

CEDAR COUNTY PLANNING & ZONING COMMISSION MINUTES

February 19, 2025

The Cedar County Planning & Zoning Commission conducted a Public Hearing on Wednesday, February 19, 2025, at 6:30 p.m., in the Large Meeting Room in the basement of the Cedar County Courthouse, Tipton, Iowa. Members present were Chairperson Yutesler, Brandenburg, Brown, Crist, Hartelt. Timmerman was absent.

Chairperson Yutesler recused herself from the meeting as she has a conflict of interest with the petition. Crist was acting chairperson for the meeting and called the meeting to order at 6:30 p.m. The members reviewed the following petitions:

- 1. Darrell and Jody Yutesler, 2217 Hoover Hwy, Lowden, IA** - Requesting a change in zoning from A-1 Agricultural District to R-1 Suburban Residential for the purpose of allowing construction of a single-family dwelling on property located on Parcel B in the SE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 11, T-81N, R-1W, in Springfield Township. Said petition is to rezone an existing 6.2 acres m/l lot.

Crist opened the floor and asked the petitioner to introduce himself and the petition. Dalton Yutesler introduced himself as the son of the petitioner and they are wanting to rezone the whole 6.2 acres. Acting Chairperson Crist read the petition. Zoning Administrator LaRue advised that we had no verbal or written objection on file. ZA LaRue asked the commission to complete their review in accordance with Chapter 18.2(3) of Cedar County Zoning Ordinance No.10 in making a recommendation to the Cedar County Board of Supervisors. Yutesler spoke to why he wanted to rezone the property. He stated that him and his fiancé originally wanted to rezone the property as it is close to his parents and their farm, and it is within 150 ft of a hard surface road and on top of the hill on the property you can see over the town of Lowden and there is a very nice view. Last year Dalton was presented with an opportunity to buy a neighbor's house and thought they would not go through the rezoning process. The Yutesler family was approached by Matt Curley, who owns the building next to the six acres, to be able to build a house on the property but that is not possible right now because it is zoned A-1. Yutesler continued by saying that it is 6 acres of timber ground and there is not much use for it. He stated that they did log it because they thought they were going to be building a house, so they cleared a couple areas out for a house. Yutesler stated that Cedar County Secondary Roads has been out, and they have an approved driveway entrance. He finished by stating it is close to town and hard surface roads, and this would make a good spot to build a home.

Crist opened the floor for any questions. Hartelt asked the petitioner for clarification on where the driveway is going to be placed as when he visited the property, he saw a culvert and a place that looked like it was an entrance. Yutesler responded by stating the previous owner had made an illegal entrance on the property that Cedar County shut down because there was not proper site distance. With the driveway approval from Cedar County Secondary Roads, the driveway is located on the north property line where there is culvert now, but they are awaiting fill dirt to build the driveway. Yutesler continued by stating how they would build the driveway to about the center of the property where he was intending on building a house. Hartelt stated that looking from the road, there is a lot of elevation change and grade change. Hartelt stated that as long as the property can be accessed from the bottom and on the back of the berm. Yutesler stated that his family does septic system work and he has looked around the area to see where a septic

system can be installed. Yutesler stated that there are areas that would not allow a septic because of the soils and the hill but there are also places where there could be a septic. Brandenburg stated that if she were to vote for this petition it would be for a single dwelling. Crist stated that he did not do his due diligence and thought this petition was for the family to build a farm and not have someone else build. Yutesler said that he would also like the option to build a house on this property in the future without being apart of the family farm. ZA LaRue stated that he had received a phone call from Larry Twachtmann who used to own the property across the road on the Southwest corner of the requested rezoning. ZA LaRue stated that Larry was in support of the petition if it is only one house. ZA LaRue continued by stating that Twachtmann was a little disappointed that Dalton was not going to be owning the property. ZA LaRue stated that we do have a letter on file from the Lowden Fire Department Chief, Derek Lange, that they can provide service provided trees can be cut back to provide 12 feet in height. ZA LaRue stated that County Engineer Fangmann wrote a letter stating that they have an approved access permit on file and that he has approved the access for one single family dwelling. ZA LaRue continued by saying it is on a gravel route with minimum impacts to infrastructure. ZA LaRue started talking about the soil evaluation on the property and that there would probably be an alternative septic system on the property. ZA LaRue asked for confirmation on where Mr. Curley or Yutesler would want to build a home on the property. Yutesler confirmed it would be on the North end on the West side. ZA LaRue stated that septic limitation was severe across all types on soil on this property because of the slope and high amounts of clay in the area. ZA LaRue stated that he was expecting a perched water table. The big concerns for this property, despite an average CSR of 26 points, is that we are losing a little bit of diversity in a rural area of Cedar County. ZA LaRue stated that the Comp Plan discourages scattered residential development where a full range of services can not be expected, however there are a number of Ag residences out in the area that were built as Ag homes and then split off from the farm. Yutesler stated that they had thought about a couple different options including building a second house on the farm as long as he was apart of the farm but his fiancé is a teacher and what happens down the road when they have to move away and they have another house that is zoned under their Ag farm. ZA LaRue stated that intent is we are trying to keep the farmland together and keep the farm people farming those areas. ZA LaRue stated that the LESA score total was 2,296 points with strong finding of preservation. Brown spoke on how the loss of timber on his property and in the county is a concern of his. Brown stated that he has been on the Zoning Commission for 30 years now and the thing that he looks at is farm ground, protecting the farmers right to farm, and protect timbers. Brown asked the petitioner if it was all timber across the road. Yutesler stated that the property owner had given him a call to ask what the intention of the rezoning was and Yutesler confirmed that they were doing this as an option to build a house on the property. The property owner Yutesler spoke to used to own the potential rezoned area and they thought they had it rezoned at one time to be residential. ZA LaRue stated that the tax assessor looks at the parcel as Residential even though it is in forest reserve. Za LaRue also stated that he did not find any zoning petitions that showed that this parcel was zoned residential. Hartelt stated that considering how close it is to the hard surface road, with the stipulation of one house and no subdivision of the property he is in favor of this. Hartelt stated that he is new to the group but has been in corporate and real estate construction for almost 30 years and has dealt with zoning in multiples states and countries. He said that he was seen a lot of worse sites, excavated a lot of worse sites, and designed a lot of worse sites.

Hartelt made a motion to approve the petition with the stipulation for one single family dwelling and no subdivision of the property. Motion was seconded by Brandenburg. No other discussion. Ayes: All

Minutes from the prior meeting held on November 20, 2024, were previously read by the members. Brandenburg motioned to approve the minutes. Brown seconded. Hartelt started some discussion on what the motion was for the previous petition and what happened with the petition after the meeting. No other discussion. Ayes: All

Brown made a motion to adjourn the meeting. Seconded by Hartelt. Ayes: All

Meeting declared adjourned at 7:21 pm

Chairperson
Josh Crist

Secretary
Caitlin Boyle