

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday November 21, 2022

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday November 21, 2022 at 1:00 P.M. in the community room of the Dickinson County Courthouse.

Members present were Tony Weber, James Blum, Teresa Garvey and Jon Gunderson. Absent was Erica Schultes and Carol Pierce.

Also present were, David Kohlhaase, Dickinson County Zoning Administrator and Megan Kardell Dickinson County Zoning Assistant. Absent was Steve Goodlow, Dickinson County Assistant Attorney.

Tony Weber-Chairman called the meeting to order at 1:04 p.m. and read the opening statement.

First item on the agenda was Approval of the minutes from October 17, 2022. Gunderson motioned to approve the minutes. Blum seconded the motion. All were in favor.

Second item on the agenda was New Business. 1st item of New Business was Recommendation to the Board of Supervisors for a Rezoning from A-1 Agricultural to R-1 Suburban Residential for Dennis Zellaha.

Kohlhaase said Zellaha is making application for a change in zoning district boundaries. The address of the property is 2280 195th Ave, Milford Iowa. Parcel # 1010300013, it consists of 4.78 acres. It is west of Milford on the Horseshoe Bend Road. The present zoning classification of the property is A-1 Agricultural and R-1 Suburban Residential. The A-1 area on the map is gray, the R-1 area is tan. The A-1 area is the portion of the property being requested to be rezoned to R-1 Suburban Residential. The future land use of this property is identified as residential. The proposed use the property as stated on the application is expansion.

Dennis Zellaha said he was surprised to find out that it was zoned agricultural, when he bought the property, he was told he was not allowed to have any livestock. So he assumed it was all R-1, he would like to sell a portion of the property to the neighbor and it has to be R-1 in order for him to sell any portion of the property.

Kohlhaase said in reference to selling a property, when a property is zoned agricultural, the acreage site must be a minimum of 10 acres, or an existing or abandoned farmstead of at least 20,000 sq. ft. The Zellaha property has 4.78 acres and is a conforming acreage site. But the problem is, when he wants to split a part of that off, he cannot because of the agricultural zoning classification. If they are successful in changing the zoning to the R-1 Suburban Residential District, the minimum requirements are 1 acre with 150' feet of width, this would allow Zellaha options to sell a portion of his property to the neighbor.

Blum asked if the portion he is going to sell off is in the rear of the property.

Zellaha said yes, and described the property in question adjacent to Dustin Waltman's property. He continued to explain the topography of the lot and how he doesn't understand how it could be considered agricultural.

Weber said it is pretty consistent with what is going on in the neighborhood, it seems to make since.

Blum motioned to recommend to the Board of Supervisors to change the zoning from A-1 Agricultural to R-1 Suburban Residential for the Zellaha property. Gunderson seconded the motion.

4-0 Approve.

Blum, Gunderson, Weber, Garvey approve.

2nd item of New Business was a Working session on Comprehensive Land Use Plan.

Kohlhaase thanked Northwest Iowa Planning & Development for their time in helping with this project.

Kohlhaase said the purpose of last month was to invite the cities and gain some of their input which is important even though there was not a lot of comment from them. Also the utilities were invited because anytime someone wants to talk about future expansion or development, utilities are a big subject. The rural water companies seemed positive and have lines drawn as to where they service. Sewer seems to be the biggest issue, and we really did not receive an answer to the question we were asking, which was where is the expansion going to be in the county. Basically what we heard

was in reference to capacity issues is they mostly have storm water issues and illegal hook ups which affects their capacity. The biggest thing we are after is where they are going to expand to.

Kohlhaase continued. The 2006 Comprehensive Land Use Development Plan talks about the past, present and future of Dickinson County. It is a tool that is used when making decisions for future growth. It is a tool, a very important tool, but is not a law or an ordinance. The plan over the years has had many updates, revisions, and amendments. NWI Planning and Development assisted Dickinson County with the 2006 plan and on June 23, 2020 we entered into an agreement for an abbreviated plan update, including updating the land use and future land use maps. The purpose is to use the updated census figures and current data as well as working on the future land use map to show the direction of the County. Due mostly to covid and personnel changes at NWIPD, the update has been delayed because we felt it was important to have in person meetings rather than via zoom. He feels the comprehensive land use plan is good and does not need to be rewritten from start to finish, which is why we entered into an agreement to have an abbreviated update. Darren Bumgarner is assisting the County with this update. The future land use maps are good but maybe an update can make them even better. Chair Weber suggested we collect all land use maps and form a committee to bring recommendations back to the commission to make the new plans successful. At the last meeting we specifically invited the cities, and the message was working together on future growth areas. Dickinson County has always had a good problem which is growth and we need to make sure that it is done right and timely. In the many meetings with the Supervisors we have never been directed to not look at growth in a positive way, but the message continues to be correctly and timely.

Weber said one map they do not have is the taxable service area map from the Sanitary District. He tried to go online, but it is not printable. He knows it's available because they showed it at the last meeting. There are a couple areas right in the center of the county that does not have sewer, and having that map would be beneficial.

Kohlhaase said the current sewer project around Center Lake is finishing up, which is good, but another area he feels needs sewer is the 3rd tier on the west side of East Lake. We've been told that sewer is not available in that area.

Blum said he believes the reason for that is because they are afraid to add anything more in the Francis Sites sewer because of the flow that comes down from Spirit Lake. The infiltration inflow problem has been an issue for 25 years. What he heard was they were hoping to solve the issue within the next 5 years and it may open that area up.

Kohlhaase asked how do they fix the storm water issue.

Blum said the Sanitary District has talked about smoking the line to see what and where things are connected to the sewer. A lot of the infiltration inflow is due to the age of the pipe, another key factor is a lot of houses have sump pumps that pick up their ground water around their house and many are connected to the sanitary sewer. They did start checking on houses in his area for illegal hook ups. There has to be some way to hold the cities accountable for their infiltration, because the sanitary district does not have jurisdiction over those lines.

Kohlhaase said his belief in life is there needs to be a balance. He understands there are issues with the storm water and the illegal hook ups but at the same time he feels there needs to be effort into considering the growth area and where we maybe need to expand, both are important to growth. He's not an engineer about public sanitary sewer, but Dickinson County is controlled to a point where not much expansion is happening because during the peak flow moments, they cannot handle the flow. It just doesn't seem balanced. He wants some positive responses and work together, he understands Anderson's position, but the other side of the coin is how are we going to maintain and improve the system we have and in addition to expanding. Most always when someone wants to bring a development to Dickinson County, we direct them to the Sanitary District as one of their first stops. Kohlhaase believes a small committee would be a good idea, and when they reach a certain point invite Anderson to be involved since he knows system.

Weber said one of the things about infiltration that doesn't seem to get discussed is the age of the system. There are some pipes as old as the 1930's and we know those pipes are not up to today's standards. Also there are so many of the sewer lines that run under slues or through wetlands and you know there is leakage in there. If you look at the capital improvement plans on the website, they have some very major plans that will cost millions and millions of dollars. He's not sure how they are selecting the projects, but it looks like a lot of it is replacing pipes and lift stations. They are blaming a lot of the infiltration on illegal hook ups, but he believes much of this is also leaky pipes. He knows they've done some lining, but he doesn't believe those are very successful. Many of the sewer lines are not where one would normally put them, like in the middle of the street, they

are along the lakeshore. In Francis Sites many of the off lake homes have easements across the neighbor's property to access sewer otherwise they would not be able to hook up.

Kardell asked when was the last time the Sanitary District expanded, not including the current project around South Center Lake.

Weber said it was probably when they went around the north side of Big Spirit.

Kohlhaase said it was probably 10-15 years ago. The sewer will be a big issue with the map, but it would be his opinion to do the map as how we feel is appropriate and right and then deal with that when the time comes. We can't sit here and do nothing.

Kardell said she believe that approach was utilized in 2006 as well, we have communities identified as future residential such as Tusculum Beach that do not have access to sewer.

Blum said the District said they have adequate capacity in dry weather flow, the problem comes with rains events and snow melt. They are using that as a crutch in the areas like Tusculum Beach, Francis Sites down to Chalstrom Beach areas. That is why he suggested a separate line to service those areas. Anderson said they were doing flow testing and so they can pinpoint the line where the influx is coming from. He agrees that we have enough capacity without the infiltration, and understands where they are coming from but he's heard the same story for 20 years. They need to speed up their efforts and either charge the cities or urge the cities to do something about their infiltration flow.

Kohlhaase said as a planner, normally sewer is brought to a development, then within the development the developer provides the sewer to the individual lots, but we need to get that first step with the expansion of sewer to those areas where we can expand. When he looks at the maps overall they are pretty good. Next year when you have the joint meeting with the Supervisors, last year the subject was campground, this year might be a continuation of that and also where are we going to develop further in the County.

Weber said we've been talking about residential development, which is only one thing, but probably the biggest concern is industrial development. Then whether it is a wet or dry industry could make a world of difference regarding sewer. The first things an industry is going to look at when developing is good roads, electrical, good sewer and water. They will look all of those things before they consider bringing a project to the area. If they don't get the right answer, they'll go somewhere else. He would like to form a small committee, and he would like to do some preliminary work in identifying areas of growth/concern and then obtain more information from outside entities. He thinks they have all of the information now needed to move forward in a real work session and look at them carefully.

Discussion on balance, Landmark Products in Milford, forming a committee, growth, capacity of sewer, illegal hook ups, infiltration, real numbers, uniform building and plumbing codes, South Center Lake, and road standards.

Third item on the agenda was Old, Unknown, or Other Business. Weber said there are a number of people whose term is up, if you wish to re-apply to the Commission, please submit your application to the Auditor's Office.

Fourth item on the agenda was Adjournment. Blum motioned to adjourn. Gunderson seconded the motion. All were in favor.

(For more information see P&Z 11 21 22 recording)