

Planning & Zoning Meeting Minutes

8/11/22

Butler County Courthouse

Present

Planning and Zoning Commission members:

Deb McWhirter

Roger Kregel

Rosemary Willson

John Backer

Absent

Jane Close

Others:

Misty Day, Zoning Administrator

Norm & Jan Mulder

Deb McWhirter called the meeting to order.

A motion was made to approve the agenda as presented by Roger Kregel and was seconded by John Backer. Motion passed.

Minutes from the previous meeting dated May 17, 2022, were not ready for review.

Old Business:

Administrator Day discussed the McDivitt junkyard. The Supervisors had asked for an update and Roger attended the meeting since Administrator Day was unavailable. Administrator Day sent McDivitt a final notice with a copy of a complaint that would be filed if he failed to comply by August 31st. Roger updated the Board on how the meeting with the Supervisors went and they are requesting that Administrator Day attend one of upcoming meetings to discuss enforcement.

Public Hearing:

Chair McWhirter opened the public hearing on a request to rezone approximately 50 acres from A-1 to A-2 located on Hwy 3 in the NW¼ N & E of RR Except Parcel C in Section 34, Township 92 N, Range 15 W for the purpose of excavating sand for resale. Administrator Day stated that Mulders have identified approximately 38 acres of their property that they would like to excavate the sand for resale but in order to give the areas a proper boundary, she identified approximately 10 acres around the existing pond and 40 acres of the parcel closer to Hwy 3 that would be rezoned to A-2 if it was approved. Administrator Day stated that the area was in the 100-year floodplain and that the applicants have already applied for the DNR and Corps of Engineers floodplain permits. It was determined that the Corps of Engineers identified a 14-acre wetland which is a berm around the larger area subject to the rezone request and that the Corps of Engineers recommend that the applicants take precautions to ensure no sand from the excavation process disturbs this area, otherwise no further permits were required. Administrator Day stated that she had misidentified the wetland area on the aerials that she sent out and while the rezone request does technically include part of the wetlands, the Mulders assured the Board that no excavation of the wetlands would take place.

Mary Roettenbacher sent a letter with concerns she had about flooding, deposits from prior floods, disruption to wetlands and fragile ecosystems, and existing quarries in close proximity. Chair McWhirter read the letter, which is attached.

Discussion was had regarding what would happen to the land after it is excavated and it was determined that the Mulders would start with the pond and essentially make it bigger. The Mulders were undecided about the larger area as it is in a pollinator CRP program for the next 4 years, but they wanted to get the approval taken care of in case they did excavate that area at which point that would also become a pond. The Mulders stated that they already have their mining license from the State of Iowa for the pond they already excavated, which is subject to renewals and inspections. Discussion was had about the flooding that Ms. Roettenbacher mentioned and the road and driveway being washed out during that event. Discussion was had regarding the depth of excavation and it was determined that they would not go any deeper than 30 feet which is what the current pond depth is. Discussion was had regarding the Comprehensive Plan's goal of preserving wetlands and conservation areas and that the ponds, which will be stocked by the Mulders, would meet that goal and retain conservation in a different way than what is there currently. Discussion was had regarding access to the sand and it was determined that the existing driveway would be utilized and that their sand would be sold as fill sand so there wouldn't be as much traffic or as extensive of an operation as the Hobson sandpit that is located less than a mile away.

A Motion to approve the request to rezone 50 acres from A-1 to A-2 was made by John Backer and was seconded Rosemary Willson. Motion passed.

New Business:

None

A motion to adjourn was made by Rosemary Willson and was seconded by Roger Kregel. Motion passed.

Misty Day, Planning and Zoning Administrator



4 August 2022

Butler County Zoning Administrator Courthouse

PO Box 325

Allison Iowa

RE: Rezone 50 Acres A-1 A-NW 1/4 N & W of RR Except Parcel C Section 34

CONCERN: Erosion - Flood Plane- Route of flood of 2008 destroy my land and field. Deposits of this land was placed throughout this section. Shortage of sand for construction project makes this a very profitable effort, but at what cost?.... wetlands and grasses are fragile ecosystem, sand extracting destroys habitat of animals and micro organisms besides affecting ground water recharge not to mention pollution and acidity of the water that can kill aquatic life and leave less water for people and crops.

ISSUE: - landowner should be able to do as the wish, However --One mile east is Hobson sand pit, one mile east and south is BMC pit. With over 100 semi daily to the enthnol plant, untold number of vehicles to industrail park companies and constructions crews then add a quarry operation for sand extraction, I am not sure the land or highway can take the additional pressure, Certainly Butler County has the "right kind of sand" for construction, but at what cost- soil erosion? damage to the environment? destroying ecosystems? even hurting the livelihoods of many individuals?

These are my thoughts and concerns. Hoping the Butler County Planning and Zoning Commission makes the right decision.

Sincerely,


Mary J Roettenbacher

20596 Utica Ave

Shell Rock Iowa 50670