

**LINN COUNTY PLANNING & ZONING COMMISSION**

**MINUTES**

**Monday, June 15, 2020**

The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Chair, Christine Landa.

Special Statement: As a result of the ongoing COVID-19 pandemic, this meeting was held electronically. All county buildings have been closed to the public until further notice.

**QUORUM DETERMINED:**

**PRESENT:**

Christine Landa, Chair	2020
George Maxwell	2020
Allen Wagner	2024
Curt Eilers	2022

**ABSENT:**

**STAFF:**

Les Beck, Director  
Charlie Nichols, Planning & Zoning Division Manager  
Stephanie Lientz, Senior Planner  
Mike Tertinger, Planner II  
Jessica Black, Recording Secretary  
Rachael Schaefer, Planning & Development Intern

**APPROVAL OF MINUTES**

The minutes of the May 18, 2020 Planning & Zoning Commission meeting were approved as submitted.

**CONSENT AGENDA**

JPS20-0009	Stoner Farm First Addition	Residential Parcel Split
JPS20-0010	Teymer Addition	Residential Parcel Split

**Motion by Maxwell to approve the consent agenda, subject to the conditions of the staff reports. Second by Eilers .**

<b>Wagner</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Landa</b>	<b>Aye</b>

**Election of Vice-Chair**

Motion by Maxwell to nominate Eilers as vice-chair. Second by Wagner. All others present voting aye.

## **REGULAR AGENDA**

### **JP19-0001 Hilltop Farm Second Addition**

### **Preliminary Plat**

The proposed preliminary plat is a 4-lot replat of Auditor's Plat #509, except Hilltop Farm First Addition. The approval of the preliminary plat case will result in a total of 4 buildable lots. The land use map designation for the property is RRD2 (Rural Residential Development 2-Acre Area), and each lot is proposed to contain over 2 acres. There are two existing dwellings and several accessory structures on the property, which will be demolished. Three nonbuildable outlots have also been proposed. Rezoning from AG (Agricultural) to RR2 (Rural Residential 2-Acre) will be required, and a rezoning case will be submitted at a later time, along with a final plat case.

This proposal meets standards for approval in Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets both MLS and LESA requirements, and earned a LESA score of 174.85 (the minimum threshold needed to pass with an RRDA land use designation is 110). There is an access easement along Witwer Lane, and the applicant will need to obtain permission for development access from the other two property owners accessing Witwer Lane prior to consideration by the Board of Supervisors.

Staff recommends approval subject to conditions of the staff report.

Janet Pilcher, 4404 Witwer Ln, commended Trevor Parks for the work he's done on this property.

**Motion by to Maxwell to recommend approval of case JP19-0001 , subject to the conditions of the staff report . Second by Wagner .**

<b>Wagner</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Landa</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Aye</b>

**JC20-0010 Conditional Use - Agricultural chemical and fuel storage and distribution facility**

**Steven Batcheler , Owner  
Linn Cooperative Oil Company,  
Applicant**

The applicant is proposing the construction and operation of an agricultural chemical and fuel storage and distribution facility on the subject property. Materials to be stored

on site include: anhydrous ammonia, dry fertilizer, liquid nitrogen, agricultural chemicals, liquid propane, diesel fuel, and gas/gasohol. The site plan shows four phases of expansion of the operation on the site: the first phase includes an office, shop, chemical and anhydrous storage; the second phase includes a fertilizer plant, fuel plant, and a liquid propane plant; phase three includes a wash bay and cold storage; and phase four includes another office and warehouse structure.

Agricultural chemicals, fertilizer, liquid propane, and other related fuels or anhydrous ammonia storage and distribution is an allowed use in the AG (Agricultural) zoning district with a Conditional Use Permit. It appears that the proposal meets all of the **standards for approval for Conditional Use Permits in Article IV, Section 107-73, § (4) of the Linn County Unified Development Code (UDC)**. The proposal also appears to meet the standards for agricultural chemical/fuel storage and distribution in Article VI, Section 107-115 § (g) of the UDC. **Additional state and county permits required for this use shall be obtained prior to commencing operation on the site.** Burnett Station Road must be hard surfaced from the facility entrance to Highway 13.

Staff recommends approval subject to the conditions of the staff report.

Eilers said this seems to be a vast difference from low intensity use to high intensity use, but seems perfectly compliant. Big change without any kind of zoning changes needed. Nichols agreed, adding that the Ag zoning district allows a wide variety of uses.

Ron Woeste (applicant), General Manager at Linn Cooperative Oil Company, offered to answer any questions from the Commission.

Maxwell suggested moving the driveway 300 feet to the west of proposed location. He expressed concern about semi drivers being able to see or having enough time to pull out of the driveway and get up to speed. Woeste said the proposed driveways are positioned on the highest point of the property to allow for greatest visibility. Nichols said staff would talk to Linn County Secondary Roads to get their input on the proposed driveway location.

Rick Batcheler, 1893 Burnett Station Road, expressed concerns about the placement of anhydrous ammonia tanks, stating that he would like them as far away from his property as possible. Woeste explained that the tanks would be placed as far south and west as possible. He also stated the proposed location for anhydrous ammonia tanks was approved by the Iowa Department of Agriculture & Land Stewardship.

Jack Kintzle, owner of GPN 072137600100000, agreed with Maxwell's concerns about visibility and traffic. Kintzle stated he had no objection to Conditional Use. He wondered if the proposal involved the widening of Burnett Station Road. Nichols said no.

**Motion by to Eilers to recommend approval of case JC20-0010 , subject to the conditions of the staff report . Second by Wagner .**

<b>Landa</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Nay</b>
<b>Eilers</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>

## **OTHER BUSINESS**

Beck gave the commission a brief update on the Dows Farm Agri-Community Governing Plan. He reminded the Commission that they will be asked to make a recommendation for approval to the Board of Supervisors by way of Resolution in July. He said Black will work with the commission to set up another work session prior to the July PZC meeting.

Eilers wondered if he could get a print out of the Dows Farm PowerPoint. Beck said yes.

## **COMMISSION COMMENTS**

### **STAFF COMMENTS**

Beck briefly explained the HF2512 bill, recently enacted legislation signed into law by Governor Reynolds, effective June 1, 2020. The bill requires entire memberships of county Planning & Zoning Commissions and zoning Boards of Adjustment to be made up of residents who live in the unincorporated areas of the county. Due to the recent changes, Gatewood, Carson, and Bellon are no longer able to serve on the commission. Beck remained hopeful that the Commission would be full, operating with seven members, by the July PZC meeting.

Beck thanked all four remaining commission members for attending the meeting.

Beck informed the Commission that the Jean Oxley Public Service Center is scheduled to open on July 20<sup>th</sup>, therefore the next Planning & Zoning Commission meeting may be an in-person meeting.

## **PUBLIC COMMENTS**

### **ADJOURNMENT**

The meeting was adjourned at 7:47 p.m.

Respectfully submitted,

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Christine Landa, Chair

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Jessica Black, Recording Secretary