

Cerro Gordo County Planning & Zoning Staff Report SPECIAL USE

Case No.: Case No. 21-16	Date of Application: September 28, 2020
Use Request: 20.2(HH) Second dwelling in A-1 District	Owner: Hibbard Family Limited Partnership
Current Zoning: A-1 Agricultural	Petitioner: Brandon Diedrich for Hibbard Family Ltd Part.
Address: 24322 320 th Street Plymouth, IA 50464	Size of Special Use: 55'x13.5'
Legal: SE ¹ / ₄ , SW ¹ / ₄ , Section 12, Falls Township	Size of Parcel: 40+ acres
	Hearing Date: October 27, 2020

BACKGROUND INFORMATION:

1) PURPOSE OF SPECIAL USE REQUEST -

Brandon Diedrich (Diedrich), on behalf of the Hibbard Family Limited Partnership, is requesting a Special Use Permit for a second dwelling to house farm employees. Diedrich is a tenant of the farmland and states he utilizes the H2A program, which is a guest worker program for agricultural employers that anticipate a shortage of domestic farm employees. Diedrich has provided documentation regarding the farm employees, which is included in your packet. The mobile home is already on location and temporary in nature (See Figure 1). There is an existing house on the property (See Figure 2).

2) EXISTING LAND USE AND ZONING CLASSIFICATION OF PROPERTY –

The property has an existing house, a detached garage, and several farm structures (See Figures 1-5).

The remainder of the property is used to raise crops. The property is zoned A-1 Agricultural.

3) LAND USE AND ZONING CLASSIFICATION OF SURROUNDING PROPERTY -

All surrounding property is zoned A-1 Agricultural and in agricultural production.

GENERAL FINDINGS:

1) HARMONY AND ACCORD WITH GENERAL PRINCIPLES AND PROPOSALS OF ZONING ORDINANCE -

The stated purpose of the Zoning Ordinance is to promote public health, safety, morals, comfort, and general welfare. It is also intended to conserve property values, encourage the most appropriate use of land, facilitate the adequate but economical provision of public improvements, and provide the social and economic advantages that result from an orderly planned use of land.

The proposed dwelling should not be a detriment to public health, safety, or other goals of the Zoning Ordinance. The mobile home is used for housing of farm employees. Diedrich is a tenant of the owners. The proposed special use does not change the use of the property, uses the existing building site, and should not result in any foreseeable impacts to neighbors than what already exists.

There are no nearby residences.

2) COMPATIBILITY OF USE WITH APPEARANCE AND ESSENTIAL CHARACTER OF AREA -

The proposed special use does not significantly change the existing or future uses of the property (See Figures 1-5). The owners do not live onsite. Single-family dwellings are a common use in the rural areas of Cerro Gordo County, and is a farm dwelling for housing farm employees.

3) IMPACT ON EXISTING AND FUTURE USES, VICINITY, AND COMMUNITY AS A WHOLE -

The proposed special use has no significantly greater impact on the area than the existing uses already occurring on the property (See Figures 2-5). A second dwelling on the same parcel generally means twice the use of water and septic impacts a single-family home would normally have. Any necessary well or wastewater treatment permits for the new dwelling required by the CG Public Health should be made a condition of the Special Use Permit. CG Public Health does not have record of the existing well or wastewater facilities, so permits may be required, as applicable.

There are minimal foreseeable negative impacts to the surrounding area or the community as a whole. The visual impact will be negligible, as the current use of the property is for ag-residential purposes.

4) ADEQUACY OF PUBLIC SERVICES (i.e., highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools) -

320th Street is a gravel-surfaced road. Single family dwellings typically generate 8-10 vehicular trips per day. The gravel surfaced road is likely suitable for the limited increase, if any, of traffic.

Law enforcement protection is provided by the Cerro Gordo County Sheriff's Department. Fire protection is provided by the Plymouth Fire Department. Emergency Medical Services are provided by Plymouth EMT and Mason City EMT. There should not be a significant increase in demand for either service if the Special Use Permit is approved.

There are no nearby mapped floodplains. The site is not near any drainage district or public drainage structures.

The new dwelling will utilize existing private water and wastewater systems. Any necessary well or wastewater treatment permits for the new dwelling required by the Health Department should be made a condition of the Special Use Permit. CG Public Health does not have record of the existing well or wastewater facilities, so permits may be required, as applicable.

Electric service is already served to the site.

There will not be an impact on schools.

5) PUBLIC COST FOR ADDITIONAL PUBLIC FACILITIES AND SERVICES -

The proposed dwelling should not result in additional costs to the public. No additional public facilities or services are likely to be needed.

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6) POTENTIAL DETRIMENTS TO PERSONS, PROPERTY, OR GENERAL WELFARE (i.e., excessive traffic, noise, smoke, fumes, glare, or odors) -

The homestead is accessed off of 320th Street, which carries 25 vehicles per day. Only a nominal increase, if any, in traffic is anticipated as a result of the proposed second dwelling.

No smoke, fumes, glare, or odors are anticipated to be created by the use.

7) **COMPATIBILITY AND CONSISTENCY WITH THE INTENT AND PURPOSE OF THE ZONING DISTRICT -**

The Zoning Ordinance intends that property in the A-1 District remain in agricultural use when possible. The special use will house farm employees. No farmland will be taken out of production for the special use.

A second farm dwelling for farm employees is consistent with the permitted uses in the A-1 Agricultural District. It is a special use that has been granted many times by the Board in the past.

8) **COMPATIBILITY WITH COUNTY COMPREHENSIVE PLAN -**

There are four statements in the Agricultural and Farming section of the Comprehensive Plan that are applicable to this proposed use.

Policy 3.1.1: This policy statement discourages the development of agricultural soils for non-farm uses. The proposed Special Use is a farm use and is in line with this policy.

Policy 3.1.2: This policy says that the Corn Suitability Rating (CSR) is to be applied as a factor for the review of any development affecting agricultural soils. No farmland will be taken out of production due to the special use. The second dwelling will be used to house farm employees.

Policy 3.1.3: Similar to policy 3.1.2, this policy states other factors besides CSR are to be applied to development affecting agricultural soils. Again, the proposed special use will be an agricultural use and no farmland will be taken out of production.

Policy 3.1.4: This policy encourages the use of farming techniques and soil conservation practices to protect top soil and prevent degradation to water resources. The proposed special use will utilize private well and wastewater facilities. Any permits required by the Health Department should be made a condition of the Special Use Permit.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS:

Additional requirements for the special use requested are as follows. Ordinance provisions are in normal type. Staff comments are in **bold**:

20.2 SPECIAL USES

HH. Second dwelling on a farm for someone in the immediate family or a full-time farm employee. A-1 District. **proposed special use will be occupied by farm employees (See Figure 1). The property is zoned A-1.**

ZONING DISTRICT REQUIREMENTS:

Requirements of the zoning district for which the proposed special use is to be located are as follows. Ordinance provisions are in normal type. Staff comments are in **bold**:

7.5 HEIGHT REGULATIONS

No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty five (35) feet. **The proposed special use is one story and does not exceed the maximum permitted height.**

7.6 YARD REQUIREMENTS

Each lot shall have the front, side and rear yards not less than the depths or widths following:

- A. Front yard depth, fifty (50) feet. **The proposed front yard setback is over 150 feet.**
- B. Each side yard width, twenty-five (25) feet. **The closest proposed side yard setback meets the standard.**
- C. Rear yard depth, thirty (30) feet. **The proposed rear yard setback meets the standard.**

MISCELLANEOUS REQUIREMENTS

- Minimum parcel size is 10 acres. **The property is greater than 40 acres in size.**
- Section 6.19 states, "The minimum dimension of the main body of the dwelling unit shall not be less than twenty-two (22) feet. **The proposed special use is 13.5' wide; however, the special use is agriculturally exempt from this requirement.**
- Section 6.20 requires the minimum ground floor coverage area of a single-story dwelling to be 720 square feet of usable space. **The proposed special use is 742.5 square feet in size, which meets this requirement.**
- Section 6.9 of the Zoning Ordinance requires a 10' separation between the principal structure and all accessory structures as well as between all accessory structures. **There are no detached structures within 10 feet of the proposed second house location.**

STATUTORY REQUIREMENTS:

Any required permits for on-site wastewater treatment and the well must be obtained from the CG Public Health. The Health Department does not have record of permitted well or wastewater systems onsite.

STAFF ANALYSIS AND RECOMMENDED ACTION:

The proposed special use is intended to house farm employees (See Figure 1). To ensure environmental health regulations are met, required permits from CG Public Health should also be made a condition of approval, along with requiring a site evaluation of the existing septic system. This proposal is generally in line with the goals of the Comprehensive Plan. As a clear farm use, I believe the Board would be hard-pressed to deny this request, so I recommend approval subject to the condition below.

RECOMMENDED CONDITIONS TO BE MET IF POSITIVE VOTE BY BOARD OF ADJUSTMENT:

Note: In granting a Special Use Permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of the Zoning Ordinance, in conformance with what is provided in Article 20 of the Zoning Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area. Special uses shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a Special Use Permit.

The following conditions are recommended:

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicants or a majority of the Board of Adjustment members.
2. The provisions and/or regulations shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations or ordinances are at a variance, the most restrictive shall govern.
3. It is contemplated that from time to time during the operation of a second farm dwelling, that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said use should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to insure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. County representatives shall have the right to enter the premises at any time upon notification to the permit holder for the purposes of enforcing the provisions of this Special Use Permit.
6. This Special Use Permit is granted solely to Brandon Diedrich and the Hibbard Family Limited Partnership. Only full-time farm employees, as defined by the Zoning Ordinance, or owners of the property shall occupy either dwelling. One of the two dwellings shall be removed if either dwelling is occupied by a person that is not a farm

employee or an owner of the property. Any transfer of ownership of either dwelling to a person outside of the aforementioned persons shall require the same.

7. A Zoning Permit Application shall be applied for and a Zoning Permit granted by the Zoning Administrator as may be required by the Cerro Gordo County Zoning Ordinance for new construction or development on this property prior to construction. The applicant shall obtain all required permits or approvals from CG Public Health for well or wastewater facilities. The applicant shall contact CG Public Health to have a site evaluation conducted for the existing wastewater system.
8. The second dwelling shall use the existing driveway access to the property. No separate access is permitted.

QUESTIONS & COMMENTS:

Proposed motion for approval of application: To adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the placement of a second dwelling, and further, that the grant of the application be made effective immediately and on the condition that Brandon Diedrich or representatives of the Hibbard Family Limited Partnership shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days.

Proposed motion for denial of application: To adopt the staff report as the Board's findings and to deny the application for the reasons stated in the staff report as well as for the following reasons: **[STATE ADDITIONAL REASONS FOR DENIAL, IF ANY]**. Said reasons for denial shall be stated in the official transcript and minutes of the Board of Adjustment, and shall be made in writing to the applicant in letter form by the Board's secretary.

Prepared by:
John Robbins
Planning and Zoning Administrator
Final Draft date – October 14, 2020

Case No. 21-16
Brandon Diedrich for the Hibbard Family Limited Partnership (24322 320th Street)

Figure 1
Looking at the mobile home



October 8, 2020, J. Robbins

Figure 2
Looking at the existing house



October 8, 2020, J. Robbins

Figure 3
Looking at the existing detached garage



October 8, 2020, J. Robbins

Figure 4
Looking at the existing grain bins



October 8, 2020, J. Robbins

Figure 5
Looking at the existing machine shed



October 8, 2020, J. Robbins

APPLICATION/APPEAL FORM

[For Completion by All Applicants]

Date 6-8-2020

TO: ZONING BOARD OF ADJUSTMENT
CERRO GORDO COUNTY, IOWA

I (WE), Brandon Diddrich
(NAME)

OF 3996 Raven Ave, Kearsch, IA 50448
(MAILING ADDRESS)

respectfully request that a determination be made by the Board of Adjustment on this Application/Appeal based on the letter written by the Zoning Administrator dated 5/7/20 for the reason that it was a matter which, in his/her opinion, should come before the Board of Adjustment.

This Application/Appeal is: (Please Check One)

- A Variance to a Zoning District requirement where there are unusual conditions or circumstances which cause a hardship when the provisions of Zoning are strictly applied.
- A Special Use listed in Article 20.2 of the Zoning Ordinance upon which the Board is required to act under the Ordinance.
- An Appeal where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

The property affected is located in Section 12 of Falls Township.

The property affected is zoned A1 according to the Cerro Gordo County Zoning

District Maps. Legal description of the property is: SE 1/4 of the SW 1/4, Section 12
Falls Township

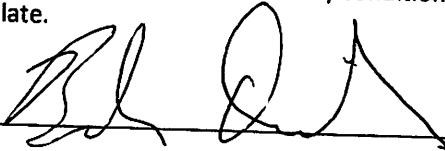
I am the Owner Contract Purchaser Other (Explain) Tenant
_____ of the property affected.

Describe what you are proposing to do on the property affected.
We rent the property in question from the Hubbard Family Limited Partnership. We use the house and mobile structure on the property to house seasonal laborers for our farm operation.

I (We) grant permission to the Planning & Zoning staff and Board of Adjustment members to enter onto the above described property for purposes of review.

I (We) further state that if this request is granted, I (We) will proceed with the actual construction in accordance with the purposes herein stated and any conditions and/or requirements the Board of Adjustment may stipulate.

Signature of Applicant



OFFICE USE ONLY

Date Filed _____

Case Number _____

Date Set for Hearing _____

Fee Paid _____

Application/Appeal was Granted

Denied

Tabled

Brandon Diedrich
3996 Raven Ave
Kensett, IA 50448

Cerro Gordo County Board of Adjustment,

This letter is to appeal the location and special use of the temporary housing structure located at 24322 320th St, Plymouth, IA 50464. This property is owned by Hibbard Family Limited Partnership. I am the tenant of the farmland owned by the Hibbard Family and use the house and surrounding structures for my farming operation. We employ seasonal workers through the H2A program and have needed additional housing space to meet the requirements of the program and the privacy of our employees.

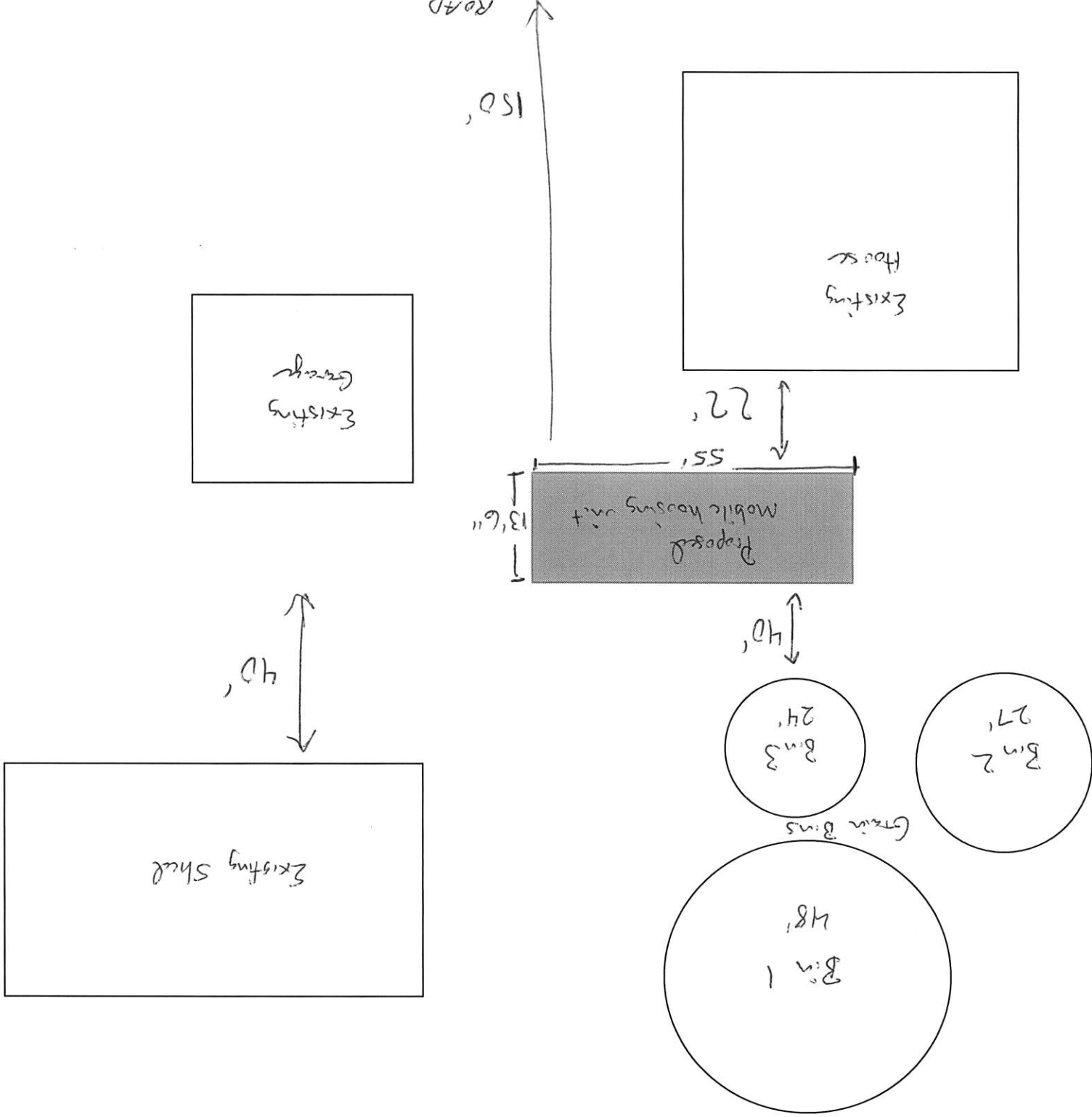
We do not believe that the location of this structure in any way affects the character of the neighborhood, local property values, traffic conditions or any other matters relating to public health and safety.

This structure is temporary in nature and can be moved off the property when it is no longer needed.

Thank you for your consideration to the zoning request.

Brandon Diedrich

Not To Scale





PUBLIC HEALTH

healthier together

DATE: October 6, 2020
TO: John Robbins, Cerro Gordo County Planning and Zoning
FROM: Daniel Ries, Senior Environmental Health Specialist
SUBJECT: Proposed Special Use Permit Application for Hibbard Family Partnership

This memo is to provide comments related to the request from Hibbard Family Partnership to have a second dwelling at 24322 320th, Plymouth in Section 12 of Falls Township. A mobile home was moved onto the property in 2019 and there was already an existing house on the same property. The main concerns from the perspective of the Cerro Gordo County Department of Public Health Environmental Health Service Section are the proper disposal of waste water and safe drinking water.

Waste Water Disposal System

Based on adding the mobile home onto the property, a new septic system will need to be installed or approval must be granted from this department to connect to an existing system. The owner or designed shall contact this office to determine which option is suitable for this specific situation. This department is authorized for permitting of new septic systems.

Water Supply

The existing well may be shared by both dwellings, therefore a new well is not required. The most recent water test that the department has on file was from 2012. The water test results indicated safe water for total coliform bacteria, E.coli bacteria and nitrates at that time. Since it has been many years since the water has been tested, it is recommended that the water be checked. The owner or designee may contact this office to arrange for a water test.

Please contact me at (641) 421-9338 or dries@cghealth.com if you have any questions.

Cc: Jodi Willemsen, Cerro Gordo County Department of Public Health



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320TH ST

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