

Vice Chairperson, John Olson called the meeting to order at 8:04 p.m.

On Roll Call: John Olson, David Simington, & Clinton Jones.

Motion by Clinton Jones, seconded by David Simington to approve the minutes of meeting number 124 on September 17, 2007 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number #14-07 of Lone Tree Cemetery, for a special exception use permit to expand the cemetery on a tract of land commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter as follows: four hundred ninety-two (492) feet East (E), thence South (S) three hundred thirty (330) feet, thence West four hundred ninety-two (492) feet, thence North (N) three hundred thirty (330) feet to the point of beginning, of Section Sixteen (16), Township Ninety-six (96), Range Thirty-eight (38), West of the Fifth Principal Meridian (5th P.M.), Lone Tree Township, Clay County, Iowa.

The zoning administrator explained the application and reported procedure to date. All property owners within 500 feet of the property were notified and a legal notice was published in the Daily Reporter. No written or oral objections were received. The Clay County Zoning Commission met on May 14, 2007 and recommended the petition be approved subject to a formal agreement between Lone Tree Cemetery and Steve Doran, neighbor to the proposed cemetery expansion.

Edwin & Ellen Geerdes, John Geerdes & Steve Rank were present to explain the application. A waiver agreement prepared by Michael R. Bovee was presented to the Board of Adjustment. Lone Tree Township Trustees agree to waive its rights to object to Doran's operation and expansion of livestock facilities. This agreement was signed by Steve & Pam Doran, Ronald & Lois Doran, John Geerdes, Steven Berends, & Stephen Rank. The approximate cost of the work involved is \$14,000.00 and is approximately 3.7 acres.

Also present was Steve Doran, adjacent property owner. Mr. Doran indicated he was satisfied with the waiver agreement presented by the Lone Tree Township Trustees.

Following all discussion it was moved by Clinton Jones, seconded by David Simington to adopt the following resolution:

RESOLUTION

WHEREAS, Lone Tree Cemetery has filed appeal number 14-07 for a special exception use permit to expand the cemetery on a tract of land commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter as follows: four hundred ninety-two (492) feet East (E), thence South (S) three hundred thirty (330) feet, thence West four hundred ninety-two (492) feet, thence North (N) three hundred thirty (330) feet to the point of beginning, of Section Sixteen (16), Township Ninety-six (96), Range Thirty-eight (38), West of the Fifth Principal Meridian (5th P.M.), Lone Tree Township, Clay County, Iowa.

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written or oral objections presented.

WHEREAS, the Board of Adjustment has determined that the granting of the special use will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.

WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.

WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.

WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.

WHEREAS, the Board of Adjustment has determined that the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.

NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing that the granting of the special exception use permit to expand the cemetery on a tract of land commencing at the Northwest Corner of the Northwest Quarter of the Northeast Quarter as follows: four hundred ninety-two (492) feet East (E), thence South (S) three hundred thirty (330) feet, thence West four hundred ninety-two (492) feet, thence North (N) three hundred thirty (330) feet to the point of beginning, of Section Sixteen (16), Township Ninety-six (96), Range Thirty-eight (38), West of the Fifth Principal Meridian (5th P.M.), Lone Tree Township, Clay County, Iowa, will not adversely affect the public interest, that said request be approved.

Roll Call Vote: Jones, Simington, & Olson, voted aye. Motion carried.

There being no further business, motion by David Simington, seconded by Clint Jones to adjourn. All those present voted aye. Motion carried. Meeting adjourned at 8:08 PM.

Clinton Jones, Secretary