

BOONE COUNTY ZONING COMMISSION MINUTES
MONDAY MAY 21, 2018
5:30 P.M. – BOONE COUNTY COURTHOUSE, 1ST FLOOR
201 STATE STREET, BOONE, IA
PLEASE ENTER THROUGH THE EAST DOOR

I. OPEN MEETING AND ROLL CALL

Robert North	Carla Barnwell	Eric Crosman
Charles Kostelnick	Marilyn Jordan	Jan Danilson
Lance Stumbo (Chairman)	Kim Houlding	Gary Luna

Present: Lance Stumbo, Charles Kostelnick, Kim Houlding, Jan Danilson, Gary Luna and Robert North

Absent: Carla Barnwell, Marilyn Jordan, Eric Crosman

Also Present: Janice Froning & Dan Froning

II. APPROVAL OF MINUTES

Monday April 30, 2018

Gary Luna moved to approve the minutes from April 30, 2018

Seconded by Jan Danilson

Motion Carried

III. APPROVAL OF AGENDA

Jan Danilson moved to approve the agenda

Seconded by Lance Stumbo

Motion Carried

IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION

A. None

V. CITIZENS COMMENTS ON ITEMS NOT ON THE AGENDA (ADDITIONS TO AGENDA)

A. None

VI. OPEN PUBLIC HEARING(S) AND CONSIDERATION OF APPLICATION(S)

- A. Case No. 2018-002 Janice Froning Petition to Amend Zoning District Boundaries from A-1 (Agriculture Conservation) to R-1 (Rural Residential) to allow for two one-acre residential building sites.

Janice Froning was present to speak in regards to the request. Froning stated she had been living on the existing acreage since 1973 and that the property had not recently been in crop production.

Froning stated the acreage was approximately 6 ½ acres in size. She noted they were wishing to divide off approximately two acres of land creating two one-acre building sites.

Froning stated she would be happy to answer any questions the Zoning Commission members may have.

Vice-Chairman Bob North questioned whether each lot would have access to a public road.

Janice Froning stated one of the lots had direct access to the roadway and that they were planning to provide a legal easement to the second parcel to the west.

Director Mike Salati also noted he had a statement from the Boone County Engineer approving the project.

Vice-Chairman Robert North questioned who would maintain the shared driveway.

Janice Froning stated they planned to establish covenants for shared maintenance.

Next Vice-Chairman asked for staff comments.

Director Mike Salati discussed two maps which were included in his staff report. Salati noted the property was currently A-1 (Agricultural) Zoned.

Salati next discussed the future land use map and the comprehensive land use map.

Salati stated he had no issues with the project and also noted he had e-mails from the auditor, the fire chief and the county engineer all of whom approved the project.

Vice-Chairman Bob North questioned the lot size.

Janice Froning indicated the lots would be approximately one-acre in size.

Vice-Chairman North questioned if one-acre was the minimum lot size for a property with a septic.

Director Mike Salati stated they could put a septic system on any size of a lot.

Salati noted a one-acre lot was large enough to accommodate a conventional septic system with a lateral field.

Vice-Chairman questioned whether Froning was on rural water. Froning stated a rural water line ran along the north side of the property and would be accessible to the newly created lots. She stated her home was on city water.

Charlie Kostelnick questioned the location of Fronings' home.

Vice-Chairman questioned the location of the shared drive.

Froning stated the drive would be located on the south side of the new lots.

Vice-Chairman Bob North questioned whether anyone had expressed interest in the lots.

Froning stated they had not advertised at all.

Further discussion was held on the location of the proposed lots.

Vice-Chairman Bob North asked for any further questions or concerns of which there were none.

Charlie Kostelnick moved to recommend Board of Supervisors approval of the Petition to Amend Zoning District Boundaries from A-1 (Agriculture) to R-1 Rural Residential to allow for the two one-acre residential building sites.

Seconded by Jan Danilson

Gary Luna—yes
Charlie Kostelnick—yes
Jan Danielson—yes
Lance Stumbo—yes
Bob North—yes

Motion Carried

VII. CONSIDERATION OF SUBDIVISION PLAT APPLICATION

A. NONE

VIII. UNFINISHED BUSINESS

A. Discussion and review of Commercial Wind Energy System Regulations

Director Mike Salati noted at the last meeting the Zoning Commission members had gone over the five points proposed for revising the Boone County Zoning Ordinance for Commercial Wind Turbines. He also noted at that time the commission had expressed a desire to get advice from the county attorney.

He stated he had passed the information onto Boone County Attorney Dan Kolacia who was present to answer questions and give advice.

Charles Kostelnick noted they were seeking advice in regards to notification requirements for example notifying property renters and people within five miles of the proposed wind turbines.

Kostelnick also discussed the possibility of requiring public notification two months prior to Any contract negotiations between property owners

Gary Luna noted they were also seeking advice in regards to height restrictions.

Boone County Attorney, Dan Kolacia stated he could give advice but the regulation amendments proposed were up to the Zoning Commission itself.

Kolacia also noted Section 11.06 of the Zoning Ordinance discussed amendments and the process in which changes can be made to the Zoning Ordinance.

Attorney Dan Kolacia also suggested the Zoning Commission hold a public hearing in regards to the proposed amendments at which time the public could also give input.

Jan Danilson questioned whether the Zoning Commission would only be required to hold one meeting. She questioned whether all the proposed changes could be gone over at one meeting.

County Attorney Dan Kolacia stated they could go over all of the proposed changes at one meeting if they wanted to.

Then Danilson noted after the Zoning Commission meeting the proposed changes would next go to the Board of Supervisors whom would hold three public hearings.

Kolacia recommended the Zoning Commission hold one public hearing at which time they could discuss all of the proposed changes and get public input. From there the Zoning Commission would make a recommendation to the Board of Supervisors.

Bob North questioned whether MidAmerican had met with the Board of Supervisors prior to starting anything. He said he believed the wind farm was a done deal at the time of the Zoning Commission meeting.

Director Mike Salati noted an application for a wind farm would first be heard by the Zoning Commission. He noted the Zoning Commission was the recommending body which makes a recommendation to go onto the Board of Adjustment. He noted the Board of Adjustment was the granting body.

Bob North questioned whether MidAmerican had discussed the project with the county prior to obtaining easements.

Director Salati stated they had not.

Vice-Chairman Bob North questioned whether that was proper.

Director Salati stated it was according to the law.

North noted roads were not built without a public hearing prior.

Charlie Kostelnick noted that was why he had proposed public forums be held before the leasing of land.

Bob North questioned whether that was a state law.

Director Salati stated anyone could make plans, but that it didn't mean they would get approval and that the decision was to be made by the Zoning Commission and the Board of Adjustment as to whether to grant approval of the project.

Vice-Chairman Bob North stated he had worked for the DOT and that they did not do anything without public input. He stated the public was always given a chance to voice their approval or disapproval.

It was noted a previous wind farm had been planned for land in Peoples Township. The project did not move forward because of the fact that people would not lease their land for the wind farm.

North noted it wasn't just the land owner but the surrounding property owners which would be affected.

Director Mike Salati noted it was the Board of Supervisors who determined what was allowable in each district. He stated it was the Zoning Commissions responsibility to verify the regulations were complied with.

North again questioned where the public knowledge started.

Director Salati noted the processes started with the submittal of an application.

Chairman Lance Stumbo noted the Zoning Ordinance allowed wind farms.

Director Mike Salati noted MidAmerican followed the procedure correctly from the beginning.

He stated the Board of Supervisors could change the currently regulations if they wished to.

County Attorney Dan Kolacia stated the Zoning Commission could file a petition to change the current regulations for commercial wind farms.

Kolacia stated he did not have an opinion on the regulations but he could answer the legality of the regulations. He stated the setback and heights of the wind turbines were up to the Zoning Commission members.

Jan Danilson again questioned the process. She stated they would need to first hold a public hearing and then send a petition onto the Board of Supervisors recommending changes to the ordinance. At which time the Board of Supervisors would then hold three public hearings.

Further discussion was held on the process.

Charlie Kostelnick questioned the timeline for holding a public hearing.

It was noted a legal notice would have to be published in the newspaper a minimum of four days prior but not to exceed 20 days prior to the meeting.

Director Salati stated the hearing could be held on June 25, 2018.

It was questioned whether all Conditional Use Permits would require prior public notification and public input.

Charlie Kostelnick questioned which papers the Public Hearing Notice would be published.

Director Mike Salati stated the notification would be published in all of the local papers.

Further discussion was held on the meeting date and location.

Jan Danilson questioned whether written comments could be entered if someone were unable to attend.

Next discussion was held on the time of the public hearing.

Charlie Kostelnick suggested the meeting time be changed to 6:00 p.m. as 5:30 was often too early for some people.

Gary Luna suggested holding the informational meeting after the normal business.

Charlie Kostelnick questioned whether there were any other items on the agenda.

Director Salati suggested starting the meeting at 6:00 p.m.; he also suggested holding the meeting at the Erb Center

IX. NEW BUSINESS

- A. None

X. REPORT OF ZONING ADMINISTRATOR AND DIRECTOR OF PLANNING

Director's Report (Planning and Development Department)

Director Mike Salati spoke in regards to the new online permitting process.

IX. ADJOURNMENT

- A. Meeting Adjourned

Respectfully submitted,

Wanda Cox

