

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, November 12, 2021, with Chairperson Tom Harper and board members, Virginia Cooper, Martha Peterson, and Brad Akers present, Carol Schlueter was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Bret Simon.

Tom Harper: Okay, it is 10 o'clock and I will open this public hearing by reading the mission statement. The Muscatine County Zoning Commission is a five-member group of residents of the County who are appointed by the Muscatine County Board of Supervisors. We serve as non-professionals and without compensation. Our purpose is to advise the Muscatine County Board of Supervisors on managing the growth of the County. This involves reviewing subdivisions, rezoning requests, the use of public property, and reports related to land use policy and long range planning. Recognizing that our decisions will not satisfy everyone, we attempt to base our decisions on what is best for the long term interest of the County. We ask for your input, pro or con, on issues before us in order that we may formulate the best decisions possible. Please take this opportunity to share your thoughts and concerns with us. Our recommendations are not taken lightly by the Board of Supervisors, but the Board of Supervisors, your elected representatives, make the final decisions on all issues. We need to start off with some housekeeping items first. We've all received the minutes from the last meeting and we should have had time to review them. If there are no corrections or changes, is there a motion to approve them as written?

Virginia Cooper: Move to approve the minutes.

Tom Harper: Is there a second?

Martha Peterson: I'll second.

Tom Harper: All in favor of the motion to approve the minutes, please say Aye (4) Opposed (0) Absent (Schlueter). The minutes have been approved. Now this being the first meeting of our cycle for the year, we need to appoint a chairperson and a vice chairperson. So would someone like to nominate a chairperson?

Virginia Cooper: I nominate Tom Harper for chairperson.

Tom Harper: Is there any other nominations? Any other nominations? Hearing none, is there a second?

Brad Akers: I'll second it.

Tom Harper: Okay, all in favor of nominating Tom Harper as the chairperson, please say Aye (4) Opposed (0) Absent (Schlueter). Now I need a nomination for vice chairperson, any nominations?

Virginia Cooper: I nominate Brad Akers.

Tom Harper: Is there a second?

Martha Peterson: I'll second that.

Tom Harper: Any other nominations? Not hearing any, all those in favor of Brad Akers for vice chairperson, please say Aye (4) Opposed (0) Absent (Schlueter). Okay with that bit of housekeeping done, I need to tell all three applicants before the meeting starts that we are normally a five member board, today we only have four members present. So if we vote and it's a tie vote it will move onto the

Board of Supervisors as a no vote. You have the option of continuing with the request or ask us to table this until the next month. However, we do not know if we would have a full board next month. It's up to you. But you need to let us know prior to the vote. Okay, I think we are ready for Eric to read the first request. Eric?

Eric Furnas: Zoning Agenda Item #01. Bret W. or Briana K. Simon, Record Owners, requests approval to rezone their property from the present A-1 Agricultural District to the proposed R-1 Residential District. This property is located in Wapsie Township, in the SE¼ of Sec. 1-T78N-R4W, Parcel C, 1070 Garfield Avenue, containing approximately 3.44 acres and is currently zoned A-1 Agricultural District.

Tom Harper: Was there any correspondence?

Eric Furnas: The only correspondence that we received was from the City of West Liberty and you have received a copy of it in your packets. I will go ahead and read that into the minutes. It states: The City of West Liberty supports and recommends approval of the rezoning of the property located at 1070 Garfield Avenue, West Liberty, Iowa. The zoning of R-1 is within the City comprehensive plan for future housing development with City's corporate City limits. We will not be attending the meeting, but if you have any questions please reach out to City Manager David Haugland or City Clerk Lee Geertz. That's all I received.

Tom Harper: Okay, is the applicant here?

Bret Simon: Yes.

Tom Harper: Can you please state your name and tell us a little more about your request.

Bret Simon: Yes, my name is Bret Simon. There was a house on this property previously and it's zoned agricultural. So the house was torn down in the summer of 2020. We considered building an outbuilding to live in for one year but we decided that that wasn't practically so it's been over a year. It's not really good farmland. There's quite a bit of timber on it.

Tom Harper: Okay, Eric could you give us your comments on this?

Eric Furnas: Yes. So future residential development in this area would be suggested and supported by the county's Comprehensive Plan and the land use map, and it's actually surrounded by the city limits of West Liberty. There is a lot of existing residential land use in the immediate area of this property. This property has frontage off of a paved road, Garfield Avenue. The applicant pointed out the agricultural value of this property, it is extremely limited and it's not really an economically viable ag parcel. Since the applicants have owned this parcel they have done a great job of getting rid of the nuisance structure that was there. They have done a lot of clean up. The county staff feels that this meets our County's Comprehensive Plan and land use map. As the correspondence indicates from the City of West Liberty, they are in favor of it also.

Tom Harper: Okay, is there anyone here that would like to comment on this or have any questions? Do any of the board members have any questions or comments?

Martha Peterson: I don't understand why ... since there were buildings there before they could have built a house there without changing the zoning, right?

Eric Furnas: Because it's zoned A-1 Agricultural District, they could have torn down the existing residential structure, which had been deemed a dangerous structure and it hadn't been inhabited for a long time. Once you remove a

residential dwelling from an A-1 Agricultural District, you have one year to reconstruct a new home in order to be considered replacement of that dwelling. The old structure had been gone for over a year, so then this goes back to or reverts to the permitted land uses in an A-1 zoned parcel. Which it's not likely to qualify for a farm exemption and so the only other way that you could build on A-1 land, is a Special Use Permit granted by the Board of Adjustment. This is not really a good candidate for a Special Use Permit because of the close proximity to other houses. It's actually a strong candidate for rezoning, and that's the best way to do it. Basically once the house is gone for over a year, you lose your right to consider it a replacement and you have to look at the other options in A-1. And this is the best option.

Martha Peterson: Okay, thank you.

Tom Harper: As I read this, this property is surrounded on three sides by the City of West Liberty?

Eric Furnas: Correct.

Tom Harper: And it's already across the road from an existing R-1 Residential District in the county.

Eric Furnas: Correct.

Tom Harper: So we are not spot zoning.

Eric Furnas: No, our future land use map shows a majority of this area being proposed as residential.

Martha Peterson: But there's only going to be one dwelling on this property?

Eric Furnas: Well for right now, that's what they are proposing.

Martha Peterson: So there's no plan for a development on it?

Eric Furnas: Right now there's not, but it is large enough to be subdivided into at least a couple of lots. I don't believe that that is there intent. But with R-1 zoning and over three acres, if laid out right there could be three lots there fairly easily. And I think it would be consistent with the land use too because you have those lots in the city.

Virginia Cooper: Right, it's exactly north of that subdivision.

Eric Furnas: But right now I think they are just proposing a single dwelling.

Martha Peterson: Is that your intent at this point in time?

Bret Simon: Yeah, I mean... yeah where we are looking to build on it, there's maybe a third of the lot is pretty open on the north edge. We are not looking to put anything there, largely because I think... I mean, why put anything there if ... you know, who knows what might come down the road. But right now we have no intentions at all of subdividing this further.

Tom Harper: Okay, is there any more comments or questions? Anything from the board? If not, I need a motion to close this public hearing.

Virginia Cooper: I move to close the public hearing.

Tom Harper: Is there a second?

Martha Peterson: I'll second it.

Tom Harper: A motion has been made and seconded to close this public hearing. All those in favor signify by saying Aye (4) Opposed (0) Absent (Schlueter). Okay, the public hearing is closed. Now are there any comments or questions or discussion by the board? If not, does someone want to make a motion on this to recommend to the Board of Supervisors?

Brad Akers: I will make a motion to recommend to the Board of Supervisors to approve the rezoning of this property located at 1070 Garfield Avenue from the present A-1 Agricultural District to the proposed R-1 Residential District as requested.

Tom Harper: Okay, is there a second to that motion?

Virginia Cooper: Second.

Tom Harper: There has been a motion made and seconded to recommend to the Board of Supervisors to approve this rezoning request as stated. Any other discussion? Hearing none, all those in favor signify by saying Aye (4) Opposed (0) Absent (Schlueter). The motion carried. Eric will be getting with you concerning this request going before the Board of Supervisors.

Bret Simon: Okay, thank you.

MUSCATINE COUNTY ZONING COMMISSION
By Eric S. Furnas, Planning, Zoning & Environmental Administrator

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, November 12, 2021, with Chairperson Tom Harper and board members, Virginia Cooper, Martha Peterson, and Brad Akers present, Carol Schlueter was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Deb Parizek and Steve Parizek.

Tom Harper: Okay, Eric will you please read this request?

Eric Furnas: Zoning Agenda Item #02. Stephen J. or Debora A. Parizek, Record Owners, request approval of the preliminary and final plat of the proposed residential subdivision, Deer View Acres Addition. This proposed residential subdivision is located in Wapsie Township in the NE¼ of Sec. 14-T78N-R4W, 1240 Elder Avenue, containing approximately 8.88 acres, and is zoned R-1 Residential District.

Tom Harper: Okay, and you were here before when I said that we don't have a full board and if the vote is a tie vote – it would be a no vote. We recommend to the Board of Supervisors. Would you like to proceed? If so, please state your name.

Steve Parizek: Yes we would. My name is Steve Parizek. I own this property and there is a house on it already. What we would like to do is to build ourselves a home in the front of that house and then our son wants to build beside the house that is there now. So at the end there would be three houses on it. Then there are two outlots. One the West Liberty Country Club is interesting in possible buying it for... they are having problems with their septic system. Then the neighbors, their lot is real small and they would like to buy a portion of it maybe to ... it might be a third of an acre. They wanted it for a backyard because they don't have any now. I guess we are going to provide an entrance in and out so that it would be suitable for the development.

Tom Harper: Is there anyone here to speak for or against this? We already did the zoning on this?

Eric Furnas: Yes.

Martha Peterson: Yeah, it looks familiar.

Tom Harper: Eric, do you have any comments?

Eric Furnas: Well I would just refer back to some of the information on the development report. I believe that this does represent orderly development in this area. It is consistent with a lot of the uses in the adjoining area. They did plat a compliant entrance and subdivision street with the cul-de-sac. However the owner and the developer are one in the same, they are proposing not to hard surface a driveway at this time. There's only going to be an additional two buildable lots. But they are platting and reserving a proper road right-of-way and a turn around radius. I believe that he is proposing to use packed rock instead of a sealcoat road. We talked about him doing nothing and I didn't think that that was appropriate with the size of today's fire apparatus, ambulance... These need a proper width for vehicles to turn around and that type of thing. With the limited development with only adding two additional lots, really are probably acceptable at this time for not requiring a hard surface of the street. But I would recommend that maybe part of the motion that future development of this property into smaller or additional lots we would require the proper subdivision street surfacing.

Tom Harper: And there were no issues with the outlots?

Eric Furnas: No, with the title of outlots and they are less than an acre, they are undevelopable lots at this time. They can be used for greenspace. I've been in conversation with the West Liberty County Club and they are aware that they need to do something with their septic system and they need some additional real estate. But that is obviously something between the Parizek's and them. But the sale of that outlot could be conveyed to the country club in order for them to use it for a drainfield area or a new septic system. Really it's the best use of that property because it's wooded and real low. That's really not the best building site down there. There are no problems with outlots, they are not buildable. The buildable lots are 1, 2 and 3.

Brad Akers: Well when you spoke earlier about how it is currently designed basically it's fine with the hard rock road, but if they were to try to subdivide that further down the line then you would want to entertain maybe a more hard surface road?

Eric Furnas: Well this proposal is completely at the county's discretion. If you are okay with the limited development with this subdividing here and to just allow a rock surface road, then you would approve it making that note as part of your approval. I'm just recommending that if you are okay with that that it be part of the minutes, that if there is any further subdividing for additional lots that the street would be hard surfaced.

Brad Akers: Right. I mean, it's really a road to nowhere.

Eric Furnas: It is, right, it is. It's fairly small, it's fairly short. But I think it's at least important to plat the right-of-way appropriately so that if there is future development that that road right-of-way and the cul-de-sac is already there. So it would just be a matter of surfacing it.

Virginia Cooper: Is this something that we commonly do or have done frequently in the past?

Eric Furnas: For very small subdivisions yes.

Virginia Cooper: So it's not really a special treatment?

Eric Furnas: No. A lot of other counties actually have what they call a minor subdivision as opposed to a major subdivision. We've never really defined them separately. Most counties that have that have a lower development standard for minor subdivisions.

Virginia Cooper: Yeah.

Eric Furnas: It's a lot of investment to put roads and streets in for just three lots really.

Steve Parizek: And there is kind of a creek or a drainage that goes through there. So all of this property is not buildable anyway.

Eric Furnas: Right, I just think that it would be appropriate to say that if there was future development and subdividing into additional lots or say if it were to be rezoned to R-2 Residential District down the road... I mean at this point, I don't see that an aggregate surface would be of any harm, as long as it was properly platted.

Tom Harper: Does the board have any additional questions? If not, I will entertain a motion to close the public hearing.

Martha Peterson: I make that motion.

Tom Harper: Is there a second to close the public hearing?

Virginia Cooper: Second.

Tom Harper: All in favor please say Aye (4) Opposed (0) Absent (Schlueter). Okay, the public hearing is now closed. Does the board have any additional questions or comments? If not, is there a motion to recommend to the Board of Supervisors?

Martha Peterson: I will make a motion to recommend to the Board of Supervisors approval of the combined preliminary and final plat for Deer View Acres Addition subject to final hard surfacing of the subdivision road if further development or subdividing into additional lots were to occur.

Tom Harper: Is there a second to that motion?

Brad Akers: I'll second that.

Tom Harper: Okay, a motion has been made and seconded to recommend to the Board of Supervisors approval of this subdivision, subject to hard surfacing of the road if this property were to be further developed or subdivided. All those in favor of the motion please say Aye (4) Opposed (0) Absent (Schlueter). The motion has passed. They will move onto the Board of Supervisors. Eric will let you know when that meeting will be.

MUSCATINE COUNTY ZONING COMMISSION

By Eric S. Furnas, Planning, Zoning & Environmental Administrator

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, November 12, 2021, with Chairperson Tom Harper and board members, Virginia Cooper, Martha Peterson, and Brad Akers present, Carol Schlueter was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Doug McConnaha, Joe Petersen, and Kristine Schroeder.

Tom Harper: Eric, can you please read the request?

Eric Furnas: Zoning Agenda Item #03. Douglas G. McConnaha, Record Owner, requests approval of the proposed two lot agricultural subdivision, D and M Subdivision. This proposed agricultural subdivision is located in Moscow Township, in the SE $\frac{1}{4}$ of Sec. 32-T78N-R2W, 2351 155th Street, containing approximately 6.04 acres and is zoned A-1 Agricultural District.

Tom Harper: Okay, and I believe that you were here when I informed everyone that we are normally a five member board but today we have a member absent and if we vote and it's a tie vote it would be a no vote?

Doug McConnaha: Yes, I would like to go ahead.

Tom Harper: Okay, if you could please state your name and tell us about your request?

Doug McConnaha: I'm Doug McConnaha. What I'm trying to do is... I have the house sold to Tim Daufeldt and I'd like to sell the building to Joe Petersen. It's less than what we zoned off, we put another acre and a half to the pasture ground. So we just wanted to split the buildings and the house off, is all it is. He was going to use the building then for some hay and equipment. There is no water in it, so that's about all it can be used for over there. The house is going to Tim and Cindy Daufeldt. Basically nothing changed, as far as... it's actually less ground now.

Tom Harper: Okay, Eric do you have any comments?

Eric Furnas: Yeah, the reason that subdivision is required here is because this 6.04 acres has been split from the farm previously, so that was the first split. Any subsequent splits are required to have a subdivision, even if it's zoned A-1 Agricultural District. So there's no future residential development allowed without further zoning approval. This is just proposing to split the existing pole building and sell it to someone else. Everything else remains the same. It's zoned A-1 Agricultural District. The lots that he is proposing to be split do meet the lot area and frontage requirements of the A-1 Agricultural District. He was talking about adding a little acreage to it. If you look at the original aerial photograph... the original property line was a little short and didn't really provide for the setbacks from his patio and pool, so he is adding a little real estate ... from your mom?

Doug McConnaha: Yes, that's correct.

Eric Furnas: So this actually brings that lot into more compliance, at least all of the accessories will be on this lot and not someone else's property. So part of this subdivision does enlarge the depth of that residential portion. It just really cleans it up a lot better.

Tom Harper: And you don't have any septic or water in this barn or outbuilding?

Doug McConnaha: No. Now on the house we have a brand new septic system. But no, there's nothing at the building.

Tom Harper: The only thing you had at the outbuilding is just electric and gas?

Doug McConnaha: That is correct, it's just the LP of course.

Tom Harper: And I see there are already two different entrances for this property?

Eric Furnas: Yes, those are already existing permitted entrances.

Virginia Cooper: And by permitting this subdivision that makes it easier for a future house to be built there rather than keeping it together?

Eric Furnas: Not really at all because it's all still zoned agricultural. So for a house to be built here they would have to entertain a rezoning. It would have to be rezoned.

Doug McConnaha: I wouldn't think you could because you would be too close to the front lot line. The building pretty much takes up most of that lot. But no, it would be too close to that road. This is Joe and that's not even been mentioned.

Virginia Cooper: Is that true?

Eric Furnas: Yeah for right now. I mean, it would need to be rezoned and I can't imagine...

Virginia Cooper: Could they build in front of the shed?

Eric Furnas: Not without a Variance. And again it would need to be rezoned to residential.

Virginia Cooper: Right.

Tom Harper: Well they could try for a farm exemption but that's probably not...

Eric Furnas: Well there really is nothing there that suggests that that is a viable farm. But that doesn't mean that the Petersen's cannot use it in support of their farming business or equipment storage. It is zoned A-1 Agricultural District. It's just not likely to qualify as a farming operation in order to turn that outbuilding into a residence.

Tom Harper: But they could expand the building for more storage?

Eric Furnas: Potentially.

Doug McConnaha: There really wouldn't be much room. One side is to the creek and the other one is pretty much to the property line.

Tom Harper: Alright. Is there anything else? Does the board or anyone here have any other comments or questions?

Kristine Schroeder: I would like to know what ... or how are you going to split it off?

Eric Furnas: Yeah, with your permission I will provide her with a copy of the plat to show her. (everyone talking at once and looking at the plat) A subdivision plat is just required because this property had been split before. But this property will remain zoned A-1 Agricultural District and they will not be able to build a house on this.

Kristine Schroeder: Yeah, I was just wondering because I know that your sister lives on it too and it was your mom's property, right?

Doug McConnaha: Right, down below.

Kristine Schroeder: So was that split off then too?

Eric Furnas: I would have to look into the records, I don't know off hand.

Kristine Schroeder: And I guess I thought the whole property ran all the way up to Mulberry?

Doug McConnaha: It did. We put some of it back into the farm.

Virginia Cooper: That's what we were wondering. So on one map it shows a long stretch and on the other it shows that the two acres have been added back?

Doug McConnaha: So we basically took the fence line where it's at now and just did that. So that way a little bit behind the house would go with the house and then we just traded it off, it's about an acre and a half. So that goes back to mom on the farm. I mean we just run cattle there, so we just moved the fence line back.

Virginia Cooper: Got it.

Tom Harper: So you are taking the corner lot off of yours and adding it to your mom's farm?

Doug McConnaha: Yes.

Virginia Cooper: And then this now goes with this.

Eric Furnas: Well it goes a little deeper. (everyone looking and talking at once)

Virginia Cooper: Yeah, it's just two different things going on here.

Doug McConnaha: Yeah the surveyor just said that it would be easier to keep the fence line where it was at, so that's why we did it that way. It just gives them a little more pasture ground and then more ground on the back side of this one.

Virginia Cooper: Yeah, got it.

Tom Harper: Okay, does anyone else here have any questions or comments? Hearing none, I will entertain a motion to close this public hearing.

Martha Peterson: So moved.

Tom Harper: A motion has been made to close the public hearing, is there a second?

Brad Akers: Second.

Tom Harper: A motion has been made and seconded to close the public hearing, all those in favor please say Aye (4) Opposed (0) Absent (Schlueter). The motion is approved, the public hearing is closed. Does the board have any questions or comments or is there a motion on this request?

Virginia Cooper: I will make a motion to recommend to the Board of Supervisors to approve the proposed preliminary and final plat of this two lot agricultural subdivision, D and M Subdivision.

Tom Harper: Is there a second to that motion?

Brad Akers: I'll second it.

Tom Harper: There has been a motion to recommend to the Board of Supervisors approval of this proposed preliminary and final plat of D and M Subdivision. Any further discussion, comments or questions by the board? Hearing none, all

those in favor of this motion please say Aye (4) Opposed (0) Absent (Schlueter). The motion carried and this will now move onto the Board of Supervisors. Eric will be able to tell you when that meeting will be. And we are adjourned.

MUSCATINE COUNTY ZONING COMMISSION

By Eric S. Furnas, Planning, Zoning & Environmental Administrator