

Dubuque County Zoning Commission

Minutes of September 21, 2021

Chairperson Sam Boyes called the meeting to order at 6 p.m.

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Sam Boyes, Cathy Caitlin and Ron Breitbach. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Kevin Soppe, Jerry Sigwarth, Ken Runde and Kathleen Scherrman. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Angela Steffens.

2. APPROVAL OF MINUTES: A motion was made by Mr. Runde, **seconded by Mr. Sigwarth, and passed unanimously to approve the minutes of the August 17, 2021 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Sageville Farm No. 2-Final Plat

Plat of Survey of Lot 1 thru Lot 3 of Sageville Farm No. 2 comprised of Lot 1-1-1-1-1-6 & Lot 2-1-1 2 of Lot 1A both in the SE ¼ Section 34, (T90N-R2E) Peru Township, Dubuque County, Iowa and Lot 1-D-1-1-1-1-1-4 in Thompson Subdivision Section 34, in the City of Sageville, Dubuque County, Iowa.

The property is owned by the City of Sageville and is partially located within the city limits of the City of Sageville with the remainder located in the unincorporated portion of Dubuque County with a total of 33.78 acres surveyed. The property is zoned A-1, Agricultural for the unincorporated portion located within Dubuque County. The purpose of the plat is to separate the crop ground from the timber ground for sale purposes.

The survey creates 3 lots. Lot 1 has a total of 8.20 acres surveyed of agricultural and timber ground that will be sold as a non-buildable lot. Lot 2 has a total of 25.04 acres surveyed that is a non-buildable lot that will remain in current ownership of the City of Sageville and in agricultural use. Lot 3 has a total of .54 acres surveyed and is located within the City limits of the City of Sageville and will be sold to the adjacent neighbor.

Lot 1 will use a 30' wide access easement across Lot 2. Lot 2 will have access of Leiser Lane. Lot 3 will have access from adjoining land in common ownership.

Speaking to the Board was Wayne Kennicker, Mayor of Sageville, 11645 Leiser Ln., Dubuque. Mr. Kennicker said the City of Sageville purchased about 47 acres in 2015. He said he was not sure why they purchased it and there was no plan for the property. He said now there if someone who would like to purchase the timber on the property. He said they tried to annex it into the City but one neighbor did not want that.

Ms. Henry said she would not be able to sign off on this plat as the Plats Officer because it is zoned A-1 and does not meet the county platting rules. She said the Board of Supervisors can approve it if they chose to do so, then she would sign off on it.

Mr. Sigwarth said it is non-buildable because of the flood plain so selling part of it to someone for hunting the timber makes perfect sense.

Mr. Kennicker said the City of Sageville is trying to gain some of the money back that was spent on this lot.

Mr. Breitbach asked if they have had anyone object to this. Ms. Henry said no.

Ms. Boyes asked if the Supervisors are aware that this will be before them in the future. Ms. Henry said the Board of Supervisors are all aware of it.

Ms. Caitlin said the Board of Supervisors are not allowed over-ride ordinances. She asked Ms. Henry if because of the zoning, is that the only reason she can't sign the plat. Ms. Henry said yes because both lots would have to meet the 35-acre requirement for platting in the A-1 zoning district and there is not enough land there to meet that. She said the Auditors Office controls the platting ordinance.

A motion was made by Ms. Caitlin, **seconded by Mr. Breitbach to approve the plat. The motion passed unanimously. Vote; 7-0.**

b) Plat of Survey of Bockenstedt Estates Plat 3-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Bockenstedt Estates Plat 3 comprised of Lot 1 and Lot 2 of Bockenstedt Estates Plat 2 Section 15, (T89N-R2W) New Wine Township, Dubuque County, Iowa.

The property is owned by Andrew Recker and is located 1.13 miles north of the City of Dyersville along Wenthe Road with a total of 40 acres surveyed. The property is zoned A-1, Agricultural. The purpose of the plat is reduce the size of the Lot 2 that contains a cattle building that will be sold to his parents.

The survey creates 2 lots. Lot 1 has a total of 35.959 acres surveyed that has a home and farm buildings that will remain in current ownership and agricultural use. Lot 2 has a total of 4.041 acres surveyed with an existing cattle building that will be sold to Andrew Recker's parents and it will remain in agricultural use.

Lot 1 will use an existing residential entrance and field entrances off of Wenthe Road. Lot 2 will use a 60' wide access and utility easement across Lot 1 off of Wenthe Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Mr. Schneider said they are taking two lots and reconfiguring them into two lots so Mr. Recker can sell the cattle building to his father.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote: 7-0.**

c) Plat of Survey of Rolling Hills Farm Subdivision Plat 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Rolling Hills Farm Subdivision Plat 2 comprised of Lot 1 and Lot 2 of Rolling Hills Farm Subdivision Section 19, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by Patrick & Vicki Leonard and Barbara Bushman and is located 1.34 miles east of the City of Dubuque with a total of 38.57 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is allow a lot line adjustment between the property owners.

The survey creates 2 lots. Lot 1 has a total of 6.53 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 32.04 acres surveyed with an existing home and buildings that will remain in current ownership and use.

Lot 1 will have access to Lake Eleanor Road over and across Lot 36 and Lot 2 of Lot 37 of Wilson's Subdivision of Foley's Grove. Lot 2 will use an existing residential entrance off of Lake Eleanor Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Mr. Schneider said Mr. Leonard has stock cows on his property and wants to purchase the timber and the driveway area that is in the flood plain on the Bushman property north of his. He said they would be moving one lot line.

Ms. Boyes asked if this plat has been before the City of Dubuque yet. Mr. Schneider said it is on their agenda. He said it has to go to this meeting because the City of Dubuque requires a 50' frontage on a public road and this property does not have that.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Ms. Scherrman, **seconded by Mr. Runde to approve the plat. The motion passed unanimously. Vote: 7-0.**

d) Plat of Survey of Turnis Place Plat 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Turnis Place Plat 2 comprised of Lot 2 in Turnis Place and Lot 2 of Lot 1 of Lot 1 of Lot 1 of Lot 1 of Lot 1 of Lot 1 in the NE ¼ of the SE ¼ all in Section 28, (T90N-R2E) Peru Township, Dubuque County, Iowa.

The property is owned by Thomas & Jodi Johnson and is located .49 miles north of the City of Sageville along Mud Lake Road with a total of 15.56 acres surveyed. The property is zoned R-3, Single Family Residential, R-1, Rural Residential and C-1, Conservancy. The purpose of the plat is to create a lot around the existing house on Lot 2 to sell to their daughter and increase the size of their residential lot.

The survey creates 2 lots. Lot 1 has a total of 14.31 acres with an existing home and barn that will remain in current ownership and use. Lot 2 has a total of 1.25 acres surveyed with an existing home and shed that will be sold to Thomas & Jodi Johnson's daughter.

Lot 1 will use an existing residential entrance off of Mud Lake Road. Lot 2 will use a 24' wide easement across Lot 1 Turnis Place off Mud Lake Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Mr. Schneider said there are two lots each with a home and they are changing the lot lines so that the Johnson's will have the bigger lot and their daughter will have the smaller lot.

Ms. Boyes asked if there were any questions. No one spoke.

A motion was made by Mr. Breitbach, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote: 7-0.**

e) Plat of Survey of Country View Estates Plat 2-Preliminary Plat

Preliminary Plat of Survey of Lot 9 thru Lot 36 of Country View Estates Plat 2 comprised of Lot 9 and Lot 10 in Country View Estates Section 7, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Ronald & Jessalynn Breiner and is located .19 miles northwest of the City of Dubuque along Hales Mill Road with a total of 83.708 acres surveyed. The property is zoned R-2, Single Family Residential and C-1, Conservancy. The purpose of the plat is to create a residential subdivision.

The Preliminary Survey creates 28 lots. Lots 9 thru Lot 36 are a minimum of 1 acre in size and each lot shall have its own individual septic system. There will be six (6) shared wells and the Dubuque Water Department would recommend service lines from water main to building structures to be copper with a control valve (curb stop and box) near the right of way line. A copy of the water utility plan showing the water distribution piping from water wells and individual water services lines will be submitted for review by the Dubuque Water Department.

Lots 9 thru 36 have an approved residential entrances on permit #21-03 off of Hales Mill Road. The survey creates a 66' wide right of way private access easement that will be utilized as a public utility easement and storm water conveyance easement. The site grades and storm water management facilities are subject to change in size, shape, location and type based on the final design as dictated by the storm water calculations, cut/fill calculations and concerns generated during the preparation of construction documents and the review process.

Ms. Henry said these plans are preliminary and the documents that are being shown for wells and other things could change. She said this is a subdivision that is being developed and the owners are working with the water shed department and the City to get everything they need completed.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Mr. Schneider said they are working with Eric Schmechel about the storm water and working with the Health Department. He said he thinks the plat should be tabled until they have a better understanding of what Eric Schmechel is requiring for storm water and to make sure the Health Department has what they need.

Mr. Schneider said it would probably be sometime in the spring before they are ready to bring the plat back for approval.

A motion was made by Ms. Caitlin, **seconded by Mr. Runde to table the plat. The motion passed unanimously. Vote: 7-0.**

4. REZONING CASES:

ZC#09-18-21 River City Stone Company and Robert Miller A-1 Agricultural to M-1 Light Industrial

The applicants are requesting to rezone from A-1, Agricultural to M-1, Light Industrial 10 acres to allow for the expansion of storage area for the existing business, Dubuque Hardwoods. The property, located .85 miles south of the City of Dubuque along Olde Massey Road and is legally described as Lot 1 Stone Quarry Subdivision Section 8, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by River City Stone Company. Zoning in the area includes A-1, Agricultural to the north, south, east and west. R-1, Rural Residential to the south and southeast. R-2, Single Family Residential to the south, southeast and west. B-1, Business to the south. M-1, Light Industrial to the northeast.

The R-1, Rural Residential to the south on ZC#9000-07-75 was to allow for a single family home. The R-1, Rural Residential to the southeast on ZC#02-08-00 was to allow for the construction of a single family home. The R-2, Single Family Residential to the southeast on ZC#02-05-94 was to allow 4 acres to be rezoned for a single family homes. The R-2, Single Family Residential to the southeast on ZC#10-33-02 was to allow 1.25 acres to be rezoned to allow for a single family home.

The B-1, Business to the south on ZC#10-24-98 was to allow 4.93 acres to be rezoned for the purpose of a landscape nursery, snow removal business which included some retail sale of landscaping and nursery related materials. The M-1, Light Industrial to the northeast on ZC#12-40-02 was to allow 12 acres to be rezoned for the operation of a Sawmill and Veneer Log processing facility. The M-1, Light Industrial to the northeast on ZC#01-05-03 was to allow 10 acres to be rezoned for the operation of a Sawmill and Veneer Log processing facility. The M-1, Light Industrial to the northeast on ZC#05-18-03 was to allow for 3.5 acres to be rezoned for the storage of logs used in a Sawmill operation.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Nine (9) rezoning notification letters were sent to the property owners and the City of Dubuque was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 135 Objective 5.4 and Chapter 12 Land Use page 179 Objective 5.1 and Chapter 7 Economic Development page 105 Objective 3.2 and 3.4 may apply to this case.

Speaking to the Board was Dave Schneider, Schneider Land Surveying 906 1st St. North, Farley. Mr. Schneider said Dubuque Hardwoods wants to purchase additional property for storage of their wood products.

Ms. Caitlin asked if there were any comments from the neighbors. Ms. Henry said no. Ms. Caitlin said she feels like this is spot zoning because there is A-1 all around it. She said she is not comfortable with taking more property out of the A-1 district.

Mr. Sigwarth said it is not spot zoning because there is M-1 right next to this property. He said the property is trees and a ditch and would not be taking crop ground.

Mr. Schneider said this quarry was developed about twenty years ago because of all the growth in the downtown area. He said that is why they rezoned the existing property that the quarry is in.

Ms. Boyes said she understands Ms. Caitlin's point on taking more agriculture ground, but says since it is a business trying to expand she has no problem with it.

Ms. Caitlin says she is worried because they continue to take more and more agriculture ground and doesn't think they should rezone this.

Speaking to the Board was Werner Hellmer, 137 1st Ave E., Dyersville. Mr. Hellmer said he is an attorney representing Thomas Budde Family Trust, whose address is 7258 Olde Davenport Rd, LaMotte. Mr. Hellmer said he is there because Mr. Budde is ill and could not attend the meeting but wanted his objections of this rezoning were heard. He said the trust owns crop land north of the Dubuque Hardwoods. He said Mr. Budde is concerned and objects to the use of agricultural land being converted for industrial use and he wanted to know if they need to have ten acres for their expansion. He said Mr. Budde strongly feels this land should remain agricultural.

Speaking to the Board was Tim & Shannon Haynes, 7917 Olde Massey Rd, Dubuque. Mr. Haynes said they live in the house just south of the quarry and when they moved into their home they were not bothered by the quarry, however, it has gotten noisier and has been a source of frustration for them. He said the quarry is starting to ruin his property and they operate at all times of the day. He said the property all around this area is very beautiful and there is a lot of wild life in the area and feels like this expansion will lead to other expansions and is against this rezoning.

Ms. Caitlin said she feels like sometimes when applicants come before this Board they feel like they need to give applicants what they want. She reminded the Board that they are there to send advisory opinions to the Board of Supervisors.

Mr. Breitbach asked if there were mitigation opportunities to lessen the impact via fencing or trees around the property that might buffer some of the concerns from the neighbors. Mr. Schneider said he doesn't know of anything about this being discussed.

Ms. Boyes asked Mr. Haynes if their issues were with quarry or the hardwoods business. Mr. Haynes said he feels that it is from both. He said there is noise from machinery and said they have called the Sheriff because people were shooting on the property.

Mr. Soppe asked what the easement on the site plan was being used for. Mr. Schneider said River City uses this as an access to the back of their property.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the rezoning. The motion passed. Vote: 5-2. Mr. Soppe, Mr. Sigwarth, Ms. Scherrman, Mr. Breitbach and Mr. Runde voted in favor of the motion. Ms. Caitlin and Ms. Boyes voted against the motion.**

Ms. Boyes said she voted against this motion because of the current business operations. She said if the business can prove that they are within all state requirements and regulations and if there could be an agreement pertaining to the noise, run off and land then her opinion could change. She said she does not feel like this is spot zoning.

Mr. Runde left the meeting at 6:55 p.m.

f) Plat of Survey of Stone Quarry Subdivision Plat 4-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Stone Quarry Subdivision Plat 4 a division of Lot 1 in Stone Quarry Subdivision Section 8, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by River City Stone Company and is located .85 miles south of the City of Dubuque along Olde Massey Road with a total of 151.34 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#09-18-21 requesting to rezone 10 acres to M-1, Light Industrial to expand an existing business Dubuque Hardwoods. The purpose of the plat is to separate a Lot 2 to allow the adjoining business Dubuque Hardwoods room to expand their outdoor storage of their materials.

The survey creates 2 lots. Lot 1 has a total of 141.34 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 10 acres and will be sold to the adjoining land owner to allow for expansion of their Logging Business.

Lot 1 and Lot 2 will use a 66' wide ingress and egress easement off of Olde Massey Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley. Mr. Schneider said when he receives a rezoning and platting case he meets with Ms. Henry and they try to decide if they think the case would be approved. He said they look at previous situations and make their best recommendation to the applicant. He said when there is something controversial he would recommend that the applicant not spend the money on a plat until their zoning case is approved. He said in this case they are purchasing property from a quarry and there has already been an expansion so his assumption was that this will be approved.

Ms. Caitlin asked Mr. Schneider if he would oppose tabling this plat. Mr. Schneider said no because if the Supervisors do not approve the rezoning the plat will not be done.

Ms. Boyes said she is not concerned with rezoning this property but wants to make sure the current business operations are not negatively affecting the surrounding residential and agricultural area. She said if they prove that she would be fine with rezoning.

Mr. Schneider asked if there has been any complaints about this property. Ms. Henry said no, however, it sounds like the Sheriff has had complaints.

Ms. Caitlin said she feels like they should table the plat at this time and see what the Board of Supervisors decide about the rezoning.

Mr. Hellmer said when looking at the plat he does not see where the property in question adjoins any property owned by Dubuque Hardwoods Inc. He asked who owns the 66' easement. Mr. Schneider said the three businesses in this area are inter-linked because each one does something with the wood materials. He said Dubuque Hardwoods, Sitco or one of the three entities owns the easement and River City Stone uses it to get to the south side of their property.

Mr. Hellmer asked if there were any other recorded easements. Mr. Schneider said he does not know of any.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Ms. Caitlin, **seconded by Ms. Scherrman to table the plat. The motion passed. Vote: 4-2. Ms. Caitlin, Ms. Scherrman, Ms. Boyes and Mr. Breitbach voted in favor of the motion. Mr. Sigwarth and Mr. Soppe voted against the motion.**

ZC#09-19-21 Paul & Sue Kemp, Mac Trailer Sales Inc and Jody Neuwohner R-2 Single Family Residential to B-2 Highway Business

The applicants are requesting to rezone from R-2, Single Family Residential to B-2, Highway Business .60 acres to be allowed to get their current property into compliance and allow for property line adjustments. The property, located 3.96 miles southeast of the City of Dubuque along Windy Ridge and Route 52 South and is legally described as Lot 3 Mayme Place, Lot 1-2-2-1-1-3 NW and Lot 2 Windy Acres and Lot 5 Mayme Place, Lot 1-2-2-3 NW all in Section 27, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by Paul & Sue Kemp, Mac Trailer Sales Inc and Jody Neuwohner. Zoning in the area includes A-1, Agricultural to the west and south. R-1, Rural Residential to the south. R-2, Single Family Residential to the north and east. B-1, Business to the west. B-2, Highway Business to the west. M-1, Light Industrial to the south.

The R-2, Single Family Residential to the west on ZC#07-14-08 was to allow for a single family home. The B-1, Business to the west on ZC#12-49-95 was to allow for the construction of a storage building for a masonry contractor. The B-2, Highway Business to the west on ZC#07-35-96 was for the purpose of bringing an existing non-conforming use into compliance with the ordinance. The M-1, Light Industrial to the south on ZC#03-10-02 was to allow 1 acre to be rezoned for a Truck and Trailer Storage.

There are no previous rezoning cases attached to these properties. There was one (1) Special Use Permit and Variance attached to these properties. A Special Use Permit and Variance was granted on BA#08-34-94 which was to allow for a the expansion of an existing commercial business in an R-2, Single Family Residential district and allow the expansion to be 9' away from the adjacent building (the applicant's home). Fifteen (15) rezoning notification letters were sent to the property owners and the City of Dubuque was notified.

Comprehensive Plan Policy Chapter 8 Housing page 122 objective 12.7 and Chapter 7 Economic Development page 106 objective 7.1 may apply to this case.

Speaking to the Board was Sue Kemp, 7770 Windy Ridge, Dubuque. Ms. Kemp said she didn't have anything else to add to the case.

Ms. Henry said the applicants are trying clean up lot lines on all three of the lots they own. She said they are not expanding their business, just want to get the lots into compliance so in the future it is taken care of.

Ms. Caitlin asked how the lot is not in compliance. Ms. Henry said they are trying to get the building behind their house zoned for business use because they do use it for that. She said it is a compliance issue and a platting issue. She said the applicants want to correct the lot lines on all three lots to make them all compliant.

Mr. Breitbach asked if the lots on each side of the business would shrink. Ms. Henry said no they are just trying to rezone the area around the building in the back so that it is zoned as business use. Mr. Breitbach asked if all three lots were less than an acre each. Ms. Henry said this is only about the rezoning but if this is approved they will do a plat to expand all three lots so they are all at least an acre. Mr. Breitbach asked why they weren't doing the plat at the same time. Ms. Henry said if the Zoning Board does not approve this they won't do the plat because part of that lot would be zoned business and part of it would be residential and they can't plat it that way.

Ms. Henry read in a comment that was in regards to this case. Robert Hubert, 7869 Raphael Dr, Dubuque. He does not think it should be approved and does not want equipment setting next to five hundred thousand dollar houses and said he should not be allowed to do this.

Ms. Caitlin asked what the building in the back was used for. Ms. Kemp said it is for storage. Ms. Caitlin asked if there is equipment laying around. Ms. Kemp said no.

Ms. Boyes asked how long the business has been operating. Ms. Kemp said it has been there about 60 years.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Breitbach, **seconded by Mr. Sigwarth to approve the rezoning. The motion passed. Vote: 6-0.**

ZC#09-20-21 Herrig Family Trust/Ronald Herrig A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 3.5 acres to be allowed to separate an existing home and buildings from the crop ground for sale purposes. The property, located 1.09 miles southeast of the City of Dubuque along Olde Massey Road and is legally described as Lot 1 Stone Quarry No. 3 Section 8, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by Herrig Family Trust. Zoning in the area includes A-1, Agricultural to the north, south and east. R-1, Rural Residential to the west. R-2, Single Family Residential to the north, south and west. B-1, Business to the south. M-1, Light Industrial to the west.

The R-1, Rural Residential to the west on ZC#9000-07-75 was to allow for a single family home. The B-1, Business to the south on ZC#10-24-98 was to allow 4.93 acres to be rezoned for the purpose of a landscape nursery, snow removal business which included some retail sale of landscaping and nursery related materials. The M-1, Light Industrial to the east on ZC#12-40-02 was to allow 12 acres to be rezoned for the operation of a Sawmill and Veneer Log Processing Facility. The M-1, Light Industrial to the east on ZC#01-05-03 was to allow 10 acres to be rezoned for the operation of a Sawmill and Veneer Log Processing Facility. The M-1, Light Industrial to the east on ZC#05-18-03 was to allow for 3.5 acres to be rezoned for the storage of logs used in a Sawmill operation.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Fifteen (15) rezoning notification letters were sent to the property owners and the City of Dubuque was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134 Objective 3.1 and Chapter 8 Housing page 122 Objective 12.7 may apply to this case.

Speaking to the Board was Ron Herrig, 9253 Rt., 52 South, Dubuque. Mr. Herrig said there would not be any farm ground taken out of production because there is a big ravine behind the buildings. He said he wants to sell the buildings because his wife can not take care of the maintenance if something happens to him.

Speaking to the Board was Tim Haynes, 7917 Olde Massey Road, Dubuque. Mr. Haynes said they share a fence line with this property. He asked if the rest of the lot will remain in the A-1 zoning district. Ms. Henry said yes. Mr. Haynes said they have no objections to the rezoning.

Mr. Breitbach asked how many acres would remain in the A-1 zoning district. Mr. Herrig said about forty-one.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Breitbach, **seconded by Mr. Sigwarth to approve the rezoning with the conditions that 3.5 acres more or less around the existing home & buildings be rezoned to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural. That the balance of the parcel is not allowed to have another dwelling unless the property is rezoned for that use. Ms. Caitlin abstained. The motion passed unanimously. Vote: 5-0.**

5. OLD BUSINESS: None

6. NEW BUSINESS:

Ms. Henry said she sent all the Board member an email with the updates on the zoning codes they had been working on. She read through all the portions that were changed since the last meeting and asked if they had any questions. Ms. Henry said everything highlighted in yellow is the Auditor's responsibility.

Ms. Caitlin said she is still very confused about Number 4 under letter r. Mr. Breitbach said he also didn't understand what that paragraph was saying. Ms. Henry said she would try to get more information on this.

Ms. Boyes said she understands this paragraph as saying these groups do not want to meet with you until you have the permission from the land owners and adjoining landowners. She said if this is correct, she thinks it should be in the ordinance. Ms. Caitlin said if it is a federal regulation then it should not be in the ordinance because if their regulation changes then our ordinance is wrong.

The Board agreed that this paragraph needs to be reworded.

Ms. Caitlin said she thinks the wording in paragraph 2.3 should say “applies for and receives the permit” instead of pulls the permit.

Ms. Henry said they added the definitions in Part 6 and added the new verbage in Number 5.

Ms. Henry said she sent emails and reached out to utility companies, private solar companies and manufacturing companies and have not received any back from any of them.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Mr. Soppe, seconded by Ms. Caitlin. to adjourn the meeting. The motion passed unanimously. Vote: 6-0. The meeting ended at 7:58 p.m.