

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, December 3, 2021, with Vice Chairperson Brad Akers and board members Carol Schlueter, Virginia Cooper, and Martha Peterson present, Tom Harper was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Mardell McConnaha and Jodi McConnaha.

Brad Akers: I will open this public hearing and start by reading 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 need to approve the minutes from the last meeting. If there are no changes or corrections, is there a motion to approve the minutes?

Virginia Cooper: So moved.

Martha Peterson: Second.

Brad Akers: All in favor of approving the minutes, please say Aye (4) Opposed (0) Absent (Harper). The motion has been approved. Okay, so today we only have four members present, so a tie vote would be a no vote and that would pass this request onto the Board of Supervisors as unfavorable. You can either choose to go ahead with this request today or ask to have the request tabled until the next meeting. It's up to you.

Eric Furnas: And you can make that request or decision right up until the time they vote. Basically it would take three affirmative votes to pass.

Mardell McConnaha: We'll go ahead.

Brad Akers: Okay, Eric can you please read the request?

Eric Furnas: Zoning Agenda Item #01. Mardell E. McConnaha, Record Owner, requests approval of the combined preliminary and final plat of the proposed one lot agricultural subdivision containing approximately 1.59 acres, G and M Subdivision. This proposed agricultural subdivision is located in Moscow Township, in the SE $\frac{1}{4}$ of Sec. 32-T78N-R2W, 1577 N. Mulberry Road, containing approximately 69.01 acres, and is zoned A-1 Agricultural District.

Brad Akers: Was there any correspondence?

Eric Furnas: No correspondence.

Brad Akers: Okay, would the owner please state their name and tell us about your request?

Mardell McConnaha: My name is Mardell McConnaha. There's kind of two reasons why I am doing this. My daughter-in-law and son have been farming there and there are some improvements that need to be made and I can't justify them at my age, so I would like to sell it to them. I am doing some estate planning

because I thought if I got to 80 years old that it's time to get serious about this and I'm getting there. So this is what I am trying to do.

Brad Akers: Okay. Does anyone on the board have any questions?

Carol Schlueter: Okay, I don't understand ... is this what they are trying to sell, the G and M Subdivision? The 1.59 acres with the house? Or is there two houses on this property now?

Eric Furnas: Okay, lot 1 contains the one house and 1.59 acres. That's the only house that's being split from the entire farm ground, which is 69.01 acres. In 1999 a Variance was granted by the Board of Adjustment to allow them to build a dwelling on a little over an acre or so in order to build a dwelling, that house is south of Mrs. McConnaha's house that is being split off. But that is not part of this plat, it's already been split out. So what this plat is doing is creating one lot with Mrs. McConnaha's house on it, and then the rest of the farm ground is just farm ground with no houses. When the Variance was approved they voluntarily put a restrictive covenant on the farm ground. But we are not dealing with the restrictive covenant now. This agricultural subdivision would allow them to split off the existing house from the farm and to create another lot. The farm remains about 68 acres and still has a restrictive covenant on it and still remains zoned A-1 Agricultural District. The house will be on a separate lot.

Carol Schlueter: So there's a house on lot 1 now and that's what we are splitting off now?

Eric Furnas: Yes, that is lot 1. And then to the south of this there is a house that has already been split off and they have a restrictive covenant on it now. I think some relative owns it.

Mardell McConnaha: Yeah, it's my daughter.

Eric Furnas: So that was split off in 1999, so it's not even a part of this subdivision. That was the first split so that's why they have to do a subdivision because there had been a split off the original quarter-quarter.

Carol Schlueter: Okay, thanks.

Eric Furnas: Yeah it's one of those typical ag subdivisions where because there had been a previous split of the original quarter-quarter at one time, any additional splits would require a subdivision. But an agricultural subdivision... everything remains zoned agricultural so no houses could be built on it... in this case even if they claim farm exemption since they have a restrictive covenant. They would need to go before the Board of Adjustment for approval. The restrictive covenant is self-imposed so it's pretty well protected, unless someone would want to come before the board and ask to have that removed. But it's pretty well protected to remain agricultural down the road.

Carol Schlueter: Okay, so in this lot 1 it's 1.59 acres?

Eric Furnas: Correct.

Brad Akers: Does anyone else have anything to add or any other discussion? Eric do you have anything else on it or are you pretty good on it?

Eric Furnas: Well did I summarize that explanation or explain it well enough on what their proposal is?

Carol Schlueter: So you live there right now in this house that is being split?

Mardell McConnaha: Yes and I plan on continuing to live there.

Carol Schlueter: Good for you.

Mardell McConnaha: It's just that I need to start getting my estate planning done and this is one of the things I need to do.

Carol Schlueter: That's a good idea. I don't have any further questions.

Brad Akers: Does anyone have a motion to close the public hearing?

Carol Schlueter: So moved.

Martha Peterson: I'll second it.

Brad Akers: It's been moved and seconded, all in favor? Ayes (4) Opposed (0) Absent (Harper). The motion passes, the public hearing is closed. Do the board members have any further questions or comments?

Carol Schlueter: I don't see a problem with this.

Virginia Cooper: No, I don't either. I was thinking it was something else.

Brad Akers: Does someone care to make a motion?

Carol Schlueter: I will make a motion to recommend to the Board of Supervisors approval of this combined preliminary and final plat of the proposed one lot agricultural subdivision, G and M Subdivision.

Brad Akers: Is there a second to that motion?

Virginia Cooper: I'll second it.

Brad Akers: The motion has been made and seconded, all those in favor of the motion please say Aye (4) Opposed (0) Absent (Harper).

Eric Furnas: Okay, you will get a notice of when we will have this on the Board of Supervisors agenda.

Mardell McConnaha: Thank you.

MUSCATINE COUNTY ZONING COMMISSION

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

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