



AGENDA
BLACK HAWK COUNTY
PLANNING AND ZONING COMMISSION
Harold E. Getty Council Chambers - Waterloo City Hall
Tuesday, June 19, 2018, 7:00 p.m.

General Rules for Public Participation

1. The presentation order for all new or old business agenda items shall be as follows: a) Staff report, b) Applicant's presentation, c) Opinions of interested citizens, d) Applicant's rebuttal, e) Commission discussion.
2. Interested citizens may address any item on the agenda by stepping to the podium. After recognition by the chair, the individuals state their name, address and group affiliation (if applicable) and speak clearly into the microphone.
3. Interested citizens may speak one (1) time per item. Please limit your comments to three (3) minutes.
4. Keep comments germane and refrain from personal, impertinent or slanderous remarks and repetitious information.
5. All comments and requests for information shall be directed towards the chair, and not towards individuals in the audience. All comments shall be in keeping with proper and courteous conduct.

The chair shall take whatever action is necessary to ensure that these rules are observed and the meeting proceeds in an orderly fashion.

I. Meeting called to order and roll call

II. Approval of the Agenda

III. Approval of the minutes of the April 17, 2018 meeting

IV. New Business

1. 7305 La Porte Road – Fratzke Site Plan Review

Request to approve a site plan review for the construction of three additional 50' X 24' (1,200 SF) storage buildings within the "C-M" Commercial-Manufacturing District.

2. 4321 and 4343-4345 Sage Road – Rieger Minor Plat

Request to plat 3.00 acres into two lots with 1.50 acres zoned "R-M" Residential-Multiple District and 1.50 acres zoned "A" Agricultural District in order to allow an existing home and duplex to be split from an existing parcel.

3. 8521 Kimball Avenue – De Lau Rezone

Request to rezone 2.9 acres from "A" Agricultural District to "A-R" Agricultural-Residential District to allow for an existing home to be split from a 35 acre parcel zoned "A" Agricultural District.

4. 641 South Raymond Road – Thome Rezone

Request to rezone approximately 2.9 acres from "A" Agricultural District to "A-R" Agricultural Residential District for the purpose of building a new single family home.

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5. W of 6519 Leversee Road – Peters Rezone

Request to rezone 2.89 acres from “A-R” Agricultural District to “A” Agricultural District and 1.5 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for the construction of one new single-family home.

6. NW of 7120 La Porte Road– Damir Dzanic Rezone

To rezone 0.23 acres from “R-S” Residential-Suburban District and 0.71 acres from “C” Commercial District to “C-M” Commercial-Manufacturing District to allow for the establishment of an automobile dealership business.

7. NW of 7120 La Porte Road– Damir Dzanic Special Permit

A request for a special permit, to establish an automobile dealership business within the “C-M” Commercial Manufacturing District.

8. E of 10626 Mark Road – Bosier Rezone

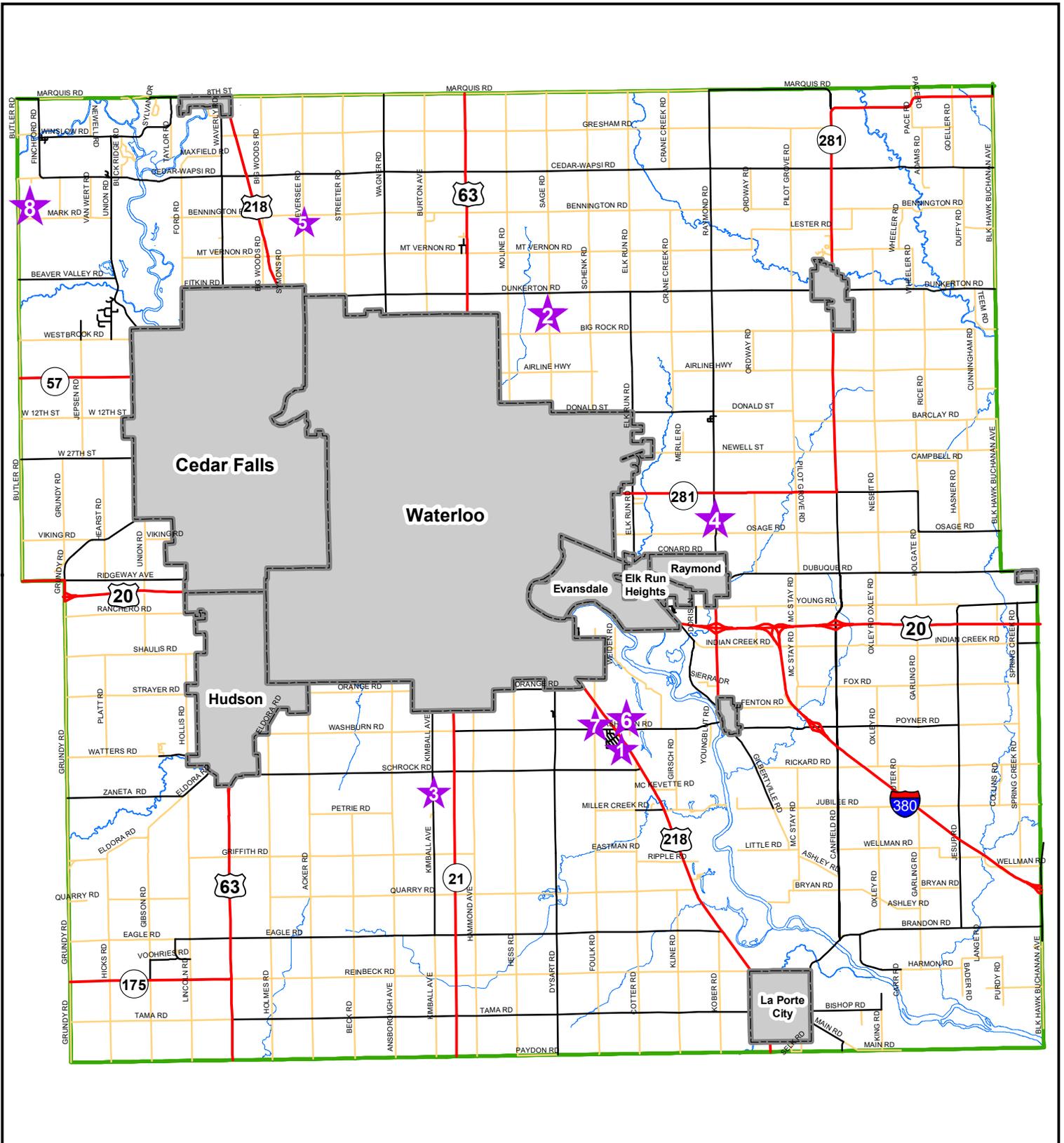
Request to rezone 8.65 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for the construction of three new single-family homes.

V. Discussion

VI. Adjournment

Black Hawk County Planning & Zoning Commission

June 19, 2018



Agenda Map

**MINUTES OF THE BLACK HAWK COUNTY PLANNING AND ZONING COMMISSION
MEETING HELD ON APRIL 17, 2018 HAROLD E. GETTY COUNCIL CHAMBERS -
WATERLOO CITY HALL.**

Chairman Beck called the regular monthly meeting of the Black Hawk County Planning and Zoning Commission to order at 7:00 pm, Tuesday, April 17, 2018, in the Harold E. Getty Council Chambers-Waterloo City Hall.

I. Call to order and roll call

Members present: Peter Beck, Eric Sage, Gary Wurtz, Marleen Rottinghaus, Deb Nagle, Kamyar Enshayan, and Renata Sack

Members absent: None

Also present: Black Hawk County Planning Staff - Tim Andera, Seth Hyberger, and Aric Schroeder, Black Hawk County Assistant Attorney - Pete Burk, and Board of Supervisors- Linda Laylin, and approximately 180 members of the public.

Approval of the agenda.

It was moved by Sage and seconded by Rottinghaus to approve the agenda. Motion carried unanimously.

II. Approval of minutes of the March 20, 2018 regular meeting.

It was moved by Wurtz and seconded by Enshayan, to approve the minutes. Motion carried unanimously.

Beck stated the rules concerning the meeting, and thanked people for being here. The order of business for each applicant involves having persons coming to the podium, and they will state their name, address, and purpose for attending today's meeting. The applicant will be given 15 minutes to discuss their project. In addition a timer will be used for this meeting. Interested citizens may speak one (1) time per item. Comments will be limited to three (3) minutes. The timer will not begin until you give your name and address. Those in favor or opposed to the application request will each be given three minutes to speak, with speakers alternating between those opposed to the request and those in favor of the request. The applicant will also be given the opportunity to address these concerns towards the end of the meeting and will be limited to 5 to 7 minutes. It will then be up to Planning and Zoning Commission members to discuss each agenda item. The Planning Commission shall then give their recommendation for each agenda item. In addition to that Beck stated he wants people in the audience to be respectful when they are at the podium and to keep all comments directed to the chair. Beck also stated people can stay for the whole meeting, but persons are encouraged to leave once their agenda item is discussed to free up chairs for those that are currently standing.

III. New Business

1. 6311 Waverly Road – Tegtmeier Minor Plat

Request to plat 6.91 acres to allow for the construction of four single family homes

Andera gave the staff report.

Diane Tegtmeier 6311 Waverly road and Kyle Helland 1107 Technology Parkway, Cedar Falls noted they could address any questions.

Helland indicated that the rezone had already been approved by the Board of Supervisors and they are simply here today for the minor plat request.

It was moved by Sage and seconded by Nagle, to approve the request to plat 6.91 acres to allow for the construction of four new single family homes. Motion carried unanimously.

2. W of 8408 Finchford Road - Van Mill Rezone

Request to rezone 3.99 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for the construction of two single family homes.

Hyberger gave the staff report.

Michael Van Mill, 27754 Temple Ave., Shell Rock, IA indicated he is the owner of the land and noted the land is sandy, but it is suitable farm ground. It would work well for a hobby farm and they have a lot of interest in the two proposed properties. Kyle Helland 1107 Technology Parkway, Cedar Falls noted that there may be concerns regarding the floodplain circle around the two proposed lots. If the rezone is approved tonight, a driveway will be placed to the north for the minor plat area to Finchford Road that is outside of the floodplain. Therefore the two proposed homes would still have access during a flooding event. Rottinghaus asked if the land was being farmed now. Van Mill responded by stating not all of the land is farmed. There are some low lying areas that are not farmable. Beck asked if he owned land to the north. Van Mill stated yes. Beck asked how long the land had been farmed. Van Mill responded by stating several years and the land was most likely farmed before he purchased it. Enshayan noted three concerns: the first is that it is an agricultural region; the second is that it is way too close to the floodplain in a high risk area; and third it is very good agricultural land. The land should not be converted to houses. Beck agreed that the land was surrounded by farms.

It was moved by Kamyar and seconded by Nagle to deny the request to rezone 3.99 acres from “A” Agricultural District to A-R Agricultural-Residential District in order to construct two new single family homes. Motion carried unanimously.

3. NE of 3924 Osage Road – Maher and Spenner Inc. Rezone

Request to rezone approximately 3.35 acres from “A” Agricultural District to “C” Commercial District for the purpose of establishing a plumbing contractor’s business.

Andera gave the staff report.

Fred Mieke, 3510 Kimball Avenue, stated he was with the Sulentic Fischels Commercial Group, and they are here today to represent Mr. Maher and Mr. Spenner’s rezone request. This property is currently agricultural with a pole building and grain storage bins. For the rezone request they are asking to rezone 3.35 acres from “A” Agricultural District to “C” Commercial District. Mieke indicated the area looks residential, but Qualm Trucking and excavating is located just across the street. Therefore the proposed rezone request has compatibility with surrounding uses.

Nathan Maher, 5801 Waltonia Road, Coggon, Iowa, indicated his family started their Roto-Rooter Business in 1972 and they recently purchased a franchise two years ago in July. Maher stated that they are simply trying to expand their market place and get a better shop. Beck asked where the business is currently located. Maher indicated they are renting a shop in Raymond, IA. Beck asked if they have looked at potential business locations in incorporated areas. Maher stated that they have looked at various locations in incorporated areas, but have chosen this location. Beck asked why that location is more appealing. Maher indicated they do a lot of work with the Tyson Meat Packing Plant and they want to be in close proximity to them. Wurtz asked the applicant if they have purchased the property. Maher confirmed that he does not own the property, and purchasing it is contingent on the rezone being approved. Enshayan asked what will happen at this site. Maher responded by stating it will be storing their larger back trucks. Enshayan asked if the trucks will be placed inside. Maher responded by stating yes. Enshayan asked what else will be happening with the yard. Maher responded by stating they plan on leasing out the grain bins and have a small parking lot as well. Rottinghaus asked if they could rent out the grain bins, would that be allowed. Schroeder indicated that the renting a grain bin or other farming activities would be allowed in the "C" Commercial District. Beck stated his main concern with the proposed business is that it is not in compliance with the Future Land Use Map, and is surrounded by agricultural and residential uses. Beck also stated that commercial uses should be directed to incorporated areas, especially since the site is only a ½ mile from Waterloo City Limits. Beck also stated he could understand the applicant wanting to be close to their clients, but the land should remain zoned "A" Agricultural District. Kamyar asked how much residential is near the rezone area. Wurtz said to the west there are a few additional residential homes that are not noted on the map. Wurtz affirmed he has mixed feels in regards to the application. The building and grain bins have been vacant there for years with no business activity. Enshayan asked why the total 3.35 acreage needs to be rezoned and if the rezone area could be smaller. Beck asked the applicant why they wanted to rezone the total 3.35 acres. Mieke indicated that was simply the size of the land that was for sale. Sack indicated the whole parcel does not need to be rezoned. Hyberger stated that they do not have a separate legal description for a different rezone area. Nagle acknowledged that they do not need to rezone the entire area and can still meet the requirements of the "C" Commercial District. Sage stated the land is zoned "A" Agricultural District, but is someone ever going to farm that land again. Sage asked if the applicant would need to request a minor plat as well. Schroeder indicated that land is already split off and will not need a minor plat. Beck indicated there are other options for the site. The buildings could be removed and have the whole site returned to agriculture again. Rottinghaus indicated she has a lot of mixed feelings regarding the project and does not want the building to remain vacant, but indicated there are other potential uses for the site. Rottinghaus stated if a farmer wanted to farm it, they would have purchased that land already.

It was moved by Wurtz and seconded by Sack to approve the request to rezone 3.35 acres from "A" Agricultural District to "C" Commercial for the purpose of establishing a plumbing contractor's business. Motion carried 5 – 2 with Beck and Nagel voting against due to having a contractor's business located in non-incorporated area and in an area not consistent with the Future Land Use Map.

4. 8902 Dysart Road – Shirk Rezone

Request to rezone 7.09 acres from "A" Agricultural District to "A-R" Agricultural-Residential District to allow for the construction of 3 new single-family homes.

Hyberger gave the staff report.

Tom Snyder, 8737 Ansborough Avenue, indicated that he was at the previous Planning and Zoning Meeting on March 20, 2018 when the same site was discussed. The County is meant to be farm ground and not residential. Farming around neighbors is tough to do. Snyder asked if the applicant plans on rezoning the 10 acres to the south. Hyberger indicated he had spoken with the applicant and they have no intentions of rezoning those 10 acres to the south. Snyder asked what they intend to do with that property. Beck indicated it is a lot of record and a single home could be put on it without a rezone. Hyberger stated that is the same with the parcel to the north. They would have to demolish the existing home to build a new home on the site. Mike Ambrosy, 9011 Kimball Avenue, indicated several years ago he tried to buy two to three acres of land to put a house up on other occasions. Ambrosy stated he was always turned down for his rezone requests. He therefore asked the Planning and Zoning Commission to deny this request.

It was moved by Sage and seconded by Sack to deny the request to rezone 7.09 acres from "A" Agricultural District to "A-R" Agricultural-Residential District to allow for the construction of 3 new single family homes. Motion carried unanimously.

5. NW of 7120 La Porte Road- Double D Transport, LLC Rezone

Request to rezone 0.71 acres from "C" Commercial District and 0.23 acres from "R-S" Residential-Suburban District to "C-M" Commercial Manufacturing District to establish a trucking business.

Beck requested to have Items 5 and 6 combined.

Andera gave the staff report.

Dammer Dzunic, 7117 La Porte Road, indicated he is the owner of Double D Transport, LLC which is a small family business. Dzunic stated he currently has four trucks and they only plan to use the site for parking. His employees will simply park their trucks and leave and if his drivers have to stay the night they can go to a truck stop and park the truck there. Dzunic indicated that he visited with the neighbors in a 500 foot radius and had them sign a petition in support of the project. Dzunic affirmed the site is not going to be a truck stop; he just plans on storing his trucks there and said he intends to build a small pole building for storage and to work on his trucks during the winter. Dzunic stated the land looks really bad, the site has not been used for four years and he plans on remodeling the building at 107 Cedar Street. Dzunic also plans to hire a dispatcher and to create other local jobs. Dzunic stated that he did receive a complaint from one neighbor, but indicated the trucks will only be stored on the site's existing concrete. Dzunic indicated he simply purchased both properties for his business and was not aware that the properties were not properly zoned. Dzunic stated that he was able to get 18 signatures in support of the project and neighbors only identified two issues. The first issue was using Cedar Street to gain access to his property and the second issue was having trucks running at night. Beck asked the applicant about the two site plans submitted with the application, and if there will be any plans for screening the property. Dzunic indicated he could put in fencing if required. Dzunic discussed the site plans and indicated he would like to put a pole building where the previous building was on the lot. Sack stated planting trees would make a better buffer than a fence. Beck asked Dzunic if he understands he will not be able to use Cedar Street. Dzunic responded by stating yes. Sage asked Dzunic if he planned on having more than four trucks in the future. Dzunic indicated he plans to grow the business slowly and only four trucks are planned for at this time. The number of trucks present on any given day will vary from 0 to 4. Sage asked if Dzunic has a long-haul trucking business.

Dzunic responded yes, they deliver to the lower 48 states. Dzunic indicated in the future he may grow to 9 to 10 trucks, but not more than that. Wurtz asked Dzunic about one of the site plans. Dzunic indicated with that site plan he does not intend to put his trucks there. The building proposed on the center lot will only be utilized for dispatch and as an office. Rottinghaus asked the applicant if he plans on working on trucks outside. Dzunic may replace a tire or other minor repairs, but all major repairs will be taken to a shop and he plans on putting in electric plug-ins so the trucks will not have to run at night. Beck stated to the applicant that this lot may not be big enough to serve your future parking needs. Dzunic responded that he only intends to grow his business slowly, but indicated the lot could accommodate up to 15 trucks if parked properly. Enshayan then asked if the site is rezoned to "C-M" Commercial Manufacturing, the owner can have other uses such as hazardous materials. Hyberger stated a condition could be placed on the rezone area that limits the use to truck parking or a trucking business. Hyberger indicated if the parcel is purchased in the future, the new owner would have to come in and request a different use. Nagle stated that in ten years someone can come in and state that the property is already zoned "C-M" Commercial-Manufacturing District and request a different use. Beck stated they still would have to come before the Planning and Zoning Commission again if they plan on changing the use for the property. Kamyar asked if there will be truck repair there. Duznic indicated no major truck repairs will occur on site, only minor repairs such as brakes or tire replacements will occur. Kamyar asked if fuel would be stored there. Duznic responded by stating no.

Mike Musch, 303 1st Street, Washburn, indicated if the site is ever sold, the new owner would have to come back before the Planning and Zoning Commission to get the land use changed, but he was also concerned about all of the allowed uses with the "C-M" Commercial Manufacturing District. Musch was also concerned about the future of the site and that it could end up with used tires, and junked out trucks and trailers.

Mucsh stated he went and talked to neighbors about it and two or three of those houses are rental properties, which means renters do not care. Musch also indicated he saw a hood up on one of the trucks with pans underneath them and wanted to know who was going to enforce that. Musch was also concerned about noise when it gets to below 20° and indicated the applicant will have to run those trucks at night because block heaters and plug-ins will not work. Musch finished by stating agriculture should remain agriculture and residential should remain residential.

William Opperman, 419 2nd Street, Washburn, indicated that he had a signed petition in opposition to the rezone request. Opperman also wanted to note that the proposed rezone area is all surrounded by residential properties and several people are not in favor of the project. Opperman stated that some people initially signed a petition in support of the project, but changed their minds and signed the opposition petition. Opperman read out the opposition petition that stated there were concerns regarding traffic, noise, smell, property values, damage to streets, health issues caused by exhaust, and overall safety. Opperman indicated the zoning of the land should remain "C" Commercial, and was against the request.

Steve Rosauer, 7136 La Porte Road, asked the Planning and Zoning Commission to turn the request down. Rosauer indicated he admired what the applicant is trying to do, but he selected the wrong spot. Rosauer indicated that when the applicant went to his place, he initially indicated he would only be putting up a 10' X 12' structure, but now he wants to put up a pole building. There will be large trucks with kids in a residential neighborhood nearby and was concerned about what might be in those semis. Rosauer indicated that is a bad area for a rezone request and asked the Planning and Zoning Commission to turn down the request.

Reynold Erdmann, 7066 La Porte Road indicated he is just north of the site at the corner of La Porte road and Cedar Street. Erdmann indicated that the applicant's trucks are running over his grass which has progressed more and more. Erdmann was also concerned about empty pallets being placed on site and safety when trucks turn on to La Porte Road. Erdmann also stated he was against the project.

Jeffrey Tedore, 320 1st Street, Wasburn, indicated that he agrees with what Oppermann's report had to say and requested the Planning and Zoning Commission to vote against this request.

Erdmann stated that he heard the applicant does have permits to carry toxic materials as well.

Dzunic stated that he isn't going to have pallets, tires, or junk on his property, only truck parking. Dzunic also indicated that he has never shipped toxic waste and stated that there may have been some confusion regarding the building size, and plans on putting up the 30' X 40' pole building that was requested on the original application. Dzunic also indicated that road access will be restricted to La Porte Road. Dzunic stated the trucks will be plugged in and will not be left running at night and there should be no issues as long as anti-gel is used and the trucks are plugged in. Nagle indicated that there was a comment about oil. Nagle asked if he has ever changed oil on that property. Dzunic responded by saying he takes his trucks to Elk Run for oil changes. Sack asked about the cargo. Dzunic responded that everything he transports will be dried goods and indicated that he will not haul hazardous materials for his driver's safety. Sack asked if we can let the applicant know about other potential locations for his business. Enshayan stated that it is admirable what the applicant is trying to do, but it is a bad location in a residential neighborhood. The east side of La Porte Road would make a more ideal location for the proposed business. Nagel asked where the existing commercial-manufacturing is located. Hybeger indicated the area in red on the current land use map is commercial-manufacturing with storage buildings and a gas station to the south, and trucking businesses to the north. Rottinghaus stated she commends his efforts, but she drives that road four times a day with a bus. It just doesn't seem like a place where there should be more trucks driving in and out. Beck stated that the applicant's ambition is worthy and he has the potential to outgrow this site rather quickly. The site can be limited, but once it's there it's there. The proposed rezone just doesn't quite fit and it's echoed in the staff report, and the Technical Review Committee notes.

Rottinghaus moved to deny the request because it is in a residential neighborhood.

Sage noted that this is for the rezone and special permit.

It was moved by Rottinghaus and seconded by Enshayan to deny the request to rezone 0.71 acres from "C" Commercial District and 0.23 acres from "R-S" Residential-Suburban District to "C-M" Commercial Manufacturing District to establish a trucking business. Motion carried unanimously.

6. NW of 7120 La Porte Road– Double D Transport, LLC Special Permit

Request for a Special Permit to allow for a trucking business with outdoor semi-truck parking, and to construct a future 30' x 40' (1,200 SF) pole building associated with the business, and utilize 107 Cedar Street as an office, within the "C-M" Commercial-Manufacturing District.

7. Washburn Wind Energy Project – Washburn Wind Energy LLC Special Permit

Request to develop up to 70 megawatts (MW) of wind energy facilities with the construction and operation of up to 35 Vestas 2 MW wind turbines each with 312' hub height and 492' total height to tip of blade. The requested Special Permit approval includes 38 turbine locations, including a minimum of 3 "alternates", with a maximum of 35 turbines that would be developed. The request also includes construction of one substation, one Meteorological Tower (MET) with a height of 325' to top of lightning rod, and one Aircraft Detection Lighting System (ADLS) tower with a height of 33'. Said project is located in southwestern Black Hawk County, generally located south of West Orange Road, north of the Black Hawk/Tama County Line, east of U.S. Highway 63, and west of Hammond Avenue.

Hyberger gave the staff report.

Wurtz asked if the application met all requirements of the Zoning Ordinance. Hyberger responded by stating yes, the application meets all requirements. Wurtz asked if the Black Hawk County Attorney's Office has had the opportunity to review the entire packet. Hyberger responded no, but the Black Hawk County Attorney's office has been forwarded all sections that involve any legal issues concerning the project. Beck asked about item 8 of the regulatory framework that states, "No grading, filling, or construction shall begin until a building permit is issued. A separate building permit shall be required for each individual wind turbine tower and appurtenant facilities prior to construction of each wind turbine tower and appurtenant facilities to be constructed." "Citizens within Black Hawk County contend that item 8 was violated with the construction of an access driveway. It was however the opinion of the Black Hawk County Attorney's Office that a driveway permit was legally obtained by a land owner though the Black Hawk County Engineering Department, and it did not constitute a violation of the zoning ordinance." Beck asked how that works. Schroeder responded by stating that the driveway for the roadway was legally obtained. Beck asked if the road constructed will be utilized for the wind turbines. Schroder responded by stating he cannot confirm that. The determination has already been made that there is no violation of the Zoning Ordinance. Beck stated their will not be exchanges of time. Each speaker will only be given three minutes to speak. People that have five minutes' worth of information will have to reduce it to three minutes or give the remainder to a neighbor.

Felix Friedman, Washburn Wind Energy LLC, 7 Ellefson Drive, De Soto, IA, gave a presentation regarding the project. Washburn wind energy LLC is a wholly-owned subsidiary of RPM Access LLC (RPMA) and is locally based out of Desoto, IA. Since 2000, RPMA and its predecessor, Midwest Renewable Energy Corp., have initiated and developed over 1,500 MW of wind generation projects in Iowa. RPMA has been involved with 16 wind energy projects with 15 being constructed in Iowa and located in 13 Iowa counties. They have been constructing wind energy projects since the beginning of the industry and it has matured greatly over the last 18 years. RPMA submitted a map that shows the locations of its wind energy projects in Iowa. Some of these facility's turbines have been in operation for over 18 years and some of these turbines have only been in operation since last year. Friedman indicated RPMA subsidiaries also currently co-own and operate 52 turbines in Iowa. Friedman described the Washburn Development Team members that include: Felix Freidman – Head of Development, Interconnection and Transmission; Kevin Lehs – Project Management, Land Development, and Operations, Craig Fricke – Permitting and Power Marketing; Matt Garwood – Civil Engineering; Arne Nielsen – Wind Engineering, Aaron Theisen – Land Development and Operations, Tanya Olson – Land Development; and Kathleen Law of Nyemaster Goode PC – Legal. Freidman discussed the components of the project. The project size will consist of 70 Megawatts of generating capacity and will be located in Southwest Black Hawk County. There will be a maximum of 35 wind turbines that are 2 megawatts each. Vestas is number 1 in regards to the manufacturing of Wind Turbines in the

world, and the Vestas V110 wind turbines are the company's most popular wind turbine. These turbines are highly reliable and each has an expected project life of 25 to 30 years. Freidman indicated the project will generate clean, renewable electricity equivalent to: supplying electricity to 26,000 homes, offset 430 million pounds of carbon dioxide, removing 42,000 cars from the roads, planting over 5 million trees, and the economic benefits to the county and the land owners will well exceed \$35,000,000 during the life of the project. Freidman stated the economic benefits of the project which include: landowner payments during construction; compensation to signed neighbors with turbine(s) within ½ mile of their residence; local economy boost during construction; temporary construction jobs and permanent operation jobs, and manufacturing jobs. It has a trickle-down effect. Vestas has over 6,000 manufacturing jobs in Colorado and that is where these wind turbines will be manufactured. It should be noted that in 2017 Vestas spent \$1.4 billion in the United State to support the manufacture and operations of its turbines in North America and \$10.1 million of that was spent in Iowa.

Freidman described the development time line for the project. The Black Hawk County Wind Energy Tax Ordinance was passed in May of 2015 and environmental studies commenced in 2015. They also submitted a generator inter-connections request to Mid-Continent as a system operator, this process took over two years to finalize the agreement. Energy Landowner communications commenced in June of 2016 and a MET tower was installed in July of 2016. Overall the project has been under development for approximately three years. Construction will start if the special permit is approved, after all the required permits have been obtained, and after a power buyer is finalized. The project could start in the part of 2018 or as late as the summer of 2019, with the full operation completed by the end of 2019. Freidman stated the Black Hawk County Zoning Ordinance is impressive. The Zoning Ordinance finds and declares that: Wind energy is an abundant, renewable and a non-polluting energy resource of the County and its conversion to electricity may reduce dependence on renewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources." Freidman wholeheartedly agrees with that statement. The Black Hawk County Zoning Ordinance provides the necessary information of the sitting and installation of wind turbines for the purpose of protecting public health and safety. The Wind Energy Tax Ordinance passed in 2015 by the Board of Supervisors, which further encouraged wind development in the County. There was also moratorium hearing request for Wind Energy facilities that went before the Board of Supervisors in August of 2017, and after hearing and being presented information from all sides, no action was taken by the Board of Supervisors.

Freidman can state with full confidence that after working with 13 different counties in Iowa, that this Zoning Ordinance is the most robust, compressive, and most detailed Zoning Ordinance of any county in the state and they appreciate that because it does encourage responsible wind energy development and they consider themselves local and they nurture their relationships with the community and County governments. In preparation for submitting this application, 59 permanent land owner easements were signed. Land owner participation is voluntary, and the facilities are only being installed on private land with those land owners who choose to participate. The Black Hawk County Special Permit application was submitted on March 27, 2018 and on March 30, 2018 they voluntarily mailed out information packages to approximately 200 residents in and near the project footprint. They also submitted addendums 1 and 2 on April 2 and April 3 of 2018 to provide more information concerning the project. A courtesy notice was mailed on April 4, 2018. The Technical Review Committee was also held on April 4, 2018 and involved a detailed review with their project team and was able to answer additional technical questions following the review. The staff report heard today was also submitted to RPM access on April 11, 2018. It was also

confirmed that Washburn Wind Energy, LLC submitted a complete application to the Planning and Zoning Department.

Freidman indicated that the application materials included a Legal Authority Statement, with that statement is that they are only here requesting a special permit application at this time. They are not requesting a building permit and they will not be seeking a building permit until all local, state, and federal laws and regulatory requirements are satisfied, as consistent with the Zoning Ordinance. They will be updating all studies and reports as necessary, if the special permit is issued, to make sure the site plan matches exactly with what is proposed. There are three alternative sites that have been selected as part of this project and they do not know which three sites will be removed from consideration for wind turbines. The reports will then get updated with the latest information finalized and submitted to the County. Freidman indicated in the Legal Authority Statement, they have made a commitment to continue responsible and compliant wind development efforts. Beck asked the Planning and Zoning Commissioners if they have any questions at this time. None responded. Beck indicated he will open the meeting to members of the audience. The timer will be on and they will start with one person that is in favor of the project, followed by one person that is in opposition to the project, and alternate speakers in that regard. When persons come to the podium, please state your name, address, and let us know if you belong to any organization. Once that is accomplished the timer will begin.

Pat Higby, 1902 West 12th Street, Cedar Falls, indicated she was an energy educator at the University of Northern Iowa for 15 years and is now retired. During the Culver Administration she was a member Iowa Power Fund Board which distributed \$100,000,000 in energy projects during that time. Higby stressed the importance of recognizing fact from fiction. The internet is filled with fake news and especially about wind turbines. Higby asked the Planning and Zoning Commission to please recognize antidotal vs. scientifically collected evidence. Higby stated the benefits of wind energy are almost too numerous to list here. Mid-American Energy in Waterloo supplies electricity from coal power. Higby stated coal is purchased out of state and that money never returns back to Iowa. Black Hawk County and the rest of Iowa will benefit from the multiplier effect from local wind energy. With over 1/3 of Iowa's electricity being generated by wind power that has kept millions of dollars in state and benefits the local economy. Higby stated Black Hawk County benefits first during construction with workers spending money on services in Iowa and the County and second by the wind technicians maintaining the wind turbines. Higby stated this is a well-recognized multiplier effect. Local energy and locally grown foods have the same benefits. Higby asked the Planning and Zoning Commission to support the wind energy project.

Greg Cory 11528 Beck Road, Waterloo gave handouts to the Planning and Zoning Commission Members that denoted high Corn Suitability Rating (CSR) scores for southwest Black Hawk County. Cory indicated that he will be living right to 3 turbines, with turbines being as close as 1,300 feet to his property. Cory stated that the handout shows the Corn Suitability Rating (CSR) map for Black Hawk County. On the map is a square and that square is the location where the wind generation facility will be located, in the proposed dead zone. Cory noted the area in the square is very green, which means that it is really good crop land. The Planning and Zoning website states, "Black Hawk County utilizes a 28E Agreement with the City of Waterloo to provide Planning and Zoning services. The primary objectives of Planning and Zoning in Black Hawk County are to 1) preserve the availability of Agricultural Land, 2) secure safety from fire, flood, panic, and other hazards, and 6) to protect health and the general welfare. The Comprehensive Land Use Plan, Planning and Zoning is also intended and designed to meet the specific purpose of chapter 352 Code of Iowa as amended to provide local citizens of local governments the means by which agricultural land may

be protected from non-agricultural development pressures. Cory defined what a farmer is, a farmer is a person engaged in agriculture, raising living organisms for food and raw materials. Cory defined what a farm is; a farm is an area of land that is devoted to agricultural processes with the primary objective of producing food and other crops. Cory stated it is the basic facility for food production. The term wind energy describes the process by which wind is used to generate mechanical power or electricity. Wind turbines convert the kinetic energy into mechanical power. This mechanical power can be used for a generator that converts mechanical power into electricity. Cory stated Wall Street Millionaires call these wind electric generation facilities wind farms, but wind farms are not farming, and several years ago no one called the proposed Black Hawk County Coal fired power electric generation facility a coal farm. Cory stated wind farms are not farming and are for commercial production. Cory asked the Planning and Zoning Commission to protect their health and welfare, protect our agricultural land, and follow Iowa Law to deny the industrial turbine permits.

Buzz Anderson, 731 Prospect Boulevard, Waterloo, indicated he has been involved with Washburn Wind Energy LLC for a while. Anderson stated that he owns land just off of Ansborough and they are working with Washburn Wind Energy regarding the placement of a substation out there. Anderson indicated he was not ready for it, but he finds Washburn Wind Energy, LLC employees to be honest, detailed, and forth right, regarding everything that they do and say. Anderson went on to state Governor Terry Branstad had an article in Parade Magazine that discusses Iowa and someday having 40% of the state's energy production to come from wind power. Anderson indicated that whenever someone does something positive, people are against anything, such as housing additions. Anderson stated persons have to look at the big picture. The silent majority is always out there. Approximately 95% of the population probably likes the wind turbine facility project, but 5% of the population is going to be against the project. Anderson indicated he strongly supports this project. It will be a plus in many ways. Washburn Wind Energy, LLC is going to follow the required rules and procedures. Anderson indicated it is a positive project and he hopes the project is approved.

Aaron Martin 14022 Ansborough Avenue, Buckingham, IA, indicated these towers are 492 feet to the top of the blade. That is approximately 33 to 34 stories high. Martin stated when he first moved to his property he had no idea that a wind turbine could be placed so close to his house. Martin stated if a person were to take the Marriott in Downtown Waterloo and stack four of them on top of one another that is approximately how high the wind turbines would be. Martin indicated the wingspan is 361 feet for the wind turbine, and an Airbus A380, which is the largest commercial passenger plane, has a wingspan of 252 feet. Martin was also told that speed of the turbines will be 150 to 170 miles per hour. Mechanical items can and do fail. Martin was also concerned regarding how close these will be placed near homes, including the one he owns. Martin also indicated his property will be impacted by shadow flicker 178 days of the year. Martin realized that is the maximum, but it is still a hard pill to swallow. For approximately 2 1/2 to 3 months. Some of it will be 6:00 AM to 7:15 AM in morning and indicated that he cannot live with that. Martin is also concerned about the noise and he spoke with Washburn Wind Energy, LLC regarding the Fairbank Project. He indicated he knows persons near that project and they said it was a nightmare and indicated not to get involved with a wind energy project. Martin acknowledges these new turbines are different, but they will still make noise with 150 to 170 miles per hour wind speed. Washburn Wind Energy LLC told Martin that the sound will drop to 40 decibels when it reaches his house. Martin stated that he just purchased a dish washer that has 40 decibels of sound. Martin can hear his dishwasher at 40 decibels and are convinced the noise from the wind turbines will impact his property. Martin indicated other places have larger setbacks and view Black Hawk County's setback requirements as to lenient. A lot of the setbacks are listed as 1,460 for other counties.

Martin believes the setback there should be 2,640 feet and can only be closer if the landowner allows it, but no closer than 1,460 for any reason. Martin believes this project will affect the use of his property and impact the value of his property. Martin asked the Planning and Zoning Commission to turn down this request.

Rich Kirtenbach, President of the Waterloo Building Trades Council AFLCIO, Labor Temple, 1695 Burton Avenue, Waterloo, indicated their building trades' council is made up of 13 different building trades in construction and crafts, each with specific training and has a highly skilled work force. Kirtenbach indicated the workforce is made up of several craftsmen who have been trained in several apprenticeship programs. Construction is their careers. Kirtenbach indicated he is here today to support the RPM Access project. RPM Access has utilized many of their signatory employers with other wind projects in Iowa. Kirtenbach stated RPM Access pride themselves with being professionals in the construction field. Kirtenbach indicated six months for them is not considered a temporary job. There is more than six months of planning the construction schedule and mobilizing materials and commissioning to get the wind towers on-line may take several more months. Kirtenbach indicated that this is all about the construction process. The whole process could end up taking a year. The construction of wind towers is considered more than a temporary job for them. It is their livelihood. They have been supporters of electric generation in the community in the past and will support electric projects being constructed in the future. Kirtenbach indicated this is the greenest of power being generated right here in our community and brings stability to the community by not having to depend on a power generating facility several hundred miles away. Kirtenbach stated this proposed project is the foundation for more economic development to come and it will happen right here in the Cedar Valley. Kirtenbach stated every successful community with widespread economic development came after having enough electricity generated close by. Kirtenbach stated that Black Hawk County has some of the most stringent building requirements for wind towers and RMP Access is not just trying to meet the standard, but to exceed these standards, as they have with other developments. Kirtenbach stated that they are honored to have RPM Access consider the community for this project.

Kevin Youngblood, 12219 Beck Road indicated he is here to represent himself and his family. Youngblood is against the wind turbines and moved to the county to enjoy the views and peace and quiet. Youngblood was also concerned the wind turbines may cause issues with his cell phone service, internet, livestock, and may cause other unknown health issues. Youngblood was also concerned that he may have to sell his home at a reduced value because of the wind turbines, and a realtor told him that because no one wants to live near wind turbines either. Youngblood also believed that the wind turbines are not a good thing for Black Hawk County and that is why he does not want the project to be approved.

Ryan O Leary, 919 Prospect Boulevard, indicated he works for the International Brotherhood of Electric Workers; he is in favor of this project, not only for the good paying jobs, but the benefits for the community. For instance the reduction of the carbon foot print. O Leary also stated that the project will supply electricity to 27,000 homes in the Cedar Valley and result in a positive economic impact of 35 million dollars to the local economy. O Leary stated he has worked on several wind turbine projects and these are traditionally good paying union jobs with supplemental benefits. If this project is denied there will be another missed opportunity for the County. O'Leary stated when companies start looking at a community; one of the things they look for is dependable green energy powering their facility.

Casey Cory 2540 Kate Street, Waterloo, indicated that she is reading a letter from a resident. Deb Nieman lived on their acreage in Southern Black Hawk County for 23 years and put 23 years' worth of sweat equity into their home. When Deb Nieman heard of the possibility of a wind farm going near their home, they were devastated. Nieman heard about the project from a neighbor and never did RPM Access ever notify them regarding the project. Nieman stated they have horses and they never wanted to subject them to wind turbines. Nieman indicated she did extensive research on wind turbines and their health effects to humans and animals and personally gets ill every time she sees them rotate. Nieman stated that they went to numerous county meetings to fight this and voice their concerns, but she could not attend future meetings because she would become too emotional and cried at a previous Planning and Zoning Commission meeting. After that meeting Nieman came to the conclusion they would have to sell their acreage, and the stress and toll were overwhelming. Nieman listed their property for sale and noted in the disclosure form that a wind turbine facility may be built near their property. Nieman stated they had numerous showings, but lost buyers due to the wind turbine disclosure. Nieman accepted an offer that was considerable lower than what was being asked, but made a decision to lose money as opposed to risk being near a wind turbine facility. Nieman indicated they are now residents of Butler County and drafted this letter to help her friends and neighbors. Nieman stated it's not fair to have wind turbines placed so close to their home and do not have a say if they do not own the ground they are being built on. Nieman stated there are numerous acreages in southern Black Hawk County and not all homes own farm ground around them. Nieman stated she is against the windfarm project and from there selling experience they can say the property values will decrease. The letter was drafted by Deb Nieman, a previous Black Hawk County resident.

Angie Meinheart, 12335 Holmes Road, Hudson, Meinheart indicated their family has been farming the land since the 1920's. Their farm is their livelihood. When one farms they have hogs, cattle, corn, oats, soy beans, and work their fields. That is part of the farming business. Meinheart indicated they also participate in conservation by working with Miller Creek Watershed, and grow cover crops to protect the land. Meinheart does believe that wind energy is important in Iowa and it should stay in Iowa. It will benefit Hawkeye Tech, local school districts, and Black Hawk County, as well as the farmers that farm the land and if you look at the map previously showed there are a lot of wind farms out there and will be there for years and years.

Ben Potter, 5025 W Griffith Road, Hudson, IA, indicated the nearest wind turbine to him is a mile and half east from his property. Potter has lived there for a year and a half and would not have purchased the home if he was aware of the project. Potter stated to imagine that you are married and saved enough money for a down payment for the acreage you were dreaming of and a year your family has its first child and eight months after she is born you hear about a wind turbine project being planned that will create health impacts for your family and future children. Potter stated nothing is worth risking your family's health. Potter considered selling and relocating, but is concerned his home's value will be reduced by 20% by the wind turbine project. The down payment he has saved for now is gone and can't move somewhere else with comparable value. Potter stated that it is unconscionable that anyone could consider having wind turbines by their home or to have to deal with such a loss. Potter stated this project should not be allowed to be passed in its current form. Potter indicated that if he has to sell his home at a loss, then RPM Access should guarantee to cover the cost of the lost value. Potter finished by stating a safe setback at $\frac{3}{4}$ of a mile or more is needed and a safe noise ordinance to protect my family is needed as well. Potter asked the Planning and Zoning Commission to not approve this project.

Calvin Houka, West Reinbeck Road, indicated he sent each of the Planning and Zoning Commission members a letter and email that got published in the paper without his permission. Houka indicated that everyone is probably following the ordinance, but this vote should have been conducted by the people that actually live there. The folks that want the wind turbines are saying yes, but everybody else does not get a vote. Houka indicated they have to live with the wind turbines regardless and if they had a vote there would be a lot different outcome.

Margaret Whiting, 1974 Caras Road, Waterloo is glad that we have the opportunity in Black Hawk County to have a wind energy project. Whiting stated the most important benefit is that more wind power will transition us from burning coal. Whiting stated the planet is getting dangerously close to the tipping point where major climate change is occurring no matter what humans do to try to prevent it. Whiting stated if we care about our children's future, they have to stop burning coal. Whiting stated another benefit is that Iowans will be healthier with more wind. Burning coal is very damaging to people's health because of the toxic emissions such as sulfur dioxide, particulate matter, mercury in the air, and coal ash waste that is hauled away from coal plants and is leeching into the nation's water. Whiting indicated that there is something known as the wind turbine syndrome and that should be taken seriously and researched more. However, when we compare those symptoms with health documented effects of burning coal, there is asthma, heart attacks, cancer, etc. The burning of coal is much more harmful for our health. Whiting stated the American Lung Association indicated that thousands of people die prematurely each year from emissions from coal plants. Birds, bats, and other wildlife will benefit from wind power as well. Whiting stated animals are all threatened by climate change since there are hibernation cycles, migration patterns, and their geographic ranges are all changing. Whiting stated some species will adapt, but many species will not survive. Wind power is a lot less impactful to wildlife than the energy sources it displaces. Whiting indicated that wind energy emits no air or water pollution, and requires no mining, drilling, or pipelines. Wind Energy is simply a better choice for all wildlife and humans. Whiting also stated another great benefit will be the millions of dollars in tax revenue that could be used for roads, fire, police services, and mental health services. Whiting finished by stating for current and future residences, please approve the wind farm project.

Calvin Horne 5216 Lafayette Road, Elk Run Heights, indicated he is pro wind energy. Horne views it as their future, but he does encourage responsible wind energy. This is the first project in Black Hawk County. Horne indicated that it is now time to get some good rules. Some of his concerns are shadow flicker, distance from houses, and a ¼ mile setback may be more reasonable. The setback for these wind turbines is 738 feet to a property line, but how far from a residence. Horne also indicated lighting is a concern and how it impacts the night sky. Will lights just be going part of the time or some of the time or all the time? Washburn Wind Energy LLC owns 52 wind turbines and what happened to the rest of them. Those were his concerns, but he is pro wind energy.

Wayne McGarvey, 2814 W Eagle Road, believes Washburn Wind Energy, LLC is in violation of the Design and Installation Section G of setbacks. McGarvey stated each wind turbine shall be setback from the nearest non-participating land owner property line, no less than 1.5 times the height or 738 feet. The definition of a participating land owner is the Washburn Wind Energy, LLC recorded memorandum of easements in Tab 12 of the application. Mc Garvey indicated there are 6 turbines from 534 to 588 feet, one at 649 feet, 729 feet, and one at 723 feet from the non-participating land owner. Mc Garvey stated the non-participating land-owner for this project is Black Hawk County. McGarvey stated there are no easements with Black Hawk County listed in tab 12 of the application. McGarvey stated there is some general understanding that land owners

pay taxes and own property to the center of the road. However a statement by Dick King a former Black Hawk County Engineer indicated in a 2003 Waterloo Courier Article states that depending on when the road was built or type of thoroughfare, ditches are public property either by Right-of-Way or deed. Either way private ownership of the land ends at the fences or where the fence should be. McGarvey's farm at 2814 W Eagle Road land was sold off in 1950 to Black Hawk County and a warranty deed was issued and recorded as such. The land was also sold on West Tama Road in the 1970's. Turbine 16 across from his property uses part of the roadway to get the required setback of 738 feet. Mc Garvey would assume the setback of 1.5 times the ground to tip of blade height is in the zoning ordinance for a reason and that reason is the safety of Black Hawk County citizens. McGarvey stated a Mechanical and Operating Maintenance Manual for Vestas V90 and V100 Wind Turbines states the safe zone is 400 meters or 1,312 feet from a wind turbine. McGarvey stated there are 4 wind turbines that are 752 to 1,100 feet from his property line. McGarvey questioned where is the County's concern for his safety when they allow turbines to come to close to his property? McGarvey calls it trespass zoning and Washburn Wind Energy LLC is measuring the distance from the center of the tower when it should include the blades of the turbine which are 138 feet. The blades are part of the turbine, so should the setback be from the longest protruding part of the turbine. McGarvey stated in the Regulatory Framework a special permit should be submitted with the following information. A signed statement that the applicant has legal authority to construct a wind energy facility, which includes authority from the FAA has not been submitted. They have not yet been approved by the FAA. The signed statement in Tab 5 states they have legal authority to seek necessary approvals that is signed by Felix Freidman means nothing. McGarvey stated that we all have the authority to seek necessary approvals from the FAA as if we built something that requires necessary approval. McGarvey stated in any case the Zoning Ordinance requires the authority to construct and nowhere does it say they have the authority to seek approval and one can assume the signed authority statement would be by the ones granting the approval. In this case the FAA. Hyberger in his presentation indicated there was a complaint filed for a driveway. McGarvey saw the permit that the land owner got, and agreed it is all perfectly legal. McGarvey was talking about the access road to the wind turbine, not the permit for the driveway approach.

Jerry Steinwell 10746 Hammond Avenue, stated that he owns land out there and he farms the oldest farm in Black Hawk County. They have been there for 161 years or since 1857. He is the sixth generation and his son will be 7th if he farms. Steinwell indicated that last three years have been tough on corn and soybean farmers and he has lost a lot of money. Steinwell stated these towers will definitely help him pay off some of that debt and if any of the opponents had the opportunity to put up a tower to pay off some debt, Steinwell would have no problem with it. Steinwell stated the project would be a big boost to the economy and there was just an article in the Iowa farmer today stating a survey of all the wind farms in Illinois revealed the average acre of farmland in that windfarm went up \$1,162.00. Steinwell also indicated he has GPS and auto steer on his tractors and doesn't think the wind turbines will have any impacts on it. Steinwell can't speak for Iowa Select, the large hog operation out of Iowa Falls, but he does have two of their hog barns on his property, and they have not objected. There is going to be 4 to 5 wind turbines around four of those buildings which would contain 10,000 hogs and they have no problem what so ever with these wind turbines going up.

Rebecca McGarvey, 2814 W Eagle Road, stated they own a century farm and have done very well. Mc Garvey pointed out there are two sections of the Zoning Ordinance in which Washburn Wind Energy, LLC is in violation. McGarvey stated Section 8 - Regulatory Framework states no grading, filling, or construction shall begin without a building permit. On December 20, 2016 RPM Access put in an access road, graded, and hauled in rock to the Wind Turbine 21 position. Both the

contractor and Kevin Lehs of RPM Access confirmed to Mr. McGarvey on December 30, 2016 that they indeed started construction to qualify 100% for the production tax credit by starting the project in 2016. McGarvey indicated that this amount drops 20% each succeeding year, notice 2013-29 of the IRS code provides examples of actions to satisfy the physical work test notice 2014-46. One of the examples is beginning construction of the road for equipment to operate and maintain the facility. Mc Garvey indicated RPM Access clearly violated Section 8 of the Regulatory Framework. McGarvey stated that 3-A of the regulatory framework is a statement that all wind energy facilities will be installed according to manufacturer regulations and a copy of the specifications is found with the application. We can assume this is to provide safety for Black Hawk County citizens. Mc Garvey stated the Manufacturers Specification Manuel Tab 9 General Specifications Section 3 Safety says this is to provide limited general information about safety and refers to Section 3-11 which states the Vestas Corporation OH and S Manuel provide additional safety rules. Washburn Wind Energy LLC should have provided that manual. McGarvey stated how persons can know if they are siting the wind turbines with the proper setbacks. McGarvey indicated the 2006 37 page Mechanical and Operations and Maintenance Manuel for the V90 and V100 Vestas Turbines in Section 2, page 3 specifically states do not stay within a radius of 400 meters or 1,312 feet unless it is necessary. The specifications provided in the Washburn Wind Energy LLC do not satisfice the safety requirements of Section 3 E of the Regulator Framework.

Angela Ambrosy, 12025 Kimball Avenue, stated she moved into her home a couple years ago and grew up a little south of Schrock Road. About six month after purchasing her home she becomes aware of the Washburn Wind Energy LLC Project. Ambrosy stated that had she known about the project, she may have not purchased her current home. Ambrosy indicated that her home faces west and does get a wonderful sunset as she looks past Schrock Road. This west view will now be windmills and everything will change. Ambrosy indicated she will now have shadow flicker and that will affect her family and home life on a daily basis. Ambrosy discussed the two plumbers that were requesting to rezone a property on Osage Road. A couple of the Planning and Zoning Commission indicated they lived in the general area and had concerns. Ambrosy stated a member of the Planning and Zoning Commission indicated they were rather mixed and the area was not being used. Ambrosy asked how many wind turbines can be placed on that lot. Having a pole building is nothing as opposed to having 35 wind turbines all around you.

Kathy Cory, 11528 Beck Road, Waterloo indicated she will have three proposed turbines as close as 1,400 feet from her home. Cory stated RPM Access has claimed they have invested time and money into this project, but the two years they have invested is nothing compared to the lifetime her and her husband have invested into their home and property. Cory indicated that she and her husband have lived there for 30 years and chose to build their home there due to the solitude and serenity. Cory indicated their home is their retirement home and everything they have done over the last 30 years has been an investment to their home. Cory stated if this project is so good for Black Hawk County why it does make us so fearful of what will happen to their home. The project is pitting neighbor against neighbor. Neighbors are arguing with neighbors. Cory stated some of these neighbors do not go to church out of fearing harassment. Cory also indicated this project has impacted her long-term friendships as well. Cory strongly disagrees with RPM Access building these wind turbines in her neighborhood. The money RPM Access is giving to family and friends is not worth the health risks, noise pollution, or the tearing apart friendships. Cory asked the Planning and Zoning Commission to say no to RPMA.

Keltson Cummings 13129 Ansborough Avenue, Buckingham, Iowa, indicated he was from Utah and grew up in a ranching family. Cummings has indicated he has worked hard his entire life to

attend college and pursue his goal of becoming an engineer. Cummings' mother had been diagnosed with stage 4 brain cancer when he was a junior in High School and they gave her only ten years to live. Cummings moved to Iowa and decided to move to the County to make his life in Iowa more enjoyable. When he moved out into the Southern Black Hawk County, he knew he could buy a horse and make it a home. Cummings stated if the wind turbines go up his property value will decrease and this would be detrimental. It would make everything he has worked for a loss. Cummings was concerned he would be unable to sell his home and take care of his family in Utah. Moving his mother to Iowa would not be an option because her doctor said the wind turbines' shadow flicker would cause her seizures, brain damage, or death. Cummings girlfriend living with him now has epilepsy and stated the shadow flicker could cause a grand mal seizure which could cause brain damage or death. Cummings asked the Planning and Zoning Commission what impact this is going to have on his neighbors, family, and friends. Though they are small group of people they do not deserve to be thrown into something that will be a gain for a few at the expense of their property values.

Shelby Bowman 15024 Beck Road, indicated that she has been living with her husband at her farm for three years now. They both chose to live in the country and enjoyed the peace and serenity, and hoped to raise their kids out there as well. Bowman's main concern is raising her children and is concerned about the health effects caused by the wind turbines, such as wind pollution, shadow flicker, and blinking lights. Bowman indicated that they live in Southern Black Hawk County and is concerned about taking prime farm land out of production that is great farm ground. These wind turbines will also make it more difficult for her neighbors to farm their land. Bowman indicated that taking 22 acres out of farm production is land that could be easily used for a hobby farm. Bowman asked the Planning and Zoning Commission to vote against the project.

Mike Froggy, 12108 Holmes Road, indicated he does not see an issue with making an honest living. Everyone needs to. It is a way of life. Groggy stated he has concerns regarding his cattle and livestock. These concerns include infertility problems, birth defects, premature abortions, and weight loss problems. Froggy's main concern is his wife who has seizures. Froggy clarified that the blinking lights of the wind turbines will cause seizures. This is what occurred when he was at the Mayo Clinic with his wife. Froggy asked the Planning and Zoning Commission to vote against the project.

Rusty Bowman, 2212 Petrie Road, indicated he will be at the north end of the project. Bowman has a question regarding the service road and if that qualified RPM Access for the production tax credits and who paid for the road. Bowman indicated one of things that bother him about the County is that they approved the MET Tower and no one knows what is going on. Bowman stated that no one has come out to speak with them regarding the project and was concerned about project transparency. Bowman was also concerned that not everyone got notified regarding the project and wanted to know why this site was chosen in Black Hawk County. Bowman showed a list that ranked Black Hawk County as 99 out of 99 counties for wind energy potential and asked if this project is about the connection or the wind. Bowman indicated that RPM Access and Black Hawk County is taking easements on all of us within three to four miles from the wind turbine project area and they need to be held accountable for it. Bowman finished his comments by stating the Planning and Zoning Commission should take politics out of the equation and vote with their gut and think about the citizens of Black Hawk County.

Craig Tomlinson, 12828 Beck Road, indicated they will be surrounded on all sides by the wind turbines. Tomlinson stated that he has been living at his acreage for the last 21 years and has

invested thousands of dollars into his home for his family. Tomlinson noted he is alarmed the wind turbines are being built to close to his property and he is concerned about his property value. Tomlinson went on to state that no one from the County or RPM Access will guarantee in writing to pay for any diminished property value caused by the wind turbines. Black Hawk County has made it clear that the reason for this project is money. Tomlinson also stated that the County has been told by RPM Access that the turbines are very dependable, low maintenance, and in the end will be financially advantageous for the County. Tomlinson stated that there are two sides to every story. Tomlinson indicated that RPM Access officials or anyone from Black Hawk County can't guarantee there will be no physical harm to humans or animals caused by the wind turbines, or guarantee there will be no danger from physiological or mental anguish, or other health impacts caused by the wind turbines. There is documented evidence that wind turbines can cause harm to humans and animals. Washburn Wind Energy LLC's decision to place wind turbines has caused a neighbor against neighbor mentality in the County. Tomlinson asked why RPM Access should be able to come into their community and cause division among friends and neighbors and make huge profits at their expense. It should also be noted that none of the RPM Access persons associated with the project live in Black Hawk County. Tomlinson stated that it is disturbing to all sides that a large corporation gets to decide the fate of Black Hawk County and most of the people here do not get a vote. Tomlinson said we are a nation of laws created by the people and for the people. Not for big corporations or big money.

Tyler Green 118, North Traer, indicated that the family farm he grew up on is located at 2838 W Tama Road, Hudson. Green asked the purpose behind the Washburn Wind Energy LLC project. The thought of producing green energy does sound nice. Green asked if wind turbines are efficient enough to provide clean renewable energy on their own. Green indicated that the answer to that question was no. The United States government has used citizen tax dollars to allow for the renewable energy tax credit. Without the tax credit the citizens of Black Hawk County would not need to be here today. Wind energy lives and dies by government subsidies. Green indicated that wind energy projects need to be self-sufficient without subsidies. Green stated that these structures are massive and they drastically change the landscape. As a 4th generation Black Hawk County farmer Green questions what impact the project could have on persons now and future generations. Green was also concerned that these giant turbines could impact his health and indicated that Black Hawk County has some of the best soil in the world. The only other place in the world with comparable soil is in the northern tundra of Asia. Green's main point is that there are not that many suitable places to grow crops such as corn and soybeans in the manner that they do now. In the world only 11% of soils can suitably grow crops. Green indicated that Black Hawk County should protect itself from these sky scrapers and protect the County's valuable soil as well. Green indicated that these wind turbines should be placed in locations with poor soil and not in Black Hawk County. Green was also concerned because Black Hawk County has a high percentage of acreages per square mile, which is more than most counties in Iowa. Green questioned why the installation of a wind energy facility is not considered an industrial project as well. Green said his family had the opportunity to put a couple of wind turbines up, but did not take the money. He asked the Planning and Zoning Commission to protect the County's farm ground and vote no.

Ellen Westoff 13129 Ansborough Avenue, stated that she would be living right to these wind turbines and there would be shadow flicker on her house. Westoff indicated that she is 22 years old and has been living with epilepsy since she was 13 years old. Westoff stated that she has had multiple Electroencephalograms (EEGs) done and was told she may be living with epilepsy the rest of her life. Westoff indicated that she cannot be around strobe lights or flickering lights as it will cause her to have a seizure and every time a seizure happens it can damage the brain. Westoff indicated she does not want to spend her time hiding in a room and waiting for the blinking lights

and shadow flicker to stop. Westoff stated that the Epilepsy Foundation website has a trigger of seizures column that lists exposure to flashing lights at certain intensities or certain visual patterns can cause seizures. Westoff also stated that people who have seizures can lose their license for six months. Westoff indicated her last seizure occurred in May of 2016 and her job with a local COOP keeps her on the road quite a bit. Westoff visits farmers and just recently got her CDL permit. Westoff stated she is very careful for where she goes and is always cautious of her surroundings. She is also concerned that another seizure could cause her to lose her job. Westoff requested the Planning and Zoning Commission to not approve the request in order to protect her health and the health of persons around her.

Adam Galbraith, 1510 W Eagle Road, indicated he too has a family member that suffers from seizures and these wind turbines will be right around where he lives. Galbraith stated he was a lifelong Black Hawk County resident and indicated that he would not take any money for wind turbines. Galbraith went on to say that the majority of the people in the room are in opposition to the project. Galbraith indicated he wants to see an uninterrupted God given view of the sky and not man-made objects going up.

Jerry Heinmen, 23489 20th Street, Fairbank, Iowa, wanted to thank the Planning and Zoning Commission for turning down the three wind turbines near Dunkerton two or three years ago because they have been chasing the wind turbine folks all around Fairbank. Heinmen indicated that there were five different sites that they came up with and Fayette County was the first to get wind turbines and the County did not have any rules regarding wind turbines to start with. Three wind mills then got placed in Fairbank and they got a permit to put those up and now the wind turbines have been there for the last two years while the case has been tied up in court. The District Court ruled to have the wind turbines taken down. The case went to the Iowa Supreme Court and the Iowa Supreme Court told them to take the case to the Appellate Court in Des Moines where it was ruled to take the wind turbines down, and now the case is again with the Iowa Supreme Court. Heinmen indicated they get a 40% subsidy to put the wind turbines up and Fayette County may have to pay to have them torn down.

Tom Gibson, 11643 Kimball Avenue, indicated he chose to move to Southern Black Hawk County four years ago from Tallahassee, FL. Gibson indicated him and his wife purchased a home that was everything they ever wanted with great sunset views from his porch. Gibson stated that picture view will never be the same when the wind turbines go up.

Rick Green, 2838 W Tama Road, Hudson, stated he is a farmer and aeronautical applicator pilot and owner of an aeronautical applicator business. According to the last issue of Successful Farming Magazine from 1982 to 2012 roughly 288,000 acres of Iowa agricultural land has been converted to development. Green indicated that in 1982 was the first year he became an aeronautical spray pilot and over that 35 year period 2,500 to 3,000 acres of farm ground in Black Hawk County that he used to be sprayed has now been developed. The Highway 20 and I-380 corridor, the Target Distribution Center, Walmart, Western Home, and the housing area along Union Road West of Cedar Falls. Almost everything south of old San Marnan Drive and West of Highway 21, and the Black Hawk County Landfill have been developed as well. Green indicated they call that progress and now everyone is here to discuss the wind turbines. RPM Access now wants to put up 35 wind turbines in some of the most fertile ground of Black Hawk County. Green indicated it is only 22 acres, but the project will have a huge impact for those living there. Green was also concerned that RPM Access may come back and request more wind turbines and this is similar to what has occurred in other counties in Iowa. Green indicated that RPM Access is not a

registered business in the State of Iowa, but is registered in the State of Delaware and owned by somebody in Spain. Green indicated he does not view wind turbines as progress for Black Hawk County and asked the Planning and Zoning Commission members to vote no on the project.

Mike Ambrosy, 9011 Kimball Avenue, stated that there were only eight members at the meeting that spoke as proponents for the project. Approximately seven of those persons live miles away from the project. Therefore the project is not going to be in their backyard. Ambrosy indicated that more farm land is being asked to be taken out of production if the project is approved. The Planning and Zoning Commission just voted down two projects for taking farm land out of production an hour ago and are now being requested to take more farmland out of production again, but many more acres. Ambrosy indicated that he knows a lot of farmers out there and when land comes up for sale, farmers fight for it, even if it is just an acre of ground. Ambrosy stated that it is not ok for them to sell their few acres to RPM Access to take this farm land out of production. The land taken out of production will never be restored to what it is today. Ambrosy asked the Planning and Zoning Commission to vote no for the project.

Tom Leohr, 9054 Douglas Drive, referenced that last statement by Mr. Green indicating 2,500 acres has been taken out of farm production since 1982 and noted most persons have not been doing their job. Leohr asked Hyberger how many requests for rezones have the Planning and Zoning Commission turned down over the last year. Leohr indicated the turbines will be 482 feet in the air and asked how deep the cement foundation will be and compared that depth to the foundation for City Hall. Leohr stated that he believes the Planning and Zoning Commissioners have already made up their minds before they walked into the room and nothing the audience says will change their minds. Leohr stated that the Planning Staff has indicated the application from Washburn Wind Energy, LLC follows the zoning ordinance and questioned staff if they have studied wind turbines beyond what is stated in the zoning ordinance. Leohr stated that 85% the land where the wind turbines will be placed is owned by 3 persons. Leohr indicated he is concerned about his home value and finished by stating he urged the Planning and Zoning Commission to oppose the project.

Michael Van Nyhuis, 11707 Kimball Avenue, indicated that the Planning and Zoning Commission cares about the protection of agricultural lands and that was the main item looked at when rejecting former proposals. Van Nyhuis asked the Planning and Zoning Commission to consider prime farm land when voting on this proposal and stated it would be a shame to lose this prime farmland land in Iowa. Van Nyhuis told the Planning and Zoning Commission that he is against this project.

Vance Koelling, 1304 W Griffith Road, indicated he lives north of the proposed wind energy facility. Koelling stated he is very concerned about his property value. Koelling indicated that he would like to put on an addition or refinance his home, but the potential wind turbine project has him concerned. Koelling stated that they are giving compensation to households within a ½ mile of the project area, but he is within ¾ mile of three proposed wind turbines and is not eligible for compensation. Koelling indicated the project is temporary because the wind turbines only have a life of 20 to 25 years, was also concerned about the 22 acres of land that will be taken out of production, and how much of that farmland would be suitable after the turbines are gone.

Nicholas Green, 11527 Kimball Avenue indicated that he was upset with Black Hawk County for putting his home and retirement at risk with the proposed wind turbine project and indicated that he was against the project.

Harrold Youngblood, 643 E Griffith Road, stated that a lot of emotions have been expressed at tonight's meeting. Youngblood indicated there are a lot of people here today to speak in opposition to the wind turbines and has taken notes regarding former speakers that were in favor of the project. There were only two people that were not paid lobbyists for the wind turbine company that spoke in favor of the project and both of them did express some concerns regarding health issues. The job of the Planning and Zoning Commission involves following nine primary objectives. Youngblood went on to state three of these primary objectives. The first was to "secure safety from fire, flood, panic, and other hazards." Youngblood stated there are hazards regarding these turbines. In regards to fires, the Hudson Fire Department is the closest and it is a volunteer program. They have no equipment that could put out a wind turbine fire. Their best choice is to let it burn out, fall on the ground, and put the fire out. Youngblood stated that if a fire occurs during harvest with sparks flying through the dry fields that is a problem. The second objective is to "protect the health and general welfare." The Brown County Health Department in Wisconsin has declared industrial wind turbines a health hazard. That is not internet fiction. The third objective is to preserve the availability of agricultural land. Youngblood stated that Worldwide 805,000,000 go to bed hungry every night and they are not going to care about how energy is produced in Southern Black Hawk County. In addition the first primary objective listed is the preservation of agricultural ground. Youngblood asked the Planning and Zoning Commission to follow their primary objectives and vote no for the project.

Brad Halupnick 11474 Holmes, indicated he would be less than 1/4 mile from one of these wind turbines and was born and raised in Southern Black Hawk County. Halupnick stated he is concerned about health impacts such as shadow flicker if these wind turbines are constructed. Halupnick inquired if anyone with RPM Access lived to a wind turbine or a 1/4 mile from one. Halupnick pointed out that a 2 MW wind turbine uses 260 tons of steel, requires 170 tons of coal, and 300 tons of iron ore that is all mined to construct. Halupnick questioned how the wind turbines still can be considered green. Halupnick indicated he is not going to be seeing any benefits from this and he will not take RPM Access's money. There is another person that has three hog confinements at his place and the company that owns the hogs are not concerned. These hogs are processed in five months. Halupnick indicated he plans to retire at his home and one day pass it on to his family. Halupnick stated he is not going to receive a dime for the wind turbines and it will all go to Black Hawk County. Halupnick asked the Planning and Zoning Commission if they would be willing to live a 1/4 mile from a wind turbine and indicated that he may end up having to live next to these wind turbines for the 20 to 30 years.

Katherine Youngblood 12219 Beck Road, indicated that she is green and goes out of her way to drop off recyclables in town. Youngblood stated that coal is bad, but where is the energy being produced by the wind turbines going to go? RPM Access indicated the air would be better for its citizens here, but Cedar Falls Utilities for instance is still going to be producing its energy by coal. Youngblood stated they purchased their acreage in 2010 and this was supposed to be their forever home. Youngblood stated she will be living in the middle of the wind turbines and she just wants her family to be healthy. Youngblood stated that the wind turbines could impact wireless internet and she needs the internet for her job to support her family. Youngblood indicated that if the wind turbines are approved that she may not be able to do her job and her family will not be as healthy. Youngblood indicated she may have to move from her forever home.

Tim Slattery 9902 Acker Road, Hudson, indicated Cedar Valley and adjacent woodlands and open areas is a major migratory bird route according to the US Fish and Wildlife. Slattery also stated it

is a major Monarch Butterfly path and habitat for owls, bats, hawks, and other wildlife. Wind and gas energy are closing Duane Arnold Nuclear Power Plant nine years early which will cause more greenhouse gases. Slattery stated there is not an environmental justification for this project. The plan will permit takings or easements on land without just compensation. Takings are not personal, easements are on the land. The Iowa and United States Constitutions are for every citizen. Takings without just compensation are unavoidable and are a good reason to reject the plan.

Kristy Martin 14022 Ansborough Avenue, indicated that she grew up by Orange School and her parents are at the meeting as well. They will possibly be having three wind turbines within 1,500 feet of the property. Martin was also concerned about her cell phone service and internet connection. If there was an emergency or fire, how is a person supposed to call 911. A land line would therefore be required because the cell phone coverage will not work. Martin was also concerned about her two children. A lot of requirements now for schools are one to one. At her son's school they have a laptop and a lot of his home work is completed on the internet. Martin's son uses google docs, quizlet, and gets emails when he has questions for his teacher. Martin indicated that she would then be forced to drive 15 minutes to town at 7:00 PM to go to the library, but she can't because the library closes at 6:00 PM. Martin stated that as a teacher, she will not be able to answer her students emails or update her grades. Martin stated that she is concerned about storms in Iowa such as tornados and was concerned if they would get proper notification regarding weather events to be safe.

Julie Zell, read a statement by her 93 year old mother Lucile Paulson who is currently residing at Friendship Village in Waterloo. Zell stated the most southwestern tip of one of the farms she owns is directly adjacent to the proposed substation. Paulson stated that she is 93 years old and probably will not be around for much longer but wanted to speak on behalf of her children, grandchildren, great grandchildren, and neighbors. Paulson wanted to address those on the Planning and Zoning Commission who would vote yes for the project. The Planning and Zoning Commission would vote yes if the project was not in their backyard, and indicated she could vote yes because she doesn't have to listen to the wind turbines or be awakened at night due to the flashing lights as the airplanes approach. During daylight the flickering of the light caused by the rotary blades in the sunlight will not bother her. Paulson asked the Planning and Zoning Commission to vote no because she does not want to impose this project on her neighbors.

Ron Dillavou 44 West Eagle Road stated he is in opposition to the project. Dillavou will have two wind turbines a ½ mile to the south of him, two wind turbines ¾ of a mile to the west of him, and two wind turbines to the north of him that are a mile away. Dillavou was concerned about his property value and his family's health due to the noise coming from the wind turbines and shadow flicker. Dillavou also indicated the wind turbines also have a sonic noise that nobody hears; similar to what happened at the US Embassy in Cuba. On January 23, 2018 a Biomedical Engineer in Ireland named Dr. Mariana Alves-Pereira did a study on one of their wind turbine sites regarding the Infrasound and Low Frequency Noise (ILFN) or noises no one hears and concluded that noise regulation needs updating to reflect noise levels that endanger human health. Dr. Mariana Alves-Pereira final thoughts indicated health concerns regarding excessive exposure to ILFN in the workplace have been around since the industrial boom in the 1960's. In recent years residential neighborhoods have begun to be flooded with ILFN. One family moved from their residence due to health impacts of all family members. Currently there are no standards regarding ILFN and most entities worldwide do not cover this issue on the acoustic spectrum. Public health agencies should fulfill their job descriptions by becoming aware of the latest noise guidelines. Alternatives exist to

measure ILFN for both industrial and residential settings. Regulations need to be updated to measure ILFN and its impacts to public health.

Beck then with no further speakers closed the public hearing for comments. The applicant will now have 15 minutes to respond to comments.

Freidman indicated he will address the comments overall. Freidman for the record first wanted to point out that the access road did not qualify them for production tax credits. The project qualified due to safe harbor turbines which means a 5% down payment had to be placed on the wind turbines ahead of time. Freidman also stated RPM Access is not owned by a company in Spain. The entity is employee owned and some of these persons are sitting here today, with the remaining in De Soto, Iowa. Washburn Wind Energy LLC is an Iowa LLC. RMP Access LLC is a holding company that is registered in Delaware which is a common practice in the business. Friedman also responded by saying the wind turbines will not impact internet access or cell phone service and they have studies to show it and evidence to prove it.

Aaron Theisen, Washburn Wind Energy LLC, 7 Ellefson Drive, De Soto, IA, indicated the questions asked tonight have relevance, but a lot of these issues have been addressed by the Zoning Ordinance that was put in place and the application packet that the Planning and Zoning Commissioners have before them. Property values are an item that has been studied. The Lawrence Berkeley National Laboratory did a study on 50,000 home sales in and near wind turbine projects; the sales were also across 27 counties in nine states, including three counties in Iowa. The study noted that there are no impacts on property values and that there is no statistical evidence that homes near wind turbines were impacted during the pre or post construction periods. Some persons will buy in areas that have turbines and others will not, it balances itself out. Theisen addressed health concerns by stating there are currently 4,000 wind turbines in Iowa. There are definitely people who make claims of health impacts caused by wind turbines, but when the American Wind Energy Association (AWEA) did a study on health impacts and its conclusion was there were no health impacts caused by wind turbines. Theisen stated that there is also no evidence that low frequency noise causes health impacts either. These are real concerns brought up by people and RMP Access has concerns about people's health as well. Theisen indicated those items are addressed by the Zoning Ordinance and the application. They will also still be reviewing this information before a building permit is even requested or before one can be granted. The County also still has complete review of this process. If there were health impacts caused by wind turbines, no one would be here today from RPM Access.

Freidman addressed where the energy is going to, stating the electricity is going to go to Iowa because it is the path of least resistance. The electric load nearby and this is where the electrons will go to. Freidman addressed the question if the agricultural lands used for the wind turbines can be brought back into production. Freidman responded by saying yes, the land will be restored for farm production once the wind turbines come down. Washburn Wind Energy LLC will also be using an ADLS system. Over 99% of the time the wind turbine lights will not be blinking and lights will only come on when aircraft are flying at a low altitude. When planes are at a high altitude, the lights will not turn on.

Freidman also responded to what happened to the wind turbines that were not kept by RPM Access by stating they have sold larger projects to energy partners such as Mid-American Energy and has sold a total of seven projects to them. The power could also be purchased by Central Iowa Power Cooperatives, Alliant Energy, or etc. It is highly possible that an Iowa utility will purchase the

energy. Freidman indicated they either sell the power or sell the project. That is how the project gets financed. Freidman addressed the FAA determination that was brought up. Prior to obtaining the building permits RPM Access will have a no hazard determination put in place from the FAA for each of the 35 wind turbines. It's all been filed and the project has already been studied by the FAA. Every time a wind turbine is moved it will need a new FAA recommendation. Freidman stated all reports will end up being updated for the final 35 wind turbine locations. Freidman indicated he is not ashamed of what he does and he was the second person in this company. He decided to get into the wind energy business after September 11, 2001. The only thought that went through his mind was that the terrorists received their money through oil money and not clean energy. Freidman stated he is proud of what he does and the benefits it brings to Iowa. Everyone from RPM Access is an environmentalist and proud to be in the wind business. Freidman stated that they have to address a lot of misinformation out there. Human health impacts are positive from wind and not negative. The project reduces air pollution and improves human health. Freidman stated that the founder of RPM Access lived in a wind farm with his children surrounded by six wind turbines for many years in Joyce, Iowa. That was the first wind energy facility that he built and he placed his home right there. Freidman stated there are no health impacts. If noise was such an issue no one would live in large cities, noise pollution is way worse there. Regarding the pollution they make during manufacturing and construction, yes there is pollution, but all that pollution is offset within six months once the wind turbine is constructed. It's totally clean domestic energy for 20 to 25 years.

Beck asked Friedman to address the question that the energy will stay in Iowa and will it be a part of MESA. MESA is a whole sale energy market. Legally the energy from the Washburn Wind Energy Project legally could go to Louisiana, but the project will offset fossil fuels to produce clean energy in Iowa. Beck again stated that it cannot be guaranteed the wind energy will stay in Iowa. Friedman stated it is the law of physics; electrons will follow the path of least resistance and most likely end up in Waterloo. Freidman stated there is nothing they can do to change that.

Wurtz asked Friedman about the mitigation aspects. Many persons tonight brought up concerns regarding shadow flicker, noise, and electronic interference. At any time during RMP Access's previous projects, has the organization ever had to go above and beyond to satisfy concerns by people living in the area? Friedman indicated that it occurred in the past. Noise issues for instance are often a malfunction with the wind turbine. Washburn Wind Energy LLC as part of their contract has to address noise issues regarding wind turbines. Freidman stated if there are noises they will fix the problem. During their past projects they have had no issues with maintaining the decibel levels to 60 or less.

Beck also indicated that there were other issues raised such as what happens when the wind turbines start on fire. How do they mitigate that, especially during the harvest period? Friedman noted the wind turbines do come with a fire suppression system and all of the wind turbines are connected to the internet.

Lehs stated when it comes to fire safety, it is something they take very seriously and want to engage the local fire departments. In Fayetteville, Delaware, and Green Counties they have engaged first responders on an annual basis. This last year in Delaware County they were able to conduct a mock disaster in which a person had a heart attack on top of a wind turbine. During the exercise they all made calls to multiple counties and there were no issues. Lehs indicated when a fire occurs they do not want a person to be out there. There is oil and antifreeze up there. So, the first thing they do is contain the area and make sure everyone maintains a safe distance. Lehs

indicated he operates a couple of projects and it gives him great insight. Lehs stated that a lot of people talk about the Fairbank project in 2012, and he tells people about the Hawkeye Wind Energy project with 15 turbines with the same rules they had in Fairbank. After the completion of the Hawkeye project nobody ever came back to tell them something was not done right. Lehs said that they have been developing wind projects over the last 20 years and their reputation means everything to them. Another thing they take very seriously is aerial spraying. Lehs stated if an aerial sprayer needs access they can simply notify RPM Access ahead of time and they will turn off the turbines and allow them to spray. Safety is their number one objective as well.

Enshayan stated that a lot of persons brought up agricultural land and 22 acres were going to be taken out of production. Enshayan asked how many total acres are involved with the project. Schroeder verified Enshayan was simply asking the total number of acres associated with the participating property owners and what is the actual percentage of land being taken out of production from the total acreage. Schroeder stated the percentage of land being taken out of production is probably very small. Matt Garwood with RPM Access indicated that the total project area is approximately 10,000 acres. Enshayan stated that the total acreage is over 10,000 acres and the number of acres being taken out of production is only 22 acres with the wind turbines and access roads. So, the percentage of land that is being taken out of production is only 0.2 percent, but the access roads are still kind of like farmland because they could be returned to production after the end of the project, and can be used by the farmer. Enshayan stated it's not like a Walmart parking lot. Beck stated that Walmart tends to be built in urban areas and not rural. Enshayan said that this body has been committed to farmland preservation, but did not see this minor removal of farmland as a significant issue.

Sack stated that persons are at the edge of increasing global warming that leads to climate change. Sack stated that society will end up with no land to argue about and there will be no more animals. The birds, migration, and the bats are disappearing due to climate change. At the moment climate change is not visible to us in a general way. It's only visible and audible to scientists. The oceans are warming and marine life is disappearing. Coral reefs are disappearing as well and all that will lead to enormous hurricanes, fire, and drought. Sack stated all of these things are occurring throughout the world. People in India are drowning and more land is being inundated with water every year, and islands are starting to disappear. Sack stated that everyone needs to look at the larger picture. Climate change will not only occur in Iowa, but everywhere. Miami and New York will be underwater, and natural disasters will only get worse.

Wurtz indicated when he received all the information regarding this agenda item, he first read through the ordinance and read through all of the application materials, and all the emails he had received for and against. Wurtz correlated all of the information together and took a step back to assess his role. The Planning and Zoning Commission is here to make a recommendation to the Board of Adjustment. In all of the sections of the zoning ordinance it said the applicant shall do the best they can to mitigate things like shadow flicker, noise, and etc. The Zoning Ordinance did not say it will eliminate every issue. Wurtz indicated his role as a Planning and Zoning Commissioner is to not decide if wind farms are good, bad, appropriate, or inappropriate for the county. In a sense that has already been decided by the Board of Supervisors when they approved a Zoning Ordinance that allowed for wind energy facilities in Black Hawk County. Wurtz has to decide if this permit fits within the ordinance. Wurtz stated that any project this big is going to be controversial and may impact people in a negative way. There is a balance of fairness that needs to be discussed. When there is a Zoning Ordinance on the books that says Black Hawk County shall promote wind energy and shall accept wind turbines provided they meet the criteria of the Zoning

Ordinance and if a company comes in and makes a good faith effort to do that must be considered and staff indicated they meet the application requirements. Not accepting of the application will put the county in a bad light. If Black Hawk County does not want wind turbines, there is another way to address that by going back before the Board of Supervisors and changing the Zoning Ordinance.

Rottinghaus indicated she went the other way. Rottinghaus spoke with the Iowa Department of Natural Resources, livestock farmers, and dairy farmers about their concerns. If the wind farm was at your house, how will this impact them? The IDNR official asked how many birds do you kill each year with your car, how many birds per year die from accidents, or other factors. Wind turbines kill birds, but a person can kill a bird by driving down the road. Rottinghaus stated in regards to noise, living by them you will notice it, but if you live by a farmer that raises cattle, there is a little noise difference with that to. There are different things out there that cause the same problem. For instance cancer, there are a lot of things out there that cause cancer. We all eat, drink, and do things that cause cancer. In regards to seizures, her son has seizures. There are things that need to be addressed regarding seizures. Rottinghaus does not want to sit here addressing all of the negative things. The Planning and Zoning Commission has to look at the big picture. Rottinghaus stated that she has not made up her mind. A dairy farmer told her dairy cows are picky cows, will noise bother them, maybe. Pig farmers, somebody does care because it is their livelihood. They treat their animals with respect. Rottinghaus stated they do not want to put something out there that hurts the animals any more than anyone else does.

Enshayan stated people pay attention to different things. If persons are concerned about nitrates in their well water, they may think they have high nitrate levels. If persons are concerned about pesticide drift, they will be concerned. Compared to any other use in the project area, there are uses that could produce a risk to rural residents. Whether this is a landfill, pesticide drift, or some polluting industry. Enshayan thinks the main job of the Planning and Zoning Commission is to evaluate a proposal and to be fair, to listen to the residents and the applicant, and make sure they are true to the goals of Black Hawk County. A non-polluting wind farm compared to any other use will have the least impact on the County. Enshayan also indicated that his daughter has seizures. Enshayan did some research and stood before some wind turbines to listen to them. Enshayan indicated that he would live to a wind farm. Half of the persons out there like wind turbines and those persons will offset the persons that do not want to be near the wind turbines to balance out demand and not result in losses to property owners. Enshayan indicated he is an unpaid volunteer that was appointed by the Board of Supervisors to make sure the proposal meets the requirements and to protect the welfare of its citizens. Enshayan views Black Hawk County as lucky that the proposal is a non-polluting form of energy and it's an Iowa Company trying to build wind turbines as a part Iowa's natural energy resource. Enshayan stated that he is not discounting that there are visual concerns and that sometime things change. No one can promise that nothing is going to change. Enshayan stated he lives in Cedar Falls, IA, and has looked at a smoke stack and strobe light over the last 25 years.

Sack stated they have analyzed all of the data and questions that were brought up, and analyzed all non-pleasant issues concerning the wind turbines with the statistics available to them. Sack also mentioned there are new statistics revealed in a January of 2018 study that documents 92% of all people within the region of a wind turbines have nothing negative to say regarding the health impacts associated with wind turbines. Sack stated all buildings kill 550 million birds per year, while wind turbines only kill 28,500 birds per year, power lines kill 130 million birds per year, and cats kill 100 million birds per year, automobiles killed 80 million birds per year, and pesticides

killed 67 million birds per year So, there are several studies and statistics available on the internet regarding wind turbines. Sack stated the wind turbine project meets all county requirements and regulations.

Beck indicated he appreciates everyone being here and offering information concerning both sides. The claims and concerns are valid. It is understandable the RPM Access folks have their studies. RPM Access is not going to bring anything here that would disclaim those issues. The same could be said concerning the opposition. They are going to find those things that meet and align with what they see as truth. Usually in every situation he has been involved with, there is truth on both sides. Beck commented that he is not a scientist, physician, or expert on wind energy. But even if there is a fraction of truth concerning those in opposition are true, then it should be a concern to everyone here for those for or against the project. He values the opinions of both sides. Beck indicated the Planning and Zoning Commission is veering off track. Friedman indicated that we have an impressive ordinance and has full confidence in its detail and views it as one of the most robust Zoning Ordinances in Iowa. Beck stated that Black Hawk County has always been the leader in land use issues. It is not a follower, not to take anything away from other counties out there. Wurtz noted that if the County does not want wind energy projects, it should state so in the Zoning Ordinance. Beck indicated that everyone here sees the value in alternative energy from wind to solar. Those things should be implemented and used, but they also have to realize there is a proper place for these things. These things were not made up. The Zoning Ordinance has been vetted throughout the years after it was adopted in 1982 through the present through open meetings, through dialogue with other Planning and Zoning Commission members, county conservation, boards of health, and all of these institutions, and the public has always been invited to these things. Eventually it is acted upon by those in positions of government. Beck stated the things that concern him are items left out of Zoning Ordinance and some have been noted. The Zoning Ordinance is intended and designed to meet specific objectives in Chapter 335 of the code of Iowa as amended to preserve the availability of agricultural land and to consider the protection of the soil from the wind and water erosion. Beck stated the Zoning Ordinance talks about safety and quality of life issues. But then they move into a land use policy statement and these items would become apparent to any applicant that comes before us large or small. Beck stated it is the policy of Black Hawk County that only agricultural uses or those incidental to agriculture are allowed on prime farm land. Beck indicated the project area is prime farmland; this is a 95 plus CSR score. Beck stated wind power does have a place at the table and solar has a place at the table, but in their proper place. There are other areas better suited than prime agricultural land. Beck stated it shall be the policy of the County to encourage residential, commercial, and industrial development to occur in incorporated areas. Beck stated it shall be the policy of Black Hawk County that residents and non-agricultural uses should only be placed on land that is capable of supporting them. It is not just about agriculture, it's also about sensitive areas such as floodplains, green belt areas, and environmentally sensitive areas in the county, to preserve, promote, and maintain a green belt system and to preserve natural areas, to promote the preservation of critical areas of geological, historical, and environmental significance. Beck said the Zoning Ordinance states this. Agricultural ground is primary. Black Hawk County's LESA system, which is part of the Black Hawk County Comprehensive Plan, discusses agricultural lands.

Beck stated the LESA system was designed to preserve and protect farm land. There has to be reasons to build on prime agricultural farmland. Beck indicated the Planning and Zoning Commission saw the high LESA score for the site. Granted this is a special permit, but it is the same thing. Earlier the Planning and Zoning Commission denied a rezone request to build three homes on seven acres due to a high LESA score. Beck stated land evaluation and site assessments are done by design to protect prime farmland. It could be said the site is only 22 acres, but it also

could be three or four acres taken out of production. A previous speaker indicated 2,500 to 3,000 acres was taken out of production since 1980. The Planning and Zoning Commission does not know if that was prime agricultural ground. There is a good chance that some of it was prime farmland. Beck stated this has a cascading effect and he had been on this board for 15 years. Beck noted there is a tendency to vote a step ahead. Persons bring in their request and it comes before the Planning and Zoning Commission to focus on the moment. Beck stated the Planning and Zoning Commission needs to look at the consequences of their actions taken now and the ramifications ten or 15 years from now. Beck indicated he sees things very clearly, he remembered a corn seed plant Monsanto several years ago was to come to this community. Arguably a company that is invested in agriculture, but they decided to put their plant operation just south of Orange Township on prime agricultural farm ground. It had the high LESA score as well. Promises were made regarding jobs, but they chose outside. Beck stated there were many other areas in incorporated Black Hawk County that were trying to vie for them. The location for the property was outside of the incorporated areas in Black Hawk County. It didn't have the roads, infrastructure. Roads were going to have to be made, water, sewer were going to have to come into an area that was not designed as a viable building site. That project got ultimately denied and did not move on. Monsanto however moved on. They bought some ground near Independence and to this day nothing is there. Beck stated the County puts a high value on environmental sensitive areas. The Planning and Zoning Commission is at the forefront of that. Another project Peregrine Financial Group wanted to build a fantastic looking building and it was green. It had one of the highest green ratings a building could have. Beck stated they wanted to build out in the County. They put a building in a green area full of trees and wild life. The Peregrine Financial Group wanted to put this building in an area in a green environment. Again there was not adequate water, sewer, or infrastructure. Beck stated they are not strangers to this type of situation where someone is coming in, and stating promises. Beck stated the Planning and Zoning Commission has to look at the consequences of those projects going through to remain true to what they believe in. Those things are in the Black Hawk County Comprehensive Land Use Plan. Beck stated the Planning and Zoning Commission needs to value what is in the Black Hawk County Comprehensive Land Use Plan and Zoning Ordinance. There are more suitable areas for the wind energy project and this is not one of them. Beck stated it is in our ordinance to encourage wind energy, but in its proper place. Beck stated that 22 acres does not sound like much, but is taking high quality agricultural ground out of production. Enshayan stated to Beck only 0.2% of the project area is being taken out of agricultural production. It hardly impacts agriculture. Agricultural activities can continue. Beck stated looking to the future, if it is not one of these individuals in this meeting, or the last meeting. Someone comes back and states you denied my ability to put a home that will create jobs. In one sense someone is discussing millions and in another its hundreds of thousands. Beck indicated to Enshayan you do not want to open that Pandora's Box. Enshayan stated Beck has an interesting point if we take 0.2% of the project area out of agricultural production. Beck stated the farm land amount should not matter if it's prime agricultural ground.

Enshayan stated let's take the last ten decisions and look how we explain to people we just denied. Each decision is thought through independently, and we carefully look at each application's set of circumstances. Enshayan said the Planning and Zoning Commission has been tough on persons that try to develop farmland. Our County is committed to preserve agricultural ground. That is why the Planning and Zoning commission is here. Enshayan indicated they have had similar situations like that today, but this project does not come close to that. There are thousands of acres of farmland associated with the project untouched and taking a small bit out of production to put up the wind turbines. Enshayan asked how this will impact farming. Beck said all things are cumulative and there has already been 2,500 acres that have already been taken out of farm production. Enshayan noted that has been in urban areas. Rottinghaus stated some of that land

development occurred due to commercial projects in City Limits. Rottinghaus stated that Walmart and other projects were in the City limits. Beck stated that those lands were farm ground. Enshayan indicated he was on the Cedar Falls City Council when Walmart was approved and was the only person that voted no and asked where everyone else was. Enshayan stated it is disingenuous to bring up farmland production when hundreds of acres are taken out of production in the City to develop parking lots.

Enshayan said in this case only 0.2% is being taken out of production. Beck indicated he sees ramifications and every ones actions have consequences because if we allow this the person that comes in with 1.5 acre rezone on prime agricultural farmland, if we say yes to the wind turbine project, how can we say no to that? Enshayan indicated we have to view that project differently because both projects should be analyzed separately.

Wurtz stated he knows where Beck is coming from, but then all we would have people do is fill out an application and the Planning and Zoning Commission would no longer be needed. Wurtz asked the representatives of RPM Access how the site was chosen.

Friedman stated there were two main drivers regarding the site selection. The State of Iowa is constrained due to electricity transmission grid. The best place in Iowa for wind is Northwest Iowa, but they lack the transmission capacity. The second reason for their site selection is voluntary land participants. The point of interconnection has not changed from May of 2016. They were constrained by that and that is why the 70 megawatt project size was selected because that is how much capacity was available. Wurtz asked Friedman if there was a time they were looking at any other sites in Black Hawk County. Friedman indicated they looked at other areas, but the sites got eliminated due to proximity to population centers, setbacks from waterways, and airports. Beck then asked about the quality of the land. Friedman did indicate they looked at the quality of the land. The approach of airplanes to the Waterloo Regional Airport and other items played a role regarding site selection.

Lehs expanded upon that by saying the transmission line below Highway 20 was upgraded years ago. It was updated due to the growth on the south side of Highway 20. They wanted to tie some systems together to serve the load on the east and west side of Highway 20. Lehs indicated that RPM Access is good at looking for excess capacity available. It is there because the load is growing. They also noted that Mid-American Energy also built a substation off of Shaulis Avenue. Lehs stated that they saw the opportunity for renewable energy at that location and looked at the environmental side as well. They also wanted to find a place where they can avoid eagles to make sure they are not in an area that is environmentally sensitive. Beck asked about the area as a whole in regards to agricultural production. They tried to use the land between two participating land owners and land that is not being utilized to minimize use of agricultural ground.

Rottinghaus asked if RPM Access came here and the LESA score was low and it was very good ground, would Beck be in favor of the project. Beck indicated he would be in more favor of the project. Rottinghaus then stated that would not be fair to other farmers out there. Beck stated he is only going off what the Zoning Ordinance says. Rottinghaus responded that if it has a low LESA score, then you would be in favor of it, if the LESA score is higher than one person is it better than the people over there. Nagle said in the past that Rottinghaus used LESA scores to turn down rezone requests from "A" Agricultural District to "A-R" Agricultural-Residential District. Rottinghaus agreed, but that is not what she was asking. Beck noted that within the LESA system the Zoning Ordinance states that land with high agricultural value should be strongly discouraged

for development in almost every case, and these lands are preserved for agricultural activities to protect them from urban development and encroachment. However, the Zoning Ordinance states only under unique circumstances may these sites be developed. Only after compelling evidence is provided. The criteria are the area has not been in active row crop production or CRP for that last 15 years. Beck stated that is not the case. The area is not conducive to production for any reason of parcel size or shape. Beck stated that is not the case. The area is compatible with surrounding uses by reason of similar adjacent uses. Beck stated the area is all agricultural and we do not have that requirement for land that is of moderate or low agricultural value. Beck indicated that these were the only criteria established for them. Wurtz said that rezoning and special permits are two separate things. Beck acknowledged the difference, but noted that rezone and special permit applications both account for the LESA score. Beck stated that he places a higher value on prime agricultural ground than for low or moderate farmland. That is done by design. Schroder concurred those were unique circumstances that can be considered, but it is not limited to the criteria listed in the Zoning Ordinance. It is not an all-inclusive list, but high agricultural value sites are intended to be preserved, except in unique circumstances with compelling evidence.

Sage stated that a project like this is going to take up a lot of area. Big wind farms equates to big areas. This isn't something one is going to be put in an industrial park in Waterloo. Sage stated if we are going to have large wind farms in Black Hawk County. Anywhere one goes in Black Hawk County is going to find prime farmland. Sage said either we make this decision individually or we take large scale wind farms out of the Zoning Ordinance because we do not want them in Black Hawk County because there is nowhere they can be placed in Black Hawk County, or almost anywhere in Iowa, that wouldn't encroach on prime farmland. Sage stated when they wanted to build a coal power plant in Black Hawk County, at that time everyone wanted wind turbines and green energy. Sage indicated that the coal power plant would take up very little space to generate that power. Sage stated the problem that he sees is that everyone thinks they have enough power according to studies and everything. Sage indicated he does not think that is the case because in order to have growth the County will need access to power. Sage stated we are agricultural, but we are also a metropolitan area as well. Sage indicated do we want the county to grow or a company to come in and build something industrial. Sage stated we need more power or if the County does not want to encourage that type of growth, then the County can remain status quo and take wind energy out of our Zoning Ordinance because it is not going to work if prime farm land can't be taken out of production.

Beck stated they will need to have a discussion in the future. These items and the Comprehensive Plan, the land use policy statement, the Zoning Ordinance, and the LESA system need to be adjusted. If LESA is removed from consideration Black Hawk County will need a Zoning Ordinance that more matches the City of Cedar Falls and Waterloo Planning and Zoning or something that specifically addresses what it is or fill in the blank trumps what has already been agreed to by Black Hawk County regarding the preservation of prime farm ground. Enshayan asked Beck why they are viewing this project as loss of prime farm land. Beck indicated because it is prime farmland. Beck stated 22 acres is not nothing. Enshayan stated unlike residential or commercial development that happens in the City where land is continually taken for development, it keeps expanding whether it is a Walmart or Target. Enshayan stated the City keeps growing like a cancer. Beck responded by saying the County is a buffer to that. Enshayan stated that development permanently destroys land in the City and keeps going. In this case the farmland almost stays the same, except 0.2%. It will never change as farmland, unlike the City. Beck responded by stating how can Black Hawk County say no to the prime farmland argument whether it's a residential, industrial, or commercial use. Enshayan stated there have been many times over the last five years he has been on the Planning and Zoning Commission where someone came in

from an agricultural region and they just wanted to add one house. Beck responded not in bare farm field did the Planning and Zoning Commission ever state yes. Enshayan responded by stating that some rezone requests did get approved in a bare farm field.

Beck stated that the Planning and Zoning Commission members are in disagreement. Sage stated we need a motion if everyone has stated their case. Kamyar moved to approve and Sack seconded the motion. Nagel stated this is a great project and the company has gone to great efforts to be neighborly and address any fears. Nagle indicated it is frustrating, but she will have to side with Beck and stated she wished the project were somewhere else in Black Hawk County.

Sage indicated he agrees with Beck regarding the preservation of prime farmland, but when they talk about houses and things, what goes along with that there is a person that wants to build next to a farmer, spreading hog manure or something that becomes an inconvenience to those people. In those cases it is the protection of the farmer and their activities. These wind turbines do not adversely affect farmland because the land is still being farmed. Sage stated his main concern was aerial applicators. Sage stated it was interesting when the aerial applicator stood up and talked about farmland being taken out of production, but never addressed how it impacts them when Sage has seen aerial applicators spray near wind turbines. Sage stated they need to look at the future for power generation and stated he would vote yes. Rottinghaus stated that she is going to abstain because she cannot vote either way.

It was moved by Kamyar and seconded by Sack to approve the request to develop up to 70 megawatts (MW) of wind energy facilities with the construction and operation of up to 35 Vestas 2 MW wind turbines each with 312' hub height and 492' total height to tip of blade. The requested Special Permit approval includes 38 turbine locations, including a minimum of 3 "alternates", with a maximum of 35 turbines that would be developed. The request also includes construction of one substation, one Meteorological Tower (MET) with a height of 325' to top of lightning rod, and one Aircraft Detection Lighting System (ADLS) tower with a height of 33'. Said project is located in southwestern Black Hawk County, generally located south of west Orange Road, north of the Black Hawk/Tama County line, east of U.S Highway 13, and west of Hammond Avenue. Motion to approve carried 4-2-1 with Sage, Wurtz, Enshayan, and Sack voting yes, and Beck and Nagle voting nay due to concerns associated taking highly valuable agricultural farmland out of production, and Rottinghaus abstaining.

IV. Discussion

There were no discussion items.

V. Adjournment

It was moved by Rottinghaus and seconded by Beck to adjourn at 11:04 p.m. Motion carried unanimously.

Respectfully submitted,

Seth Hyberger,
Assistant Zoning Administrator



Tech Notes
BLACK HAWK COUNTY
TECHNICAL REVIEW COMMITTEE
Mollenhoff Conference Room - Waterloo City Hall
Wednesday, June 6, 2018, 1:30 p.m.

The meeting was called to order at 1:30 p.m. in the Mollenhoff Conference Room at Waterloo City Hall. Those present were Seth Hyberger and Tim Andera– BHC Planning and Zoning Office; Eric Heinen – BHC Health Department; Ryan McKinley– INRCOG, Lori Glover – BHC Emergency Management; and Helen Steffen – BHC Auditor’s Office.

New Business

I. Discussion Items

1. 7305 La Porte Road – Fratzke Site Plan Review

Request to approve a site plan review for the construction of three additional 50’ X 24’ (1,200 SF) storage buildings within the “C-M” Commercial-Manufacturing District.

The Technical Review Committee had no issues with this request.

2. 4321 and 4343-4345 Sage Road – Rieger Minor Plat

Request to plat 3.00 acres into two lots with 1.50 acres zoned “R-M” Residential-Multiple District and 1.50 acres zoned “A” Agricultural District in order to allow an existing home and duplex to be split from an existing parcel.

Hyberger noted they are simply requesting a plat to split off a duplex and single family home from the main parcel in order to sell both properties. Both homes were built prior to the passage of the Black Hawk County Zoning Ordinance in 1982. The Technical Review Committee had no issues with this request.

3. 8521 Kimball Avenue – De Lau Rezone

Request to rezone 2.9 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for an existing home to be split from a 35 acre parcel zoned “A” Agricultural District.

Hyberger indicated the applicant has met the 15 year time-period provision or requirement that enables the applicant the ability to request a rezone or subdivide the property when a farm house has been previously built on 35 acres. The Technical Review Committee did note the high LESA score of 242 for the site, but did not have concerns regarding the request.

4. 641 South Raymond Road – Thome Rezone

Request to rezone approximately 2.9 acres from “A” Agricultural District to “A-R” Agricultural Residential District for the purpose of building a new single family home. Glover and Hyberger noted the majority of the rezone area is outside of the floodplain.

The Technical Review Committee had no issues with this request.

BLACK HAWK COUNTY TECHNICAL REVIEW COMMITTEE

June 6, 2018

5. W of 6519 Leversee Road – Peters Rezone

Request to rezone 2.89 acres from “A-R” Agricultural District to “A” Agricultural District and 1.5 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for the construction of one new single-family home.

Hyberger noted that the applicant had been previously approved for a rezone of 2.89 acres from “A” Agricultural District to Agricultural-Residential. They are simply moving the rezone area to the east to build a home and reduce the number of acres being rezoned from 2.89 to 1.5 acres. The Technical Review Committee had no issues with this request.

6. NW of 7120 La Porte Road– Damir Dzanic Rezone

To rezone 0.23 acres from “R-S” Residential-Suburban District and 0.71 acres from “C” Commercial District to “C-M” Commercial-Manufacturing District to allow for the establishment an automobile dealership business.

Ryan Brennan sent an email prior to the meeting indicating that he has no issues with the car dealership using Cedar Street, but if for some reason the site becomes a trucking business in the future, it is preferred that Cedar Street is not used. In addition this location is not preferred for commercial development because the surrounding land uses are residential and commercial properties are primarily located on the east side of Highway 218.

7. NW of 7120 La Porte Road– Damir Dzanic Special Permit

A request for a special permit, to establish an automobile dealership business within the “C-M” Commercial Manufacturing District.

The Technical Review Committee indicated that most of the businesses zoned commercial-manufacturing are on the opposite side of Highway 218.

8. E of 10626 Mark Road – Bosier Rezone

Request to rezone 8.65 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for the construction of three new single-family homes.

Hyberger noted 10626 Mark Road was recently approved for a rezone from “A” Agricultural District to “A-R” Agricultural-Residential District to build three additional single family homes. The Technical Review Committee had no issues with this request.

II. Adjournment

The meeting adjourned at 2:00 P.M.

Respectfully submitted,

Seth Hyberger,
Zoning Administrator

REQUEST: Request by Pamela Fratzke for a site plan review in the “C-M” Commercial-Manufacturing District for the purpose of constructing three 24’x 50’ (1,200 SF) mini-storage buildings.

LOCATION: The property is located at 7305 La Porte Road (Highway 218), approximately 2,000’ to the southeast of the intersection of East Washburn Road and La Porte Road, within Washburn.

ZONING

HISTORY: This property has been zoned “C-M” Commercial-Manufacturing District since adoption of the Zoning Ordinance in 1982.

SURROUNDING

LAND USE: The surrounding land use is mixed, with residential uses to the southwest, and commercial/industrial uses to the northeast and southeast. The Iowa Northern Railroad rail line is located directly to the northeast and abutting the property.

FUTURE LAND

USE MAP: The Black Hawk County Future Land Use Map, a component of the Black Hawk County Comprehensive Land Use Plan, designates this area as “Commercial”. This request would be in conformance with the Future Land Use Map for this area, which would allow for the development of mini-storage.

FLOOD PLAIN

INFORMATION: The area where the initial building would be constructed is not within a Special Flood Hazard Area as designated by the Federal Emergency Management Agency, map number 19013C0317F, adopted July 18, 2011. The areas where the two future buildings would be located would be in the Zone X, 500-Year Floodplain, however, there are no special requirements to build within the 500-Year Floodplain.

LESA SCORE: No LESA score is required for this request.

OTHER

INFORMATION: The applicant was approved in September of 2012 to construct a 24’x100’ (2,400 SF) building on the property zoned “C-M” Commercial-Manufacturing District for the purpose of creating a 10-unit mini-storage facility.

The applicant is now requesting another site plan review to construct one 24’x 50’ (1,200 SF) building as soon as possible, which would be located to the southeast of the most southeasterly driveway to the property. They are also requesting approval of two future 24’x 50’ mini-storage buildings to the southeast of the existing buildings that front up to La Porte Road. The applicant wishes to get the areas approved for the future buildings so that they will not need to come back before the Commission when they are ready to construct those buildings. It would appear that the buildings would meet all setbacks and other requirements of the Zoning Ordinance, as they are showing a setback of 32’ from the property line along La Porte Road.

There are several homes located adjacent to the west along La Porte Rd, however those are across the road from the commercial uses along the east side of La Porte Rd. The request would not appear to have a negative impact on the surrounding area, as the property is already being used for commercial purposes.

AIRPORT
LAND USE
AND HEIGHT
OVERLAY
ZONING
ORDINANCE:

The area in question is not within the Waterloo Regional Airport Land Use and Height Overlay Zoning Ordinance district.

TECH
COMMITTEE:

No questions, comments or concerns over the request.

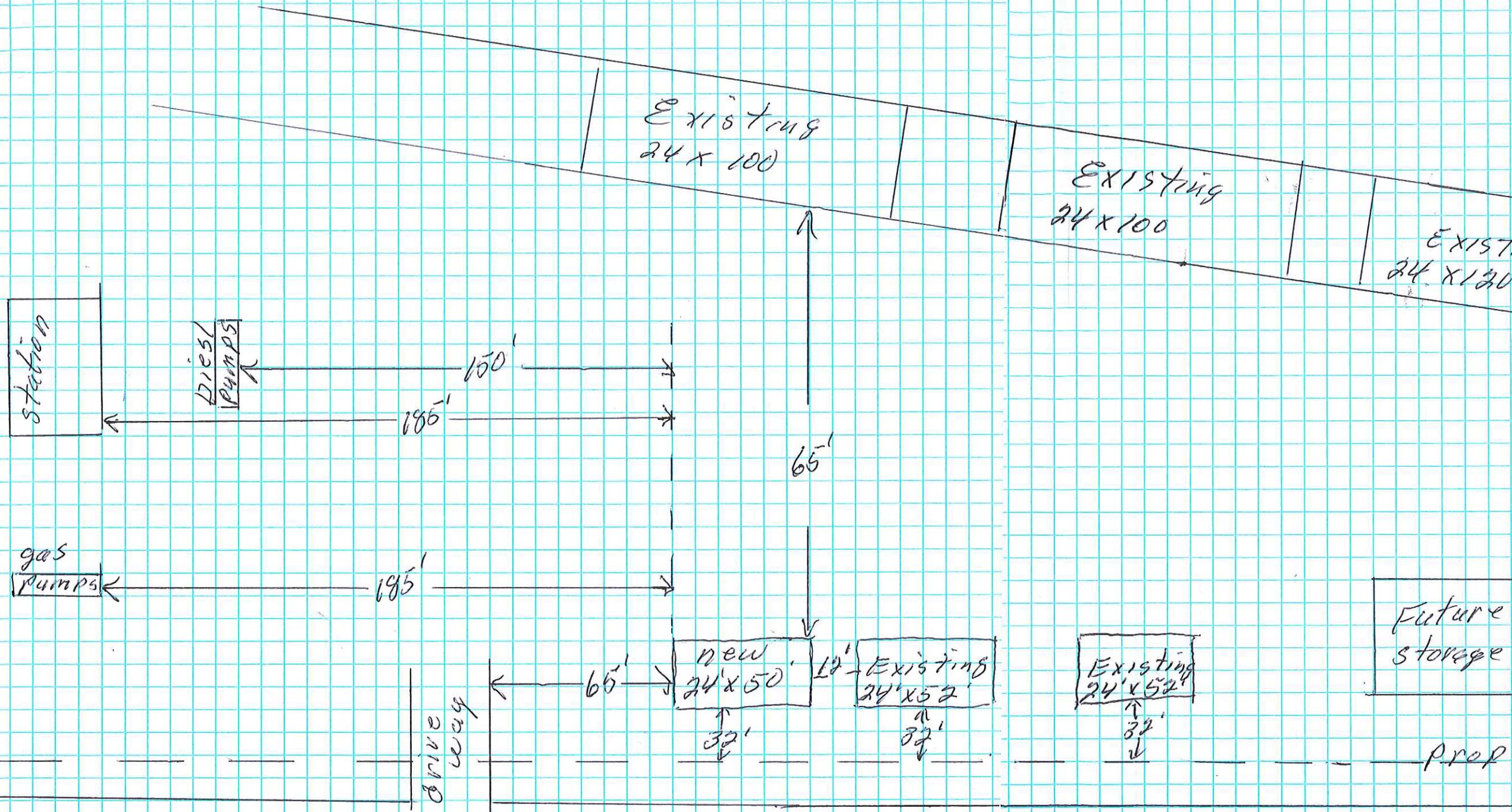
Black Hawk County Planning & Zoning Commission June 19, 2018



**7305 La Porte Road
Site Plan Review
Pamela Fratzke**



(IV)



La Porte Rd.

218

Existing
24 x 100

Existing
24 x 120

7305
La Porte Rd.
Washburn Ia.

50'

Existing
24' x 52'

32'

Future
storage

Future
storage

property line

218

BLACK HAWK COUNTY PLANNING AND ZONING COMMISSION
REQUEST FOR SITE PLAN REVIEW OR CONDITIONAL AMENDMENT

1. APPLICATION INFORMATION:

- a. Applicant's Name (please print): PAMELA S. FRATZKE
Address: 7305 LAPORTE RD Phone: 563 380 1854
City: WASHBURN State: IA Zip: 50702
- b. Status of Applicant: (a) Owner ___ (b) Other X (CHECK ONE): If other explain: Husband
- c. Property Owner's Name if different than above (please print): _____
Address: _____ Phone: _____
City: _____ State: _____ Zip: _____

2. REQUEST INFORMATION:

The Request is a (CHECK ONE)

- It is a request for Site Plan Review for new structures(s) (requires site plan).
 It is a request for Site Plan Review for addition(s) to structure(s) (requires site plan).
 It is a request for Conditional Amendment to change restrictions of existing Zoning with conditions (requires that a new site plan and conditions agreed to be submitted along with).

2. PROPERTY INFORMATION:

- a. Legal Description of Area Involved in Request: cedar Addition 7
- b. General Location of Property: 7305 LAPORTE RD WASHBURN IA 50702
- c. Current Zoning District: Cm
- d. The land will be utilized for: STORAGE UNITS
- e. Reason for Request and Proposed Use of Property: to get a building permit

Please Note: For Conditional Amendment requests involving new construction the request **must** also go through a Site Plan Review process (separate from Conditional Amendment request).

The Request Fee of \$75 (payable to Black Hawk County) is required. **This fee is non-refundable.** The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Black Hawk County Planning and Zoning Commission, Board of Supervisors and/or Board of Adjustment in making their decision. The undersigned authorize County Zoning Officials to enter the property in question in regards to the request.

 MAY-18-18
Signature of Applicant Date

 5/18/18
Signature of Owner Date

REQUEST: To minor plat 3 acres into two lots zoned “R-M” Residential-Multiple District and “A” Agricultural District for the purpose of splitting off a duplex and a single-family home from the remaining farmland.

APPLICANT: John Rieger, 6815 Streeter Road, Cedar Falls, Iowa 50613

LOCATION: The area to be platted is located at 4321 Sage Road and 4343-4345 Sage Road, approximately a quarter of a mile to the north of the intersection of Sage Road and East Big Rock Road.

ZONING

HISTORY: The area where 4343-4345 Sage Road is located was rezoned from “A” Agricultural District to “R-M” Residential-Multiple District on April 17, 2018 to legalize an existing duplex built in 1979, and 4321 Sage Road has been zoned “A” Agricultural District since adoption of the Zoning Ordinance in 1982.

SURROUNDING

LAND USE: The immediate area primarily consists of farmland with some rural homes. The surrounding area is zoned “A” Agricultural District to the north, south, east, and west.

FUTURE

LAND USE: The property and the surrounding area are identified as “Agricultural” on the Future Land Use Map, a component of the Black Hawk County Comprehensive Land Use Plan.

FLOOD PLAIN

INFORMATION: The property in question is not located in a special flood hazard area as designated by the Federal Emergency Management Agency. The FIRM Panel number is 19013CO195F.

LESA SCORE: No LESA score is required as a part of this minor plat request.

OTHER

INFORMATION: The applicant is requesting to plat approximately 3 acres into two lots to separate a duplex that was built in 1979 and an original homestead built in 1925. Both of the proposed lots are 1.5 acres and have lot widths of 233’, which meets requirements of both zoning districts. The minimum lot size requirements for the “R-M” Residential-Multifamily District is 10,000 SF and a lot width of 75’, and the minimum lot size for the original homestead in the “A” Agricultural District is 1.5 acres and a lot width of 150’. It is not proposed to construct any new houses with this plat and the plat appears to be

in accordance with the intent of the Black Hawk County Subdivision Ordinance.

AIRPORT
LAND USE
AND HEIGHT
OVERLAY

REVIEW: The proposed rezone area is not located within the Black Hawk County Waterloo Airport Land Use and Height Overlay Review area. Therefore all conditions are met.

TECHNICAL
REVIEW

COMMITTEE: The Technical Review Committee did not have concerns regarding this request.

Black Hawk County Planning & Zoning Commission
June 19, 2018



4343 and 4345 Sage Road
Minor Plat
John Rieger



INDEX LEGEND

PREPARED BY: TERRY D. VAN LANINGHAM, PLS, INC.
AND 120 2ND STREET SW, WAVERLY, IOWA 50677
RETURN TO (319) 352-0801 * EMAIL terryvan@gmail.com

COUNTY: Black Hawk

SECTION: 31

TOWNSHIP: 90 N

RANGE: 12 W

ALIQUOT PART: NE-SE

DEED HOLDER:. JOHN RIEGE
6815 STREETER ROAD, CEDAR FALLS, IA 50613

REQUESTED BY:. JOHN RIEGE

DESCRIPTION OF SURVEY:

PARCEL "A", BEING A PORTION OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4), IN SECTION 31, TOWNSHIP 90 NORTH, RANGE 12 WEST OF THE 5TH P.M., BLACK HAWK COUNTY, IOWA, FURTHER DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 31 THAT IS SOUTH 00°25'49" EAST 512.00 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 31; THENCE SOUTH 00°25'49" EAST 233.00 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE1/4); THENCE SOUTH 89°34'11" WEST 313.50 FEET; THENCE NORTH 00°25'49" WEST 233.00 FEET; THENCE NORTH 89°34'11" EAST 313.50 FEET; TO THE POINT OF BEGINNING, CONTAINING 1.68 ACRES, INCLUDING 0.18 ACRES IN COUNTY ROAD EASEMENT (SAGE RD.)

PARCEL "B", BEING A PORTION OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4), IN SECTION 31, TOWNSHIP 90 NORTH, RANGE 12 WEST OF THE 5TH P.M., BLACK HAWK COUNTY, IOWA, FURTHER DESCRIBED AS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 31 THAT IS SOUTH 00°25'49" EAST 745.00 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 31; THENCE SOUTH 00°25'49" EAST 233.00 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE1/4); THENCE SOUTH 89°34'11" WEST 313.50 FEET; THENCE NORTH 00°25'49" WEST 233.00 FEET; THENCE NORTH 89°34'11" EAST 313.50 FEET; TO THE POINT OF BEGINNING, CONTAINING 1.68 ACRES, INCLUDING 0.18 ACRES IN COUNTY ROAD EASEMENT (SAGE RD.)

OWNER'S DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENT that we / I, the undersigned owners/owner of the land herein described, do hereby make a boundary line and declare this document/the attached document to be the graphic representation of the same, and that said Survey boundary lines are made with the free consent and in accordance with the desire of the owners/owner.

The undersigned further acknowledge that the approval and recording of this document does not establish new title lines. FURTHER we / I have also been notified to execute and record deeds with the Black Hawk County Recorder to convey any/all title interest consistent with this Plat of Survey.

In witness whereof we set our hands and seals/

 _____
Owner's Signature Date 5-3-18

ZONING OFFICER:

This "Plat of Survey" has been reviewed and approved this _____ day of _____, 20____, and is hereby authorized to submit the approved boundary Survey to the office of the Black Hawk County Recorder.

Zoning Officer for the Black Hawk County, Iowa.

DESCRIPTION



TERRY D. VAN LANINGHAM, PLS, INC.
120 2ND STREET SW
WAVERLY, IOWA
PLS INC.
(319) 352-0801
(319) 325-2522
LAND SURVEYING
SINCE 1986

SHEET 1
PROJECT NO.:
2018-017(1)

BLACK HAWK COUNTY PLANNING AND ZONING COMMISSION
REQUEST FOR PLATTING (MINOR OR PRELIMINARY)

1. APPLICATION INFORMATION:

- a. Applicant's Name (please print): JOHN RIEGER
Address: 6815 STREETER ROAD Phone: 319-415-0141
City: CEDAR FALLS State: IOWA Zip 50613
- b. Status of Applicant: (a) Owner (b) Other (CHECK ONE): If other explain: _____
- c. Property Owner's Name if different than above (please print): _____
Address: _____ Phone: _____
City: _____ State: _____ Zip: _____

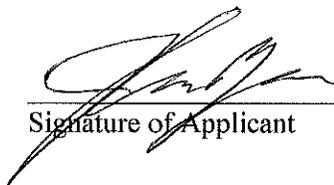
2. PROPERTY INFORMATION:

- a. Legal Description of Area to be Platted (print below or attach separately): SEE ATTACHED PLAT

- b. General Location of Property: NE-SE OF SEC. 31-90-12
- c. Area of Proposed Plat Excluding Right of Way (Minor Plat Only): 1.5 AC.
- d. Zoning District: PARCEL "A" ZONED "R-M DISTRICT" AND PARCEL "B" ZONED "A"
- e. The land will be utilized for: SPLITTING OFF EXISTING HOUSES FROM 40 AC

- f. Other pertinent information (Use reverse side if necessary): _____

The Request Fee of **\$150 + \$10 per lot** (payable to Black Hawk County) is required. **This fee is non-refundable.** The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Black Hawk County Planning and Zoning Commission and the Board of Supervisors in making their decision. Any major change in any of the information given will require that the request go back through the process, with a new Request Fee. The undersigned authorize County Zoning Officials to enter the property in question in regards to the request.



Signature of Applicant

5-3-18

Date

Signature of Owner

Date

REQUEST: To rezone 2.9 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for an existing home to be split from a 35 acre parcel Zoned “A” Agricultural District.

APPLICANT: Travis Ihnen, 706 Fireside Drive, Cedar Falls, Iowa 50613

LOCATION: The 2.9 acres to be rezoned is located at 8521 Kimball Avenue, which is approximately a half mile south of the W Schrock Road and Kimball Avenue Intersection.

ZONING

HISTORY: The property has been zoned “A” Agricultural District since adoption of the Zoning Ordinance in 1982.

SURROUNDING

LAND USE: The immediate area primarily consists of farmland and some rural homes. The surrounding area is zoned “A” Agricultural District to the north, south, east, and west.

FUTURE

LAND USE: The property and the surrounding area are identified as “Agricultural” on the Future Land Use Map, a component of the Black Hawk County Comprehensive Land Use Plan.

FLOOD PLAIN

INFORMATION: The property in question is not located in a special flood hazard area as designated by the Federal Emergency Management Agency. The FIRM Panel number is 19013C031F.

LESA SCORE: The site has a LESA Score of 242 (high agricultural value) (see attached sheet).

OTHER

INFORMATION:

The applicant wishes to rezone 2.9 acres from “A” Agricultural District to “A-R” Agricultural -Residential in order to allow for an existing home to be split from a 35 acre parcel zoned “A” Agricultural District. The home was constructed in 1998 and therefor has met the 15 year requirement which enables the property at 8521 Kimball Avenue to be eligible to request a rezone or plat. The site also meets the lot and size requirements for the “A-R” Agricultural District by being greater than 1.5 acres in size and wider than 150 feet.

The property (main parcel) has a LESA score of 242 out of 300, which is considered a high agricultural value site. The Zoning Ordinance notes that land that is classified as having high agricultural value should be strongly

discouraged for development in almost every case. It also states that in general, these sites are reserved for agricultural activities and protected from urban development or urban use encroachment. However, the Ordinance also states that only under very unique circumstances are these sites to be developed and only after compelling evidence is provided. The Zoning Ordinance does list several criteria that could be considered unique and compelling evidence. They are as follows:

1. Area has not been in active row crop production or conservation reserve program (CRP) for the previous 15 years.
2. Area is not conducive to production by reason of parcel size or shape.
3. Area is compatible with surrounding uses by reason of similar adjacent uses.

Meeting any one of these criteria should not constitute approval however, as each request will be reviewed and evaluated based on its individual circumstances. It should however be noted that the land where the house sites and surrounding area has not been in agricultural production for the last 15 years and the owner is trying to split off the home from the prime farmland in order to sell the home and farmland separately.

TECHNICAL
REVIEW
COMMITTEE:

Hyberger indicated the applicant has met the 15 year time-period provision or requirement that enables the applicant the ability to request a rezone or subdivide the property when a farm house has been previously built on 35 acres.

The Technical Review Committee did note the high LESA score of 242 for the site, but did not have concerns regarding the request.

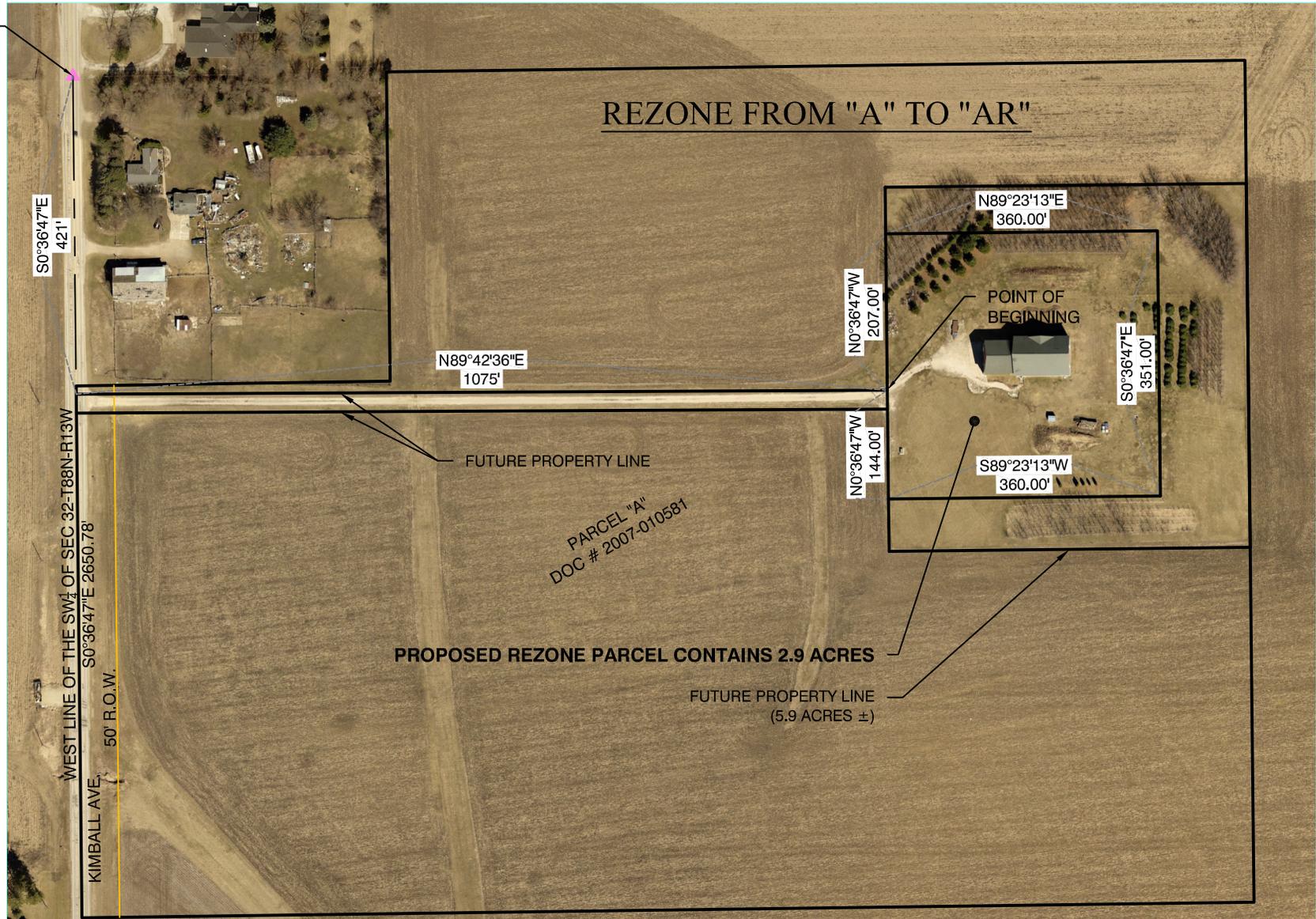
Black Hawk County Planning & Zoning Commission
June 19, 2018



8521 Kimball Avenue
Rezone "A" to "A-R"
De Lau Rezone



W $\frac{1}{4}$ CORNER
SEC 34 T88N R13W



SCALE 1"=200'
0 200'

SW CORNER
SEC 34 T88N R13W

REZONE DESCRIPTION:

PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 34 TOWNSHIP 88 NORTH RANGE 13 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN BLACK HAWK COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST $\frac{1}{4}$ CORNER OF SAID SECTION 34; THENCE SOUTH 0°36'47" EAST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION, 421 FEET; THENCE NORTH 89°42'36" EAST, 1075 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°36'47" WEST, 207.00 FEET; THENCE NORTH 89°23'13" EAST, 360.00 FEET; THENCE SOUTH 0°36'47" EAST, 351.00 FEET; THENCE SOUTH 89°23'13" WEST, 360.00 FEET; THENCE NORTH 0°36'47" WEST, 144.00' FEET TO THE POINT OF BEGINNING. THIS DESCRIBED PARCEL CONTAINS 2.90 ACRES.

NOTE: BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SEC 32-T88N-R13W BEARING S0°36'47"E.



Clapsaddle-Garber Associates, Inc
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0258
www.cgaconsultants.com

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

Applicant Information:		
	Name	Edward De Lau
	Street Address	8521 Kimball Ave.
	City/State/Zip	Waterloo, IA 50701
	Phone Number	
	Fax Number	
	Email Address	
	Parcel Identification Number	8813-34-301-003
Person Performing Evaluation:		Seth Hyberger
Date of Evaluation:		6/1/2018

Land Value Category	LESA Score Range
Low Agricultural Value	0-196
Moderate Agricultural Value	197-241
High Agricultural Value	242-300

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

SITE ANALYSIS SUMMARY TABLE

PART ONE: LAND EVALUATION	POINTS	WEIGHT FACTOR	SCORE
1.0 Average Site Value	93	1	93
Subtotal			93
PART TWO: SITE ASSESSMENT			
PART TWO: SITE ASSESSMENT	POINTS	WEIGHT FACTOR	SCORE
1.0 Land in Ag. Adjacent to Site	7	3	21
2.0 Percent of Area in Ag. within 1 Mile	9	3	27
3.0 Adjacent Zoning	10	3	30
4.0 Compatibility w/ Surround. & Plan	5	3	15
5.0 Environmental Factors	7	2	14
6.0 Distance to Urbanized Area	10	2	20
7.0 Size of Parent Parcel (Viability for Ag.)	8	1	8
8.0 Adjacent/Access Road Surface	0	1	0
9.0 Distance to Public Sewer	10	1	10
10.0 Distance to Fire/Rescue Services	8	1	8
Subtotal			153
PART ONE: LAND EVALUATION SCORE			
PART ONE: LAND EVALUATION SCORE	(100 points possible)		93
PART TWO: SITE ASSESSMENT SCORE			
PART TWO: SITE ASSESSMENT SCORE	(200 points possible)		153
TOTAL LESA SCORE			
TOTAL LESA SCORE	(300 points possible)		246

BLACK HAWK COUNTY PLANNING AND ZONING COMMISSION REQUEST FOR REZONE

1. APPLICATION INFORMATION:

- a. Applicant's Name (please print): TRAVIS IHNEN
 Address: 706 FIRESIDE DRIVE Phone: 319 404 5893
 City: LEDAR FALLS State: IA Zip: 50613
- b. Status of Applicant: (a) Owner ___ (b) Other (CHECK ONE): If other explain: I HAVE AN OFFER ON THIS HOUSE SUBJECT TO THIS REQUEST
- c. Property Owner's Name if different than above (please print): _____
 Address: _____ Phone: _____
 City: _____ State: _____ Zip: _____

2. PROPERTY INFORMATION:

- a. Legal Description of Area to be Rezoned: TINY PART NW SW SEC 34 T 88 R
- b. General Location of Property: 8521 KIMBALL
- c. Dimensions of Proposed Zoning Boundary (Excluding Right of Way): _____
- d. Area of Proposed Zoning Boundary (Excluding Right of Way): _____
- e. Current Zoning District: A Requested Zoning District: ≈ 30 ACRE PARCEL A625 PARCEL A R
- f. The land will be utilized for: HOMESTEAD and FARMING
- g. The natural character of the land will be disrupted in the following ways: IT WON'T
- h. The following methods will be utilized to minimize the nature disruption: NONE
- i. Other pertinent information (Use reverse side if necessary): _____
- j. Conditions (if any) agreed to: _____

Please Note: If it is the intent to subdivide (split) any land, vacant or improved in conjunction with this request it **must** also go through a platting process (separate from rezone request).

The Request Fee of **\$200 + \$10 per acre (\$750 max)** (payable to Black Hawk County) is required (round amount down to nearest \$10 increment). The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Black Hawk County Planning and Zoning Commission and the Board of Supervisors in making their decision. Any major change in any of the information given will require that the request go back through the process, with a new Request Fee. The undersigned authorize County Zoning Officials to enter the property in question in regards to the request.


Signature of Applicant

5-23-18
Date


Signature of Owner

dotloop verified
05/29/18 5:30PM EDT
R3EQ-VKUY-9QIL-BGV

Date

REQUEST: To rezone 2.9 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for the construction of one new single-family home.

APPLICANT: Chris Thome, 641 South Raymond Road, Waterloo, Iowa 50703

LOCATION: The 2.9 acres to be rezoned is located at 641 S Raymond Road and is approximately a quarter mile north of the South Raymond Road and Osage Road Intersection.

ZONING

HISTORY: The property has been zoned “A” Agricultural District since adoption of the Zoning Ordinance in 1982.

SURROUNDING

LAND USE: The immediate area primarily consists of farmland with existing rural homes along Raymond Road and Osage Road. The surrounding area is zoned “A” Agricultural District and “A-R” Agricultural Residential District to the north and west and “A” Agricultural District to the south and east.

FUTURE

LAND USE: The property is identified as “Agricultural” on the Future Land Use Map, a component of the Black Hawk County Comprehensive Land Use Plan. Land to the north and west are zoned as “Agricultural” and “Residential”. Land to the south and east are zoned “Agricultural”.

FLOOD PLAIN

INFORMATION: The northern part of the property in question has 10% of the land located in a special flood hazard area as designated by the Federal Emergency Management Agency. However 99% of the 2.9 acre rezone area is not located in a floodplain. The FIRM Panel number is 19013CO327F.

LESA SCORE: The site has a LESA Score of 229 (moderate agricultural value) (see attached sheet).

OTHER

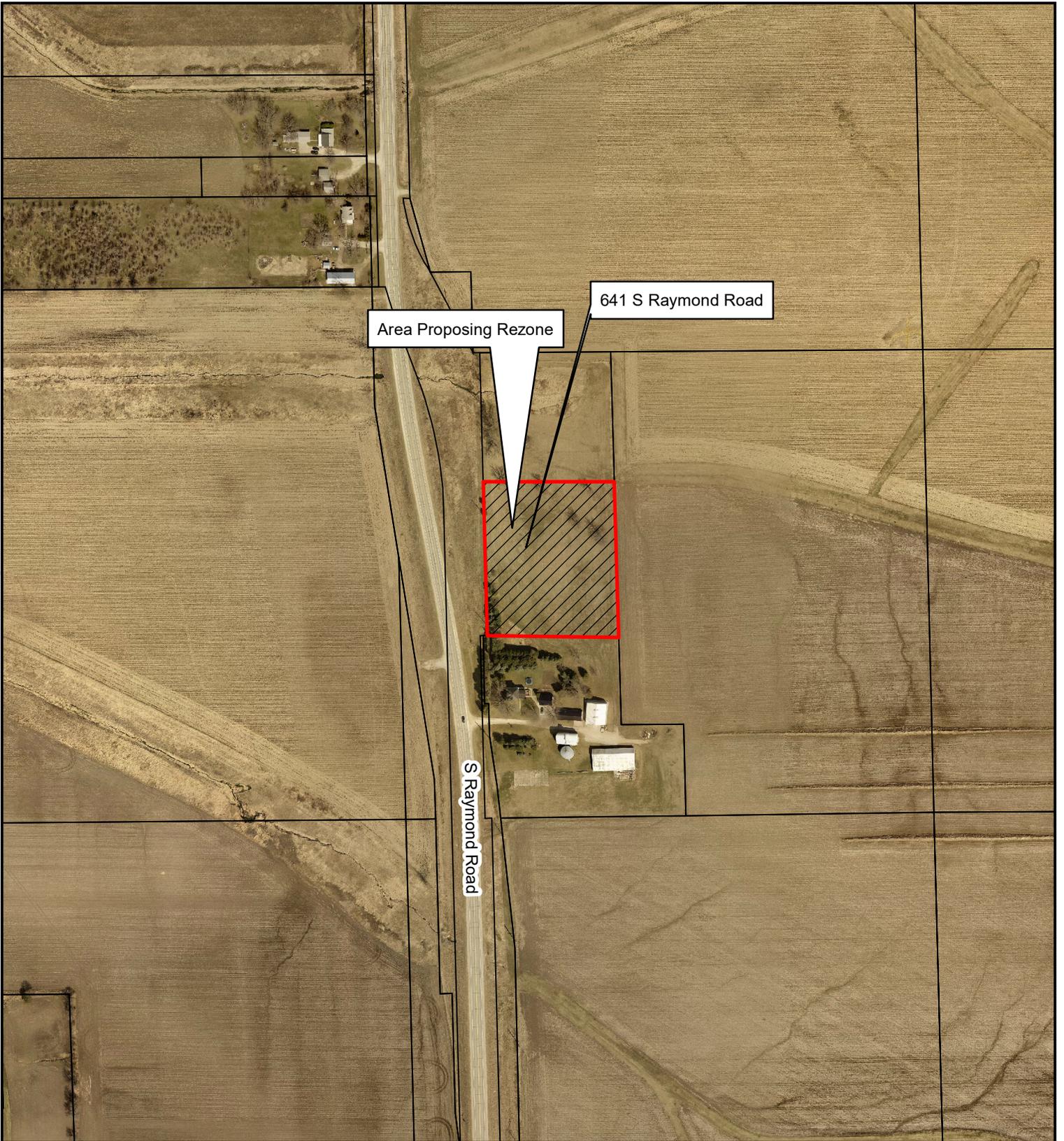
INFORMATION:

The applicant wishes to rezone 2.9 acres from “A” Agricultural District to “A-R” Agricultural-Residential District in order to build one new single-family home on the north central portion of the property. The site also meets the lot and size requirements for the “A-R” Agricultural-Residential District by being greater than 1.5 acres in size and wider than 150 feet. Assuming the rezone is approved, the applicant intends to plat off and sell the southern portion of the property that includes the outbuildings and a home built 1910.

TECHNICAL
REVIEW
COMMITTEE:

Glover and Hyberger noted the majority of the rezone area is outside of the floodplain. The Technical Review Committee did not have concerns regarding this request.

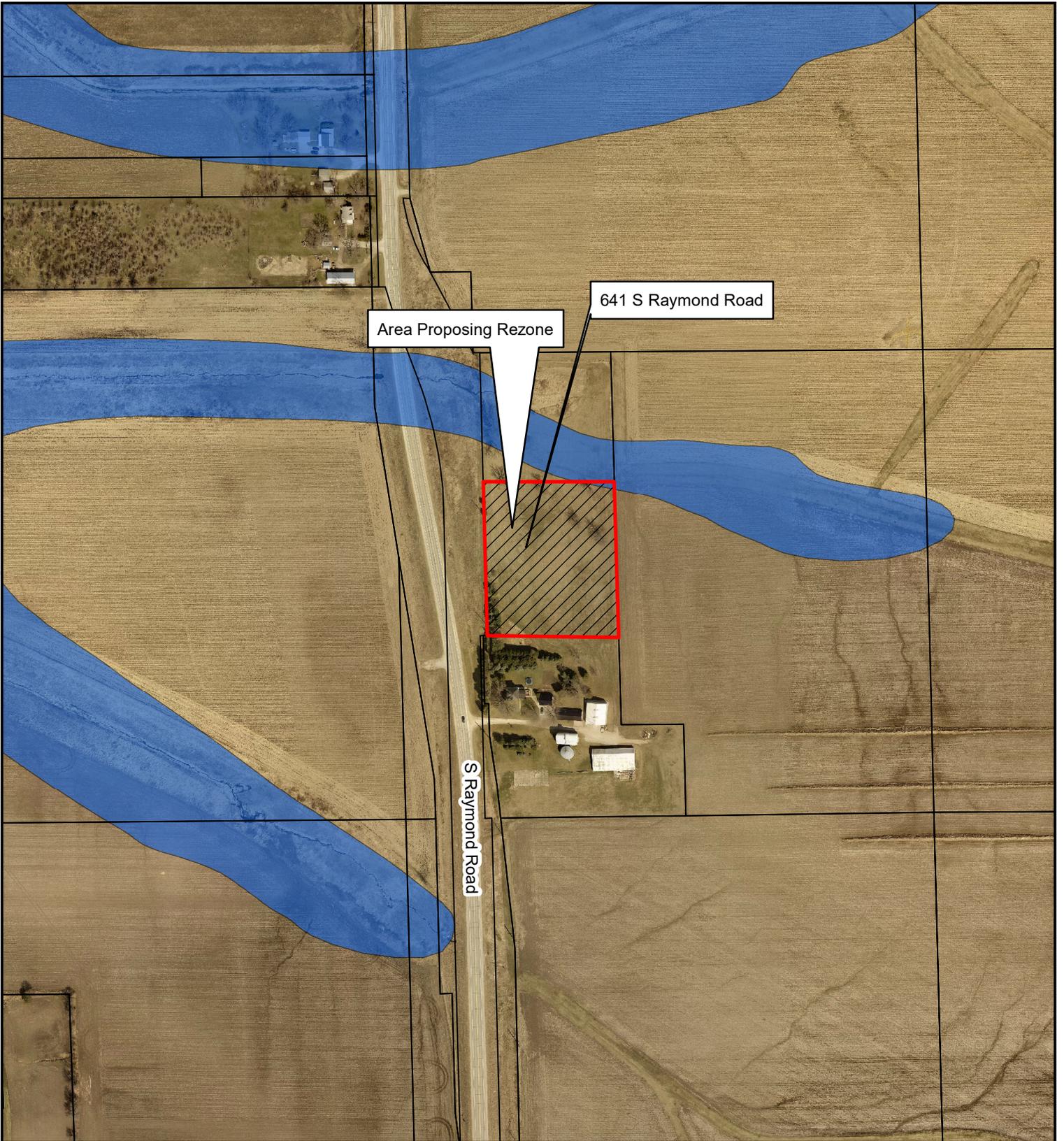
**Black Hawk County Planning & Zoning Commission
June 19, 2018**



**641 S Raymond Road
Rezone "A" to "A-R"
Thome Rezone**



**Black Hawk County Planning & Zoning Commission
June 19, 2018**

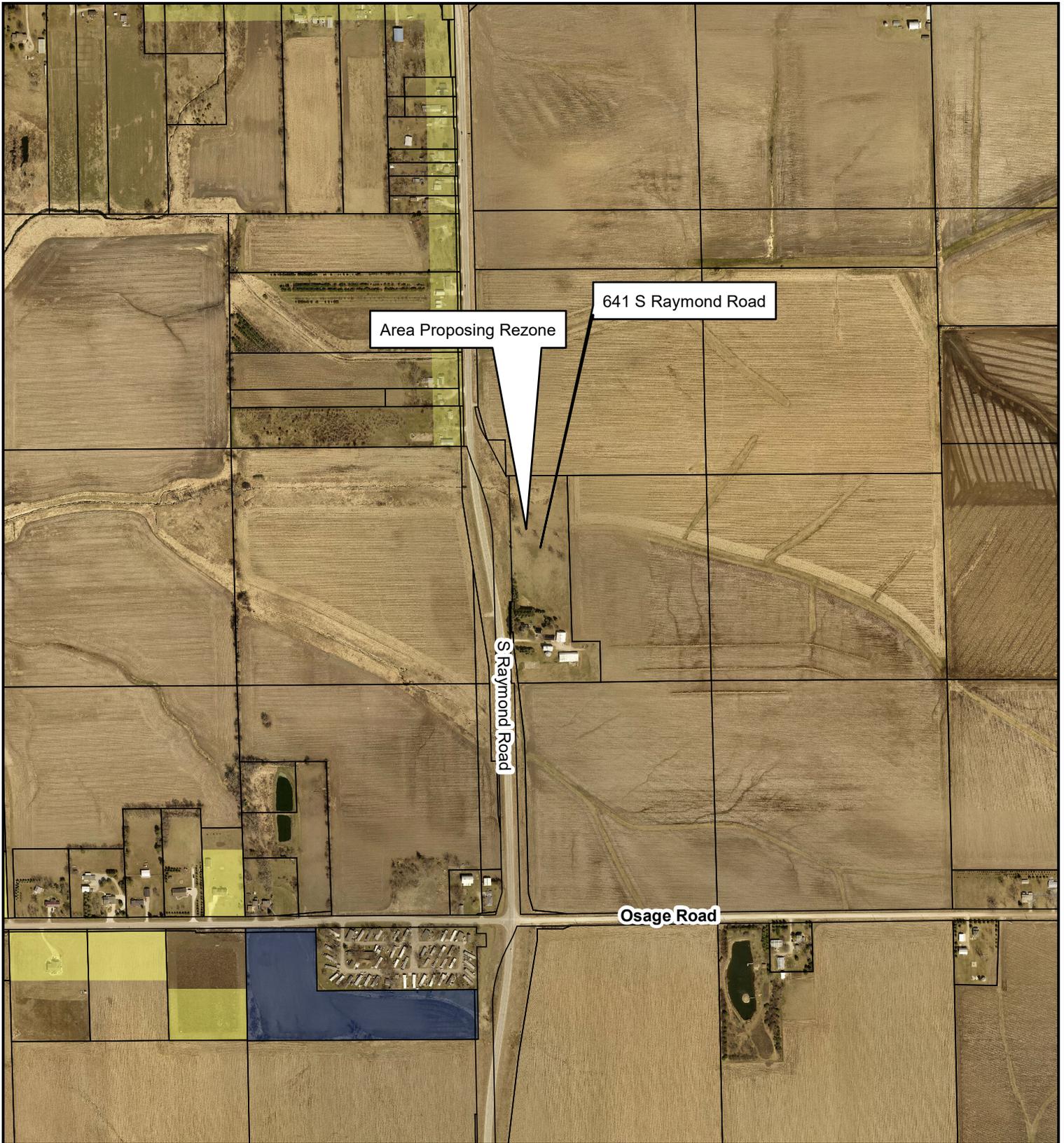


**641 S Raymond Road
Rezone "A" to "A-R"
Thome Rezone**



Black Hawk County Planning & Zoning Commission

June 19, 2018

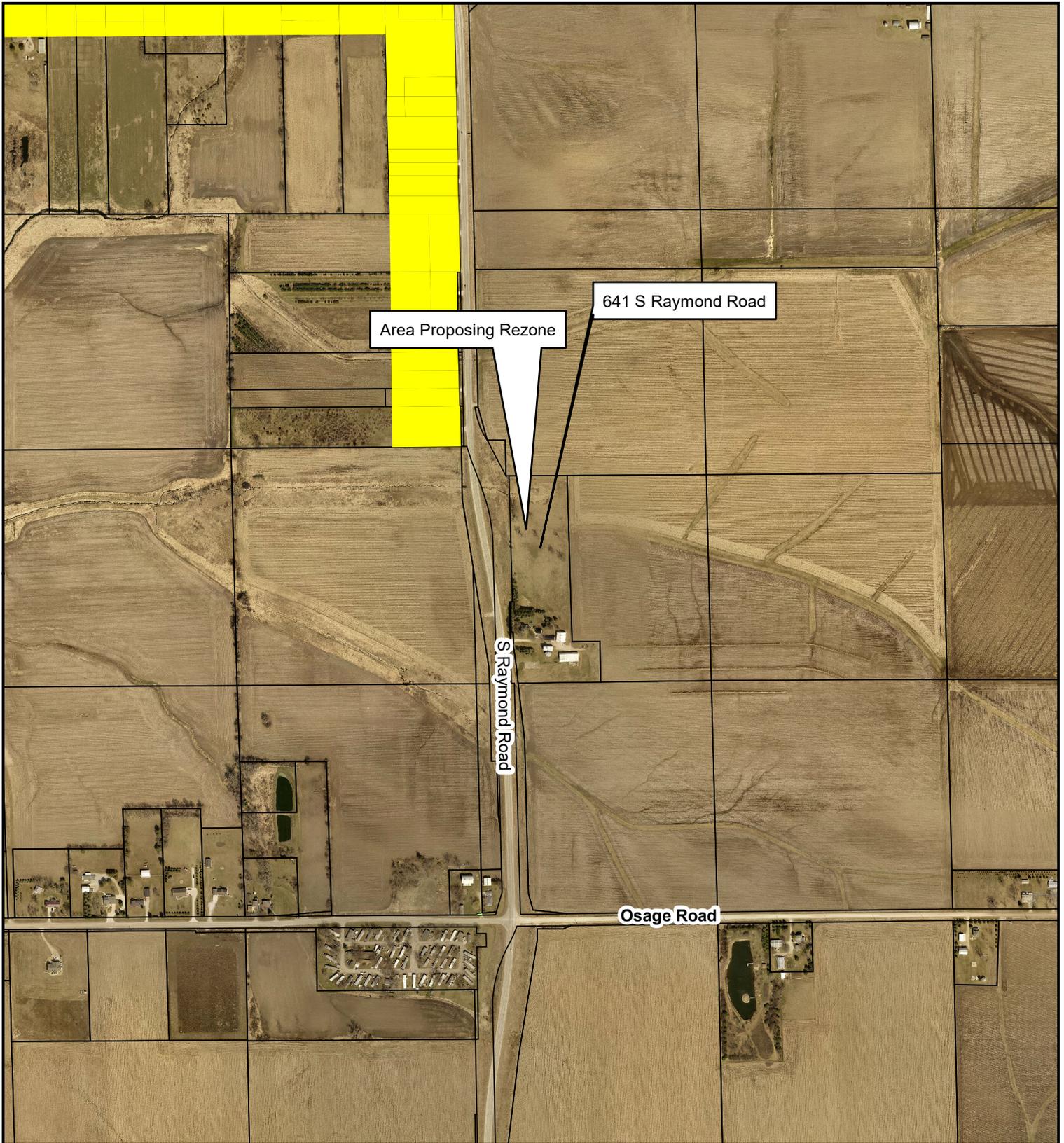


641 S Raymond Road
Rezone "A" to "A-R"
Thome Rezone
Current Land Use Map



Black Hawk County Planning & Zoning Commission

June 19, 2018



**641 S Raymond Road
Rezone "A" to "A-R"
Thome Rezone
Future Land Use Map**



**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

Applicant Information:		
	Name	Chris Thome
	Street Address	641 S Raymond Road
	City/State/Zip	Waterloo, IA 50703
	Phone Number	
	Fax Number	
	Email Address	
	Parcel Identification Number	8912-25-302-003
Person Performing Evaluation:		Seth Hyberger
Date of Evaluation:		6/1/2018

Land Value Category	LESA Score Range
Low Agricultural Value	0-196
Moderate Agricultural Value	197-241
High Agricultural Value	242-300

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

SITE ANALYSIS SUMMARY TABLE

PART ONE: LAND EVALUATION	POINTS	WEIGHT FACTOR	SCORE
1.0 Average Site Value	88	1	88
Subtotal			88
PART TWO: SITE ASSESSMENT			
PART TWO: SITE ASSESSMENT	POINTS	WEIGHT FACTOR	SCORE
1.0 Land in Ag. Adjacent to Site	8	3	24
2.0 Percent of Area in Ag. within 1 Mile	9	3	27
3.0 Adjacent Zoning	9	3	27
4.0 Compatibility w/ Surround. & Plan	5	3	15
5.0 Environmental Factors	7	2	14
6.0 Distance to Urbanized Area	6	2	12
7.0 Size of Parent Parcel (Viability for Ag.)	8	1	8
8.0 Adjacent/Access Road Surface	0	1	0
9.0 Distance to Public Sewer	10	1	10
10.0 Distance to Fire/Rescue Services	4	1	4
Subtotal			141
PART ONE: LAND EVALUATION SCORE (100 points possible)			
			88
PART TWO: SITE ASSESSMENT SCORE (200 points possible)			
			141
TOTAL LESA SCORE (300 points possible)			
			229

Application for Rezoning: Black Hawk County Planning & Zoning

City Hall, 715 Mulberry Street, Waterloo, Iowa 50703

Seth Hyberger, County Zoning Administrator

Phone: 319-291-4366

1. APPLICATION INFORMATION:

- a. Applicant's name (please print): Chris ^{Thome}Thume Phone: 319-415-6284
Address: 641 South Raymond Road, Waterloo, Iowa 50703
- b. Status of applicant: (a)Owner: X ___ (b)Other: ___ (Check One): If other, attach explanation:
- c. Property owner's name if different than above (please print): Applicant & Owner, the Same.

2. PROPERTY INFORMATION:

- a. General location of property to be rezoned: Approximate Location, 1/4 mile North of Intersection of Osage Road, and South Raymond Road, on the East side of the right of way of South Raymond Road, and South of the NW Corner of the SW 1/4, Section 25, T89N, R12W.
- b. Legal description of property to be rezoned: The South 385.0 feet of Parcel "C" of the SW 1/4, Section 25, T89N, R12W, in Black Hawk County, State of Iowa. (See attached Rezone Plat)
- c. Property dimensions: Approximately 328.5 feet East & West by 385.0 feet North & South, containing 126,458.8 square feet, or 2.903 acres (See attached Rezone Plat)
- d. Current zoning: "A", Agricultural District Requested zoning: "A-R", Agricultural/Residential
- e. Reason for rezoning: To Acquire a Building Permit for the Owner to Construct a New Residence on a referenced New Parcel (Parcel "C" of SW 1/4, Section 25, T89N, R12W).
- f. Proposed use of property: Continued Use as a Residential Farmstead, the current usage is not for agricultural crops. This usage will not change with Proposed New Construction.
- g. Conditions (if any) agreed to: This Rezone is South of the Northern Part of the Parcel, to be listed as "Out as Shown" for F.E.M.A., and any Flood Hazard along the Creek/Drainage way along said Northern Part of the Parcel.
- h. Other pertinent information (use reverse side if necessary): _____

Please Note: If it is the intent to subdivide (split) any land, vacant or improved in conjunction with this request, the request **must** also go through a platting process (separate from the rezone request).

The request Fee of \$200 + \$10 per acre (\$750 max) (payable to Black Hawk County) is required (round the amount down to the nearest \$10 increment). **This fee is non-refundable.** The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Black Hawk County Planning and Zoning Commission and the Black Hawk County Board of Supervisors in making their decision. Any major change in any of the information given will require that the request go back through the process, with a new filing fee. The undersigned authorize City Zoning Officials to enter the property in question in regards to the request.

Chris Thome 5-23-18
Signature of Applicant Date

Chris Thome 5-23-18
Signature of Owner Date

NOTE: IF applicant is not the owner of the property, the signature of the owner must be secured.

REQUEST: To rezone 2.89 acres from “A-R” Agricultural-Residential District to “A” Agricultural District and 1.5 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for the construction of one new single-family home.

APPLICANT: David Peters, 6733 Watters Road, Hudson, Iowa 50643

LOCATION: The 4.39 acres to be rezoned is located west of 6519 Leversee Road and approximately a half mile south of the Leversee Road and West Bennington Road Intersection.

ZONING

HISTORY: The property had 2.89 acres rezoned from “A” Agricultural District to “A-R” Agricultural-Residential District and was approved by the Board of Supervisors on 12/19/2017 and previously had been zoned “A” Agricultural District since adoption of the Zoning Ordinance in 1982.

SURROUNDING

LAND USE: The immediate area primarily consists of farmland and some wooded areas. The surrounding area is zoned “A” Agricultural District to the north, south, east, and west.

FUTURE

LAND USE: The property and the surrounding area are identified as “Agricultural” on the Future Land Use Map, a component of the Black Hawk County Comprehensive Land Use Plan.

FLOOD PLAIN

INFORMATION: The property in question is not located in a special flood hazard area as designated by the Federal Emergency Management Agency. The FIRM Panel number is 19013CO158F.

LESA SCORE: The site has a LESA Score of 220 (moderate agricultural value) (see attached sheet).

OTHER

INFORMATION: The applicant wishes to rezone 2.89 acres from “A-R” Agricultural-Residential District to “A” Agricultural District and 1.5 acres from “A” Agricultural District to “A-R” Agricultural District in order to move the location for a previously approved single family home. The new site also meets the lot and size requirements for the “A-R” Agricultural-Residential District by being greater than 1.5 acres in size and wider than 150 feet. The applicant is requesting to reduce the previously approved 2.89 acres zoned “A-R” Agricultural-Residential to 1.5 acres as well to reduce the size of the buildable lot and enable the applicant to move the building site further west.

TECHNICAL
REVIEW
COMMITTEE:

Hyberger noted that the applicant had been previously approved for a rezone of 2.89 acres from “A” Agricultural District to Agricultural-Residential. They are simply moving the rezone area to the east to build a home and reduce the number of acres being rezoned from 2.89 to 1.5 acres. The Technical Review Committee had no issues with this request.

**Black Hawk County Planning and Zoning Commission
June 19, 2018**



200 100 0 200 Feet

BLACK HAWK COUNTY
EST. 1843

**6519 Leverage Road
Rezone Request "A-R" to "A" and
"A" to "A-R"
David Peters**

67

INDEX LEGEND

General Description: Sec. 19-T90N-R13W, SE 1/4 NE 1/4
 Surveyor: Kyle J. Helland
 Surveying Company/ Return To: Helland Engineering & Surveying, Ltd.
 1107 Technology Parkway
 Cedar Falls, Iowa 50613-6955
 (319)-266-0161

Survey Requested By: David M. Peters
 Proprietor: David M. & Robin M. Peters

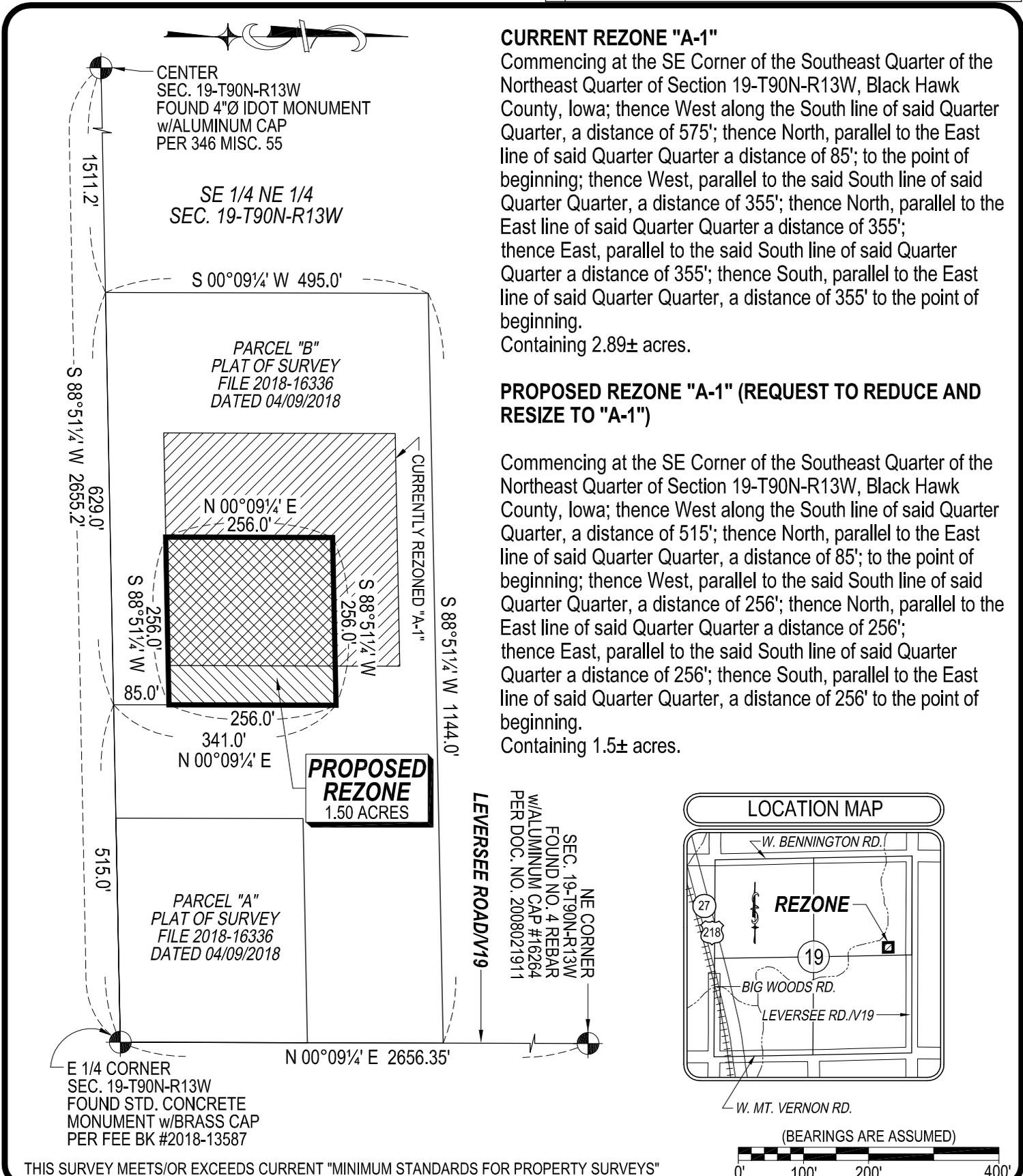
Reserved for County Recorder's use.

CURRENT REZONE "A-1"

Commencing at the SE Corner of the Southeast Quarter of the Northeast Quarter of Section 19-T90N-R13W, Black Hawk County, Iowa; thence West along the South line of said Quarter Quarter, a distance of 575'; thence North, parallel to the East line of said Quarter Quarter a distance of 85'; to the point of beginning; thence West, parallel to the said South line of said Quarter Quarter, a distance of 355'; thence North, parallel to the East line of said Quarter Quarter a distance of 355'; thence East, parallel to the said South line of said Quarter Quarter a distance of 355'; thence South, parallel to the East line of said Quarter Quarter, a distance of 355' to the point of beginning.
 Containing 2.89± acres.

PROPOSED REZONE "A-1" (REQUEST TO REDUCE AND RESIZE TO "A-1")

Commencing at the SE Corner of the Southeast Quarter of the Northeast Quarter of Section 19-T90N-R13W, Black Hawk County, Iowa; thence West along the South line of said Quarter Quarter, a distance of 515'; thence North, parallel to the East line of said Quarter Quarter, a distance of 85'; to the point of beginning; thence West, parallel to the said South line of said Quarter Quarter, a distance of 256'; thence North, parallel to the East line of said Quarter Quarter a distance of 256'; thence East, parallel to the said South line of said Quarter Quarter a distance of 256'; thence South, parallel to the East line of said Quarter Quarter, a distance of 256' to the point of beginning.
 Containing 1.5± acres.



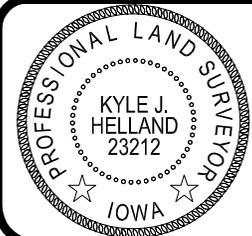
THIS SURVEY MEETS/OR EXCEEDS CURRENT "MINIMUM STANDARDS FOR PROPERTY SURVEYS"



HELLAND ENGINEERING & SURVEYING, LTD.
 1107 Technology Parkway
 Cedar Falls, Iowa 50613-6955
 (319)-266-0161

SHEET 1 OF 1

● SET NO. 4 REBAR X 24" LONG w/ORANGE PLASTIC CAP #23212 (00) RECORDED AS FILE NAME: 17-251-REZONE.DWG
 SCALE: 1" = 200' PROJECT # 17-251 DRAWN BY: CDR
 OPC PLASTIC CAP (O=ORANGE, R=RED, Y=YELLOW)



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Kyle J. Helland
 License Number 23212
 My license renewal date is December 31, 2019.
 All pages or sheets are covered by this seal except:

REZONE OF "A-1" RESIZE
 OF
 PART OF SE 1/4 NE 1/4
 SEC. 19-T90N-R13W
 BLACK HAWK COUNTY, IOWA
 FOR
 DAVID M. & ROBIN M. PETERS

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

Applicant Information:		
	Name	LARJ Properties
	Street Address	6519 Leverage Road
	City/State/Zip	Cedar Falls, IA 50613
	Phone Number	
	Fax Number	
	Email Address	
	Parcel Identification Number	9017-19-276-003
Person Performing Evaluation:		Seth Hyberger
Date of Evaluation:		11/2/2017

Land Value Category	LESA Score Range
Low Agricultural Value	0-196
Moderate Agricultural Value	197-241
High Agricultural Value	242-300

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

SITE ANALYSIS SUMMARY TABLE

PART ONE: LAND EVALUATION	POINTS	WEIGHT FACTOR	SCORE
1.0 Average Site Value	80	1	80
Subtotal			80
PART TWO: SITE ASSESSMENT	POINTS	WEIGHT FACTOR	SCORE
1.0 Land in Ag. Adjacent to Site	7	3	21
2.0 Percent of Area in Ag. within 1 Mile	6	3	18
3.0 Adjacent Zoning	10	3	30
4.0 Compatibility w/ Surround. & Plan	5	3	15
5.0 Environmental Factors	10	2	20
6.0 Distance to Urbanized Area	7	2	14
7.0 Size of Parent Parcel (Viability for Ag.)	8	1	8
8.0 Adjacent/Access Road Surface	0	1	0
9.0 Distance to Public Sewer	10	1	10
10.0 Distance to Fire/Rescue Services	4	1	4
Subtotal			140
PART ONE: LAND EVALUATION SCORE	(100 points possible)		80
PART TWO: SITE ASSESSMENT SCORE	(200 points possible)		140
TOTAL LESA SCORE	(300 points possible)		220

**BLACK HAWK COUNTY PLANNING AND ZONING COMMISSION
REQUEST FOR REZONE**

1. APPLICATION INFORMATION:

- a. Applicant's Name (please print): David & Robin Peters
 Address: 6519 Loversoe Rd Phone: 319-269-5433
 City: Cedar Falls State: IA Zip: 50613
- b. Status of Applicant: (a) Owner (b) Other (CHECK ONE): If other explain: _____
- c. Property Owner's Name if different than above (please print): _____
 Address: _____ Phone: _____
 City: _____ State: _____ Zip: _____

2. PROPERTY INFORMATION:

- a. Legal Description of Area to be Rezoned: see attached (from current to proposal)
- b. General Location of Property: 6519 Loversoe Rd, Cedar Falls IA
- c. Dimensions of Proposed Zoning Boundary (Excluding Right of Way): 256' x 256'
- d. Area of Proposed Zoning Boundary (Excluding Right of Way): 1.54
- e. Current Zoning District: part A-2 Requested Zoning District: A-2
- f. The land will be utilized for: new residence - single family
- g. The natural character of the land will be disrupted in the following ways: new construction
- h. The following methods will be utilized to minimize the nature disruption: Limited tree removal
- i. Other pertinent information (Use reverse side if necessary): N/A
- j. Conditions (if any) agreed to: N/A

Please Note: If it is the intent to subdivide (split) any land, vacant or improved in conjunction with this request it **must** also go through a platting process (separate from rezone request).

The Request Fee of **\$200 + \$10 per acre (\$750 max)** (payable to Black Hawk County) is required (round amount down to nearest \$10 increment). **This fee is non-refundable.** The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Black Hawk County Planning and Zoning Commission and the Board of Supervisors in making their decision. Any major change in any of the information given will require that the request go back through the process, with a new Request Fee. The undersigned authorize County Zoning Officials to enter the property in question in regards to the request.

Signature of Applicant _____ Date _____
 Signature of Owner David Peters by Kyle Hill Date 5-21-18

REQUEST: To rezone 0.23 acres from “R-S” Residential-Suburban District and 0.71 acres from “C” Commercial District to “C-M” Commercial-Manufacturing District for the establishment of an automobile dealership.

APPLICANT: Damir Dzanic, 7117 La Porte Road, Washburn, IA 50702.

LOCATION: The properties in question are located northwest of 7120 La Porte Road (Highway 218), which is approximately 850’ to the southeast of the intersection of La Porte Road and East Washburn Road.

ZONING

HISTORY: The two properties requested to be rezoned to “C-M” Commercial-Manufacturing District have been zoned “R-S” Residential-Suburban District and “C” Commercial District since the adoption of the Zoning Ordinance in November of 1982.

SURROUNDING

LAND USE: The majority of surrounding land use is residential to the northeast, northwest, southeast and southwest of La Porte Road, with the exception of one of the lots in question that is zoned for commercial uses. In all four directions around the site, all land is zoned “R-S” Residential-Suburban District. Also, the building at 107 Cedar Street, which is also requested to be rezoned appears to have been a restaurant according to county records. It should be noted that all of the nearby land that is zoned “C-M” Commercial District is located to the northeast of La Porte Road, with the exception of two houses directly across La Porte Road. The nearby land across La Porte Road that is zoned “C-M” Commercial-Manufacturing District are both used for construction businesses.

FUTURE LAND

USE MAP: The Black Hawk County Future Land Use Map, a component of the Black Hawk County Comprehensive Land Use Plan, designates this area as “Commercial/Industrial”. The proposed rezoning request would be in conformance with such designation. This designation is defined as the act of using land for business, including the engaging in the purchase, sale or exchange of goods or services, the operation for profit of offices, the processing, manufacturing, storage or distribution of products, or similar activities. This particular definition does not include commercial or industrial uses permitted in an agricultural or residential district. Though this designation is for Commercial/Industrial uses, the Future Land Use Map and Comprehensive Plan does not distinguish between less intensive commercial uses and more intensive industrial uses, rather the Zoning Ordinance is the primary document that differentiates between different uses within different zoning designations.

FLOOD PLAIN

INFORMATION: The area requested to be rezoned is not within a Special Flood Hazard Area as designated by the Federal Emergency Management Agency, map number 19013C0317F, adopted July 18, 2011.

LESA SCORE: The site has a LESA Score of 128 (low agricultural value) (see attached sheet), and an LE score of 69. The particular soils that are on the properties are classified in a group known as “urban complex”, as they are located directly in the developed portion of Washburn.

OTHER

INFORMATION: The applicant owns the commercially zoned lot to the northwest of 7120 La Porte Road and residentially zoned 107 Cedar Street. It has been indicated to staff that the applicant plans to use 107 Cedar Street as an office for the automobile dealership. The property zoned “C” Commercial District was originally utilized as a gas station until it closed, and after that it was used as a tropical fish store. The tropical fish store, which had an address of 7112 La Porte Road, completely burnt down in a fire on November 17, 2014.

The minimum lot requirements for the “C-M” Commercial-Manufacturing District are a 7,500 SF lot area and minimum lot width of 50’. The area of the two lots in question is 41,300 SF, and the lot width fronting up to La Porte Road is 140’. The setback requirements for the front, side and rear yards are 30’, 10’, and 30’. It should be noted that since this a corner lot, the front yard setback requirement of 30’ is required along both La Porte Road and Cedar Street.

This property is the only commercially zoned property located southeast of East Washburn Road, along the southwest side of La Porte Road. The edge of the developed “urban” area of Washburn ends approximately 2,300’ to the southeast of the properties requested to be rezoned. The “C” zoning district is designed to provide for commercial and normal business uses with interior storage required to serve the general needs of the residents of rural areas of Black Hawk County. Retail, service, recreational establishments and professional offices are Principal Permitted Uses in the “C” district. The “C-M” district is designed to provide for uses with exterior storage or industrial characteristics, which due to their size and nature would not be compatible with general rural developments of Black Hawk County. The district is further designed to permit the normal operation of all industries, subject to regulation needed to control congestion and to protect non-industrial uses. The “C-M” district is the least restrictive zoning district, and many uses are permissible which involve hazardous operations or circumstances, or create conditions or effects which, if not properly managed, could be unhealthy, offensive or injurious to workers or the public. Due to this reason and because of performance standards set forth provide only limited control, and any application for “C-M” district should be heavily scrutinized for proper spatial relationship to adjoining districts with respect to prevailing winds, traffic patterns, service facilities such as sewer, water, roads and public safety, compatibility with surrounding land uses, and other similar considerations. If this rezone request is granted, this could possibly set a precedence for more “C-M” zoning requests located southwest of La Porte Road in Washburn, and it would allow a zoning district that permits more intensive uses to encroach into an area that predominately consists of one and two-family residences. If the rezoning request was recommended for approval by the Planning and Zoning Commission, it would be the recommendation of staff that proper conditions be attached to limit and mitigate the proposed use to the

surrounding area, such as screening the use from adjacent residential uses by the use of landscaping and/or fencing and limit the display area to hard surface areas only.

An automobile, motorcycle, truck, trailer or recreation vehicle establishments for display, hire and sale (including sales lots), including repair work clearly incidental and secondary to the primary use requires issuance of a special use permit by the Black Hawk County Board of Adjustment after recommendation of the Planning and Zoning Commission.

AIRPORT
LAND USE
AND HEIGHT
OVERLAY
ZONING

ORDINANCE: The proposed rezone area is not within the Waterloo Regional Airport Land Use and Height Overlay Zoning Ordinance district.

TECHNICAL
REVIEW

COMMITTEE: The Black Hawk County Engineering Department sent an e-mail prior to the meeting indicating that they have no issues with the car dealership using Cedar Street, but if for some reason the site becomes a trucking business in the future, it is preferred that Cedar Street is not used. In addition, this location is not preferred for intensive commercial development because the surrounding land uses are residential and commercial properties are primarily located on the east side of Highway 218.

Black Hawk County Planning & Zoning Commission

June 19, 2018



**NW of 7120 La Porte Road
Rezone "R-S" & "C" to "C-M"
Damir Dzanic**

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

Applicant Information:		
	Name	Double D Transport
	Street Address	7112 La Porte Road
	City/State/Zip	Washburn, Iowa 50702
	Phone Number	
	Fax Number	
	Email Address	
	Parcel Identification Number	8812-29-202-001 and 8812-29-202-027
Person Performing Evaluation:		Seth Hyberger
Date of Evaluation:		3/28/2018

Land Value Category	LESA Score Range
Low Agricultural Value	0-196
Moderate Agricultural Value	197-241
High Agricultural Value	242-300

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

SITE ANALYSIS SUMMARY TABLE

PART ONE: LAND EVALUATION	POINTS	WEIGHT FACTOR	SCORE
1.0 Average Site Value	69	1	69
Subtotal			69
PART TWO: SITE ASSESSMENT	POINTS	WEIGHT FACTOR	SCORE
1.0 Land in Ag. Adjacent to Site	0	3	0
2.0 Percent of Area in Ag. within 1 Mile	6	3	18
3.0 Adjacent Zoning	0	3	0
4.0 Compatibility w/ Surround. & Plan	5	3	15
5.0 Environmental Factors	10	2	20
6.0 Distance to Urbanized Area	0	2	0
7.0 Size of Parent Parcel (Viability for Ag.)	0	1	0
8.0 Adjacent/Access Road Surface	0	1	0
9.0 Distance to Public Sewer	0	1	0
10.0 Distance to Fire/Rescue Services	6	1	6
Subtotal			59
PART ONE: LAND EVALUATION SCORE	(100 points possible)		69
PART TWO: SITE ASSESSMENT SCORE	(200 points possible)		59
TOTAL LESA SCORE	(300 points possible)		128

**BLACK HAWK COUNTY PLANNING AND ZONING COMMISSION
REQUEST FOR REZONE**

1. APPLICATION INFORMATION:

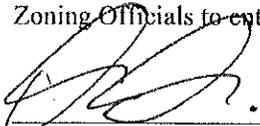
- a. Applicant's Name (please print): Dawn Dzanic
 Address: 7112 La Porte RD 107 Cedar St Phone: 319 504 8226
 City: Washburn State: IA Zip: 50707
- b. Status of Applicant: (a) Owner (b) Other (CHECK ONE); If other explain: _____
- c. Property Owner's Name if different than above (please print): _____
 Address: FF Phone: _____
 City: _____ State: _____ Zip: _____

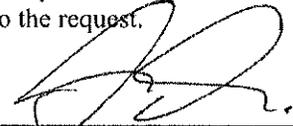
2. PROPERTY INFORMATION:

- a. Legal Description of Area to be Rezoned: Mayfair Addition Lot 8 Lot 9
and the NE 70ft of Lot 18 Lot 19
- b. General Location of Property: Corner of Cedar St & La Porte RD
- c. Dimensions of Proposed Zoning Boundary (Excluding Right of Way): 140X 223 & 144X 70
- d. Area of Proposed Zoning Boundary (Excluding Right of Way): 42,192 square ft
- e. Current Zoning District: Commercial B5 Requested Zoning District: CM
- f. The land will be utilized for: Car Dealership / Dealership.
- g. The natural character of the land will be disrupted in the following ways: N/A
- h. The following methods will be utilized to minimize the nature disruption: N/A
- i. Other pertinent information (Use reverse side if necessary): N/A
- j. Conditions (if any) agreed to: NONE

Please Note: If it is the intent to subdivide (split) any land, vacant or improved in conjunction with this request it **must** also go through a platting process (separate from rezone request).

The Request Fee of **\$200 + \$10 per acre (\$750 max)** (payable to Black Hawk County) is required (round amount down to nearest \$10 increment). **This fee is non-refundable.** The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Black Hawk County Planning and Zoning Commission and the Board of Supervisors in making their decision. Any major change in any of the information given will require that the request go back through the process, with a new Request Fee. The undersigned authorize County Zoning Officials to enter the property in question in regards to the request.

 5-29-18
 Signature of Applicant Date

 5-29-18
 Signature of Owner Date

REQUEST: Request for a special permit for the establishment of an automobile dealership to the northwest of 7120 La Porte Road and utilize 107 Cedar Street as an office.

APPLICANT: Damir Dzanic, 7117 La Porte Road, Washburn, IA 50702.

LOCATION: The properties in question are located northwest of 7120 La Porte Road (Highway 218), which is approximately 850' to the southeast of the intersection of La Porte Road and East Washburn Road.

ZONING

HISTORY: The two properties involved with this request have been zoned "R-S" Residential-Suburban District and "C" Commercial District since the adoption of the Zoning Ordinance in November of 1982. .

SURROUNDING

LAND USE: The majority of surrounding land use is residential to the northeast, northwest, southeast and southwest of La Porte Road, with the exception of one of the lots in question that is zoned for commercial uses. In all four directions around the site, all land is zoned "R-S" Residential-Suburban District. The building at 107 Cedar Street, which is the proposed office, appears to have been a restaurant according to county records and it is intended to use that building as an office.

FUTURE LAND

USE MAP: The Black Hawk County Future Land Use Map, a component of the Black Hawk County Comprehensive Land Use Plan, designates this area as "Commercial/Industrial". The proposed special permit request would be in conformance with such designation. This designation is defined as the act of using land for business, including the engaging in the purchase, sale or exchange of goods or services, the operation for profit of offices, the processing, manufacturing, storage or distribution of products, or similar activities. This particular definition does not include commercial or industrial uses permitted in an agricultural or residential district. Though this designation is for Commercial/Industrial uses, the Future Land Use Map and Comprehensive Plan does not distinguish between less intensive commercial uses and more intensive industrial uses, rather the Zoning Ordinance is the primary document that differentiates between different uses within different zoning designations.

FLOOD PLAIN

INFORMATION: The area requested to be rezoned is not within a Special Flood Hazard Area as designated by the Federal Emergency Management Agency, map number 19013C0317F, adopted July 18, 2011.

LESA SCORE: The site has a LESA Score of 128 (low agricultural value) (see attached sheet), and an LE score of 69. The particular soils that are on the properties are classified in a group known as "urban complex", as they are located completely in the developed portion of Washburn.

OTHER

INFORMATION: The applicant owns the commercially zoned lot to the northwest of 7120 La Porte Road and residentially zoned 107 Cedar Street. It has been indicated to staff that the applicant plans to use 107 Cedar Street as an office for the automobile dealership. The property zoned “C” Commercial District was originally utilized as a gas station until it closed, and after that it was used as a tropical fish store. The tropical fish store, which had an address of 7112 La Porte Road, completely burnt down in a fire on November 17, 2014.

This particular use requires issuance of a special use permit by the Black Hawk County Board of Adjustment after recommendation by the Planning and Zoning Commission due to the applicant requesting to rezone the land to “C-M” Commercial-Manufacturing District. Under the Use Exceptions within the provisions for the “C-M” district, an automobile, motorcycle, truck, trailer or recreation vehicle establishments for display, hire and sale (including sales lots), including repair work clearly incidental and secondary to the primary use requires is listed as a conditional use.

In the rezoning staff report, staff recommended that if the rezoning were approved by the Planning and Zoning Commission, it would be the recommendation of staff that proper conditions be attached to limit and mitigate the proposed use to the surrounding area, such as screening the use from adjacent residential uses by the use of landscaping and/or fencing and limit the display area to hard surface areas only.

AIRPORT
LAND USE
AND HEIGHT
OVERLAY
ZONING

ORDINANCE: The proposed rezone area is not within the Waterloo Regional Airport Land Use and Height Overlay Zoning Ordinance district.

TECHNICAL
REVIEW

COMMITTEE: The Technical Review Committee indicated that most of the businesses zoned commercial-manufacturing are on the opposite side of Highway 218.

**Black Hawk County Planning & Zoning Commission
June 19, 2018**



**NW of 7120 La Porte Road
Special Permit
Double D Transport, LLC**

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

Applicant Information:		
	Name	Double D Transport
	Street Address	7112 La Porte Road
	City/State/Zip	Washburn, Iowa 50702
	Phone Number	
	Fax Number	
	Email Address	
	Parcel Identification Number	8812-29-202-001 and 8812-29-202-027
Person Performing Evaluation:		Seth Hyberger
Date of Evaluation:		3/28/2018

Land Value Category	LESA Score Range
Low Agricultural Value	0-196
Moderate Agricultural Value	197-241
High Agricultural Value	242-300

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

SITE ANALYSIS SUMMARY TABLE

PART ONE: LAND EVALUATION	POINTS	WEIGHT FACTOR	SCORE
1.0 Average Site Value	69	1	69
Subtotal			69
PART TWO: SITE ASSESSMENT	POINTS	WEIGHT FACTOR	SCORE
1.0 Land in Ag. Adjacent to Site	0	3	0
2.0 Percent of Area in Ag. within 1 Mile	6	3	18
3.0 Adjacent Zoning	0	3	0
4.0 Compatibility w/ Surround. & Plan	5	3	15
5.0 Environmental Factors	10	2	20
6.0 Distance to Urbanized Area	0	2	0
7.0 Size of Parent Parcel (Viability for Ag.)	0	1	0
8.0 Adjacent/Access Road Surface	0	1	0
9.0 Distance to Public Sewer	0	1	0
10.0 Distance to Fire/Rescue Services	6	1	6
Subtotal			59
PART ONE: LAND EVALUATION SCORE	(100 points possible)		69
PART TWO: SITE ASSESSMENT SCORE	(200 points possible)		59
TOTAL LESA SCORE	(300 points possible)		128

REQUEST: Request to rezone 8.65 acres from “A” Agricultural District to “A-R” Agricultural-Residential District, to allow for the construction of three new single-family homes.

APPLICANT: James Bosier, 6410 N Butler Road, Cedar Falls, IA 50613.

LOCATION: The property in question is located just east of 10626 Mark Road, approximately 1/2 mile west of the Mark Road and Pashby Road intersection.

ZONING

HISTORY: The property has been zoned “A” Agricultural District since the adoption of the Zoning Ordinance in 1982.

SURROUNDING

LAND USE: The surrounding land uses are “A” Agricultural District to the north, south, east, and “A-R” Agricultural-Residential District and “A” Agricultural District to the west. There are trees, a few small lakes, and farmland in the near vicinity.

FUTURE LAND

USE MAP: The Black Hawk County Future Land Use Map, adopted as a component of the Black Hawk County Comprehensive Land Use Plan, designates this property as “Agricultural.” Land to the north, east, and west are designated as “Agricultural.” Land to the south is designated as Parks and Open Space.

FLOOD PLAIN

INFORMATION: The property in question is not located in a special flood hazard area as designated by the Federal Emergency Management Agency. The FIRM Panel number is 19013CO135F.

LESA SCORE: The property has a LESA score of 210, which has a moderate agricultural value, and the LE (Land Evaluation) component of the LESA score is 51 out of 100. (see attached sheet).

OTHER

INFORMATION: The applicant wishes to rezone 8.65 acres from “A” Agricultural District to “A-R” Agricultural-Residential District in order to build three new single family homes. All three of the rezone areas will be 2.9 Acres in size and will meet the lot and size requirements for the “A-R” Agricultural-Residential District by being greater than 1.5 acres and wider than 150 feet. None of the land that is to be rezoned is currently in row crop production and has been pasture land for the last 15 years.

It should also be noted that the land adjacent to the rezone area was approved to rezone 4.31 acres from “A” Agricultural District to “A-R” Agricultural-Residential District to allow for the construction of 2 new single family homes and was approved by the Board of Supervisors on 9/26/2018.

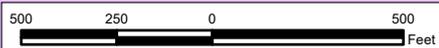
TECHNICAL
REVIEW

COMMITTEE: Hyberger noted 10626 Mark Road was recently approved for a rezone from “A” Agricultural District to “A-R” Agricultural-Residential District to build two additional single family homes. The Technical Review Committee had no issues with this request.

Black Hawk County Planning & Zoning Commission June 19, 2018



**E of 10626 Mark Road
Rezone "A" to "A-R"
Bosier Rezone**



Bosier Property 6410 N. Butler Rd

319-269-0591

Bosier North Property Line

$$661 \times 191 = 126,251 \div 43,560 = 2.9 \text{ acres}$$

$$\begin{array}{r} 750 \text{ to center} - 33 = 717 \\ 125556 \\ \hline 699 \\ 199 \end{array}$$

N. Butler Rd

Rezone from A
to A-R
three lots of equal
size

Hox & E
Corner

636.8

Serry
Rolling

Hox

Rezone
boundary

New
Lot

New
Lot

Lot
1

Lot
2

Lot
3

750 to center - 33 = 717

This street stays with Bosier

Bosier East Property Line

Mark Rd

623.7

$$\frac{50}{573 \div 3} = 191$$

$$191 \times 717 = 136,887$$

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

Applicant Information:		
	Name	James C. Bosier
	Street Address	6410 N Butler Road
	City/State/Zip	Cedar Falls, IA 50613
	Phone Number	
	Fax Number	
	Email Address	
	Parcel Identification Number	9014-18-376-003 and 9014-18-376-400
Person Performing Evaluation:		Seth Hyberger
Date of Evaluation:		6/1/2018

Land Value Category	LESA Score Range
Low Agricultural Value	0-196
Moderate Agricultural Value	197-241
High Agricultural Value	242-300

**LAND EVALUATION AND SITE ASSESSMENT (LESA) SYSTEM
BLACK HAWK COUNTY, IOWA**

SITE ANALYSIS SUMMARY TABLE

PART ONE: LAND EVALUATION	POINTS	WEIGHT FACTOR	SCORE
1.0 Average Site Value	52	1	52
Subtotal			52
PART TWO: SITE ASSESSMENT			
PART TWO: SITE ASSESSMENT	POINTS	WEIGHT FACTOR	SCORE
1.0 Land in Ag. Adjacent to Site	6	3	18
2.0 Percent of Area in Ag. within 1 Mile	9	3	27
3.0 Adjacent Zoning	8	3	24
4.0 Compatibility w/ Surround. & Plan	5	3	15
5.0 Environmental Factors	8	2	16
6.0 Distance to Urbanized Area	10	2	20
7.0 Size of Parent Parcel (Viability for Ag.)	8	1	8
8.0 Adjacent/Access Road Surface	10	1	10
9.0 Distance to Public Sewer	10	1	10
10.0 Distance to Fire/Rescue Services	10	1	10
Subtotal			158
PART ONE: LAND EVALUATION SCORE (100 points possible)			
			52
PART TWO: SITE ASSESSMENT SCORE (200 points possible)			
			158
TOTAL LESA SCORE (300 points possible)			
			210

BLACK HAWK COUNTY PLANNING AND ZONING COMMISSION REQUEST FOR REZONE

1. APPLICATION INFORMATION:

- a. Applicant's Name (please print): James E. Bosier
 Address: 6410 N. Butler Rd Phone: 319-269-0591
 City: Cedar Falls State: IA Zip: 50613
- b. Status of Applicant: (a) Owner (b) Other (CHECK ONE); If other explain: _____
- c. Property Owner's Name if different than above (please print): Above
 Address: _____ Phone: _____
 City: _____ State: _____ Zip: _____

2. PROPERTY INFORMATION:

- a. Legal Description of Area to be Rezoned: The West 570 feet of the East 620 feet of the South 694 feet of the Southeast 1/4 of the Southwest 1/4 of Section 18, T90N, R14W, Black Hawk County, Iowa.
- b. General Location of Property: SE corner of Bosier Property @ 6410 N. Butler Rd C.F.
- c. Dimensions of Proposed Zoning Boundary (Excluding Right of Way): 570' X 661'
- d. Area of Proposed Zoning Boundary (Excluding Right of Way): 0.65 acres (2.9 acres per lot)
- e. Current Zoning District: A Requested Zoning District: A-R
- f. The land will be utilized for: 3 lots for Homes
- g. The natural character of the land will be disrupted in the following ways: only to add a home - flat area should be any disruption
- h. The following methods will be utilized to minimize the nature disruption: Shouldn't be any disruption
- i. Other pertinent information (Use reverse side if necessary): This area is not used as row crop only used as pasture land has some timber on it
- j. Conditions (if any) agreed to: None

Please Note: If it is the intent to subdivide (split) any land, vacant or improved in conjunction with this request it **must** also go through a platting process (separate from rezone request).

The Request Fee of \$200 + \$10 per acre (\$750 max) (payable to Black Hawk County) is required (round amount down to nearest \$10 increment). The undersigned certify under oath and under the penalties of perjury that all information on this request and submitted along with it is true and correct. All information submitted will be used by the Black Hawk County Planning and Zoning Commission and the Board of Supervisors in making their decision. Any major change in any of the information given will require that the request go back through the process, with a new Request Fee. The undersigned authorize County Zoning Officials to enter the property in question in regards to the request.

James C Bosier 5-25-18
 Signature of Applicant Date

James C Bosier 5-25-18
 Signature of Owner Date