

Vice-Chairperson L. R. Petersen called the meeting to order at 7:00 p.m.

On Roll Call: L.R. Petersen, Robert White, Rita Smith, Debra Johnson, and Bonny Swart. Keith Kruse and Colleen Anderson absent.

It was moved by Bonny Swart, seconded by Robert White, to approve the minutes of meeting number 211 on December 17, 2001. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 01-02 of Clay Regional Water, 3121 West 4<sup>th</sup> Street, Spencer, for a special use permit to build a 72' communication tower located in that part of the Northeast Quarter of Section 22, T-96N, R-35W of the 5<sup>th</sup> P.M., Freeman Township, Clay County, Iowa; described as COMMENCING at the North Quarter corner of Section 22; thence North 90°00'00" East 594.00 feet along the North line of the Northeast Quarter of said Section 22; thence South 0°00'00" East 115.00 feet to the POINT OF BEGINNING; thence North 90°00'00" East 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence South 0°00'00" East 100.00 feet; thence South 90°00'00" West 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence North 0°00'00" West 100.00 feet to the POINT OF BEGINNING; Said parcel contains approximately 1000.00 square feet subject to easements of record. According to As-Built plans of the highway, the right-of-way is 90 feet in this area, but the parcel is not adjacent to it. The North line of the Northeast Quarter was assumed to bear North 90°00'00" East.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on February 14, 2002. No written objections were received. This property is zoned A-1 Agricultural. Communication towers are permitted in A-1 Agricultural as a special use. The soil type is Clarion Loam, which has a rating of 1. Clay Regional Water has petitioned the Board of Adjustment for a variance.

Rod Steuben of Clay Regional Water was present to explain his application. The proposed antenna tower to be located in Freeman Township, Section 22 will be a key component in a new communication system for Clay Regional Water. The previous telemetry system was installed in 1980 and has become obsolete. The communication system utilized telephone wire that runs from the pump station eleven miles away to the water tower. Clay Regional Water is unable to get repairs to maintain this antiquated system. The new system uses radio telemetry. The proposed tower site is a prime location having an elevation of 1380 feet. The tower is a freestanding tower and will have no guy wires. The footings will be 5 feet wide by 5 feet long. The tower will be located about 16 feet directly East of the driveway of Dennis Christensen at 3155 Highway 18. It will be 75 feet South of the Highway 18 ROW. No crop will be taken out of production. The tower will be built in the grassy area between the driveway and the crops. Alice Christensen is the landowner and has granted Clay Regional Water an easement to construct the tower on her property.

Following all discussion, it was moved by Debra Johnson, seconded by Bonny Swart to recommend to the Board of Adjustment that the special use application of Clay Regional Water, 3121 West 4<sup>th</sup> Street, Spencer, for a special use permit to build a 72' communication tower located in that part of the Northeast Quarter of Section 22, T-96N, R-35W of the 5<sup>th</sup> P.M.,

Freeman Township, Clay County, Iowa, described as COMMENCING at the North Quarter corner of Section 22; thence North 90°00'00" East 594.00 feet along the North line of the Northeast Quarter of said Section 22; thence South 0°00'00" East 115.00 feet to the POINT OF BEGINNING; thence North 90°00'00" East 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence South 0°00'00" East 100.00 feet; thence South 90°00'00" West 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence North 0°00'00" West 100.00 feet to the POINT OF BEGINNING; Said parcel contains approximately 1000.00 square feet subject to easements of record. According to As-Built plans of the highway, the right-of-way is 90 feet in this area, but the parcel is not adjacent to it. The North line of the Northeast Quarter was assumed to bear North 90°00'00" East be approved.

The next item of business was the review of the special use permit ordinance. Tammy McKeever, Zoning Administrator, asked the zoning commission to consider revising the Clay County Ordinance by removing the paragraphs that read "Before the issuance of any such special use permit, the Zoning Commission shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public health, safety and general welfare. The Zoning Commission shall make such report within sixty (60) days after application has been filed." The Zoning Commission will take the recommendation under consideration and make a final decision at the next meeting.

The next item of business was the review of the sign ordinance. The Zoning Commission decided a meeting would be set to discuss this issue further once Chairperson Colleen Anderson had returned to Iowa.

There being no further business Vice-Chairperson, L.R. Petersen, adjourned the meeting at 7:33 p.m.

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Debra Johnson - Secretary

Chairperson Colleen Anderson called the meeting to order at 8:00 p.m.

On Roll Call: Colleen Anderson, L.R. Petersen, Robert White, Rita Smith, Bonny Swart and Keith Kruse. Debra Johnson absent.

It was moved by Robert White, seconded by L.R. Petersen, to approve the minutes of meeting number 212 on February 18, 2002. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 04-02 of Tom Goeken, 1155 330<sup>th</sup> Street, Everly, for a special use permit for a mining operation and a temporary asphalt plant located in all that part of the North Half (N1/2) of Section Five (5), Township Ninety-six (96) North, Range Thirty-eight (38) West of the 5<sup>th</sup> P.M., lying North of the right-of-way of the Chicago, Milwaukee & St. Paul Railway, Lone Tree Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on April 17, 2002. No written objections were received. This property is zoned A-1 Agricultural. Mining operations and temporary asphalt plants are permitted in A-1 Agricultural as a special use. The soil type is Wadena Loam, which has a rating of 3.

Tom Goeken was present to explain his application. The mining operation and temporary asphalt plant will be used for O'Brien and Clay County road projects. Rohlin Construction Company, 1814 7<sup>th</sup> Avenue South, Estherville, IA 51334 will be operating the temporary asphalt plant and gravel mining facility. According to data provided by Rohlin Construction the truck traffic that will be entering and leaving this plant site would be of legal load limits specified by Clay County and the State of Iowa. The entrance road to the gravel pit location and the area associated with the asphalt plant will be treated for dust control, thus minimizing possible sight hazards caused by the truck traffic entering and leaving the site. In most cases, no paving shall be done prior to one-half hour (1/2) after sunrise and shall cease one-half hour (1/2) prior to sunset. Noise from the operation will not exceed the limits established by the U.S. Department of Labor Mine Safety and Health Administration in 30 CFR, part 56.5050. Rohlin Construction Company will not exceed the 90-decibel noise level and 8-hour time-weighted average at the property line. The Iowa Department of Natural Resources will issue a construction permit for the air emission unit.

Following all discussion, it was moved by Robert White, seconded by Rita Smith to recommend to the Board of Adjustment that the special use application of Tom Goeken, 1155 330<sup>th</sup> Street, Everly, for a special use permit for a mining operation and a temporary asphalt plant located in all that part of the North Half (N1/2) of Section Five (5), Township Ninety-six (96) North, Range Thirty-eight (38) West of the 5<sup>th</sup> P.M., lying North of the right-of-way of the Chicago, Milwaukee & St. Paul Railway, Lone Tree Township, Clay County, Iowa, be approved.

The next item of business was to set a date to review the special use permit and sign ordinance. The date was set for Wednesday, July 10, 2002 at 1:00 p.m. in the Board of Supervisors Room.

There being no further business Chairperson, Colleen Anderson, adjourned the meeting at 8:23 p.m.

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Tammy McKeever – Secretary Pro-Tem

Chairperson Colleen Anderson called the meeting to order at 7:00 p.m.

On Roll Call: Colleen Anderson, L.R. Petersen, Robert White, Debra Johnson, Bonny Swart and Keith Kruse. Rita Smith absent.

It was moved by L.R. Petersen, seconded by Robert White, to approve the minutes of meeting number 213 on April 22, 2002. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number 10-02 of Gaylen Wolthuis, 2745 160<sup>th</sup> Avenue, Everly, IA 51338, for a special exception use permit for one additional mobile home on a single family non-farm acreage located in a tract of the Southeast Quarter of the Northeast Quart of Section One (1), Township Ninety-seven (97) North, Range Thirty-eight (38) West of the 5<sup>th</sup> P.M., Waterford Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on June 18, 2002. No written objections were received. This property is zoned A-1 Agricultural. One additional mobile home on a single family non-farm acreage is permitted in A-1 Agricultural as a special use.

Gaylen Wolthuis was present to explain the application. He plans to move in a 14 X 70 mobile home onto his parent's property. This will enable him to take care of his parents who have failing health. He will have separate water and septic.

Following all discussion, it was moved by Keith Kruse, seconded by Robert White to recommend to the Board of Adjustment that the special use application of Gaylen Wolthuis, 2745 160<sup>th</sup> Avenue, Everly, IA 51338, for a special exception use permit for one additional mobile home on a single family non-farm acreage located in a tract of the Southeast Quarter of the Northeast Quart of Section One (1), Township Ninety-seven (97) North, Range Thirty-eight (38) West of the 5<sup>th</sup> P.M., Waterford Township, Clay County, Iowa be approved.

The time having arrived for the public hearing on petition number 09-02 of Rohlin Construction, 1814 7<sup>th</sup> Avenue South, Estherville, IA 51334, for a special exception use permit for a permanent mining operation and a temporary asphalt plant located in the Northwest Quarter and the North Half of the Southwest Quarter of Section Sixteen (16), Township Ninety-four (94) North, Range Thirty-six (36) West of the 5<sup>th</sup> P.M., Herdland Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on June 18, 2002. No written objections were received. This property is zoned A-1 Agricultural. Permanent mining operation and a temporary asphalt plant are permitted in A-1 Agricultural as a special use.

Randy Zeigler, Rohlin Construction, 1814 7<sup>th</sup> Avenue South, Estherville, IA 51334 was present to explain the application. Rohlin Construction Company is requesting the Clay County Zoning Board of Adjustment act favorably on its application for a Special Use Permit to allow a permanent mining operation and a portable asphalt plant to operate on approximately ten acres of land in rural Clay County. Rohlin Construction operates several asphalt plants and gravel

mining facilities throughout Northwest Iowa. At these sites, there have not been problems relating to their operations. Any concerns that have arisen have been satisfactorily resolved by working closely with local government and the residents of the area. This operation would be for a Palo Alto Project and take approximately six weeks. The work would be done in the Fall.

Also in attendance was Dennis & Kathy Somers, 4785 240<sup>th</sup> Avenue, Webb, IA 51366; Jay & Carol Hermstad, 4730 240<sup>th</sup> Avenue, Webb, IA 51366; Richard & Doris Rentsch, 4747 240<sup>th</sup> Avenue, Webb, IA 51366. Their objections to the permanent mining operation and a portable asphalt plant included air quality and safety issues. Kathy Somers suffers from lung cancer and air quality is particularly important to her quality of life. Several children live along 240<sup>th</sup> Avenue and a school bus travels this road. Other concerns included the lack of care Rohlin provides for the site.

Motion made by Bonny Swart to deny the special exception use permit for a permanent mining operation and a temporary asphalt plant located in the Northwest Quarter and the North Half of the Southwest Quarter of Section Sixteen (16), Township Ninety-four (94) North, Range Thirty-six (36) West of the 5<sup>th</sup> P.M., Herdland Township, Clay County, Iowa. No second, motion died.

An effort was made to reach a final decision that would be acceptable to everyone concerned. Several suggestions for other pits were made. For several reasons, this particular pit is the only pit that could be used for the Palo Alto Project.

Following all discussion, it was moved by L. R. Petersen, seconded by Debra Johnson to recommend to the Board of Adjustment that the special use application of Rohlin Construction, 1814 7<sup>th</sup> Avenue South, Estherville, IA 51334, for a special exception use permit for a permanent mining operation and a temporary asphalt plant located in the Northwest Quarter and the North Half of the Southwest Quarter of Section Sixteen (16), Township Ninety-four (94) North, Range Thirty-six (36) West of the 5<sup>th</sup> P.M., Herdland Township, Clay County, Iowa be approved.

Roll Call Vote: Petersen and White voted aye. Kruse, Johnson, and Swart voted nay. Motion denied.

There being no further business Chairperson, Colleen Anderson, adjourned the meeting at 7:58 p.m.

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Debra Johnson – Secretary

Chairperson Colleen Anderson called the meeting to order at 1:00 p.m.

On Roll Call: Colleen Anderson, Robert White, L.R. Petersen, Bonny Swart and Keith Kruse. Absent Debbie Johnson and Rita Smith.

It was moved by L. R. Petersen, seconded by Keith Kruse, to approve the minutes of meeting number 214 on June 24, 2002, as submitted. All those present voted aye. Motion carried.

The roles and responsibilities of local planning commissions were reviewed. The commission is granted the authority to recommend the establishment of zoning ordinance regulations, to designate specific zoning districts for the county, and to recommend a comprehensive plan for the development of the county. It also recommends amendments to the planning regulations once adopted.

The comprehensive plan was discussed. The comprehensive plan is a collection of information and materials designed to guide the future development of the county. Tammy McKeever, Zoning Administrator provided copies to those commission members that did not have copies.

Special use permit ordinance was reviewed. Zoning Administrator, Tammy McKeever, indicated most counties do not have the zoning commission review special use permits. Following all discussion, it was moved by L.R. Petersen, seconded by Robert White to have the Zoning Commission report on Special use permit requests via mail with a non-voting designee to attend the Board of Adjustment meeting on a trial basis. All those present voted aye. Motion carried.

The sign portion of the ordinance was reviewed. The board discussed adopting an ordinance amending Article V/Agricultural District Section 4 - Permitted Accessory uses and Structures 9. Signs, not exceeding ten (10) square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises to 9. One (1) free standing or post sign referring only to a use or uses conducted on the premises may be erected provided that:

- (a) Such signs shall not have a surface area in excess of forty (40) square feet on any one (1) side and that not more than two (2) sides of such signs shall be used for advertising purposes.

Item tabled to the next meeting.

The Zoning Commission requested the Zoning Administrator write a letter to the editor regarding the Clay County Zoning Ordinances. Other miscellaneous items mentioned included meeting with the City of Spencer, car lots on North Highway 71, and a business use brochure.

There being no further business, it was moved by Bonny Swart, seconded by Robert White, to adjourn at 3:45 p.m. All those present voted aye. Meeting adjourned.

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Debra Johnson - Secretary