

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, February 14, 2020, with Chairperson Tom Harper and board members Carol Schlueter, Virginia Cooper and Barry McManus present, Brad Akers was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Mitchell and Janet Guldenpfennig.

Tom Harper: Okay, I am going to open this public meeting and I will read 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. Okay, we have the minutes from the last meeting, which was in January and you received a copy of them emailed to you. If there are no changes, I need someone to make a motion to approve these.

Virginia Cooper: I will make a motion to approve the minutes from the last meeting.

Tom Harper: Is there a second?

Carol Schlueter: Second.

Tom Harper: There is a motion to approve the minutes as read and it has been seconded. Any further discussion? Not hearing any, all those in favor of the motion to approve the minutes as read please say Aye (4) Opposed (0) Absent (Akers). The motion carried. Okay, Eric would you read the request?

Eric Furnas: Zoning Agenda Item #01. Joyce P. Guldenpfennig, Matthew L. or Sara B. Guldenpfennig, and Mitchell L. or Janet L. Guldenpfennig, Record Owners, request approval of the preliminary and final plat of the proposed one lot agricultural subdivision, Gulden Acreage, Lot 1 containing approximately 3 acres. This proposed agricultural subdivision is located in Seventy-Six Township, in the NE¼ of Sec. 28-T76N-R3W, West of Jasper Avenue, containing approximately 19.59 acres and is zoned A-1 Agricultural District.

Tom Harper: Alright, is the applicant here?

Mitch Guldenpfennig: Yes.

Tom Harper: Okay, before we start, this is normally a five member board and today we have a member absent. So in order to pass this along to the Board of Supervisors it would have to be at least three votes in favor, a tie vote is a no vote. You can chose to go ahead with the meeting now or have us table it until next month, when we may or may not have a full board. It is up to you.

Mitch Guldenpfennig: We might as well go ahead.

Tom Harper: Okay, please state your name and tell us a little about your request?

Mitch Guldenpfennig: I'm Mitch Guldenpfennig and this is my wife Janet. We live in a leased house on a farm right now. We've, along with my brother and his wife

Sara, we've bought some farm ground and I'd like to build on this one. We had the ag exempt approved and then when we went to the bank to get the mortgage approved, they said no you can't do that on this amount of acres and they want it smaller. So I talked with my attorney and he said that we could sign this restrictive covenant because basically it is for financial reasons.

Tom Harper: Okay, is there any correspondence?

Eric Furnas: Yes, it is in your packet but it is only one and it is a short one so I will read it in the record, it is from Chris Oberhaus. He states: I would like to register Oberhaus Inc.'s support for approval of the attached preliminary and final plat request. Please let me know if this email is sufficient to register our support, or if you need to do so via letter. Thank you, Chris Oberhaus.

Tom Harper: Okay so the property outlined in blue is what you presently own?

Eric Furnas: Yeah, if I can...

Tom Harper: Yeah if you could give us a little background on it.

Eric Furnas: Yeah because it's a little bit of a different case. So as Mr. Guldenpfennig alluded to, he applied for and was granted a farm exemption to be able to build a house on this property. He is actively involved in the farming on this property so he is entitled to the farm exemption to build a house. That was granted back in October or maybe earlier. From time to time people find out that you cannot get a 30 year fixed mortgage on 20, 30 or 40 acres of farm ground. So for financing purposes their desire was to create a smaller parcel of land that your federally backed institutions will give you a fixed rate on it. I think some of you were involved when we change the ordinance a few years ago and we removed the restrictive covenant requirement that you would have to sign on the remaining farm ground if you split off around an existing farmhouse. We are kind of doing this... going at this a little backwards, because they are needing to create a smaller subdivision lot before they build a house. They already have the right to build a house under the farm exemption, they just need a smaller lot for financing purposes. However, I looked at that and thought how do we make sure that this isn't undermining the intent of our ordinance that states that the house be at least five years old before you create a parcel around it. So this was kind of an unseen circumstance when we made that ordinance change. So I've talked to the Guldenpfennig's and their attorney and they have developed a restrictive covenant, which we don't typically require anymore. But just to make the county feel good that we are not ... I guess just to make sure that they are not abusing the farm exemption privileges, they have agreed to place and they have it prepared and ready to sign, a restrictive covenant that will remain on the rest of their farm ground. So this farm ground is going to remain physically contiguous to this lot and they probably will farm part of this three acres, I don't think that they intend to have a three acre yard. It's just simply going to be a separate tax parcel and in their name just simply for tax purposes. They will continue to have partial ownership in the farms, I think there is close to 100 acres right there, but they farm other places too. This original quarter quarter section had been previously split.

Virginia Cooper: And this is the first time that we are doing it this way?

Eric Furnas: Right, most farm exemptions we don't have to create subdivisions on the front end, the most recent ones anyway that I've been involved with. But because of financing there was a request to create a smaller property. This way it still ties it together as a farm exemption property, because it is tied to the rest of the farm ground. The rest of the farm ground is restricted, it's self-imposed restrictions for no residential buildings or property divisions until such time that they would come back and ... if something would change they would have to

come back before the Board of Adjustment or Zoning Commission. So the restrictive covenant goes with the land and gets recorded.

Tom Harper: Okay so the restrictive covenant is not for Lot 1, but it's for the rest of the property?

Eric Furnas: Right, it's for the rest of the contiguous property. It's just kind of an exchange for being allowed to create, what is essentially a residential lot so the rest of the ground cannot be divided and built on.

Virginia Cooper: Who are all of the other people that you had mentioned in your conversation?

Mitch Guldenpfennig: I'm here representing my brother and his wife and my mom.

Virginia Cooper: But are they going to build here also?

Mitch Guldenpfennig: No, just us. So that's why it needs to be separated off so the bank can identify it under just our name.

Tom Harper: So the whole family owns the property but you are the only ones building?

Mitch Guldenpfennig: Yes.

Virginia Cooper: I see.

Barry McManus: And they will still be farm exempt?

Eric Furnas: Yes the farm exemption does not change.

Carol Schlueter: Okay so this in the blue line here, that's the 19 acres?

Eric Furnas: Yes that's one parcel and then to the west of that is another large parcel that they own that you can see is part of the same farm. The property across the road was originally part of that quarter quarter section and that's where the previous split had been and that's why a subdivision plat is required. But it's an agricultural lot, and agricultural subdivision.

Carol Schlueter: But it meets all the requirements?

Eric Furnas: Yes, it's larger than one acre and it has more than 150 foot of frontage along the road.

Carol Schlueter: Where will they have access, will it be off of Jasper?

Eric Furnas: Yeah the plat shows where the entrance is and it's been approved by the County Engineer's Office.

Carol Schlueter: Okay.

Tom Harper: Is there any other comments, discussion or questions? Hearing not, I will entertain a motion.

Virginia Cooper: I will make a motion to recommend to the Board of Supervisors approval of this proposed one lot agricultural subdivision, Gulden Acreage.

Tom Harper: Okay, a motion has been made and seconded to recommend to the Board of Supervisors to approve this subdivision plat. Is there any other discussion? Hearing none, all those in favor of the motion please say Aye (4) Opposed (0) Absent (Akers). The motion carried.

Mitch Guldenpfennig: Thank you.

Janet Guldenpfennig: Thank you.

Carol Schlueter: Yep, good luck.

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