

Tel: 563-886-2248

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

December 8, 2015

TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS

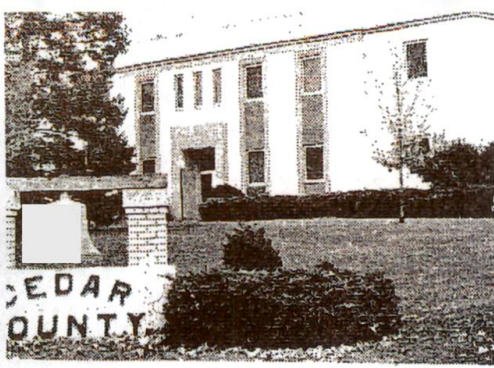
I am writing to inform you that there will not be a meeting of the Planning and Zoning Commission during the month of December because no petitions were filed.

HAPPY HOLIDAYS!

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

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

October 12, 2015

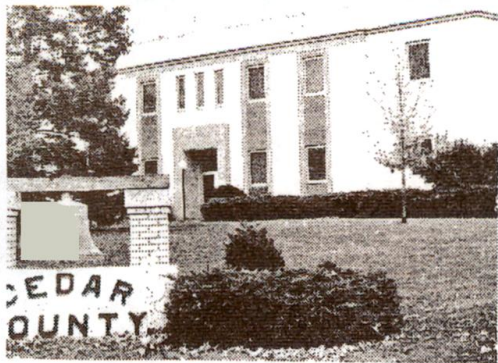
TO: CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS

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,

Phil La Rue
Zoning Administrator

PL:sl



Tel: 563-886-2248

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

September 8, 2015

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,

Phil La Rue
Zoning Administrator

PL:sl

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 19, 2015

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, August 19, 2015, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Moylan, Schuett, Yutesler and Dornfeld. Members absent were Kohrt and Schroeder.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on July 15, 2015, were previously sent to the members. Dornfeld made a motion to approve the minutes as presented. Moylan seconded the motion. Ayes all.

The Commission members then considered the following petition:

1. **Jacquie Albrecht, 310 Cedar St., West Branch, IA (Contract Buyer) and Tim and Mike Crew, 165 290th St., West Branch, IA (Owners)** - Requesting a change in zoning from M-2 Heavy Industrial District to R-1 Suburban Residential District, and M-2 Heavy Industrial District to A-1 Agricultural District for the purpose of constructing a single family dwelling and to eliminate an un-utilized zoning district on property located in the NW ¼, NE ¼, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 2.00 acres of the tract to R-1 and 17.00 acres of the tract to A-1 on a 19.00 acre parcel.

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. La Rue stated the property was rezoned to M-2 Heavy Industrial in 1969 for the purpose of an auto salvage business. He suggested the Commission now rezone the bulk of the property from M-2 Heavy Industrial to A-1 Agricultural and the 2 remaining acres from M-2 to R-1 Suburban Residential. He stated the M-2 District has never been used as Heavy Industrial. He then stated the Land Use Plan does discourage scattered housing but there are several residential homes in the area. He also stated this is not prime ag land and a sand filter septic system is likely to be installed. The letter received from the West Branch Fire Department stated they are willing and able to provide emergency fire and rescue and the owner will be responsible for making sure that fire trucks have full access. The letter from County Engineer, Rob Fangmann, stated this property is located on gravel route Garfield Road and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office and the entrance is only approved to facilitate one single family dwelling.

Mr. and Mrs. Albrecht were present and stated they plan to build a single family dwelling and plant lots of trees. They are not hobby farmers. They have contacted the DNR for suggestions of what to plant. It was noted that the property is about 12 minutes from the

fire station in West Branch. Chairperson Brown asked if they are willing to take responsibility if fire and rescue can't get there. Mrs. Albrecht stated she has lived in the country. Member Moylan then questioned them regarding understanding farm operations in the area. The Albrecht's stated they have met their neighbors.

After a brief discussion, Moylan made a motion to rezone 17 acres from M-2 to A-1 and rezone the proposed 2 acres from M-2 to R-1 for their proposed house. Dornfeld 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

Planning & Zoning Commission
August 19, 2015 Bid Room

Phil Lohme

Jacquie Albrecht

Bruce J. Albrecht

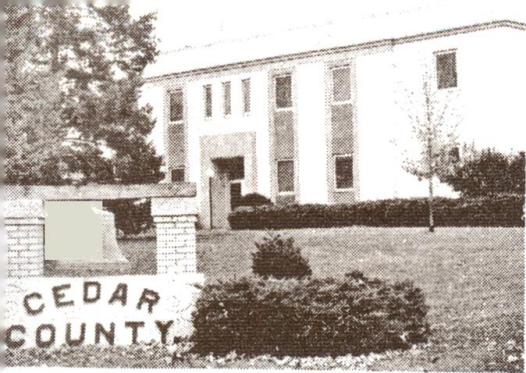
Joel Brown

19 Party 17th

David A. Schmitt

Gary Gutzke

John A. Darnell



Tel: 563-886-2248

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

August 10, 2015

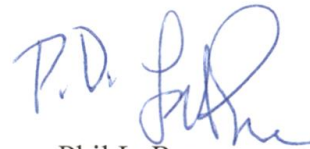
LEGAL NOTICE

The Cedar County Planning and Zoning Commission has been petitioned to conduct a Public Hearing on Wednesday, August 19, 2015, 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. **Jacquie Albrecht, 310 Cedar St., West Branch, IA (Contract Buyer) and Tim and Mike Crew, 165 290th St., West Branch, IA (Owners)** - Requesting a change in zoning from M-2 Heavy Industrial District to R-1 Suburban Residential District for the purpose of constructing a single family dwelling on property located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 30, T-80N, R-3W, in Iowa Township. Said petition is to rezone 2.00 acres of a 19.00 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.


Phil LaRue
Zoning Administrator

Copies sent out on 8/11/15 to the following:

1. Jacquie Albrecht – 310 Cedar Street, West Branch, Iowa 52358 – **Certified**
2. Tim Crew – 165 290th Street, West Branch, Iowa 52358
3. Mike Crew – 12212 South Chinook Ct., Phoenix, AZ 85044
4. Cory Stafford – 668 255th Street, West Branch, Iowa 52358
5. Ed & Karen Arensdorf – 640 Garfield Road, West Branch, Iowa 52358
6. Mark Burnett – 646 Garfield Dr., West Branch, Iowa 52358
7. Doug & Lisa Robertson – 60 N. Westminister St., Iowa City, Iowa 52245-3831
8. Joe & Karen McMath – 48 Greenview Drive, West Branch, Iowa 52358

Copy e-mailed to Tipton Conservative on 8/10/15 for Tipton Conservative

Copy e-mailed to West Branch Times on 8/10/15

Copy e-mailed to County Engineer on 8/10/15

2 File Copies

1 Bulletin Board Copy

DATE 7-15-15

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil LaRue

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. LaRue

Tim Bunt

Jody Gustafson

Joe Brown

Marty M/L

Julie Schroeder

Ross + Ron Wingert

Robert + Shiane Smith

Kraig + Joanne Timmerman

Carl H. Kent

Sharon Laucamp

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 15, 2015

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, July 15, 2015, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Yutesler, Schroeder and Moylan. Members absent were Dornfeld and Schuett.

Chairperson Brown called the meeting to order at 6:30 p.m. Minutes from the last meeting held on May 20, 2015, were previously sent to the members. Schroeder made a motion to approve the minutes as presented. Moylan seconded the motion. Ayes all.

The Commission members then considered the following petitions:

1. **Cedar County Cooperative, 906 East 7th St., Tipton, IA (Owner)** - Requesting a Special Use Permit authorizing the placement of a 30,000 gallon anhydrous ammonia storage tank at the site of their existing anhydrous ammonia tank facility at 1201 Newton Ave., Tipton, located in the NW ¼, NE ¼, Section 5, T-80N, R-2W, in Center West Township consisting of 1.50 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 5, Sec. D.(2) and Chapter 17.18(2) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment. He stated the Cooperative wishes to place an additional 30,000 gallon anhydrous tank at their existing tank farm. He stated there will be additional regulations governed by the Iowa Department of Agriculture and Iowa Department of Agriculture and Land Stewardship (IDALS).

Travis Benhart, Operations Manager for the Cedar County Cooperative, was present and informed the members they plan on moving a 30,000 gallon LP tank from town to the tank farm site. He stated it has passed state inspection and is pre-treated for anhydrous ammonia. He informed the members they plan to build up the ground level since it is in the FEMA flood plain. They will raise the ground level up by four feet at the location of the tank in order to get out of the flood plain. Mr. Benhart stated they will redo all of the plumbing with the newest and latest devices to prevent any accidents from happening. They will also have all new pneumatic valves and remote control shutoff. He stated the state law is that they have to be 450 feet from the nearest residence for 100,000 gallons of storage. He also stated they will be only at 54,000 gallons of storage and the closest dwelling is 575 feet from the proposed tank site.

Zoning Administrator La Rue stated he had in their file a letter from the Department of Natural Resources which stated the proposed project falls below their jurisdictional thresholds and a Flood Plain Development Permit is not required from them. He questioned

Mr. Benhart if the property is in the flood plain. Mr. Benhart stated the property where the tank will be placed is in the flood plain but they will put fill dirt in to raise it up and get above the flood plain. Therefore, La Rue stated that a compliancy flood plain permit will be needed. Chairperson Brown questioned about past flooding on the property. Mr. Benhart stated, to his knowledge, the water has never gotten to the two 12,000 gallon storage tanks. The fill dirt will be brought in from their current location on the east end of town. The tanks will be set on concrete piers which will be buried 6 feet below ground. The tanks will not be full year round. La Rue stated the letter received from County Engineer, Rob Fangmann, stated the property is located on gravel route Newton Avenue and should have minimal impact on the existing infrastructure. The existing entrances are approved to serve the needs of the current facility. La Rue stated that another permit would be needed if they ever decide to replace either of the existing tanks in the future. It was noted that there is not any fencing around the facility. La Rue informed the members that they could ask that fencing be installed in their recommendation to the Board of Adjustment. Mr. Benhart stated the valves on the tanks are locked when they leave at night.

Adjoining property owners, Ron and Daisy Wingert, were present and questioned if they could possibly build a house for one of their children across the road from the tank site on the north side of Highway 130 in the future. La Rue informed them they would have to deal with the flood plain in that area. He stated that, as a farm, they could do pretty much what they wanted to but they could not ever sell it off. He also stated the presence of the Ag Business located there now prevents any dwelling being built too close by IDALS regulations. When asked how much space will be needed for the new proposed tank, Mr. Benhart stated the new tank would be approximately 15 feet wide and 45 feet long. Adjoining property owner, Robert Dircks, questioned the petitioner about hauling dirt instead of putting the tank on piers. Mr. Benhart stated because the piers would have to be so tall, they had to haul dirt. When asked about the distances, Mr. Benhart stated the new tank will go about 110 feet west of the present tanks and approximately 90 feet from the creek. He also stated that everything on the tanks are checked two times a year. There is also an emergency sign. Chairperson Brown wondered if a fenced placed around the facility would be appropriate. Member Moylan suggested placing a fence on two sides to help prevent vandalism. Mr. Benhart stated that would not be a problem.

After further discussion, Moylan made a motion to approve the S.U.P. request with a recommendation of a fence being installed on two sides (Newton Ave. & Highway 130). Yutesler seconded the motion. Ayes all.

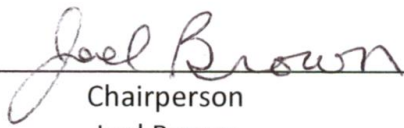
2. **Kraig Timmerman, 770 Main St., New Liberty, IA (Contract Buyer) and Kim Timmerman 2175 210th St., Bennett, IA (Owner)** - Requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located at 2135 Hwy 130, Bennett, IA, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 10, T-80N, R-1W, in Inland Township, consisting of 3.00 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 5, Sec. D.(1) and Chapter 17.18(2) of the Cedar County Zoning Ordinance in making their recommendation to the Cedar County Board of Adjustment.

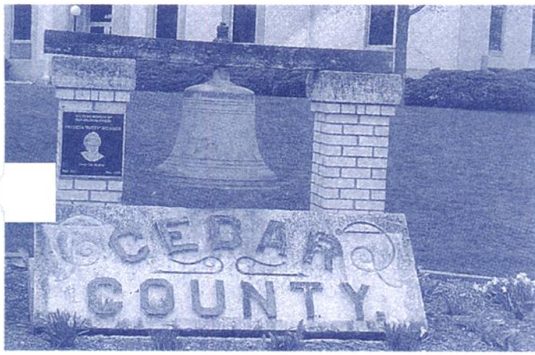
Kraig and Jeanne Timmerman were present and informed the members that seed corn and soybean seed will be delivered to the seed shed for storage during October through March. Mr. Timmerman stated that between January through March will be their selling season. He also stated that they begin delivering the seed after April 1st. They will deliver approximately 25% of the seed to their customers and customers will pick up for themselves the rest of the product. He stated the soybeans are treated with fungicide and insecticide which will begin the 1st of April. He also stated that Pioneer Seed only makes a recommendation regarding construction of the seed shed to the dealer. This proposed business will be similar to Mosier Seed Supply. He informed the members that he previously obtained a S.U.P. with James Lilienthal in 2010 for the same type of business. He stated the business has grown and his son is also now involved. He also informed the members that a barn and farrowing house on the property will be knocked down and a new seed shed will be constructed with an attached office. The letter received from the Cedar County Engineer stated this property is located on paved route State Highway 130 and the access is under the jurisdiction of the Iowa Department of Transportation. The letter received from Sheila Lee, Iowa Department of Transportation, stated this is a Type "C" access and is approved.

After further discussion, Yutesler made a motion to recommend approval of the Special Use Permit request for the sale of seed grains located at 2135 Highway 130, Bennett, IA. Kohrt 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 CEDAR COUNTY ENVIRONMENTAL & ZONING DEPARTMENT
Cedar County Courthouse

Tipton, Iowa 52772

July 3, 2015

LEGAL NOTICE

The Cedar County Planning and Zoning Commission have been petitioned to conduct a Public Hearing on Wednesday, July 15, 2015, 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 Cooperative, 906 East 7th St., Tipton, IA (Owner)** - Requesting a Special Use Permit authorizing the placement of a 30,000 gallon anhydrous ammonia storage tank at the site of their existing anhydrous ammonia tank facility at 1201 Newton Ave., Tipton, located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 5, T-80N, R-2W, in Center West Township consisting of 1.50 acres more or less. Said property is currently zoned A-1 Agricultural District.
2. **Kraig Timmerman, 770 Main St., New Liberty, IA (Contract Buyer) and Kim Timmerman 2175 210th St., Bennett, IA (Owner)** - Requesting a Special Use Permit authorizing the location of an Agricultural Service Business for the sale of seed grains on property located at 2135 Hwy 130, Bennett, IA, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 10, T-82N, R-1W, in Inland Township, consisting of 3.00 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 La Rue
Zoning Administrator

Copies sent out on 7/7/15 to the following:

1. Cedar County Cooperative- Travis Benhart, P.O. Box 192, Tipton, Iowa 52772 – **Certified**
 2. Mark & Sharon Niles – 1349 Red Star Road, Tipton, Iowa 52772
 3. Robert & Rebecca Young – 1340 Highway 130, Tipton, Iowa 52772
 4. Marjorie Wethington – 1327 Highway 130, Tipton, Iowa 52772
 5. Ron & Daisy Wingert – 1389 Highway 130, Tipton, Iowa 52772
 6. Diane Dircks Trust No. 1 = 1202 Morgan Lane, Tipton, Iowa 52772
 7. Brad & Jeanette Kirkpatrick – 1355 Red Star Road, Tipton, Iowa 52772
 8. Harry & Denice Wethington – 1347 Highway 130, Tipton, Iowa 52772
 9. Conservative Publishing – Stuart Clark, W. 5th Street, Tipton, Iowa 52772
 10. Darel & Sheri Sloan – 1203 Morgan Lane, Tipton, Iowa 52772
 11. Stuart & Sharon Clark – 1353 Red Star Road, Tipton, Iowa 5277
-

1. Kraig Timmerman – 770 Main Street, New Liberty, Iowa 52765 (Picked up by Jeanne on 7/6/15)
 2. Kim Timmerman – 2175 210th Street, Bennett, Iowa 52721
 3. Timmerman Fairview Farm, Inc. – 2134 Highway 130, Bennett, Iowa 52721
 4. Stan Wright – 2157 Highway 130, Bennett, Iowa 52721
-

Copy e-mailed to Tipton Conservative on 7/6/15 for Tipton Conservative

Copy e-mailed to County Engineer on 7/6/15/15

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

June 9, 2015

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

DATE 5-20-15

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil Jallne

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

Phil Jallne

David A. Schmitt

Tim & Sue Hahn

Sharon Laucamp

Joel Brown

Dennis Martin

Julie Schroeder

Jody Guterle

Lavin, Cindy, Kris Smith

Colby Siders

Mike & Pam Lucassen

Van Sinner

Karla Ndan

Carl H. Kohrt

George Danner

John Danner

Robert

Robert O'Fang

LEGAL NOTICE

The Cedar County Board of Supervisors has been petitioned to conduct a Public Hearing on June 9 and 16, 2015, 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. **Timothy Hahn, 149 West Rochester Ave., Atalissa, IA (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located on Lot C, in the SW ¼, SW ¼, Section 2, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.00 acre of a 4.75 acre lot.

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 5/28/15 to the following:

1. Timothy Hahn – 149 W. Rochester Ave., Atalissa, Iowa 52720 – **Certified**
 2. Dennis Martin – 170 W. Rochester Ave., Atalissa, Iowa 52720
 3. Max Middleton – 235 McClain Rd., Calico Rock, AR 72519-8784
 4. Vic Pierson & Karla Nolan – 118 W. Rochester Rd., Atalissa, Iowa 52720
 5. Kathy Siders – 143 W. Rochester Ave., Atalissa, Iowa 52720
 6. George Domer – 141 W. Rochester Ave., Atalissa, Iowa 52720
 7. Kevin & Cindy Slutts – 108 W. Rochester Rd., Atalissa, Iowa 52720
 8. Gina, Pamela & Jaime Lucassen – 207 Green, West Branch, Iowa 52358-0261
 9. Joseph Fahrenkrug – 3704 165th St., Blue Grass, Iowa 52726-9412
 10. Amy Foster – 171 W. Rochester Ave., Atalissa, Iowa 52720
-

Copy e-mailed to Tipton Conservative on 5/28/15 for Tipton Conservative

Copy e-mailed to County Engineer on 5/28/15

2 File Copies

1 Bulletin Board Copy

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

May 20, 2015

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, May 20, 2015, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Schroeder, Yutesler, Dornfeld, Schuett and Kohrt. Member absent was Moylan.

Chairperson Brown called the meeting to order at 6:30 p.m. He informed the public to address all questions and comments to the Commission members and not each other. The members then reviewed the following petition.

1. **Timothy Hahn, 149 West Rochester Ave., Atalissa, IA (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located on Lot C, in the SW ¼, SW ¼, Section 2, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.00 acre of a 4.75 acre lot.

This petition was a continuation of the public hearing held on April 15, 2015, which was tabled to give the petitioner time in which to address three issues which were: 1) Erosion control plan; 2) Resolve issue with the County Engineer; and 3) Septic system concerns.

Tamra Roberts, attorney representing Mr. Hahn, informed the members that her client had received a letter from Sara Klindt, Iowa Department of Agriculture & Land Stewardship, which included information regarding controlling erosion, both short-term and long-term measures for the site. She stated Mr. Hahn has already addressed the grass seeding and has started on the basins. She also stated Mr. Hahn has applied clean gravel to the driveway as recommended. She stated Mr. Hahn has done what he could do so far until construction is started. Attorney Roberts stated she also has talked with Phil La Rue regarding the septic system who said he can't do anything in writing until he has seen the plan which is part of the building permit process. It was noted the petitioner was prepared to put in any system which the county requires which could possibly mean a sand filter system. She also stated she had approached the County Engineer after the last meeting and said that he indicated if they had a plan from NCRS and the Iowa Department of Agriculture, he said he would approve a plan they put together. However, she stated that once she talked to him again, he stated he does not want to approve it until it is implemented. She stated the commission's concern was the driveway. She stated her client is working with the SCS Office and she feels their concern is limited to whether or not there would be a generation of excess traffic. She stated this particular driveway should not be a concern of the commission. She feels the driveway has been addressed by her client, there is gravel down on it and based on the recommendation from the Dept. of Ag., she does not think they have a concern on the driveway other than placing gravel on it. Based on that, she stated they would ask the commission to make a favorable recommendation to the Board of

Supervisors. Regarding the livestock issue, she stated the agricultural practices on the property are off the table as far as the commission is concerned.


Rob Fangmann, County Engineer, was present and stated he had received a copy of the erosion control plan from the Iowa Department of Agriculture & Land Stewardship. He stated there has been an erosion issue since 2007. At that time, the petitioner was to take measures necessary to keep runoff from going down the drive and across West Rochester Avenue. He stated with this new proposed construction, there would potentially be more runoff which is why he required the petitioner have a plan. He also stated his recommendation back in April was to receive a plan and successfully implement it. Since the plan was just received, there hasn't been a chance to see any progression at this time. There has not also been a substantial rainfall to see any runoff coming down the driveway. He stated he was there the day the rock was delivered and the erosion plan mentions clean rock and he did not see any clean rock. It was to be 2" clean rock. Therefore, he stated at this point, the petitioner has been working towards the plan by having rock put down but has not contained it. Mr. Hahn stated he has had two loads of clean rock put down and 100 pounds of grass seed has been sown which has taken hold. Engineer Fangmann again stated it was not clean rock. Mr. Hahn stated the grass seed has taken the place of a silt fence but said if he has a problem with erosion, he will put in the silt fence. Chairperson Brown stated the reason for the silt fence is to hold the dirt on Mr. Hahn's property and keep it away from the right-of-way. He also stated a silt fence has to be put in. Attorney Roberts acknowledged that a building permit will not be approved until Mr. Hahn has implemented the proper erosion control. She then stated that under the Purpose in Chapter 1 of the Zoning Ordinance, it specifically does not include erosion and soil control. The Code of Iowa does specifically spell it out. Chairperson Brown stated the Zoning Commission is very conservation and environmentally minded and it is their concern that all conditions be met. Attorney Roberts stated it may be something they might want to consider as an amendment to the ordinance in the future. Engineer Fangmann then stated he can not sign off until 70% of the plan is established and implemented. The commission members expressed concern regarding once the plan is implemented, what assurance do they have that it will be maintained. Attorney Roberts stated the county could file a nuisance abatement if necessary. Mr. Hahn also stated since gravel has been put down, the erosion should be controlled. He stated the wing dams he has put in should also slow up the erosion problem and keep the water from running down onto the road. Attorney Roberts then stated if the property is not rezoned for a house, Mr. Hahn would have no incentive to fix it at all and it will continue to be the way it is other than what he has done so far. Chairperson Brown stated it is property owners responsibility to protect soil conservation. Mr. Hahn stated he has put wing dams on each side of the driveway. He then showed on a drawing of his property where his current driveway is located and also the proposed septic system location. Cattle discussion then continued regarding the ag land and the problem with the livestock regarding manure, etc. Sue Hahn stated the cattle are not within the scope of the Zoning Commission. Attorney Roberts stated the Commission can not regulate agriculture. Chairperson Brown stated they are only dealing with the one acre. The number of livestock was also briefly discussed. Attorney Roberts stated the Iowa Code forbids this commission or a county to adopt any regulations concerning the livestock. Mr. Hahn stated the cattle are not on the one acre proposed for rezoning.

Photographs presented to the Commission by adjoining and other concerned property owners indicate that they are currently there and causing erosion of the slope adjoining Cathy Siders' property. The protestors would like all five acres rezoned to R-1. Chairperson Brown then stated it is their responsibility to obtain as much information as possible to pass onto the Board of Supervisors.


After further discussion, Schuett stated he is not in favor of the request and they look to another commission for good handling and stewardship of the property. Therefore, he made a motion to deny the rezoning request. Dornfeld seconded the motion and have the Board of Supervisors review it and figure out what is the fairest for all parties concerned. Members voting to deny the request were Kohrt, Dornfeld and Schuett. Members Yutesler and Schroeder voted not to deny stating if all contingencies were met, it could be approved. Chairperson Brown then voted to deny the request. The members stated it is only their recommendation and the final decision will be made by the Board of Supervisors.

Minutes from the last meeting held on April 15, 2015, were previously sent to the members. Dornfeld made a motion to approve the minutes as presented. Kohrt seconded the motion. Ayes all.

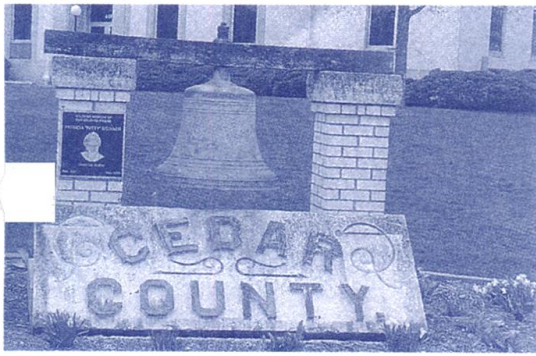
With no additional business to be discussed at this time, the meeting was adjourned at 7:30 p.m..



Chairperson
Joel Brown



Secretary
Sharon Laucamp



Tel: 563-886-2248

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

May 4, 2015

LEGAL NOTICE

The Cedar County Planning and Zoning Commission have been petitioned to conduct a Public Hearing on Wednesday, May 20, 2015, 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. **Timothy Hahn, 149 West Rochester Ave., Atalissa, IA (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located on Lot C, in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.00 acre of a 4.75 acre lot.

This petition will be a continuation of the Public Hearing held on April 15, 2015. The petition was tabled at that time until three issues are addressed by the petitioner.

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

Phil La Rue
Zoning Administrator

Copies sent out on 5/5/15 to the following:

1. Timothy Hahn – 149 W. Rochester Ave., Atalissa, Iowa 52720 – **Certified**
 2. Dennis Martin – 170 W. Rochester Ave., Atalissa, Iowa 52720
 3. Max Middleton – 235 McClain Rd., Calico Rock, AR 72519-8784
 4. Vic Pierson & Karla Nolan – 118 W. Rochester Rd., Atalissa, Iowa 52720
 5. Kathy Siders – 143 W. Rochester Ave., Atalissa, Iowa 52720
 6. George Domer – 141 W. Rochester Ave., Atalissa, Iowa 52720
 7. Kevin & Cindy Slutts – 108 W. Rochester Rd., Atalissa, Iowa 52720
 8. Gina, Pamela & Jaime Lucassen – 207 Green, West Branch, Iowa 52358-0261
 9. Joseph Fahrenkrug – 3704 165th St., Blue Grass, Iowa 52726-9412
-

Copy e-mailed to Tipton Conservative on 5/4/15 for Tipton Conservative

Copies sent to P & Z members on 5/6/15

Copy e-mailed to County Engineer on 5/4/15

2 File Copies

1 Bulletin Board Copy

DATE 4-15-15

ORGANIZATION PLANNING & ZONING BOARD

CONTACT PERSON Phil Lake

MEETING TIME WEDNESDAY, 6:30 P.M.

MEETING ATTENDANCE:

P.D. Lake

John Brown

Kim S. Nahr

Susan M O'Brien

Deana Watz

Merl Watz

Joyce Zoruba

John Zoruba

Cindy Lutt

Mrs. Lutt

Ken Shultz

Dennis Martin

Colby Siders

Cheryl Seaton

Ken McIntosh

Mike Lucassen

Pamela Lucassen

arty M/L

Robert

David A. Schmitt

Carl H. Rohlf

Jody Yuterle

Sharon Laucamp

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 15, 2015

The Cedar County Planning and Zoning Commission conducted a Public Hearing on Wednesday, April 15, 2015, in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Brown, Schuett, Moylan, Yutesler, Kohrt and Dornfeld. Member absent was Schroeder.

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

1. **Merle and Diana Waltz, 1889 1st Street, Tipton, IA (Contract Buyers) and John and Joyce Zaruba, 1924 Hwy 38 (Owners)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T-79N, R-2W, in Rochester Township, consisting of 1.17 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.

Diana Waltz then informed the members that they want to downsize and build a smaller house on one acre of her parents family farm. La Rue stated there is Downs Silt Soil on the property. Limitations for building are moderate. Septic system limitations are severe due to slow water movement. However, La Rue stated there are a number of septic systems in this type of soil. La Rue also stated the average CSR on the property is 82.5. He stated the Comprehensive Plan discourages scattered residential development. Mrs. Waltz stated this property is located one-quarter to one-half mile from her parents residence.

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

2. **Timothy Hahn, 149 West Rochester Ave., Atalissa, IA (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located on Lot C, in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 2, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.00 acre of a 4.75 acre lot.

Zoning Administrator La Rue advised the members to consider this petition in accordance with Chapter 18.2(3) of the Zoning Ordinance in making their recommendation to the Cedar County Board of Supervisors. La Rue stated that he has received verbal objections for this petition. The letter received from the Atalissa Fire Department stated they can and

will be able to provide fire and ems service to the property. La Rue then stated the Cedar County Engineer's letter recommended denial on the driveway.

Tamra Roberts, Attorney representing Mr. Hahn, informed the members that Mr. Hahn would like to rezone this property for the purpose of construction of a family home. She stated the land is mostly timber. She also stated the property is located on a steep dirt embankment which he is currently using as his access to the property but plans to have a gravel driveway when he moves into the new house. She feels that by placing gravel it will relieve dirt runoff in the area which the County Engineer is concerned about. The members were presented with a picture which shows the runoff problem. Mr. Hahn stated that by adding more gravel, he can help alleviate the runoff onto the county road. Zoning Administrator La Rue questioned why Mr. Hahn cut down so many trees which he felt was the only thing that was holding the soil in place. Dennis Ray, adjoining neighbor, stated Mr. Hahn has improved the area and is in support of the petitioner. Mrs. Hahn stated trees had to be removed in order to put in the proposed driveway. La Rue stated he had a concern regarding a house being placed there without consent and had to be removed. Mrs. Hahn stated there was no power, no water or anything to it. Attorney Roberts stated there are already residences in the area and this rezoning will not increase traffic or disrupt agriculture. Flooding issues were discussed. It was noted that the road goes under water at 14 ½'. Kevin Slutts, adjoining neighbor, stated he wants no house closer to him due to timber fire chances. He stated he is pretty certain that the fire department would not be able to save homes out there. He also has concern regarding cattle on the property. He stated cow manure and soil erosion runoff comes down the ravine into the county road ditch and into the creek. Member Yutesler questioned the feasibility of putting a septic system on the property. Attorney Roberts stated there is sufficient land for the septic system. La Rue then stated they would probably have to look at an alternate system. Attorney Roberts stated the cows are on agricultural ground and not the residential area. Mr. Slutts showed on a drawing the area where the cattle are located which slopes down to the Slutt's property. Mr. Hahn stated his intention is to start a pasture in the future for the cattle. It was noted that the area was in forest reserve which Hahn has cancelled so they could have a pasture. Mr. Hahn stated the DNR had no problem with it. He informed the members he currently has one bull, sixteen heifers and two calves on 4.75 acres. Chairperson Brown stated he is a farmer and, that in his opinion, there will not be grass for 18 animals on 4 acres. Member Schuett, who is also a farmer, stated he felt Mr. Hahn will never be able to grow grass. Member Moylan suggested that Mr. Hahn have an erosion control plan. La Rue agreed that an erosion plan should be done that will satisfy the Cedar County Engineer. Chairperson Brown stated that Mr. Hahn can not restrict the flow of water unless the DNR allows it. La Rue then read part of the County Engineer's letter which stated the petitioner had requested an entrance permit in February of 2007 in the same area. As a condition of that permit, the landowner was to take all measures necessary to keep runoff from migrating down the drive and onto or across West Rochester Avenue. He also stated that to date this has still not been rectified which is why he is denying the rezoning request. His letter also stated he feels the petitioner has to create and successfully implement an erosion control plan for the area before he would consider recommending approval of the rezoning request. Hahn stated he had applied for an easement to come off the road. Chairperson Brown stated he feels the County Engineer would not deny this

request without cause and feels the Zoning Commission should table this petition until Mr. Hahn gets it right with him. A lengthy discussion was held regarding erosion control for the new house. La Rue then addressed the questionnaire for rezoning and made his comments on the same.

After further discussion, member Schuett recommended the Zoning Commission table the petition and check with the DNR regarding the allowable number of livestock per acre of ground. Member Dornfeld suggested a study be made by a professional regarding the runoff control. Father Dennis Martin stated the county put in a culvert on his property years ago which alleviated his runoff problem. Attorney Roberts stated she does not think changing one acre to residential is going to increase the erosion or cattle runoff on the property. The commission members again stated their concerns regarding erosion and installation of a septic system. Mr. Hahn stated the proposed house will be put on stilts and a 3 – 4' retainer wall will be built on the back side of the house. Attorney Roberts stated the proposed house will not increase the erosion problem, and therefore, there is no reason to deny the request.

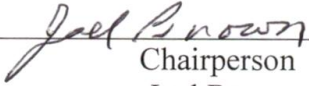
Chairperson Brown then stated he feels the Commission has two choices. One would be to deny recommendation to the Cedar County Board of Supervisors and let them make their decision or table the petition until the petitioner comes back with the answers which they have been asking for. It was noted that the plan needs to be suitable with the County Engineer. Brown also stated he would like an understanding with the County Engineer on the placement and maintenance of the driveway, a runoff control plan and septic issue resolved.

After further discussion, Moylan made a motion to table the petition until the three issues are addressed which are: 1) Erosion control plan; 2) Resolve issue with the County Engineer; 3) Septic system concerns. Dornfeld seconded the motion. Ayes all.

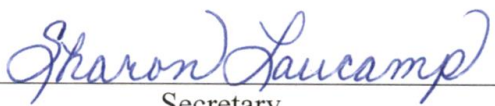
Minutes from the last meeting held on September 17, 2014, were previously sent to the members. Member Schuett stated he was not listed as being in attendance or not. Kohrt then made a motion to approve the minutes with the correction to be made. Dornfeld seconded the motion. Ayes all.

Chairperson Brown stated it was time to appoint a Chairperson for the year. It was unanimous that Brown continue to be the Chairperson. Member Yutesler will act as Co-Chairperson.

With no additional business to be discussed at this time, the meeting was 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

April 6, 2015

LEGAL NOTICE

The Cedar County Planning and Zoning Commission have been petitioned to conduct a Public Hearing on Wednesday, April 15, 2015, 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. **Merle and Diana Waltz, 1889 1st Street, Tipton, IA (Contract Buyers) and John and Joyce Zaruba, 1924 Hwy 38 (Owners)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of constructing a single family dwelling on property located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T-79N, R-2W, in Rochester Township, consisting of 1.17 acres more or less.
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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 "Phil La Rue".

Phil La Rue
Zoning Administrator

Copies sent out on 4/8/15 to the following:

1. Merle & Diana Waltz – 1889 1st Street, Tipton, Iowa 52772 – **Certified**
 2. John & Joyce Zaruba – 1924 Highway 38, Tipton, Iowa 52772
 3. Robert & Janet Barrett – 417 W. Wate Street, Wilton, Iowa 52778
 4. Betty Drager – 215 Pine Street, Tipton, Iowa 52772
 5. Mannhof Co. – 201 W. 2nd St., Ste. 1000, Davenport, Iowa 52801-1827
-

1. Timothy Hahn – 149 W. Rochester Ave., Atalissa, Iowa 52720 – **Certified**
2. Dennis Martin – 170 W. Rochester Ave., Atalissa, Iowa 52720
3. Max Middleton – 235 McClain Rd., Calico Rock, AR 72519-8784
4. Vic Pierson & Karla Nolan – 118 W. Rochester Rd., Atalissa, Iowa 52720
5. Kathy Siders – 143 W. Rochester Ave., Atalissa, Iowa 52720
6. George Domer – 141 W. Rochester Ave., Atalissa, Iowa 52720
7. Kevin & Cindy Slutts – 108 W. Rochester Rd., Atalissa, Iowa 52720
8. Gina, Pamela & Jaime Lucassen – 207 Green, West Branch, Iowa 52358-0261
9. Joseph Fahrenkrug – 3704 165th St., Blue Grass, IA 52726-9412

Copy e-mailed to Tipton Conservative on 4/6/15 for Tipton Conservative

7 Zoning Commission Members

Copy e-mailed to County Engineer on 4/3/15

2 File Copies

1 Bulletin Board Copy



Tel: 563-886-2248

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

March 9, 2015

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 March because no petitions were filed.

Sincerely,

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

February 10, 2015

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 dark ink, appearing to read "Phil", with a horizontal line underneath the name.

Phil La Rue
Zoning Administrator

PL:sl

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

COPY

January 6, 2015

Dave Schuett
803 2nd Avenue
Durant, Iowa 52747

Dear Mr. Schuett:

Please be advised, that by motion of this Board on January 2, 2015, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2017. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,


Wayne Deerberg, Chairperson

WD:bjp

CEDAR COUNTY BOARD OF SUPERVISORS

Cedar County Courthouse

400 Cedar Street

Tipton, Iowa 52772-1750

Telephone: 563-886-3168

Fax: 563-886-3339

E-Mail: bos@cedarcounty.org

January 6, 2015

COPY

John A. Dornfeld

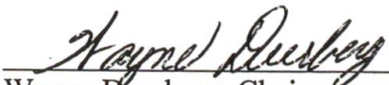
1396 – 290th ST

Tipton, Iowa 52772

Dear Mr. Dornfeld:

Please be advised, that by motion of this Board on January 2, 2015 you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2017. Your willingness to serve on this Board is greatly appreciated.

Sincerely,



Wayne Deerberg, Chairperson

WD:bjp

CEDAR COUNTY BOARD OF SUPERVISORS

Cedar County Courthouse

400 Cedar Street

Tipton, Iowa 52772-1750

Telephone: 563-886-3168

Fax: 563-886-3339

E-Mail: bos@cedarcounty.org

January 6, 2015


COPY

Julie Schroeder
1119 Vermont Avenue
Bennett, Iowa 52721

Dear Mrs. Schroeder:

Please be advised, that by motion of this Board on January 2, 2015, you were appointed to another three-year term on the Planning & Zoning Commission. The term will expire on 12-31-2017. Your willingness to serve on this Commission is greatly appreciated.

Sincerely,



Wayne Deerberg, Chairperson

WD:bjp

CEDAR COUNTY BOARD OF SUPERVISORS

Cedar County Courthouse

400 Cedar Street

Tipton, Iowa 52772-1750

Telephone: 563-886-3168

Fax: 563-886-3339

E-Mail: bos@cedarcounty.org

COPY

January 6, 2015

Claudia Beyer
547 N Oliphant
West Branch, Iowa 52358

Dear Claudia:

Please be advised, that by motion of this Board on January 2, 2015, you were appointed to another five-year term on the Zoning Board of Adjustment. The term will expire 12-31-2019. Your willingness to serve on this Board is greatly appreciated.

Sincerely,


Wayne Deerberg, Chairperson