



## PLANNING AND ZONING Cerro Gordo County Courthouse

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TO: Cerro Gordo County Planning and Zoning Commission

SUBJECT: Next Meeting – **Thursday, September 5, 2024; 4:00 p.m.; Boardroom**

Ladies and Gentlemen:

The next meeting of the Cerro Gordo County Planning and Zoning Commission is scheduled for **September 5, 2024 at 4:00 p.m., in the Boardroom at the Courthouse**. You will be considering a rezoning request and one subdivision plat & rezoning request.

1. Carol J. Boehlje 4317 Olive Ave, Rockwell, IA 50469

This 4.59-acre parcel is located in the SW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 16, Geneseo Township. The applicant proposes to separate the building site from the farmland and plans to sell the acreage. It is less than 10 acres, so a rezoning from the A-1 Agricultural District to the A-2 Agricultural Residence District is being requested.

The building site contains a dwelling, 2 machine sheds, and 4 grain bins (two 27' bins, one 36' bin and one 42' bin) (See Figures 1-3). Both of the 27' grain bins are less than 10' apart and there is less than 10' between the 27' bin and the 36' bin. The zoning ordinance requires a minimum separation distance of 10'; however, these are farm structures that were considered farm exempt under state law at the time of construction and are legally non-conforming. The southern most machine shed meets the required 25' side yard setback in the A-2 District. There is a minimal amount of farmland currently in production between Olive Avenue and the south machine shed that may be impacted while squaring this parcel up (See Figure 4).

The building site is surrounded by fields in agricultural production. The fields can be accessed from Olive Avenue.

The rezoning request is in general compliance with the comprehensive plan: it is an existing building site, a very minimal amount of agricultural land could be taken out of production, and there are no access issues. **The Planning & Zoning Department recommends the request be forwarded to the Board of Supervisors for approval.**

2. Michael Jay Broers, Trustee of the Michael Jay Broers Revocable Trust  
Broers First Subdivision (14914 200<sup>th</sup> Street, Mason City, IA 50401)

This property is located at the corner of Olive Avenue and 200<sup>th</sup> Street and does not include the property at 14862 200<sup>th</sup> Street labeled as Parcel A (See Exhibit A). A rezoning from the A-1

Agricultural District to the A-2 Agricultural Residence District is being requested on Lot 2 since it will be less than 10 acres in size. Lot 1 will remain in agricultural production. The applicant intends to transfer Lot 2 to his grandson.

Proposed Lot 1 is farmland lying north of the building sites at 14914 and 14862 200<sup>th</sup> Street and is 28.26 acres in size (See Figure 1). There are no structures on proposed Lot 1. There is an existing driveway from Olive Avenue that provides direct access into the lot. The northwesterly corner of this lot is in the floodplain area (See Exhibit B). CG Public Health has no records of a well on this lot.

Proposed Lot 2 which is the building site at the corner of Olive Avenue and 200<sup>th</sup> Street, is 2.29 acres in size and contains one dwelling (See Figures 2-4). As stated above, this lot will be transferred to his grandson. A rezoning from the A-1 Agricultural District to the A-2 Agricultural Residence District is being requested. The dwelling meets all of the required setbacks in the A-2 District. There is an existing driveway that provides direct access into the lot. A nominal portion of ag land may be taken out of production in the southeast corner of this lot.

#### Review of Final Plat

A proposed Final Plat and Dedication of Plat have been submitted with the Final Plat Application and are included in your packets. The following revisions to the Final Plat will need to be made and submitted to the Planning & Zoning Office prior to the hearing by the Board of Supervisors and this has been communicated to the Surveyor:

- The building setbacks listed on Page 3 of 4 of the Final Plat are incorrect and need to be corrected
- Building lines and setback requirements should be illustrated and labelled for each lot on the Final Plat

#### Utilities & Services

*Electrical Service:* The existing house on proposed Lot 2 has electrical service. No development is planned for proposed Lot 1 – it will remain in agricultural production.

*Well Service:* There is an existing well located northeast of the house. According to CG Public Health, the depth and age of the well are unknown, although based on previous information provided, it is estimated to be 205’ with 160’ of casing and was constructed in 1979. They also noted that the most recent and only water test conducted by their office was in 2014 which revealed safe results for coliform bacteria, E. coli bacteria, nitrates and arsenic. The option for a new well system can be installed with proper permits from CG Public Health. If any sharing of the existing wastewater system between the two lots is desired, a written well-sharing agreement should be put in place.

*Wastewater Service:* There is not a *permitted* septic system on the property. If a septic system is needed in the future, CG Public Health must be contacted to obtain the proper permit for the installation of a septic system. Time of Transfer septic system inspection law requires that every (with a few exceptions) home or building served by a septic system have the septic system inspected prior to the sale or deed transfer of the home or building. However, this lot is to be transferred to a grandson. According to CG Public Health “**567-Chapter 69 PRIVATE SEWAGE DISPOSAL SYSTEMS - - Inspection exemptions - - (a.5) “A transfer made to a spouse or to a person in the lineal line of consanguinity of a person make the transfer”** is exempt from inspection.

#### Department Comments

The Auditor's Office has approved the subdivision name, "Broers First Subdivision, Cerro Gordo County, Iowa." The County Assessor and County Recorder had no concerns with the Plat. The County Treasurer certified that the property is free from certified taxes and certified special assessments. I have not received comments from the County Engineer; any comments received will be shared with the Commission at the hearing.

#### Summary and Conclusion

There are no access issues into either lot. The proposed subdivision is generally in line with the goals and policies of the county Comprehensive Plan. The Planning & Zoning Department recommends the following: (1) The request for waiver of the preliminary plat be approved. (2) The plat be forwarded to the Board of Supervisors for approval contingent on the above revisions being made and a revised Final Plat being received by the Planning and Zoning Office prior to the public hearing by the Board of Supervisors. (3) Approval of the change of zone from the A-1 District to the A-2 District on proposed Lot 2.