

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

August 21, 2024

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, August 21, 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, Lieser. Timmerman was absent.

Chairperson Yutesler called the meeting to order at 6:37 p.m. The members reviewed the following petitions:

- 1. Phillip Hargrave, 301 Cedar Street, Tipton, IA, (Owner)-** Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single-family dwelling on property located at 1242 Jackson Avenue, Tipton, in the SE ¼, NE ¼, Section 4, T-80N, R-3W, in Center West Township. Said petition is to rezone 3.00 acres of a proposed 13.00 acre lot.

Zoning Administrator LaRue 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 Jackson Avenue and should have minimal impacts on the existing infrastructure. His letter also states that there is an approved entrance permit on file with his office to facilitate the single family dwelling. Letter from the Tipton Fire Department said that they can and will provide emergency services at this location. Soil shows that there are severe limitations for building and septic. Septic soils are moderate to severe based on the 412E (Emeline) soils and the 911B (Colo-Ely Complex) soils. The Colo-Ely is a minor component on the north end of the proposed area and that is great farm ground however it floods and has a high seasonal water table. ZA LaRue stated he did not know how much rock would be encountered on the Emeline soil area. ZA LaRue stated this is not prime Ag land because the average CSR was 45. The Emeline had a CSR of 5 and the Colo-Ely had a CSR (Corn Suitability Rating) of 85. He continued by saying that the limitations for building are due to the septic restrictions and erosion. The Land Evaluation Site Assessment score for the property scored 1517.14 points which means there is a strong finding for preservation. ZA LaRue said his main concern with this property was the loss of rural character. There are no properties within a half mile of the property that are zoned residential although there are houses in the area, they are all zoned agricultural. Phillip Hargrave stated that there are 13 acres that Daniel Lilienthal is looking to purchase with three of those acres being where they want to build a house, and maybe an out building with a couple cows and horses. He also stated that Crist had farmed that land for 11 years. Crist stated that they did not use that property often. Phillip Hargrave elaborated that is part of the reason he is selling because he is not using it because Rock Creek runs through the property. He continued by saying that in order to get access to that property, he had to go South of the property to put his cows on it to graze. Chairperson Yutesler opened the floor for questions. ZA LaRue spoke to Daniel Lilienthal that we would be dealing with an alternate septic system like a sand filter because of the possibility

of rock. Crist and Phillip Hargrave talked about previous soil work they did on the property to try and understand where the limestone and rock are on the property. Chairperson Yutesler asked Daniel Lilienthal if he was planning on building a house or a home with a basement. Daniel Lilienthal said that the house would have a basement and they wanted to build a shed and live in that while they built the house. ZA LaRue stated that zoning ordinance states you have to build the house before you can build the shed. Crist asked if they were planning on living in the shed because they would need to get septic for the house as well. Chairperson Yutesler brought the conversation back to the Land Evaluation Site Assessment score (LESA) and asked if Phillip Hargrave and Daniel Lilienthal had any idea what the LESA score was and how it was calculated. ZA LaRue said he had given the information to Phillip Hargrave. The property did not do well on the scoring because of the soils and spot zoning. Chairperson Yutesler also stated that it was due to not having residential properties in the area. Crist asked about a property he was aware of and how far away it was from the property because he thought it was a residential property. ZA LaRue said that the property in question was over a half mile away. Crist asked for clarification on how that affects the scoring. ZA LaRue stated he looks within a 1,000 ft, a half mile, and a mile area of who is assessed as a farm. There were four properties within 1,000 to 2,640 ft accounting for 14.07 acres with a grading average of 1.5 points for a total of 14.07 points. Between 2,640 to 5,280 ft there were five properties accounting for 21.33 acres. ZA LaRue also stated that because there was no familiar relationship between Phillip Hargrave and Daniel Lilienthal the LESA is lower. Chairperson Yutesler stated that this land is not good for anything else from what she is seeing from the paperwork. ZA LaRue said that it is the rural character of the land that is in question. Chairperson Yutesler asked if we needed to make an adjustment to the LESA scoring system since this is not prime agricultural land but it scored so low. She continued by stating there are usually reasons why there is such a low score such as being prime agricultural land, having a high CSR score. ZA LaRue said that he did not believe we should change the scoring because there are some areas of land that are environmentally sensitive and the other extreme that there are challenges for building in an area like erosion. Crist asked if this area was sensitive land. ZA LaRue stated that it is sensitive land and that we do not have many residential areas but adding one home should not make a big impact on the area. Chairperson Yutesler spoke to Daniel Lilienthal and said to please be aware of the extra cost this area might accrue with the septic system not being standard and most likely a sand filter which might add another 50% of the proposed cost. Crist stated that there is also horrible cell phone reception in that area. Crist asked about the first property that was approved for rezoning for Daniel Lilienthal and why he did not choose that property. Daniel Lilienthal stated that it was due to possible difficulties building there and that there was more ground being offered in this area. ZA LaRue stated that the previous rezoning petition had a lot of good things going for it because it was close to a lot more residential areas but two drawbacks were the driveway access and the proximity to the City of Tipton lagoon. Chairperson Yutesler brought up the LESA score and that 3,000 is the score that we should have to rezone a property to put a residence on. ZA LaRue said that this is a strong finding and this is just one of the guidelines we use. ZA LaRue also confirmed that the property previously brought to the zoning commission is not fully rezoned because there has not been a survey done on the property. Chairperson Yutesler asked for a motion. Crist motioned to approve the rezoning of 3 acres of a proposed 13 acre tract for

rezoning to R-1 with the stipulation for only one house. Brandenburg seconded the motion. No further discussion. Ayes: Brandenburg, Crist, Lieser Nay: Brown. Motion was approved.

Minutes from the prior meeting held on July 17, 2021, were previously read by the members. Brandenburg motioned to approve the minutes. Leiser seconded. Ayes: All

Meeting was adjourned at 7:14 p.m.

Chairperson
Jody Yutesler

Secretary
Caitlin Boyle