

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

October 15, 2025

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, October 15, 2025, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present for this meeting were: Yutesler, Brandenburg, Brown, Hartelt, Timmerman, and Zoning Administrator LaRue. The absent member was Crist.

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

- 1. James and Anne Hodges & Hanks Family Revocable Trust (Owners) and Philip and Jennifer Hanks, 3023 160th St., Dyersville, IA (Buyers)** – Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single family dwelling on property described as Parcel H, located in the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 32, T-80N, R-2W, in Rochester Township, consisting of 2.62 acres more or less.

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

The petitioners, Philip and Jennifer Hanks, buyers, and Harlan Hanks, co-owner, were present. They then explained their proposal to build a four-bedroom home on the property. Mrs. Hanks provided a site plan for the development of the parcel. LaRue added that this site is contiguous to two residential properties, one on the east side of the property and the other to the northwest on the north side of the road.

The letter from Sean Paustian, Fire chief, Tipton Fire Department, was then reviewed. It stated that the site shares an ISO class 10 rating and is outside the 5-mile radius of the fire station and they will be able provide emergency services to the property. The letter stated that it is the owner's responsibility to construct and maintain a driveway of suitable width to allow access by large emergency equipment in the event of an emergency. The letter received from Rob Fangmann, Cedar County Engineer, was then reviewed. It stated that this site is located on a gravel route (273rd St.) and should have minimal impact on the existing infrastructure. An approved entrance permit is on file with his office, with access limited to a single residence only.

The soil evaluation was then reviewed. The report indicated two soil types: M163B, C2, D2, Fayette Clay Till, and 729B Ackmore-Nodaway complex. The limitations for building a dwelling are moderate in the Fayette soils and there are severe limitations due to a high-water table in the Ackmore-Nodaway complex. The limitations for septic systems are severe due to slow water movement through the soil in the Fayette till soils and severe due to the high-water table in the Ackmore-Nodaway soil. For Agriculture, the CSR on the M163B was 84 points, M163C2 was 76 points, M163D3, 41 points. The CSR in Ackmore-Nodaway complex was 80 points. The average CSR was 70 points for agricultural land use.

LaRue stated that a soil evaluation has been completed and indicated a 40 minute per inch percolation rate. He explained that as the home is proposed as a four bedroom, it requires 500 lineal feet of absorption trench, 3 feet in width. He stated that due to the degree of slope at the site of the proposed dwelling when combined with a walk out basement and a northwest to southeast orientation of the home, additional space will be required between the absorption trenches for its construction which will increase the overall square footage of the area where the absorption field will be located. It could be determined that an alternative on-site system, such a siphon-dosed sand filter may be better suited and more cost effective for this site. He stressed the importance that the proposed septic system remains in the area of the soil evaluation, and the soils are not disturbed by excessive earth moving and the need to stay away from the Ackmore-Nodaway soil area in the drainage way.

The Cedar County Land Use Plan 2018-2038 was then reviewed. The Land Use Plan indicates support for this site due to the close proximity to two other residential properties. The LESA evaluation score was 3000 points, a moderate finding for preservation. This total included 500 points added for familial relationships. Chairperson Yutesler provided input on why Cedar County uses the LESA system, how it was created and what information it provides to the Commission and the Board of Supervisors. Yutesler then asked why the division of this parcel was not a subdivision referencing the adjoining parcel to the east (the Vernon Schmidt property). Harlan Hanks then explained that the land division from which Schmidt's parcel had been created had been done years earlier. LaRue explained that had been that property owner's first split, just as this is the first split for the petitioner's property. Any additional divisions from the remaining tract would require a subdivision plating. Yutesler then inquired how the remainder of the agricultural land would be accessed from the road with this new parcel land locking it from the road? Harlan Hanks explained that two accesses are proposed, one on the east side of Vernon Schmidt's property for large agricultural equipment and the second along the east edge of Parcel H (the rezoning parcel). LaRue added that any easement width needs to be at least forty (40) feet in width in order not to be too narrow or easily maintained. Discussion followed about the access easement(s) and the potential effects on the property if they are not clearly described and documented in the land description and upon the plat of survey.

Following additional discussion regarding the two proposed access easements for the farmland to the south of Parcel H, Hartelt made a motion to approve the petition for a change in zoning to R-1 with a requirement that the easement to be established along the east side of the parcel be added as an amendment to the recorded plat of survey. The motion was seconded by Brandenburg. Ayes: Brown, Brandenburg, Hartelt, Timmerman and Yutesler.

Minutes from the last meeting held on August 20, 2025, were previously sent to the members. Timmerman made a motion, with Brandenburg seconding approval, of the minutes as presented.

With no further business to discuss at this time, the meeting was adjourned at 7:15 p.m. Ayes: all.

Chairperson
Jody Yutesler

Secretary Pro-tem
Philip LaRue