

Recorder Use Only



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SHERYL J THUL, COUNTY RECORDER
BOONE IOWA

ret. to Co. Auditor
**BOARD OF SUPERVISOR
BOONE COUNTY, IOWA**

ORDINANCE NO. 104

ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP

LEGAL DESCRIPTION:

NW ¼¼ SW ¼ (EXCEPT BALANCE OF SAYLORVILLE TRACT 1015-1) of Section 33, Township 83 North, Range 26 West of the 5th P.M., Boone County, Iowa, containing approximately 36.25 acres.

PETITIONER: Boone County Planning and Development Services, 201 State Street, Boone, Iowa 50036

PROPERTY OWNER: Jorgen Johansen, 1397 274th Lane, Boone, Iowa

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 the County Boone to 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, Boone County Planning and Development is requesting to establish a CO Conservation Overlay District on Jorgen Johansen's (+/-) 36.25 acres which is consistent with the Boone County Comprehensive Plan and Future Land Use Map. Refer to Attachment "A" (as recorded in the Boone County Recorder's Office).

WHEREAS, Jorgen Johansen submitted Land Division Application No. 2010-014 on April 15, 2010. Said Land Division Application was approved as a simple Property Split by the Boone County Plat Officer on May 5 2010. The Deed Holder of *Parent Parcel* 088326333200002 is Jorgen Johansen of 1397 274th Lane, Boone, Iowa. From this parent parcel property split two (2) Junior or Sub-Parcels were created from the (+/-) 36.25 net acres.

WHEREAS, Jorgen Johansen submitted Land Division Application 2010-014 for the purpose of building a new home for himself on the (+/-) 36.25 acres. That the existing home shall be rented out and eventually sold.

WHEREAS, Jorgen Johansen did trigger a property split within a half mile of the Des Moines River. Said property split shall be consistent with the requirements of the CO Conservation Overlay District as outlined in Section 4.13.03 of the Boone County Zoning Ordinance.

WHEREAS, Jorgen Johansen property is comprised of timberland. Location of the proposed new home has a (+/-) 7 percent slope and environmentally unique.

WHEREAS, the Director of Planning and Development forwarded to the Zoning Commission a recommendation for approval to add a CO Conservation Overlay District on top of existing A-1 Agricultural Conservation District base zoning. The Zoning Commission held a public hearing on Monday, May 24, 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 property(ies) be include a CO Conservation Overlay District on top of the existing A-1 Agricultural Conservation District base zoning.

SECTION TWO: Approval with the following conditions:

A Conservation Overlay District be attached to said property. Said base zoning shall remain A-1 Agricultural Conservation and that all conservation standards set forth for said conservation overlay district be adhered to as depicted in Section 4.13 of the Boone County Zoning Ordinance.

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.

Ordinance: 104

ACTION UPON FIRST READING

Moved by: Foster

Seconded

by: O'Brien

Discussion:

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

Mike O'Brien [A] Bill Lusher

DATE: June 15, 2010

[A] Tom Foster [A]

ACTION UPON SECOND READING

Moved by: O'Brien

Seconded

by: Foster

Discussion:

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

Mike O'Brien [A] Bill Lusher

DATE: June 22, 2010

[X] Tom Foster [A]

ACTION UPON FINAL READING

Moved by: O'Brien

Seconded

by: Foster

Discussion:

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

Mike O'Brien [A] Bill Lusher

DATE: June 29, 2010

[A] Tom Foster [A]

Chairman
Boone County Board of Supervisors

June 29, 2010
Date

Philippe E. Meier

June 29, 2010
Date

ATTEST:
Philippe E. Meier, County Auditor

I hereby agree to the conditions set forth above.

Applicant Signature

8/19/10
Date

