide 4 lots on 6.64 acres zoned “R-1” Residential for single-family dwellings. The property is located in the W ½, NW ¼, SW ¼, Sec 15, T90N, R9W of the 5th P.M., Buchanan County, Iowa. The property is located at 1903 125th St, Hazleton, Iowa.

Even reviewed the associated rezoning request to rezone this land from “A-1” Agricultural to “R-1” Residential that was approved by the Board of Supervisors on August 17, 2018. Even reviewed the subdivision process and the requirements that the applicants will need to complete. Even stated that he reached out to the required individuals for their input on the proposed subdivision. Abby Beltz, District Conservationist, replied that a dwelling with a basement would work in the lots as proposed. Maureen Even, Buchanan County Real Estate Deputy, replied that

the name has not yet been approved which needs to be completed prior to the approval of the final plat. Brian Keierleber, Buchanan County Engineer, stated that his primary concern is the driveway separation. 400 feet separation between driveways is needed, but Keierleber thinks joint driveways could be utilized and a variance granted to allow the smaller separation distance. Even reviewed the four lots that will be a part of this subdivision. Lot 1 will contain the existing dwelling and Lots 2, 3, and 4 will have new single-family dwellings constructed on them. All lots are approximately one acre.

Even stated that there are three additions to the plat needed. All yard setbacks should be shown on the plat including side yards. The suitability for private sewage disposal systems including percolation rates needs to be included for each soil type in this area. The other criterion needed is a general summary description of any protective covenants or private restrictions to be incorporated in the final plat.

Slattery inquired if anyone had any questions or if the applicant had any additional input. Slattery inquired what Tract "A" is and what its purpose and use will be. Mr. Helland stated that this area is the current easement for the right-of-way purposes. Typically in these situations there is a dedication of street right-of-way so the County receives simple title to this tract.

Frye motioned to approve the request with the modifications recommended by Even (see attached handout). Saathoff seconded the motion. With a vote of 7-0, the motion carried.

The third item on the agenda was adjournment.

Connell made the motion to adjourn and Robinson seconded the motion. With a vote of 7-0, the motion carried.

The meeting adjourned at 7:12 PM

Submitted on 10/10/2018 by Matt Even

BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, November 13, 2018

Public Health Meeting Room

Chairperson Slattery called the meeting to order at 7:04 PM.

Marlene Brown, Jim Frye, Steven Saathoff, John Slattery, and Kris Wilgenbusch were in attendance along with Kris Holle, Zoning Administrative Assistant. Karen Connell, Mike Robinson, Jan Short, and Bronson Wierck were excused.

Public guests (2) included: Kyle Helland, Jon King

Slattery made a statement similar to the following:

Welcome, we are the Buchanan County Zoning Commission. I am John Slattery and I will be directing this meeting this evening. We are responsible for the fact findings for the Supervisors. We will gather information on these requests tonight and attempt to come up with a recommendation for the Supervisors. They will make the final decision on these requests at a meeting probably three to four weeks in the future. Everyone that was notified of this meeting will also get notified of that meeting. We would ask that if you have information that would be pertinent to these requests, that you state your name so we can get your name in the minutes. That will be forwarded to the supervisors when they set the meeting.

The first item on the agenda was approval of the minutes from the October 2018 meeting.

Slattery asked if there were any additions or corrections that needed to be made. Wilgenbusch made a motion to accept the minutes of the last meeting. Saathoff seconded the motion. With a vote of 5-0, the motion carried.

The second item on the agenda was approval of final plat for Jon & Candice King to subdivide 4 lots on 6.64 acres zoned "R-1" Residential for single-family dwellings. The property is located in the W ½, NW ¼, SW ¼, Sec 15, T90N, R9W of the 5th P.M., Buchanan County, Iowa. The property is located at 1903 125th St, Hazleton, Iowa.

Slattery inquired about the setbacks for these lots and Kyle Helland responded that these lots have 30 feet setbacks that were added to a revised preliminary plat provided to the Board of Supervisors for their hearing on the preliminary plat. Helland also added that the suitability for private sewage disposal systems including percolation rates was included for each soil type in this area on the revised preliminary plat provided to the Board of Supervisors. Slattery also inquired if the joint driveway was granted for lots three and four and Helland responded that the

County Engineer did approve the new joint driveway. Slattery inquired if there was a general summary description of any protective covenants or private restrictions to be incorporated in the final plat and Helland responded that these would be supplied to the Board of Supervisors at their hearing.

Wilgenbusch motioned to approve the final plat with the conditions recommended by staff in the Technical Review (see attached handout). Saathoff seconded the motion. With a vote of 5-0, the motion carried.

The third item on the agenda was adjournment.

Brown made the motion to adjourn and Frye seconded the motion. With a vote of 5-0, the motion carried.

The meeting adjourned at 7:10 PM

Submitted on 11/26/2018 by Kris Holle