



Tel: 563-886-2248

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

December 6, 2013

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, December 18, 2013, 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. **Rose Marie Wright, 1673 Union Avenue, Bennett, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 29, T-80N, R-1W, in Inland 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 petition. Any person so wishing may file a document with the Cedar County Zoning Administrator prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Phil La Rue  
Zoning Administrator

Copies sent out on 12/9/13 to the following:

1. Rose Marie Wright – 1673 Union Avenue, Bennett, Iowa 52721 – **Certified**
2. Stella Stoltenberg Corporation – 3018 Westmar Drive, Bettendorf, Iowa ~~52772~~ *52782*
3. Mildred Badtram – 1978 270<sup>th</sup> Street, Bennett, Iowa 52721
4. James E. & Diana J. Von Muenster – 1712 Union Avenue, Bennett, Iowa 52721

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Copy e-mailed to Tipton Conservative on 12/9/13

7 Zoning Commission members on 12/9/13

Copy e-mailed to Rob Fangmann, County Engineer on 12/6/13

2 File Copies

1 Bulletin Board Copy



Tel: 563-886-2248

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

November 5, 2013

**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, appearing to read "P.D. La Rue".

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

October 9, 2013

**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 October because no petitions were filed.

Sincerely,

A handwritten signature in dark ink that reads "Phil".

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

September 9, 2013

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

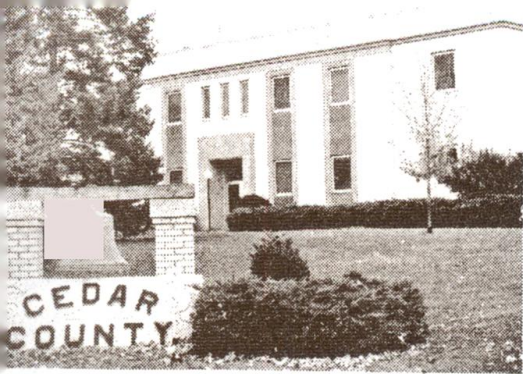
I am writing to inform you that there will **not** be a meeting of the Planning and Zoning Commission during the month of September because no petitions were filed.

Sincerely,

A handwritten signature in dark ink that reads "Phil". The signature is stylized with a large, looped "P" and a simple "hil".

Phil La Rue  
Zoning Administrator

PL:sl



Tel: 563-886-2248

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

August 6, 2013

**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 August because no petitions were filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl

### **LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on July 23 and 25, 2013, at 9:00 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

**1. Paustian Construction, 118 Parkview Court, Tipton, IA (Owner)** – Requesting approval of a Final Plat of Survey for a ten (10) lot subdivision, Secluded Ridge Second Addition, located in the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  of Section 10, T-80N, R-3W, and a portion of the NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of Section 11, T-80N, R-3W, in Center West Township, consisting of 19.52 acres more or less. Said property is currently zoned R-1 Suburban Residential District.

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 Cedar County Auditor prior to the time of the hearing.

Cari Gritton  
Cedar County Auditor

Copies sent out on 7/17/13 to the following:

1. Paustian Construction, Inc. – Allen E. Paustian, 116 Parkview Ct., Tipton, IA 52772 – Picked up
2. George & Jeanne Hein – 201 Pleasant View Drive, Tipton, Iowa 52772
3. Dennis & Janice Domer – 1077 Cedar Valley Road, Tipton, Iowa 52772
4. Ralph & Ann Billick – 406 E. 3<sup>rd</sup> Street, Tipton, Iowa 52772
5. Don Lamp – P.O. Box 422, Tipton, Iowa 52772
6. City of Tipton – 407 Lynn Street, Tipton, Iowa 52772
7. Douglas & Donna Moore – P.O. Box 429, Tipton, Iowa 52772
8. Rock Creek Family Farms, LLC – 18048 25<sup>th</sup> Street, Mechanicsville, Iowa 52306
9. Jerald O'Rourke – 101 W. 3<sup>rd</sup> Street, Tipton, Iowa 52772
10. William & Julie Williams – 103 Pleasant View Drive, Tipton, Iowa 52772
11. Nancy C. Chittick – 105 Pleasant View Drive, Tipton, Iowa 52772
12. Jeffery & Christina Nantz – 213 Oak View Court, Tipton, Iowa 52772
13. Tim & Cassandra Petersen – 203 Sunrise Drive, Tipton, Iowa 52772
14. Ronald Dean Wood – 9941 Forest Chapel Road, Anamosa, Iowa 52205
15. John & Marsha Linder – 215 Oak View Court, Tipton, Iowa 52772
16. Bradley Goetz – 107 Pleasant View Drive, Tipton, Iowa 52772
17. Charles & Connie Sublette – 1027 Hayes Avenue, Tipton, Iowa 52772
18. Joshua & Abby Hein – 1359 Pleasant View Drive, Tipton, Iowa 52772
19. Matt & Amanda McCall – 1357 Pleasant View Drive, Tipton, Iowa 52772
20. David & Lisa Wulf – 1478 265<sup>th</sup> Street, Tipton, Iowa 52772
21. Rodney & Sharon Laucamp – 1103 Lynn Street, Tipton, Iowa 52772

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Copy e-mailed to Tipton Conservative on 7/15/13

Copy e-mailed to Board of Supervisors Secretary on 7/11/13

Copy e-mailed to Rob Fangmann, County Engineer on 7/15/13

2 File Copies

1 Bulletin Board Copy





Tel: 563-886-2248

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

July 9, 2013

**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 July because no petitions were filed.

Sincerely,

Phil La Rue  
Zoning Administrator

PL:sl



## LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on July 16, 2013, at 9:00 a.m. and July 18, 2013, at 6:15 p.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Brian Langley, 911 Cedar St. Wilton, IA (Contract Buyer) and Barry Langley, 314 Maple Blvd., Wilton, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 3.00 acres more or less.

At this time, the Board of Supervisors will also be considering amendments to the Cedar County Zoning Ordinance, Number 10:

1. Chapter 3, General Regulations And Provisions, Section 21, Flood Plain Regulations, Paragraph "A", Interpretations, sentence two; after the words, Official Flood Insurance Rate Map; Delete: "and the Flood Recovery Map".
2. Delete: Section(s) 1-12, of Chapter 20, FLOOD PLAIN MANAGEMENT as adopted on August 20, 2009, by the Cedar County Board of Supervisors; Add amended: Section(s) 1-14, Chapter 20, FLOOD PLAIN MANAGEMENT.
3. Delete: the Flood Insurance Rate Map for the unincorporated areas of Cedar County, Iowa, dated August 5, 1985; Add: Official Flood Insurance Rate Map, Effective Date, August 19, 2013.

It is the intent and purpose of these amendments to protect and preserve the rights, privileges and property of Cedar County, Iowa, and its residents, and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing flood losses, hazards, and related adverse effects caused by uses vulnerable to flood damages which create hazardous conditions in the flood hazard areas of Cedar County, Iowa.

The proposed amendments to Chapter 3 and Chapter 20 of the Cedar County Zoning Ordinance, Number 10, are on file in the Cedar County Auditor's Office and the Cedar County Zoning Office for public review.

Copies sent out on 6/27/13 to the following:

1. Brian Langley – 911 Cedar Street, Wilton, Iowa 52778 – **Certified**
2. Barry Langley – 314 Maple Blvd., Wilton, Iowa 52778
3. Rick Hansen – 1985 Rose Avenue, Wilton, Iowa 52778
4. Allen Kroeger – 1994 Rose Avenue, Wilton, Iowa 52778

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Copy e-mailed to Tipton Conservative on 6/27/13 for T.C., Sun News & West Branch Times

Copy e-mailed to Advocate News on 6/27/13

2 File Copies

1 Bulletin Board Copy

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

DATE 6/19/13

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaTone

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaTone

Sharon Laucamp

David A. Schmitt

Joel Brown

Brian J. Kungler

Brian J. Kungler

Judy Guterle

Carl H. Rehl



PROOF OF PUBLICATION

## Legal Notice

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 19, 2013, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. At this time, the Commission will consider the following petition:

1. Brian Langley, 911 Cedar St. Wilton, IA (Contract Buyer) and Barry Langley, 314 Maple Blvd., Wilton, IA (Owner) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NE 1/4, NE 1/4, Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 3.00 acres more or less.

At this time, the Commission will also be considering amendments to the Cedar County Zoning Ordinance, Number 10:

1. Chapter 3, General Regulations And Provisions, Section 21, Flood Plain Regulations, Paragraph "A", Interpretations, sentence two; after the words, Official Flood Insurance Rate Map; Delete: "and the Flood Recovery Map".

2. Delete: Section(s) 1-12, of Chapter 20, FLOOD PLAIN MANAGEMENT as adopted on August 20, 2009, by the Cedar County Board of Supervisors; Add amended: Section(s) 1-14, Chapter 20, FLOOD PLAIN MANAGEMENT.

3. Delete: the Flood Insurance Rate Map for the unincorporated areas of Cedar County, Iowa, dated August 5, 1985; Add: Official Flood Insurance Rate Map, Effective Date, August 19, 2013.

It is the intent and purpose of these amendments to protect and preserve the rights, privileges and property of Cedar County, Iowa, and its residents, and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing flood losses, hazards, and related adverse effects caused by uses vulnerable to flood damages which create hazardous conditions in the flood hazard areas of Cedar County, Iowa.

The proposed amendments to Chapter 3 and Chapter 20 of the Cedar County Zoning Ordinance, Number 10, are on file in the Cedar County Auditor's Office and the Cedar County Zoning Office for public review.

any person present, and so wish-  
unity to be heard, for or against,  
so wishing may file a document  
ing Administrator prior to the time  
son wish the document to be read  
aring.

Phil LaRue  
Zoning Administrator

State of Iowa, Cedar County, ss:

I, Gregory Norfleet, Editor of the West Branch Times, a weekly newspaper of general circulation published at West Branch, in said county, and being duly sworn, do declare and say that a Notice, of which one hereto attached is a copy, was published in said West Branch Times respectively:

6/13/13

Fee: \$

27.95

Sworn to by said Gregory Norfleet before me and signed by

him in my presence this \_\_\_\_\_

day of \_\_\_\_\_, \_\_\_\_\_

Notary Public

Received of

Dollars

in full on above publication.



## LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 19, 2013, 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:

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The proposed amendments to Chapter 3 and Chapter 20 of the Cedar County Zoning Ordinance, Number 10, are on file in the Cedar County Auditor's Office and the Cedar County Zoning Office 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. 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  
SN24

STATE OF IOWA, CEDAR COUNTY, ss:

I, Pat A. Kroemer, editor of the SUN-NEWS, a weekly newspaper of general circulation, published in said county, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

The Sun-News One time to wit on

06/13/13

Pat A. Kroemer

Subscribed and sworn to before me this 13

day of June A.D. 2013

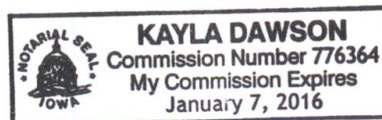
Kayla Dawson

Notary Public in and for Cedar County, Iowa

Received of \_\_\_\_\_

\_\_\_\_\_ Dollars

Printer's fee \$ 35.78



STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of The Tipton Conservative and Advertiser, a weekly newspaper of general circulation, published in Cedar County, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

The Tipton Conservative and Advertiser One time

to wit on 06/21/13

*Stuart S. Clark*

Subscribed and sworn to before me this 13

day of June A.D. 20 13

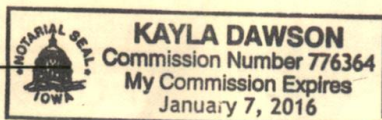
*Kayla Dawson*

Notary Public in and for Cedar County, Iowa

Received of \_\_\_\_\_

\_\_\_\_\_ Dollars

Printer's fee \$ 35.78



## LEGAL NOTICE

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The proposed amendments to Chapter 3 and Chapter 20 of the Cedar County Zoning Ordinance, Number 10, are on file in the Cedar County Auditor's Office and the Cedar County Zoning Office 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. 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



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

June 19, 2013

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, June 19, 2013, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Kohrt, Schuett and Yutesler. Members absent were Dornfeld, Moylan and Schroeder.

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

1. **Brian Langley, 911 Cedar St. Wilton, IA (Contract Buyer) and Barry Langley, 314 Maple Blvd., Wilton, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 3.00 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) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Supervisors.

Brian Langley was present and informed the members he would like to build a new house for himself and his family on his father's farm. He stated he would like to raise his family on the family farm. There is currently a house there where he grew up and to the north there is a gradual hill which would work as the building site for the house they picked out. He stated there is not a high yield on the selected site. Barry Langley informed the members he is planning on deeding over to him the three acres now and eventually Brian will inherit the rest of the farm. La Rue stated the Langley's had several options. One was to divide off the farmstead where the current house is located and then replace the existing house with a new dwelling. This would not require a change in zoning. Another option was to have Brian become the full owner of the farm and would therefore have the ag exemption for building the home. La Rue stated these options were not suitable for them. La Rue then read the letter received from the Wilton Fire Department which stated they agree to provide fire protection and first responder-level EMS services to this site. The letter from the Cedar County Engineer, Rob Fangmann, stated this site is located on paved route X64 (Rose Avenue) and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. The letter also stated the access is only approved for a single family dwelling. The soil inventory was then reviewed. The soils are Downs, Fayette and Colo Ely. La Rue stated the limitations for building on the Downs and Fayette are moderate with severe limitations due to shrink and swell and wetness on the Colo Ely soil. Limitations for septic systems are severe on the Downs and Fayette due to slow seepage and shrink and swell also. The Colo Ely soil has severe limitations for septic systems due to high water table.



and slow seepage. The CSR average is 71.3 points. La Rue stated the proposed area is not prime ag land. He then stated the Comprehensive Plan does discourage scattered residential development when the resulting density won't support a full range of services and to discourage non-farm development on prime ag land and land with a high CSR. He also stated there are residential lots available at the subdivision to the south on Rose Avenue (Pond View, Parts I – IV). Brian Langley stated the proposed site is approximately between 300 and 500 feet away from the current existing house. Barry Langley stated he is currently renting out the existing house and will terminate the lease in the future but will keep the house because he does have livestock there and would use the house as a place to warm up newborn chilled livestock. No one will live in the existing house and it will eventually be torn down. The Langley's stated the new house will be approximately 100 to 150 feet off the road. Brian Langley informed the members they would plan to start building this fall after the crops are out. It was noted there are no livestock operations with 500 head or more within one-quarter mile. Barry Langley stated he does have some stock cows. La Rue stated this will be the first split for Barry Langley.

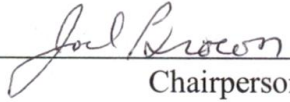
After further discussion, Schuett made a motion to recommend approval of the rezoning request from A-1 to R-1 to the Board of Supervisors. Yutesler seconded the motion. Ayes all.

Zoning Administrator La Rue then led discussion regarding the proposed amendments to the Cedar County Zoning Ordinance #10. He stated he received notification that FEMA redid the National Flood Insurance Program (NFIP). They also redid the Flood Insurance Rate Maps (FIRM) from August of 1985 and previously in May of 1981. The previous maps were incomplete for Cedar County. He stated Cedar County was first given the FIRM in October of 2008 which were adopted. He said he was told in November of 2011 that Cedar County would be getting new maps. He informed the members he was notified in January of 2013 that we would need to revise the flood maps to comply with new requirements of the NFIP and to rescind the 1985 FIRM and also adopt by August 19, 2013, the new digital flood insurance maps. He stated he worked with a model ordinance provided by Jason Conn, Iowa Department of Natural Resources Flood Plain Management Section and networked it into Ordinance #10 and Subdivision Ordinance #9. He explained sanitary systems and wells will have to comply with flood plain regulations in subdivisions. He stated new houses can be built in the flood plain if they meet the requirements of the NFIP. He also stated all new subdivisions have to provide the number of lots and acreage definition. Proposals for subdivisions and other developments greater than four lots or one half acre in area, whichever is less, shall include 100-year base flood elevation data for those areas located within the Flood Plain District. La Rue informed the members that the County Attorney has no objections to the proposed amendments. Chairperson Brown stated they need to approve this so that flood insurance is available for the county. La Rue stated if Cedar County does not adopt the new flood maps by August 19, 2013, we will immediately go into suspension and over 2 million dollars worth of real estate will be uninsurable. He also stated flood insurance coverage will be more economical if the county participates in the NFIP. After further discussion, Yutesler made a motion to rescind the FIRM of 1985 and adopt the August 2013 maps. Kohrt seconded the motion. Ayes all.



Minutes from the last meeting held on May 15, 2013, were previously sent to the members. Schuett made a motion to approve the minutes as presented. Kohrt seconded the motion. Ayes all.

With no further business to be discussed at this time, the meeting adjourned at 7:25 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

June 10, 2013

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, June 19, 2013, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Brian Langley, 911 Cedar St. Wilton, IA (Contract Buyer) and Barry Langley, 314 Maple Blvd., Wilton, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 14, T-79N, R-2W, in Sugar Creek Township, consisting of 3.00 acres more or less.

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It is the intent and purpose of these amendments to protect and preserve the rights, privileges and property of Cedar County, Iowa, and its residents, and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents

Copies sent out on 6/11/13 to the following:

1. Brian Langley – 911 Cedar Street, Wilton, Iowa 52778 – **Certified**
  2. Barry Langley – 314 Maple Blvd., Wilton, Iowa 52778
  3. Rick Hansen – 1985 Rose Avenue, Wilton, Iowa 52778
  4. Allen Kroeger – 1994 Rose Avenue, Wilton, Iowa 52778
- 

Copy e-mailed to Tipton Conservative on 6/10/13 for T.C., Sun News & West Branch Times

Copy e-mailed to Advocate News on 6/10/13

Copy e-mailed to County Engineer on 6/10/13

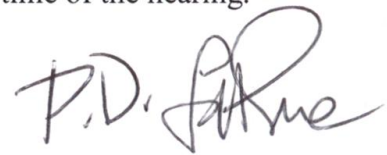
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by minimizing flood losses, hazards, and related adverse effects caused by uses vulnerable to flood damages which create hazardous conditions in the flood hazard areas of Cedar County, Iowa.

The proposed amendments to Chapter 3 and Chapter 20 of the Cedar County Zoning Ordinance, Number 10, are on file in the Cedar County Auditor's Office and the Cedar County Zoning Office 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. 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 black ink, appearing to read "P.D. LaRue", with a stylized flourish at the end.

Phil LaRue  
Zoning Administrator

Copies sent out on 6/11/13 to the following:

1. Brian Langley – 911 Cedar Street, Wilton, Iowa 52778 – **Certified**
  2. Barry Langley – 314 Maple Blvd., Wilton, Iowa 52778
  3. Rick Hansen – 1985 Rose Avenue, Wilton, Iowa 52778
  4. Allen Kroeger – 1994 Rose Avenue, Wilton, Iowa 52778
- 

Copy e-mailed to Tipton Conservative on 6/10/13 for T.C., Sun News & West Branch Times

Copy e-mailed to Advocate News on 6/10/13

Copy e-mailed to County Engineer on 6/10/13

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Tel: 563-886-2248

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

May 24, 2013

Re: Amendment to the Cedar County Zoning Ordinance # 10, Chapter 20, Flood Plain Management.

Dear Planning and Zoning Commission member,

I am writing to inform you that I received final approval of Cedar County's proposed amendment to Chapter 20, Ordinance #10, on May 22, 2013, from Jason Conn, IDNR. Cedar County Planning and Zoning can proceed with Public Hearings. Enclosed, please find a revised copy of the proposed amendment. The new copy is marked in hand writing: IDNR APP. (Approved)

The changes that Mr. Conn recommended on May 17, 2013, to the first draft amendment you currently possess were as follows:

- Section 2A, pg 90: Delete the Shallow Flooding District, as Cedar County's maps do not show any.
- Section 5B(6), pg 96: Re-lettering of subsections: a-e (my mistake).
- Section 5B(10), pg 96: Add a minimum acreage (4.0 acres) for subdivision proposals greater than 4 lots. This is a requirement of FEMA, so following requirements for major subdivisions, Cedar County Ordinance #9, this was added. I had omitted this based upon the current Zoning Ordinance minimal lot area requirements in Chapter 7E(3), R-1 Suburban Residential District and Chapter 8E, R-2 Urban Residential District which allow residential lot size less than 1.00 acre. This is a concern that will require further discussion by the Commission as a possible amendment to the County Ordinance(s) for areas which are affected by the August 2013 FIRM maps.
- Section 7, pg 99: Delete Shallow Flooding (Overlay) District (SF), and renumber all following chapter sections. Appropriate section and sub-section references throughout the Ordinance were corrected for proper reference.
- Section 12, Definitions: Substantial Damage, pg 110 (Section 11, pg 109 of the revised chapter 20 amendment), the Commission needs to provide their opinion which version Cedar County wishes to use for the final amendment version. For simplicity, I recommend that the Commission consider the proposed definition, not the optional language.

I am still waiting for comments from the County Attorney and County Engineer to the IDNR approved version.

It is still important that you review these documents and provide your thoughts and comments by May 31, 2013. If you wish to have a special work session to review and discuss the amended Chapter 20, prior to the June 7<sup>th</sup> filing deadline for a Public Hearing, please let us know as soon as possible. If we do not hear from you regarding the amendment to Chapter 20, Ordinance #10, I will need to assume that you find the amendment acceptable and will proceed with scheduling the June 19, 2013, Public Hearing, **and**, that you will be in attendance for that meeting.

If you have any questions regarding this matter, please feel free to contact me at your convenience.

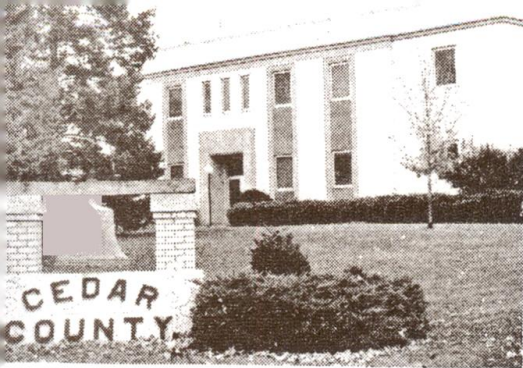
Sincerely,

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

Phil LaRue

Cedar County Zoning Administrator

Encl.



Tel: 563-886-2248

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

May 16, 2013

Re: Amendment to the Cedar County Zoning Ordinance # 10, Chapter 20, Flood Plain Management.

Dear Board of Adjustment member,

Enclosed, please find a draft copy of the proposed Chapter 20 which would completely replace the current flood plain regulations in Ordinance #10 in order to implement the new Flood Insurance Rate Maps (F.I.R.M) which has a mandatory effective date for adoption by the Cedar County Board of Supervisors of August 19, 2013, and a copy of an email from Jason Conn, Floodplain Management Section, Iowa Department of Natural Resources (IDNR).

At the May 15, 2013, meeting of the Planning and Zoning Commission, the Commission members were provided a copy of the amended Chapter 20 to review in conjunction with the current regulations found in your Zoning Ordinance. The proposed Chapter 20 is based upon a model ordinance provided by the IDNR. Because of the number of differences between the current county regulations and its format and the model ordinance, I chose to begin with the model ordinance and merge content from the current regulations in to it and include appropriate references to other applicable County Ordinances and State of Iowa codes.

During the meeting, there was great discussion on the application of this amended Chapter 20 and I presented for review a copy of a County G.I.S. photo with the August 19, 2013, floodplain overlay to show how the flood map data will be provided to the public for both development and insurance purposes. This was to present to the Commission using the Special Use Permit request from last night's meeting (as an example) the scope of new requirements to be used in conjunction with Chapter 17.18(2) of the Zoning Ordinance by the Commission and Board of Adjustment for review and approval of Special Use Permits in floodplains, and to briefly show how floodplain development permits are and will be reviewed by the IDNR and Cedar County.

It is very important that you review these documents and provide your thoughts and comments by May 31, 2013. This is because I will convey your comments to the Planning and Zoning Commission and after any revisions, intend to immediately proceed with scheduling a Public Hearing for the June 19, 2013, meeting if the final draft of Chapter 20 is accepted by the IDNR, and is acceptable in content and format by the Cedar County Attorney and the Cedar County Engineer. At this June Public Hearing I am hoping



that the Commission will make a recommendation to the Cedar County Board of Supervisors that they amend Chapter 20 of the Zoning Ordinance and adopt the August 19, 2013 FIRMs.

If you feel that the Board of Adjustment members should have a special work session to review and discuss the amended Chapter 20, prior to the June 7<sup>th</sup> filing deadline for a Public Hearing, that would be a great idea, so please let us know as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil", with a stylized flourish at the end.

Phil LaRue

Cedar County Zoning Administrator

Encl.



Tel: 563-886-2248

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

May 16, 2013

Re: Amendment to the Cedar County Zoning Ordinance # 10, Chapter 20, Flood Plain Management.

Dear Planning and Zoning Commission member,

I am writing to inform you of the discussion held at the regular meeting of the Zoning Commission on May 15, 2013. Enclosed, please find a draft copy of the proposed Chapter 20 which would completely replace the current regulations in Ordinance #10 in order to implement the new Flood Insurance Rate Maps (F.I.R.M) which has a mandatory effective date for adoption by the Cedar County Board of Supervisors of August 19, 2013, and a copy of an email from Jason Conn, Floodplain Management Section, Iowa Department of Natural Resources (IDNR). I am sorry that this was not placed on the Commission's agenda and that three of you were unable to attend. The point to have discussion(s) on the proposed amendments prior to moving forward with a Public Hearing was made at the March 2013 Commission meeting.

At last night's meeting, the attending Commission members were provided a copy of the amended Chapter 20 to review in conjunction with the current regulations found in your Zoning Ordinance. The proposed Chapter 20 is based upon a model ordinance provided by the IDNR. Because of the number of differences between the current county regulations and its format and the model ordinance, I chose to begin with the model ordinance and merge content from the current regulations in to it and include appropriate references to other applicable County Ordinances and State of Iowa codes.

During the meeting, there was great discussion on the application of this amended Chapter 20 and I presented for review a copy of a County G.I.S. photo with the August 19, 2013, floodplain overlay to show how the flood map data will be provided to the public for both development and insurance purposes. This was to present to the Commission using the Special Use Permit request from last night's meeting (as an example) the scope of new requirements to be used in conjunction with Chapter 17.18(2) of the Zoning Ordinance by the Commission and Board of Adjustment for review and approval of Special Use Permits in floodplains, and to briefly show how floodplain development permits are and will be reviewed by the IDNR and Cedar County.

It is very important that you review these documents and provide your thoughts and comments by May 31, 2013. This is because I intend to immediately proceed with scheduling a Public Hearing for the June 19, 2013, meeting if the document is accepted by the IDNR, and is acceptable in content and format by

both the Cedar County Attorney and the Cedar County Engineer. As the proposed amendment also affects the Cedar County Board of Adjustment, they are also being asked to provide comments. At this June Public Hearing I am hoping that the Commission will make a recommendation to the Cedar County Board of Supervisors to amend the Zoning Ordinance and adopt the August 19, 2013 FIRMs.

If you feel that the Commission members should have a special work session to review and discuss the amended Chapter 20, prior to the June 7<sup>th</sup> filing deadline for a Public Hearing, that would be a great idea, so please let us know as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in dark ink, appearing to read "Phil", with a stylized flourish underneath.

Phil LaRue  
Cedar County Zoning Administrator

Encl.



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 15, 2013

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, May 15, 2013, in the Small Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Schroeder and Moylan. Members absent were Kohrt, Yutesler and Dornfeld.

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

1. **Ray Nebergall, 1649 Holly Avenue, West Liberty, IA (Contract Buyer) and Karl Nebergall, 2365 Atalissa Road, Atalissa, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NW ¼, SW ¼, NE ¼, Section 35, T-79N, R-3W, in Iowa Township, consisting of 1.77 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) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Supervisors. The letter received from the Atalissa Fire Department stated they have reviewed the location and access plan for the area and agree that they will be able to provide service. The letter from the Cedar County Engineer, Rob Fangmann, stated this property is located on gravel route Atalissa Road and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. La Rue stated the rezoning questionnaire is also on file in his office. The soil inventory was then reviewed. The soils are Fayette Silt Loam. Limitation for building is moderate. Limitation for septic systems is severe due to slow water movement, limited seepage and steep slope on 163E2 soil. However, La Rue stated there are a lot of septic systems on this soil type and have not had any problems. The CSR average is 67 points. La Rue stated this site is adjacent to the family farm operation and there is no livestock operation within one-quarter mile. He also stated the Comprehensive Plan discourages scattered residential development when a whole range of services can't be supported.

Ray Nebergall then informed the members they plan to build a house on property less than a mile from his father's property. He is currently involved in the farming operation. It is located on a gravel road on the top of a hill approximately three miles from Atalissa. He stated he is currently on the Atalissa Fire Department.

After a brief discussion, Schroeder made a motion to approve the rezoning change request from A-1 to R-1. Moylan seconded the motion. Ayes all.



2. **Laurence and Julie Christiansen, 448 Spicer Avenue, Clarence, IA (Owners)-** Requesting approval of a Special Use Permit for the purpose of authorizing a farm equipment business on property located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 30, T-82N, R-1W, in Massillon Township, consisting of 3.33 acres more or less. Said property is currently zoned A-1 Agricultural District.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file for this petition and advised them to do their review in accordance with Chapter 17.18(2) in making their recommendation to the Cedar County Board of Adjustment. The letter received from County Engineer, Rob Fangmann, stated this property is located on gravel route Spicer Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in his office. The permit is contingent on property owner's continuance to accept water from the north across their lot. La Rue stated he has no record of the well on the property and there is a waste holding tank on the property. The Colo-Ely soil complex eliminated the possibility of having a conventional septic system on the property. He also stated the property is located in the flood plain and stated he has helped the Christiansen's with a request for a base flood elevation (B.F.E.) determination for the property to determine if they need a state flood plain development permit and elevate the proposed storage building. This would not be a residential structure so they may not need to elevate the structure but make sure that water can go in and out, and any improvement, such as electrical, would be above the flood plain by one foot above the B.F.E.


Mr. Christiansen then informed the members they are going to sell used tractor parts and used tractors. He stated he wants to cut back on what he is currently doing for a few more years. He informed the members they want to be able to put the used parts inside and work on older equipment from the 50's, 60's and 70's. He stated he has been in business for 33 years and their business is currently located at 1515 W. 13<sup>th</sup> Street in Tipton. He informed the members they currently live in Stanwood and he is originally from Clarence. He stated there is a lot of traffic along Highway 30 which they thought would be beneficial for their business. He also informed the members the proposed building would have overhead doors and each bay will be self contained for specific parts. They have considered renting out storage spaces when they no longer have the current business. The new proposed building is just for storage of tractor parts at this time. The office will be in the existing building on the property. La Rue stated the Cedar County Zoning Ordinance, Chapter 5, A-1 Agricultural District, Section D1, list an ag service business as a permitted use by special exception. Storage buildings are also listed as a special use permit. He stated one requirement is that they would have to comply with flood plain requirements which means water can go in and out of the structure. He also stated special permits are not transferable. The Christiansen's stated they will display tractors on the property. The proposed storage building will be 24' x 110' and will have a total of 10 stalls. The nearest neighbor is between one-quarter to one-half mile away. The S.U.P. would have to be modified if the use changes from tractor parts to a storage facility.

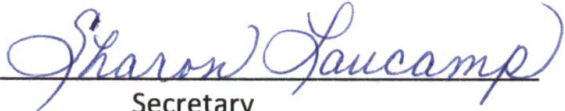
After further discussion, Schuett made a motion to recommend approval of the Special Use Permit request to the Cedar County Board of Adjustment. Moylan seconded the motion. Ayes all.

The minutes from the last meeting held on March 20, 2013, were previously sent to the members. Schroeder made a motion to approve the minutes as presented. Moylan seconded the motion. Ayes all.

Zoning Administrator then presented to the Commission members a draft copy of the proposed amendments to Chapter 20, Flood Plain Management, of the Zoning Ordinance. The purpose of the amendments are for compliance with Federal Regulations for continued participation in the National Flood Insurance Program (N.F.I.P.) This will include adoption of the August 19, 2013, Flood Insurance Rate Maps (FIRM). He stated if Cedar County does not adopt the new flood maps by August 19, 2013, Cedar County will be suspended from the flood insurance program. La Rue explained that because of the number of differences between the model ordinance provided by Jason Conn, Iowa Department of Natural Resources Flood Plain Management Section and the county's current regulations, it was a time saver to utilize the IDNR version. This version was then modified to properly reference the appropriate sections and chapters of the Zoning Ordinance. Chapter 20 was also then linked to reference other appropriate County Ordinances and State of Iowa regulations such as water wells and private sewage disposal systems. La Rue then presented an example of the application capabilities of the revised Chapter 20 and the digitized FIRM to assist the county and the public. The example was the Christiansen Special Use Permit petition reviewed during the Public Hearing. La Rue then inquired whether or not the Commission would want to have a work session to discuss the ordinance amendments fully. He would send a letter to all, but wanted to hear the Commission's comments as soon as possible. His intentions, subject to IDNR approval, as well as support from the County Attorney and County Engineer, is to proceed with a Public Hearing on June 19, 2013, at the regular meeting date. If the amendments are satisfactory, the Board of Supervisors would then consider the amendments in July with adoption well ahead of the NFIP requirements. He stated he wanted to be ahead of schedule in case of any problems encountered.

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 has been petitioned to conduct a Public Hearing on June 11 and 13, 2013, at 9:00 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Ray Nebergall, 1649 Holly Avenue, West Liberty, IA (Contract Buyer) and Karl Nebergall, 2365 Atalissa Road, Atalissa, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 35, T-79N, R-3W, in Iowa Township, consisting of 1.77 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 5/24/13 to the following:

1. Ray Nebergall – 1649 Holly Avenue, West Liberty, Iowa 52776 – **Certified**
2. Karl Nebergall – 2365 Atalissa Road, Atalissa, Iowa 52720

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Copy e-mailed to Tipton Conservative on 5/22/13

Copy e-mailed to Bev Penningroth for Board of Supervisors on 5/21/13

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Tel: 563-886-2248

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

May 3, 2013

**PUBLIC NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, May, 15, 2013, 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. **Ray Nebergall, 1649 Holly Avenue, West Liberty, IA (Contract Buyer) and Karl Nebergall, 2365 Atalissa Road, Atalissa, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single family dwelling on property located in the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 35, T-79N, R-3W, in Iowa Township, consisting of 1.77 acres more or less.
2. **Laurence and Julie Christiansen, 448 Spicer Avenue, Clarence, IA (Owners)**- Requesting approval of a Special Use Permit for the purpose of authorizing a farm equipment business on property located in the SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , and the NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 30, T-82N, R-1W, in Massillon Township, consisting of 3.33 acres more or less. Said property is currently zoned A-1 Agricultural District.

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 5/7/13 to the following:

1. Ray Nebergall – 1649 Holly Avenue, West Liberty, Iowa 52776 – **Certified**
  2. Karl Nebergall – 2365 Atalissa Road, Atalissa, Iowa 52720
- 

1. Laurence & Julie Christiansen – 448 Spicer Avenue, Clarence, Iowa 52216 – **Certified**
  2. Jerry & Shirley Kruckenberg – 1818 140<sup>th</sup> Street, Lowden, Iowa 52255
  3. Gary & Kaye Kraklio – 4257 New Liberty Road, Walcott, Iowa 52773
  4. Russell Dircks – 237 Ridgewood Drive, Davenport, Iowa 52803-3643
  5. Brian & Sherri Banta – 30790 7<sup>th</sup> Avenue, New Liberty, Iowa 52765-9421
  6. Denny & Candice Hulse – 1795 150<sup>th</sup> Street, Clarence, Iowa 52216
  7. Iowa Dept. of Transportation – Attn: Steve Westrold, 800 Lincoln Way, Ames, Iowa 50010
- 

Copy e-mailed to Tipton Conservative & Sun News on 5/6/13

7 Zoning Commission Members

Copy e-mailed to County Engineer

2 File Copies

1 Bulletin Board Copy

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Tel: 563-886-2248

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

April 8, 2013

**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 April because no petitions were filed.

Sincerely,

A handwritten signature in dark ink that reads "Phil".

Phil La Rue  
Zoning Administrator

PL:sl



## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 20, 2013

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, March 20, 2013, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Schuett, Brown, Schroeder, Moylan, Dornfeld and Yutesler. Member absent was Kohrt.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on January 16, 2013, were previously sent to the members. Schuett made a motion to approve the minutes as presented. Moylan seconded the motion. Ayes all. The members then reviewed the following petitions:

1. **Miracles Can Happen Boys Ranch, 1614 300<sup>th</sup> St., Wilton, IA (Owners)** - Requesting a change in zoning from A-1 Agricultural District to R-3 Multi-family Residential District for the purpose of allowing expansion of their residential facility for the construction of five dwellings/cabins and a dining hall to be occupied by a total of 22 unrelated children and 12 unrelated staff/house parents on property located in the NE ¼, SE ¼, NE ¼, Section 15, T-79N, R-2W, in Sugar Creek Township consisting of 12.60 acres more or less. The proposed expansion of this facility has a timetable to be spread out over twenty five (25) years.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review of this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Supervisors. The letter received from the Wilton Fire Department stated they have sufficient capabilities to provide adequate fire protection/coverage for the proposed additional structures to be located at 1614 300<sup>th</sup> Street, Wilton, Iowa. The letter received from County Engineer Rob Fangmann stated "this property is located on gravel route 300<sup>th</sup> Street and should have minimal impact on the existing infrastructure. An access easement has been established to provide an adequate width to service the facility. The access road shall be constructed to meet current standards as outlined in the letter dated January 18, 2013, from Martin & Whitacre Surveyors & Engineers, Inc." La Rue stated that previously on August 17, 1998, the Cedar County Board of Supervisors approved a change in zoning, Petition #0798, to allow R-3 for the purpose of allowing, with a conditional zoning agreement, for unrelated troubled or disadvantaged youth to reside with the Fry's. The agreement was signed and recorded. La Rue stated he had received a letter from the Iowa Department of Natural Resources with regard to the water supply. He stated at this time it does not meet the requirements of the IDNR regulated public water supply. This determination was based upon the number of less than 15 service connections and less than 25 people living in the homes connected and/or individuals utilizing the water supply. If the service connects increase to 15 service connections or number of people consuming water exceeds 25 people or more, the IDNR is to be notified. La Rue stated there is a potential in the future that they may become a public water supply. He also stated he has no objection that the well be a private well at this time.



Jim and Cathy Fry, directors of Miracles Can Happen Boys Ranch, were present. Mr. Fry asked the members to take a look at the colored pictures he had provided them. He explained where the current structures are located and pointed out on the drawing where the future proposed buildings will be located. Mr. Fry stated that the ranch board wishes to add a number of cabins and facilities to further its mission of helping teenage boys. He also informed the members how each existing building and proposed structures were named. He stated the first staff house they would build is located in the proposed rezoning request. He said it was suggested to him back in 2007 that the Board of Supervisors would like a format drawn up and put in place before he came back with the future plans. He stated it has taken a considerable amount of time to get the proposal plans together. He also stated that the B of S suggested he rezone the whole 12.60 acres where the houses are all going to be instead of each house individually. This way he stated they can move forward with construction, meeting all the criteria and conditions that are set forth. He informed the members the first building that will be constructed is another staff house where another non-related family would move in and four more boys would move in with them. He stated the boys stay with them approximately two years. He then explained the future plans for other buildings to the members. Chairperson Brown stated he has known the Fry's for a number of years and feels they are doing an excellent job. La Rue stated the facility should be close to town because of the increased need for emergency rescue. However, he feels what the Fry's are working out is something totally different, and towards that end, the Board of Supervisors and the Zoning Commission, back in 1998, supported that. He stated that's when the conditional zoning agreement originated. He stated the Code of Iowa, Chapter 335.7, allows for conditional agreements to be reached and approved, provided they are reviewed prior to the meeting with the Board of Supervisors or before the meeting adjourns. Towards that end, he stated he has worked up a draft of a conditional zoning agreement. He stated it is very similar to the one created in 1998 with the provisions regarding if the Fry's are dismissed or retire. The conditional zoning agreement can be revisited with the Board of Supervisors and negotiated for a new director and administrative staff if needed. Mr. Fry then stated they have three phases of development. Phase I is complete, Phase II is in the proposed rezoning area, and Phase III will proceed only as the money comes in. No money is borrowed. La Rue informed the members that, although he does not have the conditional zoning agreement completed at this time, he recommends the Zoning Commission include the conditional zoning agreement (to include 22 unrelated children or dependents and 12 unrelated staff or house parents) in their motion, should they recommend approval to the Board of Supervisors. He also stated he will check with the County Attorney's Office to make sure the language is correct. He then will request a meeting with the Board of Supervisors for scheduling a public hearing. Commission member Schuett inquired if the Fry's have a long range plan. Mr. Fry stated they have a Board of Directors who will continue the plan if and when they retire or are no longer the directors.

Dornfeld then made a motion to approve the rezoning request with the conditional zoning agreement to be included. Schuett seconded the motion. Ayes all.



2. **Tom Fitzer (Contract Buyer) and Murry Fitzer, 2371 Cedar-Muscatine Rd. , Wilton, 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 ¼, SE ¼, Section 35, T-79N, R-2W, in Sugar Creek Township consisting of 2.156 acres more or less.

Zoning Administrator La Rue informed the members there were no written or verbal objections on file and advised them to do their review of this petition in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Supervisors. The letter received from the Wilton Fire Department stated they agree to provide fire protection and first responder-level EMS services to this site. They had no objection to the proposed building plan. The letter received from County Engineer Rob Fangmann stated "this property is located on gravel route Cedar/Muscatine County Line Road and should have minimal impact on the existing infrastructure. An approved entrance permit is located on file in the Engineer's Office." La Rue stated there are a number of residential properties to the west of the proposed site. He informed the members that challenges for this site are mostly soil related. The limitations for septic systems are severe due to tight soils and high water table in some areas. He stated a septic system can be installed with a little evaluation. Limitations for building are moderate to severe due to the same reasons. Limitations for agricultural farm crops are slight to moderate. The CSR is around 90 points. La Rue stated, however, the Fitzer's are right on the corner of the ground, there are rural residential properties right next door and at least two dozen further down.

Tom Fitzer, petitioner, was present and stated, as the members could see in the picture, they are electing to take a portion off family land in the southwest corner to divide the two family homes so they are private. Mr. Fitzer stated, after he and his wife were married, they lived in town and now wish to raise their three children in the country. He stated his father is the current owner of the property and is in support of their plan. He also stated that he and his father will take over his grandfather's livestock and grain operation themselves. It was noted there are no confinement units in the area. Mr. Fitzer informed the members that he grew up in the country and, although his wife did not grow up in the country, she was a 4-H member and showed cattle. He stated their goal is to raise their children in the country so they can have the same experiences he did while growing up. The proposed house will have its own separate well and septic system. Mr. Fitzer stated the house will be placed near the road on the west side. He also stated because of the high water table, the previous farmer has done some tile work. The drainage will be able to get into the field tile.

After a short discussion, Moylan made a motion to approve the rezoning request from A-1 to R-1 for the purpose of constructing a single family dwelling. Schroeder seconded the motion. Ayes all.

Zoning Administrator La Rue then reported to the members he had received notification last month from the Department of Natural Resources and the National Flood Insurance Program that Cedar County is required to review and revise Chapter 20, Ordinance 10, and submit a new or revised Flood Plain Ordinance to the IDNR by August 19, 2013. The 1985 Flood Maps and the

Flood Recovery Maps from a few years ago will be rescinded. Public hearings will need to be held in order to accomplish this. La Rue stated he hopes the Commission members can discuss the proposed new ordinance during their May meeting. He will get copies of the new ordinance to the members for review prior to the hearings. The penalty for not complying with this request is suspension in the National Flood Insurance Program.

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

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Chairperson  
Joel Brown

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Secretary  
Sharon Laucamp



DATE 3/20/13

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

C O P Y

MEETING ATTENDANCE:

Phil LaRue

Gina Lyle

Tom Fitzer

MURRY FITZER

Ira Bowman

Cathy Fry

Jim Fry

Levi Phelps

Bill Miller

Cony Smith

Julie Knudson

David A. Schmitt

Jeff Brown

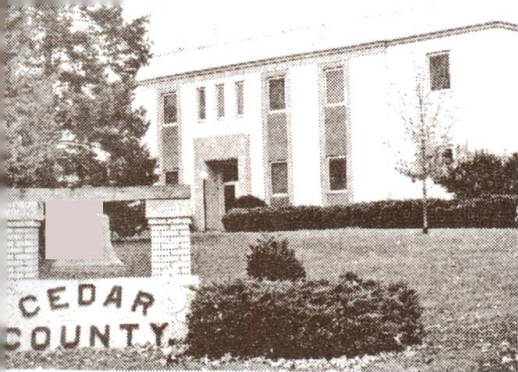
Andy Nigh

Rob Fargman

Jon Anderson

Jody Gustafson

Sharon Laucamp



Tel: 563-886-2248

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

March 1, 2013

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission have been petitioned to conduct a Public Hearing on Wednesday, March 20, 2013, 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. **Miracles Can Happen Boys Ranch, 1614 300<sup>th</sup> St., Wilton, IA (Owners)-** Requesting a change in zoning from A-1 Agricultural District to R-3 Multi-family Residential District for the purpose of allowing expansion of their residential facility for the construction of five dwellings/cabins and a dining hall to be occupied by a total of 22 unrelated children and 12 unrelated staff/house parents on property located in the NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 15, T-79N, R-2W, in Sugar Creek Township consisting of 12.60 acres more or less. The proposed expansion of this facility has a timetable to be spread out over twenty five (25) years.
2. **Tom Fitzer (Contract Buyer) and Murry Fitzer 2371 Cedar-Muscatine Rd., Wilton, 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 35, T-79N, R-2W, in Sugar Creek Township consisting of 2.156 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 3/5/13 to the following:

1. Miracles Can Happen Boys Ranch – Jim & Cathy Fry, 1614 300<sup>th</sup> Street, Wilton, Iowa 52778 – **Certified**
  2. Charles & Caroline Frymore – 1232 300<sup>th</sup> Street, Tipton, Iowa 52772
  3. Leona Wilkins Rev. Trust – 1407 Washington Avenue, Bennett, Iowa 52721
  4. Tom Whetstone – 1607 300<sup>th</sup> Street, Wilton, Iowa 52778
  5. Jeri Huen – 1612 300<sup>th</sup> Street, Wilton, Iowa 52778
  6. Merv Pasvogel – 302 Pond View Drive, Wilton, Iowa 52778
- 

1. Tom & Murry Fitzer – 2371 Highway 38, Wilton, Iowa 52778 – **Certified**
  2. Michael & Marilynne McGuire – 1649 Cedar Muscatine Road, Wilton, Iowa 52778
  3. Kim White – 2386 Highway 38, Wilton, Iowa 52778
  4. Dustin & Megan Mason – 1645 Cedar Muscatine Road, Wilton, Iowa 52778
  5. Brad & Jane Garrett – 1625 Cedar Muscatine Road, Wilton, Iowa 52778
  6. Wilton Development Corp., P.O. Box 443, Wilton, Iowa 52778
  7. W-G Realty Inc. – 3113 Marigold Trl., Norman, OK 73072
  8. Mark Peterson – 2646 100<sup>th</sup> Street, Wilton, Iowa 52778
- 

Copy e-mailed to Tipton Conservative & Wilton/Durant Advocate News on 3/4/13

7 Zoning Commission Members

Copy e-mailed to County Engineer

2 File Copies

1 Bulletin Board Copy





Tel: 563-886-2248

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

February 1, 2013

**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 February because no petitions were filed.

Sincerely,

A handwritten signature in blue ink that reads "Phil LaRue/sl".

Phil La Rue  
Zoning Administrator

PL:sl

### **LEGAL NOTICE**

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on January 31 and February 5, 2013, at 8:45 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Ryan Gordon, 602 Viking Drive, Solon, IA (Contract Buyer) and Brent and Deborah Donohoe, 1453 Plato Road, West Branch, IA (Owners)** - 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 NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 16, T-80N, R-4W, in Gower Township consisting of 3.18 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 1/21/13 to the following:

1. Ryan Gordon – 602 Viking Drive, Solon, Iowa 52333 – **Certified**
  2. Brent & Deborah Donohoe – 1453 Plato Road, West Branch, Iowa 52358
  3. Duston Anderson – 1660 Charles Avenue, West Branch, Iowa 52358
  4. Barb Krall – 152 240<sup>th</sup> Street, West Branch, Iowa 52358
  5. Dan Krall – 131 240<sup>th</sup> Street, West Branch, Iowa 52358
- 

Copy e-mailed to Tipton Conservative & West Branch Times on 1/21/13

Copy e-mailed to B of S Secretary (Bev P. ) on 1/18/13

2 File Copies

1 Bulletin Board Copy

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DATE 1-16-13

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil LaRue

Joel Brown

Carol Gordon

Brent Donohoe

John Gordon

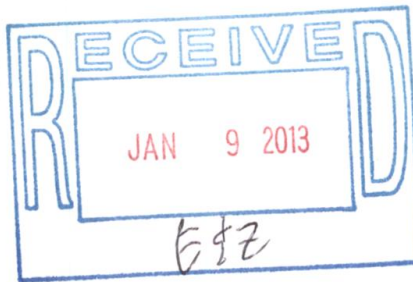
Ryan Gordon

Sharon Laucamp

John Nyl

John a Danelli

David A. Schett



*CEDAR COUNTY BOARD OF SUPERVISORS*

*Cedar County Courthouse*

*400 Cedar Street*

*Tipton, Iowa 52772-1750*

*Telephone: 563-886-3168*

*Fax: 563-886-3339*

*E-Mail: [bos@cedarcounty.org](mailto:bos@cedarcounty.org)*

**COPY**

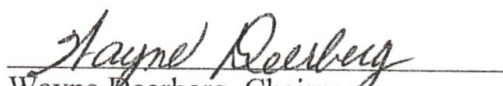
January 4, 2013

Marty Moylan  
1003 Cedar Valley Road  
Tipton, Iowa 52772

Dear Marty:

Please be advised, that by motion of this Board on January 2, 2013, you were reappointed to a three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2015. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,

  
Wayne Beerberg, Chairperson

WD:bjp  
CC: Phil La Rue, Zoning Director

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

January 16, 2013

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, January 16, 2013, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Dornfeld, Moylan and Schuett. Members absent were Yutesler, Schroeder and Kohrt.

Chairperson Brown called the meeting to order at 6:55 p.m. due to the fact that there was not a quorum until that time. The members then reviewed the following petition:

1. **Ryan Gordon, 602 Viking Drive, Solon, IA (Contract Buyer) and Brent and Deborah Donohoe, 1453 Plato Road, West Branch, IA (Owners)** - 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 NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 16, T-80N, R-4W, in Gower Township consisting of 3.18 acres more or less.

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

Ryan Gordon was present and informed the members he is requesting to rezone approximately 3.18 acres off of Charles Avenue for the purpose of building a house on the site for him and his family. He stated he has always wanted to live in the country since he was young. Chairperson Brown asked how far the site is from West Branch. Mr. Gordon stated he would be about 5.3 miles from the West Branch Fire & Rescue Department. Response time would be between 8 and 9 minutes. Member Moylan asked if he had ever lived in the country before and briefly informed him of a few items which are listed in "A Guide to Country Living". Mr. Gordon stated he has not lived in the country before but is aware what goes on in the country. The letter received from the West Branch Fire Department stated they are willing and able to provide services but need an adequate access. The letter from the County Engineer stated this site is located on gravel route Charles Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file in the Engineer's Office. It also stated that access is contingent upon the petitioner either securing an easement from the landowner to the existing entrance south of the property line or the petitioner conduct a large amount of earthwork to achieve a proper approach at the crest of the hill on Charles Avenue adjacent to the property. The County Engineer requested a building permit not be issued until proof is provided that one of the options has been completed from the petitioner to his satisfaction. Mr. Gordon stated he will work with the County Engineer's Department and is willing to do whatever is needed. The soil inventory was then reviewed. There are two main




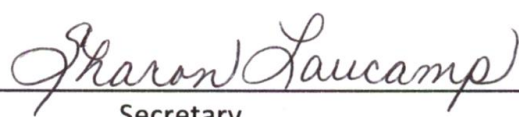
types of soils (Colo Silty Clay Loam and Fayette Silt Loam) on the property. La Rue stated the Colo soil is very limited to building because of flooding. This is not the area where Mr. Gordon is proposing to build the house. The Fayette soil is very limited for building because of the slope. However, La Rue stated he does not foresee any problem placing the house in the Fayette soil. Septic limitations for the Colo soil are severe, again due to flooding and high water table. The Fayette soil is very limited but La Rue felt it was a workable site. The CSR on the Colo soil is 85 and the CSR on the Fayette soil has an average of 64 points. La Rue stated, according to the Comprehensive Plan, this is not in an area for planned future development. He also stated the county development goal discourages scattered development when the resulting density won't support a full range of services. However, La Rue stated this property is not prime agricultural farm land with a high CSR. In support of this, he informed the members there is another zoned R-1 district close by. He also informed the members that about 10 years ago property nearby was rezoned to R-1, by then owner DeAnna Lear, for the purpose of allowing two homes to be built which resulted in the Nicholson Creek Subdivision. No houses were ever built. He stated that in 2011 the owner sold the whole 60 acre tract to Duston Anderson. The point of this discussion was to assess the need for additional land zoned for the purpose requested under the Zoning Ordinance. Mr. Gordon stated he had talked to Mr. Anderson who stated he would have no problem letting the rezoned property go back to A-1. It was noted there are no livestock facilities nearby. Member Schuett questioned Mr. Gordon regarding if he was aware how expensive earth moving can be. Mr. Gordon stated that more than likely he will utilize the driveway to the south and will get an easement to do so. La Rue then stated that when they get to the survey, he would like the easement agreement drawn into the plat by the land surveyor. He also stated he would recommend a 40 foot width. After a brief discussion, Moylan made a motion to grant the rezoning request from A-1 to R-1 for the purpose of construction of a single family dwelling. Dornfeld seconded the motion. Ayes all.

Minutes from the last meeting held on July 18, 2012, were then reviewed. Moylan made a motion to approve the minutes as presented. Schuett seconded the motion. Ayes all. Chairperson Brown asked who the members wanted to appoint as chairman for the new year. It was unanimous that Brown continue as chairman.

La Rue then asked the members when they would like to have a meeting to look at proposed ordinance and subdivision ordinance amendments. The members suggested they have this discussion when they have another petitioned meeting rather than having a special meeting.

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

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

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



Tel: 563-886-2248

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

January 7, 2013

**LEGAL NOTICE**

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, January 16, 2013, 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. **Ryan Gordon, 602 Viking Drive, Solon, IA (Contract Buyer) and Brent and Deborah Donohoe, 1453 Plato Road, West Branch, IA (Owners)** - 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 NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Section 16, T-80N, R-4W, in Gower Township consisting of 3.18 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 1/7/13 to the following:

1. Ryan Gordon – 602 Viking Drive, Solon, Iowa 52333 – **Certified**
  2. Brent & Deborah Donohoe – 1453 Plato Road, West Branch, Iowa 52358
  3. Dustin Anderson – 1660 Charles Avenue, West Branch, Iowa 52358
  4. Barb Krall – 152 240<sup>th</sup> Street, West Branch, Iowa 52358
  5. Dan Krall – 131 240<sup>th</sup> Street, West Branch, Iowa 52358
- 

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Copies sent to P & Z Members on 1/7/13

Copy e-mailed to County Engineer on 1/7/13

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