

# Clinton County Board of Supervisors

Clinton County Administration Building  
1900 North Third Street

John F. Staszewski, Chairperson  
Dan Srp, Vice Chairperson  
Shawn Hamerlinck

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**PUBLIC NOTICE** is hereby given that the Clinton County Board of Supervisors will meet at the following time and place: TUESDAY, May 26, 2015, 9:00 A.M.; Clinton County Administration Building, Conference Room B, 1900 N. 3<sup>rd</sup> St., Clinton, IA.

**9:00 a.m.** Review Correspondence & Claims

Call to Order – Pledge of Allegiance

**9:15 a.m.** Formal Action & Motions

## RESOLUTIONS

- Liquor license approval – Almont Tap
- Personnel Appointment – Secondary Roads
- Tax suspension request – Barbara Odell
- Authorize EIRUSS to bond up to \$230,000 to acquire the former City of Center Junction waterworks system
- Approval of cigarette license

## MOTIONS

- Utility permit #10-72 for Eastern Iowa Light and Power

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

**9:30 a.m.** Public Hearing with possible action to follow  
Public comment is welcome on a proposed budget amendment to the Fiscal Year 2015 budget.

**9:35 a.m.** Public Hearing with possible action to follow  
Public comment is welcome on a subdivision application for the approval of Wieck Subdivision.

**9:40 a.m.** Public Hearing with possible action to follow  
Public comment is welcome on a subdivision application for the approval of Sorensen Subdivision.

**9:45 a.m.** Public Hearing with possible action to follow  
Public comment is welcome on a zoning application for the approval of a change in designation of property from Agricultural to Suburban Residential as requested by the Norma Engler Trust.

**9:55 a.m.** Discussion with possible action to follow  
CCJCC Coordinator Margaret Kuhl will update the Board on the progress of the replacement County Jail/Sheriff's Office/911 Center and request approval of the CCJCC recommendation for site selection of the facility.

May 26, 2015

RESOLUTION 2015-\_\_\_\_\_

BE IT RESOLVED by the Clinton County Board of Supervisors that Susan Arey, d/b/a The Almont Tap, will electronically file a renewal application for liquor license number LC0033922 with an endorsement for Sunday Sales, effective July 1, 2015. Said application be and is hereby approved by the Clinton County Board of Supervisors.

Roll Call:

Hamerlinck: \_\_\_\_\_

Srp: \_\_\_\_\_

Staszewski: \_\_\_\_\_

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Chairperson, John Staszewski

ATTEST:

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County Auditor, Eric Van Lancker

May 26, 2015

RESOLUTION # 2015-\_\_\_\_\_

WHEREAS, **Barbara (Petersen) Odell** has petitioned for property tax suspension under provision of Code of Iowa, Section 427.8, on the following described property:

**116 180<sup>th</sup> Street, Wheatland, IA**

**PARCEL #34-02890500**

WHEREAS, eligibility for said suspension has been verified by Kim Ralston, CAP Director.

**BE IT RESOLVED** by the Clinton County Board of Supervisors that tax suspension [for the collection of taxes, special assessments, and rates or charges, including interest, fees and costs] be and is hereby approved and the County Treasure is authorized to make entry on her records accordingly, all under provision of Section 427.8, Code of Iowa.

**BE IT FURTHER RESOLVED** that tax suspension under provision of Section 427.8, Code of Iowa is for the 2014 Assessment Year and all prior years and it is the responsibility of the petitioning taxpayer to reapply for further tax suspension.

**Roll Call:**

**Hamerlinck:** \_\_\_\_\_

**Srp:** \_\_\_\_\_

**Staszewski:** \_\_\_\_\_

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**John Staszewski, Chairperson  
Clinton County Board of Supervisors**

**ATTEST:**

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**Eric Van Lancker  
County Auditor  
County of Clinton  
State of Iowa**

RESOLUTION 2015-\_\_\_\_\_

WHEREAS, the Boards of Supervisors of Cedar, Clinton, Delaware, Jackson, and Jones Counties (collectively hereinafter the "Members") in the State of Iowa have authorized and executed a certain Eastern Iowa Regional Utility Service Systems Intergovernmental Agreement (the "28E Agreement") pursuant to Chapter 28E of the Code of Iowa; and

WHEREAS, the terms of the 28E Agreement provide for the creation of the Eastern Iowa Regional Utility Service Systems Commission (the "EIRUSS") for the purposes of planning, designing, developing, financing, acquiring, constructing, owning, operating, and maintaining wastewater treatment systems and water systems for and on behalf of the Members and the cities and unincorporated areas within the boundaries of the Members; and

WHEREAS, EIRUSS has authority pursuant to the 28E Agreement and Chapter 28F of the Code of Iowa to issue revenue bonds and interim financing notes to pay the costs of projects undertaken, but prior to the issuance of such bonds or notes each of the Members must adopt a resolution authorizing their issuance; and

WHEREAS, pursuant to Iowa Code Section 368.3, the City of Center Junction (the "City), in the County of Jones, State of Iowa, has instituted proceedings to discontinue as an incorporated city; and

WHEREAS, EIRUSS intends to acquire the City's municipal waterworks system (the "Utility") and undertake the operation thereof, and EIRUSS has proposed the issuance of water revenue bonds (the "Bonds") to pay the costs of acquiring the Utility; and

WHEREAS, it is now necessary for the Board of Supervisors of Clinton County to approve and authorize the issuance of the Bonds;

NOW, THEREFORE, it is hereby resolved by the Board of Supervisors of Clinton County, Iowa (the "County"), as follows:

Section 1. The County hereby authorizes EIRUSS to issue the Bonds to pay the costs of acquiring the Utility in a principal amount not to exceed \$230,000.

Section 2. All resolutions or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Roll Call:

Hamerlinck: \_\_\_\_\_

Srp: \_\_\_\_\_

Staszewski: \_\_\_\_\_

\_\_\_\_\_  
Chairperson, John Staszewski

ATTEST:

\_\_\_\_\_  
County Auditor, Eric Van Lancker

May 26, 2015

RESOLUTION 2015-\_\_\_\_\_

WHEREAS, the below listed entities have filed applications for renewal applications to sell cigarettes/tobacco/nicotine/vapor in Clinton County, said applications being accompanied by the necessary fee of \$50.00 each;

BE IT RESOLVED by the Clinton County Board of Supervisors that said applications be and are hereby accepted and the County Auditor be and is hereby authorized to issue renewal permits for FY2016 to the following:

The Almont Tap	4581 140 <sup>th</sup> St., Clinton
B.S. General Store	2919 Hwy 67, Camanche

Roll Call:

Hamerlinck: \_\_\_\_\_

Srp: \_\_\_\_\_

Staszewski: \_\_\_\_\_

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Chairperson, John Staszewski

ATTEST:

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County Auditor, Eric Van Lancker

May 26, 2015

RESOLUTION 2015-\_\_\_\_\_

WHEREAS certain Departments in the Various Funds of the county may overspend and there are sufficient funds available in the said service areas to cover these expenditures.

Therefore Be It Resolved by the Board of Supervisors that the following office funds be adjusted to wit:

Admin. Bldg.	from	\$877,972	to	\$899,972
County Conservation Land				
Acquisition	from	\$46,100	to	\$62,100
Pioneer Cemetery	from	\$62,471	to	\$71,725
General Assistance	from	\$347,009	to	\$362,704
Secondary Roads	from	\$6,621,831	to	\$6,731,831
Miscellaneous	from	\$308,600	to	\$329,000

Be It Further Resolved that the County Auditor be and is hereby authorized to make the above adjustments.

Roll Call:

Hamerlinck \_\_\_\_\_

Srp \_\_\_\_\_

Staszewski \_\_\_\_\_

\_\_\_\_\_  
Chairperson, John F. Staszewski

Attest:

\_\_\_\_\_  
County Auditor

**STAFF REPORT**

**DATE:** May 26, 2015

**TO:** Clinton County Board of Supervisors

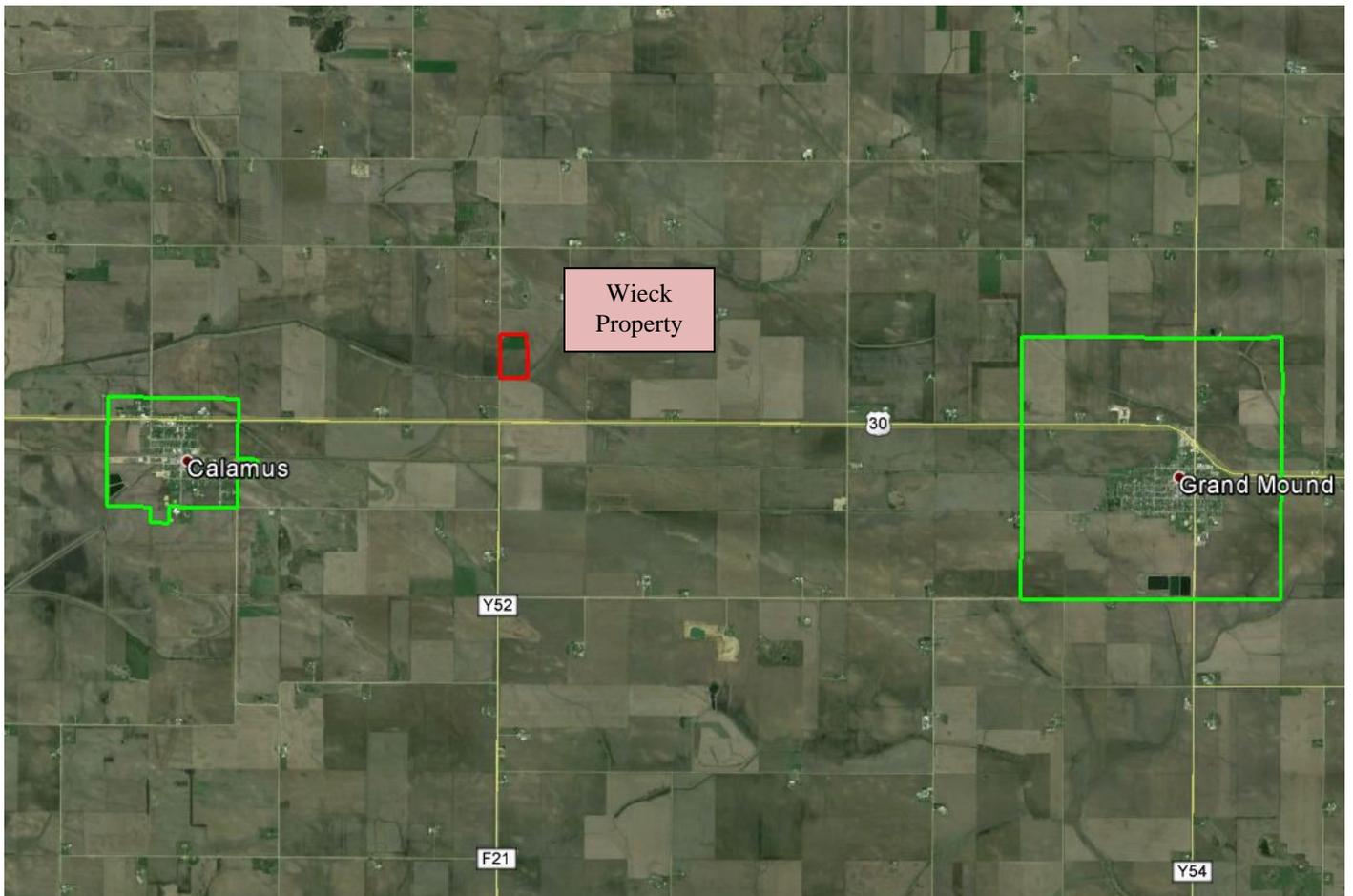
**FROM:** Clinton County Planning and Zoning Office  
Nate Mueller

**RE:** Application 3848 of Wesley Wieck requesting approval of an application to create a 2-lot Minor Subdivision to be known as Wieck Subdivision.

**Location**

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The proposed subdivision is located in the NW ¼ of the SW ¼ of Section 10, Township 81 North, Range 2 East of the 5th P.M. in Clinton County, Iowa. This is a 2-lot subdivision consisting of 25.0 acres located on the east side of 190<sup>th</sup> Avenue approximately ¼ mile north of Highway 30 and 1.5 miles east of Calamus in Olive Township.



Proposed lots for Wieck Subdivision:



## **Background and Details**

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The purpose of this subdivision application is to split an existing parcel of 25.0 acres into 2 lots – Lot 1 will contain the existing home and be used as a residential non-farm lot. Lot 2 will remain as farm ground. There are no existing buildings on proposed lot 2.

The existing residence and buildings will be split with Lot 1. The site has agricultural uses on all sides, and there are 2 residences within a ¼ mile and 6 within ½ mile. The site is currently zoned A-1 and is primarily crop and hay ground.

### **Details of the Proposal:**

The regular bulk standards, normally permitted uses, and special exception uses from the A-1 Zoning District of the Clinton County Zoning Ordinance will apply to both lots in the proposed subdivision:

<b>Lot size – Anticipated Use</b>	<u>Lot 1</u> – 2.24 acres – Residential – This lot will contain the existing residence. <u>Lot 2</u> – 22.76 acres – Agricultural – This ground will remain in ag production
<b>Front setback</b>	50 feet
<b>Side setback</b>	15 feet
<b>Rear setback</b>	40 feet
<b>Building Height - max</b>	35 feet or 2 ½ stories
<b>Density Allowed</b>	1 lot per 40 acres - the applicant's attorney has submitted the necessary Agricultural Easement to allow for the increased density in this A-1 district.

### **County Engineer's Review of Proposed Driveway Access**

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Any new accesses onto County roads are subject to permitting and review by the County Engineer's Office. Final location and design requirements of any new access will be determined at the time of permitting. New driveways must meet separation and site distance requirements.

### **County Health Department Review of Well and Septic System Suitability**

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With a parcel size of 2.24 acres, the County Health Department does not foresee any problems developing adequate wastewater facilities on proposed Lot 1 *subject to review of a soil analysis or percolation test*. There is no new well or septic planned for Lot 2. Any new or replacement wells or wastewater treatment systems installed on either lot in the future are subject to permitting and review by the County Health Department. Final wastewater suitability and design will be determined at the time of permitting.

### **Planning & Zoning Commission Recommendation**

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The Zoning Commission held a Public meeting on May 6<sup>th</sup>, 2015 in DeWitt. After taking public comment and reviewing the application, the Commission voted 5 – 0 to recommend approval of this application.

## **Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Wieck Subdivision**

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- 1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**

An acceptable soil analysis or percolation test will be required before any septic systems can be constructed or reconstructed in this subdivision. New septic systems are subject to County Health Department approval and permitting and applicants are strongly encouraged to work closely with the County Sanitarian to make sure preliminary designs meet all applicable State and County regulations for septic systems in a floodplain.

- 2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonable foreseeable needs of the subdivision.**

Any new wells or connections to existing wells are subject to County Health Department approval and permitting. All lots within this subdivision must share a water supply unless granted a variance by this Commission.

- 3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to electric and telephone service.**

Utility Services are available at this location. Electrical Service is provided by Eastern Light & Power. Telephone service, if needed, is provided by Windstream.

- 4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.**

Both lots will have direct access onto 190<sup>th</sup> Avenue which is a gravel-surface County road. Lot 1 has an existing horseshoe drive, and Lot 2 has an existing field access onto 190<sup>th</sup> Avenue. No extension of public utilities is required for development on this site.

- 5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection.**

This subdivision is located in the Calamus-Wheatland Community School District. Fire protection will be provided by the Calamus Volunteer Fire Department which is located within 2 miles. Police protection is provided by the Clinton County Sheriff's Department.

- 6. The site represents an overall development pattern that is consistent with the goals and policies on the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County.**

This development is in an area designated Agricultural on the Future Land Use Map, which allows for limited development of this type. The applicants have submitted an acceptable Agricultural Easement to allow for the increased density in the A-1 district. No infrastructure improvements are required for this development.

**7. The site and application conform to all applicable provisions of these regulations.**

The proper application procedures have been followed for this application.

The site is zoned A-1, which allows 1 dwelling unit per 40 acres. The applicants have submitted an acceptable Agricultural Easement to allow for the increased density in the A-1 district.

The Corn Suitability Ratings and uses are within the limits set forth in the Zoning Ordinance. While Lot 1 does have CSR ratings of 61 and 81, because it contains existing buildings the area cannot be row-cropped and as such the CSR ratings do not factor in the approval. Lot 2 will remain a 'farm lot' in crop production so CSR values for this lot are not factored into the approval.

**8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.**

190<sup>th</sup> Avenue is a gravel surface road which had a traffic count of 100 VPD in the most recent DOT study (2010). There is excess capacity for additional traffic on this road sufficient to handle the increased volume that can be expected by the creation of one additional lot.

**9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.**

No new streets are proposed in this subdivision.

**10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning and Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.**

Development on any of the proposed lots will have adequate and safe access to 190<sup>th</sup> Avenue, which is a minor gravel road. If the property owners wish to establish a new access they will have to meet driveway separation distances as well as Secondary Roads site distance, design, and permitting requirements.

**11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.**

The lot design for this subdivision meets the requirements of the ordinance and reflects good land planning and site engineering principles.

**12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils geology, hydrology, floodplains, wetlands, vegetation and trees.**

The site is primarily crop ground. There is no new development anticipated on either lot at this time, so any existing vegetation should not be threatened by the subdivision. There is some mapped floodplain on the south half of Lot 2, but this area will remain crop ground in ag production so flooding is of minor concern. There are no extreme slopes, topography, soil geology, or wetlands to consider on either lot.

**13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.**

No dedications of land or rights-of-way are required for this subdivision.



**STAFF REPORT**

**DATE:** May 26, 2015

**TO:** Clinton County Board of Supervisors

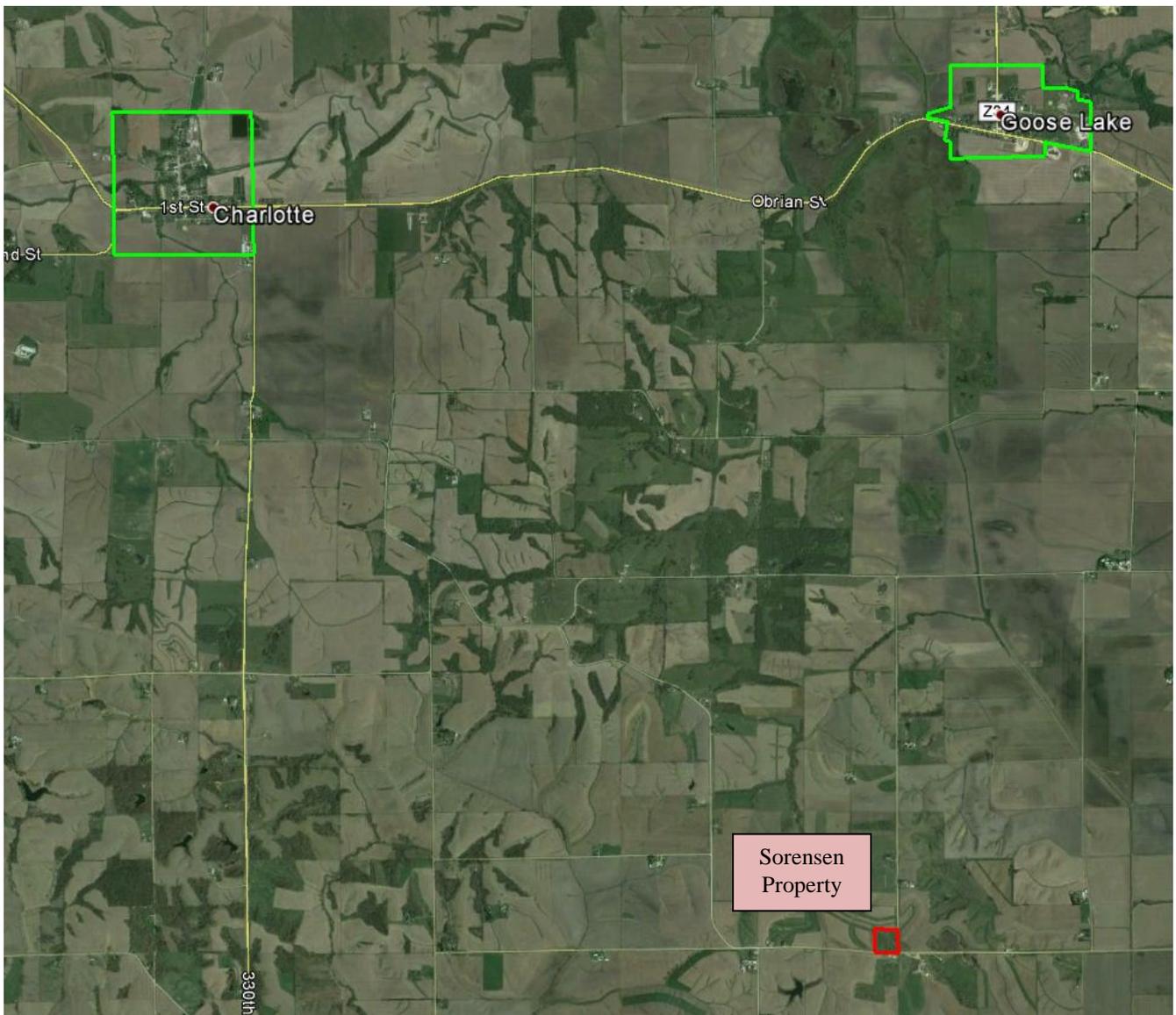
**FROM:** Clinton County Planning and Zoning Office  
Nate Mueller

**RE:** Application 3860 of Wayne & Karen Sorensen requesting approval of an application to create a 2-lot Minor Subdivision to be known as Sorensen Subdivision.

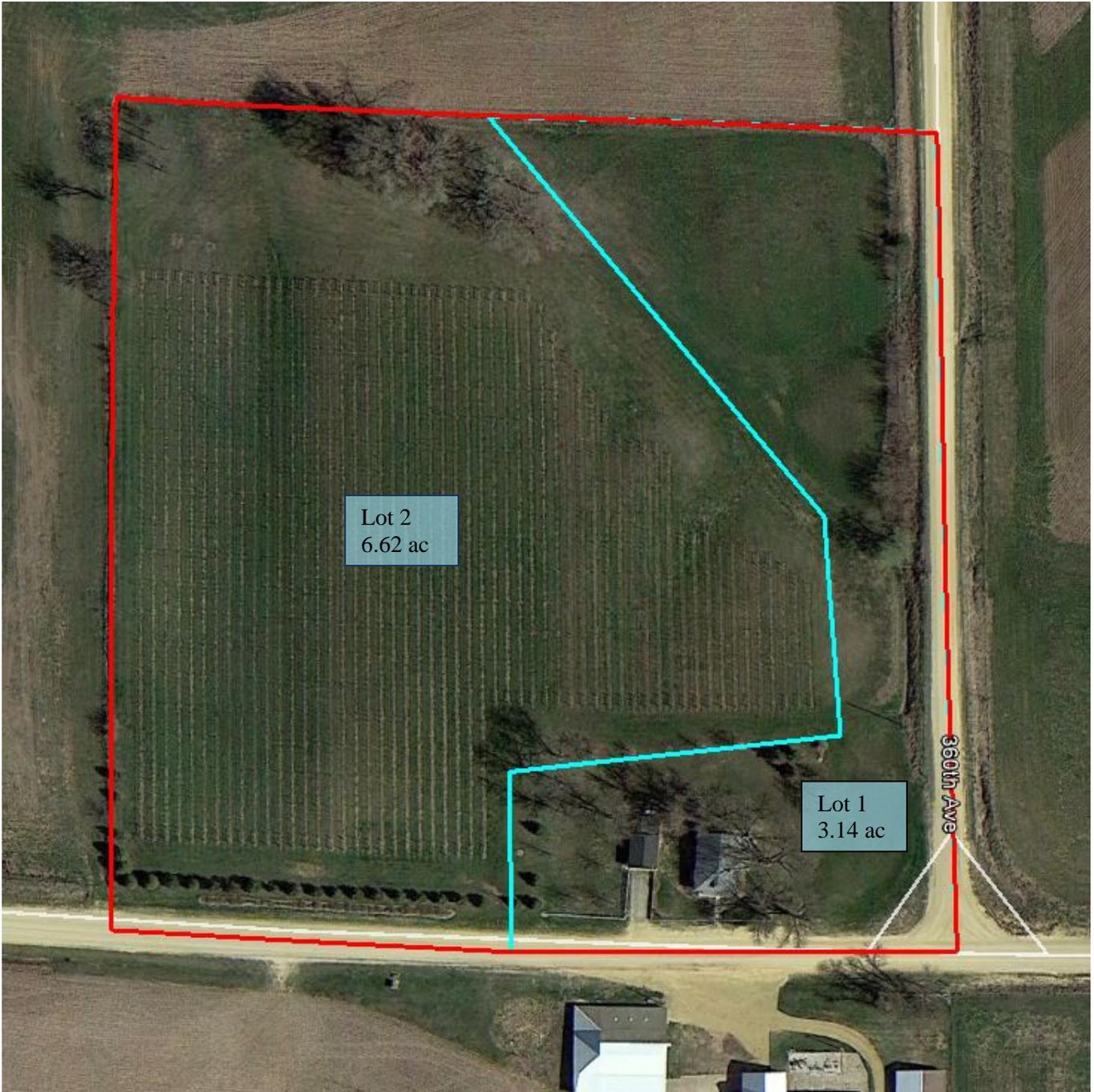
**Location**

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The proposed subdivision is located in the SE ¼ of the SE ¼ of Section 17, Township 82 North, Range 5 East of the 5th P.M. in Clinton County, Iowa. This is a 2-lot subdivision consisting of 9.76 acres located on the north side of 190<sup>th</sup> Street approximately 2 miles west of 380<sup>th</sup> Avenue in Center Township.



Proposed lots for Sorensen Subdivision:



## **Background and Details**

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The purpose of this subdivision application is to split an existing parcel of 9.76 acres into 2 lots – Lot 1 will contain the existing home and be used as a residential non-farm lot. Lot 2 will contain an established vineyard and remain as ag ground in production. There are no existing buildings on proposed lot 2.

The existing residence and buildings will be split with Lot 1. The site has agricultural uses on all sides, and there are 3 residences within a ¼ mile and 7 within ½ mile. The site is currently zoned A-1 and is primarily vineyard and open grass. The applicants have also completed a plat of survey across 190<sup>th</sup> Street to the south which will be sold along with lot 2 to the same buyer.

### **Details of the Proposal:**

The regular bulk standards, normally permitted uses, and special exception uses from the A-1 Zoning District of the Clinton County Zoning Ordinance will apply to both lots in the proposed subdivision:

<b>Lot size – Anticipated Use</b>	<u>Lot 1</u> – 3.14 acres – Residential – This lot will contain the existing residence.
	<u>Lot 2</u> – 6.62 acres – Agricultural – This ground will remain in ag production
<b>Front setback</b>	50 feet
<b>Side setback</b>	15 feet
<b>Rear setback</b>	40 feet
<b>Building Height - max</b>	35 feet or 2 ½ stories
<b>Density Allowed</b>	1 lot per 40 acres - the applicant's attorney will need to submit an acceptable Agricultural Easement to allow for the increased density in this A-1 district.

### **County Engineer's Review of Proposed Driveway Access**

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Any new accesses onto County roads are subject to permitting and review by the County Engineer's Office. Final location and design requirements of any new access will be determined at the time of permitting. New driveways must meet separation and site distance requirements.

### **County Health Department Review of Well and Septic System Suitability**

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With a parcel size of 3.14 acres and an existing system on Lot 1, the County Health Department does not foresee any problems developing adequate wastewater facilities on proposed Lot 1 *subject to review of a soil analysis or percolation test*. There is no new well or septic planned for Lot 2. Any new or replacement wells or wastewater treatment systems installed on either lot in the future are subject to permitting and review by the County Health Department. Final wastewater suitability and design will be determined at the time of permitting.

### **Planning & Zoning Commission Recommendation**

---

The Zoning Commission held a Public meeting on May 6<sup>th</sup>, 2015 in DeWitt. After taking public comment and reviewing the application, the Commission voted 5 – 0 to recommend approval of this application.

## Review of Preliminary Plat Subdivision Criteria (2.2.3.D) for Sorensen Subdivision

- 1. The application conforms with environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**

An acceptable soil analysis or percolation test will be required before any septic systems can be constructed or reconstructed in this subdivision. New septic systems are subject to County Health Department approval and permitting and applicants are strongly encouraged to work closely with the County Sanitarian to make sure preliminary designs meet all applicable State and County regulations for septic systems in a floodplain.

- 2. The applicant has shown the availability of water which meets applicable health standards and is sufficient for the reasonable foreseeable needs of the subdivision.**

Any new wells or connections to existing wells are subject to County Health Department approval and permitting. All lots within this subdivision must share a water supply unless granted a variance by this Commission.

- 3. The site is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to electric and telephone service.**

Utility Services are available at this location. Electrical Service is provided by Eastern Light & Power. Telephone service, if needed, is provided by Windstream.

- 4. The site is located in an area of the County that is appropriate for proposed development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.**

Both lots will have direct access onto 190<sup>th</sup> Street which is a gravel-surface County road. Lot 1 has an existing drive, and the applicant has indicated that Lot 2 is accessed through a break in the fence line that connects to the County ROW of 190<sup>th</sup> Street. It does not appear that a formal field access exists at this time. At the discretion of the Secondary Roads Department, present or future owners of Lot 2 may be required to install a permitted access for lot 2 accessing 190<sup>th</sup> Street if they wish to keep using the County ROW for access. No extension of public utilities is required for development on this site.

- 5. The applicant has shown the availability and accessibility of public services such as schools, public safety and fire protection.**

This subdivision is located in the Northeast Community School District. Fire protection will be provided by the Charlotte Volunteer Fire Department which is located within 7.5 miles. Police protection is provided by the Clinton County Sheriff's Department.

- 6. The site represents an overall development pattern that is consistent with the goals and policies on the Master Plan, the Capital Improvements Program, and any other applicable planning documents adopted by the County.**

This development is in an area designated Agricultural on the Future Land Use Map, which allows for limited development of this type. The applicants will need to work with staff to submit an acceptable Agricultural Easement to allow for the increased density in the A-1 district. No infrastructure improvements are required for this development.

**7. The site and application conform to all applicable provisions of these regulations.**

The proper application procedures have been followed for this application.

The site is zoned A-1, which allows 1 dwelling unit per 40 acres. The applicants will need to submit an acceptable Agricultural Easement to allow for the increased density in the A-1 district.

The Corn Suitability Ratings and uses are within the limits set forth in the Zoning Ordinance. While Lot 1 does have CSR ratings of 68 and 25, the existing buildings cover the higher CSR ground so it cannot be row-cropped and as such the CSR ratings do not factor in the approval. Lot 2 will remain a 'farm lot' in crop production so CSR values for this lot are not factored into the approval.

**8. The application considers the effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.**

190<sup>th</sup> Street is a gravel surface road which had a traffic count of 80 VPD in the most recent DOT study (2010). There is excess capacity for additional traffic on this road sufficient to handle the increased volume that can be expected by the creation of one additional lot.

**9. The Preliminary Plat shows the location, spacing and design of proposed streets, curb cuts and intersections, all of which are consistent with good traffic engineering design principles.**

No new streets are proposed in this subdivision.

**10. Each lot in the map of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Planning and Zoning Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.**

Development on any of the proposed lots will have adequate and safe access to 190<sup>th</sup> Street, which is a minor gravel road. If the property owners wish to establish a new access they will have to meet driveway separation distances as well as Secondary Roads site distance, design, and permitting requirements.

**11. The site contains a parcel, lot and land subdivision layout that is consistent with the Zoning Ordinance, good land planning and site engineering design principles.**

The lot design for this subdivision meets the requirements of the ordinance and reflects good land planning and site engineering principles.

**12. The site will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils geology, hydrology, floodplains, wetlands, vegetation and trees.**

The site is primarily crop ground with a few trees and some open grass/pasture area. There is no new development anticipated on either lot at this time, so any existing vegetation should not be threatened by the subdivision. There is no mapped floodplain on the property. There are no extreme slopes, topography, soil geology, or wetlands to consider on either lot.

**13. The applicant agrees to dedicate and improve land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.**

No dedications of land or rights-of-way are required for this subdivision.



**STAFF REPORT**

**DATE:** May 26, 2015

**TO:** Clinton County Board of Supervisors

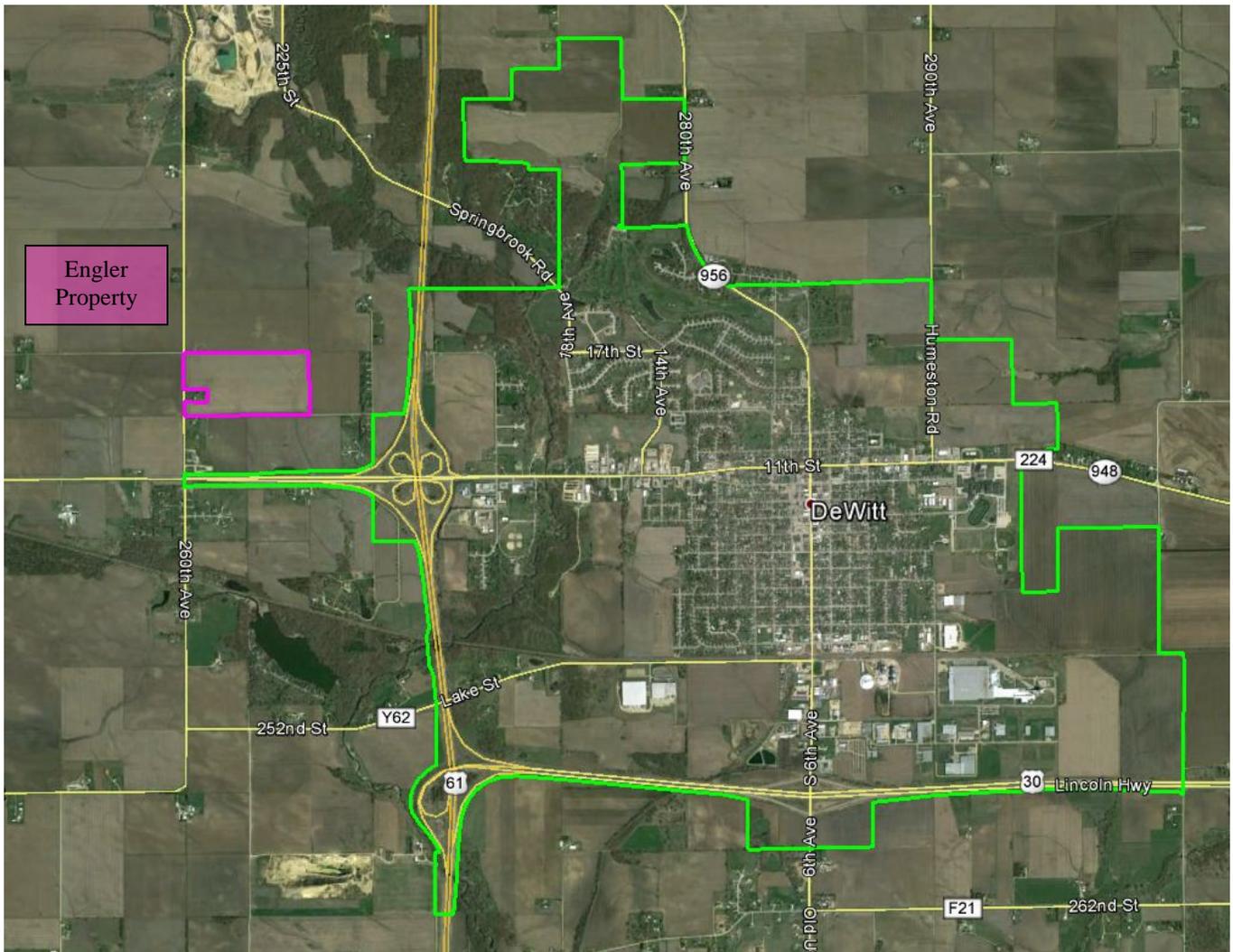
**FROM:** Clinton County Planning and Zoning Office  
Nate Mueller

**RE:** Application 3858 of Norma Engler Trust requesting an amendment to the Clinton County Future Land Use Map to change the designation of certain property from Agricultural to Suburban Residential.

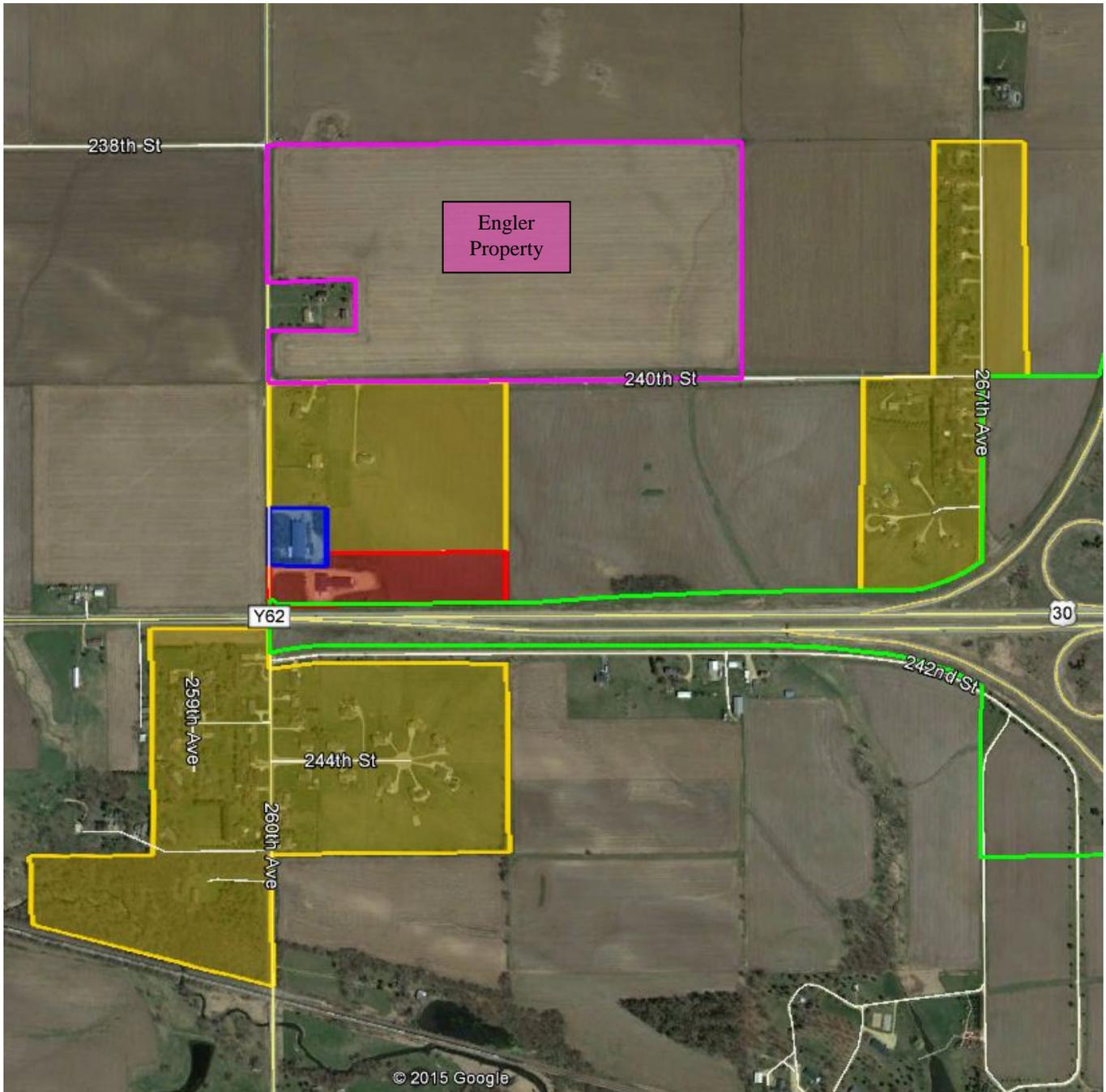
**Location**

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The proposed change is located in the S ½ of the SW ¼ of Section 11, Township 81 North, Range 3 East of the 5th P.M. in Clinton County, Iowa. The property consists of approximately 73 acres located on the north side of 240<sup>th</sup> Street and the east side of 260<sup>th</sup> Avenue approximately 0.5 miles west of DeWitt in DeWitt Township.



**Current zoning classification for property in the vicinity of the request:**



**Green** – Corporate Limits of DeWitt.

**Property in Yellow** – Residentially zoned & developed

**Property in Red** – Commercially zoned & developed (DeWitt Vet Clinic, one bare parcel)

**Property in Blue** – Industrially zoned & developed (DeWitt Electric Inc. - Electricians Office/Shop)

**Property with no additional shading** – Agricultural (A-1) or Agricultural-Recreational (AR-1) in zoning and use including the Grace Lutheran Camp, single family residences, and fields.

## **Details of the Request**

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The applicant has expressed an interest in rezoning approximately 73.1 acres located at the intersection of 240<sup>th</sup> Street and 260<sup>th</sup> Avenue from Prime Agricultural (A-1) to Suburban Residential (R-1). An initial review of the request showed that the Future Land Use Map does not currently support such a rezoning. The applicant has chosen to ask the Board to consider an amendment to the Future Land Use Map before submitting the official rezoning request.

## **Current Surrounding Uses**

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**North:** Zoned Agricultural – currently in row crop production.

**Southwest:** Zoned Residential – Chuck Gregoire recently completed a major subdivision on this property. There will be 6 residential lots that access 240<sup>th</sup> Street adjacent to the south property boundary of the Engler property.

**Southeast:** Zoned Agricultural – currently in row crop production.

**East:** Zoned Agricultural – currently in row crop production. Zoned Residential – currently subdivided and built out with single family residential homes.

**West:** Zoned Agricultural – currently in row crop production.

**Density Allowed currently** 1 lot per 40 acres - a 2.88-acre non-farm lot was split from the property in 2004, so only one more non-farm lot could be split from the east half of the property under the current zoning.

**Proposed Density Allowed** 1 lot per 2 acres – if the property was zoned R-1 a total of 36 two-acre lots could theoretically be created looking at total net acres. In reality, a development area of this size would require private subdivision roads to access the interior lots, so the property would likely yield closer to 30 or so lots at full build out.

## **Development Characteristics of the Area**

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The areas to the south and east of the site have seen notable residential development over the last 20 years. There are approximately 40 residences in 5 different residential zones within ¼ to ½ mile of the subject property. The majority of these residential zonings are located in areas which are designated as Suburban Residential or Commercial on the Future Land Use Map.

## **County Engineer's Comments**

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While more in-depth review would be conducted on a specific rezoning or subdivision request, Zoning Staff only spoke informally with the Engineer about this request. Mr. Kinney indicated that the existing hard-surface roads should be able to handle the traffic that would be generated by 30 – 35 additional single-family housing lots. However, without completing detailed calculations he could not confirm whether the traffic generated by such a development would increase the road classification, which may require the County to upgrade the shoulder width and/or signage on the road to meet the required safety regulations. Such upgrades could be considered extension of resources or facilities.

## **County Health Department Comments**

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After a brief review of the soil types present on the property, the County Health Department does not foresee any problems developing on-site wastewater facilities in this area, however without specific soil analysis or percolation test results to review final suitability cannot be confirmed. If the Future

Land Use Map were changed and the subsequent rezoning was approved, the eventual subdivision application would require a public water supply built to IDNR standards in order to comply with the Subdivision Ordinance requirement of a single water supply per subdivision.

### **City of DeWitt Comments**

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The City is generally opposed to large-lot development in such close proximity to city limits given the problems it can generate if the area is ever annexed into the city. Extensive large-lot developments create issues with the installation of sewer, storm drains, water supply, and other city utility services.

General comments from the City indicate that this area is not likely to be annexed in the foreseeable future. The City has ample room for residential growth within its current borders, and also has room to expand to the north and east without facing the logistical challenges of extending city services across Highway 61 to the west.

It should be noted that per Iowa Code, DeWitt has extraterritorial review of subdivisions within 2 miles of its city limits. If the Future Land Use Map Change is approved and the subsequent rezoning request is approved, the City will retain the right to review any future subdivision requests for this property. The Code sets a default standard that all subdivisions subject to this extraterritorial review can be required to meet full city development standards if the City chooses. The City has the discretion to waive some or all of its development standards when reviewing a rural subdivision. The County cannot legally record a subdivision that is subject to City review without a Resolution from the City either approving the subdivision as shown or stating that the City waives its rights to review the subdivision.

### **Planning & Zoning Commission Recommendation**

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The Zoning Commission held a Public meeting on May 6<sup>th</sup>, 2015 in DeWitt. After taking public comment and reviewing the application, the Commission voted 3 – 2 to recommend approval of this application.

### **Review of Master Plan Goals and Policies as they pertain to the Future Land Use Map Change request of Norma Engler Trust**

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#### **Land Use and Growth Management Goals & Policies**

**Goal 1.1 Achieve a balanced mix of land uses, arranged to avoid conflicts and maximize public service and facilities efficiencies.**

The adjacent surrounding properties are primarily farmland with the exception of Gregoire 4<sup>th</sup> Addition, zoned R-1, abutting to the south. Within a short distance there are multiple residential subdivisions in addition to the farmland. Conflicts should be minimal between ongoing ag uses and residential development.

**Policy 1.1.2 Use the Future Land Use Map...to guide land use and development decisions...the County should consider the adequacy of infrastructure before granting...suburban intensity zoning.**

All roads bordering this property are hard-surface and should have sufficient capacity to handle residential development.

**Goal 1.2 To grow in areas that can be served efficiently by existing or planned infrastructure.**

**Policy 1.2.1 Ensure that development complies with the infrastructure standards provided**

Any proposed development on this site would meet the basic infrastructure requirements of the Suburban Residential development category. Road infrastructure for this and the surrounding area is above what is required by the Master Plan.

**Policy 1.2.2 This policy considers whether more intensive development outside of cities is appropriate based on the following conditions:**

- a. **Marginal or poor agricultural land that is not environmentally sensitive.**  
This property is located in the A-1 Zoning District and is considered high-quality crop ground. Only 10% of the area has a CSR below 60 while 81% has a CSR greater than 82. The average CSR for the whole property is approximately 78. While there is no specific development planned at this time, a change to the Future Land Use Map could open the door for an eventual rezoning and subdivision requests. Other than having a high CSR, the crop ground is not otherwise environmentally sensitive (e.g. no mapped floodplain, no wetlands, no steep slopes, and no sensitive vegetation on the property).
- b. **Access to adequately constructed, paved roads.**  
This lot accesses 240<sup>th</sup> Street and 260<sup>th</sup> Avenue – both paved roads – and is located within ¼ mile of a connection to Hwy 30.
- c. **Public and/or private facilities and services are present or planned including water and or sanitary sewer systems.**  
Water and sanitary facilities are not currently planned for this site. Any wells would be required to meet the State requirements of a public water supply. 2-acre lots would provide room for siting of septic systems. According to the Clinton County Soil Survey, the soils present should not present issues with installation of conventional septic systems.
- d. **Employment centers and commercial areas are nearby.**  
The City of DeWitt is located ½ mile away, with direct access provided by 260<sup>th</sup> Avenue and Hwy 30. Major employment centers in Clinton and the Quad Cities are located 20 and 25 miles away respectively.
- e. **Where it is least disruptive of existing agricultural activities.**  
Ag uses in this area already successfully co-exist with residential uses. Adding more residential development should not create any new problems. No livestock operations are located within at least ½ mile of this site.
- f. **The development is sufficiently buffered from less intensive land uses and farm operations.**  
This site is adjacent to agricultural cropland on all sides except the residential development of Gregoire 4<sup>th</sup> Addition to the south. Given that the property would be a blank slate for development, screening, separation, or other buffer methods could be required by Board at the time of Preliminary Plat review.
- g. **There is a demonstrated demand for such development.**  
Anecdotal comments from realtors and members of the public indicate that there is a demand for residential lots in the rural areas of the county. In the past 4 years there have only been three major subdivisions in the County – Timber Ridge containing 5 lots, Gregoire 4<sup>th</sup> Addition containing 5 lots, and Outback #1 containing 24 lots. The Outback lots are only ½ acre in size and would not be similar in character to development on this site.

- h. **Development is located and designed to make efficient use of energy resources, public facilities and services and land resources.**

This site is located in close proximity to a city, so travel to public facilities in town would be quick and efficient. Road infrastructure and utility services already exist in this area. This site is currently high-quality crop ground, and while there is no specific development planned at this time the crop ground is a land resource that would have to be removed from production for residential development to take place.

**Goal 1.3 To provide a variety of housing opportunities in the County in appropriate locations.**

**Policy 1.3.1 Ensure that the Future Land Use Map provides adequate development potential for a variety of housing types required to meet the housing needs of present and future residents. When evaluating need, the County should consider the availability of housing within incorporated communities.**

This development would have the potential to add up to 30 to 36 additional rural lots in an area close to DeWitt which is serviced by existing paved roads. There are very few existing lots in the unincorporated area surrounding DeWitt, however there are many available within the city limits of DeWitt (as many as 100 currently platted and zoning in place for as many as 300 or 350 more). In the past 4 years there has been only one residential subdivision in the vicinity of DeWitt (Gregoire 4<sup>th</sup> Addition), and all 4 residential lots created in that subdivision are sold. One question to be decided with this application is whether there is “adequate development potential” and is there a need for additional land designated as Suburban Residential to be added to the Future Land Use Map? An area of approximately 5,000 acres south/southwest of DeWitt is already designated for suburban residential development. Does this offer adequate potential for residential development even though it’s currently being farmed and there are no apparent residential development intentions among present land owners in the area?

**Transportation**

**Goal 2.1 To maintain a transportation system that safely and efficiently meets the needs of residents and business.**

This site is located at the intersection of two paved roads. While the road bed is likely sufficient to handle an increase in traffic, the County Engineer indicated that it may be necessary for the County to acquire right-of-way along 240<sup>th</sup> Street for potential shoulder upgrades should development push traffic counts high enough. Approval of this change of Future Land Use Map application would likely eventually cause an increase in demand on the transportation network in the area.

**Public Facilities and Services**

**Goal 3.2 To implement the plan through the coordinated and consistent actions of the County, cities and other service providers.**

**Policy 3.2.1: Coordinate with the cities within Clinton County to promote consistent application of the plan in unincorporated portions of the County.**

While this site is within ¼ mile of the DeWitt city limits, general comments from DeWitt officials indicate that this area is not likely to be annexed in the foreseeable future. The City has ample room for residential growth within its current borders and also has room to expand to the north and east without facing the logistical challenge of extending city services across Highway 61 to the west. The City is generally opposed to large-lot development in such close proximity to the city limits, but they also acknowledge that this property is not identified for annexation and extension of city services in the foreseeable future.

## Conservation and Resources

**Goal 4.1 To sustain high quality air, water and land resources.**

The policies associated with this goal emphasize floodplain protection, and separation of urban development from incompatible agricultural uses. This area is not located in or near a designated floodplain area and surrounding agricultural property owners are accustomed to dealing with residential neighbors. Any residential growth in this area should come with the common-sense understanding that this is a rural subdivision and regular farming practices are to be expected nearby.

**Goal 4.2 To protect sensitive natural resources, including floodplains, heavily forested areas, steep slopes, wetlands and other areas.**

This site does not contain any of these sensitive natural resources outlined in the Master Plan.

**Goal 4.3 To preserve agricultural lands.**

This property is located in the A-1 Zoning District. The overall soil quality of this site is relatively high – only 10% of the area has a CSR below 60 while 81% has a CSR greater than 82. The average CSR for the whole property is approximately 78. This site is currently high-quality crop ground by the standards of the Clinton County Zoning Ordinance, and while there is no specific development planned at this time this productive crop ground would have to be removed from production for residential development to take place.

### **Staff Review**

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This request comes down to one central question: is it appropriate to change the preferred development pattern at this location from Agricultural to Suburban Residential given the unique circumstances of this property. Those circumstances include but are not limited to:

- The development trends in this area and surrounding land uses.
- Potential conflicts with neighboring agricultural land uses.
- The quality/productivity of the soil and the value of the land as agricultural ground.
- The existing County road infrastructure.
- The need for more suburban residential land in the County's growth plan.
- The need for more rural residential housing opportunities in the County.
- The growth plans of the City of DeWitt.

The Land Use Plan is a document meant to embody the long-range vision of the citizens of Clinton County. The Board approves and updates the plan as representatives of the citizens. Because staff's job is to implement – not write – the Plan, it is my personal and professional opinion that it is not appropriate to issue an official staff recommendation on this application. If the Board insists, staff can prepare a recommendation to present at the public hearing, but it would be ideal for staff to remain neutral in order to present the facts and answer questions about the application so the Board can make an informed decision on the request.



May 26, 2015

**RESOLUTION 2015 - \_\_\_\_\_**

**WHEREAS**, the Clinton County BOS approved a Motion on September 8, 2014, directing CCJCC to continue to pursue development of a new Clinton County Law Enforcement Center; and

**WHEREAS**, the Clinton County Justice Coordinating Commission (CCJCC) is the body best suited to address and study these issues facing the current Clinton County Law Center and therefore the CCJCC convened a Site Selection Group to study and recommend the best suitable location; and

**WHEREAS** CCJCC contracted ShiveHattery to conduct site evaluations on four proposed sites, with the recommendation to pursue development/construction at the Courthouse campus;

**THEREFORE BE IT RESOLVED** by the Clinton County Board of Supervisors that CCJCC continue to develop plans and seek approval for construction of replacement of the Clinton County Jail/Sheriff's Office/911 Emergency Communication Center at the Courthouse campus;

**BE IT FURTHER RESOLVED** that funds be expended as budgeted to engage ShiveHattery to develop/produce a conceptual design for the replacement facility at the recommended site.

Roll Call:

Hamerlinck: \_\_\_\_\_

Srp: \_\_\_\_\_

Staszewski: \_\_\_\_\_

\_\_\_\_\_  
Chairperson, John Staszewski

ATTEST:

\_\_\_\_\_  
County Auditor, Eric Van Lancker