

# **BUCHANAN COUNTY ZONING COMMISSION**

**7:00 PM Tuesday, February 5, 2019**

**Public Health Meeting Room**

Commissioner Frye called the meeting to order at 7:05 PM.

Jim Frye, Mike Robinson, Steven Saathoff, Elena Schmitz, Jan Short (via telephone), and Bronson Wierck were in attendance along with Matt Even, Zoning Administrator. Marlene Brown, John Slattery, and Kris Wilgenbusch were excused.

Public guests (3) included: Douglas Fliehler, Louis Wendling, Jon King

Frye made a statement similar to the following:

*Welcome, we are the Buchanan County Zoning Commission. I am Jim Frye and I will be directing this meeting this evening. We are responsible for the fact findings for the Board of 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 approximately 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 election of officers.**

Frye opened the floor for nominations of chairperson and vice-chairperson. Frye nominated Slattery and Robinson seconded the nomination. Slattery informed Even prior to the meeting that he would accept the nomination if nominated. Frye nominated Short for vice-chairperson and Saathoff seconded the nomination. Short accepted the nomination. Frye made a motion to cease all nominations and elect Slattery to chairperson and Short to vice-chairperson. Wierck seconded the motion. With a vote of 6-0, the motion carried.

## **The second item on the agenda was approval of the minutes from the November 2018 meeting.**

Frye asked if there were any additions or corrections that needed to be made. Short made a motion to accept the minutes of the last meeting. Wierck seconded the motion. With a vote of 6-0, the motion carried.

**The third item on the agenda was approval of the request by Douglas & Julie Fliehler to rezone approximately 0.9 acres from “A-1” Agricultural to “C” Commercial in Section 31 of Madison Twp. for a barn and wedding event center. Description: Commencing N88.2001°E 603.704 ft from the southwest corner of Sec 31, T90N, R7W of the 5th P.M., Buchanan County, Iowa, thence N1.7999°W 150 ft, N88.2001°E 88 ft, N1.7999°W 75 ft, N88.2001°E 112 ft, S1.7999°E 225 ft, S88.2001°W 200 ft to the point of beginning.**

Even described the location of the rezoning request. Even described the nature of the request and stated that requests like this would typically be a special use permit as this use does not clearly fall in either district, but Buchanan County’s Zoning Ordinance does not currently utilize special use permits so rezoning to commercial is the best option. Even then displayed 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 86. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Douglas Fliehler introduced himself and shared with the Commission that him and his wife have lived on the farm for 38 years and his wife’s family has lived here since the early 1900s. Fliehler stated that he and his wife renovated the barn for their 40<sup>th</sup> wedding anniversary when they started getting inquiries about renting it out. They would like to rezone so they can use the barn as a wedding and event center that uses local caterers, photographers, etc. There is a demand for this type of center and there are not any other comparable facilities in the county and this is an ideal location as it is located in the center of Independence, Manchester, and Oelwein. They are planning on hosting events from April through October and would like to have 4-5 weddings a year and live music on some weekends. They plan on closing the center at 11:00 PM each night.

Schmitz inquired how close it is to the nearest neighbor and Fliehler responded that they are about a quarter of a mile away, but he and his wife live onsite. Fliehler added that they are planning on acquiring a wine and beer license and that their maximum capacity would be 150 to 200 people. Schmitz asked how old the barn was and Fliehler responded that the oldest picture they have of the barn dates back to 1908, but the barn was there before that. Schmitz inquired how good the structure of the barn was and Fliehler responded that it is very good and that they have done a lot of work to the barn the last few years. Wierck inquired if there is still a hay mount in it and Fliehler responded that there is and that they are planning on using both levels. Wierck inquired if there would be a kitchen and Fliehler responded that it would be catering only.

Wierck motioned to approve the request with the conditions recommended by staff in the Technical Review. Robinson seconded the motion. With a vote of 6-0, the motion carried.

**The fourth item on the agenda was approval of the request by Jon & Candace King to rezone approximately 6.1 acres from “R-1” Residential to “A-1” Agricultural in Section 15 of Hazleton Twp. to go back to original status of agricultural land. 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.**

Jon King informed the Commission that he and his wife went through the process of rezoning and started the platting process, but the variance request for the setback for the garage which was to be built on the existing concrete pad was denied so they would like to rezone back to “A-1” Agricultural which has a smaller setback for accessory structures so that the garage can be built on the existing pad.

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

**The fifth item on the agenda was approval of the request by Louis & Shirley Wendling to rezone approximately 1.9 acres from “A-1” Agricultural and “R-3” Residential to “R-2” Residential in Section 29 of Washington Twp. to bring existing single-family dwellings into compliance and allow for the possible construction of two more dwellings. Description: Commencing N1.7688°W 326.675 ft from the southeast corner of SW ¼, Sec 29, T89N, R9W of the 5th P.M., Buchanan County, Iowa, thence S88.2250°W 166 ft, N1.7750°W 500 ft, N88.2250°E 166 ft, S1.7750°E 500 ft to the point of beginning.**

Louis Wendling stated that nothing is really changing, except that the seasonal cabins have been converted to single-family dwellings and there is interest in one more single-family dwelling being constructed. Wendling stated that there are five lots of which three have structures on them and one lot is zoned “R-3” and the rest are zoned “A-1” Agricultural.

Even described this request and how it relates to the next item on the agenda. 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 89. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Wierck motioned to approve the request with the conditions recommended by staff in the Technical Review. Schmitz seconded the motion. With a vote of 6-0, the motion carried.

**The sixth item on the agenda was approval of the request by Louis & Shirley Wendling to rezone approximately 1.5 acres from “R-3” Residential to “A-1” Agricultural in Section 29 of Washington Twp. so this land can be reverted back to the appropriate zoning for row crops as the dwelling associated with the original rezoning of this land to “R-3” Residential is being requested to be rezoned to “R-2” Residential as part of request Z2019006.**

**Description: Commencing N1.7750°W 288.011 ft from the southeast corner of SW ¼, Sec 29, T89N, R9W of the 5th P.M., Buchanan County, Iowa, thence S88.2385°W 114 ft, N1.7615°W 15 ft, S88.2385°W 305.25 ft, N1.7615°W 235, N88.2385°E 253.226 ft, S1.7750°E 211.375 ft, N88.2250°E 166 ft, S1.7225°E 38.664 ft to the point of beginning.**

Even reviewed the request and how it related to the previous item on the agenda.

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

**The seventh item on the agenda was discussion on Introduction to Planning & Zoning Workshops.**

Even reviewed the upcoming Introduction to Planning & Zoning Workshops hosted by Iowa State University Extension. Even stated that everyone who has never attended a workshop is encouraged to attend the workshop and that he recommends that everyone attend at least once during their five-year term if they have attended before. Even asked everyone to let him know by February 22 whether or not they want to attend.

**The eighth item on the agenda was adjournment.**

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

The meeting adjourned at 7:34 PM

Submitted on 2/6/2019 by Matt Even

# BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, March 5, 2019

Public Health Meeting Room

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

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

Public guests (2) included: Shane Paris, Michelle Paris

Short made a statement similar to the following:

*Welcome, we are the Buchanan County Zoning Commission. I am Jan Short and I will be directing this meeting this evening. We are responsible for the fact findings for the Board of 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 approximately 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 2019 meeting.**

Short asked if there were any additions or corrections that needed to be made. Robinson 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 Leona & Joseph Nichols to rezone approximately 6.61 acres from “A-1” Agricultural to “R-3” Residential in Section 7 of Cono Twp. for a rural residence. Description: The east 184 ft of the north 700 ft and the west 316 ft of the east 500 ft of the south 504 ft of the north 700 ft, all of the E ½, NW ¼, Sec 7, T87N, R8W of the 5th P.M., Buchanan County, Iowa.**

Even described the location of the rezoning request. Even described the nature of the request and how it relates to the next item on the agenda. Even then displayed 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 90. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Wilgenbusch inquired why there is a discrepancy between the area of the land being rezoned listed on the agenda and the application. Even responded that they did not include public right of way within the area of the request on the application, but that is actually part of the area being rezoned.

Frye motioned to approve the request with the conditions recommended by staff in the Technical Review. Saathoff seconded the motion. With a vote of 6-0, the motion carried.

**The third item on the agenda was approval of the request by M & D Seamans Family Trust to rezone approximately 2.00 acres from “A-1” Agricultural to “R-3” Residential in Section 7 of Cono Twp. for a rural residence. Description: Parcel B in the NE ¼, NW ¼, Sec 7, T87N, R8W of the 5th P.M., Buchanan County, Iowa as described in Survey and Plat in File No 2005R02704 in the office of the Buchanan County, Iowa Recorder.**

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed 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 90. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Wilgenbusch inquired if the condition recommended by staff regarding the private sewage disposal system inspection is necessary since she thought they would be required to do that already. Even responded that estates are exempt from this requirement so they would probably not be required to complete an inspection. Wilgenbusch inquired if the Nichols lived here and Even replied that they do not, they live in West Des Moines. Wilgenbusch stated that she does not like all of the agricultural ground being removed from production, but there is not a lot you can do about it the way our comprehensive plan is wrote.

Schmitz motioned to approve the request with the conditions recommended by staff in the Technical Review. Frye seconded the motion. With a vote of 6-0, the motion carried.

**The fourth item on the agenda was approval of the request by Shane & Michelle Paris to rezone approximately 5.00 acres from “A-1” Agricultural to “R-3” Residential in Section 20 of Madison Twp. to construct a single-family dwelling to replace the previous single-family dwelling that was demolished. Description: Commencing south 575 ft from the**

**northwest corner of Sec 20, T90N, R7W of the 5th P.M., Buchanan County, Iowa, thence east 521 ft, south 418 ft, west 521 ft, north 418 ft to the point of beginning.**

Even described the location of the rezoning request. Even described the nature of the request and the history of this parcel. Even informed the Commission that Shane & Michelle Paris have signed the documents for the deed to the land, but it has yet to be recorded by their attorney and he will do so immediately prior to the request going to the Board of Supervisors. Even then displayed 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 72. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Robinson motioned to approve the request with the conditions recommended by staff in the Technical Review. Wilgenbusch seconded the motion. With a vote of 6-0, the motion carried.

**The fifth item on the agenda was discussion on Introduction to Planning & Zoning Workshops.**

Even reviewed the upcoming Introduction to Planning & Zoning Workshops hosted by Iowa State University Extension. Even stated that everyone who has never attended a workshop is encouraged to attend the workshop and that he recommends that everyone attend at least once during their five-year term if they have attended before. Even asked everyone to let him know by March 8, 2019 whether or not they want to attend.

**The sixth item on the agenda was adjournment.**

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

The meeting adjourned at 7:19 PM

Submitted on 3/6/2019 by Matt Even

# BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, April 2, 2019

Public Health Meeting Room

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

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

Public guests (9) included: Richard Hare, Marc Trenkamp, Michael Jacobson & child, Austin Jacobson, Diana Muchmore, Sandra Kingrey, Darrell Kingrey, Jodene Puff

Short made a statement similar to the following:

*Welcome, we are the Buchanan County Zoning Commission. I am Jan Short and I will be directing this meeting this evening. We are responsible for the fact findings for the Board of 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 approximately 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 March 2019 meeting.**

Short 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. Wilgenbusch seconded the motion. With a vote of 7-0, the motion carried.

**The second item on the agenda was approval of the request by Richard Hare to rezone approximately 1.0 acres from “R-3” Residential to “C” Commercial in Section 11 of Homer Twp. for the construction of a 60’ x 90’ storage building for antique cars. Description: The East 190 ft of the North 236.65 ft of the NE ¼. Sec 11, T87N, R9W of the 5th P.M., Buchanan County, Iowa.**

Even described the location of the rezoning request. Even described the nature of the request and how it relates to the next two items on the agenda. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property.

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

Wilgenbusch inquired why it needs to be commercial if it is just going to be a storage shed for antique cars. Even replied that this would be the principal use of that lot and in a residential area, the principal use must be a dwelling. Wilgenbusch asked for confirmation that since it has already been rezoned residential that it would have to be zoned commercial. Even confirmed this and added that if you had a lot where you had a dwelling, you could have a building for storage as your primary use is the dwelling.

Brown motioned to approve the request with the conditions recommended by staff in the Technical Review. Schmitz seconded the motion. With a vote of 5-2, the motion carried with Brown, Frye, Saathoff, Schmitz, and Short voting in favor and Robinson and Wilgenbusch voting in opposition.

**The third item on the agenda was approval of the request by Richard Hare to rezone approximately 7.2 acres from “R-3” Residential and “A-1” Agricultural to “R-1” Residential in Section 11 of Homer Twp. for the creation of a subdivision consisting of single-family dwellings. Description: The East 190 ft of the North 1893.2 ft of the NE ¼. Sec 11, T87N, R9W of the 5th P.M., Buchanan County, Iowa, EXCEPT the East 190 ft of the North 236.65 ft of the NE ¼. Sec 11, T87N, R9W of the 5th P.M., Buchanan County, Iowa.**

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Wilgenbusch stated that she was not around in 2006 when it was rezoned, but if she would have been she probably would have voted against it because our comprehensive plans states that land with a high CSR should be kept in agricultural. Frye stated that Rowley is built upon pretty good ground and you have to expand somewhere.

Frye motioned to approve the request. Saathoff seconded the motion. With a vote of 5-2, the motion carried with Brown, Frye, Saathoff, Schmitz, and Short voting in favor and Robinson and Wilgenbusch voting in opposition.

**The fourth item on the agenda was approval of the request by Richard Hare to rezone approximately 4.4 acres from “R-3” Residential to “A-1” Agricultural in Section 11 of Homer Twp. to revert back to agricultural field. Description: The East 296 ft of the North**

**1810 ft of the NE ¼. Sec 11, T87N, R9W of the 5th P.M., Buchanan County, Iowa, EXCEPT the East 190 ft of the North 1810 ft of the NE ¼. Sec 11, T87N, R9W of the 5th P.M., Buchanan County, Iowa.**

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Wilgenbusch inquired if this area was part of 2006 rezoning to “R-3” Residential and Even replied that it was.

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

**The fifth item on the agenda was approval of the request by Jodene Puff & Golden Grain Enterprises to rezone approximately 6.7 acres from “A-1” Agricultural to “R-1” Residential in Section 4 of Hazleton Twp for the creation of a subdivision consisting of single-family and two-family dwellings. Description: Parcel E in the fractional Northwest 1/4 of the Northeast 1/4 of Section 4, Township 90 North, Range 9 West of the 5th P.M., as described in the corrective Plat of Survey in File No. 1998R03987, EXCEPT Parcel "H" in the Fractional Northwest 1/4 of the Northeast 1/4 as described in corrective Survey and Plat Recorded as File No. 1 997R03115.**

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Frye inquired what the situation was with the driveways for the neighbors to the north as it appears the driveways are on the land being rezoned. Jodene Puff stated that this is a permanent easement on the property that she owns. Marc Trenkamp stated that Yokas, Gericke, Trenkamp, Vogel, and Grover are all supposed to exit on the driveway off of 100<sup>th</sup> St where they have a permanent easement and Kingrey is supposed to exit unto Highway 150 which has a permanent easement. Trenkamp stated that this area is a surveyor’s nightmare.

Kingrey expressed concern as this map shows the property line being right between her two trees. She did not know what to do with the property line so close to her house. Kingrey stated that they were going to sell their house some time ago. Frye inquired if she had an understanding that she owned more and Kingrey responded that she knew they had an easement,

but she didn't know it came that far up in their yard. Kingrey stated that when Even came out and surveyed that, he showed the boundary line where it actually did go. Short inquired if Even surveyed that and he responded that he did not survey anything, he just went there for an initial site evaluation for the septic system. Robinson inquired if the current property owner had this surveyed and Puff responded that it had been surveyed. Frye asked for confirmation that the neighbors present do not have any concerns with the land being rezoned, just with the property lines and easements and Trenkamp and Kingrey responded affirmatively.

Michael Jacobson pointed out where his property is and he stated that he is agricultural and has some cattle and that his concern is what effects this residential area will have on him. Jacobson elaborated that he is concerned that people might start complaining about odors and noise. He also stated that cattle are going to get out and how many complaints are they going to get about cattle walking around in the yards in the subdivision. Frye inquired how many cattle he keeps there and Jacobson replied that he usually keeps 20 head. Jacobson added that the property he owns has had cattle on it for over 110 years. Short inquired how many acres of feeding range he has and Jacobson replied that he owns 53 acres and 6 acres going up to the subdivision.

Puff stated that the reason she proposed this request is because the CSR is so low there and she is going to keep the remaining 25 acres in hay and farm that. Puff added that there is already residences to the north and west of this request and to the south of Jacobson's farm, there are two or three newer homes that are more than \$300,000 plus that just went in within the last five years. Jacobson stated that these dwellings were built on top of current residences.

Wilgenbusch inquired if this area is currently being farmed and Puff replied that it is. Schmitz inquired what is usually planted here. Puff replied that it alternated between corn and soy beans. Schmitz inquired what the yield was last year and Puff responded that this will be her first year farming it. Jacobson stated that this land was quoted at 180 bushels of corn.

Frye stated that if the neighbors to the north have a permanent easement, that land really is not any good to the applicant. Trenkamp stated that the easement is indefinite. Saathoff replied that the applicant can still use that land, she just has to provide access for the neighbors. Kingrey asked what water source Puff would be utilizing for this development and if they could plug into that. Puff replied that they would utilize individual septic systems. Trenkamp inquired what point of access off of Highway 150 she would be using and she replied that the driveway would be determined during the subdivision process by the surveyor and Zoning Commission. Frye inquired what Even's thoughts were. Even replied that he was not concerned with the easements as they already exist and that the layout and access points would be determined during the subdivision process.

Jacobson asked where the access point would be to the agricultural field if they utilize the only access point for the subdivision. Puff replied that there is another driveway south of this area along Highway 150 that would provide access to that field.

Wilgenbusch stated that she has a hard time taking ag land – no matter what the CSR is – for residential and this is a nightmare where the applicant is basically owning part of people's driveways now and that she is not comfortable with putting a subdivision there. Frye inquired if the commission could stop it if its CSR is below 55. Even replied that they can still vote to deny it. Wilgenbusch responded that there is more to agricultural than corn and beans and recalled Dave Pech stating at a previous meeting that you could still plant some grapes on it. Even added that he would recommend looking at what your comprehensive plan states as that is what is supposed to be used to guide the Commission's decisions. Frye stated with ground that poor, there would be more income to the county if that land was put into a different use, but he does not like the easement deal and that those people should own their property in front of them. Puff stated that she was trying to be kind by keeping their access and easement and not farming right up to their houses.

Jacobson stated that growing agricultural crops and animal husbandry are very different and that we keep forgetting about one of the larger elephants in the room – there are cattle in close proximity to the proposed residential area. Jacobson added that he considers the people that are currently there a rural neighborhood and now it is being considered to put a subdivision right next to an area with wild animals. Jacobson added that there is a big difference between having a corn field in your backyard than a manure pit. Frye stated that he can understand, but at the same time Jacobson is not very far from Oelwein either.

Brown inquired who maintains the driveways and Trenkamp and Kingrey responded that they maintain their own driveways. Trenkamp added that Northern Natural has a gas line that runs just south of and along the driveway all the way back to Yokas' property. Puff stated that she was planning on putting a windbreak along the driveway and allowing for plenty room for the driveway. Puff added that she was planning on talking to the neighbors because she herself would not like having someone else own part of her driveway.

Wilgenbusch motioned to deny the request. Robinson seconded the motion. Vice-Chairperson Short opened the floor for discussion on the motion.

Frye stated that this ground is not good ground for farming and is just as good of ground for houses as anything else. Frye added that he is against it because the of the easement.

Wilgenbusch stated that she agrees, but as a commission they cannot do anything to address that issue. Even verified with Trenkamp and Kingrey that there is an easement recorded and they confirmed this. Jacobson stated that he was not sure if this was the right forum to bring this up,

but Iowa Code state that after ten years the fence line determines the property line. Even stated that this commission does not have jurisdiction on this matter and that is a civil matter between the property owners.

There was discussion on whether or not the Zoning Commission could require stipulations and Even verified that the commission can recommend stipulations to the Board of Supervisors for their consideration, but only with the approval of a request. Saathoff inquired if the commission denied a request, would it still go before the Supervisors and Even replied that it would. Saathoff stated that he would pass it to the Supervisors as he does not like the easement aspect of the driveways, but that the land should have houses built upon it. Frye stated that he wants to ensure that the reason for denial is included as he has received complaints from the Supervisors previously when the Commission denied a request. Even stated that if the Commission denies it, then they deny it, there is no reasoning or stipulations included with the motion. Even added that detailed minutes will be provided to the Supervisors for them to consider.

With a vote of 4-3, the motion carried with Brown, Robinson, Schmitz, and Wilgenbusch voting in favor and Frye, Saathoff, and Short voting in opposition.

**The sixth item on the agenda was adjournment.**

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

The meeting adjourned at 7:48 PM

Submitted on 4/4/2019 by Matt Even

# BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, May 7, 2019

Public Health Meeting Room

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

Jim Frye, Mike Robinson, Steven Saathoff, Elena Schmitz, Jan Short, John Slattery , Bronson Wierck, and Kris Wilgenbusch were in attendance along with Matt Even, Zoning Administrator.

Public guests (2) included: Mike Schares, Donna Schares

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 Board of 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 approximately 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 2019 meeting.**

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

**The second item on the agenda was approval of the request by Michael & Donna Schares to rezone approximately 10.7 acres from “A-1” Agricultural to “R-1” Residential in Section 33 of Perry Twp. for the creation of a subdivision consisting of four lots. Description: The south 506 ft of the SW ¼, SW ¼, Sec 33, T89N, R10W of the 5th P.M., except the west 256.92 ft and except Parcel E as described in Plat of Survey in File No. 2009R03377.**

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property. Even then displayed pictures of the site and the surrounding area. Even then presented the Future Land Use Map from the Comprehensive Plan which indicates this area as a possible residential area. Even presented the technical report for

the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Mike Schares introduced his wife and himself. Schares stated that he has farmed this land for many years as he also farms his mother's ground to the north. Schares stated that he had the first opportunity to buy this land when it came up for sale and at that time he approached Even about the possibility of a subdivision. Schares said that he has had several people inquire in the past about building on this property so he is looking at creating four lots.

Schares presented a map of a 12 inch tile main that runs along the waterway and stated that there is an easement for this main and it will continue to remain there. Schares added that this waterway does not usually have water in it, except for when there is a three to four inch rain where it might hold water for half of a day before emptying. Slattery inquired how the waterway was going to be incorporated into the lots. Schares replied that they are considering having the two lots on the outside be smaller and the two lots on the inside be bigger as they cannot build near the waterway. Wilgenbusch inquired if water has ever gone over the road there and Schares responded that it has not and when they repaved the road they replaced the round culvert with a boxed culvert. Wilgenbusch added that she had heard from someone else that it has, but that she has never seen it. Schares confirmed that he has not seen it either, but maybe it might of prior to them putting in the larger culvert.

Even stated that he forgot to put the floodplain map in the Zoning Commissioners' packets, so he passed around his tablet with the current floodplain map as well as the draft floodplain map that will become effective possibly within the next year. Schmitz asked for confirmation that the waterway would still exist and Schares confirmed that it would remain and the subdivision would be responsible for maintenance and that process would be established within the covenants.

Slattery inquired where the entrances would be and Even replied that the County Engineer has proposed two driveways; the two east lots would utilize one driveway which would be extended from the existing driveway to the east and the two west lots would have one shared driveway preferably where there lot lines meet.

Schares stated that he thinks this proposal would produce more money in property taxes than the tax that the county receives from the agricultural activity. Robinson inquired if this is still tillable farmland and Schares responded that it is, but the CSR is low. Wilgenbusch stated that she understands that it has a poor CSR, but it still has been farmed for years. Schares stated that the only way he can make this work right now is that he runs it with the rest of the farm which is more productive. Wilgenbusch stated that she understands, but she is going back to our comprehensive plan which says regardless of the CSR or use, agricultural land needs to be

preserved. Schmitz asked Even if this area was indicated as being suitable for residential use according to our future land use map within the Comprehensive Plan. Even replied that the Future Land Use Map within the Comprehensive Plan does indicate that this area is suitable for residential development.

Brown arrived at 7:13 PM.

Wilgenbusch inquired if the Future Land Use Maps indicates areas along all paved roads to be suitable for residential development. The Future Land Use Map was displayed and it was determined that the areas along Highway 150 between Independence and Otterville Blvd, Quasqueton Diagonal Blvd, and 220<sup>th</sup> St between Jesup and Independence were determined to be suitable for future residential development.

Wierck motioned to approve the request. Saathoff seconded the motion. With a vote of 6-2-1, the motion carried with Frye, Saathoff, Schmitz, Short, Slattery, and Wierck voting in favor, Robinson and Wilgenbusch voting in opposition, and Brown abstaining.

**The third item on the agenda was review of the proposed Buchanan County Subdivision Ordinance.**

Even distributed copies of the current draft of the proposed subdivision ordinance. Even gave a brief overview of the process and the history of subdivision review in Buchanan County. Even stated that a majority of this document is similar to what is contained within the current guidelines. Even stated that one of the major proposed changes is the requirement that major subdivisions be located upon a paved road or the developer has to pave the road up to an existing paved road. Even stated that this is to help address the complaints for lower speed limits, the County paving the road, dust control, and deteriorating road conditions due to increase in traffic.

**The fourth item on the agenda was adjournment.**

Wilgenbusch made the motion to adjourn and Short seconded the motion. With a vote of 9-0, the motion carried.

The meeting adjourned at 7:21 PM

Submitted on 5/8/2019 by Matt Even

# BUCHANAN COUNTY ZONING COMMISSION

7:00 PM Tuesday, June 4, 2019

Public Health Meeting Room

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

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

Public guests (4) included: Brian Schoon, Patty Cameron, Byron Reeder, and Chris Cameron

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 Board of 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 approximately 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 2019 meeting.**

Slattery asked if there were any additions or corrections that needed to be made. Robinson 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 the request by Craig & Patricia Cameron & Chris Cameron to rezone approximately 4.7 acres from “A-1” Agricultural to “R-3” Residential in Section 28 of Washington Twp. for a rural residence with light agricultural activities. Description: Commencing at the northwest corner of Sec 28, T89N, R9W of the 5th P.M., Buchanan County, Iowa, thence N88.1103°E 280.38 ft, S1.6724°E 783.083 ft, N72.7678°W 296.364 ft, N1.6724°W 686 ft to the point of beginning.**

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property. Even then displayed pictures of the site and the surrounding area. Even then presented the Future Land Use Map from the Comprehensive Plan

which indicates this area remaining agricultural land. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Chris Cameron stated that he knows that the CSR of this site is a little bit higher than what the Commission would like, but as many farmers know, 60 is not prime agricultural land. He also stated that on their farm, if you go down 4 feet it is pure sand. Cameron also added that the high line company used part of this area as their staging area so they had rock and timber there and now that area does not grow very well. Cameron stated that there would only be about one acre removed from production and the rest would stay in hay or pasture like it always has been. Cameron stated that he cannot argue with the logic of the CSR, but on both sides of it it is not good.

Byron Reeder stated that he lives in the adjacent dwelling to the west and that he is concerned where the house is going. Reeder stated that he and his wife would not like the house being located all the way in the back of the lot. Cameron stated that it will be in the back of the property overlooking the pond.

Slattery inquired if the Camerons would be selling the property or if it is for someone within the family. Cameron replied that they are selling it, but it will be in the contract that it reverts back to the family if sold or transferred. Schmitz inquired who was purchasing the property. Cameron replied that Rob Scott is the individual looking to purchase the land. Schmitz also asked who would be doing the hay on the land and Cameron replied that they would probably be doing it, but Scott has expressed interest in getting horses down the road. Cameron also added that Scott is looking at building a 1,200 – 1,400 square foot dwelling. Cameron reiterated that the land does not grow much where the high line company did their staging.

Brown motioned to approve the request. Frye seconded the motion. With a vote of 4-4, the motion failed with Brown, Frye, Saathoff, and Slattery voting in favor, Robinson, Schmitz, Short, and Wilgenbusch voting in opposition.

**The third item on the agenda was review of the proposed Buchanan County Subdivision Ordinance.**

Brian Schoon introduced himself and gave a brief overview of the Iowa Northland Regional Council of Governments (INRCOG) and how they got involved in the zoning ordinance revisions and the creation of the subdivision ordinance for Buchanan County. Schoon gave an overview of how the zoning process is related to the subdivision ordinance. Schoon then described the role of the Zoning Commission within the subdivision process as well as how the subdivision process works. Schoon then reviewed the ordinance describing each section in

detail. Schoon described the checklist that will be used to assist individuals through the platting process with step-by-step instructions. Schoon then informed the Commission that cities that are able to review plats within a two mile radius of the city if they have adopted that rule by ordinance. Schoon added that cities and counties can create a contract where they define which areas each jurisdiction will review so that developers do not have to go through two different governments when platting.

**The fourth item on the agenda was adjournment.**

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

The meeting adjourned at 7:40 PM

Submitted on 6/12/2019 by Matt Even

# **BUCHANAN COUNTY ZONING COMMISSION**

**7:00 PM Tuesday, July 2, 2019**

**Public Health Meeting Room**

Vice-Chairperson Short called the meeting to order at 7:04 PM.

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

Public guests (6) included: Don Shonka, Gary Gissel, Clayton Ohrt, Cindy Gosse, Brian Keierleber, and Brian Schoon

**The first item on the agenda was approval of the minutes from the June 2019 meeting.**

Short asked if there were any additions or corrections that needed to be made. There were no corrections made. No official action was taken as there was not a quorum.

**The second item on the agenda was a joint work session with the Buchanan County Board of Supervisors to review the proposed Subdivision Ordinance with Brian Schoon, Director of Development with INRCOG.**

Brian Schoon reviewed the Subdivision Ordinance and discussion was held. The main points of discussion were requiring subdivisions to be located on hard-surface roads and the amount of right of way for streets within subdivisions.

No official action was taken by the Commission.

**The third item on the agenda was adjournment.**

Robinson made the motion to adjourn and Wierck seconded the motion. With a vote of 4-0, the motion carried.

The meeting adjourned at 8:37 PM

Submitted on 7/3/2019 by Matt Even

# **BUCHANAN COUNTY ZONING COMMISSION**

**7:00 PM Tuesday, August 6, 2019**

**Public Health Meeting Room**

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

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

Public guests (1) included: Brian Schoon

**The first item on the agenda was approval of the minutes from the June and July 2019 meetings.**

Slattery asked if there were any additions or corrections that needed to be made. Short made a motion to accept the minutes of the June and July 2019 meetings. Brown seconded the motion. With a vote of 7-0, the motion carried.

**The second item on the agenda was a public hearing for the approval of the Buchanan County Subdivision Ordinance.**

Chairperson Slattery opened the public hearing at 7:01 PM.

Brian Schoon presented the Buchanan County Subdivision Ordinance and discussed the main changes that were made after the joint work session with the Board of Supervisors. Schoon stated that after the joint work session, one of the county supervisors had reached out to Even with concerns regarding the right of way widths and requiring that all subdivisions are accessed by a paved road. Even then reviewed the concerns with Schoon and decided to meet with the Board of Supervisors, County Engineer, and County Auditor to discuss these concerns. After this meeting, the ordinance was modified so that only major subdivisions would be required to be accessed by a paved road.

Short made a motion to close the public hearing. Wierck seconded the motion. With a vote of 7-0, the motion carried. The public hearing closed at 7:13 PM.

Saathoff motioned to recommend approval of the Buchanan County Subdivision Ordinance. Robinson seconded the motion. With a vote of 7-0, the motion carried.

**The third item on the agenda was adjournment.**

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

The meeting adjourned at 7:13 PM

Submitted on 8/13/2019 by Matt Even

# **BUCHANAN COUNTY ZONING COMMISSION**

**7:00 PM Tuesday, September 17, 2019**

**Public Health Meeting Room**

Chairperson Slattery called the meeting to order at 7:01 PM.

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

Public guests (4) included: Nathan Marting, Brian Pottebaum, William W. Helmuth, Daniel E. Gingerich

**The first item on the agenda was approval of the minutes from the August 2019 meeting.**

Slattery asked if there were any additions or corrections that needed to be made. Robinson made a motion to accept the minutes of the August 2019 meeting. Short seconded the motion. With a vote of 7-0, the motion carried.

**The second item on the agenda was a public hearing for the approval of request by William W Helmuth to rezone approximately 1.6 acres from “A-1” Agricultural to “I” Industrial in Section 24 of Fairbank Twp. for the operation of a machine and repair shop.**

Chairperson Slattery opened the public hearing at 7:03 PM.

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property. Even then displayed oblique imagery of the site and the surrounding area. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

There were no additional comments from those in attendance or any further discussion.

Wilgenbusch made a motion to close the public hearing. Short seconded the motion. With a vote of 7-0, the motion carried. The public hearing closed at 7:08 PM.

Brown motioned to recommend approval of the request subject to the condition that the use be limited to a machine and repair shop. Wilgenbusch seconded the motion. With a vote of 7-0, the motion carried.

**The third item on the agenda was a public hearing for the approval of request by William W Helmuth to rezone approximately 0.9 acres from “A-1” Agricultural to “R-1” Residential in Section 24 of Fairbank Twp. for a private school.**

Chairperson Slattery opened the public hearing at 7:08 PM.

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property. Even then displayed oblique imagery of the site and the surrounding area. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Wierck inquired why there is a need for a school when there is a Jesup school a mile south and a Wapsie Valley school a mile north of the property? William Helmuth responded that they have just gotten to the point where they would like to have their own private school for religious reasons. Wierck stated that Jesup Community School District just built a new rural school and inquired what was going to happen to that school. William Helmuth responded that he did not know. Slattery inquired how many students they were anticipating on having in this school and William Helmuth responded that it will be similar to other private schools in the area and right now there is eight students. Wierck stated that where there are private schools in this area, there are no public schools. Wierck added that in the area of the request there are schools on 110<sup>th</sup> St, 120<sup>th</sup> St, 130<sup>th</sup> St, and 150<sup>th</sup> St and these are all within two miles of the property. William Helmuth inquired if they are required to go to public schools. Wierck responded that homeschooling is an option, but that he does not see a reason for five schools within a two mile area.

Wilgenbusch stated that she is not in favor of taking land with that high of a corn suitability rating out of production, regardless of the use.

Slattery inquired if there were other private schools within the community now and if so, how many. Saathoff responded that there are to the east, but was unsure of the quantity. Brown inquired who the teachers would be for this school and William Helmuth responded that they would be individuals from the Amish community. Bronson stated that he thinks if additional private schools are created, it will harm the public schools and the districts.

Nathan Marting, Superintendent, and Brian Pottebaum, Elementary and Rural Principal, with Jesup Community School District distributed a handout to the Zoning Commission regarding points to consider in denying the request. Nathan Marting reviewed the handout that was distributed. Wierck inquired how many students and teachers are at the school right now on 150<sup>th</sup> St. Nathan Marting replied that they have 29 students, two teachers, and two paraeducators

at the Prairie Grove site. Bronson replied that these are relatively small class sizes. Nathan Marting replied that they are typically in the upper 30's, but with William's decision to homeschool – which is totally up to him to decide – the number of students at this site has decreased. Nathan Marting added that Jesup Community School District typically has 15-20 students per teacher and that they strive to have 20 students per teacher and Wapsi Valley Community Schools typically has about 25 students per teacher. Wierck stated that he has spoken with some of the teachers at the rural schools in the area and that it was his understanding that they were not overpopulated by any means. Nathan Marting stated that they had an increase in enrollment at the Triumph site on the western part of the community last year, but they had two families move out so now they dropped down to 42 students which is similar to the other schools. Brian Pottebaum added that this is their largest site.

Slattery inquired if homeschooled children were still counted for the funding calculation for the district. Nathan Marting replied that they are not and that there are two different methods of home-schooling: CPI and IPI. Nathan Marting stated that with CPI they are required to do reporting and there is oversight and the funding that goes with that is 0.1 if they are dual-enrolled, but they do not have to be dual-enrolled if they are working with a licensed teacher separately. Nathan Marting stated with IPI there is no oversight or accreditation.

Wilgenbusch made a motion to close the public hearing. Brown seconded the motion. With a vote of 7-0, the motion carried. The public hearing closed at 7:22 PM.

Wierck made a motion to recommend denial of the request. Robinson seconded the motion. With a vote of 7-0, the motion carried.

**The fourth 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 7:24 PM

Submitted on 8/13/2019 by Matt Even

# **BUCHANAN COUNTY ZONING COMMISSION**

**7:00 PM Tuesday, November 12, 2019**

**Public Health Meeting Room**

Chairperson Slattery called the meeting to order at 7:07 PM.

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

Public guests (1) included: Brian Schoon

**The first item on the agenda was approval of the minutes from the September 2019 meeting.**

Brown made a motion to accept the minutes of the September 2019 meeting. Short seconded the motion. With a vote of 7-0, the motion carried.

**The second item on the agenda was review of proposed amended Buchanan County Zoning Ordinance.**

Brian Schoon with Iowa Northland Regional Council of Governments (INRCOG) introduced himself. Schoon gave a brief overview of the layout of the draft amended zoning ordinance. Schoon described the importance of the definition of a farm in relation to the zoning ordinance. Schoon reviewed the current draft reviewing every section and noting the major changes that have occurred within each section. Schoon reviewed how home occupations and home industries are defined and regulated. Schoon asked the Zoning Commission to review the new section on tall structures and provide feedback at the following meetings. Schoon reviewed the wind energy conversion systems and solar energy. There was a brief discussion on how prime agricultural land is defined. Schoon presented the attached notes on sections removed and the added. There was no further discussion on the current draft of the amended zoning ordinance.

**The third item on the agenda was adjournment.**

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

The meeting adjourned at 8:49 PM

Submitted on 11/27/2019 by Matt Even

**Buchanan County**  
**Draft Zoning Ordinance Notes**  
**November 12, 2019**

Removed:

1. Family homes (50.08). Integrated into Districts and Definitions
2. Floodplain ordinance (50.17). Stands alone already
3. Agricultural Preservation Areas (50.18). Covered in Iowa Code; Rarely used anymore

Draft Language Provided:

1. Home occupation and home industries (VIII) (T) and (U)
2. Towers (VII) (W)
3. Solar (VII) (Y)
4. Natural Resources (VIII)
5. Quarries (X) (C) (1)
6. Industrial/Manufacturing Buffers (XVI) (H)
7. Exceptions (XXI)
8. Zoning Compliance Permits and Certificates of Occupancy (XXII)
9. Admin and Enforcement (XIII)
10. Enforcement and Fees (XXIV)

# **BUCHANAN COUNTY ZONING COMMISSION**

**7:00 PM Tuesday, December 3, 2019**

**Public Health Meeting Room**

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

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

Public guests (17) included: Mike Schares, Lans Flickinger, Ron Miller, Mike Harter, Dolan Burreson, Gene Bunnell, Ron Woods, John Woods, Rick Woods, Tyler Woods, Collin Woods, Andrew Williams, Chris Woods, Brian Schoon, Erika Kaufman, Glenda Kaufman, Jim Kaufman

**The first item on the agenda was approval of the minutes from the November 2019 meeting.**

Brown made a motion to accept the minutes of the November 2019 meeting. Short seconded the motion. With a vote of 5-0, the motion carried.

**The second item on the agenda was a public hearing for the approval of preliminary plat for Michael & Donna Schares in Section 33 of Perry Twp.**

Chairperson Slattery opened the public hearing at 7:04 PM.

Even presented the technical report for the preliminary plat including compliance with the objectives and policies of the Comprehensive Plan as well as feedback received by other departments in the County.

Schares inquired when he could receive permits for the driveways and Even replied that he could do so prior to the final plat. The Zoning Commission did not have any other questions on this matter for Schares.

Slattery asked if there were any comments from those in attendance to and there were no comments from those in attendance. Slattery read a letter which Even received from Ron & Debbie Kester voicing their opposition to the subdivision which has been attached to the minutes. Slattery stated that he does not like it when people move to the country on two acres, but want to control 200 acres.

Short made a motion to close the public hearing. Wierck seconded the motion. With a vote of 5-0, the motion carried. The public hearing closed at 7:11 PM.

Short motioned to recommend approval of the plat subject to the conditions recommended by staff within the Technical Report. Frye seconded the motion. With a vote of 5-0, the motion carried.

**The third item on the agenda was a public hearing for the approval of request by James Kaufman Sr to rezone approximately 2.06 acres from “A-1” Agricultural and “I” Industrial to “C” Commercial in Section 4 of Fairbank Twp. for a retail store.**

Chairperson Slattery opened the public hearing at 7:12 PM.

Even described the location of the rezoning request. Even described the nature of the request. Even then displayed an aerial image depicting the site as well as the parcel boundaries. Even then reviewed the soils of the property. Even then displayed oblique imagery of the site and the surrounding area. Even presented the technical report for the request and reviewed how this request complies with the objectives and policies of the Comprehensive Plan.

Lans Flickinger was representing James Kaufman Sr. and asked the Zoning Commission to consider that most of the area contained in this request has already been rezoned to Industrial for an autobody shop that hazardous paint and chemicals. Flickinger added that only 0.3 acre is being removed from “A-1” Agricultural, it is adjacent to the ethanol plant which is an industrial use, and located on a paved road. Even added that the plans for this store are in the commissioner’s packets and that they are proposing paving the county road up to the driveway. Slattery inquired when the property was rezoned to industrial. Flickinger presented a map of the area that previously had been rezoned industrial as well as the resolution amending the ordinance which has been attached to the minutes. The area was rezoned in 1989. Frye inquired if it was a family member who was going to operate the auto body shop when they previously rezoned the area. Flickinger replied no, but the shop never materialized so the land remained in agricultural production. Brown inquired if they would have to come back to remove the stipulation that it be limited to a body shop and Even replied that the rezoning would override that condition, but if someone wanted to they could still put up a body shop in the surrounding industrial area.

Erika Kaufman stated that this is not residential, it is great farmland, but it is already industrial and this is a step below that. Kaufman added that there are no immediate neighbors, the remaining land will stay in agriculture, and the use is great for communities.

Slattery inquired if there was any other input from members of the public that were present. Mike Harter stated that he is the Mayor for Fairbank and that he does not think that a retail store

is needed out there. Harter added that this store would add a lot of traffic on this road and the road is already dangerous due to the high volume of truck traffic. Dolan Burreson stated that he is the current and previous owner of the Fairbank Food Center. Burreson stated that there are 15,000 Dollar General stores and that they are detrimental to communities ruining local stores. Burreson stated that there are many residents who do not want this store which is evident by participation at these meetings. Burreson added that safety is a big concern as there will be many kids riding their bikes out to there, the shoulders are narrow, and the ditches are steep. Burreson stated that this store will also have Amish residents traveling to the store which makes the safety issue more important as now there will be more buggies on the road in addition to the increased motor vehicles. Tyler Woods inquired if there was a sunset clause on rezonings and Slattery responded that there is not. Harder added that safety is a big factor, but this store would have a large impact on the local economy for Fairbank and the Amish community.

Kaufman stated that Fairbank was very opposed to Flint Hills coming in, but now they are very pleased with it. Kaufman stated that she does not think kids would be riding their bikes to the store. Kaufman added that Dollar General is not a grocery store; they have detergents and paper goods. Kaufman stated that the Fairbank Food Center and its owners are wonderful and have been great for the community, but she would hate to see fear of change affect this opportunity. Kaufman added that the family owns the surrounding area and that it is already zoned industrial which can be more harmful to the ground. Kaufman stated that this isn't competition for the local store, it brings in a new opportunity. Burreson replied that they are not a grocery store, but they probably contain fifty percent of the same items as the Fairbank Food Center.

Wierck stated that this property has a high corn suitability rating, they have an opportunity to build in the industrial park which has all the services, and that there is no overriding public need as stated in the comprehensive plan. Wierck stated that this property would have only have five or six cars coming a day as an auto body shop, but a retail store would have much more traffic.

Brown made a motion to close the public hearing. Short seconded the motion. With a vote of 5-0, the motion carried. The public hearing closed at 7:36 PM.

Wierck motioned to recommend denial of the request. Short seconded the motion. Short stated that this request is not in compliance with our comprehensive land, there are many safety risks, and it would have a negative economic impact on the surrounding area. With a vote of 5-0, the motion carried.

**The fourth item on the agenda was review of proposed amended Buchanan County Zoning Ordinance.**

Brian Schoon with Iowa Northland Regional Council of Governments (INRCOG) introduced himself. Schoon reviewed the previous discussion. Schoon reviewed the major sections, removed, added, and moved. Schoon reviewed the incorporation of the wind energy ordinance into the zoning ordinance as well as the addition of regulations for solar energy. Schoon reviewed the home occupation and home industry provisions. Schoon also reviewed the tall structure and tower regulations added into the ordinance. Schoon reviewed the additional requirements for extraction uses that have been added. Schoon described the administration section and the importance of describing the roles of every individual and group involved with zoning.

**The fifth 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 8:24 PM

Submitted on 12/13/2019 by Matt Even

## **Matt Even**

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**From:** Debbie Kester <d.annkester17@gmail.com>  
**Sent:** Monday, December 02, 2019 8:25 PM  
**To:** Matt Even  
**Subject:** Tuesday 12/3/19 Meeting regarding plat of major subdivision for Schares

We are opposed to this property next to us being sold for residential purposes & realize we cannot prevent this from happening. We did not move to the country to be part of a city like atmosphere. Due to recent health problems I have not voiced my opinion before this but, did not want to stand silent! I am sure if they were living here they would agree & not want neighbors crammed in beside them too. I am very frustrated about the whole situation but, know that my opinion does not bear any weight. Gone are the days when people mattered more than \$\$\$\$. If it were me as the farmer I would consider selling other land that would not infringe on my neighbors right to some peaceful living.

Thanks for your time.

Sincerely,  
Ron & Debbie Kester

**RESOLUTION**

WHEREAS, the Buchanan County Planning and Zoning Commission acted on the amending and changing of the Buchanan County, Iowa, Zoning Ordinance, and

WHEREAS, the Buchanan County Board of Supervisors advertized Hearing and held Hearings on May 2, 1989.

NOW THEREFORE BE IT RESOLVED that the following action be taken:

*Kaufman*  
Item 2. Request by James Kaufman to rezone 5.5 acres from "A-1" Agricultural to "M" Industrial on property described as: Commencing at the Northwest corner of the Southwest Quarter, Northeast Quarter, Section 4, Township 90 North, Range 10 West of the 5th P.M., Buchanan County, Iowa, thence South 400 feet, East 600 feet, North 400 feet, West 600 feet to the point of beginning.

Motion by Schweitzer and seconded by Gaffney to adopt the above resolution. On roll call all voted aye thereon and motion carried.

*Leo Donnelly*  
Leo Donnelly, Chairman

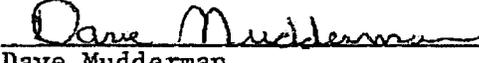
*Cindy Witt*

ATTEST: Cindy Witt, Co. Auditor

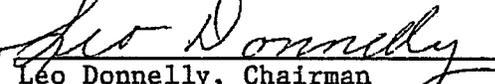
In accordance with Section 358A.7, Code of Iowa, the following conditions are imposed upon the request of James Kaufman of Fairbank to rezone 5.5 acres from "A-1" Agricultural to "R-5" Residential, and hereby agreed to by all parties:

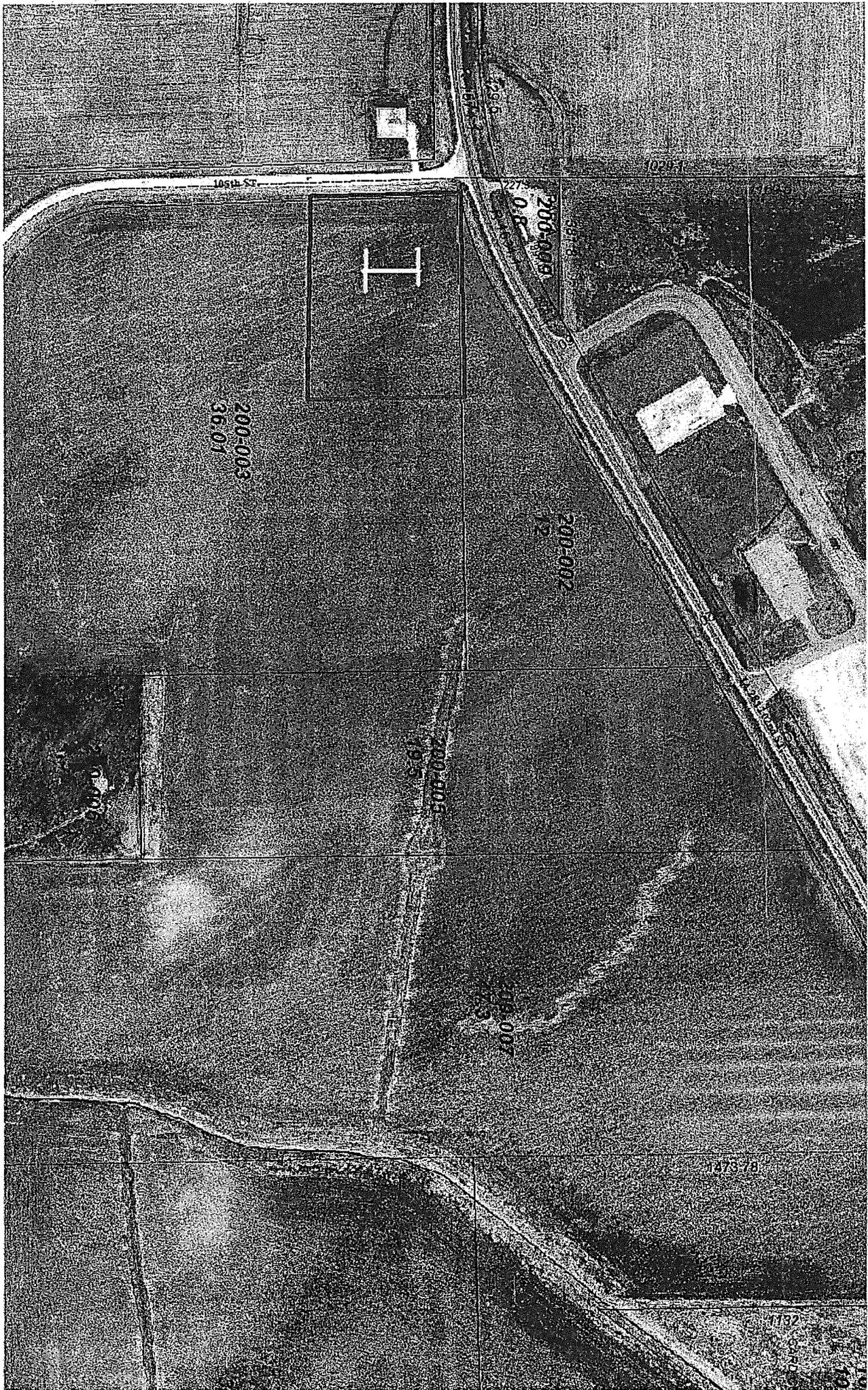
1. The specific Industrial use of this property will be for vehicular repair, rebuilding, painting and sales at this location, and the construction of a building.

  
James Kaufman

  
Dave Mudderman

May 2, 1989  
Dated

  
Leo Donnelly, Chairman  
Buchanan County Board of Supervisors



200-003  
36.01

T

200-002  
12

200-005  
10.5

200-007  
23

200-008  
0.8

10th St

11th St

11th St

11th St