


ret. to Co. Auditor

**BOARD OF SUPERVISOR
BOONE COUNTY, IOWA**

ORDINANCE NO. 81

Recorder Use Only



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SHERYL J THUL, COUNTY RECORDER
 BOONE IOWA

Ordinance amending the official zoning map of Boone County for Big Chief Subdivision from A-1 to R-1 (Residential).

Approximately 34 ACRES.

Legal Description: PART OF THE SE SW QUARTER AND PART OF THE SW SE QUARTER OF SECTION 30, TOWNSHIP 84 NORTH, RANGE 26 WEST, BOONE COUNTY, IOWA.

WHEREAS, In this case, E. P. Frazier has petitioned Boone County to rezone the property described hereinabove from A-1 (Agricultural) to R-1 (Residential) to accommodate a subdivision.

WHEREAS, The Director of Planning and Development has forwarded a recommendation for approval to the Boone County Zoning Commission with finding of facts as follows; the location of this subdivision conforms with the Comprehensive Plan for rural residential subdivisions. The following conditions were suggested in the staff report: Maize Ave. shall be used as an inclement access only due to not being paved, erosion control should be closely monitored to ensure proper control of runoff and drainage, and if Xenia can not provide water to the residents prior to the final plat, Mr. Frazier shall install community wells. At the Zoning Commission meeting the following conditions were added by staff: County Engineer satisfaction of "Mallard Ave.", close the access to the north onto Maize Ave., Include Ahrens (property owner to the west) with the subdivision due to the property having an easement through the subdivision, and ask for confirmation (in writing) from the City of Boone regarding the water agreement with Xenia.

WHEREAS, The Zoning Commission has held a public hearing in accordance with the Iowa Code and has forwarded a letter, stating that a recommendation for approval failed, to the Boone County Board of Supervisors for the rezoning of the property noted hereinabove. The Zoning Commission, with a 1-6 vote, does not recommend approval of the petition by the Board

of Supervisors with the following conditions: Maize Avenue access shall be designated for use only during inclement weather, erosion along the roads shall be monitored and control measures be installed as needed to control erosion and runoff, prior to the final plat the water supply shall be finalized with either Xenia or community wells supplying potable water, the access road from 216th Drive to its intersection with the first interior road be paved, the county engineer is satisfied with design and layout of Mallard Lane and Mr. Frazier ask the City of Boone for confirmation that Xenia can obtain water from the city for the proposed development.

WHEREAS, The Board of Supervisors held the first and second public hearings. A failed motion was given at the conclusion of the second hearing due to safety and access to Maize Ave. It was concluded that the second and third hearings would be held when these issues had been resolved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BOONE COUNTY, IOWA AS FOLLOWS:

SECTION ONE: That Boone County shall, and it does hereby, approve an amendment to the Official Zoning Map that the property described as follows:
LEGAL DESCRIPTION: PART OF THE SE SW QUARTER AND PART OF THE SW SE QUARTER OF SECTION 30, TOWNSHIP 84 NORTH, RANGE 26 WEST, BOONE COUNTY, IOWA.
APPROXIMATELY 34 ACRES be rezoned from A-1 Agriculture to R-1 Residential.

SECTION TWO: Approval of this is conditional on the following,
1. none

SECTION THREE: That this amendment shall be in full force and effect from and after its passage and approval in the manner provided by law.

ACTION UPON FIRST READING **DATE:** August 17, 2007
Moved by: O'Brien
Seconded by: Sorensen
Discussion:
AYES (A), NAYES (N), ABSENT (X):
Albert Sorensen A Mike O'Brien A David Reed A

ACTION UPON SECOND READING **DATE:** October 3, 2007
Moved by: O'Brien
Seconded by: Sorensen
Discussion:
AYES (A), NAYES (N), ABSENT (X):
Albert Sorensen A Mike O'Brien A David Reed A

ACTION UPON FINAL READING **DATE:** October 5, 2007

Ordinance: 81

Big Chief Subdivision (rezoning A-1 to R-1)

Moved by: Sorensen

Seconded by: O'Brien

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Albert Sorensen

Mike O'Brien

David Reed

David Reed
Chairman

Boone County Board of Supervisors

10-10-07
Date

Philippe E. Meier

10-9-07
Date

ATTEST:

Philippe E. Meier, County Auditor

