

December 20, 1989

The Cedar County planning and Zoning Commission met December 20, 1989 at the Courthouse, Tipton, Iowa at 7:00 p.m. Present: Bowie, Hillman, Davidson, Millett, Moeller and Jack Reeve representing Cedar County Board of Supervisors. Zoning Administrator Dvorak resigned as of December 15 to take another position.

The item of business was a petition from Herb Townsend, Wilton, Ia to rezone a tract of land from Aa to Rs. The property is described as Lot 3 in the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , Section 19, T-79N, R-3W in Rochester Township, consisting of 1 to 2 acres. Present were: Herb Townsend, owner, Don Judge, prospective buyer, Dave Morgan, interested observer, Gary Helmold, owner of Cove Restaurant close by.

After brief discussion Davidson moved, Hillman seconded. Ayes 4. Meeting adjourned at 7:20 p.m. and members returned to -15° night air. <sup>approval</sup>

*He Davidson*  
Chairman

*Helen Millett*  
Secretary



August 16, 1989

The Cedar County Planning and Zoning Commission met August 16, 1989 at the Courthouse, Tipton, IA at 10:00 a.m. Present were: Bowie, Davidson, Hillman, Millett, Moeller, Penningroth, Suchomel and Zoning Administrator Dvorak.

Dvorak reported both petitions from the May meeting were approved by the Board of Supervisors, regarding Joslin Farms Inc. In the Bowie matter both parties came to a written agreement which is on file in Zoning Office.

1. West Branch State Bank (Owner) and Dennis and Lou Ann Lathrop (Contract Buyers) requested a change in zoning from Aa to Rs for the purpose of building a single family dwelling. The property is located in Lot 1 of Lot A in the SE $\frac{1}{4}$  of Section 11, T-79N, R-4W, Springdale Township consisting of 4 acres. No objectors were present nor were there any objections on file. After discussion Davidson moved, Suchomel seconded approval. Ayes 6. Lou Ann Lathrop was present representing herself and John Kofoed and Karen Moon representing West Branch State Bank.

Before proceeding with item 2 Dvorak requested amendment to petition to read Rudolph E. Hornacek, owner instead of Hertz Farm Management.

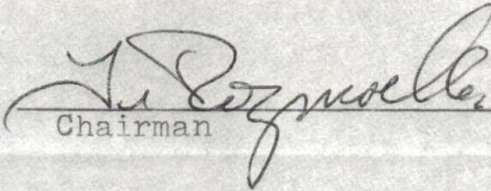
2. Rudolph E. Hornacek, Mt Vernon, (owner) and Dennis and Connie Shultz, Mt Vernon (contract buyers) request a variance from the Cedar County Zoning Ordinance for the purpose of constructing and operating a dog kennel, pursuant to Article XIX, Paragraph 9 & 10, Cedar County Zoning Ordinance. The area is

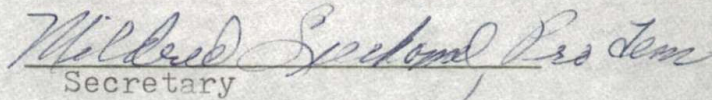


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located in the E $\frac{1}{2}$ , NE $\frac{1}{4}$ , Section 17, T-82N, R-3W, Fremont Township, consisting of approximately 6 acres. Kirk Weih was present representing Hornacek. Dennis and Connie Shultz represented themselves. Dvorak read letters of objection from Wayne and Joan Brown and Brooks Haesemeyer - both adjoining land owners. Other objectors who spoke: Royce Lehrmann, Ed Fisher, Chester Eales, Mrs. Chester Eales, Gordon Farrington, and Max Taylor. Discussion followed. Schultz explained operation and responded to concerns. All objections were addressed to the board and some objectors spoke twice. After discussion by the board Davidson moved, Bowie seconded variance be denied. Ayes 6. This request next goes to the Board of Adjustment. Meeting adjourned at 11:00.

  
Chairman

  
Secretary



May 17, 1989

The Cedar County Planning and Zoning Commission met May 17, 1989 at the Courthouse, Tipton, Iowa at 10:15 a.m. with the following present: Bowie, Millett, Moeller, Suchomel and Zoning Administrator Dvorak.

Minutes of previous meeting were read and amended to read Gary Kline attended April 19 meeting as interested observer instead of objector.

1. Joslin Farm, Inc. Millie Joslin, owner requested approval of Preliminary and Final Plat for five lot subdivision located in Section 33, T-82N, R-2W, and Section 4, T-81N, R-2W. Millie Joslin and her attorney, Lowell Dendinger were present. No objectors were present, nor were there any objections on file. After discussion, Bowie moved, Suchomel seconded approval. Ayes 4

2. Joslin Farm, Inc. Millie Joslin, owner and Folkmann Feed, West Branch, contract buyer requested a change in zoning from Aa to Ab. This is a 12 acre parcel located in the SE $\frac{1}{4}$  of Section 33, T-82N, R-2W and part of the NE $\frac{1}{4}$  of Section 4, T-81N, R-2W. The purpose of the request is a change in ownership of the business to conform with Cedar County zoning regulations. Verne Folkmann represented himself and his employees at the operation, Terry Bunger and Mike Lehman. Larry Folkmann, hog operations manager was also present. Folkmann explained plans for the facility. After discussion Suchomel moved, Bowie seconded approval. Ayes 4.

Bowie excused himself from the board and recess was called awaiting another member to make quorum. Meeting reconvened at



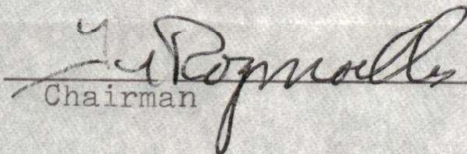


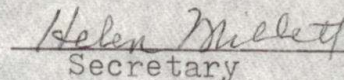


11:00 a.m. as Davidson entered the meeting.

3. James and Maureen Bowie, owners, requested a change in zoning from Aa to Ab on approximately 5 acres consisting of approximately 3 acres located in SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 24, T-80N, R-3W, in Center Township and approximately 2 acres located in the NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , Section 24, T-80N, R-3W, in Center Township. The purpose of the request is a change in the petition filed in April from 27 acres to 5 acres.

Maps of the area in question were reviewed by the board and explanation given by Bowie as to plans for the area. No objections were on file. Ed Kofron, adjoining land owner was present as an objector. Board heard his objections. Kofron and Bowie addressed all comments directly to the board. Board members also had copies of a letter from James T. Sievers, environmental specialist written after Sievers had visited the site and made observations. See File. After discussion Davidson moved, Suchomel seconded approval of rezoning. Ayes 4 Meeting adjourned 11:45.

  
Chairman

  
Secretary







April 19, 1989

The Cedar County Planning and Zoning Commission met April 19 at the Courthouse, Tipton, Iowa at 10:00 a.m. with the following present: Bowie, Millett, Moeller, Penningroth, Suchomel and Zoning Administrator Dvorak.

1. Richard and Lori Jeffries Hanna, owners, requested a change in zoning from Aa to Rs on a .75 acre tract located in NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , Section 4, T-80N, R-4W, in Gower township to add this parcel to an existing parcel they currently have. Richard Hanna was present. No objectors were present, nor were there any objections on file. After discussion, Suchomel moved, Bowie seconded approval be granted. Ayes 4

Bowie then excused himself from the board.

2. James and Maureen Bowie, Tipton, owners requested a 27 acre tract of land located in the N $\frac{1}{2}$  of the NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , of Section 25, lying west of the county road, T-80N, R-3W, and Tract 2 which is that portion of the SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , of Section 24, lying west of the county road, Center township. The request was for a change of zoning from Aa to Ab to allow them to expand their current operation.

Letters opposing the rezoning were on file from: Maynard & Nancy Helmold, Marilyn Helmold, Chuck Knouse, and Wayne and Frances Ahrens. All were read. Objectors present who spoke were: Ed Kofron, Nancy Helmold, Gary Kline, and Marilyn Helmold. All were adjoining property owners.

Discussion followed. Chairman Moeller suggested the site be visited before making a decision. Moeller adjourned the meeting

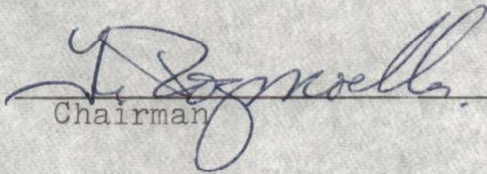


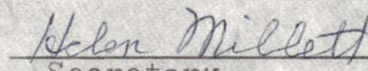




to the site at 10:45. Commission members visited the site, discussed the facts and reconvened at 11:15. After discussion Penningroth moved, Millett seconded that request be denied, and that Bowie try to remedy the situation and come to a satisfactory agreement with the neighbors.

Meeting adjourned 11:20

  
Chairman

  
Secretary







March 22, 1989

The Cedar County Planning and Zoning Commission met March 22, 1989 at 10:00 a.m. at the Courthouse, Tipton, IA. Commission failed to make quorum on the regular meeting date March, 15, 1989. Present were Bowie, Hillman, Millett, Moeller and Zoning Administrator Dvorak.

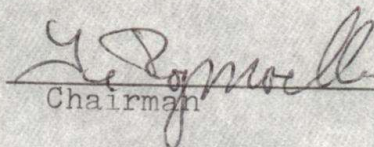
Dvorak informed Commission of County Attorney's opinion that Commission does not have authority to approve rezoning with conditional use clause such as Commission indicated on rezoning of Reid-Ehlers action taken in February. (see minutes)

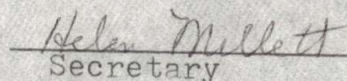
Present were George Kiser, owner and Paula Wright, contract buyer seeking Preliminary and Final Plat approval on a four lot subdivision located in the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , Section 12, T-79N, R-3W in Sugar Creek Township. Also present was Robert Rahlf, owner of home on the property.

No objectors were present and there were no objections on file. After discussion Bowie moved, Hillman seconded, said petition be approved. Ayes 4.

Commission discussed possibility of rewriting zoning ordinance. Ordinance should be reviewed periodically.

Meeting adjourned at 10:40 a.m.

  
Chairman

  
Secretary



March 22, 1950

The Honorable James H. Eastland, Chairman

U.S. Senate, Room 300, Capitol Building, Washington, D.C.

Dear Mr. Eastland: I have the honor to acknowledge the receipt of your letter of March 17, 1950, regarding the proposed legislation to amend the Federal Food, Drug, and Cosmetic Act.

I am sorry that I cannot reply to you more fully at this time, but I am sure that you will understand the need for prompt action on this matter.

I am sure that you will find the enclosed report of the Committee on the subject of interest.

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February 15, 1989

The Cedar County Planning and Zoning Commission met February 15, 1989 at the Courthouse, Tipton, Iowa at 10:00 a.m. Present: Bowie, Davidson, Hillman, Millett, Moeller, Suchomel and Zoning Administer Dvorak.

Moeller opened the meeting and asked for an addition to the agenda so that Commission could discuss the Barry Alger mobile home court. Davidson moved, Hillman seconded that this item be added to the agenda.

1. Richard W. Reid, Tipton, owner and Rick Ehlers, RR Tipton, contract buyer requested a change in zoning from Aa to Ch on approximately 3 acres in the SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 26, T-80N, R-3W in Rochester township. for construction of a carpentry shop and single family dwelling. Mr. and Mrs. Rick Ehlers were present. No Objectors were present, nor were there any objections on file. After discussion Hillman moved, Davidson seconded that we petition the Board of Supervisors to approve the zoning change with conditional use - general carpentry only - on this site - no more than 4 Acres in the most suitable spot. Ayes 5

2. Charles H. Frymoyer, RR Moscow, owner and David Stephens, RR Bennett, contract buyer requested a change in zoning from Aa to Rs on approximately 2 acres in the NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 30, T-80N, R-2W in Rochester Township. for the purpose of building a single family dwelling. David Stephens was present. No objectors were present nor were there any objections on file.



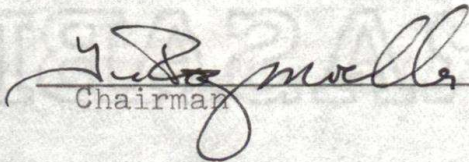


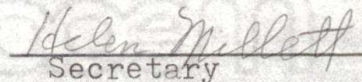


After discussion, Davidson moved, Suchomel seconded that we recommend to the Board of Supervisors that said zoning change be made. Ayes 5.

Barry Alger was present to explain errors on original plat. Commission was satisfied that plat as it now stands meets requirements set forth in Article 20 of the Zoning Ordinance. Alger had letters from all adjoining property owners stating no objections to the proposed trailer court. No more than 4 mobile homes may occupy the area. Davidson moved, Bowie seconded plat approval. Ayes 5.

Meeting adjourned 10:40 a.m. Members than toured the new solid waste transfer station South of Tipton.

  
Chairman

  
Secretary



September 20, 1989

The Cedar County Zoning and Planning Commission met in regular session at the Courthouse in Tipton, Iowa, on September 20, 1989, at 10:00 AM. Present were Davidson, Hillman, Penningroth, Bowie, Moeller, Suchomel and Zoning Administrator Dvorak. Absent: Secretary Millett. In the absence of Millett, Suchomel was appointed Secretary Pro Tem.

Minutes of the regular meeting held August 16, 1989, were read by Suchomel and approved as read.

The Commission next considered petition filed by Attorney Phill Seidl, Cedar Rapids, representing 100 plus residents of Cedar County, to amend the Cedar County Zoning Ordinance as follows:

1. Delete Article VI, Section I, Subsection D - "Mines, quarries, sand and gravel pits, sawmills and such facilities as may be needed for the processing, storage, and treating of minerals, raw materials, and timber extracted from the site provided that any such new operations shall be set back 500 feet from any park, school, or dwelling and 250 feet from the right-of-way line of any public road. Existing mines, quarries, sand and gravel pits, sawmills that have been opened and operated at any time prior to the adoption of this Ordinance may be re-opened, expanded, or extended, and continue to operate provided that where any part of the operation is closer than 500 feet to a park, school, or dwelling, or 250 feet to the right-of-way of a public road, the operation may be extended parallel to such uses, but such extension shall not become closer to such uses than the operations existing at the time of adoption of this Ordinance. Where an open pit, quarry, or other excavation is closer than 25 feet to a public road right-of-way, and has a depth of greater than 30 feet, and the sides adjacent to the road have a slope steeper than 2 feet horizontally for each foot in depth, a fence, retaining wall, embankment, or other suitable protective barrier approved by the county engineer shall be constructed along that portion of the excavation parallel to the public right-of-way."

Amend Article VI, Section I, Subsection D to read as follows:

"Mines, quarries, sand and gravel pits, sawmills and such facilities as may be needed for the processing, storage, and treating of minerals, raw materials, and timber extracted from the site subject to permit which may be granted at the discretion of the Board of Adjustment as required under Article XIX, paragraphs 9 and 10,



provided that any such new operations shall be set back 500 feet from any park, school, or dwelling and 250 feet from the right-of-way line of any public road. Existing mines, quarries, sand and gravel pits, sawmills that have been opened and operated at any time prior to the adoption of this Ordinance may be re-opened, expanded, or extended, and continue to operate provided that where any part of the operation is closer than 500 feet to a park, school, or dwelling, or 250 feet to the right-of-way of a public road, the operation may be extended parallel to such uses, but such extension shall not become closer to such uses than the operations existing at the time of adoption of this Ordinance. Where an open pit, quarry, or other excavation is closer than 25 feet to a public road right-of-way, and has a depth of greater than 30 feet, and the sides adjacent to the road have a slope steeper than 2 feet horizontally for each foot in depth, a fence, retaining wall, embankment, or other suitable protective barrier approved by the county engineer shall be constructed along that portion of the excavation parallel to the public right-of-way."

2. Delete Article XIX, Paragraph 9, Subsection f - "Extraction of and fixed plants for processing gravel, sand, rock or other raw material for commercial purposes."

Amend Article XIX, Paragraph 9, Subsection f, to read as follows:

"Mines, quarries, sand and gravel pits, sawmills and such facilities as may be needed for the processing, storage, and treating of minerals, raw materials, and timber extracted from the site as well as the  
extraction of and fixed plants for processing gravel, sand, rock and other raw material for commercial purposes."

3. Delete Article XIX, Paragraph 10 - "Before the issuance of any special permit for any of the buildings or uses mentioned in Paragraph 9 of this section, the Zoning Commission shall report to the Board of Adjustment upon the effect of such building or use upon the character of the neighborhood, traffic conditions, and other matters pertaining to the public safety, public health, and general welfare. No action shall be taken upon any application for a proposed building or use referred to in Paragraph 9 of this section until and unless the report of the Zoning Commission has been filed, but such report shall be made within



sixty (60) days after the matter has been referred to said Commission. If the Zoning Commission recommends against the issuance of the special permit, then it may be issued only by the affirmative vote of not less than sixty (60) percent of all the members of the Board of Adjustment."

Amend Article XIX, Paragraph 10, to read as follows:

"Before the issuance of any special permit for any of the buildings or uses mentioned in Paragraph 9 of this section, an applicant shall provide to the Zoning Commission all information as is required under Article V, Paragraph 4, including the approximate number of acres defined as "Prime agricultural land" within the definition provided under Article III, Paragraph 75.5. Before the issuance of any special permit for any of the buildings or uses mentioned in Paragraph 9 of this section, the Zoning Commission shall report to the Board of Adjustment upon the effect of such building or use upon the character of the neighborhood, traffic conditions and other matters pertaining to the public safety, public health, and general welfare as well as the impact of the requested buildings or uses mentioned in Paragraph 9 on Prime agricultural land along with reasonable alternatives to eliminate and or restrict the amount of Prime agricultural land which would be removed from agricultural production. No action shall be taken upon any application for a proposed building or use referred to in Paragraph 9 of this section until and unless the report of the Zoning Commission has been filed, but such report shall be made within sixty (60) days after the matter has been referred to the Commission. If the Zoning Commission recommends against the issuance of the special permit, then it may be issued only by the affirmative vote of not less than sixty (60) percent of all the members of the Board of Adjustment."

4. Amend Article III to provide the following subparagraph 75.5 as follows:

"Prime agricultural land" shall be defined as that land which qualifies as "Prime farm land" under the Soil Conservation Service Technical Guide (1980).

Public comment was then made by Attorney Seidl, Kevin Kelly - Tipton,



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Joel Brown - Mechanicsville, Karen Thornton - Mechanicsville, William Ross - Mechanicsville, Orin Wallick and Bert Kelly - Mechanicsville.

Kevin Kelly requested the proposed amendment be read aloud in its entirety. Chairman Moeller did so. Attorney Seidl spoke in terms of the changes proposed as eliminating ambiguities now existing in the Zoning Ordinance, bringing it into line with the Comprehensive Zoning Plan for Cedar County, and extending protective coverage to agricultural land. Kevin Kelly was concerned with the interpretation of the words "timber extraction" -- whether the meaning covered commercial use only or whether it covered minimal extraction as well. Zoning Administrator Dvorak said he would ask the County Attorney for clarification of the wording. All other public comment favored the proposed amendment. Considerable discussion followed. Motion was then made by Bowie, seconded by Penningroth, to recommend to the Board of Supervisors that the proposed amendment be adopted with the exception of Article XIX, Paragraph 9, Subsection f -- to be tabled until a decision from the County Attorney as to the legal interpretation thereof at which time the matter will again come before the Commission. Motion carried unanimously.

Next, Zoning Administrator Dvorak advised the Commission members he had received authority from the Board of Supervisors to initiate procedures for reviewing and updating the Cedar County Zoning Ordinance and Comprehensive Plan and that he would proceed to do so.

There being no further business to come before the Commission, the hearing adjourned at 11:40 AM.

Millie Suchanek  
Secretary  
H.M.

He Dvorak  
Chairman



January 18, 1989

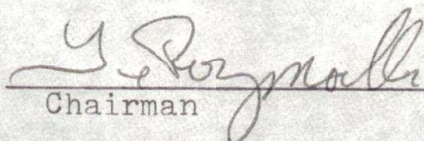
The Cedar County Planning and Zoning Commission met January 18, 1989 at the Courthouse, Tipton, IA at 10:00 a.m. Present: Bowie, Davidson, Hillman, Millett, Moeller, Penningroth, Suchomel and Zoning Administrator Dvorak.

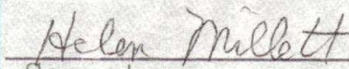
First item of business was election of officers. Davidson moved, Bowie seconded that present officers be retained and unanimous ballot be cast. Ayes 5 Abstain 1

Charles Hubler was present seeking approval of Preliminary and Final Plat of D-Del Subdivision, Part I. This is a 5 lot subdivision located in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 19, Pioneer Township, T-82N, R-4W, consisting of approximately 6.99 acres. Discussion followed on roads in subdivisions as to the cost and upkeep. Davidson moved, Suchomel seconded, approval. Ayes 6 No objectors were present, nor were there any objections on file.

Further discussion followed among members on sealing of wells, well-testing and our overall water condition in the county and state.

Meeting adjourned at 10:50.

  
Chairman

  
Secretary