

**ALLAMAKEE COUNTY PLANNING AND ZONING COMMISSION MEETING**  
**July 15, 2019**  
**Board of Supervisors Room, Courthouse, Waukon, Iowa**

Meeting was called to order at 6:00 P. M. by Chairperson Pladsen.

Roll call of Commission Members:			Term Expires
	Duane Leppert	Present	2019
	Marlene Duffy	Present	2020
Vice-Chair	Jack Knight	Absent	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 amend the agenda by removing item VII. C. and D. (ATMS LLP plat and Samanator Trust Plat) and to approve the agenda as amended. Duffy seconded. MCU.

Blake advised that the June 17, 2019 minutes were not yet available for approval. Gragg made a motion to table. Duffy seconded. MCU.

Public Comments: None.

Public Hearings: None.

Old Business: None.

New Business

- a) The commission reviewed the Joyce Regan Subdivision Plat. Leppert made a motion to recommend approval. Gragg seconded. MCU.
- b) The commission reviewed the Vicky Hanson Revocable Trust Plat. Gragg made a motion to recommend approval. Duffy seconded. MCU.

Blake reported that the Board of Adjustment would be meeting on July 24<sup>th</sup> to hear two applications for communication towers. Also brought the Commission up to date regarding the proceedings regarding the Robinson residence building on Blue Heron Lane. Blake advised that an appeal of his decision to issue a building permit for the residence was filed and would be considered by the BOA.

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

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Thomas Blake, Zoning Administrator

**ALLAMAKEE COUNTY PLANNING AND ZONING COMMISSION MEETING**  
**June 17, 2019**  
**Board of Supervisors Room, Courthouse, Waukon, Iowa**

Meeting was called to order at 6:00 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. Duffy seconded. MCU.

Duffy made a motion to approve the May 20, 2019 minutes. Leppert seconded. MCU.

Public Comments: None.

Public Hearings: None.

Old Business: None.

**New Business**

- a) The commission reviewed the John Sweeney Subdivision Plat. Gragg made a motion to recommend approval. Leppert seconded. MCU.
- b) Hanover Heights Subdivision
  - a. The commission reviewed the Allison/O'Regan preliminary plat of the Hanover Heights Subdivision Plat. Gragg made a motion to approve the Preliminary Plat upon the condition that the owners pursue changing the zoning district from A1 to R1. Knight seconded. Leppert-Nay, Duffy, Knight, Gragg, Pladsen-Aye. Motion Carried.
  - b. The commission reviewed the final plat of the Hanover heights Subdivision Plat. Gragg made motion to approve the Final Plat upon the same condition as the preliminary plat. Knight seconded. Leppert-Nay, Duffy, Knight, Gragg, Pladsen-Aye. Motion Carried.
- c) Blake presented an proposed amendment to the Zoning Ordinance, eliminating the need to mail variance and conditional use notices via certified mail. Knight made a motion to proceed with the amendment and to establish a public hearing therefore. Leppert seconded. MCU.

Reports: Blake updated the Commission on the recent Board of Adjustment action on Wennes Communication, Interstate Power and Northeast Iowa tower applications.

Knight made a motion to set the Stone request for a change in zoning district boundaries and to hold a public hearing thereon. Gragg seconded. MCU.

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

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Thomas Blake, Zoning Administrator

**ALLAMAKEE COUNTY PLANNING AND ZONING COMMISSION MEETING**  
**May 20, 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	Absent	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.

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

Knight made a motion to approve the April 15, 2019 minutes. Leppert seconded. MCU.

Public Comments: None.

Public Hearings: None.

Old Business: None.

**New Business**

- a) The commission reviewed the Richard Shindoll Subdivision Plat. Leppert made a motion to recommend approval. Duffy seconded. MCU.
  
- b) The commission reviewed the lot sizes for the Northeast Iowa Land Company (Richard Sullivan). This property is NE of the intersection of Highways 76 and 9. Blake recommended that the internal road be increased in size to allow a semi truck to enter, turn around, and exit. Discussion was held regarding the uses of the properties and that future owners should recognize that a lot can only support a building and use per the size of the lot and that a future owner that needed additional area should acquire more than one lot. Sullivan advised that additional area would be available on each lot for truck maneuvering. Leppert made a motion to approve the lot size of Lot 1 (.82 acres), Lot 2 (1.3 acres), Lot 3 (1.28 acres) and Lot 4 (1.06 acres) upon the condition that the easement access be 66 feet wide where it abuts Highway 76.. Duffy seconded. MCU.
  
- c) Blake advised that James Strong wanted to rezone a lot in Valle Vu Estates subdivision so that he could divide his property and build a new house on the second lot. Duffy made a motion to set the public hearing for 6:00 PM on June 17<sup>th</sup>, 2019. Knight seconded. MCU.

Reports: Blake updated the Commission on the recent Board of Adjustment action on Wennes Communication, Interstate Power and Northeast Iowa tower applications. Blake advised that the Mary Kruse subdivision plat has been changed to an agricultural subdivision plat and was approved by the Supervisors. A nuisance property notice has been filed by the County Attorney and Environmental Health Department. No new nuisance ordinance has been presented to the Supervisors at this time. Blake advised that he would be attending the County Zoning Officials conference and Spring School in Ankeny later in the week.

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

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Thomas Blake, Zoning Administrator

**ALLAMAKEE COUNTY PLANNING AND ZONING COMMISSION MEETING**  
**April 15, 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 March 18, 2019 minutes. Knight seconded. MCU.

Public Comments: None.

Public Hearings:

Kelly Rentals – Blake advised that Chad Kelly has withdrawn his application for a change in zoning due to opposition/issues with the neighbors. No action taken.

Ashbacher, George – Blake presented a staff report and neighbor responses to the request. A map of the zoning in the vicinity was presented. Knight inquired into what the impacts from cell towers are in residential subdivisions. What are the setbacks? Blake advised that most have a setback that equals the height of the tower, but impacts on values vary between studies. Sis Sommer advised the Commission that he bought his house 8 months ago and was opposed to a cell tower being next door. Pattera, Chris was concerned with the impact to property values. Brian Kabat, Buell Consulting spoke on behalf of Verizon and Ashbachers regarding the tower and zoning change request. Gragg asked Ashbacher if he had any concerns about the impact of a cell tower on the rest of his ground that he is trying to develop as residential subdivision. Ashbacher advised no, but that they were planning on dropping the residential subdivision plans. After reviewing the site plans and neighbor comments, Gragg was concerned about this zoning for a cell tower being located in the middle of an R1 zone. Kabat advised that they could withdraw and resubmit a request for all of the R1 area owned by Ashbachers, which was a majority of the area around the tower. Gragg made a motion to recommend the Supervisors deny the request for a change in zoning since it is in the middle of a proposed residential development/zoned area. Kabat indicated that they were willing to withdraw. Gragg advised that they could pull it after zoning decision, citing a point of order. Leppert seconded the motion. Ayes: Leppert, Knight, Gragg, Duffy. Nays: Pladsen. Motion Carried. Request Denied.

- a) Old Business: The commission reviewed the David Vorwald Subdivision Plat. Gragg made a motion to approve. Knight seconded. MCU.

New Business

- a) The commission reviewed the Gerald and Linda Nelson Subdivision Plat. After discussion and review, Gragg made a motion to recommend approval of the plat. Duffy seconded. MCU.
- b) The commission reviewed the Dennis and Sandra Koenig subdivision plat. After review and discussion, Knight made a motion to recommend approval of the plat. Gragg seconded. MCU.

- c) The commission reviewed the Mark and Terry Bader subdivision plat. After review and discussion, Leppert made a motion to recommend approval of the plat. Gragg seconded. MCU
- d) The commission reviewed the Charles and Dorothy Byrnes. subdivision plat. After review and discussion, Gragg made a motion to recommend approval of the plat. Duffy seconded. MCU.
- e) The commission reviewed the Mary Kruse Emerson subdivision plat (1) after review and discussion, Knight made a motion to require the plat include the Ag Legend due to the small lot size not meeting zoning requirements. Gragg seconded. MCU
- f) The commission reviewed the Mary Kruse Emerson subdivision plat (2) after review and discussion, Leppert made a motion to approve. Duffy seconded. MCU

Blake advised the Commission on the questions raised by the Board of Adjustment. The Commission discussed the intent of the conditional use ordinance language and felt no change was necessary. The language conveyed the intent of the ordinance. Blake advised that the text change regarding tower setbacks in the bluffland has been tabled by the Supervisors but that it will not result in the way the ordinance is applied by Blake. Blake also advised that the County Attorney and Environmental Health were pursuing enforcement of a nuisance property through State Code at this time.

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

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Thomas Blake, Zoning Administrator

**ALLAMAKEE COUNTY PLANNING AND ZONING COMMISSION MEETING**  
**March 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	Absent	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 February 18, 2019 minutes. Knight seconded. MCU.

Public Comments: Paus, Fruechte and Schuttenmeier near State Line Drive, Dorchester, were present to discuss the process for a proposed radio tower near their properties. The Commission assured the owners that they will receive proper notice and nothing will occur until notice and hearing in front of the Board of Adjustment.

Public Hearings:

Kelly Rentals – Knight made a motion to set the public hearing for this request for April 15<sup>th</sup>, 2019 at 6:00 PM. Gragg seconded. MCU.

Ashbacher, George – Gragg made a motion to set the public hearing for this request for April 15<sup>th</sup>, 2019 at 6:00 PM. Leppert seconded. MCU.

Old Business: None

New Business

- a) The commission reviewed the Oswald and Carol Lee Goettler Subdivision Plat. After discussion and review, Gragg made a motion to recommend approval of the plat. Knight seconded. MCU.
- b) The commission reviewed the David Vorwald Subdivision Plat. After discussion and review, Easement documentation was reviewed. It was determined that two exhibits were not included and the waterway definition was not clear and the easement had no width. Consensus to recommend no action to approve by the Supervisors due to these issues.
- c) The commission reviewed the Dennis and Judy Byrnes subdivision plat. After review and discussion, Leppert made a motion to recommend approval of the plat. Knight seconded. MCU.
- d) The commission reviewed the Lanny and Linda Scheffert subdivision plat. After review and discussion, Leppert made a motion to recommend approval of the plat. Gragg seconded. MCU
- e) The commission reviewed the Dan Cole, Sr. subdivision plat. After review and discussion, Leppert made a motion to recommend approval of the plat. Knight seconded. MCU

The Commission discussed the meeting time and consensus was obtained to return to 6:00 PM time for the summer/fall. Knight made a motion to adjourn. Gragg seconded. MCU.

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Thomas Blake, Zoning Administrator

**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.

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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 18<sup>th</sup>, 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.

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Thomas Blake, Zoning Administrator