

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

December 16, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, December 16, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Dornfeld, Moylan, Yutesler, Schuett, Kohrt and Schroeder.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then reviewed the following petition:

1. **Brian Severin, 1763 130<sup>th</sup> Street, Lowden (Owner)** – Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural for the purpose of eliminating an unneeded zoning classification on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 15, T-82N, R-1W, in Massillon Township, consisting of 1.162 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Cedar County Board of Supervisors. The letter received from County Engineer Rob Fangmann stated this property is located in gravel route 130<sup>th</sup> Street and should not cause any road concerns. La Rue stated that, to his knowledge, the property has never been developed, there is no house there and it is an unused zoned parcel.

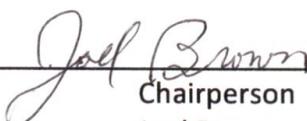
Mr. Severin was present and stated that his brother's son-in-law wanted the land to build a house on which never happened due to bankruptcy. Mr. Severin then bought the property back from Hills Bank. He stated he and his brother originally owned the land around it together and he later bought out his brother. He stated the land is solid rock and is located northwest of the quarry site. Therefore, he has no plans to do anything with it.

After a brief discussion, Yutesler made a motion to approve the zoning change from R-1 to A-1. Kohrt seconded the motion. Ayes all.

The minutes from the last meeting held on October 21, 2009, were previously sent to the members. Moylan made a motion to approve the minutes as written. Kohrt seconded the motion. Ayes all.

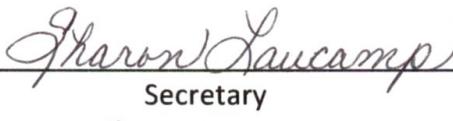
With no further business to be discussed at this time, the meeting was adjourned.

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp

**LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on January 4 and 7, 2010, at 9:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Brian Severin, 1763 130<sup>th</sup> Street, Lowden (Owner)** – Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural for the purpose of eliminating an unneeded zoning classification on property located in the SE ¼, SE ¼, Section 15, T-82N, R-1W, in Massillon Township, consisting of 1.162 acres more or less.

At said Public Hearing, any person present and so wishing will be given the opportunity to be heard. However, the Board does request, but does not require, that any person who speaks also provide a short written summary or outline of the statement they give to be placed on file. Time will be allowed during the hearing for a person to prepare such documentation, if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

CARI GRITTON  
Cedar County Auditor

Copies sent out on 12/21/09 to the following:

1. Brian Severin – 1763 130<sup>th</sup> Street, Lowden, Iowa 52255 - Certified
2. Jeffrey & Wendy Meier – 370 Rose Avenue, Clarence, Iowa 52216
3. William Eiselstein – P.O. Box 622, Wilton, Iowa 52778
4. Frederick Ziegler & Gerald Barenthin & Nancy P. Flolid – 1984 110<sup>th</sup> Ave., Wheatland 52777

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Copy to Tipton Conservative and Sun News on 12/21/09

2 File Copies

Bulletin Board Copy

Copy e-mailed to Board of Supervisors Secretary on 12/21/09

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

December 7, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 16, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petition:

1. **Brian Severin, 1763 130<sup>th</sup> Street, Lowden (Owner)** – Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural for the purpose of eliminating an unneeded zoning classification on property located in the SE ¼, SE ¼, Section 15, T-82N, R-1W, in Massillon Township, consisting of 1.162 acres more or less.

At said Public Hearing, any person present, as so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 12/7/09 to the following:

1. Brian Severin – 1763 130<sup>th</sup> Street, Lowden, Iowa 52255 - Certified
2. Jeffrey & Wendy Meier – 370 Rose Avenue, Clarence, Iowa 52216
3. William Eiselstein – P.O. Box 622, Wilton, Iowa 52778
4. Frederick Ziegler & Gerald Barenthin & Nancy P. Flolid – 1984 110<sup>th</sup> Ave., Wheatland 52777

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Copy to Tipton Conservative and Sun News on 12/7/09

Copy e-mailed to County Engineer on 12/7/09

7 Zoning Commission members on 12/7/09

2 File Copies

Bulletin Board Copy

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

October 21, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, October 21, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Dornfeld, Moylan and Yutesler. Members absent were Schuett, Kohrt and Schroeder.

Chairperson Brown called the meeting to order at 6:35 p.m. The members then reviewed the following petitions:

- 1. AgVantage Farm Service, P.O. Box 828, Waverly, IA (Contract Buyer) and Alberta Svoboda, 109 Country View Drive, Mechanicsville, IA (Owner) –** Requesting a Special Use Permit authorizing an Agricultural Service Business and bulk farm chemical station on property located in the W ½, SW ¼, NE ¼, Section 24, T-82N, R-4W, in Pioneer Township, consisting of 10.00 acres more or less. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members that Petition #1 has been rescinded at the request of the contract buyer.

- 2. AgVantage Farm Service, P.O. Box 828, Waverly, IA (Contract Buyer) and Jeff Graves, P.O. Box 70, Durant, IA (Owner) –** Requesting a Special Use Permit authorizing an Agricultural Service Business and bulk farm chemical station on property located in the W ½, SW ¼, NW ¼, Section 25, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapter 5 and Chapter 17.18(2) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment. He also informed the members there were verbal objections on file for this petition. He then read the letter received from the Cedar County Engineer which stated this property is located on paved route Yankee Avenue and should not cause any road concerns. Approved entrance permits are on file in his office. A request to utilize the existing entrance adjoining 325<sup>th</sup> St. is granted under the stipulation that it shall be gated at all times. It shall be utilized in emergency situations only. The letter received from the Durant Fire Department stated they had reviewed the plans for construction of the facility for filling LP and anhydrous ammonia tanks from supply tanks and it is the decision of the Durant fire chief that the Durant Fire Department will supply fire protection for the AgVantage FS facility. If any modifications are made to the plans, the fire department would need to be

notified. La Rue informed the members and public that AgVantage FS is required to obtain a Special Use Permit by the Cedar County Ordinance and must also comply with

Iowa Department of Agriculture and Land Stewardship regulations. The soil evaluation was then discussed. La Rue stated the evaluation was done in 2009 by Natural Resources Conservation Service. The maps were prepared by the Iowa Department of Agriculture and Iowa State University. Limitations for building are moderate to severe based upon bearing capacity and other factors provided on the map. The agriculture limitations states that the property is both land of state wide importance and prime ag land. The CSR averages above 75 points. Septic system limitations are severe based on a high water table and seasonal flooding. La Rue then stated that the CSR values on the Muscatine Silt Loam soils is 100 points, on the Tama Silt Loam is 95 points and the Colo-Ely soil complex averages 85 points. He then stated, according to the Comprehensive Land Use Plan, the objective is to preserve and protect agricultural properties as much as possible. Also, the Commercial Policy recommends that development be limited to businesses providing for service and agricultural needs of the rural neighborhoods on roads adequate to support projected traffic demand. He continued that this site is south of the Pioneer Hi-Bred seed processing plant and is south of the areas shown on the Future Land Use Map for commercial and industrial development. In regard to natural resources, he stated we want to encourage protection of surface and ground waters. He then read excerpts from the new soil evaluation.

La Rue stated there is a petroleum pipeline which lies south of 325<sup>th</sup> Street. He informed the members there were letters of objection on file from Tim Wulf, Glen & Judy Swanson and Rich Harmsen, Mayor of Durant. La Rue read the letter from Tim Wulf. At Glen Swanson's request, he then read his own letter of objection. His main concern is water runoff unto his farm and the housing development close by. Mr. Harmsen, Mayor of Durant, also read his own letter.

The petitioners were then requested to inform the members and public of their intentions. Tom Michael, the Risk Manager for AgVantage, stated they have almost 90 facilities in Northeast Iowa and Southern Minnesota. He stated his company takes safety very seriously. He stated they do a lot of training with local fire departments, ag groups, Homeland Security and law enforcement. He also stated they have emergency plans on file with local fire departments. They offer proper training in all communities where they are located. He stated the State Dept. of Agriculture has a limit of 450 feet from a public assembly and they are almost 1,000 feet from Pioneer and almost a mile from Durant. He stated prevailing winds tend to be out of the west and southwest. He stated they have safety features and redundancies on the tanks. He also stated the water stays pretty much in the waterway and is in the far southwest corner of the property which Mr. Swanson mentioned. Mr. Michael stated they are east and north of there and won't be anywhere close to that waterway. He stated that Phase I will be 400 feet away from the draw and Phase II will be further away yet from the waterway. In Phase I

there will be approximately an acre to an acre and a half of crushed rock for the driveway and will be kept minimal. They will not be concreting everything. They will store their approximately 40 nurse tanks on the southeast corner. Mr. Michael stated they want to be a full fledged facility. They do not anticipate expansion beyond Phase 2, but he does not know the time line on Phase 2. Mr. Michael was then asked questions about their local facilities. He stated they have locations in or near Lowden, Mechanicsville and Bennett. He stated the Bennett facility is located approximately 500 feet from residences and businesses. He informed the members that the Bennett tank is on leased property. They are consolidating four locations and trying to move them to one. The Bennett site will be closed and it is the intent to increase the separation distance between homes and businesses for safety reasons by locating to a new site. When questioned about septic system plans, Mr. Michael stated the understanding was that they would need to have an engineer design it. He also stated they would be interested in hooking up to the City of Durant's water and septic if it becomes available. The mayor of Durant stated they have not kept their land use map up to date.

A lengthy discussion followed with Glen & Judith Swanson, Tim Wulf, and Dean Maiers again stating their concerns regarding water retention, runoff, drainage and the possibility of a spillage. Mr. Michael stated agriculture is very heavily regulated by the DNR and EPA. He also stated many inspections have to be done and they operate under some very stiff rules and regulations in agriculture. He informed the members there are no plans to fence the area because you not only limit access out but also in if there is an emergency. Rich Harmsen, Mayor of Durant, questioned if retention ponds would be needed. La Rue stated he believed if you disturb more than one acre, a National Pollution Discharge Elimination Permit would be required. La Rue also informed the members and public that the legislators have handicapped the local officials from dealing with farm chemicals by state law (Code of Iowa, Chapter 200.22). He stated that Cedar County can only regulate ag businesses and liquid propane under the special permit. He then read sections of Chapter 17.18(2) regarding making a recommendation to the Cedar County Board of Adjustment. He again stated the Comprehensive Plan does say that this type of business does need to be on a hard surfaced road and, for public safety reasons, do need to be out in the rural areas rather than in towns. He stated he, therefore, supports the proposal to remove the tanks from Bennett and be relocated to the rural area. He stated drainage remains to be an issue due to the Colo-Ely Soil Complex and the drainage through this area. He feels engineering information is needed. He is also concerned about on-site wastewater sewer systems and storm water retention. He also explained that the current flood maps have changed significantly in Cedar County. He stated he feels the previously flood plain under the flood insurance rate maps is 50% undersized in the areas going into the town of Durant. Chairperson Brown stated they do want to see development but they are also concerned about the drainage going toward the community. Mr. Michael stated they had looked at other possible sites but they could not get the 750' separation distance. Member Yutesler asked Mr. Swanson if an arrangement could be worked out to handle the

volume of water that is expected to be in this area, if it would be agreeable to him. Mr. Swanson stated the damage that is going to be done to him and the town should be sufficient reason to deny the request. Regarding the storm water retention issue, Mr. Michael stated they do not plan on doing any filling on the low side on the southwest corner. Keith Hogan stated that when the pipeline was constructed, it could not be within 500 feet to any existing structures and questioned whether that had changed. Commissioner Moylan suggested to table this petition because they have a lot of questions and believes an engineering consultant should be involved. The issues the commission members want information on are proximity of the tanks to the pipeline, impact on the neighbors properties, vapor concerns, hydraulics of water going through and how they are going to contain the water and release it from their site. The mayor of Durant stated he would like to see elevation maps.

After further discussion, Moylan made a motion to table the petition and request that an engineering hydraulics study be done on how it will be handled and want to know the pipeline proximity. He also stated they want to know, engineering wise, the elevation regarding the effect of drainage in the area and water retention. Dornfeld seconded the motion. Ayes all.

3. **Gary Swart, P.O. Box 68, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed two (2) lot subdivision located in the W ½, SW ¼, NW ¼, Section 10, T-79N, R-4W, in Springdale Township, consisting of 2.00 acres more or less.

Zoning Administrator La Rue informed the members there were written objections on file for this petition and informed the members they will be making their recommendation to the Cedar County Board of Supervisors in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance. The letter received from the Cedar County Engineer stated that this property is located on gravel route Delta Avenue and should not cause any road concerns. An approved entrance permit is on file and the proposed two lots are to gain access at one common entrance location along Delta Avenue. The letter from the West Branch Fire Dept. stated they are willing and able to provide emergency fire and rescue response to the proposed residential rezoning on Delta Ave. The soil evaluation was then reviewed. Limitations, based upon the new Natural Resource Conservation Service Soil Maps, 2009, indicates there are two soil types: 120C2 (Tama Silty Clay Loam) and 162D2 (Downs Silt Loam). Limitations for foundations are moderate. Limitations for septic systems are moderate to severe based upon permeability and slope. Agricultural farm crops are of lands of importance in the State of Iowa. The CSR on the Tama Silty Clay Loam soil is 78 and the CSR on the Downs Silt Loam soil is 63 points. La Rue stated that approximately 90% of the property has an average of 63 points. He also stated the Cedar County Land Use Map has been changed to remove from residential the corridor between 280<sup>th</sup> St. down to Interstate 80

as requested by the Cedar County Board of Supervisors. The Comprehensive Plan states to protect agricultural properties for agricultural use and to discourage scattered residential development when the resulting density will not support a whole broad range of services. La Rue stated there are a number of homes in the area but none immediately at this location. The Scattergood Friends School is to the west and southwest of the proposed site. La Rue then read the letters of objection received from Mike Crane, David Sickles, Kathy & Randy Petersen, Fred & Joan Crew and Jim & Barbara Laughlin.

Gary Swart was present and informed the members this property is on a gravel road between Interstate 80 and a blacktop. He stated the area he is proposing is an area which he thinks has never been farmed, is not close to any neighbors and is pretty much the same type of ground as the Zoning Commission & Board of Supervisors approved last year north of West Branch, consisting of 3 lots, another lot west of Springdale and also a lot north of this property which was put in a number of years ago. He stated this is higher ground, does not flood and is on a rolling hillside with 9 to 14% slope. La Rue stated the property is buildable, they can get a septic system in and well water is not an issue. A common driveway will be used for the two lots. Mr. Swart said the property slopes to the north into the drainage ditch and into the cornfield to the east. Adjoining property owners disagreed about the property not being farmed. They feel that Mr. Swart is taking the worst two acres to be made into residential properties. Mr. Swart stated the three lots rezoned north of West Branch and the one lot west of Springdale were also wasted land like his and the other residence north of his property is rolling ground. Mike Crane stated Mr. Swart could build houses now on his 78 acres without having to have it rezoned. Representatives from Scattergood School stated concerns about the close proximity of their facility to the proposed rezoning site. The adjoining property owners feel that nothing has changed since the previous petitions from Mr. Swart and feel it is a waste of everyone's resources, there are other lots available and expressed concern of water runoff. Mr. Swart stated he may move back into the area. La Rue then read from Chapter 18.2(3) of the Zoning Ordinance regarding the items to be considered for the Board of Supervisors. Chairperson Brown stated there is a heightened awareness to protect our productive soils. Mr. Swart was asked by Chairperson Brown to state his last argument. Mr. Swart stated his argument again is that the CSR is less than 75 points, there are no neighbors nearby, it is not flooded ground, there have been three other locations that have been zoned for housing and the majority of this property has never been farmed. The adjoining property owners again stated their concerns about the close proximity of new neighbors next to Scattergood School and problems that could occur with same.

After further discussion, Dornfeld made a motion to reject the request based on the isolation of putting two houses out in the middle of the country, proximity to Scattergood School and the lack of need for residential expansion in the area.

Yutesler seconded the motion. Ayes all.

The minutes from the last meeting held on August 19, 2009, were previously sent to the members. Moylan made a motion to approve the minutes as written. Dornfeld seconded the motion.

With no further business to be discussed at this time, the meeting was adjourned.

Joel Brown  
Chairperson  
Joel Brown

Sharon Laucamp  
Secretary  
Sharon Laucamp

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

October 5, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 21, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

- 1. AgVantage Farm Service, P.O. Box 828, Waverly, IA (Contract Buyer) and Alberta Svoboda, 109 Country View Drive, Mechanicsville, IA (Owner) –** Requesting a Special Use Permit authorizing an Agricultural Service Business and bulk farm chemical station on property located in the W ½, SW ¼, NE ¼, Section 24, T-82N, R-4W, in Pioneer Township, consisting of 10.00 acres more or less. Said property is currently zoned A-1 Agricultural.
- 2. AgVantage Farm Service, P.O. Box 828, Waverly, IA (Contract Buyer) and Jeff Graves, P.O. Box 70, Durant, IA (Owner) –** Requesting a Special Use Permit authorizing an Agricultural Service Business and bulk farm chemical station on property located in the W ½, SW ¼, NW ¼, Section 25, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned A-1 Agricultural.
- 3. Gary Swart, P.O. Box 68, Sterling, IL (Owner) –** Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed two (2) lot subdivision located in the W ½, SW ¼, NW ¼, Section 10, T-79N, R-4W, in Springdale Township, consisting of 2.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

Copies sent out on 10/07/09 to the following:

1. Gaylan Brunssen – AgVantage FS, 1600 8<sup>th</sup> Street SW, P.O. Box 828, Waverly, IA 50677 – Certified
2. Alberta Svoboda – 109 Country View Drive, Mechanicsville, Iowa 52306-9784
3. Alan Dale Weets Residuary Trust – 4105 180<sup>th</sup> Avenue, Anamosa, Iowa 52205-7728
4. Allan D. Kane – 2055 1<sup>st</sup> Ave SE, Cedar Rapids, Iowa 52402-6344
5. William A. Weber – P.O. Box 205, Mechanicsville, Iowa 52306-0205
6. Bridge Community Bank – P.O. Box 129, Mechanicsville, Iowa 52306-0129
7. James Dale Studer – P.O. Box 142, Mechanicsville, Iowa 52306-0142
8. Burl J. and Sally K. Hunt – 398 Badger Road, Mechanicsville, Iowa 52306
9. Tim J. Kohl – 209 Highway 30 West, Mechanicsville, Iowa 52306-7533
10. Steven W. & Teresa M. Weets – 612 160<sup>th</sup> Street, Mechanicsville, Iowa 52306-7605
11. Andrew J. Oberbreckling – 101 East Highway 30, Mechanicsville, Iowa 52306-7730
12. Gordon C. & Virginia McDowell – P.O. Box 247, Mechanicsville, Iowa 52306-0247
13. Star Brite Investments, Inc. – 2871 Highway 61, Muscatine, Iowa 52761-9728
14. Cleo Conner – 2115 1<sup>st</sup> Avenue SE #1212, Cedar Rapids, Iowa 52402-6382

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1. Gaylan Brunssen – AgVantage FS, 1600 8<sup>th</sup> St. SW, P.O. Box 828, Waverly, IA 50677 – Certified
2. Jeffrey A. Graves – P.O. Box 70, Durant, Iowa 52747
3. Glen L. & Judith A. Swanson – 800 6<sup>th</sup> Avenue, Durant, Iowa 52747-9522
4. George W. Bruhn – 2281 325<sup>th</sup> Street, Durant, Iowa 52747-9548
5. Michael H. Hogan – 2163 332<sup>nd</sup> Street, Durant, Iowa 52747-9555
6. Pioneer Hi-Bred – Attn: Ryan White, 2208 Yankee Avenue, Durant, Iowa 52747

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1. Gary Swart – P.O. Box 681, Sterling, Illinois 61081 – Certified
2. Broadview Acres, Inc. – John & Linda Black, 292 290<sup>th</sup> Street, West Branch, Iowa 52358
3. Iowa Yearly Meeting of Friends – 1951 Delta Avenue, West Branch, Iowa 52358

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Copy to Tipton Conservative, Sun News, Durant/Wilton Advocate News & West Branch Times on 10/5/09

E-mailed copy to Rob Fangmann on 10/6/09

7 Zoning Commission members on 10/6/09

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

September 9, 2009

**TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS**

I am writing to inform you that there will not be a meeting of the Planning and Zoning Commission during the month of September.

Sincerely,

  
Phil La Rue  
Zoning Administrator

PL:sl

DATE 8/19/09

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaRue

Scott Steen

Julie Kholodenko

Joel Brown

Steve Mauer

Bill Banta

Donna Banta

Barbara J. Wood

Jay D. Wood

Barry D. Lyon

David A. Schmetz

Sharon L. Luecamp

Maria Dauplatt

Andy Gutzler

Carl A. Koford

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

August 19, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 19, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Schroeder, Brown, Dornfeld, Yutesler, Kohrt and Schuett.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then reviewed the following petitions:

1. **Verizon Wireless, 3619 Flagstone Circle, Middleton, Wisconsin (Lessee) and Steve Maurer, P.O. Box 460, Clarence (Leasor & Owner)** – Requesting a Special Use Permit authorizing the location of a 195 foot tall wireless communication tower on property located in the NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 31, T-81N, R-2W, in Center Township, consisting of 1.00 acres more or less. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and advised them to do their review in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance and Cedar County Ordinance #30 in making their recommendation to the Cedar County Board of Adjustment. La Rue stated a rezoning request from R-2 to A-1 was previously approved by the Zoning Commission and the Board of Supervisors as a preparative step for the request of a Special Use Permit. He also informed the members that the Iowa Department of Transportation approved the access. The letter received from County Engineer Rob Fangmann stated he had no concerns since the IDOT has jurisdiction over the entrance to the site. La Rue stated County Attorney Sterling Benz was concerned that a structural analysis was not included. Scott Steeno, Site Development Manager for Verizon, was present and informed the members that they can not perform a structural analysis on a tower not in existence yet. He stated the tower foundation drawings are pending from the tower manufacturer and will be provided by the time the Board of Adjustment conducts their meeting. He informed the members that the tower they are currently on has failed structurally and is not able to accommodate any additional equipment. He stated the proposed tower will be structurally able to handle two carriers in addition to Verizon. On the new tower, Verizon proposes additional new antennas and more antennas and microwave dishes to microwave T-1 telephone lines to additional towers within the county. He then stated there are three tower sites in the area. One existing tower, owned partially by a local college and Cedar County PCS, does not have the elevation available

for what Verizon needs to do and that tower is completely full. The Iowa Wireless tower, located 250 feet from the proposed tower does not have the structural capacity to accommodate the Verizon upgrade. The third tower site is located at the Cedar County Sheriff's Department. He stated he tried numerous times to contact them but they never responded back. He informed the members that a final report will not be available for approximately 60 days from the FAA. He also stated that FCC and FAA guidelines will be met. He informed the members the proposed tower will be a self support lattice tower with three legs for the foundation and will be enclosed with a fence for security and safety reasons. A sign will be placed on the fence gate showing ownership and telephone number. Parking will be outside the fence. La Rue stated that a Certificate of Liability Insurance is on file. The reach-out of the tower is approximately two and one-half miles for digital and approximately seven miles for analog. Mr. Steen stated that digital handles less capacity than analog does. He stated it is a newer and better technology and more secure for people who want to do on-line banking from their cell phones. Mr. Steen informed the members that they are creating T-1 telephone lines through a microwave signal as opposed to a land line.

After further discussion, Moylan made a motion to recommend approval of the Special Use Permit request to the Cedar County Board of Adjustment. Dornfeld seconded the motion. Ayes all.

2. **Bill Banta, 2054 Atalissa Road, Atalissa (Contract Buyer) and Jerry and Barbara Wood, 1985 Atalissa Road, Atalissa (Owners) – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a home on Lot 2, Wood's Rock Creek Addition, located in the E ½, NW ¼, SE ¼ and the W ½, NE ¼, SE ¼, Section 2, T-79N, R-3W, in Rochester Township, consisting of 3.16 acres more or less.**

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors. He stated the property has already been subdivided. A letter is on file from Curt Woode, Tipton Fire Department Chief, stating they can provide emergency services and that it is the owner's responsibility to construct and maintain a suitable driveway for emergency vehicles access. The letter received from the County Engineer stated the property is located on gravel route 285<sup>th</sup> Street and should not cause any road concerns. An approved entrance permit is on file. Lot 2 gains access thru an easement across Lot 1 onto 285<sup>th</sup> Street. La Rue stated the property is not in the 100 year flood plain. The soil inventory was then reviewed. Limitations for building are slight, septic are slight to severe and agricultural farm crops are slight to severe. The CSR average is 46 points. La Rue stated there are residential properties on Lot 1 & 3.

Commission member Yutesler questioned why rezoning was not done on Lot 2 before. Barb Wood stated they did not previously rezone it because they did not know how much a prospective buyer would want to purchase. La Rue stated there is a 60 foot easement across Lot 1 for access to Lot 2 off of 285<sup>th</sup> Street. It is the property owners responsibility to remove their own snow.

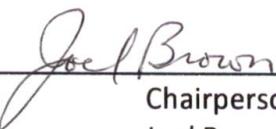
After a brief discussion, Kohrt made a motion to recommend approval of the rezoning request from A-1 to R-1 to the Board of Supervisors. Yutesler seconded the motion. Ayes all.

The minutes from the last meeting held on July 29, 2009, were previously sent to the members. Schroeder made a motion to approve the minutes as written. Moylan seconded the motion. Ayes all.

La Rue then informed the members that Bruce Barnhart, West Branch, will begin the demolition of flood damaged structures through the emergency Public Assistance Program in the very near future. Eighteen dwellings will be removed through this program, with additional homes being demolished by acquisition through the Hazard Mitigation Grant Program.

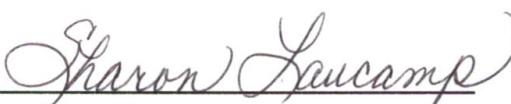
With no further business to be discussed at this time, the meeting was adjourned.

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp

**OFFICE OF THE CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT**  
Cedar County Courthouse  
Tipton, Iowa 52772

August 10, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, August 19, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

- 1. Verizon Wireless, 3619 Flagstone Circle, Middleton, Wisconsin (Lessee) and Steve Maurer, P.O. Box 460, Clarence (Leasor & Owner)** – Requesting a Special Use Permit authorizing the location of a 195 foot tall wireless communication tower on property located in the NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 31, T-81N, R-2W, in Center Township, consisting of 1.00 acres more or less. Said property is currently zoned A-1 Agricultural.
  
- 2. Bill Banta, 2054 Atalissa Road, Atalissa (Contract Buyer) and Jerry and Barbara Wood, 1985 Atalissa Road, Atalissa (Owners)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a home on Lot 2, Wood's Rock Creek Addition, located in the E  $\frac{1}{2}$ , NW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  and the W  $\frac{1}{2}$ , NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 2, T-79N, R-3W, in Rochester Township, consisting of 3.16 acres more or less.

At said Public Hearing, any person present, as so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue  
Zoning Administrator

Copies sent out on 8/12/09 to the following:

1. Steve Maurer – P.O. Box 460, Clarence, Iowa 52216 – Certified
2. Rex Maurer – P.O. Box 331, Hobart, Washington 98025
3. City of Tipton – Attn: Doug Boldt, 407 Lynn Street, Tipton, Iowa 52772
4. Cedar County Cooperative – 906 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
5. Jack & June Reeve – 1012 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
6. Cedar County PCS, LLC – 608 Lombard Street, Clarence, Iowa 52216
7. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772
8. Scott Steeno – Verizon Wireless, 3619 Flagstone Circle, Middleton, WI 53562 - Certified

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1. Bill Banta – 2054 Atalissa Road, Atalissa, Iowa 52720 – Certified
2. Jerry & Barbara Wood – 1985 Atalissa Road, Atalissa, Iowa 52720
3. Helen Nicolaus Trust - % Hertz Farm Management, Inc., P.O. Box 500, Nevada, IA 50201
4. Michael & Judy Hain – 1053 285<sup>th</sup> Street, Tipton, Iowa 52772
5. Christopher Doherty – 1872 3<sup>rd</sup> Street, Tipton, Iowa 52772
6. Rebecca Lynn Thumma – 1873 1<sup>st</sup> Street, Tipton, Iowa 52772
7. Ellis & Marjorie Stonerook – 122 W. 11<sup>th</sup> Street, Tipton, Iowa 52772
8. Louise Ann Idlewine – 1728 Washington Street, Tipton, Iowa 52772
9. Michael & Beryl Rocca – 1926 4<sup>th</sup> Street, Tipton, Iowa 52772
10. Daniel & Connie Wulf – 1891 3<sup>rd</sup> Street, Tipton, Iowa 52772
11. Alva Hansen – 1726 Washington Street, Tipton, Iowa 52772
12. Dennis & Emily Dallege – 1886 2<sup>nd</sup> Street, Tipton, Iowa 52772
13. Sharon Stiff – 1903 3<sup>rd</sup> Street, Tipton, Iowa 52772
14. Henry C. Harden – 1901 2<sup>nd</sup> Street, Tipton, Iowa 52772
15. Robert & Lorri Hora – 1862 Snaggy Ridge Road, Tipton, Iowa 52772
16. Ronald & Marcia Petersen – 1060 285<sup>th</sup> Street, Tipton, Iowa 52772
17. Gary Stonerook – 1904 3<sup>rd</sup> Street, Tipton, Iowa 52772
18. Herman & Sharon Voss – 1918 Monroe Street, Tipton, Iowa 52772

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Copy to Tipton Conservative on 8/10/09

E-mailed copy to Rob Fangmann on 8/10/09

7 Zoning Commission members on 8/12/09

2 File Copies

Bulletin Board Copy

## LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 13 and 20, 2009, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Steve Maurer, P.O. Box 460, Clarence (Owner)** – At the request of the Cedar County Board of Supervisors, a change in zoning from R-2 Urban Residential to A-1 Agricultural District for the purpose of eliminating an unneeded district classification on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ . Section 31, T-81N, R-2W, in Center Township. Said petition is to rezone 9.00 acres of a 10.00 acre tract.

Also, at this time, the Board will accept Public Comment and consider the following amendments to the Cedar County Zoning Ordinance, Number 10:

1. **Chapter 3, General Regulations And Provisions, Section 21, Flood Plain Regulations, Paragraph A, Interpretations, sentence two; after the words, Official Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**
2. **Chapter 20, Flood Plain Management, Section 2, General Provisions, Subsection B, Rules for Interpretation of Flood Plain District, sentence one; after the words, Official Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**
3. **Chapter 20, Section 2, Subsection B, Rules for Interpretation of Flood Plain District, Add: "In the event of a conflict between the Flood Insurance Rate Map and the Flood Recovery Map, the more stringent map shall be used".**
4. **Chapter 20, Section 3, Establishment of Flood Plain (OVERLAY) District, sentence two; after the words, Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**
5. **Chapter 20, Section 9, Definitions, Add new definition: " Flood Recovery Map – The map which is part of the flood data analysis report for Cedar County published by the Federal Emergency Management Agency on October 3, 2008. The Flood Recovery Map provides a delineation of the lands that would be inundated by the 100-year flood and is produced using approximate mapping methods. It is used for the determination of lands that are subject to flood hazards.**
6. **Chapter 20, Section 9, Definitions, Special Flood Hazard Area, sentence two, after the words, Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**

At said Public Hearing, any person present and so wishing will be given the opportunity to be heard. However, the Board does request, but does not require, that any person who speaks

also provide a short written summary or outline of the statement they give to be placed on file. Time will be allowed during the hearing for a person to prepare such documentation, if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

CARI GRITTON  
Cedar County Auditor

**The Official Flood Recovery Map is available for Public Viewing in the Cedar County Zoning Office.**

Copies sent out on 8/4/09 to the following:

1. Steve Maurer – P.O. Box 460, Clarence, Iowa 52216 – Certified
2. Rex Maurer – P.O. Box 331, Hobart, Washington 98025
3. City of Tipton – Attn: Doug Boldt, 407 Lynn Street, Tipton, Iowa 52772
4. Cedar County Cooperative – 906 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
5. Jack & June Reeve – 1012 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
6. Cedar County PCS, LLC – 608 Lombard Street, Clarence, Iowa 52216
7. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772

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Copy to Tipton Conservative, Sun News and West Branch Times on 8/3/09

Copy e-mailed to Wilton-Durant Advocate News on 8/3/09

E-mailed copy to Board of Supervisors Secretary on 8/3/09

2 File Copies

Bulletin Board Copy

DATE 7/29/09

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaRue

Joel Brown

Danica Schmitt

Jana Doyen

Julie Schneiders

Cal H. Loh

Andy M. Loh

Jody Gundersen

DeeDee Turpin

Mark Schneider

Sharon Laucamp

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 29, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 29, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schroeder, Dornfeld, Brown, Schuett, Moylan, Yutesler and Kohrt.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then reviewed the following petition:

1. **Steve Maurer, P.O. Box 460, Clarence (Owner)** – At the request of the Cedar County Board of Supervisors, a change in zoning from R-2 Urban Residential to A-1 Agricultural District for the purpose of eliminating an unneeded district classification on property located in the SE ¼, SE ¼. Section 31, T-81N, R-2W, in Center Township. Said petition is to rezone 9.00 acres of a 10.00 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) in making their recommendation to the Board of Supervisors.

Steve Maurer was present and stated that when the Board of Supervisors approved his rezoning request for one acre, the Board wanted all of the ten acre parcel rezoned from R-2 to A-1. La Rue stated there is industrial use to the south of Maurer's property which will prevent residential development in that location. Therefore, it is reasonable to change the zoning classification back to Agricultural. Mr. Maurer stated he had no objection.

After a brief discussion, Schroeder made a motion to approve the rezoning request from R-2 to A-1 for the purpose of eliminating an unneeded use. Schuett seconded the motion. Ayes all.

The Commission members then considered the following amendments to the Cedar County Zoning Ordinance, Number 10 with Nicole Turpin and Mark Schneider, E.C.I.A., who were also in attendance:

1. **Chapter 3, General Regulations And Provisions, Section 21, Flood Plain Regulations, Paragraph A, Interpretations, sentence two; after the words, Official Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**
2. **Chapter 20, Flood Plain Management, Section 2, General Provisions, Subsection B, Rules for Interpretation of Flood Plain District, sentence one; after the words, Official Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**

3. **Chapter 20, Section 3, Establishment of Flood Plain (OVERLAY) District, sentence two;** after the words, **Flood Insurance Rate Map**, Add: “and the Flood Recovery Map”.
4. **Chapter 20, Section 9, Definitions, Add new definition:** “**Flood Recovery Map – The map published October 3, 2008, providing a hydraulic study of Cedar County considered at the date of publication to be the “best available data” for base flood elevations within the Special Flood Hazard Area.**”
5. **Chapter 20, Section 9, Definitions, Special Flood Hazard Area, sentence two, after the words, Flood Insurance Rate Map, Add:** “and the Flood Recovery Map”. \*

Zoning Administrator La Rue informed the members that a letter was received on July 16, 2009, from FEMA stating that Cedar County had received grant approval in the amount of \$1,869, 513.00 for flood recovery. He then read sections from the letter. Stated in the letter was that when a FEMA Flood Recovery Map is used to determine a substantially damaged structure located in a FEMA identified regulatory floodway or floodplain, the Flood Recovery Map must be formally adopted by the community as its basis for floodplain management. This subapplication is approved upon condition of Flood Recovery Map adoption. La Rue stated he was directed to get it done. He also stated he has received no directive from FEMA, IDNR or ECIA to rescind, remove or stop using the 1985 Flood Insurance Rate Maps but only to add the Flood Recovery Map. La Rue stated he could not find a definition for flood recovery map from FEMA (referring to #4). He put one together and faxed it to Bill Cappuccio at IDNR. Mr. Cappuccio e-mailed the definition he recommended to use to La Rue. He then read the definition to the members. He stated he believes the definition provided by Mr. Cappuccio should be the one used since he is the person in charge for the State of Iowa. La Rue stated that whenever the Flood Insurance Rate Maps are used, he is proposing that the Flood Recovery Maps be added because it gives limited base flood elevation data. He then informed the members he had visited with County Attorney Sterling Benz who stated, based upon Bill Cappuccio’s comments, he believes that in the event of a conflict between the two documents, the more stringent of the two would apply. Therefore, La Rue stated he would like added that in the event of a conflict between the Flood Insurance Rate Map and the Flood Recovery Map, the more stringent map shall be used in the interpretation of the flood boundary. The members agreed to add this to Section 2, Subsection B. La Rue then stated the Flood Recovery Maps appear to be 99% accurate.

After further discussion, Moylan made a motion to approve Amendment #’s 1, 2,3 & 5 as written. Dornfeld seconded the motion. Ayes all. Schuett then made a motion to add Bill Cappuccio’s definition of Flood Recovery Map to Amendment #4. Moylan seconded the motion. Schroeder then made a motion to add Amendment #6, stating that in the event of a conflict between the Flood Insurance Rate Map and the Flood Recovery Map, the more stringent map shall be used. Yutesler seconded the motion. Ayes all.

The minutes from the last meeting held on July 15, 2009, were previously sent to the members. Two corrections were noted to be made by Yutesler and Brown. Kohrt then made a motion to approve the minutes with the two corrections. Yutesler seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting adjourned at 7:40 p.m.

  
\_\_\_\_\_  
Chairperson  
Joel Brown

  
\_\_\_\_\_  
Secretary  
Sharon Laucamp

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 15, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 15, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Schroeder, Brown and Kohrt. Members absent were Schuett, Dornfeld and Yutesler.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then reviewed the following petitions:

1. **Rod Dickey, 446 160<sup>th</sup> Street, Mechanicsville (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to A-1 Agricultural for the purpose of eliminating an unneeded zoning classification and to correct a non-conforming land use. Said property is located in the SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 36, T-82N, R-4W, in Pioneer Township and consists of 2.27 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do the review in accordance with Chapter 18.1(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors. He explained that the rezoning request is to eliminate an unused commercial district and to rezone property back to A-1. He informed the members that the property was rezoned from A-1 Agricultural to C-2 Highway Commercial in 1994 as a means of correcting a non-conforming use at that time. He stated at that time the owner of the property had an automotive repair and salvage business. La Rue also stated that the 1996 Zoning Ordinance no longer allows residential dwellings in the C-2 district. He stated that if the current residence on the property was destroyed or they wanted to expand, they would not be able to obtain a building permit because the house was a non-conforming use in the C-2 district.

The letter received from the County Engineer stated this is a zoning elimination and has no concerns regarding this petition.

Rod Dickey was present and informed the members that he has refinanced the property and the finance company wants to be sure if there is ever any damage done to the house, it could be repaired or rebuilt. He informed the members he had a letter from the local fire department stating they could provide emergency service to the property.

After a brief discussion, Moylan made a motion to grant the change in zoning from C-2 to A-1 for the purpose of eliminating an unneeded zoning classification and to correct a non-conforming land use. Schroeder seconded the motion. Ayes all.

**2. Croell Redi-Mix, 2010 Kenwood Avenue, New Hampton (Owner) – Requesting a Special Use Permit authorizing a sand and gravel open pit mining operation on property located in the SE ¼, NE ¼, and NE ¼, SE ¼, Section 29, and the SW ¼, NW ¼ and NW ¼, SW ¼, Section 28, T-81N, R-4W, in Cass Township, consisting of 86.00 acres more or less. Said property is currently zoned A-1 Agricultural.**

La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment for the purpose of obtaining a Special Use Permit. He then read excerpts from the Zoning Ordinance regarding special exception uses and structures in the A-1 district (Section D., Subparagraph 6, on page 28 and Chapter 17.18(2).) The letter received from the County Engineer stated the property is located on paved route 210<sup>th</sup> Street and should not cause any road concerns. It stated the petitioner has acquired an easement to gain access onto the paved road (210<sup>th</sup> St.) at his request to minimize the traffic on Solon Road. All trucks must adhere to load limits as outlined by the State of Iowa. Therefore, he does not have any road concerns regarding this petition.

Bill Croell, the owner of Croell Redi-Mix, was present and informed the members his father started the ready mix company in 1968 and they are in operation in several states. He stated the company purchased the property at an auction. He stated there is approximately 50 feet of sand on the property on the 86 acres. He feels it is a high quality of sand. The entrance to the sand pit will be from a concrete highway and the driveway goes directly unto a farm to market road. As far as truck traffic volume, he stated he took a 5 year average of the Iowa City and West Branch plants and it averaged out at the high end of 42,000 tons per year. He estimates 8 loads of sand per day will be taken out of the pit that they would use. He also stated that a sand pit is not a big mover and they slow way down in the winter. He estimates the traffic increase on the road will be 1.8% in the summer months and .6% in the winter months. He informed the members he met with the state hydrologist in Iowa City who stated the drawdown on the water in the area, due to the sand pit, would be virtually nothing and will not affect the water quality. He then discussed the new flood plain map of the area which he presented. He stated that FEMA does not have a problem with taking sand out of a flood plain area. He stated he has taken all of his sand piles out of the 100 year flood plain. He then explained the dredging procedure. The CSR on the property is below 75 points. He also informed the members if someone had a problem with their well in the area, due to the drawdown, he is responsible. They will comply with all state laws and they are required by law to put up a bond. The property is all sand ground and the remainder will remain as farm ground which will be rented out. Mary Jo Meggers was present and questioned where the river runs. Her family's property is nearby and she stated concern about erosion problems

where the river hits the north bank. The Sidwell map was reviewed. Mr. Croell stated he is required by state law to stay 100 feet away from the river bank. In the case of another flood, once water gets into the pit, it will stay there. Mr. Croell stated the viable life of the sand pit would be about 50 years. Jane Pike, adjoining property owner, stated the driveway they will be building will be right next to her driveway and is concerned about what kind of impact this will have on her property. She also expressed concern about the noise coming from the dredging procedure. Mr. Croell stated the dredge will be there about 2 and one half months every two years. There will be a large pile of sand outside the flood plain area. Jane Pike then expressed concern about snow accumulation. She was informed that the Special Use Permit is reviewed every year by the Board of Adjustment and any problems will be addressed at that time. Mr. Croell stated he wants to be a good neighbor. Chairperson Brown stated the Special Use Permit has been added within the last 13 years. Prior to that time, quarries had no restrictions. They had to meet state standards but there were no county regulations. Jane Pike then asked what would happen after 50 years when the mining operation is done. Mr. Croell stated that they are required by law to reclaim it, the state comes in to make sure they have done what they said they were going to do, it will be seeded down, trees planted and a certain slope has to be met. Mr. Croell also stated the sand pit is a liability for them and he would like to give it away after they are finished and converted to a recreational use. The pond will be 40 feet deep. La Rue stated that this is a highly regulated operation. Mr. Croell stated that every time they move the plant, it is inspected. Ms. Pike asked if Mr. Croell anticipates future expansion at the site. Mr. Croell stated probably not. He then stated the end result is that he is asking Cedar County permission to remove rock and sand from his ground. He informed the members that if something goes wrong, the county is not responsible and he is responsible. The sand will be going to the West Branch and Iowa City sites. Mr. Croell also stated they are required to have the trucks covered by a tarp. He also informed the members and public that a gate will be installed and will be locked at the entryway to the sand pit area. La Rue then read from Chapter 17.18(2) of the Zoning Ordinance regarding Special Use Permits. Jane Pike expressed her concern about her family's farmstead and stated the house does qualify for national historic society rating. Mr. Croell stated they are required to stay 500 feet away from any occupied home and they will abide by state law. The operation will be utilizing the Netolicky lane.

After further discussion, Kohrt made a motion to make a recommendation to the Board of Adjustment to grant the S.U.P., keeping an eye on erosion problems and respect the use of the Netolicky lane. Schroeder seconded the motion. Ayes all.

The minutes from the last meeting held on June 17, 2009, were previously sent to the members. Schroeder made a motion to approve the minutes as written. Kohrt seconded the motion. Ayes all.

La Rue then reported to the members that the Cedar County Board of Supervisors questioned why Steve Maurer petitioned to rezone only one acre of the ten acre tract which was approved by the Zoning Commission during their June meeting. He informed the members that the Board of Supervisors want the other nine acres rezoned to A-1 also since the property will never be used as residential.

La Rue also informed the members that he would like an amendment made to the Cedar County Zoning Ordinance, Chapter 20, regarding the 2008 Flood Recovery Maps. He also explained the hazard litigation grant. La Rue would like to hold a special meeting regarding the proposed amendment. The members then agreed to set July 29<sup>th</sup> to hold the special meeting.

With no further business to be discussed at this time, the meeting adjourned at 7:50 p.m.

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

July 20, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, July 29, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will accept Public Comment and consider the following amendments to the Cedar County Zoning Ordinance, Number 10:

1. **Chapter 3, General Regulations And Provisions, Section 21, Flood Plain Regulations, Paragraph A, Interpretations, sentence two; after the words, Official Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**
2. **Chapter 20, Flood Plain Management, Section 2, General Provisions, Subsection B, Rules for Interpretation of Flood Plain District, sentence one; after the words, Official Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**
3. **Chapter 20, Section 3, Establishment of Flood Plain (OVERLAY) District, sentence two; after the words, Flood Insurance Rate Map, Add: "and the Flood Recovery Map".**
4. **Chapter 20, Section 9, Definitions, Add new definition: "Flood Recovery Map – The map published October 3, 2008, providing a hydraulic study of Cedar County considered at the date of publication to be the "best available data" for base flood elevations within the Special Flood Hazard Area."**
5. **Chapter 20, Section 9, Definitions, Special Flood Hazard Area, sentence two, after the words, Flood Insurance Rate Map, Add: "and the Flood Recovery Map". \***

At this time, the Commission will also consider the following petition:

1. **Steve Maurer, P.O. Box 460, Clarence (Owner)** – At the request of the Cedar County Board of Supervisors, a change in zoning from R-2 Urban Residential to A-1 Agricultural District for the purpose of eliminating an unneeded district classification on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ . Section 31, T-81N, R-2W, in Center Township. Said petition is to rezone 9.00 acres of a 10.00 acre tract.

At said Public Hearing, any person present, as so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue  
Zoning Administrator

PL:sl

\* The Official Flood Recovery Map is available for Public viewing in the Cedar County Zoning Office

Copies sent out on 7/20/09 to the following:

1. Steve Maurer – P.O. Box 460, Clarence, Iowa 52216 – Certified
2. Rex Maurer – P.O. Box 331, Hobart, Washington 98025
3. City of Tipton – Attn: Doug Boldt, 407 Lynn Street, Tipton, Iowa 52772
4. Cedar County Cooperative – 906 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
5. Jack & June Reeve – 1012 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
6. Cedar County PCS, LLC – 608 Lombard Street, Clarence, Iowa 52216
7. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772

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Copy to Tipton Conservative on 7/20/09

7 Zoning Commission members

2 File Copies

Copy e-mailed to Rob Fangmann on 7/20/09

Bulletin Board Copy

### **LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 3 & 6, 2009, at 8:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Rod Dickey, 446 160<sup>th</sup> Street, Mechanicsville (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to A-1 Agricultural for the purpose of eliminating an unneeded zoning classification and to correct a non-conforming land use. Said property is located in the SE ¼, SW ¼, Section 36, T-82N, R-4W, in Pioneer Township and consists of 2.27 acres more or less.

At said Public Hearing, any person present and so wishing will be given the opportunity to be heard. However, the Board does request, but does not require, that any person who speaks also provide a short written summary or outline of the statement they give to be placed on file. Time will be allowed during the hearing for a person to prepare such documentation, if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

CARI GRITTON  
Cedar County Auditor

Copies sent out on 7/20/09 to the following:

1. Rod Dickey – 446 160<sup>th</sup> Street, Mechanicsville, Iowa 52306 – Certified
2. Steven Kohl – 204 160<sup>th</sup> Street, Lisbon, Iowa 52253
3. Mary Weets – 350 Franklin Avenue, Mechanicsville, Iowa 52306
4. Mary Aleen Driscoll – 103 E. Kohlhase St., Apt. 2, Mechanicsville, Iowa 52306
5. Dennis & Craig Pearson – 572 150<sup>th</sup> Street, Mechanicsville, Iowa 52306

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Copy to Tipton Conservative & Sun News on 7/20/09

E-mailed copy to Board of Supervisors Secretary on 7/20/09

2 File Copies

Bulletin Board Copy

DATE 7/15/09

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Bill La Rue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. J. Kne  
Bill Cull  
Bob Dohly  
Rich Gjerdrum  
Julie Schroeder  
Joel Brown  
Sharon Luecamp  
Bob Gluck  
Amy Glick  
June Riba  
Marilyn Myle  
Carl & Linda  
Mary Jaff Meggers



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

July 6, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 15, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

1. **Rod Dickey, 446 160<sup>th</sup> Street, Mechanicsville (Owner)** – Requesting a change in zoning from C-2 Highway Commercial to A-1 Agricultural for the purpose of eliminating an unneeded zoning classification and to correct a non-conforming land use. Said property is located in the SE ¼, SW ¼, Section 36, T-82N, R-4W, in Pioneer Township and consists of 2.27 acres more or less.
2. **Croell Redi-Mix, 2010 Kenwood Avenue, New Hampton (Owner)** – Requesting a Special Use Permit authorizing a sand and gravel open pit mining operation on property located in the SE ¼, NE ¼, and NE ¼, SE ¼, Section 29, and the SW ¼, NW ¼ and NW ¼, SW ¼, Section 28, T-81N, R-4W, in Cass Township, consisting of 86.00 acres more or less. Said property is currently zoned A-1 Agricultural.

At said Public Hearing, any person present, as so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

Copies sent out on 7/8/09 to the following:

1. Rod Dickey – 446 160<sup>th</sup> Street, Mechanicsville, Iowa 52306 – Certified
2. Steven Kohl – 204 160<sup>th</sup> Street, Lisbon, Iowa 52253
3. Mary Weets – 350 Franklin Avenue, Mechanicsville, Iowa 52306
4. Mary Aleen Driscoll – 103 E. Kohlhase St., Apt. 2, Mechanicsville, Iowa 52306
5. Dennis & Craig Pearson – 572 150<sup>th</sup> Street, Mechanicsville, Iowa 52306

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1. Croell Redi-Mix – William R. Croell, 2010 Kenwood Avenue, P.O. Box 430, New Hampton, IA 50659
2. Emilie Suchomel – 151 Solon Road, Solon, Iowa 52333
3. Larry & Berrie Glick – 190 Solon Road, Solon, Iowa 52333
4. Joseph & John Netolicky & Mary Meggers & Jane Pike, 5434 D Avenue NW, Cedar Rapids, IA 52405
5. Glick Family Farms LLC – 879 195<sup>th</sup> Street, Mechanicsville, Iowa 52306
6. Jane Pike – 5434 D Ave. NW, Cedar Rapids, Iowa 52405

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Copy to Tipton Conservative and Sun News on 7/6/09

7 Planning & Zoning Commission members on 7/8/09

Copy e-mailed to County Engineer on 7/8/09

2 File Copies

Bulletin Board Copy

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

June 17, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, June 17, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Kohrt, Schuett, Brown, Dornfeld, Moylan, Schroeder and Yutesler.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then reviewed the following petitions:

1. **Steve Maurer, P.O. Box 460, Clarence (Owner)** – Requesting a change in zoning from R-2 Urban Residential to A-1 Agricultural District for the purpose of allowing the construction of a proposed communication tower on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 31, T-81N, R-2W, in Fairfield Township. Said petition is to rezone 1.00 acre of a 10.00 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors. He informed the members that the access to this property is under the jurisdiction of the Iowa Department of Transportation. The letter from Sheila Lee, I.D.O.T, stated no objections. The letter from the Cedar County Engineer indicated that the access is under the jurisdiction of the I.D.O.T. La Rue stated this property is zoned R-2 and was rezoned as part of the original Cedar County Zoning Map in April 1959 for future residential development. The site is due north of the Iowa Wireless tower and northeast of the Cedar County Co-op off Highway 130. La Rue stated the reason for the change in zoning is because communication towers are not permitted in a residential district but only in the agricultural, commercial or industrial districts.

Mr. Maurer was present and informed the members where the proposed tower site would be. He stated the proposed tower would be directly north of the Iowa Wireless tower and is east of the Cedar County Cooperative. He then read the letter he had submitted with his application. The letter stated he decided to have the land rezoned from residential to agriculture with the intent of Verizon erecting a telecommunications tower at the site. He stated the property has been zoned residential since 1959 and not one house has been built. He informed the members that the property has been in row crops since 1959 and stated he can't develop it because he can not get driveway access off Highway 130. He stated if he can not develop the property residentially, he does not understand why it is zoned residential. The City of Tipton did allow him to have one driveway

which will provide access to the tower but not to a development. He also talked about the current taxation on the property versus the taxes on the tower. He also stated that current Verizon customers would receive better reception with the new tower. La Rue informed the members the CSR is 95 points and the soil is Tama Silt Loam. He stated that it appears the tower site would entail a 60 x 60 square foot area. He also stated that the cell tower itself will be interpreted under the Telecommunication Ordinance and Chapter 17.18(2) of the Zoning Ordinance for a Special Use Permit.

After further discussion, Dornfeld made a motion to approve the rezoning request from R-1 to A-1 for the purpose of allowing a communication tower on the site. Kohrt seconded the motion. Ayes all.

2. **Sara Sinnard, 1112 265<sup>th</sup> Street, Tipton (Owner)** – Requesting a Special Use Permit authorizing a Bed and Breakfast Home at 1112 265<sup>th</sup> Street, located in the N ½, NE ¼, SE ¼, Section 26, T-80N, R-3W, in Rochester Township. Said property is currently zoned R-1 Suburban Residential and A-1 Agricultural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 17.18(2) of the Zoning Ordinance in making a recommendation to the Board of Adjustment for a Special Use Permit. He then read excerpts from the Zoning Ordinance pertaining to the Zoning Commission's responsibilities. He stated the letter received from the County Engineer stated this property is located on gravel route 265<sup>th</sup> Street and should not cause any road concerns. An existing entrance has sufficient sight distance to facilitate a minor subdivision. His letter stated that the petitioner has stated that the bed and breakfast would accommodate two units which he treated as two households. This would generate less traffic than a minor subdivision hence why a minor subdivision criteria was utilized for sight distance. La Rue stated the bed and breakfast home is where they will use the existing bedrooms and share the existing kitchen. It becomes a bed and breakfast inn when there are more than five bedrooms which they would then have to comply with the state's hotel/motel laws and may be required to have a food service license. He informed the members the property is zoned R-1. La Rue stated the septic system was installed for a three bedroom home.

Ms. Sinnard was present and stated she moved here about a year and a half ago and she has always wanted to do a bed and breakfast. She stated she will have limited availability since she works in Cedar Rapids. She informed the members she has trails for hiking and the home has a beautiful view. She then read from her letter that there will be two bedrooms available immediately on the main floor and a potential for an additional bedroom within the next 2-5 years in the basement. She stated the house is secluded off of Snaggy Ridge Road and she anticipates very minimal traffic and noise. She plans to serve breakfasts immediately

and would be interested in offering box lunches and evening sit-down meals in the foreseeable future. She also stated she anticipates offering overnight accommodations for equine enthusiasts traveling through the area with horses in need of lodging. She stated she has adequate facilities to secure horses, in addition to, and separate from her own stock. She stated she has an MBA and an art degree. La Rue informed the members that a bed and breakfast business is allowed in the A-1 and R-1 zoning districts. The property consists of approximately 20 acres. Commission member Moylan asked if there were any requirements pertaining to boarding horses. She will check with Jim McNutt. Ms. Sinnard was informed that if she ever leaves the area, the Special Use Permit would not be transferrable, and she was also informed that the SUP would be reviewed annually. La Rue explained requirements if she added more bedrooms. He again explained the difference between bed and breakfast homes and bed and breakfast inns. Commission member Brown questioned the occupancy pertaining to septic systems. La Rue stated the calculation for a residential home is based on 150 gallons per day per bedroom. He also recommended an annual water test be done.

After further discussion, Yutesler made a recommendation to approve the Special Use Permit request for a bed and breakfast home. Schuett seconded the motion. Ayes all.

Minutes from the previous meeting held on May 20, 2009, were sent to the members. Yutesler made a motion to approve the minutes as written. Moylan seconded the motion. Ayes all.

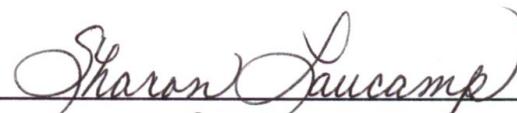
With no further business to be discussed at this time, the meeting was adjourned.

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp

**LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on July 13 and 20, 2009, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Steve Maurer, P.O. Box 460, Clarence (Owner)** – Requesting a change in zoning from R-2 Urban Residential to A-1 Agricultural District for the purpose of allowing the construction of a proposed communication tower on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 31, T-81N, R-2W, in Fairfield Township. Said petition is to rezone 1.00 acre of a 10.00 acre tract.

At said Public Hearing, any person present and so wishing will be given the opportunity to be heard. However, the Board does request, but does not require, that any person who speaks also provide a short written summary or outline of the statement they give to be placed on file. Time will be allowed during the hearing for a person to prepare such documentation, if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

CARI GRITTON  
Cedar County Auditor

Copies sent out on 7/1/09 to the following:

1. Steve Maurer – P.O. Box 460, Clarence, Iowa 52216 – Certified
2. Rex Maurer – P.O. Box 331, Hobart, Washington 98025
3. City of Tipton – Attn: Doug Boldt, 407 Lynn Street, Tipton, Iowa 52772
4. Cedar County Cooperative – 906 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
5. Jack & June Reeve – 1012 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
6. Cedar County PCS, LLC – 608 Lombard Street, Clarence, Iowa 52216
7. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772

Copy to Tipton Conservative on 6/29/09

Copy e-mailed to Board of Supervisors Secretary on 6/26/09

2 File Copies

Bulletin Board Copy

DATE 6/17/09

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON P. La Rue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P. La Rue

Steve Mauer

Sam S.

Joel Brown

Duane Zayert

Julie Schroeder

Donna Schmitt

Sara J. Simon

Carol Kast

Sharon Laucamp

Marty M. L.

Jody Yutesler



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

June 8, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 17, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petitions:

1. **Steve Maurer, P.O. Box 460, Clarence (Owner)** – Requesting a change in zoning from R-2 Urban Residential to A-1 Agricultural District for the purpose of allowing the construction of a proposed communication tower on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 31, T-81N, R-2W, in Fairfield Township. Said petition is to rezone 1.00 acre of a 10.00 acre tract.
2. **Sara Sinnard, 1112 265<sup>th</sup> Street, Tipton (Owner)** – Requesting a Special Use Permit authorizing a Bed and Breakfast Home at 1112 265<sup>th</sup> Street, located in the N  $\frac{1}{2}$ , NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 26, T-80N, R-3W, in Rochester Township. Said property is currently zoned R-1 Suburban Residential and A-1 Agricultural.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 6/10/09 to the following:

1. Steve Maurer – P.O. Box 460, Clarence, Iowa 52216 – Certified
2. Rex Maurer – P.O. Box 331, Hobart, Washington 98025
3. City of Tipton – Attn: Doug Boldt, 407 Lynn Street, Tipton, Iowa 52772
4. Cedar County Cooperative – 906 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
5. Jack & June Reeve – 1012 E. 7<sup>th</sup> Street, Tipton, Iowa 52772
6. Cedar County PCS, LLC – 608 Lombard Street, Clarence, Iowa 52216
7. Murry & Renee Mente – 1309 Highway 130, Tipton, Iowa 52772

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1. Sara Sinnard – 1112 265<sup>th</sup> Street, Tipton, Iowa 52772 – Certified
2. Larry & Sharon Hodgden – 1645 'D' Ave., NE, Cedar Rapids, Iowa 52402
3. Rick & Darlene Ehlers – 1692 Snaggy Ridge Road, Tipton, Iowa 52772
4. Dan D. & Lori A. Dawson Revocable Trust – 1102 265<sup>th</sup> Street, Tipton, Iowa 52772
5. Heidi Carr – 1114 265<sup>th</sup> Street, Tipton, Iowa 52772

7 Zoning Commission Members on 6/10/09

Copy to Tipton Conservative on 6/8/09

Copy e-mailed to Cedar County Engineer on 6/10/09

2 File Copies

Bulletin Board Copy

DATE 5/30/09

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil La Rue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. J. Rine

Joel Brown

Julie Schroeder

Brandi King

Rachet T. S.

David A. Schmitt

Marty M. L.

Jody Ginterle

Janice Donald

Carl H. Rohst

## **CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES**

May 20, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 20, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Schuett, Schroeder, Yutesler, Dornfeld and Kohrt.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then reviewed the following petition:

1. **Michael and Brandi King, 2352 Old Lincoln Highway, Lowden (Owners)** – Requesting approval of a Special Use Permit to allow a dog breeding kennel at 2352 Old Lincoln Highway, Lowden, located in Parcel A, SW ¼, SW ¼, NE ¼, Section 1, T-81N, R-1W, in Springfield Township, consisting of 3.02 acres more or less. Said property is currently zoned A-1 Agricultural.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 17.18(2) of the Zoning Ordinance in making their recommendation to the Board of Adjustment. The letter from County Engineer, Rob Fangmann, was reviewed. He has no concerns.

Mr. and Mrs. King were present and explained their plans for a dog breeding kennel for miniature dachshunds. Commission member Moylan asked what the state and federal regulations are for commercial dog breeders. Mr. King explained the state requirements for facilities, sanitation, etc. Mrs. King informed the members that they have already been inspected by the Iowa Department of Agriculture & Land Stewardship (IDALS). Mr. King then explained why they want to be a dog breeder. He continued by describing the type of buildings and facilities they have. They have no plans for commercial boarding facilities but do have a barn with ponies. The requirements for the SUP were reviewed as was surrounding land uses. La Rue explained that amendments to the SUP must be approved by the Board of Adjustment.

Following discussion, Yutesler made a motion to recommend approval of the petition. Kohrt seconded the motion. Ayes all.

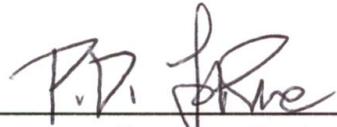
Minutes from the previous meeting held on April 15, 2009, were sent to the members. Moylan made a motion to approve the minutes as written. Yutesler seconded the motion. Ayes all.

Zoning Administrator La Rue and the Commission members then discussed flood recovery, the Public Assistance Demolition Program and the buyout of flood damaged, flood prone properties.

With no further business to be discussed at this time, the meeting was adjourned.



Chairperson  
Joel Brown



Secretary Pro-tem  
Phil La Rue

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

May 4, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 20, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petition:

1. **Michael and Brandi King, 2352 Old Lincoln Highway, Lowden (Owners)** – Requesting approval of a Special Use Permit to allow a dog breeding kennel at 2352 Old Lincoln Highway, Lowden, located in Parcel A, SW ¼, SW ¼, NE ¼, Section 1, T-81N, R-1W, in Springfield Township, consisting of 3.02 acres more or less. Said property is currently zoned A-1 Agricultural.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.



Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 5/5/09 to the following:

1. Mike & Brandi King – 2352 Old Lincoln Highway, Lowden, Iowa 52255 – Certified
2. Brent Kreinbring – 2184 160<sup>th</sup> Street, Lowden, Iowa 52255
3. Robert Witte – 26658 US Highway 70, Wilson, OK 73463-6737
4. Larre & Joyce Petersen – 2330 Old Lincoln Highway, Lowden, Iowa 52255
5. City of Lowden – P.O. Box 310, Lowden, Iowa 52255

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Copy to Tipton Conservative and Sun News on 5/4/09

5 Board of Adjustment members on 5/5/09

2 File Copies

Copy e-mailed to Rob Fangmann on 5/5/09

Bulletin Board Copy



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, May 20, 2009 – 6:30 p.m.**

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Michael and Brandi King, 2352 Old Lincoln Highway, Lowden (Owners) – Requesting a Special Use Permit to allow a dog breeding kennel
- III. Discussion
- IV. Conclusion

RESOLUTION AMENDING THE CEDAR COUNTY  
LAND USE PLAN 2006

WHEREAS, the Cedar County Board of Supervisors has commissioned the Cedar County Planning and Zoning Commission to amend the future land use plan for Cedar County; and,

WHEREAS, the Cedar County Planning and Zoning Commission, with the assistance of East Central Intergovernmental Association, has amended the Cedar County Land Use Plan 2006 to guide and facilitate development within Cedar County; and,

WHEREAS, the county sought citizen participation, through public hearings with the Planning and Zoning Commission and Board of Supervisors; and,

WHEREAS, the Cedar County Planning and Zoning Commission held a public hearing on April 15, 2009 and recommended amending the Cedar County Land Use Plan 2006 including the Future Land Use Map.

NOW, THEREFORE, BE IT RESOLVED, that the Cedar County Board of Supervisors hereby adopts the Amended Cedar Land Use Plan 2006 as a policy document to guide and facilitate development in Cedar County.

PASSED AND APPROVED this 4<sup>th</sup> day of May 2009.

Jon Bell, Chairperson  
Cedar County Board of Supervisors

ATTEST:

Cari Gritton By: Beverly J. Lenningworth  
Cari Gritton Assistant Administrator  
Cedar County Auditor to Auditor

2009 MAY -4 AM 10:21

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**COPY**

C O P Y

DATE 4/15/09

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaPine

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. LaPine

Joan Crew

Leanne & Meyer

Shirley Meyer

Dick White

Jody Gundersen

Kathy Pedersen

Linda Langenberg

Landy Gundersen

John Black

Phil LaPine

Willa Gentry

Barbara Best

Diane Scherer

LuMae

Carl H. Hart

7 July 17, 09

Joe Brown

Robert Westbagger

Rosmary Westbagger

Joy Donnell

Mike Bereman

Joan Meingster

Linda Black

Nicole Turp

Verlene Herman

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 15, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 15, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Yutesler, Dornfeld, Brown, Moylan and Kohrt. Members absent were Schuett and Schroeder.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then discussed amendments to the Cedar County Comprehensive Plan's Future Land Use Map.

Zoning Administrator La Rue explained the changes in the West Branch area. He stated the proposed map on display showed removing the potential residential growth from Garfield Avenue to the east edge of West Branch. He informed the members and audience that the area between Garfield Avenue and Franklin Avenue is in the residential growth area but not from Franklin Avenue to Charles Avenue. La Rue stated the second area is the Timber Run Subdivision located along Highway 38. He informed the members the third area is the restricted area for construction development along the proposed Highway 30 corridor. La Rue stated there is a letter of support on file received from Carol and Phil Barnes. Letters were also received from Jim and Barbara Laughlin and Michael Crane stating their opinions. The corrected proposed map was presented by Nicole Turpin, Regional Planning Coordinator for E.C.I.A. She explained the changes. She stated that the proposed map is just a guide and development may occur later. Rosemary Wertzbaugher, property owner north of West Branch expressed her concern and was informed that their property is within the existing residential growth area and will remain so (in Section 5, west of Charles Avenue). Chairperson Brown stated that the area around West Branch was expanded years ago. Now, looking back, it is proposed to revert it back to agricultural and not a development area. He stated there may still be some development in that area but it will have to come through the criteria that the county already has in place. Ms. Turpin stated that the proposed map is strictly a tool and has no bearing unless someone comes to the Planning and Zoning Commission. The proposed map will help steer development into the best suited areas.

It was noted that the Department of Transportation approached the county to make the Highway 30 corridor a restricted development area nailing down the first three and one-half miles into Cedar County. Rob Fangmann, County Engineer, stated this area is from Adams Avenue to the east. He stated there are two areas where the D.O.T. wants to go.

Randy Petersen asked what the time frame would be for getting the new map in place. Kathy Petersen stated that she feels the new map states what is in the current ordinances. LuVerne Meyer then questioned the proposed future map for Timber Run. La Rue explained that this is an existing subdivision and the proposed map would allow for additional lots for potential further development. Barb Gerot stated she appreciated getting informed.

Several members in the audience commended Ms. Turpin and the Zoning Commission members on their efforts.

After further discussion, Yutesler made a motion to approve the corrected map to match what was presented at the meeting. Kohrt seconded the motion. Yutesler then made a motion to approve the amendments to the Cedar County Comprehensive Plan's Future Land Use Map. Moylan seconded the motion. Ayes all.

Minutes from the previous meeting held on March 18, 2009, were previously sent to the members. Moylan made a motion to approve the minutes as written. Kohrt seconded the motion. Ayes all.

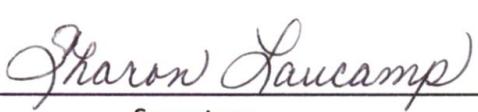
With no further business to be discussed at this time, the meeting adjourned at 7:15 p.m.

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Chairperson  
Joel Brown

---



Secretary  
Sharon Laucamp

## **LEGAL NOTICE**

**Proposed Amendments to the Cedar County  
Future Land Use Map, 10  
Cedar County Land Use Plan 2006  
Cedar County Board of Supervisors  
Public Hearing on May 4<sup>th</sup> & 7<sup>th</sup> @ 9:30 a.m.  
Board of Supervisors Meeting Room  
Courthouse, Tipton, Iowa**

### **ADD:**

- (1) IDOT Restricted Development Corridor  
Preservation Zone Along Proposed  
Highway 30 Bypass, Pioneer Township**
- (2) Timber Run Subdivision, Parts I & II,  
Rochester Township**

### **REMOVE:**

- (3) Residential Development Corridor  
Between Charles Ave. To Franklin Ave.  
Along 290<sup>th</sup> St., Springdale Township**

**LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on April 16 and 20, 2009, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of relocating the Buchanan House to property located in the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 2.00 acres of a proposed 8.00 acre tract.
  
2. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural to eliminate an unneeded zoning district located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township, consisting of 2.00 acres more or less. This petition was previously heard and approved by the Cedar County Board of Supervisors on October 2 and 6, 2008.

At said Public Hearing, any person present and so wishing will be given the opportunity to be heard. However, the Board does request, but does not require, that any person who speaks also provide a short written summary or outline of the statement they give to be placed on file. Time will be allowed during the hearing for a person to prepare such documentation, if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

CARI GRITTON

Cedar County Auditor

Copies sent out on 3/25/09 to the following:

1. Randy & Linda Weaver – 1524 Highway 130, Tipton, Iowa 52772 – Certified
2. Rebecca Penningroth – 1110 Daybreak Ridge, Tipton, Iowa 52772
3. Laverne E. Fogg – 206 W. 7<sup>th</sup> Street, Tipton, Iowa 52772
4. Ronald Wiechert – 710 Green Road, Tipton, Iowa 52772

Copy to Tipton Conservative on 3/23/09

Copy e-mailed to Board of Supervisors Secretary on 3/23/09

2 File Copies

Bulletin Board Copy

**LEGAL NOTICE**

The Cedar County Board of Supervisors will be conducting a Public Hearing on March 23 and 26, 2009, at 10:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

At this time, the Board will consider the following petition:

1. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed two (2) lot subdivision located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 10, T-79N, R-4W, in Springdale Township, consisting of 2.00 acres more or less.

At said Public Hearing, any person present and so wishing will be given the opportunity to be heard. However, the Board does request, but does not require, that any person who speaks also provide a short written summary or outline of the statement they give to be placed on file. Time will be allowed during the hearing for a person to prepare such documentation, if such time is needed. Any persons wishing a statement read into the hearing for them may file same with the County Auditor prior to the time of the hearing.

CARI GRITTON

Cedar County Auditor

Copies sent out on 3/10/09 to the following:

1. Gary Swart - P.O. Box 681, Sterling, IL 61081 - Certified
2. Dennis G. & Barbara E. Gerot - 316 290th Street, West Branch, Iowa 52358
3. Mark L. Boerjan - 1892 Delta Avenue, West Branch, Iowa 52358
4. Dan L. & Lynn M. Eggers - 311 290th Street, West Branch, Iowa 52358
5. Frank E. & Darlene A. Kabela - 225 290th Street, West Branch, Iowa 52358
6. Brian D. Woody - 191 290th Street, West Branch, Iowa 52358
7. John D. & Linda F. Black - 292 290th Street, West Branch, Iowa 52358
8. Broadview Acres, Inc. - 292 290th Street, West Branch, Iowa 52358

Copy e-mailed to Board of Supervisors Secretary on 3/5/09

Copy to Tipton Conservative and West Branch Times on 3/9/09

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

April 6, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, April 15, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider amendments to the Cedar County Comprehensive Plan's Future Land Use Map which was approved on June 19, 2006.

Proposed amendments to the County's Future Land Use Map is available for public viewing outside the Cedar County Auditor's Office on the first floor of the Cedar County Courthouse.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said amendment. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sl

RESOLUTION AMENDING THE CEDAR COUNTY  
LAND USE PLAN 2006

WHEREAS, the Cedar County Board of Supervisors has commissioned the Cedar County Planning and Zoning Commission to amend the future land use plan for Cedar County; and,

WHEREAS, the Cedar County Planning and Zoning Commission, with the assistance of East Central Intergovernmental Association, has amended the Cedar County Land Use Plan 2006 to guide and facilitate development within Cedar County; and,

WHEREAS, the county sought citizen participation, through public hearings with the Planning and Zoning Commission and Board of Supervisors; and,

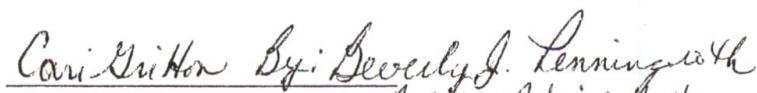
WHEREAS, the Cedar County Planning and Zoning Commission held a public hearing on April 15, 2009 and recommended amending the Cedar County Land Use Plan 2006 including the Future Land Use Map.

NOW, THEREFORE, BE IT RESOLVED, that the Cedar County Board of Supervisors hereby adopts the Amended Cedar Land Use Plan 2006 as a policy document to guide and facilitate development in Cedar County.

PASSED AND APPROVED this 4<sup>th</sup> day of May 2009.

  
\_\_\_\_\_  
Jon Bell, Chairperson  
Cedar County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Cari Gritton  
Cedar County Auditor  
Assistant Administrator  
to Auditor

FILED  
2009 MAY -4 AM 10:21  
CARI GRITTON  
CEDAR COUNTY AUDITOR

**COPY**



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, April 15, 2009 – 6:30 p.m.**

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Discussion regarding Amendment to the 2006 Comprehensive Plan, Future Land Use Map
- III. Discussion
- IV. Conclusion

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 18, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, March 18, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Schuett, Brown, Schroeder and Yutesler. Members absent were Dornfeld and Kohrt.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then considered the following petitions:

1. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of relocating the Buchanan House to property located in the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 2.00 acres of a proposed 8.00 acre tract.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Board of Supervisors. He stated that Petition #2 was previously heard and approved on September 17, 2008, by the Zoning Commission and approved by the Board of Supervisors on October 2, 2008. He stated they were looking at relocating the rezoned site to the southeast which is in a different quarter quarter section. Therefore, one petition is to rezone from A-1 to R-1 for the new site and one is to remove the previously approved site from R-1 to A-1.

Linda Weaver was present and explained to the members that the gentleman who bought Penningroth's house had a verbal agreement with Mark Penningroth that he had first right of refusal on the ground around the house. She explained the legal situation and stated that Mark also violated their contract. She stated the court has now been petitioned to decide who Penningroth's can sell the ground to. The paperwork has been submitted but no court date has been set. Mrs. Weaver stated they are still interested in the ground which they previously had rezoned but they would not place the house on that property. They are hoping to move the Buchanan House in June and she has no idea when the matter will go before a judge. She stated the ground which they are requesting to be rezoned sits right beside the previously rezoned area to the east.

La Rue stated that the Zoning Commission members previously discussed the Comprehensive Plan and noted that it does discourage scattered residential development when it won't support a whole broad range of services. He stated

the letter received from the County Engineer Rob Fangmann stated no objections with this petition. An approved entrance permit is on file subject to the applicants completion of some excavation in order to obtain proper sight distance. La Rue informed the members that the County Engineer's letter regarding Petition #2 stated there is an approved entrance on file and the existing entrance must be removed due to lack of sight distance. The soil evaluation was then reviewed. The soil on the property is Fayette Silt Loam. Limitations for building are moderate. Limitations for septic tank disposal fields are moderate to severe due to slope alone. Limitations for agricultural farm crops are moderate to severe. The C.S.R. is 68 at the highest and 45 points at the lowest. La Rue stated the C.S.R. on Petition #2 property had a high of 85 and a low of 45. The land is currently in CRP and Mrs. Weaver stated they can buy it out. Mrs. Weaver informed the members they will widen the gravel road to the point where they can access in off of the parcel of ground which they are rezoning. La Rue stated he felt the Commission members should vote on the new petition before rezoning the initial request back to A-1.

After a brief discussion, Moylan made a motion to grant the rezoning request from A-1 to R-1 for the purpose of relocating the Buchanan House. Schroeder seconded the motion. Ayes all.

2. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural to eliminate an unneeded zoning district located in the NW ¼, NW ¼, Section 8, T-80N, R-3W, in Center West Township, consisting of 2.00 acres more or less. This petition was previously heard and approved by the Cedar County Board of Supervisors on October 2 and 6, 2008.

With this petition being discussed in Petition #1, Schroeder made a motion to revert the original rezoning from R-1 to A-1. Moylan seconded the motion. Ayes all.

Minutes from the previous meeting held on February 18, 2009, were previously sent to the members. Schuett made a motion to approve the minutes as written. Yutesler seconded the motion. Ayes all.

Nicole Turpin, E.C.I.A., Regional Planning Coordinator for E.C.I.A, was present at the meeting to lead a discussion regarding an amendment to the 2006 Comprehensive Plan, Future Land Use Map. She presented a Future Land Use Map showing proposed amendments which will be considered at a Public Hearing scheduled for April 15, 2009. She advised she will be sending letters to the property owners who are requesting a revision to the Future Land Use Map in the Springdale Township area. She stated that the Board of Supervisors have also expressed their desire to have the area from West Branch to Springdale removed from the Future Land Use

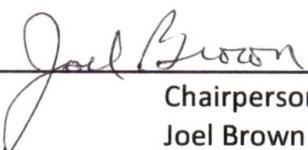
Map reducing the likelihood for residential development. It was also noted that the Board of Supervisors want the area around Timber Run included in the Future Land Use Map.

The D.O.T. map was also reviewed for the future of Highway 30. The counties are to restrict development around the proposed new location. La Rue advised the members that there are to be no construction permits allowed for any buildings valued over \$25,000.00 within the proposed location. Ms. Turpin explained the logic of the requirements for the D.O.T. for the restrictions. It was noted that the Highway 30 Coalition group are now meeting more regularly.

Discussion then reverted back to the Future Land Use Map. The members discussed the need to protect scenic vistas between Cedar Bluff and Rochester known as the Bluffland Protection area. The members further discussed the proposed map. Ms. Turpin will present the Future Land Map with the proposed changes for public input at the next meeting of the Zoning Commission. Chairperson Brown questioned if they want to protect the Highway 30 corridor across the county. La Rue stated he had no directive at this time and stated the time table is so vague that this is the first step. Ms. Turpin stated the Comprehensive Plan and Future Land Use Map should be reviewed every five years. She stated the Future Land Use Map is only a guideline. She will be sending notices out regarding the new proposed Land Use Map.

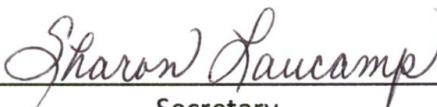
With no further business to be discussed at this time, the meeting adjourned at 7:30 p.m.

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, February 18, 2009 – 6:30 p.m.**

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petitions received from:
  - A. Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton (Owner) – A change in zoning from A-1 to R-1 for the purpose of relocating the Buchanan House
  - B. Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton (Owner) – A change in zoning from R-1 to A-1 to eliminate an unneeded zoning district
- III. Discussion regarding Amendment to the 2006 Comprehensive Plan, Future Land Use Map
- IV. Discussion
- V. Conclusion



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

March 9, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 18, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petition:

1. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of relocating the Buchanan House to property located in the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township. Said petition is to rezone 2.00 acres of a proposed 8.00 acre tract.
2. **Randy and Linda Weaver, 1524 Highway 130, Tipton (Contract Buyers) and Rebecca Penningroth, 1110 Daybreak Ridge, Tipton (Owner)** – Requesting a change in zoning from R-1 Suburban Residential to A-1 Agricultural to eliminate an unneeded zoning district located in the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , Section 8, T-80N, R-3W, in Center West Township, consisting of 2.00 acres more or less. This petition was previously heard and approved by the Cedar County Board of Supervisors on October 2 and 6, 2008.

At this time, the Commission will also hold a Public Hearing to amend the 2006 Future Land Use Map previously approved by the Cedar County Board of Supervisors on June 19, 2006.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

Copies sent out on 3/10/09 to the following:

1. Randy & Linda Weaver - 1524 Highway 130, Tipton, Iowa 52772 - Certified
2. Rebecca Penningroth - 1110 Daybreak Ridge, Tipton, Iowa
3. Lavern Fogg - ~~1046 Eureka Avenue~~, Tipton, Iowa ~~806 W. 7th St.~~
4. Ronald Wiechert - ~~710~~ Green Road, Tipton, Iowa

Zoning Commission members on 3/10/09

Copy to Tipton Conservative on 3/9/09

Copy e/mailed to County Engineer on 3/10/09

2 File Copies

Bulletin Board Copy

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 18, 2009

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, February 18, 2008, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Schuett, Schroeder, Yutesler and Dornfeld. Member absent was Kohrt.

Chairperson Brown called the meeting to order at 6:30 p.m. The members then considered the following petition:

1. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed two (2) lot subdivision located in the NW ¼, NW ¼, Section 10, T-79N, R-4W, in Springdale Township, consisting of 2.00 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review of the petition in accordance with Chapter 18 of the Cedar County Zoning Ordinance in making their recommendation to the Board of Supervisors. He reminded the Commission that Mr. Swart previously requested approval of a rezoning at this property for the purpose of a proposed twenty one (21) lot residential subdivision, which was denied by the Board of Supervisors on June 26 & 30, 2008. A second petition requesting approval of a rezoning at this property for a proposed four (4) lot residential subdivision was also denied by the Board of Supervisors on December 11 and 15, 2008. At the December Board of Supervisors hearing(s), a petition from area land owners was received by the Board of Supervisors requesting that the Board revise the Future Land Use Map which is part of the Cedar County Land Use Plan 2006, along 290<sup>th</sup> Street, removing the petitioner's properties from the area between West Branch and Springdale from future residential development potential. During a regular session of the Board of Supervisors, after December 15, 2008, Zoning Administrator La Rue was directed to begin the procedure of review for amending the Future Land Use Map in the this portion of Springdale Township. La Rue reported this process is now underway, and the Planning and Zoning Commission will, after Public Input and Public Hearing, make a recommendation to the Board of Supervisors for amendment(s) to the Future Land Use Map and Plan 2006.

As it would pertain to this petition, the petition received by the Board of Supervisors in December 2008, requested eliminating the possible future residential use of presently zoned A-1 Agricultural land owned by the objecting petitioners. One of the potential amendments to the Future Land Use Map the Board of Supervisors could consider, would remove future residential use for all properties in this corridor, including the property for which this petition is before the Commission on February 18, 2009. If the Future Land Use Map is amended for which residential

use is not a possibility, the petitioner requesting a rezoning would also need an amendment to the Future Land Use Map first.

There is a letter on file from Kevin Stoolman, West Branch Fire Chief, stating the department is willing and able to provide emergency fire and rescue service for the proposed residential site(s). The letter from County Engineer, Rob Fangmann, states that a permit is on file for one driveway which will serve the two lots proposed onto 290<sup>th</sup> Street. He anticipates no concerns. The soil evaluation report was then reviewed. The limitations for building are moderate for both the Tama Silt Loam (120B & 120C2) and the Downs Silt Loam (162D2). Limitations for septic systems are slight to moderate limitations on the Tama soil and severe limitations on the Downs soil. The moderate to severe limitations are due to the degree of slope alone. Limitations for agriculture are slight to severe. The CSR average on the Tama soils is 86.5, while on the Downs soils, the CSR is 63. The average of the two soils is 75 points. It is estimated that about 55% of the soils at the site of the two proposed lots have a CSR above 78 points.

The Cedar County Land Use Plan 2006 was then reviewed. Planning Goals and Objectives: To discourage scattered residential development when the resulting density won't support a full range of services and to guide new growth into a more compact and compatible growth pattern with adequate services. "1C – To maximize the effectiveness of development expenditures in areas changing from rural to urban by orderly extension of public utilities and community facilities; 1D – To preserve and enhance the quality of life in Cedar County; Section 3 Residential Development Goal: 3B – To provide residential development with adequate community facilities and essential services, fire and police protection, water and sewer in the most economically efficient manner; 3D – To discourage non-farm development on prime agricultural land with a high CSR; Section 8 Preservation of Agricultural Land Goal – To maintain the ag economy and preserving productive farm land and conservation of prime ag land; 8A – To protect prime ag land from needless encroachment by incompatible land use; 8B – To discourage non-farm development on prime agricultural land with a high CSR; 8C – To support the rural life style and quality of life associated with agriculture." La Rue then explained that there are several residential properties in the immediate area. He continued that the Commission will need to consider the goals and objectives of the Land Use Plan and the Future Land Use Map carefully in light of the directive given by the Board of Supervisors

Gary Swart was present with his attorney, Gerald Denning, Wilton. Attorney Denning then explained his review of the minutes of the Planning and Zoning Commission from the previous two petitions which were denied. He then explained his client's petition for two lots only and case law for land use. Specifically, when does the ruling of the government become arbitrary and capricious? Two lots is half of four lots and twenty one many more. The balance of land use between adjoining property owners and the petitioner must be considered as this is two lots. Attorney Denning then reviewed Cedar County Zoning Ordinance #10, Chapter

18(2)3. Is there a need for more building lots? Is it acceptable for others to be allowed to develop property as a "club"? It is illegal to not allow others to also build or develop their lots, two lots. He requested La Rue explain the use of C.S.R. under Chapter 18.2(3)c. La Rue then read from Chapter 5, A-1 Ag 6(7), page 32 of the Zoning Ordinance. He then explained the intent of the Commission to preserve land highly suited to agricultural use, the evaluation of land C.S.R. on timbered land and other land uses and locations.

Attorney Denning then quoted Iowa Case Law; the Black Letter Law/Zoning Commission Standards (See document "A" in the petitioner's file). Case law specifically Mentioned was U.S. Cellular Corp. v. Board of Adjustment of Des Moines. He argued the changing of the Future Land Use Map to keep Gary Swart out is arbitrary and capricious. When do you put the brakes on development? He stated you can't by the facts of law, and the factors presented and the requirements having been met from Chapter 18.2(3) a-e of the Zoning Ordinance. There was then a brief discussion by the Commission concerning the location of the driveway. It was noted County Engineer Fangmann is not concerned. A USDA aerial photo was provided. Mr. Swart explained that on his land, the waterway was enrolled in the C.R.P. program. He has removed the site from this program. The top of the waterway is between the two lots. There was then discussion about his comments. The Commission then reviewed written objections and comments presented by Kathy and Randy Peterson, Margie Figgins and Jan Luchini, Scattergood Friends School and Michael Crane. John Black then spoke that his concerns have been already stated. He is confused about the repeated petitions. They chose to live in the country and they are concerned about residential development in rural areas. If this petition is approved, they are concerned this is just the start. When will it end? This is against the Comprehensive Plan. He also disputes the C.S.R. calculation. As for the petition to amend the Comprehensive Plan, the petitioners want their properties removed from this future residential area. He then presented and read from an article from the West Branch Times on 12-11-08 (See Document "B" in the petitioner's file/High rise condominiums etc.) He stated the area property owners are upset by how one person can impact the rural area. He also expressed concern that this development will lower property values.

Mr. Swart then inquired about Mr. Black's petitions which were approved for residential use across the road from his property. The C.S.R. is higher than on his property. Mr. Black explained that the property is not a subdivision (one piece of land split into two parcels). He stated if it was to be done over, they would not do so. They are not part of a "club". Michael Crane then read his letter of opposition regarding maintaining property values and rural character. (See letter in file) He then spoke about Gerald Denning's comments. It isn't arbitrary and capricious. He has the ability to develop his (Mr. Swart's) property as a farm without rezoning. He believes the statement that the property is in CRP is incorrect. It is in set-aside and stated he is not intimidated by a lawyer. Attorney Denning then rebutted the article from the West Branch Times and that Cedar County has the control for residential development on land in the unincorporated areas of Cedar County. Mr. Black then rebutted

the West Branch Times article which stated Mr. Swart did talk about his plans for condominiums. Kathy Peterson then read aloud her letter of objection to the rezoning. She also does not consider her family part of a "club". (See letter in file) She also is concerned that this development will lower property values. Barbara Gerot, adjoining property owner to the east of these two lots, stated the rural character must be preserved. She explained Mr. Swart told her his plans and all neighbors are for this. She talked with her neighbors and they all were told a different story. She stated she hopes the Commission will deny the request. Jan Luchini, Scattergood Friends Schools then presented her letter and her opposition and concerns are the same. She then explained the goals of the school and their prairie and the inability to properly manage the land if restricted from controlled burning. The Commission acknowledged her concerns, but these restrictions also affect the prairie at the property which is managed by the National Park Service in West Branch. Mark Boerjan, neighbor across the road on 290<sup>th</sup> Street, again stated his opposition to the petition. Mr. Crane then stated homes can be built as a farm. The neighbors are concerned by rezoning and the future of the area if rezoned. Commissioner member Moylan asked Kathy Peterson and John Black more about their concerns about the value of their property going down.

There was then discussion about the future Land Use Map and how the map would be altered to remove the properties of the objecting land owners. La Rue explained the procedures that would be used to provide for the revisions. Attorney Denning then explained his opinions for land use. You must have a Comprehensive Plan, Zoning Regulations and a Land Use Map. He, therefore, argues that the County must balance property rights of his client because of previous rezoning approval and the proper determination of the facts in favor of this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance. Randy Peterson stated the property owners who signed the petition of December 2008 want their properties removed from the future proposed residential area. Dave Sickels also spoke about revision of the Future Land Use Map. All neighbors expressed frustration with this petition and the need to go over this again. Gary Swart was asked by Commissioner Yutesler about the proposed water supply, septic systems & access. Mr. Swart stated the lots will share a well and each lot would have its own septic system. The access was previously addressed in a letter from County Engineer Fangmann. Linda Langenberg spoke to express support for the opposition by the area land owners. Mike Crawley then spoke his opinion about the "club". He stated he had to look hard for what he wanted for property and a home. He understands the concerns of the neighbors and supports them in their opposition of this rezoning.

The Commission then discussed the residentially zoned properties across 290<sup>th</sup> Street and further north along Delta Avenue, south of the Peterson farm. They also noted the agriculturally zoned (but residentially assessed) farmsteads in this area. They summarized the goals of the Comprehensive Plan and the strengths and concerns about this petition. Attorney Denning then addressed the Commission. He stated the points of Chapter 18.2(3) of the Zoning Ordinance,

and that based upon them, the Commission should recommend approval. Commissioner Yutesler then summarized her opinions regarding the need for more development land with lots available in West Branch. The high C.S.R. is a concern. Chairperson Brown then expressed his views on land use and this is not capricious in his opinion. He acknowledged the concerns of the adjoining land owners.

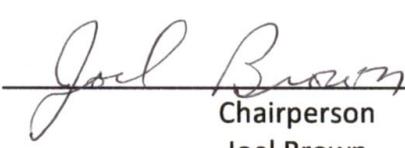
After further discussion, Schroeder made a motion to deny the rezoning request. Dornfeld seconded the motion. Ayes all.

The minutes from the previous meeting held on December 17, 2008, were previously sent to the members. Moyland made a motion to approve the minutes as written. Schuett seconded the motion. Ayes all. The Public Hearing was then adjourned.

The Commission members then discussed the policies and procedures of Chapter 18.2(3) as they pertained to this case. The Commission then discussed procedures to review the Future Land Use Map for potential amendment. The petition received by the Board of Supervisors from property owners in the corridor of potential residential development was discussed. La Rue explained that while the petitioning property owners desire to remove all potential residential use to agriculture use for their properties, the Board's directive is the potential revision from residential use back to agriculture, an area east of Charles Avenue to Franklin Avenue south of 280<sup>th</sup> to I-80. Both options pose future land use issues for the area. Honoring the request of the petitioners could create a mosaic or checkerboard pattern which is difficult to manage or even print on the revised map. The Board's request could eliminate development unless the Future Land Use Map is again amended first. La Rue continued that as per the request, he is in contact with Nicole Turpin, E.C.I.A. for her assistance. Also, he has met with Sterling Benz, Cedar County Attorney, requesting his assistance and input. La Rue reported that after discussing the matter with the County Attorney, that in his opinion, the County Attorney was concerned by such amendments to the Future Land Use Map. Any study, report, public hearings and recommendation to the Board must be made following the procedures required by the Comprehensive Plan and State Law and should include a review of the plan and entire Future Land Use Map. Also, briefly discussed was the planning concept of Land Evaluation and Site Assessment. La Rue would once again like to schedule a meeting with Brian Schoon, East Central Iowa Council of Government. Finally, La Rue provided a flood recovery report to the Commission members.

With no additional business to be discussed, the meeting was adjourned.

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Chairperson  
Joel Brown

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Secretary Pro-tem  
Phil La Rue



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

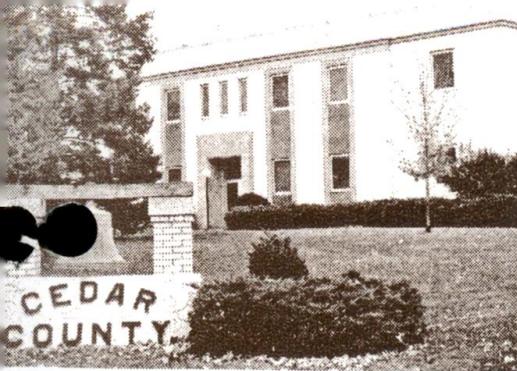
**AGENDA**

**Cedar County Planning & Zoning Commission**

**Wednesday, February 18, 2009 – 6:30 p.m.**

Large Meeting Room, Cedar County Courthouse, Tipton, Iowa

- I. Introduction
- II. Review of the petition received from:
  - A. Gary Swart, Sterling, IL (Owner) – A change in zoning from A-1 to R-1 for the purpose of constructing single family dwellings on a proposed two (2) lot subdivision
- III. Discussion
- IV. Conclusion



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse  
Tipton, Iowa 52772

February 9, 2009

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 18, 2009, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

At this time, the Commission will consider the following petition:

1. **Gary Swart, P.O. Box 681, Sterling, IL (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwellings on a proposed two (2) lot subdivision located in the NW ¼, NW ¼, Section 10, T-79N, R-4W, in Springdale Township, consisting of 2.00 acres more or less.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

PL:sl

Copies sent out on 2/9/09 to the following:

1. Gary Swart - P.O. Box 681, Sterling, IL 61081 - Certified
2. Dennis G. & Barbara E. Gerot - 316 290th Street, West Branch, Iowa 52358
3. Mark L. Boerjan - 1892 Delta Avenue, West Branch, Iowa 52358
4. Dan L. & Lynn M. Eggers - 311 290th Street, West Branch, Iowa 52358
5. Frank E. & Darlene A. Kabela - 225 290th Street, West Branch, Iowa 52358
6. Bryan D. Woody - 191 290th Street, West Branch, Iowa 52358
7. John D. & Linda F. Black - 292 290th Street, West Branch, Iowa 52358
8. Broadview Acres, Inc. - 292 290th Street, West Branch, Iowa 52358

Zoning Commission members

Copy to Tipton Conservative & West Branch Times on 2/9/09

2 File Copies

Copy e-mailed to Rob Fangmann on 2/9/09

Bulletin Board Copy

*CEDAR COUNTY BOARD OF SUPERVISORS*  
*Cedar County Courthouse*  
*400 Cedar Street*  
*Tipton, Iowa 52772-1750*  
*Telephone: 563-886-3168*  
*Fax: 563-886-3339*  
*E-Mail: bos@cedarcounty.org*

January 2, 2009

**COPY**

John A. Dornfeld  
1600 Hwy 38  
Tipton, Iowa 52772

Dear Mr. Dornfeld:

Please be advised, that by motion of this Board on January 2, 2009 you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2011. Your willingness to serve on this Board is greatly appreciated.

Sincerely,

  
\_\_\_\_\_  
Jon E. Bell, Chairperson

JEB:bjp

*CEDAR COUNTY BOARD OF SUPERVISORS*  
*Cedar County Courthouse*  
*400 Cedar Street*  
*Tipton, Iowa 52772-1750*  
*Telephone: 563-886-3168*  
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**COPY**

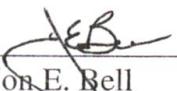
January 2, 2009

Dave Schuett  
803 2<sup>nd</sup> Avenue  
Durant, Iowa 52747

Dear Mr. Schuett:

Please be advised, that by motion of this Board on January 2, 2009, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2011. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,

  
\_\_\_\_\_  
Jon E. Bell

JEB:bjp

*CEDAR COUNTY BOARD OF SUPERVISORS*  
*Cedar County Courthouse*  
*400 Cedar Street*  
*Tipton, Iowa 52772-1750*  
*Telephone: 563-886-3168*  
*Fax: 563-886-3339*  
*E-Mail: bos@cedarcounty.org*

January 2, 2009

*CODY*

Julie Schroeder  
1119 Vermont Avenue  
Bennett, Iowa 52721

Dear Mrs. Schroeder:

Please be advised, that by motion of this Board on January 2, 2009, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2011. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,

*Jon E. Bell*  
\_\_\_\_\_  
Jon E. Bell, Chairperson

JEB:bjp



Tel: 563-886-2248

**OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR**  
Cedar County Courthouse

Tipton, Iowa 52772

January 12, 2009

**TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS**

I am writing to inform you that there will not be a meeting of the Planning and Zoning Commission during the month of January because no petitions were filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl