

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, October 2, 2020, starting at 10 a.m. with Chairperson Tom Harper and board members Carol Schlueter, Virginia Cooper, and Brad Akers present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: James Carey and Thomas Carey.

Tom Harper: 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, so we have received the minutes from last month by email. Are there any changes or corrections? If not, is there a motion to approve the minutes as written?

Virginia Cooper: I will make a motion to approve the minutes from last month as written.

Tom Harper: Is there a second?

Carol Schlueter: I'll second that.

Tom Harper: There has been a motion and it's been seconded to approve the minutes as written. All in favor of the motion please say Aye (4) Opposed (0). The motion carried. Eric, would you like to read the first case?

Eric Furnas: Zoning Agenda Item #01. Carey Farms Inc., Record Owner by John Carey, request approval of the preliminary and final plat of the proposed one lot agricultural subdivision, Carey Bend Acres, Second Addition, Lot 1, containing approximately 8.5 acres. This proposed subdivision is located in Wapsie Township, in the SE $\frac{1}{4}$ of Sec. 6-T78N-R4W, 1076 Hwy. 6, containing approximately 77 acres and is zoned A-1 Agricultural District.

Tom Harper: Any correspondence?

Eric Furnas: No sir.

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

James Carey: Sure, my name is James Carey and basically we would like to split off this house from the tillable acres. We do have a buyer for the tillable acres and he is interested only in the tillable acres, not the homestead. So we would like to split the homestead and sell that separately.

Carol Schlueter: And you live on the homestead?

James Carey: No.

Carol Schlueter: Who lives on the homestead?

James Carey: We have a renter out there.

Carol Schlueter: So you rent that property?

James Carey: Yes.

Tom Harper: So are you going to retain ownership of the dwelling?

James Carey: Yes.

Tom Harper: Okay, is there anyone here in the audience that wishes to speak for or against this request? Does the board have any questions?

Carol Schlueter: So why do we have to do this subdivision plat, because something has been split off already?

Eric Furnas: Yes, within the quarter-quarter there had been some previous divisions. It was that first Carey Bend Acres that a house was split off, so it triggered a subdivision plat.

Thomas Carey: We had the two farms and we had the one homestead that we had split apart, I think it was about five years ago.

Tom Harper: Is that the property on the corner?

Thomas Carey: Yes, that's the property. And basically the properties are together.

Eric Furnas: So if you look at that large map to the west there, that's the first split that was taken off that farm.

Carol Schlueter: So you mean this here?

Eric Furnas: That's correct.

Carol Schlueter: So that was included in this farm?

Eric Furnas: Yeah, subdivision... you know it gets confusing when people talk about subdividing agricultural land. I guess in the most simplistic terms ... you can split a piece of property off of a 40 acre tract without even having a surveyor sometimes and with just a legal description sometimes. But you are only able to do that one time, if divided again it would trigger a subdivision plat. Surveyors are always involved then with the plat, they have the technical data and a subdivision plat has to be done and approved. You can see on the plat that it's really just carving out the minimum acreage around the house. The house is well over the five years old. As you recall we have a new ordinance that you cannot split off a house that is less than five years old. That's to keep people from abusing the privileges of marketing the homes built under farm exemption. So the acreage that this new lot creates is above the minimum and meets the requirements.

Carol Schlueter: Okay, so on this map here it does look like this is farm ground. But are they making it a straight line so they are going to take a little bit of farm ground out? Or am I not looking at that right?

Eric Furnas: There may be...

James Carey: That hasn't been tilled there. It's right up next to the road.

Carol Schlueter: Yeah, I'm looking here ... but I don't know if this is south or whatever. But there is a jog here, but are you making it straight here or are you cutting it straight across here?

James Carey: Yeah, we are going straight across.

Carol Schlueter: Well then they are taking some farm ground.

Thomas Carey: Yeah, we are just doing that to make that straight across there, it's easier for the farmer.

Brad Akers: Yeah, that's not that much farm ground.

Carol Schlueter: No, I understand that. I agree.

Tom Harper: Alright is there any other discussion? Does anyone care to make a motion?

Virginia Cooper: I recommend to the Board of Supervisors approval of the one lot agricultural subdivision for Carey Bend Acres.

Tom Harper: Is there a second?

Brad Akers: Second.

Tom Harper: A motion has been made and seconded that we recommend to the Board of Supervisors approval of the Carey Bend Acres, Second Addition, Lot 1. Is there any further discussion or questions? Hearing none, all those in favor of the motion please signify by saying Aye (4) Opposed (0). The motion carried, this will now move onto the Board of Supervisors.

MUSCATINE COUNTY ZONING COMMISSION

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

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, October 2, 2020, starting at 10 a.m. with Chairperson Tom Harper and board members Carol Schlueter, Virginia Cooper, and Brad Akers present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Robert Beatty.

Tom Harper: Okay, we will move onto the next request. Eric, can you please read that?

Eric Furnas: Zoning Agenda Item #02. Beatty & Sons Inc., Record Owners by Robert Beatty and Shaun M. Chaffee, requests approval of the preliminary and final plat of the proposed one lot subdivision, Beatty & Sons Subdivision, containing approximately 1.48 acres. This property is located in Moscow Township, in the NE¼ of Sec. 32-T78N-R2W, 2362 152nd Street, South of 152nd Street, containing approximately 16.26 acres and is zoned A-1 Agricultural District.

Tom Harper: Any correspondence?

Eric Furnas: No sir.

Tom Harper: Is the applicant here?

Robert Beatty: Yes.

Tom Harper: Also, I failed to mention on the last case and it applies to this case too, but this is normally a five-member board, but we have an empty chair because we have a vacancy. That means for your request to be approved and move onto the Board of Supervisors as a favorable vote, there would have to be at least three of us vote for it. If it's a tie vote, the request is denied. Up until the time that we vote you can ask for us to table this until the next month. But I'm not so sure we'll have a board member next month. So do you wish to go ahead?

Robert Beatty: Yeah I'll go ahead.

Tom Harper: Can you please state your name and your request?

Robert Beatty: We are just doing this so that we can split this off to sell this house. We're going to farm the rest of it just like we always have.

Carol Schlueter: So this lot... it's like an L shape is that you are doing?

Robert Beatty: Yes.

Carol Schlueter: And this is where the house is?

Robert Beatty: Yes.

Carol Schlueter: But this isn't farmable ground over here?

Robert Beatty: Yeah it's farmable.

Eric Furnas: Actually if you look at the subdivision plat, it shows you the lots. Lot one is being created around the house. Then the remaining farm ground is being labeled Outlot A, which generally indicates that it is a non-buildable lot. We don't always see it on an ag subdivision, but on a residential subdivision it general means that there is trees or something like that that means it's generally not for development or is not buildable. The parent parcel was that L shape.

Carol Schlueter: So that's what they want to sell?

Eric Furnas: Well they are wanting to sell the house. You are retaining the farm ground right?

Robert Beatty: Yes.

Carol Schlueter: Okay, so the Outlot A, you are keeping?

Robert Beatty: Right.

Tom Harper: So the driveway will be going through this property?

Robert Beatty: Yes.

Tom Harper: There is a 20 foot wide easement there. So you will be granting an easement? Or the buyer will have to be granting you an easement?

Eric Furnas: The easement is platted, so whomever the buyer is... the easement is already there. Yeah, nobody has to grant anything. If this plat is recorded, that easement will be granted.

Tom Harper: Okay, I just wanted to make sure because I know that there has been other problems in the past if the easement hasn't been platted.

Eric Furnas: Yes that easement is on the plat. That's part of what is being approved. The easement, the lot perimeters, the utility easements... what you approve basically becomes law that is enforceable.

Virginia Cooper: The only difference is on this map, the house area... the 1.248 acres is clearly marked out of this L shape. But on this one it's not marked. So that's the only difference that we are seeing.

Eric Furnas: Yeah, that's just an aerial photograph of what things are today. That's the current tax parcel that you are seeing.

Virginia Cooper: Okay, thank you.

Carol Schlueter: But then they also own this here, right?

Eric Furnas: Right, and you can kind of see that on the plat map. And correct me if I'm wrong, but one of the reasons that the L shape was created had to do with Moscow Pork... with the hog operation?

Carol Schlueter: So that's why this is down here?

Eric Furnas: Yes, that was separated out because that is a different corporation for the hog confinement. So that was the first split and now because there is another split in the quarter-quarter section, that would trigger the subdivision.

Tom Harper: Are there any other questions or comments from anyone here? Does anyone have any other questions on the board? Okay, so does anyone care to make a motion on this?

Virginia Cooper: I will make a motion to recommend to the Board of Supervisors approval of this preliminary and final plat of the proposed one lot agricultural subdivision, Beatty & Sons Subdivision.

Tom Harper: Is there a second?

Brad Akers: Second.

Tom Harper: A motion has been made and seconded to recommend to the Board of Supervisors approval of the preliminary and final plat of the proposed one lot agricultural subdivision, Beatty & Sons Subdivision. Is there any further discussion? Hearing none, all those in favor please say Aye (4) Opposed (0). The motion carried. This will now move onto the Board of Supervisors.

Robert Beatty: Thank you.

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

Carol Schlueter: I will make a motion to close the hearing.

Tom Harper: Is there a second?

Virginia Cooper: Second.

Tom Harper: Any other discussion? Not hearing any, all those in favor please say Aye (4) Opposed (0). We are closed.

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