

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, November 13, 2015, with Chairperson Emily Geertz and board members Virginia Cooper, Carol Schlueter, Dana Pittman present, Tom Harper was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Judy D. Minnick and Shelly Minnick.

Emily Geertz: I will open this Zoning Commission hearing and the first item of business is to nominate a new chairperson.

Virginia Cooper: I will nominate Emily.

Carol Schlueter: I'll second it and I make a motion that the nominations cease.

Dixie Seitz: Is there a second on that?

Dana Pittman: Yes, I will.

Dixie Seitz: All in favor of Emily being the Chairperson again this year please say Aye (4) Opposed (0) Absent (Harper). We also need a Vice Chairperson.

Emily Geertz: Now I'd like to entertain nominations for a Vice Chairperson.

Dana Pittman: I'll nominate Virginia.

Carol Schlueter: I'll second it and I make a motion that the nominations cease.

Emily Geertz: Is there a second to cease the nominations?

Dana Pittman: Second.

Emily Geertz: Okay, all in favor of Virginia Cooper being the Vice Chairperson please say Aye (4) Opposed (0) Absent (Harper). Now we need to approve the minutes from the last meeting. Does anyone have any changes to the minutes?

Dixie Seitz: I did receive some changes from Dana.

Emily Geertz: You are such good editor. Was it grammar?

Dana Pittman: Yeah, just grammar.

Emily Geertz: Okay, besides that any changes?

Virginia Cooper: I don't think so. I move that we accept the minutes from the last meeting.

Dana Pittman: I will second that.

Emily Geertz: All in favor of approving the minutes from the last meeting say Aye (4) Opposed (0) Absent (Harper). Okay, the minutes are accepted. Now 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. Eric, can you read the first request?

Eric Furnas: Zoning Agenda Item #01. W. Tyrone or Josephine M. Collins, Record Owners by Joseph A. Polaschek, Attorney, request approval to rezone their property in Fulton Township from the present A-1 Agricultural District to the proposed R-1 Residential District in order to add a residential home site. This property is located south of 153rd Street and north of U.S. Hwy. 61 in the N¹/₂ of Sec. 34-T78N-R1E, 3762 153rd Street, Blue Grass, Iowa, containing approximately 45 acres and is currently zoned A-1 Agricultural District. The Zoning Commission will not consider any request unless the applicant, or his/her representative, is present to answer any questions that may be asked in regard to this request.

Emily Geertz: Was there any correspondence?

Eric Furnas: I don't believe so.

Emily Geertz: Okay I would ask that the applicant or spokesperson please state their name and tell us a little about the request.

Eric Furnas: The applicant is not present.

Emily Geertz: Okay, well Eric do you have any comments?

Eric Furnas: Yeah, I don't think that we really can go on without the Record Owners or the applicant being present.

Emily Geertz: Okay so do I have a motion to ...

Eric Furnas: I would just ask for a motion and if no one makes a motion than it dies for lack of a motion because there was no applicant here.

Emily Geertz: Okay, is there a motion?

Judy Minnick: May I ask a question? If you table it, that means that the rest of us have to keep making this trip, to keep coming down whether they show up or not?

Eric Furnas: If you care to be here, yes.

Shelly Minnick: Can I get a petition and get signatures?

Eric Furnas: Yeah. If it's tabled than it's basically continued and they ...

Judy Minnick: So you can't deny it so than the rest of us don't have to keep coming down?

Shelly Minnick: I vote for that.

Emily Geertz: Okay, so do I have a motion?

Dana Pittman: To do what?

Eric Furnas: Yeah, I would just leave it like that, just ask for a motion and then the rest of the commission can decide whether to make a motion to table or just make no motion, which then the application would die, or any other kind of a motion they would wish to make.

Virginia Cooper: Well doesn't this go pretty much hand in hand with what the next meeting is about?

Emily Geertz: No.

Eric Furnas: No, this was a request to rezone a parcel.

Virginia Cooper: Okay.

Carol Schlueter: I will make a motion that we deny this request to approve the rezoning of this property from the present A-1 Agricultural District to the proposed R-1 Residential District because the applicant is not in attendance.

Virginia Cooper: I will second that.

Emily Geertz: Can I actually interject? Is that the proper way to make a motion since we only have four members present and it could be a tie vote?

Eric Furnas: Yeah, it actually should be in the form of a positive motion and then vote the way you would like to.

Carol Schlueter: Oh, I got it. Yeah, I will restate my motion to approve the rezoning of this property from the present A-1 Agricultural District to the proposed R-1 Residential District, noting that the applicant is not present for this.

Eric Furnas: Then someone could decide to second it or not and then you would vote either Aye or Nay.

Emily Geertz: Well we wouldn't even have to second it.

Virginia Cooper: Yeah, I don't want to do that either.

Emily Geertz: Is there a second to that motion?

Eric Furnas: So then the motion dies for lack of a second.

Emily Geertz: Okay, so the motion dies for a lack of a second.

Virginia Cooper: So then what next?

Eric Furnas: You could probably ask if there are any other motions.

Emily Geertz: Are there any other motions?

Judy Minnick: May I ask another question?

Carol Schlueter: So how are we turning it down if we can't vote to turn it down?

Eric Furnas: Because the motion died for lack of a second so it was essentially denied. (everyone talking at the same time)

Judy Minnick: But when she was against it, why would you have her make a motion for it?

Eric Furnas: It's part of the parliamentary procedure. (everyone talking at the same time)

Dana Pittman: The motion has to be positive.

Shelly Minnick: So essentially it just died?

Carol Schlueter: Yeah.

Judy Minnick: Well what threw me off was... and I'm not trying to be smart, I just wanted to know why it was changed when she was against it and then changed it?

Carol Schlueter: But that's why, we only have four members present and we had to make a positive motion and then when we vote we can turn it down. So now it's done?

Shelly Minnick: So then it's denied and they are not going to try and build houses?

Carol Schlueter: They can't. They would have to come back and apply again.

Eric Furnas: Right, they would have to apply again.

Emily Geertz: Okay, thank you for coming.

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, November 13, 2015, with Chairperson Emily Geertz and board members Virginia Cooper, Carol Schlueter, Dana Pittman present, Tom Harper was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Emily Geertz: Okay, I'm going to open the public hearing again and we are going to talk about Zoning Agenda Item #02. Eric, would you like to read that?

Eric Furnas: Zoning Agenda Item #02. Discussion and to possibly recommend an amendment to the Farmhouse Restrictive Covenant Amendment, Muscatine County Ordinance, Sec. 2.9, Article III, A-1 Agricultural District to the Board of Supervisors. This ordinance affects all unincorporated parts of Muscatine County. Just to clarify this and to give you a little more background, I think you were all here last month when we first discussed this?

Emily Geertz: I was not.

Carol Schlueter: I wasn't either.

Eric Furnas: Okay, the issue that we have at hand and that you will be asked to consider and discuss centers around Section 2.9 of the A-1 Agricultural District Ordinance. It states that a farmhouse built after January 1, 1987, may be split from a parcel with at least one acre or more provided the landowner place a Restrictive Covenant on the rest of the contiguous farmland. And that would be on all of the farmland that he has owned in the previous year. This amendment to our ordinance was passed in 1987 when the county realized that there was a number of farmhouses that were no longer being resided in by farmers. Farms got bigger, the number of farms got smaller, so now instead of every 40 acres having its own farmhouse, we have farmers that own 3,000 to 5,000 acres and they don't need that house that was on the original 40 that was bought. So this provision was put in place to allow for those unneeded farmhouses that were once part of an active ag operation to be split off and sold to someone who just wanted to live in the country. They put the Restrictive Covenant provision on there to protect against unchecked residential development in the A-1 Agricultural District. So if a farmer said I want to split off and sell this house that I don't need any more to someone who wants to come from Muscatine and live in the country, this covenant would insure that the rest of the farm would remain just farm ground. So they couldn't go down the road and claim farm exemption, build a house and then turn around and split it and sell it. You know, flip the house per say. So why it's before you now is that we are seeing a whole other generation of houses and this same thing is happening. This ordinance is close to 30 years old. So now there is another generation of previously used farmhouses or houses out in the country that are no longer part of the farm. We've had a couple of cases where an applicant wished to split off and sell a farmhouse but because the house was built after 1987 she was not allowed to do so. She was an elderly woman who had once been part of this farm, her husband had passed and she had to come and get a Variance from the Board of Adjustment. The Board of Adjustment recognized that the hardship was probably caused by the ordinance language and approved that Variance. At that time they also recommended that the Zoning Commission take a look at this and see if there is some updating that needed to be done. So that is kind of the background of why this topic is before you today. So there has been some discussion and questioning whether the Restrictive Covenant portion is even really required anymore. That's where you see in my memo that I reached out to some other counties and asked how they handled this. I was kind of surprised and actually the majority of them didn't require a Restrictive Covenant. So when we dug into why they felt that they weren't needed, the answer was basically that in A-1 ... and I even believe to an extent our county, that it is already protected by the restrictions of the A-1 zoning district.

Because there is still only two ways that you can build a house on A-1 zoned property, even if there is not a Restrictive Covenant on it, you just can't build on it unless you are a farmer, or you get a Special Use Permit from the Board of Adjustment.

Emily Geertz: So it is redundant?

Eric Furnas: So it would appear. And it would appear to some counties that recognized that there was some redundancy once they solidified their farm definitions and their zoning ordinances that there was adequate protection already with their zoning ordinance where they don't need the redundancy of the Restrictive Covenant. Now the one circumstance that could be a potential area of abuse, and I think it would be very small, would be the case of that farmer that exercised his right under State Code 335 for farm exemption. They could build a house with sole express purpose of turning around and flipping it and then going down the road to the next 40 that he owns and doing the same thing. I don't really know what the likelihood of that happening would be. But you could still protect against that by still requiring a certain age requirement before the house could be allowed to be split and sold. When I talked to the county attorney about the age requirement and whether it would be better just to have a year that the house was built or just an age, he thought it would be better just to have an age so that would slide so that we don't have to revisit this in ten years. We could use five years, three years, anything that you would want to use and what the Board of Supervisors would approve.

Dana Pittman: What triggers the date or the age? Is there some completion date or something where you say I'm done?

Eric Furnas: Sure, occupancy. We would still approve occupancy based on homestead. We know when a house was constructed and the assessor knows it even if we don't issue a building permit. So you are looking at about nine months to a year that it takes to build a house. So that's kind of the background of why you were asked to look at this section of the ordinance. I gave you the background in that memo of how some other counties handled it. So there are different options that you could recommend to the Board of Supervisors.

Virginia Cooper: After reading ... and this is very well worded, I appreciate your language on this, I think it's written pretty well, but even though there is redundancy between the two things I like the idea of Restrictive Covenants. It would be a safeguard for that one weird situation and it could snowball into something that could get out of control. That's just me because I am conservative.

Eric Furnas: Carol, would you like to bring them up to speed on what the Board of Adjustment just wrestled with? I mean, it's just something to think about when you are talking about Restrictive Covenants.

Carol Schlueter: You mean in this last meeting?

Eric Furnas: Or would you like me to tell them?

Carol Schlueter: You can tell them. I voted against allowing it.

Eric Furnas: The Board of Adjustment met just previous to your hearing on a case where the applicant was requesting the release of the Restrictive Covenant that was filed on the property. That's not the first time that that has happened either. It's becoming more and more routine over the years, you know, we've been doing this for 30 years. So even a guy who may otherwise be exempt because of his farming status has to now come before the Board of

Adjustment and ask for the Restrictive Covenant to be released in order to build a house as a farmer.

Virginia Cooper: Does it cost him?

Eric Furnas: Yeah it cost a fee to go before the Board of Adjustment.

Virginia Cooper: Okay.

Eric Furnas: And it happened just a month or two ago, the Board of Adjustment released Tom Furlong's land that he sold a portion of, they voted to release the Restrictive Covenant. They don't do that routinely without looking at the land and making sure that it's not prime farm ground. They take a hard look at it. Often it's part of also considering a request for a Special Use Permit for a rural residence. Farm properties have changed. We see people who buy farms that have Restrictive Covenants on them that were put on 30 years ago and that farmer still would have to go before the Board of Adjustment to have that removed where otherwise he would be exempted by state law to build his house.

Emily Geertz: I guess I find it overly redundant. I understand what you are saying but I think the likelihood of someone involved with that much land, they are not usually builders. They really don't have time to be going around flipping houses in the country. I don't have time, so... I can't imagine others. Usually I am really conservative with zoning, but I think if the restrictions are already in place, I just don't think we should have this.

Eric Furnas: Well there is still that option of putting an age requirement on.

Emily Geertz: I feel kind of weird about that. I think that's kind of ... I'm not comfortable with that for some reason.

Eric Furnas: Well Scott County, for an example, has no age requirement and no Restrictive Covenants.

Dana Pittman: Is there a reason why you are against that?

Emily Geertz: I don't know, I think it's just unnecessary. I just don't think it's being abused that much. I don't know maybe there are a whole bunch of cases where it is abused.

Virginia Cooper: I don't see that it is being abused right now but I see the possibility of it being abused in the future as it becomes prime real estate for housing and subdivisions.

Eric Furnas: Well now you are talking a whole different... because a farmer can only do that once on an entire 40 acres. Even if he wanted to split that one house off, he could build one more time on the entire 40 acres. If he tried to do it again he would be shut down because the subdivision regulations. Now if he owned 3,000 acres, he could go a mile down the road on another original quarter-quarter and build a house.

Emily Geertz: Most people don't even own land that's continuous anymore. I think it's more here and there.

Virginia Cooper: Yeah.

Eric Furnas: And other than a farmer doing it, it's by Board of Adjustment review that a house can be built through a Special Use Permit.

Emily Geertz: If you build a house and live in it, I want to say two of the five years, and then sold it you would avoid paying any tax on it. So that's almost set up, the five year thing is almost an ideal thing if you were really flipping houses. Isn't that right, owner occupied and then selling it?

Carol Schlueter: But you have to live in it yourself.

Emily Geertz: Yes.

Carol Schlueter: Yeah, it's for three years.

Emily Geertz: So then I think after five than it doesn't matter.

Carol Schlueter: Right, than you can sell it and you don't have to report anything to the government unless you made a million or something on it.

Eric Furnas: The most recent case where the Board of Adjustment had to grant a Variance was with this elderly woman, I think her house was 11 years old. So circumstances have clearly changed, as I think we have acknowledged. Her husband passed away and she wanted to move to town, she wanted to keep her farm ground but sell the house. But you know, it took almost 30 years and we are seeing almost another generation that this is happening too.

Carol Schlueter: Okay, if the farmer sells a small acreage to someone to put a hog building up, then do they have to sign a Restrictive Covenant?

Eric Furnas: No, because they are not splitting off around an existing farmhouse.

Carol Schlueter: Yeah, I was just thinking, I was talking about mine earlier, we sold property that was Ag related and I'm sure that we had to put a Restrictive Covenant on ours.

Eric Furnas: Around the house?

Carol Schlueter: No, our ground.

Eric Furnas: There is nothing in our ordinance that requires a Restrictive Covenant be signed to sell off ag land.

Carol Schlueter: I've got to check on that.

Eric Furnas: It's only when you split a house off.

Carol Schlueter: No, we didn't sell the house; we just sold the ground to Pioneer.

Dixie Seitz: I don't think that you have one. Maybe I am wrong, but I don't think you do. I will check on it.

Carol Schlueter: Okay, maybe not. But for a hog building there is no restriction on that?

Eric Furnas: No, this is just when an existing house is split off.

Virginia Cooper: Yeah, that's ag to ag. This would be ag to residential.

Eric Furnas: Well when a farmer sells off an existing house from the farm it is seemingly from ag to residential use. It might be a person that wants to move from town out to the country. It's an existing house; the use is arguably residential because that person that would reside in it is probably not involved in Ag.

Emily Geertz: So you put the three options there.

Eric Furnas: Well that's three possible ones, there's more I'm sure.

Emily Geertz: I think I am the only one that likes option three. My second choice would be to drop the Restrictive Covenant and then do the five years.

Dana Pittman: It doesn't have to be five, does it?

Eric Furnas: No, not at all. You can decide whatever you think is best.

Carol Schlueter: I am sure that the government says three, but I would have to check IRS just to make sure.

Dana Pittman: I would like to have something just because maybe there is no abuse now but if it comes ... because I just got done working with a credit card policy at work where it was not abused for 21 years and then boom, two people have abused it and we are rewriting it. We trusted that that would never happen, so things can happen.

Carol Schlueter: Yes it does.

Dana Pittman: So this could guarantee that at least some period of time to stop flipping. I mean really any amount of time would, two years, three years, whatever.

Carol Schlueter: How many cases have there been that they've come in to get the Restrictive Covenant dropped? Has there been that many?

Eric Furnas: Well generally it's not the case where that is the specific request. Generally it's a case where they've asked for a Special Use Permit and that may be part of it.

Dixie Seitz: Well in the last year there's been three, Eichelberger, Furlong and now Brown's.

Virginia Cooper: Maybe because it's a whole new generation of that age of farmer changing everything. Are we stepping into that generation or being at the tip of that generation?

Eric Furnas: Well that may be part of it. Well this Brown one was today, I don't think they thought of the ramifications of signing this. They split off the existing dwelling and then gifted the farm ground to their sons. When they gave the farm to their sons they gave it to them with these restrictions that our ordinance required.

Dixie Seitz: If they would have known that they wanted to build and thought about it, they should have asked for a Special Use Permit for them to build a house and then signed the Restrictive Covenant.

Carol Schlueter: Uh huh.

Eric Furnas: Right. The one area that I am leaning towards is not requiring a Restrictive Covenant. Some farmers say they have been advised by their attorney's to fight it if they have been denied a Special Use Permit to build a house. They think that the Iowa law trumps the Restrictive Covenant. The county's position is, no it does not because that was voluntarily put on by them or a previous land owner. But I want you to feel comfortable that the existing restrictions for A-1 land give adequate protection if we do not have the Restrictive Covenant. That's what the Board of Supervisors will wrestle

with too. None of us what to see unchecked residential development in the county.

Carol Schlueter: What are the farm exemption requirements?

Eric Furnas: Farm exemption requirement can be a little different in each county. Ours currently requires that you prove that the parcel in question is actively engaged in agricultural activities, livestock, fruits, grains, and pasture grazing. That person requesting the exemption is to be actively involved in that ag enterprise. One of the things that can be submitted is tax evidence, but it doesn't really say that it is based on a percentage of your income. It's one of those things that we've discussed looking at as well. This gets wrestled with in 99 counties across the state, how do you define a farm?

Carol Schlueter: And there is no minimum acreage?

Eric Furnas: No, not in our county. Some counties have acreage and some have had court challenges on it.

Carol Schlueter: So some farms that raise grapes, they can have as little as an acre, they can be farm exempt?

Eric Furnas: In some counties, yeah. Some other counties are still fighting that and they have a certain amount of acres or a certain percentage of your gross income. But the only thing is clear is that once you have been declared a farm you are exempt from certain things, the state says that. But there is latitude given to the county's to define a farm and the courts have weighed in on different areas. But there is not a black and white definition for a farm.

Emily Geertz: No, because you could specialize in one thing and you don't need hundreds of acres. You can raise hogs on five acres.

Eric Furnas: There are already arguments whether hog confinements are agricultural anymore if they are not owned by the person who resides on the property. So is that hog confinement agricultural or is that a commercial enterprise? Livestock production was always a farm enterprise, but now...

Emily Geertz: Yeah they might be a little different if they actually had a house there and had to live next to their confinement. That might just change things a little bit.

Eric Furnas: Well half the time they don't even own the hogs. They put up the building but don't own the hogs. (everyone talking at once)

Carol Schlueter: I think Mike Deahr owns his own hogs and so does Ditmar up around Eldridge.

Emily Geertz: Yeah and if there happens to be a dwelling on the farm a lot of times it's a rental or the farm hand lives there, not the owner.

Carol Schlueter: Yeah, like I said, Ditmar has 15 hog buildings around his beautiful brick house and they are not from here to across the street away from them.

Emily Geertz: Wow.

Carol Schlueter: Yeah and he's a good operator. I mean, he owns buildings all around but he's got them at his place too.

Emily Geertz: Well getting back to this, do we have to make a decision today or can we just keep toying with it? I know you guys talked about it last meeting too.

Eric Furnas: You can do what you want. This is a public hearing because we scheduled it as a public hearing, so you can make a recommendation. You can choose to table this and ask for more information.

Emily Geertz: What does Johnson County do, do you know?

Eric Furnas: They did not respond.

Emily Geertz: Really?

Virginia Cooper: Yeah and I appreciate impute from other counties that you have here.

Emily Geertz: I mean, I think it's kind of important to be in line with the counties right around you.

Eric Furnas: Yeah, we are similar with building codes and our surveying rules so that people that work in the different counties kind of know what to expect. But at the same time, you don't have to go very far and it's a very different population in adjoining counties, like Johnson County looks at things very differently in areas. Washington County is not very far away and they have no zoning, they had zoning and then did away with it. Louisa County just has an acreage requirement for a farm definition. Scott County is obviously very progressive in their thinking and rules.

Carol Schlueter: Did the Board of Supervisors ask that this change or did your office?

Eric Furnas: No, the Board of Adjustment has had to wrestle with this issue in a couple of cases. So I asked them over a month ago if they would like the Zoning Commission to take a look at it.

Virginia Cooper: When we updated the Comprehensive Plan there was a whole list of very dated amendments that in the future we were planning on looking at. Jodee kind of made a list of those, now whether or not that list was retained I don't know.

Eric Furnas: You know I'm not sure because that was all updated before I came back here. So I'm not sure of what went in to the new Comprehensive Plan. I mean, that's the thing... those things should have been addressed before we adopted the Comprehensive Plan if there were issues or areas of concern.

Virginia Cooper: No there was a whole list of really dated amendments that needed to be addressed and just the language needed to be addressed. Will we be looking at those or are those completely off your plate and you don't have that list?

Eric Furnas: Well I don't have a list that was brought up for discussion that needed changed. I have personal opinions on some things. This one was one of them and it's caused some issues and so I allowed the Board of Adjustment to decide whether they would ask you to take a look at it.

Virginia Cooper: Okay. I don't mind tabling this and getting some more information, you know, in front of us and looking at it. I don't know how you feel about it.

Eric Furnas: Okay, what other information would you like?

Virginia Cooper: Well do you want to look at what Johnson County does? Do you care? Do we care?

Dana Pittman: I don't.

Virginia Cooper: Don't care? Okay. Well that was just her question so I thought maybe I would ask that.

Eric Furnas: Do you want me to tell you the counties that I did get responses from?

Virginia Cooper: Sure.

Eric Furnas: Clinton County is the one that required an agricultural easement, so essentially it is the same thing as a Restrictive Covenant. Scott County does nothing, they say you have to split off a parcel no bigger than necessary to accommodate a house, any ponds or outbuildings that go with it. I've talked to their Zoning Administrator and they rest on the laurels of their A-1 Ordinance to prevent too much building. They feel that they have a strong farm definition and have the protection. Blackhawk County does not require a Restrictive Covenant and they are still going with a house constructed prior to 1982 with a minimum of 1.5 acres. Allamakee County was one that responded and they don't require a Restrictive Covenant. They require a minimum of three acres to split a house off in an agricultural zone. Jones County does not have a Restrictive Covenant and they need to split off at least two acres.

Virginia Cooper: And only one had an acreage requirement?

Eric Furnas: No a couple of them did, anywhere from an acre to three and Scott County said only what is necessary to get the residence, building and pond or an item of interest.

Emily Geertz: Well I would still drop the Restrictive Covenant but I don't know if I'm the only one.

Dana Pittman: Yeah I would drop the Restrictive Covenant I have no problem with that. I just would like an age requirement.

Eric Furnas: The age requirement as it is?

Dana Pittman: No.

Eric Furnas: So come up with a new age requirement?

Dana Pittman: Yeah.

Emily Geertz: Like option two?

Dana Pittman: Yeah, option two ... and I'm not married to five years either.

Carol Schlueter: I think five years is good.

Eric Furnas: Well it can be anything that you want. You can have any recommendation that you want.

Dana Pittman: I mean, if somebody here said three or four, I would say fine.

Eric Furnas: Well the age requirement... we can just simply narrow that part down. I mean, that is just protection against flipping. I don't think that it serves any other purpose.

Virginia Cooper: Yeah and five years doesn't bother me. I'm okay with that. So are we in agreement with option two?

Emily Geertz: Are you guys okay with that?

Dana Pittman: I am.

Carol Schlueter: Yep.

Virginia Cooper: Do you want a motion on that?

Eric Furnas: Well let's just get this for the record than, since that is going to be taking out a lot of the language. So your recommendation for the record would be amend Section 2.9 to read that existing farmhouses which are at least five years old could be split off or sold in one acre or larger tracts. That would be the language?

Carol Schlueter: Yeah.

Dana Pittman: Yes.

Emily Geertz: Okay, so do I have a motion to recommend to the Board of Supervisors that amendment option?

Virginia Cooper: I make the motion that we put it before the Board of Supervisors to amend Article III, Section 2.9 as read by Eric, option two, to drop the Restrictive Covenant provision and amend the portion pertaining to the age of the farmhouse, requiring that that farmhouse be at least five years old.

Emily Geertz: Is there a second?

Dana Pittman: I will second.

Emily Geertz: Any discussion? Okay, all in favor of the motion please Aye (4) Opposed (0) Absent (Harper).

Virginia Cooper: One thing that I would like you to do is at the time that we worked with... is it Tri State?

Eric Furnas: Bi-State.

Virginia Cooper: Bi-State, sorry. Jodee had a list of updates to the ordinance when we were working on the Comprehensive Plan.

Eric Furnas: Maybe Nancy might have that list, I can check.

Virginia Cooper: Yeah because they were big and it's things that we knew that we were going to run into problems with later on. I mean, we were fine with the changes to the Comprehensive Plan and the way it went through knowing that we needed to go back in and fix some of these things. It was as we worked our way through those sections of the plan that we wanted to make those changes, but we didn't have time to do it at that time. That was part of a whole other group that was together just to give feedback on the plan itself.

Eric Furnas: Was it actually the Comprehensive Plan? It probably was just the Zoning Ordinance that needed to be changed.

Virginia Cooper: They were ordinances.

Eric Furnas: So we can deal with that without revisiting the Comprehensive Plan.

Virginia Cooper: Yes absolutely. But that list was created as we worked our way through the plan knowing that those things needed to be addressed because they now apply differently to the new Comprehensive Plan.

Eric Furnas: Okay.

Dixie Seitz: Yeah, it was things like the frontage definition. Like people that border the river, they were saying that the front of their property was the river, not the frontage road that served their lot. So they had to go before the Board of Adjustment to ask for a Variance to build a detached garage in front of the dwelling or ask to be closer to the front lot line, things like that. I can look and see if I can find what you are talking about.

Virginia Cooper: Yeah, I'm going to say that there were maybe five or six things that we knew we needed to look at closely. Yeah, so if you can see if you can dig that list back out because the further we get away from it the harder it's going to be when those things come back to us.

Eric Furnas: So do you all have copies of the current Zoning Ordinance now?

Virginia Cooper: I think I do.

Emily Geertz: I don't know, I might or I might not.

Eric Furnas: If you would like a copy made, we can do that and send it to you.

Carol Schlueter: Yeah, I probably have one but I'm not sure either.

Eric Furnas: We can put it in binders or at least in paper form and send it to you.

Emily Geertz: I think one thing I've mentioned at this board before, is for the school board we meet twice a month, but the second time that we meet each month we always go through policies, so that by someone's full term you have reviewed every policy. It's just that sometimes there is no change, maybe 15% or 20% of the time we change something. But it's just that that way it's an on-going thing so that every two years you are reviewing the definition of Ag or it's just... I don't know of any zoning board that does that, but I think it's an idea instead of things coming up and suddenly it's like we need to deal with this.

Virginia Cooper: Right and that's why that list was created so that we could stay ahead of the game a little bit knowing that those things needed to be addressed. They weren't things that Jodee presented to us and said these are things that I wanted changed. It was as we all talked, we all recognized that there are things that have to be addressed.

Emily Geertz: Okay, I need a motion to close the public hearing.

Virginia Cooper: So moved.

Dana Pittman: I'll second it.

Emily Geertz: All in favor to close the public hearing say Aye (4) Opposed (0) Absent (Harper). Motion has passed, the public hearing is closed.

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