



PLANNING, DEVELOPMENT AND SUSTAINABILITY

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MEMO

Date: Sept 8, 2017
To: Board of Supervisors
From: Josh Busard, Director
Re: Video Made by Grant Schultz regarding Rezoning Application 27281

On Sept. 8, 2017, Mr. Schultz posted an approximately 25-minute video on Facebook about his rezoning application 27281. In the video, a number of claims are made. The Planning, Development and Sustainability Department would like to provide a response.

The application will be heard by the Johnson County Board of Supervisors at 5:30 p.m. on Sept. 14, 2017.

Part One of this memo will provide background and timeline for the application process to date.

Part Two addresses topics, primarily by the order in which they were raised in the video. This is not meant to be a comprehensive review of the entire application that will be considered by the Board on September 14.

PART ONE: TIMELINE AND BACKGROUND

Grant Schultz submitted to Johnson County Planning, Development and Sustainability an application on July 11, 2017 to reclassify 62.54 acres from A-Agricultural to AR-Agricultural Residential for “diverse organic farm hosting education, fishing, camping, and cabins for agritourism.”

The property at 5133 Strawbridge Road NE is owned by Edward Paul Durrenburger and Suzan Erem. The County believes that Mr. Schultz leases the farm, and intends to purchase it at the end of 2017.

Mr. Schultz’s application was heard by the Johnson County Planning and Zoning Commission on August 14, 2017. Ms. Erem, as the property owner, stated at the meeting that she did not support Mr. Schultz’s rezoning application. In their report, staff recommended denial. The complete staff report is attached; however, here is an excerpt from the conclusion highlighting staff concerns:

While a smaller-scale rezoning request at this location may be appropriate, staff is not comfortable recommending approval of this request as presented given the scale of potential development that could result from rezoning 62 acres of land to AR-Agricultural Residential. Staff has significant concerns with how out-of-character a large scale development would be with the historical development patterns of Morse, and also with the potential impacts development could have on Strawbridge Rd, Putnam St, and the Strawbridge Rd bridge over Rapid Creek. These concerns exist not only in regards to a large-scale residential development, but also for the 36-unit rental cabin development at the site proposed by the applicant – staff would prefer to see a more measured and incremental approach to development of this site.

The Planning and Zoning Commission voted 5-0 to deny approval. This vote serves as a recommendation to the Board of Supervisors, which, as noted, will hear the application at its 5:30 p.m. formal meeting on Thursday, Sept. 14, 2017.

PART TWO: ADDRESSING CLAIMS MADE BY MR. SCHULTZ

The following responses are relative to the order in which they were raised in the video.

Retail Orchard / You-Pick Operations: The County has not banned retail orchards. However, on April 20, 2017, the County established a 12-month moratorium on the creation of new retail orchards (Res 04-20-17-01). "You-pick" farm operations are not part of the moratorium. Mr. Schultz at this time could invite the public to personally pick apples (or any other fruit, vegetables or nuts he grows on site) and buy them from him.

Aqua-Culture: ("Fish Farms"): Fish Farms are considered agriculture in Johnson County. Mr. Schultz could raise fish on his property right now if he wanted to. If he wants to have a "fish your own" operation along with selling bait for others to fish, he would need to follow the same regulations others have and rezone the property to Agricultural Residential and get a conditional use permit.

Morse Village Boundary and Plan: As Mr. Schultz's states, the property is within the Morse village boundary. The County Land Use Plan (2008) directed the County to develop plans for each unincorporated village, including Morse. That directive include the following item:

"Encourage sustainability within villages by promoting mixed-use developments that foster live/work arrangements which are appropriate for the village-area being considered."

Mr. Schultz claims he is supporting the Land Use Plan by fostering live/work arrangements. However, as seen above the goal statement goes on to mention that the live/work arrangements should be *appropriate* as determined by the Morse Village Plan. The Morse Village plan states:

"Future housing stock should not conflict with historic village development."

Historically, the village has not grown from a population of approximately 85 people in the past 100 years, and the traditional growth area of the village is small-lot development along Putnam Road to the north. Development in Morse traditionally has been a mix of low-intensity commercial and residential uses. The build-out for the 62 acres, if zoned Agricultural Residential is as many as 50 homes before density bonuses (see staff report).

Housing for Seasonal Agricultural Labor: Johnson County allows "seasonal agricultural camps" that must follow 14 requirements, including fire and other safety aspects. Strong regulation on temporary quarters for agricultural workers is necessary to ensure farm workers are not forced to live in sub-standard conditions just to work. It is true that the seasonal housing for agricultural workers is limited to June 1 and Sept. 15. There has been discussion about changing this time-period when the ordinance is reviewed.

Mr. Schultz's referenced a lawsuit. Staff has no direct knowledge of a lawsuit, but is fairly certain that there was a migrant camp in the late 1980s south of Lone Tree, and this camp necessitated the seasonal agricultural labor ordinance to protect farm workers.

Responsiveness to Mr. Schultz: Staff have remained available by phone and email, as well as in person, to Mr. Schultz. The last in-person contact was August 31.

Cost of Application and Project Scope: Prior to Mr. Schultz submitting the rezoning application dated July 11, Nate Mueller, Assistant PDS Director, emailed him on July 10, 2017, to caution him

about requesting a rezoning while he was not the property owner, and moreover, the current owner had stated she was opposed to the rezoning. Specifically, Nate wrote:

“You are welcome to request the rezoning even though you are not currently the deed holder, but in our experience when that kind of request comes through and the deed holder is opposed to the change, the Supervisors take that very heavily into account. I just want to make sure you’re aware of this potential issue before you commit \$1400+ to the application filing fee.”

In addition, Josh Busard, PDS director, had personal conversations with Mr. Schultz, where he recommended that the rezoning application be scaled down, and that it might be more appropriate to seek rezoning of eight (8) acres to better support his goal of obtaining a conditional use permit for his intended development (cabins, etc.). Mr. Schultz did not follow that advice, and he repeatedly stated that he needed to rezone the entire property because his timeline did not permit a subdivision application. Josh also told him that before any building permit, he would need a subdivision, but Mr. Schultz said he would address that later.

Mr. Schultz indicated in the video that he wishes to have 14 cabins for resident farm workers and 22 for rental. This statement in the video is the first time staff have heard these specific details.

Strawbridge Road and Infrastructure Costs: This road floods regularly as shown on the Flood Insurance Rate Map. The County’s Land Use Plan (2008) contains the following two policies:

“Ensure transportation demands can be accommodated when evaluating rezoning requests” (p. 22).

“Ensure that new residential areas are responsible for a share of development costs” (p. 23).

The County has worked with property owners and developers to improve roads prior to development projects (e.g., Harry Ambrose on Curtis Bridge Road; Stringtown Grocery and Kalona Cheese Factory on 500th Street; S&G Materials on Isaak Walton; Celebration Farm (turn lanes) on Highway 1).

Additionally, the County’s Floodplain Development Regulations states that “Subdivision proposals intended for residential development shall provide lots with a vehicular access that will remain passible during occurrence of the 100-year flood” – because of this, staff historically does not recommend approval of rezoning applications that do not meet this standard. The property in question does not meet this standard and staff does not feel that transportation demands can be accommodated without future road upgrades.

County Historic Poor Farm: The property Mr. Schultz is requesting to rezone is in the unincorporated area of Johnson County, and thus subject to its regulations. The Johnson County Historic Poor Farm is located within the city limits of Iowa City, and is regulated under the City Zoning Ordinance. Contrary to Mr. Schultz’s claim, the County Farm is subject to zoning and other city regulations, and comparisons between the two is not a simple as presented in the video. County staff, the Board of Supervisors and consultants on the project have communicated with City staff about the many city regulations.

Respectfully,

Josh Busard
Director
Planning and Development & Sustainability