

WAPELLO COUNTY BOARD PROCEEDINGS

DATE: 11-17-2015

TIME: 9:30 a.m.

PRESENT: Steve Siegel, Chair; Greg Kenning, Vice Chair; Jerry Parker, Supervisor; Brian Moore, Engineer; Dave Gordy; Rodger Foreman, Darren & Samantha Johnson; Brian Foreman; Rodger Foreman, Sr.; Doug Heinje; Mark Newman, Courier newspaper; Pam Norton, Auditor's Clerk.

Chair Siegel opened the meeting. Vice Chair Kenning moved, seconded by Supervisor Parker to approve the agenda. Motion carried.

Supervisor Parker moved, seconded by Vice Chair Kenning to approve the minutes of the November 10, 2015 Board meeting. Motion carried.

PUBLIC HEARING FOR A PROPOSED CHANGE IN ZONING FROM R-1 TO A-2. No written comments were received. Supervisor Parker read an email he'd received from Dave Barker stating that he has two acres of land on Lake Road that he wants to build a house on. If the land is rezoned A-1, he said he would need more land in order to build on. And also there is no fence between the Rodger Foreman land and his, and he's concerned for livestock getting out.

Rodger Foreman said the two acres that Dave Barker has doesn't meet requirements to be zoned. And his livestock will not be getting out (going to build a fence). He references zoning chapter 40.02 section 3, purpose is to promote public health, et al. He said I have severe PTSD and my health would be beneficial to have a hobby farm. Safety, fences have been used for generations. Animals are of a docile nature. I believe my property was devalued because of zoning (zoned residential). I have proof it has been a farm for quite some time. The assessor has it zoned residential for the past decade and the assessed taxable value goes up with R-1 classification. It's 12 acres. I have 3 acres in CRP producing a profit, putting the rest of the land fenced, that will be his boundary. Ag land just adjacent, not valid. I asked for a variance. Since I'm going for A-2, not restrictions, not going to be a hog farm on it. All I want is a hobby farm for my health.

Supervisor Kenning asked what number of animals he's talking about.

Rodger Foreman said the law doesn't ask me to be specific.

Brian Foreman, Rodger's brother, asked what's the purpose of identifying the number of livestock.

Supervisor Kenning said if you have 50 cows on 12 acres, you've got a health problem, that's my problem. Neighbors could be affected by that. I need to know what's an acceptable number.

Supervisor Parker said it could well be accepted that two horses wouldn't affect, but you may not own the property tomorrow. Those that bought R-1, A-2 it could be 50 horses tomorrow.

Rodger Foreman said by zoning A-2, you can't require me to have restrictions on my land.

Supervisor Parker said do we want to change this without restrictions, that's what we're looking at today.

Dave Gordy said it seems like this is just another issuance. He's 5 miles outside the city limits. The R-1 code does not deny the property being used for a farm or approve it as being used for a farm. The city has a 3 acre rule. The city of Albia has 4 acres, Iowa City has 5 acres. The idea that a person with a decent allotment of land has to live next to a hog lot, absolutely not. Meet health and safety concerns. Question, where is the common sense.

Darren Johnson said we served in combat together in Iraq. He's the last house on that road. Across the road is a bean field. There is everything on that road. The house sat empty 6 years. He bought it hoping he could provide for his family.

Roger Foreman, Sr. said I farmed in Jefferson County for a number of years, raising corn, beans, hay for cattle and raised a few hogs. My son's upbringing was around agriculture. He asked me what a hobby farm is. He's very much aware about what logic it takes for a hobby farm. In general, I don't think he's asking for anything out of line for this hearing. Thank you very much.

Rodger Foreman said my property is 12 acres out in the county. How would you feel if you couldn't plant a tree, etc. I can't put a 4 ½ foot fence in my yard. I feel like you think I'm being arrogant.

Supervisor Siegel said we've had zoning for 40 years, this one for 16 years. We tried to eliminate cases where housing and this clash.

Brian Foreman said I don't currently reside in Iowa. Part of my purpose is to purchase land when I retire. After seeing how some of the zoning is, it does leave me a factor. Rodger's trying to do this right, have the law work for him and the county. Property tax is a mute point, in a couple of years not going to make any difference. Not being enforced currently.

Supervisor Parker said when you make the comment people won't want to come here with restrictions, it goes both ways.

Darren Johnson said as far as things up and down that road (zoning), maybe he wants to put a playhouse out there for his kids. People across the road have one. Sheds are less than 10 years old.

Engineer Moore said you can have a playhouse out there.

Dave Gordy said you're not enforcing these things because you don't know about them.

Engineer Moore said we do have building codes. If there, we'll address them. If those properties were as they were, all of a sudden they're R-1, they don't have to come into compliance. (Supervisor Siegel reads section 40.23.)

Supervisor Parker said taxes have no motivation here at all.

Rodger Foreman said my health would benefit having a hobby farm.

Doug Heinje said he owns ground that borders on the north and east. I have 100 acres that this decision will affect if I want to sell it. I'm interested in knowing the decision. The reason I'm here I have two items to discuss. The rest of the land I own with potential buyer, fencing requirements. Who is responsible for the cost of identifying property lines. I paid to have that property surveyed. If pins aren't there, I'm concerned about the property lines.

Engineer Moore said have a new survey done to re-establish the lines.

Rodger Foreman said if I wanted to resurvey it, I would pay for it myself.

Doug Heinje said my land starts at Little Soap Creek Bridge. If I sell it to someone else and we change it from A-1 to R-2, the next person is going to want to do the same thing. I would expect to be treated the same way.

Dave Gordy said Mr. Heinje makes a good point. If he sells, what will it be used for or want to develop. Maybe the issue is making addendums to the zoning laws.

Supervisor Parker said when talking about being less restrictive, I've been consistent about my voting. Whatever we have we have to enforce. To go into R-1 areas, we have to be consistent.

Supervisor Parker said south of town friends bought and built homes. They saw row crops, then a few years later a sand plant came in. Common sense is the prevailing thought today. We look at the restrictions today.

Darren Johnson said common sense, we're talking about the country. Why can't you have livestock.

Supervisor Siegel said I think we all sympathized with the home owners out there.

Darren Johnson said how come others have outbuildings built. I can take pictures for you, I have nothing else to do, I'm retired.

Doug Heinje said my concern is that there's going to be a precedent set here today. When Brian build his house at \$500,000 he just wanted a house.

Supervisor Parker said one comment you've said, we've not shut down hobby farms.

Brian Foreman said what's considered to be a hobby farm. If current law doesn't make it clear what is allowed, it needs to be rewritten.

Supervisor Kenning said they've raised a lot of good issues. The argument becomes the number, not what but how many. We perhaps need to determine what a hobby farm is. (Reads from the minutes of the zoning commission). Be careful, I'm looking at what you've said.

Rodger Foreman said what amenities am I suppose to get.

Supervisor Parker said you get about 50% if you were living in town.

Mark Newman, Courier newspaper, asked what A-2 allows. (Supervisor Siegel reads it).

Dave Gordy said there's no space between absolutely nothing and absolutely everything.

Rodger Foreman, Sr. said I think we've pretty well bounced the ball. When you get into a hobby farm, logically you want to maintain your numbers, it's called calling your herd.

Rodger Foreman said I need an answer what to expect for being zoned R-1.

Supervisor Parker said you chose to live there. I don't know what amenities are for you.

11:13 a.m. Supervisor Parker moved, seconded by Vice Chair Kenning to close the public hearing. Motion carried.

Supervisor Parker moved, seconded by Vice Chair Kenning to deny the request. Motion carried.

Supervisor Parker moved, seconded by Vice Chair Kenning to accept and file the Clerk of Court's monthly report for October 2015. Motion carried.

Supervisor Parker moved, seconded by Vice Chair Kenning to adjourn. Motion carried.

ATTEST:

Kelly Spurgeon
Wapello County Auditor

Steve Siegel, Chair
Board of Supervisors

