

ALLAMAKEE COUNTY PLANNING AND ZONING COMMISSION MEETING
February 18, 2019
Board of Supervisors Room, Courthouse, Waukon, Iowa

Meeting was called to order at 5:00 P. M. by Chairperson Pladsen.

Roll call of Commission Members:			Term Expires
	Duane Leppert	Present	2019
	Marlene Duffy	Present	2020
Vice-Chair	Jack Knight	Present	2021
	Colleen Gragg	Present	2022
Chair person	James Pladsen	Present	2023

Staff present: Tom Blake, Zoning Administrator. All Board members voting "AYE" unless noted. MCU means Motion Carried Unanimously.

Gragg made a motion to approve the agenda as presented. Knight seconded. MCU.

Gragg made a motion to approve the January 22, 2019 minutes. Knight seconded. MCU.

Public Comments: None

Public Hearings: None

Old Business: None

New Business

- a) Rooming, Lodging and Boarding House—Mike Betts, a Deer Tracks Community member (Past HOA president) updated the Commission regarding a change in the HOA Board and other Board action regarding the existing short rentals.
- b) Gragg made a motion to set the following public hearings,
 - a. Kelly Rentals zoning district change public hearing was set for March 18, 2019, at 5:00 PM.
 - b. George Ashbacher/Verizon Wireless public hearing was set for March 18, 2019, at 5:00 PM.

Duffy seconded. MCU.

- c) The commission reviewed the Jeffrey and Mary Kelly Subdivision Plat. After discussion and review, Leppert made a motion to recommend approval of the plat. Knight seconded. MCU
- d) The commission reviewed the David Vorwald Subdivision Plat. After discussion and review, Gragg made a motion to recommend no action be taken on the plat due to an incomplete file regarding access easement. Duffy seconded. MCU.
- e) The commission reviewed the Kathleen Regan subdivision plat. After review and discussion, Gragg made a motion to recommend approval of the plat. Duffy seconded. MCU.

Reports:

- a) Blake advised the Commission regarding HSB155, an amendment to the Iowa Cell Siting Act that removed local decision regarding siting cell towers that serve the First Net System. Knight made a motion to recommend the Supervisors contact the State Legislature and other rural counties to oppose this legislation. This recommendation is being made because there is already a process

in place to appeal decision of the Board of Adjustment that has not been followed by the applicant, AT&T. Leppert seconded. MCU.

Gragg made a motion to adjourn. Leppert seconded. MCU.

Thomas Blake, Zoning Administrator

ALLAMAKEE COUNTY PLANNING AND ZONING COMMISSION MEETING
January 22, 2019
Board of Supervisors Room, Courthouse, Waukon, Iowa

Meeting was called to order at 5:00 P. M. by Chairperson Pladsen.

Roll call of Commission Members:			Term Expires
	Duane Leppert	Present	2019
	Marlene Duffy	Present	2020
Vice-Chair	Jack Knight	Present	2021
	Colleen Gragg	Present	2022
Chair person	James Pladsen	Present	2023

Staff present: Tom Blake, Zoning Administrator. All Board members voting "AYE" unless noted. MCU means Motion Carried Unanimously.

Gragg made a motion to appoint Jack Knight as Vice Chair and James Pladsen and Chair for the 2019 calendar year. Duffy seconded. MCU.

Gragg made a motion to add Kelly Rentals under new business and to approve the agenda as amended. Knight seconded. MCU.

Gragg made a motion to approve the December 17, 2018 minutes. Knight seconded. MCU.

Public Comments: Doug Mullen approached the Commission regarding timber harvesting as an agricultural activity and would therefore be exempt from zoning regulations. The neighbors had complained about work in the bluffland, and Zoning Administrator had visited his property with Cory Fritzler (Mullen is selling to Fritzler on contract). Fritzler had claimed drive was for timber harvest and also provides access to a field. Administrator had told Fritzler that he would advise whether his work in the Bluffland would be exempt from regulation, or not. Blake has not yet ruled on this issue. Gragg inquired into the status or use of the road once harvest was complete. Commission would like to have this item on a subsequent meeting agenda, prior to issuing decision regarding exempt, or not.

Public Hearings: None

Old Business: None

New Business

- a) Rooming, Lodging and Boarding House—Blake presented history and data regarding regulation of the use. Advised that the use is defined in the ordinance, but is not a permitted or conditional use in any zoning district. Blake advised some research shows that this use existed throughout the County. The commission is to decide the appropriate zone it will be permitted in and under what conditions, if any.
 - a. Blake advised that complaints has been brought to him regarding this use (short term rentals) existing in the Deer Tracks Subdivision. After review, he had told residents there that the HOA should enforce the existing covenants (if they felt the use did not meet standards set in covenants) and that he would bring this use topic to the Commission for discussion and action.
 - i. The Chair called on Cory Fritzler (owner of several lots and cabins in Deer Tracks who is now operating a short term rental business) to gather information regarding the his use of these properties. Cory advised that he had a very big following. People want to visit the Driftless Area and need this type of housing. Larger groups/families come to hunt, leaf look or just tour or enjoy the area. Cory says he has three cabins in Deer Tracks and others in the County rural areas that are not in subdivisions. All are individual, single family structures. Cory likes to stick to a 3 night minimum over a weekend, but single night stays have been allowed. He owns all of the Deer Track properties that he manages. Cory indicated that he usually manages, checks people in and repairs the units himself, hiring help during busy seasons.

- ii. Deer Tracks owners told the Commission some issues they had with Fritzler's use of the properties—This is a commercial use that does not fit in Deer Tracks, guests stopping at private homes, looking for assistance, increased traffic on private roads, Gun fire and other violations of covenants, noise and other nuisances, use of pond and other facilities but people not authorized, multiple vehicles parked around properties, reduction in peaceful enjoyment of properties and possible impacts to property values. Concerns that this use will change the neighborhood. 9 of 33 properties could be rented by Fritzler.
 - iii. Mullen advised that he had a rental at the end of his driveway that Fritzler manages and he has had no problems.
 - iv. The Commission discussed the inputs and felt that the HOA needs to enforce covenants. It is not a County regulation. Pladsen felt that the 'scale' of the use in the Deer Tracks was having a greater impact on the neighborhood. Members reviewed the impacts to the subdivision, the number of properties listed on Air BnB (55 homes in County), the need for this type of service/housing and the impact to tourism in the County.
 - v. The Commission felt that they had enough input at this time and directed Blake to place on next agenda and they would start to review options regarding regulation, if any.
- b) Blake advised that an application from Verizon Wireless/George Ashbacher for a change in zoning was received. Gragg made a motion to set a public hearing for the request on February 18th, 2019 at 6:00 PM. Duffy seconded. MCU.
 - c) The commission reviewed the JoAnn Tangen Subdivision Plat. After discussion and review, Gragg made a motion to recommend approval of the plat. Knight seconded. MCU.
 - d) The commission reviewed the Vernon and Eilene Cooper and Ronald and Angela Cooper Subdivision Plat. After discussion and review, Gragg made a motion to recommend approval of the plat upon the condition that the lot, by itself, cannot be used for non-farm residential purposes. Knight seconded. MCU
 - e) The commission reviewed the Dennis and Betty Regan Subdivision Plat. After discussion and review, Gragg made a motion to recommend approval of the plat. Duffy seconded. MCU.
 - f) The commission reviewed the Dale and Merlene Donahue Subdivision Plat. After discussion and review, Knight made a motion to recommend approval of the plat. Duffy seconded. MCU.
 - g) The commission reviewed the Triple M Ridge Farms LLC subdivision plat. After review and discussion, Gragg made a motion to recommend approval of the plat. Duffy seconded. Ayes; Pladsen, Duffy, Knight, Gragg. Nays'; Leppert. Motion Carried.
 - h) The commission reviewed the Ian and Amy McCormick Subdivision Plat. After discussion and review, Gragg made a motion to recommend approval of the plat. Duffy seconded. MCU.
 - i) Blake advised the Commission that another zoning amendment application was forthcoming from Kelly Rentals. Gragg made a motion to set the public hearing on 2/18/2019 at 6:00 PM, if application was completed in time. Leppert seconded. MCU.

Reports:

- a) Blake advised the Commission regarding Rare Metals Mining that had been in the news recently, the activity would need a permit under the Extraction Pits section of the zoning ordinance.
- b) Blake advised the Commission that his driving record has led to being unable to drive a vehicle in the performance of his duties for the County. Options were discussed and Blake assured the Commission that he would keep them apprised..

Gragg made a motion to adjourn. Duffy seconded. MCU.

Thomas Blake, Zoning Administrator