

PLANNING & ZONING COMMISSION BUCHANAN COUNTY

MINUTES

Tuesday, June 9, 2020

The Buchanan County Zoning Commission meeting was called to order at 7:01 PM by Chairperson Short. The meeting was held electronically due to concerns with COVID-19 and social distancing which made an in-person meeting impossible or impractical.

ROLL CALL

PRESENT: Marlene Brown, Tracy Franck (7:10 PM), Mike Robinson, Steven Saathoff, Elena Schmitz, Jan Short, Bronson Wierck

ABSENT: Kris Wilgenbusch

STAFF: Matt Even, Zoning Administrator

PUBLIC GUEST: Brian Keierleber, Del Bowden, Ken Youngblut Jr, Brian Kramer, Tom Miller, Walt Miller, Clayton Ohrt, Chuck Meyeraan, Peggy Meyeraan, Scott Bowden

ELECTION OF OFFICERS

Vice-Chairperson

Even announced that effective June 1, 2020 upon the signing of HF 2512 by the Iowa Governor, Chairperson Frye was removed from the Planning & Zoning Commission as a result of new residency requirements for the Planning & Zoning Commission that were implemented as part of this bill. Frye's seat is now vacant and according to the Rules of Operation, Vice-Chairperson Short becomes the Chairperson and there is to be an election for vice-chairperson.

Short opened the floor for nominations. Saathoff nominated Wierck. Nominations ceased. Short closed nominations.

Wierck: 6

OTHER: 0

Wierck was elected Vice-Chairperson.

APPROVAL OF MINUTES

Motion by Wierck to approve the minutes of the April 7, 2020 meeting as submitted. Second by Brown. Franck joined the meeting. All in favor. Motion carried.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS**Z2020001 – Innovative Ag Services Co. – Rezoning**

Short opened the public hearing at 7:12 PM.

Even reviewed the location and imagery of the subject area. Even reported that this area is considered prime agricultural land as 92 percent of the subject area has a corn suitability rating greater than or equal to 55. The combined average weighted corn suitability rating for the subject area is 83. Even presented the staff report. This proposal was found to be in conformance with the Buchanan County Comprehensive Plan.

Staff recommends approval subject to the conditions of the staff report.

Short inquired if there were any known safety concerns with the proposed driveway. Even shared the proposed site development concept and stated that the applicant has been in talks with the Iowa Department of Transportation (DOT) regarding the proposed driveways. Even stated that Steve Lueck with the Iowa DOT has found that the proposed driveways have a sight distance of approximately three to four times the desirable sight distance for this speed limit based upon initial estimates. Brian Keierleber, County Engineer, confirmed that he has reviewed the proposal with Lueck and the Iowa DOT does not think that there will be any issues with granting the permits for the driveway, but there may be conditions placed upon the approval pending the final report.

Brian Kramer with Innovative Ag Services Co. informed the Commission that their current facilities in Manchester, Independence, and rural Winthrop are aging and need to be improved. The facility in Independence is not able to expand anhydrous ammonia storage due to required setbacks requirements. Kramer stated that it would take a large investment to update the Vincent Ave facility to meet their needs and it does not seem feasible to invest that much into capital improvements for a site located on a gravel road. These restrictions guided them to exploring other opportunities along the Highway 187 corridor. Kramer stated that they initially identified eight sites within a three to five-mile radius bordering Highway 187 north of US Highway 20. They first looked at how the ground laid and sight distance for the driveways because they have concerns with sight distance due to the transportation of anhydrous ammonia to and from their facility. They then assessed the corn suitability rating for each parcel and ranked the sites upon

these factors. Their ideal site is the current site that is being proposed. Kramer stated that the CSR for this site is the lowest of all the sites they looked at and the property surrounding their Vincent Ave site is all in the mid to upper 80's. Kramer shared that he met with Lueck at the potential sites and reviewed each one with him. The estimated daily average annual traffic count is 150 for the proposed site and it would need to be over 500 to require a more detailed study. Kramer stated that he also spoke with Keierleber regarding the possibility of paving Vincent Ave to their current facility and that did not seem like it was going to be an option. The agronomy facilities would be consolidated pretty quickly, but grain may be consolidated in a phased approach due to the capital needed.

Wierck inquired if there were any low-lying areas where water ponds. Kramer responded that there are not any low-lying areas, but there is some drainage that enters the property in the northeast corner. They are working with Fehr-Graham engineering and will make sure that all water draining to the site is allowed to continue through the property like it currently does.

Keierleber stated that as the County Engineer, he is strongly in favor of this proposal. It costs more to maintain Vincent Ave as a gravel road than it would cost to pave the road, but the money is not there to pave the road. In order to bring the road up to paving standards, at least three curves would need to be constructed which would remove approximately five acres per curve and if you look at the balance of road to connect the facility to Washburn Ave, you would remove approximately 16.5 acres to accommodate the expanded right-of-way. This proposal would actually affect less agricultural land than it would for them to update their current facility and pave the road leading to it. According to a study by Iowa State University last year, if you spend more than \$8,000 per mile to maintain a rock road, it would be more economical to pave the road. Keierleber estimates that they put over 700 tons of rock on the road leading to the current facility which costs over \$700,000 not including any other maintenance. This proposal would greatly reduce their maintenance costs.

Motion by Schmitz to close the public hearing. Second by Wierck. All in favor. Motion carried. The public hearing closed at 7:37 PM.

Motion by Robinson to recommend approval of case Z2020001, subject to the conditions of the staff report. Second by Wierck.

Wierck stated that he has been through their current facilities and they are all well-aged and hard to get through and he recognizes the need in this area to have a centrally located facility.

VOTING IN FAVOR: Brown, Franck, Robinson, Saathoff, Schmitz, Short, Wierck

VOTING IN OPPOSITION: None

Motion carried.

Z2020002 – Charles & Peggy Meyeraan – Rezoning

Short opened the public hearing at 7:42 PM.

Even reviewed the location and imagery of the subject area. Even reported that this area is not considered prime agricultural land as 24 percent of the subject area has a corn suitability rating greater than or equal to 55. The combined average weighted corn suitability rating for the subject area is 42. Even presented the staff report. This proposal was found to be in conformance with the Buchanan County Comprehensive Plan.

Staff recommends approval.

Saathoff inquired why the middle of the field was selected for the site of the dwelling. Chuck Meyeraan responded that this was the area with the lowest CSR.

Wierck inquired if any driveways would have to be added in order to access the other portions of the field. Meyeraan responded that you can access the field from any point on the driveway.

Short inquired if staff recommended any conditions for approval. Even responded that there were not any conditions recommended as there could not be more dwellings constructed on this site due to the size of the subject area.

Walt Miller inquired why nobody was talked to about this request. The realtor, the property owner, or the buyer never came to talk to them and now it seems like a cut and done deal with electricity already being installed. Miller expressed concern with just rezoning two acres because the applicant could come back next week and want to break off another two acres. He continued to express his concern of a bunch of dwellings being built around him and he is also concerned with the effect new wells would have on his well.

Ken Youngblut Jr. stated that they were told when they purchased their land that the 16 acres was farmland and not to be built upon and that there was a five-acre buildable lot. This was a factor in how they determined to place their house and now this is going to change. Youngblut expressed his concern that there may be more dwellings constructed on the remainder of the 16 acres in the future and that is what he is concerned about. If they knew there would be more dwellings constructed, they probably would not have purchased their property and invested the money in building a new dwelling. Youngblut inquired if there could be any restrictions placed on the 16 acres to prevent further dwellings from being constructed upon it. He also expressed

concern that their driveway is not meant to handle more traffic and that everyone out there does not want more dwellings in the area because they came there for privacy.

Tom Miller stated that he agrees with Youngblut and that his dad, Walt Miller, owns the property where their driveway is located extending to Cunningham Rd. The increased traffic has been wearing the road down and making it costlier to maintain.

Wierck stated that this subject area has a low CSR and this is where houses belong. Wierck stated that a former commissioner often stated that just because you buy two to five acres in the rural area, does not mean that you can control the 200 acres surrounding you.

Even replied to Youngblut that Iowa Code does not give the County authority to place restrictions upon land not involved with the request. In the future, if someone did want to build a new dwelling, they would have to go through the rezoning process similar to this request.

Youngblut stated that he did not know if Wierck's statement regarding controlling the surrounding land was meant for him, but if he was out here and put himself in his shoes, he would see what he was talking about. Wierck inquired if this land was for sale and Youngblut replied that it was. Youngblut added that they were told that no one could build on this parcel when they purchased their property and he inquired what has changed? Schmitz inquired who informed Youngblut of this and he responded that the realtor and the sellers informed him of this.

Tom Miller stated this area was involved in a previous case and at the end of the hearing they were told that this acreage would be staying "R-3" no matter what and that it cannot be rezoned for residential and he disagrees with it now being able to be rezoned. Walt Miller stated that there is a new realtor and owner and everything has changed and nobody tells anybody about this stuff. Walt Miller added that he did not like the way this operated and that they had such a short notice since they received the letter on Saturday for tonight's meeting not leaving them time to research anything.

Robinson commented that all of this land was for sale recently and inquired if all of the people opposed to this request had an opportunity to purchase this land. Youngblut replied that they did and that he tried to purchase it. Robinson reiterated that no one opposed to it purchased the property when it was available. Youngblut replied that he is not opposed to Meyeraan building there, but he is opposed to more houses on the remainder of the property because that is not why they built there. Robinson replied that if someone wants to control the land, then they should have bought it.

Walt Miller inquired what was going to stop the applicant from breaking down the remaining property into two acre lots and putting dwellings on every one of them. Meyeraan responded that he talked to Youngblut more than once when they were looking at buying the property and he told him that the reason why they bought the 16 acres was because they do not want neighbors either. Meyeraan added that they do not have any intentions of having more dwellings constructed on the remaining 14 acres. Meyeraan added that if he would have known some of these people, then maybe he would not have purchased the property.

Walt Miller inquired what the regulations are for septic systems and wells for the two acre lots. Even responded that a two-acre lot is allowed to have an individual sewage disposal system and water well.

Motion by Franck to close the public hearing. Second by Brown. All in favor. Motion carried. The public hearing closed at 8:03 PM.

Motion by Wierck to recommend approval of case Z2020002. Second by Saathoff.

Wierck stated that if Meyeraan sold two acre lots in the future, those opposed have the option to buy them.

VOTING IN FAVOR: Brown, Franck, Robinson, Saathoff, Schmitz, Short, Wierck

VOTING IN OPPOSITION: None

Motion carried.

ANNOUNCEMENTS

Even announced that the County will be advertising for Jim Frye's seat so if anyone knows of someone that would be good fit, please send him their contact information.

ADJOURNMENT

Motion by Robinson to adjourn. Second by Franck. All in favor. Motion carried.

The meeting adjourned at 8:07 PM.

Respectfully submitted,

Matt Even, Secretary