

CLINTON COUNTY PLANNING AND ZONING MINUTES

PLANNING AND ZONING COMMISSION MEETING

March 7, 2012

Clinton County Annex-DeWitt

Jerome Burken	-Absent	
Roger Boussetot	-Present	
James Ralston	-Present	Gail Thomas -Present
Rita Hart	-Present	
Bill Kruse	-Present	

Vice Chairman Kruse called the meeting to order at 8:34 a.m. Roll call showed 4 members present. The Minutes of February 15, 2012 were approved as written.

AGENDA ITEM IV–PHIL BOUSSELOT REZONING

i. FUTURE LAND USE MAP AMENDMENT

Others present: Phil Boussetot, Bob Spain, Kathy Drury, Joanne McConohy, Gene Banowitz, John Connole, Bob Summers

Staff stated that Mr. Boussetot has requested the rezoning of a 28.9 acre parcel from A-1 to AR-1 for the purpose of greater residential density on a non-agricultural parcel. Rezoning of this parcel would first require a change to the Future Land Use map. Public notice has been given and all fees paid

The property is located on 182nd St, DeWitt. Legally described as:

A part of the NE ¼ of the NW ¼ and a part of the NW ¼ of the N E 1/4 of Section 17, Township 82 North, Range 4, East of the 5th P.M, all in Clinton County, Iowa. Said parcel contains 28.922 acres.

The Public Hearing was opened at 8:40 am.

Staff presented a staff summary of the proposed rezoning. Staff reported one phone call with concerns about the water table and the road safety. Staff presented maps and aerial photos to describe the situation. Commissioners had questions about whether we should consider an R-1 Zoning rather than AR-1, and about adjacent livestock. No livestock confinement or feedlots are within 1320 feet of the site. Commissioner Boussetot raised concerns about the potential for conflict of land uses between residential and agricultural. Mr. Banowitz was able to discuss agricultural activity on the adjacent land.

Commissioners asked for comments from the applicant. Phil Boussetot explained that they would like to have this land rezoned in order to divide it into 5 large residential lots. The lots would utilize existing driveways (shared), individual wells and septic systems. He discussed possible covenants that would be placed on the land to preserve the natural features of the site.

Kathy Drury lives across the road from the property. She asked if there was an application for a change to the Future Land Use map, spoke of concerns about changing the use of the property, about driveway separation distances and concerns for the addition of multiple septic systems on the well water safety in the area. She also expressed concerns whether the features of the property will pose problems with compliance when it comes to subdivisions requirements. She pointed out that the majority of Clinton County is zoned A-1 Prime agricultural and there are many such sites in the A-1 district. She stated "If all the lower quality farm land and non-tillable land was rezoned for homes, the ordinance allowing only one non-farm home per 40 acres would be worthless."

Bob Summers County Sanitarian spoke to say that the site will be suitable for individual wells and septic, but that testing has not been fully completed yet as those are subdivision and building issues which will be covered in the application for subdivision. Testing that has been done to date indicates a reasonably good percolation rate for septic systems. Minimum separation distances between septic and wells have been set by the State to assure water quality.

Ms. Drury questioned approving a rezoning when she has concerns about the ability of the applicant to meet the subdivision requirements on this site.

Staff pointed out that today's issue is whether the Commission would approve a rezoning, so that the applicant has a reasonable assurance that undertaking the cost of a full subdivision application is warranted.

Gene Banowitz owns land to the North and West and spoke in support for the project which is adjacent to his property. Mr. Banowitz believes the property would be put to better use if developed than to remain as undeveloped open space.

The Commissioners heard the concerns and discussed the issue as it pertains to the proposed rezoning.

Staff comments: The difference between the two zones is residential density. The purpose of limiting residential density is to preserve agricultural land and to preserve the rural character of the County. Rezoning of this parcel to allow higher density will have no impact on the availability of agricultural land for production in Clinton County. There appears to be a demand for Staff recommendation was to forward a recommendation for rezoning to the Clinton County Board of Supervisors with the following conditions: A. an appropriate subdivision plan is submitted and approved within 180 days of the rezoning. B. The applicant will include as part of the subdivision plat an administrator-approved erosion control plan that will be applied during construction of any dwellings on lots in this subdivision. C. The applicant will include as part of the subdivision plat a demonstration that timber shall be preserved to the greatest extent practical on slopes. D. Access points are to be approved by the County Engineer. E. An Agricultural Warning notice will be included on deeds after subdivision of the property.

The public hearing was closed at 9:24 am.

The Future Land Use map criteria for review were discussed. Review of Boussetot Future Land Use Map Change application with Goals of the Clinton County Master Plan.

Goal 1.1 **Achieve a balanced mix of land uses, arranged to avoid conflicts and maximize public service and facilities efficiencies.** The surrounding area is a combination of Agricultural land, and is an area not well suited to high density residential development. This application is to change the designation of this site from Prime Agricultural to Agricultural/Recreation district on the Future Land Use Map. The Agricultural/recreation district is the term used for somewhat higher Rural residential development than is permitted for higher CSR areas. This site is suitable for that designation.

Policy 1.1.2 The Future Land Use Map is to be used to guide land use and development decisions. Zoning decisions should be consistent with the adopted Future Land Use Map and the other policies of the Master Plan. The Future Land Use Map for this site says it should be zoned for Prime Agricultural uses.

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

Policy 1.2.1 **This policy considers whether existing or planned infrastructure meets the requirements of Exhibit 25, which is also duplicated in the Clinton County Subdivision Ordinance.** As currently envisioned, the proposed development does meet the requirements of Exhibit 25 for Rural development.

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.** The property proposed for the Land Use change is Timber currently used as open space. The soil type is about 50% 163G with a CSR of 20, with about 50% area of soil type 163C2 with a CSR of 73. The site is relatively level on the Southeast portion, with steep slopes on the Northwest portion of the parcel. This is not high quality farmland. No wetland or floodplain is located on this site.
- b. **Access to adequately constructed, paved roads.** 182nd Street is a local paved surfaced road.
- c. **Public and/or private facilities and services are present or planned including water and or sanitary sewer systems.** Private wells and septic systems have been proposed for this site. Water and sewer facilities must be installed in accordance with Zoning and the County Sanitarian must approve any private or shared systems.
- d. **Employment centers and commercial areas are nearby.** The City of Clinton is 22 miles east of this site. The City of DeWitt is within 6 miles of the site. Charlotte is five miles to the North east. Major employment and commercial areas are between 6 and 20 or more miles from this site.

- e. **Where it is least disruptive of existing agricultural activities.** The area to be used as home sites is located adjacent to existing agricultural farmland. No livestock feedlots or confinement buildings are located within at least ½ mile of this site.
- f. **The development is sufficiently buffered from less intensive land uses and farm operations.** Large lots and existing timber would provide buffering from adjacent farmland.
- g. **There is a demonstrated demand for such development.** Rural residential building sites have typically been in high demand. General economic conditions have somewhat reduced that demand. The last major subdivision in the County appears to have been the stark's 2nd Addition in 2008. Therefore, it is likely there is a demand for this site to become a rural residential (AR-1) designation on the Future Land Use Map.
- h. **Development is located and designed to make efficient use of energy resources, public facilities and services and land resources.** No additional public facilities are needed to provide service to this site. Some travel is required for nearly all activities.

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 provide up to 5 rural lots in an unincorporated area of the County. The nearest incorporated community is Charlotte, about 5 miles to the northeast. There is some evidence of a need for additional land designated as rural residential to be added to the Future Land Use Map.

Policy 1.3.2 Locate residential development in platted subdivisions with adequate public facilities. This change of Future Land Use Map is the first step toward the platting of what is likely to be 5 lot subdivision. This subdivision would utilize onsite septic systems, private well and the lots would access directly onto county roads. This does satisfy the goal of having “adequate public facilities.”

Goal 2.1 To maintain a transportation system that safely and efficiently meets the needs of residents and business. This Future Land Use Map change would eventually allow 5 additional lots which would require three points of access onto 182nd Street, a paved road. The 2010 DOT Traffic map shows a VPD count of 600 for this road. Residential dwellings can be expected to add about 10 vehicle trips per day. If all 5 lots were developed, that could be expected to add 50 vehicle trips per day to this road. That represents an 8% increase in traffic. The County Engineer has stated that the transportation system is adequate to handle the development of 5 residential lots that may

result from the proposed change to the Future Land Use Map.

Goal 3.1 To provide public facilities and services at levels which support a desirable “quality of life” for current and future residents. Public facilities and services covered by this Goal, which include water, wastewater, storm water and drainage, parks and recreation facilities, emergency services and educational facilities, as well as implementation of the Master Plan must be considered through coordinated and consistent action.

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. There is a natural buffer with this site. There is no floodplain located on this site.

Goal 4.2 To protect sensitive natural resources, including floodplains, heavily forested areas, steep slopes, wetlands and other areas. This site has no floodplain, but does have steep slopes located on it, as well as a forested area. If a rezoning is approved, it may be necessary to place special conditions on the development of this site to avoid erosion.

Goal 4.3 To preserve agricultural lands. This site is currently undeveloped timber. Rezoning of this land would not remove agricultural land from production. Among the Commissioners questions were raised about the Future Land Use map, and historic county policy regarding changes to that map.

Hart made a motion to approve a resolution to recommend that the Clinton County Board of Supervisors approve an amendment to the Future Land Use map of the above described parcel from A-1 to AR-1.

Staff was asked for comments on or concerns about changing the Future Land Use map. Discussion ensued regarding the long term policy implications of this decision. Staff pointed out that there is no residential area identified in the major portions of the County. Motion to approve was seconded by Ralston.

Ralston ___Yes
Hart _____No
Kruse _____Yes
Bousselot ___Abstain

Motion to amend the Future Land Use map Failed.

Therefore, the Application for Rezoning may not move forward. Commissioners encouraged the Applicant to resubmit an application for all three items together; a Future land Use map amendment, a Rezoning, and a Subdivision Plat. The Commissioners asked Staff to conduct research on past policy on this issue and to present information about the possible implications of the rezoning on future applications for similar sites.

AGENDA ITEM VI-OTHER BUSINESS

With no further business, the meeting was adjourned at 9:46 a.m.

Respectfully Submitted,

Clinton County Zoning Administrator