

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, October 2, 2015, with Vice Chairperson Virginia Cooper and board members George Alt, Dana Pittman, and Tom Harper present, Emily Geertz was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Steve Kundel, Craig Ineichen, and David Bronner.

Virginia Cooper: If I misread something or do something else, just clarify that, because I don't do this this often. I will open the public hearing of the Zoning Commission meeting on October 2, 2015. 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 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. I'd like to ask the board members if there are any changes to the board minutes of the previous meeting? If not, is there a motion to approve the minutes?

Tom Harper: So moved.

Virginia Cooper: Is there a second?

George Alt: Second.

Virginia Cooper: All in favor of approving the minutes, please say Aye (4) Opposed (0) Absent (Geertz). Okay, since there are only four members here today, that means that any decisions that we make today if it is a tie vote it would be passed onto the Board of Supervisors as an unfavorable recommendation. So you can either choose at this time to go ahead with the request or ask to have it tabled until the next meeting when we may or may not have a full board. Just so you know that. Eric, can you please read the first request?

Eric Furnas: Zoning Agenda Item #01. Marvin R. Stolley, Record Owner by Doug Stolley, POA, and Craig Ineichen, Proposed Buyer and Builder, request approval to rezone their property from the existing A-1 Agricultural District to the proposed R-1 Residential District. This property is located in Bloomington Township, East of Hwy. 38, in the SW¹/₄ of Sec. 12-T77N-R2W, containing approximately 18 acres, and is currently zoned A-1 Agricultural District.

Virginia Cooper: Was there any correspondence?

Eric Furnas: No correspondence.

Virginia Cooper: Okay, would the spokesperson please state their name and tell us about this request?

Steve Kundel: Yes, my name is Steve Kundel. I am an attorney here in Muscatine and I represent Craig Ineichen. We are here today with a petition to rezone this property, I believe it's a little over 17 acres. Currently it is zoned A-1 and we are looking to rezone it to R-1 Residential. The purpose behind that is that my client would like to build a single family house on this property. He had

earlier this summer gone before the Board of Adjustment in an attempt to get a rural classification for this property but that attempt failed. I believe in part because he would be too close to surrounding houses. He would be within the minimum 750 feet distance to surrounding houses, particularly to the house immediately south and maybe one to the west. So we are here today to submit this rezoning so that he can proceed and build a house. Prior to us coming here my client has spent a lot of time surveying the neighbors and he's contacted, between him and myself, we have contacted the surrounding owners and I would like to hand out copies of what he's got. Essentially everyone across the fence and across the street, Frank Draper who is immediately north, the Hoag's are to the west, all have no objections to this. Then the Wunder's who are immediately to the south of this, they don't have an issue with this either provided ... I spoke with John Wunder late yesterday, he would actually, if this goes through, he would work with Craig on building a joint pond on the boundary line. I just want to hand you copies of all of these things. So pretty much we are here today for this, like I said my client originally tried to do the rural residence thing, but several limiting factors with this property, normally this is not bad news but for Craig this really sits too close to the city and there is just too many neighbors for that to be feasible. So where the rural residence really looks to keep city people away from hog confinement buildings and neighbors and stuff like that, it really just doesn't fit here. So we are here today with a petition to rezone. We are kind of really stuck in limbo between the rural residence categories and also the rezoning. I also spoke to my client and he intends to... this property is a little over 17 acres and with a residential zoning he could in theory do a subdivision. The practical nature of that based on the real estate is not very good because this is essentially the head waters of Mad Creek. It is low lying and has creek tributaries, so he is essentially looking to build just one house on this.

Virginia Cooper: Where is the city boundary line?

Eric Furnas: Well I would say that it is less than one mile from this property.

Virginia Cooper: North or south?

Eric Furnas: South.

Virginia Cooper: Okay, and then the city's proposed area that they can move into, this fits within that?

Eric Furnas: Are you referring to proposed annexation?

Virginia Cooper: No.

Eric Furnas: The two mile radius?

Virginia Cooper: Yes.

Eric Furnas: Well we don't currently have any kind of structured fringe area zoning development agreement with the City of Muscatine. The State of Iowa does give review authority to cities to review subdivision plats within two miles of the city limits on certain improvement standards. The proximity to the city limits is certainly a criteria that is considered by the Zoning Commission for rezoning, you know if it is requested. But as far as the two mile radius, if you are thinking about that...that only addresses subdivision plats and some improvement standards on the streets.

Virginia Cooper: Well when they just redid the city's comprehensive plan, they drew another line. So I was looking for the existing line and the future line. As zoned Ag-1, it looks like it was all timber. Is there any tillable on it at all?

Steve Kundel: No, I don't believe so.

Virginia Cooper: Okay.

Steve Kundel: And to kind of tap into your discussion, where this is located it is officially 180th Street, which is the Spring Valley Bible Camp Road, is what I know it by. Everything to the south of that, except for the golf course which is sort of exempt from zoning, is residential. Then the Bronner property is already zoned residential. So the residential is already creeping north of 180th.

Virginia Cooper: Which one is the Bronner property?

Steve Kundel: It would be the second to the south, if you look at this map, and I don't know if you have parcel numbers on yours.

Virginia Cooper: I do. Is it 0812300009?

Steve Kundel: Yes, that is Bronner's and it is zoned residential now. The property immediately south, the 007, that's still ag. If you go east on 180th Street a little over 2,000 feet, then you have the Spring Valley subdivision which is also on the north side of 180th street, and that is also zoned residential. So there is county precedent to having residential creep north of 180th Street.

Virginia Cooper: Okay any questions or comments?

Tom Harper: Well if I can just jump sides here, when this came before the Board of Adjustment we had discussion on this that generally we were not unfavorable to their request but because of the 750 feet minimum distance between houses, you know, they were not going to be able to get that separation. So that is why we turned down the Special Use Permit. But to me I felt this was a prime candidate for rezoning. Because if you look at the property, it is all timber, it's all overgrown.

Virginia Cooper: Okay.

Eric Furnas: I might be able to expand on it. The Special Use Permits that are considered for rural residences are intended to allow sporadic residential homes to be built with special consideration in A-1 zoning districts with separation criteria, proximity to paved roads. They are not intended to be a mechanism for recognizing favorable residential development areas. So the denial for the Special Use Permit for a rural residence does not cast a negative light on rezoning potential. It's definitely considered very separate issues. So in fact a denial of that is spoken to in our ordinance, it states if an area is particularly well suited for residential development given the proximity to residential districts, low ag land value, than rezoning should be considered. That is language right from our ordinance. So that's why they are doing this.

Virginia Cooper: Well personally if it weren't all timber I would probably have a bigger problem with it because than it's the beginning of the creep, which there is no written policy either in the county or in the city that talks about urban sprawl and how it creeps from one property at a time. I know that that has been a concern from some of the rural citizens in the past, especially in that two mile zone. But since this is particularly suited for neither pasture or crop land, I guess I don't ... I would say that's probably a good solution to the problem.

Steve Kundel: The other perk for my client purchasing this and then building a house, I know that he has spoken with members of the Hoag family and they own property to the east and north, one of their claims was that this property

has been neglected and they would like someone there that's going to maintain the fencerows and clean it up. So that's a benefit for them.

Virginia Cooper: Is there livestock on any sides of this?

Craig Ineichen: Yes on the east side of the fence there is livestock.

Virginia Cooper: Okay, so yeah it is pretty important to have the fence taken care of. Well the signature list pretty much makes it clear to me that even though there is a problem with the close proximity that the neighbors don't have a problem with him building there. Does anybody else in the room have anything else that they would like to add? Is there any further comments or questions by the board members? Is there a motion than?

Eric Furnas: Go ahead and close the public hearing.

Virginia Cooper: Okay, I would like to officially close this public hearing and I would like a motion to discuss this request.

George Alt: I will make a motion to close the public hearing.

Virginia Cooper: Is there a second to close the public hearing?

Tom Harper: Second.

Virginia Cooper: Okay, all in favor to close the public hearing please say Aye (4) Opposed (0) Absent (Geertz). The public hearing is closed. Now is there any further discussion? Is there a motion to rezone this property that is owned by Marvin Stolley from the existing A-1 to the proposed R-1 Residential located in Bloomington Township, containing approximately 18 acres?

Tom Harper: I will make a motion that we recommend to the Board of Supervisors to approve this request for the rezoning, as stated on the request.

Virginia Cooper: Is there a second?

Dana Pittman: I'll second.

Virginia Cooper: All those in favor please say Aye (4) Opposed (0) Absent (Geertz). The motion has passed.

Eric Furnas: This will now go before the Board of Supervisors. We will let you know when that public hearing will be.

Steve Kundel: Okay, thank you.

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

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, October 2, 2015, with Vice Chairperson Virginia Cooper and board members George Alt, Dana Pittman, and Tom Harper present, Emily Geertz was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Gary Allison and Mike Riggan.

Virginia Cooper: Eric, will you read the second agenda item for Michael J. Riggan, Record Owner request approval of the preliminary and final plat?

Eric Furnas: Zoning Agenda Item #02. Michael J. Riggan, Record Owner, requests approval of the preliminary and final plat of the proposed three lot industrial subdivision, Riggan's Addition, Lots 1 and 2 would allow for existing residential structures to remain in place. This property is located Fruitland Township, at the corner of 49th Street and Stewart Road, in the NW¹/₄ of Sec. 21-T76N-R2W, containing approximately 27 acres and is currently zoned I-2 Heavy Industrial District.

Virginia Cooper: Is there a spokesperson for this?

Gary Allison: Yes.

Virginia Cooper: Do you wish to proceed?

Gary Allison: Yes.

Virginia Cooper: Could you please introduce yourself and tell us about this request?

Gary Allison: I am Gary Allison and I am representing Mike Riggan. Mike bought this property from a long time resident, it's about 27 acres. It is zoned I-2 Heavy Industrial as a lot of that property down on the south end is, even though it is not being used as heavy industrial. It had two residences on the property for about 35 years. What Mike is trying to do is to maintain the existing use of the property. The rest of it would still be ag use, and that's what he intends to continue. The ag use would be lot three, as you can see on the subdivision plat it is a large lot. Then the two existing dwellings would continue to existing on the other two lots. But to make all of this work it's been quite a process. We have gone through the Board of Adjustment and have gotten permission from the board and the supervisors to have the two residences in the I-2 zoning. Then that involves doing a subdivision, so we needed to separate those residences from the remaining property. We've also indicated that this is within the two radius of the City of Muscatine. So we had to go to the city also for approval, and they have approved it. So this is kind of the last step for formal approval of the subdivision.

Virginia Cooper: Is there any questions by anyone here?

Tom Harper: So the two parcels that are being subdivided out would still retain the I-2 zoning?

Gary Allison: They will but they will be used residentially. That's why we had to go before the Board of Adjustment for approval.

Tom Harper: Right.

Virginia Cooper: Right and still ag use for the other section?

Gary Allison: Right.

Virginia Cooper: And the ag use for the other could change at some point?

Gary Allison: It could, yes, it could be used for something else yes.

Virginia Cooper: Eric do you have anything to add?

Eric Furnas: Just like I put on the development report, they did go before the Board of Adjustment and it was approved to continue the use of the two existing residences. They would remain as non-conforming uses, but they are allowed to exist. It just provides Mr. Riggan to sell those two residences off and to continue to use the farm land. There are no new entrances at this time. The two residences actually have two new septic systems, so those issues have been addressed. I worked with them to make sure that the septic systems were contained on the properties that were to be split off.

Virginia Cooper: Okay and any future new entrances... if they were proposed or a problem they would have to come back before us anyway?

Eric Furnas: Well that would be the county highway department.

Virginia Cooper: Okay.

Tom Harper: And you did say that everything has been brought up to code as far as the septic systems?

Eric Furnas: Yes.

Virginia Cooper: Does anybody have anything else that they would like to add? Is there a motion for this?

Tom Harper: I will make a motion that we recommend to the Board of Supervisors to approve the request of the preliminary and final plat of the proposed three lot industrial subdivision, Riggan's Addition.

Dana Pittman: Second.

Virginia Cooper: Okay, all in favor of the motion please say Aye (4) Opposed (0) Absent (Geertz). The motion has passed.

Gary Allison: Thank you.

Virginia Cooper: You are welcome.

Eric Furnas: We will let you know when this will go before the Board of Supervisors.

Gary Allison: Okay, thank you.

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Others present for this hearing: Mandi Newcomb.

Virginia Cooper: Okay, next on the agenda, Item #3 is Mandi Newcomb, Record Owner, requests approval of a preliminary and final plat of Replat Lot 3, Goddard's Rolling Oak Hills, Phase 2, Lot 3. This would be expanding the lot by adding an additional one acre to this lot. I assume you are Mandi?

Mandi Newcomb: Yes I am.

Virginia Cooper: You don't have to stand up, that's fine. Are you wanting to proceed with your request?

Mandi Newcomb: Yes I am.

Virginia Cooper: Okay, Eric would you read the request please?

Eric Furnas: Zoning Agenda Item #03. Mandi Newcomb, Record Owner, requests approval of the preliminary and final plat of Replat Lot 3, Rolling Oak Hills, Phase 2, in order to expand the lot by adding an additional one acre of the neighboring property, owned by Mr. & Mrs. Ronald D. Knopik. This property is located in Bloomington Township, in the NW¹/₄ of Sec. 14-T77N-R2W, Goddard's Rolling Oak Hills, Phase 2, Lot 3, containing approximately 2.02 acres, and is zoned R-1 Residential District.

Virginia Cooper: Okay, if you would like to introduce yourself and tell us a little about your request?

Mandi Newcomb: My name is Mandi Newcomb and I live at 1828 N. Isett. Recently the property next to me has been sold. They would like to sell me an acre directly behind my house. So that's my plan, is to buy that and add it to my property.

Virginia Cooper: Okay, does anyone have any questions or comments? Eric do you have any comments?

Eric Furnas: Well basically this is what you need to do in order to add additional ground onto an established lot. This is a subdivision plat that was submitted and approved a few years ago. This is also vacating the existing utility easements and the addition of the new utility easements around the parameter.

Tom Harper: So really no different than any other cases that we combine lots and vacate easements?

Eric Furnas: Yeah, sometimes it's just simply vacating an easement if they are trying to buy a lot right next to theirs or buying two lots and wanting to build in the middle. The difference here is that this one acre wasn't in this established subdivision.

Tom Harper: So it's just carving off on acre from a neighbor and adding it to this lot?

Eric Furnas: Right and it would be a replat so that we can make sure that we have everything that is required to approve a replat. It actually might also bring this dwelling and lot into compliance. When it was constructed we didn't

really have building codes and inspections, so I'm not sure how but it looks like it was built a little too close to the rear lot line. So this actually would help it be within the setbacks.

Mandi Newcomb: And originally when I bought that property 15 years ago, the reason we set the house that far back on the property was because we had intentions of buying another acre. Who I bought my property from was actually the originally owner of the adjoining property that we are talking about. Throughout the years he just kind of flip flopped back and forth about selling it to me. He has since sold it to somebody else who will now sell me the acre.

Virginia Cooper: Okay, does anybody else have any questions or comments?

Tom Harper: So this is on the west side of Isett and on the south side of 180th?

Virginia Cooper: Yeah, do you want a map?

Tom Harper: Yeah, I remember Goddard's.

Eric Furnas: Yes it is south of 180th.

Tom Harper: So there's a lot of ravines down through there?

Eric Furnas: Yes.

Virginia Cooper: Yeah I always try to bring the maps with me because that helps me to orient myself. Well at this time I will make a motion that we recommend to the Board of Supervisors approval of this request as stated. Is there a second?

Tom Harper: I'll second it.

Virginia Cooper: All those in favor please say Aye (4) Opposed (0) Absent (Geertz).
The motion has passed.

Eric Furnas: We will let you know when this will go on to the Board of Supervisors.

Mandi Newcomb: Okay, thank you.

MUSCATINE COUNTY ZONING COMMISSION
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Virginia Cooper: Okay, the next item on the agenda is Item #04, discussion of the Farmhouse Restrictive Covenant amendment, Muscatine County Ordinance Sec. 29 Art. 3 in the A-1 Agricultural District. It affects all unincorporated parts of Muscatine County. Eric, would you like to speak on this?

Eric Furnas: This is the first step in possibly amending our Zoning Ordinance, this section of our Zoning Ordinance. Recently, and this is just a meeting for you guys to discuss the issue, to discuss the ideas, give me direction. We won't be making any official recommendation for the amendment. This is just a discussion item for you to decide whether we even move forward with the actually amending of the ordinance. Today the only action that we will take would be to direct me to set a public hearing and where you would anticipate making an official recommendation on how the ordinance should be changed. There was an issue in a recent Board of Adjustment case where the board had granted a Variance to a property owner...it was a woman that was getting up there in years and wished to move to town. She wanted to split off the existing farmhouse that she lived in with her husband. They had farmed it, but after her husband had passed away she wanted to move to town. Under our current ordinance in the A-1 zoning district, you can split off any house built prior to 1987 as long as there is at least one acre and you are willing to enter into a Restrictive Covenant on the remaining contiguous A-1 land. Now recognizing the intent of the ordinance at that time is that the county was seeing the shrinking number of family farms. The number of family farms were dwindling...as you guys know, the farms are becoming larger. So there was less need for family farmhouses as corporations would buy up farms they didn't really have a need for a farmhouse on the property and people were interested in moving to the country but weren't necessarily engaged in the day to day farming operation. So the ordinance was amended in 1987 to allow for existing farmhouses to be split off and sold provided the rest of the property was restricted to ag use and not allowing additional residential uses popping up on the original farm. Well it is 28 years later and we are now seeing a second generation essentially of people finding themselves in the same circumstances. And because of the age specified, they are not able to split off around the house without a Variance now. The one that I am referring to was built in 1998. So by the language of the ordinance she was not allowed to split it off and sell it to someone. She requested a Variance and the Board of Adjustment recognized that a hardship was created by the language and specifications of the ordinance and allowed that Variance and made a recommendation that I bring this before the Zoning Commission. And if possible, that the Zoning Commission update that ordinance.

Tom Harper: Right and in this case there has already been the initial split of a much older farmhouse and the daughter of the requester was living in it and there is...

Eric Furnas: It hadn't been split off. There was an existing house, the daughter moved into that house and the Record Owners built a new house on the farm. They had to go before the Board of Adjustment to ask to have two houses on there because they wanted to leave the existing dwelling for their daughter to live in. The stipulation stated that the daughter could stay in the existing house but if she were ever to move out that that residence could not continue as a residence any longer. So then someday it will get back to one residence on the farm. The Variance that they granted actually took care of that because when they allowed her to split off the newer house from the farm, the daughter's house is the only one that would remain on the property. But still

if she moves out of it, it would just become an ag building – not to be used as a residence.

Tom Harper: Okay, yeah that was it.

Virginia Cooper: Well I understand the need for the amendment because almost every meeting that we have we deal with a Restrictive Covenant, almost every meeting with somebody. I had a couple of questions, as I read the new verbiage, can you explain to me or give me examples of...whether it would be problematic or whether it solves a problem, the five year old existing farmhouse, using that time, and also the one year period landowner? Can you explain to me where those numbers came from and why they are important?

Eric Furnas: The five years, I was thinking whether we needed an age restriction or a year restriction at all.

Virginia Cooper: Right, because the 1987 is not right.

Eric Furnas: Right. Scott County doesn't even have an age requirement on their provisions to allow the splitting of a farmhouse. However, I don't think it would be frequent but it does open the door to the possibility of a farmer having a 40 acre parcel that hasn't been split, finding a potential buyer and building a house under farm exemption with the intent of flipping the house, splitting it off and selling it to that person. I don't believe that that is the intent of the farm exemption.

Virginia Cooper: No and that was my thinking as well.

Eric Furnas: So I thought what would be a good compromise that would provide for a period of time that would make that kind of manipulation of a Farmhouse Restrictive Covenant unrealistic. If the farmer is building a house and has to stay there for five years, he is probably not going to do it for purposes of selling it to a future buyer. So whereas 10 years, we may run into this again where an older couple builds a house and within three to five years and then the widow wants to move to town, so then she would still be kind of stuck. So I was thinking a five year period would just add some safety to make sure that the farm exemption where a farmer could build a house wasn't abused. It would also allow this to just slide as years go by. Instead of saying houses built prior to 2015, it will slide. I proposed both sides to the county attorney though for a court critical review process, like is there one way that would be less arbitrary. He advised that he likes just calling the year of the age of the house using five years.

Virginia Cooper: Right, I agree.

Eric Furnas: Because it is easily identifiable, and it would slide as the years go by.

Tom Harper: Right, five years might not stop the abuse, but it's going to definitely slow it down.

Eric Furnas: Right we aren't making it impossible, but realistically if that is your intent it's going to be apparent pretty soon.

Tom Harper: And the other thing, I am sure that this is not the only place in the whole zoning ordinance that we have something related to a date. So I know we can't go through the entire ordinance right now, but as it comes up than it becomes a candidate to change the language. Yeah and using the year of the house so it slides, instead of the date, I think that's a good idea.

Eric Furnas: I think that it is more typical within our ordinance that we have a date that slides. If a person doesn't record a plat within so many days, than they have to refile. If you have a non-conforming residential structure and you tear it down and you don't rebuild it within a year, you can't just rebuild. Whereas if you have an old farmhouse and even though you are not a farmer, you can replace it with a new one as long as it is a continuance. So I think, we do use the age language so that it slides and still provides us safeguards in the ordinance.

Virginia Cooper: No, I don't mind the age language I was just actually questioning the five years. I understand that we are just trying to prohibit the abuse and we can't stop it necessarily so I was thinking more like seven because I am mean. I agree with this and thank you for clarifying that. Then when you go down to the very last sentence, it states remaining contiguous A-1 Agricultural property includes all contiguous real estate owned by the seller at any time during the one year period preceding this application for this Restrictive Covenant. I would like you to clarify the one year for me.

Eric Furnas: I believe that that's so it doesn't apply to the land that that person could possible purchase in the future. So that they wouldn't necessarily be restricted if they bought the next 40 over or 20, or if they would pick up pieces from someone else's farm. So it doesn't overly burden them. It doesn't reach out and include others. I guess the best way to explain it, if a farmer has 40 acres and they split off around the house and sell that house that 40 acres and anything that that person has control over and is contiguous would be included as well. But it limits the Restrictive Covenants from extended to land that he doesn't even own yet. I guess that's the best way to explain that.

Virginia Cooper: Okay and you feel one year is a good number for that?

Eric Furnas: Yeah, I think one year provides for the provision. The Restrictive Covenants, I mean, most people abide by it pretty tight. It does provide for outs. There are ways to get your property relieved. It says the appropriate zoning authority; there are opinions that that actually means the Zoning Administrator. My stance is that I would never release it. I would take it to the Board of Adjustment so that it is objective and is in a public forum. Things change, potential property use changes. If someone put a Restrictive Covenant on a piece of property 30 years ago but now through development it may be... especially if it is marginal farm ground... There is a time where the covenant needs to be examined as a potential development area, whether it is commercial, industrial or residential. So that's why the Restrictive Covenant's run with the land, but until they are reviewed and released by the proper authorities, they are still in effect.

Virginia Cooper: Does the public hearing request require a motion?

Eric Furnas: No, I think I would just like you to take action to recommend setting a public hearing to come up with a formal recommendation. If this is the language that you want or give it more thought because even if you have something in mind that you think is agreeable, like the five years today, this is a discussion period. At the actually public hearing, we can completely come back and discuss something else if you find something that works better. You are not making a recommendation at this time, only recognizing that this needs changed. And then we will anticipate coming up with some sort of recommended language change at that hearing.

Virginia Cooper: Well I think that we are in agreement that amendments need to be made, changes need to be made.

Eric Furnas: Would you like to make that action... to say that at the next scheduled Zoning Commission meeting to discuss the Restrictive Covenant?

Virginia Cooper: Yes, on behalf of the Zoning Commission we request that a public hearing be set for the next scheduled Zoning Commission meeting in order to make changes to the Zoning Ordinance as it pertains to Restrictive Covenants.

Eric Furnas: Yeah any other recommendations or anything you want me to look into or you think that five years is a reasonable place to start?

Tom Harper: Yeah, I would say it is a reasonable place to start. I mean I don't have any knowledge or any specific incident. Generally you don't find these things until someone has an application and you start looking at it.

Eric Furnas: If you look at potential abuse of a farm exemption under a microscope, even if someone intended to try to abuse their farm exemption privilege they would have to deal with a parcel that has never been split before. Because if there has been any splits prior to them owning it, if there is anything that triggers subdivision process, even though it's not a residential subdivision, there is some review and authority and the opportunity for the Zoning Commission to deny this subdivision, if they were trying to go around the provisions. So I mean there are some extra safety precautions just within our subdivision ordinance.

Virginia Cooper: Well I would appreciate any other information that you find between now and the next meeting, if you think it is important and it is something that would help us make a decision or if it could educate us before the next meeting, go ahead and forward that to our emails. I appreciate your clarification today.

Eric Furnas: I think the mechanism works well that we have a provision for recognizing that farmhouses can be allowed to be split off occasionally. We need to maintain some sort of provision but we just have to have something that slides with the times a little bit. I don't think there is a problem with the provision.

Tom Harper: Yeah, I think the provisions have worked well over the years, because it took it away from coming before the Board of Adjustment and it was cleaning it where there was a second split.

Virginia Cooper: Yeah, really ever thing that we have had to deal with has been easy, at least since my time on this board. But maybe it's because we haven't had to deal with anything newer than 1987.

Tom Harper: Yeah, a lot of them go through that neither board sees because there is no action needed by us.

Eric Furnas: Right, they come to my office and I just review them and make sure the lot width is big enough, the setbacks, their utilities; really it's just the basic stuff that's nuts and bolts.

Tom Harper: Really they don't even need to be surveyed unless either the buyer or seller wants it to be surveyed.

Eric Furnas: Well no they need to be surveyed so that our tax parcel on our mapping system properly describes them, but it is a plat of survey not a subdivision. Unless there has been a previous split, than they have to do a subdivision.

Virginia Cooper: Okay, is there a motion to adjourn the meeting?

Tom Harper: Motion to adjourn.

Virginia Cooper: Is there a second?

George Alt: I'll second it.

Virginia Cooper: All in favor of adjourning the meeting, please say Aye (4) Nay (0)
Absent (Geertz).

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