

# DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday May 16, 2022

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday May 16, 2022 at 1:00 P.M. in the community room of the Dickinson County Courthouse.

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

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

Tony Weber-Chairman called the meeting to order at 1:00 p.m. and read the opening statement.

First item on the agenda was Approval of the minutes from April 18, 2022. Blum motioned to approve the minutes. Pierce seconded the motion. All were in favor.

Second item on the agenda was New Business. Discussion/Action recommendation or not to the Board of Supervisors on the following proposed amendments in Dickinson County Zoning Ordinance 102, Article #7 R-1 Suburban Residential and Article #14 RE Resort Enterprise for campgrounds for profit and campgrounds non profit to move those uses from Permitted Principal Commercial Uses, to Conditional Commercial Principal uses.

Kohlhaase said Article #7 the R-1 Suburban Residential District and Article #14 the RE Resort Enterprise District are the two districts that allow campgrounds as a permitted commercial use, and in the previous discussion, we talked about moving those two uses, to a conditional commercial use. Then it would require any campground proposal to go in front of the Board of Adjustment for a conditional use permit. The districts that allow campgrounds as a conditional use are the A-1 Agricultural District, the A-2 Environmentally Sensitive District, the R-5 Mobile Home District, and the HC Highway Commercial District. The two articles the Commission is looking at amending from a permitted principal commercial use to conditional permitted commercial use are the R-1 and RE. At the last meeting there was positive feedback to propose a zoning ordinance change for those two districts. A zoning amendment recommendation requires publication in the local newspaper, which was done. If the Commission decides to make a recommendation to amend the ordinance, that recommendation will go in front of the Board of Supervisors for another public hearing and approval or not.

Pierce asked if the office received any feedback from posting the publication.

Kohlhaase said no we did not.

Weber said the Commission's main purpose to move the campground definition from permitted to conditional was to try to clear things up.

Kohlhaase said the good thing is, and he endorses what the Board of Adjustment does and how they do it, it allows the County to place a check and balance on campgrounds. It allows the BOA to review the applications and try to make them the best they can be, and it also allows for public notices and hearings for all to be involved and informed. It is a good safe guard. A conditional use are uses that are thought to be okay in a certain zoning district, but take the additional approval from the BOA. They look at what the plan is, if the timing is right, if they are going to do things well, and if it fits where it is going.

Blum said he doesn't see where it would hurt to do this, he can think of a couple campgrounds that were approved because they were in the right zoning district, which does not give the neighborhood any input. He thinks this way the neighbors can have input.

Kohlhaase said in his career of almost 30 years, the campground Blum is referencing is located in the 3<sup>rd</sup> tier of Francis Sites in the Tusculum Beach Subdivision which is zoned R-1 Suburban Residential. The campground was allowed to be done, because campgrounds are an allowable principal commercial use in that district. The office had the authority and required the campground had to be designed by someone who was in that field, and once the campground was implemented, they had to sign off on it. This all occurred and when it was complete it was a nice small campground. The problem with it was the management was a junker and he began to accumulate a lot of stuff. We have worked with the management, it has gotten better, but there are still some issues with it. That is the only one we've had in the County that was permitted through the office. Also, if the Commission makes this recommendation, the County does have conditional use standards in place to guide the direction of the campground.

Blum said the one of the biggest concerns regarding the campground Kohlhaase just reference was noise.

Kohlhaase said noise, activity, and clientele.

Blum said this leads us to enforcement, when one of these campgrounds are built someplace, there needs to be someone whom checks it to make sure they built it in accordance to the plan.

Kohlhaase said many of the issues we had with the one permitted through the office mainly involved law enforcement due to the clientele, drugs, and the late night activity. Where we got involved is with the accumulation of all of the stuff.

Schultes said what we are looking at right now is changing the wording of these articles.

Weber said yes.

Schultes motioned to make a recommendation to the Board of Supervisors to amend Articles #7 and #14 in regards to campgrounds for profit and non profit, to change from permitted principal commercial use to conditional commercial principal use. Pierce seconded the motion. All in favor.

Third item on the agenda was discussion of campgrounds standards. Weber said he and Blum attended the April 25, 2022 Board of Adjustment meeting. They wanted to help make the ordinance easier to understand, so they came up with some guidelines and recommendations. This is just really a starting point, they may want to add a separate ordinance within the code, but having some definitions that are in there, so someone knows exactly what they have to do. Weber said he did a page of definitions and Blum did a proposal for some campground supplemental standards. This was something they did for discussion of the Commission and to help clarify the ordinance. They thought at least adding some definitions would be helpful, such as recreational vehicles, tents, and cabins to the ordinance because not all campgrounds are the same. The definitions sometimes describe what is taking place further on in the ordinance.

Kohlhaase said very respectfully the County does have a definition of a campground under visitor habitation use types. He believes amending the ordinance was a very good move in reference to making all campgrounds conditional uses. As we talked at the last meeting, the County does have conditional use standards in the Conditional Uses article in the zoning ordinance. If the Commission should want to recommend specific campground standards, they would go under the supplemental standards in the Conditional Use article. That section spells out specific things that would be expected and required of a campground. A comparison would be PUD's, junk yards, and Wind Energy Conversion Systems. If someone wants to make application for one of those uses, there is a specific set of standards that are required to be met. Kohlhaase said he did become concerned as he was working through some proposed supplemental standards of his own for campgrounds due to there being an active application in front of the Board of Adjustment. The Board of Adjustment is a quasi-judicial board. They are similar to a judge and jury, and the meeting it is handled like a court case. When the members are away from the meeting, for example there is one continued right now, they cannot discuss that out in the public, nor can they accept phone calls or correspondence. Where he got concerned was since the County/BOA are in the middle of an application, that is basically in court, and at the same time the County is working on standards, he feels it sends the wrong message and feels the timing is off. When the timing is better, and when there is not an active campground application, that would be the time to discuss supplemental standards for a campground.

Weber said he had that feeling when he was putting the definitions together and after attending the Board of Adjustment meeting, maybe the timing is off.

Kohlhaase said appeals can become ugly, and he does not want anyone to use that against the County. So, maybe the discussion could be continued until that case is resolved and then the Commission resumes those discussions.

Schultes asked if the Board of Adjustment asked for more definitions in regards to campgrounds.

Kohlhaase said the Board of Adjustment has not. He can say the Board does take the applications very seriously and they do a good job.

Weber said some of these proposed standards came about after going to the Board of Adjustment meeting and listening to them ask questions and addressing their concerns. He doesn't see any problem with postponing it for the benefit of everyone right now.

Kohlhaase said he believes that is the best and the right thing to do. We will schedule that with Weber's involvement in the future when this case gets settled.

Weber said that is fine.

Blum said he understands where this is coming from, but with the meeting with the Supervisors, were they not directed to pursue this a little bit. They are not going to adopt anything today, these are not in final form.

Kohlhaase said the County will eventually put them into final form, and it would be a continuation of the supplemental standards if the Commission and the Supervisors choose to do that.

Blum asked when will this be on the agenda.

Kohlhaase said we have one active campground application, and one possible application in the future, however after the Board of Adjustment makes its decision, anyone within 30 days has the right to appeal the decision. It's a little messy, the timing is awful, and he knows the intent of this is to make things better.

Goodlow said there is really not a good answer as to when.

Schultes asked Goodlow to vocalize his opinion on it, would it be your opinion to wait?

Goodlow said yes. Kohlhaase and he have talked about this a lot, and they just want to proceed in a proper fashion as much as they can. He doesn't believe the County should be adopting things while this is pending.

Weber said he feels they have solved some of the campground issues with the action they just took by moving the campgrounds use to conditional uses.

Kohlhaase said he understands the effort and to have it black and white and clear, that makes sense. He thinks the thoughts and ideas are in the right direction.

Schultes asked if a motion was needed.

Weber said he does not believe so since this was on the agenda for discussion, which we did.

Blum said he understands the ordinance requires people to be notified within 500' feet, can the letters that were read at the BOA meeting be categorized as to whom were within that notification area, because there were some people who wrote letters from many miles away.

Kohlhaase said the chair does request when people speak that only new information be presented, but as you witnessed, everyone wants to be heard. The only thing the board can do is limit the time one is allowed to speak.

Kardell said more specific to Blum's question, in the notice to property owners, the last paragraph states "the hearing of appeals is not limited to those receiving copies of this notice, and if you know of any neighbor or affected property owners, who for any reason has not received a copy out would be appreciated if you would inform them of this public hearing." To delineate the 500' feet, who is affected or not, would be very difficult for her to do.

Goodlow said when those letters were read, most of them had addresses to know where that voice was coming from.

Kohlhaase said we talked about how to either summarize the letters or put together a pro/con list, but bottom line is everyone wants their voice to be heard and those letters need to be read in their entirety.

Weber asked if Kardell read them in the order in which they were received at the office.

Kardell said she did not, due to that being messy or becoming inaccurate, she had the approval and the denial piles and just went back and forth.

Weber said the way it was done was good.

Kohlhaase said besides the notices to property owners, the public hearing is advertised in the newspaper too.

Blum said if the Board of Adjustment acts on the application, and the other side appeals, this could go on for a long time.

Kohlhaase said he understand the Supervisors gave the Commission direction, he believes the Commission is not saying no, but only continuing this until there is not an active case.

Goodlow said he thinks to a certain degree, this is a day by day thing, he would like to see what happens in June. He agrees, the appeal phase could take some time, but he thinks we're going to get there, it is just a matter of when and in what fashion.

Weber said for the time being, just put this in the file.

Kohlhaase said also for the time being to continue to take notes on things that could make the ordinance better.

Blum brought up the three things he sees campgrounds need to address. He feels there should be a minimum intersection radius, cul-de-sac minimum radius, and stricter standards for impervious surface standard for more green space.

Kohlhaase said more discussion will come at a later date.

Fourth item on the agenda was discussion on the comprehensive land use plan.

Weber said we are in the process of starting to review the comprehensive land use plan, he asked if there had been any more discussion with Northwest Iowa Planning and Development and if the agreement was or will be expanded.

Kohlhaase said as of last week, Darren Bumgarner is going through it and redlining all of the things that need to be updated. Mainly just numbers at the moment, like the census numbers for example. He know that the biggest goal is getting the existing land use and the future land use maps updated and then getting everything else in the comp plan to match up with that. In the abbreviated comp plan revision contract, we have four meetings with NWIPD, so we are trying to utilize those efficiently. We can have more meetings with them, but it just cost more money. The biggest thing is going to be identifying those areas where growth is going to occur in Dickinson County. It will be a combination of the cities, and what do those plans show, and public sewer and where it is available and where it can be available so the County can plan accordingly. Those will be the two biggest factors, in addition the third one will be the general feelings of the County. We are unique and special and are spread out amongst all of these other communities. When we really dig into this, it is probably going to require the participation from the cities and sanitary sewer. We have good problem here, its growth. Growing is okay as long as it's done timely, right, and in the right places. The update is, Bumgarner is going through it, changing all of the numbers and once that part is done, we will start working on the existing and future land use map.

Blum asked if there anything in the goals about enforcement or increased traffic, is NWIPD identifying where there should be a four lane, he feels the roads in some areas are reaching maximum capacity.

Kohlhaase said more density brings more people and vehicles. With new developments and roads we need to rely on the County Engineer to give us those comments. That is spelled out in the subdivision ordinance on how that is supposed to occur and happen. Something we need updated would be the road standards to be more urbanized versus only rural. You're talking more of the collector streets, besides utilities, roads will need to be looked at too. The subdivision ordinance was written by the Planning and Zoning and the Board of Supervisors for the developer to build to those standards, and those roads to be turned over to the County, much like a city, but that has not occurred in Dickinson County. Meaning so many of the developments that come to us currently are planned to be private and the subdivision ordinance allows for that to happen.

Blum said he was talking about one particular area along the lake with only one way in and one way out, he was thinking if that should be looked at not, only for those that live there, but for emergency services as well.

Kohlhaase said all of those things need to be considered.

Weber asked if there were any more questions or comments.

Kohlhaase said soon there will be more to bring to the Commission, but also remember the comprehensive plan is a tool and not an ordinance. It's a tool that is supposed to guide the direction of the way the County wants to go in the future. The first thing that the Commission needs to decide is if they want development and if so, done timely, done right, and in the right places. Look at the subdivision ordinance as well, because there might be a possibility to make that better too. Planning is important.

Weber said the next big project is the comprehensive land use plan and once that is done, there are some other items that need to be addressed, but that is a big enough chore.

Fifth item on the agenda was Old, Unknown, or Other Business. Kohlhaase said there are a few people talking about a few small developments, but whether or not that will come to this level we will see.

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

(For more information see P&Z 05 16 22 recording)