

The following proposed changes to the Windham Village Plan 2022 were submitted by a self-selected group of individuals from the Windham area who spoke at the original public hearing on December 8, 2022.

The changes were sent to PDS staff on February 15, 2023 for inclusion in the Board of Supervisors agenda packet for the March 8, 2023 Formal meeting.

DATE: February 14, 2023  
TO: Johnson County Planning, Development & Sustainability Dept.  
FROM: Windham Citizens Committee  
RE: Proposed Windham Village Plan

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### Background

Johnson County has proposed establishing a Village Plan for Windham. After multiple meetings with the county, Windham taxpayers continue to oppose the draft Village Plan (the “Plan”). The Board of Supervisors (the “Board”) states that it intends to impose the Plan, nonetheless.

At a recent meeting, the Board made several promises and statements in support of the Plan. As outlined below:

- the Board’s promises and statements are not currently true, **but**
- Windham proposes amendments to the Plan that would help establish trust between Windham and the Board. ***Several of Windham’s proposed amendments to the Plan are intended to put in writing the promises made by the Board. The Board should have no objection to these.***

### The Board’s Promises and Statements

**Board Statement:** The Board is required to impose the Plan.

**Windham Response:** No such requirement exists. The county’s Comprehensive Plan discusses but does not mandate Village Plans, and, in fact, Iowa Code Section 335.4 states that the Board **may** divide the county into districts, not that it **must**. As a result, this statement is untrue.

**Board Promise:** The Plan will limit development in Windham.

**Windham Response:** To the contrary — the Comprehensive Plan explicitly states that one of the Board’s “key strategies” is to direct development **to** villages. (Comp. Plan 40, 104, 132, 147.) Even worse, the Plan would allow the county to re-zone areas of the village to allow heavy industrial development, solid waste disposal, multi-family housing, and manufactured housing development — any of which would destroy the historical character of Windham. (Comp. Plan Fig. 11.) Such re-zoning would also harm the value of the existing single-family homes that comprise almost the entirety of Windham.

*Board Promise:* The Plan will give Windham residents a say in the development of Windham.

*Windham Response:* Nothing in the Plan gives Windham residents any more influence in the development process than they have now. Thus far, the Board has disregarded the nearly unanimous opposition of Windham residents to the Plan. Unless the Plan is amended to grant Windham residents a say in the development of Windham, this is a hollow promise.

*Board Promise:* Windham residents can amend the plan later if it is unacceptable.

*Windham Response:* The Plan does not provide Windham residents any right to amend it. If Windham residents are unable to halt or amend the Plan now, it is unlikely that they will successfully amend it later. Moreover, the county has never amended any other Village Plan, even though the Comprehensive Plan repeatedly calls for such amendments. (Comp. Plan 72, 76, 132, 147.) If the Board is serious about this promise, it should make it explicit in the Plan.

*Board Statement:* Windham residents are “hostile,” unreasonable people who are impossible to satisfy.

*Windham Response:* It is not unreasonable or “hostile” for citizens to voice their concerns to their elected officials. Windham residents have participated in the political process, as is their right. They are understandably confused and disappointed because — despite almost universal opposition to the Village Plan — the Board has justified the Village Plan with reasons that are simply not true.

\* \* \*

The people of Windham are opposed to any Village Plan. However, in a spirit of compromise, they offer certain amendments below that can be tracked in the draft document.

***Again, several of Windham’s proposed amendments to the Plan are intended to put in writing the promises made by the Board. The Board should have no objection to these.***

The remaining amendments address additional concerns of Windham’s residents and are intended to employ the language of extant Johnson County regulations.

#### Windham’s Proposed Amendments

- Amend the Windham Village Boundary to the original platted size of Windham. An approximate map of the original boundary is attached as Exhibit A. Alternatively, amend the Windham Village Boundary to the size shown in Exhibit

B. This boundary would create a larger village, would include a t-intersection and would expand the village to the west, away from multiple farmsteads.

- After the section titled “Windham Goals,” insert the following new section:

**Restrictions on Windham Development & Taxation**

1. Property within Windham Village shall not be rezoned to MH – Heavy Industrial, SWDRR – Solid Waste Disposal and Resource Reclamation, CH – Highway Commercial, RMF – Residential Multi-Family, or RMH -Manufactured Housing Residential.
2. In any one calendar year, no more than one single-family home or one low-intensity, small-scale business that supports the local community and is compatible with historical development shall be permitted to begin construction in Windham Village.
3. This Village Plan may be amended by a majority vote of property owners and residents of Windham Village.
4. No Wind Energy Facility as defined by Section 8:5.3.B.11 of the Johnson County Unified Development Ordinance shall be constructed or located within one mile of the boundary of Windham Village.
5. No Utility Scale Solar Energy System as defined by Section 8:1.4.B.195 of the Johnson County Unified Development Ordinance shall be constructed or located within Windham Village.
6. Any new development of property within Windham Village must first be approved by a majority of property owners and residents of Windham Village.
7. It is foreseeable that the assessed value of a property in Windham Village will be revised upward by the county if that property is improved by its redevelopment. However, that upward revision of assessed value may not be used as justification to revise the assessed value of any other property in Windham Village for a period of ten (10) years.



# Map #1 44 acres

Write a description for your map.

Legend

St. Joseph's Cemetery, Windham Graveyard

Eagle Ave SW

Black Diamond Rd SW

Black Diamond Rd SW

Black Diamond Rd SW

Renee's Roadhouse

Black Diamond Rd SW

Fur-tendly Grooming

Map 1 44 acres





# Map #2 93 acres

Write a description for your map.

## Legend

Map 2 93 acres

St. Joseph's Cemetery, Windhm Graveyard

Eagle Ave SW

Black Diamond Rd SW

Black Diamond Rd SW

Black Diamond Rd SW

Renee's Roadhouse

Black Diamond Rd

Furlently Groc





**LOCAL CITIZEN GROUP COMMENTS ON THE PUBLIC HEARING DRAFT: FOR THE MARCH 8, 2023 BOARD OF SUPERVISORS MEETING. GROUP'S RECOMMENDED CHANGES SHOWN IN RED UNDERLINE THROUGHOUT THE DRAFT.**

**THE ORIGINAL PUBLIC HEARING DRAFT WAS DISTRIBUTED WITH THE OCTOBER 24 MAILING, CONSIDERED BY THE PLANNING & ZONING COMMISSION NOVEMBER 14, AND INITIALLY CONSIDERED BY THE BOARD OF SUPERVISORS DECEMBER 8, 2022.**

# Windham Village Plan 2022

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## **Vision Statement**

*Windham will continue to be a clean, safe and quiet rural community. Agricultural land and the existing residential development pattern will be maintained, while limited single-family residential and low-intensity commercial development may occur in a managed way. Development will conform to the Johnson County 2018 Comprehensive Plan, and will respect and fit with the historical character of the village.*



Prepared by the Johnson County Planning, Development and Sustainability Department, Johnson County, Iowa

Adopted by the Johnson County Board of Supervisors: [Date to be added]

**DRAFT**

*[This page reserved for the Resolution from the Board of Supervisors adopting the village plan.]*

DRAFT



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## Acknowledgements

*Special thanks to Windham area residents and property owners who contributed significantly in the planning process. Your input has been vital to the creation of the plan. In addition, the Johnson County Historical Society provided important historical details about Windham. We also appreciate Renee Regennitter and the staff of Renee's Roadhouse for the use of her establishment for village planning meetings.*

## Introduction

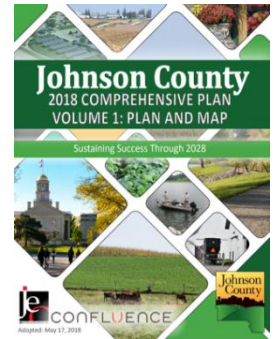
### Village Planning Purpose

The Windham Village Plan is the result of a collaborative effort between area residents, land owners and County officials. The plan focuses on maintaining the quiet, neighborly environment of Windham, while also providing a framework for the future of the community should any current or future land owners seek to change the use of their land. The plan will serve as a guide for preservation efforts and, as appropriate, future development in Windham.

Whether a property is included within the village boundary or not, all existing uses of a property may continue (or may be enlarged, altered, expanded or reconstructed) provided they conform with current regulations in the County's Unified Development Ordinance (UDO). This includes properties that are currently agriculturally exempt (a property that is agriculturally exempt is considered to be in compliance with the UDO so long as exemption is maintained).

The plan will include a vision statement, goals and boundary map. In accordance with the [Johnson County 2018 Comprehensive Plan](#) (Figure 1), the village plan will be considered by the Johnson County Planning and Zoning Commission and the Board of Supervisors. Unincorporated villages have a special place and value within the county's rural areas, having developed in conjunction with agricultural land uses or related services. Several goals within the comprehensive plan support appropriate development within unincorporated villages while balancing preservation goals ([Appendix A](#)).

The following information was provided to area residents and property owners during the planning process:



*Figure 1: Windham is the second unincorporated village in the county to create a plan since the Johnson County 2018 Comprehensive Plan was adopted.*

#### ***What A Village Plan Does and Doesn't Do***

Village planning supports the well-being of Johnson County's small communities, balances growth opportunities and preservation goals, and sets village boundaries. Together with the County comprehensive plan, a village plan and boundary provide the basis for decision-making about development and zoning while respecting property owners' rights and boundaries.

A village plan does not raise taxes, does not require property owners to change how they use their property or alter the zoning of land, and does not promote large-scale or disconnected development that is out of character with existing land uses. The plan also does not change the fact that the village is unincorporated.

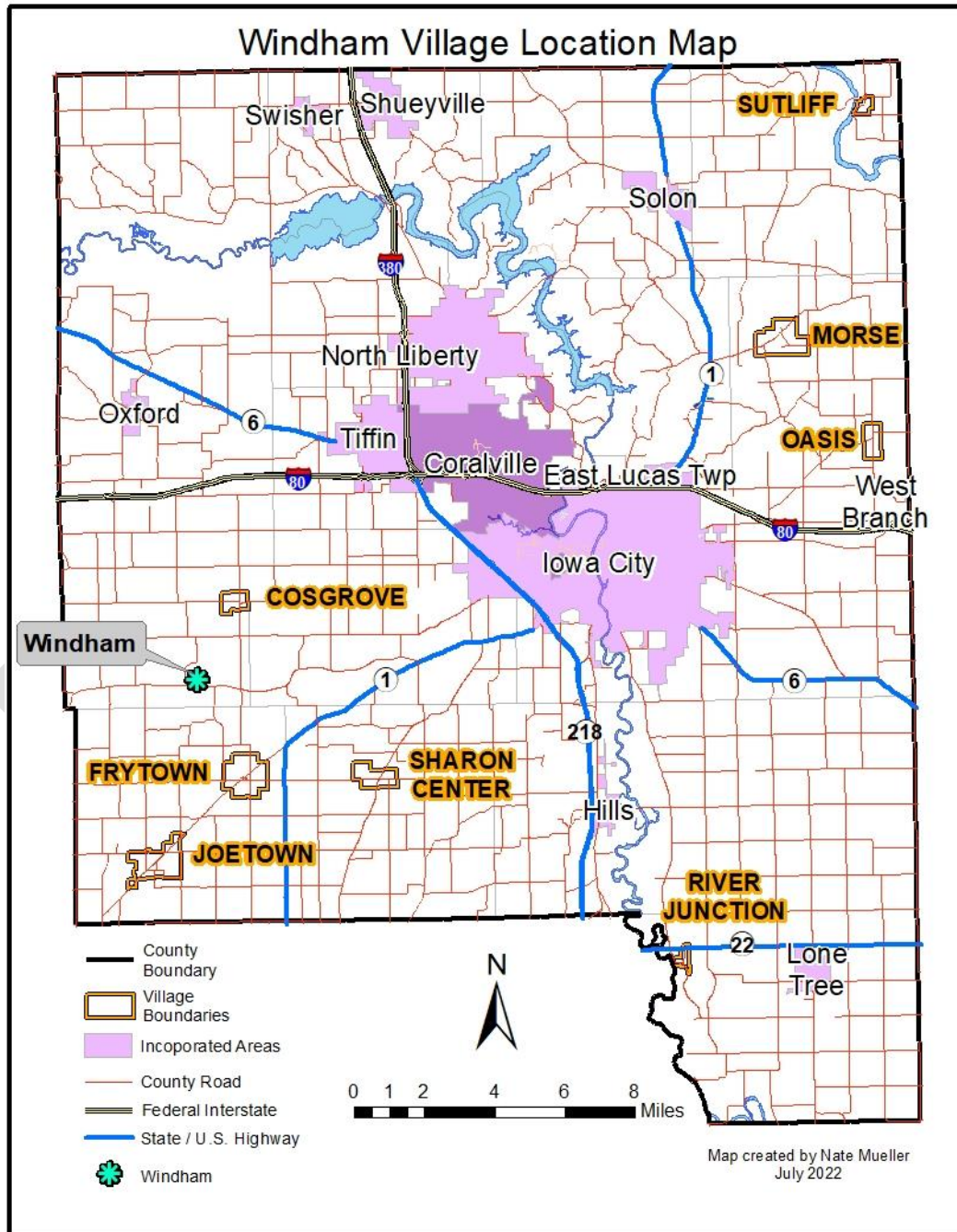
A village plan identifies strengths and challenges and can help village residents enhance their community. The plan can potentially help the village obtain grants or other funding or support that requires evidence of community engagement as a condition of participation.

In addition, the [2022 Johnson County, Iowa, Economic Development Plan: Opportunities for the Unincorporated Area, Villages and Smaller Towns](#) also supports the well-being of villages and includes goals such as inventorying broadband availability and improving access and connectivity.

## Location Map

Windham is one of nine villages in unincorporated Johnson County, Iowa. The village is located in the western portion of the county, about halfway between the villages of Cosgrove to the north and Frytown to the south (Map 1). The city limits of Iowa City are approximately 11 miles to the northeast. Windham is located within Hardin Township ([Map 2](#)) and in the Clear Creek – Amana Community School District. For information on pre-Windham history, village history, demographics, current land uses, amenities and other features, see the [Profile](#) section.

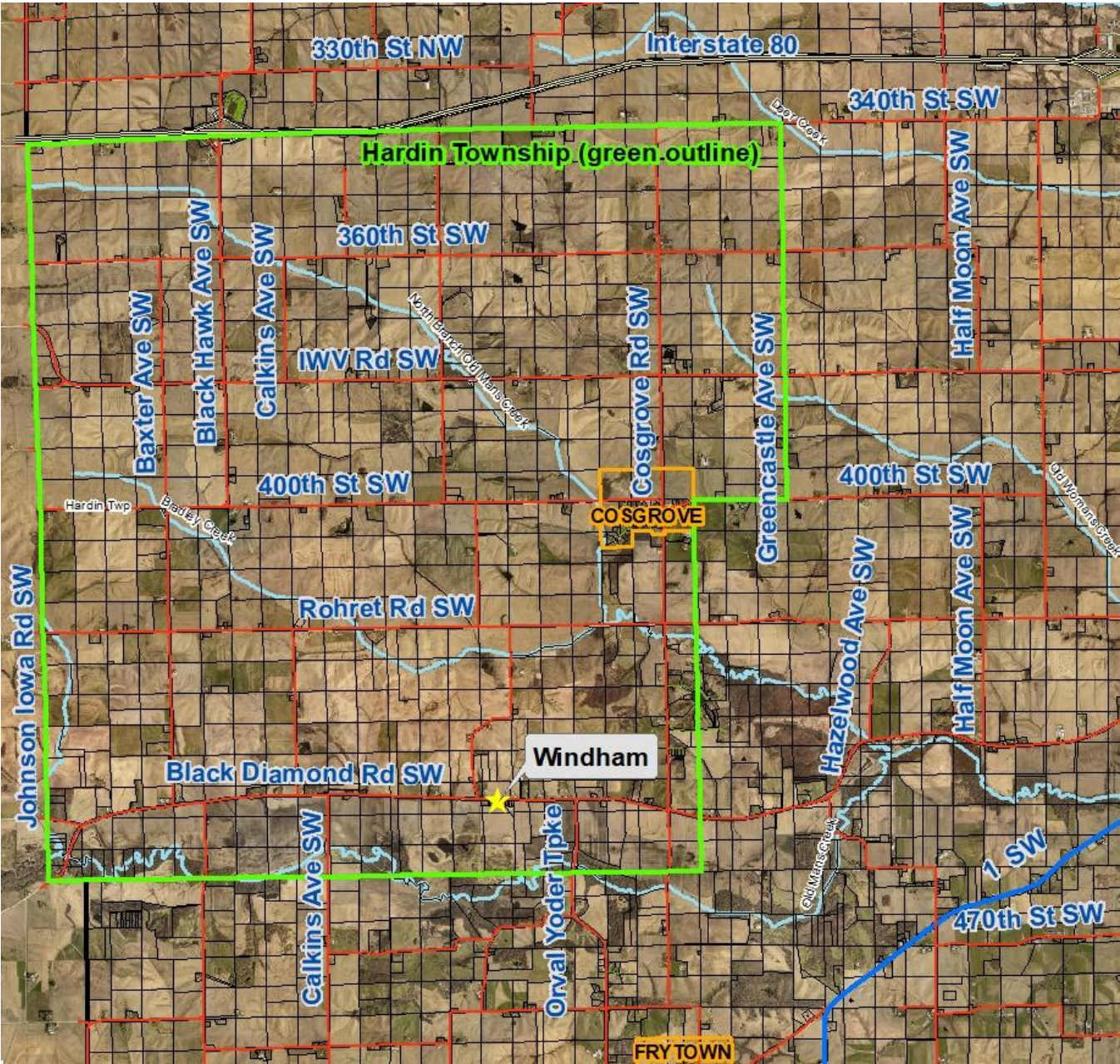
**Map 1: Location of Windham within Johnson County**





Township Map

Map 2: Hardin Township (2021 aerial photos)



## Community Meetings and Input Process

Two public meetings and other input opportunities held during summer and fall 2022 enabled Windham residents, property owners and other interested participants to learn about the planning process and purpose and provide feedback on the vision statement, goals and village boundary. Direct mailings, news releases, website postings, social media, email and word-of-mouth were used to publicize the meetings and input opportunities. Posters about the community input meetings were placed at Renee's Roadhouse, a bar and restaurant located in Windham and the location of both meetings. Meeting overviews are provided below, and detailed notes are available in [Appendix B](#). Residents contributed input by phone, email or in-person after the meetings and during the review of the First Draft (dated Sept. 20) and the Public Hearing Draft (dated Oct. 24) when drafts were sent directly to area residents and property owners and made available to the public online and at the PDS office. In November–December 2022, the draft plan is being heard at public hearings by the Planning and Zoning Commission and the Board of Supervisors and considered for adoption.

### Meeting One

The first public meeting was held on July 18, 2022, at Renee's Roadhouse in Windham. Invitational letters were mailed to all property owners and residents within an approximately ½-mile radius of the original plat of Windham ([Map 3](#)). Approximately 30 attendees participated in the meeting, including County Supervisors Rod Sullivan and Pat Heiden. Johnson County PDS Assistant Director Nathan Mueller facilitated the meeting.

Mueller reviewed the planning process and the intent of establishing a village plan. Background information was presented about the Johnson County 2018 Comprehensive Plan and other village plans that have been adopted by the Board of Supervisors. Staff and participants additionally discussed the history and demographics of Windham. The current zoning was also discussed ([Map 3](#)).

Mueller then led a group discussion on strengths and challenges in Windham ([Appendix B](#)). The group also brainstormed community goals, and an example village boundary was presented and discussed. Participants' responses were recorded for eventual incorporation into the village plan goals and vision statement.

### Meeting Two

The second public meeting was held on August 29, 2022, also at Renee's Roadhouse. Invitations were mailed to all recipients of the first letter, as well as additional participants who attended the first meeting and provided their addresses. Approximately 24 attendees participated in the second meeting, including several area residents who had not attended the first meeting. Nathan Mueller facilitated the meeting.

Mueller reviewed outcomes of the first meeting and explained the intent of village planning. Next, he presented the draft goals and vision statement, which were based on the strengths and challenges identified in Meeting 1 and other input. There was one comment on the vision statement (that it seemed appropriate for Windham) and a suggestion to remove one draft goal.

The final portion of the meeting involved discussion of the boundary. Four boundary options were provided for review. One attendee suggested that the eastern edge of any proposed boundary remain west of Orval Yoder Turnpike SW and north of Black Diamond Road due to contour and water drainage concerns. Beyond this feedback, the proposed boundaries generated little comment, with attendees preferring to have more time to consider the proposed boundaries and provide feedback directly to PDS staff outside of a public meeting setting.



## Windham Vision Statement

*Windham will continue to be a clean, safe and quiet rural community. Agricultural land and the existing residential development pattern will be maintained, while limited single-family residential and low-intensity commercial development may occur in a managed way. Development will conform to the Johnson County 2018 Comprehensive Plan, and will respect and fit with the historical character of the village.*

## Windham Goals

### Quality of Life

- Uphold the community's quiet, rural lifestyle where people take care of each other.
- Encourage regulations that balance personal property rights, preserve the village character, and protect the health and safety of residents and visitors.
- Encourage property owners to maintain property in a manner consistent with the Windham Vision Statement.

### Land Use and Growth

- Give preference to infill development that utilizes historically zoned or platted land, and is in keeping with the historical character and aesthetics of the village.
- Give preference to single-family residential development on lots comparable to existing residential lots (no larger than 2 acres).
- Allow for low-intensity, small-scale businesses that support the local community and are compatible with historical development.

### Infrastructure and Services

- Encourage improvement of existing road conditions and signage on Black Diamond Road SW and other nearby public roadways to promote safety for different users (automobiles, farm equipment, motorcycles, bicycles, etc.).
- Support improvements that encourage motorists to obey speed limits on public roadways.
- Improve the availability of, and reduce the response times for, emergency services.



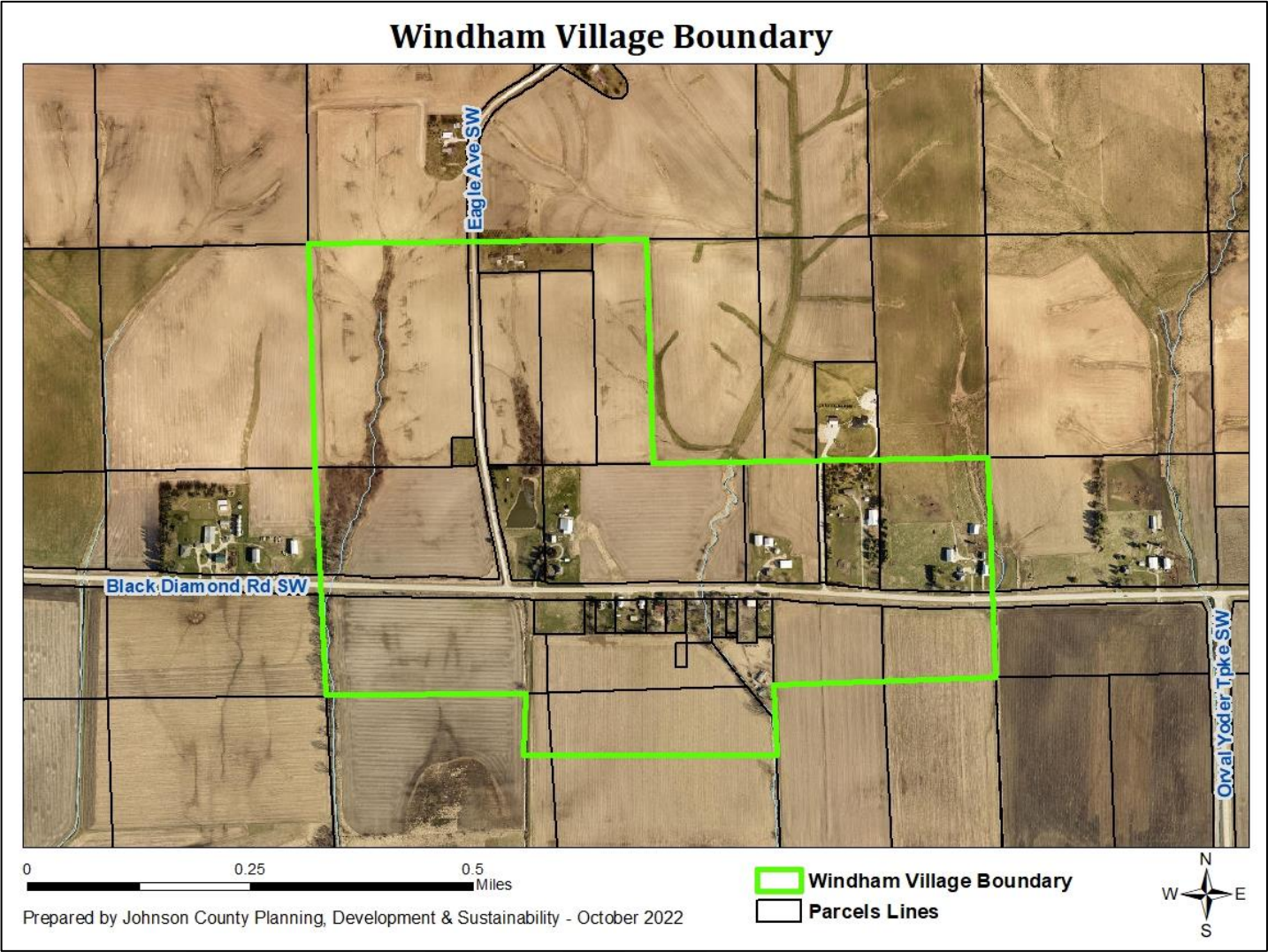
### Restrictions on Windham Development & Taxation

1. Property within Windham Village shall not be rezoned to MH – Heavy Industrial, SWDRR – Solid Waste Disposal and Resource Reclamation, CH – Highway Commercial, RMF – Residential Multi-Family, or RMH -Manufactured Housing Residential.
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6. Any new development of property within Windham Village must first be approved by a majority of property owners and residents of Windham Village.
7. It is foreseeable that the assessed value of a property in Windham Village will be revised upward by the county if that property is improved by its redevelopment. However, that upward revision of assessed value may not be used as justification to revise the assessed value of any other property in Windham Village for a period of ten (10) years.

### **Windham Boundary**

*Supported by input received to date, the proposed boundary shown below is the recommendation of PDS staff. The boundary below was Option E in the First Draft distributed in September. An alternative boundary suggested by some members of the community in early October (after the two community meetings) was included with the copies of this draft that were distributed to attendees, residents and property owners, posted to the County website, and will be included in the agenda packets for the Planning and Zoning Commission (PZC) and Board of Supervisors' meetings well.*

***The final boundary has not been determined.*** The PZC will recommend a boundary to the Board of Supervisors, who will then set the final boundary as part of their review and approval process during the public meeting(s) where the plan will be presented and considered. The PZC and Board of Supervisors will consider community feedback and input leading up to and during their respective public hearing processes on the proposed plan.



*(This section will eventually include the final adopted boundary.)*

## Village Profile

### Pre-Johnson County History and the Creation of Hardin Township<sup>1</sup>

Over thousands of years, present-day Johnson County was the site of the homelands of numerous tribal nations.<sup>2</sup> By 1736, the county was part of a larger area along and west of the Mississippi River being settled or used for hunting by the Meskwaki and Sauk, two tribes with distinct languages and cultures.<sup>3</sup> The U.S. government referred to the tribes as, respectively, the “Fox” and “Sac,” or together as “Sac and Fox.” Both nations were forced to cede land in the early 1800s.

At the end of the Black Hawk War of 1832, the Meskwaki were located mostly around the Iowa River. Early white settlers are said to have encountered Meskwaki settlers around the creek now known as Old Man’s Creek.<sup>4</sup> In 1842 the Meskwaki, as well as the Sauk, were forced to cede all remaining land.

By 1845 the tribes were forced to move out of Iowa, although some Meskwaki managed to remain. In 1857, soon after Iowa legislated that the Meskwaki tribe could again live in the state, they purchased 80 acres of their former homeland in nearby Tama County. While the “Sac & Fox Tribe of the Mississippi in Iowa” Tama Settlement expanded to more than 7,000 acres, including holdings in two other counties, the Meskwaki did not return to the area of Hardin Township. Originally, Hardin Township was part of Washington Township (1846) to the south. Under the lead of William M. Hardin, local citizens filed a successful petition to organize as a separate civil township in 1858. (See Figure 2 below and [Map 2](#).)

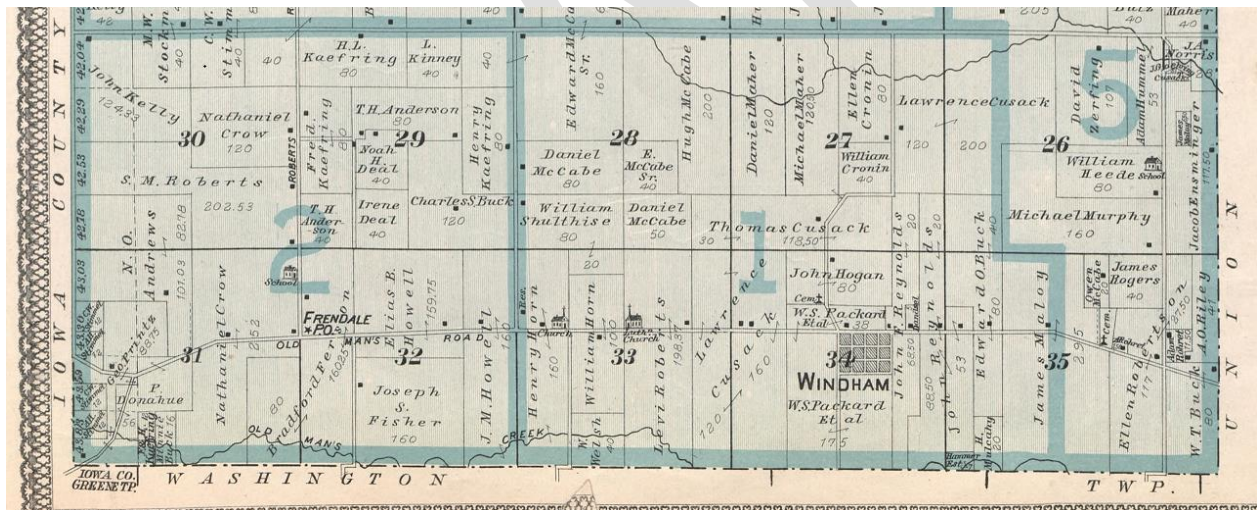


Figure 2 - Windham is depicted in section 34 in this excerpt from the *Hardin Township Map* in the *Atlas of Johnson County, Iowa, 1900*, by the Huebinger Map Publishing Co.

<sup>1</sup> Unless otherwise indicated, the source for this section is “The Meskwaki Nation’s History” webpage of the Meskwaki Nation (Sac & Fox Tribe of the Mississippi in Iowa). Accessed at <https://www.meskwaki.org/history/> on June 10, 2022.

<sup>2</sup> More than 15 tribal nations are listed by the University of Iowa Native American Council. <https://nativeamericancouncil.org.uiowa.edu/acknowledgement-land-and-sovereignty>. Accessed June 13, 2022.

<sup>3</sup> Derived from a Johnson County Historical Society museum display, June 10, 2022.

<sup>4</sup> “A Story about Windham,” p. 4. An account by Letha Amelon, 1990. Johnson County Historical Society.



## Windham History<sup>5</sup>

Asby D. Packard was one of the first white settlers in Hardin Township, having arrived from Ohio in June 1838, and settling in Section 34, the future location of Windham. In 1854, Packard platted the village for 100 lots in anticipation of the railroad coming through town, which did not occur. The first post office in the township was built and opened in 1855, with Orville Barrows as the first postmaster. That same year, A.D. Packard built the township's first steam mill. He later added a flouring mill, which was operated by the same engine. The entire property burned down on October 10, 1864.

A log cabin in Section 35 of the township served as the first school, where Margaret Montgomery (later Roop) taught for the pay of \$1.50 per week and boarded at pupils' homes. The community later raised \$125 through enrollment fees to build a frame schoolhouse in Section 34, where Windham is located.

The first two houses of worship established near or in Windham were St. Peter's Church (Catholic) in 1860 and the Windham Evangelical Church in 1867, which built its church building in 1870. St Peter's included a church building and cemetery on five acres of land. St. Peter's Cemetery reflects the Irish and German background of many of Windham's white settlers. A church that was established in 1895 eventually became the nondenominational Windham Community Church.<sup>6</sup>

In the 1930s a baseball diamond located west of Windham was the site of local competitions against a team from Frytown. Local barn dances were also popular.<sup>7</sup> In 1945 Orval Yoder bought a property on which he built and ran a garage and gas station until 1968. The Orval Yoder Turnpike SW was named after Yoder when he questioned a county road project that he himself acknowledged he benefited from.<sup>8</sup> Yoder was known as the "unofficial mayor" of the village. In 1984 a tornado over Windham felled many trees and damaged buildings, including an old ice house.

The Bob and Mary Soukup family owned and operated the Windham Family Grocery store from 1951 to 2001. A garage that was managed by the Evans family became a bar and grill called Reality that has since been operated by different owners under the names of Lindy's, the Black Diamond Roadhouse, Windham Bar and Grill, and currently as Renee's Roadhouse.<sup>9</sup> Carp Days has been an annual tradition in Windham for several decades, bringing together local residents and visitors.

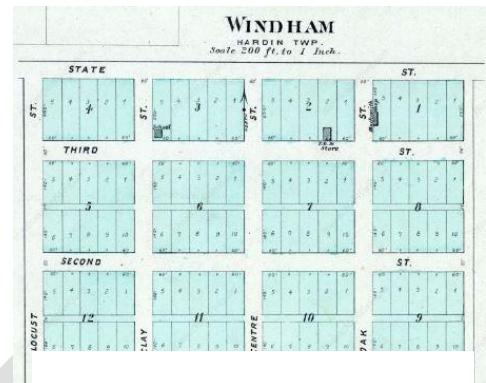


Figure 3 - Windham platting (Atlas of Johnson County, Iowa, 1900, Huebinger Map Publishing Company).

<sup>5</sup> Unless otherwise indicated, the source is *History of Johnson County, Iowa (1883)*, pp.718-719. [No author named.] On file at Johnson County Historical Society. Original text:

[https://archive.org/stream/historyofjohnson00iowa/historyofjohnson00iowa\\_djvu.txt](https://archive.org/stream/historyofjohnson00iowa/historyofjohnson00iowa_djvu.txt)

<sup>6</sup> Windham Community Church 100th Anniversary brochure. 1995. On file at Johnson County Historical Society.

<sup>7</sup> A Story about Windham," p. 4. An account by Letha Amelon, 1990.

<sup>8</sup> "Where action is and isn't," On Capitol Hill column by James Flansburg, *The Des Moines Register*, date unknown.

<sup>9</sup> "Windham," poster created by staff and volunteers of the Johnson County Historical Society.

## Demographics

U.S. population data is not collected in a way that shows exactly how many people live in an unincorporated village. In addition, Windham does not yet have an established village boundary. As a result, demographic data for Hardin Township ([Map 2](#)) was utilized to reveal local characteristics. The U.S. Census Bureau publishes the Decennial Census every 10 years and provides estimations through the American Community Survey (ACS) in intervening years. This demographics section uses information primarily from U.S. Decennial Censuses.

### Population

Johnson County continues to be the second fastest-growing county in Iowa. The overall population of Johnson County was 130,882 in 2010 and 152,854 people in 2020, an increase of nearly 17% (Table 1). This growth rate is typical of what the county has experienced since at least the 1990s. Over this same time period, Hardin Township has also experienced growth, though not as robustly as the county overall. The population in the township was approximately 530 people in 2010 and grew to 539 people by 2020.

*Table 1. Population Data for Johnson County (Iowa) and Hardin Township*

Location	Population			
	1990	2000	2010	2020
Johnson County	96,119	111,006	130,882	152,854
Percent County Growth Relative to Prior Decade		15%	18%	17%
Hardin Township	499	502	530	539
Percent Township Growth Relative to Prior Decade		1%	6%	2%
Source: U.S. Decennial Censuses for 1990, 2000, 2010, 2020				

### Age Distribution

Typically, townships in the unincorporated area have a population whose average age is older than the average in Johnson County. This was the case in 2010 when the median age in the township was 44.5 years but 29.3 years in the county overall (Table 2). Unfortunately, U.S. Census township-level data for 2020 were not available to verify whether the trend continues, and irregularities in ACS data for 2020 also prevented verification.

*Table 2. Population Tables, Age Distribution for 2010 (Source: U.S. Census 2010)*

Population Tables 2010	Hardin Township		Johnson County	
	Population	%	Population	%
<b>Total</b>	530	-	130,882	-
<b>Under 17</b>	119	22%	25,918	20%
<b>18 to 24</b>	32	6%	28,128	21%
<b>25 to 34</b>	41	8%	22,496	17%
<b>35 to 44</b>	78	15%	14,956	11%
<b>45 to 54</b>	106	20%	15,128	12%
<b>55 to 64</b>	77	15%	13,045	10%
<b>65 to 74</b>	38	7%	6,135	5%
<b>75 and older</b>	39	7%	5,076	4%
<b>Median Age</b>	44.5		29.3	

### *Housing Units, Occupancy Rate and Homeownership*

The number of housing units in Hardin County increased significantly between 1990 and 2000 by 19%, and then again from 2000 to 2010 by 18% (Table 3). However, the number of housing units in Hardin Township and occupancy rates have not varied much in the past decade, according to U.S. Census data. Housing units numbered 227 in 2010 and increased by one to 228 by 2020 (Table 3). Occupancy and vacancy rates were 93% and 7%, respectively, in both 2010 and 2020 and were very similar to countywide rates.

*Table 3. Housing Units*

Location	1990	2000	2010	2020
Johnson County	37,210	45,831	55,967	65,916
Percentage Change Relative to Prior Decade		23%	22%	18%
Hardin Township	162	193	227	228
Percentage Change Relative to Prior Decade		19%	18%	0%
Source: U.S. Decennial Censuses for 1990, 2000, 2010, 2020				

In 2010, there were 174 owner-occupied units, accounting for 82% of the housing, and rentals numbered 37, or 18% of units. Corresponding data for 2020 were not available.

### *Household Size*

While overall population levels and the number of housing units for both Hardin Township and the county have risen, the average household size has generally decreased in both areas over the past 30 years (Table 4). In 1990, the average household in Hardin Township was nearly 20% larger than that seen in Johnson County (3.08 compared to 2.58). However, by 2010 the average household sizes in both the township and county were comparable and have remained so since then, ranging from 2.32 to 2.36.

*Table 4. Household Size*

Location	1990	2000	2010	2020
Johnson County	2.58	2.42	2.34	2.32
Percentage Change Relative to Prior Decade		-6%	-3%	-1%
Hardin Township	3.08	2.60	2.33	2.36
Percentage Change Relative to Prior Decade		-16%	-10%	1%
Source: U.S. Decennial Censuses for 1990, 2000, 2010, 2020				



## Land Use and Zoning<sup>10</sup>

**Map 3: Windham Village Area Zoning Map** (Source: 2021 aerial photos)

*Note: Parcels without a color-shaded overlay are zoned A-Agricultural. Radii shown are to provide distance context relative to the center of the historical village plat; they are not village boundaries.*



Windham is located in a portion of the county where the predominant land use is agricultural. At the same time, because Windham has a small area of historical development and has been an identified growth area within the county's larger land use and comprehensive plans for over 20 years, various parcels are zoned for uses other than agriculture. Those zones include high-, mid-, and low-density residential use—RUA-Urban Residential, R-Residential and R5-Residential, respectively—as well as CH-Highway Commercial (Map 3).

Within a ¼-mile radius, there are 13 parcels that contain at least partial high- to mid-density Residential zoning (RUA or R) and one parcel that includes low-density Residential zoning (R5). Within the ½-mile radius there is one additional parcel zoned R-Residential; all other parcels are zoned A-Agricultural.

In addition, there are nine parcels within the ¼-mile radius that contain CH-Highway Commercial zoning. Six of those parcels are being used for residential purposes, and six of the nine have split zoning with a portion of each property being zoned CH-Highway Commercial and a portion being zoned RUA-Urban Residential. Highway Commercial zoning allows higher-intensity, traffic-producing businesses, such as repair shops, restaurants and

<sup>10</sup> The figure and land use counts in this section are based on staff review of 2021 aerial photography and County zoning records as of August 2022. <https://gis.johnsoncountyiowa.gov/pds/>

bars, and other general retail or service businesses with higher anticipated number of employees and customers than uses found in the lower-intensity commercial districts.<sup>11</sup>

Beyond the ½-mile radius but within 1 mile from Windham’s center there is one additional property zoned R-Residential. All other properties are zoned A-Agricultural and their uses are active agricultural production and/or open natural space preservation (e.g. floodplains, forested ravines, etc.).

### Infrastructure and Services

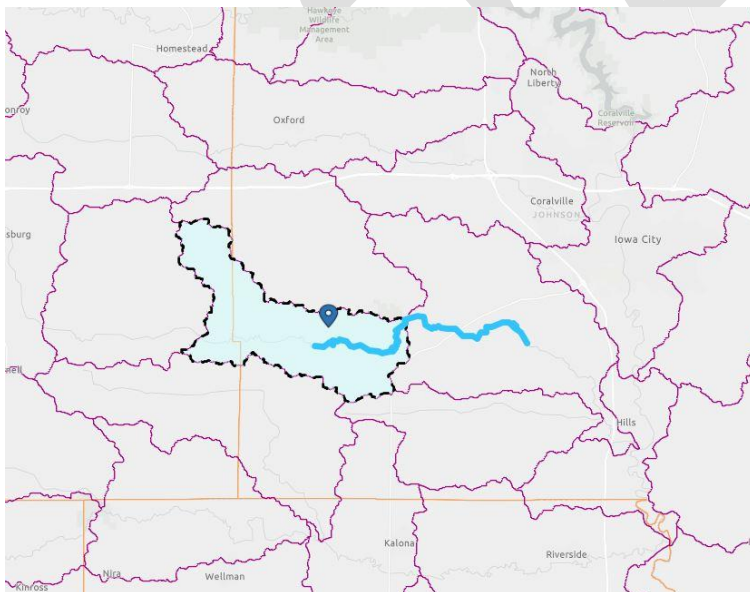
The Windham area is served by two fire departments. The village center is served by the Kalona Fire Department, while parcels starting approximately ¼ mile north of Black Diamond Road are served by the Oxford Fire Department. Public safety and law enforcement are provided by the Johnson County Sheriff’s Office. The Johnson County Secondary Roads Department maintains all roads in the area. Black Diamond Road SW is a major collector road, which is maintained as an asphalt–cement concrete paved surface road.

Parcels within 1 mile of Windham’s center point are served by two school districts, Clear Creek Amana and Mid-Prairie. Health care facilities, including urgent care, are located within 12 miles, and emergency care within 14 miles. Kirkwood Community College and the University of Iowa are located within 14 miles of the village.

### Agriculture and Natural Resources

Agriculture is the predominant land use in the area. Farming in the area includes traditional commodity crop production (corn and soybean) along with areas used for hay production and animal pasturage.

**Map 4: Mooney Creek—Old Man's Creek Watershed** (Source: [mywaterway.epa.gov](https://mywaterway.epa.gov), June 2022)  
*The watershed is indicated by the blue/dotted line. Windham is indicated by the point.*



Windham is within the Mooney Creek—Old Man’s Creek watershed, which includes parts of Johnson County and Iowa County (Map 4).

Redbird Farms Wildlife Area is located 3 miles to the east along Black Diamond Road SW, and the Frytown Conservation Area is within 6 miles. There are sizable undisturbed natural areas within private properties south of the village center, along Old Man’s Creek stream corridor.

<sup>11</sup> Johnson County Unified Development Ordinance 2019, 8:1.15.

<https://www.johnsoncountyiowa.gov/sites/default/files/2020-08/Johnson%20County%20UDO%20%282020%20ed%29-%20adopted%2012.19.19.pdf>

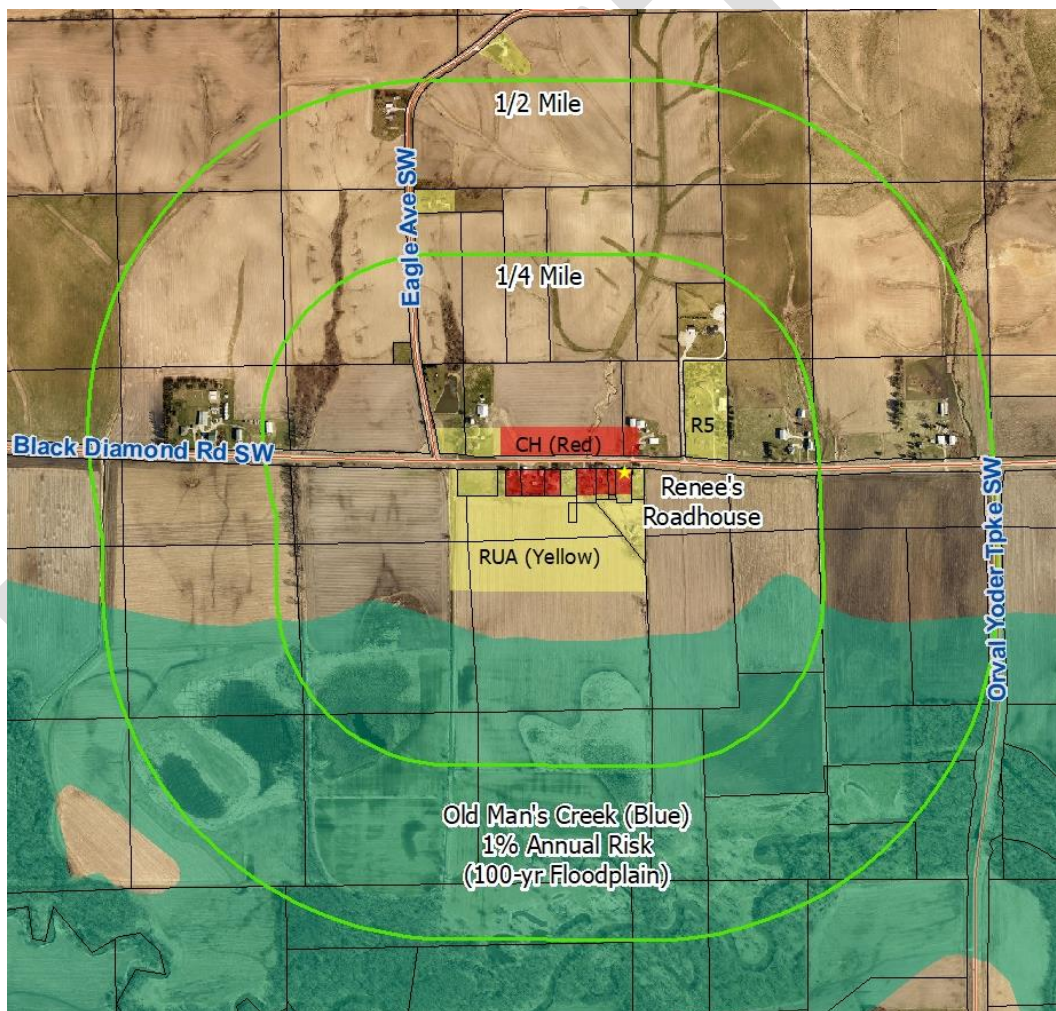


## Hazards

Old Man's Creek is a natural asset, yet like all streams it carries with it the chance for flooding. While the historical development in Windham is located between  $\frac{1}{2}$  and  $\frac{3}{4}$  of a mile from the stream, official FEMA flood risk maps place the edge of the Special Flood Hazard Area (i.e. the area with a 1% chance of having the base flood elevation met or exceeded in any given year) just 1,000 feet from the existing structures along the south side of Black Diamond Road SW. Map 5 uses FEMA data to show the Windham area in relation to the Special Flood Hazard Area. In addition to Old Man's Creek, other stream corridors are located near Windham or within Hardin Township (Map 2).

### Map 5: FEMA Special Flood Hazard Area (i.e. 1% annual risk)

*The hazard area is shown relative to  $\frac{1}{4}$ -mile and  $\frac{1}{2}$ -mile radii from the historical plat of Windham.*



Generated from information available July 2022 on the Johnson County PIV (<https://gis.johnsoncountyiowa.gov/pds/>)



## Appendix A: Village Planning References in the Johnson County 2018 Comprehensive Plan

[The Johnson County 2018 Comprehensive Plan Volume 1: Plan and Map](#) provides a basis for accommodating appropriate development and balancing preservation goals in unincorporated villages throughout the county. The Comprehensive Plan includes several priorities and/or goals, strategies and action steps related to village planning:

- The priorities discussed in Sustainability (Section 2.2) and Land Use (Section 5.5) identify preservation of the County's environmentally sensitive areas and farmland as a high priority. To minimize sprawl and unwanted residential growth in rural areas of Johnson County, a key strategy is to encourage growth in cities and unincorporated villages.
- The priorities in Local Economy (Section 3.2) state that while higher intensity commercial and industrial development should be located in or adjacent to cities, "there is interest in siting lower intensity nonresidential uses in rural areas with existing commercial or industrial uses, near unincorporated villages, at major intersections, and within two-mile fringe areas of the incorporated cities" (p. 68 of the comprehensive plan).
- Local Economy Goal 4 includes strategy 3, which directs smaller-scale, less-intensive commercial and individual projects to cities, unincorporated villages or economic development areas as identified on the Future Land Use Map. This strategy is to be carried out in conjunction with attention to livability and compatibility. The strategy includes two action steps: (1) identify and review any proposed development opportunities within the unincorporated villages and (2) engage residents and update village plans accordingly (p. 72 of the comprehensive plan).
- Under the Future Land Use Categories of the plan, the Village category includes unincorporated villages that contain developed land with "...a greater density than is found throughout rural and agricultural areas. Development in these areas should be in accordance with any adopted village plans" (p. 114 of the Comprehensive Plan).

## Appendix B: Community Meeting Summaries

### Meeting 1 (including Strengths + Challenges list)

#### Windham Village Planning

July 18, 2022

Meeting held from 6 p.m. to approximately 8:15 p.m. at Renee's Roadhouse, 1747 Black Diamond Rd SW.

#### ATTENDEES

More than 30 members of the community as well as County officials and staff, including County Supervisors Rod Sullivan and Pat Heiden; and Planning, Development and Sustainability staff: Josh Busard, Director; Nathan Mueller, Assistant Director; Joseph Wilensky, Assistant Planner; and Maya Simon, Assistant Planner.

#### INTRODUCTION AND PURPOSE OF VILLAGE PLANNING

Assistant Director Mueller welcomed everyone and introduced County supervisors and staff.

Supervisors Sullivan and Heiden shared the goals of village planning from the Board of Supervisors' perspective.

Mueller reviewed the village planning process steps, including how meetings were being publicized. He explained that the intent is to develop a village plan to guide future development, preservation, and conservation efforts in the village. The plan helps the Planning and Zoning Commission (PZC) and Board of Supervisors (BOS) in decision-making. Mueller noted examples of what development and subdivision mean on a smaller village scale as opposed to larger developments.

Mueller outlined key aspects of a typical village plan, including setting a community vision statement; identifying goals for quality of life, infrastructure, services, and other community priorities; and how a village plan works in conjunction with the Johnson County 2018 Comprehensive Plan. Mueller also shared what a village boundary is and the purpose behind creating one for Windham. He briefly described the County's Comprehensive Plan and how it supports the need for village plans.

Since 2008, the eight other villages in Johnson County have completed village plans. Examples of village plans that have been used to guide development requests were provided. Mueller shared an example of a past development proposal in Morse and how its village plan informed BOS review and consideration of this proposal, which was denied.

Mueller gave more detail on the significance of village boundaries. The boundary defines the area that is guided by the village plan. The establishment of a boundary *does not* force any property owners to rezone their land or change the use of their land. Any proposed land use changes must still be initiated by the property owner and development requests will continue to go through the public hearing process. A village plan does not trigger large-scale development, nor does it incorporate a new town. Furthermore, the presence of a village boundary does not change property tax classifications.

- An attendee asked about a positive example of how a village plan was used to benefit the community.

Mueller responded by outlining how a development proposal in the village of Morse was contrary to its established village plan and was denied by the Supervisors, with the plan specifically noted as a reason for the proposal's denial.

Mueller also noted the ongoing development in Frytown that was supported by both the existing village plan and public support shared at a BOS public hearing.

- An attendee asked whether the Morse example involved community feedback at the BOS hearing

Mueller responded that it did, in addition to the Supervisors' consulting the established plan.

- An attendee asked if the Village Plan could be changed in the future.

Mueller noted that the plans could be redrafted, mostly likely due to a request by community members.

Next, background about Windham Village was provided, including historic development, existing land use mixes, and population growth of Hardin Township; existing infrastructure and amenities, including emergency services and street maintenance responsibilities; and information about Old Man's Creek floodplain and watershed.

Mueller introduced a group brainstorming activity focused on strengths and challenges in order to learn what the community likes about Windham and what might be changed. Based on the strengths and challenges, a vision statement will be created. Attendees then generated the following lists:

#### **STRENGTHS**

- We're in the country but close to town
  - The more rural aspect and character of Windham compared to Iowa City was appreciated
- Small farming community
  - Tight-knit community, everyone knows each other
- Lots of people who have been born and raised here
  - Stability, deep roots, good direction
- County life and relative quiet, excepting noise from traffic and 4<sup>th</sup> of July fireworks
- A central meeting spot like Renee's
- Carp Days festival
  - 40+ years running
  - Is both a reunion for local residents and, in the evenings, an attractor for visitors
- The density along Black Diamond Road makes sense, where the smaller lots provide that more concentrated feeling in the "downtown"
- Great place for children to grow up; a nice and quiet setting
- Good school district
- Local church close by that can be used for public meetings

#### **CHALLENGES**

- Lack of emergency services (a question about reduced ambulance availability was answered)
- Lots of bicyclists, who may require expanded shoulders on the roadway to improve safety
  - Who will pay for this?
  - Would this impact people's ability to develop their land that would be adjacent to this ROW?
- Lots of speeders through the village core, and the slow down signs don't do much
- Lots of semi-truck traffic
  - Some freight, some animal or crop
  - Lots of heavy traffic on gravel roads that damages the roads
- Lack of commercial services like a gas station/convenience store to serve area residents.

After collecting the group's input about Windham's strengths and challenges, Mueller then opened up the conversation about developing a vision statement and goals for the plan. He noted that staff will wordsmith the groups' input into a vision statement, which can be reviewed and modified at the next meeting. Sample goals from other village plans were provided for context, and attendees contributed their suggestions towards a community vision (summarized below).



## COMMUNITY VISION INPUT

- The village should stay the same, but perhaps have slower growth compared to Frytown or Cosgrove; similar growth rates in Windham to what exists now.
- Safety is paramount.
- Agricultural way of life is valued.
- There should not be much commercial growth, or if there is keep it smaller so as to not have a convenience store/gas station right in the middle of the strip
  - How does the plan protect us from bigger growth? Does this plan lock in zoning and land use?
  - No further commercial growth or development services.
  - Perhaps another garage or service location and/or small grocery store or another bar that would serve village and area residents could be appropriate.

Next, participants were asked to help contribute ideas for goal statements within the categories of Quality of Life, Growth Opportunities, and Infrastructure and Services, resulting in the following general ideas:

## GOAL STATEMENT IDEAS

- Quality of Life
  - Keep single-family development the preferred style.
  - Target a density that matches the existing structure of the village.
- Growth
  - Not interested in large growth opportunities.
  - Like things to remain small, but some managed, limited growth may be acceptable if it matches the character of the area.
- Infrastructure and Services
  - Slow traffic down and improve the quality of the road(s) – Black Diamond
    - Still a concern about the impact that widening the roadway would have on adjacent land owners
  - Maintenance of the existing system, and concern that more growth leads to more maintenance need.
  - Challenge of multiple road users and speed concerns

Attendees asked further questions about how the BOS would use the village plan when considering development proposals and why a plan is needed to manage/discourage development in the area.

Mueller clarified that the plan would potentially enable area residents within the boundary to have more options and flexibility regarding how their land could be developed, if they choose to do so. Village plans help provide direction to the planning staff, the PZC, and the BOS when development is proposed within a village's boundary, such as in previous examples when the BOS has followed the guidance of the village plan. In the absence of a village plan, property owners would have fewer options in terms of how they could change their land uses, and there would be a lack of guidance towards future preservation and development efforts for the community.

## BOUNDARY DISCUSSION

An in-depth boundary discussion was planned for the second community meeting. However, with additional time remaining, Mueller provided an example a potential village boundary to generate some initial feedback and to prompt discussion. The example boundary was comprised of 215 acres and extended approximately ¼ mile to ½ mile from the existing village core to the east and west, and about ⅛ mile to ¼ mile north and south on both

sides of Black Diamond Road. Several attendees felt this potential boundary was too large, others said they wanted to think about it, and one person stated that any boundary larger than this could turn Windham into something like Tiffin or Solon. The boundary discussion was slated to be continued at the next meeting.

### **CONCLUDING DISCUSSION**

Busard stated that staff will use the ideas collected from the evening to draft potential goals and a vision statement. A second meeting will be held to review the draft goals, vision statement, and boundary. Additional opportunities for public input will be available during the PZC hearing and the BOS hearing. Attendees were thanked again for their time and input.

## **Meeting 2**

### **Windham Village Planning**

**August 29, 2022**

Meeting held from 6 p.m. to approximately 8:15 p.m. at Renee's Roadhouse, 1747 Black Diamond Rd SW.

### **Attendees**

Approximately 24 members of the community as well as County officials and staff, including County Supervisors Rod Sullivan and Pat Heiden; and Planning, Development and Sustainability (PDS) staff: Josh Busard, Director; Nathan Mueller, Assistant Director; Joseph Wilensky, Assistant Planner; and Maya Simon, Assistant Planner.

### **Recap of Meeting 1 and Goals of Meeting 2**

Assistant Director Mueller welcomed everyone and introduced County supervisors and staff. Mueller summarized the previous village planning meeting and outlined the current meeting goal to obtain feedback and answer questions on the draft vision statement and goals and the draft village boundaries, which had been distributed via mail a few weeks prior and also shared at the venue.

Prior to reviewing the vision statement, Mueller briefly reviewed what a village plan does and does not do and how it is used.

An attendee asked if the proposed village plan process could be abandoned so that no plan was adopted and no village boundary created. Mueller reviewed the direction provided to PDS by the Board of Supervisors. Further conversation centered on the rationale for establishing a plan and advantages that could accrue to the area if a plan was established. Additional discussion centered on prior village planning in River Junction, including the plan adoption process, and how having a plan helps the Board of Supervisors make sound land use decisions. Both Busard and Sullivan spoke to this point.

Mueller addressed several questions on land use restrictions and home business restrictions within a village boundary and the intersection of land use, county regulation and village planning.

### **Draft Vision Statement**

Mueller presented the draft vision statement and requested feedback.

An attendee who was familiar with other village plan vision statements said the presented draft statement was a more conservative one, which he thought was a good thing. Supervisor Heiden noted that the draft was drawn from community feedback both at and following the previous meeting in July. An attendee said the vision

statement was accurate, but that the same vision outcomes could be accomplished under a small boundary. In response to a question, Mueller explained what businesses and services are considered “low-intensity commercial,” such as a small service garage (low-intensity) as compared to a gas station (high-intensity).

### Goal Statements

Quality of Life: An attendee asked how the plan would protect the quality of air and water if the plan/County cannot control the placement of CAFOs. Mueller acknowledged that village plans have no impact on DNR actions related to CAFO placement.

Additional discussion continued questioning the need for, and purpose of, a village plan. Busard said there will be additional public input opportunities for residents prior to and as part of the public hearing process with the Planning and Zoning Commission and Board of Supervisors.

Infrastructure and Services: No feedback was provided by attendees on the proposed goals in this category.

Land Use and Growth: No feedback was provided by attendees on the proposed goals in this category.

### Boundary Discussion

Mueller reviewed the size of other village growth areas then introduced four potential boundaries of various size for discussion. Three of the four proposals had been previously distributed, while the fourth was created in response to feedback received since the first meeting. Mueller reiterated that any land use changes can happen only with action by the land owner; having a plan and boundary does not require anyone to change their land use.

- An attendee shared two comments: (1) development south of Black Diamond Rd would have to involve a great deal of fill, and this need should be considered when drafting boundaries, and (2) given that the intersection at Orval Yoder Tpke and Black Diamond Rd has a great deal of drainage from the north, it would be good to pull the eastern edge of any boundary further to the west to avoid including that intersection.
- Another attendee asked if the existing residential zoning south of Black Diamond would be impacted by any of the proposed boundaries. Mueller noted that zoning categories would not be changed by the plan and that zoning can only be changed by request of the property owner and Board of Supervisors' approval.

Specific feedback was received only on Boundary Map #4:

- An attendee commented that the fourth boundary was unlike the three others and questioned the origin of the map. Mueller said it was influenced by community feedback received by PDS.
- An attendee noted that allowing development along a gravel road (Eagle Ave SW) may not be as preferable as keeping development on paved roads.

Mueller said that any map is subject to modification, and the overall plan itself is subject to additional input opportunities.

An attendee asked how land owners would know that their property was subject to map or plan restrictions. Mueller and Assistant Planner Joseph Wilensky noted that while certain property information such as existing



zoning or Future Land Use Map designations are not included in property descriptions, the area's real estate professionals routinely consult the PDS office about zoning and development restrictions and considerations related to these designations.

**Additional Discussion and Conclusion**

An attendee asked if an adopted village plan could be altered. Mueller said the oldest plan dates from 2008, and while no village plan has undergone a revision or reconsideration process, upon community request and at the direction of the Board of Supervisors, this could be undertaken by PDS.

Mueller summarized the next steps for plan review and feedback opportunities for attendees, other residents and interested parties.

DRAFT