

CEDAR COUNTY ENVIRONMENTAL HEALTH & ZONING

Cedar County Courthouse
400 Cedar Street
Tipton, IA 52772
Phone: (563) 886-2248
Fax: (563) 886-2103
www.cedarcounty.org



CEDAR COUNTY, IOWA

December 7, 2020

TO: ALL CEDAR COUNTY PLANNING AND ZONING COMMISSION MEMBERS

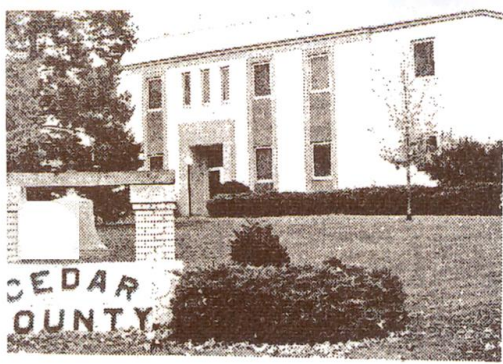
I am writing to inform you that there will **not** be a meeting of the Planning and Zoning Commission during the month of December because no petitions have been filed.

Sincerely,

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

Phil La Rue
Zoning Administrator

PDL/bja



Tel: 563-886-2248

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

October 8, 2020

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 have been 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

August 7, 2020

PUBLIC NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, August 19, 2020, at 6:30 p.m., in the Large Meeting Room, in the basement of the Cedar County Courthouse, Tipton, Iowa. At this Public Hearing, Cedar County will be following the accepted social distancing guidelines of the State of Iowa.

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

1. **Barnhart Properties, LLC, P.O. Box 36, West Branch, IA (Owner)** - Requesting approval of a Preliminary Plat of Survey for a proposed nine (9) lot subdivision located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 9, T-79N, R-4W, in Springdale Township, consisting of 26.87 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.

Philip LaRue
Zoning Administrator

8-19-20

Cedar County P&Z Public Hearing
6:30 p.m.

P.D. [Signature]

Bruce Barnhart

Tom Anthony

Shoemaker Engineering

Brett Eggert

Jody Gritsch
Jen a Dorell

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 19, 2020

The Cedar County Planning & Zoning Commission conducted a Public Hearing via on Wednesday, July 15, 2020, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa, and via electronic telephone conference. Members present for this meeting at the Courthouse were: Dornfeld and Eggert. Members present by telephone conference were: Schuett, Twing, Brown, Klein and Yutesler. Also present for this meeting was Phil LaRue, Zoning Director.

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

1. **Barnhart Properties, LLC, P.O. Box 36, West Branch, IA (Owner)** - Requesting approval of a Preliminary Plat of Survey for a proposed nine (9) lot subdivision located in the NW $\frac{1}{4}$, NW $\frac{1}{4}$, and the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 9, T-79N, R-4W, in Springdale Township, consisting of 26.87 acres more or less.

Zoning Administrator LaRue informed the members there were no written or verbal objections on file for this petition. He advised them to do their review in accordance with Chapters 3, 6, 7 & 8 of the Cedar County Subdivision Ordinance #9 in making a recommendation to the Cedar County Board of Supervisors.

Bruce Barnhart and his land surveyor, Tom Anthony, Shoemaker- Haaland, Coralville, Iowa, were present and presented the proposed 9 lot residential subdivision. He explained there are an additional two out lots which remain zoned A-1 Agricultural. Nothing has changed from the original proposal which was presented to the Commission on November 20, 2019, for the rezoning petition consideration. Because there was so much information to be presented on the Preliminary Plat, they have chosen to present the material on two documents which will be presented as one document for the Final Plat of Survey. Mr. Anthony explained that sheet two contains the slope, contour and elevation detail, flood plain boundary, proposed water well locations and the buildable area and proposed septic system locations for each of the residential dwellings. Mr. Anthony then directed the Commission's attention to the shared driveway access which are double width. Lots 1 & 2, 7 & 8, in the driveway detail is where the common shared wells are to be located. Lot 9 is proposed to have its own well due to the difficulty in water line placement crossing the waterway and flood plain. No problems were noted by the County Engineer for the use of Charles Avenue and the proposed seal-coat improvements as the lots are sold with Mr. Fangman's approval.

Twing asked if the proposed dwelling locations are set in stone? LaRue explained that there is some flexibility in the dwelling placement in relation to the topography, but keeping out of the flood plain and proper placement and design of the septic systems will be a priority. She then asked about water retention and flow. Any reshaping of the ground? Mr. Anthony explained the flow study. He stated that the road culvert on Charles Avenue to the west provides water retention. He continued by saying the drainage study showed that the cornfield is sufficient to handle the flow from the west. Between Lots 4 & 5 there is an easement to funnel this drainage from the west through this area to the creek on the east side of the lots. He explained that they were surprised by the effectiveness of mowed lawns on

a large lot setting versus a bare corn field. The drainage will be able to handle the effects of drainage from paved driveways and dwelling roofs. The study was favorable for the development. Twing then asked which is higher, the west or east side of Charles Avenue in relation to the proposed development? The west side is higher stated Mr. Anthony. Yutesler asked if the septic systems are being engineered for the development. No, the design will be developed and approved for each proposed dwelling and lot. Because of the unknown factor of home type and number of bedrooms, some flexibility is required in the siting of the septic systems in relation to the flood plain, wells and dwelling design. What about home types like a shouse, are they allowed? Discussion followed regarding home designs and types. Mr. Barnhart stated they will not be allowed and it will say so in the Restrictive Covenants. County Engineer, Rob Fangmann, stated that the owner has been very responsive and understanding with his requirements for the development. This will be a first for cedar County, he stated, on the use of Charles Avenue for the accesses to the development. The requirements of Cedar County have been met by the developer. Seal coating and the necessary seal coat maintenance will be the responsibility of the homeowner association. County road maintenance and snow removal will be done by Cedar County. This section of Charles Avenue is not expected to be high traffic. Twing asked Rob Fangmann about the I-80 widening proposal, any problems? Fangmann responded that there is another property and an Alliant Energy sub-station between the two. Brown then asked about the single access road, Charles Avenue. Fangmann stated that options are limited due to the major waterway to the east and I-80 to the south. Charles Avenue ends in a hammer-head rather than a cul-de-sac. Tom Anthony then asked for direction on presenting this plat to the City of West Branch as there is not a 28E agreement between the City and Cedar County. LaRue explained that the City of West Branch has an extra-territorial review under Iowa Code and therefore the right to review or waive their right of review of the plat(s). Their comments are required only for the Final Plat of Survey. Twing then asked about Lot 9 not being in the Homeowner Association. They are subject to the Covenants but not the road agreement for Charles Avenue because they will access onto 290th Street stated Mr. Anthony. Lot 9 will also have their own water well and a double width access as it will provide access to the out lots and property east of the waterway.

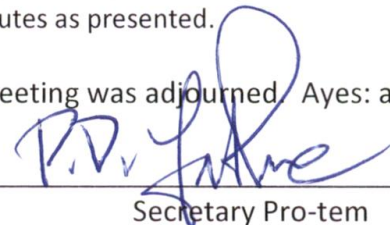
With no further discussion, Twing moved to approve the petition subject to the agreed and required requirements. The motion was seconded by Dornfeld. Ayes: all.

Minutes from the last meeting held on July 15, 2020, were previously sent to the members. Eggert made a motion, with Twing seconding approval, of the minutes as presented.

With no further business to discuss at this time, the meeting was adjourned. Ayes: all.



Chairperson
Jody Yutesler



Secretary Pro-tem
Philip LaRue

CEDAR COUNTY AUDITOR & COMMISSIONER OF ELECTIONS
CARI A. DAUBER
Cedar County Courthouse
400 Cedar Street, Tipton, IA 52772
Tel 563-886-3168 Fax 563-886-3339
cdauber@cedarcounty.org
www.cedarcounty.org



CEDAR COUNTY, IOWA

July 24, 2020

LEGAL NOTICE

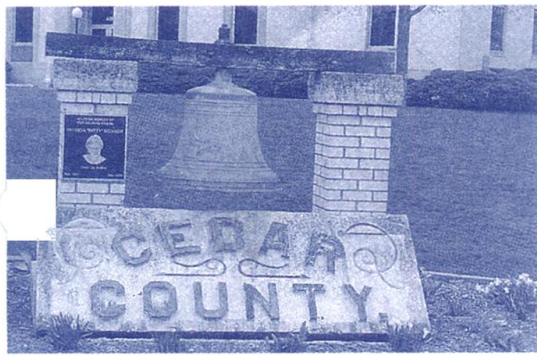
PUBLIC NOTICE is hereby given that the Cedar County Board of Supervisors will be conducting a Public Hearing on Tuesday, August 4th & 11th, 2020, at 9:30 a.m., in the Board Meeting Room of the Courthouse, Tipton, Iowa.

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

1. **Jerry Rogers, 1319 240th St., Tipton 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 Lot 3, in the E ½, SW ¼, SW ¼, Section 8, T-80N, R-2W, in Center West Township. Said petition is to rezone 1.93 acres of a 21.59 acre tract.
2. **Matt Moore, 1343 Baker Ave., West Branch, IA (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single-family dwelling on property described as Lot 1, Turkey Hollow First Addition, located in the NW ¼, NE ¼, Section 7, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.45 acres of a 9.11 acre tract.

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



Tel: 563-886-2248

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

July 2, 2020

PUBLIC NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, July 15, 2020, at 6:30 p.m., in the Large Meeting Room, in the basement of the Cedar County Courthouse, Tipton, Iowa. At this Public Hearing, Cedar County will be following the accepted social distancing guidelines of the State of Iowa.

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

1. **J.J. Nichting Company, 1342 Pilot Grove Rd., Pilot Grove, IA (Contract Buyer) and Walter Lehman, 102 East 14th St., West Liberty, IA (Owner)** - Requesting a Special Use Permit authorizing the location of an Agricultural Service Business providing equipment, parts and service facility on property located in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 7, T-79N, R-3W, in Iowa Township, consisting of 15.00 acres more or less. Said property is currently zoned A-1 Agricultural District.
2. **Jerry Rogers, 1319 240th St., Tipton 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 Lot 3, in the E $\frac{1}{2}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 8, T-80N, R-2W, in Center West Township. Said petition is to rezone 1.93 acres of a 21.59 acre tract.
3. **Matt Moore, 1343 Baker Ave., West Branch, IA (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single-family dwelling on property described as Lot 1, Turkey Hollow First Addition, located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 7, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.45 acres of a 9.11 acre tract.

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

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

Philip LaRue
Zoning Administrator

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 15, 2020

The Cedar County Planning & Zoning Commission conducted a Public Hearing via on Wednesday, July 15, 2020, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa, and via electronic telephone conference. Members present for this meeting at the Courthouse were: Dornfeld and Eggert. Members present by telephone conference were: Schuett, Twing, Brown, Klein and Yutesler. Member absent were Kline. Also present for this meeting was Phil LaRue, Zoning Director.

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

1. **J.J. Nichting Company, 1342 Pilot Grove Rd., Pilot Grove, IA (Contract Buyer) and Walter Lehman, 102 East 14th St., West Liberty, IA (Owner)** – Requesting a Special Use Permit authorizing the location of an Agricultural Service Business providing equipment, parts and service facility on property in the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 7, T-79N, R-3W, in Iowa Township, consisting of 15.00 acres more or less. Said property is currently zoned A-1 Agricultural District.

Zoning Administrator LaRue informed the members there were no written or verbal objections on file for this petition. He advised them to do their review in accordance with Chapter 17.18(2) of the Cedar County Zoning Ordinance #10 in making a recommendation to the Cedar County Board of Adjustment.

Jeremy Marston, manager, of the proposed new location, was present representing the petitioner(s) and he explained their plans for a new facility at the corner of Garfield Avenue and 300th Street, south of Interstate 80, West Liberty exit. The propose to use an access onto Garfield Avenue as the primary entrance to the property. He stated that J.J. Nichting has been searching for a suitable location for a new facility in the West Liberty and West Branch area to better serve their customers, and needed a site with close access to the interstate. Dornfeld asked about 300th Street and if they are proposing to use the entire 15 acres immediately. Mr. Marston stated that 300th Street is currently a gravel surface, and they do not plan to develop the site all at once. Undeveloped portions will continue to be row cropped until the facility expands to fill the property. Yutesler asked about using the Tipton Industrial Park as a possible location. Mr. Marston explained that they have been needing a more centralized location in the West Liberty area so that is why this proposed location was selected.

The letter from the West Branch Fire Department was then reviewed. It stated that they agree to and will be able provide emergency service to the property. The letter received from Rob Fangmann, Cedar County Engineer was reviewed. It stated that this site is located on a paved route Garfield Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office. He wrote that a traffic control plan shall be developed by the petitioner to minimize the usage of 300th Street. The plan shall be reviewed annually as part of the Special Use Permit to determine if additional measures would be needed to facilitate business traffic onto 300th Street.

The soil evaluation was then reviewed which indicated two soil types: Tama Silt Loam, 120B, 120C2 and Atterberry Silt Loam, 293. The CSR average is 86.5 points for agricultural land use. Limitations are moderate to severe. Limitations for building and septic systems are moderate.

LaRue explained that because of the size of this facility, the petitioner will need to provide information on water supply and wastewater treatment options. If there will be more than 25 employees and customers per day, a public water well may be required, and an engineering firm will need to determine the daily volume of wastewater so that a suitable design can be proposed and constructed. Mr. Marston then stated that Lynch's Excavating in West Branch will be constructing the on-site system. Eggert then asked who many employees will be at this business. Mr. Marston stated that there will be about thirty employees, serving 30-50 customers per day.

The Cedar County Comprehensive Plan 2018-2038 was then reviewed. It was noted that this type of business requires level ground for development and access directly onto a hard surface road and close interstate access follows the goals for commercial development.

With no further discussion, Dornfeld moved to recommend approval by the Board of Adjustment, motion seconded by Eggert. Ayes: All

- 2. Jerry Rogers, 1319 240th St., Tipton 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 Lot 3, in the E ½, SW ¼, SW ¼, Section 8, T-80N, R-2W, in Center West Township. Said petition is to rezone 1.93 acres of a 21.59 acre tract.

Zoning Administrator LaRue informed the members there were no written or verbal objections on file for this petition. He advised them to do their review in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance #10 in making a recommendation to the Cedar County Board of Supervisors.

Jerry Rogers was present and explained his desire to build a single-family dwelling for himself to live rather than in Iowa City. He explained the dwelling would be built in the southwest corner of the property in the pasture which is the only suitable location due to slope and his desire to continue living on part of his property and to continue having some livestock. He explained that he once owned the home across the road, but was required to sell it in a divorce settlement.

The letter from the Tipton Fire Department was reviewed. It stated that they can and will provide service to the property but require that the access be adequate for their equipment. The letter from Rob Fangmann, Cedar County Engineer was then reviewed. It stated that this is on a gravel route, and that there is an approved access permit on file for this location and that there should be minimal impact on existing infrastructure. Due to sight distance restrictions, this location is only approved to serve a single-family dwelling.

The soil evaluation was then reviewed, which indicated one soil type: 162B, C Downs Silt Loam. Limitations for dwellings are moderate. Limitations for septic systems are severe. LaRue reported that a percolation test has been completed at the site of the proposed septic system and the result are favorable with an absorption rate of 30 minutes per inch. A conventional system with an absorption field trench depth not to exceed 24" in depth should be achievable. Limitations for agricultural crops are moderate to severe with a 51.39 point average.

The Cedar County Comprehensive Plan 2018-2038 has then reviewed. LaRue explained that the plan discourages scattered residential development when the site will not support the whole broad range of services, but instead orderly, compact development. This rezoning would be near the home that Mr. Rogers previously owned, he said.

He then explained the LESA scoring of points, and that the total indicates a Strong Finding for Preservation with a final scoring of 2,330 points. The fact that this property is on a gravel road over one-quarter from a hard surface road, lies outside of the County's Future Land Use Map along with other components of the LESA policy resulted in a low scoring for the proposal.

After a brief discussion, the Commission noting the situation of Mr. Roger's need for a permanent residence, Twing made a motion to approve the rezoning request to allow a single dwelling only as per the County Engineers requirement on the access permit. Dornfeld seconded the motion. Ayes: all.

3. Matt Moore, 1343 Baker Ave., West Branch, IA (Owner) – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single-family dwelling on property described as Lot 1, Turkey Hollow First Addition, located in the NW ¼, NE ¼, Section 7, T-80N, R-4W, in Gower Township. Said petition is to rezone 1.45 acres of a 9.11 acre tract.

Zoning Administrator LaRue informed the members there were no written or verbal objections on file for this petition. He advised them to do their review in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance #10 in making a recommendation to the Cedar County Board of Supervisors. He explained that the property has been through minor subdivision for the platting of Lot 1.

Matt Moore was present and explained his proposal to sell the property so that a buyer can build a home at that location. He explained that he will be retaining a thirty (30) foot easement along the east edge of Lot 1 for an access to his property to the south. The lot is required to share the access located in the northeast corner of the lot with the adjoining property to the east. The Commission noted that the property which for which this access will be shared was previously rezoned to R-1 in 2010, and was the first split of the tract from which Lot 1, Turkey Hollow was divided. The Commission asked if all of Lot 1 was being rezoned? LaRue explained that the petition is to rezone only the southwest 1.45 acres of the lot which totals 9.11 acres. How will the new owner get to that location they asked? LaRue explained that after leaving the shared access location, that will be up the owner to determine the best route for a driveway while crossing the property to the rezoned portion of the lot where the single family dwelling is required to be located. The remainder of the lot will remain zoned A-1 Agricultural and may be used as such by the owner(s).

The letter from the West Branch Fire Department was reviewed. It stated that they can and will provide service to the property but require that the owner be responsible for providing an access lane adequate for their equipment with a width of at least 20 feet in width with a turnaround. The letter from Rob Fangmann, Cedar County Engineer was then reviewed. It stated that this is on a gravel route, and that there is an approved access permit on file for this location and that there should be minimal impact on existing infrastructure. Due to sight distance restrictions, the petitioner must share an access with 72 230th Street as outlined in the entrance permit.

The soil evaluation was then reviewed, which indicated one soil type: 163B, C2 Fayette Silt Loam. Limitations for dwellings are moderate. Limitations for septic systems are severe. Limitations for agricultural crops are moderate to severe with a 67.95 point average.

The adjoining property owners to the east, Robert Lisinski and Martha Kesselring, were present and asked about their shared access. They stated they have no objections to the request, but wanted to be sure that no additional dwellings can use the access. LaRue explained that is correct as stated in the County Engineers permit requirements and approval.

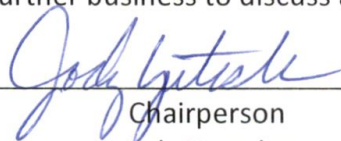
The Cedar County Comprehensive Plan 2018-2038 has then reviewed. LaRue explained that the plan discourages scattered residential development when the site will not support the whole broad range of services, but instead orderly, compact development and that this location is immediately contiguous to the Lisinski property (east property line) which is also Zoned R-1 and A-1, the same as this proposal.

He then explained the LESA scoring of points, and that the total indicates a Strong Finding for Preservation with a final scoring of 2,465 points. The fact that this property is on a gravel road over one-quarter from a hard surface road, lies outside of the County's Future Land Use Map along with other components of the LESA policy resulted in a low scoring for the proposal.

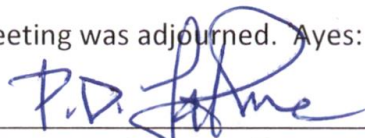
After additional discussion, Eggert moved to approve the petition subject to the required shared access. The motion was seconded by Klein. Ayes: all.

Minutes from the last meeting held on April 15, 2020, were previously sent to the members. Dornfeld made a motion, with Eggert seconding approval, of the minutes as presented.

With no further business to discuss at this time, the meeting was adjourned. Ayes: all.



Chairperson
Jody Yutesler



Secretary Pro-tem
Philip LaRue

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 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

Tipton Conservative and Advertiser once

To wit on 4-8-20

Subscribed and sworn to before me this 10

Day of April, A.D. 2020

Darla K. Walling
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 24.68

Legal Notice

April 3, 2020

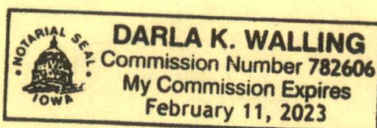
PUBLIC NOTICE is hereby given that the Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, April 15, 2020, at 6:30 p.m. This meeting will be held by electronic telephone conference with the call originating from the Cedar County Courthouse with no public access in an effort to mitigate the spread of COVID-19. The public may join the meeting by phone by dialing 1-571-317-3112 and entering the access code 386-484-261#. Please place your phone on mute until you are called upon from the Chairman. The electronic meeting is allowed by Iowa Code Section 21.8(1)(b).

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

1. Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners) - 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 Parcel H, in the SW 1/4, NW 1/4, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.78 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.

Philip LaRue
Zoning Administrator
C 15



CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 15, 2020

The Cedar County Planning & Zoning Commission conducted a Public Hearing via electronic telephone conference on Wednesday, April 15, 2020, at 6:30 p.m. Members present for this conference were: Dornfeld, Eggert, Schuett, Twing, Brown and Yutesler. Member absent were Kline. Also present for this meeting were Rob Fangmann, Cedar County Engineer and Phil LaRue, Zoning Director.

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

1. **Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners)** - 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 Parcel H, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.78 acres more or less.

Zoning Administrator LaRue informed the members there were no written or verbal objections on file for this petition. He advised them to do their review in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance #10 in making a recommendation to the Cedar County Board of Supervisors.

Rob Schmidt was present for the telephone conference as was son in law, Eric Grunder. Mr. Schmidt explained their plan to divide their property so that their daughter and son-in-law could construct a home south of their residence.

The letter from the Wilton Fire Department was then reviewed. It stated that they agree to provide emergency service to the property. Brown asked how far the property was to emergency services. Mr. Schmidt stated that it is 7 to 8 miles away. Are you willing to accept the responsibility for losses caused by the delays of being located on a dead-end road in a remote location asked Brown? Yes, stated Mr. Schmidt.

The letter received from Rob Fangmann, was reviewed. It stated that this site is located on a gravel route Spicer Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office. Due to sight distance restrictions, this location is only approved to serve a single-family dwelling. Would there be only a single shared access or a second access for this proposed dwelling, asked Yutesler? Engineer Fangmann stated there will be a second access, and for one home only.

The soil evaluation was then reviewed which indicated two soil types, Tama Silt Loam, 120C, 120D2 (Moderate limitations) and Downs Silt Loam, 162D2 (Severe limitations). LaRue stated that due shape of this property and the soils at this location, an alternate type of on-site wastewater treatment and disposal system may be required. Regarding building restrictions, the limitations are Moderate, just as they were for the petitioner at their building site. Limitations for Agriculture are Severe for both soil types, and the C.S.R. average is 69.7 points. The site is not in agricultural production but is currently assessed as rural residential. It was noted by the Commission that the south end of this property is flood plain (Zone "A") and will be subject to additional building restrictions.

Yutesler asked about difficulties with construction of an adequate septic system due to the narrowness of the property, the slope and problems with drainage from the waterway along the east side of the property and the flood plain. Mr. Schmidt stated he had contractors from Eller Construction and Gorsuch Excavation at the site. Both thought they would be able to build a septic system there. LaRue stated that depending on the dwelling layout and orientation, an alternate septic design such as a sand filter may be required and that the water quality of the creek and flood plain to the south must be protected by proper design, construction and maintenance.

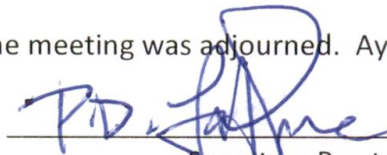
The Cedar County Comprehensive Plan 2018-2038 was then reviewed. The plan discourages scattered residential development when the site will not support the whole broad range of services, but instead orderly, compact development. The Commission noted that this site is contiguous to the petitioner's residence for which the petitioner was once before this Commission and the Board of Supervisors back in 2002. This proposal is a clustering of two dwellings. Is a precedent for spot zoning being set here, asked Brown? LaRue explained, that that precedent was set back in 2002 when the Schmidt's rezoning was approved. This rezoning would be a clustering, he said. He then explained there are no other residentially zoned (or residentially assessed) properties within one-quarter mile. The nearest residential dwellings are located west of the intersection of Spicer Avenue and 290th Street. Yutesler asked if this would constitute a subdivision. LaRue explained to the Commission what a subdivision is in Cedar County and that this is simply the first and only possible splitting of Parcel "H." He then explained the LESA scoring of 2,462 points, and that the total indicates a Strong Finding for Preservation despite the evaluation being conducted with consideration of the LESA Familial Relationships policy which did contribute additional points in favor of the petition. The fact that this property is on a gravel road over one-quarter from a hard surface road, lies outside of the County's Future Land Use Map along with other components of the LESA policy resulted in a low scoring for the proposal. LaRue then explained that there is an Ag-chemical facility and a hog confinement (CAFO) consisting of 500 Animal Units (1250 head) located to the Northeast 1800 feet along 290th Street. These facilities are to be located away from non-agricultural uses and they do have an effect upon the scoring of the Land Evaluation and Site Assessment (LESA). Dornfeld commented in support of the proposal that the Ag-service business and the CAFO are located to the Northeast over one-quarter mile away and the prevailing winds are from the Southwest is in the petitioner's favor. Yutesler then asked about the horse(s) currently located at the property. The owners are aware that a Special use Permit is required to keep them if the petition is approved, or them horses will need to be relocated to another location.

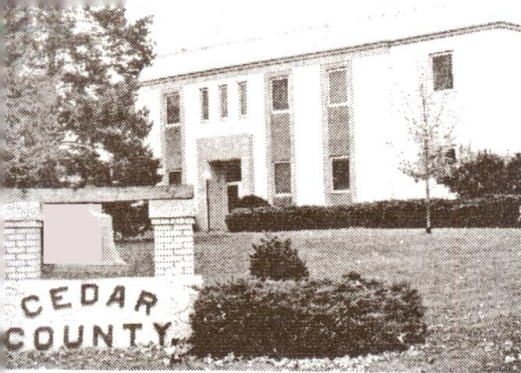
After a brief discussion, Member Eggert made a motion to approve the rezoning request. Member Dornfeld seconded the motion.

Minutes from the last meeting held on November 20, 2019, were previously sent to the members. Member Eggert made a motion with Member Schuett seconding approval of the minutes as presented.

With no further business to discuss at this time, the meeting was adjourned. Ayes: all.


Chairperson
Jody Yutesler


Secretary Pro-tem
Philip LaRue



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

April 3, 2020

LEGAL NOTICE

PUBLIC NOTICE is hereby given that the Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, April 15, 2020, at 6:30 p.m. This meeting will be held by electronic telephone conference with the call originating from the Cedar County Courthouse with no public access in an effort to mitigate the spread of COVID-19. The public may join the meeting by phone by dialing 1-571-317-3112 and entering the access code 386-484-261#. Please place your phone on mute until you are called upon from the Chairman. The electronic meeting is allowed by Iowa Code Section 21.8(1)(b).

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

- 1. Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners) -**
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 Parcel H, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.78 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.

Philip LaRue
Zoning Administrator

Copies sent out on 4/7/20 to the following:

1. Rob & andrea Schmidt- 1944 Spicer Ave., Wilton, IA 52778
2. Murray & Renee Mente- P.O. Box 188, Tipton, IA 52772
3. Bob Glenny- 1860 Spicer Ave., Wilton, IA 52778
4. LeAnn & Donald Rahlf- 2381 Spicer Ave., Wilton, IA 52778
5. Brian & Trisha Langley- 2017 Rose Ave., Wilton, IA 52778

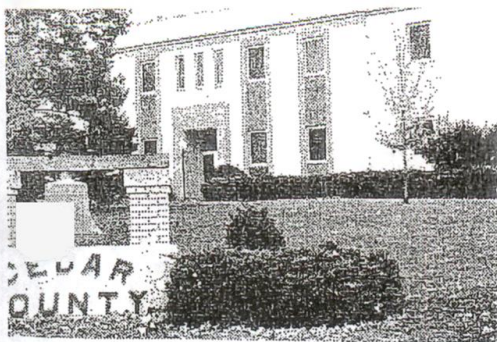
Copy email to Tipton Conservative & Wilton/Durant Advocate News on 4/3/20

7 Zoning Commission members on 4/7/20

Sharon Laucamp on 4/7/20

2 File Copies

1 Copy for Bulletin Board



Tel: 563-886-2248

OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse

Tipton, Iowa 52772

April 3, 2020

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- 1. Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners) -**
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Philip LaRue
Zoning Administrator

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Copy email to Tipton Conservative & Wilton/Durant Advocate News on 4/3/20

7 Zoning Commisssion members on 4/7/20

Sharon Laucamp on 4/7/20

2 File Copies

1 Copy for Bulletin Board

CEDAR COUNTY AUDITOR & COMMISSIONER OF ELECTIONS

CARI A. DAUBER

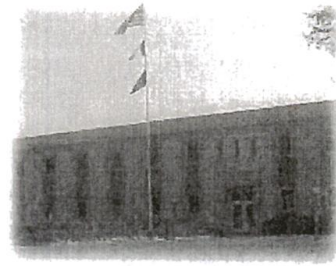
Cedar County Courthouse

400 Cedar Street, Tipton, IA 52772

Tel 563-886-3168 Fax 563-886-3339

cdauber@cedarcounty.org

www.cedarcounty.org



CEDAR COUNTY, IOWA

PUBLIC NOTICE is hereby given that the Cedar County Board of Supervisors will be conducting a Public Hearing on Tuesday, May 12 & 19, 2020, at 8:45 a.m. This meeting will be held by electronic telephone conference with the call originating from the Cedar County Courthouse with no public access in an effort to mitigate the spread of COVID-19. The public may join the meeting by phone by dialing 1-872-240-3212 and entering the access code 459555309#. Please place your phone on mute until you are called upon from the Chairman. The electronic meeting is allowed by Iowa Code Section 21.8(1)(b).

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

- 1. Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners) -**
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 Parcel H, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.78 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 Auditor prior to the time of the hearing should the person wish the document to be read for them at the time of the hearing.

Cari A. Dauber
Cedar County Auditor

Copies sent out on 4-27-20 to the following:

1. Rob & Andre Schmidt- 1944 Spicer Avenue, Wilton, IA 52778
2. Murry & Renee Mente- P.O. Box 188, Tipton, IA 52772
3. Bob Glenney- 1860 Spicer Ave., Wilton, IA 52778
4. LeAnn & Donald Rahlf- 2381 Spicer Avenue, Wilton, IA 52778
5. Brian & Trisha Langley- 2017 Spicer Ave., Wilton, IA 52778

Copies emailed to Tipton Conservative and the Wilton/Durent Advocate News on 4-24-20.

Copy emailed to Cari Dauber, Auditor on 4-23-20

2 File Copies

1 Copy for Bulletin Board

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 15, 2020

The Cedar County Planning & Zoning Commission conducted a Public Hearing via electronic telephone conference on Wednesday, April 15, 2020, at 6:30 p.m. Members present for this conference were: Dornfeld, Eggert, Schuett, Twing, Brown and Yutesler. Member absent were Kline. Also present for this meeting were Rob Fangmann, Cedar County Engineer and Phil LaRue, Zoning Director.

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

1. **Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners)** - 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 Parcel H, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.78 acres more or less.

Zoning Administrator LaRue informed the members there were no written or verbal objections on file for this petition. He advised them to do their review in accordance with Chapter 18.2(3) of the Cedar County Zoning Ordinance #10 in making a recommendation to the Cedar County Board of Supervisors.

Rob Schmidt was present for the telephone conference as was son in law, Eric Grunder. Mr. Schmidt explained their plan to divide their property so that their daughter and son-in-law could construct a home south of their residence.

The letter from the Wilton Fire Department was then reviewed. It stated that they agree to provide emergency service to the property. Brown asked how far the property was to emergency services. Mr. Schmidt stated that it is 7 to 8 miles away. Are you willing to accept the responsibility for losses caused by the delays of being located on a dead-end road in a remote location asked Brown? Yes, stated Mr. Schmidt.

The letter received from Rob Fangmann, was reviewed. It stated that this site is located on a gravel route Spicer Avenue and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office. Due to sight distance restrictions, this location is only approved to serve a single-family dwelling. Would there be only a single shared access or a second access for this proposed dwelling, asked Yutesler? Engineer Fangmann stated there will be a second access, and for one home only.

The soil evaluation was then reviewed which indicated two soil types, Tama Silt Loam, 120C, 120D2 (Moderate limitations) and Downs Silt Loam, 162D2 (Severe limitations). LaRue stated that due shape of this property and the soils at this location, an alternate type of on-site wastewater treatment and disposal system may be required. Regarding building restrictions, the limitations are Moderate, just as they were for the petitioner at their building site. Limitations for Agriculture are Severe for both soil types, and the C.S.R. average is 69.7 points. The site is not in agricultural production but is currently assessed as rural residential. It was noted by the Commission that the south end of this property is flood plain (Zone "A") and will be subject to additional building restrictions.


Yutesler asked about difficulties with construction of an adequate septic system due to the narrowness of the property, the slope and problems with drainage from the waterway along the east side of the property and the flood plain. Mr. Schmidt stated he had contractors from Eller Construction and Gorsuch Excavation at the site. Both thought they would be able to build a septic system there. LaRue stated that depending on the dwelling layout and orientation, an alternate septic design such as a sand filter may be required and that the water quality of the creek and flood plain to the south must be protected by proper design, construction and maintenance.

The Cedar County Comprehensive Plan 2018-2038 was then reviewed. The plan discourages scattered residential development when the site will not support the whole broad range of services, but instead orderly, compact development. The Commission noted that this site is contiguous to the petitioner's residence for which the petitioner was once before this Commission and the Board of Supervisors back in 2002. This proposal is a clustering of two dwellings. Is a precedent for spot zoning being set here, asked Brown? LaRue explained, that that precedent was set back in 2002 when the Schmidt's rezoning was approved. This rezoning would be a clustering, he said. He then explained there are no other residentially zoned (or residentially assessed) properties within one-quarter mile. The nearest residential dwellings are located west of the intersection of Spicer Avenue and 290th Street. Yutesler asked if this would constitute a subdivision. LaRue explained to the Commission what a subdivision is in Cedar County and that this is simply the first and only possible splitting of Parcel "H." He then explained the LESA scoring of 2,462 points, and that the total indicates a Strong Finding for Preservation despite the evaluation being conducted with consideration of the LESA Familial Relationships policy which did contribute additional points in favor of the petition. The fact that this property is on a gravel road over one-quarter from a hard surface road, lies outside of the County's Future Land Use Map along with other components of the LESA policy resulted in a low scoring for the proposal. LaRue then explained that there is an Ag-chemical facility and a hog confinement (CAFO) consisting of 500 Animal Units (1250 head) located to the Northeast 1800 feet along 290th Street. These facilities are to be located away from non-agricultural uses and they do have an effect upon the scoring of the Land Evaluation and Site Assessment (LESA). Dornfeld commented in support of the proposal that the Ag-service business and the CAFO are located to the Northeast over one-quarter mile away and the prevailing winds are from the Southwest is in the petitioner's favor. Yutesler then asked about the horse(s) currently located at the property. The owners are aware that a Special use Permit is required to keep them if the petition is approved, or them horses will need to be relocated to another location.

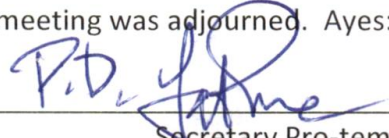
After a brief discussion, Member Eggert made a motion to approve the rezoning request. Member Dornfeld seconded the motion.

Minutes from the last meeting held on November 20, 2019, were previously sent to the members. Member Eggert made a motion with Member Schuett seconding approval of the minutes as presented.

With no further business to discuss at this time, the meeting was adjourned. Ayes: all.



Chairperson
Jody Yutesler



Secretary Pro-tem
Philip LaRue

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 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

Tipton Conservative and Advertiser once

To wit on 3-11-20

Stuart S. Clark

Subscribed and sworn to before me this 13

Day of March A.D. 2020

Darla K. Walling
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 16.65

Legal Notice

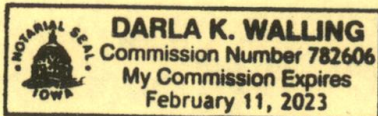
The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, March 18, 2020, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa.

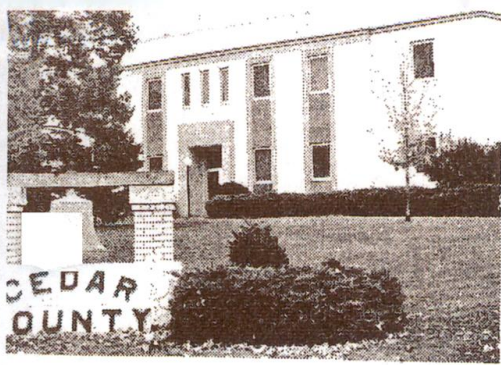
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1. Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction of a single-family dwelling on property located in Parcel H, in the SW ¼, NW ¼, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.78 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.

Philip LaRue
Zoning Administrator
C 11





Tel: 563-886-2248

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

March 9, 2020

LEGAL NOTICE

The Cedar County Planning and Zoning Commission will be conducting a Public Hearing on Wednesday, March 18, 2020, 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. **Rob and Andrea Schmidt, 1944 Spicer Avenue, Wilton, IA (Owners)** - 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 Parcel H, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, Section 7, T-79N, R-1W, in Farmington Township, consisting of 1.78 acres more or less.

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Philip LaRue
Zoning Administrator

Copies sent out on 3/9/20 to the following:

1. Rob & Andrea Schmidt – 1944 Spicer Ave., Wilton, IA 52778 – **Certified**
2. Murry & Renee Mente – P.O. Box 188, Tipton, Iowa 52772
3. Bob Glenney – 1860 Spicer Ave., Wilton, IA 52778
4. LeAnn & Donald Rahlf – 2381 Spicer Avenue, Wilton, Iowa 52778
5. Brian & Trisha Langley – 2017 Rose Avenue, Wilton, Iowa 52778

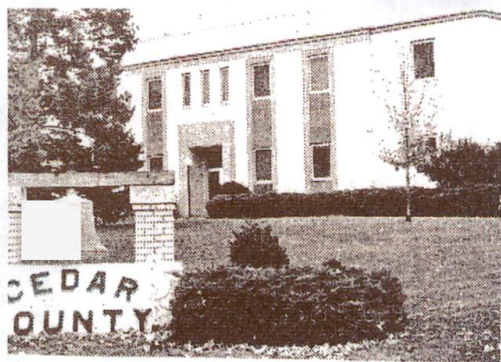
Copy e-mailed to Tipton Conservative on 3/6/20

Copy e-mailed to Wilton/Durant Advocate News on 3/6/20

7 Zoning Commission Members on 3/9/20

2 File Copies

1 Copy for Bulletin Board



Tel: 563-886-2248

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

February 12, 2020

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 have been filed.

Sincerely,

Phil La Rue
Zoning Administrator

PL:sl