

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

November 20, 2024

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, November 20, 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. Judy Hotz, 31468 Colorado River Rd., McCoy, CO, (Owner) and Christian LaCarte, 6 Hillside Ct., Eldridge, IA (Buyer)** - 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 in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 33, T-80N, R-3W, in Iowa Township. Said petition is to rezone 1.02 acres of an existing 10.00 acre lot.

Zoning Administrator LaRue advised that we had one verbal objection on file. 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. A letter on file from the West Branch Fire Department saying they will and can provide service the owner is responsible for assuring full access lane with at least a 20-foot width with a turn around with no overhanging trees. The rezoned area is 11 miles from the nearest emergency service station. There is also a letter on file from Cedar County Engineer Rob Fangmann stating it is on a gravel route and there is a new approved entrance permit on file which is 150FT west of the existing gated access on the east side of the property and he anticipates minimal impact based on one home. The existing infrastructure should be able to support that. ZA LaRue stated there is no CAFO's within a mile. ZA LaRue continued with his soil report stating there is a Fayette till M163C, M163D, and M163E. M163C is a minor component in the northwest area being rezoned. Limitations with and without basements is moderate to severe depending on weather we are in the D or E series. The D series has a 9-14 percent slope where the E series has as 14-18 percent slope. ZA LaRue reminded the zoning commission that they have a policy of not rezoning ground with a slope over 12 percent. ZA LaRue continued by stating there are erosion control as well as bedrock issues. Septic has severe limitations. ZA LaRue stated that we would hear from the petitioner what they are proposing but if we were going to build a septic with the limitations that are out there, we would be looking at some sort of lined sand filter or some other alternative system. As for the well, ZA LaRue is unsure of the option as he has not had a well contractor on the site to see if they could get their rig at the site so that they can drill. The septic limitations are steep slope, erosion, and bedrock. The dwelling concerns are access and erosion. As for agricultural soils, this is not prime ag land. ZA LaRue stated that the Land Evaluation Site Assessment (LESA) report will give great points for a low Corn Suitability Rating (CSR) but this is an environmentally sensitive site. The CSR is a 55 average with the components of the Fayette M163D and M163E the CSR drops to 44.5. This is a timber erodible site. It is not farmable under the NRCS plan, this is a site that is suitable for recreation under the development of use. ZA LaRue again stated that erosion is a problem. ZA LaRue talked about the LESA score and that this would be considered spot zoning under the Cedar County Land Use Plan 2018-2038 and for conformity with the plan LESA scored it zero points. Residential Development access is

difficult. Final LESA score was 1,685 points with a strong finding for preservation for any score below 2,999. Chairperson Yutesler asked the petitioner if he would like to address the commission. Christian LaCarte started by stating he is out of Scott County and when he came across the property, his wife and him fell in love with the property. LaCarte stated that he understood is scored low on the point system and that he wanted to provide assurance that the way he would like to build is not traditional. LaCarte stated his background in environmental science and his current business offering storm water management and soil restoration he has the tool set to any erosion that should occur. For the driveway, LaCarte would like to build it with #2 limestone as a base layer to help act as drainage rock to slowing down any sediment and rerouting it to the proper place like a culvert or side drainage tile can be placed. Any micro water shed that the driveway would need to pass over, would have a culvert to direct water to its natural path. If there are any low spots from heavy rain flows, LaCarte would build that up to proper height with #2 limestone to ensure the proper water flow. As he would monitor the process with storm water runoff, LaCarte would like to incorporate native plant species into larger gardens specifically placed for storm water runoff helping to slow down erosion and help the environment at the same time. 24 inches of garden soil mixed with compost and sand followed by mulch and a ponding area where native species do what they love to do. Another option would be a bioswale and bioretention cell. Bioswales help to remove silt and pollution from the runoff water. These are great considering the placement of the land, with runoff water coming from nearby farms. They help divert running water in a specific targeted direction; filtering and cleaning the water before it hits our streams and rivers. It also slows the runoff. Bioswales are often filled with deep-rooted vegetation, native grasses and native forbs which have the functionality of slowing and cleaning the water runoff. All of these are options In conjunction with the erosion plan, LaCarte planned on usings alternative utility methods. No hard utilities would be needed helping erosion immediately. While LaCarte was a naturalist for the Scott County Conservation Board under Dave Murcia, he had the task of teaching the public of sustainable living methods on a residential level. One of those being composting. With this future site, he plans to have a composting toilet system Over the years they have changed on an exponential level. Becoming clean, and functional in new and existing homes. LaCarte continued by stating he plans to use heated rain cisterns for drinking water. While working with the Department of Defense at SACs and CDCs, he had the opportunity to learn about rainwater harvesting. LaCarte stated that one of the biggest questions they got was what happens when there is no rain. LaCarte stated there is an equation to calculate the cistern size needed for dry spells. If you run out of water, its like running out of propane, you get someone to haul some in for you. If a well is an option, it is a secondary option. If you do run out of water, you go out and adjust your system size. Any graywater will be diverted into the erosion techniques stated earlier or into a gray water catchment system. LaCarte continued by saying that with his background as a naturalist with Scott County Conservation and his business called Sustainable Stewards, a landscaping and lawn company. LaCarte continued stating that Sustainable Stewards is an environmental advocate who strives to make residential and commercial properties more sustainable in terms of storm water management, food production, healthy soils, and healthy plant species. Sustainable Stewards operates in Scott and Johnson County and West Branch. Sustainable Stewards does soil quality restorations, environmental education in partnership with multiple conservation boards and STEM which partners with Bettendorf school district, Wapsi River Environmental Education Center, EVU and partners of the Scott County watershed. Continuing LaCarte stated that Sustainable Stewards focusses on food production with garden

bed building and soil health. Storm water runoff management practices native species gardens, retaining walls, and French drain tiles. LaCarte ended by stating that the information he has provided shows that he does know what he is doing in regard to erosion and hopefully it is something the commission can take into consideration. Chairperson Yutesler asked the commission if they had any questions for the petitioner. Chairperson Yutesler opened the floor to the public for their reason for attending the meeting. Kay Hansen stated that she owns the ten acres that border the property directly to the west of the property. Hansen stated her concern was the use of alternative utilities and asked the petitioner if he would be considered off grid. LaCarte answered by stating it depends on how they build, and it depends on the connection to the power grid. LaCarte stated that there are alternatives to connecting to the power grid like solar. Tracy Hansen said he could not do solar unless he took out all of the trees on the property. LaCarte responded by saying he would not have to take out all of the trees and there is a difference between all of the trees and some of the trees. LaCarte reiterated that he believes this is a beautiful property and he wants to have a minimal impact with this property and if he had to clear out some trees to have solar panels up, whether that be on the roof of the house, that is something I have to do. Tracy Hansen stated that he had looked into doing solar on their property and were not able to do it because it is not only the trees but what comes off of the trees that busts the solar panels. Tracy Hansen also stated that his other concern is the draw that runs along the south side of his house, when we get good rains, he has seen that run five to six foot wide with six inches of water run all the way down on the south. T. Hansen continued that where the driveway would be there is a draw in the ditch, there is a draw on the south side of Hansens' home and a draw on the north side of Hansens. Don Maxson interjected that the 10 acres being sold belongs to his sister and she was given the property from their father. Don stated that she has only set foot on the property twice. Chairperson Yutesler asked for clarification that she was not present at the meeting. Maxson stated that she is not here, and she is an absentee landowner for 42 years. Maxson stated he has worked on maintaining the property for people to visit with the intention of the seller's family possibly wanting to purchase it. Maxson said when the property came up for sale, he stopped maintaining it and that he doesn't have a problem with Mr. LaCarte except that he has a hard time grasping that Mr. LaCarte has anywhere near the knowledge Mr. Maxson has on erosion because he has been doing this for 60 years. Maxson stated he doesn't object to the change he is wanting to make but it is an undoable project because of the spring. Maxson asked if the DNR had to be involved for a project like this. ZA LaRue stated that if it was a commercial project of over one acre than they would need to be involved with a storm water retention plan. Maxson said that the spring was still going to be there and stated that the petitioner would be taking the driveway over the drainage and a spring. Maxson continued stating that if it is a six-inch rain it looks like a river going through that drainage. ZA LaRue asked the neighbors who were in attendance how many acres drain into that area. Maxson said that 188 acres drains down that area and he owns 80 percent of that system. Maxson said that his concern is what lays beyond. He has a pond beyond the driveway, and he spent \$300,000 putting in the pond and now he is going to cleanse the water, which he is constantly doing now, but when the petitioner goes and puts in a road there is no way that he can not silt me out. ZA LaRue asked how many times the culverts has washed out as ZA LaRue was aware of half a dozen. ZA LaRue had created a larger aerial photo of the area upstream and downstream to give a greater perspective of the drainage for the benefit of the petitioner, neighbors, and the zoning commission. Maxson continued by saying he has installed terraces, installed silt pond all around the pond to keep the silt out of the pond. Maxson stated that the pond is crystal, and it is 2.92

acres and said he would go crazy if the petitioner screwed him over. ZA LaRue stated that he doesn't just look at the petitioner, but he also looks at who may live there 20 years from now and that is usually where the fun begins with the second owner. Maxson said that is family is interested in the land but not at the Colorado price that it was listed for. He continued by stating that this needs to go back to the being what it is as Ag land and then the price is correct. You can look up the price a hundred times its \$3,700 to \$4,100 and that's what that land is truly worth. Maxson said that there is no arguing it. Maxson stated that Keith Coburn owns 170 acres behind this area that has been appraised within the last year at that same number. ZA LaRue said that these are government wood lots. Maxson stated that if the petitioner gets caught in developing his road when there are five, six, or nine inches overnight (rain), it is over for him. He would lose everything all the way down; it will kill the pond and everything in it. Maxson said that he can not just sit here and not say something. Chairperson Yutesler stated that it was a little difficult to see that part of the property and she was unsure on how far back we should go with the private land in this situation where the other driveway was as far as visiting the pond and seeing the issue that Mr. Maxson was talking about, and it was not an issue we could see from the road. Maxson agreed and said the entire drainage has rock berms so when it does flood, it is allowed to go out, but it gets slowed down and this eliminates the damage of those kind of high-water things. Maxson continued by saying it helps mitigate the speed and that is what really causes harm. Chairperson Yutesler stated that Maxson has experience in that possibility of seeing the actual situation in which that has happened over there. Maxson strongly agreed. Chairperson Yutesler addressed the public and asked if there was anything anyone else would like to address. Kay Hansen said she wanted to continue talking about the choices for the alternative utilities. Kay Hansen stated that she has concerns since it is so close and they (Kay and Tracy) had only taken a small portion out of the ten acres to put their home on it and the rest of the ten acres is solid timber, should the petitioner have a fire, which would be devastating and tragic for everybody, her concerns are that with their limited water if they are using the cistern and not having a well and not having electricity to pump a well, how well could they contain a fire that might spread to their property ZA LaRue stated he did not know what the code said in regards to her question other than West Branch Fire Department services over 450 + calls and depends on Iowa City for a lot of emergency response because West Branch is overwhelmed and other fire departments might have to respond. Joel Brown asked for clarification on where the nearest fire station was located. ZA LaRue stated that it was 11 miles. Laurie Brandenburg asked what community fire station that was. ZA LaRue stated it was West Branch Fire Department. Chairperson Yutesler said that is outside of insurable distance for residential insurance. Za LaRue said that in the LESA report, it states the property is 14,000 feet to the closest hard surface road. Chairperson Yutesler stated that she thinks insurance rates are over ten in rural areas, and it is a high risk when you are outside the ten (miles) area. Chairperson Yutesler asked the petitioner if he had thought about this situation and if ponds or something on your own to mitigate that problem. LaCarte said that it is on his mind, but he did not approach this by thinking of all the what if situations and he is going to find them out as he goes but if he needs to have a well on the property, he will figure it out. Chairperson Yutesler said that she used to have a pool on her property and the fire department said they could use that outside of normal water access they might have had. Tracy Hansen stated that at the elevation of this land would be almost impossible to put in a pool. ZA LaRue said water resupply for fire departments has always been a concern and right now it is a concern on a lot of peoples minds because of what is happening on the East Coast in the New York area. Don Maxson asked if we had any records on

comparisons on how many people live on gravel roads in Cedar County in a mile. Chairperson Yutesler stated that the Zoning Commission has an evaluation system that was set up with the University of Iowa in 2018 to plan exactly what Mr. Maxson was talking about. Chairperson Yutesler continued by stating that the Zoning Commission felt that bringing a petition before the Commission and just saying it looks like a good spot or not a good spot is not a fair evaluation of what we would have for properties to make this kind of decision. The University did put values on situations including, how close it was to a hard surface road, how many clusters of houses in the neighborhood, soil types. ZA LaRue started to read through the criteria for the LESA scoring. ZA LaRue started talking about housing density in the LESA scoring and stated there are two dwellings within a quarter mile radius of the proposed rezoned property. Maxson asked that if a quarter of a mile is the standard. ZA LaRue stated that a quarter of a mile is the standard and we are looking to see if we are clustering similar uses or are they far spread out. ZA LaRue stated that where he lives, his nearest neighbor is a half mile away. Maxson said that he believed ZA LaRue's situation is probably more common and that there are six houses in that area that are occupied and 275th St. is a dead-end road. Tracy Hansen clarified with Maxson that there are seven current homes on 275th St. ZA LaRue said there are two dwellings of all types within a quarter of a mile which is what we were using. ZA LaRue also stated that surrounding non-farm residences there is only one and that is the Hansen's property, and their home is the only home within a quarter of a mile that is of a similar type of residential zoning and assessment. ZA LaRue asked if the Hansens property was assessed as a farm or are you assessed as residential. Kay Hansen clarified that they are assessed residential. ZA LaRue continued through the remainder of the LESA report and describing the total possible scoring and what the petitioned property scored. Kay Hansen asked to repeat what the petitioner scored on LESA. ZA LaRue stated it scored 1,685 and anything less than 2,999 has a strong finding for preservation but that does not mean that the zoning commission has to follow it as the zoning commission can make a recommendation to the Board of Supervisors. The Board of Supervisors will make the final decision on this at their hearing. ZA LaRue continued by stating that when the Zoning Commission has had a good finding, like a rezoning site on 290th St. and Charles Ave, it scored over 4,500 points because it was following the Comprehensive Land Use Plan and that's what we try to do. ZA LaRue said that we try not to be a burden because the cost for improvements for emergency services and stuff is killing us but if you live in the country, I'll be damned, you have the right to expect adequate emergency services. ZA LaRue said he would go through hell for any of you like he did in 2008 to make sure you are taken care and for you to know you are important to us but he can't be there for everybody, so I want to make sure people have their eyes open when they move in there. ZA LaRue recounted when he moved into his property, the county engineer at the time said like heck if I'm going to come get you if you get stuck, you are on your own. Chairperson Yutesler asked the public if they had any further questions on the LESA scoring. ZA LaRue stated there is an easement that runs along the east edge of this property between Mr. Maxson and Ms. Hotz ground and that easement has been a long running easement, but the details are unknown to him as he has not seen a copy of it. ZA LaRue said we had to have a new access because we require an access easement to be a minimum of 40 feet to allow a 20-foot top, as stated by the West Branch Fire Chief, he wants a 20 foot top which means you have to have ten feet on each side which is a total easement of 40 foot so you can move snow. ZA LaRue stated that he does not know how they would get a fire truck turned around in there without getting it stuck in the bottom. Chairperson Yutesler questioned where the current driveway is at on the aerial photo and asked where the current driveway is compared to the

where the proposed new driveway is located. Don Maxson confirmed where the driveway he built is located and stated that has been there since 1972. Chairperson Yutesler asked for clarification on the easement and determining if the landowners next to Don Maxson could use the whole driveway in the easement. Don Maxson clarified that the way the original easement and grandfathered in, it simply went to the bottom of the hill, across the creek, and turned toward Tracy Hansens house. Josh Crist asked Don Maxson if there was anyway for him to grant access to the petitioner and to clarify the access. Josh Crist, Don Maxson, and Christian LaCarte continued discussing the access and what is currently there. Don Maxson said he would have to put in \$45,000 as an investment into her (Judy Hotz) property to make the access big enough for what is needed with the rezoning. Crist asked LaCarte if the current permitted access is the best spot for the access. LaCarte said yes but he is open to suggestions and going across the spring, you would have to figure something out so you're not damaging that area and that's the last thing he wants to do. Crist then asked ZA LaRue that we have the scoring for the 1.2 acres that we are looking at rezoning and ZA LaRue had stated that the slope of the land was over twelve percent, so we can only put in an alternative septic system which might require electricity. ZA LaRue stated that it could be a gravity sand filter. Crist reiterated that it is possible. ZA LaRue said yes, it is possible. Crist stated his second question that whenever we zone this, we would have one acre zoned for this, if that septic system would fail it does not sound like there would be enough room for a second septic system. ZA LaRue clarified that LaCarte would own the rest of the ground (10 acres.) Crist asked if the area for the possible second system would have to be rezoned to fit the system. ZA LaRue clarified that it would not have to be rezoned, and we would find a place to put it. ZA LaRue stated that we would need a soil engineer to do a soil evaluation and recommendation for the best option for sewer at this site. ZA LaRue stated that when he looks at the petition, he is also thinking about the future owners. ZA LaRue stated that he is also looking that the access lane is adequate in case we had to put a well in and where are we going to site a well to get a well rig in because the well rig weighs 60,000 pounds. Crist asked if this was part of the Zoning Commissions review or not. ZA LaRue stated that it is because with planning you are considering safety health and welfare. Crist stated that the procedure for approving this, his question is if we are looking at putting a well and septic in with the 100 foot of separation it is probably doable, but you have to understand the amount of cost that would go into this. Chairperson Yutesler said that she had a question she did not find the answer to, is the self-composting toilet an option. ZA LaRue stated it was an option. Chairperson Yutesler asked how we can put something like that here if we require a regular sanitation system with other sites. ZA LaRue stated that only two other properties, in his 35 years, have asked for this and both of those properties were sitting on a rock, and they did not have a choice. Crist asked if those two properties were doing the same system the petitioner was proposing on installing. ZA LaRue stated that they were not but the systems that have been installed have drove the homeowners crazy. Kay Hansen asked if both of those systems were still operating. ZA LaRue stated that one owner does not have anyone living there as it has been a maintenance nightmare for him and the properties were existing cabins that had been in Rochester for years. Chairperson Yutesler stated that her point was these were not permanent residential properties and more recreational properties. ZA LaRue stated one of the owners sold their place after the flood of 2008 as his bungalow was not livable after the flooding. Chairperson Yutesler stated that the petitioner is more knowledgeable about these systems and what he wants to install. LaCarte stated that he would recommend the Zoning Commission look these systems up. LaCarte continued by saying the systems are not messy. Chairperson Yutesler said disposal is the concern though. LaCarte

said that you can buy a system that is in your storage room, and it is an all-in-one system and you empty it every six months. Chairperson Yutesler asked for clarification where he would empty it when it needed emptied. LaCarte stated that Iowa is in the process of changing the regulations but there is no regulation on how to dispose of that material. ZA LaRue said the legislation would be under Iowa Administrative Code 567 Chapter 68. ZA LaRue stated that you would have to have a certified sewer contractor come and pump it out. LaCarte said you can separate the liquids from the solids and what you have sitting in your basement is compost and not sewage. LaCarte continued by saying you would have to figure something out for the urine and there is so much that goes into it. Chairperson Yutesler talked about how it depends on what you add to it to help break it down similar to a coco filter. LaCarte said that the systems are so good now. Ten years ago, he said when he used them, they were nasty and now they are just like a normal system. Chairperson Yutesler said that she knows there is alternative systems out there and ZA LaRue has had to deal with some in the past. ZA LaRue said he has had to deal with some of these systems in the campgrounds and they are doable based on the amount of usage but some of these have become a burden for people to the point that he had to deal with public health complaints because the neighbors were shoveling it over the fence onto their neighbor because they just didn't want to deal with it anymore. ZA LaRue stated that what he worries about is not that the petitioner is able to do it, but what are we going to be dealing with 20 years from now if the petitioner decides he does not want to live there anymore and it comes up for sale and we are going to have to figure out how to put in a sewer system because most folks are not going to have the dedication the petitioner has. ZA LaRue stated he has worked on these on hunting cabins but has dealt more with vaulted privy's where it is basically a Lou on top of it that is filled with water and have a churner come in and liquefy it and have them suck it out on an as needed basis because he can not have an open pit anymore. Kay Hansen asked if these properties was seasonal or not. ZA LaRue stated that it depends on their use. ZA LaRue continued by saying there is a recreational cabin that the Zoning Commission and the Board of Supervisors approved but they also put a conditional zoning agreement on that that says it can not be lived in year-round. Crist asked if ZA LaRue would be able to pass the septic system the petitioner is intending on installing. ZA LaRue said he would need more information to make an approval as part of the building permit process. ZA LaRue said what he is really concerned about is the crazy amount of drainage that comes through that area and what he has seen. ZA LaRue asked is this a culvert, is the road going to be able to handle it, will the erosion control be adequate while he's constructing and while he's working on his vegetation or is Mr. Maxson suddenly going to see a huge change in the environmental conditions of his pond? Chairperson Yutesler said it sounds like Mr. Maxson has the problem already with the drainage with the washout. ZA LaRue stated that he has the drainage but not the washouts because its vegetated. ZA LaRue stated that it appears he maintains the erosion control annually. ZA LaRue then asked for the Zoning Commission to look at the easement. ZA LaRue stated that any property that is land locked or does not have a clear access has a right, under Iowa law, to have an access. The use of that access and how it works, and its width varies, to build a house you need to have a 40-foot access, or if its on the petitioner's property, it needs to have the 20-foot top and ten-foot sides because of the emergency services. ZA LaRue said he is still not convinced that any of the emergency services people are prepared to deal with that on some extreme lots to get in there. He stated that emergency services want the trees removed and everything so that they can work, and maneuver and he does not want them to get sucked in down there. Brown asked if 275th Street was maintained by the county and if it was hard surface. ZA LaRue stated that 275th Street is

maintained by the county up to Don Maxson's property and it is gravel. Chairperson Yutesler stated that this property was 3 miles to a blacktop road. Brown asked for clarification from the neighbors if there is snow removal on the road. Kay Hansen stated there is snow removal but not high priority. Brown then asked the petitioner that if you are 11 miles away, it is going to take 30 to 40 minutes at least for emergency people to get to you, what happens if the snow has you locked in, are you willing to take the responsibility for your family. LaCarte responded by saying that isn't something he has thought about too much. LaCarte continued by saying he is not going to put his family in danger but there are situations like that, and they are part of the risk. LaCarte stated the risk is very clear to him. Chairperson Yutesler stated that part of the LESA scoring helps with this because you get a higher scoring if you are closer to town. Don Maxson reiterated a point that Kay Hansen brought up earlier stating what happens if you have a grass fire. Chairperson Yutesler stated that could happen with Mr. Maxson living out there too. Don said it has happened to him before. Kay Hansen and Don Maxson stated that they both have wells and other water sources on their properties to help combat a fire if it arises. Tracy Hansen said that is all-natural timber so it could start in the timber, and it could go through. Chairperson Yutesler said that anybody who lives in timber like that takes that risk. Crist asked Mr. Maxson about another property near Mr. Maxson and asked if they had ever run electricity out to that area. Don Maxson stated that everyone back there has it (electricity) now. Chairperson Yutesler clarified that those properties are all zoned Ag. Laurie Brandenburg questioned the petitioner by asking that he was planning on having electricity to the property. LaCarte stated that yes, they do plan on having electricity. Brandenburg then stated that the petitioner does not plan on having REC run you a line. LaCarte stated that once that process comes, we will decide if it is solar, a mixture of a generator, or propane, he does not know yet what they would be using. LaCarte stated that they would like to have solar so then they can have an off grid self-sustaining house, but we will see how it goes. Brandenburg stated they would have electricity just as much as she has at her house except if REC has an issue. Kay Hansen stated that they had a concern that they would have to listen to a generator if he does not have power. LaCarte stated that it would be a battery generator and not necessarily gas. Crist said that he did not know the reliability of all that stuff. Brandenburg stated that the petitioner was not planning on living on a generator but having it as a backup like many others do when they lose power. Tracy Hansen stated that they can not put solar on the property because of all of the trees. Even if you cleared the trees you are going to have the wind and tree limbs, and it will be breaking the panels up all the time and that is why he has never done it on his property. Crist stated that a conventional solar system you can not do it that way but there are a lot of different solar panels and a lot of different systems that will generate even on a cloudy day. Tracy Hansen stated that they will generate in the winter months but not in the fall when all the leaves are on them. Crist stated that they will put the panels on a tripod like system that rotates so they do not need the big surface area, but it is usually a very expensive system that usually outweighs the value. Chairperson Yutesler stated that it is not up to the Zoning Commission to tell the petitioner that you have to do one or the other and that is the petitioner's risk other than if it affects your neighbors or the scoring system. Chairperson Yutesler stated that we are pointing out these things to make sure the petitioner is aware of that and everybody else involved is aware of it in the decision that has to be made. ZA LaRue stated that a lot of times we are dealing with secondary buyers who do not know the reality of the situation until much later. Dean Wilkerson asked about the driveway access for fire trucks. ZA LaRue clarified that the driveway would have to be 20 feet wide. Wilkerson then stated that it is a 30-foot canyon. ZA LaRue stated that this is an extreme site and make sure that the county

engineer and the fire department is involved. Chairperson Yutesler asked the Zoning Commission members if they had a chance to see the property and the site that is flagged for a driveway. ZA LaRue asked Mr. Maxson what the slope was on his driveway. Mr. Maxson believed it was 18%. Chairperson Yutesler said that the intended driveway for the petitioned rezoning, why that is being brought up is because he would have to have fill to the top of the room out to the road right of way. LaCarte stated they did get a letter from the West Branch Fire Department. Crist asked if the letter from the fire department is a generic letter that is sent out because he does not think anyone understood that driveway and how much trees you would have to take back. ZA LaRue also stated that they would have to put in place a big culvert. Crist asked the petitioner if he has looked at the driveway at all with a dirt contractor. LaCarte said he had not. Chairperson Yutesler brought up the option to table the meeting because of some of the things that are unfamiliar and have a meeting at the site. ZA LaRue stated that there would need to be a public meeting at that access, and he would recommend, if it would be okay with Mr. Maxson, to walk down his access to get a view of the proposed access. This would take a couple of weeks because it would need to be published in the paper, and we would have to notify others of the meeting. Chairperson Yutesler stated that we can not tell the petitioner how to do his driveway, the petitioner knows where the driveway has to go and knows the slope in which he has to deal with. ZA LaRue said that is going to have to be manageable and hopefully have engineering to make sure it is accessible. Tracy Hansen asked if there was any way with our engineering, that we can show the elevation changes. ZA LaRue stated that the elevation changes are extreme but number wise we do not have that ability, and the county engineer is not going to do it on private property. Discussion continued on what stipulations might need to be in place if one or two people went to the site, what would be needed for a quorum. ZA LaRue said that he always recommends the commission visits the site prior to the hearing. Brandenburg asked the petitioner if he had purchased the property yet. LaCarte stated that he purchases the property November 21st at 8 am. Chairperson Yutesler stated that her concerns are about a septic system and the ability to have a backup system. With the slope and the LESA score, she is hesitant on this petition. Tracy Hansen asked if the county approves composting toilets. ZA LaRue stated that he would if it meets NSF standards, but it may not with a buyer a few years down the road and we would have to figure it out. Tracy Hansen then asked if it would have to pass an inspection at the time of sale. Crist asked how it would pass a time of transfer inspection as a composting toilet. ZA LaRue stated that it would be noted that it is a composting toilet on the report. Assuming it would be a conventional system it would be challenging. Chairperson Yutesler called for a motion from the Zoning Commission weather we table, approve, or deny the motion. ZA LaRue stated that they could also include a conditional zoning agreement to the motion. LaCarte asked if the motion is denied tonight, can the Board of Supervisors override the decision. Crist clarified that we are strictly a suggestion, and they can override the decision. Chairperson Yutesler stated there is potential for him to not be able to build a residence on the property if the Zoning Commission denies the petition and the Board of Supervisors denies the petition. Discussion continued if the petition should be tabled and what would have to happen if it was tabled. Crist made a motion to deny the petition. Motion was seconded by Timmerman. No other discussion. Ayes: All.

Minutes from the prior meeting held on August 21, 2024, were previously read by the members. Chairperson Yutesler stated there were some changes that needed to be made to the spelling of

LESA and her last name. Brandenburg motioned to approve the minutes as amended. Crist seconded. Ayes: All

Meeting declared adjourned at 8:20 P.M.

Chairperson
Jody Yutesler

Secretary
Caitlin Boyle