

## CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

July 17, 2024

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, July 17, 2024 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, Brandenburg, Brown, Crist, Timmerman. Lieser was absent.

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

- 1. Norman Bickford, 5732 350<sup>th</sup> St., NE, West Branch, IA, (Owner)-** Requesting a change in zoning from A-1 Agricultural District to R-2 Urban Residential to allow construction of a single family dwelling on property located on Lots 1-5, Block 11, in the unincorporated town of Downey, in the SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 30, T-79-N, R-4W, in Springdale Township, consisting of 1.06 acres more or less.

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, stating its on a gravel route on Front Street and minimally impacts to existing infrastructure with approved permit on file for one single family dwelling. Letter from the West Branch Fire Department said that they can and will provide emergency services at this location. Owner is responsible to make sure firetrucks have full access to driveway that is at least 20 feet wide with turn around. Soil shows that septic limitations are severe on the basis that this is a good Tama soil, it has been packed tight because this used to be the Pioneer seed sight so it has a lot of gravel with tight soil and a high seasonal water table. Limitations for building are slight but moderate to severe but there is no flood plain there. It has not been an agricultural farm crop for probably 100 years. E, S, and SW are all zoned R-2 Urban Residential. Only a single building to the West is zoned local commercial as it is the old bank with a business on the main floor and a residence above. North of Front Street is flood plain and heavy industrial Ag business. This property which once was the Pioneer Seed Dealership was deeded to the Cedar County Conservation Board, the Board of Supervisors rezoned it to A-1 Agricultural until such time as Cedar County would see fit to dispose of said property, current request is R-2 residential. The limitations on the soil restrict the property to a single dwelling only. We have a soil evaluation, and it is yet to be determined, due to the severity of the limitations, what type of sewer could be built. There is an existing well on the property that was built in the 1960's. Norman Bickford stated that he has a buyer that wants to build one house on the property beginning in August. Chairperson Yutesler mentioned that this is a fairly odd area to want to build a new house for the area. Patricia Bickford and Norman Bickford stated that there was a newer home on Broadway that is about 10 years old and that Norman Bickford added a subdivision to the area to clean up that side of town. ZA La Rue mentioned that the concern is the adjoining industrial property on the railroad. Norman Bickford said that the potential buyers are aware of the area and the train that goes by the property 1-2 times a day.

Chairperson Yutesler asked what the drainage was between the property and the railroad tracks to the North. ZA La Rue stated that area is a flood plain and he will not allow building on the North side of the railroad tracks. Norman Bickford stated there is a ditch on the North side of Front Street and a small ditch in front of this property. He also stated that as long as he has been in Downey, he has never seen water go over the railroad tracks. Chairperson Yutesler stated that Center Street looks like it is a channel for water to drain. ZA La Rue stated that he believed that Center Street is closed. Neighbors Beth Gray, Rene Gray, and Emily Hradecky interjected that they just drove down it so it is not closed. Norman Bickford stated it is a minimum maintenance road. Chairperson Yutesler inquired why they were at the meeting. Beth Gray stated that they are here because they don't agree with building on that property and that they had received signatures from other Downey residents. ZA La Rue questioned why they were objected to building on the property. Beth Gray stated that in general they don't agree with building on it because it was a community space and they were told there were several different things that were going to happen to the land. She was not told what was going to happen to the land and she thought it would be more beneficial as a community garden or public space but now it is private land. Discussion continued with Beth Gray, Rene Gray, and Emily Hradecky about the use of their use of the property and the intended new use of the property. Discussion went on about how the County posted the sale of the property and that Norman Bickford submitted a bid for the property when it went to auction. Chairperson Yutesler asked about the neighborhood and if there are basements in surrounding properties as this might be an issue for this property with the compacted ground. ZA La Rue stated that some of the surrounding properties have shallow basements and slabs. Norman Bickford stated that the buyers were wanting to put in a slab house and not put in a basement. ZA La Rue had talked to the buyers and suggested that they buyers have a strong storm shelter since they are intending on putting a slab house in place. Chairperson Yutesler asked about the status of septic options for the property. ZA La Rue stated that right now it is unsuitable for a conventional system and that it was going to have an alternate system. Chairperson Yutesler asked if there would be room for an alternate to the alternate system. ZA La Rue said that there is an acre so they have space if there is need for an alternate to the first septic system and if it is approved it is restricted to one lot. Crist asked if the Old Bank was on this property. Chairperson Yutesler, Norman Bickford, and ZA La Rue stated that the Old Bank is to the west of the property. In closing, Norman Bickford stated that letters got sent out to neighbors within 500 ft of the property about the hearing tonight. ZA La Rue said that there would be another meeting with the Board of Supervisors. Chairperson Yutesler asked what notification Beth Gray, Rene Gray, and Emily Hradecky were wanting. ZA La Rue stated that state law requires 7 day notice in the paper but written and mailed notification to the neighbors is not required but he has been providing that service for the past 30 years. Brown said that denying this would be a taking of Norman Bickford's right. ZA La Rue stated that ultimately this is a recommendation to the Board of Supervisors and any challenges would be on them. Chairperson Yutesler asked about the zoning of the surrounding properties. ZA La Rue stated that the only property that is not R-2 is Judith Spencer's property which is C-1 because it was a bank in 1959 when zoning was established in Cedar County. When Cedar County got it, it was rezoned as Ag because prior to that it was zoned as Industrial. Crist questioned Norman Bickford on what buildings were on the property when Pioneer owned it. Norman Bickford stated that there was a

dryer building on the property. Chairperson Yuteslter asked if there had been a survey completed on the property. Norman Bickford stated that it had been surveyed. Timmerman motioned to recommend the property to be rezoned to R-2 Urban Residential with the guidelines of an alternative septic system and restrictions of only one lot. Brown seconded the motion. No further discussion. Ayes: All.

2. **Charlotte, Cowser, 243 250<sup>th</sup> St., West Branch, IA (Owner)**- Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on a property proposed to be divided which is currently described as Parcel "E" located in the SE ¼, SW ¼. Section 16, T-80N, R-4W in Gower Township. Said proposed tract will consist of 1.71 acres more or less.

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. Parcel "E" was created by Barbara and Charles Krall back in 2000 when they were in the process of liquidating unsuitable agricultural ground in their farming operation, and this was a piece they couldn't do anything with. This is why part of Parcel "E" was zoned R-1 for a single-family dwelling. A letter was on file from Cedar County Engineer, Rob Fangmann, stating this is approved for a shared single family dwelling access only. Letter from the West Branch Fire Department said that they can and will provide emergency services at this location. Owner is responsible to make sure firetrucks have full access to driveway that is at least 20 feet wide provide a turn around with no trees or overhang. Discussion began with Brock Heller with MMS Consultants on behalf of the family. Brock Heller stated that he looked at the property with lidar and there are some steep slopes going back to the house. The builder and the future homeowners would like to build a walkout and they are looking at possibly doing a side entry garage that would naturally create a "T" form in the drive to create a turnaround. While the slope going down to the fence line are relatively steep there are not huge concerns that flattening out once we get to the house. Brown asked what the intention of the remainder of the property would be. Charlotte Cowser and future homeowner Shelli Cowser-Hollenback stated that they had no intention of building on the other portion of the property. ZA La Rue and Brock Heller confirmed the area of rezoning and that there is still area to the East that is zoned as Agricultural. ZA La Rue mentioned that the land was only partially zoned as Residential because if somebody wants to come back, we want the Board of Supervisors and the Zoning Commission to look at it and see if it is in the best use of safety health and welfare. That is not possible because of sight distance requirements. Crist asked for clarification on the shared driveway. ZA La Rue stated that the driveway must be shared because of the sight limitations of the location. Crist asked if we were trying to go away from shared driveways. Brock Heller said that right over the ditch there is an existing fence line and once the driveway reaches the fence line, it would veer in separate directions. ZA La Rue looked to see where the existing well is so the driveway wouldn't go over the existing well. Crist and ZA La Rue asked Shelli Cowser-Hollenback and Charlotte Cowser if they intended to share a well between the two properties and having a water use agreement. Shelli Cowser- Hollenback stated they were thinking about having separate wells because they are separate homes. Crist

brought up with that you need distance in between wells, septic tanks, and another property. ZA La Rue talked about some issues that he has seen in the past of having a well too close to a septic tank when a septic tank has failed and a new one needed to be installed. Brock Heller stated that the owner would be open either possibility. ZA La Rue stated that we might change the ordinance to that if you have more than one lot, you are going to share the well to protect it. Crist and ZA La Rue discussed what might be part of this ordinance change. Brock Heller said that with the preliminary findings they were thinking of putting in a sand filter system but soil samples have not been taken yet. Chairperson Yutesler spoke to how much the leach field, septic tank, and well have to be from neighbors and the house they service. Chairperson Yutesler talked about the access to the property and how wide it is currently. Brock Heller interjected and stated that they intend on keeping the existing culvert that is in place and adding to it so we can get the additional width needed. Brown asked for clarification on where the current R-1 zoning is in comparison to the land that is owned by Charlotte Cowser. La Rue clarified where the proposed area is and that this area is the only area that the original owner to get an access to the property and this was the only access that the county engineer would approve. Crist stated that there are a lot of these little pop up homes in the area surrounding this property. La Rue clarified that a lot of those homes are existing farm houses that have been sold off of the farms. These areas were all zoned Agricultural and the new homes that were there were replacements of old homes on properties. Brown asked if the future homeowners was aware of country living conditions. Shelli Cowser- Hollenback stated that she had lived on a farm on her whole life so she is aware of the living conditions. La Rue stated that limitations are severe for a conventional septic system and an alternate system will have to be used. Limitations are severe in the area they wish to build because of the amount of earth moving. ZA La Rue stated that the land has never been in agricultural production because of the land slope and the trees. The land use site assessment scored 3,006 points of which 500 was awarded for familiar relationship. Chairperson Yutesler brought up that since Cheryl and Shelli are related now, we bring up these issues because of issues we have seen in the past when one house has to be sold. Norm Bickford raised questions about the fire department request for area. Discussion continued on why the fire department and emergency services add this information to their letter. Charlotte Cowser spoke and said that her husband and her have been raised and lived on farms their entire lives. They have had the fire department out to one of their homes and they are very familiar with everything we are discussing. She continued by saying they moved to Iowa a year and a half ago and the people of Iowa have been tremendous and welcome them with open arms. They would like to have their daughter live close to them for the future. Chairperson Yutesler mentions that we do these process so you (home/land owner) is aware of possible issues we see. Brock Heller brought up that the public road is gravel and not flat so if the homeowner had a 2% slope there is still no guarantee that they would get out of the property in winter. Brandenburg motioned to approve the rezoning with the stipulation that they highly consider sharing a well. Timmerman seconded the motion. No further discussion. Ayes: All.

Minutes from the prior meeting held on June 19, 2024, were previously read by the members. Brown posed a question about what happened at the Board of Supervisors meeting regarding Dan Kohl. ZA La Rue stated that the Board of Supervisors was approved for one lot only subject

to a conditional zoning agreement that restricts the use that was previously discussed about the truck business. Crist motioned to approve the minutes. Brown seconded. Ayes: All

Meeting declared adjourned at 7:39 P.M.

---

Chairperson  
Jody Yuestler

---

Secretary  
Caitlin Boyle