

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, July 8, 2022, with Chairperson Janelle Spies and board members Carol Schlueter, Emily Geertz, Charles Clark, and Tom Harper present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Lynn Pruitt and Christopher Shoemaker.

Tom Harper: I will open this meeting and will read the opening statement. The Zoning Board of Adjustment is a quasi-judicial board appointed by the Muscatine County Board of Supervisors. The Board's purpose is to interpret the Zoning Ordinance and to allow certain limited exceptions and variances where special conditions or hardships exist. We are an independent volunteer board of citizens and not part of the county administration. There are five members on the Board. State law requires three affirmative votes to approve any appeal under consideration, no matter how many members are present. If fewer than five members are present, the appellant has the opportunity to have the appeal delayed until the next meeting. This request must be made prior to Board deliberation of that case. As a Board of the County, we welcome all testimony. We make our decision based on the facts and evidence under county code, presented in open meeting. We ask that if you wish to speak, please give your name and address. And now the chair is here, so I'm going to turn it back over to her.

Janelle Spies: Sorry... we were late. We were outside just talking.

Eric Furnas: So he has read the mission statement, and we are ready for the minutes to be approved.

Janelle Spies: Okay, sorry about that. The board should have all received the minutes by email and had a chance to go through them. If there are no changes or corrections, is there a motion to approve as read?

Charles Clark: So moved.

Janelle Spies: Is there a second?

Tom Harper: Second.

Janelle Spies: A motion has been and seconded to approve the minutes from the last meeting as written. All those in favor, please say Aye (5) Opposed (0). The minutes are approved.

Janelle Spies: We have a full board, so Eric can you please read the first request?

Eric Furnas: Case #22-07-01. An application has been filed by State of Iowa, Iowa DNR by Melanie Harkness, Record Owner and by Sandy Stevens, President of Friends of Fairport Fish Hatchery, Applicant. This property is located in Sweetland Township, in the SW¼ of Sec. 30-T77N-R1E, South of Hwy. 22, 3390 Hwy. 22, containing approximately 60 acres and is zoned I-1 Light Industrial District. This request, if approved, would allow the Zoning Administrator to issue a Variance in order to place an accessory structure only 32 feet from the front lot line, instead of the required 40 foot setback.

Janelle Spies: Is the applicant or spokesperson present for this case?

Lynn Pruitt: Yes.

Janelle Spies: Would the spokesperson please state their name and a little about their request?

Lynn Pruitt: Yes, my name is Lynn Pruitt and I live in Nichols, Iowa. I am with the County Board of Historic Preservation, and also with the Friends of the Fish Hatchery. What we are trying to do is to preserve history of the Fairport Fish Hatcher, which was originally a federal biologic station. It was set up around 1910 to try to enhance the mussel presence of the Mississippi River and other locations for the pearl button industry. They were harvesting the mussels in that time frame and then the federal government came in to try to figure out ways that they could add more mussels and to keep it sustainable. So they established this fish hatchery that was called the Fairport Biologic Station at the time. It did its job for a few years, they were able to figure out how these mussels propagate. So the fish hatchery did some of this, but two or three factors entered in to cause the mussel industry to kind of wane, one was plastic buttons, and one was that there weren't enough mussels in the river. So anyway there is a lot of history there in Muscatine and the pearl button industry and our effort is to try and preserve that. Last year, the last of the original research facilities was demolished, it was the pump station down on the river. A picture of that is on the handout on the left side. On the right side is what we intend to build as a memorial to that whole effort to research the mussel industry. It is a pavilion, it's 18 by 20 feet and it would sit near the entrance to the fish hatchery, the preliminary design is shown there. Chris Shoemaker is hear to speak about that, he is our architect. I just wanted to provide you with a little background information as to why we are doing this. The DNR has provided some money to tear down the structure and then to also provided some money to build a memorial. So we are trying to build a little bigger memorial than they had planned and we are going to have exhibits inside. There will be some panels on each wall that talk about the history of the area and all of the conservation things that they were trying to accomplish. Then there will be a parking slab next to it, it will be handicap assessible. Chris do you want to add anything?

Christopher Shoemaker: Sure, hello, my name is Christopher Shoemaker. I live at 3310 Steamboat Lane in Muscatine, Iowa. I am the architect of the building. As Lynn stated, the building will be 18 by 22, plus slab. There is a telephone line there that runs underground. Without the Variance, we would have to relocate that telephone line, because it would go right underneath the building. We would like to push the pavilion eight feet towards the roadway. And we'd like to build the concrete slab right up against the gravel road. We would like to also push that 18 feet closer to the property line. Pushing this structure closer to the front lot line would also let us build it in a more level on a flatter piece of land, so the slab would be more level. The water drainage would be easier to get it away from the slab. There is currently one oak tree that has been recently planted in the location of the parking slab, but I talked to Andy of the DNR and it doesn't seem like it is that big of deal to move it. But there is a tree sculpture that is right there to the northeast of our post pavilion, it would be roughly 10 feet away from that tree sculpture. So that shouldn't be a problem.

Janelle Spies: Okay, thank you. Eric, did you have any correspondence on this case?

Eric Furnas: In your packet there is a letter from Andy Fowler, the Fish Hatchery manager. It's the last page in your packet, it is on DNR letterhead. That would be the only correspondence that I received.

Janelle Spies: Board members, do you have any questions or comments?

Carol Schlueter: It's an enclosed building, correct?

Christopher Shoemaker: It would be ... I would say 70% enclosed at this point.

Carol Schlueter: So there won't be doors and windows then?

Christopher Shoemaker: Well that is still under proposal. We still haven't decided whether to enclose the space or not. If we do we would have a limit of access of which people can visit the space, they would have to visit during the park hours, so it would preserve the exhibits inside.

Carol Schlueter: So you would need electricity to this building?

Christopher Shoemaker: We would yes, we are in conversations with the Fish Hatcher board. There won't be many light fixtures, there would be a couple inside and some outside.

Carol Schlueter: Eric, this barn that it is on this property, is that as close as what this building is going to be to the road?

Eric Furnas: Probably ... well I can't really tell where the front line is, but yeah it would be similar. The pavilion might be slightly ahead of it or closer to the front lot line.

Christopher Shoemaker: Yeah, I agree.

Carol Schlueter: So there is no obstruction of any kind?

Eric Furnas: No, with the width of the DOT right-of-way there and the topography, this eight foot Variance, in my opinion, does not prevent any kind of an obstruction from the highway.

Carol Schlueter: Okay.

Janelle Spies: And the tree that you are going to remove, you are going to replant?

Christopher Shoemaker: Yes.

Eric Furnas: And we will work with them with the site plan and the lighting plan, so that it doesn't create any kind of a glare issue. It sounds like it's all a very minimum appearance.

Carol Schlueter: Well I didn't go out to the site, so this is the most level spot on the property?

Eric Furnas: It really is. You are all probably familiar with the site as a whole down there, so it really kind of slopes gradually and continually towards the river. So obviously we want to avoid the flood plain. And this flat spot is almost perfect for this size of structure and cement slab. So not only does this spot keep it out of the flood plain, but it keeps it out of the working area with I think, very minimal impact of the highway.

Lynn Pruitt: I might point out that the proposed pavilion... you can see the arches and a circle at the top, those actually came off of that old pump station. We were able to salvage those and put those back in place. Also, with regard to the door question you had earlier... if we do put doors on there then it doesn't necessarily have to be locked. I mean, we can leave them unlocked. But it's just to keep the vermin out is my concern. I think we need to have an enclosed space but we are still working on that.

Carol Schlueter: Yeah, okay.

Janelle Spies: Does anybody in the room have anything to add? Eric, do you have any other comments?

Eric Furnas: Well I think in addition for the grading of the structure that's in a flat spot that they have chosen, that it also would make the parking area, that is

ADA assessable sidewalk ... it would be considerably more unburdensome for them and the area.

Janelle Spies: Okay, thank you. Does the board have any additional comments or questions?

Tom Harper: I don't have anything.

Janelle Spies: If there are no more comments, can I get a motion from the board?

Emily Geertz: I will make motion that we allow this Variance in order for them to place an accessory structure only 32 feet from the front lot line, instead of the required 40 setback.

Janelle Spies: Is there a second?

Carol Schlueter: I'll second it.

Janelle Spies: A motion has been made and seconded to grant this Variance in order to place an accessory structure only 32 feet from the front lot line, instead of the required 40 feet. All those in favor please signify by saying (5) Opposed (0). The motion has been declared approved. Any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission will be void. Any person desiring to appeal this decision to District Court may do so within 30 days after filing this decision.

Carol Schlueter: Good luck.

Lynn Pruitt: Thank you.

Christopher Shoemaker: Thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning, Zoning & Environmental Administrator

The Muscatine County Board of Adjustment met in the Board of Supervisors Office on Friday, July 8, 2022, with Chairperson Janelle Spies and board members Carol Schlueter, Emily Geertz, Charles Clark, and Tom Harper present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended.

Present for this hearing: Kathleen Carter and Orval Esmoil.

Janelle Spies: Eric, can you please read the next request?

Eric Furnas: Case #22-07-02. An application has been filed by Orval S. or Judith S. Esmoil, Record Owners, Kathleen Carter, Applicant. This property is located in Bloomington Township, in the SE¼ of Sec. 5-T77N-R2W, East of N. Mulberry Road, 1685 N. Mulberry Road, zoned A-1 Agricultural District, containing approximately 52.20 acres. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for Ms. Carter to build a one family dwelling on this property after a minimum of one acre has been split off.

Janelle Spies: Is there any correspondence?

Eric Furnas: I don't believe so.

Janelle Spies: Can the applicant or spokesperson state their name and tell us a little about your request?

Kathleen Carter: I'm Kathleen Carter and this is my dad Orval Esmoil. I am requesting a Special Use Permit to purchase one acre and to build a one family dwelling on it.

Janelle Spies: Board members, questions?

Tom Harper: So this is a Special Use Permit versus going through a subdivision platting?

Eric Furnas: Well platting can always be a separate process. You are considering just the Special Use Permit. If they have previous land divisions it might require a subdivision plat, but I don't believe that that is the case here. It doesn't appear that they've had a previous split of a quarter-quarter. But you are considering whether this is a good location for a one family dwelling.

Carol Schlueter: Okay, this is your dad's property?

Kathleen Carter: Yes.

Carol Schlueter: And the dwelling that is there is the original farm? It's the homestead of that farm?

Kathleen Carter: Yes.

Carol Schlueter: So now you are wanting to split off this acre for you to build a house, right?

Kathleen Carter: Right.

Carol Schlueter: And the CSR2 is 50, which is below the 55 that we recommend.

Tom Harper: Is that in CSR right now?

Eric Furnas: It's in CRP.

Carol Schlueter: Oh, it's in CRP, okay.

Orval Esmoil: I have bought that out.

Carol Schlueter: And all the other houses there are far enough away?

Eric Furnas: The closest house is Mr. Esmoil's house, and it's over 800 feet away. So everything is over the minimum of 750 feet away.

Tom Harper: There is no active permitting for anything across the road?

Eric Furnas: No.

Carol Schlueter: And where you are wanting to place it on Mulberry, it would be okay for an entrance there?

Eric Furnas: I believe that they have already been in contact with secondary roads for an entrance.

Carol Schlueter: Okay, good.

Janelle Spies: Eric do you have any comments?

Eric Furnas: Well just to summarize some of my comments on the development report, but Ms. Schlueter has already stated some. The CSR2 is below 55, it obviously has frontage along a fully paved road, the minimum separation distances are met, there is no state managed livestock facility within the minimum separation distances. I think it's probably a good candidate for a rural residence.

Janelle Spies: Does anybody in the room have anything to add? Does the board have any further questions or comments? If there are no more questions, can I get a motion from the board?

Tom Harper: Yeah, I'll make a motion that we grant this Special Use Permit in order for Kathleen Carter to build a one family dwelling on a minimum of one acre after it has been split from the property.

Janelle Spies: Is there a second?

Emily Geertz: I'll second that.

Janelle Spies: A motion has been made and seconded to grant this Special Use Permit in order for Ms. Carter to build a one family dwelling on this property after a minimum of one acre has been split off. All those in favor signify by saying Aye (5) Opposed (0). The motion has been declared approved, any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission will be void. Any person desiring to appeal this decision to District Court may do so within 30 days after filing this decision.

Kathleen Carter: Thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
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Present for this hearing: Carrie George-Mosley, Scott Mosley, Jess Ward, and Deb Ward.

Janelle Spies: Eric, can you please read the next request?

Eric Furnas: Case #22-07-03. An application has been filed by Scott and Carrie Mosley, Record Owners. This property is located in Pike Township, in Sec. 20-T77N-R3W, 1954 Hoot Owl Junction, containing approximately 1.5 acres, and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for Mr. Mosley to place two campers on this property for use as Seasonal Recreational Cottages.

Janelle Spies: Was there any correspondence?

Eric Furnas: No correspondence.

Janelle Spies: Would the applicant or the spokesperson please state their name and tell us about your request?

Scott Mosley: Yeah, Scott Mosley. I bought that property in April and I am basically wanting to get electricity turned on to put two campers on it.

Janelle Spies: Do the board members have any questions or comment?

Charles Clark: So these campers, they are not full time?

Eric Furnas: Correct.

Carol Schlueter: On this property that you own, there's no cottage or anything there now?

Scott Mosley: There's a building on there that used to be a cottage and now it's been converted to storage.

Carol Schlueter: So nobody lives in this cottage right now?

Scott Mosley: No.

Carol Schlueter: So you want to be able to put two campers here? One for you to use and for other people, or what?

Scott Mosley: It would be me and then one of my friends will also be there.

Carol Schlueter: But seasonal... what does that mean Eric?

Eric Furnas: So Seasonal Recreational Cottages are for use as seasonal time residences. They cannot be used as legal full-time residences. They are typically allowed by Special Use Permit in some of these areas, such as recreational areas. I do want to point out the Special Use Permit on a platted lot, they are proposing campers. Campers can be approved or travel trailers or recreational vehicles can be approved as a Seasonal Recreational Cottage. But that doesn't mean that every camper is a Seasonal Recreational Cottage. We've had to wrestle with this. So if we also are asked to extend a septic system to that camper or electrical or a permanent water connection to that camper, that is a Seasonal Recreational Cottage. But there is nothing to say that an

additional friend couldn't pull up a camper there. But in my development report you will see that I recommended only allowing one Seasonal Recreational Cottage site be approved. A person can bring a camper into a property that they own, we allow an electrical connection only without it being considered a Seasonal Recreational Cottage, it would just be a camper site. So this would allow him to leave that camper there for longer periods of time if he wanted to build a permanent set of steps on it, he could. Whereas if it was only just a camper site, he couldn't have anything permanent and all connections would have to be quick disconnect. You know if a camper is used as a Seasonal Recreational Cottage site, there are things that would make it somewhat more permanent, although if it's in the flood plain there are restrictions about pulling out the camper before it floods. But I recommend that you only allow one camper to be used as a Seasonal Recreational Cottage. Someone could come out from time to time, say one weekend and camp on your property. They just can't remain on site and consecutive.

Carol Schlueter: Okay, so there's septic or running water on this property now?

Scott Mosley: No.

Carol Schlueter: And electricity?

Scott Mosley: There is a new pole and new hook up, but I need to get the Special Use Permit in order to get the electrician to wire it up so that REC can turn it on.

Carol Schlueter: So in order for a camper to be considered a Seasonal Recreational Cottage, it would have to have septic and water?

Eric Furnas: Yeah, this is something that we are actually just working through. We need to get more specific policies on this. It's really going to have to be a Board of Supervisors input on that. Quite frankly, I really don't want to encourage anything permanent in the flood plain. If it's just electrical than that's fine, but a lot of people want to build a deck right next to it and different things like that. So if you allow one camper to be a Seasonal Recreational Cottage, that would allow them to do that. But to answer your question, no we are not going to require them to put a septic in but if it's allowed to be a Seasonal Recreational Cottage they could.

Carol Schlueter: But are they going to have to move it in order to get rid of their sewage?

Scott Mosley: No, we call it a honey bucket. It's a 50 gallon tank that we bring out and then after using it, we take it to the wastewater treatment facility and dump it there. As far as water goes, I have a 200 and some container that we are trucking back and forth, but it's got a pump on it.

Carol Schlueter: But the other properties around there, they just have a seasonal cottage?

Eric Furnas: Right, all of those are permanent seasonal cottages. I mean, there may be some... we would have to go back and see how they were treated in those regulations. And a little farther down there might be some existing cottages that are more than one per platted lot. But under our most current regulations, if someone were to apply today, the ordinance only allows for one per platted lot. So if someone from Hoot Owl... I think there is an association and came in and wanted to build a new cabin, they might run into some issues with you folks in order to build a cottage because it's not a platted lot. I believe, Mr. Ward, you have your own platted lot as well?

Jess Ward: Yeah, but we are permanent. We are not seasonal. But farther on there is one large lot that is seasonal with old cabins.

Carol Schlueter: So they are there all the time?

Deb Ward: Yes.

Tom Harper: Okay, so the distinction being made is that this is for a recreational seasonal cottage, but a camper can be but it not necessarily.

Eric Furnas: Yes, it can be. But if the permit is granted then it would allow for a little more semi-permanent improvement to the camper, like a deck, septic... So if there was not Seasonal Recreational Cottage allowed here, we would not allow anything here for this camper, other than electrical.

Emily Geertz: So even though this checklist has that they agree not to build anything, it still allows them to?

Eric Furnas: Yeah, we have been working on our checklist this week because there were a few things that conflicted with the ordinance language. We just need to distinguish between the use of just a camper or someone that wants to enjoy in with a little more semi-permanent fashion. I mean, with this approval of one Seasonal Recreational Cottage, they could turn around and build one elevated cottage on this property. I mean, they would have to build it to flood plain standards. But yeah this is a typical use of this area. I think this area is well established with several cottages.

Emily Geertz: I guess my only question is whether to allow for two?

Carol Schlueter: Yeah.

Eric Furnas: Yeah, the ordinance states one Seasonal Recreational Cottage per platted lot.

Emily Geertz: Right.

Eric Furnas: I mean the other could come and go... just like any of our properties for a weekend or someone that's staying overnight. It just couldn't sit on site the entire summer season.

Janelle Spies: Okay, does the board any additional comments? Eric, do you have any additional comments?

Eric Furnas: No ma'am.

Janelle Spies: Is there anyone in the room that has anything to add?

Jess Ward: Yeah, my name is Jess Ward, 1958 Hoot Owl Junction. I live next to these folks. And by the way... I love what you have done with the property. We are having a property dispute about where the property line is. And I think that needs to be resolved prior to this going through.

Janelle Spies: I don't believe that we have anything to do with that.

Eric Furnas: Yeah, this board doesn't have anything to do with lot lines. We would have to work through with a site plan, but it would be very little additional permitting through our office would require having to show property lines. I mean, obviously they are not building anything. I mean, any property line dispute becomes a civil matter. The only way that we would require anything to be proven is if they wanted to build a structure and it would be close to any property lines. We always encourage the owners to get a survey done.

Jess Ward: And the other thing is that when we do experience floods down there, we have always opened the roadway along our edge for the association to have their

cars and trailers and such to be parked. If we are talking about two trailers parked up along the road, we are talking about a serious restriction. (both the Mosley's and Ward's talking)

Scott Mosley: ... and as far as the property lines, we will talk about that and figure it out.

Jess Ward: That works.

Janelle Spies: Anything else?

Deb Ward: No, we just wanted to make sure that they weren't renting out campers.

Scott Mosley: Oh no. It would be us and a friend of ours.

Jess Ward: No, that's fine. They are done a lot of cleaning up that property.

Deb Ward: Yeah, it looks nice.

Janelle Spies: Okay, does the board have any further questions or comments? If not, is there a motion?

Carol Schlueter: My only comments would be that I could only approve one camper to be a Seasonal Recreational Cottage. But I don't think I could go with two. But like you said, the second one could come and go like a weekend.

Charles Clark: Yeah, I agree with Carol. Why two?

Jess Ward: It's just that he has always camped with us. But if it's going to be an issue than he will not be able to stay out there.

Carol Schlueter: So the request is asking for two, can we change that?

Eric Furnas: Yes, you make the motion to however you think is appropriate. And again, if they are wanting to bring their camper out for a weekend and you are only approving one Seasonal Recreational Cottage, that would be fine.

Carol Schlueter: Okay I make a motion that we approve this Special Use Permit in order for the Mosley's to place one camper on this property for a Seasonal Recreational Cottage.

Janelle Spies: Is there a second?

Tom Harper: Second.

Janelle Spies: A motion has been made and seconded to grant a Special Use Permit in order for the Mosley's to place one camper on this property for use as a Seasonal Recreational Cottage. All those in favor of this motion please say Aye (5) Opposed (0). The motion has been declared approved. Any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission would be void. Any person desiring to appeal this decision to District Court must do so within 30 days after filing this decision.

Carol Schlueter: Good luck.

Scott Mosley: Thank you.

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Present for this hearing: Jake Steele.

Janelle Spies: Eric, can you please read the next request?

Eric Furnas: Case #22-07-04. An application has been filed by Billie A. Danner, Record Owner and AMG Technology DBA Nextlink, Applicant by Rhonda Hornback. This property is located in Pike Township, in the SW¼ of Sec. 29-T77N-R4W, Parcel C, North of 210th Street, containing approximately 74.60 acres, and is zoned A-1 Agricultural District. This request, if approved, would allow the Zoning Administrator to issue a Special Use Permit in order for a 120 foot tall mono pole tower to be placed on this property to provide internet to the area.

Janelle Spies: Was there any correspondence?

Eric Furnas: No ma'am.

Janelle Spies: Would the applicant or spokesperson please state their name and tell us a little more about this request?

Jake Steele: Yes, my name is Jake Steele. I am from Davenport, Iowa. I am here to represent the AMG Technology. So we are the wireless provider in eight states right now. For the last two years we have moved up into Iowa. And we are part of the federal governments Connecting America Act. They want to bring high speed internet to rural areas. We have a bid in for several states and we have been in Iowa and Illinois for the last several years expanding into these areas. We are trying to get a minimum of 100 megabits per second speeds into the rural communities. Typically what we do is that there are enough other tall existing structures and in Iowa there are no shortage of silo's, grain bins, other cell towers as well... as well, that we rent space on. Sometimes we get into areas like this that there are no existing structures and then we have to build towers. If it's adjacent than we try to make it as low vis as possible. So this will be a 120 foot tall pole. It will be two foot diameter right at the base going up the 120 feet. It is in the flood plain, but we are actually using a pole... actually all of our poles in Iowa and Illinois are manufactured by Musco here. The only thing that will be touching the ground will be the foundation. The actually cabinet with all the technological stuff will be on an adjustable platform. And it can be standard and up to 42 inches, but they can customize it to be raised even higher. We realized that it was in the flood plain, but we saw that there were other existing structures in the vicinity that were also in the flood plain. So this was a spot that we absolutely needed to contact Muscatine and Louisa County. So we just decided to try and go for it to get the Special Use Permit.

Emily Geertz: Okay, I'm just trying to get my geography straight here. Is it on the road going to Nichols?

Jake Steele: It's southwest of Nichols. If you keep on going on Hwy. 70 west of Nichols, it's like two or three intersections after that.

Eric Furnas: It's right off the intersection of Hwy. 70 and 210th Street. If you go south towards Conesville and you look to the right along 210th Street, you'd see two grain bins. They are proposing to place it there.

Carol Schlueter: This is Billie Danner's property?

Jake Steele: Yes.

Carol Schlueter: Billie lives in West Liberty, right?

Jake Steele: Yes.

Carol Schlueter: So this is by his parents?

Eric Furnas: No it's just south of his parent's property.

Carol Schlueter: Oh...okay, it's nowhere that I'm thinking then.

Tom Harper: It's between Nichols and Conesville.

Jake Steele: We did rent some property from his family and then he said that he had some property if we needed a connector site, which we did.

Carol Schlueter: So I am with Windstream... is that completely different?

Jake Steele: Completely separate, yeah. So right now I will say that in the Muscatine area right now we will be broadcasting from about 15 different locations as for this past winter. Across the State of Iowa I believe we have about 700 different locations that we are broadcasting from. But it's like I said, we just moved up here in the past couple of years. So as far as the actual live network, it's only a few places up north of here. But we have to ping off all these sites and then we will go live maybe next year.

Carol Schlueter: So it's a free standing pole, right?

Jake Steele: Right, no guide wires or nothing. It's just a two foot wide diameter pole going straight up. There is a 15 by 15 foot fenced in area around it. We are going to be tied into the electrical that's right there at his bins that he uses for his dryers and stuff like that. It's 120 feet off the right-of-way, so there's no risk of anything falling onto the roadway or anything like that. It's like I said, anything that could be damaged is up about that flood plain. We are working with the DNR right now to get the Base Flood Elevation done and seeing if they require an actual engineered site survey. If they do – we'll do it.

Eric Furnas: So the actual height of the tower didn't get marked, so it should be right behind those bins there.

Tom Harper: So I understand that we want to restrict development in a flood plain area, but utility infrastructure becomes an issue then.

Eric Furnas: Yeah, so if you are ready to hear my comments...

Janelle Spies: Yes, what are your comments?

Eric Furnas: Yeah, I think the county would want to continue internet expansion for rural access all across Iowa. But going through the Special Use Permit process, the Special Use Permit is something that is generally recognized as a need in an area. So the A-1 Agricultural District area is a place that we expect to see towers, however there is a process. These permits are evaluated on a site by site basis. Just because the need is there, that doesn't mean that every site would be perfectly acceptable for that type of use. These are my questions, is it good long term judgment to approve a Special Use Permit within a flood plain when within a very short jump it still would be considered in the same vicinity, that you would be out of the flood plain? That's a question I think that should be wrestled with. On the flip side, these types of structures would be considered very low damage potential. There's not wood that's going to rot at the base that's surrounding this. They are designed and engineered to withstand

probably hurricane type winds. This area is not a high water current flood area, it's generally a slow back up water and it's very shallow even when it does flood. But I want to give credit where credit is due, it has very low damage potential. I just think that the overall concept of approving Special Use Permits in the flood plain should be entertained only after a lot of thought and consideration. They did indicate that they could accommodate being in the flood plain and it could be a concrete base too.

Charles Clark: Is that in the request Eric?

Eric Furnas: What's that?

Charles Clark: Sorry to interrupt Eric. Is that in the request?

Eric Furnas: That would be the requirement, if this Special Use Permit is approved we still jump through the hoops with them on flood plain design standards, but it sounds like they are already well aware of that. We will work with them on the plan design and making sure that the electrical services are elevated. The only thing down in the flood hazard area... this would be my request, if you are entertaining a positive motion here, that part of the motion contain the language that they meet all flood plain standards as far as the elevation and the critical ... such as the electrical.

Emily Geertz: I would just like to add that I think world wideband access is so important for the farmers and in all of the rural communities. It's not really a big structure, you aren't going to build on it anyway... I mean, it's a very small footprint.

Jake Steele: Yeah the foundation itself is only four foot by four foot and it's a two foot pole that goes straight up. It's a very low profile. We will fence it in, so there will be a chained fence around it.

Emily Geertz: I mean, if something happened to that tower... than we probably have bigger problems.

Eric Furnas: Yeah, I did mean to add that there are several other things that are required as far as our Special Use Permit. They did submit an affidavit for decommissioning. They need to remove it from the property when it's no longer able to be used. The setbacks from all property lines is actually 1.1 times the tower height.

Jake Steele: Oh okay.

Eric Furnas: So we can work with them on that. But it does also say from other structures because of the fall zone. I noticed the corn bins would be within that.

Tom Harper: Yeah but I think the spirit of that requirement was from roadways and occupied structures.

Eric Furnas: Yes that was the spirit and intent of it, yes. Did you say that it's not 1.1 times the tower height?

Jake Steele: I don't think that there is enough land out there for it to be even 1.1 times from the corn bins.

Eric Furnas: Yeah, so you just need to acknowledge that you understand that it's not 1.1 times from the existing corn bins... and if the owner is willing to accept that.

Jake Steele: Yeah, it might be within 120 feet or so but the landowner is aware of it. The land owner told us that that's where he wanted it. We told him that it has to be that far off the road and he said that that's where he wants it.

Eric Furnas: And we do want to encourage them to not have to go farther out into tillable ground taking anymore ground out of production for the tower or access road.

Emily Geertz: And I know that a lot of the farms are irrigated down there. So you can't be in the way of that.

Eric Furnas: Right, right.

Jake Steele: Yeah, so there is existing access to the site. There is existing electrical to the site.

Eric Furnas: Yeah, and those would be good reasons for you to note also.

Janelle Spies: Okay, does the board have any questions or comments? If there are no more questions can I get a motion from the board?

Tom Harper: I will make a motion that we grant this Special Use Permit in order to build a 120 foot tall monopole tower with the stipulation that since this is in the flood plain that any construction must be according to the Flood Plain Management Ordinance or standards.

Janelle Spies: How about the 1.1 times the tower being closer to the grain bin for a fall zone?

Tom Harper: I would just note that it's an existing grain bin and would be within that fall zone by a little over 100 feet, that the owner is aware of.

Janelle Spies: Okay, is there a second to that motion?

Emily Geertz: I will second it.

Janelle Spies: There has been a motion and it has been seconded to approve this Special Use Permit in order to place a 120 foot tall monopole on this property to provide internet to the area with the stipulation that it must be construction according to the Flood Plain Ordinance and also noting that the 1.1 setback requirement from an existing grain bin for fall zone might not be able to be met. All those in favor of the motion please say Aye (5) Opposed (0). The motion has been declared approved. Any construction or use allowed by this Board must begin within two (2) years from the date of this decision, or the permission would be void. Any person desiring to appeal this decision to District Court must do so within 30 days after filing this decision.

Jake Steele: Thank you.

MUSCATINE COUNTY BOARD OF ADJUSTMENT
By Eric S. Furnas, Planning, Zoning & Environmental Administrator