

Minutes: Washington County Zoning Commission

Monday, August 18, 2008, 6:00 pm

Steinbeck Conference Hall, Washington County Conservation Education Center,
Marr Park, Ainsworth, Iowa

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

Members Absent: None.

Also Present: Gary Lozano, RDG; Jacob Thorius, Secretary; James Graham; Les Zickefoose, Joelyn Zickefoose; Michael Dice; Linda Wenger; Ervin A. Miller; Christine Thomann; Gene Hoyle; E. Dale Miller; Chester H. Miller; Oren Dale Miller; Jim Miksch; Adam Mangold; Jeff Thomann; Dave Skubal; Larry Christenson; Jim Rose; Kevin S. Dice; Lori Dice; Katie Dice; Stephen Dice; Wes Rich; Riella Rich; Merle Hagie; James Dunbar, Stan Meader.

Meeting called to order at 6:02 pm by Layne Twinam.

1. Tentative agenda was reviewed. The agenda was amended by switching items 2 & 3 around so that the approval of the minutes occurred before the public hearing. Motion to approve the agenda as amended was made by Harold Frakes, seconded by Ray Yutzy. A voice vote was conducted on the approval of the amended agenda with all voting aye and motion carried.

2. Minutes of the June 23, 2008 meeting were reviewed. Motion to approve the minutes was made by Larry Thomann and seconded by Ray Yutzy. A voice vote was conducted on the approval of the minutes with all voting aye and motion carried.

Layne Twinam read a summary of the minutes from the July 24, 2008 meeting to the group. Motion to approve the minutes was made by Harold Frakes and seconded by Ray Yutzy. A voice vote was conducted on the approval of the minutes with all voting aye and motion carried.

3. Motion to open the public hearing was made by Ray Yutzy and seconded by Harold Frakes. A voice vote was conducted on opening the public hearing with all voting aye and motion carried.

Gary Lozano began by reviewing the Zoning Commission's schedule and timeline for developing a zoning ordinance. Then the public was invited to voice their opinions. A summary of questions/opinions are below:

- Les Zickefoose made the following comments: Why do we need County zoning? Who is pushing for it? Just because other counties have zoning does not mean we have to. There are not enough reasons to have zoning. We have enough tools/rules already to regulate problems (i.e. code dictating septic/well issues)

- Gene Hoyle stated the following: The public is not well-informed about what zoning ordinance will (and will not) accomplish; it will not control hog buildings.
- Jim Rose stated that the problem is hog sheds: building next to homes, causing road damage/need for extra rock, etc. People want zoning to control hog buildings, they are not aware of the additional implications of zoning.
- E. Dale Miller stated that if a zoning ordinance is developed, what will define farmland? Income or what is produced? Could a Schedule F tax form be used to help define what a farm is? Will a small business be able to co-exist on a farm acreage? Will the zoning ordinance allow me to build a small house for my parents alongside my family's house so that I can care for them?
- Les Zickefoose and Lori Dice wondered about a small piece of land that has no agricultural value? Does an acreage have to be contiguous or is it the total owned acres?
- Stan Meader is against zoning on principle – why should other people tell me where to live and what to do with my land?
- James Graham wondered if a zoning ordinance can be customized to fit the needs of Washington County's growth? How will it encourage growth near the cities?
- Mary Leedy said she hasn't heard enough reasons why to have zoning in the county. Where is a zoning ordinance going to go – building permits?
- Les Zickefoose wondered is it really true that Washington County is losing farm ground to new housing?
- Mary Leedy wondered if they can petition the Board of Supervisors to stop zoning? Does the Board know how we feel? Are people talking to the Board candidates about how they feel?

Comments/Explanations from Gary Lozano, Jim Miksch (Chairman, Board of Supervisors), Adam Mangold (Supervisor candidate), and others are summarized below:

From Gary Lozano (in response to various questions throughout public hearing):

- His firm definitely sees people moving to the growth corridors, Iowa City is one city that is experiencing this.
- Cities have jurisdiction 2 miles from city limits if the county does not have zoning. Both cities and counties share subdivision control. It is the County, however, that provides services in that 2 mile area (so the County should want to have some say in the growth in those areas.)
- It is important to keep the definition of farming simple. In the next meeting, the Zoning Commission will cover Agricultural Use types.
- Home occupation is something that can be allowed and addressed in the zoning ordinance.
- The Zoning Commission needs to think about what they want the lot size to be for rural residential.
- The Zoning Commission will be looking at the issue of how firm the blue area lines are.
- All but a small handful of counties have zoning in some form. Most people in Washington County have to live under zoning right now.

- It is important that the subdivision and zoning ordinances be enforced.
- One of the primary goals of the Comprehensive Plan is to preserve the agricultural land.
- Zoning will regulate the uses of the ground.

From Jim Miksch (Chairman, Board of Supervisors):

- The Board of Supervisors set up the Zoning Commission primarily to preserve the prime ag land as was mentioned as a top goal of the comprehensive plan.
- Believes that all the issues presented at this public hearing can be addressed in the zoning ordinance.
- He cannot comment on how he will vote on the zoning ordinance until it is created and he has studied it.

From Adam Mangold (Supervisor Candidate):

- The concerned people here are angry over nothing right now (the zoning ordinance has not been drafted yet).
- As a candidate, he cannot have an opinion or make a decision until he has a document to look at.

Other comments from the public:

- James Graham stated that the small lot developments are destroying the “country environment.” He is open to the thought of zoning only if that during the zoning ordinance development process, the public is able to review it and give their input.
- Dave Skubal said Zoning will give everyone stronger property rights.
- Erwin Miller said he is not for zoning, but if it happens wants to be able to have the ability to allow for a home that generates income from the property.

Motion to close the public hearing made by Ray Yutzy, and seconded by Harold Frakes. A voice vote was conducted on concluding the public hearing with all voting aye and motion carried at 7:22.

Gary Lozano informed everyone that the next meeting will be Monday, September 8, 2008 (because of Labor Day holiday.) After that, the Zoning Commission intends to have monthly meetings on the 1st Monday of each month.

4. Gary Lozano worked with the Zoning Commission on the first sections of the zoning ordinance starting with the General Provisions. Most of the content of this section is required. Ray Yutzy revisited the question about building a second house on a property for grandparents. Gary Lozano indicated that the ordinance could possibly define agricultural land on tax purpose. He said that 1.03 Part B is the definition he would like to research further. The purpose is to describe the County’s intent and to provide property owners adequate rights. Ray Yutzy asked about how junk yards will be addressed. Gary Lozano said that public health and/or nuisance ordinances are one way or specifying with zoning on what use-type is permitted.

Gary Lozano worked with the Commission on the Definitions section to promote clarity. It was questioned what “accessory use/structure” meant and he answered that it typically meant a garage to a house. This will be covered further in use-type. Other terms discussed included bufferyard, conservation development, family, mobile homes, non-conforming, and adult business. Gary Lozano said the lot types are already defined in the subdivision ordinance, but they will need to be covered in the zoning ordinance. He also said that if zoning is adopted, there is a need to give somebody the power of authority to enforce and interpret the zoning ordinance. Those decisions can be appealed to the Zoning Board of Adjustment if necessary.

Next month the Zoning Commission will talk about Use Types and they will cover the different types of land use to regulate.

5. Motion to adjourn meeting was made by Shaun Greiner, seconded by Harold Frakes. A voice vote was conducted with all voting aye and motion carried. Meeting adjourned at 8:18 pm.

Respectfully Submitted,

Jacob Thorius, Secretary
Zoning Commission