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SHERYL J THUL, COUNTY RECORDER
BOONE IOWA

**BOARD OF SUPERVISORS
BOONE COUNTY, IOWA**

Ret-Boone County Auditor

ORDINANCE NO. 74

ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP

THE SE SE and the NE SE and the southern part of the SE NE OF SECTION 1-84-25, BOONE COUNTY, IOWA. APPROXIMATELY 31 ACRES. (SEE EXHIBIT A AS RECORDED WITH THIS DOCUMENT IN BOONE COUNTY RECORDERS OFFICE)

WHEREAS, In this case, the Pond Farm Company has petitioned Boone County to rezone the property described hereinabove from A-1 (Agricultural) to R-1 (Residential) to accommodate a single-family residential subdivision;

WHEREAS, The Director of Planning and Development has forwarded a recommendation for approval to the Boone County Zoning Commission with a condition to remove 60 acres of prime agricultural land from their original proposal;

WHEREAS, The Zoning Commission has held a public hearing in accordance with the Iowa Code and has forwarded a letter of recommendation of approval to the Boone County Board of Supervisors for the rezoning of the property noted hereinabove. The recommendation of the Zoning Commission was in concurrence with the recommendation of the Planning Director;

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

SECTION ONE: That Boone County shall, and it does hereby, approve an amendment to the Official Zoning Map, as recommended by the Zoning Commission, that the property described as follows: PART OF- THE SE SE and the NE SE and the southern part of the SE NE OF SECTION 1-84-25, BOONE COUNTY, IOWA. APPROXIMATELY 31 ACRES. (SEE EXHIBIT A) be rezoned from A-1 Agriculture to R-1 Residential.

SECTION TWO: That the following conditions shall apply:

1. Long term storm water management plan.
2. Buffer made of perennial vegetation with a long root system between the lots and Squaw Creek.
3. Stay in compliance with the NPDES General Permit #2 during construction of the development.

SECTION THREE: That the specific boundaries of the rezoning shall be affirmed based on a survey submitted during the subdivision review process.

SECTION FOUR: 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: March 27, 2006

Moved by: Reed

Seconded by: Sorensen

Discussion:

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

Albert Sorensen N Mike O'Brien N David Reed A

ACTION UPON SECOND READING

DATE: March 29, 2006

Moved by: Reed

Seconded by: Sorensen

Discussion:

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

Albert Sorensen A Mike O'Brien N David Reed A

ACTION UPON FINAL READING

DATE: March 31, 2006

Moved by: O'Brien

Seconded by: Sorensen

Discussion:

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

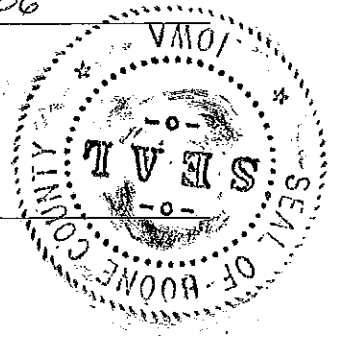
Albert Sorensen A Mike O'Brien N David Reed A

M. O'Brien
Chairman
Boone County Board of Supervisors

4/12/06
Date

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

4/13/06
Date



Statements of justification of votes as follows:

March 27, 2006 O'Brien has concerns with the protection of Squaw Creek – it is an asset to both Boone and Story Counties. Adding more homes puts added danger to the stream. Density concerns in the area & also maintaining prime ag land – and they have addressed this by going from 91 to 31 acres. Not wanting to go with Rezoning at this time. Reed – did reduce of number of acres from 91 to 31 acres, have to look at protecting both the buyers and sellers of the property and the money that will be put into this project – if lot sizes were reduced it would be worthless – bigger lots would be worth more. Sorensen – The 31 acres below the 61 CSR rating meets criteria of current rezoning. Spoke of the comprehensive plan that is currently being rewritten and feels that this should wait until comp plan is complete.

March 29, 2006 Reed – will uphold the zoning commissions recommendation. Sorensen – considering Monday's vote – if going to deny needed to set a moratorium at the time of implementation of the study for the new comp plan. That was not done. The first rezoning request on the first proposed property passed – this rezoning request is not using prime ag land.

Can not determine lot sizes today – only zoning can be determined today. Believes that should wait for the new comp plan but due to the fact that a moratorium was not established, rezoning should move forward. O'Brien – stated that he agreed with Reed's comment, but under the law the BOS does have the final say. He has no doubt that the development will be upscale – has

March, 2006

Buck Hill Estates Rezoning
Ordinance No 74

concerns with comments from developer that if this does not pass then that will push density back onto the Turner farm. Can not recall discussion of this property being developed. Concerns with Squaw Creek and the developments impact on this stream – feels that we have an obligation to protect the natural resources.

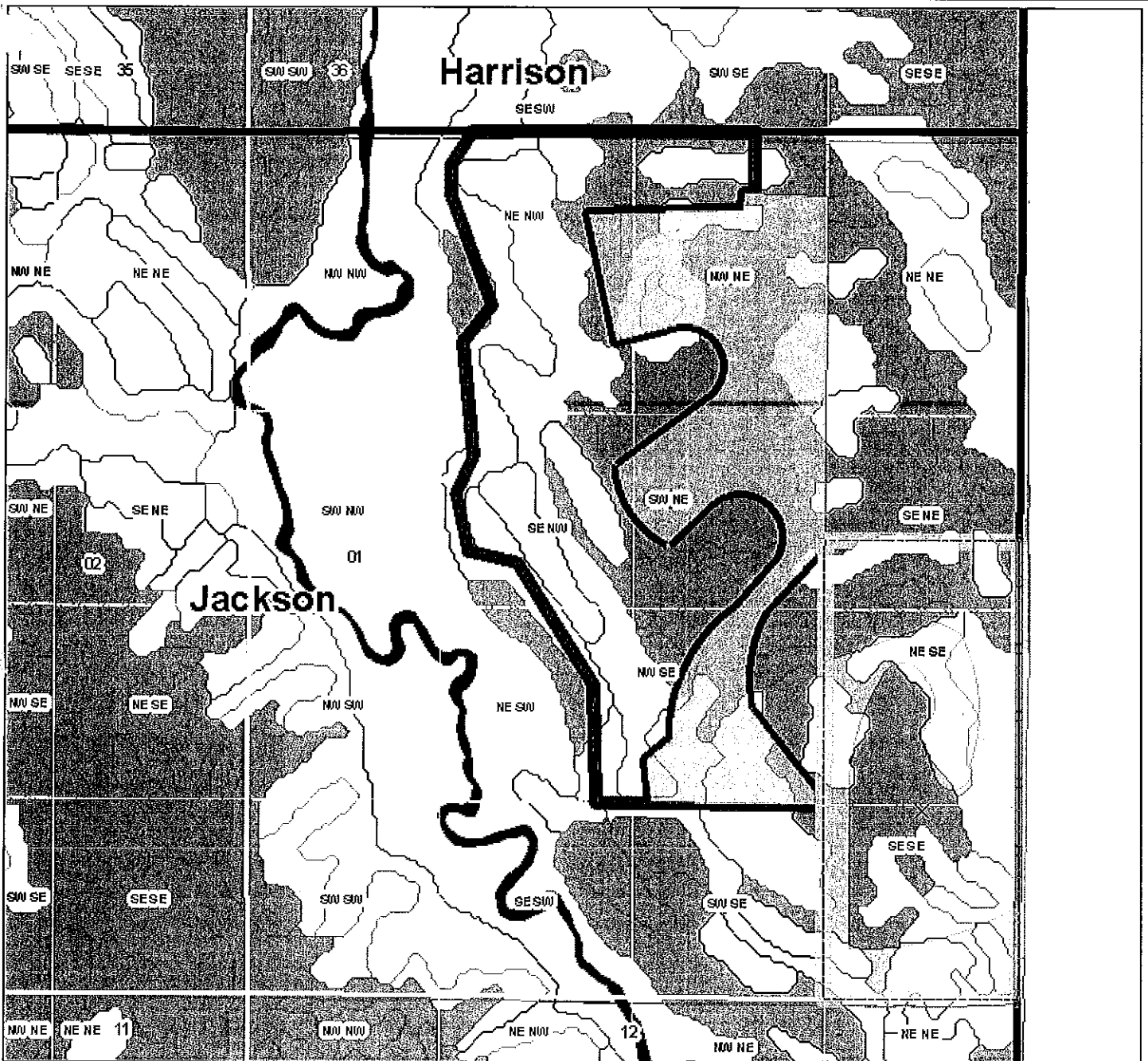
March 31, 2006 O'Brien has concerns with Squaw Creek drainage area in the first & second areas of rezoning. Voted yes on the first rezoning of Turner property, not understanding this property would be developed. Have taken the prime Ag land out of the second rezoning. Reed stated that his comments were the same as on Wednesday, he is weighing his decision on staff and zoning commission's recommendations. Sorensen stated that in defense of Kinzler – he remembered that they were seeking a lease/purchase on the property. BOS desired to have a paved road out to a paved road. He stated that he was trying to purchase and might develop. The road going through this property – out let on to Y Avenue must have certain site distance when entering on to a county road and where the proposed drive is located – the distance is good. Still believes that it would be good to wait until comp plan is done, but due to approval of the first rezoning there is no reason that this not be approved. Reed stated that the options for either Kinzler or the people would be to take the County to District Court if the outcome of the third reading was not to liking.

Exhibit – Zoning Commission recommended boundaries.

Boone County

EXHIBIT A

This data is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The boards or determine the accuracy to the appropriateness for use rests solely on the requester. The County makes no warranties, express or implied, as to the use of the data. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance and update.



0 200 400 800 1200 Feet

Legend

First Phase	CSR
MiscName1	Soil Suitability
Buck Hill 1st (Farm Land Preserved)	0-60
Buck Hill Estates	61-75
Buck Hill Estates 2nd	76-92
Buck Hill 2nd (Opion-3)	
Political Township	
Section Lines	
1/4 - 1/4 Sections	
Water	

