FILED
SEP 23 1980
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

RUTH TAYLOR,

Plaintiff-Appellant,

vs.

MUSCATINE COUNTY BOARD OF SUPERVISORS,

Defendant-Appellee.

Filed September 23, 1980

0-195
2-63396

Appeal from Muscatine District Court - Max R. Werling, Judge.

Plaintiff appeals from judgment affirming defendant-board's denial of petition to rezone her farm. - AFFIRMED.

William B. Norton & L. Jeffrey Zearley, of Norton, Freese & Zearley, Lowden, for plaintiff-appellant.

Robert H. DeKock, Special Assistant Muscatine County Attorney, and Edmund D. Barry, Assistant Muscatine County Attorney, for defendant-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Plaintiff, Ruth Taylor, appeals from a judgment affirming defendant-board's denial of her petition to rezone her farm. We affirm.

Plaintiff owns a 77 acre farm located approximately 1 1/2 miles northeast of Muscatine, Iowa. Hoping to build a planned development on her property that included condominiums, townhouses, cluster homes, and a community center, plaintiff twice petitioned defendant, the Muscatine County Board of Supervisors, to rezone her farm from A-1 agricultural to R-3 residential and C-1 commercial. Defendant-board denied each petition. Plaintiff challenged defendant-board's decision by writ of certiorari in the district court of Muscatine County. After a full hearing the district court annulled the writ of certiorari, thereby affirming defendant-board's decision.

Appellate review of a judgment of a district court in a certiorari proceeding is governed by rules applicable to appeals in ordinary actions. Iowa R. Civ. P. 318. Our scope of review is limited to correction of errors at law. Brock v. Dickinson County Board of Adjustment, 287 N.W.2d 566, 568 (Iowa 1980) (quoting Vogelaar v. Polk County Zoning Board of Adjustment, 188 N.W.2d 860, 863 (Iowa 1971); Weldon v. Zoning Board of Des Moines, 250 N.W.2d 396, 400-01 (Iowa 1977); Iowa R. App. P. 4. The district court's findings of fact have the effect of a jury verdict. Weldon, 250 N.W.2d at 401; Johnson v. Board of Adjustment, City of West Des Moines, 239 N.W.2d 873, 878 (Iowa 1976). Such findings, supported by substantial evidence and arrived at by application of proper legal standards, are binding on this court. Vogelaar v. Polk County Zoning Board of Adjustment, 188 N.W.2d 860, 863 (Iowa 1971); Iowa R. App. P. 14(f)(1). If the district court's findings of fact leave the reasonableness of the board's action open to a fair difference of opinion, the district court may not substitute its decision for that of the board. Weldon, 250 N.W.2d at 401. If there is substantial evidence for the district court's decision, we may not substitute our opinion for that of the district court. Johnson, 239 N.W.2d at 888-89. The fact that the evidence also would have supported an opposite conclusion does not thereby undermine the evidence's substantiality. Bennett v. Guthridge, 225 N.W.2d 137, 139 (Iowa 1975).

I. Plaintiff argues that notwithstanding her farm's A-1 agricultural classification, she must be permitted to use the farm for nonagricultural purposes, because section 358A.2, The Code 1979, exempts agricultural land from zoning restrictions adopted

under the provisions of section 358A. Plaintiff's argument is invalid. Section 358A.2 exempts agricultural land while used as agricultural land from zoning restrictions adopted under the provisions of 358A. Plaintiff seeks to use what is now agricultural land as nonagricultural land. Hence the exemption of section 358A.2 does not apply to plaintiff's land for its proposed nonagricultural use.

II. Plaintiff contends that the board's denial of her petiiton to rezone her farm was arbitrary, unreasonable, and discriminatory. See Jaffe, 179 N.W.2d at 556. We disagree. Defendant-board had a rational basis for denying plaintiff's petition. The record reveals evidence of the following. Rezoning plaintiff's land would take approximately 62 acres of good agricultural land out of production. Solutions to the problems of sewage treatment, water supply, fire protection, police protection, and schools for the proposed development were uncertain. Board members voiced concern that plaintiff's plans called for an overly dense population to be located in a limited rural area. There were grounds for concern that development of plaintiff's land would cause traffic congestion on a stretch of Highway 61. We conclude that substantial evidence before the district court supports its affirmance of defendant-board's denial of plaintiff's application to have her farm rezoned. See Johnson, 239 N.W.2d at 888-89.

AFFIRMED.