

**BOONE COUNTY BOARD OF SUPERVISORS  
BOONE COUNTY, IOWA**

ORDINANCE NO. 64

ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP

**PARTS OF THE SW ¼ SE ¼ AND THE SE ¼ SE ¼ OF SECTION 2 -82-26 AND THE NW ¼ NE ¼ AND THE NE ¼ NE ¼ OF SECTION 11-82-26 ALSO INCLUDING PART OF THE NW ¼ NW ¼ OF SECTION 12-82-26, BOONE COUNTY, IOWA. (SEE EXHIBIT A)**

**WHEREAS,** In this case, Dick Johnson has petitioned Boone County to rezone the property described hereinabove from A-1 (Agricultural) to R-1 (Residential) to accommodate for a residential subdivision.

**WHEREAS,** The Director of Planning and Development has forwarded a recommendation to, “postpone a decision until the Comprehensive Plan is updated by JEO Consulting Group, Inc.,” to the Boone County Zoning Commission.

**WHEREAS,** The Zoning Commission has held a public hearing in accordance with the Iowa Code and has forwarded a letter of recommendation of denial to the Boone County Board of Supervisors for the rezoning at the property noted hereinabove.

**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 legally described as follows: PARTS OF THE SW ¼ SE ¼ AND THE SE ¼ SE ¼ OF SECTION 2 -82-26 AND THE NW ¼ NE ¼ AND THE NE ¼ NE ¼ OF SECTION 11-82-26 ALSO INCLUDING PART OF THE NW ¼ NW ¼ OF SECTION 12-82-26, BOONE COUNTY, IOWA. (SEE EXHIBIT A) be rezoned from A-1 Agriculture to R-1 Residential.

**SECTION TWO:** That the following conditions shall apply:

1. A mandatory waiver/acknowledgement form must be attached to the Final Plat for the proposed subdivision. The required waiver will serve as a release for any litigation or court action against surrounding Confined Animal Feeding Operations. The acknowledgement will address issues such as proximity to a hog confinement/cattle lot and the associated nuisance conditions that accompany such uses. (Verbiage of the waiver/acknowledgement must be approved by the Zoning Administrator and County Attorney)
2. The homeowners association for Stagecoach Trail Subdivision shall implement and carry out dust control measures for all existing residential structures fronting on Rose Road and 290th Street between the subdivision and Highway 17. A detailed map shall be recorded with the final plat to designate the area for dust control. This shall be at a cost to the developer and future homeowners association. Ongoing costs of dust control must also be covered by the homeowners association. Implementation of dust control shall begin prior to Final Plat Approval.

3. Items number one and two above shall be made a part of the Stagecoach Trail  
Subdivision Covenants

**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:** March 28, 2005  
 Moved by: Sorensen  
 Seconded by: Reed  
 Discussion: TABLE FIRST READING  
 AYES (A), NAYES (N), ABSENT (X):  
 Albert Sorensen  A Mike O'Brien  A David Reed  A

**ACTION UPON SECOND READING** **DATE:** March 30, 2005  
 Moved by: Reed  
 Seconded by: Sorensen  
 Discussion: TABLE SECOND READING  
 AYES (A), NAYES (N), ABSENT (X):  
 Albert Sorensen  A Mike O'Brien  A David Reed  A

**ACTION UPON FINAL READING** **DATE:** April 1, 2005  
 Moved by: Reed  
 Seconded by: Sorensen  
 Discussion: All oral comments were made by  
 the Board of Supervisors. Justification for  
 Naye votes by O'Brien and Reed are attached.  
 AYES (A), NAYES (N), ABSENT (X):  
 Albert Sorensen  A Mike O'Brien  N David Reed  N

\_\_\_\_\_  
 Chairman  
*Boone County Board of Supervisors*

\_\_\_\_\_  
 Date

**ATTEST:**  
*Philippe E. Meier, County Auditor*

\_\_\_\_\_  
 Date

**Statement of Justification for denial as follows by Mike O'Brien.**

- (1) **Although the proposed subdivision is some three thousand feet from an existing CAFO (Confined Animal Feeding Operation) and that distance is consistent with current state law, the reality is if this subdivision is built we have effectively placed growth parameters around this particular farm, and therefore severely limited any ability to expand in the future. The farm has been in existence for decades.**