



Tel: 563-886-2248

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

December 7, 2010

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 December because no petitions were filed.

Sincerely,

A handwritten signature in cursive script that reads "Phil La Rue /sl".

Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

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

November 9, 2010

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 November because no petitions were filed.

Sincerely,

A handwritten signature in dark ink, which appears to read "P.D. La Rue". The signature is written in a cursive, flowing style.

Phil La Rue
Zoning Administrator

PL:sl

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on November 8 & 15, 2010, 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. Gary and Judy Suchomel, 48 230th Street, West Branch, IA (Owners)- Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 7, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.96 acres of a 7.93 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 10/25/10 to the following:

1. Gary & Judy Suchomel – 48 230th Street, West Branch, Iowa 52358 – **Certified**
 2. Matt & Megan Moore – 1343 Baker Avenue, West Branch, Iowa 52358
 3. Pauline Hunter & Kenneth Paul Moore Family Trust – 1345 Baker Avenue, West Branch, IA 52358
 4. Scott & Cindy Worrell – 1283 Charles Avenue, West Branch, Iowa 52358
-

Copy e-mailed to Tipton Conservative on 10/25/10 for T. C. & West Branch Times

Copy e-mailed to B of S Secretary on 10/25/10

2 File Copies

Bulletin Board Copy

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 20, 2010

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, October 20, 2010, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schroeder, Yutesler, Brown, Dornfeld, Moylan, Kohrt & Schuett.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on September 15, 2010, were previously sent to the members. It was noted that two minor corrections needed to be made. Schroeder then made a motion to approve the minutes with the corrections she noted. Kohrt seconded the motion. Ayes all. Chairperson Brown requested that everyone in attendance address any comments they may have to the Commission members and not to each other. The Commission then reviewed the following petitions:

1. Steve and Sheryl Yerington, 1050 Stonemill Road, Tipton, IA (Owners)- Requesting a Special Use Permit authorizing the location of a commercial dog kennel on property located on Parcel D, in the NW ¼, SE1/4, Section 14, T-80N, R-3W, in Center West Township, consisting of 5.19 acres m/l. Said property is currently zoned R-1 and A-1 District.

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), Special Exceptions, of the Zoning Ordinance in making a recommendation to the Board of Adjustment.

Mr. & Mrs. Yerington were present and informed the members they would like to build a commercial kennel for both dogs and cats. They plan to put up a 36' x 64' building to accommodate approximately 21 dogs and 8 cats at this time but may have more in the future. Mr. Yerington stated that Sheryl plans to board and groom dogs and cats at the proposed facility. He also stated he had talked to the County Engineer who had recommended they provide dust control in both directions of the existing entrance which he stated they do anyway. Mr. Yerington informed the members he had gone around to the neighbors to inform them of their plans and did not receive any negative comments. The nearest neighbor is 500 feet away. The Yerington's stated they have not yet applied for a permit from IDOLS because they wanted to receive permission for their SUP first. Mr. Yerington informed the members they will do some land application of the manure generated and also plans to have a compost operation. He stated the animals will be housed inside overnight and the exercise area will be outside of the kennel. A six foot tall fence will be installed for the outside runs.

After a brief discussion, Schroeder made a motion to recommend approval of the Special Use Permit request to the Cedar County Board of Adjustment authorizing the commercial kennel on the Yerington's property. Moylan seconded the motion. Ayes all.

2. Gary and Judy Suchomel, 48 230th Street, West Branch, IA (Owners)- Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NE ¼, NW ¼, NE ¼, Section 7, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.96 acres of a 7.93 acre tract.

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 a recommendation to the Board of Supervisors. The letter received from the West Branch Fire Department stated they would be able to provide emergency fire and rescue response. The letter also stated the owner will be responsible for making sure that fire trucks have full access to road/lane, in which must be 16 feet wide and provide a turn around, as well as making sure there are no trees or overhangs in the road/lane to compromise their response. The County Engineer's letter stated the property is located on gravel route 230th Street and should not cause any road concerns. An approved entrance permit is on file in the Engineer's Office. There is a residentially zoned home to the southeast of the property. La Rue stated the soils for foundations for low buildings are moderate to severe based upon slope. Septic tank disposal field limitations are severe based upon poor soil permeability and steep slope. The CSR on the property is 27 and 68 points.

Mr. and Mrs. Suchomel were present and informed the members they felt this property was very suitable for a single family dwelling. Mr. Suchomel stated they are not sure at this time if they will sell it or build on it themselves. The property has been in pasture for many years. A pond was constructed on the property in 1983, there is some wooded ground on it and it is not far from a hard surface road. The property is located approximately 7 miles from the West Branch Fire Department. Mr. Suchomel stated he has a small cow herd to the west of the ground. He also stated he was told that it would be easier to sell the property if it was already rezoned. Members Moylan and Schuett both commented they would rather the Suchomel's were requesting the rezoning for themselves to build on the property rather than for selling purposes.

After further discussion, Yutesler made a motion to approve the rezoning request from A-1 to R-1 of 1.96 acres in the 7.93 total acre tract for a single family dwelling, subject to no future subdivision development on the property and keeping the 7.93 acres intact. Dornfeld seconded the motion. 5 ayes and 2 nays.

3. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners)- Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the N ½, NE ¼, SE ¼, Section 06, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District. This petition was previously heard by the Commission at the September 15, 2010, meeting.

4. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners)- Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the S ½, SE ¼, NE ¼, Section 06, T-81N, R-3W, in Red Oak Township. Said property is currently zoned

A-1, Agricultural District. This petition was previously heard by the Commission at the September 15, 2010 meeting.

Chairperson Brown informed the members that a motion was needed to lift the motion for tabling Petition #'s 3 and 4 at the last meeting held on September 15, 2010. Yutesler then made a motion to lift the table motion from the last hearing. Kohrt seconded the motion. Ayes all.

Erin Hazen, Project Development Manager for Acciona Windpower North America, introduced herself and then presented a power point presentation for the members and audience. She stated a manufacturing facility for Acciona is located in West Branch, IA, and it has been in operation since late in 2007. At full capacity, their estimated employment is 107 employees and an additional 120 employees in supply chain, administration and field operation areas. She also stated Acciona is a global leader. She informed the members and audience that the purpose of this project is to complete the certification of their 3 megawatt turbines in North America. There will be two 3 megawatt turbines on the proposed site. The company plans to break ground in early April of 2011, and the construction period is estimated between 8 to 10 weeks. Ms. Hazen stated there are no plans to expand the project. She stated they kept their plans in compliance with every section of the ordinance. She also informed the members and audience that the health concerns have been investigated and no scientific evidence was found to support any claims. There is a silent block assembly on the turbine to minimize vibrations. She also stated that for the closest residence, in the worst case scenario, the noise level would be 39 decibels if the wind was blowing in a certain direction, certain humidity, etc., which is well below the 50 decibel limit stated in Ordinance #47. She stated there is a contact number for the neighbors to call in case of any complaints and the company will respond within 24 hours to help rectify the problem. They will work with all landowners. As far as property values, no significant effect has been found on home sale prices around wind energy projects. The advantages of their location in Cedar County is that the property tax is kept in the county, it is the closest site to West Branch, approximately 30 additional jobs at the West Branch site will be created and there will be local construction jobs during the construction of the turbines.

Bernard Andrew, the closest resident to the turbine site at 2,200 feet, asked Ms. Hazen how it will affect his farm. She responded that he will see and hear the turbines but the noise level will be less than 40 decibels. Mr. Andrew then questioned if Acciona does not need his approval for this project, why did she come to him with an easement for him to sign. She responded that it is part of the outreach program which they do with their neighbors. It was also noted that no shadow flicker will reach Mr. Andrew's property. Mike Herring stated that what Ms. Hazen presented were computer generated environmental impact stats and asked if she had supporting documentation from previous projects that show the actual maximum noise readings. She stated they conduct post construction noise studies and said they do not want any noise problems. She also stated that 30 to 35 decibels is considered library quiet and a whisper is 30 decibels. She then explained the shadow flicker from the turbines and stated they are more prevalent in the fall and winter. She stated that an anti-reflection paint is used on the blades. It was noted that there is a 1,632 feet separation distance between the two proposed turbines. Ms. Hazen also informed the audience that the substation can not support more


turbines. The substation is located approximately 6 ½ miles southeast of the facility. She informed the audience that it will be a generating facility and they will negotiate with companies to buy it. She also stated the energy will be used in this area. Jody Yutesler then informed the members and public of her visit with several other members of the Board of Adjustment and Board of Supervisors to a wind farm east of Galena, IL. She stated there were 60 plus turbines in that area. She stated when parked underneath the turbines, there was a woosh sound. She informed them that they talked with one of the neighbors who was 2,100 feet away from the turbines who stated there were no problems and did not note any health problems. The group of people they visited with stated there is a small whish sound but it did not bother them. The turbine height at the Illinois site was 300 feet and operates at 1 ½ megawatt. Chairperson Brown stated he had visited with Lemar Graff, head of the Institute of Rural Environmental Health at the University of Iowa, and asked him if he would do some research for him regarding the "wind-turbine syndrome". In his report back to Brown, he stated subsonic sound is not a risk to hearing loss and there were very few health issues. Mike Herring then read excerpts of literature he had obtained regarding research that had been done regarding noise levels. He stated he thinks the current ordinance has some issues and is too liberal. Mrs. Herring stated she is not as concerned about the decibel level as she is about the low frequency noise which produce health symptoms. She is concerned about the vibratory low impact noise which affects the body but you don't hear it. Mr. Herring then stated he thought Cedar County should step back now before we go any further and question whether the current ordinance is appropriate for the health of the neighboring residences. He stated the set back distance would fall in line with the noise and he would like further research done regarding the noise. Several people in the audience spoke in support of the wind energy project. Bill Schulte, Executive Director of the Cedar County Economic Development Commission, was present and informed the members and audience that he had submitted a letter stating what Cedar County needs to be considering which includes new jobs in Cedar County being created. He feels that if we do not move forward with this project, it will appear that Cedar County is not friendly to business. He feels that, with the move to alternative energy, this is a good start. Jody Yutesler stated she was informed at the wind farm visit that noise will be monitored day and night on the turbines after they are up, and if there are any issues, there will be a management plan in place to work with it. Ms. Hazen agreed that both dBA and dBC readings will be done. Mr. Herring then stated, with the new information he now has, he is asking that he be protected as a person and feels his health is not worth the loss of a job. He then stated his attorney told him that anybody can sue anybody for anything. Matt Hills, an employee for Acciona and a resident of Cedar County, was present and stated he thinks wind turbines are not the only things subject to sound. He feels that, economically, Cedar County has an opportunity to welcome wind power into Cedar County for our benefit. Virginia Kotz stated she works in a medical facility clinic and feels if one person is dizzy all day, it is not worth it. She stated there is no reason to add more risk to people's health. A member in the audience questioned about any possibility of ice throws. Evelyn, an engineer for Acciona, stated there is a fail safe emergency backup which is not based on electricity. She stated there is a hydraulic system and if the electrical system fails, it immediately shuts down. She also stated that each blade is monitored. LeRoy Beaman, Cedar County resident, stated he is in favor of green energy no matter where we find it. He stated he has done his own personal research and does not feel there is a great enough percentage of people who might be affected to offset a major industry in Cedar County. Sam Osborn, West Branch, stated we need to move

forward and noted that other areas where the wind turbines are located are not experiencing catastrophic problems. He also feels this is a great opportunity for Cedar County. Ms. Hazen stated Acciona is an owner/operator who develops projects that they will own based on a long term. They plan to set a shining example of wind tower operation in Cedar County.

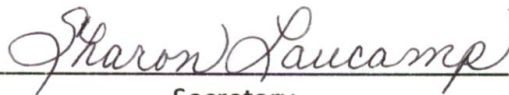
Zoning Administrator La Rue then summarized his findings. He stated the CSR on the property is 95 points but the footprint of this will be negligible. He also stated Acciona has tried to address everything in the ordinance and does appear to comply with the ordinance as adopted. He consulted his peers in other counties which have wind turbines and stated they have no complaints. He also visited C-WECS sites in western Iowa and stated he could only hear the turbines when he got very close. La Rue stated the current ordinance can not be changed while the petitions are current. Therefore, the members must consider these petitions in accordance with the current Ordinance #47. He also stated new rules will go into effect in the State of Wisconsin in January of 2011. These include the maximum separation distance of three times the tower height and the noise limit will be 50 dBA's during the day and 45 dBA's during the night. He stated he can find no entities to support dBC limits at this time at a government level. He suggests they hold Acciona to the ordinance and to their standards in a recommendation to the Board of Adjustment. He stated Acciona has a complaint litigation plan and if there is a problem, they will be required to fix it. The County Engineer's letter stated that Cedar County Ordinance #47, Section 7, outlines the procedure to ensure minimal impact on existing infrastructure and an approved entrance permit is located on file in the Engineer's Office. It was again noted that the Planning and Zoning Commission members only make a recommendation and the Board of Adjustment will make the final decision.

After a brief discussion regarding the pro's and con's of the petition, Dornfeld made a motion to make a recommendation to the Board of Adjustment for approval of the S.U.P. request for Petition #3. Moylan seconded the motion. Ayes all. Dornfeld then made a motion to recommend approval of the S.U.P. request for Petition #4. Moylan seconded the motion. Ayes all.

With no further business to be discussed at this time, Kohrt made a motion for adjournment. Dornfeld seconded the motion. Meeting was adjourned at 8:50 p.m.



Chairperson
Joel Brown



Secretary
Sharon Laucamp

DATE Oct 20, 2010ORGANIZATION PLANNING & ZONING BOARDCONTACT PERSON Phil LaRueMEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaRueJoel BrownAmy BerryGriff HarrisBill SchulerJACK FESSLERAnn McBRIDESheryl GieringerSteve YeringtonBernard AndrewBerneta AndrewLINDA ALEXANDERMark AlexanderEsther DolphinMike Dolphin Jr.Brandi Enick-HerveyMike HerveyMary SuchomelJudy SuchomelMikeClark DzyKim ClarkJosh GuteskeJulie SchroederJohn & DanielleVirginia Koz1) Jany NyeCarl H. KozDavid D. SchmittMark HillMary L. ZerkelbachElizabeth Osborne



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

October 4, 2010


LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, October 20, 2010, 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 and Sheryl Yerington, 1050 Stonemill Road, Tipton, IA (Owners)-** Requesting a Special Use Permit authorizing the location of a commercial dog kennel on property located on Parcel D, in the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 14, T-80N, R-3W, in Center West Township, consisting of 5.19 acres m/l. Said property is currently zoned R-1 and A-1 District.
- 2. Gary and Judy Suchomel, 48 230th Street, West Branch, IA (Owners)-** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property located in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 7, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.96 acres of a 7.93 acre tract.
- 3. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners)-** Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the N $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 06, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District. This petition was previously heard by the Commission at the September 15, 2010, meeting.
- 4. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners)-** Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the S $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 06, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District. This petition was previously heard by the Commission at the September 15, 2010 meeting.

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 LaRue
Zoning Administrator

Copies sent out on 10/5/10 to the following:

1. Steve & Sheryl Yerington – 1050 Stonemill Road, Tipton, Iowa 52772 – **Certified**
2. Wendling Quarries – P.O. Box 230, De Witt, Iowa 52742-0230
3. Shawn Kleppe – 1049 Stonemill Road, Tipton, Iowa 52772
4. Merle & Nicki Aikman – 1069 Stonemill Road, Tipton, Iowa 52772
5. Kelly Cedar Farms LTD – 402 2nd Avenue, Apt. 8, Clarence, Iowa 52216
6. Kevin K. Kelly – 191 Quincy Avenue, Clarence, Iowa 52216
7. Joette McCaw – 1035 Stonemill Road, Tipton, Iowa 52772
8. Donald & Lois Rosenow – 1104 Plum Street, Tipton, Iowa 52772

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1. Gary & Judy Suchomel – 48 230th Street, West Branch, Iowa 52358 – **Certified**
 2. Matt & Megan Moore – 1343 Baker Avenue, West Branch, Iowa 52358
 3. Pauline Hunter & Kenneth Paul Moore Family Trust – 1345 Baker Avenue, West Branch, IA 52358
 4. Scott & Cindy Worrell – 1283 Charles Avenue, West Branch, Iowa 52358

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1. Acciona Windpower North America, LLC – Attn: Erin Hazen, 601 Fawcett Drive, West Branch, Iowa 52358 – **Certified**
 2. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306
 3. Oldorf Farms, Inc. – JoAnn Kettman, Pres., 23107 N. 146th Ln., Sun City West, AZ 85375-2771

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1. Acciona Windpower North America, LLC – Attn: Erin Hazen, 601 Fawcett Drive, West Branch, Iowa 52358 – **Certified**
 2. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306
 3. John & Kathleen Sauer – 105 Cottage Drive, Mechanicsville, Iowa 52306-9714
 4. Bernard & Berneta Andrew – 697 160th Street, Mechanicsville, IA 52306-7605 (Requested notification of meetings)

Copy e-mailed to Tipton Conservative on 10/4/10 for T.C., West Branch Times & Sun News

Copies sent to Zoning Commission on 10/5/10

Copy e-mailed to County Engineer on 10/5/10

2 File Copies

Bulletin Board Copy

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on October 11 & 14, 2010, 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. Michael Svatosch, 515 East South Street, Lisbon, IA (Contract Buyer) and David Ferguson, 210 W. 1st Street, Mechanicsville, IA (Owner) – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 29, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.90 acres of a 12.00 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 9/27/10 to the following:

1. Michael Svatosch – 515 East South Street, Lisbon, Iowa 52253 – **Certified**
 2. David Ferguson – 210 W. 1st Street, Mechanicsville, Iowa 52306-0021
 3. Helen Ryerson – 2345 41st Street, Rock Island, IL 61201-5135
 4. John Remington – 168 145th Street, Lisbon, Iowa 52253
 5. Anna Henderson – P.O. Box 922, Cedar Rapids, Iowa 52406-0922
 6. Robert & Marcia Lehr – 174 145th Street, Lisbon, Iowa 52253-8503
 7. Barbara Bardsley – 155 W. School Street, Lisbon, Iowa 52253-0332
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Copy e-mailed to Tipton Conservative on 9/27/10 for Tipton Conservative & Sun News

Copy e-mailed to B of S Secretary on 9/16/10

2 File Copies

Copy for Bulletin Board

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

September 15, 2010

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, September 15, 2010, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Yutesler, Schuett, Schroeder and Dornfeld. Members absent were Kohrt and Moylan.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on August 18, 2010, were previously sent to the members. Member Yutesler noted a change to be made regarding the fee for the building permit for cell towers. The fee is \$100.00 for the first \$100,000 and then \$1.00 for every \$1,000 over that. Yutesler then made a motion to approve the minutes with the correction from \$1.00 to \$100.00 for the first \$100,000. Schroeder seconded the motion. Ayes all. Chairperson Brown then announced that Petition #3 would be heard as #1 on the agenda due to the time factor. The members then reviewed the following petitions:

1. Michael Svatosch, 515 East South Street, Lisbon, IA (Contract Buyer) and David Ferguson, 210 W. 1st Street, Mechanicsville, IA (Owner) – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 29, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.90 acres of a 12.00 acre tract.

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 a recommendation to the Board of Supervisors. The letter from the Lisbon Fire Department stated they will be able to provide adequate fire and safety service to the property. The letter from County Engineer, Rob Fangmann, stated this property is located on gravel route 145th Street and should not cause any road concerns. An approved entrance permit is located on file in the Engineer's Office. La Rue stated the soils are Fayette Silt Loam. Limitations for building are moderate. Limitations for septic systems are severe due to limited seepage and slow water movement. The C.S.R. is between 60 and 70 points. He then stated the Comprehensive Plan is to discourage scattered residential development and encourage orderly compact efficient growth and development for infrastructure and road support.

Michael and Carol Svatosch were present and informed the members they would like to buy the 12 acre tract and construct a single family dwelling and maybe an extra building. Mr. Svatosch stated the remainder of the tract will either be garden, CRP ground, hay field and they may possibly have some horses. He stated they have no large plans. It was noted there are no livestock confinements nearby. His driveway access was briefly discussed. It was noted that directly across the road is the Pioneer Cemetery, a homestead and another residence.

It was also noted that there is an adjoining timber area which is hunted. Mr. Svatosch stated that this is not a concern.

John Remington, adjoining property owner, was present and stated he is against the petition and does not want another neighbor. He owns the timber to the south of the property and he is concerned about possible trouble with hunters. He stated he is also concerned about the electrical poles and hookup to the Svatosch's. John Bardsley, another adjoining property owner, stated he thought the rule was that you had to have 35 acres in order to build a home. La Rue stated that is the Ag exemption. Mr. Bardsley then stated he was concerned that the Svatosch's could sell off from their property for other houses. He was informed that they would have to come back to the Planning & Zoning Commission and Board of Supervisors for approval. La Rue stated this is why the Svatosch's are not asking to rezone the entire 12 acres and are only rezoning the minimal lot size. Mr. Bardsley stated they are concerned about removing the ag land from production. Mrs. Bardsley stated their family have owned the timber for over 160 years and they want it to remain as timber. She believes another residence will impact the wildlife. Chairperson Brown stated that it has been his concern over time that a precedence is set and questioned if there is another residentially zoned property in the area. He also stated it has been his position over the years for the protection of timbers and ag land. He also expressed concern about the money spent to service a new property. La Rue stated there are many lots available in Section 18 & 19 for residential development close to Lisbon.

Mr. Svatosch again stated they do not want to destroy the timber. They only want to build one house, have a garden and possibly a few horses. Member Dornfeld stated he realizes that we need ag ground for production but we also need to raise people.

After a brief discussion, Yutesler made a motion to approve the rezoning request from A-1 to R-1 subject to no future development on the 12 acres. Schroeder seconded the motion. Ayes 4 with Brown voting nay.

2. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners) - Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the N ½, NE ¼, SE ¼, Section 6, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.

3. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasor & Owners) - Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the S ½, SE ¼, NE ¼, Section 6, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.

Zoning Administrator La Rue informed the members they will be doing their review in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance and Ordinance #47 in making a recommendation to the Cedar County Board of Adjustment. He stated there is one verbal objection on file. He then informed the members it appears that Petition #2 does comply with Chapter 17.18(2) for special permits as well as the requirements of Ordinance #47. The

letter received from County Engineer Rob Fangmann stated this property is located on gravel route 160th Street. Cedar County Ordinance 47, Section 7, outlines the procedure to ensure minimal impact on existing infrastructure. An approved entrance permit is located on file in the Engineer's Office. La Rue reported the soils on this property are Tama Silt Loam and the C.S.R. is 95 points.

Erin Hazen, Project Development Manager for Acciona Windpower North America, was present and informed the members that the goal of Acciona is to bring turbines to North America for the next generation. She stated they currently operate on 1.5 megawatts in West Branch but the market has shifted into a larger demand. They would like to erect the two turbines here in North America so they can begin selling them here. She stated they are working to satisfy the demand and beat their competition. She stated the project brings jobs to the county and stated these turbines are the future of the West Branch branch. Ms. Hazen informed the members their focus is on the owner and operator and they strive to be a good neighbor. She stated Acciona is the oldest and largest company in the manufacture of wind turbines.

Mike and Brenda Herring, property owners in the area, were present and stated their house lies within a 2 kilometer radius of the proposed turbines. Mr. Herring stated he is objecting on the grounds that he believes Cedar County Zoning Ordinance #47, Section 6, Article 12A, regarding the setback requirement of 1,000 feet is not appropriate. He is concerned about health effects caused by wind turbines. He stated he had done some research on the internet and ran across a medical term called wind turbine syndrome. He informed the members that the term was coined by Dr. Nina Pierpont who has been investigating the ill effects of clients. He stated he believes she is the world's foremost leader in the objection of wind turbines being built close to people's homes. He stated her recommendation is a two kilometer setback at a minimum and further for taller wind turbines. Two kilometers equals approximately 1 ¼ miles. He does not believe the 1,000 feet setback addresses the health effects of people who live close to the turbines. He is also concerned about the transmission lines which will run approximately 6 ½ miles and will come near his house. He thinks it behooves the Commission that further medical investigation be completed before approval is given. He also stated he believes there is medical information out there which has been ignored and he wants more research done. Esther Dolphin, neighbor to the southwest, was present and expressed her concern about the effects of the wind turbines on children and also animals. She also expressed concern about their property value should they decide to sell because of problems with their animals.

Erin Hazen informed the members and audience that there are no plans to expand. She also stated they chose this site to be near their plant in West Branch and benefit Cedar County. She stated the reports have not been accepted as creditable. There are no proven or creditable health effects by wind turbines. Mike Herring then read more information from reports he has obtained and stated Dr. Pierpont is no crack pot. He informed the members he was going to the Board of Supervisors on Thursday and ask them to reconsider the 1,000 feet or two times the height of the turbine, whichever is greater. He would like the Board of Supervisors to go to the Cedar County Public Health Board and have them perform some kind of study themselves. Mrs. Herring then stated some of the health problems such as affecting cavities, inner ear, sleep disturbances, cardiac problems, etc. She stated information has been researched on lower turbines and who knows what about the higher turbines. Ms. Hazen stated the sound will not be any different. She also informed the members they have been in the wind generation business for 20 years.

Mr. Herring stated he is relatively certain that in the next 15 years in that corridor there will be more than two wind turbines. Mark Alexander who works for Acciona was present and stated he has no problems when working on the turbines. He has not experienced any health problems. Member Yutesler inquired if there would be any interference with crop spraying. Ms. Hazen stated they are very compatible with the agricultural areas and they communicate with the land owners. Yutesler also inquired about ice buildup on the turbines. Ms. Hazen stated the setbacks are adequate protection and the sensors pick up if there is any ice buildup and will shut down.

Chairperson Brown inquired about how the turbines handle super cell thunderstorms and tornadoes. Ms. Hazen stated there are no tornadoes in Europe. She informed the members the turbines are built to withstand up to 160 mph winds and will shut down. Member Schroeder asked Mr. Herring if he has talked to people in northern Iowa and Illinois who live near the wind farms. Mr. Herring stated he has not talked directly to them. Member Dornfeld questioned how many areas would be accessible for placement of the turbines if the setback was 2 kilometers. Mr. Herring replied probably not any but there are plenty of areas out of the state where they can generate the electricity. He stated he basically wants more research done. Mr. Herring then asked if this SUP is approved and a year from now the American Medical Association says that wind turbine syndrome can be a real phenomena. He requested if the Board of Adjustment can then put a cease to operate on the two turbines. Chairperson Brown stated that SUP's are reviewed annually and if there is a problem, the permit can be revoked. La Rue stated they can be revoked only if they exceed the noise limit or violate the ordinance. As long they are in compliance with the ordinance and county and state regulations, they will be allowed to exist.

Member Yutesler questioned about tabling the petition at this time. La Rue stated the request is to be evaluated on the ordinance we currently have. Mr. Herring again asked if the AMA comes out with different guidelines, would it supersede Ordinance #47. La Rue stated he does not know at this time. Mr. Herring stated if you don't have the research to back what you are doing then you should speak now or forever hold your peace and said that is why he is in attendance. Roger Timm stated the Zoning Commission has the authority to table the petition until more research is done. Yutesler then made a motion to table the petition until more information on the effects is established. There was no second to the motion. Member Schuett then commented they are a recommending board and the Board of Adjustment will make the ultimate decision. Chairperson Brown stated the P & Z members have three options: support it, pass on it or absolutely object to it. La Rue stated they have to have a reason to object to it based upon the ordinance and zoning regulations. Member Dornfeld stated that based on the ordinance, there are no grounds to object. Mr. Herring then requested the P & Z Commission not pass this on to the Board of Adjustment and requested them to make their own decision and do their job.

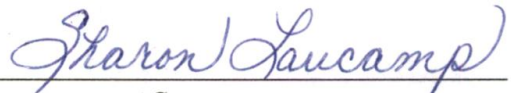
Member Yutesler questioned if they need to review the ordinance before a decision is made regarding the distance requirement of 1,000 feet. La Rue stated many agencies made their comments and opinions which were worked into the ordinance. Yutesler questioned Mr. Herring about any studies done regarding the side effects of taller versus shorter turbines. Mr. Herring stated that geometry will tell you that the taller the tower, the further out the angle is going to reach. Ms. Hazen stated they did a study on sound levels. Mr. Herring stated there would be a 345 foot blade on a 500 foot tower. He stated the tailing edge of the blade is what causes the concussion. Chairperson Brown stated the total height of the turbine from ground level to the blade tip, at the highest point, will be 506 ½ feet. The minimum ground clearance from ground

level to the lowest point of the blade traveled is 194 feet. The blade speed is 17 to 20 rpms and about three revolutions per minute. Member Schroeder then stated she does not want any one's health jeopardized. La Rue stated that Dr. Pierpont's studies have not been proven at this time. Chairperson Brown then read excerpts from Acciona's Noise Resolution Plan. He stated that the two petitions from Acciona are essentially based on the same information. The Herring's stated they want the Cedar County Board of Health to critique, make a recommendation and review the medical literature. Brown stated he feels that the Commission is not ready to make a decision at this time. He then stated he would recommend that the Commission table the SUP requests for 30 days and have the Herring's run it past the Board of Supervisors to see what it would take for them to do a review of the research.

After further discussion, Yutesler made a motion to table the vote on the SUP's for Petition 1 & 2 for commercial wind turbines in Cedar County pending further information within 30 days for the possibility of a need to amend the ordinance. Dornfeld seconded the motion. Ayes all.

With no further business to be discussed at this time, Schroeder made a motion to adjourn. Schuett seconded the motion. The Commission members then went into private session.

Chairperson
Joel Brown


Secretary
Sharon Laucamp



September 2, 2010

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, September 15, 2010, 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. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasee & Owners) -** Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the N $\frac{1}{2}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 6, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.
- 2. Acciona, 601 Fawcett Drive, West Branch, IA (Leasee) & Steve and Teresa Weets, 612 160th Street, Mechanicsville, IA (Leasee & Owners) -** Requesting a Special Use Permit authorizing the location of a 507 foot tall wind turbine: Commercial Wind Energy Conversion System (C.W.E.C.S.) on property located in the S $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 6, T-81N, R-3W, in Red Oak Township. Said property is currently zoned A-1, Agricultural District.
- 3. Michael Svatosch, 515 East South Street, Lisbon, IA (Contract Buyer) and David Ferguson, 210 W. 1st Street, Mechanicsville, IA (Owner) -** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single family dwelling on property located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 29, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 1.90 acres of a 12.00 acre tract.

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.

A handwritten signature in dark ink, appearing to read "P.D. LaRue".

Phil LaRue
Zoning Administrator

Copies sent out on 9/7/10 to the following:

1. Acciona Windpower North America, LLC – Attn: Erin Hazen, 601 Fawcett Drive, West Branch, Iowa 52358 – **Certified**
 2. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306
 3. Oldorf Farms, Inc. – JoAnn Kettman, Pres., 23107 N. 146th Ln., Sun City West, AZ 85375-2771
-

1. Acciona Windpower North America, LLC – Attn: Erin Hazen, 601 Fawcett Drive, West Branch, Iowa 52358 – **Certified**
 2. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306
 3. John & Kathleen Sauer – 105 Cottage Drive, Mechanicsville, Iowa 52306-9714
-

1. Michael Svatosch – 515 East South Street, Lisbon, Iowa 52253 – **Certified**
 2. David Ferguson – 210 W. 1st Street, Mechanicsville, Iowa 52306-0021
 3. Helen Ryerson – 2345 41st Street, Rock Island, IL 61201-5135
 4. John Remington – 168 145th Street, Lisbon, Iowa 52253
 5. Anna Henderson – P.O. Box 922, Cedar Rapids, Iowa 52406-0922
 6. Robert & Marcia Lehr – 174 145th Street, Lisbon, Iowa 52253-8503
 7. Barbara Bardsley – 155 W. School Street, Lisbon, Iowa 52253-0332
-

Copy e-mailed to Tipton Conservative on 9/2/10 for T.C. & Sun News

Copies sent to Zoning Commission on 9/7/10

Copy e-mailed to County Engineer on 9/2/10

2 File Copies

Bulletin Board Copy

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on September 13 & 16, 2010, 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. Dean and Lynn Figg, 2166 280th St., Wilton, IA (Owners)- Requesting a change in zoning from A-1, Agricultural to R-1, Suburban Residential for the purpose of complying with refinancing requirements for their existing single family dwelling located in the N $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 3, T-79N, R-1W, in Farmington Township. Said petition is to rezone 1.00 acre of their 6.2 acre property.

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 8/23/10 to the following:

1. Dean & Lynn Figg – 2166 280th Street, Wilton, Iowa 52778-9219
2. Stan Garrels – 2216 W. 4th Street, Davenport, Iowa 52802-1634
3. Patrick Garrels – 2180 280th Street, Wilton, Iowa 52778-9219
4. David R. Offerman Testamentary Trust Fund A – 12375 148th Street, Wapello, IA 52653-9457
5. Barry & Jo Ann Garrels – 1836 W. 55th Street, Davenport, Iowa 52806-2518
6. Roger Schroeder – 2036 280th Street, Wilton, Iowa 52778-9217
7. Wayne R. & Kristi J. Schroeder – P.O. Box 536, Wilton, Iowa 52778-0536
8. James C. & Kim Y. Semsch – 2195 280th Street, Wilton, Iowa 52778-9219
9. Ronald D. & Joyce E. Weih – 2176 270th Street, Bennett, Iowa 52721-9618

Copy e-mailed to Tipton Conservative on 8/23/10
Copy e-mailed to Wilton-Durant Advocate News on 8/23/10
Copy e-mailed to Board of Supervisors Secretary on 8/23/10
2 File Copies
Bulletin Board Copy

DATE 8/18/10

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

C O P Y

MEETING ATTENDANCE:

P.D. Jone

Pete McVally

Terry Carpenter

Curtis Eldred

Dean Figg

Lynn Figg

Julie Schweda

Marion Leucamp

David A. Schmitt

Marty Nyle

Ron Winger

Maisy Winger

Jody Gutesky

Carl H. LaRue

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 18, 2010

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, August 18, 2010, 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, Schuett, Yutesler and Kohrt. Member absent was Dornfeld.

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

1. Cedar County P.C.S., LLC, 608 Lombard St., Clarence, IA (Leasee) & Ron and Daisy Wingert, 1389 Highway 130, Tipton, IA (Leasor & Owners)- Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 27, T-81N, R-4W, in Cass Township. 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 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. La Rue stated there is a correction to the legal description on several of the documents which stated SE $\frac{1}{4}$ of Section 28, which is actually the SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 27. He then briefly discussed the soils which is Chelsea Loamy Fine Sand, 5 to 9 percent slope and CSR of 21 points with very severe limitations for farming. The letter on file from the County Engineer stated that this property is located on paved route State Street and should not cause any road concerns. An approved entrance permit is located on file in the Engineer's Office. The permit requires that the trees along the fence line that are reducing the sight distance to be removed. La Rue informed the members that adjoining property owners, Michael & Norma Bounk, inquired whether or not it is possible, since the elevation is the same, for the tower to be located further west to minimize the impact of its visual presence. La Rue stated it appears that the elevation would be the same moving the tower west by north, thereby also increasing separation distance from 100 feet from the property line to the east to 200 feet, provided a line of sight can be maintained for the engineering. He stated this is his recommendation.

Pete McNally, representing Cedar County P.C.S., stated they are a subsidiary of the Clarence Telephone Company. They are also an affiliate of Iowa Wireless. Mr. McNally then discussed the site plans to provide a good quality of coverage throughout the county, particularly in this area. He stated they are proposing a 190 foot self support tower with no guyed wires. There will be a 10' x 12' prefabricated building on the site. The required information pursuant to the requirements of Ordinance #30 were submitted and he stated they will meet all the criteria.

The tower can accommodate co-location for other companies. He also stated they meet all setback requirements. Mr. McNally stated the Wingert's would not want the tower in the center of the property due to future possibilities and to move it would incur additional costs. La Rue then stated it does appear to comply with Ordinance #30 but stated the Wingert's don't live there and other people do who have to look at that image right outside their window. He stated that is why he is asking if it is possible for the tower site to be moved 100 feet or so west. The nearest house is approximately 300 feet away. The site is approximately 200 feet from the right-of-way. La Rue stated the Bounk's would like the tower to be more hidden. Mr. McNally showed on the photo where it would be 100 feet further away. Member Moylan questioned if it is possible for development in that area. La Rue stated it would be costly due to the cost of septic systems in the area. La Rue stated this property has no river frontage or views. Mr. Wingert stated they have no immediate plans. La Rue stated the property is not in Cedar County's Future Land Use Plan for residential development. Member Schuett questioned the cost of additional engineering if the site was moved. Mr. McNally stated he would guess between \$5,000 and \$10,000. Member Moylan stated he likes the camouflage near the trees and felt that the Bounk's will see the tower either way. Kurt Eldred, Cedar Co. P.C.S. representative, stated they have looked into other sites and are wanting the least amount of impact which will work into their network. Member Kohrt questioned if the Wingert's have a problem with 100 feet difference. Daisy Wingert stated she thinks it is less intrusive at the current proposed site and would like to leave it there. La Rue stated the Bounk's will attend the upcoming Board of Adjustment meeting. It was noted that the Board of Adjustment will make the final decision.

After further discussion, Moylan made a motion to approve the proposed site for the Special Use Permit to the Board of Adjustment with the County Engineer's stipulation regarding the tree line requirements. Schuett seconded the motion. Ayes all.

2. Dean and Lynn Figg, 2166 280th St., Wilton, IA (Owners)- Requesting a change in zoning from A-1, Agricultural to R-1, Suburban Residential for the purpose of complying with refinancing requirements for their existing single family dwelling located in the N ½, NW ¼, NE ¼, Section 3, T-79N, R-1W, in Farmington Township. Said petition is to rezone 1.00 acre of their 6.2 acre property.

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 18.3 of the Zoning Ordinance in making their recommendation to the Board of Supervisors. The letter from the County Engineer stated that this property is located on gravel route 280th Street and should not cause any road concerns. An approved entrance permit is on file in the Engineer's Office. The letter from the Durant Fire Chief stated they can and will provide fire and rescue services to this site. La Rue stated the farmstead was split off of the farm many years ago.

Dean Figg then informed the members that when they went to refinance their property they were denied because the property is currently zoned A-1 Agricultural. He stated that due to new banking rules since the first of the year, they were not able to get a regular home loan and they would have to get a farm loan which meant the interest rate would go from 4 ½% to 6 ¼ and

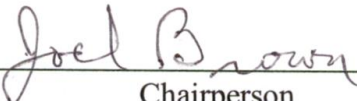
6 ½%. He stated the bank wanted them to break off one acre, have it rezoned to residential, and then they could take the farm income and put it against the rest of the ag land. He stated they can not break off one acre without the barn being included. He also stated he wants to include the septic field with the house. He stated a new survey will be required. He informed the members all of this is due to the bank requirements because of the underwriters. It was noted that there are no livestock facilities within 1,300 feet.

After a brief discussion, Schroeder made a motion to recommend approval of the rezoning request to the Board of Supervisors. Yutesler seconded the motion. Ayes all.

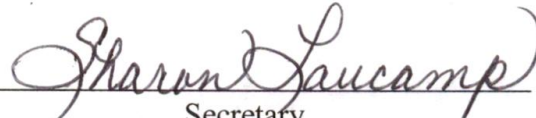
Minutes from the last meeting held on July 21, 2010, were previously sent to the members. Kohrt made a motion to approve the minutes as presented. Schuett seconded the motion. Ayes all.

La Rue then informed the members that Cedar County will be getting wind energy towers. He stated that there will be a petition next month for two 508 feet high wind towers to be located east of Garfield Avenue near Mechanicsville in Red Oak Township. He requested input from the members regarding whether to charge one fee for both towers or one fee for each tower. There will be two different locations located within one-quarter mile of each other. The members felt each tower should be charged for the Special Use Permit fee of \$100.00 each. He then asked for input regarding the building permit fee. He stated that for cell towers, Cedar County currently charges \$100.00 for the first \$100,000 and then \$1.00 for every \$1,000 in construction costs over that. He stated it could be done the same way for the wind energy towers or charge based on the energy produced. The general consensus of the members was that they be charged for the energy produced.

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



Chairperson
Joel Brown



Secretary
Sharon Laucamp



Tel: 563-886-2248

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

August 9, 2010

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 18, 2010, 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. Cedar County P.C.S., LLC, 608 Lombard St., Clarence, IA (Leasee) & Ron and Daisy Wingert, 1389 Highway 130, Tipton, IA (Lessor & Owners)-** Requesting a Special Use Permit authorizing the location of a 190 foot tall wireless communication tower on property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 27, T-81N, R-4W, in Cass Township. Said property is currently zoned A-1, Agricultural.
- 2. Dean and Lynn Figg, 2166 280th St., Wilton, IA (Owners)-** Requesting a change in zoning from A-1, Agricultural to R-1, Suburban Residential for the purpose of complying with refinancing requirements for their existing single family dwelling located in the N $\frac{1}{2}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 3, T-79N, R-1W, in Farmington Township. Said petition is to rezone 1.00 acre of their 6.2 acre property.

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 LaRue
Zoning Administrator

Copies sent out on 8/10/10 to the following:

1. Cedar County PCS, LLC – 608 Lombard St., P.O. Box 246, Clarence, Iowa 52216 – **Certified**
 2. Ron & Daisy Wingert – 1389 Highway 130, Tipton, Iowa 52772-0163
 3. Peter J. McNally – The Grinnell Group, 225 42nd Street, Des Moines, Iowa 50312
 4. Sand Woods LLC – 6 Longview Knoll, Iowa City, Iowa 52240
 5. Michael & Norma Bounk – 1315 State Street, Tipton, Iowa 52772
 6. Kathy Walter – 357 210th Street, Tipton, Iowa 52772
 7. Jean E. & Mary Jo Davidson – 42 Camborne Circle, Iowa City, Iowa 52245-1540
 8. Daniel & Delores Shima – 409 W. Sheridan Drive, Eldridge, Iowa 52748-1630
 9. Hugh & Phyllis Stumbo – 419 E. 5th Street, Tipton, Iowa 52772
 10. Kent & Debbie Smith – 1116 3rd Street, Tipton, Iowa 52772
 11. David & Pamela Smith – 1300 State Street, Tipton, Iowa 52772-9282
 12. Patrick & Sheryl Murphy – 1612 Cedar Street, Tipton, Iowa 52772
-

1. Dean & Lynn Figg – 2166 280th Street, Wilton, Iowa 52778-9219 (Picked up on 8/11/10)
 2. Stan Garrels – 2216 W. 4th Street, Davenport, Iowa 52802-1634
 3. Patrick Garrels – 2180 280th Street, Wilton, Iowa 52778-9219
 4. David R. Offerman Testamentary Trust Fund A – 12375 148th Street, Wapello, IA 52653-9457
 5. Barry & Jo Ann Garrels – 1836 W. 55th Street, Davenport, Iowa 52806-2518
 6. Roger Schroeder – 2036 280th Street, Wilton, Iowa 52778-9217
 7. Wayne R. & Kristi J. Schroeder – P.O. Box 536, Wilton, Iowa 52778-0536
 8. James C. & Kim Y. Semsch – 2195 280th Street, Wilton, Iowa 52778-9219
 9. Ronald D. & Joyce E. Weih – 2176 270th Street, Bennett, Iowa 52721-9618
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Copy e-mailed to Tipton Conservative on 8/9/10
Copy e-mailed to Wilton-Durant Advocate News on 8/9/10
7 Planning & Zoning Commission members on 8/10/10
Copy e-mailed to County Engineer on 8/9/10
2 File Copies
Bulletin Board Copy

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 21, 2010

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 21, 2010, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Moylan, Brown, Kohrt, Schuett, Schroeder, Dornfeld and Yutesler.

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

1. James Lilienthal and Kraig Timmerman, 26865 1st Avenue, New Liberty, Iowa, (Contract Buyers) and Jeffrey Graves, P.O. Box 70, Durant, Iowa, (Owner)- Requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located in the NW ¼, NW ¼, NW ¼, Section 24, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned C-2, Highway Commercial and A-1, Agricultural District.

Zoning Administrator La Rue informed the members that there is a correction on the zoning classification on the property. He stated all of the property is zoned C-2 Highway Commercial. He then advised them to do their review in accordance with Chapter 17.18(2) of the Zoning Ordinance in making a recommendation of the Special Use Permit to the Cedar County Board of Adjustment. The property is located on the corner of 310th Street and Yankee Avenue. There are no written or verbal objections on file for this petition. The letter received from the Durant Fire Department stated they can provide fire protection for said plans. The letter from the County Engineer stated the property is located on paved route Yankee Avenue (Y26) and gravel route 310th Street and should not cause any road concerns. Approved entrance permits are on file located in the Engineer's Office. The soil inventory was then discussed. For building, there are Atterberry and Tama Silt Loams. There are limitations on the Tama soils and severe limitations on the Atterberry soils due to a high water table. For septic, there are moderate limitations on the Tama soils and severe on the Atterberry soils due to the high water table and slow water movement. For the ag land, there are moderate limitations with a CSR of 95 on the Tama soils and slight limitations on the Atterberry soils with a CSR of 90. La Rue informed the members and petitioners that this property was originally zoned C-2 by the Cedar County Board of Supervisors in the adoption of the original zoning ordinance and future land use map back in 1959.

Mr. Lilienthal and Mr. Timmerman were both present and informed the members they sell Pioneer seed corn and they would like to put up a seed shed and sell the product at this location. They will deliver seed out and will have appointments with customers. They will also seed treat beans. There will be bulk bins along the southeast corner of the shed. The bulk beans will come there and go through a treater and then directly into boxes. They informed the members that during the months of March, April and May, there will be someone there 24/7. After that they will have appointments with customers and meet them in their office.

Mr. Lilienthal stated that a percolation test has been done. La Rue stated they need to have a water estimate from them (according to how many employees, how many gallons, how many employees will be using the system). Mr. Lilienthal also stated that they have talked to Iowa Department of Agriculture and Land Stewardship. He stated what they are treating is under what needs to have a permit. He stated that the representative from IDALS stated if it was under 300 gallons, no permit was needed. La Rue stated he would like to see a letter stating same. Mr. Lilienthal and Mr. Timmerman stated that their treatment consists of just 2 ½ gallon jugs. They will have a small containment center built in case of a spill. Mr. Lilienthal also stated they have sent in for a NPDES permit with the IDNR. La Rue said he would like a copy of the paperwork for this also. La Rue then again discussed the septic system stating that it based upon the water usage, number of employees and customers that use the facilities there and will be oversized by 50%.

Mr. Lilienthal then explained the treater and presented a picture of the facility. The proposed facility will be located north of the existing Pioneer facility and is one-half mile from I-80. Mr. Timmerman stated they wanted to be located on a blacktop road and this property is centrally located in their selling area. They stated they are currently selling out of Mr. Lilienthal's dad's property. They would like to simplify things and try to get everything under one roof. They do not plan to sell chemicals at this time. Adam Budelier, adjoining property owner, was present and questioned about the property between him and the proposed site. Mr. La Rue stated there are no plans at this time.

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

2. James Lilienthal and Kraig Timmerman, 26865 1st Avenue, New Liberty, Iowa, (Contract Buyers) and Jeffery Graves, P.O. Box 70, Durant, Iowa, (Owner) - Requesting a change in zoning from C-2 Highway Commercial to A-1 Agricultural for the purpose of allowing a Agricultural Service Business in accordance with Chapter 5D(1), of the Cedar County Zoning Ordinance, Number 10, for the sale of seed grains on property located in the NW ¼, NW ¼, NW ¼, Section 24, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less.

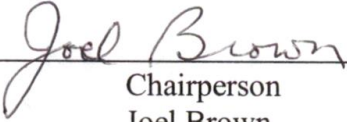
La Rue informed the members there were no written or verbal objections on file and advised them to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance when making a recommendation to the Cedar County Board of Supervisors. La Rue then read excerpts from Chapter 3, Section 26, and stated that ag service businesses are not a permitted use in the C-2 Highway Commercial district at this time which is why they are requesting approval of the change in zoning. La Rue stated the Commission could make a recommendation to the Board of Supervisors to rezone the land back to A-1 or recommend that La Rue create an amendment to the Zoning Ordinance to allow ag services, not including bulk chemical storage and chemical warehousing, to be a permitted use in the C-2 district. He asked for the Commission's direction. Discussion followed, and it was the general consensus to change the zoning classification. La Rue stated this area was zoned C-2 back in 1959 because of the location of Interstate 80.

It was noted that this property is prime ag land but is already zoned C-2. La Rue stated the advantage of being zoned A-1 is that it always has to be an ag service business and could never turn into a restaurant, etc. If the activity ever changed, it would have to be rezoned again.


After further discussion, Yutesler made a motion to approve the rezoning request from C-2 to A-1, for the purpose of an ag service business, to the Board of Supervisors. Dornfeld seconded the motion. Ayes all.

Minutes from the last meeting held on May 19, 2010, were previously sent to the members. Moylan made a motion to approve the minutes as presented. Schuett seconded the motion. Ayes all.

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



Chairperson
Joel Brown



Secretary
Sharon Laucamp

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on August 9 & 12, 2010, 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. James Lilienthal and Kraig Timmerman, 26865 1st Avenue, New Liberty, Iowa, (Contract Buyers) and Jeffery Graves, P.O. Box 70, Durant, Iowa, (Owner) - Requesting a change in zoning from C-2 Highway Commercial to A-1 Agricultural for the purpose of allowing a Agricultural Service Business in accordance with Chapter 5D(1), of the Cedar County Zoning Ordinance, Number 10, for the sale of seed grains on property located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T-79N, R-1W, in Farmington Township, consisting of 5.00 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 7/26/10 to the following:

1. James Lilienthal & Kraig Timmerman – 26865 1st Avenue, New Liberty, IA 52765 – **Certified**
 2. Jeffery A. Graves Revocable Trust – P.O. Box 70, Durant, Iowa 52747
 3. Adam Budelier – 2118 Yankee Avenue, Durant, Iowa 52747
 4. Robert G. & Trudy K. Menke – 2375 Vermont Avenue, Durant, Iowa 52747
 5. I.D.O.T. – Right-Of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, IA 50010
 6. David R. Offerman Testamentary Trust Fund A - % Patricia A. Offerman, 12375 148th Street, Wapello, Iowa 52653-9457
 7. Cal & Nancy Lilienthal – 4192 Rose Bluff Circle, Iowa City, Iowa 52240-7789
-

Copy e-mailed to Tipton Conservative on 7/26/10

Copy e-mailed to Wilton-Durant Advocate News on 7/26/10

Copy e-mailed to Board of Supervisors Secretary on 7/26/10

2 File Copies

Bulletin Board Copy

DATE 7-21-10

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

<u>Phil LaRue</u>	_____
<u>Jim Kitchin</u>	_____
<u>Mark Kitchin</u>	_____
<u>Joel Brown</u>	_____
<u>A.R. B.</u>	_____
<u>David A. Schmitt</u>	_____
<u>Jay Myle</u>	_____
<u>Julie Knaack</u>	_____
<u>Carl H. Kolt</u>	_____
<u>John Dornell</u>	_____
<u>Gary Guterle</u>	_____
<u>Sharon Lucamp</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____



Tel: 563-886-2248

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

July 2, 2010

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, July 21, 2010, 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. James Lilienthal and Kraig Timmerman, 26865 1st Avenue, New Liberty, Iowa, (Contract Buyers) and Jeffery Graves, P.O. Box 70, Durant, Iowa, (Owner)-**
Requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T-79N, R-1W, in Farmington Township, consisting of 5.00 acres more or less. Said property is currently zoned C-2, Highway Commercial and A-1, Agricultural District.

- 2. James Lilienthal and Kraig Timmerman, 26865 1st Avenue, New Liberty, Iowa, (Contract Buyers) and Jeffery Graves, P.O. Box 70, Durant, Iowa, (Owner) -**
Requesting a change in zoning from C-2 Highway Commercial to A-1 Agricultural for the purpose of allowing a Agricultural Service Business in accordance with Chapter 5D(1), of the Cedar County Zoning Ordinance, Number 10, for the sale of seed grains on property located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 24, T-79N, R-1W, in Farmington Township, consisting of 5.00 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 LaRue
Zoning Administrator

Copies sent out on 7/6/10 to the following:

1. James Lilienthal & Kraig Timmerman – 26865 1st Avenue, New Liberty, IA 52765 – **Certified**
 2. Jeffery A. Graves Revocable Trust – P.O. Box 70, Durant, Iowa 52747
 3. Adam Budelier – 2118 Yankee Avenue, Durant, Iowa 52747
 4. Robert G. & Trudy K. Menke – 2375 Vermont Avenue, Durant, Iowa 52747
 5. I.D.O.T. – Right-Of-Way Office, Attn: Steve Westrold, 800 Lincoln Way, Ames, IA 50010
 6. David R. Offerman Testamentary Trust Fund A - % Patricia A. Offerman, 12375 148th Street, Wapello, Iowa 52653-9457
 7. Cal & Nancy Lilienthal – 4192 Rose Bluff Circle, Iowa City, Iowa 52240-7789
-

Copy e-mailed to Tipton Conservative on 7/2/10

Copy e-mailed to Wilton-Durant Advocate News on 7/2/10

7 Zoning Commission Members on 7/6/10

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

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

June 8, 2010

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 June because no petitions were filed.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on June 3 & 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. Josh and Molly Pedersen, 663 290th Street, West Branch, IA (Contract Buyers) and Randy and Kathy Pedersen, 1841 Delta Avenue, West Branch, IA (Owner)– Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1, Wapsi Creek Subdivision, on property located in the NE1/4 of the NW1/4, Section 06, T-79N, R-3W, Iowa Township, consisting of 2.29 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 5/24/10 to the following:

1. Josh & Molly Pedersen – 663 290th Street, West Liberty, Iowa 52776 – **Certified**
 2. Randy & Kathy Pedersen – 1841 Delta Avenue, West Branch, Iowa 52358
 3. Jake & Mackenzie Pedersen – 661 290th Street, West Liberty, Iowa 52776
 4. Steve & Debra Nash – 639 280th Street, West Branch, Iowa 52358
 5. Phyllis Sondergard – 128 W. Main Street, West Branch, Iowa 52358
 6. Mildred Mather – 1794 Garfield Avenue, West Branch, Iowa 52358
 7. Craig Furchtenicht – 604 280th Street, West Branch, Iowa 52358
 8. Nash Farms Ltd. – 639 280th Street, West Branch, Iowa 52358
-

Copy e-mailed to Tipton Conservative on 5/24/10

Copy e-mailed to West Branch Times on 5/24/10

Copy e-mailed to B of S Secretary on 4/23/10

2 File Copies

Bulletin Board Copy



Tel: 563-886-2248

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

May 7, 2010

PUBLIC NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May 19, 2010, 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. Josh and Molly Pedersen, 663 290th Street, West Branch, IA (Contract Buyers) and Randy and Kathy Pedersen, 1841 Delta Avenue, West Branch, IA (Owner)– Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing single family dwelling on Lot 1, Wapsi Creek Subdivision, on property located in the NE1/4, of the NW1/4, Section 06, T-79N, R-3W, Iowa Township, consisting of 2.29 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 LaRue
Zoning Administrator

DATE 5-19-10

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil J. Kue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil J. Kue

Joel Brown

Sharon Laucamp

Molly Pedersen

Josh Pedersen

Katty Pedersen

Randy Pedersen

David A. Schmitt

Nancy Nylund

Jeff Gutesch

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 19, 2010

The Cedar County Planning and Zoning Commission conducted Public Hearing on Wednesday, May 19, 2010, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Yutesler, Schuett and Moylan. Members absent were Dornfeld, Schroeder and Kohrt.

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

1. Josh and Molly Pedersen, 663 290th Street, West Branch, IA (Contract Buyers) and Randy and Kathy Pedersen, 1841 Delta Avenue, West Branch, IA (Owner)— Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on Lot 1, Wapsi Creek Subdivision, on property located in the NE1/4, of the NW1/4, Section 06, T-79N, R-3W, Iowa Township, consisting of 2.29 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 Cedar County Zoning Ordinance in making a recommendation to the Board of Supervisors. La Rue stated there is an access permit on file from Secondary Roads. The letter from the County Engineer states that this property is located on gravel route 280th Street and should not cause any road concerns. The letter received from the West Branch Fire Department stated they are willing and able to provide emergency fire and rescue response. It also stated the owner will be responsible for making sure that fire trucks have full access to road/lane, in which must be 16 feet wide and provide a turn around, as well as making sure there are no trees or overhangs in the road/lane to compromise their response. The soil inventory was next discussed. Limitations for buildings are moderate to severe in the Colo-Ely soil complex to the north. Limitations for septic are severe. However, a septic system will be able to be installed. Limitations for agricultural crops are moderate to severe. The CSR is 90, 63 and 85 points. It was noted that the property is not in production and parts of it is covered with trees. It is also located within a subdivision. They will utilize the existing drive and will share the existing well. La Rue stated the Comprehensive Plan does discourage scattered residential development but there are residential residences one-quarter of a mile to the west and Garfield Avenue.

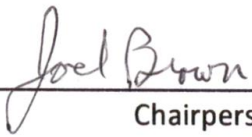
The Pedersen's were present and informed the members they wish to move an existing two story house and place it on Lot #1. Mr. Pedersen is involved in the farming operation. It was noted that the property next door is not rezoned. La Rue stated there is a plan to have homesteads rezoned when split off a farm in the future. He stated, in the proposed ordinance amendment, if it can not be rezoned to residential, it will not be allowed to be split off the

farm. The goal is to match the use to each zoning classification. He also explained the livestock issue regarding the one-quarter mile separation distance from a 500 head livestock operation and one-half mile from an operation of over 500 head. Chairperson Brown stated he wants to protect ag interest. He is not concerned about the current owner but is concerned about subsequent owners. La Rue stated he wants development close to towns with the cities providing services. The Commission members were in agreement that they want smart growth.


After further discussion, Moylan made a motion to recommend approval to the Board of Supervisors of the rezoning request from A-1 to R-1 for the purpose of placing a home on the property. Schuett seconded the motion. Ayes all.

Minutes from the last meeting held on April 21, 2010, were then read 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.



Chairperson
Joel Brown



Secretary
Sharon Laucamp

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 21, 2010

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, April 21, 2010, 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, Schuett, Yutesler and Moylan. Members absent were Schroeder and Kohrt.

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

1. Elisha and Calvin Bailey, 234 Adams Avenue, Lisbon, IA, (Contract Buyers) and Steve Edinger, 238 Adams Avenue, Lisbon, IA, (Owner)— Requesting a change in zoning from M-1 Light Industrial to R-3 Multi-Family Residential for the purpose of eliminating a non-conforming use and allow a one, single family dwelling and one, two family dwelling on property located on Lot 7 and Lot 8 in the SE1/4, of the NW1/4, Section 18, T-82N, R-4W, Pioneer Township, consisting of 2.87 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 Cedar County Zoning Ordinance in making a recommendation to the Board of Supervisors. La Rue stated the purpose of this petition is to correct a non-conforming use. Originally, the property was rezoned by Eugene Edinger in 1972 to manufacture farm and road equipment. La Rue stated until 1984, the property was not used for that purpose. He informed the members that Steve Edinger received a building permit in 1987 to place a home on Lot 7 for a single family dwelling to be occupied by him. He also requested on April 14, 2000, a building permit to place an office on Lot 7 for the woodworking business. In 2003, on Lot 9, he requested and received approval of a change in zoning from M-1 Light Industrial to R-1 Suburban Residential to build a single family dwelling where he presently resides. La Rue stated that during this time he had to advise him to make sure that whoever lived in the home was working for the business because there was a rental upstairs and downstairs. Mr. Edinger had been repeatedly advised that rental of the lower level of this home is a zoning violation and a non-conforming use. La Rue stated that under the M-1 district, it did allow, as an accessory use, a dwelling unit for caretakers or night watchmen, but not more than one. In August of 2009, La Rue stated he was introduced to a tenant, Dennis Hurt, of Mr. Edinger who was having some difficulties with the rental property. Mr. Hurt was living in the office which now had sewer which the Cedar County Health Department was not aware of. La Rue stated the sewer had been connected to the existing septic system utilizing the old line where the trailer used to be while Mr. Edinger built the house in 1987. La Rue stated that what was not permitted was the use of the office as a rental property. He further stated he had a discussion in October of 2009 with Mr. Edinger's tenant, Brandi Goodman, who was concerned with landlord issues. She explained that, and played to this officer, an answering machine type of a call from Mr. Edinger asking her to be hired by him as his night watchman and to tell Mr. La Rue she was his employee. La Rue stated the situation created two counts of zoning violations which he discussed with Mr. Edinger.

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) and Chapter 7D(3) of the Cedar County Zoning Ordinance in making a recommendation to the Board of Adjustment. He stated that Chapter 7D(3) is what allows for horses and private stables in the Suburban Residential District and requires a Special Use Permit for same.

Marty Moylan was present and excused himself from the Commission. La Rue stated the Board of Adjustment will put a limit on the number of horses allowed. Moylan then informed the members he would like to have not more than three horses. He then explained where he plans to build his house and horse barn. La Rue then read from Chapter 17.18(2) of the Zoning Ordinance regarding what the Board of Adjustment and Zoning Commission are considering in their review.

After a brief discussion, Schuett made a motion to approve the request with a limitation of a maximum of three horses and subject to annual review by the Board of Adjustment. A brief discussion followed regarding buffer strips. Yutesler then seconded the motion. Ayes all.

At this time, the Commission then considered the following proposed ordinance:

Ordinance Number 47, "An Ordinance regulating the placement of wind energy conversion systems (WECS) on property located in the unincorporated areas of Cedar County, Iowa."

PURPOSE. The purpose of this Ordinance is to establish guidelines for the siting, design and construction of Wind Energy Conversion Systems (WECS) and substations which generate electricity for use at the location of the WECS or to be sold to wholesale or retail markets. In addition, the purpose of this Ordinance shall be to promote the public health, safety, comfort and general welfare, while facilitating economic opportunities for rural residents and promoting a goal of increased energy production from renewable energy sources. The requirements of this Ordinance shall apply to all WECS constructed after the effective date of this Ordinance. WECS, for which a required permit has been properly issued prior to the effective date of this Ordinance, shall not be required to meet the requirements of this Ordinance provided that any such pre-existing WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing WECS shall be allowed without full compliance with this Ordinance.

La Rue informed the members there were no written or verbal objections on file for the proposed ordinance. He stated that Michelle McGuinty from the I.D.O.T., Aviation Branch, expressed concern not to go beyond the FAA regulations pertaining to lighting and is especially concerned with the meteorological towers. La Rue stated the FAA sets minimal safety standards but it is important that the local representatives have the ability to enhance the safety for the pilots navigating in the air space. Richard Kordick, Assistant County Engineer was also present.

Erin Hazen, Acciona representative, explained the FAA lighting guidelines. Discussion followed regarding turbine orientation and placement, including placement of meteorological towers.

He stated they also discussed corrective solutions which would mean removal of the office, eviction of one of the tenants or requesting a change in zoning to R-3 Multi-Family Residential. Therefore, the Bailey's and Mr. Edinger requested a change in zoning to eliminate the M-1 district and to make it R-3 for the purpose of allowing the Bailey's to purchase the property, live in the house, rent the basement, and if approved, have the office as a guest house. This will require modification of the septic system to bring it up to code. In addition, if they wish to do this, La Rue stated he would recommend a conditional zoning agreement to be part of any recommendation to the Board of Supervisors, limiting it to not more than the single family dwelling with one rental in the basement and the office. He informed the members the Comprehensive Plan does discourage scattered residential development when the resulting density will not support a whole broad range of services. He stated this property is in an area for residential development. There is an approved entrance permit on file in the Engineer's Office. The letter from the Lisbon Fire Department stated they have no concerns and are able to provide service for fire and rescue. The County Engineer's letter stated the property is located on paved route Adams Avenue and should not cause any road concerns. The soil evaluation was next discussed. La Rue stated the residential use is existing and the existing septic system must be enlarged to be in compliance with state code. The Fayette soils have moderate to severe limitations for building but the structures are already there. Septic systems have severe limitations because of slow permeability. The limitations for ag are severe and the CSR varies from 46 to 56 points.

Mr. & Mrs. Bailey and Steve Edinger were present. Mrs. Bailey informed the members they were the prospective buyers. She stated she is Mr. Edinger's tenant and employee and explained the tenant issues which previously occurred. She also stated she has been working with Mr. La Rue to correct the zoning problems. La Rue explained the zoning history of the property since the rezoning in 1972 to the present. He also stated the septic system must be enlarged to accommodate the number of bedrooms (going from 2 – 3 to 5 – 6). Mrs. Bailey and Mr. Edinger stated there no longer is a need for the M-1 Light Industrial zoning classification. La Rue then explained to the members that according to the informal plat, explaining the remainder portion of Lot 7, 8 and west half of 9 would remain M-1. He explained that the east 400 feet of Lot 9 was rezoned in 2003 to R-1 for Mr. Edinger to build his existing home. La Rue explained that to avoid a subdivision, a survey will be required of the tract for which the proposed rezoning is at and that the remainder of Lot 7 and 8 be re-platted into one piece. The IDOT Highway 30 project was briefly discussed. The terms of a Conditional Zoning Agreement to restrict future R-3 use were discussed.

After further discussion, Moylan made a motion to grant the change in zoning from M-1 to R-3 with the understanding that a survey will be needed and a Conditional Zoning Agreement with restrictions on dwelling units. La Rue stated he will draft the agreement and send to the petitioners for their comments. Dornfeld seconded the motion. Ayes all.

2. Marty Moylan, 1003 Cedar Valley Road, Tipton, IA, (Owner) - Requesting approval of a Special Use Permit authorizing the location of a private horse barn on Lot 1, Nebergall's Second Addition, located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, T-80N, R-3W, Center West Township, consisting of 3.62 acres more or less. Said property is currently zoned R-1, Suburban Residential.

Data from the meteorological towers are used in site development and evaluation. These towers are generally removed after establishment of the site(s). Discussion was held on how WECS sites are selected. The paint schemes for WECS and meteorological towers were also discussed.

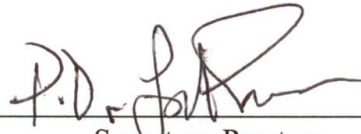
After further discussion, Dornfeld made a motion to recommend approval of the ordinance with the FCC modification to the Cedar County Board of Supervisors. Moylan seconded the motion. Ayes all.

Minutes from the last meeting held on March 17, 2010, were previously sent to the members. Dornfeld made a motion to approve the minutes as presented. Yutesler seconded the motion. Ayes all.

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

A handwritten signature in dark ink, appearing to read "Joel Brown", written over a horizontal line.

Chairperson
Joel Brown

A handwritten signature in dark ink, appearing to read "P.D. La Rue", written over a horizontal line.

Secretary Pro-tem
Phil La Rue

LEGAL NOTICE

The Cedar County Board of Supervisors will be conducting a Public Hearing on May 10 & 13, 2010, at 9:00 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

- 1. Elisha and Calvin Bailey, 234 Adams Avenue, Lisbon, IA, (Contract Buyers) and Steve Edinger, 238 Adams Avenue, Lisbon, IA, (Owner)**— Requesting a change in zoning from M-1 Light Industrial to R-3 Multi-Family Residential for the purpose of eliminating a non-conforming use and allow a one, single family dwelling and one, two family dwelling on property located on Lot 7 and Lot 8 in the SE1/4, of the NW1/4, Section 18, T-82N, R-4W, Pioneer Township, consisting of 2.87 acres more or less.
- 2. Daniel and Teresa Kohl, 334 Hubler Lane, Lisbon (Owners)** – Requesting approval of a Final Plat of Survey for Cedar View Heights, a seventeen (17) lot subdivision located immediately east of the D-Del Subdivision in the NE1/4, SW1/4, Section 19, T-82N, R-4W, in Pioneer Township, consisting of 24.45 acres more or less.

At this time, the Board will also be considering the following proposed ordinance:

Ordinance Number 47, "An Ordinance regulating the placement of wind energy conversion systems (WECS) on property located in the unincorporated areas of Cedar County, Iowa."

PURPOSE. The purpose of this Ordinance is to establish guidelines for the siting, design and construction of Wind Energy Conversion Systems (WECS) and substations which generate electricity for use at the location of the WECS or to be sold to wholesale or retail markets. In addition, the purpose of this Ordinance shall be to promote the public health, safety, comfort and general welfare, while facilitating economic opportunities for rural residents and promoting a goal of increased energy production from renewable energy sources. The requirements of this Ordinance shall apply to all WECS constructed after the effective date of this Ordinance. WECS, for which a required permit has been properly issued prior to the effective date of this Ordinance, shall not be required to meet the requirements of this Ordinance provided that any such pre-existing WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing WECS shall be allowed without full compliance with this Ordinance.

Cedar County Ordinance Number 47 is on file in the Cedar County Auditor's Office and the Cedar County Zoning Department for public review.

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 4/26/10 to the following:

1. Elisha & Calvin Bailey – 234 Adams Avenue, Lisbon, Iowa 52253 – Certified
2. Steve Edinger – 238 Adams Avenue, Lisbon, Iowa 52253
3. Michael & Lynn Bergman – 225 Oak Ridge Drive SE, Mt. Vernon, Iowa 52314
4. Peter & Margo Greiner – 48 Highway 30, Lisbon, Iowa 52253
5. Rita Wendler – 48 Highway 30, Lisbon, Iowa 52253
6. Jack & Dianne O'Connell – 230 Adams Avenue, Lisbon, Iowa 52253
7. Danny R. Hartman Jr. – 2739 12th Street SW, Cedar Rapids, Iowa 52404-3435
8. Timothy & Teresa Jamison – 250 Adams Avenue, Lisbon, Iowa 52253
9. Wade A. & Julie A. Schultz – 252 Adams Avenue, Lisbon, Iowa 52253

-
1. Dan & Teresa Kohl – 334 Hubler Lane, Lisbon, Iowa 52253-7532 – Certified
 2. Kyle & Jamy Schumacher – 338 Hubler Lane, Lisbon, Iowa 52253
 3. Richard & Karen Russett – 362 Adams Court, Lisbon, Iowa 52253
 4. Tim & Lois Cahill – 354 Adams Court, Lisbon, Iowa 52253
 5. Kyle & Mindy Woltman – 332 Hubler Lane, Lisbon, Iowa 52253
 6. C. K. Alexander Irrevocable Trust – C/O Hertz Farm Management, P.O. Box 500, Nevada, IA 50201
 7. Ronald & Rebecca Schultz – 330 Hubler Lane, Lisbon, Iowa 52253
 8. Dan & Donna Nevins – 358 Adams Court, Lisbon, Iowa 52253-8501
 9. Michael & Ronda Gould – 350 Adams Court, Lisbon, Iowa 522253
 10. Marilyn J. Kohl Trust – 104 Hill Drive, Windsor, MO 65360-1206
 11. Mark Graver – 555 Green Ridge Road, Lisbon, Iowa 52253
 12. Jon & Florence Akers – 359 Adams Court, Lisbon, Iowa 52253
 13. Steve & Teresa Weets – 612 160th Street, Mechanicsville, Iowa 52306-7605
 14. Alan Eugene Reyhons – 412 Adams Avenue, Lisbon, Iowa 52253
 15. Ruth Young – 1115 Scramblers Knob, Franklin, TN 37069

Copy e-mailed to Tipton Conservative on 4/26/10 for T.C., West Branch Times & Sun News

Copy e-mailed to Wilton Durant Advocate News on 4/26/10

Copy faxed to West Branch Times on 4/26/10 at their request

Copy e-mailed to B of S Secretary on 4/23/10

2 File Copies

Bulletin Board Copy

C O P Y

DATE 4-21-10

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. LaRue

W. Hagen

Elda Balle

John W. Batts

John LaRue

Richard Kordick

Joel Brown

Marty Myle

John A. Danell

David L. Schmitt

Josh Guteske



Tel: 563-886-2248

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

April 5, 2010

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, April 21, 2010, 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. Elisha and Calvin Bailey, 234 Adams Avenue, Lisbon, IA, (Contract Buyers) and Steve Edinger, 238 Adams Avenue, Lisbon, IA, (Owner)**– Requesting a change in zoning from M-1 Light Industrial to R-3 Multi-Family Residential for the purpose of eliminating a non-conforming use and allow a one, single family dwelling and one, two family dwelling on property located on Lot 7 and Lot 8 in the SE1/4, of the NW1/4, Section 18, T-82N, R-4W, Pioneer Township, consisting of 2.87 acres more or less.
- 2. Marty Moylan, 1003 Cedar Valley Road, Tipton, IA, (Owner)**- Requesting approval of a Special Use Permit authorizing the location of a private horse barn on Lot 1, Nebergall's Second Addition, located in the SW ¼, SW ¼, Section 11, T-80N, R-3W, Center West Township, consisting of 3.62 acres more or less. Said property is currently zoned R-1, Suburban Residential.

At this time, the Commission will also be considering the following proposed ordinance:

Ordinance Number 47, "An Ordinance regulating the placement of wind energy conversion systems (WECS) on property located in the unincorporated areas of Cedar County, Iowa."

PURPOSE. The purpose of this Ordinance is to establish guidelines for the siting, design and construction of Wind Energy Conversion Systems (WECS) and substations which generate electricity for use at the location of the WECS or to be sold to wholesale or retail markets. In addition, the purpose of this Ordinance shall be to promote the public health, safety, comfort and general welfare, while facilitating economic opportunities for rural residents and promoting a goal of increased energy production from renewable

energy sources. The requirements of this Ordinance shall apply to all WECS constructed after the effective date of this Ordinance. WECS, for which a required permit has been properly issued prior to the effective date of this Ordinance, shall not be required to meet the requirements of this Ordinance provided that any such pre-existing WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing WECS shall be allowed without full compliance with this Ordinance.

Cedar County Ordinance Number 47 is on file in the Cedar County Auditor's Office and the Cedar County Zoning Department for public review.

At said Public Hearing, any person present, and so wishing, will be given the opportunity to be heard, for or against, said petitions and Ordinance Number 47. 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.

A handwritten signature in dark ink, appearing to read "P.D. LaRue", with a stylized flourish at the end.

Phil LaRue
Zoning Administrator

Copies sent out on 4/6/10 to the following:

1. Elisha & Calvin Bailey – 234 Adams Avenue, Lisbon, Iowa 52253 – **Certified**
 2. Steve Edinger – 238 Adams Avenue, Lisbon, Iowa 52253
 3. Michael & Lynn Bergman – 225 Oak Ridge Drive SE, Mt. Vernon, Iowa 52314
 4. Peter & Margo Greiner – 48 Highway 30, Lisbon, Iowa 52253
 5. Rita Wendler – 48 Highway 30, Lisbon, Iowa 52253
 6. Jack & Dianne O'Connell – 230 Adams Avenue, Lisbon, Iowa 52253
 7. Danny R. Hartman Jr. – 2739 12th Street SW, Cedar Rapids, Iowa 52404-3435
 8. Timothy & Teresa Jamison – 250 Adams Avenue, Lisbon, Iowa 52253
 9. Wade A. & Julie A. Schultz – 252 Adams Avenue, Lisbon, Iowa 52253
-

1. Marty Moylan – P.O. Box 106, Tipton, Iowa 52772 – **Certified**
 2. Allison Holub – P.O. Box 302, Tipton, Iowa 52772
 3. Jeff & Melissa Falkers – 993 Cedar Valley Road, Tipton, Iowa 52772-9240
 4. Richard & Jane Wahlstrand – 4622 Amesburg Drive, Davenport, Iowa 52807-3439
 5. Will & Julie Williams – 103 Pleasant View Drive, Tipton, Iowa 52772
 6. Wilma Belitz – 323 Westburg Court, Iowa City, Iowa 52245-2717
 7. Doug & Donna Moore – 573 SE 80th Avenue, Ellinwood, KS 67526-9225
-

Copy e-mailed to Tipton Conservative on 4/5/10 for T.C., West Branch Times & Sun News

Copy e-mailed to Wilton Durant Advocate News on 4/5/10

Copies sent to P & Z Members on 4/6/10

Copy e-mailed to Engineer on 4/5/10

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Copies sent out on 4/6/10 to the following:

1. Elisha & Calvin Bailey – 234 Adams Avenue, Lisbon, Iowa 52253 – **Certified**
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-

1. Marty Moylan – P.O. Box 106, Tipton, Iowa 52772 – **Certified**
 2. Allison Holub – P.O. Box 302, Tipton, Iowa 52772
 3. Jeff & Melissa Falkers – 993 Cedar Valley Road, Tipton, Iowa 52772-9240
 4. Richard & Jane Wahlstrand – 4622 Amesburg Drive, Davenport, Iowa 52807-3439
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Copies sent to P & Z Members on 4/6/10

Copy e-mailed to Engineer on 4/5/10

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Bulletin Board Copy

PtZ Commission

Work Session

COPY

3-27-10 6:30p.m.

Phillip Rine

Joel Brown

Julie Schroeder

Carl H. Rost

Anthony N. R.

John A. Durnell

Carol Guterles

David A. Schmidt

**CEDAR COUNTY PLANNING AND ZONING COMMISSION
SPECIAL WORK SESSION, MARCH 22, 2010**

The Cedar County Planning and Zoning Commission held a special meeting on Monday, March 22, 2010, 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, Kohrt, Moylan, Schroeder, Schuett and Yutesler. Also in attendance was Zoning Administrator, LaRue.

The purpose of this meeting was to consider and review a proposed Wind Energy Conversion Systems (WECS) Ordinance prepared by County Department heads for the purpose of establishing guidelines for the siting, design and construction of the WECS as an alternative electrical energy production source in Cedar County. This Ordinance was in part produced at the request of the wind energy industry which requested regulations for the placement of these structures in Cedar County, Iowa.

A draft of the proposed Ordinance was provided to the Commission members at the regular meeting of the Commission on March 17, 2010, with a request by Zoning Administrator LaRue for this meeting.

Mr. LaRue then presented a document listing the recommended revisions to the draft version provided on March 17th. The proposed revisions were based upon written and verbal comment(s) from various County and State of Iowa officials, Nathan Bonnett, Attorney, Iowa State Association of Counties (I.S.A.C.), and members of the wind energy industry. These documents were then reviewed and discussed by the Commission members and Mr. LaRue beginning with Section 1 of the Ordinance.

The Commission made the following revisions to the proposed Ordinance:

1. Section 2, Definitions, pg 2.
Add new definition: Residence: A house, apartment or other shelter that is the abode of a person, family or household.
2. Section 2, Definitions, Tower Height, pg 3.
Change the word exclusive to inclusive.
3. Section 4, Permitted Locations, pg 4.
Delete: from first sentence (permitted districts), AR-1 Agricultural Recreational. Add to second sentence (non permitted districts): AR-1 Agricultural Recreational. Add to second sentence: or Meteorological Towers (non permitted districts).
4. Section 5A, Siting Approval Application Requirements, subsection 13, pg 5.
The industry requested that building permit issuance be contingent upon F.A.A. approval. This requirement was placed in new Section 11, Zoning Permits.

5. Section 6, General Requirements for C-WECS and Meteorological Towers, subsection 4, Lighting, pg 5.

Add to first sentence: "or for night time repairs/ maintenance."

Under Section 6, subsection 12a(ii), Inhabited Structures, pg 6, there was discussion to consider amending the setback distance of 1,000 feet to 1,200 feet. It was felt by the Commission that 1,000 feet is adequate.

6. Section 6, subsection 13, Noise, first sentence, pg 7.

Add the word: "decibel" to explain the term "dB."

7. Section 8, Discontinuation and De-Commissioning, third sentence, pg 9.

Add the sentence: "An extension to such period may be granted by the Board of Adjustment provided that the Owner or Operator submits an acceptable alternative plan for the decommissioning and thereafter diligently pursues such decommissioning of use."

8. Section 9, Non-CWECS, subsection 2, Setback, pg 10.

Change 110% to 115%.

9. Section 9, Non-CWECS, subsection 4, Engineer certification, second sentence, pg 10.

Add the word: "Iowa" before the words licensed professional engineer.

10. Section 9, Non-CWECS, pg 10

Add new subsection 8, Insurance. "The Owner seeking a Zoning Permit to erect a Non C-WECS shall provide evidence, in the form of a certificate of insurance satisfactory to Cedar County, showing general liability coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility."

11. Section 10, Liability Insurance, pg 10.

Change one million dollars to three million dollars.

Following additional discussion, the Commission agreed to place the Ordinance on the agenda for public comment and recommendation to the Board of Supervisors at the April 21, 2010, regular meeting after consideration of any petitions to be heard by them. The Commission then inquired whether or not Zoning Administrator LaRue could arrange a tour of the Acciona plant in West Branch, IA. He said he would contact Acciona to see if this is possible.

With no further business, the meeting was adjourned at 8:30 p.m..

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 17, 2010

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, March 17, 2010, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Schroeder, Dornfeld, Yutesler and Kohrt. Member absent was Moylan.

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

1. Donald Norton, P.O. Box 113, Durant, IA (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 or three lot subdivision, Golfview Estates, Phase II, on property located in the NW1/4 of the SE1/4, Section 34, T-79N, R-1W, Farmington Township, consisting of 3.79 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 a recommendation to the Board of Supervisors. The letter received from the Durant Fire Department stated they can and will be able to provide fire protection to said addition providing the access is adequate. The letter from the County Engineer stated this is located on paved route Golf View Drive and should not cause any road concerns. An approved entrance permit is located on file in the Engineer's Office. The permit requires that the entrance must be updated to current standards both geometrically and hydraulically. La Rue stated the Comprehensive Plan does discourage scattered residential development when the resulting density won't support a broad range of services. However, he informed the members that immediately to the west of the property is Golfview Estates Phase I. The property is on a hard surface road. The soils inventory was then reviewed. Limitations for soils regarding buildings are moderate to severe due to a high water table and flooding potential. Limitations for septic for the Downs and Colo-Ely soils are severe due to slow permeability and high water table & flooding potential. Limitations for agriculture is slight to moderate. The CSR on the Downs soils is 75 and 85 and the CSR on the Colo-Ely soils is 85 points. La Rue informed the members that there is a requirement from the DNR for Cedar County that minimum flood protective level be greater than the base flood elevation of 679.8 feet. Lot #19 will require an elevation certificate but this will be dealt with when the subdivision petition is reviewed.

Donald Norton was present and stated that the south lot has been sold and realizes the next step is the subdivision application after the zoning change has been granted. The flood plain will be taken care of before the subdivision application is presented. The well site is tentative at this time. La Rue explained septic system sitings in the area and stated that careful planning will be needed. Don Norton stated that he has seen water over the road once. It was noted that they will work with the Secondary Road Department. Secondary Roads will improve the drainage, which is an ongoing project for them and not because of this petition. The drainage in the area was then briefly discussed. It was noted that there are currently 17 lots to the west and the Norton's are proposing an additional 2 to 3 lots. They will work with engineers for the septic drainage fields. The well location was then discussed and it was noted that there is plenty of time to work on it. At this time, they may want to move the well location to the north or there is a possibility of hooking onto the existing water supply from the current subdivision.

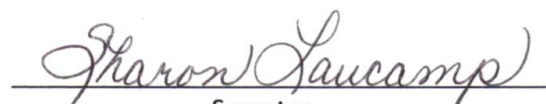
After further discussion, Yutesler made a motion to approve the rezoning request from A-1 to R-1 with a recommendation of Version 2 which is for two lots only. Kohrt seconded the motion. Five ayes and one nay.

Minutes from the last meeting held on February 17, 2010, were previously sent to the members. Yutesler made a motion to approve the minutes as presented. Schroeder seconded the motion. Ayes all.

Administrator La Rue informed the members that Cedar County has been contacted by a wind energy company regarding location of a wind energy conversion system in Cedar County. He stated he has been directed by the County Attorney, County Engineer and the Energy Industry to put together an ordinance governing these systems. He stated he has received comment from the industry, ISAC and ECIA. He informed the members Cedar County can go into the wind energy program with or without an ordinance. La Rue has prepared a proposed ordinance and requested the members to review it and make their comments and suggestions to him at a special meeting scheduled on Monday, April 22nd. He stated he wants the wind generators in the country and not in residential areas and wants them to operate under a Special Use Permit. La Rue then briefly explained his personal comments on the proposed ordinance.

With no further business to be discussed at this time, Yutesler made a motion to adjourn. Dornfeld seconded the motion. Meeting adjourned at 7:15 p.m.


Chairperson
Joel Brown


Secretary
Sharon Laucamp



Tel: 563-886-2248

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

March 8, 2010

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, March 17, 2010, 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. Donald Norton, P.O. Box 113, Durant, IA (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 or three lot subdivision, Golfview Estates, Phase II, on property located in the NW1/4 of the SE1/4, Section 34, T-79N, R-1W, Farmington Township, consisting of 3.79 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 LaRue
Zoning Administrator

Copies sent out on 3/9/10 to the following:

1. Donald K. & Donald L. Norton – P.O. Box 113, Durant, Iowa 52255 – **Certified**
2. James & Sharon Grunder – 100 Golfview Drive, Durant, Iowa 52747
3. Richard & Renee Nissen – 120 Golfview Drive, Durant, Iowa 52747
4. James & Cheryl Forgey – 130 Willow Drive, Durant, Iowa 52747
5. Kirk & Michelle Trede – 140 Willow Drive, Durant, Iowa 52747
6. Russell & Sara Engstler – 150 Willow Drive, Durant, Iowa 52747
7. Bradley & Tracy Reed – 160 Willow Drive, Durant, Iowa 52747
8. Ron Alpen – 170 Willow Drive, Durant, Iowa 52747
9. James & Tammy Hoover – 180 Willow Drive, Durant, Iowa 52747
10. Jeffrey & Roxanne Turner – 190 Willow Drive, Durant, Iowa 52747
11. Golfview Estates Association – 250 Golfview Drive, Durant, Iowa 52747-9501
12. Matt Bulkeley – 210 Golfview Drive, Durant, Iowa 52747
13. Greg White – 220 Golfview Drive, Durant, Iowa 52747
14. Mark & Dianne Abels – 200 Willow Drive, Durant, Iowa 52747
15. Jeffrey & Jamie Vitek – 230 Golfview Drive, Durant, Iowa 52747
16. Michael & Melissa Koenig – 240 Golfview Drive, Durant, Iowa 52747
17. SDR, Inc. – 1851 270th Street, Bennett, Iowa 52721
18. Steven J. & Lisa Lorenz – 260 Golfview Drive, Durant, Iowa 52747
19. Michael W. & Mary Ketelsen – 270 Golfview Drive, Durant, Iowa 52747
20. Andrew & Amy Shelangoski – 2155 Golfview Drive, Durant, Iowa 52747
21. Harre Farms LC – 13150 106th Avenue, Davenport, Iowa 52804-8847

Copy e-mailed to Tipton Conservative on 3/8/10

Copy e-mailed to Wilton Durant Advocate News on 3/8/10

7 Zoning Commission Members

Copy e-mailed to Rob Fangmann, County Engineer, on 3/8/10

2 File Copies

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CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 17, 2010

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, February 17, 2010, 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, Yutesler and Schroeder. Members absent were Schuett, Kohrt and Dornfeld.

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

1. **Scott and Karen Anderson, 608 Sycamore Street, Tipton (Contract Buyers) and Alisha Hubler, 1084 Logan Avenue, Tipton (Owner)** – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW1/4, of the SE1/4, of the SE1/4, Section 25, T-81N, R-3W, Center West Township, consisting of 1.99 acres more or less.

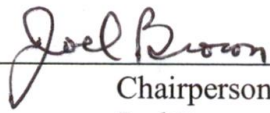
Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and advised them to do their review in accordance with Chapter 18.2(3) in making a recommendation to the Board of Supervisors. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route Logan Avenue and should not cause any road concerns. An approved entrance permit is on file in the Engineer's Office. The letter from the Tipton Fire Department stated they can and will provide emergency services as long as the access is adequate. La Rue stated the Cedar County Land Use Plan and Comprehensive Plan does specifically discourage scattered residential development when the resulting density won't support a broad range of services. However, he stated this is a farmstead where there is already a house. There are a number of residential homes in the area. He informed the members the property has excellent soils for agriculture but it is only a little over four or five acres in total size. The soils are Muscatine Silt Loam and Atterberry Silt Loam. The Muscatine Silt Loam has a CSR of 100 and the Atterberry Silt Loam is marsh and has a CSR of 90 points. It was noted that the property is a small tract and is not in production. Limitations for septic systems and building are severe based upon a high seasonal water table. La Rue stated that foundation tiling should help.


Scott Anderson was present and stated that the property is pasture area. He stated he and his wife wish to build a home on half of their daughter's property. Ms. Hubler has an existing home on the other half of the property. The acreage was previously divided off the farm and is still zoned agricultural but used as residential. Mr. Anderson stated the driveways will be separate and there is plenty of sight distance. He also stated they will plant hedges on the south side of their property for privacy for future generations down the road. It was also noted there is plenty of room for additional septic systems should it be needed. Mr. Anderson informed the members the well will be shared.

After a brief discussion, Moylan made a motion to grant the change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling. Yutesler seconded the motion. Ayes all.

Minutes from the last meeting held on January 20, 2010, were previously sent to the members. Member Schroeder suggested one correction regarding changing the wording from "on" written letter of objection to "a" or "one" written letter of objection. Schroeder then made a motion to approve the minutes as written with the correction to be made. Moylan seconded the motion. Ayes all.

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


Chairperson
Joel Brown


Secretary
Sharon Laucamp



Tel: 563-886-2248

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

February 5, 2010

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, February 17, 2010, 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. Scott and Karen Anderson, 608 Sycamore Street, Tipton (Contract Buyers) and Alisha Hubler, 1084 Logan Avenue, Tipton (Owner) – Requesting a change in zoning from A-1 Agricultural to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW1/4, of the SE1/4, of the SE1/4, Section 25, T-81N, R-3W, Center West Township, consisting of 1.99 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 LaRue
Zoning Administrator

Copies sent out on 2/9/10 to the following:

1. Scott & Karen Anderson – 608 Sycamore Street, Tipton, Iowa 52772 – Certified
2. Alisha Anderson – 1084 Logan Avenue, Tipton, Iowa 52772
3. Michelle Reed – 1775 Seven Springs Road, Muscatine, Iowa 52761-8408
4. Donald Crock – 316 North Street, Tipton, Iowa 52772
5. Barker Development Co. – 437 Butternut Lane, Iowa City, Iowa 52246-2782
6. Cedar County

Copy to Tipton Conservative on 2/8/10

7 Zoning Commission Members on 2/9/10

2 File Copies

Bulletin Board Copy

Copy e-mailed to Rob Fangmann on 2/8/10

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 20, 2010

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, January 20, 2010, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schroeder, Brown, Moylan, Dornfeld, Schuett and Kohrt. Member absent was Yutesler.

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

1. **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 informed the members there was one written letter of objection on file and advised them to do their review in accordance with Chapter 17.18(2) in making a recommendation to the Board of Adjustment. This petition was tabled at the October 2009 meeting due to the members request for more information on the drainage issue. It was then withdrawn and refiled by the petitioners.

Tom Salrin, General Manager for New Horizon FS, Inc., was present representing AgVantage Farm Service. He stated they are going on the north side of the original five acres they petitioned for in October. He informed the members and public that the facility will eventually be an agronomy service center. He stated the first phase includes an ammonia tank as well as a propane tank, driveways and a well. Phase two consists of a liquid fertilizer plant, dry fertilizer system, shop, warehouse and the tank and leach field for the shop and warehouse. He stated they have gotten approval from the Department of Agriculture for the setback distances relative to the ammonia tank. He also stated they had a drainage study done by MMS Consultants which is on file with the county. La Rue stated there was a question at the October meeting with regard to the pipeline. Mr. Salrin stated they did do some research and stated that the five acres they are located on now does not have any proximity to the pipeline. He stated during their research, the legal easement stated they could build 25 feet on either side of the center of the pipeline. He estimated the separation distance between the five acres and the pipeline at approximately 500 feet. He stated the reason for going farther north was not because of the pipeline but to get

away from the drainage issue. Ron Amelon, MMS Consultants Engineer, was present and stated he had done the storm drainage study. He presented the runoff conditions as the current condition being row crops and then with the developed conditions with gravel, parking lot and buildings getting impervious runoff numbers for the buildings and the gravel. He stated the property will have approximately one and one-half acres that will be gravel or buildings and the remainder of the five acre site is open space grass. He stated grass has a lower runoff curve number than an agricultural field so if you have an area where you go from agricultural row crop fields to grass surface, the runoff is reduced. The large grass surface will reduce the runoff. Commission member Dornfeld asked if the long term plans are to utilize the whole five acres into an impervious surface and whether the grass surface is above or below the impervious surface. Mr. Amelon stated the grass surfaces will be above the impervious surfaces as far as where the runoff would come from. Mr. Salrin stated they want to be good neighbors and will work to get the appropriate things done. He also stated the grass will probably be a bluegrass mixture and will be mowed. Commission member Schuett stated the grass will be of little or no help with the runoff from the buildings and hard surfaces since the grass is on the high side. The slope on the property basically is north to south but a little of the property slopes from east to west. Commission member Moylan questioned the possibility of moving the driveway further to the north in order to get more greenbelt. Mr. Amelon stated that it could be a possibility if the County Engineer approved. Rob Fangmann, County Engineer, was present and stated he believed there would be enough site distance if the driveway was moved further north. Moylan also questioned if there was any tiling in the area. Mr. Amelon stated he had not looked into whether there was any tiling in the five acres and assumed there was not. He stated there is a tile south of the site. Schuett stated there are 20 acres of runoff from the Pioneer site as well as the can factory on the other side which runs down this same area. He again stated he thinks there has to be a better place to locate this than at this site. Mr. Amelon stated AgVantage has obtained an NPDS permit from the DNR. Chairperson Brown questioned whether the anhydrous tanks location would cause any disruption of the flow. Mr. Amelon stated that where they would be sitting, there would not be any. He also stated there is 2.2 per cent of slope. Richard Harmsen, former City of Durant Mayor, was present and questioned if there is an emergency plan. Mr. Salrin stated they do have an emergency plan and will provide a copy. Tim Wulf asked if there were going to be more than five acres someday, which direction would it go? Mr. Salrin stated it would depend on what would be available at that time but would probably like to go to the north. He also stated there is nothing additional at this time in the long term plans. La Rue informed the members and audience that any expansion of the ag service business would have to go before the Board of Adjustment as part of the Special Use Permit and would be reviewed annually. Commission member Kohrt questioned why AgVantage was not interested in going further north, closer to Pioneer, and getting a higher elevation.

Mr. Salrin stated that five acres is not available to them, but if it was available, they would have to maintain certain setback distances for the ammonia tank. Glen & Judy Swanson, adjoining property owners, were present and expressed their objections. Mr. Swanson then read his letter of objection to the members. He stated that in the December 31st issue of The Advocate News, a Public Notice Of Storm Water Discharge was printed which he then read. He feels it a false and an outright lie on how they (IDNR) presented the notification on the NPDES, General Permit #2, pertaining to storm water discharge. He stated there is no tributary there and the discharge water will run across his farm before it reaches the Big Elk Horn Creek. He stated AgVantage will not be a good neighbor to him. Schuett also stated he feels they will not be a good neighbor to the City of Durant. Mr. Amelon stated his report shows that there will not be an increase in runoff. He stated he has a USGS Quad Map which shows Big Elk Horn Creek about half a mile from the site. There is a blue line waterway across the site according to the map. He stated a point source would be a source to an outlet. La Rue stated the Public Notice of Storm Water Discharge needs to be directed to the DNR and not to the Zoning Commission. Mr. Amelon explained the runoff from the property and stated the total amount of flow off will be less. Kohrt questioned how the surface drainage was controlled from Pioneer. Ryan Light, Plant Manager for Pioneer, was present and explained that the plant runoff from Pioneer mostly goes to an underground tile. He stated one-half of the plant runs into a retention pond on the back side of the facility and the other half runs to the road out front into the ditch. He also stated they have no plans for expansion at this time but are concerned about possible expansion in the future. Mr. Swanson stated the east side of his farm will be in a flood plain area and there will be no more development for him. Storm water retention was then discussed. Mr. Salrin stated they will do whatever is needed. He also stated they will do a little bit of leveling for the tanks. Mr. Amelon stated if you level an area off, you will make the velocity of the water running across the property lower. Mr. Salrin stated they have no plan to level the whole property. County Engineer, Rob Fangmann, again stated he has no problem with moving the driveway site. Richard Harmsen questioned the grade of the driveway. Fangmann stated it has to be relatively flat coming off the roadway 25 to 50 feet. The amount of fill was discussed. Fangmann stated the shallower the ditch, the less the fill. Harmsen then questioned when retention ponds would be needed in the future. La Rue stated any changes would be based upon the recommendations of an engineer and DNR as part of a review for consideration of the expansion of the special permit with the Board of Adjustment. La Rue explained that according to the Comprehensive Plan, this is an area where compact orderly development should occur. He stated that if it should be found that things are not correct and true, and if there are more drainage problems, then he is comfortable to believe that the Board of Adjustment will require that it be repaired and dealt with appropriately in order to retain the S.U.P. He feels AgVantage would

correct any unforeseen drainage problems. County Engineer Fangmann stated the Civil Engineer's report takes into consideration where the runoff comes into the waterway. The new design will be less runoff than the existing condition. He also stated if AgVantage does not construct the site according to original designs, there would be grounds by Iowa law to have it rectified. Mr. Amelon stated if there was a problem, they would probably build a storm water basin. Seventy percent of the property is grass. La Rue explained the runoff will be along the ditch from Pioneer onto Mr. Graves property, across AgVantage, through AgVantage and onto Mr. Graves property before it continues down. La Rue also stated the City of Durant and Cedar County need to get their heads together. Cedar County needs to review their Comprehensive Plan and the Future Land Use Map. The City of Durant also needs to review their Comprehensive Plan and Future Land Use Map. He stated they need to figure out from a planning stand point what is going to happen economically, drainage and sanitation for future development. He recommends "smart growth". He stated if Cedar County and the City of Durant desire that development occur at this location, a solution to storm water runoff must be found. If growth in this area is a bad idea, then the Comprehensive Plan needs to be changed which might stop economic development at the interchange. Chairperson Brown explained that Cedar County wants orderly growth and proper use of the soils for orderly development to benefit everyone. Mr. Salrin again stated this was the best location. La Rue then read excerpts from the Comprehensive Plan and Chapter 17.18(2) of the Zoning Ordinance regarding special exceptions and the responsibilities of the Board of Adjustment.

In his closing argument, Mr. Salrin stated they have done everything requested to meet standards, a drainage study has been done, they will be a good member of the community, they will contribute to the tax base and they will put in a retention pond in the future if it is deemed necessary. He again explained the two phases. He stated there will be someone on the site only during seasonal work for Phase I and after Phase II, there will be personnel there year round. La Rue stated the Zoning Commission or Board of Adjustment are prohibited from saying yeah or nay for agricultural chemical locations in accordance with Chapter 200.22 of the Iowa Administrative Code. He stated only the Iowa Dept. of Agriculture and Land Stewardship has the authority to regulate the farm chemical industry. The procedure on how to handle any problems were discussed. Mr. Salrin stated they would try to settle the problems themselves. Chairperson Brown stated they are only making a recommendation to the Board of Adjustment and their purpose is to expose all the positives and negatives that are involved in the process.


Schuett then made a motion to recommend to the Board of Adjustment to decline the Special Use Permit due to poor location and it is aggravating the

the situation in the area. Kohrt seconded the motion. Members Dornfeld, Moylan, Schroeder and Brown stated they were against the motion. Motion failed.

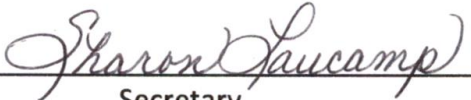
Dornfeld then made a motion to recommend approval of the S.U.P. request to the Board of Adjustment contingent on moving the facility to the north so that, if needed, a retention system could be installed on the existing five acres. Moylan seconded the motion. Members in favor of the motion were Schroeder and Brown with members Schuett and Kohrt voting nay. Motion carried.

The minutes from the last meeting held on December 16, 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.



Chairperson
Joel Brown



Secretary
Sharon Laucamp

CEDAR COUNTY BOARD OF SUPERVISORS

Cedar County Courthouse

400 Cedar Street

Tipton, Iowa 52772-1750

Telephone: 563-886-3168

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E-Mail: bos@cedarcountry.org

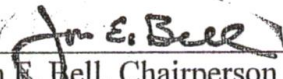
January 4, 2010

Marty Moylan
1549 King Avenue
Tipton, Iowa 52772

Dear Marty:

Please be advised, that by motion of this Board on January 4, 2010, you were appointed to a three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2012. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,



Jon E. Bell, Chairperson



Tel: 563-886-2248

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

January 4, 2010

LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 20, 2010, 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. 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 $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, 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.

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Phil La Rue
Zoning Administrator

PL:sl

Copies sent out on 1/4/10 to the following:

1. Gaylan Brunssen – AgVantage FS, 1600 8th 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 6th Avenue, Durant, Iowa 52747-9522
4. George W. Bruhn – 2281 325th Street, Durant, Iowa 52747-9548
5. Michael H. Hogan – 2163 332nd Street, Durant, Iowa 52747-9555
6. Pioneer Hi-Bred – Attn: Ryan White, 2008 Yankee Avenue, Durant, Iowa 52747

Copy e-mailed to Tipton Conservative and Advocate News on 1/4/10

7 Zoning Commission Members on 1/5/10

2 File Copies

Bulletin Board Copy

Copy e-mailed to Rob Fangmann on 1/4/10