

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

April 21,2025

1:04 P.M.

The Dickinson County Planning and Zoning Commission met on Monday April 21, 2025, at 1:04 P.M. in the Dickinson County Courthouse.

The members present were Derek Lee, Nancy Menke, Spencer Heywood, David Besch, Carol Pierce and James Blum. Erica Schultes arrived late to the meeting. Also, present were Megan Kardell, Dickinson County Zoning Administrator and Lee McKim Zoning Assistant. Steve Goodlow, Dickinson County Attorney, was absent.

James Blum, Chairperson, called the meeting to order at 1:04 p.m.

Roll Call All members present.

First Item on the Approval of minutes

Pierce motioned to approve the minutes from March 17,2025 with 2 corrections per Blum. In the 4th paragraph it says swap and it should be swamp. Also, on page 4 on paragraph 4 the sentence is incomplete. Menke seconded. All approved Blum, Besch, Heywood, Menke, Pierce, Lee, Schultes

Second on the Agenda

1. Re-Zoning on the parcel identified as 0709400002, Section 9, Twp 99, R 36, Center Grove Twp, NESE, 165th Street, Dickinson County, Iowa

Kardell gave her staff report. The property identified as 0709400002 is owned by the Toy Shed LLC C/O of Arlin Kiel. It is currently zoned A-1 Agricultural and consists of 38.74 Acres.

The request is to rezone the property to R-1 Suburban Residential. The Future Land Use map also identifies this property as future residential. Kardell read the R-1 Suburban Residential district definition.

Kardell also contacted Steve Anderson regarding sewer, Kardell read the letter to the commission. Should development occur the properties would need to service by a private sewage disposal system. The minimum requirements in the R-1 District are 1-acre minimums with 150' feet of width.

Arlin Kiel came to the podium representing The Toy Shed. Kiel stated he wishes to sell the property; he is not planning to develop it personally. Blum asked if he had a buyer already. Kiel stated yes. Pierce asked how many acres were on the property. Kiel states 40 acres. Kardell stated there is 38 acres roughly. Blum asked if there is any wet land issues on the property. Kiel stated there were no wetland issues. Besch asked about the sewer and the cost for a lift station or

lots that were 1-acre and in need of a septic system. Discussion of sewer access: nearest public sewer is over half a mile away, plus the cost of \$3 Million and a lift station, also a private septic system would be required, the R-1 district requires minimum 1-acre lots with a 150 ft width and to be suitable for septic. Kardell stated the minimum required is met and Kiel can proceed. Public questions addressed: drainage, lot size, difference between R1 and R2, stable/horse use, Spirit Lake annexation unlikely.

No correspondence

Public Comments

Don Breuker came to the podium to ask about the 40 acres. Kardell showed the map of the area. Breuker asked about what will happen with the terraces. Kardell stated pre-development must be equal or less than post development. Breuker asked for clarification on the R- 1 & R- 2 districts. Kardell explained the bulk regulations call for 1 acre lots and 150th of width, and to go to the R-2 district which is 1 & 2 family residential with septic requirement of 20,000 square feet and 100 feet of width.

Public Comments closed

Pierce asked for clarification on the number of homes that could be put there. Kardell stated 38 but with infrastructure it would be less.

Pierce asked about the R-1 district and its uses that could create a stable for horses and if that would come back for a review to Planning & Zoning. Kardell stated no, it would be a permit that comes from the Zoning office. Blum stated it is 3 acres for a stable, that is allowed. Kardell agreed to 3 acres, and that the density is not greater than 1 horse and/or offspring under 2 years old per acre.

Pierce asked about annexing into Spirit Lake. Kardell stated no.

Besch recommended a motion to vote for rezoning the parcel identified as 0709400002, Section 9, Twp 99, R 36, Center Grove Twp, NESE, 165th Street, Dickinson County, Iowa . It was seconded by Pierce.

The votes were 7-0 approved. Blum, Besch, Heywood, Menke, Pierce, Lee and Schultes.

Third on the Agenda was Old, unknown, or other business to be discussed.

Line of Sight- Definition – Current practice uses any building(including shed/garages) for the line of sight; proposal to use only ‘principal buildings’ to avoid skewed setbacks stated Kardell. Besch asked about lakeside property. Kardell stated lakeside is front side and only place where the alignment comes into play.

Menke asked for clarification on footage.

Review of Article 17, Section 2 regarding setbacks and line-of-sight for new buildings. Current practice uses any building (including sheds/garages) for line-of-sight; proposal to use only 'principal buildings' to avoid skewed setbacks. The commission discusses implications for lakeshore and non-lakeshore properties, historic non-compliance, and fairness.

The commission's consensus is to amend the ordinance to specify 'principal building' for the line-of-sight; motion passed to draft and publish for public comment.

The vote for Building (current) vs. principal building – Menke motioned to be in favor of a principal building. Schultes seconded. Votes of 7-0, all in favor. Blum, Besch, Heywood, Menke, Pierce, Lee, Schultes.

Fees

Kardell stated the Zoning fees needed to be updated and proposed increases to building permit fees, rezoning, variances and special projects (ex: wind energy, landscaping). Rezoning is currently at \$100.00 to be raised to \$ 200.00 .

Discussion of rationale: complexity, staff time, comparison to other counties with the commission members. Concerns raised about proportionality (higher- value projects pay less per dollar than small projects) fairness to the small builders. Also, discussion on the Landscaping permit maximum fee \$500 debated, some suggested removing the cap for larger projects.

Blum asked about the administrative review fees. Kardell stated from the Ordinance the procedure of administrative review.

Schultes asked about the multi-family district. Kardell read the ordinance explaining it was per unit.

Pierce asked for the timeline of fees last updated. Kardell last time it was updated was 2019 and feels it reflects the up in fees for postage, time and supplies.

Verbal vote - Menke motioned to accept the fees – no second. Motion dies. No final decision: items tabled for further review and feedback at the next meeting.

RV Dwelling Use Kardell talked about whether we conform like the other municipalities or if we stay the way we are. Pierce stated the clarification on RV Use.

Current regulations prohibit RVs as dwellings outside campgrounds; ADU bills that are pending at the state level may impact local control.

Sheriff Greg Ballou came to the podium to say he thought it would be a nightmare. Ballou asked who would police it. Kardell stated with the size of the office we don't have enough to check on areas.

Discussion with Ballou and the commission members on how the commission would handle enforcement challenges, complaints and potential for abuse of Airbnb, multiple dwellings on a single lot. The commission has concerns about the neighborhood impact, parking and administrative burden. Pierce asked to separate RV and ADU issues; request for new draft language/options for RV regulation for future consideration. The commission agreed.

Tabled the RV item to investigate enforcement options and recent incidents.

Blum asked about the boat hoists and the issue raised concerns about unauthorized commercial boat lift storage in lakeshore residential zones Pierce asked about having personal property use for the hoists. Blum stated 50-60 lifts stored on private property).

Discussion with the commission of zoning compliance, commercial use in residential areas, and need for enforcement. Blum asked about enforcement for that issue. Kardell stated she would investigate it.

Tif Kardell discussed upcoming development proposals seeking TIF support, the need for Planning & Zoning with the Board of supervisors meeting to be coordinated. Kardell stated that we have planned to schedule a joint training session with Ehlers and legal counsel for TIF education.

Adjournment

Pierce motioned to adjourn and was seconded by Schultes. All in favor, Blum, Besch, Heywood, Menke, Pierce, Lee and Schultes.

(For more information see P&Z 04 21 25 recording)