

# CASE #D2019003

## EXECUTIVE SUMMARY

### FINAL PLAT

Staff Contact: Matt Even

#### OWNER/APPLICANT INFORMATION

**Owner/Applicant:** Michael & Donna Schares  
**Mailing Address:** 1199 220<sup>th</sup> St  
Jesup, IA 50648  
**Property Address:** ~1205-1219 220<sup>th</sup> St  
Jesup, IA 50648

#### REQUEST

This applicant is proposing a four-lot preliminary plat of 10.29 total acres, which will result in four new buildable lots. Proposed Lot 1 will contain 2.21 acres, with 0.23 acre of right-of-way. Lot 2 contains 2.90 acres, with 0.30 acre of right-of-way. Lot 3 contains 2.90 acres, with 0.30 acre of right-of-way. Lot 4 contains 2.28 acres, with 0.23 acre of right-of-way. There are no structures on Lots 1, 2, 3, and 4.

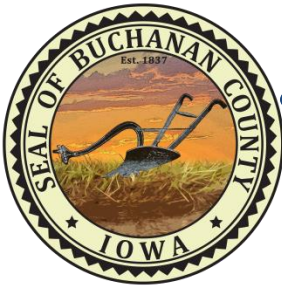
An associated rezoning case (Z2019015) was approved by the Board of Supervisors as Zoning Ordinance Amendment 19-A-12 on June 3, 2019. This case proposed rezoning the subject property from the "A-1" Agricultural zoning district to the "R-1" Residential zoning district. The "R-1" Residential district has a minimum lot size of one acre.

#### OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

This proposal meets a majority of the standards for approval per Section 5 of The Land Subdivision Guidelines of Buchanan County.

#### STAFF RECOMMENDATION

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



## PLANNING & ZONING

BUCHANAN COUNTY

CASE #D2019003

### TECHNICAL REVIEW

#### PRELIMINARY PLAT

Planning & Zoning Commission Meeting: December 3, 2019

#### PROPERTY INFORMATION

**Current Zoning:** "R-1" Residential

**Current Land Use:** Agricultural row crops

**Proposed Zoning:** "R-1" Residential

**Proposed Land Use:** 4 single-family dwellings

#### **Surrounding Land Uses and Zoning**

- North: Row crops; "A-1" Agricultural
- East: Single-family dwellings; "A-1" Agricultural
- South: Farmstead with agricultural row crops; "A-1" Agricultural
- West: Single-family dwellings and shop; "A-1" Agricultural & "I" Industrial

**Plat Size:** 10.29 acres

**Number of Lots:** 4 lots

#### APPLICATION

The application and fee was received on November 14, 2019.

#### APPROVAL OF CITY WITHIN TWO MILES

The proposed subdivision lies within two miles of the City of Jesup. It is the responsibility of the owner/applicant to submit the plat to the City for consideration in accordance with state law.

## **SOIL RATINGS**

This site is not considered prime agricultural land as 40% of the area has a corn suitability rating (CSR) greater than or equal to 55. The combined average weighted CSR value for the subject area is 55.

## **PUBLIC SERVICES AVAILABLE**

This subject area is serviced by the following services

- Sewer: None permitted
- Water: None permitted
- School: Jesup Community School District
- Utilities: MidAmerican Energy
- Fire Protection: Located 1.7 miles from Jesup Fire Department
- Law Enforcement: Located 7.8 miles from Buchanan County Sheriff's Office
- Medical: Located 1.7 miles from medical transport in Jesup
- Transportation: Annual average daily traffic count of 2,840 vehicles on 220<sup>th</sup> St (County Road D-22), county paved road

## **CONFORMANCE WITH GOALS OF THE BUCHANAN COUNTY COMPREHENSIVE PLAN**

Table 1 below lists all of the policies found within each of the eight elements in the Buchanan County Comprehensive Plan and determines if the proposal supports, does not support, or is neutral to each individual Policy based on a review of the objectives found in the plan. Any policies that are of significant consequence to Staff's recommendation are discussed in greater detail below.

**Analysis:** This proposal is supported by a number of policies in the following Comprehensive Plan elements: Agricultural Land Use, Rural Residential Land Use, Preservation of Private Property Rights, and Environmental Quality. This proposal restricts agricultural activities within the subdivision, but it is located on non-prime agricultural land constricted by dwellings on the east and west and a street to the south. It is also within close proximity of the City of Jesup and located on a paved road.

**Conclusions:** The proposal is generally in conformance with the Buchanan County Comprehensive Plan and therefore this criterion appears to be met.

Table 1. Buchanan County Comprehensive Plan Policies

ELEMENT	POLICY	Proposal Supports	Proposal Does Not Support	N/A	
Agricultural Land Uses	Policy A. To preserve agricultural lands of highly productive soils. It shall be known that Buchanan County, rich in fertile productive soils, desires to maintain this nonrenewable resource for future generations to employ in the production of food and fiber. Therefore, a parcel land where more than 25 percent of its area consists of agricultural lands of productive soils (having a corn suitability rating that has been rated at 55 or above) shall be considered “prime” and shall be preserved as “A-1” Agricultural District, unless there are extenuating circumstances.		X		
	B. To recognize that agriculture, including row cropping, animal husbandry, and value-added agriculture endeavors, is an integral part of Buchanan County’s economy, and that any impact on agriculture is likely to affect the entire County.				X
	C. To understand that agriculture can be an intensive use of land and that all other land uses should be kept separate from agricultural lands to the maximum extent feasible to prevent increasing the legal liability of agricultural activities.	X			
	D. To require that all levels of government and their agencies consider the impact which their programs and projects may have on agricultural activities, and seek to minimize any impacts which threaten the viability of agricultural activity and the family farm.	X			
	E. To recognize factors necessary to protect productive agricultural land by minimizing interference with normal farm practices which may occur, for example, when non-agricultural land uses are in close proximity to agricultural operations.	X			
	F. To utilize zoning controls to permit only large lot (35 acres) development on high quality agricultural land.				X
	G. That zoning amendments of prime agricultural lands to non-farm districts of uses shall not be approved unless there is an overriding public need to convert such lands, based on adequate supporting data, and evidence that development areas cannot accommodate such use.				X
	H. A special effort will be made to inform the public of the public values and benefits of preserving prime agricultural lands.				X
	G. To consider formalizing the use of other factors in addition to Corn Suitability Rating (CSR) and lot size when making land use decisions (i.e. Land Evaluation and Site Assessment).				X
	J. To implement environmental protection measures including, but not limited to, requiring National Pollutant Discharge Elimination System (NPDES) plans and permits as well as any other requirements prescribed by the federal, state, or county law.	X			
Rural Residential Land Use	A. To allow rural residential, non-farm dwellings upon non-prime agricultural soils in conjunction with agricultural uses.		X		
	B. To not rezone “A-1” Agricultural District land to Residential Districts, unless the following conditions, situations, or circumstances exist or are met.	X			
Suburban and Urban Residential Land Use	A. To not rezone “A-1” Agricultural District land to Residential Districts for the purpose of suburban and urban residential land use.			X	
	B. That opportunities should be provided for a variety of housing types to serve the residential needs of present and future residents of Buchanan County within the municipal city limits, existing platted subdivision, and areas containing public utilities.			X	
	C. To implement environmental protection measures including, but not limited to, requiring National Pollutant Discharge Elimination System (NPDES) plans and permits as well as any other requirements prescribed by the federal, state, or county law.			X	

ELEMENT	POLICY	Proposal Supports	Proposal Does Not Support	N/A
Commercial and Industrial Land Uses	A. To direct commercial and industrial development towards existing cities or communities having areas zoned for such development.			X
	B. That commercial development within the rural areas should provide only neighborhood and agricultural business needs.			X
	C. That commercial and industrial activity should be encouraged adjacent to major highway interchanges, providing such developments do not impede traffic movements. Proposals that may encourage strip developments along Highways 20, 150, and Interstate 380 and other major roads are not in the public interest. Instead, clustering of highway service uses, served with controlled access and common frontage roads and similar techniques should be encouraged.			X
	D. To encourage redevelopment of small commercial facilities in the incorporated communities of the county.			X
	E. That agricultural related industrial and commercial activities, such as grain elevators, fertilizer and agricultural chemical sales, animal and veterinary clinics, implement sales and services and nurseries may be permitted in the rural areas if sufficient need for such development is demonstrated.			X
	F. That commercial and industrial land uses that are justified to be located on specific sites in the unincorporated areas be approved according to the requirements outlined under Rural Residential Land Use Policy "B".			X
	G. That areas of possible mineral extraction, whether developed or undeveloped be identified according to information found in this plan and further that such activities are properly developed and buffered from incompatible residential development.			X
	H. To implement environmental protection measures including, but not limited to, requiring National Pollutant Discharge Elimination System (NPDES) plans and permits as well as any other requirements prescribed by the federal, state, or county law.			X
Transportation	A. To maintain and improve the county's extensive road and bridge system at a level adequate to serve the needs of each area of the county, including movement of farm products, and access to county amenities and existing communities.			X
	B. To communicate local views on state and federal highway needs to the Iowa Department of Transportation.			X
	C. That major transportation improvements by any level of government or transporting company should be consistent with the Comprehensive Land Use Plan's goals, objectives, and policies.			X
Protection of Critical Natural Resource Areas	A. To work with the Natural Resources Conservation Service to encourage individual stewardship of the soils by promoting legislation to develop education programs, to provide technical assistance and to allow possible tax incentives upon lands for effective soil conservation methods. Furthermore, to encourage the conservation of the county's soil resources so that soil losses will be equal to or less than the allowable limits as established by state law.			X
	B. That the floodplains in the county are recognized as a natural resource that should be preserved for utilization as permanent open spaces, parks, wildlife preserves and other recreational uses.		X	

ELEMENT	POLICY	Proposal Supports	Proposal Does Not Support	N/A
	C. To promote the preservation of critical areas of ecological, geological, historical, and environmental significance. This shall be achieved through identifying such areas, informing the public of their significance, and promoting private or public retention or acquisition for the sole purpose of preservation and protection. Critical and significant environmental areas should be identified and studied for possible designation through a cooperative effort of the County Planning and Zoning Commission, Board of Supervisors, Regional Council of Governments, County Conservation Board and with technical assistance from various state agencies. The development of these areas shall be prohibited. A program to preserve these natural features, using appropriate techniques such as scenic easements, purchase, tax advantages, federal and state grants-in-aid programs and so forth should be studied further and developed.			X
	D. Greenbelts will be encouraged along the Wapsipinicon River and its major tributaries, as well as other streams.			X
	E. To recognize the Wapsipinicon River as a significant environmental resource that shall be protected for existing and future Buchanan County citizens.			X
	F. A special effort will be made to inform residents of the public values and benefits of preserving environmental, critical, and significant areas in the county when considering development.			X
	G. To implement environmental protection measures including, but not limited to, requiring National Pollutant Discharge Elimination System (NPDES) plans and permits as well as any other requirements prescribed by the federal, state, or county law.			X
Preservation of Private Property Rights	A. To maintain an ongoing planning process in which informed public input is considered as an important element, through the continued implementation of Chapters 21 (Open Meetings) and 22 (Open Records) of the Iowa Code, as may be amended, including but not limited to the practice of posting agendas, taking minutes that are considered public record, printing all Supervisor meetings in the newspapers, and continued use of various citizen's groups in the development and implementation of county plans.	X		
	B. To develop uniform policies and enforcement procedures by which to implement county plans, such as revising county zoning ordinances, floodplain ordinance, and considering the development and adoption of a subdivision ordinance.			X
	C. To provide a framework around which land use decisions can be made in accordance with the practices of good planning for orderly compatible, comprehensive development. This may include the development of a five-year capital improvement program for the entire county and also a long-range 10-20 year priority program.			X
	D. The Buchanan County Planning and Zoning Commission and Board of Adjustment, as public bodies created by the County Board of Supervisors, are subject to the terms, regulations and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa, as amended.			X
Environmental Quality	A. To maintain or improve air, land and water quality by thoughtful consideration of various land use impacts and appropriate control measures to minimize their effect upon the environment, public health, safety, and welfare.			X
	B. To support uniform policy and enforcement procedures of various local, county, state, and federal environmental quality regulations.			X

ELEMENT	POLICY	Proposal Supports	Proposal Does Not Support	N/A
	C. To fully utilize the review mechanisms of various local, county, state, and federal environmental agencies to insure that all public and private development will not adversely impact water resources, critical environmental or sensitive areas, or unique agricultural lands.	X		
	D. That recognizing the major water quality impact currently in Buchanan County is non-point pollution of surface water and while the groundwater quality remains acceptable, protective measures shall continue to be implemented at the county level to insure clear pure water supplies for generations to come.			X

**CONFORMANCE WITH ZONING REGULATIONS**

The proposed subdivision is zoned “R-1” Residential. The proposed lots meet all of the dimensional and size standards found in the Buchanan County Zoning Ordinance and the Land Subdivision Guidelines of Buchanan County. The proposed parcels are in conformance with zoning regulations of the “R-1” Residential zoning district in the Buchanan County Zoning Ordinance.

**DEVELOPMENT DESIGN STANDARDS**

All subdivision applications shall meet the development design standards as listed in Section 15 of The Land Subdivision Guidelines of Buchanan County.

1. **Street Plans.** All street plans shall conform to the standards listed in Section 15.1 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion is not applicable.

2. **Subdivision Access.** Access to, from, and within the subdivision and individual lots shall conform to Section 15.2 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion has been met.

3. **Street Geometrics.** All street geometric shall conform to the standards listed in Section 15.3 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion is not applicable.

4. **Street Names.** The naming of all street extensions or new streets shall conform to the standards listed in Section 15.4 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion is not applicable.

5. **Alleys.** All alleys shall conform to the standards listed in Section 15.5 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion is not applicable.

6. **Blocks.** The lengths, widths, and shapes of blocks within this subdivision shall conform to the standards listed in Section 15.6 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion has been met.

7. **Lots.** The shape and configuration of lots within this subdivision shall conform to the standards listed in Section 15.7 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion has been met.

8. **Building Lines.** All building lines shall conform to the standards listed in Section 15.8 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion has been met.

9. **Easements.** Easements shall conform to the standards listed in Section 15.9 of the Land Subdivision Guidelines of Buchanan County.

**Conclusion:** This criterion has been met.

## **ALTERNATIVES**

The following alternatives may be considered regarding the proposed preliminary plat:

1. Recommend approval of the proposed preliminary plat subject to recommended conditions.
2. Recommend denial of the proposed preliminary plat.
3. Refer the proposed preliminary plat back to the applicant for additional review/information.



## **STAFF RECOMMENDATION**

Staff recommends Alternative 1, recommend approval subject to conditions of the staff report.

**THE FOLLOWING ARE CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL BY THE BOARD OF SUPERVISORS. IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS' NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.**

### **Buchanan County Secondary Road Department**

**Brian Keierleber, County Engineer**

**(319) 334-6031**

**[bkeierleber@co.buchanan.ia.us](mailto:bkeierleber@co.buchanan.ia.us)**

1. Entrance permit required for new entrances. Lot 1 and Lot 2 will be limited to one joint access off of 220<sup>th</sup> St. Lot 3 and Lot 4 will be limited to one joint access off of 220<sup>th</sup> St.

### **Comments:**

1. No construction within the County right-of-way without a permit from the Buchanan County Engineer.
2. No vertical headwalls within the right-of-way. A breakaway mailbox is allowed. No other type of mailbox is allowed within the road right-of-way. Decorative walls, or other items that may identify the owner or address of the property, are not allowed within the road right-of-way.

### **Buchanan County Environmental Health**

**Matt Even, Environmental Health Administrator**

**(319) 334-2873**

**[maeven@co.buchanan.ia.us](mailto:maeven@co.buchanan.ia.us)**

1. No conditions to be met.

### **Buchanan Soil & Water Conservation District**

**Tyler Durre, Soil Conservationist**

**(319) 334-4105 Ext 3**

**[tyler.durre@ia.usda.gov](mailto:tyler.durre@ia.usda.gov)**

1. No conditions to be met.

Comments:

1. Based upon information from the Web Soil Survey, a dwelling with a basement would work in the lots as proposed.

**Buchanan County Conservation Department**

**Dan Cohen, Executive Director**

**(319) 636-2617**

[dcohen@co.buchanan.ia.us](mailto:dcohen@co.buchanan.ia.us)

1. No conditions to be met.

**Buchanan County Emergency Management**

**Rick Wulfekuhle, Emergency Management Coordinator**

**(319) 334-6411**

[rwulfekuhle@co.buchanan.ia.us](mailto:rwulfekuhle@co.buchanan.ia.us)

1. No conditions to be met.

**Buchanan County Planning & Zoning**

**Matt Even, Zoning Administrator**

**(319) 334-2873**

[maeven@co.bcuhanan.ia.us](mailto:maeven@co.bcuhanan.ia.us)

1. Prior to approval of the final plat, the owner must sign an "Acceptance of Conditions" form. The "Acceptance of Conditions" form states that the owner understands and agrees to comply with the agreed upon conditions as stated in the staff report.
2. This plat lies within the 2 mile jurisdiction of the City of Jesup. As per Chapter 354 of the Code of Iowa, a certified resolution by any municipality that has authority to review the plat to either approve the plat or waive its right to review must be provided.
3. The proposed subdivision name shall be submitted for review and approval by the Buchanan County Auditor's office prior to approval of the final plat.
4. All conditions of rezoning case Z2019015 shall be met prior to approval of final plat bound copies.
5. Seven complete copies of the final plat bound documents that must include the following:
  - a. Owner's certificate and dedication certificate executed in the form provided by the laws of Iowa, dedicating to Buchanan County title to all property intended for public use, including public roads
  - b. Title opinion and a consent to plat signed by the mortgage holder if there is a mortgage or encumbrance on the property as well as a release of all streets, easements, or other areas to be conveyed or dedicated to local government units within which the land is located
  - c. Surveyor's certificate
  - d. Auditor's certificate
  - e. Resolution of the Board of Supervisors

- f. Resolution of approval or waiver of review by applicable municipalities
  - g. Treasurer's certificate
  - h. Restrictive covenants or deed restrictions, as separate instruments, not combined with any other instrument
  - i. Surveyor's drawing
6. The final plat documents must be submitted to the Buchanan County Board of Supervisors within one year of approval of the preliminary plat as per Section 9.1 of The Land Subdivision Guidelines of Buchanan County and shall be recorded prior to the County recognizing the plat as being in full force and effect.