

LINN COUNTY PLANNING & ZONING COMMISSION

MINUTES

Monday, October 18, 2021

The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Chair, Tina DuBois. The meeting was held in the Jean Oxley Public Service Center Board Room, 935 2nd Street SW, Cedar Rapids, Iowa.

QUORUM DETERMINED:

PRESENT:	Tina Dubois, Chair	2025
	Curt Eilers	2022
	Allen Wagner	2024
	Griffin Kuntz	2021
	Brock Grenis	2023
	Erin Detterbeck	2025

ABSENT:	George Maxwell	2025
----------------	----------------	------

STAFF:	Charlie Nichols, Director, Planning & Development
	Stephanie Lientz, Planning & Zoning Division Manager
	Mike Tertinger, Senior Planner
	Desire Irakoze, Planner I
	Susan Bennett, Recording Secretary

See attendance sheet for community sign in.

APPROVAL OF MINUTES

The minutes of the September 20, 2021 Planning & Zoning Commission meeting were approved as submitted.

CONSENT AGENDA

JF21-0023	Hilltop Farm Third Addition	Final Plat
JF21-0024	Rosedale Meadows Third Addition	Final Plat

Motion by Grenis to approve the consent agenda, subject to the conditions of the staff reports. Second by Wagner.

Grenis	Aye
Maxwell	Absent
Detterbeck	Aye
Eilers	Aye
DuBois	Aye
Wagner	Aye
Kuntz	Aye

REGULAR AGENDA

JC21-0011 Conditional Use - Home Occupation - Meat Locker Dustin Lee, Owner

Tertinger presented the staff report.

The applicant is requesting a Conditional Use Permit - Home Occupation for a meat processing business. The applicant is constructing a 1,170 sq. ft. accessory structure to house an animal processing kitchen and storage locker. The business will process beef, deer and lamb. No poultry will be processed at this location. The applicant anticipates a maximum of 25-50 animals processed annually. 450 additional square feet will be used for 4 parking spaces, including 1 space for parking a future delivery truck. The remaining 100 square feet is proposed for a 10x10 animal waste storage shed. No non-resident employees are indicated with the proposal and the animal processing and storage is proposed to occur entirely within the accessory building. A fenced area in the south end of the property is designated for animal grazing. A future business sign is noted on the site plan adjacent the property entrance along Ponds Ln. The applicant anticipates a maximum of 3 customers per day with proposed business hours of 9:30am to 4:00pm Monday through Saturday.

A Conditional Home Occupation allows the applicant to use up to 1,750 square feet for the home occupation business on a parcel of this size. A business that will use part of an accessory structure requires a Conditional Use Permit for a Home Occupation in the CNR (Critical Natural Resources) zoning district. The proposal conforms to the standards for approval in Article IV, Section 107-73, § (4) and Article VI, Section 107-113, § (h) of the Linn County Unified Development Code. The applicant is required to meet all state and federal permit requirements for the slaughter, processing and sales of animal products in the State of Iowa.

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

Grenis asked if the grazing area is part of the Home Occupation square footage. Tertinger said no, as grazing is an approved use in the AG (Agricultural) zoning district and therefore not a part of the Home Occupation requirements.

Motion by Kuntz to recommend approval of case JC21-0011 subject to the conditions of the staff report . Second by Wagner .

DuBois	Aye
Kuntz	Aye
Grenis	Aye
Eilers	Aye
Detterbeck	Aye
Wagner	Aye
Maxwell	Absent

JC21-0013 Conditional Use - Home Occupation - Taxidermy James Kindig, Owner

Tertinger presented the staff report.

The applicant is requesting a Conditional Home Occupation for a taxidermy business on the subject property, which contains 35.05 acres, and is zoned AG (Agricultural). The applicant is constructing a 3,600 square foot pole building: 2,500 square feet will be used for the business, while the remaining 700 square feet is proposed to be used as personal space. The applicant proposes a maximum of 1 non-resident employees on site and the business use is to occur entirely within the accessory building. The applicant indicates that an average of one customer per day will be visiting the site and those visits will be by appointment only; Monday-Friday 7:00am to 3:00pm or Saturday 9:00am to noon.

A Conditional Home Occupation allows the applicant to use up to 2,500 square feet for the home occupation business on parcels that are 10 acres or greater in size. A home occupation with one or more nonresident employees or that will use part of an accessory structure for the business requires a Conditional Use Permit for a Home Occupation in the AG (Agricultural) zoning district. The proposal conforms to the standards for approval in Article IV, Section 107-73, § (4). However, the proposal is not yet in conformance with Article VI, Section 107-113, § (h) of the Linn County Unified Development Code as 1859 Horn Rd is not the primary residence of the proposed home occupation business owner. As a condition of approval, the applicant must receive a Certificate of Occupancy for the new dwelling and confirm relocation to this address before operation of the business may commence. As a condition of approval, the applicant must also acquire all applicable state and federal permits required for operation of a taxidermy business in the State of Iowa.

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

Tertinger noted that 2 neighbors have written letters of support for the business.

Grenis asked if any neighbors had written letters opposing the business.

Tertinger stated no.

Motion by Detterbeck to recommend approval of case JC21-0013 subject to the conditions of the staff report . Second by Kuntz.

Wagner	Aye
Eilers	Aye
DuBois	Aye
Maxwell	Absent
Kuntz	Aye
Grenis	Aye
Detterbeck	Aye

OTHER BUSINESS

COMMISSION COMMENTS

Kuntz noted he was happy to see small businesses starting in the county. DuBois agreed.

STAFF COMMENTS

Nichols discussed the Renewable Energy Overlay (RE) District and the Standards for Approval for the associated rezoning, as it is anticipated that we will have cases before the Commission as early as next month.

Eilers asked if staff would summarize all the comments provided to the Commission, or would they need to read them. Nichols stated the Commission would need to read them.

DuBois asked if the consultants would be available to the Commission at the meetings. Nichols stated that the consultants at this time are not contracted to attend the meetings, but if they are needed he might be able to renegotiate their contracts.

DuBois asked if Clenera had addressed all their conditions. Nichols responded staff is still waiting on the vegetation plan.

DuBois asked Nichols to clarify how the Commission is to respond if they are asked to speak about the case with private citizens. Nichols responded that cases are subject to Open Meeting laws, so no ex-parte communications are allowed. He asked that the Commission ask citizens to please send their concerns to Linn County Planning & Development staff so they can be disseminated to everyone.

PUBLIC COMMENTS

Greg Bickel, 2250 Coggon Road, spoke about fencing, and that if Clenera put up a fence it would cause snowdrifts on his driveway as his driveway is close to the lot line. He stated landscaping would cause the same problem.

Laura Myers, 3372 64th St Dr., stated that during the derecho her neighbors' home ended up in her pond, and she wonders who will pay for the clean-up of debris from the solar installation if there is a storm like that again. She stated no one in Linn County will take solar panels for recycling or garbage. She asked that the Commission make sure to hold the developers accountable for the solar panels and any damage they might cause.

Laura Robinson, 2094 Linn Delaware Road, stated that she and her husband have lived on their farm for 41 years. She stated the CSR is in the 80s, and it is the best farmland in the state. She said some counties in Iowa do not let solar installations on agricultural ground with a CSR over 70. She stated she and her husband have a permanent

easement regarding their tile lines, and that when CIPCO expanded their substation, CIPCO damaged their drainage tile. She stated CIPCO tried to re-route the tile as they put their substation on the main tile and damaged it. She stated her family has been trying to work with CIPCO, and have asked to be part of the repairs, but CIPCO has not worked with them and is now telling them to contact their attorney. She presented a handout to the Commission and discussed various drainage issues they were having, and how CIPCO clearly had not followed the rules regarding the drainage tiles.

Paula Robinson, 1127 Linn Delaware Road in Delaware County. She spoke to the Commission about the issues her family has had with CIPCO regarding drainage tiles that were damaged and asked that the Commission please follow the law.

Sarah Alden, 4124 Greens Grove Road. She stated her home is in the proposed Nextera solar project area. She is a non-participating land owner. She stated that, with the hills and rolling terrain, all she will be able to see from her property is solar panels. She said that the studies that show property values are not affected by industrial solar farms are paid for by the developers, and she urged the Commission to consider the impact of these solar farm proposals on property values.

Tom Robinson, 2094 Linn Delaware Road, discussed his issues with CIPCO over damaged, drainage tile and noted that CIPCO had not complied with the Iowa Drainage laws. He stated Clenera is not a truthful company, and that it is foreign owned.

ADJOURNMENT

The meeting was adjourned at 7:42 p.m.

Respectfully submitted,

Tina Dubois, Chair

Sue Bennett, Recording Secretary