



**OFFICE OF THE PLANNING AND ZONING
ADMINISTRATOR**

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

November 3, 2023

PUBLIC NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, November 15, 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. **Craig Noring, 2244 Garfield Avenue, West Liberty, Iowa (Owner) and Matthew & Jackie Goodale, 1058 285th Street, Tipton, Iowa (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a new single-family dwelling on property located on Parcel A, Excluding Parcel 1 of A, also described as SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 19, T-79N, R-3W, in Iowa Township. Said petition is to rezone 3 acres m/l.
2. **Stuart & Sharon Clark, PO Box 271, Tipton, IA 52772 (Owners)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the NE corner of the SW $\frac{1}{4}$, NE $\frac{1}{4}$ in Section 5, T-80N, R-2W, Center West Township. Said petition is to rezone 1.99 acres m/l.

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

Notice emailed to Tipton Conservative
11/03/2023

Emailed to Rob Fangmann, Engineer
11/04/2023

Mailed 11/06/2023 for Noring Petition to:

All BOA members

CRAIG NORING (**CERTIFIED**)
2244 GARFIELD AVE
WEST LIBERTY, IA 52776

MATT & JACKIE GOODALE (**CERTIFIED**)
1058 285TH ST
TIPTON, IA 52772-0000 USA

GEM REAL ESTATE
CO % JEAN L MOUNTAIN
3663 GRAND AVE UNIT 1005
DES MOINES, IA 50312

CHARLES WRIGHT
PO BOX 377
WEST LIBERTY, IA 52776

VICTOR W II & CAROL J SWAYZE TRUST
AGREEMENT
605 320TH ST
WEST LIBERTY, IA 52776

MARILYN J KING TRUST
1877 BAYFIELD RD
MUSCATINE, IA 52761

Mailed 11/06/2023 for Clark Petition to:

All BOA members

STUART & SHARON CLARK (**CERTIFIED**)
PO BOX 271
TIPTON, IA 52772

MARK & SHARON NILES
1349 RED STAR RD
TIPTON, IA 52772

BRADLEY & JEANETTE KIRKPATRICK
1355 RED STAR RD
TIPTON, IA 52772

HARRY WETHINGTON
1347 HWY 130
TIPTON, IA 52772

DONALD LAMP
PO BOX 422
TIPTON, IA 52772

DANIEL & RACHEAL LILIENTHAL
708 QUINCY AVE
CLARENCE, IA 52216-9368 USA

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 11-8-23

Subscribed and sworn to before me this 13

Day of Nov A.D. 20 23

Darla K Walling

Notary Public in and for Cedar County, Iowa

Printer's fee \$ 26.48

Legal Notice

November 3, 2023

PUBLIC NOTICE

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

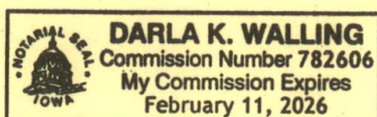
At this time, the Commission will consider the following petitions:

1. Craig Noring, 2244 Garfield Avenue, West Liberty, Iowa (Owner) and Matthew & Jackie Goodale, 1058 285th Street, Tipton, Iowa (Buyers) – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a new single-family dwelling on property located on Parcel A, Excluding Parcel 1 of A, also described as SW ¼, SW ¼, Sec 19, T-79N, R-3W, in Iowa Township. Said petition is to rezone 3 acres m/l.

2. Stuart & Sharon Clark, PO Box 271, Tipton, IA 52772 (Owners) – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the NE corner of the SW ¼, NE ¼ in Section 5, T-80N, R-2W, Center West Township. Said petition is to rezone 1.99 acres m/l.

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 45





OFFICE OF THE CEDAR COUNTY ENGINEER
COURTHOUSE; 400 CEDAR ST.
TIPTON, IOWA 52772-1752
www.cedarcounty.iowa.gov

PHONE: (563) 886-6102

EMAIL: engineer@cedarcounty.iowa.gov

November 6, 2023

Mr. Phil La Rue
Cedar County Zoning Administrator
400 Cedar Street
Tipton, IA 52772

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Planning & Zoning Commission Public Hearing to be held on **November 15, 2023 at 6:30 p.m.** I will address the petition as listed on the legal notice.

1. **Craig Noring, 2244 Garfield Avenue, West Liberty, Iowa (Owner) and Matthew & Jackie Goodale, 1058 285th Street, Tipton, Iowa (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a new single-family dwelling on property located on Parcel A, Excluding Parcel 1 of A, also described as SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 19, T-79N, R-3W, in Iowa Township. Said petition is to rezone 3 acres m/l.

This is located on gravel route 320th Street and should have minimal impacts on the existing infrastructure. There is an approved entrance permit on file with my office.

2. **Stuart & Sharon Clark, PO Box 271, Tipton, IA 52772 (Owners)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the NE corner of the SW $\frac{1}{4}$, NE $\frac{1}{4}$ in Section 5, T-80N, R-2W, Center West Township. Said petition is to rezone 1.99 acres m/l.

This is located on gravel route Red Star Road and should have minimal impacts on the existing infrastructure. There is an approved entrance permit on file with my office.

Sincerely,

A handwritten signature in blue ink, reading "Robert D. Fangmann", is written over the printed name.

Robert D. Fangmann, P.E.
Cedar County Engineer

CEDAR COUNTY PLANNING AND ZONING PUBLIC HEARING

Wednesday, November 15, 2023 – 6:30 P.M.

Janelle Cullen

Josh Ginters

F.D. Ginter

Joel Brown

Jacqui Goodale

Mary

Rachel Gillis

David

John

Bennett

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 15, 2023

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, November 15, 2023, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Chairperson Yutesler, Crist, Brown, Brandenburg, and Lieser. Dornfeld was absent.

Chairperson Yutesler called the meeting to order at 6:31 p.m. The members then reviewed the following petitions:

1. **Craig Noring, 2244 Garfield Avenue, West Liberty, Iowa (Owner) and Matthew & Jackie Goodale, 1058 285th Street, Tipton, Iowa (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a new single-family dwelling on property located on Parcel A, Excluding Parcel 1 of A, also described as SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 19, T-79N, R-3W, in Iowa Township. Said petition is to rezone 3 acres m/l.

Zoning Administrator La Rue advised The Commission to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No. 10 in making a recommendation to the Cedar County Board of Supervisors. No written or verbal objections on file. A letter was on file from Cedar County Engineer, Rob Fangmann, indicating there is an approved entrance permit for this location. Letter from the West Liberty Fire Department that they can provide emergency services at that location. La Rue advised this parcel of land has been before the Zoning Commission before and was denied in 1997. At that time Craig Noring did not own the property and objected to the rezoning because he could not expand his livestock operation if he chose to in the future. Soils are Tama Silt Loam and with a CSR2 of 87. Parcel totals 7 acres and the east side of the lot is floodplain. La Rue recommends if approved it be restricted to one home only. He anticipates no problems with building a home or septic system on these soils. LESA score was 2,440 which supports a strong recommendation to preserve as farmland, but with the nearby home that is a residential use, he would not object to the property being rezoned. Matt and Jackie Goodale were present. Mr. Goodale indicated that he worked for Noring when he objected to the rezoning years ago, but he was not familiar with any further details. Thought at that time he may have wanted to put swine or sheep nearby. That plan has since changed, and he is selling the property to Goodale. La Rue stated there are no other like properties nearby other than the property directly west. The next closest with a residential use is almost 2 miles away. All other homes are older ag use dwellings. This is why the LESA score was not any higher. Crist made a motion to recommend approval of the rezoning, due to location and residential home being right next to this parcel, subject to only being one home built there. Lieser seconded the motion. Ayes: All. Motion carried. La Rue explained future dates for public hearings with the Board of Supervisors to Goodales, and the need for one of them to be present.

2. **Stuart & Sharon Clark, PO Box 271, Tipton, IA 52772 (Owners)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the NE corner of the SW $\frac{1}{4}$, NE $\frac{1}{4}$ in Section 5, T-80N, R-2W, Center West Township. Said petition is to rezone 1.99 acres m/l.

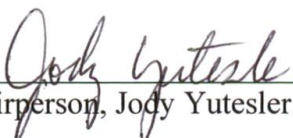
Zoning Administrator La Rue advised The Commission to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No. 10 in making a recommendation to the Cedar County Board of Supervisors. No written or verbal objections on file. A letter was on file from Cedar County Engineer, Rob Fangmann, he indicates that this is a gravel route there will be minimal impacts to infrastructure and an entrance permit is on file. Letter on file from the Tipton Fire Department indicating they can service the location and driveway specifications. CSR rating is 76. Higher ground that is the Downs silt in the B series, but with the ravine it pulls the rating down. La Rue explained that this was a challenging site due to slope. Board of Supervisors established a few years ago nothing over 12 percent slope, so that is the need to stay out of the wooded area. LESA score due to the seven homes that are in the area, location, and distances out to one mile was 5,350.7 points. All but one property in the area is zoned residential. One animal confinement nearby but it is over 6,000 feet away and the lagoons are 1,200 feet to the south and a well cannot be within 1,000 feet. One of the best LESA scores ever due to so many homes nearby. The only downfall is the curve in the road and dust that caused score to go any lower. Limitations for septic are minimal if it is built to the south. The recommendation is to have the Zoning Commission consider being able to take tillable acres out of production to avoid some of those conflicts. Stuart Clark, owner and Rachel Lilienthal, potential buyer were present at the meeting. Clark advised it is roughly 62 acres, 58 tillable. His overall intent is to maintain it as farm ground. He advised the farm ground added to the rezone/purchase area was to avoid building in the wooded area and is about 1 to 1.5 acres. Brown questioned what kind of timber. La Rue advised boxelder, silver maple, dogwoods, and lots of honeysuckle mostly. Crist questioned Clark where the driveway would be going. Clark advised and Lilienthal held up the map showing where on the curve it would be, and added a driveway permit has been approved. La Rue shared that petition cannot move forward before an approved driveway permit is on file, and there is one on file for this property. Crist wanted to be sure the Lilienthals knew of potential, but unlikely problems with having the city lagoons nearby. She is aware. Brown asked if plans for the farmable ground and Crist added onto asking if there is plenty of room for septic one and septic two someday. La Rue advised there was and that it will remain ag land so they can build a pole building or something if they wanted in the future. Lilienthal stated they are firm on where the house will go and showed The Commission members on the map where the house would be. General discussion of future City of Tipton development and no city utilities for this property occurred. Crist highly encouraged them to talk to the power company to make sure everyone is on the same page as he has had customers be charged large sums to run lines to the property. Brandenburg made a motion to recommend approval of the rezoning, subject to only being one home built there. Crist seconded the motion. Ayes: All. Motion carried. La Rue explained potential dates for Board of Supervisors Public Hearings and the need to work with the surveyor to get the plat correct.

General discussion about zoning and city expansion occurred.

Minutes from the prior meeting held on October 18, 2023, were previously read by the members. Crist made a motion to approve the minutes. Brown seconded. Ayes: All

No further business.

Meeting declared adjourned at 7:31 P.M.


Chairperson, Jody Yutesler


Secretary, Janelle Axline

CEDAR COUNTY AUDITOR & COMMISSIONER OF ELECTIONS
STEPHANIE WIESE
Cedar County Courthouse
400 Cedar Street, Tipton, IA 52772
Telephone: (563)886-3168 Fax: (563)886-3339
swiese@cedarcounty.iowa.gov
www.cedarcounty.iowa.gov



CEDAR COUNTY, IOWA

November 22, 2023

LEGAL NOTICE

PUBLIC NOTICE is hereby given that the Cedar County Board of Supervisors will be conducting a Public Hearing on Tuesday, December 12, 2023, at 8:45 a.m. and Tuesday, December 19, 2023, at 8:45 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Craig Noring, 2244 Garfield Avenue, West Liberty, Iowa (Owner) and Matthew & Jackie Goodale, 1058 285th Street, Tipton, Iowa (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a new single-family dwelling on property located on Parcel A, Excluding Parcel 1 of A, also described as the SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 19, T-79N, R-3W, in Iowa Township. Said petition is to rezone 3 acres m/l.
2. **Stuart & Sharon Clark, PO Box 271, Tipton, IA 52772 (Owners)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the NE corner of the SW $\frac{1}{4}$, NE $\frac{1}{4}$ in Section 5, T-80N, R-2W, Center West Township. Said petition is to rezone 1.99 acres m/l.

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 of the statement they give to be placed on file. Time will be allowed during the hearing for any person to prepare such documentation, if such time is needed. 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.

Stephanie Wiese
Cedar County Auditor

Notice emailed to Tipton Conservative
11/22/2023

DONALD LAMP
PO BOX 422
TIPTON, IA 52772

Emailed to Rob Fangmann, Engineer as an FYI
11/22/2023

DANIEL & RACHEAL LILIENTHAL
708 QUINCY AVE
CLARENCE, IA 52216

Placed Notice and Map in BOS Box 11/22/23

Mailed 11/22/2023 for Noring Petition to:

CRAIG NORING **(CERTIFIED)**
2244 GARFIELD AVE
WEST LIBERTY, IA 52776

MATT & JACKIE GOODALE **(CERTIFIED)**
1058 285TH ST
TIPTON, IA 52772

GEM REAL ESTATE
CO % JEAN L MOUNTAIN
3663 GRAND AVE UNIT 1005
DES MOINES, IA 50312

CHARLES WRIGHT
PO BOX 377
WEST LIBERTY, IA 52776

VICTOR W II & CAROL J SWAYZE TRUST
AGREEMENT
605 320TH ST
WEST LIBERTY, IA 52776

MARILYN J KING TRUST
1877 BAYFIELD RD
MUSCATINE, IA 52761

Mailed 11/22/2023 for Clark Petition to:

STUART & SHARON CLARK **(CERTIFIED)**
PO BOX 271
TIPTON, IA 52772

MARK & SHARON NILES
1349 RED STAR RD
TIPTON, IA 52772

BRADLEY & JEANETTE KIRKPATRICK
1355 RED STAR RD
TIPTON, IA 52772

HARRY WETHINGTON
1347 HWY 130
TIPTON, IA 52772



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www.cedarcounty.iowa.gov

October 5, 2023

PUBLIC NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, October 18, 2023, at 6:30 p.m., in the Small Meeting Room, in the basement of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Concordia Wireless Inc., as Agent to The Towers, LLC aka Vertical Bridge VBTS, LLC, 361 Randy Road, Suite 101, Carol Stream, IL60188 (Agent), Commnet Cellular Inc. dba Verizon Wireless, (Owner)-** Requesting approval of a Special Use Permit authorizing the location of a public utility telecommunications tower on property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, T-79N, R-1W, in Farmington Township. Said property is 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 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

Zoning Commission Notices

MAILED 10/10/2023 NOTICE:

CONCORDIA WIRELESS (CERTIFIED)
ATTN: OWEN NASON
361 RANDY RD. SUITE 101
CAROL STREAM IL 60188

H.E. FITZER FARMS LLC
C/O MARY HAILA
2408 SUNCREST DR
AMES, IA 50014

JEFFREY A GRAVES REVOCABLE TRUST
PO BOX 70
DURANT, IA 52747

MARK & CHERYL KROEGER
2155 HWY 927
WILTON, IA 52778

ALL ZONING COMMISSION MEMBERS

POSTED TO WEBSITE / EMAILED TIPTON CONSERVATIVE 10/06/2023

HAND DELIVERED TO ROB FANGMANN, CEDAR COUNTY ENGINEER

PLACED IN MAILBOX AND EMAILED EMA (CONCORDIA ONLY)



OFFICE OF THE CEDAR COUNTY ENGINEER
COURTHOUSE; 400 CEDAR ST.
TIPTON, IOWA 52772-1752
www.cedarcounty.iowa.gov

PHONE: (563) 886-6102

EMAIL: engineer@cedarcounty.iowa.gov

October 11, 2023

Mr. Phil La Rue
Cedar County Zoning Administrator
400 Cedar Street
Tipton, IA 52772

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Planning & Zoning Commission Public Hearing to be held on **October 18, 2023** at **6:30 p.m.** I will address the petition as listed on the legal notice.

- 1. Concordia Wireless Inc., as Agent to The Towers, LLC aka Vertical Bridge VBTS, LLC, 361 Randy Road, Suite 101, Carol Stream, IL60188 (Agent), Commnet Cellular Inc. dba Verizon Wireless, (Owner)-** Requesting approval of a Special Use Permit authorizing the location of a public utility telecommunications tower on property located in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, T-79N, R-1W, in Farmington Township. Said property is zoned A-1 Agricultural District.

This is located on gravel route Vermont Avenue and should have minimal impacts on the existing infrastructure. There is an approved entrance permit on file with my office.

Sincerely,

A handwritten signature in blue ink, reading "Robert D. Fangmann", is written over the typed name.

Robert D. Fangmann, P.E.
Cedar County Engineer

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 10-11-23

Stuart S. Clark

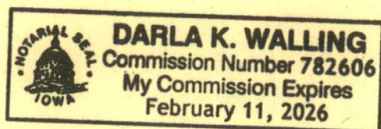
Subscribed and sworn to before me this 16

Day of Oct A.D. 2023

Darla K. Walling

Notary Public in and for Cedar County, Iowa

Printer's fee \$ 18.54



Legal Notice

PUBLIC NOTICE

October 5, 2023

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, October 18, 2023, 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 Joint 911 Service Board, 1892 Union Ave., Wilton, IA (Owner)-Requesting approval of a Special Use Permit authorizing the location of a public safety communication tower on property described as Lot A, in the SW 1/4, SW 1/4, Section 4, T-79N, R-1W, in Farmington Township. Said property is 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 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 41

*Incorrect for
October 2023
Had correction published
the following week*

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 18, 2023

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, October 18, 2023, at 6:30 p.m., in the Small Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Chairperson Yutesler, Crist, Brown and Brandenburg. Lieser and Dornfeld were absent.

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

- 1. Concordia Wireless Inc., as Agent to The Towers, LLC aka Vertical Bridge VBTS, LLC, 361 Randy Road, Suite 101, Carol Stream, IL60188 (Agent), Commnet Cellular Inc. dba Verizon Wireless, (Owner)-** Requesting approval of a Special Use Permit authorizing the location of a public utility telecommunications tower on property located in the SE ¼, SW ¼, NE ¼, Section 33, T-79N, R-1W, in Farmington Township. Said property is zoned A-1 Agricultural District.

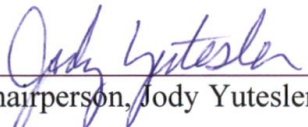
Zoning Administrator La Rue advised the board to complete their review in accordance with Chapter 17.18(2) of Cedar County Zoning Ordinance No. 10 and Ordinance No. 30 in making a recommendation to the Cedar County Board of Adjustment. No written or verbal objections on file. A letter was on file from Cedar County Engineer, Rob Fangmann, he indicates that this is a gravel route there will be minimal impacts to infrastructure and an entrance permit is on file. Engineer Fangmann wants to ensure that the slope for the access is corrected. Cedar County Emergency Management Director, Jodi Freet had provided information that the address of the property owners residence had been used for the tower site. She indicated it must have it's own/a new 911 address in the event that there was an emergency at that location. Eric Mangan with Concordia Wireless Inc. has been made aware and has already submitted application and been approved for a new address. Mangan shared that the documents would be revised with the corrected address and provided to all parties in the next few days and well before the October 26th hearing date. Mangan indicated that the area where the tower is being proposed was identified as a large gap and was determined by complaints made by users in the area. No existing towers in the area that they could co locate on. If there were other towers, colocation was not an option due to structural requirements. Indicated that advantages to this location were that it is deep inside the parcel of land and trucks will not be blocking county roads during construction. Verizon wireless is funding the project and located it as an area of need, but other carriers can colocate on this tower bolstering infrastructure. Crist questioned the max number that could be on the tower. Potential for 3 at the top and then lower on the tower there is potential for local or public safety related users. Crist questioned the distance the tower can serve. Mangan explained it will bolster the infrastructure by working with other towers that bounce off each other. General rule is about 5 miles. He indicated when they build a new tower it makes everything else around it stronger as well. La Rue advised it appears to meet all requirements of Cedar County Ordinance No. 30. Yutesler asked if there were any health related concerns we should be aware of. Mangan stated that is a common misconception. The tower does give off RF, but unless you are standing right next to it, there is no danger to public. Tower collapses on itself and there is nothing within 190 feet of the tower. Construction is to begin in first quarter of 2024 to avoid winter and current harvest going on, on the property. Crist made a motion to recommend approval of the Special Use Permit to the Board of Adjustment. Brandenburg seconded the motion. Ayes: All. Motion to recommend approval of the Special Use Permit carried.

General discussion of future modifications to the zoning ordinance were discussed including farms, auxiliary dwelling units, and seasonal homes. Additional discussion and proposed changes will be presented in the coming months.

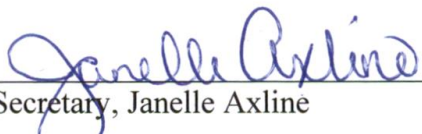
Minutes from the prior meeting held on April 19, 2023 were previously read by the members. Crist made a motion to approve the minutes. Brown seconded. Ayes: All

No further business.

Meeting declared adjourned at 7:30 P.M.



Chairperson, Jody Yutesler



Secretary, Janelle Axline



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

Cedar County Courthouse
400 Cedar Street
Tipton, IA 52772
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www.cedarcounty.iowa.gov

July 18, 2023

TO: ALL CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS

I am writing to inform you that there will **not** be a meeting of the Planning and Zoning Commission during the month of July because no petitions have been filed. However, we are looking for your feedback regarding changes the Board of Supervisors are requesting for the Wind Ordinance. Please e-mail or call with any feedback or questions by July 28, 2023.

Sincerely,

Phil La Rue
Zoning Administrator

PDL/bja

** Amendments are in red.*



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

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Tipton, IA 52772
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May 9, 2023

TO: ALL 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 May because no petitions have been filed.

Sincerely,

A handwritten signature in blue ink that reads "Phil". The signature is written in a cursive, stylized font.

Phil La Rue
Zoning Administrator

PDL/bja



**OFFICE OF THE PLANNING AND ZONING
ADMINISTRATOR**

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

April 7, 2023

PUBLIC NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, April 19, 2023, 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. **Phillip & Samantha Greiner, 413 Adams Ave. Lisbon, Iowa (Owners) and Kyle & Nicole Sporrer, 881 Shadetree Ct. Lisbon, Iowa (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a single-family dwelling on property located on part of Lot G in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 19, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 2.05 acres of an 8.5 acre tract m/l.

At this time The Commission will also solicit public input on the proposed Cedar County Utility Scale Solar Energy System (US-SES) Ordinance. All citizens are invited to attend. Public input will be considered in both written and verbal form. Copies of the proposed ordinance are available to public viewing at the Cedar County Auditor's Office or on the Cedar County Website.

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 La Rue
Cedar County Zoning Administrator



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR

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

April 10, 2023

TO: ALL CEDAR COUNTY PLANNING & ZONING COMMISSION MEMBERS

Enclosed with this month's petition for rezoning is the final draft of the proposed US-SES Ordinance that has been set for public input at your April meeting. Only two small changes requested by the County Attorney on timeframes to update emergency contact information for site location, and implementing a specific time for when proof of decommissioning fund availability were changed from the version I sent via email and USPS last week. I have provided you with the final proposed draft that will be discussed with and viewable to the public prior to and during the meeting on April 19th. Please bring this with you the night of the meeting.

Sincerely,

Phil La Rue
Zoning Administrator

PDL/bja

Emailed to Tipton Conservative, WB Times and Sun News 04/07/2023

Posted on Cedar County website 04/10/23

Emailed to Rob Fangmann 04/10/23

Mailed 04/10/23 to:

Matthew Reyhons
1115 Timber Glen Lane
Sugar Land TX 77479

Ruth Young
C/o Fnc Loni Connolley
Po Box 542016
Omaha NE 68154-8016

Nicholas & Stephanie Nevins
380 Adams Ave
Lisbon IA 52253

Alan & Theresa Weets
612 160th St
Mechanicsville IA 52306-7605

Mitchell & Taylor Montgomery
398 Adams Ave
Lisbon IA 52253

Phillip & Samatha Greiner
413 Adams Ave
Lisbon, IA 52253

Kyle & Nicole Sporrer (certified)
881 Shadetree Ct
Lisbon, IA 52253

All Zoning Commission Members

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of the SUN NEWS, a weekly newspaper of general circulation, published in said county, being duly sworn do declare and say that a notice, of which one hereto attached is a copy, was published in the said

The Sun News once

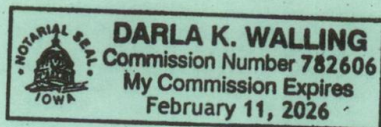
To wit on 4-13-23
[Signature]

Subscribed and sworn to before me this 13

Day of April A.D. 20 23

[Signature]
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 28.20



Legal Notice

April 7, 2023
PUBLIC NOTICE

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At this time The Commission will also solicit public input on the proposed Cedar County Utility Scale Solar Energy System (US-SES) Ordinance. All citizens are invited to attend. Public input will be considered in both written and verbal form. Copies of the proposed ordinance are available to public viewing at the Cedar County Auditor's Office or on the Cedar County Website.

At said Public Hearing, any person pres-

SEE LEGALS, P8

Page 8 SUN-NEWS April 13, 2023

LEGALS

FROM P6

ent, 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 La Rue
Cedar County Zoning Administrator
SN 15

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of the West Branch Times, 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

West Branch Times once

To wit on 4-13-23

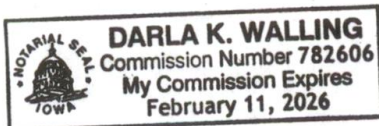
Stuart S. Clark

Subscribed and sworn to before me this 17

Day of April A.D. 2023

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

Printer's fee \$ 28.20



Legal Notice

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Philip La Rue
Cedar County Zoning Administrator
WBT 15

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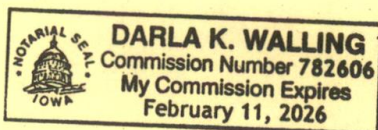
To wit on 4-12-23

Subscribed and sworn to before me this 13

Day of April A.D. 20 23

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

Printer's fee \$ 28.20



Legal Notice

April 7, 2023
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Philip La Rue
Cedar County Zoning Administrator
C 15



OFFICE OF THE CEDAR COUNTY ENGINEER
COURTHOUSE; 400 CEDAR ST.
TIPTON, IOWA 52772-1752
www.cedarcounty.iowa.gov

PHONE: (563) 886-6102

EMAIL: engineer@cedarcounty.iowa.gov

April 11, 2023

Mr. Phil La Rue
Cedar County Zoning Administrator
400 Cedar Street
Tipton, IA 52772

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Planning & Zoning Commission Public Hearing to be held on **April 19, 2023** at **6:30 p.m.** I will address the petition as listed on the legal notice.

- 1. Phillip & Samantha Greiner, 413 Adams Ave. Lisbon, Iowa (Owners) and Kyle & Nicole Sporrer, 881 Shadetree Ct. Lisbon, Iowa (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a single-family dwelling on property located on part of Lot G in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 19, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 2.05 acres of an 8.5 acre tract m/l.

This is located on gravel route Adams Avenue and should have minimal impacts on the existing infrastructure. There is an approved entrance permit on file with my office to serve one single-family dwelling. The existing entrance must be removed and relocated to the approved location as a condition of the approved permit.

Sincerely,

Robert D. Fangmann, P.E.
Cedar County Engineer

CEDAR COUNTY PLANNING AND ZONING PUBLIC HEARING

April 19, 2023 – 6:30 P.M.

Janelle Axline

Dee Brown

Robt. Moore

Jeff Gustafson

Kyle Jensen

Jan T. J.

Josh L.

Randy Peterson

Ann Blair

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

April 19, 2023

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, April 19, 2023, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Chairperson Yutesler, Crist, Brown and Brandenburg were present. Lieser and Dornfeld were absent.

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

- 1. Phillip & Samantha Greiner, 413 Adams Ave. Lisbon, Iowa (Owners) and Kyle & Nicole Sporrer, 881 Shadetree Ct. Lisbon, Iowa (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a single-family dwelling on property located on part of Lot G in the SE ¼, SW ¼, Section 19, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 2.05 acres of an 8.5 acre tract m/l.

Zoning Administrator La Rue advised the board to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No. 10 in making a recommendation to the Cedar County Board of Supervisors. A letter was on file from Cedar County Engineer, Rob Fangmann, he indicates that this is a gravel route there will be minimal impacts to infrastructure and an entrance permit is on file. Letter from the Lisbon Fire Department indicating they can and will provide emergency services to the property. 2 soil types, 3 soil classes: 162B and 162C2 Downs Silt Loam and 163C Fayette Silt Loam. For dwellings, limitations are moderate. Septic system limitations are severe but a septic system can be built on the property. Perc rate of 15 mpi was the result when performed by contractor at the site. CSR for each of the soils is 90, 82 and 79 for an average of 83. Which is above the 75 CSR points which indicates it should be used for agriculture. La Rue added this is a remnant piece and is not row cropped. He would like to recommend that only one single family dwelling being allowed on the property. LESA score was 2,810 which is a strong finding for preservation. ZA La Rue read section from Cedar County Comprehensive Plan suggesting that Adams Avenue be paved in the future and that the land use map then be modified to show this as an area for potential development. 700 more feet north would have put it the area for future growth and increased the LESA score to support the development. General discussion of property owners paying to have paving done. Yutesler questioned if this was a farmstead before. La Rue and Sporrer explained no, large oak trees on the property, was just pasture and never farmed. Crist questioned if Sporrer would be open to and accepting if the supervisors decided to pave the road and he would have costs associated with them doing so. He was open to this dependent on price. Yutesler questioned what else they plan to do with the rest of the acres. He said possibly a building later on, possibly chickens, and plans to clean up the property and make it look nice which maintaining the pasture area, etc. Crist made a motion to approve the rezoning. Brandenburg seconded the motion. Ayes: All. Motion to approve carried.

Discussion was held on the Cedar County US-SES. ZA La Rue advised there are no written or verbal objections. Members of the public present were Laura Twing and Randy Pedersen. General discussion around decommissioning, penalties for violations, and maximum number of acres for solar farm. It was explained that funds for decommissioning is in the ordinance, penalties are handled by county infractions ordinance, and the 800 acre max was in several of the ordinances

other counties had. Crist and Pedersen proposed a 320 acre or 640 acre max as that followed specific ½ or full section sizes. 640 was 1 square mile. Brandenburg and Yutesler agreed and felt the 320 or 640 acres max could be more easily explained and 800 may seem more arbitrary. Brown and Pedersen shared they felt the ordinance was well thought out, well researched and well written. They felt it important to get in place to protect Cedar County, it's residents and landowners. Brown made a motion to approve as is. Lack of second. Motion died. Further discussion about the max number of acres occurred. Yutesler asked if the County Attorney was involved in creating ordinance. La Rue advised he was. Crist made a motion to amend Section 4 -CAP ON TOTAL ACRES UTILIZED FOR US-SES from 800 to 640 acres. Brandenburg seconded. Ayes: All. Brandenburg made a motion to accept the US-SES Ordinance with the 640 acre cap on acres amendment. Crist seconded. Ayes: All.

General discussion of wind farm companies talking with landowners in Cedar County, restoration of the soil after decommissioning and if revisions are needed to our Wind Energy Conversion System Ordinance.

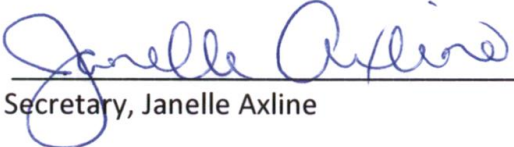
Minutes from the prior meeting held on March 15, 2023 were previously read by the members. Crist made a motion to approve the minutes. Brandenburg seconded. Ayes: All

No further business.

Meeting declared adjourned at 8:20 P.M.



Chairperson, Jody Yutesler



Secretary, Janelle Axline

CEDAR COUNTY AUDITOR & COMMISSIONER OF ELECTIONS
STEPHANIE WIESE
Cedar County Courthouse
400 Cedar Street, Tipton, IA 52772
Telephone: (563)886-3168 Fax: (563)886-3339
swiese@cedarcounty.iowa.gov
www.cedarcounty.iowa.gov



CEDAR COUNTY, IOWA

April 26, 2023

LEGAL NOTICE

PUBLIC NOTICE is hereby given that the Cedar County Board of Supervisors will be conducting a Public Hearing on Tuesday, May 9, 2023, at 9:00 a.m. and 9:30 a.m., and Tuesday, May 15, 2023, at 9:00 a.m. and 9:30 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Phillip & Samantha Greiner, 413 Adams Ave. Lisbon, Iowa (Owners) and Kyle & Nicole Sporrer, 881 Shadetree Ct. Lisbon, Iowa (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of building a single-family dwelling on property located on part of Lot G in the SE ¼, SW ¼, Section 19, T-82N, R-4W, in Pioneer Township. Said petition is to rezone 2.05 acres of an 8.5 acre tract m/l.

At this time The Commission will also consider Cedar County Ordinance No. 65 “An Ordinance Adopting a Utility-Scale Solar Energy System (US-SES) on property located in the unincorporated areas of Cedar County, Iowa.” Cedar County Ordinance No. 65 is available for public viewing at the Cedar County Auditor’s Office or Cedar County Zoning Office.

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 any person to prepare such documentation, if such time is needed. 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.

Stephanie Wiese
Cedar County Auditor

Emailed to Tipton Conservative, WB Times and Sun News 04/26/2023

Posted on Cedar County website 04/26/23

Emailed to Rob Fangmann, Megan Hamdorf & Stephanie Wiese 04/26/2023

Mailed 04/27/23 to:

Matthew Reyhons
1115 Timber Glen Lane
Sugar Land TX 77479

Ruth Young
C/o Fnc Loni Connolley
Po Box 542016
Omaha NE 68154-8016

Nicholas & Stephanie Nevins
380 Adams Ave
Lisbon IA 52253

Alan & Theresa Weets
612 160th St
Mechanicsville IA 52306-7605

Mitchell & Taylor Montgomery
398 Adams Ave
Lisbon IA 52253

Phillip & Samatha Greiner
413 Adams Ave
Lisbon, IA 52253

Kyle & Nicole Sporrer (certified)
881 Shadetree Ct
Lisbon, IA 52253

Placed in Supervisors mailbox 05/02/2023



**OFFICE OF THE PLANNING AND ZONING
ADMINISTRATOR**

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

March 3, 2023

PUBLIC NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, March 15, 2023, 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. **Dustin & Lisa Miller, 1205 State- Cedar Bluff Street, Tipton, Iowa (Owners)** – Requesting a change in zoning from C-1 Local Commercial District to R-2 Urban Residential District for the purpose of replacing the existing single-family dwelling with a new single-family dwelling on property located on Lot 3 and the E ½ of Lots 1 & 2, Block 7 and 8 and 8.25' of Alley S, also described as property located in the SE ¼ SE ¼, Section 28, T-81N, R-4W, in Cass Township. Said petition is to rezone .4 acres m/l.
2. **Dahlberg Family Limited Partnership, 10408 Wenonga Lane, Leawood, Kansas (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the SW ¼, SW ¼, Section 29, T-80N, R-4W, in Gower Township. Said petition is to rezone 3.2 acres m/l.
3. **Ralph A. Billick, 406 East 3rd Street, Tipton, Iowa (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single-family dwelling on property located in the W ½ of the SW ¼, NE ¼, NW ¼ and the NW ¼, SE ¼, NW ¼, Section 11, T-80N, R-3W, in Center West Township. Said petition is to rezone 2 acres m/l.

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

Notice sent to Tipton Conservative 03/03/23

Notice sent to Rob Fangmann 03/07/23

Posted to website 03/07/23

Posted outside office 03/03/23

Letters mailed 03/07/23 & 03/08/23

DAHLBERG FAMILY LIMITED PARTNERSHIP

Dahlberg Family Limited Pts
10408 Wenonga Ln
Leawood KS 66206-2533

Robert Dahlberg (certified letter)
4210 Beaver Hills Dr
Des Moines, IA 50310

Bailey Peggy F
1716 Baker Ave
West Branch IA 52358-8636

HERBERT & KAREN FRIIS
3055 JOHNSON-CEDAR RD NE
WEST BRANCH IA 52358-9570

ROBERT & JOAN JINDRICH
79 265TH ST
WEST BRANCH IA 52358-8632

YANKEE CORNER FARMS
292 290TH ST
WEST BRANCH IA 52358

BILLICK

Ralph Billick (certified)
406 E 3rd St
Tipton IA 52772

GEORGE & JEANNE HEIN
1386 PLEASANT VIEW DR
TIPTON IA 52772-9392

JASON & KARRA WESTER
1022 RIDGE VIEW DR
TIPTON IA 52772-2301

BLAINE & MELISSA MILLER
1021 RIDGE VIEW DR
TIPTON IA 52772

PAUSTIAN CONSTRUCTION INC
1020 RIDGE VIEW DR
TIPTON IA 52772-1349

NICHOLAS JOHNSON
JAMI LEHMAN-JOHNSON
1360 DROP TINE CT
TIPTON IA 52772

MAURICE & GAIL MILLER
1018 RIDGE VIEW DRIVE
TIPTON IA 52772

DONALD LAMP
PO BOX 422
TIPTON IA 52772-0422

MILLER

Dustin & Lisa Miller (certified)
1205 State-Cedar Bluff St.
Tipton, IA 52772

David & Marcia Rozinek
1956 Charles Ave
West Branch IA 52358-8501

Andrew Stumbo
1301 State-Cedar Bluff St
Tipton IA 52772-9282

Marty & Ann Mente
709 185th St
Tipton IA 52772-9100

David & Pamela Smith
1300 State-Cedar Bluff St
Tipton IA 52772-9282

Janet Thompson
1609 Cedar Cedar Bluff St
Tipton IA 52772-1212

Nathaniel & Megan Achenbach
1116 3rd Cedar Bluff St
Tipton IA 52772-1209

Lucinda Rocha
1202 State-Cedar Bluff St
Tipton IA 52772-9286

Anthony & Lisa Jensen
1200 State-Cedar Bluff St
Tipton IA 52772-9286

Colleen Denise Bauer
Roland Robert Zschiegner
1212 Second-Cedar Bluff St
Tipton IA 52772-9116

Michelle Nutting
1218 Second-Cedar Bluff St
Tipton IA 52772-9116

Nancy Semotan
1113 Second-Cedar Bluff St
Tipton IA 52772-9111

David Annen
106 Lemon St
Tipton IA 52772-1407

Donald L & Lula Mae Le Glover
Trina Lee Rock
1117 Second-Cedar Bluff St
Tipton IA 52772-9111

Bergmann Christopher E
1103 State-Cedar Bluff St
Tipton IA 52772-1204

Daniel A Shima Living Trust
409 W Sheridan Dr
Eldridge IA 52748-1630

Gary E Tigges Revocable Trust &
Roberta L Tigges Revocable Trust
1104 Pine-Cedar Bluff St
Tipton IA 52772-9221

Gary & Penny Cox
1101 Second-Cedar Bluff St
Tipton IA 52772

Vincent Waters
Bethany Fischer
1107 Pine-Cedar Bluff St
Tipton IA 52772-1213

Dan Sexton
1203 Second-Cedar Bluff St
Tipton IA 52772-9283

Kathleen P Kernan Stahle, Et Al
1820 Grant St
PO Box 5030
Bettendorf IA 52722-5030

Leila Cox
1211 Second-Cedar Bluff St
Tipton IA 52772-9283

Edwin Pence
1219 Second-Cedar Bluff St
Tipton IA 52772-9283

Nicholas & Hailey Thomson
1612 Cedar-Cedar Bluff St
Tipton IA 52772-9120

Lahr David & Kay Lahr
1602 Cedar-Cedar Bluff St
Tipton IA 52772

Lisa & Craig Burmeister
1297 Vail Ave
Durant IA 52747-9535

STATE OF IOWA, CEDAR COUNTY, ss:

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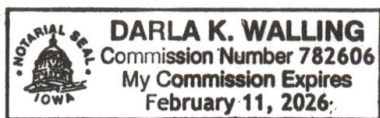
To wit on 3-9-23

Subscribed and sworn to before me this 13

Day of March A.D. 20 23

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

Printer's fee \$ 20.51



Legal Notice

March 3, 2023 PUBLIC NOTICE

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Philip LaRue
Zoning Administrator
WBT 10

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To wit on 3-8-23

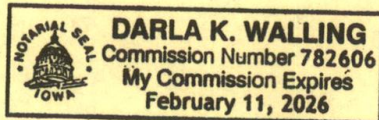
[Signature]

Subscribed and sworn to before me this 13

Day of March A.D. 20 23

[Signature]
Notary Public in and for Cedar County, Iowa

Printer's fee \$ 32.05



MARCH 8, 2023

Legal Notice

March 3, 2023

PUBLIC NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, March 15, 2023, 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. Dustin & Lisa Miller, 1205 State-Cedar Bluff Street, Tipton, Iowa (Owners) - Requesting a change in zoning from C-1 Local Commercial District to R-2 Urban Residential District for the purpose of replacing the existing single-family dwelling with a new single-family dwelling on property located on Lot 3 and the E ½ of Lots 1 & 2, Block 7 and 8 and 8.25' of Alley S, also described as property located in the SE ¼ SE ¼, Section 28, T-81N, R-4W, in Cass Township. Said petition is to rezone .4 acres m/l.
2. Dahlberg Family Limited Partnership, 10408 Wenonga Lane, Leawood, Kansas (Owner) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the SW ¼, SW ¼, Section 29, T-80N, R-4W, in Gower Township. Said petition is to rezone 3.2 acres m/l.
3. Ralph A. Billick, 406 East 3rd Street, Tipton, Iowa (Owner) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single-family dwelling on property located in the W ½ of the SW ¼, NE ¼, NW ¼ and the NW ¼, SE ¼, NW ¼, Section 11, T-80N, R-3W, in Center West Township. Said petition is to rezone 2 acres m/l.

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 10



OFFICE OF THE CEDAR COUNTY ENGINEER
COURTHOUSE; 400 CEDAR ST.
TIPTON, IOWA 52772-1752
www.cedarcounty.iowa.gov

PHONE: (563) 886-6102

EMAIL: engineer@cedarcounty.iowa.gov

March 7, 2023

Mr. Phil La Rue
Cedar County Zoning Administrator
400 Cedar Street
Tipton, IA 52772

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Planning & Zoning Commission Public Hearing to be held on **March 15, 2023 at 6:30 p.m.** I will address the petition as listed on the legal notice.

1. **Dustin & Lisa Miller, 1205 State- Cedar Bluff Street, Tipton, Iowa (Owners)** – Requesting a change in zoning from C-1 Local Commercial District to R-2 Urban Residential District for the purpose of replacing the existing single-family dwelling with a new single-family dwelling on property located on Lot 3 and the E ½ of Lots 1 & 2, Block 7 and 8 and 8.25' of Alley S, also described as property located in the SE ¼ SE ¼, Section 28, T-81N, R-4W, in Cass Township. Said petition is to rezone .4 acres m/l.

This is located on paved route State St. and should have minimal impacts on the existing infrastructure. There is an approved entrance permit on file with my office to serve a proposed residential home.

2. **Dahlberg Family Limited Partnership, 10408 Wenonga Lane, Leawood, Kansas (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the SW ¼, SW ¼, Section 29, T-80N, R-4W, in Gower Township. Said petition is to rezone 3.2 acres m/l.

This is located on paved route Baker Ave. and should have minimal impacts on the existing infrastructure. There is an approved entrance permit on file with my office to serve a proposed residential home.

3. **Ralph A. Billick, 406 East 3rd Street, Tipton, Iowa (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single-family dwelling on property located in the W ½ of the SW ¼, NE ¼, NW ¼ and the NW ¼, SE ¼, NW ¼, Section 11, T-80N, R-3W, in Center West Township. Said petition is to rezone 2 acres m/l.

This is located on paved route Cedar Valley Road and should have minimal impacts on the existing infrastructure. There is an approved entrance permit on file with my office to serve a proposed residential home.

Sincerely,

Robert D. Fangmann, P.E.
Cedar County Engineer

CEDAR COUNTY PLANNING AND ZONING PUBLIC HEARING

March 15, 2023 – 6:30 P.M.

T.D. Jones

Joel Brown

Don Miller

Ann Billick

Ralph Butcher

Jim a Damm

Robert C. Schibere

Larry Blum

Josh

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

March 15, 2023

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, March, 2023, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Chairperson Pro Tem Brown, Crist, Dornfeld and Brandenburg. Lieser and Yutestler were absent.

Chairperson Pro Tem Brown called the meeting to order at 6:45 p.m. The members then reviewed the following petition:

1. **Dustin & Lisa Miller, 1205 State- Cedar Bluff Street, Tipton, Iowa (Owners)** – Requesting a change in zoning from C-1 Local Commercial District to R-2 Urban Residential District for the purpose of replacing the existing single-family dwelling with a new single-family dwelling on property located on Lot 3 and the E ½ of Lots 1 & 2, Block 7 and 8 and 8.25' of Alley S, also described as property located in the SE ¼ SE ¼, Section 28, T-81N, R-4W, in Cass Township. Said petition is to rezone .4 acres m/l.

Zoning Administrator La Rue advised the board to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No. 10 in making a recommendation to the Cedar County Board of Supervisors. Advised there is an existing dwelling currently on the property with a septic system that was installed in 2011 and an existing well. They want to replace their current home. In 1959 when Cedar County adopted zoning the property was C-1 Local Commercial District due to it being in the business district at that time. This district does not allow for replacement dwellings, it only allows and accessory residential use. A letter was on file from Cedar County Engineer, Rob Fangmann, he indicates that this is a paved route there will be minimal impacts to infrastructure. Letter from the Tipton Fire Department indicating an ISO class 10 for dwellings more than 5 miles from the fire department. Brown questioned distance from Solon and Mr. Miller advised they are 10 miles from Tipton, Solon, West Branch. La Rue added rest of homes there are residential unless they are in the business district. Crist made a motion to approve the petition. Dornfeld seconded the motion. Ayes: All. Motion to approve carried.

2. **Dahlberg Family Limited Partnership, 10408 Wenonga Lane, Leawood, Kansas (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the SW ¼, SW ¼, Section 29, T-80N, R-4W, in Gower Township. Said petition is to rezone 3.2 acres m/l.

Zoning Administrator La Rue advised the board to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No. 10 in making a recommendation to the Cedar County Board of Supervisors. Adjoining property owner to the south, Peggy Bailey provided a letter of support for the petition indicating she felt it would be a nice place for a home. Letter on file from Kevin Stoolman with the West Branch Fire Department stating they will provide emergency services to the location provided the access is adequate for emergency vehicles. La Rue advised there are four soil types at the site. 65E2 Lindley Loam, 120C2 Tama Silt, M 162D2 Downs Silt and 911B Colo-Ely Complex. Limitations for building are moderate on the Tama and Downs, but severe on the Lindley and Colo-Ely soils due to slope of 14-18% and flood plain. Very small margin on east side of

area requesting to be rezoned that is in the floodplain. Limitations for septic are severe for all soils due to slope, slow water movement and high water table and flooding on the Colo-Ely soils. Limitations for agriculture are severe on Lindley Loam due to slope, moderate for Tama and Colo-Ely and severe for the Downs due to slope & erosion. CSR for Tama is 87, Colo Ely 86, Downs Silt 57 and Lindley Loam 31 for an average of 65 points. Colo-Ely is highest CSR ground and is great if tiled, but marginal if not tiled. Lindley Loam is extremely heavy. Water does not move fast thru it. Recommendation from La Rue is when a home is placed that it be placed down in SW corner due to soils and ability for successful placement of a septic system. The Lindley Loam could easily accommodate a sand filter if it does not return good results during soil evaluation. La Rue had met with Dahlberg and McBurney Septic at the site and it was noted that a septic was certainly possible at the site. Brown questioned if any other residential zonings in the area. La Rue explained there are not. Nearest is close to ½ mile away and the other residential properties are just north of West Branch. Dornfeld questioned if any trees. No trees all grass. Dahlberg shared that he feels many would do this same with this land if it had sat idle in their family for many years. He feels it gives someone access to build a home and become a part of a nice community. Current tenant of farm ground does not want to farm it. Brown noted it is touching on spot zoning. Dornfeld noted that while it is being taken out of farming, it is not being farmed and has not been for decades as indicated by Dahlberg. La Rue recommended that any approval contain a restriction that is be one residential dwelling only. Dahlberg added, no, no multiple homes. They do not want that either. Crist touched on the LESA scoring system and the need to follow the guidelines they have in place, but can see where Dahlbergs are coming from and supports one dwelling only and the fact that it is a hard surface route. Brandenburg noted farm equipment is not getting smaller and not really a good piece of land to farm. Dahlberg said he supported that wildlife is present, but felt well suited for a family to set up a nice place there/there is a need for a property like it. Brandenburg made a motion to approve the petition in making a recommendation to the BOS noting that it be restricted to one single family dwelling only and that it was a very close call due to guidelines they are directed to follow. Dornfeld seconded the motion. Ayes: All. Motion to approved carried.

3. **Ralph A. Billick, 406 East 3rd Street, Tipton, Iowa (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of constructing a single-family dwelling on property located in the W ½ of the SW ¼, NE ¼, NW ¼ and the NW ¼, SE ¼, NW ¼, Section 11, T-80N, R-3W, in Center West Township. Said petition is to rezone 2 acres m/l.

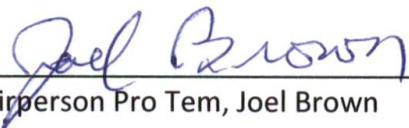
Zoning Administrator La Rue advised there are no written or verbal objections on file and asked the board to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No. 10 in making a recommendation to the Cedar County Board of Supervisors. Letter on file from the Sean Paustian, Tipton Fire Chief, ISO 8B rating and the property owner must construct and maintain a suitable driveway so emergency vehicles can get there. Narrow access of 33 feet and La Rue's recommendation is that it be restricted to one single family home due to the width requirements being 66 feet for two homes. There are concerns with slope and floodplain. A dry crossing would need to be created. Well must be 1,000 feet from the old city dump site. Letter from Engineer Rob Fangmann, approved entrance permit is on file, paved road and will have minimal impacts to infrastructure. La Rue advised the site has one soil, 163C, D2 and E, Fayette Clay. Limitations for building are moderate to severe due entirely due to slope. Limitations for septic are

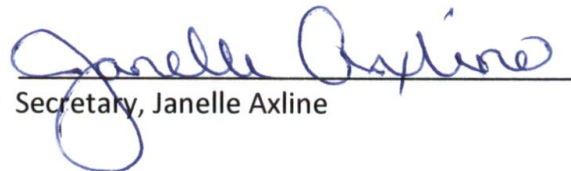
severe due to slope and slow water movement. A septic system is possible there. It may need to be a sand filter, but it can be done. Limitations for agriculture are severe, clay. CSR is C series is 70, D2 is 58 and on E it is 50 for an average of 55. Currently used as pasture. LESA score was 4,390 with 1,150 awarded due to proximity to Secluded Ridge subdivision. Length, narrow access and cross of the flood plain were areas where considerable points were lost. Being close to the old Tipton dump site was also prohibitive. Comp plan discourages scattered residential housing when broad range of services is not supported. This is close to being spot zoning, it is simply next to a major subdivision. The narrow access width prevents any plan for a second dwelling. The crossing of the drainage will require a floodplain development permit to ensure it is always crossable. Access was discussed for a considerable length. Crist questioned if he would be able to get access thru Secluded Ridge Subdivision. A farm exemption and what constitutes a farm was discussed, specifically a Schedule F tax document. Mr. Billick advised based on criteria this does constitute being a farm. It was decided that the petition would be dropped and if he would build a home it would be as a farm. Billick then asked what if he decided to sell off 2 acres. He was advised then a rezoning would be necessary. He said, well he might do that, so let's move forward with the rezoning. If the two acres are divided off and sold the parcel will create/require a subdivision and the wider driveway requirements will be necessary. The rezoning was put on hold until the ag exemption is confirmed. Access from Paustian Secluded Ridge was discussed. After discussion and many uncertainties about whether this would be built as a farm or a subdivision and rezoning being needed to split the house off, Brown and others said questions need to be answered and certainties on how the property will be used, where will he access the home from, will he be purchasing a lot from Paustian's Secluded Ridge to add to his property, is he a farm (schedule F), where will his water come from need to be provided. This rezoning request is put on hold until those things are defined.

Minutes from the prior meeting held on February 15, 2023 were previously read by the members. Dornfeld made a motion to approve the minutes. Crist seconded. Ayes: All

No further business.

Crist made a motion to adjourn the meeting. Brandenburg seconded the motion. Ayes: All. Motion to approved carried. Meeting adjourned at 8:45 P.M.


Chairperson Pro Tem, Joel Brown


Secretary, Janelle Axline

CEDAR COUNTY AUDITOR & COMMISSIONER OF ELECTIONS
STEPHANIE WIESE
Cedar County Courthouse
400 Cedar Street, Tipton, IA 52772
Telephone: (563)886-3168 Fax: (563)886-3339
swiese@cedarcountry.iowa.gov
www.cedarcountry.iowa.gov



CEDAR COUNTY, IOWA

March 21, 2023

LEGAL NOTICE

PUBLIC NOTICE is hereby given that the Cedar County Board of Supervisors will be conducting a Public Hearing on Tuesday, April 4, 2023, at 8:35 a.m., and Tuesday, April 11, 2023, at 8:35 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

1. **Dustin & Lisa Miller, 1205 State- Cedar Bluff Street, Tipton, Iowa (Owners)** – Requesting a change in zoning from C-1 Local Commercial District to R-2 Urban Residential District for the purpose of replacing the existing single-family dwelling with a new single-family dwelling on property located on Lot 3 and the E ½ of Lots 1 & 2, Block 7 and 8 and 8.25' of Alley S, also described as property located in the SE ¼ SE ¼, Section 28, T-81N, R-4W, in Cass Township. Said petition is to rezone .4 acres m/l.
2. **Dahlberg Family Limited Partnership, 10408 Wenonga Lane, Leawood, Kansas (Owner)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of selling the property as residential to allow construction of a future single-family dwelling on property located in the SW ¼, SW ¼, Section 29, T-80N, R-4W, in Gower Township. Said petition is to rezone 3.2 acres m/l.

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.

Stephanie Wiese
Cedar County Auditor

Notice sent to Tipton Conservative 03/23/23

Notice to West Branch Times 03/23/23

Notice sent to Rob Fangmann 03/22/23

Notice to Stephanie Wiese 03/22/23

Posted to website 03/23/23

Posted outside office 03/22/23

Letters mailed 03/23/23

DAHLBERG FAMILY LIMITED PARTNERSHIP

Dahlberg Family Limited Ptsp
10408 Wenonga Ln
Leawood KS 66206-2533

Robert Dahlberg (certified letter)
4210 Beaver Hills Dr
Des Moines, IA 50310

Bailey Peggy F
1716 Baker Ave
West Branch IA 52358-8636

HERBERT & KAREN FRIIS
3055 JOHNSON-CEDAR RD NE
WEST BRANCH IA 52358-9570

ROBERT & JOAN JINDRICH
79 265TH ST
WEST BRANCH IA 52358-8632

YANKEE CORNER FARMS
292 290TH ST
WEST BRANCH IA 52358

MILLER

Dustin & Lisa Miller (certified)
1205 State-Cedar Bluff St.
Tipton, IA 52772

David & Marcia Rozinek
1956 Charles Ave
West Branch IA 52358-8501

Andrew Stumbo
1301 State-Cedar Bluff St
Tipton IA 52772-9282

Marty & Ann Mente
709 185th St
Tipton IA 52772-9100

David & Pamela Smith
1300 State-Cedar Bluff St
Tipton IA 52772-9282

Janet Thompson
1609 Cedar Cedar Bluff St
Tipton IA 52772-1212

Nathaniel & Megan Achenbach
1116 3rd Cedar Bluff St
Tipton IA 52772-1209

Lucinda Rocha
1202 State-Cedar Bluff St
Tipton IA 52772-9286

Anthony & Lisa Jensen
1200 State-Cedar Bluff St
Tipton IA 52772-9286

Colleen Denise Bauer
Roland Robert Zschiegner
1212 Second-Cedar Bluff St
Tipton IA 52772-9116

Michelle Nutting
1218 Second-Cedar Bluff St
Tipton IA 52772-9116

Nancy Semotan
1113 Second-Cedar Bluff St
Tipton IA 52772-9111

David Annen
106 Lemon St
Tipton IA 52772-1407

Donald L & Lula Mae Le Glover
Trina Lee Rock
1117 Second-Cedar Bluff St
Tipton IA 52772-9111

Bergmann Christopher E
1103 State-Cedar Bluff St
Tipton IA 52772-1204

Daniel A Shima Living Trust
409 W Sheridan Dr
Eldridge IA 52748-1630

Gary E Tigges Revocable Trust &
Robert L Tigges Revocable Trust

1104 Pine-Cedar Bluff St
Tipton IA 52772-9221

Gary & Penny Cox
1101 Second-Cedar Bluff St
Tipton IA 52772

Vincent Waters
Bethany Fischer
1107 Pine-Cedar Bluff St
Tipton IA 52772-1213

Dan Sexton
1203 Second-Cedar Bluff St
Tipton IA 52772-9283

Kathleen P Kernan Stahle, Et Al
1820 Grant St
PO Box 5030
Bettendorf IA 52722-5030

Leila Cox
1211 Second-Cedar Bluff St
Tipton IA 52772-9283

Edwin Pence
1219 Second-Cedar Bluff St
Tipton IA 52772-9283

Nicholas & Hailey Thomson
1612 Cedar-Cedar Bluff St
Tipton IA 52772-9120

Lahr David & Kay Lahr
1602 Cedar-Cedar Bluff St
Tipton IA 52772

Lisa & Craig Burmeister
1297 Vail Ave
Durant IA 52747-9535



**OFFICE OF THE PLANNING AND ZONING
ADMINISTRATOR**

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

February 3, 2023

PUBLIC NOTICE

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, February 15, 2023, 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. Dotson Farm LLC, Debra DeVore, 2116 Ivory Avenue, Atalissa, Iowa (Owner) -** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction a single-family dwelling on property located in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 21, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres m/l.

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

Emailed to Tipton Conservative and WB Times 02/03/2023

Emailed to Rob Fangmann on 02/08/2023

Mailed 02/07/2023 to:

Dotson Farm LLC (certified)
2116 Ivory Ave
Atalissa IA 52720

Peden Farms LLC
899 290th St
Atalissa IA 52720

Mark & Brenda Pelzer
1027 Atalissa Rd
Atalissa IA 52720

Pelzer Land LLC
849 320th St
Atalissa IA 52720

Donald & Kathleen Pelzer
2254 Indian Ave
West Liberty IA 52776

STATE OF IOWA, CEDAR COUNTY, ss:

I, Stuart S. Clark, publisher of the West Branch Times, 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

West Branch Times once

To wit on 2-9-23

Stuart S. Clark

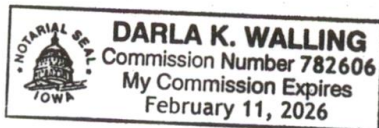
Subscribed and sworn to before me this 13

Day of Feb A.D. 20 23

Darla K. Walling

Notary Public in and for Cedar County, Iowa

Printer's fee \$ 19.87



Legal Notice

PUBLIC NOTICE
February 3, 2023

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, February 15, 2023, 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. Dotson Farm LLC, Debra DeVore, 2116 Ivory Avenue, Atalissa, Iowa (Owner) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction a single-family dwelling on property located in the SW 1/4, NE 1/4, Section 21, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres m/l.

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
WBT 6

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

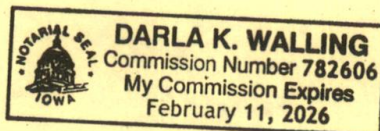
To wit on 2-8-23
Stuart S. Clark

Subscribed and sworn to before me this 13

Day of Feb A.D. 2023

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

Printer's fee \$ 19.87



Legal Notice

PUBLIC NOTICE
February 3, 2023

The Cedar County Planning & Zoning Commission will be conducting a Public Hearing on Wednesday, February 15, 2023, 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. Dotson Farm LLC, Debra DeVore, 2116 Ivory Avenue, Atalissa, Iowa (Owner) - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction a single-family dwelling on property located in the SW 1/4, NE 1/4, Section 21, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres m/l. 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 docu-

ment to be read for them at the time of the hearing.

Philip LaRue Zoning Administrator
C 6



OFFICE OF THE CEDAR COUNTY ENGINEER
COURTHOUSE; 400 CEDAR ST.
TIPTON, IOWA 52772-1752
www.cedarcounty.iowa.gov

PHONE: (563) 886-6102

EMAIL: engineer@cedarcounty.iowa.gov

February 8, 2023

Mr. Phil La Rue
Cedar County Zoning Administrator
400 Cedar Street
Tipton, IA 52772

Dear Phil:

You have requested comments on the possible road impacts caused by the proposed petitions to be considered at the Planning & Zoning Commission Public Hearing to be held on **February 15, 2023** at **6:30 p.m.** I will address the petition as listed on the legal notice.

- 1. Dotson Farm LLC, Debra DeVore, 2116 Ivory Avenue, Atalissa, Iowa (Owner) -**
Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction a single-family dwelling on property located in the SW ¼, NE ¼, Section 21, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres m/l.

This is located on gravel route Ivory Avenue and should have minimal impacts on the existing infrastructure. There is an approved entrance permit on file with my office to serve the proposed residential home.

Sincerely,

Robert D. Fangmann, P.E.
Cedar County Engineer



OFFICE OF THE PLANNING AND ZONING ADMINISTRATOR
Cedar County Courthouse
400 Cedar Street
Tipton, IA 52772
Phone: (563)886-2248
Fax: (563)886-2103
www.cedarcounty.iowa.gov

AGENDA

Cedar County Zoning Commission

Basement, Cedar County Courthouse, Tipton, Iowa

Wednesday, February 15, 2023, 6:30 p.m.

6:30 PM – Meeting called to Order

Petition

Dotson Farm LLC, Deb DeVore, request a change in zoning from A-1 Agricultural to R-1 Suburban Residential on property located in the SW ¼, NE ¼, Section 21, T-79N, R-3W, in Iowa Township

Review of Proposed Utility-Scale Solar Energy System Ordinance (US-SES)

Discussion

Minutes

Adjourn

CEDAR COUNTY PLANNING AND ZONING PUBLIC HEARING

February 15, 2023 – 6:30 P.M.

P.D. [Signature]

Ganella Rylance

Del Brown

Dale DeVore

Cody DeVore

Ben Miller

Josh [Signature]

Jody Guteske

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 15, 2023

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, February 15, 2023, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Chairperson Yutesler, Brown, Crist, and Lieser. Brandenburg and Dornfeld were absent.

Chairperson Yutesler called the meeting to order at 6:38 p.m. The members then reviewed the following petition:

1. **Dotson Farm LLC, Debra DeVore, 2116 Ivory Avenue, Atalissa, Iowa (Owner)** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction a single-family dwelling on property located in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 21, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres m/l.

Zoning Administrator La Rue advised the board to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No. 10 in making a recommendation to the Cedar County Board of Supervisors. Letter from the West Liberty Fire Department and the Atalissa Fire Department advising emergency services can be provided to this location. The requested that the petitioner ensure that the access is adequate for their emergency vehicles. A letter was on file from Cedar County Engineer, Rob Fangmann, he indicates that there will be minimal impacts to the property. Comprehensive plan discourages scattered residential development and encourages clustering. LESA evaluation scored 2,380 points, 2,999 points or less is a strong finding for preservation. The reason for this score is due to being more than 3 miles from a hard surface road and average CSR for all soils in the area requesting rezoning is above 76.78/it is 79. Largest portion of the requested area to rezone is the Tama with a 95 CSR and the Downs Silt with an 85 CSR and down along the creek a Downs Silt with a CSR of 57. Brown clarified the CSR and La Rue explained this the just area requesting to be rezoned. If the rezoned area was moved further north the average CSR would be as high as 88. This will be the first split out of the 40 acres. Limitations for homes are moderate. He has no concerns about being able to build a home on this property and there is no flood plain. The soil maps for the area show limitations for septic systems are severe, but La Rue feels there will be no problem installing a septic there and they will likely even be able to have a conventional septic system as long as the soil is not disturbed due to construction. La Rue explained that Ms. DeVore already has two homes on her existing property north of the area requesting rezoning. If she wanted to remove the manufactured home that was on her property and place a parcel immediately south of her existing home or to the north that could happen under the current zoning ordinance without having to make a change in zoning. La Rue's concern with the proposed area to be rezoned is that 10 years from now someone else may live there and be upset that farming is happening around them and that the snow plow does not drive by at 6 AM. Chairperson Yutesler briefly explained the LESA scoring system to Ms. DeVore and how the score that ZA La Rue gave was calculated. DeVore explained that her son really wanted to build there. DeVore said she did not fully understand the numbers given. Yutesler asked if she wanted time to study and for this to be

revisited at another time. She said no, she is not sure what other steps she needs to do to get this done. La Rue requested she explain why her son wants to build there and not closer to grandma and grandpa's old house where she lives. DeVore explained because that is just where he wants to build. He explained if he goes north or south of his mother's property near the existing house, he will be building right in the middle of two water ways. It is very wet in both directions. He also does not want to be right outside his mother's back door. Yutesler asked if he would be having livestock at this new property. DeVore explained it would only be a home, no livestock and tenant would continue to farm all of the land around it. Crist questioned if there was ever a building site on this 40 and she said not that she was aware of. The land used to be her grandmothers and she only remembers there being a wire corn crib there. Crist asked if they owned other ground around this. DeVore stated they own 140 acres with 123+ acres being tillable. La Rue asked if Dotson Farm would be willing to build the house as part of the farm. They could make her son part of the farm and he would be allowed to build a home. The home could not be sold off of the farm though, but that can be difficult if divorce or death in the family. La Rue suggested again replacing the manufactured home where she lives with a home. Since north and south are wet, possibly go East? DeVore and her son shared they are not interested in that option. Crist further explained being able to build a home on the 40 where they are requesting rezoning without rezoning if he became a part of the farm. DeVore shared he will get part of the Dotson Farm but there are other children involved as she has two sisters. The sisters are both fine with him building here. Crist shared the concern that other children are involved that things can get messy in the event of a death in the family, or the need to replace a septic, or the home being split off and a new less desirable neighbor owns the adjoining property and it is no longer a desirable location. Crist said the goal is not to tell them what they can or cannot do with their land. He explained The Commission is just trying to work with them to present options and come to a middle ground and have them get what they are looking for while staying within the parameters of the Zoning Ordinance to avoid scattered residential housing. Yutesler explained with this CSR and LESA score it is not something we have often, maybe ever, where someone wants to take an undisturbed 40 acres of farmland and build a home on it. Crist explained that while is a tough thing to tell a landowner, this area has some of the best farm ground in Cedar County and farming is what we do here in Iowa, we hate to see something this good taken out of production. Both explained to DeVores that the scoring system and Land Use Plan did not support allowing the rezoning. Crist questioned future plans for the home she owned to give them a picture of what the future looked like. She explained it would go to her daughter. Brown explained to DeVores that he joined this Commission 25 years ago to protect farm ground, farm families and protect timbers. He stated once a precedence has been set, we kind of loose control of placing and protecting. If this is rezoned to residential they have opened a door. If someone else wants to build another home here, he explained a precedence has been set and a second, third, etc. home would have to be allowed. Crist added if we do it for them, they have to do for everyone. Crist further explained if they were able to do this as a farm then they are within the regulations/guidelines of ordinance and land use plan. He further explained that he is on the Board to protect property owners rights as well, but this being pieced off and not part of a farm puts them in a situation. He said if we deter from the plan we end up with home with ½ mile lanes, and another house 50 feet from the road, breaking up pieces of land. DeVore questioned how the Shield Petition was approved. La Rue explained that was different because there was

existing buildings and ground not in production in their situation. If it was all tillable acres, it would have likely have been a different story. Yutesler closed with explaining prior to the LESA scoring it was very random in what was allowed and not allowed. This scoring system was developed to assist them in making their decisions, develop a process and consistency. There have been exceptions for good reason, but there have not been many, if any, that were ever presented taking high CSR ground out of a 40 acre tillable parcel. Crist made a motion to deny the petition as presented. Lieser seconded the motion. Ayes: All. Motion to deny petition passed.

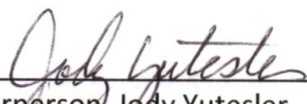
La Rue explained what happens next, Tuesday, daytime meeting, and that the hearing dates will likely be the 2nd and 3rd weeks of March, but that we would notify them by certified mail. Advised if they wished to discuss other site options, or building at DeVore's existing acreage location to let him know. That would not require Commission or Board approval.

Discussion of the draft of the Utility-Scale Solar Energy Systems (US-SES) then began. Yutesler asked if we were aware of State Legislation being proposed and how this compared. We were, but explained they are in their infancy and there is not a lot to the current proposed bills. Secretary Axline read the proposed bill to Commission members. She also explained what we used in our ordinance for distance from another US-SES, setbacks and distance from a residence with using last years and this years proposed legislative information from the State. La Rue explained he was tasked by the BOS with coming up with an ordinance. Requesting that US-SES and the existing CWECS Ordinance be combined. We do not feel this is an option due to difference in terminology and feeling we need to keep separate. He explained we utilized Muscatine County's Ordinance and then another half dozen ordinances across the state including Linn and Johnson County's. Some of them have a special zoning layer and would require rezoning. We would like to avoid that, did not feel it was right for Cedar County and would like to see it done by Special Use Permit. Explained EMA feedback was signage and training and Engineer feedback was enhancing road use requirements/planning. We felt they were all great suggestions and have implemented them into the next draft. The BOS has reviewed and have liked it with a few suggestions they hoped to see after Zoning Commission Review. La Rue would like to see our Ordinance be solid enough for other counties to use as their own. Axline shared experience of traveling to Wisconsin to see the Badger Hollow Solar Farm and that in talking with locals there was no ordinance for them when this solar farm began. We would like to protect Cedar County property owners and their land so that that does not happen here. General discussion occurred regarding size restrictions. La Rue explained the entire plan from start to decommissioning would have to be presented up front so there were no surprises along the way and to avoid piecemeal submission of plans. Crist questioned if a farmer had prime farm ground and choose to allow a US-SES to be built on it. Would 80 CSR ground be off the table due to this Ordinance? La Rue advised it would. Yutesler said if we cannot take out to build one house, we should not be allowing 800 acres to be taken out for a solar farm. Crist just wanted to ensure that if ground conditions change down the road or a high CSR farm becomes unusable the ordinance could be modified if needed. La Rue agreed, if needs/ situation change it can be modified. Crist explained that one perspective/possibly extreme is that many of us in the room grow corn for ethanol production. If, for example, a farmer decides one day that it is more cost effective for them to lease their land and have a solar farm. Maybe unlikely, but just a scenario to think about. He felt

ordinance was well written and good starting point. General discussion about changing panel height so livestock or other types of practical farming could occur under the panels. General discussion of stray voltage concerns and its validity occurred. As long as properly installed, stray voltage is a non-issue. Brown appreciated the Special Use Permit requirements being included. Brown suggested as part of the decommissioning plan to state whatever they put in, must be removed. La Rue discussed the bond required for decommissioning but research has proven little information in how to go about this. Yutesler questioned what happens if the companies go bankrupt. La Rue explained that is what we are trying to figure out how to deal with/need help with determining how to secure requirements for bonding as part of the decommissioning plans. Once we determine how to improve that area of the decommissioning plan, we can also work to modify the C-WEC Ordinance to improve that decommissioning plan. General discussion about battery storage units occurred. Crist felt that since NEC governs those and with so little information available it was not necessary to include. Discussion of floodplain considerations and whether to strongly discourage or prohibit would be appropriate. La Rue's recommendation was to use strongly discouraged as there are likely not many areas in the floodplain where a US-SES would work. If there were areas it would work, proper insurance by owners should be in place to cover any damage any panels cause if washed away. Also, in our research it was determined that most other county ordinances use "strongly discouraged" and at this time most US-SES owners don't want them in the floodplain. General discussion of annual special use permit renewal and compliance with emergency contact information occurred. Crist suggested some sort of cut sheet or the materials in the panels be included. La Rue explained we have to keep manageable and that we did not have a building code, so unsure of who would police this/be the expert on this? Crist indicated he would like to just put these things out there in order to generate discussion. La Rue is awaiting comments from the County Attorney before moving forward any further or sharing with other counties or public. Crist suggested the 800 acre restriction be changed to a Section so it would possibly not cross roads. Lieser wondered if we use an output formula/number of max kilowatts as a restriction. La Rue appreciated the feedback from everyone and did advise no matter what the restriction is, it is written into the ordinance that they can apply for a variance to make it larger. He does not want to be too burdensome to the Board of Adjustment. Yutesler asked to determine how 800 acre max was proposed. La Rue advised that may not be possible as there is not a lot of numbers based data out there for US-SESs in general other than other ordinances. La Rue asked that any feedback be provided in the next few weeks in he hopes that next month we could do a final reading.

Minutes from the prior meeting held on November 16, 2022 were previously read by the members. Brown made a motion to approve the minutes. Crist seconded. Ayes: All

Yutesler declared the meeting adjourned. 8:55 P.M.


Chairperson, Jody Yutesler


Secretary, Janelle Axline

CEDAR COUNTY AUDITOR & COMMISSIONER OF ELECTIONS
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CEDAR COUNTY, IOWA

February 21, 2023

LEGAL NOTICE

PUBLIC NOTICE is hereby given that the Cedar County Board of Supervisors will be conducting a Public Hearing on Tuesday, March 7, 2023, at 8:45 a.m., and Tuesday, March 14, 2023, at 8:45 a.m., in the Board Meeting Room of the Cedar County Courthouse, Tipton, Iowa.

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

- 1. Dotson Farm LLC, Debra DeVore, 2116 Ivory Avenue, Atalissa, Iowa (Owner) -** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential District for the purpose of allowing construction a single-family dwelling on property located in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 21, T-79N, R-3W, in Iowa Township. Said petition is to rezone 1.99 acres m/l.

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.

Stephanie Wiese
Cedar County Auditor

Emailed to Tipton Conservative and WB Times 02/21/2023

Emailed to Rob Fangmann and Stephanie Wiese on 02/21/2023

Mailed 02/21/2023 to:

Dotson Farm LLC (certified)
2116 Ivory Ave
Atalissa IA 52720

Peden Farms LLC
899 290th St
Atalissa IA 52720

Mark & Brenda Pelzer
1027 Atalissa Rd
Atalissa IA 52720

Pelzer Land LLC
849 320th St
Atalissa IA 52720

Donald & Kathleen Pelzer
2254 Indian Ave
West Liberty IA 52776

Janelle Axline

From: Janelle Axline
Sent: Monday, January 16, 2023 12:02 PM
To: 'cristelectricalservices'; 'lltwing@aol.com'; 'Bobbie Lieser'; 'Laurie B'; 'Yutesler's'; 'joelbrwn@netins.net'; 'bbcus@lcom.net'; 'chuckhoy@netins.net'; 'Sheila Budelier'
Subject: January Meeting

Good morning,

My apologies for not sending an letter this month, or an email sooner. There were no petitions for Board of Adjustment or the Zoning Commission this month, so there will not be a meeting held for either.

Thank you and have a great week!

Janelle Axline, Administrative Assistant
Cedar County Environmental Health & Zoning
400 Cedar Street
Tipton, Iowa 52772
Phone: (563) 886-2248
Fax: (563) 886-2103

NOTE: My email address has changed to jaxline@cedarcounty.iowa.gov Please update your records.

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