

Minutes: Washington County Zoning Commission
Monday, April 6, 2009, 6:30 pm
Washington County Conservation Education Center, Marr Park
Ainsworth, Iowa

Members Present: Harold Frakes, Shaun Greiner, Don Kline, Steve Swaffer, Layne Twinam, Ray Yutzy.

Members Absent: Larry Thomann.

Also Present: Steve Gerdez, Fritz Engel, Jim Miksch, Joelyn Zickefoose, Michael Dice, Les Zickefoose, Rick Marlar, Burdean Graber, Dave Skubal, Mary Leedy, Katie Graber, Ed Raber, Delyle Winkle, Wes Rich, David Patterson, Jacob Thorius, Gary Lozano.

Meeting called to order at 6:30 pm by Layne Twinam.

1. Tentative agenda was reviewed. Motion to approve the agenda was made by Don Kline, seconded by Steve Swaffer. A voice vote was conducted on the approval of the agenda with all voting aye and motion carried.
2. Motion to approve the minutes from last month's was made by Don Kline and seconded by Ray Yutzy. A voice vote was conducted on the approval of the minutes with all voting aye and motion carried.
3. Gary Lozano reviewed the project status. Most of the proposed zoning ordinance is drafted. The group is accomplishing the task a little bit out of order, but overall they are on track.

Gary reminded the group that the zoning ordinance is not for a single use or an individual's use, but instead it builds on itself throughout the process. Gary said that not everything that has been discussed is appropriate for Washington County, but it is important to consider all options to ensure a good ordinance is drafted for the county.

4. Gary started by tying up the loose ends of various topics from March's meeting.

Regarding 6.02B.2 Ag Roadside Stands

- Roadside stand needs to be on private property, typically no closer than 40' to the roadway edge, which would make sure everything is beyond the road right-of-way.
- Gary doesn't think that the Commission will want to require parking lots, but with the setback showing they are permitted and can be required for safety concerns
- Will need a zoning certificate to work, it needs to show what they are doing

Steve Swaffer inquired if this will require a Zoning Administrator to inspect the stand location. The group agreed to delete the 180 days requirement, but leave the rest of the wording the way it originally was.

Regarding 6.02C.1 Animal Production in the Ag Residential District

- The wording says that anybody raising chickens, etc. needs to be at least 50' from the property line and 25' from any dwelling unit on the site.

Harold Frakes wondered why these regulations are applied to areas that are not that developed? It seems too regulatory.

Gary Lozano asked the group if this should be considered for areas with that type of growth that the land use is not primarily ag.

Harold restated that he thinks this is too broad of a regulation.

Gary said he can word this so it only applies to areas near high residential growth areas or the group could decide not to worry about it now and amend the ordinance later if it is a problem.

Harold likes the idea of applying this to existing build up areas in the county.

Gary will come up with some different wording and get it straightened out.

Regarding 6.03A.2 Setback from Animal Confinement Operations

- The idea of a reverse setback for a new house from an existing confinement operation
- Could use distances from the State Code or a set distance, varies from about 0' to 3000'
- These state setbacks could limit ability to expand but that currently could be a problem with a house still being able to move in as close to a confinement as they want
- The ordinance as drafted refers to State DNR code, not the chart specifically, so if DNR code changes, no amendments to the ordinance are needed.

Regarding 6.05C.2 Auto, RV and Equipment Rental and Sales

- Gary told the group that this category could be dropped if they chose – then would be basically saying that it is okay to develop these with gravel lots.

Regarding 6.05F Construction Sales & Service

- An example of a business fitting this category is Menards – and it is probably beyond what Washington County is concerned about
- Deleting this section would be appropriate

Layne Twinam asked about a business in this category developed next to residential uses.

Gary said that would be covered by commercial setback from residential with screening or separation from each other.

Don Kline thinks that the group should take out section G (6.05G) if they also take out F (6.05F). The consensus was to drop them both.

Regarding 6.05H Kennels

Harold Frakes thinks this section is similar to the section before. It should only apply to the build up of residential areas in the county. The Commission ok'ed Gary to reword this section.

Regarding 6.07 Performance Standards in Industrial Districts

- Many of these environmental/health concerns are covered under other state/federal/county codes.
- Gary suggested dropping this section, the Commission agreed.

Regarding 6.06.B16 Salvage Services

- Requires screening within 1 year of ordinance adoption
- Probably hard to enforce – it comes up because of complaints from citizens
- Usually not pursued unless it is a serious safety concern/issue.

Regarding 6.08 Telecommunications Towers

- Aesthetics are probably more than what the County is concerned with
- Gary does not think it is that big of an issue for Washington County
- Typically requires an engineer signature
- Basic regulation is the setback being equal to height
- Consensus of the Commission was to make the section simple and to only address setback and safety concerns.

Regarding 6.09B Wind Energy Conservation Systems

- There are 2 types – individual windmills or “wind farms”
- Windfarms need a setback regulation from property lines and safety concerns should be addressed
- Need to be certified

Regarding 6.10 Home-based Business/Home Occupations in other than Ag Districts

- Any use in Commercial district is permitted in Ag, this section is for the other districts
- Limit space because the business is secondary use to living on the property
- Don told the group to keep in mind that these businesses are secondary uses and should remain small – if you remove this section it creates a loop hole.
- Gary said that out in the middle of the county this may not be an issue.
- Harold thinks this section may be a bit too restrictive.
- Steve thinks regulations should be applied to areas near built up residential areas.
- Gary will work on rewording this section to apply to only areas near built up residential areas.

Regarding 6.12B.9 Construction Batch Plants

- Can change the 180 day limit
- Typically put up for temporary purposes
- Part of permitting process could define the time period, maybe 12 months

Harold thinks that the zoning ordinance does not want to regulate garage sales. The consensus of the group was to allow for one sale/month.

5. Not covered due to lack of time.

6. Not covered due to lack of time.

7. Gary Lozano went over the background maps to be used for the zoning map development. He would like the Commission to review these maps and think of areas to zone. Gary thinks the Commission needs to go through their concerns and then send them to him and he will respond with a letter. The group needs to look at accessory buildings.

8. There will be an additional Zoning Commission Meeting on Monday, April 13, 2009 at 7pm at Marr Park or the Washington County Board of Supervisors Room, depending on what is available, to further discuss the proposed zoning ordinance.

9. PUBLIC COMMENTS:

Mary Leedy – concerned about animals on lots near subdivisions. Also, she does not see anything wrong with a business by a home. She sees huge double standards in the ordinance. A yard sale restriction is too picky.

Duane Winkle – Suggests checking with neighboring landowners about zoning commercial/industrial uses. He believes 180 days is more than enough for a concrete batch plant.

Gary indicated that they would require permits, then look at neighboring uses. He does not think existing batch plants have non-conforming rights because by their nature they are temporary.

Motion to adjourn the meeting was made by Ray Yutzy, seconded by Shaun Greiner. A voice vote was conducted with all voting aye and motion carried. Meeting adjourned at 8:21pm.

Respectfully Submitted,

Jacob Thorius, Secretary
Zoning Commission