

Planning & Zoning Meeting Minutes

2/20/2020

Butler County Courthouse

Present

Planning and Zoning Commission members:

Janice Johnson

Deb McWhirter

Ryan Norton

Jane Close

John Backer

Others:

Misty Kroeze, Zoning Administrator

Nate Meyer, Windstream

John Riherd, Butler County Engineer

Brian Schoon, INRCOG

Dave Kuhner, Butler County Asst. Attorney

Janice Johnson called the meeting to order.

A motion was made to approve the agenda as presented by Jane Close and was seconded by Deb McWhirter. Motion passed.

A motion was made to approve the previous meeting minutes dated January 2, 2020, by Deb McWhirter and was seconded by Ryan Norton. Motion passed.

Old Business:

None

Public Hearing:

Chair Johnson opened the public hearing on an application by Windstream to install a 110' high speed broadband communication pole, H-frame and telco connections in the NE¼ NW¼ of Section 31, Township 91 North, Range 17 West of the 5th P.M. Administrator Kroeze presented her staff report and stated that the applicant is proposing that this pole be put up in the road right-of-way across from the new Landus grain site on 270th St. Administrator Kroeze stated that while this pole is designed to look more like a utility pole, the use still dictates that it go through approval process through the Planning & Zoning Commission regardless of location and construction. Administrator Kroeze also pointed out that there is a 50 ft setback required from the road right-of-way, which this pole clearly does not meet. Administrator Kroeze also expressed concerns about whether maintenance would be an issue and whether it would interfere with traffic. While the County Engineer did not express any issues with the proposed location in the right-of-way, Administrator Kroeze did consult with other County Zoning Administrators across the State and found very little consistency in regulating these poles, but the ones that were regulating them also enforced proper setbacks and there was a general consensus that they did not meet the exemption criteria outlined in Iowa Code 8C.7A.

County Engineer John Riherd stated that he felt there was a pretty big clear zone and that the driveway would be wide enough to allow them to install and maintain the pole without interfering with traffic. Nate Meyer from Windstream spoke on behalf of the application and stated that the purpose of this

pole was to provide high speed internet services to rural areas of the Country and is a Government funded project. The movement from private property to road right-of-way deals mainly with the fact that land is important and farmers and they are charging higher prices for leases. In addition to the fact that the equipment is often times a nuisance for the local farmers to operate around. Instead of running fiber optic lines and cable, this pole supplies a wireless option. This is not a cell phone tower, it is strictly wireless internet.

Discussion was had regarding how far from the road the pole would be and it was determined that it would be about 26 ft from the edge of the road and that County Engineer Riherd will also issue a utility permit taking into consideration the road dimensions. It was also determined that the example picture submitted with the application is a gravel road with a smaller right-of-way than the proposed location for this pole. Discussion was had regarding the service area and it was determined that the radius signal for this proposed pole would be 4 or 5 miles so there would be no need for multiple poles in close proximity due to a longer range signal. Discussion was had regarding FFA standards and it was determined that this should not have an impact with seasonal field spraying, especially with the Landus site across the road. Discussion was had regarding the equipment and it was determined that it is regulated differently than cell towers, there would be underground fiber optic equipment just between the ground equipment and the antennae mounted on the tower would transmit a wireless signal to routers in each home. Discussion was had concerning the approval of this application setting a precedence and whether it would be harder to deny future applications if this one is approved. It was determined that since the range consists of a large radius, the need for multiple towers, especially in a small area, is very slim and it would still be approved on a site-specific basis.

A motion to close the public hearing was made by Deb McWhirter and seconded by Jane Close. Motion passed.

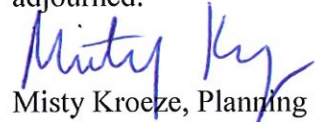
Board Members did express concerns with setting precedence and what would happen to the equipment when it becomes obsolete.

A motion to approve the tower application was made by Deb McWhirter and was seconded by John Backer. Motion was unanimously approved.

Meeting with INRCOG:

The Commission held a meeting with Brian Schoon from INRCOG to discuss the zoning ordinance amendment process. Brian submitted a list of topics that the update was going to focus on addressing. The typical process is to work one on one with the Zoning Administrator for initial changes, which she can present to the Planning & Zoning Commission.

Motion to adjourn the meeting was made by Jane Close and was seconded by Deb McWhirter. Meeting adjourned.



Misty Kroeze, Planning and Zoning Administrator