



Document 104114 Rerecorded

Book 2010 Page 4114 Type 04 099 Pages 21 Recorder Use Only
Date 10/14/2010 Time 3:05 PM
Rec Amt \$.00

SHERYL J THUL, COUNTY RECORDER
BOONE IOWA

ret. to Co. Auditor

**BOARD OF SUPERVISOR
BOONE COUNTY, IOWA**

ORDINANCE NO. 102



Document 103546

Book 2010 Page 3546 Type 04 099 Pages 5
Date 9/13/2010 Time 10:45 AM
Rec Amt \$.00

SHERYL J THUL, COUNTY RECORDER
BOONE IOWA

ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP

LEGAL DESCRIPTION:

(PIN 088326171300005). PARCEL 'C' SW CONTAINING APPROXIMATELY TWO (2) ACRES, MORE OR LESS, AND...

(PIN 088326171300004 TO BE FURTHER DIVIDED). SW NE, INCLUDING 2.69 ACRES OF FLOWAGE EASEMENT EAST OF ROAD (EXCEPT PARCELS A, B, & C & EXCEPT SAYLORVILLE TRACT #1104) 17-83-26 ...

WHEREAS, at certain times it is necessary to amend the Boone County Official Zoning Map when addressing issues of growth, farmland preservation, conservation, and desires of the property owner and citizens.

WHEREAS, at certain times it is necessary for a land owner, the applicant, or the county request that property(ies) or parcel(s) or lot(s) be rezoned in order to accommodate a different land use in accordance with the local zoning regulation.

WHEREAS, E.P Frazier, Inc. submitted Land Division Application No. 2009-038 on October 6, 2009. Said Land Division Application was approved as a simple Property Split by the Boone County Plat Officer on October 9, 2009. The Deed Holder of *Parent Parcel* 088326171300002 was Woodrow and Betty Myers of 111 W 4th Street, Apt. 203, Boone, Iowa. From this Property Split two (2) Junior or Sub-Parcels were created from the (+/-) 17.98 Gross Acres.

WHEREAS, Junior or Sub-Parcel 088326171300005 was created from the Parent Parcel 088326171300002 (Parcel C) consisting of 2.11 Gross Acres minus 0.11 Acre Road Easement or two (2.0) Net Acres consisting of a homestead with existing buildings. Valerie Williams is the Contract Holder of said Junior or Sub-Parcel.

WHEREAS, Junior or Sub-Parcel 08826171300004 was created from the Parent Parcel 088326171300002 consisting of (+/-) 15.87 Gross Acres of timberland and steep slopes minus 3.81 Acres road Easement or 12.06 Net Acres for future home sites. E.P. Frazier, Inc. is the Deed Holder of said Junior or Sub-Parcel.

WHEREAS, E.P. Frazier, Inc. did trigger a minor subdivision with his latest Land Division Application No. 2010-013 dated January 28, 2010 to further divide Junior or Sub-Parcel 088326171300004 into to two (2) residential lots of 9.89 Gross Acres/7.48 Net Acres and 5.56 Gross Acres/4.59 Net Acres.

WHEREAS, minor and major residential subdivisions are not allowed within the A-1 Agricultural Conservation District thereby requiring the rezoning of the subdivision to TA-1 Transitional Agricultural District, or R-1 Rural Estates Residential District, or R-2 Urban Residential District.

WHEREAS, E P Frazier, Inc. and Valerie Elaine Williams are petitioning to rezone their properties from A-1 Agricultural Conservation District to TA-1 Transitional Agricultural District. Rezoning of properties in order to accommodate a minor subdivision prior to the commencement of submitting a preliminary and final plat for approval.

WHEREAS, said E.P.. Frazier, Inc properties are comprised mostly of timberland and steep slopes and environmentally unique.

WHEREAS, E.P. Frazier, Inc. and Valerie Williams did adequately described the nature of the proposed residential subdivision project for which the rezoning is being requested.

WHEREAS, E. P. Frazier, Inc. and Valerie Williams did adequately demonstrated how the rezoning being requested conforms with the adopted comprehensive development plan and future land use map.

WHEREAS, the applicant or property owner did adequately demonstrated that the rezoning being requested is in conformance with the statement of intent for the zoning district and requirements for the zoning district.

WHEREAS, the applicant or property owner did adequately demonstrated the compatibility of the proposed rezoning and project with the character of the immediate vicinity and with the potential development and use of adjacent property.

WHEREAS, the applicant or property owner did adequately described the suitabilities and limitations imposed by the site's natural resources for the proposed land use including any measures to mitigate development impacts and protect environmental resources from erosion, sedimentation, flooding, storm water runoff into neighboring properties, view shed protection, slope plantings, established mature growth, et cetera.

WHEREAS, the applicant or property owner did adequately described the impacts of the proposed land use on public and private facilities and services including transportation driveways, streets, roads into and out of the site, customer and employee parking, loading and unloading, water, waste treatment and police and fire protection.

WHEREAS, the Director of Planning and Development forwarded a recommendation for approval to the Boone County Zoning Commission. The Zoning Commission held a public hearing on Monday, March 29, 2010 in accordance with Iowa Code. The Zoning Commission moved to "recommend approval" of the proposed amendment to the Boone County Official Zoning Map provided that a Conservation Overlay District be included with the proposed rezoning. The recommendation to the Boone County Board of Supervisors for the proposed map amendment to the Boone County Official Zoning Map has been certified by the Thomas Ross, Chair of the Boone County Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BOONE COUNTY, IOWA AS FOLLOWS:

SECTION ONE: That the Boone County Board of Supervisors shall, and it does hereby, approve an amendment to the Boone County Zoning Ordinance as summarized above (See Exhibit A); that said properties be rezoned from A-1 Agricultural Conservation District to TA-1 Transitional Agricultural District.

SECTION TWO: Approval with the following conditions:

- 1. Provided a Conservation Overlay District be attached to the said lands to be rezoned, and that all conservation standards set forth for said conservation overlay district be adhered to as depicted in the Boone County zoning regulations.

SECTION THREE: That this amendment shall be in full force and effect from and after its passage and approval in the manner provided by law.

ACTION UPON FIRST READING

DATE: May 4, 2010

Moved by: Foster

Seconded by: O'Brien

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Mike O'Brien Bill Lusher Tom Foster

ACTION UPON SECOND READING

DATE: May 11, 2010

Moved by: O'Brien

Seconded by: Foster

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Mike O'Brien Bill Lusher Tom Foster

ACTION UPON FINAL READING - TABLED

DATE: May 18, 2010

Moved by: Foster

Seconded by: O'Brien

Discussion: **To table final approval of Ordinance #102 for a maximum of thirty days until an agreement is signed as to application of conservation overlay district.**

Ordinance: 102

AYES (A), NAYES (N), ABSENT (X):

Mike O'Brien

A

Bill Lusher

A

Tom Foster

A

ACTION UPON FINAL READING

DATE: August 10, 2010

Moved by: O'Brien

Seconded by: Foster

Discussion: **This motion was to confirm the approval of the third reading that was held on May 18, 2010 and adopt Ordinance #102.**

AYES (A), NAYES (N), ABSENT (X):

Mike O'Brien

A

Bill Lusher

A

Tom Foster

A

William J. Lusher
Chairman
Boone County Board of Supervisors

August 31, 2010

Date

Philippe E. Meier
ATTEST:
Philippe E. Meier, County Auditor

August 31, 2010

Date

I hereby agree to the conditions set forth above.

EP Frazier
Applicant Signature *PRESIDENT*

31 AUGUST 2010
Date

