

On September 24, 2021, the applicant for Future Land Use Map Amendment application FLUM-21-28091 – David Brown – filed an amendment to said application. The amendment increases the area the applicant is proposing be changed to the Residential Future Land Use Category.

After review by PDS staff, it appears that the amended information was limited to the first 22 pages of the application packet.

To ensure transparency this file shows the full resubmittal filed September 24, 2021 in addition to the full initial submittal filed June 30, 2021. There is an insert below (on page 92 of this PDF document) indicating the start of the initial submittal materials.



September 24, 2021

Mr. Josh Busard
Jo. Co. Planning, Development, & Sustainability Dept.
913 S. Dubuque St, Suite 204
Iowa City, IA 52240

RE: Brown FLUM and Rezoning

Dear Josh:

Attached is a revised FLUM and Rezoning Exhibit for the Brown application, along with the full submittal packets. The Rezoning Exhibit revision was necessary to ensure that the intended lots will not have dual zoning or dual land use designations. Nothing has changed regarding the amount of land to be set aside for preservation. Limits of disturbance and preservation standards for each lot will be required per applicant's proposed Conditional Zoning Agreement and as set forth in the Sensitive Areas Exhibit.

Legal descriptions of the revised areas are attached in Word format. One paper copy of each exhibit will be delivered today.

In addition, a revised Conditional Zoning Agreement has been included changing the conditional approval language relating to Seneca Road. Specifically, paragraph 4(f) now states:

(f) The County may, at the time of subdivision of the Property, reasonably condition subdivision of the Property upon Seneca Road meeting county road standards.

In all other respects, the packets remain the same as those originally submitted.

Please let me know if you have further questions.

Respectfully submitted,

Gina Landau

10831-001CoverLetter.docx

Environmental Specialists

Landscape Architects

Land Planners

Land Surveyors

Civil Engineers

Office Use Only		\$ 750	
	<i>Date Filed</i>	<i>Fee</i>	<i>Application Number</i>



JOHNSON COUNTY, IOWA

APPLICATION FOR: FUTURE LAND USE MAP AMENDMENT

Application is hereby made to amend the Johnson County Future Land Use Map to change the designation of the following property:

0317377001 and 0320201001

List parcel number(s) to be changed (or attach a full legal description on a separate sheet instead)

Street Address (if applicable): 1605 Seneca Rd. NW, Swisher, IA 52338

Current Future Land Use Map Designation: Agriculture

Requested Future Land Use Map Designation: Residential and Preservation (See attached Supplement)

***If property or properties have more than one current or requested designation, please attach an additional sheet indicating the current and requested designation for each parcel number or legal description.*

See the adopted Future Land Use Map Amendment Procedures Policy Sheet (attached) for the complete list required submission items.

THE UNDERSIGNED AFFIRM(S) THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT.
PLEASE PRINT

David Brown

Name of Applicant(s)

6150 Village View Dr., Suite 113, West Des Moines, IA 50266

Street Address (including City, State, Zip)

515-279-1111

Phone

dabrown47@gmail.com

Email

Signature

Signature (if necessary)

Applications are accepted only between June 1 and June 30. Fee is due at the time of application.

**Applications should be delivered to the Planning, Development and Sustainability Office
913 South Dubuque Street, Suite 204, Iowa City, IA 52240-4273**

SUPPLEMENT TO APPLICATION FOR: FUTURE LAND USE AMENDMENT

AND

APPLICANT’S AGREEMENT TO ZONING RESTRICTIONS

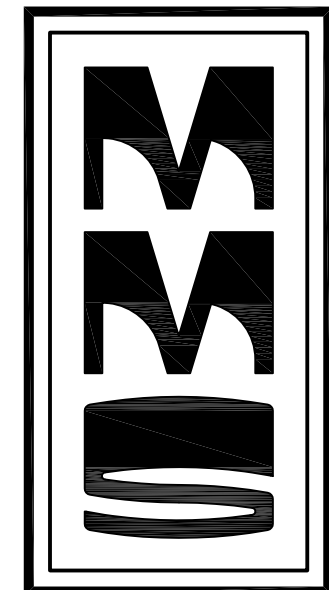
The Applicant, David Brown, proposes to change the Property classification in the FLUM from Agricultural to Residential and Preservation, contemporaneous to a binding commitment to rezone to Environmental Resources Preservation (“ERP”) and R-3, with limits on the area of disruption within buildable lot zones. As depicted on the Land Use Map Amendment Exhibit, Applicant proposes that the lot areas colored yellow be designated Residential with the lot areas shaded in pink being designated Preservation under the FLUM. Exhibit "1" shows the areas to remain undisturbed, noted in green. Sensitive areas to be protected under this FLUM change are set forth in Exhibit “2” attached.

The Applicant desires to work with Johnson County to impose restrictions on the Property as a condition of this approval process, including Board approval being contingent upon approval of the attached Zoning Amendment Application (draft at Exhibit “3”), and of a Conditional Zoning Agreement to guaranty the restrictions, including limits on the number of lots, limits on the area of disturbance, statutory requirements for protected areas and preservation, and other similar matters.

THIS EXHIBIT HAS BEEN PREPARED FROM DEEDS AND PLATS OF RECORD. A FIELD SURVEY WILL BE REQUIRED TO CONFIRM PROPERTY BOUNDARIES.

FUTURE LAND USE MAP AMENDMENT EXHIBIT

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 81 NORTH, RANGE 7 WEST, OF THE FIFTH PRINCIPAL MERIDIAN
JOHNSON COUNTY, IOWA



CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.
IOWA CITY, IOWA 52240
(319) 351-8282
www.mmsconsultants.net

LEGEND AND NOTES

- ▲ CONGRESSIONAL CORNER, FOUND
- △ CONGRESSIONAL CORNER, REESTABLISHED
- CONGRESSIONAL CORNER, RECORDED LOCATION
- PROPERTY CORNER(S), FOUND (as noted)
- PROPERTY CORNERS SET (5/8" Iron Pin w/ yellow, plastic LS Cap embossed with "MMS")
- CUT "X"
- PROPERTY &/or BOUNDARY LINES
- CONGRESSIONAL SECTION LINES
- RIGHT-OF-WAY LINES
- CENTER LINES
- LOT LINES, INTERNAL
- LOT LINES, PLATTED OR BY DEED
- EASEMENT LINES, WIDTH & PURPOSE NOTED
- EXISTING EASEMENT LINES, PURPOSE NOTED
- RECORDED DIMENSIONS
- MEASURED DIMENSIONS
- CURVE SEGMENT NUMBER

(R)
(M)
C22-1

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS

DESCRIPTION - FLUM PARCEL #1

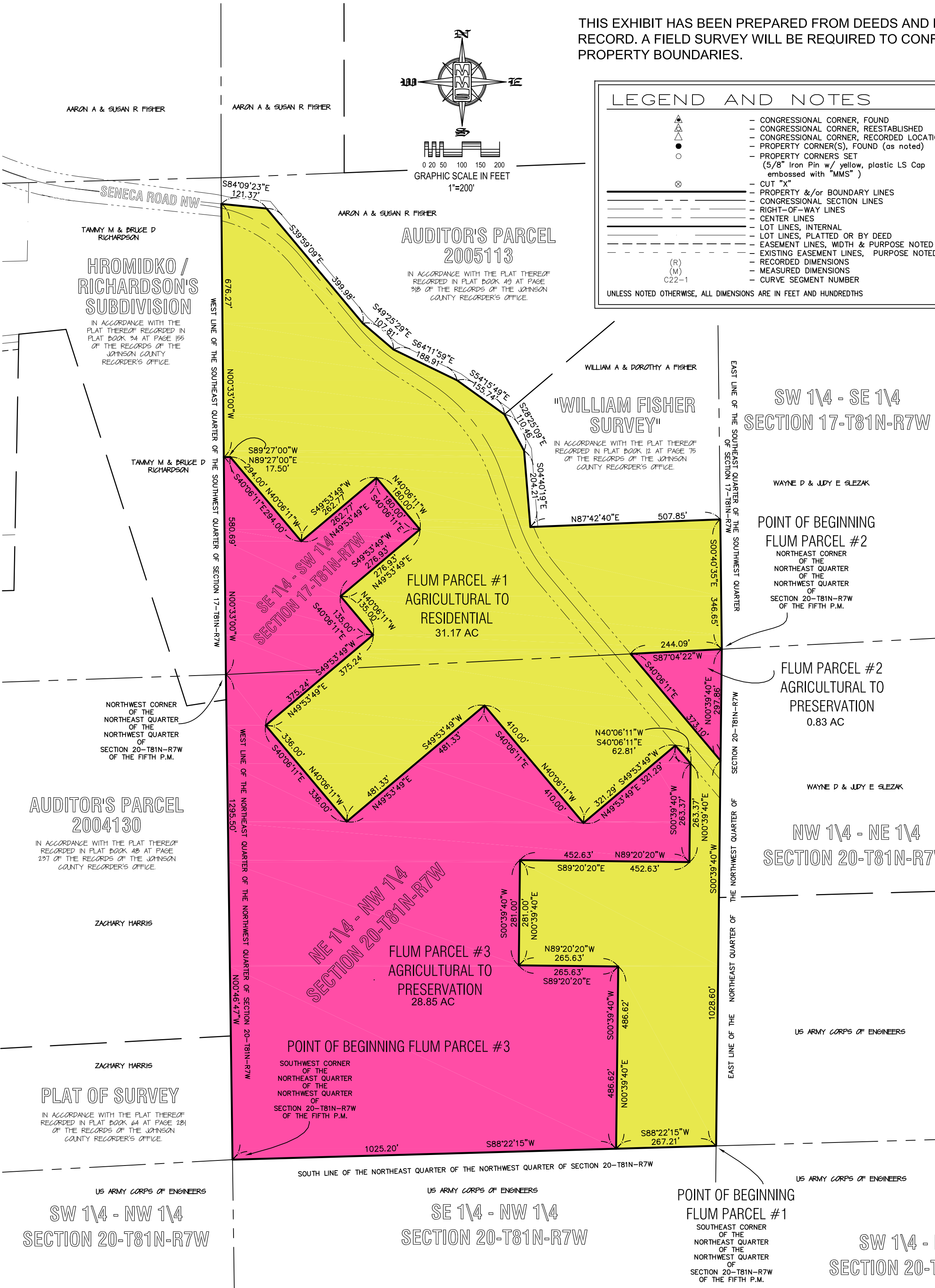
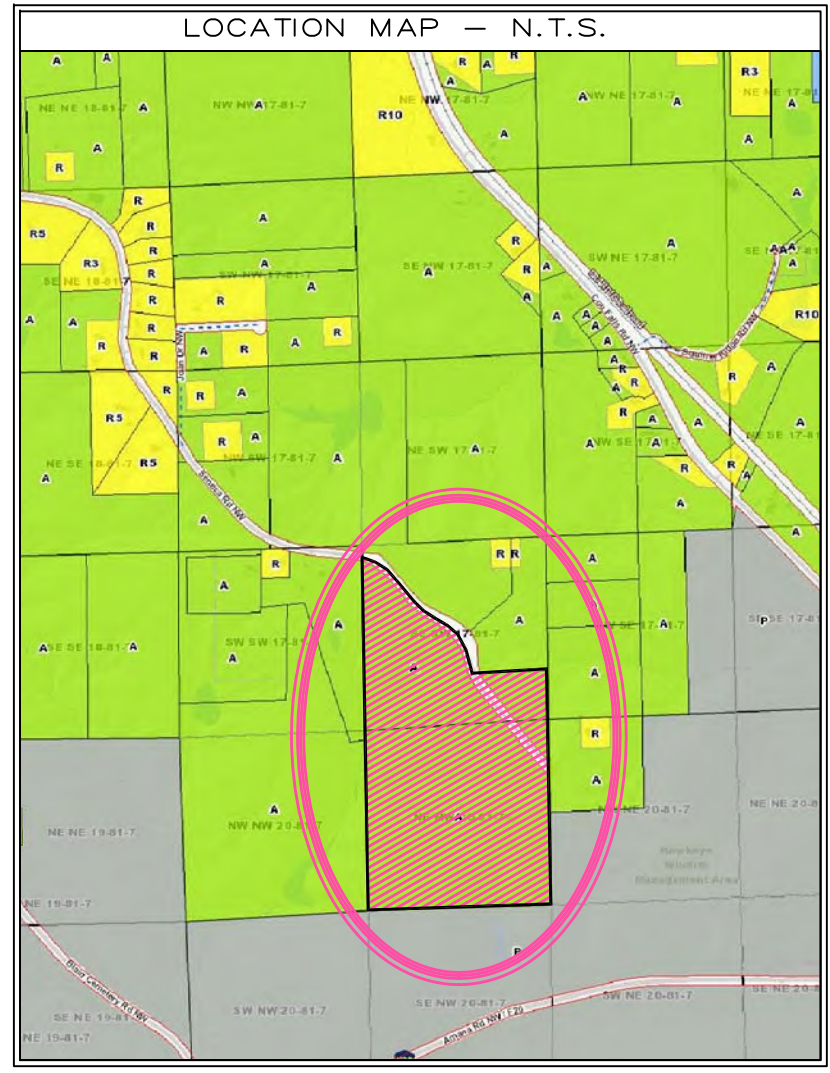
Beginning at the Southeast Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence S88°22'15"W, along the South Line of said Northeast Quarter of the Northwest Quarter, 267.21 feet; Thence N00°39'40"E, 486.62 feet; Thence N89°20'20"W, 265.63 feet; Thence N00°39'40"E, 281.00 feet; Thence S89°20'20"E, 452.63 feet; Thence N00°39'40"E, 263.37 feet; Thence N40°06'11"W, 62.81 feet; Thence S49°53'49"W, 321.29 feet; Thence N40°06'11"W, 410.00 feet; Thence S49°53'49"W, 481.33 feet; Thence N40°06'11"W, 336.00 feet; Thence N49°53'49"E, 375.24 feet; Thence N40°06'11"W, 135.00 feet; Thence N49°53'49"E, 276.93 feet; Thence N40°06'11"W, 180.00 feet; Thence S49°53'49"W, 262.77 feet; Thence N40°06'11"W, 294.00 feet; Thence S89°27'00"W, 17.50 feet, to a Point on the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence N00°33'00"W, 676.27 feet, to its intersection with the Southerly Line of Auditor's Parcel 2005113, in accordance with the Plat thereof Recorded in Plat Book 49 at Page 318 of the Records of the Johnson County Recorder's Office; Thence S84°09'23"E, along said Southerly Line, 121.37 feet; Thence S39°59'09"E, along said Southerly Line, 399.98 feet; Thence S49°25'29"E, along said Southerly Line, 107.81 feet; Thence S64°11'59"E, along said Southerly Line, 188.91 feet; Thence S54°15'49"E, along said Southerly Line, 155.74 feet, to the Southern most corner thereof, and a Point on the South Line of "William Fisher Survey", as Recorded in Plat Book 12, at Page 75 of the Records of the Johnson County Recorder's Office; Thence S28°25'09"E, along said South Line, 110.46 feet; Thence S04°40'19"E, along said South Line, 204.21 feet; Thence N87°42'40"E, along said South Line, 507.85 feet, to the Southeast Corner thereof, and a Point on the East Line of the Southeast Quarter of the Southwest Quarter of said Section 17; Thence S00°40'35"E, along said East Line, 346.65 feet, to the Northeast Corner of the Northeast Quarter of said Section 20; Thence S87°04'22"W, 244.09 feet, to a Point on the Northeastly Right-of-Way Line of Seneca Road NW; Thence S40°06'11"E, along said Northeastly Right-of-Way Line, 373.10 feet, to its intersection with the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20; Thence S00°39'40"W, along said East Line, 1028.60 feet, to the Point of Beginning. Said Parcel contains 31.17 Acres, and is subject to easements and restrictions of record.

DESCRIPTION - FLUM PARCEL #2

Beginning at the Northeast Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence S87°04'22"W, 244.09 feet, to a Point on the Northeastly Right-of-Way Line of Seneca Road NW; Thence S40°06'11"E, along said Northeastly Right-of-Way Line, 373.10 feet, to its intersection with the East Line of the Northeast Quarter of the Northwest Quarter of said Section 20; Thence N00°39'40"E, along said East Line, 297.86 feet, to the Point of Beginning. Said Parcel contains 0.83 Acre, and is subject to easements and restrictions of record.

DESCRIPTION - FLUM PARCEL #3

Beginning at the Southwest Corner of the Northeast Quarter of the Northwest Quarter of Section 20, Township 81 North, Range 7 West, of the Fifth Principal Meridian; Thence N00°46'47"W, along the West Line of the Northeast Quarter of the Northwest Quarter of said Section 20, a distance of 1295.50 feet, to the Northwest Corner thereof; Thence N00°33'00"W, along the West Line of the Southeast Quarter of the Southwest Quarter of Section 17, Township 81 North, Range 7 West, of the Fifth Principal Meridian, 580.69 feet; Thence N89°27'00"E, 17.50 feet; Thence S40°06'11"E, 294.00 feet; Thence N49°53'49"E, 262.77 feet; Thence S40°06'11"E, 180.00 feet; Thence S49°53'49"W, 276.93 feet; Thence S40°06'11"E, 135.00 feet; Thence S49°53'49"W, 375.24 feet; Thence S40°06'11"E, 336.00 feet; Thence N49°53'49"E, 481.33 feet; Thence S40°06'11"E, 410.00 feet; Thence N49°53'49"E, 321.29 feet, to a Point on the Southwesterly Right-of-Way Line of Seneca Road NW; Thence S40°06'11"E, along said Southwesterly Right-of-Way Line, 62.81 feet; Thence S00°39'40"W, 263.37 feet; Thence N89°20'20"W, 452.63 feet; Thence S00°39'40"W, 281.00 feet; Thence S89°20'20"E, 265.63 feet; Thence S00°39'40"W, 486.62 feet, to a Point on the South Line of the Northeast Quarter of the Northwest Quarter of said Section 20; Thence S88°22'15"W, along said South Line, 1025.20 feet, to the Point of Beginning. Said Parcel contains 28.85 Acres, and is subject to easements and restrictions of record.



Date	Revision

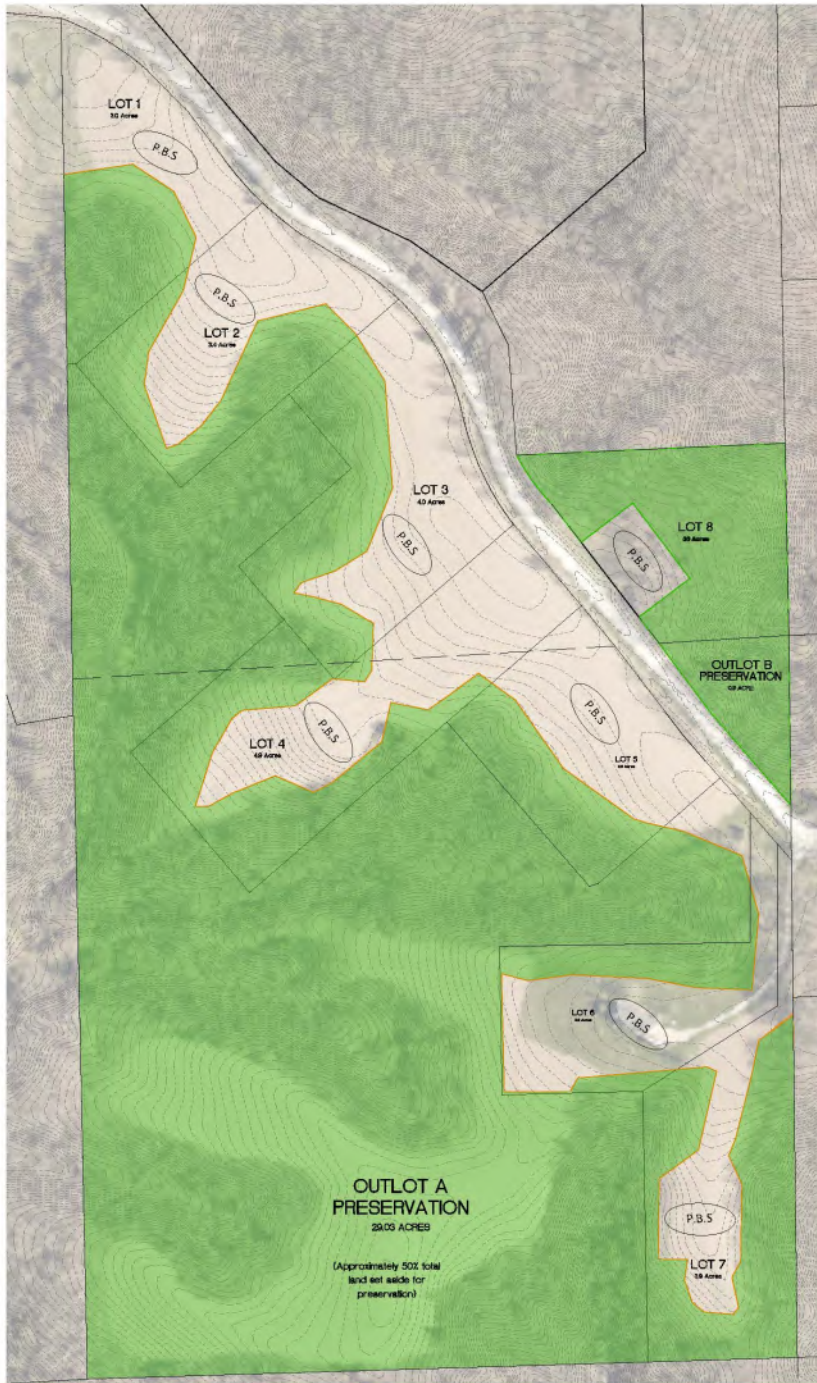
FUTURE LAND USE MAP AMENDMENT EXHIBIT

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 81 NORTH, RANGE 7 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

JOHNSON COUNTY IOWA
MMS CONSULTANTS, INC.

Date:	09-22-2021
Designed by:	GLL
Field Book No.:	
Drawn by:	RLW
Scale:	1"=200'
Checked by:	GDM
Sheet No.:	1
Project No.:	10831-001
of:	1

FLUM AMENDMENT SUPPLEMENT - EXHIBIT "1"



LEGEND

- Limits of disturbance
- Protected Area

NOTES:
 1. APPROXIMATELY 43.61 ACRES OF LAND (75% OF TOTAL TRACT) FALLS OUTSIDE OF THE LIMITS OF DISTURBANCE AND WILL BE PROTECTED AND PRESERVED AS PART OF THIS SUBDIVISION PROPOSAL.



M&S CONSULTANTS, INC.
 1833 S. 1001

DAVID BROWN
 LAND/ANALYSIS
 SCOTTISH BURNHAM
 SANDHURST
 SHERBURN COUNTY

**PRESERVATION
 EXHIBIT**

DAVID BROWN
 LAND/ANALYSIS
 SCOTTISH BURNHAM
 SANDHURST
 SHERBURN COUNTY



FLUM AMENDMENT SUPPLEMENT - EXHIBIT "3"

Office Use Only		\$	
	<i>Date Filed</i>	<i>Fee</i>	<i>Application Number</i>



JOHNSON COUNTY, IOWA
APPLICATION FOR: ZONING AMENDMENT

Application is hereby made to:

- Reclassify certain property on the Johnson County Zoning Map.**
- Amend the text of the Johnson County Unified Development Ordinance (UDO)**

For Map Changes Only:

The property to be rezoned is located at (street address if available or layman's description):
1605 Seneca Road NW, Swisher, IA 52338

Parcel Number(s) (legal description must also be attached): 0317377001 & 0320201001

The area to be rezoned is comprised of 60.85 total acres.

Current Zoning Classification(s): Ag Proposed Zoning Classification(s): R3 & ERP

For Text Amendments Only:

The amendment(s) propose changes to the following sections of the UDO (please be as specific as possible, and provide the specific code reference):

PLEASE PRINT OR TYPE

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this application being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

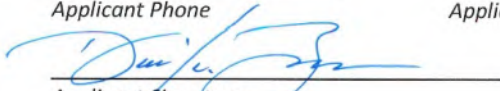
Bernard & Nancy Brown
Name of Owner

Dave Brown
Name of Applicant (if different)

6150 Village View Dr. Suit 113, West Des Moines, IA 50266
Applicant Street Address (including City, State, Zip)

515-279-1111
Applicant Phone

dabrown47@gmail.com
Applicant Email


Applicant Signature

See back page for Application Submittal Requirements and Checklist

Updated and current as of 1.15.2020 NM

APPLICATION FOR: ZONING AMENDMENT

The Applicant, David Brown, has proposed to change the Property classification in the Johnson County FLUM from Agricultural to Residential and Preservation, contemporaneous to a rezoning to Environmental Resources Preservation (“ERP”) and R-3, with limits on the area of disruption within buildable lot zones. As depicted in the attached Rezoning Exhibit Application (page 8), Applicant proposes that the lot areas colored yellow be designated Residential with the lot areas shaded in pink being designated ERP. Sensitive areas to be protected under this Rezoning change are set forth below (page 9).

The Applicant desires to work with Johnson County to impose restrictions on the Property as a condition of this approval process, including FLUM Amendment approval and of a Conditional Zoning Agreement (draft at Exhibit “A”) to guaranty the restrictions, including limits on the number of lots, limits on the area of disturbance, statutory requirements for protected areas and preservation, and other similar matters.

The Conditional Zoning Agreement limits the number of lots to 8 single-family lots (3-5 acres each, including protected areas, and consistent with neighboring properties) and preservation outlots (approximately 30 acres). Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties. The preservation outlots will be subjected to statutory requirements that will fully preserve the property.

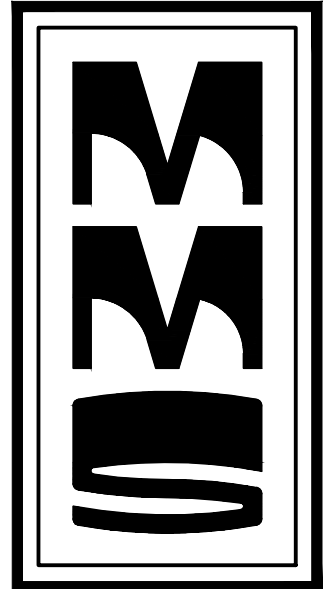
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REZONING EXHIBIT

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JOHNSON COUNTY, IOWA



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LEGEND AND NOTES

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- CONGRESSIONAL CORNER, RECORDED LOCATION
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- CURVE SEGMENT NUMBER

(R)
(M)
C22-1

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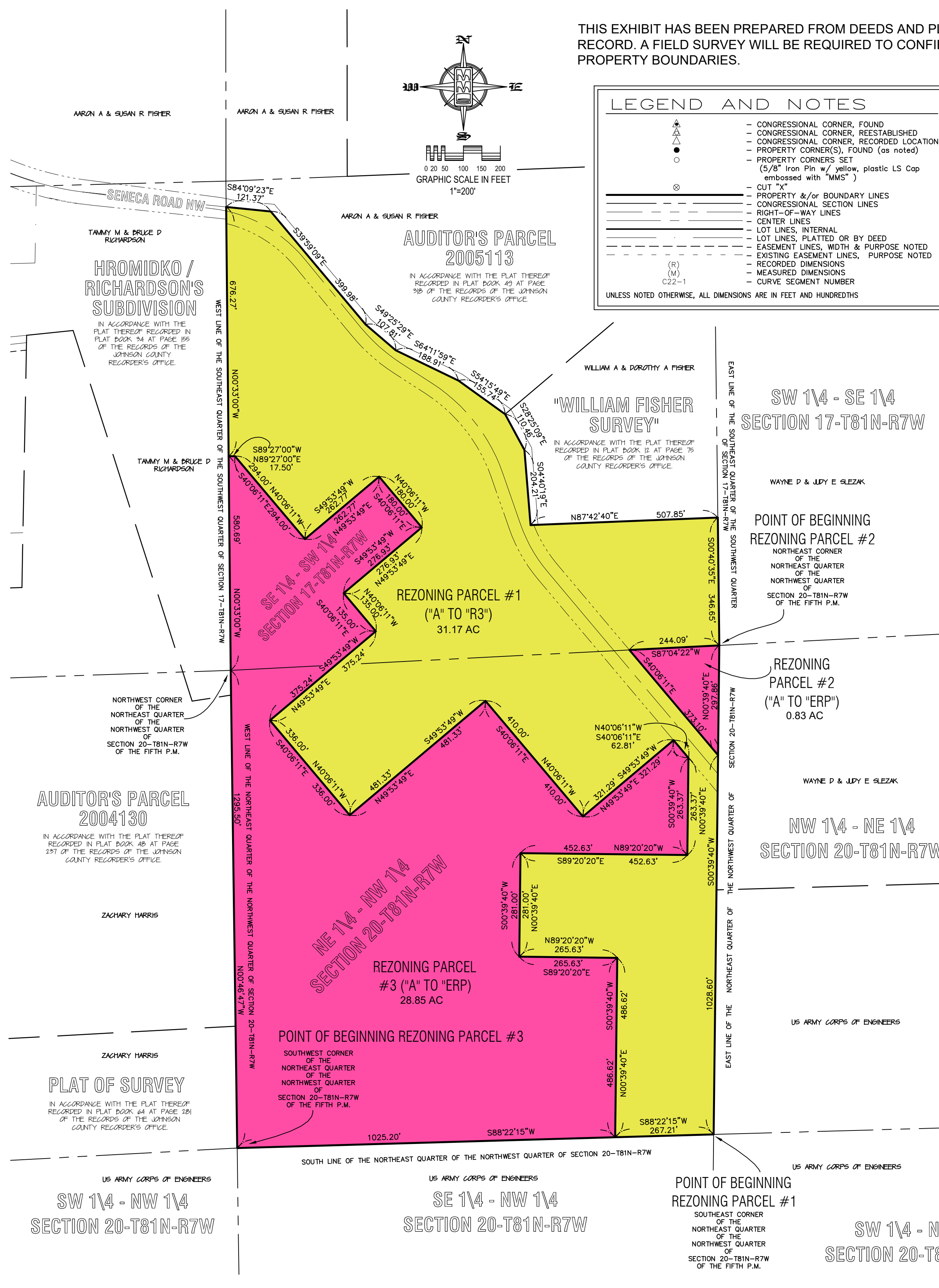
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Date	Revision

REZONING EXHIBIT

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 81 NORTH, RANGE 7 WEST, OF THE FIFTH PRINCIPAL MERIDIAN

JOHNSON COUNTY
IOWA
MMS CONSULTANTS, INC.

Date:	06-28-2021
Designed by:	GLL
Field Book No.:	
Drawn by:	RLW
Scale:	1"=200'
Checked by:	GDM
Sheet No.:	1
Project No.:	10831-001
of:	1

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Prepared by and Return to:

CONDITIONAL ZONING AGREEMENT

THIS AGREEMENT (this "Agreement") is made by **JOHNSON COUNTY, IOWA** (the "County") and **BERNARD BROWN** and **NANCY BROWN** ("Owners").

WHEREAS, Owners are the legal titleholders of approximately 62.4 acres of real property located on Seneca Road NW, legally described on the attached **Exhibit A** and graphically depicted on **Exhibit B** (the "Property"); and

WHEREAS, Owners have filed Zoning Application PZC-21-_____ requesting the rezoning of the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential.

WHEREAS, the Johnson County Planning and Zoning Commission has determined that the proposed rezoning request comports with the County's comprehensive plan as embodied in 2008 Johnson County Land Use Plan and related documents provided that it meets certain conditions; and

WHEREAS, Iowa Code Section 335.7 provides that the Board of Supervisors may impose reasonable conditions on granting a rezoning request over and above existing regulations in order to satisfy public needs which are directly caused by the requested zoning change; and

WHEREAS, Owners acknowledge that certain conditions on the granting the rezoning request are reasonable to ensure the development of the Property addresses these public needs and is consistent with the comprehensive plan and its requirements; and

WHEREAS, Owners and the County have agreed it is appropriate to rezone the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential subject to certain conditions to ensure appropriate development of the Property.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Owners is the legal titleholder of the Property.
2. The County agrees that Owners' rezoning request shall be approved and the Property shall be rezoned from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential with limits on the area of disruption within buildable lot zones as requested in Zoning Application PZC-21-_____ subject to this Agreement.
3. Owners acknowledges the County wishes to ensure conformance to the principles of the comprehensive plan. Further, the parties acknowledge Iowa Code Section 335.7 provides the County may impose reasonable conditions on a rezoning request, over and above the existing regulations, in order to satisfy public needs directly caused by the requested zoning change.
4. In consideration of the County's rezoning of the Property, Owners agree development of the Property will conform to all other requirements of the Johnson County Unified Development Ordinance, as may be amended from time to time, as well as the following conditions:
 - a. The Property will have no more than eight (8) buildable lots (3-5 acres each) upon future subdivision of the Property.
 - b. The buildable lots will have limits on the area of disturbance and requirements for protected areas upon future subdivision of the Property.
 - c. The Property will have preservation outlots, as depicted on **Exhibit C**, which will be subjected to statutory preservation requirements.
 - d. Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties, as depicted in Preservation Exhibit on **Exhibit C**.
 - e. Sensitive areas impact will not exceed statutory limits, as depicted in the Sensitive Areas Concept on **Exhibit D**.
 - f. The County may, at the time of subdivision of the Property, reasonably condition subdivision of the Property upon Seneca Road meeting county road standards.
 - g. Existing uses for the Property may continue until future development occurs.
5. Owners and the County acknowledge that the conditions contained herein are reasonable conditions to impose on the Property under Iowa Code Section 335.7 and that the conditions satisfy public needs caused by the requested zoning change.
6. Owners and the County acknowledge that in the event the Property is transferred, sold, redeveloped or subdivided, all new development will conform to the terms of this Agreement.

7. The parties acknowledge this Agreement shall be deemed to be a covenant running with the land and with title to the land, and shall remain in full force and effect as a covenant with title to the land, unless or until released of record by the County. The parties further acknowledge that this Agreement shall inure to the benefit of and bind all successors, representatives, and assigns of the parties.

8. Owners acknowledges nothing in this Agreement shall be construed to relieve Owners from complying with all other applicable local, state and federal regulations.

[SEPARATE SIGNATURE PAGES FOLLOW]

JOHNSON COUNTY, IOWA

By: _____
_____, _____

ATTEST:

By: _____
_____, _____

STATE OF IOWA)
) SS
COUNTY OF JOHNSON)

On this _____ day of _____, 2021, before me a Notary Public in and for said State, personally appeared _____ and _____, to me personally known, who being duly sworn, did say that they are the _____ and _____, respectively, of John County, Iowa, a County created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said County by authority and resolution of its Board of Supervisors, and said _____ and _____ acknowledged said instrument to be the free act and deed of said County by it voluntarily executed.

Notary Public in and for the State of Iowa

By: _____
Bernard Brown

By: _____
Nancy Brown

STATE OF IOWA)
) SS
COUNTY OF _____)

This record was acknowledged before me on this _____ day of _____, 2021, by Bernard Brown and Nancy Brown, husband and wife.

Notary Public in and for the State of Iowa

EXHIBIT A

The southeast quarter of the southwest quarter of Section 17, except commencing at the northeast corner of said 40 acre tract, thence south 965 feet, thence west to the center of the public highway running through said tract, thence northwesterly along the center of said highway to the north line of said southeast quarter of the southwest quarter of said Section 17, thence east to the place of beginning. Also, the northeast quarter of the northwest quarter of Section 20, all in Township 81 North, Range 7 West of the 5th P.M.

EXHIBIT "B"



Results:

Parcel ID - 0320201001
Alt Id - 03-J
Address - 1605 SENECA RD NW
Owner - BROWN, BERNARD K (Deed)
BROWN, NANCY D (Deed)
BERNARD K & NANCY D BROWN (Mail To)
Acres - 40
Value - \$282900
View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Data Correction](#) | [Google Maps opens in a new tab](#)

Parcel ID - 0317377001
Alt Id - 03-I
Owner - BROWN, BERNARD K (Deed)
BERNARD K & NANCY D BROWN (Mail To)
BROWN, NANCY D (Deed)
Acres - 22.4
Value - \$18800
View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Data Correction](#) | [Google Maps opens in a new tab](#)

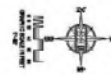
EXHIBIT C



LEGEND:

- LIMITS OF PRESERVATION
- PROTECTED AREAS

- NOTES:**
- APPROXIMATELY 43.61 ACRES OF LAND (75% OF TOTAL TRACT) FALLS OUTSIDE OF THE LIMITS OF DISTURBANCE AND WILL BE PROTECTED AND PRESERVED AS PART OF THIS SUBDIVISION PROPOSAL.



C&E ENGINEERS
LAND SERVICES
ENVIRONMENTAL SPECIALISTS
 407 E. 20th St.
 Columbus, OH 43217
 (614) 462-1100
 www.candee.com

PRESERVATION EXHIBIT

DAVID BROWN
 SENECA RD NW
 SCOTTSVILLE, OH
 SUMMIT COUNTY
 OHIO

M&B CONSULTANTS, INC.
 10500 STATE ST.
 COLUMBUS, OH 43240
 (614) 291-1100
 www.mandb.com

2

Adjacent Property Owners List
David Brown – Seneca Road
Within 500'
MMS Project #10831-001

BERNARD J & PHYLLIS M MARAK
800 OAK AVE SE
SWISHER, IA 52338

BERNARD K & NANCY D BROWN
1605 SENECA RD NW
SWISHER, IA 52338

CY-HAWK CORP
109 LEAMER CT
IOWA CITY, IA 52246

RONALD A & AUDREY L LANDHERR
170 BOYSON RD
MARION, IA 52302

TAMMY M RICHARDSON
1521 SENECA RD NW
SWISHER, IA 52338-9525

US ARMY CORPS OF ENGINEERS
PO BOX 2004
ROCK ISLAND, IL 61201-2004

WAYNE D & JUDY E SLEZAK
1604 SENECA RD NW
SWISHER, IA 52338

WILLIAM A & DOROTHY A FISHER
1518 SENECA RD NW
SWISHER, IA 52338

ZACHARY HARRIS
2876 HIGH BLUFF DR
CORALVILLE, IA 52241

MEMORANDUM IN SUPPORT OF APPLICANT’S FUTURE LAND USE AMENDMENT

DATE: June 30, 2021

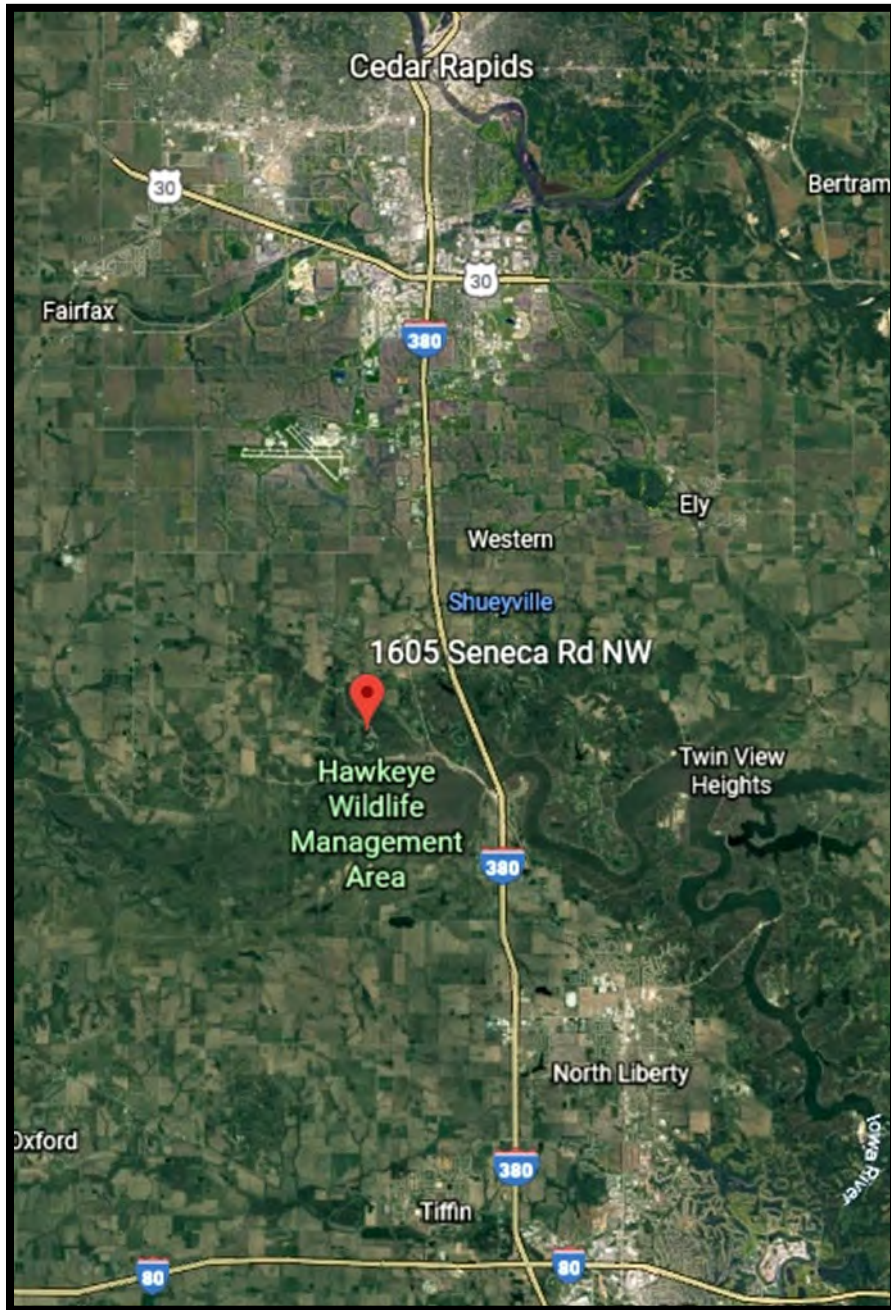
TO: Johnson County Planning and Zoning Commission and Board of Supervisors

FROM: David Brown, Applicant, on Behalf of Bernie and Nancy Brown

THE PROPERTY

David Brown, Applicant, on behalf of Bernie and Nancy Brown, requests to change the FLUM designation of approximately 60.8 acres (“Property”) from Agricultural to Residential and Preservation, subject to conditional use restrictions. The Property is located 2.3 miles south of Swisher, Iowa, by road and 0.8 miles as the crow flies.





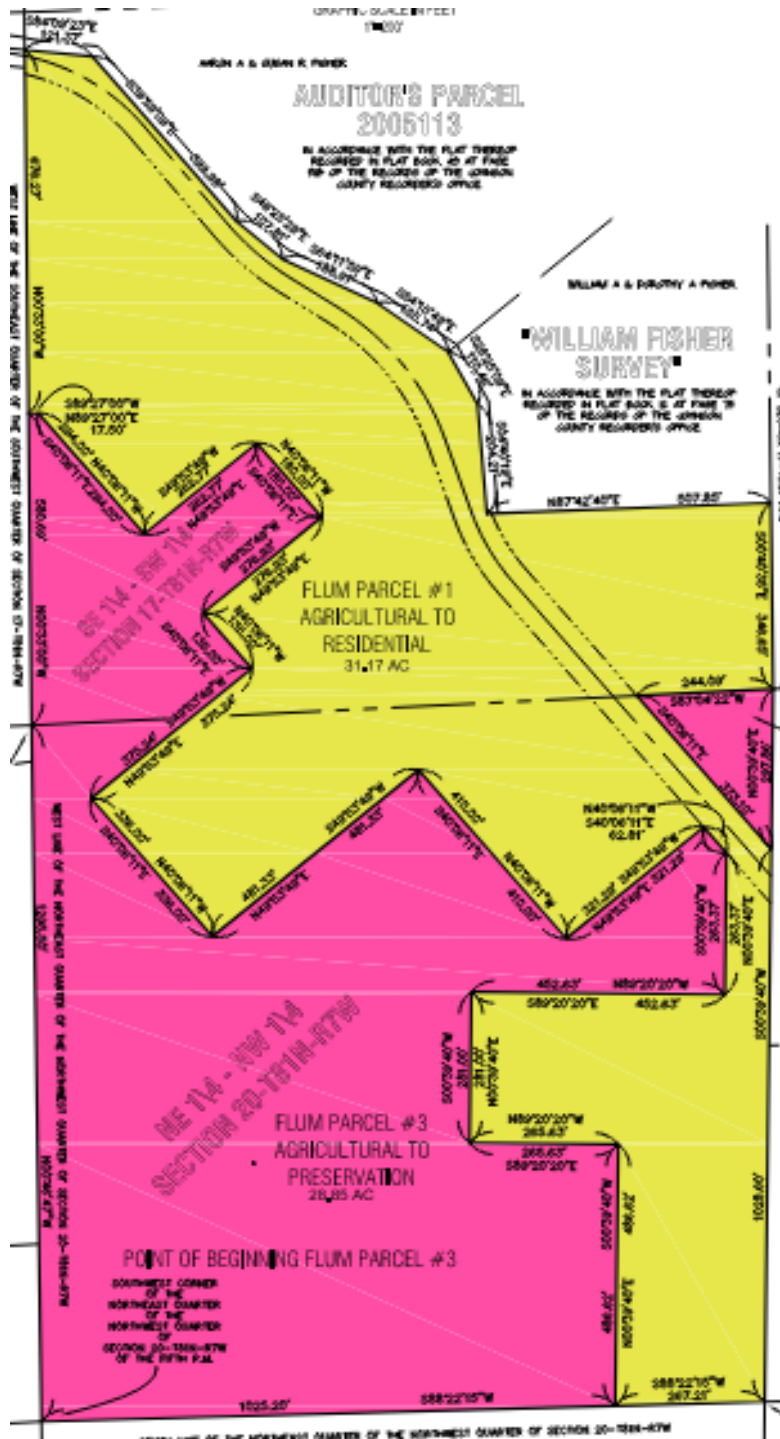
APPLICANT’S PURPOSE FOR REQUEST

The Browns have resided on the Property for 35 years. They have left the land untouched and firmly believe that any future plan for the Property should be centered on a conservation-minded approach. In addition, from the time they acquired the Property, they have viewed it as an investment that would sustain them during their retirement and beyond. They desire to have the option to sell smaller parcels of the Property in order that they may be able to access the liquidity they would need to meet their future

plans and needs. This optionality also supports their plans to remain on the larger homestead parcel for as long as they desire.

APPLICANT'S PROPOSED USE

The Applicant proposes to change the Property classification in the FLUM from Agricultural to Residential (lot areas colored yellow on image below) and Preservation (area shaded pink on image below), with a binding commitment to rezone those areas to R-3 and Environmental Resources Preservation ("ERP") respectively, with limits on the area of disruption within buildable lot zones.



The Applicant desires to work with Johnson County to impose restrictions on the Property as a condition of this approval process, including Board approval being contingent upon the filing of the Zoning Amendment Application and the Conditional Zoning Agreement (See Exhibit "A") submitted by Applicant as a part of this FLUM Amendment Application. This process will guaranty the restrictions, including limits on the number of lots, limits on the area of disturbance, statutory requirements for protected areas and preservation, and other similar matters.

The Agreement limits the number of lots to 8 single-family lots (3-5 acres each, including protected areas, and consistent with neighboring properties) and preservation outlots (approximately 30 acres). Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties. The preservation outlots will be subject to statutory requirements that will fully preserve the property.

Applicant's proposed use is exactly the same as the neighborhood lots that are already in existence along Seneca Road. The Browns are willing to guaranty the neighborhood's character and conservation measures through covenants.

In support of the Board granting the Applicant's request to amend this FLUM request with conditions, it should be noted that the Comp Plan is instructive and supportive of such a framework. Chapter 6 of the Comp Plan (Implementation), calls for a land use goal and process as follows:

LAND USE 2 – Direct future residential development based on location and then site-specific criteria outlined in the Future Land Use Development Guidelines.

Strategy 1 – Support rezoning applications that comply with the Future Land Use Map and the Future Land Use Development guidelines.

Action 1 – Focus residential development in areas that comply with the Future Land Use Map.

Action 2 – Review and potentially update the Future Land Use Map every five years after adoption.

Action 3 – Develop a procedure for individual property owners to request a change to the Future Land Use Map.

Action 4 – Develop a procedure for combined rezoning, subdivision, and/or development applications.

Action 5 – Allow for flexibility in the zoning ordinance by adoption of planned unit development (PUD) zoning districts and overlay zones.

APPLICANT'S REQUEST FOR CHANGE TO THE "RESIDENTIAL" AND "PRESERVATION" FUTURE LAND USE CATEGORY

Chapter 5 of the Johnson County 2018 Comprehensive Plan addresses land use matters. Four land use "Priorities" are listed on Page 104 of the Plan with preservation of natural resources, protecting the environment and maximization of open space being overarching themes. The Browns Application for Future Land Use Map Amendment seeks to amend the Property's designation to Residential and Preservation toward the end of achieving the Plan's priorities at the highest possible standard.

The combined Residential and Preservation approach is precisely what the Browns have historically envisioned as being appropriate for the Property. Beyond allowing the Browns to achieve their personal goals, approval of this designation for the Property allows for the preservation of the greatest percentage of natural resources. The Browns envision this being accomplished by subdividing the property into large conservation lots, the same style and type of lot that already exists along the entirety of Seneca Road up to the Brown's property line. Homes would be located away from sensitive areas and the maximum amount of open space would be permanently preserved with virtually no sensitive areas impact. In the end, the Browns' plan would have the effect of permanently preserving approximately 75% of the Property's environmentally sensitive land and open space, including the establishment of large, contiguous buffers against neighboring properties and the Hawkeye Wildlife Management Area. The Iowa River water shed would also benefit from elimination of farm nutrient runoff by converting presently cropped, low-quality farmland to permanently established native grasses and forbs. Beyond being a big win for conservation and public land surrounding the property, the Browns believe the end result of their low-density plan would be a win for the neighbors by providing certainty that a high-density development would never be sited on this last piece of developable land on Seneca Road.

COMPREHENSIVE PLAN MAP AMENDMENT SCOPE OF REVIEW AND SOURCES

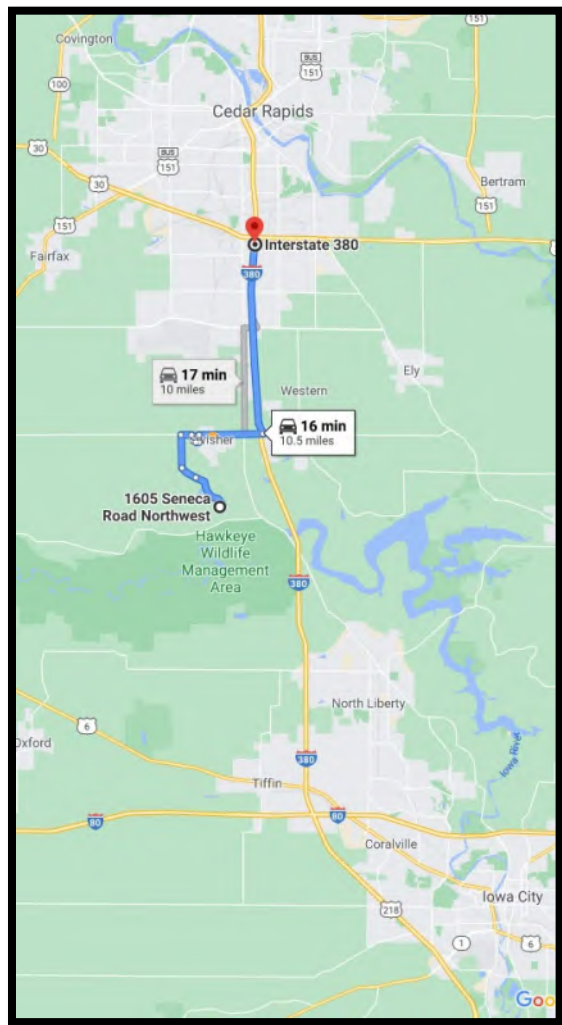
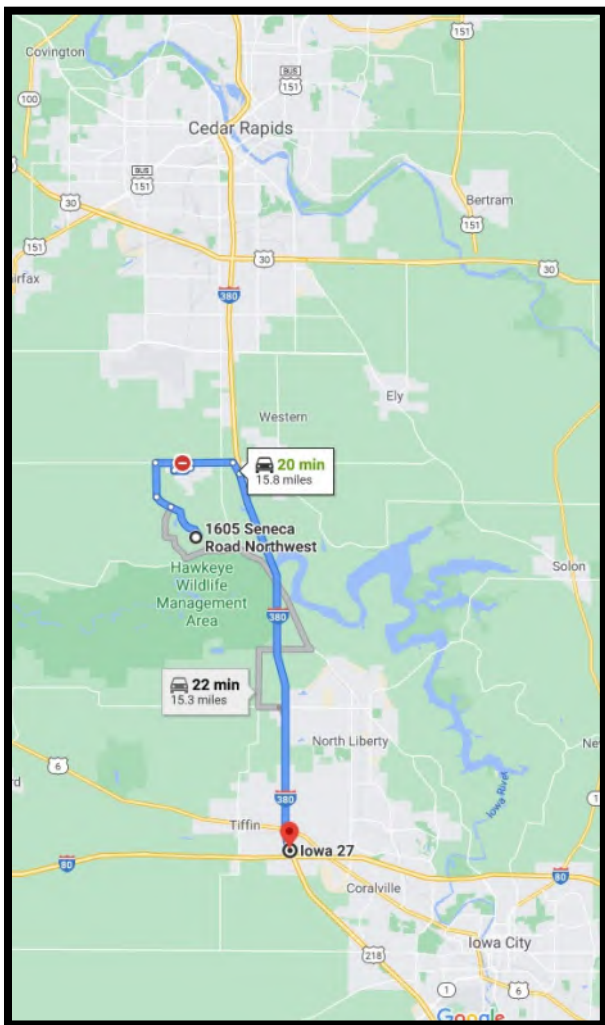
According to the Department of Planning, Development and Sustainability (the "Department"), the process and scope of review of FLUM amendment requests is broad and encompasses all elements and criteria found within the three sources set forth in Exhibit "B." The Department states: "A Comprehensive Plan or map amendment should be considered by evaluating criteria from Chapter 6 – Implementation of the Comprehensive Plan, the "general guidelines staff used in developing the initial FLUM," and "elements of the Future Land Use Guidelines not directly addressed by the other criteria/guidelines." Many of the criteria and elements within these sources overlap. The Applicant has framed this Memorandum utilizing section headings designed to aggregate overlapping evaluation criteria set forth in these sources.

GROWTH AREA REVIEW CONSIDERATION

Property Proximity to Cities, Services and Employment Centers

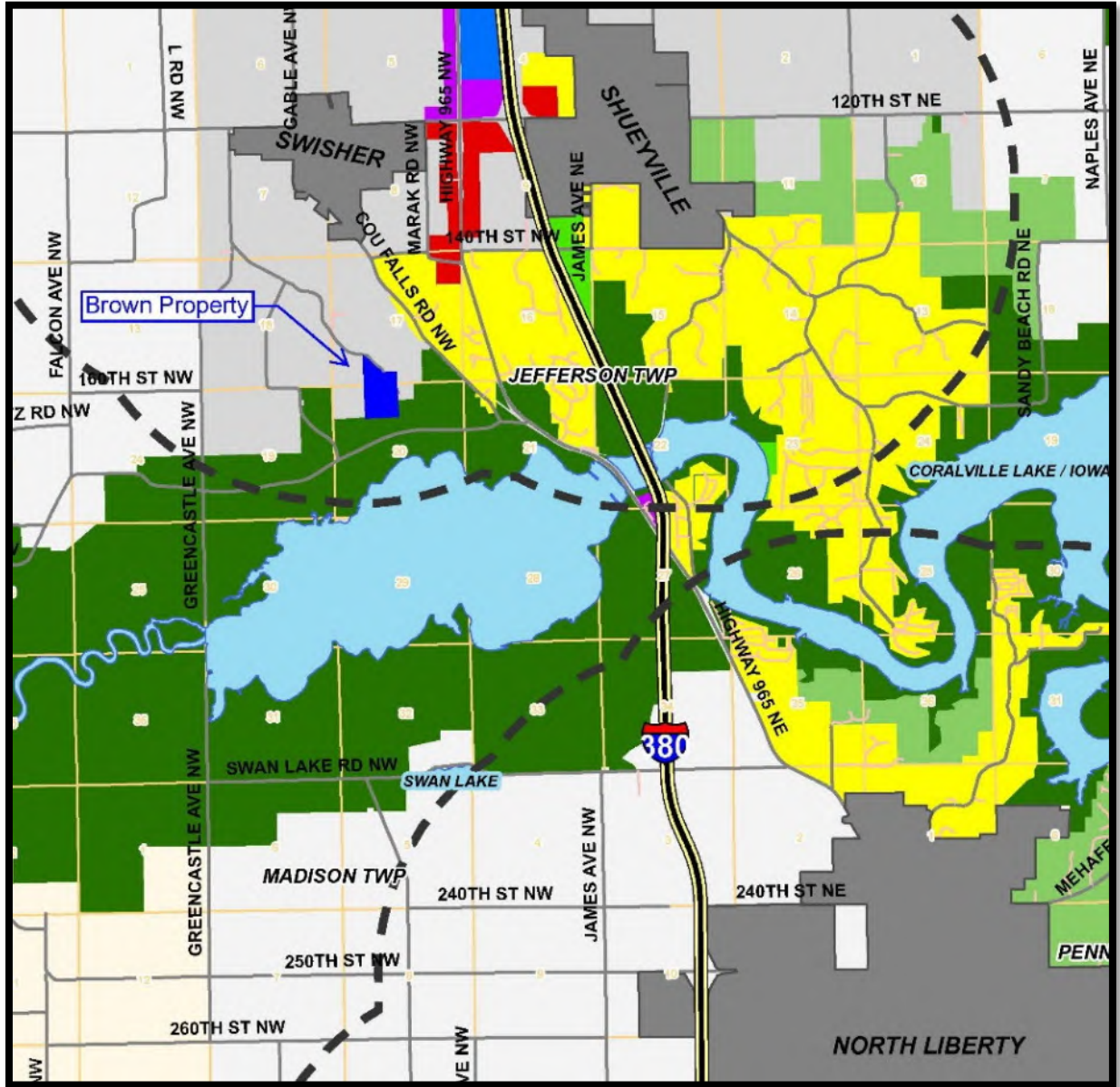
The Brown property is ideally located in the center of the Iowa City/Cedar Rapids corridor with nearly identical travel times between the two metro areas, depending on traffic conditions. Seneca Road is a short 0.8 miles gravel distance, converting to chip seal at the Blain Cemetery Road intersection. The Property is four miles from I-380 and can access the hard surface roads of 120th Street NW by turning north on Green Castle Avenue or Highway 965 by turning south at Blain Cemetery Road.

The Property is not in any immediate growth areas of the contiguous metro cities of Iowa City, Coralville, North Liberty and Tiffin.



Future Land Use Map Property Location

The Property's location on the Johnson County Future Land Use Map (10/24/19) is depicted below (see Exhibit "C" for full comp plan map):



Proximity to Existing Growth Areas

Standard of Review

In prior FLUM Application proceedings, the Department has stated the following:

Staff generally reviews FLUM amendment requests which seek to designate a property as a growth area in a part of the county where no adjacent growth exists [emphasis added] (i.e. establishing a new growth area) with a ‘higher level of scrutiny’ than requests to expand an existing growth area. . . Staff strongly believes changes made through this process should be driven by the following:

- a) Expand existing growth areas where properties immediately adjacent to the designated growth area are shown to be equally appropriate to those in the existing growth area based on the criteria used, or
- b) Identify and consider areas where changes in local development patterns suggest that a change in the map may be warranted.

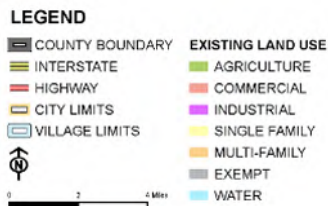
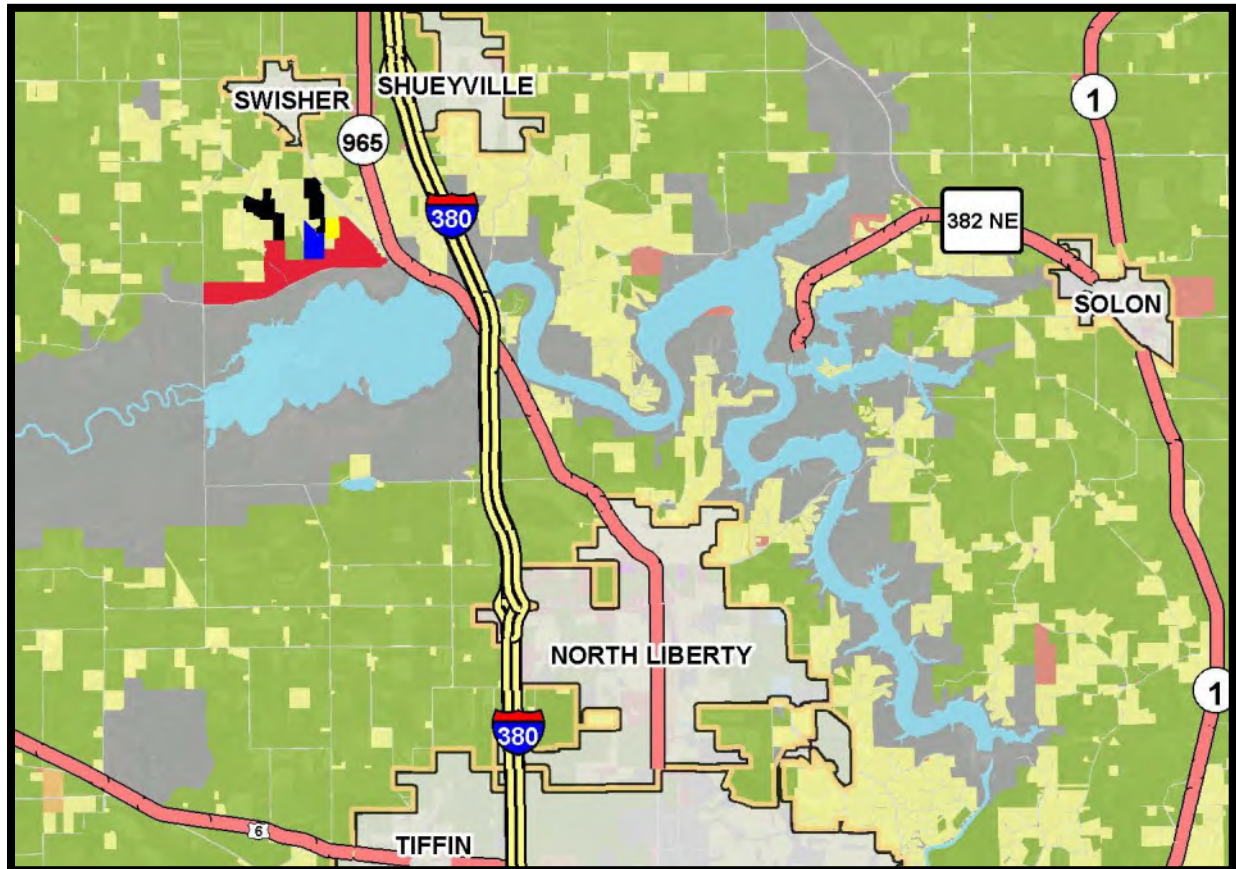
By all reasonable and objective measures, the Brown Property clearly is “in a part of the county where growth does exist [emphasis added].” “Immediate adjacency” should not be narrowly defined and would be unduly restrictive, unreasonable and not supportable. When utilizing a correctly applied “facts and circumstances” test, the Brown application does not rise to the level of “starting a new growth area” because it exists in a presently existing growth area located along the entirety of Blain Cemetery and Seneca Roads. Accordingly, a “higher level” standard of scrutiny is not triggered for this Application. Approval of this Application should be considered as an extension of the existing Cou Falls Road growth area given its immediate adjacency to it and the historical, already existing growth on Blaine Cemetery and Seneca Roads. Further, local and historical development patterns do suggest that a change in the map is warranted beyond these areas in order to meet the housing needs of corridor residents seeking rural housing options and proximity to both the Cedar Rapids and Iowa City metro areas.

The Brown Property is “In a Part of the County Where Growth Exists” and is Expanding

The following map is Johnson County’s “Existing Land Use” map as set forth in the Land Use Chapter of the Comp Plan (full map located in Exhibit “D”). The parcel outlined in blue is the Brown property, the parcels outlined in black are undevelopable timber acres and the red area is U.S. Government public land. The darker yellow parcel is owned by Wayne and Judy Slezak, and should have been included on the map as a residential use.

The Comp Plan’s own map defining Existing Land Use shows growth exists and residential uses fully envelop the Brown Property, with the exception of public land, undevelopable timber and the property immediately to the west formerly owned by Cy Hawk Corp. and now owned by Zachary Harris.

Map 3. Existing Land Use: Assessor's Property Class (2016)



Brown Annotations:
 Blue – Brown Property
 Black – Undevelopable timber
 Red – United States
 Yellow - Slezak

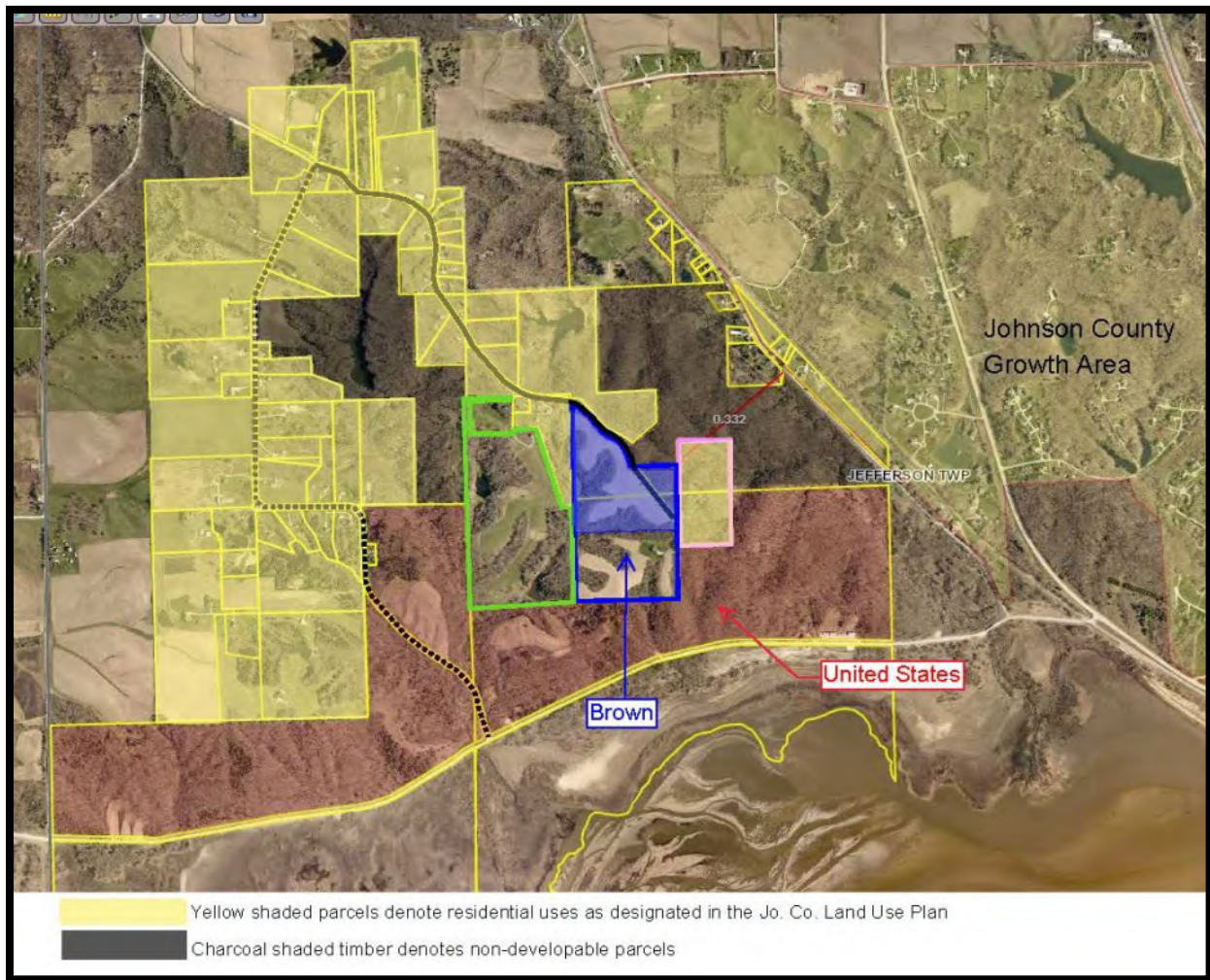
The Brown Property Offers Potential for Infill Development Within an Already Existing Growth Area and is Immediately Adjacent to a Designated Growth Area

The Brown Property is located within an already existing growth area comprising all residential, non-agricultural use parcels along Blain Cemetery and Seneca Roads. While not defined within the Comp Plan’s Future Land Use Map, the Blain Cemetery and Seneca Roads’ Residential Use areas are designated as such in the Comp Plan’s Land Use map. As depicted in the map below, when taking all of the residential uses in existence between Blain Cemetery Road and I-380, the entirety of this area is effectively, and by default, a combined growth area. The Property is located in the heart of this combined growth area, and as the last developable parcel in the area and on Seneca Road, it is the quintessential opportunity for “infill development.”

The Property is immediately adjacent to the county “designated” growth area along Cou Falls Road. From a distance perspective, the Property border is precisely one-third of a mile (1,800 ft.) from the Cou Falls

Road and less than one-fourth mile (1,200 ft.) from the closest Cou Falls Road residential lot. This distance results from the Property being separated by public land and parcels with dense, old-growth timber, steep slopes and sensitive areas upon which the Comp Plan prohibits development. These parcels should be considered as disregarded when determining adjacency. In prior FLUM Amendment proceedings involving the Brown property, the Department has stated that FLUM amendments should be considered with the perspective of a “30,000-foot view.” Importantly, the Department has stated in prior FLUM amendment proceedings that, “the Board needs to consider the wider area when deciding this future land use map amendment request [emphasis added] . . .”

*Blain Cemetery Road and Seneca Road Growth Area
Proximity to Cou Falls Road Growth Area*



Local Development Patterns Suggest a Change in the Map is Warranted

Johnson County is the second fastest growing county in the State of Iowa. In addition to strong growth, as a result of the Covid-19 pandemic, a well-documented, growing trend is forming where residents are seeking to invest in and improve “quality of life” by relocating to less-dense, more rural settings, such as the growth area surrounding Swisher. This trend will only strengthen and the Board should consider “getting ahead” of the resulting development patterns.

Links to articles discussing these trends follow:

“Demand for Rural Homes Shows ‘profound, psychological change’ due to coronavirus, Redfin CEO Says.” *CNBC*, April 17, 2020: <https://www.cnbc.com/2020/06/18/coronavirus-update-people-flee-cities-to-live-in-suburbs.html>

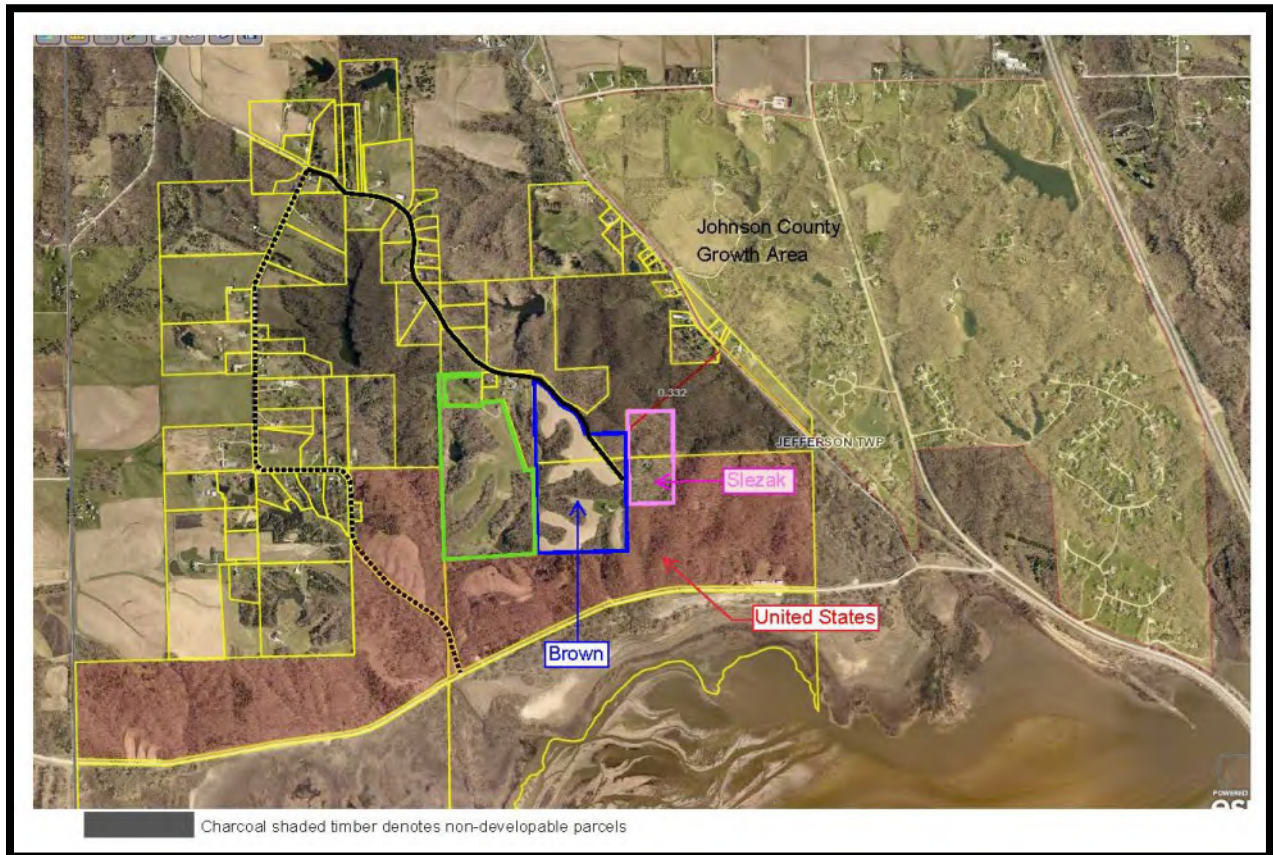
“Is Rural Iowa Positioned for a Post-pandemic Renaissance with Fed-up Coastal Residents?” *Des Moines Register*, April 20, 2020: <https://www.desmoinesregister.com/story/opinion/columnists/iowa-view/2020/04/20/covid-19-iowa-rural-areas-could-see-post-pandemic-renaissance/5150043002/>

“The Pandemic Real Estate Market.” *Axios*, August 13, 2020: <https://www.axios.com/coronavirus-suburbs-real-estate-market-3ee9dc49-d3c2-486d-8400-66a6cd1d1856.html>

In addition, it is respectfully submitted that availability of all lot types, including large conservation style lots, serves to benefit Johnson County’s economic growth and its residents by offering diverse rural housing options in addition to more traditional subdivision options. Many people looking to live in the country are looking for quiet spaces with room to roam. Strong market demand and low inventory exists for lower density options offering these features. General expansion of the Swisher growth area would serve this demographic and especially benefit corridor residents seeking to be centrally located within the Cedar Rapids / Iowa City corridor.

Adjacent and Nearby Parcels: Character, Uses and Impact

Seneca Road is effectively a large-lot, non-ag subdivision that has been entirely developed up to the Property boundary. The Brown’s proposal to subdivide their property is wholly consistent with and guarantees preservation of the character and feel of Seneca Road. Development of this area occurred until the last subdivision in the mid-90s, which was the point in time that new county restrictions prohibited additional development on the road.



The Department has stated previously that Seneca Road is an area with existing large-lot development and determined that any impact on existing parcels would not be noticeable, except as to traffic. In a prior FLUM Amendment proceeding relating to the Property, the Department noted the following:

Adding single-family residential uses to an area with existing larger-lot development [emphasis added] rarely creates a conflicting land use situation and should not be a detriment to enjoyment of the existing properties or affect existing property owners. This is especially true in an area with this natural topography and timber separating most residences except the two or three immediately adjacent neighbors.

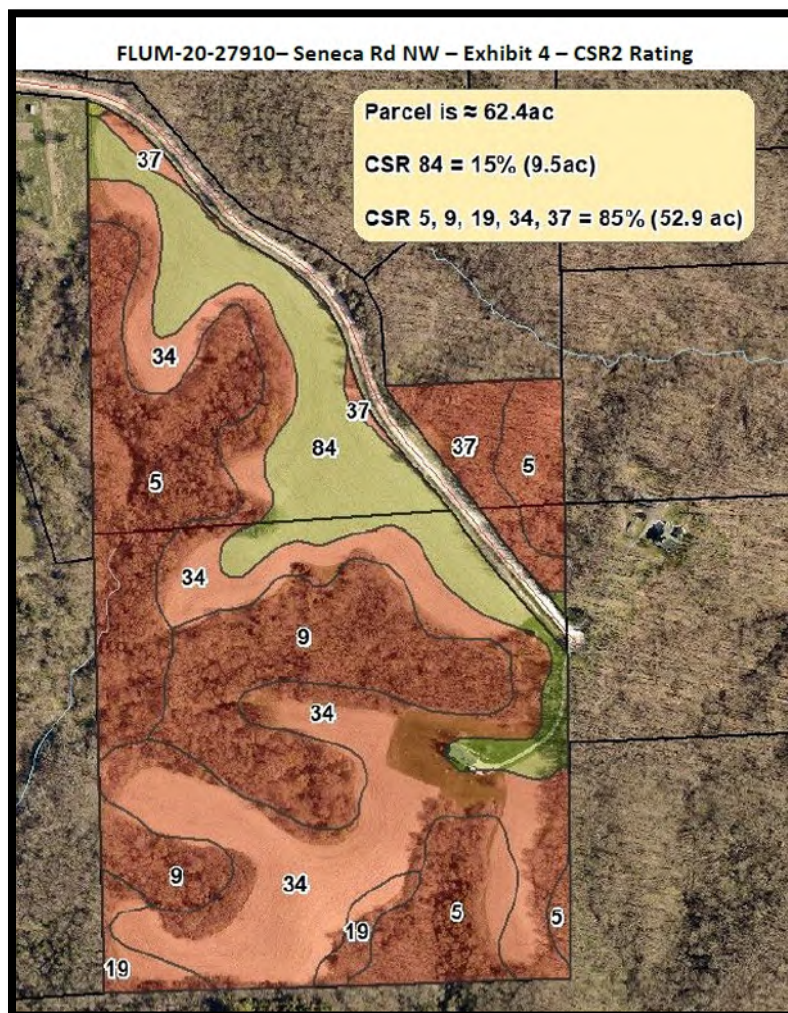
Importantly, the Property is nowhere near “anyone’s backyard.” The center of the Property is nearly a quarter mile from the nearest neighbor. In light of the fact that Applicant is limiting the density of the request, any resulting impact to adjacent and nearby parcels would be negligible, including with respect to increased traffic.



AGRICULTURAL IMPACT

While the Property and nearby properties are located in an Ag Area of the FLUM, nearly all parcels between Blain Cemetery Road and Cou Falls Road are designated as residential uses by the Comp Plan. Little substantive ag land exists except for limited row crop production on the Property and one instance of very small-scale rearing of limited numbers of livestock. Seneca Road is, in effect, a large lot subdivision. In a prior proceeding relating to the Property, the Department stated: “The impact of converting the Property to residential development would have no effect on any surrounding agricultural uses (of which there are few).”

Further, analyzing the agricultural impact of taking the Brown property out of production, it should be noted that with a relatively low CSR on the majority of the property (85% has a CSR2 of 37 or below), the productive land that would be lost to development would be limited to approximately 24 acres currently dedicated to crop production (only 9.5 acres of which is high CSR). Ag use and productivity on the Property is negligible when measured against the Comp Plan’s target goal of “promoting and protecting sustainable agricultural land in rural Johnson County.” As set forth in the Environmental Impact Section below, converting the Property from Ag use to conservation would certainly outweigh any costs.



ENVIRONMENTAL IMPACT

The Proposal Will Place Approximately 75% of the Property into Conservation, Preserve Sensitive Areas, Improve the Environment and Buffer Public Lands

As previously stated, the combined Residential and Preservation approach is precisely what the Browns have historically envisioned as being appropriate for the Property. Beyond allowing the Browns to achieve their personal goals, approval of this designation for the Property allows for the preservation of the greatest percentage natural resources. The Browns envision this being accomplished by subdividing the property into conservation lots, the same style and type of lot that already exist along the entirety of Seneca Road up to the Brown's Property line. Homes would be located beyond the sensitive areas perimeter and the maximum amount of open space could be permanently preserved with virtually no sensitive areas impact from building activities. Required stormwater management, if necessary, would result in wetland enhancement features. The concept below is offered as a representation of the Brown's intentions in an R3 zoning configuration:

*Concept – Low Density R3 Residential
with 30 Acres of Outlot Preservation*



Applicant's plan would have the end effect of permanently preserving approximately 75% of the Property's environmentally sensitive land and open space, including the establishment of a large and contiguous buffer against the Hawkeye Wildlife Management Area and neighboring properties. The Iowa River water shed would also benefit from elimination of soil erosion and farm chemical runoff by converting presently cropped, low-quality farmland to permanently established native grasses and forbs. This would be a major benefit to conservation and public land surrounding the Property considering houses would never be sited on this last piece of developable land on Seneca Road. Further, by converting from an ag use to conservation, native areas would be restored, critical wildlife habitat would expand, threats to endangered and threatened species from ag production would be eliminated, and steep slopes and sensitive soils would be protected.

Tradeoff Between Density and Environmental Protection

While this Application is for a Future Land Use Map revision, the Comp Plan raises zoning issues as criteria to be considered by the Board. Given the fact that Applicant's submission of this request as being conditioned on restrictions on the number of lots and environmental preservation guarantees, it is not appropriate or necessary to analyze this Application under the assumption that the maximum zoning can be achieved. The Browns are seeking to preserve a far higher percentage of sensitive areas and environmental features than called for in the Comp Plan. In order to achieve higher environmental benefits, it follows that densities should be reduced.

In 2020 proceedings relating to the Property, P&Z Committee members who were involved with the Comp Plan adoption process stated that the Brown Property is precisely the type of property that Comp Plan Committee members envisioned being appropriate for preservation.

In support of the Brown's position that lower densities are appropriate and authorized under the Comp Plan, it should be noted that the following prior Department comments relating to the Brown Property are instructive:

The layout of the open areas on this property could reasonably lend themselves to development at a preferred density of the Comp Plan (1 lot per 1 acre). However, lower density may be appropriate where there are portions of the property that are worth preserving (e.g. sensitive wetlands). At the rezoning and platting stages, the applicant can still improve the development density by only rezoning and platting the portions necessary to build, and leaving the remainder in a protected outlot. At that point, the density could be reviewed relative to the land zoned for development as opposed to the whole property [emphasis added].

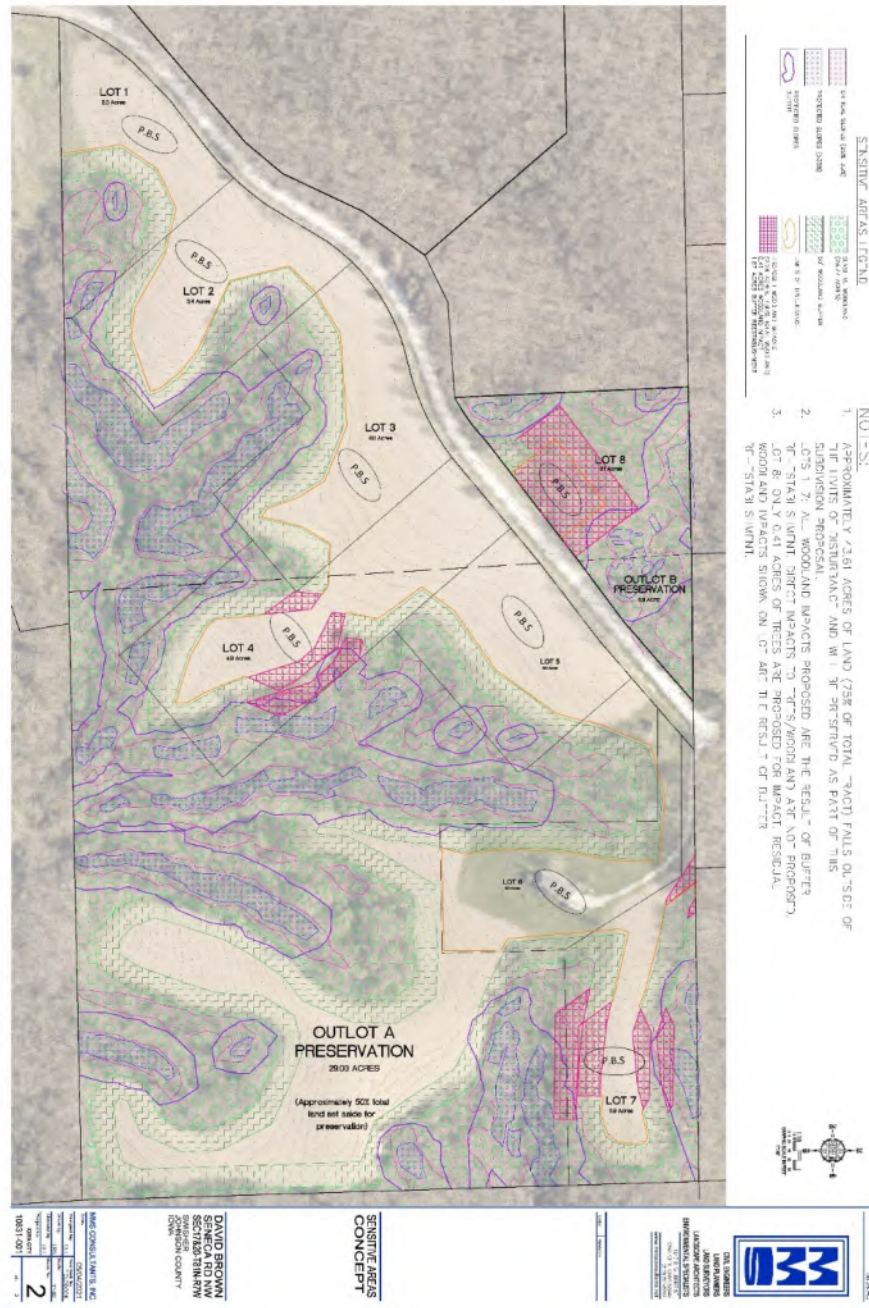
The Brown request for the conditional approval of densities and a preservation outlot is precisely in line with the Department's position as stated above and guarantees the outcome. The Browns have never felt that high, one-acre lot densities are appropriate for the Property or Seneca Road. For this reason, they chose to submit their FLUM amendment request under both the Residential and Preservation categories in order to achieve the goal of preserving environmental features to a high degree.

ZONING AND SUBDIVISION REQUIREMENTS

The Property's road frontage is approximately 3,000 feet when considering parcels are on each side of Seneca Road. In prior proceedings relating to the Property the Department stated ". . . with existing road

frontage and room to site necessary infrastructure, this property should reasonably comply with subdivision requirements, provided they can provide mitigation (if necessary) for any sensitive area impacts.”

The following engineering concept shows the sensitive areas impact of Applicant’s proposal. Approximately 43.61 acres of land (75% of the total tract) falls outside of the limits of disturbance and will be preserved as part of the subdivision proposal. Further, in compliance with current subdivision requirements, no more than 5 acres of sensitive areas will be impacted. In light of the Applicant’s guaranteed restrictions to limit density, compliance with subdivision requirements is assured.



IMPACT ON PUBLIC INFRASTRUCTURE AND FACILITIES

Road Considerations

High Quality and Interconnected Road Networks Are Readily Accessible

In prior FLUM proceedings relating to the Property, the Department stated:

Secondary road access to the Property is via Seneca Road, a relatively short stretch (approximately 0.8 miles from the Property) before it converts to chip seal at the intersection of Blain Cemetery Road. Collector service is provided by Blain Cemetery Road and Green Castle Avenue, both of which are chip seal. Arterial service is provided by 120th Street, which is paved. Service to Highway 965 may also be provided via Amana Road, which is currently scheduled to be upgraded to chip seal per the 5-year road plan.

The Property is ideally located in the center of the Iowa City/Cedar Rapids corridor with very short, nearly identical travel times between the two metro areas, depending on traffic conditions. The terminating stretch of Seneca is very short and no longer than other comparable areas in the County, including recently approved subdivisions. The travel time along the 0.8 mile stretch of Seneca Road from the Brown property to chip sealed Blaine Cemetery Road is 2 minutes. Both I-380 and Highway 965 can be reached over the road by traveling just over 4 miles (7-minute travel time). In prior proceedings relating to the Property, the department stated that “the Property is located relatively near Swisher (2.3 miles over the road, 0.8 miles as the crow flies). The navigation route is also relatively direct, especially for county commuting [emphasis added].”

The Road Design and Construction Exceeds County Standards for Crushed Rock or Gravel Roads

During proceedings in 2020 relating to Applicant’s prior request for a FLUM amendment, while the Planning and Zoning Committee expressed that it believed the Property was exactly the type of property that the Conservation Development Category was meant to serve, in denying the Brown’s FLUM amendment application, repeated and consistent references were made to the Department’s and County Engineer’s conclusions concerning the condition of Seneca Road. The Department reported the following road conditions: “While there are chip seal and paved roads in the vicinity of this development, the immediate access is provided by a dead-end gravel road, which appears in some spots to be as narrow as 16-18 feet of travel surface.”

This Department’s finding was substantiated with a photograph of a Chevy Colorado pickup parked in the middle of Seneca Road showing a substandard condition and restricted travel surface area resulting from overgrowth of grass and trees. This condition has consistently been in existence due to a failure to maintain the road and keep it up to the standard of which it was constructed in 1983.

Upon receipt of the Department’s 2020 Report the Browns asked MMS Consultants to obtain copies of the construction drawings on file with the County Engineer in order to determine the construction standards utilized in 1984. The Seneca Road construction specs called for a 24’ roadway (See Exhibit “E”). Upon measuring the road width, the Browns determined that while overgrown, the road base is consistently wider than 24 feet.

In these prior proceedings, the P&Z Committee and Board of Supervisors were provided with inaccurate, incomplete and erroneous information from staff that Seneca Road did not meet the county's standards and were wrongly advised on the matter.

In response to inaccurate county staff findings, the Browns retained Scott Pottorf, P.E., MMS Consultants, to conduct an independent study of Seneca Road. His full report may be found in Exhibit "F." This study determined that the average roadway top width is 27.41 feet with the minimum width being 25 feet. Further, he found that the entirety of Seneca Road meets all of the current Iowa DOT and County standards, as well as design standards for the AASHTO Guidelines for roadways with less than 400 vehicles per day with rolling terrain, that any deficiencies are the result of a failure to appropriately maintain the road bed and control overgrowth, and that the road could be easily restored to a suitable condition with maintenance, rock and overgrowth removal. Finally, the study determined that the Brown proposal would not exceed the capacities set forth in the Road Performance Standards of the Johnson County Unified Development Ordinance (UDO) and that the proposed land use change would not have any detrimental effect on the existing roadway and its use.

After retaining a professional engineer to conduct their own survey, the Browns reached out to the County Engineer asking again for a reexamination of the condition of the road. Presumably in response to this request, a county maintainer attended to Seneca Road on September 29, 2020, resulting in the uncovering of grass covered rock base as depicted in the images below. This same result is representative for all other sub-maintained areas of Seneca Road.

Uncovered Rock Base After Grading – 7'



*Gravel Base Width Between Stakes – 24'
(28' total between stakes)*



At the 2020 P&Z meeting, the Department informed the Committee that the appropriate standard travel surface for this type of road is 20 to 22 feet. The entirety of Seneca Road exceeds this standard.

County Staff's inaccurate and erroneous conclusions as to Seneca Road's condition were heavily relied upon by the P&Z Committee and highly prejudicial to the Brown's prior Application. Reliance staff road findings by the P&Z Committee was the single greatest determinative factor for the 2020 P&Z denial of the Brown request. This Applicant strongly objects to all county staff findings for Seneca Road due to the stated errors, inaccuracies and insufficiencies, as well as staff's ongoing unwillingness to conduct an objective and sufficient review of Seneca Road.

Johnson County UDO Road Performance Standards Are Met

With the establishment that Seneca Road meets current IDOT, Johnson County and current AASHTO guidelines, the next consideration for the Board is whether the proposed subdivision complies with the Road Performance Standards of the UDO.

In a 2018 DOT road study, the traffic count for Seneca Road was 150 vehicles per day (VPD). There are seven platted but vacant lots on Seneca Road which would result in 56 additional VPD under the UDO road performance standards. Seven additional lots on the Property equates to an assumed 56 VPD. Including the Brown lots, total VPD would be 262, well below the 400 VPD limit for Seneca Road.

In prior proceedings relating to the Property, considerable weight has been placed by the Department and the P&Z Committee on the fact that Seneca Road dead-ends at the Property. In light of this Application's restrictions to limit development to seven additional lots, any analysis of road impact under a higher density scenario does not apply, including with respect to whether Seneca Road can ever be extended to Amana Road.

Critically, the opening paragraph of the UDO Road Performance Standards state: "Road sufficiency shall be determined using the Road Performance Standards herein [emphasis added]." The Road Performance Standards dictate the conditions that may be considered by the County. Simply stated, the condition of Seneca meets all appropriate standards under this Application. No additional consideration is warranted or required under the law.

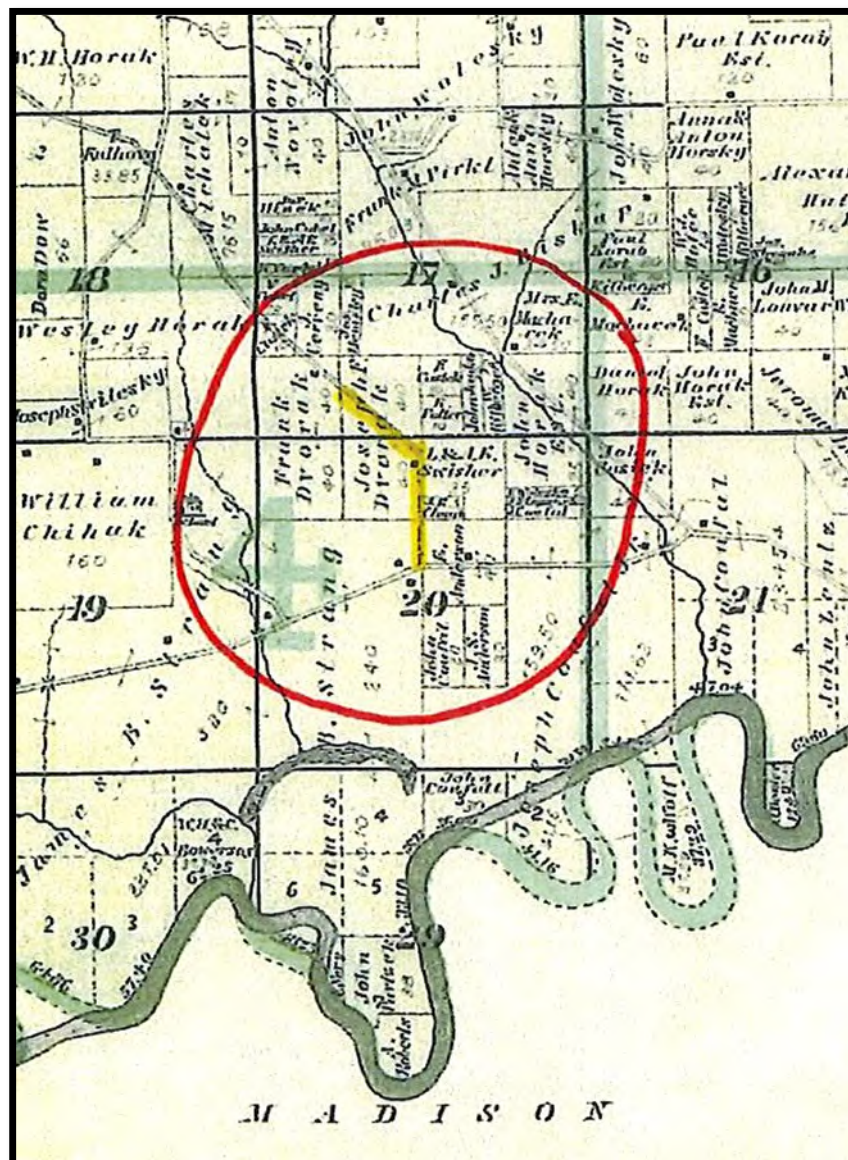
The County established analogous precedent under now existing FLUM amendment rules when it approved FLUM-19-27757 (Dillons Furrow NE). This Dillons Furrow Road subdivision has nearly identical conditions as Seneca Road. Notably, in the Department's report for the Dillons Furrow FLUM, staff stated "the amount of traffic on Dillons Furrow Rd. will be controlled by the Road Performance Standards [Emphasis added]." Several other approvals have occurred of other similar subdivisions on roads with analogous conditions, including being located at dead-end roads that naturally occur due to the location of the Iowa River and Coralville Reservoir in the County.

Seneca Road Has the Potential to be a "Through Road"

While all required road performance standards have been met under the UDO, the Department and County Engineer have referenced the ability to "extend" Seneca Road as a factor of analysis. In the prior FLUM application proceeding for the Property, the Department made multiple references to the fact that "potential for being a through road" during the development process is functionally equivalent to meeting the requirement for interconnection of road networks [emphasis added].

Upon conducting historical research concerning the original path of Seneca Road, Johnson County Auditor Mark Kisler determined on September 17, 2020, that Seneca Road previously connected to Amana Road and was not a dead-end. Further, Auditor Kisler determined that while maintenance of the road past the dead end was discontinued, it was located on the Brown property. Critically, it was not vacated in agreements between the Board of Supervisors and the United States Corps of Engineers. As previously stated, in light of this Application’s restrictions to limit development to eight lots, any analysis of road impact under a higher density scenario does not apply, including with respect to whether Seneca Road can ever be extended to Amana Road. However, based upon Auditor Kisler’s findings, Seneca Road was previously a through road and does have the potential to be so once again [emphasis added]. Historical maps and an engineering exhibit showing the right-of-way route follow. The letter from Auditor Kisler and larger versions of these historical maps and images are also attached at Exhibit “G.”

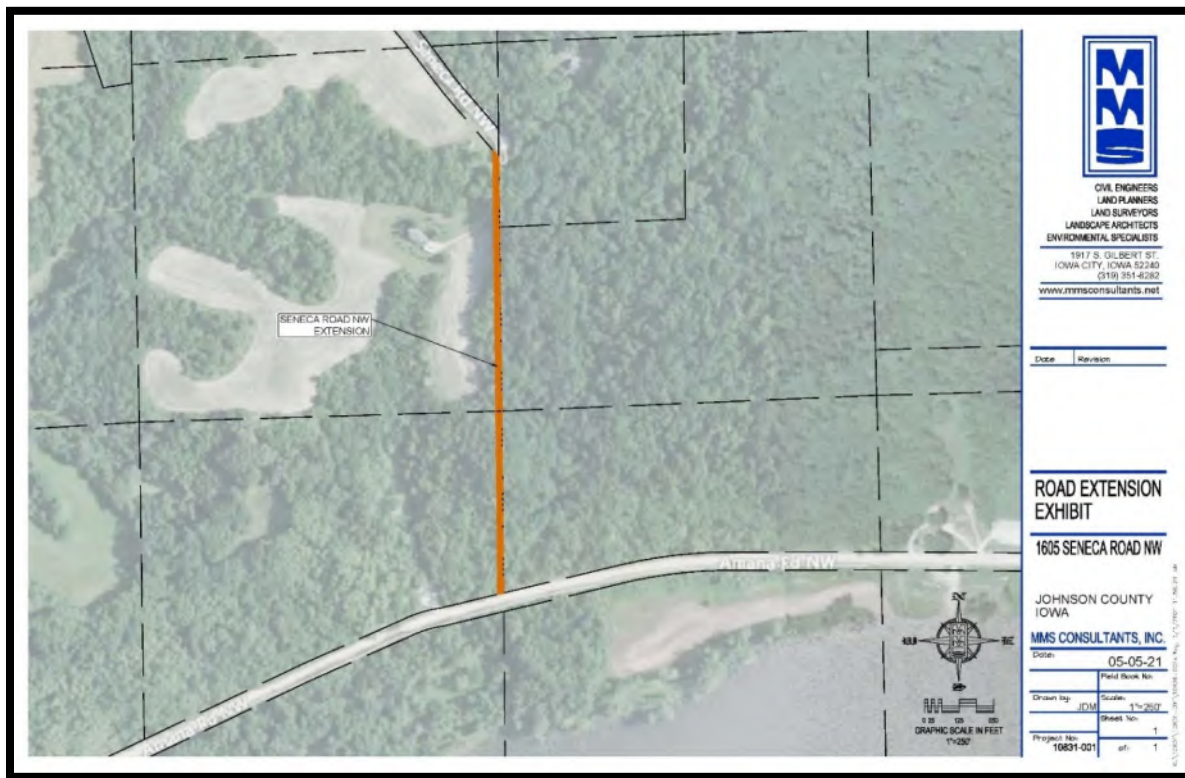
1900 Johnson County, Iowa Atlas



1930 Aerial Image – Johnson County GIS



Potential Through Road Extension for Seneca Road



Emergency Services

As stated by the Department in its Report, this property is located “relatively close to Swisher (2.3 miles over the road, 0.8 miles as the crow flies) as well as interchange I-380 (approximately 4.4 miles), and should be sufficiently serviced by Johnson County Sheriff, Area Ambulance Services out of Cedar Rapids and the Jefferson Monroe Fire Department (4 miles / 7 minutes).” For nearly 40 years no issues have existed with the provision of services to the Brown property.

BENEFITS TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY

Community-at-Large

In the Applicant’s prior FLUM amendment proceeding, the Department stated that the Brown’s proposed use has the ability to meet Public Health Department standards for water and wastewater.

The Property is served by the Silurian-Devonian aquifer. According to the Iowa Geological Survey Office, this aquifer has the best water quality in eastern and northern Iowa, its principal area of use ranges from 200 to 400 feet, it receives induced recharge from the Cedar River, and it yields 10 to 30 gpm for private wells (greater yields for larger wells). In conversations with the Johnson County Health Department and the Iowa Geological Survey Office, the Browns were advised that suitable, non-conflicting options for well water exist for the Property. County and Iowa Department of Natural Resources standards and rules regulate such matters, for which compliance is required.

With respect to wastewater, the Planning Department's view is that in addition to the option of traditionally sited conventional septic systems, there are a variety of alternative systems available that can be installed on a smaller footprint, and with less impact to the surrounding ground.

Other health benefits to the community-at-large will result of the Brown's plan to buffer public lands with a large, contiguous, open parcel dedicated to conservation; and elimination of nutrient runoff into the Iowa River watershed resulting from taking currently row cropped ag land out of production.

The Neighborhood

Density and preferences are in the eye of the beholder. Proximity and distance in rural areas are a matter of scale and perspective. Rural Johnson County residents and those seeking to live in rural areas choose to do so because they value the benefits of country living and open space. Greater densities and smaller lot sizes are not desired by existing Seneca Road residents, the Brown's included.

All public comments expressed by the neighbors during 2020 FLUM proceedings relating to the Property have been fully and satisfactorily addressed in this Memorandum. The Application seeks to subdivide lots exactly like those upon which the Seneca Road neighbors own themselves. Any subdivision resulting from the Brown's limitation of its application would reflect the character of the existing homes on the road. The Browns are willing to guarantee the character and conservation measures through covenants. Approval of the Application would result in final, limited development on the last developable piece on Seneca Road with no impacts to adjacent neighbors due to large buffers. By any reasonable measure, the Brown application will not detrimentally impact adjacent or neighboring properties.

COMPARISON OF THE PLAN AND APPLICATION RELATIVE TO CONFORMANCE TO GOALS AND STRATEGIES

The Department states that the Comprehensive Plan generally calls for consideration of the following factors:

1. Relatively dense development (1unit/acre) in residential areas
2. Interconnected road networks located in areas that reduce vehicle miles traveled
3. Minimized impact to environmentally sensitive areas
4. Avoiding taking high-quality cropland out of production

"Relatively Dense" Development (1 unit/acre) is Not Suitable for the Seneca Road Area

A one lot per acre subdivision, or greater densities, on any portion of the Property is not appropriate or suitable for Seneca Road. This position is supported by comments and preferences stated by Seneca Road residents and the P&Z Committee. During the September 14, 2020, P&Z meeting addressing the Applicant's prior FLUM amendment request, neighbor after neighbor expressed incredulity that the County's Comp Plan would call for a preference of one lot per acre densities on Seneca Road given it is effectively a large-lot subdivision along the entirety of the road up to the Property border. Further, several members of the P&Z commented that the Seneca Road area fits the conservation designation and that one acre lots seem out of character for the area. Notable comments from the P&Z meeting follow:

- "This is the exact kind of land that FLUM was created for. This is where we want this to take place, but we can't change that road . . . So though I agree with so

many of the points of why this would be a great place to develop 3-acre plots, that road -- I just can't overcome that hill." *Mike Parker, P&Z Committee Member*

- “. . . but if there's a lot fewer homes, Mike, it would make a difference as well.” (Speaking to less road impact from lower density). *Christine Rohret, P&Z Committee Member*
- “And that's one of the things that I think really needs to be looked at here and that is what is that area designed by? How is it laid out? And I think that makes a big difference. We're not the city. We are the country, and people do want space. They do want to have some privacy. And so having a 3-acre lot is nothing. And that [reduced density] would change this whole project on both sides a lot.” *Kathleen Swenka, P&Z Committee Member*

A broad on-acre “Residential” preference does not logically work in tandem with the preferences of the environmental preservation preferences of the Comprehensive Plan. Further, a one-size-fits-all approach does not logically apply to all areas of the County. If an objective of the Comp Plan is to restrict subdivisions of low-density urban sprawl developments on large tracts of productive transitional farmland adjacent to urban centers, that is one thing. However, the Applicant’s plan to maximize environmental conservation on low quality ag land and limit the impact to existing large-lot Seneca Road owners through their low-density, non-sensitive area located approach fully embraces and meets the goals of the Comp Plan.

In support of the Brown’s position, it should be noted that the Johnson County Subdivision Section 8.2(G) in the UDO offers lot size increase “bonuses” for subdivisions where there is greater conservation than prescribed when ten or more lots are proposed. Surely, given the Brown’s plan calls for 8 lots, 75% of the Property being in conservation, low neighbor impact and far greater conservation than contemplated by the Comp Plan, it would follow that lower densities and larger lots would be an acceptable tradeoff, a desirable outcome and a legally permitted approach under the plain language of the Future Land Use Categories’ definitions.

The Property is Located in an Area that Reduces Vehicle Miles Traveled (VMT)

The Department states in its Report: “The navigation route [to service and employment centers] is relatively direct, especially for county commuting.” This is the correct conclusion given the Property’s location directly in the center of the corridor and short travel times to both Cedar Rapids and Iowa City. Swisher area residents enjoy the best of both metro areas, and the proximity and location of the Property could not be more ideal when considering households with members employed separately between Cedar Rapids and Iowa City, and for those seeking to take advantage of amenities and services offered between the two metro areas. The end result is reduced vehicle miles traveled for this County demographic.

Environmental Sensitivity and Agricultural

As previously addressed in this memorandum, the result of Brown request will be to minimize impacts to environmentally sensitive areas and high-quality cropland will not be taken out of production.

CONCLUSION AND REQUEST FOR BOARD APPROVAL

For all the reasons stated herein, the Brown's have met all of Johnson County's legal and regulatory standards and requirements necessary to support designation of the property as Conservation Development in the Johnson County FLUM.

The Browns respectfully request that the Board of Supervisors vote to approve this FLUM amendment application as set forth herein.

APPENIX "A"

Prepared by and Return to:

CONDITIONAL ZONING AGREEMENT

THIS AGREEMENT (this "Agreement") is made by **JOHNSON COUNTY, IOWA** (the "County") and **BERNARD BROWN** and **NANCY BROWN** ("Owners").

WHEREAS, Owners are the legal titleholders of approximately 62.4 acres of real property located on Seneca Road NW, legally described on the attached **Exhibit A** and graphically depicted on **Exhibit B** (the "Property"); and

WHEREAS, Owners have filed Zoning Application PZC-21-_____ requesting the rezoning of the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential.

WHEREAS, the Johnson County Planning and Zoning Commission has determined that the proposed rezoning request comports with the County's comprehensive plan as embodied in 2008 Johnson County Land Use Plan and related documents provided that it meets certain conditions; and

WHEREAS, Iowa Code Section 335.7 provides that the Board of Supervisors may impose reasonable conditions on granting a rezoning request over and above existing regulations in order to satisfy public needs which are directly caused by the requested zoning change; and

WHEREAS, Owners acknowledge that certain conditions on the granting the rezoning request are reasonable to ensure the development of the Property addresses these public needs and is consistent with the comprehensive plan and its requirements; and

WHEREAS, Owners and the County have agreed it is appropriate to rezone the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential subject to certain conditions to ensure appropriate development of the Property.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Owners is the legal titleholder of the Property.
2. The County agrees that Owners' rezoning request shall be approved and the Property shall be rezoned from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential with limits on the area of disruption within buildable lot zones as requested in Zoning Application PZC-21-_____ subject to this Agreement.

3. Owners acknowledges the County wishes to ensure conformance to the principles of the comprehensive plan. Further, the parties acknowledge Iowa Code Section 335.7 provides the County may impose reasonable conditions on a rezoning request, over and above the existing regulations, in order to satisfy public needs directly caused by the requested zoning change.

4. In consideration of the County's rezoning of the Property, Owners agree development of the Property will conform to all other requirements of the Johnson County Unified Development Ordinance, as may be amended from time to time, as well as the following conditions:

a. The Property will have no more than eight (8) buildable lots (3-5 acres each) upon future subdivision of the Property.

b. The buildable lots will have limits on the area of disturbance and requirements for protected areas upon future subdivision of the Property.

c. The Property will have preservation outlots, as depicted on **Exhibit C**, which will be subjected to statutory preservation requirements.

d. Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties, as depicted in Preservation Exhibit on **Exhibit C**.

e. Sensitive areas impact will not exceed statutory limits, as depicted in the Sensitive Areas Concept on **Exhibit D**.

f. The County Engineer and Board will allow future development of the Property under the terms of this Agreement to occur without requiring road improvements.

g. Existing uses for the Property may continue until future development occurs.

5. Owners and the County acknowledge that the conditions contained herein are reasonable conditions to impose on the Property under Iowa Code Section 335.7 and that the conditions satisfy public needs caused by the requested zoning change.

6. Owners and the County acknowledge that in the event the Property is transferred, sold, redeveloped or subdivided, all new development will conform to the terms of this Agreement.

7. The parties acknowledge this Agreement shall be deemed to be a covenant running with the land and with title to the land, and shall remain in full force and effect as a covenant with title to the land, unless or until released of record by the County. The parties further acknowledge that this Agreement shall inure to the benefit of and bind all successors, representatives, and assigns of the parties.

8. Owners acknowledges nothing in this Agreement shall be construed to relieve Owners from complying with all other applicable local, state and federal regulations.

[SEPARATE SIGNATURE PAGES FOLLOW]

JOHNSON COUNTY, IOWA

By: _____
_____, _____

ATTEST:

By: _____
_____, _____

STATE OF IOWA)
) SS
COUNTY OF JOHNSON)

On this _____ day of _____, 2021, before me a Notary Public in and for said State, personally appeared _____ and _____, to me personally known, who being duly sworn, did say that they are the _____ and _____, respectively, of John County, Iowa, a County created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said County by authority and resolution of its Board of Supervisors, and said _____ and _____ acknowledged said instrument to be the free act and deed of said County by it voluntarily executed.

Notary Public in and for the State of Iowa

By: _____
Bernard Brown

By: _____
Nancy Brown

EXHIBIT “B”

Chapter 6, Implementation of the Comprehensive Plan, lists criteria in the chart below as factors to consider when evaluating requests for map amendments:

PRIORITIES

GOALS

IMPLEMENTATION

EVALUATING REQUESTS FOR MAP AMENDMENTS

Plan interpretation should include a continuous and related series of analyses, with references to the goals and strategies, the Future Land Use Map, and the development guidelines. Moreover, when considering specific proposed developments, plan interpretation should include a thorough review of all sections of the plan.

If a development proposal is not supported by the Comprehensive Plan, the first consideration should be to modify or deny the proposal. Secondarily, and only if certain criteria are met, should a Comprehensive Plan or map amendment be considered to accommodate the proposal. The criteria listed immediately below should be used to determine if a Comprehensive Plan amendment is appropriate. Additionally, to help ensure stability of the Future Land Use Map, proposed amendments will be considered once annually in accordance with procedures set forth by the Board of Supervisors.

- The character of the adjacent parcels.
- The zoning and uses on nearby properties.
- The suitability of the property for the uses allowed under the current zoning designation.
- The type and extent of positive or negative impact that may affect adjacent properties, or the county at large, if the request is approved.
- The impact of the proposal on public infrastructure and facilities.
- The length of time that the subject and adjacent properties have been utilized for their current uses.
- The benefits of the proposal to the public health, safety, and welfare.
- Comparison between the plan and the proposed change regarding the relative conformance to the goals and strategies.
- Consideration of professional staff recommendations.

Below are the “general guidelines staff used in developing the initial FLUM” that were supplied to the Applicant:

Criteria used to identify growth areas.

Growth areas are generally:

- In close proximity to cities and services/employment centers.
 - Close proximity is close “as the crow flies”, but also close in short vehicle miles travelled.
- Not in any immediate growth areas of the contiguous metro cities (Iowa City, Coralville, North Liberty, Tiffin).
- In areas with existing non-ag development, and offer the potential for infill development
- In areas where the potential environmental impact of future development will be minimal/limited.
- In areas with availability of land that has high potential to yield developments at the desired density of the comp plan (1 acre per lot or smaller).
- In areas with the potential for new (and existing) road networks to be developed in a way that offers high levels of connectivity/interconnection.
- In areas with higher quality existing road networks (generally paved or chip seal roads in close proximity)

Under the “Future Land Use Tools” section of Land Use Chapter 5, the Plan states when focusing on the physical development of the unincorporated areas of Johnson County, the following land use tools should be utilized to assist Johnson County decision makers in determining the appropriate type and location of future development. These tools include:

1. The Future Land Use Map (with category and zoning compatibility tools)
2. Future Land Use Development Guidelines. (See Figure 12 on following page)

Figure 12. Future Land Use Development Guidelines

Amended 11/14/19

Development Elements	Zoning Districts										
	A	AR	SF	RS, RC	RM, RMH	RR	C, CH, C-AG	AG-T	ML, MH, SWDRR	ERP	P
Future Land Use Map – The proposed rezoning or use is consistent with the land use designation shown on the Future Land Use Map and any applicable Land Use Overlays.	●		●	●	●	●	●	●	●	●	●
Development Regulations – The proposed rezoning or use complies or can comply with all development regulations set forth in the Unified Development Ordinance.	●		●	●	●	●	●	●	●	●	●
Road Standards – The proposed rezoning or use has sufficient access to the Secondary Road network, and the property is accessed – or proposes to access – a road that meets the surfacing and traffic standards set forth in the Road Performance Standards and Site Planning Standards (where applicable.)			●	●	●	●	●	●	●	●	●
Public Health Regulations – The proposed use has the ability to meet Public Health Department standards for water and waste water.			●	●	●	●	●	●	●	●	●
Emergency Services – The proposed use has access to adequate sheriff, fire, and EMS protection.			○	○	●	●	●	●	○	○	●
Environmental Impact – The proposed rezoning or use complies with the Environmental Regulations set forth in Chapter 8:3 and does not negatively impact historic or archaeologically significant sites, or areas with unique features such as wetlands, water areas, floodplains, nature preserves and parks, special native vegetation areas, critical wildlife habitat, steep slopes, and sensitive soils.	○		●	●	●	●	●	●	○	○	●
Negative Impacts – The proposed rezoning or use does not negatively impact the appearance, use, or enjoyment of neighboring properties. Such impacts may include excessive noise, traffic, light, glare, heat, vibration, dust, fumes, smells, vagrancy, and other negative matters.			○	○	○	●	●	●	○	○	○
Agricultural Impact – If the proposed rezoning or use is located in the Agricultural Area of the Future Land Use Map, the use or rezoning should minimize the amount of farmland that is removed from active production. The proposed rezoning or use is not likely to create potential future conflict with neighboring agricultural operations.			○	●	●	●	●	●	●	●	○

● = Recommended Development Element

○ = Not a Required Development Element

EXHIBIT "C"

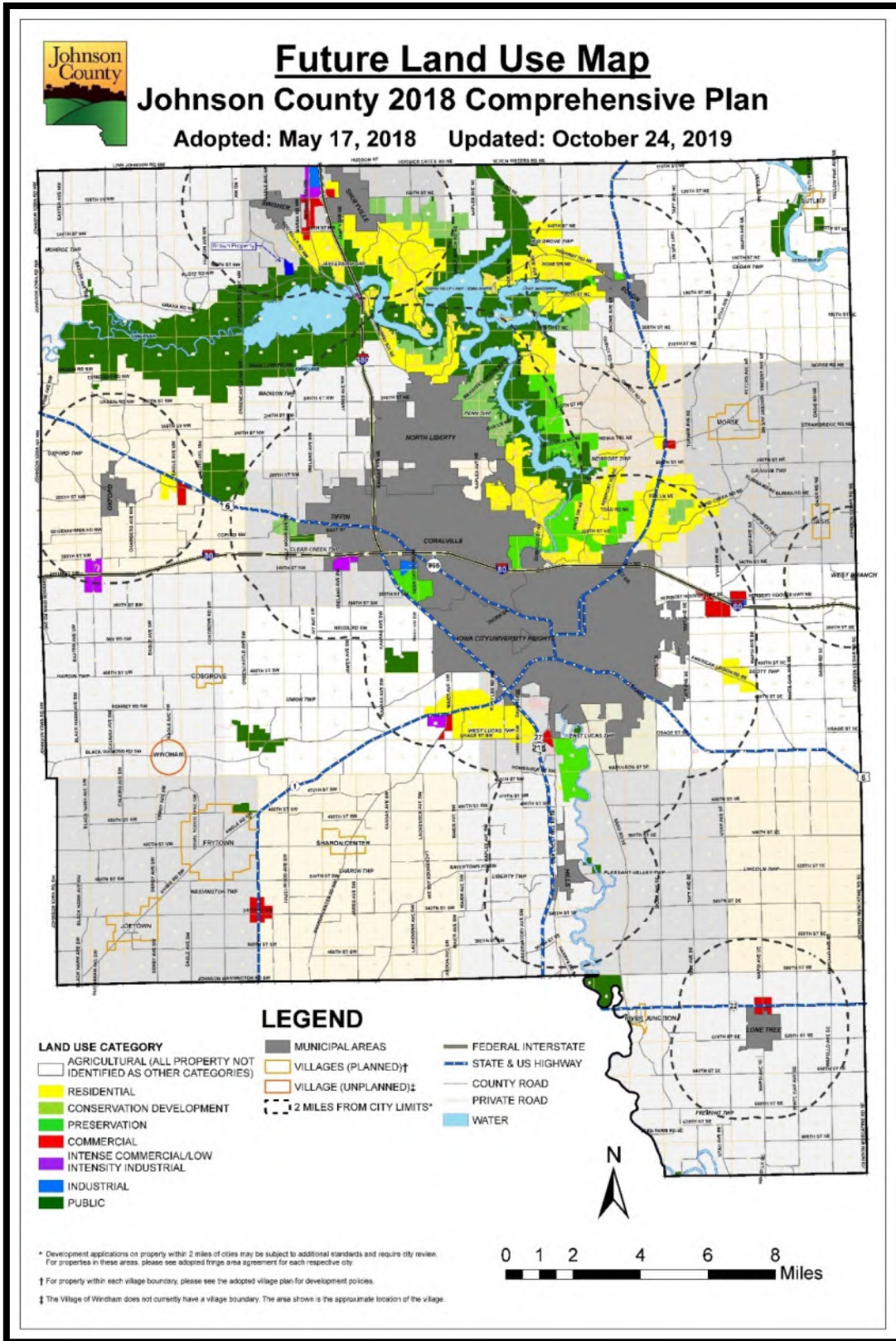
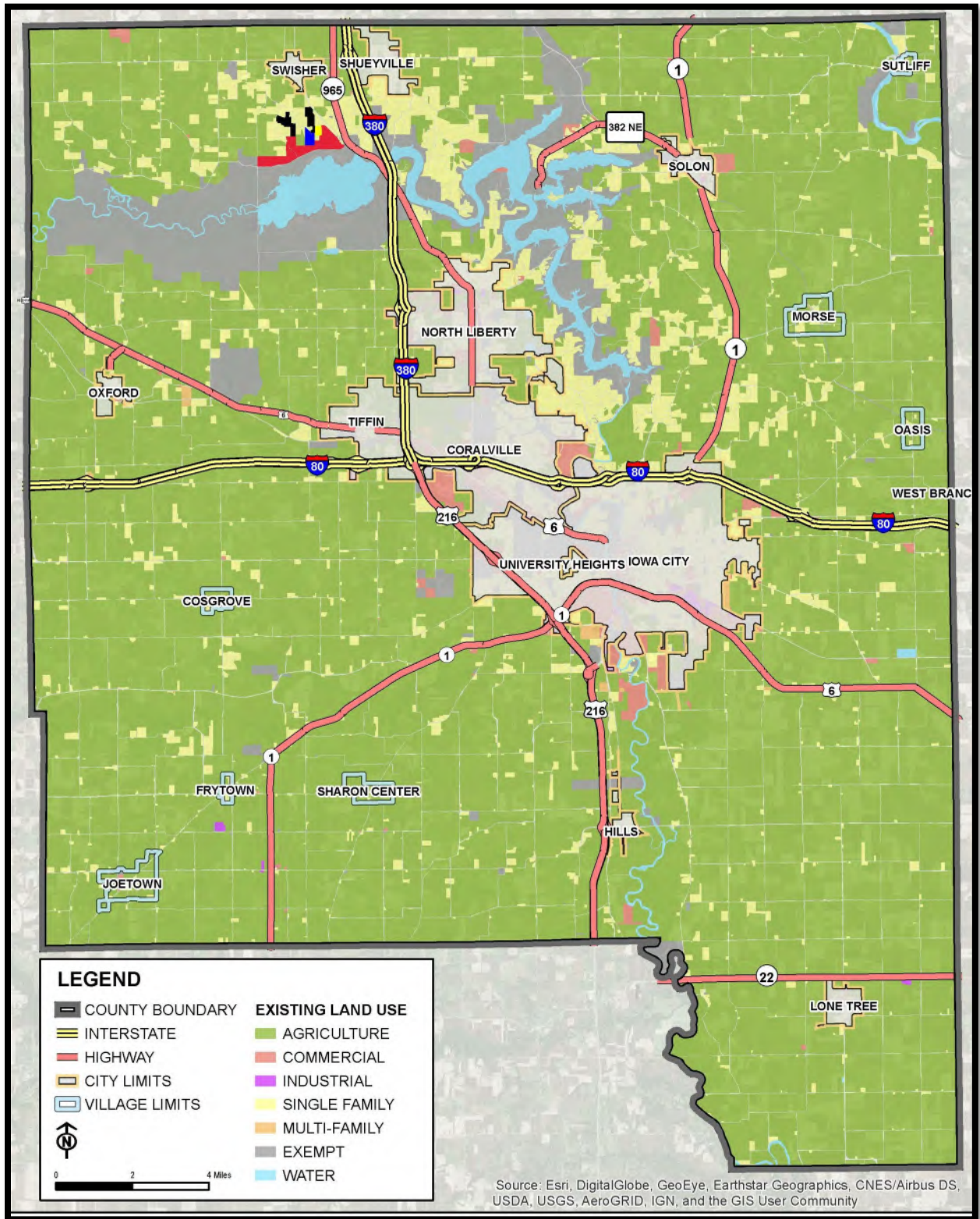


EXHIBIT "D"



APPENDIX "E"

Form 650006
3-80

PROPOSAL FORM

Proj. No. L-83-G-1

Type of Work **GRADING**
System **SECONDARY ROAD**

Miles **1.335** County **JOHNSON**

Location and description

COMMENCING IN THE NE $\frac{1}{4}$ OF SECTION 18, T-81N, R-7W JEFFERSON TOWNSHIP, THENCE SOUTHEASTERLY 1.335 MILES TO THE SW $\frac{1}{4}$ OF SECTION 17, T-81N, R-7W JEFFERSON TOWNSHIP OF THE 5th P.M.

Proposal of _____
(name of bidder)

(Street Address) _____ (Town) _____ (State) _____ (Zip) _____

TO THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA

The bidder hereby certifies that he or they are the only person or persons interested in this proposal as principals; that an examination has been made of the plans, specifications, and contract form, including the special provisions contained herein, and of the site of the work, and the bidder understands that the quantities of work shown herein are approximate only and are subject to increase or decrease; and further understands that all quantities of work, whether increased or decreased, are to be performed at the unit prices stipulated herein; the bidder proposes to furnish all necessary machinery, equipment, tools, labor and other means of construction, and to furnish all materials specified in the manner and the time prescribed and to do the work at the prices hereinafter set out, and that it is not in violation of the provisions of Section 314.2 Code of Iowa, 1971 as amended (Interest in contract prohibited), and 324.17(8) of the 1971 Code of Iowa as amended (Refund to non licensee-fuel used other than in motor vehicles).

We further propose:

- To do all "Extra Work" which may be required to complete the work contemplated, at unit prices or lump sums to be agreed upon in writing prior to starting such work, or if such prices or sums cannot be agreed upon to perform such work on a force account basis, as provided in the Specifications.
- To execute formal contract within fifteen days or forfeit the proposal guaranty furnished herewith.
- To begin work by the date specified and to complete the same within the contract period, or to pay the liquidated damages stipulated below accruing for each calendar or working day elapsing after the expiration of the contract period, before completion of the work.

Group or Division Number	Amount of Proposal Guaranty	Approx. or Specified Starting Date or Number of Working Days	Specified Completion Date or Number of Working Days	Liquidated Damages Per Day
I	\$500.00	20 WORK DAYS	MAY 15, 1983	\$100.00

To furnish a contract bond in an amount not less than 100 percent of contract award, as security for the construction and completion of the work awarded the bidder in accordance with the plans, specifications and contract.
Enclosed herewith find certified check, cashier's check, or bank draft on a solvent bank; or a bid bond in the penal sum as shown in the contract document as a proposal guaranty, which it is understood will be retained in the event the formal contract or bond is not executed, if award is made to the undersigned.
By virtue of statutory authority preference will be given to products and provisions grown and coal produced within the State of Iowa where applicable.
Party of the second part certifies that it is an Equal Opportunity Employer.

Date of Letting **TUESDAY, MARCH 15, 1983**
10:00 A.M.
COURTHOUSE, IOWA CITY, IOWA

Signatures are to be by authorized agent; if joint venture, each should sign.

Signed _____

1-2-3 4-5

CONTRACTOR'S NUMBER

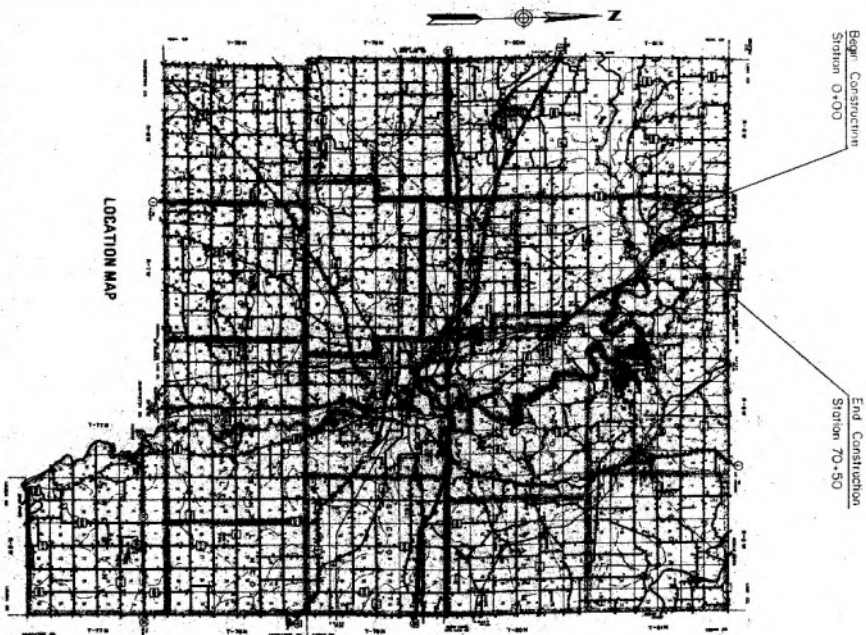
SCHEDULE OF PRICES

Item No.	Item and Unit on which bid is based. Bidder shall show unit price and extension for each item and total for each group.	Quantity	Unit Price		Amount	
			Dollars	Cents	Dollars	Cents
1.	Excavation, Roadway and Borrow Station Measurement	70.5 STATIONS	XXX.XXX	XXXXXX		
2.	Culvert, Install Only - Corr. Metal Roadway Pipe 15 In. Dia.	250 LIN. FT.				
3.	Surfacing, Granular Class "A" Crushed Stone - On Road	2600 TONS				
4.	Culvert, Install Only - Corr. Metal Entrance Pipe 15 In. Dia.	270 LIN. FT.				
	TOTAL					
	SPECIAL PROVISIONS AND SUPPLEMENTAL SPECIFICATIONS					
	#915 Nov. 9, 1982 GENERAL SUPPLEMENTAL SPECIFICATION					
	#921 FEB. 15, 1983 ADDENDUM TO GENERAL SUPPLEMENTAL SPECIFICATION #915					
	#920 MAR. 17, 1983 TRAFFIC CONTROLS FOR STREET & HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS PART (6)					
	#815 OCT. 11, 1977 EQUAL OPPORTUNITY RESPONSIBILITIES ON NON FEDERAL AID PROJECTS					
	101 UNIT BIDS MUST BE TYPED OR SHOWN IN INK OR BID WILL BE REJECTED					
	County will furnish all Corrugated Metal Roadway and Entrance pipe and pipe bands at the site. Placement will be as directed by the Engineer.					
	Existing roadway at the beginning of project shall be scarified and rebuilt to the new grade.					
	Specifications for Grading and Draining					
	(a) Finished Cross Section to be as follows; Ditches to be a minimum of 3 feet below below shoulder and a minimum of 4 feet wide wherever possible. Top to be 24 feet with 2:1 foreslopes and 1.5:1 backslopes, 6 inch crown.					
	(b) County will check final cross section to see that it substantially conforms to the typical cross section as required above.					

IOWA
 DEPARTMENT OF TRANSPORTATION
 HIGHWAY DIVISION
 PLANS OF PROPOSED IMPROVEMENT ON THE
 SECONDARY ROAD SYSTEM

IOWA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION SERIES 1977 PLUS CURRENT SPECIAL PROVISIONS AND SUPPLEMENTAL SPECIFICATIONS OF THE IOWA DEPARTMENT OF TRANSPORTATION--HIGHWAY DIVISION SHALL APPLY TO WORK ON THIS PROJECT.

GRADING AND CRUSHED STONE SURFACING
 Commencing in the NE 1/4 of Section 18, T-81N, R-27W Jefferson Township
 and thence southeasterly 1.335 miles to the SW 1/4 of Section 17,
 T-81N, R-27W Jefferson Township of the 5th P.M.



LETTING DATE MARCH 15, 1983

PROJECT TRAFFIC CONTROL PLAN
 This road will be closed to through traffic during construction. Local traffic to adjacent properties will be maintained as provided for in Article 1107, 08, 1977 Standard Specifications. Traffic control devices, procedures and layouts shall be as provided by supplemental specifications for traffic control for street and highway construction and maintenance operations, Specification 894. Furnished by County.

TRAFFIC COUNT 12 V.P. 1977 YEAR

DESIGN NO. FILE NO.



APPROVED

Don Soltz
Harold W. Bernhardt
Edna C. Moore

Ray D. Boyle
 BOARD OF SUPERVISORS

- INDEX OF SHEETS
1. Title Sheet, Location Map, Mileage Summary
 2. Estimate of Quantities, Estimate Reference, General Notes, Typical Section
 - 3-5. Plan and Profile

MILEAGE SUMMARY
 Sta. 0+00 to Sta. 70+50 = 7050' = 1.335 miles
 Total Mileage = 7050' = 1.335 miles

AUTHORIZED FOR LETTING
W. B. Bledsoe 2/16/83
 COUNTY ENGINEER

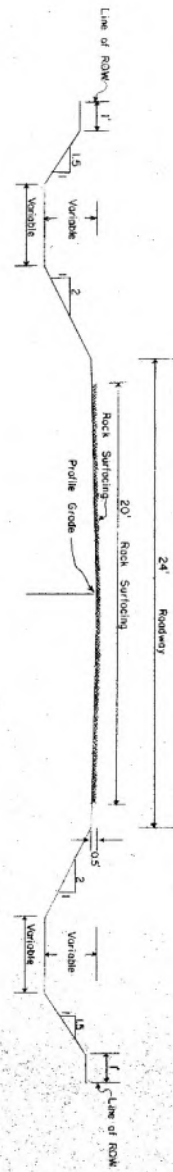
ATTORNEY
 SYSTEM ENGINEER
 DATE

AUTHORIZED FOR LETTING
 COUNTY ENGINEER
 DATE

AUTHORIZED FOR LETTING
 COUNTY ENGINEER
 DATE

AUTHORIZED FOR LETTING
 COUNTY ENGINEER
 DATE

TYPICAL SECTION



In Letting of MARCH 15 1983

ITEM	ESTIMATE OF QUANTITIES	UNIT	TOTAL
1	Excavation, Roadway and Base	Sudover	70.5
2	General, Install Gravel - Car. Matd	Lbs. Ft.	230
3	Surfacing, Gravel - Class X	Tons	2600
4	Covert, Install Oak - Cor. Head	Lbs. Ft.	270
	Estimate Price is as Dis.		

ESTIMATE REFERENCE

- All quantities are based on the grade as directed by the Engineer in accordance with Section 2102.03 of the 1977 Standard Specifications. The % compaction shall be required on all roadway fill, all back-drops, ditches and fore-slopes shall be prepared for seating in accordance with Section 2102.11 of the 1977 Standard Specifications. Carry to do own, Erong's Control work.
- Rate of application is 1850 Tons per mile. This includes Driveways and Road Approaches.

GENERAL NOTES

- County will furnish all Curbed Metal Roadway and Entrance pipe and pipe bands or the site. Placement will be as directed by the Engineer.
- Existing roadway at the beginning of project shall be scarified and rebuilt to the new grade.
- Specifications for Grading and Draining
- (a) Proposed Cross Section to be as follows. Directed to be a minimum of 4 feet wide with 2:1 fore-slopes and 1.5:1 back-slopes, 6 inch crown.
- (b) County will check final cross section to see that it substantially conforms to the typical cross section as required above.

I hereby certify that the above is a true and correct copy of the original as shown to me by the Engineer in accordance with Section 2102.03 of the 1977 Standard Specifications. The % compaction shall be required on all roadway fill, all back-drops, ditches and fore-slopes shall be prepared for seating in accordance with Section 2102.11 of the 1977 Standard Specifications. Carry to do own, Erong's Control work.

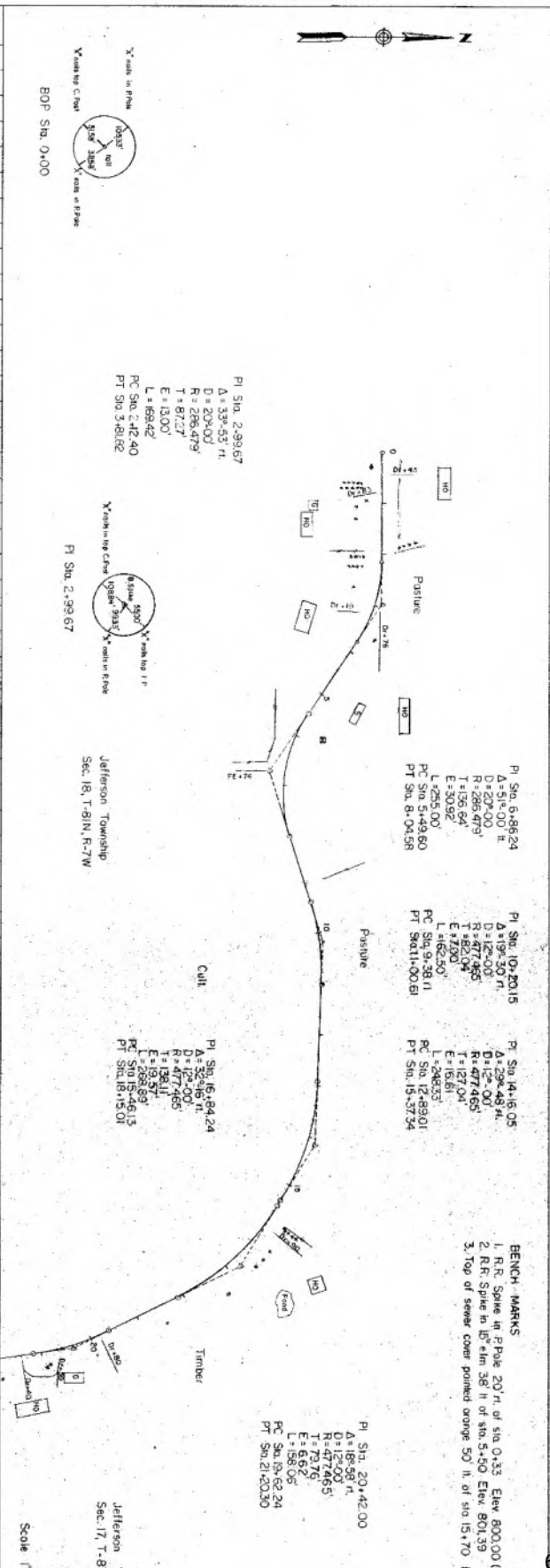
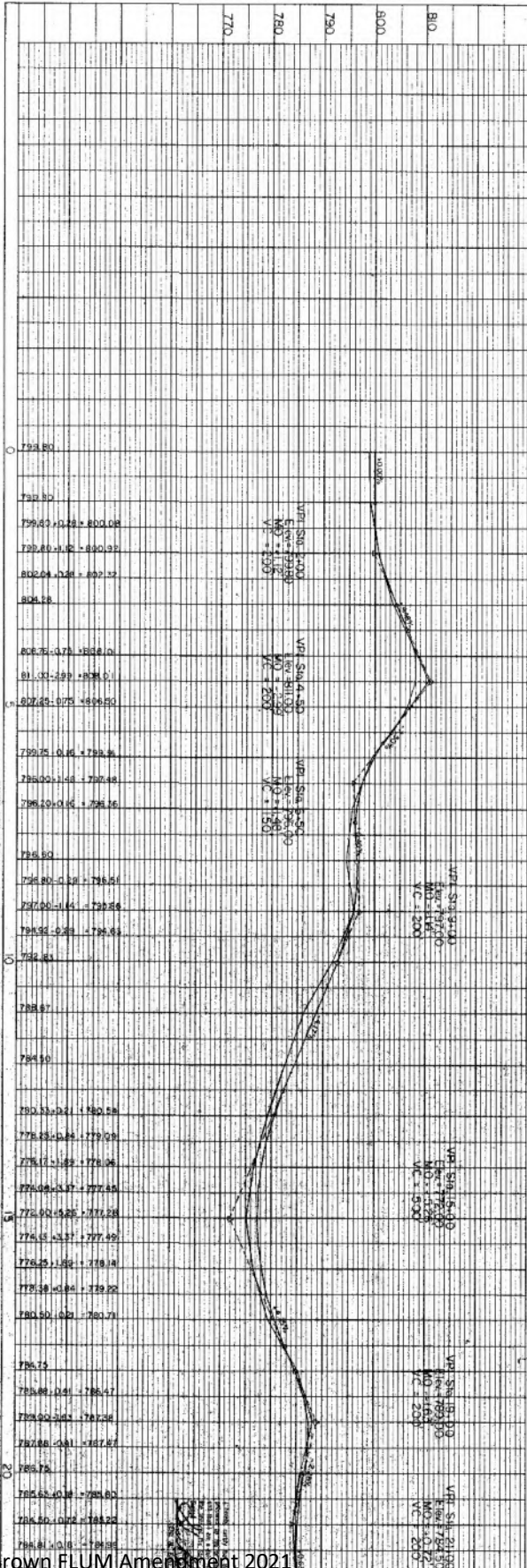
1850 Tons per mile. This includes Driveways and Road Approaches.



GRAADING & CRUSH & STONE S
SECTIONS 17.18
JEFFERSON TOWNSHIP
14818 J.R.-7W

PROFILE	DATE	BY	CHKD
NOTE BOOK	NO.	DATE	BY
PROJECT: BROWN FLUM AMENDMENT DRAWN BY: J. W. BROWN CHECKED BY: J. W. BROWN DATE: 10/15/2021			

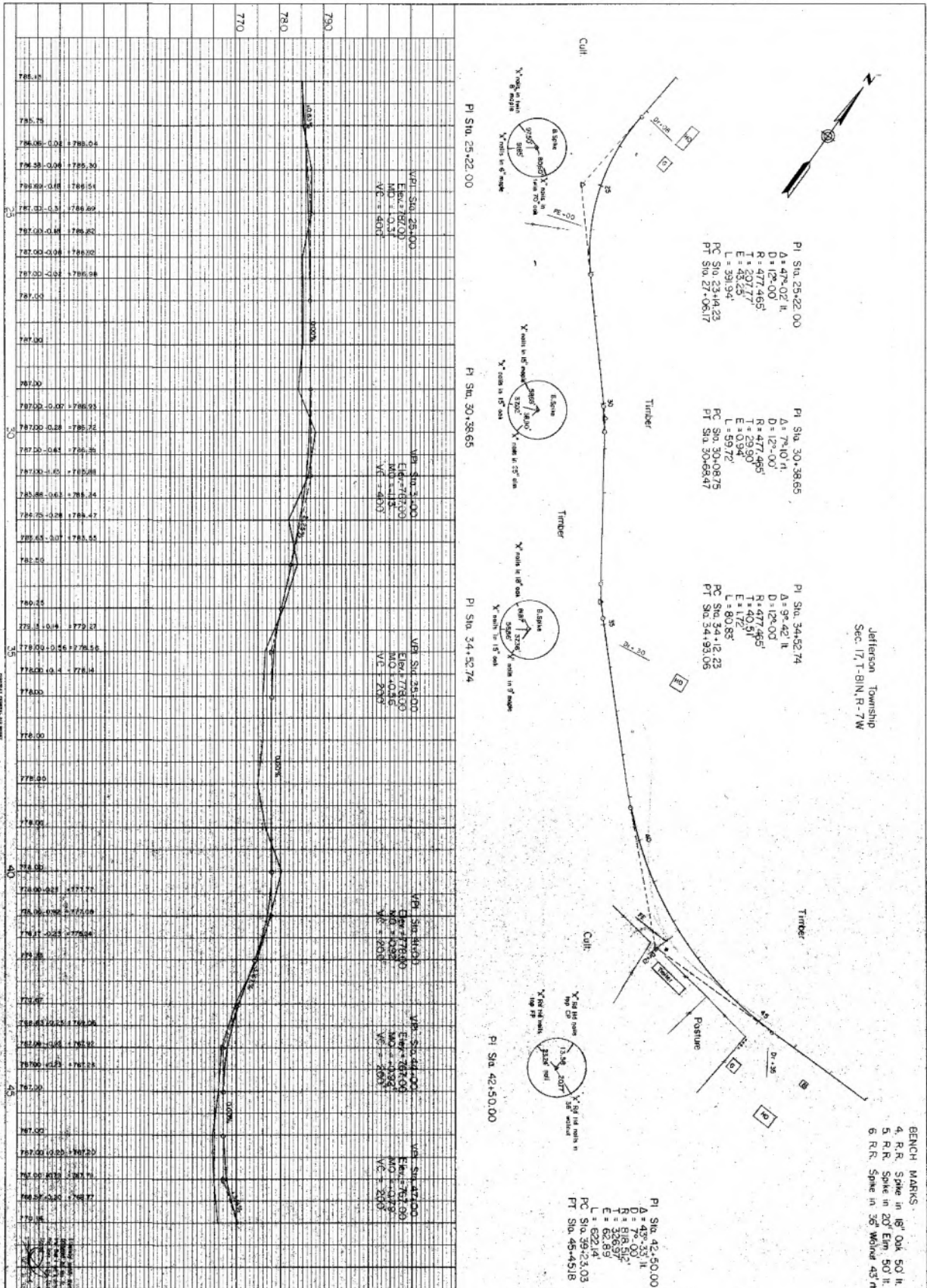
PLAN	DATE	BY	CHKD
NOTE BOOK	NO.	DATE	BY
PROJECT: BROWN FLUM AMENDMENT DRAWN BY: J. W. BROWN CHECKED BY: J. W. BROWN DATE: 10/15/2021			



- BENCH MARKS**
1. R.R. Spike in P.Pole 20' ft. of sta 0+33 Elev 800.00 (assumed)
 2. R.R. Spike in 15" dia 38" H of sta 3+30 Elev 801.39
 3. Top of sewer cover painted orange 50' ft. of sta 15+70 Elev 775.80

PROFILE	
DATE:	27
PROJECT:	
DESIGNER:	
CHECKER:	
APPROVER:	
SCALE:	

PLAN	
DATE:	27
PROJECT:	
DESIGNER:	
CHECKER:	
APPROVER:	
SCALE:	



Jefferson Township
Sec. 17, T. 81N, R. 7W

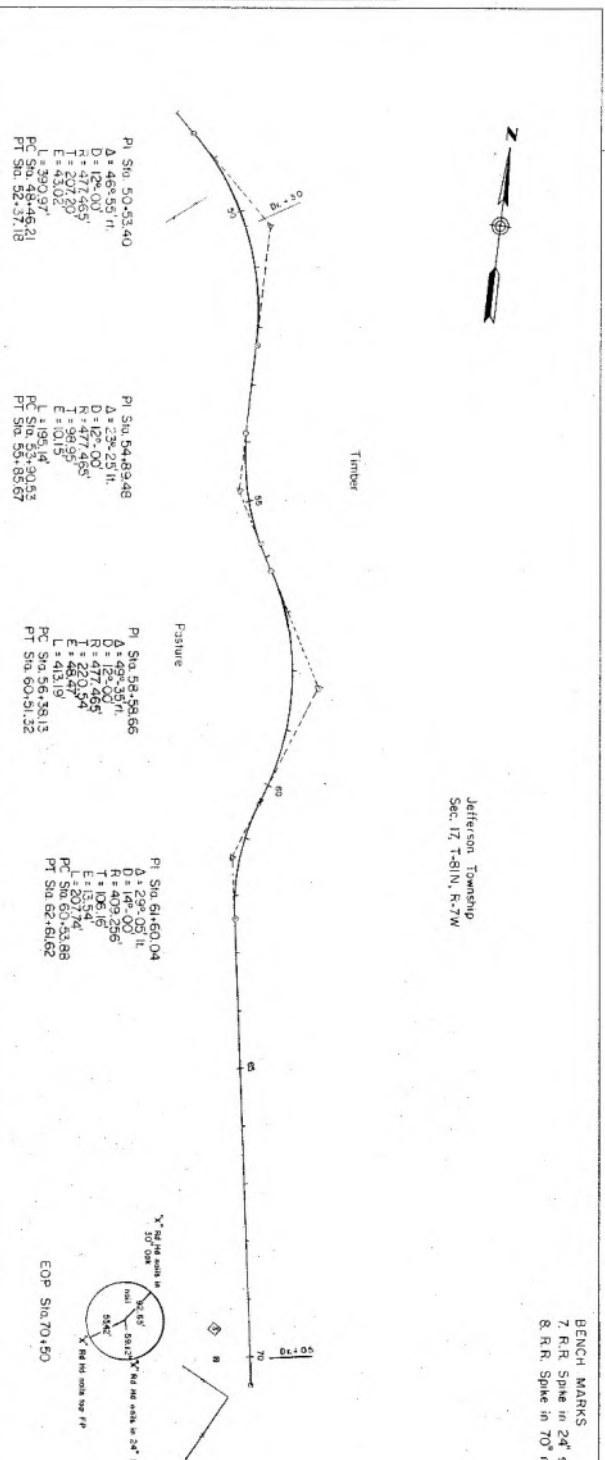
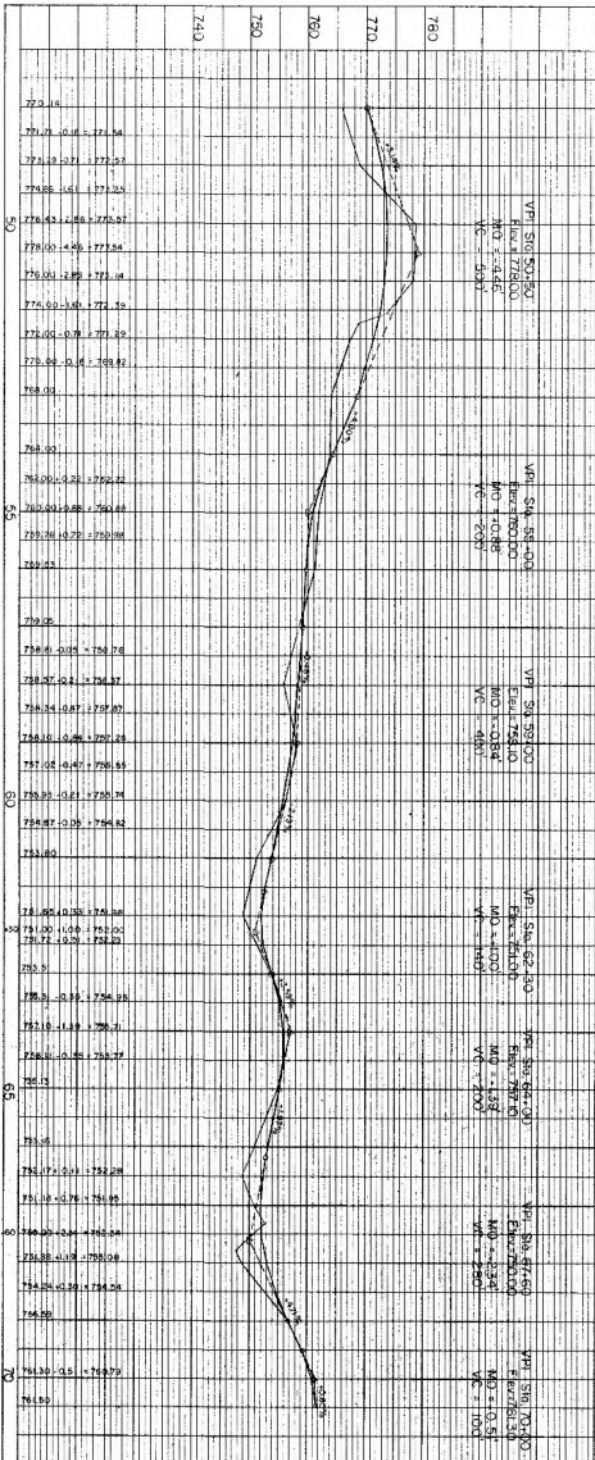
- BENCH MARKS:
- 4. R.R. Spike in 18" Oak 50 ft. of sta. 26+13 Elev. 785.12
 - 5. R.R. Spike in 20" Elm 50 ft. of sta. 26+67 Elev. 785.12
 - 6. R.R. Spike in 26" Walnut 43' n. of sta. 42+50 Elev. 785.12

PI Sta. 42+50.00
A = 43.35'
D = 70.00'
R = 516.50'
T = 62.89'
L = 622.14'
PC Sta. 39+23.03
PT Sta. 45+45.18

Scale 1" = 100'

PROFILE	DATE	BY	SCALE
NOTE BOOK	DATE	BY	SCALE

PIAN	DATE	BY	SCALE
NOTE BOOK	DATE	BY	SCALE



Jefferson Township
Sec. 17, T-81N, R-7W

BENCH MARKS
7 R.R. Spike in 24" stump 35' E. of sta. 54+00 Elev = 762.99
8 R.R. Spike in 70" maple 100' E. of sta. 70+00 Elev = 759.49

Scale 1" = 100'



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Land Surveyors

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BROWN FUTURE LAND USE MAP AMENDMENT

SENECA ROAD ANALYSIS

OCTOBER 2, 2020

The purpose of this report is to analyze the existing condition of Seneca Road and to evaluate the road against current roadway design standards. The current rural roadway design standards from Iowa DOT Instructional Memorandum 3.210 are attached as Appendix 1 to this report and are referenced within the report.

Existing Seneca Road Conditions

Seneca Road is an existing local roadway with granular surfacing. According to records provided by the County, this roadway was constructed in 1983. The plans show that the roadway was constructed with a 24 foot wide roadway top with 20 foot wide granular surfacing. It was constructed with 2:1 ditch foreslopes. The original design plans are attached as Appendix 2 to the report. The roadway is a dead end road, approximately 7000 feet in length, with a small turnaround at the end.

MMS reviewed the existing roadway widths at several locations throughout the length of the road. At 8 locations the roadway top widths were measured using level measuring rods. One of the rods is 25 feet long and is extended to 25 feet in all locations with a second rod used for widths more than 25 feet. Wood lath were placed at the edge of the roadway top at the top of foreslope on each side of the road with the level measuring rods laid between them to measure the width.

These widths were documented using drone photos. Some of these photos are shown on the attached sheets in Appendix 3. The locations are shown on the first sheet of Appendix 3. There is a section of the roadway which has pretty heavy tree cover so no measurement were taken and close view photos were not taken but some of the wide view photos from that section are included in Sheet 4 of Appendix 3.

The attached table shows the roadway top and surfacing width measurements in feet at the 8 locations that were measured.

Location	1	2	3	4	5	6	7	8
Roadway Top	28	27.5	29.75	25	27.5	27	27.75	26.75
Surfacing Width	14	15	15	18	20	20	20	21



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The average roadway top width of the 8 locations is 27.41 feet. The average surfacing width is 17.88 feet.

Measurements were also taken in the area of heavy tree cover but could not be documented with drone photos. Those measurements were taken at approximately the same locations as the drone photos shown on Sheet 4 in Appendix 3. Those measurements are as follows:

Roadway Top	28	27	25	27
Surfacing Width	23	19	19	20

Even though the surfacing width is narrow toward the south end of the roadway, the drone photos show that grass has overgrown areas where there is granular surfacing beneath. If those areas are included, all of the measurement locations exceeded 20 feet in surfacing width.

Roadway Design Standards

Appendix 1 shows the current rural road design standards as published by the Iowa DOT as a guide to City and County road departments for rural roadways. For Rural Local Roads, there are two standards, one labeled “Design Aids” and one labeled “AASHTO Guidelines”. On the first page of the Instructional Memorandum, Note 2 states “The Iowa County Engineer’s Association (ICEA), by action of the Association’s Design Guide and Supervisor Engineer Committee, and Executive Board, has adopted the AASHTO Design Guidelines Tables contained in the I.M. for use on County project funded with SWAP, Farm-to-Market, or local funds only.” Since federal or state aid funding is not used on local non paved roadways, the AASHTO Design Guidelines should apply to this roadway.

The Annual Average Daily Traffic (AADT) on Seneca Road is 150 vehicles per day according to the 2018 Johnson County Traffic Map published by the Iowa DOT. Therefore the values for “Under 400” column would apply to this roadway. From the original design plans, about 50 % of the longitudinal slopes for this roadway are more than 3% so the “Rolling” category would apply.

Johnson County Unified Development Ordinance (UDO)

Section 8:2.7, J of the Johnson County Unified Development ordinance outlines the Road Performance Standards for development in Johnson County. This section states that subdivisions shall not be approved on gravel roads with projected vehicles per day which exceed 400 vehicles per day.



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Analysis

Seneca Road meets all of the design standards for the AASHTO Guidelines for roadways less than 400 vehicles per day with rolling terrain. The roadway top width exceeds the minimum of 22 feet in all locations. The foreslopes are 2:1 or flatter in all areas that were measured. From the original design plans, all horizontal curves have a radius of more than 214 feet. None of the gradients of the roadway exceed the maximum of 10%. Although some of the measured surfacing widths are less than the minimum of 18 feet, as stated above, there is evidence of granular surfacing much wider than is currently being maintained. The roadway has not been maintained in those areas but could easily be maintained at that width by removing grass that has grown up through the granular surfacing and reestablishing the original surfacing width.

Proposed Land Use Change

The Brown family is proposing a land use change for a total of 62.4 acres. Much of this land is currently wooded with approximately 22.8 acres of crop land. The report prepared by Johnson County staff estimates 20 residential lots could be platted on this property. The Brown family does not plan to develop that many lots. Their plan is to develop 7 lots on this property (existing home plus 6 additional lots) in order to preserve the sensitive areas on the property and to provide large attractive lots that homeowners in this type of area would prefer.

It is estimated that each residential lot would provide an average of 8 trips per day on the adjacent roadway. Since Seneca Road is the only access, all of these trips would use Seneca Road. With 6 additional residential lots, it is estimated that 48 additional trips per day would use Seneca Road. If these trips are added to the 150 trips per day currently using the roadway, the total number of vehicles per day if the proposed land use change was approved would be 198 vehicles per day. This number of vehicles would comply with the UDO. This number of vehicles would not change any of the road standards analysis outlined above as the amount of traffic would remain within the same guidelines used above.

There are 7 platted and vacant lots along Seneca Road. If it is assumed that these lots are built on in the future, those lots would add an additional 56 vehicles per day to Seneca Road. Including the proposed Brown land use change, the total projected traffic would be 254 vehicles per day, still below the UDO threshold of 400 vehicles per day and the roadway would still comply with the AASHTO Design Guidelines as outlined above.

Conclusions

The existing conditions of Seneca Road are consistent with the design standards established by the Iowa County Engineer's Association for this type of roadway. The



surfacing width has not been maintained but could easily be restored to meet the design standards. All other standards are met.

The proposed land use change would not increase the traffic on the roadway enough to require comparison to different standards. The proposed land use change would not exceed the allowable traffic within the UDO. Therefore, the proposed land use change would not have any detrimental effect on the existing roadway and its use.

Respectfully submitted,

Scott Pottorff, P.E.
MMS Consultants, Inc.



MMS Consultants, Inc.
Experts in Planning and Development Since 1975

1917 S. Gilbert Street
Iowa City, Iowa 52240

319.351.8282

mmsconsultants.net
mms@mmsconsultants.net

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APPENDIX 1

ROAD DESIGN STANDARDS

INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To: Counties	Date: April 24, 2018
From: Local Systems Bureau	I.M. No. 3.210
Subject: Rural Design Guidelines	

Contents: This Instructional Memorandum (I.M.) provides design guidelines for new construction or complete reconstruction of road or bridge projects on rural collectors and rural local roads. It includes general design considerations, background on the development and application of the design guidelines, and several design tables. These guidelines are most applicable to counties; however, they may be used on projects within the corporate limits that have a rural cross section (e.g., shoulders with open ditches, no curbs). Please note the following:

1. These guidelines will be used by the Iowa Department of Transportation (Iowa DOT) to review the proposed design values of Federal-aid road or bridge projects.
2. The Iowa County Engineers Association (ICEA), by action of the Association’s Design Guide and Supervisor Engineer Committee, and Executive Board, has adopted the AASHTO Guidelines Tables contained in this I.M. for use on County projects funded with Swap, Farm-to-Market (FM), or local funds only. For such projects, the Iowa DOT will not provide any review of the proposed design values, unless specifically requested by the County.
3. These guidelines are **not** applicable for projects on arterial roadways. For Primary or Interstate roadways, refer to the Iowa DOT [Design Manual](#). For minor arterials that are not on either the Primary or Interstate systems, refer to the American Association of State Highway and Transportation Officials (AASHTO) publications: *A Policy on Geometric Design of Highways and Streets* (2011), commonly referred to as the “Green Book”.

Design Considerations

The objective of the engineering design of any public facility is to satisfy the demands for service in the safest and most economical manner while maintaining the integrity of the environment. On new or complete reconstruction projects, the selected design speed should be consistent with the proposed or existing operating speed limit. Any individual curves below this design speed may require mitigation by placement of warning signs and/or markings such as: curve or turn signs, advisory speed plaques, chevrons, no passing lines, edgelines, or reduced speed zones.

Development and Application of the Design Tables

The guidelines in this I.M. are applicable to rural collectors and rural local roads, as classified on the [Federal Functional Classification Maps](#). For each of these road classifications, two design tables are provided: the Design Aids tables and the AASHTO Guidelines tables. These tables were developed using two AASHTO publications: Green Book and the *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT \leq 400)* (2001). The proper application and use of each kind of table is described below.

The values in the Design Aids tables are based on the upper range of recommended values provided by the Green Book, using design speeds adopted by the ICEA. These tables should be used in the initial stages of project development. Values approaching or exceeding the upper limits of the ranges in the Design Aids tables should be used as the basis for design wherever the conditions permit. However, values within the ranges are acceptable. For Federal-aid projects, the County Engineer shall identify any design values that do not meet or exceed the Design Aids tables, and explain the reasons for not meeting these values. This documentation should be included with the Concept Statement submittal.

The values in the AASHTO Guidelines tables typically represent the minimum recommended values given in the Green Book. For local roads with design traffic volumes less than or equal to 400 ADT, some of the values are based on the *Guidelines for Geometric Design of Very Low-Volume Local Roads*. The AASHTO Guidelines tables are furnished to provide alternate values for design criteria if problems with excessive costs or adverse impacts to adjacent property occur when using the Design Aids values. Any proposed Federal-aid project that does not meet the values in the AASHTO Guidelines tables will require a design exception. The design exception request will need to be in the form of safety and service (crash experience, function of road, etc.) benefits versus the economics and environment (right of way and construction costs, farmsteads affected, parks, etc.), as described in [I.M. 3.260](#), Design Exception Process.

Design Aids For Rural Collectors

These "Aids" are presented to help in the design of new or complete reconstruction projects on rural collector roads. Each design element of each project should reflect the most practicable and economically justified value. For Federal-aid projects, design values below those shown in this table will be considered on a project-by-project basis, provided that an explanation is provided to the Iowa DOT Administering Bureau.

Design Elements	Paved Roadway						Non-Paved Roadway					
	Over 1500		1500 – 400		Under 400		400 – 50		Under 50			
	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling
Design Volume (ADT)												
Terrain (1)												
Design Speed (mph)	60	50	55	50	55	45	55	45	55	45	50	40
Stopping Sight Distance (ft)	570	425	495	425	495	360	495	360	495	360	425	305
Minimum Radius (ft) (2)	1200	758	960	758	960	587	960	587	960	587	758	444
Maximum Gradient (%) (3)	5	6	6	7	6	8	6	8	6	8	7	8
Traveled Way (ft) (4)	24	24	22	22	22	22	22	22	20	20	20	20
Shoulder Width (ft)	8	8	6	6	6	6	6	4	4	4	2	2
Roadway Top Width (ft)	40	40	34	34	34	34	34	28	28	28	24	24
New Bridge Roadway Width (ft) (5)	40	40	30	30	30	30	30	24	24	24	24	24
Existing Bridge Roadway Width (ft) (6)	24	24	22	22	22	22	22	22	22	22	22	22
Foreslope	4:1	4:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1
Entrance Foreslopes	8:1	8:1	6:1	6:1	6:1	6:1	6:1	6:1	6:1	6:1	3:1	3:1
Clear Zone Distance (ft)	See note (7)											

NOTES:

- (1) Prevailing (over 50%) slopes of natural ground are: Level-Less than 3%, Rolling-3% or more.
- (2) a. Based on a maximum superelevation (e) of 0.08.
b. Horizontal curves should have a minimum length of 500 feet.
- (3) Short lengths of grade (less than 500 feet) and grades on low-volume collectors (<400 vpd) may be steepened by 2%.
- (4) Traveled Way is the pavement or surfacing width.
- (5) a. For bridges over 100 feet long, the width may be the traveled way plus 6 feet (Note: This only applies for Design Volumes of 1500 ADT or greater).
b. Bridges should have a design loading of HL-93.
c. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
- (6) a. For bridges less than 100 feet in length. Bridges over 100 ft. will be analyzed individually.
b. If the Design Volume is over 2000 ADT, use 28 feet.
c. Design loading should be HS-15.
- (7) d. Existing Bridge Roadway Width should be greater than or equal to the Traveled Way width, unless a design exception has been approved.
e. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
The recommended clear zone distance is a function of Design Speed, Design Volume, horizontal curvature, and roadside geometry. To determine the recommended clear zone distance, refer to [I.M. 3.240](#), Clear Zone Guidelines.

AASHTO Guidelines For Rural Collectors

These "Guidelines" are a composite of the recommendations from Chapter 6 of the AASHTO Green Book (2011). These guidelines are presented to help in the design of new or complete reconstruction projects on rural collectors. For Federal-aid projects, design values below those shown in this table may be used on a project-by-project basis, provided that a design exception or justification is approved by the Iowa DOT Administering Bureau, as per [I.M. 3.260](#), Design Exception Process.

Design Elements	All Collector Roads									
	Over 2000		2000 – 1500		1500 – 400		Under 400			
	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling
Design Volume (ADT)										
Terrain (1)										
Design Speed (mph)	60	50	50	40	50	40	50	40	40	30
Stopping Sight Distance (ft)	570	425	425	305	425	305	425	305	305	200
Minimum Radius (ft) (2)	1200	758	758	444	758	444	758	444	444	214
Maximum Gradient (%) (3)	5	7	6	8	6	8	6	8	7	9
Traveled Way (ft) (4)	24	24	22	22	22	22	22	22	20	20
Shoulder Width (ft)	8	8	6	6	6	6	5	5	2	2
Roadway Top Width (ft)	40	40	34	34	32	32	32	32	24	24
New Bridge Roadway Width (ft) (5)	40	40	30	30	28	28	28	28	24	24
Existing Bridge Roadway Width (ft) (6)	28	28	24	24	22	22	22	22	22	22
Foreslope	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1
Clear Zone Distance (ft)	See note (7)									

NOTES:

- (1) AASHTO "Mountainous" terrain design guides may be used on Federal-aid projects only with Iowa DOT concurrence. Note (1) in the Design Aids Table provides definitions for Level and Rolling.
- (2) Based on a maximum super-elevation (e) of 0.08.
- (3) Short lengths of grade (less than 500 feet) and grades on low-volume collectors (<400 vpd) may be steepened by 2%.
- (4) Traveled Way is the pavement or surfacing width.
- (5) a. Bridges over 100 feet long, the width may be the traveled way plus 6 feet (Note: This only applies for Design Volumes of 1500 ADT or greater).
b. Design loading should be HL-93.
- (6) a. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
b. For bridges less than 100 feet in length. Bridges over 100 feet will be analyzed individually.
c. Design Loading should be HS-15.
- (7) The recommended clear zone distance is a function of Design Speed, Design Volume, horizontal curvature, and roadside geometry. To determine the recommended clear zone distance, refer to [I.M. 3.240](#), Clear Zone Guidelines.

Design Aids For Rural Local Roads

These "Aids" are presented to help in the design of new or complete reconstruction projects on rural local roads. Each design element of each project should reflect the most practicable and economically justified value. For Federal-aid projects, design values below those shown in this table will be considered on a project-by-project basis, provided that an explanation is provided to the Iowa DOT Administering Bureau.

Design Elements	All Local Roads											
	Over 1500		1500 – 400		400 – 250		250 – 50		Under 50			
	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling
Design Volume (ADT)	55	50	55	45	50	45	50	45	50	40	40	35
Terrain (1)	495	425	495	360	425	360	425	360	425	305	305	250
Design Speed (mph)	960	758	960	587	758	587	758	444	444	444	444	314
Stopping Sight Distance (ft)	6	8	6	9	6	9	6	10	6	10	7	10
Minimum Radius (ft) (2)	24	24	22	22	22	22	20	20	20	20	20	20
Maximum Gradient (%) (3)	8	8	6	6	4	4	3	3	3	3	2	2
Traveled Way (ft) (4)	40	40	34	34	30	30	26	26	24	24	24	24
Shoulder Width (ft)	40	40	30	30	22	22	20	20	20	20	20	20
Roadway Top Width (ft)	24	24	22	22	22	22	22	22	22	22	22	20
New Bridge Roadway Width (ft) (5)	4:1	4:1	3:1	3:1	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*
Existing Bridge Roadway Width (ft) (6)												
Foreslope (7)												
Clear Zone Distance (ft)	See note (8)											

NOTES:

- (1) Prevailing (over 50%) slopes of natural ground are: Level – less than 3%, Rolling - 3% or more.
- (2) a. Based on a maximum super-elevation (e) of 0.08.
b. Horizontal curves should have a minimum length of 500 feet.
- (3) Maximum gradient may be steepened by 2% for a short distance (less than 500 feet).
- (4) Traveled Way is the pavement or surfacing width
- (5) a. Where the approach roadway width is surfaced, that surface width should be carried across structure.
b. For bridges over 100 feet long, the width may be the traveled way plus 6 feet (Note: This only applies for Design Volumes of 2000 ADT or greater).
c. Bridges should have a design loading of HL-93.
d. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
- (6) a. For bridges less than 100 feet in length. Bridges over 100 feet will be analyzed individually.
b. If the Design Volume is over 2000 ADT, use 28 feet.
c. Design loading should be HS-15.
d. Existing Bridge Roadway Width should be greater than or equal to the Traveled Way width, unless a design exception has been approved.
- (7) e. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
* If slopes steeper than 3:1 are used within the recommended clear zone distance, they should be reviewed for shielding with a traffic barrier, as per [I.M. 3.240](#), Clear Zone Guidelines.
- (8) The recommended clear zone distance is a function of Design Speed, Design Volume, horizontal curvature, and roadside geometry. To determine the recommended clear zone distance, refer to [I.M. 3.240](#), Clear Zone Guidelines.

AASHTO Guidelines

For Rural Local Roads

These "Guidelines" are a composite of the AASHTO recommendations from Chapter 5 of the Green Book (2011) and the Guidelines for Geometric Design of Very Low-Volume Local Roads (2001). The values in the first four columns are based on the Green Book. The values in the last column (Agricultural Access) are based on the Guidelines for Geometric Design of Very Low-Volume Local Roads. These guidelines are presented to help in the design of new or complete reconstruction projects on rural local roads. For Federal-aid projects, design values below those shown in this table may be used on a project-by-project basis, provided that a design exception or justification is approved by the Iowa DOT Administering Bureau, as per [I.M. 3.260](#), Design Exception Process.

Design Elements	All Local Roads										
	Over 2000		2000 – 1500		1500 – 400		Under 400		Under 400		
	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	
Design Volume (ADT)											
Terrain (1)											
Design Speed (mph)	50	40	50	40	50	40	40	30	30	20	
Stopping Sight Distance (ft)	425	305	425	305	425	305	305	200	165	95	
Minimum Radius (ft) (2)	758	444	758	444	758	444	444	214	170	105	
Maximum Gradient (%) (3)	6	10	6	10	6	10	7	10	UAC	UAC	
Traveled Way (ft) (4) (10)	24	24	22	22	22	20	18	18	--	--	
Shoulder Width (ft) (10)	8	8	6	6	5	5	2	2	--	--	
Roadway Top Width (ft)	40	40	34	34	32	30	22	22	24	24	
New Bridge Roadway Width (ft) (5)	40	40	28	28	28	26	22	22	22	22	
Existing Bridge Roadway Width (ft) (6)	28	28	24	24	22	22	22	22	UAC	UAC	
Foreslope (7)	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	UAC*	UAC*	
Clear Zone Distance (ft)	See note (8)										

NOTES:

- (1) AASHTO "Mountainous" terrain design guides may be used on Federal-aid projects only with Iowa DOT concurrence. Note (1) in the Design Aids Table provides definitions for Level and Rolling.
- (2) Based on a maximum super-elevation (e) of 0.08.
- (3) Maximum gradient may be steepened by 2% for short distance (less than 500 feet).
- (4) Traveled Way is the pavement or surfacing width.
- (5) a. For bridges over 100 feet long, the width may be the traveled way plus 6 feet (Note: This only applies for Design Volumes of 2000 ADT or greater)
 b. Design Loading should be HL-93.
 c. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
 d. For bridges less than 100 feet in length. Bridges over 100 feet will be analyzed individually.
 e. Design loading should be HS-15.
- (6) a. For bridges less than 100 feet in length. Bridges over 100 feet will be analyzed individually.
 b. Design loading should be HS-15.
 c. 20 foot minimum clear roadway width is acceptable for Design Volumes from 0 – 250 ADT
 d. Existing Bridge Roadway Width should be greater than or equal to the Traveled Way width, unless a design exception has been approved.
 e. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
- (7) * If slopes steeper than 3:1 are used within the recommended clear zone distance, they should be reviewed for shielding with a traffic barrier, as per [I.M. 3.240](#), Clear Zone Guidelines.
- (8) The recommended clear zone distance is a function of Design Speed, Design Volume, horizontal curvature, and roadside geometry. To determine the recommended clear zone distance, refer to [I.M. 3.240](#), Clear Zone Guidelines.
- (9) Agricultural Access roads are used regularly or seasonally to provide access to fields and farming operations for agricultural equipment that is wider than a typical truck.
- (10) No values are shown in the Agricultural Access column because there are no criteria for surfacing width or shoulder width in the Very Low-Volume Local Roads Design Guide.



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Environmental Specialists

Landscape Architects

Land Planners

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Civil Engineers

APPENDIX 2

SENECA ROAD DESIGN PLANS

STATE	FED. ROAD DIST. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
IOWA	8	1983	1	5
PROJECT NUMBER				
L-83-G-1				

IOWA
DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION
PLANS OF PROPOSED IMPROVEMENT ON THE
SECONDARY ROAD SYSTEM

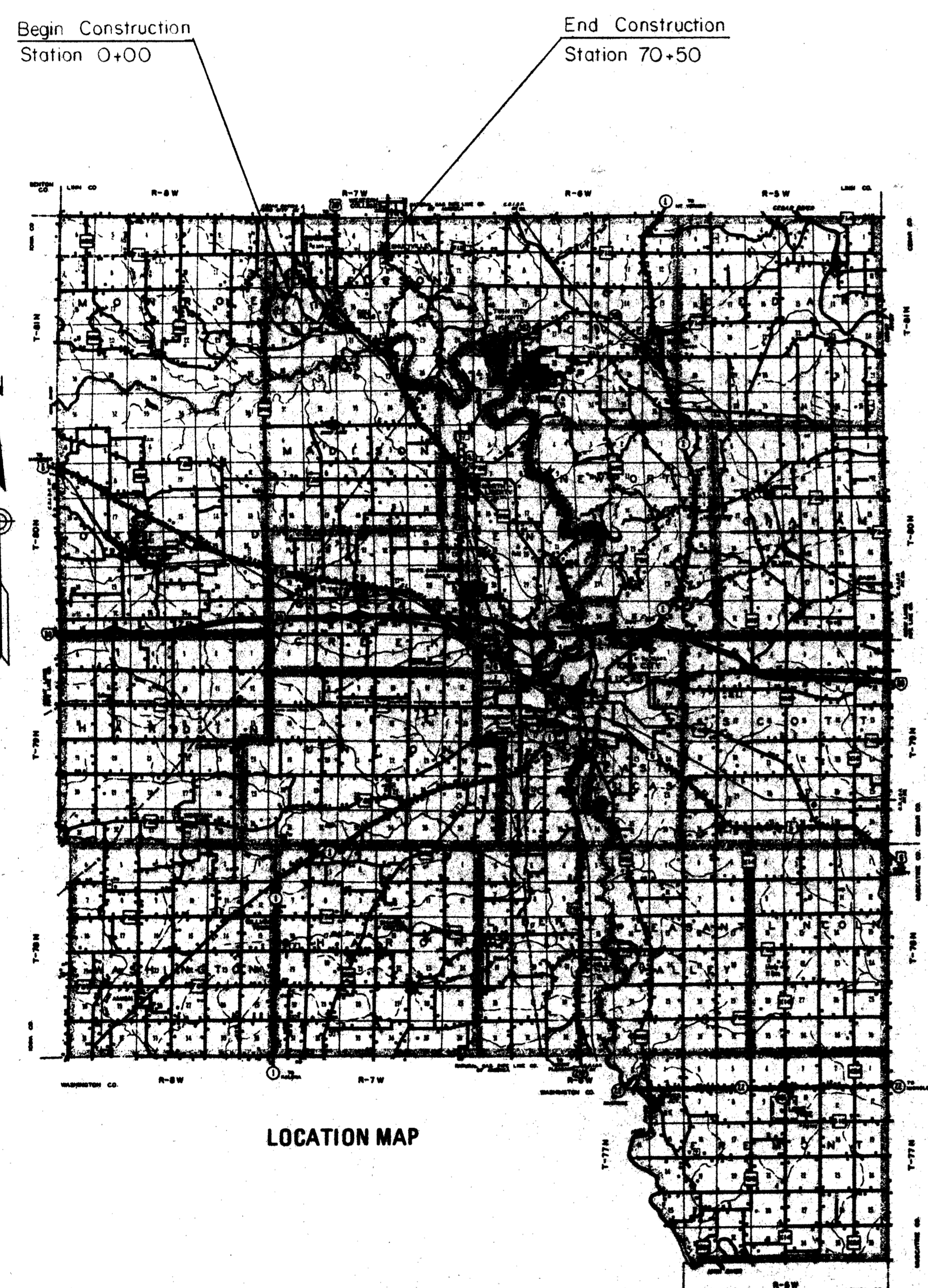
- INDEX OF SHEETS
1. Title Sheet, Location Map, Mileage Summary
 2. Estimate of Quantities, Estimate Reference, General Notes, Typical Section
 - 3-5. Plan and Profile

IOWA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION SERIES 1977 PLUS CURRENT SPECIAL PROVISIONS AND SUPPLEMENTAL SPECIFICATIONS OF THE IOWA DEPARTMENT OF TRANSPORTATION--HIGHWAY DIVISION SHALL APPLY TO WORK ON THIS PROJECT.

MILEAGE SUMMARY
Sta. 0+00 to Sta. 70+50 = 7050' = 1.335 miles
Total Mileage = 7050' = 1.335 miles

GRADING AND CRUSHED STONE SURFACING
Commencing in the NE 1/4 of Section 18, T-81N, R-7W Jefferson Township thence southeasterly 1.335 miles to the SW 1/4 of Section 17, T-81N, R-7W Jefferson Township of the 5th P.M.

JOHNSON COUNTY PROJECT L-83-G-1 GRADING & CRUSHED STONE SURFACING



LOCATION MAP

PROJECT TRAFFIC CONTROL PLAN
This road will be closed to through traffic during construction. Local traffic to adjacent properties will be maintained as provided for in Article 1107.08, 1977 Standard Specifications. Traffic control devices, procedures and layouts shall be as provided for by supplemental specifications for traffic controls for street and highway construction and maintenance operations, Specification 854. Furnished by County.

TRAFFIC COUNT 12 VPD 1977 YEAR

APPROVED

Don Selts

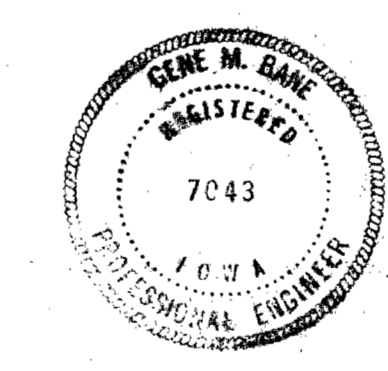
Harold M. Donnelly

Richard E. Munn

Donna J. Kasper

Steve P. Kasper

BOARD OF SUPERVISORS



AUTHORIZED FOR LETTING

[Signature] 2/16/83
COUNTY ENGINEER DATE

APPROVED

DIVISION ENGINEER DATE
U.S. DEPT. OF TRANSPORTATION DATE
FEDERAL HIGHWAY ADMINISTRATION

AUTHORIZED FOR LETTING

DEPUTY CHIEF ENGINEER DATE
IOWA DEPT. OF TRANSPORTATION HIGHWAY DIVISION

AUTHORIZED FOR LETTING

[Signature] 2/16/83
DISTRICT LOCAL SYSTEMS ENGINEER DATE
IOWA DEPT. OF TRANSPORTATION HIGHWAY DIVISION

I HEREBY CERTIFY THAT THE PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A duly REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

[Signature] P. E. DATE 2/16/83
IOWA REG. NO. 2642

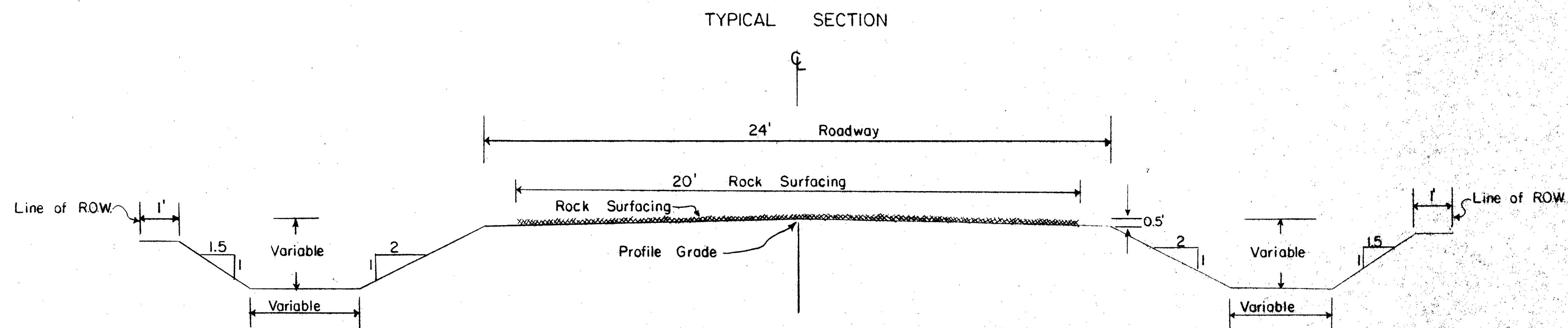
LETTING DATE MARCH 15, 1983

DESIGN NO.
FILE NO.

JOHNSON COUNTY

PROJECT NUMBER L-83-G-1

STATE	FED. ROAD DIST. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
IOWA	8	1983	1	5



ESTIMATE OF QUANTITIES			
ITEM NO.	ITEM	UNIT	TOTAL
1.	Excavation, Roadway and Borrow Station Measurement.	Stations	70.5
2.	Culvert, Install Only - Corr. Metal Roadway Pipe 15 in Dia.	Lin. Ft.	250
3.	Surfacing, Granular Class 'A' Crushed Stone - on Road	Tons	2600
4.	Culvert, Install Only - Corr. Metal Entrance Pipe 15 in Dia.	Lin. Ft.	270

GENERAL NOTES

County will furnish all Corrugated Metal Roadway and Entrance pipe and pipe bands at the site. Placement will be as directed by the Engineer.

Existing roadway at the beginning of project shall be scarified and rebuilt to the new grade.

Specifications for Grading and Draining

(a) Finished Cross Section to be as follows; Ditches to be a minimum of 3 feet below shoulder and a minimum of 4 feet wide wherever possible. Top to be 24 feet with 2:1 foreslopes and 1.5:1 backslopes, 6 inch crown.

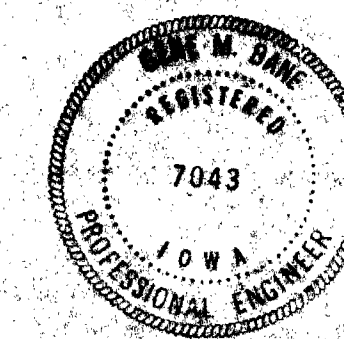
(b) County will check final cross section to see that it substantially conforms to the typical cross section as required above.

ESTIMATE REFERENCE

- All ditches shall be graded to the grade as directed by the Engineer, in accordance with Section 2102.01 of the 1977 Standard Specifications. Type 'A' compaction shall be required on all roadway fill. All back-slopes, ditches and foreslopes shall be prepared for seeding in accordance with Section 2102.11 of the 1977 Standard Specifications. County to do own Erosion Control work.
- Rate of application is 1850 Tons per mile. This includes Driveways and Road approaches.

I hereby certify that this plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly registered Professional Engineer under the laws of the State of Iowa.

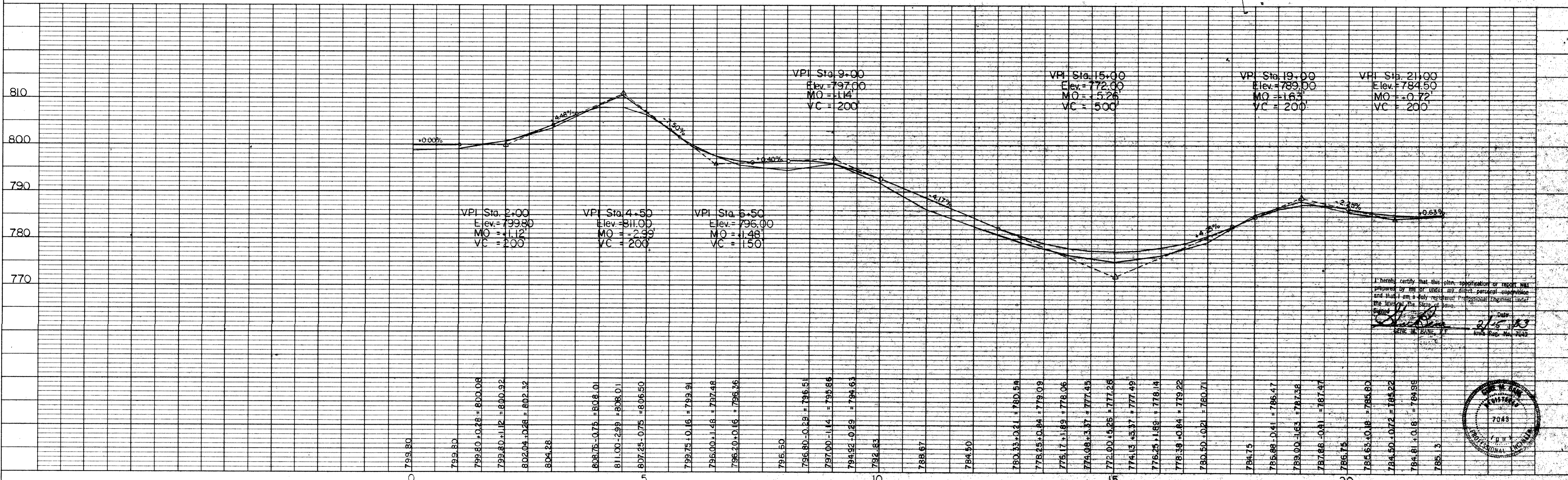
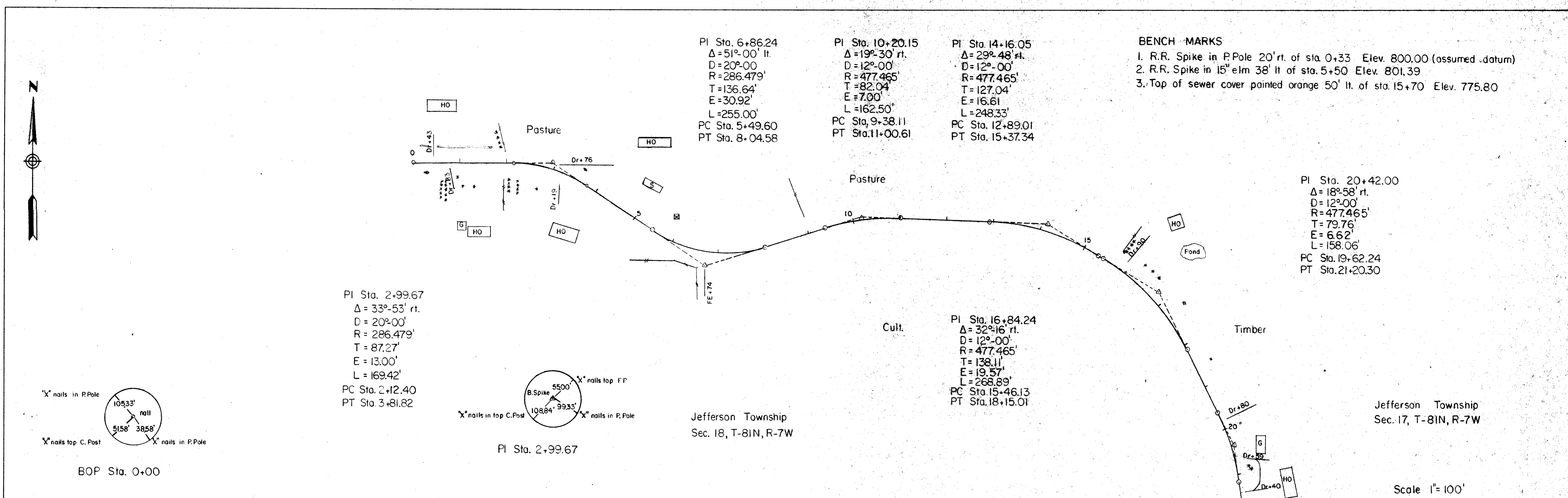
Signed: *Gene M. Bane* Date: 2/15/83
 GENE M. BANE, P.E. Iowa Reg. No. 7043



GRADING & CRUSHED STONE SURFACING
 SECTIONS 17, 18
 JEFFERSON TOWNSHIP
 T-81N, R-7W

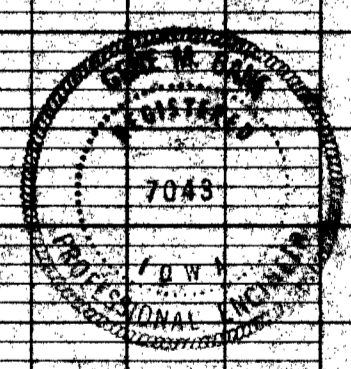
PLAN
 SURVEYED BY: _____
 DATE: _____
 NOTE BOOK: _____
 ALIGNMENT CHECKED: _____
 # OF NAILS CHECKED: _____
 No. _____

PROFILE
 SURVEYED BY: _____
 DATE: _____
 NOTE BOOK: _____
 GRADE CHECKED: _____
 # OF NAILS CHECKED: _____
 No. _____



HIGHWAY FEDERAL AID SHEET
 PLATE 1-SINGLE PLAN AND PROFILE-FULL LINE
 JOHNSON COUNTY Project No. L-83-G-1 Sheet 3 of 5

I hereby certify that the plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly registered Professional Engineer under the laws of the State of Iowa.
 Date: 2/15/03
 Signature: [Signature]
 State of Iowa, I.A.E. No. 7049

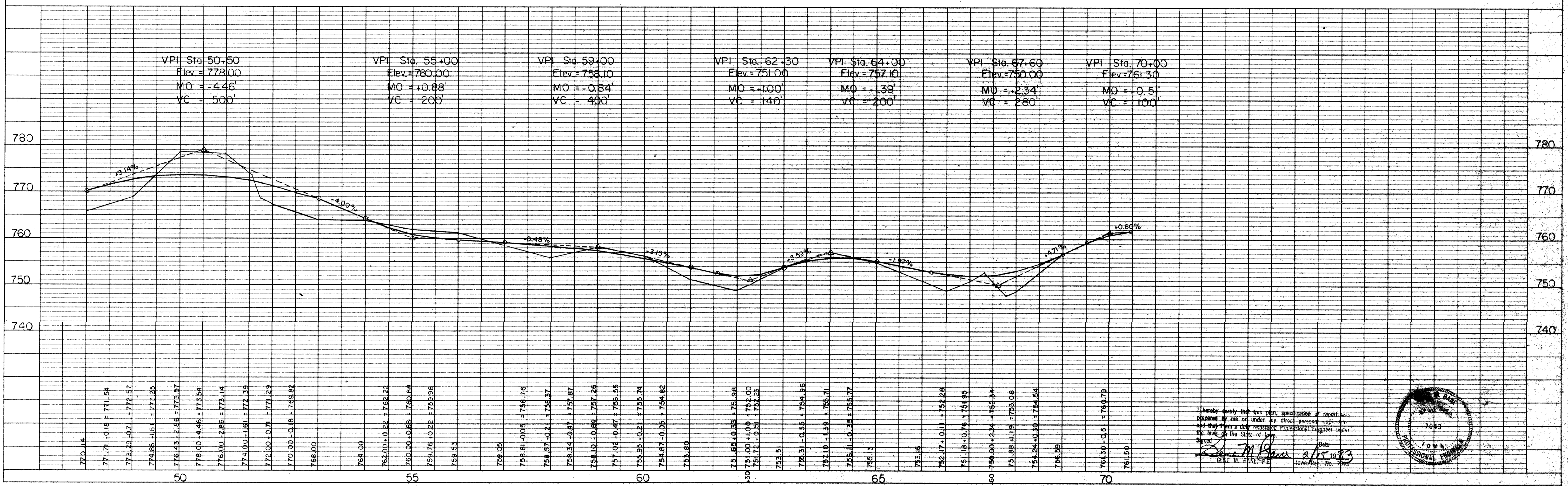
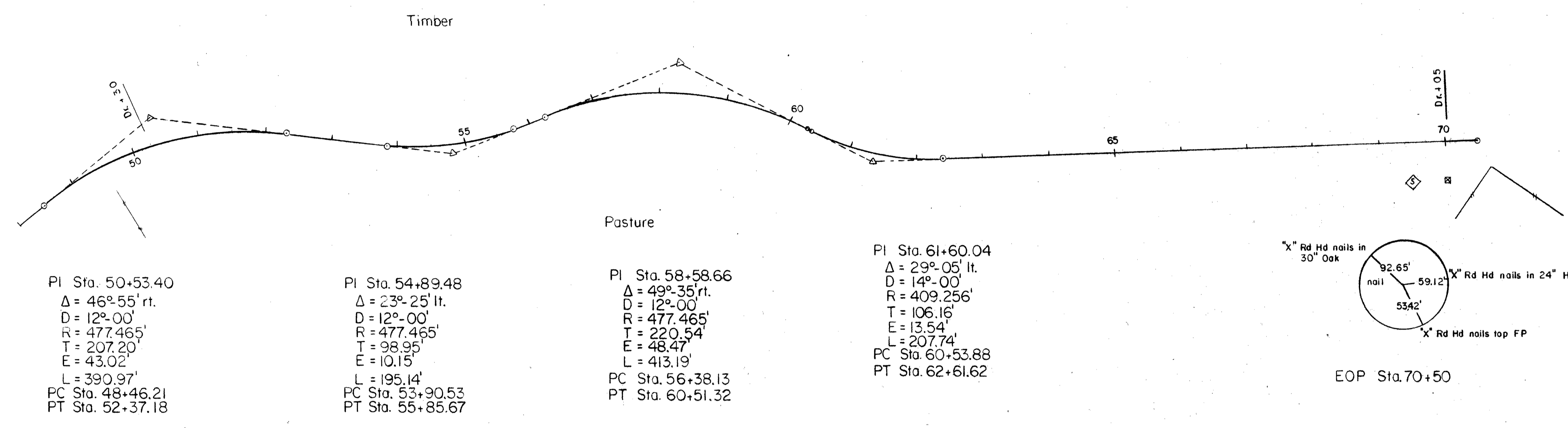
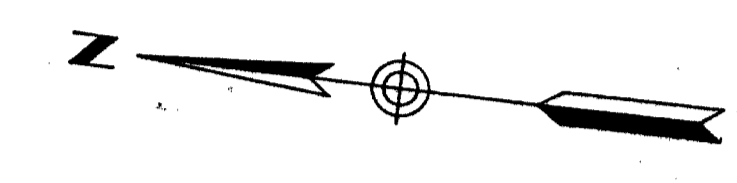


PLAN
 SURVEYED
 NOTE BOOK, ALIGNMENT CHECKED
 No. of W.M. CHECKED

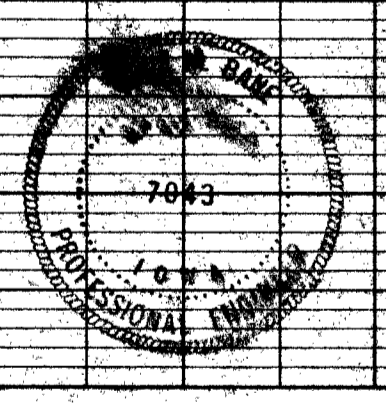
PROFILE
 SURVEYED
 NOTE BOOK, GRAVITY CHECKED
 No. of W.M. CHECKED

BENCH MARKS
 7. R.R. Spike in 24' stump 35' ft. of sta. 54+00 Elev. = 762.99
 8. R.R. Spike in 70' maple 100' ft. of sta. 70+00 Elev. = 759.49

Jefferson Township
 Sec. 17, T-81N, R-7W



I hereby certify that this plan, specification of report, and profile were prepared by me or under my direct supervision and that I am a duly registered Professional Engineer in the State of Iowa.
 Date: 2/15/13
 Signature: [Signature]
 Iowa Reg. No. 7043





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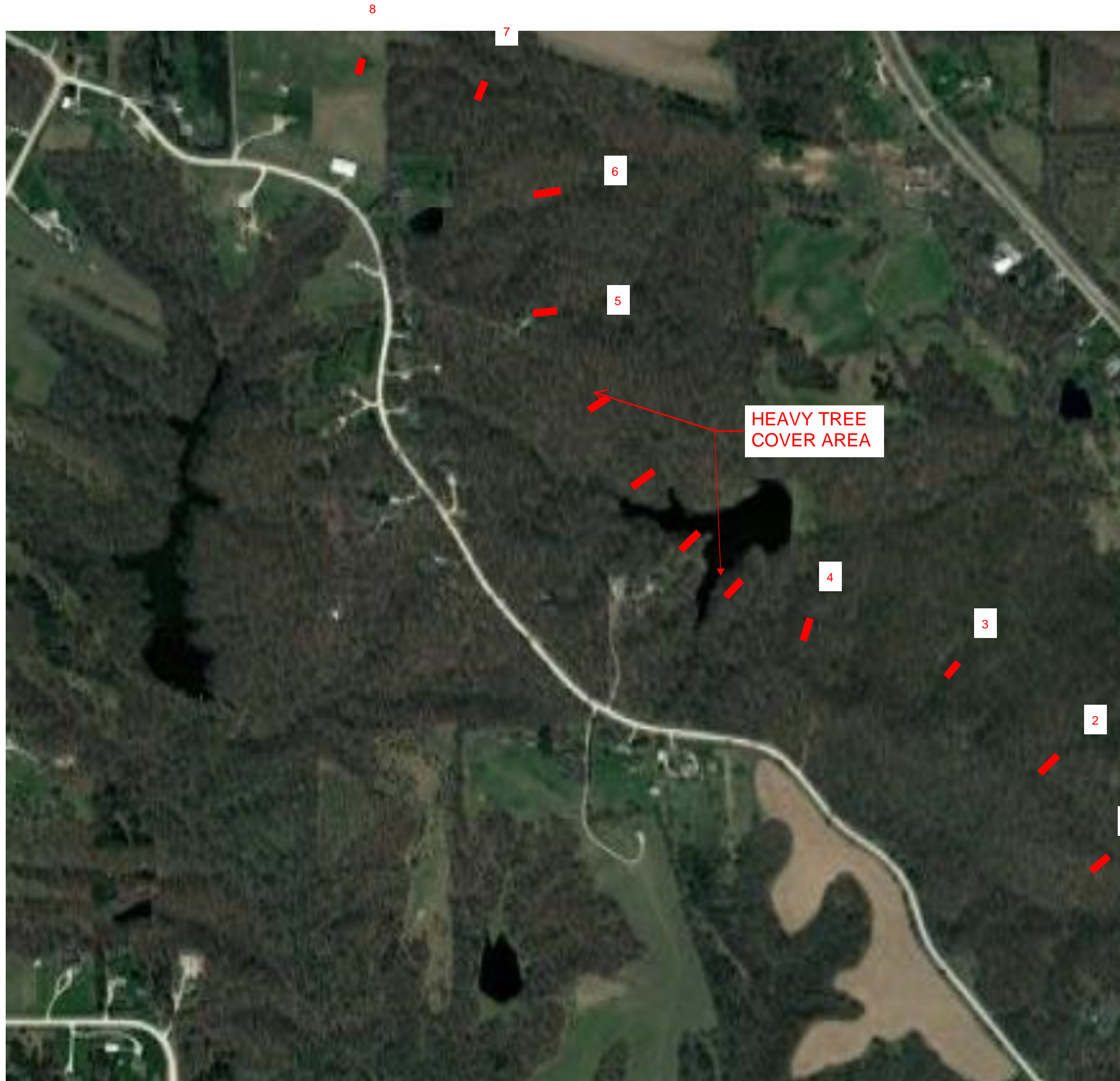
Land Planners

Land Surveyors

Civil Engineers

APPENDIX 3

DRONE PHOTOS



CIVIL ENGINEERS
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 LAND SURVEYORS
 LANDSCAPE ARCHITECTS
 ENVIRONMENTAL SPECIALISTS

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Date	Revision
------	----------

MEASUREMENT LOCATIONS

BROWN FLUM AMENDMENT

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

Drawn by: SBP Scale:

Checked by: SBP Sheet No: 1

Project No: IC 10831-001 80 of: 6

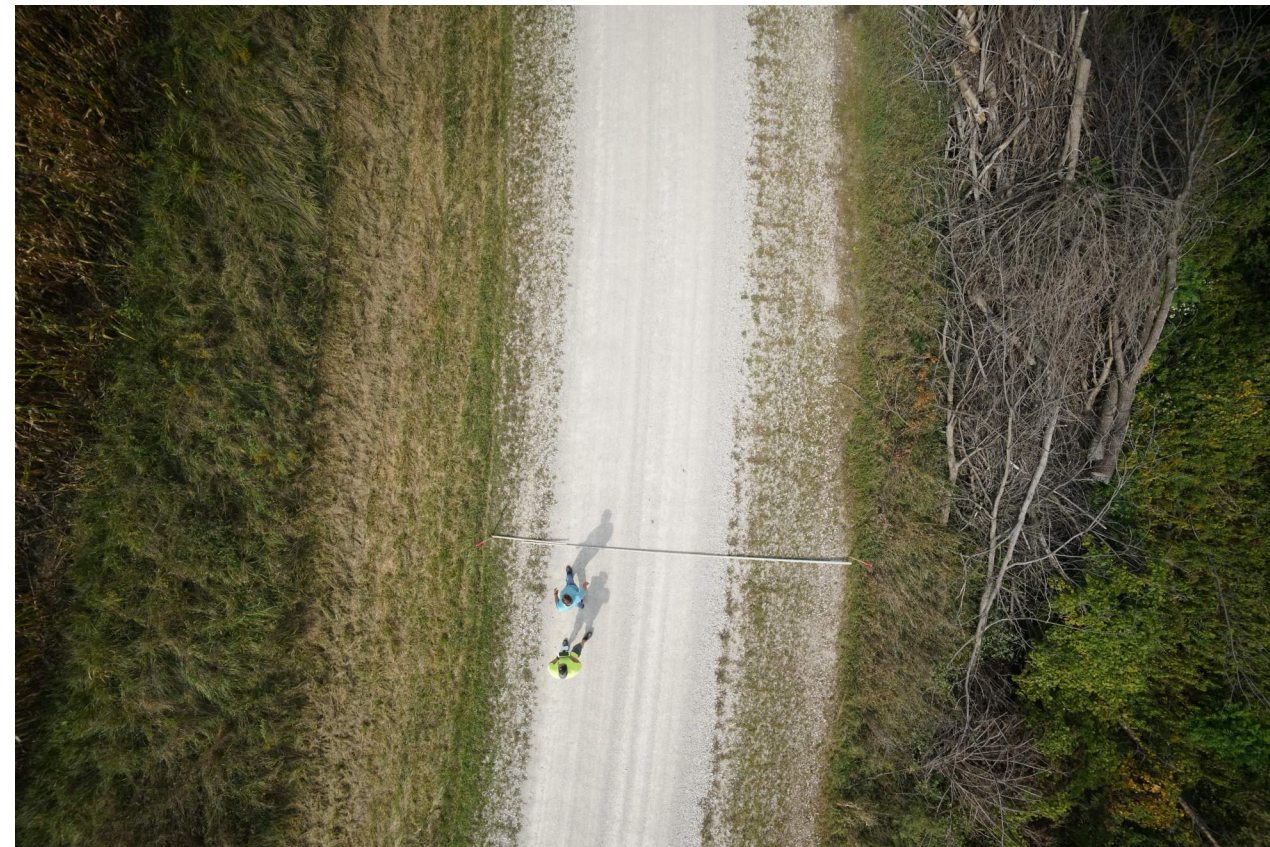


LOCATION 1



LOCATION 2 CLOSE VIEW

Brown FLUM Amendment 2021



LOCATION 2 WIDE VIEW



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**LOCATIONS
 1 AND 2**

**BROWN FLUM
 AMENDMENT**

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

Drawn by: SBP Scale:

Checked by: SBP Sheet No: 2

Project No: IC 10831-001 81 of 6



LOCATION 3 CLOSE VIEW



LOCATION 3 WIDE VIEW



LOCATION 4 CLOSE VIEW



LOCATION 4 WIDE VIEW



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LOCATIONS
 3 AND 4

BROWN FLUM
 AMENDMENT

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

Drawn by: SBP Scale:

Checked by: SBP Sheet No: 3

Project No: IC 10831-001 82 of: 6



OVERHEAD SHOTS BETWEEN LOCATIONS 4 AND 5



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HEAVY TREE
 COVER AREA

BROWN FLUM
 AMENDMENT

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

Drawn by: SBP Scale:

Checked by: SBP Sheet No: 4

Project No: IC 10831-001 83 of: 6



LOCATION 5 CLOSE VIEW



LOCATION 5 WIDE VIEW



LOCATION 6 CLOSE VIEW



LOCATION 6 WIDE VIEW



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Date	Revision
------	----------

LOCATIONS 5 AND 6

BROWN FLUM AMENDMENT

JOHNSON COUNTY
IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

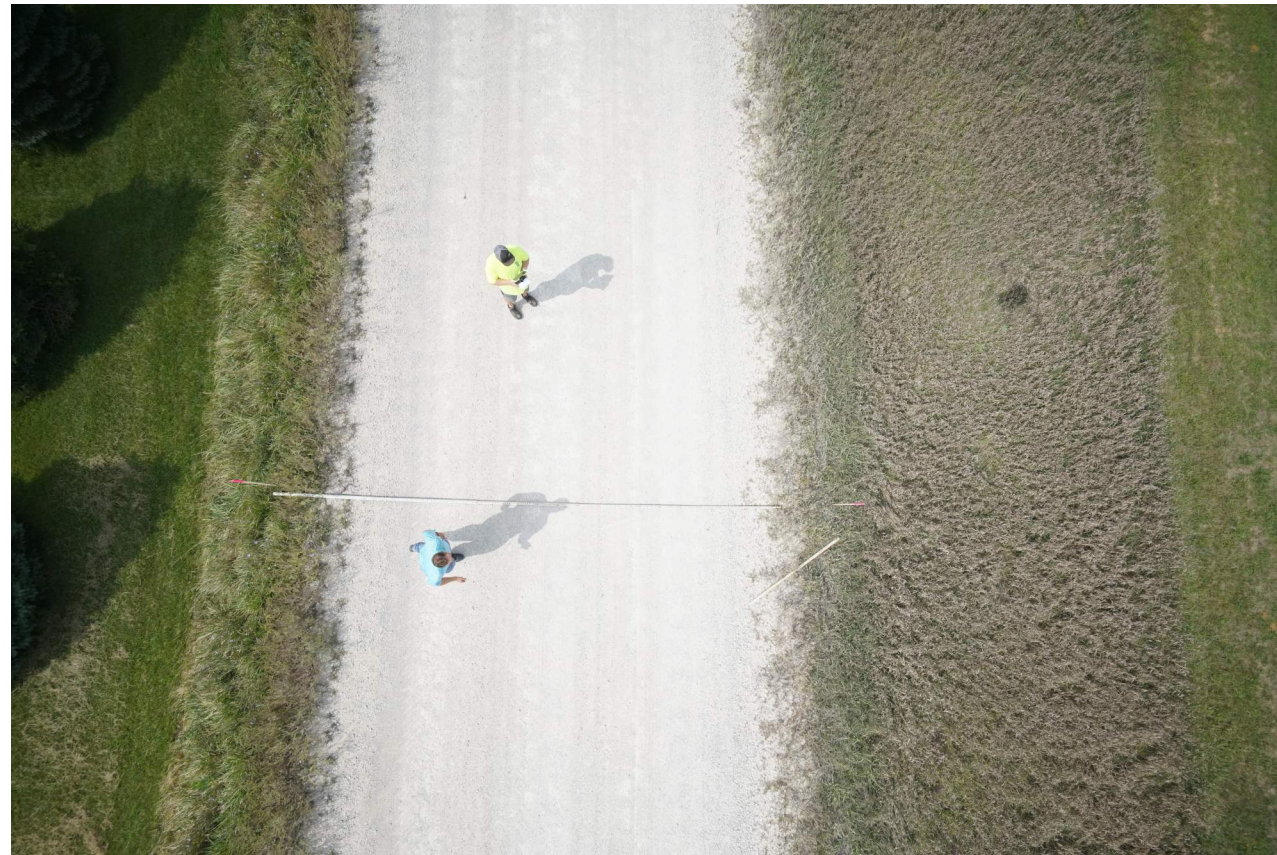
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Checked by: SBP Sheet No: 5

Project No: IC 10831-001 84 of: 6



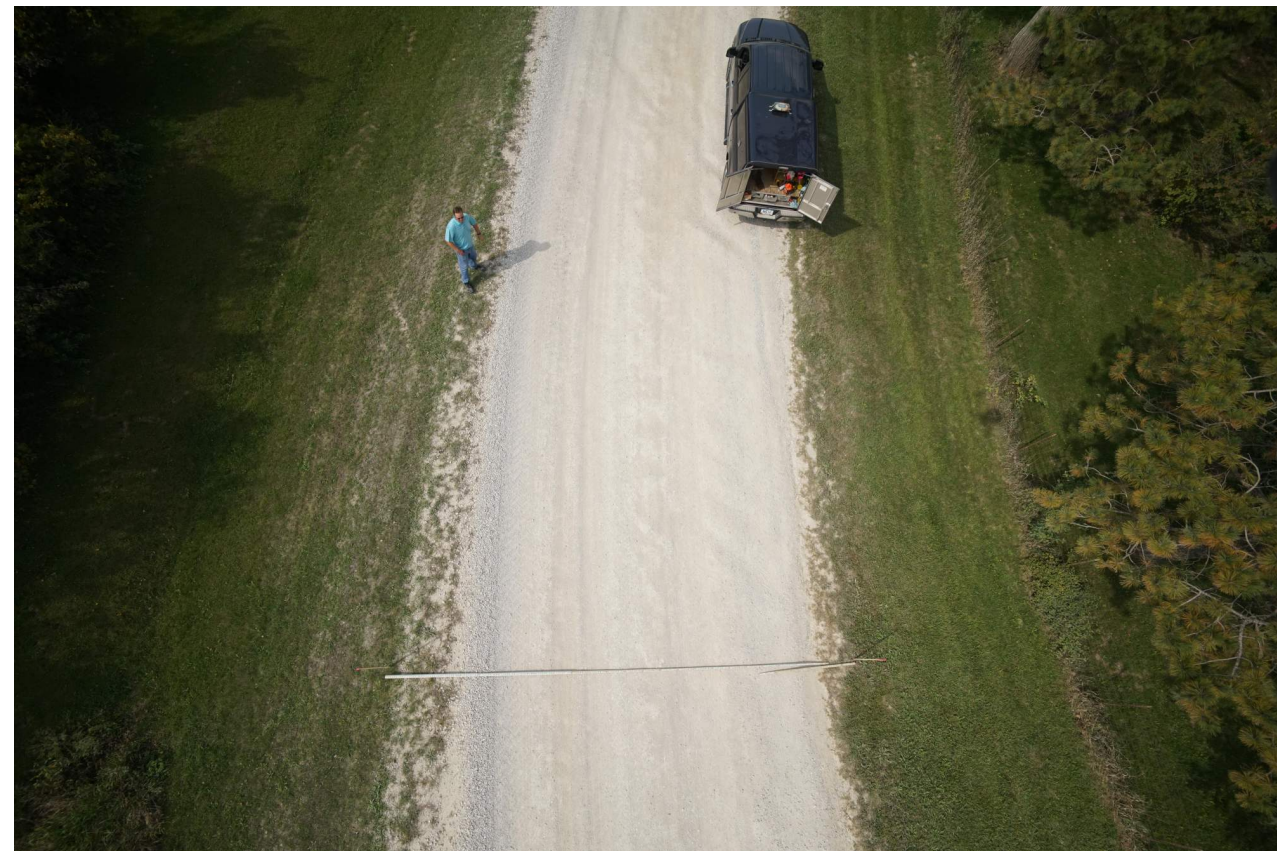
LOCATION 7 CLOSE VIEW



LOCATION 7 WIDE VIEW



LOCATION 8 CLOSE VIEW



LOCATION 8 WIDE VIEW



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Date	Revision

**LOCATIONS
 7 AND 8**

**BROWN FLUM
 AMENDMENT**

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

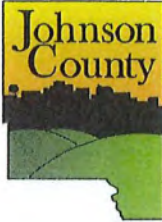
Designed by: SBP Field Book No:

Drawn by: SBP Scale:

Checked by: SBP Sheet No: 6

Project No: IC 10831-001 85 of: 6

EXHIBIT "G"



AUDITOR and COMMISSIONER OF ELECTIONS

Travis Weipert
Auditor

September 17, 2020

Glen Meisner
MMS Consultants, Inc.
1917 S Gilbert Street
Iowa City, Iowa

Dear Glen,

As you requested, I have researched our records to determine what we have on file for Seneca Road in Section 20, Township 81 N, Range 7 W north of Amana Road.

There are entries in Road Book 3, Page 541 and Road Book 5, Page 124 for a requested Soufal's Change in an existing road in Jefferson Township, with the approval of the Board of Supervisors 10/21/1879, as recorded in the Board of Supervisors Proceedings Vol. 4, Page 70. This change describes the relocated road running north from what is now Amana Road on the half-section line of Sec. 20, Twp. 81, Rng. 7 for 110 rods, then NW to the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 17, Twp. 81, Rng. 7, where it intersects the previously existing road. A record of the original road description has not been found prior to this relocation. The road petition for this road relocation indicates that the north-south portion of this description running along the half-section line of Section 20-81-7 was to be established on the west side of that line.

Our GIS mapping does not show the portion of the road described as running along the half-section line. The E911 road map adopted 2/8/1990 and revised 9/24/1991 also omits this portion of the road. I have seen no documentation that any of the right-of-way of Seneca Road in Section 17-81-7 or 20-81-7 including the extension south to the Amana Road has ever been vacated. I did review the descriptions of the right-of-way to be vacated according to the agreements between the Board of Supervisors and the Corps of Engineers for the Coralville Reservoir and did not see any reference to this particular road in those documents.

Sincerely,

Mark Kistler
Deputy Auditor
Johnson County

913 S. Dubuque St., Suite 101 • Iowa City, IA 52240-4291 • Phone (319) 356-6004 • Fax (319) 356-6086
Web www.jcauditor.com • Email auditor@co.johnson.ia.us

MAP OF JEFFERSON

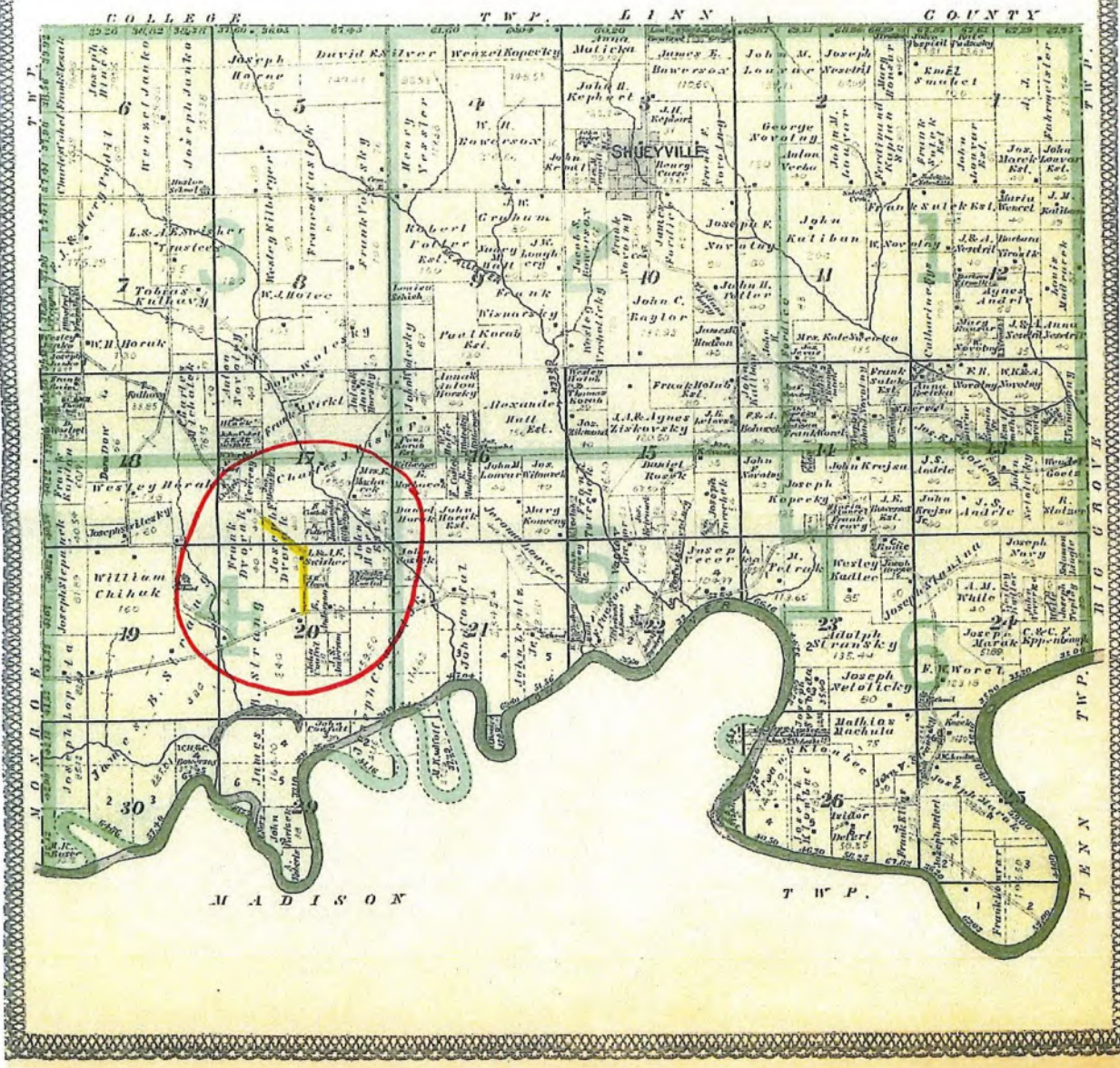
Township 81 North Range 7 West

SCALE 2 INCHES TO 1 MILE

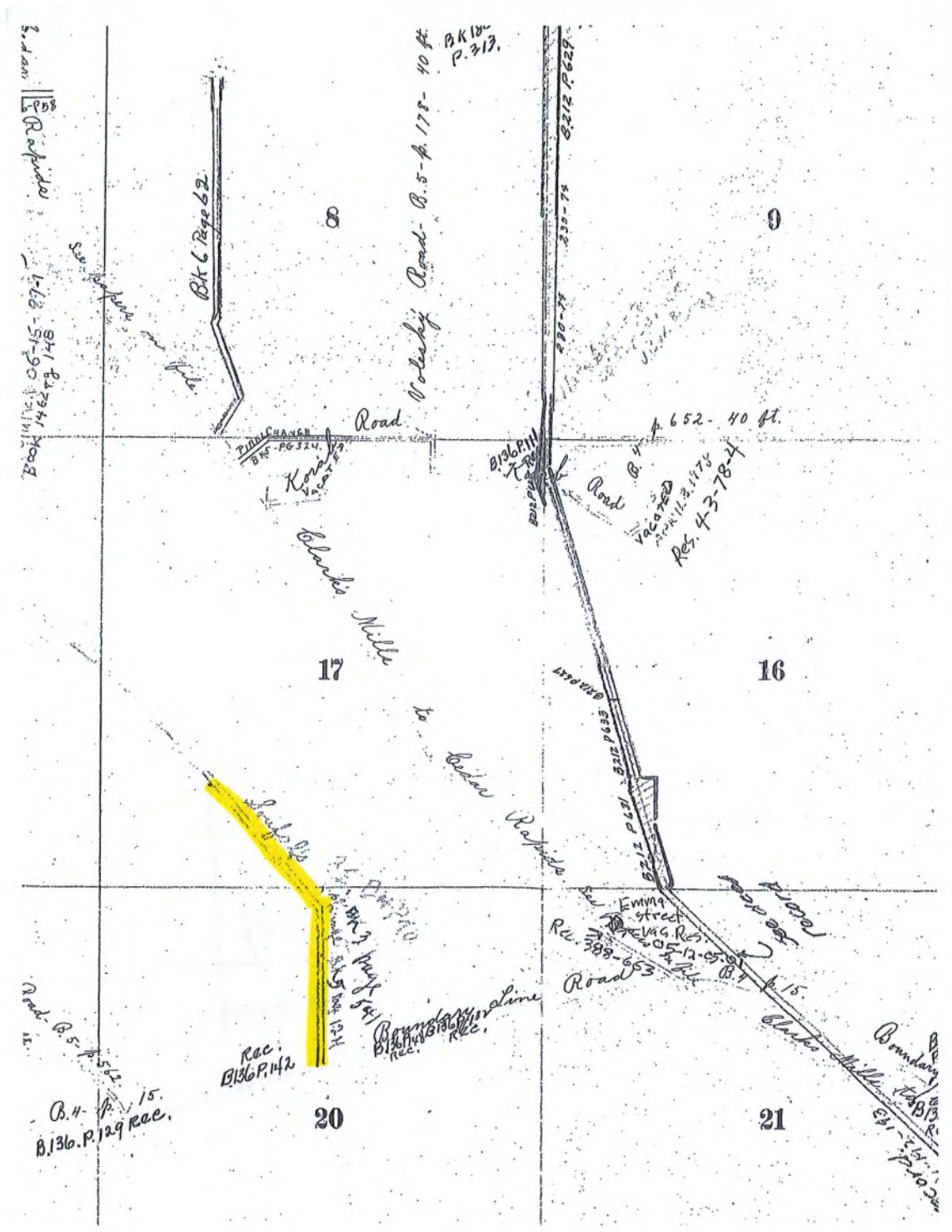
of the 5th Principal Meridian

COPYRIGHTED

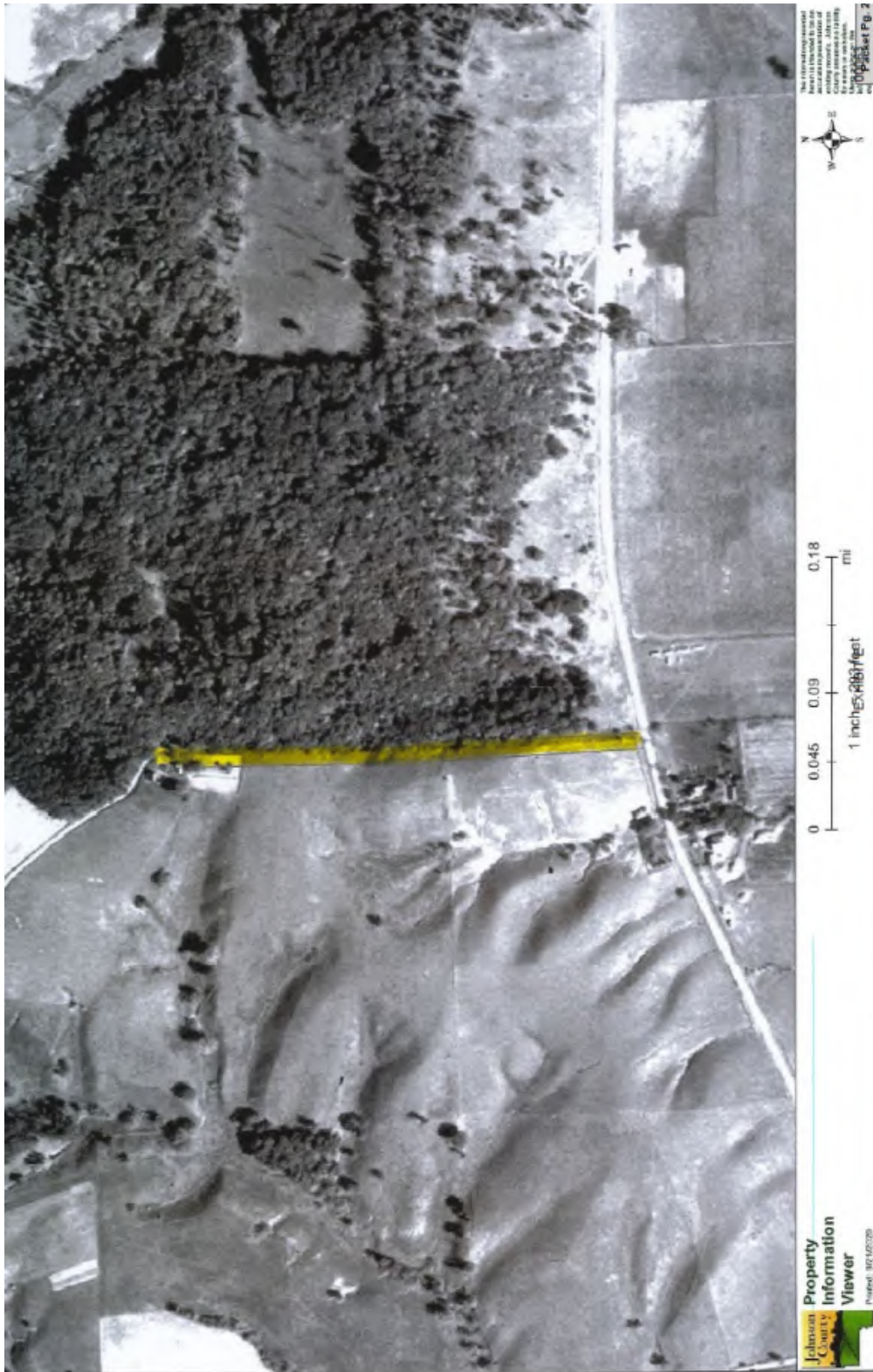
1900 Atlas



1900 Johnson County Plat Map



1930 Aerial Image – Johnson County GIS



The following pages are the initial submittal packet for application FLUM-21-28091, filed on June 30, 2021.

Office Use Only		\$ 750	
	<i>Date Filed</i>	<i>Fee</i>	<i>Application Number</i>



JOHNSON COUNTY, IOWA

APPLICATION FOR: FUTURE LAND USE MAP AMENDMENT

Application is hereby made to amend the Johnson County Future Land Use Map to change the designation of the following property:

0317377001 and 0320201001

List parcel number(s) to be changed (or attach a full legal description on a separate sheet instead)

Street Address (if applicable): 1605 Seneca Rd. NW, Swisher, IA 52338

Current Future Land Use Map Designation: Agriculture

Requested Future Land Use Map Designation: Residential and Preservation (See attached Supplement)

***If property or properties have more than one current or requested designation, please attach an additional sheet indicating the current and requested designation for each parcel number or legal description.*

See the adopted Future Land Use Map Amendment Procedures Policy Sheet (attached) for the complete list required submission items.

THE UNDERSIGNED AFFIRM(S) THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT.
PLEASE PRINT

David Brown

Name of Applicant(s)

6150 Village View Dr., Suite 113, West Des Moines, IA 50266

Street Address (including City, State, Zip)

515-279-1111

Phone

dabrown47@gmail.com

Email



Signature

Signature (if necessary)

Applications are accepted only between June 1 and June 30. Fee is due at the time of application.

**Applications should be delivered to the Planning, Development and Sustainability Office
913 South Dubuque Street, Suite 204, Iowa City, IA 52240-4273**

SUPPLEMENT TO APPLICATION FOR: FUTURE LAND USE AMENDMENT

AND

APPLICANT'S AGREEMENT TO ZONING RESTRICTIONS

The Applicant, David Brown, proposes to change the Property classification in the FLUM from Agricultural to Residential and Preservation, contemporaneous to a binding commitment to rezone to Environmental Resources Preservation ("ERP") and R-3, with limits on the area of disruption within buildable lot zones. As depicted in Exhibit "1," Applicant proposes that the lot areas colored brown be designated Residential with the lot areas shaded in green being designated Preservation under the FLUM. Sensitive areas to be protected under this FLUM change are set forth in Exhibit "2" attached.

The Applicant desires to work with Johnson County to impose restrictions on the Property as a condition of this approval process, including Board approval being contingent upon approval of the attached Zoning Amendment Application (draft at Exhibit "3"), and of a Conditional Zoning Agreement to guaranty the restrictions, including limits on the number of lots, limits on the area of disturbance, statutory requirements for protected areas and preservation, and other similar matters.

FLUM AMENDMENT SUPPLEMENT - EXHIBIT "1"



LEGEND

- Limits of disturbance
- Protected Area

NOTES:

- APPROXIMATELY 43.61 ACRES OF LAND (75% OF TOTAL TRACT) FALLS OUTSIDE OF THE LIMITS OF DISTURBANCE AND WILL BE PROTECTED AND PRESERVED AS PART OF THIS SUBDIVISION PROPOSAL.



DAVID BROWN
DAVID BROWN & ASSOCIATES
SCOTTISH BIRKBECK
SPRINGFIELD COUNTY
IOWA

PRESERVATION EXHIBIT

DM ENGINEERS
LAND/ANALYSIS
LAND/ANALYSIS
ENVIRONMENTAL/SPECIALISTS
1001 W. UNIVERSITY AVENUE
DES MOINES, IOWA 50319
515.281.1111

DM CONSULTANTS, INC.
1001 W. UNIVERSITY AVENUE
DES MOINES, IOWA 50319
515.281.1111

Scale: 1" = 100'

Sheet: 2 of 2

10/23/2021

FLUM AMENDMENT SUPPLEMENT - EXHIBIT "3"

Office Use Only		\$	
	<i>Date Filed</i>	<i>Fee</i>	<i>Application Number</i>



JOHNSON COUNTY, IOWA
APPLICATION FOR: ZONING AMENDMENT

Application is hereby made to:

- Reclassify certain property on the Johnson County Zoning Map.**
- Amend the text of the Johnson County Unified Development Ordinance (UDO)**

For Map Changes Only:

The property to be rezoned is located at (street address if available or layman's description):
1605 Seneca Road NW, Swisher, IA 52338

Parcel Number(s) (legal description must also be attached): 0317377001 & 0320201001

The area to be rezoned is comprised of 58.29 total acres.

Current Zoning Classification(s): Ag Proposed Zoning Classification(s): R3 & ERP

For Text Amendments Only:

The amendment(s) propose changes to the following sections of the UDO (please be as specific as possible, and provide the specific code reference):

PLEASE PRINT OR TYPE

The undersigned affirms that the information provided herein is true and correct. If applicant is not the owner, applicant affirms that the owner(s) of the property described on this application consent to this application being submitted, and said owners hereby give their consent for the office of Johnson County Planning, Development, and Sustainability to conduct a site visit and photograph the subject property.

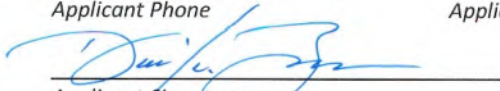
Bernard & Nancy Brown
Name of Owner

Dave Brown
Name of Applicant (if different)

6150 Village View Dr. Suit 113, West Des Moines, IA 50266
Applicant Street Address (including City, State, Zip)

515-279-1111
Applicant Phone

dabrown47@gmail.com
Applicant Email


Applicant Signature

See back page for Application Submittal Requirements and Checklist

Updated and current as of 1.15.2020 NM

APPLICATION FOR: ZONING AMENDMENT (Page 2)

The Applicant, David Brown, has proposed to change the Property classification in the Johnson County FLUM from Agricultural to Residential and Preservation, contemporaneous to a rezoning to Environmental Resources Preservation (“ERP”) and R-3, with limits on the area of disruption within buildable lot zones. As depicted in the attached Rezoning Exhibit Application (page 3), Applicant proposes that the lot areas colored yellow be designated Residential with the lot areas shaded in pink being designated ERP. Sensitive areas to be protected under this Rezoning change are set forth below (page 4).

The Applicant desires to work with Johnson County to impose restrictions on the Property as a condition of this approval process, including FLUM Amendment approval and of a Conditional Zoning Agreement (draft at Exhibit “A”) to guaranty the restrictions, including limits on the number of lots, limits on the area of disturbance, statutory requirements for protected areas and preservation, and other similar matters.

The Conditional Zoning Agreement limits the number of lots to 8 single-family lots (3-5 acres each, including protected areas, and consistent with neighboring properties) and preservation outlots (approximately 30 acres). Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties. The preservation outlots will be subjected to statutory requirements that will fully preserve the property.



ENVIRONMENTAL SPECIALISTS, INC.
 CIVIL ENGINEERS
 LAND PLANNERS
 LAND SURVEYORS
 LANDSCAPE ARCHITECTS
 ENVIRONMENTAL SPECIALISTS
 1817 S. GILBERT ST.
 IOWA CITY, IA 52202
 WWW.ENVIRONMENTALSPECIALISTS.COM


Scale: _____ Revision: _____

REZONING EXHIBIT

A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 14 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA

JOHNSON COUNTY IOWA
MIMS CONSULTANTS, INC.
 Designer: G.L.L.
 Title: 06-28-2021
 Date: 06-28-2021
 Project No.: 10831-001
 Sheet No.: 1
 of 1

REZONING EXHIBIT
 A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, ALL OF TOWNSHIP 14 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, JOHNSON COUNTY, IOWA




LEGEND AND NOTES

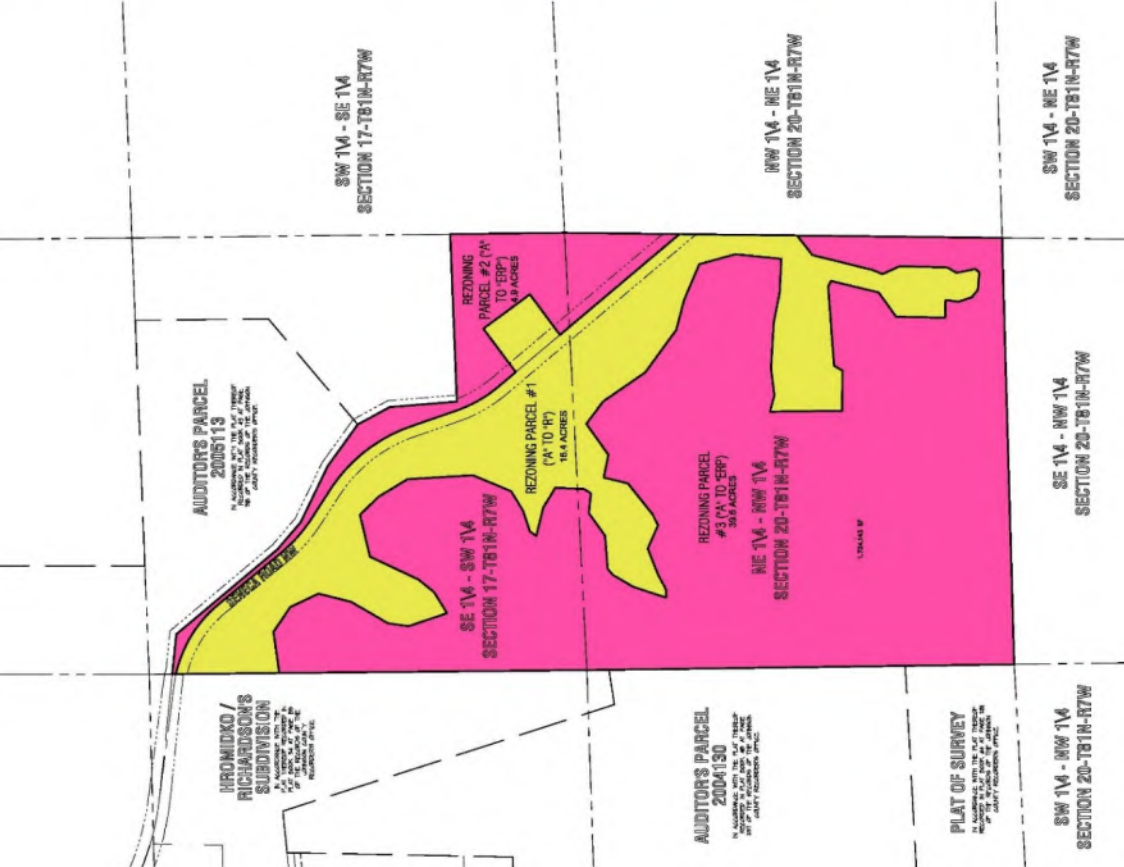
- CONGRESSIONAL CONGRESSIONAL DISTRICT BOUNDARIES
- COUNTY BOUNDARIES
- TOWNSHIP BOUNDARIES
- SECTION BOUNDARIES
- QUARTER SECTION BOUNDARIES
- RAILROAD RIGHT-OF-WAY
- EASEMENTS
- UTILITY LINES
- SURVEY BOUNDARIES
- SURVEY CORNERS
- SURVEY MONUMENTS
- SURVEY MARKERS
- SURVEY POINTS
- SURVEY STATION MARKERS

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND INCHES

THIS EXHIBIT HAS BEEN PREPARED FROM DEEDS AND PLATS OF RECORD. A SURVEY WILL BE REQUIRED TO CONFIRM PROPERTY BOUNDARIES.



LOCATION MAP - N.T.S.



APPLICATION FOR ZONING AMENDMENT – EXHIBIT “A”

Prepared by and Return to:

CONDITIONAL ZONING AGREEMENT

THIS AGREEMENT (this "Agreement") is made by **JOHNSON COUNTY, IOWA** (the "County") and **BERNARD BROWN** and **NANCY BROWN** ("Owners").

WHEREAS, Owners are the legal titleholders of approximately 62.4 acres of real property located on Seneca Road NW, legally described on the attached **Exhibit A** and graphically depicted on **Exhibit B** (the "Property"); and

WHEREAS, Owners have filed Zoning Application PZC-21-_____ requesting the rezoning of the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential.

WHEREAS, the Johnson County Planning and Zoning Commission has determined that the proposed rezoning request comports with the County's comprehensive plan as embodied in 2008 Johnson County Land Use Plan and related documents provided that it meets certain conditions; and

WHEREAS, Iowa Code Section 335.7 provides that the Board of Supervisors may impose reasonable conditions on granting a rezoning request over and above existing regulations in order to satisfy public needs which are directly caused by the requested zoning change; and

WHEREAS, Owners acknowledge that certain conditions on the granting the rezoning request are reasonable to ensure the development of the Property addresses these public needs and is consistent with the comprehensive plan and its requirements; and

WHEREAS, Owners and the County have agreed it is appropriate to rezone the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential subject to certain conditions to ensure appropriate development of the Property.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Owners is the legal titleholder of the Property.
2. The County agrees that Owners' rezoning request shall be approved and the Property shall be rezoned from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential with limits on the area of disruption within buildable lot zones as requested in Zoning Application PZC-21-_____ subject to this Agreement.
3. Owners acknowledges the County wishes to ensure conformance to the principles of the comprehensive plan. Further, the parties acknowledge Iowa Code Section 335.7 provides the County may impose reasonable conditions on a rezoning request, over and above the existing regulations, in order to satisfy public needs directly caused by the requested zoning change.
4. In consideration of the County's rezoning of the Property, Owners agree development of the Property will conform to all other requirements of the Johnson County Unified Development Ordinance, as may be amended from time to time, as well as the following conditions:
 - a. The Property will have no more than eight (8) buildable lots (3-5 acres each) upon future subdivision of the Property.
 - b. The buildable lots will have limits on the area of disturbance and requirements for protected areas upon future subdivision of the Property.
 - c. The Property will have preservation outlots, as depicted on **Exhibit C**, which will be subjected to statutory preservation requirements.
 - d. Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties, as depicted in Preservation Exhibit on **Exhibit C**.
 - e. Sensitive areas impact will not exceed statutory limits, as depicted in the Sensitive Areas Concept on **Exhibit D**.
 - f. The County Engineer and Board will allow future development of the Property under the terms of this Agreement to occur without requiring road improvements.
 - g. Existing uses for the Property may continue until future development occurs.
5. Owners and the County acknowledge that the conditions contained herein are reasonable conditions to impose on the Property under Iowa Code Section 335.7 and that the conditions satisfy public needs caused by the requested zoning change.
6. Owners and the County acknowledge that in the event the Property is transferred, sold, redeveloped or subdivided, all new development will conform to the terms of this Agreement.

7. The parties acknowledge this Agreement shall be deemed to be a covenant running with the land and with title to the land, and shall remain in full force and effect as a covenant with title to the land, unless or until released of record by the County. The parties further acknowledge that this Agreement shall inure to the benefit of and bind all successors, representatives, and assigns of the parties.

8. Owners acknowledges nothing in this Agreement shall be construed to relieve Owners from complying with all other applicable local, state and federal regulations.

[SEPARATE SIGNATURE PAGES FOLLOW]

By: _____
Bernard Brown

By: _____
Nancy Brown

STATE OF IOWA)
) SS
COUNTY OF _____)

 This record was acknowledged before me on this _____ day of
_____, 2021, by Bernard Brown and Nancy Brown, husband and wife.

Notary Public in and for the State of Iowa

EXHIBIT “A” (CZA)

The southeast quarter of the southwest quarter of Section 17, except commencing at the northeast corner of said 40 acre tract, thence south 965 feet, thence west to the center of the public highway running through said tract, thence northwesterly along the center of said highway to the north line of said southeast quarter of the southwest quarter of said Section 17, thence east to the place of beginning. Also, the northeast quarter of the northwest quarter of Section 20, all in Township 81 North, Range 7 West of the 5th P.M.

EXHIBIT "B" (CZA)



Results:

Parcel ID - 0320201001
Alt Id - 03-J
Address - 1605 SENECA RD NW
Owner - BROWN, BERNARD K (Deed)
BROWN, NANCY D (Deed)
BERNARD K & NANCY D BROWN (Mail To)
Acres - 40
Value - \$282900
View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Data Correction](#) | [Google Maps opens in a new tab](#)

Parcel ID - 0317377001
Alt Id - 03-I
Owner - BROWN, BERNARD K (Deed)
BERNARD K & NANCY D BROWN (Mail To)
BROWN, NANCY D (Deed)
Acres - 22.4
Value - \$18800
View: [Parcel Report](#) | [Soil Report](#) | [Pictometry Imagery](#) | [Data Correction](#) | [Google Maps opens in a new tab](#)

EXHIBIT "C" (CZA)



Adjacent Property Owners List
David Brown – Seneca Road
Within 500'
MMS Project #10831-001

BERNARD J & PHYLLIS M MARAK
800 OAK AVE SE
SWISHER, IA 52338

BERNARD K & NANCY D BROWN
1605 SENECA RD NW
SWISHER, IA 52338

CY-HAWK CORP
109 LEAMER CT
IOWA CITY, IA 52246

RONALD A & AUDREY L LANDHERR
170 BOYSON RD
MARION, IA 52302

TAMMY M RICHARDSON
1521 SENECA RD NW
SWISHER, IA 52338-9525

US ARMY CORPS OF ENGINEERS
PO BOX 2004
ROCK ISLAND, IL 61201-2004

WAYNE D & JUDY E SLEZAK
1604 SENECA RD NW
SWISHER, IA 52338

WILLIAM A & DOROTHY A FISHER
1518 SENECA RD NW
SWISHER, IA 52338

ZACHARY HARRIS
2876 HIGH BLUFF DR
CORALVILLE, IA 52241

MEMORANDUM IN SUPPORT OF APPLICANT’S FUTURE LAND USE AMENDMENT

DATE: June 30, 2021

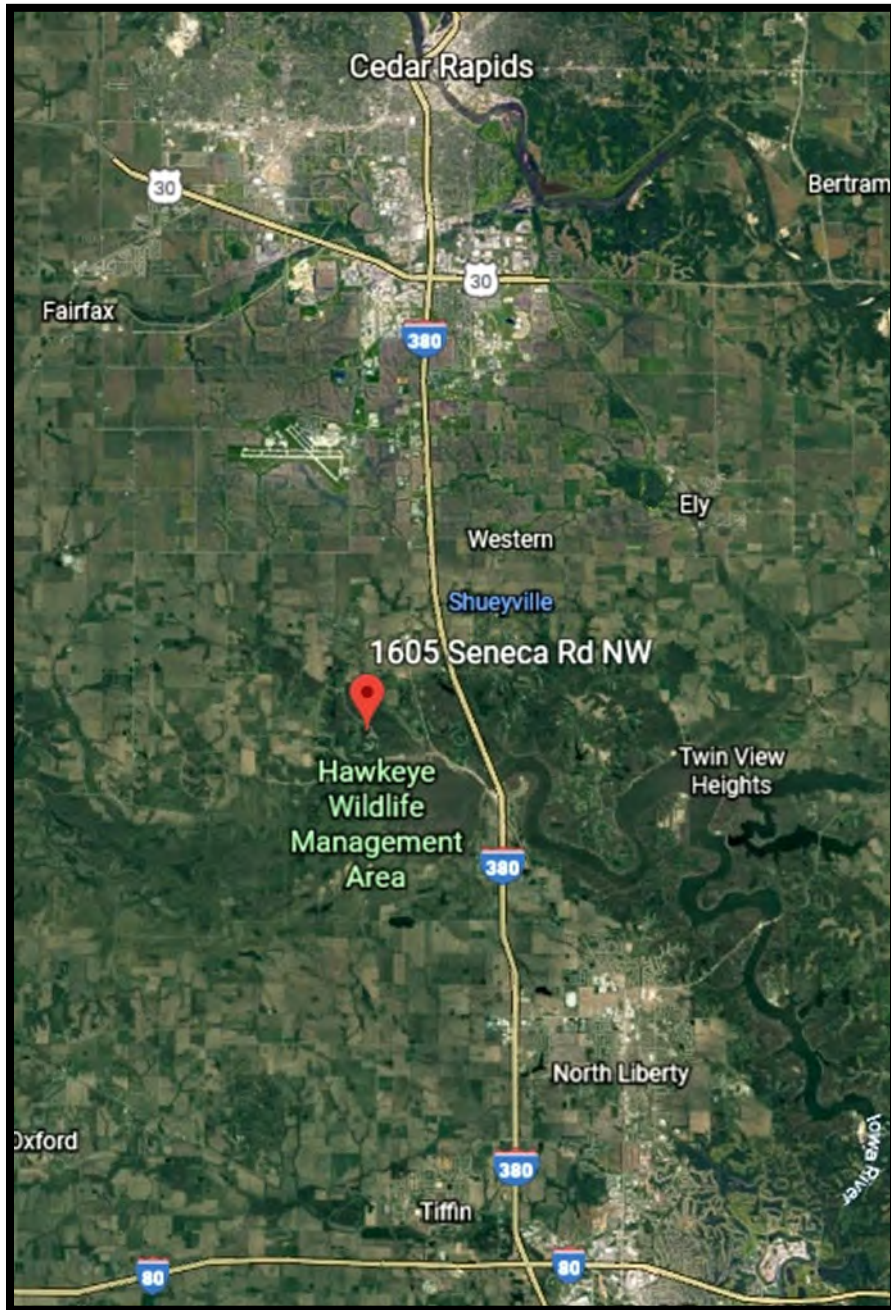
TO: Johnson County Planning and Zoning Commission and Board of Supervisors

FROM: David Brown, Applicant, on Behalf of Bernie and Nancy Brown

THE PROPERTY

David Brown, Applicant, on behalf of Bernie and Nancy Brown, requests to change the FLUM designation of approximately 62.4 acres (“Property”) from Agricultural to Residential and Preservation, subject to conditional use restrictions. The Property is located 2.3 miles south of Swisher, Iowa, by road and 0.8 miles as the crow flies.





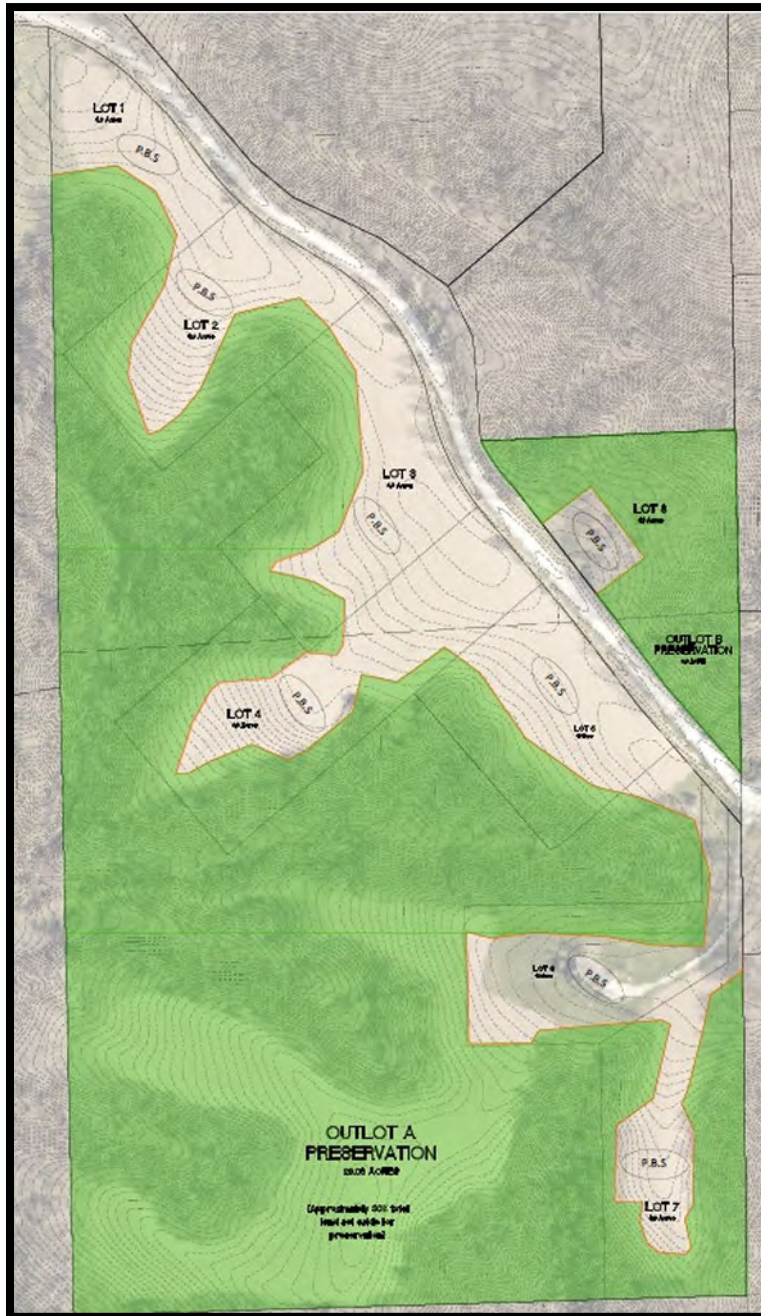
APPLICANT'S PURPOSE FOR REQUEST

The Browns have resided on the Property for 35 years. They have left the land untouched and firmly believe that any future plan for the Property should be centered on a conservation-minded approach. In addition, from the time they acquired the Property, they have viewed it as an investment that would sustain them during their retirement and beyond. They desire to have the option to sell smaller parcels of the Property in order that they may be able to access the liquidity they would need to meet their future

plans and needs. This optionality also supports their plans to remain on the larger homestead parcel for as long as they desire.

APPLICANT'S PROPOSED USE

The Applicant proposes to change the Property classification in the FLUM from Agricultural to Residential (lot areas colored brown on image below) and Preservation (area shaded in green on image below), with a binding commitment to rezone those areas to R-3 and Environmental Resources Preservation ("ERP") respectively, with limits on the area of disruption within buildable lot zones.



The Applicant desires to work with Johnson County to impose restrictions on the Property as a condition of this approval process, including Board approval being contingent upon the filing of the Zoning Amendment Application and the Conditional Zoning Agreement (See Exhibit "A") submitted by Applicant as a part of this FLUM Amendment Application. This process will guaranty the restrictions, including limits on the number of lots, limits on the area of disturbance, statutory requirements for protected areas and preservation, and other similar matters.

The Agreement limits the number of lots to 8 single-family lots (3-5 acres each, including protected areas, and consistent with neighboring properties) and preservation outlots (approximately 30 acres). Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties. The preservation outlots will be subject to statutory requirements that will fully preserve the property.

Applicant's proposed use is exactly the same as the neighborhood lots that are already in existence along Seneca Road. The Browns are willing to guaranty the neighborhood's character and conservation measures through covenants.

In support of the Board granting the Applicant's request to amend this FLUM request with conditions, it should be noted that the Comp Plan is instructive and supportive of such a framework. Chapter 6 of the Comp Plan (Implementation), calls for a land use goal and process as follows:

LAND USE 2 – Direct future residential development based on location and then site-specific criteria outlined in the Future Land Use Development Guidelines.

Strategy 1 – Support rezoning applications that comply with the Future Land Use Map and the Future Land Use Development guidelines.

Action 1 – Focus residential development in areas that comply with the Future Land Use Map.

Action 2 – Review and potentially update the Future Land Use Map every five years after adoption.

Action 3 – Develop a procedure for individual property owners to request a change to the Future Land Use Map.

Action 4 – Develop a procedure for combined rezoning, subdivision, and/or development applications.

Action 5 – Allow for flexibility in the zoning ordinance by adoption of planned unit development (PUD) zoning districts and overlay zones.

APPLICANT'S REQUEST FOR CHANGE TO THE "RESIDENTIAL" AND "PRESERVATION" FUTURE LAND USE CATEGORY

Chapter 5 of the Johnson County 2018 Comprehensive Plan addresses land use matters. Four land use "Priorities" are listed on Page 104 of the Plan with preservation of natural resources, protecting the environment and maximization of open space being overarching themes. The Browns Application for Future Land Use Map Amendment seeks to amend the Property's designation to Residential and Preservation toward the end of achieving the Plan's priorities at the highest possible standard.

The combined Residential and Preservation approach is precisely what the Browns have historically envisioned as being appropriate for the Property. Beyond allowing the Browns to achieve their personal goals, approval of this designation for the Property allows for the preservation of the greatest percentage of natural resources. The Browns envision this being accomplished by subdividing the property into large conservation lots, the same style and type of lot that already exists along the entirety of Seneca Road up to the Brown's property line. Homes would be located away from sensitive areas and the maximum amount of open space would be permanently preserved with virtually no sensitive areas impact. In the end, the Browns' plan would have the effect of permanently preserving approximately 75% of the Property's environmentally sensitive land and open space, including the establishment of large, contiguous buffers against neighboring properties and the Hawkeye Wildlife Management Area. The Iowa River water shed would also benefit from elimination of farm nutrient runoff by converting presently cropped, low-quality farmland to permanently established native grasses and forbs. Beyond being a big win for conservation and public land surrounding the property, the Browns believe the end result of their low-density plan would be a win for the neighbors by providing certainty that a high-density development would never be sited on this last piece of developable land on Seneca Road.

COMPREHENSIVE PLAN MAP AMENDMENT SCOPE OF REVIEW AND SOURCES

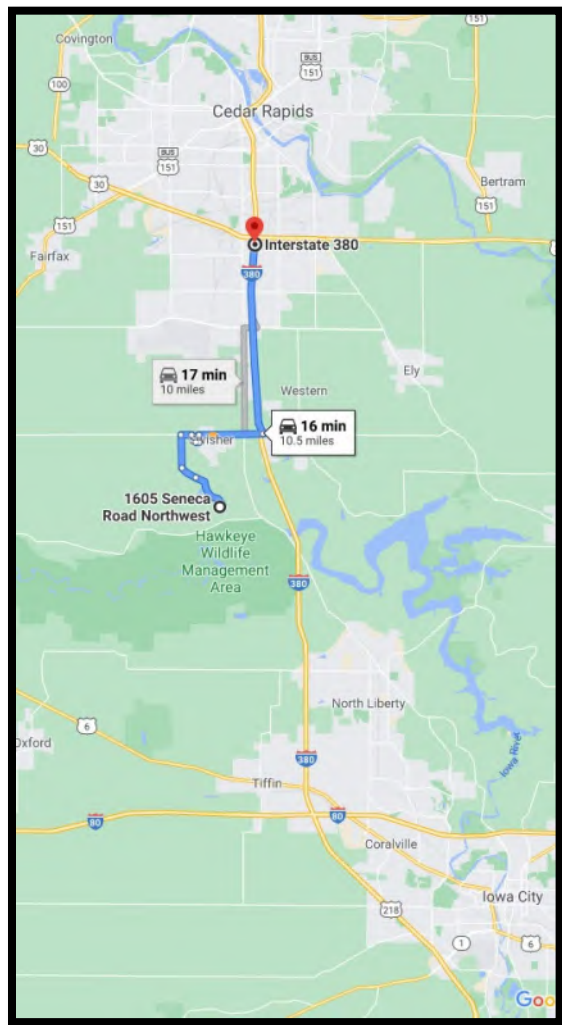
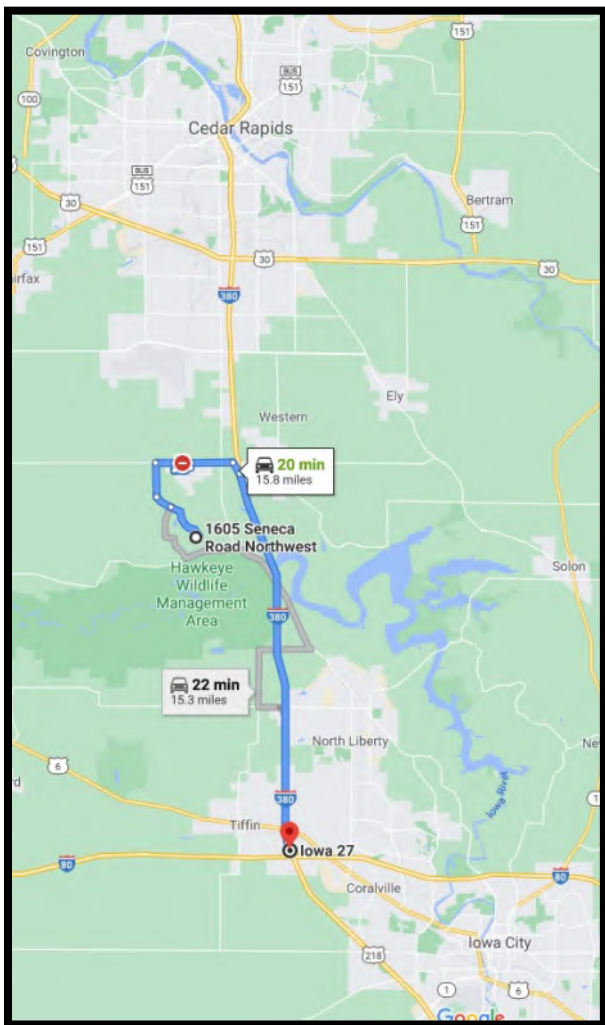
According to the Department of Planning, Development and Sustainability (the "Department"), the process and scope of review of FLUM amendment requests is broad and encompasses all elements and criteria found within the three sources set forth in Exhibit "B." The Department states: "A Comprehensive Plan or map amendment should be considered by evaluating criteria from Chapter 6 – Implementation of the Comprehensive Plan, the "general guidelines staff used in developing the initial FLUM," and "elements of the Future Land Use Guidelines not directly addressed by the other criteria/guidelines." Many of the criteria and elements within these sources overlap. The Applicant has framed this Memorandum utilizing section headings designed to aggregate overlapping evaluation criteria set forth in these sources.

GROWTH AREA REVIEW CONSIDERATION

Property Proximity to Cities, Services and Employment Centers

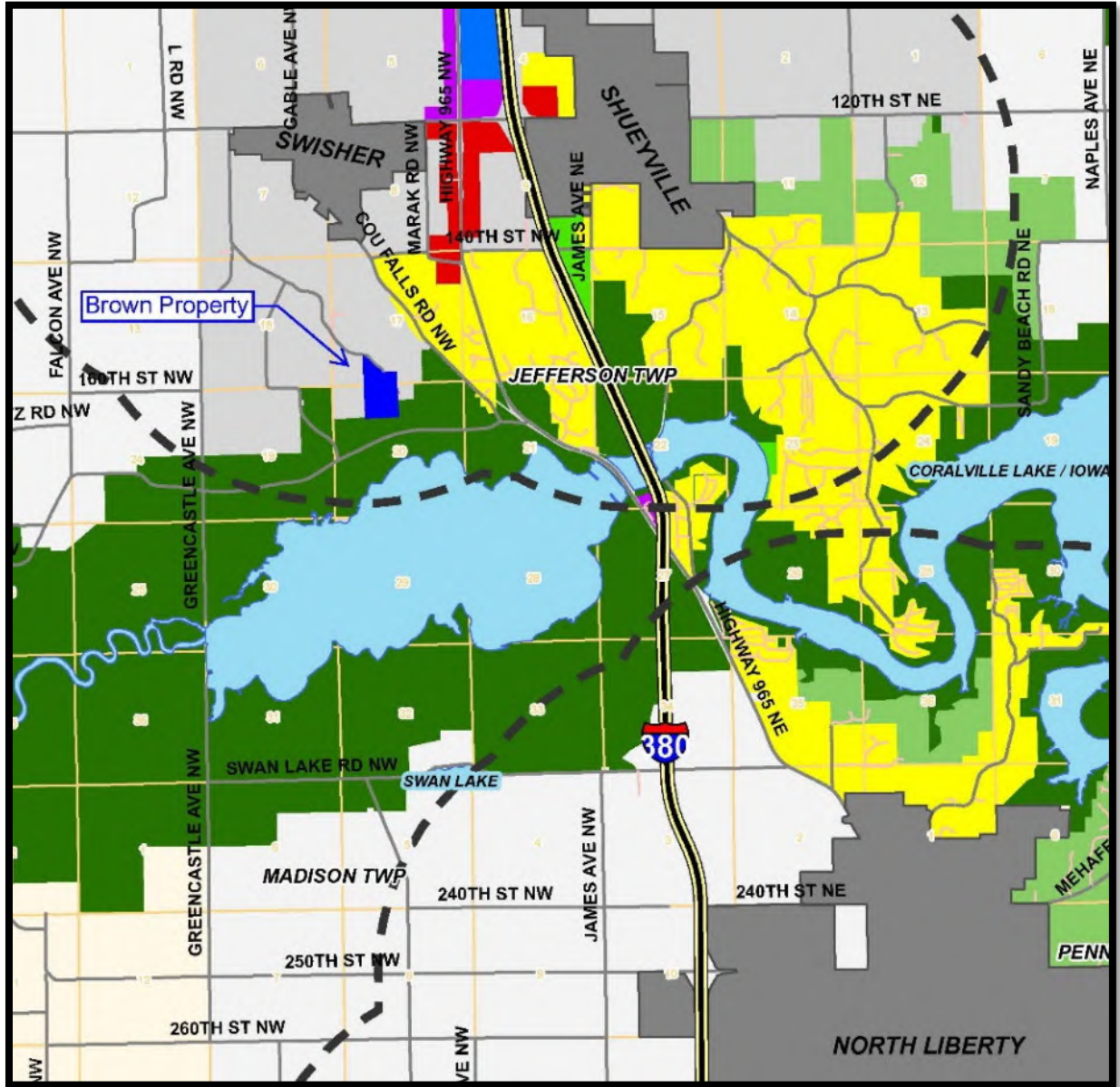
The Brown property is ideally located in the center of the Iowa City/Cedar Rapids corridor with nearly identical travel times between the two metro areas, depending on traffic conditions. Seneca Road is a short 0.8 miles gravel distance, converting to chip seal at the Blain Cemetery Road intersection. The Property is four miles from I-380 and can access the hard surface roads of 120th Street NW by turning north on Green Castle Avenue or Highway 965 by turning south at Blain Cemetery Road.

The Property is not in any immediate growth areas of the contiguous metro cities of Iowa City, Coralville, North Liberty and Tiffin.



Future Land Use Map Property Location

The Property's location on the Johnson County Future Land Use Map (10/24/19) is depicted below (see Exhibit "C" for full comp plan map):



Proximity to Existing Growth Areas

Standard of Review

In prior FLUM Application proceedings, the Department has stated the following:

Staff generally reviews FLUM amendment requests which seek to designate a property as a growth area in a part of the county where no adjacent growth exists [emphasis added] (i.e. establishing a new growth area) with a ‘higher level of scrutiny’ than requests to expand an existing growth area. . . Staff strongly believes changes made through this process should be driven by the following:

- a) Expand existing growth areas where properties immediately adjacent to the designated growth area are shown to be equally appropriate to those in the existing growth area based on the criteria used, or
- b) Identify and consider areas where changes in local development patterns suggest that a change in the map may be warranted.

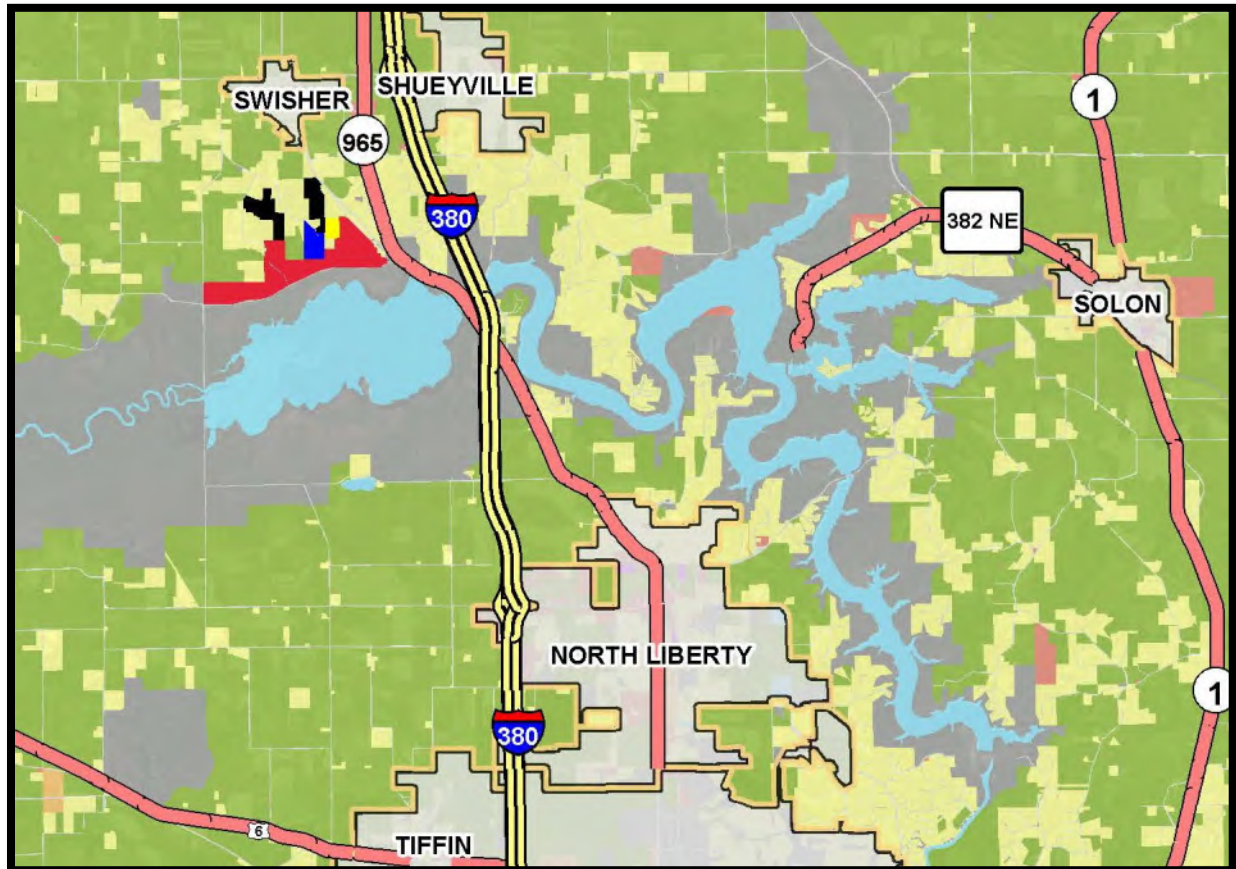
By all reasonable and objective measures, the Brown Property clearly is “in a part of the county where growth does exist [emphasis added].” “Immediate adjacency” should not be narrowly defined and would be unduly restrictive, unreasonable and not supportable. When utilizing a correctly applied “facts and circumstances” test, the Brown application does not rise to the level of “starting a new growth area” because it exists in a presently existing growth area located along the entirety of Blain Cemetery and Seneca Roads. Accordingly, a “higher level” standard of scrutiny is not triggered for this Application. Approval of this Application should be considered as an extension of the existing Cou Falls Road growth area given its immediate adjacency to it and the historical, already existing growth on Blaine Cemetery and Seneca Roads. Further, local and historical development patterns do suggest that a change in the map is warranted beyond these areas in order to meet the housing needs of corridor residents seeking rural housing options and proximity to both the Cedar Rapids and Iowa City metro areas.

The Brown Property is “In a Part of the County Where Growth Exists” and is Expanding

The following map is Johnson County’s “Existing Land Use” map as set forth in the Land Use Chapter of the Comp Plan (full map located in Exhibit “D”). The parcel outlined in blue is the Brown property, the parcels outlined in black are undevelopable timber acres and the red area is U.S. Government public land. The darker yellow parcel is owned by Wayne and Judy Slezak, and should have been included on the map as a residential use.

The Comp Plan’s own map defining Existing Land Use shows growth exists and residential uses fully envelop the Brown Property, with the exception of public land, undevelopable timber and the property immediately to the west formerly owned by Cy Hawk Corp. and now owned by Zachary Harris.

Map 3. Existing Land Use: Assessor's Property Class (2016)



Brown Annotations:
 Blue – Brown Property
 Black – Undevelopable timber
 Red – United States
 Yellow - Slezak

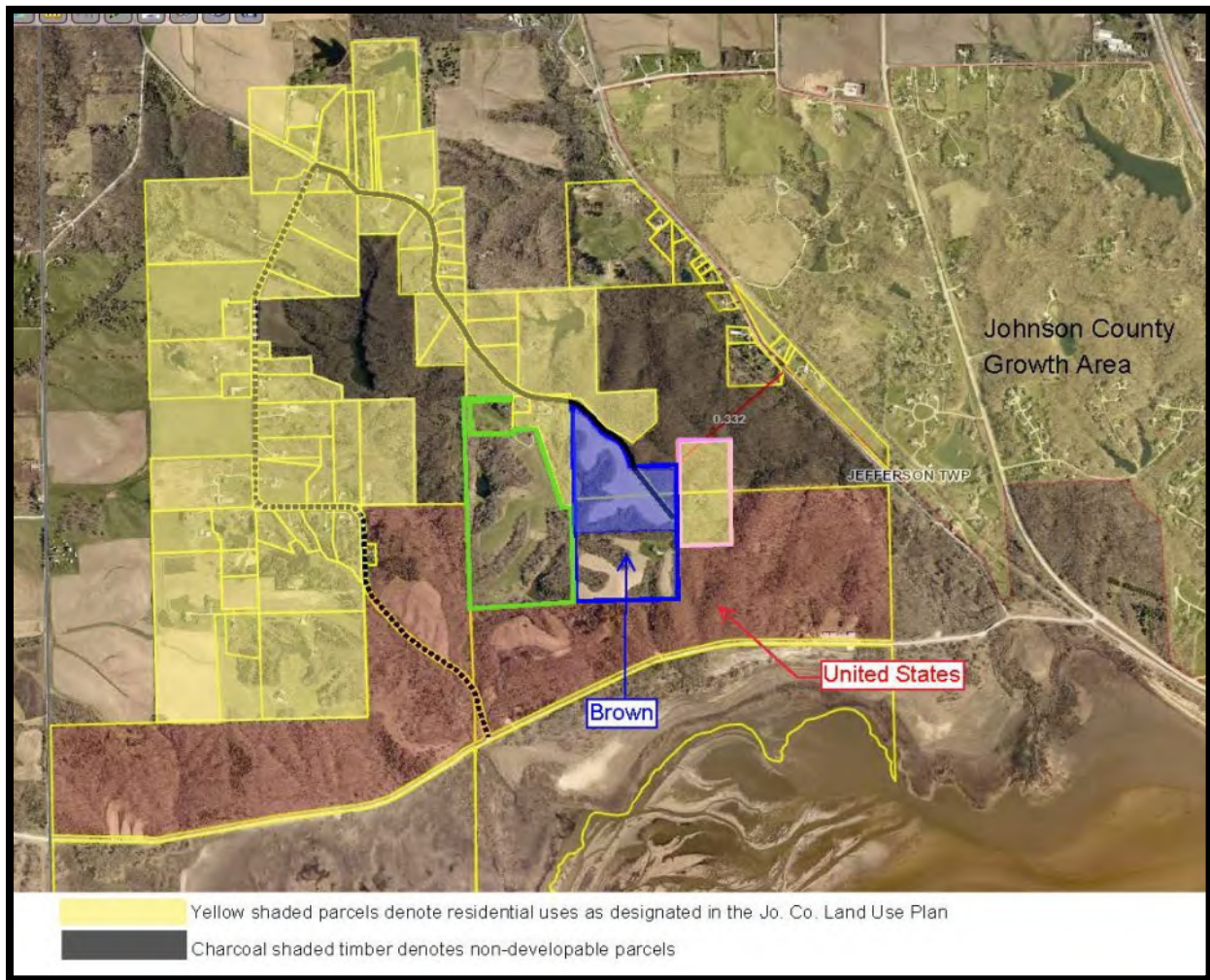
The Brown Property Offers Potential for Infill Development Within an Already Existing Growth Area and is Immediately Adjacent to a Designated Growth Area

The Brown Property is located within an already existing growth area comprising all residential, non-agricultural use parcels along Blain Cemetery and Seneca Roads. While not defined within the Comp Plan’s Future Land Use Map, the Blain Cemetery and Seneca Roads’ Residential Use areas are designated as such in the Comp Plan’s Land Use map. As depicted in the map below, when taking all of the residential uses in existence between Blain Cemetery Road and I-380, the entirety of this area is effectively, and by default, a combined growth area. The Property is located in the heart of this combined growth area, and as the last developable parcel in the area and on Seneca Road, it is the quintessential opportunity for “infill development.”

The Property is immediately adjacent to the county “designated” growth area along Cou Falls Road. From a distance perspective, the Property border is precisely one-third of a mile (1,800 ft.) from the Cou Falls

Road and less than one-fourth mile (1,200 ft.) from the closest Cou Falls Road residential lot. This distance results from the Property being separated by public land and parcels with dense, old-growth timber, steep slopes and sensitive areas upon which the Comp Plan prohibits development. These parcels should be considered as disregarded when determining adjacency. In prior FLUM Amendment proceedings involving the Brown property, the Department has stated that FLUM amendments should be considered with the perspective of a “30,000-foot view.” Importantly, the Department has stated in prior FLUM amendment proceedings that, “the Board needs to consider the wider area when deciding this future land use map amendment request [emphasis added] . . .”

*Blain Cemetery Road and Seneca Road Growth Area
Proximity to Cou Falls Road Growth Area*



Local Development Patterns Suggest a Change in the Map is Warranted

Johnson County is the second fastest growing county in the State of Iowa. In addition to strong growth, as a result of the Covid-19 pandemic, a well-documented, growing trend is forming where residents are seeking to invest in and improve “quality of life” by relocating to less-dense, more rural settings, such as the growth area surrounding Swisher. This trend will only strengthen and the Board should consider “getting ahead” of the resulting development patterns.

Links to articles discussing these trends follow:

“Demand for Rural Homes Shows ‘profound, psychological change’ due to coronavirus, Redfin CEO Says.” *CNBC*, April 17, 2020: <https://www.cnbc.com/2020/06/18/coronavirus-update-people-flee-cities-to-live-in-suburbs.html>

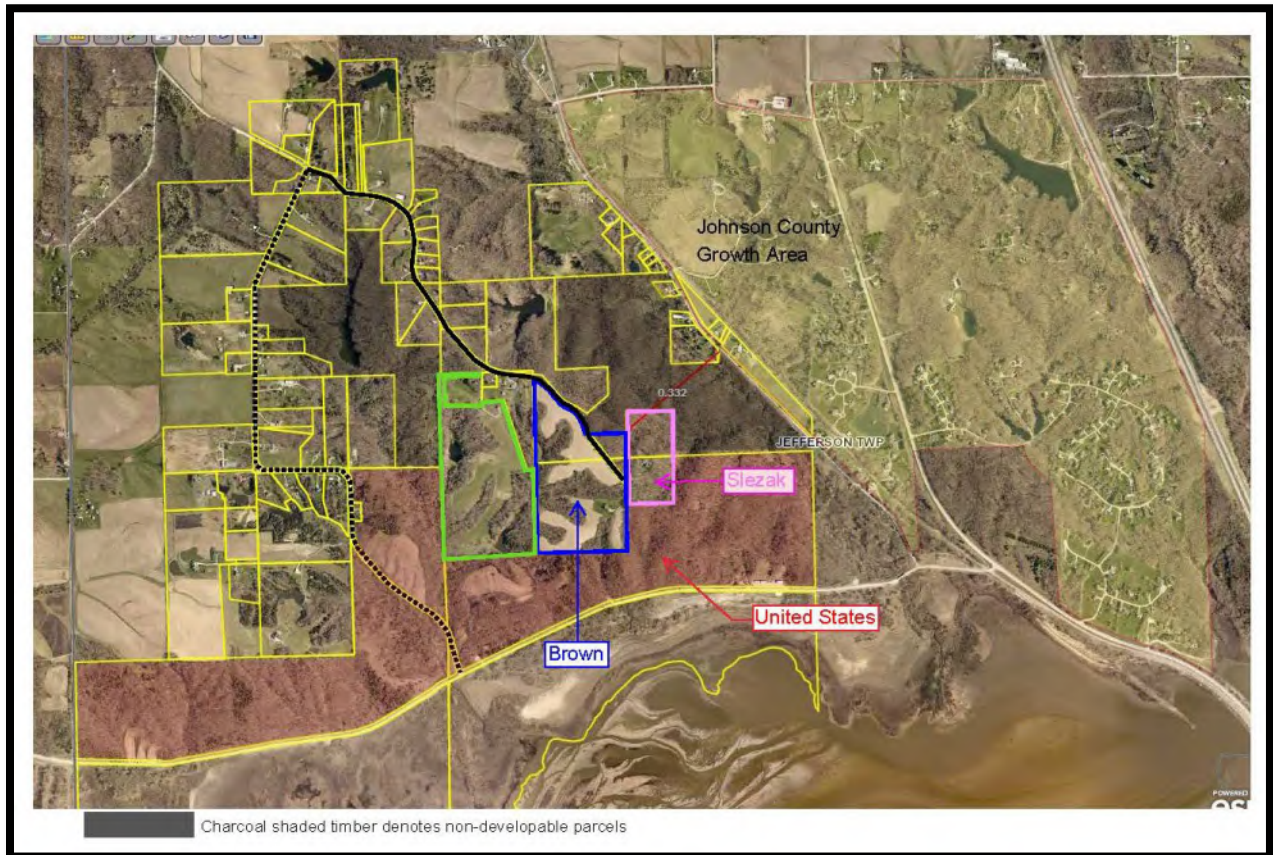
“Is Rural Iowa Positioned for a Post-pandemic Renaissance with Fed-up Coastal Residents?” *Des Moines Register*, April 20, 2020: <https://www.desmoinesregister.com/story/opinion/columnists/iowa-view/2020/04/20/covid-19-iowa-rural-areas-could-see-post-pandemic-renaissance/5150043002/>

“The Pandemic Real Estate Market.” *Axios*, August 13, 2020: <https://www.axios.com/coronavirus-suburbs-real-estate-market-3ee9dc49-d3c2-486d-8400-66a6cd1d1856.html>

In addition, it is respectfully submitted that availability of all lot types, including large conservation style lots, serves to benefit Johnson County’s economic growth and its residents by offering diverse rural housing options in addition to more traditional subdivision options. Many people looking to live in the country are looking for quiet spaces with room to roam. Strong market demand and low inventory exists for lower density options offering these features. General expansion of the Swisher growth area would serve this demographic and especially benefit corridor residents seeking to be centrally located within the Cedar Rapids / Iowa City corridor.

Adjacent and Nearby Parcels: Character, Uses and Impact

Seneca Road is effectively a large-lot, non-ag subdivision that has been entirely developed up to the Property boundary. The Brown’s proposal to subdivide their property is wholly consistent with and guarantees preservation of the character and feel of Seneca Road. Development of this area occurred until the last subdivision in the mid-90s, which was the point in time that new county restrictions prohibited additional development on the road.



The Department has stated previously that Seneca Road is an area with existing large-lot development and determined that any impact on existing parcels would not be noticeable, except as to traffic. In a prior FLUM Amendment proceeding relating to the Property, the Department noted the following:

Adding single-family residential uses to an area with existing larger-lot development [emphasis added] rarely creates a conflicting land use situation and should not be a detriment to enjoyment of the existing properties or affect existing property owners. This is especially true in an area with this natural topography and timber separating most residences except the two or three immediately adjacent neighbors.

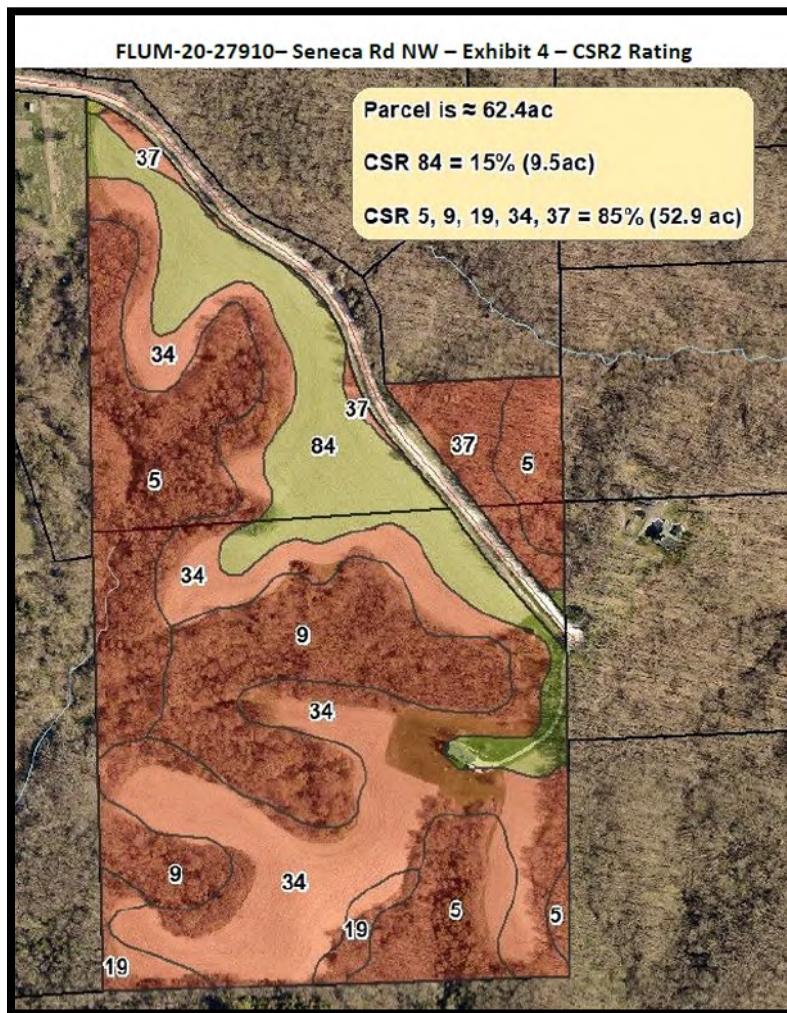
Importantly, the Property is nowhere near “anyone’s backyard.” The center of the Property is nearly a quarter mile from the nearest neighbor. In light of the fact that Applicant is limiting the density of the request, any resulting impact to adjacent and nearby parcels would be negligible, including with respect to increased traffic.



AGRICULTURAL IMPACT

While the Property and nearby properties are located in an Ag Area of the FLUM, nearly all parcels between Blain Cemetery Road and Cou Falls Road are designated as residential uses by the Comp Plan. Little substantive ag land exists except for limited row crop production on the Property and one instance of very small-scale rearing of limited numbers of livestock. Seneca Road is, in effect, a large lot subdivision. In a prior proceeding relating to the Property, the Department stated: “The impact of converting the Property to residential development would have no effect on any surrounding agricultural uses (of which there are few).”

Further, analyzing the agricultural impact of taking the Brown property out of production, it should be noted that with a relatively low CSR on the majority of the property (85% has a CSR2 of 37 or below), the productive land that would be lost to development would be limited to approximately 24 acres currently dedicated to crop production (only 9.5 acres of which is high CSR). Ag use and productivity on the Property is negligible when measured against the Comp Plan’s target goal of “promoting and protecting sustainable agricultural land in rural Johnson County.” As set forth in the Environmental Impact Section below, converting the Property from Ag use to conservation would certainly outweigh any costs.



ENVIRONMENTAL IMPACT

The Proposal Will Place Approximately 75% of the Property into Conservation, Preserve Sensitive Areas, Improve the Environment and Buffer Public Lands

As previously stated, the combined Residential and Preservation approach is precisely what the Browns have historically envisioned as being appropriate for the Property. Beyond allowing the Browns to achieve their personal goals, approval of this designation for the Property allows for the preservation of the greatest percentage natural resources. The Browns envision this being accomplished by subdividing the property into conservation lots, the same style and type of lot that already exist along the entirety of Seneca Road up to the Brown's Property line. Homes would be located beyond the sensitive areas perimeter and the maximum amount of open space could be permanently preserved with virtually no sensitive areas impact from building activities. Required stormwater management, if necessary, would result in wetland enhancement features. The concept below is offered as a representation of the Brown's intentions in an R3 zoning configuration:

*Concept – Low Density R3 Residential
with 30 Acres of Outlot Preservation*



Applicant's plan would have the end effect of permanently preserving approximately 75% of the Property's environmentally sensitive land and open space, including the establishment of a large and contiguous buffer against the Hawkeye Wildlife Management Area and neighboring properties. The Iowa River water shed would also benefit from elimination of soil erosion and farm chemical runoff by converting presently cropped, low-quality farmland to permanently established native grasses and forbs. This would be a major benefit to conservation and public land surrounding the Property considering houses would never be sited on this last piece of developable land on Seneca Road. Further, by converting from an ag use to conservation, native areas would be restored, critical wildlife habitat would expand, threats to endangered and threatened species from ag production would be eliminated, and steep slopes and sensitive soils would be protected.

Tradeoff Between Density and Environmental Protection

While this Application is for a Future Land Use Map revision, the Comp Plan raises zoning issues as criteria to be considered by the Board. Given the fact that Applicant's submission of this request as being conditioned on restrictions on the number of lots and environmental preservation guarantees, it is not appropriate or necessary to analyze this Application under the assumption that the maximum zoning can be achieved. The Browns are seeking to preserve a far higher percentage of sensitive areas and environmental features than called for in the Comp Plan. In order to achieve higher environmental benefits, it follows that densities should be reduced.

In 2020 proceedings relating to the Property, P&Z Committee members who were involved with the Comp Plan adoption process stated that the Brown Property is precisely the type of property that Comp Plan Committee members envisioned being appropriate for preservation.

In support of the Brown's position that lower densities are appropriate and authorized under the Comp Plan, it should be noted that the following prior Department comments relating to the Brown Property are instructive:

The layout of the open areas on this property could reasonably lend themselves to development at a preferred density of the Comp Plan (1 lot per 1 acre). However, lower density may be appropriate where there are portions of the property that are worth preserving (e.g. sensitive wetlands). At the rezoning and platting stages, the applicant can still improve the development density by only rezoning and platting the portions necessary to build, and leaving the remainder in a protected outlot. At that point, the density could be reviewed relative to the land zoned for development as opposed to the whole property [emphasis added].

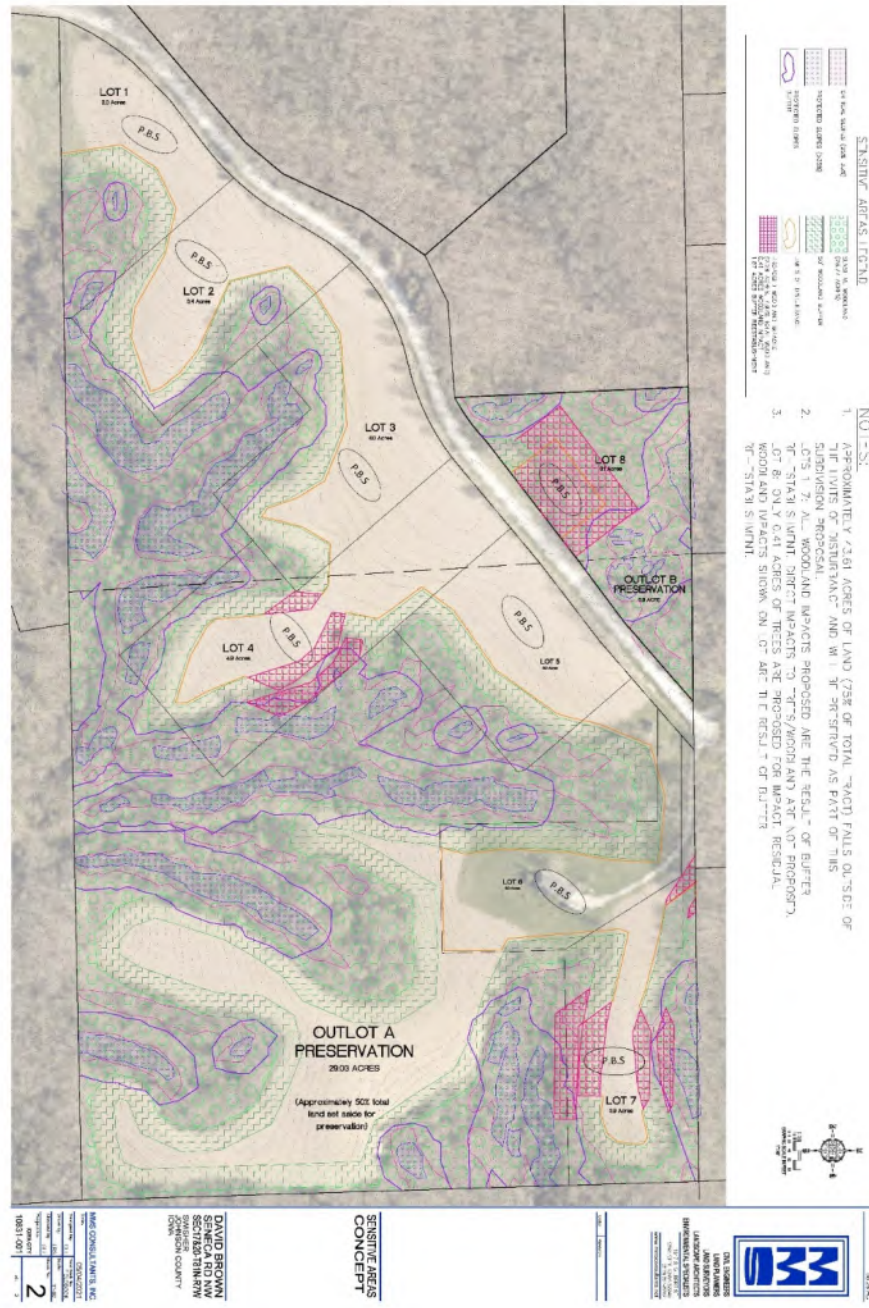
The Brown request for the conditional approval of densities and a preservation outlot is precisely in line with the Department's position as stated above and guarantees the outcome. The Browns have never felt that high, one-acre lot densities are appropriate for the Property or Seneca Road. For this reason, they chose to submit their FLUM amendment request under both the Residential and Preservation categories in order to achieve the goal of preserving environmental features to a high degree.

ZONING AND SUBDIVISION REQUIREMENTS

The Property's road frontage is approximately 3,000 feet when considering parcels are on each side of Seneca Road. In prior proceedings relating to the Property the Department stated ". . . with existing road

frontage and room to site necessary infrastructure, this property should reasonably comply with subdivision requirements, provided they can provide mitigation (if necessary) for any sensitive area impacts.”

The following engineering concept shows the sensitive areas impact of Applicant’s proposal. Approximately 43.61 acres of land (75% of the total tract) falls outside of the limits of disturbance and will be preserved as part of the subdivision proposal. Further, in compliance with current subdivision requirements, no more than 5 acres of sensitive areas will be impacted. In light of the Applicant’s guaranteed restrictions to limit density, compliance with subdivision requirements is assured.



IMPACT ON PUBLIC INFRASTRUCTURE AND FACILITIES

Road Considerations

High Quality and Interconnected Road Networks Are Readily Accessible

In prior FLUM proceedings relating to the Property, the Department stated:

Secondary road access to the Property is via Seneca Road, a relatively short stretch (approximately 0.8 miles from the Property) before it converts to chip seal at the intersection of Blain Cemetery Road. Collector service is provided by Blain Cemetery Road and Green Castle Avenue, both of which are chip seal. Arterial service is provided by 120th Street, which is paved. Service to Highway 965 may also be provided via Amana Road, which is currently scheduled to be upgraded to chip seal per the 5-year road plan.

The Property is ideally located in the center of the Iowa City/Cedar Rapids corridor with very short, nearly identical travel times between the two metro areas, depending on traffic conditions. The terminating stretch of Seneca is very short and no longer than other comparable areas in the County, including recently approved subdivisions. The travel time along the 0.8 mile stretch of Seneca Road from the Brown property to chip sealed Blaine Cemetery Road is 2 minutes. Both I-380 and Highway 965 can be reached over the road by traveling just over 4 miles (7-minute travel time). In prior proceedings relating to the Property, the department stated that “the Property is located relatively near Swisher (2.3 miles over the road, 0.8 miles as the crow flies). The navigation route is also relatively direct, especially for county commuting [emphasis added].”

The Road Design and Construction Exceeds County Standards for Crushed Rock or Gravel Roads

During proceedings in 2020 relating to Applicant’s prior request for a FLUM amendment, while the Planning and Zoning Committee expressed that it believed the Property was exactly the type of property that the Conservation Development Category was meant to serve, in denying the Brown’s FLUM amendment application, repeated and consistent references were made to the Department’s and County Engineer’s conclusions concerning the condition of Seneca Road. The Department reported the following road conditions: “While there are chip seal and paved roads in the vicinity of this development, the immediate access is provided by a dead-end gravel road, which appears in some spots to be as narrow as 16-18 feet of travel surface.”

This Department’s finding was substantiated with a photograph of a Chevy Colorado pickup parked in the middle of Seneca Road showing a substandard condition and restricted travel surface area resulting from overgrowth of grass and trees. This condition has consistently been in existence due to a failure to maintain the road and keep it up to the standard of which it was constructed in 1983.

Upon receipt of the Department’s 2020 Report the Browns asked MMS Consultants to obtain copies of the construction drawings on file with the County Engineer in order to determine the construction standards utilized in 1984. The Seneca Road construction specs called for a 24’ roadway (See Exhibit “E”). Upon measuring the road width, the Browns determined that while overgrown, the road base is consistently wider than 24 feet.

In these prior proceedings, the P&Z Committee and Board of Supervisors were provided with inaccurate, incomplete and erroneous information from staff that Seneca Road did not meet the county's standards and were wrongly advised on the matter.

In response to inaccurate county staff findings, the Browns retained Scott Pottorf, P.E., MMS Consultants, to conduct an independent study of Seneca Road. His full report may be found in Exhibit "F." This study determined that the average roadway top width is 27.41 feet with the minimum width being 25 feet. Further, he found that the entirety of Seneca Road meets all of the current Iowa DOT and County standards, as well as design standards for the AASHTO Guidelines for roadways with less than 400 vehicles per day with rolling terrain, that any deficiencies are the result of a failure to appropriately maintain the road bed and control overgrowth, and that the road could be easily restored to a suitable condition with maintenance, rock and overgrowth removal. Finally, the study determined that the Brown proposal would not exceed the capacities set forth in the Road Performance Standards of the Johnson County Unified Development Ordinance (UDO) and that the proposed land use change would not have any detrimental effect on the existing roadway and its use.

After retaining a professional engineer to conduct their own survey, the Browns reached out to the County Engineer asking again for a reexamination of the condition of the road. Presumably in response to this request, a county maintainer attended to Seneca Road on September 29, 2020, resulting in the uncovering of grass covered rock base as depicted in the images below. This same result is representative for all other sub-maintained areas of Seneca Road.

Uncovered Rock Base After Grading – 7'



*Gravel Base Width Between Stakes – 24'
(28' total between stakes)*



At the 2020 P&Z meeting, the Department informed the Committee that the appropriate standard travel surface for this type of road is 20 to 22 feet. The entirety of Seneca Road exceeds this standard.

County Staff's inaccurate and erroneous conclusions as to Seneca Road's condition were heavily relied upon by the P&Z Committee and highly prejudicial to the Brown's prior Application. Reliance staff road findings by the P&Z Committee was the single greatest determinative factor for the 2020 P&Z denial of the Brown request. This Applicant strongly objects to all county staff findings for Seneca Road due to the stated errors, inaccuracies and insufficiencies, as well as staff's ongoing unwillingness to conduct an objective and sufficient review of Seneca Road.

Johnson County UDO Road Performance Standards Are Met

With the establishment that Seneca Road meets current IDOT, Johnson County and current AASHTO guidelines, the next consideration for the Board is whether the proposed subdivision complies with the Road Performance Standards of the UDO.

In a 2018 DOT road study, the traffic count for Seneca Road was 150 vehicles per day (VPD). There are seven platted but vacant lots on Seneca Road which would result in 56 additional VPD under the UDO road performance standards. Seven additional lots on the Property equates to an assumed 56 VPD. Including the Brown lots, total VPD would be 262, well below the 400 VPD limit for Seneca Road.

In prior proceedings relating to the Property, considerable weight has been placed by the Department and the P&Z Committee on the fact that Seneca Road dead-ends at the Property. In light of this Application's restrictions to limit development to seven additional lots, any analysis of road impact under a higher density scenario does not apply, including with respect to whether Seneca Road can ever be extended to Amana Road.

Critically, the opening paragraph of the UDO Road Performance Standards state: "Road sufficiency shall be determined using the Road Performance Standards herein [emphasis added]." The Road Performance Standards dictate the conditions that may be considered by the County. Simply stated, the condition of Seneca meets all appropriate standards under this Application. No additional consideration is warranted or required under the law.

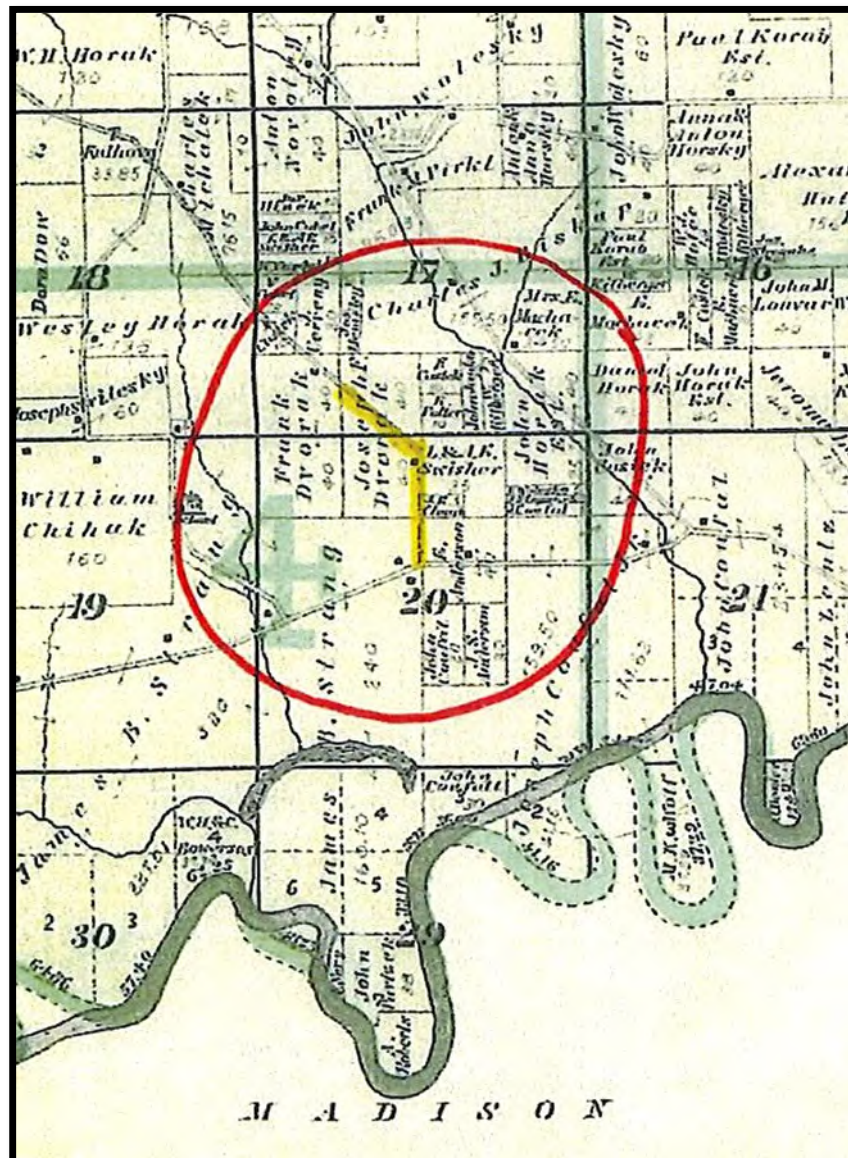
The County established analogous precedent under now existing FLUM amendment rules when it approved FLUM-19-27757 (Dillons Furrow NE). This Dillons Furrow Road subdivision has nearly identical conditions as Seneca Road. Notably, in the Department's report for the Dillons Furrow FLUM, staff stated "the amount of traffic on Dillons Furrow Rd. will be controlled by the Road Performance Standards [Emphasis added]." Several other approvals have occurred of other similar subdivisions on roads with analogous conditions, including being located at dead-end roads that naturally occur due to the location of the Iowa River and Coralville Reservoir in the County.

Seneca Road Has the Potential to be a "Through Road"

While all required road performance standards have been met under the UDO, the Department and County Engineer have referenced the ability to "extend" Seneca Road as a factor of analysis. In the prior FLUM application proceeding for the Property, the Department made multiple references to the fact that "potential for being a through road" during the development process is functionally equivalent to meeting the requirement for interconnection of road networks [emphasis added].

Upon conducting historical research concerning the original path of Seneca Road, Johnson County Auditor Mark Kisler determined on September 17, 2020, that Seneca Road previously connected to Amana Road and was not a dead-end. Further, Auditor Kisler determined that while maintenance of the road past the dead end was discontinued, it was located on the Brown property. Critically, it was not vacated in agreements between the Board of Supervisors and the United States Corps of Engineers. As previously stated, in light of this Application’s restrictions to limit development to eight lots, any analysis of road impact under a higher density scenario does not apply, including with respect to whether Seneca Road can ever be extended to Amana Road. However, based upon Auditor Kisler’s findings, Seneca Road was previously a through road and does have the potential to be so once again [emphasis added]. Historical maps and an engineering exhibit showing the right-of-way route follow. The letter from Auditor Kisler and larger versions of these historical maps and images are also attached at Exhibit “G.”

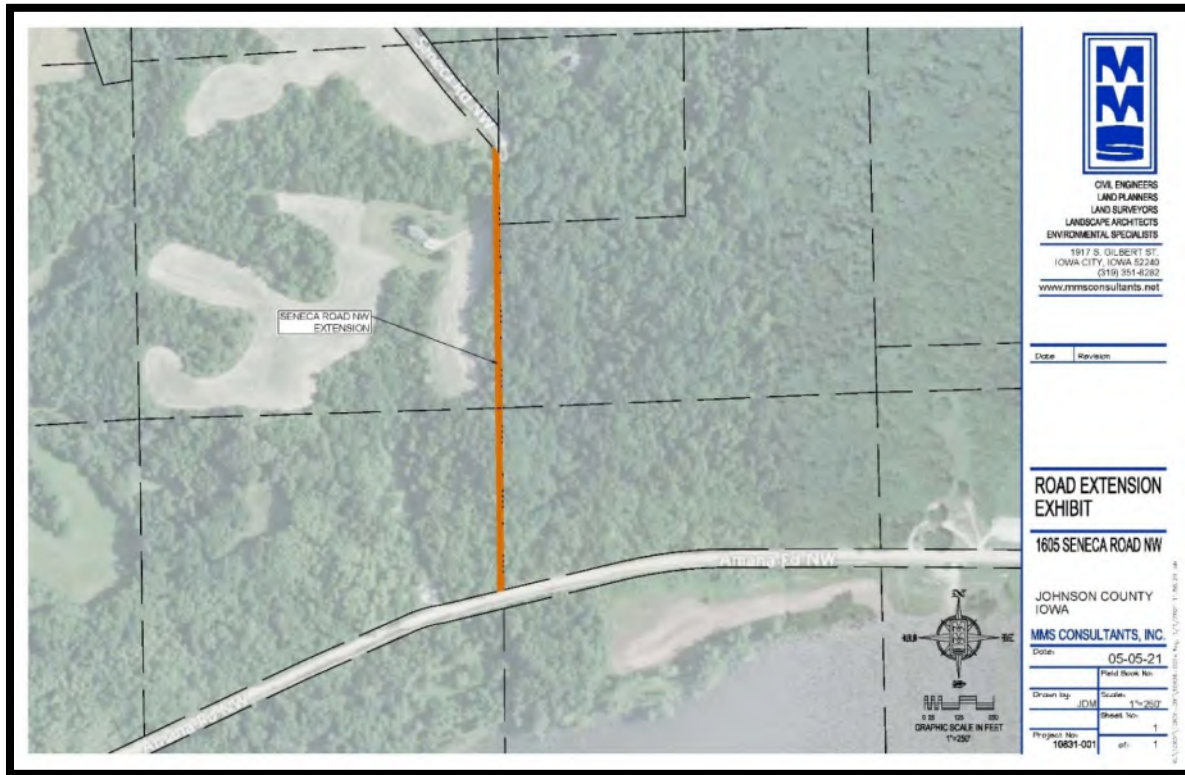
1900 Johnson County, Iowa Atlas



1930 Aerial Image – Johnson County GIS



Potential Through Road Extension for Seneca Road



Emergency Services

As stated by the Department in its Report, this property is located “relatively close to Swisher (2.3 miles over the road, 0.8 miles as the crow flies) as well as interchange I-380 (approximately 4.4 miles), and should be sufficiently serviced by Johnson County Sheriff, Area Ambulance Services out of Cedar Rapids and the Jefferson Monroe Fire Department (4 miles / 7 minutes).” For nearly 40 years no issues have existed with the provision of services to the Brown property.

BENEFITS TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY

Community-at-Large

In the Applicant’s prior FLUM amendment proceeding, the Department stated that the Brown’s proposed use has the ability to meet Public Health Department standards for water and wastewater.

The Property is served by the Silurian-Devonian aquifer. According to the Iowa Geological Survey Office, this aquifer has the best water quality in eastern and northern Iowa, its principal area of use ranges from 200 to 400 feet, it receives induced recharge from the Cedar River, and it yields 10 to 30 gpm for private wells (greater yields for larger wells). In conversations with the Johnson County Health Department and the Iowa Geological Survey Office, the Browns were advised that suitable, non-conflicting options for well water exist for the Property. County and Iowa Department of Natural Resources standards and rules regulate such matters, for which compliance is required.

With respect to wastewater, the Planning Department's view is that in addition to the option of traditionally sited conventional septic systems, there are a variety of alternative systems available that can be installed on a smaller footprint, and with less impact to the surrounding ground.

Other health benefits to the community-at-large will result of the Brown's plan to buffer public lands with a large, contiguous, open parcel dedicated to conservation; and elimination of nutrient runoff into the Iowa River watershed resulting from taking currently row cropped ag land out of production.

The Neighborhood

Density and preferences are in the eye of the beholder. Proximity and distance in rural areas are a matter of scale and perspective. Rural Johnson County residents and those seeking to live in rural areas choose to do so because they value the benefits of country living and open space. Greater densities and smaller lot sizes are not desired by existing Seneca Road residents, the Brown's included.

All public comments expressed by the neighbors during 2020 FLUM proceedings relating to the Property have been fully and satisfactorily addressed in this Memorandum. The Application seeks to subdivide lots exactly like those upon which the Seneca Road neighbors own themselves. Any subdivision resulting from the Brown's limitation of its application would reflect the character of the existing homes on the road. The Browns are willing to guarantee the character and conservation measures through covenants. Approval of the Application would result in final, limited development on the last developable piece on Seneca Road with no impacts to adjacent neighbors due to large buffers. By any reasonable measure, the Brown application will not detrimentally impact adjacent or neighboring properties.

COMPARISON OF THE PLAN AND APPLICATION RELATIVE TO CONFORMANCE TO GOALS AND STRATEGIES

The Department states that the Comprehensive Plan generally calls for consideration of the following factors:

1. Relatively dense development (1unit/acre) in residential areas
2. Interconnected road networks located in areas that reduce vehicle miles traveled
3. Minimized impact to environmentally sensitive areas
4. Avoiding taking high-quality cropland out of production

"Relatively Dense" Development (1 unit/acre) is Not Suitable for the Seneca Road Area

A one lot per acre subdivision, or greater densities, on any portion of the Property is not appropriate or suitable for Seneca Road. This position is supported by comments and preferences stated by Seneca Road residents and the P&Z Committee. During the September 14, 2020, P&Z meeting addressing the Applicant's prior FLUM amendment request, neighbor after neighbor expressed incredulity that the County's Comp Plan would call for a preference of one lot per acre densities on Seneca Road given it is effectively a large-lot subdivision along the entirety of the road up to the Property border. Further, several members of the P&Z commented that the Seneca Road area fits the conservation designation and that one acre lots seem out of character for the area. Notable comments from the P&Z meeting follow:

- "This is the exact kind of land that FLUM was created for. This is where we want this to take place, but we can't change that road . . . So though I agree with so

many of the points of why this would be a great place to develop 3-acre plots, that road -- I just can't overcome that hill." *Mike Parker, P&Z Committee Member*

- “. . . but if there's a lot fewer homes, Mike, it would make a difference as well.” (Speaking to less road impact from lower density). *Christine Rohret, P&Z Committee Member*
- “And that's one of the things that I think really needs to be looked at here and that is what is that area designed by? How is it laid out? And I think that makes a big difference. We're not the city. We are the country, and people do want space. They do want to have some privacy. And so having a 3-acre lot is nothing. And that [reduced density] would change this whole project on both sides a lot.” *Kathleen Swenka, P&Z Committee Member*

A broad on-acre “Residential” preference does not logically work in tandem with the preferences of the environmental preservation preferences of the Comprehensive Plan. Further, a one-size-fits-all approach does not logically apply to all areas of the County. If an objective of the Comp Plan is to restrict subdivisions of low-density urban sprawl developments on large tracts of productive transitional farmland adjacent to urban centers, that is one thing. However, the Applicant’s plan to maximize environmental conservation on low quality ag land and limit the impact to existing large-lot Seneca Road owners through their low-density, non-sensitive area located approach fully embraces and meets the goals of the Comp Plan.

In support of the Brown’s position, it should be noted that the Johnson County Subdivision Section 8.2(G) in the UDO offers lot size increase “bonuses” for subdivisions where there is greater conservation than prescribed when ten or more lots are proposed. Surely, given the Brown’s plan calls for 8 lots, 75% of the Property being in conservation, low neighbor impact and far greater conservation than contemplated by the Comp Plan, it would follow that lower densities and larger lots would be an acceptable tradeoff, a desirable outcome and a legally permitted approach under the plain language of the Future Land Use Categories’ definitions.

The Property is Located in an Area that Reduces Vehicle Miles Traveled (VMT)

The Department states in its Report: “The navigation route [to service and employment centers] is relatively direct, especially for county commuting.” This is the correct conclusion given the Property’s location directly in the center of the corridor and short travel times to both Cedar Rapids and Iowa City. Swisher area residents enjoy the best of both metro areas, and the proximity and location of the Property could not be more ideal when considering households with members employed separately between Cedar Rapids and Iowa City, and for those seeking to take advantage of amenities and services offered between the two metro areas. The end result is reduced vehicle miles traveled for this County demographic.

Environmental Sensitivity and Agricultural

As previously addressed in this memorandum, the result of Brown request will be to minimize impacts to environmentally sensitive areas and high-quality cropland will not be taken out of production.

CONCLUSION AND REQUEST FOR BOARD APPROVAL

For all the reasons stated herein, the Brown's have met all of Johnson County's legal and regulatory standards and requirements necessary to support designation of the property as Conservation Development in the Johnson County FLUM.

The Browns respectfully request that the Board of Supervisors vote to approve this FLUM amendment application as set forth herein.

APPENIX "A"

Prepared by and Return to:

CONDITIONAL ZONING AGREEMENT

THIS AGREEMENT (this "Agreement") is made by **JOHNSON COUNTY, IOWA** (the "County") and **BERNARD BROWN** and **NANCY BROWN** ("Owners").

WHEREAS, Owners are the legal titleholders of approximately 62.4 acres of real property located on Seneca Road NW, legally described on the attached **Exhibit A** and graphically depicted on **Exhibit B** (the "Property"); and

WHEREAS, Owners have filed Zoning Application PZC-21-_____ requesting the rezoning of the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential.

WHEREAS, the Johnson County Planning and Zoning Commission has determined that the proposed rezoning request comports with the County's comprehensive plan as embodied in 2008 Johnson County Land Use Plan and related documents provided that it meets certain conditions; and

WHEREAS, Iowa Code Section 335.7 provides that the Board of Supervisors may impose reasonable conditions on granting a rezoning request over and above existing regulations in order to satisfy public needs which are directly caused by the requested zoning change; and

WHEREAS, Owners acknowledge that certain conditions on the granting the rezoning request are reasonable to ensure the development of the Property addresses these public needs and is consistent with the comprehensive plan and its requirements; and

WHEREAS, Owners and the County have agreed it is appropriate to rezone the Property from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential subject to certain conditions to ensure appropriate development of the Property.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Owners is the legal titleholder of the Property.
2. The County agrees that Owners' rezoning request shall be approved and the Property shall be rezoned from A-Agricultural to ERP-Environmental Resources Preservation and R-3-Residential with limits on the area of disruption within buildable lot zones as requested in Zoning Application PZC-21-_____ subject to this Agreement.

3. Owners acknowledges the County wishes to ensure conformance to the principles of the comprehensive plan. Further, the parties acknowledge Iowa Code Section 335.7 provides the County may impose reasonable conditions on a rezoning request, over and above the existing regulations, in order to satisfy public needs directly caused by the requested zoning change.

4. In consideration of the County's rezoning of the Property, Owners agree development of the Property will conform to all other requirements of the Johnson County Unified Development Ordinance, as may be amended from time to time, as well as the following conditions:

a. The Property will have no more than eight (8) buildable lots (3-5 acres each) upon future subdivision of the Property.

b. The buildable lots will have limits on the area of disturbance and requirements for protected areas upon future subdivision of the Property.

c. The Property will have preservation outlots, as depicted on **Exhibit C**, which will be subjected to statutory preservation requirements.

d. Approximately 75% of the Property will be outside the limits of disturbance and preserved, including protective buffering of adjoining public lands and neighboring properties, as depicted in Preservation Exhibit on **Exhibit C**.

e. Sensitive areas impact will not exceed statutory limits, as depicted in the Sensitive Areas Concept on **Exhibit D**.

f. The County Engineer and Board will allow future development of the Property under the terms of this Agreement to occur without requiring road improvements.

g. Existing uses for the Property may continue until future development occurs.

5. Owners and the County acknowledge that the conditions contained herein are reasonable conditions to impose on the Property under Iowa Code Section 335.7 and that the conditions satisfy public needs caused by the requested zoning change.

6. Owners and the County acknowledge that in the event the Property is transferred, sold, redeveloped or subdivided, all new development will conform to the terms of this Agreement.

7. The parties acknowledge this Agreement shall be deemed to be a covenant running with the land and with title to the land, and shall remain in full force and effect as a covenant with title to the land, unless or until released of record by the County. The parties further acknowledge that this Agreement shall inure to the benefit of and bind all successors, representatives, and assigns of the parties.

8. Owners acknowledges nothing in this Agreement shall be construed to relieve Owners from complying with all other applicable local, state and federal regulations.

[SEPARATE SIGNATURE PAGES FOLLOW]

JOHNSON COUNTY, IOWA

By: _____
_____, _____

ATTEST:

By: _____
_____, _____

STATE OF IOWA)
) SS
COUNTY OF JOHNSON)

On this _____ day of _____, 2021, before me a Notary Public in and for said State, personally appeared _____ and _____, to me personally known, who being duly sworn, did say that they are the _____ and _____, respectively, of John County, Iowa, a County created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said County by authority and resolution of its Board of Supervisors, and said _____ and _____ acknowledged said instrument to be the free act and deed of said County by it voluntarily executed.

Notary Public in and for the State of Iowa

By: _____
Bernard Brown

By: _____
Nancy Brown

EXHIBIT “B”

Chapter 6, Implementation of the Comprehensive Plan, lists criteria in the chart below as factors to consider when evaluating requests for map amendments:

EVALUATING REQUESTS FOR MAP AMENDMENTS

Plan interpretation should include a continuous and related series of analyses, with references to the goals and strategies, the Future Land Use Map, and the development guidelines. Moreover, when considering specific proposed developments, plan interpretation should include a thorough review of all sections of the plan.

If a development proposal is not supported by the Comprehensive Plan, the first consideration should be to modify or deny the proposal. Secondarily, and only if certain criteria are met, should a Comprehensive Plan or map amendment be considered to accommodate the proposal. The criteria listed immediately below should be used to determine if a Comprehensive Plan amendment is appropriate. Additionally, to help ensure stability of the Future Land Use Map, proposed amendments will be considered once annually in accordance with procedures set forth by the Board of Supervisors.

- The character of the adjacent parcels.
- The zoning and uses on nearby properties.
- The suitability of the property for the uses allowed under the current zoning designation.
- The type and extent of positive or negative impact that may affect adjacent properties, or the county at large, if the request is approved.
- The impact of the proposal on public infrastructure and facilities.
- The length of time that the subject and adjacent properties have been utilized for their current uses.
- The benefits of the proposal to the public health, safety, and welfare.
- Comparison between the plan and the proposed change regarding the relative conformance to the goals and strategies.
- Consideration of professional staff recommendations.

Below are the “general guidelines staff used in developing the initial FLUM” that were supplied to the Applicant:

Criteria used to identify growth areas.

Growth areas are generally:

- In close proximity to cities and services/employment centers.
 - Close proximity is close “as the crow flies”, but also close in short vehicle miles travelled.
- Not in any immediate growth areas of the contiguous metro cities (Iowa City, Coralville, North Liberty, Tiffin).
- In areas with existing non-ag development, and offer the potential for infill development
- In areas where the potential environmental impact of future development will be minimal/limited.
- In areas with availability of land that has high potential to yield developments at the desired density of the comp plan (1 acre per lot or smaller).
- In areas with the potential for new (and existing) road networks to be developed in a way that offers high levels of connectivity/interconnection.
- In areas with higher quality existing road networks (generally paved or chip seal roads in close proximity)

Under the “Future Land Use Tools” section of Land Use Chapter 5, the Plan states when focusing on the physical development of the unincorporated areas of Johnson County, the following land use tools should be utilized to assist Johnson County decision makers in determining the appropriate type and location of future development. These tools include:

1. The Future Land Use Map (with category and zoning compatibility tools)
2. Future Land Use Development Guidelines. (See Figure 12 on following page)

Figure 12. Future Land Use Development Guidelines

Amended 11/14/19

Development Elements	Zoning Districts										
	A	AR	SF	RS, RC	RM, RMH	RR	C, CH, C-AG	AG-T	ML, MH, SWDRR	ERP	P
Future Land Use Map – The proposed rezoning or use is consistent with the land use designation shown on the Future Land Use Map and any applicable Land Use Overlays.	●		●	●	●	●	●	●	●	●	●
Development Regulations – The proposed rezoning or use complies or can comply with all development regulations set forth in the Unified Development Ordinance.	●		●	●	●	●	●	●	●	●	●
Road Standards – The proposed rezoning or use has sufficient access to the Secondary Road network, and the property is accessed – or proposes to access – a road that meets the surfacing and traffic standards set forth in the Road Performance Standards and Site Planning Standards (where applicable.)			●	●	●	●	●	●	●	●	●
Public Health Regulations – The proposed use has the ability to meet Public Health Department standards for water and waste water.			●	●	●	●	●	●	●	●	●
Emergency Services – The proposed use has access to adequate sheriff, fire, and EMS protection.			○	○	●	●	●	●	○	○	●
Environmental Impact – The proposed rezoning or use complies with the Environmental Regulations set forth in Chapter 8:3 and does not negatively impact historic or archaeologically significant sites, or areas with unique features such as wetlands, water areas, floodplains, nature preserves and parks, special native vegetation areas, critical wildlife habitat, steep slopes, and sensitive soils.	○		●	●	●	●	●	●	○	○	●
Negative Impacts – The proposed rezoning or use does not negatively impact the appearance, use, or enjoyment of neighboring properties. Such impacts may include excessive noise, traffic, light, glare, heat, vibration, dust, fumes, smells, vagrancy, and other negative matters.			○	○	○	●	●	●	○	○	○
Agricultural Impact – If the proposed rezoning or use is located in the Agricultural Area of the Future Land Use Map, the use or rezoning should minimize the amount of farmland that is removed from active production. The proposed rezoning or use is not likely to create potential future conflict with neighboring agricultural operations.			○	●	●	●	●	●	●	●	○

● = Recommended Development Element

○ = Not a Required Development Element

EXHIBIT "C"

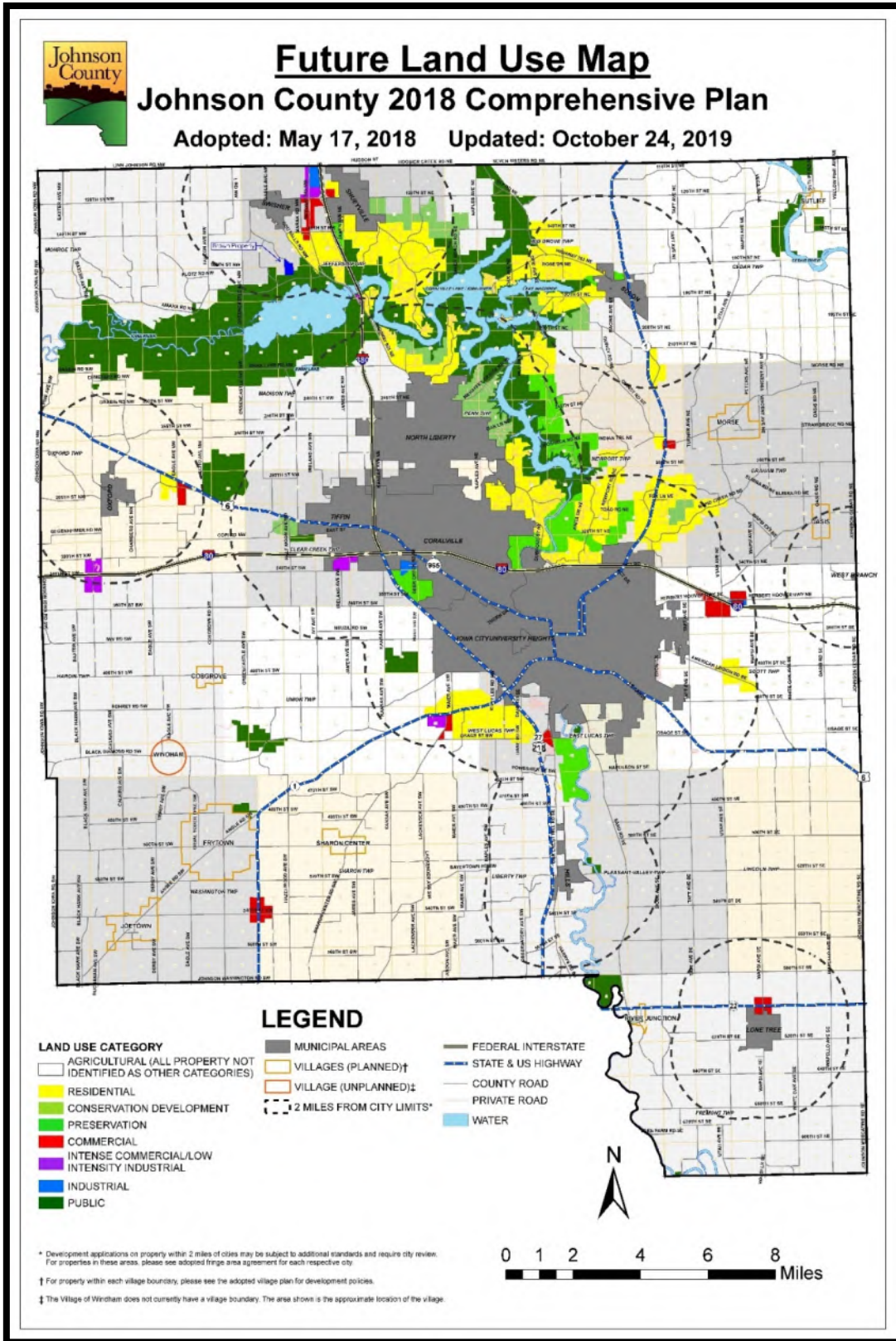
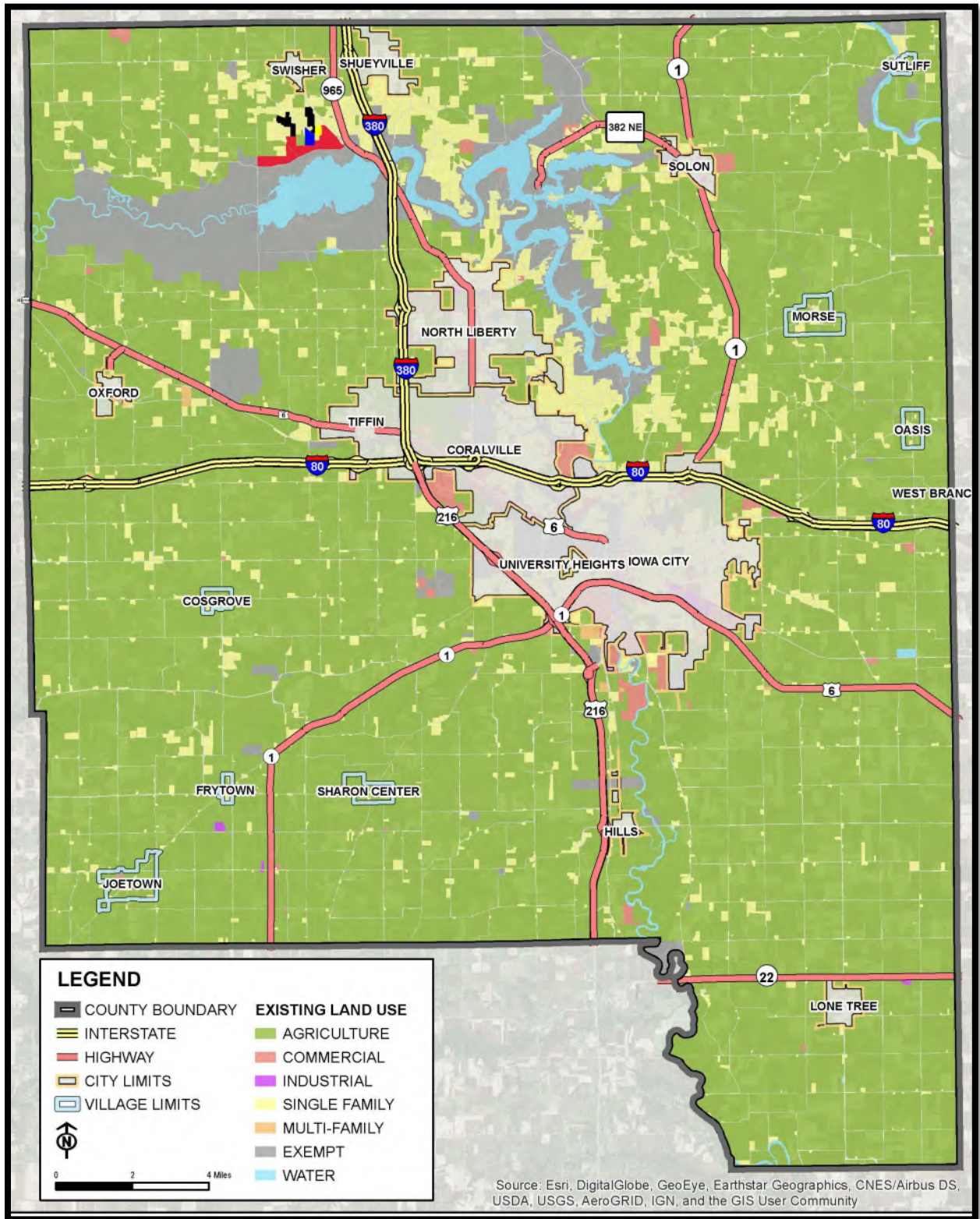


EXHIBIT "D"



APPENDIX "E"

Form 650006
3-80

PROPOSAL FORM

Proj. No. L-83-G-1

Type of Work **GRADING**
System **SECONDARY ROAD**

Miles **1.335** County **JOHNSON**

Location and description

COMMENCING IN THE NE $\frac{1}{4}$ OF SECTION 18, T-81N, R-7W JEFFERSON TOWNSHIP, THENCE SOUTHEASTERLY 1.335 MILES TO THE SW $\frac{1}{4}$ OF SECTION 17, T-81N, R-7W JEFFERSON TOWNSHIP OF THE 5th P.M.

Proposal of _____
(name of bidder)

(Street Address) _____ (Town) _____ (State) _____ (Zip) _____

TO THE BOARD OF SUPERVISORS OF JOHNSON COUNTY, IOWA

The bidder hereby certifies that he or they are the only person or persons interested in this proposal as principals; that an examination has been made of the plans, specifications, and contract form, including the special provisions contained herein, and of the site of the work, and the bidder understands that the quantities of work shown herein are approximate only and are subject to increase or decrease; and further understands that all quantities of work, whether increased or decreased, are to be performed at the unit prices stipulated herein; the bidder proposes to furnish all necessary machinery, equipment, tools, labor and other means of construction, and to furnish all materials specified in the manner and the time prescribed and to do the work at the prices hereinafter set out, and that it is not in violation of the provisions of Section 314.2 Code of Iowa, 1971 as amended (Interest in contract prohibited), and 324.17(8) of the 1971 Code of Iowa as amended (Refund to non licensee-fuel used other than in motor vehicles).

We further propose:

- To do all "Extra Work" which may be required to complete the work contemplated, at unit prices or lump sums to be agreed upon in writing prior to starting such work, or if such prices or sums cannot be agreed upon to perform such work on a force account basis, as provided in the Specifications.
- To execute formal contract within fifteen days or forfeit the proposal guaranty furnished herewith.
- To begin work by the date specified and to complete the same within the contract period, or to pay the liquidated damages stipulated below accruing for each calendar or working day elapsing after the expiration of the contract period, before completion of the work.

Group or Division Number	Amount of Proposal Guaranty	Approx. or Specified Starting Date or Number of Working Days	Specified Completion Date or Number of Working Days	Liquidated Damages Per Day
I	\$500.00	20 WORK DAYS	MAY 15, 1983	\$100.00

To furnish a contract bond in an amount not less than 100 percent of contract award, as security for the construction and completion of the work awarded the bidder in accordance with the plans, specifications and contract.
Enclosed herewith find certified check, cashier's check, or bank draft on a solvent bank; or a bid bond in the penal sum as shown in the contract document as a proposal guaranty, which it is understood will be retained in the event the formal contract or bond is not executed, if award is made to the undersigned.
By virtue of statutory authority preference will be given to products and provisions grown and coal produced within the State of Iowa where applicable.
Party of the second part certifies that it is an Equal Opportunity Employer.

Date of Letting **TUESDAY, MARCH 15, 1983**
10:00 A.M.
COURTHOUSE, IOWA CITY, IOWA

Signatures are to be by authorized agent; if joint venture, each should sign.

Signed _____

1-2-3 4-5

CONTRACTOR'S NUMBER

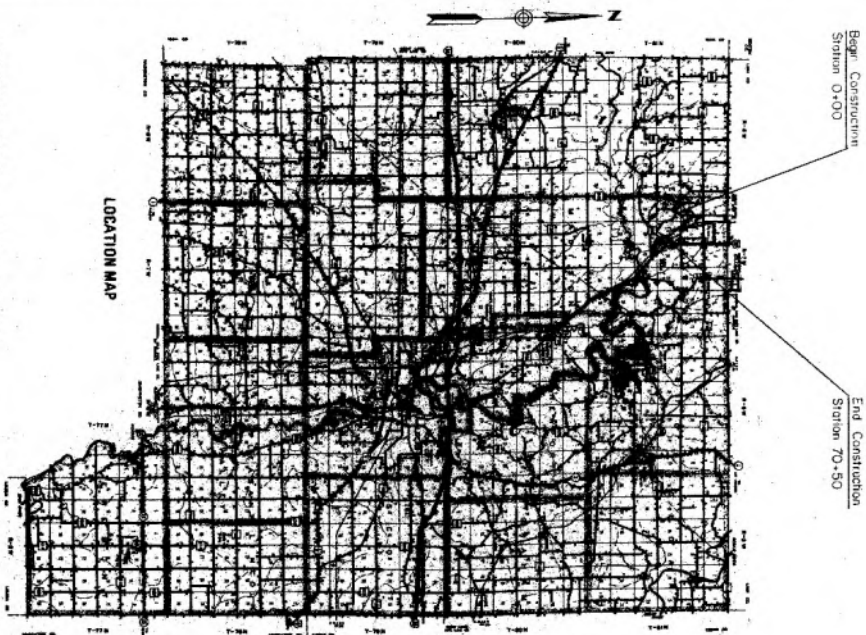
SCHEDULE OF PRICES

Item No.	Item and Unit on which bid is based. Bidder shall show unit price and extension for each item and total for each group.	Quantity	Unit Price		Amount	
			Dollars	Cents	Dollars	Cents
1.	Excavation, Roadway and Borrow Station Measurement	70.5 STATIONS	XXX.XXX	XXXXXX		
2.	Culvert, Install Only - Corr. Metal Roadway Pipe 15 In. Dia.	250 LIN. FT.				
3.	Surfacing, Granular Class "A" Crushed Stone - On Road	2600 TONS				
4.	Culvert, Install Only - Corr. Metal Entrance Pipe 15 In. Dia.	270 LIN. FT.				
	TOTAL					
	SPECIAL PROVISIONS AND SUPPLEMENTAL SPECIFICATIONS					
	#915 Nov. 9, 1982 GENERAL SUPPLEMENTAL SPECIFICATION					
	#921 FEB. 15, 1983 ADDENDUM TO GENERAL SUPPLEMENTAL SPECIFICATION #915					
	#920 MAR. 17, 1983 TRAFFIC CONTROLS FOR STREET & HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS PART (6)					
	#815 OCT. 11, 1977 EQUAL OPPORTUNITY RESPONSIBILITIES ON NON FEDERAL AID PROJECTS					
	101 UNIT BIDS MUST BE TYPED OR SHOWN IN INK OR BID WILL BE REJECTED					
	County will furnish all Corrugated Metal Roadway and Entrance pipe and pipe bands at the site. Placement will be as directed by the Engineer.					
	Existing roadway at the beginning of project shall be scarified and rebuilt to the new grade.					
	Specifications for Grading and Draining					
	(a) Finished Cross Section to be as follows; Ditches to be a minimum of 3 feet below below shoulder and a minimum of 4 feet wide wherever possible. Top to be 24 feet with 2:1 foreslopes and 1.5:1 backslopes, 6 inch crown.					
	(b) County will check final cross section to see that it substantially conforms to the typical cross section as required above.					

IOWA
 DEPARTMENT OF TRANSPORTATION
 HIGHWAY DIVISION
 PLANS OF PROPOSED IMPROVEMENT ON THE
 SECONDARY ROAD SYSTEM

IOWA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION SERIES 1977 PLUS CURRENT SPECIAL PROVISIONS AND SUPPLEMENTAL SPECIFICATIONS OF THE IOWA DEPARTMENT OF TRANSPORTATION--HIGHWAY DIVISION SHALL APPLY TO WORK ON THIS PROJECT.

GRADING AND CRUSHED STONE SURFACING
 Commencing in the NE 1/4 of Section 18, T-81N, R-27W Jefferson Township
 and thence southeasterly 1.335 miles to the SW 1/4 of Section 17,
 T-81N, R-27W Jefferson Township of the 5th P.M.



LETTING DATE MARCH 15, 1983

PROJECT TRAFFIC CONTROL PLAN
 This road will be closed to through traffic during construction. Local traffic to adjacent properties will be maintained as provided for in Article 1107, OR, 1977 Standard Specifications. Traffic control devices, procedures and layouts shall be as provided by supplemental specifications for traffic control for street and highway construction and maintenance operations, Specification 894, Furnished by County.

TRAFFIC COUNT 12 V.P. 1977 YEAR

DESIGN NO. FILE NO.



APPROVED

Don Smith
Harold W. Bernhardt
Edna C. Moore

Ray D. Boyle
 BOARD OF SUPERVISORS

- INDEX OF SHEETS
1. Title Sheet, Location Map, Mileage Summary
 2. Estimate of Quantities, Estimate Reference, General Notes, Typical Section
 - 3-5. Plan and Profile

MILEAGE SUMMARY
 Sta. 0+00 to Sta. 70+50 = 7050' = 1.335 miles
 Total Mileage = 7050' = 1.335 miles

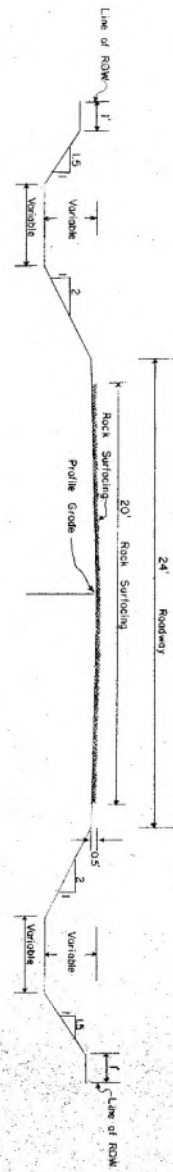
AUTHORIZED FOR LETTING
W. B. Bledsoe 2/16/83
 COUNTY ENGINEER

ATTORNEY
 SYSTEM ENGINEER
 DATE

AUTHORIZED FOR LETTING
 COUNTY ENGINEER
 DATE

AUTHORIZED FOR LETTING
 COUNTY ENGINEER
 DATE

TYPICAL SECTION



In Letting of MARCH 15 1983

ITEM	ESTIMATE OF QUANTITIES	UNIT	TOTAL
1	Excavation, Roadway and Base	Suicide	70.5
2	General, Install Gravel - Car. Mat	Lbs. Ft.	230
3	Surfacing, Gravel - Class X	Tons	2600
4	Cover, Install Oak - Cor. Metal	Lbs. Ft.	270
	Estimate Pipe 12 in. Dia.		

GENERAL NOTES

- County will furnish all Curbed Metal Roadway and Entrance pipe and pipe bands or the site. Placement will be as directed by the Engineer.
- Existing roadway at the beginning of project shall be scarified and rebuilt to the new grade.
- Specifications for Grading and Draining
- (a) Proposed Cross Section to be as follows. Direct to be a minimum of 4 feet wide where possible. Top to be 24 feet with 2:1 fore slopes and 1.5:1 back slopes, 6 inch crown.
- (b) County will check final cross section to see that it substantially conforms to the typical cross section as required above.

ESTIMATE REFERENCE

- All items of the estimate to the grade as directed by the Engineer in accordance with Section 2102.03 of the 1977 Standard Specifications. The X' compaction shall be required on all roadway fill. All back-slopes, ditches and fore-slopes shall be prepared for seeding in accordance with Section 2102.11 of the 1977 Standard Specifications.
- County to do own Erosion Control work.
- Rate of application is 1850 Tons per mile. This includes Driveways and Road Approaches.

I hereby certify that the above is a true and correct copy of the original as shown to me by the Engineer in accordance with Section 2102.03 of the 1977 Standard Specifications.

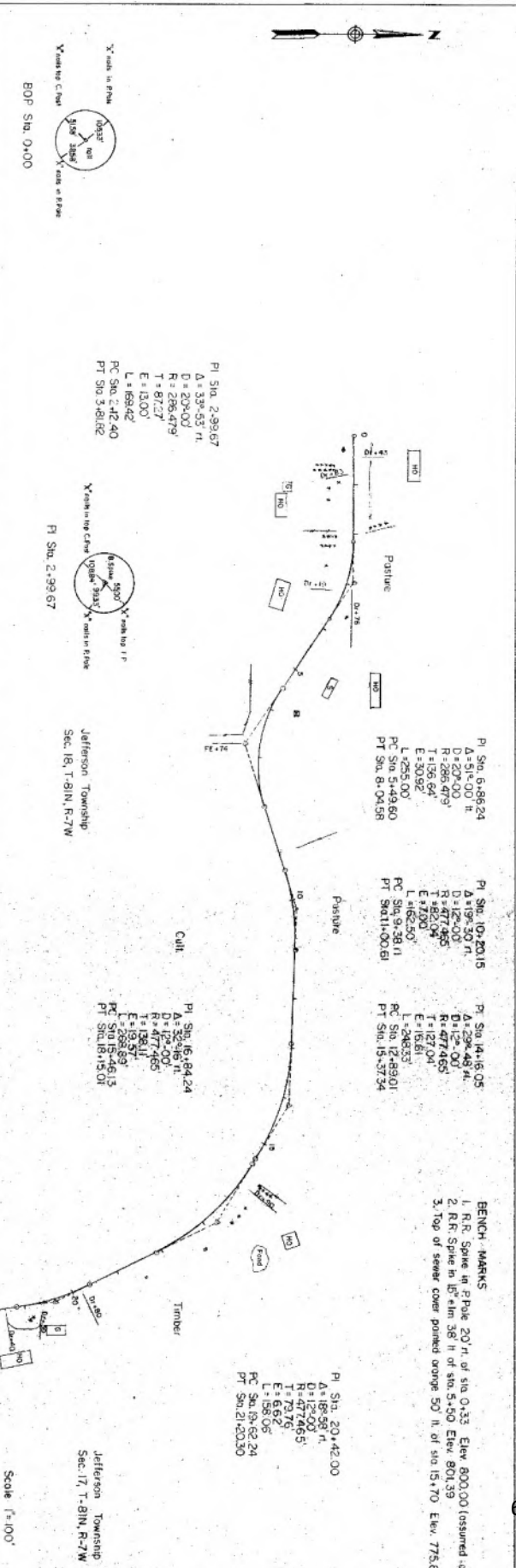
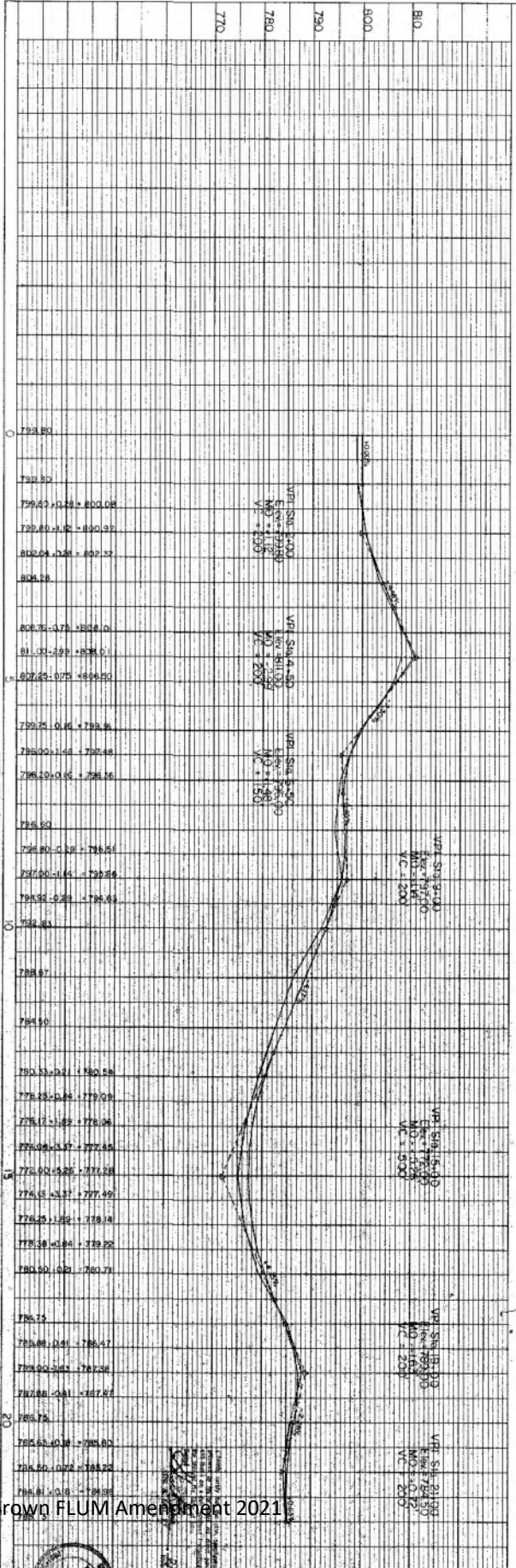
John R. [Signature]
 COUNTY ENGINEER



GRAADING & CRUSH & STONE S
 SECTIONS 17, 18
 JEFFERSON TOWNSHIP
 1-8181, R-7W

PLAN	DATE	BY	CHECKED
NOTE BOOK	11/27/18	A.P. MOORE	A.P. MOORE
PROJECT: BROWN FLUM AMENDMENT			

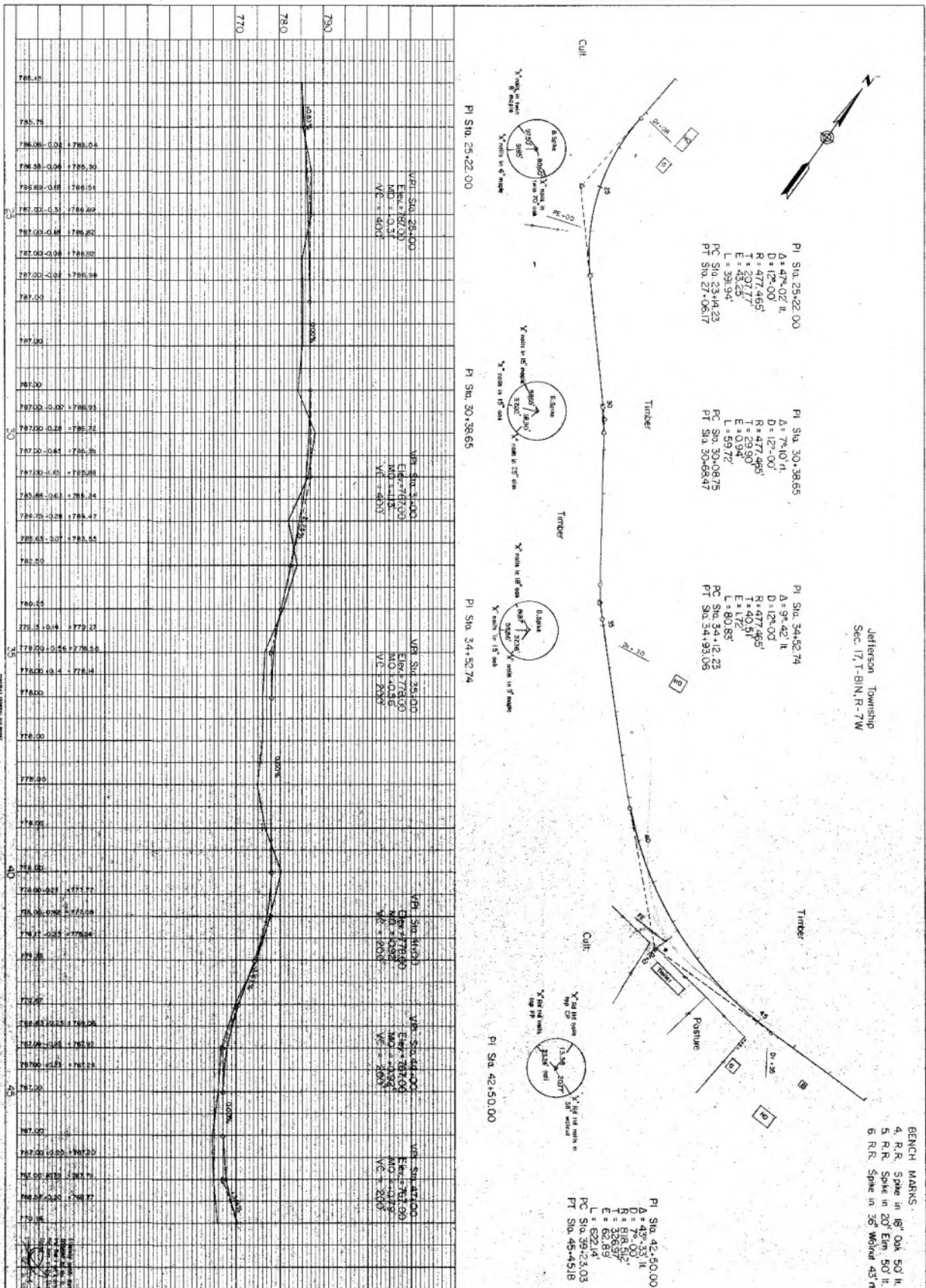
PROFILE	DATE	BY	CHECKED
NOTE BOOK	11/27/18	A.P. MOORE	A.P. MOORE
PROJECT: BROWN FLUM AMENDMENT			



- BENCH MARKS**
1. R.R. Spike in P.P. 20' ft. of sta 0.33 Elev 800.00 (assumed)
 2. R.R. Spike in 15' Sta 58 ft. of sta 51.50 Elev 801.39
 3. Top of sewer cover pointed orange 50 ft. of sta 15.70 Elev 775.80

PROFILE	
DATE	27
PROJECT	27
DESIGNER	GAFFNEY ENGINEERS
BY	A. J. MOORE
CHECKED	GAFFNEY ENGINEERS

PLAN	
DATE	27
PROJECT	27
DESIGNER	GAFFNEY ENGINEERS
BY	A. J. MOORE
CHECKED	GAFFNEY ENGINEERS



Jefferson Township
Sec. 17, T. 81N, R. 7W

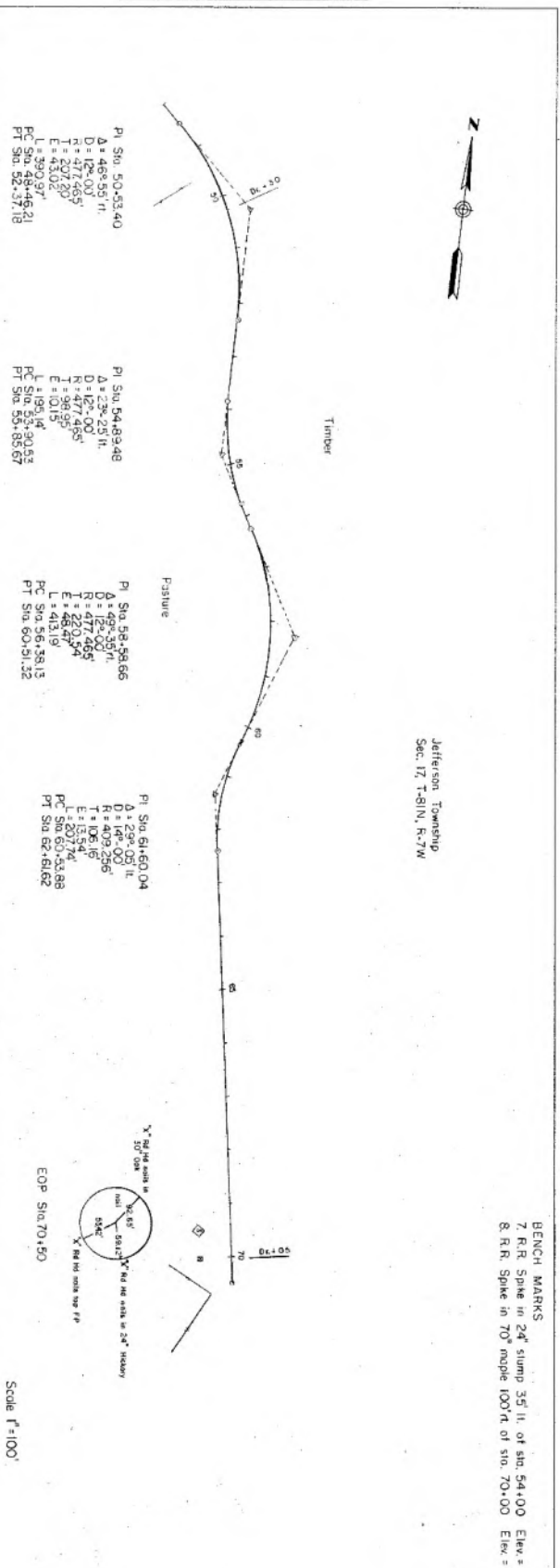
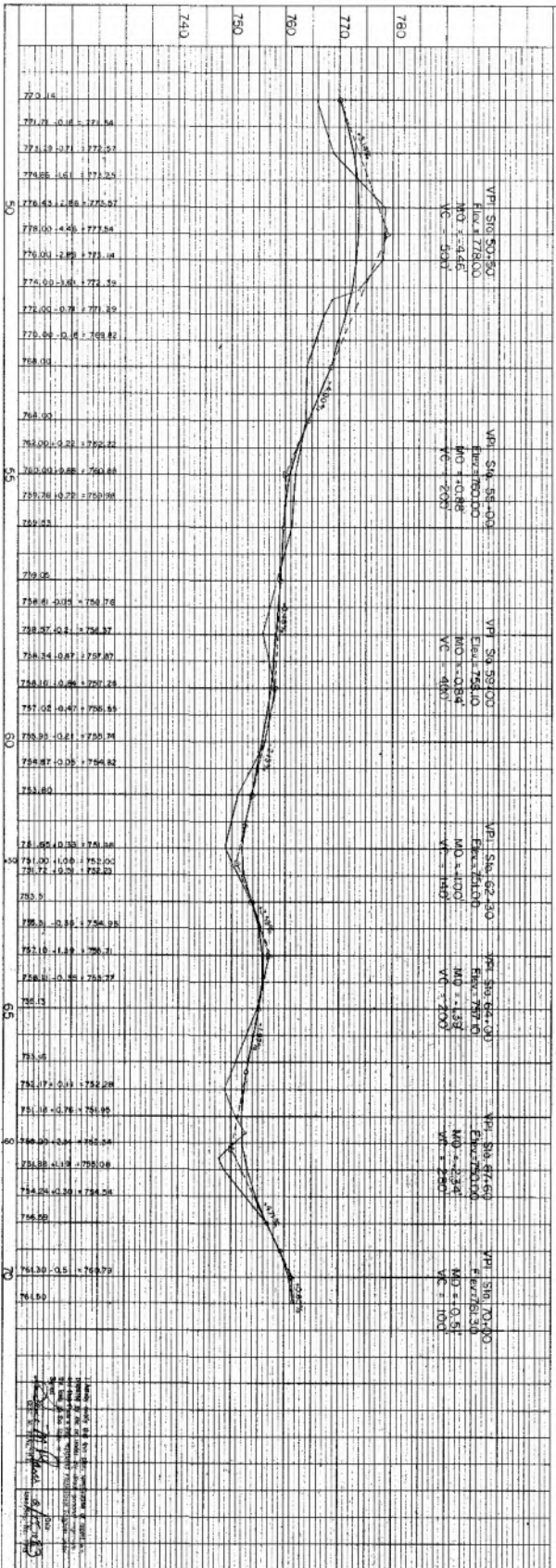
BENCH MARKS:
4. R.R. Spike in 18" Oak 50 ft. of sta. 26+13 Elev. 787.00
5. R.R. Spike in 20" Elm 50 ft. of sta. 26+67 Elev. 787.00
6. R.R. Spike in 26" Walnut 43' n. of sta. 42+50 Elev. 787.00



Scale 1"=100'

PROFILE	DATE	BY	SCALE
NOTE BOOK	DATE	BY	SCALE
NO.	DATE	BY	SCALE

PIAN	DATE	BY	SCALE
NOTE BOOK	DATE	BY	SCALE
NO.	DATE	BY	SCALE



PI Sta. 50+53.40
 Δ = 48°55'11"
 D = 128'-00"
 R = 477.465'
 T = 237.20'
 E = 48.47'
 L = 390.00'
 PC Sta. 48+46.21
 PT Sta. 52+37.18

PI Sta. 54+89.48
 Δ = 23°29'11"
 D = 128'-00"
 R = 477.465'
 T = 237.20'
 E = 48.47'
 L = 390.00'
 PC Sta. 53+90.55
 PT Sta. 55+85.67

PI Sta. 58+58.66
 Δ = 49°58'59"
 D = 128'-00"
 R = 477.465'
 T = 237.20'
 E = 48.47'
 L = 390.00'
 PC Sta. 57+11.14
 PT Sta. 60+51.32

PI Sta. 64+60.04
 Δ = 23°29'11"
 D = 128'-00"
 R = 477.465'
 T = 237.20'
 E = 48.47'
 L = 390.00'
 PC Sta. 62+61.62
 PT Sta. 66+52.32





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BROWN FUTURE LAND USE MAP AMENDMENT

SENECA ROAD ANALYSIS

OCTOBER 2, 2020

The purpose of this report is to analyze the existing condition of Seneca Road and to evaluate the road against current roadway design standards. The current rural roadway design standards from Iowa DOT Instructional Memorandum 3.210 are attached as Appendix 1 to this report and are referenced within the report.

Existing Seneca Road Conditions

Seneca Road is an existing local roadway with granular surfacing. According to records provided by the County, this roadway was constructed in 1983. The plans show that the roadway was constructed with a 24 foot wide roadway top with 20 foot wide granular surfacing. It was constructed with 2:1 ditch foreslopes. The original design plans are attached as Appendix 2 to the report. The roadway is a dead end road, approximately 7000 feet in length, with a small turnaround at the end.

MMS reviewed the existing roadway widths at several locations throughout the length of the road. At 8 locations the roadway top widths were measured using level measuring rods. One of the rods is 25 feet long and is extended to 25 feet in all locations with a second rod used for widths more than 25 feet. Wood lath were placed at the edge of the roadway top at the top of foreslope on each side of the road with the level measuring rods laid between them to measure the width.

These widths were documented using drone photos. Some of these photos are shown on the attached sheets in Appendix 3. The locations are shown on the first sheet of Appendix 3. There is a section of the roadway which has pretty heavy tree cover so no measurement were taken and close view photos were not taken but some of the wide view photos from that section are included in Sheet 4 of Appendix 3.

The attached table shows the roadway top and surfacing width measurements in feet at the 8 locations that were measured.

Location	1	2	3	4	5	6	7	8
Roadway Top	28	27.5	29.75	25	27.5	27	27.75	26.75
Surfacing Width	14	15	15	18	20	20	20	21



The average roadway top width of the 8 locations is 27.41 feet. The average surfacing width is 17.88 feet.

Measurements were also taken in the area of heavy tree cover but could not be documented with drone photos. Those measurements were taken at approximately the same locations as the drone photos shown on Sheet 4 in Appendix 3. Those measurements are as follows:

Roadway Top	28	27	25	27
Surfacing Width	23	19	19	20

Even though the surfacing width is narrow toward the south end of the roadway, the drone photos show that grass has overgrown areas where there is granular surfacing beneath. If those areas are included, all of the measurement locations exceeded 20 feet in surfacing width.

Roadway Design Standards

Appendix 1 shows the current rural road design standards as published by the Iowa DOT as a guide to City and County road departments for rural roadways. For Rural Local Roads, there are two standards, one labeled “Design Aids” and one labeled “AASHTO Guidelines”. On the first page of the Instructional Memorandum, Note 2 states “The Iowa County Engineer’s Association (ICEA), by action of the Association’s Design Guide and Supervisor Engineer Committee, and Executive Board, has adopted the AASHTO Design Guidelines Tables contained in the I.M. for use on County project funded with SWAP, Farm-to-Market, or local funds only.” Since federal or state aid funding is not used on local non paved roadways, the AASHTO Design Guidelines should apply to this roadway.

The Annual Average Daily Traffic (AADT) on Seneca Road is 150 vehicles per day according to the 2018 Johnson County Traffic Map published by the Iowa DOT. Therefore the values for “Under 400” column would apply to this roadway. From the original design plans, about 50 % of the longitudinal slopes for this roadway are more than 3% so the “Rolling” category would apply.

Johnson County Unified Development Ordinance (UDO)

Section 8:2.7, J of the Johnson County Unified Development ordinance outlines the Road Performance Standards for development in Johnson County. This section states that subdivisions shall not be approved on gravel roads with projected vehicles per day which exceed 400 vehicles per day.



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Analysis

Seneca Road meets all of the design standards for the AASHTO Guidelines for roadways less than 400 vehicles per day with rolling terrain. The roadway top width exceeds the minimum of 22 feet in all locations. The foreslopes are 2:1 or flatter in all areas that were measured. From the original design plans, all horizontal curves have a radius of more than 214 feet. None of the gradients of the roadway exceed the maximum of 10%. Although some of the measured surfacing widths are less than the minimum of 18 feet, as stated above, there is evidence of granular surfacing much wider than is currently being maintained. The roadway has not been maintained in those areas but could easily be maintained at that width by removing grass that has grown up through the granular surfacing and reestablishing the original surfacing width.

Proposed Land Use Change

The Brown family is proposing a land use change for a total of 62.4 acres. Much of this land is currently wooded with approximately 22.8 acres of crop land. The report prepared by Johnson County staff estimates 20 residential lots could be platted on this property. The Brown family does not plan to develop that many lots. Their plan is to develop 7 lots on this property (existing home plus 6 additional lots) in order to preserve the sensitive areas on the property and to provide large attractive lots that homeowners in this type of area would prefer.

It is estimated that each residential lot would provide an average of 8 trips per day on the adjacent roadway. Since Seneca Road is the only access, all of these trips would use Seneca Road. With 6 additional residential lots, it is estimated that 48 additional trips per day would use Seneca Road. If these trips are added to the 150 trips per day currently using the roadway, the total number of vehicles per day if the proposed land use change was approved would be 198 vehicles per day. This number of vehicles would comply with the UDO. This number of vehicles would not change any of the road standards analysis outlined above as the amount of traffic would remain within the same guidelines used above.

There are 7 platted and vacant lots along Seneca Road. If it is assumed that these lots are built on in the future, those lots would add an additional 56 vehicles per day to Seneca Road. Including the proposed Brown land use change, the total projected traffic would be 254 vehicles per day, still below the UDO threshold of 400 vehicles per day and the roadway would still comply with the AASHTO Design Guidelines as outlined above.

Conclusions

The existing conditions of Seneca Road are consistent with the design standards established by the Iowa County Engineer's Association for this type of roadway. The



surfacing width has not been maintained but could easily be restored to meet the design standards. All other standards are met.

The proposed land use change would not increase the traffic on the roadway enough to require comparison to different standards. The proposed land use change would not exceed the allowable traffic within the UDO. Therefore, the proposed land use change would not have any detrimental effect on the existing roadway and its use.

Respectfully submitted,

Scott Pottorff, P.E.
MMS Consultants, Inc.



MMS Consultants, Inc.
Experts in Planning and Development Since 1975

1917 S. Gilbert Street
Iowa City, Iowa 52240

319.351.8282

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mms@mmsconsultants.net

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APPENDIX 1

ROAD DESIGN STANDARDS

INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To: Counties	Date: April 24, 2018
From: Local Systems Bureau	I.M. No. 3.210
Subject: Rural Design Guidelines	

Contents: This Instructional Memorandum (I.M.) provides design guidelines for new construction or complete reconstruction of road or bridge projects on rural collectors and rural local roads. It includes general design considerations, background on the development and application of the design guidelines, and several design tables. These guidelines are most applicable to counties; however, they may be used on projects within the corporate limits that have a rural cross section (e.g., shoulders with open ditches, no curbs). Please note the following:

1. These guidelines will be used by the Iowa Department of Transportation (Iowa DOT) to review the proposed design values of Federal-aid road or bridge projects.
2. The Iowa County Engineers Association (ICEA), by action of the Association’s Design Guide and Supervisor Engineer Committee, and Executive Board, has adopted the AASHTO Guidelines Tables contained in this I.M. for use on County projects funded with Swap, Farm-to-Market (FM), or local funds only. For such projects, the Iowa DOT will not provide any review of the proposed design values, unless specifically requested by the County.
3. These guidelines are **not** applicable for projects on arterial roadways. For Primary or Interstate roadways, refer to the Iowa DOT [Design Manual](#). For minor arterials that are not on either the Primary or Interstate systems, refer to the American Association of State Highway and Transportation Officials (AASHTO) publications: *A Policy on Geometric Design of Highways and Streets* (2011), commonly referred to as the “Green Book”.

Design Considerations

The objective of the engineering design of any public facility is to satisfy the demands for service in the safest and most economical manner while maintaining the integrity of the environment. On new or complete reconstruction projects, the selected design speed should be consistent with the proposed or existing operating speed limit. Any individual curves below this design speed may require mitigation by placement of warning signs and/or markings such as: curve or turn signs, advisory speed plaques, chevrons, no passing lines, edgelines, or reduced speed zones.

Development and Application of the Design Tables

The guidelines in this I.M. are applicable to rural collectors and rural local roads, as classified on the [Federal Functional Classification Maps](#). For each of these road classifications, two design tables are provided: the Design Aids tables and the AASHTO Guidelines tables. These tables were developed using two AASHTO publications: Green Book and the *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT \leq 400)* (2001). The proper application and use of each kind of table is described below.

The values in the Design Aids tables are based on the upper range of recommended values provided by the Green Book, using design speeds adopted by the ICEA. These tables should be used in the initial stages of project development. Values approaching or exceeding the upper limits of the ranges in the Design Aids tables should be used as the basis for design wherever the conditions permit. However, values within the ranges are acceptable. For Federal-aid projects, the County Engineer shall identify any design values that do not meet or exceed the Design Aids tables, and explain the reasons for not meeting these values. This documentation should be included with the Concept Statement submittal.

The values in the AASHTO Guidelines tables typically represent the minimum recommended values given in the Green Book. For local roads with design traffic volumes less than or equal to 400 ADT, some of the values are based on the *Guidelines for Geometric Design of Very Low-Volume Local Roads*. The AASHTO Guidelines tables are furnished to provide alternate values for design criteria if problems with excessive costs or adverse impacts to adjacent property occur when using the Design Aids values. Any proposed Federal-aid project that does not meet the values in the AASHTO Guidelines tables will require a design exception. The design exception request will need to be in the form of safety and service (crash experience, function of road, etc.) benefits versus the economics and environment (right of way and construction costs, farmsteads affected, parks, etc.), as described in [I.M. 3.260](#), Design Exception Process.

Design Aids For Rural Collectors

These "Aids" are presented to help in the design of new or complete reconstruction projects on rural collector roads. Each design element of each project should reflect the most practicable and economically justified value. For Federal-aid projects, design values below those shown in this table will be considered on a project-by-project basis, provided that an explanation is provided to the Iowa DOT Administering Bureau.

Design Elements	Paved Roadway						Non-Paved Roadway					
	Over 1500		1500 – 400		Under 400		400 – 50		Under 50			
	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling
Design Volume (ADT)												
Terrain (1)												
Design Speed (mph)	60	50	55	50	55	45	55	45	55	50	40	40
Stopping Sight Distance (ft)	570	425	495	425	495	360	495	360	495	425	305	305
Minimum Radius (ft) (2)	1200	758	960	758	960	587	960	587	960	758	444	444
Maximum Gradient (%) (3)	5	6	6	7	6	8	6	8	6	7	8	8
Traveled Way (ft) (4)	24	24	22	22	22	22	22	22	20	20	20	20
Shoulder Width (ft)	8	8	6	6	6	6	6	4	4	2	2	2
Roadway Top Width (ft)	40	40	34	34	34	34	34	28	28	24	24	24
New Bridge Roadway Width (ft) (5)	40	40	30	30	30	30	30	24	24	24	24	24
Existing Bridge Roadway Width (ft) (6)	24	24	22	22	22	22	22	22	22	22	22	22
Foreslope	4:1	4:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1
Entrance Foreslopes	8:1	8:1	6:1	6:1	6:1	6:1	6:1	6:1	6:1	3:1	3:1	3:1
Clear Zone Distance (ft)	See note (7)											

NOTES:

- (1) Prevailing (over 50%) slopes of natural ground are: Level-Less than 3%, Rolling-3% or more.
- (2) a. Based on a maximum superelevation (e) of 0.08.
b. Horizontal curves should have a minimum length of 500 feet.
- (3) Short lengths of grade (less than 500 feet) and grades on low-volume collectors (<400 vpd) may be steepened by 2%.
- (4) Traveled Way is the pavement or surfacing width.
- (5) a. For bridges over 100 feet long, the width may be the traveled way plus 6 feet (Note: This only applies for Design Volumes of 1500 ADT or greater).
b. Bridges should have a design loading of HL-93.
c. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
- (6) a. For bridges less than 100 feet in length. Bridges over 100 ft. will be analyzed individually.
b. If the Design Volume is over 2000 ADT, use 28 feet.
c. Design loading should be HS-15.
- (7) d. Existing Bridge Roadway Width should be greater than or equal to the Traveled Way width, unless a design exception has been approved.
e. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
The recommended clear zone distance is a function of Design Speed, Design Volume, horizontal curvature, and roadside geometry. To determine the recommended clear zone distance, refer to [I.M. 3.240](#), Clear Zone Guidelines.

AASHTO Guidelines For Rural Collectors

These "Guidelines" are a composite of the recommendations from Chapter 6 of the AASHTO Green Book (2011). These guidelines are presented to help in the design of new or complete reconstruction projects on rural collectors. For Federal-aid projects, design values below those shown in this table may be used on a project-by-project basis, provided that a design exception or justification is approved by the Iowa DOT Administering Bureau, as per [I.M. 3.260](#), Design Exception Process.

Design Elements	All Collector Roads									
	Over 2000		2000 – 1500		1500 – 400		Under 400			
	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling
Design Volume (ADT)										
Terrain (1)										
Design Speed (mph)	60	50	50	40	50	40	50	40	40	30
Stopping Sight Distance (ft)	570	425	425	305	425	305	425	305	305	200
Minimum Radius (ft) (2)	1200	758	758	444	758	444	758	444	444	214
Maximum Gradient (%) (3)	5	7	7	8	6	8	6	8	7	9
Traveled Way (ft) (4)	24	24	24	22	22	22	22	22	20	20
Shoulder Width (ft)	8	8	8	6	6	6	5	5	2	2
Roadway Top Width (ft)	40	40	40	34	34	34	32	32	24	24
New Bridge Roadway Width (ft) (5)	40	40	40	30	30	30	28	28	24	24
Existing Bridge Roadway Width (ft) (6)	28	28	28	24	24	24	22	22	22	22
Foreslope	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1	3:1
Clear Zone Distance (ft)	See note (7)									

NOTES:

- (1) AASHTO "Mountainous" terrain design guides may be used on Federal-aid projects only with Iowa DOT concurrence. Note (1) in the Design Aids Table provides definitions for Level and Rolling.
- (2) Based on a maximum super-elevation (e) of 0.08.
- (3) Short lengths of grade (less than 500 feet) and grades on low-volume collectors (<400 vpd) may be steepened by 2%.
- (4) Traveled Way is the pavement or surfacing width.
- (5) a. Bridges over 100 feet long, the width may be the traveled way plus 6 feet (Note: This only applies for Design Volumes of 1500 ADT or greater).
b. Design loading should be HL-93.
- (6) a. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
b. For bridges less than 100 feet in length. Bridges over 100 feet will be analyzed individually.
c. Design Loading should be HS-15.
- (7) The recommended clear zone distance is a function of Design Speed, Design Volume, horizontal curvature, and roadside geometry. To determine the recommended clear zone distance, refer to [I.M. 3.240](#), Clear Zone Guidelines.

Design Aids For Rural Local Roads

These "Aids" are presented to help in the design of new or complete reconstruction projects on rural local roads. Each design element of each project should reflect the most practicable and economically justified value. For Federal-aid projects, design values below those shown in this table will be considered on a project-by-project basis, provided that an explanation is provided to the Iowa DOT Administering Bureau.

Design Elements	All Local Roads											
	Over 1500		1500 – 400		400 – 250		250 – 50		Under 50			
	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling
Design Volume (ADT)	55	50	55	45	50	45	50	45	50	40	40	35
Terrain (1)	495	425	495	360	425	360	425	360	425	305	305	250
Design Speed (mph)	960	758	960	587	758	587	758	587	758	444	444	314
Stopping Sight Distance (ft)	6	8	6	9	6	9	6	9	6	10	7	10
Minimum Radius (ft) (2)	24	24	22	22	22	22	22	22	20	20	20	20
Maximum Gradient (%) (3)	8	8	6	6	4	4	3	4	3	3	2	2
Traveled Way (ft) (4)	40	40	34	34	30	30	26	30	24	26	24	24
Shoulder Width (ft)	40	40	30	30	30	30	24	30	24	24	24	24
Roadway Top Width (ft)	24	24	22	22	22	22	20	22	20	20	20	20
New Bridge Roadway Width (ft) (5)	4:1	4:1	3:1	3:1	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*
Existing Bridge Roadway Width (ft) (6)	See note (8)											
Foreslope (7)	See note (8)											
Clear Zone Distance (ft)	See note (8)											

NOTES:

- (1) Prevailing (over 50%) slopes of natural ground are: Level – less than 3%, Rolling - 3% or more.
- (2) a. Based on a maximum super-elevation (e) of 0.08.
b. Horizontal curves should have a minimum length of 500 feet.
- (3) Maximum gradient may be steepened by 2% for a short distance (less than 500 feet).
- (4) Traveled Way is the pavement or surfacing width
- (5) a. Where the approach roadway width is surfaced, that surface width should be carried across structure.
b. For bridges over 100 feet long, the width may be the traveled way plus 6 feet (Note: This only applies for Design Volumes of 2000 ADT or greater).
c. Bridges should have a design loading of HL-93.
d. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
- (6) a. For bridges less than 100 feet in length. Bridges over 100 feet will be analyzed individually.
b. If the Design Volume is over 2000 ADT, use 28 feet.
c. Design loading should be HS-15.
d. Existing Bridge Roadway Width should be greater than or equal to the Traveled Way width, unless a design exception has been approved.
- (7) e. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
* If slopes steeper than 3:1 are used within the recommended clear zone distance, they should be reviewed for shielding with a traffic barrier, as per [I.M. 3.240](#), Clear Zone Guidelines.
- (8) The recommended clear zone distance is a function of Design Speed, Design Volume, horizontal curvature, and roadside geometry. To determine the recommended clear zone distance, refer to [I.M. 3.240](#), Clear Zone Guidelines.

AASHTO Guidelines

For Rural Local Roads

These "Guidelines" are a composite of the AASHTO recommendations from Chapter 5 of the Green Book (2011) and the Guidelines for Geometric Design of Very Low-Volume Local Roads (2001). The values in the first four columns are based on the Green Book. The values in the last column (Agricultural Access) are based on the Guidelines for Geometric Design of Very Low-Volume Local Roads. These guidelines are presented to help in the design of new or complete reconstruction projects on rural local roads. For Federal-aid projects, design values below those shown in this table may be used on a project-by-project basis, provided that a design exception or justification is approved by the Iowa DOT Administering Bureau, as per [I.M. 3.260](#), Design Exception Process.

Design Elements	All Local Roads									
	Over 2000		2000 – 1500		1500 – 400		Under 400		Under 400	
	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling	Level	Rolling
Design Volume (ADT)										
Terrain (1)										
Design Speed (mph)	50	40	50	40	50	40	40	30	30	20
Stopping Sight Distance (ft)	425	305	425	305	425	305	305	200	165	95
Minimum Radius (ft) (2)	758	444	758	444	758	444	444	214	170	105
Maximum Gradient (%) (3)	6	10	6	10	6	10	10	7	UAC	UAC
Traveled Way (ft) (4) (10)	24	24	22	22	22	20	18	18	--	--
Shoulder Width (ft) (10)	8	8	6	6	5	5	2	2	--	--
Roadway Top Width (ft)	40	40	34	34	32	30	22	22	24	24
New Bridge Roadway Width (ft) (5)	40	40	28	28	28	26	22	22	22	22
Existing Bridge Roadway Width (ft) (6)	28	28	24	24	22	22	22	22	UAC	UAC
Foreslope (7)	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	2:1*	UAC*	UAC*
Clear Zone Distance (ft)	See note (8)									

NOTES:

- (1) AASHTO "Mountainous" terrain design guides may be used on Federal-aid projects only with Iowa DOT concurrence. Note (1) in the Design Aids Table provides definitions for Level and Rolling.
- (2) Based on a maximum super-elevation (e) of 0.08.
- (3) Maximum gradient may be steepened by 2% for short distance (less than 500 feet).
- (4) Traveled Way is the pavement or surfacing width.
- (5) a. For bridges over 100 feet long, the width may be the traveled way plus 6 feet (Note: This only applies for Design Volumes of 2000 ADT or greater)
 b. Design Loading should be HL-93.
 c. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
 d. For bridges less than 100 feet in length. Bridges over 100 feet will be analyzed individually.
 e. Design loading should be HS-15.
- (6) a. For bridges less than 100 feet in length. Bridges over 100 feet will be analyzed individually.
 b. Design loading should be HS-15.
 c. 20 foot minimum clear roadway width is acceptable for Design Volumes from 0 – 250 ADT
 d. Existing Bridge Roadway Width should be greater than or equal to the Traveled Way width, unless a design exception has been approved.
 e. Refer to [I.M. 3.230](#), Traffic Barriers (Guardrail and Bridge Barrier Rail), for information on when to install or upgrade guardrail and/or bridge barrier rail.
- (7) * If slopes steeper than 3:1 are used within the recommended clear zone distance, they should be reviewed for shielding with a traffic barrier, as per [I.M. 3.240](#), Clear Zone Guidelines.
- (8) The recommended clear zone distance is a function of Design Speed, Design Volume, horizontal curvature, and roadside geometry. To determine the recommended clear zone distance, refer to [I.M. 3.240](#), Clear Zone Guidelines.
- (9) Agricultural Access roads are used regularly or seasonally to provide access to fields and farming operations for agricultural equipment that is wider than a typical truck.
- (10) No values are shown in the Agricultural Access column because there are no criteria for surfacing width or shoulder width in the Very Low-Volume Local Roads Design Guide.



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APPENDIX 2

SENECA ROAD DESIGN PLANS

STATE	FED. ROAD DIST. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
IOWA	8	1983	1	5
PROJECT NUMBER				
L-83-G-1				

IOWA
DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION
PLANS OF PROPOSED IMPROVEMENT ON THE
SECONDARY ROAD SYSTEM

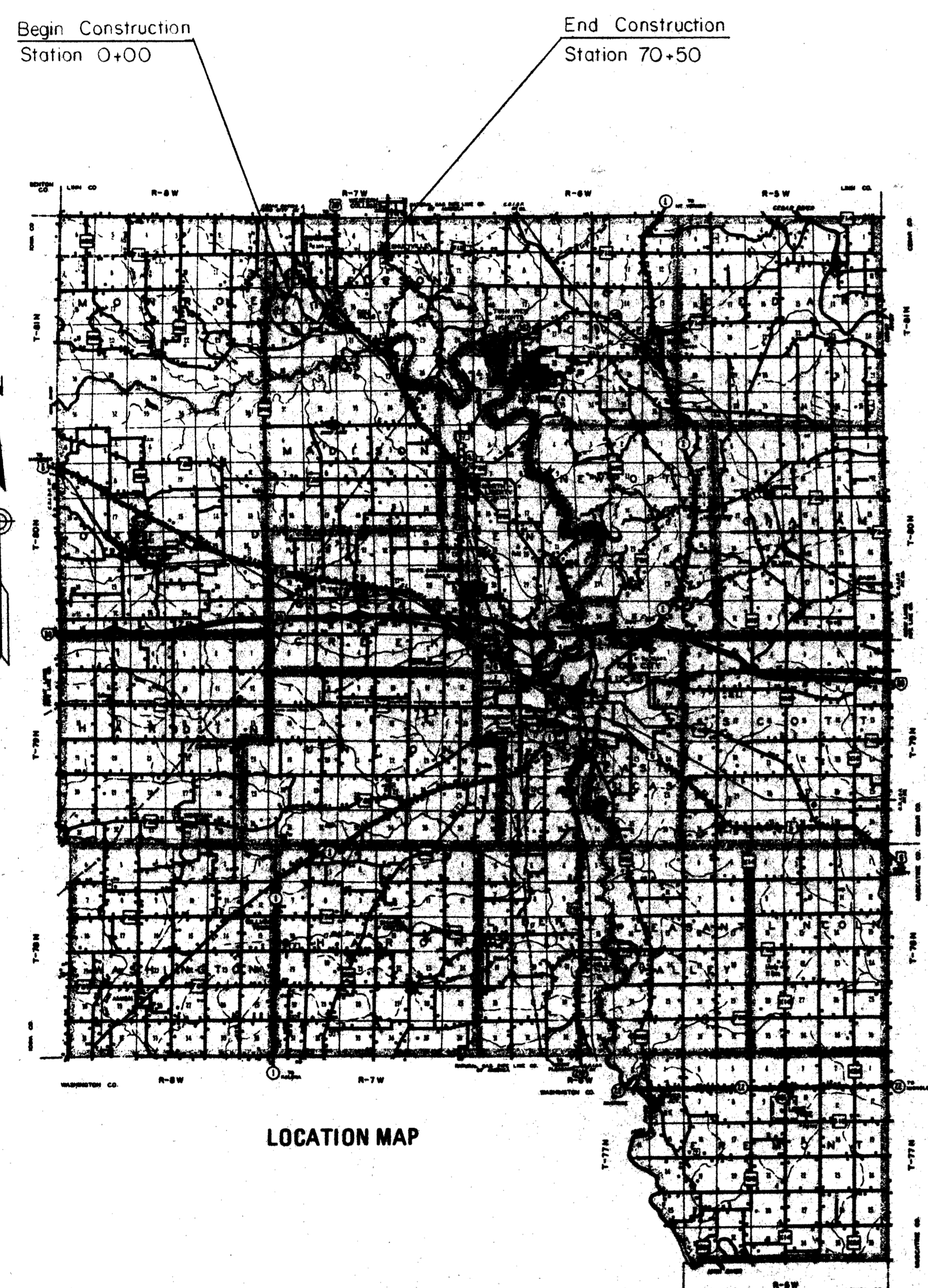
- INDEX OF SHEETS
1. Title Sheet, Location Map, Mileage Summary
 2. Estimate of Quantities, Estimate Reference, General Notes, Typical Section
 - 3-5. Plan and Profile

IOWA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION SERIES 1977 PLUS CURRENT SPECIAL PROVISIONS AND SUPPLEMENTAL SPECIFICATIONS OF THE IOWA DEPARTMENT OF TRANSPORTATION--HIGHWAY DIVISION SHALL APPLY TO WORK ON THIS PROJECT.

MILEAGE SUMMARY
Sta. 0+00 to Sta. 70+50 = 7050' = 1.335 miles
Total Mileage = 7050' = 1.335 miles

GRADING AND CRUSHED STONE SURFACING
Commencing in the NE 1/4 of Section 18, T-81N, R-7W Jefferson Township thence southeasterly 1.335 miles to the SW 1/4 of Section 17, T-81N, R-7W Jefferson Township of the 5th P.M.

JOHNSON COUNTY PROJECT L-83-G-1 GRADING & CRUSHED STONE SURFACING



LOCATION MAP

PROJECT TRAFFIC CONTROL PLAN
This road will be closed to through traffic during construction. Local traffic to adjacent properties will be maintained as provided for in Article 1107.08, 1977 Standard Specifications. Traffic control devices, procedures and layouts shall be as provided for by supplemental specifications for traffic controls for street and highway construction and maintenance operations, Specification 854. Furnished by County.

APPROVED

Don Selts

Harold M. Donnelly

Richard E. Munn

Donna J. Kasper

Steve P. Kasper

BOARD OF SUPERVISORS



AUTHORIZED FOR LETTING

Glenn 2/16/83

COUNTY ENGINEER DATE

APPROVED

DIVISION ENGINEER DATE

U.S. DEPT. OF TRANSPORTATION DATE

FEDERAL HIGHWAY ADMINISTRATION

AUTHORIZED FOR LETTING

DEPUTY CHIEF ENGINEER DATE

IOWA DEPT. OF TRANSPORTATION HIGHWAY DIVISION

AUTHORIZED FOR LETTING

James A. Loy 2/16/83

DISTRICT LOCAL SYSTEMS ENGINEER DATE

IOWA DEPT. OF TRANSPORTATION HIGHWAY DIVISION

I HEREBY CERTIFY THAT THE PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A LEGALLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

SIGNED *Glenn* P. E. DATE 2/16/83 IOWA REG. NO. 26423

TRAFFIC COUNT 12 VPD 1977 YEAR

LETTING DATE MARCH 15, 1983

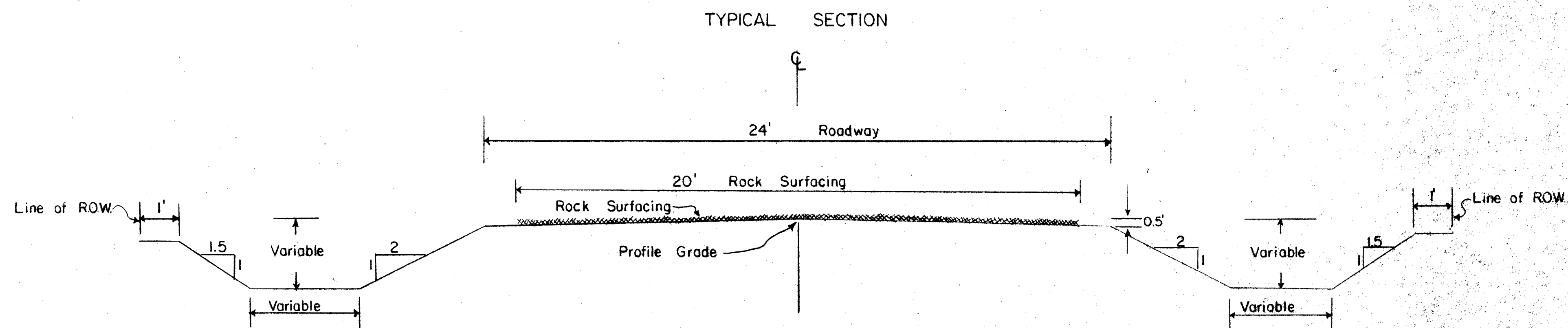
DESIGN NO.

FILE NO.

JOHNSON COUNTY

PROJECT NUMBER L-83-G-1

STATE	FED. ROAD DIST. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
IOWA	8	1983	1	5



ITEM NO.	ITEM	ESTIMATE OF QUANTITIES	
		UNIT	TOTAL
1.	Excavation, Roadway and Borrow Station Measurement.	Stations	70.5
2.	Culvert, Install Only - Corr. Metal Roadway Pipe 15 in Dia.	Lin. Ft.	250
3.	Surfacing, Granular Class 'A' Crushed Stone - on Road	Tons	2600
4.	Culvert, Install Only - Corr. Metal Entrance Pipe 15 in Dia.	Lin. Ft.	270

GENERAL NOTES

County will furnish all Corrugated Metal Roadway and Entrance pipe and pipe bands at the site. Placement will be as directed by the Engineer.

Existing roadway at the beginning of project shall be scarified and rebuilt to the new grade.

Specifications for Grading and Draining

(a) Finished Cross Section to be as follows; Ditches to be a minimum of 3 feet below shoulder and a minimum of 4 feet wide wherever possible. Top to be 24 feet with 2:1 foreslopes and 1.5:1 backslopes, 6 inch crown.

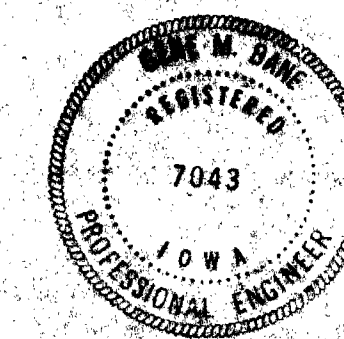
(b) County will check final cross section to see that it substantially conforms to the typical cross section as required above.

ESTIMATE REFERENCE

- All ditches shall be graded to the grade as directed by the Engineer, in accordance with Section 2102.01 of the 1977 Standard Specifications. Type 'A' compaction shall be required on all roadway fill. All back-slopes, ditches and foreslopes shall be prepared for seeding in accordance with Section 2102.11 of the 1977 Standard Specifications. County to do own Erosion Control work.
- Rate of application is 1850 Tons per mile. This includes Driveways and Road approaches.

I hereby certify that this plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly registered Professional Engineer under the laws of the State of Iowa.

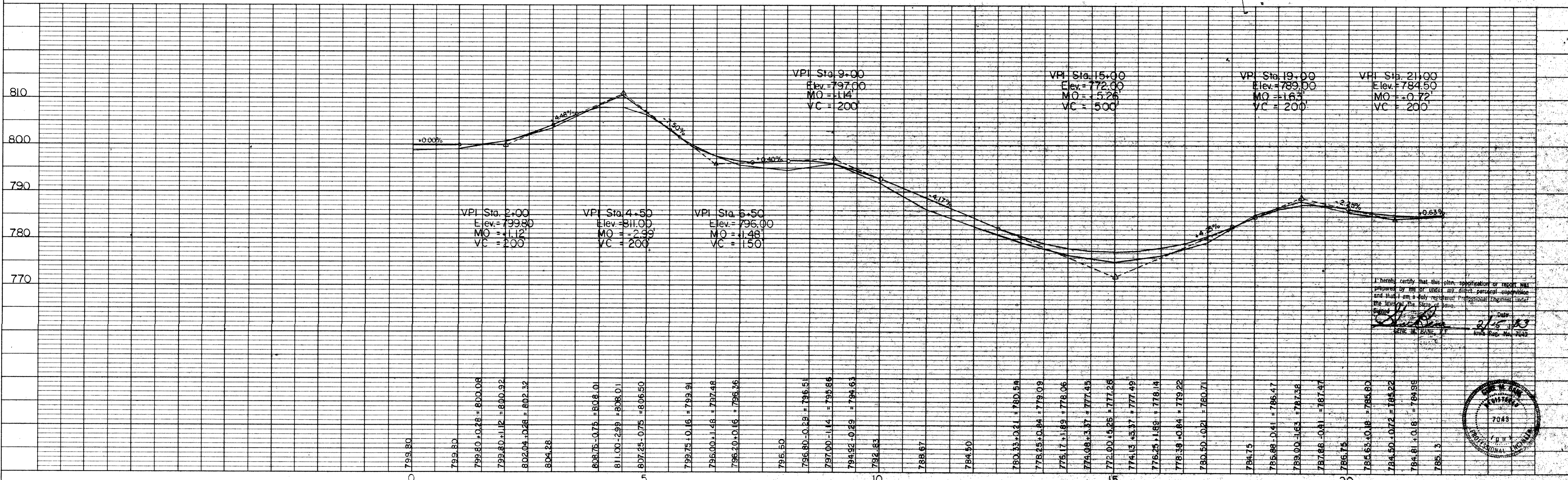
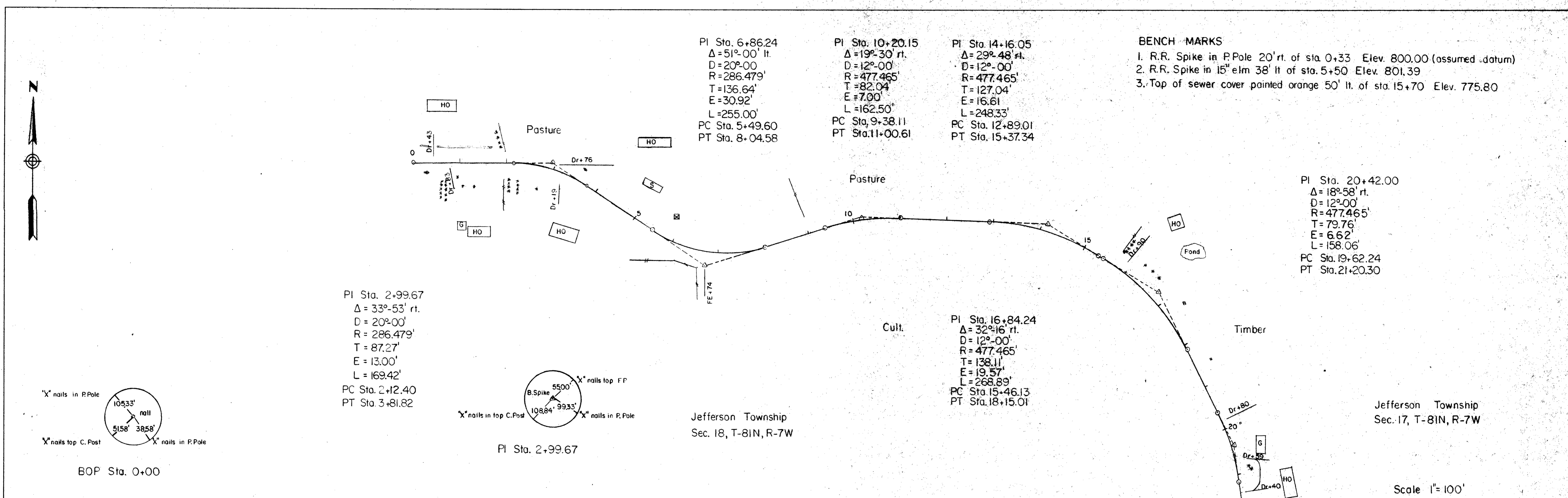
Signed: *Gene M. Bane* Date: 2/15/83
 GENE M. BANE, P.E. Iowa Reg. No. 7043



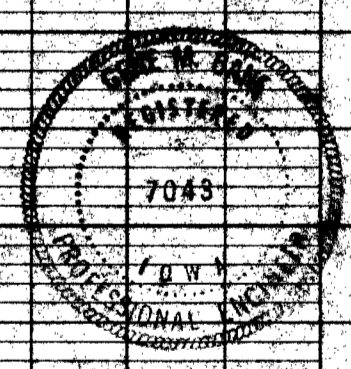
GRADING & CRUSHED STONE SURFACING
 SECTIONS 17, 18
 JEFFERSON TOWNSHIP
 T-81N, R-7W

PLAN
 SURVEYED BY: _____ DATE: _____
 NOTE BOOK: _____
 ALIGNMENT CHECKED: _____
 # OF NAILS CHECKED: _____

PROFILE
 SURVEYED BY: _____ DATE: _____
 NOTE BOOK: _____
 GRADE CHECKED: _____
 # OF NAILS CHECKED: _____



I hereby certify that the plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly registered Professional Engineer under the laws of the State of Iowa.
 Date: 2/15/2023
 Signature: [Signature]
 State: IOWA
 Exp. Date: 2/15/2025

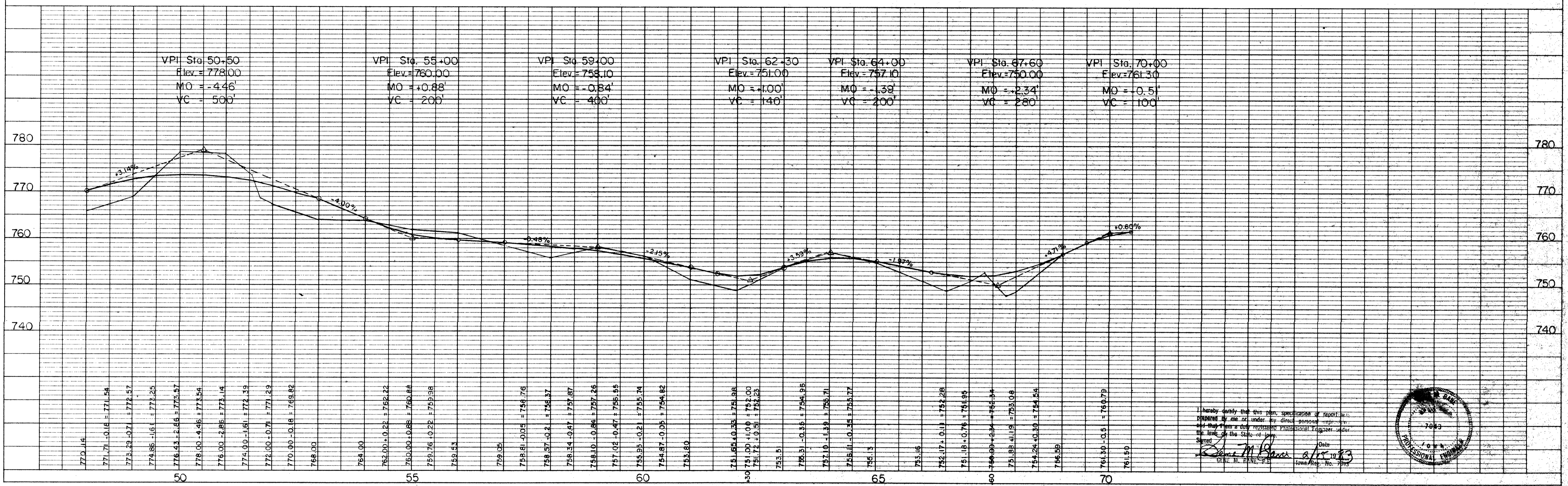
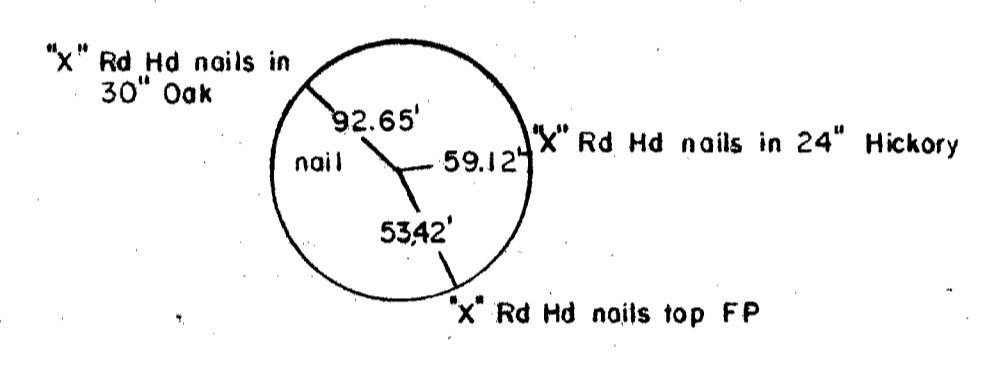
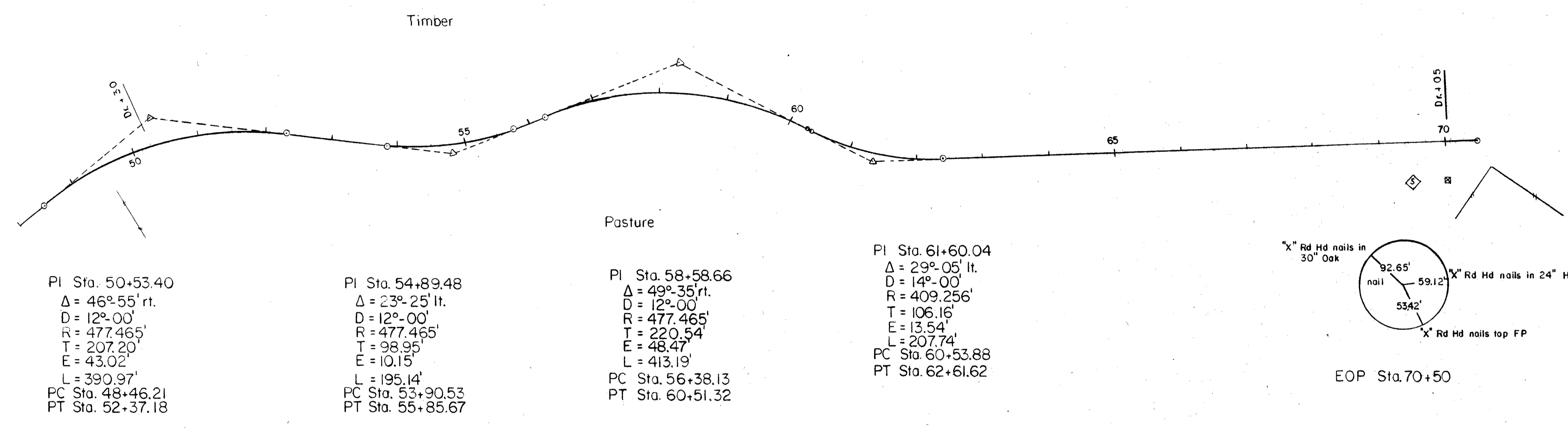
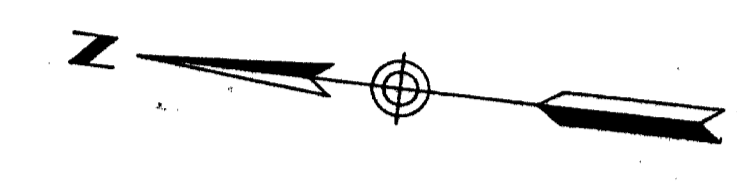


PLAN
 SURVEYED
 NOTE BOOK, ALIGNMENT CHECKED
 No. _____
 DATE _____

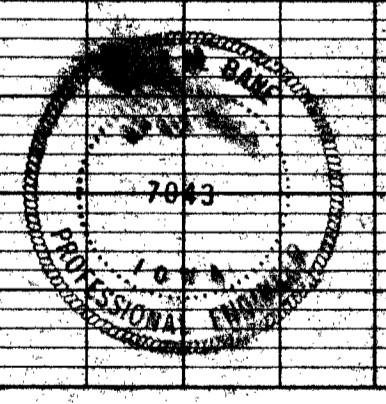
PROFILE
 SURVEYED
 NOTE BOOK, GRAVITY CHECKED
 No. _____
 DATE _____

BENCH MARKS
 7. R.R. Spike in 24' stump 35' ft. of sta. 54+00 Elev. = 762.99
 8. R.R. Spike in 70' maple 100' ft. of sta. 70+00 Elev. = 759.49

Jefferson Township
 Sec. 17, T-81N, R-7W



I hereby certify that this plan, specification of report, and profile were prepared by me or under my direct supervision and that I am a duly registered Professional Engineer in the State of Iowa.
 Date: 2/15/13
 Signature: [Signature]
 License No. 7043





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APPENDIX 3

DRONE PHOTOS



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Date	Revision
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MEASUREMENT LOCATIONS

BROWN FLUM AMENDMENT

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

Drawn by: SBP Scale:

Checked by: SBP Sheet No: 1

Project No: IC 10831-001 80 of: 6

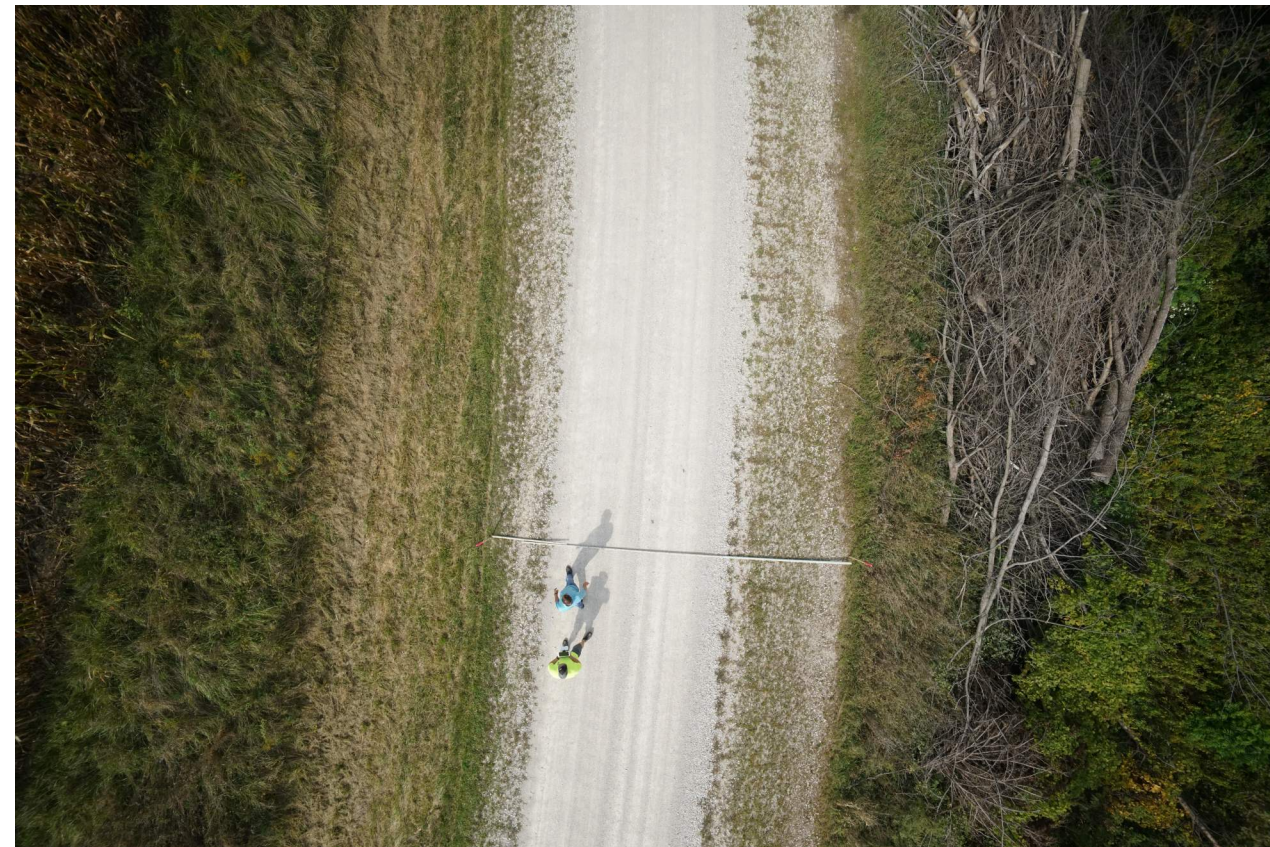


LOCATION 1



LOCATION 2 CLOSE VIEW

Brown FLUM Amendment 2021



LOCATION 2 WIDE VIEW



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**LOCATIONS
 1 AND 2**

**BROWN FLUM
 AMENDMENT**

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

Drawn by: SBP Scale:

Checked by: SBP Sheet No: 2

Project No: IC 10831-001 81 of 6



LOCATION 3 CLOSE VIEW



LOCATION 3 WIDE VIEW



LOCATION 4 CLOSE VIEW



LOCATION 4 WIDE VIEW



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LOCATIONS
 3 AND 4

BROWN FLUM
 AMENDMENT

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

Drawn by: SBP Scale:

Checked by: SBP Sheet No: 3

Project No: IC 10831-001 82 of: 6



OVERHEAD SHOTS BETWEEN LOCATIONS 4 AND 5



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HEAVY TREE COVER AREA

BROWN FLUM AMENDMENT

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP	Field Book No:
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Drawn by: SBP	Scale:
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Checked by: SBP	Sheet No: 4
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Project No: IC 10831-001	83 of: 6
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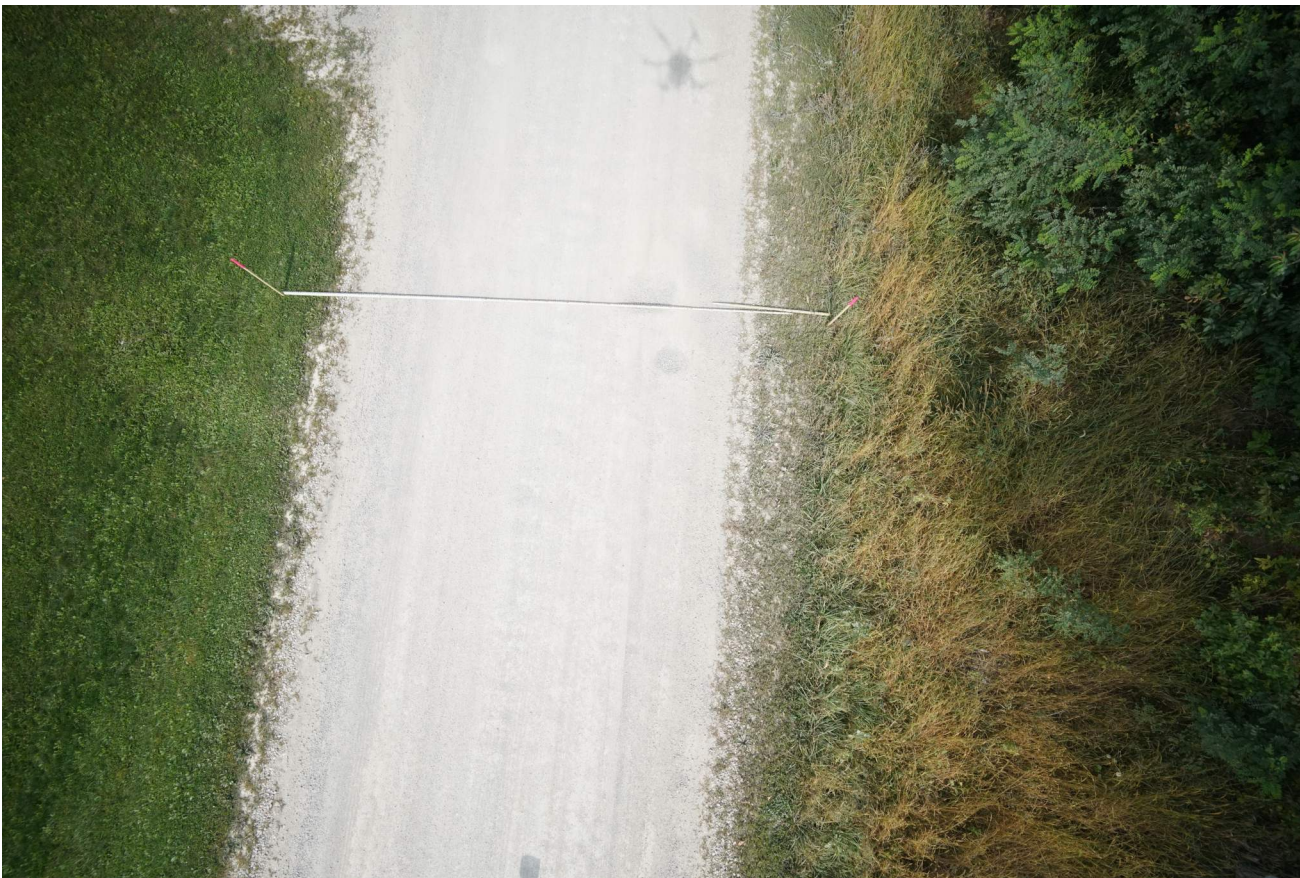
LOCATION 5 CLOSE VIEW



LOCATION 5 WIDE VIEW



LOCATION 6 CLOSE VIEW



LOCATION 6 WIDE VIEW



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Date	Revision
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LOCATIONS 5 AND 6

BROWN FLUM AMENDMENT

JOHNSON COUNTY
IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

Designed by: SBP Field Book No:

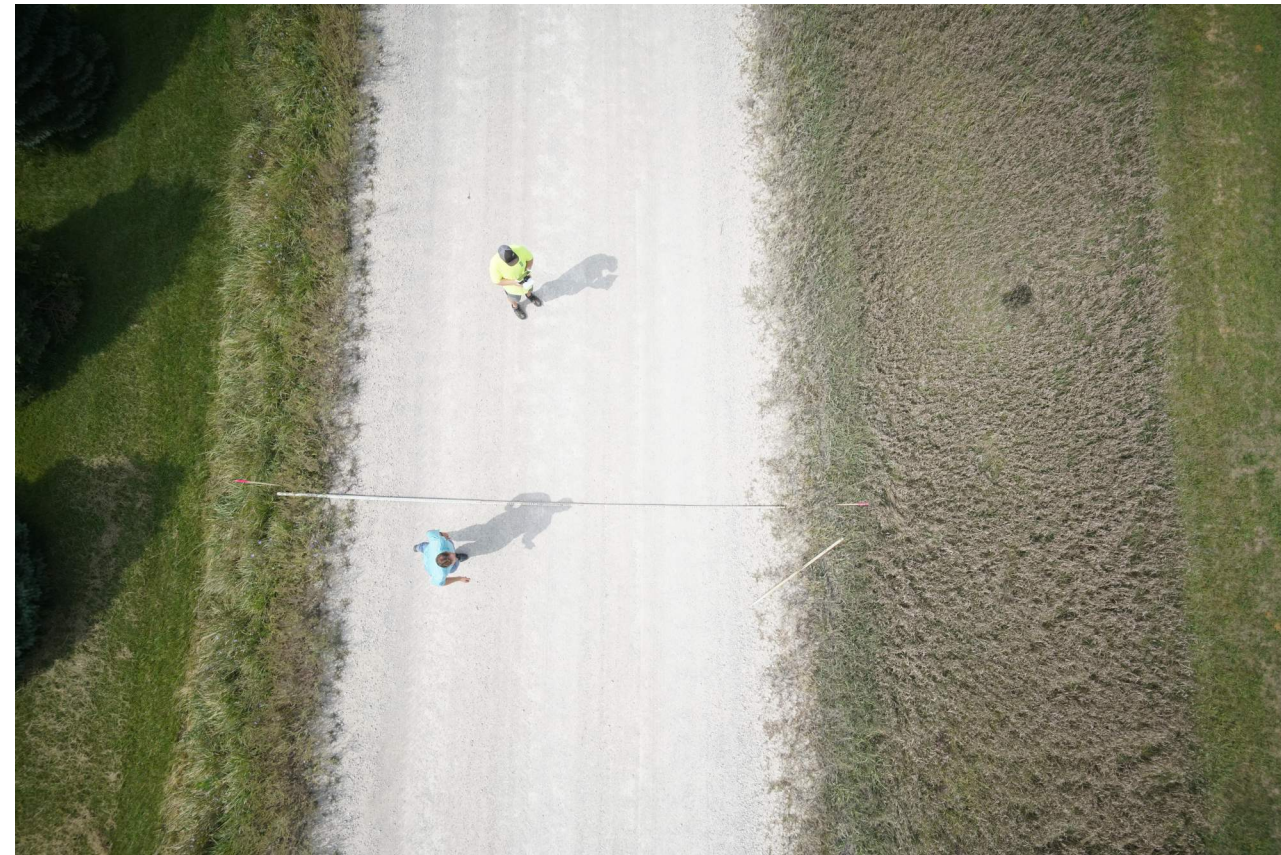
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Project No: IC 10831-001 84 of: 6



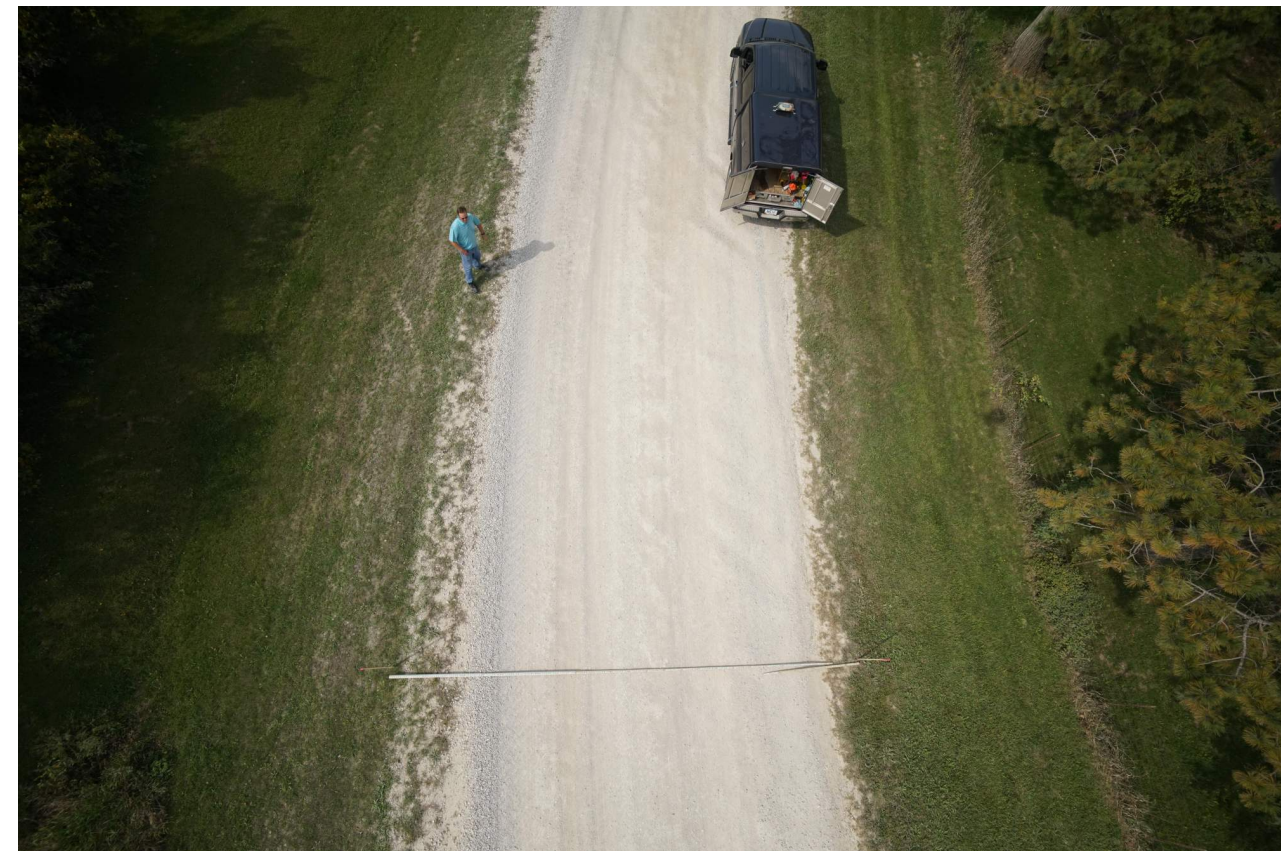
LOCATION 7 CLOSE VIEW



LOCATION 7 WIDE VIEW



LOCATION 8 CLOSE VIEW



LOCATION 8 WIDE VIEW



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Date	Revision

**LOCATIONS
 7 AND 8**

**BROWN FLUM
 AMENDMENT**

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 10/2/2020

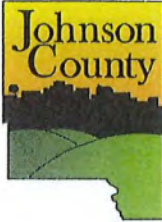
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Checked by: SBP	Sheet No: 6
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Project No: IC 10831-001	85 of: 6
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EXHIBIT "G"



AUDITOR and COMMISSIONER OF ELECTIONS

Travis Weipert
Auditor

September 17, 2020

Glen Meisner
MMS Consultants, Inc.
1917 S Gilbert Street
Iowa City, Iowa

Dear Glen,

As you requested, I have researched our records to determine what we have on file for Seneca Road in Section 20, Township 81 N, Range 7 W north of Amana Road.

There are entries in Road Book 3, Page 541 and Road Book 5, Page 124 for a requested Soufal's Change in an existing road in Jefferson Township, with the approval of the Board of Supervisors 10/21/1879, as recorded in the Board of Supervisors Proceedings Vol. 4, Page 70. This change describes the relocated road running north from what is now Amana Road on the half-section line of Sec. 20, Twp. 81, Rng. 7 for 110 rods, then NW to the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 17, Twp. 81, Rng. 7, where it intersects the previously existing road. A record of the original road description has not been found prior to this relocation. The road petition for this road relocation indicates that the north-south portion of this description running along the half-section line of Section 20-81-7 was to be established on the west side of that line.

Our GIS mapping does not show the portion of the road described as running along the half-section line. The E911 road map adopted 2/8/1990 and revised 9/24/1991 also omits this portion of the road. I have seen no documentation that any of the right-of-way of Seneca Road in Section 17-81-7 or 20-81-7 including the extension south to the Amana Road has ever been vacated. I did review the descriptions of the right-of-way to be vacated according to the agreements between the Board of Supervisors and the Corps of Engineers for the Coralville Reservoir and did not see any reference to this particular road in those documents.

Sincerely,

Mark Kistler
Deputy Auditor
Johnson County

913 S. Dubuque St., Suite 101 • Iowa City, IA 52240-4291 • Phone (319) 356-6004 • Fax (319) 356-6086
Web www.jcauditor.com • Email auditor@co.johnson.ia.us

MAP OF JEFFERSON

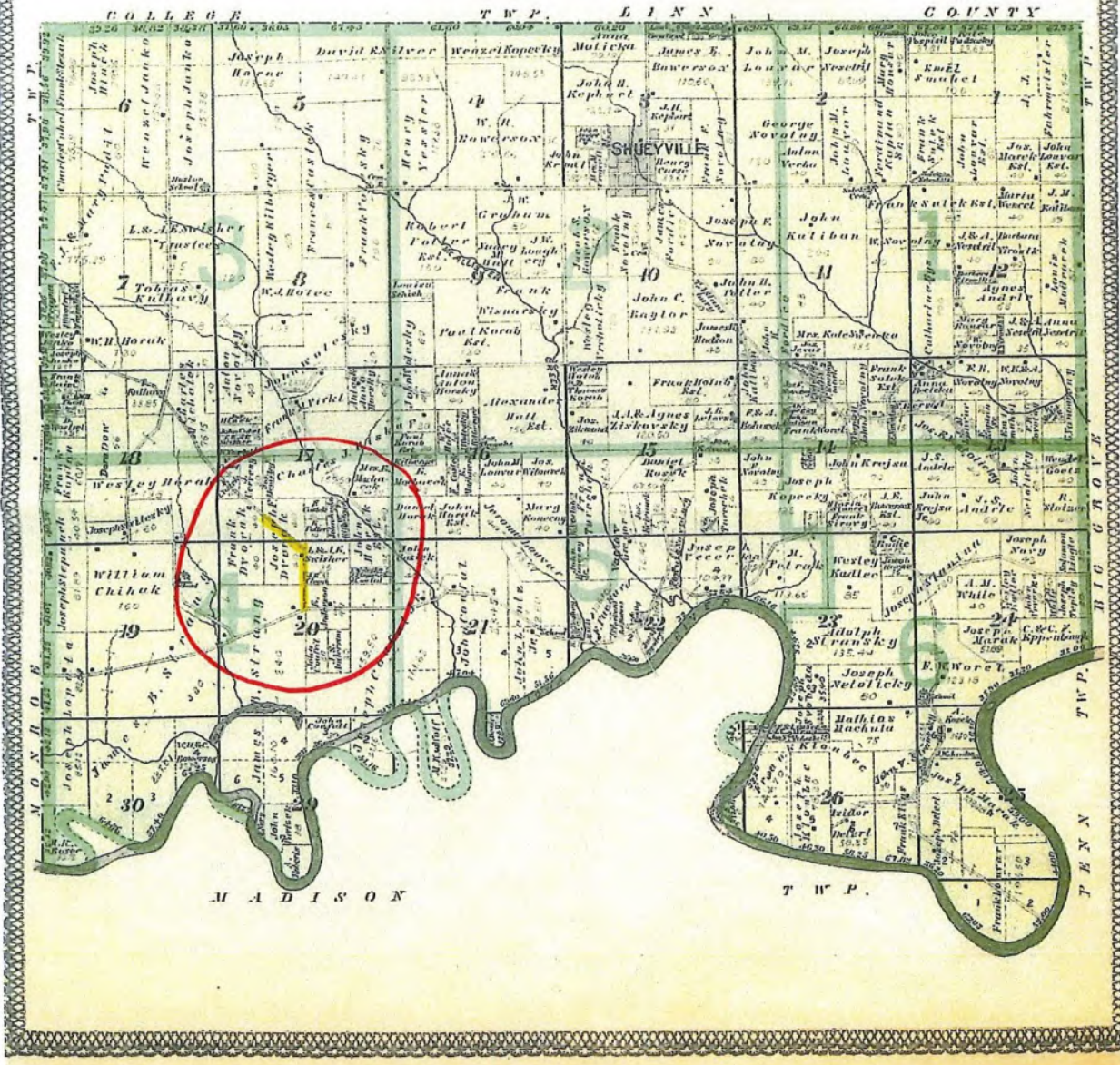
Township 81 North Range 7 West

SCALE 2 INCHES TO 1 MILE

of the 5th Principal Meridian

COPYRIGHTED

1900 Atlas



1930 Aerial Image – Johnson County GIS



Potential Through-Road Extension for Seneca Road



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 ENVIRONMENTAL SPECIALISTS

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Date	Revision

**ROAD EXTENSION
 EXHIBIT**

1605 SENECA ROAD NW

JOHNSON COUNTY
 IOWA

MMS CONSULTANTS, INC.

Date: 05-05-21

Drawn by: JDM

Field Book No.:

Scale: 1"=250'

Sheet No. 1

Project No. 10631-001 of 1

\\10631-001\10631-001\10631-001.dwg 2/2/2021 11:29:28 AM