

Dubuque County Zoning Commission Minutes of January 18, 2022

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

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Cathy Caitlin, Kathleen Scherrman and Ron Breitbach, Members present at the Dubuque County West Campus, 1225 Seippel Rd: Jerry Sigwarth, Sam Boyes and Dave George. Members Absent: Kevin Soppe. 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. Sigwarth, **seconded by Ms. Scherrman, and passed unanimously to approve the minutes of the December 21, 2021 meeting. Vote: 6-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Adams-Hodges Addition-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Adams-Hodge Addition comprised of Lot 4, Lot 5 and Lot 1-6 all of Block 1 of Southern Hills Subdivision II all in Section 18, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by Richard Hodges & Kristen Kemp-Hodges and Barbara S Adams Revocable Living Trust and is located 1.17 miles southeast of the City of Dubuque along Southern Hills Circle with a total of 4.140 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to increase the size of the adjoining residential home lots.

The survey creates 2 lots. Lot 1 has a total of 2.274 acres surveyed with an existing residential home and it will remain in current ownership and use. Lot 2 has a total of 1.866 acres surveyed with an existing residential home and it will remain in current ownership and use.

Lot 1 and Lot 2 will use existing entrances off of the private road Southern Hills Circle.

Speaking to the Board was Tracey Adams, 8048 Southern Hills Circle, Dubuque. Mr. Adam said the lot that they are splitting is not a buildable lot that has a huge ravine and a brook running through it. He said the Hodge's and himself decided to buy the lot together and split it to make each of their lots bigger.

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

A motion was made by Ms. Caitlin, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote: 6-0.**

b) Plat of Survey of RJ Ranch-Final Plat

Plat of Survey of Lot 1 and Lot 2 of RJ Ranch comprised of Lot 1 of Lot 1 of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Lot 1 of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ all in Section 16, (T89N-R1E) Center Township, Dubuque County, Iowa.

The property is owned by Mary Lou Johnson and is located 1.29 miles northwest of the City of Asbury along Asbury Road with a total of 27.696 acres surveyed. The property is R-1, Rural Residential & C-1, Conservancy. The purpose of the plat is to separate the existing house & shed with approximately 6.5 acres to sell to her daughter and son-in-law.

The survey creates 2 lots. Lot 1 has a total of 6.524 acres surveyed with an existing home & shed and it will be sold to Mary Lou's daughter and son-in-law. Lot 2 has a total of 21.172 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 will use an existing residential entrance off of Asbury Road. Lot 2 will use an existing field entrance off of Asbury Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st Street N., Farley. Mr. Schneider said the applicants want to create a lot around the home and buildings and sell it to the daughter and son in law. He said they are taking two lots and turning them into two lots.

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

A motion was made by Ms. Scherrman, **seconded by Mr. George to approve the plat. The motion passed unanimously. Vote: 6-0.**

c) Plat of Survey of John Deere Dubuque Tractor Works No. 3-Final Plat

Plat of Survey of Lot 1 and Lot 2 of John Deere Dubuque Tractor Works No. 3 comprised of Lot 1 John Deere Dubuque Tractor Works No. 2 located in the SW $\frac{1}{4}$ of Section 26 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ & the SW $\frac{1}{4}$ of Section 35, all of (T90N-R2E) Peru Township and the NE $\frac{1}{4}$ of Section 2, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Deere & Co and is located .08 miles northwest of the City of Dubuque located along South John Deere Road and Peru Road with a total of 141.642 acres surveyed. The property is zoned M-2, Heavy Industrial. The purpose of the plat is to create a lot for Dutrac Community Credit Union to relocate their septic system that is being displaced by the South John Deere Road Project.

The survey creates 2 lots. Lot 1 has a total of 141.245 acres surveyed and will remain in current ownership and use. Lot 2 has a total of .397 acres surveyed and will be for the installation of a septic leach field system for Dutrac Community Credit Union and is noted on the plat that it is a non-buildable lot.

Lot 1 will use existing entrances off of South John Deere Road. Lot 2 will use an access off of Peru Road.

There was no one there to speak on behalf of the case at this time so Ms. Boyes said they would move it to the end of the meeting.

4. REZONING CASES:

ZC#01-01-22 Ronald & Kimberly Reuter and Adam & Maggie Domeyer A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2 Agricultural Residential 1.53 acres to allow for the construction of new home on the farm for their daughter & son-in-law to continue to assist in the farming operation. The property is located 2.44 miles southwest of the City of Dubuque along Skyline Road and is legally described as SW SE Section 33, (T88N-R2E) Table Mound Township, Dubuque County, Iowa.

The property is owned by Ronald & Kimberly Reuter. Zoning in the area includes A-1, Agricultural to the north, south, east and west. B-2, Highway Business to the southwest. The B-2, Highway Business to the southwest on ZC#11-28-01 was to rezone 2 acres to allow for the construction of a storage building to store excavating equipment used for their business and to bring an existing non- conforming structure also used for their business into compliance.

This will be the first home on this property. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Four (4) rezoning notification letters were sent to the property owners and there was no city 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 Mike Weber, Weber Surveying, 26789 46th Avenue, Bernard. Mr. Weber said this would be the only building on this 40-acre parcel. He said the Reuter's own several hundred acres in the area.

Ms. Caitlin said she thinks this case is exactly why the A-2 zoning was created.

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

A motion was made by Ms. Caitlin, **seconded by Ms. Scherrman to approve the rezoning with the conditions That 1.53 acres more or less 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. The motion passed unanimously.**
Vote: 6-0.

Ms. Boyes said Anthony Bardgett had joined the meeting to speak on behalf of the previous case for John Deere Dubuque Tractor Works No. 3 plat. Ms. Henry read the case.

c) Plat of Survey of John Deere Dubuque Tractor Works No. 3-Final Plat

Plat of Survey of Lot 1 and Lot 2 of John Deere Dubuque Tractor Works No. 3 comprised of Lot 1 John Deere Dubuque Tractor Works No. 2 located in the SW ¼ of Section 26 and the NW ¼ NE ¼ SE ¼ & the SW ¼ of Section 35, all of (T90N-R2E) Peru Township and the NE ¼ of Section 2, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Deere & Co and is located .08 miles northwest of the City of Dubuque located along South John Deere Road and Peru Road with a total of 141.642 acres surveyed. The property is zoned M-2, Heavy Industrial. The purpose of the plat is to create a lot for Dutrac Community Credit Union to relocate their septic system that is being displaced by the South John Deere Road Project.

The survey creates 2 lots. Lot 1 has a total of 141.245 acres surveyed and will remain in current ownership and use. Lot 2 has a total of .397 acres surveyed and will be for the installation of a septic leach field system for Dutrac Community Credit Union and is noted on the plat that it is a non-buildable lot.

Lot 1 will use existing entrances off of South John Deere Road. Lot 2 will use an access off of Peru Road.

Speaking to the Board was Anthony Bardgett, Dubuque County Engineer, 1225 Seippel Road, Dubuque. Mr. Bardgett said there will be a roundabout constructed in this area on S. John Deere Road and Peru Road. He said this will impact the current septic field for Dutrac so they are creating a lot for them to relocate their septic system.

Ms. Boyes asked if the County has enough room to make a roundabout large enough to accommodate all the big trucks and semis that will be using it. Mr. Bardgett said yes there is a consulting designing the roundabout and they look at the traffic that will be using it. He said the Iowa Department of Transportation has to approve the consulting firms design before they can proceed with construction.

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

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

**ZC#01-02-22 Daniel & Jean Gaul and Collin Dolphin & Melissa Gaul A-1
Agricultural to A-2 Agricultural Residential**

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 1.7 acres to allow for the construction of a new home on the farm for their daughter & future son-in-law so they can continue to assist in the farming operation. The property is located .93 miles south of the City of Balltown along Horseshoe Road and is legally described as SE SE and E Part of the S 20' SW SW all in Section 7, (T90N-R1E) Jefferson Township, Dubuque County, Iowa.

The property is owned by Daniel & Jean Gaul. Zoning in the area includes A-1, Agricultural to the north, south, east and west. R-1, Rural Residential to the south. R-2,

Single Family Residential to the south. The R-1, Rural Residential to the south on ZC#9000-28-79 was to allow for the construction of a single family dwelling. The R-2, Single Family Residential to the south on ZC#05-06-05 was to allow for the construction of a single family home.

This will be the first home on the property. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Four (4) rezoning notification letters were sent to the property owners and the City of Balltown 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.

Ms. Henry said there was one comment in regards to this case:

Dear Zoning Board,

I'm writing this note regarding the zoning request for Dan and Jean Gaul, Collin Dolphin and Melissa Gaul to rezone 1.7 acres from A-1 to A-2. I'm a land neighbor and we have no problem with this request and would encourage the board to vote in favor of the rezoning. Loras and Tamela Link, 21385 Horseshoe Road, Sherrill.

Speaking to the Board was Collin Dolphin, 2363 Sprucewood Drive, Asbury and Melissa Gaul, 21293 Rte 3 Durango. Mr. Dolphin said they want to build a home closer to the farm to be able to continue with the farming operations.

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

A motion was made by Ms. Caitlin, **seconded by Mr. Breitbach to approve the rezoning with the conditions That 1.7 acres more or less 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. The motion passed unanimously.**
Vote: 6-0.

ZC#05-11-21 Timothy Kendrick Trust and Kirby Kendrick A-1 Agricultural to PC Planned Complex (Tabled at the May 18, 2021 Meeting)

The applicants are requesting to rezone from A-1, Agricultural to PC, Planned Complex 10 acres to be allowed to get an existing campground with six (6) cement pads and two (2) cabins into compliance with the Dubuque County Health and Dubuque County Zoning. The property, located 3.17 miles northwest of the City of Luxemburg along Borne Lane and is legally described E ¼ NW NW, S ½ NE NW & N ½ NE NW lying west of Borne Lane and SE NW Section 6, (T90N-R2W) Liberty Township, Dubuque County, Iowa.

The property is owned by Timothy Kendrick Revocable Trust. Zoning in the area includes A-1, Agricultural to the north, south, east and west and is adjacent to both Delaware and Clayton Counties. The property owners had started construction of a new cabin/home when they came in to request the septic permit it was discovered that they had not applied for the building permit. When they requested to apply for a building permit, it was determined that they had developed several camping sites as well as several structures including Pavilions and Storage Sheds that had not been permitted. It was also determined

that the A-1, Agricultural zoned property was being used for multi uses for the family, which resulted in having to request to rezone to PC, Planned Complex. The PC, Planned Complex would contain six (6) cement camping pads that have electricity, a cabin/home, a pavilion, a fire pit with a seating area, an existing cabin and a kitchen shed. None of the property is in the Flood Plain and it has been determined by the Iowa Department of Natural Resources that none of the structures or camps sites are located within the Flood Plain.

Ms. Henry read a letter submitted by Eric Schmechel, Watershed Program Director: Kendrick did apply to IDNR and the Army Corps for a letter of map amendment and did get the area where the campers were out of the floodplain. He worked with Burlington Associates on the survey and it was a lengthy process but he did get it out of the floodplain. At this point it is up to Zoning to determine if they want to allow this type of use after it has already been established.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Six (6) rezoning notification letters were sent to the property owners and there was no city notified.

Comprehensive Plan Chapter 12 Land Use page 180 objective 6.5 and 9.1 and Chapter 11 Watershed Management page 163 objective 1.3 and 3.4 may apply to this case.

Ms. Henry said she received an email today from Kirby Kendrick that said: I have been in contact with the school in Colesburg in regards if they would be interested in doing a tree tour of the property on Borne Lane predominately in Dubuque County. The school has done similar things in the past on other properties in the surrounding Edgewood, Colesburg area. This would involve the community/public to walk the trails on a guided tour in the timber and talk about timber growth and proper timber management. By doing this it is my understanding that would qualify our property for a Planned Complex.

Speaking to the Board was Kirby Kendrick, 105 E. Maple Street, Edgewood. Ms. Boyes said this was tabled at a previous meeting in May to get the information on the floodplain. She asked Mr. Kendrick if he had anything he wanted to add since that meeting.

Mr. Kendrick said he originally thought the parcel in question was in Clayton County and they found out it was Dubuque County when they applied for their septic permit. He said they didn't think they needed a building permit if they lived in the county. He said he is here in good faith and trying to correct the mistake. He said they have been using the campground for friends and family members when they are visiting. He said there is a similar situation on Fish Pond Road that he feels should give them precedence.

Mr. George asked if the original cabin was built in about 1999. Mr. Kendrick said the original cabin was there when his family bought the property. Mr. George asked if there was a septic system there and Mr. Kendrick said yes.

Ms. Caitlin asked the Zoning Board and Ms. Henry to look at part 1-15.13 in the PC Ordinance. She said there are pretty stringent requirements for a PC and she said she feels that number 4 & 6 and the process for the PC has not been followed. She said the Review

part of the PC was not done either and the Zoning Board did not receive any of that. She said Mr. Kendrick came before them six months ago and swore that this was only for his family and is now saying he wants to serve the public. She feels this is not sufficient to fulfill the Planned Complex zoning rules. She said they should table this case until they have the information that they need to make a decision.

Ms. Boyes said the Zoning Board gets the packet a 5-7 days before the meeting and feels this is the information that they need.

Ms. Caitlin said the packet they received is missing a lot of information that they need to make a decision whether this qualifies for the PC zoning. She said there is no preliminary plan for privately operated sanitary sewer facility or water facilities. She said there is no written statement about the Planned Complex and feels the Kendrick's need to comply with the Planned Complex requirements.

Ms. Boyes said the septic system is included on the site plan. Ms. Caitlin said she talked to Ms. Henry that day and she said that is not what they need. Ms. Henry said that is the site plan and said she told Ms. Caitlin that she can not provide something from the Health Department because they can't issue a septic permit until they get approved for the buildings and the Zoning Department can not permit the buildings unless they are either approved or moved forward with some kind of resolution.

Ms. Caitlin said she understands that but feels there has not been any compliance with the letter of the Ordinance and said they should not make a decision at this time until that information is provided and the process followed. She said then if they have additional questions once Mr. Kendrick's provides that then the Zoning Board has the right to ask within 30 days of that.

Ms. Boyes said she feels like they have the information that they need and feels this is the time they should be asking Mr. Kendrick questions if they have any.

Ms. Caitlin said they should have gotten a written statement from Mr. Kendrick answering all the questions about the PC then they could look that over and if there were questions they could ask him at that time. She said that is not what was done.

Mr. Breitbach said he also thinks they should have presented a written statement. He said he asked about that and was told that the family would be bringing the schools in for tours. He asked if that was the entire intent for this plan and said he didn't think so.

Ms. Boyes asked what the Zoning Board is expecting in a written statement. She asked if it would be similar to the PC request they did for the Nuns at the Abbey. Ms. Caitlin said, Ms. Boyes its right there and she does not understand why Ms. Boyes does not understand the requirements of the PC ordinance. She said all the requirements are right there and it clearly states in the PC ordinance that they need to submit a letter to the Zoning Administrator and include all of the information that it is supposed to. She said this does not.

Ms. Boyes said her understanding is the application has the short statement that explains the big idea and the big plan. She said when she reads Mr. Kendrick's application, she feels by them asking for the Planned Complex zoning they are then committing to meeting

all the expectations of that zoning district. Ms. Caitlin asked if she was getting that information from the background information. Ms. Boyes said no from the application. Ms. Caitlin said no the application doesn't encompass anything that she is talking about at all and is not comprehensive at all. Ms. Boyes said it is a concept statement not a comprehensive statement.

Mr. Breitbach said he may vote for the concept of this application, however, he feels this does not meet any plan that he would expect they should have submitted given. He said a Planned Community development like this should be quite a bit more extensive.

Ms. Boyes said she doesn't disagree and if the Zoning Board is going to require people to present a more extensive statement they need to make sure the people that are applying are aware of this.

Mr. George said he had questions also that the application did not address and should have included more information.

Ms. Boyes said the Zoning Board should decide what expectation they will have for this Planned Complex or any in the future and if they table Mr. Kendrick's case she feels they need to tell him what they expect from him. Ms. Caitlin said the requirements are in the Planned Complex ordinance and that is what the Zoning Board should expect from applicants.

Ms. Henry said she wants to make sure she understands what Ms. Caitlin is asking. Ms. Henry said the applicants should write a statement/letter describing the Planned Complex, giving it to the Zoning Department and then forwarding it to the Chairperson to review and within 30 days of the date of application the commission shall have a specific list of other information they need to make a decision.

Ms. Caitlin said yes, that is all she is asking, they need to follow the rules in the Ordinance.

Mr. Breitbach asked how many of the Planned Complexes exist in Dubuque County and when was the last one applied for. He said they could look at those and see what kind of information was required for them. He said this is kind of a unique zoning and should have more information presented to the Zoning Board.

Ms. Henry said the last Planned Complex was done February 6, 2021 for the Trappistine Nuns down at the Abbey. They rezoned from an R-2, Single Family Residential to the PC, Planned Complex.

Ms. Boyes asked if the Nuns provided a Comprehensive Plan Statement when rezoning their property to the PC. Ms. Henry said only what was provided on the application and read it to them:

Reorganize the facilities at the Trappistine Abbey according to the Nuns required lifestyle. This will include replacing some of the outdated retreat houses and remove and relocate the current welcome center/gift shop. Ms. Henry said there was no other letter presented from them to the Zoning Office.

Mr. Sigwarth said to be fair to everyone this is something the Zoning Board does not deal with very often and it is a learning process for everyone. He said when he reads the ordinance he is understanding it differently than Ms. Caitlin. He said that if the Zoning

Board wanted more information on Mr. Kendrick's case they should have asked that back in the spring the first time it came before them.

Mr. Breitbach asked if it was ever discussed with the Zoning Board that Mr. Kendrick would be asking to rezone to the Planned Complex. Ms. Henry said yes, it was brought up last May and at last month's meeting.

Ms. Caitlin said she did say at the May 18, 2021 zoning meeting that the Kendrick's needed to provide a site plan and provide all the information and follow the correct procedure of the Planned Complex Ordinance. She feels that the applicants were aware of what information they needed for this meeting and did not provide it.

Mr. Kendrick said this has been a lengthy process and Ms. Henry and the rest of the zoning office have been working with him and have been a great help. He said he doesn't understand why he would have to revise some things after he has been working with the Zoning Office for months. He said the Zoning Office has been working extremely hard with him to get this done and he is very confused by this process.

Ms. Henry said the Kendrick's and their surveyor were provided the Planned Complex requirements.

Mr. Kendrick said it seems that the Zoning Board is not sure about some of the requirements.

Ms. Boyes said the Kendrick's did meet the 10-acre requirement and is being asked that they create a written statement that covers all the questions covered in the Planned Complex zoning district. She said she feels he did some of this by incorporating the school tours as they have done in the past. She asked the Zoning Board if that is what they want to move this case forward.

Ms. Henry said she needs clarification on how it is being interpreted within the thirty days of the date of application. She asked if after Mr. Kendrick provides all the information he needs and give it to her, does she then send it to the Chairperson? Ms. Caitlin said yes. Ms. Henry said once the Chairperson receives it, when does this information go before the Zoning Board? She said she wants to make sure she is doing this the correct way.

Ms. Boyes said she may be wrong but feels when looking at the Kendrick's initial application with the concept statement short and brief are covering and committing to meeting all of the requirements within the Planned Complex Ordinance.

Ms. Caitlin says she is not sure why there should be different interpretations of the Planned Complex requirements. She said they get the information needed from the applicant which gets forwarded to the Chair who then forwards it to the rest of the Zoning Board who sends back any comments and they put it on for the next meeting and then they write an analysis for the Supervisors. She said it is much more complicated than a regular zoning case.

Ms. Henry said when they did the PC for the Trappastine Nuns, they did not follow that procedure and none of this happened, so she was a bit confused. Ms. Caitlin said she feels that the Administrator should be looking at this information and making sure the applicants have what they are supposed to. Ms. Henry said yes, I will take that.

Ms. Henry said we don't do Planned Complexes very often and because none of this happened when the Nuns applied for their PC, she felt like they were taking the proper steps for the Kendrick's. She said if they are not doing it correctly, they will in the future.

Ms. Caitlin said they had a lot more to go on with the Trappistine Nuns and nothing with the Kendrick case. She said it was very clear what the Sisters were doing on their property and there was already things happening along the same lines. She said she has no idea of what the Kendrick's are planning to do.

Speaking to the Board was David Meyer, Burrington Group, 105 W. Main Street, Manchester. Mr. Meyer said they followed the Trappistine Nun's application when filling out the Kendrick's and he doesn't see anything additional that the Nuns had that they didn't include.

Ms. Caitlin said they were all very clear what the Nuns were doing at their property and it had been an on-going operation so there were very few questions that they needed. She said none of the Zoning Board knows what's going on at this property because it is new so she is not comfortable with making a decision on this case. She said she was comfortable with the Nuns case.

Mr. Meyer asked if there was a statement from the Nuns describing all that they were doing. Ms. Henry said they only had the application. She said if that is her error that she didn't require the Nuns to do that then she will make sure it is done correctly in the future.

Mr. Kendrick said obviously, there are different interpretations and he feels like they are in the middle at this point and does not want to be the Guinea Pigs. He said he feels they should have the opportunity to move forward with the current paperwork while the Zoning Board figures out how they want this Planned Complex interpreted and enforced.

Mr. Sigwarth said he agrees with Mr. Kendrick and said they have the same amount of information as the previous PC that they approved. He said if this case gets tabled the Zoning Board needs to be very specific on what other information they want because this is holding the Kendrick's from moving forward.

Ms. Caitlin said Mr. Kendrick was told on May 18 what he needed to do and was provided with a copy of the requirements for the PC Ordinance and there should not have been any questions about what he needed.

Ms. Caitlin said "Guinea Pig" is a big term for someone who came to this Board and said some things that were not exactly honest and did a lot of building and things on A-1, Agricultural land and only came in front of us because you had a problem. She said she doesn't think Mr. Kendrick should be taking the martyr role.

Ms. Boyes gaveled Ms. Caitlin.

Ms. Boyes said they have the opportunity to take a situation and correct it and get it within the Ordinance and said they do not need to do any name-calling.

Mr. George said it may be simpler to go through every question of the Planned Complex and answer each thing so they make sure they have all the information.

Ms. Boyes asked the Board if they will accept yes or no answers or if there needs to be explanations with each part of the PC.

Mr. George asked if they have a Planned Complex could they do anything they want with their land. He asked if they could put conditions on this property. Ms. Henry said the PC is very specific and if at any time they want to add or change anything they have to come before the Zoning Board and ask to have the PC amended.

Ms. Henry said the County Assessor was at this property and Assessed the home on the Kendrick property as a single family home not a duplex.

Mr. Breitbach said he remembers discussion about the Kendrick's having business clients stay at their property. He said this makes him wonder if it is just for family use. He said they need to be careful using previous cases as examples because they could be incorrect. He said this is a very troubling situation and feels it has been bad customer service situation and he is uncomfortable with it.

Mr. Kendrick his property is not for commercial use and they would be using their knowledge on the guided tree tours.

Ms. Boyes said he needs to go through the Ordinance question by question and answer all the information. Mr. George said they need to have a proper, full and complete application.

A motion was made by Ms. Caitlin, seconded by Mr. Breitbach to table the rezoning. The motion was a tie. Vote: 3-3. Ms. Caitlin, Mr. Breitbach and Mr. George voted in favor of the motion. Mr. Sigwarth, Ms. Boyes and Ms. Scherrman voted against the motion.

Ms. Boyes said the motion does not carry because there is not enough votes.

A motion was made by Mr. Sigwarth, seconded by Ms. Scherrman to approve the rezoning. The motion was a tie. Vote: 3-3. Mr. Sigwarth, Ms. Scherrman and Ms. Boyes voted in favor of the motion. Ms. Caitlin, Mr. Breitbach and Mr. George voted against the motion.

Ms. Boyes said the motion does not carry because there is not enough votes.

Ms. Henry said she would send the information to the County Attorney CJ May tomorrow and ask him to look at this and give his opinion on whether feels Mr. Kendrick has legally met his representation or if he supports what some of the Zoning Board is saying. She said will forward that information to the Zoning Board as soon as she gets it and find out what they need to do legally.

Ms. Caitlin said the motion did not carry so the case is denied. Ms. Boyes said it is a tie.

Ms. Henry said if the case is not tabled and there is a motion from the Zoning Board the case can still move forward to the Supervisors whether it was denied or approved.

Ms. Caitlin said she would rather get all the information before sending it to the Supervisors. She said if it moves forward the Supervisors should be aware of the conflict they have had at this meeting and what it was about.

Ms. Henry said that Supervisor McDonough was listening to the meeting via Zoom and the minutes will show this. She said she would like to have the County Attorney's opinion before it goes before the Supervisors.

Mr. George said he would like to work something out rather than deny the case.

Mr. Breitbach said if a case gets denied the applicant has the right to move forward and can stop at any point.

Mr. Kendrick said he would like to get the County Attorneys opinion and he wants to move forward at this time. Mr. Kendrick said that Ms. Henry and Ms. Steffens have been very helpful and he appreciates all the work they have done for him.

Ms. Boyes said she appreciates all the work that Mr. Kendrick has done so far to get this figured out.

ZC#10-21-21 Chapter 1-Zoning Ordinance Amendments (Board of Supervisors requested the Zoning Commission to revisit)

This amendment to the Dubuque County Code of Ordinances, Chapter 1- Zoning, includes a new addition to **PART 2**. This new addition adds **SECTION 1-19** titled UTILITY-SCALE SOLAR ENERGY SYSTEMS.

This section was previously approved by the Zoning Commission on October 12, 2021. Prior to the Board of Supervisors hearing there were concerns from local Utility/Solar Companies regarding the regulations in the new proposed Utility-Scale Solar Energy Systems Ordinance. The Board of Supervisors requested that the concerns be heard in a public hearing with the Zoning Commission and addressed before the Board of Supervisor's make their final decision.

Ms. Henry said the people that wanted to have input on this Ordinance are not able to make it so she asked that this case get tabled.

A motion was made by Mr. Sigwarth, **seconded by Mr. George to table the amendments. The motion passed unanimously. Vote: 6-0.**

Ms. Caitlin asked if they could look at the decommissioning process and who has to pay for that.

Ms. Boyes said she would like to move the case forward at the next meeting even if the interested parties can be there or not to be able to keep the case moving forward.

5. OLD BUSINESS:

Ms. Henry said the zoning cases from the last meeting have not gone before the Supervisors yet because of the holidays but will go on February 14, 2022.

6. NEW BUSINESS:

Ms. Henry said Ms. Steffens will be at the next meeting but will be leaving the Zoning Office and going to the Treasurer office.

7. PUBLIC COMMENTS:

Ms. Scherrman asked if the will be talking about the small farms that are under 39 acres. Ms. Henry said yes, she will be reaching out to CJ May, the County Attorney. She said Ms. Caitlin had given her some information about this that she found in the Iowa Code. She said it talks about the ten acre farms. Ms. Caitlin read some of the information that she found. Ms. Henry said she will give all this information to the County Attorney. She said if there can be ten-acre farms then the Platting Ordinance does not follow State Code.

8. ADJOURNMENT: A motion was made by Mr. Sigwarth, **seconded by Mr. George to adjourn the meeting. The motion passed unanimously. Vote: 6-0. The meeting ended at 7:56 p.m.**