

# LINN COUNTY PLANNING & ZONING COMMISSION

## MINUTES Monday, May 17, 2021

The Linn County Planning and Zoning Commission meeting was called to order at 6:30 p.m. by Chair, Tina DuBois

Special Statement: As a result of the ongoing COVID-19 pandemic, this meeting was held electronically. All county buildings are closed to the public until further notice.

### QUORUM DETERMINED:

<b>PRESENT:</b>	Tina DuBois, Chair	2025
	Curt Eilers, Vice-Chair	2022
	Griffin Kuntz	2021
	Allen Wagner	2024
	Erin Detterbeck	2025
	George Maxwell (late)	2025
	Brock Grenis (late)	2023

### ABSENT:

**STAFF:** Charlie Nichols, Planning & Zoning Division Manager  
Stephanie Lientz, Senior Planner  
Mike Tertinger, Planner II  
Jessie Black, Recording Secretary

### APPROVAL OF MINUTES

The minutes of the April 19, 2021 Planning & Zoning Commission meeting were approved as submitted.

### CONSENT AGENDA

JPS21-0010	Rocky Ridge View	Residential Parcel Split
JF21-0009	Foley Group Farms Addition	Final Plat

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

<b>Maxwell</b>	<b>Absent</b>
<b>DuBois</b>	<b>Aye</b>
<b>Grenis</b>	<b>Absent</b>
<b>Wagner</b>	<b>Aye</b>
<b>Detterbeck</b>	<b>Aye</b>
<b>Kuntz</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>

**REGULAR AGENDA**

**JF21-0007 Final Plat- FBH First Addition**

**STACO Corporation, Owner  
Lindsay K McGrath-Vasquez, Petitioner**

Stephanie Lientz presented the staff report.

The applicant is proposing a 2-lot final plat of 37.84 total acres, with approximately 0.06 acres proposed for additional road right-of-way (Lot A). Two new buildable lots will be created; however, proposed lot 2 will be combined with an adjacent parcel to the southeast via a deed restriction. Proposed Lot 1 will contain approximately 22.18 acres and proposed Lot 2 will contain approximately 15.66 acres. There are no existing structures on either lot. The subject property is located within the RRD2 (Rural Residential Development 2-Acre Area) on the Linn County Rural Land Use Map. The property is currently zoned AG (Agricultural).

An associated rezoning case (JR21-0006) is running concurrently with this case, which proposes rezoning the subject property from the AG (Agricultural) zoning district to the RR2 (Rural Residential 2-Acre) zoning district.

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets Minimum Levels of Service (MLS) and Land Evaluation Site Assessment (LESA) requirements, and earned a LESA score of 142.45 (the minimum threshold needed to pass in areas designated as RRDA is 110).

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

There were no questions or comments from the Commission or public.

**Motion by Eilers to recommend approval of case JF21-0007, subject to the conditions of the staff report. Second by Detterbeck.**

<b>Grenis</b>	<b>Abstain</b>
<b>Eilers</b>	<b>Aye</b>
<b>Kuntz</b>	<b>Aye</b>
<b>DuBois</b>	<b>Aye</b>
<b>Detterbeck</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Abstain</b>
<b>Wagner</b>	<b>Abstain</b>

**JR21-0006 Rezoning from AG to RR2**

**STACO Corporation, Owner  
Lindsay K McGrath-Vasquez, Petitioner**

Stephanie Lientz presented the staff report.

The applicant is proposing to rezone the 37.84 acre subject property from the AG (Agricultural) zoning district to the RR2 (Rural Residential 2-Acre) zoning district. The subject property is located within the RRD2 (Rural Residential 2 Acre-Area) on the Linn County Rural Land Use Map.

This proposal meets the standards for approval per Article IV, Section 107-69 and Section 107-70 of the Linn County Unified Development Code (UDC). The parcel meets Minimum Levels of Service (MLS) and Land Evaluation and Site Assessment (LESA) requirements in the UDC, and earned a LESA score of 142.45 (the minimum threshold score needed to pass in areas designated as RRDA is 110).

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

There were no questions or comments from the Commission or public.

**Motion by Kuntz to recommend approval of case JR21-0006, subject to the conditions of the staff report. Second by Detterbeck.**

<b>Detterbeck</b>	<b>Aye</b>
<b>DuBois</b>	<b>Aye</b>
<b>Grenis</b>	<b>Abstain</b>
<b>Eilers</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Abstain</b>
<b>Wagner</b>	<b>Abstain</b>
<b>Kuntz</b>	<b>Aye</b>

**JR21-0004      Rezoning from AG to RR4**

**Kari Shetterly, Owner  
Aaron Beik, Petitioner**

Stephanie Lientz presented the staff report.

The applicant is proposing to rezone the 0.11 acre subject property from the AG (Agricultural) zoning district to the RR1 (Rural Residential 1-Acre) zoning district. The property is located within the AA (Agricultural Area) on the Rural Land Use Map.

An associated Minor Boundary Change (JMBC20-0028) is proposed for the subject property. The 0.11 acre parcel will be combined via deed restriction to the adjacent parcel to the east. The boundary change process will be completed prior to final consideration of the rezoning case.

This proposal meets the standards for approval per Article IV, Section 107-69 and Article IV, Section 107-70 of the Linn County Unified Development Code (UDC). A Land Evaluation and Site Assessment (LESA) analysis is not required per Article IV, Section 107-70, subsection (1)(c) of the UDC, as the proposed rezoning to prevent a situation that would result in a parcel with more than one zoning district classification.

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

There were no questions or comments from the Commission or public.

**Motion by Grenis to recommend approval of case JR21-0004, subject to the conditions of the staff report. Second by Eilers.**

<b>Kuntz</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Grenis</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Aye</b>
<b>Detterbeck</b>	<b>Aye</b>
<b>DuBois</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>

**JP21-0002 Preliminary Plat – Norris Acres First Addition Marvin Morris, Owner  
Brian Norris, Petitioner**

Mike Tertinger presented the staff report.

The applicant is proposing a 4-lot preliminary plat of 22.4 total acres, which will result in a net increase of 2 buildable lots. The land use map designation for the property is AA (Agricultural Area), and each lot is proposed to contain over the 2-acre minimum requirement. Proposed Lot 1 will contain 4.0 acres, proposed Lot 2 will contain 6.92 acres, proposed Lot 3 will contain 5.1 acres and proposed Lot 4 will contain 5.1 acres. There are no existing structures on either of the two parent parcels.

An associated final plat case (JF21-0008) is running concurrently with this case.

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets both Minimum Levels of Service (MLS) and Land Evaluation Site Assessment (LESA) requirements, and earned a LESA score of 141.75 (the minimum threshold need to pass in AA areas is 115). Access to proposed Lot 1 will be via direct connection to N Center Point Rd. Access to proposed Lots 2, 3 & 4 will be via a private lane connecting to N Center Point Rd.

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

Jamie Huff, 3673 Mohler Road, adjacent property to the north, spoke in favor of the proposal. He stated that the petitioner, Brian Norris, has been considerate of his neighbors by communicating with them about this proposal. Huff is planning to purchase Lot 3 from Norris.

There were no questions or comments from the Commission or public.

**Motion by Eilers to recommend approval of case JP21-0002, subject to the conditions of the staff report. Second by Grenis.**

<b>Maxwell</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Detterbeck</b>	<b>Aye</b>
<b>Kuntz</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Grenis</b>	<b>Aye</b>
<b>DuBois</b>	<b>Aye</b>

**JF21-0008 Final Plat – Norris Acres First Addition**

**Marvin Morris, Owner  
Brian Norris, Petitioner**

Mike Tertinger presented the staff report.

The applicant is proposing a 4-lot final plat of 22.4 total acres, which will result in a net increase of 2 buildable lots. The land use map designation for the property is AA (Agricultural Area), and each lot is proposed to contain over the 2-acre minimum requirement. Proposed Lot 1 will contain 4.0 acres, proposed Lot 2 will contain 6.92 acres, proposed Lot 3 will contain 5.1 acres and proposed Lot 4 will contain 5.1 acres. There are no existing structures on either of the two parent parcels.

An associated preliminary plat case (JP21-0002) is running concurrently with this case.

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). The parcel meets both MLS and LESA requirements, and earned a LESA score of 141.75 (the minimum threshold need to pass in AA areas is 115). Access to proposed Lot 1 will be via direct connection to N Center Point Rd. Access to proposed Lots 2, 3 & 4 will be via a private lane connecting to N Center Point Rd.

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

There were no questions or comments from the Commission or public.

**Motion by Wagner to recommend approval of case JF21-0008, subject to the conditions of the staff report. Second by Kuntz.**

<b>DuBois</b>	<b>Aye</b>
<b>Grenis</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Detterbeck</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Aye</b>
<b>Kuntz</b>	<b>Aye</b>

**JR21-0002 Rezoning from AG to RR1**

**Larry & Bethel Sylvester, Owners**

Mike Tertinger presented the staff report.

The applicant is proposing to rezone the 0.69 acre subject property from the AG (Agricultural) zoning district to the RR1 (Rural Residential 1-Acre) zoning district for the purpose of selling the property to the adjoining property owner at 3387 Schmickle Rd which is currently zoned RR1.

An associated Minor Boundary Change (JMBC21-0003) is proposed for the subject property, which contains no existing structures and a small portion of an existing driveway. The 0.69 acre parcel will be combined via deed restriction to parcel containing 3387 Schmickle Rd. The boundary change process will be completed prior to final consideration of the rezoning case.

This proposal meets the standards for approval per Article IV, Section 107-69 and Article IV, Section 107-70 of the Linn County Unified Development Code (UDC). A Land Evaluation and Site Assessment (LESA) analysis is not required per Article IV, Section 107-70, subsection (1)(c) of the UDC, as the proposed rezoning is to prevent a situation that would result in a parcel with more than one zoning district classification.

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

There were no questions or comments from the Commission or public.

**Motion by Maxwell to recommend approval of case JR21-0002, subject to the conditions of the staff report. Second by Kuntz.**

<b>Grenis</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Aye</b>
<b>DuBois</b>	<b>Aye</b>
<b>Detterbeck</b>	<b>Aye</b>
<b>Kuntz</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>

**JR21-0003      Rezoning from AG to RR1**

**Larry & Bethel Sylvester, Owners**

Mike Tertinger presented the staff report.

The applicant is proposing to rezone the 0.04 acre subject property from the AG (Agricultural) zoning district to the RR1 (Rural Residential 1-Acre) zoning district for the purpose of selling the property to the adjoining property owner at 3361 Schmickle Rd which is currently zoned RR1.

An associated Minor Boundary Change (JMBC21-0005) is proposed for the subject property, which contains no existing structures. The 0.04 acre parcel will be combined via deed restriction to 3361 Schmickle Rd. The boundary change process will be completed prior to final consideration of the rezoning case.

This proposal meets the standards for approval per Article IV, Section 107-69 and Article IV, Section 107-70 of the Linn County Unified Development Code (UDC). A Land Evaluation and Site Assessment (LESA) analysis is not required per Article IV, Section 107-70, subsection (1)(c) of the UDC, as the proposed rezoning is to prevent a situation that would result in a parcel with more than one zoning district classification.

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

There were no questions or comments from the Commission or public.

**Motion by Kuntz to recommend approval of case JR21-0003, subject to the conditions of the staff report. Second by Grenis.**

<b>Grenis</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Kuntz</b>	<b>Aye</b>
<b>DuBois</b>	<b>Aye</b>
<b>Detterbeck</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>

**JR21-0005      Rezoning from RR1 to AG      Tanager Place, Owner**

Charlie Nichols presented the staff report.

The applicant is proposing to rezone two properties totaling 3.39 acres from the RR1 (Rural Residential 1-Acre) zoning district to the AG (Agricultural) zoning district. The subject property is located within the RRD2 (Rural Residential Development 2-Acre Area) on the Linn County Rural Land Use Map. This case is associated with, a Land Use Plan Amendment request (case JA21-0003) to change the future land use map designation from RRD2 to AA (Agricultural Area).

This proposal meets the standards for approval per Article IV, Section 107-72 of the Linn County Unified Development Code (UDC). A Land Evaluation Site Assessment (LESA) analysis is not required per Article IV, Section 107-70, § (1)(d) of the UDC, as the proposed rezoning is to a zoning district of lesser intensity. The subject property meets Minimum Level of Services (MLS) requirements.

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

There were no questions or comments from the Commission or public.

**Motion by Kuntz to recommend approval of case JR21-0005, subject to the conditions of the staff report. Second by Maxwell.**

<b>Detterbeck</b>	<b>Aye</b>
<b>Kuntz</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Eilers</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Aye</b>
<b>DuBois</b>	<b>Aye</b>
<b>Grenis</b>	<b>Aye</b>

**JA21-0003      Land Use Map Amendment – RRD2 to AA      Tanager Place, Owner**

Charlie Nichols presented the staff report.

The applicant is requesting a Rural Land Use Map Amendment to change the map designation for four properties totaling 29.54 acres to Agricultural Area (AA) from Rural Residential Development 2-Acre Area (RRD2). A Rezoning proposal (case JR21-0005) is running concurrently with this case.

This proposal meets the standards for approval in Article IV Section 107-75 of the Linn County Unified Development Code (UDC). Rural Land Use Map Amendments are not subject to Minimum Levels of Service (MLS) or Land Evaluation Site Assessment (LESA) requirements.

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

There were no questions or comments from the Commission or public.

**Motion by Wagner to recommend approval of case JA21-0003, subject to the conditions of the staff report. Second by Grenis.**

<b>Eilers</b>	<b>Aye</b>
<b>Detterbeck</b>	<b>Aye</b>
<b>Maxwell</b>	<b>Aye</b>
<b>Wagner</b>	<b>Aye</b>
<b>Grenis</b>	<b>Aye</b>
<b>Kuntz</b>	<b>Aye</b>
<b>DuBois</b>	<b>Aye</b>

#### **COMMISSION COMMENTS**

#### **STAFF COMMENTS**

Nichols informed the Commission that the Board of Supervisors is currently discussing potential re-opening dates. They are anticipating sometime mid-June, but Nichols will confirm once a determination has been made.

Nichols congratulated Stephanie Lientz for accepting a new position within the department as Planning & Zoning Division Manager.

Nichols invited the Commission members to two upcoming informational meetings about the proposed NextEra Solar Farm; Tuesday, May 25<sup>th</sup> at the Palo Community Center and Wednesday, June 2<sup>nd</sup> at the Linn County Fairgrounds. Both meetings will start at 6pm.

#### **PUBLIC COMMENTS**

#### **ADJOURNMENT**

The meeting was adjourned at 7:38 p.m.

Respectfully submitted,

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Tina DuBois, Chair

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Jessie Black, Recording Secretary