

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, June 2, 2017 with Chairperson Tom Harper and board members Virginia Cooper and Carol Schlueter present, Emily Geertz and Clyde Evans were absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Nathan Mather, Julia Bartenhagen and Jim Bartenhagen.

Tom Harper: I will call this public hearing of the Muscatine County Zoning Commission to order. I have a mission statement to read. 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 all been sent a copy of the minutes from last month. If there are no changes to the minutes, is there a motion to approve them as written?

Virginia Cooper: I move to approve the minutes from the last meeting.

Carol Schlueter: Second.

Tom Harper: A motion has been made and seconded to approve the minutes from the last meeting. Any discussion? Hearing none, all those in favor signify by saying Aye (3) Opposed (0) Absent (Emily Geertz & Clyde Evans). The motion carried. Eric, can you please read the first case?

Eric Furnas: Zoning Agenda Item #1. James W. or Julia A. Bartenhagen, Record Owners and Michael J. Riggan, Proposed Buyer, requests approval of the Preliminary and Final Plat of the proposed one lot agricultural subdivision, J & J Subdivision, containing approximately 23.58 acres and is zoned A-1 Agricultural District. This property is located in Fruitland Township, in the SE¼ of Sec. 25-T76N-R3W, West of Crimson Avenue, containing approximately 27.67 acres and is zoned A-1 Agricultural District.

Tom Harper: Is the applicant here?

James Bartenhagen: Yes.

Tom Harper: Okay, if you would please state your name and a little information on your request?

James Bartenhagen: Yes, James W. Bartenhagen.

Julia Bartenhagen: I thought Gary was supposed to be here.

Nathan Mather: Well I am his partner I am pitch-hitting for him.

Julia Bartenhagen: Oh, okay.

Tom Harper: Well I guess I could have said applicant or representative.

James Bartenhagen: I'm sorry. I am hard of hearing.

Tom Harper: Alright.

Nathan Mather: Do you want to go or do you want me to speak?

James Bartenhagen: No, you go. You can hear.

Nathan Mather: Alright essentially we've got Mr. Riggan who wants to buy the land, he owns adjoining farmland. The Bartenhagen's have a homestead on this parcel of farmland that they wish to keep. Mr. Riggan intends to keep farming it, so the uses won't change and the Bartenhagen's just want to divide off their home so that they could sell the agricultural land to Mr. Riggan.

Tom Harper: Alright, so this is the plat?

Carol Schlueter: Yeah, so it shows the existing house where they are currently living.

Tom Harper: So essentially it is an ag subdivision and it's purely for the farmland and just to split it from the house?

Eric Furnas: Correct. Due to the prior splits this was required and the current zoning would prevent any residential development prior to rezoning. I would just comment that they did wisely by including a 66 foot frontage that someday this area could be developed... maybe 15 or 20 years from now. They wisely included a frontage that would accommodate a 66 foot road right-of-way which would be required for any residential development at such time they choose to develop it. As of now, this would be restricted to the permitted used in the A-1 Agricultural District.

Tom Harper: Is everything in front of this and across from this already R-1 Residential District?

Eric Furnas: There is a residential district but that is in the City of Fruitland. But this is located in Muscatine County and it is zoned A-1 Agricultural District and this is basically an ag subdivision at this point.

Tom Harper: Okay and I do need to tell you that normally this is a five member board but today we have two members absent. So to pass this onto the Board of Supervisors as a favorable request all three members would need to vote for this request. You have the option of asking us to table it and come back next month when we may or may not have a full board. It's up to you.

Nathan Mather: Sure. I think we'll proceed.

Tom Harper: Alright is there any other discussion, questions or comments?

Eric Furnas: I might just add that it has been reviewed by the county engineer and the Board of Health already and has been approved by them.

Carol Schlueter: And it is farm ground now? I mean, they are using it for farm ground and Riggan is going to continue to use it as farm ground?

Nathan Mather: Yes it is being used as agricultural now.

Carol Schlueter: So they can't sell it off and ...

Virginia Cooper: And they can't do anything differently without coming back before us?

Eric Furnas: Right.

Virginia Cooper: So at this point I would like to make a motion to recommend to the Board of Supervisors approval of this proposed agricultural subdivision, J & J Subdivision as per Zoning Agenda #1.

Tom Harper: Is there a second?

Carol Schlueter: I'll second it.

Tom Harper: A motion has been made and seconded to recommend to the Board of Supervisors approval of this proposed ag subdivision, J & J Subdivision. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (3) Opposed (0) Absent (Emily Geertz & Clyde Evans). The motion carried.

Nathan Mather: Thank you.

Carol Schlueter: Sure.

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, June 2, 2017 with Chairperson Tom Harper and board members Virginia Cooper and Carol Schlueter present, Emily Geertz and Clyde Evans were absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

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

Eric Furnas: Zoning Agenda Item #2. To amend Chapter II of the Muscatine County Zoning Ordinance, Article I, Sec. 3, Definitions, concerning the definition of a dwelling. This proposed amendment will affect all unincorporated parts of Muscatine County. I am presenting you with this proposed amendment to a small part of the Zoning Ordinance. A little history, our Zoning Ordinance includes a definition of a dwelling, which is at the top of the handout. That has been the definition of a dwelling for a long time. Recently we were made aware that there is state code that addresses manufactured houses, specifically that prohibits counties from requiring foundation systems that are incompatible with the structural design of a manufactured house. In plain English that means that most of these manufactured homes are designed to be put on a number of round piers. The definition of a dwelling, our old definition requires a perimeter foundation of masonry construction. So it would be a typical concrete foundation wall. State code technically prohibits us from requiring that if it's a manufactured home built and constructed under the HUD guidelines. So we need to slightly amend our definition of a dwelling because these are approved by the Federal Government for housing. They are constructed at factories and are pre-inspected and brought onsite. If the design of that structure is for piers, we have to allow it to be put on piers. The state code does allow jurisdictions to require the exterior non-load bearing foundation, which is technically in a lot of places the skirting. We can require that it be at least visually compatible with typical construction, which means, if you are going to put skirting around it, it needs to look like concrete. So that it doesn't detract from the land values of neighboring stick built conventional construction. So outside of mobile home parks we can require that the skirting look like concrete. But we cannot require that they pour a continuous frost depth concrete foundation if the design was to be put on piers.

Virginia Cooper: And what's the benefit of making it look like concrete?

Eric Furnas: It's just ... in my mind it's just to protect or my understanding is that it is to protect surrounding property owners from having from what looks like trailers.

Virginia Cooper: I see.

Eric Furnas: And not having vinyl or metal skirting flapping in the wind right next to a house with a nice concrete foundation. It's to protect land values and encourage visual compatibility with surrounding structures. It's a compromise that we can add to the manufacturing code.

Tom Harper: So devil's advocate here, what is the difference between that ... making it look like concrete versus some of these cottages that are put up on piers to get them up about the flood level?

Virginia Cooper: Because we can't control that.

Tom Harper: But those are normally closed in. I mean if they want to put it up three feet off the ground, which would be pretty normal and they want to leave it open, which now you are going to have freezing problems.

Eric Furnas: The only structures that we see stick built on piers are by necessity because they are in the flood plain. And it technically would be against the flood plain regulations to enclose the foundation. You have to allow for free flowing water in the flood plain. So if it's a dwelling, that's not in the flood plain that necessitates elevation, it would still be required to be placed on a permanent perimeter foundation. You don't have to have a basement. You can have a slab home but it has to have a concrete foundation that provides rodent barrier to the crawlspace area. So if it is a manufactured home, we have to allow piers because that is the structural design on the home.

Tom Harper: So this is basically a pre-emptive change?

Eric Furnas: I don't know if it is pre-emptive because we were notified that we were actually requiring things that we needed to change and get back into compliance with state guidelines of manufactured homes. We need to simply amend our ordinance to accommodate Chapter 335.30.

Virginia Cooper: Did you give us this for a review or did you expect us to rule on this today?

Eric Furnas: I would like you to consider making a recommendation to the Board of Supervisors today. I have already taken this to the county attorney, the proposed new wording and he has approved it.

Virginia Cooper: How long have we been out of compliance?

Eric Furnas: I would have to go back and see when...

Virginia Cooper: I mean a long time?

Eric Furnas: Yes it's probably been quite a while.

Virginia Cooper: Okay, so they are just now catching up to it?

Eric Furnas: Yeah and we just had one guy that didn't want to pay for the foundation and he got ahold of the right people at the state and they made us aware of some language that we weren't aware of. They said, technically you can't do this. So we are amending our ordinance to be in compliance. We can still encourage the concrete foundation because the skirting does not keep out rodents. But if that is the design of the manufactured dwelling than that is what we have to go by. So at the bottom of this handout is the version of the new definition that I am proposing that would bring us into compliance with the state guidelines.

Tom Harper: So non-dwelling buildings does not matter then?

Eric Furnas: No.

Virginia Cooper: No because you are not buying a HUD approved shed and putting it up. I mean, they might make those but...

Eric Furnas: The first part of the dwelling definition that addresses it as... it has one or more habitable rooms designed to be occupied by one family facilities for living, sleeping, cooking, eating, sanitation. So that would preclude machine sheds and barns. So this is just for a dwelling, what is designed for people to live in. It doesn't even define Seasonal Recreational Cottages, which is a separate thing too, which is typically what we see on piers.

Tom Harper: Okay. I would entertain a motion to make a recommendation to the Board of Supervisors.

Virginia Cooper: I would propose that we present to the Board of Supervisors for approval Zoning Agenda Item #2. To amend Chapter II of the Muscatine County Zoning Ordinance, Article I, Sec. 3, Definitions, concerning the definition of a dwelling to the updated definition that is in compliance with the state code.

Tom Harper: Is there a second?

Carol Schlueter: I will second it.

Tom Harper: The motion has been made and seconded to recommend to the Board of Supervisors approval to amend Chapter II of the Muscatine County Zoning Ordinance, Article I, Sec. 3, Definitions, concerning the definition of a dwelling to the updated definition that is in compliance with the state code. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (3) Opposed (0) Absent (Emily Geertz & Clyde Evans). The motion carries.

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